

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JUNE 1, 2006

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 6:00 p.m. on Thursday, June
5 1, 2006, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: C.A. Pantle, Chairman
8 Doug Lane
9 Marty Warren
10 Sean Dysinger
11 Ruth Ann Mason
12 Ward Pedley
13 Judy Dixon
14 Brad Anderson
15 Stewart Elliott, Attorney
16 Madison Silvert, Attorney

17 CHAIRMAN: Call the Owensboro Metropolitan
18 Board of Adjustment meeting to order. First thing of
19 the evening we'll start with a prayer and then pledge
20 of allegiance. Ask everyone to join us. Mr. Warren
21 will have the prayer.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: First item on our agenda is the
24 minutes of the last meeting in May. They're in the
25 office. I don't think there's any addition that needs
to be corrected. With that I'll entertain a motion to
dispose of the item.

MS. DIXON: Move to approve.

CHAIRMAN: Motion made.

1 MS. MASON: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 Next item.

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8 CONDITIONAL USE PERMITS

9 ITEM 2

10 7601 Iceland Road, zoned I-2
11 Consider request for a Conditional Use Permit in order
12 to erect three steel grain bins, one dryer foundation
13 and support equipment for a barge loading/unloading
14 facility in a floodway.
15 Reference: Zoning Ordinance, Article 8, Section
16 8.2G5/28, Article 18, Section 18-4(b)3, Section
17 18-5(b)4, Section 18-6(b)2.
18 Applicant: DeBruce Grain Company, Kinder Morgan Bulk
19 Terminals, Inc.

20 MR. LANE: This application has been reviewed
21 and it is found to be in order. The board has
22 received a copy of the Staff Report that outlines the
23 history and zoning ordinance requirements. I would
24 like to enter that into the record as Exhibit A.

25 The proposed activity is actually permitted in
an I-2 zone; however, since the property is located in
a floodway a conditional use permit is required.

The ordinance states that a project in a
floodway require approval from the Kentucky Division

1 of Water and the Army Corps of Engineers along with a
2 certification by a professional engineer demonstrating
3 that the project will not result in any increase in
4 flood levels. With that it's ready for your
5 consideration.

6 CHAIRMAN: There's no objections in the
7 office?

8 MR. LANE: No, sir.

9 CHAIRMAN: Is anybody wishing to object to
10 this item?

11 (NO RESPONSE)

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

14 APPLICANT REP: No.

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

17 (NO RESPONSE)

18 CHAIRMAN: Staff have any other comments?

19 MR. LANE: No.

20 CHAIRMAN: Hearing none I'll entertain a
21 motion to dispose of the item.

22 MR. PEDLEY: Mr. Chairman, make a motion for
23 approval based on the findings that it meets the
24 requirements of the zoning ordinance and it is
25 certified by a profession registered engineer. It

1 will not raise the flood level and it will not harm
2 the flood way and it's compatible with the surrounding
3 neighborhood. There's similar uses in this area.

4 CHAIRMAN: Is there a second to the motion?

5 MR. DYSINGER: Second.

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

8 (NO RESPONSE)

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Entertain one final motion.

14 MS. DIXON: Move to adjourn.

15 MR. WARREN: Second.

16 CHAIRMAN: All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 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 4 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 2nd day of June, 2006.

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19 _____
20 LYNNETTE KOLLER
21 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

24 COMMISSION EXPIRES: DECEMBER 19, 2006
25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY