

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT  
 2 SEPTEMBER 5, 2013  
 3 THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT  
 4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY,  
 5 SEPTEMBER 5, 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 CLAUD PORTER, ATTORNEY  
 12 BRIAN HOWARD  
 13 JERRY YEISER  
 14 SEAN DYSINGER  
 15 FRED REEVES

16 \* \* \* \* \*

17 CHAIRMAN: WE CALL THE OWENSBORO METROPOLITAN  
 18 BOARD OF ADJUSTMENT TO ORDER.

19 WE START OUR MEETING EACH EVENING WITH A  
 20 PRAYER AND THE PLEDGE OF ALLEGIANCE. THIS EVENING  
 21 MELISSA WILL HAVE THE PRAYER, PLEASE.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: SINCE WE ONLY HAVE ONE PERSON,  
 24 WE'RE GOING TO SKIP THE PRELIMINARY AND GO TO THE  
 25 MINUTES.

THE MINUTES ARE IN THE OFFICE. I DON'T THINK  
 WE'VE HAD ANY PROBLEMS OR ANYTHING WITH IT. I'LL  
 ENTERTAIN A MOTION TO DISPOSE OF THEM.

1 MR. DYSINGER: MOVE TO APPROVE.

2 MS. MASON: SECOND.

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

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: NEXT ITEM, PLEASE, SIR.

7 -----

8 VARIANCE

9 ITEM 2

10 2402 WEST NINTH STREET, ZONED R-4DT  
11 CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO REDUCE  
12 THE SIDE STREET YARD BUILDING SETBACK LINE FROM 25  
13 FEET FROM THE PROPERTY LINE TO 10 FEET FROM THE  
14 PROPERTY LINE.

15 REFERENCE: ZONING ORDINANCE, ARTICLES 8,  
16 SECTION 8.5.11(C)

17 APPLICANT: CITY OF OWENSBORO COMMUNITY DEVELOPMENT  
18 DEPARTMENT

19 MR. PORTER: WOULD YOU STATE YOUR NAME FOR THE  
20 RECORD, PLEASE?

21 MS. EVANS: MELISSA EVANS.

22 (MELISSA EVANS SWORN BY ATTORNEY.)

23 MS. EVANS: THE SUBJECT PROPERTY IS PART OF  
24 THE MECHANICSVILLE REDEVELOPMENT PROJECT BY THE CITY  
25 OF OWENSBORO. ACCORDING TO THE APPLICANT, THIS LOT IS  
A NARROW LOT DEVELOPED BEFORE THE ESTABLISHMENT OF THE  
ZONING ORDINANCE AND CURRENT REQUIREMENTS FOR BUILDING  
SETBACKS.

THE APPLICANT IS REQUESTING THAT THE EAST SIDE

1 YARD SETBACK, ALONG HOCKER STREET, BE REDUCED FROM 25  
2 FEET FROM THE PROPERTY LINE TO 10 FEET FROM THE  
3 PROPERTY LINE IN ORDER TO CONSTRUCT A NEW HOME ON THE  
4 PROPERTY.

5 THE NEIGHBORHOOD IS IN AN AREA DEVELOPED  
6 BEFORE THE ESTABLISHMENT OF THE ZONING ORDINANCE WHERE  
7 IT APPEARS OTHER PRINCIPAL STRUCTURES ALSO ENCROACH  
8 INTO THE BUILDING SETBACK LINES. ADDITIONALLY, THE  
9 OMBA HAS GRANTED SIMILAR VARIANCE REQUESTS TO REDUCE  
10 THE SIDE STREET YARD BUILDING SETBACKS ALONG HOCKER  
11 STREET AT 2400 WEST FIFTH STREET AND 2400 CRAVENS  
12 AVENUE IN JUNE AND AUGUST 2012.

13 GRANTING THIS VARIANCE WILL NOT ALTER THE  
14 ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE  
15 THERE APPEAR TO BE OTHER ENCROACHMENTS INTO THE  
16 BUILDING SETBACK LINES WITHIN THE MECHANICSVILLE  
17 NEIGHBORHOOD. IT WILL NOT ADVERSELY AFFECT THE PUBLIC  
18 HEALTH, SAFETY OR WELFARE BECAUSE THIS WILL BE A NEW  
19 HOME AS PART OF THE REDEVELOPMENT OF THE  
20 MECHANICSVILLE NEIGHBORHOOD THAT WILL CREATE  
21 AFFORDABLE HOUSING FOR THE COMMUNITY AND WILL ENHANCE  
22 THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC IN THIS  
23 AREA. IT WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION  
24 OF THE REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE  
25 SIMILAR VARIANCES HAVE BEEN APPROVED IN THIS AREA.

1                   STAFF RECOMMENDS APPROVAL WITH THE FOLLOWING  
2           CONDITION:

3                   OBTAIN NECESSARY BUILDING, ELECTRICAL AND  
4           MECHANICAL PERMITS INSPECTIONS AND CERTIFICATES OF  
5           OCCUPANCY AND COMPLIANCE.

6                   WE WOULD LIKE TO ENTER THE STAFF REPORT INTO  
7           THE RECORD AS EXHIBIT A.

8                   CHAIRMAN:   THANK YOU.

9                   IS ANYONE WISHING TO SPEAK ON THIS?

10                   (NO RESPONSE)

11                   CHAIRMAN:   SEEING NONE DOES THE STAFF HAVE ANY  
12           COMMENTS?

13                   MR. HOWARD:   NO, SIR.

14                   CHAIRMAN:   ENTERTAIN A MOTION TO DISPOSE OF  
15           IT.

16                   MR. DYSINGER:   MR. CHAIRMAN, GIVEN THE  
17           PARTICULAR NATURE OF THIS LOT AND GIVEN THE FINDING  
18           THAT IT WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE  
19           GENERAL VICINITY BECAUSE THE AREA WAS DEVELOPED BEFORE  
20           THE ESTABLISHMENT OF THE ZONING ORDINANCE.   I MOVE  
21           THAT WE APPROVE WITH THE FOLLOWING CONDITION:   THAT  
22           THE APPLICANT OBTAIN NECESSARY BUILDING, ELECTRICAL  
23           AND MECHANICAL PERMITS, INSPECTIONS AND CERTIFICATES  
24           OF OCCUPANCY AND COMPLIANCE.

25                   MR. PEDLEY:   SECOND.

1                   CHAIRMAN:  A MOTION HAS BEEN MADE AND A  
2 SECOND.  ANY OTHER QUESTIONS OR COMMENTS FROM THE  
3 STAFF?

4                   MR. HOWARD:  NO.

5                   CHAIRMAN:  BOARD MEMBERS HAVE ANY OTHER  
6 QUESTIONS?

7                   (NO RESPONSE)

8                   CHAIRMAN:  HEARING NONE ALL IN FAVOR RAISE  
9 YOUR RIGHT HAND.

10                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11                   CHAIRMAN:  MOTION CARRIES.

12                   NEXT ITEM.

13                   MR. DYSINGER:  MOVE TO ADJOURN.

14                   MR. REEVES:  SECOND.

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

17                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18                   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 STENOGRAPHY AND  
12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,  
13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE  
14 FOREGOING 5 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE  
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE  
17 15TH DAY OF SEPTEMBER, 2013.

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LYNNETTE KOLLER FUCHS  
NOTARY ID 433397  
OHIO VALLEY REPORTING SERVICES  
202 WEST THIRD STREET, SUITE 12  
OWENSBORO, KENTUCKY 42303

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23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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