

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

JULY 2, 2015

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, July 2, 2015, 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
- Susan Free
- Fred Reeves
- Robynn Clark

* * * * *

CHAIRMAN: Call to order the Owensboro Metropolitan Board of Adjustment July 2, 2015 meeting. We will begin our meeting with a prayer and pledge of allegiance to the flag. Mrs. Free will lead us. Will you stand, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone. Anyone wishing to speak we ask that you come to one of the podiums and state your name and be sworn in.

With that the first item on the agenda is to consider the minutes of June 4, 2015 meeting.

Board members, you have a copy of the minutes in your packet. Are there any additions, corrections?

1 (NO RESPONSE)

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

4 MS. MASON: Move for approval.

5 CHAIRMAN: Motion for approval.

6 MR. REEVES: Second.

7 CHAIRMAN: Second. All in favor of the motion
8 raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimous.

11 Next item, please.

12 -----

13 CONDITIONAL USE PERMIT

14 ITEM 2

15 722 West Byers Avenue, zoned B-4
16 Consider a request for a Conditional Use Permit in
17 order to operate a child daycare facility
18 Reference: Zoning Ordinance, Article 8, Section 8.2B3
19 Applicant: Zachery & Sarah Barnes; Massie-Clarke
20 Development Company, Inc.

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

23 MS. EVANS: Melissa Evans.

24 (MELISSA EVANS SWORN BY ATTORNEY.)

25 ZONING HISTORY

The subject property is zoned B-4. OMPC
records indicate there have been no zoning map

1 amendments for the property. A conditional use permit
2 was approved to operate a child daycare facility on
3 the subject property in February 2008. However that
4 daycare closed in 2013; since it has been closed for
5 more than 12 months this conditional use permit
6 approved in 2008 is no longer valid.

7 Done and Daisy's Pharmacy is also located on
8 the subject property and an approved development plan
9 is on file documenting the two uses and the site
10 development requirements such as parking and
11 landscaping.

12 The applicant proposes to operate a child
13 daycare facility for up to 70 children from 6 a.m. to
14 12 a.m. Parking shown on the approved development
15 plan and the site plan submitted with this application
16 show the parking is sufficient to accommodate 70
17 children.

18 LAND USES IN SURROUNDING AREA

19 The properties to the north are zoned R-3MF
20 Multi-Family Residential and are a duplex and
21 apartment complex. The properties to the south and
22 west are zoned B-4 General Business and are commercial
23 developments. The properties to the east are zoned
24 R-1B Single-Family Residential and are single-family
25 residential structures.

1 ZONING ORDINANCE REQUIREMENTS

2 Zoning Ordinance requirements shall be in
3 accordance with the site plan submitted and the
4 previously approved Final Development date March 6,
5 2008.

6 MS. EVANS: We would like to enter the Staff
7 Report into the record as Exhibit A.

8 CHAIRMAN: Anyone here representing the
9 applicant?

10 APPLICANT REP: We are.

11 CHAIRMAN: Do you have anything you want to
12 share with us?

13 APPLICANT REP: No.

14 CHAIRMAN: Anyone here like to speak in
15 opposition?

16 (NO RESPONSE)

17 CHAIRMAN: Any board members have any comments
18 or questions?

19 (NO RESPONSE)

20 CHAIRMAN: If not the chair is ready for a
21 motion.

22 MS. DIXON: Mr. Chairman, I make a motion that
23 we approve the conditional use permit based upon the
24 fact that it has been used similarly in the past and
25 it just had a lapse in service; therefore, the need

1 for it and it's surrounded by compatible properties
2 and that it meet the zoning ordinance requirements and
3 the site plan that's been submitted and approved in
4 the past.

5 CHAIRMAN: We have a motion for approval by
6 Ms. Dixon.

7 MR. REEVES: Second.

8 CHAIRMAN: We have a second by Mr. Reeves.
9 Any comments or questions on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: All in favor of the motion raise
12 your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Any news business?

16 MR. HOWARD: No, sir.

17 CHAIRMAN: We need one more motion.

18 MS. DIXON: Move to adjourn.

19 MS. MASON: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

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 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 21st day of July, 2015.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE., SUITE 106-E
OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25