The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, March 6, 2008, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Ward Pedley, Chairman
Judy Dixon, Vice Chairman
Ruth Ann Mason, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Marty Warren
Sean Dysinger
Clay Taylor

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CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order.

We will begin our meeting with the prayer and pledge of allegiance to the flag. Ruth Ann will lead us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone to our meeting. If anybody would like to speak on any of these items, we welcome your comments. We ask that you come to one of the podiums, state your name and be sworn in.

First item on the agenda is consider the minutes of the February 7, 2008 meeting. They're on
file in the planning office. Are there any additions
or corrections?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion for
approval.

MS. DIXON: Move to approve.

MR. DYSINGER: Second.

CHAIRMAN: We have a motion and a second. All
in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

Next item.

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CONDITIONAL USE PERMITS

ITEM 2

1328 Griffith Avenue, zoned P-1, R-1A
Consider request for a Conditional Use Permit to
construct a canopy addition over the side doorway and
a new asphalt driveway for an existing church.

Reference: Zoning Ordinance, Article 8, Section 8.2B4
Applicant: First Presbyterian Church

MR. SILVERT: State your name, please.

MR. WILLIAMS: Zachary Williams.

(MR. ZACHARY WILLIAMS SWORN BY ATTORNEY.)

ZONING HISTORY

OMPC records indicate that the property has
historically been split zoned P-1 Professional/Service and R-1A Single-Family Residential. No conditional use permits or variances are on file for the subject property.

Churches are principally permitted in P-1 zones and conditionally permitted in R-1A zones. The applicant is proposing a canopy addition to the existing church building. The canopy will serve as a property entrance that faces Clinton Place West. Based upon the submitted plans, a variance application has been submitted because the canopy, as proposed, will encroach into the front yard building setback.

LAND USES IN SURROUNDING AREA

All the surrounding properties are zoned R-1A and are residential in nature.

ZONING ORDINANCE REQUIREMENTS

Vehicular Use Area Screening installed along new drive where adjacent to road right-of-way.

SPECIAL CONDITIONS

If variance is not approved, the proposed canopy must be altered to conform to the required building setback.

MR. WILLIAMS: I would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Anyone here representing the
applicant?

MR. BLAKE: Yes.

CHAIRMAN: Let me see if we have any questions or opposition of you first.

Anyone here would like to ask any questions or make any comments on this issue?

(NO RESPONSE)

CHAIRMAN: Mr. Blake, would you like to give a presentation?

MR. BLAKE: I'm Terry Blake. I'm with RBS Design Group.

(MR. TERRY BLAKE SWORN BY ATTORNEY.)

MR. BLAKE: I have two drawings just to facilitate hopefully everyone understanding what is taking place.

This is Griffith Avenue. This is Clinton Place. The black outline is the west portion of the educational wing with the sanctuary being on the north end. This being north. What we are proposing is a new drive coming in and emptying into the existing drive with a canopy right here. I'll show you that in just a moment.

Again, Griffith Avenue, this is a larger blow-up section of it in plan view. Griffith Avenue is here. Clinton Place West is right here. The hash
part is the existing educational wing. This is the proposed canopy coming out. Actually this represents a 25 foot setback from the property line. This is the property line. Instead of being 25, this front will be around 17 feet 6 inches from the property line, as it presently is proposed. Give you an idea.

What we really want to do, they need a shelter place to drop people off, especially as all of us get older we need more help. This will be a drive-up canopy. It will not be enclosed. It will be open. They will pull in from this parking lot, come up this drive and be dropped off here. Then people could come around and come back into Clinton Place or go around and exit onto Griffith Avenue.

CHAIRMAN: Any board members have any questions of Mr. Blake?

(NO RESPONSE)

CHAIRMAN: Thank you. We will move on if no one has any questions.

Chair is ready for a motion.

MR. DYSINGER: Mr. Chairman, I move that given the findings that the use is similar to that reports, which would be permitted, and the use is compatible with the surrounding neighborhood, I move that we approve the conditional use permit.
MR. TAYLOR: Second.

CHAIRMAN: We have a motion and a second. Any questions on the motion?

MR. NOFFSINGER: I do have one question, Mr. Chairman.

Staff would recommend that with a motion of approval it be entertained with a condition that a variance be granted. That if the variance is not granted, the canopy could not be constructed as requested in this conditional use permit.

CHAIRMAN: Would you include that in your motion?

MR. DYSINGER: I will. Subject to the granting of the variance.

MR. TAYLOR: I second that.

CHAIRMAN: Any other questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

Related Items:

ITEM 2A

1328 Griffith Avenue, zoned P-1, R-1A
Consider a Variance to reduce the required building setback from 25' from the property line to 17' 6" from the property line along Clinton Place West for a
building canopy addition.
Reference: Zoning Ordinance, Article 8, Section 8.5.12(d) and 8.5.5(d)
Applicant: First Presbyterian Church

MR. WILLIAMS: The proposed canopy addition is classified as an unenclosed accessory building, having a water tight and solid roof covering that is open on three sides and supported only by columns except for the building from which it will project. The Zoning Ordinance explicitly states that such a structure "may be located anywhere on a lot where principal buildings are permitted."

As proposed, the canopy will provide covered access for pedestrians and motorists exiting vehicles for entrance into the principal building. This function is similar to that of a covered porch, which is permitted to project into a front yard setback up to eight feet. The Zoning Ordinance does not explicitly restrict the definition of a porch of residential property. The similarity is consistent with the use of the canopy. The Staff has no objection to granting this variance.

There is one condition. We recommend that the canopy addition shall remain open on all three sides.

I would like to enter the Staff Report as Exhibit B.
CHAIRMAN: Anyone here have any questions of the applicant on this issue or opposition on this?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MS. MASON: Mr. Chairman, I move for approval. My findings are in granting this Variance is 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 a nuisance to the public; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations. I would like to put in the condition that it be left open on three sides.

CHAIRMAN: We have a motion.

MR. DYSINGER: Second.

CHAIRMAN: We have a motion and a second. Any question on the motion or comments?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.
ITEM 3

1117 Oglesby Street, zoned R-4DT
Consider request for a Conditional Use Permit in order to replace an existing 1972 model, 12'x60' Class-2 manufactured home with a 2008 model, 14'x66' Class-2 manufactured home on the property.
Reference: Zoning Ordinance, Article 8, Section 8.2B4
Applicant: Katy S. Hempfling

ZONING HISTORY

The subject property is currently zoned R-4DT Inner-City Residential. OMPC records indicate that four Conditional Use Permits have been approved for manufactured housing within this block of Oglesby Street. Based on a site visit, two manufactured homes are located along this section of the street. The existing manufactured home was placed on the subject property prior to zoning regulation. Thus, no Conditional Use Permit was approved for the existing home and it is legally non-conforming.

The applicant requests a waiver of the sidewalk requirement since there is no sidewalk along the east side of Oglesby Street. It does not appear that sidewalks have been required in the past for the previous Conditional Use Permits. However, sidewalks are in existence on the west side of Oglesby Street and the east side does have curbing. In order to eventually have sidewalks on both sides of the street,
a sidewalk should be constructed as part of this conditional use permit application.

The applicant also request a reduction of the required patio size from 10'x10' to 4'x10'. The property width of 25' will not permit the required 10'x10' patio or deck. The patio could be two feet wider if paved to the property line but the applicant has requested the four foot dimension to prevent the potential of water run off sheet-flowing onto the adjoining property.

LAND USES IN SURROUNDING AREA

The adjacent property to the north and to the west across Oglesby Street are zoned R-4DT Inner-City Residential. Each property contains single-family residence. The adjacent property to the south is zoned R-4DT and does not contain any building structure. The property to the East, across an alley, is zoned I-1, Light Industrial.

ZONING ORDINANCE REQUIREMENTS

The class-2 manufactured home site standards based on the requirements of the Zoning Ordinance are as follows:

1. A concrete or asphalt parking pad to accommodate two 9'x18' spaces is required.
2. A minimum 10'x10' deck or patio is
required.

3. A concrete sidewalk is required, but may be waived along rural roads (w/o curbs).

4. The property is required to have at least three trees.

5. The manufactured home shall be permanently installed on a permanent foundation. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home.

6. All wheel, trailer-tongue and hitch assemblies shall be removed upon installation.

7. The manufactured home shall be permanently connected to an approved water and sewer system when available.

The site plan submitted by the applicant addresses each of these items satisfactorily with the exception of the requested sidewalk waiver and reduction in patio size. Since sidewalks are installed on the opposite side of Oglesby Street, a sidewalk should be installed with this application.

MR. WILLIAMS: We would like to submit the Staff Report into the record as Exhibit C.

CHAIRMAN: Anyone here representing the applicant?
APPLICANT REP: Yes.

CHAIRMAN: Anyone here have any questions or comments? Anyone like to speak in opposition?

Step forward please to the mike.

MR. SILVERT: State your name please.

MS. LARSON: My name is Stella Larson.

(MS. STELLA LARSON SWORN BY ATTORNEY.)

MS. LARSON: My name is Stella Larson. I live next-door to their house, the trailer. I live at 1115 Oglesby Street. What I want to know is when they're trying to put a bigger trailer in, I want to know will it be going on my side of my land? Can they move in on part of my land? Can they take any of my land when they bring it in? I don't want them tearing up my land or anything. I want them to stay on their land.

MR. DYSINGER: You mean during the installation, ma'am?

MS. LARSON: Yes. When they move it all in. I've got a big tree in my front yard and it's on my property. Now they've been parking right in front of it and everything. They're parking almost in front of my front door. Now, can they do that? Can they take my property from me?

CHAIRMAN: Let me see if I can get some answers for your questions. Is that all the questions
you have?

MS. LARSON: Yes. I want to make sure that everything -- if they tear up my land, I want to make sure they fix my land back the same way I had it. I'm not trying to be hateful and I'm not trying to be smart or nothing. I'm just trying to understand things that's going on, you know. That's all I wanted. I just want to know. The kids needs a new trailer, but I just want to make sure it stays on their land.

CHAIRMAN: Let me see if I can get some answers for you.

MS. LARSON: I'd sure appreciate it.

CHAIRMAN: Mr. Mischel, did you have some comments you would like to make on this?

MR. SILVERT: State your name, please.

MR. MISCHEL: Jim Mischel.

(MR. JIM MISCHEL SWORN BY ATTORNEY.)

MR. MISCHEL: I thought her first question was how far off the property line. Minimum feet, they've got to stay at least five feet off the side property line. That's the minimum by zoning ordinance. Hearing the rest of the questions, they should not get on your property when they install it. They should be coming off the other driveway for installation of
CHAIRMAN: Thank you, Jim.

MR. MISCHEL: The only other question I have was make sure the applicant understands about the sidewalk, installation of the sidewalk. Make sure they understand that that needs to be put in.

MR. DYSINGER: Mr. Chairman, I have a question for Mr. Mischel on that.

Is it Staff's opinion that it's in the zoning ordinance or is a condition required to make that happen?

MR. MISCHEL: It's in the site statistics on the layout of the manufactured home.

MR. DYSINGER: You don't need a condition from us to make that happen. You believe it's in there already?

MR. MISCHEL: I would think it would be good to reaffirm that with the condition.

CHAIRMAN: Any other board members have questions of Mr. Mischel?

(NO RESPONSE)

CHAIRMAN: Would the applicant step up and address the lady's concerns.

MR. SILVERT: State your name, please.

MS. HEMPFLING: Katy Hempfling.
MS. HEMPFLING: I have a comment about the parking situation. What she's talking about is a public street. It's not in her yard or nothing. It's right on the street on the curb. It's not in her yard or nothing. Park right there in the street. It's not nowhere near her property. It's city property. That's what I mean. I just wanted to comment on that.

Actually he wants to talk.

MR. SILVERT: State your name, please.

MR. HEMPFLING: Ricky Hempfling.

MR. HEMPFLING: The only thing that I can think of that I wanted to talk about was the sidewalk in the front. Back where the trailer sits there's going to be a pad, 4 by 10. As you come up past the end of the trailer that's there, the yard humps up. There may be this much difference from the curb edge -- you want would -- all on our side of the street there's sidewalks there from the porch out flat. They taper down just a little.

In this case you would almost have to bring the sidewalk up and then back down. You cut that down then we would start getting into the tree roots that are in our yard, but we're actually talking about the
tree that's in her yard. Once we start breaking
through the grass we would get into them roots. We
would have to break that yard down kind of low.
That's why we were asking if we could use stepping
stones.

MR. MISCHEL: I believe we would have to leave
that up to the city engineer. The city engineer's
office has stats for sidewalk construction. I think
it would be good for them to go out and show them how
to accomplish this. I don't think we could do that.

CHAIRMAN: Any board members or, Mr.
Noffsinger, do you have a question of the applicant or
Jim? I'm not sure what either one of them are stating
on that sidewalk or stepping stones.

MR. NOFFSINGER: That's why I had my hand up.

Sir, the sidewalk we're speaking of will run
along the street. From one side of your lot to the
other for a distance of 25 feet. We're not speaking
of a sidewalk that runs from the street to your patio.
We're talking about out front for a distance of 25
feet like you have on the other side of the street
where there's a sidewalk all along.

MR. HEMPFLING: You want us to put one of them
in?

MR. NOFFSINGER: Yes, sir. That is a
requirement that this board has placed upon manufactured home request and other request in residential areas before them in areas where you have curb and gutter, if it's an urban type street. That is the requirement of 25 feet. Not back to your front door.

MR. MISCHEL: Typically under new construction, whether it's commercial or residential houses, that's a requirement, that a sidewalk goes in out front. Then as the next property develops, they put in a sidewalk. At some future time it all will be connected. It's done a piece at a time. That's why the city engineer needs to be involved because it's on public right-of-way and they have special requirements.

Then hopefully in the future when your neighbor decides to do something or a neighbor down the street, it will all connect eventually. I guess you have to start somewhere to get started.

MR. LARSON: So you want us to put a sidewalk in 25 foot long running long ways with the road?

MR. NOFFSINGER: Yes, sir.

MR. LARSON: Okay.

MR. NOFFSINGER: Thank you.

CHAIRMAN: Any other board members have any
MR. DYSINGER: I had another question for the Staff.

With regards to this lessening of the 10 by 10 patio size. If you guys said something about that, I missed it. What was the Staff's feelings on that? Is that reasonable?

MR. MISCHEL: We think it is. The property is just not wide enough to put everything on there. We really didn't want it to go to the property line because of the drainage issue. We would rather have it two feet short to let the run-off kind go off.

MR. DYSINGER: Two feet short?

MR. MISCHEL: Yes. It's four feet and that would leave but two feet from the property line for the run-off.

CHAIRMAN: Do you have any other comments you would like to make to the board?

MR. HEMPFLING: The only thing else I can think of is we have an empty lot beside us. Then there's an alley. Then the house where they live. It just don't -- I'm not saying that I won't do it. I'll pour the sidewalk. I'll put the sidewalk in. That's fine. But it's really just going to be sitting there by itself. The people that own that lot next to us,
they don't even live around here. That lot --
somebody might build on it some day, but for a long
time -- it just seems like that sidewalk is just going
to be a strip of concrete across our front yard. I
don't know how we would work around this, but I wish
we could.

What you were saying a minute ago, and I've
never done none of this before so I don't really know
a whole lot about this so you'll have to excuse me.

What you were saying before, you was talking
about the city engineer. What do we have got to do to
get their input on this? Just on the sidewalk deal.
I'm really hoping that this trailer would be approved
because my grandkids, they live there and it's an old
trailer and I worry about it all the time. I really
need for them to get a new trailer. Like I said, I'll
put the sidewalk in if it has to be. It would really
be nice is if some more sidewalk started happening and
then -- I mean I could do that any time. Put that
sidewalk in there any time. If something else started
happening on the street, you know, give it something
to connect to, you know. It would look out of place.
That's all. I just feel like it would look out of
place. I'll make the lot look good. I mean we'll
pour the pad, the patio, the parking pad. We'll put
some nice stepping stones out through the front. It just seems like the sidewalk, just a 25 foot strip of sidewalk that would be going nowhere crossways just don't seem like it would look right. That's all I'm saying. The city engineer, if he would maybe look at our lot he might say the same thing.

MR. MISCHEL: The only thing I can say is if this item is approved tonight they would have to get a building permit. If you came in tomorrow to get that building permit, we could call the city engineer's office and see if you could come over and they could describe to you how to install it.

MR. HEMPFLING: That would be fine. We can do that.

MR. MISCHEL: That would be fine.

CHAIRMAN: Mr. Noffsinger, would you like to comment on this issue?

MR. NOFFSINGER: Sir, let me perhaps help you understand this maybe from a different perspective. You're going to have to put a driveway apron into this lot to park two vehicles.

MR. HEMPFLING: Yes, sir.

MR. NOFFSINGER: And you're going to have to concrete that driveway apron in the right-of-way.

That driveway apron is going to be about 20 feet wide.
MR. HEMPFLING: In our property situation, there's a push pole. Are you familiar with what I'm talking about? It's where they take a pole and then they put another one crooked. That comes across our property. We were asking to put a single-wide, two cars deep instead of two cars wide.

MR. NOFFSINGER: Is your parking going to be in the front or the rear?

MR. HEMPFLING: Our parking pad is going to be in the rear. Out front they park in the street.

One more thing I want to say. We have a new house that just got built on that side of the road. It's three houses up. It has a sidewalk coming from the porch to the curb. You know, they didn't build a sidewalk running long ways. That house was just built a year or so ago.

MR. MISCHEL: That house should have a sidewalk and we'll just have to check in to that.

CHAIRMAN: This application hasn't asked for this board to approve waiving the city sidewalk. I need to get Mr. Noffsinger to fill us in on exactly. If the city sidewalk is required, the purpose for you putting in the city sidewalk is if someone buys the lot next to you, they put in the city sidewalk. Eventually you have city sidewalks on that
whole street. That's the purpose. We require
everyone that constructs a home or a double-wide,
whatever, manufactured home there, to put a sidewalk
in. Eventually the whole street. I'm reading here.

Mr. Noffsinger, the applicant request waiving
of the sidewalk. There are no sidewalks on his side
of the street. Is that something that we can do in
our approval here tonight, waive it? Do we have the
option to waive it?

MR. NOFFSINGER: It's something you can waive;
however, Staff is not recommending that you waive
since it is a curb and gutter urban type street. You
have not waived that in the past, but it is something
you can do because this is a requirement set by this
board.

CHAIRMAN: That does not have to be approved
by the city engineer? If it's their requirement, does
it have to be approved by the city engineer to waive
this?

MR. NOFFSINGER: No.

CHAIRMAN: This board can do it?

MR. NOFFSINGER: Yes.

CHAIRMAN: That clarifies waiving the sidewalk
to the board.

You've asked to waive the sidewalk. When we
say "sidewalk" we're talking about city walk on the public right-of-way. That's what you're asking to waive?

MR. HEMPFLING: The one that would run long ways of the street.

CHAIRMAN: That's the city sidewalk on the public right-of-way.

MR. HEMPFLING: Yes.

CHAIRMAN: Any board members have any other questions on the item?

MS. MASON: The question I have is what if someone else comes before this board wanting to do something similar? If we waive the sidewalk for him, it has to be -- like Mr. Mischel said. You have to start somewhere as far as the sidewalk requirement. I hate to put these people at a disadvantage, but I'm just saying I'm afraid if someone else comes before us then we're never going to end up with a sidewalk on that side of the street.

MS. DIXON: Sooner or later as property develops, you'll be glad you have the sidewalk.

CHAIRMAN: That's the very purpose of requiring the sidewalk. So as that land develops and you have additional homes or whatever. Eventually you get a sidewalk all up and down that street. That's
the purpose. As Ms. Mason said, if we waive this and
the next one comes along and then we're required to
waive that. First thing you know we don't have
sidewalks anywhere. That's the purpose of this.
That's what this board must consider. Requiring you
or not requiring you put the sidewalk in.

MR. HEMPFLING: We'll install the sidewalk.
If I could just get with, I'll get with the city
engineer and he'll tell me what I need to do to put it
in. That's no problem. I don't mind putting it in. I
just felt like it was going to be sticking out there
by itself for a long, long, long time. We want the
trailer.

CHAIRMAN: So you are agreeing to put the
sidewalk in?

MR. HEMPFLING: Yes. I don't care to put it
in. I'll find out what I need to do. Exactly what
size it needs to be and everything.

CHAIRMAN: Any other questions of the board
members?

(NO RESPONSE)

CHAIRMAN: Any questions from the opposition
side? Lady, have your questions been answered?

MS. HUTCHINS: Yes. I was just trying to help
him understand because I was the one that filled the
application out. I was just trying to help him understand.

CHAIRMAN: If you have comments we ask you to speak at the mike.

MR. SILVERT: State your name, please.

MS. HUTCHINS: Misty Hutchins.

(MS. MISTY HUTCHINS SWORN BY ATTORNEY.)

MS. HUTCHINS: I was just trying to help him understand the application because I was the one that filled it out. Really, actually this is the first time he's really had a chance to proofread it, other than her proofreading it. I was just trying to help him out. Thank you.

CHAIRMAN: Any other questions or comments from the applicant?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. TAYLOR: Mr. Chairman, I move to approve the conditional use permit based upon that it is permitted in this zone. It does conform with the neighborhood. I do require that it meets all zoning ordinance requirements for the Class-2 manufactured home site, with the exception of the minimum 10 by 10 deck or patio required. We're willing to waive that down to 4 by 10.
CHAIRMAN:  Do we have a second?

MS. DIXON:  Second.

CHAIRMAN:  We have a motion and a second.  Any comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN:  All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN:  Motion carries unanimously.

Next item, please.

VARIANCE

ITEM 4

3621 Ralph Avenue, zoned B-4
Consider a Variance to decrease the building side yard setback from 10' to 5.3' for an as-built canopy over a pay island.
Reference:  Zoning Ordinance, Article 8, Section 5.16(d)
Applicant:  Clean Car Properties, LLC

MR. WILLIAMS:  The subject property was rezoned from R-1A to B-4 at the November 2006 Planning Commission meeting.  A development plan was approved for the subject property on March 8, 2007.  The development plan shows a canopy adjacent to residential zoning to the south that meets all zoning ordinance setbacks.  However, during construction, the canopy was built in violation of the approved development plan and encroaches nearly 5' into the
required setback. Additionally, two more canopies that were not shown on the approved development plan were constructed on the site.

No variances or encroachments into the required setback have been approved in the vicinity of the subject property. Unless evidence is submitted to indicate future use of adjoining property will be non-residential, granting of this variance would allow an unreasonable circumvention of the zoning ordinance by decreasing the required setback that serves as a buffer to residential property. Granting of this variance could also alter the character of the residential nature along this side of Ralph Avenue if it is maintained for residential properties.

Strict application of the zoning ordinance would not impose a hardship upon the applicant because there is sufficient space on the property as the development plan indicates to meet all zoning requirements. The Staff recommends denial.

We would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone here like to speak in
opposition of this item?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions or comments?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to deny the request for a Variance because there are no special circumstances. The construction occurred in violation of an approved development plan. It would not constitute a hardship and would alter the general character of the vicinity.

MR. DYSINGER: Second.

CHAIRMAN: We have a motion and a second. Any comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item.

OTHER BUSINESS

ITEM 5

3905 Carter Road, zoned B-4 Monthly review of paint ball screening and operation since the February 7, 2008 meeting.

MR. WILLIAMS: During the month since the last
Board of Adjustment meeting there have been no
complaints of the subject property. I drove by today
to view the netting. The netting is up on all sides.
There seems to be no conflict or problems at this
time.

CHAIRMAN: Anyone in the audience have any
comments on this issue?
(NO RESPONSE)

CHAIRMAN: Any board members have any comments
or questions?

(NO RESPONSE)

CHAIRMAN: We need one more 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 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 29 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
26th day of March, 2008.

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