

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JUNE 13, 2013

3 THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT
4 MET IN REGULAR SESSION AT 4:30 P.M. ON THURSDAY, JUNE
5 13, 2013, 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 JERRY YEISER
14 SEAN DYSINGER

15 * * * * *

16 CHAIRMAN: CALL THE MEETING TO ORDER. WELCOME
17 YOU THIS EVENING TO THE BOARD OF ADJUSTMENT. IF YOU
18 HAVE ANY COMMENTS OR ANYTHING, COME BEFORE THE PODIUM
19 AND SPEAK TO THAT.

20 WE START OUR MEETING EACH EVENING WITH THE
21 PRAYER AND PLEDGE OF ALLEGIANCE. WE INVITE YOU ALL TO
22 JOIN US. MADISON IS GOING TO HAVE THE PRAYER THIS
23 EVENING.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: AGAIN, I WANT TO WELCOME YOU THIS
EVENING AND REMIND YOU THAT IF YOU HAVE ANYTHING TO
SAY, COME BEFORE THE PODIUM AND STATE YOUR NAME.

WITH THAT THE FIRST THING ON THE AGENDA IS

1 CONSIDER THE MINUTES OF THE MAY 2ND MEETING. THEY'RE
2 IN THE OFFICE. I DON'T THINK WE'VE HAD ANY PROBLEMS
3 ON IT. ENTERTAIN A MOTION TO DISPOSE OF THE ITEM.

4 MR. PEDLEY: MOTION FOR APPROVAL.

5 MS. MASON: SECOND.

6 CHAIRMAN: A MOTION HAS BEEN MADE AND A
7 SECOND. ALL IN FAVOR RAISE YOUR RIGHT HAND.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: MOTION CARRIES.

10 NEXT ITEM.

11 -----

12 VARIANCE

13 ITEM 2

14 2300 FREDERICA STREET, 312 HILL AVENUE, ZONED B-4
15 CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO REDUCE
16 THE STREET SIDE YARD SETBACK LINE ALONG HILL AVENUE
17 FROM 25 FEET FROM THE PROPERTY LINE TO 10 FEET FROM
18 THE PROPERTY LINE, TO REDUCE THE ROADWAY BUFFER ALONG
19 FREDERICA STREET FROM 60 FEET FROM THE STREET
20 CENTERLINE TO 50 FEET FROM THE STREET CENTERLINE, TO
21 REDUCE THE DRIVEWAY SPACING ALONG FREDERICA STREET
22 FROM 50 FEET TO 70 FEET TO ACCOMMODATE THE EXISTING
23 ACCESS POINT AND TO REDUCE THE DRIVEWAY WIDTH FOR A
24 NON-RESIDENTIAL ONE-WAY DRIVEWAY ALONG FREDERICA
25 STREET FROM 12 FEET TO 10 FEET TO ACCOMMODATE THE
EXISTING DRIVEWAY.

REFERENCE: ZONING ORDINANCE, ARTICLES 8 & 13,
SECTIONS 8.5.16(C), 13.6221, 13.21

APPLICANT: KEB REAL ESTATE HOLDINGS, LLC;
EDWIN M. & GRETA R. SHELTON

23 MR. HOWARD: MR. CHAIRMAN, I WOULD JUST LIKE
24 TO MENTION THAT MELISSA WILL COME UP AND GIVE THE
25 STAFF REPORT.

1 SINCE THERE WERE VARIOUS ASPECTS OF THIS
2 VARIANCE REQUEST, SHE HAS PREPARED THREE SEPARATE
3 STAFF REPORTS SO SHE'LL GO THROUGH EACH ONE OF THOSE
4 INDIVIDUALLY.

5 MR. SILVERT: COULD YOU STATE YOUR NAME,
6 PLEASE?

7 MS. EVANS: MELISSA EVANS.

8 (MELISSA EVANS SWORN BY ATTORNEY.)

9 MS. EVANS: THE FIRST VARIANCE WE'RE GOING TO
10 LOOK AT IS TO CONSIDER THE REQUEST FOR A VARIANCE IN
11 ORDER TO REDUCE THE STREET SIDE YARD BUILDING SETBACK
12 LINE ALONG HILL AVENUE FROM 25 FEET FROM THE PROPERTY
13 LINE TO 10 FEET FROM THE PROPERTY LINE.

14 THE SUBJECT PROPERTIES ARE LOCATED AT THE
15 INTERSECTION OF FREDERICA STREET AND HILL AVENUE. THE
16 APPLICANT IS PROPOSING TO CONSOLIDATE THE PROPERTIES
17 AND CONSTRUCT A DRIVE-THRU RESTAURANT.

18 AS THE PROPERTY IS A CORNER LOT, THERE IS A 25
19 FOOT PRESCRIBED SIDE STREET YARD SETBACK ALONG HILL
20 AVENUE. THE SUBJECT PROPERTY IS CURRENTLY VACANT AND
21 WOULD BE DIFFICULT TO DEVELOP GIVEN THE NARROW
22 RECTANGULAR SHAPE.

23 THE CITY ENGINEER'S OFFICE HAS REVIEWED THE
24 PROPOSED SITE PLAN AND HAS NO ISSUES WITH THE BUILDING
25 SETBACK LINE ALONG HILL AVENUE BEING REDUCED TO 10

1 FEET FROM THE PROPERTY LINE.

2 GRANTING THIS VARIANCE TO REDUCE THE STREET
3 SIDE YARD BUILDING SETBACK LINE ALONG HILL AVENUE FROM
4 25 FEET FROM THE PROPERTY LINE TO 10 FEET FROM THE
5 PROPERTY LINE WILL NOT ADVERSELY AFFECT THE PUBLIC
6 HEALTH, SAFETY OR WELFARE BECAUSE THE BUILDING WILL BE
7 LOCATED ADEQUATELY AWAY FROM THE STREET TO PROVIDE
8 SAFE TRAVEL ALONG THE STREET; IT WILL NOT ALTER THE
9 ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE IT
10 APPEARS OTHER STRUCTURES IN THE AREA ALSO ENCROACH
11 INTO THE SIDE STREET YARD BUILDING SETBACK LINE; IT
12 WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
13 REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE THE
14 SIZE AND SHAPE OF THE SUBJECT PROPERTY MAKE IT
15 DIFFICULT TO DEVELOP GIVEN THE PRESCRIBED SETBACKS.

16 STAFF WOULD RECOMMEND APPROVAL OF THIS
17 VARIANCE TO REDUCE THE SIDE STREET YARD BUILDING
18 SETBACK LINE ALONG HILL AVENUE FROM 25 FEET TO 10 FEET
19 FROM THE PROPERTY LINE.

20 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
21 THE RECORD AS EXHIBIT A.

22 CHAIRMAN: DO WE TAKE THESE INDIVIDUALLY?

23 MR. HOWARD: YES, PLEASE.

24 CHAIRMAN: IS THERE ANYONE WISHING TO SPEAK ON
25 THIS MOTION AT THIS TIME? IS THE APPLICANT HERE?

1 MR. CALVERT: YES.

2 CHAIRMAN: DO YOU HAVE ANYTHING YOU WOULD LIKE
3 TO SAY, SIR?

4 MR. SILVERT: WOULD YOU STATE YOUR NAME,
5 PLEASE?

6 MR. CALVERT: MATT CALVERT WITH MORLEY &
7 ASSOCIATES.

8 (MATT CALVERT SWORN BY ATTORNEY.)

9 MR. CALVERT: I'M THE ENGINEER FOR THE
10 DEVELOPER. I WILL BE ABLE TO ANSWER ANY QUESTIONS YOU
11 MAY HAVE IN REGARDS TO THE SITE PLAN.

12 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY
13 QUESTIONS OF THE APPLICANT REPRESENTATIVE?

14 (NO RESPONSE)

15 CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS?

16 MR. HOWARD: NO, SIR.

17 CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF
18 THE ITEM, PLEASE.

19 MS. MASON: MR. CHAIRMAN, I MOVE FOR APPROVAL
20 WITH THE FINDINGS THAT IT WILL NOT ADVERSELY AFFECT
21 THE PUBLIC HEALTH, SAFETY AND WELFARE AS THE BUILDING
22 WILL BE SETBACK ADEQUATELY FROM THE STREET; IT WILL
23 NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL
24 VICINITY BECAUSE THERE APPEARS TO BE OTHER SIDE STREET
25 YARD ENCROACHMENTS IN THE AREA; IT WILL NOT CAUSE A

1 HAZARD OR A NUISANCE TO THE PUBLIC BECAUSE THE
2 PROPOSED BUILDING WILL STILL BE ADEQUATELY AWAY FROM
3 THE STREET PROVIDING FOR SAFE TRAVEL; IT WILL NOT
4 ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
5 REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE THE
6 SIZE AND SHAPE OF THE PROPERTY, IT WOULD BE DIFFICULT
7 TO DEVELOP THIS PROPERTY.

8 MR. DYSINGER: SECOND.

9 CHAIRMAN: A MOTION HAS BEEN MADE AND A
10 SECOND. IS THERE ANY OTHER COMMENTS OR QUESTIONS?

11 (NO RESPONSE)

12 CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS?

13 MR. HOWARD: NO, SIR.

14 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT
15 HAND.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: MOTION CARRIES.

18 NEXT ITEM, PLEASE.

19 MS. EVANS: THE SECOND VARIANCE FOR THIS ITEM
20 IS TO CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO
21 REDUCE THE ROADWAY BUFFER ALONG FREDERICA STREET FROM
22 60 FEET FROM THE STREET CENTERLINE TO 50 FEET FROM THE
23 STREET CENTERLINE.

24 AS WE'RE ALL PROBABLY AWARE, THERE WAS A SINK
25 HOLE THAT OCCURRED AT THE SEWER LINES RUNNING NEAR THE

1 SUBJECT PROPERTY AND BECAUSE OF THIS REGIONAL WATER
2 RESOURCE AGENCY WAS ASKED TO REVIEW THE PLAN AND THE
3 REQUESTED VARIANCES TO ENSURE SAFETY AND ACCESSIBILITY
4 IF THERE WERE ANOTHER SUCH EVENT. RWRA HAS REQUESTED
5 A 30 FOOT SANITARY SEWER EASEMENT OUTSIDE OF THE
6 FREDERICA STREET RIGHT-OF-WAY FOR PROTECTION OF THE
7 SEWER LINES IN THIS AREA.

8 THE REQUIRED 60 FOOT ROADWAY BUFFER HAS BEEN
9 REDUCED FOR A NUMBER OF PROPERTIES IN THIS AREA ALONG
10 FREDERICA STREET AT 2318, 2402, 2425, 2524 AND 2645
11 FREDERICA STREET. THE ROADWAY BUFFER HAS BEEN REDUCED
12 FROM 60 FEET FROM THE CENTERLINE OF THE ROAD TO
13 BETWEEN 45 AND 34 FEET FROM THE CENTERLINE OF THE
14 ROAD. HISTORICALLY, WHERE A ROADWAY BUFFER HAS BEEN
15 REDUCED, THE APPLICANT HAS BEEN REQUIRED TO DEDICATE
16 THE REDUCTIONS AS RIGHT-OF-WAY. IN THIS CASE, THAT
17 WOULD BE AN ADDITIONAL 3 FEET OF RIGHT-OF-WAY.

18 THE GRANTING OF THIS VARIANCE WILL NOT ALTER
19 THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY
20 BECAUSE THE BOARD HAS GRANTED SIMILAR VARIANCE
21 REQUESTS IN THIS AREA. THE VARIANCE WILL NOT AFFECT
22 THE PUBLIC HEALTH, SAFETY OR WELFARE OR CAUSE A HAZARD
23 OR NUISANCE TO THE PUBLIC BECAUSE THE BUILDING WILL BE
24 SET BACK TOWARDS THE REAR OF THE PROPERTY AWAY FROM
25 FREDERICA STREET. THE VARIANCE WILL NOT CAUSE AN

1 UNREASONABLE CIRCUMVENTION OF THE ZONING REQUIREMENTS
2 BECAUSE OF THE NUMEROUS ROADWAY BUFFER REDUCTIONS THAT
3 HAVE BEEN APPROVED ALONG THIS STRETCH OF FREDERICA
4 STREET.

5 STAFF WOULD RECOMMEND APPROVAL WITH THE
6 FOLLOWING CONDITIONS:

7 1. DEDICATION OF A 30 FOOT SANITARY SEWER
8 EASEMENT OUTSIDE OF THE FREDERICA STREET RIGHT-OF-WAY
9 AS REQUESTED BY RWRA.

10 2. DEDICATION OF AN ADDITIONAL 3 FEET OF
11 RIGHT-OF-WAY TO ENCOMPASS THE ROADWAY BUFFER
12 REDUCTION.

13 3. APPROVAL OF A MINOR SUBDIVISION PLAT
14 CONSOLIDATING THE SUBJECT PROPERTIES, DEDICATING THE
15 30 FOOT SANITARY SEWER EASEMENT AND DEDICATING THE
16 ADDITIONAL 3 FEET OF RIGHT-OF-WAY.

17 WE WOULD LIKE TO ENTER THE STAFF REPORT FOR
18 THIS VARIANCE REQUEST AS EXHIBIT B.

19 CHAIRMAN: THANK YOU.

20 DOES THE APPLICANT HAVE ANYTHING TO ADD?

21 MR. CALVERT: NO.

22 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY
23 QUESTIONS OF THE APPLICANT'S REPRESENTATIVE?

24 (NO RESPONSE)

25 CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF

1 THE ITEM.

2 MR. DYSINGER: MR. CHAIRMAN, AFFIRMING THE
3 FINDINGS IN THE STAFF REPORT I MOVE THAT WE APPROVE
4 THE VARIANCE REQUEST WITH THE CONDITIONS 1 THROUGH 3
5 IN THE STAFF REPORT.

6 CHAIRMAN: IS THERE A SECOND?

7 MR. YEISER: SECOND.

8 CHAIRMAN: A MOTION HAS BEEN MADE AND A
9 SECOND. ANY OTHER QUESTIONS OR COMMENTS FROM THE
10 BOARD?

11 (NO RESPONSE)

12 CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS?

13 MR. HOWARD: NO.

14 CHAIRMAN: HEARING NONE ALL IN FAVOR RAISE
15 YOUR RIGHT HAND.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: MOTION CARRIES.

18 NEXT ITEM, PLEASE.

19 MS. EVANS: I WILL ADDRESS THE LAST TWO
20 VARIANCE REQUESTS TOGETHER IN ONE STAFF REPORT.

21 THIS IS IN ORDER TO REDUCE THE DRIVEWAY
22 SPACING ALONG FREDERICA STREET FROM 500 FEET TO 70
23 FEET TO ACCOMMODATE THE EXISTING ACCESS POINT AND TO
24 REDUCE THE DRIVEWAY WIDTH FOR A NON-RESIDENTIAL
25 ONE-WAY DRIVEWAY ALONG FREDERICA STREET FROM 12 FEET

1 TO 10 FEET TO ACCOMMODATE AN EXISTING DRIVEWAY.

2 THE SITE PLAN SHOWS TWO PROPOSED ACCESS POINTS
3 ON HILL AVENUE AND THE EXISTING 10 FOOT WIDE ACCESS
4 POINT ON FREDERICA STREET OPEN AS AN EXIT ONLY.

5 IN THE VICINITY OF THE SUBJECT PROPERTIES,
6 FREDERICA STREET IS CLASSIFIED AS A PRINCIPAL ARTERIAL
7 ROADWAY WITH A 500 FOOT SPACING STANDARD BETWEEN
8 ACCESS POINTS. THIS EXISTING ACCESS POINT IS
9 APPROXIMATELY 70 FEET FROM THE CENTERLINE OF HILL
10 AVENUE AND IS IMMEDIATELY ADJACENT TO THE ACCESS POINT
11 OF THE NEIGHBORING PROPERTY TO THE SOUTH.

12 THE EXISTING ACCESS POINT WAS USED BY THE
13 PREVIOUS BUSINESS THAT HAS SINCE BEEN DEMOLISHED.
14 WITH THE REDEVELOPMENT OF THE PROPERTY AND THE
15 PROPOSAL FOR TWO ACCESS POINTS ON HILL AVENUE, FOR THE
16 SITE SHOULD BE BROUGHT INTO COMPLIANCE WITH CURRENT
17 ACCESS MANAGEMENT REQUIREMENTS AND THE ACCESS POINT TO
18 FREDERICA STREET SHOULD BE CLOSED.

19 THE CITY ENGINEER'S OFFICE AND THE KENTUCKY
20 TRANSPORTATION CABINET HAVE BOTH REVIEWED THE PROPOSED
21 DEVELOPMENT AND THE REQUESTED VARIANCES. ALTHOUGH
22 FREDERICA STREET IS A STATE ROUTE, THE CITY ENGINEER
23 IS NOT IN AGREEMENT WITH ALLOWING THE ACCESS POINT ON
24 FREDERICA STREET TO REMAIN OPEN. THE KYTC HAS STATED
25 THEY WOULD NOT ALLOW THE 10 FOOT ACCESS POINT ALONG

1 FREDERICA STREET TO REMAIN OPEN WITH THE REDEVELOPMENT
2 OF THE PROPERTY. THE KYTC FURTHER STATES THE EXISTING
3 ACCESS POINT IS NOT AND COULD NOT BE MADE TO RESTRICT
4 VEHICLES ALONG FREDERICA STREET FROM TURNING LEFT OR
5 RIGHT INTO THE BUSINESS. THE KYTC FEELS FROM A SAFETY
6 STANDPOINT, THE ACCESS POINTS FROM HILL AVENUE WILL
7 BETTER SERVE THE BUSINESS. COPIES OF THE
8 CORRESPONDENCE WITH BOTH OF THE ABOVE OFFICES HAVE
9 BEEN INCLUDED IN THE FILE.

10 GRANTING THESE VARIANCES WILL ADVERSELY AFFECT
11 THE PUBLIC HEALTH, SAFETY AND WELFARE AND CAUSE A
12 HAZARD OR NUISANCE TO THE PUBLIC BECAUSE THE ACCESS
13 POINTS WOULD NOT MEET THE SPACING STANDARDS AND
14 VEHICLES COULD NOT BE STOPPED FROM ENTERING AND
15 EXITING THE ACCESS TO FREDERICA STREET CAUSING SAFETY
16 CONCERNS ALONG FREDERICA STREET. IT WILL ALLOW AN
17 UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE
18 ZONING REGULATIONS BECAUSE THE KYTC WILL NOT ALLOW THE
19 EXISTING 10 FOOT ACCESS POINT TO FREDERICA STREET TO
20 REMAIN OPEN.

21 STAFF WOULD RECOMMEND DENIAL OF THE VARIANCE
22 TO REDUCE THE DRIVE SPACING ALONG FREDERICA STREET
23 FROM 500 FEET TO 70 FEET AND TO REDUCE THE DRIVEWAY
24 WIDTH OF A ONE-WAY NON-RESIDENTIAL DRIVEWAY FROM 12
25 FEET TO 10 FEET TO ACCOMMODATE THE EXISTING DRIVEWAY.

1 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
2 THE RECORD AS EXHIBIT C.

3 CHAIRMAN: THANK YOU.

4 ANY BOARD MEMBERS HAVE ANY COMMENTS OR
5 QUESTIONS AT THIS TIME?

6 (NO RESPONSE)

7 CHAIRMAN: STAFF HAVE ANYTHING ELSE?

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 FOR
12 DENIAL BASED ON THE CITY ENGINEER AND KYTC RECOMMEND
13 DENYING THIS. IT'S AN UNSAFE ITEM, AND WITH HILL
14 AVENUE ACCESS SEEMS SAFER AND ADEQUATE. WITH STAFF
15 FINDINGS IT WILL ADVERSELY AFFECT THE PUBLIC HEALTH,
16 SAFETY OR WELFARE BECAUSE VEHICLES COULD NOT BE
17 STOPPED FROM ENTERING THE EXISTING ACCESS POINT FROM
18 FREDERICA STREET CAUSING SAFETY CONCERNS; IT WILL
19 ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY
20 BECAUSE THE SPACING STANDARDS WOULD NOT BE MET FOR
21 BUSINESS USES; IT WILL CAUSE A HAZARD OR A NUISANCE TO
22 THE PUBLIC BECAUSE AS STATED BY THE KYTC, THE EXISTING
23 ACCESS POINT COULD NOT BE MADE TO RESTRICT VEHICLES
24 ALONG FREDERICA STREET FROM TURNING INTO THE SUBJECT
25 PROPERTIES; IT WILL ALLOW AN UNREASONABLE

1 CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
2 REGULATIONS BECAUSE THE KENTUCKY TRANSPORTATION
3 CABINET HAS STATED THEY WILL NOT ALLOW THE ACCESS
4 POINT TO REMAIN OPEN.

5 CHAIRMAN: IS THERE A SECOND?

6 MS. MASON: SECOND.

7 CHAIRMAN: A MOTION HAS BEEN MADE AND A
8 SECOND.

9 AGAIN, I ASK THE APPLICANT; DO YOU HAVE ANY
10 COMMENTS ON THIS ITEM?

11 MR. CALVERT: NO, SIR.

12 CHAIRMAN: BOARD MEMBERS HAVE ANY OTHER
13 COMMENTS?

14 (NO RESPONSE)

15 CHAIRMAN: STAFF HAVE ANYTHING ELSE?

16 MR. HOWARD: NO, SIR.

17 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT
18 HAND.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: MOTION CARRIES.

21 ANY OTHER?

22 MR. DYSINGER: MR. CHAIRMAN, MOVE TO ADJOURN.

23 MS. MASON: SECOND.

24 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT
25 HAND.

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(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 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 STENOGRAPHY AND
 12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,
 13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE
 14 FOREGOING 13 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 JUNE, 2013.

18

19

LYNNETTE KOLLER FUCHS
 NOTARY ID 433397
 OHIO VALLEY REPORTING SERVICES
 2200 EAST PARRISH AVE, SUITE 106-E
 OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25