The Owensboro Metropolitan Board of
Adjustment met in regular session at 6:00 p.m. on
Thursday, December 5, 2002, at City Hall, Commission
Chambers, Owensboro, Kentucky, and the proceedings
were as follows:

MEMBERS PRESENT:  C. A. Pantle, Chairman
                      Becky Stone
                      Marty Warren
                      Ruth Ann Mason
                      Judy Dixon
                      Tim Miller
                      Bill Williams
                      Ward Pedley
                      Stewart Elliott
                      Attorney

CHAIRMAN:  Want to call the Owensboro
            Metropolitan Board of Adjust to order.

            Want to welcome you all tonight. Set some
guidelines. I think I've repeated these to you
before, Mr. Kamuf. We'll come to the microphone, be
sworn in so she can get all the information down for
the record. Everybody will have a chance to be heard.
With that we'll proceed.

First item on the agenda is to consider
the minutes of the last meeting. They're on file in

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the office. I don't think there's been any problems
have been found with them, have they?

MS. STONE: No.

CHAIRMAN: Entertain a motion.

MR. WILLIAMS: Motion to approve.

MS. MASON: Second.

CHAIRMAN: A motion has been made and a
second has been made. All in favor raise your right
hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item on the agenda, Becky.

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CONDITIONAL USE PERMITS

ITEM 2

1920 McFarland Avenue, in an I-2 zone
Consider request for a Conditional Use Permit to
operate an impound yard or yard for storage of
abandoned, dismantled, partially dismantled, obsolete
or wrecked automobiles.
Reference: Zoning Ordinance, Article 8,
Section 8.2G4/27
Applicant: West Side Auto Parts, Inc., Henry E.
Phillips, and Mary E. Posey

MS. STONE: This item has been advertised.

Adjoining property owners have been notified. It's
ready for your consideration.

The property has just recently been
rezoned from B-4 to I-2. The Planning Commission

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attached to that rezoning a number of conditions which
I would like to read into the record.

1) Driveway access shall be limited to
one access point onto Old Henderson Road, not to
exceed 50 feet in width at the property line;

2) Driveway access on Old Henderson Road
shall be paved to a minimum distance of 50-feet inside
the property boundary;

3) The existing driveway access on
McFarland Avenue shall be closed, and the entire
frontage on McFarland shall be maintained and screened
with a minimum 8-foot high continuous solid element
with one tree per 40-feet of linear boundary to be
located outside of the required roadway buffer;

4) The gravel in the area between the
street pavement on McFarland Avenue and the fence
boundary shall be removed and the area returned to
grass;

5) The applicant shall apply for a
conditional use permit and variances from the required
setback buffers from the Owensboro Metropolitan Board
of Adjustment. Unless these items are approved, the
property may not be used for the proposed use;

6) Existing fencing around the property
on the east, west and south boundaries shall be
replaced with a minimum 8-foot high boundary and
maintained;

7) Storage of vehicles or materials on
the site may not exceed the height of the fencing
surrounding the property;

8) All conditions must be met prior to
the use of the subject property for the storage of
vehicles;

9) A pest control plan must be
implemented annually.

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

MS. STONE: No, sir.

CHAIRMAN: Anyone in the audience wishing
to object?

(NO RESPONSE)

CHAIRMAN: If not, does the applicant want
to come forward and add anything to it?

MR. ELLIOTT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: I think Becky has stated it
completely. The property has recently been rezoned to
I-2. We agreed to those conditions that are set out.
We're in agreement.
CHAIRMAN: Any board member have any questions of the applicant?

(NO RESPONSE.)

MR. KAMUF: I have some charts of it if you want to see what we're talking about. I think Becky understands it completely.

MS. STONE: I didn't mention that the site plan, they have submitted a site plan with this Conditional Use Permit requesting also the variance requested. That site plan does reflect the intent to adhere to these conditions.

CHAIRMAN: Any board member have any questions or comments?

(NO RESPONSE)

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

MS. DIXON: Move to approve subject to the nine conditions proposed by the Planning Commission of the October meeting.

CHAIRMAN: So noted. Is there a second to the motion?

MR. MILLER: 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, Becky.

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VARIANCE

ITEM 3

1920 McFarland Avenue, in an I-2 zone
Consider request for a Variance to waive the buffer
requirements to operate an impound yard or yard for
storage of abandoned, dismantled, partially
dismantled, obsolete or wrecked automobiles. The
request proposes a 95-foot setback from residential
property to the north, 0-foot setback from residential
property to the west and 0-foot setback from general
business property to the east.
Reference: Zoning Ordinance, Article 8,
Section 8.2G4/27
Applicant: West Side Auto Parts, Inc., Henry E.
Phillips and Mary E. Posey

MS. STONE: The item has been advertised
for public hearing. All adjoining property owners
have been notified and it's ready for your
consideration.

CHAIRMAN: The conditions you read awhile
ago be tied to the variance too?

MS. STONE: The staff had recommended that
all conditions attached to the zoning change request
shall be in places before any vehicles are stored on
the subject property as a condition of approval.

CHAIRMAN: The applicant have anything he
wish to add on?

MR. KAMUF: No, I don't, Mr. Chairman.

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. PEDLEY: Mr. Chairman, I make a motion for approval for reason it will not adversely affect the public health, safety and welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; will not allow an unreasonable circumvention of the requirements of the Zoning Regulations; with all conditions attached to the zoning change request shall be in place before any vehicles are stored on the subject property.

MR. WARREN: Second.

CHAIRMAN: A motion has been made and a second. Any other discussion or comment?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
Next item.

MR. WILLIAMS: Motion to adjourn.

MS. DIXON: Second.

CHAIRMAN: Before I entertain that, being this is the last meeting before Christmas, Merry Christmas and Happy New Year to all of you.

All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Meeting is adjourned.

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STATE OF KENTUCKY)
      ) SS: REPORTER'S CERTIFICATE
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 8 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 6th day of December, 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

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