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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

FEBRUARY 7, 2002

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, February 7, 2002, 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
Ward Pedley
Stewart Elliott
Attorney

* * * * *

CHAIRMAN: Let's call the meeting to order at this time.

First thing is to consider the minutes of the December 6th meeting. They're filed in the office. I don't think there's been any problems found with them, have there?

MR. NOFFSINGER: No, sir

CHAIRMAN: Entertain a motion to depose of the item.

MS. DIXON: Move to approve.

1 CHAIRMAN: Is there a second?

2 MR. MILLER: Second.

3 CHAIRMAN: All in favor raise your right
4 hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.

7 Next item on the agenda, since we didn't
8 meet in January we need to re-elect officers or elect
9 officers for the coming year.

10 MR. ELLIOTT: Mr. Chairman, the floor is
11 now open for nomination for the office of chairman for
12 the year 2002

13 MR. WARREN: I nominate Audie Pantle for
14 chairman.

15 MR. ELLIOTT: Do we have a second?

16 MS. MASON: Second.

17 MR. ELLIOTT: Are there any other
18 nominations?

19 (NO RESPONSE)

20 MR. PEDLEY: I make a motion the
21 nomination cease.

22 MR. ELLIOTT: Do we have a second?

23 MR. WARREN: Second.

24 MR. ELLIOTT: All in favor raise your
25 right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 MR. ELLIOTT: Mr. Pantle, you're now the
3 chairman for the next year.

4 Next office we have is office of vice
5 chairman. Do we have any nominations for vice
6 chairman?

7 MR. WARREN: Nominate Ward Pedley for vice
8 chairman.

9 MR. ELLIOTT: Do we have a second?

10 MS. MASON: Second.

11 MR. PANTLE: Move that nomination cease
12 and be elected back.

13 MR. ELLIOTT: We have a motion that
14 nomination cease. All in favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 MR. ELLIOTT: Next office we have is
17 office of secretary. The floor is now open for
18 nomination of secretary.

19 MR. MILLER: Nominate Ruth Ann Mason.

20 MR. PEDLEY: Second.

21 MR. PANTLE: Move that nomination cease
22 and she be elected back.

23 MR. ELLIOTT: Motion nomination cease.

24 All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 MR. ELLIOTT: We now have a secretary.
2 That ends the election, Mr. Chairman. Turn it back
3 over to you.

4 CHAIRMAN: I'll welcome all of you all to
5 the board meeting this evening. Set up a few
6 guidelines. Each one of you can if you have something
7 to say on a particular item, come to the podium.
8 You'll be recognized by the Chair and sworn in. We
9 want to be sure we get your testimony on record in
10 case we have to go to court on anything.

11 First item of business, Mr. Noffsinger,
12 please.

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14 CONDITIONAL USE PERMITS

15 ITEM 2

16 5760 US 60 West, in an A-R zone
17 Consider request to amend a Conditional Use Permit in
18 order to add an additional access point for the
19 outdoor and indoor arena with accessory retail sales
20 of horse related products.
Reference: Zoning Ordinance, Article 8, Section
8.2K7/42 and 8.2E3/45
Applicant: Steve Young, President, Cowboys of
Kentucky, Inc.

21 MR. NOFFSINGER: Mr. Chairman, this permit
22 has been advertised for public hearing at this time.
23 All adjoining property owners have been notified. I
24 believe this is self explanatory. I'll be happy to
25 answer any question that you may have.

1 CHAIRMAN: Been any objections or anything
2 filed in the office?

3 MR. NOFFSINGER: No, sir.

4 CHAIRMAN: Anyone in the audience wishing
5 to address this item for or against?

6 (NO RESPONSE)

7 CHAIRMAN: Hearing none the Chair will
8 entertain a notion to dispose of the item.

9 MR. PEDLEY: Mr. Chairman, I make a motion
10 for approval.

11 CHAIRMAN: Is there a second?

12 MS. DIXON: Second.

13 CHAIRMAN: Motion been made and a second.
14 Is there any other discussion?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Next item, please, sir.

21 ITEM 3

22 8135 Haynes Station Road, in an A-R zone
23 Consider request for a Conditional Use Permit to
24 operate an existing automobile race track and to
25 expand the existing race track by the addition of two
 concession stands, remodel of an existing concession
 stand and modification of the track layout.
 Reference: Zoning Ordinance, Article 8, Section

1 8.2F(3)
Applicant: Willie W. Stroup, Kentucky Motor Speedway

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ITEM 4

3

8135 Haynes Station Road, in an A-R zone

4 Consider request for a Conditional Use Permit to allow
5 a limited expansion in a floodway of an existing
6 automobile race track by the addition of two
7 concession stands, remodel of an existing concession
8 stand and modification of the track layout.

Reference: Zoning Ordinance, Article 18, Section

9 18-6(b)(2)(H), Section 18-5(b)(4), Section 18-4(3)

Applicant: Willie W. Stroup, Kentucky Motor Speedway

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9 MR. NOFFSINGER: Mr. Chairman, on Items 3

10 and 4 I have a letter in the application that was
11 submitted by Mr. Willie Stroup dated February 6, 2002.

12 "Dear Mr. Mischel, Please allow this
13 letter to serve as my request to postpone until the
14 next meeting in my application for a Conditional Use
15 Permit. Unfortunately my engineering company was
16 unable to complete their work. Please accept my
17 apologies for any problem this may have caused the
18 commission or any neighbor involved. Respectfully,
19 Willie Stroup."

20 Mr. Chairman, this item could be
21 considered for postponement tonight; however, there
22 may be some neighbors in the audience that wish to
23 speak.

24 CHAIRMAN: Anyone in the audience wishing
25 to address this particular item?

1 AUDIENCE: We just wanted to hear what he
2 had to say.

3 CHAIRMAN: Then the chair will entertain a
4 motion to postpone Items 3 and 4.

5 MS. DIXON: Move to postpone.

6 MS. MASON: Second.

7 CHAIRMAN: All in favor raise your right
8 hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item, please.

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13 ADMINISTRATIVE APPEAL

14 ITEM 5

15 302 East 20th Street, in an R-4DT zone
16 Consider request for an Administrative Appeal to
17 change one non-conforming use as a business to another
18 non-conforming business use.

19 Reference: Zoning Ordinance, Article 4, Section 4.53,
20 Article 7, Section 7.34 and 7.4

21 Applicant: Shiloh Barksdale, Tony Barksdale

22 MR. NOFFSINGER: Mr. Chairman, I believe
23 the applicant is in the audience tonight. He will
24 describe to this board the proposed use.

25 CHAIRMAN: Applicant come forward and be
sworn in, please.

MR. ELLIOTT: State your name please.

MR. BARKSDALE: Shiloh Barksdale.

1 (MR. SHILOH BARKSDALE SWORN BY ATTORNEY.)

2 MR. BARKSDALE: Up to now my dad has been
3 coming before you, but tonight he had an
4 administrative meeting to go to.

5 What I'm proposing is I have some extra
6 office space that I don't use for my business now and
7 I want to rent it out as a separate business. I do
8 have someone that is willing to move in there and pay
9 me the rent for it. They do their business by
10 appointment only, but the reason is I would like to
11 get the extra income so I can make it easier on
12 running my business and making my loan payment on this
13 property.

14 CHAIRMAN: Do any board member have any
15 questions of the applicant?

16 (NO RESPONSE)

17 CHAIRMAN: Staff have any comments or
18 questions.

19 MR. NOFFSINGER: Mr. Chairman, I would
20 like to read this in the record. It's from Shiloh
21 Barksdale.

22 "The business that has asked if they could
23 operate out of my building along with Dagmar Board
24 Shop is a tattoo establishment. This second business
25 would have the same operating hours as the skate shop,

1 Monday through Friday, 11 to 7, Saturday 11 to 6, and
2 close Sundays, with most of the business being done by
3 appointment only. Also the second business is a
4 two-man operation."

5 Just like to enter that into the record in
6 terms of the hours, operating hours and days for this
7 business.

8 CHAIRMAN: Mr. Mischel, will you come
9 forward and be sworn in, please.

10 MR. ELLIOTT: State your name for the
11 record, please.

12 MR. MISCHEL: Jim Mischel.

13 (MR. JIM MISCHEL SWORN BY ATTORNEY.)

14 MR. MISCHEL: I'd just like to let the
15 board know and maybe the owner here that if in the
16 future - - I think according to the ordinance if
17 another business goes out and another one comes in he
18 should come back in front of the board when they
19 change from one non-conforming use to another and I
20 think he understands that.

21 MR. BARKSDALE: Yes.

22 MR. MISCHEL: I would like to put that in
23 the record.

24 MR. NOFFSINGER: I have a question of Mr.
25 Mischel.

1 Mr. Mischel, I think the applicant has
2 documented in the file that there previously had been
3 two businesses operating in this location and there's
4 currently one business. What they're doing is adding
5 the second business, but they're going back on a
6 previous business that was there. There were two
7 businesses. Now there's one, but they want to go back
8 to two. This would be the maximum number of separate
9 businesses that could operate at this location, the
10 two businesses.

11 MR. MISCHEL: Yes. Just a little
12 background. The property is zoned R-4, but have a
13 history of businesses being there. That's why it's
14 non-conforming. The two businesses were located
15 there. They had some gravel parking. The owner has
16 agreed and he has installed paved parking. The
17 neighbors evidently don't have any objection to it.
18 When you are in a residential neighborhood if
19 non-conforming use if another business goes in and out
20 they have to come back to give the neighbors a chance
21 to hear what's going in there.

22 CHAIRMAN: Thank you, Mr. Mischel.

23 Does anyone in the audience wishing to
24 comment on this particular item?

25 (NO RESPONSE)

1 CHAIRMAN: The board have any questions of
2 the applicant?

3 (NO RESPONSE)

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

6 MR. MILLER: Mr. Chairman, since there's
7 no one here from the public opposing this and based on
8 the testimony given, I make a motion we approve the
9 non-conforming use.

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

12 MS. DIXON: Second.

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

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 Entertain one other motion.

21 MS. DIXON: Move to adjourn.

22 MS. MASON: Second.

23 CHAIRMAN: All in favor raise your right
24 hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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CHAIRMAN: Meeting is adjourned.

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

16 WITNESS my hand and notarial seal on this
17 the 11th day of February, 2002.

18

19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2002

24 COUNTY OF RESIDENCE:
25 DAVIESS COUNTY, KENTUCKY