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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

AUGUST 7, 2003

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The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, August 7, 2003, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

* * * * *

CHAIRMAN: We will begin the meeting with a short prayer and an pledge of allegiance. If you all so desire, you may join us.

With that Judy Dixon will give our prayer this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: We'll call the meeting to order and welcome you to the Owensboro Board of Adjustmnet meeting this evening.

If you have anything you wish to say,

1 please come to one of the microphones. Address the
2 Chair and be sworn in and then address your questions
3 to the Chair and we'll try to get the answers and
4 proceed with that.

5 With that the first item on the agenda is
6 the minutes of the July 3rd meeting. They're on file
7 in the office. I don't think any problems has been
8 found with them.

9 MR. NOFFSINGER: No, sir.

10 CHAIRMAN: With that we'll entertain a
11 motion to dispose of the item.

12 MS. DIXON: Move to approve.

13 CHAIRMAN: Is there a second?

14 MS. MASON: Second.

15 CHAIRMAN: All in favor say aye.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 Next item, please.

19 -----

20 CONDITIONAL USE PERMIT

21 ITEM 2

22 4061 KY 764, in an R-1A zone
23 Consider request for a Conditional Use Permit to
24 place a Class B manufactured home on the property.
25 Reference: Zoning Ordinance, Article 8,
Section 8.2C/7
Applicant: Amanda J. Baird, Christopher Allen Baird

1 MR. NOFFSINGER: Mr. Chairman, this
2 application has been reviewed by the Planning Staff.
3 Found to be in order and ready for consideration.

4 CHAIRMAN: Was there any objections filed
5 in the office?

6 MR. NOFFSINGER: No, sir.

7 CHAIRMAN: Is the applicant here?

8 MR. BAIRD: Yes.

9 CHAIRMAN: Do you have anything you would
10 like to add?

11 MR. BAIRD: Yes, sir, I do.

12 MR. ELLIOTT: State your name, please.

13 MR. BAIRD: Christopher Baird.

14 (MR. BAIRD SWORN BY ATTORNEY.)

15 MR. BAIRD: My wife and I established this
16 residence this year with full intent of having a
17 temporary yet affordable place to live while we built
18 on that same residence. We didn't know at the time,
19 of course, until after we established our residence
20 that we would have to have a concrete and block
21 foundation, thus a request for a temporary permit. We
22 are planning on building. We have yet to start when I
23 learned that there was going to be a hold up of such.
24 Put everything on hold until this meeting.

25 CHAIRMAN: Would you bring us up

1 up-to-date on the specifications on this please, sir?

2 MR. NOFFSINGER: Mr. Chairman, you are
3 considering a conditional use permit for placement of
4 a single-wide manufactured home in a single-family
5 residential zone. With that the zoning ordinance
6 requires that the tires, tongue, wheel, and axle be
7 removed from the unit, as well as the home is to be
8 skirted with a concrete or masonry type product around
9 the perimeter. That is an ordinance requirement and
10 it is not a part of the ordinance that can be waived;
11 however, the board may consider approving this
12 conditional use permit on a temporary basis say for a
13 maximum period of one year. Then at that time the
14 applicant would have to do one of two things. Either
15 remove the home or come back in for a new conditional
16 use permit.

17 I'd just like to ask the applicant what
18 the time frame would be in terms of construction.
19 When you expect to start construction of the new home,
20 when you would move in the new home, and then when
21 this home would be removed? What's your time table?

22 MR. BAIRD: I would have liked to have
23 started land work this year and probably would have
24 been started at this point had we gone ahead and moved
25 in and had everything set up. I've stopped

1 everything. I had planned on being in next year.
2 Plan maybe for late next year or early the following
3 year at this point.

4 CHAIRMAN: If we give you a one year
5 exemption from the ordinance, that will give you time
6 to get started. Maybe not totally complete, but you
7 could work with that and then come back.

8 MR. BAIRD: Yes, sir.

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

11 MR. NOFFSINGER: I do have one question.

12 You do intend to move the manufactured
13 home from the property once the site built home is
14 completed; is that correct?

15 MR. BAIRD: Yes. Absolutely. I had
16 intended as a note to use it as rental property, but
17 that would involve splitting my land. I won't do that
18 so it will be removed.

19 CHAIRMAN: Is there any other comments or
20 questions from the board?

21 (NO RESPONSE)

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

24 MR. PEDLEY: Mr. Chairman, I make a motion
25 for approval for a temporary permit for a period of

1 one year with the condition that at the end of one
2 year he either meets the ordinance requirements, or
3 remove the trailer, or come back before this board.

4 CHAIRMAN: Is there a second?

5 MR. WARREN: Second.

6 CHAIRMAN: Any other discussion?

7 (NO RESPONSE)

8 CHAIRMAN: Any comments from the board?

9 (NO RESPONSE)

10 CHAIRMAN: You understand that this will
11 be one year temporary?

12 MR. BAIRD: Yes, sir.

13 CHAIRMAN: Hearing no other discussion,
14 all in favor raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, please.

18 -----

19 VARIANCE

20 ITEM 3

21 2541 Riverrun Cove, in an R-1A zone
22 Consider request for a Variance to reduce the
23 project boundary setback on the east side of the lot
24 from 20 feet to 10 feet in order to construct a
25 single-family residence.

Reference: Zoning Ordinance, Article 10,
Section 10.432

Applicant: Jack T. Wells

1 MR. NOFFSINGER: Mr. Chairman, this
2 variance has been reviewed by the Planning Staff. It
3 is in order.

4 We have not had any communication from
5 adjoining property owners. We are recommending that
6 it be approved and have submitted findings of fact for
7 the approval.

8 It would be subject to a new plat to be
9 approved by the Planning Staff and recorded in the
10 courthouse to reduce the setback as well as I believe
11 there's an easement to be added to the lot.

12 CHAIRMAN: You said there wasn't any
13 objections?

14 MR. NOFFSINGER: That's correct.

15 CHAIRMAN: Any board members have any
16 questions of the applicant?

17 (NO RESPONSE)

18 CHAIRMAN: You're representing the
19 applicant?

20 APPLICANT REP: Yes, sir.

21 CHAIRMAN: Do you have anything you want
22 to add?

23 APPLICANT REP: No, sir.

24 CHAIRMAN: Hear a motion to dispose of the
25 item.

1 MS. MASON: Make a motion for approval
2 with the condition that a new plat be submitted to
3 reduce the dimension of the public utility easement
4 from 20 feet to 10 feet. In approving this it will
5 not adversely affect the public health, safety or
6 welfare; it will not alter the essential character of
7 the general vicinity; it will not cause a hazard or a
8 nuisance to the public; and it will not allow
9 unreasonable circumvention of the requirements of
10 zoning regulations.

11 CHAIRMAN: Is there a second to the
12 motion?

13 MR. DYSINGER: Second.

14 CHAIRMAN: Any other discussion or
15 comments?

16 (NO RESPONSE)

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item, please.

22 -----

23 ADMINISTRATIVE APPEAL

24 ITEM 4

25 302 East 20th Street, in an R-4DT zone

1 Consider request for an Administrative Appeal to
2 change from one non-conforming use as a skateboard
shop to another non-conforming use as a retail store
for handmade furniture.
3 Reference: Zoning Ordinance, Article 4, Section 4.53
Appellant: Shiloh Barksdale
4

5 MR. NOFFSINGER: Mr. Chairman, under
6 Administrative Appeal, Item 4, the applicant has
7 requested the item be postponed.

8 CHAIRMAN: Need a motion to postpone.

9 MR. WARREN: Motion to postpone Item
10 Number 4.

11 MR. MILLER: Second.

12 CHAIRMAN: All in favor raise your right
13 hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries unanimously.

16 One final motion.

17 MR. WARREN: Motion to adjoin.

18 MS. MASON: Second.

19 CHAIRMAN: All in favor raise your right
20 hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Meeting is adjourned.

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25

1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER, Notary Public in and for
4 the State of Kentucky at Large, do hereby certify that
5 the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 9 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 8th day of August, 2003.

18

19

LYNNETTE KOLLER, NOTARY PUBLIC
OHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 12
21 OWENSBORO, KENTUCKY 42303

22 COMMISSION EXPIRES:
DECEMBER 19, 2006

23

COUNTY OF RESIDENCE:
24 DAVIESS COUNTY, KENTUCKY

25