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

(NO RESPONSE)

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

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

MS. MASON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, sir.

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CONDITIONAL USE PERMIT

ITEM 2

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

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

Reference: Zoning Ordinance, Article 8, Section 8.2B4

Applicant: Dawson Memorial Baptist Church
c/o Jane Chrisler

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It is found to be in order. The addition also includes the construction of a parking lot for
approximately 19 vehicles on the property. This parking lot will be screened from Grandview Road by a three foot high continuous shrub element. One tree per 40 feet and that will prohibit vehicles from backing directly out onto Grandview Road and will create a parking lot that will have controlled access.

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

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

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

MR. NOFFSINGER: No, sir.

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

(NO RESPONSE)

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

APPLICANT: No, sir.

CHAIRMAN: Any board member have any questions or comments?

(NO RESPONSE)
MR. NOFFSINGER: Mr. Chairman, I would like to present the board members each with a copy of the revised site plan and ask that be entered into the record.

CHAIRMAN: So ordered.

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

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

CHAIRMAN: Is there a second?

MR. WILLIAMS: 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, sir.

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VARIANCES

ITEM 3

1201 Nicholas Drive, in a B-4 zone (Map N-63) Consider request for a Variance to reduce the setback from a residential zone from 100 feet to 30 feet in order to construct a veterinarian office building and dog runs. Reference: Zoning Ordinance, Article 8, Section 8.216/35
Applicant: Dr. Chris Hyland, Dr. Ed Leach, and Bertha Goetz Estate c/o Jim Goetz

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

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

MR. NOFFSINGER: No, sir.

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

(NO RESPONSE)

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

APPLICANT: No.

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

(NO RESPONSE)

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

MR. WILLIAMS: Mr. Chairman, I make a motion we approve this Variance.
CHAIRMAN: You've heard the motion. Is there a second?

MS. DIXON: Second.

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

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

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

MR. NOFFSINGER: I think I should read them.

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

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

(NO RESPONSE)
CHAIRMAN: If not all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 4

2411 North York Street, in an R-1A zone (Map N-11) Consider request for a Variance to reduce the side yard building setback from 10 feet to 7.5 feet in order to construct an addition to an existing residence.
Reference: Zoning Ordinance, Article 8, Section 8.5.5(d)
Applicant: Byron H. & Virginia S. Omer

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

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

CHAIRMAN: Be noted in the record.

(MS. MASON DISQUALIFIES HERSELF FROM THIS Ohio Valley Reporting (270) 683-7383
ITEM AND LEAVES THE ROOM AT THIS TIME.)

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

MR. NOFFSINGER: No, sir.

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

(NO RESPONSES)

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

(NO RESPONSE)

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

MR. PEDLEY: Mr. Chairman, I make a motion for approval based on findings 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; will not allow an unreasonable circumvention of the requirements of the zoning regulations.

CHAIRMAN: Is there a second?

MS. DIXON: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Entertain one more motion.

MS. DIXON: Move to adjourn.

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

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 9 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 13th day of November, 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