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

MEMBERS PRESENT:  Judy Dixon, Chairman
               Robynn Clark, Vice 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 to order the Owensboro Metropolitan Board of Adjustment May 3rd meeting. We'll begin our meeting with a prayer and pledge with Ms. Mason.

        (INVOCATION AND PLEDGE OF ALLEGIANCE.)

        CHAIRMAN:  First item on the agenda is to consider the minutes of the April 12th meeting. All members have been mailed or sent a copy of the minutes 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.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

First item on the agenda, Mr. Howard.

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CONDITIONAL USE PERMIT

ITEM 2

519 West Byers Avenue, zoned P-1 Professional/Service
Consider request for a Conditional Use Permit in order
to operate a child daycare in an existing church
building within a P-1 Professional Service Zoning
Classification.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Roots and Wings Childcare and Preschool

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

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

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.

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

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

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

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

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inspections and certificates of occupancy and compliance.
We would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Thank you, Mr. Pedley.
Is there someone here representing the applicant?

MR. MILLS: Yes.

CHAIRMAN: Would you step forward, please.

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

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

(LEE MILLS SWORN BY ATTORNEY.)

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

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

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

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

CHAIRMAN: That's a lot of kids.

Anyone on the committee have a question of the applicant?

(NO RESPONSE)
CHAIRMAN: Is there anyone here wishing to speak in opposition to this application?

(NO RESPONSE)

CHAIRMAN: Thank you.

Anyone ready to make a motion regarding this?

Mr. Glenn.

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

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

(NO RESPONSE)

CHAIRMAN: Do I hear a second?

MS. CLARK: Second.

CHAIRMAN: Second by Ms. Clark. Any questions?

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

Mr. Howard.

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VARIANCE

ITEM 3

2104 West 8th Street, zoned R-4DT Inner-City Residential

Consider a request for a Variance in order to reduce the side building setback line on a corner lot to which the homes are positioned back-to-back from 15-feet from the side street property line to 10-feet from the side street property line.

Reference: Zoning Ordinance, Article 3, Section 3-5(a)(3)

Applicant: Habitat for Humanity of Owensboro

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

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

In order to constrict the desired home, the applicant proposes a variance in order to reduce the side building setback line on a corner lot in which the homes are positioned back-to-back from 15-feet.
from the side street property line to 10-feet from the side street property line. Such a setback can be found throughout the general vicinity of the subject property as many homes in the area were built prior of to the establishment of the zoning regulations.

Granting this variance to reduce the side street 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 the existing setback encroachments in the area, nor will it affect the public safety or cause a public hazard because the proposed structure will maintain compliance with the intersection sight-triangle regulations.

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: Do we have someone here representing the applicant?

MS. BRASWELL: Yes.

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CHAIRMAN: Please come forward.

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

MS. BRASWELL: I'm Virginia Braswell.

(VIRGINIA BRASWELL SWORN BY ATTORNEY.)

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

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

CHAIRMAN: Thank you.

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

(NO RESPONSE)

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

Fred.

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

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

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

MR. YEISER: Second.

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

(NO RESPONSE)

CHAIRMAN: All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries.

We have one more motion.

MS. MASON: Motion to adjourn.

MR. GLENN: Second.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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

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