The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, June 2, 2016, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Judy Dixon, Chairman
                    Robynn Clark, Vice Chairman
                    Brian Howard, Director
                    Terra Knight, Attorney
                    Lewis Jean
                    Fred Reeves
                    Bill Glenn

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CHAIRMAN:  Call the June 2, 2016 meeting of the Owensboro Metropolitan Board of Adjustment to order. The first item on the agenda will be our prayer and pledge to the flag by Mr. Howard.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  The first item on the agenda is to consider the minutes of the April 14, 2016 meeting. Members, you have a copy in front of you or have been sent to you one which or the other. If you've had time to look over them, I'll entertain a motion to approve.

MR. JEAN:  Madam Chair, I'd like to make a motion to approve the minutes as written.

CHAIRMAN:  Motion by Mr. Jean.
MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Any discussion 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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CONDITIONAL USE PERMIT

ITEM 2

1601 Pearl Street, zoned R-4DT
Consider a request for a Conditional Use Permit in order to operate a residential transitional living facility.
Reference: Zoning Ordinance, Article 8, Section 8.2A7/6a
Applicant: Saint Benedict Joseph's Homeless Shelter; Saints Joseph & Paul Parrish

MS. KNIGHT: Please state your name.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned R-4DT Inner City Residential. OMPC records indicate there have been no Zoning Map Amendments for the subject property.

The applicant proposes an 8-bed residential
transitional living facility intended to provide affordable living to those transitioning from homelessness, recovery centers or detention centers. The applicant states that this type of facility will help to break down barriers individuals may face related to rental histories, financial insecurities, accountability through drug testing, while providing a safe sober living environment.

The applicant has provided the necessary information demonstrating they meet the Criteria for Conditionally Permitted Group Housing, such as the list of Items 1 through 10 on the Staff Report that you received.

ADDITIONAL REQUIREMENTS

1. Landscaping - Vehicular use area screening consisting of a 3 foot continuous element with 1 tree every 40 feet where adjoining public right-of-way or residential property.

2. Parking - 5 spaces plus 1 space for every 5 beds - required 6 parking spaces, which is all shown on the site plan they have submitted.

CONDITIONAL CONDITIONS

1. Obtain necessary building, electrical and mechanical permits, inspections and certificates of occupancy and compliance from the OMPC.

Ohio Valley Reporting
(270) 683-7383
We would like to enter the Staff Report into
the record as Exhibit A.

CHAIRMAN: Is there anyone here wishing to
address this issue?

MR. PEDIGO: Yes.

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

MR. PEDIGO: Harry Pedigo.

(HARRY PEDIGO SWORN BY ATTORNEY.)

CHAIRMAN: Would you like to add anything to
what has been presented by Ms. Evans?

MR. PEDIGO: No. I think it was all presented
very well. Thank you.

CHAIRMAN: Does anybody have any questions of
the applicant?

(NO RESPONSE)

MS. CLARK: I have a question.

On your parking, I'm confused on the parking
on this map or the drawing that we have. Are you
parking behind people?

MR. PEDIGO: Yes, ma'am.

MS. CLARK: Three in front and three behind?

MR. PEDIGO: It will be one behind one
another. Two rows of three.

MR. HOWARD: If I could. The zoning ordinance
does allow in certain residential circumstances to have tandem parking, back-to-back parking.

MS. CLARK: Okay.

CHAIRMAN: Anyone else have a question?

(NO RESPONSE)

CHAIRMAN: Have we had any calls to the office?

MR. HOWARD: I think we had one call just gathering information, but that's it.

CHAIRMAN: No complaints?

MR. HOWARD: No complaints.

CHAIRMAN: Anybody else have any questions?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a motion.

MR. REEVES: Madam Chairman, I move to approve this Conditional Use Permit based on the zoning ordinance requirements 1 through 10, which seem to have been met, and the additional requirements for landscaping, parking, and that they get all the necessary building, electrical, mechanical inspection, certificates of occupancy to be in compliance with the Planning Commission.

CHAIRMAN: We have a motion by Mr. Reeves to approve.
MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. 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.

Next item.

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VARIANCE

ITEM 3

6701 Leslie Lane, zoned MHP
Consider request for a Variance in order to increase the maximum sign height for a business sign in an MHP zone from 10 feet to 25 feet.
Reference: Zoning Ordinance, Article 9, Section 9-5(c)(3)
Applicant: ABC Signs; Owensboro MHC, LLC

MS. EVANS: This Staff Report is recommended for denial, and as is customary with our Staff Reports for denial, we do read the entire Staff Report. So I'll read that into the record now.

DESCRIPTION OF REQUESTED VARIANCE

Consider a request for a Variance in order to increase maximum sign height for a business sign in an MHP zone from 10 feet to 25 feet.

CONSIDERATIONS
A. SPECIAL CIRCUMSTANCES? The Staff's opinion is, no, that there are not special circumstance that do not generally apply to land in general vicinity, or in the same zone.

The subject property is located in a rural area off of Wrights Landing Road between US Highway 60 East and Highway 2830. The property is a manufactured housing park formerly known as Lamplite Estates. The property has recently come under new ownership and now identifies the area as River Bend Pointe.

The applicant proposes to construct a 25 foot tall sign on the southeast corner of the property at the intersection of Leslie Lane and Wrights Landing Road. The sign poles would be 18 feet tall with the sign face being an additional 7 feet tall by 16 feet wide (which is 112 square feet). The zoning ordinance allows for a business sign in a MHP zone to be a maximum of 10 feet tall. The applicant argues that because of the trees and greenery in the area, the sign needs to be 25 feet tall for maximum visibility.

Upon inspection of the area there appear to be a number of residential lots and mature trees along Wrights Landing Road, but across Wrights Landing Road to the south is an open field. It is the opinion of the OMPC staff that even with a sign at 25 feet tall
the trees in the area may still block the visibility
of the sign from Wrights Landing Road. However,
visibility from US Highway 60 East and Highway 2830
should not be affected if a shorter sign were
installed, especially from the south. The OMPC Staff
has found no other variances granted for sign height
in Daviess County.

Granting this Variance to increase the maximum
sign height from 10 feet to 25 feet will adversely
affect the public health, safety or welfare and alter
the essential character of the general vicinity
because this is a rural agricultural area where no
other signs reach this height. It may cause a hazard
or nuisance to the public because of the close
proximity to the intersection of Wrights Landing Road
and Leslie Lane if the sign were to be damaged debris
would end up in the right-of-way. It will be an
unreasonable circumvention of the requirements of the
zoning regulations because there is no evidence of
approval of a variance in regards to sign height for a
business sign in a residential area.

B. HARDSHIP? Would strict application of the
regulations deprive the applicant of the reasonable
use of the land, or create an unnecessary hardship on
the applicant? No. The applicant could construct a
smaller sign on the property meeting the requirements.

C. APPLICANT'S ACTIONS? Are the circumstances from which relief is sought a result of the applicant's actions taken after adoption of the zoning regulations? No.

If Yes: Willful actions? Not in this scenario.

FINDINGS: Granting this Variance;

Will adversely affect the public health, safety or welfare because a sign 25 feet tall will intrude in the rural agriculture nature of the area.

Will alter the essential character of the general vicinity because this is a rural area where there are no other signs that reach this height.

May cause a hazard or a nuisance of the public if it were to be damaged by high winds, debris would end up in the public right-of-way because of the close proximity to the intersection of Wrights Landing Road and Leslie Lane.

Will allow an unreasonable circumvention of the requirements of the zoning regulations because no similar variance requests have been approved in residential areas.

Staff would recommend denial of this Variance request.
We would like to enter the Staff Report into the record as Exhibit B.

CHAIRMAN: Is there someone here representing the applicant?

MR. SMITH: Yes, ma'am.

MS. KNIGHT: Sir, are you an attorney?

MR. SMITH: I am not. I am an owner though.

MS. KNIGHT: State your name for the record.

MR. SMITH: Nathan Smith. I'm with SSK Communities who Owensboro MHC, LLC.

(NATHAN SMITH SWORN BY ATTORNEY.)

MR. SMITH: I would like to come in front of the board because one of the issues we that have here is we are also in a manufactured housing community setting, you are also running a business because you're physically selling homes inside the property.

Just an example. We bought this property ten years ago, and I think if any of you had been there it was definitely a blighted property on the city.

We have spent almost half a million dollars in less than ten months. We've taken 35 houses to the dump that were unable to be habited and we felt it was inappropriate to even be redone. We put 25 new manufactured houses that have been built close by and we will now start selling homes, being built here in
Kentucky, in the next two months. There's a new plant opening up for manufactured housing.

We have done a major cleanup of this property. We have fixed the streets. We have a new community storage for people who have boats and stuff in the community where they can keep it close by, but not be on the street. We have rehabbed the office. We have redone the playgrounds. We have built a new playground. We have built soccer fields. We have new entrance signage. We have new landscaping. We have new entrance lights. We have new street signs. We have fixed the street lights that existed. We've added a full-time manager and a full-time maintenance.

Why this sign was positioned was because we thought in the beginning when we built the new soccer field that was more appropriate, to be there by the agricultural on 60, but after further review the sign company that we deal with said that they felt like we would have a better chance of the variance if it was over in the middle of the property. So we did move it over there. Now, looking back on it, I find that through findings of the Staff, that they did not agree with it. They actually might have preferred it on 60. Because when I go to 60 and drive up and down 60 two and a half miles that way and two miles towards town
to 144, there is approximately 30 signs that are
similar. There's seven billboards. So I don't know
how I putting a sign up being up tall enough to get
over the agricultural area where people who are
driving back and forth on 60 would be able to know
what we're doing there and the good things that we're
trying to do there. Because there is no way to
explain to anyone on 60 that's going back and forth
that that's a manufactured housing community because
the signage that exist down where the residential as
you're going into the subdivision to make it feel more
residential, we would like to put those signs all the
way to the ground and light them very lightly. If
you'll notice, it's made of rock. We also put a black
sign to make it feel very much more residential.
That's why I'm coming in front of you and
welcome to answer any questions you have of me.
CHAIRMAN: Any questions from anyone?
MR. REEVES: I have a quick question.
CHAIRMAN: Mr. Reeves.
MR. REEVES: How many clients do you think you
get for your property because they see signage
advertising?
MR. SMITH: I find that approximately 50
percent of the people that look to buy manufactured
houses find it via the signage we put out.

MR. REEVES: Okay.

MR. HOWARD: We did a report for denial.

Melissa and I went out and looked at the site. Where it is, we certainly felt like there was nothing in the vicinity that looked anything like this. It's a pretty tall sign where it is.

MR. SMITH: I would agree with you. If you put it at 2701 (sic) Leslie Lane, I agree with you 100 percent.

MR. HOWARD: So what we were looking at was that in conjunction and then thinking about too, and I know it's an apples to apples comparison, but when we were thinking about the apartment complexes that are in Owensboro/Daviess County, you know, they do have signage, but it's typically low signage; along New Hartford Road or wherever. The newest one Chandler Park Apartments at the end of Ralph Avenue, you know, you can't even tell that they have any kind of sign back there. When we were looking at it just from that residential perspective and even though, again, I know it's not -- but residential, your typical single family, you don't see these type of signs. It's more like a billboard, which is what you're talking about seeing along 60.
MR. SMITH: I totally agree. We thought that you would be more likely to accept this signage there because it was in the middle of the park away. But after review today, I looked at it even more. I thought it probably made more sense for us to be out by the soccer field that we put in out on 60. We just don't know if you would have put it up just 10 foot that it would be barely over the fence between that and the farmer, and I think it would be kind of fruitless.

CHAIRMAN: Any other board members have any comments or questions?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion.

MR. REEVES: I do have one more questions.

CHAIRMAN: Go ahead.

MR. REEVES: I'm wanting to be very fair for this gentleman. I appreciate what he's trying to do. Are you saying that in retrospect you really wish you had put the sign somewhere other than where you proposed it here in this application?

MR. SMITH: Yes, I do, Mr. Reeves. We assumed that it would be more difficult on 60 than it might be a more difficult situation. So ABC Sign, we suggest that you put it over on the property where it looks
like it's completing surrounding you. Of course, it would be completely surrounding me on the other side as well. We had suggested and they had suggested to us, and now after further review we should have at least come forth with them and said, because in their thing said, there are no other signs in the area that is this high. Simply, if we were over, if we put it over on 60 there are tons of those signs.

MR. REEVES: Do you know if ABC checked with Staff here to see what issues would be with the sign before they brought you a proposal?

MR. SMITH: I'm not for sure on that. I could not answer that. I'm sure they looked at the zoning ordinance and said to me, I think that we need a variance, but I would assume we needed a variance on the other side too.

MR. HOWARD: Did they come in and talk?

MS. EVANS: To my knowledge they didn't come in and talk to anyone about it. I believe they called Jim and asked what the variance process was on getting a variance for a sign, but they didn't ask specifically if that -- they didn't even tell us what the variance was for, other than it would be for the height. They didn't tell us what the variance for the height was. They didn't ask, you know, our opinion of
whether or not it would be recommended for approval or
anything like that. They just said they were going to
be submitted one.

MR. REEVES: Mr. Howard, if they had put this
sign on 60, would they have also had to apply for a
variance?

MR. HOWARD: I'm looking at that now. My
assumption is, yes. I don't know if Jim looked
through this. In all honesty, we don't see a lot of
sign request in MHP zone. We don't have a lot.

MR. SMITH: It's a business going on inside of
a residential area so it's very unique. We have about
24 of these in Kentucky so I understand what you're
saying. We like inside the property. We want it to
be very residential because these are residents. You
want to make it feel as much residential as you can,
but then you also have this other business that you're
running that's inside of it. It's a very hybrid
business.

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

MR. MISCHEL: Jim Mischel.

(JIM MISCHEL SWORN BY ATTORNEY.)

MR. MISCHEL: I'm going back on memory. I
think somebody had called about a permit on this
location. When I looked up MHC, they were going over height. Then I think that's what kicked them in to come in and see about the variance.

As far as along 60, we really didn't have any discussions. I don't think anybody came in and said, could we put it somewhere else. It was more of a height question when they talked to me.

MR. REEVES: The signs that are currently on 60, Mr. Howard, would they have been granted a variance? Are they just typical billboards that we're talking about?

MR. SMITH: Yes.

MR. HOWARD: Yes, that's part of it. In unincorporated Daviess County, billboards are still allowed. In the city limits of Owensboro, they are not; however, there are limitations based on the location. Whether it's along US highway and also where the property is zoned. That's what I'm flipping through here real quick.

MR. MISCHEL: If you have billboards, and I haven't seen the other ones. There are some out there. There has to be a distance between billboards. If it's along the same side of the road versus across the road. We also have to take a look at the scenic highway, approaching the new bridge. I think the
county put some new sign regulations on that. They
don't want it too close to the new bridge. That would
have to be looked at.

MR. SMITH: May I address that?

CHAIRMAN: Sure.

MR. SMITH: There is definitely several
billboards. Basically, if you were going to the
property to the northeast, at .5 there is Eckert
Plantation. Their sign is a little bit further lower,
I think.

I think where the issue becomes with kind of
our business is that you look and then the next one
down the street is Gavalon. It's more of a business
and it's on 60. Then the next one is Castlen. It has
quite a large sign actually. Then there's Emmerit
Plantation. All of those would be, just going to the
northeast, away from the property. If you're coming
into town, the first one is, which I'm sure has been
there for a very long time, is Paul's Self-Storage
because it looks to have been there way before they
built the road is my guess. Then there's a billboard,
called Yellow Bank & Bobby Tires. They have a pretty
tall sign. Definitely above 27 foot. Then right at
our property you have one that is put up by Birth
Rights. It seems to be an anti-abortion sign, and
it's right at our property. So it's right before you
take a right and turn into our property.

I understand how the Staff is because this is
a hybrid and it's very difficult. We always have to
go for appearance. Almost always. I've never had not
to.

MR. MISCHEL: A lot of those signs he's
mentioned, you know, they're zoned industrial. I
think most of that is industrial so there's a
different set of guidelines, you know.

MR. HOWARD: Looking at it, in Article 9 of
the Ordinance, 9-6(c), it says "Billboard signs shall
be prohibited in professional residential MHP and EX-1
zones."

So from that perspective we couldn't permit a
"billboard," but could potentially permit something
along the lines of what you requested here, as long as
they met those requirements. If you're going to go
higher, you would still have to request a variance.

MR. SMITH: Higher than 10 foot?
MR. HOWARD: Yes.

MR. SMITH: We would have to go higher than 10
foot because of the way the topography of the land is
there. We have built a soccer field and we're pretty
far off compared to the other signs off of 60. So
this sign would be probably further off 60 as I would
to get because of just the farming that's taking place,
agriculture, in-between us and 60.

I have pictures if you'd like. I know I
should have got them on your screen and stuff. I
think it would have to be at least 15 foot tall to get
up over between the corn and the topography.

CHAIRMAN: Mr. Howard, haven't most of those
signs he's referred to been there a long time?

MR. HOWARD: Many of them.

CHAIRMAN: Grandfathered in?

MR. HOWARD: Some of them may have been, but
as Mr. Mischel pointed out, in an industrial zone or
in a commercial zone you can have a bona fide
billboard. Tall, 672 square feet potentially in size.
There's a lot more potential for a billboard sign in
relationship to that roadway.

Now, one of the things that Jim did mention
was byway issue and there are some limitations on
those, and that will probably hamper maybe in the
future where billboards could go. Many have been
there for a while, but they're also allowed.

MR. SMITH: We're not asking, of course, for a
billboard. All we want is a sign that allows people
to understand that this business exist inside of a
residential area. It's really how -- we only sell homes in our property. Basically our situation is we try to get new homeowners. They come there and they view model homes that we set up. Like how we operate as a company is the home comes from the factory and goes directly to the lot and it's setup on that lot. There is no commercial sign inside of our business. We don't run a manufactured company lot like you would see Clayton and where Old Folks were and other ones down through there. We don't have that kind of business because we sell only in our property.

MR. REEVES: I have a question for Mr. Mischel. If you can't answer, Jim, I guess I would understand.

If the sign company had come in when they were preparing to ask for this variance, if they had asked the likelihood of it being approved or denied, would you all have been able to guide them in that direction and tell them the reasons yea or nay?

MR. MISCHEL: We try to be careful because we don't want to encourage someone too much or discourage them too much because that's what this board is for. We try to give them guidelines and everything. Sometimes you encourage them too much. If it doesn't go the way, you know, or we've encouraged them too
much.

In this situation on 60, I don't know. I hadn't looked at it, pulled out the aerial photos, looked at the scene, information, to kind of give an opinion on that really, if they had placed it there instead of here.

MR. REEVES: I guess my concern is, I'm wondering whether or not the sign company did all the due diligence they should have done. Should they not have explored both options? If this doesn't get approved, then he's going to have to apply for another variance and another fee. That troubles me when the sign company didn't, I think, do their due diligence they should have done.

MR. SMITH: Yes. I think, Mr. Reeves, what I would say there is I think what they did is they were looking at it as more as the path of least resistance. Because if you go there and look, you would say, okay, they're not going to say anything about putting -- they were more likely to give a variance for a sign. This is a sign company theory. If it's consuming the property. Because I kind of had a slight disagreement with them early on about this matter and they said, Nathan, I think you would be better off if you would put it here because they would be more likely to give
you a variance on -- and I disagreed with them then.

Then, of course, today I spent about two hours out
there and I'm like, well, I really disagree now. I
mean I probably should have spent more time. It was
the dead of winter in January and it was not a very
good day in Owensboro, believe me, when I went for a
run at the Hampton Inn and it was really cold.

MR. GLENN: I know you've done a lot of work
and I know Staff has too, but listening to you earlier
just presenting it and talking about it, the sign, the
reason you want the sign is because it presumably
would help your sales. It would help you to sell
something. To me, and I'm not telling you what you
need to do, but if you want a better place for the
sign, to me, would be on that 60 side as opposed to
here. If they come down here and see your sign, they
already know you're there.

MR. SMITH: I totally agree. At the same --
Mr. Glenn, we deal with this all the time. We had
kind of disagreement because they are the
professionals that do this for us all the time.
They're like, well, you know. Then I disagreed with
them then, and I continue to disagree with them. The
reason why I'm here tonight is as soon as I saw the
denial, I said, I must go to Owensboro and figure this
out. I would normally come every other week.

CHAIRMAN: Anyone else have a question on this?

(NO RESPONSE)

CHAIRMAN: Chair is ready for a motion.

MR. REEVES: Madam Chairman, I move that this application be denied because it will adversely affect the public health, safety and welfare because the sign 25 feet tall will intrude in the rural agriculture area. It will alter the essential character of the general vicinity because this is a rural area where there are no other signs that reach this height. It may cause a hazard or a nuisance to the public if it were to be damaged by high winds, debris would end up in the public right-of-way because of the close proximity to the intersection of Wrights Landing Road and Leslie Lane. It will allow an unreasonable circumvention of the requirements of the zoning regulations because no similar variance requests have been approved in residential area.

CHAIRMAN: We have a motion for denial. Do I have a second?

MR. JEAN: Second.

CHAIRMAN: Mr. Jean has a second.

MS. KNIGHT: Madam Chair, I believe we have a
Mr. Mischel: If it will be placed on 60, that without really looking at the aerial photos and actually seeing what's laid out there, it would be hard for me to tell right now, unless you postpone or something like that. I don't know.

Ms. Evans: My comment was that because this is a manufactured housing park, the property itself, the whole property is the same address as this. Even though the sign location would be in a different spot, the address that we would advertise everything under would still be the same address. So would it be a possibility to postpone it for a month and then show us a proposal with the sign in a different location on the same property rather than just submitting a whole new variance request?

Mr. Reeves: I would be perfectly happy to withdraw my motion, if it's agreeable with you. If may save you additional application fee. Don't want to slow you down.

Mr. Smith: That's fine.

Mr. Reeves: I will withdraw my motion.

Mr. Jean: I withdraw my second.

Ms. Evans: The property is all one property. Each

They're not separate lots on the property. Each
housing unit has a separate addresses as a unit, based
on the streets that are in there, but it's all one
piece of property.

MR. GLENN: Because it's MHP.
MS. EVANS: Because it's a manufactured
housing park.

MR. MISCHEL: I think be better to look at the
scenic regulations and everything. I just can't do
that right now. I don't have the information at hand.

MR. REEVES: I would make a motion to
postpone, if that would be help to you.

CHAIRMAN: Can we do that?

MS. KNIGHT: That's what we were talking
about. The adjoining landowners were given notice of
the variance. I don't know that they were given
specifics, other than an application for variance has
been submitted. What typically goes out with the
variance? They don't get a copy of the application.

MR. HOWARD: Right. They receive a copy of --
we send them a notice that says that there's a
variance request and provides the address and that
type of thing. It allows them to come in and look.

I guess my concern would be although it didn't
happen, if someone had come in and looked at the file
and saw this location and either liked it or didn't,
you know, they're not here to talk about it tonight, but if they came in and saw that specifically and then we postpone and it's moved somewhere else and somebody might have -- I don't know. That's the only thing that makes me nervous.

MR. SMITH: Let me say this to the board. I'll be happy to pay the $250. I do find how you would get yourself in kind of this situation. I have served on university boards and other things. I can understand. We could just go ahead and do that. Just have a new application. I think actually the new application we should just submit it under, I guess, the street address where this sign will be located. Inside of the property. There's probably a street address there. It skips from one house and then there's a soccer field and then this. I guess, if nothing else, the address will exist for the variance.

MR. MISCHEL: I think in the past no one really came in the office and talked to us about it. They just asked -- if your representative come in with two or three locations they want to place this, we'll be glad to research it and say, it will work.

MR. SMITH: I will happy to do that myself.

CHAIRMAN: Are we saying deny it?

MS. KNIGHT: I think procedurally it's better
to deny it.

CHAIRMAN: Deny it and then he will resubmit.

MR. SMITH: Can I do that within 30 days?

MR. HOWARD: Yes.

CHAIRMAN: All right, Mr. Reeves.

MR. REEVES: I'm going to reinstate my motion for denial.

MR. JEAN: Second.

CHAIRMAN: Are we in order now?

MS. KNIGHT: I believe we are in order.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

We have one more item on the agenda.

MR. GLENN: Motion to adjourn.

MS. CLARK: Second.

CHAIRMAN: All in favor of the motion 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 28 typewritten pages; and that no signature
was requested to the foregoing transcript.

    WITNESS my hand and notary seal on this the
30th day of JUNE, 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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