OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

APRIL 12, 2018

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, January 4, 2018, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

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

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CHAIRMAN: We will call to order the Owensboro Metropolitan Board of Adjustment April 12th meeting. We will start with a prayer and pledge to the flag.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda this evening is to consider the minutes of the March 1, 2018 meeting. Everyone has a copy. We're ready for a motion.

MR. REEVES: Motion to prove.

MS. MASON: Second.

CHAIRMAN: Motion by Mr. Reeves. Second by Ms. Ruth Ann. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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CHAIRMAN: Motion carries.

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CONDITIONAL USE PERMIT

ITEM 2

1917 Meadow Grass Creek, zoned R-1C Single-Family Residential

Consider request for a Conditional Use Permit in order to operate a Music Studio, specifically the teaching of piano lessons, in an R-1C zone.

Reference: Zoning Ordinance, Article 8, Section 8.2B14A

Applicant: Ann Fruge Pierce

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: The applicant has requested a Conditional Use Permit for a music studio specifically teaching piano lessons from her residence.

The subject property and all surrounding properties are zoned R-1C Single-Family Residential and are located within the Heartland Subdivision.

For a music studio the Zoning Ordinance requires a minimum of one parking space per 400 square feet of floor area, all of which are required to be on a hard surface such as gravel, asphalt or concrete.

The application indicates that the piano lessons will take place in a room that is roughly 650
square feet in size requiring two off-street parking spaces. The site plan for the property shows a two-car garage and a two-car concrete driveway, sufficiently meeting the parking requirement for the residential home and the proposed music studio.

There are no landscaping requirements for this activity because the property is zoned and primarily used residentially. However, all necessary building, electrical and HVAC permits, inspections and certificate of occupancy and compliance must be obtained.

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

CHAIRMAN: Is there anyone here on behalf of the applicant?

MS. PIERCE: I'm Ann Fruge Pierce.

(ANN FRUGE PIERCE SWORN BY ATTORNEY.)

CHAIRMAN: Would you have anything you would like to add?

MS. PIERCE: No. I'm here to answer questions.

CHAIRMAN: Does any board member have any questions?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience have any
questions?

(NO RESPONSE)

CHAIRMAN: I'm ready for a motion.

MR. GLENN: I make a motion to approve the adjustment applied for here based on the facts that were just presented to us, and under the special conditions that they obtain all the necessary permits, electrical, HVAC, and any kind of inspections or certificates.

CHAIRMAN: I have a motion to approve by Mr. Glenn.

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

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VARIANCE

ITEM 3

2231 Griffith Place West, zoned R-1B Single-Family Residential

Consider a request for a Variance in order to reduce a rear yard building setback from 20 feet to 10 feet from the rear property line.

Reference: Zoning Ordinance, Article 8, Section 8.5.6(e)

Applicant: Lena Bowen

MR. PEDLEY: The subject property is zoned

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R-1B Single-Family Residential is located near the intersection of Maple Avenue and Griffith Place West.

While the minimum lot size in an R-1B zoned is 7,500 square feet, the subject property is in an area that was developed prior to the establishment of the zoning regulations so the property is only 60 feet wide and 95 feet deep totaling 5,700 square feet in size, significantly smaller than today's regulations would allow.

A single-family home with an attached garage was constructed on the subject property in 2009. The new home is roughly 42 feet in depth and is in compliance with the required 25 foot front yard building setback, leaving only 8 feet of buildable area between the existing home and a 20 foot rear yard building setback.

So the applicant has requested a Variance to reduce the rear yard building setback from 20 feet to 10 feet in order to allow the construction of a sun room addition to the rear of the home.

Granting the variance to reduce the rear yard building setback to 10 feet will not alter the essential character of the general vicinity and will not be an unreasonable circumvention of the requirements of the zoning ordinance due to the
limited size of the subject property and the
precedence of existing setback encroachments in an
area that was developed prior to the zoning
regulations, nor will it affect the public safety or
cause a public hazard because the proposed structure
will maintain the required separation distance from
all surrounding habitable structures.

Staff recommends approval with the condition
that all necessary building, electrical and HVAC
permits, inspections and certificates of occupancy and
compliance are obtained.

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

CHAIRMAN: Is there anyone here that
represents the applicant?

MS. BOWEN: That would be me.

MS. KNIGHT: Ma'am, if you could state your
name for the record, please.

MS. BOWEN: Lena Bowen.

(LENA BOWEN SWORN BY ATTORNEY.)

CHAIRMAN: Is there anything you would like to
add to that?

MS. BOWEN: The only thing, the nearest
neighbor that I had to get permission from was fine
with it. He had no objection whatsoever.
CHAIRMAN: Any board members have questions for Ms. Bowen?
(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience have any questions or is in opposition?
(NO RESPONSE)

CHAIRMAN: I'll entertain a motion.

MR. JEAN: I would like to make a motion that we approve this variance based on the Staff Report and the Findings 1 through 4 with Condition 1.

CHAIRMAN: Recommendation for approval by Mr. Jean.

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Entertain one more motion.

MR. CRAIG: Motion to adjourn.

MS. MASON: Second.

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries. We are adjourned.

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

WITNESS my hand and notary seal on this the 30th day of April, 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

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