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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JANUARY 3, 2019

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, January 3, 2019, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Fred Reeves, Chairman
- Ruth Ann Mason, Secretary
- Brian Howard, Director
- Terra Knight, Attorney
- Fred Reeves
- Bill Glenn
- Lewis Jean

* * * * *

MS. MASON: Let's call to order the Owensboro Metropolitan Board of Adjustment meeting.

The first item on the agenda is the prayer and the pledge of allegiance. Let's stand for the prayer, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

MS. MASON: The next item on the agenda is the election of officers and I'll turn it over to our attorney for the election.

MS. KNIGHT: As you all know, KRS 100 requires the Board of Adjustment annually elect their officers. Our bylaws provide that we will have a chairman, vice chairman and secretary/treasurer. So we will elect

1 our officers in that order. We typically accept
2 nominations by the show of hands.

3 I will open the floor for nominations of
4 chair.

5 MR. REEVES: I nominate Judy Dixon.

6 MS. KNIGHT: She's not here to accept the
7 nomination. I think she --

8 MR. HOWARD: I believe she would accept the
9 nomination, yes.

10 MS. MASON: I'll second it.

11 MS. KNIGHT: Are there any other nominations
12 for chair?

13 (NO RESPONSE)

14 MS. KNIGHT: Hearing none I'll close the floor
15 for nominations and we will vote.

16 All in favor of Ms. Judy Dixon as chair please
17 raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 MS. KNIGHT: She is re-elected chair.

20 I will next open the floor for nominations for
21 vice chair.

22 MS. MASON: I nominate Fred Reeves.

23 MS. KNIGHT: Mr. Reeves, do you accept that
24 nomination?

25 MR. REEVES: Yes, I will.

1 MR. GLENN: I'll second.

2 MS. KNIGHT: Any other nominations?

3 (NO RESPONSE)

4 MS. KNIGHT: Hearing none we'll close the
5 floor and have a vote. All in favor of Mr. Reeves as
6 vice chair raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 MS. KNIGHT: Congratulations, Mr. Reeves.
9 Now secretary/treasurer. Any nominations?

10 MR. REEVES: I nominate Ruth Ann Mason.

11 MS. KNIGHT: Ms. Mason, do you accept that
12 nomination?

13 MS. MASON: Yes, I do.

14 MS. KNIGHT: Is there a second?

15 MR. JEAN: Second.

16 MS. KNIGHT: Any other nominations?

17 (NO RESPONSE)

18 MS. KNIGHT: If not we'll take a vote. All in
19 favor of Ms. Mason as secretary/treasurer raise your
20 right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MS. KNIGHT: So since Ms. Dixon is not here
23 tonight we'll have our newly elected vice chair. I'll
24 turn the meeting back over to him.

25 Mr. Reeves.

1 CHAIRMAN: Item 2 is to consider the minutes
2 for the November 8th board meeting. Do we have a
3 motion?

4 MR. GLENN: I move to approve the minutes.

5 CHAIRMAN: Do we have a second?

6 MS. MASON: Second.

7 CHAIRMAN: Any questions or concerns about the
8 motion on the minutes?

9 (NO RESPONSE)

10 CHAIRMAN: If not all in favor raise your
11 right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: The minutes are approved.

14 Mr. Howard, would you take Item Number 3.

15 -----
16 CONDITIONAL USE PERMIT

17 ITEM 3
18 1823 West 2nd Street, zoned B-4 General Business
19 Consider request for a Conditional Use Permit in order
20 to operate a roup transitional living facility for
21 women with substance abuse or other life issues.
22 Reference: Zoning Ordinance, Article 8,
23 Section 8.2A7/6a

24 Applicant: Fresh Start for Women, Inc.

25 MS. KNIGHT: Please state your name for the
record.

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

1 MR. PEDLEY: The subject property is an
2 existing lot of record that is zoned B-4 General
3 Business and appears to be a legal non-conforming
4 residential use, as do the neighboring properties to
5 the east and to the west.

6 The surrounding properties to the north are
7 zoned R-4DT Inner-City Residential and appear to be
8 residential in nature. Those to the south across
9 Second Street are zoned I-1 Light Industrial and B-4
10 General Business and are utilized appropriately.

11 The applicant proposes to utilize the existing
12 residence on the subject property to operate a group
13 transition living facility for women with substance
14 abuse or other life issues. Such a use is
15 conditionally permitted in a B-4 General Business
16 zoning classification if the operation is in
17 compliance with all additional zoning ordinance
18 requirements. Such criteria for the conditionally
19 permitted group housing have been addressed within the
20 application.

21 In addition to the criteria, the Zoning
22 Ordinance requires five parking spaces, plus an
23 additional space for every five beds.

24 The site plan illustrates six parking spaces
25 on the property, including one handicap accessible

1 space with a loading and unloading stall. All
2 vehicular use areas shall be paved as a hard surface
3 such as asphalt or concrete.

4 The Zoning Ordinance also requires vehicular
5 use area screening consisting of a 3-foot tall
6 continuous element and one tree every 40 linear feet
7 to be installed where the vehicular use area adjoins
8 residentially zoned properties and public
9 right-of-way, excluding alleys. Such landscaping is
10 not currently applicable to the subject property based
11 upon the provided site plan.

12 If approved, special conditions include:

13 1. Approval of a site plan or final
14 development plan shall be obtained; and

15 2. All necessary building, electrical and
16 HVAC permits inspections and certificates of occupancy
17 and compliance shall be obtained.

18 We would like to enter the Staff Report into
19 the record as Exhibit A.

20 CHAIRMAN: Thank you.

21 Is anyone here representing the applicant?

22 MS. ADKINS: We are.

23 CHAIRMAN: Do you have any comments you would
24 like to make at this time?

25 MS. ADKINS: No.

1 CHAIRMAN: You probably want to be available
2 for questions.

3 MS. ADKINS: Okay.

4 CHAIRMAN: Board members, any of you have any
5 questions or does anyone in the audience that has any
6 questions about this?

7 Yes, sir, if you want to step to the mike.

8 MS. KNIGHT: Could you state your name for the
9 record.

10 MR. BAILEY: Jerry Bailey.

11 (JERRY BAILEY SWORN BY ATTORNEY.)

12 MR. BAILEY: I just had some concerns about
13 the supervision there. I own 1825 Second Street.
14 There's a garage behind the apartment building. I was
15 working on my house one day and I noticed five kids
16 playing on the roof of this garage. Later that day I
17 saw two of the kids go into the lower units of the
18 apartment building. I was just wondering what kind of
19 supervision are we expecting to see from this.

20 CHAIRMAN: I assume your concern is for the
21 children who live in the apartments?

22 MR. BAILEY: Yes. I mean if they move in
23 beside me, are there going to be kids playing on the
24 roof? I did see that.

25 CHAIRMAN: Thank you, sir.

1 Do you have a response to his man? You'll
2 need to step forward and be sworn in, if you don't
3 mind.

4 MS. KNIGHT: Would you state your name for the
5 record, please.

6 MS. ADKINS: Carol Adkins.

7 MS. JEAN: Cindy Jean.

8 (CAROL ADKINS AND CINDY JEAN SWORN BY
9 ATTORNEY.)

10 MS. ADKINS: In the 1823 property there
11 actually won't be children living there. We were
12 unaware of the incident that you are talking about.

13 MR. BAILEY: It happened this summer.

14 MS. ADKINS: If you have any problems, please
15 let us know. We'll give you our phone numbers.

16 MR. BAILEY: I just thought this was pretty
17 strange activity with five kids playing on a garage
18 roof.

19 MS. ADKINS: We actually, in the conditional
20 use house, we will actually have somebody that will be
21 living there that will be, you know, supervising that.

22 We also have somebody currently living in the
23 apartment complex as well that keeps an eye on what's
24 going on there. We'll definitely give you that
25 information because we would want to know about that.

1 MR. BAILEY: Right. I thought it was rather
2 strange.

3 CHAIRMAN: Does that address your concerns,
4 sir?

5 MR. BAILEY: Yes.

6 CHAIRMAN: Thank you very much.

7 You may want stay up there because we may have
8 some questions from the board. I know I've got a
9 couple.

10 Any board members have any questions for the
11 applicant?

12 (NO RESPONSE)

13 CHAIRMAN: I have a couple. Are you currently
14 operating out of that house right now?

15 MS. ADKINS: No. It is being renovated.

16 CHAIRMAN: I saw I think an IMPACT 100 grant
17 sign in the front yard.

18 MS. ADKINS: Correct. They have given us
19 \$100,000. We will be refurbishing that. Putting up
20 some security fencing and doing a play area as well
21 behind the apartment complex. It's being renovated
22 currently.

23 CHAIRMAN: Another question I have is: The
24 ladies that you will be serving in that house, where
25 will they be coming from? Will they be coming from

1 Owensboro or outside of Owensboro?

2 MS. JEAN: Coming from Owensboro, sir. I
3 don't know if you all are aware, but Dismas Charities
4 here in town has recently switched to all women.
5 Those women are being released about 30 per month.
6 Not all of them into our city, but many of them are.
7 There's not currently another place that takes women.
8 Matter of fact, probation contacted me several times
9 trying to get me to help. That's one of the reasons
10 why we're doing this, is to take those women and help,
11 you know reintegrate them into society. Also we take
12 women from drug court. Just any local rehabs where
13 women have been and they're trying to get back into
14 their own. A lot of times when women graduate from
15 rehab, they really don't have a safe place to go and
16 they end up back with their families or destructive
17 lifestyles that they were in before, and that's why we
18 started this program.

19 CHAIRMAN: My other question is: I assume you
20 all read all of these ten conditions that are listed
21 here. Are you all prepared to comply with all ten of
22 those conditions?

23 MS. ADKINS: Yes, sir.

24 CHAIRMAN: Have you discussed those
25 conditions with Staff as you've gone through this

1 application?

2 MS. ADKINS: With Trey and Melissa, yes.

3 CHAIRMAN: Yes.

4 MS. ADKINS: Yes. We've got the fire exit
5 things and the rules will be posted and all of those
6 things, yes, sir.

7 CHAIRMAN: I want you to understand that
8 should you not comply with those this could be
9 revoked, if it is in fact approved.

10 MS. ADKINS: Correct. We're aware of that.

11 MS. JEAN: We're the same group of people that
12 started the Friends of Center Women House on Triplet
13 Street. It was built from scratch and she's done this
14 before. So we're familiar with what we're doing.

15 CHAIRMAN: Okay.

16 Anyone else have any questions?

17 (NO RESPONSE)

18 CHAIRMAN: Chair will entertain a motion if
19 there are no other questions.

20 MR. JEAN: I'd like to make a motion we
21 approve this conditional use request with the two
22 special conditions, and based on the Staff Report, a
23 site visit, and the testimony here this evening with
24 three Findings of Fact.

25 1. This use is compatible with the

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1 neighborhood because there are other similar
2 facilities in the neighborhood.

3 2. The use is residential in nature and
4 should allow harmonious integration into the
5 neighborhood.

6 3. The applicant has submitted, signed and
7 agreed to the zoning ordinance requirements 1 and 2
8 and the 10 house rules.

9 CHAIRMAN: Do we have a second?

10 MR. GLENN: Second.

11 CHAIRMAN: Second by Mr. Glenn. Any further
12 questions about the motion or any other issue?

13 (NO RESPONSE)

14 CHAIRMAN: All in favor of the motion raise
15 your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: This application is approved.

18 Mr. Howard, unless you tell me different and
19 there's no other business I'll entertain one last
20 motion.

21 MR. HOWARD: We're ready to adjourn.

22 MS. MASON: Motion to adjourn.

23 MR. GLENN: Second.

24 CHAIRMAN: All in favor raise your right
25 hand.

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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 13 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 January, 2019.

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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COMMISSION EXPIRES: DECEMBER 16, 2018

24

COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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