The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, January 7, 2015, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Judy Dixon, Chairman
Robynn Clark, Vice Chairman
Ruth Ann Mason, Secretary
Brian Howard, Director
Terra Knight, Attorney
Jerry Yeiser
Fred Reeves
Bill Glen

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CHAIRMAN: We will call the January 7, 2016 Owensboro Metropolitan Board of Adjustment to order. We always start our meetings with a prayer and pledge to the flag. Will you please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is the election of officers so I will turn it over to our counsel.

MS. KNIGHT: Thank you, Ms. Chairman.

As you all know the statutes and our and bylaws require us to conduct an election each and every year. We do it every January.
Our bylaws provide the Board will have a Chairman, Vice Chairman and Secretary/Treasurer, and we traditionally elect those in that order. That's the way they're listed in the bylaws. We also traditionally have votes by show of hands so that's how we'll start tonight.

The first thing that I will do in electing the chairman is open the floor for nominations.

MR. REEVES: I nominate Judy Dixon.

MS. KNIGHT: Ms. Dixon, do you accept that nomination?

MS. DIXON: Yes.

MS. KNIGHT: Is there a second to that nomination?

MS. MASON: I second it.

MS. KNIGHT: Are there any other nominations for chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I will close the floor for nominations and we will vote on Ms. Dixon. All in favor of Ms. Dixon being chairman please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Ms. Dixon, you are our elected chairwoman.

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Now we move to vice chair and I will open the floor for nomination.

MR. YEISER: I nominate Fred Reeves.

MS. KNIGHT: Mr. Reeves, do you accept the nomination?

MR. REEVES: No, I do not. Since I'm Chair of the Planning Commission, I think I will be uncomfortable with that.

If it's okay with Mr. Yeiser, I would like to nominate Robin Clark.

MR. YEISER: That's fine with me.

MS. KNIGHT: Ms. Clark, do you accept that nomination?

MS. CLARK: I do.

MS. KNIGHT: Is there a second to that nomination?

MS. MASON: I second it.

MS. KNIGHT: Are there any other nominations for vice chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I will close the floor for nominations and we'll take that vote.

All in favor of Ms. Clark for vice chair please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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MS. KNIGHT: Ms. Clark, you are vice chair. Now for secretary/treasurer. I will open the
floor for nominations.

MS. DIXON: I nominate Ruth Ann Mason.

MS. KNIGHT: Ms. Mason, do you accept that nomination?

MS. MASON: Yes.

MS. KNIGHT: Is there a second to the nomination?

MR. YEISER: Second.

MS. KNIGHT: Any other nominations for secretary/treasurer?

(NO RESPONSE)

MS. KNIGHT: Hearing none I'll close the floor and we'll take a vote.

All in favor of Ms. Mason as secretary/treasurer raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Ms. Mason, you are secretary/treasurer.

Ms. Chair, I'll turn the floor back over to you.

CHAIRMAN: Next item on the agenda is to consider the minutes of the December 3, 2015 meeting. All members should have received a copy of the minutes
and have had time to look them over. I'll entertain a
motion to approve.

MS. MASON: Motion to approve.

MR. REEVES: Second.

CHAIRMAN: Any discussion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion signify
by raising your hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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CONDITIONAL USE PERMIT

ITEM 3

10510 Main Cross St., 10460 Franklin St., zoned R-1A
Consider a request for a Conditional Use Permit in
order to operate, construct and maintain school and
church facilities.

Reference: Zoning Ordinance, Article 8,
Section 8.2B4 and 8.2B14

Applicant: St. Mary of the Woods Parish, Inc.

MS. KNIGHT: Would you state your name for the
record, please.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned R-1
Single-Family Residential. OMPC records indicate
there have been no Zoning Map Amendments for the
subject property.

A Conditional Use Permit and a Final Development Plan were approved for the property at 10510 Main Cross Street in 2004 to construct a family life center/parish hall on the school/church property.

The subject property contain St. Mary of the Woods Catholic Church, an elementary school, a high school, a gymnasium, a parish house, and a parish hall, and a number of smaller storage buildings.

The applicant is proposing to construct a new community center/gymnasium on the property at 10510 Main Cross Street; several of the smaller storage buildings will be removed, to make way for the new building.

In order to meet the parking requirements for the church and schools, the parking lot on the property owned by the church across Franklin Street, 10460 Franklin Street, will be utilized for the parking. An amended Final Development Plan must be approved by the Owensboro Metropolitan Planning Commission to tie the required off-street parking to the sites.

LAND USES IN SURROUNDING AREA

The properties to the north and south are zoned R-1A and R-1C Single-Family Residential and
appear to be used as such. The properties to the west are zoned R-1A Single-Family Residential, R-3MF Multi-Family Residential and B-4 General Business. The properties to the east are zoned R-1A Single-Family Residential and A-U Urban Agriculture.

ZONING ORDINANCE REQUIREMENTS

1. Parking - Churches, Sunday Schools and Parish Houses - 1 per every 5 seats in the main auditorium.

   Elementary Schools - 1 for every employee plus 1 for every classroom.

   High Schools - 1 for every 5 classroom seats -

   All parking requirements are shown to be met on the site plan submitted.

SPECIAL CONDITIONS

1. Approval of a Final Development Plan by the Owensboro Metropolitan Planning Commission.

2. Obtain all necessary building, electrical, and HVAC permits, inspections and certificates of occupancy and compliance as required.

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

CHAIRMAN: Is anyone here representing the applicants?

APPLICANT REP: Yes, ma'am.
CHAIRMAN: Do you have anything you need to add?

APPLICANT REP: It's going to be a really nice building. Thank you.

CHAIRMAN: Thank you.

Is there anyone here wishing to voice any concerns or opposition?

(NO RESPONSE)

CHAIRMAN: Have we had any calls in the office?

MR. HOWARD: Not that I'm aware of, no.

CHAIRMAN: Any questions or comments by any of the board members?

(NO RESPONSE)

CHAIRMAN: If not we will entertain a motion to dispose of the item.

MS. MASON: Ms. Chairman, I make a motion for approval based on the Findings of Fact that it's consistent with the previous Conditional Use Permit and it's a logical expansion of the existing use, with the zoning ordinance requirements be that the parking - churches, Sunday Schools and Parish Houses - 1 every 5 seats in the main auditorium; and in the elementary school - 1 for every employee plus 1 for every classroom; and the high schools - 1 for every 5
classroom seats - all parking requirements are shown
to be met on the site plan submitted. Then with the
Special Condition that approval of a Final Development
Plan by the Owensboro Metropolitan Planning
Commission, and obtain all necessary building,
electrical and HVAC permits, inspections and
certificates of occupancy and compliance as required.

MR. REEVES: Second.

CHAIRMAN: We have a motion and a second. Any
questions on the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 4

9351 Sauer Lane, zoned A-R (Postponed from the
December 3, 2015 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 8.2B4
Applicant: Owensboro Buddhist Association

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

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: This is an application for
Conditional Use Permit for a church.

The subject property is a 11 acre parcel. It contains a residence and several multiple accessory structures. It's had history of Conditional Use Permit approvals in the past.

In 1987 a Conditional Use Permit for part-time beauty shop was approved for the property.

In 1998 a Conditional Use Permit to construct a new building to allow sales of gifts and antiques was approved by the Board.

Five years after that, the Conditional Use permit was expanded to allow building for retail sales to expand.

A Final Development Plan was approved within the office for each of those two Conditional Use Permits that were previously approved.

Recently the Owensboro Buddhist Association has acquired the property, the subject property, and proposes to use the site as a church, as mentioned.

There is a site plan on the screen and in your packet that shows the layout of the property and the proposed improvements.

They propose to add two pavilions to the site; a 30 by 20, a 20 by 20 in size, as well as 10 by 10 hexagon-shaped gazebo. They plan on using existing
buildings for the facility as part of the existing residence that's already on the property.

They have proposed to also construct a 20 space paved parking area to serve parking needs for their members. The applicant has relayed to the Staff they have about 20 to 30 members in their group.

Parking requirements for a church are as mentioned in the previous case are the same for church; 1 space for every 5 seats in the main auditorium. So their 20 space parking lot would seat a 100 member congregation.

They also propose to construct a 6 foot solid wood privacy fence around the perimeter of their main portion of their church campus. That area is highlighted in blue on the site map. So they propose to fence the entire area that contains all of the buildings on the property. There's a gate to be across the driveway into the back portion of the fence.

The applicant will be required to submit an Amended Final Development since previous development plans exist on the property. That basically will be changing the use of the Conditional Use Permit. It will also allow Staff to determine compliance with various building ordinance requirements for parking,
landscaping, signage, building setbacks, etcetera.

All the surrounding properties in the area are zoned A-R Rural Agriculture and appear to be used either residentially and/or agriculturally.

The Special Conditions that Staff is recommending for this case are:

1. Approval of an Amended Final Development Plan.
2. All existing and proposed parking areas will be required to be on paved surfaces.
3. Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance as required.

Staff request that the report be entered into the record as Exhibit B.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone here voice any concerns?

(NO RESPONSE)

CHAIRMAN: Does any board members have any concerns?

(NO RESPONSE)

CHAIRMAN: If not, I think we're ready for a motion.

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MS. MASON: Has there been any concerns, Brian?

MR. HOWARD: You know, we had a couple of calls, but we didn't really have any specific questions about it in the office.

MR. REEVES: Madam Chairman, I'd make a motion to approve this application based on the Findings of Fact that this will not alter the essential character of the neighborhood; it will not have any negative impact on the health and safety of the neighborhood; it will not overburden any of the municipal capacity services provided to the neighborhood. Also, it's very consistent to have a place of worship in a rural area that also is residential and agriculture.

With these Conditions that: 1) There will be an approval of an Amended Final. 2) All existing and proposed parking areas will be required to be on paved surfaces. 3) Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance as required.

CHAIRMAN: We have a motion. Do we have a second?

MR. YEISER: Second.

CHAIRMAN: Any questions on the motion?

(NO RESPONSE)
CHAIRMAN: All in favor of the motion raise your right hand, please.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

We have one more motion.

MS. MASON: Move to adjourn.

CHAIRMAN: Motion by Ms. Mason.

MR. GLEN: Second.

CHAIRMAN: All in favor of adjournment raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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Ohio Valley Reporting
(270) 683-7383
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 14 typewritten pages; and that no signature 
was requested to the foregoing transcript. 

WITNESS my hand and notary seal on this the 
1st day of February, 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 

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