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

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

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CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. We will begin our meeting with a prayer and pledge of allegiance to the flag. Will you stand please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everybody. Anyone wishing to speak on any item may do so. We ask that you come to one of the podiums, state your name and be sworn in.

With that the first item on the agenda is to consider the minutes of the November 5, 2009 meeting. Are there any additions or corrections?

(NO RESPONSE)
CHAIRMAN: If not the chair is ready for a
motion.

MS. DIXON: Move to approve.

MS. MASON: 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. The minutes are
approved.

Next item.

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CONDITIONAL USE PERMITS

ITEM 2

2525 French Street, zoned R-4DT
Consider request for a Conditional Use Permit in order
to install a Class 2, 16 foot by 80 foot manufactured
home in an R-4DT zone.

Reference: Zoning Ordinance, Article 8,
Section 8.2A10B

Applicant: Harold Dennis; Jean Dennis

MR. SILVERT: State your name, please.

MS. STONE: Becky Stone.

(BECKY STONE SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned R-4DT
Inner-City Residential. OMPC records indicate that
there have been no Zoning Map Amendments for the
subject property.
A Conditional Use Permit approved for the subject property in May 2009 to install a 14 foot by 80 foot manufactured home.

This Conditional Use Permit application is to increase the size of the manufactured home to 16 foot by 80 foot home. All other elements of the previous Conditional Use Permit are to remain the same.


LAND USES IN SURROUNDING AREA

All the surrounding property is zoned R-4DT and is occupied by single-family residences including several manufactured homes.

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 driveway apron shall not exceed 40% 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.

The site plan indicates these items will be met and with that there are no special conditions recommended.

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

(NO RESPONSE)

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

CHAIRMAN: Do you have anything you would like
to say to the board?

APPLICANT REP: No.

CHAIRMAN: Board members have any questions?

(NO RESPONSE).

CHAIRMAN: Chair is ready for a motion.

MS. DIXON: Move to grant the Conditional Use
Permit based upon findings of fact that it's basically
a modification of an existing Conditional Use Permit
and that there are seven other manufactured homes in
the area, and subject to the zoning ordinance
requirements as stated.

MS. MASON: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor for the motion raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item.

ITEM 3

2628 New Hartford Road, zoned B-4 (Postponed from
Consider a request for a Conditional Use Permit in order to operate a lawn maintenance business.

Reference: Zoning Ordinance, Article 8, Section 8.2H8/33a
Applicant: Jerry Yeiser & Betty Y. Yeiser

ZONING HISTORY

The subject property is currently zoned B-4 General Business. OMPC records indicate there have been no Zoning Map Amendments for the subject property.

In 2007, the applicant wanted to move his business back to this location and discovered that the business was not a permitted use in a B-4 zone. At the request of Daviess County Fiscal Court, the OMPC held a public hearing to allow landscaping services to be conditionally permitted in a B-4 General Business and B-3 zones. The Zoning Ordinance was amended in 2007 to allow landscaping services to be conditionally permitted in B-3 and B-4 zones.

The applicant is seeking a Conditional Use Permit to continue to operate their lawn maintenance business on the subject property. The applicant states that the business has existed on the subject property for 3 years, since the Zoning Text Amendment the Planning Commission adopted, but the applicant had not applied for a Conditional Use Permit.
LAND USES IN SURROUNDING AREA

The properties to the north, south and east are zoned B-4 General Business, the property to the north is the Sunrise Chapel Campus, the property to the south appears to be vacant and the property to the east is an office building. The property to the west is zoned R-1C Single Family Residential and is a single family residence.

ZONING ORDINANCE REQUIREMENTS

1. Parking requirements – Landscaping services – none required.

2. Landscaping requirements – 1 tree per every 40 feet of linear boundary along the street right-of-way plus a continuous 6 foot high continuous element between the subject property and the adjoining residential property and a 3 foot high continuous element along New Hartford Road.

SPECIAL CONDITIONS

1. Return paved right-of-way along New Hartford Road to grass, as shown on the submitted site plan.

2. Continue the 6 foot high fence along the north boundary of the subject property to complete the screening of the existing outdoor storage area, with no storage of materials to be stacked higher than the
fence height.

3. Install 3 foot high continuous landscaping element within a 3 foot wide landscaping easement with one tree per 40 linear feet along the vehicular use area adjacent to New Hartford Road within the property boundary, as shown on the submitted site plan.

4. All improvements to be installed within six months from approval of the Conditional Use Permit.

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

CHAIRMAN: Evidently we have no one in the audience in opposition.

Mr. Noffsinger, any opposition in the planning office?

MR. NOFFSINGER: Ms. Stone, have we received any opposition in the planning office regarding this?

MS. STONE: No.

CHAIRMAN: Does the applicant have anything they would like to present.

APPLICANT REP: No. I think we're fine now.

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

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.
MS. MASON: Move for approval based on the findings that it's compatible with the land use in the surrounding area and it will not have an adverse affect on future development and also there's no opposition.

CHAIRMAN: We have a motion. Do I hear a second.

MR. WARREN: Second.

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

MR. NOFFSINGER: Item 3A has been withdrawn.

ITEM 4

2641 Veach Road, zoned B-4
Consider a request for a Conditional Use Permit in order to operate child day care center for fifteen (15) infants.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Lea Brown; Frank Howard

ZONING HISTORY

The subject property is currently zoned B-4 General Business. OMPC records indicate there was a Zoning Map Amendment from B-4 General Business with restrictions to B-4 General Business approved for the
subject property in 1985.

The applicant states this child day care center will be for fifteen (15) infants ages 0-18 months of age. In discussions with the applicant, it was stated that the infants will be brought into the facility by the parent/guardian and no drop off outside will occur. The parking spaces provided on the site plan should be adequately arranged to maneuver on site without backing into the public right of way.

LAND USES IN SURROUNDING AREA

The properties to the north and east are zoned R-1 C Single Family Residential and appear to be used for residential purposes. The properties to the south are zoned R-1C Single Family Residential and B-4 General Business and appear to be used for residential and business purposes. The property to the west is zoned B-4 General Business and appears be used as such.

ZONING ORDINANCE REQUIREMENTS

1. Parking requirements – Child day-care centers – 2 spaces plus 1 space for every 10 children – 4 spaces required.

2. Landscaping requirements – 1 tree every 40 feet plus a continuous 3 foot high element along the
vehicle use area boundaries and a 6 foot solid screen
with 1 tree every 40 feet between the subject property
and residentially zoned property.

SPECIAL CONDITIONS

1. Reduce entrance width as shown on the site
plan to accommodate required parking as shown,
returning pavement to grass and installing a 3 foot
continuous element with one tree per 40 linear feet.

CHAIRMAN: Has there been any opposition in
the planning office?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Evidently the applicant is not
here.

Board members have any questions?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MS. MASON: Move to approve based on the
findings that there's no opposition, that it's
compatible with the existing use of the neighborhood
and will not have an adverse influence on future
development.

CHAIRMAN: We have a motion. Is there a
second?

MR. DYSINGER: Second.

CHAIRMAN: We have a motion and a second.
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.

I need 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 were 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 12 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 26th day of December, 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

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