

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 FEBRUARY 1, 2007

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 1, 2007, 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 * * * * *

18 CHAIRMAN: I call the meeting to order of the
19 Owensboro Metropolitan Board of Adjustment. Want to
20 welcome everyone that's here this evening. We start
21 our meeting each month with a prayer and the pledge to
22 allegiance. We invite you if you so desire to join
23 us. Mr. Taylor is going to have our prayer this
24 evening.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you to the
meeting. If you have anything to add or comments or
something on any particular item, please come to one
of the podiums and state your name and be sworn in and

1 we'll go from there.

2 First item on the agenda this evening is the
3 minutes of the last meeting in January. They're on
4 record in the office. I don't think there's been
5 found any problems or anything we need to add to it.

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: With that entertain a motion to
8 dispose of the minutes.

9 MR. DYSINGER: Move to approve.

10 MR. PEDLEY: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item, please.

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17 CONDITIONAL USE PERMITS

18 ITEM 2

19 193, 201 Phillips Court, zoned R-4DT
20 Consider request for a Conditional Use Permit in order
21 to expand an existing conditional use permit to
22 convert an existing structure at 201 Phillips Court to
23 administrative offices for the Mary Kendell Campus
Reference: Zoning Ordinance, Article 8, Section 8.2C1
Applicant: Mary Kendall Campus, Kentucky United
Methodist Homes for Children & Youth; Phillip &
Melissa Decker

24 MR. NOFFSINGER: Mr. Chairman, the Planning
25 Staff has reviewed this application. We find the

1 application to be in order. It has been advertised
2 for public hearing at this time.

3 We have prepared a Staff Report that does not
4 include a recommendations; however, it does give you a
5 little bit of history about the area and the property.
6 I would like to read that into the record.

7 ZONING HISTORY

8 The subject property is located on Phillips
9 Court between 15th Street and 17th Street. The
10 property is currently zoned R-4DT Inner-City
11 Residential. OMPC records show that four previous
12 Conditional Use Permits were approved for 193 Phillips
13 Court. The Conditional Use Permit approved on July
14 11, 1996, was for construction of a building for
15 education and meeting activities. The Conditional Use
16 Permit approved on December 4, 1997, was for the
17 construction of a multi-purpose/recreation building.
18 The Conditional Use Permit approved on November 6,
19 2003, was to construct a 30' x 30' garage and storage
20 building on the existing campus. The Conditional Use
21 Permit approved on April 6, 2006, was for construction
22 of a 30' x 60' picnic shelter on the existing campus.

23 The proposal would add additional property to
24 the Mary Kendall Campus with the addition of an
25 existing structure that will be converted to

1 administrative offices. The existing building is
2 located at the end of Phillips Court. Phillips Court
3 is a short street segment between Frederica Street and
4 the Mary Kendall Campus. Land use along the street is
5 primarily residential with an office use located at
6 the Frederica Street intersection.

7 If the board does approve this application
8 tonight, it should be approved subject to the
9 consolidation of the subject property into the main
10 campus of the Mary Kendall Home, which is located at
11 193 Phillips Court.

12 CHAIRMAN: Are there any objections filed in
13 the office?

14 MR. NOFFSINGER: No, sir.

15 CHAIRMAN: Is anyone in the audience this
16 evening wishing to object to this item or ask
17 questions on a particular item?

18 Is the applicant Here this evening?

19 MR. HICKS: Yes.

20 CHAIRMAN: Do you want to come forward and
21 have anything you want to say?

22 MR. HICKS: I don't have anything tonight.

23 MR. ELLIOTT: State your name, please.

24 MR. HICKS: Roy Hicks

25 (MR. ROY HICKS SWORN BY ATTORNEY.)

1 CHAIRMAN: Does the board or staff have any
2 questions of the applicant?

3 MR. NOFFSINGER: No, sir.

4 CHAIRMAN: Anyone in the audience have any
5 questions for the applicant?

6 Would you come forward. State your name.

7 MR. SCHULTZ: Luther Schultz. I live next to
8 Mary Kendall.

9 (MR. LUTHER SCHULTZ SWORN BY ATTORNEY.)

10 MR. SCHULTZ: I am Luther Schultz. I live
11 next to Mary Kendall. They've been a good neighbor.
12 My only question was parking. I've talked to Mr.
13 Hicks and it seems okay to me. Trying to maintain a
14 historical look in the area.

15 CHAIRMAN: Any questions of the gentleman from
16 the Staff or the Board?

17 (NO RESPONSE).

18 CHAIRMAN: Anything else you want to add?

19 MR. SCHULTZ: My only concern there was the
20 parking on the street there.

21 CHAIRMAN: Staff have any comments on the
22 parking?

23 MS. MASON: Do you have a response to him on
24 the parking?

25 MR. HICKS: He and I spoke outside. Like he

1 said he's a neighbor there right next-door so we
2 talked outside before we came in.

3 Our plan is to not use the street for parking,
4 and that was their issue, and that was our issue too
5 coming in, is to stay off the street. So we've got
6 three parking spots in front of the garage there now.
7 Of course, when it becomes part of our property, we're
8 probably going to be putting in a parking lot
9 somewhere. That's the next question we'll have, but
10 right now we're going to keep everybody on campus at
11 least parking. Not on the street.

12 MR. NOFFSINGER: Mr. Hicks, if you do add a
13 parking area, you'll need to come back before this
14 board with a conditional use permit.

15 MR. HICKS: Right.

16 CHAIRMAN: Are there any other questions from
17 the board of the applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Any other comments from the
20 audience or questions?

21 Come forward and state your name, please.

22 MR. MacQUARRIE: Colby MacQuarrie.

23 (MR. COLBY MacQUARRIE SWORN BY ATTORNEY.)

24 MR. MacQUARRIE: I have one question for Mr.
25 Hicks.

1 Of course, this may be something that could be
2 answered by the board here. Once the conditional use
3 permit is given to the property, what is the process
4 should that property ever sell? Is there an
5 opportunity for that to go back to residential?

6 MR. NOFFSINGER: Yes, that could happen. As
7 long as the Mary Kendall Home uses the property for
8 administrative offices, it's fine. If they were to
9 remove themselves from the use of that property and
10 sell, want to sell to another individual, then it
11 would take a lot division. That use would likely not
12 be a conditionally permitted use.

13 Let's say an attorney wanted to locate on the
14 property. It's zoned residential. An attorney's
15 office could not locate in this building. However,
16 because the Mary Kendall Campus is a use that's
17 conditionally permitted in residential zones, they
18 could consolidate this property in to theirs and use
19 it for their administrative offices.

20 Could it be used for residential? Sure. In
21 the future if the use was to be converted back to
22 residential, they could do a lot division and make
23 whatever conversions necessary to take that back to
24 residential.

25 MR. MacQUARRIE: My other question is: The

1 conditional use permit only applies for it -- the
2 particular use that it is being approved for,
3 administrative offices. It will not be used for other
4 means?

5 MR. NOFFSINGER: Yes, sir that is correct. It
6 is to be administrative offices as they have asked for
7 in the application.

8 MR. MacQUARRIE: I have one other questions
9 and this is in regards to the historic area of
10 Phillips Court. I am also a property owner there.
11 What concerns me is as we start issuing different
12 zoning changes to that area, it disrupts the historic
13 value and the residential value of that property. I
14 just wonder if that's going to be the case I wonder if
15 there's an issue that may possibly come forward to the
16 Planning & Zoning Committee concerning Frederica
17 Street and part of one piece of property on Phillips
18 Court. Will this change, conditional use permit
19 change, change the view of the Planning & Zoning
20 Commission concerning the property on Frederica that
21 faces, that has an outlet on Phillips Court and also
22 that Phillips Court property?

23 MR. NOFFSINGER: My response to that is that,
24 yes, it could. There is already a use at the end of
25 Phillips Court that is residential in nature, but it's

1 a conditionally permitted use. Somewhat dormitory, if
2 you will. This would add to that. Would be an
3 expansion. So you already have that type of use
4 there. The administrative offices can only be used
5 for administrative offices for that existing use.
6 It's not changing the zoning of the property.

7 Now, could it affect what happens on other
8 properties along Phillips Court? Certainly, it could.
9 It just depends on what the proposal is and who is
10 reviewing the proposal and how they see the changes
11 that have occurred. So I think the only way I could
12 fairly answer that question is to say, yes, it could.
13 I don't know how it would affect it. Again, we're not
14 changing the zoning here with this application.

15 MR. MacQUARRIE: That's the point I wanted to
16 make sure. That's all my questions. Thank you.

17 CHAIRMAN: Any other comments or questions
18 from the audience?

19 (NO RESPONSE)

20 CHAIRMAN: Board or staff have any other
21 comments?

22 (NO RESPONSE)

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

25 MR. PEDLEY: Mr. Chairman, I make a motion to

1 approve the permit based on the findings it is an
2 expansion of the existing permit, it is compatible
3 with the neighborhood, will not have an adverse
4 influence on the neighborhood. With the condition
5 that the lot be consolidated with the existing campus.

6 MR. DYSINGER: Second.

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

10 (NO RESPONSE)

11 CHAIRMAN: Staff have any other comments?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Hearing none all in favor of the
14 motion raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

17 Next item, please.

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19 ADMINISTRATIVE APPEAL

20 ITEM 3

21 401 East 18th Street, 1733 Moseley Street
22 Consider a request for an Administrative Appeal to
23 appeal the Zoning Administrator's interpretation that
24 the division of an existing non-conforming lot results
25 in the elimination of the non-conforming status and
would require both lots to be brought into conformance
with current regulations.
Reference: Zoning Ordinance, Article 4, Section 4.2;
Article 7, Section 7.35

1 Applicant: Phil Roberts

2 ITEM 4

3 401 East 18th Street, 1733 Moseley Street, zoned B-4
4 Consider a request for an Administrative Appeal to
5 request a change in an existing non-conforming lot to
6 allow the existing lot to be subdivided.

7 Reference: Zoning Ordinance, Article 4, Section 4.53;
8 Article 7, Section 7.34

9 Applicant: Phil Roberts and Mrs. John E. Roberts

10 MR. NOFFSINGER: Under Administrative Appeal

11 Items 3 and 4, Mr. Chairman, I have a fax from David

12 Weaver with Bryant Engineering.

13 "Please note via this facsimile that

14 Mr. Roberts, the applicant for the 18th and Moseley

15 properties is requesting a one month postponement for

16 his two pending Administrative Appeal actions."

17 This will be necessary for the board to vote

18 to postpone this and this would be postponed to the

19 first Thursday in March.

20 CHAIRMAN: Entertain a motion.

21 MR. DYSINGER: Move to postpone Items 3 and 4

22 until the next meeting.

23 CHAIRMAN: Is there a second?

24 MS. MASON: Second.

25 CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

One final things.

1 MS. MASON: Motion to adjourn.

2 MR. DYSINGER: Second.

3 CHAIRMAN: All in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 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 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 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 21st day of February, 2007.

18

19

LYNNETTE KOLLER FUCHS
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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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