

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 MAY 3, 2018

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:00 p.m. on Thursday, May
5 3, 2018, at City Hall, Commission Chambers, Owensboro,
6 Kentucky, and the proceedings were as follows:

- 7 MEMBERS PRESENT: Judy Dixon, Chairman
- 8 Robynn Clark, Vice Chairman
- 9 Ruth Ann Mason, Secretary
- 10 Brian Howard, Director
- 11 Terra Knight, Attorney
- 12 Jerry Yeiser
- 13 Fred Reeves
- 14 Bill Glenn
- 15 Lewis Jean

16 * * * * *

17 CHAIRMAN: We'll call to order the Owensboro
18 Metropolitan Board of Adjustment May 3rd meeting.
19 We'll begin our meeting with a prayer and pledge with
20 Ms. Mason.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: First item on the agenda is to
23 consider the minutes of the April 12th meeting. All
24 members have been mailed or sent a copy of the minutes
25 and have had time to look it over. At this time I'll
entertain a motion to dispose of the item.

MS. MASON: I move for approval.

CHAIRMAN: Move for approval by Ms. Mason.

MR. JEAN: Second.

1 CHAIRMAN: Second by Mr. Jean. Any question
2 on the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 First item on the agenda, Mr. Howard.

8 -----

9 CONDITIONAL USE PERMIT

10 ITEM 2

11 519 West Byers Avenue, zoned P-1 Professional/Service
12 Consider request for a Conditional Use Permit in order
13 to operate a child daycare in an existing church
14 building within a P-1 Professional Service Zoning
15 Classification.

16 Reference: Zoning Ordinance, Article 8, Section 8.2B3

17 Applicant: Roots and Wings Childcare and Preschool

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

20 MR. PEDLEY: Trey Pedley.

21 (TREY PEDLEY SWORN BY ATTORNEY.)

22 MR. PEDLEY: The subject property is currently
23 zoned P-1 Professional Service and is located where
24 Walnut Memorial Baptist Church operated.

25 The applicant is requesting a conditional use
permit in order to operate a child daycare facility
within the existing church facility.

Directly across West Byers Avenue is a school

1 that is zoned P-1 Professional Service. All other
2 surrounding properties are zoned R-1B Single-Family
3 Residential and R-1C Single-Family Residential; all of
4 which appear to be residential in nature.

5 The Zoning Ordinance requires a minimum of 2
6 parking spaces plus an additional space for every 10
7 children. The submitted application indicates that
8 the proposed daycare will host an estimated 54
9 children which requires maintenance of 7 parking
10 spaces. Additionally, the church on site is required
11 to maintain 1 space per 5 seats; which, has a listed
12 300 seats and is required to maintain 60 parking
13 spaces. The site plan illustrates 243 parking spaces
14 at the existing site.

15 In a P-1 zone perimeter landscaping is not
16 required; however, a 3-foot tall continuous element is
17 and 1 tree per 40 linear feet is required to be
18 maintained in locations of vehicular use area adjoins
19 the public right-of-way as shown on the submitted site
20 plan.

21 If approved the applicant will be required to
22 maintain compliance with all applicable Zoning
23 Ordinance requirements including any conditions placed
24 on this application such as a necessity to obtain all
25 necessary building, electrical and HVAC permits,

Ohio Valley Reporting

(270) 683-7383

1 inspections and certificates of occupancy and
2 compliance.

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

5 CHAIRMAN: Thank you, Mr. Pedley.

6 Is there someone here representing the
7 applicant?

8 MR. MILLS: Yes.

9 CHAIRMAN: Would you step forward, please.

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

12 MR. MILLS: My name is Lee Mills with Bryant
13 Engineering.

14 (LEE MILLS SWORN BY ATTORNEY.)

15 CHAIRMAN: Do you have anything to add to what
16 Mr. Pedley has read into the application?

17 MR. MILLS: No. It's pretty straightforward.
18 He's pretty well covered it all.

19 CHAIRMAN: And you're going to be taking care
20 of how many children?

21 MR. MILLS: I think it's 54 max.

22 CHAIRMAN: That's a lot of kids.

23 Anyone on the committee have a question of the
24 applicant?

25 (NO RESPONSE)

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Is there anyone here wishing to
2 speak in opposition to this application?

3 (NO RESPONSE)

4 CHAIRMAN: Thank you.

5 Anyone ready to make a motion regarding this?

6 Mr. Glenn.

7 MR. GLENN: I will make a motion that we
8 approve this application after hearing all of this
9 information here tonight, and based on the special
10 conditions of them obtaining all the necessary
11 permits, inspections and certificates.

12 CHAIRMAN: We have a motion by Mr. Glen. Any
13 question on the motion?

14 (NO RESPONSE)

15 CHAIRMAN: Do I hear a second?

16 MS. CLARK: Second.

17 CHAIRMAN: Second by Ms. Clark. Any
18 questions?

19 (NO RESPONSE)

20 CHAIRMAN: All those in favor raise your right
21 hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: Motion carries.

24 Mr. Howard.

25 -----

1 VARIANCE
2 ITEM 3
3 2104 West 8th Street, zoned R-4DT Inner-City
Residential
4 Consider a request for a Variance in order to reduce
the side building setback line on a corner lot to
5 which the homes are positioned back-to-back from
15-feet from the side street property line to 10-feet
6 from the side street property line.
Reference: Zoning Ordinance, Article 3,
7 Section 3-5(a)(3)
Applicant: Habitat for Humanity of Owensboro
8

9 MR. PEDLEY: The subject property is a vacant
10 40 by 140 lot zoned R-4DT Inner-City Residential and
11 is located at the intersection of West 8th Street and
12 Alpha Street.

13 Habitat for Humanity of Owensboro desires to
14 construct a single-family residence on the property.
15 The site plan indicate that the proposed residence is
16 24 feet wide. Currently, the 40-foot wide property
17 has 5 foot interior side yard building setback and a
18 15 foot street yard setback on a corner lot in which
19 the homes are positioned back-to-back. Consequently,
20 the proposed structure is too wide for the available
21 building envelope.

22 In order to constrict the desired home, the
23 applicant proposes a variance in order to reduce the
24 side building setback line on a corner lot in which
25 the homes are positioned back-to-back from 15-feet

Ohio Valley Reporting

(270) 683-7383

1 from the side street property line to 10-feet from the
2 side street property line. Such a setback can be
3 found throughout the general vicinity of the subject
4 property as many homes in the area were built prior of
5 to the establishment of the zoning regulations.

6 Granting this variance to reduce the side
7 street yard building setback to 10-feet will not alter
8 the essential character of the general vicinity and
9 will not be an unreasonable circumvention of the
10 requirements of the zoning ordinance due to the
11 limited size of the subject property and the
12 precedence of the existing setback encroachments in
13 the area, nor will it affect the public safety or
14 cause a public hazard because the proposed structure
15 will maintain compliance with the intersection
16 sight-triangle regulations.

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

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

23 CHAIRMAN: Do we have someone here
24 representing the applicant?

25 MS. BRASWELL: Yes.

Ohio Valley Reporting

(270) 683-7383

1 CHAIRMAN: Please come forward.

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

4 MS. BRASWELL: I'm Virginia Braswell.

5 (VIRGINIA BRASWELL SWORN BY ATTORNEY.)

6 MS. BRASWELL: I was just going to tell you
7 the family has been selected. The blueprint has been
8 picked out. The walls are in the process of being
9 built May 19th and transported to Owensboro, a special
10 program up Louisville. We just found out not long ago
11 that this family is going from a three bedroom to a
12 four bedroom as the lady is going to have a baby, she
13 and her husband.

14 It really is important if we can continue with
15 this on this site.

16 CHAIRMAN: Thank you.

17 Is there anyone here wishing to speak in
18 opposition to this item?

19 (NO RESPONSE)

20 CHAIRMAN: Hearing no opposition I'll
21 entertain a motion to dispose of the item.

22 Fred.

23 MR. REEVES: I move to approve it based on
24 Staff Findings of Fact 1 through 4, with the condition
25 that they obtain all necessary building, electrical

Ohio Valley Reporting

(270) 683-7383

1 and HVAC permits, inspections and certificates of
2 occupancy and compliance.

3 CHAIRMAN: We have a motion for approval by
4 Mr. Reeves. Is there a second?

5 MR. YEISER: Second.

6 CHAIRMAN: Second by Mr. Yeiser. Any question
7 on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All those in favor raise your right
10 hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 We have one more motion.

14 MS. MASON: Motion to adjourn.

15 MR. GLENN: Second.

16 CHAIRMAN: All those in favor of adjourning
17 raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: We are adjourned.

20 -----

21
22
23
24
25

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 92 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 May, 2018.

18
19

LYNNETTE KOLLER FUCHS
NOTARY ID 524564
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE., SUITE 106-E
OWENSBORO, KENTUCKY 42303

20
21
22
23
24
25

COMMISSION EXPIRES: DECEMBER 16, 2018
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

Ohio Valley Reporting
(270) 683-7383