The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, April 14, 2016, 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
Bill Glenn
Fred Reeves
Jean Lewis

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CHAIRMAN: I will call the April 14, 2016 Owensboro Metropolitan Board of Adjustment to order.

First item on the agenda is Mr. Glenn is going to give our prayer and pledge to the flag.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the January 7, 2016 meeting.
All the members should have a copy. Entertain a motion to approve or correct or whatever.

MR. GLENN: Motion to approve.

MR. REEVES: Second.

CHAIRMAN: A motion to approve by Mr. Glenn.
ITEM 2

1321 Reid Road, zoned A-U
Consider a request for a Conditional Use Permit in order to construct and operate a business for the limited retail sales of gifts, hobby items and flea market items.
Reference: Zoning Ordinance, Article 8, Section 8.2E3/45
Applicant: Daniel L. & Marian R. Turley

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

MR. HILL: Mike Hill.

(MIKE HILL SWORN BY ATTORNEY.)

MR. HILL: This tract was recently created through a minor subdivision plat. The parent tract had a history of two previous conditional use permit approvals on it.

In 2006 a conditional use permit for a private school was granted. The school was never constructed and never came to fruition.

Then in January of 2015, a conditional use
permit for retail sales of gifts was approved on this site towards the rear of the larger parent tract. There was a condition placed on that conditional use permit that the driveway be paved back to the site. The condition proved to be cost prohibitive and has come up with this idea to locate a gift shop up front on Reid Road on this new tract that they've recently created.

They propose to construct a 900 square foot building, as shown on the site plan that's in your packet and on your screen. All parking areas are required to be paved. Of those four parking spaces, three are required by the Zoning Ordinance.

Staff suggest if approved to add a condition that they obtain necessary building, electrical and mechanical permits, inspections and certificates of occupancy and compliance from the OMPC.

Staff request that the Staff Report be entered into the record as Exhibit A.

CHAIRMAN: Is there anyone representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Is there anyone in opposition to this item?
CHAIRMAN: Have we had any calls, Mr. Howard?

MR. HOWARD: No.

CHAIRMAN: Board members have any questions?

(NO RESPONSE)

CHAIRMAN: If not I'll entertain a motion.

MR. REEVES: I'll make a motion to approve

based on the fact that two previous conditional use

permits have been issued on this property that seem to

be appropriate. This particular project is not very

different from the previous project, but has been

proposed here, and it will not have an adverse impact

on the neighborhood.

CHAIRMAN: We have a motion by Mr. Reeves. Do

I have a second?

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason. Any 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.

ITEM 3

2608 Westwood Avenue, zoned R-4DT
Consider a request for a Conditional Use Permit in
MR. HILL: This is an R-4DT zone property on Westwood Avenue. The Staff did research along Westwood Avenue in that area and found 13 previous conditional use permit approvals for similar situation for manufactured homes.

The applicant is proposing a 15' by 72' manufactured home. They were seeking a waiver of a sidewalk requirement as there are no other sidewalks in the vicinity. You can see the aerial photo too.

The Zoning Ordinance requirements for manufactured homes are listed in your Staff Report. There are eight items there. They have agreed to comply with all except Number 3 which is the sidewalk-related requirement.

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

CHAIRMAN: Do we have anyone representing the applicant?

MR. PFEIFER: Yes. Mark Pfeifer.

MS. KNIGHT: Mr. Pfeifer, you're sworn as an attorney.
MR. PFEIFER: I'm here with the applicant, Michaela Garcia.

Like Mr. Hill said, I went to the PVA office this morning and found nine or ten current properties on Westwood Avenue that have mobile homes. There are no private restrictions against that in this area, and we would ask it be approved and if you have any questions we're here to answer them.

CHAIRMAN: We'll see if there's any opposition.

Is there any opposition on this item?

(NO RESPONSE)

CHAIRMAN: Board members have any questions?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion.

MS. MASON: I make a motion for approval with the findings of fact that it's consistent with the neighborhood as there has been 13 previously conditional use permits for class 2 manufactured homes. That they meet all the zoning requirements except for Number 3, and that we would waive the required sidewalk since there's no sidewalk in the vicinity of the property along Westwood Avenue.

CHAIRMAN: We have a motion by Ms. Mason.

MR. JEAN: Second.
CHAIRMAN: Second by Mr. Jean. Any comments 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.

MR. PFEIFER: Thank you.

ITEM 4

6500 US Highway 231, zoned R-1A
Consider a request for a Conditional Use Permit in order to operate a church.
Reference: Zoning Ordinance, Article 8, Section 8.2B4
Applicant: The Pentecostals of Owensboro, Inc.

MR. HILL: This subject property is 9.89 acre parcel that has previously been used as Beacon Central High School and Masonville Elementary School.

Recently the Pentecostals of Owensboro, Incorporated have acquired the property. Plan to convert the school into a church building. They submitted a site plan which is included in your information shows the parking layout. They will have 76 parking spaces shown on it. Zoning Ordinance requirement a minimum of 70. So their requirement of minimum parking requirement. They will be required to provide some screening around the parking area. So they will have to submit a site plan if approved that.
demonstrate compliance with parking, landscaping
setbacks, access, signage, etcetera.

If approved Staff suggest three conditions
listed on the Staff Report.

1. Approval of a Site Plan.

2. All existing and proposed parking areas
will be required to be paved surfaces and parking
spaces must be striped.

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

Staff request that the Staff Report be entered
into the record as Exhibit C.

CHAIRMAN: Is there anyone here representing
the applicant?

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

MR. HUFF: Bill Huff.

(BILL HUFF SWORN BY ATTORNEY.)

MR. HUFF: Just the pastor of the church. It
is our desire and we would like for it to be zoned to
where we can use it as a church. We have outgrew our
facilities. Property is hard to find. That lays out
really nice there in that area. I believe we could
also be an asset to the community. We’ve been talking
with the fire department to use the lower property there. We're going to try to keep one of the ball fields available for the area. It is our desire to use that as a church, and in the future even perhaps be able to build a new sanctuary. We are wanting to use the gym as present right now for a sanctuary and then later present the permit drawings to build a sanctuary on that property and still use the other for education and gym and what have you.

CHAIRMAN: Is there any opposition to the site?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions?

MR. REEVES: I have a quick question, if you don't mind, sir.

I'm always a little bit sensitive to these things when we start talking about ball fields. Is this ball field lighted?

MR. HUFF: The lights are still there. Yes, sir, they are still there.

MR. REEVES: Are there very many residences around the property there close to the ball field?

MR. HUFF: On the one ball field is on, I believe, Barton Avenue I think is the name of it.
There's houses across the street. The ball field is near Deer Valley. Apparently during construction of Deer Valley, they eliminated the power source. So the only lights that are available at this point is the ones on the Burton Street side.

This is new to me. I'm sure we're going to have to work our way through this. We may not be able to use the lights. I don't know. During the daylight hours, the field could still be available for the community.


CHAIRMAN: I will entertain a motion to dispose of the item.

MR. REEVES: I would like to make a motion to approve this conditional use permit based on the facts that his use is consistent with that type of property in a small community. It will not have an adverse affect on the neighborhood. I also want to impose the three conditions. I want to add a fourth one.

1. Approval of the site plan.

2. That all existing and proposed parking areas will be required to be on paved surfaces and parking spaces must be striped.

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

4. That the church endeavor strongly not to have the lights on the ball field on past 10:00 in the evening.

CHAIRMAN: Thank you. We have a motion by Mr. Reeves. Do we have a second?

MS. CLARK: Second.

CHAIRMAN: Second by Ms. Clark. Any 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.

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ADMINISTRATIVE APPEAL

ITEM 5

201 Church Street, zoned I-1 & I-2
Consider request for an Administrative Appeal concerning the proposal to change from one non-conforming use to another non-conforming use with regards to parking and landscaping.
Reference: Zoning Ordinance, Articles 4 & 7, Sections 4.53 & 7.34
Applicant: Gary Cecil; JLRC Realty Corp

MR. HILL: This is an industrially zoned property. The applicant is requesting a change from
one non-conforming use as a distillery that was used on this site for many years to another non-conforming use as a vegetable packing, shipping and distribution business with the non-conforming issue becoming in effect with regard to existing parking and landscaping situation and requirements of the zoning ordinance.

According to the applicant the buildings on this property have been used previously prior to the adoption of the current Zoning Ordinance for packing and shipping and distributing distilled spirits. Now they're asking to do similar thing to vegetables and other light items.

There's a section listed in the Staff Report regarding Chapter 4 and Chapter 7 from the Zoning Ordinance. They granted the Board authority to in effect switch from one non-conforming use to another.

Basically a motion to approve this request tonight would allow the operation of this vegetable packing, shipping and distribution business to occur on the site as it is without making any improvements to parking or landscaping or anything of that nature.

A motion to deny would require the applicant, if they wish to proceed, to submit a final development plan that would show compliance with parking requirements, landscaping requirements, any other
applicable zoning requirements.

That's a brief summary of the request before you.

Staff request that the Staff Report be entered into the record as Exhibit D.

CHAIRMAN: Anyone here wishing to address this issue?

MR. KAMUF: Yes. Charles Kamuf. I represent the applicant. The applicant is Gary Cecil and also the realty company that purchased the property down in Stanley.

This is the old Stanley distilling company. The question that we have is to convert an existing non-conforming use to another non-conforming use.

The property previously was owned by the distilling company to package and distribute distilled spirits. Now we're asking for basically the same thing.

Mr. Cecil and Kamuf Brothers are a large producers of watermelons. They need this area down there to package and distribute the watermelons that they have. We do not plan to do anything different than what was there previously. We do not plan on adding any buildings or increasing any of the structures whatsoever. Basically it's a continuation
of the existing non-conforming use.

The reason that we're here, there were several years that the property was not used so that's why we're asking, it was vacant for a period. I forget what the requirements are of Planning Zoning.

Fred, you might remember this. Part of these buildings were used previously for Kimberly-Clark when they came to Owensboro.

Basically that's what we're asking for. I have a copy for you all that shows the buildings on the property.

Basically you see two building. These buildings were there prior to the zoning ordinance. Therefore, they're non-conforming and that's why we're here tonight, to continue the same use.

I have Gary Cecil here, the owner of the realty company. Mr. Cecil and them will be renting the building from the realty company and using it for the distribution and the packaging of these watermelons.

I'm here to answer any questions. They're here. We think it would certainly be an advantage to the community. Be a lot of employees that will be here. A lot of economic development. We want to continue. We've been doing this for years. We've
been doing it down off of 279 in another building, which is approximately a mile from this. We're here to answer any questions.

CHAIRMAN: Let's see if we have any opposition.

Is there anyone in opposition to this item?

(NO RESPONSE)

CHAIRMAN: Any board members have any questions?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion unless someone has a question.

MR. REEVES: I think this is simply a motion to approve. I'll make a motion to approve this application.

MS. MASON: Second.

CHAIRMAN: We have a motion by Mr. Reeves and a second by Ms. Mason. Any other questions?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

CHAIRMAN: Do we have any other business for this board?
CHAIRMAN: I'll entertain one more motion.

MR. GLENN: Motion to adjourn.

CHAIRMAN: We have a motion to adjourn by Mr. Glenn.

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY

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

WITNESS my hand and notary seal on this the 10th day of April, 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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