The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, October 6, 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
                  Ward Pedley
                  Stewart Elliott
                  Attorney
                  Madison Silvert
                  Co-counsel

CHAIRMAN:  Call the meeting to order.

We'll start our meeting this evening with a prayer and the pledge of allegiance.  Ward Pedley will have our prayer for us this evening.

(INVOCAATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  I want to thank you all for coming to the meeting.  Before we get started, I have a couple of guidelines.

If you need to talk to any one of the items, please come to the podium.  Be sworn in.  State your name so we'll have a record of it.
With that we'll go ahead and start with the first item. Consider the minutes of the last September meeting. They're in the office. I don't think there's any problems with it. Entertain a motion to dispose of them at this time.

MR. PEDLEY: Motion to approve them.

CHAIRMAN: Is there a second?

MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

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CONDITIONAL USE PERMIT

ITEM 2

2400, 2501 Harbor Road, in an I-2 zone
Consider a request for a Conditional Use Permit for construction of a 113'x56' building and to install two approximately 20,000 gallon tanks with the design option for an additional tank for future expansion at an existing industry.
Reference: Zone Ordinance, Article 8, Section 8.2G4
Applicant: Dart Polymers, Inc.

MR. NOFFSINGER: Mr. Chairman, Planning Staff has reviewed this application. It's found to be in order. The expansion is for an existing business within our community. The type of use is a
conditionally permitted use in this zone. The applicant has received conditional use permits for activities on this property in the past from this board. He proposed use is consistent with our adopted comprehensive plan. It's found to meet the minimum requirements of the zoning ordinance. The Planning Staff would recommend that you would give it a favorable consideration.

CHAIRMAN: Any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Does the applicant have anything you want to bring forward at this time?

APPLICANT REP: No, sir, not unless the committee has any questions.

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

(NO RESPONSE)

CHAIRMAN: The Staff have any other comments?

MR. NOFFSINGER: No.

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

MR. PEDLEY: Mr. Chairman, I make a motion for approval based on the findings that it's
compatible use and we have no opposition and it will
not have an adverse influence on the neighborhood.

CHAIRMAN: Is there a second?

MR. WARREN: Second.

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

(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.

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VARIANCE

ITEM 3

3411 Daviess Street, in an R-1B zone
Consider request for a Variance to reduce the
roadway buffer from 40 feet from the street centerline
to 37.5 feet from the street centerline and the street
yard building setback from 75' from the street
centerline to 37.5 feet from the street centerline in
order to construct a 22'x24' detached garage.
Reference: Zoning Ordinance, Article 8,
Section 8.5.6(c), Article 13, Section 13.6221
Applicant: Rayma B. Bramschreiber

MR. NOFFSINGER: Mr. Chairman, Planning
Staff has reviewed this application. It's found to be
in order. The Planning Staff has given this a
favorable recommendation. We've had no opposition
stated to us of record in the file.

The Planning Staff after reviewing the application found that the subject property predates the existence of J.R. Miller Boulevard which was once a railroad right-of-way and was converted to a city street with obvious improvements back several years ago.

Before the street was constructed, the setback on this property to build a garage, detached garage, would be 3 feet from that rear property line. When J.R. Miller Boulevard went through there and its designation as an arterial street, that kicked in the setback requirement of 75 feet from the center line.

If you're familiar with this particular block of J.R. Miller Boulevard, in fact many blocks of J.R. Miller Boulevard, you will notice that there are a number of detached garages and other type structures that encroach upon the 75 foot setback from the center of J.R. Miller and the roadway buffer.

In this particular case, the Planning Staff is recommending that the variance be granted based upon the information I've just given you. We've also provided you with findings of fact that are required of this board to find based upon KRS 100. So
with that it's ready for your consideration.

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

APPLICANT REP: No.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. NOFFSINGER: No, sir.

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

MS. MASON: I move for approval with the condition that no direct access shall be permitted on J.R. Miller Boulevard, and with the findings on granting this variance 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; it will not allow an unreasonable circumvention of the requirements of the zoning regulations.

CHAIRMAN: Is there a second?

MR. WARREN: Second.

CHAIRMAN: A motion has been made and a second. Any other comments or questions from the
MR. NOFFSINGER: Mr. Chairman, I may just state for the record that this board is certainly aware of the adopted access policies on J.R. Miller Boulevard. That individual lots shall not have direct access to J.R. Miller Boulevard.

This was adopted by the City of Owensboro. This board is certainly aware of that policy. That is what Ms. Mason has stated in terms of her condition, it should not have access to J.R. Miller Boulevard. I just wanted to get that into the record for your knowledge as the applicant as well as the public's knowledge.

CHAIRMAN: Do you understand all the conditions?

APPLICANT REP: Yes.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Anything else?

MR. NOFFSINGER: No, sir.
CHAIRMAN:  Entertain one final motion.

MR. PEDLEY:  Move to adjourn.

MR. WARREN:  Second.

CHAIRMAN:  All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  We are 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 8 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 25th day of October, 2005.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY

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