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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

DECEMBER 2, 2010

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, December 2, 2010, 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
- Rev. Larry Hostetter
- Marty Warren
- Sean Dysinger
- Clay Taylor

\* \* \* \* \*

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment December 2, 2010 meeting to order. I would like to welcome everyone. We will begin our meeting with a prayer and pledge of allegiance to the flag. If you will stand and join us, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I would like to welcome everyone. Anyone wishing to speak on any item we welcome your comments and questions. 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 the  
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1 minutes of the November 4, 2010 meeting. Are there  
2 any additions or corrections?

3 (NO RESPONSE)

4 CHAIRMAN: Chair is ready for a motion.

5 MR. WARREN: Motion to approve the minutes as  
6 written.

7 MS. MASON: Second.

8 CHAIRMAN: We have a motion and a second. All  
9 in favor raise your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 CHAIRMAN: Motion carries unanimously.

12 Next item, please.

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14 CONDITIONAL USE PERMIT

15 ITEM 2

16 2501 Old Hartford Road, zoned P-1

Consider request for a Conditional Use Permit in order  
17 to construct an expansion to an existing rest home  
facility.

18 Reference: Zoning Ordinance, Article 8, Section 8.2C1

Applicant: The Carmelite Sisters of the Devine Heart  
19 of Jesus of Missouri

20 MR. SILVERT: Would you state your name,  
21 please.

22 MS. EVANS: Melissa Evans.

23 (MELISSA EVANS SWORN BY ATTORNEY.)

24 ZONING HISTORY

25 The subject property is currently zoned P-1

1 Professional Service. OMPC records indicate there was  
2 a zoning map amendment application approved for the  
3 subject property from R-3MF, R-1C and P-1 to P-1 at  
4 the November 2010 OMPC meeting.

5 There have also been three previous  
6 conditional use permits approved for additions to the  
7 rest home facility.

8 There is also a minor subdivision plat  
9 submitted in the office pending final approval of the  
10 zoning map amendment.

11 The applicant is expanding the existing  
12 facility by 29,314 square feet and increasing the  
13 number of beds by 32 as shown on the site plan  
14 submitted.

15 ZONING ORDINANCE REQUIREMENTS

16 1. Parking - 1 space for every 4 beds plus 1  
17 space for each employee on maximum shift. Total  
18 spaces required = 90.

19 2. Landscaping - 1 tree per every 40' of the  
20 vehicular use area boundary, plus a continuous 3' high  
21 element.

22 SPECIAL CONDITIONS

23 1. Approval of minor subdivision plat  
24 consolidating the subject property.

25 MS. EVANS: We would like to enter the Staff

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1 Report into the record as Exhibit A.

2 CHAIRMAN: Is anyone here like to speak in  
3 opposition or have any questions or comments on this  
4 item?

5 (NO RESPONSE)

6 CHAIRMAN: Is the applicant here?

7 APPLICANT REP: Yes.

8 CHAIRMAN: Any board members have any  
9 questions or comments?

10 (NO RESPONSE)

11 CHAIRMAN: Chair is ready for a motion.

12 MS. MASON: Mr. Chairman, I move for approval  
13 with the findings that it is a logical expansion of  
14 the existing use and it's consistent with the  
15 previously approved conditional use permits and that  
16 there's no opposition, and with the special condition  
17 of approval of a minor subdivision plat consolidating  
18 the subject property.

19 MR. DYSINGER: Second.

20 CHAIRMAN: We have a motion and a second. Any  
21 other comments or questions on the motion?

22 (NO RESPONSE)

23 CHAIRMAN: All in favor raise your right hand.

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

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1 Next item.

2 ITEM 3

3 3585 Thruston Dermont Road, zoned A-U

4 Consider request for a Conditional Use Permit in order  
5 to construct an expansion to an existing church  
6 facility for use as a church, parish hall, elementary  
7 school and high school.

8 Reference: Zoning Ordinance, Article 8,  
9 Section 8.2B4, 8.2B14

10 Applicant: Heritage Baptist Church

11

12 ZONING HISTORY

13 The subject property is currently zoned A-U  
14 Urban Agriculture. OMPC records indicate there have  
15 been no zoning map amendments for the subject property

16 There have been two previous Conditional Use  
17 Permits approved for the subject property.

18 The applicant is wishing to construct a 20,541  
19 square foot addition to the existing facility for use  
20 as a church, parish hall, elementary school and a high  
21 school.

22 ZONING ORDINANCE REQUIREMENTS

23 1. Parking - Church/Parish Hall - 1 space for  
24 every 5 seats in the main auditorium or Elementary  
25 School - 1 space for every classroom plus 1 space for  
each employee on maximum shift or high school - 1  
space for every 5 classroom seats, whichever is  
greater. Total spaces required = 90. I believe the  
site plan actually shows 120 though.

1                   2. Landscaping - 1 tree per every 40' of the  
2 vehicular use area boundary.

3 SPECIAL CONDITIONS

4                   1. Approval of a Final Development Plan.

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

7                   CHAIRMAN: Has there been any correspondence  
8 in the planning office or opposition?

9                   MR. NOFFSINGER: No, sir.

10                  CHAIRMAN: Anyone here like to speak in  
11 opposition or have any comments or questions on this  
12 item?

13                  MR. WEST: I just have a question. I live in  
14 the adjoining neighborhood.

15                  CHAIRMAN: Please come to the podium, please.

16                  MR. SILVERT: Could you state your name,  
17 please.

18                  MR. WEST: My name is Tim West.

19                  (TIM WEST SWORN BY ATTORNEY.)

20                  MR. WEST: I plead ignorance in this process.  
21 I know a couple of people here, Marty. Of course,  
22 Father Larry initiated me in the church. I know  
23 Father Larry.

24                  Is there plans available for the neighbors,  
25 the surrounding neighbors to see of this drawing to

1 know how -- basically we have a road that dead ends to  
2 that property. Is it going to be cut through into  
3 this expansion for better access to the church and  
4 also how it's going to effect the drainage around  
5 there because there's some areas that flood now  
6 without taking that land away to absorb the water.  
7 That ditch, the creek that runs through there. It  
8 fills up. I haven't seen any plans or know the  
9 process to see if there is any drawings available to  
10 look at. Also, I have a potential future son-in-law  
11 that is right on Court Dijon which is the backyard of  
12 Heritage Christian. He's working. He couldn't make  
13 the meeting. He wants to know how that's going to  
14 encroach towards his property line. Without drawings  
15 to see this thing, those are my comments and  
16 questions. If anybody could answer those. I'm not  
17 saying I protest or object. I'm ignorant to the  
18 process.

19 MR. NOFFSINGER: Mr. West, there are drawings.  
20 In fact, you can have this reduced submittal of mine  
21 that I'm looking at if you would like to step forward  
22 and have that.

23 The property that's being proposed for  
24 development is located in the area close to Thruston  
25 Dermont Road. The parent tract is a rather large

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1 tract. It's my understanding in reviewing those plans  
2 that this area is being developed. Would not have an  
3 impact on the roadway being extended through. I think  
4 it's -- is it Thoroughbred?

5 MR. WEST: It's Woodland Crossing. Woodbrook  
6 Trail.

7 MR. NOFFSINGER: I see the stub street on the  
8 drawing. It's a rather large parent tract so at this  
9 point in time there are no plans to extend the roadway  
10 through this tract of ground.

11 MR. WEST: Thank you.

12 CHAIRMAN: Does that answer your concerns?

13 MR. WEST: Yes, sir.

14 CHAIRMAN: Any board members have any  
15 questions?

16 (NO RESPONSE)

17 CHAIRMAN: Is the applicant here?

18 APPLICANT REP: Yes.

19 CHAIRMAN: Does the applicant have anything  
20 you would like to say to the board or does any board  
21 members have any questions of the applicant?

22 (NO RESPONSE)

23 CHAIRMAN: If there are no --  
24 Step up, please.

25 MR. SILVERT: Could you state your name,

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1 please.

2 MS. POWERS: Elizabeth Powers.

3 (ELIZABETH POWERS SWORN BY ATTORNEY.)

4 MS. POWERS: I would like also to see the plan  
5 because I live on Bordeaux Loop and my backyard is  
6 right in front of that field back there. I'd just  
7 also like to see how this is going to affect us.

8 MR. TAYLOR: If you look in the upper-right  
9 corner of the map, it kind of gives you an idea. It  
10 may not be exactly to scale, but kind of where the  
11 rest of the streets lie with that proposed, where  
12 that's going to lie in the neighborhood. Just to give  
13 you an idea of where your streets are since they don't  
14 show up on the actual drawing.

15 MR. NOFFSINGER: The area of property being  
16 developed will be near Dijon Court, cul-de-sac there.  
17 The Bordeaux Loop property, there's no development  
18 proposed immediately adjoining those properties at  
19 this time. All the development will take place near  
20 Thruston Dermont Road. Some of the area that's about  
21 I'm going to say about an acre roughly, one to two  
22 acres of that property, and it's about a 51 acre  
23 tract. So it's only a small portion of the parent  
24 tract that's being developed.

25 MR. WEST: Is it going to be built in phases

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1 or all at once?

2 MR. NOFFSINGER: The question is will this  
3 development be built in phases? You know, certainly I  
4 can't fully answer that question for you. I can tell  
5 you that there's an existing structure on the  
6 property. The next phase, if you will, will be this  
7 proposed building. Any other development on that  
8 property related to the church would have to come back  
9 through this process. They are not showing any future  
10 expansion of the property. It's just what you see  
11 here.

12 CHAIRMAN: Is there anyone else that has  
13 concerns they would like to address to the board of  
14 your concerns or questions?

15 (NO RESPONSE)

16 CHAIRMAN: Have your questions been adequately  
17 answered?

18 MS. POWERS: Yes, sir, with my limited  
19 knowledge. Thank you.

20 CHAIRMAN: Mr. Weaver, do you represent the  
21 applicant?

22 MR. WEAVER: Yes.

23 CHAIRMAN: Step up to the podium, please?

24 MR. SILVERT: Would you state your name,  
25 please.

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1 MR. WEAVER: Dave Weaver.

2 (DAVE WEAVER SWORN BY ATTORNEY.)

3 CHAIRMAN: I just want to bring you up and see  
4 if any of the board members have any questions of the  
5 plat and the application and the concerns of the  
6 neighbors. Any board members have any questions or  
7 comments?

8 (NO RESPONSE)

9 CHAIRMAN: I believe everyone's questions have  
10 been adequately answered by Mr. Noffsinger. That's  
11 all. Thank you.

12 MR. WEAVER: Thank you.

13 CHAIRMAN: Any board members have any further  
14 comments or questions?

15 (NO RESPONSE)

16 CHAIRMAN: Chair is ready for a motion.

17 MR. WARREN: Motion to approve this  
18 conditional use permit based on the findings that it  
19 is in keeping with the general area. It's an  
20 expansion of the existing facility. There is no  
21 opposition and with special conditions of the approval  
22 of the final development plan.

23 CHAIRMAN: We have a motion by Mr. Warren. Do  
24 I hear a second?

25 FATHER LARRY: Second.

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1 CHAIRMAN: We have a second by Father Larry.  
2 Any comments or questions on the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.  
5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries unanimously.  
7 We need one final motion.

8 MR. WARREN: Move to adjourn.

9 MS. MASON: Second.

10 CHAIRMAN: All in favor raise your right hand.  
11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: We were adjourned.

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

16 WITNESS my hand and notary seal on this the  
17 18th day of December, 2010.

18

19

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

22 COMMISSION EXPIRES: DECEMBER 19, 2010

23 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY

24

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