

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 OCTOBER 7, 2010

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 October 7, 2010, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: C.A. Pantle, Chairman
9 Ruth Ann Mason, Secretary
10 Gary Noffsinger, Director
11 Madison Silvert, Attorney
12 Rev. Larry Hostetter
Marty Warren
Sean Dysinger
* * * * *

13 CHAIRMAN: Call the meeting of the Owensboro
14 Metropolitan Board of Adjustment to order.

15 The first item we start with our program each
16 time is to first welcome you and then we have a prayer
17 and the pledge of allegiance. We ask you to join with
18 us at this time. Gary will have the prayer.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: Again, I want to welcome you to the
21 meeting this evening. If you have any comments on any
22 of the items, please come to one of the microphones
23 and state your name so we'll have it on record.

24 With that the first item is the minutes of the
25 September 2nd meeting. They're filed in the office.

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1 I don't think there's any problems.

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none entertain a motion to
4 dispose of the item.

5 MR. WARREN: Motion to approve the minutes.

6 MS. MASON: 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.

12 -----

13 CONDITIONAL USE PERMIT

14 ITEM 2

15 322 Clay Street, zoned B-2 (Neighborhood Character
16 Overlay District)

17 Consider request for a Conditional Use Permit in order
18 to operate a residential transitional living facility
19 for 10 men within an existing structure.

Reference: Zoning Ordinance, Article 8, Section 8.2A7

18 Applicant: Friends of Sinners, Inc.; James McBrayer

19 MR. SILVERT: State your name, please.

20 MS. EVANS: Melissa Evans.

21 (MELISSA EVANS SWORN BY ATTORNEY.)

22 ZONING HISTORY

23 The subject property is currently zoned B-2
24 Central Business and is in the Neighborhood Character
25 Overlay District. OMPC records indicate there have

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1 been no Zoning Map Amendments for the subject
2 property.

3 There was a previous Conditional Use Permit
4 approved in 2003 for the operation of a residential
5 transitional living facility for a maximum of eight
6 men. There was also a Final Development Plan approved
7 in 2003 for the use of off-site parking. The
8 Conditional Use Permit was discontinued for a period
9 of time requiring a new Conditional Use Permit
10 application.

11 This property is located in the Downtown
12 Overlay District within the Neighborhood Character
13 District and is regulated under Article 21 of the
14 Zoning Ordinance. The Downtown Design Administrator
15 reviewed this and a Certificate of Appropriateness has
16 been issued. All requirements for criteria from group
17 housing have been met.

18 The applicant proposes to increase the number
19 of beds from eight beds previously approved to ten
20 beds and provide an extra parking space on the site to
21 accommodate the increase of number of beds.

22 LAND USES IN SURROUNDING AREA

23 The properties to the north and west are zoned
24 B-2 Central Business. The properties to the south and
25 east are zoned R-4DT Inner City Residential.

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1 ZONING ORDINANCE REQUIREMENTS

2 1. Parking - An additional parking space has
3 been provided to accommodate two additional beds.

4 2. Landscaping - No additional landscaping is
5 required.

6 Also Requirements 3 through 12, which are the
7 criteria to apply for a Conditional Use Permit for a
8 residential transitional home.

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

11 CHAIRMAN: Thank you.

12 Are there any comments filed in the office?

13 MR. NOFFSINGER: No, sir.

14 CHAIRMAN: Is anyone wishing to speak in
15 opposition of this particular item?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none does the applicant
18 have any comments you would like to make at this time?

19 APPLICANT REP: The applicant is here. I can
20 address any questions that you may have.

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

23 (NO RESPONSE)

24 CHAIRMAN: Staff have anything else to bring
25 forward?

1 MR. NOFFSINGER: No, sir.

2 CHAIRMAN: Any questions?

3 (NO RESPONSE)

4 CHAIRMAN: Hearing none entertain a motion to
5 dispose of the item, please.

6 MR. DYSINGER: Mr. Chairman, given the
7 findings that the use appears to be compatible with
8 the surrounding area and that it will meet a dire need
9 in our community I move that we approve the
10 Conditional Use Permit.

11 MR. WARREN: I'll second that.

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

14 (NO RESPONSE)

15 CHAIRMAN: Staff have anything else to add?

16 MR. NOFFSINGER: No, sir.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item, please.

22 MR. NOFFSINGER: Item 3 has been withdrawn.

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24 VARIANCE

25 ITEM 4

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1 111 Frederica Street, zoned B-2 (Riverfront Paseo
Overlay District)
2 Consider request for a Variance in order to eliminate
the six foot setback requirement for a parking lot
3 along Frederica Street
Reference: Zoning Ordinance, Article 21,
4 Section 21.84(d)(i)
Applicant: City of Owensboro

5
6 MS. EVANS: The applicant is requesting to
7 eliminate the required six foot setback for a parking
8 lot along Frederica Street as required by Article 21
9 of the Zoning Ordinance.

10 This will be a continuation of an existing
11 parking lot adjacent to the subject property to the
12 south. The parking lot to the south already
13 encroaches into the setback and eliminating the six
14 foot setback would keep the parking lot on the subject
15 property in line with the existing lot to the south.

16 Even with the elimination of the setback the
17 parking lot would still be a setback off of the street
18 because of the existing sidewalk within this area.

19 This property is located within the Riverfront
20 Paseo Overlay District and it has been reviewed by the
21 Historic Preservation Board and a recommendation has
22 been made and I'd like to read that into the record at
23 this time.

24 The Historic Preservation Board met on Monday,
25 September 27, 2010.

1 Mr. Nunley requested that the Historic
2 Preservation Board make a recommendation to the Board
3 of Adjustment to grant a dimensional variance for a
4 small portion of a parking lot behind the Mexican
5 restaurant at the corner of Frederica Street and
6 Veterans Boulevard, in connection with the City's
7 construction of the Riverfront Crossing Development.
8 After considerable discussion, Mr. Ed Allen made a
9 motion to make that recommendation to the Board of
10 Adjustment. Mr. Adams seconded the motion, with a
11 qualification that a finding of this Board is that the
12 existing non-conformity of the majority of that
13 parking lot area is an argument for a slight expansion
14 of that non-conformity that the variance would
15 provide, mitigated by the wall and buffering that will
16 occur adjoining the right-of-way. Chairman Lolley
17 called for a vote, and the motion passed unanimously,
18 4-0.

19 Granting this Variance will not adversely
20 affect the public health, safety or welfare because
21 the parking lot will set some distance off of the
22 street due to the wide right-of-way in this area.

23 It will not alter the essential character of
24 the general vicinity because the parking lot to the
25 south of the subject property also encroaches into the

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1 setback.

2 It will not cause a hazard or a nuisance to
3 the public because the layout of the street with the
4 existing right-of-way provides sufficient room for
5 pedestrian traffic.

6 It will not allow an unreasonable
7 circumvention of the requirements of the zoning
8 regulations because the property to the south already
9 encroaches into the setback.

10 Staff would recommend approval of this item.

11 We would like to enter the Staff Report into
12 the record as Exhibit B and we would like to enter the
13 Resolution of the Historic Preservation Board as
14 Exhibit C.

15 CHAIRMAN: Thank you.

16 Is there any opposition or comments in the
17 office?

18 MR. NOFFSINGER: No, sir.

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

21 APPLICANT REP: No.

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

24 (NO RESPONSE)

25 CHAIRMAN: Staff have any other comments?

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1 MR. NOFFSINGER: No, sir.

2 CHAIRMAN: Hearing none entertain a motion to
3 dispose of the item.

4 MR. DYSINGER: Mr. Chairman, given the
5 findings that it will not adversely affect the public
6 health, safety or welfare because the parking lot will
7 sit some distance from the street due to the wider
8 right-of-way in this area, and with the resolution
9 from the Historic Preservation Board in mind I move
10 that we grant the Variance.

11 CHAIRMAN: A motion has been made. Is there a
12 second?

13 MS. MASON: Second.

14 CHAIRMAN: A motion has been made and a
15 second. Any other questions or comments from the
16 board?

17 (NO RESPONSE)

18 CHAIRMAN: Staff have any other comments?

19 MR. NOFFSINGER: No, sir.

20 CHAIRMAN: All in favor of the vote raise your
21 right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 We need one more motion.

25 MR. DYSINGER: Move to adjourn.

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MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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 Planning
6 Commission 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 10 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 October, 2010.

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

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