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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

MAY 2, 2019

The Owensboro Metropolitan Board of Adjustment  
met in regular session at 5:00 p.m. on Thursday, May  
2, 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

\* \* \* \* \*

CHAIRMAN: We will call the Owensboro Board of  
Adjustment May 2nd meeting to order.

Would you all please stand and I will give our  
prayer and then we'll have the pledge.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to  
consider the minutes of the April 11, 2019 meeting.  
All members have been mailed a copy or sent an e-mail.

At this time I will entertain a motion to  
dispose of this item.

MS. MASON: Motion to approve the minutes.

CHAIRMAN: Motion by Ms. Mason.

MR. GLENN: Second.

1 CHAIRMAN: Second by Bill Glenn. Any question  
2 on the 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.

8 Number 2, Mr. Howard.

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10 CONDITIONAL USE PERMITS

11 ITEM 2

12 7200 Knottsville Mount Zion Road, zoned A-R Rural  
13 Agriculture  
14 Consider a request for a Conditional Use Permit for  
15 agri-tourism activities specifically farm educational  
16 events, weddings/events farm store/market, CSA program  
17 activities, tour groups, community gardens,  
18 concerts/musical performances, hands-on experiences,  
19 festivals, dining/food service, and agricultural  
20 business meetings, dinners and/or ceremonies.  
21 References: Zoning Ordinance, Article 8, Section  
22 8.2H9  
23 Applicant: Amy Hildebrandt; Donald E. & Carolyn F.  
24 Lloyd

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

21 MR. PEDLEY: Trey Pedley.

22 (TREY PEDLEY SWORN BY ATTORNEY.)

23 MR. PEDLEY: The subject property is currently  
24 zoned A-R Rural Agriculture in a 11.210 acre  
25 agricultural parcel. All surrounding properties are

1 zoned A-R Rural Agricultural and appear to be used  
2 agriculturally and residentially.

3           The applicant is requesting this Conditional  
4 Use Permit for agri-tourism activities. The Zoning  
5 Ordinance defines agri-tourism as "Any activity that  
6 is carried out on a farm, ranch, agricultural  
7 operation, horticultural operation, or agri-business  
8 operations and allows or invites participants to view  
9 or participate in activities for recreational  
10 entertainment or educational purposes. Qualifying  
11 activities may include farming, ranching, historic,  
12 cultural, civic or ceremonial activities, including  
13 but not limited to weddings and ancillary events,  
14 harvest your own operations, farmers' markets, natural  
15 resource-based activities. The activities may qualify  
16 as agri-tourism activities whether or not a  
17 participant pays to view or participate in the  
18 activity."

19           For agri-tourism, the Zoning Ordinance  
20 requires a minimum of 5 parking spaces; however, the  
21 applicant's current site plan shows 30 spaces  
22 including 2 ADA spaces. The majority of the parking  
23 area is gravel with the exception of the ADA spaces  
24 and the surrounding areas, which are located near the  
25 entrance to the building and will be on a paved

1 surface.

2 No landscaping is required since the property  
3 is surrounded by agricultural zoning and the parking  
4 area is not adjacent to any public right-of-way.

5 If approved special conditions include:

- 6 1. Approval of a Site Plan,
- 7 2. The applicant shall obtain all necessary  
8 building, electrical and HVAC permits, inspections and  
9 certificates of occupancy and compliance.

10 We would like to enter the Staff Report into  
11 the record as Exhibit A.

12 CHAIRMAN: Do we have anyone here representing  
13 the applicant?

14 MR. BRANCATO: Yes, ma'am. My name is Frank  
15 Brancato.

16 MS. KNIGHT: Mr. Brancato, you're sworn as an  
17 attorney.

18 MR. BRANCATO: The applicants in this case are  
19 Donald Lloyd and Carolyn Lloyd; I would ask them to  
20 stand up, and the co-applicant is Amy Hildebrandt.

21 Ms. Hildebrandt is purchasing the property  
22 like kind of an exchange from the Lloyds. The  
23 business she plans to operate will be in conjunction  
24 with her daughter, who is also here, Morgan  
25 Hildebrandt. Morgan previously worked for a wedding

1 venue operation in Bowling Green and that's where she  
2 gained her experience.

3 You all can sit down.

4 This property as shown on the site plan is not  
5 on a county road. It's at the intersection or near  
6 the intersection of two Kentucky highways. The site  
7 plan shows ingress from Kentucky Highway 144. The  
8 address is 7735 Highway 144, with a long line of sight  
9 in access of 500 feet of that 350 feet of road  
10 frontage that they own.

11 Technically the front is on a separate lot and  
12 different from the property for which the adjustment  
13 is sought, but that separate property has been joined  
14 by a right-of-way and shared driveway up to Highway  
15 144, which is already platted and approved and filed  
16 with the Daviess County Court Clerk.

17 The site plan shows egress from the property  
18 on Highway 1831, which is more commonly known as Mount  
19 Zion Road, 7200 Mount Zion Road; again, with the long  
20 line of site in excess of 500 feet. The Mount Zion  
21 Road exit has 220 feet of road frontage.

22 There has not been a traffic study done at  
23 this stage of the process. As you know, that will  
24 come after action by this board; however, we do have  
25 an e-mail dated April 11th by the Department of

1 Highways in Madisonville who looked at the project and  
2 the site plan and stated they had no reason an access  
3 point on 7200 Mount Zion Road would not be approved.

4 The operations are primarily intended to be a  
5 wedding venue; although, there would be other  
6 activities conducted there. They anticipate some  
7 school field functions to be done there.

8 As noted in the report, the Zoning Ordinance  
9 requires a minimum of five parking spaces, which I  
10 think you would agree would not be adequate for a  
11 wedding venue. So the initial plan is to have 30  
12 regular parking spaces and 5 handicap parking spaces.  
13 If the project takes off, as they contemplate, then  
14 the site plan includes a space for an additional 30  
15 adjacent to it.

16 If you look at the site plan, to the right of  
17 the home is another gravel area that can serve as  
18 overflow parking.

19 Weddings, of course, vary in size. A small  
20 wedding is considered 50 people, which is likely not  
21 the kind of group that would seek this venue. It  
22 would be a medium size wedding which would have guests  
23 of 50 to 150 persons and a large wedding, of course,  
24 would be over 150 attendees. So the mean number would  
25 be someplace between 85 and 110 people. These

1 statistics are from wedding professionals that my  
2 clients has consulted with in terms of understanding  
3 some statistics.

4 A 100 person average is 3.25 people per car,  
5 which would be roughly right at 30 vehicles. Larger  
6 weddings oddly enough have a higher passenger count  
7 for cars than do smaller weddings. So larger wedding  
8 200 people would be 3.75 persons per car, would be 53  
9 cars; plus there would be a few additional cars for  
10 support persons who work there, as well as whatever  
11 firm is catering for the wedding.

12 There is about 13,000 total square feet in  
13 this building. Not all of it would be updated for the  
14 venue. They're looking in the range of 6 to 8,000  
15 square feet. Part of that is going to be driven by  
16 whatever the state requires in terms of sprinkling  
17 system. Sometimes you have an opportunity to expand  
18 the square footage if you put fire proof materials in  
19 the wall and do things like that. The decision has  
20 not been made, but the range would be 6 to 8,000  
21 square feet.

22 The plans are for ending all events by 11:00,  
23 but they expect most events to end by 10:00. At 10:00  
24 there will still be some cleanup going on by staff  
25 persons. Plans that they do have the occasional

1 wedding that runs to 11:00, they would be cleaning up  
2 the next day.

3           There are no plans to sell alcohol at these  
4 venues. Of course, people are going to be bringing in  
5 their own beverages. In those cases, it is the  
6 owner's plan to provide the tip-trained bartenders to  
7 serve.

8           That's kind a broad brush of what the plan is  
9 and what the facility will offer. Would be happy to  
10 answer any questions that any members of the Board  
11 might have.

12           CHAIRMAN: Thank you, Mr. Brancato.

13           Is there anyone here wanting to ask questions  
14 of Mr. Brancato or to state opposition to this?

15           MR. HOUSTON: I have a question.

16           CHAIRMAN: You want to come to the microphone  
17 and identify yourself.

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

20           MR. HOUSTON: Justin Houston.

21           (JUSTIN HOUSTON SWORN BY ATTORNEY.)

22           CHAIRMAN: Would you address your questions to  
23 us and then we'll see if we can get the answers.

24           MR. HOUSTON: Sure. So there's going to be  
25 concert and musical performances also, festivals,



1 things like that. So with the expected number of  
2 people in attendance for those would be more than the  
3 average or typical wedding size?

4 CHAIRMAN: Mr. Brancato.

5 MR. BRANCATO: It's not a party barn. They're  
6 contemplating that there could be a prom event there.  
7 When they talk about concerts, that's what they had in  
8 mind. It's not going to be Woodstock or anything like  
9 that.

10 MR. HOUSTON: Is that more or less or about  
11 the same?

12 MR. BRANCATO: It would be like a large  
13 wedding, probably about 200 people.

14 MR. HOUSTON: For the most part would that  
15 constricted to the limits of the barn or would that  
16 expand on the 11 acre property as well?

17 MR. BRANCATO: That's a fair question.

18 They expect some of the weddings, the  
19 ceremonies that are held there would be near the lake  
20 in the summer and probably in the groves of trees in  
21 the fall, as people like to have foliage, but not all  
22 wedding ceremonies will be there. The ceremonies  
23 themselves would be outside weather permitted.

24 MR. HOUSTON: Okay.

25 CHAIRMAN: Do you have other questions?

1 MR. HOUSTON: No.

2 CHAIRMAN: Thank you.

3 Anyone else have questions.

4 You want to come to the microphone and  
5 identify yourself, employees.

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

8 MR. STASER: Marvin Staser.

9 (MARVIN STASER sworn by attorney.)

10 MR. STASER: I just want to make sure that --  
11 me and my wife, we purchased the 30 acres that's right  
12 next-door to this. I just want to make sure that it's  
13 not going to restrict anything that I'm doing; as far  
14 as, I know you have a wedding venue and I bought 30  
15 acres to be out in the country to be able to make  
16 noise. We have Razers and side-by-sides and a dirt  
17 bike. I just want to make sure that I'm not  
18 restricted to do anything on my property from them  
19 doing this here.

20 CHAIRMAN: Fair question.

21 Mr. Brancato.

22 MR. BRANCATO: There would be no restrictions.  
23 You could do anything lawful on your property.

24 MR. STASER: Great.

25 CHAIRMAN: Anything else?

1           MR. STASER: Is there a cutoff time for loud  
2 music?

3           MR. BRANCATO: Well, it would be 11:00 on the  
4 long nights, and 10:00 on most nights. Most of these  
5 weddings will be on Saturday.

6           CHAIRMAN: On the weekend, yes.

7           MR. BRANCATO: You occasionally get a Friday  
8 night wedding, but not very often.

9           Statistically there were 772 weddings in  
10 Daviess County last year.

11          MR. STASER: Anything there anything as a  
12 homeowner we can do to say move the loud music back to  
13 like 9 or 9:30. We don't care if they're playing  
14 music, but me and my wife are pregnant and we're  
15 growing a family. We plan on having a bunch of kids.  
16 I'm right next-door. If they're going to do stuff  
17 around the pond, that's not far at all from my house.  
18 I just want to have a baby -- I'm about to have a baby  
19 and I don't want it crying all night because at 11:00  
20 we're going to have really loud music going on.

21          MR. BRANCATO: Well, the only music is going  
22 to be in the barn. Not outside. I don't know how far  
23 along your wife is in her pregnancy, but this is a  
24 year and a half, two years down the road project.  
25 Certainly a year or more.

1           MR. STASER: Well, we certainly plan to have  
2 more than one child.

3           That's all.

4           CHAIRMAN: Thank you.

5           Anyone else have questions of Mr. Brancato or  
6 the applicant?

7           (NO RESPONSE)

8           CHAIRMAN: Any board member have questions?

9           MR. GLENN: I have a question about the  
10 parking. I know you've got 30 spots already figured  
11 for parking. At what point will you expand that? How  
12 many times will you have more people attending events?

13           MR. BRANCATO: Well, initially we had the 30  
14 plus the 5 handicap, and then there's 4 more for  
15 general. Then to the right of the house is a gravel  
16 area that they could use for spillover right now. To  
17 the extent that gets used, then the plan would be to  
18 add the other 30 spaces adjacent to the initial 30,  
19 which would give you 60, plus the 5 handicap, plus the  
20 4 general, and maybe 25 or 20 more in the flow-over  
21 parking to the right of the house.

22           MR. GLENN: And everything would be gravel  
23 there except for the handicap, which would be paved?

24           MR. BRANCATO: That's correct, it would be  
25 paved, yes.

1 CHAIRMAN: Any other questions?

2 (NO RESPONSE)

3 CHAIRMAN: Hearing none I will entertain a  
4 motion.

5 Mr. Reeves.

6 MR. REEVES: Move to approve this application  
7 based on that it seems to be compatible with the rest  
8 of the neighborhood and the comments by the  
9 applicant's attorney, giving us some assurances with  
10 regard to hours, the loudness of music, and what would  
11 be taking place.

12 CHAIRMAN: Thank you, Mr. Reeves.

13 MR. JEAN: Second.

14 CHAIRMAN: Second by Mr. Jean. Any question  
15 on the motion?

16 (NO RESPONSE)

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Any other business?

22 MR. HOWARD: No, ma'am.

23 CHAIRMAN: I'll entertain a motion to adjourn.

24 MR. GLENN: Motion to adjourn.

25 MS. MASON: Second.

1                   CHAIRMAN: Motion by Mr. Glenn and a second by  
2 Ms. Mason. All in favor of the motion raise your  
3 right hand.

4                   (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5                   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 foregoing 14  
14 typewritten pages; and that no signature was requested  
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the  
17 21st day of May, 2019.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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