

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 DECEMBER 3, 2009

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

8 MEMBERS PRESENT: Ward Pedley, Chairman  
9 Ruth Ann Mason, Secretary  
10 Gary Noffsinger, Director  
11 Madison Silvert, Attorney  
12 Marty Warren  
13 Sean Dysinger  
14 Judy Dixon

15 \* \* \* \* \*

16 CHAIRMAN: Call the Owensboro Metropolitan  
17 Board of Adjustment to order. We will begin our  
18 meeting with a prayer and pledge of allegiance to the  
19 flag. Will you stand please.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: I would like to welcome everybody.  
22 Anyone wishing to speak on any item may do so. We ask  
23 that you come to one of the podiums, state your name  
24 and be sworn in.

25 With that the first item on the agenda is to  
consider the minutes of the November 5, 2009 meeting.  
Are there any additions or corrections?

(NO RESPONSE)

1 CHAIRMAN: If not the chair is ready for a  
2 motion.

3 MS. DIXON: Move to approve.

4 MS. MASON: 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. The minutes are  
9 approved.

10 Next item.

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12 CONDITIONAL USE PERMITS

13 ITEM 2

14 2525 French Street, zoned R-4DT  
15 Consider request for a Conditional Use Permit in order  
16 to install a Class 2, 16 foot by 80 foot manufactured  
17 home in an R-4DT zone.

18 Reference: Zoning Ordinance, Article 8,  
19 Section 8.2A10B

20 Applicant: Harold Dennis; Jean Dennis

21 MR. SILVERT: State your name, please.

22 MS. STONE: Becky Stone.

23 (BECKY STONE SWORN BY ATTORNEY.)

24 ZONING HISTORY

25 The subject property is currently zoned R-4DT  
Inner-City Residential. OMPC records indicate that  
there have been no Zoning Map Amendments for the  
subject property.

1           A Conditional Use Permit approved for the  
2 subject property in May 2009 to install a 14 foot by  
3 80 foot manufactured home.

4           This Conditional Use Permit application is to  
5 increase the size of the manufactured home to 16 foot  
6 by 80 foot home. All other elements of the previous  
7 Conditional Use Permit are to remain the same.

8           OMPC records indicate that seven Conditional  
9 Use Permits have been approved for manufactured homes  
10 along French Street: 2401 French Street – April 1986,  
11 2402 French Street – April 2007, 2403 French Street -  
12 September 1986, 2406 French Street – April 1999, 2505  
13 French Street – December 1996, 2510 French Street -  
14 November 1989, and 2521 French Street – February 1995.

#### 15 LAND USES IN SURROUNDING AREA

16           All the surrounding property is zoned R-4DT  
17 and is occupied by single-family residences including  
18 several manufactured homes.

#### 19 ZONING ORDINANCE REQUIREMENTS

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

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

1 required.

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

4 4. The driveway apron shall not exceed 40% of  
5 the lot width.

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

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

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

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

18 The site plan indicates these items will be  
19 met and with that there are no special conditions  
20 recommended.

21 CHAIRMAN: Anyone here that would like to  
22 speak in opposition of this item?

23 (NO RESPONSE)

24 CHAIRMAN: Anyone here representing the  
25 applicant?

1           APPLICANT REP: Yes.

2           CHAIRMAN: Do you have anything you would like  
3 to say to the board?

4           APPLICANT REP: No.

5           CHAIRMAN: Board members have any questions?  
6 (NO RESPONSE).

7           CHAIRMAN: Chair is ready for a motion.

8           MS. DIXON: Move to grant the Conditional Use  
9 Permit based upon findings of fact that it's basically  
10 a modification of an existing Conditional Use Permit  
11 and that there are seven other manufactured homes in  
12 the area, and subject to the zoning ordinance  
13 requirements as stated.

14           MS. MASON: Second.

15           CHAIRMAN: We have a motion by Ms. Dixon and a  
16 second by Ms. Mason. Any questions on the motion or  
17 comments?

18           (NO RESPONSE)

19           CHAIRMAN: All in favor for the motion raise  
20 your right hand.

21           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22           CHAIRMAN: Motion carries unanimously.

23           Next item.

24           ITEM 3

25           2628 New Hartford Road, zoned B-4 (Postponed from

1 November 5, 2009 meeting)  
2 Consider a request for a Conditional Use Permit in  
3 order to operate a lawn maintenance business.  
4 Reference: Zoning Ordinance, Article 8,  
5 Section 8.2H8/33a  
6 Applicant: Jerry Yeiser & Betty Y. Yeiser

7 ZONING HISTORY

8 The subject property is currently zoned B-4  
9 General Business. OMPC records indicate there have  
10 been no Zoning Map Amendments for the subject  
11 property.

12 In 2007, the applicant wanted to move his  
13 business back to this location and discovered that the  
14 business was not a permitted use in a B-4 zone. At  
15 the request of Daviess County Fiscal Court, the OMPC  
16 held a public hearing to allow landscaping services to  
17 be conditionally permitted in a B-4 General Business  
18 and B-3 zones. The Zoning Ordinance was amended in  
19 2007 to allow landscaping services to be conditionally  
20 permitted in B-3 and B-4 zones.

21 The applicant is seeking a Conditional Use  
22 Permit to continue to operate their lawn maintenance  
23 business on the subject property. The applicant  
24 states that the business has existed on the subject  
25 property for 3 years, since the Zoning Text Amendment  
the Planning Commission adopted, but the applicant had  
not applied for a Conditional Use Permit.

1 LAND USES IN SURROUNDING AREA

2 The properties to the north, south and east  
3 are zoned B-4 General Business, the property to the  
4 north is the Sunrise Chapel Campus, the property to  
5 the south appears to be vacant and the property to the  
6 east is an office building. The property to the west  
7 is zoned R-1C Single Family Residential and is a  
8 single family residence.

9 ZONING ORDINANCE REQUIREMENTS

10 1. Parking requirements – Landscaping  
11 services – none required.

12 2. Landscaping requirements – 1 tree per  
13 every 40 feet of linear boundary along the street  
14 right-of-way plus a continuous 6 foot high continuous  
15 element between the subject property and the adjoining  
16 residential property and a 3 foot high continuous  
17 element along New Hartford Road.

18 SPECIAL CONDITIONS

19 1. Return paved right-of-way along New  
20 Hartford Road to grass, as shown on the submitted site  
21 plan.

22 2. Continue the 6 foot high fence along the  
23 north boundary of the subject property to complete the  
24 screening of the existing outdoor storage area, with  
25 no storage of materials to be stacked higher than the

1 fence height.

2 3. Install 3 foot high continuous landscaping  
3 element within a 3 foot wide landscaping easement with  
4 one tree per 40 linear feet along the vehicular use  
5 area adjacent to New Hartford Road within the property  
6 boundary, as shown on the submitted site plan.

7 4. All improvements to be installed within  
8 six months from approval of the Conditional Use  
9 Permit.

10 We would like to enter the Staff Report into  
11 the record as Exhibit B.

12 CHAIRMAN: Evidently we have no one in the  
13 audience in opposition.

14 Mr. Noffsinger, any opposition in the planning  
15 office?

16 MR. NOFFSINGER: Ms. Stone, have we received  
17 any opposition in the planning office regarding this?

18 MS. STONE: No.

19 CHAIRMAN: Does the applicant have anything  
20 they would like to present.

21 APPLICANT REP: No. I think we're fine now.

22 CHAIRMAN: Any board members have any  
23 questions of the applicant?

24 (NO RESPONSE)

25 CHAIRMAN: Chair is ready for a motion.



1 MS. MASON: Move for approval based on the  
2 findings that it's compatible with the land use in the  
3 surrounding area and it will not have an adverse  
4 affect on future development and also there's no  
5 opposition.

6 CHAIRMAN: We have a motion. Do I hear a  
7 second.

8 MR. WARREN: Second.

9 CHAIRMAN: We have a motion and a second. Any  
10 comments on the motion or questions on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 MR. NOFFSINGER: Item 3A has been withdrawn.

16 ITEM 4

17 2641 Veach Road, zoned B-4  
18 Consider a request for a Conditional Use Permit in  
19 order to operate child day care center for fifteen  
20 (15) infants.  
21 Reference: Zoning Ordinance, Article 8, Section 8.2B3  
22 Applicant: Lea Brown; Frank Howard

21 ZONING HISTORY

22 The subject property is currently zoned B-4  
23 General Business. OMPC records indicate there was a  
24 Zoning Map Amendment from B-4 General Business with  
25 restrictions to B-4 General Business approved for the

1 subject property in 1985.

2 The applicant states this child day care  
3 center will be for fifteen (15) infants ages 0-18  
4 months of age. In discussions with the applicant, it  
5 was stated that the infants will be brought into the  
6 facility by the parent/guardian and no drop off  
7 outside will occur. The parking spaces provided on  
8 the site plan should be adequately arranged to  
9 maneuver on site without backing into the public right  
10 of way.

#### 11 LAND USES IN SURROUNDING AREA

12 The properties to the north and east are zoned  
13 R-1 C Single Family Residential and appear to be used  
14 for residential purposes. The properties to the south  
15 are zoned R-1C Single Family Residential and B-4  
16 General Business and appear to be used for residential  
17 and business purposes. The property to the west is  
18 zoned B-4 General Business and appears be used as  
19 such.

#### 20 ZONING ORDINANCE REQUIREMENTS

21 1. Parking requirements – Child day-care  
22 centers – 2 spaces plus 1 space for every 10 children  
23 – 4 spaces required.

24 2. Landscaping requirements – 1 tree every 40  
25 feet plus a continuous 3 foot high element along the

1 vehicle use area boundaries and a 6 foot solid screen  
2 with 1 tree every 40 feet between the subject property  
3 and residentially zoned property.

4 SPECIAL CONDITIONS

5 1. Reduce entrance width as shown on the site  
6 plan to accommodate required parking as shown,  
7 returning pavement to grass and installing a 3 foot  
8 continuous element with one tree per 40 linear feet.

9 CHAIRMAN: Has there been any opposition in  
10 the planning office?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: Evidently the applicant is not  
13 here.

14 Board members have any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Chair is ready for a motion.

17 MS. MASON: Move to approve based on the  
18 findings that there's no opposition, that it's  
19 compatible with the existing use of the neighborhood  
20 and will not have an adverse influence on future  
21 development.

22 CHAIRMAN: We have a motion. Is there a  
23 second?

24 MR. DYSINGER: Second.

25 CHAIRMAN: We have a motion and a second.

1       Comments or questions on the motion?

2               (NO RESPONSE)

3       CHAIRMAN: All in favor raise your right hand.

4               (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5       CHAIRMAN: Motion carries unanimously.

6       I need one final motion.

7       MS. DIXON: Move to adjourn.

8       MR. DYSINGER: Second.

9       CHAIRMAN: All in favor raise your right hand.

10              (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11       CHAIRMAN: We were 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 26th day of December, 2009.

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

COMMISSION EXPIRES: DECEMBER 19, 2010  
COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY