

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 FEBRUARY 5 2009

3 The Owensboro Metropolitan Planning Commission
4 met in regular session at 5:30 p.m. on Thursday,
5 February 5, 2009, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

17 * * * * *

18 CHAIRMAN: Let's call the meeting to order.
19 We're going to open our meeting with a prayer by Ruth
20 Ann and then the pledge of allegiance.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: We welcome everyone. If you have
23 anything to add on any point, please come to the
24 podium and state your name.

25 The first item on the agenda is to consider
the minutes of the January 8th meeting. They're on
record in the office. I don't think there's any
problems. Entertain a motion.

MS. DIXON: Move to approve.

1 MS. MASON: Second.

2 CHAIRMAN: All in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 Next item.

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7 CONDITIONAL USE PERMITS

8 ITEM 2

9 3910 Medley Road, zoned P-1
10 Consider request for a Conditional Use Permit to
11 operate an adult daycare and training facility for a
12 maximum of 30 clients.
13 Reference: Zoning Ordinance, Article 8, Section 8.2B3
14 Applicant: River Valley Behavioral Health c/o Ken
15 Stein; Mr. & Mrs. Joe Foster

16 MR. SILVERT: State your name, please.

17 MS. EVANS: Melissa Evans.

18 (MELISSA EVANS SWORN BY ATTORNEY.)

19 ZONING HISTORY

20 The subject property is currently zoned P-1
21 Professional Service. In 1999 it was rezoned from
22 R-1A to P-1. At that time there was one condition on
23 that rezoning limiting the driveway to a single drive
24 at Medley Road. The subject property is developed
25 with an existing building and existing paved parking.
The required vehicular use area landscaping is
achieved by a natural berm with an existing tree line
along the north boundary of the paved parking area. A

1 three (3) foot continuous element with one (1) tree
2 every 40 feet along the west boundary of the paved
3 parking area is required and the gravel area along the
4 east boundary of the paved parking area is to be
5 returned to grass in accordance with Article 13,
6 Section 13.12 of the Zoning Ordinance; as shown on the
7 site plan submitted with the application.

8 There are also two other conditional use
9 permits that have been approved in the past for this
10 property.

11 The first one was in 1974 to construct an Elks
12 Club on the property.

13 The other one was in 1993 to operate a
14 preschool/daycare for children with handicaps ages
15 birth to four years old.

16 LAND USES IN SURROUNDING AREA

17 The property to the north, across Medley Road,
18 is zoned A-U Urban Agriculture with two single-family
19 residences. The property to the west is zoned R-1C
20 Single-Family Residential with an existing
21 neighborhood. The property to the east and south are
22 both zoned R-1A Single-Family Residential and they are
23 both vacant.

24 ZONING ORDINANCE REQUIREMENTS

25 1. Parking requirement - Daycare - 2, plus

1 one per 10 children. The applicant has stated that
2 there will be a maximum of 30 children. So that's
3 five parking spaces. Then plus 1 per every 400 square
4 feet of existing office space, and there's 4,318
5 square feet of office space, so that's 11 parking
6 spaces so that's a total of 16 required.

7 2. Landscape easement between the vehicular
8 use area and the right-of-way consisting of a three
9 foot continuous element with one tree every 40 feet.

10 SPECIAL CONDITIONS

11 1. Install the required landscaping along the
12 west boundary of the paved parking area.

13 2. Return existing gravel parking area to
14 grass.

15 MS. EVANS: Staff would like to enter the
16 Staff Report into the record as Exhibit A.

17 CHAIRMAN: Any objections in the office?

18 MR. NOFFSINGER: No, sir.

19 CHAIRMAN: The applicant here this evening?

20 Do you have any comments at this time?

21 APPLICANT REP: No.

22 CHAIRMAN: Staff have anything else you want
23 to add to it?

24 MR. NOFFSINGER: I do. I just want to make
25 sure on the parking.

1 This is an adult daycare?

2 MS. EVANS: Yes, it is. I'm sorry, that is a
3 mistake on there. That should be per ten adults
4 instead of children. It is for an adult daycare.

5 MR. NOFFSINGER: That is the way the zoning
6 ordinance specifies per its use?

7 MS. EVANS: It's for daycares. This falls
8 under a daycare so it's per clients. That's just a
9 mistake that I made.

10 MR. NOFFSINGER: Thank you.

11 CHAIRMAN: Staff any other comments?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Board members have any other
14 comments or questions?

15 (NO RESPONSE)

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

18 MR. PEDLEY: Mr. Chairman, I make a motion for
19 approval based on findings that we've no opposition on
20 this application and it is a compatible use with the
21 neighborhood because it is similar use to the
22 residential area. It will allow a harmonious
23 integration into the neighborhood because it's a quiet
24 operation. It will not adversely affect the future
25 development of the area because it is compatible with

1 multi-uses with the conditions 1) install required
2 landscaping along the west boundary of the paved
3 parking area, 2) return existing gravel parking area
4 to grass.

5 MR. DYSINGER: Second.

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

8 MR. NOFFSINGER: No, sir.

9 CHAIRMAN: Any other questions from the board?
10 (NO RESPONSE)

11 CHAIRMAN: You understand all the conditions
12 stated?

13 APPLICANT REP: Yes, sir.

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 We need one final motion.

19 MS. MASON: Move to adjourn.

20 MR. WARREN: Second.

21 CHAIRMAN: All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

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25

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 6 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 22nd day of February, 2009.

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

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COMMISSION EXPIRES: DECEMBER 19, 2010

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

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