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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JANUARY 7, 2016

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

- MEMBERS PRESENT: Judy Dixon, Chairman
- Robynn Clark, Vice Chairman
- Ruth Ann Mason, Secretary
- Brian Howard, Director
- Terra Knight, Attorney
- Jerry Yeiser
- Fred Reeves
- Bill Glen

* * * * *

CHAIRMAN: We will call the January 7, 2016 Owensboro Metropolitan Board of Adjustment to order. We always start our meetings with a prayer and pledge to the flag. Will you please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is the election of officers so I will turn it over to our counsel.

MS. KNIGHT: Thank you, Ms. Chairman.

As you all know the statutes and our and bylaws require us to conduct an election each and every year. We do it every January.

1 Our bylaws provide the Board will have a
2 Chairman, Vice Chairman and Secretary/Treasurer, and
3 we traditionally elect those in that order. That's
4 the way they're listed in the bylaws. We also
5 traditionally have votes by show of hands so that's
6 how we'll start tonight.

7 The first thing that I will do in electing the
8 chairman is open the floor for nominations.

9 MR. REEVES: I nominate Judy Dixon.

10 MS. KNIGHT: Ms. Dixon, do you accept that
11 nomination?

12 MS. DIXON: Yes.

13 MS. KNIGHT: Is there a second to that
14 nomination?

15 MS. MASON: I second it.

16 MS. KNIGHT: Are there any other nominations
17 for chair?

18 (NO RESPONSE)

19 MS. KNIGHT: Hearing none I will close the
20 floor for nominations and we will vote on Ms. Dixon.

21 All in favor of Ms. Dixon being chairman
22 please raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 MS. KNIGHT: Ms. Dixon, you are our elected
25 chairwoman.

1 Now we move to vice chair and I will open the
2 floor for nomination.

3 MR. YEISER: I nominate Fred Reeves.

4 MS. KNIGHT: Mr. Reeves, do you accept the
5 nomination?

6 MR. REEVES: No, I do not. Since I'm Chair of
7 the Planning Commission, I think I will be
8 uncomfortable with that.

9 If it's okay with Mr. Yeiser, I would like to
10 nominate Robin Clark.

11 MR. YEISER: That's fine with me.

12 MS. KNIGHT: Ms. Clark, do you accept that
13 nomination?

14 MS. CLARK: I do.

15 MS. KNIGHT: Is there a second to that
16 nomination?

17 MS. MASON: I second it.

18 MS. KNIGHT: Are there any other nominations
19 for vice chair?

20 (NO RESPONSE)

21 MS. KNIGHT: Hearing none I will close the
22 floor for nominations and we'll take that vote.

23 All in favor of Ms. Clark for vice chair
24 please raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 MS. KNIGHT: Ms. Clark, you are vice chair.
2 Now for secretary/treasurer. I will open the
3 floor for nominations.
4 MS. DIXON: I nominate Ruth Ann Mason.
5 MS. KNIGHT: Ms. Mason, do you accept that
6 nomination?
7 MS. MASON: Yes.
8 MS. KNIGHT: Is there a second to the
9 nomination?
10 MR. YEISER: Second.
11 MS. KNIGHT: Any other nominations for
12 secretary/treasurer?
13 (NO RESPONSE)
14 MS. KNIGHT: Hearing none I'll close the floor
15 and we'll take a vote.
16 All in favor of Ms. Mason as
17 secretary/treasurer raise your right hand.
18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
19 MS. KNIGHT: Ms. Mason, you are
20 secretary/treasurer.
21 Ms. Chair, I'll turn the floor back over to
22 you.
23 CHAIRMAN: Next item on the agenda is to
24 consider the minutes of the December 3, 2015 meeting.
25 All members should have received a copy of the minutes

1 and have had time to look them over. I'll entertain a
2 motion to approve.

3 MS. MASON: Motion to approve.

4 MR. REEVES: Second.

5 CHAIRMAN: Any discussion?

6 (NO RESPONSE)

7 CHAIRMAN: All in favor of the motion signify
8 by raising your hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries.

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12 CONDITIONAL USE PERMIT

13 ITEM 3

14 10510 Main Cross St., 10460 Franklin St., zoned R-1A
15 Consider a request for a Conditional Use Permit in
16 order to operate, construct and maintain school and
17 church facilities.

16 Reference: Zoning Ordinance, Article 8,
Section 8.2B4 and 8.2B14

17 Applicant: St. Mary of the Woods Parish, Inc.

18 MS. KNIGHT: Would you state your name for the
19 record, please.

20 MS. EVANS: Melissa Evans.

21 (MELISSA EVANS SWORN BY ATTORNEY.)

22 ZONING HISTORY

23 The subject property is currently zoned R-1
24 Single-Family Residential. OMPC records indicate
25 there have been no Zoning Map Amendments for the

1 subject property.

2 A Conditional Use Permit and a Final
3 Development Plan were approved for the property at
4 10510 Main Cross Street in 2004 to construct a family
5 life center/parish hall on the school/church property.

6 The subject property contain St. Mary of the
7 Woods Catholic Church, an elementary school, a high
8 school, a gymnasium, a parish house, and a parish
9 hall, and a number of smaller storage buildings.

10 The applicant is proposing to construct a new
11 community center/gymnasium on the property at 10510
12 Main Cross Street; several of the smaller storage
13 buildings will be removed, to make way for the new
14 building.

15 In order to meet the parking requirements for
16 the church and schools, the parking lot on the
17 property owned by the church across Franklin Street,
18 10460 Franklin Street, will be utilized for the
19 parking. An amended Final Development Plan must be
20 approved by the Owensboro Metropolitan Planning
21 Commission to tie the required off-street parking to
22 the sites.

23 LAND USES IN SURROUNDING AREA

24 The properties to the north and south are
25 zoned R-1A and R-1C Single-Family Residential and

1 appear to be used as such. The properties to the west
2 are zoned R-1A Single-Family Residential, R-3MF
3 Multi-Family Residential and B-4 General Business.
4 The properties to the east are zoned R-1A
5 Single-Family Residential and A-U Urban Agriculture.

6 ZONING ORDINANCE REQUIREMENTS

7 1. Parking - Churches, Sunday Schools and
8 Parish Houses - 1 per every 5 seats in the main
9 auditorium.

10 Elementary Schools - 1 for every employee plus
11 1 for every classroom.

12 High Schools - 1 for every 5 classroom seats -
13 All parking requirements are shown to be met on the
14 site plan submitted.

15 SPECIAL CONDITIONS

16 1. Approval of a Final Development Plan by
17 the Owensboro Metropolitan Planning Commission.

18 2. Obtain all necessary building, electrical,
19 and HVAC permits, inspections and certificates of
20 occupancy and compliance as required.

21 We would like to enter the Staff Report into
22 the record as Exhibit A.

23 CHAIRMAN: Is anyone here representing the
24 applicants?

25 APPLICANT REP: Yes, ma'am.

1 CHAIRMAN: Do you have anything you need to
2 add?

3 APPLICANT REP: It's going to be a really nice
4 building. Thank you.

5 CHAIRMAN: Thank you.

6 Is there anyone here wishing to voice any
7 concerns or opposition?

8 (NO RESPONSE)

9 CHAIRMAN: Have we had any calls in the
10 office?

11 MR. HOWARD: Not that I'm aware of, no.

12 CHAIRMAN: Any questions or comments by any of
13 the board members?

14 (NO RESPONSE)

15 CHAIRMAN: If not we will entertain a motion
16 to dispose of the item.

17 MS. MASON: Ms. Chairman, I make a motion for
18 approval based on the Findings of Fact that it's
19 consistent with the previous Conditional Use Permit
20 and it's a logical expansion of the existing use, with
21 the zoning ordinance requirements be that the parking
22 - churches, Sunday Schools and Parish Houses - 1 every
23 5 seats in the main auditorium; and in the elementary
24 school - 1 for every employee plus 1 for every
25 classroom; and the high schools - 1 for every 5

1 classroom seats - all parking requirements are shown
2 to be met on the site plan submitted. Then with the
3 Special Condition that approval of a Final Development
4 Plan by the Owensboro Metropolitan Planning
5 Commission, and obtain all necessary building,
6 electrical and HVAC permits, inspections and
7 certificates of occupancy and compliance as required.

8 MR. REEVES: Second.

9 CHAIRMAN: We have a motion and a second. Any
10 questions on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor of the motion raise
13 your right hand, please.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 ITEM 4

17 9351 Sauer Lane, zoned A-R (Postponed from the
18 December 3, 2015 meeting)
19 Consider a request for a Conditional Use Permit in
20 order to operate a church and construct related
21 structures.
22 Reference: Zoning Ordinance, Article 8, Section 8.2B4
23 Applicant: Owensboro Buddhist Association

24 MS. KNIGHT: Please state your name for the
25 record.

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: This is an application for

1 Conditional Use Permit for a church.

2 The subject property is a 11 acre parcel. It
3 contains a residence and several multiple accessory
4 structures. It's had history of Conditional Use
5 Permit approvals in the past.

6 In 1987 a Conditional Use Permit for part-time
7 beauty shop was approved for the property.

8 In 1998 a Conditional Use Permit to construct
9 a new building to allow sales of gifts and antiques
10 was approved by the Board.

11 Five years after that, the Conditional Use
12 permit was expanded to allow building for retail sales
13 to expand.

14 A Final Development Plan was approved within
15 the office for each of those two Conditional Use
16 Permits that were previously approved.

17 Recently the Owensboro Buddhist Association
18 has acquired the property, the subject property, and
19 proposes to use the site as a church, as mentioned.
20 There is a site plan on the screen and in your packet
21 that shows the layout of the property and the proposed
22 improvements.

23 They propose to add two pavilions to the site;
24 a 30 by 20, a 20 by 20 in size, as well as 10 by 10
25 hexagon-shaped gazebo. They plan on using existing

1 buildings for the facility as part of the existing
2 residence that's already on the property.

3 They have proposed to also construct a 20
4 space paved parking area to serve parking needs for
5 their members. The applicant has relayed to the Staff
6 they have about 20 to 30 members in their group.

7 Parking requirements for a church are as
8 mentioned in the previous case are the same for
9 church; 1 space for every 5 seats in the main
10 auditorium. So their 20 space parking lot would seat
11 a 100 member congregation.

12 They also propose to construct a 6 foot solid
13 wood privacy fence around the perimeter of th main
14 portion of their church campus. That area is
15 highlighted in blue on the site map. So they propose
16 to fence the entire area that contains all of the
17 buildings on the property. There's a gate to be
18 across the driveway into the back portion of the
19 fence.

20 The applicant will be required to submit an
21 Amended Final Development since previous development
22 plans exist on the property. That basically will be
23 changing the use of the Conditional Use Permit. It
24 will also allow Staff to determine compliance with
25 various building ordinance requirements for parking,

1 landscaping, signage, building setbacks, etcetera.

2 All the surrounding properties in the area are
3 zoned A-R Rural Agriculture and appear to be used
4 either residentially and/or agriculturally.

5 The Special Conditions that Staff is
6 recommending for this case are:

7 1. Approval of an Amended Final Development
8 Plan.

9 2. All existing and proposed parking areas
10 will be required to be on paved surfaces.

11 3. Obtain all necessary building, electrical
12 and HVAC permits, inspections and certificates of
13 occupancy and compliance as required.

14 Staff request that the report be entered into
15 the record as Exhibit B.

16 CHAIRMAN: Anyone here representing the
17 applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Anyone here voice any concerns?

20 (NO RESPONSE)

21 CHAIRMAN: Does any board members have any
22 concerns?

23 (NO RESPONSE)

24 CHAIRMAN: If not, I think we're ready for a
25 motion.

1 MS. MASON: Has there been any concerns,
2 Brian?

3 MR. HOWARD: You know, we had a couple of
4 calls, but we didn't really have any specific
5 questions about it in the office.

6 MR. REEVES: Madam Chairman, I'd make a motion
7 to approve this application based on the Findings of
8 Fact that this will not alter the essential character
9 of the neighborhood; it will not have any negative
10 impact on the health and safety of the neighborhood;
11 it will not overburden any of the municipal capacity
12 services provided to the neighborhood. Also, it's
13 very consistent to have a place of worship in a rural
14 area that also is residential and agriculture.

15 With these Conditions that: 1) There will be
16 an approval of an Amended Final. 2) All existing and
17 proposed parking areas will be required to be on paved
18 surfaces. 3) Obtain all necessary building,
19 electrical and HVAC permits, inspections and
20 certificates of occupancy and compliance as required.

21 CHAIRMAN: We have a motion. Do we have a
22 second?

23 MR. YEISER: Second.

24 CHAIRMAN: Any questions on the motion?

25 (NO RESPONSE)

1 CHAIRMAN: All in favor of the motion raise
2 your right hand, please.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 We have one more motion.

6 MS. MASON: Move to adjourn.

7 CHAIRMAN: Motion by Ms. Mason.

8 MR. GLEN: Second.

9 CHAIRMAN: All in favor of adjournment raise
10 your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 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 stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 14 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of February, 2016.

18
19 _____
20 LYNNETTE KOLLER FUCHS
21 NOTARY ID 524564
22 OHIO VALLEY REPORTING SERVICES
23 2200 E. PARRISH AVE., SUITE 106-E
24 OWENSBORO, KENTUCKY 42303

25 COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY