The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, June 7, 2001, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  C. A. Pantle, Chairman  
Gary Noffsinger, Planning Director  
Marty Warren  
Ruth Ann Mason  
Bill Williams  
Ward Pedley  
Stewart Elliott  
Attorney

CHAIRMAN:  Call the meeting of the Owensboro Metropolitan Board of Adjustment to order.  
I want to welcome you all this evening.  
Set a couple of guidelines for conducting the meeting.  
If you have anything you wish to say, come to one of the microphones and be recognized.  You'll need to be sworn in and then we'll take your statement for the record.  Everybody will have the opportunity to be heard if you have anything to put in for the record.  
At this time we'll start with the first item.  Minutes of the last meeting.  They're on file
in the office. I don't think there's been any
problems or corrections discovered. What's the
board's pleasure on that?

MS. MASON: I make a motion that we
approve the minutes.

CHAIRMAN: There's been a motion made. Is
there a second?

MR. WILLIAMS: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item on the agenda please, sir.

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CONDITIONAL USE PERMITS

ITEM 2

1035 Frederica Street, in a B-4 zone (Map N-4)
Consider request for a Conditional Use Permit to
locate and operate an adult intermediate health care
facility with hours of operation from 6:00 a.m. until
7:00 p.m.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Commonwealth Properties, Terry Blake

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. All adjoining property
owners have been notified.
This is for an adult daycare facility within the existing building for a maximum of 99 persons and it's ready for your consideration.

CHAIRMAN: Thank you, sir.

Is there anyone here wishing to speak on the item either in favor of or against it?

(NO RESPONSE)

CHAIRMAN: Has there been any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there any conditions we need to put on the item or recommendations from the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: What's the board's pleasure on the item?

MR. PEDLEY: Mr. Chairman, hearing no opposition I make a motion for approval.

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

MS. MASON: Second.

CHAIRMAN: Any other discussion by the board?

(NO RESPONSE)

CHAIRMAN: If not, all in favor raise your right hand.
ITEM 3

1030 Oglesby Street, in an R-4DT zone (Map N-7) Consider request for a Conditional Use Permit for permanent placement of a 16'x62' Class B manufactured home.

Reference: Zoning Ordinance, Article 8, Section 8.2A10B, Section 8.4/7

Applicant: Herman Ann Wilson

MR. NOFFSINGER: Mr. Chairman, this application has been advertised for public hearing at this time. All adjoining property owners have been notified. Planning Staff reviewed the application. It appears to be in order. Planning Staff would like to have a few minutes to speak with the applicant on record to make sure they're aware of all installation requirements of manufactured housing prior to this board making the recommendation or taking final action.

CHAIRMAN: Is the applicant here?

MS. WILSON: Yes.

CHAIRMAN: Before you come forward, anyone wishing to object to this?

(NO RESPONSE)

CHAIRMAN: Any objections filed in the office?
MR. NOFFSINGER: Mr. Chairman, we have had one person call the office. They called today, telephone call, and they ask that we read this into the record.

This is a telephone call from Margaret Rose from Elizabethtown. It states, "Robert and Margaret Rose own property at 1026 Oglesby Street. They are opposed to placement of a manufactured home on the adjacent property. They have had difficulty with trash being put on their property."

CHAIRMAN: So noted. That is in the record.

Would you come forward and be sworn in by our attorney.

MR. ELLIOTT: State your name, please.


(HERMAN ANN WILSON SWORN BY ATTORNEY.)

MR. NOFFSINGER: Just want to make sure that our Staff has gone over the installation requirements for the manufactured home. Those would be the tires, tongue, wheel and axles are to be removed and it's to be skirted with a masonry or concrete type skirting around the perimeter of the manufactured home to give it a more permanent look to it. As well I see you have indicated on your site.
plan two parking spaces on the property, there will be
access via 10 foot rear alley. Those parking spaces
are to be paved.

MS. WILSON: Yes, sir.

MR. NOFFSINGER: There appears to be an
existing concrete sidewalk on the front of the
property.

MS. WILSON: Yes, sir.

MR. NOFFSINGER: That's all I have, Mr.
Chairman. Thank you.

CHAIRMAN: Do you understand?

MS. WILSON: Yes, sir.

CHAIRMAN: You have no problems with it?

MS. WILSON: No, sir.

CHAIRMAN: What's the board's pleasure on
this item?

MR. WILLIAMS: I make a motion we approve
this under the conditions that Gary mentioned.

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

MR. PEDLEY: Second.

CHAIRMAN: Is there any other discussion
by the board or questions?

(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.

MR. NOFFSINGER: Mr. Chairman, the next three items are related in nature.

ITEM 4

2023 West Second Street, in an I-2 zone (Map N-3) Consider request for a Conditional use Permit to locate and operate an automobile impound yard for storage of abandoned, dismantled, partially dismangled, obsolete or wrecked automobiles.

Reference: Zoning Ordinance, Article 8, Section 8.2G4/27

Applicant: Nick Cambron, d/b/a Owensboro Body Shop, Earl Mack and Nina Margaret Cambron

MR. NOFFSINGER: Mr. Chairman, this application has been advertised for public hearing at this time. All adjoining property owners have been notified. Planning Staff reviewed the application and the application appears to be in order. If this Conditional Use Permit is approved, it should be approved subject to the granting of variances in Items 4A and 4B on this agenda.

MR. PEDLEY: Mr. Chairman, I need to disqualify myself on these next three items for reason that the adjoining property is owned by my brother.

CHAIRMAN: So noted.

The applicant is here. Before we swear
him in, has there been any letters of objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Mr. Cambron, would you come in and be sworn in, please.

MR. ELLIOTT: State your name, please.

MR. CAMBRON: Nick Cambron.

(NICK CAMBRON SWORN BY ATTORNEY.)

MR. CAMBRON: Any questions you have I'll be more than happy to answer. Basically we're doing the same thing that we can do here as an accessory to the business that we have which is repair automobiles. There won't be any change on the property. Any questions be more than happy to answer.

CHAIRMAN: Is there anyone in the audience have any questions?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions of the applicant, comments or statements?

(NO RESPONSE)

CHAIRMAN: Chair will entertain a motion to dispose of it one way or the other.

MR. WILLIAMS: Mr. Chairman, I propose that we issue this Conditional Use Permit.

CHAIRMAN: You've heard the motion.
MR. WARREN: Second.

CHAIRMAN: Any other discussion?

(NO RESPONSE)

CHAIRMAN: You understand all of the
conditions and stuff that the Staff has gone over with
you?

MR. CAMBRON: Yes. There won't be a
vehicle left there any longer than 45 days. I think
I've discussed this with Mr. Noffsinger. Most of the
time these cars will be in and out of there within ten
days to two weeks.

CHAIRMAN: Thank you. Hearing no other
discussion or questions, all in favor of the item
raise your right hand.

(ALL BOARD MEMBERS PRESENT WITH THE
EXCEPTION OF MR. PEDLEY DISQUALIFYING HIMSELF
RESPONDED AYE.)

CHAIRMAN: Item Number 4 carries
unanimously. Now 4A.

Related Item:

ITEM 4A

2023 West Second Street, in an I-2 zone (Map N-3)
Consider request for a Variance to reduce the setback
from 300 feet to 0 feet for any building or outside
storage, loading or working areas adjacent to
residentially zoned property to the north.
Reference: Zoning Ordinance, Article 8, Section
8.2G4/27
Applicant: Nick Cambron d/b/a Owensboro Body Shop, Earl Mack and Nina Margaret Cambron

CHAIRMAN: Mr. Chairman, this grant request has been advertised for public hearing at this time. All adjoining property owners have been notified. It's ready for your consideration at this time. I believe all board members have received copies of the application and I'd be happy to answer any questions you may have.

CHAIRMAN: Again, has there been any objections to the variance?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Any board members have any comments or questions?

(NO RESPONSE)

CHAIRMAN: You have any other items you need to read into the record?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Chair will entertain a motion to dispose of 4A.

MR. WARREN: Based on the Staff's findings that it will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity or cause hazard or a nuisance to the public; and will not allow an
unreasonable circumvention of the requirements of the zoning regulations, I recommend granting the variance.

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

MR. WILLIAMS: Second.

CHAIRMAN: Motion been made and a second. Any other discussion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF MR. PEDLEY DISQUALIFYING HIMSELF RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Item 4B

ITEM 4B

2023 West Second Street, in an I-2 zone (Map N-3) Consider request for a Variance to reduce the setback from 100 feet to 0 feet for any building or outside storage, loading or working areas adjacent to properties that are zoned B-4 General Business. Reference: Zoning Ordinance, Article 8, Section 8.2G4/27 Applicant: Nick Cambron d/b/a Owensboro Body Shop, Earl Mack and Nina Margaret Cambron

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. Found to be in order and advertised for public hearing at this time. All adjoining property owners have been
CHAIRMAN: Been no objections filed in the office?

MR. NOFFSINGER: no, sir

CHAIRMAN: What's the board's pleasure?

Anything you want to add, Mr. Cambron?

MR. CAMBRON: No. Thank you Mr. Chairman.

MS. MASON: I make a motion that we approve it based on 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 an unreasonable circumvention of the requirements of the zoning regulations.

CHAIRMAN: Is there a second to the motion?

MR. WARREN: Second.

CHAIRMAN: Motion been made and a second.

Any other comments or questions from this board?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT WITH THE EXCEPTION OF MR. PEDLEY DISQUALIFYING HIMSELF RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

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VARIANCE

ITEM 5

3246 Majestic Prince, in an R-4DT zone (Map N-43)
Consider request for a Variance to reduce the required
building setback from other project boundary lines
from 20 feet to 15 feet in order to construct an
in-ground swimming pool on the property.
Reference: Zoning Ordinance, Article 10, Section
10.431
Applicant: Robert Donald and Debra Horton

MR. NOFFSINGER: Mr. Chairman, this
application has been advertised for public hearing at
this time. All adjoining property owners have been
notified. The application is in order. It's to
construct an in-ground swimming pool in the rear yard
of a particular piece of property that is part of a
plan residential development. In plan residential
developments there's a 20 foot non-project boundary
setback line. This would encroach upon that setback
by 5 feet. This setback is put in place for various
reasons. Most important would be to give a buffer, an
adequate buffer for non-project developments,
properties that aren't a part of a particular
development. Given circumstances the Board of
Adjustment has the ability to waive that setback.
This particular case we have not had any calls in the

Ohio Valley Reporting
(270) 683-7383
office from adjoining property owners or anyone in the area. So with that it's ready for your consideration.

CHAIRMAN: Is the applicant here?

MR. HORTON: Yes.

CHAIRMAN: Do you have anything you want to add?

MR. HORTON: No.

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

MR. PEDLEY: I'd like to have Mr. Horton step up to the podium, please.

CHAIRMAN: State your name for the record.

MR. HORTON: Robert Donald Horton.

(ROBERT DONALD HORTON SWORN BY ATTORNEY.)

MR. PEDLEY: Mr. Horton, I inspected your property this afternoon. I noticed there's a drainage swell from the end of that driveway, emergency drainage swell.

MR. HORTON: Yes, sir.

MR. PEDLEY: If we approve this, one thing you must make sure of that drainage swell it remains open.

MR. HORTON: Yes.

MR. PEDLEY: You encroach into it a little, then you move the drainage over and resod it.
MR. HORTON: I hope to improve that a little bit from what it's got right now to give a little bit more slope to it.

MR. PEDLEY: That's one of my concerns.

That's all I have.

CHAIRMAN: Any other board member have any questions or comments?

(NO RESPONSE)

MR. PEDLEY: Thank you.

CHAIRMAN: Thank you.

Hearing none Chair will entertain a motion to dispose of the item.

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

CHAIRMAN: Is there a second to the motion?

MS. MASON: Second.

CHAIRMAN: We have a second. Any other questions or comments from the board?

(NO RESPONSE)
CHAIRMAN: Hearing none all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Any other item to come before the board?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Chair will entertain one last motion.

MR. WARREN: Motion for adjournment.

MR. WILLIAMS: 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, LYNNETTE 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 16 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 17th day of June, 2001.

LYNNETTE 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

Ohio Valley Reporting
   (270) 683-7383