

## 1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JULY 1, 2004

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4 The Owensboro Metropolitan Board of  
5 Adjustment met in regular session at 6:00 p.m. on  
6 Thursday, July 1, 2004, at City Hall, Commission  
7 Chambers, Owensboro, Kentucky, and the proceedings  
8 were as follows:

9 MEMBERS PRESENT: C. A. Pantle, Chairman  
10 Becky Stone  
11 Judy Dixon  
12 Sean Dysinger  
13 Ward Pedley  
14 Stewart Elliott  
15 Attorney

13 \* \* \* \* \*

14 CHAIRMAN: Call the meeting to order. We  
15 are going to start a minute or two early.

16 Invite you all, if you want to, to join us  
17 with a prayer and then pledge to allegiance, if you so  
18 desire.

19 (PRAYER AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: I want to welcome you all to  
21 the Owensboro Metropolitan Board of Adjustment  
22 meeting. If you have anything to be said on any item,  
23 please come to the podium, one or the other, and speak  
24 into the mike so we can get everything on tape in case  
25 there are any problems.

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1                   With that will be consideration of the  
2 minutes of the June 3rd meeting. They're in the  
3 office. There don't seem to be any problem with them.  
4 What's the board's pleasure?

5                   MS. DIXON: Move to approve.

6                   CHAIRMAN: Is there a second?

7                   MR. DYSINGER: Second.

8                   CHAIRMAN: All in favor raise your right  
9 hand.

10                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11                   CHAIRMAN: Motion carries.

12                   Next item, Becky.

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14                   CONDITIONAL USE PERMITS

15                   ITEM 2

16                   5551, 5559 KY 405, in an R-1A, A-U zone  
17                   Consider request for a Conditional Use Permit to  
18                   construct a 30' by 60' addition with a 10 foot by 10  
19                   foot connection to an existing church.  
20                   Reference: Zoning Ordinance, Article 8, Section 8.2B4  
21                   Applicant: Thruston United Methodist Church

22                   MS. STONE: Application is in order. It's  
23                   been advertised. Adjoining property owners have been  
24                   notified. It's ready for your consideration.

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

MS. STONE: No.

1                   CHAIRMAN: Is anyone wishing to speak in  
2                   opposition of this particular item?

3                   (NO RESPONSE)

4                   CHAIRMAN: Does the applicant have  
5                   anything you would like to add?

6                   APPLICANT REP: No.

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

9                   (NO RESPONSE)

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

12                  MR. PEDLEY: Mr. Chairman, hearing no  
13                  opposition and it will not have an adverse affect on  
14                  the community I make a motion for approval.

15                  CHAIRMAN: Is there a second?

16                  MR. DYSINGER: Second.

17                  CHAIRMAN: A motion has been made and a  
18                  second. Any other questions or comments from the  
19                  board?

20                  (NO RESPONSE)

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

23                  (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24                  CHAIRMAN: Motion carries.

25                  Next item, please, sir.

1       ITEM 3

2       406 Poplar Street in an R-4DT  
3       Consider request for a Conditional Use Permit to  
4       locate a 12' by 30' telecommunications hut on the  
5       property.  
6       Reference:   Zoning Ordinance, Article 8, Section 8.2H4  
7       Applicant:   Kentucky Data Link, Inc., c/o D. Scott  
8       Richmond and Floyd M. Lambert, Wayne W. Lambert

9                   MS. STONE:   The application is in order.  
10                   It's ready for your consideration.

11                   This telecommunications hut was previously  
12                   approved by the board with a conditional use permit,  
13                   but the location was to be on two lots that were to be  
14                   consolidated.   That site plan has been revised for it  
15                   to be located on one lot only so they're back for  
16                   consideration again with that revision.

17                   CHAIRMAN:   Any objections in the office?

18                   MS. STONE:   No.

19                   CHAIRMAN:   Seeing no one else, does the  
20                   applicant have any comments?

21                   (NO RESPONSE)

22                   CHAIRMAN:   Questions by the board?

23                   (NO RESPONSE)

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

26                   MR. DYSINGER:   Mr. Chairman, hearing no  
27                   opposition I'd like to move that we approve the  
28                   conditional use permit given it will not negatively

1 impact the neighborhood and it is compatible with the  
2 comprehensive plan.

3 CHAIRMAN: Is there a second?

4 MR. PEDLEY: Second.

5 CHAIRMAN: Any comments or questions from  
6 the board?

7 (NO RESPONSE)

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

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries.

12 Next item, please.

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14 VARIANCES

15 ITEM 4

16 406 Poplar Street in an R-4DT  
17 Consider request for a Variance to reduce the rear  
18 yard building setback from 20 feet to 9.5 feet in  
19 order to locate a 12' by 30' telecommunications hut on  
20 the property.  
Reference: Zoning Ordinance, Article 8,  
Section 8.5.11(e)  
Applicant: Kentucky Data Link, Inc., c/o D. Scott  
Richmond and Floyd M. Lambert, Wayne W. Lambert

21 MS. STONE: This is, of course, the same  
22 property that we just granted the Conditional Use  
23 Permit on. In relocating the hut to the one lot, they  
24 are requesting a rear yard variance in order to get  
25 that properly placed and meet the front yard set back

1 on that lot.

2 CHAIRMAN: Are there any problems?

3 MS. STONE: We've had no comments.

4 CHAIRMAN: Applicant have any comments?

5 APPLICANT REP: No.

6 CHAIRMAN: Any board members have any  
7 questions of the applicant?

8 (NO RESPONSE)

9 CHAIRMAN: Entertain a motion to dispose  
10 of the item.

11 MR. DYSINGER: Mr. Chairman, I move we  
12 grant the variance given the findings that it will not  
13 adversely affect the public health, safety or welfare;  
14 it will not alter the essential character of the  
15 general vicinity; it will not cause a hazard or a  
16 nuisance to the public; it will not allow an  
17 unreasonable circumvention of the requirements of the  
18 zoning regulation.

19 CHAIRMAN: Is there a second?

20 MS. DIXON: Second.

21 CHAIRMAN: Any other comments or questions  
22 from the board?

23 (NO RESPONSE)

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries.

3 Next item.

4 MS. DIXON: Move to adjourn.

5 MR. DYSINGER: Second.

6 CHAIRMAN: All in favor raise your right

7 hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: We are adjourned.

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