

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 AUGUST 2, 2007

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 August 2, 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 Marty Warren
- 12 Ruth Ann Mason
- 13 Judy Dixon
- 14 Clay Taylor
- 15 Madison Silvert, Attorney

16 * * * * *

17 CHAIRMAN: Call the meeting to order. We
18 start each one of our meetings with A prayer and also
19 the pledge to allegiance. We invite you all to join
20 us if you so desire. With that would you stand for
21 the prayer.

22 (INVOCATION AND PLEDGE TO ALLEGIANCE.)

23 CHAIRMAN: Again, I want to welcome you to the
24 Owensboro Metropolitan Board of Adjustment meeting
25 this evening. If you have comments on any item,
please come to one of the podiums. State your name so
we'll swear you in for the record.

With that we'll go to the first item which are

1 the minutes of the last meeting. They're in the
2 office. I don't think there's any problems with them.

3 MR. NOFFSINGER: No, sir.

4 CHAIRMAN: Does anybody got any comments?

5 (NO RESPONSE)

6 CHAIRMAN: If not entertain a motion to
7 dispose of them.

8 MR. WARREN: Motion to approve the minutes as
9 written.

10 MR. TAYLOR: 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, sir.

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17 CONDITIONAL USE PERMITS

18 ITEM 2

19 1370 South Chestnut Grove Road, zoned A-R
20 Consider request to amend a Conditional Use Permit in
21 order to construct a 30' x 50' pole building for
22 storage at an existing approved outdoor recreational
23 facility.

Reference: Zoning Ordinance, Article 8,
Section 8.2K7/42

Applicant: Daviess County Fish and Game Association

24 MR. SILVERT: State your name please.

25 MR. HOWARD: Brian Howard.

1 (MR. BRIAN HOWARD SWORN BY ATTORNEY.)

2 ZONING HISTORY

3 The subject property is currently zoned A-R
4 Rural Agricultural and a major outdoor recreational
5 facility is conditionally permitted in an A-R zone.
6 Two Conditional Use Permits have been approved for the
7 subject property in the past. The first was in
8 October 1997 and the second in November 2003. The
9 1997 permit approved the construction of a maintenance
10 building and shower house at the existing outdoor
11 recreational facility. The November 2003 permit
12 allowed the construction of 18 additional campsites at
13 the facility.

14 LAND USE IN SURROUNDING AREA

15 All surrounding property is currently zoned
16 A-R rural agricultural with farm tracts and scattered
17 large-lot rural residences.

18 MR. HOWARD: We would like to enter the Staff
19 Report into the record.

20 CHAIRMAN: Is there any objections filed in
21 the office?

22 MR. NOFFSINGER: No, sir.

23 CHAIRMAN: Anyone interested to object to this
24 particular item this evening?

25 (NO RESPONSE)

1 CHAIRMAN: Is the applicant here to add
2 anything to it?

3 MR. BOWERS: I'm Bob Bowers and I'm the lawyer
4 for the folks here for the Fish & Game Association.

5 MR. SILVERT: Let me swear you in, Mr. Bowers.

6 (MR. BOB BOWERS SWORN BY ATTORNEY.)

7 MR. BOWERS: David Payne and the president,
8 Steve Harmon, are here to answer any concerns or
9 questions you may have.

10 It is my understanding that at least two of
11 the neighbors upon receiving notification have
12 contacted David when they learned we intend to put up
13 a pole barn. They said, fine, thank you. That's the
14 end of it. So we've heard no objection from anyone.

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

17 (NO RESPONSE)

18 CHAIRMAN: Staff have anything else to add.

19 MR. NOFFSINGER: No, sir.

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

22 MR. PEDLEY: Motion to approve based on
23 findings the facility is an old established
24 recreational use and it's compatible in the rural
25 agricultural zone and will not have an adverse

1 influence on the neighborhood.

2 CHAIRMAN: Is there a second?

3 MS. DIXON: Second.

4 CHAIRMAN: Any other questions or comments
5 from the board?

6 (NO RESPONSE)

7 CHAIRMAN: Anything else from the staff?

8 MR. NOFFSINGER: No, sir.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Next item, please.

14 ITEM 3

15 2501 Harbor Road, zoned I-2
16 Consider request for a Conditional Use Permit to
17 construct a 50' x 50' building to contain two 8,000
18 gallon n-pentate recovery vessels and one 700 gallon
19 collection tank at an existing industry.
Reference: Zoning Ordinance, Article 8, Section
8.2G4/27
Applicant: Dart Polymers, Inc.

20 ZONING HISTORY

21 The subject property is currently zoned I-2
22 Heavy Industrial. According to OMPC records, seven
23 conditional use permits have been approved for the
24 subject property between December 1984 and October
25 2005. The previous applications have been for

1 construction of industrial buildings and storage tanks
2 within the boundary of the existing industrial
3 operation.

4 LAND USES IN SURROUNDING AREA

5 All surrounding property is currently zoned
6 I-2 Heavy Industrial with various industrial
7 operations and vacant tracts.

8 ZONING ORDINANCE REQUIREMENTS

9 A Division of Water stream construction permit
10 may be required prior to construction activity on the
11 site.

12 MR. HOWARD: We would like to enter the Staff
13 Report into the record.

14 CHAIRMAN: Any objections in the office?

15 MR. NOFFSINGER: No, sir.

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

18 (NO RESPONSE)

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

21 MR. SILVERT: State your name, please.

22 MR. GILLILAND: I'm David Gilliland, plant
23 engineer for Dart Polymers, Inc.

24 (MR. DAVID GILLILAND SWORN BY ATTORNEY.)

25 MR. GILLILAND: One quick item. On the

1 Conditional Use Permit agenda, it's a typo I'm sure.

2 It's n-pentane. That's all.

3 CHAIRMAN: Staff have any comment?

4 MR. NOFFSINGER: No, sir.

5 CHAIRMAN: Board have any questions of the
6 applicant?

7 (NO RESPONSE)

8 CHAIRMAN: Do you have anything else you want
9 to add?

10 MR. GILLILAND: No, sir.

11 CHAIRMAN: Hearing none entertain a motion to
12 dispose of the item.

13 MS. MASON: Mr. Chairman, I move for approval.
14 The Findings of Facts since there's no opposition and
15 it's compatible with the current use of the property
16 and seven conditional use permits have been approved 7
17 for the property in the past and they're similar to
18 this current conditional use that's before us today.

19 CHAIRMAN: Is there a second?

20 MR. PEDLEY: Second.

21 CHAIRMAN: A motion has been made and a
22 second. Any other comments from the Staff?

23 MR. NOFFSINGER: No, sir.

24 CHAIRMAN: Board members have any other
25 questions or comments?

1 (NO RESPONSE)

2 CHAIRMAN: Hearing none all in favor raise
3 your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 Next item, please.

7 ITEM 4

8 6133 US 60 East, zoned I-2
9 Consider request for a Conditional Use Permit to
10 construct an additional 80' x 240' pole building for
11 the storage of low-hazardous products and
12 noncombustible materials.

13 Reference: Zoning Ordinance, Article 8, Section
14 8.2G4/27

15 Applicant: Yellow Banks River Terminal, LLC;
16 HawesWay, Inc.

17 ZONING HISTORY

18 The subject property is currently zone I-2
19 Heavy Industrial. OMPC records show that one
20 conditional use permit was approved for the subject
21 property in June 1997 for the construction of a
22 storage building.

23 Since the new building location is within a
24 special flood hazard area, a stream construction
25 permit is required. The applicant received approval
of the required permit (Permit #16557) for the
construction of the new building on July 11, 2007.

LAND USES IN SURROUNDING AREA

The majority of the surrounding zoning is I-2

1 Heavy Industrial with some B-4 General Business zoning
2 to the north and east. Land uses in the vicinity
3 include a concrete plant, sand and gravel operation,
4 and a coal recovery system.

5 MR. HOWARD: We would like to enter the Staff
6 Report into the record.

7 CHAIRMAN: Any objections filed in the office?

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Is there anyone in the audience
10 wishing to object to this item?

11 (NO RESPONSE)

12 CHAIRMAN: Hearing none does the applicant
13 have anything you would like to add at this time?

14 (NO RESPONSE)

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

17 (NO RESPONSE)

18 CHAIRMAN: Staff any other comments?

19 MR. NOFFSINGER: No, sir.

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

22 MR. TAYLOR: Mr. Chairman, I vote to approve
23 the conditional use permit based upon the findings
24 that this condition be permitted in this zone. They
25 are in compliance with the flood hazard permit at the

1 state level and we have approved a similar condition
2 and permit in the past.

3 CHAIRMAN: Is there a second to the motion?

4 MS. DIXON: Second.

5 CHAIRMAN: A motion has been made and a
6 second. Any other comments from the Staff?

7 MR. NOFFSINGER: No, sir.

8 CHAIRMAN: Board members have any other
9 questions of the applicant?

10 (NO RESPONSE)

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.

16 ITEM 5

17 710, 714 East Third Street, Zoned R-4DT
18 Consider request to amend a Conditional Use Permit to
19 provide care for up to 30 children ages six weeks to
20 12 years old and to operate 24 hours per day Sunday
21 through Saturday at the existing daycare facility.
22 Reference: Zoning Ordinance, Article 8, Section 8.2B3
23 Applicant: Duane C. Ward, III and Bridgett Ward,
24 Owensboro Grain Company, LLC

22 ZONING HISTORY

23 The subject property is currently zoned R-4DT
24 Inner-City Residential. OMPC records show that one
25 conditional use permit was approved for the subject

1 property in December 2004 for the operation of a child
2 care center for 27 to 28 children ages six weeks to 12
3 years old with operating hours from 6 a.m. to
4 midnight. The current application would amend the
5 previous approval for a total of 30 children and allow
6 the child care center to operate 24 hours a day, seven
7 days a week.

8 LAND USES IN SURROUNDING AREA

9 The property to the east and west are zoned
10 R-4DT Inner-City Residential, the property to the
11 north is zoned I-1 Light Industrial and the property
12 to the south is zoned B-4 General Business. Land uses
13 in the vicinity include residences, Kentucky Mirror
14 and Plate Glass, and a car lot.

15 ZONING ORDINANCE REQUIREMENTS

16 The proposed amendment to the conditional use
17 permit will not alter the required parking or any
18 other zoning ordinance requirements as established
19 under the December 2004 approval.

20 MR. HOWARD: We would like to enter the Staff
21 Report into the record.

22 CHAIRMAN: Any objection filed in the office?

23 MR. NOFFSINGER: No, sir.

24 CHAIRMAN: Anyone in the audience wishing to
25 object to this item?

1 (NO RESPONSE)

2 CHAIRMAN: The applicant have anything you
3 would like to add at this time?

4 APPLICANT REP: That's us. He said it all
5 pretty much, everything we wanted to get approved.

6 CHAIRMAN: Any board member have any questions
7 of the applicant?

8 (NO RESPONSE).

9 CHAIRMAN: Staff have any other questions?

10 MR. NOFFSINGER: No, sir.

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

13 MR. WARREN: Motion to approve the Conditional
14 Use Permit based on the findings that the business is
15 already in operation and that we have approved a
16 permit in the past and that this use is acceptable in
17 the R-4DT Inner-City zone.

18 CHAIRMAN: Is there a second to the motion?

19 MR. PEDLEY: Second.

20 CHAIRMAN: A motion has been made and second.
21 Any other comments or questions from the board?

22 (NO RESPONSE)

23 CHAIRMAN: Staff have anything else?

24 MR. NOFFSINGER: No, sir.

25 CHAIRMAN: Hearing none all in favor raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 Next item, please, sir.

5 ITEM 6

6 1324 West Third Street, zoned R-4DT
7 Consider request for a Conditional Use Permit to
8 construct and operate a residential treatment and
9 support facility for a maximum of eight (8) boys ages
10 12-17.

11 Reference: Zoning Ordinance, Article 8, Section
12 8.2A7/6a

13 Applicant: St. Joseph's Peace Mission for Children,
14 Inc.

15 ZONING HISTORY

16 The subject property is currently zoned R-4DT
17 Inner-City Residential. The use of the property as a
18 residential transitional home is a conditionally
19 permitted under the current zoning classification.

20 LAND USES IN SURROUNDING AREA

21 All property adjacent to the subject property
22 is currently zoned R-4DT Inner-City Residential. Land
23 uses are residential including the St. Joseph's Peace
24 Mission located at 1328 West Third Street.

25 ZONING ORDINANCE REQUIREMENTS

The following criteria apply to a conditional
use permit for a residential transitional home:

1. Any person residing in the referenced
housing situation shall be subject to all state,

1 federal or local jurisdiction laws.

2 2. The facility shall be located within 1/2
3 mile of public transit.

4 3. The facility shall not be located within
5 an identified historic district recognized by the
6 legislative body.

7 4. The facility shall employ an on-site
8 administrator, who is directly responsible for the
9 supervision of the residents and the implementation of
10 house rules.

11 5. The applicant shall provide the Board of
12 Adjustment, the Zoning Administrator, the public and
13 the residents a phone number and address of the
14 responsible person or agency managing the facility.

15 6. A fire exit plan shall be permitted with
16 the conditional use application showing the layout of
17 the premises, escape routes, location operation of
18 each means of egress, location of portable fire
19 extinguishers, and location of the electric main. The
20 fire exit plan shall be prominently displayed within a
21 common area within the facility.

22 7. Hallways, stairs and other means of egress
23 shall be kept clear of obstructions.

24 8. The facility shall comply with all
25 applicable building and electrical codes.

1 9. A list of house rules shall be submitted
2 to the Board of Adjustment with the application for a
3 conditional use permit and shall be prominently
4 displayed in a common area within the facility. The
5 rules should be adequate to address the following:
6 Noise control, disorderly behavior, property garbage
7 disposal, and cleanliness of sleeping areas and common
8 areas.

9 10. The Owensboro Metropolitan Board of
10 Adjustment may impose additional conditions as may be
11 necessary for the proper integration of the use into
12 the planning area.

13 The applicant has submitted material with the
14 application that addresses each of these items.

15 Also, based on zoning ordinance requirements,
16 a total of seven parking spaces are required. The
17 site plan submitted, which is in the file as well,
18 with the application shows seven parking places to the
19 rear of the proposed building with access to the
20 parking from an alley.

21 MR. HOWARD: We would like to enter the Staff
22 Report into the record.

23 CHAIRMAN: Is there any objections filed in
24 the office?

25 MR. NOFFSINGER: No, sir.

1 CHAIRMAN: Anyone in the audience objecting to
2 this item.

3 You have objection?

4 MR. GARVIN: I have a question.

5 CHAIRMAN: Just a second.

6 Is the applicant here?

7 MS. BELL: Yes.

8 CHAIRMAN: Come forward and be sworn in.

9 MS. BELL: My name is June Bell. I'm the
10 executive director of St. Joseph's Peace Mission,
11 Incorporated.

12 (MS. JUNE BELL SWORN BY ATTORNEY.)

13 CHAIRMAN: Do you have anything you want to
14 add?

15 MS. BELL: I can either answer his question or
16 could update you a little bit.

17 We own the property. We currently own the
18 property next-door to the 1328 West Third Street,
19 which is 1324 West Third Street, and it's free of all
20 debt at this point.

21 We had a very old house that is my
22 understanding was built in 1909 and was in very much
23 disrepair. We have had that house demolished. We
24 have had the basement concrete walls dug out. We have
25 filled that in appropriately. We have contracted and

1 already have had an impaction study done, which makes
2 the ground level for building a one-story house.

3 Actually the children that we would like to
4 house in that facility -- I'm also a member of the
5 foster care review board. I know for a fact that boys
6 ages 12 to 17 are the most difficult children to place
7 when they have to be put into a foster home. Many
8 boys, and that's not to say anything against you
9 gentlemen or any gentlemen here, but they often have
10 difficulty placing them in a foster home and they end
11 up in a group home.

12 For any child that comes into foster care
13 there is a state regulation that says, before adoption
14 can be done or they age out into independent living,
15 these children have to spend 15 out of 22 months out
16 of their home. During that time the goal is always
17 return to parent.

18 As a psychiatric nurse and the executive
19 director of the facility, I know for a fact that these
20 children are being placed no closer than two hours
21 away. If we want to reunite these family, if we want
22 viable members of society to come back into our
23 schools and our local community, we either have to
24 allow that process to happen or we have to provide
25 someplace for them to stay. These are not necessarily

1 encourageable kids. They just are the least likely
2 population at this point to fit or to be given a
3 foster home.

4 St. Joseph's has a seven year history of
5 already providing emergency shelter to children age
6 birth to 18. We have already shown that we can take
7 care of with responsibility children who have children
8 and children that are pregnant.

9 We would like to be able -- there is no one
10 else here in the Owensboro area that provides
11 residential services for boys. We are not, this is
12 not a competitive thing between us and any other
13 service provider here in town. The Mary Kendall Home
14 does the same emergency shelter that we do. They
15 provide emergency shelter for girls, but they do not
16 take boys that need more than 30 days of care in some
17 kind of a facility.

18 These are not psychiatric patients. They may
19 have some mental health issues. Some of them may be
20 on medication. They will not be home-schooled or
21 anything like that. They will be in a regular school
22 system. We meet the criteria for all of our children
23 being in the city schools, unless they are from here
24 in Owensboro. Then they are allowed to remain in the
25 school, if think qualify to one of the county schools

1 or one of Christian programs.

2 I welcome any questions.

3 CHAIRMAN: Board members have any questions of
4 the applicant?

5 (NO RESPONSE).

6 CHAIRMAN: Staff have any questions at this
7 time?

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Would you want to come forward and
10 address your question to the board.

11 MR. SILVERT: State your name, please.

12 MR. GARVIN: John Garvin.

13 (MR. JOHN GARVIN SWORN BY ATTORNEY.)

14 MR. GARVIN: The exist facility that they
15 operate has been a good neighbor. I lived directly
16 south of them across the alley. I just have a couple
17 of questions. Hopefully we can resolve any issues
18 before.

19 I don't oppose the facility, but I do have
20 some questions since this is going to be different
21 than say a residential house.

22 Right now it's a vacant lot with bare ground.
23 We know in 95 degree weather you can't get grass to
24 grow. We'd like to see them do something up to
25 construction and during such as a fence. The last two

1 rains our alleys into a brown river.

2 The second is if they're going to seven
3 parking spots, is there some way to address surface
4 drainage? Because they're taking up quite a bit of
5 green space. I don't want to see the alley turn into
6 a river when it rains.

7 Is the city possibly doing any additional work
8 to the alley? Because there's going to be more
9 traffic.

10 CHAIRMAN: We'll try to get your answers.

11 MS. BELL: I agree with you, you can't get
12 grass to grow in this kind of weather.

13 We did have a solid layer of straw on it and
14 that did get washed away with one of the heavy things.
15 We expect that if we're allowed to do this, we expect
16 to start construction as soon as we can get approval
17 from the state on the physical drawing that I gave you
18 all of the house. We already have our architectural
19 drawings and all.

20 If we need to do that, you know, we can do
21 whatever makes our neighbors happy because we feel
22 like they have been good neighbors to us and we would
23 like to continue to be good neighbors to them.

24 CHAIRMAN: Does that answer your questions?

25 MR. GARVIN: Yes.

1 CHAIRMAN: Staff have any other comments?

2 MR. NOFFSINGER: Since the questions were
3 answered, I'm not going to say --

4 MR. TRODGEN: I have a question.

5 CHAIRMAN: Come forward and state your name.

6 MR. TRODGEN: My name is Joseph Trodgen and I
7 live next door.

8 (MR. JOSEPH TRODGEN SWORN BY ATTORNEY.)

9 MR. TRODGEN: Also, you've been good
10 neighbors. No. Problems. I'm probably a bad
11 neighbor. My only concern is you had a fence on the
12 other property. I have a lot of wood working
13 machinery. I would like to make sure we're going to
14 have a good fence. The kids so far have been very
15 well behaved. They haven't been any problem. I guess
16 that's really the only issue I see. Just that we have
17 a good privacy fence between the two.

18 MS. BELL: I do not see that as an issue. One
19 of the reasons that we took that fence down was
20 because it was a gift from a boy scout here in town
21 who was doing an Eagle Scout project. I can tell you
22 that it was not the most expensive lumber that was
23 available, but it did meet our needs when we did not
24 own the property next-door to us.

25 Mr. Trodgen has already approached us that

1 he'd like to participate in what kind of fence has to
2 be built. It would be to our advantage also to have a
3 fence up there. We're probably going to have to
4 replace, we're probably going to have to put a fence
5 on each side of it because the emergency shelter
6 children will not be interchanged with the children in
7 the residential program. They will be two entirely
8 different programs.

9 CHAIRMAN: Does that answer your question?

10 MR. TRODGEN: Yes. That was my only concern.
11 Like I say they've been very well behaved up to this
12 point.

13 MS. BELL: So has he.

14 CHAIRMAN: If you all will work with the
15 staff.

16 MS. BELL: I can't promise him that the fence
17 will go up before the construction is finished because
18 we have to make sure that we can get our equipment --

19 MR. TRODGEN: The longer the better right now.

20 CHAIRMAN: Any questions from the board?

21 (NO RESPONSE)

22 CHAIRMAN: Staff have any other comments?

23 MR. NOFFSINGER: No, sir.

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

1 MR. PEDLEY: Mr. Chairman, I make a motion to
2 approve the conditional use permit based on the
3 findings the proposed use is compatible in a
4 residential zone and will allow property integration
5 in the neighborhood; will not have an adverse
6 influence on the neighborhood. The application
7 estimated in the application to meeting the
8 requirements of the zoning ordinance criteria for
9 residential transitional home, and the applicant will
10 meet the required parking, with the condition that the
11 fence be installed according to the agreement.

12 CHAIRMAN: Is there a second to the motion?

13 MR. TAYLOR: Second.

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

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.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 Next item, please, sir.

25

1 ITEM 7

2 126, 128 West 19th Street, zoned R-4DT
3 Consider request for a Conditional Use Permit to
4 construct a parking lot.
5 Reference: Zoning Ordinance, Article 8, Section
6 8.2F11
7 Applicant: Frederica 1900 Partners, LLC and James
8 Dinning

9 ZONING HISTORY

10 The subject property is currently zoned R-4DT
11 Inner-City Residential and OMPC records indicate that
12 the subject property has always been zoned R-4DT.

13 LAND USES IN SURROUNDING AREA

14 The property to the north, east and south are
15 all zoned R-4DT Inner-City Residential with
16 residential structures on the lots. The property to
17 the west is zoned P-1 Professional/Service and is used
18 as an insurance office. The parking lot will be used
19 as overflow parking for the existing business but is
20 not required to meet minimum parking requirements of
21 the zoning ordinance.

22 ZONING ORDINANCE REQUIREMENTS

23 1. Vehicular use area screening shall be
24 installed along the north and west boundaries where
25 the parking lot adjoins road right-of-way and
26 residential zoning. The screening should include a
27 three foot element with one tree every 40 linear feet.

28 SPECIAL CONDITIONS

1 The applicant has agreed to the following
2 conditions as stated in their application:

3 1. The applicant shall consolidate 126 & 128
4 West 19th Street.

5 2. No direct access to West 19th Street is
6 proposed. All access shall be via the existing alleys
7 to the west and south of the subject property.

8 3. The applicant will construct a landscape
9 buffer with an average width of 10' to include a 3'
10 high continuous element and deciduous trees 40' on
11 center along the east side of the subject property
12 where the vehicular use area will adjoin an existing
13 R-4DT zoning classification.

14 MR. HOWARD: We would like to enter the Staff
15 report into the record.

16 CHAIRMAN: Any objections filed in the office?

17 MR. NOFFSINGER: No, sir.

18 CHAIRMAN: Anyone in the audience wishing to
19 object?

20 MS. VINEYARD: No. I want to ask questions.

21 CHAIRMAN: You have an objection?

22 MS. VINEYARD: No. I want to ask some
23 questions.

24 CHAIRMAN: Is the applicant here?

25 MR. DENNING: Yes.

1 CHAIRMAN: Go ahead and we'll take your
2 questions.

3 MS. VINEYARD: Linda Vineyard.

4 (MS. LINDA VINEYARD SWORN BY ATTORNEY.)

5 MS. VINEYARD: I heard there's going to be a
6 fence constructed. That was my concern. I live at
7 120, which is right next-door. There's about 10 or 12
8 foot between my house and 128. I was concerned about
9 whether there was going to be a fence put up there or
10 something to keep them from coming, you know, somebody
11 was to lose control and come through my house. It's
12 going to be an insurance company parking there, is
13 that what you said?

14 MR. NOFFSINGER: It will be parking for the
15 adjoining use which is the Hocker building, where
16 David Hocker & Associates is located as well as Andy
17 Anderson. They propose to use this property for
18 parking. Then along your common boundary line they're
19 going to have a ten foot buffer before the asphalt
20 parking starts. Within that 10 foot buffer there will
21 be it looks like a three foot high continuous element.
22 So usually that's landscape shrub area. Now, there
23 might have been mention of a fence.

24 No. The Staff has told me no. They have not
25 proposed a fence at this time. It's a three foot

1 hedge row along your common boundary.

2 MS. VINEYARD: I just want to make sure that
3 if there's any kind of accident or something my house
4 wouldn't be hit because it's going to be close to it.
5 That's my concern. Thank you.

6 CHAIRMAN: The applicant have any comments at
7 this time?

8 MR. SILVERT: State your name, please.

9 MR. BRYANT: Don Bryant.

10 (MR. DON BRYANT SWORN BY ATTORNEY.)

11 MR. BRYANT: The proposed site plan for the
12 parking lot includes a curb around the entire
13 perimeter. Has a six inch vertical face. I think
14 that would provide the protection that's been
15 requested. Plus there will be a landscape area
16 between the two properties as well that will sit
17 immediately behind. That is an eight foot wide strip
18 at the narrowest point. Average is ten foot. No
19 fence, but it will be shrubbery with trees.

20 CHAIRMAN: Any board members have any
21 questions of the applicant?

22 (NO RESPONSE).

23 CHAIRMAN: Staff have any other comments?

24 MR. NOFFSINGER: No, sir.

25 CHAIRMAN: Anything else.

1 MR. BRYANT: No.

2 CHAIRMAN: You understand the conditions?

3 MR. BRYANT: Yes. We've already agreed with
4 those.

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

7 MR. PEDLEY: Motion to approve based on the
8 findings with proper screening according to the zoning
9 ordinance it will allow proper integration into the
10 neighborhood. Will not have an adverse influence on
11 the surrounding properties. With the conditions:

12 1. The applicant shall consolidate 126 & 128
13 West 19th Street.

14 2. No direct access to West 19th Street. All
15 access shall be via the existing alleys to the west
16 and south of the subject property.

17 3. The applicant will construct a landscape
18 buffer with an average width of 10' to include a 3'
19 high continuous element and deciduous trees 40' on
20 center along the east side of the subject property
21 where the vehicular use area will adjoin an existing
22 R-4DT zoning classification.

23 CHAIRMAN: Is there a second?

24 MS. MASON: Second.

25 CHAIRMAN: A motion has been made and a

1 second. Any other comments or questions from the
2 board?

3 (NO RESPONSE)

4 CHAIRMAN: Staff have anything else to add?

5 MR. NOFFSINGER: No, sir.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries.

10 Entertain one final motion.

11 MS. MASON: Move to adjourn.

12 MR. WARREN: Second.

13 CHAIRMAN: All in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 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 29 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 29th day of August, 2007.

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19

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21

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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