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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

NOVEMBER 3, 2005

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, November 3, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C. A. Pantle, Chairman
- Doug Howard
- Ruth Ann Mason
- Marty Warren
- Judy Dixon
- Sean Dysinger
- Ward Pedley
- Madison Silvert
- Attorney

\* \* \* \* \*

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. Want to welcome each and every one of you here. We start our meeting each night with a prayer and the pledge of allegiance. We invite you all to join us if you so desire. Ruth Ann will have our prayer at this time.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome each one of you to the Board of Adjustment meeting this evening. If you have anything to add on any item, please come to one of the podiums, state your name so

1 we can get your name on record and be sworn in at that  
2 time.

3 With that we have the first item this  
4 evening which is consider the minutes of the October  
5 6th. They're on record in the office. We find no  
6 mistakes unless someone has something to be added to.  
7 If not, entertain a motion to dispose of the item.

8 MS. DIXON: Move to approve.

9 MR. DYSINGER: Second.

10 CHAIRMAN: A motion has been made and a  
11 second. All in favor raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 Next item, please, sir.

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16 CONDITIONAL USE PERMIT

17 ITEM 2

18 4641 KY 1514, in an A-R, R-1A zone  
19 Consider a request for a Conditional Use Permit in  
20 order to construct a 1,739 square foot clubhouse  
21 facility for an existing golf course.  
22 Reference: Zoning Ordinance, Article 8, Section 8.2K7  
23 Applicant: Panther Creek Golf Club, Inc., Kevin  
24 Ferguson, Richard Decker

22 MR. HOWARD: Planning Staff has reviewed  
23 this application. The application is found to be in  
24 order and is ready for your consideration.

25 CHAIRMAN: Any opposition filed in the

1 office?

2 MR. HOWARD: No, sir.

3 CHAIRMAN: Hearing none is anyone here  
4 wishing to speak in opposition to this item?

5 (NO RESPONSE)

6 CHAIRMAN: If not does the applicant have  
7 anything you'd like to add at this time?

8 (NO RESPONSE)

9 CHAIRMAN: Becky, you have something.

10 (MS. BECKY STONE SWORN BY ATTORNEY.)

11 MS. STONE: My name is Becky Stone.

12 I would just like to add for the record  
13 that there is an application in on this item for  
14 zoning change for the R-1A portion of the property to  
15 A-R. The property needs to be zoned A-R for the  
16 Conditional Use Permit to be valid in conformance with  
17 the zoning ordinance. Any approval that you might  
18 make tonight should be with a condition that the  
19 zoning change be approved by the Planning Commission  
20 next week.

21 CHAIRMAN: Thank you.

22 Any board member have any questions of the  
23 applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Staff have anything else to a

1 add?

2 MR. HOWARD: No, sir.

3 CHAIRMAN: Hearing none entertain a motion  
4 to dispose of the item.

5 MR. DYSINGER: Move to approve given the  
6 finding it's in keeping with the property's current  
7 use with the condition that the property is pending  
8 rezoning application be approved.

9 CHAIRMAN: Is there a second?

10 MS. DIXON: Second.

11 CHAIRMAN: A motion has been made and a  
12 second. Any other questions by the board member or  
13 comment at this time?

14 (NO RESPONSE)

15 CHAIRMAN: Staff have anything else to  
16 add?

17 MR. HOWARD: No, sir.

18 CHAIRMAN: Hearing none all in favor of  
19 the motion raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries.

22 Next item please, sir.

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24 VARIANCES

25

1       ITEM 3

2       1007, 1009, 1015 West Fifth Street, in a B-4 zone  
3       Consider request for a Variance to reduce the front  
4       yard building setback from 75 feet from the street  
5       centerline to 40 feet from the street centerline in  
6       order to construct a funeral home.  
7       Reference: Zoning Ordinance, Article 8,  
8       Section 8.5.16(c)  
9       Applicant: Alison McFarland

10                   MR. HOWARD: The applicant is proposing to  
11       construct an approximately 2900 square foot funeral  
12       home. It is in a B-4 zone. It consist of three  
13       parcels which are to be consolidated into a single  
14       tract.

15                   The approval of the variance will not  
16       alter the character of the neighborhood or the general  
17       vicinity. There are several variances that were  
18       granted in the area that are similar to the variance  
19       that they're asking for here.

20                   Staff would recommend approval based on  
21       the conditions that submittal and approval of a  
22       consolidation plat for the three parcels with the  
23       proposed development prior to the construction of the  
24       funeral home and access to the proposed funeral home  
25       shall be limited to Sycamore Street, and no access  
26       shall be permitted on West Fifth Street.

27                   CHAIRMAN: Any opposition filed in the  
28       office?

1 MR. HOWARD: No, sir.

2 CHAIRMAN: Is anyone wishing to be against  
3 or have opposition to this item?

4 (NO RESPONSE)

5 CHAIRMAN: Hearing none does the applicant  
6 have anything you'd like to add at this time?

7 APPLICANT REP: No.

8 CHAIRMAN: Do any board members have any  
9 questions of the applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Staff have anything else to  
12 add?

13 MR. HOWARD: No, sir.

14 CHAIRMAN: Entertain a motion to dispose  
15 of the item.

16 MS. DIXON: Move to approve the variance  
17 because granting this variance will not adversely  
18 affect the public health, safety or welfare with the  
19 closing of the access points on Frederica Street; will  
20 not alter the essential character of the general  
21 vicinity; will not cause a hazard or a public nuisance  
22 to the public; will not allow an unreasonable  
23 circumvention of the zoning regulations; and subject  
24 to conditions 1 and 2 as stated.

25 CHAIRMAN: Is there a second?

1 MS. MASON: Second.

2 CHAIRMAN: Any other question?

3 MS. BECKY: There is a mistake in the  
4 Staff Report. That should read will not adversely  
5 affect the public health, safety or welfare with no  
6 access on West Fifth Street.

7 CHAIRMAN: Any other comments from the  
8 board or questions?

9 (NO RESPONSE)

10 CHAIRMAN: Staff have anything else to  
11 present at this time?

12 MR. HOWARD: No.

13 CHAIRMAN: Does the applicant have  
14 anything else you all would like to add to it? You  
15 understand the conditions and everything?

16 APPLICANT REP: Yes.

17 CHAIRMAN: All in favor raise your right  
18 hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item, please.

22 ITEM 4

23 2524 Frederica Street, in a B-4 zone  
24 Consider request for a Variance to reduce the  
25 roadway buffer from 60 feet from the street centerline  
to 37 feet from the street centerline in order to  
install landscaping and a vehicular stacking area for

1 the proposed car wash.  
Reference: Zoning Ordinance, Article 13,  
2 Section 13.622  
Applicant: Byrne-Riney, LLC, Sean and Jennifer Byrne,  
3 Mark and Liane Riney

4 MR. HOWARD: This item was previously  
5 heard at the previous Board of Adjustment meeting.  
6 There was a dimension that a miscalculation that  
7 require the dimension at the previous meeting from 60  
8 feet to 48 feet. This application is asking for a  
9 reduction of roadway buffer from 60 feet to 37 feet.

10 The Staff is recommending approval based  
11 on a condition that the access points on Frederica  
12 Street be closed and no direct access to Frederica  
13 Street be permitted.

14 CHAIRMAN: Any opposition filed in the  
15 office?

16 MR. HOWARD: No, sir.

17 CHAIRMAN: Anyone objecting to this item?

18 (NO RESPONSE)

19 CHAIRMAN: Does the applicant have any  
20 comments you want to add at this time?

21 APPLICANT REP: No.

22 CHAIRMAN: Board members have any  
23 questions of the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Staff have anything else to



1 add?

2 MR. HOWARD: No.

3 CHAIRMAN: Hearing none entertain a motion  
4 to dispose of the item.

5 MR. DYSINGER: Move to approve the  
6 variance request given the findings that it will not  
7 adversely affect the public health, safety or welfare  
8 with the closing of the access points on Frederica  
9 Street; will not alter the essential character of the  
10 general vicinity; will not cause a hazard or nuisance  
11 to the public; will not allow an unreasonable  
12 circumvention of the requirements of the zoning  
13 regulations; will the aforementioned condition.

14 CHAIRMAN: Is there a second?

15 MS. MASON: Second.

16 CHAIRMAN: Any other comments or questions  
17 from the board?

18 (NO RESPONSE)

19 CHAIRMAN: Staff have anything else to  
20 add?

21 MR. HOWARD: No.

22 CHAIRMAN: Does the applicant understand  
23 the conditions?

24 APPLICANT REP: Yes.

25 CHAIRMAN: All in favor raise your right

1 hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 Entertain one final motion.

5 MS. DIXON: Move to adjourn.

6 MR. PEDLEY: Second.

7 CHAIRMAN: All in favor raise your right

8 hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 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 10 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 November, 2005.

18

19

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

22 COMMISSION EXPIRES:  
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:  
DAVIESS COUNTY, KENTUCKY

25