The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, October 6, 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
Jerry Yeiser
Fred Reeves
Bill Glenn
Lewis Jean
Angela Hardaway

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CHAIRMAN: At this time we'll call the Owensboro Metropolitan Board of Adjustment October 6, 2016 meeting to order. At this time I will ask you to stand. We'll have a pledge to the flag and then a prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the September 1, 2016 meeting. All members have been mailed a copy and have had time to look it over, see if there are any corrections. I'll entertain a motion.

MR. JEAN: Motion to approve the minutes as
CHAIRMAN: Motion to approve by Mr. Jean. Is there a second?

MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. 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

1108 Oglesby Street, zoned R-4DT
Consider a request for a Conditional Use Permit in order to install a class 2 manufactured home in an R-4DT zone.
Reference: Zoning Ordinance, Article 8, Section 8.2A10B
Applicant: Kentucky Dream Homes; Hestia Properties.

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

MS. EVANS: Melissa Evans.

(MELISSA SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is zoned R-4DT Inner-City Residential. OMPC records indicate there have been no zoning map amendments for the subject property.

There have been about three conditional use permits approved in that area on Oglesby Street dating
pretty far back. The most recent one was just a few years ago.

The applicant is proposing to install a new, 2016, 14 by 66 manufactured home on the subject property. They are requesting a waiver on a couple of their requirements. The waiver that they're asking for is that the concrete or asphalt parking pad be gravel.

We did go out and drive around the area for the alley where this parking pad would be. There was one other parking pad that was gravel. All the other parking pads on the side of the alley for Oglesby Street were all paved.

LAND USES IN SURROUNDING AREA

The land uses in the surrounding area are all zoned R-4DT Inner-City Residential, and all appear to be residential uses.

ZONING ORDINANCE REQUIREMENTS

The Zoning Ordinance Requirements for a class-2 manufactured home site standards based on the requirements of the Zoning Ordinance are as follow:

1. A Crete or asphalt parking pad to accommodate two 9'x18' spaces is required.

2. A minimum 10'x10' deck or patio is required.
3. A concrete sidewalk is required, but may be waived along rural roads (w/o curbs).

4. The driveway apron shall not exceed 40 percent of the lot width.

5. The property is required to have at least three trees.

6. The manufactured home shall be permanently installed on a permanent foundation. A poured concrete or masonry block skirting wall shall be constructed beneath and along the entire perimeter of the manufactured home.

7. All wheel, trailer-tongue and hitch assemblies shall be removed upon installation.

8. The manufactured home shall be permanently connected to an approved water and sewer system when available.

Again the applicant has requested a waiver on the required concrete or asphalt park pad and wishes to install a gravel parking pad.

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

CHAIRMAN: Thank you.

Is there anyone here speaking on behalf of the applicant?

You want to come over to the podium.
MS. KNIGHT: Please state your name for the record, please.

MR. QUICK: Hello, I'm Mason Quick.

(MASON QUICK SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything that you want to add to what the Staff has said?

MR. QUICK: I think she explained it perfectly. We're going to set up a brand new manufactured home there on that lot. We were just requesting that we could get the waiver on the parking area to just convert that to gravel. It seemed that most of the alleyway was gravel and the parking areas, but I must have misinterpreted that. If there are some paved areas, then we would pave that lot, if needed, the parking area. But other than that, meet all the codes and specifications on that that's required to do that type 2-manufactured home.

CHAIRMAN: Is there anyone here wishing to speak in opposition to this item or has questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Any commission members?

MR. GLENN: I want to make sure I understand this drawing right.

Is the driveway, the driveway is on the alley
side; is that correct?

MR. QUICK: Yes, sir. There's an alleyway and the parking area will be in the rear off the alley side.

MR. GLENN: That's all I had.

CHAIRMAN: If there are no more questions or concerns, I will entertain a motion to dispose of the item.

MR. REEVES: Madam Chairman, I move for approval of this Conditional Use Permit with the fact that there have been conditional use permits in this area prior. It is not inconsistent with other residences in the area. It will not alter the characteristics of the neighborhood.

I do have a condition. That it must have a concrete or asphalt pad. It must have 100 square feet of decking, and it must meet all the Zoning Ordinance Requirements.

CHAIRMAN: Are you all right with those conditions?

MR. QUICK: Yes. Thank you.

CHAIRMAN: Is there a second?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. Any questions on the motion?
CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

ITEM 3

730 Triplett Street, zoned R-4DT
Consider a request for a Conditional Use Permit in order to construct and operate a transitional living facility.
Reference: Zoning Ordinance, Article 8, Section 8.2A7(6a)
Applicant: Friends of Sinners Ministry

ZONING HISTORY

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

The applicant proposes a 12-bed Christ centered residential substance recovery ministry for women on this site. The work is focused on the restoration of clients through biblical truths, accountability and life skills; transforming clients into positive members of society. The residents are non-violent offenders made up of court ordered and voluntary admissions.

The applicant has provided the necessary information demonstrating that they meet the Criteria for Conditionally Permitted Group Housing.
LAND USES IN SURROUNDING AREA

The surrounding properties to the north and west are zoned R-4DT Inner City Residential and are residential structures. The properties to the south are zoned I-1 Light Industrial and R-4DT Inner City Residential and area a warehouse and a residential structure. The properties to the east, across Triplett Street, are zoned P-1 Professional/Service and are part of the Wendell Foster Campus.

ZONING ORDINANCE REQUIREMENTS

There are the requirements again for the conditionally permitted group housing, which the applicant has stated and is included in your packet, that they meet all the those requirements.

Additional Requirements:

1. There are landscaping requirements in the vehicular use area where the parking will be off of the alley there to the east and will have some frontage on Triplett Street. So there will be vehicular use area screen required along that right-of-way.

2. Then they are also required to have 8-parking spaces. It's 5-spaces plus 1-space for every 5-beds. So the 12-beds that they have proposed, they need at least 8-eight, and the site plan shows
that they have 11-spaces provided.

SPECIAL CONDITION

There is one special condition that the Staff would recommend. That is to obtain all necessarily building, electrical and mechanical permits, inspections and certificates of occupancy and compliance from the OMPC.

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

CHAIRMAN: Thank you.

Is there anyone here representing the applicant?

Come forward, please.

MS. KNIGHT: Please state your name.

MR. WELSH: Joseph A. Welsh.

(JOSEPH WELSH SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything you would like to add?

MS. WELSH: She explained it pretty well. I think the biggest thing that I would like to add is the need that Owensboro has for more housing for women. We have a large number of beds for men in Owensboro. When we started this project, our current facility we're going to double our capacity and also when we started this project it was because of the
lack of beds for women. It's a huge need in
Owensboro. We're just trying to fill that need.

CHAIRMAN: Thank you.

Anyone have any questions of the applicant or
concerns that you would like to voice at this time?

MR. REEVES: One quick question.

Will there be an administrator on duty
24-hours a day, 7-days a week in the facility?

MR. WELSH: Yes. There will be a live-on
house manager. So it will be managed by women staff
from 7 a.m. until 10 p.m., and then they'll have an
on-site house manager.

MR. REEVES: Thank you.

CHAIRMAN: Any other questions from the board
members?

(NO RESPONSE)

CHAIRMAN: If not I will entertain a motion to
dispose of this item.

MR. GLENN: I will make a motion to approve
this request based on the Staff's information that we
have here, and the special conditions that they noted
by obtaining the necessary building, electrical and
mechanical permits, inspections and certificates of
occupancy.

CHAIRMAN: We have a motion by Mr. Glen.
MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. 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 4

1128 West 7th Street, zoned R-4DT

Consider a request for a Conditional Use Permit in order to operate a transitional living facility. Reference: Zoning Ordinance, Article 8, Section 8.2A7(6a)

Applicant: St. Benedict Joseph's Homeless Shelter; MPG Commercial Properties, LLC

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 in this situation proposes a 7-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 submitted all the necessary
information demonstrating they meet the Criteria for
Conditionally Permitted Group Housing.

LAND USES IN SURROUNDING AREA

All surrounding properties are zoned R-4DT
Inner City Residential.

Additional Requirements:

Again, there are additional requirements of
landscaping and screening along the vehicular use
area.

And parking spaces, in this instance, they
have 7-beds. The so total parking required would be
6-parking spaces required, and they have those shown
on their site plan that is submitted.

SPECIAL CONDITION

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

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

CHAIRMAN: Is there someone here representing
the applicant?
(NO RESPONSE)

CHAIRMAN: No one is here from St. Benedict. Anyone here have any opposition or questions about the item?

(NO RESPONSE)

CHAIRMAN: Any board members have questions?

(NO RESPONSE)

CHAIRMAN: If not I will entertain a motion.

MR. GLENN: I'll make a motion to approve this request based on the Staff Report we have here, and the special conditions they have attached to that, as far as the necessary building permits, electrical and mechanical, inspections, and certificates of occupancy.

MR. JEAN: Second.

CHAIRMAN: We have a motion by Mr. Glenn and we have a second by Mr. Jean. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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VARIANCE

ITEM 5

2107 Frederica Street, zoned B-4
Consider a request for a Variance in order to reduce the length of the required 6 foot tall continuous element from 123 linear feet to 92 linear feet.
Reference: Zoning Ordinance, Article 17
Section 17.3114
Applicant: Ryan & Chivonne Rutman; Crab Properties

The subject property was rezoned as of March 2016 OMPC meeting. A condition of the approved rezoning is that access to the subject property be limited to rear alley only with no access to Frederica Street. The applicant is renovating the existing structure to become a commercial business.

The adjoining properties to the north are zoned residential; therefore, there's a 10-feet wide landscaping buffer with a 6-foot high continuous element and a tree every 40-linear feet is required as a buffer between the different uses. The 6-foot high continuous element is required the entire length of the property. The applicant is requesting that the length of the required 6-foot high continuous element be reduced starting at the front of the structure instead of at the edge of the roadway buffer, to increase the visibility of the business from the north side.

Granting this Variance will not adversely affect the public health, safety or welfare because a hazard or nuisance to the public, alter the essential character of the general vicinity or allow unreasonable circumvention of the requirements of the
zoning regulations because reducing the length of the 6-foot tall continuous element will still provide a buffer screening the residential activity from the commercial activity because the majority of the commercial activity on the property will take place to the rear of the structure since there is no direct access off Frederica Street.

Staff recommends approval of this application, and we would like to enter the Staff Report into the record as Exhibit D.

CHAIRMAN: Thank you.

Is there anyone here representing the applicant?

Would you step up to the microphone and be sworn in, please.

MS. KNIGHT: Please state your name.

MR. RUTMAN: Ryan Rutman.

(RYAN RUTMAN SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything to add to what the staff has presented?

MR. RUTMAN: She pretty much nailed it.

CHAIRMAN: You want to stay right there in case anyone has any questions.

Is there anyone here who has a question of the applicant or a concern about the item?
CHAIRMAN: I'm assuming you can sit down.

MR. RUTMAN: Thank you.

CHAIRMAN: Any questions of the board?

(NO RESPONSE)

CHAIRMAN: If not I will entertain a motion.

MR. REEVES: Motion for approval based on the fact that it will not adversely affect the public health, safety or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or a nuisance to the public; and it will not allow an unreasonable circumvention of the requirements of the zoning regulations.

CHAIRMAN: We have a motion by Mr. Reeves.

MS. CLARK: Second.

CHAIRMAN: Second by Ms. Clark. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Is there any new business?

(NO RESPONSE)

CHAIRMAN: If not I'll entertain one more motion.

MR. GLENN: Motion to adjourn.

MR. REEVES: Second.
CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned. Thank you.
STATE OF KENTUCKY )
) SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNETTE 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 17 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 1st day of November, 2016.

LYNETTE 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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