

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JANUARY 5, 2012

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 January 5, 2012, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

- 8 MEMBERS PRESENT: C.A. Pantle, Chairman
- 9 Ward Pedley, Vice Chairman
- 10 Ruth Ann Mason, Secretary
- 11 Gary Noffsinger, Director
- 12 Madison Silvert, Attorney
- Marty Warren
- Sean Dysinger
- * * * * *

13 CHAIRMAN: Let me call the Owensboro
14 Metropolitan Board of Adjustment meeting to order. We
15 start our meeting each month with a prayer and the
16 pledge of allegiance. We invite you to join with us.

17 Mr. Warren is going to have the prayer this
18 evening.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: I will turn it over to our attorney
21 now.

22 MR. SILVERT: Thank you, Mr. Chairman.

23 Each year in January we have the election of
24 officers. We will be electing today the chairman,
25 vice chairman and the secretary.

1 I'll open the floor for nominations for the
2 position of chairman.

3 MR. PEDLEY: I nominate Audie Pantle.

4 MR. DYSINGER: Second.

5 MR. PEDLEY: Motion nomination cease.

6 MS. MASON: Second.

7 MR. SILVERT: Nominations have ceased. All in
8 favor of naming Mr. Pantle as chairman please signify
9 by raising your right hand.

10 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

11 MR. SILVERT: Congratulations, Mr. Chairman.

12 Now the position of vice chair.

13 MS. MASON: I nominate Ward Pedley.

14 MR. DYSINGER: Second.

15 CHAIRMAN: I move the nomination cease and he
16 be elected by acclamation.

17 MR. DYSINGER: Second.

18 MR. SILVERT: All in favor of Ward Pedley for
19 vice chairman please signify by raising your right
20 hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 MR. SILVERT: Congratulations.

23 Now the position of secretary.

24 MR. DYSINGER: I nominate Ruth Ann Mason.

25 MR. WARREN: Second.

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1 CHAIRMAN: I move that nomination cease and
2 she be elected by acclamation.

3 MR. DYSINGER: Second.

4 MR. SILVERT: All in favor raise your right
5 hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 MR. SILVERT: Congratulations.

8 Back to you, Mr. Chairman.

9 CHAIRMAN: Thank you. I'll do the best I can
10 with your all's help.

11 With that we'll proceed with the minutes of
12 the December 1st meeting. I don't think there's any
13 problems in the office.

14 MR. NOFFSINGER: No, sir.

15 CHAIRMAN: Entertain a motion to dispose of
16 the item.

17 MR. PEDLEY: Motion for approval.

18 MS. MASON: Second.

19 CHAIRMAN: A motion has been and a second.
20 All in favor raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 Next item, please.

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25 CONDITIONAL USE PERMITS

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1 ITEM 3

2 3045 Burlew Boulevard, zoned B-4

3 Consider a request for a Conditional Use Permit in
4 order to expand an existing child care facility.

5 Reference: Zoning Ordinance, Article 8, Section 8.2B3

6 Applicant: KMW Properties, LLC, Karen Michelle
7 Wallace, Co-Executrix of the Estate of Nancy B.
8 Gribbin

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

11 MS. EVANS: Melissa Evans.

12 (MELISSA EVANS SWORN BY ATTORNEY.)

13 ZONING HISTORY

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

18 Conditional use permits have been approved by
19 the OMBA in 1994 and in 2004 for the construction and
20 operation of a child care facility.

21 LAND USES IN SURROUNDING AREA

22 The properties to the north, east and west are
23 zoned B-4 General Business. The property to the south
24 is zoned R-3MF Multi-Family Residential with existing
25 screening in place.

ZONING ORDINANCE REQUIREMENTS

1. Parking - Child day care centers - 2 plus
1 per every 10 persons under care. Total required =

1 21 spaces. The applicant is proposing 23 spaces as
2 shown on the site submitted.

3 2. Landscaping - Vehicular Use Area
4 Landscaping of a 3 foot high continuous element and 1
5 tree every 40 feet, as shown on the site plan
6 submitted.

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

9 CHAIRMAN: Thank you.

10 Have there been any comments or opposition in
11 the office?

12 MR. NOFFSINGER: No, sir.

13 CHAIRMAN: Is there anyone wishing to speak in
14 opposition for this item?

15 (NO RESPONSE)

16 CHAIRMAN: Does the applicant want to make any
17 comments at this time?

18 APPLICANT REP: No.

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

21 MR. WARREN: Mr. Chairman, make a motion to
22 grant the Conditional Use Permit with the findings
23 that this is an additional conditional use that the
24 property has been used for this purpose and being that
25 there's no opposition in the office and that all the

1 zoning requirements are met.

2 MR. DYSINGER: Second.

3 CHAIRMAN: A motion has been made and a
4 second. Any other comments or questions for the
5 board?

6 (NO RESPONSE)

7 CHAIRMAN: Staff have anything else to add?

8 MR. NOFFSINGER: No.

9 CHAIRMAN: Hearing no opposition or other
10 comments at this time.

11 Does the applicant understand the requirements
12 that we put on it and agree to that?

13 APPLICANT REP: Yes.

14 CHAIRMAN: Thank you.

15 All in favor raise your right hand.

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries.

18 MR. DYSINGER: Move to adjourn.

19 MS. MASON: Second.

20 MR. CHAIRMAN: All in favor raise your right
21 hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

24 -----

25

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

16 WITNESS my hand and notary seal on this the
17 25th day of January, 2012.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
202 WEST THIRD STREET, SUITE 12
OWENSBORO, KENTUCKY 42303

22

23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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