The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, June 7, 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
                     Bill Glenn
                     Lewis Jean

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CHAIRMAN:  Call the June 7, 2018 meeting of the Owensboro Metropolitan Board of Adjustment to order.

First item on the agenda is going to be the prayer and the pledge by Ms. Mason.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  We need to consider the minutes of the May 3, 2018 meeting.  All members have received a copy and are ready for a decision on them.

MR. GLENN:  Make a motion to approve the minutes.

CHAIRMAN:  Move to approve by Mr. Glenn.

MS. MASON:  Second.

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CHAIRMAN: Second by Mrs. Mason. Any question on the minutes?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

First item, Mr. Howard.

ITEM 2
718-722 Hall Street, zoned R-4DT Inner-City Residential
Consider request for a Conditional Use Permit in order to operate a group housing facility that will house up to eight women who are participating in Lighthouse Recovery Services' recovery program
Reference: Zoning Ordinance, Article 8, Section 8.2A7/6a
Applicant: Lighthouse Recovery Services, Inc.

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: The subject properties are two adjoining vacant lots that are currently zoned R-4DT Inner-City Residential. OMPC records indicate there have been no Zoning Map Amendments for the subject property.

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The applicant proposes to utilize the two properties to construct a residence that will house up to eight women that are participating in the Lighthouse Recovery Services program.

In order to do so, the zoning ordinance requires five parking spaces, plus an additional space for every five beds. In this situation, seven parking spaces are needed.

Additionally, vehicular use area screening consisting of a 3-foot-tall continuous element and one tree per 40-linear-feet will be required where the vehicular use area adjoins residentially zoned properties.

The addition criteria for conditionally permitted group housing have been addressed within the application.

The surrounding properties to the north, east and south are zoned R-4DT Inner-City Residential. Much of the block appears to be residential in nature with the exception of the corner lots at the intersection of Hall Street and East 8th Street. These two properties are utilized as a non-conforming on-site licensed substance abuse treatment program and a conditionally permitted outdoor recreational shelter, each owned and operated by Lighthouse.

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Recovery Services.

The surrounding properties to the west, along Breckenridge Street, are zoned B-4 General Business, I-1 Light Industrial, and are a combination of industrial, non-conforming residential uses.

If approved, Staff recommends that the site shall obtain approval of a Minor Subdivision Plat; and approval of either a Site Plan or a Final Development Plan. All necessary building, electrical, and mechanical permits, inspections and certificates of occupancy and compliance shall also be obtained.

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

CHAIRMAN: Thank you, Mr. Pedley.

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

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

MR. MEYER: J.D. Meyer.

MS. KNIGHT: Mr. Meyer, you're sworn as an attorney.

MR. MEYER: Thank you.

Ladies and Gentlemen of the Board of Adjustment, my name is J.D. Meyer. I represent the Lighthouse Recovery Services, who is the applicant,
with respect to this Conditional Use Permit.

As stated by Mr. Howard and the Staff, it is our intent to operate a women's group home from this facility. I think there's no doubt or any question, I know there's certainly not in my mind, but substance abuse is an issue that permeates our community.

A recovery program, Lighthouse Recovery Services has been in existence for 15 plus years. We operate a facility directly across the street where we have a men's substance abuse recovery facility, and obviously Lighthouse is behind the Owensboro Regional Recovery project that's out on Veach Road.

The issue I think there's obviously a shortage of recovery programs in our community. We feel that the women's facility is much needed, and in fact I want to point out to the board that our funding sources for the construction of this home, Fiscal Court is one of the major funding sources. They've contributed $50,000 to the construction of this facility. So obviously Fiscal Court recognizes the need for this type of program in our community.

Owensboro Health is also another funder for the construction of the project, as is the Federal Home Loan Bank.

Again, just briefly talk about our program.

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We operate a peer mentoring program. We have a proven track record, as set forth in our application. The facility will be a tight-ship and tightly run. We don't cut anybody any slack. We'll make sure that with respect to, we'll have eight women in the facility that are in the recovery program. There's a live-in housemother that will be there at all times as well. It's a six bedroom home. Adequate enough space to provide for the parking that is required by the Staff. There's specific codes of conduct, as we said, that each of those individuals will have to follow.

We believe that granting the Conditional Use Permit would not have any adverse affect upon any of the surrounding properties.

I would point out that the majority of the properties across the street are actually already owned by Lighthouse. A lot of those are vacant lots or empty properties.

Properties obviously to the west that border Breckenridge Street, a lot of those are industrial properties. We're good neighbors in all the communities, in all the area that we operate. Obviously, we think this fits within this area.

As I've said and I started out, this Conditional Use Permit and request certainly will
promote the public health, and safety and welfare in the community. We're trying to assist those who are recovery from drug and alcohol addiction.

So with that I just request that you all approve the Conditional Use Permit and application that we've submitted, and I'll answer any questions that the board may have.

CHAIRMAN: Thank you.

Any of the board member has any questions of Mr. Meyer?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that wishes to voice any questions or concerns or opposition of this item?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a motion.

MS. MASON: I move for approval based on the findings that it is compatible with the neighborhood since there's already some properties in the vicinity that are used for drug rehabs. And it is also for the general health it will not adversely affect the public health and it's needed for the community. With the special conditions of approval of the Minor Subdivision Plat, approval of a Site Plan or Final Ohio Valley Reporting (270) 683-7383
Development Plan, and obtain all necessary building, electrical and mechanical permits, inspections and certificates of occupancy and compliance.

CHAIRMAN: We have a motion for approval by Ms. Mason. Do I have a second?

MR. JEAN: Second.

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

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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ITEM 3
2300 Palomino Place, zoned R-1C Single-Family Residential
Consider a request for a Variance in order to increase the height of a fence along a side street yard from 4 feet tall to 6 feet tall.
Reference: Zoning Ordinance, Article 3, Section 3-7(g)(3)
Applicant: Richard Moore and Lauren Moore

MR. PEDLEY: The subject property is zoned R-1D Single-Family Residential and is located at the intersection of Palomino Place and Trifecta Place in the Keeneland Trace subdivision.

The subject property backs up to 55.73 acre

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The applicant would like to place a 6-foot tall, 3 feet from the side street property line; because, as the site plan shows, the final 30-feet of the property lies within a Public Utility and Drainage Easement within which the applicant was denied a Utility Encroachment Permit to allow the construction of a fence.

In order to fence in more of the property, the applicant has shifted the location of the fence closer to Trifecta Place, which is free from the drainage easement, but still lies within a 12-feet wide Public Utility Easement. Such a shift in location of the desired 6-foot tall fence forward of the building setback line.

The Zoning Ordinance requires the fence and the side yard along the street sets forward the building setback line to be no more than 4-feet tall.

So the applicant has requested a variance in order to increase the height of the fence from 4 feet to 6 feet. Similar requests have been granted within Keeneland Trace in the past.

Granting this variance will not adversely affect the public safety or cause a public hazard because the location of the fence will not violate the Ohio Valley Reporting

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site triangle; and because the area behind the subject property is currently an undeveloped planned. Nor will it alter the essential character of the general vicinity or allow an unreasonable circumvention of the zoning regulations because similar variance requests in the neighborhood have been previously approved, and because the 30-foot wide easement at the rear of the property will provide adequate spacing between the fence line and any development that may occur behind the subject property.

Staff recommends approval with the condition that the applicant obtain the Utility Encroachment Permit.

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

CHAIRMAN: Thank you, Mr. Pedley.

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

Come forward, please.

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

MR. MOORE: Richard Moore.

(RICHARD MOORE SWORN BY ATTORNEY.)

MR. MOORE: I am the applicant for the Variance. I'm just here to answer any questions that
you all may have.

CHAIRMAN: Thank you.

Any board members have any questions for Mr. Moore?

(NO RESPONSE)

CHAIRMAN: Anyone here wishing to speak in opposition to this item?

(NO RESPONSE)

CHAIRMAN: If not I'll entertain a motion.

MR. GLENN: I'll make a motion to approve this variance based on the findings of facts presented here tonight, and also on the Condition Number 1, approval of the Utility Encroachment Permit.

CHAIRMAN: Approval by Mr. Glenn. Do I have 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 unanimously.

ITEM 4

2625 Frederica Street, zoned B-4 General Business Consider a request for a Variance in order to reduce

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The required landscaping screening along the southern property line where the subject property adjoins residentially zoned properties from a 10-feet landscape buffer with a 6-foot tall continuous element and 1 tree every 40-linear-feet to a 5-foot landscape buffer with a 6-foot tall continuous element and 1 tree every 40-linear feet.

Reference: Zoning Ordinance, Article 17, Section 17.3111(b)

Applicant: The JDQ Building, LLC

MR. PEDLEY: The subject property is zoned B-4 General Business and is a redeveloping lot. As the site plan illustrates, the developer intends to utilize the property and the existing structure for a variety of uses which create the need for 77 parking spaces on the property.

The properties to the east are residential in nature and are composed of single-family homes. The property to the south is zoned R-3MF Multi-Family Residential and is utilized as a large senior living apartment complex. This complex has a 25-foot-wide two-way drive aisle to access their parking lot spanning the entirety of the shared property line. Zoning ordinance requires a 10-foot wide landscape buffer and screening element to be placed between the business zone and the neighboring residential zones.

In order to fit 77 parking spaces on the 140-foot wide subject property, parking on both sides of the drive aisle are needed, as shown on the site.
plan. However, due to the location of the existing structure, installing parking on both sides of the drive aisle will force an encroachment of the required landscape buffer along the southern property line where the subject property adjoins the multi-family living facility.

Consequentially, the applicant has requested a variance to reduce the required buffer along the southern property line from 10-feet wide to 5-feet wide.

Granting this variance will not adversely affect the public, health or safety, cause a public nuisance, or create an unreasonable circumvention of the requirements of the zoning ordinance because the adjoining residentially zoned property to the south is a large facility with a two-way drive aisle separating residential uses from the subject property, and other screening requirements will be maintained; nor will it alter the essential character of the general vicinity because all buffers and screening elements, as required by the zoning ordinance, will be installed and maintained between the subject property and all surrounding single-family residences.

Staff recommends approval with the condition that the applicant obtain approval of a Final Ohio Valley Reporting (270) 683-7383
Development Plan 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 C.

CHAIRMAN: Thank you, Mr. Pedley.

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

(NO RESPONSE)

CHAIRMAN: Anyone here wishing to speak in
opposition to this item or have any questions of this
item?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a
motion to dispose of this item.

MS. MASON: I'll move for approval based on
the findings of fact that were presented tonight, and
with the condition of approval of a Final Development
Plan, obtained all necessary building, electrical and
HVAC permits, inspections and certificates of
occupancy and compliance.

CHAIRMAN: We have a motion by Mrs. Mason. Is
there a second?

MS. CLARK: Second.

CHAIRMAN: Second by Ms. Clark. 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 unanimously.

Next item, Mr. Howard.

ITEM 5
2116 Sheridan Place, zoned R-1A Single-Family Residential
Consider a request for a Variance in order to reduce the required side yard building setback of a detached structure located in the rear yard of the property from 3-feet from the property line to 2-feet from the property line.
Reference: Zoning Ordinance, Article 3, Section 3-7(b)(2)
Applicant: Marty and Becky Mitchell

MR. PEDLEY: The subject property is zoned R-1A Single-Family Residential and is located near the intersection of Sheridan Place and Ford Avenue. The applicant would like to construct a detach garage in the rear yard of the subject property in order to provide additional off street parking.

The zoning ordinance allows enclosed accessory buildings to be permitted in rear yards; however, they shall not be closer than 3-feet from the side property line and 6-feet from all other enclosed structures.

With limited depth on the property, the applicant
would like to construct a detach garage 2-feet from the side property line to allow easier vehicular access into the garage.

Granting this variance may not cause a public nuisance because at 2-feet from the property line, the applicant should have sufficient space to construct and maintain the structure without negatively impacting the neighboring properties. It may allow an unreasonable circumvention of the zoning regulations because allowing a structure to be 2-feet from the property line may allow enclosed structures to be located closer than 6-feet from one another should a neighbor construct a structure at the allowed 3-foot building setback line on their own property.

It will not adversely affect the public safety because principal structure setbacks in R-1A zoning classification ensure that the structure will remain at least 12-feet from the neighboring single-family residences.

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

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

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CHAIRMAN: Thank you, Mr. Pedley.

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

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

MR. MITCHELL: Marty Mitchell.

(MARTY MITCHELL SWORN BY ATTORNEY.)

MR. MITCHELL: I drove some stakes in my yard and tried to drive my vehicle in on a 3-foot variance, and I couldn't get pass my garage and get into it. So that's why I'm asking for the variance.

I have spoken with Joan and Bill Kolock, who would be most affected because they're the neighbors that I'm getting closer to, and they have no objections to it.

CHAIRMAN: Does anybody have any questions of Mr. Mitchell?

(NO RESPONSE)

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

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a motion.

Mr. Jean.

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

CHAIRMAN: We have a motion by Mr. Jean. Do I have a second?

MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. Any question 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.

Next item, please.

ITEM 6

918 West Fourth Street, zoned I-1 Light Industrial

Consider a request for a Variance in order to eliminate the 10-foot landscape buffer with a 6-foot tall continuous element and 1 tree every 40-linear feet that is required between the subject property and the neighboring residentially zoned properties that are located at 900 West Fourth Street and 406 Poplar Street

Reference: Zoning Ordinance, Article 17, Section 17.311(b)

Applicant: Thomas S. Hayden, Jr. & Katherine Hayden, and David M. & Colleen Q. Taylor

MR. PEDLEY: The subject property is zoned I-1 Light Industrial and is an existing mini-storage facility located at the intersection of West Fourth Street and Sycamore Street. As the site plan shows,
the property extends towards and connects to Poplar Street.

The applicant would like to expand the existing business towards Poplar Street. In doing so, the industrial activity encroaches closer to the neighboring properties that are zoned R-4DT Inner-City Residential. The zoning ordinance requires a 10-foot landscape buffer with a 6-foot tall continuous element and one tree every 40-linear-feet to be maintained between the industrial and residential zones.

However, of the two residentially zoned properties, one is a telecommunications station that is surrounded by a gravel base and enclosed with a 6-foot tall chain link fence. The second residentially zoned property is also owned by the telecommunications company, and is currently a vacant lot.

In order to expand the business as much as possible, the applicant has requested a variance to eliminate the 10-foot landscape buffer, the 6-foot tall continuous element, and the one tree every 40-linear-feet as required between the subject property and the neighboring residentially zoned properties.

Granting this variance will not adversely

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affect the public safety; nor will it allow an unreasonable circumvention of the zoning regulations because the two adjoining Residentially zoned properties are not used residentially; and it will not cause a public nuisance or alter the character of the general vicinity because the subject property does not adjoin any additional residentially zoned properties.

Staff recommends approval with the condition that the applicant obtain approval of a Final Development Plan, as well as 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 E.

CHAIRMAN: Thank you.

Does anyone wish to speak on behalf of the applicant?

(NO RESPONSE)

CHAIRMAN: Is anyone wishing to voice opposition to this item?

(NO RESPONSE)

CHAIRMAN: Hearing no opposition I'll entertain a motion.

MR. GLENN: I make a motion that we approve this variance based on the Findings 1 through 4 and
that they meet the two conditions; approval of a Final Development Plan, and obtain all the necessary building, and electrical and HVAC permits, inspections and certificates of occupancy and compliance.

CHAIRMAN: Thank you, Mr. Glenn.

Do we have a second?

MS. MASON: Second.

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

(NO RESPONSE)

CHAIRMAN: Hearing none all in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Is there any more business?

MR. HOWARD: No.

CHAIRMAN: Then we need one more motion.

MS. MASON: Motion to adjourn.

MR. GLENN: Second.

CHAIRMAN: Motion by Ms. Mason and second by Mr. Glenn. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: 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 21 typewritten pages; and that no signature was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the 2nd day of July, 2018.

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

COMMISSION EXPIRES: DECEMBER 16, 2018

COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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