The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, January 3, 2019, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Fred Reeves, Chairman
Ruth Ann Mason, Secretary
Brian Howard, Director
Terra Knight, Attorney
Fred Reeves
Bill Glenn
Lewis Jean

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MS. MASON: Let's call to order the Owensboro Metropolitan Board of Adjustment meeting.

The first item on the agenda is the prayer and the pledge of allegiance. Let's stand for the prayer, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

MS. MASON: The next item on the agenda is the election of officers and I'll turn it over to our attorney for the election.

MS. KNIGHT: As you all know, KRS 100 requires the Board of Adjustment annually elect their officers. Our bylaws provide that we will have a chairman, vice chairman and secretary/treasurer. So we will elect
our officers in that order. We typically accept nominations by the show of hands.

I will open the floor for nominations of chair.

MR. REEVES: I nominate Judy Dixon.

MS. KNIGHT: She's not here to accept the nomination. I think she --

MR. HOWARD: I believe she would accept the nomination, yes.

MS. MASON: I'll second it.

MS. KNIGHT: Are there any other nominations for chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I'll close the floor for nominations and we will vote.

All in favor of Ms. Judy Dixon as chair please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: She is re-elected chair.

I will next open the floor for nominations for vice chair.

MS. MASON: I nominate Fred Reeves.

MS. KNIGHT: Mr. Reeves, do you accept that nomination?

MR. REEVES: Yes, I will.
MR. GLENN: I'll second.

MS. KNIGHT: Any other nominations?
(NO RESPONSE)

MS. KNIGHT: Hearing none we'll close the floor and have a vote. All in favor of Mr. Reeves as vice chair raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Congratulations, Mr. Reeves.

Now secretary/treasurer. Any nominations?

MR. REEVES: I nominate Ruth Ann Mason.

MS. KNIGHT: Ms. Mason, do you accept that nomination?

MS. MASON: Yes, I do.

MS. KNIGHT: Is there a second?

MR. JEAN: Second.

MS. KNIGHT: Any other nominations?
(NO RESPONSE)

MS. KNIGHT: If not we'll take a vote. All in favor of Ms. Mason as secretary/treasurer raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: So since Ms. Dixon is not here tonight we'll have our newly elected vice chair. I'll turn the meeting back over to him.

Mr. Reeves.

Ohio Valley Reporting

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CHAIRMAN: Item 2 is to consider the minutes for the November 8th board meeting. Do we have a motion?

MR. GLENN: I move to approve the minutes.

CHAIRMAN: Do we have a second?

MS. MASON: Second.

CHAIRMAN: Any questions or concerns about the motion on the minutes?

(NO RESPONSE)

CHAIRMAN: If not all in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The minutes are approved.

Mr. Howard, would you take Item Number 3.

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CONDITIONAL USE PERMIT

ITEM 3
1823 West 2nd Street, zoned B-4 General Business
Consider request for a Conditional Use Permit in order to operate aroup transitional living facility for women with substance abuse or other life issues.

Reference: Zoning Ordinance, Article 8, Section 8.2A7/6a

Applicant: Fresh Start for Women, Inc.

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

Ohio Valley Reporting
(270) 683-7383
MR. PEDLEY: The subject property is an existing lot of record that is zoned B-4 General Business and appears to be a legal non-conforming residential use, as do the neighboring properties to the east and to the west.

The surrounding properties to the north are zoned R-4DT Inner-City Residential and appear to be residential in nature. Those to the south across Second Street are zoned I-1 Light Industrial and B-4 General Business and are utilized appropriately.

The applicant proposes to utilize the existing residence on the subject property to operate a group transition living facility for women with substance abuse or other life issues. Such a use is conditionally permitted in a B-4 General Business zoning classification if the operation is in compliance with all additional zoning ordinance requirements. Such criteria for the conditionally permitted group housing have been addressed within the application.

In addition to the criteria, the Zoning Ordinance requires five parking spaces, plus an additional space for every five beds.

The site plan illustrates six parking spaces on the property, including one handicap accessible.
space with a loading and unloading stall. All
vehicular use areas shall be paved as a hard surface
such as asphalt or concrete.

The Zoning Ordinance also requires vehicular
use area screening consisting of a 3-foot tall
continuous element and one tree every 40 linear feet
to be installed where the vehicular use area adjoins
residentially zoned properties and public
right-of-way, excluding alleys. Such landscaping is
not currently applicable to the subject property based
upon the provided site plan.

If approved, special conditions include:

1. Approval of a site plan or final
development plan shall be obtained; 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.

Is anyone here representing the applicant?

MS. ADKINS: We are.

CHAIRMAN: Do you have any comments you would
like to make at this time?

MS. ADKINS: No.
CHAIRMAN: You probably want to be available for questions.

MS. ADKINS: Okay.

CHAIRMAN: Board members, any of you have any questions or does anyone in the audience that has any questions about this?

Yes, sir, if you want to step to the mike.

MS. KNIGHT: Could you state your name for the record.

MR. BAILEY: Jerry Bailey.

(JERRY BAILEY SWORN BY ATTORNEY.)

MR. BAILEY: I just had some concerns about the supervision there. I own 1825 Second Street. There's a garage behind the apartment building. I was working on my house one day and I noticed five kids playing on the roof of this garage. Later that day I saw two of the kids go into the lower units of the apartment building. I was just wondering what kind of supervision are we expecting to see from this.

CHAIRMAN: I assume your concern is for the children who live in the apartments?

MR. BAILEY: Yes. I mean if they move in beside me, are there going to be kids playing on the roof? I did see that.

CHAIRMAN: Thank you, sir.
Do you have a response to his man? You'll need to step forward and be sworn in, if you don't mind.

MS. KNIGHT: Would you state your name for the record, please.

MS. ADKINS: Carol Adkins.

MS. JEAN: Cindy Jean.

(CAROL ADKINS AND CINDY JEAN SWORN BY ATTORNEY.)

MS. ADKINS: In the 1823 property there actually won't be children living there. We were unaware of the incident that you are talking about.

MR. BAILEY: It happened this summer.

MS. ADKINS: If you have any problems, please let us know. We'll give you our phone numbers.

MR. BAILEY: I just thought this was pretty strange activity with five kids playing on a garage roof.

MS. ADKINS: We actually, in the conditional use house, we will actually have somebody that will be living there that will be, you know, supervising that. We also have somebody currently living in the apartment complex as well that keeps an eye on what's going on there. We'll definitely give you that information because we would want to know about that.
MR. BAILEY: Right. I thought it was rather strange.

CHAIRMAN: Does that address your concerns, sir?

MR. BAILEY: Yes.

CHAIRMAN: Thank you very much. You may want stay up there because we may have some questions from the board. I know I've got a couple.

Any board members have any questions for the applicant?

(NO RESPONSE)

CHAIRMAN: I have a couple. Are you currently operating out of that house right now?

MS. ADKINS: No. It is being renovated.

CHAIRMAN: I saw I think an IMPACT 100 grant sign in the front yard.

MS. ADKINS: Correct. They have given us $100,000. We will be refurbishing that. Putting up some security fencing and doing a play area as well behind the apartment complex. It's being renovated currently.

CHAIRMAN: Another question I have is: The ladies that you will be serving in that house, where will they be coming from? Will they be coming from Ohio Valley Reporting

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Owensboro or outside of Owensboro?

MS. JEAN: Coming from Owensboro, sir. I don't know if you all are aware, but Dismas Charities here in town has recently switched to all women.

Those women are being released about 30 per month. Not all of them into our city, but many of them are.

There's not currently another place that takes women. Matter of fact, probation contacted me several times trying to get me to help. That's one of the reasons why we're doing this, is to take those women and help, you know reintegrate them into society. Also we take women from drug court. Just any local rehabs where women have been and they're trying to get back into their own. A lot of times when women graduate from rehab, they really don't have a safe place to go and they end up back with their families or destructive lifestyles that they were in before, and that's why we started this program.

CHAIRMAN: My other question is: I assume you all read all of these ten conditions that are listed here. Are you all prepared to comply with all ten of those conditions?

MS. ADKINS: Yes, sir.

CHAIRMAN: Have you discussed those conditions with Staff as you've gone through this
application?

MS. ADKINS: With Trey and Melissa, yes.

CHAIRMAN: Yes.

MS. ADKINS: Yes. We've got the fire exit things and the rules will be posted and all of those things, yes, sir.

CHAIRMAN: I want you to understand that should you not comply with those this could be revoked, if it is in fact approved.

MS. ADKINS: Correct. We're aware of that.

MS. JEAN: We're the same group of people that started the Friends of Center Women House on Triplet Street. It was built from scratch and she's done this before. So we're familiar with what we're doing.

CHAIRMAN: Okay.

Anyone else have any questions?

(NO RESPONSE)

CHAIRMAN: Chair will entertain a motion if there are no other questions.

MR. JEAN: I'd like to make a motion we approve this conditional use request with the two special conditions, and based on the Staff Report, a site visit, and the testimony here this evening with three Findings of Fact.

1. This use is compatible with the Ohio Valley Reporting (270) 683-7383
neighborhood because there are other similar facilities in the neighborhood.

2. The use is residential in nature and should allow harmonious integration into the neighborhood.

3. The applicant has submitted, signed and agreed to the zoning ordinance requirements 1 and 2 and the 10 house rules.

CHAIRMAN: Do we have a second?

MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. Any further questions about the motion or any other issue?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: This application is approved.

Mr. Howard, unless you tell me different and there's no other business I'll entertain one last motion.

MR. HOWARD: We're ready to adjourn.

MS. MASON: Motion to adjourn.

MR. GLENN: Second.

CHAIRMAN: All in favor raise your right hand.

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(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 30th day of January, 2019.

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

COMMISSION EXPIRES:   DECEMBER 16, 2018

COUNTY OF RESIDENCE:  DAVIESS COUNTY, KY

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