The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, February 1, 2018, 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

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CHAIRMAN: We'll call the Owensboro Metropolitan Board of Adjustment February 1st meeting to order.

First item on the agenda is the prayer and pledge, and Mr. Jean is going to lead us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the January 4, 2018 meeting minutes. Members have been sent a copy, and hopefully have had time to look it over. So at this time I'll entertain a motion.

MR. GLENN: I'll make a motion to accept the
minutes.

MS. MASON: Second.

CHAIRMAN: A motion by Mr. Glenn and second by Ms. Mason. 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.

Second item, Mr. Howard.

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VARIANCE

ITEM 2

3485 Millers Fall Circle, zoned R-1C (postponed from January 4, 2018 meeting)
Consider a request for a Variance in order to reduce a side yard building setback line from 5 feet from the side property line to 0.4 feet from the property line. References: Zoning Ordinance, Article 8, Section 8.5.7(d)
Applicant: Joyce Dianna Estes-Fulks

MR. HOWARD: This item was last postponed at the January 4, 2018 meeting. It was also postponed at the December meeting.

Since that time the applicant has had Joe Simmons, surveyor, come out and do measurements and do some things. Trey has amended our Staff Report to reflect a much smaller request, as far as dimension on the variance. So he'll go over that quickly. I know
the applicant is here, as well, if they went to speak after that.

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: Since the January meeting Simmons Surveying has provided a plat plan indicating that the applicant intends to remove the existing 22.1 foot wide carport and replace it with one that is 18 feet wide.

Doing so will allow the applicant to maintain a 10 foot separation distance from the neighboring resident, complying with the Kentucky Residential Building Code Requirement. To ensure that this separation distance is maintained, the variance request has been altered to propose the reduction of the side yard building setback line along the eastern property line from 5 feet to 4.8 feet along the southeastern point of the carport, and 4.6 feet along the northeastern point of the carport, as shown on the site plan.

There is a 6 foot wide public utility and drainage easement spanning the length of the eastern property line. No structure shall be permitted to
encroach into this easement without first obtaining a Utility Encroachment Permit.

Staff recommends approval of this request under the condition that the applicant obtains the Utility Encroachment Permit, and all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance.

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

CHAIRMAN: Anyone wishing to address this?

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

MR. FULKS: Hi, I'm Dianna Fulks.

(DIANNE FULKS SWORN BY ATTORNEY.)

MS. FULKS: Since our last meeting, I have met with Matt with Planning and Zoning on Tuesday of this week. I did obtain from him the appropriate papers that he was requiring for the construction permit application, and also the utility encroachment application.

In the process of getting all of the signatures required for that, and as of present have all of the signatures with the exception of one being the cable. They were supposed to have been to our home today to take care of that, but the gentleman
called this morning and said that he would not be able
to make it until tomorrow.

   So I did contact Matt this morning and let him
know that as well. At that time Matt said once we get
everything, all the final signatures, I am to return
this paperwork to him and the rest I guess is up to
you guys.

    CHAIRMAN: Thank you.

Anyone else wishing to address this?

    (NO RESPONSE)

    CHAIRMAN: Anybody on the commission have a
comment?

    (NO RESPONSE)

    CHAIRMAN: I'm ready for a motion.

    Mr. Glenn.

    MR. GLENN: I would like to make a motion to
approve the application based on this Staff Review and
also the Staff Recommendation on the two conditions;
one, that they obtain all Utility Encroachment
Permits, and then obtain all necessary building,
electrical and HVAC permits, along with the
inspections and certificates of occupancy and
compliance.

    CHAIRMAN: Thank you.

    MR. HOWARD: And that motion did include the
four Findings of Fact that were part of the Staff Report, I assume?

MR. GLENN: And including the four Findings of Fact, yes, that is true.

CHAIRMAN: Thank you.

Do we have a second?

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.

Mr. Howard.

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ADMINISTRATIVE APPEAL

ITEM 3

2400 West Second Street, zoned I-1
Consider a request for an Administrative Appeal to relocate a non-conforming use on the subject property by replacing the existing structure with a new structure in a different location.
Reference: Zoning Ordinance, Article 4, Section 4.3
Applicant: Edward Croslin and Judy Towery

MR. HOWARD: So this application comes before you all. You all don't see a whole lot of Administrative Appeals so I'll just give you a little bit of background or whatever, if you will.
This Administrative Appeal basically, the site is considered to be a nonconforming site. It's had a car lot on it since, we looked at PVA, and I believe the existing structure was built in 1978, if I remember, but it predates zoning.

What they're requesting to do is remove the existing -- well, they're requesting to put a new structure on the site that will be current and modern and up-to-date and meeting code requirements, and then take the old structure off. We cannot approve that administratively as Staff because this is a nonconforming site and we can't approve that just at the Staff level. It does require this Administrative Appeal to come before you all, the Board of Adjustment.

We've reviewed the application. Basically what they're proposing to do meets the requirements. The new structure of the new location will meet all setback requirements. There aren't any issues that we see from a planning perspective.

What your all's role tonight is to determine if the relocation of the building on the site, taking one down, putting a new one up, is in conformance with the requirements. If you believe that's it's okay, that it meets the requirements, and
that this will work well with the site, you make a
motion to approve. You do not have to have findings
of fact for your approval. You just have to make a
motion to approve the relocation of the nonconforming
structure from one location on the site to another.

If you do not agree that this is appropriate
for the site, you make a recommendation for denial and
then we would discuss with the applicant what the next
step would be with Staff.

That's your role tonight. You either need to
make a motion to approve the relocation or make a
motion to deny the relocation. Again, findings of
fact are not required with an Administrative Appeal.

That's the brief overview. Of course, the
applicants are here if they want to address anything
or if you all have any questions for me or the
applicant, we'd be glad to answer those.

CHAIRMAN: Do either of you wish to address
this?

MR. CROSLIN: Just here to answer questions.

CHAIRMAN: Thank you.

MR. REEVES: I've got one brief question, if
don't mind. Just a clarification for me.

MS. KNIGHT: Please state your name for the
record.
MR. CROSLIN: Edward E. Croslin.

(EDWARD CROSLIN SWORN BY ATTORNEY.)

MR. REEVES: Isn't this the old Hutson Car Lot?

MR. CROSLIN: Yes, sir, it is.

MR. REEVES: I wanted to make sure that's where it was.

CHAIRMAN: Any other questions?

MR. JEAN: I have a question.

Why are you not replacing it in the same location?

MR. CROSLIN: The other one I have not got ready to move yet and I have another trailer already, if this is approved, to come in and then we're going to tear the other one out.

MR. HOWARD: This is the type of thing, as they've discussed with us; they want to be able to stay there and stay open. So they'll keep the old one in place until the new one comes in. Once the new one comes in, that would be part of our permitting process; they have to have the old one removed within a set amount of time.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion.
MR. JEAN: I'll make a motion to approve based on the Staff Report with the two special conditions.

CHAIRMAN: Motion by Mr. Jean. Is there a second?

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason. Any questions on the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Any other business, Mr. Howard?

MR. HOWARD: I have none.

CHAIRMAN: I'll entertain one more motion.

MS. MASON: Motion to adjourn.

CHAIRMAN: Motion to adjourn 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: We are adjourned.

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Ohio Valley Reporting
(270) 683-7383
STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

I, LYNNETTE 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 10 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 20th day of February, 2018.

LYNNETTE 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

Ohio Valley Reporting
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