The Owensboro Metropolitan Board of Adjustment met in regular session at 6:00 p.m. on Thursday, June 1, 2006, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  C.A. Pantle, Chairman
Doug Lane
Marty Warren
Sean Dysinger
Ruth Ann Mason
Ward Pedley
Judy Dixon
Brad Anderson
Stewart Elliott, Attorney
Madison Silvert, Attorney

CHAIRMAN:  Call the Owensboro Metropolitan Board of Adjustment meeting to order. First thing of the evening we'll start with a prayer and then pledge of allegiance. Ask everyone to join us. Mr. Warren will have the prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  First item on our agenda is the minutes of the last meeting in May. They're in the office. I don't think there's any addition that needs to be corrected. With that I'll entertain a motion to dispose of the item.

MS. DIXON:  Move to approve.

CHAIRMAN:  Motion made.
MS. MASON: Second.

CHAIRMAN: A motion has been made and a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item.

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CONDITIONAL USE PERMITS

ITEM 2

7601 Iceland Road, zoned I-2
Consider request for a Conditional Use Permit in order to erect three steel grain bins, one dryer foundation and support equipment for a barge loading/unloading facility in a floodway.
Reference: Zoning Ordinance, Article 8, Section 8.2G5/28, Article 18, Section 18-4(b)3, Section 18-5(b)4, Section 18-6(b)2.
Applicant: DeBruce Grain Company, Kinder Morgan Bulk Terminals, Inc.

MR. LANE: This application has been reviewed and it is found to be in order. The board has received a copy of the Staff Report that outlines the history and zoning ordinance requirements. I would like to enter that into the record as Exhibit A.

The proposed activity in actually permitted in an I-2 zone; however, since the property is located in a floodway a conditional use permit is required.

The ordinance states that a project in a floodway require approval from the Kentucky Division
of Water and the Army Corps of Engineers along with a certification by a professional engineer demonstrating that the project will not result in any increase in flood levels. With that it's ready for your consideration.

CHAIRMAN: There's no objections in the office?

MR. LANE: No, sir.

CHAIRMAN: Is anybody wishing to object to this item?

(NO RESPONSE)

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

APPLICANT REP: No.

CHAIRMAN: Anybody of the board have any questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Staff have any other comments?

MR. LANE: No.

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

MR. PEDLEY: Mr. Chairman, make a motion for approval based on the findings that it meets the requirements of the zoning ordinance and it is certified by a profession registered engineer. It
will not raise the flood level and it will not harm
the flood way and it's compatible with the surrounding
neighborhood. There's similar uses in this area.

CHAIRMAN: Is there a second to the motion?

MR. DYSINGER: Second.

CHAIRMAN: Any other questions or 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.

Entertain one final motion.

MS. DIXON: 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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I, LYNETTE 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 4 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 2nd day of June, 2006.