

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 SEPTEMBER 6, 2018

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 September 6, 2018, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as follows:

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

16 * * * * *

17 CHAIRMAN: We'll call the Owensboro Metropolitan
18 Board of Adjustment September 6th meeting to order. We
19 always begin our meetings with a prayer and a pledge, and
20 I've asked Ms. Mason to lead the prayer.

21 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

22 CHAIRMAN: First item on the agenda is to
23 consider the minutes of the August 2nd, 2018, meeting.
24 Everybody should have copies, either electronic or hard
25 copy, and have had time to read them. So at this time I
will entertain a motion to dispose of this item.

MR. GLENN: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Glenn.

MS. MASON: Second.

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

3 (NO RESPONSE.)

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

6 (ALL BOARD MEMBER PRESENT RESPONDED AYE.)

7 CHAIRMAN: Chair votes aye. Unanimous.

8 Okay. First item of the agenda, Mr. Howard.

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10 CONDITIONAL USE PERMIT

11 ITEM 2

12 520 Hall Street, zoned R-4DT Inner-City Residential
13 Consider a request for a Conditional Use Permit in order
14 to install a Class 2 manufactured home in an R-4DT Inner
15 City Residential zone.

16 References: Zoning Ordinance, Article 8, Section
17 8.2A10B/7

18 Applicant: Roxy Simpson, Brittney Lindsey, and Jim
19 Yeckering

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

22 MR. PEDLEY: Trey Pedley.

23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 MR. PEDLEY: The subject property is a vacant
25 lot that is zoned R-4DT Inner-City Residential. A
conditional use permit was approved in 1986 to install a
Class 2 manufactured home on the neighboring lot at 524
Hall Street. Additionally, within this portion of the 500
block of Hall Street, sidewalks have not been installed.

1 The applicant proposes to install a 16 by 76
2 manufactured home on the subject property. The submitted
3 site plan is in compliance with all Class 2 manufactured
4 home site standards that are required by the zoning
5 ordinance, with the exception of concrete sidewalks. The
6 applicant has requested a waiver of this requirement to
7 remain consistent with the neighboring properties.

8 All surrounding properties on Hall Street are
9 zoned R-4DT Inner-City Residential and appear to be
10 residential in nature. Adjoining properties to the west,
11 along Breckenridge Street, are zoned B-4 General Business
12 and appear to be non-conforming residential uses.

13 If approved, as a special condition, the
14 applicant shall obtain all necessary building, electrical,
15 and HVAC permits, inspections, and certificates of
16 occupancy and compliance.

17 We'd like to enter the Staff Report into the
18 record as Exhibit A.

19 CHAIRMAN: Thank you, Mr. Pedley.

20 Is there anyone here wishing to address this
21 item?

22 Are you the applicant?

23 APPLICANT: Yes.

24 CHAIRMAN: Does anyone have any questions of the
25 applicant?

1 (NO RESPONSE.)

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

4 MR. JEAN: I'd like to make a motion to approve.
5 Based on the Staff Report and the Findings, it is
6 consistent with the previous approved conditional use
7 permits. It is compatible with the neighborhood, as there
8 are other manufactured homes in the neighborhood. The
9 applicant shall meet the appropriate zoning ordinance
10 requirements for Class 2 manufactured homes and with
11 Condition Number 1.

12 CHAIRMAN: Okay. We have a motion by Mr. Jean.

13 MR. HOWARD: And if you don't mind, include the
14 waiver on the sidewalks in your motion.

15 MR. JEAN: Okay. And waive the requirement for
16 the sidewalk.

17 CHAIRMAN: Thank you.

18 Is there a second to Mr. Jean's motion?

19 MR. YEISER: Second.

20 CHAIRMAN: Mr. Yeiser. Any question on the
21 motion?

22 (NO RESPONSE.)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Chair votes aye. Motion carries
2 unanimately.

3 Number 3, Mr. Howard.

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5 VARIANCES

6 ITEM 3

7 3850 Frederica Street, zoned B-4 General Business
8 Consider a request for a Variance in order to reduce a
9 30-foot long portion of the required side street yard
10 building setback along the future extension of Monticello
11 Drive that is shown on the preliminary subdivision plat
12 from 25 feet from the property line to 20 feet from the
13 property line, as illustrated on the variance site plan.
14 References: Zoning Ordinance, Article 8, Section 8.5.16c
15 Applicant: Ollie Wash, LLC, and The Shoppes at 3800
16 Frederica, LLC

17 MR. PEDLEY: The subject property is zoned B-4
18 General Business and is located at the northern corner of
19 Frederica Street and the future extension of Monticello
20 Drive, directly across Frederica Street from the Fairfax
21 Drive intersection. The site and all neighboring sites
22 are in a newly-planned subdivision and currently sit
23 vacant, although the site plan for this property indicates
24 plans for a future 4,445-square-foot carwash with 23
25 accessory vacuum stations to be located on this lot.

Because this is a corner lot with road frontage
on three sides, the subject property has 25-foot wide
building setbacks along three of the four property lines.
In an attempt to maximize their square footage, the

1 applicant has requested a variance to reduce a 30-foot
2 long portion of the required building setback along the
3 future extension of Monticello Drive from 25 feet to 20
4 feet from the property line, as shown on the site plan, to
5 allow a canopy with a payment kiosk to be located within
6 the planned service drive.

7 Granting the variance to reduce the building
8 setback may alter the essential character of the general
9 vicinity because this is an open lot within a
10 newly-planned subdivision where there are no special
11 circumstances that would prohibit the applicant from
12 meeting all required setbacks, and approving this request
13 may create a precedence for future variances in the area
14 as other lots are developed. However, granting this
15 variance will not adversely affect the public health or
16 cause a public nuisance because the reduced setback will
17 be on an internal side street and other setbacks along
18 intersections are being upheld. Additionally, granting
19 this variance will not allow an unreasonable circumvention
20 of the zoning regulations of the zoning ordinance because
21 the portion of the reduced setback is only large enough
22 for the canopy and kiosk and so additional structures will
23 not be able to be located within the reduced setback.

24 Staff recommends approval with the conditions of
25 an approved site plan or final development plan as well as

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

3 We'd like to enter the staff report into the
4 record as Exhibit B.

5 CHAIRMAN: Thank you, Mr. Pedley.

6 Is there someone here representing the
7 applicant?

8 Would you come to the speaker, to the
9 microphone?

10 MR. BAKER: Yes. Jason Baker.

11 (JASON BAKER SWORN BY ATTORNEY.)

12 CHAIRMAN: Do you have anything to add or share
13 light on?

14 MR. BAKER: Nothing to add. I'm here to answer
15 questions. Mainly just trying to get the support
16 structure for a canopy permitted there in that location.

17 CHAIRMAN: Anybody in the audience have
18 questions on this, or comments?

19 (NO RESPONSE.)

20 CHAIRMAN: Any board members have questions?

21 (NO RESPONSE.)

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

24 MS. MASON: I move for approval based on the
25 findings that it will not adversely affect the public

1 health, safety, or welfare because the setback along
2 Frederica Street is being upheld, limiting traffic
3 visibility concerns at the intersection. And it may alter
4 the essential character of the general vicinity because
5 allowing the reduced setback may create a precedence for
6 future requests in the area as other vacant lots are
7 developed. And it will not cause a hazard or nuisance to
8 the public because of the setback reduction. And it will
9 not allow an unreasonable circumvention of the
10 requirements of the zoning regulations because a portion
11 of that setback is only long enough for the area, so
12 additional structures will not be able to be located
13 within the reduced setback. And with the Conditions
14 Number 1 and Number 2 that were noted earlier.

15 CHAIRMAN: Thank you.

16 Is there a second to this motion?

17 MR. REEVES: Second.

18 CHAIRMAN: Mr. Reeves. Any question on the
19 motion?

20 (NO RESPONSE.)

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

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Opposed, like sign.

25 (NO RESPONSE.)

1 CHAIRMAN: Motion carries unanimously.

2 ITEM 4

3 1712 Griffith Avenue, zoned R-1A Single Family Residential
4 Consider a request for a Variance to reduce the required
5 side yard building setback along the western property line
6 from 10 feet from the property line to 8 feet from the
7 property line.

8 References: Zoning Ordinance, Article 8, Section 8.5.5(d)

9 Applicants: William Casey Callis and Kristin Clay Nunley
10 Callis

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12 MR. PEDLEY: The subject property is zoned R-1A

13 Single Family Residential and is located near the

14 intersection of Griffith Avenue and Lewis Lane. Although

15 this area was developed prior to the establishment of the

16 zoning ordinance, the lot dimension and all structures on

17 the subject property appear to comply with current zoning

18 regulations.

19 The applicant proposed to construct a 12-foot by

20 4-foot addition to the southwest corner of their home as a

21 means to complete a kitchen and bathroom remodeling

22 project. Doing so will require an encroachment into the

23 required 10-foot side yard building setback, and so the

24 applicant has requested a variance to reduce this setback

25 from 10 feet from the side property line to 8 feet from

the side property line, a distance that would be approved

without the need for a variance in other Single Family

Residential zones.

Granting this variance will not adversely affect

1 the public safety or cause a public nuisance because the
2 required 10-foot separation distance between residences
3 will be maintained and will not create an unreasonable
4 circumvention of the requirements of the zoning ordinance
5 because the requested reduced building setback is allowed
6 in other Single Family Residential zones.

7 Staff recommends approval with the conditions
8 that all necessary building, electrical, and HVAC permits,
9 inspections, and certificates of occupancy and compliance
10 are obtained.

11 We'd like to enter the Staff Report into the
12 record as Exhibit C.

13 CHAIRMAN: Thank you, Mr. Pedley.

14 Is there someone here wishing to address this
15 item or speak to this item?

16 (NO RESPONSE.)

17 Anyone wishing to have questions of the
18 applicant?

19 (NO RESPONSE.)

20 Any board members?

21 (NO RESPONSE.)

22 CHAIRMAN: I'll entertain a motion. Mr. Reeves?

23 MR. REEVES: Move to approve this application
24 based on the findings that it will not adversely affect
25 the public health, safety, and welfare because of the

1 required 10-foot separation distance between residences
2 will be maintained; it will not alter the essential
3 character of the general vicinity because this is an area
4 in which development predates the zoning regulations, and
5 so neighboring structures may not comply with all building
6 setback requirements; three, it will not cause a hazard or
7 a nuisance to the public because of the location of the
8 neighboring home on its respective lot allows ample space
9 between the two residential homes; and, four, it will not
10 allow an unreasonable circumvention of the requirements of
11 the zoning regulations because the reduced setback is
12 allowed in other Single Family Residential zoning
13 classifications; with Condition Number 1.

14 CHAIRMAN: Thank you.

15 Any second on the motion?

16 MS. CLARK: Second.

17 CHAIRMAN: Second by Robynn. Any questions?

18 (NO RESPONSE.)

19 CHAIRMAN: Ready for the vote. All in favor of
20 the motion, raise your right hand.

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Opposed, like sign.

23 (NO RESPONSE.)

24 CHAIRMAN: Motion carries unanimously.

25 We need one more motion.

1 MS. KNIGHT: Move to adjourn.

2 COMMISSIONER: Second.

3 CHAIRMAN: We have a motion and second to
4 adjourn. I'm assuming we're all in favor.

5 (Meeting adjourned at 5:43 p.m.)

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1 COMMONWEALTH OF KENTUCKY)
) SS:
2 COUNTY OF DAVIESS)

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4 I, Rhonda Simpson, Notary Public in and for the
5 State of Kentucky at large, do hereby certify that the
6 foregoing Owensboro Metropolitan Board of Adjustment
7 meeting was held at the time and place as stated in the
8 caption to the proceedings; that each person commenting on
9 issues under discussion were duly sworn before testifying;
10 that the Board members present were as stated in the
11 caption; that said proceedings were taken by me in
12 stenotype and electronically recorded and was thereafter,
13 by me, accurately transcribed into the foregoing 12
14 typewritten pages; and that no signature was requested to
15 the transcript.

16 Dated this 26th day of September 2018.

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19

RHONDA SIMPSON, NOTARY PUBLIC
STATE-AT-LARGE
OHIO VALLEY REPORTING SERVICE
2200 E. PARRISH AVENUE, SUITE 106-E
OWENSBORO, KENTUCKY 42303

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COMMISSION EXPIRES:
23 AUGUST 17, 2019
COUNTY OF RESIDENCE:
24 DAVIESS COUNTY, KENTUCKY

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