The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, February 6, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  C. A. Pantle, Chairman
Gary Noffsinger, Planning Director
Ruth Ann Mason
Judy Dixon
Tim Miller
Sean Dysinger
Ward Pedley
Stewart Elliott
Attorney

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CHAIRMAN:  Call the Owensboro Metropolitan Board of Adjustment to order. Want to welcome you all this evening. Set a couple of guidelines.

If you have any comments or anything you want to say, come to the microphone and be sworn in and then address the chair and we'll try to come up with the answers or whatever you have to say will be put in for the record. We want to be sure and get it in the record with our court reporter.

First item on the agenda this evening is

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the minutes of last January 2nd meeting. They're on record in the office. I don't think there's been any problems found with any of them or any additions that need to be made.

MR. NOFFSINGER: That's correct.

CHAIRMAN: Entertain a motion to dispose of them.

MS. DIXON: Move to approve.

CHAIRMAN: Motion been made to approve without reading.

MR. MILLER: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item please, sir.

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CONDITIONAL USE PERMITS

ITEM 2

2200 East Parrish Avenue, Lot A, in a P-1 zone Consider request for a Conditional Use Permit to operate an ambulatory surgical center consisting of approximately 8,000 square feet within Building A on Lot A of The Springs Centre. Reference: Zoning Ordinance, Article 8, Section 8.2C1 Applicant: RealMed, LLC, c/o Physicians Affiliated Care, PSC, Shirish N. Patel, M.D.

MR. NOFFSINGER: Mr. Chairman, this

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application has been advertised for public hearing at this time and all adjoining property owners have been notified. Planning Staff has reviewed this application. Found to be in order.

If you do approve this Conditional Use Permit application, it should be approved with the condition that it be consistent within Certificate of Need issued by the State of Kentucky and that Certificate of Need Number 030-03-3562-2.

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

MR. NOFFSINGER: No, sir. That Certificate of Need is filed in our application.

CHAIRMAN: Anyone wishing to speak in opposition to this particular item?

(NO RESPONSE)

CHAIRMAN: Does the applicant have anything they'd like to add to it?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions they would like to ask?

(NO RESPONSE)

CHAIRMAN: Hearing none, do I hear a motion to dispose of the item?

MS. DIXON: Move to approve with the...
condition that it is consistent with the Certificate of Need issued by the state.

CHAIRMAN: Is there a second?

MS. MASON: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

VARIANCES

ITEM 3

1302 Allen Street, in an R-4DT zone
Consider request for a Variance to reduce the side-yard building setback from 3 feet to 2 feet 5 inches (29") along the south property line in order to construct a detached enclosed accessory building (garage).

Reference: Zoning Ordinance, Article 3, Section 3-7(b)(2)

Applicant: Jason & Kate Higdon, William & Nancy Higdon

MR. NOFFSINGER: Mr. Chairman, this Variance has been advertised for public hearing at this time and all adjoining property owners have been notified. The application has been reviewed by the
Planning Staff. Found to be in order. The Planning Staff had prepared a review of the application for your review. We are recommending approval for the findings that we have described.

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

MR. NOFFSINGER: No, sir. In fact, there have been two letters from adjoining property owners that have been in support of the variance.

CHAIRMAN: Is there anyone in the audience wishing to speak in objection to it?

(NO RESPONSE)

CHAIRMAN: Does the applicant have anything they'd like to add to it?

(NO RESPONSE)

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: 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 to the
motion?

MR. DYSINGER: Second.

CHAIRMAN: Any other questions or
comments?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please, sir.

ITEM 4

910 West Second Street, in an R-4DT zone (POSTPONED)
Consider request for a Variance to reduce the
side-yard building setback from 5 feet to 3 feet along
the west property line in order to construct a new
single-family residence.
Reference: Zoning Ordinance, Article 8,
Section 8.5.11(d)
Applicant: Brad Hutchins, Richard & Rita Collinsworth

MR. NOFFSINGER: Mr. Chairman, this
application has been been revised and re-advertised to
show the setback on the west property line at 3 feet
and the setback on the east property line of 5 feet.
This will provide a common share or room for a common
shared driveway off of Second Street between the
property at 906 and 910 West Second Street. Parking will be provided to the rear of these two structures. If you do approve this Variance, we recommend it be approved with the findings so stated in the Staff review and condition upon parking being provided to the rear of the property owner.

CHAIRMAN: Anybody have questions of the Staff?

(NO RESPONSE)

CHAIRMAN: Entertain a motion to dispose of the item.

MR. MILLER: Mr. Chairman, motion to approve since granting this Variance 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; and with the condition that parking be provided to the rear only.

CHAIRMAN: Is there a second?

MS. DIXON: 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.

I need one last motion.

MR. MILLER: Motion to adjourn.

MS. DIXON: 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)
) 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 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, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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