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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JUNE 3, 2010

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

- MEMBERS PRESENT: C.A. Pantle, Chairman
- Ruth Ann Mason, Secretary
- Gary Noffsinger, Director
- Madison Silvert, Attorney
- Rev. Larry Hostetter
- Sean Dysinger
- Clay Taylor

* * * * *

CHAIRMAN: Let's call the meeting of the

Owensboro Metropolitan Board of Adjustment to order. Welcome you all this evening. We start our meeting each month with a prayer. Clay Taylor will have that, and then we'll have the pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you all this evening. If you have any comments on any of the items, please come to the podium and state your name so we can get record of everything you say for our minutes.

With that the first item this evening is to consider the minutes of the May 6th meeting. They're in the office. I don't think we've had any problems

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1 or anything with it.

2 MR. NOFFSINGER: No, sir.

3 CHAIRMAN: With that I'll entertain a motion
4 to dispose of the item, please.

5 MS. MASON: Move to approve.

6 MR. DYSINGER: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

11 Next item, please, sir.

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13 CONDITIONAL USE PERMITS

14 ITEM 2

15 15 Carter Road, zoned A-U

16 Consider request for a Conditional Use Permit in order
17 to construct an addition to an existing church
18 facility.

19 Reference: Zoning Ordinance, Article 8, Section 8.2B4

20 Applicant: Audubon Church of the Nazarene, Inc.

21

22 MR. SILVERT: State your name, please.

23 MS. EVANS: Melissa Evans.

24 (MELISSA EVANS SWORN BY ATTORNEY.)

25 ZONING HISTORY

The subject property is currently zoned A-U
Urban Agriculture. OMPC records indicate there have
been four Conditional Use Permits approved for the

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1 subject property previously. There have also been
2 minor subdivision plats and development plans
3 approved.

4 This application is to construct an addition
5 to an existing building on the subject property. The
6 Conditional Use Permit for the existing building was
7 approved in 1999.

8 There will also need to be an amended Final
9 Development Plan done for the subject property.

10 LAND USES IN SURROUNDING AREA

11 Properties to the north, south and east are
12 all zoned A-U Urban Agriculture, and the property to
13 the west is zoned B-4 General Business.

14 ZONING ORDINANCE REQUIREMENTS

15 Zoning Ordinance Requirements for parking and
16 vehicular use area screening have all been met with
17 the previous Conditional Use Permits and are not
18 changed by this Conditional Use Permit application.

19 SPECIAL CONDITIONS

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

22 We would like to enter the Staff Report into
23 the record as Exhibit A.

24 CHAIRMAN: Were there any comments filed in
25 the office?

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1 MR. NOFFSINGER: No, sir.

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

4 (NO RESPONSE)

5 CHAIRMAN: Does the applicant have any
6 comments you would like to make at this time?

7 APPLICANT REP: No.

8 CHAIRMAN: Any board members have any
9 questions of the applicant?

10 (NO RESPONSE)

11 CHAIRMAN: Staff have any other comments?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Hearing none entertain a motion to
14 dispose of the item.

15 MR. DYSINGER: Mr. Chairman, given the finding
16 that the use is compatible with current usage and is
17 in keeping with the surrounding area, move to approve
18 with the special condition that the approval of an
19 amended final development plan.

20 CHAIRMAN: Is there a second?

21 MR. TAYLOR: Second.

22 CHAIRMAN: A motion has been made and a
23 second. Any other comments or questions from the
24 board?

25 (NO RESPONSE)

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1 CHAIRMAN: Staff have any other comments?

2 MR. NOFFSINGER: No, sir.

3 CHAIRMAN: Hearing none all in favor of the
4 motion raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 Next item, please.

8 ITEM 3

9 2300 Harbor Road, zoned I-2 (Postponed from the May 6,
2010 meeting)

10 Consider a request for a Conditional Use Permit in
order to replace an existing beltline system with a
11 new beltline system in the floodway.

Reference: Zoning Ordinance, Article 18, Section
12 18-4(b)3, 18-5(b)4, 18-6(b)3

Applicant: Bunge North America, Inc.; Owensboro
13 Riverport Authority

14 ZONING HISTORY

15 The subject property is currently zoned I-2
16 Heavy Industrial. OMPC records indicate there have
17 been no zoning map amendments for the subject
18 property.

19 There have been minor subdivision plats
20 approved for the subject property and public facility
21 reviews done for the subject property.

22 As Mr. Noffsinger stated, this is to replace
23 an existing beltline system with a new one in the
24 floodway.

25 The letter from the Army Corp of Engineers, a

1 Stream Construction Permit from the Kentucky Division
2 of Water and the letter of no impact from a registered
3 professional engineer have all been submitted to our
4 office.

5 LAND USES IN SURROUNDING AREA

6 The properties to the north, south and west
7 are zoned I-2 Heavy Industrial. The Ohio River
8 borders the subject property to the east.

9 There are no zoning ordinance requirements and
10 no special conditions recommended.

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

13 CHAIRMAN: Any comments come to the office or
14 anything?

15 MR. NOFFSINGER: No, sir.

16 CHAIRMAN: Anyone in the audience wishing to
17 speak in opposition of this?

18 (NO RESPONSE)

19 CHAIRMAN: The applicant have anything you
20 would like to add?

21 APPLICANT REP: I would like to thank Gary and
22 Jim Mischel for guiding us through getting this done
23 expeditiously. It didn't happen, but it wasn't for a
24 lack of effort from the local office. We appreciate
25 their guidance.

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1 CHAIRMAN: Good deal. We like to hear good
2 comments like that.

3 Entertain a motion to dispose of the item.

4 MR. TAYLOR: Mr. Chairman, move to approve the
5 Conditional Use Permit based upon the fact it's
6 replacing an existing beltline which we previously
7 approved a Conditional Use Permit for, and it's in
8 accordance with the surrounding land uses.

9 MR. DYSINGER: 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: Applicant understand all the
17 requirements?

18 APPLICANT REP: Yes.

19 CHAIRMAN: Hearing none all in favor raise
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 We're ready for one final motion.

24 MR. DYSINGER: Move to adjourn.

25 MS. MASON: Second.

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1 CHAIRMAN: All in favor raise your right hand.
2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
3 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 8 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 4th day of June, 2010.

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

23 COMMISSION EXPIRES: DECEMBER 19, 2010

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

25

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