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.
CHAIRMAN: Is there a second?

MR. MILLER: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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

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

MR. WARREN: I nominate Audie Pantle for chairman.

MR. ELLIOTT: Do we have a second?

MS. MASON: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

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

MR. ELLIOTT: Do we have a second?

MR. WARREN: Second.

MR. ELLIOTT: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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

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

MR. WARREN: Nominate Ward Pedley for vice
chairman.

MR. ELLIOTT: Do we have a second?

MS. MASON: Second.

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

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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

MR. MILLER: Nominate Ruth Ann Mason.

MR. PEDLEY: Second.

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

MR. ELLIOTT: Motion nomination cease.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
MR. ELLIOTT: We now have a secretary.

That ends the election, Mr. Chairman. Turn it back over to you.

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

First item of business, Mr. Noffsinger, please.

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CONDITIONAL USE PERMITS

ITEM 2

5760 US 60 West, in an A-R zone
Consider request to amend a Conditional Use Permit in order to add an additional access point for the outdoor and indoor arena with accessory retail sales 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.

MR. NOFFSINGER: Mr. Chairman, this permit has been advertised for public hearing at this time. All adjoining property owners have been notified. I believe this is self explanatory. I'll be happy to answer any question that you may have.
CHAIRMAN: Been any objections or anything filed in the office?

MR. NOFFSINGER: No, sir.

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

(NO RESPONSE)

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

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

CHAIRMAN: Is there a second?

MS. DIXON: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please, sir.

ITEM 3

8135 Haynes Station Road, in an A-R zone Consider request for a Conditional Use Permit to operate an existing automobile race track and to 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
ITEM 4

8135 Haynes Station Road, in an A-R zone
Consider request for a Conditional Use Permit to allow a limited expansion in a floodway of an existing automobile 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 18, Section 18-6(b)(2)(H), Section 18-5(b)(4), Section 18-4(3)
Applicant: Willie W. Stroup, Kentucky Motor Speedway

MR. NOFFSINGER: Mr. Chairman, on Items 3 and 4 I have a letter in the application that was submitted by Mr. Willie Stroup dated February 6, 2002.

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

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

CHAIRMAN: Anyone in the audience wishing to address this particular item?
AUDIENCE: We just wanted to hear what he had to say.

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

MS. DIXON: Move to postpone.

MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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ADMINISTRATIVE APPEAL

ITEM 5

302 East 20th Street, in an R-4DT zone
Consider request for an Administrative Appeal to change one non-conforming use as a business to another non-conforming business use.
Reference: Zoning Ordinance, Article 4, Section 4.53, Article 7, Section 7.34 and 7.4
Applicant: Shiloh Barksdale, Tony Barksdale

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

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

MR. ELLIOTT: State your name please.

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

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

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

(NO RESPONSE)

CHAIRMAN: Staff have any comments or questions.

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

"The business that has asked if they could operate out of my building along with Dagmar Board Shop is a tattoo establishment. This second business would have the same operating hours as the skate shop,
Monday through Friday, 11 to 7, Saturday 11 to 6, and close Sundays, with most of the business being done by appointment only. Also the second business is a two-man operation."

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

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

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

MR. MISCHEL: Jim Mischel.

(MR. JIM MISCHEL SWORN BY ATTORNEY.)

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

MR. BARKSDALE: Yes.

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

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

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

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

CHAIRMAN: Thank you, Mr. Mischel. Does anyone in the audience wishing to comment on this particular item?

(NO RESPONSE)
CHAIRMAN: The board have any questions of the applicant?

(NO RESPONSE)

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

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

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

MS. DIXON: Second.

CHAIRMAN: Motion been made and a second.

Any other discussion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Entertain one other motion.

MS. DIXON: Move to adjourn.

MS. MASON: 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 12 typewritten pages; and that no signature
was requested to the foregoing transcript.

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

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