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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MAY 4, 2017

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, May 4, 2017, 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
- Terra Knight, Attorney
- Mike Hill
- Jerry Yeiser
- Fred Reeves
- Bill Glenn
- Lewis Jean

* * * * *

CHAIRMAN: We will call the May 4, 2017 meeting of the Owensboro Metropolitan Board of Adjustment to order.

The first item on the agenda is the pledge to the flag and the prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the April 13, 2017 meeting.

Everyone should have a copy and have had time to peruse the minutes. Are there any corrections or additions?

(NO RESPONSE)

CHAIRMAN: Then I'll entertain a motion.

1 MS. CLARK: Motion to approve.

2 CHAIRMAN: Motion to approve.

3 MS. MASON: Second.

4 CHAIRMAN: All in favor of the motion raise
5 your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

8 Next item on the agenda, Mr. Hill.

9 -----

10 CONDITIONAL USE PERMITS

11 ITEM 2

12 2300 Harbor Road, zoned I-2
13 Consider a request for a Conditional Use Permit in
14 order to install a new grain storage bin, associated
15 dryer and river belt conveyor.
16 References: Zoning Ordinance, Article 8,
17 Section 8.2H6/33
18 Applicant: Bunge N.A., Inc.; Owensboro Riverport
19 Authority

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 I-2
22 Heavy Industrial. OMPC records indicate there have
23 been no Zoning Map Amendments for the subject
24 property.

25 There have been three Minor Subdivision Plats

1 approved for the subject property in 1987, '88 and in
2 2009. There have also been three Public Facility
3 Reviews for the subject property, in 1998 to construct
4 a building to house the paint booth and to construct a
5 truck loading shelter and in 1999 to construct an 80
6 by 100 building. A Conditional Use Permit was
7 approved in 2010 to replace an existing beltline
8 system with a new one.

9 This application is to install an additional
10 grain storage bin and associated dryer and river belt
11 conveyor.

12 A fully enclosed grain drying facility is
13 conditionally permitted in an I-2 zone provided it is
14 at least 300 feet from any residential or commercial
15 zones. There are no residential or commercial zoned
16 within 300 feet of the subject property.

17 LAND USES IN SURROUNDING AREA

18 The properties to the north, south and west
19 are zoned I-2 Heavy Industrial. The Ohio River
20 borders the subject property to the east.

21 ZONING ORDINANCE REQUIREMENTS

- 22 1. Parking - 1 for every 2 employees on the
23 maximum shift plus 1 for each vehicle owned or
24 operated by the use. Parking is existing on the site.
- 25 2. Landscaping - Vehicular use area screening

1 between the parking lot and the road right-of-way.

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

4 CHAIRMAN: Is there anybody here wishing to
5 speak on behalf of the applicant?

6 APPLICANT REP: We're here.

7 CHAIRMAN: Do you have anything to add?

8 APPLICANT REP: Just to answer questions.

9 CHAIRMAN: Anyone in the audience wishing to
10 speak or questions or opposition on the item?

11 (NO RESPONSE)

12 CHAIRMAN: Anyone on the commission have any
13 questions?

14 (NO RESPONSE)

15 CHAIRMAN: If not, I'll entertain a motion to
16 dispose of the item.

17 MR. REEVES: Motion to approve the application
18 based on the fact that it is existent from any other
19 commercial or residential properties as specified in
20 the ordinance. It's also consistent with other
21 facilities on the Riverport site.

22 CHAIRMAN: We have a motion by Mr. Reeves. Do
23 we have a second to the motion?

24 MR. JEAN: Second.

25 CHAIRMAN: Second by Mr. Jean. Any questions

1 on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: If not, all in favor of the motion
4 raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 ITEM 3

8 4701 Highway 2830, zoned I-2
9 Consider a request for a Conditional Use Permit in
10 order to construct a barge loading and unloading ramp
11 in the floodway.

12 References: Zoning Ordinance, Article 18,
13 Sections 18-4(b)3, 18-5(b)3, 18-6(b)3
14 Applicant: Castlen Enterprises, LLC

15 ZONING HISTORY

16 The subject property is zoned I-2 Heavy
17 Industrial. The OMPC records indicate there have been
18 no zoning map amendments for the subject property.

19 This application is to construct a new barge
20 loading and unloading ramp in the floodway.

21 LAND USES IN SURROUNDING AREA

22 The property is bound to the north by the Ohio
23 River. The properties to the west and east are zoned
24 I-2. The properties to the south are zoned I-2 and
25 B-4.

ZONING ORDINANCE REQUIREMENTS

All of the requirements have been met by the
applicant:

1 1. A Stream Construction Permit for
2 Construction and/or Along a Stream was issued by the
3 Kentucky Division of Water dated March 1, 2017.

4 2. A permit to perform work from the US Army
5 Corps of Engineers dated April 19, 2017 was issued to
6 the applicant.

7 3. Certification from a design professional
8 was made on April 11, 2017, that the proposed
9 construction will not have substantive impact on the
10 Ohio River or adjacent properties.

11 There are no conditions with this application.

12 MS. EVANS: We would like to enter the Staff
13 Report into the record as Exhibit B.

14 CHAIRMAN: Anyone here wishing to speak on
15 this item?

16 APPLICANT REP: Be willing to answer any
17 questions that you might have.

18 CHAIRMAN: Is there anyone here wishing to ask
19 any questions or state any opposition to the item?

20 (NO RESPONSE)

21 CHAIRMAN: If not, anybody on the commission
22 have a question or comments?

23 (NO RESPONSE)

24 CHAIRMAN: If not, I'll entertain a motion to
25 dispose of the item.

1 MR. JEAN: I'd like to make a motion to
2 approve this application based on the Staff Report.

3 CHAIRMAN: Do we have a second to the motion?

4 MS. KNIGHT: Mr. Jean, would you consider
5 amending your motion to include that it's approved
6 based on perhaps the findings that the Zoning
7 Ordinance Requirements were met.

8 MR. JEAN: Yes. Zoning Ordinance Requirements
9 1 through 3.

10 MS. KNIGHT: Yes, sir.

11 CHAIRMAN: Second for the motion?

12 MR. REEVES: Second.

13 CHAIRMAN: We have a motion by Mr. Jean and a
14 second by Mr. Reeves. Any questions on the motion?

15 (NO RESPONSE)

16 CHAIRMAN: If not, I'll entertain a vote. All
17 in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Anything else to come before our board?

21 MR. HILL: No.

22 CHAIRMAN: If not we have one more motion.

23 MS. MASON: Motion to adjourn.

24 MS. CLARK: Second.

25 CHAIRMAN: All in favor raise your right hand.

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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 27th day of May, 2017.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25

Ohio Valley Reporting
(270) 683-7383