

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 DECEMBER 1, 2005

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4 The Owensboro Metropolitan Board of
5 Adjustment met in regular session at 6:00 p.m. on
6 Thursday, December 1, 2005, at City Hall, Commission
7 Chambers, Owensboro, Kentucky, and the proceedings
8 were as follows:

- 9 MEMBERS PRESENT: C. A. Pantle, Chairman
- 10 Gary Noffsinger
- 11 Judy Dixon
- 12 Tim Miller
- 13 Sean Dysinger
- 14 Ward Pedley
- 15 Stewart Elliott
- 16 Madison Silvert
- 17 Attorney

18 * * * * *

19 CHAIRMAN: Call the meeting to order.
20 Want to welcome each of you. We always start our
21 meeting with a prayer and the pledge of allegiance.
22 We invite you all to join us if you would or so
23 desire. Tim will give us the prayer at this time.

24 (PRAYER AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Again, I want to welcome each
one of you to the Owensboro Metropolitan Board of
Adjustment meeting.

If you have anything you want to add on
any item, please come to the podium and be sworn in

1 and then we'll recognize you and we'll listen to what
2 you have. We need to be sure that we get it on record
3 in case there's some problems.

4 With that the first item is consider the
5 minutes of the November 3rd meeting. They're on
6 record in the office. We haven't found anything I
7 don't think that needs to be any corrections. With
8 that I entertain a motion to dispose of the item.

9 MS. DIXON: Move to approve.

10 MR. DYSINGER: Second.

11 CHAIRMAN: All in favor raise your right
12 hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item, please, sir.

16 -----

17 CONDITIONAL USE PERMITS

18 ITEM 2

19 923 East Second Street, in an I-2 zone
20 Consider a request for a Conditional Use Permit in
21 order to fill approximately 75 feet along the Ohio
22 River bank with riprap and concrete rubble in the
23 floodway.

24 Reference: Zoning Ordinance, Article 18,
25 Section 18-6(b)(2)(g)
Applicant: Owensboro Grain Company, LLC

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

1 It is an application for a bank stabilization project
2 along the Ohio River. The applicant has included a
3 letter from their engineer, Jim Riney, stating there
4 will be no impact along the floodway as well as
5 approval letters from the Division of Water and the
6 Corp of Engineers. With that it's ready for
7 consideration.

8 CHAIRMAN: Any objections filed in the
9 office?

10 MR. NOFFSINGER: No, sir.

11 CHAIRMAN: Is anyone wishing to object to
12 this particular item?

13 (NO RESPONSE)

14 CHAIRMAN: Hearing none does the applicant
15 want to add anything on it?

16 (NO RESPONSE)

17 CHAIRMAN: Board member have any questions
18 on the item?

19 (NO RESPONSE)

20 CHAIRMAN: Does the office need to add
21 anything to it?

22 MR. NOFFSINGER: No, sir.

23 CHAIRMAN: With that entertain a motion to
24 dispose of the item.

25 MR. MILLER: Mr. Chairman, motion to

1 approve the conditional use permit. It has been
2 approved by the Corp of Engineers and the Division of
3 Water. It is an improvement to existing river bank
4 and will help to alleviate erosion.

5 CHAIRMAN: Is there a second?

6 MS. DIXON: Second.

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

9 (NO RESPONSE)

10 CHAIRMAN: Hearing none all in favor raise
11 your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries.

14 Next item, please, sir.

15 ITEM 3

16 923 East Second Street, in an I-2 zone
17 Consider a request for a Conditional Use Permit in
18 order to install, operate and maintain a grain loading
19 facility at an existing soybean processing facility.
20 Reference: Zoning Ordinance, Article 8,
21 Section 8.2 H6
22 Applicant: Owensboro Grain Company, LLC

23 MR. NOFFSINGER: Mr. Chairman, this
24 property is developed for a grain processing, soybean
25 processing facility operated by Owensboro Grain. They
26 have a number of storage tanks on this particular
27 piece of property as well as buildings. They've
28 existed here for many, many years. This is an

1 expansion of their existing facility which each of you
2 have a copy of their site plan. They will be
3 constructing a mill and pellet truck loading facility.
4 This application is in order.

5 CHAIRMAN: Any objections in the office?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Is the applicant here?

8 APPLICANT REP: Yes.

9 CHAIRMAN: Do you have anything you want
10 to add to it at this time?

11 APPLICANT REP: I don't guess so, sir.

12 CHAIRMAN: Anyone in the audience
13 objecting to it?

14 (NO RESPONSE)

15 CHAIRMAN: Board have any questions of the
16 applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Does the staff have anything
19 else to add?

20 MR. NOFFSINGER: No, sir.

21 CHAIRMAN: Chair is ready for a motion.

22 MR. DYSINGER: Move to approve giving the
23 findings that it's an expansion of existing activity
24 and will not significantly alter the appearance of the
25 area.

1 CHAIRMAN: Is there a second?

2 MR. MILLER: Second.

3 CHAIRMAN: Any other comments or
4 questions?

5 (NO RESPONSE)

6 CHAIRMAN: Hearing none all in favor raise
7 your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

10 Next item, please.

11 ITEM 4

12 2502 Ebach Street, in an R-4DT zone
13 Consider a request for a Conditional Use Permit to
14 place an approximately 14'x46' class 2-manufactured
15 home on the property.
16 Reference: Zoning Ordinance, Article 8, Section 8.2 A
17 10B, 8.4/7
18 Applicant: George Paulin, Paul E. Kinison

19 MR. NOFFSINGER: Mr. Chairman, this
20 application is in order. It's for placement of a
21 manufactured home within an area that has other
22 manufactured housing. The applicant states that there
23 are manufactured homes located at 2502 1/2, 2500,
24 2507, 2509, 2513, 2514, 2510, Ebach Street.

25 Considering that there are other manufactured homes
located in this area, Staff would recommend that you
take that in consideration in your motion.

The applicant is also asking that the

1 sidewalk requirement be waived in this particular
2 area. I believe the sidewalk requirement has been
3 waived on other manufactured homes in this area due to
4 the existing right-of-way of Ebach Street as well as
5 the location of existing utilities and other
6 infrastructure within the area.

7 CHAIRMAN: Any objections in the office?

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Anyone wishing to object to
10 this particular item?

11 (NO RESPONSE)

12 CHAIRMAN: Does the applicant have
13 anything you would like to add at this time?

14 APPLICANT REP: No.

15 CHAIRMAN: Any board members have any
16 questions of the applicant?

17 (NO RESPONSE)

18 CHAIRMAN: Any other comments from the
19 Staff?

20 MR. NOFFSINGER: No, sir.

21 CHAIRMAN: Entertain a motion to dispose
22 of the item.

23 MR. PEDLEY: Mr. Chairman, I make a motion
24 for approval based on we have no opposition. It is
25 compatible use with the neighborhood. It will not

1 have an adverse influence on the neighborhood and that
2 we waive the sidewalk requirement.

3 CHAIRMAN: Is there a second?

4 MR. DYSINGER: Second.

5 CHAIRMAN: A motion has been made and a
6 second. Any other comments or questions from the
7 board?

8 (NO RESPONSE)

9 CHAIRMAN: Staff have anything else?

10 MR. NOFFSINGER: No, sir.

11 CHAIRMAN: Hearing none all in favor raise
12 your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item, please.

16 ITEM 5

17 4161 KY 554, in an R-1A zone
18 Consider a request for a Conditional Use Permit to
19 place an approximately 16'x76' class 2-manufactured
20 home on the property.

19 Reference: Zoning Ordinance, Article 8,
Section 8.2 A10B, 8.4/7

20 Applicant: Jennifer Peercy, Bruce Peercy, James D.
21 Warner, Alicia Warner

22 MR. NOFFSINGER: Mr. Chairman, Planning
23 Staff has reviewed this application. It's found to be
24 in order. The applicant is requesting that the
25 sidewalk requirement be waived, which this is a rural

1 type street. Sidewalks generally are not required
2 anyway. Certainly they do not exist out in that area.
3 They're also asking that you waive the requirement for
4 paved parking due to the fact that other housing units
5 within the area has gravel parking and it's not paved.
6 With that it's ready for your consideration.

7 CHAIRMAN: Any objections in the office?

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Anyone in the audience wishing
10 to speak in opposition to it?

11 (NO RESPONSE)

12 CHAIRMAN: Does the applicant have
13 anything he'd like to add?

14 APPLICANT REP: No, sir.

15 CHAIRMAN: Any board members have any
16 questions of the applicant?

17 MR. DYSINGER: Mr. Chairman, I've got a
18 question.

19 Mr. Noffsinger, we have two applications.
20 I just want to for the record ask why that was and is
21 there any significant difference between the
22 applications?

23 MR. NOFFSINGER: I believe that the reason
24 we have two applications is when this application was
25 submitted it did not have the applicant's signature.

1 They all signed as owner co-applicant. So we had them
2 submit a separate application to where we have them
3 sign an appropriate placement. We just wanted to make
4 sure we had everyone's signature in the right spot.
5 If you notice, the applicant is responsible for paying
6 advertising cost in the Messenger-Inquirer. We wanted
7 to make sure we had someone sign in that box. That
8 was the reason for the second application.

9 MR. DYSINGER: One application shows James
10 Warner as owner co-applicant and the other one shows
11 Jennifer Percy as the owner co-applicant. Does that
12 make any significant difference in the two
13 applications?

14 MR. ELLIOTT: State your name, please.

15 MS. STONE: Becky Stone.

16 (BECKY STONE SWORN BY ATTORNEY.)

17 MS. STONE: There is a contract sale on
18 the property so all of those people that sign the
19 application have an interest in the property. We had
20 both owners, both parties who had interest in the
21 property sign the application.

22 CHAIRMAN: Does that answer your question?

23 MR. DYSINGER: Yes.

24 CHAIRMAN: Any other questions of the
25 applicant or the board?

1 (NO RESPONSE)

2 CHAIRMAN: Any other comments from the
3 Staff?

4 MR. NOFFSINGER: No, sir.

5 CHAIRMAN: Entertain a motion to dispose
6 of the item, please.

7 MR. DYSINGER: I'm sorry, Mr. Chairman.
8 Just to make sure we're clear on this. The waivers
9 that are requested on this, sidewalk and paved
10 parking?

11 MR. NOFFSINGER: Yes.

12 MR. DYSINGER: Move to approve the
13 application, Mr. Chairman, the conditional use permit
14 given the findings that it's consistent with the
15 surrounding area, not incompatible with the
16 Comprehensive Plan and that we also waive the
17 requirements for sidewalk and paved parking area.

18 CHAIRMAN: Is there a second?

19 MR. PEDLEY: Second.

20 CHAIRMAN: Any other questions or comments
21 from the board?

22 (NO RESPONSE)

23 CHAIRMAN: Staff have anything else?

24 MR. NOFFSINGER: No.

25 CHAIRMAN: All in favor raise your right

1 hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 Next item, please.

5 ITEM 6

6 8700-8800 Blocks Laketown Road, in an A-R zone
7 Consider a request for a Conditional Use Permit to
8 construct a new effluent line and to remove the
9 existing pig retrieval station and construct a new pig
10 retrieval station and to remove existing riprap and
11 install new riprap and/or concrete anchors in the
12 floodway.

Reference: Zoning Ordinance, Article 18,

10 Section 18-6(b)(2)(g)

11 Applicant: Kimberly Clark, Aluminum Company of
12 America, James W. Wilhite

12 MR. NOFFSINGER: Mr. Chairman, this
13 application comes with a letter from Mr. David Weaver,
14 local engineer, stating that this construction will
15 have no impact upon the floodway as well as approvals
16 from the Division of Water and the Corp of Engineers.
17 It's ready for your consideration.

18 CHAIRMAN: Any objections in the office?

19 MR. NOFFSINGER: No, sir.

20 CHAIRMAN: Anyone wishing to object to
21 this item?

22 (NO RESPONSE)

23 CHAIRMAN: Does the applicant have
24 anything he'd like to add?

25 APPLICANT REP: Not unless there's

1 questions.

2 CHAIRMAN: Board members have any
3 questions or comments?

4 (NO RESPONSE)

5 CHAIRMAN: Staff?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Entertain a motion to dispose
8 of the item.

9 MS. DIXON: Move to approve because the
10 conditional use permit granting will have no impact on
11 the floodway and has approval of the Division of Water
12 and the Corp of Engineers.

13 CHAIRMAN: Is there a second?

14 MR. DYSINGER: Second.

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

17 (NO RESPONSE)

18 CHAIRMAN: Staff have anything else?

19 MR. NOFFSINGER: No, sir.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 Next item, please.

25 ITEM 7

1 2 Plumb Street, in an R-4DT zone
2 Consider a request for a Conditional Use Permit to
3 install fencing and a permanent residential boat dock
4 on the Ohio River in the floodway.
5 Reference: Zoning Ordinance, Article 18,
6 Section 18-6(b)(2)(f)
7 Applicant: Mark Dohrenwend, Shannon O'Connor

8 MR. NOFFSINGER: Mr. Chairman, we have a
9 letter in the file from Mr. Jim Riney, local engineer,
10 stating that this construction will have no impact
11 upon the floodway, as well as a letter of approval
12 from the Division of Water and the Corp of Engineers.
13 It's ready for your consideration.

14 CHAIRMAN: Any opposition in the office?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Is anyone wishing to speak in
17 opposition of this item?

18 (NO RESPONSE)

19 CHAIRMAN: Does the applicant have
20 anything you'd like to add?

21 APPLICANT REP: No.

22 CHAIRMAN: Board members have any
23 questions or comments?

24 (NO RESPONSE)

25 MR. DYSINGER: Mr. Chairman, under deed
26 history and subdivision, Mr. Noffsinger, everything in
27 order there? I mean I'm just quickly scanning it.
28 I'm sure you guys looked over that.

1 MR. NOFFSINGER: Yes, sir, everything is
2 in order.

3 CHAIRMAN: Entertain a motion to dispose
4 of the item.

5 MR. PEDLEY: Mr. Chairman, I make a motion
6 for approval based on it's been approved by the Corp
7 of Engineers, Division of Water. It will not have an
8 adverse influence on the floodway.

9 MR. MILLER: Second.

10 CHAIRMAN: Any other questions or comments
11 from the board?

12 (NO RESPONSE)

13 CHAIRMAN: Office have any other comments?

14 MR. NOFFSINGER: No, sir.

15 CHAIRMAN: Hearing none all in favor raise
16 your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 Next item, please.

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21 VARIANCES

22 ITEM 8

23 1213, 1221, 1225 Frederica Street, in a B-4 zone
24 Consider request for a Variance to reduce the rear
25 yard building setback from 20 feet to 10 feet and to
reduce the roadway buffer on Frederica Street from 60
feet from the street centerline to 40 feet from the

1 street centerline and to reduce the roadway buffer on
2 West Parrish Avenue from 50 feet from the street
3 centerline to 30 feet from the street centerline in
4 order to construct an approximately 7,000 square foot
5 video store.
6 Reference: Zoning Ordinance, Article 8,
7 Section 8.5.16(e), Article 13, Section 13.622
8 Applicant: Family Video Movie Club, Inc., David Young

9 MR. CHAIRMAN: Mr. Chairman, Item 8 has
10 been withdrawn.

11 ITEM 9

12 1601 Pearl Street, in an R-4DT zone
13 Consider request for a Variance to reduce the street
14 yard building setback from 15 feet to 5 feet in order
15 to construct a single-family residence on the
16 property.
17 Reference: Zoning Ordinance, Article 3, Section
18 3-5(a)(3), Article 8, Section 8.5.11(c)
19 Applicant: St. Joseph & Paul Catholic Church

20 MR. NOFFSINGER: Mr. Chairman, I would
21 like to ask Mr. Doug Lane to please present his review
22 and findings on this variance to the board.

23 MR. ELLIOTT: State your name, please.

24 MR. LANE: Doug Lane.

25 (MR. DOUG LANE SWORN BY ATTORNEY.)

MR. LANE: The subject property is looking
to reduce the side yard setback from 15 feet to 5 feet.
The zoning ordinance in Article 3, Section 3-5(a)(3)
for back to back lots allows for the street yard
setback to be reduced from what would normally be 25
feet to 15 feet. There are other houses in the area

1 that appear to encroach into the side yard setback.
2 So the Staff recommend that this variance be approved.

3 CHAIRMAN: Questions of the Staff?

4 (NO RESPONSE)

5 CHAIRMAN: Any objections in the office?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Does the applicant have any
8 comments?

9 APPLICANT REP: No.

10 CHAIRMAN: Anyone objecting against it?

11 (NO RESPONSE)

12 CHAIRMAN: Entertain a motion to dispose
13 of the item.

14 MR. MILLER: Mr. Chairman, motion to
15 approve the variance since the placement of the
16 residence will not create an unsafe situation; will
17 not affect the public health or welfare; will not
18 cause a nuisance or hazard; it will not alter the
19 character of the general vicinity. That there are
20 additional properties on all four corner lots that
21 encroach the side yard setback and that these other
22 encroachments predate the zoning ordinance.

23 CHAIRMAN: Is there a second?

24 MS. DIXON: Second.

25 CHAIRMAN: Any other comments or questions

1 from the board?

2 (NO RESPONSE)

3 CHAIRMAN: Staff have any other comments?

4 MR. NOFFSINGER: No, sir.

5 CHAIRMAN: All in favor raise your right
6 hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 Next item, please.

10 ITEM 10

11 5670 Windy Hollow Road, in an A-R zone
12 Consider request for a Variance to reduce the front
13 yard building setback from 60 feet to 33 feet in order
14 to construct a 40'x60' storage building on the
15 property.

16 Reference: Zoning Ordinance, Article 8,
17 Section 8.5.1(c)

18 Applicant: Tom Robertson

19 MR. NOFFSINGER: Mr. Chairman, I would
20 like to ask Mr. Doug Lane to describe this request.

21 MR. LANE: The applicant is asking for a
22 27 foot variance to place a 40'x60' storage building
23 on the property. The property has approximately about
24 63 acres. I believe I'm correct on that. Correct me
25 if I'm wrong. Has about 63 acres in the area where
they're wanting to locate the storage building is an
area that's not being farmed. It does appear that the
rest of the farm or majority of the farm looks like it

1 is being farmed, but there appears to be some areas up
2 around the house where they could or anywhere on the
3 property for that matter where they could actually
4 build a 40'x60' building and meet the required
5 building setback requirements. They also right now
6 have an existing, it's a pretty good size storage
7 building. I don't know the exact size. Maybe 40'x60'
8 or so. They have an existing storage building by the
9 property or by their home.

10 With that being said with the 63 acres and
11 being able to locate the storage building elsewhere on
12 the property and meet the required building setback,
13 we would recommend that this variance be denied.

14 CHAIRMAN: Any questions of the Staff?

15 (NO RESPONSE)

16 CHAIRMAN: Been any objections in the
17 office?

18 MR. NOFFSINGER: No, sir.

19 CHAIRMAN: Does the applicant have
20 anything you would want to present at this time?

21 Come to the podium and state your name,
22 please.

23 MR. ELLIOTT: State your name, please.

24 MR. ROBERTSON: Tom Robertson.

25 (MR. TOM ROBERTSON SWORN BY ATTORNEY.)

1 MR. ROBERTSON: This is just an area that
2 I just have to keep mowed. It's just really the only
3 place that I want to put the building. I need a
4 building to put some stuff in. It's right close to
5 the road. I understand that. I have an easy access
6 into it. Really this is the only place I need to put
7 the building. I know I've got the 63 acres and I've
8 got another 24 acres across the road, but this is
9 where I want to put the building or I need the
10 building there. Thank you.

11 CHAIRMAN: Staff have any comments or
12 questions of the applicant?

13 MR. NOFFSINGER: No questions of the
14 applicant. Just to comment.

15 In terms of the building setback lines are
16 there to reserve, protect an area of open space so
17 that with future roadway improvements such as the
18 widening of Windy Hollow Road or relocation of
19 drainage ways or maintenance of drainage ways, that
20 there are not buildings, storage buildings, or could
21 be even homes, located in that area. Because if the
22 public had to go in and purchase right-of-way in the
23 future to widen say Windy Hollow Road or improve Windy
24 Hollow Road, they would have to go in and purchase a
25 building or relocate a building. The building setback

1 lines are there to protect not only future roadway
2 improvement, but also the site visibility of motorist
3 both on Windy Hollow Road as well as folks coming in
4 and out of your driveway.

5 There are other places on the property
6 where the building could be constructed. That's why
7 the Planning Staff is recommending that this variance
8 not be approved. I understand that you already have
9 one storage building I believe on the property. I'm
10 not sure exactly where that's located, but this
11 particular area for the building is pretty close to
12 the roadway. We're talking within 3 feet of the
13 right-of-way line. I can certainly see where that
14 could be a problem someday.

15 Just one question of the applicant. What
16 would be the intended use of this particular building?
17 You've indicated storage.

18 MR. ROBERTSON: Farm equipment. Tractor.
19 I've got a tractor. I want everything inside. I
20 would like to make a point.

21 There's a bank there. This building will
22 not obstruct any vision of motorists going down
23 through there. The only thing in your future if they
24 want to widen the road, but I don't know that they
25 will ever do that in 100 years. The building would be

1 back inside of where the existing bank is now. It
2 would not hinder anybody's vision. There's a little
3 bit of traffic on the road, but I don't see - - it
4 wouldn't hinder me getting in and out or anybody else.
5 That's the reason why I was wanting it there. 'It's
6 back inside the bank and it's just an area that all I
7 can do is keep it mowed.

8 MR. DYSINGER: I want to give you an
9 opportunity to give us some kind of compelling reason
10 why it should go there as opposed to elsewhere on the
11 land. Do you see what I'm saying, sir? You see what
12 I'm asking? In terms of using your property, reaching
13 the building, that sort of stuff. Is there any
14 compelling reason?

15 MR. ROBERTSON: I'm farming all the farm
16 land that's available for farming or got it in crop.
17 This is just a little space. A building would be well
18 suited for this area.

19 MR. DYSINGER: How big is the building?

20 MR. ROBERTSON: 40'x 60'.

21 MR. DYSINGER: That's all.

22 CHAIRMAN: Any other comments or questions
23 to the applicant?

24 MR. NOFFSINGER: Mr. Chairman, I would
25 state for the record that the Daviess County Fiscal

1 Court pointed a task force back a few years ago to
2 take a look at land use within the community. One of
3 the recommendations they came back with was greater
4 setbacks along roadways to preserve these corridors
5 and to address future roadway improvements and make
6 sure that buildings were not located too close and
7 would be in the way of those right-of-way improvements
8 and cause an undue burden on the homeowner by having
9 to relocate those buildings. Granting of a variance
10 would be contrary to what is recommended in the
11 adopted Comprehensive Plan in terms of encouraging
12 setbacks that would preserve these areas. It
13 addresses future roadway improvements to make sure
14 that buildings aren't in the way of making necessary
15 improvements for the public. I understand this
16 gentleman's concern that he has a piece of property
17 there that he can't do anything with other than mow
18 it. The same can be said for any piece of property in
19 Daviess County.

20 MR. ROBERTSON: I've got a tobacco barn
21 that's probably within 30 feet of the road, but it's
22 on 1514. It's been there for 100 years.

23 CHAIRMAN: That would be grandfathered in.

24 MR. ROBERTSON: Sure.

25 MR. NOFFSINGER: My point in that was that

1 there is a recognition in the community that perhaps
2 even the setbacks we have in place today are not great
3 enough. I feel that they are. I feel that we do have
4 adequate setbacks in place to protect these roadways
5 for future development because the policy in this
6 community pretty much is it's a progrowth policy that
7 states if you have say three quarters to an acres of
8 land and the proper amount of road frontage you can go
9 out and construct a lot and build a home. Setbacks
10 are there to allow that type of development to
11 continue now and in the future so that at least we can
12 go in and as that development warrants we can go in
13 and make those roadway improvements. I think the
14 board, if they're looking for a compelling reason, I
15 don't believe you have it here in terms of this being
16 a vacant piece of land that you're not doing anything
17 with. Because, again, the same could be said for any
18 piece of property in Daviess County that want to be
19 used for something other than a lawn.

20 MR. ROBERTSON: Fair enough.

21 CHAIRMAN: That would be within three foot
22 of the roadway.

23 MR. NOFFSINGER: Within three feet of the
24 right-of-way. Actually pavement it would be further
25 than that that.

1 CHAIRMAN: Board have any comments or
2 questions or feelings at this time?

3 (NO RESPONSE)

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

6 MS. DIXON: Move to deny the variance
7 request because it's contrary to recommendations of
8 the Comprehensive Plan based upon findings that it
9 would alter the essential character of the general
10 vicinity and would allow an unreasonable circumvention
11 of the requirements of the zoning regulations.

12 CHAIRMAN: Is there a second?

13 MR. MILLER: Second.

14 CHAIRMAN: A motion has been made and a
15 second. Any other comments from the board?

16 (NO RESPONSE)

17 CHAIRMAN: Staff have anything else you
18 want to bring up?

19 MR. NOFFSINGER: No, sir.

20 CHAIRMAN: You have anything else you
21 would like to comment?

22 MR. ROBERTSON: No, sir.

23 CHAIRMAN: All in favor raise your right
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 Before we entertain the next motion, want
3 to wish each one of you a Merry Christmas and a Happy
4 New Year.

5 We're ready for one final motion.

6 MS. DIXON: Move to adjourn.

7 MR. MILLER: Second.

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 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 26 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 27th day of December 2005.

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

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24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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