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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JUNE 2, 2016

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, June 2, 2016, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Judy Dixon, Chairman
Robynn Clark, Vice Chairman
Brian Howard, Director
Terra Knight, Attorney
Lewis Jean
Fred Reeves
Bill Glenn

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CHAIRMAN: Call the June 2, 2016 meeting of the Owensboro Metropolitan Board of Adjustment to order. The first item on the agenda will be our prayer and pledge to the flag by Mr. Howard.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the April 14, 2016 meeting.

Members, you have a copy in front of you or have been sent to you one which or the other. If you've had time to look over them, I'll entertain a motion to approve.

MR. JEAN: Madam Chair, I'd like to make a motion to approve the minutes as written.

CHAIRMAN: Motion by Mr. Jean.

1 MR. REEVES: Second.

2 CHAIRMAN: Second by Mr. Reeves. Any
3 discussion 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.

9 -----

10 CONDITIONAL USE PERMIT

11 ITEM 2

12 1601 Pearl Street, zoned R-4DT
13 Consider a request for a Conditional Use Permit in
14 order to operate a residential transitional living
15 facility.
16 Reference: Zoning Ordinance, Article 8,
17 Section 8.2A7/6a
18 Applicant: Saint Benedict Joseph's Homeless Shelter;
19 Saints Joseph & Paul Parrish

17 MS. KNIGHT: Please state your name.

18 MS. EVANS: Melissa Evans.

19 (MELISSA EVANS SWORN BY ATTORNEY.)

20 ZONING HISTORY

21 The subject property is currently zoned R-4DT
22 Inner City Residential. OMPC records indicate there
23 have been no Zoning Map Amendments for the subject
24 property.

25 The applicant proposes an 8-bed residential

1 transitional living facility intended to provide
2 affordable living to those transitioning from
3 homelessness, recovery centers or detention centers.
4 The applicant states that this type of facility will
5 help to break down barriers individuals may face
6 related to rental histories, financial insecurities,
7 accountability through drug testing, while providing a
8 safe sober living environment.

9 The applicant has provided the necessary
10 information demonstrating they meet the Criteria for
11 Conditionally Permitted Group Housing, such as the
12 list of Items 1 through 10 on the Staff Report that
13 you received.

14 ADDITIONAL REQUIREMENTS

15 1. Landscaping - Vehicular use area screening
16 consisting of a 3 foot continuous element with 1 tree
17 every 40 feet where adjoining public right-of-way or
18 residential property.

19 2. Parking - 5 spaces plus 1 space for every
20 5 beds - required 6 parking spaces, which is all shown
21 on the site plan they have submitted.

22 CONDITIONAL CONDITIONS

23 1. Obtain necessary building, electrical and
24 mechanical permits, inspections and certificates of
25 occupancy and compliance from the OMPC.

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

3 CHAIRMAN: Is there anyone here wishing to
4 address this issue?

5 MR. PEDIGO: Yes.

6 MS. KNIGHT: Please state your name for the
7 record.

8 MR. PEDIGO: Harry Pedigo.

9 (HARRY PEDIGO SWORN BY ATTORNEY.)

10 CHAIRMAN: Would you like to add anything to
11 what has been presented by Ms. Evans?

12 MR. PEDIGO: No. I think it was all presented
13 very well. Thank you.

14 CHAIRMAN: Does anybody have any questions of
15 the applicant?

16 (NO RESPONSE)

17 MS. CLARK: I have a question.

18 On your parking, I'm confused on the parking
19 on this map or the drawing that we have. Are you
20 parking behind people?

21 MR. PEDIGO: Yes, ma'am.

22 MS. CLARK: Three in front and three behind?

23 MR. PEDIGO: It will be one behind one
24 another. Two rows of three.

25 MR. HOWARD: If I could. The zoning ordinance

1 does allow in certain residential circumstances to
2 have tandem parking, back-to-back parking.

3 MS. CLARK: Okay.

4 CHAIRMAN: Anyone else have a question?

5 (NO RESPONSE)

6 CHAIRMAN: Have we had any calls to the
7 office?

8 MR. HOWARD: I think we had one call just
9 gathering information, but that's it.

10 CHAIRMAN: No complaints?

11 MR. HOWARD: No complaints.

12 CHAIRMAN: Anybody else have any questions?

13 (NO RESPONSE)

14 CHAIRMAN: Hearing none I'll entertain a
15 motion.

16 MR. REEVES: Madam Chairman, I move to approve
17 this Conditional Use Permit based on the zoning
18 ordinance requirements 1 through 10, which seem to
19 have been met, and the additional requirements for
20 landscaping, parking, and that they get all the
21 necessary building, electrical, mechanical inspection,
22 certificates of occupancy to be in compliance with the
23 Planning Commission.

24 CHAIRMAN: We have a motion by Mr. Reeves to
25 approve.

1 MR. GLENN: Second.

2 CHAIRMAN: Second by Mr. Glenn. Any questions
3 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.

9 Next item.

10 -----

11 VARIANCE

12 ITEM 3

13 6701 Leslie Lane, zoned MHP
14 Consider request for a Variance in order to increase
15 the maximum sign height for a business sign in an MHP
16 zone from 10 feet to 25 feet.
17 Reference: Zoning Ordinance, Article 9,
18 Section 9-5(c)(3)
19 Applicant: ABC Signs; Owensboro MHC, LLC

20 MS. EVANS: This Staff Report is recommended
21 for denial, and as is customary with our Staff Reports
22 for denial, we do read the entire Staff Report. So
23 I'll read that into the record now.

24 DESCRIPTION OF REQUESTED VARIANCE

25 Consider a request for a Variance in order to
increase maximum sign height for a business sign in an
MHP zone from 10 feet to 25 feet.

CONSIDERATIONS

1 A. SPECIAL CIRCUMSTANCES? The Staff's
2 opinion is, no, that there are not special
3 circumstance that do not generally apply to land in
4 general vicinity, or in the same zone.

5 The subject property is located in a rural
6 area off of Wrights Landing Road between US Highway 60
7 East and Highway 2830. The property is a manufactured
8 housing park formerly known as Lamplite Estates. The
9 property has recently come under new ownership and now
10 identifies the area as River Bend Pointe.

11 The applicant proposes to construct a 25 foot
12 tall sign on the southeast corner of the property at
13 the intersection of Leslie Lane and Wrights Landing
14 Road. The sign poles would be 18 feet tall with the
15 sign face being an additional 7 feet tall by 16 feet
16 wide (which is 112 square feet). The zoning ordinance
17 allows for a business sign in a MHP zone to be a
18 maximum of 10 feet tall. The applicant argues that
19 because of the trees and greenery in the area, the
20 sign needs to be 25 feet tall for maximum visibility.

21 Upon inspection of the area there appear to be
22 a number of residential lots and mature trees along
23 Wrights Landing Road, but across Wrights Landing Road
24 to the south is an open field. It is the opinion of
25 the OMPC staff that even with a sign at 25 feet tall

1 the trees in the area may still block the visibility
2 of the sign from Wrights Landing Road. However,
3 visibility from US Highway 60 East and Highway 2830
4 should not be affected if a shorter sign were
5 installed, especially from the south. The OMPC Staff
6 has found no other variances granted for sign height
7 in Daviess County.

8 Granting this Variance to increase the maximum
9 sign height from 10 feet to 25 feet will adversely
10 affect the public health, safety or welfare and alter
11 the essential character of the general vicinity
12 because this is a rural agricultural area where no
13 other signs reach this height. It may cause a hazard
14 or nuisance to the public because of the close
15 proximity to the intersection of Wrights Landing Road
16 and Leslie Lane if the sign were to be damaged debris
17 would end up in the right-of-way. It will be an
18 unreasonable circumvention of the requirements of the
19 zoning regulations because there is no evidence of
20 approval of a variance in regards to sign height for a
21 business sign in a residential area.

22 B. HARDSHIP? Would strict application of the
23 regulations deprive the applicant of the reasonable
24 use of the land, or create an unnecessary hardship on
25 the applicant? No. The applicant could construct a

1 smaller sign on the property meeting the requirements.

2 C. APPLICANT'S ACTIONS? Are the
3 circumstances from which relief is sought a result of
4 the applicant's actions taken after adoption of the
5 zoning regulations? No.

6 If Yes: Willful actions? Not in this
7 scenario.

8 FINDINGS: Granting this Variance;

9 Will adversely affect the public health,
10 safety or welfare because a sign 25 feet tall will
11 intrude in the rural agriculture nature of the area.

12 Will alter the essential character of the
13 general vicinity because this is a rural area where
14 there are no other signs that reach this height.

15 May cause a hazard or a nuisance of the public
16 if it were to be damaged by high winds, debris would
17 end up in the public right-of-way because of the close
18 proximity to the intersection of Wrights Landing Road
19 and Leslie Lane.

20 Will allow an unreasonable circumvention of
21 the requirements of the zoning regulations because no
22 similar variance requests have been approved in
23 residential areas.

24 Staff would recommend denial of this Variance
25 request.

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

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

5 MR. SMITH: Yes, ma'am.

6 MS. KNIGHT: Sir, are you an attorney?

7 MR. SMITH: I am not. I am an owner though.

8 MS. KNIGHT: State your name for the record.

9 MR. SMITH: Nathan Smith. I'm with SSK
10 Communities who Owensboro MHC, LLC.

11 (NATHAN SMITH SWORN BY ATTORNEY.)

12 MR. SMITH: I would like to come in front of
13 the board because one of the issues we that have here
14 is we are also in a manufactured housing community
15 setting, you are also running a business because
16 you're physically selling homes inside the property.

17 Just an example. We bought this property ten
18 years ago, and I think if any of you had been there it
19 was definitely a blighted property on the city.

20 We have spent almost half a million dollars in
21 less than ten months. We've taken 35 houses to the
22 dump that were unable to be habited and we felt it was
23 inappropriate to even be redone. We put 25 new
24 manufactured houses that have been built close by and
25 we will now start selling homes, being built here in

1 Kentucky, in the next two months. There's a new plant
2 opening up for manufactured housing.

3 We have done a major cleanup of this property.
4 We have fixed the streets. We have a new community
5 storage for people who have boats and stuff in the
6 community where they can keep it close by, but not be
7 on the street. We have rehabbed the office. We have
8 redone the playgrounds. We have built a new
9 playground. We have built soccer fields. We have new
10 entrance signage. We have new landscaping. We have
11 new entrance lights. We have new street signs. We
12 have fixed the street lights that existed. We've
13 added a full-time manager and a full-time maintenance.

14 Why this sign was positioned was because we
15 thought in the beginning when we built the new soccer
16 field that was more appropriate, to be there by the
17 agricultural on 60, but after further review the sign
18 company that we deal with said that they felt like we
19 would have a better chance of the variance if it was
20 over in the middle of the property. So we did move it
21 over there. Now, looking back on it, I find that
22 through findings of the Staff, that they did not agree
23 with it. They actually might have preferred it on 60.
24 Because when I go to 60 and drive up and down 60 two
25 and a half miles that way and two miles towards town

1 to 144, there is approximately 30 signs that are
2 similar. There's seven billboards. So I don't know
3 how I putting a sign up being up tall enough to get
4 over the agricultural area where people who are
5 driving back and forth on 60 would be able to know
6 what we're doing there and the good things that we're
7 trying to do there. Because there is no way to
8 explain to anyone on 60 that's going back and forth
9 that that's a manufactured housing community because
10 the signage that exist down where the residential as
11 you're going into the subdivision to make it feel more
12 residential, we would like to put those signs all the
13 way to the ground and light them very lightly. If
14 you'll notice, it's made of rock. We also put a black
15 sign to make it feel very much more residential.

16 That's why I'm coming in front of you and
17 welcome to answer any questions you have of me.

18 CHAIRMAN: Any questions from anyone?

19 MR. REEVES: I have a quick question.

20 CHAIRMAN: Mr. Reeves.

21 MR. REEVES: How many clients do you think you
22 get for your property because they see signage
23 advertising?

24 MR. SMITH: I find that approximately 50
25 percent of the people that look to buy manufactured

1 houses find it via the signage we put out.

2 MR. REEVES: Okay.

3 MR. HOWARD: We did a report for denial.

4 Melissa and I went out and looked at the site. Where
5 it is, we certainly felt like there was nothing in the
6 vicinity that looked anything like this. It's a
7 pretty tall sign where it is.

8 MR. SMITH: I would agree with you. If you
9 put it at 2701 (sic) Leslie Lane, I agree with you 100
10 percent.

11 MR. HOWARD: So what we were looking at was
12 that in conjunction and then thinking about too, and I
13 know it's an apples to apples comparison, but when we
14 were thinking about the apartment complexes that are
15 in Owensboro/Daviess County, you know, they do have
16 signage, but it's typically low signage; along New
17 Hartford Road or wherever. The newest one Chandler
18 Park Apartments at the end of Ralph Avenue, you know,
19 you can't even tell that they have any kind of sign
20 back there. When we were looking at it just from that
21 residential perspective and even though, again, I know
22 it's not -- but residential, your typical single
23 family, you don't see these type of signs. It's more
24 like a billboard, which is what you're talking about
25 seeing along 60.

1 MR. SMITH: I totally agree. We thought that
2 you would be more likely to accept this signage there
3 because it was in the middle of the park away. But
4 after review today, I looked at it even more. I
5 thought it probably made more sense for us to be out
6 by the soccer field that we put in out on 60. We just
7 don't know if you would have put it up just 10 foot
8 that it would be barely over the fence between that
9 and the farmer, and I think it would be kind of
10 fruitless.

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

13 (NO RESPONSE)

14 CHAIRMAN: I'll entertain a motion.

15 MR. REEVES: I do have one more questions.

16 CHAIRMAN: Go ahead.

17 MR. REEVES: I'm wanting to be very fair for
18 this gentleman. I appreciate what he's trying to do.

19 Are you saying that in retrospect you really
20 wish you had put the sign somewhere other than where
21 you proposed it here in this application?

22 MR. SMITH: Yes, I do, Mr. Reeves. We assumed
23 that it would be more difficult on 60 than it might be
24 a more difficult situation. So ABC Sign, we suggest
25 that you put it over on the property where it looks

1 like it's completing surrounding you. Of course, it
2 would be completely surrounding me on the other side
3 as well. We had suggested and they had suggested to
4 us, and now after further review we should have at
5 least come forth with them and said, because in their
6 thing said, there are no other signs in the area that
7 is this high. Simply, if we were over, if we put it
8 over on 60 there are tons of those signs.

9 MR. REEVES: Do you know if ABC checked with
10 Staff here to see what issues would be with the sign
11 before they brought you a proposal?

12 MR. SMITH: I'm not for sure on that. I could
13 not answer that. I'm sure they looked at the zoning
14 ordinance and said to me, I think that we need a
15 variance, but I would assume we needed a variance on
16 the other side too.

17 MR. HOWARD: Did they come in and talk?

18 MS. EVANS: To my knowledge they didn't come
19 in and talk to anyone about it. I believe they called
20 Jim and asked what the variance process was on getting
21 a variance for a sign, but they didn't ask
22 specifically if that -- they didn't even tell us what
23 the variance was for, other than it would be for the
24 height. They didn't tell us what the variance for the
25 height was. They didn't ask, you know, our opinion of

1 whether or not it would be recommended for approval or
2 anything like that. They just said they were going to
3 be submitted one.

4 MR. REEVES: Mr. Howard, if they had put this
5 sign on 60, would they have also had to apply for a
6 variance?

7 MR. HOWARD: I'm looking at that now. My
8 assumption is, yes. I don't know if Jim looked
9 through this. In all honesty, we don't see a lot of
10 sign request in MHP zone. We don't have a lot.

11 MR. SMITH: It's a business going on inside of
12 a residential area so it's very unique. We have about
13 24 of these in Kentucky so I understand what you're
14 saying. We like inside the property. We want it to
15 be very residential because these are residents. You
16 want to make it feel as much residential as you can,
17 but then you also have this other business that you're
18 running that's inside of it. It's a very hybrid
19 business.

20 MS. KNIGHT: Would you state your name for the
21 record, please.

22 MR. MISCHEL: Jim Mischel.

23 (JIM MISCHEL SWORN BY ATTORNEY.)

24 MR. MISCHEL: I'm going back on memory. I
25 think somebody had called about a permit on this

1 location. When I looked up MHC, they were going over
2 height. Then I think that's what kicked them in to
3 come in and see about the variance.

4 As far as along 60, we really didn't have any
5 discussions. I don't think anybody came in and said,
6 could we put it somewhere else. It was more of a
7 height question when they talked to me.

8 MR. REEVES: The signs that are currently on
9 60, Mr. Howard, would they have had to been granted a
10 variance? Are they just typical billboards that we're
11 talking about?

12 MR. SMITH: Yes.

13 MR. HOWARD: Yes, that's part of it. In
14 unincorporated Daviess County, billboards are still
15 allowed. In the city limits of Owensboro, they are
16 not; however, there are limitations based on the
17 location. Whether it's along US highway and also
18 where the property is zoned. That's what I'm flipping
19 through here real quick.

20 MR. MISCHER: If you have billboards, and I
21 haven't seen the other ones. There are some out
22 there. There has to be a distance between billboards.
23 If it's along the same side of the road versus across
24 the road. We also have to take a look at the scenic
25 highway, approaching the new bridge. I think the

1 county put some new sign regulations on that. They
2 don't want it too close to the new bridge. That would
3 have to be looked at.

4 MR. SMITH: May I address that?

5 CHAIRMAN: Sure.

6 MR. SMITH: There is definitely several
7 billboards. Basically, if you were going to the
8 property to the northeast, at .5 there is Eckert
9 Plantation. Their sign is a little bit further lower,
10 I think.

11 I think where the issue becomes with kind of
12 our business is that you look and then the next one
13 down the street is Gavalon. It's more of a business
14 and it's on 60. Then the next one is Castlen. It has
15 quite a large sign actually. Then there's Emmerit
16 Plantation. All of those would be, just going to the
17 northeast, away from the property. If you're coming
18 into town, the first one is, which I'm sure has been
19 there for a very long time, is Paul's Self-Storage
20 because it looks to have been there way before they
21 built the road is my guess. Then there's a billboard,
22 called Yellow Bank & Bobby Tires. They have a pretty
23 tall sign. Definitely above 27 foot. Then right at
24 our property you have one that is put up by Birth
25 Rights. It seems to be an anti-abortion sign, and

1 it's right at our property. So it's right before you
2 take a right and turn into our property.

3 I understand how the Staff is because this is
4 a hybrid and it's very difficult. We always have to
5 go for appearance. Almost always. I've never had not
6 to.

7 MR. MISCHEL: A lot of those signs he's
8 mentioned, you know, they're zoned industrial. I
9 think most of that is industrial so there's a
10 different set of guidelines, you know.

11 MR. HOWARD: Looking at it, in Article 9 of
12 the Ordinance, 9-6(c), it says "Billboard signs shall
13 be prohibited in professional residential MHP and EX-1
14 zones."

15 So from that perspective we couldn't permit a
16 "billboard," but could potentially permit something
17 along the lines of what you requested here, as long as
18 they met those requirements. If you're going to go
19 higher, you would still have to request a variance.

20 MR. SMITH: Higher than 10 foot?

21 MR. HOWARD: Yes.

22 MR. SMITH: We would have to go higher than 10
23 foot because of the way the topography of the land is
24 there. We have built a soccer field and we're pretty
25 far off compared to the other signs off of 60. So

1 this sign would be probably further off 60 as I would
2 get because of just the farming that's taking place,
3 agriculture, in-between us and 60.

4 I have pictures if you'd like. I know I
5 should have got them on your screen and stuff. I
6 think it would have to be at least 15 foot tall to get
7 up over between the corn and the topography.

8 CHAIRMAN: Mr. Howard, haven't most of those
9 signs he's referred to been there a long time?

10 MR. HOWARD: Many of them.

11 CHAIRMAN: Grandfathered in?

12 MR. HOWARD: Some of them may have been, but
13 as Mr. Mischel pointed out, in an industrial zone or
14 in a commercial zone you can have a bona fide
15 billboard. Tall, 672 square feet potentially in size.
16 There's a lot more potential for a billboard sign in
17 relationship to that roadway.

18 Now, one of the things that Jim did mention
19 was byway issue and there are some limitations on
20 those, and that will probably hamper maybe in the
21 future where billboards could go. Many have been
22 there for a while, but they're also allowed.

23 MR. SMITH: We're not asking, of course, for a
24 billboard. All we want is a sign that allows people
25 to understand that this business exist inside of a

1 residential area. It's really how -- we only sell
2 homes in our property. Basically our situation is we
3 try to get new homeowners. They come there and they
4 view model homes that we set up. Like how we operate
5 as a company is the home comes from the factory and
6 goes directly to the lot and it's setup on that lot.
7 There is no commercial sign inside of our business.
8 We don't run a manufactured company lot like you would
9 see Clayton and where Old Folks were and other ones
10 down through there. We don't have that kind of
11 business because we sell only in our property.

12 MR. REEVES: I have a question for
13 Mr. Mischel. If you can't answer, Jim, I guess I
14 would understand.

15 If the sign company had come in when they were
16 preparing to ask for this variance, if they had asked
17 the likelihood of it being approved or denied, would
18 you all have been able to guide them in that direction
19 and tell them the reasons yea or nay?

20 MR. MISCHEL: We try to be careful because we
21 don't want to encourage someone too much or discourage
22 them too much because that's what this board is for.
23 We try to give them guidelines and everything.
24 Sometimes you encourage them too much. If it doesn't
25 go the way, you know, or we've encouraged them too

1 much.

2 In this situation on 60, I don't know. I
3 hadn't looked at it, pulled out the aerial photos,
4 looked at the scene, information, to kind of give an
5 opinion on that really, if they had placed it there
6 instead of here.

7 MR. REEVES: I guess my concern is, I'm
8 wondering whether or not the sign company did all the
9 due diligence they should have done. Should they not
10 have explored both options? If this doesn't get
11 approved, then he's going to have to apply for another
12 variance and another fee. That troubles me when the
13 sign company didn't, I think, do their due diligence
14 they should have done.

15 MR. SMITH: Yes. I think, Mr. Reeves, what I
16 would say there is I think what they did is they were
17 looking at it as more as the path of least resistance.
18 Because if you go there and look, you would say, okay,
19 they're not going to say anything about putting --
20 they were more likely to give a variance for a sign.
21 This is a sign company theory. If it's consuming the
22 property. Because I kind of had a slight disagreement
23 with them early on about this matter and they said,
24 Nathan, I think you would be better off if you would
25 put it here because they would be more likely to give

1 you a variance on -- and I disagreed with them then.
2 Then, of course, today I spent about two hours out
3 there and I'm like, well, I really disagree now. I
4 mean I probably should have spent more time. It was
5 the dead of winter in January and it was not a very
6 good day in Owensboro, believe me, when I went for a
7 run at the Hampton Inn and it was really cold.

8 MR. GLENN: I know you've done a lot of work
9 and I know Staff has too, but listening to you earlier
10 just presenting it and talking about it, the sign, the
11 reason you want the sign is because it presumably
12 would help your sales. It would help you to sell
13 something. To me, and I'm not telling you what you
14 need to do, but if you want a better place for the
15 sign, to me, would be on that 60 side as opposed to
16 here. If they come down here and see your sign, they
17 already know you're there.

18 MR. SMITH: I totally agree. At the same --
19 Mr. Glenn, we deal with this all the time. We had
20 kind of disagreement because they are the
21 professionals that do this for us all the time.
22 They're like, well, you know. Then I disagreed with
23 them then, and I continue to disagree with them. The
24 reason why I'm here tonight is as soon as I saw the
25 denial, I said, I must go to Owensboro and figure this

1 out. I would normally come every other week.

2 CHAIRMAN: Anyone else have a question on
3 this?

4 (NO RESPONSE)

5 CHAIRMAN: Chair is ready for a motion.

6 MR. REEVES: Madam Chairman, I move that this
7 application be denied because it will adversely affect
8 the public health, safety and welfare because the sign
9 25 feet tall will intrude in the rural agriculture
10 area. It will alter the essential character of the
11 general vicinity because this is a rural area where
12 there are no other signs that reach this height. It
13 may cause a hazard or a nuisance to the public if it
14 were to be damaged by high winds, debris would end up
15 in the public right-of-way because of the close
16 proximity to the intersection of Wrights Landing Road
17 and Leslie Lane. It will allow an unreasonable
18 circumvention of the requirements of the zoning
19 regulations because no similar variance requests have
20 been approved in residential area.

21 CHAIRMAN: We have a motion for denial. Do I
22 have a second?

23 MR. JEAN: Second.

24 CHAIRMAN: Mr. Jean has a second.

25 MS. KNIGHT: Madam Chair, I believe we have a

1 comment or question on the motion.

2 MR. MISCHEL: If it will be placed on 60, that
3 without really looking at the aerial photos and
4 actually seeing what's laid out there, it would be
5 hard for me to tell right now, unless you postpone or
6 something like that. I don't know.

7 MS. EVANS: My comment was that because this
8 is a manufactured housing park, the property itself,
9 the whole property is the same address as this. Even
10 though the sign location would be in a different spot,
11 the address that we would advertise everything under
12 would still be the same address. So would it be a
13 possibility to postpone it for a month and then show
14 us a proposal with the sign in a different location on
15 the same property rather than just submitting a whole
16 new variance request?

17 MR. REEVES: I would be perfectly happy to
18 withdraw my motion, if it's agreeable with you. If
19 may save you additional application fee. Don't want
20 to slow you down.

21 MR. SMITH: That's fine.

22 MR. REEVES: I will withdraw my motion.

23 MR. JEAN: I withdraw my second.

24 MS. EVANS: The property is all one property.
25 They're not separate lots on the property. Each

1 housing unit has a separate addresses as a unit, based
2 on the streets that are in there, but it's all one
3 piece of property.

4 MR. GLENN: Because it's MHP.

5 MS. EVANS: Because it's a manufactured
6 housing park.

7 MR. MISCHEL: I think be better to look at the
8 scenic regulations and everything. I just can't do
9 that right now. I don't have the information at hand.

10 MR. REEVES: I would make a motion to
11 postpone, if that would be help to you.

12 CHAIRMAN: Can we do that?

13 MS. KNIGHT: That's what we were talking
14 about. The adjoining landowners were given notice of
15 the variance. I don't know that they were given
16 specifics, other than an application for variance has
17 been submitted. What typically goes out with the
18 variance? They don't get a copy of the application.

19 MR. HOWARD: Right. They receive a copy of --
20 we send them a notice that says that there's a
21 variance request and provides the address and that
22 type of thing. It allows them to come in and look.

23 I guess my concern would be although it didn't
24 happen, if someone had come in and looked at the file
25 and saw this location and either liked it or didn't,

1 you know, they're not here to talk about it tonight,
2 but if they came in and saw that specifically and then
3 we postpone and it's moved somewhere else and somebody
4 might have -- I don't know. That's the only thing
5 that makes me nervous.

6 MR. SMITH: Let me say this to the board.
7 I'll be happy to pay the \$250. I do find how you
8 would get yourself in kind of this situation. I have
9 served on university boards and other things. I can
10 understand. We could just go ahead and do that. Just
11 have a new application. I think actually the new
12 application we should just submit it under, I guess,
13 the street address where this sign will be located.
14 Inside of the property. There's probably a street
15 address there. It skips from one house and then
16 there's a soccer field and then this. I guess, if
17 nothing else, the address will exist for the variance.

18 MR. MISCHEL: I think in the past no one
19 really came in the office and talked to us about it.
20 They just asked -- if your representative come in with
21 two or three locations they want to place this, we'll
22 be glad to research it and say, it will work.

23 MR. SMITH: I will happy to do that myself.

24 CHAIRMAN: Are we saying deny it?

25 MS. KNIGHT: I think procedurally it's better

1 to deny it.

2 CHAIRMAN: Deny it and then he will resubmit.

3 MR. SMITH: Can I do that within 30 days?

4 MR. HOWARD: Yes.

5 CHAIRMAN: All right, Mr. Reeves.

6 MR. REEVES: I'm going to reinstate my motion

7 for denial.

8 MR. JEAN: Second.

9 CHAIRMAN: Are we in order now?

10 MS. KNIGHT: I believe we are in order.

11 CHAIRMAN: We have a motion and a second on

12 the floor again. Any questions on this motion?

13 (NO RESPONSE)

14 CHAIRMAN: All in favor of the motion raise

15 your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 We have one more item on the agenda.

19 MR. GLENN: Motion to adjourn.

20 MS. CLARK: Second.

21 CHAIRMAN: All in favor of the motion raise

22 your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 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 28 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 JUNE, 2016.

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

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