OWENSBORO METROPOLITAN
BOARD OF ADJUSTMENT

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

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. I want to welcome all of you this evening. We've got a few rules that we try to follow. Anyone
that wishes to be heard, come to one of the microphones, be sworn in, and then you present your side of the story, whatever it may be. With that, we'll go on to our agenda.

ITEM 1
Consider the minutes of the last meeting.

CHAIRMAN: The first item on the agenda is the minutes of last meeting. They're on record in the office. I don't think there's been any problems.

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there any corrections that needed to be added to them? If not, I'll entertain the motion to dispose of the item.

MS. DIXON: Move to approve.

CHAIRMAN: Motion made. Is there a second?

MR. WARREN: Second.

CHAIRMAN: Motion been made in the second. All in favor of the minutes as they are in the office, raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign. Motion carries unanimously.

Ohio Valley Reporting
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Next item, please, sir.

CONDITIONAL USE PERMITS

ITEM 2
3415 Buckland Square in an R-3MF zone (Map N-65)
Consider request to amend a Conditional Use Permit to permit a vinyl or wood screen fence as screening for the public community center. Reference: Zoning Ordinance, Article 8, Section 8.2B(7)
Applicant: Cliff Hagan Boys & Girls Club, William O'Bryan Wright, O'Bryan Heirs

MR. NOFFSINGER: Item No. 2 is 3415 Buckland Square in an R3-MF zone. Consider request to amend a Conditional Use Permit to permit a vinyl or wood screen fence as screening from the public community center. Reference: This is zoning ordinance Article 8, Section 8.2B(7). The applicant is Cliff Hagan Boys & Girls Club, William O'Bryan Wright, O'Bryan Heirs.

Mr. Chairman, this Conditional Use Permit application has been advertised for public hearing at this time, and all adjoining property owners have been notified, and it's ready for your consideration.

CHAIRMAN: Is there -- before we start
with the one that's asking for the Conditional Use Permit, is there anyone in the audience wishing to object to this? If not, do you all want to present your conditional request, please? State your name.

MS. HUBBS: My name is Emily Hubs, and I'm representing the Cliff Hagan Boys & Girls Club.

MR. ELLIOTT: I need to swear you in, Ms. Hubbs.

(MS. EMILY HUBBS SWORN BY ATTORNEY.)

MS. HUBBS: And I would just like to answer any questions you all have about it.

CHAIRMAN: Okay.

MS. HUBBS: Like you said, we are requesting --

MR. WARREN: Ms. Hubbs, would you mind pulling the microphone up just a little? I can't --

MS. HUBBS: Sure.

MR. WARREN: Thank you.

MS. HUBBS: They're requesting that it be said we can use vinyl or wood for the screen fence around the property.

CHAIRMAN: Do any Board members have any
questions of the applicant? Anyone in the
audience have any questions?

(NO RESPONSE.)

CHAIRMAN: Hearing none, I'll -- the
Chair will entertain a motion to dispose of the
item.

MR. WILLIAMS: Motion to approve.

MS. MASON: Second.

CHAIRMAN: Any other discussion? All in
favor, raise your right hand. Opposed, like
sign.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. You can go
vinyl or wood. Thank you. Next item, please,
sir.

Item 3
101 Daviess Street, in a B-2 zone (Map N-4)
(POSTPONED)
Consider request for a Conditional Use Permit to
construct a new RiverPark Center patio in a
floodway.
Reference: Zoning Ordinance, Article 8, Section
18-6(b)(2)(a)
Applicant: City of Owensboro, RiverPark Centers

MR. NOFFSINGER: Item No. 3, 101 Daviess Street in a (b) (2) zone. This was postponed from our last meeting. Consider request for a
Conditional Use Permit to construct a new RiverPark Center patio in a floodway. Reference is zoning ordinance Article 8, Section 18-6 (b)(2)(a). The applicant is the City of Owensboro, RiverPark Center.

Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. Adjoining property owners were previously notified as well as it had previously been advertised for public hearing. The application includes a no-impact statement from a professional engineer regarding the floodway as well as the Division of Water Approval.

And with that, it's ready for your consideration.

CHAIRMAN: Is there any objection to this clause?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is anyone in the audience wishing to object to this item? Is the applicant here and wish to make any statements? Any Board members have any comments? Terry, I'll entertain a motion to dispose of the item.

MS. DIXON: Move to approve.

CHAIRMAN: Is there a second?
MR. WARREN: Second.

CHAIRMAN: Motion made in the second.

Any other discussion? All in favor, raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign. Motion carries.

Next item, please, sir.

ITEM No. 4
3095 Girl Scout Road, in an A-R zone (Map CO-58)
Consider request for a Conditional Use Permit in order to operate an existing Girl Scout Camp and to replace the existing lodge building on the campgrounds.
Reference: Zoning Ordinance, Article 8, Section 8.2K(7)
Applicant: Frances Fach, Kentuckiana Girl Scout Council, Inc.

MR. NOFFSINGER: Item No. 4 is 3095 Girl Scout Road in an A-R zone. Consider request for a Conditional Use Permit in order to operate an existing Girl Scout Camp and to replace the existing lodge building on the campground. The reference is Zoning Ordinance, Article 8, Section 8.2K(7). The applicant is Frances Fach, Kentuckiana Girl Scout Council, Inc.

Mr. Chairman, this application has been reviewed by the Planning Staff, found to be in
order. It has been advertised for public hearing at this time, and all adjoining property owners have been notified.

CHAIRMAN: Is there anyone wishing to object? Is there any notices or any objection in the office, sir?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is the applicant here and wish to make any statements? Any Board members have any questions, comments?

(NO RESPONSE.)

CHAIRMAN: Hearing none, I'll entertain a motion to dispose of the item.

MR. MILLER: Motion to approve.

MS. DIXON: Second.

CHAIRMAN: Motion been made and a second. Any other discussion? Hearing none, all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONSDED AYE.)

CHAIRMAN: Opposed, like sign. Motion carries unanimously.

Next item, please.

ITEM 5
2101 KY 554, in an R-1A, A-R zone (Map CO-37)
Consider a request for a Conditional Use Permit to place a Class B Manufactured Home for the use Ohio Valley Reporting
(270) 683-7383
as a church parsonage on the existing church property.
Reference: Zoning Ordinance, Article 8, Section 8.2A10B, 8.2B4
Applicant: First Church of God, Robert Ketterman, Treasurer

MR. NOFFSINGER: Item No. 5 is 2101 Kentucky 554 in an R-1A, A-R zone. Consider request for a Conditional Use Permit to place a Class D manufactured home for use as a church parsonage on the existing church property. The reference is Zoning Ordinance, Article 8, Section 8.2A10B, 8.2B4. The applicant is the First Church of God, Robert Ketterman, Treasurer.

Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. All adjoining property owners have been notified, and the application has been advertised for public hearing at this time.

The home that's proposed to be placed on the property is -- well, appears to be, let's see. I'm sorry. I do not have that information I see in the file. We will need to know the size of the home that's being proposed on the property.

MR. WARREN: It says 14 by 70.

MR. NOFFSINGER: 14 by 70, I'm sorry.
And with that, it's ready for your consideration.

CHAIRMAN: Do you have any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone in the audience wishing to object to this? Is the applicant here?

MR. KETTERMAN: Yes.

CHAIRMAN: Do you have anything you want to add to the record, sir? Come in and be sworn in, please, sir.

MR. ELLIOTT: State your name, please.

MR. KETTERMAN: Robert I. Ketterman.

(MR. ROBERT KETTERMAN SWORN BY ATTORNEY.)

MR. KETTERMAN: Kind of one reason we'd like to put it there is for security. We're having trouble with people coming in the parking lot and doing donuts. And if we have somebody there living, we can probably stop that problem.

MR. NOFFSINGER: I do have one question. The home, how far off of rear property line will that be.

MR. KETTERMAN: I think it shows 25 feet.

MR. NOFFSINGER: 25 feet? That looks
like it's off the side property line. You're
showing 12 feet off the rear.

MR. KETTERMAN: Yeah, it's 12.

MR. NOFFSINGER: Okay. We need to have
the staff person, Jim Mischel, address the rear
yard setback, please.

MR. ELLIOTT: State your name, please.

MR. MISCHEL: Jim Mischel.

(MR. JIM MISCHEL WAS SWORN BY ATTORNEY.)

MR. MISCHEL: Yes, the required setback
on the rear yard would be 20 feet. I also notice
that this property has two zones, R-1A and A-R
zone. I believe the rear of the property is an
A-R zone. And if that's so, there's different
standards in that R-1A zone as far as a
single-wide mobile home.

And I think that towards the front of
the property in that R-1A zone, we would have to
have a concrete block foundation and a few other
things. But this is on the back of the property.
It should be okay, but I don't know. But it does
require a 20-foot setback.

CHAIRMAN: Okay. So -- thank you, Jim.

MR. NOFFSINGER: Let the record show
that the cite plan should reflect a 20-foot rear
yard setback as opposed to the 12 foot setback that's shown.

CHAIRMAN: Do you understand that and can meet that, satisfied?

MR. KETTERMAN: Yes, sir. We have no problem with that.

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

(NO RESPONSE.)

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

MR. PEDLEY: Motion to approve.

MR. WILLIAMS: Second.

CHAIRMAN: Motion been made in the second. Is there any other discussion? There appears to be none. All in favor, raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign. Motion carries. Next item, please, sir.

VARIANCES

Item 6
2425 Fredrica Street, in a B-4 zone (Map N-8)
Consider request for Variance to reduce the required roadway buffer along Fredrica Street
Ohio Valley Reporting
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from 60 feet from the centerline to 34 feet from the centerline. 
Reference: Zoning Ordinance, Article 13, Section 13.6221
Applicant: Independence Bank of Kentucky, Inc., J. Frank Hartz Testamentary Trust c/o Maxine G. & Max S. Hartz Trustees

MR. NOFFSINGER: The Variances, Item No. 6, 2425 Fredrica Street in a B-4 zone. Consider request for a Variance to reduce the required roadway buffer along Fredrica Street from 60 feet from the centerline to 34 feet from the centerline. Reference is Zoning Ordinance, Article 13, Section 13.6221. The applicant is Independence Bank of Kentucky, Inc., J. Frank Hartz Testamentary Trust, c/o of Maxine G. & Max S. Hartz Trustees.

Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. All adjoining property owners have been notified, and it has been advertised for public hearing at this time.

I believe the applicant is present as well as represented by counsel tonight to answer any questions you might have.

CHAIRMAN: Is there any objections filed in the office?
MR. NOFFSINGER: No, sir.

CHAIRMAN: I don't see anyone else left in the audience to object. Does the applicant have anything they want to add?

AUDIENCE MEMBER: Only if there's any questions.

CHAIRMAN: Does any Board member have any questions of the applicant?

MR. NOFFSINGER: Mr. Chairman, the Planning Staff will be making a recommendation for approval on this item. And if it please the Board, would like to read the findings as well as the conditions that we would recommend.

CHAIRMAN: Okay. Go to it.

MR. NOFFSINGER: Findings in support of this Variance would be that 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 nuisance to the public and will not allow unreasonable circumvention of the requirements of the zoning regulations.

Approval conditions: 1) Consolidation of all lots to create a single lot, 2) Closing of the public alley right-of-way running through the

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site that runs, I believe, between 24th and 25th
Street, and OMPC approval of a development plan.

CHAIRMAN: Does that meet with the
applicant's approval?

MR. THACKER: Yes, it does. The
conditions are acceptable.

CHAIRMAN: Do you have anything else you
want to add to it?

MR. THACKER: No.

CHAIRMAN: Do any Board members have any
questions of the applicant?

(NO RESPONSE.)

CHAIRMAN: Hearing none, I'll entertain
a motion to dispose of the item.

MR. PEDLEY: Motion to approve.

CHAIRMAN: Second?

MS. DIXON: Second.

CHAIRMAN: This will be subject to
findings of facts and conditions.

MS. MASON: I second.

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

(NO RESPONSE.)

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign. Motion carries. Next item, please.

Item 7
3601 Fredrica Street, in a B-4 zone (Map N24)
Consider request for a Variance to reduce the required roadway buffer along Fredrica Street from 60 feet from the street centerline to 43 feet from the street centerline.
Reference: Zoning Ordinance, Article 13, Section 13.6221
Applicant: Massie - Clark Development Co., Inc.

MR. NOFFSINGER: Item No. 7 is 3601 Fredrica Street in a B-4 zone. Consider request for a Variance to reduce the required roadway buffer along Fredrica Street from 60 feet from the street centerline to 43 feet from the street centerline. The reference is Zoning Ordinance, Article 13, Section 13.6221. The applicant is Massie - Clark Development Company, Inc.

Mr. Chairman, the Planning Staff has reviewed this application. It's found to be in order. All adjoining property owners have been notified, and it has been advertised for public hearing at this time. The Planning Staff will be making a recommendation for approval on this particular item with the findings that it will
not adversely affect the public health, safety or
closest to the essential character
of the general vicinity; will not cause a hazard
or a nuisance to the public; will not allow an
unreasonable circumvention and requirements of
the zoning regulations.

CHAIRMAN: Is there any objections filed
in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone representing the
applicant? Okay. Do you have any comments you
want to make, sir?

AUDIENCE MEMBER: No, sir.

CHAIRMAN: Any Board member have any
comments or questions of the applicant?

MR. PEDLEY: Mr. Chairman, make a motion
for approval based on the facts stated by Mr.
Noffsinger.

CHAIRMAN: Okay. Is there a second?

MS. DIXON: Second.

MR. WARREN: Second.

CHAIRMAN: Any other discussion? All in
favor, raise your right hand.

(ALL BOARD MEMBER PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign. Motion
carries. Any other business, sir?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion for

adjournment.

MS. DIXON: Motion to adjourn.

CHAIRMAN: All in favor, stand up and

proceed.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF HENDERSON)

I, CYNTHIA D. AMBROUS, 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 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 19 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this, the 28th day of May, 2002.

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CYNTHIA D. AMBROUS, NOTARY PUBLIC

OHIO VALLEY REPORTING SERVICE
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