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

MEMBERS PRESENT: Judy Dixon, Chairman
Brian Howard, Director
Terra Knight, Attorney
Ruth Ann Mason, Secretary
Robynn Clark
Jerry Yeiser
Fred Reeves
Bill Glenn
Lewis Jean

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

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the August 2nd, 2018, meeting. Everybody should have copies, either electronic or hard 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.
CHAIRMAN: Second by Ms. Mason. Any questions on the motion?

(NO RESPONSE.)

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

(ALL BOARD MEMBER PRESENT RESPONDED AYE.)

CHAIRMAN: Chair votes aye. Unanimous.

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

CONDITIONAL USE PERMIT

ITEM 2

520 Hall Street, zoned R-4DT Inner-City Residential
Consider a request for a Conditional Use Permit in order
to install a Class 2 manufactured home in an R-4DT Inner City Residential zone.
References: Zoning Ordinance, Article 8, Section 8.2A10B/7
Applicant: Roxy Simpson, Brittney Lindsey, and Jim Yeckering

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

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

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

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

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

CHAIRMAN: Thank you, Mr. Pedley.

Is there anyone here wishing to address this item?

Are you the applicant?

APPLICANT: Yes.

CHAIRMAN: Does anyone have any questions of the applicant?
CHAIRMAN: I'll entertain a motion to dispose of this item.

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

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

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

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

CHAIRMAN: Thank you.

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

MR. YEISER: Second.

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

(NO RESPONSE.)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Chair votes aye. Motion carries unanimously.

Number 3, Mr. Howard.

VARIANCES

ITEM 3

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

MR. PEDLEY: The subject property is zoned B-4 General Business and is located at the northern corner of Frederica Street and the future extension of Monticello Drive, directly across Frederica Street from the Fairfax Drive intersection. The site and all neighboring sites are in a newly-planned subdivision and currently sit vacant, although the site plan for this property indicates plans for a future 4,445-square-foot carwash with 23 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
applicant has requested a variance to reduce a 30-foot long portion of the required building setback along the future extension of Monticello Drive from 25 feet to 20 feet from the property line, as shown on the site plan, to allow a canopy with a payment kiosk to be located within the planned service drive.

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

Staff recommends approval with the conditions of an approved site plan or final development plan as well as
necessary building, electrical, and HVAC permits, inspections, and certificates of occupancy and compliance. We'd like to enter the staff report into the record as Exhibit B.

CHAIRMAN: Thank you, Mr. Pedley. Is there someone here representing the applicant? Would you come to the speaker, to the microphone?

MR. BAKER: Yes. Jason Baker. (JASON BAKER SWORN BY ATTORNEY.)

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

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

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

(NO RESPONSE.)

CHAIRMAN: Any board members have questions?

(NO RESPONSE.)

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

MS. MASON: I move for approval based on the findings that it will not adversely affect the public
health, safety, or welfare because the setback along
Frederica Street is being upheld, limiting traffic
visibility concerns at the intersection. And it may alter
the essential character of the general vicinity because
allowing the reduced setback may create a precedence for
future requests in the area as other vacant lots are
developed. And it will not cause a hazard or nuisance to
the public because of the setback reduction. And it will
not allow an unreasonable circumvention of the
requirements of the zoning regulations because a portion
of that setback is only long enough for the area, so
additional structures will not be able to be located
within the reduced setback. And with the Conditions
Number 1 and Number 2 that were noted earlier.

CHAIRMAN: Thank you.

Is there a second to this motion?

MR. REEVES: Second.

CHAIRMAN: Mr. Reeves. 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: Opposed, like sign.

(NO RESPONSE.)
CHAIRMAN: Motion carries unanimously.

ITEM 4

1712 Griffith Avenue, zoned R-1A Single Family Residential
Consider a request for a Variance to reduce the required
side yard building setback along the western property line
from 10 feet from the property line to 8 feet from the
property line.
References: Zoning Ordinance, Article 8, Section 8.5.5(d)
Applicants: William Casey Callis and Kristin Clay Nunley Callis

MR. PEDLEY: The subject property is zoned R-1A
Single Family Residential and is located near the
intersection of Griffith Avenue and Lewis Lane. Although
this area was developed prior to the establishment of the
zoning ordinance, the lot dimension and all structures on
the subject property appear to comply with current zoning
regulations.

The applicant proposed to construct a 12-foot by
4-foot addition to the southwest corner of their home as a
means to complete a kitchen and bathroom remodeling
project. Doing so will require an encroachment into the
required 10-foot side yard building setback, and so the
applicant has requested a variance to reduce this setback
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
the public safety or cause a public nuisance because the required 10-foot separation distance between residences will be maintained and will not create an unreasonable circumvention of the requirements of the zoning ordinance because the requested reduced building setback is allowed in other Single Family Residential zones.

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

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

CHAIRMAN: Thank you, Mr. Pedley.

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

(NO RESPONSE.)

Anyone wishing to have questions of the applicant?

(NO RESPONSE.)

Any board members?

(NO RESPONSE.)

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

MR. REEVES: Move to approve this application based on the findings that it will not adversely affect the public health, safety, and welfare because of the
required 10-foot separation distance between residences
will be maintained; it will not alter the essential
class of the general vicinity because this is an area
in which development predates the zoning regulations, and
so neighboring structures may not comply with all building
setback requirements; three, it will not cause a hazard or
a nuisance to the public because of the location of the
neighboring home on its respective lot allows ample space
between the two residential homes; and, four, it will not
allow an unreasonable circumvention of the requirements of
the zoning regulations because the reduced setback is
allowed in other Single Family Residential zoning
classifications; with Condition Number 1.

CHAIRMAN: Thank you.

Any second on the motion?

MS. CLARK: Second.

CHAIRMAN: Second by Robynn. Any questions?

(NO RESPONSE.)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Opposed, like sign.

(NO RESPONSE.)

CHAIRMAN: Motion carries unanimously.

We need one more motion.
MS. KNIGHT: Move to adjourn.

COMMISSIONER: Second.

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

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

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COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF DAVIESS

I, Rhonda Simpson, 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 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 transcribed into the foregoing 12 typewritten pages; and that no signature was requested to the transcript.

Dated this 26th day of September 2018.

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

COMMISSION EXPIRES:
AUGUST 17, 2019
COUNTY OF RESIDENCE:
DAVISS COUNTY, KENTUCKY

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