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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JUNE 5, 2003

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, June 5, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C. A. Pantle, Chairman
- Gary Noffsinger,
- Planning Director
- Ruth Ann Mason
- Judy Dixon
- Tim Miller
- Sean Dysinger
- Stewart Elliott
- Attorney

\* \* \* \* \*

CHAIRMAN: Want to call the Owensboro Metropolitan Board of Adjustment to order. Want to welcome all of you this evening.

First thing we started doing, if you wish to join us you feel free to. We'll open with a brief prayer and then the pledge to allegiance. If you wish to join us, please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you to the Board of Adjustment. Set up a few guidelines.

Everybody will have the opportunity to

1 speak on any item, if you wish, as long as we don't  
2 have repeats or go over the same thing continuously or  
3 drag it out excessively long.

4 With that we'll go on with the first item  
5 of business and that's approve the minutes of the May  
6 1st meeting. They're on record in the office. No  
7 errors have been found in them. Entertain a motion to  
8 approve as recorded.

9 MS. DIXON: Move to approve.

10 MR. DYSINGER: Second.

11 CHAIRMAN: A motion has been made and a  
12 second. All in favor say aye.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item, Mr. Noffsinger.

16 -----

17 CONDITIONAL USE PERMIT

18 ITEM 2

19 316 Hale Avenue, in an R-4DT zone  
20 Consider request to amend a Conditional Use Permit  
21 to expand a child day-care center in Unit 7-A Harry  
22 Smith Apartments to Unit 7-B Harry Smith Apartments  
23 and to increase the number of children served from 15  
24 to 31 children.

25 Reference: Zoning Ordinance, Article 8, Section 8.2B3  
Applicant: Housing Authority of Owensboro

MR. NOFFSINGER: Mr. Chairman, this item  
is in order and ready for consideration.

1                   CHAIRMAN: Has there been any objections  
2                   filed in the office Mr. Noffsinger?

3                   MR. NOFFSINGER: No, sir.

4                   CHAIRMAN: Is there anyone in the audience  
5                   wishing to object to this item?

6                   (NO RESPONSE)

7                   CHAIRMAN: Does the applicant have  
8                   anything that he would like to say, he or she?

9                   APPLICANT REP: No.

10                  CHAIRMAN: Any board member have any  
11                  questions of the applicant?

12                  (NO RESPONSE)

13                  CHAIRMAN: Hearing none the Chair will  
14                  entertain a motion to dispose of the item.

15                  MS. DIXON: Move to approve.

16                  CHAIRMAN: Motion been made for approval.  
17                  Is there a second?

18                  MR. MILLER: Second.

19                  CHAIRMAN: A motion has been made and a  
20                  second. Any other discussion?

21                  (NO RESPONSE)

22                  CHAIRMAN: Hearing none all in favor raise  
23                  your right hand.

24                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25                  CHAIRMAN: Motion carries.

1 Next item, please, sir.

2 ITEM 3

3 3802 Legacy Run, in a P-1 zone  
4 Consider request for a Conditional Use Permit to  
5 construct and operate a childcare facility to serve 90  
6 children.

7 Reference: Zoning Ordinance, Article 8, Section 8.2B3

8 Applicant: Franklin J. and Susan J. Dockery

9

10 MR. NOFFSINGER: Mr. Chairman, this  
11 application has been reviewed by the Planning Staff.

12 It's found to be in order.

13 If they receive an approval tonight, they  
14 will be required to have a development plan approved  
15 by the Planning Commission and that is scheduled to  
16 occur on June 12th of this year. This is to construct  
17 a new free-standing daycare with the appropriate  
18 number of off-street parking areas and drop-off  
19 points. It will also require approval from the State  
20 of Kentucky, Division of Licensing From Child Care.

21 CHAIRMAN: Has there been any objections  
22 been filed in the office?

23 MR. NOFFSINGER: No, sir.

24 CHAIRMAN: Is there anyone in the audience  
25 wishing to object to this tonight?

(NO RESPONSE)

CHAIRMAN: Hearing none does the applicant  
have anything they would like to add to it?

1 APPLICANT REP: No.

2 CHAIRMAN: Any board member have any  
3 questions of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: The applicant know he'll have  
6 to get all the licenses and approval and things  
7 through the state and from the zoning?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Hearing none the Chair will  
10 entertain a motion to dispose of the item.

11 MR. MILLER: Mr. Chairman, motion to  
12 approve.

13 CHAIRMAN: Is there a second?

14 MS. MASON: Second.

15 CHAIRMAN: Any other discussion?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none all in favor raise  
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item, please.

22 ITEM 4

23 5400 Todd Bridge Road, in an A-R zone  
24 Consider request for a Conditional Use Permit to  
25 construct and operate a recreational complex  
consisting of a softball field, baseball field, soccer  
field and parking lot.

1 Reference: Zoning Ordinance, Article 8, Section 8.2K7  
2 Applicant: Brescia University

3 MR. NOFFSINGER: Mr. Chairman, this  
4 application has been reviewed by the Planning Staff.  
5 The application is found to be in order and ready for  
6 consideration.

7 CHAIRMAN: Any objections filed in the  
8 office?

9 MR. NOFFSINGER: There has been one  
10 adjoining property owner that has had some  
11 representation in the office, they're in the audience  
12 tonight, that has raised some questions about the  
13 proposal.

14 CHAIRMAN: Does the applicant want to make  
15 any comments now or do you want to listen to the  
16 questions?

17 SISTER VIVIAN: We would prefer responding  
18 to the questions.

19 MR. ELLIOTT: State your name, please.

20 SISTER VIVIAN: Sister Vivian Bowles.

21 (SISTER VIVIAN BOWLES SWORN BY ATTORNEY.)

22 SISTER VIVIAN: We have been notified that  
23 there is a question about several issues, but the main  
24 ones seem to be a noise buffer. In our plan, we do  
25 intend to have what we would consider environment

1 friendly buffer for sound. Possibly planting pine  
2 trees along the property line. If that is not  
3 acceptable to the neighboring property, we would be  
4 open to recommendations from that individual.

5 We do have with us this evening Don  
6 Bryant, the engineer, who has a full design of the  
7 park, and counselor, Charlie Kamuf. We will address  
8 any questions. Thank you, sir.

9 CHAIRMAN: Anyone wishing to object to  
10 this item or raise questions on it?

11 MR. McINTYRE: We've just got some  
12 questions about it.

13 CHAIRMAN: Come and be sworn in by the  
14 counsel. Direct your questions to the Chair and we'll  
15 get the answer.

16 MR. ELLIOTT: State your name, please.

17 MR. McINTYRE: David McIntyre.

18 (MR. DAVID McINTYRE SWORN BY ATTORNEY.)

19 MR. McINTYRE: Our main concern is the  
20 noise buffer and also the run-off water, you know,  
21 considering the fact that we're in a flood plain.  
22 Most of our property, well, it's all in the flood  
23 plain, but our houses are, and I live next-door to my  
24 parents, are built up above where the floods get. In  
25 '97 the water came up and got my parents house and got

1 in mine somewhat. The run-off water and the built-up  
2 ground is what we're mainly concerned about and what  
3 kind of adverse affect that will have to our houses  
4 and our property. That's basically what our main  
5 concern is.

6 CHAIRMAN: We will get that answer for  
7 you.

8 Would the designer, Mr. Bryant, come  
9 forward and be sworn in and address these items,  
10 please.

11 MR. ELLIOTT: State your name, please.

12 MR. BRYANT: Don Bryant.

13 (MR. DON BRYANT SWORN BY ATTORNEY.)

14 MR. BRYANT: Basically this entire area,  
15 the entire site, this entire area is in the flood  
16 plain.

17 What we're proposing to do is if you'll  
18 notice the plan only the very front part of the plan  
19 along Todd Bridge Road is actually being developed.  
20 That's going to be raised to - - the maximum elevation  
21 is going to be 393. That's just going to be for the  
22 concession building, to protect them and also the  
23 in-fields of the baseball diamonds.

24 The balance of the property is going to be  
25 fill, but it's going to be filled with material that's



1 coming from the excavation area to the rear and that  
2 is going to be left open. We're required, of course,  
3 to do Division of Water Flood Plain Permitting. All  
4 the fill material that's going to be placed on this  
5 site is going to be material from the site. So we're  
6 not going to encroach on the flood plain. We're going  
7 to provide for every cubic yard fill we're going to  
8 provide an offset with a cubic yard of volume.

9 Now, the additional excavation that will  
10 come out of the permanent impoundment or the lake  
11 area, that can be made as large as Brescia would like  
12 to make it, but any material that comes out of that  
13 area, since it's permanent impoundment, will have to  
14 be removed from the site and deposited outside the  
15 flood plain.

16 So there will be no impact on the flood  
17 plain, no impact on adjoining properties. This entire  
18 property, this is a branch of the Goetz ditch along  
19 the side by the lake. The entire property drains  
20 directly now and under the new design will drain  
21 directly into that ditch.

22 CHAIRMAN: This has to be approved by the  
23 Division of Water?

24 MR. BRYANT: Before any work is done, yes.

25 CHAIRMAN: Does that answer your question?

1 MR. McINTYRE: So far, yes.

2 CHAIRMAN: Well, in '97 best I can  
3 remember all the impoundments in Daviess County were  
4 having that problem.

5 MR. McINTYRE: One concern we had with the  
6 city park that's there seems like the water in the  
7 ditch that runs along Todd Bridge has raised and  
8 stayed, you know, high after even a half inch of rain  
9 or so or will stay full a lot longer than it had in  
10 the past. I'm a little bit concerned about that with  
11 the wash-outs. My parents are having a little bit of  
12 trouble with their driveway right now where the land  
13 around the culvert is actually being kind of rubbed  
14 away. That's a main concern too. When we live out  
15 there everything kind of - - every time it rains  
16 you've got to wonder what's going to happen next.

17 CHAIRMAN: By taking any fill material off  
18 of that property and stacking it up will not have a  
19 joint affect on the adjoining property. Any other  
20 questions?

21 MRS. McINTYRE: I have a little one.

22 CHAIRMAN: Come up and be sworn in, ma'am.

23 MR. ELLIOTT: State your name, please.

24 MRS. McINTYRE: Dorothy Jean McIntyre.

25 (MRS. DOROTHY McINTYRE SWORN BY ATTORNEY.)

1 MRS. McINTYRE: What I'm concerned about  
2 is how close the driveway where they're going to go in  
3 on that to ours. Is that the part you're going to  
4 buffer? Put a buffer between our driveways? There's  
5 no shoulder on the road at all out there absolutely.  
6 There's just the two deep ditches.

7 MR. BRYANT: The buffer would be provided  
8 along the side property line where we join your  
9 property. We are providing landscaping along the  
10 front edge of the paved area that's required by  
11 ordinance. That's not a visual buffer. That's a  
12 three foot element that's very short. What we're  
13 talking about is something that would actually block  
14 the view of the facilities from your home along the  
15 side property line. This would be pine trees.  
16 There's a number of ways to do this. Staggered pine  
17 trees or something of that nature is one common  
18 method.

19 MRS. McINTYRNE: I was just wondering, you  
20 know, how close we was going to be where they come in  
21 because when we try to turn in our driveway we almost  
22 get run over. There's no speed limit signs out there  
23 on the road at all. They go pretty fast.

24 CHAIRMAN: That would be a county problem,  
25 enforcement problem. It wouldn't be their problem.

1 MRS. McINTYRE: You know, a sign of some  
2 thing or something to let them know. We did have one,  
3 but some people took it one day and they never put  
4 another one back. They think they can go I guess  
5 whatever speed they want since there's no sign.

6 CHAIRMAN: You need to get in touch with  
7 the judge-executive or your commissioner and the law  
8 enforcement and complain to them about that.

9 MRS. McINTYRE: We have quite a bit of  
10 drag racing and things going on. I was just a little  
11 worried about how close our driveways were going to  
12 be, you know.

13 MR. DYSINGER: Mr. Chairman, can I ask a  
14 question?

15 CHAIRMAN: Okay. We have a question.

16 MR. DYSINGER: Will there not be some sort  
17 of lane or something provided? I assume that when you  
18 have people come out it will be large numbers of  
19 people at one time. Will there not be some sort of  
20 lane provided so that people can kind of pull off the  
21 main roadway before they pull into your space or will  
22 they be pulling into your space at the speed limit of  
23 the main artery there?

24 MS. MASON: You mean a turning lane?

25 MR. DYSINGER: Right. Exactly.

1                   MR. BRYANT: We're really not generating  
2 that much traffic from this site. We have a little  
3 over 200 park spaces and estimated seating capacity of  
4 500. So I would even say even in comparison with the  
5 city park there's much less traffic demand for this  
6 site than what they will be.

7                   MR. DYSINGER: But anticipating 200 cars  
8 all arriving approximately at the same time, would  
9 they not?

10                  MR. BRYANT: No, they wouldn't. I  
11 wouldn't think they would be coming in all at the same  
12 time. You wouldn't have 200 vehicles out there  
13 waiting to make a right turn at one time.

14                  MR. DYSINGER: To come watch a game or  
15 play at the field. You don't anticipate people  
16 arriving roughly at the same time to do that?

17                  SISTER VIVIAN: Our history is they come  
18 and go and since there's not a gate where they have to  
19 pay to get in or people don't usually come at the  
20 beginning. They just come when it's convenient and  
21 they leave when it's convenient. At least that's  
22 what's happening at all three of our separate fields  
23 right now.

24                  MR. KAMUF: Charles Kamuf.

25                  (MR. CHARLIE KAMUF SWORN BY ATTORNEY.)

1                   MR. KAMUF: At the city park they don't  
2 have a turn lane. There will be substantially more  
3 traffic there at the city park than they have at our.  
4 The last time I was out there they didn't have any  
5 turn lane.

6                   SISTER VIVIAN: Don, won't our entrance be  
7 much wider for the safety of getting in and out than  
8 say the small driveway besides their home?

9                   MR. BRYANT: The driveway we're talking  
10 about is there's a joint driveway at the front of the  
11 property. There's an ingress and egress easement  
12 there. So with this plan actually we will be  
13 abandoning our use of that entrance. It will become  
14 their personal entrance.

15                   MR. KAMUF: The entrance that's there at  
16 the present time was placed there by me in 1981 before  
17 these people owned that property. It was a joint  
18 driveway that I had with Mr. Bittel who owned the  
19 remaining property. In other words, it's my  
20 understanding that it will be their driveway and there  
21 will be a new driveway that will be prepared directly  
22 north of that.

23                   CHAIRMAN: Do you have any other  
24 questions, ma'am?

25                   MRS. McINTYRE: I guess that's about it.

1 I still worry about the water so I hope that works out  
2 all right. The ditches that are there will not carry  
3 the water if there's any that comes over. They just  
4 won't do it.

5 CHAIRMAN: As long as it's approved by the  
6 Division of Water, there's nothing we can do. They  
7 will have the final say so on this development plan  
8 and approve it. They will override anything we do  
9 here, if it needs to be, and the county engineer.

10 MRS. MCINTYRE: Won't there be a road some  
11 day connecting these with probably Town Square Mall?  
12 Are there plans for that?

13 MR. NOFFSINGER: Ma'am, if I might address  
14 that. Right now there are no plans to make that  
15 connector. There's a plan to bring a road in from  
16 Frederica Street and run that roadway west toward Todd  
17 Bridge Road, but it would make a turn to the north and  
18 go up to Southtown Boulevard and intersect there right  
19 in front of Farmview Court. At one time it was talked  
20 about this roadway would extend on over to Todd Bridge  
21 Road from Frederica Street, but that is not what the  
22 Transportation Policy Committee approved. That's not  
23 to say that roadway couldn't happen some day in the  
24 future. I certainly hope that at some point it does,  
25 but there's no plan that has been approved for that to

1 occur.

2 MRS. McINTYRE: Actually how many feet are  
3 going to be between us? Do you have an idea on that?

4 CHAIRMAN: Mr. Bryant, can you give us the  
5 distance roughly that your entrance will be from the  
6 edge of the property.

7 MR. NOFFSINGER: Looks like from center to  
8 center it will be about 50 to 85 feet.

9 MR. BRYANT: Our entrance is 24, pavement  
10 is 24 feet wide.

11 CHAIRMAN: How far is it off the line?

12 MR. BRYANT: It's over 50 feet. It's  
13 approximately 80. Let's say 50 to 60 feet center line  
14 to center line.

15 CHAIRMAN: From off the property line to  
16 the center. It will be roughly 60 feet from the  
17 property line to the center of their drive.

18 MRS. McINTYRE: That's all I have concerns  
19 about. Will there be a fence? Are you planning to  
20 fence it, enclose it?

21 SISTER VIVIAN: Yes, ma'am. The entire  
22 property will be fenced and we will have a security  
23 gate so that it will be open only when representatives  
24 from Brescia are there using it and then individual  
25 fields may also have other fencing.



1 MRS. McINTYRE: I was concerned about if  
2 they could wonder over on to our property or  
3 something.

4 SISTER VIVIAN: You're asking if our  
5 fencing will come on our property?

6 MRS. McINTYRE: No. I was concerned about  
7 if there wasn't a fence,

8 SISTER VIVIAN: No. We are going to have  
9 a fence. We want security for the property.

10 CHAIRMAN: The plans shows security fence  
11 and protection.

12 SISTER VIVIAN: The fence will be inside,  
13 I believe it will be inside the buffer. The buffer  
14 would be on - - we can do it either way and it may be  
15 staggered to help with the noise more.

16 MRS. McINTYRE: How do they plan to handle  
17 the sewer? Is that going to be - -

18 SISTER VIVIAN: Yes, we've addressed that.  
19 You want to do it? I know it roughly, but he can do  
20 it in more technical terms.

21 MR. BRYANT: We're working with RWRA to  
22 have sewer facilities now at the park. We'll have a  
23 gravity line from our site over to a lift station that  
24 will pump into the public system. There will be no  
25 septic tanks on the site. Everything will be public

1 sewer.

2 MRS. McINTYRE: Is there any possibility  
3 that we could hook onto that sewer?

4 CHAIRMAN: That would be the sewer  
5 department. They would have to approve that.

6 MR. BRYANT: The lift station will have  
7 capacity to serve additional areas.

8 MRS. McINTYRE: I guess that's all I can  
9 think of.

10 MR. NOFFSINGER: Mr. Chairman, I would  
11 like to hinder some statistics into the record. These  
12 come from the Green River Area Development District  
13 regarding traffic. The most recent traffic counts  
14 along this section of Todd Bridge Road would indicate  
15 that there's about 1,000 vehicles per day. The speed  
16 limit that they have indicated here is 55 miles per  
17 hour. Todd Bridge Road currently operates a level of  
18 Service A, which is the most acceptable level of  
19 service you can have.

20 In projecting, in order to bring the  
21 roadway down to a level of Service C, it would require  
22 an additional 9,250 vehicles trips per day. So you'd  
23 be looking at increasing traffic about nine times over  
24 what it is today. It's projected that the traffic  
25 from this development should not more than double the

1 existing traffic and that would be make it about 2000  
2 per day and it would reduce it to a level of Service  
3 B, which means good progression, short delay.

4 I'd like to enter these into the record,  
5 please as Exhibit A.

6 CHAIRMAN: Any board members have any  
7 other questions?

8 MR. DYSINGER: I just have one other  
9 question. If I'm reading this right, it will be the  
10 softball field which sort of points towards these  
11 folks property; is that correct? Not the baseball  
12 field.

13 SISTER VIVIAN: Yes, sir.

14 CHAIRMAN: The applicant have anything  
15 else they'd like to add?

16 APPLICANT: No.

17 CHAIRMAN: Do you all have any more  
18 questions?

19 MRS. McINTRYRE: When we was talking about  
20 the speed limit, the sign that was out there was 35  
21 miles an hour. The speed limit was 35. That's the  
22 sign they took.

23 MR. NOFFSINGER: Ma'am, they have the  
24 speed limit indicated here as 55 so what that would do  
25 if it's actually 35 it should increase the level of

1 service, based upon their projections, but that is an  
2 issue you would need to take up with the State  
3 Transportation Department in terms of the speed limit  
4 on that roadway since it's a state maintained road.

5 CHAIRMAN: As much as we'd like to tell the  
6 state what to do, there's times we can't do it, ma'am,  
7 I'm sorry.

8 MRS. McINTYRE: We asked for a sign I  
9 guess for two years and they did come out and put up a  
10 sign, but they put it on Keller Road where they don't  
11 really need it where it's at right now. We need it on  
12 Todd Bridge because when they come off the hill they  
13 fly. There's a lot of speeding out there.

14 CHAIRMAN: That's something we can't  
15 control.

16 MRS. McINTYRE: It's a danger.

17 CHAIRMAN: I understand that. You need to  
18 talk to your elected officials and your county  
19 commissioners and complain to them. That's in their  
20 ball park of responsibility, ma'am.

21 Anything else?

22 (NO RESPONSE)

23 CHAIRMAN: Any other board member have any  
24 other comments or questions?

25 (NO RESPONSE)



1 Consider request for a Variance to reduce the  
2 front-yard building setback from 25 feet to 23.4 feet  
3 to accommodate an encroachment that occurred when the  
4 house was built.

5 Reference: Zoning Ordinance, Article 8,  
6 Section 8.5.7(c)

7 Applicant: Steve and Susan Bratcher

8 MR. NOFFSINGER: Mr. Chairman, this  
9 application has been reviewed by the Planning Staff.  
10 It's found to be in order.

11 We have been to the site and visited the  
12 site. The home has been constructed. It's my  
13 understanding that the home is occupied now. This  
14 encroachment was found during a mortgage inspection  
15 after the home had already received a final occupancy  
16 permit from the inspection office. We have provided a  
17 recommendation to each of the board members regarding  
18 or recommending that this variance be approved and  
19 that it will not adversely affect the public health,  
20 safety or welfare; will not alter the essential  
21 character of the general vicinity; will not cause a  
22 hazard or a nuisance to the public; will not allow an  
23 unreasonable circumvention of the requirements of the  
24 zoning regulations.

25 CHAIRMAN: There's no conditions put on  
it, right?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone wishing to object to

1 this?

2 (NO RESPONSE)

3 CHAIRMAN: Does the applicant have  
4 anything they would like to add?

5 APPLICANT REP: Nothing to add. We're  
6 available for questions.

7 CHAIRMAN: Thank you, sir.

8 Any board member have any questions of the  
9 applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Hearing none the Chair will  
12 entertain a motion to dispose of the item.

13 MS. DIXON: Move to approve based upon the  
14 findings that were cited by Mr. Noffsinger.

15 CHAIRMAN: Is there a second?

16 MS. MASON: Second.

17 CHAIRMAN: Any other discussion?

18 (NO RESPONSE)

19 CHAIRMAN: Hearing none all in favor raise  
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Entertain one more motion.

24 MS. MASON: Motion to adjourn.

25 MR. DYSINGER: Second.

1 CHAIRMAN: All in favor raise your right  
2 hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Meeting is adjourned.

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1 STATE OF KENTUCKY)  
 ) SS: REPORTER'S CERTIFICATE  
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for  
4 the State of Kentucky at Large, do hereby certify that  
5 the foregoing Owensboro Metropolitan Board of  
6 Adjustment meeting was held at the time and place as  
7 stated in the caption to the foregoing proceedings;  
8 that each person commenting on issues under discussion  
9 were duly sworn before testifying; that the Board  
10 members present were as stated in the caption; that  
11 said proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into the  
14 foregoing 24 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this  
17 the 22nd day of June, 2003.

18  
19 \_\_\_\_\_  
20 LYNNETTE KOLLER, NOTARY PUBLIC  
21 OHIO VALLEY REPORTING SERVICE  
202 WEST THIRD STREET, SUITE 12  
OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:  
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:  
25 DAVIESS COUNTY, KENTUCKY