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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

OCTOBER 6, 2005

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, October 6, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C. A. Pantle, Chairman
- Gary Noffsinger
- Ruth Ann Mason
- Marty Warren
- Ward Pedley
- Stewart Elliott
- Attorney
- Madison Silvert
- Co-counsel

* * * * *

CHAIRMAN: Call the meeting to order.

We'll start our meeting this evening with a prayer and the pledge of allegiance. Ward Pedley will have our prayer for us this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I want to thank you all for coming to the meeting. Before we get started, I have a couple of guidelines.

If you need to talk to any one of the items, please come to the podium. Be sworn in. State your name so we'll have a record of it.

1 With that we'll go ahead and start with
2 the first item. Consider the minutes of the last
3 September meeting. They're their in the office. I
4 don't think there's any problems with it. Entertain a
5 motion to dispose of them at this time.

6 MR. PEDLEY: Motion to approve them.

7 CHAIRMAN: Is there a second?

8 MS. MASON: Second.

9 CHAIRMAN: All in favor raise your right
10 hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Next item, please.

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15 CONDITIONAL USE PERMIT

16 ITEM 2

17 2400, 2501 Harbor Road, in an I-2 zone
18 Consider a request for a Conditional Use Permit for
19 construction of a 113'x56' building and to install two
20 approximately 20,000 gallon tanks with the design
21 option for an additional tank for future expansion at
22 an existing industry.

23 Reference: Zone Ordinance, Article 8, Section 8.2G4

24 Applicant: Dart Polymers, Inc.

25

26 MR. NOFFSINGER: Mr. Chairman, Planning
27 Staff has reviewed this application. It's found to be
28 in order. The expansion is for an existing business
29 within our community. The type of use is a

1 conditionally permitted use in this zone. The
2 applicant has received conditional use permits for
3 activities on this property in the past from this
4 board. He proposed use is consistent with our adopted
5 comprehensive plan. It's found to meet the minimum
6 requirements of the zoning ordinance. The Planning
7 Staff would recommend that you would give it a
8 favorable consideration.

9 CHAIRMAN: Any objections filed in the
10 office?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: Does the applicant have
13 anything you want to bring forward at this time?

14 APPLICANT REP: No, sir, not unless the
15 committee has any questions.

16 CHAIRMAN: Any board member have any
17 questions of the applicant?

18 (NO RESPONSE)

19 CHAIRMAN: The Staff have any other
20 comments?

21 MR. NOFFSINGER: No.

22 CHAIRMAN: Hearing none entertain a motion
23 to dispose of the item.

24 MR. PEDLEY: Mr. Chairman, I make a motion
25 for approval based on the findings that it's

1 compatible use and we have no opposition and it will
2 not have an adverse influence on the neighborhood.

3 CHAIRMAN: Is there a second?

4 MR. WARREN: Second.

5 CHAIRMAN: Any other comments from the
6 board or the staff?

7 (NO RESPONSE)

8 CHAIRMAN: Hearing none all in favor raise
9 your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 Next item, please, sir.

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14 VARIANCE

15 ITEM 3

16 3411 Daviess Street, in an R-1B zone
17 Consider request for a Variance to reduce the
18 roadway buffer from 40 feet from the street centerline
19 to 37.5 feet from the street centerline and the street
20 yard building setback from 75' from the street
21 centerline to 37.5 feet from the street centerline in
22 order to construct a 22'x24' detached garage.
23 Reference: Zoning Ordinance, Article 8,
24 Section 8.5.6(c), Article 13, Section 13.6221
25 Applicant: Rayma B. Bramschreiber

22 MR. NOFFSINGER: Mr. Chairman, Planning
23 Staff has reviewed this application. It's found to be
24 in order. The Planning Staff has given this a
25 favorable recommendation. We've had no opposition

1 stated to us of record in the file.

2 The Planning Staff after reviewing the
3 application found that the subject property predates
4 the existence of J.R. Miller Boulevard which was once
5 a railroad right-of-way and was converted to a city
6 street with obvious improvements back several years
7 ago.

8 Before the street was constructed, the set
9 back on this property to build a garage, detached
10 garage, would be 3 feet from that rear property line.

11 When J.R. Miller Boulevard went through
12 there and its designation as an arterial street, that
13 kicked in the set back requirement of 75 feet from the
14 center line.

15 If you're familiar with this particular
16 block of J.R. Miller Boulevard, in fact many blocks of
17 J.R. Miller Boulevard, you will notice that there are
18 a number of detached garages and other type structures
19 that encroach upon the 75 foot setback from the center
20 of J.R. Miller and the roadway buffer.

21 In this particular case, the Planning
22 Staff is recommending that the variance be granted
23 based upon the information I've just given you. We've
24 also provided you with findings of fact that are
25 required of this board to find based upon KRS 100. So

1 with that it's ready for your consideration.

2 CHAIRMAN: Does the applicant have
3 anything you would like to add to it?

4 APPLICANT REP: No.

5 CHAIRMAN: Any board members have any
6 questions of the applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Staff have anything else to
9 add?

10 MR. NOFFSINGER: No, sir.

11 CHAIRMAN: Hearing none entertain a motion
12 to dispose of the item?

13 MS. MASON: I move for approval with the
14 condition that no direct access shall be permitted on
15 J.R. Miller Boulevard, and with the findings on
16 granting this variance it will not adversely affect
17 the public health, safety or welfare; it will not
18 alter the essential character of the general vicinity;
19 it will not cause a hazard or nuisance to the public;
20 it will not allow an unreasonable circumvention of the
21 requirements of the zoning regulations.

22 CHAIRMAN: Is there a second?

23 MR. WARREN: Second.

24 CHAIRMAN: A motion has been made and a
25 second. Any other comments or questions from the

1 board?

2 MR. NOFFSINGER: Mr. Chairman, I may just
3 state for the record that this board is certainly
4 aware of the adopted access policies on J.R. Miller
5 Boulevard. That individual lots shall not have direct
6 access to J.R. Miller Boulevard.

7 This was adopted by the City of Owensboro.
8 This board is certainly aware of that policy. That is
9 what Ms. Mason has stated in terms of her condition,
10 it should not have access to J.R. Miller Boulevard. I
11 just wanted to get that into the record for your
12 knowledge as the applicant as well as the public's
13 knowledge.

14 CHAIRMAN: Do you understand all the
15 conditions?

16 APPLICANT REP: Yes.

17 CHAIRMAN: Any other comments from the
18 board or the staff?

19 (NO RESPONSE)

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 Anything else?

25 MR. NOFFSINGER: No, sir.

1 CHAIRMAN: Entertain one final motion.
2 MR. PEDLEY: Move to adjourn.
3 MR. WARREN: Second.
4 CHAIRMAN: All in favor raise your right
5 hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: We are 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 8 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 25th day of October, 2005.

18

19

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

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22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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