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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

DECEMBER 7, 2017

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, December 7, 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
- Brian Howard, Director
- Terra Knight, Attorney
- Jerry Yeiser
- Fred Reeves
- Bill Glenn
- Lewis Jean

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CHAIRMAN: Call the November Owensboro Metropolitan Board of Adjustment meeting to order.

The first item on the agenda will be a prayer and pledge to the flag.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the November 2, 2017 meeting. Members have been mailed a copy and have had time to check it out. With this I'll see if anyone has any corrections or not; otherwise, we'll entertain a motion.

MS. MASON: Move to approve.

1 CHAIRMAN: Move to approve by Ms. Mason.

2 MR. GLENN: Second.

3 CHAIRMAN: Any question 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 unanimously.

9 Mr. Howard.

10 -----

11 CONDITIONAL USE PERMITS

12 ITEM 2

13 8753 Mulligan Road, zoned A-R  
14 Consider a request for a Conditional Use Permit for  
15 agri-tourism activities specifically farm education  
16 events, weddings, fruit and vegetable sales, and a  
17 winery/wine tasting room.  
Reference: Zoning Ordinance, Article 8,  
Sections 8-2H9  
Applicant: Suzanne M. And Eddie M. White, Jr.

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

20 MR. PEDLEY: Trey Pedley.

21 (TREY PEDLEY SWORN BY ATTORNEY.)

22 MR. PEDLEY: The subject property, currently  
23 zoned A-R Rural Agriculture, is a 38.5 acre  
24 agricultural parcel. In 2005, the subject property  
25 was rezoned from EX-1 Coal Mining to A-R Rural

1 Agriculture to allow agricultural and residential  
2 uses.

3 The applicant is requesting a Conditional Use  
4 Permit for agri-tourism activity in order to host  
5 educational events, weddings, fruit and vegetable  
6 sales, and a winery/wine tasting room.

7 The applicant has provided a site plan that  
8 includes location of all existing and proposed  
9 buildings, drive lanes and parking areas. The site  
10 plan shows 25 spaces including 1 ADA space in the  
11 parking area of which majority is graveled.

12 All surrounding properties are zoned EX-1 Coal  
13 Mining or A-R Rural Agriculture and appear to be used  
14 agriculturally or for coal mining, with the exception  
15 of one property to the west that is zoned EX-1 Coal  
16 Mining and appears to be residential in use.

17 For an agri-tourism use the zoning ordinance  
18 does not require any landscaping for this property;  
19 however, it does require a minimal of five parking  
20 spaces to be located on a hard surface such as gravel,  
21 asphalt or concrete. Additional parking requirements  
22 may be determined by the Board of Adjustment based on  
23 the projected occupancy of the use. The Board may  
24 also choose to require any landscaping deemed  
25 necessary to provide a buffer or screening from

1 adjoining properties.

2 Special conditions include approval of a site  
3 plan, and requirement to obtain all necessary building  
4 electrical and HVAC permits, inspections and  
5 certificates of occupancy and compliance.

6 We would like to enter the Staff Report into  
7 the record as Exhibit A.

8 CHAIRMAN: Thank you, Mr. Pedley.

9 Is there anyone here representing the  
10 applicant?

11 MR. KAMUF: Yes, Charlie Kamuf.

12 MS. KNIGHT: Mr. Kamuf, you're sworn as an  
13 attorney.

14 MR. KAMUF: I represent Suzanne Cecil White  
15 and her husband concerning the Conditional Use Permit  
16 for an agri-tourism of Daviess County.

17 Many of you have probably heard of Suzanne  
18 White. She's been involved in the agri-business in  
19 the Owensboro/Daviess County community for the last  
20 six years. She's probably best known with Cecil  
21 Farms. Cecil Farms is owned by Suzanne Cecil White  
22 and Gary Cecil. She has been continually involved in  
23 the Owensboro community and she is presently Chair of  
24 the Agricultural Committee for the Owensboro Chamber  
25 of Commerce. Many times you read about Suzanne White

1 in the Owensboro Messenger-Inquirer.

2 I have some handouts.

3 The first photograph that I show you is a  
4 photograph of the Owensboro Messenger-Inquirer; I just  
5 picked it up. It was recent, on November 13th. It  
6 shows Suzanne in the Agricultural Committee community.  
7 I think she was showing at that time the position that  
8 they would take as far as delivering products here in  
9 Owensboro.

10 The second photograph that you see is Suzanne  
11 is on the front of this magazine that you see  
12 recently. What it shows there, it includes the young  
13 leaders in Owensboro and how they're changing the  
14 Owensboro community.

15 Suzanne has also been president of the  
16 Owensboro Farmers Market. She was appointed by the  
17 board member of the Daviess County Extension Committee  
18 in the last year. Suzanne has been appointed as a  
19 Kentucky Center for Agriculture and Rural Development.  
20 She was appointed to serve on the Commission of  
21 Agriculture for Human and Hunger Ag Force and she's  
22 registered with the state Agriculture Tourist  
23 Commission.

24 As you can see, she's very much active in the  
25 Owensboro Community. Agri businesses are popping up

1 all over the county.

2 In the next year Brescia University is looking  
3 to have a complete course in agri-business. I think  
4 it takes two years maybe at the Community College and  
5 two years later you can graduate from Brescia College.  
6 That's on the deal right now.

7 So you can see that agri-business and  
8 agri-tour business is very important in Daviess  
9 County.

10 Now, the location of the property that we  
11 have, if you look at this map that you have here, and  
12 you have one in front of you. The location of the  
13 property, and that's this particular map that you see.  
14 In the area is West Louisville. This is where the  
15 Whitaker Gun place is. Diamond Lake comes down.  
16 There's about 145 acres at Diamond Lake. Over here is  
17 Mount St. Joseph. Just in that one tract there's over  
18 420 acres.

19 Now, why did I point these particular points  
20 out to you? One, they have the same -- if you go to  
21 the Mount frequently, you go to retreats, different  
22 type social events out there, they have the same type  
23 roads at the Mount. They have the same type roads  
24 that you see over at Diamond Lake that campers travel  
25 it every weekend.

1           We've talked to the neighbors and I think all  
2 of the neighbors that adjoin the property, any  
3 neighbor adjoining the property, and there are nine of  
4 them, all of them but one, and we don't know about  
5 one, have agreed and have not objected to the  
6 rezoning.

7           The history of the property, as you can see,  
8 is kind of set out in the Staff Report. In 2005 the  
9 subject property was rezoned from EX strip mining to  
10 AR. All the surrounding properties have been or are  
11 presently agriculture or coal mining with the  
12 exception of one property which is residential and  
13 that's on the west side.

14           Suzanne bought this property in 2016 to  
15 fulfill a great mission she had to establish an  
16 agri-tourism in Daviess County. It's important to  
17 note that an agri-tourist business is important to be  
18 in a rural area and not on a main road.

19           Recently I went up to Rockport and visited a  
20 wine tasting facility, four or five people there.  
21 It's on a rural area off of a main road.

22           You go to the one up at Tell City, it's the  
23 same deal.

24           We're looking and we think this is one of the  
25 finest places that you could put a project of this

1 type.

2           How is the project being used at the present  
3 time? I might point this one out. You also have this  
4 exhibit in front of you. It shows the location. This  
5 is the other exhibit that I have showing the  
6 surrounding property. If you can see, that's just  
7 what I testified to just a second ago. All of these  
8 neighbors in this particular area have agreed. They  
9 don't have any objection. There could be one on the  
10 entrance down there that might have some objection.  
11 So we think that's important.

12           The next exhibit that I show to you is the one  
13 that shows the aerial photograph of the subject  
14 property. Here is what we'll have. What will we have  
15 on the property? There will be educational, farm  
16 educational events such as strawberries you pick,  
17 blueberries you pick, and as far as the Girls and Boys  
18 Club in Owensboro, they're able to go out on the  
19 property, have a little plot of ground, raise whatever  
20 food, vegetables and fruit that they want to and they  
21 can take it and bring that to town and sell it on  
22 their own. We also have a camp. It's a one six-hour  
23 experience for children. They have a garden path, a  
24 walking path and a nature path. Suzanne will give you  
25 an update on exactly how that takes place.



1           In addition to the farm educational events,  
2           there will be wedding events, fruit and vegetable  
3           sales, and the location has already been approved by  
4           the Farm Bureau for roadside market, a winery and a  
5           wine tasting room. There will not be any hard liquor  
6           sold on the property. You can't bring any hard liquor  
7           to the property. The property will be open from 10 in  
8           the morning until 6:00 at night.

9           Any of the activities that I spoke to you  
10          about, as far as the fruit and vegetable sales and the  
11          farm exhibits and the farm events, we can do that  
12          without any conditional use whatsoever. What we have  
13          to get the conditional use for is for the building  
14          which inside the building there will be wine tasting  
15          and also maybe wedding events.

16          Pursuant to the Planning and Zoning  
17          regulations we were required to file a site plan. I  
18          think all board members, Brian, I think all board  
19          members, do they have a copy of the site plan?

20                 MR. HOWARD: Yes.

21                 MR. KAMUF: This site plan was prepared by Jim  
22                 Riney of Riney Engineers. And what the plan shows, it  
23                 shows the location of the parking and event building.  
24                 It shows 25 parking places with one ADA space  
25                 required. How did they arrive at that? Matt Warren

1 at the planning office, he reviewed the type of  
2 building that we would have. The building outside  
3 from side to side is a little over 4,000 square feet.  
4 There will be 1,800 square feet that will be involved  
5 in the events that we have out there. It was  
6 determined from the size of the building exactly how  
7 many parking places we would be required to have. We  
8 are required to have 25. That's what we'll have, and  
9 it shows on the plat.

10 Suzanne will make an investment of over  
11 \$500,000 on this property. We think that will be a  
12 great asset to the Daviess County and Owensboro  
13 Community.

14 What we'll be doing is transferring Cecil  
15 Farms activities over to this area. Cecil Farms now  
16 has their project over several miles from this  
17 property. The old farm on the Cecil had a shared  
18 driveway which didn't work too well. The building  
19 that we have here will be substantially less than the  
20 barn that's on the other property.

21 Now, the traffic issue. Before I ever got in  
22 this case, I met with the county engineer. I took the  
23 county engineer to this property and showed it to him.  
24 I showed him a copy of the plat, a copy of the plan.  
25 He went to the property and he made measurements. No

1 later than this week he went out again because  
2 somebody had questioned something. Here is the letter  
3 that I wrote to the county engineer.

4 "Mark, I represent Suzanne Cecil White who is  
5 requesting a conditional use for her property at 8753  
6 Mulligan Road. This property includes 38.50 acres and  
7 Mrs. White will be requesting a conditional use for  
8 agri-tourism activities." I wrote all of this in my  
9 request. "They'll have farm educational experimental  
10 events, wedding events, fruit and vegetable sales,  
11 winery and wine tasting room. I have delivered to  
12 your office a plan prepared by Hale, Riney & Gilmore  
13 which shows the following aspects of the conditional  
14 use for the property at Mulligan Road.

- 15 "1. The proposed entrance.
- 16 "2. The proposed building.
- 17 "3. The proposed parking lot.
- 18 "4. The general layout of the said property."

19 Here is what I asked him to do. "Would you  
20 please review the site plan prepared by HRG and  
21 forward a letter to Matt Warren at OMPC with a copy to  
22 myself setting out your opinion as follows: Whether  
23 there is adequate visual distance for ingress and  
24 egress at the entrance of said property on Mulligan  
25 Road and whether Mulligan Road is adequate to provide

1 for safe travel for patrons visiting the property at  
2 8753 Mulligan Road." That was on November 13th.

3 On November 15th he wrote me this e-mail, he  
4 sent me this e-mail. "I have done a field review of  
5 this entrance and it appears to have sufficient  
6 stopping, site distance at it's present location. The  
7 road also appears to be sufficient to handle traffic  
8 from this limited scope size project. Let me know if  
9 you have any questions or concerns."

10 So there was some issues. So I talked to him  
11 again this week. He said to me, he said, if this is  
12 safe enough for a family reunion, it's safe enough for  
13 the sizes of this project. So the county engineer has  
14 no problem whatsoever with this project. He knows not  
15 only there's going to be events there; he knows  
16 there's going to be a winery and a wine tasting  
17 facility there.

18 I think where we are at this time is that I  
19 would like to get Suzanne and she will tell you what  
20 she intends to do with this project. I think it will  
21 be a great asset for Daviess County. She's willing to  
22 spend a lot of money and make it where it's first  
23 class and people in the area would be happy to have  
24 this type of activity next to them.

25 Suzanne is here. If you have any questions on

1 the exhibits, ask me and I'll try to answer them.

2 MS. KNIGHT: Mrs. White, if you would state  
3 your name for the record.

4 MS. WHITE: Suzanne Cecil White.

5 (SUZANNE CECIL WHITE SWORN BY ATTORNEY.)

6 MS. WHITE: Mr. Kamuf explained a lot of what  
7 we're about. I definitely, since six years ago when I  
8 joined the farm business, prior to that I was a high  
9 school math teacher and teaching is my passion. I  
10 think anyone in this community that's encountered me  
11 in the last six year and a half years joined I've  
12 joined this team and has been back in Owensboro  
13 probably can see that in me. That teaching and  
14 educational are at the forefront of everything I do.  
15 Even though I'm not in a standard classroom anymore,  
16 somehow I transform every opportunity I have on the  
17 farm or in this community into an educational  
18 opportunity, and that is what I plan to continue to  
19 do.

20 One of the things I'm most proud of that we do  
21 right now is, as he mentioned, with the Cliff Hagan  
22 Boys and Girls Club. We are rolling into our fourth  
23 year. It's a phenomenal program that I only feel  
24 fortunate that they chose us almost four years ago to  
25 start this, and it's just flourished.

1           These kids come out to our farm and start the  
2 seed in the spring. They come back. They transplant  
3 them into their own vegetable patch on our property.  
4 They come every week, sometime multiple days a week  
5 because that is their patch and their project. They  
6 are learning. We're just guiding. They harvest it.  
7 They take it to the Farmer's Market. They sell it.  
8 They get the money and they are so proud. As a  
9 teacher and educator, you light up inside when you see  
10 a full circle like that. We will continue that on  
11 this farm.

12           Other agri-tourism activities that we  
13 currently do that are outdoor, open air activities  
14 that we will continue to do, because it is a wide open  
15 space.

16           We have a lot of visiting tour groups every  
17 year. Organizations that we're connected with bring  
18 in people every year to learn from our farm because of  
19 the diversity of its offerings; such as Kentucky Farm  
20 Bureau, Leadership of Kentucky. The Dietetic  
21 Association was here for a convention. They brought  
22 their whole group to our farm for an educational  
23 opportunity this past spring.

24           As he said, we have had farm camps, seed day,  
25 and we plan to continue to that. Out Reach to

1 Children. Our spring flower sell on the farm. Our  
2 pumpkin patch event and activities including you pick  
3 pumpkins. We'll continue to have those events because  
4 we want people out there touching the dirt.

5 Produce sales at the farm. Just this year in  
6 2017 back in the spring we became a certified roadside  
7 farm market for Kentucky Farm Bureau, we'll continue  
8 that.

9 We have planted over 150 blueberry bushes, and  
10 table grape vines at the front of this property. You  
11 have this paper here that has the white rows on it.  
12 You can see that the road, the road is here at the  
13 bottom. So between the road and the white lines is  
14 where we have 20 rows of blueberries, blackberries,  
15 raspberries, and small amount of table grapes. That  
16 will be the front of this property is produce.

17 The white rows are 14,000 strawberry plants  
18 for next spring. After that, we currently have  
19 lettuce and greens. We will have tomatoes, peppers,  
20 cucumbers, a wide array of our vegetables, continuing  
21 all the way back past the red building to where you  
22 see more of a dirt line going across the property.  
23 The whole front half of this property, fruits and  
24 vegetables. Still a farm. Then further back there  
25 closer to the woods is where we want to set this

1 building, this structure that we are seeking approval  
2 for this evening.

3           Why do I want to do this? One, it's a  
4 passion. Two, I see an ever increasing need because  
5 people are disconnected from food and farming. The  
6 demands from the consumers on us as farmers and the  
7 population and on production are real. Most people  
8 only experience farming online. They're never  
9 actually on a farm. The consumer will continue to  
10 demand without a clue as to how to produce it. We  
11 want to engage in conversation. We want to create  
12 real connections to the farm and where your food and  
13 beverages come from. We want to provide Owensboro  
14 with an authentic experience and hospitality showcase  
15 to visitors to and enjoy with family and friends. We  
16 want something that Owensboro is going to be proud of  
17 and want to show off. We want to add something  
18 positive to this thriving community. Owensboro just  
19 recognized by the Business Insider as one of the top  
20 communities that people are coming to. We're going to  
21 create just one more thing to make Owensboro  
22 attractive.

23           You know, we've joined the Bourbon Trail in  
24 2018. OZ Tyler is on the Bourbon Trail. Well, I know  
25 that wineries and wine tasting are very attractive to



1 visitors that are visiting for bourbon as well.  
2 Husbands can always try the bourbon, and the wives are  
3 going to say, war of leverages, we're hitting the  
4 winery next, Honey.

5 So what we'll be doing he's already stated.  
6 We're looking at approval just for this small scope  
7 building. We'll continue everything with our fruits  
8 and vegetables and our one farm event in the open air.  
9 That will continue. That's our agri-tourism. We want  
10 to add and take this to the next level by adding the  
11 wine tasting room and offer this space for events such  
12 as weddings and meetings.

13 CHAIRMAN: Mr. Kamuf, do you have someone else  
14 that is wanting to speak?

15 MR. KAMUF: Not right now. I have Mr. Cecil.  
16 We have the people here that will answer any questions  
17 on rebuttal. I think that's pretty well what we have  
18 to say. If you have any questions of me right now,  
19 I'll be glad to answer them. I don't know whether  
20 there's any objection here or not. We'll find out  
21 here in a minute.

22 CHAIRMAN: Is there anyone in the audience  
23 that wishes to impose an objection or questions to  
24 this item?

25 MR. BRANCATO: My name is Frank Brancato.

1 MS. KNIGHT: Mr. Brancato, you're sworn as an  
2 attorney.

3 MR. BRANCATO: I'm an attorney with Bamberger  
4 Brancato & Cureton here in Owensboro. I represent  
5 neighbors who are down the road from this property;  
6 Jamie and Nicole Murray, Gary and Angie Murphy, Burley  
7 Mitchell, Bernie and Vickie Mulligan, and Brad Payne.

8 I hope today to show the board some  
9 information that I think is relevant to the property.  
10 We've heard a lot of good things about our community  
11 and about what our the applicant does in the  
12 community, but I think the focus of this presentation  
13 and the meeting tonight is about this property.

14 So the first question would be whether what we  
15 really have is agri-tourism and whether it is  
16 something that is appropriate for this location.

17 Like Mr. Kamuf, who by the way is a tough act  
18 to follow, I do have some handouts that I would like  
19 the board to look at progressively as I go through  
20 this.

21 The first one is a copy of KRS 247.801. I  
22 would like the board to look at this because the  
23 assumptions here in the presentation that has been  
24 made starting out is that it's a foregone conclusion  
25 that if it's agri-tourism it gets approved, and that's

1 not what the statute says.

2 If you look at the history of the statute in  
3 agri-tourism, it was developed as a mechanism to help  
4 farmer find another cash crop from existing  
5 businesses. The focus of it is farming, a farm, a  
6 ranch, an agricultural operation or horticultural  
7 operation. As Mr. Kamuf said earlier, for those  
8 activities they really don't need your approval. They  
9 really don't need a variance. What they need a  
10 variance for is the wedding and party barn that they  
11 want to build on the property. That's really what the  
12 variance is for.

13 If you look at KRS 247.801 when it talks about  
14 an agri-tourism activity, I'm going to ask you to look  
15 at Sub-Part B, third line, the first word is "may."  
16 Not "shall." "May." The reason the statute says  
17 "may" is there are other things that should be  
18 considered when looking at either a zoning change or  
19 agri-business, an agri-tourism as some community  
20 requires or a variance as presented here with the  
21 Board of Adjustments.

22 Now, one of the concerns of my client is the  
23 road. The road is 18-feet wide at its widest point.  
24 Narrows down to about a foot at some point, but it's  
25 18-feet. I have some pictures of the road, and I ask

1 you pass these around to note the traffic signs that  
2 shows the curves ahead, the hills that approach this  
3 property, and that this is the road that people will  
4 be traveling to go to the wedding events and the party  
5 barn.

6 You can tell from the pictures that those were  
7 fairly recent. They were taking about a week ago.

8 One of the things mentioned was that the  
9 existing activities of Cecil Farms, which would be  
10 transferred to this location, there are evening  
11 weddings at Cecil Farms. Mr. Kamuf said that the  
12 operation would be 10 to 6. I think that needs to be  
13 clarified and maybe should be a part of any approval  
14 from the board.

15 In the past there was not much agri-tourism  
16 because the people who lived out in the country were  
17 the people who agri-lived there, and that's where they  
18 made their home. What we're really asking this board  
19 to consider is to keep the ag in agri-tourism so that  
20 agri-tourism applies to the people who are living out  
21 there and actually making their business off the land.

22 Another factor I would like to bring to your  
23 attention is that the Department of Agricultural for  
24 Kentucky on its website and its publication focuses on  
25 how agri-tourism is important to farmers to supplement

1 their income or broaden their business ventures.

2 One of my concerns about the party barn and  
3 wedding aspects out there is the fact that people in  
4 the agri-tourism business, the true agri-tourism  
5 business are accorded a benefit that the rest of us  
6 who are in business and really who go about our lives  
7 are not accorded and that is a no liability for  
8 accident provision.

9 The reason for the no liability for accident  
10 provision is that I think many people know farming is  
11 one of the most dangerous activities in the country.  
12 More people are injured on farms than in any other  
13 industry.

14 So under 247.809, the statute that I most  
15 recently passed out to you, agri-tourism professionals  
16 are not liable for injury to or death of a participant  
17 resulting exclusively from the inherent risk of  
18 agri-tourism. When you look up agri-tourism, you're  
19 now getting back to farming. There's two ways that  
20 they, two things they have to do to avail themselves  
21 of that no risk. One is they would post the sign and  
22 the second is, the alternative is to have each  
23 participant that comes on the property to sign a  
24 release.

25 KRS 247.8091 sets forth the language that must

1 be on your sign to avail yourself of the no liability  
2 provision that's accorded to agri-tourism business.

3 The warning sign has these big letters of the  
4 "Warning. Under Kentucky law, there is no liability  
5 for an injury to or death of a participant in an  
6 agri-tourism activity conducted at this agri-tourism  
7 location if the injury or death results exclusively  
8 from the inherent risks of the agri-tourism activity  
9 and in the absence of negligence. You are assuming  
10 the risk of participating in this agri-tourism  
11 activity."

12 If you comply with that statute as  
13 agri-tourism business, assumption of the risk is a  
14 complete defense to anybody who is injured or killed  
15 on your property, unless that injury or death is  
16 result of negligence.

17 I think that's a significant thing to bring to  
18 your attention and for the public to be aware of.

19 There was another bill that was introduced  
20 this last session that did not get out of the  
21 committee, but it's going to be reintroduced again,  
22 and this concerns me as well, about public protection  
23 in the community. It's a proposed amendment to KRS  
24 227.300.

25 I put a mark out to the edge there because the

1 highlighting didn't come through very closely, but the  
2 essence of this bill is that --

3 MR. KAMUF: Hold on one second. Is this a law  
4 or is this a bill.

5 MR. BRANCATO: It's a bill.

6 MR. KAMUF: It's not the law so what are we  
7 talking about?

8 MR. BRANCATO: I think I said it was a bill.

9 The essence of this bill is to propose for  
10 agri-tourism industry, that they are not subject to  
11 the building code. They are not subject to the safety  
12 code. Now, that may strike you as strange, but,  
13 again, if you look back at the history of the  
14 agri-tourism business, the focus was on existing farms  
15 and existing operations, many of which were already  
16 constructed. There are a lot tobacco barns that are  
17 no longer used because tobacco is no longer the cash  
18 crop it once was. That kind of farm needed help as  
19 agri-tourism expansion.

20 As this bill will be reintroduced again, it  
21 would have a preclusion in it that the commissioner,  
22 and that is the commissioner at the Department of  
23 Housing, Buildings and Construction in Kentucky, shall  
24 not promulgate any regulation or rule that requires a  
25 building, including a barn or agricultural building as

1 being renovated or wired for electricity to install  
2 fire protection systems or otherwise comply with the  
3 code.

4           So I think all of these factors must be  
5 considered when this board is evaluating this  
6 operation at this location and under these  
7 circumstances.

8           Certainly there is a lot of interest in farm  
9 to table businesses or farm to fork businesses as  
10 they're sometimes called. But for liberation on these  
11 event centers and wedding venues, it also increases  
12 tension between landowners and the surrounding farms.

13           Mr. Kamuf pointed out that the surrounding  
14 contiguous property owners have no objection. I would  
15 point out to you that only two of them live there.  
16 The rest of them are absent owners.

17           So their enjoyment and their use of their  
18 property would be unaffected by virtually anything  
19 built on this property. The right of people to enjoy  
20 their existing homes and property should count no  
21 less, no less than the right of property owners who  
22 want to make more money on their property. We don't  
23 begrudge that. I think when you look at the totality  
24 of the circumstances here, that the road is hilly.  
25 The road is curvy and it's not very wide. That there



1 are conditions on the property that would become a  
2 nuisance or a bother to neighbors. That the  
3 protection for the public coming to this business  
4 could be very limited by the statutes that I have  
5 passed out and asked you to read and that there are  
6 negative impacts on the real farms and farmers who  
7 adjoin this property.

8 I think when you consider all of that, that  
9 something more needs to be done than a broad brush  
10 that's been expanded here. I don't know very many  
11 weddings that don't go into the evening. Maybe they  
12 do. I don't know very many weddings that don't go  
13 into the evening. Hours 10 to 6, maybe that's their  
14 farm business and not related to the wedding business  
15 and the party business. I don't know. I think you  
16 have questions to ask about those things.

17 How many weddings a year are being budgeted  
18 and planned? How many parties are being budgeted and  
19 planned? You have a lot of money to investment, you  
20 have to have a revenue screen to produce your capital  
21 and pay your bills in something like that. How many  
22 events really will be hosted is an important part of  
23 it.

24 Some of my clients really have as many  
25 questions as they do issues with it, and I hope some

1 of that gets figured out here tonight.

2 In closing, I want to again thank the Staff.  
3 Every time I've called the Staff they've been very  
4 helpful and very cordial, and I think you have a very  
5 good professional staff and was a pleasure to do  
6 business with them.

7 CHAIRMAN: Thank you. We know that.

8 Mr. Brancato, do you have someone else that  
9 wishes to speak?

10 MR. BRANCATO: No, ma'am, I do not.

11 MR. REEVES: Let me clarify something, if you  
12 don't mind.

13 CHAIRMAN: Yes.

14 MR. REEVES: Mr. Brancato, in the KRS that you  
15 gave us in Section 2(b) where it says, "Qualifying  
16 activities may include civic or ceremonial activities  
17 including but not limited to weddings and ancillary  
18 events, harvest-your-own operations, farmers'  
19 markets." Were you suggesting that their proposed use  
20 is not consistent with that, number one, and number  
21 two, were you saying that use is consistent and should  
22 only be those that live in the surrounding area?

23 MR. BRANCATO: No. What I'm saying is that  
24 their use may be consistent with that because the  
25 statute says "may," not "shall." It doesn't "say

1 shall include all of these things." It says "may  
2 include all of these things." The reason for that is  
3 there are other factors other than the activity  
4 itself, particularly in a rural community.

5 MR. REEVES: I don't think that's what the  
6 statute says. It says it may include.

7 MR. BRANCATO: That's correct. It may include  
8 those.

9 CHAIRMAN: Anyone else on the board have a  
10 question of Mr. Brancato?

11 (NO RESPONSE)

12 CHAIRMAN: Mr. Kamuf, I'm assuming you're  
13 going to rebut.

14 MR. KAMUF: The most important thing that I  
15 did in this case, and I did this before I filed it. I  
16 got the county engineer out there to look at this  
17 property. He's your man. He's the county person.  
18 He's the person you look up to to decide whether this  
19 road is safe or whether it's not safe. Not only did  
20 he go out there one time. These people or somebody  
21 called the county judge and said, what about -- he  
22 looked at it the second time, and I talked to him this  
23 week. What did he say? He said that he had looked  
24 and reviewed the fact that they would have what?  
25 Wedding events. I might say that the time frame that

1 I gave from 10 to 6 was for the winery. I believe I'm  
2 telling you that, as far as the event situation, that  
3 will be open until 10:00. That takes care of that.

4 As far as the winery and wine tasting, in  
5 other words, I laid that all out for the county  
6 engineer to look at. He looked. He knew there was  
7 going to be winery and wine tasting events. He knew  
8 there was going to be wedding receptions out there.  
9 He looked at the parking lot that Matt laid out. The  
10 parking and all if that is set out because of the size  
11 of the building and the location and he gave, that was  
12 all prepared by Riney Engineering and laid out on the  
13 property. What did he say? He reviewed all of that.  
14 I asked him these two questions so I would know how to  
15 answer Mr. Brancato tonight.

16 Whether there is adequate visual distance for  
17 ingress and egress at the entrance of said property  
18 onto Mulligan Road? Whether the road is adequate to  
19 provide safe travel for patrons visiting the property?  
20 What did he say? "I have done a field review of this  
21 entrance and it appears to be sufficient stopping  
22 sight distance at its present location. The road also  
23 appears to be sufficient to handle traffic from this  
24 limited size scope project. Let me know if you have  
25 any questions."

1           How clear could it be? You know they're  
2 talking about this road being crooked or not being  
3 straight. Here's a picture of the property. You  
4 decide for yourself.

5           Here is Mulligan Road. Here is Highway 56.  
6 It has one little turn as you get to that property. I  
7 don't believe that's a crooked road. It's not going  
8 like going to Knottsville or someplace that you have a  
9 lot of curving. That's Number 2.

10           Fred mentioned about the statute. The statute  
11 allows us to do what we're doing, and I think Brian  
12 will tell you that. This is a type of activity, the  
13 type of project that was mentioned in the statute. We  
14 are okay with this type of activity under the statute  
15 and ordinance that you all have.

16           Am I not right Brian?

17           MR. HOWARD: Yes. The definition for  
18 agri-tourism includes everything that you've  
19 mentioned. Of course, as Mr. Brancato pointed out,  
20 the purpose of the Board of Adjustments is to make  
21 sure that the use can properly integrate into that  
22 neighborhood. Some communities would require  
23 rezoning. We do the conditional use permit, and  
24 that's why we're all here tonight.

25           MR. KAMUF: We're not here to ask for rezoning

1 for commercial activity. It's a conditional use in an  
2 agricultural area. Most of these, other than the  
3 winery and event, if we didn't have the building, we  
4 could always keep on doing what we're doing.

5 You know, these issue about liability, we're  
6 not having liability insurance. Keep your eye on the  
7 ball. Mr. Brancato brings issues up that are not  
8 relevant. The liability situation, we will have  
9 liability insurance to cover it.

10 As far as accidents. Accidents, according to  
11 the county engineer, his exact statement to me, he  
12 said, "Charlie, accidents happen all over the county.  
13 We can't keep accidents from happening."

14 As far as any alcohol, this board does not  
15 have the authority to make laws concerning the  
16 dispensing of alcohol. That will be up to the  
17 sheriff, that will be up to the ABC Board. We will  
18 have beer and wine. No heavy drinking on the  
19 property.

20 I'm trying to cover those issues. If you all  
21 have any issues that Mr. Brancato hit.

22 The liability issue is not for this board.  
23 The liability issue is between what we have to carry  
24 as far as liability on the property. We'll do that.  
25 We're not responsible for accidents that take place at

1 Mount St. Joe. They act like this is a big deal.

2 I go to Mount St. Joe to social events. I go  
3 to retreats at Mount St. Joe. I go to social events  
4 where there's liquor involved. They have the same  
5 type of road. It is the same type of road that goes  
6 around Cummings Road which is in Mount St. Joe. Here  
7 we have Diamond Lake. That's 145 acres. You see  
8 campers coming in and out of that place all the time,  
9 and they dispense alcoholic beverages down there more  
10 than we are. These are adequate county roads to do  
11 what our project allows us to do.

12 Do you have any questions along the line? We  
13 need to keep our eye on the ball and not on bills or  
14 something that's going to take place. Is this an  
15 adequate place to have a project such as Suzanne White  
16 told you about. We think it is. I think it's the  
17 perfect spot. You've got an area, according to your  
18 Staff Report, if you look at your Staff Report, what  
19 does it say? It says, the subject property zoned A-R  
20 Agriculture is 35.5 acres. The property was rezoned  
21 from EX strip mining to A-R. The property around it,  
22 how does it describe the property around it? The  
23 properties to the north are zoned EX Coal Mining and  
24 AR Agriculture. The properties to the east are zoned  
25 what; coal mining. The property to the south is zoned

1 A-R Rural Agriculture. All surrounding properties  
2 appear to be used agriculturally or for coal mining  
3 with the exception of one property to the west which  
4 is zoned EX Coal Mining, but appears to be  
5 residential.

6 Where could we find a better place in Daviess  
7 County to put in a rural setting a winery and tasting  
8 facility and an event such as we're having.

9 Gary Cecil and his daughter have a good  
10 record. We're not telling you what we're going to do.  
11 Suzanne told you what they have been doing, and isn't  
12 that a great benefit to Daviess County, economic  
13 development in Daviess County? I'm here to answer any  
14 questions. I think Suzanne can answer most any of  
15 them that you have.

16 CHAIRMAN: Any board members have questions of  
17 Mr. Kamuf or Mrs. White?

18 MR. REEVES: Question for Mr. Howard, and  
19 Mr. Kamuf needs to listen to this.

20 Would it be a legal condition for us to add to  
21 the two current conditions, should we approve it, that  
22 would prohibit the commercial sell of package spirits  
23 other than wine on this property?

24 MR. HOWARD: I will defer to legal counsel on  
25 that.



1 MS. KNIGHT: I would think so. The statute  
2 say you can provide any conditions you think are  
3 reasonably necessary.

4 To Mr. Kamuf's point, the ABC Board is going  
5 to say whether they can sell any alcohol or not, what  
6 they have to do to be able to sell it. I think this  
7 board could put those type of restrictions on here.

8 MR. KAMUF: I'm sorry, I didn't hear what you  
9 said.

10 MS. KNIGHT: I think the statute, and I'm  
11 referring to 100.237, Charlie, governing the  
12 conditional use permit says that this board can put  
13 any conditions, attach any necessary conditions that  
14 one or more things be done for the request to be  
15 initiated or conditions of a continuing nature, which  
16 I think would be what Mr. Reeves is asking about.

17 MS. WHITE: My question on this: So we will  
18 be a federal bonded property. What that means is no  
19 one can bring alcohol onto our property for their own  
20 personal event, anything. It all has to go through  
21 us.

22 So say a wedding or meeting wants beer. I  
23 have to purchase that and they have to purchase that  
24 from me.

25 MR. REEVES: That doesn't concern me.

1 MS. WHITE: You're saying not to have retail  
2 sales?

3 MR. REEVES: Can't have retail sales of  
4 packaged alcohol spirits.

5 MS. WHITE: Other than for the wine.

6 MR. REEVES: I understand that they have to  
7 furnish liquor for the event. They have to be  
8 properly licensed and so forth, properly insured;  
9 you're probably trained to do that. I'm just simply  
10 saying to put a condition that would limit you to  
11 selling any packaged retail spirits other than wine.

12 MS. WHITE: On my shelf?

13 MR. REEVES: On your shelf, right. I'm  
14 talking about retail sales only.

15 MR. KAMUF: I want to be sure I understand  
16 what you're talking about. Are you talking about  
17 beer?

18 MR. REEVES: I'm talking about being able to  
19 go into the winery and purchase a fifth of vodka, go  
20 to your car and drive home.

21 MRS. WHITE: We will not be licensing  
22 ourselves for liquor. We will have the ABC License  
23 for beer and wine.

24 MR. REEVES: Are you willing to live with the  
25 condition that that be in there?

1 MS. WHITE: That I don't sell bottles of  
2 liquor?

3 MR. REEVES: Yes. That you don't sell retail  
4 packaged liquor.

5 MS. WHITE: Yes.

6 CHAIRMAN: Anyone else have questions of  
7 Mr. Kamuf.

8 (NO RESPONSE)

9 CHAIRMAN: Mr. Brancato, do you have anything  
10 else?

11 MR. BRANCATO: I want to follow up on a couple  
12 of things.

13 Mr. Kamuf read twice from the letter from Mr.  
14 Brasher, that this road was suitable to handle the  
15 volume of traffic. Have you all heard anything about  
16 what the volume of traffic is, because I haven't. I  
17 don't know how you make a conclusion. Is it 2 cars an  
18 hour to 20 cars an hour, 50 cars and hour. I don't  
19 know the basis of that conclusion, and unfortunately  
20 he's not here. I don't think he can answer that  
21 question.

22 I don't believe in my presentation I said  
23 anything about the liquor or concerned about it;  
24 although Mr. Kamuf assured you that there wouldn't be  
25 any heavy drinking. I don't know about that. Our

1 concern of focus is the volume of traffic, the road,  
2 the condition that may not protect the public in the  
3 operation of the wedding venue and party barn on this  
4 location. Twenty-five cars for a wedding or a party  
5 doesn't seem like a very big wedding or party to me.  
6 Now we were told with clarification the weddings can  
7 go on until 11:00 at night. So, I guess, the  
8 neighbors there can hear announcements through the  
9 loud speakers about what's going on into the evening.

10 I'm asking to you consider all of these  
11 things. And maybe the best thing to do is table it  
12 and hear from Mr. Brasher and let's see if there's a  
13 traffic study or what conditions he was told. The  
14 sentence is road is adequate for the traffic. How  
15 much traffic? I just haven't heard one word about how  
16 much traffic there would be or what Mr. Brasher's  
17 assumption or conclusions were in that regard.

18 CHAIRMAN: Mr. Kamuf.

19 MS. WHITE: I believe the traffic has been  
20 addressed when we met with Matt Warren a couple of  
21 months ago and he defined, based on the square footage  
22 and the capacity of how many persons this event space  
23 could hold, that it needed 25 parking spaces. Based  
24 on the location, people will carpool. He determined,  
25 based on the square footage and how many bodies will

1 fit into that small square footage, that that is how  
2 many vehicles we should expect at a given time.

3 The building will not hold a huge capacity.  
4 Furthermore, the county roads are made to hold 1800  
5 cars per lane per hour. I don't think we'll be seeing  
6 that.

7 I do want to address as well; there will be no  
8 disruption to the neighbors with us closing at 10,  
9 gates locked at 11. I showed you on this paper  
10 there's 20 rows of bushes, do you know how tall  
11 blueberry bushes get, of screening, surrounding by  
12 trees, off to the back of the property and the woods.  
13 So I do not see a concern at all of any disruption.  
14 This is a classy project.

15 CHAIRMAN: Thank you.

16 MR. KAMUF: Have we adequately answered that  
17 for the board, for Mr. Reeves?

18 CHAIRMAN: Any board members have any further  
19 questions?

20 (NO RESPONSE)

21 MR. KAMUF: I think it's 10:00. It's not  
22 11:00.

23 CHAIRMAN: I was going to ask: Can you state  
24 those hours for the winery and for the wedding.

25 MR. KAMUF: The winery will be from 10 to 6.

1 The events will be closed at 10:00, gates locked at  
2 11.

3 CHAIRMAN: Thank you.

4 MR. KAMUF: He doesn't want to disagree with  
5 the engineer, but if he wanted to have somebody here,  
6 he should have had his own engineer or he should have  
7 called the county engineer. I filed that report as  
8 part of this application and anybody could have seen  
9 the Staff Report. It's part of the Staff Report. The  
10 county engineer is your man. He says it's safe. He's  
11 not going to make any statement and put it in writing,  
12 as far as the traffic. He says what? This road  
13 appears to be sufficient from handling the traffic  
14 from this limited scope and size project. Not only  
15 did he have in front of him the site report, he had  
16 this site plan that was prepared by Hale Riney &  
17 Gilmore, and he had the report for Matt, what Matt  
18 said in front of him. That's how we were able to say  
19 25 parking places when your own people looked at the  
20 project and looked at the building and said, this  
21 would be 25 parking places. That's the size of the  
22 traffic.

23 CHAIRMAN: Thank you, Mr. Kamuf.

24 MR. KAMUF: Thank you.

25 CHAIRMAN: Let's see if we can't bring this to

1 some sort of conclusion.

2 Is there anyone else in opposition that wishes  
3 to speak?

4 (NO RESPONSE)

5 CHAIRMAN: Mr. Brancato, do you have anything  
6 to add, rebuttal?

7 MR. BRANCATO: No, ma'am. I would ask if the  
8 board is considering ruling in favor of this, in  
9 addition to the one suggestion and additional  
10 condition be put on there, that the condition be that  
11 the business closed down at 10:00 every evening. If  
12 that's what they're saying they would do, that  
13 wouldn't seem to be a restriction to them and that  
14 there wouldn't be more than 25 cars on the property at  
15 any point in time because that seems to be what  
16 they're espousing here to the board. It's going to be  
17 limited scope and operation and no more than 25 cars.  
18 If that's their presentation and representation to the  
19 board, it shouldn't have a problem with those  
20 conditions being put into the approval.

21 CHAIRMAN: Let's see if I can find that out.

22 Mr. Kamuf.

23 MR. KAMUF: I don't have any problem about the  
24 hours, that's not a problem. We don't know how many,  
25 it's based upon the building and everything, and I

1 don't want to get tied down. We lose, if we put down  
2 25 cars and there's 26 there. This is the best I can  
3 do for the board, as far as coming up with an  
4 estimate. We don't know how many will be there  
5 completely. This is our best estimate. Really I  
6 think what is required is five parking places  
7 according to, I think I'm right, Matt. I don't want  
8 to be tied down to that. That's a lawyers dream on  
9 the other side, is to have somebody out there counting  
10 cars every night. I cannot agree to that. I didn't  
11 prepare this 25 parking. It was prepared by your own  
12 all's own Staff based upon the size of the building.

13 CHAIRMAN: Thank you.

14 Board members have any questions?

15 (NO RESPONSE)

16 CHAIRMAN: Anyone else want to speak?

17 (NO RESPONSE)

18 CHAIRMAN: We're ready for a motion.

19 Mr. Reeves.

20 MR. REEVES: Bear with me, please.

21 I make a motion to approve this conditional  
22 use permit based on the following facts:

23 1. This use is an example to the merging  
24 agri-tourism business and agricultural land.

25 2. There will be educational activities and



1 events that are consistent with enabling KRS  
2 legislation.

3 3. The county engineer concludes that the  
4 road is adequate as well as ingress/egress to the land  
5 for the anticipated traffic.

6 I would add Condition 1 and 2 as spelled out  
7 in the Staff Report.

8 Condition 3. That the commercial retail sale  
9 of packaged liquor, other than wine, is prohibited on  
10 this property.

11 Condition 4. That all business activities  
12 will close at 10:00 and the gates will be locked at  
13 11.

14 CHAIRMAN: Thank you. Is there a second to  
15 the motion?

16 MR. GLENN: Second.

17 CHAIRMAN: Any question on the motion?

18 (NO RESPONSE)

19 CHAIRMAN: All in favor of the motion raise  
20 your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 -----

24 VARIANCE

25 ITEM 3

1 1608 Parrish Court, zoned R-1A  
2 Consider a request for a Variance to reduce the side  
3 yard building setback lines from 10 feet from the side  
4 property lines to 5 feet from the property lines on  
5 both, the north and south boundaries of the property.  
6 References: Zoning Ordinance, Article 8,  
7 Section 8.5.5(d)  
8 Applicant: Charles A. Lefler

9 MR. PEDLEY: The subject property is located  
10 in an area established before the current zoning  
11 requirements were in place. Current zoning  
12 regulations in R-1A zone require 10 feet interior side  
13 yard building setback and a minimum lot frontage of 75  
14 feet.

15 According to the PVA records, the residence on  
16 this property was built in 1905 and has existing side  
17 yard setback of 6.8 inches from the southern property  
18 line, and 7 feet from the northern property line on a  
19 lot that's only 50 foot wide in an R-1A zoning  
20 classification.

21 The applicant proposed to demolish all  
22 existing structures on site and construct a new  
23 residence of a 40 foot wide foundation. Consequently,  
24 the proposed foundation will encroach into the side  
25 yard building setback on both sides, creating the need  
for a variance to reduce the setback from 10 feet to 5  
feet from the side property line.

Because the property is in the area predate

1 the zoning ordinance, the majority of the lot on  
2 Parrish Court are 50 foot in width and the majority of  
3 the homes encroach into the required side yard  
4 building setback.

5 Granting the variance to reduce the interior  
6 side yard building setbacks will not alter the  
7 essential character of the general vicinity, will not  
8 significantly impact the area, nor will it be an  
9 unreasonable circumvention of the requirements of the  
10 zoning ordinance because there are many existing  
11 structures on neighboring lots that encroach into  
12 their own side yard building setbacks as a result from  
13 narrow lot sizes and structures that predate the  
14 zoning ordinance.

15 Staff recommends approval with the condition  
16 that all necessary building, electrical and HVAC  
17 permits, inspections and certificates of occupancy and  
18 compliance are obtained.

19 We would like to enter the Staff Report into  
20 record as Exhibit B.

21 CHAIRMAN: Is there anyone here to speak on  
22 behalf of this application?

23 MS. KNIGHT: If you could state your name,  
24 please.

25 MS. LEFLER: Sarah Lefler.

1 (SARAH LEFLER SWORN BY ATTORNEY.)

2 MS. LEFLER: I don't really have a whole lot  
3 to say. Everything he read is pretty much it. We  
4 just want to be able to build a house in order to have  
5 it where it's not a row house or stacked up. We just  
6 need that extra 5 feet. That's all.

7 CHAIRMAN: Hold on and we'll see if anyone has  
8 any questions.

9 Any board member haves questions to Ms.  
10 Lefler?

11 (NO RESPONSE)

12 CHAIRMAN: Is there anyone else speaking in  
13 reference to this application?

14 (NO RESPONSE)

15 CHAIRMAN: Board members any questions?

16 (NO RESPONSE)

17 CHAIRMAN: If not I'll entertain a motion.

18 MR. JEAN: I'll make a motion that we approve  
19 this variance based on the Staff Report with the  
20 Findings of Fact that it will not alter the essential  
21 character of the general vicinity, it will not  
22 significantly impact the area, nor will it be  
23 unreasonable circumvention of the requirements of the  
24 zoning ordinance, and with Condition Number 1.

25 CHAIRMAN: We have a motion. Is there a

1 second to the motion?

2 MS. CLARK: Second.

3 CHAIRMAN: Second by Ms. Clark. Any questions  
4 on the motion?

5 (NO RESPONSE)

6 CHAIRMAN: All in favor of the motion raise  
7 your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Motion carries unanimously.

10 ITEM 4

11 3485 Millers Fall Circle, zoned R-1C  
12 Consider a request for a Variance in order to reduce a  
13 side yard building setback line from 5 feet from the  
14 side property line to 0.4 feet from the property line.  
15 References: Zoning Ordinance, Article 8,  
16 Section 8.5.7(d)

17 Applicant: Joyce Dianna Estes-Fulks

18 MR. PEDLEY: Because the Staff Report is  
19 recommending denial, the entire Staff Report will be  
20 read into the record.

21 A. SPECIAL CIRCUMSTANCES? Are there special  
22 circumstances that do not generally apply to the land  
23 in the general vicinity or in the same zone? No.

24 The subject property is located in the Old  
25 Mill Subdivision near the southeastern corner of the  
26 Highway 54 and Millers Mill Road intersection. All of  
27 the lots on Millers Fall Circle range from 50 to 100  
28 feet wide. The subject property is 72 feet wide by

1 122 feet deep and the home was constructed in 1986  
2 according to PVA records.

3 The applicant is requesting to reduce an  
4 interior side yard building setback from 5 feet to 0.4  
5 feet in order to allow a recently installed detached  
6 carport to be located 0.4 feet from the side property  
7 line. The required side yard setback in an R-1C zone  
8 is 5 feet from the property line; however, The Old  
9 Mill's subdivision plat indicates that this property  
10 line serves as the center of a 12-foot wide public  
11 utility and drainage easement. Consequentially, the  
12 easement spans 6 feet from the property line in both  
13 directions, creating a 6-foot easement on the subject  
14 property. The zoning ordinance states that neither  
15 principal nor accessory buildings shall be erected in  
16 a public utility easement without obtaining an  
17 encroachment permit. As a result, while the R-1C  
18 zoning classification allows structures to be located  
19 as close as 5 feet from the interior property line, no  
20 structures shall be permitted within 6 feet of the  
21 eastern property line of the subject property unless  
22 an encroachment permit has been obtained.

23 Additionally, Section R302.1 of the Kentucky  
24 Residential Building Code states that both, exterior  
25 walls without a fire-resistant rating and exterior

1 walls with unlimited openings, such as an unenclosed  
2 carport, are required to maintain a separation  
3 distance of 5 feet or greater from the property line.  
4 Placing a carport 0.4 feet from the property line  
5 would place the structure approximately 5'5" from the  
6 neighboring property's side yard building setback line  
7 and could make access to the side of the neighboring  
8 home difficult.

9           There have been no variances within the area  
10 approved to allow an encroachment of a side yard  
11 setback and all other known structures on Millers Fall  
12 Circle appear to comply with the zoning ordinance  
13 requirements.

14           Granting the variance to reduce the side yard  
15 building setback will alter the essential character of  
16 the general vicinity and be an unreasonable  
17 circumvention of the requirements of the zoning  
18 ordinance because the other structures in the area  
19 appear to meet the required setback, and no other  
20 variance requests for the reduction of a side yard  
21 setback have been granted in the area. Granting the  
22 variance will also affect public safety and cause a  
23 public hazard by constructing a non-fire rated  
24 structure within the required separation distance from  
25 the property line.

1           B. HARDSHIP? Would strict application of  
2 the regulations deprive the applicant of the  
3 reasonable use of the land, or create an unnecessary  
4 hardship on the applicant? No.

5           If the application is denied, the applicant  
6 could construct a smaller carport.

7           C. APPLICANT'S ACTIONS? Are the circumstance  
8 from which relief is sought a result of the  
9 applicant's actions taken after adoption of the zoning  
10 regulations? Yes.

11           IF YES: WILLFUL ACTIONS? Did the applicant  
12 take WILLFUL actions in violation of the zoning  
13 regulation? IF SO, the Board SHALL DENY the variance.

14           FINDINGS: Granting this Variance:

15           1. Granting this Variance will adversely  
16 affect the public health, safety or welfare by  
17 constructing a non-fire rated structure within the  
18 required separation distance from the property line.

19           2. Granting this Variance will alter the  
20 essential character of the general vicinity because  
21 all other known structures in the area appear to  
22 conform to the required side yard setbacks.

23           3. Granting this Variance will cause a hazard  
24 or a nuisance to the public welfare because  
25 constructing a structure so close to the neighboring



1 home may create issues accessing the side of the  
2 neighboring home.

3 4. Granting this Variance will allow an  
4 unreasonable circumvention of the requirements of the  
5 zoning regulations because all other structures within  
6 the area appear to meet the required side yard  
7 building setback and there have been no other variance  
8 requests in the area.

9 STAFF RECOMMENDATION is for denial.

10 We would like to enter the Staff Report into  
11 the record as Exhibit C.

12 CHAIRMAN: Thank you.

13 Is there anyone here to speak in regards to  
14 this application?

15 MS. KNIGHT: Ma'am, if you could state your  
16 name for the record please.

17 MS. FULKS: Yes. Dianna Fulks.

18 (DIANNA FULKS SWORN BY ATTORNEY.)

19 MS. FULKS: First off, I would like to clarify  
20 a little a couple of things that was just mentioned,  
21 and this was on the letter that we received from the  
22 Owensboro Planning and Zoning Commission.

23 Just kind of clarify the exact location of our  
24 property. It states that it's near the eastern corner  
25 of Highway 54 and Millers Mill Road. I believe that

1 the board members may have some paperwork that may  
2 have been provided to you by Mr. Simmons. I'm not  
3 sure. Mr. Simmons is also here. He actually  
4 submitted our application for the variance for us. So  
5 I'm not quite sure what all he has presented to you.

6 In essence, the location of our property, if  
7 you're familiar with, if the board is familiar with  
8 Highway 54, where Thruston-Dermont and Millers Mill  
9 Road is located, if you are traveling towards  
10 Whitesville, coming from Owensboro going out towards  
11 Whitesville, you will pass on past Millers Mill and  
12 continue on past Old Mill Subdivision, and then there  
13 are four other houses off of Highway 54 before you  
14 actually get to the road that comes to our property;  
15 that road being Kings Mill Drive. So you have to  
16 actually turn off of Kings Mill and go down the small  
17 little street and turn onto Miller Falls Circle, which  
18 is the street that we live on. So there's a large  
19 area between where we're located and where Millers  
20 Mill is. I don't know if that matters, but I just  
21 wanted to kind of clarify exactly where our location  
22 is.

23 I apologize that I'm not a little bit more  
24 prepared for this. I did bring with me, there were  
25 some notices it's were sent to our neighbors. I

1 didn't know how many of you would be here so I only  
2 have one copy, but I would like to present that to  
3 you.

4 CHAIRMAN: We can share.

5 MS. FULKS: May I bring it up?

6 CHAIRMAN: Certainly.

7 MS. FULKS: These are the notices that were  
8 sent -- I don't know who to give these to. These are  
9 the neighbors that noticed were sent to, and they have  
10 all signed off on these stating that they have no  
11 complaints or no problems of any sort.

12 The first one being the neighbor who has the  
13 adjoining yard right beside of where our carport is.  
14 That would be the one first one.

15 The second one would be the gentleman who has  
16 the property directly behind us that adjoins our  
17 property.

18 The third one would be the neighbor who lives  
19 directly straight across the street. I would like to  
20 pass those down. They have written comments on there,  
21 their opinions of our carport.

22 I would also like to give you this. This is  
23 showing you the exact type of carport that we  
24 installed right here.

25 Also further on down in here it is stating

1 something that there are no other structures in the  
2 area that -- let me see, if I can find that. That are  
3 out of variance that have had request, have had any  
4 request for variance granted. I do have copies of  
5 some or pictures that I have taken that I would like  
6 to present to you that shows structures.

7           Actually the first one being a structure that  
8 you have to usually pass to get to our property. This  
9 shows that there are other structures in our  
10 neighborhood that are like what we have put up. I  
11 have marked on the back of these where these  
12 properties are located. I also have issued or -- this  
13 is a tape measure where this is our neighboring house  
14 right here. This is a tape measure showing the exact  
15 amount distance from our carport to the neighbor's  
16 home. So I will let you look at these if you would,  
17 please. I put on the back where are properties are  
18 located.

19           The very first picture is actually on Kings  
20 Mill, which you have to come down Kings Mill to get to  
21 our property to get to Millers Fall, which is the  
22 street that we're located on. There are other  
23 structures in the area that are like the structure  
24 that we installed.

25           I will give you a moment for everyone to have

1 an opportunity to look at them.

2 CHAIRMAN: Do you want these in the record?

3 MS. FULKS: Yes.

4 And while you're doing that, I would like to  
5 just thank each of you for your time this evening and  
6 for allowing us the opportunity to present our case to  
7 you.

8 First off, it's very important to the board  
9 members that you know that this was not intentionally  
10 done out of trying to hide anything from anyone. We  
11 were not aware that Planning and Zoning needed to be  
12 contacted. I don't think that your normal everyday  
13 citizen knows that this is something that you need to  
14 do, but we were not, we did not know that we were  
15 supposed to contact Planning and Zoning. We did not  
16 do this intentionally to try and get away with  
17 anything or do anything that we felt we were going to  
18 try to hide from anyone. We unfortunately were given  
19 some incorrect information apparently from the dealer  
20 that we purchased the carport from and from a  
21 contractor, that a permit was not required to build  
22 this structure; so therefore, we did not seek one.

23 We didn't know the proper channels to go  
24 through other than that. We were not aware of any  
25 rules or regulations pertaining to this. After being

1 told by many different ones that permits were not  
2 required, we just assumed that it was okay to go ahead  
3 and proceed with what we had planned to do.

4 The only purpose for our carport, if you'll  
5 notice in the picture, I believe, I think maybe  
6 Mr. Simmons provided you with, we have a motor home  
7 along with a golf cart and trailer. We have in the  
8 past, we have stored those in storage which had become  
9 quite costly. So we decided that we would drive  
10 around and look in different neighborhoods to see what  
11 other people with motor homes, what they did, what  
12 kind of provisions they did. We saw carports with  
13 motor homes under them so thought that might be a good  
14 idea and it might be something less expensive that you  
15 to go through. My husband just recently retired a  
16 year ago and I'm retired as well so therefore we're on  
17 a fixed income now. So we thought this might be an  
18 easier thing to do and wouldn't be as expensive as  
19 placing it in storage each year as we had done in the  
20 past.

21 The reason that we went with a 22-foot wide  
22 structure is because we couldn't make it any longer in  
23 length. We couldn't park the two units behind each  
24 other so we have to put them side by side, which  
25 requires the 22-foot distance that we have. So that's

1 the purpose for that.

2 We did not make the unit permanent because we  
3 felt if we were to ever want to move, we would want to  
4 take the structure with us. So we left it where it  
5 could be mobile or it could be moved if we should ever  
6 want to do that.

7 When we purchased the unit, we purchased the  
8 color that we could get to match our home trim so that  
9 it would be nice looking to the neighborhood. We also  
10 put trim on the unit so that it would be decorative.  
11 We got that to match the color of the roof on our  
12 home. So everything that we did when we had this unit  
13 installed, we did to the best of our ability to try to  
14 fix it so that it would not be what would be  
15 considered an eyesore to the neighborhood.

16 In my previous employment history, I worked in  
17 a rental department for Steve Fulkerson at K&W  
18 Equipment. My primary position there was dealing and  
19 conversing with many contractors so I'm familiar with  
20 several contractors. So I did reach out to those  
21 contractors, some of them, and inquired to them if a  
22 permit would be required for this, and was told no,  
23 that it was not require as long as it was detached,  
24 unenclosed, and mobile structure, that no permit was  
25 required. So after being told by the contractors, by

1 the dealer, by different owners that we saw had  
2 carports, we didn't proceed it any further. We just  
3 supposed that was the way it was. We didn't need a  
4 permit; so therefore we didn't pursue getting a  
5 permit. There again, as I said, this was not done out  
6 of trying to hide anything from anyone. It was simply  
7 done because of the information we were given.  
8 Apparently we didn't go through the right channels,  
9 which we apologize for that.

10 We are avid campers of Diamond Lake Resort and  
11 members of Daviess County Fish and Game. As I said,  
12 we had in the past, we stored our units and we decided  
13 to try to do this to maybe be a little bit less  
14 expensive on our part.

15 We purchased this unit on June 13th of this  
16 year; however, we were not able to get the unit  
17 installed until August. The reason for that was the  
18 procedures that are done these on these particular  
19 units, I don't know if the board is familiar with it  
20 or not, but you purchase these units from the dealer.  
21 They have local dealers here in Owensboro and Daviess  
22 County. The companies out of various areas. The one  
23 that we got ours from was from Muncie, Indiana.  
24 There's one also I believe in Carolina. There's one  
25 in Texas. There's one in Ohio, and I found out just



1 recently there's one in a place called Nancy,  
2 Kentucky, which I've never heard of.

3           Anyway, you purchase the unit from the dealer  
4 and you pay the dealer a deposit for the unit. The  
5 dealer then sends the order to the company. The  
6 company then, their employees travel, from what I  
7 understand, what we were told, the employees travel  
8 all over the United States putting these units up,  
9 which is why that it takes a length of time to get  
10 the unit once you purchase it. You can't just  
11 purchase it today and get it next week. It may take,  
12 in our case it took from June to August before we  
13 actually got ours. Then the company will contact you  
14 and they'll say, we're going to have our people in  
15 your neighborhood on such and such date. Are you  
16 going to be available so we can come in and install  
17 your unit. If you are, then they come out and they  
18 put that unit up.

19           Now, when we purchased this structure, it also  
20 came with a 12-year warranty, and we have recently  
21 found out since that if the board were to reject our  
22 request and we were to have to do anything, any kind  
23 of modifications or anything of this nature to our  
24 unit, that warranty will become null and void because  
25 the company that installed it for us does not do

1 modifications. They just do installation.

2           So in order to make any modifications, we  
3 would have to hire someone else to do that for us,  
4 which would make our warranty that we got on the  
5 property null and void. Well, we would hate to lose  
6 that warranty, of course, because we have invested a  
7 lot of money in the unit. We did a lot of extra work  
8 in trying to make it to where it would look nice to  
9 the neighborhood, and in no way be an eye sore to the  
10 neighborhood.

11           We understand that the main issue here, we  
12 understand, is the setback. If you were to actually  
13 come to the property and take a tape measure and  
14 measure from the actual runner that the posts are  
15 mounted into or bolted into, not mounted, but bolted  
16 into, to the neighbor's house, Mr. Hendrix's house,  
17 there is a 6-foot easement there. Now, Mr. Hendrix,  
18 along with the remaining neighbors who received  
19 notices have all signed their notices stating that  
20 they have no complaints about our carport and we  
21 received many compliments from them about how nice it  
22 looks. It is very neat and certainly not an eye sore  
23 to the neighborhood. We keep our property very neat  
24 and clean. Both my husband and myself work very  
25 diligently to keep it that way, and will always

1 continue to do so. We've had many compliments from  
2 all of our neighbors about how nice and clean things  
3 always look at our property.

4 In speaking with Matt with Planning and  
5 Zoning, I asked Matt, would there be anything that we  
6 could do to possibly keep our carport as is? He  
7 stated to me that if we could possibly get signatures  
8 from our neighbors stating that they had no issues  
9 with this and there were no issues, that there was a  
10 good possibility that we could keep our structure as  
11 is. Well, I did receive those signed and I issued  
12 those to you, which you have all of those.

13 We contacted my nephew, Jay Velotta, who is a  
14 city commissioner to ask him for guidance on what to  
15 do on this matter because we obviously wanted to make  
16 sure we were doing the right thing, and not do  
17 anything that was illegal or against the law. He did  
18 come to our home and look at the property, look at the  
19 unit. He advised us to get with Mr. Simmons, which is  
20 what we did, to have him survey our property, locate  
21 our property pins, and try to make the situation  
22 right. Mr. Simmons came and did all of that for us,  
23 and I believe provided you with everything that we  
24 have, I think.

25 I did also contact several of the dealers

1 where these carports are sold to find out if we maybe  
2 went to the only one who said we didn't need a permit.  
3 I contacted several. In fact, I contacted True Value  
4 54 on Highway 54. The gentleman there told me that a  
5 permit was not required. We purchased our unit from  
6 RV Medic on Highway 60. We were told by them a permit  
7 was not required. Spoke with Professional Pool and  
8 Spa on Highway 54, and this was her wording to me, her  
9 name was Christina. She said, "Per Planning and  
10 Zoning, as long as the structure is detached,  
11 unenclosed and the runners are left so that it can be  
12 unbolted from the ground, it is considerable a  
13 portable and mobile structure and does not require a  
14 permit. If you were to pour concrete or something  
15 over the runners and bolts so that they could not be  
16 removed, then it would become a permanent structure  
17 and would require a permit." She said that's exactly  
18 what Planning and Zoning told her.

19 In speaking with, the gentleman I spoke with  
20 at True Value was Scott. The gentleman at RV Medic  
21 was Randy. I contacted Carol at Barns-N-More, who is  
22 a dealer for these structures. Carol said, her  
23 comments to me was, she said, what she had been told  
24 from Planning and Zoning is if they drive by your  
25 property and they see a structure such as yours on

1 your property that they feel was maybe not permitted,  
2 if there has not been anyone call in or complain or if  
3 they have not received any complaints from anyone in  
4 reference to that property or how that property looks,  
5 they're just going to drive on by and let it go.  
6 They're not going to do anything about it.

7 Now, I spoke with Angie at Diggers. Angie  
8 told me the same. She said, if there have been no  
9 complaints from any neighbors or any complaints from  
10 anyone to that effect, they're not going to do  
11 anything about it. They're just going to drive on by.

12 I spoke Tim Powers whose is a contractor. He  
13 said to his knowledge no permit was required for the  
14 structure, if it was detached, unenclosed and mobile.

15 So, as I said, after all of these people told  
16 us that we didn't need a permit, then we didn't feel  
17 we needed a permit. So that's what I'm saying; we  
18 didn't do this intentionally because we just didn't  
19 want to get a permit and we didn't want to deal with  
20 Planning and Zoning. We simply did not know.

21 I have provided you with pictures of other  
22 carports in the area, along with addresses on the back  
23 of them where you can see that there are a couple that  
24 apparently are even closer than what our carport is,  
25 one in particular. We did speak to that person. They

1 said that they were not required to get a permit.  
2 They purchased their unit from Gordon's True Value  
3 Hardware at Philpot on Highway 54, and they were not  
4 required to get a permit.

5 I did also prepare a little bit of a pricing  
6 list on things that we have in the past, as far as  
7 storage on the unit when we were storing it. At Danco  
8 on Highway 54, a storage unit of the size that we  
9 needed would be \$125 per month. Typically you store  
10 your units, most people that have campers you store  
11 them from November until either March or April. So  
12 you're looking at five or six months storage there,  
13 times \$125.

14 Paul Lynn has storage units for the size that  
15 we needed at \$90 per month, but he requires a five  
16 month minimum. You have to rent it for at least five  
17 months. So if you multiple that times 90, you've got  
18 \$450 for the storage there.

19 As far as covers for the motor home, we've  
20 also done that in the past, material covers. To  
21 purchase a cover for the motor home that we have is a  
22 32-foot length. To purchase a cover for that home,  
23 and I have a booklet here to verify the price that I'm  
24 giving you, is \$629 plus tax. Those covers will,  
25 being out in the weather during the winter months and

1 in the sun during the summer months, those covers may  
2 last, if you're lucky, two years. The ones that we  
3 have had we've gotten maybe two years out of them, two  
4 and a half, if you're real lucky and don't have any  
5 bad weather.

6 As far as covers for the golf cart that we  
7 have, those covers are \$130 plus tax. Those covers  
8 typically, depending on how careful you remove them  
9 and put them on, they may last a year to a year and a  
10 half. So that's what I'm saying. If you calculate  
11 the amount that it cost to purchase covers to put on  
12 these units versus a carport to store it under, it  
13 became quite costly. So that is the reason that we  
14 decided to go ahead and get a carport.

15 Again, as I said, we had to get the 22-foot  
16 size width because we had to put the units side by  
17 side, not end to end, because we didn't have enough  
18 room to put them end to end. So that's the reason  
19 that we have the size that we have.

20 With all of this being said, we are graciously  
21 asking the board, members of the board to carefully  
22 consider and review our request, along with the  
23 letters from our neighbors that we have provided to  
24 you, to review our request and please approve our  
25 application for the variance and allow us to keep our

1 carport as is.

2 CHAIRMAN: Thank you.

3 Mr. Howard, can you address the permitting  
4 responses from all of these places?

5 MR. HOWARD: You know, we have made an effort  
6 certainly in the past to educate those folks from  
7 these entities. It sounds like that needs to be a  
8 yearly thing or something like that. It sounds like  
9 when they have staff turnover that message is not  
10 conveyed. A permit has always been required for a  
11 carport.

12 The nomenclature thing, you know, temporary to  
13 one person means something that might be able to be  
14 moved, but according to the code, temporary just  
15 means, a temporary restructure just means something  
16 that you're allowed to have for 180 days in a calendar  
17 year and the rest of the time it's not there. There's  
18 an issue there as far as what that word means.

19 We're going to have to, I don't know whether  
20 we need to yearly send out a letter to the folks just  
21 to remind everybody that permits are required, but  
22 that's always been a requirement. The building code  
23 requires it. Of course, the permit at the end of the  
24 day is not the big issue.

25 CHAIRMAN: The setback.



1           MR. HOWARD: Yes. I can tell you, you're not  
2 the first person that's put something up without a  
3 permit. It happens. We can deal with that aspect of  
4 it. The issue or, I guess, the couple issues we have  
5 is relating to the setback itself. On the site plan  
6 that Mr. Simmons prepared, he shows a 6-foot dimension  
7 over there on that side of the property line, but it's  
8 not labeled. As we were researching and look at that,  
9 that's a public utility easement. In order to put  
10 anything in a public utility easement, you have to  
11 have approval from those utilities. You have to get  
12 an encroachment permit.

13           Just so our board knows, this doesn't pop up  
14 that often. If this were to be recommended for  
15 approval, it would have to be on the contingency that  
16 they get the utility improvement permit approved from  
17 every utility and it's signed off by the zoning  
18 administrator. If any, for any reason, were to deem  
19 it's not acceptable, it couldn't be there.

20           MRS. FULKS: May I interrupt you just one  
21 moment?

22           MR. HOWARD: Sure.

23           MRS. FULKS: First, I need to let you know  
24 that all of the utilities on the side of Miller Falls  
25 Circle that we live on are above ground utilities.

1           MR. HOWARD: That's fine. The utilities may  
2 not care, but whether they're above ground or below  
3 ground, they still have to sign off on it. OMU  
4 doesn't have a line in there. You're probably not  
5 OMU.

6           MRS. FULKS: We're not OMU.

7           MR. HOWARD: Kenergy. Kenergy doesn't have a  
8 line there now, but they may want one in the future  
9 and they may want to reserve that right. I don't  
10 know. I can't speak for them.

11           The other concern is that the building code,  
12 the Kentucky Building Code, which is adopted from the  
13 International Building Code has a requirement that  
14 principle and accessory structures that are side by  
15 side maintain a minimum of 10-foot separation between  
16 entities. The tape measure you were talking about,  
17 it's a little over 6 feet, it's not quite 7. So that  
18 doesn't meet the state building code requirement  
19 which, and I don't know. I haven't really talked to  
20 legal counsel about that, but I'll defer to you.

21           Could this board even approve something -- if  
22 they wanted to approve the variance, but there still  
23 had to be a minimum of 10-foot separation based on  
24 building code, could this board go beyond that or  
25 could they modify this variance request and say, you

1       could reduce it down to the point that there's a  
2       minimum of 10-foot separation between the two?

3               MS. KNIGHT: I think it's safe to say this  
4       board doesn't have the authority to waive requirements  
5       of the building code. That's not within our powers.  
6       That's set by higher power. We don't have the ability  
7       to do that.

8               MS. MASON: So are you saying we can't make  
9       this recommendation on this then?

10              MR. HOWARD: Well, you can make a  
11       recommendation on this, but with legal counsel, her  
12       advise, the building code requires, again, that's  
13       adopted at the state level. There's nothing in the  
14       building code that's adopted at the local level.  
15       Nothing. Our office is tasked with enforcing that  
16       building code, but we don't adopt anything locally.  
17       It all comes from state level. There's the  
18       International Building Code. The State of Kentucky  
19       adopts an amendment to that building code, and  
20       whatever the end result is, is what we're tasked to  
21       enforce.

22              You could potentially allow a variance to take  
23       place, provided that the minimum separation between  
24       the carport and Mr. Hendrix, I guess is the adjoining  
25       on that side.

1 MRS. FULKS: Yes.

2 MR. HOWARD: As long as the minimum separation  
3 between those two things was 10-feet, and typically in  
4 an instance like that, what we've seen is a plat that  
5 a surveyor would prepare that would show on his  
6 property, because you as a board would in essence be  
7 placing a requirement on him that he's not here to  
8 speak to. So what would happen would be, a plat would  
9 be prepared and recorded that would show on his side  
10 of the property line that he would have to sign off on  
11 that plat basically a no-build zone. So he could  
12 never build anything in that area. So at the end of  
13 the day there's a minimum of 10-feet between the  
14 carport and his house regardless of what he might do  
15 in the future. Again, that doesn't happen that often.  
16 We've seen those no build things on -- I think there's  
17 down at Kohl's. There's one down on Subway on  
18 Frederica Street, Subway and Sonic, that one. So we  
19 see those no build easements take place on plats.

20 Again, the permit is not the bigger issue.  
21 According to legal counsel's advice, it's that 10-foot  
22 minimum separation between their carport and  
23 Mr. Hendrix's house.

24 MS. FULKS: Mr. Howard, if I might point out  
25 on the picture, if you can look at your picture, you

1 will notice, this is the edge of Mr. Hendrix's house  
2 right here. His air-conditioner unit is right beside  
3 of his house and then there's our carport. So there's  
4 really no way that anything could be built in that  
5 area.

6 MR. HOWARD: Sure. I understand that. In  
7 theory, he could relocate that unit and try to put  
8 something in there. We would just need some kind of  
9 assurance, you know, something that he's going to sign  
10 off on saying that he agrees and understands that he  
11 can't build anything on that side yard.

12 MS. FULKS: Now, he did tell us that. I  
13 didn't get him to sign anything, but he did say that  
14 he has no intentions of building anything through  
15 there. I can get that if that's required.

16 He was going to come down with us. We felt  
17 like with the letter, his approval on the letter, that  
18 we didn't feel that it was necessary for him to be  
19 here.

20 MR. HOWARD: Legal Counsel, what would we need  
21 from Mr. Hendrix for him to certify -- I think we need  
22 a recorded document.

23 MS. KNIGHT: The only way to make it binding  
24 would be to have it recorded on the plat or something.  
25 We've had people often to do licensing and things

1 before, but those are temporary in nature. This would  
2 have to essentially run with the land to make sure  
3 that there was nothing there when those houses and  
4 structures are still there. Just to have, you know, a  
5 letter from him or something like that. It would have  
6 to be something in record able form.

7 MR. REEVES: I have a question. I dealt with  
8 the exact same issue this lady did back here. My  
9 issue was probably 25 years ago. I understand time.  
10 I wanted to put one of these units on the back of my  
11 garage and put my boat underneath. I was told at the  
12 time by the person I was working with that if I  
13 attached it to my garage, which I wanted to do, I  
14 could not go as far as back as I wanted to. If I  
15 detached it, because it was portable, I could just lay  
16 it down on a slab I was going to build. There's a  
17 real issue with these things.

18 Mrs. Fulks, you've done a marvelous job. You  
19 should be an attorney. Regardless of how this turns  
20 out, I commend you on the work you've done. We're  
21 trying to work with you.

22 These structures are issues, and I don't know  
23 how we get a handle on it. This lady has been  
24 mistreated to the point, we'll do what we probably  
25 have to do; other than go see a lawyer, I guess, to

1 take care of.

2 I don't know what we need to do about these.  
3 Is there anything we need to do in terms of the  
4 ordinance or whatever? They're real a issue. I dealt  
5 with the exact same thing she did. Yes, you can put  
6 it back there, but the first time they come back on  
7 you, you have to move it. They're useful. They're a  
8 useful item to have. I got my boat covered for 100  
9 bucks at the time as opposed to the other thing I  
10 could have done, but I couldn't do what I wanted to do  
11 because of regulations, which I understood. They're  
12 really difficult to deal with. These dealers don't  
13 understand what the regulations are. I don't think we  
14 can excuse the fact they need to be told every year.  
15 I think they're smarter than that. I think they just  
16 choose to sell a piece of equipment and let the buyer  
17 beware.

18 MRS. FULKS: That could very well be. I don't  
19 know.

20 MS. KNIGHT: I think what I'm hearing from  
21 Mr. Reeves, again going back to permitting issue as  
22 opposed to the setbacks sort of. I'm just wondering  
23 if on this property, assuming that the encroachment  
24 permit would be granted, again, it's the placement  
25 with the neighboring house that's the issue.

1           MRS. FULKS: One thing I wanted to ask,  
2 because I'm not real sure on this, and maybe you can  
3 clarify it for me. I have been told 3 foot and then  
4 I've been told 5 foot.

5           MR. HOWARD: That was something that I was  
6 going to mention to Mr. Reeves' comment. It depends  
7 on where the structure is. In this instance, the one  
8 that you all have installed is adjacent to the house.  
9 It's not behind the house. Anything that goes beyond  
10 the rear line of your home needs to be 6 feet away  
11 from the house, but you can go down to three feet from  
12 the property line, as long as it's not in the  
13 easement. So even in this instance if you went to the  
14 rear of the house, if you came in the office, we would  
15 say, you need to be 6-feet from the house. You're  
16 going to have to be 6-feet off that east property line  
17 because there's a public utility easement there. If  
18 that easement wasn't there, you could go down to  
19 3-feet from that, but that's because it's to the rear.  
20 Anything to the side of the house, really anything  
21 forward of that back line has to meet the minimum  
22 setback requirements of the zoning ordinance; which in  
23 your instance is 5 feet. The variance that was heard  
24 right before yours, they were in an R-1A zone and it  
25 requires a 10-foot side yard, but they request it to



1 go to a minimum of 5. Again, that 5 foot on either  
2 side of the property line would maintain a 10 foot,  
3 which the building code requires, which we don't have  
4 the authority to waive. Bringing it full circle, that  
5 gets back to the root of what the question is. Of  
6 course, I don't know your instance exactly. It sounds  
7 like if it was to the rear of the garage, it was  
8 likely to the rear of the line of the home.

9 MR. REEVES: Yes.

10 MR. HOWARD: There are different requirements  
11 depending on the actual location.

12 MR. REEVES: Mine was a building setback is  
13 what mine dealt with. I was going to encroach past  
14 the building setback and there was an easement behind  
15 there also.

16 MS. KNIGHT: You probably wouldn't have had to  
17 deal then with the building code issue because this  
18 building code issue, you weren't --

19 MR. REEVES: Yes.

20 MRS. FULKS: As I stated, all of the utilities  
21 on the side of Millers Fall that we live on, all of  
22 our utilities, and I'm not sure if that's a good thing  
23 or a bad thing. All of the utilities on our side of  
24 the street are above ground or in the air; the cable,  
25 the TV, the phone, all of that stuff is above ground.

1 The other side of the street everything is  
2 underground. You know, our neighbors, we comment back  
3 and forth, well, they say, you're better off because  
4 they don't have to dig up on your side. Well, you're  
5 better off because you don't have ice and snow that  
6 freezes on your lines, you know. So I'm not sure who  
7 is better off here, but I kind of feel like that's to  
8 our advantage, that our utilities are above ground so  
9 nothing has to be dug. The only one that would be  
10 would be the sewer. The sewer is in front of our  
11 house. It's actually in the middle of our house.  
12 Nowhere near where the carport is. So that would be  
13 the only one if anything should ever happen as far as  
14 anything needing to be dug or anything of that nature,  
15 the sewer would be the only one, and that's very  
16 accessible because it's in the middle of the front of  
17 our house.

18 MR. HOWARD: A question I would have is, I  
19 know this would not be desirable, is it possible for  
20 the carport, if it were to be relocated on the lot,  
21 would it be possible to relocate it to the rear of the  
22 home so that you wouldn't have, you would be to the  
23 rear of his house, Mr. Hendrix's house, and your house  
24 for that matter, and the 10-foot separation wouldn't  
25 be an issue there.

1           MRS. FULKS: That would not be possible only  
2 because on our property on the backside we have the  
3 misfortune of having a large ditch that runs down  
4 behind our property that takes up a good portion of  
5 our backyard. That is between us and Mr. McBrayer,  
6 who is the property owner behind us. There is a large  
7 ditch that goes down through there. I've actually  
8 encountered a battle with the county on this in the  
9 past. When we first moved there, we were told that it  
10 was a county ditch because there are weeds and things  
11 that grow up in that ditch. It's actually, it's quite  
12 a nuisance with mosquitos and things of that nature  
13 because water stands in that ditch continuously. I  
14 had contacted them to see if they could come and clean  
15 that ditch out. Well, they did that on two different  
16 occasions, and then they didn't come out any more.  
17 Maybe I dropped the ball and didn't continue to ask  
18 them to come to do it so they never came back out.  
19 Well, about a year and a half or two years ago I  
20 contacted them again and asked them, because it's  
21 starting to wash up into our yard. So we're losing  
22 part of our property to that ditch. Because all of  
23 the water that comes down through that ditch comes off  
24 of the hill where Old Mill Subdivision is; because Old  
25 Mill water drains into the ditch behind our property.

1 The county then told me that it was none of their  
2 concern because the property, the ditch was on our  
3 property. So therefore it was our deal to take care  
4 of it. So that eliminates us from being able to put  
5 it in the rear of the property. There's just simply  
6 no room there to put it.

7 Mr. Hendrix, as I said, he did state to us  
8 that he has no intentions of ever building on that  
9 little strip of property there. I would be more than  
10 happy to get that in writing from him to present to  
11 you. I wish that we had had him come down here now  
12 because they did offer to because they don't want to  
13 have to do anything with it. They said it's a very  
14 nice building or carport. Not building. It's not a  
15 building. It is very nice and very attractive. As I  
16 said, we chose the colors to match our home so that it  
17 would be enticing to the neighborhood and not devalue  
18 the neighborhood or be an eyesore or make anything  
19 look bad in the neighborhood because we don't want  
20 that. We know we don't want anything like that,  
21 surely the neighbors don't want anything like that  
22 either. They don't want us to have to do anything  
23 either. They offered to come with us, but we felt  
24 with the letter, the signed letter, that we wouldn't  
25 need them to be here. I can certainly get something

1 in writing from them, if that would suffice what you  
2 need.

3 CHAIRMAN: Thank you.

4 Is there anybody that you have with you that  
5 you want to add anything?

6 MRS. FULKS: The only other person that's here  
7 would be Mr. Simmons whose filed our application for  
8 us. I don't know if there's anything that he has to  
9 add.

10 CHAIRMAN: Do you have anything to add, Mr.  
11 Simmons?

12 MR. SIMMONS: No, ma'am.

13 CHAIRMAN: Board members, how are we going to  
14 deal with this?

15 MS. MASON: Should we postpone it to get in  
16 writing what she's talking about and then the easement  
17 from the utilities?

18 MR. HOWARD: I think right now, yes, the best  
19 course of action is postponement. We're trying to  
20 figure out a solution here tonight, and it's not  
21 happening. We don't have enough information to make  
22 that happen.

23 CHAIRMAN: We're trying to help you.

24 MRS. FULKS: If there's anything you can ask  
25 think of to help me, I'll certainly answer, if I can.

1           MR. HOWARD: At the end of the day for you all  
2 to be able to approve a variance we need, one,  
3 approval from the utilities to be located in that  
4 public utility easement, that's done through a utility  
5 encroachment permit.

6           Two, based on the building codes that we  
7 cannot alter locally, there has to be from the wall  
8 edge of the carport to Mr. Hendrix's house 10 feet.  
9 So if there's a way to make that happen, then you all  
10 could, it would be clearer than for you all -- the  
11 path would be open for you all to recommend a variance  
12 to reduce that side yard setback, but we need the 10  
13 feet and we need that public utility easement taken  
14 care of.

15           MR. REEVES: Can you get 10 feet without Mr.  
16 Hendrix having to tear off part of his house?

17           MR. HOWARD: That's the question. They said  
18 that they don't want to alter it. The question I  
19 would have is: Is it possible? I know it's not  
20 desirable, but to keep it there, you said it was 6  
21 point something feet.

22           MRS. FULKS: I think it's about six and a half  
23 foot, I believe.

24           MR. HOWARD: So you need three and a half  
25 feet. Is there a possible way to move that side

1 barrier, whatever would have to be done to modify it,  
2 scoot that over three and a half feet. I know it's  
3 not desirable.

4 MRS. FULKS: Well, it's not possible to scoot  
5 it over three and a half feet. You're saying closer  
6 to the house?

7 MR. HOWARD: Could someone that knows what  
8 they're doing reengineer that structure, take that  
9 side wall and basically, and I'm not a building guy so  
10 forgive me. You know, scoot that end three and a half  
11 feet so that that wall would meet the 10-foot spacing  
12 requirement. That would require work and  
13 reconfiguration and all of that. At the end of the  
14 day, this board couldn't issue a variance for anything  
15 less than a 10-foot separation between Mr. Hendrix's  
16 house and the side wall of the carport. It sounds  
17 like they want it to. They want to figure out a way  
18 to make this work, but they can't vary from the  
19 building code which is adopted at the state level. We  
20 just don't have the authority to do that here.

21 MRS. FULKS: So what do we need to do then?  
22 As I said, I can get the letter from Mr. Hendrix  
23 stating that he has no intentions of building  
24 anything, but then what else do I need to do?

25 MR. HOWARD: One would be --

1           MRS. FULKS: To be able to keep it like it is.  
2           Is there any way to be able to keep it like it is?

3           MR. HOWARD: That's what I'm trying to see,  
4           and I don't see it. That's why I was asking. If you  
5           could go to the rear of the house, you can meet the 10  
6           foot from Mr. Hendrix's house.

7           MRS. FULKS: Now, if you'll notice in that  
8           picture, if you'll notice in that picture there is a  
9           privacy fence there. That privacy fence actually  
10          belongs to Mr. Hendrix.

11          MR. HOWARD: The back line of his house is  
12          basically in line with the back line of your house.

13          MRS. FULKS: Yes.

14          MR. HOWARD: I was looking to see if there's  
15          a way that, you know -- I don't know. I'm not seeing  
16          it based on this.

17          MRS. FULKS: So there you have the issue as  
18          far as utilities. That fence is there. Now, that  
19          actually -- utilities, if were necessary to get  
20          through there, as I said there are none, but if they  
21          need to get through there could get through our  
22          carport because it's open and unenclosed, but they  
23          wouldn't be able to get past that fence. I don't know  
24          how that would be -- you see what I'm saying?

25          MR. HOWARD: Yes. The utilities have the



1 ability, if something is located in their easement and  
2 they need to get in, they'll remove that fence and  
3 then it will be up to the property owner to replace  
4 it. They're not going to replace it. It's in their  
5 easement. The land is reserved for their right.

6 MS. KNIGHT: I would also point out that the  
7 utility encroachment permit process we were referring  
8 to was just recently adopted. So I'm sure that fence  
9 has been there for --

10 MRS. FULKS: It's been there for many years,  
11 yes.

12 MR. HOWARD: The biggest issue that I see is  
13 not permit or Mr. Hendrix agreeing to allow that  
14 space. It's how do we get 10 feet between the wall of  
15 your carport to the wall of your house. Where I was  
16 going to awhile ago, if it were me, I would -- you've  
17 talked a lot of carport people. Talk to them and see  
18 if there's a way to do that. I don't know.

19 MRS. FULKS: The only thing I know or the only  
20 way I would know would be to downsize the carport. As  
21 I stated, if we are to have to do that, of course, we  
22 do lose our warranty that we got with the carport when  
23 we purchased it, which would really stink.

24 MR. REEVES: You may lose your warranty, but  
25 you may also need to call your lawyer to have a

1 conversation with the people that sold you the thing.  
2 They gave you some misinformation that they should  
3 have known. To reconfigure this carport basically  
4 means taking it down and buy a new one. They're not  
5 going to reconfigure it.

6 MRS. FULKS: That's what I was saying. The  
7 company doesn't do modifications. So that means we  
8 have to get someone else to redo it for us.

9 MR. REEVES: Everything is pre-engineered when  
10 it comes in. You're not going to modify it.

11 MRS. FULKS: Well, what we would have to do,  
12 if I understand correctly, we would have to order new  
13 trusses, shorter trusses in length, which would  
14 downsize the carport.

15 MR. HOWARD: At the end of the day what you  
16 really need, what you needed is an 18-foot carport  
17 instead of a 22.

18 MRS. FULKS: Well, we can get a 20 foot is the  
19 next size down from a 22.

20 MR. HOWARD: From his house to the property  
21 line is only six and a half feet. You're only going  
22 to gain two feet here. You're still going to be a  
23 foot and a half short. I don't know if they make an  
24 18 foot.

25 MRS. FULKS: They do. They do make an 18, I

1 believe.

2 MR. HOWARD: And 18 would allow this board  
3 to -- you're still going to be in that utility  
4 easement so you're still going to have to get the  
5 approval there, but that would eliminate Mr. Hendrix  
6 really from -- but it would allow this board to act on  
7 it because you had ten feet from his house to your  
8 carport, if you get an 18 footer. I don't know.  
9 Again, I'm just going off the cuff here.

10 Do you all have any ideas or suggestions?

11 MR. REEVES: If could be longer. You would  
12 have to front to back instead of side by side.

13 MRS. FULKS: Well, if we have to take it down  
14 to an 18 foot, currently the way it is right now at 22  
15 foot there is just enough room between the motor home  
16 and the golf cart and trailer to be able to get our  
17 garbage totes down between them to take around to the  
18 curb for the garbage to pick up. If we move it in any  
19 closer, we're not going to have any way to get --  
20 unless we go around on the outside, I guess. If we  
21 move it in, then we would be going around the outside.  
22 That's the way it's set up right now. We have just  
23 enough room to be able to get it down through there.

24 It sounds like apparently we're going to have  
25 to do something to decrease the size of it. I guess

1 my question to you would be then, we have been told by  
2 Planning and Zoning that once the decision is made we  
3 have 30 days to get this issue corrected, and I think  
4 you all know as well as we do that's certainly not  
5 possible to get done in 30 days, especially this time  
6 of year going into the winter months.

7 MR. HOWARD: That's why, as I said earlier, I  
8 would recommend that this be postponed for now. It's  
9 still on the table.

10 Mrs. Evans, one of our staff members, looks  
11 like she has an idea.

12 MS. EVANS: I have a little piece of  
13 information. The site plan, as you can see, shows a  
14 little bit of space between that house and that  
15 carport there running between the two.

16 MRS. FULKS: There's like about two foot down  
17 through there.

18 MS. EVANS: I just asked Mr. Simmons and he  
19 said there is a little over a foot. That's not  
20 mentioned on the site plan, but there is a little over  
21 a foot. So potentially --

22 MR. HOWARD: A 20 footer might work is what  
23 you're saying.

24 MS. EVANS: There is a foot there to work with  
25 that you could move it a little bit closer to the

1 house still.

2 MRS. FULKS: Yes, there is that, and I will  
3 explain the reason I said there wasn't. Because the  
4 contractor who put it up for us said that law required  
5 them to leave it that distance from our house because  
6 when the wind would blow and everything the carport,  
7 you know, would do this and it will rub against the  
8 side of the home. So they said they were required to  
9 put it that distance from the home. So that's the  
10 reason for that.

11 MR. HOWARD: Let me ask Matt Warren a question  
12 real quick, if I could.

13 MS. KNIGHT: Please state your name for the  
14 record.

15 MR. WARREN: Mathew Warren.

16 (MATHEW WARREN SWORN BY ATTORNEY.)

17 MR. HOWARD: Just going off the fly here. If  
18 there is a foot separation there, could they, again,  
19 we've got to figure out how to get down to the 10 feet  
20 separation. If they scooted over a foot, can it be so  
21 that there's not an issue with wobble or whatever?  
22 Could it be physically attached to the house?

23 MR. WARREN: Yes. There's nothing prohibiting  
24 the column of the carport being structurally bolted to  
25 the side of house.

1 MR. REEVES: Mine is, Mr. Howard.

2 MR. HOWARD: So that would eliminate any of  
3 the movement issues.

4 MRS. FULKS: The overhang on the house would  
5 stop that because we have an overhang on our house.  
6 So we cannot go against the side of the house because  
7 of the overhang on the house.

8 I apologize, Matt, I didn't know you were  
9 Matt. Nice to meet you. I've talked to Matt a few  
10 times on the phone. I didn't know it was you.

11 MR. HOWARD: I'm really trying. We're not  
12 going to solve it tonight. I think you all need to  
13 postpone it. That way figure out ten feet. At the  
14 end of the day we've got to get ten feet.

15 MR. REEVES: Madam Chairman, are you ready for  
16 a motion?

17 CHAIRMAN: I sure do.

18 MR. HOWARD: It looks like we may have a quick  
19 question.

20 MR. JEAN: I have a question. Would it be  
21 better to postpone it or for her to withdraw?

22 MR. HOWARD: If you withdraw it, they have to  
23 pay to resubmit it. We don't want them to do that.

24 CHAIRMAN: Mr. Reeves, are you ready?

25 MR. REEVES: Motion to postpone this

1 application.

2 MR. JEAN: Second.

3 CHAIRMAN: Second by Mr. Jean. Any questions  
4 on the motion?

5 MRS. FULKS: I have a question, please. If  
6 this is going to be postponed, do we have a time frame  
7 of when we need to do what we need to do to get  
8 whatever you need from us or when will this be  
9 postponed to, I guess? Do I need to contact the  
10 utility company and get something from them? What do  
11 I need to do?

12 MS. KNIGHT: It will be postpone until the  
13 January meeting.

14 MR. HOWARD: Which is the 4th.

15 MRS. FULKS: January 4th. Okay. Will we need  
16 to come back down here on January 4th then?

17 MR. HOWARD: Yes.

18 MRS. FULKS: And what do I need to bring with  
19 me? I need to bring a letter from Mr. Hendrix.

20 MR. HOWARD: More so than anything else from  
21 Mr. Hendrix at this point, you need to figure out a  
22 way to get 10 feet. That's the overall arching  
23 paramount issue, we've got to have ten feet. If you  
24 can figure out a way to, and they're talking to Joe. I  
25 don't know. If we can figure out a way to get ten

1 feet, then we'll worry, and this can be postponed  
2 again next month if you've got part of it and not the  
3 rest of it. If we can figure out 10 feet, then we  
4 would move on to encroachment permit for the utility  
5 easement, and likely a plat of some sort that shows,  
6 if you don't have the five on your side, Mr. Hendrix  
7 signs a recorded plat document that says that there is  
8 a no-build zone on his lot. Those are two and three,  
9 but number one, the big one, is we've got to come up  
10 with ten foot.

11 MS. EVANS: Also --

12 MS. KNIGHT: Let me swear you in, Ms. Evans.

13 (MELISSA EVANS SWORN BY ATTORNEY.)

14 MS. EVANS: We just spoke with Mr. Simmons  
15 also, and he is going to do -- I know you said you  
16 don't think that there's room for the carport to be  
17 moved to the rear of the house, but Mr. Simmons is  
18 willing to go out there and maybe figure out where the  
19 ditch is and where the bank is and take some  
20 measurements to see, actually real life measurements  
21 to see if it could potentially be moved back. It  
22 looks like you have the room with Mr. Hendrix's house,  
23 if you could get this behind your house.

24 So Mr. Simmons going to get some measures to  
25 you all and to us both to see if there's a way to make



1 it work without modifying it, but just moving it  
2 behind your house.

3 MRS. FULKS: There are also some other  
4 structures that are back there as well that would have  
5 to be taken down in order to do that, behind our  
6 house.

7 MRS. EVANS: We're just talking about moving  
8 it straight back.

9 MRS. FULKS: Oh, you're talking about moving  
10 it where it is but just straight back?

11 MRS. EVANS: Right.

12 CHAIRMAN: We have a motion on the table.

13 MRS. FULKS: It looks like based on what we're  
14 coming up with here, what we're going to have to do is  
15 probably go down to an 18 foot structure is what it's  
16 looking like because I don't think there's going to be  
17 a way -- if we're moving it back, it's 36 foot in  
18 length and there's not 36 foot back there.

19 MR. HOWARD: If Joe can do some quick  
20 measures.

21 MRS. FULKS: That's fine for him to come and  
22 do that. That's perfectly okay. I don't think it  
23 will work, but we'll have to wait and see. Just let  
24 him check.

25 I guess my question to you is: If it's not

1 able to do that and we have to go down to 18 foot,  
2 then what kind of time frame do we have there as far  
3 as getting that corrected, because obviously this time  
4 of year, first off, we have to order the trusses and  
5 things to do it with and we have no control over how  
6 long it takes to get those in.

7 MR. HOWARD: We can work with you on that.  
8 That's not a big deal. If we can figure out the 10  
9 feet, then that's the big deal. As Staff and you guys  
10 and Joe, we can talk. Again, we're not going to solve  
11 it right here right now.

12 Postpone it for tonight and we'll meet back  
13 next month and we can certainly have the conversations  
14 in the office or whatever and see where we can end up.  
15 We're trying.

16 CHAIRMAN: We have a motion on the floor and a  
17 second. Any question on the motion?

18 (NO RESPONSE)

19 CHAIRMAN: All in favor of the motion to  
20 postpone raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 One more motion.

24 MR. GLENN: Motion to adjourn.

25 MS. MASON: Second.

1 CHAIRMAN: All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 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 91 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 3rd day of January, 2018.

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\_\_\_\_\_  
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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