The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, April 11, 2019, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Judy Dixon, Chairman
Fred Reeves, Vice-Chairman
Ruth Ann Mason, Secretary
Brian Howard, Director
Terra Knight, Attorney
Bill Glenn
Lewis Jean
Andrew Howard
Tori Morgan

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CHAIRMAN:  We will call the Owensboro Metropolitan Board of Adjustment April 11, 2019 meeting to order.

First thing we're going to do is Mr. Reeves is going to lead us in prayer.  Will you please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  The first item on the agenda is to consider the minutes of the May 7, 2019 meeting.  All members should have received a copy and have had time to look it over.  I'm ready for a motion to deal with the minutes.

MR. GLENN:  Motion to approve the minutes.
CHAIRMAN: Motion by Mr. Glenn.

MS. MASON: Second.

CHAIRMAN: Second by Mrs. Mason. Any questions?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Howard.

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CONDITIONAL USE PERMIT

ITEM 2

6320 Old Highway 54, zoned R-1A Single-Family Residential
Consider a request for a Conditional Use Permit in order to operate an existing church and to construct a new sanctuary
Reference: Zoning Ordinance, Article 8, Section 8.2B4
Applicant: Robert Young, Church of God

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: As Mr. Howard stated, this is an existing church on this property. It's been in operation before the establishment of the Zoning Ordinance. It's been in operation for quite some
time.

They are wanting to, I think, tear down the current sanctuary that's there and construct a new sanctuary on the property. So they're applying for their Conditional Use Permit to make everything legal for their use that's been on the property for all of these years. Then the site plan to show that the new sanctuary will be built on the property. They're also going to bring into compliance as far as access management is concerned and parking is concerned as well.

Land Uses Surrounding Area:

All the adjoining properties along Old Highway 54 are also zoned R-1A Single-Family Residential and appear to be residential in nature. There is an additional lot on Old Highway 54 to the west of the subject property that is zoned B-4. This property adjoins the rear of the subject property.

Zoning Ordinance Requirements:

Parking - Churches - 1 for every 5 seats in the main auditorium, with a minimum of 5. The site plan indicates that there are 145 seats within the main auditorium; requiring 29 parking spaces to be on-site. The site plan submitted illustrates that there will be 35 parking spaces on-site, all of which
will be located on a hard surface such as asphalt or concrete.

Landscaping - Where vehicular use area adjoins public right-of-way, a 3' wide landscape easement with a 3' tall continuous element and 1 tree per 40 linear feet will be required. The site plan submitted illustrates compliance with this landscaping requirement as well.

Special Conditions:

1. Obtain approval of a Site Plan or Final Development Plan; and.

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

We would like to enter the Staff Report into the report as Exhibit A.

CHAIRMAN: Thank you, Ms. Evans.

Is there anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone have any question of the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience wishing to address this issue?
Anyone on the commission have any questions of the applicant?

CHAIRMAN: Hearing none I will entertain a motion.

MR. JEAN: I would like to make a motion that we approve this Conditional Use Permit request with the two special conditions, the two zoning ordinance requirements, and it's based upon the Staff Report, and site visit, and with three findings of fact.

Findings of fact are this property is located in an R-1A zone where churches are permitted under Conditional Use Permit. It will continue to be compatible with the neighborhood, and it's been in harmony with its residential community for over 50 years. This property has operated prior to the establishment of the zoning ordinance.

CHAIRMAN: Motion by Mr. Jean.

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Is there a question on the motion?

CHAIRMAN: Hearing none all in favor of the motion raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Mr. Howard.

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VARIANCES

ITEM 3

420 East Parrish Avenue; 1216, 1218, 1220 & 1222 Sweeney Street, zoned I-1 Light Industrial

Consider request for a Variance in order to reduce the required building setback line along Sweeney Street from 25-feet from the property line to 10-feet from the property line.

Reference: Zoning Ordinance, Article 8, Section 8.5.3(c)

Applicant: GPM Greenwell Property Management, LLC C/O Carl Greenwell

MS. EVANS: This variance comes before you because they are requesting to add an addition or build a new structure on the property. There are currently several properties there with structures on them that do not meet the front street yard setback. One of those structures, where this new structure will be going in its place, will be torn down. The other structures will stay. Those structures are all 11 to 10 and then the existing structure that will be torn down is 9 feet from the property line. So this won't be any closer than what is already there; however, these properties were also developed before the establishment of the Zoning Ordinance so they're quite
short in their depth and narrow. So they're just seeking to be able to maximize the property for what they want to build on it.

Granting this variance to reduce the building setback will not alter the essential character of the general vicinity; it will not cause a public nuisance; and will not be an unreasonable circumvention of the requirements of the zoning ordinance because there are existing structures in the area that encroach into the required building setback. Additionally, granting this variance will not adversely affect the public safety because the building setback along East Parrish Avenue will be maintained, limiting traffic visibility concerns at the intersection.

The Staff would recommend approval of this Variance with the following Conditions:

1. Obtain approval of a Minor Subdivision Plat;
2. Obtain approval of a Final Development Plan; and,
3. Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance.

We would like to enter the Staff report into the record as Exhibit B.
CHAIRMAN: Thank you, Mrs. Evans.

Is there anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Anyone on the board have questions of the applicant?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a motion.

MR. GLENN: I would make a motion to approve this Variance based on the information that we've received tonight and been presented before us, and also that they meet the three special conditions of obtaining subdivision plat, obtain final development plan, and obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance.

CHAIRMAN: Motion by Mr. Glenn.

MS. MORGAN: Second.

CHAIRMAN: Second by Tori. 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.

Next, Mr. Howard.

ITEM 4

1096 Pleasure Point East, zoned RI-1 Single-Family Residential
Consider request for a Variance in order to reduce the required front yard building setback line along Pleasure Point East from 25-feet from the front property line to 10-feet from the property line
Reference: Zoning Ordinance, Article 8, Section 9.5.5(c)
Applicant: Jon D. Taylor

MS. EVANS: This application comes before you because the applicant is requesting to construct a 26 by 22 carport on the property. The applicant believes that this location is the most appropriate location on the property which happens to be located in the building setback line. Because the property, although it appears pretty large on the plat and on the aerial photo, it has a steep drop-off toward the lack back there, toward the back. In this area of this property, this is really the only flat ground that he has to be able to locate this carport.

Granting this variance to reduce the building setback will not alter the essential character of the general vicinity, and will not be an unreasonable circumvention of the requirements of the zoning ordinance because there are existing structures in the
area that encroach into the required building setback. Additionally, granting this variance will not adversely affect the public safety and will not cause a public nuisance because the subject property is the final lot on Pleasure Point East, so such an encroachment will not create a visibility issue or traffic concern.

Staff would recommend approval of this variance with the following condition:

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

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

CHAIRMAN: Thank you.

Is there anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Is there anyone in the audience that have a question of the application?

(NO RESPONSE)

CHAIRMAN: Anyone on the board have a question?

(NO RESPONSE)

CHAIRMAN: If not I'll entertain a motion.
Mr. Glenn.

MR. GLENN: I'll make a motion to approve this Variance based on the information that has been presented here to us tonight, and also that they meet the one special condition.

CHAIRMAN: We have a motion by Mr. Glenn.

MR. HOWARD: Second.

CHAIRMAN: Second by Andrew. 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.

ITEM 5

211, 219 Cedar Street, 218, 220 Locust Street; 500, 510, 520 West Second Street; 511 West Third Street; zoned B-2 Central Business & B-4 General Business, Downtown Core Overlay District & Downtown Transition Overlay District

Consider request for a Variance in order to increase the maximum number of building stories to 15

Reference: Zoning Ordinance, Article 21 Sections 21.82(b)(ii) and 21.86(b)(i)

Applicant: Riverfront Brio, LLC; Matt Hayden

MS. MORGAN: Madam Chairman, I would like to you recuse myself, please.

CHAIRMAN: Okay.

MS. EVANS: The subject property is located
and it takes up the entire block from Second to Third and Cedar to Locust Street in the area of the Downtown Overlay District. Since it is in the Downtown Core Overlay District and the Downtown Transition Overlay Districts the maximum height for buildings in those districts are four to six stories, depending on which district you're in.

The applicant has requested this variance to increase the allowed number of building stories to be 15 stories; however, this request has already been heard by the Historical Preservation Board on March 27, 2019 and was approved at that meeting with the following finding:

1. The goals and intent of the downtown master plan are met because the overall conceptual design of the building fits within the character sought for the Downtown Overlay District. Furthermore, the plan and proposed building promotes the development on a lot that has been vacant. Furthermore, the proposed building and apartments will promote residential living in the downtown area.

2. The requested dimensional variance is necessary in order for the property to take advantage of the views of the river, especially considering the height of surrounding buildings such as the Owensboro
Convention Center and Hampton Inn and Suites.

3. Strict compliance with the zoning regulations would harm the Owner by limiting its ability to build or construct this building.

4. The requested building height variance would promote the health and welfare of the general public by providing increased living space and hotel space in the Downtown Overlay District. Additionally, the parking component of the development will aid the general public by providing additional parking spaces which will not overburden other public parking spots. This project would have a major economic impact upon the general public not only from a construction standpoint, but by creating residential space downtown, it would have an economic impact on other retail and restaurant businesses.

5. Additional, the proposed building fits within the adjoining design context since it is on the western most edge of the Downtown Core Overlay District in an area which previously has been undeveloped. The proposed building will be constructed around some of the taller buildings located in downtown Owensboro and the proposed building's mass is complimentary to (or in keeping with) the mass of the other buildings in the Project's

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proximity.

Granting this variance to increase the maximum number of stories to 15 will not alter the essential character of the general vicinity as there are other tall structures within the area; it will not cause a public nuisance; and it will not adversely affect the public welfare because the proposed complex will provide additional parking spaces and so it will not overburden existing public parking; and it will not be an unreasonable circumvention of the requirements of the zoning ordinance because the proposal meets the goals and intent of the downtown master plan.

We would request this variance for approval with the following condition:

1. Rezone the subject properties as necessary to B-2 Central Business;
2. Obtain approval of a Minor Subdivision Plat;
3. Obtain approval of a Final Development Plan; and.
4. Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance.

We would like to enter the Staff Report into the record as Exhibit D.
CHAIRMAN: Thank you.

Is there anyone here representing the applicant?

MR. RAY: Ed Ray on behalf of the applicant. Be happy to answer any questions.

CHAIRMAN: Is there anyone in the audience who has any questions regarding this application?

(NO RESPONSE)

CHAIRMAN: Is there anyone on the board who has questions?

Mr. Reeves.

MR. REEVES: Just one for my information, Mr. Ray, if you don't mind.

MS. KNIGHT: Mr. Ray, you're sworn as an attorney.

MR. REEVES: It's my understanding some of this is going to be residential rather than just hotel. Do you have a notion how many floors you're going to do for residential yet and what the nature of that residential would be?

MR. RAY: Between the parking component and the residential component right now it's going to be somewhere in that 12 to 15 story range, but because of the nature of the size of the block, some of the parking willing have to be a podium system with the
residential construction.

MR. REEVES: Thank you.

CHAIRMAN: Anyone else have questions?

(NO RESPONSE)

CHAIRMAN: Anyone in the audience?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a

motion.

Mr. Reeves.

MR. REEVES: Motion to approve this based on
Staff Findings 1 through 4 with Conditions 1 through 4.

CHAIRMAN: We have a motion by Mr. Reeves.

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason. Any question
on the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT - WITH TORI MORGAN
RECUSING HERSELF - RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Anything else, Mr. Howard?

MR. HOWARD: No, ma'am.

CHAIRMAN: We need one more motion.
MS. MASON: Motion to adjourn.

MR. GLENN: Second.

CHAIRMAN: Motion to adjourn by Ms. Mason. Second by Mr. Glenn. All in favor 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 foregoing 17
typewritten pages; and that no signature was requested
to the foregoing transcript.

WITNESS my hand and notary seal on this the
30th day of April, 2019.

______________________________
LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 106E
OWENSBORO, KY 42303

COMMISSION EXPIRES: DECEMBER 16, 2022
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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