

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JANUARY 6, 2005

* * * * *

The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, January 6, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: C. A. Pantle, Chairman
- Becky Stone
- Judy Dixon
- Tim Miller
- Sean Dysinger
- Ward Pedley
- Stewart Elliott
- Attorney

* * * * *

CHAIRMAN: Call the meeting to order.

The first thing we do at the Board of Adjustment meeting each time is we invite all of you to join us with a prayer and then the pledge of allegiance and then we'll go from there. Tim Miller will give our prayer this evening.

(PRAYER AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First thing is I want to welcome all of you to the Board of Adjustment meeting this evening. Being this is the first meeting of the year we have to elect new officers. At this time I'll

1 turn it over to our attorney Mr. Stewart Elliott.

2 MR. ELLIOTT: In accordance with our
3 bylaws the first meeting in January we have an
4 election of officers. It's a little bit different
5 this year in that Ruth Ann Mason whose term has
6 expired, and she is our secretary, she has not been
7 reappointed nor has anyone else been appointed to fill
8 her vacancy. We need to go ahead and have the
9 election because we do not technically have a
10 secretary. So we need to go ahead and have our
11 election.

12 At this time I'll open the floor for
13 nominations for the office of chairman.

14 MR. PEDLEY: I make a motion we elect
15 Audie Pantle back with acclamation.

16 MR. ELLIOTT: Have a motion to elect Mr.
17 Pantle by acclamation. Is there a second?

18 MR. MILLER: Second.

19 MR. ELLIOTT: All in favor of that motion
20 please signify by raising your hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MR. ELLIOTT: Mr. Pantle, you're now
23 chairman.

24 Now we have the office of vice chairman.
25 The floor is now open for nomination for office of

1 vice chairman.

2 CHAIRMAN: I nominate Ward Pedley for vice
3 chairman and move be elected by acclamation.

4 MR. ELLIOTT: Is there a second?

5 MS. DIXON: Second.

6 CHAIRMAN: All in favor raise your right
7 hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: Now we have the office of
10 secretary.

11 MR. DYSINGER: I'd like to nominate Judy
12 Dixon as secretary.

13 MR. PEDLEY: Second.

14 MR. ELLIOTT: Are there any other
15 nominations?

16 (NO RESPONSE)

17 CHAIRMAN: Nomination cease and be elected
18 by acclamation.

19 MR. MILLER: Second.

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

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 MR. ELLIOTT: Judy Dixon is now secretary.
24 The election is now complete.

25 CHAIRMAN: Thank you for your confidence

1 and we'll proceed at this time.

2 Again, I want to welcome you to the Board
3 of Adjustment. Set a few guidelines for the business.

4 If you want to speak on any item, please
5 come to the podium. State your name and be recognized
6 and you will be sworn in by the attorney and go from
7 there.

8 With that the first item is consideration
9 of the minutes at this time of December 2nd. They're
10 on record. We haven't found any problems with them.

11 MS. STONE: No.

12 CHAIRMAN: Entertain a motion to dispose
13 of them at this time.

14 MS. DIXON: Move to approve.

15 CHAIRMAN: Is there a second?

16 MR. DYSINGER: Second.

17 CHAIRMAN: All in favor raise your right
18 hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

21 Next item, please, Becky.

22 -----

23 CONDITIONAL USE PERMIT

24 ITEM 2

25 5712 KY 56, in an A-R zone

Ohio Valley Reporting
(270) 683-7383

1 Consider request for a Conditional Use Permit in
2 order to operate a daycare center for up to 90
3 children with ages ranging from infant to 6 years old.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Pleasant Grove Baptist Church

4 MS. STONE: The application is in order.
5 It's ready for your consideration. This would be an
6 operation of a daycare center. Their application
7 states the hours of operation from 6 a.m. to 6 p.m.
8 within an existing church that's on the property.

9 CHAIRMAN: Any objections filed in the
10 office?

11 MS. STONE: No.

12 CHAIRMAN: Is there anyone wishing to
13 speak in opposition of this?

14 (NO RESPONSE)

15 CHAIRMAN: Does the applicant have
16 anything he would like to add at this time?

17 APPLICANT REP: No.

18 CHAIRMAN: Any board members have any
19 questions of the applicant?

20 MR. DYSINGER: Mr. Chairman, I have a
21 question of the applicant.

22 There's a school existing there now; is
23 that correct?

24 CHAIRMAN: Come forward.

25 MR. KUEGAL: Rod Kuegal, trustee of

1 Pleasant Grove Baptist Church.

2 (MR. ROD KUEGAL SWORN BY ATTORNEY.)

3 MR. KUEGAL: It's the old Sorgho School or
4 the old Holy Angel School. On the west end of that
5 school, the lower two classrooms and the outside two
6 classrooms will be used as a daycare.

7 MR. DYSINGER: Thank you.

8 CHAIRMAN: Any other board member have any
9 questions?

10 (NO RESPONSE)

11 CHAIRMAN: Staff have any questions or
12 comments?

13 MS. STONE: No.

14 CHAIRMAN: Hearing none entertain a motion
15 to dispose of the item.

16 MR. DYSINGER: Move to approve the
17 conditional use permit because there is no objection.
18 Given the findings that the usage is compatible with
19 the master plan and not dissimilar to its current
20 usage.

21 MR. PEDLEY: Second.

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

24 (NO RESPONSE)

25 CHAIRMAN: Hearing none all in favor raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 Next item, please.

5 -----

6 VARIANCE

7 3122 Old Hartford Road, in an A-U zone
8 Consider request for a Variance to reduce the side
9 yard setback from 10 feet to 9 feet in order to build
10 an addition onto the existing home.

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

13 Applicant: Michael David and Susan McRoy

14 MS. STONE: This application is in order.

15 It's ready for your consideration. You would have
16 received a staff recommend in your packet.

17 CHAIRMAN: Any objections in the office?

18 MS. STONE: No.

19 CHAIRMAN: Anyone wishing to object to
20 this item?

21 (NO RESPONSE)

22 CHAIRMAN: Does the applicant applying for
23 the variance have any comments?

24 (NO RESPONSE)

25 CHAIRMAN: Board members have any comments
of the applicant?

(NO RESPONSE)

CHAIRMAN: Staff have any comments?

1 MS. STONE: No.

2 CHAIRMAN: Entertain a motion to dispose
3 of the item.

4 MR. DYSINGER: I have a question of the
5 staff first, Mr. Chairman.

6 Becky, it says under C Applicant's Actions
7 says, am I reading that correctly, that it was
8 willful?

9 MS. STONE: No. It's saying that the
10 actions were taken after the adoption of the zoning
11 ordinance. It's not indicating that they were willful
12 actions.

13 MR. DYSINGER: Thank you.

14 CHAIRMAN: Any other questions or
15 comments?

16 (NO RESPONSE)

17 CHAIRMAN: Ready for a motion.

18 MR. PEDLEY: Mr. Chairman, I make a motion
19 for approval based on the findings it will not
20 adversely affect the public health, safety or welfare;
21 it will not alter the essential character of the
22 general vicinity; it will not cause a hazard or a
23 nuisance to the public; and it will not allow an
24 unreasonable circumvention of the requirements of the
25 zoning regulations if Planning Staff recommendation is

1 accepted.

2 CHAIRMAN: Is there a second?

3 MR. DYSINGER: Second.

4 CHAIRMAN: Any other questions or comments
5 from the board?

6 (NO RESPONSE)

7 CHAIRMAN: Staff have anything else?

8 MS. STONE: No.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 Any other item?

14 MS. STONE: No.

15 MR. MILLER: Motion to adjourn.

16 MR. DYSINGER: Second.

17 CHAIRMAN: All in favor raise your right
18 hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: We are adjourned.

21 -----

22

23

24

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 7 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notarial seal on this
17 the 7th day of January, 2005.

18

19

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

22 COMMISSION EXPIRES:
23 DECEMBER 19, 2006

24 COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

25