

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 SEPTEMBER 3, 2009

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 September 3, 2009, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: C.A. Pantle, Chairman
9 Ward Pedley, Vice Chairman
10 Ruth Ann Mason, Secretary
11 Madison Silvert, Attorney
12 Brian Howard
13 Judy Dixon
14 Marty Warren
15 Sean Dysinger
16 Clay Taylor

17 * * * * *

18 CHAIRMAN: Call the meeting to order of the
19 Owensboro Metropolitan Board of Adjustment. We'll go
20 ahead and get rid of the preliminaries first.

21 I want to welcome each one of you here this
22 evening. We start our meetings with a prayer and the
23 pledge of allegiance. We invite you to join us if you
24 so desire. Brian will have the prayer this evening.

25 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome all of you
to the Owensboro Metropolitan Board of Adjustment
meeting. Welcome you. If you have any comments on
any item, please come to one of the podiums. State

1 your name so we can have you sworn in and we'll have
2 it of record.

3 With that the minutes are on record in the
4 office. I don't think there's any problems anywhere.
5 Does anybody have anything to add?

6 (NO RESPONSE)

7 CHAIRMAN: Obtain a motion.

8 MS. DIXON: Move to approve.

9 MR. DYSINGER: Second.

10 CHAIRMAN: A motion has been made and a second
11 that the minutes be approved as posted in the office.
12 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 PERMIT

18 ITEM 2

19 8951 Aubrey Road, zoned R-1A
20 Consider a request for a Conditional Use Permit in
21 order to install a 16 foot by 80 foot Class 2
22 manufactured home in an R-1A zone.
23 Reference: Zoning Ordinance, Article 8,
24 Section 8.2A10B
25 Applicant: Ricky T. & Margie S. Duncan

23 MR. SILVERT: State your name, please.

24 MS. EVANS: Melissa Evans.

25 (MELISSA EVANS SWORN BY ATTORNEY.)

1 ZONING HISTORY

2 The subject property is currently zoned R-1A
3 Single-Family Residential. OMPC records indicate
4 there have been no Zoning Map Amendments for the
5 subject property.

6 There was a Minor Subdivision Plat approved
7 for the subject property in August 2009.

8 Two other Conditional Use Permit applications
9 have been approved for the placement of manufactured
10 homes at 9011 Aubrey Road, approved in 1987, and 9021
11 Aubrey Road, approved in 1995.

12 The applicant is asking for a waiver of the
13 sidewalk requirement, the paved driveway requirement,
14 and the paved parking requirement. The applicants
15 states the subject property is in a rural area on a
16 county road. Also none of the surrounding properties
17 have sidewalks, paved driveways, or paved parking
18 areas.

19 Upon inspection of the area, we found there to
20 be no sidewalks; however, there are several properties
21 that have paved or concrete driveways and parking
22 areas.

23 LAND USES IN SURROUNDING AREA

24 The property to the north is zoned A-R and is
25 farm land. The properties to the east and west are

1 zoned R-1A and A-R and are single-family residences
2 and farm land. The property to the south is zoned
3 R-1B and is a single-family residence.

4 ZONING ORDINANCE REQUIREMENTS

5 The class-2 manufactured home site standards
6 based on the requirements of the Zoning Ordinance are
7 as follow:

- 8 1. A concrete or asphalt parking pad to
9 accommodate two 9'x18' spaces is required.
- 10 2. A minimum 10'x10' deck or patio is
11 required.
- 12 3. A concrete sidewalk is required, but may
13 be waived along rural roads (w/o curbs).
- 14 4. The driveway apron shall not exceed 40
15 percent of the lot width.
- 16 5. The property is required to have at least
17 three trees.
- 18 6. The manufactured home shall be permanently
19 installed on a permanent foundation. A poured
20 concrete or masonry block skirting wall shall be
21 constructed beneath and along the entire perimeter of
22 the manufactured home.
- 23 7. All wheel, trailer-tongue and hitch
24 assemblies shall be removed upon installation.
- 25 8. The manufactured home shall be permanently

1 connected to an approved water and sewer system when
2 available.

3 MS. EVANS: We would like to enter the Staff
4 Report into the record as Exhibit A.

5 CHAIRMAN: Has there been any comments filed
6 in the office for or against?

7 MR. HOWARD: No, there have not.

8 CHAIRMAN: Is anyone wishing to speak in
9 opposition of this item?

10 (NO RESPONSE)

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

13 APPLICANT REP: No, I don't.

14 CHAIRMAN: Any board members have any
15 questions or comments for the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Staff have anything else to add?

18 MR. HOWARD: No, sir.

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

21 MR. TAYLOR: Mr. Chairman, move to approve the
22 Conditional Use Permit based on findings there are
23 previous conditional use permits in the area. They
24 will be meet all zoning ordinance requirements except
25 for the paved driveway requirement, paved parking and

1 paved sidewalk. There are a few in the area that do
2 have the paved parking, but predominately it is
3 unpaved. So I move to approve based upon all the
4 zoning ordinance requirements minus those.

5 CHAIRMAN: Is there a second?

6 MR. DYSINGER: Second, Mr. Chairman.

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

10 (NO RESPONSE)

11 CHAIRMAN: Staff have anything else to add?

12 MR. HOWARD: No.

13 CHAIRMAN: The applicant understand all the
14 requirements?

15 APPLICANT REP: Yes, we do.

16 CHAIRMAN: All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 Next item, please.

20 ITEM 3

21 512 West Seventh Street, zoned R-4DT
22 Consider a request for a Conditional Use Permit in
23 order to construct a 10.5 foot by 16 foot addition to
24 be used as a storage room at an existing birthright
25 center.

Reference: Zoning Ordinance, Article 8,
Section 8.2A7, 8.2B10

Applicant: Roman Catholic Diocese of Owensboro,
Kentucky

1 ZONING HISTORY

2 The subject property is currently zoned R-4DT
3 Inner City Residential. OMPC records indicate there
4 have been no zoning map amendments for the subject
5 property.

6 There was a Conditional Use Permit to operate
7 a birthright center approved at the December 2007 OMBA
8 meeting with the following conditions:

9 1. The sign that will go along with the
10 property will be attached to the building as opposed
11 to in the yard;

12 2. There will be no major structural
13 alterations to the exterior of the building, other
14 than the upkeep;

15 3. No fences shall be installed; and,

16 4. Screening with shrubs will be required.

17 There was a Final Development plan approved in
18 December 2007. However, the parking area being used
19 does not match what was approved on the development
20 plan. The access is only 20 feet wide instead of the
21 27 foot width shown on the development plan. The
22 access is required by the zoning ordinance to be at
23 least 24 feet wide. The parking spaces on the south
24 side of the parking area are between 7 feet 6 inches
25 and 8 feet wide instead of the 9 foot width required

1 by the zoning ordinance and shown on the development
2 plan.

3 Additionally, the aisle width is only 19 feet
4 wide instead of the 24 foot width shown on the
5 development plan and required by the zoning ordinance.

6 This Conditional Use Permit request is to
7 build a 10.5 foot by 16 foot attached addition to the
8 existing building to be used as storage. All other
9 operations of the birthright center are to remain the
10 same as approved in December 2007.

11 LAND USES IN SURROUNDING AREA

12 All adjoining properties are zoned R-4DT
13 Inner-City Residential and are either used for church
14 related activities or as residences.

15 ZONING ORDINANCE REQUIREMENTS

16 The following criteria apply to a conditional
17 use permit for residential transitional housing;

18 1. Any person residing in the referenced
19 housing situation shall be subject to all state,
20 federal or local jurisdiction laws.

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

23 3. The facility shall not be located within
24 an identified historic district recognized by the
25 legislative body.

1 4. The facility shall employ an on-site
2 administrator, who is directly responsible for the
3 supervision of the residents and the implementation of
4 house rules.

5 5. The applicant shall provide the Board of
6 Adjustment, the zoning administrator, the public and
7 the residents a phone number and address of the
8 responsible person or agency managing the facility.

9 6. A fire exit plan shall be submitted with
10 the conditional use application showing the layout of
11 the premises, escape routes, location, operation of
12 each means of egress, location of portable fire
13 extinguishers, and location of the electric main. The
14 fire exit plan shall be prominently displayed within a
15 common area within the facility.

16 7. Hallways, stairs and other means of egress
17 shall be kept clear of obstructions.

18 8. The facility shall comply with all
19 applicable building and electrical codes.

20 9. A list of house rules shall be submitted
21 to the Board of Adjustment with the application for a
22 Conditional Use Permit and shall be prominently
23 displayed in a common area within the facility. The
24 rules should be adequate to address the following:
25 Noise control, disorderly behavior, property garbage

1 disposal, and cleanliness of sleeping areas and common
2 areas.

3 10. The Owensboro Metropolitan Board of
4 Adjustment may impose additional conditions as may be
5 necessary for the property integration of the use into
6 the planning area.

7 The applicant has submitted commitments with
8 the Conditional Use Permit application pertaining to
9 the referenced zoning ordinance requirements. The
10 commitments fully address all of the requirements.

11 SPECIAL CONDITIONS

12 1. Approval of an Amended Final Development
13 Plan.

14 2. The sign that will go along with the
15 property will be attached to the building as opposed
16 to in the yard.

17 3. There will be no major structural
18 alterations to the exterior of the building, other
19 than the upkeep.

20 4. No fences shall be installed.

21 5. Screening with shrubs will be required.

22 MS. EVANS: We would like to enter the Staff
23 Report into the record as Exhibit B.

24 CHAIRMAN: Thank you.

25 Is there any comments filed in the office?

1 MR. HOWARD: No, sir.

2 CHAIRMAN: Is there anyone wishing to speak in
3 opposition on this item?

4 (NO RESPONSE)

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

7 MR. KAMUF: Yes, Mr. Chairman.

8 MR. SILVERT: State your name for the record.

9 MR. KAMUF: Charlie Kamuf.

10 MR. SILVERT: Recognize the oath you took as
11 an attorney.

12 MR. KAMUF: I might point out there's no
13 objection from any of the neighbors. We've talked to
14 the neighbors.

15 I met with Jim Mischel. I didn't know there
16 was any violation as far as the size of the parking
17 area, those park places. I think the issue is 7 1/2
18 to 8. We will be glad to redo those parking places.
19 That was a mistake. I talked to Teri LaHugh when we
20 started this. She had no idea that there was any
21 violation. We'll do that.

22 Then there was an issue as far as the 24 foot
23 entrance. We agree to those changes. We did not know
24 that there was any violation. We agreed to them
25 starting out. They should have been done. We don't

1 know why they weren't done.

2 The idea in this case is to -- it's a big
3 clothes closet. A lot of the clothes that the girls
4 have there they're stored there in different places.
5 They're in the basement. They get mildew. We want to
6 build a storage building for just clothes on the side
7 of the building. I can assure you it will not be a
8 major alteration. It's a very small building.
9 10.5x16 foot.

10 We're prepared to submit a development plan
11 covering that. Mr. Riney is here and he will tell you
12 that. I don't know anything else.

13 We're willing to agree those are violations.
14 I looked at them and we're willing to correct them.
15 We did not know that until last week when I met with
16 Jim Mischel and I told him we would correct them.

17 CHAIRMAN: Any board members have any
18 questions of the applicant?

19 MR. DYSINGER: Mr. Chairman, I would just ask
20 Staff if they're satisfied with what was just said?

21 MR. HOWARD: Sure. As long as they submit an
22 amended development plan, we'll go out and inspect the
23 parking spaces to make sure that they meet the minimum
24 requirements.

25 MR. KAMUF: We'll do that.

1 MS. DIXON: One question, Charlie. Are you
2 going to make every effort to make it blend in with
3 the? You know, with the architecture of the house.
4 The house is brick painted now.

5 MR. KAMUF: You're talking about the sign?

6 MS. DIXON: No. No. The addition.

7 MR. KAMUF: Yes. It will be the same, yes.
8 It will be in the back. As you're the street in the
9 back on the left-hand side, it will be in that corner.
10 There will be about a one foot setoff going back
11 through there. Yes.

12 MS. DIXON: The material will be compatible
13 with the architecture of the house? Something that
14 will blend in?

15 MR. KAMUF: It will. For me to answer that
16 question, I don't know we got a bid to prepare it, but
17 I don't know what type of material. I can tell you it
18 will. It will blend in. I don't know and tell you.
19 I mean I can just tell you what the bid was, but I
20 don't know exactly.

21 MS. DIXON: I just wanted to make sure it is
22 compatible with the structure.

23 MR. KAMUF: We agree to that.

24 Now, Teri is here if you have any questions of
25 why we're doing it or any questions as to why we're in

1 in violation. I think she can tell you that it was
2 inadvertently done and we'll correct it.

3 CHAIRMAN: Any other questions from the board?

4 (NO RESPONSE)

5 CHAIRMAN: Staff have anything else to add?

6 MR. HOWARD: No, sir.

7 CHAIRMAN: You say you agreed with everything?

8 MR. KAMUF: We agree with it. I met with Jim
9 Mischel last week and agreed to everything.

10 CHAIRMAN: Good deal.

11 Entertain a motion to dispose of the item
12 unless you have something else?

13 MR. KAMUF: NO.

14 MR. DYSINGER: Mr. Chairman, given the
15 findings that the requested use is consistent with the
16 current usage and further that the proposed use is
17 compatible with the neighborhood, move to approve the
18 Conditional Use Permit with the following Special
19 Conditions:

20 1. Approval of an Amended Final Development
21 Plan.

22 2. The sign that will go along with the
23 property will be attached to the building as opposed
24 to in the yard.

25 3. There will be no major structural

1 alterations to the exterior of the building, other
2 than the upkeep.

3 4. No fences shall be installed.

4 5. Screening with shrubs will be required.

5 MR. TAYLOR: Second.

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

9 (NO RESPONSE)

10 CHAIRMAN: Staff have anything else you would
11 like to add?

12 MR. HOWARD: No, sir.

13 CHAIRMAN: You all agree to everything?

14 MR. KAMUF: Yes.

15 CHAIRMAN: With that all in favor raise your
16 right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries.

19 Next item, please.

20 ITEM 4

21 8838 US Highway 431, zoned R-1A
22 Consider a request for a Conditional Use Permit in
23 order to install a 14 foot by 72 foot Class-2
24 manufactured home in an R-1A zone.
25 Reference: Zoning Ordinance, Article 8,
Section 8.2A10B
Applicant: Terry W. Wingfield; Deborah Lynn Wingfield

ZONING HISTORY

1 The subject property is currently zoned R-1A
2 Single-Family Residential. OMPC records indicate
3 there have been no Zoning Map Amendments for the
4 subject property.

5 The applicant is asking for a waiver of the
6 sidewalk requirement, the paved driveway requirement,
7 and the paved parking requirement. The applicants
8 states there is a 48 inch culvert in the ditch
9 allowing access to US Highway 431.

10 Upon inspection of the area, we found there to
11 be no sidewalks, paved driveways or paved parking in
12 the area.

13 LAND USES IN SURROUNDING AREA

14 The property to the north is zoned R-1A and is
15 a single-family residence. The properties to the
16 south, west and east are zoned R-1A and A-R and are
17 single-family residences and farm land.

18 ZONING ORDINANCE REQUIREMENTS

19 The class-2 manufactured home site standards
20 based on the requirements of the Zoning Ordinance are
21 as follow:

- 22 1. A concrete or asphalt parking pad to
23 accommodate two 9'x18' spaces is required.
- 24 2. A minimum 10'x10' deck or patio is
25 required.

1 3. A concrete sidewalk is required, but may
2 be waived along rural roads (w/o curbs).

3 4. The driveway apron shall not exceed 40
4 percent of the lot width.

5 5. The property is required to have at least
6 three trees.

7 6. The manufactured home shall be permanently
8 installed on a permanent foundation. A poured
9 concrete or masonry block skirting wall shall be
10 constructed beneath and along the entire perimeter of
11 the manufactured home.

12 7. All wheel, trailer-tongue and hitch
13 assemblies shall be removed upon installation.

14 8. The manufactured home shall be permanently
15 connected to an approved water and sewer system when
16 available.

17 MS. EVANS: We would like to enter the Staff
18 Report into the record as Exhibit C.

19 CHAIRMAN: Thank you.

20 Any comments filed in the office?

21 MR. HOWARD: No, sir.

22 CHAIRMAN: Is there anyone wishing to speak in
23 opposition of this item?

24 (NO RESPONSE)

25 CHAIRMAN: The applicant have anything you

1 would you like to add at this time?

2 APPLICANT REP: No.

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

5 (NO RESPONSE)

6 CHAIRMAN: Staff have any comments?

7 MR. HOWARD: No.

8 CHAIRMAN: Hearing none I'll entertain a
9 motion.

10 MS. MASON: Mr. Chairman, I move to grant the
11 Conditional Use Permit. My findings of fact is
12 there's no opposition, it's compatible with the
13 existing use in the neighborhood, and it will not have
14 an adverse influence on the future development, to
15 meet all of the Zoning requirements with the exception
16 of the sidewalk requirement, the paved driveway
17 requirement and the paved parking requirement.

18 MR. WARREN: Second.

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

21 (NO RESPONSE)

22 CHAIRMAN: Staff have anything else you want
23 to add?

24 MR. HOWARD: No.

25 CHAIRMAN: You understand and agree to all of

1 the requirements?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Good deal.

4 All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 Entertain one final motion.

8 MS. DIXON: Move to adjourn.

9 MR. DYSINGER: Second.

10 CHAIRMAN: All in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 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 19 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 20th day of September, 2009.

18

19

20 _____
LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
21 202 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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