

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 OCTOBER 6, 2016

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:00 p.m. on Thursday,
5 October 6, 2016, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

- 8 MEMBERS PRESENT: Judy Dixon, Chairman
- 9 Robynn Clark, Vice Chairman
- 10 Brian Howard, Director
- 11 Terra Knight, Attorney
- 12 Jerry Yeiser
- 13 Fred Reeves
- 14 Bill Glenn
- 15 Lewis Jean
- 16 Angela Hardaway

17 * * * * *

18 CHAIRMAN: At this time we'll call the
19 Owensboro Metropolitan Board of Adjustment October 6,
20 2016 meeting to order. At this time I will ask you to
21 stand. We'll have a pledge to the flag and then a
22 prayer.

23 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

24 CHAIRMAN: The first item on the agenda is to
25 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

1 printed.

2 CHAIRMAN: Motion to approve by Mr. Jean. Is
3 there a second?

4 MR. GLENN: Second.

5 CHAIRMAN: Second by Mr. Glenn. All in favor
6 of the motion raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

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10 CONDITIONAL USE PERMIT

11 ITEM 2

12 1108 Oglesby Street, zoned R-4DT
13 Consider a request for a Conditional Use Permit in
14 order to install a class 2 manufactured home in an
15 R-4DT zone.

14 Reference: Zoning Ordinance, Article 8,
15 Section 8.2A10B

15 Applicant: Kentucky Dream Homes; Hestia Properties.

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

18 MS. EVANS: Melissa Evans.

19 (MELISSA SWORN BY ATTORNEY.)

20 ZONING HISTORY

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

24 There have been about three conditional use
25 permits approved in that area on Oglesby Street dating

1 pretty far back. The most recent one was just a few
2 years ago.

3 The applicant is proposing to install a new,
4 2016, 14 by 66 manufactured home on the subject
5 property. They are requesting a waiver on a couple of
6 their requirements. The waiver that they're asking
7 for is that the concrete or asphalt parking pad be
8 gravel.

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

14 LAND USES IN SURROUNDING AREA

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

18 ZONING ORDINANCE REQUIREMENTS

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

- 22 1. A Crete or asphalt parking pad to
23 accommodate two 9'x18' spaces is required.
- 24 2. A minimum 10'x10' deck or patio is
25 required.

1 3. A concrete sidewalk is required, but may
2 be waived along rural roads (w/o curbs).

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

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

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

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

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

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

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

22 CHAIRMAN: Thank you.

23 Is there anyone here speaking on behalf of the
24 applicant?

25 You want to come over to the podium.

1 MS. KNIGHT: Please state your name for the
2 record, please.

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

4 (MASON QUICK SWORN BY ATTORNEY.)

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

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

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

21 (NO RESPONSE)

22 CHAIRMAN: Any commission members?

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

25 Is the driveway, the driveway is on the alley

1 side; is that correct?

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

5 MR. GLENN: That's all I had.

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

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

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

19 CHAIRMAN: Are you all right with those
20 conditions?

21 MR. QUICK: Yes. Thank you.

22 CHAIRMAN: Is there a second?

23 MR. JEAN: Second.

24 CHAIRMAN: Second by Mr. Jean. Any questions
25 on the motion?

1 (NO RESPONSE)

2 CHAIRMAN: All in favor raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 ITEM 3

6 730 Triplett Street, zoned R-4DT
7 Consider a request for a Conditional Use Permit in
8 order to construct and operate a transitional living
9 facility.

Reference: Zoning Ordinance, Article 8,
Section 8.2A7(6a)

Applicant: Friends of Sinners Ministry

10 ZONING HISTORY

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

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

23 The applicant has provided the necessary
24 information demonstrating that they meet the Criteria
25 for Conditionally Permitted Group Housing.

1 LAND USES IN SURROUNDING AREA

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

10 ZONING ORDINANCE REQUIREMENTS

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

15 Additional Requirements:

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

22 2. Then they are also required to have
23 8-parking spaces. It's 5-spaces plus 1-space for
24 every 5-beds. So the 12-beds that they have proposed,
25 they need at least 8-eight, and the site plan shows

1 that they have 11-spaces provided.

2 SPECIAL CONDITION

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

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

10 CHAIRMAN: Thank you.

11 Is there anyone here representing the
12 applicant?

13 Come forward, please.

14 MS. KNIGHT: Please state your name.

15 MR. WELSH: Joseph A. Welsh.

16 (JOSEPH WELSH SWORN BY ATTORNEY.)

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

19 MS. WELSH: She explained it pretty well. I
20 think the biggest thing that I would like to add is
21 the need that Owensboro has for more housing for
22 women. We have a large number of beds for men in
23 Owensboro. When we started this project, our current
24 facility we're going to double our capacity and also
25 when we started this project it was because of the

1 lack of beds for women. It's a huge need in
2 Owensboro. We're just trying to fill that need.

3 CHAIRMAN: Thank you.

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

6 MR. REEVES: One quick question.

7 Will there be an administrator on duty
8 24-hours a day, 7-days a week in the facility?

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

13 MR. REEVES: Thank you.

14 CHAIRMAN: Any other questions from the board
15 members?

16 (NO RESPONSE)

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

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

25 CHAIRMAN: We have a motion by Mr. Glen.

1 MR. REEVES: Second.

2 CHAIRMAN: Second by Mr. Reeves. Any
3 questions on the motion?

4 (NO RESPONSE)

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries.

9 ITEM 4

10 1128 West 7th Street, zoned R-4DT
11 Consider a request for a Conditional Use Permit in
12 order to operate a transitional living facility.
13 Reference: Zoning Ordinance, Article 8,
14 Section 8.2A7(6a)
15 Applicant: St. Benedict Joseph's Homeless Shelter;
16 MPG Commercial Properties, LLC

17 ZONING HISTORY

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

22 The applicant in this situation proposes a
23 7-bed residential transitional living facility
24 intended to provide affordable living to those
25 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,

1 financial insecurities, accountability through drug
2 testing, while providing a safe, sober living
3 environment.

4 The applicant has submitted all the necessary
5 information demonstrating they meet the Criteria for
6 Conditionally Permitted Group Housing.

7 LAND USES IN SURROUNDING AREA

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

10 Additional Requirements:

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

14 And parking spaces, in this instance, they
15 have 7-beds. The so total parking required would be
16 6-parking spaces required, and they have those shown
17 on their site plan that is submitted.

18 SPECIAL CONDITION

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

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

24 CHAIRMAN: Is there someone here representing
25 the applicant?

1 (NO RESPONSE)

2 CHAIRMAN: No one is here from St. Benedict.

3 Anyone here have any opposition or questions
4 about the item?

5 (NO RESPONSE)

6 CHAIRMAN: Any board members have questions?

7 (NO RESPONSE)

8 CHAIRMAN: If not I will entertain a motion.

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

15 MR. JEAN: Second.

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries.

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22 VARIANCE

23 ITEM 5

24 2107 Frederica Street, zoned B-4
25 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.

1 Reference: Zoning Ordinance, Article 17
Section 17.3114
2 Applicant: Ryan & Chivonne Rutman; Crab Properties

3 The subject property was rezoned as of March
4 2016 OMPC meeting. A condition of the approved
5 rezoning is that access to the subject property be
6 limited to rear alley only with no access to Frederica
7 Street. The applicant is renovating the existing
8 structure to become a commercial business.

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

21 Granting this Variance will not adversely
22 affect the public health, safety or welfare because a
23 hazard or nuisance to the public, alter the essential
24 character of the general vicinity or allow
25 unreasonable circumvention of the requirements of the

1 zoning regulations because reducing the length of the
2 6-foot tall continuous element will still provide a
3 buffer screening the residential activity from the
4 commercial activity because the majority of the
5 commercial activity on the property will take place to
6 the rear of the structure since there is no direct
7 access off Frederica Street.

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

11 CHAIRMAN: Thank you.

12 Is there anyone here representing the
13 applicant?

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

16 MS. KNIGHT: Please state your name.

17 MR. RUTMAN: Ryan Rutman.

18 (RYAN RUTMAN SWORN BY ATTORNEY.)

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

21 MR. RUTMAN: She pretty much nailed it.

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

24 Is there anyone here who has a question of the
25 applicant or a concern about the item?

1 (NO RESPONSE)

2 CHAIRMAN: I'm assuming you can sit down.

3 MR. RUTMAN: Thank you.

4 CHAIRMAN: Any questions of the board?

5 (NO RESPONSE)

6 CHAIRMAN: If not I will entertain a motion.

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

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

15 MS. CLARK: Second.

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 Is there any new business?

21 (NO RESPONSE)

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

24 MR. GLENN: Motion to adjourn.

25 MR. REEVES: Second.

1 CHAIRMAN: All in favor raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: We are adjourned. Thank you.

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1 STATE OF KENTUCKY)
)SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into the
14 foregoing 17 typewritten pages; and that no signature
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of November, 2016.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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