

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 MARCH 12, 2015

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

8 MEMBERS PRESENT: Ward Pedley, Chairman  
9 Judy Dixon, Vice Chairman  
10 Ruth Ann Mason, Secretary  
11 Brian Howard, Director  
12 Terra Knight, Attorney  
13 Jerry Yeiser  
14 Susan Free  
15 Fred Reeves

16 \* \* \* \* \*

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

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: I would like to welcome everyone.  
24 Anyone wishing to speak on any item you may do so. We  
25 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

1 consider the minutes of the February 5, 2015 meeting.

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

5 (NO RESPONSE)

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

8 MS. DIXON: Motion to approve.

9 CHAIRMAN: We have a motion for approval.

10 MR. YEISER: Second.

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimous.

15 Next item, please.

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17 VARIANCE

18 ITEM 2

19 900 Reid Road, zoned I-1  
20 Consider a request for a Variance in order to reduce  
21 the buffer of a billboard sign location in  
22 Unincorporated Daviess County from 300 feet to the  
23 boundary line of an MHP zone to 245 feet to the  
24 boundary line of an MHP zone.

22 Reference: Zoning Ordinance, Article 9, Section  
23 9-6(a)(4)(a) (Unincorporated Daviess County)

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

25 MS. KNIGHT: Please state your name for the

1 record.

2 MR. HILL: Mike Hill.

3 (MIKE HILL SWORN BY ATTORNEY.)

4 MR. HILL: Good evening, Board Members.

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

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

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

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

1 this property that was removed and is now where the  
2 highway is.

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

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

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

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

23 3. Granting this variance will not cause a  
24 hazard or a nuisance to the public because the  
25 proposed sign will still be located more than 300 feet

1 from the nearest residential structure and will be  
2 designed, constructed and installed in compliance with  
3 the requirements of the Owensboro Metropolitan Zoning  
4 Ordinance and applicable building and electrical  
5 codes;

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

16 Staff recommends approval of the request with  
17 two Conditions.

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

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

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

25 CHAIRMAN: Is anyone here representing the

1 applicant?

2 MS. KNIGHT: Please state your name.

3 MR. REYNOLDS: David Reynolds representing the  
4 applicant.

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

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

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

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

17 MR. HARPER: I have a comment.

18 CHAIRMAN: Would you step up, please.

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

21 THE WITNESS: Chuck Harper.

22 (CHUCK HARPER SWORN BY ATTORNEY.)

23 MR. HARPER: I want to preface this statement.  
24 I'm Chuck Harper with Lamar Advertising. I want to  
25 preface this by saying I don't want my comments in any

1 way to be interpreted as remonstrations against this  
2 sign. I don't have any problem with what's being  
3 asked.

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

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

23 MR. HOWARD: Yes, I will comment on that.

24 It's one of those things that Staff will  
25 review every variance application that comes on its

1 own merits. I think as Mr. Hill pointed out tonight,  
2 this item has some restrictions that were put in place  
3 by the extension of the roadway. It really limited  
4 the amount of road frontage that this property had and  
5 developable area. So on this one we certainly felt  
6 that it was appropriate to recommend approval.

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

17 MR. HARPER: I appreciate that.

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

20 (NO RESPONSE)

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

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

25 CHAIRMAN: Board Members, if you have no



1 questions the chair is ready for a motion.

2 MS. MASON: Mr. Chairman, I move to approve  
3 this variance and my findings in granting this  
4 variance it will not adversely affect the public  
5 health, safety or welfare because the requested  
6 distance to be varied is not significant enough to  
7 have a negative impact on the residents in the  
8 vicinity; it will not alter the essential character of  
9 the general vicinity because the character of this  
10 area has already been significantly altered by the  
11 extension of US 60 and the inevitable increase in  
12 public advertising that is typically associated with  
13 such a high volume roadway; it will not cause a hazard  
14 or a nuisance to the public because the proposed sign  
15 will still be located more than 300 feet from the  
16 nearest residential structure and will be designed,  
17 constructed and installed in compliance with the  
18 requirements of the Owensboro Metropolitan Zoning  
19 Ordinance and applicable building and electrical  
20 codes; and it will not allow an unreasonable  
21 circumvention of the requirements of the zoning  
22 regulations because this request is more a result of a  
23 combination of factors including the narrow width of  
24 the property, the fact that the adjacent property is  
25 zoned for a large residential development, although it

1 is not being used that way, and the new potential for  
2 advertising along a newly constructed highway, rather  
3 than being considered an unreasonable circumvention of  
4 the zoning regulations.

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

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

12 MS. DIXON: Second.

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

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimous.

20 Is there any new business?

21 (NO RESPONSE)

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

24 MR. REEVES: Motion to adjourn.

25 CHAIRMAN: We have a motion to adjourn.

1 MS. MASON: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: We are adjourned.

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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 stenotype and  
12 electronically recorded and was thereafter, by me,  
13 accurately and correctly transcribed into the  
14 foregoing 11 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 1st day of April, 2015.

18

19

\_\_\_\_\_  
LYNNETTE KOLLER FUCHS  
20 NOTARY ID 524564  
OHIO VALLEY REPORTING SERVICES  
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OWENSBORO, KENTUCKY 42303

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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