OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MAY 3, 2012

THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, MAY

3, 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
SEAN LAND, ATTORNEY
BRIAN HOWARD
MARTY WARREN
SHANNON RAINES

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CHAIRMAN:  LET ME CALL THE OWENSBORO

METROPOLITAN BOARD OF ADJUSTMENT TO ORDER.  I WANT TO

WELCOME YOU ALL AT THIS TIME.  WE START OUR PROGRAM

WITH A PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

EACH EVENING.  WE INVITE YOU TO JOIN WITH US.  BRIAN

HOWARD WILL HAVE THE PRAYER AT THIS TIME.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  AGAIN, I WANT TO WELCOME EACH ONE

OF YOU TO THE MEETING.  IF YOU HAVE ANY COMMENTS ON

ANY OF THE ITEMS, PLEASE COME TO ONE OF THE PODIUMS.

STATE YOUR NAME SO WE'LL HAVE RECORD OF YOUR BEING

HERE AND WHAT YOU HAVE TO SAY.

WITH THAT THE FIRST THING WE HAVE THIS EVENING

IS CONSIDER THE MINUTES OF THE APRIL 5TH MEETING.

OHIO VALLEY REPORTING
(270) 683-7383
THEY'RE IN THE OFFICE. I DON'T THINK THERE'S ANY PROBLEMS OR ANYTHING.

MR. HOWARD: NO, SIR.

CHAIRMAN: WITH THAT I'LL ENTERTAIN A MOTION TO DISPOSE OF THE ITEM.

MR. WARREN: MOTION TO APPROVE THE MINUTE AS WRITTEN.

MS. MASON: 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.

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CONDITIONAL USE PERMIT

ITEM 2

10565 HIGHWAY 81, ZONED A-R

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT IN ORDER TO OPERATE AN AGRI-TOURISM BUSINESS.

REFERENCE: ZONING ORDINANCE, ARTICLE 8, SECTION 8.2H9

APPLICANT: JERRY C. BAIRD

MR. LAND: STATE YOUR NAME, PLEASE.

MS. EVANS: MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: FIRST OF ALL, I WOULD LIKE TO STATE THAT APPROVAL OF ANY ITEMS HERE TONIGHT DOES NOT ALLOW FOR THE APPLICANT OR OWNER TO CONSTRUCT, ALTER
OR MODIFY OR OCCUPY ANY BUILDINGS ON THE SUBJECT PROPERTY. IT IS THE APPLICANT OR OWNER'S RESPONSIBILITY TO OBTAIN ALL APPROVALS AND INSPECTIONS AS NECESSARY BEFORE OCCUPANCY OF THE BUILDING IS ALLOWED. THEY NEED TO CONTACT THE BUILDING AND ELECTRICAL DIVISION AT THE OMPC PRIOR TO BEGINNING ANY WORK ON THE SUBJECT PROPERTY FOR APPLICABLE REQUIREMENTS.

ZONING HISTORY

THE SUBJECT PROPERTY IS CURRENTLY ZONED A-R RURAL AGRICULTURE. OMPC RECORDS INDICATE THERE WAS A ZONING MAP AMENDMENT APPROVED FOR A PORTION OF THE SUBJECT PROPERTY AT THE APRIL 12, 2012 OMPC MEETING, REZONING IT FROM R-1A TO A-R.

THE APPLICANT IS REQUESTING TO CONSTRUCT AND OPERATE A WINE TASTING FACILITY ON THE SUBJECT PROPERTY WHERE THEY CURRENTLY OPERATE A VINEYARD.

LAND USES IN SURROUNDING AREA

THE PROPERTY TO THE NORTH IS ZONED R-1A SINGLE-FAMILY RESIDENTIAL AND A-R RURAL AGRICULTURE. THE PROPERTIES TO THE SOUTH, EAST AND WEST ARE ZONED A-R RURAL AGRICULTURE.

ZONING ORDINANCE REQUIREMENTS

1. PARKING - MINIMUM OF 5, 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.

DO WE HAVE ANY COMMENTS OR QUESTIONS AT THE
OFFICE?

MR. HOWARD: NO, SIR.

CHAIRMAN: DOES ANYONE HERE WISHING TO SPEAK
ON THAT ITEM?

(NO RESPONSE)

CHAIRMAN: THE BOARD MEMBERS HAVE ANY COMMENTS
ON THE ITEM?

(NO RESPONSE)

CHAIRMAN: STAFF HAVE ANY OTHER QUESTIONS?

MR. HOWARD: NO, SIR.

CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF
THE ITEM.

MS. MASON: MR. CHAIRMAN, I MOVE FOR APPROVAL
BASED ON MY FINDINGS OF FACT THAT IT'S A LOGICAL
EXPANSION OF THE EXISTING USE AND IT'S COMPATIBLE WITH
THE LAND USE IN THE AREA.

MR. WARREN: SECOND.

CHAIRMAN: A MOTION HAS BEEN MADE AND A
SECOND. IS THERE ANY OTHER COMMENTS OR QUESTIONS FROM
THE BOARD?

(NO RESPONSE)
CHAIRMAN: STAFF HAVE ANYTHING ELSE?

MR. HOWARD: NO.

CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES.

NEXT ITEM, PLEASE, SIR.

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VARIANCE

ITEM 3

1724 LEE COURT, ZONED R-4DT

CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO REDUCE

THE SIDE AND REAR YARD BUILDING SETBACK LINES FOR AN

ACCESSORY STRUCTURE FROM 3 FEET FROM THE PROPERTY LINE

to 0 FEET FROM THE PROPERTY LINE.

REFERENCE: ZONING ORDINANCE, ARTICLE 3, SECTION

3-7(B)(2)

APPLICANT: DONALD W. BUCKBY & JUDY C. BUCKBY

MS. EVANS: THE APPLICANT IS WISHING TO

RECONSTRUCT A DETACHED GARAGE THAT WAS DESTROYED BY

WEATHER AND INCREASE THE SIZE OF THE ORIGINAL GARAGE.

ACCORDING TO THE SITE PLAN SUBMITTED THE

ORIGINAL GARAGE ENCROACHED INTO THE REAR AND WEST SIDE

BUILDING SETBACK LINE. IT APPEARS THE ORIGINAL GARAGE

WAS 2 FEET 8 INCHES FROM THE REAR PROPERTY LINE AND 1

FOOT 4 INCHES FROM THE WEST PROPERTY LINE INSTEAD OF

THE REQUIRED 3 FEET FROM THE PROPERTY LINES.

WHILE WE DO FIND IT APPROPRIATE TO REDUCE THE

SETBACK LINES ON THE REAR AND WEST SIDE, WE DO NOT
FEEL REDUCING THE SETBACK TO 0 FEET WOULD BE
NECESSARY. RATHER WE WOULD RECOMMEND THE REAR YARD
BUILDING SETBACK LINE BE REDUCED FROM 3 FEET FROM THE
PROPERTY LINE TO 2 FEET 8 INCHES FROM THE PROPERTY
LINE AND THE WEST SIDE YARD BUILDING SETBACK LINE BE
REDUCED FROM 3 FEET FROM THE PROPERTY LINE TO 1 FOOT 4
INCHES FROM THE PROPERTY LINE.

THIS WOULD ALLOW THE APPLICANT TO CONSTRUCT
THE NEW LARGER DETACHED GARAGE IN THE SAME PLACE AS
THE OLD ONE UTILIZING THE EXISTING FOOTER AND LINING
UP WITH THE EXISTING DRIVEWAY.

GRANTING THE VARIANCE TO REDUCE THE REAR YARD
BUILDING SETBACK LINE FROM 3 FEET FROM THE PROPERTY
LINE TO 2 FEET 8 INCHES FROM THE PROPERTY LINE AND
REDUCING THE WEST SIDE YARD BUILDING SETBACK LINE FROM
3 FEET FROM THE PROPERTY LINE TO 1 FOOT 4 INCHES FROM
THE PROPERTY LINE WILL NOT ADVERSELY AFFECT THE PUBLIC
HEALTH, SAFETY OR WELFARE BECAUSE THIS WILL BE
REPLACING A BUILDING THAT HAD NO NEGATIVE IMPACT
PREVIOUSLY; IT WILL NOT ALTER THE ESSENTIAL CHARACTER
OF THE GENERAL VICINITY BECAUSE THIS AREA WAS
DEVELOPED BEFORE THE ESTABLISHMENT OF THE ZONING
ORDINANCE AND THERE APPEAR TO BE NUMEROUS OTHER
ENCROACHMENTS.

STAFF WOULD RECOMMEND APPROVAL TO REDUCE THE
REAR YARD BUILDING SETBACK FROM 3 FEET FROM THE
PROPERTY LINE TO 2 FEET 8 INCHES FROM THE PROPERTY
LINE AND TO REDUCE THE WEST SIDE YARD BUILDING SETBACK
LINE FROM 3 FEET FROM THE PROPERTY LINE TO 1 FEET 4
INCHES FROM THE PROPERTY LINE WITH ONE CONDITION.
THAT THEY OBTAIN THE NECESSARY BUILDING, ELECTRICAL
AND MECHANICAL PERMITS, INSPECTIONS AND CERTIFICATE OF
OCCUPANCY AND COMPLIANCE.
WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
THE RECORD AS EXHIBIT B.
CHAIRMAN: THANK YOU.
AGAIN HAVE WE HAD ANY QUESTIONS OR COMMENTS AT
THE OFFICE?
MR. HOWARD: NO, SIR.
CHAIRMAN: ANYONE HERE WISHING TO SPEAK ON
THIS PARTICULAR ITEM OR HAVE ANY COMMENTS?
(NO RESPONSE)
CHAIRMAN: BOARD MEMBERS HAVE ANY QUESTIONS OR
COMMENTS ON THIS ITEM?
(NO RESPONSE)
CHAIRMAN: HEARING NONE I'LL ENTERTAIN A
MOTION TO DISPOSE OF THE ITEM.
MR. PEDLEY: MR. CHAIRMAN, I MAKE A MOTION TO
APPROVE THE VARIANCE IN ACCORDANCE WITH THE STAFF
RECOMMENDATION TO REDUCE THE REAR YARD BUILDING
SETBACK FROM 3 FEET FROM PROPERTY LINE TO 2 FEET 8 INCHES FROM THE PROPERTY LINE AND TO REDUCE THE WEST SIDE YARD BUILDING SETBACK LINE FROM 3 FEET FROM THE PROPERTY LINE TO 1 FEET 4 INCHES FROM THE PROPERTY LINE, AND THE CONDITION TO OBTAIN NECESSARY BUILDING, ELECTRICAL PERMITS, INSPECTIONS AND CERTIFICATES OF OCCUPANCY AND COMPLIANCE.

THIS VARIANCE WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE BECAUSE THE APPLICANT WILL BE REPLACING A DETACHED GARAGE THAT CAUSED NO NEGATIVE IMPACT PREVIOUSLY; IT WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE THE AREA WAS DEVELOPED BEFORE THE ESTABLISHMENT OF THE ZONING ORDINANCES AND NUMEROUS DETACHED ACCESSORY STRUCTURES APPEAR TO ENCROACH INTO THE REQUIRED BUILDING SETBACK LINES; IT WILL NOT CAUSE A HAZARD OR A NUISANCE TO THE PUBLIC BECAUSE THERE WAS A DETACHED BUILDING IN THIS LOCATION PREVIOUSLY THAT CAUSED NO PROBLEMS; IT WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE THERE APPEAR TO BE MANY OTHER ENCROACHMENTS IN THE AREA.

MR. WARREN: SECOND.

CHAIRMAN: A MOTION HAS BEEN MADE AND A SECOND. ANY OTHER QUESTIONS OR COMMENTS FROM THE
BOARD?

(No response)

Chairman: Staff have any other comments?

Mr. Howard: No, Sir.

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

(All board members present responded Aye.)

Chairman: Motion carries.

Next item, please.

Item 4

1296 Omega Street, zoned R-4DT Consider a request for a variance in order to reduce the front yard building setback line from 25 feet from the property line to 15 feet from the property line.

Reference: Zoning Ordinance, Article 8, Section 8.5.11(C)

Applicant: City of Owensboro

Ms. Evans: As part of the redevelopment of the Cottages of Mechanicsville, Omega Street is being extended from Westwood Avenue to MCFarland Avenue.

In order for the new Omega Street to line up with the existing Washington Avenue across MCFarland Avenue, it is necessary for the street to be configured in the proposed way.

Although the staff would not typically recommend a variance for a new subdivision, the location of Omega Street in alignment with Washington Avenue reduces the depth of the subject property. No
ADDITIONAL PROPERTY IS AVAILABLE TO INCREASE THE LOT
DEPTH AND LEAVING THE LOT VACANT WOULD NOT BE IN
CHARACTER WITH THE EXISTING OR PROPOSED NEIGHBORHOOD.

THE SUBJECT PROPERTY IS A CORNER LOT AT THE
INTERSECTION OF OMEGA STREET AND MCFARLAND AVENUE.
MCFARLAND AVENUE IN THIS AREA IS A MINOR ARTERIAL
STREET WITH THE BUILDING SETBACK LINE OF 75 FEET FROM
THE CENTER LINE OF THE ROAD. THERE IS ALSO AN
EXISTING UTILITY EASEMENT ALONG THE REAL PROPERTY
LINE. THE CONFIGURATION OF THE NEW OMEGA STREET, THE
BUILDING SETBACK ALONG MCFARLAND AVENUE AND THE
UTILITY EASEMENT ON THE REAR OF THE PROPERTY ALL
REDUCE THE AMOUNT OF BUILDABLE AREA ON THE SUBJECT
PROPERTY.

GRANTING THIS VARIANCE WILL NOT ALTER THE
ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE
THERE ARE MANY OTHER ENCROACHMENTS INTO THE FRONT YARD
BUILDING SETBACK LINE WITHIN THE MECHANICSVILLE
NEIGHBORHOOD WHICH HAVE BEEN IDENTIFIED BY COMMUNITY
DEVELOPMENT DIRECTOR, KEITH FREE, AND ARE INCLUDED IN
THE APPLICATION.

IT WILL NOT CAUSE A HAZARD OR A NUISANCE TO
THE PUBLIC BECAUSE THE STRUCTURE WILL BE SET BACK OVER
25 FEET FROM THE STREET CURB.

STAFF WOULD RECOMMEND APPROVAL WITH THE

OHIO VALLEY REPORTING
(270) 683-7383
CONDITIONS: 1) SUBMISSION AND APPROVAL OF A FINAL
PLAT REFLECTING THE VARIANCE; AND 2) OBTAINING THE
NECESSARY BUILDING, ELECTRICAL AND MECHANICAL PERMITS,
INSPECTIONS AND CERTIFICATES OF OCCUPANCY AND
COMPLIANCE.

WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
THE RECORD AS EXHIBIT C.

CHAIRMAN: HAVE WE HAD ANY COMMENTS OR
QUESTIONS IN THE OFFICE?

MR. HOWARD: NO, SIR.

CHAIRMAN: IS ANYONE HERE WISHING TO SPEAK ON
THIS POSITION FOR OR AGAINST?
(NO RESPONSE)

CHAIRMAN: BOARD MEMBERS HAVE ANY QUESTIONS OR
COMMENTS?
(NO RESPONSE)

CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?
MR. HOWARD: NO, SIR.

CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF
THE ITEM.

MR. WARREN: MR. CHAIRMAN, MAKE A MOTION TO
APPROVE THE VARIANCE WITH THE FINDING THAT IT WILL NOT
ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY
OR ALLOW AN UNREASONABLE CIRCUMVENTION OF THE ZONING
REQUIREMENTS DUE TO THE NUMEROUS ENCROACHMENTS WITHIN
THE NEIGHBORHOOD. IT WILL ALSO NOT ADVERSELY AFFECT
THE PUBLIC, HEALTH, SAFETY AND WELFARE AS IT'S
PROVIDING AFFORDABLE HOUSING FOR THE COMMUNITY AND
WILL ENHANCE THE HEALTH, SAFETY OF THE PUBLIC IN THE
AREA. IT IS A CORNER LOT AND IT WILL NOT CAUSE A
HAZARD OR NUISANCE TO THE PUBLIC BECAUSE THE SETBACK
IS STILL ADEQUATE FOR A SAFE OPERATION.

WITH THE CONDITIONS: 1) SUBMISSION AND
APPROVAL OF AN AMENDED PRELIMINARY PLAT AND A FINAL
PLAT; 2) OBTAIN NECESSARY BUILDING, ELECTRICAL AND
MECHANICAL PERMITS, INSPECTIONS AND CERTIFICATES OF
OCCUPANCY AND COMPLIANCE.

MR. HOWARD: IF I COULD INTERJECT REAL QUICK.

MR. WARREN: YES, SIR.

MR. HOWARD: THE FIRST CONDITION WAS ALTERED
BASICALLY TO READ THE SUBMISSION AND APPROVAL OF A
FINAL PLAT REFLECTING A VARIANCE. THAT WAS DISCUSSION
WE HAD THIS AFTERNOON. SO THAT WAS KIND OF A LATE
CHANGE. IF MAYBE YOU WOULD CONSIDER THAT.

MR. WARREN: THE FIRST CONDITION WOULD BE A
SUBMISSION AND APPROVAL OF A FINAL PLAT.

CHAIRMAN: IS THERE A SECOND?

MS. MASON: SECOND.

CHAIRMAN: A MOTION HAS BEEN MADE AND A
SECOND. ANY OTHER QUESTIONS OR COMMENTS FROM THE
BOARD?

(NO RESPONSE)

CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

MR. HOWARD: NO, SIR.

CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES.

NEXT ITEM, PLEASE.

ITEM 5

401 WEST 2ND STREET, ZONED B-2 RIVERFRONT CORE OVERLAY DISTRICT

CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO REDUCE THE REQUIRED FLOOR TO FLOOR HEIGHT OF UPPER FLOORS FROM 10 FEET TO 9 FEET 8 INCHES.

REFERENCE: ZONING ORDINANCE, ARTICLE 21, SECTION 21.83(V)(IV)

APPLICANT: BRYANT DOWNTOWN HOTEL, LLC

MS. EVANS: THE SUBJECT PROPERTY IS WITHIN THE RIVERFRONT CORE OVERLAY DISTRICT. ARTICLE 21 UNDER THE ZONING ORDINANCE ESTABLISHES FLOOR TO FLOOR HEIGHTS OF UPPER FLOORS FOR BUILDINGS IN THE DOWNTOWN OVERLAY DISTRICT.

THE PURPOSE OF THIS REQUIREMENT IS TO INSURE INFILL DEVELOPMENT WILL BE IN CHARACTER WITH THE EXISTING BUILDING WHERE THE FACADE AND CEILING HEIGHTS ARE EXISTING. MAINTAINING THE PRESCRIBED HEIGHTS WOULD ASSURE SIMILAR FACADE PROPORTIONS ADJACENT TO EXISTING BUILDINGS.
IN THIS CASE, THE APPLICANT IS DEVELOPING THE ENTRIE BLOCK WITH PLANS TO CONSTRUCT A 7-STORY HOTEL AND PARKING LOT. THE FIRST FLOOR OF THE HOTEL WILL EXCEED THE 15 FOOT MINIMUM FLOOR TO FLOOR HEIGHT REQUIRED IN ARTICLE 21. THE SECOND FLOOR OF THE HOTEL WILL EXCEED THE REQUIRED FLOOR TO FLOOR HEIGHT AS WELL.

SINCE NO OTHER BUILDINGS IMMEDIATELY ADJOIN THE PROPOSED HOTEL, THERE IS NOT AN EXISTING STANDARD TO MAINTAIN IN THE BLOCK. THE APPLICATION MUST RECEIVE RECOMMENDATION FROM THE HISTORIC PRESERVATION BOARD TO ALTER THE FLOOR TO FLOOR HEIGHT OF UPPER FLOORS BEFORE THE OMBA CAN ACT. THE HISTORIC PRESERVATION BOARD MET ON MARCH 7, 2012, AND MADE A FAVORABLE RECOMMENDATION TO APPROVE THE DIMENSIONAL VARIANCE FINDING THAT THE BUILDING FITS WITHIN THE CHARACTER SOUGHT FOR THE DOWNTOWN OVERLAY DISTRICTS.

GRANTING THIS VARIANCE WILL NOT ALTER THE ESSENTIAL THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE THIS IS A REDEVELOPING AREA WHERE THE ENTIRE BLOCK IS BEING DEVELOPED AS ONE PROJECT. IT WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE THE OVERALL HEIGHT OF THE HOTEL WILL MEET THE INTENT OF
ARTICLE 21 OF THE ZONING ORDINANCE AND ONLY A MINOR
DIMENSIONAL VARIANCE IS SOUGHT.

STAFF WOULD RECOMMEND APPROVAL.

WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
THE RECORD AS EXHIBIT D.

CHAIRMAN: THANK YOU.

HAVE WE HAD ANY COMMENTS OR QUESTIONS IN THE
OFFICE?

MR. HOWARD: NO, SIR.

CHAIRMAN: IS THERE ANYONE HERE THIS EVENING
WISHING TO SPEAK FOR OR AGAINST THIS ITEM?

(NO RESPONSE)

CHAIRMAN: HEARING NONE I'LL ENTERTAIN A
MOTION TO DISPOSE OF THE ITEM.

MR. PEDLEY: MR. CHAIRMAN, MAKE A MOTION FOR
APPROVAL BASED ON THE PRESERVATION BOARD'S APPROVAL
AND RECOMMENDATION THAT WE APPROVE THIS VARIANCE.

WITH THE STAFF RECOMMENDATION THAT WE APPROVE
THIS VARIANCE WITH THE FINDINGS GRANTING THIS VARIANCE
WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR
WELFARE BECAUSE THE CEILING HEIGHTS WILL MEET ALL
APPLICABLE BUILDING CODES; IT WILL NOT ALTER THE
ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE
THIS IS A REDEVELOPMENT AREA WHERE THE ENTIRE BLOCK
FRONT IS BEING DEVELOPED AS ONE PROJECT AND NO
EXISTING DOWNTOWN BUILDINGS ARE IMMEDIATELY ADJACENT;
IT WILL NOT CAUSE A HAZARD OR A NUISANCE TO THE PUBLIC
BECAUSE THE CEILING HEIGHTS WILL MEET ALL APPLICABLE
BUILDING CODES; IT WILL NOT ALLOW AN UNREASONABLE
CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING
REGULATIONS BECAUSE THE DECREASED HEIGHT IS SMALL AND
THE GENERAL DESIGN OF THE HOTEL WILL STILL MEET THE
INTENT OF ARTICLE 21.

CHAIRMAN: IS THERE A SECOND?
MR. WARREN: SECOND.
CHAIRMAN: A MOTION HAS BEEN MADE AND A
SECOND. ANY OTHER QUESTIONS OR COMMENTS FROM THE
BOARD?
(NO RESPONSE)
CHAIRMAN: STAFF HAVE ANYTHING ELSE?
MR. HOWARD: NO, SIR.
CHAIRMAN: HEARING NONE ALL IN FAVOR RAISE
YOUR RIGHT HAND.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: MOTION CARRIES.
NEXT ITEM, PLEASE.
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ADMINISTRATIVE APPEAL
ITEM 6
407 STABELFORD CIR, ZONED R-1C

OHIO VALLEY REPORTING
(270) 683-7383
CONSIDER A REQUEST FOR AN ADMINISTRATIVE APPEAL
CONCERNING THE ZONING ADMINISTRATOR'S INTERPRETATION OF
ARTICLE 3, SECTION 3-6(E) REGARDING THE PLACEMENT OF A
BRICK WALL WITHIN A PUBLIC UTILITY EASEMENT.
REFERENCE: ZONING ORDINANCE, ARTICLE 7, SECTION 7.35
APPLICANT: BETTY BOWLES

MR. HOWARD: MR. CHAIRMAN, WE HAVE RECEIVED A
LETTER FROM MADISON SILVERT, THE PLANNING COMMISSION
ATTORNEY, ASKING THAT THIS ITEM BE POSTPONED UNTIL THE
JUNE MEETING. THE ATTORNEY FOR ACTUALLY BOTH THE
APPLICANT AND OMU HAVE AGREED THAT THIS ITEM SHOULD BE
POSTPONED UNTIL THAT TIME. WE WOULD RECOMMEND THAT
YOU TAKE A MOTION TO POSTPONE UNTIL THE JUNE MEETING.

CHAIRMAN: ENTERTAIN A MOTION.
MR. WARREN: MOTION TO POSTPONE THE ITEM ON
THE AGENDA.

MR. PEDLEY: 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.
ENTERTAIN ONE FINAL MOTION.
MR. WARREN: MOTION TO ADJOURN.
MS. MASON: 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.
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 18 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE
WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

WITNESS MY HAND AND NOTARY SEAL ON THIS THE

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: DAVIESS COUNTY, KY

OHIO VALLEY REPORTING
(270) 683-7383