

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MARCH 6, 2014

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, March 6, 2014, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Ward Pedley, Chairman
Judy Dixon, Vice Chairman
Terra Knight, Attorney
Brian Howard
Jerry Yeiser
Fred Reeves

* * * * *

CHAIRMAN: Call the Owensboro Metropolitan Board Of Adjustment March 6, 2014 meeting to order. We'll begin our meeting with a prayer and pledge of allegiance to the flag. Mr. Reeves will lead us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I like to welcome everyone. Anyone wishing to speak on any item may do so. We ask you come to one of the podiums, state your name and be sworn in. Please speak into the microphone. We welcome your comments and questions.

With that the first item on the agenda is to consider the minutes of the February 6, 2014 minutes.

Board Members, you got a copy in your packet mailed to you. Are there any additions or corrections

1 on the minutes?

2 (NO RESPONSE)

3 CHAIRMAN: If not the chair is ready for a
4 motion.

5 MS. DIXON: Motion to approve.

6 MR. YEISER: Second.

7 CHAIRMAN: We have a motion to approve and a
8 second. All in favor of the motion raise your right
9 hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: The minutes are approved.

12 Next item.

13 -----

14 CONDITIONAL USE PERMIT

15 ITEM 2

16 3666 Kasinger Lane, zoned R-1A
17 Consider a request for a Conditional Use Permit in
18 order to install a class 2 manufactured home in an
19 R-1A zone.

Reference: Zoning Ordinance, Article 8,
Section 8.2A10B/7

Applicant: Thomas L. Higdon; Kevin N. Anderson

20 MS. KNIGHT: State your name for the record,
21 please.

22 MS. EVANS: Melissa Evans.

23 (MELISSA EVANS SWORN BY ATTORNEY.)

24 ZONING HISTORY

25 The subject property is currently zoned R-1A

1 Single Family Residential. OMPC records indicate
2 there have been no Zoning Map Amendments for the
3 subject property.

4 There do appear to be other single wide class
5 2 manufactured homes in the area according on GIS
6 aerial photography.

7 The applicant is asking that the concrete
8 sidewalk requirement be waived and that the paved
9 parking requirement be waived. Based on the aerial
10 photography from March 2012, there appear to be no
11 sidewalks in the area. This is a rural area where
12 curbs and sidewalks are not typical. There is a mix
13 of paved and gravel driveways in the parking areas
14 along Kasinger lane.

15 It should be noted that the applicant is
16 required to obtain all necessary building, electrical
17 and mechanical permits, inspections and certificates
18 of occupancy and compliance as required.

19 LAND USE IN SURROUNDING AREA

20 All surrounding properties are zoned R-1A
21 Single Family Residential and A-U Urban Agriculture
22 and appear to be residential uses.

23 ZONING ORDINANCE REQUIREMENTS

24 The class-2 manufactured home site standards
25 based on the requirements of the Zoning Ordinance are

1 as follows:

2 1. A concrete or asphalt parking pad to
3 accommodate two 9'x18' spaces is required.

4 2. A minimum 10'x10' deck or patio is
5 required.

6 3. A concrete sidewalk is required, but may
7 be waived along rural roads without curbs and gutters.

8 4. The driveway apron shall not exceed 40
9 percent of the lot width.

10 5. The property is required to have at least
11 three trees.

12 6. The manufactured home shall be permanently
13 installed on a permanent foundation. A poured
14 concrete or masonry block skirting wall shall be
15 constructed beneath and along the entire perimeter of
16 the manufactured home.

17 7. All wheel, trailer-tongue and hitch
18 assemblies shall be removed upon installation.

19 8. The manufactured home shall be permanently
20 connected to an approved water and sewer system when
21 available.

22 The applicant is requesting waiver of
23 requirements 1 and 3, but meets all the other
24 applicable criteria as demonstrated on their site plan
25 submitted.

1 We would like to enter the Staff Report into
2 the record as Exhibit A.

3 CHAIRMAN: Is there anyone here representing
4 the applicant?

5 (NO RESPONSE)

6 CHAIRMAN: Is there anyone here that would
7 like to speak in opposition or have any comments or
8 questions on this application?

9 (NO RESPONSE)

10 CHAIRMAN: Any board members have any comments
11 or questions?

12 (NO RESPONSE)

13 CHAIRMAN: If not the chair is ready for a
14 motion.

15 MR. REEVES: Mr. Chairman, I move the
16 Conditional Use Permit be issued to the applicant and
17 also that Items 1 and 3 be waived.

18 CHAIRMAN: Do I have a second on the motion?

19 MR. YEISER: Second.

20 CHAIRMAN: We have a second. Any comments or
21 questions on the motion?

22 (NO RESPONSE)

23 CHAIRMAN: If not all in favor of the motion
24 raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimous.

2 Next item, please.

3 ITEM 3

4 1001 West 7th Street, zoned R-4DT
5 Consider a request for a Conditional Use Permit in
6 order to operate a homeless shelter.
7 Reference: Zoning Ordinance, Article 8,
8 Section 8.2A7/6a
9 Applicant: Rev. Carl McCarthy; Roman Catholic Diocese
10 of Owensboro

11 ZONING HISTORY

12 The property was rezoned from R-1T Townhouse
13 to R-4DT Inner City Residential in 2000. A
14 Conditional Use Permit was approved in July 2000 for
15 the construction of a new building on the site, which
16 was occupied by the existing Blessed Sacrament Chapel
17 and the St. Vincent DePaul Store. The new building
18 was proposed for church related activities. A final
19 development plan was subsequently approved in October
20 2000 showing the existing and proposed church related
21 buildings on the site with adequate parking for the
22 church function and the retail use of the St. Vincent
23 DePaul Store.

24 A Conditional Use Permit was approved for the
25 property in December of 2006 in order to operate a
temporary homeless shelter for a maximum of 35 guests
from 8 p.m. to 6 a.m. from December 2006 through March
2007. In September 2007 a conditional use permit was

1 to remove the restriction of specific dates of
2 operation so that the shelter may continue its
3 operation from year to year as was approved.

4 The applicant is seeking to expand the
5 existing operation by increasing the number of beds.

6 It should be noted that the applicant is
7 required to obtain all necessary building, electrical
8 and mechanical permits, inspections and certificates
9 of occupancy and compliance.

10 LAND USES IN SURROUNDING AREA

11 The area surrounding the proposed site consist
12 mainly of single-family residences. The site
13 currently houses a church building and a church
14 related building in addition to the building that
15 houses the shelter.

16 ZONING ORDINANCE REQUIREMENTS

17 There are certain requirements that are
18 required of a dormitory type use for the homeless
19 shelters. The following criteria that apply to the
20 dormitory are Items 1 through 10.

21 The applicant has displayed in their
22 application that all of those items have been met and
23 they provided the required material was in your packet
24 for review. The existing parking on the property
25 meets the requirements of the parking spaces required

1 for a dormitory use.

2 We would like to enter the Staff Report into
3 the record as Exhibit B.

4 CHAIRMAN: Is anyone here representing the
5 applicant?

6 THE WITNESS: Yes.

7 CHAIRMAN: Let's see if we have any opposition
8 on this before you speak.

9 Anyone here like to speak in opposition or
10 have any comments or questions on this application?

11 (NO RESPONSE)

12 CHAIRMAN: Does the applicant have anything
13 you would like to present at this time?

14 THE WITNESS: No.

15 CHAIRMAN: Board members have any questions of
16 the applicant?

17 (NO RESPONSE)

18 CHAIRMAN: If not the chair is ready for a
19 motion.

20 MS. DIXON: Mr. Chairman, I move to grant the
21 conditional use permit based on the fact that there
22 has been a similar operation in effect for a number of
23 years and subject to the zoning requirements.

24 CHAIRMAN: We have a motion by Ms. Dixon for
25 approval. Is there a second?

1 MR. REEVES: Second.

2 CHAIRMAN: We have a second by Mr. Reeves.

3 Any comments or questions on the motion?

4 (NO RESPONSE)

5 CHAIRMAN: All in favor of the motion raise
6 your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimous.

9 Next item, please.

10 -----

11 VARIANCE

12 ITEM 4

13 315 Worthington Road, zoned I-1
14 Consider a request for a Variance in order to waive a
15 portion of the required 6' solid element around the
16 perimeter of an outdoor storage yard as shown on the
17 site plan submitted with the variance application.
Reference: Zoning Ordinance, Article 17,
Sections 17.311
Applicant: ERB Equipment Company; Sara Jane McNulty

18 MR. HOWARD: Mr. Chairman, as you all received
19 in packet, the Planning Staff is recommending that
20 this item be postponed based on the fact that the
21 rezoning that was heard at the Planning Commission
22 meeting last month has been appealed to the Daviess
23 County Fiscal Court for them to take final
24 consideration on the action. So at this time the
25 property is not zoned appropriately for the variance

1 to take place.

2 We also received a request from the
3 applicant's attorney requesting that the application
4 be postponed until such time that the Daviess County
5 Fiscal Court has taken final action.

6 CHAIRMAN: We need a motion for postponement.

7 MS. DIXON: Move to postpone.

8 CHAIRMAN: We have a motion to approve the
9 postponement.

10 MR. YEISER: Second.

11 CHAIRMAN: Second by Mr. Yeiser. All in favor
12 of the motion raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimous.

15 We need a motion now to adjourn.

16 MS. YEISER: I make a motion to adjourn.

17 MR. REEVES: Second.

18 CHAIRMAN: We have a motion and a second to
19 adjourn. All in favor raise your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: We are adjourned.

22 -----

23

24

25

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 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 30th day of March, 2014.

18
 19
 20
 21
 22
 23
 24
 25

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

COMMISSION EXPIRES: DECEMBER 16, 2014
 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY