

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 NOVEMBER 8, 2018

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:00 p.m. on Thursday,
5 November 8, 2018, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

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

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16 CHAIRMAN: Call the November 8, 2018 Owensboro
17 Metropolitan Board of Adjustment to order.

18 First order of the business will be a prayer
19 from Mr. Reeves and pledge to the flag.

20 (INVOCATION AND PLEDGE TO THE FLAG.)

21 CHAIRMAN: First item on the agenda is to
22 consider the minutes of the October 4, 2018 meeting.
23 Members have received a copy and have had time to look
24 it over.

25 At this time I will entertain a motion.

MS. MASON: Motion to approve.

MR. GLENN: Second.

CHAIRMAN: A motion has been made by Ms. Mason

1 and seconded by Mr. Glenn. Any question on the
2 motion?

3 (NO RESPONSE)

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

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9 VARIANCES

10 ITEM 2
11 6836 Highway 81, zoned A-U Urban Agriculture
12 Consider request for a Variance in order to reduce the
13 required rear street yard building setback from
14 30-feet from the property line to 17-feet from the
15 property line.
Reference: Zoning Ordinance, Article 8,
Section 8.5.2(c)
Applicant: Mark A. McCarty & Karen McCarty

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

18 MR. PEDLEY: Trey Pedley.

19 (TREY PEDLEY SWORN BY ATTORNEY.)

20 MR. PEDLEY: The subject property is zoned A-U
21 Urban Agriculture and is located near the southern
22 intersection of Highway 81 and Old Highway 81 north
23 with frontage along both roads. This double-frontage
24 lot configuration is a common theme within the area
25 creating 30-foot street yard building setback from

1 both ends of the property. All the houses within this
2 area appear to primarily access their homes from
3 Highway 81. This couples with the orientation of the
4 home insinuates that the portion of each lot that
5 adjoins Old Highway 81 North is thought of as the rear
6 yard.

7 The applicant would like to construct a
8 detached building approximately 45 by 50 within the
9 rear yard at the end of the existing driveway on the
10 subject property. Consequentially, the building will
11 be encroaching into the required 30 foot setback along
12 Old Highway 81 North, and so the applicant has
13 requested a variance to reduce the required rear
14 street yard building setback from 30-feet from the
15 property line to 17-feet from the property line.

16 Granting this variance will not adversely
17 affect the public safety or cause a public nuisance
18 because all the homes within this area are primarily
19 accessed from Highway 81, and so the location of the
20 rear yard detached structure will not interfere with a
21 driver's visibility regarding situations involving the
22 neighboring driveways. However, granting the variance
23 may alter the essential character of the general
24 vicinity and may allow unreasonable circumvention of
25 the zoning regulation because there are no other

1 structures within the area that encroaches the
2 required setback.

3 Staff recommends approval with the condition
4 that all necessary building, electrical and HVAC
5 permits, inspections and certificates of occupancy and
6 compliance are obtained.

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

9 CHAIRMAN: Thank you, Mr. Pedley.

10 Is there anyone here representing the
11 applicant?

12 APPLICANT REP: Yes.

13 CHAIRMAN: Does anybody on the commission have
14 any questions of the applicant?

15 (NO RESPONSE)

16 CHAIRMAN: Hearing none I'll entertain a
17 motion.

18 MR. GLENN: I'll make a motion to approve this
19 application and request based on the findings
20 presented here and also on Condition Number 1 which is
21 obtain all necessary building, electrical and HVAC
22 permits, inspections and certificates of occupancy and
23 compliance.

24 MR. JEAN: Second.

25 CHAIRMAN: Motion by Mr. Glenn and seconded by

1 Mr. Jean. Any questions on the motion?
2 (NO RESPONSE)
3 CHAIRMAN: All in favor raise your right hand.
4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
5 CHAIRMAN: Motion carries.
6 Mr. Howard, anything else?
7 MR. HOWARD: No, ma'am.
8 CHAIRMAN: I have one more motion.
9 MS. MASON: Motion to adjourn.
10 CHAIRMAN: Motion to adjourn by Ms. Mason. Is
11 there a second?
12 MR. GLENN: Second.
13 CHAIRMAN: Second by Mr. Glenn. All in favor
14 raise your right hand.
15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
16 CHAIRMAN: We are adjourned.
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1 STATE OF KENTUCKY)

)SS: REPORTER'S CERTIFICATE

2 COUNTY OF DAVIESS)

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

16 WITNESS my hand and notary seal on this the
17 1st day of December, 2018.

18
19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2018

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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Ohio Valley Reporting

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