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

MEMBERS PRESENT:  C.A. Pantle, Chairman
                  Ward Pedley, Vice Chairman
                  Ruth Ann Mason, Secretary
                  Gary Noffsinger, Director
                  Madison Silvert, Attorney
                  Marty Warren
                  Sean Dysinger

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CHAIRMAN: Let me call the Owensboro Metropolitan Board of Adjustment meeting to order. We start our meeting each month with a prayer and the pledge of allegiance. We invite you to join with us. Mr. Warren is going to have the prayer this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

MR. SILVERT: Thank you, Mr. Chairman.

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

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

MR. PEDLEY: I nominate Audie Pantle.

MR. DYSINGER: Second.

MR. PEDLEY: Motion nomination cease.

MS. MASON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Congratulations, Mr. Chairman.

Now the position of vice chair.

MS. MASON: I nominate Ward Pedley.

MR. DYSINGER: Second.

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

MR. DYSINGER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Congratulations.

Now the position of secretary.

MR. DYSINGER: I nominate Ruth Ann Mason.

MR. WARREN: Second.

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

MR. DYSINGER: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MR. SILVERT: Congratulations.

Back to you, Mr. Chairman.

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

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

MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MR. PEDLEY: Motion for approval.

MS. MASON: Second.

CHAIRMAN: A motion has been and a second.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item, please.

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CONDITIONAL USE PERMITS

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ITEM 3

3045 Burlew Boulevard, zoned B-4

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

Reference: Zoning Ordinance, Article 8, Section 8.2B3

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

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

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.

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

LAND USES IN SURROUNDING AREA

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

ZONING ORDINANCE REQUIREMENTS

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

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

2. Landscaping - Vehicular Use Area

Landscaping of a 3 foot high continuous element and 1 tree every 40 feet, as shown on the site plan submitted.

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

CHAIRMAN: Thank you.

Have there been any comments or opposition in the office?

MR. NOFFSINGER: No, sir.

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

(NO RESPONSE)

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

APPLICANT REP: No.

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

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

MR. DYSINGER: Second.

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

(NO RESPONSE)

CHAIRMAN: Staff have anything else to add?

MR. NOFFSINGER: No.

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

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

APPLICANT REP: Yes.

CHAIRMAN: Thank you.

All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

MR. DYSINGER: Move to adjourn.

MS. MASON: Second.

MR. 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 DAVIDS )

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

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

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

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIDS COUNTY, KY

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