

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 MARCH 4, 2010

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday, March
5 4, 2010, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: C.A. Pantle, Chairman
Ward Pedley, Vice Chairman
8 Ruth Ann Mason, Secretary
Gary Noffsinger, Director
9 Madison Silvert, Attorney
Marty Warren
10 Sean Dysinger
Clay Taylor

11 * * * * *

12
13 CHAIRMAN: Let's call the meeting to order.
14 Want to welcome you all for our meeting. We start our
15 meeting every month with a prayer and the pledge of
16 allegiance. We invite you all to join us. Ruth Ann
17 will have our prayer this evening.

18 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

19 CHAIRMAN: Again, I want to welcome you to the
20 meeting of the Owensboro Metropolitan Board of
21 Adjustment.

22 If you have any comments or questions on any
23 item, please come to one of the microphones and state
24 your name so we'll have record on file that you're
25 here and whatever you have to say at that time.

1 With that we'll start. The first item is
2 consideration of the minutes of February 4th. They're
3 in the office. We don't think there's any problems
4 with it.

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: With that I'll entertain a motion.

7 MR. DYSINGER: Move to approve the minutes.

8 MS. MASON: Second.

9 CHAIRMAN: A motion has been made and a
10 second. Any other discussion?

11 (NO RESPONSE)

12 CHAIRMAN: Hearing none all in favor raise
13 your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 Next item, please.

17 -----

18 CONDITIONAL USE PERMIT

19 ITEM 2

20 320 Clay Street, zoned B-2 (Neighborhood Character
Overlay District)

21 Consider request for a Conditional Use Permit in order
22 to construct a 1 story 1,200 square foot addition to
an existing residence for males in crisis situations
housing up to 14 residents and one manager.

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

24 Applicant: New Horizons; Owensboro Christian Church,
Inc.

25 MR. SILVERT: State your name, please.

1 MS. EVANS: Melissa Evans.

2 (MELISSA EVANS SWORN BY ATTORNEY.)

3 ZONING HISTORY

4 The subject property is currently zoned B-2
5 Central Business and is in the Neighborhood Character
6 Overlay District. OMPC records indicate there have
7 been no Zoning Map Amendments for the subject
8 property.

9 This property is located in the Downtown
10 Overlay District within the Neighborhood Character
11 District and is regulated under Article 21 of the
12 Zoning Ordinance. The application for the
13 construction of the addition has been reviewed by the
14 Downtown Design Administrator and a Certificate of
15 Appropriateness has been issued.

16 There was a Conditional Use Permit to operate
17 an institutional type housing center for females in
18 crisis situations approved in 1992 and a Conditional
19 Use Permit to operate a residence for up to 8 males in
20 crisis situations approved in 1994. A minor
21 subdivision plat was approved for the property in 1999
22 and in February of 2010.

23 This Conditional Use Permit application is to
24 construct a one-story, 1,200 square foot addition to
25 the existing building and increase the number of

Ohio Valley Reporting

(270) 683-7383

1 residents from 8 to 14.

2 The applicant has submitted material with the
3 application that addresses items 1 through 10 as
4 required by the Zoning Ordinance. Based on the review
5 of Article 21 by the Downtown Design Administrator,
6 the site plan meets the requirements for parking and
7 also conforms to the requirements within the Downtown
8 Overlay District.

9 We would like to enter the Staff Report into
10 the record as Exhibit A.

11 CHAIRMAN: Any comments or questions in the
12 office?

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: Is anyone wishing to speak on this
15 item?

16 (NO RESPONSE)

17 CHAIRMAN: Does any board members have any
18 questions on the item?

19 (NO RESPONSE)

20 CHAIRMAN: Staff have anything else?

21 MR. NOFFSINGER: No, sir.

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

24 MR. TAYLOR: Mr. Chairman, move to approve the
25 Conditional Use Permit based on the findings that it

Ohio Valley Reporting

(270) 683-7383

1 does meet all the zoning ordinance requirements. It's
2 generally permitted in the area as proven by
3 Conditional Use Permits approved in the past for the
4 area. It has met the Downtown Design Administration
5 for Certificate of Appropriateness and they have
6 submitted verification to meet all zoning
7 requirements.

8 CHAIRMAN: Is there a second?

9 MS. MASON: Second.

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

13 (NO RESPONSE)

14 CHAIRMAN: Staff have anything else to add?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Hearing none all in favor raise
17 your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 Next item, please.

21 ITEM 3

22 115 West 7th Street, zoned R-4DT (Neighborhood
Character Overlay District)

23 Consider request for a Conditional Use Permit in order
to operate a college facility for meeting rooms and
24 visiting faculty.

Reference: Zoning Ordinance, Article 8,

25 Section 8.2B14

1 Applicant: Brescia University.

2 ZONING HISTORY

3 The subject property is currently zoned R-4DT
4 Inner City Residential and is in the Neighborhood
5 Character Overlay District. OMPC records indicate
6 there have been no Zoning Map Amendments for the
7 subject property.

8 This property is located in the Downtown
9 Overlay District within the Neighborhood Character
10 District and is regulated under Article 21 of the
11 Zoning Ordinance. The application for the use of the
12 facility has been reviewed by the Downtown Design
13 Administrator and a Certificate of Appropriateness has
14 been issued.

15 This Conditional Use Permit application is to
16 use the facility to house overnight guests of the
17 University such as faculty and staff coming for an
18 interview, consultants from out of town and religious
19 leaders visiting the campus. The facility will also
20 have two meeting rooms with seating for no more than
21 20 people.

22 LAND USES IN SURROUNDING AREA

23 All the surrounding properties are also zoned
24 R-4DT Inner City Residential.

25 The Zoning Ordinance requirements are required

Ohio Valley Reporting

(270) 683-7383

1 by Article 21 as reviewed by the Downtown Design
2 Administrator.

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

5 CHAIRMAN: Any comments sent in the office?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Is anyone wishing to speak on this
8 item?

9 Have anything you want to add, sir? State
10 your name, please.

11 MR. YOUNGER: Larry Younger, representing
12 Brescia University.

13 (LARRY YOUNGER SWORN BY ATTORNEY.)

14 MR. YOUNGER: I really don't have anything
15 more to say. I think it's self-explanatory. I think
16 it's fairly simple and straightforward. It's going to
17 be a very low usage housing unit. We just want to
18 make sure we're in line with all rules and
19 regulations. I'll entertain any questions, if you
20 have any.

21 CHAIRMAN: Any board members have any comments
22 or questions?

23 (NO RESPONSE)

24 CHAIRMAN: Staff have anything else to add?

25 MR. NOFFSINGER: No, sir.

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Entertain a motion to dispose of
2 the item.

3 MS. MASON: Mr. Chairman, I move for approval
4 based on the findings that it's a compatible use for
5 the area. There's no opposition. All the zoning
6 ordinance requirements have been met and a Certificate
7 of Appropriateness has been issued by the Downtown
8 Design Administration.

9 MR. PEDLEY: Second.

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

13 (NO RESPONSE)

14 CHAIRMAN: Staff have anything else?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Hearing none all in favor raise
17 your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 Next item, please.

21 -----

22 VARIANCES

23 ITEM 4

24 1708 Todd Court, zoned R-3MF

Consider a request for a Variance in order to reduce
25 the street yard building setback line from 25 feet
from the property line to 10 feet from the property

1 line.

Reference: Zoning Ordinance, Article 8,

2 Section 8.5.10(c)

Applicant: CTC Investments, LLC

3

4 MS. EVANS: Recently the City of Owensboro
5 acquired the right-of-way along Southtown Boulevard
6 for the roadway widening project. This caused the
7 existing structure on the subject property to encroach
8 into the newly applied setback and permanent utility
9 easement.

10 In December of 2009, a Minor Subdivision Plat
11 signed by the applicant was approved for the property
12 dedicating the right-of-way. A note on this plat
13 stated that the structure encroaching into the utility
14 easement at 1708 Todd Court to be removed.

15 The applicant appears to have been compensated
16 for the value of the entire building and its removal
17 as part of this project. Now the applicant is
18 proposing to remove only the portion of the structure
19 within the utility easement leaving the remainder of
20 the structure encroaching into the right-of-way; thus
21 causing them to request this Variance.

22 If the Variance is denied, a smaller structure
23 could be constructed on the property meeting the
24 appropriate setbacks. The removal of the entire
25 structure should not pose a financial hardship to the

1 applicant as it appears they have been compensated for
2 the value of the entire structure and its removal, and
3 they signed the plat showing the structure as to be
4 removed. Staff recommends denial of this Variance
5 request.

6 We would like to enter the Staff Report into
7 the record as Exhibit C. We would also like to enter
8 a copy of the plat, the minor subdivision plat from
9 December of 2009 into the record.

10 CHAIRMAN: Any comments filed in the office
11 for or against?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Board members have any questions of
14 the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Is the applicant here?
17 Do you have anything?

18 MR. SILVERT: Would you state your name,
19 please.

20 MR. RINEY: Jim Riney.

21 (JIM RINEY SWORN BY ATTORNEY.)

22 MR. RINEY: This is the first that I was aware
23 that there was opposition to the application. The
24 statement was that the applicant had been compensated
25 for the building. It was my understanding from the

1 owner, who is not here tonight. I'm representing the
2 owner. That they were compensated but they were not
3 compensated for the entire building. I don't have any
4 appraisal documents or anything with me. I was not
5 prepared to address that.

6 The applicant indicated he was prepared to
7 remove the part of the structure that was encroaching.
8 That may be the reference that is being made to the
9 final plat. At the time we prepared that document for
10 the City of Owensboro, but the applicant proposes to
11 remove a portion of the structure. The structure
12 appears to be two bedroom units and they're going to
13 remove enough of the structure to convert it to a one
14 bedroom unit. The statement was made a smaller
15 structure could be built there, but it doesn't make
16 sense to raise the structure and then rebuild one if
17 you can remove part of it and then salvage the balance
18 of the building and come back with still a liveable
19 duplex, which this is. Residential unit.

20 MR. DYSINGER: Mr. Chairman, my only question
21 would be: This variance, is it requesting -- if your
22 client is willing to remove enough of the structure to
23 meet with the setbacks, and I guess I'm confused with
24 what the variance request is for. You don't have to
25 tear the whole building down as long as you get out of

Ohio Valley Reporting

(270) 683-7383

1 the setback, unless I'm misunderstanding something.

2 MR. SILVERT: I need to clarify one thing
3 before we continue down this. We need to make sure to
4 the board that any questions that we ask of Mr. Riney
5 are in his professional capacity. Not as an advocate
6 for his client. Mr. Riney is not an attorney. His
7 client is not present. To my knowledge Mr. Riney is
8 not a member of CTC Investments. It would be
9 inappropriate for him, as he knows, to advocate on
10 anything. But if you want to ask him something in his
11 professional capacity as an engineer, that's certainly
12 appropriate. I know Mr. Riney knows that he won't be
13 overstepping those bounds.

14 MR. RINEY: Just to answer, Mr. Silvert. Yes,
15 I will be here to answer technical issues. What
16 issues I can address or what I have been educated on,
17 I have experience in or examined on that I'm expected
18 to know about, survey, boundary law, things of that
19 nature. I'm not here as an attorney or as an
20 advocate.

21 I'm just stating to this board the information
22 that I received from the client in terms of the
23 compensation.

24 Now, your question was if you go ahead and
25 honor the setback. The part of the building you would

1 removed will be that portion that would allow him to
2 configure the building to fit this variance. The 10
3 foot setback instead of the 25 foot setback because
4 when the state bought this property their right-of-way
5 hit across the structure. Where we surveyed it, the
6 very corner of this structure was actually over the
7 right-of-way line that they created. So they created
8 the situation where something had to give. They
9 wanted the right-of-way. There was an easement
10 imposed on there.

11 Now, we've understood that no one needs to
12 have anything in the easement. Right now with the
13 building there they can't have anything in the
14 easement because the corner of the building is there.
15 So his need is to remove that part of the structure
16 that would occupy the 10 feet that he's requesting
17 stay as a setback. He would allow the existing
18 building to continue to occupy the 15 feet that we're
19 asking the waiver for, if that makes sense. The
20 drawing, it's better than my words.

21 MR. DYSINGER: I understand. The plat that is
22 on file shows the building gone, correct?

23 MR. NOFFSINGER: The plat on file that I
24 signed indicates the structure is to be, the existing
25 structure is to be removed.

1 Now, the description of the taking in a letter
2 dated February 9, 2007, of Brantley Appraisal
3 describes the description of the taking being
4 approximately -- I'm not reading the entire.

5 "An additional utility easement herein
6 referred to as the permanent easement containing 1,116
7 square feet will be required, being approximately 10
8 additional feet inside of the permanent right-of-way.
9 Encompassed in the permanent right-of-way is the
10 duplex that improves the property, which constitutes
11 the acquisition of that structure, leaving only a
12 vacant lot."

13 That was the appraisal in the notes that you
14 have in the application.

15 MR. RINEY: Mr. Noffsinger, would you mind
16 repeating that last sentence or whatever it was again?

17 MR. NOFFSINGER: It says, "Encompassed in the
18 permanent right-of-way is the duplex that improves the
19 property which constitutes the acquisition of that
20 structure, leaving only a vacant lot."

21 MR. RINEY: Well, at this point, Mr. Chairman,
22 I'll say I wasn't aware of that. As Mr. Silvert says,
23 I'm not here as an advocate. Maybe the prudent thing
24 to do is ask this board to consider to postpone this
25 until CTC can be here with somebody to deal with that

Ohio Valley Reporting

(270) 683-7383

1 because this was the first notice we had that there
2 was an issue.

3 When we prepared the plat, we were under the
4 impression that what was going to be removed was that
5 area that was encroaching.

6 CHAIRMAN: Well, your assumption and what the
7 appraisal states are two different things.

8 MR. RINEY: It's probably not appropriate for
9 me to comment on that for reasons already stated.

10 CHAIRMAN: Any other comments from the board?
11 Staff have any comments?

12 MR. PEDLEY: I have a question for Jim or Gary
13 one.

14 Are you considering this rear yard or front
15 yard?

16 Jim, would you step up to the podium, please.

17 MR. SILVERT: State your name, please.

18 MR. MISCHEL: Jim Mischel.

19 (JIM MISCHEL SWORN BY ATTORNEY.)

20 MR. MISCHEL: I think you asked if that was
21 the front yard. In this case, you have two streets,
22 you have two required frontage road.

23 MR. PEDLEY: What the attorney's findings are
24 on Deed of Dedication restrictions it says, "No
25 building shall be located on any lot nearer to the

1 front lot line or nearer to the side lot lines than
2 the minimum building setback lines shown. In any
3 event, no building shall be located on any lot nearer
4 than 25 feet to the front lot line or nearer than 10
5 feet to any side street line. No residence shall be
6 located on any interior lot nearer than 20 feet to the
7 rear lot line."

8 So it is a rear lot line or is it a front lot
9 line? If it's considered rear, you're talking about
10 20 feet according to the restrictions.

11 MR. NOFFSINGER: Excuse me, if I might just
12 interpret, please.

13 Mr. Pedley, that issue has been addressed by
14 the applicant's attorney as well as the OMPC counsel.
15 They have deemed that it appears that the Deed of
16 Dedication is not an issue here. So this variance
17 case should stand on its own merits in terms of what
18 the required building setback line is and what's
19 proposed now. It's a very good question and we've
20 raised those issues; however, we're getting into an
21 area that legal counsel has already looked into and
22 advised and I don't think that we should pursue
23 that.

24 MR. PEDLEY: Does your plat, the plat, 25 foot
25 setback?

1 MR. NOFFSINGER: Yes, sir. The new plat that
2 I signed December 4th of 2009 shows a 25 foot new
3 building setback line from the newly acquired
4 right-of-way on Southtown Boulevard.

5 MR. PEDLEY: Okay.

6 MR. WARREN: Is there a particular reason,
7 does anybody know why the applicant is not here?

8 MR. NOFFSINGER: No, sir. We had contact with
9 the applicant's attorney a couple of days ago, was it,
10 Melissa. They were certainly aware of this deed.

11 MS. EVANS: We spoke to the applicant's
12 attorney last Wednesday or I think the earlier part of
13 last week and then last Thursday as well before we
14 sent these packets out.

15 MR. DYSINGER: Melissa, is it your opinion the
16 applicant is aware of the issues the Staff has with
17 this? They've been brought up to speed and they know
18 what the recommendations of the Staff is?

19 MS. EVANS: No, because Staff Reports for the
20 Board of Adjustment meetings are not public record
21 until the actual meeting. So no one but the Staff and
22 the board members know what the Staff Report state
23 until the meeting.

24 MR. NOFFSINGER: Have we had any contact with
25 the applicant advising them on this variance request

1 prior to the submittal of the application?

2 MS. EVANS: Not to my knowledge.

3 MR. NOFFSINGER: So the variance just appeared
4 in our office without any preliminary meetings with
5 the Staff?

6 MS. EVANS: Yes, to my knowledge.

7 MR. RINEY: If I might just say, by
8 coincidence I saw the applicant's representative at
9 lunch today and he was with somebody. If I understood
10 right, they were going to be out of town tonight. I
11 just told him I was going to be here. He didn't
12 express then any concern or any ideas that there was
13 going to be contesting of it. It would leave me to
14 believe that he didn't know that this was going to be
15 contested.

16 MR. NOFFSINGER: He didn't feel like it needed
17 to show up at this meeting to present his case on a
18 variance request?

19 MR. RINEY: No, that's not what I said. I
20 said he was out of town tonight.

21 MR. NOFFSINGER: Right. Why did he file the
22 application for tonight's meeting if they were not
23 going to show up to present their case? We scheduled
24 the public hearing. They filed the application. Here
25 we are. I guess you're here to do what you can, but

1 it kind of puts this board in a position of where do
2 we go.

3 MR. RINEY: I don't know that he knew at the
4 time he had to be gone, Mr. Noffsinger, but I
5 respectfully request that we ask the board to postpone
6 it until we get the information out.

7 MR. DYSINGER: Mr. Chairman, Mr. Riney is in a
8 difficult position, but I have to say I can't see a
9 compelling reason to delay this action unless somebody
10 else on the board can tell me something I'm not
11 seeing. Everything we need to know appears to be in
12 the application.

13 MR. TAYLOR: My only concern with it -- I
14 agree that it seems like there's a lapse somewhere,
15 but in reading it it seems that he obviously had some
16 type of representation and there was some line of
17 miscommunication either between what he thought was
18 communicated to the board -- not that I'm saying the
19 board had miscommunication to him, but his
20 communication with the board and through his attorney
21 and perhaps he thought his attorney was going to be
22 here this evening. You know, you would assume if he
23 paid for representation through this, his
24 representation would probably realize, even if it
25 wasn't he would be paid to be here to represent him.

Ohio Valley Reporting

(270) 683-7383

1 So he would show up. That's my only concern is if he
2 knew his engineer was coming, perhaps he thought his
3 representation was coming. His representation may not
4 be here for some reason that we don't know. That
5 would be my only concern. It does seem like a pretty
6 big step that he thought the basis would be covered
7 maybe not by himself being here, but at least his
8 representation and obviously his surveyor and land
9 engineer being here. That's my only qualm with
10 denying a variance. I don't know. It's just a pretty
11 big financial step to not have completely all the
12 facts from their side. You know, not represented
13 here.

14 CHAIRMAN: Staff have any other comments?

15 MR. DYSINGER: I don't see any indication,
16 with all do respect, that the applicant failed to get
17 something to us. To be honest it seems to me this
18 application was just kind of thrown against the wall
19 and let's see if it sticks. Not only in terms of the
20 information that's provided to us, but in the absence
21 of the applicant here. I don't mean that in perhaps
22 negative connotation. I'm sure folks in this line of
23 work does this kind of thing all the time.

24 CHAIRMAN: Any comment from the board?

25 MR. TAYLOR: I don't know what really words to

1 say other than I would hate to vote on this with him
2 not being here when I feel that it should be
3 postponed, which I do, and for a motion to come across
4 and then me vote against the motion just because I
5 feel that it should be postponed. You know, I don't
6 feel that I'm in a position right now where I would
7 want to deny the variance at this point. I really
8 think that there is, surely there's money that's been
9 put forth in order to prepare this application and
10 have representation. I think somewhere
11 miscommunication, you know, happened. I really do
12 think that something like that must have gone on.

13 MR. PEDLEY: I agree. I don't think I can
14 properly make a decision on this tonight. I really
15 believe it should be postponed and get Mr. Clark here.
16 I need to research this and look at it a little
17 stronger. Right now I can't make a good decision on
18 it.

19 MR. RINEY: In light of some of the other
20 actions that have come before this board, I would
21 think it would be a reasonable request to allow
22 another 30 days. It's not going to create an issue
23 with this board that I see. It may allow Mr. Clark to
24 have what he needs here and not rely on my not knowing
25 or not being able to testify.

1 MR. WARREN: Would postponing this action
2 hinder the widening project in any way, to delay it 30
3 more days?

4 MR. NOFFSINGER: No, sir. The action to
5 acquire the right-of-way has already taken place. The
6 information provided in the application provided by
7 Staff shows that the applicant has been compensated.
8 The applicant is coming back or coming to this board
9 asking that the newly required setback be waived so he
10 doesn't have to tear the structure down, which appears
11 he's been compensated for, for that action. So it's
12 not going to delay that in any way. It's a matter of
13 30 day delay is certainly not a question. It's just
14 that we scheduled this meeting and here we are and
15 it's unfortunate that the applicant is not here
16 tonight to present their case. That's why we
17 scheduled the meeting. To not have communicated with
18 the Staff before this application was presented to
19 find out what we might recommend was a mistake.

20 Before any application is submitted, Mr. Riney
21 knows this, you should talk with the Staff to find out
22 what their position may or may not be on the case.
23 It's not going to delay that project. It's just
24 unfortunate that we can't move forward tonight. We
25 scheduled this hearing.

Ohio Valley Reporting

(270) 683-7383

1 MR. DYSINGER: I would also say that we have
2 been resonant to delay action in the past because of
3 evidence that is entered at a late date. I think it
4 little behooves us to delay now because of evidence
5 that may or may not exist somewhere.

6 MR. TAYLOR: On the same token, I've seen us
7 delay this on the same thing. A guy from the car wash
8 didn't show up one night and we delayed it for him.
9 We could say both sides. I understand that we're
10 saying, and he really may just be throwing a claim out
11 there to say, I'm going to just throw this out there
12 to see if it works. That may be the case, but that
13 may not be the case as well. I realize he's been
14 compensated and it appears he's just trying to take
15 money where he got compensated and then go ahead and
16 keep the structure, but I really don't know that for
17 sure. Especially with the light load that we had
18 tonight I just don't see why a postponement would
19 really kill us. It's not like we had eight hours of
20 presentation beforehand and bickering back and forth
21 and we're going to say we're going to delay it another
22 time. We didn't really have anything because Mr.
23 Riney really can't say anything. He's in a very
24 precarious position where he can't say anything. He
25 knows the other side is there. He's obviously very

Ohio Valley Reporting

(270) 683-7383

1 ill-comfortable at this point.

2 MR. DYSINGER: He's the real victim in the
3 room.

4 MR. TAYLOR: Yes, and I feel sorry for him.

5 MS. MASON: I'm also in agreement to postpone
6 it because I feel like I would prefer to hear from the
7 applicant. I want to say that there was possibly
8 human error in him not showing up or someone for him
9 not showing up, his attorney.

10 CHAIRMAN: I'll entertain a motion.

11 MR. PEDLEY: Mr. Chairman, I make a motion we
12 postpone the item to the next meeting, the April
13 meeting.

14 CHAIRMAN: Is there a second?

15 MR. TAYLOR: Second.

16 CHAIRMAN: Motion has been made and a second.
17 All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 We need one final motion.

21 MR. DYSINGER: Move to adjourn.

22 MS. MASON: Second.

23 CHAIRMAN: All in favor raise your right
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Ohio Valley Reporting

(270) 683-7383

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRMAN: We are adjourned.

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

16 WITNESS my hand and notary seal on this the
17 25th day of March, 2010.

18

19

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

20

21

22

COMMISSION EXPIRES: DECEMBER 19, 2010

23

COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

24

25