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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JANUARY 2, 2014

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, January 2, 2014, 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
- Terra Knight, Attorney
- Jerry Yeiser
- Sean Dysinger
- Judy Dixon
- Fred Reeves

* * * * *

CHAIRMAN: Call the Owensboro Metropolitan Board of Adjustment to order. We start our meeting with the pledge to the flag and a prayer. Gary is going to have our prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Again, I want to welcome you to the meeting. If you have any comments on your item, please come forward to the podium and state your name, please.

With that the first item is the minutes of the December 5th meeting. I don't think there was any problems in the office.

1 MR. NOFFSINGER: No, sir.

2 CHAIRMAN: Entertain a motion to dispose of
3 the item.

4 MS. DIXON: Move to approve.

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 I now will turn the meeting over to our
11 attorney for election of officers.

12 MS. KNIGHT: We are having election of
13 officers tonight. I am ready to entertain a motion
14 for nomination of the chair.

15 MR. PEDLEY: I nominate Audie Pantle.

16 MR. DYSINGER: Second.

17 CHAIRMAN: Are there any other nominations?

18 (NO RESPONSE)

19 CHAIRMAN: No other nominations. All in favor
20 raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries.

23 Congratulations, Mr. Pantle.

24 Now nomination for vice chair.

25 MR. DYSINGER: I nominate Ward Pedley as vice

1 chair.

2 MR. REEVES: I'll second.

3 MS. KNIGHT: Any other nominations?

4 CHAIRMAN: Move that nomination cease and be
5 elected by acclamation.

6 MR. DYSINGER: Second.

7 CHAIRMAN: All in favor.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 MS. KNIGHT: Congratulations, Mr. Pedley.

10 Now open the floor for nomination of
11 secretary.

12 MR. REEVES: I nominate Ruth Ann Mason.

13 MR. PEDLEY: Second.

14 MS. KNIGHT: Any other nominations?

15 CHAIRMAN: Move that the nomination cease and
16 be elected by acclamation.

17 MR. DYSINGER: Second.

18 MS. KNIGHT: I believe that concludes that
19 matter. I will turn the floor back over to chair.

20 -----

21 CONDITIONAL USE PERMIT

22 ITEM 3

23 7601 Iceland Road, zoned I-2
24 Consider a request for a Conditional Use Permit in
25 order to construct a weigh scale with ramps in the
floodway.

Reference: Zoning Ordinance, Article 18,

1 Section 18-4(b)3, 18-5(b)4, 18-6(b)3
2 Applicant: Gavilon Grain, LLC

3 ZONING HISTORY

4 The subject property is zoned I-2 Heavy
5 Industrial. The OMPC records indicate that five
6 Conditional Use Permits have been approved for this
7 property as follow:

8 October 2, 2008 to replace an existing 56 by
9 24 foot office building with a 52 by 48 office
10 building for a weigh station in the floodway.

11 June 1, 2006 to erect 3 steel grain bins, one
12 dryer foundation and support equipment for a barge
13 loading/unloading facility in a floodway.

14 April 10, 2003 to erect 2 steel grain bins to
15 store grain in a floodway.

16 December 7, 2001 to erect 12 silo tanks to
17 store bulk commodities in a floodway.

18 September 3, 1998 to construct a storage
19 building within a floodway.

20 This application is to construct a new weigh
21 scale with ramps in an area approximately 162 feet
22 long by 20 feet wide parallel to an existing scale
23 near the existing weigh scale office.

24 LAND USES IN SURROUNDING AREA

25 The subject property is zoned I-2 Heavy

1 Industrial. The property is bound to the west by the
2 Ohio River. The property to the north is zoned A-R
3 Rural Agricultural and the properties to the east and
4 south are zoned I-2 Heavy Industrial.

5 ZONING ORDINANCE REQUIREMENTS

6 All of the requirements have been met by the
7 applicant:

8 1. Is a stream construction permit for
9 construction in or along a stream was issued by the
10 Kentucky Division of Water on December 12, 2013.

11 2. A determination from U.S. Army Corp of
12 Engineers that a permit is not required from the
13 agency dated December 11, 2013.

14 3. Certification from a design professional
15 was made on December 12, 2013 that the proposed
16 construction will not cause a rise in the base flood
17 elevation during a base flood discharge.

18 MR. NOFFSINGER: With that, Mr. Chairman, this
19 item is ready for your consideration and please note
20 that the applicant has met all application
21 requirements that's contained in the zoning ordinance.

22 CHAIRMAN: Does the applicant have anything
23 you would like to add at this time?

24 APPLICANT REP: I think he covered it.

25 CHAIRMAN: Any board member have any questions

1 of the applicant?

2 (NO RESPONSE)

3 CHAIRMAN: Entertain a motion to dispose of
4 the item.

5 MR. PEDLEY: Mr. Chairman, I make a motion for
6 approval based on findings we've had no opposition on
7 this application. It is a compatible use because it
8 is in a primary heavy industrial zone for this use as
9 is appropriate. It will not have an adverse influence
10 on future development because the area is primary
11 heavy industrial, and all the requirements have been
12 met by the applicant.

13 CHAIRMAN: Is there a second?

14 MR. DYSINGER: Second.

15 CHAIRMAN: A motion has been made and a
16 second. Staff have any other comments?

17 MR. NOFFSINGER: No, sir.

18 CHAIRMAN: Board members have any other
19 questions?

20 (NO RESPONSE)

21 CHAIRMAN: Hearing none all in favor raise
22 your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries.

25 Next item.

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MR. DYSINGER: Move to adjourn.

MR. REEVES: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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 stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 7 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 7th day of January, 2014.

18

19

LYNNETTE KOLLER FUCHS
NOTARY ID 433397
OHIO VALLEY REPORTING SERVICES
2200 E. 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

25

Ohio Valley Reporting
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