The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, August 6, 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

CHAIRMAN: I would like to call the August 6th meeting of the Owensboro Metropolitan Board of Adjustment to order. We start all of our meetings with a prayer and pledge to the flag. So if you would join us, please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item we have are all the minutes of the June 12, 2020 meeting. All of the board members should have received those in the mail. I would entertain a motion for their approval.

MS. MASON: I make a motion for approval.

CHAIRMAN: Approval by Ms. Mason.

MR. GLENN: Second.

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CHAIRMAN: Second by Mr. Glenn. We have a
motion and a second for approval of the minutes. All
in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Mr. Howard.

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CONDITIONAL USE PERMIT

ITEM 2
6819 Highway 56, zoned A-R Rural Agriculture & A-U Urban Agriculture
Consider a request for a Conditional Use Permit in
order to operate a farmer's market at the subject
property.
Reference: Zoning Ordinance Article 8, Section 9.2E1
Applicant: David T & Marlene G. Knight

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

MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: The subject property is a rural
residential property that is 1.366 acres in size and
is split zoned A-R Rural Agriculture and A-U Urban
Agriculture. OMPC records indicate that there have
been no zoning map amendments or prior case history at
the subject property.

The applicant would like to convert an
existing farmhouse building that is approximately
1,200 square feet in size into a commercial farmer's
market where the applicant intends to sell canned
goods, baked goods, coffee, farm produce, and other
retail merchandise. The applicant has already
undertaken interior remodeling efforts to establish
the use and has installed commercial parking areas and
signage on the property. The provided parking areas
consist of a paved handicap parking area located in
front of the structure, with additional parking
provided via a gravel lot located to the west of the
structure. Within the A-R Rural Agriculture and A-U
Urban Agriculture zoning districts, commercial parking
areas are allowed to utilize a gravel surface rather
than the traditional paved surface.

The parking areas are accessed through an
existing 10-foot wide gravel drive that connects to US
Highway 56. Based on the submitted site plan, the
access drive is not proposed to be modified, but at
its current size the proposed commercial access drive
is not in compliance with the required 24-feet wide
minimum commercial drive standard for two-way traffic.

If the Board should approve the Conditional
Use Permit, Staff recommends including a condition to
expand the width of the gravel commercial drive to
24-feet, along with the installation of a 50-foot long
paved apron where the access drive connects with US

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Highway 56 in order to keep gravel from spilling into the roadway.

Land Use In Surrounding Area

Adjoining properties to the north, east and west of the subject property are also split zoned A-R and A-U Urban Agriculture, and appear to be utilized for agriculture. Properties to the south (across US Highway 56) are zoned A-U Urban Agriculture, and appear to be rural single-family residential uses.

Zoning Ordinance Requirements

1. Parking - Farmer's Market: 6 parking spaces plus one space for every 250 square feet of structure floor area. As shown on the submitted site plan, the site can accommodate all 11 required parking spaces, including 1 ADA space.

2. Landscaping - There is no landscaping required since the property is surrounding by agriculture zoning and the parking area is not adjacent to any public rights-of-way. However, the Board may choose to require any landscaping deemed necessary to buffer or screen the use from adjoining properties.

Suggested Conditions

1. Submission and approval of a site plan;

2. Expansion of an existing 10-foot wide

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drive to 24-feet in width, with a 50-foot long paved transition drive where the drive connects to US Highway 56; and,

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

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

CHAIRMAN: Thank you.

Is anyone here representing the applicant?

MR. KAMUF: Charles Kamuf.

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

MR. KAMUF: Thank you.

I represent the Knights. Marlene and her husband lived in Louisville for years and they returned. She was up there in charge of the catering at the Galt House. The reason I mention that is that she intends to refurbish an old cottage or old house on the property. It's kind of a country cottage. She intends to sell merchandise, coffee, baked goods; basically farm products. We call it maybe Farmer's Market. I have a couple of handouts, please.

Let me speak just a second about the cottage.

We have cut out of a 3 or 400 acre tract
practically 1.3 acre and we're going to put it in line
with the cottage that you see there. The Knights that
own this property, it's been in their family for about
165 years.

Before we did anything, we talked to all the
neighbors. You see a lot of people here tonight.
There's no objection to this conditional use. As a
matter of fact, all the neighbors want this.

And I will introduce in a few minutes a
petition with over 100 names of the people in the
area.

We also, there was something special about
this little cottage. We have Mr. Collignon here and
his brother lived there for about 40 years. It's sort
of emotional for the people in the community and
that's why you see so many people here.

If you look at the blowup that I gave you, you
can probably see that this -- in this area about 40
years ago, Mr. Chairman, Shorty Richardson and Bill
Spurrier there at the bank opened up a subdivision
there.

I might point out, Mr. Jean, that in this area
there's over 300 houses. That's a third that there is
in the City of Whitesville.

So it's a residential area that we have there.

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I mention that because all of the area there was developed. There is only one little area there that's undeveloped and that's not for sale. So there is a need in this little community of Sorgho for this cottage.

I call that area the new Sorgho. Then some of you have been out to Red's place there at Sorgho. As you get down to the far end, you see what I call the old grocery store. It was a Head's market. Then you see old Red's place. That's kind of the older area of Sorgho. I call this the newer area. Across from this property, just about across, you see marked on there where it has a zoning of B-4. Used to be an old car lot there, I think, run by the Schreckers.

As you get down a little further, this is just to show you the mixed area that you have there, you have the industrial property. That used to be the old Tennis House. The Tennis House later was developed into an industrial area and they now have heavy equipment there, fencing, siding and preconstruction buildings. So this is an area that I think has mixed use. I think this will blend in very well with the area.

I might point out to you that recently there's been two conditional uses in the county, in the
agricultural area. One of them, if you remember, about a year and a half ago was Susan Cecil had that event place down in West Louisville. We put that in a conditional use that's working very well.

On Lee Rudy Road, Jim Gillis, he and his dad own about 3 or 400 acres there, but they have a little house and they've got that zoned where they sell beef out of it.

I don't see any detriment to the neighborhood. As a matter of fact, I think that we would see a whole lot of benefit to it. We'll get through in just a second.

I want to call Mr. Collignon. What he would like to do is just read you two or three paragraphs of what this little cottage has meant to that community down there and what it has meant to his family and how important it was that the Knight family let him use that.

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

MR. COLLIGNON: My name is Steve Collignon.

(STEVE COLLIGNON SWORN BY ATTORNEY.)

MR. HOWARD: Even though it may be muffled, we would request that when you're speaking that you leave your mask on because others will be approaching the Ohio Valley Reporting

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same mike and speaking into those. We would like to keep everybody with their mask on.

MR. COLLIGNON: Good afternoon. My name is Steve Collignon. I am reading something that was written by my sister Diane Collignon.

Let me preface this by saying that there's an 8 by 10 picture of my brother Bobby and my mom, his mom, Shorty Collignon. Mrs. Knight requested that from us one day because she wanted to perhaps put it on the wall somewhere as a tribute to Bobby's time at the house.

This is a picture of Bobby and his Mom (Shorty) Collignon. Bobby was born in this house in 1939, lived here until he was three, moved to another location with family, but returned in 1980 when his dad passed away. This home and land became his sanctuary in a world that was too fast paced and unpredictable for him. He was autistic and socially handicapped and could not work in the public world. He was hired by the farmers around the area who accepted him as the way he was and allowed him to do manual farm labor, which he took very seriously and completed with great pride.

Bobby walked his little plot of land for 40 years, knowing all the shrubs, trees and animals that
walked beside him. In the spring, if you visited, you received a boutique of daffodils, in the summer tomatoes from his garden, and in the fall some branches from his ornamental plum tree. He had a heart of pure gold. When you tried to get him to say something bad about someone or try to get him to tell a lie, he couldn't do it. He would change the subject quickly.

When Mom passed away in 1999, the Knight family told us that as long as Bobby was alive he would always have a home there. Their family was God's blessing to our family and to Bobby. The family discussed moving him to a different location several times, but could not take him away from the world where he was content, safe and could be himself.

The Muffin House, that's been changed to The Cottage, has been filled with years of loving, laughing, and caring. May God bless this new purpose for this home and know that Bobby will be walking beside you to make sure you take care of his little corner of the world. Thank you, The Collignon Family.

CHAIRMAN: Any board members have any questions for Mr. Collignon?

(NO RESPONSE)

MR. KAMUF: I just have one more exhibit.

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Here's a list of over 100 names of the people in the immediate area that would like this.

I have several witnesses. I don't know how much you would like to hear. The owner of the project is Marlene Knight and her husband David and they have put their heart into this. They want to help the community. Marlene has been involved in the Farmer's Market since it started. She would like to say a few words just to let you know how important this is to her and what she's done to be sure that there is no objections and to be sure that it will be successful.

CHAIRMAN: Certainly.

MS. KNIGHT: Ma'am, please state your name for the record.

MRS. MARLENE KNIGHT: Marlene Knight.

(MARLENE KNIGHT SWORN BY ATTORNEY.)

MRS. MARLENE KNIGHT: Charlie has explained a little bit about my background when we were in Louisville.

I currently own Convention Planning Business, a consulting business. It's not necessarily a good time to be in the convention business right now. I have actually brought other businesses to Owensboro.

I produced the Kentucky Sportsman Show here, if any of you all are familiar with that, for three years.
also produced the College and Career Expo where we
brought in students in the area to look at over 100
colleges for their research.

In doing that I've learned a lot about the
Owensboro Convention Center and Owensboro business and
feel very strongly about my community. I'm not new to
this type of business or the food and beverage
business. I am a certified catering professional, as
well as professional conference manager. I'm also
certified as a micro processor and registered home
baking business with the State of Kentucky. Our farm
stand is certified by Kentucky Farm Bureau.

It's now time for me to use my skills for the
betterment of the community. Our farming community is
a wonderful asset to the people and we appreciate it.

On the west side of Owensboro the residents
are anxious to have more food options. They're
anxious to have coffee.

Many live in Sorgho because they value the
farming community and appreciate the work that goes
into growing their food. My dream is to provide a
local place that residents are comfortable to come by,
have a muffin, have a cup of coffee, see some
neighbors, get some fresh produce and build a closer
community. All of my products will be Kentucky proud

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and we're striving very hard to be Daviess County
proud because we have such wonderful products and
sources here in our own county.

I realize that I could have a farm stand and a
home base baking business, but I wanted to do more for
Owensboro by giving people jobs that are more than
minimum wage and creating a community spot.

I ask that you consider zoning this 1.3 acres
out of our 270 acres. It will not only help me to
fulfill my dream, but provide a needed service.

As a requirement of the zoning application, I
personally went to the neighbors for signatures, which
is also is hard to do during a pandemic; however, it
was actually a really good exercise for me because I
not only got to meet the people, our neighbors, but I
got to hear from them how excited they were at the
prospect that this cottage, of this little business,
and to have something in the community to call their
own and to make it feel like their own. Not one
person that I talked to expressed any type of push
back or any reservations about what I was proposing to
do. So that was exciting for me.

The moms and dads that drive their children to
school, both Sorgho Elementary and West Louisville,
have expressed they look forward to be able to stop on
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their way. It is my desire to continue to contribute to Daviess County, in particular the Sorgho Community. We love living here. Our heritage is here and we have a wonderful network of friends.

Please consider the people who took time out tonight to be at this meeting. I am certainly grateful to them.

I would ask you to allow this zoning, allow for the people who will get jobs, allow it to create more business for local farms, and allow me to contribute to the tax base and allow me to help create a community space.

There's actually nowhere David and I would rather live, and we could live anywhere. We fortunately have very limited choices but we choose to live here. Thank you all for your time.

CHAIRMAN: Thank you.

Do any of the board members have any questions for Mrs. Knight?

(NO RESPONSE)

CHAIRMAN: In order to expedite, let me ask a question and we'll see if we need additional speakers. Is there anyone in the audience that intends to speak in opposition to this? If you would, would you mind raising your hand if you're speaking in
opposition.

(NO RESPONSE)

CHAIRMAN: We will entertain any others that want to speak. I just want to make sure that we could see what the audience looked like.

Anyone else wish to speak?

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

MR. JOHN COLLIGNON: John Collignon.

(JOHN COLLIGNON SWORN BY ATTORNEY.)

MR. JOHN COLLIGNON: The one thing I would like to say or a couple of things I would like to say, is I don't know a lot about the ins and out of your zoning. What I want to talk about is I met a couple, and they're on the short list of people that I've met in my lifetime that are legitimate nice people. Whatever community they were in, they're going to be an asset.

The other one that comes to mind, he's dead now, is Joe Bob Murphy and his wife Eddie. I never could figure those people out because when they do things, they had no ulterior motives. It used to confuse me until I figured out that they're legitimate nice people. You know, I'm a construction brick layer. I was in the rat race and I didn't mind it.
because all you had to be was the biggest rat. It just worked that way.

David Knight has gotten to be one of the worst business men on the plant because he rented that old farmhouse to that autistic old man for all those years, and every time I called Acme Plumbing, which is who I usually called, and they're not cheap. They're good, but not cheap. The rent I don't think ever paid for the upkeep of that old house; yet he kept that house for that brother of ours for all of those years losing money, as far as I'm concerned. You just don't have people like that on the planet anymore. I would like to see him and Marlene get what they're working for. That's all.

CHAIRMAN: Thank you, sir.

Anyone else wish to speak?

Yes, Mr. Castlen.

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

MR. CASTLEN: Steve Castlen.

(STEVE CASTLEN SWORN BY ATTORNEY.)

MR. CASTLEN: As a real estate man in the community for the last 50 years, I work primarily Daviess County, and I think this is an asset not just to that area, but to Daviess County.

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After talking with several people that have already visited the site, they're very pleased with it. My brother and his wife, Bill and Sheila Castlen, live in the area and they're for it. It looks good. I'm proud to be a part of it, a part of Owensboro.

CHAIRMAN: Thank you, Mr. Castlen.

Anyone else?

Ms. Bartlett.

MS. KNIGHT: Ma'am, if you could state your name for the record, please.

MS. BARTLETT: Suzanne Bartlett.

(SUZANNE BARTLETT SWORN BY ATTORNEY.)

MS. BARTLETT: I've known Marlene for about 10 years maybe or a little bit longer. I first met her at U.S. Bank. She came in and she was all about everything. About getting started in this community and making a mark, and making make a difference, and she's done that already with what she talked about earlier.

This new venture I think is going to be the greatest that she has because it's her own. It's been her hard work that she's put into it, and not without planning. She's very meticulous on her planning.

We are always touting our economic development here in this county. I'm a big fan of the chamber. I
really think that this needs to be considered just for
the fact that she is going to have employees; already
trying to get employees working with her. At this
point, you know, I can't see any reason why this
shouldn't be this conditional use permit to be issued.
Hopefully there is no objection tonight. Thank you.
   CHAIRMAN: Thank you.
   Anyone else wish to speak?
   (NO RESPONSE)
   CHAIRMAN: Mrs. Knight, would you come back up
to the podium, please?
   Are you comfortable with the conditions that
are down here with regard to the driveway and so
forth?
   MS. MARLENE KNIGHT: Yes, sir, I understand
   those.
   CHAIRMAN: Okay. And you're okay with
   complying with those?
   MRS. MARLENE KNIGHT: I will comply with
   those.
   CHAIRMAN: I understand.
   MRS. MARLENE KNIGHT: I will comply.
   CHAIRMAN: Any board members have any
   questions of anyone else?
   MR. JEAN: I have a question.
CHAIRMAN: Yes.

MR. JEAN: I noticed there was a difference on the address between this and what's on the mailbox out there.

MS. MARLENE KNIGHT: Yes, I can address that. Google Maps recognizes that driveway as 6869, but the address that was always used for that property was 6819. So in order to anybody in the future when hopefully we are able to open, we'll need to use the 6869 just to get people there. 6819 actually takes you to the middle of our corn field.

MR. JEAN: When I saw the sunflowers, I knew I was in the right place.

MS. MARLENE KNIGHT: Exactly.

MS. EVANS: Mrs. Knight, just for clarification. You do need to use the 6819 address. That's your 911 address. For 911 purposes that's the address that is in the system.

MS. MARLENE KNIGHT: Of course. That's what I use, and that is on all the business permits and everything else. This is strictly on our own marketing. When people ask us where it is, we have to put that dot on the map, but we don't have to use it for anything official.

MS. EVANS: Okay. But the property needs to
be marked as 6819 as well as you're entering the
property for 911 purpose.

MS. MARLENE KNIGHT: Not a problem.

CHAIRMAN: Is that sufficient?

MS. EVANS: Yes.

CHAIRMAN: Anyone else have any comments they
would like to make?

(NO RESPONSE)

CHAIRMAN: If not I'm ready for a motion.

MR. JEAN: I would like to make a motion.

CHAIRMAN: Entertain a motion by Mr. Jean.

MR. JEAN: I'd like to make a motion that we
approve the Conditional Use Permit based on the Staff
report, site visit, the testimony that was given here
this evening, the Zoning Ordinance Requirement 1, and
Suggested Conditions 1, 2 and 3. I have three
findings of fact. This is an A-R Rural Agricultural
and A-U Urban Agricultural zone where Farmer's Market
activity are allowed by Conditional Use Permits. It
should be compatible with the neighborhood as there
are other businesses and residences along Kentucky 56.
This Farmer's Market should have minimum impact to
traffic on Kentucky 56.

CHAIRMAN: Do I have a second to Mr. Jean's
motion?

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MS. MASON: I'll second it.

CHAIRMAN: Second by Ms. Mason. Any other questions or concerns about the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: It's passed and the application is approved.

ITEM 3

5741 Highway 144, zoned R-1A Single-Family Residential & A-U Urban Agriculture

Consider a request for a Conditional Use Permit in order to operate a private school within a portion of the existing church building.

Reference: Zoning Ordinance Article 8, Section 8.2B14

Applicant: Grace Christian Academy; Yellow Creek Baptist Church

MS. EVANS: The subject property is an 11.81 acre parcel that is the current location of Yellow Creek Baptist Church. The property was granted conditional use approval in 1992 for a pre-school use, and received conditional use approval for a day care, recreational facility, and fellowship hall in 2006.

The applicant, Grace Christian Academy, wishes to utilize a 7,300 square foot portion of the existing church building in order to operate a private school. The school will open August 26, 2020. It will eventually enroll up to 90 students and employ 18
staff members. The applicant has stated that the use will only operate at this location until a new permanent school building is constructed elsewhere.

Land Uses In Surrounding Area

Adjoining properties to the south of the subject property along Highway 144 are zoned R-1A Single-Family Residential and appear to be rural single-family residential uses. Like the subject property, the adjoining properties to the north, east and west are also split zoned between R-1A Single-Family Residential and A-U Urban Agriculture, and primarily consist of undeveloped land.

Zoning Ordinance Requirements

1. Parking - Private High School - 1 space for every 5 classroom seats.

   The use will utilize the existing church parking areas located to the side and rear of the property. Based on the submitted site plan, the existing site has 280 parking spaces, which can accommodate the 18 spaces required for the proposed school use as well as the parking demands of the church use.

2. Landscaping - None required since the use is surrounded by large agricultural properties and the existing parking area is not adjacent to any public

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right-of-way or residential area. However, the Board may choose to require any landscaping deemed necessary to buffer or screen this use from adjoining properties.

Suggested Conditions

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

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

CHAIRMAN: Is anyone here representing the applicant?

MR. KAMUF: Yes, Charles Kamuf.

A couple of you are on the Metropolitan Zoning Board. This property was zoned in May of this year and it was zoned by, I think, Matt Castlen and Mr. Tanner and the purpose was for a Christian High School. It will be known as Grace Christian Academy. It will be constructed at a later date on 144, but this is a temporary request to use the property here at Yellow Creek. We will use the classrooms, the gymnasium. It will be open from 8:30 to 3:30.

We have Chris Holmes who is director of the academy, along with David Hawes who is one of the big supporters of the school. They are here to discuss
anything about the plat. The plat that was filed in
the record should explain exactly what part of the
building they'll use. If you have any questions, I
think we've got the people from Yellow Creek Baptist
Church here that will explain any questions that you
have.

CHAIRMAN: Thank you.

Are there any other comments from the
audience?

(NO RESPONSE)

CHAIRMAN: Any board members have any
questions to ask of Mr. Kamuf or other members of the
church?

(NO RESPONSE)

CHAIRMAN: If not then the chair would
entertain a motion.

MR. GLENN: I make a motion to approve this
conditional use permit for this Christian Academy
subject to the conditions which is 1) obtain all
necessary building, electrical and HVAC permits and
inspections that are needed.

CHAIRMAN: Do we have a second to that?

MR. HOWARD: Could you add a findings of fact,
as far as why.

MR. GLENN: Well, the finding of fact is the
fact that I don't believe it would be out of place in
that area. There already is a church on the area with
a gymnasium and classrooms and they already have the
parking. I can't see where that would be out of place
in that area.

CHAIRMAN: Anything else?

MR. HOWARD: That's good enough.

CHAIRMAN: Do I have a second to that motion?

MS. MASON: I'll second it.

CHAIRMAN: Second by Mrs. Mason.

Any questions or comments from the audience
before we take a vote?

(NO RESPONSE)

CHAIRMAN: If not then all in favor of the
motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: The application is approved.

ITEM 4
528 Camden Circle, zoned R-1B Single-Family
Residential
Consider revocation of a Conditional Use Permit to
operate a retail sales business as a Home Occupation
from the subject property approved at the March 5,
2020 OMBA meeting.

References: Zoning Ordinance Article 8, Section
8.2D5a

Applicant: Jessica Oglesby & Matthew Oglesby
MR. HOWARD: We don't see a lot of these, but

Mrs. Evans has some information to add into the

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record. I believe the applicants are here as well to hopefully address some of the questions about the activities that are taking place there.

MS. EVANS: I would just like to start with kind of the background of how we got to where we are. There's not very many people here so I'm going to pull my mask down to speak a little clearer.

Like I said, go over the background of how we got to where we are today.

Back in January of this year, our office received a complaint that the Oglesbys were operating a business from their home. At that time they were sent a letter notifying them that if they were in fact operating a business from their home, that they weren't approved to do so and that they would need to, in order to come into compliance with the Zoning Ordinance, they needed to apply for a conditional use permit to operate a home base business.

They did so and you all heard that conditional use permit at the March meeting. At that March meeting the applicant included in their application specific hours of operation that they were going to operate, which were Mondays and Tuesdays from 9 to 11 and 4 to 7:30, and Wednesdays and Fridays from 4 to 7:30. Those were the hours of operation that were
approved with the application. Along with that condition on the application there was also a condition of no more than two customers at the residence at a time. Then the other condition that was on the application with your approval was also that they follow all of the zoning ordinance requirements.

Two of those specific ordinance requirements are that the use that's approved does not require any external alteration to the dwelling and the use does not adversely affect the principally permitted uses that are in the immediate neighborhood by excessive traffic generation or noise. The applicant agreed to all of those conditions on the record and the application was approved at the March 5, 2020 meeting.

Following that meeting in April, our office received a complaint that there was a storage container now placed on the property. Trey Pedley was still in our office at that time and he received that complaint. He did an inspection of the property and confirmed there was in fact a storage container, a Go Mini's unit, placed in the driveway of the property.

Trey at that time instead of sending a notice of violation reached out to the applicant and gave them a call based on the phone number that was on Ohio Valley Reporting

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their application. They told Trey at that point that
the Go Mini was there storing some of their
merchandise that they were moving to a store front
location and that the Go Mini would be there, you
know, no more than 30 days and it would be removed
from the property.

In June of 2020, we received another complaint
about the Go Mini being on the property. At that time
we also received complaints, additionally, from the
same person, that they were operating beyond the hours
that were approved by the Board of Adjustment and that
they were having excessive numbers of customers at the
property.

At that time the person complaining sent
several screen shots to me through e-mail from the
Facebook page that is, I think, entitled Jessica’s
Deals Deals Deals, which is this business Facebook
page for the applicant. As you can see, this first
slide here is screen shots that are all dated from
March which include hours of operation pretty much
every day of the week at different times and times
that are beyond what was approved with the conditional
use permit.

Specifically on April 30th, which was a
Thursday, which was not an approved date to be

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operating, it says that they were sorry that people
had to wait in line. Her conditional use permit,
again, was approved for only two people at the home at
a time. So there shouldn't be a reason for people to
waiting in line.

Again, then in May there are screen shots of
operation days and times that are beyond what was
approved.

Then again in June, specifically on June 13th,
it says that there were over 70 people that picked up
items that day. That may be beyond the two people
that are allowed at a time at the residence.

This last side is pictures of the Go Mini that
is parked in the driveway. We have one from March
26th, from July 21st, and then from just this morning,
and the Go Mini is still located there.

Upon inspection of the property on July 21st,
when the Go Mini was still confirmed to be there and
we had received all of these screen shots, we took the
necessary steps, according to KRS Chapter 100.237(4),
to notify the Chairman of the Board of Adjustments,
along with the Board of Adjustment members and the
applicant that we were going to bring this before the
Board for you to consider revoking the conditional use
permit based on the fact that in Article 14 of the
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Zoning Ordinance under Home Occupation the Board may revoke any conditional use permit if the conditions set forth are violated.

It would be our opinion as Staff that those conditions have been violated and continue to be violated because the Go Mini is still parked on the property. So we would bring this to you tonight for you to consider revoking this permit.

CHAIRMAN: Thank you.

Would the applicant choose to speak?

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

MRS. OGLESBY: Jessica Oglesby.

(JESSICA OGLESBY SWORN BY ATTORNEY.)

MS. OGLESBY: I was told to remove the Go Mini, and that was my every intention to move it. I was going to be relocating to the auction house on Sweeney Street. I was going to take that over, but I have to go to auctioneer school. Because of COVID, they canceled auctioneering school and they have rescheduled that for October. So I was not able to move that.

Immediately after that I got sick and I have been in and out of the hospital since June. I've had one pick up day. I haven't sold anything else.
June date was the only pick up day I've had in two months. I have not been working. I have not been able to work. That is why the storage unit has not gotten moved. We have it moved now. I have pictures on my phone to show it's been moved.

As far as people that are picking up, I did not have a limit on how many people I was allowed to have per day. I can set a limit for the amount of people I can have a day. I've never operated past 7:00. I personally thought that I had set my hours to 1 p.m., 9 a.m. to 1 p.m., and 4 to 7:30 p.m., but the letter states 9 a.m. to 11. I don't know if that was a miscommunication or if I put down the wrong numbers. 9 a.m. to 11 a.m. is fine. I can work around that.

We are currently right now getting ready to put our house up for sale. We do not like our neighborhood and we are ready to move. We are trying to find some land out in the country, just a little bit out of town so that we can put a house on there. Hopefully by January or February we will have a house that we can move to that will not be not in a neighbor. And I know I will have to get another permit for that once we do move and I have a building.

I've never had anyone pick up past 7:30 p.m. I actually always stopped them at 7. As far as
people, if there is, I've asked those people on my page to, if there happens to be one or two people to just sit in your car and wait until people walk off. Also, would you like to see the picture of where the storage unit has been moved?

CHAIRMAN: That's up to you.

MR. GLENN: What, I couldn't understand?

CHAIRMAN: She wanted to know if you wanted to see the picture where the storage unit has been moved. I think she has it on her phone.

MS. OGLESBY: Yes.

MR. GLENN: It's not in your driveway anymore?

MS. OGLESBY: No, it's not.

MR. HOWARD: It was moved off today then?

MS. OGLESBY: I called them two weeks ago, well, I guess it was a week and a half ago and they just moved it today after I called them probably ten times to come get it. I have been working on getting them to move it, and it is gone.

There is the extra two parking spots for the customers.

MR. HOWARD: And the question was raised about what was in the application about hours. I've got it right here. Monday 9 to 11 a.m., 4 to 7:30 p.m. Tuesday 9 to 11 a.m., 4 to 7:30. Wednesday 4 to 7:30.
Friday 4 to 7:30.

MS. OGLESBY: Yes. I only have, whenever I post items, I only have pick ups two to three times a week. I never have four or five, six days. It's only, they two or three days to pick their items up or they lose them. And I've never worked past 7:30. I have worked until 1:00 because I honestly thought that my permit was to 1:00. Yes, I have done that.

I do apologize that I've caused some trouble here. I really hope you all give me one last chance, I do not have the storage unit, to comply with all the rules until I can get moved out and get a bigger area. I know it's in a neighborhood. This is my occupation, my job. With my conditions that I have right now, I'm seeing doctors two to three times a week. I'm going to physical therapy. There will be no way for me to have an actual job right now. So if I can't work from home, I will not have any income on my part, and with all my doctor bills coming in right now I really need the money.

CHAIRMAN: Any board members have any question?

MR. GLENN: I've got a question.

You said that you sent a note out to your customers that you don't want any more than two people
to park there at any one time. If there are two
people already there, then they need to park and wait.
Is that what you said, they need to park outside and
wait until --

MS. OGLESBY: Until, I guess, like another
person leaves before they walk up. Does that make
sense?

MR. GLENN: Is that what's happening, you're
waiting for somebody to leave and then another person
can walk up?

MS. OGLESBY: Can pull up and come up, yes,
unless I need to schedule like certain -- like say, yo
know, you all can pick up at this time, 10:15, 10:30,
like space it out like that. I can also do that.

MR. GLENN: The concern I have, the question I
have, was wondering about is if there are a number of
vehicles parked on the street waiting for somebody to
leave your business so then they could go up there, to
me that would be a little over and above board because
then they would be in front of the neighbor's houses
and taking up their street parking. Is that what is
happening is what I'm asking?

MS. OGLESBY: No, that's not what is
happening. Across from me there is no -- well,
there's a house. Their house faces -- it doesn't face
mine, if that makes sense. The two houses do not face mine. Sometimes somebody will park across the street right there and walk over or in front, directly in front of my house, but they're not parking in front of neighbor's houses.

MR. GLENN: All right.

MS. OGLESBY: If needed, if I need to like tell people, like if you want to come at 10:15 and you want to come at 10:15 you can. Then if I need to schedule people, I can do that, just to get me by until we can get out of the neighborhood and get into a house. We'd really appreciate it if you all would give me another chance at this so that I can continue to run my business and continue to bring some extra income in.

CHAIRMAN: I have a couple of questions for you.

When you received the conditional use permit from this board, did you understand what the requirements of that conditional use permit were?

MS. OGLESBY: Yes, sir. I've been trying to follow them. Like I said on the time, I did go over the time sometimes, yes.

CHAIRMAN: But you knew you were going over time?

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MS. OGLESBY: No. No, sir, I did not. I thought when I put the conditional permit in that I posted 9 am to 1 p.m. and 4 p.m. to 7:30 p.m. When I got this letter and I read it, it said 11 a.m. Sometimes I did go over between 11 a.m. and 1 p.m. because I really honestly thought that I put 1 p.m. on there. So I did go over some on that.

MR. HOWARD: Can I piggyback on that?

CHAIRMAN: Sure.

MR. HOWARD: From the Staff's perspective, how do you explain the Saturday and Sunday pick ups?

MS. OGLESBY: That, I very rarely had Saturday or Sunday. I don't know what day exactly it was on. I don't remember. I'm not sure if it was around a holiday. I'm not sure.

MR. HOWARD: Melissa, if you'd go back. April 9th you posted Saturday 9 to noon. April 15th, Saturday 9 to noon. April 20th -- oh, the 29th was 9 to noon.

MS. OGLESBY: Usually I'm out of town on Thursdays, is when I'm out getting new merchandise.

MR. HOWARD: Then April 30th was 9 to noon. Melissa.

MS. OGLESBY: Yes. I should not have had a Saturday on there.

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MR. HOWARD: Here is May 13th was 9 to 2.
Sunday, 3 to 7 on May 30th.

MS. OGLESBY: So I did have some Saturdays in
there. I do apologize for that.

MR. HOWARD: Sunday. Saturday you've got pick
ups on June 12th.

MS. OGLESBY: That was the only, June 12th is
the only day I've worked in two months. That's also
why the storage unit has not been emptied out. All of
the stuff that was in there I ended up putting in my
spare bedroom because it was stuff that was supposed
to be go to the auction house, but I haven't even
gotten to take my auctioneer's license yet.

MR. HOWARD: That's from the Staff's
perspective. We're in the unenviable position of
having to enforce. That's part of what our job is.
Any time we get a complaint, we have to look into it.

MS. OGLESBY: Right. I agree.

MR. HOWARD: As Melissa explained, that's how
we've gotten to where we are.

I just wanted, at least from our enforcement
perspective, to get some clarification on Saturday and
Sunday time.

MS. OGLESBY: I did have a couple of Saturdays
in there. Not very many. I do have a couple. I do
apologize for that. I can guarantee you I can follow
by the rules. If you all want me to schedule people,
I do it that way. I will make sure no more than two
people to show up. Whatever I need to do is what I'm
willing to do to get me through this until we can get
moved out of the neighborhood.

I will not be able to take over the auction
house right now I can't go to auctioneer school right
now because of COVID.

MS. MASON: I have a question.

If we were to choose to give her a second
chance to remain there, can we impose some more
restrictions tonight?

MR. HOWARD: Terra can address it. You
certainly couldn't make it more flexible than what it
is.

MS. MASON: No. No. For instance, saying
that she can only have people to pick up during a
certain time and she can only have -- we determine a
couple of people at a time.

CHAIRMAN: I don't know that we can amend a
condition. Would she have to apply for a new permit?

MS. KNIGHT: I think that's right. I don't
think we can change the conditions on it. She's made
a very good suggestion of scheduling people instead of
just making it open-ended, of course, but that's a
business judgment call.

CHAIRMAN: I trust Mrs. Knight.

MS. MASON: That's why I'm asking. She's
saying that she'll abide by that. I can understand
where the neighbors are coming from if there's cars
parks out in front of their house.

MS. OGLESBY: I can assure you there's been no
neighbors, no cars parked in front of the neighbors.
In front of my house and across the street where there
is no houses facing mine. They have not been parking
in front of my neighbor's house.

MS. MASON: Well, evidently somebody, I guess,
was upset.

MS. OGLESBY: I know who it is that's been
calling on me. They live several houses down the
street.

MR. HOWARD: I will say, I think we've had
more than, I think we've had complaints from more than
one person. I don't think it's a single entity.

MS. OGLESBY: Yes. The guy diagonal from me
is who called on me the first time. I've talked to
him since then, and he has been okay with it.

MR. HOWARD: Then we've had others since then.
That's why, you know, I don't think it's just coming

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from maybe one person.

MS. OGLESBY: I wonder if maybe I just schedule people. Since the storage unit, I guess that was a big deal, since it's gone, they'll see that it's gone and they'll say, okay, she's only having two people there and no other cars. Just two in her driveway. I'm not sure.

CHAIRMAN: The issue we have is we have to take action on the facts as we know them up to this point in time and cannot let's say reset new conditions unless you come in and apply for another conditional use permit, assuming this was withdrawn from you. Okay?

MS. OGLESBY: Okay. I understand that. If I abide by the times that are on here now and I schedule them myself, like pick up times, I could do that though, right?

MS. KNIGHT: As long as it's in compliance with the conditions.

MS. OGLESBY: That would be my only --

MS. KNIGHT: The Board has certain options tonight. To either say the conditional use permit has been violated, has not been violated, or there is an option, I guess, to postpone.

MR. GLENN: So your hours of operation would
be Monday and Tuesday from 9 to 11.

MS. OGLESBY: Yes.

MR. GLENN: Then 4 p.m. to 7:30.

MS. OGLESBY: Yes.

MR. GLENN: Then on Wednesday and Friday it would be 4 to 7:30; is that what I remember?

MS. OGLESBY: Yes. I never have any later than 7 anyway.

MR. GLENN: 4 to 7:30.

MS. OGLESBY: Yes.

MR. GLENN: Nothing on Saturdays and nothing on Sundays.

MS. OGLESBY: Nothing on Saturdays and nothing on Sundays, and I can comply with every bit of this.

MR. GLENN: Well, I know you can, but --

MS. OGLESBY: Will I? Yes.

MR. GLENN: You haven't been though.

MS. OGLESBY: Right. I understand that.

CHAIRMAN: Yes, Mr. Jean.

MR. JEAN: I have a question for the applicant.

So you can schedule, you will schedule your appointments where you never have more than two people there?

MS. OGLESBY: Yes, sir. Yes, I will. Yes. I
can keep a log and then I will tell them the time slot
that I have available and then I can write both list
of all the time slots and then put everybody's name by
them, yes.

CHAIRMAN: I guess the question is do we
choose to forgive the past violations and not act on
them and trust that there will not be any future
violations?

MS. MASON: Or do we postpone it and look at
it in 30 days?

CHAIRMAN: She's going to still be operating
in 30 days.

MS. MASON: She says she is going to had
operate within the guidelines.

CHAIRMAN: That's what she said when we passed
it the first time.

MS. MASON: I understand. I agree.

CHAIRMAN: If the Board choose to postpone, I
have no huge issue with that, but I don't know that we
have any guarantee.

MS. MASON: I'm just thinking if we postpone
it to make sure that she's abiding by the guidelines.

MS. OGLESBY: I promise you I will. This
means so much to me. It used to be just our extra
spending money. Now it's the thousands of dollars
doctor bills I am having to pay for.

CHAIRMAN: Any other questions or concerns from the Board?

(NO RESPONSE)

CHAIRMAN: I'm ready for a motion.

Mr. Jean.

MR. JEAN: I'd like to make a motion that we take no action at this time.

MS. KNIGHT: Do you want to postpone to the next meeting or 60 days? Basically taking no action would be -- you're saying you don't believe she's violated it and you find keeping the conditional use permit in place.

MR. JEAN: I would like to take no action at this time, but if we get more complaints we can still revisit this.

CHAIRMAN: Do I have a second to that motion?

MR. GLENN: Is there a time frame?

MS. MASON: I say 30 days.

MR. GLENN: Is that agreeable?

MR. JEAN: We revisit it for 30 days and monitor the situation for 30 days.

MR. GLENN: I'll second that.

MS. MASON: I think the problem though, Brian and Melissa, is that you all don't have the Staff to
really monitor it, right?

MR. HOWARD: We can't go and just camp out at their house and watch.

MS. EVANS: This is a private Facebook page group that Brian and I are neither one a part of. We can't see what she's posting nor do I want to be a part of her private Facebook group, and I'm sure Brian doesn't either. These were e-mailed to us by, you know, the person complaining. So we aren't privy to what she's posting and when her hours of operation are. We will only know in 30 days if someone complains again and sends us these same pictures again.

MR. HOWARD: I'll tell you now that we're not going to do Staff overtime comp time sending people out on Saturdays or Sundays.

MS. MASON: That's what I was thinking.

MR. HOWARD: That's not what we do or what I feel like we should do. That's not good use of our funds.

If you choose to postpone it we'll -- you know, I assume if that's the route you go, we'll hear about it at some point and then we can revisit it next month.

CHAIRMAN: We have a motion to postpone it for
one month.

Mr. Glenn, did you second that?

MR. GLENN: Well --

CHAIRMAN: Continue to second it?

MR. GLENN: I'm going to say I'm reluctant, but I will second it.

CHAIRMAN: Any further questions?

(NO RESPONSE)

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

(BOARD MEMBERS LEWIS JEAN, BILL GLENN, RUTH ANN MASON RESPONDED AYE.)

CHAIRMAN: All opposed.

(BOARD MEMBER FRED REEVES RESPONDED NAY.)

CHAIRMAN: Okay. You've got a month.

MS. OGLESBY: I will not let you all down. I have another date to come back; is that right?

MR. HOWARD: Yes.

MS. EVANS: The next Board of Adjustment meeting is September 3rd.

CHAIRMAN: I want you to understand the consequences. Okay? Should you not do what you are supposed to do, and if the board revokes this, if you were to continue to do it, you will find yourself in court.

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MS. OGLESBY: Right. I have enough doctor bills right now I don't need court on top of that.

CHAIRMAN: I'm going to assure you, from my perspective, I'd be like a dog with a bone, I'm not letting go of it until the right thing is done.

MS. OGLESBY: Right. I'm sure whoever has been calling in, if they see me not doing what I'm supposed to do, they're going to call in again.

CHAIRMAN: Okay. Thank you.

MS. OGLESBY: Thank you very much.

CHAIRMAN: Any other business, Mr. Howard?

MR. HOWARD: That's all we've got.

MR. GLENN: Motion to adjourn.

CHAIRMAN: Motion to adjourn.

MS. MASON: Second.

CHAIRMAN: Second by Ms. Mason. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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SS: REPORTER'S CERTIFICATE

COUNTY OF DAVIESS )

I,LYNNETTE KOLLER FUCHS, Notary Public in and
for the State of Kentucky at Large, do hereby certify
that the foregoing Owensboro Metropolitan Board of
Adjustment meeting was held at the time and place as
stated in the caption to the foregoing proceedings;
that each person commenting on issues under discussion
were duly sworn before testifying; that the Board
members present were as stated in the caption; that
said proceedings were taken by me in stenotype and
electronically recorded and was thereafter, by me,
accurately and correctly transcribed into foregoing 46
typewritten pages; and that no signature was requested
to the foregoing transcript.

WITNESS my hand and notary seal on this the
30th day of August, 2020.

LYNNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E. PARRISH AVE, SUITE 105C
OWENSBORO, KY  42303

COMMISSION EXPIRES: DECEMBER 16, 2022

COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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