

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 MAY 2, 2013

3 THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT  
4 MET IN REGULAR SESSION AT 5:30 P.M. ON THURSDAY, MAY  
5 2, 2013, AT CITY HALL, COMMISSION CHAMBERS, OWENSBORO,  
6 KENTUCKY, AND THE PROCEEDINGS WERE AS FOLLOWS:

7 MEMBERS PRESENT: C.A. PANTLE, CHAIRMAN  
8 WARD PEDLEY, VICE CHAIRMAN  
9 GARY NOFFSINGER, DIRECTOR  
10 MADISON SILVERT, ATTORNEY  
11 JERRY YEISER  
12 SEAN DYSINGER  
13 JASON STRODE

14 \* \* \* \* \*

15 CHAIRMAN: CALL THE MEETING OF THE OWENSBORO  
16 METROPOLITAN BOARD OF ADJUSTMENT TO ORDER. WELCOME  
17 EACH ONE OF YOU. WE START OUR MEETING EACH MONTH WITH  
18 A PRAYER AND PLEDGE TO THE FLAG. WE INVITE YOU TO  
19 JOIN US. MANUEL IS GOING TO HAVE OUR PRAYER THIS  
20 EVENING.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: AGAIN, I WANT TO WELCOME YOU THIS  
23 EVENING. IF YOU HAVE ANY COMMENTS ON ANY ITEM, PLEASE  
24 COME FORWARD TO THE PODIUM AND STATE YOUR NAME AND  
25 WE'LL PROCEED WITH THAT.

26 WITH THAT WE HAVE THE MINUTES OF THE LAST  
27 MEETING ON RECORD. WE HAVEN'T FOUND ANYONE PROBLEMS  
28 WITH THEM. ANYBODY HAVE ANY ADDITIONS?

1 (NO RESPONSE)

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

4 MR. PEDLEY: MOTION FOR APPROVAL.

5 MR. DYSINGER: 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.

11 -----

12 CONDITIONAL USE PERMIT

13 ITEM 2

14 2620 WESTWOOD AVENUE, ZONED R-4DT  
15 CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT IN  
16 ORDER TO INSTALL A CLASS 2 MANUFACTURED HOME IN AN  
17 R-4DT ZONE.

18 REFERENCE: ZONING ORDINANCE, ARTICLE 8,  
19 SECTION 8.2A10B/7

20 APPLICANT: GREENSPRINGS HOMEBUYERS, LLC; JOE KAELIN

21 MR. SILVERT: WOULD YOU STATE YOUR NAME,  
22 PLEASE?

23 MS. EVANS: MELISSA EVANS.

24 (MELISSA EVANS SWORN BY ATTORNEY.)

25 MS. EVANS: FIRST I WOULD LIKE TO STATE THAT  
APPROVAL OF ITEMS HERE TONIGHT DOES NOT ALLOW THE  
APPLICANT OR THE OWNER TO CONSTRUCT, ALTER, MODIFY OR  
OCCUPY A BUILDING ON THE SUBJECT PROPERTY. IT IS THE

1 APPLICANTS OR OWNERS RESPONSIBILITY TO OBTAIN ALL  
2 APPROVALS AND INSPECTIONS NECESSARY BEFORE OCCUPANCY  
3 OF THE BUILDING IS ALLOWED. PLEASE CONTACT THE  
4 BUILDING AND ELECTRICAL DIVISION OF THE OPMC PRIOR TO  
5 BEGINNING ANY WORK ON THE SUBJECT PROPERTY FOR  
6 REQUIREMENTS.

7 ZONING HISTORY

8 THE SUBJECT PROPERTY IS CURRENTLY ZONED R-4DT  
9 INNER-CITY RESIDENTIAL. OPMC RECORDS INDICATE THERE  
10 HAVE BEEN NO ZONING MAP AMENDMENTS FOR THE SUBJECT  
11 PROPERTY.

12 THERE HAVE BEEN 12 PREVIOUS CONDITIONAL USE  
13 PERMITS APPROVED FOR PROPERTIES ON WESTWOOD AVENUE  
14 NEAR THE SUBJECT PROPERTY TO INSTALL CLASS 2  
15 MANUFACTURED HOMES.

16 THE APPLICANT IS WISHING TO INSTALL A 16' BY  
17 80' MANUFACTURED HOME ON THE SUBJECT PROPERTY AND IS  
18 SEEKING A WAIVER OF THE SIDEWALK REQUIREMENT, AS THERE  
19 ARE NO OTHER SIDEWALKS IN THE AREA. ALL OTHER  
20 REQUIREMENTS FOR A MANUFACTURED HOME SITE WILL BE MET  
21 AS SHOWN ON THE SITE PLAN SUBMITTED.

22 LAND USE IN SURROUNDING AREA

23 ALL SURROUNDING PROPERTIES ARE ZONED R-4DT  
24 INNER-CITY RESIDENTIAL.

25 ZONING ORDINANCE REQUIREMENTS

1 THE CLASS-2 MANUFACTURED HOME SITE STANDARDS  
2 BASED ON THE REQUIREMENTS OF THE ZONING ORDINANCE ARE  
3 AS FOLLOWS:

4 1. A CONCRETE OR ASPHALT PARKING PAD TO  
5 ACCOMMODATE TWO 9'X18' SPACES IS REQUIRED.

6 2. A MINIMUM 10'X10' DECK OR PATIO IS  
7 REQUIRED.

8 3. A CONCRETE SIDEWALK IS REQUIRED, BUT MAY  
9 BE WAIVED ALONG RURAL ROADS (WITHOUT CURBS).

10 4. THE DRIVEWAY APRON SHALL NOT EXCEED 40  
11 PERCENT OF THE LOT WIDTH.

12 5. THE PROPERTY IS REQUIRED TO HAVE AT LEAST  
13 THREE TREES.

14 6. THE MANUFACTURED HOME SHALL BE PERMANENTLY  
15 INSTALLED ON A PERMANENT FOUNDATION. A POURED  
16 CONCRETE OR MASONRY BLOCK SKIRTING WALL SHALL BE  
17 CONSTRUCTED BENEATH AND ALONG THE ENTIRE PERIMETER OF  
18 THE MANUFACTURED HOME.

19 7. ALL WHEEL, TRAILER-TONGUE AND HITCH  
20 ASSEMBLIES SHALL BE REMOVED UPON INSTALLATION.

21 8. THE MANUFACTURED HOME SHALL BE PERMANENTLY  
22 CONNECTED TO AN APPROVED WATER AND SEWER SYSTEM WHEN  
23 AVAILABLE.

24 THE APPLICANT HAS REQUESTED A WAIVER OF THE  
25 REQUIRED SIDEWALKS SINCE THERE ARE NO OTHER SIDEWALKS

1 IN THE AREA AND THERE ARE NO CURB OR GUTTERS IN THE  
2 AREA IN THIS VICINITY ALONG WESTWOOD AVENUE.

3 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO  
4 THE RECORD AS EXHIBIT A.

5 CHAIRMAN: HAS THERE BEEN ANY COMMENTS OR  
6 QUESTIONS IN THE OFFICE?

7 MR. NOFFSINGER: NO, SIR.

8 CHAIRMAN: ANYONE WISHING TO SPEAK OF THIS  
9 ITEM? IS THE APPLICANT HERE?

10 COME FORWARD AND STATE YOUR NAME PLEASE,  
11 MA'AM.

12 MR. SILVERT: WOULD YOU STATE YOUR NAME,  
13 PLEASE?

14 MS. FARMER: MY NAME IS DORIS FARMER.

15 (DORIS FARMER SWORN BY ATTORNEY.)

16 MS. FARMER: I LIVE AT 2609 WESTWOOD. THE LOT  
17 AT 2620 HAS NOT HAD A MOBILE HOME ON IT BEFORE. I  
18 DON'T OBJECT TO A MOBILE HOME. THERE HAS NEVER BEEN  
19 ONE THERE BEFORE. YEARS AGO THERE WAS A LITTLE HOUSE  
20 THERE, BUT IT GOT INTO DISREPAIR AND THE FIRE  
21 DEPARTMENT BURNED IT DOWN.

22 THIS PERSON THAT OWNS THIS PROPERTY ALSO OWNS  
23 ANOTHER PIECE OF PROPERTY THERE IN THE SCUTTLE ALONG,  
24 WE CALL IT THE DITCH. THE SCUTTLE ALONG THE DITCH IS  
25 THAT HE ACTUALLY INTENDS TO PUT THIS MOBILE HOME ON

1 HIS OTHER PIECE OF PROPERTY WHICH IS RIGHT ACROSS IN  
2 FRONT OF ME. THERE HAS BEEN A MOBILE HOME THERE  
3 BEFORE, BUT THAT'S NOT THE ADDRESS HE GAVE. THAT'S  
4 NOT THE ADDRESS I HAVE.

5 I'M JUST WONDERING IF HE'S GOING TO BE ALLOWED  
6 TO PUT IT RIGHT IN FRONT OF ME OR DOES HE HAVE TO PUT  
7 IT DOWN 2620?

8 MR. NOFFSINGER: MA'AM, THIS HOME WILL HAVE TO  
9 BE PLACED ON THE PROPERTY AT 2620 WESTWOOD AVENUE.

10 MS. FARMER: OKAY. THAT WAS MY PROBLEM.  
11 THANK YOU.

12 CHAIRMAN: ANYBODY HAVE ANY QUESTIONS OF THE  
13 LADY?

14 (NO RESPONSE)

15 CHAIRMAN: DOES ANY OTHER PERSON HERE HAVE ANY  
16 COMMENTS ON THIS OR HAVE QUESTIONS?

17 (NO RESPONSE)

18 CHAIRMAN: HEARING NONE ENTERTAIN A MOTION.

19 MR. DYSINGER: MR. CHAIRMAN, I DO HAVE A  
20 QUESTION.

21 IT SAYS THE APPLICANT HAS REQUESTED A WAIVER  
22 OF THE REQUIRED SIDEWALKS SINCE THERE ARE NO SIDEWALKS  
23 IN THE VICINITY OF THE PROPERTY ALONG WESTWOOD. IS  
24 THAT ITEM BEFORE US AT ANY TIME? IS THIS SOMETHING  
25 THAT STAFF IS GOING TO DO, MR. NOFFSINGER?

1           MR. NOFFSINGER: NO. WE RECOMMEND THAT YOU  
2 WAIVE REQUIREMENT BECAUSE THE STREET DOES NOT HAVE  
3 CURB AND GUTTER. SINCE IT'S NOT AN URBAN SECTION, WE  
4 DO NOT RECOMMEND SIDEWALK BE INSTALLED FOR THOSE  
5 REASONS.

6           MR. DYSINGER: AT THIS TIME?

7           MR. NOFFSINGER: AT THIS TIME, RIGHT. YOU'RE  
8 NOT APPROVING A VARIANCE. THIS IS A POLICY THAT THIS  
9 BOARD ADOPTED MANY, MANY YEARS AGO. IT'S YOUR OWN  
10 POLICY YOU'RE WAIVING. IT'S NOT THE CITY'S POLICY OR  
11 A CITY REQUIREMENT. YOU COULDN'T DO THAT. YOU'RE  
12 WAIVING YOUR OWN POLICY.

13           CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS  
14 FROM THE BOARD OR STAFF?

15           (NO RESPONSE)

16           CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF  
17 THE ITEM.

18           YES, MA'AM. COME FORWARD, STATE YOUR NAME  
19 AGAIN, PLEASE.

20           MS. FARMER: I HAVE A QUESTION. BEFORE MR.  
21 KAELIN BOUGHT THIS PROPERTY, IT PREVIOUSLY WAS OWNED  
22 BY A GENTLEMAN THAT HAD TWO LOTS THERE TOGETHER. HE  
23 TURNED THEM OVER TO HIS GRANDDAUGHTER, DEEDED THEM  
24 OVER TO HER. IN ORDER TO GET A MANUFACTURED HOME  
25 THERE, SHE HAD TO COMBINE THESE TWO PROPERTIES. THEN

1 SHE LOST IT. MR. KAELIN CAME IN AND PURCHASED IT, AND  
2 THEN HE GOT TO SEPARATE IT. IS THAT AN EASY THING TO  
3 DO?

4 CHAIRMAN: STAFF.

5 MR. NOFFSINGER: MA'AM, YOU'RE PRETTY  
6 KNOWLEDGEABLE IN TERMS OF WHAT'S BEEN GOING ON. I  
7 APPLAUD YOU FOR THAT. YOU'RE VERY AWARE OF WHAT'S  
8 HAPPENING IN YOUR NEIGHBORHOOD.

9 MS. FARMER: I'VE BEEN THERE 54 YEARS.

10 MR. NOFFSINGER: ON MARCH 26TH OF 2010, I  
11 SIGNED A PLAT FOR THIS PROPERTY. WHAT IT DID, IT  
12 DIDN'T CONSOLIDATE THE TWO PROPERTIES. THERE WERE TWO  
13 SEPARATE TRACTS THERE. THEY JUST MOVED THE LINE OVER  
14 TO ACCOMMODATE THE REQUIRED SETBACKS FOR A MODULAR  
15 HOME THAT WAS INSTALLED ON ONE OF THE LOTS. IN TERMS  
16 OF THE PROPERTY PLAT THAT I APPROVED, IT ORIGINALLY  
17 EXISTED AS TWO LOTS. IT'S JUST ONE WAS MADE A LITTLE  
18 SMALLER. THE OTHER ONE WAS MADE A LITTLE LARGER BY  
19 THE PROPERTY TRANSFER.

20 CHAIRMAN: ANY OTHER COMMENTS?

21 MR. PEDLEY: MR. NOFFSINGER, THE APPLICATION  
22 IS IN ORDER?

23 MR. NOFFSINGER: YES SIR.

24 MR. PEDLEY: ARE YOU READY FOR A MOTION?

25 CHAIRMAN: WAITING FOR A MOTION.



1                   MR. PEDLEY: I MAKE A MOTION FOR APPROVAL  
2                   BASED ON FINDING OF FACT IT IS A COMPATIBLE USE IN THE  
3                   NEIGHBORHOOD BECAUSE THERE ARE SEVERAL OTHER  
4                   MANUFACTURED HOMES IN THE NEIGHBORHOOD AND IT WILL  
5                   ALLOW HARMONIOUS INTEGRATION BECAUSE THERE ARE SIMILAR  
6                   LIVING ACTIVITIES IN THE AREA; AND WILL NOT HAVE AN  
7                   ADVERSE INFLUENCE ON FUTURE DEVELOPMENT BECAUSE IT IS  
8                   PRIMARILY RESIDENTIAL. THE SIDEWALK REQUIREMENT MAY  
9                   BE WAIVED BECAUSE THERE ARE NO SIDEWALKS IN THE  
10                  VICINITY.

11                 CHAIRMAN: IS THERE A SECOND?

12                 MR. DYSINGER: SECOND.

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

16                 (NO RESPONSE)

17                 CHAIRMAN: STAFF HAVE ANYTHING ELSE?

18                 MR. NOFFSINGER: 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                 NEXT ITEM, PLEASE.

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VARIANCE

1       ITEM 3

2       1120 GRIFFITH AVENUE, ZONED R-1A  
3       CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE STREET  
4       SIDE YARD SETBACK FROM 25 FEET TO 11 FEET IN ORDER TO  
5       CONSTRUCT AN ADDITION TO AN EXISTING GARAGE.  
6       REFERENCE: ZONING ORDINANCE, ARTICLE 8,  
7       SECTION 8.5.5(C)  
8       APPLICANT: TIM ALLEN

9               MS. EVANS: THE SUBJECT PROPERTY IS A CORNER  
10       LOT IN AN AREA ESTABLISHED BEFORE THE CURRENT ZONING  
11       ORDINANCE REQUIREMENTS WERE IN PLACE. SINCE THE  
12       SUBJECT PROPERTY IS A CORNER LOT, THE SIDE STREET YARD  
13       SETBACK IS 25 FEET FROM THE PROPERTY LINE. THE  
14       APPLICANT PROPOSES TO CONSTRUCT A SMALL ADDITION TO  
15       THE REAR OF AN EXISTING DETACHED GARAGE FOR THE  
16       STORAGE OF POOL EQUIPMENT AND SUPPLIES FOR A PROPOSED  
17       SWIMMING POOL. THE EXISTING GARAGE ENCROACHES INTO  
18       THE SIDE STREET YARD SETBACK; THIS ADDITION WOULD BE  
19       AN IN-LINE ADDITION TO THE EXISTING STRUCTURE THAT  
20       WOULD SIT 11 FEET FROM THE PROPERTY LINE.

21               GRANTING THIS VARIANCE TO REDUCE THE SIDE  
22       STREET YARD BUILDING SETBACK LINE ALONG GRIFFITH PLACE  
23       WEST FROM 25 FEET FROM THE PROPERTY LINE TO 11 FEET  
24       FROM THE PROPERTY LINE IN ORDER TO CONSTRUCT AN  
25       ADDITION TO AN EXISTING GARAGE WILL NOT ADVERSELY  
26       AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE OR CAUSE A  
27       HAZARD OR NUISANCE TO THE PUBLIC BECAUSE THE ELEVATION  
28       CHANGE FROM THE STREET TO THE SUBJECT PROPERTY, WHERE

1 THE ADDITION WILL BE LOCATED, KEEPS THE STRUCTURE AWAY  
2 FROM THE VEHICLES TRAVELING ALONG THE STREET. IT WILL  
3 NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL  
4 VICINITY BECAUSE THERE ARE OTHER SIDE STREET YARD  
5 ENCROACHMENTS IN THE AREA, AT 1103, 1109, 1129 AND  
6 1328 GRIFFITH AVENUE. IT WILL NOT ALLOW AN  
7 UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE  
8 ZONING REGULATIONS BECAUSE THE PROPOSED ADDITION IS AN  
9 IN-LINE ADDITION TO AN EXISTING BUILDING THAT ALREADY  
10 ENCROACHES INTO THE SIDE STREET YARD BUILDING SETBACK  
11 LINE.

12 STAFF WOULD RECOMMEND APPROVAL.

13 WE WOULD LIKE TO ENTER THE STAFF REPORT INTO  
14 THE RECORDS AS EXHIBIT B.

15 CHAIRMAN: THANK YOU.

16 ANY COMMENTS BEEN FILED IN THE OFFICE?

17 MR. NOFFSINGER: NO SIR.

18 CHAIRMAN: ANYONE WISHING TO SPEAK ON THIS  
19 ITEM THIS EVENING?

20 PLEASE COME FORWARD AND STATE YOUR NAME.

21 THE APPLICANT HAVE ANY COMMENTS?

22 MR. MILLER: NOT UNLESS YOU HAVE QUESTION OF  
23 ME, SIR.

24 CHAIRMAN: ANY BOARD MEMBERS HAVE ANY  
25 QUESTIONS OF THE APPLICANT?

1 (NO RESPONSE)

2 CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

3 MR. NOFFSINGER: NO, SIR.

4 CHAIRMAN: HEARING NONE ENTERTAIN A MOTION TO  
5 DISPOSE OF THE ITEM.

6 MR. DYSINGER: MR. CHAIRMAN, GIVEN THE  
7 PARTICULAR NATURE OF THIS LOT AND CITING THE FINDINGS  
8 AND THE STAFF REPORT I MOVE THAT WE GRANT THE  
9 VARIANCE.

10 CHAIRMAN: IS THERE A SECOND?

11 MR. STRODE: SECOND.

12 CHAIRMAN: A MOTION HAS BEEN MADE A SECOND.

13 ANY OTHER COMMENTS OR QUESTIONS FROM THE BOARD?

14 (NO RESPONSE)

15 CHAIRMAN: STAFF HAVE ANYTHING ELSE?

16 MR. NOFFSINGER: NO, SIR, EXCEPT JUST TO ADD  
17 THAT THE WAY THE ORDINANCE IS WRITTEN THE APPLICANT  
18 HAD TO COME BEFORE YOU FOR A VARIANCE BECAUSE THIS IS  
19 AN ACCESSORY STRUCTURE. HAD THIS BEEN THE PRINCIPAL  
20 STRUCTURE ON THE PROPERTY, IT WOULD NOT HAVE HAD TO  
21 BEEN BEFORE THIS BOARD FOR A VARIANCE. WE TRIED TO  
22 FIND A WAY TO DO IT WITHOUT HAVING TO GO THROUGH THE  
23 VARIANCE PROCESS, BUT THE WAY THE ORDINANCE IS WRITTEN  
24 IT REQUIRED THE APPLICANT TO COME BEFORE YOU. THAT'S  
25 ALL.

1 CHAIRMAN: ANY OTHER COMMENTS FROM ANYBODY?

2 (NO RESPONSE)

3 CHAIRMAN: ALL IN FAVOR OF THE MOTION RAISE  
4 YOUR RIGHT HAND.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: MOTION CARRIES.

7 NEXT ITEM, PLEASE, SIR.

8 ITEM 4

9 4471 SPRINGHILL DRIVE, ZONED B-4  
10 CONSIDER A REQUEST FOR A VARIANCE IN ORDER TO REDUCE  
11 THE DISTANCE OF A NON-RESIDENTIAL POINT OF ACCESS FROM  
12 50 FEET FROM THE RIGHT-OF-WAY LINE OF AN INTERSECTING  
13 STREET TO 27 FEET FROM THE RIGHT-OF-WAY LINE OF AN  
14 INTERSECTING STREET.

15 REFERENCE: ZONING ORDINANCE, ARTICLE 13,  
16 SECTION 13.22

17 APPLICANT: SC DEVELOPMENT, LLC; LAKE FOREST  
18 COMMUNITY, LLC

19

20 MR. PEDLEY: MR. CHAIRMAN, I NEED TO

21 DISQUALIFY MYSELF FROM THIS ITEM.

22 CHAIRMAN: SO NOTED.

23 MS. EVANS: THE ORIGINAL PROPOSAL FOR THE  
24 SUBJECT PROPERTY SHOWED THE PROPOSED ENTRANCE TO THE  
25 PROPERTY 59 FEET FROM THE INTERSECTION OF HIGHWAY 54  
AND SPRINGVIEW DRIVE; WITH ALL TRAFFIC ACCESSING THE  
SUBJECT PROPERTY FROM SPRINGVIEW DRIVE. THE COUNTY  
ENGINEER WAS NOT COMFORTABLE WITH THIS PROPOSAL GIVEN  
THE AMOUNT OF TRAFFIC ON HIGHWAY 54, RECOMMENDING THE  
ENTRANCE ON SPRINGVIEW DRIVE BE LOCATED 150 FEET FROM

1 THE INTERSECTION WITH HIGHWAY 54.

2 WITH THE COUNTY ENGINEER'S RECOMMENDATION, THE  
3 APPLICANTS REVISED THEIR PROPOSAL AND ARE NOW  
4 PROPOSING TWO ACCESS POINTS. ONE ON SPRINGVIEW DRIVE,  
5 142.9 FEET FROM THE INTERSECTION WITH HIGHWAY 54, AND  
6 ONE ON SPRINGHILL DRIVE, 27 FEET FROM THE INTERSECTION  
7 OF SPRINGHILL DRIVE AND SPRINGVIEW DRIVE.

8 THE NEW PROPOSAL SHOWS THE DELIVERY TRUCKS  
9 SWINGING OUT INTO OPPOSING LANE OF TRAFFIC AND STAFF  
10 WOULD RECOMMEND THE RADIUS OF THE ACCESS POINT BE  
11 INCREASED TO 50 FEET TO LIMIT POTENTIAL CONFLICTS WITH  
12 OPPOSING TRAFFIC TURNING LEFT FROM SPRINGVIEW DRIVE  
13 ONTO SPRINGHILL DRIVE.

14 GRANTING THIS VARIANCE TO REDUCE THE DISTANCE  
15 OF A NON-RESIDENTIAL POINT OF ACCESS FROM 50 FEET FROM  
16 THE RIGHT-OF-WAY LINE OF AN INTERSECTING STREET TO 27  
17 FEET FROM THE RIGHT-OF-WAY LINE OF AN INTERSECTING  
18 STREET WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH,  
19 SAFETY OR WELFARE OR CAUSE A HAZARD OR NUISANCE TO THE  
20 PUBLIC; IN FACT, WITH THE INCREASED RADIUS OF THE  
21 ACCESS POINT ON SPRINGHILL DRIVE, THE PROPOSAL WILL  
22 INCREASE THE SAFETY BECAUSE THE LARGE SEMI-TRUCKS WILL  
23 NOT BE ACCESSING THE PROPERTY FROM SPRINGVIEW DRIVE.  
24 IT WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE  
25 REQUIREMENTS OF THE ZONING REGULATIONS, BECAUSE THIS

1 PLAN IS IN LINE WITH THE RECOMMENDATIONS FROM THE  
2 COUNTY ENGINEER.

3 STAFF WOULD RECOMMEND.

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

6 CHAIRMAN: THANK YOU.

7 ANY COMMENTS IN THE OFFICE?

8 MR. NOFFSINGER: NO, SIR.

9 CHAIRMAN: ANYONE WISHING TO SPEAK OR ADD  
10 COMMENTS ON THIS APPLICATION?

11 COME AND STATE YOUR NAME, PLEASE, MA'AM.

12 MS. MILLS: MY NAME IS ROBIN MILLS. I'M WITH  
13 HORIZON ENGINEERING.

14 (ROBIN MILLS SWORN BY ATTORNEY.)

15 MS. MILLS: WE DO NOT HAVE A PROBLEM WITH THE  
16 STAFF'S RECOMMENDATIONS OF INCREASING THE RADIUS.  
17 OTHERWISE CONFER WITH STAFF REPORT.

18 CHAIRMAN: YOU UNDERSTAND THE STAFF'S  
19 COMMENDATION?

20 MS. MILLS: I BELIEVE SO. IF I HAVE ANY  
21 QUESTIONS, I'LL MAKE THE CHANGES AND MAKE SURE THEY'RE  
22 COMFORTABLE WITH THOSE.

23 CHAIRMAN: THANK YOU.

24 ANY BOARD MEMBERS HAVE ANY COMMENTS OR  
25 QUESTIONS?

1 MS. EVANS: I JUST WANTED TO ADD THAT THAT WAS  
2 A RECOMMENDATION. WE JUST KIND OF WANTED TO MAKE THE  
3 APPLICANT AWARE OF. THAT'S WHY WE INCLUDED IT IN THIS  
4 VARIANCE STAFF REPORT. THAT WOULD BE ADDRESSED  
5 FURTHER ON THE DEVELOPMENT PLAN THAT'S SUBMITTED FOR  
6 THE LOT.

7 CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS?

8 MR. NOFFSINGER: YES.

9 I WOULD LIKE TO REQUEST THAT THE APPLICANTS,  
10 THOSE HERE ON BEHALF OF THE APPLICANT TONIGHT, PLEASE  
11 SEND OUR THANKS TO THE ACTUAL APPLICANT FOR  
12 ACCOMMODATING THE SITUATION. THE APPLICANT DIDN'T  
13 REQUIRE THE STEPS. WHAT REQUIRED THE STEPS FOR THIS  
14 VARIANCE WAS THE FACT THAT THEY COULDN'T PUT THE  
15 DRIVEWAY WHERE THEY THOUGHT THEY WOULD BE ABLE TO  
16 BASED UPON THE ORDINANCE THAT HAD BEEN ADOPTED. THE  
17 COUNTY ENGINEER, RIGHTFULLY SO I THINK HE MADE THE  
18 RIGHT DECISION, REQUESTED THAT THE DRIVEWAY BE MOVED  
19 FURTHER AWAY FROM THE INTERSECTION. I JUST WANT TO  
20 THANK THE APPLICANTS FOR DOING THAT. BY MOVING IT, IT  
21 NECESSITATED THIS VARIANCE BECAUSE THEY ABSOLUTELY  
22 HAVE TO HAVE A SECOND ACCESS POINT FOR TRAFFIC  
23 MANEUVERING. JUST PLEASE SEND OUR THANKS TO THEM FOR  
24 ACCOMMODATING THE SITUATION.

25 CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS



1 NOW?

2 (NO RESPONSE)

3 CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF  
4 THE ITEM, PLEASE.

5 MR. DYSINGER: MR. CHAIRMAN, GIVEN FINDINGS 1,  
6 3, 4 IN THE STAFF REPORT, I MOVED THAT WE GRANT THE  
7 VARIANCE.

8 MR. STRODE: SECOND.

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

12 (NO RESPONSE)

13 CHAIRMAN: STAFF HAVE ANYTHING ELSE?

14 MR. NOFFSINGER: NO, SIR.

15 CHAIRMAN: HEARING NONE ALL IN FAVOR RAISE  
16 YOUR RIGHT HAND.

17 (ALL BOARD MEMBERS PRESENT - WITH THE  
18 DISQUALIFICATION OF WARD PEDLEY - RESPONDED AYE.)

19 CHAIRMAN: MOTION CARRIES.

20 MR. DYSINGER: MR. CHAIRMAN, I MOVE TO ENTER  
21 INTO CLOSED SESSION PURSUANT TO KRS 61.8101(C) SO THAT  
22 THE BOARD MAY DISCUSS SPENDING LITIGATION AGAINST THE  
23 BOARD. SPECIFICALLY THIS CLOSED SESSION IS TO DISCUSS  
24 THE RULING IN A RECENT CASE AND POSSIBLE NEED TO  
25 APPEAL. NO ACTION WILL BE TAKEN IN THE CLOSED

1       SESSION.  IF ACTION IS NECESSARY, THE BOARD WILL  
2       RECONVENE IN OPEN SESSION; OTHERWISE, THE BOARD WILL  
3       ADJOURN IN CLOSED SESSION.

4               CHAIRMAN:  IS THERE A SECOND?

5               MR. STRODE:  SECOND.

6               CHAIRMAN:  ANY OTHER COMMENTS?

7               (NO RESPOND)

8               CHAIRMAN:  ALL IN FAVOR RAISE YOUR RIGHT HAND.

9               (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10              CHAIRMAN:  WE'RE IN CLOSED SESSION.

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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 18 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 MAY, 2013.

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LYNNETTE KOLLER FUCHS  
NOTARY ID 433397  
OHIO VALLEY REPORTING SERVICES  
2200 EAST PARRISH AVE, SUITE 106-E  
OWENSBORO, KENTUCKY 42303

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23 COMMISSION EXPIRES: DECEMBER 16, 2014

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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