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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

OCTOBER 3, 2013

THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT
MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY,
OCTOBER 3, 2013, AT CITY HALL, COMMISSION CHAMBERS,
OWENSBORO, KENTUCKY, AND THE PROCEEDINGS WERE AS
FOLLOWS:

MEMBERS PRESENT: C.A. PANTLE, CHAIRMAN
WARD PEDLEY, VICE CHAIRMAN
RUTH ANN MASON, SECRETARY
GARY NOFFSINGER, DIRECTOR
CLAUD PORTER, ATTORNEY
JERRY YEISER
SEAN DYSINGER
FRED REEVES

* * * * *

CHAIRMAN: CALL THE OWENSBORO METROPOLITAN
BOARD OF ADJUSTMENT MEETING TO ORDER. I WELCOME YOU
AND WE START OUR PROGRAM EACH EVENING WITH A PRAYER
AND PLEDGE TO ALLEGIANCE. WE ASK YOU TO JOIN WITH US.
FRED IS GOING TO DO THE PRAYER THIS EVENING.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: AGAIN, I WANT TO WELCOME YOU TO THE
MEETING TONIGHT. IF YOU HAVE ANY COMMENTS ON ANY OF
THE REPORTS WE HAVE OR APPLICATIONS, PLEASE COME TO
ONE OF THE PODIUMS AND STATE YOUR NAME SO WE'LL HAVE
RECORD OF IT.

WITH THAT THE FIRST ITEM ARE THE MINUTES OF

1 SEPTEMBER 5, 2013 MEETING. ARE THERE ANY PROBLEMS? I
2 DON'T THINK THERE'S ANY IN THE OFFICE.

3 MR. NOFFSINGER: THEY'RE FINE.

4 MR. DYSINGER: MOVE TO APPROVE.

5 MS. MASON: SECOND.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: MOTION CARRIES.

10 NEXT ITEM PLEASE, SIR.

11 -----

12 CONDITIONAL USE PERMIT

13 ITEM 2

14 2810 OLD MASONVILLE LOOP, ZONED R-1A
15 CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT IN
16 ORDER TO OPERATE AN EXISTING CHURCH AND CONSTRUCT AN
17 ATTACHED PICNIC SHELTER.
18 REFERENCE: ZONING ORDINANCE, ARTICLE 8, SECTION 8.2B4
19 APPLICANT: MASONVILLE UNITED METHODIST CHURCH

20 MR. PORTER: STATE YOUR NAME FOR THE RECORD.

21 MS. EVANS: MELISSA EVANS.

22 (MELISSA EVANS SWORN BY ATTORNEY.)

23 MS. EVANS: FIRST OF ALL, I WOULD LIKE TO
24 STATE THAT APPROVAL OF ITEMS TONIGHT DOES NOT ALLOW
25 THE APPLICANT OR OWNER TO CONSTRUCT, ALTER, MODIFY OR
 OCCUPANCY A BUILDING ON THE SUBJECT PROPERTY. IT IS
 THE APPLICANT OR OWNER'S RESPONSIBILITY TO OBTAIN ALL

1 APPROVALS AND INSPECTIONS AS NECESSARY BEFORE
2 OCCUPANCY OF THE BUILDING WOULD BE ALLOWED. PLEASE
3 CONTACT THE BUILDING AND ELECTRICAL DIVISION OF THE
4 OMPC PRIOR TO BEGINNING ANY WORK ON THE SUBJECT
5 PROPERTY FOR APPLICABLE REQUIREMENTS.

6 ZONING HISTORY

7 THE SUBJECT PROPERTY IS CURRENTLY ZONED R-1A
8 SINGLE FAMILY RESIDENTIAL. OMPC RECORDS INDICATE
9 THERE HAVE BEEN NO ZONING MAP AMENDMENTS FOR THE
10 SUBJECT PROPERTY.

11 THIS CHURCH HAS BEEN IN OPERATION FOR OVER 50
12 YEARS, BEFORE THE CURRENT ZONING ORDINANCE REGULATIONS
13 WERE ESTABLISHED. THE APPLICANT IS BRINING THE
14 PROPERTY INTO COMPLIANCE BY SEEKING THIS CONDITIONAL
15 USE PERMIT TO OPERATE A CHURCH IN AN R-1A ZONE. IN
16 ADDITION, THEY ARE REQUESTING TO BUILD A SMALL, 26
17 FOOT BY 30 FOOT, ATTACHED PICNIC SHELTER.

18 LAND USES IN SURROUNDING AREA

19 THE PROPERTIES TO THE NORTH ARE ZONED A-U
20 URBAN AGRICULTURE AND R-1A SINGLE FAMILY RESIDENTIAL.
21 THE PROPERTIES TO THE WEST AND SOUTH ARE ZONED A-U
22 URBAN AGRICULTURE. THE PROPERTIES TO THE EAST ARE
23 ZONED R-1A SINGLE FAMILY RESIDENTIAL. ALL SURROUNDING
24 PROPERTIES APPEAR TO BE RURAL FARM AND RESIDENTIAL
25 USES.

1 ZONING ORDINANCE REQUIREMENTS

2 1. PARKING - EXISTING PARKING IS PROVIDED ON
3 THE PROPERTY TO MEET THE ORDINANCE REQUIREMENTS.

4 2. LANDSCAPING - A 3 FOOT CONTINUOUS ELEMENT
5 WITH ONE TREE EVERY 40 LINEAR FEET OF THE NORTH
6 BOUNDARY OF THE VEHICULAR USE AREA WILL BE REQUIRED.

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

9 CHAIRMAN: THANK YOU.

10 IS THERE ANY CALLS OR COMPLAINTS IN THE
11 OFFICE?

12 MR. NOFFSINGER: NO, SIR.

13 CHAIRMAN: IS THE APPLICANT HERE AND WISH TO
14 MAKE ANY COMMENTS ON IT?

15 APPLICANT REP: YES.

16 CHAIRMAN: DO YOU HAVE ANYTHING YOU WANT TO
17 SAY, SIR?

18 APPLICANT REP: NO, SIR.

19 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY
20 QUESTIONS OF THE APPLICANT?

21 (NO RESPONSE)

22 CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

23 MR. NOFFSINGER: NO, SIR.

24 CHAIRMAN: HEARING NONE I'LL ENTERTAIN A
25 MOTION TO DISPOSE OF THE ITEM.

1 MS. MASON: MR. CHAIRMAN, I MOVE FOR APPROVAL
2 SINCE THE CHURCH HAS BEEN IN OPERATION FOR OVER 50
3 YEARS. IT'S COMPATIBLE AND IT'S IN HARMONY WITH THE
4 AREA. AS FAR AS ADDING THE ATTACHED PICNIC SHELTER,
5 IT'S A LOGICAL EXPANSION OF THE EXISTING USE OF THE
6 PROPERTY ADDING THE SHELTER TO IT.

7 MR. DYSINGER: 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. NOFFSINGER: NO, SIR.

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, SIR.

19 -----

20 VARIANCE

21 ITEM 3

22 4010 AIRPARK DRIVE, ZONED I-2
23 CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO
24 ELIMINATE THE REQUIRED 6 FOOT TALL SOLID WALL OR FENCE
25 ALONG THE EAST BOUNDARY OF THE OUTDOOR STORAGE AREA.
REFERENCE: ZONING ORDINANCE, ARTICLES 17,
TABLE 17.311(5A)
APPLICANT: METALSA; LEXINGTON REALTY TRUST

1 MS. EVANS: THE APPLICANT IS PROPOSING TO
2 INSTALL THE REQUIRED SCREENING ALONG THE NORTH, SOUTH
3 AND WEST BOUNDARIES OF THE OUTDOOR STORAGE AREA. THE
4 APPLICANT IS REQUESTING A VARIANCE FOR THE REQUIRED
5 SCREENING ALONG THE EAST BOUNDARY OF THE OUTDOOR
6 STORAGE AREA ONLY.

7 THE EAST BOUNDARY OF THE OUTDOOR STORAGE AREA
8 IS LOCATED DIRECTLY BEHIND THE EXISTING BUILDING, NOT
9 VISIBLE FROM THE PUBLIC RIGHT-OF-WAY.

10 GRANTING THIS VARIANCE WILL NOT ALTER THE
11 ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE
12 THIS IS AN INDUSTRIAL AREA WHERE OUTDOOR STORAGE IS
13 CURRENTLY TAKING PLACE WITH NO SCREENING. IT WILL NOT
14 ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
15 REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE WITH
16 THE INSTALLATION OF THE REQUIRED SCREENING ALONG THREE
17 SIDES OF THE OUTDOOR STORAGE BOUNDARY, THE FOURTH
18 SIDE, WHERE THE VARIANCE IS SOUGHT, IS SCREENED BY THE
19 EXISTING BUILDING, MEETING THE INTENT OF THE
20 ORDINANCE.

21 STAFF WOULD RECOMMEND APPROVAL WITH THE
22 FOLLOWING CONDITION: INSTALLATION OF THE REQUIRED 6
23 FOOT SOLID WALL OR FENCE ALONG THE NORTH, SOUTH AND
24 WEST BOUNDARIES OF THE OUTDOOR STORAGE AREA.

25 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO

1 THE RECORD AS EXHIBIT B.

2 CHAIRMAN: THANK YOU.

3 HAVE WE HAVE ANY COMMENTS IN THE OFFICE?

4 MR. NOFFSINGER: NO, SIR.

5 CHAIRMAN: IS THE APPLICANT HERE AND WISH TO
6 COMMENT ANYTHING ON IT? COME FORWARD IF YOU DO.

7 (NO RESPONSE)

8 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY COMMENTS
9 OR QUESTIONS OF THE APPLICANT?

10 (NO RESPONSE)

11 CHAIRMAN: STAFF HAVE ANYTHING ELSE YOU WANT
12 TO ADD TO IT?

13 MR. NOFFSINGER: NO, SIR.

14 CHAIRMAN: HEARING NONE ENTERTAIN A MOTION TO
15 DISPOSE OF THE ITEM.

16 MR. DYSINGER: MR. CHAIRMAN, GIVEN THE
17 FINDINGS IN THE STAFF REPORT THAT IT WILL NOT
18 ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE
19 BECAUSE THIS IS AN EXISTING ONGOING USE SEPARATED FOR
20 PUBLIC RIGHT-OF-WAY BY EXISTING BUILDING, AND WITH THE
21 CONDITION OF AN INSTALLATION OF THE REQUIRED 6 FOOT
22 TALL SOLID WALL OR FENCE ALONG THE NORTH, SOUTH AND
23 WEST BOUNDARIES OF THE OUTDOOR STORAGE AREA, I MOVE
24 THAT WE APPROVE THE VARIANCE REQUEST.

25 MR. REEVES: SECOND.

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

4 (NO RESPONSE)

5 CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

6 MR. NOFFSINGER: NO, SIR.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: MOTION CARRIES.

11 NEXT ITEM, PLEASE, SIR.

12 ITEM 4

13 2070 SOUTHTOWN BOULEVARD, ZONED B-1
14 CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO REDUCE
15 THE DISTANCE OF A NON-RESIDENTIAL POINT OF ACCESS FROM
16 50 FEET FROM THE RIGHT-OF-WAY LINE OF AN INTERSECTING
17 STREET TO 21.4 FEET FROM THE RIGHT-OF-WAY LINE OF AN
18 INTERSECTING STREET.

19 REFERENCE: ZONING ORDINANCE, ARTICLE 13,
20 SECTION 13.22

21 APPLICANT: MARTIN & BAYLEY, INC.

22 MS. EVANS: THE SUBJECT PROPERTY IS A
23 COMMERCIAL PROPERTY LOCATED AT THE INTERSECTION OF
24 SOUTHTOWN BOULEVARD AND DISCOVERY LANE, IN THE
25 DISCOVERY CORNER DEVELOPMENT. THE SUBJECT PROPERTY IS
TO THE EAST OF THE PROPERTY WHERE A NEW HUCK'S
CONVENIENCE STORE IS PROPOSED AT 2080 SOUTHTOWN
BOULEVARD. THE ACCESS ON THE SUBJECT PROPERTY WILL
PROVIDE ACCESS TO HUCK'S AND FUTURE DEVELOPMENT OF THE

1 SUBJECT PROPERTY. A 20 FOOT INGRESS/EGRESS EASEMENT
2 WAS APPROVED ON A FINAL PLAT DATED NOVEMBER 22, 2011
3 PROVIDING ACCESS FOR SHARED PARKING BETWEEN 2070 AND
4 2080 SOUTHTOWN BOULEVARD, BUT DID NOT EXTEND TO
5 DISCOVERY LANE.

6 A WIDENING PROJECT BY THE STATE HAS RECENTLY
7 TAKEN PLACE ON SOUTHTOWN BOULEVARD CREATING
8 APPROXIMATELY A 90 FOOT RIGHT-OF-WAY ALONG SOUTHTOWN
9 BOULEVARD CONSISTING OF A FIVE LANE CROSS-SECTION AND
10 A 10 FOOT SHARED USE GREENBELT PATH RUNNING ALONG THE
11 SOUTH SIDE OF THE STREET. ALTHOUGH THE RIGHT-OF-WAY
12 AT 2070 SOUTHTOWN BOULEVARD IS WIDER THAN THAT OF A
13 SIMILAR STREETS THROUGHOUT THE CITY, IT IS CONSISTENT
14 FOR THIS SECTION OF SOUTHTOWN BOULEVARD FROM CARTER
15 ROAD TO FREDERICA STREET. THIS RIGHT-OF-WAY IS WIDE
16 ENOUGH TO ACCOMMODATE THE 5 LANE ROAD, A SHARED USE
17 PATH AND A ROADSIDE DITCH THAT CARRIES WATER FROM THE
18 BACK SQUARE DRIVE AND BERTHA GOETZ ESTATE AREA TO THE
19 GOETZ DITCH.

20 THE KENTUCKY TRANSPORTATION CABINET AND THE
21 CITY ENGINEER HAVE BOTH REVIEWED THIS APPLICATION
22 SINCE SOUTHTOWN BOULEVARD IS A CITY STREET AND THE
23 WIDENING OF THE ROAD WAS A STATE PROJECT. THE KYTC
24 WOULD RECOMMEND ACCESS FROM LOT 2, 2070 SOUTHTOWN
25 BOULEVARD, BE FROM ENDEAVOUR DRIVE; AND ANY ACCESS TO

1 DISCOVERY LANE BE A MINIMUM OF 150 FEET FROM THE EDGE
2 OF THE PAVEMENT TO SOUTHTOWN BOULEVARD. THE KYTC
3 CITED THE STACKING OR QUEUING OF TRAFFIC AS THEIR
4 CONCERN. TRAFFIC EXITING DISCOVERY LANE ONTO
5 SOUTHTOWN BOULEVARD WILL QUEUE BACK DISCOVERY LANE
6 BLOCKING THIS PROPOSED ACCESS POINT RESTRICTING THE
7 FLOW OF TRAFFIC OUT OF THIS DEVELOPMENT. THE CITY
8 ENGINEER'S OFFICE IS ALSO NOT IN FAVOR OF THE VARIANCE
9 REQUEST AND WILL REQUIRE THE MINIMUM 50 FOOT SPACING
10 FROM THE RIGHT-OF-WAY BE MAINTAINED.

11 GIVEN THE RECOMMENDATIONS BY THE KENTUCKY
12 TRANSPORTATION CABINET AND THE CITY ENGINEER'S OFFICE,
13 GRANTING THIS VARIANCE TO REDUCE THE DISTANCE OF A
14 NON-RESIDENTIAL POINT OF ACCESS FROM 50 FEET FROM THE
15 RIGHT-OF-WAY LINE OF AN INTERSECTING STREET TO 21.4
16 FEET FROM THE RIGHT-OF-WAY LINE OF AN INTERSECTING
17 STREET WILL ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
18 REQUIREMENTS OF THE ZONING REGULATIONS.

19 STAFF WOULD RECOMMEND DENIAL AND WE WOULD LIKE
20 TO ENTER THE STAFF REPORT INTO THE RECORD AS EXHIBIT
21 C.

22 CHAIRMAN: THANK YOU.

23 HAVE WE HAD ANY COMMENTS IN THE OFFICE?

24 MR. NOFFSINGER: NO, SIR.

25 CHAIRMAN: IS THE APPLICANT HERE AND DO YOU

1 WANT TO HAVE ANYTHING TO ADD AT THIS TIME? COME
2 FORWARD AND STATE YOUR NAME, PLEASE.

3 MR. APPLEBY: DAVID WEAVER WITH BRYANT
4 ENGINEERING.

5 (DAVID WEAVER SWORN BY ATTORNEY.)

6 MR. WEAVER: SINCE THE OWNER DOESN'T GET A
7 STAFF REPORT, WE'RE NOT PRIVILEGE TO THE WORDING THAT
8 WAS JUST DELIVERED UNTIL NOW. WE WOULD ASK FOR
9 CLARIFICATION FROM MELISSA.

10 I THINK YOU READ THAT THE STATE WANTED 150
11 FEET FROM THE EDGE OF PAVEMENT TO THE ACCESS POINT.
12 THEN THE CITY ENGINEER ASKED FOR 50 FEET FROM THE
13 RIGHT-OF-WAY LINE. IF WE COMPLY WITH THE STATE
14 HIGHWAY DEPARTMENT'S RECOMMENDATION, THAT WOULD THROW
15 THE ACCESS POINT WAY BACK BEYOND WHAT IS REQUIRED BY
16 THE ORDINANCE AND THIS IS NOT A STATE ROUTE.
17 DISCOVERY LANE IS NOT. WE WOULD LIKE TO KNOW WHAT THE
18 PLANNING STAFF'S EXPECTATIONS ARE.

19 MS. EVANS: OUR EXPECTATIONS WOULD BE THAT THE
20 VARIANCE WOULD BE DENIED AND IT WOULD BE WHAT'S
21 REQUIRED IN THE ZONING ORDINANCE, WHICH WOULD BE THE
22 50 FEET FROM THE RIGHT-OF-WAY LINE OF AN INTERSECTING
23 STREET.

24 MR. WEAVER: OKAY. THAT'S WHAT WE WANTED TO
25 CLARIFY.

1 JUST FOR EXPLANATION. IN THE APPLICATION,
2 WHAT THE CONTENTION WAS THAT WE PRESENTED IN OUR
3 REPORT WAS THAT THE SPIRIT OF THE ORDINANCE WAS MET IN
4 THAT WE'RE MORE THAN 50 FOOT FROM WHAT WOULD BE A
5 STANDARD RIGHT-OF-WAY FROM SOUTHTOWN BOULEVARD. SO WE
6 WOULD LIKE YOU TO TAKE THAT INTO CONSIDERATION. I
7 DON'T KNOW IF YOU'VE GOT A COPY OF THE SITE PLAN OR
8 NOT IN FRONT OF YOU. WE HAVE 67.1 FEET. TYPICALLY 50
9 WOULD BE REQUIRED.

10 CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS TO
11 CLARIFY, PLEASE?

12 MR. NOFFSINGER: I WOULD JUST STATE THAT THE
13 STAFF CERTAINLY IS AWARE OF THAT, AND WE DO RESPECT
14 THE ARGUMENT PRESENTED BY THE APPLICANT; HOWEVER, THE
15 PLANNING STAFF IS IN A POSITION WHERE WE HAVE TO RELY
16 ON THE EXPERTISE OF THE CITY ENGINEER, THE STATE
17 HIGHWAY DEPARTMENT, AND THEY'RE VERY CONCERNED ABOUT
18 THIS INTERSECTION. THEY'RE VERY CONCERNED ABOUT
19 TRAFFIC MOVEMENT, THE QUEUING. WE DO HAVE THE GREEN
20 BELT THERE, PEDESTRIAN ACCESS. SO THEIR
21 RECOMMENDATIONS ARE THAT YOU HAVE A GREATER STANDARD
22 THAN ACTUALLY WHAT THE ZONING ORDINANCE REQUIRES.

23 WE CAN'T FIND ANY COMPELLING REASON TO
24 RECOMMEND APPROVAL OF THE VARIANCE IN THAT THE CITY OF
25 OWENSBORO WOULD BE THE ONE THAT WOULD ISSUE THE

1 DRIVEWAY PERMIT ON THAT STREET. THEY STATED THAT
2 THEY'RE NOT COMFORTABLE WITH THAT.

3 SO WITHOUT THE APPROVAL OF THE CITY ENGINEER,
4 THEN CERTAINLY WE WOULD NOT RECOMMEND APPROVAL OF THE
5 VARIANCE AND CERTAINLY WOULD RECOMMEND THAT YOU NOT
6 APPROVE IT.

7 CHAIRMAN: ANY BOARD MEMBER HAVE ANY COMMENTS
8 OR QUESTIONS?

9 (NO RESPONSE)

10 CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

11 MR. NOFFSINGER: NO, SIR.

12 CHAIRMAN: HEARING NONE ENTERTAIN A MOTION TO
13 DISPOSE OF THE ITEM.

14 MR. PEDLEY: MR. CHAIRMAN, I MAKE A MOTION FOR
15 DENIAL AND IT'S BASED ON THE KENTUCKY TRANSPORTATION
16 CABINET'S CONCERN WITH THE QUEUING CONCERN OF THE
17 TRAFFIC, AND WITH THE RECOMMENDED ACCESS, AND THE CITY
18 ENGINEER'S CONCERN AND REQUIREMENTS, AND THE STAFF'S
19 FINDINGS OF FACT 1 THROUGH 4 AS READ INTO THE RECORD.

20 MELISSA, DID YOU READ INTO THE RECORD 1
21 THROUGH 4?

22 MS. EVANS: NO, SIR.

23 MR. PEDLEY: I WANT TO READ THAT INTO THE
24 RECORD. STAFF'S FINDINGS 1 THROUGH 4.

25 1. IT WILL ADVERSELY AFFECT THE PUBLIC

1 HEALTH, SAFETY OR WELFARE BECAUSE, AS CITED BY THE
2 KYTC, STACKING OR QUEUING OF TRAFFIC ON DISCOVERY LANE
3 WILL CAUSE TRAFFIC PROBLEMS;

4 2. IT WILL ALTER THE ESSENTIAL CHARACTER OF
5 THE GENERAL VICINITY BECAUSE THIS IS THE FIRST LOT IN
6 THIS COMMERCIAL DEVELOPMENT TO DEVELOP; SETTING A
7 PRECEDENT LEADING THE PROPERTY ON THE OTHER SIDE OF
8 DISCOVERY LANE TO SEEK THE SAME VARIANCE REQUEST FOR
9 THEIR ACCESS POINT;

10 3. IT WILL CAUSE A HAZARD OR A NUISANCE TO
11 THE PUBLIC BECAUSE OF STACKING OR QUEUING ISSUES THAT
12 WILL BLOCK THE PROPOSED ACCESS POINT RESTRICTING THE
13 FLOW OF TRAFFIC OUT OF THIS DEVELOPMENT;

14 4. IT WILL ALLOW AN UNREASONABLE
15 CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
16 REGULATIONS BASED ON THE RECOMMENDATIONS BY THE KYTC
17 AND THE CITY ENGINEER'S OFFICE.

18 CHAIRMAN: THANK YOU. IS THERE A SECOND?

19 MR. DYSINGER: SECOND.

20 CHAIRMAN: A MOTION HAS BEEN MADE AND A
21 SECOND. DOES THE BOARD HAVE ANY OTHER QUESTIONS?

22 (NO RESPONSE)

23 CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

24 MR. NOFFSINGER: NO, SIR.

25 CHAIRMAN: THE APPLICANT HAVE ANYTHING ELSE

1 YOU'D LIKE TO ADD?

2 MR. WEAVER: NO.

3 CHAIRMAN: HEARING NONE ALL IN FAVOR RAISE
4 YOUR RIGHT HAND.

5 (BOARD MEMBERS SEAN DYSINGER, WARD PEDLEY,
6 RUTH ANN MASON AND FRED REEVES RESPONDED AYE.)

7 CHAIRMAN: MOTION CARRIES.

8 ONE FINAL MOTION.

9 MR. PEDLEY: MOTION TO ADJOURN.

10 MS. MASON: SECOND.

11 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

12 (BOARD MEMBERS PRESENT RESPONDED AYE.)

13 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 15 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE
17 24TH DAY OF OCTOBER, 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

25