The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, May 1, 2003, 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
Sean Dysinger
Stewart Elliott
Attorney

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CHAIRMAN:  Call the Metropolitan Board of Adjustment to order. We're going to start and continue from now on to start our meeting opening with a prayer and the pledge of allegiance. If you all so desire, you may join us.

With that I'll ask Ruth Ann Mason to lead us in prayer this evening, please.

(PRAYER AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  With that I want to welcome you all to the Owensboro Metropolitan Board of Adjustment meeting and set up a couple of guidelines.
The microphones are out of service tonight so you all will have to speak loud, but come up to the podium and speak from there if you would, please. We'll recognize all of you for anything that you need to say. If you start saying the same thing over and over two or three of you, we'll cut it off.

With that we'll start with the minutes of the last meeting, April 10th. They're on record in the office. There's been no mistakes as we know of that has been found. If nobody has anything to add, entertain a motion to approve as they're on file.

MS. DIXON: Move to approve.

CHAIRMAN: Is there a second?

MR. DYSINGER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

The first item on the business, would you present it, please.

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CONDITIONAL USE PERMITS

ITEM 2

322 Clay Street, in a B-2 zone
Consider request for a Conditional Use Permit to operate a residential transitional living facility

Ohio Valley Reporting
(270) 683-7383
within an existing structure.

Reference: Zoning Ordinance, Article 8, Section 8.2C1
Applicant: Roger Stacy, Victory Properties, LLC, and Joseph R. Hoffman

MR. NOFFSINGER: Mr. Chairman, this application has been reviewed by the Planning Staff. It's found to be in order. I only have one question and that relates to the maximum number of occupants that would be at this facility at any one time.

MR. STACY: We have eight.

MR. NOFFSINGER: Eight maximum?

MR. STACY: Yes.

CHAIRMAN: Would you state your name for the record?

MR. STACY: Roger Stacy.

(MR. ROGER STACY SWORN BY ATTORNEY.)

CHAIRMAN: Before we go any further, has there been any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Does anyone in the audience wishing to object?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Hearing none the Chair will
enter a motion to dispose of the item.

MR. WARREN: Motion to grant the Conditional Use Permit.

CHAIRMAN: There's been a motion made. Is there a second?

MS. DIXON: Second.

CHAIRMAN: Any other discussion?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: If not, everyone in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

ITEM 3

8311 Old KY 54, in an A-R zone
Consider request for a Conditional Use Permit to operate a 200 square foot beauty salon with two operators with an existing residence.
Reference: Zoning Ordinance, Article 8, Section 8.2D3
Applicant: Lana Holton, Jason Cory Holton

MR. NOFFSINGER: Mr. Chairman, this application is self-explanatory and is ready for consideration.

CHAIRMAN: Any objections filed in the
MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone wishing to object?

(NO RESPONSE)

CHAIRMAN: Any member have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Chair will entertain a motion to dispose of the item.

MS. DIXON: Move to approve.

CHAIRMAN: Motion been made for approval.

Is there a second?

MR. WARREN: Second.

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

ITEM 4

9351 Sauer Lane, in an A-R zone
Consider request for a Conditional Use Permit to amend a conditional use permit to expand existing retail space with an 18.8-foot by 60.7-foot addition.

Reference: Zoning Ordinance, Article 8, Section 8.2E3

Applicant: Carl & Brenda Millay
Ohio Valley Reporting
(270) 683-7383
MR. NOFFSINGER: Mr. Chairman, this application is in order and ready for consideration.

CHAIRMAN: Again, has there been any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is anyone wishing to object this evening?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Does the applicant have anything they want to add to it?

(NO RESPONSE)

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

MS. MASON: Make a motion for approval.

CHAIRMAN: Is there a second?

MR. DYSINGER: Second.

CHAIRMAN: Any other discussions 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.

ITEM 5

815 Triplett Street, in a P-1 zone
Consider request for a Conditional Use Permit to
amend a conditional use permit in order to relocate
existing day care facilities to Weidman Hall to serve
a maximum of 100 children.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Wendell Foster's Campus for Development
Disabilities, Inc.

MR. NOFFSINGER: Mr. Chairman, this
application is in order and ready for consideration.

CHAIRMAN:  Again, has there been any
objections filed in the office?

MR. NOFFSINGER:  No, sir.

CHAIRMAN:  Anyone wishing to object here
this evening?

(NO RESPONSE)

CHAIRMAN:  Does the applicant have
anything they want to add to it?

APPLICANT REP:  We're here to answer any
questions, Mr. Chairman.

CHAIRMAN:  Anything you want to put in the
record?

APPLICANT REP:  Not at this time.

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

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Hearing none entertain a motion to dispose of the item.

MS. DIXON: Move to approve.

CHAIRMAN: Is there a second?

MR. WARREN: Second.

CHAIRMAN: Any other questions or comments?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

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VARIANCE

ITEM 6

4724, 4730 Pleasant Grove Road, in an A-U zone Consider request for a Variance to reduce the side yard building setback on the proposed lot at 4730 Pleasant Grove Road from 10 feet to 6.5 feet along the west proposed line a distance of about 32 feet in order to create separate lots for the existing church and the existing cemetery.

Reference: Zoning Ordinance, Article 8, Section 8.5.2(d)

Applicant: Pleasant Grove United Methodist Church, Wendell Harpe, Chairman

MR. NOFFSINGER: Mr. Chairman, this variance is in order and ready for consideration.
CHAIRMAN: Again, has there been any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone in the audience wishing to object?

MR. SMITH: I wouldn't say object, but I want to find out some more information about it.

CHAIRMAN: We'll get the applicant up and answer this. Direct your question to the Chair and we'll get an answer for you.

Would the applicant come forward, please.

State your name for the record.

MR. HARPE: Wendell Harpe. I'm chairman of the administrative board of Pleasant Grove United Methodist Church.

(MR. WENDELL HARPE SWORN BY ATTORNEY.)

MR. HARPE: I'm kind of hard hearing so I'm having trouble understanding some of the things you're saying.

CHAIRMAN: You had a question. What did you want to know?

MR. ELLIOTT: Identify yourself and I need to swear you in if you're going to ask questions.

MR. SMITH: Kerry Smith.

CHAIRMAN: State your name for the record,
please, sir.

MR. SMITH:  Kerry Smith.

(MR. KERRY SMITH SWORN BY ATTORNEY.)

CHAIRMAN:  What other questions do you need answers?

MR. SMITH:  I want to find out what's going on. What are you going to do? What are you doing? Why do you have to do it? Just questions. I need explained what's going to happen.

CHAIRMAN:  One of the questions what are you all doing? Why you're doing and state for the record.

MR. HARPE:  United Methodist Church is in the process of divesting themselves of cemeteries at the various churches around the country mainly because they don't want to be responsible for the upkeep. This church goes back to 1810 and the cemetery has been there I suppose about that long. So in an effort to do this, we wanted to incorporate the church and also the cemetery. In order to do that, we have to separate the two lots and make them separate. Obviously the reason for the variance is that graves are within that distance from the church. So if we move back further, we'll actually be going through some graves.

Ohio Valley Reporting
(270) 683-7383
CHAIRMAN: Does that answer your question?

MR. SMITH: Yes. This says on the east proposed property. So what does this amounts is --

CHAIRMAN: There's a division of the cemetery and the church property.

MR. SMITH: So this is the east part of the cemetery?

MR. NOFFSINGER: West part of the cemetery.

CHAIRMAN: West part of the cemetery. East part of the church. Is that correct?

MS. STONE: No. The east part of the cemetery. West part of the church. The variance is on the west boundary line for the church. Between the church and the cemetery.

MR. SMITH: In this notice here -- there's no building going to be done in the cemetery then?

MR. HARPE: No. Nothing will be changed. No new entrances added. There will be a theoretical line separating the two properties and that's it.

CHAIRMAN: There will be no new buildings. No construction. No driveways. Just the division between the cemetery and the church. Does that answer your question, sir?
MR. SMITH: It seems like this notice then would have -- it seems like it's backwards here.

Seems like the variance is --

CHAIRMAN: Excuse me. State your name for the record, please.

MS. STONE: Becky Stone.

(MS. BECKY STONE SWORN BY ATTORNEY.)

MS. STONE: I think that it's confusing the way that it was written for advertisement and then I tried to clarify it on the agenda. When the plat came in, it was the east property line of the cemetery, the west property line of the church, and it was written as the east property line, but on the agenda it's clarified. It's property line between the church and the cemetery. So I can so see why you were confused, but it actually would be a variance to the west property line of the church.

MR. SMITH: Do you have this thing you're talking about, this variance?

MS. STONE: There's a plat that you can see that shows exactly where the property line is going to be.

MR. NOFFSINGER: Mr. Chairman, if I might add for the record. The reason for this variance is that there is a grave that will be close to this
proposed property line. In order to put the entire grave on the cemetery lot, they need the variance because that grave is actually pretty close to the church. So there's a ten foot side yard required for the church from the property line, but in order to get that grave site entirely on the cemetery property, they need the variance to reduce the side yard from 10 feet down to 6 feet. It is between this church and the cemetery.

MR. SMITH: I understand that. So this is not right then?

CHAIRMAN: That's correct. The notice was in error. What we're stating here this evening is what will be recorded and taken care of.

MR. SMITH: I don't have any problems with that. I was just trying to get it explained.

CHAIRMAN: Appreciate it.

Mr. Harpe, do you have anything else you want to add?

MR. HARPE: No, sir, if there are no further questions.

CHAIRMAN: Anyone have any questions of the applicant?

(NO RESPONSE)

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

MR. WARREN: Motion to grant the variance with findings 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 a nuisance to the public; and 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: Are there any other comments or questions?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

One more item.

MS. DIXON: Move to adjourn.

CHAIRMAN: Is there a second?

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)  
) 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 15 typewritten pages; and that no signature was requested to the foregoing transcript.  
  
WITNESS my hand and notarial seal on this the 14th day of May, 2003.  

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