The Owensboro Metropolitan Board of Adjustment

met in regular session at 5:30 p.m. on Thursday,
December 3, 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
                     Robynn Clark

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CHAIRMAN:  Call to order the Owensboro
Metropolitan Board of Adjustment 2015 December 3rd
meeting.  We will begin our meeting with a prayer and
pledge of allegiance to the flag.  Ms. Dixon 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 we welcome your
comments.  We ask that you step 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 November 5, 2015 meeting.

Ohio Valley Reporting
(270) 683-7383
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. FREE: Motion to approve.

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

MS. MASON: 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.

Next item, please.

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CONDITIONAL USE PERMIT

ITEM 2

9351 Sauer Lane, zoned A-R (Postponed to the January 7, 2016 meeting.)
Consider a request for a Conditional Use Permit in order to operate a church and construct related structures.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Owensboro Buddhist Association

MR. HOWARD: Mr. Chairman and Board Members, this item, as you saw in the memo in your packet, has to be postponed at the meeting tonight. The applicant
did not pay for the required public hearing notice in
the newspaper, which they are required that to be
done. Until that is done, this item can't be heard
because it hasn't gone through the proper notice
procedures. Everything else was done except for that
step. This will need to be postponed.

CHAIRMAN: Anyone here representing the
applicant on this?

AUDIENCE MEMBERS: No. We're here for that.

We're residents.

CHAIRMAN: Do you have any questions on this
before we vote on this? It will be postponed, but
just in case you have a question.

AUDIENCE MEMBER: When will it be postponed
to?

CHAIRMAN: We need a motion to postpone.

MR. REEVES: Motion to postpone.

CHAIRMAN: We have a motion for postponement
by Mr. Reeves.

MS. DIXON: Second.

CHAIRMAN: We've got 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.
Next item, please.

MS. MASON: Mr. Chairman, I think the gentleman asked when it will be?

MR. HOWARD: January 7th will be Board of Adjustment meeting in January. If that advertisement is placed as required, it will be on that agenda. If not, it would go to the February 4th meeting. Those are the next two.

CHAIRMAN: Next item, please.

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VARIANCE
ITEM 3
1406 Waverly Place, zoned R-4DT
Consider a request for a Variance in order to reduce the rear and southern side yard building setback lines from 3' from the property line to 1' from the property line for a detached accessory structure.
Reference: Zoning Ordinance, Article 3, Section 3-7(b)(2)
Applicant: John & Allison Vitali

MS. KNIGHT: State your name for the record, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: The subject property is located in an area established before the current zoning
ordinance requirements were put into place.

The applicant proposes to construct a 24 by 24 foot detached garage off the rear of the house along the alley. They're proposing for it to be one foot off of the rear property line and one foot off of the side property line. It will be in the same location as the garage once stood, but the garage that used to be there has been gone for longer than 18 months so they do have to request this variance to be able to build it back in that same spot.

If you look at the aerial photo that you've got there in front of you, you can see that in their specific block there are four other garages that all appear to be right up on that property line just as they're proposing to construct.

Granting this variance to reduce the rear and side yard building setback lines for a detached accessory structure from 3 feet from the property line to 1 foot from the property line will not adversely affect the public health, safety or welfare or cause a hazard or nuisance to the public because the structure will be located with easy access to the public alley. It will not alter the essential character of the general vicinity or be an unreasonable circumvention of the requirements of the zoning regulations because
there are a number of other detached accessory
structures that appear to encroach in the rear and
side yard building setback in a similar fashion in
this area.

Staff would recommend approval of this
Variance request and we would like to enter the Staff
Report into the record as Exhibit A.

CHAIRMAN: Anyone here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Do you have anything you would like
to share with us?

APPLICANT REP: Not really.

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

(NO RESPONSE)

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

MR. REEVES: Mr. Chairman, I'll make a motion
for approval based on the findings that it will not
adversely affect the public health, safety or welfare
because several other detached accessory structures in
the area encroach in the setbacks and currently do not
cause a public safety concern. 2) It will not alter
the essential character of the general vicinity
because there are several other structures in the area that encroach into the rear and side yard building setback lines. 3) It will not cause a hazard or nuisance to the public because the structure will be easily accessible from the public alley. 4) It will not allow an unreasonable circumvention of the requirements of the zoning regulations because several other detached accessory structures in the area encroach into the rear and side yard building setback line.

CHAIRMAN: We have a motion for approval by Mr. Reeves.

MS. DIXON: Second.

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

(NO RESPONSE)

CHAIRMAN: If not all in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Board Members, this is my last meeting. I have two more years on the Board of Adjustments, but I have decided I need to resign. I will be giving my resignation to the County Judge and also the Secretary of Planning. So this is my final meeting.
I have been here 21 years. I've missed 3 meetings in 21 years. I think it's time for me to go. For the most part it's been very rewarding. I firmly believe that Planning and Zoning is very, very important to this community or any community. I believe the Board of Adjustment is very, very important because it's what it implies. It makes adjustments to the zoning ordinance. I have served seven years on the Planning Commission. I can tell you it's harder to serve on the Board of Adjustments than it is the Planning Commission. I'm ready to go. I am going to miss it. I'm going to miss seeing all of you every month.

With that I'm ready for a final motion to adjourn.

MS. MASON: Motion to adjourn.

MS. FREE: Second.

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

(ALLE BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.
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 8 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 2nd day of January, 2016.

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

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

Ohio Valley Reporting
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