

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JANUARY 2, 2020

3 The Owensboro Metropolitan Board of Adjustment
4 meeting held in regular session at 5:30 p.m. on
5 Thursday, January 2, 2020, at City Hall, Commission
6 Chambers, Owensboro, Kentucky, and the proceedings
7 were as follows:

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

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17 CHAIRMAN: I call the January 2, 2020
18 Owensboro Metropolitan Board of Adjustment to order.
19 We start every session with a prayer and pledge. Mr.
20 Lewis Jean will do it for us this evening.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: The first item is to consider the
23 minutes of the December 5, 2019 meeting. All of you
24 have received them in the mail. I assume you've had a
25 chance to review them. At this time the Chair will
entertain a motion to adopt those minutes.

MR. GLENN: Motion to approve the minutes.

MS. MASON: Second.

1 CHAIRMAN: Motion by Mr. Glenn and the second
2 by Ms. Mason. Any additions or corrections?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.
5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: The minutes are adopted.

7 We will turn it over to our attorney to have
8 the election of officers.

9 MS. KNIGHT: Thank you, Mr. Chairman.

10 So for those of you that don't know, KRS 100
11 requires every Board of Adjustment to annually elect a
12 chairman and any other officers that are deemed
13 necessary. Our bylaws state that the Board will
14 consist of a chairman, vice chair and
15 secretary/treasurer. The bylaws state the nomination
16 of election of officers will be held the first meeting
17 of January of each year. Typically we take
18 nominations and we vote by show of hands. So that's
19 how we'll do it tonight.

20 We will start and open the floor for
21 nominations for Chair.

22 MS. MASON: I nominate Judy Dixon for Chair.

23 MS. KNIGHT: Is there a second for that
24 nomination?

25 MR. GLENN: I second.

1 MS. KNIGHT: Ms. Dixon is not here to except
2 it, but we've been told that she would agree to
3 continue the term.

4 MR. HOWARD: I believe she would, yes.

5 MS. KNIGHT: Any other nominations for Chair?
6 (NO RESPONSE)

7 MS. KNIGHT: Hearing none then I'll close the
8 floor and we will vote. All in favor of Ms. Judy
9 Dixon serving as Chair for this year please raise your
10 right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 MS. KNIGHT: She is elected unanimously.
13 On Vice Chair, I'll open the floor for
14 nominations.

15 MR. GLENN: I nominate Fred Reeves.

16 MS. KNIGHT: Is there a second to that
17 nomination?

18 MS. MASON: Second.

19 MS. KNIGHT: Mr. Reeves, do you accept that
20 nomination?

21 MR. REEVES: That will be fine, yes.

22 MS. KNIGHT: Any other nominations for Vice
23 Chair?

24 (NO RESPONSE)

25 MS. KNIGHT: Hearing none I'll close the floor

1 and we'll vote. All for Mr. Reeves for Vice Chair,
2 all in favor please raising your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 MS. KNIGHT: Mr. Reeves is re-elected.

5 We're on to secretary/treasurer. I'll open
6 the floor for nominations.

7 MR. GLENN: I nominate Ruth Ann Mason.

8 MS. KNIGHT: Is there a second to that
9 nomination?

10 MR. ANDREW HOWARD: Second.

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

13 MS. MASON: Yes.

14 MS. KNIGHT: Any other nominations?

15 (NO RESPONSE)

16 MS. KNIGHT: If not, I'll close the floor and
17 we will vote. All in favor of Ms. Mason as
18 secretary/treasurer please raise your hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 MS. KNIGHT: Ms. Mason is re-elected
21 unanimously.

22 Thank you all.

23 CHAIRMAN: Mr. Howard.

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25 CONDITIONAL USE PERMITS

1 ITEM 3

2 1512 Frederica Street, zoned R-4DT Inner-City
3 Residential
4 Consider a request for a Conditional Use Permit in
5 order to operate a preschool from the subject property
6 zoned R-4DT Inner-City Residential
7 References: Zoning Ordinance, Article 8,
8 Section 8.2B3
9 Applicant: Trina Pryor and Jill Payne; Puzzle Pieces,
10 LLC

11 MS. KNIGHT: Please state your name for the
12 record.

13 MR. PEDLEY: Trey Pedley.

14 (TREY PEDLEY SWORN BY ATTORNEY.)

15 MR. PEDLEY: The subject property and all
16 adjoining properties are zoned R-4DT Inner-City
17 Residential with the exception of a parking lot on
18 West 15th Street, which is zoned P-1
19 Professional/Service.

20 Across Frederica Street is the Owensboro
21 Community and Technical College Downtown Campus, which
22 is zone P-1 Professional/Service.

23 The subject property is the former location
24 for Puzzle Pieces which was a Conditionally Permitted
25 activity. At this time the applicant is proposing to
26 utilize the facility for a preschool; a conditionally
27 permitted use within the R-4DT zone.

28 Such a use is required to maintain two parking
29 spaces plus an additional space for every ten

1 children. Per conversations with the applicant, it is
2 anticipated that this preschool will host 60 children.
3 With 14 parking spaces, the site appears to have more
4 than enough parking spaces to satisfy the requirements
5 of the zoning ordinance.

6 If approved Special Conditions includes:

7 1. Obtain all necessary building, electrical
8 and HVAC permits, inspections and certificates of
9 occupancy and compliance, as well as any permits and
10 licenses that may be required by the State of
11 Kentucky.

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

14 CHAIRMAN: Is anyone here representing the
15 applicant?

16 MS. PRYOR: Yes.

17 CHAIRMAN: Would you come to the podium,
18 please. Would you like to make any comments or just
19 choose to be here to answer questions?

20 MS. PRYOR: I'm just here to answer questions.

21 CHAIRMAN: You'll need to be sworn anyway.

22 MS. KNIGHT: If you'd go ahead and state your
23 name for the record, please.

24 MS. PRYOR: Trina Pryor.

25 (TRINA PRYOR SWORN BY ATTORNEY.)

1 CHAIRMAN: Does anyone in the audience have
2 any questions or concerns about this application?

3 (NO RESPONSE)

4 CHAIRMAN: Any commissioners have any
5 questions or concerns?

6 (NO RESPONSE)

7 CHAIRMAN: Then the Chair will entertain a
8 motion.

9 MS. MASON: I make a motion for approval as
10 this is a compatible use as it's similar to the use
11 that the building has been in the past when it was
12 Puzzle Pieces, and it's compatible with the land use
13 or similar uses in the area; for instance, the
14 technical school across the street and so forth.

15 CHAIRMAN: Do we have a second?

16 MS. MASON: And special conditions that they
17 obtain all necessary building, electrical and HVAC
18 permits, inspections and certificates of occupancy and
19 compliance, as well as any permits and licenses that
20 may be required by the State of Kentucky.

21 CHAIRMAN: Is there a second to the motion?

22 MR. ANDREW HOWARD: I'll second it.

23 CHAIRMAN: Second by Mr. Howard. Does the
24 audience have any questions or concerns about the
25 motion or the applicant?

1 (NO RESPONSE)

2 MS. MASON: Should I add into there too about
3 the zoning ordinance, that they do the zoning
4 ordinance requirements?

5 MS. KNIGHT: Yes.

6 MS. MASON: Yes, that they also do that.

7 CHAIRMAN: If you don't know what the zoning
8 ordinance requirements are, you can check with Staff
9 and see if there's anything in particular that you
10 need beyond what you currently have. Okay?

11 MS. PRYOR: Thank you.

12 CHAIRMAN: All those in favor of the motion
13 raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: The application is approved.

16 ITEM 4

17 244 Rudy Road, zoned A-U Urban Agriculture
18 Consider a request for a Conditional Use Permit in
19 order to operate a Hair Stylist/Beauty Shop as a Home
20 Occupation from the subject property.
Reference: Zoning Ordinance Article 8, Section 8.2D5a
Applicant: Stacy Leslie (Love Hair Studio)

21 MR. PEDLEY: The subject property and all
22 adjoining properties are zoned A-U Urban Agriculture.
23 The applicant proposes to operate a Hair
24 Stylist/Beauty Shop in the residence. Home
25 Occupations that have nonresidence of the home coming

1 to the property for business related purposes are
2 Conditionally Permitted within the agricultural zoning
3 classifications with special criteria. The criteria
4 states that customers shall be allowed at the
5 residence and does not designate specific hours of
6 operation. Should the proposal be approved, it is
7 recommended that the Board of Adjustment attach agreed
8 upon conditions in relation to such commercial traffic
9 to ensure that the use will properly integrate into
10 the area.

11 Zoning Ordinance requires one parking space
12 for 200-square feet of activity. The floor plan that
13 was submitted illustrates a 20 by 30 area of the
14 residence will be utilized, totaling 600-square feet
15 and requiring three off-street parking spaces. It is
16 believed that the driveway approaching the garage is
17 at least 18-feet wide, creating an area that can serve
18 two 9-feet wide parking spaces. Additionally, the
19 turn-around area is approximately 15-feet wide, easily
20 large enough to support the required third parking
21 space.

22 Additionally, vehicular use area screening
23 consisting of a 3-foot tall continuous element and 1
24 tree per 40-linear feet is required where the
25 vehicular use area adjoins public rights-of-way.

1 There are existing trees and woodlands on the subject
2 property which appear to create such a screening
3 element.

4 All specific criteria have been addressed
5 within the application; however, the OMBA may impose
6 further conditions as deemed necessary. It should
7 also be noted that while all zoning ordinances
8 requirements appear to have been met, local
9 Conditional Use Permits do not constitute as approval
10 for any state licensing and/or permits that may
11 pertain to the proposed activity. Should the proposal
12 be approved, all such items that are required by the
13 State of Kentucky shall be obtained prior to occupancy
14 of the proposed use.

15 If approved Suggested Conditions include:

16 1. The OMBA should consider establishing
17 conditions limiting the number of customers/clients
18 that may come to the site at one time, as well as the
19 hours of operation that customers and clients may come
20 to the subject property.

21 2. Obtain all necessary building, electrical
22 and HVAC permits, inspections and certificates of
23 occupancy and compliance, as well as any permits or
24 licenses that are required by the State of Kentucky.

25 We would like to enter the Staff Report into

1 the record as Exhibit B.

2 CHAIRMAN: Anyone here representing the
3 applicant?

4 MS. LESLIE: Yes.

5 CHAIRMAN: Would you mind to go to the stand
6 and be sworn, please?

7 MS. KNIGHT: If you could, please state your
8 name for the record.

9 MS. LESLIE: Stacy Leslie.

10 (STACY LESLIE SWORN BY ATTORNEY.)

11 CHAIRMAN: Being there is no one in the
12 audience, unless she chooses to question herself.

13 Does any of the commissioners have any
14 questions for the applicant?

15 MR. JEAN: I have a question for Ms. Leslie.

16 In your application you stated that your hours
17 of operation would be from 8 a.m. to 5 p.m., but it
18 doesn't say how many days a week that will be.

19 MS. LESLIE: I work as a hairstylist
20 part-time. I work Thursday, Friday and Saturday; so
21 it's at the end of the week.

22 MR. JEAN: So your days of operation are
23 Thursday, Friday and Saturday?

24 MS. LESLIE: Yes.

25 MR. JEAN: Thank you.

1 MR. GLENN: From 8 to 5?

2 MS. LESLIE: Yes.

3 MR. GLENN: With just one customer at a time;
4 is that correct?

5 MS. LESLIE: Yes, sir.

6 CHAIRMAN: Any other questions for the
7 applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none the Chair would be
10 ready for a motion.

11 Mr. Jean.

12 MR. JEAN: I make a motion that we approve
13 this application based on the Staff Report, the site
14 visit, testimony presented here this afternoon, with
15 the 12 Zoning Ordinance Requirements and 2 Special
16 Conditions; one being the hours of operation will be
17 from 8 a.m. until 5 p.m. Thursday, Friday and
18 Saturday.

19 MS. LESLIE: Yes.

20 MR. JEAN: Thursday, Friday and Saturday with
21 one client at a time on the premises. Obtain all
22 necessary building, electrical and HVAC permits,
23 inspections and certificates of occupancy and
24 compliance, as well as any permits or licenses that
25 are required by the State of Kentucky. There are

1 three findings of facts. This property is zoned A-U
2 Urban Agriculture where hair salons in the home are
3 allowed by a Conditional Use Permit. There will be a
4 minimal impact on the traffic due to the number of
5 vehicles accessing this site daily; and this will not
6 create a nuisance and will be compatible with the
7 neighborhood because of the low impact of this type of
8 business.

9 CHAIRMAN: Do I have a second to that motion?

10 MS. MASON: I'll second.

11 CHAIRMAN: Second by Ms. Mason.

12 Do you understand the conditions that are
13 adhere and you have to comply with them?

14 MS. LESLIE: Kind of, but not really.

15 CHAIRMAN: What do you not really understand
16 or what are you concerned about?

17 MS. LESLIE: Is he saying it has to be
18 inspected more?

19 CHAIRMAN: Excuse me?

20 MS. LESLIE: It's got to be inspected more, is
21 that what he's saying?

22 CHAIRMAN: No. No. Nothing beyond you
23 getting a business license; that's the only
24 requirement.

25 MS. LESLIE: Me getting a business license.

1 Okay. So you all have to approve this to have this
2 done, right?

3 CHAIRMAN: We haven't voted on it yet, but
4 there's a motion made to approve doing it, yes.

5 MS. LESLIE: I was just wondering because I
6 didn't want to, if it wasn't approved, I didn't want
7 to go ahead and get a business license and spend that
8 money if it was not -- you understand what I'm saying?

9 CHAIRMAN: Absolutely we understand, yes.

10 MS. MASON: Do you understand the conditions
11 that you can only do it on Thursday, Friday and
12 Saturday 8 to 5 and only one client per hour?

13 MS. LESLIE: Yes, ma'am. I only do one client
14 at a time. I'm not a hairstylist that does four or
15 five people at a time. That's just not me. I do not
16 do that.

17 MR. HOWARD: I think your original question on
18 inspections and all of that, the condition that he
19 stated basically just says that if you do any building
20 alterations, if you need to run new electrical
21 circuits in order to meet the needs of an in-home
22 beauty salon, that you would have to get building
23 permits or electrical permits, that kind of a thing.
24 That's standard. If you have to hire an electrician
25 to run new electrical circuits, you need a permit to

1 do that kind of thing.

2 MS. LESLIE: I've got you.

3 MR. HOWARD: Then that also included, as
4 Mr. Pedley said in the Staff Report, that there may be
5 a state requirement for a license for a beauty salon.
6 We don't know. If there is, you have to get that, but
7 we don't regulate that.

8 MS. LESLIE: You're talking about I don't have
9 to have a license?

10 CHAIRMAN: You have to have a business
11 license, whatever the license is your profession
12 requires that the state regards.

13 MS. LESLIE: What I have is my business
14 license for me being a cosmetologist.

15 See, they used to have, I had to have an
16 independent contractor license and then a
17 cosmetologist license. Then a couple of years ago
18 they dropped that so you only had to have your
19 cosmetology license and that's it.

20 CHAIRMAN: We wouldn't regulate that.

21 MS. LESLIE: That way you could work anywhere
22 you wanted to and it didn't have to be on your license
23 where you were working. That right there, that's what
24 you're saying?

25 CHAIRMAN: You're in compliance, yes.

1 MS. LESLIE: Application for my license.

2 MR. HOWARD: Like Mr. Reeves said, we don't
3 regulate that. We always, you know, if there is
4 something, you need to have it, and it sounds like you
5 do.

6 MS. MASON: Does she not have to have a City
7 of Owensboro?

8 MR. HOWARD: She already mentioned that she
9 was going to get a business license.

10 MS. MASON: Business license through the city
11 of county?

12 MR. HOWARD: Yes.

13 MS. LESLIE: That's the thing. I did have
14 before. I have a city license. I've had a city
15 license for years, but me being in the county, my
16 address being in the county then, doing it there, am I
17 going to have a different one?

18 MR. HOWARD: You would just need to contact
19 the business license department. They're downstairs
20 in this building. You may be able to just change the
21 address. I don't know what their requirements are.
22 We're just going to tell you that you have to have
23 one. You would want to check with them, as far as can
24 you just transfer the one that you have to a new
25 address. We don't know how that works to be honest.

1 MS. LESLIE: Okay.

2 CHAIRMAN: Other than that, you're okay and
3 you understand everything, right?

4 MS. LESLIE: Yes.

5 CHAIRMAN: We just want to make sure that
6 you're comfortable when you leave. Okay?

7 MS. LESLIE: Okay.

8 CHAIRMAN: Any other questions?

9 (NO RESPONSE)

10 CHAIRMAN: Then all those in favor of the
11 motion raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Your application is approved.

14 I think we're ready for one more motion.

15 MR. GLENN: Motion to adjourn.

16 MS. MASON: Second.

17 CHAIRMAN: All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: We are adjourned.

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