

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 APRIL 10, 2008

3 The Owensboro Metropolitan Planning Commission  
4 met in regular session at 5:00 p.m. on Thursday, April  
5 10, 2008, at City Hall, Commission Chambers,  
6 Owensboro, Kentucky, and the proceedings were as  
7 follows:

8 MEMBERS PRESENT: Ward Pedley, Chairman  
9 Judy Dixon, Vice Chairman  
10 Ruth Ann Mason, Secretary  
11 Gary Noffsinger, Director  
12 Madison Silvert, Attorney  
13 C.A. Pantle  
14 Marty Warren  
15 Sean Dysinger  
16 Clay Taylor

17 \* \* \* \* \*

18 CHAIRMAN: Call the Owensboro Metropolitan  
19 Board of Adjustment to order. We start each meeting  
20 with the prayer and pledge of allegiance. Please  
21 stand.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: I would like to welcome everyone.  
24 Anyone that would like to speak on any item may do so.  
25 We ask that you come to one of the podiums and state  
your name and be sworn in. We welcome your comments  
and we'll try to answer all your questions.

First item on the agenda is consider the  
minutes of the March 6, 2008 meeting. Are there any

1 corrections or additions?

2 MR. NOFFSINGER: No, sir.

3 CHAIRMAN: Chair is ready for a motion.

4 MS. DIXON: Move to approve.

5 MS. MASON: Second.

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

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: The minutes are approved.

10 Next item.

11 -----

12 CONDITIONAL USE PERMITS

13 ITEM 2

14 900 West Third Street, zoned P-1  
15 Consider a request for a Conditional Use Permit to use  
16 the property as an outdoor recreation area to include  
17 a basketball court, a wooden gazebo area, a playground  
18 area, and parking.

19 Reference: Zoning Ordinance, Article 8,  
20 Section 8.2B4, Churches and 8.2K7, Major Outdoor  
21 Recreational Area

22 Applicant: Atmos Energy Corp and Fourth Street  
23 Baptist Church

19

20 MR. SILVERT: State your name, please.

21 MR. WILLIAMS: Zack Williams.

22 (ZACK WILLIAMS SWORN BY ATTORNEY.)

23 ZONING HISTORY

24 The subject property is zoned P-1,

25 Professional/Service and is a vacant lot.

1 LAND USES IN SURROUNDING AREA

2 The subject property is located within a mixed  
3 use area. Fourth Street Baptist Church owns the  
4 adjacent property to the east on which the primary  
5 church building is located. The properties to the  
6 north are zoned I-1 Light Industrial and R-4DT, Inner  
7 City Residential. The properties to the south are  
8 also zoned R-4DT. The property to the west is zoned  
9 B-4, General Business.

10 ZONING ORDINANCE REQUIREMENTS

11 1. Vehicular Use Area Screening is required  
12 along parking area where adjacent to West Third  
13 Street.

14 SPECIAL CONDITIONS

15 If the access gate on West Third Street is to  
16 be for pedestrian access only, as depicted on the site  
17 plan, the following must be accomplished:

18 1. Asphalt between West Third Street and the  
19 proposed parking lot must be replaced with  
20 landscaping.

21 2. Curb and gutter matching that in place  
22 along West Third Street must be installed.

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

25 CHAIRMAN: Is anyone here representing the

1 applicant?

2 APPLICANT REP: Yes.

3 CHAIRMAN: Is there anyone here that would  
4 like to ask questions of the applicant or have any  
5 comments to the board or ask questions of the board?

6 (NO RESPONSE)

7 CHAIRMAN: Anyone here in opposition of this?

8 (NO RESPONSE)

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

11 (NO RESPONSE)

12 CHAIRMAN: Chair is ready for a motion.

13 MR. DYSINGER: Mr. Chairman, move to grant the  
14 Conditional Use Permit given the following findings:

15 That the usage is compatible with the mixed  
16 usage of the surround area.

17 Further, it will serve as an improvement to  
18 the neighborhood with the following conditions:

19 Asphalt between West Third Street and the  
20 proposed parking lot must be replaced with  
21 landscaping. Further, curb and gutter matching that  
22 in place along West Third Street must be installed.

23 CHAIRMAN: We have a motion by Mr. Dysinger.  
24 Do we have a second?

25 MS. MASON: Second.

1           CHAIRMAN: We have a second. Any comments or  
2 questions on the motion.

3           (NO RESPONSE)

4           CHAIRMAN: All in favor raise your right hand.

5           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6           CHAIRMAN: Motion carries unanimous.

7           Next item.

8           ITEM 3

9           409 East 25th Street, zoned R-1C  
10          Consider a request for a Conditional Use Permit to  
11          convert a residence into an Early Enrichment Center  
12          for toddlers, ages 18-42 months. The center will  
13          provide age appropriate education and activities for  
14          no more than 12 children at a time and for periods not  
15          to exceed 2 1/2 hours.  
16          Reference: Zoning Ordinance, Article 8, Section 8.2B3  
17          Child Day-Care Centers.  
18          Applicant: Jennifer K. Brey and Jonathan Salcedo

19          ZONING HISTORY

20          The subject property is located at the  
21          intersection of East 25th Street and Clay Street  
22          between J.R. Miller and Veach Road. OMPC Records  
23          indicate the property is zoned R-1C Single-Family  
24          Residential. All adjoining properties are zoned R-1C,  
25          and are residential in nature.

26          LAND USES IN SURROUNDING AREA

27          Between the subject property and J.R. Miller,  
28          three other zonings exist: B-4 General Business, B-5  
29          Business/Industrial and I-1 Light Industrial. The I-1

1 and B-4 zonings North of 25th Street, predate the  
2 adoption of the zoning ordinance and are in use by  
3 Colonial Baking Company. The I-1 zoning to the south  
4 of 25th Street has been used as a propane storage  
5 facility. The property at the corner of East 25th  
6 Street and J.R. Miller was re-zoned to B-4 in 1985 and  
7 was again re-zoned to B-5 in February 2006. It is  
8 used for car sales at this time.

9 ZONING ORDINANCE REQUIREMENTS

10 Parking requirements for the daycare according  
11 to Article 13, Section 13.8B3 are two spaces plus one  
12 per 10 child under care. The total parking  
13 requirement for the Early Enrichment Center will be  
14 four spaces which are provided according to the site  
15 plan provided with the application. One parking space  
16 must be ADA Van Accessible.

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

19 CHAIRMAN: Anyone here representing the  
20 applicant?

21 MS. BREY: Yes.

22 CHAIRMAN: Anyone here have any questions or  
23 comments of the applicant?

24 Step forward please to the podium.

25 MR. SILVERT: State your name, please.

1 MR. PAYNE: Tom Payne.

2 (TOM PAYNE SWORN BY ATTORNEY.)

3 MR. PAYNE: I own the property next-door.  
4 It's an investment property for me. Three years ago  
5 it was falling down. It was in terrible shape. It  
6 was a disgrace to Owensboro. I went in and fixed the  
7 roof. Did some maintenance on the house and the whole  
8 neighborhood there has turned around. The house that  
9 they're talking about has been fixed up. One on the  
10 other side of me has been fixed up. The neighborhood  
11 is changing.

12 This is a setback. We should not allow this.  
13 This is investment property and if you allow this to  
14 happen then my investment will be gone.

15 CHAIRMAN: Anyone else have any questions or  
16 comments?

17 (NO RESPONSE)

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

20 (NO RESPONSE)

21 CHAIRMAN: Would you like to speak, please?

22 MS. BREY: Yes.

23 (MR. MARTY WARREN JOINS MEETING AT THIS TIME.)

24 MR. SILVERT: State your name, please.

25 MS. BREY: My name is Jennifer K. Brey.

1 (JENNIFER BREY SWORN BY ATTORNEY.)

2 MS. BREY: In utilizing this particular  
3 property, I was looking for a central location for  
4 something that we do not currently have here in  
5 Owensboro, Daviess County, and that is an Early  
6 Enrichment Center. I was looking for a location that  
7 was centrally located for everyone, as well as a place  
8 that was small and affordable.

9 My husband and I are in the process of  
10 purchasing this property. We plan to put in a lot of  
11 landscaping. There will also be a fence that will be  
12 six feet, a privacy fence that will be put up. You  
13 can see that in the site plan drawing that you were  
14 provided.

15 Also we're starting out with six children at a  
16 time. It will never exceed 12. I expect for it to be  
17 something that will provide educational and enrichment  
18 activities to children in this age range. I currently  
19 teach preschool and feel that there is a need for this  
20 in the community and feel like that this would be a  
21 good location for such an enrichment center.

22 MR. DYSINGER: Ma'am, what do you anticipate  
23 being the hours of operation?

24 MS. BREY: The sessions will exceed no longer  
25 than two and a half hours. They will never begin



1 before 8:00 in the morning and they will never extend  
2 past 8:00. That is over-extending in each direction,  
3 but they will never be before or after. We will  
4 maintain the property.

5 (MR. CLAY TAYLOR JOINS MEETING AT THIS TIME.)

6 MR. WARREN: You're not planning on changing  
7 the exterior of the home?

8 MS. BREY: The only thing that I was planning  
9 on doing on changing the exterior of the home was, the  
10 home does not currently have shutters. I was going to  
11 add shutters to the exterior. The gutter does need  
12 replacement. The back patio needs a lot of  
13 maintenance. My husband and I were going to remove  
14 that. I had also checked into, which would not be  
15 necessary, but had checked into getting some of the  
16 colorful awnings that are down Clay Street. They have  
17 them on Clay Street. I have checked with Snyder's on  
18 price estimates for that. We were going to do some  
19 improvements, in my opinion, to the home.

20 CHAIRMAN: Any other questions of the  
21 applicant?

22 (NO RESPONSE)

23 MR. WARREN: I'm sorry I was late. I  
24 apologize. You may have already covered this. What  
25 are the parking requirements for something like this?

1 Has it changed?

2 MR. NOFFSINGER: The parking requirements, I  
3 believe, is a minimum of two parking spaces required  
4 and one for every ten children. They do meet the  
5 parking requirements for the number of students.

6 CHAIRMAN: Any other questions or comments?

7 (NO RESPONSE)

8 CHAIRMAN: Thank you very much.

9 MS. BREY: Thank you.

10 CHAIRMAN: Chair is ready for a motion.

11 MR. DYSINGER: Mr. Chairman, I move that we  
12 grant the Conditional Use Permit given the findings  
13 that it will be an asset to the neighborhood and will  
14 fulfill a need in our community.

15 CHAIRMAN: We have a motion by Mr. Dysinger.  
16 Do we have a second?

17 MS. DIXON: Second.

18 CHAIRMAN: Any comments or questions on the  
19 motion?

20 (NO RESPONSE)

21 CHAIRMAN: All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries unanimous.

24 Next item, please.

25 -----

1 Variances

2 ITEM 4

3 3621 Ralph Avenue, zoned B-4  
4 Consider a Variance to reduce the required 10' side  
5 yard setback from the property line to a 5.3' side  
6 yard setback from the property line for an as-built  
7 canopy.

8 Reference: Zoning Ordinance, Article 8,  
9 Section 5.16(d)  
10 Applicant: Clean Car Properties, LLC

11 MR. WILLIAMS: The subject property was  
12 rezoned from R-1A to B-4 at the November 2006 Planning  
13 Commission meeting.

14 A development plan was approved for the  
15 subject property on March 8, 2007. The development  
16 plan shows a canopy adjacent to the residential zoning  
17 to the south that meets all zoning ordinance setbacks.  
18 However, during construction the canopy was  
19 constructed in violation of the approved development  
20 plan and encroaches nearly five feet into the required  
21 setback. Additionally, two more canopies that were  
22 not shown on the approved development plan were  
23 constructed on the site.

24 The Planning Staff recommends that this case  
25 be denied on the fact that it may alter the essential  
26 character of the general vicinity and it will allow an  
27 unreasonable circumvention of the requirements of the  
28 zoning ordinance.

1           I would like to enter the Staff Report into  
2 the record as exhibit C.

3           CHAIRMAN: Is anyone here representing the  
4 applicant?

5           MR. MEYER: My name is J.D. Meyer representing  
6 the applicant.

7           (MR. J.D. MEYER SWORN BY ATTORNEY.)

8           MR. MEYER: Ladies and Gentlemen of the Board,  
9 my name is J. D. Meyer. I represent the applicant,  
10 Clean Car Properties, in connection with the requested  
11 Variance here tonight.

12           First, let me apologize. This matter was set  
13 before the board at the last meeting. There was a  
14 miscommunication on the part of my client. We mixed  
15 up the times. Therefore, we did not appear at the  
16 appropriate time, but thanks to the Planning Staff we  
17 have this back on the agenda today.

18           Let me first begin by describing the nature of  
19 the request. I have a couple of pictures at least to  
20 give the board members a familiarity with the  
21 property. I have the amended final development plan  
22 that was approved by the Planning Commission as well  
23 as some pictures of the canopy and the encroachment.

24           The first picture, I guess, is a copy of the  
25 final development plan as I said. We're dealing with

1 a canopy that is on the southernmost portion of the  
2 property. Essentially there's one entrance into the  
3 property as cars proceed through the car wash that my  
4 client has constructed.

5 The first point of entry is actually  
6 underneath the canopy. The canopy covers the ATM  
7 machines or the cash machines that conduct the  
8 transaction between the patrons of the car wash and my  
9 client. As you can see from the two pictures,  
10 especially the second one, there is a canopy obviously  
11 covers all of those. The machines as well as the  
12 vehicles as they pull in. It does abut out into the  
13 actual over the concrete slat in order to provide  
14 additional protection for people using the car wash  
15 and to shade the equipment.

16 You can see in that second picture in the very  
17 back towards the street there is the flag marking the  
18 property line. It is that canopy that abuts and  
19 encroaches upon the ten foot building setback line  
20 that's required under the zoning ordinance.

21 We've looked at different options to try to  
22 avoid this encroachment. We can't turn the canopy  
23 because doing so actually exposes one of the machines  
24 and leaves it vulnerable to the weather.

25 Removing the canopy essentially would cost my

1 client anywhere between 30 and \$40,000 when you add in  
2 the cost of the first canopy as well as a replacement  
3 canopy that might be a little smaller, but it also may  
4 leave some additional vulnerability to those machines.

5 I think everyone is familiar with this  
6 surrounding area. This property is on the corner of  
7 Ralph Avenue and Highway 54. I do have kind of a map,  
8 aerial photograph taken from the property valuation  
9 office that depicts the property area.

10 My client's property I believe is the first  
11 two lots there on the corner. This was before any of  
12 the consolidations. So the maps are a little bit  
13 outdated.

14 All of those properties running back, and  
15 actually to the right side of Ralph Avenue, have been  
16 rezoned and are now being utilized for commercial  
17 purposes. The right side of Ralph Avenue has a church  
18 sitting on it. Then there is the back of the  
19 Woodlands Development that houses Sasalita's, Subway,  
20 Hibbett Sports, and other business purposes.

21 We believe and it's our contention that this  
22 variance request will not alter the character of the  
23 general vicinity because eventually all of this  
24 property will be developed we believe commercially.

25 The comprehensive plan indicates that a

1 business expansion in this area is a logical  
2 expansion. So it's one that the Planning Staff would  
3 approve.

4 In prior meetings or prior hearings before the  
5 Planning Commission, there have been statements in  
6 evidence presented by the Planning Commission because  
7 this property itself was approved as a logical  
8 expansion from R-1 residential zone into a B-4  
9 business classification.

10 Another thing to point out is that in  
11 connection with the development of the Woodlands  
12 property, the street, Ralph Avenue, was widened to meet  
13 commercial standards. I think that's another evidence  
14 to point that this property and all properties on  
15 Ralph Avenue are going to eventually develop for  
16 commercial purposes.

17 Additionally, when this property was being  
18 rezoned, the property owner posted a bond to assist in  
19 the payment of a deceleration lane as Planning  
20 Commission was trying to account for what happens in  
21 the future when this does develop as there is a need  
22 for a decel lane because of the increase traffic flow,  
23 and in fairness trying to spread that out amongst all  
24 the owners in that Ralph Avenue area.

25 So even when you look and consider the

1 development of the surrounding area, it shows that  
2 this property and the property adjacent to my client's  
3 property is most likely to be developed for business  
4 purposes.

5           Lastly, I do have a Mutual Termination of Deed  
6 Restriction that was executed by all the owners in the  
7 Ralph Avenue area. This Mutual Termination of Deed  
8 Restriction in essence cancels the residential use  
9 only restriction that was initially placed on that  
10 subdivision when it was developed.

11           I believe that the execution of this document  
12 provides evidence to this board that the owners of the  
13 Ralph Avenue area properties also consider that these  
14 properties will develop business-wise.

15           If these properties are developed for a  
16 business purpose, I believe under the Planning and  
17 Zoning regulations there's only a five foot buffer or  
18 setback line that would be applicable in this  
19 situation and should you consider that, my client's  
20 actual canopy would actually be in compliance with the  
21 zoning regulations if this property were B-4,  
22 immediate adjacent property.

23           I'll pass these as well to introduce into  
24 evidence the change in nature of this neighborhood.

25           CHAIRMAN: Mr. Meyer, we need to move on. We



1 have the Planning Commission.

2 Any board members have any questions of Mr.  
3 Meyer?

4 MR. DYSINGER: Just one quick one, Mr.  
5 Chairman, just make sure I understand.

6 Your contention is that the area is going  
7 commercial and if it was already commercial your  
8 client would already be in compliance?

9 MR. MEYER: Correct.

10 MR. NOFFSINGER: I have a question.

11 In looking at the photos and comparing the  
12 photos to the development plan, it looks like there's  
13 not any landscaping that has been installed on the  
14 site. Do you want to talk a little bit about that and  
15 what your plans are there?

16 MR. MEYER: That landscaping is being  
17 installed currently.

18 MR. NOFFSINGER: As per the development plan?

19 MR. MEYER: As per the development plan.

20 MR. NOFFSINGER: You have no intentions on  
21 requesting a variance from that?

22 MR. MEYER: No, and we have been working with  
23 the Staff on that.

24 CHAIRMAN: Any other questions?

25 MS. MASON: I have a question.

1           The area on Ralph Avenue that you're saying is  
2 going to go commercial, right now it is zoned  
3 residential?

4           MR. MEYER: I believe there area about six or  
5 seven lots that are still zoned R-1A residential.

6           MR. NOFFSINGER: If I might. That setback is  
7 there to protect those adjoining landowners.

8           I'd have a question: Is the adjoining  
9 landowner here tonight that would be affected by this  
10 setback?

11           (NO RESPONSE)

12           MR. NOFFSINGER: That landowner is not here,  
13 but that landowner was notified of this meeting.

14           CHAIRMAN: Is anyone here that would like to  
15 speak in opposition of this item?

16           We'll ask Mr. Meyer to step back a minute and  
17 see if we have any opposition?

18           Anyone here that would like to speak in  
19 opposition?

20           (NO RESPONSE)

21           MR. WARREN: Mr. Noffsinger, there's nothing  
22 on record in the office or anything in opposition?

23           MR. NOFFSINGER: I didn't find any.

24           CHAIRMAN: Any other comments or questions?

25           (NO RESPONSE)

1           CHAIRMAN: Chair is ready for a motion.

2           MR. WARREN: I have another question. Are we  
3 addressing the two additional canopies that are on the  
4 development plan?

5           MR. NOFFSINGER: I think they're okay in terms  
6 of setbacks. It's just a matter of --

7           MR. WARREN: It's just they're not on the  
8 development plan.

9           MR. NOFFSINGER: This is the only setback  
10 encroachment I'm aware of. The Staff is shaking their  
11 head.

12          CHAIRMAN: Chair is ready for a motion.

13          MR. TAYLOR: Mr. Chairman, I vote to approve  
14 the Variance based upon the fact that I do not believe  
15 it will alter the essential character of the  
16 neighborhood due to the recent developments in the  
17 area, and the projection not only by the Staff but by  
18 the community of the development of that area.

19          MR. DYSINGER: I second that.

20          CHAIRMAN: We have a motion by Mr. Taylor and  
21 a second by Mr. Dysinger. Any comments on the motion?

22          (NO RESPONSE)

23          CHAIRMAN: All in favor raise your right hand.

24          (ALL BOARD MEMBERS PRESENT - EXCLUDING JUDY  
25 DIXON AND C.A. PANTLE - RESPONDED AYE.)

1 CHAIRMAN: All opposed.

2 (BOARD MEMBERS JUDY DIXON AND C.A. PANTLE  
3 RESPONDED NAY.)

4 CHAIRMAN: Five to two the motion carries.

5 ITEM 5

6 5400 Willow Brook Loop, zoned R-1A  
7 Consider a Variance to remove the 20' project boundary  
8 setback along the west and south property lines in  
9 order to install an in-ground swimming pool, and to  
10 increase the maximum height of a fence in a front yard  
11 from 3 feet to 6 feet along Willow Brook Loop  
12 Reference: Zoning Ordinance, Article 10,  
13 Section 10.432, Article 3, Section 3-7(g)(2)  
14 Applicant: Laurie Heddleson and Vicki A. Blake

15 MR. WILLIAMS: You have in your Staff Report a  
16 site plan which I will reference in the discussion.

17 The subject property is a lot within the  
18 Whispering Meadows subdivision. Much of the  
19 subdivision has been developed in phases under  
20 preliminary plat/final development plans. This  
21 process allows for the flexibility in development in  
22 many ways, but also requires a 20 foot project  
23 boundary buffer. The intent of a project boundary  
24 buffer is to separate the entire development from  
25 adjoining property, not to buffer one section of a  
subdivision from another section of the same  
development. As a result of this process, phases of  
construction within the Whispering Meadows subdivision  
are separated by a 40 foot buffer.

1           This project has continued to developed to the  
2 point to where the applicant is requesting to remove  
3 this project boundary from her property. The property  
4 to the south is being developed right now. That  
5 project boundary has been reduced to 10 feet as  
6 opposed to 20.

7           The property behind her, as you'll see, is  
8 also planned to be developed. So she desires to have  
9 that project boundary removed so that she will not be  
10 accessibly separated and can install this in-ground  
11 pool.

12           Now, there's not sufficient space to her  
13 desires to place a pool in the backyard. Therefore,  
14 they request it in the side yard, which happens also  
15 to be a front yard because the street curves in front  
16 of it.

17           To place a fence around this pool it will  
18 require the variance from three feet to six feet. So  
19 this variance will allow the pool to be placed there  
20 for safety, to prevent people from accessing the pool  
21 in accordance with the building code.

22           This is not an unusual request in this  
23 development. There have been several others that have  
24 been granted. As I mentioned before, the entire phase  
25 of development has been reduced from 20 feet to 10

1 feet.

2 So the Staff recommends approval and  
3 submission and approval of amended preliminary  
4 plat/final development plan for Meadow Run and  
5 Whispering Meadows would be required before the  
6 issuance of any permits and the submission and  
7 approval of any amended final plat for Meadow Runs and  
8 Whispering Meadows prior to the issuance of any  
9 permits.

10 I would like to enter the Staff Report into  
11 the record as Exhibit D.

12 CHAIRMAN: Anyone here representing the  
13 applicant?

14 APPLICANT REP: Yes.

15 CHAIRMAN: Anyone here would like to speak in  
16 opposition or have any comments or questions on this  
17 item?

18 (NO RESPONSE)

19 CHAIRMAN: Does any board member have any  
20 questions of the applicant?

21 (NO RESPONSE)

22 CHAIRMAN: Chair is ready for a motion.

23 MS. MASON: Mr. Chairman, I move for approval  
24 and my findings of fact are it will not adversely  
25 affect the public health, safety or welfare; it will

1 not alter the essential character of the general  
2 vicinity; it will not cause a hazard or nuisance to  
3 the public; and it will not allow an unreasonable  
4 circumvention of the requirements of the zoning  
5 regulations.

6 The conditions are a submission and approval  
7 of an amended preliminary plat/final development plan  
8 for Meadow Run at Whispering Meadows prior to the  
9 issuance of any permits, and submission and approval  
10 of an amended final plat for Meadow Run and Whispering  
11 Meadows prior to the issuance of any permits.

12 MR. PANTLE: Second.

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

15 (NO RESPONSE)

16 CHAIRMAN: All in favor raise your right hand.

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimous.

19 Next item.

20 -----

21 OTHER BUSINESS

22 ITEM 6

23 3905 Carter Road, zoned B-4  
24 Monthly review of paint ball screening and operation  
since the March 6, 2008 meeting

25 CHAIRMAN: Any comments or questions on that

1 item?

2 MR. WILLIAMS: I visited the site today. All  
3 of the equipment for the paintball activity has been  
4 removed. So the owners of the property have ceased  
5 operation at this time as was determined previously.

6 CHAIRMAN: We have no further action on that  
7 item; is that correct?

8 MR. SILVERT: That's correct.

9 CHAIRMAN: We need one more motion.

10 MR. PANTLE: Move to adjourn.

11 MR. WARREN: Second.

12 CHAIRMAN: All in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY )  
 )SS: REPORTER'S CERTIFICATE  
2 COUNTY OF DAVIESS )

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and  
4 for the State of Kentucky at Large, do hereby certify  
5 that the foregoing Owensboro Metropolitan Board of  
6 Adjustment meeting was held at the time and place as  
7 stated in the caption to the foregoing proceedings;  
8 that each person commenting on issues under discussion  
9 were duly sworn before testifying; that the Board  
10 members present were as stated in the caption; that  
11 said proceedings were taken by me in stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into the  
14 foregoing 24 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 20th day of April, 2008.

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19 \_\_\_\_\_  
20 LYNNETTE KOLLER FUCHS  
21 OHIO VALLEY REPORTING SERVICES  
22 202 WEST THIRD STREET, SUITE 12  
23 OWENSBORO, KENTUCKY 42303

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