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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JULY 5, 2011

THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT  
MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, JULY  
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  
MADISON SILVERT, ATTORNEY  
BRIAN HOWARD  
FRED REEVES  
MARTY WARREN

\* \* \* \* \*

CHAIRMAN: LET ME CALL THE OWENSBORO  
METROPOLITAN BOARD OF ADJUSTMENT TO ORDER. WE START  
OUR PROGRAM EACH EVENING WITH A PRAYER AND PLEDGE TO  
THE FLAG. WE INVITE YOU TO JOIN WITH US. MADISON  
WILL HAVE OUR PRAYER THIS EVENING.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: WANT TO WELCOME EACH ONE OF YOU TO  
OUR MEETING THIS EVENING. IF YOU HAVE ANY COMMENTS ON  
ANY ITEM, PLEASE COME TO ONE OF THE PODIUMS. STATE  
YOUR NAME SO WE'LL HAVE RECORD OF IT.

WITH THAT WE WILL PROCEED WITH THE FIRST ITEM  
THIS EVENING. IT'S THE MINUTES OF THE LAST MEETING ON  
JUNE 7TH. I DON'T THINK THERE'S ANY PROBLEMS IN THE  
OFFICE. DOES ANYBODY HAVE ANY CHANGES?

1 (NO RESPONSE)

2 CHAIRMAN: IF NOT I'LL ENTERTAIN A MOTION TO  
3 DISPOSE OF THE ITEM.

4 MR. PEDLEY: MOTION FOR APPROVAL.

5 MS. MASON: SECOND.

6 CHAIRMAN: A MOTION HAS BEEN MADE AND A  
7 SECOND. ALL IN FAVOR RAISE YOUR RIGHT HAND.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: MOTION CARRIES.

10 NEXT ITEM, PLEASE.

11 -----

12 CONDITIONAL USE PERMIT

13 ITEM 2

14 3401 MEDLEY ROAD, ZONED A-U  
15 CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT IN  
16 ORDER TO OPERATE AN OUTDOOR RECREATIONAL FACILITY FOR  
17 OFF HIGHWAY VEHICLE RIDING AND ACTIVITIES.  
18 REFERENCE: ZONING ORDINANCE, ARTICLE 8,  
19 SECTION 8.2K7/42  
20 APPLICANT: ROBERT J. WIMSATT

21 MR. HOWARD: MR. CHAIRMAN, TODAY STAFF  
22 REALIZED THAT THE LIST OF ADJOINING PROPERTY OWNERS  
23 THAT WAS SUPPLIED BY THE APPLICANT IN THEIR PACKET WAS  
24 NOT COMPLETE. WITH THAT WE CANNOT MOVE FORWARD WITH  
25 THE APPLICATION TONIGHT. WE WILL NEED TO RENOTICE ALL  
ADJOINING PROPERTY OWNERS. THOSE LETTERS SHOULD GO  
OUT JULY 18TH OF THIS MONTH. IT SHOULD BE ON THE  
AGENDA FOR THE NEXT MEETING IN AUGUST. WITH THAT WE

1 SHOULD TAKE A MOTION TO POSTPONE THE ITEM TONIGHT.

2 CHAIRMAN: ENTERTAIN MOTION.

3 MR. PEDLEY: MOTION TO POSTPONE THE ITEM UNTIL  
4 THE AUGUST MEETING.

5 MR. WARREN: SECOND.

6 CHAIRMAN: A MOTION HAS BEEN MADE AND A  
7 SECOND. ANY OTHER COMMENTS OR QUESTIONS?

8 (NO RESPONSE)

9 CHAIRMAN: HEARING NONE ALL IN FAVOR RAISE  
10 YOUR RIGHT HAND.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: MOTION CARRIES.

13 NEXT ITEM, PLEASE.

14 ITEM 3

15 1280 GOBLER FORD ROAD, ZONED A-R  
16 CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT IN  
17 ORDER TO OPERATE AN OUTDOOR RECREATIONAL FACILITY FOR  
18 BIRTHDAY PARTIES WITH HAND LED PONY RIDES AND PRIVATE  
19 RIDING LESSONS.

REFERENCE: ZONING ORDINANCE, ARTICLE 8,  
SECTION 8.2K7/42

20 APPLICANT: CHRISTINA PERLOWSKI; KEVIN PERLOWSKI

21

22 MR. SILVERT: WOULD YOU STATE YOUR NAME,

23 PLEASE?

24 MS. EVANS: MELISSA EVANS.

25 (MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

THE SUBJECT PROPERTY IS CURRENTLY ZONED A-R

1 RURAL AGRICULTURE. OMPC RECORDS INDICATE THERE HAVE  
2 BEEN NO ZONING MAP AMENDMENTS FOR THE SUBJECT  
3 PROPERTY.

4 THE OFFICE RECEIVED A COMPLAINT ABOUT THE  
5 PROPOSED USE BASED ON AN AD IN THE NEWSPAPER  
6 ADVERTISING ITS GRAND OPENING ON JUNE 10, 2012. THE  
7 ZONING ADMINISTRATOR RESEARCHED THE PROPERTY AND  
8 DISCOVERED THERE HAD NOT BEEN A CONDITIONAL USE PERMIT  
9 APPROVED FOR THIS USE. THE ZONING ADMINISTRATOR  
10 CONTACTED THE APPLICANT AND ADVISED THEM THAT THE USE  
11 WOULD REQUIRE A CONDITIONAL USE PERMIT TO OPERATE AND  
12 IT WOULD BE IN THEIR BEST INTEREST NOT TO OPEN UNTIL A  
13 CONDITIONAL USE PERMIT APPLICATION HAD BEEN SUBMITTED  
14 AND THE BOARD OF ADJUSTMENT MADE A DECISION ON THE  
15 PROPOSAL. THE APPLICANT HELD THE GRAND OPENING  
16 CELEBRATION, BUT SAYS NO MONEY EXCHANGED HANDS ON THAT  
17 DAY AND, IN THEIR OPINION, THE BUSINESS WAS NOT IN  
18 OPERATION. ACCORDING TO THE APPLICANT, THE BUSINESS  
19 HAS BEEN CLOSED SINCE THE GRAND OPENING AND WILL  
20 REMAIN THAT WAY UNTIL THIS BOARD MAKES A DECISION ON  
21 THE APPLICATION.

22 LAND USES IN SURROUNDING AREA

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

1 A-R RURAL AGRICULTURE.

2 ZONING ORDINANCE REQUIREMENTS

3 1. PARKING - 1 SPACE FOR EACH EMPLOYEE ON THE  
4 MAXIMUM SHIFT, PLUS 1 SPACE FOR EVERY 3 PARTICIPANTS,  
5 PLUS 1 SPACE FOR EVERY 3 SPECTATOR SEATS.

6 2. LANDSCAPING - VEHICULAR USE AREA SCREENING  
7 CONSISTING OF A 3-FOOT HIGH CONTINUOUS ELEMENT WITH 1  
8 TREE EVERY 40 FEET OF THE VEHICULAR USE AREA BETWEEN  
9 THE RIGHT-OF-WAY AND THE VEHICULAR USE AREA.

10 MS. EVANS: WE WOULD LIKE ENTER THE STAFF  
11 REPORT INTO THE RECORD AS EXHIBIT A.

12 CHAIRMAN: THANK YOU.

13 HAVE WE HAD IN COMMENTS IN THE OFFICE FOR OR  
14 AGAINST?

15 MR. HOWARD: NOT FILED, NO, SIR. WE HAVE HAD  
16 A COUPLE OF CALLS.

17 CHAIRMAN: IS THE APPLICANT HERE AND DO YOU  
18 HAVE ANY COMMENTS AT THIS TIME?

19 MS. PERLOWSKI: NO, SIR.

20 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY  
21 QUESTIONS OF THE APPLICANT AT THIS TIME?

22 (NO RESPONSE)

23 CHAIRMAN: STAFF HAVE ANY COMMENTS?

24 MR. HOWARD: NO.

25 CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF

1 THE ITEM.

2 MR. PEDLEY: MR. CHAIRMAN, I MAKE A MOTION FOR  
3 APPROVAL BASED ON FINDINGS OF FACT THAT THE USE WILL  
4 NOT ADVERSELY AFFECT THE NEIGHBORHOOD BECAUSE IT IS AN  
5 ANIMAL-RELATED ACTIVITY THAT IS APPROPRIATE IN THE  
6 RURAL COMMUNITIES AND SHOULD BE A QUIET OPERATION.

7 CHAIRMAN: BEFORE I ENTER A SECOND, DO YOU  
8 HAVE SOME COMMENTS YOU WANT TO STATE?

9 MR. SMEATHERS: YES.

10 CHAIRMAN: IF YOU WANT TO COMMENT, COME  
11 FORWARD NOW, PLEASE.

12 STATE YOUR NAME, PLEASE.

13 MR. SMEATHERS: DWANE SMEATHERS.

14 (DWANE SMEATHERS SWORN BY ATTORNEY.)

15 MR. SMEATHERS: I LIVE NEXT-DOOR TO THIS PIECE  
16 OF PROPERTY. I ONLY FOUND OUT ABOUT IT FROM THE  
17 ARTICLE IN THE PAPER. THEN I GOT THE LETTER FROM THE  
18 METROPOLITAN PLANNING & ZONING COMMISSION.

19 I WOULD LIKE TO KNOW WHAT IS PLANNED TO HAPPEN  
20 HERE. I BUILT A HOUSE THREE YEARS AGO OUT IN THE  
21 COUNTRY TO HAVE A QUIET PLACE TO LIVE. IT SOUNDS TO  
22 ME LIKE THERE'S GOING TO BE BIG PARTIES GOING ON AND  
23 THINGS LIKE THAT NEXT-DOOR TO ME, AND THAT'S NOT WHAT  
24 I PLANNED WHEN I BUILT THIS HOUSE. LIKE I SAY, I HAVE  
25 NO IDEA WHAT'S HAPPENING. I'VE NEVER BEEN APPROACHED

1 BY ANYONE. I JUST SAW THE ARTICLE IN THE PAPER AND I  
2 GOT THE LETTER FROM PLANNING & ZONING.

3 CHAIRMAN: WOULD THE APPLICANT WANT TO MAKE  
4 SOME COMMENTS ON WHAT YOU WANT TO DO AND HOW YOU'RE  
5 GOING TO OPERATE, PLEASE, MA'AM.

6 MR. SILVERT: WOULD YOU STATE YOUR NAME,  
7 PLEASE.

8 MS. PERLOWSKI: MY NAME IS CHRISTINA  
9 PERLOWSKI.

10 (CHRISTINA PERLOWSKI SWORN BY ATTORNEY.)

11 MS. PERLOWSKI: I DON'T BELIEVE THAT THIS IS  
12 GOING TO BE LOUD BUSINESS. THE ONLY BUSINESS USE IS  
13 GOING TO BE FOR MY BARN 4 WHICH IS PRETTY FAR AWAY  
14 FROM WHERE MR. SMEATHERS LIVES. I DON'T THINK IT'S  
15 GOING TO BE LOUD, IF THAT'S THE QUESTION.

16 MS. MASON: WHAT DID YOU SAY? YOUR WHAT?

17 MS. PERLOWSKI: MY BARN 4.

18 MS. MASON: OH, YOUR BARN.

19 MS. PERLOWSKI: YES, MA'AM.

20 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY  
21 QUESTIONS OF THE APPLICANT.

22 (NO RESPONSE)

23 CHAIRMAN: WILL YOU STATE YOUR NAME, PLEASE,  
24 MA'AM.

25 MS. SMEATHERS: MY NAME IS MELISSA SMEATHERS.

1 (MELISSA SMEATHERS SWORN BY ATTORNEY.)

2 MS. SMEATHERS: I KNOW THAT ALTHOUGH FROM THE  
3 BARN WHERE THE ACTUAL ANIMALS ARE HOUSED OR ONE OF THE  
4 BARNS WHERE THE ANIMALS ARE HOUSED, IT IS NEXT TO OUR  
5 DRIVEWAY WHICH IS, OUR DRIVEWAYS ARE PROBABLY LESS  
6 THAN 30 FEET APART AND THAT'S WHERE ALL THE TRAFFIC  
7 FOR THE PARTIES WILL BE COMING THROUGH.

8 ACCORDING TO WHAT WE READ IN THE PAPER THERE'S  
9 GOING TO BE ACTIVITIES FOR CHILDREN. THERE'S GOING TO  
10 BE EVENTUALLY CARRIAGE RIDES, WHICH I DON'T UNDERSTAND  
11 HOW YOU CAN HAVE CARRIAGE RIDES ON TEN ACRES OF  
12 PROPERTY. WE'RE VERY CONCERNED THAT WITH THE PROPERTY  
13 BEING SO CLOSE, ESPECIALLY FOR THE ENTRANCE, THAT  
14 THERE'S GOING TO BE SOME BLEED OVER AND THAT THERE MAY  
15 BE SOME TRESPASSING FROM ONE PROPERTY TO THE OTHER  
16 BECAUSE WE HAVE HAD THAT PROBLEM IN THE PAST, OF OUR  
17 PROPERTY BEING TRESPASSED ON WITH HORSEBACK RIDING AND  
18 ANIMALS, ETCETERA. WHEN YOU START INVOLVING ANIMALS  
19 AND CHILDREN, THERE IS QUITE A BIT OF LIABILITY  
20 INVOLVED.

21 I KNOW FROM OTHER ACTIVITIES ON THAT PROPERTY,  
22 WITH OUR PROPERTY LINES BEING SO CLOSE, OUR HOUSE  
23 ACTUALLY BEING SO CLOSE, THAT IT CAN BE QUITE NOISY IF  
24 THERE IS ANYTHING GOING ON. WE'RE JUST VERY, VERY  
25 CONCERNED, ESPECIALLY WITH THE GROWING BUSINESS.



1 I RESPECT AND APPRECIATE AN ENTREPRENEUR IN  
2 THE FACT THAT THEY WANT TO HAVE THEIR OWN BUSINESS. I  
3 WOULD HAVE ABSOLUTELY NO CONCERNS IF IT WAS A BUSINESS  
4 THAT THEY OPERATED OFF SITE, BUT IT'S VERY CONCERNING  
5 THAT IT'S GOING TO BE OPERATED THERE ON THE WHOLE  
6 PROPERTY. THANK YOU.

7 CHAIRMAN: I WOULD LIKE TO ASK ONE QUESTION.  
8 WHICH ONE OF YOU MOVED THERE FIRST?

9 MS. SMEATHERS: WE MOVED THERE TOGETHER. WE  
10 ACTUALLY BUILT THE HOUSE ON WHAT USED TO BE A COW  
11 PASTURE THAT WE ACQUIRED PROPERTY FROM ONE OF THE  
12 OTHER PROPERTY OWNERS. ACTUALLY DESIGNED AND BUILT A  
13 HOME. WE WERE IN THE PROCESS OF BUILDING OUR HOUSE  
14 WHEN THE PERLOWSKIS MOVED IN.

15 CHAIRMAN: THANK YOU.

16 ANY BOARD MEMBERS HAVE ANY QUESTIONS OF THE  
17 APPLICANT?

18 MR. REEVES: QUESTION FOR THE STAFF.

19 IF THIS CONDITIONAL USE PERMIT IS APPROVED,  
20 WHAT WILL IT ALLOW THEM THEN TO DO WITHOUT COMING BACK  
21 TO THIS BOARD BEYOND HAVING BIRTHDAY PARTIES FOR KIDS  
22 TO DO, ENTERTAIN ADULTS FOR EVENING PARTIES? WHAT  
23 WOULD THIS ALLOW THEM TO DO WITHOUT FURTHER APPROVAL?

24 MR. HOWARD: BASED ON THE DESCRIPTION, IN  
25 ORDER TO OPERATE OUTDOOR RECREATIONAL FACILITY FOR

1 BIRTHDAY PARTIES WITH HAND-LED PONIES AND PRIVATE  
2 RIDING LESSONS. THAT'S THE WAY IT WAS ADVERTISED AND  
3 THAT'S THE DESCRIPTION THAT WOULD BE HELD TO FOR THE  
4 USE. IF THEY'RE GOING TO EXPAND THEIR OPERATION AND  
5 ADD ADDITIONAL TYPE ACTIVITIES, THEN THEY SHOULD COME  
6 BACK -- THEY COULD APPLY TO THE ZONING ADMINISTRATOR  
7 FOR A REVIEW OF THE CONDITIONAL USE PERMIT TO SEE IF  
8 IT'S A MINOR CHANGE. IF NOT, IF THE ZONING  
9 ADMINISTRATOR DOES NOT DEEM IT TO BE A MINOR CHANGE,  
10 HE COULD DIRECT THAT TO THE BOARD OF ADJUSTMENT FOR A  
11 RECONSIDERATION.

12 MR. REEVES: HOW FAR DOES IT OPEN THE DOOR I  
13 GUESS IS MY QUESTION. I THINK YOU'VE ANSWERED IT.  
14 THANK YOU.

15 MS. SMEATHERS: I THINK THAT'S ONE OF OUR  
16 CONCERNS ALSO.

17 MS. MASON: I HAVE A QUESTION FOR THE  
18 APPLICANT.

19 WHAT ARE YOUR HOURS OF OPERATION?

20 MS. PERLOWSKI: IF THAT WOULD HELP THEIR  
21 FEELINGS ABOUT IT ALL, I CAN SET IT LATER. LIKE A  
22 TIME LIMIT. IT WAS REALLY JUST GOING TO BE BASED ON  
23 WHAT PEOPLE WANTED, BUT MOST OF THE TIME IT'S NOT PAST  
24 4 OR 5:00 THAT I HAVE LESSONS. IN WINTER IT MAY BE  
25 LATER THAN THAT DUE TO THE FACT THAT IT GETS DARK

1 EARLY.

2 MS. MASON: SO YOU DON'T HAVE ANY SET OF HOURS  
3 OF OPERATION?

4 MS. PERLOWSKI: NO, MA'AM. IT'S PRETTY MUCH  
5 SUPPOSED TO BE DICTATED UPON WHAT THE CLIENT WANTS.  
6 WHAT WORKS FOR THEM.

7 MS. SMEATHERS: ACCORDING TO THE WHAT WAS IN  
8 THE PAPER IT WAS GOING TO BE EVERY WEEKEND. THAT WAS  
9 ALSO A CONCERN FOR US. WE WORK DURING THE WEEK. THE  
10 WEEKENDS ARE OUR OWN TIME FOR PEACE AND QUIET. IT WAS  
11 VERY CONCERNING FOR US AND SOME OF THE OTHER  
12 NEIGHBORS, WHO UNFORTUNATELY WEREN'T ABLE TO BE HERE,  
13 THAT WHEN WE'RE HOME IS WHEN THE PEAK BUSINESS HOURS  
14 ARE GOING TO BE. THAT'S WHY WE MOVED WAY OUT IN THE  
15 COUNTRY, IS TO HAVE THE PRIVACY AND QUIET DURING OUR  
16 OFF TIME. NOT RIGHT NEXT-DOOR TO A PARTY FACILITY.

17 CHAIRMAN: ANY OTHER BOARD MEMBERS HAVE ANY  
18 COMMENTS?

19 (NO RESPONSE)

20 CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS?

21 MR. HOWARD: NO, SIR.

22 CHAIRMAN: OF COURSE, WE CAN PUT CONDITIONS  
23 AND GUIDELINES ON IT IF WE SO DESIRE BY THE BOARD.

24 MR. PEDLEY: WE CAN PUT A CONDITION ON IT, BUT  
25 I SEE, I DON'T SEE A CONDITION THAT WE COULD PUT ON IT

1 WITHOUT PROHIBITING HER FOR THE FACT OF WHAT SHE'S  
2 WANTING TO DO. IF WE PUT A CONDITION ON IT, BASICALLY  
3 SHE COULDN'T DO THE OPERATION. I DON'T SEE THIS  
4 OPERATION AS BEING DISTURBING IN THE NEIGHBORHOOD.  
5 YOU'RE TALKING ABOUT PONIES. YOU'RE TALKING ABOUT  
6 SMALL KIDS.

7 I WOULD LIKE TO ASK HOW MANY WOULD YOU  
8 ANTICIPATE AT ONE TIME THERE?

9 MS. PERLOWSKI: SIR, THE MAX PARTY THAT I  
10 ANTICIPATE IS 15 CHILDREN.

11 MR. PEDLEY: WHETHER IT'D BE SATURDAY OR  
12 SUNDAYS OR ANY TIME? YOU DON'T KNOW WHAT THE SCHEDULE  
13 MIGHT BE?

14 MS. PERLOWSKI: SO FAR MOST OF THEM ARE  
15 SCHEDULED, YOU KNOW, BETWEEN TWO AND FOUR. IT'S NOT  
16 EVEN A THING THAT LAST HOURS AND HOURS. MY LONGEST  
17 LESSONS ARE GOING TO BE FIVE HOURS, AND THAT'S FOR A  
18 VERY SMALL GROUP OF KIDS.

19 MY PARTIES ARE GOING TO BE NO MORE THAN AN  
20 HOUR OR TWO. IT'S NOT GOING TO BE LIKE FROM BREAK OF  
21 DAWN UNTIL MIDNIGHT WE'RE PARTYING OR ANYTHING LIKE  
22 THAT.

23 MR. PEDLEY: SO YOU DON'T ANTICIPATE ANY NIGHT  
24 ACTIVITY?

25 MS. PERLOWSKI: I DON'T ANTICIPATE NIGHT

1       ACTIVITIES, NO. I MEAN MOST OF MY CLIENTS ARE  
2       CHILDREN. THEY HAVE BED TIMES. THEY'RE NOT GOING TO  
3       BE OUT LATE AT NIGHT.

4               MR. PEDLEY: MR. CHAIRMAN, I DON'T SEE A  
5       CONDITION THAT I'M WILLING TO PUT ON IT THAT WOULD  
6       HAVE ANY AFFECT. I DON'T SEE THAT IT'S --

7               MR. SMEATHERS: SHE SAID ALL THE ACTIVITIES  
8       ARE GOING TO BE FROM THE BARN TOWARD THE ROAD?

9               MS. PERLOWSKI: YES, SIR.

10              MR. SMEATHERS: SO THERE'S NOT GOING TO BE ANY  
11       TRAIL RIDES LIKE THE PAPER SAID THROUGH THE WOODS  
12       BEHIND YOUR HOUSE?

13              MS. PERLOWSKI: I'M NOT SURE THAT --

14              MR. SMEATHERS: IT SAID TRAIL RIDES.

15              MS. PERLOWSKI: I THINK IT SAID SCENIC WALK OR  
16       SOMETHING LIKE THAT. IF IT DID SAY TRAIL RIDES THEN,  
17       NO, I WILL NOT HAVE ANY TRAIL RIDES BECAUSE I'M  
18       DEFINITELY TRYING TO KEEP IT FROM THE BARN BACK.  
19       SOMETIME I MIGHT LEAD A CHILD ON A PONY PAST MY BARN  
20       DOWN MY DRIVEWAY AND BACK DOWN MY DRIVEWAY, BUT THAT'S  
21       ABOUT THE EXTENT OF ANYTHING GOING ON PAST MY  
22       DRIVEWAY.

23              CHAIRMAN: ANY OTHER QUESTIONS FROM THE BOARD?

24              (NO RESPONSE)

25              CHAIRMAN: DO YOU HAVE ANY OTHER COMMENTS?

1 MS. PERLOWSKI: NO, SIR.

2 CHAIRMAN: DO YOU HAVE ANYTHING ELSE?

3 MS. SMEATHERS: NO.

4 CHAIRMAN: THANK YOU.

5 WE'VE GOT A MOTION WITHOUT A SECOND. DO YOU  
6 WANT TO STATE THAT AGAIN, PLEASE?

7 MR. PEDLEY: THE MOTION IS FOR APPROVE BASED  
8 ON THE FINDINGS OF FACT IT IS A COMPATIBLE USE AND  
9 WOULD NOT ADVERSELY AFFECT THE NEIGHBORHOOD BECAUSE IT  
10 IS AN ANIMAL-RELATED ACTIVITY THAT IS APPROPRIATE IN  
11 THE RURAL COMMUNITY AND IT SHOULD BE A QUIET OPERATION  
12 BECAUSE IT IS WITH KIDS AND PONIES. THAT'S MY MOTION.

13 MR. WARREN: SECOND.

14 CHAIRMAN: WE'VE GOT A MOTION AND A SECOND.  
15 ANY OTHER COMMENTS OR QUESTIONS FROM THE BOARD?

16 (NO RESPONSE)

17 CHAIRMAN: STAFF HAVE ANYTHING ELSE?

18 MR. HOWARD: NO, SIR.

19 CHAIRMAN: HEARING NONE ALL IN FAVOR RAISE  
20 YOUR RIGHT HAND.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: MOTION CARRIES.

23 ENTERTAIN ONE MORE MOTION.

24 MR. WARREN: MOVE TO ADJOURN.

25 MS. MASON: SECOND.

1 CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: WE ARE 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 STENOGRAPHY AND  
12 ELECTRONICALLY RECORDED AND WAS THEREAFTER, BY ME,  
13 ACCURATELY AND CORRECTLY TRANSCRIBED INTO THE  
14 FOREGOING 15 TYPEWRITTEN PAGES; AND THAT NO SIGNATURE  
15 WAS REQUESTED TO THE FOREGOING TRANSCRIPT.

16 WITNESS MY HAND AND NOTARY SEAL ON THIS THE  
17 30TH DAY OF JULY, 2011.

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

25