OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MAY 2, 2013

THE OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

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

MEMBERS PRESENT:  C.A. PANTLE, CHAIRMAN
                  WARD PEDLEY, VICE CHAIRMAN
                  GARY NOFFSINGER, DIRECTOR
                  MADISON SILVERT, ATTORNEY
                  JERRY YEISER
                  SEAN DYSINGER
                  JASON STRODE

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

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

WITH THAT WE HAVE THE MINUTES OF THE LAST MEETING ON RECORD.  WE HAVEN'T FOUND ANYONE PROBLEMS WITH THEM.  ANYBODY HAVE ANY ADDITIONS?
CHAIRMAN: IF NOT ENTERTAIN A MOTION TO DISPOSE OF THE ITEM.

MR. PEDLEY: MOTION FOR APPROVAL.

MR. DYSINGER: 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.

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CONDITIONAL USE PERMIT

ITEM 2

2620 WESTWOOD AVENUE, ZONED R-4DT

CONSIDER A REQUEST FOR A CONDITIONAL USE PERMIT IN ORDER TO INSTALL A CLASS 2 MANUFACTURED HOME IN AN R-4DT ZONE.

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

APPLICANT: GREENSPRINGS HOMEBUYERS, LLC; JOE KAELIN

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

MS. EVANS: MELISSA EVANS.

(MELISSA EVANS SWORN BY ATTORNEY.)

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

ZONING HISTORY

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

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

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

LAND USE IN SURROUNDING AREA

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

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

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

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

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

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

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

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

7. ALL WHEEL, TRAILER-TONGUE AND Hitch
ASSEMBLIES SHALL BE REMOVED UPON INSTALLATION.

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

THE APPLICANT HAS REQUESTED A WAIVER OF THE
REQUIRED SIDEWALKS SINCE THERE ARE NO OTHER SIDEWALKS.
IN THE AREA AND THERE ARE NO CURB OR GUTTERS IN THE
AREA IN THIS VICINITY ALONG WESTWOOD AVENUE.
WE WOULD LIKE TO ENTER THE STAFF REPORT INTO
THE RECORD AS EXHIBIT A.
CHAIRMAN: HAS THERE BEEN ANY COMMENTS OR
QUESTIONS IN THE OFFICE?
MR. NOFFSINGER: NO, SIR.
CHAIRMAN: ANYONE WISHING TO SPEAK OF THIS
ITEM? IS THE APPLICANT HERE?
COME FORWARD AND STATE YOUR NAME PLEASE,
MA'AM.
MR. SILVERT: WOULD YOU STATE YOUR NAME,
PLEASE?
MS. FARMER: MY NAME IS DORIS FARMER.
(DORIS FARMER SWORN BY ATTORNEY.)
MS. FARMER: I LIVE AT 2609 WESTWOOD. THE LOT
AT 2620 HAS NOT HAD A MOBILE HOME ON IT BEFORE. I
DON'T OBJECT TO A MOBILE HOME. THERE HAS NEVER BEEN
ONE THERE BEFORE. YEARS AGO THERE WAS A LITTLE HOUSE
THERE, BUT IT GOT INTO DISREPAIR AND THE FIRE
DEPARTMENT BURNED IT DOWN.
THIS PERSON THAT OWNS THIS PROPERTY ALSO OWNS
ANOTHER PIECE OF PROPERTY THERE IN THE SCUTTLE ALONG,
WE CALL IT THE DITCH. THE SCUTTLE ALONG THE DITCH IS
THAT HE ACTUALLY INTENDS TO PUT THIS MOBILE HOME ON
HIS OTHER PIECE OF PROPERTY WHICH IS RIGHT ACROSS IN
FRONT OF ME. THERE HAS BEEN A MOBILE HOME THERE
BEFORE, BUT THAT'S NOT THE ADDRESS HE GAVE. THAT'S
NOT THE ADDRESS I HAVE.

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

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

MS. FARMER: OKAY. THAT WAS MY PROBLEM.

THANK YOU.

CHAIRMAN: ANYBODY HAVE ANY QUESTIONS OF THE
LADY?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: HEARING NONE ENTERTAIN A MOTION.

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

IT SAYS THE APPLICANT HAS REQUESTED A WAIVER
OF THE REQUIRED SIDEWALKS SINCE THERE ARE NO SIDEWALKS
IN THE VICINITY OF THE PROPERTY ALONG WESTWOOD. IS
THAT ITEM BEFORE US AT ANY TIME? IS THIS SOMETHING
THAT STAFF IS GOING TO DO, MR. NOFFSINGER?
MR. NOFFSINGER: NO. WE RECOMMEND THAT YOU WAIVE REQUIREMENT BECAUSE THE STREET DOES NOT HAVE CURB AND GUTTER. SINCE IT'S NOT AN URBAN SECTION, WE DO NOT RECOMMEND SIDEWALK BE INSTALLED FOR THOSE REASONS.

MR. DYSINGER: AT THIS TIME?

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

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

(NO RESPONSE)

CHAIRMAN: ENTERTAIN A MOTION TO DISPOSE OF THE ITEM.

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

MS. FARMER: I HAVE A QUESTION. BEFORE MR. KAELIN BOUGHT THIS PROPERTY, IT PREVIOUSLY WAS OWNED BY A GENTLEMAN THAT HAD TWO LOTS THERE TOGETHER. HE TURNED THEM OVER TO HIS GRANDDAUGHTER, DEEDED THEM OVER TO HER. IN ORDER TO GET A MANUFACTURED HOME THERE, SHE HAD TO COMBINE THESE TWO PROPERTIES. THEN
SHE LOST IT. MR. KAE LIN CAME IN AND PURCHASED IT, AND THEN HE GOT TO SEPARATE IT. IS THAT AN EASY THING TO DO?

CHAIRMAN: STAFF.

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

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

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

CHAIRMAN: ANY OTHER COMMENTS?

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

MR. NOFFSINGER: YES SIR.

MR. PEDLEY: ARE YOU READY FOR A MOTION?

CHAIRMAN: WAITING FOR A MOTION.
MR. PEDLEY: I MAKE A MOTION FOR APPROVAL

BASED ON FINDING OF FACT IT IS A COMPATIBLE USE IN THE

NEIGHBORHOOD BECAUSE THERE ARE SEVERAL OTHER

MANUFACTURED HOMES IN THE NEIGHBORHOOD AND IT WILL

ALLOW HARMONIOUS INTEGRATION BECAUSE THERE ARE SIMILAR

LIVING ACTIVITIES IN THE AREA; AND WILL NOT HAVE AN

ADVERSE INFLUENCE ON FUTURE DEVELOPMENT BECAUSE IT IS

PRIMARILY RESIDENTIAL. THE SIDEWALK REQUIREMENT MAY

BE WAIVED BECAUSE THERE ARE NO SIDEWALKS IN THE

VICINITY.

CHAIRMAN: IS THERE A SECOND?

MR. DYSINGER: SECOND.

CHAIRMAN: A MOTION HAS BEEN MADE AND A

SECOND. ANY OTHER COMMENTS OR QUESTIONS FROM THE

BOARD?

(NO RESPONSE)

CHAIRMAN: STAFF HAVE ANYTHING ELSE?

MR. NOFFSINGER: 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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VARIANCE

OHIO VALLEY REPORTING
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ITEM 3

1120 GRIFFITH AVENUE, ZONED R-1A

CONSIDER A REQUEST FOR A VARIANCE TO REDUCE THE STREET SIDE YARD SETBACK FROM 25 FEET TO 11 FEET IN ORDER TO CONSTRUCT AN ADDITION TO AN EXISTING GARAGE.

REFERENCE: ZONING ORDINANCE, ARTICLE 8, SECTION 8.5.5(C)

APPLICANT: TIM ALLEN

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

GRANTING THIS VARIANCE TO REDUCE THE SIDE STREET YARD BUILDING SETBACK LINE ALONG GRIFFITH PLACE WEST FROM 25 FEET FROM THE PROPERTY LINE TO 11 FEET FROM THE PROPERTY LINE IN ORDER TO CONSTRUCT AN ADDITION TO AN EXISTING GARAGE WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY OR WELFARE OR CAUSE A HAZARD OR NUISANCE TO THE PUBLIC BECAUSE THE ELEVATION CHANGE FROM THE STREET TO THE SUBJECT PROPERTY, WHERE
THE ADDITION WILL BE LOCATED, KEEPS THE STRUCTURE AWAY FROM THE VEHICLES TRAVELING ALONG THE STREET. IT WILL NOT ALTER THE ESSENTIAL CHARACTER OF THE GENERAL VICINITY BECAUSE THERE ARE OTHER SIDE STREET YARD ENCROACHMENTS IN THE AREA, AT 1103, 1109, 1129 AND 1328 GRIFFITH AVENUE. IT WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE REQUIREMENTS OF THE ZONING REGULATIONS BECAUSE THE PROPOSED ADDITION IS AN IN-LINE ADDITION TO AN EXISTING BUILDING THAT ALREADY ENCROACHES INTO THE SIDE STREET YARD BUILDING SETBACK LINE.

STAFF WOULD RECOMMEND APPROVAL.

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

CHAIRMAN: THANK YOU.

ANY COMMENTS BEEN FILED IN THE OFFICE?

MR. NOFFSINGER: NO SIR.

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

PLEASE COME FORWARD AND STATE YOUR NAME.

THE APPLICANT HAVE ANY COMMENTS?

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

CHAIRMAN: ANY BOARD MEMBERS HAVE ANY QUESTIONS OF THE APPLICANT?
CHAIRMAN: STAFF HAVE ANYTHING ELSE TO ADD?

MR. NOFFSINGER: NO, SIR.

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

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

CHAIRMAN: IS THERE A SECOND?

MR. STRODE: SECOND.

CHAIRMAN: A MOTION HAS BEEN MADE A SECOND.

ANY OTHER COMMENTS OR QUESTIONS FROM THE BOARD?

(NO RESPONSE)

CHAIRMAN: STAFF HAVE ANYTHING ELSE?

MR. NOFFSINGER: NO, SIR, EXCEPT JUST TO ADD THAT THE WAY THE ORDINANCE IS WRITTEN THE APPLICANT HAD TO COME BEFORE YOU FOR A VARIANCE BECAUSE THIS IS AN ACCESSORY STRUCTURE. HAD THIS BEEN THE PRINCIPAL STRUCTURE ON THE PROPERTY, IT WOULD NOT HAVE HAD TO BEEN BEFORE THIS BOARD FOR A VARIANCE. WE TRIED TO FIND A WAY TO DO IT WITHOUT HAVING TO GO THROUGH THE VARIANCE PROCESS, BUT THE WAY THE ORDINANCE IS WRITTEN IT REQUIRED THE APPLICANT TO COME BEFORE YOU. THAT'S ALL.
CHAIRMAN: ANY OTHER COMMENTS FROM ANYBODY?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: MOTION CARRIES.

NEXT ITEM, PLEASE, SIR.

ITEM 4

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

REFERENCE: ZONING ORDINANCE, ARTICLE 13, SECTION 13.22

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

MR. PEDLEY: MR. CHAIRMAN, I NEED TO DISQUALIFY MYSELF FROM THIS ITEM.

CHAIRMAN: SO NOTED.

MS. EVANS: THE ORIGINAL PROPOSAL FOR THE SUBJECT PROPERTY SHOWED THE PROPOSED ENTRANCE TO THE 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 OHIO VALLEY REPORTING
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THE INTERSECTION WITH HIGHWAY 54.

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

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

GRANTING THIS VARIANCE TO REDUCE THE DISTANCE
OF A NON-RESIDENTIAL POINT OF ACCESS FROM 50 FEET FROM
THE RIGHT-OF-WAY LINE OF AN INTERSECTING STREET TO 27
FEET FROM THE RIGHT-OF-WAY LINE OF AN INTERSECTING
STREET WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH,
SAFETY OR WELFARE OR CAUSE A HAZARD OR NUISANCE TO THE
PUBLIC; IN FACT, WITH THE INCREASED RADIUS OF THE
ACCESS POINT ON SPRINGHILL DRIVE, THE PROPOSAL WILL
INCREASE THE SAFETY BECAUSE THE LARGE SEMI-TRUCKS WILL
NOT BE ACCESSING THE PROPERTY FROM SPRINGVIEW DRIVE.
IT WILL NOT ALLOW AN UNREASONABLE CIRCUMVENTION OF THE
REQUIREMENTS OF THE ZONING REGULATIONS, BECAUSE THIS
PLAN IS IN LINE WITH THE RECOMMENDATIONS FROM THE COUNTY ENGINEER.

STAFF WOULD RECOMMEND.

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

CHAIRMAN: THANK YOU.

ANY COMMENTS IN THE OFFICE?

MR. NOFFSINGER: NO, SIR.

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

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

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

(MSR. MILLS SWORN BY ATTORNEY.)

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

CHAIRMAN: YOU UNDERSTAND THE STAFF'S COMMENDATION?

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

CHAIRMAN: THANK YOU.

ANY BOARD MEMBERS HAVE ANY COMMENTS OR QUESTIONS?
MS. EVANS: I JUST WANTED TO ADD THAT THAT WAS A RECOMMENDATION. WE JUST KIND OF WANTED TO MAKE THE APPLICANT AWARE OF. THAT'S WHY WE INCLUDED IT IN THIS VARIANCE STAFF REPORT. THAT WOULD BE ADDRESSED FURTHER ON THE DEVELOPMENT PLAN THAT'S SUBMITTED FOR THE LOT.

CHAIRMAN: STAFF HAVE ANY OTHER COMMENTS?

MR. NOFFSINGER: YES.

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

CHAIRMAN: ANY OTHER COMMENTS OR QUESTIONS

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NOW?
(NO RESPONSE)

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

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

MR. STRODE: SECOND.

CHAIRMAN: A MOTION HAS BEEN MADE AND A SECOND. ANY OTHER COMMENTS OR QUESTIONS FROM THE BOARD?
(NO RESPONSE)

CHAIRMAN: STAFF HAVE ANYTHING ELSE?

MR. NOFFSINGER: NO, SIR.

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

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

CHAIRMAN: MOTION CARRIES.

MR. DYSINGER: MR. CHAIRMAN, I MOVE TO ENTER INTO CLOSED SESSION PURSUANT TO KRS 61.8101(C) SO THAT THE BOARD MAY DISCUSS SPENDING LITIGATION AGAINST THE BOARD. SPECIFICALLY THIS CLOSED SESSION IS TO DISCUSS THE RULING IN A RECENT CASE AND POSSIBLE NEED TO APPEAL. NO ACTION WILL BE TAKEN IN THE CLOSED
SESSION. IF ACTION IS NECESSARY, THE BOARD WILL RECONVENE IN OPEN SESSION; OTHERWISE, THE BOARD WILL ADJOURN IN CLOSED SESSION.

CHAIRMAN: IS THERE A SECOND?

MR. STRODE: SECOND.

CHAIRMAN: ANY OTHER COMMENTS?

(NO RESPOND)

CHAIRMAN: ALL IN FAVOR RAISE YOUR RIGHT HAND.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: WE'RE IN CLOSED SESSION.

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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 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

COMMISSION EXPIRES: DECEMBER 16, 2014

COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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