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

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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 Ohio Valley Reporting

(270) 683-7383
minutes of the November 4, 2010 meeting. Are there any additions or corrections?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

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

MS. MASON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, please.

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CONDITIONAL USE PERMIT

ITEM 2

2501 Old Hartford Road, zoned P-1

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

Reference: Zoning Ordinance, Article 8, Section 8.2C1

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

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned P-1

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

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

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

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

ZONING ORDINANCE REQUIREMENTS

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

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

SPECIAL CONDITIONS

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

MS. EVANS: We would like to enter the Staff

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Report into the record as Exhibit A.

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

(NO RESPONSE)

CHAIRMAN: Is the applicant here?

APPLICANT REP: Yes.

CHAIRMAN: Any board members have any questions or comments?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

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

MR. DYSINGER: Second.

CHAIRMAN: We have a motion and a second. Any other 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.
Next item.

ITEM 3

3585 Thruston Dermont Road, zoned A-U
Consider request for a Conditional Use Permit in order
to construct an expansion to an existing church
facility for use as a church, parish hall, elementary
school and high school.
Reference: Zoning Ordinance, Article 8,
Section 8.2B4, 8.2B14
Applicant: Heritage Baptist Church

ZONING HISTORY

The subject property is currently zoned A-U
Urban Agriculture. OMPC records indicate there have
been no zoning map amendments for the subject property
There have been two previous Conditional Use
Permits approved for the subject property.
The applicant is wishing to construct a 20,541
square foot addition to the existing facility for use
as a church, parish hall, elementary school and a high
school.

ZONING ORDINANCE REQUIREMENTS

1. Parking - Church/Parish Hall - 1 space for
every 5 seats in the main auditorium or Elementary
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.

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

SPECIAL CONDITIONS

1. Approval of a Final Development Plan.

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

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

MR. NOFFSINGER: No, sir.

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

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

CHAIRMAN: Please come to the podium, please.

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

MR. WEST: My name is Tim West.

(TIM WEST SWORN BY ATTORNEY.)

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

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

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

The property that's being proposed for development is located in the area close to Thruston Dermont Road. The parent tract is a rather large
tract. It's my understanding in reviewing those plans that this area is being developed. Would not have an impact on the roadway being extended through. I think it's -- is it Thoroughbred?


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

MR. WEST: Thank you.

CHAIRMAN: Does that answer your concerns?

MR. WEST: Yes, sir.

CHAIRMAN: Any board members have any questions?

(NO RESPONSE)

CHAIRMAN: Is the applicant here?

APPLICANT REP: Yes.

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

(NO RESPONSE)

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

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

MS. POWERS: Elizabeth Powers.

(ELIZABETH POWERS SWORN BY ATTORNEY.)

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

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

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

MR. WEST: Is it going to be built in phases
or all at once?

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

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

(NO RESPONSE)

CHAIRMAN: Have your questions been adequately
answered?

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

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

MR. WEAVER: Yes.

CHAIRMAN: Step up to the podium, please?

MR. SILVERT: Would you state your name,
please.
MR. WEAVER:  Dave Weaver.

(DAVE WEAVER SWORN BY ATTORNEY.)

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

(NO RESPONSE)

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

MR. WEAVER:  Thank you.

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

(NO RESPONSE)

CHAIRMAN:  Chair is ready for a motion.

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

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

FATHER LARRY:  Second.
CHAIRMAN: We have a second by Father Larry.

Any 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.

We need one final motion.

MR. WARREN: Move to adjourn.

MS. MASON: 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 18th day of December, 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

Ohio Valley Reporting
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