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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

NOVEMBER 1, 2001

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, November 1, 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
- Judy Dixon
- Tim Miller
- Bill Williams
- Ward Pedley
- Stewart Elliott
- Attorney

* * * * *

CHAIRMAN: Call the meeting of the Owensboro Board of Adjustments to order. I want to welcome you all this evening.

Set a few ground rules before we start. Anyone wishing to speak, come before one of the microphones. You need to be sworn in so we can get your statements on record in case there's a problem.

With that we'll proceed with the first item of business and that's consider the minutes of the October 4th meeting which are on record in the

1 office. There hasn't been any problems found with
2 them. Anybody have any questions?

3 (NO RESPONSE)

4 CHAIRMAN: If not, Chair will entertain a
5 motion to dispose of it.

6 MR. WARREN: Motion to approve the minutes
7 as written.

8 MS. MASON: Second.

9 CHAIRMAN: A motion has been made and a
10 second. All in favor say aye.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Next item, sir.

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15 CONDITIONAL USE PERMIT

16 ITEM 2

17 11235 Grandview Road, in an A-R zone (Map CO-61)
(POSTPONED)

18 Consider request for a Conditional Use Permit in order
19 to construct a 30-foot by 30-foot addition to the
existing church building.

Reference: Zoning Ordinance, Article 8, Section 8.2B4

20 Applicant: Dawson Memorial Baptist Church
21 c/o Jane Chrisler

22 MR. NOFFSINGER: Mr. Chairman, this
23 application has been reviewed by the Planning Staff.

24 It is found to be in order. The addition also
25 includes the construction of a parking lot for

1 approximately 19 vehicles on the property. This
2 parking lot will be screened from Grandview Road by a
3 three foot high continuous shrub element. One tree
4 per 40 feet and that will prohibit vehicles from
5 backing directly out onto Grandview Road and will
6 create a parking lot that will have controlled access.

7 I do remind the applicant that if this
8 Conditional Use Permit is approved, that prior to the
9 issuance of a building permit surety will have to be
10 posted for installation of landscape materials that
11 are shown on this plan.

12 Mr. Chairman, it's ready for your
13 consideration.

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

16 MR. NOFFSINGER: No, sir.

17 CHAIRMAN: Is there anyone wishing to
18 object to this Conditional Use Permit?

19 (NO RESPONSE)

20 CHAIRMAN: Does the applicant have
21 anything they wish to add or questions?

22 APPLICANT: No, sir.

23 CHAIRMAN: Any board member have any
24 questions or comments?

25 (NO RESPONSE)

1 MR. NOFFSINGER: Mr. Chairman, I would
2 like to present the board members each with a copy of
3 the revised site plan and ask that be entered into the
4 record.

5 CHAIRMAN: So ordered.

6 Hearing no questions or comments, Chair
7 will entertain a motion to dispose of the item.

8 MS. MASON: I make a motion that we
9 approve the Conditional Use Permit.

10 CHAIRMAN: Is there a second?

11 MR. WILLIAMS: Second.

12 CHAIRMAN: Any other discussion?

13 (NO RESPONSE)

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, sir.

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20 VARIANCES

21 ITEM 3

22 1201 Nicholas Drive, in a B-4 zone (Map N-63)
23 Consider request for a Variance to reduce the setback
24 from a residential zone from 100 feet to 30 feet in
25 order to construct a veterinarian office building and
dog runs.
Reference: Zoning Ordinance, Article 8, Section
8.216/35

1 Applicant: Dr. Chris Hyland, Dr. Ed Leach, and Bertha
2 Goetz Estate c/o Jim Goetz

3 MR. NOFFSINGER: Mr. Chairman, this
4 Variance request has been advertised for public
5 hearing at this time. All adjoining property owners
6 have been notified. The application has been reviewed
7 by the Planning Staff. Found to be in order and ready
8 for your consideration.

9 CHAIRMAN: Again, is there any objections
10 filed in the office?

11 MR. NOFFSINGER: No, sir.

12 CHAIRMAN: Is anyone in the audience
13 wishing to speak in opposition of this particular
14 item?

15 (NO RESPONSE)

16 CHAIRMAN: If not, does the applicant have
17 any comments they want to add on that?

18 APPLICANT: No.

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

21 (NO RESPONSE)

22 CHAIRMAN: Hearing none the Chair will
23 entertain a motion to dispose of the item.

24 MR. WILLIAMS: Mr. Chairman, I make a
25 motion we approve this Variance.

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

3 MS. DIXON: Second.

4 CHAIRMAN: Second been made. Any other
5 questions or comments from the board members?

6 MR. NOFFSINGER: Mr. Chairman, I would ask
7 that with that motion that findings as presented in
8 the application be entered into the record as the
9 basis for this variance.

10 CHAIRMAN: So ordered. You want to read
11 them in?

12 MR. NOFFSINGER: I think I should read
13 them.

14 In terms of findings in granting this
15 variance it will not adversely affect the public
16 health, safety or welfare; it will not alter the
17 essential character of the general vicinity; will not
18 cause a hazard or a nuisance to the public; will not
19 allow an unreasonable circumvention of the
20 requirements of the zoning regulations. These
21 findings are based upon the application as presented
22 to this board.

23 CHAIRMAN: You all have heard the findings
24 of facts. Any other questions or comments?

25 (NO RESPONSE)

1 CHAIRMAN: If not all in favor raise your
2 right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, please.

6 ITEM 4

7 2411 North York Street, in an R-1A zone (Map N-11)
8 Consider request for a Variance to reduce the side
9 yard building setback from 10 feet to 7.5 feet in
10 order to construct an addition to an existing
11 residence.

12 Reference: Zoning Ordinance, Article 8, Section
13 8.5.5(d)

14 Applicant: Byron H. & Virginia S. Omer

15

16 MR. NOFFSINGER: Mr. Chairman, this
17 application has been advertised for public hearing at
18 this time. All adjoining property owners have been
19 notified. The application has been reviewed by the
20 Planning Staff and it's found to be in order.
21 Planning Staff has prepared a recommendation. Each of
22 the board members has been presented a copy of this
23 recommendation. Should this variance be approved,
24 should be approved based upon specific findings of
25 fact.

26 MS. MASON: Mr. Chairman, I need to
27 disqualify myself from this item.

28 CHAIRMAN: Be noted in the record.

29 (MS. MASON DISQUALIFIES HERSELF FROM THIS

1 ITEM AND LEAVES THE ROOM AT THIS TIME.)

2 CHAIRMAN: Is there any objections filed
3 in the office on this application?

4 MR. NOFFSINGER: No, sir.

5 CHAIRMAN: Anyone in the audience wishing
6 to object to this?

7 (NO RESPONSES)

8 CHAIRMAN: Does the applicant have any
9 comments, if they're here, or questions?

10 (NO RESPONSE)

11 CHAIRMAN: Hearing none the Chair will
12 entertain a motion to dispose of the item.

13 MR. PEDLEY: Mr. Chairman, I make a motion
14 for approval based on findings it will not adversely
15 affect the public health, safety or welfare; will not
16 alter the essential character of the general vicinity;
17 will not cause a hazard or a nuisance to the public;
18 will not allow an unreasonable circumvention of the
19 requirements of the zoning regulations.

20 CHAIRMAN: Is there a second?

21 MS. DIXON: Second.

22 CHAIRMAN: Motion been made and a second.

23 Any other comments?

24 (NO RESPONSE)

25 CHAIRMAN: Hearing none all in favor raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Entertain one more motion.

5 MS. DIXON: Move to adjourn.

6 MR. WILLIAMS: Second.

7 CHAIRMAN: All in favor raise your right

8 hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Meeting is adjourned.

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1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for
4 the State of Kentucky at Large, do hereby certify that
5 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 9 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 13th day of November, 2001.

18

19

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

22 COMMISSION EXPIRES:
DECEMBER 19, 2002

23

COUNTY OF RESIDENCE:
24 DAVIESS COUNTY, KENTUCKY

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