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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

NOVEMBER 2, 2017

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

\* \* \* \* \*

CHAIRMAN: I will call the Owensboro Metropolitan Board of Adjustment November 2 meeting to order.

The first item on the agenda is to ask Mr. Jean to give our prayer and pledge.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Item one on the agenda is to consider the minutes of the October 5, 2017 meeting. All members have been mailed a copy and should have had time to peruse it. So at this time I'll entertain a motion.

MR. GLENN: I make a motion to accept the

1 minutes as printed.

2 CHAIRMAN: We have a motion by Mr. Glenn.

3 MS. MASON: Second.

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries.

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9 CONDITIONAL USE PERMIT

10 ITEM 2

11 326 Clay Street, zoned R-4DT  
12 Consider a request for a Conditional Use Permit in  
13 order to operate a transitional home in an R-4DT zone  
14 Reference: Zoning Ordinance, Article 8,  
15 Sections 8.2A7/6a  
16 Applicant: Stepping Out, LLC

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

19 MR. PEDLEY: Trey Pedley.

20 (TREY PEDLEY SWORN BY ATTORNEY.)

21 MR. PEDLEY: The subject property is currently  
22 zoned R-4DT Inner City Residential and is located in  
23 the Downtown Overlay District within the Neighborhood  
24 Character District and is regulated under Article 21  
25 of the Zoning Ordinance.

A Conditional Use Permit to operate a 10-bed  
transitional living facility was approved for the

1 subject property in 2012 along with a Final  
2 Development Plan providing off-site parking at 400  
3 East Fourth Street. At which time, the application  
4 was reviewed by the Downtown Design Administrator and  
5 a Certificate of Appropriateness was issued. The  
6 proposed facility was never opened at this location.

7 Just like the previously approved request on  
8 June 12th, this applicant is proposing to provide a  
9 10-bed transitional home that will utilize the  
10 off-street parking at 400 East Fourth Street.

11 All surrounding properties are zoned R-4DT and  
12 appear to be residential in nature.

13 The Zoning Ordinance requires 7 off-street  
14 parking spaces. All parking is proposed off-site per  
15 the Final Development Plan for 2012.

16 There was no additional landscaping  
17 requirements.

18 All additional criteria apply to a Conditional  
19 Use Permit for a residential transitional home have  
20 been addressed within the application.

21 Special Conditions include the requirement to  
22 obtain all necessary building, electrical and  
23 mechanical permits, inspections and certificates of  
24 occupancy and compliance.

25 We would like to enter the Staff Report into

1 the record as Exhibit A.

2 CHAIRMAN: Thank you, Mr. Pedley.

3 Is there anyone here representing the  
4 applicant?

5 MS. KNIGHT: If you could state your name for  
6 the record, please.

7 MR. THOMPSON: Todd Thompson.

8 (TODD THOMPSON SWORN BY ATTORNEY.)

9 CHAIRMAN: Can you add anything to what's been  
10 presented?

11 MR. THOMPSON: Just like he said, the subject  
12 property had been approved for this exact Conditional  
13 Use Permit previously by Friends of Sinners, but they  
14 never went forward with actually putting it in  
15 activation. We have purchased this property now with  
16 the intent to hopefully give these young men a chance  
17 to get back on their feet coming out of drug and  
18 treatment facilities and invoke them hopefully to some  
19 faith based time directives on them, help them become  
20 good stewards within the community.

21 CHAIRMAN: Thank you.

22 Is there anyone in the audience that has any  
23 opposition or questions regarding this?

24 (NO RESPONSE)

25 CHAIRMAN: Any members of the board have

1 questions?

2 (NO RESPONSE)

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

4 MR. REEVES: Move to approve this Conditional  
5 Use Permit based on the following facts: First of  
6 all, it has been previously approved by another board  
7 prior to us. The physical property will blend in with  
8 other buildings within the neighborhood. The use is  
9 appropriate with other uses that are being undertaken  
10 in the neighborhood, and they have set rules and  
11 regulations that will I think ensure that anybody  
12 that's in this facility will be properly supervised  
13 and managed.

14 CHAIRMAN: Thank you. We have a motion by  
15 Mr. Reeves.

16 MR. HOWARD: Would you entertain adding the  
17 special condition?

18 MR. REEVES: Yes. That the Special Condition  
19 be invoked, I'm sorry.

20 CHAIRMAN: Do we have a second to the motion?

21 MR. JEAN: Second.

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

24 (NO RESPONSE)

25 CHAIRMAN: If not, I will entertain a vote.

1 All in favor of the motion raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries.

4 Next item, Mr. Howard.

5 ITEM 3

6 701 & 709 Breckenridge Street, zoned B-4  
7 Consider a request for a Conditional Use Permit in  
8 order to operate a landscaping service business in a  
9 B-4 zone

Reference: Zoning Ordinance, Article 8,  
Sections 8.H8/33a

Applicant: Thomas N. Thompson and Sam Mathis

10 MR. PEDLEY: The subject properties are  
11 currently zoned B-4 General Business. OMPC records  
12 indicate there have been no Zoning Map Amendments for  
13 either property.

14 The applicant is proposing to operate a  
15 landscaping services from the two properties by  
16 utilizing the two existing structures on site.

17 The city engineer has stated that any future  
18 property development that alters the configuration of  
19 the building or parking lot will require an evaluation  
20 of the access points and the property will be required  
21 to meet access control specifications.

22 The surrounding property to the south and west  
23 are zoned B-4 General Business and consist of  
24 businesses and vacant properties. The properties to  
25 the east facing Hall Street are zoned R-4DT Inner City

1 Residential and appear to be residential in nature.  
2 The property to the north is zoned I-1 Light  
3 Industrial and is currently an operating business.

4 There is no established parking requirement by  
5 the Zoning Ordinance.

6 Vehicular use area landscaping is required  
7 where the vehicular use area adjoins public  
8 right-of-way. All outdoor storage shall be screened  
9 with a 6 foot tall solid wall or fence.

10 Special Conditions include a requirement to  
11 obtain all necessary building, electrical and HVAC  
12 permits, inspections and certificates of occupancy and  
13 compliance before occupancy of any of the proposed  
14 uses; and to obtain approval of a Minor Subdivision  
15 and a Site Plan or Approval of a Final Development  
16 Plan.

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

19 CHAIRMAN: Thank you.

20 Is there anyone here wishing to speak on  
21 behalf of the applicant?

22 MR. RINEY: If necessary.

23 CHAIRMAN: Anyone here in opposition or have  
24 questions of the applicant?

25 (NO RESPONSE)

1 CHAIRMAN: Any questions from the board  
2 members?

3 (NO RESPONSE)

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

5 MS. MASON: I move for approval with the  
6 Findings of Fact that it's compatible with the area as  
7 there's a similar use in the area and with the special  
8 conditions that were noted earlier.

9 CHAIRMAN: Thank you. We have a motion. Is  
10 there a second?

11 MR. GLENN: Second.

12 CHAIRMAN: Second by Mr. Glenn. Any questions  
13 on the motion?

14 (NO RESPONSE)

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

17 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

18 CHAIRMAN: Motion carries unanimously.

19 Any other business to come before us?

20 MR. HOWARD: No, ma'am.

21 CHAIRMAN: If not, I'll entertain a motion to  
22 adjourn.

23 MR. GLENN: Motion to adjourn.

24 CHAIRMAN: So move by Mr. Glenn. Is there a  
25 second?



1 MS. MASON: Second.

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries.

6 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 9 typewritten pages; and that no signature  
15 was requested to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 30th day of November, 2017.

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\_\_\_\_\_  
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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