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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

FEBRUARY 2, 2017

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, February 2, 2017, 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
- Fred Reeves
- Bill Glenn
- Lewis Jean

* * * * *

CHAIRMAN: Call to order the Board of Adjustment meeting of February 2, 2017. We will begin our meeting with a prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the January 5, 2017 meeting. You all have been mailed a copy and have had time to look it over for any corrections. I'll entertain a motion to dispose of this item.

MS. MASON: Move for approval.

CHAIRMAN: Move for approval by Ms. Mason.

MR. GLENN: Second.

1 CHAIRMAN: Second by Mr. Glenn. Any questions
2 on the motion?

3 (NO RESPONSE)

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion passes. Next item.

8 -----

9 VARIANCES

10 ITEM 2

11 570 Highway 140 West, zoned A-U
12 Consider a request for a Variance in order to reduce
13 the front yard building setback line from 60 feet from
14 the centerline of the road to 41 feet from the
15 centerline of the road.

16 Reference: Zoning Ordinance, Article 8,
17 Section 8.5.2(c)

18 Applicant: Joseph & Susan Shultz

19

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

22 MR. HILL: Mike Hill.

23 (MIKE HILL SWORN BY ATTORNEY.)

24 MR. HILL: This is an application for a
25 variance for a barn that has already been constructed.

26 The subject property is a 15 acre agricultural zoned
27 parcel. Has a residence and another, at least one
28 other accessory building on it. The applicant last
29 year at some point constructed a 150 by 50 in-door

1 horse training building without obtaining a building
2 permit from the OMPC office. The building was
3 constructed 41 feet from the centerline of Highway 140
4 West, while the requirement is for a building setback
5 of 60 feet from the centerline. So it's 19 feet
6 closer to the road than the zoning ordinance allows.

7 The applicant believed that his property was
8 farm exempt, but he never followed the necessary
9 paperwork in the OMPC office to be designated as farm
10 exempt. Even if they had obtained the farm exemption
11 designation, they still would have been required to
12 comply with the building setbacks.

13 If you're farm exempt, you do not need a
14 building permit, but you are required to comply with
15 building setback requirements. So regardless of that
16 point, the building setbacks still needed to be met.

17 Staff was made aware of this issue when the
18 applicant approached the electric company to obtain
19 electric service. They require an inspection from our
20 department regarding an electrical inspection. It was
21 found at that time, after our Staff went out and
22 looked at the site, measured the location of the
23 building relative to the property line and the
24 centerline of the road, that the building was located
25 or placed too close to the front property line.

1 Staff done research in the area going east and
2 going west quite a ways on 140 West. Did not find any
3 prior variance requests up and down 140 West similar
4 to this request or any other type of variance request.

5 Staff feels that there are issues that could
6 have been addressed if the applicant came in, in the
7 beginning, and applied for the building permit. We
8 would have, hopefully we would have found or noticed
9 or notified them of what the setback requirement was
10 and the building would have been located in the proper
11 place.

12 Staff does not feel there is a hardship in
13 this case. We feel there's adequate place on the
14 property to construct the building without requesting
15 this variance.

16 Granting the Variance, as Staff, we feel will
17 adversely affect the public health, safety or welfare
18 because this is in an agricultural area where most
19 buildings are set much further back from the road than
20 the subject building. Granting the Variance will
21 alter the essential character of the general vicinity
22 because there are no other examples of buildings of
23 this magnitude located so close to the road along this
24 section of Highway 140 West. Granting this Variance
25 may cause a hazard or a nuisance to the public because

1 the close proximity of the building to the road has
2 the potential to create a hazard for drivers.
3 Granting the variance will allow an unreasonable
4 circumvention of the requirements of the zoning
5 regulations because there appears to be adequate space
6 on the property to construct this building and be
7 compliant with the setback requirements. Furthermore,
8 even if this property was designated as farm exempt as
9 the applicant thought, compliance with the building
10 setback regulations is still required.

11 Staff recommendation is for denial.

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

14 I do have a few slides that I want to go
15 through real quick just to show you a few pictures, a
16 couple of aerial photos, and we can go back to those
17 if needed during the meeting.

18 This slide is the applicant's exhibit that
19 they provided. It's a rough sketch of the building
20 there in the middle, 150 by 50, and a distance to the
21 property lines to the west, to the east and to the
22 centerline of the road which would be north showing 41
23 to centerline.

24 This is the general area of the property in
25 question that's highlighted there in the center, and

1 then close up of the property. The blue rectangle is
2 an approximation in size and location of where the
3 building in question is located. So that gives you an
4 idea of the lay of the land and the size of the
5 property.

6 There's a series of pictures of the building
7 from the road and from the side. You can see the
8 distance.

9 MR. REEVES: Could you go back one slide,
10 Mr. Hill, please?

11 MR. HILL: Sure.

12 MR. REEVES: Hang on there just a second
13 there, if you don't mind.

14 MR. HILL: Sure.

15 MR. REEVES: Okay.

16 MR. HILL: The rest of these are pictures,
17 half a dozen or so pictures of various views and
18 angles of the building to give you an idea of the land
19 around the building. That was the best one.

20 We can go back to the pictures, if anybody has
21 any questions. That's all I have at this time.

22 CHAIRMAN: Is there someone here representing
23 the applicant?

24 MR. SHULTZ: Just myself, ma'am.

25 CHAIRMAN: Would you step to the microphone so

1 you can be sworn in.

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

4 MR. SHULTZ: Joseph Shultz.

5 (JOSEPH SHULTZ SWORN BY ATTORNEY.)

6 CHAIRMAN: You want to explain to us your
7 feelings on why you built in this place.

8 MR. SHULTZ: Yes, ma'am. I was going to build
9 it on the backside. When we laid it out, the grade
10 would be about 8 foot to move from one side. So we
11 decided to move it up front. If you -- I know the
12 picture up there, the way it looks that is about the
13 levellest ground I have is right there where it's at.
14 If I come back, further back, it slopes down. Used to
15 be an oil well out there. If you look between the two
16 trees just north of the pond, there's a pipe. I fill
17 in a sink hole about once a year out in that area. So
18 that's one of the reasons we put it up there.

19 Then I had no excuse about the 60 foot. I had
20 no idea. I knew about the right-of-way with Kenergy
21 and the road. If I knew about the setback, I wouldn't
22 be here today.

23 Being farm exempt, I've been over to farm
24 services. I've talked to somebody else up there at
25 Planning and Zoning. I was going to get an exemption

1 before I knew about the setback.

2 Also, I have a picture of a barn that's right
3 down the street from me.

4 CHAIRMAN: You want to pass those down and
5 we'll distribute them.

6 MR. SHULTZ: This is some of the pictures
7 going up into the house or off of 431 up to my house.

8 The first picture of the gray barn is about a
9 mile, maybe a mile and a half west of me and comes
10 around in a curve. That's right up on the road.

11 Without knowing, ignorance is what it is.

12 CHAIRMAN: Anyone on the board have any
13 questions of Mr. Shultz?

14 Mr. Reeves.

15 MR. REEVES: Mr. Schultz, did you build the
16 barn yourself or did you have a contractor do it?

17 MR. SHULTZ: I had a contractor build it. He
18 lives right down the street from me there in Utica.

19 MR. REEVES: Was he not aware of the need for
20 a permit when he built the barn?

21 MR. SHULTZ: No, because we both were under
22 the assumption that it was farm exempt. When I
23 mentioned the setback, after I found out about it from
24 the Staff over there, Planning and Zoning, he had no
25 clue. I said, you know now. That's where we're at.

1 MR. REEVES: What takes place inside the barn,
2 please?

3 MR. SHULTZ: Well, 100 foot of it all we do is
4 train horses. I've got eight horses out there. To
5 keep them in shape and without trying to kill me, we
6 try to get them up in the wintertime so we can ride.

7 MR. REEVES: That's all I have right now.
8 Thank you.

9 CHAIRMAN: Anyone else have any questions of
10 Mr. Shultz?

11 (NO RESPONSE)

12 CHAIRMAN: Anyone in the audience want to
13 address this issue?

14 Step to the podium.

15 MS. MASON: I have a question. I might be
16 showing my stupidity. To move this building, are pole
17 buildings made where you can take them apart?

18 MR. SHULTZ: I would assume that, but I don't
19 know how much it would be. I got concrete the first
20 50 foot of it. I don't know how deep the poles are
21 and how much concrete is used. I don't know if
22 there's a fix to that. I'm sure there is, but it
23 would have to be a while, money-wise.

24 CHAIRMAN: Do you know if your contractor has
25 built for other people in your area?

1 MR. SHULTZ: This man, he builds for Lambert.
2 He mainly does it on the side. He's like a day labor,
3 you know, when he can get work.

4 CHAIRMAN: Thank you.

5 Anyone else have any questions of Mr. Shultz?

6 (NO RESPONSE)

7 CHAIRMAN: Anyone else in the audience want to
8 address this issue?

9 You have to go to the microphone, if you're
10 going to talk.

11 MS. KNIGHT: State your name for the record.

12 MR. COAKLEY: Mike Coakley, C-o-a-k-l-e-y.

13 (MIKE COAKLEY SWORN BY ATTORNEY.)

14 CHAIRMAN: What do you have to say?

15 MR. COAKLEY: We live west of the building.
16 It doesn't block any vision. I don't have any
17 objection to the building at all.

18 CHAIRMAN: Do you have anything else you want
19 to add?

20 MR. COAKLEY: Other than no problem at all
21 with us. We live west of the Shultz. That's about
22 it.

23 CHAIRMAN: Anybody have any questions of
24 Mr. Coakley?

25 (NO RESPONSE)

1 CHAIRMAN: Thank you.

2 Anyone else have anything to add?

3 MS. KNIGHT: State your name for the record.

4 MS. FOSTER: Janice Foster.

5 (JANICE FOSTER SWORN BY ATTORNEY.)

6 MS. FOSTER: I'd just like to say that I know
7 they said there's probably some, might be danger
8 there. Our house is the closest one there. As far as
9 coming out of our driveway, there's more danger with
10 the hill right there. We can see the road. We don't
11 have any problem coming out of our driveway. So I'm
12 not sure what other kind of dangers there are. I just
13 want to make that clear. I mean Joe and Susan didn't
14 even know we were coming tonight. We were kind of
15 surprised by the letter. We're like, what is this?
16 Did we do something wrong? Then we got reading and
17 researching and all. I know they probably spent a
18 lot. I would think if anybody was going to be in
19 danger it might be us being the closest people to the
20 building. I know there's not a danger there. As I
21 said, I pray every time I come out of the driveway on
22 the other end just because there's a hill. That is
23 dangerous.

24 There are several other buildings. I mean the
25 old Utica post office used to be there, and J.R.

1 store. All of those are right on the road almost.
2 I'd hate to see somebody punished for lack of
3 knowledge I guess is what I'd like to say. That's all
4 I have to say, unless you have any questions.

5 CHAIRMAN: Any questions?

6 (NO RESPONSE)

7 CHAIRMAN: Thank you.

8 Mr. Howard, do you have anything you want to
9 add?

10 MR. HOWARD: I don't have any comments. I'd
11 be glad to answer questions if anybody has any of
12 Staff.

13 MR. REEVES: I have questions of Mr. Howard.

14 My assumption is if we denied this variance
15 request, then the applicant would have to take the
16 barn down, either leave it down or relocate it, and in
17 what time period would we expect that to have to
18 happen?

19 MR. HOWARD: The first part would be, yes, if
20 the variance were denied, it's in a location that
21 doesn't meet the zoning ordinance requirements.

22 As far as the time, we would certainly work
23 with them as far as when. We wouldn't say that it has
24 to be done in 30 days or 60 days, but it would need to
25 be done at some point, and we would follow up. You

1 know, we're flexible. We would be flexible certainly
2 on that.

3 MR. REEVES: Am I correct in that, and we deal
4 with these variances all the time, and usually the
5 same four issues are either will or will not; that
6 three of these four issues for sure would have a
7 negative impact on granting this variance. Is that an
8 accurate reading of it?

9 MR. HOWARD: Right. Again, the way the Staff
10 looks at it is based on the information that's
11 submitted, what we know and what we see during field
12 research. It does include the testimony that's heard
13 here tonight. I know the applicant came in and talked
14 with Jim and went over everything with him. We're
15 aware of what's going on, but when we look at it, we
16 have to look at it from the perspective of, you know,
17 what was done and how it was done. You know, what the
18 future implications are and that type of thing. So
19 that's why when we craft findings, you know, they're
20 indicated the way that they are.

21 MR. REEVES: Might we also noted for those in
22 the audience, I'm sure everybody is struggling with
23 this like I am. Really, it's tough. Some of the
24 pictures you provided were buildings that were put in
25 pre any kind of ordinances. Okay?

1 MR. SHULTZ: Okay.

2 MR. REEVES: So some of them were built
3 probably back in the '30s or '40s.

4 CHAIRMAN: Grandfathered in.

5 MR. REEVES: Mr. Howard, would I assume then
6 that granting this variance would set a precedence
7 that we would have to look at in future cases?

8 MR. HOWARD: It certainly could. I mean
9 that's really the reason as Staff that we would
10 recommend denial on this. As Staff, it's never fun to
11 tell people no, but we have to sometimes. In an
12 instance like this, you know, some of those buildings
13 like you said, the stores and stuff, those were in
14 more, looked like more of like an urban area, if you
15 want to call it that, of Utica, where you have lower
16 speeds. When you're on a rural road that has
17 potential for 45, 55 mile an hour speed limit, you
18 want things to be as far off the road as they can just
19 for safety issues, if somebody goes off the road or
20 whatever.

21 So that's why we looked at all of that stuff.
22 Our concern, as Staff, would be in looking at this, if
23 we were to recommend approval of it, then we're saying
24 it's okay to do something like this for anybody and
25 everybody and that's why we can't recommend approval

1 of it.

2 CHAIRMAN: Then the next person down the road
3 would be using your picture.

4 MR. REEVES: I have a couple of questions for
5 counsel then.

6 I think I'm correct, Ms. Knight, that should
7 this be denied they only have two recourses. One is
8 this cannot be taken to Fiscal Court for appeal. It
9 goes directly to court, doesn't it?

10 MS. KNIGHT: It goes to circuit court, Daviess
11 Circuit Court.

12 MR. REEVES: The other thing is then, their
13 only other recourse is to hold the contractor
14 accountable to a lawsuit of their own.

15 MS. KNIGHT: That would be a civil matter,
16 yes, between them and I don't know, you know.

17 MR. REEVES: That's not in our purview.

18 MS. KNIGHT: That's not anything that we would
19 have any say so on, right.

20 CHAIRMAN: Mr. Glenn, did you have a question?

21 MR. GLENN: Maybe. Can I see those pictures
22 again real quick? I thought that I saw one of the
23 pictures showed another building, a barn, that looked
24 like a newer barn.

25 MS. MASON: I saw that too.

1 MR. GLENN: Yes. That was right close. Yes,
2 that was right close to the road. Did you say this is
3 like a mile away?

4 MR. SHULTZ: Yes, sir.

5 MR. GLENN: That doesn't, to me, of course,
6 it's hard to tell, but it doesn't look like that that
7 meets this rule, but it also looks new. It doesn't
8 look like maybe it was grandfathered in. I'm just
9 wondering about that. Is that barn older than it
10 looks like or exactly what?

11 MS. MASON: It looked new to me too.

12 MR. REEVES: I saw that picture.

13 MR. HOWARD: I don't know.

14 MS. KNIGHT: The applicant presented the
15 pictures so he may have some more information on that.

16 MR. SHULTZ: I've lived out there since 2002.
17 It's been there since I've been there in 2002. I
18 don't know.

19 MR. HOWARD: To be grandfathered in it would
20 need to predate zoning, which was in the late '70s.

21 To address your question, we don't know. I
22 don't know where this is. We would have to look at
23 records and see if there is anything in there. I
24 would say just because it might exist doesn't -- it
25 may not have been done right either.

1 MR. GLENN: Right. But it wouldn't set a
2 precedent.

3 MR. HOWARD: They didn't call, I guess, to get
4 an electrical inspection or whatever and that's when,
5 you know, that's when this one was caught because they
6 put electric in the building.

7 I'll be honest. We have a rather lean staff
8 at the office. We don't have people that are going
9 around, driving around all day looking for stuff. The
10 only reason we found out about this is because they
11 contacted Kenergy to get electric, and then Kenergy
12 requires that we do a visual field inspection before
13 we allow the electric to be turned on. That's when we
14 saw it. Otherwise, this may have gone on forever and
15 nobody ever, you know. We don't go around looking for
16 stuff. We find out about it either by people coming
17 in and asking questions after the fact or if a
18 neighbor calls and complains. That's really the two
19 ways we find out about zoning violations.

20 MS. KNIGHT: If I might just address the issue
21 of setting a precedent of something like this, because
22 I think both of you have used this word.

23 Each application stands on its own merit. We
24 consider every application based on its own set of
25 facts. Every application is a little bit different

1 from every other application.

2 You know, are we bound to follow our own
3 ruling in every single case? Sometimes, but sometimes
4 there are different circumstances for every case.
5 Okay? If we did it for one but not another and the
6 other appealed, it may be set aside because we didn't.
7 I don't know if that helps clarify that or not. Every
8 application is considered on its own merits, own set
9 of facts and circumstances. Doesn't necessarily 100
10 percent tie our hands down the road, but it is, you
11 know, obviously we want to make the right decision.
12 Sometimes our past decisions do help us and guide us
13 for future decisions.

14 CHAIRMAN: Thank you, Ms. Knight.

15 Anybody else have anything else to add?

16 (NO RESPONSE)

17 CHAIRMAN: If not I'll entertain a motion.

18 MR. REEVES: Could I make one suggestion?

19 CHAIRMAN: Sure.

20 MR. REEVES: Because I'm really struggling
21 with this. Really, really struggling with it, and I
22 did not drive out there and look at the site. Now I
23 wish that I had. Would there be any harm if we
24 postpone this for a month so that those of us that
25 choose to go look at it can go look at it?

1 MS. KNIGHT: As long as the applicant is in
2 agreement with that.

3 CHAIRMAN: Are you in agreement with that,
4 Mr. Shultz?

5 MR. SHULTZ: Yes, ma'am.

6 CHAIRMAN: That's okay with you?

7 MR. SHULTZ: Yes.

8 MS. KNIGHT: We need a motion on that.

9 CHAIRMAN: Yes, we need a motion.

10 MR. REEVES: Then I would move that we
11 postpone this item until our next regularly scheduled
12 meeting.

13 MR. GLENN: I'll second.

14 CHAIRMAN: Second by Mr. Glenn. Any questions
15 on the motion?

16 (NO RESPONSE)

17 CHAIRMAN: All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 MR. HOWARD: Just so everybody knows the next
20 meeting will be March 2nd at 5:30, same location.

21 CHAIRMAN: Motion carries unanimously.

22 Next item.

23 ITEM 3

24 5930 Old Highway 54, zoned R-1A
25 Consider a request for a Variances in order to reduce
the front yard building setback line from 25 feet from
the property line to 24.4 feet from the property line,

1 and to reduce the west side setback line from 4.3 feet
2 to 3.9 feet.

3 References: Zoning Ordinance, Article 8, Section
4 8.5.5(c); Article 3, Section 3-5(e)(1)

5 Applicant: Katie Rhoades & James A. Schaefer

6 MR. HILL: This application actually includes
7 two separate variance requests on the same property.

8 So I included them all in one Staff Report, but
9 they're separated enough so that if the Board chooses
10 they can make separate motions if they would like to.

11 The subject property is .207 acre parcel that
12 includes a legal non-conforming residential house
13 built in 1950 according to PVA records. At some point
14 recently the applicant began enclosing an existing
15 open front porch. So they enclosed the existing front
16 porch without a building permit. The applicant has
17 since been in contact with our OMPC building Staff
18 regarding the situation. The applicant was made aware
19 that the variance is needed because of the widely open
20 unenclosed porch. Zoning Ordinance is allowed to
21 encroach into the front setback area by up to 8 feet.
22 Once it was enclosed, that requirement was no longer
23 applicable and the front building setback applies to
24 the entire structure. So there's a 25 foot front
25 building setback requirement from the front property
line in this case. The structure is 24.4 feet, as
indicated on the illustration that's on the screen.

1 So it's about 7 inches too close to the front property
2 line and the building setback allows.

3 That's the first variance that's on the front
4 of the building.

5 The second variance is on the side and rear of
6 the building. The applicant also would like to add on
7 a section of the house to the rear. I believe there
8 was a deck or a patio in that location. They're just
9 proposing to extend the existing side facade of the
10 building further back towards the property, toward the
11 rear of the property with this building addition.

12 The current closest portion of that side
13 property line is 4.3 feet, the building is 4.3 feet in
14 the front corner or as close of a location I should
15 say to the side property line. The building is not
16 exactly parallel to that side property line. So as it
17 gets extended further back it gets slightly closer to
18 the side property line than exist now. So it's
19 proposed to be 3.9 feet to that side property line.
20 Again, it's a legal nonconforming structure. The
21 amount of the nonconformity is not allowed to increase
22 by the Zoning Ordinance. So if they move their
23 building addition over a few inches, I believe it's
24 five inches too close as it is shown now, then they
25 could maintain that 4.3 foot setback that they had for

1 many decades and not needed a variance.

2 The applicant contends that that little offset
3 would kind of throw off their interior floor plan and
4 the angle of the building would not be preferred. So
5 they requested this second variance on the same
6 structure. I've got some pictures I'll show you in a
7 second.

8 Staff did some research in the area along Old
9 Highway 54. In fact, three doors down I believe it is
10 to the east there is a very similar side yard setback
11 variance granted for property back in 1981. I believe
12 it was not as close as this 3.9 feet. I believe it
13 was closer to 5 feet I want to say in that instance.

14 Staff however does not feel there is a
15 hardship in this case if the variances are denied.
16 The building, the rear building addition could be
17 adjusted so that there's no variance needed. Only a
18 portion of the front porch could be enclosed however.

19 I collected two sets of findings in case you
20 wanted to do separate motions.

21 So for Variance number one, which is the front
22 set back, granting this variance will not adversely
23 affect the public health, safety or welfare because
24 the small amount of the variance requested will not be
25 discernible to the public. Granting this variance

1 will not alter the essential character of the
2 generally vicinity because the front porch of the
3 residence has existed in the same location for many
4 years. Granting this variance will not cause a hazard
5 or a nuisance to the public because the location of
6 the structure, whether it is open or enclosed, will
7 not have any negative impact on the public. Granting
8 this variance will not allow an unreasonable
9 circumvention of the requirements of the zoning
10 regulations because the difference between a 25 foot
11 building setback and a 24.4 foot building setback is
12 hardly noticeable.

13 Those were the findings for the front setback.
14 Now the following are Staff's findings for the rear
15 setback request.

16 Granting this variance will not adversely
17 affect the public health, safety or welfare because
18 the property most affected by this variance is a
19 sanitation facility. Granting this variance will not
20 alter the essential character of the general vicinity
21 because the location of this rear addition is not
22 adjacent to any residential properties and is located
23 in an area to the rear of the house that will not be
24 very visible from the road. Granting this variance
25 will not cause a hazard or a nuisance to the public

1 because the location of the variance is not in a place
2 that will have any interaction with the public.
3 Granting this variance will not allow an unreasonable
4 circumvention of the requirements of the zoning
5 ordinance due to the fact that this legal
6 non-conforming structure does not sit exactly parallel
7 to the side property line, and if it did, then this
8 variance would not be necessary.

9 Staff recommends approval of both of the
10 variances.

11 One condition that we suggest is to obtain all
12 necessary building and electrical permits, inspections
13 and certificate of occupancy and compliance.

14 Staff request that the Staff Report be entered
15 into the record as Exhibit B. I'll show you just a
16 few slides here quickly.

17 Again, this is the dimension site plan so you
18 can get an idea of what they're proposing. This is
19 the interior floor plan that was provided by the
20 applicant. On the right side is the screen is the
21 front portion of the house. So you see two bedrooms.
22 On the left side is the rear portion of the house
23 which is labeled as family room. That's the rear
24 addition area.

25 Aerial map kind of zoomed out of the area.

1 You can see that the property to the rear and to the
2 west, that's the Cedar Hills sanitation facility
3 property. So it's RWRA's property. It's not a
4 residential use property. They're actually doing some
5 work now out there while I was out there the other
6 day. They're actually behind the structure doing some
7 work back there.

8 So this is the building addition on the front
9 that they've enclosed. I think they've already, since
10 this picture was taken a couple of weeks ago, she's
11 put in a door and two windows on the front. That
12 gravel driveway is actually back to the sanitation
13 facility in the rear. There's trucks there. They
14 were working that day. Just beyond the structure kind
15 of where that white truck is, that is where the rear
16 building addition would be located. That gives you an
17 idea of the front yard proximity of the enclosed front
18 addition to the street.

19 That's all I have at this point.

20 CHAIRMAN: Is there someone here to speak on
21 behalf of the applicants?

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

24 MS. RHOADES: Katie Rhoades, 4776 Highway 142,
25 Philpot.

1 (KATIE RHOADES SWORN BY ATTORNEY.)

2 CHAIRMAN: Can you talk to us about your
3 request?

4 MS. RHOADES: Well, we're just trying to make
5 my son's home liveable, a little small home. The only
6 way that we could get the space, we thought we were
7 solving our problem, was to use the porch. Since
8 we've been in contact with the very nice people that
9 helped us do this, we have decided to go on and add on
10 the back so that it could become a three bedroom.
11 Then where we were going to put a front door, we're
12 going to not have that anymore and just use the side
13 door. Therefore it would make a very useable good
14 floor plan.

15 It's been -- it's not like on TV. It's one
16 hellacious horrible experience from the beginning.
17 Rot. Termites. Everything.

18 CHAIRMAN: You don't want to go on TV?

19 MS. RHOADES: No. I never want to do this
20 again.

21 CHAIRMAN: Anyone have any questions of the
22 applicant, Ms. Rhoades?

23 (NO RESPONSE)

24 CHAIRMAN: No questions. Okay. I'll
25 entertain a motion to dispose of the item.

1 MR. GLENN: I make a motion to approve the
2 request based on the Staff's findings and their
3 recommendations.

4 MS. KNIGHT: Is that both?

5 MR. GLENN: For both. Yes, I'm sorry.

6 MR. HOWARD: And the one condition?

7 CHAIRMAN: With the one condition that they
8 obtain building and electrical permit, inspections and
9 certificates of occupancy and compliance?

10 MR. GLENN: Yes.

11 MS. RHOADES: Yes, be happy to.

12 MR. REEVES: I'll second the motion.

13 CHAIRMAN: We have a motion by Mr. Glenn and a
14 second by Mr. Reeves. Any questions on the motion?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: The motion carries unanimously.

20 Thank you.

21 Anything else, Mr. Howard?

22 MR. HOWARD: Howard that's all I know of.

23 CHAIRMAN: We'll entertain one more motion.

24 MS. MASON: Motion to adjourn.

25 MR. GLENN: Second.

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: We are adjourned.

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

16 WITNESS my hand and notary seal on this the
17 27th day of February, 2017.

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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