

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 SEPTEMBER 3, 2015

3 The Owensboro Metropolitan Board of Adjustment  
4 met in regular session at 5:30 p.m. on Thursday,  
5 September 3, 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 Fred Reeves  
15 Robynn Clark

16 \* \* \* \* \*

17 CHAIRMAN: Call the Owensboro Metropolitan  
18 Board of Adjustment September 3, 2015 meeting to  
19 order. We will begin our meeting with a prayer and  
20 pledge of allegiance to the flag. Would you stand,  
21 please.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: I would like to welcome everyone.  
24 Anyone wishing to speak may do so. We ask you to come  
25 to one of the podiums and state your name and be sworn  
in.

With that the first item on the agenda is to  
consider the minutes of the August 6, 2015 meeting.

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

4 (NO RESPONSE)

5 CHAIRMAN: If not the Chair is ready for a  
6 motion.

7 MS. DIXON: Move to approve.

8 MS. MASON: Second.

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

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: The minutes are approved.

13

14 ADMINISTRATIVE APPEAL

15 ITEM 2

16 7910 Iceland Road, zoned A-R  
17 Consider a request for an Administrative Appeal  
18 concerning the Zoning Administrator's decision to deny  
19 a construction permit application to construct a 64  
20 foot by 80 foot post-frame storage building on the  
21 subject property due to the determination that the  
22 proposed storage building is not accessory, clearly  
23 incidental or subordinate to the residential use on  
24 the property.

Reference: Zoning Ordinance, Article 8, Section 8.2L3

Applicant: Tanner & Cessilee Stroup

22 MS. KNIGHT: Please state your name for the  
23 record.

24 MS. EVANS: Melissa Evans.

25 (MELISSA EVANS SWORN BY ATTORNEY.)

1 ZONING & PROPERTY HISTORY

2 The subject property is currently zoned A-R  
3 Rural Agriculture. OMPC records indicate there have  
4 been no Zoning Map Amendment applications approved for  
5 the subject property.

6 The subject property currently has a  
7 single-wide manufactured home and 3 detached  
8 structures on it. It would appear the manufactured  
9 home was placed on the property prior to the year 2000  
10 when the OMPC took over issuing building permits. The  
11 other three structure have been permitted through the  
12 OMPC office. The applicant has owned the subject  
13 property since June of 2013.

14 In September of 2013 a construction permit was  
15 issued for two detached residential accessory  
16 structures. In an e-mail dated September 23 and  
17 September 24, 2013 Manuel Ball, former Associate  
18 Director, Building, Electrical, HVAC, asked the  
19 applicant, Cessilee Stroup, to verify the buildings  
20 would only be used as accessory to the principal use,  
21 single-family residential, and that they would not be  
22 used for business purposes; Ms. Stroup confirmed that  
23 to be correct. A copy of that e-mail has been  
24 included in your packet and has been entered into the  
25 record.

1           In August of 2015, the applicants applied for  
2 a building permit to construct another detached  
3 residential structure on the subject property. In  
4 researching the application and the property, Jim  
5 Mischel, Associate Director, Building, Electrical,  
6 HVAC and Zoning Administrator, discovered from the  
7 aerial photography on GIS, which was flown in March of  
8 2015, that the property did not appear to be  
9 residential in nature due to the amount of the  
10 property that was gravel, the large equipment and the  
11 tractor-trailers on the property; the aerial  
12 photography from March 2012 show the property is  
13 mostly grass with very little equipment on the  
14 property. Copies of both aerials from March 2012 and  
15 2015 have been included in your packets and entered  
16 into the record. Upon discovery of the appearance of  
17 the property, Mr. Mischel determined it did not appear  
18 to be residential in nature nor did the existing  
19 detached structures appear to be accessory to the  
20 permitted single-family residential use of the  
21 property and denied the request for the building  
22 permit. The applicant argues Mr. Mischel committed an  
23 error in his determination.

24 LAND USES IN SURROUNDING AREA

25           All properties surrounding the subject

1 property are zoned A-R Rural Agriculture and are  
2 farmland or single-family residential uses.

3 APPEAL OF THE ZONING ADMINISTRATOR'S DECISION

4 Section 8.2L3 of the Zoning Ordinance lists  
5 storage sheds as an accessory use in A-R Rural  
6 Agriculture zone. Accessory uses are defined as  
7 follows:

8 \* Accessory Uses: Uses and structures  
9 permitted which are customarily accessory, clearly  
10 incidental and subordinate to the permitted use.

11 The applicant must demonstrate that the Zoning  
12 Administrator's determination that the proposed and  
13 existing detached structures on the property are not  
14 accessory, clearly incidental and subordinate to the  
15 permitted single-family residential use of the  
16 property is incorrect and that the structures are  
17 accessory, clearly incidental and subordinate to the  
18 permitted single-family residential use of the  
19 property.

20 A motion to approve the appeal would deem the  
21 Zoning Administrator's determination incorrect and  
22 require the issuance of a building permit to construct  
23 the detached accessory structure.

24 A motion to deny the appeal would deem the  
25 Zoning Administrator's determination correct and the

1 applicant would not be able to construct the detached  
2 accessory structure.

3 We would like to enter the Staff Report into  
4 the record as Exhibit A.

5 CHAIRMAN: Is anyone here representing the  
6 applicant?

7 MS. KNIGHT: Mr. Chairman, before we begin may  
8 I just make a comment to the Board?

9 CHAIRMAN: Yes.

10 MS. KNIGHT: We had one of these a couple of  
11 months again. The board heard testimony from both  
12 parties and everyone involved. Then when it came to  
13 act on it, the motions that were made was approached  
14 more as if it was a variance or conditional use  
15 permit, which is what the Board is used to. I just  
16 wanted to add, as Melissa has read in the Staff  
17 Report, the decision for the Board tonight will be  
18 either to approve or deny the appeal. Not the same  
19 findings and requirements as a conditional use permit  
20 or variance. Keep that in mind as we proceed.

21 Thank you, Mr. Chairman.

22 CHAIRMAN: Step up to the podium, please.

23 MS. KNIGHT: Mr. Gordon, you're sworn as an  
24 attorney.

25 MR. GORDON: Good evening ladies and

1 gentlemen. I'm Sales Gordon. I am here to represent  
2 the appellants who are Tanner and Cessilee Stroup, and  
3 they're actually brother and sister. The Stroups run  
4 a farming operation in Daviess County here. They are  
5 the owners of the property and the Staff Report  
6 correctly identifies they have owned the property  
7 since 2013.

8 The purpose of our appeal here is the issue  
9 that the Stroups are taking with the Zoning  
10 Administrator's decision to not issue the permit is  
11 just a general disagreement and respectfully disagree  
12 with his position that the storage of farm equipment  
13 and outside storage sheds is not an accessory use  
14 permitted for property such as this.

15 As we go through tonight, I brought a few  
16 exhibits I'd like to enter into the record that are  
17 going to relate to the properties in the surrounding  
18 area which, as the Staff Report identified, generally  
19 the adjacent properties are A-R, but this property is  
20 in a little bit different location. There are some  
21 I-2, I-1 and some business zoned properties within the  
22 immediate vicinity of it.

23 This property is actually 60 East headed  
24 towards the new bridge. If you all are familiar with  
25 where the Hillbilly's Gas Station is on the right-hand

1 side of the road, immediately on your left there are  
2 some large storage warehouses, like 100 by 256.  
3 That's the end of Iceland Road. It got cut off when  
4 they did the new 60.

5 The property is situated kind of in-between 60  
6 and Iceland, but there's another tract of land that  
7 separates it from the new 60. What you have is when  
8 you turn off 60 and you go into a series of lots that  
9 range from 2 acres to I think it might be 7 1/2 acres,  
10 all less than 10 acres, with the exception of one  
11 10-acre tract that just recently went to auction.

12 What I would like to go ahead and submit with  
13 your all's approval, would prefer to get everybody out  
14 of here since we're the only ones on the agenda, I  
15 have copies of all the PVA cards from the properties  
16 that are addressed alongside the east side of Iceland  
17 Road. Not the west side, which are primarily large  
18 agricultural tracts owned by two individuals. I think  
19 the purpose of these I wish to reflect on them and we  
20 will take kind of a tour with some ground level  
21 pictures as opposed to these aerial photographs that  
22 we believe were further relied on maybe a bit too  
23 heavily in making this determination. We'll show some  
24 of these subject properties and the general condition  
25 of those and how they're being used and the custom

1       there. So I would like to submit these. It's a  
2       matter if someone wants to go see exactly how many  
3       buildings are located on these tracts, you can  
4       reference the cards, and it will give the approximate  
5       location, year built, and things of that nature.

6               Now, it's not my intention to go through every  
7       PVA card because we'd probably be here all night.  
8       Instead of that I brought some photographs that I  
9       think kind of give a better picture of what the  
10       Stroups' property is and how they're actually using  
11       it.

12               Our position to this the determination, I  
13       think, of the Zoning Administrator's report basically  
14       says that upon review of this GIS aerial photograph,  
15       the determination was made due to the gravel nature of  
16       the area and what they believe could be seen from this  
17       aerial photograph that they're conducting business on  
18       this location.

19               We object to that classification.  
20       Specifically stating that these buildings were built  
21       under permits previously entered or issued by OMPC.  
22       After they were issued, the buildings were  
23       constructed. Subsequent to that they were finally  
24       inspected without any objection. There's not been any  
25       objection to anyone in the neighborhood regarding

1 their use or the storage of the farm equipment in  
2 these buildings. We think that is probably because  
3 the permitted use and others in the same area are  
4 doing the same thing.

5 I could summarize basically the general  
6 characteristics of the smaller lots on the east side  
7 of Iceland Road beginning at the large warehouse lot  
8 immediately next to it, which is comprised of 8.16  
9 acres and there are two storage buildings, the size of  
10 100 by 250. That is zoned I-2 is my understanding.

11 As you immediately move to that, you run to  
12 street address 7728 Iceland Road. This tract is less  
13 than 10 acres at that point. On it there's no  
14 residence but a 30 by 50 pole barn that --

15 MR. REEVES: Can I interrupt just a moment?

16 MR. GORDON: Yes.

17 MR. REEVES: Are we still getting stuff down  
18 through here?

19 MS. KNIGHT: No. As I understand, it's just  
20 one packet?

21 MR. GORDON: This is one packet of just all  
22 PVA cards along the road.

23 I was going to summarize those, Fred. The  
24 purpose of that would be to show that along these lots  
25 this is what is there.

1           MR. REEVES: Okay. I was distracted. I was  
2           expecting to get something. I'm trying to put it all  
3           in context. I apologize.

4           MR. GORDON: I would ask that nobody  
5           painstakingly go through that material, unless they  
6           have a direct question as to --

7           MR. REEVES: That helps me. Thank you very  
8           much.

9           MR. GORDON: -- what is the property.

10          MS. KNIGHT: We'll pass it down to the  
11          commissioners. Anybody that wants to review it can  
12          peruse it.

13          MR. GORDON: Thank you.

14          The photographs I would like to introduce next  
15          I think you guys can look at a little closer. I think  
16          they will identify three properties before we get to  
17          the Stoups' property. These are taken from the street  
18          level and kind of show the condition and nature. We  
19          think this is really relevant given the reliance of  
20          the Zoning Administrator from an aerial photograph.  
21          It should give the Board a better understanding of  
22          what the actual use of this property is.

23          The first photograph I'd like to show is a  
24          photograph of street address 7728 Iceland Road.  
25          There's actually two. The street addresses are

1 actually identified on these pictures.

2 This tract is a tract that's less than 10  
3 acres. Situated on this tract is a 30 by 50 pole barn  
4 that has a tractor parked out front that people use.  
5 It's relevant to show that there's not even a  
6 residence there, but this use is rather current use.

7 The next street address is 7750 Iceland Road.  
8 7750 Iceland Road is a tract, again, less than 10  
9 acres. There's a house and three pole barns the size  
10 of 24 by 24, 32 by 60 and 24 by 70. We'd point out  
11 that at the time these pole barns were built, we  
12 believe, would have all been after the building  
13 permits would have been issued, and given their size  
14 it's very similar and directly related to the storage  
15 of personal property, which the Stroups are using the  
16 buildings on their property for as well.

17 MS. CLARK: I do have a question. How far  
18 away are these properties that you're show us to the  
19 subject property?

20 MR. GORDON: A few hundred yards.

21 MS. CLARK: A few hundred yards.

22 MR. GORDON: I would say these would probably  
23 be less than an eighth of a mile.

24 If we have PVA map, and actually if you  
25 reference the aerial photograph that was given, the

1 Stroup property is there. All of these properties are  
2 kind of like shoe boxes or shotgun properties.  
3 They're long and narrow. Typically you have a  
4 residence and there will be a drive next to it and  
5 that compasses most of it. Where it stops, where that  
6 stops there's a large wooded tract. That 18 acres  
7 that was just optional.

8 You pick up south of that, you have two tracts  
9 that are less than 10 acres. About 7 acres apiece.  
10 There's a residence on one that has three pole barns  
11 that the guy has. There's another tract that's not a  
12 joint ownership with one of the residence that has  
13 just a pole barn on it. Then you move south and you  
14 pick up the large commercial storage warehouse.

15 I would say an eighth of a mile from where  
16 we're looking at now. When you get closer it's  
17 probably less.

18 MS. CLARK: So technically these properties  
19 that you're showing us could be in different zoning  
20 than what the subject property is?

21 MR. GORDON: No. Actually I could probably  
22 pull out a copy of the general zone area, if you all  
23 want to reflect it. It may be hard to read, but it  
24 does have the street address numbers on that from your  
25 GIS system that was pulled up online. Everything is

1 A-R until you get down to the large storage warehouse  
2 lot. Then on the right-hand, -- then immediately  
3 after that it's I-2 because that's a gravel lot. Then  
4 on the other side you have Hillbilly's, you've got  
5 Castlen Welding, and you have I think there's other  
6 commercial type properties down there.

7 MS. MASON: I have a question. This first one  
8 that I got, 7882 Iceland Road, all I'm seeing is a  
9 modular home or mobile home or whatever on there. I'm  
10 not seeing any accessory buildings.

11 MR. GORDON: What was the address that you're  
12 looking at?

13 MS. MASON: Oh, this is just the PVA.

14 MR. GORDON: That's the PVA cards.

15 MS. MASON: Okay. I'm sorry.

16 MR. GORDON: I apologize. It's my intent to  
17 try to streamline this to where we don't have to go  
18 through every PVA card and I was hoping the  
19 photographs would do that.

20 MS. MASON: And these photographs show that?

21 MR. GORDON: Yes.

22 MS. MASON: I understand.

23 MR. GORDON: So what I'm going to introduce  
24 that's in this order is, I think I gave 7748 or 28  
25 just now. We'll next move to the adjacent property

1       which is 7750. Then we will skip over the large  
2       wooded tract that just went to auction. Then we'll  
3       pick up 7840, which is a two and half acre tracts, a  
4       couple of tracts down from the Stroups. Then I've got  
5       about half a dozen pictures of the Stroups' property  
6       that shows buildings and what it looks like. I think  
7       that would be beneficial to you all. I can submit  
8       them all in one package if that's the way you'd like  
9       or we can go one by one. Whatever the Board's  
10      preference would be. If there's no preference, you  
11      can thumb through them.

12                MS. CLARK: Who lives in the mobile home on  
13      the front of the property?

14                MR. GORDON: Which property? The Stroups'  
15      property?

16                MS. CLARK: On the Stroups' property.

17                MR. GORDON: It's Cathy Johnson. It's a  
18      family friend.

19                The photographs of the Stroup property, which  
20      I think the street address there is going to be 7910.  
21      You've got three photographs standing in the mailbox  
22      vicinity looking onto it. I think the third one will  
23      kind of show you the general view all the way to the  
24      back of the property. The three previously built  
25      structure are white with black trim around the top and

1 the bottoms.

2           Then moving on from that, the building permit  
3 in question, there's a 58 by 30 building that is kind  
4 of situated in the middle of the property. You can  
5 see it by the black roof on your aerial photograph.  
6 The location of the proposed building is directly  
7 behind it. The footprint is approximately the same,  
8 but I think it might 14 feet. If I'm not mistaken,  
9 it's 14 feet maybe longer, but from the road it will  
10 basically encompass the same footprint. Probably  
11 won't be able to see it by standing on the driveway.  
12 A few subsequent photographs you should be able to see  
13 the farm equipment that's sitting outside. There's  
14 some bush hogs and things of that nature that are kind  
15 of lined up in the area where the building will be  
16 built. If you pay particular attention to the  
17 photographs, you should see where the footprint of the  
18 building has been marked off with posts.

19           I would like to have Cessilee and Tanner give  
20 a little testimony tonight to explain to you all what  
21 their past use of the property is, what their current  
22 use is. That it has not changed, and what their  
23 intended future use is, as well as a little  
24 description of what they use the property for and what  
25 is stored there.

1           I think the first impression when you look at  
2           this GIS photo, you know, it's a gut reaction of,  
3           well, maybe this isn't being used for storage. Maybe  
4           it's being used for business purposes. I think the  
5           evidence is going to be produced tonight that's not  
6           the case. What they primarily do here is they store  
7           their tractors and combines. Now, albeit those are  
8           large pieces of equipment. We believe a storage shed  
9           is a permitted accessory use to a residential lot of  
10          this size. Those pieces of equipment that are stored  
11          there are eventually taken out to different locations  
12          to conduct farming operations.

13           If you back up on Iceland Road, there is a  
14          gravel portion of Iceland Road that is due west to the  
15          river, and approximately I think it's a quarter mile,  
16          and Mr. Stroup will explain this, they have 600 acres  
17          leased there and that's one of their farming operation  
18          areas.

19           Important to note, as I believe they're going  
20          to confirm, there is no office located there. They  
21          sell nothing there. It's not commercial in nature.  
22          It's not industrial. They don't manufacture anything  
23          there. They don't use this as the principal place of  
24          business to do bookkeeping or anything of that nature.  
25          All of that is done at an alternate location. We're

1 talking about storage sheds, and you want to call them  
2 barns. I guess our position in this is that this is a  
3 business or should be classified as a business, you  
4 know. We think it's kind of an arbitrary decision to  
5 say you can't store your property there, you know,  
6 personal property. What's the difference of what kind  
7 of property you can store there? What's permitted and  
8 what's not? Is there a difference between being able  
9 to store your farm equipment on a residential lot  
10 under cover versus a car collection or anything else?  
11 Our reading of the Zoning Ordinance that there is no  
12 difference. That this should be permitted, absent  
13 some evidence that you're actually conducting an act  
14 of business or it's commercial in nature the activity  
15 there. Our reading of the definitions, we cannot put  
16 our finger on something that would say that there, you  
17 know, the storage of this equipment violates any of  
18 the ordinances and think a building permit should  
19 issue.

20 With respect to having little testimony from  
21 Cessilee and Tanner tonight, I would like for Cessilee  
22 to answer a few questions, if that's permitted and  
23 everyone is ready.

24 MR. REEVES: Mr. Chairman, I'm a little bit  
25 confused understandably.

1           It would help me if I could hear Mr. Mischel  
2           before I hear these two folks because I want to make  
3           sure that I understand what they say thorough, and I  
4           have a couple of questions for Mr. Mischel, if that's  
5           agreeable to you.

6           MR. GORDON: That's fine, Mr. Reeves.

7           MR. REEVES: I want to make sure that I have a  
8           good perspective on this.

9           Is that okay, Mr. Chairman?

10          CHAIRMAN: Yes.

11          MS. KNIGHT: Please state your name for the  
12          record.

13          MR. MISCHEL: Jim Mischel.

14          (JIM MISCHEL SWORN BY ATTORNEY.)

15          MR. REEVES: Mr. Mischel, I'm looking at this  
16          March 2015 picture of 7910. I think I understood that  
17          there are some buildings on there already that were  
18          permitted; is that accurate?

19          MR. MISCHEL: March of 2015?

20          MR. REEVES: Yes.

21          MR. MISCHEL: Yes. We had issued two permits,  
22          Manuel Ball had, back in 2013. That's where he stated  
23          it was just for the residential use of that property.

24          MR. REEVES: Explain that to me, if you don't  
25          mind please. As for the residential use, help me

1 understand that.

2 MR. MISCHEL: Typically this lot is under ten  
3 acres. Now, when you have a ten acre lot, it's  
4 considered a farm. Under ten acres, it's considered  
5 residential.

6 Basically before you could even build a  
7 storage building, you have to have a principal use  
8 first, which would be a residence, which they do.  
9 They have a manufactured home. Now, once you have  
10 that manufactured home, you could come in and get a  
11 permit to construct an accessory use, a garage, pole  
12 barn or whatever, but it should just be used by that  
13 person living at that residence for their own personal  
14 items. I think he said there was a Cathy Johnson  
15 living in the unit. It should just be for her  
16 personal use.

17 This be no different, I mean we have people  
18 come in quite a bit asking for permits for a business  
19 or whatever. This would be no different from anybody  
20 to have a business to start an inventory on their lot  
21 saying, this is my personal stuff, it belongs to me.  
22 That would open the door for anybody throughout  
23 Daviess County to start doing this.

24 MR. REEVES: So theoretically at least, these  
25 permitted buildings should be used right now for

1 Ms. Johnson, the residence use; is that correct?

2 MR. MISCHEL: That's correct. I think when  
3 Manuel Ball through those e-mails evidentially  
4 something was, he was seeing something or heard  
5 something or whatever and, that's why he asked that he  
6 wanted confirmation that this was just going to be  
7 strictly for residential use and no type of business  
8 or anything like that or storage of equipment. It  
9 should just be for that lady that's living there.

10 MR. REEVES: So then the application for the  
11 new pole barn was definitely for storage of equipment;  
12 is that correct? Was that our understanding?

13 MR. MISCHEL: I think this past August they  
14 asked for a permit for this -- I forget the size it.

15 MS. MASON: 64 by 80.

16 MR. MISCHEL: At that time after seeing the  
17 aerial photo, we sent one of our men out to look at it  
18 that day. What was on that picture of March 2015,  
19 those things were out there.

20 MR. REEVES: That's very helpful to me. Thank  
21 you.

22 MR. MISCHEL: Those other properties, the  
23 addresses, I can't tell you. I don't have the  
24 information. I haven't researched it. There could be  
25 a number of things. It could be that it's zoned

1 industrial or commercial. It could be that they're  
2 grandfathered in. It could be a zoning violation, but  
3 because we have zoning violation someplace else  
4 doesn't make it right at other places too.

5 MR. REEVES: That helps me to understand a lot  
6 better. Thank you, Mr. Mischel.

7 CHAIRMAN: Mr. Mischel, I have a couple of  
8 questions for you.

9 Should this person go out and buy equipment of  
10 some sort and store it in that building for future  
11 sales, if he did not sell that equipment on that  
12 property, is it still considered a business?

13 MR. MISCHEL: Yes, if you're buying equipment  
14 and putting it on that lot, it's just storage of  
15 equipment. In the zoning ordinance, if you go in  
16 there, there's different sections of the Zoning  
17 Ordinance. There's sections there that apply to  
18 storage, you know, storage of equipment or anything  
19 like that. Typically you will not find that you can  
20 store that stuff in an A-R zone.

21 CHAIRMAN: So if there's no sales activity on  
22 the property, it is still considered operating a  
23 business of buying and selling?

24 MR. MISCHEL: Yes, if you're storing all that  
25 equipment there.

1           CHAIRMAN:  If you buy it and store it and  
2           resell it.  Okay.  Thank you.

3           Any other board members have any questions of  
4           Mr.  Mischel while he's up?

5           (NO RESPONSE)

6           CHAIRMAN:  If not, if you want to come back up  
7           and see if there's any questions.

8           MR.  GORDON:  I have a few more comments before  
9           I have Mr.  and Ms.  Stroup address the board.

10          I take issue, I think Mr.  Mischel has been  
11          nothing but professional during this whole procedure  
12          and that's the reports I've received from my clients  
13          as well.

14          The definition of business, I take issue with  
15          that.  I asked somebody to point that out to me in the  
16          regs, under the definitions, that a person is not  
17          allowed to store their personal property, whatever it  
18          be, in a storage shed on their property.  The idea of  
19          who lives there is really irrelevant.  There's a  
20          residence on the property.  We agree with that.  It is  
21          occupied.  I mean if this is a question of, well,  
22          someone else needs to live there or someone else's  
23          mail needs to be delivered there, to me that's getting  
24          a little arbitrary.  If there's a residence there,  
25          there are storage facilities.  The property is owned

1 by Cessilee and Tanner Stroup. This is permitted.

2 Nowhere in the Zoning regulations does it say,  
3 you know, personally owned farm equipment, which is  
4 not being held for sale, it's used on a seasonal  
5 basis, cannot be stored on this property. That's the  
6 issue. That's why Mr. Ball probably issued the  
7 permit. Because he was of the opinion it was okay.  
8 This is not a matter of misrepresentation on any level  
9 whatsoever. I want to go ahead and nip that in the  
10 bud now and I think we can address it through their  
11 testimony.

12 They came and submitted building applications  
13 for very large buildings, 50 by 80. Submitted those  
14 to OMPC. They were reviewed and approved. They went  
15 through a separate step because of the location of the  
16 property to get their flood zone permit through  
17 Frankfort for the construction permit. They acquired  
18 those. They built the properties. One or two of them  
19 has electric in it. There's no like running water.  
20 There's no septic or anything like that. After  
21 construction was complete, zoning went out there and  
22 inspected them again and signed off on it. I think  
23 when you look at these pictures, it's very clear that  
24 something very large is going to be stored there. So  
25 we take issue with the idea that whatever they're

1 doing is a zoning violation. If anything, we'll be  
2 arguing that everybody knew that this equipment was  
3 going to be stored there at the initial permit  
4 application. Maybe the mistake was, you know, in  
5 hindsight they didn't have the building large enough  
6 to store the equipment that's sitting outside, which  
7 is also allowed. It's more of a question of, can you  
8 store it under cover or not.

9           You know, it's a matter of the definition of  
10 business, which is not directly laid out in the Zoning  
11 Ordinance's definition section. You know, I think we  
12 would all think what business would be and what would  
13 come to our mind is commercial in nature, which would  
14 be the sell of goods, or some I-1, I-2 manufacture of  
15 goods for delivery maybe to a third-party, which does  
16 not occur here. Customers do not come to this  
17 location. We're talking about farm equipment. If I'm  
18 hearing this right, what's being posed, is that if  
19 this is the interpretation they're going to make, that  
20 basically throughout the county no one will be allowed  
21 to build any storage structure to store any farm  
22 equipment on unless the tract was ten acres or more.  
23 That to me is a little shocking because there's a lot  
24 of compliance issues there, you know, in a rural area,  
25 in a rural community.

1           When I drove into work today, I live in Maceo.  
2       Drove through Maceo. I noticed there was a tract  
3       there. When I got to my office and looked it on the  
4       PVA 2.2 acres and it had a 60 by 80 building, and  
5       another 30 by 60, and there was farm equipment in it,  
6       zoned A-R. Right there in the down stretch of Maceo.  
7       Actually a great big storage building went up there.  
8       Somebody is storing his semis that he owns. This use  
9       is, in my opinion, was intended to be allowed to be  
10      stored there. What's the difference between  
11      storing -- it might not be a use we're arguing over.  
12      It may be scale. Then we kind of get into, well,  
13      there's a 2,000 square foot house on here and I had  
14      three storage buildings to store a vintage sports car  
15      collection. Would that be permitted? It' kind of the  
16      same thing. It's personal property. I mean we're not  
17      actively conducting business at this site. We can  
18      discuss, you know, how their operations are. I'm sure  
19      they'll be happy to answer your questions. This is a  
20      matter of them putting farm equipment under shelter.  
21      As you go through and look, you know, it's a question  
22      of was the stuff grandfathered in. I think a lot of  
23      these buildings that are on this road were probably  
24      built after 2000 sometime. You drive down there, one  
25      guy has a bull dozer sitting behind his house in a 30

1 by 40 building. That's clear he's not using that for  
2 work on his little two acres there. He's taking it  
3 off site to do something. That's the purpose of these  
4 pole barns, to store your equipment in.

5 I'm not taking offense or taking an issue with  
6 anything, but I think we're getting to the point  
7 where, you know, looking at this, yes, there are  
8 buildings there that were previously permitted. The  
9 size was known. They were constructed. I think logic  
10 would only conclude that when you're building a 50 by  
11 08 building, not one but two of them, somebody is  
12 going to store something there. I don't think  
13 anybody, I hope nobody has, has enough old Christmas  
14 decorations or something like that to fill up that  
15 size of a building or personal lawn mowers. You're  
16 going to store something else of significant size.

17 We can address that after the Stroups talk. I  
18 would ask that Cessilee Stroup be allowed to make a  
19 few statement and answer a few questions I have for  
20 her.

21 CHAIRMAN: Any Board member have any more  
22 questions on this before we bring -- are you Ms.  
23 Stroup?

24 MS. STROUP: Yes.

25 MR. GORDON: Mr. Chairman, this is Tanner's

1 sister, one of the property owners.

2 CHAIRMAN: Okay.

3 MS. KNIGHT: Ms. Stroup, can you state your  
4 full name for the record, please.

5 MS. STROUP: Cessilee Stroup.

6 (CESSILEE STROUP SWORN BY ATTORNEY.)

7 MR. GORDON: Could you please explain to the  
8 Board the farming operation that you and your brother  
9 have?

10 MS. STROUP: Tanner Farms around 2,000 acres  
11 in Daviess County and Hancock County. I do all of his  
12 bookkeeping and things of that nature.

13 MR. GORDON: Do you all lease or own all this  
14 property?

15 MS. STROUP: We lease and own property.

16 MR. GORDON: Your father, who is your father?

17 MS. STROUP: Randy Stroup.

18 MR. GORDON: What is Randy's primary business?

19 MS. STROUP: We own First Class Services  
20 Trucking Company in Lewisport.

21 MR. GORDON: What is in Lewisport? Is that  
22 one of if their business locations?

23 MS. STROUP: Yes. The terminal.

24 MR. GORDON: Do you have other locations?

25 MS. STROUP: Yes. In Lewisport, Evansville,

1 and Owensboro.

2 MR. GORDON: Just to clarify so nobody is  
3 mistaken or anything. The property we're talking  
4 about on Iceland Road, is it associated with or  
5 incorporated in with First Class Trucking operations?

6 MS. STROUP: No.

7 MR. GORDON: The equipment that's located on  
8 that site, whose equipment is it?

9 MS. STROUP: It is used for farming.

10 MR. GORDON: Do you all produce any goods on  
11 that site?

12 MS. STROUP: No.

13 MR. GORDON: Do you maintain an office at that  
14 site?

15 MS. STROUP: No.

16 MR. GORDON: Do you have a dedicated phone  
17 line at that site?

18 MS. STROUP: No.

19 MR. GORDON: Do customers come to that site to  
20 purchase any goods or products from you?

21 MS. STROUP: No.

22 MR. GORDON: Where do you conduct your  
23 business from an accounting standpoint? Where is the  
24 office for your farm operation?

25 MS. STROUP: My office is located at First

1 Class Services, but all the farming information that's  
2 associated with our house in Lewisport.

3 MR. GORDON: The property that your farming  
4 operation owns, how is it owned? Is it owned by you  
5 individually, your brother individually?

6 MS. STROUP: Me and my brother jointly.

7 MR. GORDON: Does your father own any part of  
8 it?

9 MS. STROUP: No.

10 MR. GORDON: I showed you the e-mail earlier  
11 that was attached to the Administrative's Staff Report  
12 that was issued into at time of the appeal. Do you  
13 recall seeing that e-mail?

14 MS. STROUP: Yes.

15 MR. GORDON: Do you remember the circumstances  
16 surrounding these e-mails being exchanged?

17 MS. STROUP: Yes, I do.

18 MR. GORDON: Can you briefly explain to the  
19 Board what was occurring at that time?

20 MS. STROUP: I made several trips to the  
21 Planning Commission office and spoke in person with  
22 Mr. Ball. Then when I got back to the office, he sent  
23 the e-mail asking me if the buildings were just  
24 accessory to the property. I answered back, yes, that  
25 is correct.

1           MR. GORDON: Is your position or in your  
2 answer, have you changed your mind as to what your  
3 answer is today versus what you previously responded  
4 with?

5           MS. STROUP: No. We are strictly just storing  
6 equipment there.

7           MR. GORDON: In your opinion, are you  
8 conducting business at that site?

9           MS. STROUP: No.

10          MR. GORDON: So you were the one that  
11 submitted the building permits to Mr. Ball?

12          MS. STROUP: Yes.

13          MR. GORDON: Do you remember receiving those  
14 permits being issued?

15          MS. STROUP: Yes, I do.

16          MR. GORDON: Do you remember any other permits  
17 being retained?

18          MS. STROUP: The flood permit.

19          MR. GORDON: Do you remember anybody coming to  
20 inspect the buildings after they were constructed?

21          MS. STROUP: Yes.

22          MR. GORDON: You all have owned since  
23 September of 2013. Have you received any complaints  
24 from any of the neighbors?

25          MS. STROUP: No.

1           MR. GORDON: I believe that's all the  
2 questions I have for Ms. Stroup. Does the Board have  
3 questions?

4           CHAIRMAN: Board Members, do you have any  
5 questions?

6           MS. CLARK: I have a question, Mr. Chairman.  
7           When you guys originally bought the property,  
8 what was your intent?

9           MS. STROUP: We had a family friend who wanted  
10 to live close to both our Owensboro terminal and our  
11 Lewisport terminal. We knew that we were farming  
12 around 600 acres very close to this vicinity. That it  
13 would be okay to put a couple of tractors there, you  
14 know, after late night of harvest and not wanting to  
15 leave it in the middle of the field, it would be okay  
16 just to park it there for a short period of time.

17          CHAIRMAN: Mr. Mischel, do you have any  
18 questions?

19          MR. MISCHEL: I would like to make a couple of  
20 points.

21          The one about the size of the structures. We  
22 do that quite a bit. It's just not in the county.  
23 It's in the city too on some of the city lots. When  
24 people come in and want a permit for what we would  
25 call a pretty good size building, it raises questions

1 and that's why we ask, e-mail, letter, something, are  
2 you getting a statement that it is being used for  
3 incidental or accessory use and not for any type of  
4 storage, business or whatever. It's just for that  
5 zone.

6 I would still like to go back and make one  
7 quick thing about definitions.

8 In this Staff Report under Section 8.2L3 of  
9 the Zoning Ordinance, it list storage as accessory use  
10 in an A-R zone, agricultural zone. Accessory uses are  
11 defined as follows: Accessory use is uses and  
12 structures permitted, which are customarily accessory  
13 clearly incidental and subordinate to the permitted  
14 use.

15 The permitted use on that lot is that  
16 residential manufactured home. So this storage shed  
17 should be clearly incidental and subordinate to that  
18 permitted use, which is a residential manufactured  
19 home.

20 MR. REEVES: Mr. Chairman, I have a question  
21 of Mr. Mischel, if I could.

22 CHAIRMAN: Yes.

23 MR. REEVES: I have a couple of questions.

24 If that lot did not have that trailer on it,  
25 it was simply a vacant lot, would it be permissible to

1 build this pole barn on there?

2 MR. MISCHEL: No. We wouldn't have issued any  
3 permits. In fact, we turn down permits for that  
4 reason.

5 MR. REEVES: Secondly, should this end up  
6 being permitted and the applicant decides to do  
7 business out there later on, they would simply be in  
8 violation of the zoning ordinance? If they decided  
9 that they wanted to begin store tractor-trailers in  
10 there or they wanted to sell a piece of equipment or  
11 whatever?

12 MR. MISCHEL: I believe so, but I believe that  
13 right now. I believe that's a violation now.

14 MR. REEVES: Thank you.

15 CHAIRMAN: Any other questions of Mr. Mischel  
16 while he's up?

17 (NO RESPONSE)

18 CHAIRMAN: Mr. Howard, do you have any  
19 comments?

20 MR. HOWARD: The only comment I would make  
21 just to piggyback on what Jim said.

22 I think Manuel did have, Manuel Ball did have  
23 a question about this use back in 2013 based on the  
24 e-mail he got. "These buildings are going to be used  
25 to store agricultural equipment and also for

1 maintenance purposes." I think it triggered something  
2 in him that said, hey, you can't do that. That's why  
3 he wanted the confirmation that they would be used  
4 only as accessory to the principle use, which is  
5 single-family residential.

6 I think he's going a little bit further than  
7 what Jim just said. And accessory in an agriculture  
8 zone for storage is limited to use that is subordinate  
9 to clearly incidental accessory to that permitted  
10 single-family residential use.

11 So I think if someone did store their  
12 automobiles in that building or their vintage cars, it  
13 would be accessory to that person that lives in that  
14 house that has a bunch of nice cars.

15 Jim, I don't want to put words in your mouth,  
16 but in the discussions in the office when he turned  
17 this down, looking at the aerial of photography, the  
18 storage of agricultural equipment, what appears to be  
19 potentially semi trucks on that property, the fact  
20 that half of the lot is covered in gravel or something  
21 like that, to him that wasn't an accessory use of that  
22 single-family residential. It was part of the farm  
23 operation. Not saying that it's a business  
24 necessarily. I don't think Jim ever thought that they  
25 were running an office or anything like that out of

1 the property. It's just that the uses that are taking  
2 place on that property for the storage of these  
3 buildings, outdoor storage on a lot, is not incidental  
4 to that single-family residential use.

5 I agree with Jim. It very well could be a  
6 zoning violation right now. We haven't had any  
7 complaints on it. That's how we look into zoning  
8 violations, is when we receive a complaint in the  
9 office. We haven't had any, and clearly they say they  
10 haven't had anybody complain about it. That's the way  
11 we have historically looked at it. That's how we have  
12 interpreted the Zoning Ordinance. That it has to meet  
13 those criterias, and Jim didn't feel as this did.  
14 That's the only statement I have at this point.

15 CHAIRMAN: Thank you, Mr. Howard.

16 Sir, do you have any additional comments?

17 MR. GORDON: I have a few follow-up comments,  
18 and not to be obtuse. It's a matter of I reviewed the  
19 Zoning Ordinances. I would point out that nowhere in  
20 there is there any prohibition on someone graveling a  
21 tract like this. So just by looking at the gravel  
22 nature, that doesn't change anything. A storage  
23 business, if that's being in termed as not being run  
24 out of there, these are storage sheds. It's our  
25 position that they are accessory uses to the property.

1 The distinction between who actually lives in the  
2 trailer, be it Tanner or Cessilee, or a tenant, is of  
3 no consequence in my opinion. I would ask that  
4 someone show me in the zoning regulations where it  
5 says the person living in there, you know, I believe  
6 we're splitting hairs here to find a violation. I'm  
7 going back to my position before. We're getting to a  
8 point where if this is the determination, no business  
9 is being run there. I guess we're at a point nobody  
10 is saying that one is. Then we're getting to a point  
11 where you really can't build a building to store any  
12 agricultural equipment in under a lot under ten acres.  
13 Everybody let that sink in. You know, do they have a  
14 lot of equipment? Yes. It's a question of do you  
15 store indoor or outdoor? There's no prohibition  
16 against storing this outdoor either.

17 When I read the Appealed Staff Report, you  
18 know, it basically says that the property did not  
19 appear to be residential in nature due to the property  
20 was gravel or due to the amount of the property that  
21 was gravel and large equipment that were on the  
22 property. I was a little bit concerned that this  
23 initial determination may be made based on Tanner and  
24 Cessilee's relationship to Randy Stroup. I wanted to  
25 be clear with everybody there. No miscommunication is

1 part of trucking operation because it clearly is not.  
2 It's a separate operation. I want to make sure that  
3 we're making that distinction. That this is farm  
4 equipment being stored in a storage shed.

5 I would ask that Tanner be allowed to speak.  
6 Tanner is, I guess, the hands on the wheels to the  
7 farming operation that the Stroups have. He might be  
8 able to give a little more insight as to what exactly  
9 he does there or where the equipment is stored, how  
10 often it's moved, stuff like that. Also, basically  
11 the status of the property. When they first acquired  
12 it and how we got to where we are today.

13 MS. KNIGHT: If you could state your name for  
14 the record, please.

15 MR. STROUP: Tanner Stroup.

16 (TANNER STROUP SWORN BY ATTORNEY.)

17 MR. GORDON: Tanner, not to recreate the  
18 wheel. You heard your sister's testimony tonight.  
19 You and her own this tract, right?

20 MR. STROUP: Yes.

21 MR. GORDON: Do you recall the condition of  
22 this property when you all first acquired it?

23 MR. STROUP: Yes.

24 MR. GORDON: Were there barns located on  
25 there? I'm looking at 2012.

1 MR. STROUP: Yes. There was two on it.

2 MR. GORDON: And what was stored in there?

3 MR. STROUP: It was just, it looked like there  
4 was some old cattle and just a bunch of junk laying  
5 around. Maybe some equipment.

6 MR. GORDON: One of the buildings you all  
7 built was basically over the same footprint of the  
8 existing structure?

9 MR. STROUP: Yes.

10 MR. GORDON: And the other building was  
11 towards, can you explain to the Board where that was  
12 at?

13 MR. STROUP: I guess it would be towards the  
14 east.

15 MR. GORDON: Along the border with the lake  
16 property?

17 MR. STROUP: Yes. Along and south.

18 MR. GORDON: Now, day in and day out you're  
19 involved in the farming operation?

20 MR. STROUP: Yes.

21 MR. GORDON: What is the use of this property?  
22 How do you incorporate it into your farming operation?

23 MR. STROUP: Store all the equipment in it  
24 that we use to farm the ground. You know, maybe get  
25 it out and do a few things to it before we go to the

1 field.

2 MR. GORDON: What kind of equipment do you  
3 store in it?

4 MR. STROUP: Just farming equipment.  
5 Tractors, combine, planters, that kind of stuff.

6 MR. GORDON: Do you sell anything out of  
7 there?

8 MR. STROUP: No.

9 MR. GORDON: Do you produce anything out of  
10 there?

11 MR. STROUP: No.

12 MR. GORDON: Do you have an office there?

13 MR. STROUP: No.

14 MR. GORDON: I believe that's all the  
15 questions I have. If the board would like to ask  
16 Tanner questions, I'm sure he'd be happy to answer  
17 them.

18 CHAIRMAN: Board members, do you have any  
19 questions or comments?

20 MR. REEVES: I have one question. I guess I'm  
21 understanding when I look at the March 2015 photo,  
22 you're saying that since you built these two accessory  
23 buildings here, that you've acquired enough additional  
24 equipment that you need this additional building  
25 built?

1 MR. STROUP: Yes, sir.

2 MR. REEVES: And the equipment that you have  
3 currently stored and that you would store would be  
4 used exclusively in your farm operation.

5 MR. STROUP: Yes, sir.

6 MR. REEVES: Not rented to anyone else or  
7 loaned to anyone else.

8 MR. STROUP: No.

9 MR. REEVES: And you wouldn't store anyone  
10 else's equipment in there?

11 MR. STROUP: No.

12 MR. REEVES: Do you own the trucks that are  
13 here in the picture?

14 MR. STROUP: Yes. They're part of the farm.

15 MR. REEVES: Thank you.

16 MR. GORDON: If it pleases the Board, that's  
17 really all of the evidence per se I would like to put  
18 on tonight. I do have a few closing statements I  
19 would like to make. I don't know if Mr. Mischel or  
20 someone else would like to comment.

21 It is our position that under the Zoning  
22 Ordinances, storage sheds are allowed on A-R zone  
23 tracts where there is residence. The construction of  
24 barns or storage facilities on tracts less than ten  
25 acres without a house, I have not done a complete

1 survey across the county to see how often that  
2 happens. I have a suspicion that it does in rural  
3 agricultural community. This should be a rather  
4 common occurrence I would believe.

5 You know, I can see by the aerial photograph  
6 someone would have at first glance maybe a question as  
7 to what was being conducted there. That was the  
8 purpose of Tanner and Cessilee coming here today to  
9 explain what they're doing there. Obviously, the  
10 picture should provide the Board with a pretty clear  
11 idea of what it looks like and what's going on in the  
12 neighborhood and exactly what they're doing. You  
13 know, I do not find in the Zoning Ordinances anything  
14 that says, it must be, you know, the distinction  
15 between the residence and whose property is in the  
16 building. If it's for personal storage, the owner of  
17 the property can store his personal belongings there.  
18 That is, has and always has been the Stroups' position  
19 on that. That's the reason they answered the  
20 questions that Manuel Ball asked. I would also  
21 suggest that at the time Mr. Ball asked that question,  
22 he was presented with and had in front of him a permit  
23 for two 85 by 50 building on a lot of this size. He  
24 made an inquiry. The way I read it is that these are  
25 accessory to principal use of the property which we

1 believe permitted use of storage personal property and  
2 not for business purposes. We do not believe that any  
3 business is being conducted on there. We might be  
4 getting into a differing, maybe splitting hairs or a  
5 differing view on how you define an undefined term in  
6 this instance.

7 This isn't necessarily a variance. We're not  
8 coming in here saying, hey, we would like to do  
9 something with this that's outside, you know, what a  
10 permitted use is. They're asking for one additional  
11 storage building in the footprint area that you see to  
12 store the rest of that farm equipment.

13 We think that the Board should see that and  
14 direct the Zoning Administrator to issue the permit.  
15 If there wants to be a contingency on there regarding  
16 restrictions related to what can be stored in there, I  
17 think we'll be receptive to that because the intent is  
18 not to convert this to some kind of business, or to  
19 start leasing space, or to buy and sell equipment out  
20 there at all. It's to store their farm equipment.  
21 That's the long term goal here. I believe they'll  
22 agree that they don't have any other agenda.

23 We ask the Board to take that under  
24 consideration given all the circumstances and see our  
25 way to this matter and direct the Zoning Administrator

1 to issue a permit.

2 CHAIRMAN: We've had an opportunity to hear  
3 you and everyone. I'm going to wrap it up.

4 MR. GORDON: That's fine.

5 CHAIRMAN: Mr. Mischel, do you have additional  
6 or board member have anything else they want to ask  
7 before I ask for a motion? Let's wrap it up.

8 MR. MISCHEL: I think you have to keep in mind  
9 that the Zoning Ordinance isn't necessarily based on  
10 transaction of money or anything else. These are  
11 zoning issues about the placement of certain items,  
12 certain structures, the use of them.

13 We do have in the Zoning Ordinance under  
14 Storage an Article L. There's a whole section just on  
15 storage only and what zones you have to use to have  
16 that equipment and stuff like that.

17 You need to keep in mind there will be a lot  
18 of people that would be happy, not only the county and  
19 the city, to place a manufactured home on that  
20 property and then use it for other storage purposes  
21 and say it's incidental to that, what's there.

22 Under the Zoning Ordinance there is a whole  
23 section devoted to just storage and what zone you have  
24 to put that in.

25 That's all I have unless you have any more

1 questions.

2 CHAIRMAN: Board members, do you have any  
3 questions of Mr. Mischel?

4 MR. HOWARD: I have one.

5 Jim, you've been at this a lot longer than I  
6 have. Do you ever issue building permits for  
7 accessory structures on property? I think this was  
8 asked earlier. If there was a property that didn't  
9 have a residence on it, would you permit an accessory  
10 structure on it if it's zoned agriculture without that  
11 residence?

12 MR. MISCHEL: No. No, we don't. Those  
13 requests are made at times, various times.

14 There was a statement that you couldn't do  
15 this under ten acres. You can do this if it's zoned  
16 properly. If you have a piece of property that is  
17 industrial, you could store all that equipment on it.  
18 That's why we have the zoning ordinance. This piece  
19 of property, I mean it's clearly accessory to that  
20 permitted use which is a single-family home or a  
21 manufactured home.

22 CHAIRMAN: Any further comments or questions?

23 (NO RESPONSE)

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

1           MR. REEVES: I'll make a motion, but I want to  
2 comment first.

3           These are always difficult motions to make,  
4 difficult decisions to make. I want everyone to  
5 understanding that. I think the Board clearly does.  
6 I think if you read what the ordinance says, and I  
7 doubt that the Stroups understood what the ordinance  
8 said when they purchased this property or they might  
9 have decided not to purchase it. Clearly these  
10 storage builds would not be an accessory to that  
11 residence. They certainly are accessory to their  
12 business, but not to their residence. For me to vote  
13 to approve this would open up many, many doors in the  
14 future for people to do what Mr. Mischel said.  
15 Anywhere in the county to pull in a trailer and open  
16 up whatever in this lot.

17           I'm going to move to deny the appeal.

18           MS. DIXON: Second.

19           CHAIRMAN: So you?

20           MR. REEVES: Move to deny the appeal.

21           CHAIRMAN: Your motion is for denial?

22           MR. REEVES: Yes. To deny the appeal.

23           CHAIRMAN: We have a motion by Mr. Reeves for  
24 denial.

25           MS. DIXON: Second.

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

3           (NO RESPONSE)

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

6           (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7           CHAIRMAN: Motion carries unanimous.

8           Any new business anyone?

9           (NO RESPONSE)

10          CHAIRMAN: The chair is ready for a motion to  
11          adjourn?

12          MS. DIXON: So moved.

13          CHAIRMAN: We have a motion to adjourn.

14          MS. MASON: Second.

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

17          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18          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 47 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 25th day of September, 2015.

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20  
21  
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\_\_\_\_\_  
LYNNETTE KOLLER FUCHS  
NOTARY ID 524564  
OHIO VALLEY REPORTING SERVICES  
2200 E. PARRISH AVE., SUITE 106-E  
OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES: DECEMBER 16, 2018  
24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY  
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