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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

SEPTEMBER 4, 2014

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, September 4, 2014, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Ward Pedley, Chairman
- Judy Dixon, Vice Chairman
- Ruth Ann Mason, Secretary
- Brian Howard, Director
- Terra Knight, Attorney
- Jerry Yeiser
- Sean Dysinger
- Lewis Jean
- Fred Reeves

* * * * *

MR. CHAIRMAN: Call the order the Owensboro Board of Adjustment September 4, 2014 meeting to order. We will begin our meeting with a prayer and pledge of allegiance to the flag. Would you stand, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

1 With that the first item is to consider the
2 minutes of the August 7, 2014 meeting.

3 Board members, you have a copy in your packet.
4 Are there any additions or corrections?

5 (NO RESPONSE)

6 CHAIRMAN: If not the chair is ready for a
7 motion.

8 MS. DIXON: Move to approve.

9 CHAIRMAN: We have a motion for approval by
10 Ms. Dixon.

11 MR. DYSINGER: Second.

12 CHAIRMAN: We have a second. All in favor of
13 the motion raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 Next item.

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18 VARIANCE

19 ITEM 2

20 118 St. Ann Street, zoned B-2 Riverfront Paseo Overlay
21 District

22 Consider a request for a Variance in order to
23 eliminate the minimum of 10 foot build to zone along
24 the paseo.

25 Reference: Zoning Ordinance, Article 21,
Section 21.84(a)(i)

Applicant: Turner-Baker, LLC; Tim Turner/Mike Baker

MS. KNIGHT: State your name for the record.

1 MS. EVANS: Melissa Evans.

2 (MELISSA EVANS SWORN BY ATTORNEY.)

3 MS. EVANS: The subject property is located
4 within the Riverfront Paseo Overlay District. Article
5 21 of the Zoning Ordinance establishes minimum build
6 to zones for buildings in the Downtown Overlay
7 Districts. The purpose of this requirement is to
8 insure infill development would be in character with
9 existing buildings and allow for walkability within
10 the downtown area.

11 In this case, the applicant is proposing an
12 addition to the west portion of the existing building
13 which will encroach into the minimum build to zone of
14 10 feet from the property line. The addition would
15 extend to the property line. The application must
16 receive a recommendation from the Historic
17 Preservation Board to alter the minimum build to zone
18 before the OMBA can act.

19 The Historic Preservation Board met on August
20 6, 2014 and made a favorable recommendation to approve
21 the dimensional variance.

22 Granting this Variance will not adversely
23 affect the public health, safety or welfare because
24 this addition will provide the necessary eating
25 establishment for patrons of the downtown area; it

1 will not alter the essential character of the general
2 vicinity because this addition will fit within the
3 adjoining design context by making appropriate
4 transitions to existing structures, including the
5 clock tower; it will not cause a hazard or nuisance to
6 the public because there will be adequate room for
7 pedestrian traffic to move from the Courthouse Square
8 to the Riverfront as encouraged in the Riverfront
9 Paseo Overlay District; it will not allow an
10 unreasonable circumvention of the requirements of the
11 zoning regulations because the design fits within the
12 overall goals and intent of the Riverfront Paseo
13 Overlay District.

14 The Staff would recommend approval of this
15 item and we would like to enter the Staff Report into
16 the record as Exhibit A.

17 CHAIRMAN: Anyone here representing the
18 applicant?

19 APPLICANT REP: Yes, sir.

20 CHAIRMAN: Board members, do you have any
21 comments or questions?

22 (NO RESPONSE)

23 CHAIRMAN: Do you have anything you would like
24 to tell us, sir?

25 APPLICANT REP: No, sir.

1 CHAIRMAN: We don't have any comments or
2 questions. Chair is ready for a motion.

3 MR. REEVES: Mr. Chairman, I move for approval
4 of this variance in that it will not adversely affect
5 the public health, safety or welfare because this
6 addition will provide the necessary eating
7 establishment for patrons of the downtown area; it
8 will not alter the essential character of the general
9 vicinity because this addition will fit within the
10 adjoining design context by making appropriate
11 transitions to existing structures, including the
12 clock tower; it will not cause a hazard or nuisance to
13 the public because there will be adequate room for
14 pedestrian traffic to move from the Courthouse Square
15 to the Riverfront as encouraged in the Riverfront
16 Paseo Overlay District; it will not allow an
17 unreasonable circumvention of the requirements of the
18 zoning regulations because the design fits within the
19 overall goals and intent of the Riverfront Paseo
20 Overlay District. In addition, when this paseo was
21 created, the city was very much encouraging outside
22 dining in that area and it this certainly help meet
23 that goal.

24 CHAIRMAN: We have a motion for approval by
25 Mr. Reeves.

1 MS. DIXON: Second.

2 CHAIRMAN: Second by Ms. Dixon. Comments or
3 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 ITEM 3

11 401 West Second Street, zoned B-2 Riverfront Core
12 Overlay District
13 Consider a request for a Variance in order to reduce
14 the minimum building setback line and the minimum
15 build to zone from 10 feet from the property line to 3
16 feet 9 inches from the property line along Veterans
17 Boulevard.
18 Reference: Zoning Ordinance, Article 21,
19 Sections 21.83(a)(i) and 21.83(a)(ii)
20 Applicant: Hampton Inn & Suites-Waterfront; Bryant
21 Downtown Hotel, LLC

22 MS. EVANS: The subject property is located
23 within the Riverfront Core Overlay District. Article
24 21 of the Zoning Ordinance establishes minimum
25 building setback and build to zones for buildings in
the Downtown Overlay Districts. The purpose of this
requirement is to insure infill development would be
in character with existing buildings and allow for
walkability within the downtown area.

In this case, the applicant is proposing an

1 addition along Veterans Boulevard to a newly
2 constructed hotel which will encroach into the minimum
3 building setback line and minimum build to zone of 10
4 feet from the property line. The application must
5 receive a recommendation from the Historic
6 Preservation Board to alter the minimum building
7 setback line and build to zone before the OMBA can
8 act.

9 The Historic Preservation Board met on August
10 6, 2014 and made a favorable recommendation to approve
11 the dimensional variance.

12 Granting this Variance will not adversely
13 affect the public health, safety or welfare because
14 there is sufficient area to construct the addition and
15 still provide pedestrian access without construction
16 over a major sanitary sewer easement which is the only
17 other viable building site on the lot; it will not
18 alter the essential character of the general vicinity
19 because this addition will fit within the overall
20 design and plan for the existing hotel; it will not
21 cause a hazard or nuisance to the public because there
22 are enlarged sidewalks and open areas adjacent to the
23 hotel providing adequate space for pedestrian and
24 vehicular traffic; it will not allow an unreasonable
25 circumvention of the requirements of the zoning

1 regulation because the design fits within the overall
2 concept of the hotel and similar variance requests
3 have been approved for the subject property in the
4 past.

5 Staff would recommend approval of this
6 Variance and we would like to enter the Staff Report
7 into the record as Exhibit B.

8 CHAIRMAN: Anyone here representing the
9 applicant?

10 APPLICANT REP: Yes.

11 CHAIRMAN: Board members, do you have any
12 comments or questions on this application?

13 (NO RESPONSE)

14 CHAIRMAN: Do you have any questions of the
15 applicant?

16 (NO RESPONSE)

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

19 MS. MASON: Mr. Chairman, I move for approval
20 and the findings are it will not adversely affect the
21 public health, safety or welfare because there is
22 sufficient area to construct the addition and still
23 provide pedestrian access without construction over a
24 major sanitary sewer easement; it will not alter the
25 essential character of the general vicinity because

1 this addition will fit within the overall design and
2 plan for the existing hotel; it will not cause a
3 hazard or nuisance to the public because there are
4 enlarged sidewalks and open areas adjacent to the
5 hotel providing adequate space for pedestrian and
6 vehicular traffic; it will not allow an unreasonable
7 circumvention of the requirements of the zoning
8 regulation because the design fits within the overall
9 concept of the hotel and similar variance requests
10 have been approved for the subject property in the
11 past.

12 CHAIRMAN: We have a motion for approval by
13 Ms. Mason.

14 MS. DIXON: Second.

15 CHAIRMAN: Second by Ms. Dixon. Comments or
16 questions on the motion?

17 (NO RESPONSE)

18 CHAIRMAN: All in favor of the motion raise
19 your right hand.

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimous.

22 We need one final motion.

23 MS. DIXON: Motion to adjourn.

24 MS. MASON: Second.

25 CHAIRMAN: We have a motion and a second. All

1 in favor of the motion raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: We were adjourned.

4 (Meeting ends at 5:39 p.m.)

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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 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 August, 2014.

18

19

LYNNETTE KOLLER FUCHS
20 NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
21 2200 E. PARRISH AVE., SUITE 106-E
OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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