

1                   **OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT**

2                                   **SEPTEMBER 5, 2019**

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

7                   MEMBERS PRESENT:   Judy Dixon, Chairman  
8   Fred Reeves, Vice Chairman  
9   Ruth Ann Mason, Secretary  
10    Terra Knight, Attorney  
11    Bill Glenn  
12    Lewis Jean  
13    Andrew Howard  
14    Teri Morgan Thompson  
15    Melissa Evans

16                                   \* \* \* \* \*

17                   CHAIRMAN:   Call the September 5th, 2019, meeting  
18 of the Owensboro Metropolitan Board of Adjustment to  
19 order.  First thing on the agenda, we're going to have  
20 Drew to give us our prayer and pledge.

21                                   (Invocation and Pledge of Allegiance.)

22                   CHAIRMAN:   Item Number 1, consider the minutes  
23 of the August 1st, 2019, meeting.  All members have been  
24 mailed or sent via email a copy of those minutes and have  
25 had time to check them over.  So at this time, I'll  
entertain a motion to dispose of this item.

MR. GLENN:   Motion to approve minutes.

MS. MASON:   Second.

CHAIRMAN:   Motion to approve minutes.  Second by

1 Ms. Mason. All in favor of the motion, raise your right  
2 hand.

3 (All board members present responded aye.)

4 CHAIRMAN: Motion carries unanimously.

5 First item.

6 -----

7 CONDITIONAL USE PERMITS

8 ITEM 2

9 2401 New Hartford Road, zoned B-4 General Business  
10 Consider a request for a Conditional Use Permit in order  
11 to operate an activity day center for children and adults.  
12 References: Zoning Ordinance Article 8, Section 8.2B3  
13 Applicant: Puzzle Pieces, Inc.; HBH Investments, LLC

14 MS. MORGAN: Madam Chairwoman, I'd like to  
15 recuse myself from this, please.

16 CHAIRMAN: Okay. Please note that Ms. Thomas  
17 will be (inaudible).

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

20 MR. PEDLEY: Trey Pedley.

21 (Mr. Pedley sworn by the attorney.)

22 MR. PEDLEY: The subject property, currently  
23 zoned B-4 General Business, is a 4.588-acre tract that was  
24 previously used by Daymar Colleges Group. All adjoining  
25 properties are zoned B-4 General Business and P-1  
Professional/Services and appear to be utilized  
appropriately or appear to be vacant lots.

1           The applicant is requesting a conditional use  
2 permit in order to operate an activity day center for  
3 children and adults, eight years and older, that have  
4 intellectual disabilities.

5           For such facilities, the zoning ordinance  
6 requires a minimum of two parking spaces plus one  
7 additional space for every 10 persons under care. The  
8 applicant has stated that they do not anticipate growing  
9 larger than 200 persons being actively served. The  
10 submitted site plan illustrates that there are currently  
11 96 parking spaces on the site. Based on the regulations,  
12 200 persons served requires the proposed operation to  
13 maintain 22 parking spaces on the subject property.

14           Additionally, the zoning ordinance requires  
15 vehicular use area screening consisting of a three-foot  
16 tall continuous element and one tree per 40 linear feet to  
17 be located where the vehicular use area joins public  
18 rights-of-way.

19           Also, because the vehicular use area is greater  
20 than 30,000 square feet, interior landscaping totaling at  
21 least three percent of the total square footage of the  
22 vehicular use area shall be required. The site plan  
23 submitted illustrates compliance with all landscaping  
24 requirements.

25           If approved, special conditions include:

1           1. Obtain all necessary building, electrical,  
2 and HVAC permits, inspections, and certificate of  
3 occupancy and compliance.

4           We'd like to enter the staff report into the  
5 record as Exhibit A.

6           CHAIRMAN: Thank you, Mr. Pedley.

7           Is anyone here representing the applicant?

8           MR. BRAY: Ed Bray here on behalf of HBH  
9 Investments and Puzzle Pieces. If there's any questions,  
10 we're happy to answer them.

11          CHAIRMAN: Does he need to be sworn?

12          MS. KNIGHT: Mr. Bray is an attorney.

13          CHAIRMAN: Okay. Thank you.

14          Does anyone have any question of the applicant?

15          (No response.)

16          CHAIRMAN: Any board member have questions of  
17 Puzzle Pieces or the applicant?

18          (No response.)

19          If not, I'll entertain a motion to dispose of  
20 this item.

21          Mr. Reeves.

22          MR. REEVES: Move to approve this application  
23 based the staff report and the fact that it is compatible  
24 with the other land uses in the area and this will not  
25 create a public nuisance, and they also abide by the

1 conditions under special conditions number 1.

2 CHAIRMAN: Thank you.

3 We have a motion by Mr. Reeves. Is there a  
4 second?

5 MR. JEAN: Second.

6 CHAIRMAN: Second by Mr. Jean. Anyone have a  
7 question about the motion?

8 (No response.)

9 CHAIRMAN: If not, I'll call for a vote. All in  
10 favor of the motion, raise your right hand.

11 (No response.)

12 CHAIRMAN: Opposed, like sign.

13 (No response.)

14 CHAIRMAN: Motion carries unanimously. Next  
15 item.

16 ITEM 3

17 4418 Highway 554, zoned R-1B Single-Family Residential  
18 Consider a request for a Conditional Use Permit in order  
19 to operate an existing church and to construct an  
20 accessory activities building at the subject property.  
References: Zoning Ordinance, Article 8, Section 8.2B4  
Applicant: Brush Fork Baptist Church

21 MR. PEDLEY: The subject property, surrounded by  
22 residential property, is a 1.53-acre tract that is zoned  
23 R-1B Single-Family Residential and has an existing church  
24 on the premises. Churches are conditionally permitted in  
25 the residential zoning classifications; however, the

1 existing church operation is believed to predate the  
2 zoning regulations and, consequentially, its conditional  
3 use permit was never obtained.

4 At this time, the church would like to construct  
5 an accessory activities building on the property. Such a  
6 development requires the church to progress towards  
7 compliance with current regulations, including various  
8 site requirements and the need to obtain a Conditional Use  
9 Permit for the church.

10 For churches, the zoning ordinance requires one  
11 parking space per five seats within the main auditorium.  
12 With 75 seats, a minimum of 15 parking spaces shall be  
13 required. The site plan shows 40 existing parking spaces  
14 on the site.

15 Additionally, Article 17 of the zoning ordinance  
16 states that whenever vehicle use area adjoins public  
17 rights-of-way and/or residentially-zoned properties, a  
18 three-foot-wide landscape easement with a three-foot-tall  
19 continuous element and one tree every 40 linear feet shall  
20 be required. However, this is a legal non-conforming lot  
21 with several site deficiencies, including required  
22 screening elements. In order to progress towards  
23 compliance, the site plan illustrates that the applicant  
24 intends to install the necessary screening where the  
25 parking lot adjoins the neighboring R-1B Single-Family

1 Residential properties to the west.

2 If approved, special conditions include:

3 1. Obtain approval of a site plan; and

4 2. All necessary building, electrical, and HVAC

5 permits, inspections, and certificates of occupancy and

6 compliance shall be obtained.

7 We'd like to enter the staff report into the

8 record as Exhibit B.

9 CHAIRMAN: Thank you, Mr. Pedley.

10 Is there anyone here representing the applicant?

11 (No response.)

12 CHAIRMAN: Is there anyone in the audience that

13 has a question of the applicant or a comment related to

14 this item?

15 (No response.)

16 CHAIRMAN: If not, I'll entertain a motion.

17 Anybody on the board have a question?

18 (No response.)

19 CHAIRMAN: I'll entertain a motion.

20 MR. HOWARD: I'll make a motion. Based on the

21 staff report provided to us here tonight, as well as

22 conditions 1 and 2...

23 CHAIRMAN: Thank you.

24 We have a motion by Mr. Howard.

25 MS. THOMPSON: Second.

1 CHAIRMAN: Second by Ms. Thompson. Any  
2 questions on the motion?

3 (No response.)

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

6 (All board members present responded aye.)

7 CHAIRMAN: Chair votes aye. Motion carries  
8 unanimously.

9 Number four.

10 ITEM 4

11 7364 Highway 815, zoned A-R Rural Agriculture  
12 Consider a request for a Conditional Use Permit in order  
13 to expand the operation of an existing campground and  
14 construct a horse barn.  
15 References: Zoning Ordinance, Article 8, Section 8.2K7/42  
16 Applicant: Michael J. Lewis and Lori L. Lewis

17 MS. KNIGHT: Madam Chairwoman, we found out  
18 after the adjoining property owner notices were sent out,  
19 that the applicant failed to provide some of the adjoining  
20 property owners. We did not find this out until it was  
21 too late to notify them according to the KRS regulations  
22 of the 14-day notice. So this item will need to be  
23 postponed until next month so that we can resend out all  
24 of those adjoining property owner notices and follow the  
25 statute.

26 CHAIRMAN: So we need a motion to postpone.

27 MS. KNIGHT: Yes.



1 CHAIRMAN: Need a motion to postpone.

2 MR. JEAN: Make a motion to postpone.

3 CHAIRMAN: Is there a second to that motion?

4 MS. MASON: Second.

5 CHAIRMAN: Any questions on the motion?

6 (No response.)

7 CHAIRMAN: All in favor of the motion to  
8 postpone, raise your right hand.

9 (All board members present responded aye.)

10 CHAIRMAN: Chair votes aye. Motion carries  
11 unanimously.

12 -----

13 VARIANCES

14 1001 Frederica Street, zoned B-2 General Business  
15 Consider a request for a Variance in order to increase the  
16 maximum height of a sign in the Frederica Boulevard  
17 Overlay District from 15 feet tall to 22 feet tall at the  
18 subject property.

19 References: Zoning Ordinance, Article 21, Section  
20 21.13(3)

21 Applicant: Big Rivers Rubber & Gasket Company, Inc.

22 MR. PEDLEY: The subject property is located in  
23 the Frederica Boulevard Overlay District at the southeast  
24 corner of West Tenth Street and Frederica Street. The  
25 applicant proposes to construct a sign at the corner of  
the subject property that will be a total of 22 feet tall.  
However, Article 21 of the zoning ordinance states that  
the maximum height of a pole sign in this overlay district

1 is 15 feet tall. Consequentially, the applicant is  
2 requesting a variance to allow the construction of the  
3 desired pole sign. Prior to submittal of the variance  
4 application, this proposal was granted a Design Exception  
5 from the Historical Preservation Board.

6 The applicant states that the additional sign  
7 height is necessary for the semi-tractor trailers, which  
8 often utilize Tenth Street, as they attempt to turn onto  
9 Frederica Street. The applicant states that should the  
10 sign be 15 feet or shorter, as required by the ordinance,  
11 it may cause visibility issues for such truck drivers.

12 Within the application, the applicant also  
13 provides examples of other signs in the general area that  
14 appear to be greater than the allowed 15 feet in height.

15 Additionally, the subject property is located on  
16 the outskirts of the Downtown Overlay Districts. For  
17 properties that are not located in the Downtown Overlay  
18 Districts, pole signs may be as tall as 80 feet in height,  
19 depending on their proximity in relation to nearby  
20 residential properties.

21 Granting the variance to increase the maximum  
22 height of a pole sign as requested will not create a  
23 public nuisance and will not alter the essential character  
24 of the general vicinity because there appear to be other  
25 signs taller than 15 feet in height in the area and

1 because nearby properties that are located outside the  
2 overlay districts may erect signs much taller than the  
3 requested 22 feet.

4           Additionally, granting the variance will not  
5 adversely affect the public safety because the sign will  
6 be elevated to a height that will prevent visual  
7 interference at the roadway intersection.

8           Staff recommends approval with the condition  
9 that the applicant:

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

13           We'd like to enter the staff report into the  
14 record as Exhibit C.

15           CHAIRMAN: Thank you.

16           Is there anyone here wishing to speak on behalf  
17 of the applicant?

18           MR. TIERNEY: Matt Tierney on behalf of the  
19 applicant, Big River Rubber & Gasket. I'm here to answer  
20 any questions.

21           MS. KNIGHT: Mr. Tierney is an attorney as well.

22           CHAIRMAN: Does anyone have questions of Mr.  
23 Tierney?

24           (No response.)

25           CHAIRMAN: Anyone on the board have a question?

1 (No response.)

2 CHAIRMAN: I'll entertain a motion.

3 MR. GLENN: I'll make a motion to approve this  
4 variance based on the information presented here tonight;  
5 also the fact that I visited that site this week, and I do  
6 find that there are other signs that are higher than that  
7 sign to begin with, and I don't believe that it would  
8 interfere with the public safety in any way. I would also  
9 add that they need the staff recommendation of approval to  
10 obtain all the necessary building, electrical, and HVAC  
11 permits necessary.

12 CHAIRMAN: Thank you.

13 MR. REEVES: Second.

14 CHAIRMAN: Second by Mr. Reeves. 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: Chair votes aye. Motion carries  
21 unanimously.

22 Next item.

23 ITEM 6

24 3001 Heartland Crossing, zoned B-4 General Business  
25 Consider a request for a Variance in order to increase the  
maximum driveway width for a single lot commercial  
development without a median from 40-feet wide to 60-feet

1 4-inches wide.

References: Zoning Ordinance, Article 13, Section 13.231

2 Applicant: Menards, Inc.

3 MR. PEDLEY: The subject property is the  
4 existing Menards store, which is zoned B-4 general  
5 business, and located at the southern terminus of  
6 Heartland Crossing Boulevard.

7 The retail sales establishment intends to add an  
8 automated express lane in order to efficiently serve  
9 customers with online pick-ups. The desired express lane  
10 is planned to be located along the existing access point  
11 at the rear of the property. However, in order to  
12 establish this lane, the existing driveway will need to be  
13 widened to 60 feet, 4 inches.

14 The applicant states that without widening the  
15 access point, customers will need to make a difficult  
16 maneuver with limited space to do so.

17 In regards to the zoning regulations pertaining  
18 to the width of driveways, Article 13.22 states that the  
19 total width of all driveways shall not exceed 40 percent  
20 of the lot width. The four access points (including the  
21 proposed 60-foot, 4-inch wide entrance) totals to be  
22 approximately 11 percent of the property's road frontage,  
23 well under the allowed 40 percent.

24 Article 13.231 states that individual driveway  
25 widths for commercial single-lot developments have a

1 maximum allowance of 40-feet wide. The proposed access  
2 point, at 60 feet, 4 inches, exceeds the allowed 40 feet  
3 in width. Consequentially, the applicant has requested a  
4 variance to allow such an increase.

5 Granting the variance to increase the maximum  
6 driveway width as requested will not create a public  
7 nuisance and will not alter the essential character of the  
8 general vicinity because the widened driveway will be  
9 located at the end of Heartland Crossing Boulevard behind  
10 the store. Meanwhile, there are three other access points  
11 at the front of the store, where the majority of customers  
12 will access the site.

13 Additionally, granting this variance will not  
14 adversely affect the public safety because the widened  
15 driveway creates a more accessible route for the desired  
16 express lane.

17 Lastly, granting this variance will not create  
18 an unreasonable circumvention of the zoning regulations  
19 because, even with the widened access point, the store's  
20 total width of all driveways is far less than the allowed  
21 40 percent of the property's lot width.

22 Staff recommends approval with the conditions  
23 that the applicant:

24 1. Obtain approval of an Amended Final  
25 Development Plan; and

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

4           We'd like to enter the staff report into the  
5 record as Exhibit D.

6           CHAIRMAN: Thank you, Mr. Pedley.

7           Is there anyone here wishing to speak on behalf  
8 of the applicant?

9           (No response.)

10          CHAIRMAN: Is there anyone here wishing to speak  
11 against the proposal?

12          (No response.)

13          CHAIRMAN: I'll entertain a motion.

14          MR. HOWARD: Madam Chairwoman, I make a motion  
15 based on the staff report provided to us here tonight; as  
16 well as the special conditions made, obtaining an approval  
17 of the amended final development plan and all of the  
18 necessary building, electrical, and HVAC permits; as well  
19 as it not creating a public nuisance.

20          CHAIRMAN: We have a motion. Is there a second?

21          MR. REEVES: Second.

22          CHAIRMAN: Second by Mr. Reeves.

23          MS. KNIGHT: Would you like to add the  
24 conditions on as well?

25          MR. HOWARD: I'll add those on as well, yes.

1 MR. REEVES: I'll second the conditions.

2 CHAIRMAN: Okay. You'll second the conditions.

3 Any question on the motion?

4 (No response.)

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

7 (All board members present responded aye.)

8 CHAIRMAN: Chair votes aye. Motion carries  
9 unanimously.

10 ITEM 7

11 3175 Trails Way, zoned R-1C Single-Family Residential  
12 Consider a request for a Variance in order to reduce the  
13 required side street yard building setback along Trails  
14 Way from 25 feet from the property line to 19 feet from  
15 the property line for the placement of a detached  
16 structure.

14 References: Zoning Ordinance, Article 3, Section  
15 3-7(b) (2)

15 Applicant: Michael Schoenwald & Melinda Schoenwald

16 MR. PEDLEY: The subject property is located  
17 within the Heartlands subdivision along a 90-degree turn  
18 on Trails Way, essentially creating a corner lot  
19 configuration with road frontage on Trails Way along the  
20 front and the side of the house.

21 Because setbacks and easements encompass a large  
22 portion of the property, the applicant is requesting a  
23 variance to reduce the required side street yard building  
24 setback along Trails Way to 19 feet from the property line  
25 to place a 162-square-foot detached accessory structure in



1 the required setback and five feet from the rear property  
2 line encroaching into an easement.

3 In the form of a Utility Encroachment Permit  
4 Application, the applicant has submitted approvals from  
5 all necessary utility companies and from the city  
6 engineer's office to allow the desired structure to  
7 encroach into the rear yard drainage and public utility  
8 easement at the proposed location.

9 In regards to the side street yard building  
10 setback along Trails Way, it's important to note that the  
11 residence on the subject property has a driveway that  
12 faces south. Meanwhile, the subject property adjoins the  
13 property to the rear as back-to-back lots, as the  
14 adjoining property faces north with access to Trails Way  
15 Garden.

16 The zoning ordinance states that side yard  
17 building setbacks along local streets may be reduced to  
18 15 feet from the property line where lots are  
19 back-to-back.

20 Granting the variance to reduce the side street  
21 yard building setback as requested will not alter the  
22 essential character of the general vicinity and will not  
23 adversely affect the public safety because the proposed  
24 encroachment is for a small detached structure that should  
25 be far enough back to where it will not create any site

1 visibility issues along Trails Way.

2           Additionally, granting this request will not  
3 cause a public nuisance and will not be an unreasonable  
4 circumvention of the requirements of the zoning ordinance  
5 because the subject property adjoins the property to the  
6 rear in a back-to-back lot configuration where 15-foot  
7 side street yard building setbacks are generally accepted  
8 and the neighboring driveways are not a concern.

9           Staff recommends approval with the conditions  
10 that the applicant:

11           1. Obtains a completed Utility Encroachment  
12 Permit; and

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

16           We would like to enter the staff report into the  
17 record as Exhibit E.

18           CHAIRMAN: Thank you.

19           Is there anyone here representing the applicant?

20           UNIDENTIFIED SPEAKER: Yes. We're the  
21 homeowners, and we'll we happy to answer any questions.

22           CHAIRMAN: Thank you. We'll see if there are  
23 any.

24           Any questions of the homeowners?

25           (No response.)

1 CHAIRMAN: Any questions from the board?

2 Mr. Reeves.

3 MR. REEVES: Just one procedural question. Mr.

4 Howard --

5 MS. EVANS: Ms. Evans.

6 CHAIRMAN: Ms. Evans.

7 MR. REEVES: Excuse me. My humble apologies.

8 We're much better served this evening.

9 Do they have to bring you all a copy of the  
10 utility encroachment permit?

11 MS. EVANS: Yes. The utility encroachment  
12 permit process is taken around to all of the utility  
13 companies to sign off on first. Once they receive all of  
14 those signatures, they then bring that to our office and  
15 pay the fee for the utility encroachment permit. And then  
16 we are the last ones to sign that.

17 MR. REEVES: Okay. Thank you very much.

18 MS. EVANS: You're welcome.

19 CHAIRMAN: Any other questions?

20 (No response.)

21 CHAIRMAN: Now I'll entertain a motion.

22 Fred?

23 MR. REEVES: Motion to approve this application  
24 based on staff findings of fact 1 through 4, with  
25 conditions 1 and 2 and the staff recommendations of

1 approval.

2 MR. JEAN: Second.

3 CHAIRMAN: Second by Mr. Jean. Any question on  
4 the motion?

5 (No response.)

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

8 (All board members present responded aye.)

9 CHAIRMAN: Chair votes aye. Motion carries  
10 unanimously.

11 Next item.

12 -----

13 ADMINISTRATIVE APPEALS

14 ITEM 8

15 2600 West Fourth Street, zoned B-4 General Business  
16 Consider a request for an Administrative Appeal to change  
17 from one non-conforming use to another non-conforming use,  
18 specifically automobile sales, at the subject property  
References: Zoning Ordinance, Article 4, Section 4.53  
Applicant: Skyler Stewart; James Farmer

19 MR. PEDLEY: The subject property is currently  
20 zoned B-4 General Business and is located at the conner of  
21 West Fourth Street and Jeff Place. Per conversations with  
22 the applicant, the subject property was previously used as  
23 a tattoo parlor. The applicant now intends to utilize the  
24 subject property for automobile sales.

25 Although a permitted use in the B-4 General

1 business zoning classification, automobile sales and  
2 tattoo parlors are different in use; and so the OMPC staff  
3 was not able to approve the desired use without approval  
4 of an Administrative Appeal due to several insufficient  
5 site standards that do not comply with the zoning  
6 ordinance; most notably, the building on the subject  
7 property is currently approximately 25 feet from the  
8 property line along Jeff Place and approximate 25 feet  
9 from the back of the curb along West Fourth Street.  
10 Neither is large enough to afford 18-foot-long parking  
11 paces without packing toin the public right-of-way.

12           Additionally, both access points along West  
13 Fourth Street and along Jeff Place are wider than allowed  
14 by the current zoning regulations.

15           Because of the existing site layout that  
16 predates the zoning makes redevelopment of the property  
17 difficult, the applicant has requested an administrative  
18 appeal.

19           The site plan illustrates that the applicant  
20 intends to utilize the paved area along West Fourth Street  
21 for the display of automobiles that are for sale.  
22 Meanwhile, the paved area along Jeff Place is intended to  
23 be utilized for customer parking and traffic, including  
24 the backing out into public right-of-way.

25           Jeff Place is not considered a major street in

1 Owensboro; rather, it is considered to be a local street,  
2 the lowest roadway classification in regards to intensity.

3 Automobile sales at this location are required  
4 to maintain a minimum of five parking spaces, one of which  
5 shall be handicap-accessible. The desired parking lot  
6 appears to be approximately 58 feet wide, large enough to  
7 support five parking spaces and one additional handicap  
8 space, including the loading and unloading stall.

9 A motion to approve the appeal would allow the  
10 applicant to continue backing out onto public  
11 rights-of-way and for the non-conforming access points to  
12 remain how they are currently constructed in order to  
13 operate the desired automobile sales business.

14 A motion to deny the appeal would prevent the  
15 applicant from utilizing the subject property for  
16 automobile sales unless the site was brought into  
17 compliance with all current regulations. Otherwise, the  
18 site would be limited to the uses that are significantly  
19 similar in nature to the previous uses at the site.

20 If approved, special conditions include:

21 1. Approval of a site plan.

22 2. Designate locations for each of the parking  
23 spaces and handicap-accessible spaces; and

24 3. Obtain all necessary building, electrical,  
25 and HVAC permits, inspections, and certificates of

1 occupancy and compliance.

2 We'd like to enter the staff report into the  
3 record as Exhibit F.

4 CHAIRMAN: Thank you.

5 Is there anyone here representing the applicant?

6 MS. STEWART: I'm Skyler Stewart. I'm the  
7 property manager of 2600 West Fourth. I'd be happy to  
8 answer any questions that you all had.

9 CHAIRMAN: Do you need to swear her in?

10 MS. KNIGHT: I'll go ahead and swear her in just  
11 in case there are questions.

12 CHAIRMAN: Oh, sure.

13 (Ms. Stewart sworn by the attorney.)

14 CHAIRMAN: Thank you.

15 Anyone have questions on this item?

16 CHAIRMAN: Mr. Glenn.

17 MR. GLENN: I've got a question. If anyone in  
18 the audience -- this -- where this business is located, is  
19 there -- and maybe it was in here and I overlooked it when  
20 I was reading it. Do they have to have like a fencing or  
21 shrubbery separating it from the residential houses that  
22 are in there?

23 MR. PEDLEY: So that would -- this property is  
24 zoned B-4 for general business. All property surrounding  
25 are zoned residentially, which is typically -- you're

1 right -- screening requirements are -- typically require a  
2 buffer between the two.

3 MR. GLENN: Okay.

4 MR. PEDLEY: But I guess the administrative  
5 appeal would be -- All that stage would be grandfathered  
6 in for the time being also, because it's been an existing  
7 business for years to come. They're proposing to use the  
8 site essentially how the site's been used, with the  
9 exception of adding that display area for automobiles.

10 MR. GLENN: Thank you.

11 CHAIRMAN: Anyone else have questions?

12 Mr. Reeves.

13 MR. REEVES: What's in the old Ray's IGA  
14 property now? Is it still a club, or is it vacant?

15 MS. STEWART: That's across the street, correct?

16 MR. REEVES: Yes.

17 MS. STEWART: Yes. It is Vanessa's Place.

18 MR. REEVES: Okay.

19 CHAIRMAN: Anyone else have questions?

20 MR. GLENN: Nobody's here to speak one way or  
21 the other against it. And I'm going to make a motion to  
22 go on and approve this request based on the information  
23 that's been presented here tonight and also that they meet  
24 special conditions 1 through 3.

25 CHAIRMAN: Do you understand the motion?



1 MS. STEWART: Yes, ma'am.

2 CHAIRMAN: Any questions on the motion?

3 MR. REEVES: Did we get a second or not?

4 MS. KNIGHT: Don't have a second yet.

5 CHAIRMAN: We don't have a second. Do you want  
6 to second it to make us legal?

7 MR. REEVES: Uh-huh.

8 CHAIRMAN: Thank you.

9 Any question on the motion or the second?

10 (No response.)

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

13 (All board members present responded aye.)

14 CHAIRMAN: Chair votes aye. Motion carries  
15 unanimously.

16 Any other items, Ms. Evans?

17 MS. EVANS: No, ma'am.

18 CHAIRMAN: No other items. I'll hear one more  
19 motion.

20 MS. MASON: Motion to adjourn.

21 CHAIRMAN: Motion to adjourn.

22 UNIDENTIFIED SPEAKER: Second.

23 CHAIRMAN: Second. All in favor of the motion,  
24 gather your belongings and leave.

25 (The meeting adjourned at 5:55 p.m.)

1 STATE OF KENTUCKY )  
 ) SS. REPORTER'S CERTIFICATE  
 2 COUNTY OF DAVIESS )

3 I, Rhonda Simpson, Notary Public in and for the  
 4 State of Kentucky-at-Large, do hereby certify that the  
 5 foregoing Owensboro Metropolitan Planning Commission  
 6 meeting was held at the time and place as stated in the  
 7 caption to the proceedings; that each person commenting on  
 8 issues under discussion were duly sworn before testifying;  
 9 that the board members present were as stated in the  
 10 caption; that said proceedings were taken by me in  
 11 stenotype and electronically recorded and was thereafter,  
 12 by me, accurately and correctly transcribed into the  
 13 foregoing 25 typewritten pages; and that no signature was  
 14 requested to the transcript.

15 WITNESS my hand and notary seal on this the 7th  
 16 day of October 2019.

17  
 18  
 19  
 20 \_\_\_\_\_  
 RHONDA SIMPSON, NOTARY PUBLIC  
 STATE-AT-LARGE  
 21 OHIO VALLEY REPORTING SERVICE  
 22 2200 E. PARRISH AVENUE, SUITE 106-E  
 OWENSBORO, KENTUCKY 42303

23 COMMISSION EXPIRES:  
 AUGUST 14, 2023  
 24 COUNTY OF RESIDENCE  
 DAVIESS COUNTY, KENTUCKY  
 25