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

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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.
MR. NOFFSINGER: No, sir.

CHAIRMAN: Entertain a motion to dispose of the item.

MS. DIXON: Move to approve.

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.

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

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

MR. PEDLEY: I nominate Audie Pantle.

MR. DYSINGER: Second.

CHAIRMAN: Are there any other nominations?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Congratulations, Mr. Pantle.

Now nomination for vice chair.

MR. DYSINGER: I nominate Ward Pedley as vice
chair.

MR. REEVES: I'll second.

MS. KNIGHT: Any other nominations?

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

MR. DYSINGER: Second.

CHAIRMAN: All in favor.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Congratulations, Mr. Pedley.

Now open the floor for nomination of secretary.

MR. REEVES: I nominate Ruth Ann Mason.

MR. PEDLEY: Second.

MS. KNIGHT: Any other nominations?

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

MR. DYSINGER: Second.

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

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CONDITIONAL USE PERMIT

ITEM 3

7601 Iceland Road, zoned I-2
Consider a request for a Conditional Use Permit in order to construct a weigh scale with ramps in the floodway.
Reference: Zoning Ordinance, Article 18,
Section 18-4(b)3, 18-5(b)4, 18-6(b)3
Applicant: Gavilon Grain, LLC

ZONING HISTORY

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

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

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

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

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

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

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

LAND USES IN SURROUNDING AREA

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

ZONING ORDINANCE REQUIREMENTS

All of the requirements have been met by the applicant:

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

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

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

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

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

APPLICANT REP: I think he covered it.

CHAIRMAN: Any board member have any questions
of the applicant?

(NO RESPONSE)

CHAIRMAN: Entertain a motion to dispose of
the item.

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

CHAIRMAN: Is there a second?

MR. DYSINGER: Second.

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

MR. NOFFSINGER: No, sir.

CHAIRMAN: Board members have any other
questions?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item.
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.

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STATE OF KENTUCKY )

COUNTY OF DAVIESS )

SS: REPORTER'S CERTIFICATE

I, LYNETTE 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 7 typewritten pages; and that no signature was requested to the foregoing transcript.

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

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

COMMISSION EXPIRES: DECEMBER 16, 2014
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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