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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT  
FEBRUARY 6, 2019

The Owensboro Metropolitan Board of Adjustment meeting regular session at 5:30 p.m. on Thursday, February 6, 2020, 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

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CHAIRMAN: We will call the February 6, 2020 meeting of the Owensboro Metropolitan Board of Adjustment to order. At this time Mr. Glenn is going to lead us in the pledge and the prayer. Would you please stand.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: The first item on the agenda is to consider the minutes of the January 2, 2020 meeting. Members have been mailed a copy and have had time to look it over. At this time I'll entertain a motion.

MR. GLENN: Motion to approve.

CHAIRMAN: Motion to approve by Mr. Glenn.

MS. MASON: Second.

1 CHAIRMAN: Second by Ms. Mason. 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 First item on the agenda.

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10 VARIANCES

11 ITEM 2

12 1631 Hill Bridge Road, zoned A-R Rural Agriculture  
13 Consider a request for a Variance in order to reduce  
14 the required side yard building setback for accessory  
15 structures from 3-feet from the side property line to  
16 1-foot from the side property line.

17 References: Zoning Ordinance Article 3,  
18 Section 3-7(b)(2)

19 Applicant: Morris Locher, Jr.; Michael E. Deaton

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

22 MR. PEDLEY: Trey Pedley.

23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 MR. PEDLEY: The subject property is a large  
25 farm zoned A-R with an existing barn that is  
approximately 36 feet from the side property line.  
Within the strip of land between the barn and property  
line, an existing gravel drive that operates as an

1 access drive for the land-locked farm to the rear of  
2 the subject property. At this time the owner of the  
3 land-locked parcel would like to purchase 35 feet of  
4 the aforementioned 36-foot wide strip of land. This  
5 strip of line will act as a non-buildable stem  
6 providing the land-locked farm with access to Hill  
7 Bridge Road. However, doing so will place the  
8 existing barn only 1-foot from the side property line  
9 encroaching into the 3-foot side yard building  
10 setback.

11 The applicant contends the 35-feet of land is  
12 necessary in order to be wide enough to get various  
13 farm equipment to his farm without encroaching on  
14 neighboring properties. The entire strip is also  
15 desired in order to allow the applicant enough  
16 property to perform necessary grade work on the  
17 existing embankment that runs along a gravel drive.

18 Granting this variance will not adversely  
19 affect the public safety because the desired 35-foot  
20 wide strip of land is too narrow to be considered  
21 buildable area, and so the barn is in no danger of  
22 encroaching on other structures located on neighboring  
23 lots.

24 Additionally, granting this variance will not  
25 cause a public nuisance or alter the essential

1 character of the general vicinity because the barn in  
2 question will remain as is currently built and the  
3 proposed strip of land is currently an operating  
4 access easement, so the visible site modifications  
5 will be very minimal.

6 Lastly, granting the variance will not be an  
7 unreasonable circumvention of the zoning regulations  
8 because Mr. Locher's farm is currently land-locked and  
9 so obtaining 35-feet of road frontage is bringing the  
10 property closer into compliance with the subdivision  
11 regulations.

12 Staff recommends approval.

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

15 CHAIRMAN: Thank you, Mr. Pedley.

16 Is there someone here representing the  
17 applicant?

18 Do you want to step to the podium?

19 MR. LOCHER: Morris Locher.

20 (MORRIS LOCHER SWORN BY ATTORNEY.)

21 CHAIRMAN: Do you have anything to add to what  
22 Mr. Pedley has presented?

23 MR. LOCHER: No. I think he's done a pretty  
24 good job on it.

25 CHAIRMAN: He usually does.

1           Does anyone here in the audience have any  
2 question of the applicant or anything that you want  
3 the Board to hear?

4           (NO RESPONSE)

5           CHAIRMAN: Any board members have any  
6 questions?

7           MR. BULLOCK: Since we got this in the mail --

8           CHAIRMAN: You want to come to the podium.

9           MS. KNIGHT: Sir, if you could state your  
10 name, please.

11          MR. BULLOCK: Mark Bullock.

12          (MARK BULLOCK SWORN BY ATTORNEY.)

13          CHAIRMAN: Do you have any questions?

14          MR. BULLOCK: Yes. I guess I'm confused how  
15 this concerns us. Our property is the real little  
16 thing around all of this property right on Hill Bridge  
17 Road.

18          MR. HOWARD: State law requires that adjoining  
19 property owners be notified. So since they're  
20 requesting a variance, even though it's essentially  
21 encompassed within their property, since you're an  
22 adjoiner you receive notice so that there is a public  
23 forum and you have an opportunity to ask questions if  
24 you have concerns.

25          MR. BULLOCK: I guess my only concern was if

1 there is anything near our property. Okay. That's  
2 all I want to know.

3 CHAIRMAN: Thank you for coming.

4 I'll entertain a motion at this point.

5 MS. MASON: I move to approve based on the  
6 Staff Report.

7 CHAIRMAN: Is there a second?

8 MR. REEVES: Second.

9 CHAIRMAN: Second by Mr. Reeves. Any question  
10 on the motion?

11 (NO RESPONSE)

12 CHAIRMAN: All in favor raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, Mr. Howard.

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17 ADMINISTRATIVE APPEAL

18 ITEM 3

19 2125 Breckenridge Street, zoned B-4 General Business  
20 Consider a request for an Administrative Appeal in  
21 order to change from one non-conforming use to another  
22 non-conforming use, specifically for retail sales, at  
23 the subject property.

24 References: Zoning Ordinance Article 4, Section 4.53

25 Applicant: Glenn Taylor

26 MR. PEDLEY: This property is the former  
27 long-time location of Blandford's Drive-In located at  
28 the corner of Breckenridge Street and Cemetery Street.

1           Across Cemetery Street is a large cemetery  
2 operation that is zoned R-3MF Multi-Family  
3 Residential. All other adjoining properties are zoned  
4 B-4 General Business and R-4DT Inner-City Residential;  
5 however, all which appear to be residential in nature.

6           The subject property is zoned B-4 General  
7 Business which was appropriate for the restaurant use.  
8 However, the site itself has many deficiencies that  
9 still exist today and do not comply with the zoning  
10 ordinance. Nevertheless, the restaurant pre-dated the  
11 zoning regulations and so was considered to be a legal  
12 non-conforming use. These site deficiencies include:

- 13           1. Issue of Access Management and driveway  
14 width along both Breckenridge Street and Cemetery  
15 Street.
- 16           2. A lack of screening along both streets.
- 17           3. An existing site layout to allow vehicles  
18 to back out onto both Breckenridge Street and Cemetery  
19 Street.

20           After Blandford's Drive-Inn closed, the site  
21 sat vacant for more than 18 months. Whenever a site  
22 does so, it loses its legal non-conforming status. In  
23 2011, a pizza restaurant filed an Administrative  
24 Appeal in which the applicant at that time requested  
25 approval to utilize the site in the exact same fashion

1 as the previous establishment had. The request was  
2 approved by Owensboro Metropolitan Board of Adjustment  
3 at the August 2011 meeting.

4 At this time, the applicant would like to  
5 utilize the site for a retail sales business. As  
6 referenced on the site plan, the applicant has  
7 addressed many of the site concerns.

8 The proposed site layout shows both access  
9 points along Breckenridge Street being shortened to  
10 26-feet in width which shall be used only as ingress  
11 into the site. Egress from the site shall be through  
12 two points along Cemetery Street; one of which has  
13 been defined by vehicular use area screening; all of  
14 which will prevent vehicles from backing out onto  
15 either street, but also bringing the site closer to  
16 compliance with landscape requirement and various  
17 ordinances pertaining to the access points.

18 While the proposal does address many concerns,  
19 the lot size and shape have made it difficult to fully  
20 comply with the current regulations. Therefore, per  
21 Article 4.53 of the Zoning Ordinance, the applicant  
22 has requested an Administrative Appeal to allow the  
23 following site deficiencies to remain:

24 Regarding Landscaping: Not all typical  
25 required landscaping elements will be installed, as

1 the placement of the landscape easement along  
2 Breckenridge Street will prevent the utilization of  
3 the proposed 12-foot wide drive aisle which circulates  
4 traffic out to Cemetery Street.

5 The site plan also does not show typically  
6 required landscaping at the rear of the property along  
7 Cemetery Street; however, the configuration of the  
8 parking space has created a defined egress point in  
9 this vicinity without the assistance of the landscape  
10 elements.

11 Number 2, regarding access point. The site  
12 plan does not correct the access spacing standards  
13 along and from Breckenridge Street, but it's worth  
14 noting that such compliance is impossible on this lot  
15 without closing all direct access to Breckenridge  
16 Street. Additional, while they are being shortened,  
17 the combined width of the access points along  
18 Breckenridge Street will remain slightly greater than  
19 40 percent of the lot's width.

20 Unless the OMBA places specific conditions  
21 regarding the site development's request, a motion to  
22 approve the appeal would allow the applicant to  
23 utilize the site as illustrated on the site plan.  
24 Meanwhile, a motion to deny the appeal will prevent  
25 the applicant from utilizing the subject property for

1 any use unless the site was brought into full  
2 compliance with the current regulations.

3 If approved, Special Conditions include:

4 1. Obtain approval of a site plan much.

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

8 We would like to enter the Staff Report into  
9 the record as Exhibit B.

10 CHAIRMAN: Thank you, Mr. Pedley.

11 Is there someone in the audience representing  
12 the applicant?

13 MR. TAYLOR: Yes.

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

16 MR. TAYLOR: Glenn Taylor, Jr.

17 (GLENN TAYLOR, JR. SWORN BY ATTORNEY.)

18 MR. TAYLOR: The only addition to that, which  
19 I actually agree with this gentleman, Mr. Pedley does  
20 a pretty good job of this. We want to do all that we  
21 can to bring it into compliance for use.

22 CHAIRMAN: Okay. Anyone have a comment you  
23 would like to make concerning this particular item?

24 You do, sir.

25 MR. RICHARDSON: James Richardson. 2100 block

1 of Breckenridge.

2 (JAMES RICHARDSON SWORN BY ATTORNEY.)

3 MR. RICHARDSON: I'm glad to hear of this  
4 latest use of this building that has been vacant for  
5 quite some time. It was only a few months ago when  
6 the only tree on the lot was cut down. I called the  
7 Glenn Funeral Home and they told me at that time, and  
8 this was only, I believe, was it November, that a tree  
9 trimming company was going to move into this building.  
10 It was a tree, Osage orange, the only one that I've  
11 ever seen inside the city, a male. The female across  
12 the street, across Cemetery Street. We lost in one of  
13 the numerous tornados in the early 2000s. It's gone  
14 now.

15 I wanted to say as a child I recall playing in  
16 the construction sand with two of Mr. Blandford's  
17 three sons when the concrete block building at this  
18 triangle lot was under, was being built several  
19 decades ago.

20 As far as the home, that is strictly across  
21 the street from there, previously stood on this  
22 triangle lot. Mr. Little, the cemetery purchased it  
23 decades ago following our street extension in the 1961  
24 time period where our speed limit was increased from  
25 30 to 35, and we were converted to a one-way street.

1           Unexpectedly I might add also, as when our  
2 home was built just a few years beforehand, the word  
3 I've always understood it to be, although I was a  
4 child at the time, is that what is now Triplett Street  
5 was going to be made two lanes in each direction.  
6 Excuse me. As far as this triangle lot, it did  
7 contain a home at one time and a fairly new home, but  
8 it was once our street and you can look. I'm sure  
9 someplace there is a map of the City of Owensboro in  
10 1960 when the population was 42,500, somewhere in that  
11 area. Somewhere in the 40's, the population being in  
12 the 40's. Our home was built I think 1958. Don't  
13 have the exact date. Then my understanding is the  
14 state changed their mind. We had our street extension  
15 from Highway 298 or Old Hartford Road southward.

16           I had a personal conversations with the  
17 engineer in 1980, '81, when the one lane in each  
18 direction, which the road that our street had been  
19 connected to passed what is now 27th Street. 27th and  
20 Breckenridge that when that was rebuilt into a limited  
21 access highway.

22           Just to say that this lot is not, I mean it's  
23 very difficult to work with as it is now. I could see  
24 the difficulty after our street was extended of any  
25 home being able to tolerate or accommodate a general

1 residential use to continue.

2 Other problems over the past decades, I know  
3 there were, 30 years ago there was up the street in  
4 the same neighborhood the Kennedy Subdivision at 18th,  
5 on the southeast corner of 18th and Breckenridge.  
6 There was a zoning change and a lot consolidation that  
7 involved a home being moved to another location. I  
8 want to -- as I said, I'm glad that something is being  
9 moved into this area, but the problems that have come  
10 up and hopefully with other occurrences in the  
11 neighborhood with commercial intrusion, one of which  
12 is this buffer zone that was acquired at the time on  
13 the southeast corner. The lot, the fence fell into  
14 disrepair over I assume was a 30-year period. I had  
15 several comments to a prior employee with planning and  
16 employee, Gary Adams. It was a long time ago. The  
17 home was moved to another location. It was not that  
18 good of a home. It wasn't torn down. Getting to the  
19 problems that have come up and was hoping that you  
20 guys could or I would like to request some  
21 stipulations.

22 Even though there's not a buffer zone, for  
23 instance, you know, I'm not sure if the future, none  
24 of us know what the future holds. Being somewhat  
25 involved with some of these things have come in. I

1 see problems that have occurred. One of which would  
2 be fencing. If it does come into disrepair, that a  
3 person should not need to wait months or come up and  
4 make complaints to some of your employees. That it be  
5 kept in good condition. If it becomes damaged, that  
6 repairs, if a section falls down that this could be  
7 repaired, and if any additional screening would be  
8 involved.

9 Mr. Pedley is accurate and correct that the  
10 adjoining property may be zoned commercial, but has  
11 never been used as a commercial. It has always been  
12 used, this is the adjoining lot to 2125. Always  
13 residential and may always be that way. If you have  
14 someone who may purchase this in the future, I  
15 understand that barbwire can be used on a lot like  
16 this. I've seen black plastic being used at what was  
17 previously an art store on the southeast corner of  
18 Triplett and 20th Street. It was very unattractive.  
19 I would have thought that this they would only be used  
20 in a construction area on a temporary basis.

21 CHAIRMAN: Mr. Richardson, we kind of need to  
22 stick to this particular piece of property.

23 MR. RICHARDSON: Pardon me?

24 CHAIRMAN: We need to stick to this particular  
25 item instead of going to Triplett and so forth.

1           MR. RICHARDSON: All right. I was trying to  
2 make a comment here of where I've seen it in the  
3 Triplett Twist area, which is strictly across the  
4 street. The Triplett Twist area only included the  
5 west side of the street. It did not include the west  
6 side of the street. That is what problem I've seen  
7 come up.

8           I don't know if this person has any plans in  
9 the future to purchase this property at 2125 in the  
10 future possibly. Then this would be in someone else's  
11 hands and say, well, it's always been that way. I'm  
12 next-door to a commercial property. Well, may be  
13 zoned, but it has always been used as commercial.

14           CHAIRMAN: Are you an adjoining property owner  
15 to this particular property?

16           MR. RICHARDSON: Adjoining?

17           CHAIRMAN: Yes.

18           MR. RICHARDSON: No. I would say my family in  
19 1958 or whatever built a very few homes in the  
20 immediate area. It's just unfortunate of some of the  
21 things that have occurred. I'm trying to avoid things  
22 that I've learned over the decades.

23           Let me give you another example. Toters and  
24 sanitation. If this business decides to use toters or  
25 a business in the future, that requires a dumpster to

1 be placed as far away as possible to the immediate, I  
2 believe it's 2121, the immediate property that it  
3 adjoins right down, if that would be possible.

4 I believe the mayor just last year in the  
5 Health Park area and possibly the whole city changed  
6 or requested and his request was granted for the  
7 sanitation department not to do their pickups at 3:30  
8 in the morning. To wait at least until 5:30 in the  
9 morning. It makes a great deal of noise. I don't  
10 know if it would affect my sleeping area, but these  
11 are just some things that may come up. May never come  
12 up, but when else am I going to say it.

13 CHAIRMAN: But we're limited in what we can  
14 discuss here tonight to this particular item. I  
15 appreciate your concern.

16 MR. RICHARDSON: You are welcome. As I said,  
17 I'm glad to see that something permanent is being  
18 moved in here. I feel that -- I just have a few more  
19 things.

20 After Mr. Blandford, who ran a hamburger  
21 business, which the highway engineers said they had a  
22 good hamburger. Let me see what that was. Toters.

23 Oh, flashing signs. After Mr. Blandford sold  
24 his business, retired, it was the Thruston Pizza. We  
25 had a problem with a flashing sign. I believe I had

1 to contact Mr. Howard, and that's already written into  
2 the order.

3 CHAIRMAN: We do have some regulations.

4 MR. RICHARDSON: In the words of the district  
5 highway engineer, we weren't supposed to be having any  
6 problems. I don't know if this person has any plans  
7 in the future to put a flashing sign up in close  
8 proximity.

9 CHAIRMAN: It would have to come before the  
10 board to be okay.

11 MR. RICHARDSON: That's something they would  
12 need to --

13 CHAIRMAN: It could be approved in-house, but  
14 it would have to be regulated.

15 MR. RICHARDSON: I'm sorry. I have a lot of  
16 --

17 CHAIRMAN: It would have to be approved  
18 in-house, but there would be some very specific  
19 regulations.

20 MR. RICHARDSON: Thank you.

21 CHAIRMAN: Let's ask the applicant, so we  
22 don't keep spinning our wheels, let's ask the  
23 applicant about his plan.

24 MR. RICHARDSON: Certainly.

25 MR. TAYLOR: I appreciate your comments. Our

1 plans for this property are actually not going to be a  
2 tree trimming service. Right now would be a  
3 professional security firm that does work for large  
4 businesses. It's going to be a consulting office. So  
5 there will not be any manufacturing there. We are  
6 sorry to see the tree go as well, but we do not have  
7 any plans for large flashing signs, nor at this time  
8 do I see any use for a dumpster given the size of this  
9 company. It will only have two employees in the  
10 building and there will be no manufacturing done  
11 there.

12 I hope that helps and we'll try to make sure  
13 the neighborhood stays the way that it is and not have  
14 any flashing signs or anything like that for you.

15 CHAIRMAN: Thank you.

16 MR. RICHARDSON: I appreciate that very much.  
17 It's just my experience in the past it's best to bring  
18 these up. To my knowledge this is the only time.

19 Thank you for correcting me and letting me  
20 know. I know if this person were and may not ever  
21 purchase the home from Glenn Funeral and in the  
22 future, you know, we may be --

23 CHAIRMAN: We would have to deal with it then.

24 MR. RICHARDSON: All right. Okay. I'm not an  
25 expert.

1           I will say that I did have University of  
2 Kentucky, Lexington Campus, American Government class  
3 with Dr. VanLandingham where we studied zoning for six  
4 weeks, and it was there that I learned the term "spot  
5 zoning." Let me see.

6           Across the street a cemetery, I would like to  
7 get on the record that that is on the state register  
8 of historic places. Mr. Little up until about 15  
9 years ago won several awards for the maintenance of  
10 the cemetery, which unfortunately it was sold to  
11 someone what I hear is an Indiana company and the  
12 maintenance of the area is just --

13           CHAIRMAN: Mr. Richardson, we can't deal with  
14 that at this board.

15           MR. RICHARDSON: Mr. Pedley mentioned it. I  
16 understand that. I'm not requesting anything. Just  
17 to make you aware that it is not a cemetery to me. It  
18 is a historic cemetery. I believe you guys are  
19 probably aware of the numerous tours that have taken  
20 place over the past several years, which brings and  
21 helps fund some of the -- I'm not sure where the  
22 proceeds would go to. Just to bring that up because  
23 Mr. Pedley did mention that.

24           CHAIRMAN: Okay. Thank you.

25           MR. RICHARDSON: Pardon me?

1           CHAIRMAN: Thank you.

2           MR. RICHARDSON: Well, you're welcome.

3           Let me just make sure I haven't overlooked  
4 anything before I close.

5           CHAIRMAN: Does anyone have any questions of  
6 this member of the community?

7           (NO RESPONSE)

8           CHAIRMAN: No questions.

9           MR. RICHARDSON: Could I ask for some  
10 clarification on the future plans. I'm sorry, I'm not  
11 in my best of health tonight. My hearing is not so  
12 good.

13           The items that specifically that are mentioned  
14 tonight, did it involve screening? Did it involve  
15 landscaping? Will there not be any landscaping at  
16 all?

17           MR. TAYLOR: We do plan on landscaping the  
18 property. It will be used, surround the building with  
19 landscaping just to beautify the property, and then we  
20 also have landscaping that will help us with the  
21 compliance of the property.

22           MR. RICHARDSON: All right. Also I can  
23 personally say the numerous times when prior uses for  
24 this property, Blandford having his hamburger stand  
25 there for several decades, and the short life of

1 Thruston Pizza, at the times I did see vehicles parked  
2 in his lot sticking out onto Cemetery Street causing a  
3 traffic hazard. I'm very glad to learn that this  
4 problem, that these guys are looking into eliminating  
5 that problem that maybe it will no longer exist. I  
6 wouldn't think that they would -- as the gentleman  
7 suggested, that they're working together to eliminate  
8 that potential problem. I wouldn't think that there  
9 would be that many people parked there say at  
10 lunchtime the way it has been in the past. This  
11 business I'm very glad to learn that that type of  
12 business will be moving in there.

13 CHAIRMAN: Sounds like a completely different  
14 kind of use for it which would eliminate a lot of  
15 coming and going. I think you'll be pleased.

16 MR. RICHARDSON: Thank you guys for that  
17 because it was the number of vehicles that used the  
18 very narrow Cemetery Street has increased  
19 substantially. I just feel that there's nothing but  
20 good things that can happen. These things have seen  
21 that have occurred in close proximity in our Kennedy  
22 Subdivision.

23 CHAIRMAN: Thank you. Let's see if any of the  
24 board members have any comments on this item?

25 (NO RESPONSE)

1           CHAIRMAN: None.

2           MR. RICHARDSON: Could I ask, I missed out on  
3 a little bit of the description of what this being  
4 eliminated. Will there not be any screening at all on  
5 the Breckenridge Street side? I kind of got confused  
6 there with what you were doing with the Cemetery  
7 Street side and the Breckenridge Street side.

8           MR. HOWARD: I can answer that. On the  
9 Breckenridge Street side, it will remain as is. On  
10 the Cemetery Street side, the vehicular use area,  
11 landscape buffer will be installed from the building  
12 up towards the corner of the property.

13          MR. RICHARDSON: I can also say there's a  
14 tremendous problem with people coming up Cemetery  
15 Street and using this property and cutting through  
16 there. A lot of wear and tear on the parking lot that  
17 would normally be absorbed by the city. If they would  
18 have stayed on Cemetery Street, but the way the  
19 street was originally designed. Thank you.

20          MR. HOWARD: With some of this landscape  
21 buffer being install, they're actually proposing to  
22 remove pavement, put in a landscape feature there. So  
23 hopefully that will prevent some of that cut-through  
24 that you're talking about.

25          MR. RICHARDSON: I only became aware of this

1 morning, that this was going to be discussed.

2           Once again, unfortunately the state only  
3 requires someone who is immediately adjacent;  
4 although, the lady who lives across the street from me  
5 lives further away than what I do, but I understand  
6 and hopefully I can notify -- that can be changed in  
7 the future. I have helped pick up trash in the area.  
8 Helped the funeral home keep the grass strip mowed  
9 over the past several years, even before it became  
10 Thruston Pizza.

11           Could I make some type of suggestion? I  
12 wouldn't understand why there couldn't on the  
13 Breckenridge Street side, why there could not be some  
14 type of small privacy fence? I know you wouldn't want  
15 it too high, but I see no reason that it would prevent  
16 some type of small screening to take place.

17           CHAIRMAN: Would that not interfere with  
18 visibility?

19           MR. HOWARD: The issue there is, any  
20 landscaping or buffer feature has to be on private  
21 property. It can't be installed on public  
22 right-of-way. Based on the design of this plan,  
23 between the parking space and the property line,  
24 there's only 12-feet, which is the minimum width for  
25 one-way traffic flow. In order for this site to even

1 be able to function and have any type of traffic flow  
2 that prevents cars or is designed in such a way that  
3 it eliminates the need for cars to back out into  
4 Breckenridge of back out into Cemetery, that they need  
5 this 12-foot one-way aisle for circulation. If a  
6 screening element, fence, row of bushes, trees were  
7 put in, they wouldn't be able to meet the minimum  
8 traffic flow requirements. Which would then basically  
9 render the site useless.

10 MR. RICHARDSON: A fence between the property  
11 that is immediately to the north, that would be 2121.  
12 It was all surveyed there. I'm just talking about a  
13 little fence like, you know, it would be less width  
14 than this. Kind of give some identification.

15 MR. TAYLOR: Are you talking about the  
16 northern property, the fence that was destroyed when  
17 the tree fell down? The part that was taken down on  
18 Mr. Harley's property?

19 MR. RICHARDSON: No. I'm talking about from  
20 where there's not anything. Where it's open now. The  
21 people who cut down another tree, other than the Osage  
22 orange that was on the Harley property, they allowed  
23 -- some guys may recall Mr. Draper from the Yarden  
24 Center. Some of his work was destroyed when the tree  
25 trimming company allowed -- there were some nice

1 shrubs there. I'm not asking for shrubs. What is it,  
2 not even an inch in width of, you know, fencing to  
3 go, you know, just to sort of identify, hey, this is a  
4 commercial area, you know, this is residential. To  
5 give Mr. Harley and the neighborhood a little -- I  
6 mean normally up the street at 18th there would be an  
7 entire buffer zone required. Here I would just like  
8 to request that, you know, an inch between  
9 Mr. Harley's property where there's not any fencing  
10 now, where the shrubbery that was there was destroyed.  
11 You know, just -- I don't think that anyone is going  
12 to be running --

13 MR. TAYLOR: We'd like to take that under  
14 advisement, but we'll have to talk to Mr. Harley.

15 CHAIRMAN: Yes, the property owner.

16 MR. TAYLOR: I can see exactly where you're  
17 coming from. Since that has been down, there is a  
18 little bit of a gap there. I'd be happy to talk to  
19 Mr. Harley and see if we can come to an agreement, but  
20 I can't guarantee anything.

21 MR. RICHARDSON: If that would involve any  
22 hardship of anyone pulling out onto Breckenridge, then  
23 the danger to Mr. Harley's grass area, I don't think  
24 he would be -- I appreciate the understanding there,  
25 that you would look into that. I don't believe it

1 would create any change in Mr. Pedley's plan for the  
2 circulation of the traffic on this lot. Prevent  
3 people from thinking, because I've seen everything  
4 happen. People thinking, well, we could pull over  
5 there when start seeing tire marks, you know, up here,  
6 there. He already has a trouble since the shrubbery  
7 has been removed with the mail carrier walking.

8 CHAIRMAN: Mr. Richardson, do you have any new  
9 questions pertaining to this item?

10 MR. TAYLOR: If you would like to, you could  
11 come by next week and you and I can sit down and maybe  
12 discuss what our options are with Mr. Harley, if you  
13 would like to do that? Would that be okay?

14 CHAIRMAN: That sounds like a good plan.

15 MR. RICHARDSON: Certainly.

16 MR. TAYLOR: I know you know our phone number  
17 so just give us a call. Okay?

18 MR. RICHARDSON: You're with the funeral home?

19 MR. TAYLOR: You and I have spoken a few  
20 times. I'm Glenn Taylor, Jr., yes, sir.

21 MR. RICHARDSON: Okay. I won't take up any  
22 more of your time. I appreciate the time that you  
23 have, due to the length of time that we have lived in  
24 the neighborhood is the reason.

25 CHAIRMAN: Certainly. I understand.

1           MR. RICHARDSON: And my experience that I do  
2 watch, try to catch all the Planning and Zoning  
3 meetings. Unfortunately, this one isn't televised,  
4 and I'm not so up-to-date. Thank you for your  
5 patience.

6           CHAIRMAN: Thank you. You can talk to  
7 Mr. Taylor at some time and work out some of these  
8 issues. Right now we need to get on with the motion.

9           Mr. Jean.

10          MR. JEAN: I'd like to make a motion that we  
11 approve this Administrative Appeal, based on the Staff  
12 Report, the site visit, the testimony that we've heard  
13 here this evening, with the two special conditions.

14          MR. GLENN: Second.

15          CHAIRMAN: Second by Mr. Glenn.

16          MR. REEVES: What are the two conditions?

17          MR. GLENN: Obtain approval of a Site Plan,  
18 and obtain all necessary building --

19          MR. REEVES: Yes.

20          CHAIRMAN: Anybody have a question on the  
21 motion?

22          (NO RESPONSE)

23          CHAIRMAN: If not, I'll entertain a vote. All  
24 in favor of the motion raise your right hand.

25          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 We have one more motion in order.

3 MS. MASON: Motion to adjourn.

4 CHAIRMAN: We have a motion to adjourn.

5 MR. GLENN: Second.

6 CHAIRMAN: Second by Mr. Glenn. All in favor

7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 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 28  
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 1st day of March, 2020.

18

19

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

22

23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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