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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JANUARY 5, 2006

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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

1 have in the past, the board would like to recognize  
2 you for your years of service and to present you with  
3 this plaque.

4 (TIM MILLER PRESENTED WITH PLAQUE.)

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

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

10 (BRAD ANDERSON SWORN IN AS BOARD MEMBER.)

11 CHAIRMAN: Brad, you're official now.  
12 Glad to have you on.

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

16 MR. ELLIOTT: In accordance with the  
17 bylaws we have our election for the offices for 2006.

18 So at this time I'll open the floor for  
19 nomination for the office of chairman.

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

22 MR. ELLIOTT: Do I have a second?

23 MS. MASON: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 MR. ELLIOTT: Mr. Pantle as Chairman.

3 Now we have the office of vice chairman.

4 The floor is now open for nomination for vice  
5 chairman.

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

8 MR. ELLIOTT: Do I have a second?

9 MS. DIXON: Second.

10 CHAIRMAN: Nominate cease and elect by  
11 acclamation.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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

18 MR. WARREN: I nominate Ruth Ann.

19 MS. DYSINGER: Second.

20 MR. ELLIOTT: Are there any other  
21 nominations?

22 (NO RESPONSE)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 MR. ELLIOTT: We now have a secretary.

2 That takes care of our election of

3 officers.

4 CHAIRMAN: The first item on the agenda is

5 the minutes of the last meeting in December. They're

6 on record in the office. I don't think there's been

7 any additions or any problems with it.

8 Entertain a motion to dispose of the item

9 at this time.

10 MR. PEDLEY: Motion to approve.

11 MR. DYSINGER: Second.

12 CHAIRMAN: All in favor raise your right

13 hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 Next item, please.

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18 VARIANCE

19 ITEM 3

20 615 Crabtree Avenue, in a B-4 zone (proposed B-5 zone)

21 Consider request for a Variance to reduce the rear

22 yard building setback from 20 feet to 5 feet in order

23 to construct a 2,250 square foot storage building.

24 Reference: Zoning Ordinance, Article 8,

25 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

1 application to be in order.

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

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

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

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

1 buffering should be installed.

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

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

12 CHAIRMAN: Been any objections filed in  
13 the office?

14 MR. NOFFSINGER: No, sir.

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

17 MR. KAMUF: Say nothing.

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

20 (NO RESPONSE)

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

23 MS. DIXON: Move to approve granting the  
24 variance based upon Findings of fact 1 through 4 and  
25 subject to Conditions 1 and 2.

1 CHAIRMAN: Is there a second?

2 MR. PEDLEY: Second.

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

5 MR. NOFFSINGER: No, sir.

6 CHAIRMAN: Board have any other comments  
7 or questions?

8 (NO RESPONSE)

9 CHAIRMAN: You understand the situation  
10 correctly?

11 MR. KAMUF: I understand.

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 Entertain one final motion

17 MR. DYSINGER: Move to adjourn.

18 MS. MASON: Second.

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: We are adjourned.

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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 20th day of January, 2006.

18

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\_\_\_\_\_  
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

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