The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, March 12, 2015, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Ward Pedley, Chairman  
Judy Dixon, Vice Chairman  
Ruth Ann Mason, Secretary  
Brian Howard, Director  
Terra Knight, Attorney  
Jerry Yeiser  
Susan Free  
Fred Reeves

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CHAIRMAN: Call to order the Owensboro Metropolitan Board of Adjustment March 5, 2015 meeting. We will begin our meeting with a prayer and pledge of allegiance to the flag. Mr. Howard will lead us. Would you stand please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: I would like to welcome everyone. Anyone wishing to speak on any item you may do so. We ask that you to come to one of the podiums and state your name and be sworn in. We welcome your comments and questions.

With that the first item on the agenda is to
consider the minutes of the February 5, 2015 meeting.

Board Members, you have a copy of the minutes in your packet. Are there any additions or corrections?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MS. DIXON: Motion to approve.

CHAIRMAN: We have a motion for approval.

MR. YEISER: Second.

CHAIRMAN: We have a second. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item, please.

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VARIANCE

ITEM 2

900 Reid Road, zoned I-1
Consider a request for a Variance in order to reduce the buffer of a billboard sign location in Unincorporated Daviess County from 300 feet to the boundary line of an MHP zone to 245 feet to the boundary line of an MHP zone.

Reference: Zoning Ordinance, Article 9, Section 9-6(a)(4)(a) (Unincorporated Daviess County)

Applicant: Town & Country of Owensboro, LLC; Clarence Brewer, Jr. & Tamberly Summers Brewer

MS. KNIGHT: Please state your name for the
MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: Good evening, Board Members.

The Zoning Ordinance requires billboard to be located no closer than 300 from any residential zone for manufactured home park zoning district.

The applicant is requesting to locate a billboard sign 245 feet from the nearest such zone, which is a manufactured home park zone, rather than the 300 feet. So it's a variance of 55 feet in that respect.

The adjacent parcel is zoned MHP, which is manufactured housing, but it was never developed as such. Until recently it has one single-family home on it. Within the last two years or so it has been demolished. That's the history behind that, but there is no structure on the adjacent property that we are talking about adjacent to this site.

A significant portion of the subject property, which is a mini-storage business, was recently taken for the extension and construction of the US 60 bypass where Reid Road meets. This property is basically right where Reid Road and the new bypass goes over it.

So there was a significant portion of the front of
this property that was removed and is now where the
highway is.

So that plays into, I think, the applicant's request and this decision. They actually had to
relocate the front seat two storage buildings from the front of the property to the rear of the property to accommodate the roadway construction. So they're proposing to build this sign in the front area, which is very close to the new highway extension.

As far as the findings, granting this variance Staff feels:

1. It will not adversely affect the public health, safety or welfare because the requested distance to be varied is not significant enough to have a negative impact on the residents in the vicinity;

2. Granting the variance will not alter the essential character of the general vicinity because the character of this area has already been significantly altered by the extension of US 60 and the inevitable increase in public advertising that is typically associated with such a high volume roadway;

3. Granting this variance will not cause a hazard or a nuisance to the public because the proposed sign will still be located more than 300 feet
from the nearest residential structure and will be
designed, constructed and installed in compliance with
the requirements of the Owensboro Metropolitan Zoning
Ordinance and applicable building and electrical
codes;

4. Granting this variance will not allow an
unreasonable circumvention of the requirements of the
zoning regulations because this request is more a
result of a combination of factors including the
narrow width of the property, the fact that the
adjacent property is zoned for a large residential
development, although it is not being used that way,
and the new potential for advertising along a newly
constructed highway, rather than being considered an
unreasonable circumvention of the zoning regulations.

Staff recommends approval of the request with
two Conditions.

1. Obtain necessary permits, inspections and
certificates of occupancy and compliance.

2. The proposed sign must comply with
applicable sections of the Owensboro Metropolitan
Zoning Ordinance.

Staff request that we enter this Staff Report
into the record as Exhibit A.

CHAIRMAN: Is anyone here representing the
applicant?

MS. KNIGHT: Please state your name.

MR. REYNOLDS: David Reynolds representing the applicant.

MS. KNIGHT: Mr. Reynolds, you are sworn as an attorney.

MR. REYNOLDS: Ladies and Gentlemen, we appreciate your recommendation. I have no problem to the conditions that are being asked.

Two of the members are here present tonight, if there are any questions. Otherwise, if there aren't any, we just ask that you grant the variance for the reasons stated in the application and follow the recommendation. Thank you.

CHAIRMAN: Does anyone in the audience have any comments or questions on this application?

MR. HARPER: I have a comment.

CHAIRMAN: Would you step up, please.

MS. KNIGHT: Would you state your name, please?

THE WITNESS: Chuck Harper.

(CHUCK HARPER SWORN BY ATTORNEY.)

MR. HARPER: I want to preface this statement. I'm Chuck Harper with Lamar Advertising. I want to preface this by saying I don't want my comments in any
way to be interpreted as remonstration against this sign. I don't have any problem with what's being asked.

I do just feel like I would be remiss if I didn't say on the record that obviously we have a lot of signs. There is a great demand from advertisers, as well as landowners, for us to build signs along that roadway, which we intend to do. I just hope that as we move forward that probably the same consideration is given. I have a land owner that asked me to bring a variance to this board in the very near vicinity, which we declined because there are other places that meet the requirements. I understand that these folks own this property and that's a whole different game. Again, I don't want to be negative about that. I think that that's fine for them to build a sign there obviously. I do just want to be on record as saying I hope the same consideration is given as we may now bring some things for variances as well along that new highway. Thank you.

CHAIRMAN: Mr. Howard, do you have any comments about his concern?

MR. HOWARD: Yes, I will comment on that. It's one of those things that Staff will review every variance application that comes on its
own merits. I think as Mr. Hill pointed out tonight, this item has some restrictions that were put in place by the extension of the roadway. It really limited the amount of road frontage that this property had and developable area. So on this one we certainly felt that it was appropriate to recommend approval.

There could be another variance that comes forward that you could meet all the requirements elsewhere on the property. It might be in a more advantageous spot if you were allowed to get a variance. We may not recommend approval. We'll take each one certainly on a case by case basis from the Staff perspective. Then, of course, the board would have to make the final recommendation. I certainly understand your point and your comments. I won't say concerns, but your comments.

MR. HARPER: I appreciate that.

CHAIRMAN: Board Members, do you have any comments or questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Does the applicant have any addition it wants to bring up?

MR. REYNOLDS: Mr. Chairman, we feel like we'd ask the board to entertain a motion to approve.

CHAIRMAN: Board Members, if you have no
questions the chair is ready for a motion.

MS. MASON: Mr. Chairman, I move to approve this variance and my findings in granting this variance it will not adversely affect the public health, safety or welfare because the requested distance to be varied is not significant enough to have a negative impact on the residents in the vicinity; it will not alter the essential character of the general vicinity because the character of this area has already been significantly altered by the extension of US 60 and the inevitable increase in public advertising that is typically associated with such a high volume roadway; it will not cause a hazard or a nuisance to the public because the proposed sign will still be located more than 300 feet from the nearest residential structure and will be designed, constructed and installed in compliance with the requirements of the Owensboro Metropolitan Zoning Ordinance and applicable building and electrical codes; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations because this request is more a result of a combination of factors including the narrow width of the property, the fact that the adjacent property is zoned for a large residential development, although it
is not being used that way, and the new potential for advertising along a newly constructed highway, rather than being considered an unreasonable circumvention of the zoning regulations.

The conditions would be to obtain necessary permits, inspections and certificates of occupancy and compliance, and the proposed sign must comply with applicable sections of the Owensboro Metropolitan Zoning Ordinance.

CHAIRMAN: We have a motion by Ms. Mason for approval.

MS. DIXON: Second.

CHAIRMAN: We have a second by Ms. Dixon. Any comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Is there any new business?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion for adjournment.

MR. REEVES: Motion to adjourn.

CHAIRMAN: We have a motion to adjourn.
MS. MASON: Second.

CHAIRMAN: And a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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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 11 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 1st day of April, 2015.

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE., SUITE 106-E
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COMMISSION EXPIRES:   DECEMBER 16, 2018
COUNTY OF RESIDENCE:  DAVIESS COUNTY, KY

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