

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 SEPTEMBER 7, 2017

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday, September
5 7, 2017, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

7 MEMBERS PRESENT: Judy Dixon, Chairman
8 Ruth Ann Mason, Secretary
9 Brian Howard, Director
10 Terra Knight, Attorney
11 Fred Reeves
12 Bill Glenn
13 Lewis Jean

14 *****

15 CHAIRMAN: We'll call the Owensboro Metropolitan
16 Board of Adjustment September 7, 2017 meeting to order.
17 We will begin our meeting with a prayer and the pledge by
18 Mr. Jean.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: First item on the agenda is to
21 consider the minutes of the August 3, 2017 meeting. All
22 members have been mailed or received a copy and have had
23 time to review them. So at this time I'll entertain a
24 motion.

25 MS. MASON: Move to approve.

CHAIRMAN: Moved by Ms. Mason.

MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. All in favor of

1 the motion raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Number 2, Mr. Howard.

5 -----

6 CONDITIONAL USE PERMITS

7 ITEM 2

8 420 Cedar Street, zoned R-4DT
9 Consider a request for a Conditional Use Permit in order
10 to install a class 2 manufactured home in an R-4DT zone.
11 References: Zoning Ordinance, Article 8, Sections
12 8.2A10B/7
13 Applicant: Kentucky Dream Homes; Hestia Properties

14 MR. HOWARD: We have a request that this item be
15 postponed tonight at the meeting. You as a Board will
16 have to take action on that. They are requesting the
17 installation of a class 2 manufactured home. This
18 property is located within the Downtown Overlay District
19 and it at present does not meet some of those
20 requirements; so this would allow them some time to
21 potentially seek relief from those through the Historic
22 Preservation Board.

23 CHAIRMAN: So, we need a motion to postpone this
24 item, correct?

25 MR. HOWARD: Yes.

MR. JEAN: Motion to postpone until we get an
opinion from the Historic Preservation Board.

1 CHAIRMAN: Motion by Mr. Jean.

2 MR. REEVES: Second.

3 CHAIRMAN: Second by Mr. Reeves. Any question
4 on the motion?

5 (NO RESPONSE)

6 CHAIRMAN: All in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 -----

10 VARIANCE

11 ITEM 3

12 5400, 5401 Meadow Grove Drive, zoned R-1A
13 Consider a request for a Variance in order to increase the
14 height of a fence in a rear yard along a street from 4
15 feet tall to 6 feet tall.

16 References: Zoning Ordinance, Article 3, Section 3.7G2
17 Applicant: O'Bryan Development, Inc.

18

19 MS. KNIGHT: Please state your name for the
20 record.

21 MS. EVANS: Melissa Evans.

22 (MELISSA EVANS SWORN BY ATTORNEY.)

23 MS. EVANS: The lots seeking relief are double
24 frontage lots within the Whispering Meadows residential
25 subdivision. The Zoning Ordinance considers a double
26 frontage lot a lot that has frontage on two streets.
27 These streets are in a cul-de-sac within the development
28 and then have their backyards that front on Whispering

1 Meadows Drive, which is the main entrance to that
2 subdivision. So that is then their backyards; and
3 although that fence is in the backyard, which would
4 typically be allowed to be 6 feet because it is on a road,
5 it's required to only be 4 feet tall. So they're asking
6 for that fence height to be increased to 6 feet tall to
7 allow more privacy for those residents in their backyards,
8 being on that street like that.

9 Granting this variance will not adversely affect
10 the public health, safety or welfare or cause a safety
11 hazard or nuisance to the public since the orientation of
12 the lots is already established by the approved final plat
13 and the lots are at the entrance to the existing
14 subdivision; therefore it will provide privacy and safety
15 to the owners of the subject properties. Similar variance
16 requests have been approved in instances of double
17 frontage lots in 2007 and 2017.

18 We would recommend approval of this variance and
19 we would like to enter the Staff Report into the record as
20 Exhibit A.

21 CHAIRMAN: Thank you, Ms. Evans.

22 Is there anyone here representing the applicant?

23 MR. O'BRYAN: I'm the applicant, yes.

24 CHAIRMAN: Is there anyone here wishing to speak
25 in opposition or to ask questions about this item?

1 (NO RESPONSE)

2 CHAIRMAN: Any board members have comments or
3 questions of the applicant?

4 (NO RESPONSE)

5 CHAIRMAN: If not, I'll entertain a motion.

6 MR. REEVES: Motion to approve this application
7 based on staff findings of fact 1, 2, 3, and 4.

8 CHAIRMAN: Okay. We have a motion for approval
9 by Mr. Reeves. Is there a question on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: All right. Second?

12 MR. GLENN: Second.

13 CHAIRMAN: Second by Mr. Glenn. All in favor of
14 the motion raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Number 4.

18 -----

19 VARIANCE

20 ITEM 3

21 1700 West 4th Street, zoned R-4DT
22 Consider a request for a Variance in order to reduce the
23 side street yard building setback along Littell Street
24 from 25 feet from the property line to 10.5 feet from the
25 property line.

References: Zoning Ordinance, Article 8, Section
8.5.11(c)

Applicant: Habitat for Humanity of Owensboro-Daviess
County, Inc.

1 MS. EVANS: The subject property is a project by
2 Habitat for Humanity, as they are the applicant. They
3 recently purchased this property from the City of
4 Owensboro. The City of Owensboro, while they had
5 possession of the property they had torn down an old house
6 that was on the property. That old house was considerably
7 closer to Littell Street than this proposed new house is
8 going to be or would be situated if the variance is
9 approved.

10 So it is our opinion that, you know, although
11 the house will sit closer to the property line than is
12 allowed by the zoning ordinance, it will be better than
13 what was there previously; and the house has not been torn
14 down for more than 18 months, so they still would have
15 that option to put it back exactly where it were if they
16 wanted to build exactly what was there before.

17 So, granting this variance will not alter the
18 essential character of the general vicinity because there
19 appear to be other encroachments into the building setback
20 lines within the neighborhood, including the previous
21 structure on the subject property. It will not adversely
22 affect the public health, safety or welfare because this
23 will be a new home that will create affordable housing for
24 the community and will enhance the health, safety and
25 welfare of the public in this area.

1 Staff recommends approval with one condition:
2 To obtain the necessary building, electrical and
3 mechanical permits, inspections and certificates of
4 occupancy and compliance. And we would like to enter the
5 Staff Report into the record as Exhibit B.

6 CHAIRMAN: Thank you, Ms. Evans.

7 Anyone here representing the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Anyone here have questions or
10 concerns about this application?

11 (NO RESPONSE)

12 CHAIRMAN: Any board member?

13 (NO RESPONSE)

14 CHAIRMAN: If not, I'll entertain a motion.

15 MR. GLENN: I'll make a motion that we approve
16 this variance based on the findings 1, 2, 3, and 4; also
17 on the staff recommendation, on the condition that they
18 obtain the necessary building, electrical and mechanical
19 permits, inspections and certificates of occupancy and
20 compliance.

21 CHAIRMAN: Thank you. We have a motion by
22 Mr. Glenn. Is there a second?

23 MS. MASON: Second.

24 CHAIRMAN: Second by Ms. Mason.

25 Any questions on the motion?

1 (NO RESPONSE)

2 CHAIRMAN: If not, I'll entertain a vote. All
3 in favor of the motion raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Opposed, like sign.

6 (NO RESPONSE)

7 CHAIRMAN: Motion carries unanimously.
8 Anything else, Mr. Howard?

9 MR. HOWARD: No, ma'am.

10 CHAIRMAN: I'll entertain one more motion.

11 MS. MASON: Motion to adjourn.

12 CHAIRMAN: Second?

13 MR. JEAN: Second.

14 CHAIRMAN: We are adjourned.

15 -----

16

17

18

19

20

21

22

23

24

25

1 COMMONWEALTH OF KENTUCKY)
2) SS: REPORTER'S CERTIFICATE
3 COUNTY OF DAVIESS)

4 I, Jane Belcher, Notary Public, State-at-Large,
5 do hereby certify that the foregoing Owensboro
6 Metropolitan Board of Adjustment meeting was held at the
7 time and place set forth in the caption thereof; that each
8 person commenting on issues under discussion were duly
9 sworn on oath to testify the truth; that the Board members
10 present were as stated in the caption; that said
11 proceedings were reported by me stenographically and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the foregoing 8
14 typewritten pages; and that no signature was requested to
15 the foregoing transcript.

16 WITNESS my hand and notary seal on this the 21st
17 day of September 2017.

18

19

JANE BELCHER, NOTARY PUBLIC
STATE-AT-LARGE
NOTARY ID 568360
OHIO VALLEY REPORTING SERVICE
2200 EAST PARRISH AVENUE, SUITE 106-E
OWENSBORO, KENTUCKY 42303

23

24 COMMISSION EXPIRES:
DECEMBER 7, 2020
25 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY