The Owensboro Metropolitan Board of Adjustment meeting held in regular session at 5:30 p.m. on Thursday, January 2, 2020, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: 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: I call the January 2, 2020 Owensboro Metropolitan Board of Adjustment to order. We start every session with a prayer and pledge. Mr. Lewis Jean will do it for us this evening.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item is to consider the minutes of the December 5, 2019 meeting. All of you have received them in the mail. I assume you've had a chance to review them. At this time the Chair will entertain a motion to adopt those minutes.

MR. GLENN: Motion to approve the minutes.

MS. MASON: Second.
CHAIRMAN: Motion by Mr. Glenn and the second by Ms. Mason. Any additions or corrections?
(NO RESPONSE)
CHAIRMAN: All in favor raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: The minutes are adopted.
We will turn it over to our attorney to have
the election of officers.
MS. KNIGHT: Thank you, Mr. Chairman.
So for those of you that don't know, KRS 100 requires every Board of Adjustment to annually elect a chairman and any other officers that are deemed necessary. Our bylaws state that the Board will consist of a chairman, vice chair and secretary/treasurer. The bylaws state the nomination of election of officers will be held the first meeting of January of each year. Typically we take nominations and we vote by show of hands. So that's how we'll do it tonight.
We will start and open the floor for nominations for Chair.
MS. MASON: I nominate Judy Dixon for Chair.
MS. KNIGHT: Is there a second for that nomination?
MR. GLENN: I second.
MS. KNIGHT: Ms. Dixon is not here to except it, but we've been told that she would agree to continue the term.

MR. HOWARD: I believe she would, yes.

MS. KNIGHT: Any other nominations for Chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none then I'll close the floor and we will vote. All in favor of Ms. Judy Dixon serving as Chair for this year please raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: She is elected unanimously.

On Vice Chair, I'll open the floor for nominations.

MR. GLENN: I nominate Fred Reeves.

MS. KNIGHT: Is there a second to that nomination?

MS. MASON: Second.

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

MR. REEVES: That will be fine, yes.

MS. KNIGHT: Any other nominations for Vice Chair?

(NO RESPONSE)

MS. KNIGHT: Hearing none I'll close the floor
and we'll vote. All for Mr. Reeves for Vice Chair, all in favor please raising your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Mr. Reeves is re-elected.

We're on to secretary/treasurer. I'll open the floor for nominations.

MR. GLENN: I nominate Ruth Ann Mason.

MS. KNIGHT: Is there a second to that nomination?

MR. ANDREW HOWARD: Second.

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

MS. MASON: Yes.

MS. KNIGHT: Any other nominations?

(NO RESPONSE)

MS. KNIGHT: If not, I'll close the floor and we will vote. All in favor of Ms. Mason as secretary/treasurer please raise your hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

MS. KNIGHT: Ms. Mason is re-elected unanimously.

Thank you all.

CHAIRMAN: Mr. Howard.

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CONDITIONAL USE PERMITS

Ohio Valley Reporting
(270) 683-7383
ITEM 3

1512 Frederica Street, zoned R-4DT Inner-City Residential
Consider a request for a Conditional Use Permit in order to operate a preschool from the subject property zoned R-4DT Inner-City Residential References: Zoning Ordinance, Article 8, Section 8.2B3 Applicant: Trina Pryor and Jill Payne; Puzzle Pieces, LLC

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

MR. PEDLEY: Trey Pedley.

(TREY PEDLEY SWORN BY ATTORNEY.)

MR. PEDLEY: The subject property and all adjoining properties are zoned R-4DT Inner-City Residential with the exception of a parking lot on West 15th Street, which is zoned P-1 Professional/Service.

Across Frederica Street is the Owensboro Community and Technical College Downtown Campus, which is zone P-1 Professional/Service.

The subject property is the former location for Puzzle Pieces which was a Conditionally Permitted activity. At this time the applicant is proposing to utilize the facility for a preschool; a conditionally permitted use within the R-4DT zone.

Such a use is required to maintain two parking spaces plus an additional space for every ten

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children. Per conversations with the applicant, it is anticipated that this preschool will host 60 children. With 14 parking spaces, the site appears to have more than enough parking spaces to satisfy the requirements of the zoning ordinance.

If approved Special Conditions includes:

1. Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance, as well as any permits and licenses that may be required by the State of Kentucky.

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

CHAIRMAN: Is anyone here representing the applicant?

MS. PRYOR: Yes.

CHAIRMAN: Would you come to the podium, please. Would you like to make any comments or just choose to be here to answer questions?

MS. PRYOR: I'm just here to answer questions.

CHAIRMAN: You'll need to be sworn anyway.

MS. KNIGHT: If you'd go ahead and state your name for the record, please.


(TRINA PRYOR SWORN BY ATTORNEY.)
CHAIRMAN:  Does anyone in the audience have any questions or concerns about this application?
(NO RESPONSE)
CHAIRMAN:  Any commissioners have any questions or concerns?
(NO RESPONSE)
CHAIRMAN:  Then the Chair will entertain a motion.

MS. MASON:  I make a motion for approval as this is a compatible use as it's similar to the use that the building has been in the past when it was Puzzle Pieces, and it's compatible with the land use or similar uses in the area; for instance, the technical school across the street and so forth.

CHAIRMAN:  Do we have a second?

MS. MASON:  And special conditions that they obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance, as well as any permits and licenses that may be required by the State of Kentucky.

CHAIRMAN:  Is there a second to the motion?

MR. ANDREW HOWARD:  I'll second it.

CHAIRMAN:  Second by Mr. Howard.  Does the audience have any questions or concerns about the motion or the applicant?
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(NO RESPONSE)

MS. MASON: Should I add into there too about
the zoning ordinance, that they do the zoning
ordinance requirements?

MS. KNIGHT: Yes.

MS. MASON: Yes, that they also do that.

CHAIRMAN: If you don't know what the zoning
ordinance requirements are, you can check with Staff
and see if there's anything in particular that you
need beyond what you currently have. Okay?

MS. PRYOR: Thank you.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

ITEM 4

244 Rudy Road, zoned A-U Urban Agriculture
Consider a request for a Conditional Use Permit in
order to operate a Hair Stylist/Beauty Shop as a Home
Occupation from the subject property.
Reference: Zoning Ordinance Article 8, Section 8.2D5a
Applicant: Stacy Leslie (Love Hair Studio)

MR. PEDLEY: The subject property and all
adjoining properties are zoned A-U Urban Agriculture.
The applicant proposes to operate a Hair
Stylist/Beauty Shop in the residence. Home
Occupations that have nonresidence of the home coming
to the property for business related purposes are
Conditionally Permitted within the agricultural zoning
classifications with special criteria. The criteria
states that customers shall be allowed at the
residence and does not designate specific hours of
operation. Should the proposal be approved, it is
recommended that the Board of Adjustment attach agreed
upon conditions in relation to such commercial traffic
to ensure that the use will properly integrate into
the area.

Zoning Ordinance requires one parking space
for 200-square feet of activity. The floor plan that
was submitted illustrates a 20 by 30 area of the
residence will be utilized, totaling 600-square feet
and requiring three off-street parking spaces. It is
believed that the driveway approaching the garage is
at least 18-feet wide, creating an area that can serve
two 9-feet wide parking spaces. Additionally, the
turn-around area is approximately 15-feet wide, easily
large enough to support the required third parking
space.

Additionally, vehicular use area screening
consisting of a 3-foot tall continuous element and 1
tree per 40-linear feet is required where the
vehicular use area adjoins public rights-of-way.
There are existing trees and woodlands on the subject property which appear to create such a screening element.

All specific criteria have been addressed within the application; however, the OMBA may impose further conditions as deemed necessary. It should also be noted that while all zoning ordinances requirements appear to have been met, local Conditional Use Permits do not constitute as approval for any state licensing and/or permits that may pertain to the proposed activity. Should the proposal be approved, all such items that are required by the State of Kentucky shall be obtained prior to occupancy of the proposed use.

If approved Suggested Conditions include:

1. The OMBA should consider establishing conditions limiting the number of customers/clients that may come to the site at one time, as well as the hours of operation that customers and clients may come to the subject property.

2. Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance, as well as any permits or licenses that are required by the State of Kentucky.

We would like to enter the Staff Report into Ohio Valley Reporting
(270) 683-7383
the record as Exhibit B.

CHAIRMAN: Anyone here representing the applicant?

MS. LESLIE: Yes.

CHAIRMAN: Would you mind to go to the stand and be sworn, please?

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

MS. LESLIE: Stacy Leslie.

(STACY LESLIE SWORN BY ATTORNEY.)

CHAIRMAN: Being there is no one in the audience, unless she chooses to question herself. Does any of the commissioners have any questions for the applicant?

MR. JEAN: I have a question for Ms. Leslie.

In your application you stated that your hours of operation would be from 8 a.m. to 5 p.m., but it doesn't say how many days a week that will be.

MS. LESLIE: I work as a hairstylist part-time. I work Thursday, Friday and Saturday; so it's at the end of the week.

MR. JEAN: So your days of operation are Thursday, Friday and Saturday?

MS. LESLIE: Yes.

MR. JEAN: Thank you.
MR. GLENN: From 8 to 5?
MS. LESLIE: Yes.
MR. GLENN: With just one customer at a time; is that correct?
MS. LESLIE: Yes, sir.
CHAIRMAN: Any other questions for the applicant?
(NO RESPONSE)
CHAIRMAN: Hearing none the Chair would be ready for a motion.
Mr. Jean.
MR. JEAN: I make a motion that we approve this application based on the Staff Report, the site visit, testimony presented here this afternoon, with the 12 Zoning Ordinance Requirements and 2 Special Conditions; one being the hours of operation will be from 8 a.m. until 5 p.m. Thursday, Friday and Saturday.
MS. LESLIE: Yes.
MR. JEAN: Thursday, Friday and Saturday with one client at a time on the premises. Obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance, as well as any permits or licenses that are required by the State of Kentucky. There are
three findings of facts. This property is zoned A-U Urban Agriculture where hair salons in the home are allowed by a Conditional Use Permit. There will be a minimal impact on the traffic due to the number of vehicles accessing this site daily; and this will not create a nuisance and will be compatible with the neighborhood because of the low impact of this type of business.

CHAIRMAN: Do I have a second to that motion?

MS. MASON: I'll second.

CHAIRMAN: Second by Ms. Mason.

Do you understand the conditions that are adhere and you have to comply with them?

MS. LESLIE: Kind of, but not really.

CHAIRMAN: What do you not really understand or what are you concerned about?

MS. LESLIE: Is he saying it has to be inspected more?

CHAIRMAN: Excuse me?

MS. LESLIE: It's got to be inspected more, is that what he's saying?

CHAIRMAN: No. No. Nothing beyond you getting a business license; that's the only requirement.

MS. LESLIE: Me getting a business license.
Okay. So you all have to approve this to have this done, right?

CHAIRMAN: We haven't voted on it yet, but there's a motion made to approve doing it, yes.

MS. LESLIE: I was just wondering because I didn't want to, if it wasn't approved, I didn't want to go ahead and get a business license and spend that money if it was not -- you understand what I'm saying?

CHAIRMAN: Absolutely we understand, yes.

MS. MASON: Do you understand the conditions that you can only do it on Thursday, Friday and Saturday 8 to 5 and only one client per hour?

MS. LESLIE: Yes, ma'am. I only do one client at a time. I'm not a hairstylist that does four or five people at a time. That's just not me. I do not do that.

MR. HOWARD: I think your original question on inspections and all of that, the condition that he stated basically just says that if you do any building alterations, if you need to run new electrical circuits in order to meet the needs of an in-home beauty salon, that you would have to get building permits or electrical permits, that kind of a thing. That's standard. If you have to hire an electrician to run new electrical circuits, you need a permit to
do that kind of thing.

MS. LESLIE: I've got you.

MR. HOWARD: Then that also included, as
Mr. Pedley said in the Staff Report, that there may be
a state requirement for a license for a beauty salon.
We don't know. If there is, you have to get that, but
we don't regulate that.

MS. LESLIE: You're talking about I don't have
to have a license?

CHAIRMAN: You have to have a business
license, whatever the license is your profession
requires that the state regards.

MS. LESLIE: What I have is my business
license for me being a cosmetologist.

See, they used to have, I had to have an
independent contractor license and then a
cosmetologist license. Then a couple of years ago
they dropped that so you only had to have your
cosmetology license and that's it.

CHAIRMAN: We wouldn't regulate that.

MS. LESLIE: That way you could work anywhere
you wanted to and it didn't have to be on your license
where you were working. That right there, that's what
you're saying?

CHAIRMAN: You're in compliance, yes.
MS. LESLIE: Application for my license.

MR. HOWARD: Like Mr. Reeves said, we don't regulate that. We always, you know, if there is something, you need to have it, and it sounds like you do.

MS. MASON: Does she not have to have a City of Owensboro?

MR. HOWARD: She already mentioned that she was going to get a business license.

MS. MASON: Business license through the city of county?

MR. HOWARD: Yes.

MS. LESLIE: That's the thing. I did have before. I have a city license. I've had a city license for years, but me being in the county, my address being in the county then, doing it there, am I going to have a different one?

MR. HOWARD: You would just need to contact the business license department. They're downstairs in this building. You may be able to just change the address. I don't know what their requirements are. We're just going to tell you that you have to have one. You would want to check with them, as far as can you just transfer the one that you have to a new address. We don't know how that works to be honest.
MS. LESLIE: Okay.

CHAIRMAN: Other than that, you're okay and you understand everything, right?

MS. LESLIE: Yes.

CHAIRMAN: We just want to make sure that you're comfortable when you leave. Okay?

MS. LESLIE: Okay.

CHAIRMAN: Any other questions?

(NO RESPONSE)

CHAIRMAN: Then all those in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Your application is approved. I think we're ready for one more motion.

MR. GLENN: Motion to adjourn.

MS. MASON: Second.

CHAIRMAN: 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, LYNETTE 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
1st day of February, 2020.

LYNETTE 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

Ohio Valley Reporting
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