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

MEMBERS PRESENT:  C.A. Pantle, Chairman
Ward Pedley, Vice Chairman
Ruth Ann Mason, Secretary
Madison Silvert, Attorney
Brian Howard
Judy Dixon
Marty Warren
Sean Dysinger
Clay Taylor

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CHAIRMAN: Call the meeting to order of the Owensboro Metropolitan Board of Adjustment. We'll go ahead and get rid of the preliminaries first.
I want to welcome each one of you here this evening. We start our meetings with a prayer and the pledge of allegiance. We invite you to join us if you so desire. Brian will have the prayer this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome all of you to the Owensboro Metropolitan Board of Adjustment meeting. Welcome you. If you have any comments on any item, please come to one of the podiums. State
your name so we can have you sworn in and we'll have
it of record.

With that the minutes are on record in the
office. I don't think there's any problems anywhere.

Does anybody have anything to add?

(NO RESPONSE)

CHAIRMAN: Obtain a motion.

MS. DIXON: Move to approve.

MR. DYSINGER: Second.

CHAIRMAN: A motion has been made and a second
that the minutes be approved as posted in the office.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please, sir.

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CONDITIONAL USE PERMIT

ITEM 2

8951 Aubrey Road, zoned R-1A
Consider a request for a Conditional Use Permit in
order to install a 16 foot by 80 foot Class 2
manufactured home in an R-1A zone.
Reference: Zoning Ordinance, Article 8,
Section B.2A10B
Applicant: Ricky T. & Margie S. Duncan

MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)
ZONING HISTORY

The subject property is currently zoned R-1A Single-Family Residential. OMPC records indicate there have been no Zoning Map Amendments for the subject property.

There was a Minor Subdivision Plat approved for the subject property in August 2009.

Two other Conditional Use Permit applications have been approved for the placement of manufactured homes at 9011 Aubrey Road, approved in 1987, and 9021 Aubrey Road, approved in 1995.

The applicant is asking for a waiver of the sidewalk requirement, the paved driveway requirement, and the paved parking requirement. The applicants states the subject property is in a rural area on a county road. Also none of the surrounding properties have sidewalks, paved driveways, or paved parking areas.

Upon inspection of the area, we found there to be no sidewalks; however, there are several properties that have paved or concrete driveways and parking areas.

LAND USES IN SURROUNDING AREA

The property to the north is zoned A-R and is farm land. The properties to the east and west are
zoned R-1A and A-R and are single-family residences and farm land. The property to the south is zoned R-1B and is a single-family residence.

ZONING ORDINANCE REQUIREMENTS

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

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 driveway apron shall not exceed 40 percent of the lot width.
5. The property is required to have at least three trees.
6. 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.
7. All wheel, trailer-tongue and hitch assemblies shall be removed upon installation.
8. The manufactured home shall be permanently
connected to an approved water and sewer system when available.

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

CHAIRMAN: Has there been any comments filed in the office for or against?

MR. HOWARD: No, there have not.

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

(NO RESPONSE)

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

APPLICANT REP: No, I don't.

CHAIRMAN: Any board members have any questions or comments for the applicant?

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. HOWARD: No, sir.

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

MR. TAYLOR: Mr. Chairman, move to approve the Conditional Use Permit based on findings there are previous conditional use permits in the area. They will be meet all zoning ordinance requirements except for the paved driveway requirement, paved parking and
paved sidewalk. There are a few in the area that do
have the paved parking, but predominately it is
unpaved. So I move to approve based upon all the
zoning ordinance requirements minus those.

CHAIRMAN: Is there a second?

MR. DYSINGER: Second, Mr. Chairman.

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. HOWARD: No.

CHAIRMAN: The applicant understand all the
requirements?

APPLICANT REP: Yes, we do.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 3

512 West Seventh Street, zoned R-4DT
Consider a request for a Conditional Use Permit in
order to construct a 10.5 foot by 16 foot addition to
be used as a storage room at an existing birthright
center.
Reference: Zoning Ordinance, Article 8,
Section 8.2A7, 8.2B10
Applicant: Roman Catholic Diocese of Owensboro,
Kentucky
ZONING HISTORY

The subject property is currently zoned R-4DT Inner City Residential. OMPC records indicate there have been no zoning map amendments for the subject property.

There was a Conditional Use Permit to operate a birthright center approved at the December 2007 OMBA meeting with the following conditions:

1. The sign that will go along with the property will be attached to the building as opposed to in the yard;

2. There will be no major structural alterations to the exterior of the building, other than the upkeep;

3. No fences shall be installed; and,

4. Screening with shrubs will be required.

There was a Final Development plan approved in December 2007. However, the parking area being used does not match what was approved on the development plan. The access is only 20 feet wide instead of the 27 foot width shown on the development plan. The access is required by the zoning ordinance to be at least 24 feet wide. The parking spaces on the south side of the parking area are between 7 feet 6 inches and 8 feet wide instead of the 9 foot width required.
by the zoning ordinance and shown on the development plan.

Additionally, the aisle width is only 19 feet wide instead of the 24 foot width shown on the development plan and required by the zoning ordinance.

This Conditional Use Permit request is to build a 10.5 foot by 16 foot attached addition to the existing building to be used as storage. All other operations of the birthright center are to remain the same as approved in December 2007.

LAND USES IN SURROUNDING AREA

All adjoining properties are zoned R-4DT Inner-City Residential and are either used for church related activities or as residences.

ZONING ORDINANCE REQUIREMENTS

The following criteria apply to a conditional use permit for residential transitional housing;

1. Any person residing in the referenced housing situation shall be subject to all state, federal or local jurisdiction laws.

2. The facility shall be located within 1/2 mile of public transit.

3. The facility shall not be located within an identified historic district recognized by the legislative body.
4. The facility shall employ an on-site administrator, who is directly responsible for the supervision of the residents and the implementation of house rules.

5. The applicant shall provide the Board of Adjustment, the zoning administrator, the public and the residents a phone number and address of the responsible person or agency managing the facility.

6. A fire exit plan shall be submitted with the conditional use application showing the layout of the premises, escape routes, location, operation of each means of egress, location of portable fire extinguishers, and location of the electric main. The fire exit plan shall be prominently displayed within a common area within the facility.

7. Hallways, stairs and other means of egress shall be kept clear of obstructions.

8. The facility shall comply with all applicable building and electrical codes.

9. A list of house rules shall be submitted to the Board of Adjustment with the application for a Conditional Use Permit and shall be prominently displayed in a common area within the facility. The rules should be adequate to address the following: Noise control, disorderly behavior, property garbage
disposal, and cleanliness of sleeping areas and common areas.

10. The Owensboro Metropolitan Board of Adjustment may impose additional conditions as may be necessary for the property integration of the use into the planning area.

The applicant has submitted commitments with the Conditional Use Permit application pertaining to the referenced zoning ordinance requirements. The commitments fully address all of the requirements.

SPECIAL CONDITIONS

1. Approval of an Amended Final Development Plan.

2. The sign that will go along with the property will be attached to the building as opposed to in the yard.

3. There will be no major structural alterations to the exterior of the building, other than the upkeep.

4. No fences shall be installed.

5. Screening with shrubs will be required.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit B.

CHAIRMAN: Thank you.

Is there any comments filed in the office?
MR. HOWARD: No, sir.

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

(NO RESPONSE)

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

MR. KAMUF: Yes, Mr. Chairman.

MR. SILVERT: State your name for the record.

MR. KAMUF: Charlie Kamuf.

MR. SILVERT: Recognize the oath you took as an attorney.

MR. KAMUF: I might point out there's no objection from any of the neighbors. We've talked to the neighbors.

I met with Jim Mischel. I didn't know there was any violation as far as the size of the parking area, those park places. I think the issue is 7 1/2 to 8. We will be glad to redo those parking places. That was a mistake. I talked to Teri LaHugh when we started this. She had no idea that there was any violation. We'll do that.

Then there was an issue as far as the 24 foot entrance. We agree to those changes. We did not know that there was any violation. We agreed to them starting out. They should have been done. We don't
know why they weren't done.

The idea in this case is to -- it's a big clothes closet. A lot of the clothes that the girls have there they're stored there in different places. They're in the basement. They get mildew. We want to build a storage building for just clothes on the side of the building. I can assure you it will not be a major alteration. It's a very small building. 10.5x16 foot.

We're prepared to submit a development plan covering that. Mr. Riney is here and he will tell you that. I don't know anything else.

We're willing to agree those are violations. I looked at them and we're willing to correct them. We did not know that until last week when I met with Jim Mischel and I told him we would correct them.

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

MR. DYSINGER: Mr. Chairman, I would just ask Staff if they're satisfied with what was just said?

MR. HOWARD: Sure. As long as they submit an amended development plan, we'll go out and inspect the parking spaces to make sure that they meet the minimum requirements.

MR. KAMUF: We'll do that.
MS. DIXON: One question, Charlie. Are you
going to make every effort to make it blend in with
the? You know, with the architecture of the house.
The house is brick painted now.

MR. KAMUF: You're talking about the sign?

MS. DIXON: No. No. The addition.

MR. KAMUF: Yes. It will be the same, yes.
It will be in the back. As you're the street in the
back on the left-hand side, it will be in that corner.
There will be about a one foot setoff going back
through there. Yes.

MS. DIXON: The material will be compatible
with the architecture of the house? Something that
will blend in?

MR. KAMUF: It will. For me to answer that
question, I don't know we got a bid to prepare it, but
I don't know what type of material. I can tell you it
will. It will blend in. I don't know and tell you.
I mean I can just tell you what the bid was, but I
don't know exactly.

MS. DIXON: I just wanted to make sure it is
compatible with the structure.

MR. KAMUF: We agree to that.

Now, Teri is here if you have any questions of
why we're doing it or any questions as to why we're in
in violation. I think she can tell you that it was inadvertently done and we'll correct it.

CHAIRMAN: Any other questions from the board?

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. HOWARD: No, sir.

CHAIRMAN: You say you agreed with everything?

MR. KAMUF: We agree with it. I met with Jim Mischel last week and agreed to everything.

CHAIRMAN: Good deal.

Entertain a motion to dispose of the item unless you have something else?

MR. KAMUF: NO.

MR. DYSINGER: Mr. Chairman, given the findings that the requested use is consistent with the current usage and further that the proposed use is compatible with the neighborhood, move to approve the Conditional Use Permit with the following Special Conditions:

1. Approval of an Amended Final Development Plan.

2. The sign that will go along with the property will be attached to the building as opposed to in the yard.

3. There will be no major structural
alterations to the exterior of the building, other
than the upkeep.

4. No fences shall be installed.
5. Screening with shrubs will be required.

MR. TAYLOR: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else you would
like to add?

MR. HOWARD: No, sir.

CHAIRMAN: You all agree to everything?

MR. KAMUF: Yes.

CHAIRMAN: With that all in favor raise your
right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 4

8838 US Highway 431, zoned R-1A
Consider a request for a Conditional Use Permit in
order to install a 14 foot by 72 foot Class-2
manufactured home in an R-1A zone.

Reference: Zoning Ordinance, Article 8,
Section 8.2A10B
Applicant: Terry W. Wingfield; Deborah Lynn Wingfield

ZONING HISTORY
The subject property is currently zoned R-1A Single-Family Residential. OMPC records indicate there have been no Zoning Map Amendments for the subject property.

The applicant is asking for a waiver of the sidewalk requirement, the paved driveway requirement, and the paved parking requirement. The applicants states there is a 48 inch culvert in the ditch allowing access to US Highway 431.

Upon inspection of the area, we found there to be no sidewalks, paved driveways or paved parking in the area.

LAND USES IN SURROUNDING AREA

The property to the north is zoned R-1A and is a single-family residence. The properties to the south, west and east are zoned R-1A and A-R and are single-family residences and farm land.

ZONING ORDINANCE REQUIREMENTS

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

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 driveway apron shall not exceed 40 percent of the lot width.

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

6. 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.

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

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

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit C.

CHAIRMAN: Thank you.

Any comments filed in the office?

MR. HOWARD: No, sir.

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

(NO RESPONSE)

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

APPLICANT REP: No.

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

(NO RESPONSE)

CHAIRMAN: Staff have any comments?

MR. HOWARD: No.

CHAIRMAN: Hearing none I'll entertain a motion.

MS. MASON: Mr. Chairman, I move to grant the Conditional Use Permit. My findings of fact is there's no opposition, it's compatible with the existing use in the neighborhood, and it will not have an adverse influence on the future development, to meet all of the Zoning requirements with the exception of the sidewalk requirement, the paved driveway requirement and the paved parking requirement.

MR. WARREN: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else you want to add?

MR. HOWARD: No.

CHAIRMAN: You understand and agree to all of
the requirements?

APPLICANT REP: Yes.

CHAIRMAN: Good deal.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Entertain one final motion.

MS. DIXON: Move to adjourn.

MR. DYSINGER: 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 )
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 19 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 20th day of September, 2009.

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