

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 OCTOBER 1, 2009

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 October 1, 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 Marty Warren
14 Sean Dysinger

15 * * * * *

16 CHAIRMAN: Let me call the meeting to order.
17 Welcome you to our Owensboro Metropolitan Board of
18 Adjustment meeting. We start our meeting each night
19 with a prayer and pledge of allegiance. Ruth
20 Ann is going to have the prayer this evening.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: Again, I want to welcome you to the
23 meeting. If you have any comments that you need to
24 state on any particular item, please come to one of
25 the podiums and be sworn in and then we'll go from
there.

With that the first item is the minutes of our
last meeting in September. They're in the office. I

1 think there's no corrections that need to be made.

2 Entertain a motion to dispose of the item.

3 MR. DYSINGER: Mr. Chairman, move to approve.

4 MR. PEDLEY: Second.

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 Next item, please.

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11 ADMINISTRATIVE APPEAL

12 ITEM 2

13 701 Frayser Avenue, zoned I-2
14 Consider request for an Administrative Appeal
15 concerning the proposal to change from an existing
16 non-conforming use as a bar/tavern to another
17 non-conforming use as a church.
Reference: Zoning Ordinance, Article 4, 7,
Section 4.53, 7.34
Appellant: Fransisco Meza; Johnny Goodman

18 CHAIRMAN: Is there any comments filed in the
19 office?

20 MR. HOWARD: No, sir.

21 CHAIRMAN: Staff have anything you want to add
22 at this time?

23 MR. HOWARD: No.

24 CHAIRMAN: Does the applicant have any
25 comments you want to make at this time?

1 MR. SILVERT: Could you state your name,
2 please.

3 MR. MEZA: Fransisco Meza.

4 MR. SILVERT: The translator, could you also
5 state your name.

6 MS. VAZQUEZ: Yes. My name is Sue Lee
7 Vazquez.

8 (MR. MEZA AND MS. VAZQUEZ SWORN BY ATTORNEY.)

9 (MS. VAZQUEZ TRANSLATES FOR MR. MEZA.)

10 MS. VAZQUEZ: First of all, he feels happy and
11 it's an honor for him to be able to buy the building.
12 It's with a mission to be able to preach the Lord's
13 word. He's grateful for each one of you and for the
14 opportunity that he has. He's trusting in the Lord
15 that everything will turn out well.

16 God Bless everyone. Thank you.

17 CHAIRMAN: Does the Staff have anything to add
18 to this particular item?

19 MR. HOWARD: No, sir. They've submitted a
20 site plan that meets with our requirements and we've
21 had numerous discussions about the project. We think
22 that it's in order.

23 CHAIRMAN: Do you understand that the plan
24 that you've submitted to the board and you agree to
25 the changes that need to be made to comply?

1 MR. MEZA: Yes.

2 CHAIRMAN: You understand it and agree to it?

3 MR. MEZA: Yes.

4 CHAIRMAN: Any board members have any
5 questions.

6 (NO RESPONSE)

7 CHAIRMAN: Staff have any other comments?

8 MR. HOWARD: No, sir.

9 CHAIRMAN: Entertain a motion to dispose of
10 the item.

11 MR. PEDLEY: Mr. Chairman, I make a motion in
12 favor of the appellant to change from existing
13 non-conforming use to another non-conforming use based
14 on the findings it will not have an adverse influence
15 on existing or future development of the area because
16 it is a quieter and less burdensome operation, and the
17 owner is proposing improvements to the site with green
18 space and landscaping; with the Conditions, 1) limit
19 the access to the two access points shown on the site
20 plan, 2) return right-of-way area along West Seventh
21 Street to grass and remove pavement forward of the
22 proposed parking area along Frayser Avenue and return
23 to grass as shown on the site plan, 3) install the
24 required landscaping as shown on the site plan, and 4)
25 pave the parking area to the rear of the building as

1 shown on the site plan.

2 MR. SILVERT: Mr. Chairman, before you proceed
3 I think you might want to ask if there's anyone here
4 who would like to speak against this item.

5 CHAIRMAN: Does anyone have any opposition on
6 this item who wants to speak against it or anything?

7 (NO RESPONSE)

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

10 MR. WARREN: Second.

11 CHAIRMAN: A motion has been made and a
12 second. Any other questions or comments from the
13 board?

14 MR. DYSINGER: The only thing I would ask is
15 that the applicant is absolutely clear about the
16 conditions that were just moved on. You guys are
17 absolutely straight with that?

18 MR. MEZA: Yes.

19 CHAIRMAN: Staff have anything else?

20 MR. HOWARD: No, sir.

21 CHAIRMAN: Hearing none all in favor raise
22 your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 We need one more motion.

1 MR. DYSINGER: Mr. Chairman, move to adjourn.

2 MS. MASON: 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 6 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 26th day of October, 2009.

18
19 _____
20 LYNNETTE KOLLER FUCHS
21 OHIO VALLEY REPORTING SERVICES
22 202 WEST THIRD STREET, SUITE 12
23 OWENSBORO, KENTUCKY 42303

24 COMMISSION EXPIRES: DECEMBER 19, 2010

25 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY