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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JUNE 7, 2018

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, June 7, 2018, 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
- Bill Glenn
- Lewis Jean

* * * * *

CHAIRMAN: Call the June 7, 2018 meeting of the Owensboro Metropolitan Board of Adjustment to order.

First item on the agenda is going to be the prayer and the pledge by Ms. Mason.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: We need to consider the minutes of the May 3, 2018 meeting. All members have received a copy and are ready for a decision on them.

MR. GLENN: Make a motion to approve the minutes.

CHAIRMAN: Move to approve by Mr. Glenn.

MS. MASON: Second.

1 CHAIRMAN: Second by Mrs. Mason. Any question
2 on the minutes?

3 (NO RESPONSE)

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 First item, Mr. Howard.

9 -----
10 CONDITIONAL USE PERMIT

11 ITEM 2
12 718-722 Hall Street, zoned R-4DT Inner-City
Residential
13 Consider request for a Conditional Use Permit in order
14 to operate a group housing facility that will house up
15 to eight women who are participating in Lighthouse
Recovery Services' recovery program
16 Reference: Zoning Ordinance, Article 8,
Section 8.2A7/6a
Applicant: Lighthouse Recovery Services, Inc.

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

19 MR. PEDLEY: Trey Pedley.

20 (TREY PEDLEY SWORN BY ATTORNEY.)

21 MR. PEDLEY: The subject properties are two
22 adjoining vacant lots that are currently zoned R-4DT
23 Inner-City Residential. OMPC records indicate there
24 have been no Zoning Map Amendments for the subject
25 property.

1 The applicant proposes to utilize the two
2 properties to construct a residence that will house up
3 to eight women that are participating in the
4 Lighthouse Recovery Services program.

5 In order to do so, the zoning ordinance
6 requires five parking spaces, plus an additional space
7 for every five beds. In this situation, seven parking
8 spaces are needed.

9 Additionally, vehicular use area screening
10 consisting of a 3-foot-tall continuous element and one
11 tree per 40-linear-feet will be required where the
12 vehicular use area adjoins residentially zoned
13 properties.

14 The addition criteria for conditionally
15 permitted group housing have been addressed within the
16 application.

17 The surrounding properties to the north, east
18 and south are zoned R-4DT Inner-City Residential.
19 Much of the block appears to be residential in nature
20 with the exception of the corner lots at the
21 intersection of Hall Street and East 8th Street.
22 These two properties are utilized as a non-conforming
23 on-site licensed substance abuse treatment program and
24 a conditionally permitted outdoor recreational
25 shelter, each owned and operated by Lighthouse

1 Recovery Services.

2 The surrounding properties to the west, along
3 Breckenridge Street, are zoned B-4 General Business,
4 I-1 Light Industrial, and are a combination of
5 industrial, non-conforming residential uses.

6 If approved, Staff recommends that the site
7 shall obtain approval of a Minor Subdivision Plat; and
8 approval of either a Site Plan or a Final Development
9 Plan. All necessary building, electrical, and
10 mechanical permits, inspections and certificates of
11 occupancy and compliance shall also be obtained.

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

14 CHAIRMAN: Thank you, Mr. Pedley.

15 Is there anyone here wishing to speak on
16 behalf of the applicant?

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

19 MR. MEYER: J.D. Meyer.

20 MS. KNIGHT: Mr. Meyer, you're sworn as an
21 attorney.

22 MR. MEYER: Thank you.

23 Ladies and Gentlemen of the Board of
24 Adjustment, my name is J.D. Meyer. I represent the
25 Lighthouse Recovery Services, who is the applicant,

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1 with respect to this Conditional Use Permit.

2 As stated by Mr. Howard and the Staff, it is
3 our intent to operate a women's group home from this
4 facility. I think there's no doubt or any question, I
5 know there's certainly not in my mind, but substance
6 abuse is an issue that permeates our community.

7 A recovery program, Lighthouse Recovery
8 Services has been in existence for 15 plus years. We
9 operate a facility directly across the street where we
10 have a men's substance abuse recovery facility, and
11 obviously Lighthouse is behind the Owensboro Regional
12 Recovery project that's out on Veach Road.

13 The issue I think there's obviously a shortage
14 of recovery programs in our community. We feel that
15 the women's facility is much needed, and in fact I
16 want to point out to the board that our funding
17 sources for the construction of this home, Fiscal
18 Court is one of the major funding sources. They've
19 contributed \$50,000 to the construction of this
20 facility. So obviously Fiscal Court recognizes the
21 need for this type of program in our community.

22 Owensboro Health is also another funder for
23 the construction of the project, as is the Federal
24 Home Loan Bank.

25 Again, just briefly talk about our program.

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1 We operate a peer mentoring program. We have a proven
2 track record, as set forth in our application. The
3 facility will be a tight-ship and tightly run. We
4 don't cut anybody any slack. We'll make sure that
5 with respect to, we'll have eight women in the
6 facility that are in the recovery program. There's a
7 live-in housemother that will be there at all times as
8 well. It's a six bedroom home. Adequate enough space
9 to provide for the parking that is required by the
10 Staff. There's specific codes of conduct, as we said,
11 that each of those individuals will have to follow.

12 We believe that granting the Conditional Use
13 Permit would not have any adverse affect upon any of
14 the surrounding properties.

15 I would point out that the majority of the
16 properties across the street are actually already
17 owned by Lighthouse. A lot of those are vacant lots
18 or empty properties.

19 Properties obviously to the west that border
20 Breckenridge Street, a lot of those are industrial
21 properties. We're good neighbors in all the
22 communities, in all the area that we operate.
23 Obviously, we think this fits within this area.

24 As I've said and I started out, this
25 Conditional Use Permit and request certainly will

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1 promote the public health, and safety and welfare in
2 the community. We're trying to assist those who are
3 recovery from drug and alcohol addiction.

4 So with that I just request that you all
5 approve the Conditional Use Permit and application
6 that we've submitted, and I'll answer any questions
7 that the board may have.

8 CHAIRMAN: Thank you.

9 Any of the board member has any questions of
10 Mr. Meyer?

11 (NO RESPONSE)

12 CHAIRMAN: Is there anyone in the audience
13 that wishes to voice any questions or concerns or
14 opposition of this item?

15 (NO RESPONSE)

16 CHAIRMAN: Hearing none I'll entertain a
17 motion.

18 MS. MASON: I move for approval based on the
19 findings that it is compatible with the neighborhood
20 since there's already some properties in the vicinity
21 that are used for drug rehabs. And it is also for the
22 general health it will not adversely affect the public
23 health and it's needed for the community. With the
24 special conditions of approval of the Minor
25 Subdivision Plat, approval of a Site Plan or Final

1 Development Plan, and obtain all necessary building,
2 electrical and mechanical permits, inspections and
3 certificates of occupancy and compliance.

4 CHAIRMAN: We have a motion for approval by
5 Ms. Mason. Do I have a second?

6 MR. JEAN: Second.

7 CHAIRMAN: Second by Mr. Jean. Any questions
8 on the motion?

9 (NO RESPONSE)

10 CHAIRMAN: All in favor raise your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 -----
14 VARIANCE

15 ITEM 3
16 2300 Palomino Place, zoned R-1C Single-Family
Residential
17 Consider a request for a Variance in order to increase
18 the height of a fence along a side street yard from 4
feet tall to 6 feet tall.
Reference: Zoning Ordinance, Article 3,
19 Section 3-7(g)(3)
Applicant: Richard Moore and Lauren Moore

20
21 MR. PEDLEY: The subject property is zoned
22 R-1D Single-Family Residential and is located at the
23 intersection of Palomino Place and Trifecta Place in
24 the Keeneland Trace subdivision.

25 The subject property backs up to 55.73 acre

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1 farm that the subdivision does not currently extend
2 into. The applicant would like to place a 6-foot
3 tall, 3 feet from the side street property line;
4 because, as the site plan shows, the final 30-feet of
5 the property lies within a Public Utility and Drainage
6 Easement within which the applicant was denied a
7 Utility Encroachment Permit to allow the construction
8 of a fence.

9 In order to fence in more of the property, the
10 applicant has shifted the location of the fence closer
11 to Trifecta Place, which is free from the drainage
12 easement, but still lies within a 12-foot wide Public
13 Utility Easement. Such a shift in location of the
14 desired 6-foot tall fence forward of the building
15 setback line.

16 The Zoning Ordinance requires the fence and
17 the side yard along the street sets forward the
18 building setback line to be no more than 4-feet tall.

19 So the applicant has requested a variance in
20 order to increase the height of the fence from 4 feet
21 to 6 feet. Similar requests have been granted within
22 Keeneland Trace in the past.

23 Granting this variance will not adversely
24 affect the public safety or cause a public hazard
25 because the location of the fence will not violate the

1 site triangle; and because the area behind the subject
2 property is currently an undeveloped planned. Nor
3 will it alter the essential character of the general
4 vicinity or allow an unreasonable circumvention of the
5 zoning regulations because similar variance requests
6 in the neighborhood have been previously approved, and
7 because the 30-foot wide easement at the rear of the
8 property will provide adequate spacing between the
9 fence line and any development that may occur behind
10 the subject property.

11 Staff recommends approval with the condition
12 that the applicant obtain the Utility Encroachment
13 Permit.

14 We would like to enter the Staff Report into
15 the record as Exhibit B.

16 CHAIRMAN: Thank you, Mr. Pedley.

17 Is there anyone here wishing to speak on
18 behalf of the applicant?

19 Come forward, please.

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

22 MR. MOORE: Richard Moore.

23 (RICHARD MOORE SWORN BY ATTORNEY.)

24 MR. MOORE: I am the applicant for the
25 Variance. I'm just here to answer any questions that

1 you all may have.

2 CHAIRMAN: Thank you.

3 Any board members have any questions for
4 Mr. Moore?

5 (NO RESPONSE)

6 CHAIRMAN: Anyone here wishing to speak in
7 opposition to this item?

8 (NO RESPONSE)

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

10 MR. GLENN: I'll make a motion to approve this
11 variance based on the findings of facts presented here
12 tonight, and also on the Condition Number 1, approval
13 of the Utility Encroachment Permit.

14 CHAIRMAN: Approval by Mr. Glenn. Do I have a
15 second?

16 MR. YEISER: Second.

17 CHAIRMAN: Second by Mr. Yeiser. Any question
18 on the motion?

19 (NO RESPONSE)

20 CHAIRMAN: All those in favor raise your right
21 hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimously.

24 ITEM 4
25 2625 Frederica Street, zoned B-4 General Business
Consider a request for a Variance in order to reduce

1 the required landscaping screening along the southern
2 property line where the subject property adjoins
3 residentially zoned properties from a 10-foot
4 landscape buffer with a 6-foot tall continuous element
5 and 1 tree every 40-linear-feet to a 5-foot landscape
6 buffer with a 6-foot tall continuous element and 1
7 tree every 40-linear feet
Reference: Zoning Ordinance, Article 17,
Section 17.3111(b)
Applicant: The JDQ Building, LLC

8 MR. PEDLEY: The subject property is zoned B-4
9 General Business and is a redeveloping lot. As the
10 site plan illustrates, the developer intends to
11 utilize the property and the existing structure for a
12 variety of uses which create the neat for 77 parking
13 spaces on the property.

14 The properties to the east are residential in
15 nature and are composed of single-family homes. The
16 property to the south is zoned R-3MF Multi-Family
17 Residential and is utilized as a large senior living
18 apartment complex. This complex has a 25-foot-wide
19 two-way drive aisle to access their parking lot
20 spanning the entirety of the shared property line.
21 Zoning ordinance requires a 10-foot wide landscape
22 buffer and screening element to be placed between the
23 business zone and the neighboring residential zones.

24 In order to fit 77 parking spaces on the
25 140-foot wide subject property, parking on both sides
of the drive aisle are needed, as shown on the site

1 plan. However, due to the location of the existing
2 structure, installing parking on both sides of the
3 drive aisle will force an encroachment of the required
4 landscape buffer along the southern property line
5 where the subject property adjoins the multi-family
6 living facility.

7 Consequentially, the applicant has requested a
8 variance to reduce the required buffer along the
9 southern property line from 10-feet wide to 5-feet
10 wide.

11 Granting this variance will not adversely
12 affect the public, health or safety, cause a public
13 nuisance, or create an unreasonable circumvention of
14 the requirements of the zoning ordinance because the
15 adjoining residentially zoned property to the south is
16 a large facility with a two-way drive aisle separating
17 residential uses from the subject property, and other
18 screening requirements will be maintained; nor will it
19 alter the essential character of the general vicinity
20 because all buffers and screening elements, as
21 required by the zoning ordinance, will be installed
22 and maintained between the subject property and all
23 surrounding single-family residences.

24 Staff recommends approval with the condition
25 that the applicant obtain approval of a Final

1 Development Plan and all necessary building,
2 electrical and HVAC permits, inspections and
3 certificates of occupancy and compliance.

4 We would like to enter the Staff Report into
5 the record as Exhibit C.

6 CHAIRMAN: Thank you, Mr. Pedley.

7 Is there anyone here wishing to speak on
8 behalf of the applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Anyone here wishing to speak in
11 opposition to this item or have any questions of this
12 item?

13 (NO RESPONSE)

14 CHAIRMAN: Hearing none I'll entertain a
15 motion to dispose of this item.

16 MS. MASON: I'll move for approval based on
17 the findings of fact that were presented tonight, and
18 with the condition of approval of a Final Development
19 Plan, obtained all necessary building, electrical and
20 HVAC permits, inspections and certificates of
21 occupancy and compliance.

22 CHAIRMAN: We have a motion by Mrs. Mason. Is
23 there a second?

24 MS. CLARK: Second.

25 CHAIRMAN: Second by Ms. Clark. Any question

1 on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: All those in favor raise your right
4 hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item, Mr. Howard.

8 ITEM 5

9 2116 Sheridan Place, zoned R-1A Single-Family
Residential

10 Consider a request for a Variance in order to reduce
11 the required side yard building setback of a detached
12 structure located in the rear yard of the property
13 from 3-feet from the property line to 2-feet from the
14 property line.

15 Reference: Zoning Ordinance, Article 3,
16 Section 3-7(b)(2)

17 Applicant: Marty and Becky Mitchell

18

19 MR. PEDLEY: The subject property is zoned
20 R-1A Single-Family Residential and is located near the
21 intersection of Sheridan Place and Ford Avenue. The
22 applicant would like to construct a detach garage in
23 the rear yard of the subject property in order to
24 provide additional off street parking.

25 The zoning ordinance allows enclosed accessory
buildings to be permitted in rear yards; however, they
shall not be closer than 3-feet from the side property
line and 6-feet from all other enclosed structures.
With limited depth on the property, the applicant

1 would like to construct a detach garage 2-feet from
2 the side property line to allow easier vehicular
3 access into the garage.

4 Granting this variance may not cause a public
5 nuisance because at 2-feet from the property line, the
6 applicant should have sufficient space to construct
7 and maintain the structure without negatively
8 impacting the neighboring properties. It may allow an
9 unreasonable circumvention of the zoning regulations
10 because allowing a structure to be 2-feet from the
11 property line may allow enclosed structures to be
12 located closer than 6-feet from one another should a
13 neighbor construct a structure at the allowed 3-foot
14 building setback line on their own property.

15 It will not adversely affect the public safety
16 because principal structure setbacks in R-1A zoning
17 classification ensure that the structure will remain
18 at least 12-feet from the neighboring single-family
19 residences.

20 Staff recommends approval with the condition
21 that all necessary building, electrical and HVAC
22 permits, inspection and certificates of occupancy and
23 compliance are obtained.

24 We would like to enter the Staff Report into
25 the record as Exhibit D.

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1 CHAIRMAN: Thank you, Mr. Pedley.

2 Is there anyone here wishing to speak on
3 behalf of the applicant?

4 MS. KNIGHT: Please state your name for the
5 record.

6 MR. MITCHELL: Marty Mitchell.

7 (MARTY MITCHELL SWORN BY ATTORNEY.)

8 MR. MITCHELL: I drove some stakes in my yard
9 and tried to drive my vehicle in on a 3-foot variance,
10 and I couldn't get pass my garage and get into it. So
11 that's why I'm asking for the variance.

12 I have spoken with Joan and Bill Kolock, who
13 would be most affected because they're the neighbors
14 that I'm getting closer to, and they have no
15 objections to it.

16 CHAIRMAN: Does anybody have any questions of
17 Mr. Mitchell?

18 (NO RESPONSE)

19 CHAIRMAN: Is there anyone here wishing to
20 speak in opposition of this item?

21 (NO RESPONSE)

22 CHAIRMAN: Hearing none I'll entertain a
23 motion.

24 Mr. Jean.

25 MR. JEAN: I make a motion we approve this

1 variance based on Staff Report and Findings 1 through
2 4 with Condition 1.

3 CHAIRMAN: We have a motion by Mr. Jean. Do I
4 have a second?

5 MR. GLENN: Second.

6 CHAIRMAN: Second by Mr. Glenn. Any question
7 on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor of the motion raise
10 your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries unanimously.

13 Next item, please.

14 ITEM 6

15 918 West Fourth Street, zoned I-1 Light Industrial
16 Consider a request for a Variance in order to
17 eliminate the 10-foot landscape buffer with a 6-foot
18 tall continuous element and 1 tree every 40-linear
19 feet that is required between the subject property and
20 the neighboring residentially zoned properties that
21 are located at 900 West Fourth Street and 406 Poplar
22 Street

Reference: Zoning Ordinance, Article 17,
Section 17.311(b)

Applicant: Thomas S. Hayden, Jr. & Katherine Hayden,
and David M. & Colleen Q. Taylor

21

22 MR. PEDLEY: The subject property is zoned I-1
23 Light Industrial and is an existing mini-storage
24 facility located at the intersection of West Fourth
25 Street and Sycamore Street. As the site plan shows,

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1 the property extends towards and connects to Poplar
2 Street.

3 The applicant would like to expand the
4 existing business towards Poplar Street. In doing so,
5 the industrial activity encroaches closer to the
6 neighboring properties that are zoned R-4DT Inner-City
7 Residential. The zoning ordinance requires a 10-foot
8 landscape buffer with a 6-foot tall continuous element
9 and one tree every 40-linear-feet to be maintained
10 between the industrial and residential zones.

11 However, of the two residentially zoned
12 properties, one is a telecommunications station that
13 is surrounded by a gravel base and enclosed with a
14 6-foot tall chain link fence. The second
15 residentially zoned property is also owned by the
16 telecommunications company, and is currently a vacant
17 lot.

18 In order to expand the business as much as
19 possible, the applicant has requested a variance to
20 eliminate the 10-foot landscape buffer, the 6-foot
21 tall continuous element, and the one tree every
22 40-linear-feet as required between the subject
23 property and the neighboring residentially zoned
24 properties.

25 Granting this variance will not adversely

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1 affect the public safety; nor will it allow an
2 unreasonable circumvention of the zoning regulations
3 because the two adjoining residentially zoned
4 properties are not used residentially; and it will not
5 cause a public nuisance or alter the character of the
6 general vicinity because the subject property does not
7 adjoin any additional residentially zoned properties.

8 Staff recommends approval with the condition
9 that the applicant obtain approval of a Final
10 Development Plan, as well as all necessary building,
11 electrical and HVAC permits, inspections and
12 certificates of occupancy and compliance.

13 We would like to enter the Staff Report into
14 the record as Exhibit E.

15 CHAIRMAN: Thank you.

16 Does anyone wish to speak on behalf of the
17 applicant?

18 (NO RESPONSE)

19 CHAIRMAN: Is anyone wishing to voice
20 opposition to this item?

21 (NO RESPONSE)

22 CHAIRMAN: Hearing no opposition I'll
23 entertain a motion.

24 MR. GLENN: I make a motion that we approve
25 this variance based on the Findings 1 through 4 and

1 that they meet the two conditions; approval of a Final
2 Development Plan, and obtain all the necessary
3 building, and electrical and HVAC permits, inspections
4 and certificates of occupancy and compliance.

5 CHAIRMAN: Thank you, Mr. Glenn.

6 Do we have a second?

7 MS. MASON: Second.

8 CHAIRMAN: Second by Ms. Mason. Any questions
9 on the motion?

10 (NO RESPONSE)

11 CHAIRMAN: Hearing none all in favor of the
12 motion raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Is there any more business?

16 MR. HOWARD: No.

17 CHAIRMAN: Then we need one more motion.

18 MS. MASON: Motion to adjourn.

19 MR. GLENN: Second.

20 CHAIRMAN: Motion by Ms. Mason and second by
21 Mr. Glenn. All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: 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 21 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 2nd day of July, 2018.

18
19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25

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