The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, April 5, 2000, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: C. A. Pantle, Chairman
Judy Dixon
Bill Williams
Ward Pedley
Gary Noffsinger,
Planning Director
Stewart Elliott
Attorney

CHAIRMAN: Call the meeting to order. I want to welcome everyone.

First item to be considered this evening is the minutes of the last meeting. They have been on record in the office and read. What's the board's pleasure?

MS. DIXON: Move to approve.

MR. WILLIAMS: Second.

CHAIRMAN: Motion has been made and a second. All in favor say aye.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

First item on the agenda, Mr. Noffsinger.

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CONDITIONAL USE PERMITS

ITEM 2

1 Executive Boulevard, in a B-4 zone
(Map N-4) (Postponed)

Consider request for a Conditional Use Permit for construction and operation of a marina facility for docking of pleasure boats.
Reference: Zoning Ordinance, Article 8, Section 8.2K7, Article 18, Section 18-6(b)(2)(f)
Applicant: Executive Marina of Owensboro, Inc., John V. Bays and David Howerton

MR. NOFFSINGER: Mr. Chairman, this application was postponed from the last meeting awaiting the approval of the Division of Water and the Corp of Engineers. We have not received that approval; therefore Staff would recommend that this item be postponed until the May meeting of the Board of Adjustment. That will be the first Thursday in May.

MS. DIXON: Move to postpone until the May meeting.

CHAIRMAN: We have a motion to postpone.

MR. PEDLEY: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

Ohio Valley Reporting
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CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

1905 Hall Street, in a R-4DT zone (Map N-7)
Consider request for a Conditional Use Permit for
permanent placement of a 14’x70’ Class B singlewide
manufactured home.
Reference: Zoning Ordinance, Article 8, Section 8.2A10B, Section 8.4/7
Applicant: Charlambos A. Pavlas and Nicholas Pavlas

MR. NOFFSINGER: Mr. Chairman, this
application has been reviewed by the Planning Staff.
The application is found to be in order. It has been
advertised for public hearing at this time and all
adjoining property owners have been notified.
It is placement of a singlewide manufactured home on
the property. The site plan indicates that there will
be a home that will be five feet off of the south
property line, 25 feet off of Hall Street. The
property will have two on-site paved parking spaces.
It will be a 10 by 10 patio at the front door as well
as a 4 foot sidewalk along the street frontage of Hall
Street. With that it's ready for your consideration.

CHAIRMAN: Is the applicant here or anyone
representing the applicant?

MR. PAVLAS: Yes.

CHAIRMAN: Come forward.

Before we get started I want to apologize
one thing I didn't say. When you want to speak on an
item, please come before one of the podiums, speak
into the microphone, state your name, and then our
attorney will swear you in and then you'll be able to
testify or state your feelings on any particular item.
All people will be given the opportunity to speak on
all items if you so desire.

State your name for the record and be
sworn in.

MR. PAVLAS: Charlamobos Pavlas.

(MR. CHARLAMBOS PAVLAS SWORN BY ATTORNEY.)

CHAIRMAN: Is there anything you want to
add to it?

MR. PAVLAS: No. I was just going to add
that the trailer will be under the specifications that
City Hall give us. They already told me. We'll go by
those and when it's done I guess they'll let us --
unless there's any problem with the neighbor there.
Will be one individual living there. There won't be
any kids. The lot is empty. Might as well put it to
some use. I appreciate it.

CHAIRMAN: Anyone else have anything to
add on this in favor of this particular item?

(NO RESPONSE)

CHAIRMAN: Anyone objecting to the item?

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MRS. NELSON: Can I ask him a question before he leaves?

CHAIRMAN: Ma'am, ask your question to the chair and then we'll get the answer. The main reason because we can get this in the record.

MR. ELLIOTT: State your name, please.

MRS. NELSON: Well, he sent the letter to James Nelson, but my husband has died and I still live there. So I'm Rosa Nelson.

(MRS. ROSA NELSON SWORN BY ATTORNEY.)

CHAIRMAN: Proceed with what you have to ask, please.

MRS. NELSON: Can I ask him if he owns that trailer next to where he's going to put this other trailer?

CHAIRMAN: We'll get that answer.

MRS. NELSON: If he puts another trailer in there because the trailer that's already there, there was a lot of garbage and stuff back in the backyard. There's a lot of bushes and trees growing all around the backyard and we tried I don't know how many months last year to get the city to take care of that. I called three times. Some of the other neighbors called about three or four times. They never did come out there and do anything.
Also the house that's vacant on the other side where he's going to put that trailer, I live right back of that, across the little alley. They were remodeling that house. Now they have stopped that. I don't know whether they run out of money or what, but all this stuff they tore out of it is still laying in the backyard along one side of the fence. Right out the back door there's a lot of trash laying there and that's been six months it's been laying there.

Now, if he puts another trailer in and if he owns the trailer that is next-door there, that thing has been there 15 years. They've not done anything to it. The underpin, it's got all openings under it and it's never been painted. It's real - -the sun has faded it and it depreciates our property around there. It's not the idea that I don't want a trailer there, but they're not kept up. Between that house and that other trailer, and if he puts another trailer there and it's not kept up it's a junky place back there. It's not in good shape and I don't think there's really enough room there for that house and that two trailers because at one time I thought there was only two lots there. Now, I may be wrong. There might be three. This is a pretty good house on the
other side. It's not that I don't want his trailer there, but I want that stuff kept up. I keep my home as good as I can. That's about all I've got to say.

CHAIRMAN: We'll get the answers for you. Thank you.

MR. NOFFSINGER: Mr. Chairman, if I might before we bring Mr. Pavlas to the podium.

Address the installation standards for this home. If this board approves the Conditional Use Permit and he places the manufactured home on the property, he will be required to remove the tires, tongue, wheels and axles from this unit. It will be required to skirt that manufactured home with a concrete or masonry type skirting around the floor perimeter of that trailer.

So, yes, it will have to be underpinned. It will not be the vinyl or the fiberglass underpinning. It will have to be the concrete or masonry type skirting. If there's a problem on one of those lots with trash, debris, junk vehicles, whatever there will be, then there is an agency in the city that can handle those complaints and will respond to those complaints. That goes through the Community Development Department of the City of Owensboro. Your contact person is Keith Free. You can call the City

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of Owensboro, City Action Line.

MRS. NELSON: Yes. That's what we called, but that didn't do no good.

MR. NOFFSINGER: I recommend you keep calling.

MRS. NELSON: I can do that, but I don't know if it will help or not.

CHAIRMAN: You want to answer those questions, please?

MR. PAVLAS: They were remodeling the houses around there and they put most of the stuff around there and there was not really unless I, you know, noticed it wasn't my house that they were remodeling, but were using the lot there I guess because I didn't say anything about it. They were using it to put their stuff there. They are still remodeling, I guess. They haven't moved everything out of there. I can see to it that they -- I'm going to go over there tomorrow as a matter of fact and make sure that they take everything out that's not mine.

MRS. NELSON: Well, it's not on the lot you're going to put the trailer on.

MR. PAVLAS: No, but it's next to the other trailer.

MRS. NELSON: Is that your trailer?
MR. PAVLAS: Yes. It belongs to the same. There's two lots there that belong to us.

MRS. NELSON: Well, that trailer has been a mess since it's been put in there and I've lived there for 37 years.

CHAIRMAN: Then the lot, you own two lots; is that correct, sir?

MR. PAVLAS: Yes. Have two lots there.

CHAIRMAN: Then the lot where the house is owned by --

MR. PAVLAS: It's not ours. It's on the side. I'll make sure. I'll go over there tomorrow. I wish you had called me. I'll take care of it.

MRS. NELSON: We didn't know who to call.

CHAIRMAN: We appreciate it.

MR. PAVLAS: I've got property around that home.

CHAIRMAN: Anyone else have any questions or comments?

MR. WILLIAMS: How do you intend on underpinning this?

MR. PAVLAS: Like they -- I went over to city hall and they gave me specification what I have to do. I guess if we don't do it, they won't turn the utilities on or anything. They've got to be either
blocked up to the trailer or sealed around. I don't have the specifications with me, but there has to be a foundation there. It's like a house. It's going to be expensive, but my friends are there. I'm going to put one on theirs.

MR. NOFFSINGER: Mr. Williams, as I understand the inspection process, they will not turn the -- given the final on the electrical until such time as the improvements are made. That includes the skirting.

MR. PAVLAS: Nobody can live in that house, you know, Mr. Mischel knows, can live in that trailer unless all the specifications are met because they won't turn the utilities on. They won't turn anything on.

CHAIRMAN: Thank you. I think that's most of the questions we've got so far.

MR. PAVLAS: I told them it's not worth -- lot of expense just for the trailer, but my friend there wants to put his trailer there and I'm trying to help him put it there.

CHAIRMAN: Thank you. See whether anyone else has anything to add, sir. You can be seated, please.

MR. ELLIOTT: State your name, please.

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MR. BAKER: Ronald Baker. I'm going to be owning the trailer that's going to be put in there.

(MR. RONALD BAKER SWORN BY ATTORNEY.)

MR. BAKER: I just want to assure these ladies here that the property will be kept up. It'll look better than it does now. I grant you you'll have a neighbor in there -- the one next-door don't keep it straight they're going to have to deal with me too. I bought a nice trailer and I want it to look nice.

Me and Harry has talked over how we're going to block it in and make it look right and that's the way it's going to be.

CHAIRMAN: Thank you.

Anyone else have any other comment you'd like to make?

Please come forward.

CHAIRMAN: State your name for the record.

MS. CORNETT: Thelma Cornett.

(MS. THELMA CORNETT SWORN BY ATTORNEY.)

MS. CORNETT: I just want to second what Mrs. Nelson just said in referring to the other trailer that this gentleman said he also owned. It looks like a pig pen. Trees come up in the fence out from the alley. As she said we can't get the city to cut them. Last summer I went out there and trimmed
them back where we could get on the blacktop without
it scrapping our cars. It would be nice if he could
get all of those taken out of those fence rows because
there's no reason for them to be there. My husband
and I sold a house adjoining that trailer about two,
three, four years ago and we did take a big
depreciation because that trailer was sitting locked
up. We've owned our home for 30 to 35 years there on
Stonewall Court. Everybody takes pride in their
property and pride in their yard. We like it. We
hate to look over there and see this all the time.
One of these days we're not going to be there and
it'll be sold to someone else. We'd like to get it to
be nice while we're there. Thank you very much.

CHAIRMAN: Appreciate it.

Any other comments?

MR. ELLIOTT: State your name, please.

MR. MISCHEL: Jim Mischel.

(MR. JIM MISCHEL SWORN BY ATTORNEY.)

MR. MISCHEL: I just wanted to make one
comment.

We've dealt in the past with Mr. Pavlas
and usually he's always done what we've asked him to
do. I believe he'll go over there and take care of
that. If he doesn't, Ladies, you don't need to call.
If you want to, you can come down to the second floor of city hall and we'll take you to the people who will take care of that and they'll send somebody out there to inspect it.

MRS. NELSON: If he takes care of it now, then it will back up and all of that junk will be put back again.

MR. MISCHEL: If he does, second floor of city hall.

MRS. NELSON: All this is always bought and rented out. That's the problem there. See, it's been there all them years and he's not done nothing. Now, he says he's going to do it, but that don't mean he will.

MR. MISCHEL: Just come down. Like I said, don't worry about the telephone. Just come down to the second floor. If you can find me, I'll take you. We'll have somebody out there.

CHAIRMAN: Any other comments from anybody in the audience?

(NO RESPONSE)

CHAIRMAN: Any board member have any comments?

(NO RESPONSE)

CHAIRMAN: Hearing none the chair will
entertain a motion.

MR. WILLIAMS: Move to make a motion that we approve this application.

CHAIRMAN: You’ve heard the motion. Is there a second.

MR. PEDLEY: Second.

CHAIRMAN: Any other discussion?

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

3825 Riverside Drive, in an R-1A zone (Map N-36) (POSTPONED)
Consider request for a Conditional Use Permit for construction of a private boat dock and stairs to descend to the Ohio River.
Reference: Zoning Ordinance, Article 18, Section 18-6(b)(2)
Applicant: David Howerton and Georgine Howerton

MR. NOFFSINGER: Mr. Chairman, this application was postponed from the last meeting pending the Corp of Engineer and Division of Water approval. We have not received any information that being approved so staff will recommend that this item be postponed until the May meeting of the Board of

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Adjustment.

CHAIRMAN: You've heard the staff's recommendation.

MR. WILLIAMS: So moved.

CHAIRMAN: You've heard the motion. Is there a second?

MS. DIXON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please, sir.

ITEM 5

5001 US 60 East, in an I-2 zone (Map N-35)
Consider request for a Conditional Use Permit to
locate and operate a portable concrete batch plant to
produce concrete for Kentucky Department of Highways
Project NH 10-1(9), Owensboro-Maceo Road project.
Reference: Zoning Ordinance, Article 8, Section 8.2G4
Applicant: Gohmann Asphalt and Construction, Inc.,
Yager Materials

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff.
It's found to be in order. The application has been advertised for public hearing at this time and all adjoining property owners have been notified.

CHAIRMAN: Anyone here representing the applicant?
State your name for the record, please, sir.

MR. FIELD: My name is Joel Field.

(MR. JOEL FIELD SWORN BY ATTORNEY.)

CHAIRMAN: You have anything you want to add to what the staff stated in the reading of the application?

MR. FIELD: No, sir. The only thing I would like to point out is this is a temporary set up for us. This highway project will be done sometime in the fall, we hope to have it done sooner than that, of this year and at that time this batch plant will be taken down and removed from the property.

CHAIRMAN: How long are you saying you'll be there?

MR. FIELD: The end of the fall, sir. I would say we should be done by November 1st.

CHAIRMAN: Less than nine months, nine months or less?

MR. FIELD: Yes, sir.

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

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any objections?

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MR. PEDLEY: Mr. chairman, I have a question for Mr. Noffsinger about dust control. Will they be monitored and required to -- there is a lot of dust from portable batch plants. What sort of control will you have?

MR. FIELD: We have -- it's really quite an extensive dust control system on our batch plants. In fact, we've already received the pollution permit for this location, this particular batch plant at this location from the State of Kentucky. This is a common incident. We have four of these batch plants. Some are in urban settings. We're very conscientious and careful about dust control not only on the batch plant but on the roads and stuff around as well.

MR. PEDLEY: Thank you.

CHAIRMAN: Any other board member have any questions?

MR. WILLIAMS: What's required in clean up after this plant is being torn down?

MR. FIELD: We are sitting in Yager Material's unloading facility, there where they stock off sand and gravel. In fact, we're sitting right by one of their piles to where we can feed directly from the pile. We've actually developed kind of a little bit more bigger area for Yager by putting this
facility in there. When we're done we'll remove
everything. The only thing maybe a concrete pad upon
which we sit this batch plant on. If you require us
to remove it, we will. That's not an issue with us at
all.

CHAIRMAN: Any other board members have
any questions?

(NO RESPONSE)

CHAIRMAN: Thank you, sir. Appreciate it.

Chair will entertain a motion to dispose
of the item.

MR. PEDLEY: Hearing no opposition I make
a motion for approval.

CHAIRMAN: You've heard the motion.

MS. DIXON: Second.

CHAIRMAN: Second been made. Any other
discussion?

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 6

6135 US 60 East, in an I-2 zone (Map N-26)
Consider request for a Conditional Use Permit to place an 8' x 20' mobile office unit in a floodway.

Reference: Zoning Ordinance, Article 18, Section 18.6(b)2

Applicant: PetroCoke, Inc., Hawesway, Inc.

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. It has been advertised for public hearing at this time and all adjoining property owners have been notified. This is for a mobile office unit in a floodway. We have a letter here from the Division of Water, Natural Resources giving an okay to the project as well as a letter from Mr. Jim Riney stating that he finds that there would be no significant flooding impact anticipated with the placement of this unit on the property. With that it's ready for your consideration.

CHAIRMAN: Is anyone here representing the applicant?

Come forward and state your name.

MR. GORDON: Ed Gray Gordon.

(MR. ED GORDON SWORN BY ATTORNEY.)

CHAIRMAN: You have anything you want to add?

MR. GORDON: No. Basically we're just trying to improve our operation. We've been processing there for 16 years and we're updating our
office trailer with a new one.

CHAIRMAN: Thank you, sir.

Any board members have any questions?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience objecting or have any comments?

(NO RESPONSE)

CHAIRMAN: Hearing none the chair will entertain a motion to dispose of the item.

MR. WILLIAMS: Make a motion we approve the application.

MS. DIXON: Second.

CHAIRMAN: We have a second. Any other questions or discussions?

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please, sir.

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VARIANCE

ITEM 7

5447 Red Mile Loop, in an MHP zone (Map N-31)
Consider request for a Variance to reduce the rear park boundary setback from 15 feet to 10 feet in order

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to locate a manufactured home on the lot.
Reference: Zoning Ordinance, Article 11, Section 11.35
Applicant: David and Jacquelin Henry

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. The application has been advertised for public hearing at this time and all adjoining property owners have been notified.
CHAIRMAN: Is the applicant here?
Would you come forward and state your name for the record, please?
MR. HENRY: David Henry.
(MR. DAVID HENRY SWORN BY ATTORNEY.)
CHAIRMAN: Anything you want to add to what the staff has stated so far?
MR. HENRY: No. We've met our requirements that they've set before us about the ten feet in the back. We've made some adjustments to the mobile home concerning the land. The plumbing and everything was messed up. I had to redo, but everything right now has been done as the Planning Commission has instructed me to do.
CHAIRMAN: Does the staff have any comments?
MR. NOFFSINGER: Mr. Chairman, we are not
requiring the 10 foot setback. The home has been placed on the property encroaches upon the 15 foot rear yard setback by 5 feet. It's my understanding that this is a replacement of a home in the same location and of the same size. That home had existed in that location for a number of years.

They're not changing anything from what has been located on this property in the past; however, your zoning enforcement officers and building inspectors that you have working for you are out there doing their job. They're inspecting these sites and they're finding something that may have occurred in the past is probably a violation or it wasn't carefully inspected, but when our guys go out today and there's a permit issued and they make an inspection, they make every effort and attempt to make sure that the proper setbacks are adhere to. This is the board that if there's a setback encroachment this board listens to those setback encroachments and makes a decision.

With what has occurred on this property in the past and the fact that they're replacing the home in the same location, staff would make a recommendation for approval based upon the findings that we have presented to this board. Any board
member make any recommendation needs to make sure they attached findings to it.

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

(NO RESPONSE)

CHAIRMAN: Hearing none and seeing no one else in the audience. Was there any objections filed in the office?

MR. NOFFSINGER: Not to my knowledge.

CHAIRMAN: What's the board's pleasure?

MRS. HENRY: I just have one comment.

CHAIRMAN: Ma'am, state your name for the record.

MRS. HENRY: My name is Jacquelin Henry.

(MRS. JACQUELIN HENRY SWORN BY ATTORNEY.)

MRS. HENRY: What we have to add also is that we were asked to take pictures of the other mobile homes in the area. So we're just kind of paving the way for everybody else. There are several mobile homes in this park that is not sitting quite legal so when they either sell their home or replace it they're going to have to go through the same stipulations that we have gone through. It's just going to be kind of a snowball effect here. So I just wanted you to know we were asked to take pictures and
bring them before the board.

CHAIRMAN: Do you want to put those in the
record for any reason of your own? Would you like to
have those entered into the record for future
references of your own?

MRS. HENRY: Not particularly

CHAIRMAN: That will be fine. Not
necessary. Just thought you might want them.

MRS. HENRY: No. We were just asked to
take pictures and bring them down.

CHAIRMAN: Thank you, ma'am.

MR. PEDLEY: Mr. Chairman, I'd like to
make a motion if you're ready.

CHAIRMAN: Chair is ready to entertain
one, sir.

MR. PEDLEY: I make a motion for approval
for reason that it will not adversely affect the
public health, safety or welfare; will not alter the
essential character of the general vicinity; will not
cause a hazard or a nuisance to the public; and will
not allow unreasonable circumvention of the
requirements of the zoning ordinance.

CHAIRMAN: You've heard the motion. Is
there a second?

MR. WILLIAMS: Second.
CHAIRMAN: I have a second. Any other questions or discussion by the board?

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Entertain one last motion.

MR. WILLIAMS: Motion we adjourn.

MR. PEDLEY: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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STATE OF KENTUCKY

SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS

I, LYNETTE KOLLER, Notary Public in and for
the State of Kentucky at Large, do hereby certify that
the foregoing Owensboro Metropolitan Board of
Adjustment meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into the
foregoing 25 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 19th day of April, 2001.

LYNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2002

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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