The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, September 7, 2017, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Judy Dixon, Chairman
Ruth Ann Mason, Secretary
Brian Howard, Director
Terra Knight, Attorney
Fred Reeves
Bill Glenn
Lewis Jean

CHAIRMAN: We'll call the Owensboro Metropolitan Board of Adjustment September 7, 2017 meeting to order. We will begin our meeting with a prayer and the pledge by Mr. Jean.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the August 3, 2017 meeting. All members have been mailed or received a copy and have had time to review them. So at this time I'll entertain a motion.

MS. MASON: Move to approve.

CHAIRMAN: Moved by Ms. Mason.

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 unanimously.

Number 2, Mr. Howard.

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CONDITIONAL USE PERMITS

ITEM 2

420 Cedar 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.
References: Zoning Ordinance, Article 8, Sections
8.2A10B/7
Applicant: Kentucky Dream Homes; Hestia Properties

MR. HOWARD: We have a request that this item be postponed tonight at the meeting. You as a Board will have to take action on that. They are requesting the installation of a class 2 manufactured home. This property is located within the Downtown Overlay District and it at present does not meet some of those requirements; so this would allow them some time to potentially seek relief from those through the Historic Preservation Board.

CHAIRMAN: So, we need a motion to postpone this item, correct?

MR. HOWARD: Yes.

MR. JEAN: Motion to postpone until we get an opinion from the Historic Preservation Board.
CHAIRMAN: Motion by Mr. Jean.

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Any question on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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VARIANCE

ITEM 3

5400, 5401 Meadow Grove Drive, zoned R-1A
Consider a request for a Variance in order to increase the height of a fence in a rear yard along a street from 4 feet tall to 6 feet tall.

References: Zoning Ordinance, Article 3, Section 3.7G2
Applicant: O'Bryan Development, Inc.

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: The lots seeking relief are double frontage lots within the Whispering Meadows residential subdivision. The Zoning Ordinance considers a double frontage lot a lot that has frontage on two streets. These streets are in a cul-de-sac within the development and then have their backyards that front on Whispering Ohio Valley Reporting
(270) 683-7383
Meadows Drive, which is the main entrance to that subdivision. So that is then their backyards; and although that fence is in the backyard, which would typically be allowed to be 6 feet because it is on a road, it's required to only be 4 feet tall. So they're asking for that fence height to be increased to 6 feet tall to allow more privacy for those residents in their backyards, being on that street like that.

Granting this variance will not adversely affect the public health, safety or welfare or cause a safety hazard or nuisance to the public since the orientation of the lots is already established by the approved final plat and the lots are at the entrance to the existing subdivision; therefore it will provide privacy and safety to the owners of the subject properties. Similar variance requests have been approved in instances of double frontage lots in 2007 and 2017.

We would recommend approval of this variance and we would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Thank you, Ms. Evans.

Is there anyone here representing the applicant?

MR. O'BRYAN: I'm the applicant, yes.

CHAIRMAN: Is there anyone here wishing to speak in opposition or to ask questions about this item?
NO RESPONSE

CHAIRMAN: Any board members have comments or questions of the applicant?

NO RESPONSE

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

MR. REEVES: Motion to approve this application based on staff findings of fact 1, 2, 3, and 4.

CHAIRMAN: Okay. We have a motion for approval by Mr. Reeves. Is there a question on the motion?

NO RESPONSE

CHAIRMAN: All right. 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 unanimously.

Number 4.

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VARIANCE

ITEM 3

1700 West 4th Street, zoned R-4DT
Consider a request for a Variance in order to reduce the side street yard building setback along Littell Street from 25 feet from the property line to 10.5 feet from the property line.

References: Zoning Ordinance, Article 8, Section 8.5.11(c)
Applicant: Habitat for Humanity of Owensboro-Daviess County, Inc.
MS. EVANS: The subject property is a project by Habitat for Humanity, as they are the applicant. They recently purchased this property from the City of Owensboro. The City of Owensboro, while they had possession of the property they had torn down an old house that was on the property. That old house was considerably closer to Littell Street than this proposed new house is going to be or would be situated if the variance is approved.

So it is our opinion that, you know, although the house will sit closer to the property line than is allowed by the zoning ordinance, it will be better than what was there previously; and the house has not been torn down for more than 18 months, so they still would have that option to put it back exactly where it were if they wanted to build exactly what was there before.

So, granting this variance will not alter the essential character of the general vicinity because there appear to be other encroachments into the building setback lines within the neighborhood, including the previous structure on the subject property. It will not adversely affect the public health, safety or welfare because this will be a new home that will create affordable housing for the community and will enhance the health, safety and welfare of the public in this area.
Staff recommends approval with one condition:

To obtain the necessary building, electrical and mechanical permits, inspections and certificates of occupancy and compliance. And we would like to enter the Staff Report into the record as Exhibit B.

CHAIRMAN: Thank you, Ms. Evans.

Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Anyone here have questions or concerns about this application?

(NO RESPONSE)

CHAIRMAN: Any board member?

(NO RESPONSE)

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

MR. GLENN: I'll make a motion that we approve this variance based on the findings 1, 2, 3, and 4; also on the staff recommendation, on the condition that they obtain the necessary building, electrical and mechanical permits, inspections and certificates of occupancy and compliance.

CHAIRMAN: Thank you. We have a motion by Mr. Glenn. Is there a second?

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason.

Any questions on the motion?
(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign.

(NO RESPONSE)

CHAIRMAN: Motion carries unanimously.

Anything else, Mr. Howard?

MR. HOWARD: No, ma'am.

CHAIRMAN: I'll entertain one more motion.

MS. MASON: Motion to adjourn.

CHAIRMAN: Second?

MR. JEAN: Second.

CHAIRMAN: We are adjourned.

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COMMONWEALTH OF KENTUCKY
 ) SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS   

I, Jane Belcher, Notary Public, State-at-Large,
do hereby certify that the foregoing Owensboro
Metropolitan Board of Adjustment meeting was held at the
time and place set forth in the caption thereof; that each
person commenting on issues under discussion were duly
sworn on oath to testify the truth; that the Board members
present were as stated in the caption; that said
proceedings were reported by me stenographically 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 21st
day of September 2017.

JANE BELCHER, NOTARY PUBLIC
STATE-AT-LARGE
NOTARY ID 568360
OHIO VALLEY REPORTING SERVICE
2200 EAST PARRISH AVENUE, SUITE 106-E
OWENSBORO, KENTUCKY 42303

COMMISSION EXPIRES:
DECEMBER 7, 2020
COUNTY OF RESIDENCE:
DAVIESS COUNTY, KENTUCKY