The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, January 5, 2006, 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  
Brad Anderson  
Sean Dysinger  
Ward Pedley  
Madison Silvert  
Attorney  
Stewart Elliott  
Attorney

CHAIRMAN:  Call the meeting to order.  We will first have our prayer and pledge of allegiance. You may join us if you so desire.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

MR. NOFFSINGER:  At this time I'd like to ask Mr. Tim Miller to please step forward.  We would like to recognize him.

Tim is going off the Board of Adjustment and will be going to the Planning Commission.  As we
have in the past, the board would like to recognize
you for your years of service and to present you with
this plaque.

(TIM MILLER PRESENTED WITH PLAQUE.)

CHAIRMAN: At this time it's a pleasure to
welcome our new member, Brad Anderson. He will take
the oath at this time.

MR. ELLIOTT: Brad, stand up and raise
your right hand.

(BRAD ANDERSON SWORN IN AS BOARD MEMBER.)

CHAIRMAN: Brad, you're official now.

Glad to have you on.

At this time next item we need to do is
have the election at this time. Turn it over to our
attorney.

MR. ELLIOTT: In accordance with the
bylaws we have our election for the offices for 2006.
So at this time I'll open the floor for
nomination for the office of chairman.

MR. PEDLEY: I make a motion we re-elect
Audie Pantle, Chairman, by acclamation.

MR. ELLIOTT: Do I have a second?

MS. MASON: Second.

MR. ELLIOTT: All in favor raise your
right hand.
MR. ELLIOTT: Mr. Pantle as Chairman.
Now we have the office of vice chairman.

The floor is now open for nomination for vice chairman.

MR. DYSINGER: I move we re-elect Ward Pedley as vice chairman.

MR. ELLIOTT: Do I have a second?

MS. DIXON: Second.

CHAIRMAN: Nominate cease and elect by acclamation.

MR. ELLIOTT: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. ELLIOTT: Now we have the office of secretary. Nomination is now open for office of secretary.

MR. WARREN: I nominate Ruth Ann.

MS. DYSINGER: Second.

MR. ELLIOTT: Are there any other nominations?

(NO RESPONSE)

MR. ELLIOTT: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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MR. ELLIOTT: We now have a secretary.

That takes care of our election of officers.

CHAIRMAN: The first item on the agenda is the minutes of the last meeting in December. They're on record in the office. I don't think there's been any additions or any problems with it.

Entertain a motion to dispose of the item at this time.

MR. PEDLEY: Motion to approve.

MR. DYSINGER: 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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VARIANCE

ITEM 3

615 Crabtree Avenue, in a B-4 zone (proposed B-5 zone)
Consider request for a Variance to reduce the rear yard building setback from 20 feet to 5 feet in order to construct a 2,250 square foot storage building.

Reference: Zoning Ordinance, Article 8, Section 8.5.16(e), 8.5.17(e)

Applicant: James Phillip Edge, Sr.

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

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application to be in order.

At this time the Planning Staff is recommending approval of the variance in that we have found there are special circumstances which generally do not apply to land in the general vicinity. We have sighted addresses along Crabtree, 607, 625 and 629 where there are structures that encroach upon the rear yard building setback.

We've also included 1919 West Seventh Street. So we find that this variance approving it would not alter the character of the area.

The findings, we find that this application would not adversely affect the public health, safety or welfare with the closing of the access point on Frederica Street. We do have two conditions -- excuse me. I don't know why Frederica Street keeps popping up on these Staff Reports, but we need to get Frederica Street out of there. It should be Crabtree Avenue. I think this is the second time that's happened.

Two conditions for the approval. One access to the subject property shall be limited to a single 40 foot curb cut. Two, payment within the right of way shall be removed and restored with a grass area and appropriate vehicular use area and

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buffering should be installed.

Now, it's my understanding from the staff that the applicant has been made aware of these two conditions through a zoning change as well as a lot consolidation on the property.

There are also additional findings which we find that the granting of this application will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; will not allow an unreasonable circumvention of the requirements of the zoning regulations.

CHAIRMAN: Been any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: The applicant have anything you want to add at this time?

MR. KAMUF: Say nothing.

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

(NO RESPONSE)

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

MS. DIXON: Move to approve granting the variance based upon Findings of fact 1 through 4 and subject to Conditions 1 and 2.
CHAIRMAN: Is there a second?

MR. PEDLEY: Second.

CHAIRMAN: A motion has been made and a second. Any other comments from the Staff?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Board have any other comments or questions?

(NO RESPONSE)

CHAIRMAN: You understand the situation correctly?

MR. KAMUF: I understand.

CHAIRMAN: Thank you. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Entertain one final motion

MR. DYSINGER: Move to adjourn.

MS. MASON: 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 7 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notarial seal on this
the 20th day of January, 2006.

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

COMMISSION EXPIRES:
DECEMBER 19, 2006

COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY