

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 DECEMBER 7, 2006

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 December 7, 2006, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: C.A. Pantle, Chairman
9 Gary Noffsinger
10 Ward Pedley
11 Sean Dysinger
12 Ruth Ann Mason
13 Judy Dixon
14 Clay Taylor
15 Stewart Elliott, Attorney
16 Madison Silvert, Attorney

17 CHAIRMAN: Lets call the meeting to order.
18 Welcome you all to the Owensboro Metropolitan Board of
19 Adjustment.

20 We start our meeting each month with the
21 pledge to the flag and a prayer. We invite you, if
22 you so desire, to join us. The prayer this evening
23 will be given by Ruth Ann Mason.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: Again, I want to welcome you to the
meeting. We start with each item if you have anything
to comment on that, please come to one of the podiums
and speak in the microphone so we can get that
recorded for the transcript.

1 With that the first thing we want to welcome a
2 new person to our board, Clay Taylor. He needs to be
3 sworn in at this time.

4 (MR. CLAY TAYLOR SWORN IN BY ATTORNEY.)

5 CHAIRMAN: Clay, welcome to the board. We
6 appreciate having you on.

7 MR. TAYLOR: Thank you.

8 CHAIRMAN: With that the next item on the
9 agenda is the minutes of the last meeting of November
10 2nd. They're on record in the office. I think
11 there's nothing that needs to be added to it.

12 MR. NOFFSINGER: No, sir.

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

15 MS. DIXON: Move to approve.

16 MR. PEDLEY: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item please, sir.

22 -----

23 CONDITIONAL USE PERMIT

24 ITEM 2

25 1001 West 7th Street, zoned R-4DT

1 Consider request for a Conditional Use Permit in order
2 to operate a temporary homeless shelter for a maximum
3 of 35 guests from 8 p.m. to 6 a.m. beginning December
4 2006 through March 2007.
Reference: Zoning Ordinance, Article 8, Section 8.2A7
Applicant: St. Joseph and Paul Catholic Church, Roman
Catholic Diocese of Owensboro

5 MR. NOFFSINGER: Mr. Chairman, if I may read
6 this Conditional Use Permit Staff Report into the
7 record.

8 ZONING HISTORY

9 The property was rezoned from R-1T Town House
10 zone to R-4DT Inner City residential zone in 2000. A
11 conditional use permit was approved in July 2000 for
12 the construction of a new building on the site, which
13 was occupied by the existing Blessed Sacrament Chapel
14 and the St. Vincent DePaul Store. The new building
15 was proposed for church related activities. A final
16 development plan was subsequently approved in October
17 of 2000 showing the existing and proposed church
18 related buildings on the site with adequate parking
19 for the church function and the retail use of the St.
20 Vincent DePaul Store.

21 The area surrounding the proposed site
22 consists mainly of single family residences. The site
23 currently houses a church building and a church
24 related building in addition to the building that will
25 house the temporary shelter if approved.

1 ZONING ORDINANCE REQUIREMENTS

2 The zoning ordinance classifies the proposed
3 use as a dormitory under the definition applicable to
4 homeless shelters. It is proposed as a safe place to
5 sleep out of the elements and is seeking to fill a
6 temporary need of the community during the winter
7 months and is not proposing to offer additional social
8 services to the residents who sleep there. As a
9 dormitory use, the regulations of the zoning ordinance
10 have certain criteria that must be met in order for
11 the OMBA to consider approval of the use. The
12 applicant has provided the required information
13 relative to these criteria and it has been included in
14 the application for this proposed use and has been
15 distributed to the board members for their
16 information. Parking requirements for the previous
17 retail use located in the building exceed the parking
18 spaces required for the dormitory use.

19 MR. NOFFSINGER: Mr. Chairman, with that this
20 application has been advertised for public hearing at
21 this time and all adjoining property owners have been
22 notified and is ready for consideration.

23 CHAIRMAN: Has there been any opposition or
24 comments filed with the office?

25 MR. NOFFSINGER: No, sir.

1 CHAIRMAN: Hearing none is there anyone
2 wishing to speak in opposition of this item?

3 (NO RESPONSE)

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

6 Come forward and state your name for the
7 record, please.

8 MR. ELLIOTT: State your name, please.

9 MS. ROSE: My name is Suzanne Rose.

10 (SUZANNE ROSE SWORN BY ATTORNEY.)

11 MS. ROSE: I just wanted to elaborate a little
12 bit for your information about our intentions for this
13 and why we want to do it and who we are as you are
14 proposing to do this.

15 Three years ago I was invited by my pastor to
16 attend the community meeting of those who were
17 involved in working with homeless populations. At
18 that time Boulware's plans expansion were discussed.
19 There was also discussion that centered on a concern
20 for an unserved homeless population in our community
21 which is walk-ins, but there was great optimism at
22 that meeting. That the community would improve its
23 ability to serve the homeless population.

24 However, three years later there's really no
25 significant change. That's a combination of things.

1 Boulware's expansion efforts were slowed by its
2 litigation in court. Once that was done, they had
3 extensive renovations that I think exceeded what they
4 had anticipated. So that has been slowed.

5 Lighthouse Recovery process was slowed by the
6 need to reapply for their grant. Still Boulware and
7 other agencies do not plan to accept homeless men as
8 walk-ins. So that is still an unserved population.

9 The needs of homeless, particularly homeless
10 men remain unchanged unmet. So I discussed the
11 problem last spring with the director of Boulware, Ms.
12 Roberts. She indicated that it would be at least
13 another year before the new Boulware Center would be
14 renovated and ready to accept guests. She said she
15 would be grateful if the community churches were
16 willing to work together to address this need and
17 would support our efforts.

18 I think Sister Ula is here to provide some
19 confirmation of that and share with us the number of
20 homeless men that she has already turned away this
21 winter in these weeks when it's suddenly turned
22 brutally cold.

23 That's a little bit of background information.

24 Our shelter cannot, it does not intend to
25 replace the agencies who currently serve homeless

1 populations. We're simply volunteers so we don't have
2 the time to invest or the expertise that these other
3 people bring. We support and pray for their efforts.

4 We offer temporary solution to the problem of
5 overcrowding at the current shelters and to address
6 the needs of those who don't currently fit the
7 categories of people who are served by those agencies.

8 I met with the coalition of the community
9 organizers a few weeks ago who work the homeless
10 populations. They said based on what they're already
11 seeing this winter, they believe that there's great
12 need that we would be inundated with people this
13 winter and they greatly support our efforts.

14 We are a group of volunteers from ten catholic
15 parishes and seven Protestant churches who believe
16 were called by our faith to relieve the suffering of
17 the poor and homeless. We have come together to do
18 that which is a wonderful experience.

19 We can offer respect to those who rarely
20 receive it. Our strength is the faith, the love and
21 the enthusiasm of our volunteers. All we can offer is
22 a warm, dry place to get a peaceful night sleep, a hot
23 drink on a cold night, a sandwich and our prayers. We
24 cannot replace other services in the community.

25 Our shelter will participate in a statewide

1 effort to count the homeless and identify the
2 constituencies and locations of those populations.
3 That will take place in January.

4 We're not planning to prepare any food on
5 site. We have many volunteers who want to bring
6 things down. They cook at home and bring things to
7 the shelter to serve those who like to eat before they
8 go to bed. That's the only plan for food that we
9 have.

10 However, we do want to build showers and
11 install a washer and dryer. We believe that the
12 self-esteem of the homeless guest that we serve will
13 improve if they can clean themselves, launder their
14 clothing. We also believe that it will help them in
15 their efforts to get a job, which we encourage them to
16 do.

17 Volunteers came together as a group to work to
18 create a set of sheltered rules and guidelines for the
19 shelters volunteers. Those were the ones that have
20 been included in your packet.

21 We've consulted social workers and the police
22 and we prepared for any worse case contingencies that
23 we might encounter. So we tried to -- although we may
24 not bring that expertise, we try to consult the people
25 who do have that expertise.

1 Shelter volunteers, there are rules posted in
2 the shelter with all the homeless guests and guests
3 must sign that they understand and agree to the
4 shelter rules in order to stay. We post emergency
5 numbers at the shelter; numbers of other shelters,
6 dispatch number for the police. Anything that we
7 think might come up in the evening.

8 So that's just kind of an overview of what our
9 plans are, who we are, and why we want to do this.
10 Thank you.

11 CHAIRMAN: Anyone else want to add something
12 else at this time?

13 State your name, please.

14 SISTER JOHNSON: My name is Sister Ula
15 Johnson.

16 (SISTER JULIA JOHNSON SWORN BY ATTORNEY.)

17 SISTER JOHNSON: Just within the last week,
18 one week I have turned away 15 people who have
19 requested services. Just that they are homeless. Not
20 people who are seeking treatment. We have 27 people
21 on our waiting list who are seeking treatment. Some
22 of them are homeless. The 15 people that I originally
23 quoted are people who are just homeless and they need
24 a place to stay.

25 Some of those I have had to refer to the

1 Harbor House in Henderson or to the Evansville shelter
2 in Evansville because we don't have any place. I have
3 told them that hopefully St. Joseph's Inn would be
4 open and that they would have a place to stay at that
5 time. I said, just hang on if you can until that is
6 open if permission is granted. I pray it will be.

7 CHAIRMAN: Any questions from the board
8 members of the applicant?

9 (NO RESPONSE)

10 MR. NOFFSINGER: I do have one question.

11 I would like to know, what's the average
12 nightly attendance at the shelter from past
13 experience? Do you know that?

14 MS. ROSE: Last year we served 27 men, 2 women
15 for a total of 174 visits in two months. We'll
16 average, we weren't out there looking for them at that
17 time. Four, five, six, but as it went on we had ten,
18 twelve.

19 MR. NOFFSINGER: Thank you.

20 MR. PEDLEY: I have a question.

21 Is this permit limited to dates specified in
22 the application? After that date will they have to
23 come back for further use or is it limited to what
24 we're saying, December 2006 through March 2007?

25 MR. NOFFSINGER: Yes, sir.

1 MR. PEDLEY: It's limited to that?

2 MR. NOFFSINGER: Yes.

3 MR. PEDLEY: They would have to come back for
4 an addition permit?

5 MR. NOFFSINGER: That is correct.

6 CHAIRMAN: You all understand?

7 MS. ROSE: We wanted to clarify one thing
8 about the March date. We wanted to clarify that we
9 have applied through March 17th, which hopefully will
10 get us through the worst of the winter. At that time
11 we have said since we're only volunteers we would need
12 to re-evaluate the situation with the other
13 organizations. See what we would be able to do
14 because we have day jobs. Then we need to reapply
15 because we are not sure what our own abilities would
16 be at that time.

17 CHAIRMAN: Wanted to be sure you understood
18 that. To come back if you wanted longer than that.

19 MR. NOFFSINGER: Mr. Chairman, we have covered
20 it through March. So we went beyond the date of March
21 17th and advertised it through the end of March.

22 MS. ROSE: Thank you.

23 CHAIRMAN: Any other questions from the board
24 members?

25 (NO RESPONSE)

1 CHAIRMAN: Other comments from the Staff?

2 (NO RESPONSE)

3 CHAIRMAN: Do you have anything else you would
4 like to add?

5 (NO RESPONSE)

6 CHAIRMAN: Hearing none entertain a motion to
7 dispose of the item.

8 MR. DYSINGER: Mr. Chairman, given the
9 findings that the conditional use is temporary,
10 therefore it presents no long term impact, negative or
11 otherwise, and given the findings that it is meeting
12 the need providing safe shelter during the winter
13 months and thus will serve two benefits; the safety
14 and welfare of the community. Move to approve and
15 grant the Conditional Use Permit.

16 CHAIRMAN: Is there a second?

17 MS. MASON: Second.

18 CHAIRMAN: Any other comments or questions
19 from the board?

20 (NO RESPONSE)

21 CHAIRMAN: Or the Staff?

22 MR. NOFFSINGER: No, sir.

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 One other thing. Want to wish each one of you
3 a Merry Christmas and a Happy New Year and see you all
4 next year after the first of the year.

5 Entertain one final motion.

6 MS. DIXON: Move to adjourn.

7 MS. MASON: Second.

8 CHAIRMAN: All in favor raise your right.

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 FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Planning
6 Commission 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 12 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 27th day of December, 2006.

18

19

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22

COMMISSION EXPIRES: DECEMBER 19, 2006

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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