OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MAY 4, 2017

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, May 4, 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
Terra Knight, Attorney
Mike Hill
Jerry Yeiser
Fred Reeves
Bill Glenn
Lewis Jean

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CHAIRMAN: We will call the May 4, 2017 meeting of the Owensboro Metropolitan Board of Adjustment to order.

The first item on the agenda is the pledge to the flag and the prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the April 13, 2017 meeting. Everyone should have a copy and have had time to peruse the minutes. Are there any corrections or additions?

(NO RESPONSE)

CHAIRMAN: Then I'll entertain a motion.
MS. CLARK: Motion to approve.

CHAIRMAN: Motion to approve.

MS. MASON: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Next item on the agenda, Mr. Hill.

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ITEM 2

2300 Harbor Road, zoned I-2
Consider a request for a Conditional Use Permit in order to install a new grain storage bin, associated dryer and river belt conveyor.
References: Zoning Ordinance, Article 8, Section 8.2H6/33
Applicant: Bunge N.A., Inc.; Owensboro Riverport Authority

MS. KNIGHT: Please state your name.

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

ZONING HISTORY

The subject property is currently zoned I-2 Heavy Industrial. OMPC records indicate there have been no Zoning Map Amendments for the subject property.

There have been three Minor Subdivision Plats...
approved for the subject property in 1987, '88 and in 2009. There have also been three Public Facility Reviews for the subject property, in 1998 to construct a building to house the paint booth and to construct a truck loading shelter and in 1999 to construct an 80 by 100 building. A Conditional Use Permit was approved in 2010 to replace an existing beltline system with a new one.

This application is to install an additional grain storage bin and associated dryer and river belt conveyor.

A fully enclosed grain drying facility is conditionally permitted in an I-2 zone provided it is at least 300 feet from any residential or commercial zones. There are no residential or commercial zoned within 300 feet of the subject property.

LAND USES IN SURROUNDING AREA

The properties to the north, south and west are zoned I-2 Heavy Industrial. The Ohio River borders the subject property to the east.

ZONING ORDINANCE REQUIREMENTS

1. Parking - 1 for every 2 employees on the maximum shift plus 1 for each vehicle owned or operated by the use. Parking is existing on the site.

2. Landscaping - Vehicular use area screening
between the parking lot and the road right-of-way.

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

CHAIRMAN: Is there anybody here wishing to speak on behalf of the applicant?

APPLICANT REP: We're here.

CHAIRMAN: Do you have anything to add?

APPLICANT REP: Just to answer questions.

CHAIRMAN: Anyone in the audience wishing to speak or questions or opposition on the item?

(NO RESPONSE)

CHAIRMAN: Anyone on the commission have any questions?

(NO RESPONSE)

CHAIRMAN: If not, I'll entertain a motion to dispose of the item.

MR. REEVES: Motion to approve the application based on the fact that it is existent from any other commercial or residential properties as specified in the ordinance. It's also consistent with other facilities on the Riverport site.

CHAIRMAN: We have a motion by Mr. Reeves. Do we have a second to the motion?

MR. JEAN: Second.

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

(NO RESPONSE)

CHAIRMAN: If not, all in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 3

4701 Highway 2830, zoned I-2
Consider a request for a Conditional Use Permit in order to construct a barge loading and unloading ramp in the floodway.
References: Zoning Ordinance, Article 18, Sections 18-4(b)3, 18-5(b)3, 18-6(b)3
Applicant: Castlen Enterprises, LLC

ZONING HISTORY

The subject property is zoned I-2 Heavy Industrial. The OMPC records indicate there have been no zoning map amendments for the subject property.
This application is to construct a new barge loading and unloading ramp in the floodway.

LAND USES IN SURROUNDING AREA

The property is bound to the north by the Ohio River. The properties to the west and east are zoned I-2. The properties to the south are zoned I-2 and B-4.

ZONING ORDINANCE REQUIREMENTS

All of the requirements have been met by the applicant:
1. A Stream Construction Permit for
Construction and/or Along a Stream was issued by the
Kentucky Division of Water dated March 1, 2017.

2. A permit to perform work from the US Army
Corps of Engineers dated April 19, 2017 was issued to
the applicant.

3. Certification from a design professional
was made on April 11, 2017, that the proposed
construction will not have substantive impact on the
Ohio River or adjacent properties.

There are no conditions with this application.

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

CHAIRMAN: Anyone here wishing to speak on
this item?

APPLICANT REP: Be willing to answer any
questions that you might have.

CHAIRMAN: Is there anyone here wishing to ask
any questions or state any opposition to the item?

(NO RESPONSE)

CHAIRMAN: If not, anybody on the commission
have a question or comments?

(NO RESPONSE)

CHAIRMAN: If not, I'll entertain a motion to
dispose of the item.
MR. JEAN: I'd like to make a motion to approve this application based on the Staff Report.

CHAIRMAN: Do we have a second to the motion?

MS. KNIGHT: Mr. Jean, would you consider amending your motion to include that it's approved based on perhaps the findings that the Zoning Ordinance Requirements were met.

MR. JEAN: Yes. Zoning Ordinance Requirements 1 through 3.

MS. KNIGHT: Yes, sir.

CHAIRMAN: Second for the motion?

MR. REEVES: Second.

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

(NO RESPONSE)

CHAIRMAN: If not, I'll entertain a vote. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Anything else to come before our board?

MR. HILL: No.

CHAIRMAN: If not we have one more motion.

MS. MASON: Motion to adjourn.

MS. CLARK: Second.

CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY 
COUNTY OF DAVIESS )

I, 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 8 typewritten pages; and that no signature was requested to the foregoing transcript.

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

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