

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 DECEMBER 3, 2015

3 The Owensboro Metropolitan Board of Adjustment  
4 met in regular session at 5:30 p.m. on Thursday,  
5 December 3, 2015, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Ward Pedley, Chairman  
9 Judy Dixon, Vice Chairman  
10 Ruth Ann Mason, Secretary  
11 Brian Howard, Director  
12 Terra Knight, Attorney  
13 Jerry Yeiser  
14 Susan Free  
15 Fred Reeves  
16 Robynn Clark

17 \* \* \* \* \*

18 CHAIRMAN: Call to order the Owensboro  
19 Metropolitan Board of Adjustment 2015 December 3rd  
20 meeting. We will begin our meeting with a prayer and  
21 pledge of allegiance to the flag. Ms. Dixon will lead  
22 us. Would you stand, please.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: I would like to welcome everyone.  
25 Anyone wishing to speak on any item we welcome your  
26 comments. We ask that you step to one of the podiums  
27 and state your name and be sworn in.

28 With that the first item on the agenda is to  
29 consider the minutes of the November 5, 2015 meeting.

1 Board Members, you have a copy of the minutes  
2 in your packet. Are there any additions or  
3 corrections?

4 (NO RESPONSE)

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

7 MS. FREE: Motion to approve.

8 CHAIRMAN: We have a motion for approval by  
9 Ms. Free.

10 MS. MASON: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 Next item, please.

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17 CONDITIONAL USE PERMIT

18 ITEM 2

19 9351 Sauer Lane, zoned A-R (Postponed to the January  
20 7, 2016 meeting.)

21 Consider a request for a Conditional Use Permit in  
22 order to operate a church and construct related  
23 structures.

Reference: Zoning Ordinance, Article 8, Section 8.2B3

Applicant: Owensboro Buddhist Association

23 MR. HOWARD: Mr. Chairman and Board Members,  
24 this item, as you saw in the memo in your packet, has  
25 to be postponed at the meeting tonight. The applicant

1 did not pay for the required public hearing notice in  
2 the newspaper, which they are required that to be  
3 done. Until that is done, this item can't be heard  
4 because it hasn't gone through the proper notice  
5 procedures. Everything else was done except for that  
6 step. This will need to be postponed.

7 CHAIRMAN: Anyone here representing the  
8 applicant on this?

9 AUDIENCE MEMBERS: No. We're here for that.  
10 We're residents.

11 CHAIRMAN: Do you have any questions on this  
12 before we vote on this? It will be postponed, but  
13 just in case you have a question.

14 AUDIENCE MEMBER: When will it be postponed  
15 to?

16 CHAIRMAN: We need a motion to postpone.

17 MR. REEVES: Motion to postpone.

18 CHAIRMAN: We have a motion for postponement  
19 by Mr. Reeves.

20 MS. DIXON: Second.

21 CHAIRMAN: We've got a second by Ms. Dixon.  
22 Any comments or questions on the motion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor of the motion raise  
25 your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 Next item, please.

4 MS. MASON: Mr. Chairman, I think the  
5 gentleman asked when it will be?

6 MR. HOWARD: January 7th will be Board of  
7 Adjustment meeting in January. If that advertisement  
8 is placed as required, it will be on that agenda. If  
9 not, it would go to the February 4th meeting. Those  
10 are the next two.

11 CHAIRMAN: Next item, please.

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13 VARIANCE

14 ITEM 3

15 1406 Waverly Place, zoned R-4DT  
16 Consider a request for a Variance in order to reduce  
17 the rear and southern side yard building setback lines  
18 from 3' from the property line to 1' from the property  
19 line for a detached accessory structure.  
Reference: Zoning Ordinance, Article 3,  
Section 3-7(b)(2)  
Applicant: John & Allison Vitali

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

22 MS. EVANS: Melissa Evans.

23 (MELISSA EVANS SWORN BY ATTORNEY.)

24 MS. EVANS: The subject property is located in  
25 an area established before the current zoning

1 ordinance requirements were put into place.

2 The applicant proposes to construct a 24 by 24  
3 foot detached garage off the rear of the house along  
4 the alley. They're proposing for it to be one foot  
5 off of the rear property line and one foot off of the  
6 side property line. It will be in the same location  
7 as the garage once stood, but the garage that used to  
8 be there has been gone for longer than 18 months so  
9 they do have to request this variance to be able to  
10 build it back in that same spot.

11 If you look at the aerial photo that you've  
12 got there in front of you, you can see that in their  
13 specific block there are four other garages that all  
14 appear to be right up on that property line just as  
15 they're proposing to construct.

16 Granting this variance to reduce the rear and  
17 side yard building setback lines for a detached  
18 accessory structure from 3 feet from the property line  
19 to 1 foot from the property line will not adversely  
20 affect the public health, safety or welfare or cause a  
21 hazard or nuisance to the public because the structure  
22 will be located with easy access to the public alley.  
23 It will not alter the essential character of the  
24 general vicinity or be an unreasonable circumvention  
25 of the requirements of the zoning regulations because

1       there are a number of other detached accessory  
2       structures that appear to encroach in the rear and  
3       side yard building setback in a similar fashion in  
4       this area.

5               Staff would recommend approval of this  
6       Variance request and 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:  Yes.

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

13              APPLICANT REP:  Not really.

14              CHAIRMAN:  Board Members, do you have any  
15       questions of the applicant?

16              (NO RESPONSE)

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

19              MR. REEVES:  Mr. Chairman, I'll make a motion  
20       for approval based on the findings that it will not  
21       adversely affect the public health, safety or welfare  
22       because several other detached accessory structures in  
23       the area encroach in the setbacks and currently do not  
24       cause a public safety concern.  2) It will not alter  
25       the essential character of the general vicinity

1 because there are several other structures in the area  
2 that encroach into the rear and side yard building  
3 setback lines. 3) It will not cause a hazard or  
4 nuisance to the public because the structure will be  
5 easily accessible from the public alley. 4) It will  
6 not allow an unreasonable circumvention of the  
7 requirements of the zoning regulations because several  
8 other detached accessory structures in the area  
9 encroach into the rear and side yard building setback  
10 line.

11 CHAIRMAN: We have a motion for approval by  
12 Mr. Reeves.

13 MS. DIXON: Second.

14 CHAIRMAN: We have a second by Ms. Dixon. Any  
15 comments or questions on the motion?

16 (NO RESPONSE)

17 CHAIRMAN: If not all in favor of the motion  
18 raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimous.

21 Board Members, this is my last meeting. I  
22 have two more years on the Board of Adjustments, but I  
23 have decided I need to resign. I will be giving my  
24 resignation to the County Judge and also the Secretary  
25 of Planning. So this is my final meeting.

1           I have been here 21 years. I've missed 3  
2 meetings in 21 years. I think it's time for me to go.  
3 For the most part it's been very rewarding. I firmly  
4 believe that Planning and Zoning is very, very  
5 important to this community or any community. I  
6 believe the Board of Adjustment is very, very  
7 important because it's what it implies. It makes  
8 adjustments to the zoning ordinance. I have served  
9 seven years on the Planning Commission. I can tell  
10 you it's harder to serve on the Board of Adjustments  
11 than it is the Planning Commission. I'm ready to go.  
12 I am going to miss it. I'm going to miss seeing all  
13 of you every month.

14           With that I'm ready for a final motion to  
15 adjourn.

16           MS. MASON: Motion to adjourn.

17           MS. FREE: Second.

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

21           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22           CHAIRMAN: We are adjourned.

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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 8 typewritten pages; and that no signature  
 15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
 17 2nd day of January, 2016.

18

19

\_\_\_\_\_  
 LYNNETTE KOLLER FUCHS  
 20 NOTARY ID 524564  
 21 OHIO VALLEY REPORTING SERVICES  
 22 2200 E. PARRISH AVE., SUITE 106-E  
 OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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