The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, October 1, 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
     Marty Warren
     Sean Dysinger

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CHAIRMAN: Let me call the meeting to order.

Welcome you to our Owensboro Metropolitan Board of Adjustment meeting. We start our meeting each night with a prayer and pledge of allegiance. Ruth Ann is going to have the prayer this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you to the meeting. If you have any comments that you need to state on any particular item, please come to one of the podiums and be sworn in and then we’ll go from there.

With that the first item is the minutes of our last meeting in September. They're in the office. I
think there's no corrections that need to be made.
Entertain a motion to dispose of the item.
MR. DYSINGER: Mr. Chairman, move to approve.
MR. PEDLEY: 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.

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ADMINISTRATIVE APPEAL

ITEM 2

701 Frayser Avenue, zoned I-2
Consider request for an Administrative Appeal
concerning the proposal to change from an existing
non-conforming use as a bar/tavern to another
non-conforming use as a church.
Reference: Zoning Ordinance, Article 4, 7,
Section 4.53, 7.34
Appellant: Fransisco Meza; Johnny Goodman

CHAIRMAN: Is there any comments filed in the
office?
MR. HOWARD: No, sir.
CHAIRMAN: Staff have anything you want to add
at this time?
MR. HOWARD: No.
CHAIRMAN: Does the applicant have any
comments you want to make at this time?
MR. SILVERT: Could you state your name, please.

MR. MEZA: Fransisco Meza.

MR. SILVERT: The translator, could you also state your name.

MS. VAZQUEZ: Yes. My name is Sue Lee Vazquez.

(MR. MEZA AND MS. VAZQUEZ SWORN BY ATTORNEY.)

(MS. VAZQUEZ TRANSLATES FOR MR. MEZA.)

MS. VAZQUEZ: First of all, he feels happy and it's an honor for him to be able to buy the building. It's with a mission to be able to preach the Lord's word. He's grateful for each one of you and for the opportunity that he has. He's trusting in the Lord that everything will turn out well.

God Bless everyone. Thank you.

CHAIRMAN: Does the Staff have anything to add to this particular item?

MR. HOWARD: No, sir. They've submitted a site plan that meets with our requirements and we've had numerous discussions about the project. We think that it's in order.

CHAIRMAN: Do you understand that the plan that you've submitted to the board and you agree to the changes that need to be made to comply?
MR. MEZA: Yes.

CHAIRMAN: You understand it and agree to it?

MR. MEZA: Yes.

CHAIRMAN: Any board members have any questions.

(NO RESPONSE)

CHAIRMAN: Staff have any other comments?

MR. HOWARD: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MR. PEDLEY: Mr. Chairman, I make a motion in favor of the appellant to change from existing non-conforming use to another non-conforming use based on the findings it will not have an adverse influence on existing or future development of the area because it is a quieter and less burdensome operation, and the owner is proposing improvements to the site with green space and landscaping; with the Conditions, 1) limit the access to the two access points shown on the site plan, 2) return right-of-way area along West Seventh Street to grass and remove pavement forward of the proposed parking area along Frayser Avenue and return to grass as shown on the site plan, 3) install the required landscaping as shown on the site plan, and 4) pave the parking area to the rear of the building as
shown on the site plan.

MR. SILVERT: Mr. Chairman, before you proceed I think you might want to ask if there's anyone here who would like to speak against this item.

CHAIRMAN: Does anyone have any opposition on this item who wants to speak against it or anything?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a second.

MR. WARREN: Second.

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

MR. DYSINGER: The only thing I would ask is that the applicant is absolutely clear about the conditions that were just moved on. You guys are absolutely straight with that?

MR. MEZA: Yes.

CHAIRMAN: Staff have anything else?

MR. HOWARD: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

We need one more motion.
MR. DYSINGER: Mr. Chairman, 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 )
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SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNETTE 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 6 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
26th day of October, 2009.

LYNETTE 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