

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 APRIL 12, 2018

3 The Owensboro Metropolitan Board of Adjustment  
4 met in regular session at 5:00 p.m. on Thursday,  
5 January 4, 2018, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

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

15 \* \* \* \* \*

16 CHAIRMAN: We will call to order the Owensboro  
17 Metropolitan Board of Adjustment April 12th meeting.  
18 We will start with a prayer and pledge to the flag.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: First item on the agenda this  
21 evening is to consider the minutes of the March 1,  
22 2018 meeting. Everyone has a copy. We're ready for a  
23 motion.

24 MR. REEVES: Motion to prove.

25 MS. MASON: Second.

CHAIRMAN: Motion by Mr. Reeves. Second by  
Ms. Ruth Ann. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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1 CHAIRMAN: Motion carries.

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3 CONDITIONAL USE PERMIT

4 ITEM 2

5 1917 Meadow Grass Creek, zoned R-1C Single-Family  
6 Residential

7 Consider request for a Conditional Use Permit in order  
8 to operate a Music Studio, specifically the teaching  
9 of piano lessons, in an R-1C zone.

10 Reference: Zoning Ordinance, Article 8,  
11 Section 8.2B14A

12 Applicant: Ann Fruge Pierce

13

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

16 MR. PEDLEY: Trey Pedley.

17 (TREY PEDLEY SWORN BY ATTORNEY.)

18 MR. PEDLEY: The applicant has requested a  
19 Conditional Use Permit for a music studio specifically  
20 teaching piano lessons from her residence.

21 The subject property and all surrounding  
22 properties are zoned R-1C Single-Family Residential  
23 and are located within the Heartland Subdivision.

24 For a music studio the Zoning Ordinance  
25 requires a minimum of one parking space per 400 square  
feet of floor area, all of which are required to be on  
a hard surface such as gravel, asphalt or concrete.

The application indicates that the piano  
lessons will take place in a room that is roughly 650

1 square feet in size requiring two off-street parking  
2 spaces. The site plan for the property shows a  
3 two-car garage and a two-car concrete driveway,  
4 sufficiently meeting the parking requirement for the  
5 residential home and the proposed music studio.

6 There are no landscaping requirements for this  
7 activity because the property is zoned and primarily  
8 used residentially. However, all necessary building,  
9 electrical and HVAC permits, inspections and  
10 certificate of occupancy and compliance must be  
11 obtained.

12 We would like to enter the Staff Report into  
13 the record as Exhibit A.

14 CHAIRMAN: Is there anyone here on behalf of  
15 the applicant?

16 MS. PIERCE: I'm Ann Fruge Pierce.

17 (ANN FRUGE PIERCE SWORN BY ATTORNEY.)

18 CHAIRMAN: Would you have anything you would  
19 like to add?

20 MS. PIERCE: No. I'm here to answer  
21 questions.

22 CHAIRMAN: Does any board member have any  
23 questions?

24 (NO RESPONSE)

25 CHAIRMAN: Anyone in the audience have any

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1 questions?

2 (NO RESPONSE)

3 CHAIRMAN: I'm ready for a motion.

4 MR. GLENN: I make a motion to approve the  
5 adjustment applied for here based on the facts that  
6 were just presented to us, and under the special  
7 conditions that they obtain all the necessary permits,  
8 electrical, HVAC, and any kind of inspections or  
9 certificates.

10 CHAIRMAN: I have a motion to approve by Mr.  
11 Glenn.

12 MR. JEAN: Second.

13 CHAIRMAN: Second by Mr. Jean. All those in  
14 favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries.

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18 VARIANCE

19 ITEM 3

20 2231 Griffith Place West, zoned R-1B Single-Family  
Residential

21 Consider a request for a Variance in order to reduce a  
22 rear yard building setback from 20 feet to 10 feet  
from the rear property line.

Reference: Zoning Ordinance, Article 8,

23 Section 8.5.6(e)

Applicant: Lena Bowen

24

25 MR. PEDLEY: The subject property is zoned

1 R-1B Single-Family Residential is located near the  
2 intersection of Maple Avenue and Griffith Place West.

3 While the minimum lot size in an R-1B zoned is  
4 7,500 square feet, the subject property is in an area  
5 that was developed prior to the establishment of the  
6 zoning regulations so the property is only 60 feet  
7 wide and 95 feet deep totaling 5,700 square feet in  
8 size, significantly smaller than today's regulations  
9 would allow.

10 A single-family home with an attached garage  
11 was constructed on the subject property in 2009. The  
12 new home is roughly 42 feet in depth and is in  
13 compliance with the required 25 foot front yard  
14 building setback, leaving only 8 feet of buildable  
15 area between the existing home and a 20 foot rear yard  
16 building setback.

17 So the applicant has requested a Variance to  
18 reduce the rear yard building setback from 20 feet to  
19 10 feet in order to allow the construction of a sun  
20 room addition to the rear of the home.

21 Granting the variance to reduce the rear yard  
22 building setback to 10 feet will not alter the  
23 essential character of the general vicinity and will  
24 not be an unreasonable circumvention of the  
25 requirements of the zoning ordinance due to the

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1 limited size of the subject property and the  
2 precedence of existing setback encroachments in an  
3 area that was developed prior to the zoning  
4 regulations, nor will it affect the public safety or  
5 cause a public hazard because the proposed structure  
6 will maintain the required separation distance from  
7 all surrounding habitable structures.

8 Staff recommends approval with the condition  
9 that all necessary building, electrical and HVAC  
10 permits, inspections and certificates of occupancy and  
11 compliance are obtained.

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

14 CHAIRMAN: Is there anyone here that  
15 represents the applicant?

16 MS. BOWEN: That would be me.

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

19 MS. BOWEN: Lena Bowen.

20 (LENA BOWEN SWORN BY ATTORNEY.)

21 CHAIRMAN: Is there anything you would like to  
22 add to that?

23 MS. BOWEN: The only thing, the nearest  
24 neighbor that I had to get permission from was fine  
25 with it. He had no objection whatsoever.

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1 CHAIRMAN: Any board members have questions  
2 for Ms. Bowen?

3 (NO RESPONSE)

4 CHAIRMAN: Is there anyone in the audience  
5 have any questions or is in opposition?

6 (NO RESPONSE)

7 CHAIRMAN: I'll entertain a motion.

8 MR. JEAN: I would like to make a motion that  
9 we approve this variance based on the Staff Report and  
10 the Findings 1 through 4 with Condition 1.

11 CHAIRMAN: Recommendation for approval by  
12 Mr. Jean.

13 MR. REEVES: Second.

14 CHAIRMAN: Second by Mr. Reeves. All in favor  
15 raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 Entertain one more motion.

19 MR. CRAIG: Motion to adjourn.

20 MS. MASON: Second.

21 CHAIRMAN: All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries. We are adjourned.

24 -----

25

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

16 WITNESS my hand and notary seal on this the  
17 30th day of April, 2018.

18

19

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

22

23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25

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