

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 FEBRUARY 7, 2019

3 The Owensboro Metropolitan Board of Adjustment  
4 me tin regular session at 5:30 p.m. on Thursday,  
5 February 7, 2019, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Judy Dixon, Chairman  
9 Fred Reeves, Vice-Chairman  
10 Ruth Ann Mason, Secretary  
11 Brian Howard, Director  
12 Terra Knight, Attorney  
13 Bill Glenn  
14 Lewis Jean  
15 Andrew Howard  
16 Tori Morgan

17 \* \* \* \* \*

18 CHAIRMAN: We will call the Owensboro  
19 Metropolitan Board of Adjustment February 7, 2019  
20 meeting to order.

21 First thing on the meeting agenda is for the  
22 pledge and the prayer. Mr. Jean is going to take care  
23 of that for us.

24 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

25 CHAIRMAN: First on the agenda are to consider  
the minutes of the January 3, 2019 meeting. Members  
have been mailed or received an e-mail copy of the  
minutes and have had time to peruse it. Does anybody  
have any question on the minutes?

1 (NO RESPONSE)

2 CHAIRMAN: I'll entertain a motion.

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

5 CHAIRMAN: Motion by Mr. Glenn.

6 MS. MASON: Second.

7 CHAIRMAN: Second by Ms. Mason. Any  
8 questions?

9 (NO RESPONSE)

10 CHAIRMAN: All in favor of approving the  
11 minutes raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Number 2, Mr. Howard.

14 -----

15 CONDITIONAL USE PERMITS

16 ITEM 2

17 832 Higdon Road, zoned R-1A, Single-Family Residential  
18 Consider request for a Conditional Use Permit in order  
19 to install a class 2 manufactured home in an R-1A  
20 Single Family Residential zoning classification.  
Reference: Zoning Ordinance, Article 8,  
Section 8.2A10B/7  
Applicant: Sheryl Evans; Troy J. Faught

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

23 MR. PEDLEY: Trey Pedley.

24 (TREY PEDLEY SWORN BY ATTORNEY.)

25 MR. PEDLEY: The subject property is a

1 recently created lot that is zoned R-1A Single Family  
2 Residential. The property is surrounded by a variety  
3 of A-U Urban Agriculture and R-1A Single Family  
4 Residential zoning.

5 To the west along Higdon Road is single  
6 residential property, several of which contain class 2  
7 manufactured homes that predate the zoning regulation.

8 To the north across Higdon Road is a large  
9 farming operation and an RWRA plant. To the south  
10 across the Wendell Ford Expressway is the Yeiser  
11 Excavating property on Veach Road which is zoned A-U  
12 Urban Agriculture.

13 The applicant would like to place a 56 by 16  
14 Class 2 Manufactured Home on the subject property.  
15 Such a structure is conditionally permitted in an R-1A  
16 Single Family Residential zone so long as the site  
17 complies with all zoning ordinance requirements. The  
18 site plan submitted with the application indicates  
19 each of the zoning ordinance requires will be met with  
20 the exception of two requested waivers.

21 The applicant would like to request a waiver  
22 of sidewalk requirement to remain consistent with the  
23 remainder of Higdon Road where sidewalks are not  
24 present.

25 The applicant also request a waiver allowing

1 the two 9 by 10 parking spaces to be a gravel surface.

2 Since the subject property is not in the city  
3 limits and many neighboring properties utilize gravel  
4 drives.

5 If approved special conditions include:

6 1. Obtain all necessary building, electrical  
7 and HVAC permits inspections and certificates of  
8 occupancy and compliance.

9 We would like to enter the Staff Report into  
10 the record as Exhibit A.

11 CHAIRMAN: Is there anyone here wishing to  
12 speak in opposition to this item?

13 (NO RESPONSE)

14 CHAIRMAN: Is the applicant here?

15 APPLICANT REP: Yes.

16 CHAIRMAN: Does anybody on the board have any  
17 questions of the applicant?

18 (NO RESPONSE)

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

20 MR. JEAN: Madam Chairman, I would like to  
21 make a motion we approve this Conditional Use Permit  
22 request with the one special provision and subject to  
23 the zoning requirement, Number 2, 4, 5, 6, 7 and 8  
24 zoning ordinance requirement, based on the Staff  
25 Report, the site visit, and with the three findings of

1 fact.

2 The findings of fact are:

3 1. This property is located within an R-1A  
4 Single Family Residential zone where class 2  
5 manufactured homes are conditionally permitted.

6 2. It is in compliance with the neighborhood  
7 because there are other manufactured homes in the  
8 neighborhood and it will allow harmonious integration  
9 because there are similar living activities in the  
10 area.

11 3. The applicant shall meet the zoning  
12 ordinance requirements for a class 2 manufactured  
13 home; number 2, 4, 5, 6, 7 and 8. Item 1, A concrete  
14 or asphalt parking pad is waived in lieu of the gravel  
15 surface due to that this property not being in the  
16 city. Item 3, the concrete sidewalk is waived due to  
17 there's no sidewalk on Higdon Road.

18 CHAIRMAN: Do I have a second?

19 MR. REEVES: Second.

20 CHAIRMAN: Second by Mr. Reeves. Any question  
21 on the motion?

22 (NO RESPONSE)

23 CHAIRMAN: All in favor of the motion raise  
24 your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries.

2 Next item, Mr. Howard.

3 ITEM 3

4 1308, 1314, 1320, 1324 & 1328 West 3rd Street, zoned  
5 R-4DT Inner-City Residential  
6 Consider request for a Conditional Use Permit in order  
7 to expand an existing group housing development by  
8 constructing and operating an additional group home on  
the subject properties.  
Reference: Zoning Ordinance, Article 8,  
Section 8.2A7/6a  
Applicant: St. Joseph's Peace Mission

9 MR. PEDLEY: The subject properties are zoned  
10 R-4DT Inner-City Residential, are as the majority of  
11 the surrounding properties excluding Goose Egg Park,  
12 which is located to the northeast of the subject  
13 properties and zoned P-1 Professional Services, and  
14 the automobile sales business located at the  
15 intersection of Frayser Avenue and West Fourth Street  
16 which zoned B-4 general business.

17 On this property, previously approved  
18 Conditional Use Permits to allow an 8-bed residential  
19 treatment and support facility for boys ages 12 to 17  
20 to operate from 1324 West Third Street in shelters for  
21 10 children ages zero to 18 to operate from 1328 West  
22 Third Street.

23 Now the applicant would like to expand these  
24 developments by constructing a new building and  
25 consolidating all the subject properties.

1           Within this proposal the previously approved  
2     boy shelter located at 1324 West Third Street will  
3     remain unchanged. However, the site plan indicates  
4     the shelter located at 1328 West Third Street will  
5     become an emergency shelter with 12 beds. Meanwhile,  
6     the detached garage at 1328 West Third Street will be  
7     utilized as office space, an accessory use to the  
8     development.

9           The only new construction of building within  
10    this development will take place on what is currently  
11    1320 West Third Street where the applicant intends to  
12    construct and operate a 3,012 square foot building  
13    which will house 8 beds for girls. Additionally,  
14    there is an 506 square foot garage on the subject  
15    property that encroaches into the building setback  
16    along Frayser Avenue. This structure shall be removed  
17    or relocated from the site as illustrated on the site  
18    plan.

19           The criteria for conditionally permitted  
20    housing has been addressed within the application.

21           Additional zoning ordinance requirements  
22    include:

23           1. Parking - 5 spaces plus 1 for every 5  
24    beds, and one space per 400 square feet of office  
25    space. Total parking required is 15 spaces. All

1 parking shall be located on a hard surface, such as  
2 concrete or asphalt, and at least 1 space shall be  
3 handicap accessible.

4 2. Landscaping - Vehicular Use Area Screening  
5 consisting of a 3-foot-tall continuous element and 1  
6 tree per 40-linear-feet shall be installed where the  
7 vehicular use area adjoins public right-of-way  
8 (excluding alleys) and residentially zoned properties.

9 If approved Special Conditions include:

10 1. Removal or relocation of the existing 506  
11 square foot garage that is currently located within  
12 the building setback line along Frayser Avenue;

13 2. Obtain approval of a Minor Subdivision  
14 Plat;

15 3. Obtain approval of a Final Development  
16 Plan;

17 4. Obtain all necessary building, electrical  
18 and HVAC permits, inspections and certificates of  
19 occupancy and compliance.

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

22 CHAIRMAN: Thank you, Mr. Pedley.

23 Is there anyone here wishing to speak in  
24 opposition to this item.

25 (NO RESPONSE)



1 CHAIRMAN: Is there anyone here wishing to  
2 address this to the board from the applicant?

3 APPLICANT REP: No.

4 CHAIRMAN: Any member board members have any  
5 questions of the applicant?

6 (NO RESPONSE)

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

8 MS. MASON: Madam Chairman, make a motion to  
9 approve as this is a logical expansion of a  
10 Conditional Use Permit that was approved in 2009, and  
11 it's compatible with the land use. It was noted  
12 earlier that Special Conditions are 1, 2, 3, 4 need to  
13 be met.

14 CHAIRMAN: Thank you, Ms. Mason.

15 Is there a second to the motion?

16 MR. HOWARD: Second.

17 CHAIRMAN: Any question on the motion?

18 (NO RESPONSE)

19 CHAIRMAN: Ready for a vote. All in favor of  
20 the motion raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 Anything else to come before the board?

24 MR. HOWARD: No, ma'am.

25 CHAIRMAN: I'll entertain one final motion.

1 MR. GLENN: Motion to adjourn.

2 CHAIRMAN: Motion to adjourn by Mr. Glenn.

3 MS. MASON: Second.

4 CHAIRMAN: Second by Ms. Mason. All in favor  
5 raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: We are adjourned.

8 -----

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

