The Owensboro Metropolitan Board of Adjustment
met in regular session at 5:30 p.m. on Thursday,
October 4, 2007, at City Hall, Commission Chambers,
Owensboro, Kentucky, and the proceedings were as
follows:

MEMBERS PRESENT:  C.A. Pantle, Chairman
                 Gary Noffsinger, Director
                 Sean Dysinger
                 Ruth Ann Mason
                 Judy Dixon
                 Madison Silvert, Attorney

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CHAIRMAN:  Call the meeting to order. Welcome
each one of you and ask if you so desire to join us we
start our meetings with a prayer and the pledge of
allegiance.  We invite you if you so desire to join us
at this time.  Gary will have our prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Again, I want to welcome all of you
this evening.  If you have any comments on any of the
items or wanting to speak on any, please come to one
of the podiums and be sworn in by the attorney so we
can have a record for everything on file.

If you keep talking about the same thing over
and over that we've heard once, we'll call you off on
With that the first item is to consider the minutes of the last meeting in September. They're on record in the office. We've had no problems with them. I don't think. Hearing none I'll entertain a motion to dispose of the item.

MS. DIXON: Move to approve.

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, please, sir.

CONDITIONAL USE PERMITS

ITEM 2

3271 Alvey Park Drive East, zoned B-3
Consider request to amend a Conditional Use Permit to add 3,200 square feet to an existing 4,800 square foot special needs daycare in operation Monday through Friday from 6 a.m. to 6 p.m. for a maximum of 140 children.

Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Imagination Station Child Development Center, LLC, 54 Property Management

MR. SILVERT: State your name, please.

MR. HOWARD: Brian Howard.

(MR. BRIAN HOWARD SWORN BY ATTORNEY.)

ZONING HISTORY
The subject property is currently zoned B-3 Highway Business Center. A conditional use permit for the existing daycare on the subject property was approved in May 2000. At that time, approval was granted for a maximum of 60 children. Based on the proposed amendment, the applicant proposes to increase the size of the operation by 3,200 square feet to allow a maximum of 140 children. Under a B-3 zoning classification, a final development plan is required and based on the proposed changes to the site, must be updated.

LAND USES IN SURROUNDING AREA

The property to the north, west and south is zoned I-1 Light Industrial. The property to the east is zoned B-3 Highway Business. Land uses in the vicinity include office space, retail sales, industrial storage and indoor recreational.

ZONING ORDINANCE REQUIREMENTS

1. Parking requirements - 2 spaces plus one per ten children under care.

2. Approval of an amended final development plan.

MR. HOWARD: We would like to enter the Staff Report into the record.

CHAIRMAN: Thank you.
Is there any objections filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is there anyone wishing to speak in opposition of this item?

(NO RESPONSE)

CHAIRMAN: Does the applicant have anything he would you like to add at this time?

APPLICANT REP: No.

CHAIRMAN: Any questions from the board or comments?

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add on?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MS. DIXON: Move to grant the conditional use permit based upon findings of fact that it's an expansion of the existing business, if fulfills the need in the community and is consistent with past actions by this board and with the provision that it's subject to the zoning ordinance requirements as listed in the application.

CHAIRMAN: Is there a second to the motion?

MS. MASON: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. NOFFSINGER: No, sir.

CHAIRMAN: The applicant understand all?

APPLICANT REP: Yes, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 3

4801 Sutherland Road, zoned A-R
Consider request for a Conditional Use Permit to operate an indoor baseball recreational facility with four accessory baseball/softball infields without lighting for seasonal recreational use. Reference: Zoning Ordinance, Article 8, Section 8.2B11/13
Applicant: Sports Warehouse, Inc., Stephen & Christine Aull

ZONING HISTORY

The subject property is currently zoned A-R Rural Agriculture. A conditional use permit for a golf driving range for the subject property was approved in May 2002. However, with this application, the applicant proposes to construct an indoor baseball recreational facility and accessory outdoor
baseball/softball infields which will replace the golf
driving range. The application indicates that the
facility will include a maximum of four instructors,
20 participants and 12 spectators. The applicant
proposes to install 26 paved parking spaces which will exceed the required parking based on these figures.

LAND USES IN SURROUNDING AREA

The properties to the north, east and south are all zoned agricultural. The property to the west is zoned B-4 General Business. Land uses in the vicinity include agricultural, residential, a church and the Sports Warehouse.

ZONING ORDINANCE REQUIREMENTS

1. Parking requirements - 1 per employee, 1 per two participants, 1 per three spectators

    MR. HOWARD: We would like to enter the Staff Report into the record.

    CHAIRMAN: Any objections filed in the office?

    MR. NOFFSINGER: No, sir.

    CHAIRMAN: Is there anyone wishing to speak in opposition of this item?

    (NO RESPONSE)

    CHAIRMAN: Does the applicant have anything he would like to add at this time?

    APPLICANT REP: No.
CHAIRMAN: Hearing none does the Staff have any other comments?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Board have any other comments?

(NO RESPONSE)

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

MR. DYSINGER: Mr. Chairman, given the findings that it's consistent with the current athletic nature of the current usage and it's compatible with the nature of the surrounding area move to approve the conditional use permit.

CHAIRMAN: Is there a second?

MS. DIXON: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add at this time?

MR. NOFFSINGER: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
Next item, please, sir.

ITEM 4

4300 Veach Road, zoned A-R
Consider request to approve a Conditional Use Permit
to construct a church campus for River City Church to
include a maximum of a 18,000 square foot church
building, a picnic shelter, a recreational area, and
required parking.
Reference: Zoning Ordinance, Article 8, Section 8.2B4
Applicant: River City Church, Inc.

ZONING HISTORY
The subject property is currently zoned A-R
Rural Agriculture and no rezonings or building
activity has taken place on the subject property.

LAND USES IN SURROUNDING AREA
The property to the north is zoned R-1C
Single-Family Residential. The property to the east
is zoned R-1A Single-Family Residential and A-U Urban
Agriculture. The property to the south and west is
zoned B-4 General Business. Land uses in the vicinity
include the Fiddlesticks Subdivision, the proposed
Lighthouse Recovery Center, and commercial uses. The
Wendell Ford Expressway is located immediately south
of the subject property.

The proposed church facility with accessory
structures that have been removed will require one
parking space per five seats in the main auditorium.
The site plan submitted with the conditional use
permit includes 134 parking spaces. As proposed, all
vehicular use areas are proposed to be gravel which is allowable in an agricultural zone. However, due to the traffic that may be generated by the church and the proximity to existing residential land uses in the vicinity, the Board may wish to require paving.

Also, the subject property has a curb cut to J.R. Miller Boulevard; however, based on access management criteria, access to J.R. Miller Boulevard is limited only to street intersections that connect the existing neighborhoods. Since there is no connection being provided at this time, no access to J.R. Miller Boulevard shall be permitted and the existing curb cut shall be closed.

**ZONING ORDINANCE REQUIREMENTS**

1. Parking requirement - 1 space per 5 seats in the main auditorium.

2. No access shall be permitted to J.R. Miller Boulevard.

3. Appropriate vehicular use area screening shall be installed.

**SPECIAL CONDITIONS**

1. Paving all vehicular uses areas.

2. No access shall be permitted to J.R. Miller Boulevard and the existing access point shall be physically closed with curb and gutter.
MR. HOWARD: We would like to enter the Staff Report into the record.

CHAIRMAN: Is there comments filed in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone wishing to speak in opposition of this item?

(NO RESPONSE)

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

MR. KAMUF: Yes, Mr. Chairman.

MR. SILVERT: State your name, please.

MR. KAMUF: Charles Kamuf.

(MR. CHARLES KAMUF SWORN BY ATTORNEY.)

MR. KAMUF: I represent River City Church. Some of the parishioners are here tonight.

Presently River City Church is located at Second and Allen Street. In June of this year, the church purchased about 11.7 acres near the belt line and J.R. Miller Boulevard.

Many of you probably know this property because it's the property that is directly north of the Wendell Ford Expressway. It's between J.R. Miller Boulevard and Veach Road. It's that area, a lot of you probably saw it years ago when it was a hole and
it's been filled. The church purchased that property in June of this year.

They've been looking at this property approximately two years. They want to expand their church. They have about 400 parishioners. Many of these members are here.

Here is what we're asking for. In the conditional use permit that we applied for, we asked to construct a church campus. This will be all private. There will be a maximum of 18,000 square foot church building, a picnic shelter, a recreation area.

As Brian or whoever read the amendment, there was a 4 - 40 x 60 modular buildings and we at the request of Thompson Homes have taken that off of the plat. So the new plat that we have does not include those.

I might say that the church was surprised that the Staff would object to the conditional use permit. We'll give those reasons in a minute.

Previously the church tried to get this property zoned B-4. The Staff objected to the development of the property unless the church did two things. One, build a connector street from J.R. Miller Boulevard to Veach Road at their own expense or
develop property with one entrance from Veach Road
with no entrance from J.R. Miller Boulevard.

You understand, there was construction of a
street across from J.R. Miller Boulevard to the Veach
Road. This would be over an area that would be
filled. It would be just about nearly impossible to
build the street over that area.

Another reason that they objected at that time
the church is they did not want traffic through this
private area. This will be a private kind of a plan
unit development in that everything will be within the
bypass, Veach Road, Fiddlesticks Subdivision and J.R.
Miller Boulevard.

We get to the access manual and the decision
of the Owensboro Metropolitan Transportation Committee
concerning the access manual.

We did meet prior to this meeting with some of
the members of the Transportation Committee, and
that's the Owensboro Metropolitan Transportation
Committee, but we did not have sufficient time to meet
with the board because they meet at uncertain times.
I was never able to get the exact time when everybody
could be there.

It's our contention that -- this is only
relative to the connector street.
It's our contention that the connector street is not necessary because Salem Drive runs from J.R. Miller to Veach Road. Fiddlestick Subdivision now goes from Veach Road to the J.R. Miller Boulevard. So we're saying basically we didn't feel that that was necessary.

Another reason it was considered that this property would be zoned commercial and there would be commercial development.

Now the church proposes a private campus and they don't want a large amount of traffic to be coming through.

The church felt it was better at this time to ask for a conditional use and then go to the Transportation Committee to see if they could remove the requirements of the connector street or entrance, the denial of the entrance to J.R. Miller Boulevard.

After the application was filed, I think this is what Brian has said, the Staff wants two things which we object to. I think those are the only things. They want to eliminate the existing ingress and egress from J.R. Miller Boulevard to the subject property and they want us to pave the parking lot.

What we're asking for, we're asking you to approve the conditional use permit without removing
the gate and curb cut you see on this photo that I'll show you in just a second, until we have had a chance to exhaust all the remedies with the Transportation Committee.

I'll pass this around. This is a -- I took the photo about 6:30 or 6:45 in the morning. It's a little dark.

This shows the gate, which is locked. This is the entrance that you would have to this 11 acre tract from J.R. Miller Boulevard.

As I'll explain in just a few minutes, we have no objection to leaving the gate there and leaving the curb cut there until we exhaust all the remedies that we have with the Transportation Committee or any other agency that we will meet with.

I might say this: As you see, that gate is locked. That gate has been there for probably 10, 15 years. I can't tell you. We own the property across the street and I see it every time I go down to the subdivision.

To prove that we're acting in good faith, we will leave the gate locked. We'll put up a bond to be sure that in the event that we would lose before the Transportation Committee or that we would lose this matter before any other agency that we have to appear
before. In other words, we'll put up a bond that will be sufficient for the board to remove the gate and/or take the curb cut away.

It's our belief, and here is the problem that we have. Whether we get the cart before the horse or whatever. It's our belief that once the curb cut is concreted in, as the Staff has required, once that happens it will damage our case before the Transportation Committee. In other words, once it's concreted in, our chances of getting the Transportation Committee or these other agencies to agree with us, will be very difficult.

Here's a plat, and I think this is important. If you turn that picture over on the other side, there's a plat there. I'll give everybody a copy. This is the big plat. That's just a small plat of this larger plat which was recorded. It was approved by Gary Noffsinger on 7/25/05.

If you look, there is an existing street cut in J.R. Miller Boulevard. There is a note underneath of it. "Access to J.R. Miller Boulevard shall be limited to the access point shown hereon. No additional access to J.R. Miller Boulevard shall be permitted."

At that time there isn't any question that we
were entitled to a curb cut. We do not want to lose
that curb cut until after we have exhausted all of our
remedies.

There has been a curb cut there for years.
Directly across the road on Weikel Drive there is a
curb cut to J.R. Miller Boulevard. There is a curb
cut here. Our big issue here is do not require us to
remove that until such time as we have had a chance to
appear before the Transportation Committee.

I believe that when we appear before them that
even though there is much restriction in the access
manual that they will approve allowing us to go
through there since Fiddlesticks has already got a --
they've got a road through Fiddlesticks. It's a
little crooked. This is a plat of Fiddlesticks
Subdivision. There's a connecting road between Veach
Road and J.R. Miller Boulevard.

Also you've got the point of Salem Drive,
which is now completed.

Let's talk about the parking lot just for a
few minutes. I think Brian layed it out as to what is
required.

We are not required by any law to gravel that
parking lot. We have no problem at a later date to do
that. These people don't have a lot of money to make
these improvements of the property. I can assure you that if the church doesn't do something with the property, nothing will be done with it.

The property is zoned A-1 Agricultural. In an A-1 zone, blacktop or paving parking is not required. An A-1 zone is the same zone that you have in all the farming area. We're not changing the zone; therefore no blacktop shall be required.

Here is a plat of the layout. As you can see, the plat as presented it shows access to J.R. Miller Boulevard to be limited to the access points shown here in -- no additional access points from J.R. Miller Boulevard shall be permitted.

What reason can you -- this is a yellow line from J.R. Miller Boulevard that goes all the way to Veach Road. In other words, to put that street through there I think would be very, very unreasonable in that in their proposal it cuts right through the center of their property. The whole idea of developing in that particular area is to get it where it would be a private campus.

So we're asking you not to eliminate the access point that we have until we have further action from these other agencies. I think if you give us a chance that we can get that approved from the other
What is the downside to this board, what is the downside to have a church out there, to have a private campus, what is the downside if we guarantee you at a later date that if we lose we'll have a bond up that we'll do just exactly what you want to do now.

It's very difficult to meet with this Transportation Board. I called the members. I've talked to a couple of them on there. They all say get back and this type of thing.

Give us a chance to go before that board and make our presentation. Approve this without the elimination of the curb cut and that gate. The gate will always be locked. You all will have a bond to see that.

We also have a couple of other speakers that would like to speak. We have the pastor of the church and also Mr. Hughes.

MR. SILVERT: State your name, please.

MR. HUGHES: Wayne Hughes.

(MR. WAYNE HUGHES SWORN BY ATTORNEY.)

MR. HUGHES: I served as somewhat the point man on our property negotiations and the meetings with the board here or the Staff to determine what needed to be done out there even before we built or even
before we bought the place to be sure that we were
going to be able to get in compliance with everything
out there.

As Mr. Kamuf has read to you, this has been a
two year ordeal. As Mr. Kamuf pointed out, there is a
notation on that plat that the previous owners had and
had on file that says, you know, this is your access
to J.R. Miller. It almost happened to us and it could
happen to anybody going to buy that piece of property
not knowing about all the restrictions because it said
on there that's our access. So we thought it was our
access.

Stopped down one day to find out what the J.R.
Miller street address was and they said there is none.
You don't have any access to J.R. Miller. You have to
deal with Veach Road.

That was an immediate deal breaker for us
because the value of the property was being able to
come in on J.R. Have two exits from that property.
So we backed off and sat on that for quite some time.

Then we got somewhat interested again and went
down and talked to Staff about that. I learned about
the fact that the road had to go all the way through.
That's over a million dollar road against on top of
gravel that's just not or not gravel but on top of
fill. That's going to be somewhat of an issue.

The Staff asked us to have that property drilled to see if it would hold up a building because of the type of fill that's in it. We complied. We had it drilled. We determined, our engineers have that we can build on that property with the foundation that will float out there basically. You can't really build a street with an extension in it, and certainly not at a reasonable cost. The street would cost us more than the whole building.

We started talking to your staff about how we might deal with this. Could we possibly put a cul-de-sac in? Frankly, we got some response to at least think about that. Then I got a call back and they said, you know, we don't have jurisdiction over this piece of property or we have jurisdiction over the property but not off of J.R. Miller. They finally determined that the Transportation Committee was totally in charge of that. Only they could make an exception. That's where we would have to go.

We went on and discussed all the other aspects of it. We made some preliminary contact with the Transportation people out there.

All of that is really not even an issue here tonight because the Staff has told me they don't have
permission to let me do anything but put a road across there. We accept that. We want an opportunity to go to this Transportation Committee and the other powers that might be above them or wherever, we can work out to get this thing settled instead of putting a cul-de-sac in there and use that property from both ends.

We have prepared the things that you have in front of you tonight, the plat, and I thought we had crossed every "T" and dotted every "I" and done exactly we what needed to do to get this thing approved. Frankly was a little bit shocked when it came up last week and they said, you've got to close this curb cut. There's nothing on that plan that says we're going to use that curb cut. It shows on the plan that there's a gate there. We're willing to let the City of Owensboro put police locks on it or whatever. We have no intention of trying to use that until we can get approval from the proper authorities to put a reasonable cul-de-sac or short street or something in there.

As Mr. Kamuf pointed out, if we give that up now, we're sunk. We're not going to be able to go out there and convince them to put a new curb cut in.

We're really not asking that anything be done
about that street there. The Staff has already said, we don't have authority. So we didn't even put it on the plat that we were going to do anything about that. Everything is set up on that plat to use Veach Road completely.

That's the position we're in because we need to building out there. We need to be getting permits and going forward. We're busting at the seams. We've absolutely got to do something. Here all of a sudden we can't even go along with something -- the Staff has recommended everything out there except the use of gravel and this curb cut. So we're in compliance everywhere but those two things. I'm sure we can come to some agreement with the gravel and the blacktop issue. We intend to blacktop it eventually. We just don't want to have to do it immediately. We just cannot accept the closing of that gate at this time.

We would ask you to please reconsider that and let us move on with our building project until all of this can be resolved. Thank you.

CHAIRMAN: Let me ask you one question. You said in the future you plan on blacktopping it. How long are you thinking?

MR. HUGHES: We haven't really discussed that. I think we could come to some agreement on how long
that might be. I don't know, what, two, three years.

That would be very reasonable.

I know we've got other parking within the city
which actually pockets in the county where there's
gravel parking. Over there next to Shively Park and
so forth. That's very high traffic as well.

Again, that's what the Staff said. You can
use gravel. We prepared it for gravel. There's a
little cost savings for us there right now. We
thought we had crossed every "T" and dotted every "I."

Because we're not asking you all to let us put a
street in. We're just asking you to let us leave the
gates closed on J.R. Miller until we have exhausted
all efforts to get us a street in there.

CHAIRMAN: The reason I ask you is when you
were thinking about blacktopping. You brought it up.

That's the reason I was wondering.

MR. HUGHES: We plan on blacktop or concrete.

That's the reason.

CHAIRMAN: Thank you.

MR. HUGHES: We don't plan on leaving it
gravel forever.

One more thing, if I could. As you see, the
Staff, they said, this is what we're going to have to
do. Transportation Committee continues to say that.
We want to resolve that, but this absolutely ruins our piece of property. It will ruin it. We've got a lot of green area out here and in the front. We want to have our parishioners out there playing soccer and ball and all that sort of thing. We'd be glad to have any of the local people in there, but we can't have 35 mile an hour traffic going through it. That's just not part of the plan.

Chairman: Does the board have any questions at this time?

Mr. Dysinger: Mr. Chairman, I do have one quick question.

How many seats are you proposing in your main auditorium?

Mr. Hughes: That hasn't all been resolved yet, but I think it was around 650, 700, somewhere in there. Whatever our parking accommodates there.

Mr. Dysinger: Thank you.

Chairman: Staff.

Mr. Noffsinger: I have a question of Mr. Hughes. It's a very direct question.

Will you build this church at this location if you do not get access to J.R. Miller Boulevard?

Mr. Hughes: Yes, sir, we're prepared to start work. That's why we're here.
MR. NOFFSINGER: If you do not get access to J.R. Miller Boulevard, will you build this church at this location?

MR. HUGHES: Yes, sir. We bought that piece of land knowing that we very well could never get access to J.R. Miller, affordable access to J.R. Miller. That we were prepared to get by with Veach Road. We just don't want to stop it here tonight, but we intend to move forward with the permits and ground breaking and so forth.

CHAIRMAN: Thank you.

MR. SILVERT: State your name.

MR. GIBSON: Brian Gibson.

(MR. BRIAN GIBSON SWORN BY ATTORNEY.)

MR. GIBSON: I appreciate your time tonight. Just want to talk for a moment. I'm the founding pastor of River City Church. Want to tell you a little bit about our plans there and what we're trying to accomplish now.

We began River City Church three years ago with about between 10 and 20 people in a pizza shop off of Emory Drive with the soul intention of being a blessing and a help to the people of Owensboro.

I'm convinced that whenever you give yourself to help the people in the community, that God will
help grow your church, and he's done that throughout
the last three years.

For the last three years we've grown to a
crowd of 400. Some people say we're one of the
fastest growing churches in the tri-state area.

We intend to keep doing what brought us to
this point, and that is being a blessing to the people
of Owensboro.

I would ask the board to consider allowing us
to begin building at this time and to leave that curb
cut before we go in front of the appropriate
authorities who can either grant us access or deny us
access, because I believe I have good reason on why
they might reconsider.

Number one, here's some things we're doing for
the city currently. Every Friday night we haul drunks
out of drinking establishments. Give them free sober
rides, get them home where they won't damage anyone on
any Owensboro street, hurt themselves or be other
residents here. We're doing all kinds of works. This
Saturday free diapers given away to anybody that needs
things like that. I just want to establish we want to
help the city. Not hurt it.

Another idea we have is for that J.R. Miller
entrance. In the future the Green Belt comes right
around beside the J.R. Miller entrance. There's not sufficient parking right there for Owensboro citizens to access the Green Belt and to use that really great walking path we have there for the city. We would be more than happy to allow the City of Owensboro to use that property for that purpose. Also we would like to be able to tie into it in the future, but as a gift to the city just to be a blessing.

So I think there's sufficient reason for us to be able to go before those proper authorities and let them either give or deny us access.

Again, I say at that time when we exhaust those different remedies we would be more than happy to pay for that gate remove and the curb cut to be concreted in appropriately.

I was a little bit shocked, I'd like say to again, Thursday whenever we got the word that Planning & Zoning wouldn't approve this building that we're doing because of that J.R. Miller access. I thought it had been communicated to us via the Staff that that was not their final jurisdiction. I don't see and I can't understand what's to be lost there. Really it slows us down and it hurts us.

We're just trying to build bigger. We're busting at the seams. We're trying to add more space
to go further. We work with tons of people with
addiction problems in this city. We want to be able
to go further to celebrate recovery programs, have
more appropriate space. I really don't see what's to
be lost in the building of that property now and for
the gate issue to be resolved in the future.

Like my friends here and associate said, we
will give you the keys. It would never be touched
until we got a aye or nay from the appropriate
authorities.

The reason while you think about the road
coming from J.R. Miller all the way to Veach and you
look at that problem there, it's just danger to our
children. We want to open it up and have public
ability for kids to come in and play on that green
space. The last thing we need from front to back is
speeding 16 years olds. I've got one little girl I
don't want her out there with that. I'm sure the
parishioners don't. As you see, our congregation is
fairly young. There are kids everywhere. That is the
point of real trouble and turmoil for us. I would
like for you to please reconsider that much.

All I'm asking here tonight is that you give
us the ability to begin with our project. Really our
hands are tied. The church is in a stalemate on how
much more help we can be to the City of Owensboro in
our current facility.

Really I would ask you gentlemen and ladies to
please reconsider. Let us go to that next step so we
can do what we're the best at. Again, I'll say
there's not anything in it for us but helping the
city. We're a non-profit organization and a church.
I would ask you to reconsider. Thank you for your
time.

CHAIRMAN: Any questions from the board of the
applicant?

MR. DYSINGER: How long do you suppose it
would take you to get the matter settled?

Mr. Kamuf, you may have to answer that. Can
you give us any idea how long you think you're going
to have to work on this?

MR. GIBSON: I would defer to Mr. Kamuf.

MR. KAMUF: Let me say this, Mr. Dysinger. We
started maybe a year ago. I started calling around.
I've done a lot of Planning & Zoning work, but I've
never represented anybody for that Transportation
Committee.

On this Technical Advisory Committee is Jim
Lambert, the city engineer, the county engineer, Keith
somebody. He's the secretary. Owensboro Transit,
OMU, RWRA, OPD, sheriff, chamber. I mean there's a great deal of these people. I started calling. I talked to Jim Lambert and maybe one other. I don't know when they meet. I don't think they meet --

Gary, you --

MR. NOFFSINGER: I can answer those questions, Mr. Chairman, because I do serve on that committee.

MR. KAMUF: I did call around and ask Mr. Lambert when they met. He said, I don't know when they meet. I just don't know those issues. It's an uncertain time as to the exact time. Then I think they were suppose to meet one time and they didn't have a forum. They cancelled it. We just left that alone until we can get this done.

Gary, you might have something. I don't know much about that board. Whatever I'm telling you is just what they told me.

CHAIRMAN: Staff.

MR. NOFFSINGER: Mr. Chairman, first of all Mr. Kamuf has misstated the Planning Staff's position on this conditional use permit. We are not objecting to the church locating here or the conditional use permit. In fact, we're not evening making a recommendation as to whether it be approved or not approved. Please note we are not objecting.
We have raised two issues. One of which is the access to J.R. Miller Boulevard that we addressed with Mr. Kamuf and Mr. Hughes many, many months ago in our office.

The second item was the gravel parking. Three weeks ago to my knowledge is the first time my staff had an opportunity to review any type of site plan for this property. We had three weeks to review.

On Monday my staff contacted Mr. Hughes. It might have been Tuesday. I believe it was Monday. And stated there are two issues that need to be resolved, that we're going to recommend this board listen to.

First of all is paving of parking areas. I do not think that it's unreasonable for this church to have to pave their parking lot just like any other development in an urban type setting has to do. This property is zoned A-R Rural Agricultural. It was zoned that way because it was a borrow pit. It was a lake. You couldn't do anything with it. Over the past several years, the lake has been filled in and now it has development potential. It was zoned A-R because it was thought that it would never develop.

Well, here is an opportunity for the property to develop. I certainly hope that it does, but it
shouldn't develop in a way or in a manner that is not consistent with other development in the area. We've had other developments across Veach Road. They're paving their parking. We've got the Weikel Drive development. They've paving their parking. We've got the Sports Warehouse that's required to pave their parking that's on the agenda tonight. Shouldn't be any different. You have six months to pave that parking once the gravel is placed. A year from now, if you place the gravel, you would have six months to pave that parking area.

That's where we stand on the paving. It's not that we want you to do anything that no one else has to do. It's just we want what you're doing to be consistent with other development.

Then the access point versus the street turn out. What Mr. Kamuf didn't state tonight and highlight on what he's given the board members is that this access point is identified as a street turn out. It says, access shall be limited to this particular point to J.R. Miller Boulevard, but it has to be a street turn out. That street turn out has to connect with other streets in the adjoining neighborhood. It just so happens that the only street you can connect to is Veach Road. We understand and it's a long way
to get over to Veach Road and it's going to cut right
trough the middle of the property, but this was
shared with Mr. Hughes and Mr. Kamuf several months
ago prior to this application coming in.

This policy that has been adopted, not by this
board but by the transportation officials, is a policy
that is specific to J.R. Miller Boulevard, which was
designed not to promote development in the community,
but to move traffic and to alleviate traffic on
Frederica Street.

It just recently, for example, Weikel Drive
was extended. Mr. Kamuf certainly familiar with that
because that was the property that he owned and
extended a public street very similar to the type of
public street that should be extended through this
property, if this property is going to be developed
with access to J.R. Miller Boulevard.

Nothing saying that you have to access J.R.
Miller Boulevard, but if you do it is to be a street
that connects to adjoining street network.

Nowhere else has this been waived. There are
other properties that will be developed along J.R.
Miller Boulevard that if this is waived, then we will
be looking at potential waivers of those streets.

You say, there's no need to connect because we
have Salem Drive. Yes, Salem Drive is located in the
immediate area and that can handle a certain amount of
traffic over to Veach Road, but this particular piece
of property should not develop in isolation if it's
going to access a major thoroughfare in our community.
That's our position.

Now, in terms of the Transportation Advisory
Committee, I serve on that board along with various
other groups. We waited for Mr. Kamuf and Mr. Hughes
to come to that meeting for the past several months.
In fact, we waited for them just a few months ago
because they were contacted, told when the meeting
would be and we were expecting them. They didn't show
up.

Now, I'm not saying that I communicated that
to them, but we waited during that meeting for them
and they didn't show up.

The reason I asked the question of Mr. Hughes,
will you build this church without having access to
J.R. Miller Boulevard, and he said, yes, we will. The
danger we run, and I've worked with Mr. Kamuf for many
many years, is that if you approve this particular
application for this church tonight he will be before
the Transportation Advisory Committee telling them
that this board has already approved these plans and
you're ready to move forward. Now, that's the danger you run.

If you're willing to construct the church without access to J.R. Miller Boulevard, then we can move forward with the conditional use permit approval as recommended by the Staff in terms of the two conditions.

In the future, if you're successful in obtaining permission to have a street or an access point to J.R. Miller Boulevard, then you can come back before this board with your plans at that time. Because once you alter your plans, you have to come back before this board for a rehearing. Any changes you make. I don't think there's danger in terms of this board moving forward with a conditional use permit that says, we approve this conditional use permit on the basis of that existing entrance, street turn out to be closed, and then dealing with the issue of paving. I don't think you're in any more danger than if we delay action tonight. Another option is to delay action tonight and perhaps you can get with the Transportation Committee and see where they want to go.

By this board not addressing it tonight, this board is not doing their job. Because their job is to
determine whether or not this use can be properly
integrated into the neighborhood.

You've already experienced that with an
adjoining landowner. It was shared tonight that the
adjoining landowner had requested that four modular
building be removed from the property. That's part of
integrating this use into the neighborhood. Just like
the issue of paving and just like the issue of street
access.

We're not objecting to the church locating
here. We hope you're very successful. We just have a
job to do in terms of recommending how to integrate
and how to properly integrate this use within the
neighborhood.

MR. KAMUF: May I say this, Mr. Chairman. I
respectfully disagree with what he has said. If we go
before the Transportation Committee, what he's
concerned about is that I might get a waiver and if I
get a waiver then he might hear it on other cases.
That's what this is all about. Why is he so strongly
against any waiver? We're not asking you all to give
a waiver. We're asking you to allow us to proceed
without concreting that J.R. Miller Boulevard
entrance. If I go before that committee, I didn't
know Gary was on it, but if I go before that committee
and I'm already concreted J.R. Miller Boulevard, there's a lot less chance that they're going to listen to me. I think I have damaged my case greatly.

The waiver is not one that we've asked from you. The waiver that I will get will be a waiver from that Transportation Committee.

All boards are reasonable. Why would you not allow an entrance there without the street going all the way through if things have changed? We met with -- I did not. Mr. Hughes met with Tommy Thompson the day before. You understand all I have to do is maybe half the distance of a football field run a street there and connect with this line right here. Here is our property that you see at the rear. If I could get Tommy Thompson to allow us right here, all we have to do is run and make a connection there and we have connected to a street. Therefore the requirements that Gary is talking about, we have met.

MR. NOFFSINGER: Charlie, we'll recommend that, but you have to come in with your conditional use permit rehearing. You're no worse off. You're no better off. We've got to consider what you have presented tonight.

MR. KAMUF: What is the downside to this board, what is the downside for us to put up a bond
and say, here is what we'll do. We guarantee it.

We'll throw the key away. We will not do that. What is the downside compared to the problems they're going to have to go ahead and get moving on this?

I might want to appeal. Let's say you're on that board so certainly you'll vote against it, but maybe I want to appeal whatever you all decide. I can't get that done in a month or two months, Gary.

MR. NOFFSINGER: Charlie, what you're going to do is put the church in a position of having to put forth money for a bond. What we're saying is on this site plan and for the approval here tonight that that is to be physically closed. That's not to say you have to go out tomorrow and physically close that entrance, but it would be approved that way. You're how many months away from actually opening the church? Several months. You're not going to be out there next month closing that entrance, but you could be before the Transportation Advisory Committee next month.

MR. KAMUF: If people think -- and I'm not in any way being disrespectful, but I know your position on that access. I know you're dead set to making any exception. I might want to take that to circuit court and see whether the circuit court agrees with that. Not any threat. I'm just saying these are things I
can't do, Gary. I can't do these things overnight. These people have told me they would like to exhaust whatever remedies we have.

What is the downside to this board? Tell me. If you have a bond say on everything you want tonight will be done, if I lose the case, what is the downside of this board in representing. You said they're not doing their job if they allow it. What is wrong with that?

MR. DYSINGER: Mr. Chairman.

CHAIRMAN: Yes, sir.

MR. DYSINGER: Mr. Kamuf, I'm honestly confused as to why you would recommend to your client to extend money for something that I believe you sincerely believe they will not have to do. I'm not in construction, but I know that when we improve something and put requirements on people, that doesn't happen overnight. I know this stuff takes time. I'm confused as to why you would recommend to your client to tie money up into something. Just the construction schedule is going to give you time to appeal. I don't understand the strategy that you're pointing. It seems overly complicated and outside of our purview in any way. I'm a little confused by it.

MR. KAMUF: Let me just say this. For me to
get this done before the Transportation Committee, I have never had a case before the Transportation Committee. In the event that they would rule, let's say many of them would feel like Gary. I might want to take it up further. That might take a couple of years, but we're going to build whether we get that. You have to ask them that, but that's what they tell me. They're going to build whether this entrance is closed or not. I just don't want to hurt the case because I can see a lot -- the Planning & Zoning Staff is dead set, they are dead set against anything, any exception as far as a curb cut on J.R. Miller Boulevard where it doesn't extend to an existing street. That might be the best thing, but I want to have an opportunity to exhaust whatever remedies I would have. I'm not being disrespectful. I'm just telling you like I see it.

MR. DYSINGER: Thank you.

CHAIRMAN: Any other questions from the board at this time?

MR. HUGHES: Can I --

CHAIRMAN: Just a minute.

Anybody have any questions of Charlie?

MR. DYSINGER: Not right now.

CHAIRMAN: Sir, come forward and state your
MR. HUGHES: Wayne Hughes.

I'm a little confused about the Transportation Committee meeting that we missed. I know nothing of that. We have been out and talked with their staff one time.

The fact is on two of these issues, your people, Mr. Noffsinger, told me that they had no jurisdiction over this. That I would have to deal with Transportation Committee. I accepted that. I have no problem with that. When we submitted a plan to come in on Veach Road and move forward that way, it says nothing about J.R. Miller. Nothing. We realize that we would have to get something from the Transportation Committee. Come back and start over with you to get a cul-de-sac or anything in there if they agree to it. We don't have an issue with that. We'll be glad to do that, but we have not been to the Transportation Committee more or less just because we felt no urgency to get out there and we wanted to check all this stuff out good before we moved that way. Frankly, I don't know whether they'll approve it or not. We may have to go several steps more.

Now, as far as putting the bond up, that's not Mr. Kamuf's recommendation. That was our offer to do
that. We have no issue with that. We'd be glad to do it. He's not leading us down a bad path. We want to see J.R. Miller accessed one day, but we're going to build either way.

We're just not willing to accept a piece of paper today that says we can't go forward on that. We can't keep trying our options on that.

Mr. Noffsinger, you said that we weren't reading that statement about the access on J.R. Miller right. That that was a street turn out or something. I don't read that. That may be something that you can tell by the symbols on the map or something. Where did I miss that?

MR. NOFFSINGER: Mr. Hughes, on the plat that Mr. Kamuf handed out where he highlighted the access notes. What he did not highlight was where right at that access point there's an arrow. It states it's an existing street turn out. That's just not highlighted.

MR. HUGHES: I'm afraid I missed that too. Now, your people told me that. They pointed that out to me. We've got to get an exception to change that. We realize that's a mountain to climb. We had no idea we had to climb that in a week. Over the last few months we've been deciding what to do over the last
few months. We need time to get all the way through
that. We don't expect to run out there and everybody
hold their hands up and say, hallelujah, we're going
to get an exception. We know we've got an ordeal to
go through.

CHAIRMAN: You all have anything else to bring
at this time?

Charlie, anything else.

MR. KAMUF: That's the best I can do.

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

MR. DYSINGER: If I suggested that Mr. Kamuf
would ever lead anyone down a primrose path, that was
unintentionally.

MR. KAMUF: Even though I'm catholic I think
he's already forgiven me. That's the first time I've
ever heard River City Church giving confession.

CHAIRMAN: Any other questions from the board
or comments?

MR. DYSINGER: The only comment I would make
is that the decisions of this board can be appealed.
I'm of the opinion that even recommending a bond issue
that's open-ended, anything like that is too close to
a tacit approval that we just aren't empowered to give
personally. I say that with the hope that you do get
to work this out with the board that does have authority of. It seems reasonable, but at the same time anything that we do that would seem to tacitly approve it just seems out of place to me.

MS. DIXON: Mr. Chairman, I'm ready at this point to make a motion to grant the conditional use permit with the provisions that paving all vehicular use areas and that no access be permitted to J.R. Miller Boulevard and the existing access point shall be physically closed with curb and gutter.

I think that it's an appropriate use. It's an opportunity for this property to develop and the church is a good use to be acclimated into the neighborhood. I see no problem with the way it stands. If Mr. Kamuf goes before the Transportation Board and they say otherwise, then we'll deal with it then, but I think it should be as stated.

MR. DYSINGER: I second that.

MR. KAMUF: One comment, please.

CHAIRMAN: You may.

MR. KAMUF: I would respectfully to either approve or deny as we requested. If you cannot approve it without those conditions, it would be my opinion that you just deny the conditional use.

CHAIRMAN: You heard the motion she made?
MS. MASON: Why are you asking us to do that?
I don't understand.

MR. KAMUF: Please, ma'am.

MS. MASON: Why are you asking us to do that?

MR. KAMUF: Either approve it as we presented it without any conditions or deny it.

CHAIRMAN: Charlie, I think that's our prerogative to attach any conditions we want to and present it to you.

MR. KAMUF: One second please.

(MR. KAMUF CONFERS WITH MR. HUGHES AND MR. GIBSON.)

MR. KAMUF: I think there's a motion and a second. Go ahead.

CHAIRMAN: We have a motion and a second. Is there any other comments or questions from the board?

(NO RESPONSE)

CHAIRMAN: Staff have anything other comments?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Applicant have anything else to add? You understand the motion as it is?

MR. KAMUF: We understand.

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

You have a question?
MR. THOMPSON: Yes, I do.

CHAIRMAN: Come forward and state your name.

MR. SILVERT: State your name, please.

MR. THOMPSON: Nick Thompson.

(MR. NICK THOMPSON SWORN BY ATTORNEY.)

MR. THOMPSON: Just wanted to ask on behalf of Thompson Homes respectfully request that the church consider providing some type of screening along the property line for purposes of transitioning from a residential use property into an industrial use property. If they would consider some type of privacy fence or landscape hedge row.

CHAIRMAN: A motion has been made and a second beforehand. I gave you all a chance of any other discussion. We appreciate you bringing your item to our agenda at this time. I think you need to work that out between the church and their applicant at this time because we didn't get it before the motion.

MR. THOMPSON: Thank you.

CHAIRMAN: Hearing no other comments all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 5
Consider request to amend a Conditional Use Permit to add a 40' x 22' building addition to an existing daycare in order to provide care for a maximum of 49 children per shift, 24 hours per day, seven days a week.

Reference: Zoning Ordinance, Article 8, Section 8.2B3

Applicant: Duane C. Ward, III and Bridgett Ward, Owensboro Grain Company, LLC

ZONING HISTORY

The subject property is currently zoned R-4DT Inner-City Residential. OMPC records show that two conditional use permits have been approved for the subject property. The first was approved in December 2004, and the most recent in August 2007. The proposed amendment will add an addition to the existing daycare and increase the number of children under care from 30 to 49. The hours of operation will not change.

Parking for the site is located on a neighboring lot at 710 East Third Street. The parking is tied to the daycare use by a final development plan approved after the initial conditional use permit.

Based on the building addition and other site improvements, the development plan must be amended and approved.

LAND USES IN SURROUNDING AREA

The property to the east and west are zoned R-4DT Inner-City Residential, the property to the
north is zoned I-1 Light Industrial and the property
to the south is zoned B-4 General Business. Land uses
in the vicinity include residences, Kentucky Mirror
and Plate Glass, and a car lot.

ZONING ORDINANCE REQUIREMENTS

1. Parking requirements - 2 spaces plus one
per ten children under care for a total of seven,
which is provided on 710 East Third Street.

2. Appropriate screening where adjoining
commercial property to the west and south.

3. Approval of an amended final development
plan.

MR. HOWARD: We would like to enter the Staff
Report into the record.

CHAIRMAN: Has there been any objections filed
in the office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Is anyone wishing to speak in
opposition of this item?

(NO RESPONSE)

CHAIRMAN: Is the applicant here?

MR. WARD: Yes.

CHAIRMAN: Do you have anything you would like
to add?

MR. WARD: No. He stated everything.
CHAIRMAN: Thank you.

Board member 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: Mr. Chairman, I move for approval and my findings of fact is it's compatible with the area. It has been a child care facility, an existing business, and that two conditional use permits have been approved in the past for similar uses in this area.

CHAIRMAN: Is there second?

MS. DIXON: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries.
Next item, please.

Related Item:

ITEM 5A

710, 714 East Third Street, zoned R-4DT
Consider a Variance to reduce the required 10 foot
landscape buffer from 10 feet to 5 feet along a
portion of the west side and the south side of the
property where abutting commercial zoning.
Reference: Zoning Ordinance, Article 17, Section
17.311
Applicant: Duane C. Ward, III and Bridgett Ward,
Owensboro Grain Company, LLC

MR. HOWARD: As Mr. Noffsinger stated, this is
a related item to the previous conditional use permit.

Basically the requirement comes about because
they are having activities taking place on their site.
They're adding on to their existing building. They do
abut some commercial zoning.

Under the zoning ordinance requirements,
they'd be required to put in a ten foot landscape
buffer with a six foot tall fence and a tree every 40
linear feet.

Typically in this type of scenario it's the
commercial use that's required to put up the buffer
against the residential zoning, but since they're the
ones doing the activity on their site it is a
requirement of the ordinance that it be put in.

Their variance just requested that a ten foot
buffer be reduced down to a five foot buffer. They're still proposing to put up a fence and the trees.

Based upon that information the Staff does not have an objection to the proposal and recommend that you consider for approval. If you do some conditions, that you might wish to consider would be the installation or maintenance of an existing fence and the required trees and then the approval of amended final development plan.

We would like to enter the Staff Report into the record.

CHAIRMAN: There been any objections on this one in the office?

MR. NOFFSINGER: No, sir, but I do have a question of Mr. Howard on his recommendation on Item 1. The board members might have some questions regarding that as to what you might have in mind.

MR. HOWARD: I'm sorry.

MR. NOFFSINGER: On the condition of the approval, Item 1.

MR. HOWARD: The maintenance of the fence?

MR. NOFFSINGER: Right.

MR. HOWARD: There is an existing six foot tall fence in the vicinity where one should be. They may have to actually install a tree or two, but it
would just be a condition that they do maintain the
existing fence there and then put in whatever trees
might be required. They are aware that they will have
to amend the final development plan.

MR. DYSINGER: How tall is the existing fence
did you say?

MR. HOWARD: Fix foot, I believe.

MR. SILVERT: State your name, please.

MR. WARD: Duane Ward.

(MR. DUANE WARD SWORN BY ATTORNEY.)

MR. WARD: I just wanted to let you guys know
you were talking about the maintenance on the fence.
The fence that is in place now is probably about six
years old. When we do the addition, we were planning
on putting up a brand new six foot fence where the
existing one is standing. I just wanted to let you
guys know that.

CHAIRMAN: Appreciate that.

MR. NOFFSINGER: Does that take care of it?

MR. HOWARD: Yes.

CHAIRMAN: Board have any other questions or
comments?

(NO RESPONSE)

CHAIRMAN: Staff anything else?

MR. NOFFSINGER: No, sir.
CHAIRMAN: Hearing none entertain a motion to dispose of the item.

MR. DYSINGER: Mr. Chairman, given the findings that granting the variance will not adversely affect the public health, safety or welfare; will not alter the 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.

I move to approve the variance with the following conditions:

1. Installation and maintenance of the existing fence and the required trees.

2. Approval of an amended final development plan.

CHAIRMAN: Is there a second?

MS. MASON: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Hearing none all in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

VARIANCES

ITEM 6

3703 Haywood Court, zoned R-1C
Consider a Variance to allow a six foot fence in the
front yard of an existing residence to meet the
minimum height requirement for a swimming pool
enclosure.
Reference: Zoning Ordinance, Article 3, Section
3-7(g)(2)
Applicant: David and Holly Johnson

MR. HOWARD: This application for variance
comes before you in that the property is located at
the end of a cul-de-sac in a residential subdivision.
Several years ago they constructed a fence on
the side of their property, side yard of their
property which due to the alignment of the cul-de-sac
under the definition of the zoning ordinance would
still be considered the front yard.

Now they would like to put a pool in. For a
pool the minimum fence height is required to be four
feet for safety purposes. Based on the front yard
requirement, the maximum height they would be able to
build would be a three foot fence. So they're
requesting that the existing six foot fence be allowed
to remain and serve as the safety enclosure around the
swimming pool.

So I'd like to enter the Staff Report into the
record. I don't think Staff have any objection to it.

CHAIRMAN: Any other questions from the board?

(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: Mr. Chairman, I move for approval
and my findings are it 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 regulations.

CHAIRMAN: Is there a second?

MR. DYSINGER: Second.

CHAIRMAN: Any other comments or discussions
from the office or the Staff?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.
One final motion.

MS. DIXON: Move to adjourn.

MR. DYSINGER: 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 FUCHS, 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 56 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 25th day of October, 2007.

LYNNETTE KOLLER FUCHS
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY  42303

COMMISSION EXPIRES:  DECEMBER 19, 2010
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY