The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, June 3, 2010, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: C.A. Pantle, Chairman
Ruth Ann Mason, Secretary
Gary Noffsinger, Director
Madison Silvert, Attorney
Rev. Larry Hostetter
Sean Dysinger
Clay Taylor

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CHAIRMAN: Let's call the meeting of the Owensboro Metropolitan Board of Adjustment to order. Welcome you all this evening. We start our meeting each month with a prayer. Clay Taylor will have that, and then we'll have the pledge of allegiance.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you all this evening. If you have any comments on any of the items, please come to the podium and state your name so we can get record of everything you say for our minutes.

With that the first item this evening is to consider the minutes of the May 6th meeting. They're in the office. I don't think we've had any problems.

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or anything with it.

MR. NOFFSINGER: No, sir.

CHAIRMAN: With that I'll entertain a motion to dispose of the item, please.

MS. MASON: Move to approve.

MR. DYSINGER: 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, sir.

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CONDITIONAL USE PERMITS

ITEM 2

15 Carter Road, zoned A-U

Consider request for a Conditional Use Permit in order to construct an addition to an existing church facility.

Reference: Zoning Ordinance, Article 8, Section 8.2B4

Applicant: Audubon Church of the Nazarene, Inc.

MR. SILVERT: State your name, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned A-U Urban Agriculture. OMPC records indicate there have been four Conditional Use Permits approved for the Ohio Valley Reporting

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subject property previously. There have also been
minor subdivision plats and development plans
approved.

This application is to construct an addition
to an existing building on the subject property. The
Conditional Use Permit for the existing building was
approved in 1999.

There will also need to be an amended Final
Development Plan done for the subject property.

LAND USES IN SURROUNDING AREA

Properties to the north, south and east are
all zoned A-U Urban Agriculture, and the property to
the west is zoned B-4 General Business.

ZONING ORDINANCE REQUIREMENTS

Zoning Ordinance Requirements for parking and
vehicular use area screening have all been met with
the previous Conditional Use Permits and are not
changed by this Conditional Use Permit application.

SPECIAL CONDITIONS

1. Approval of an amended Final Development
Plan.

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

CHAIRMAN: Were there any comments filed in
the office?
MR. NOFFSINGER: No, sir.

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

(NO RESPONSE)

CHAIRMAN: Does the applicant have any comments you would like to make at this time?

APPLICANT REP: No.

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

(NO RESPONSE)

CHAIRMAN: Staff have any other comments?

MR. NOFFSINGER: No, sir.

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

MR. DYSINGER: Mr. Chairman, given the finding that the use is compatible with current usage and is in keeping with the surrounding area, move to approve with the special condition that the approval of an amended final development plan.

CHAIRMAN: Is there a second?

MR. TAYLOR: Second.

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

(NO RESPONSE)

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CHAIRMAN: Staff have any other comments?

MR. NOFFSINGER: No, sir.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

ITEM 3

2300 Harbor Road, zoned I-2 (Postponed from the May 6, 2010 meeting)

Consider a request for a Conditional Use Permit in order to replace an existing beltline system with a new beltline system in the floodway.

Reference: Zoning Ordinance, Article 18, Section 18-4(b)3, 18-5(b)4, 18-6(b)3

Applicant: Bunge North America, Inc.; Owensboro Riverport Authority

ZONING HISTORY

The subject property is currently zoned I-2 Heavy Industrial. OMPC records indicate there have been no zoning map amendments for the subject property.

There have been minor subdivision plats approved for the subject property and public facility reviews done for the subject property.

As Mr. Noffsinger stated, this is to replace an existing beltline system with a new one in the floodway.

The letter from the Army Corp of Engineers, a

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Stream Construction Permit from the Kentucky Division of Water and the letter of no impact from a registered professional engineer have all been submitted to our office.

LAND USES IN SURROUNDING AREA

The properties to the north, south and west are zoned I-2 Heavy Industrial. The Ohio River boarders the subject property to the east.

There are no zoning ordinance requirements and no special conditions recommended.

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

CHAIRMAN: Any comments come to the office or anything?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Anyone in the audience wishing to speak in opposition of this?

(NO RESPONSE)

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

APPLICANT REP: I would like to thank Gary and Jim Mischel for guiding us through getting this done expeditiously. It didn't happen, but it wasn't for a lack of effort from the local office. We appreciate their guidance.

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CHAIRMAN: Good deal. We like to hear good comments like that.

Entertain a motion to dispose of the item.

MR. TAYLOR: Mr. Chairman, move to approve the Conditional Use Permit based upon the fact it's replacing an existing beltline which we previously approved a Conditional Use Permit for, and it's in accordance with the surrounding land uses.

MR. DYSINGER: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else?

MR. NOFFSINGER: No, sir.

CHAIRMAN: Applicant understand all the requirements?

APPLICANT REP: Yes.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

We're ready for one final motion.

MR. DYSINGER: Move to adjourn.

MS. MASON: Second.

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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 )

)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 8 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
4th day of June, 2010.

________________________________________
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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