The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, August 4, 2005, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

CHAIRMAN: Call the meeting to order.

First thing we do this evening is start the program with a prayer and pledge of allegiance. Invite you all to join us if you wish.

Gary, would you lead us in prayer, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: With that I want to welcome all of you to the Owensboro Metropolitan Board of Adjustment meeting. If you have anything you would like to say on any particular item, please come to one
of the podiums. You will be sworn in and then we'll
go from there.

First item is consider the minutes of the
July 7, 2005 meeting. They're in the office and I
think they're correct. Anybody know of anything that
needs to be added to them?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose
of them.

MS. DIXON: Move to approve.

MR. DYSINGER: Second.

CHAIRMAN: All in favor raise your right
right.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item please, sir.

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CONDITIONAL USE PERMIT

ITEM 2

564 Browns Valley-Red Hill Road, in an A-R zone
Consider a request for a Conditional Use Permit for
the retail sale of hobby items and glass rocks
Reference: Zoning Ordinance, Article 8, Section
8.2E3, Section 8.4/45
Applicant: Sabra Hennelly, Mike Hennelly

MR. NOFFSINGER: Mr. Chairman, Planning
Staff has reviewed this application. We find the

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application to be in order.

The retail sales is indicated by the applicant will take place in an 8 by 10 out building. The applicant is reminded that the scope of the project should take place as shown in this application, meaning the 8 by 10 building. If this conditional use permit is approved and you want to expand the operation, you would have to come back before this board for a rehearing on the conditional use permit. The business type activity is to take place within the 8 by 10 building.

So with that the Planning Staff has reviewed the application. We have not had any comments sent in to the office and it is in order and ready for consideration.

CHAIRMAN: Any objections in the office?

MR. NOFFSINGER: No.

CHAIRMAN: Does the applicant have anything you would like to bring to us at this time or understand all the situation?

(NO RESPONSE)

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

MR. DYSINGER: Move to approve the Conditional Use Permit giving that there appears to be
no objections. The use is conditionally permitted and with the condition that the scope of the project cannot exceed the description in this application without approval of this board.

CHAIRMAN: Is there a second?

MR. PEDLEY: Second.

CHAIRMAN: Any other discussion or comment?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

VARIANCES

ITEM 3

221 Allen Street, in a B-2 zone
Consider request for a Variance to reduce the vehicular use area's perimeter five foot landscape buffer as required by the variance approved January 8, 2004 to three feet.
Reference: Zoning Ordinance, Article 7, Section 7.33
Applicant: John C. and Margaret Schetzinger

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. The application is found to be in order. We have made a recommendation for approval on this variance and have stated the reasons for that.

The Board of Adjustment issued a variance

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request or approved a variance request on this property back in January of 2004. It called for a five foot landscape easement to be put in along the side street as opposed to a three foot. They were making one of the other landscape areas smaller. When the project was finished, it was discovered that the landscape easement along I believe it's Allen Street, yes, along Allen Street was actually constructed at three feet and not five feet. The applicant is requesting that that area be reduced from five feet that this board required to be reduced down by three feet. The applicant did install additional landscaping within the parking area as well as additional landscaping on Third Street. Therefore, Staff's recommendation is for approval. It's a very nice project. It looks good. It's very an attractive addition to the downtown area and would recommend you move forward and approve the variance.

CHAIRMAN: Any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone in the audience objecting to it?

(NO RESPONSE)

CHAIRMAN: Does the applicant have Ohio Valley Reporting (270) 683-7383
anything you'd like to add at this time?

(NO RESPONSE)

CHAIRMAN: Board have any questions of the applicant?

(NO RESPONSE)

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

MR. PEDLEY: Make a motion for approval based on finding its will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; it will not cause a hazard or nuisance to the public; it will not allow an unreasonable circumvention of the requirements of the zoning regulations.

MS. MASON: Second.

CHAIRMAN: Any other comments from the board or the office?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please, sir.

ITEM 4

1201 Nicholas Drive, in a B-4 zone

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Consider request for a Variance to operate a veterinarian office and kennel within 100 feet of a proposed multi-family residential development.
Reference: Zoning Ordinance, Article 8, Section 8.2 I4, I6, Section 8.4/35
Applicant: James L. Hawkins, SLEC III, LLC

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. The application is found to be in order.

The animal clinic has constructed on property located at 1201 Nicholas Drive a pet facility which boarding of animals is their primary business at that location. They also have future plans to construct dog runs to the north and east of the existing building.

Now, the kennel property is zoned B-4 general business. As I stated they are existing and did receive a variance from this board to construct within the 100 foot buffer from existing residential properties to the east back some time ago. Now the property to the north, which is zoned B-4 general business, is proposed to be rezoned to R3-MF multi-family.

Because the adjoining property owner is changing from a use that would not require the veterinarian clinic to respect the buffer and they're moving toward a use where that buffer is required, we
felt during the zoning change process that the applicant rezoning the property to the north should be responsible for submitting the variance from the buffer requirement on behalf of the animal clinic. So that before that zoning change goes through and is final, this variance is approved which will not prohibit future plans of the animal clinic to expand and build those dog runs or any other type of activity that might occur there.

The Planning Staff, again, has reviewed the application. We just want the folks to be mindful that in the future there could be potential problems with an animal clinic being located so close to a multi-family area. There may be calls, nuisance calls to the police department and other agencies because of the location of the residential units to this animal clinic.

However, I think it's important to note that this animal clinic predates the proposed residential use of that property.

The owner of the multi-family property should make every effort to remind tenants that there is an adjoining animal clinic located in close proximity to the property and it may have a bearing on whether or not they want to live at this location.
because at times there are going to be barking dogs. Not that I'm suggesting that that be a condition placed on this variance because, again, it is on behalf of the animal clinic. Folks do need to be mindful that there is an animal clinic located adjoining property. With all of that said, again, Staff is recommending approval for reasons that we stated in your packet.

CHAIRMAN: Any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone in the audience wishing to object?

(NO RESPONSE)

CHAIRMAN: Does the applicant have anything you would like to bring in at this time?

(NO RESPONSE)

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

MS. MASON: Move for approval with the findings that it will not adversely affect the public health, safety or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or nuisance to the public; and it will not allow an unreasonable circumvention of the
requirements of the zoning regulation.

CHAIRMAN: Is there a second?

MR. WARREN: Second.

CHAIRMAN: Any other questions or comments from the board?

(NO RESPONSE)

CHAIRMAN: Anything else from the office?

MR. NOFFSINGER: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

One thing to add on. Could the office when something else comes in and joins to it be sure that future buyers of the development be known?

MR. NOFFSINGER: What we will do is monitor the activity out there. Pretty much it's built out to the east. The adjoining property to the west would be commercial which should not have an impact. The applicant and current owner is certainly aware that the animal clinic is there and there could be noise, but in terms of nullifying perspective tenants or tenants, it's going to create some problems down the road. Those will be dealt with at that time.

CHAIRMAN: Appreciate it.

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Entertain a motion for one final motion.

MS. DIXON: Move to adjourn.

MR. MILLER: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
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 11 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this the 20th day of August, 2005.

LYNNETTE KOLLER, NOTARY PUBLIC
OHHIO VALLEY REPORTING SERVICE
202 WEST THIRD STREET, SUITE 2
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY