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

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CHAIRMAN: We will call the Owensboro Metropolitan Board of Adjustment July 5th meeting to order. First item on the agenda will be our prayer and pledge by Ms. Clark.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Item Number 1 is to consider the minutes of the June 7, 2018 meeting. All members have received a copy via mail or electronic media and have had time to look it over. So at this time I will entertain a motion to deal with these.

MS. MASON: Move to approve.

CHAIRMAN: Move to approve by Ms. Mason.

MR. GLENN: Second.

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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.

First item on the agenda, Mr. Howard.

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ITEM 2

3117 Alvey Park Drive West, zoned B-4 General Business
Consider request for a Conditional Use Permit in order to operate a preschool/child day-care center from the subject property.
Reference: Zoning Ordinance, Article 8, Section 8.2B3
Applicant: Trina Pryor and Jill Payne

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: The subject property is 0.64 acre lot in which a physical therapy office that is owned and operated by the applicant is currently located. The applicant is requesting a Conditional Use Permit in order to operate a preschool facility in the existing building. As the site plan illustrates, the Ohio Valley Reporting
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applicant desires to utilize for existing operation and 630 square feet of the building for the proposed preschool. The neighboring property to the south and the property across Alvey Park Drive West are all zoned B-4 general business and operate accordingly.

The property next-door to the north is zoned I-1 Light Industrial, and all properties behind the subject property that face Alvey Park Drive East are zoned B-3 Highway Business Center. All of which are either vacant properties or operate in accordance with their zoning classification.

For this use the Zoning Ordinance requires a minimum of two parking paces, plus an additional space for every 10 children, all of which are required to be located on a hard surface such as asphalt or concrete. The application states that the child day-care facility will host up to 18 children and will be required to maintain 4 parking spaces.

Additionally, the physical therapy office is required to maintain 15 parking space based on their square footage. Combined, the two uses will be required to host 19 parking spaces; the site plan submitted illustrates that the property currently has 22 parking spaces available.

Because the property is surrounded by business
and industrial zones, perimeter landscaping is not required; however, a 3-foot tall continuous element and 1 tree every 40-linear feet is required to be maintained in locations where the vehicular use area adjoins the public right-of-way.

If approved special conditions include:

1. Approval of an amended Site Plan; and,
2. All necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance shall 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. PRYOR: That would be me.

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


(TRINA PRYOR SWORN BY ATTORNEY.)

CHAIRMAN: Do you need to add anything to what's already been read into the record?

MS. PRYOR: No, I don't think so.

CHAIRMAN: Stay put in case we have any opposition.
Is there anyone in the audience that wishes to speak in opposition or have questions on this item?
(NO RESPONSE)

CHAIRMAN: Thank you.

Anyone on the board have questions?
(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a motion.

Mr. Glenn.

MR. GLENN: I would make a motion to approve this Conditional Use Permit based on all of the information that we have heard here this evening and also on the two special conditions of an amended site plan; and, of course, obtaining all building, electrical and HVAC permits that are required.

CHAIRMAN: We have a motion by Mr. Glenn. Any question on the motion?
(NO RESPONSE)

CHAIRMAN: Do I hear a second?

MS. CLARK: Second.

CHAIRMAN: Second by Ms. Clark. Any question on the motion?
(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.
ITEM 3
5541 Highway 54, zoned I-1 Light Industrial
Consider request for a Conditional Use Permit in order
to operate a fitness facility as an indoor
recreational activity from an existing structure on
the subject property.
References: Zoning Ordinance, Article 8, Section
8.2B11
Applicant: Bruce Hardesty.

MR. PEDLEY: OMPC records indicate that the
subject property was rezoned from R-1A Single-Family
Residential to I-1 Light Industrial in 2011 in order
to operate a powder coating business from the subject
property and utilize the residential home on the
property as a dwelling unit for the caretaker of the
business. The powder coating business is no longer in
operation and so the applicant is requesting a
Conditional Use Permit in order to operate a fitness
facility as an indoor recreational activity from the
existing detached structure on the property. The
existing home will continue to operate as a dwelling
unit for the caretaker of the business.

The majority of the surrounding properties are
zoning R-1A Single-Family Residential and appear to be
residential in nature. Across Highway 142 is a
property zoned B-4 General Business and is an
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operating car dealership. To the south across Highway 54 is a combination of R-1A and B-4 and A-U Urban Agricultural zones that comprise a business use, a vacant lot, and a cemetery.

Based on the number of employees on the maximum shift, the number of participants and the number of spectators seats available, the Zoning Ordinance requires 10 parking spaces as shown on the site plan.

The landscaping requirements for the proposed use remain consistent with the current use. Perimeter landscaping consisting of a 10 foot wide landscape easement, a 6 foot tall continuous element, and 1 tree every 40-linear feet is required where the subject property adjoins residential properties. Additionally, a 3-foot tall continuous element and 1 tree every 40-linear feet is required to be maintained in locations where the vehicular use area adjoins the public right-of-way, as shown on the site plan.

If approved the Special Conditions include:
1. Approval of an amended Site Plan.
2. All necessary building, electrical, HVAC permits, inspections and certificates of occupancy and compliance shall be obtained.

We would like to enter the Staff Report into Ohio Valley Reporting

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the record as Exhibit B.

CHAIRMAN: Thank you.

Is anyone here wishing to speak on behalf of

the applicant?

Would you come up please.

MS. KNIGHT: Please state your name for the

record.

MR. HARDESTY: My name is Bruce Hardesty.

(BRUCE HARDESTY SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything you need to

add to what's been read in?

MR. HARDESTY: The physical therapy, it's not

physical therapy. What we're doing this is bungee.

Have you ever heard of Astro-Durance Bungee? What

happens is you build a harness that goes around your

waist and your legs. The bungee comes from 10 foot in

the air, hooks to the back. I take and make you

buoyant or less buoyant. I take about 40 to 60 pounds

off of you so that when you're exercising it's very

low impact. It's really good for older people. It

fires your lymphatic system up. Your lymphatic system

is what feeds all of your ligaments, your discs in

your neck and your back. Doing this you'll actually

regain height because it will stretch you back out.

You have 867 muscles in your body and it stretches all
of them at one time.

It's very, very new technology. Lou Ferrigno, he has bought into the company, bought part of it, and Mr. Smith, which is head of all of the exercise in the United States for multiple sclerosis. So those two have bought into this and now it's becoming a franchise.

Anybody have any questions.

CHAIRMAN: Stick around and see if we have any.

Is there anyone here wishing to speak in opposition to or has questions of this use?

MS. SHOLAR: I just have a question.

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

MS. SHOLAR: Linda Sholar.

(LINDA SHOLAR SWORN BY ATTORNEY.)

MS. SHOLAR: I'm right next door. I just need to know what are the operating hours that he intends to have?

MR. HARDESTY: Oh, it will just be during the day.

CHAIRMAN: Wait just a minute and we'll get the answer. We'll have him come to the mike.

Operating hours?

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MS. SHOLAR: Yes.

CHAIRMAN: What else?

MS. SHOLAR: Does he have sufficient parking, I guess? Those would be my questions.

CHAIRMAN: Okay. Mr. Hardesty, you want to come up.

MR. HARDESTY: That's what I had BEI for. They have helped me and we have developed a plan so that we have and are in, I guess --

MR. HOWARD: What are your hours?

MR. HARDESTY: Well, the hours are going to be probably somewhere around 8:30 to maybe 7:30 at night, and probably won't run Sundays.

CHAIRMAN: Okay.

Yes, sir.

MR. WEIKEL: My name is Bill Weikel.

(BILL WEIKEL SWORN BY ATTORNEY.)

MR. WEIKEL: The other question that the lady had to address, we do show the ten parking spaces that are required. There's four additional places in addition to the existing six.

CHAIRMAN: Thank you.

Do you have other questions or concerns?

(NO RESPONSE)

CHAIRMAN: Anyone on the board have questions?

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MR. HOWARD: I'll just add that parking requirement is based upon information that they provided, that the applicant provided as shown on the site plan.

You know, if your business grows and you have more people than you intended, then we'll need to revisit, this board would then need to revisit that kind of thing. If you really succeed well and there's a lot of people, but that's just part of the process.

MR. HARDESTY: That is our plan. We sort of did this in stages. Our next plan is to take the house down, build a house off the place, use that for parking and actually expanding the building in the opposite direction.

CHAIRMAN: Thank you.

Do you have any other questions or concerns?

MS. SHOLAR: Not unless he starts to expand.

CHAIRMAN: That will be a whole other meeting.

Any board members have questions?

(NO RESPONSE)

CHAIRMAN: I'll entertain a motion to dispose of this item.

Mr. Reeves.

MR. REEVES: Motion to approve this Conditional Use Permit based on the findings that the
operation is compatible with other operations in the
general area. It's general business. There's a car
lot there so it's not inconsistent with that. Also,
given the hours of operation and the type of therapy
they're going to provide, it should not be a public
nuisance.

CHAIRMAN: Thank you. Do I have a second on
the motion?

MR. JEAN: Second.

CHAIRMAN: Second by Mr. Jean.

MR. HOWARD: If I could interject real quick.
Do you want to add the two special conditions
that were provided?

MR. REEVES: Yes. I do want those two
conditions be part of the motion. I'm sorry.

MS. KNIGHT: Do you second that as well,
Mr. Jean?

MR. JEAN: I do, yes.

CHAIRMAN: 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 unanimous.

Any other business, Mr. Howard?
MR. HOWARD: No, ma'am.

CHAIRMAN: We have 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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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 13 typewritten pages; and that no signature
was requested to the foregoing transcript.

WITNESS my hand and notary seal on this the
31st 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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