The Owensboro Metropolitan Board of Adjustment met in regular session at 5:00 p.m. on Thursday, October 1, 2020, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT: Judy Dixon, Chairman
Fred Reeves, Vice-Chairman
Brian Howard, Director
Terra Knight, Attorney
Bill Glenn
Andrew Howard
Tori Morgan

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CHAIRMAN: Call to order the October 1, 2020 Owensboro Metropolitan Board of Adjustment to order. We begin our meetings with a prayer and pledge. Please join us.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First item on the agenda is to consider the minutes of the September 3, 2020 meeting. All members have received a copy and should have had time to check them out. So at this time I'll entertain a motion.

MS. THOMPSON: Motion for approval.

CHAIRMAN: Motion for approval by Tori.

MR. ANDREW HOWARD: Second.
CHAIRMAN: Second by Andrew. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
CHAIRMAN: Motion carries unanimously.

First item, Mr. Howard.

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CONDITIONAL USE PERMITS

ITEM 2

3050 Calumet Trace, zoned P-1 Professional/Service Consider a request for a Conditional Use Permit in order to operate an Assisted Living Facility Reference: Zoning Ordinance Article 8, Section 8.2C1 Applicant: DMK Development Group, LLC; Gateway Land, LLC

MS. THOMPSON: Madam Chair, I need to recuse myself from this item please.

CHAIRMAN: Let it be noted that Tori Thompson is recusing herself from this item.

MS. KNIGHT: State your name for the record.

MR. CRUM: Daniel Crum.

(DANIEL CRUM SWORN BY ATTORNEY.)

MR. CRUM: The subject property is a 4.733 acre undeveloped tract this is recently rezoned P-1 Professional Service. The subject property is adjacent to undeveloped land to the north that is zoned R-3MF. The adjoining property to the south and west are zoned B-4 General Business and also currently
undeveloped. Property to the east are zoned R-1C Single-Family Residential and are single-family residential uses within the Downs subdivision.

The applicant is requesting a Conditional Use Permit in order to operate an Assisted Living Facility on the subject property.

As shown on the site plan here, the applicant proposes a 3-story 36,460 square foot facility consisting of 115 beds with a maximum shift of 45 employees.

Off street parking for the use is provided at the sides and rear of the structure and screened from Calumet Trace an additional residential uses by a landscaping buffer.

Parking requirements: Based on the number of beds and number of employees working on a maximum shift, 74 off-street parking spaces are required, 95 are provided.

As far as landscaping, 3-foot tall continuous element with trees every 40 feet is required where the vehicular use area adjoins public right-of-way or adjacent residential zoning. All required landscaping has been shown on the submitted site plan.

If the Board agrees to approve the request, Staff suggest the following conditions:
1. Submission and approve of a Final Development Plan for the subject property;
2. Access to Calumet Trace shall be limited to the single access point shown on the site plan;
3. That they obtain all necessary building, electrical and HVAC permits, inspections and certificates of occupancy and compliance.

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

CHAIRMAN: Thank you.
Is there anyone here representing the applicant?
Would you come to the microphone and be sworn in?

MR. OBERHAUSEN: Yes. I'm Ross Oberhausen of DMK Development Group.

CHAIRMAN: Are you an attorney, sir?

MR. OBERHAUSEN: No.

(ROSS OBERHAUSEN SWORN BY ATTORNEY.)

CHAIRMAN: Do you have anything to add to what's been said?

MR. OBERHAUSEN: I am here to answer any questions you may have.

CHAIRMAN: Just stay put in case anyone does.
Is there anyone else here wishing to speak in
reference to this item?

(NO RESPONSE)

CHAIRMAN: Any board members have questions?

(NO RESPONSE)

CHAIRMAN: Hearing none I'll entertain a
motion.

MR. GLENN: I will make a motion to approve
this application or request based on the information
and the facts that were presented here to us tonight
and also that they would meet the three suggested
conditions listed.

CHAIRMAN: We have a motion by Mr. Glenn.

MR. REEVES: Second.

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

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE -
WITH TORI THOMPSON RECUSING HERSELF FROM VOTING.)

CHAIRMAN: Motion carries unanimously.

MR. OBERHAUSEN: Thank you very much.

CHAIRMAN: Next item.

ITEM 2

9551 Morgantown Road, zoned A-R Rural Agriculture
Consider a request for a Conditional Use Permit in
order to expand an existing Cemetery.
Reference: Zoning Ordinance Article 8, Section 8.2J1
Applicant: St. Mary of the Woods Parrish, Inc.

MR. CRUM: The subject property is a 14.38
acre lot that is zoned A-R Rural Agriculture and is
location of St. Mary of the Woods Cemetery.
The adjoining properties on all sides of the
subject property are zoned A-R Rural Agriculture and
consist of rural residential and agricultural uses.
The existing cemetery was established prior to
the adoption of the current zoning ordinance, and
according to OMPC records there are no zoning map
amendments for the subject property.
The existing cemetery use occupies the front
portion of the subject property. It's the applicant's
intent to expand this into the rear half of the
property, as well as construct a new 2,400-square-foot
pavilion near the center of the property. The
applicant is proposing to extend the existing asphalt
drive to the rear portion of the property in order to
provide access to the rear of the site.
As far as requirements for the use: Parking -
there is no parking required for cemetery uses.
As far as landscaping, as the property is
surrounded by agricultural zoning and the vehicular
use areas do not adjoin any public right-of-way, no
landscaping is required by ordinance. However, the Board may impose landscaping requirements deemed necessary to screen the use from neighboring properties.

Should the Board approve the request, Staff suggest the following Condition:

1. Submission and approval of a site plan for the subject property; and,

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

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

CHAIRMAN: Thank you. Is there anyone here representing the applicant?

MR. DANT: Yes.

CHAIRMAN: Do you want to go to the microphone and be sworn in and stay there in case anybody has any question?

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

MR. DANT: Seth Dant.

(SETH DANT SWORN BY ATTORNEY.)

CHAIRMAN: Hold up in case anybody has a question.
Is there anyone else wishing to speak in reference to or in opposition to this item?

(NO RESPONSE)

CHAIRMAN: Hearing none I will entertain a motion.

MR. ANDREW HOWARD: I'll make a motion based on information provided here tonight and with Conditions 1 and 2.

CHAIRMAN: Do we have a second on the motion?

MS. THOMPSON: Second.

CHAIRMAN: Tori has the second. Any question on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Next item, Mr. Howard.

ITEM 4

1864 Old Calhoun Road, zoned B-4 General Business Consider a request for a Conditional Use Permit in order to operate a Child Day-Care Facility.

References: Zoning Ordinances Article 8, Section 8.2B3

Applicant: Lois M. Edwards; Marcia Carpenter

MR. CRUM: The subject property is a large 36.83 acre parcel zoned B-4 General Business and was the former site of Golfland USA outdoor recreational
In the surrounding area, the adjoining properties to the north and west across Highway 81 and West Parrish Avenue, are zoned B-4 General Business and are currently undeveloped farmland. The adjoining properties to the south, across Old Calhoun Road, are zoned P-1 Professional/Service and R-1A Single-Family Residential, and consist of a church and single-family dwelling. Properties to the east, across Old Calhoun Road, are zoned I-1 Light Industrial, I-2 Heavy Industrial, and B-4 General Business and appear to contain warehousing, agricultural, and industrial uses.

The applicant is requesting conditional use approval in order to utilize an existing 3,200-square-foot structure on the property for a child daycare center. The applicant intends to retain the existing access point on Old Calhoun Road, as well as the existing parking area in front of the structure. These areas will be screened according to zoning ordinance requirements.

The application indicates that the proposed daycare will host a maximum of 69 children and operate Monday through Friday 7 a.m. to 5:30 p.m.

As far as requirements for the use, parking
requirements are based on the number of children under
the care. The site will be required to provide 9
parking space based on the site plan submitted. It
appears that this area can accommodate those spaces.

As far as landscaping, a 3-foot tall
continuous element with a tree every 40 feet is
required where these vehicular use areas adjoins
public rights-of-way. The submitted site plan shows
landscape buffers that meet this requirement.

Should the Board move to approve this request,
Staff suggests including the following conditions:

1. Submission and approval of a site plan;
2. Obtain all necessary building, electrical
and HVAC permits, inspections and certificates of
occupancy and compliance.

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

CHAIRMAN: Thank you.

Is there anyone here representing the
applicant?

APPLICANT REP: Yes.

CHAIRMAN: Why don't you just stay put and
we'll see if anybody has got a question.

Does anybody have any questions on this item?

Anything needed to be added?
CHAIRMAN: Hearing none I will entertain a motion.

Mr. Reeves.

MR. REEVES: Motion to approve this Conditional Use Permit based on information presented at the meeting this evening, as well as the site visit, and this area is pretty much isolated from other uses and this will be I think an excellent use for the property.

CHAIRMAN: We have a motion by Mr. Reeves. Do I hear a second?

MS. KNIGHT: Mr. Reeves, would you like to add the conditions?

MR. REEVES: And Conditions 1 and 2.

CHAIRMAN: Do we have a second?

MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. Any questions on the motion?

(NO RESPONSE)

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

ITEM 5
Consider a request for a Conditional Use Permit in order to install a Class 2 Manufactured Home in an R-4DT zone. Reference: Zoning Ordinance Article 8, Section 8.2A10B/7
Applicant: Joel S. White

MR. CRUM: The 0.112 acre subject property is currently vacant and is zoned R4-DT Inner-City Residential. OMPC records indicates there has been no zoning map amendments on the subject property.

Adjoining properties on all sides of the subject property are zoned R-4DT and appear to be utilized residentially with single-family residential dwellings.

For this request the applicant would like to place a 14-foot by 70-foot Class 2 Manufactured Home on the subject property. The nearest Class 2 Manufactured Homes on West 7th Street are at 2521, 2522 and 2523 West 7th Street, which is over 1,000 feet away from the subject property. As shown on the site plan, the applicant intends to utilize a gravel drive and parking area and does not propose to install sidewalks.

Although it is not typically encouraged within the city limits, the applicant is requesting the Board waive the sidewalk requirement to remain consistent with this portion of West 7th Street where sidewalks
are not present and request a waiver to allow the use of a gravel drive and parking area since several neighboring properties utilize gravel drives.

The Zoning Ordinance has standard specific Class 2 Manufactured Homes which include provide a paved parking area, a 10 by 10 patio, concrete sidewalks, limits on driveway apron width, required trees, permanent a permanent foundation, removal of the hitch assembly and connection to water and sewer when available.

The site plan submitted with the application indicates that each of the zoning ordinance requirements with the exception of the paved driveways and sidewalk requirements, for which the applicant has requesting waivers.

If the Board moves to approve the request, Staff requests the following conditions:

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

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

CHAIRMAN: Thank you.

Is there someone here representing the applicant?
CHAIRMAN: Does anyone have a comment or question about this application?

CHAIRMAN: Hearing none I will entertain a motion.

MR. GLENN: I will make a motion to approve this application based on the site visit and looking at what housing is already there. I know they are not wanting to not put a paved driveway in and a lot of the houses didn't have driveways to begin with. Also, there are no sidewalks that I could see anywhere near it, so I can't see where that would be a detraction from the area. I would make a motion to approve based on that information and the facts presented here and also they meet the suggested condition, having all permits.

CHAIRMAN: Thank you, Mr. Glenn.

Is there a second to the motion?

MR. ANDREW HOWARD: I'll second.

CHAIRMAN: Second by Andrew. Any question on the motion?

CHAIRMAN: All in favor of the motion raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

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VARIANCES

ITEM 6

2804 Frederica Street, zoned B-4 General Business
Consider a request for a Variance in order to reduce
the required roadway buffer along Frederica Street
from 60 foot from the street centerline to 34 foot
from the street centerline
Reference: Zoning Ordinance Article 13,
Section 13.6221
Applicant: 4 Cats, LLC

MR. CRUM: As Staff is recommending denial of
the application, we will be reading the entire Staff
Report.

A. SPECIAL CIRCUMSTANCES? Are there special
circumstances that do not generally apply to land in
the general vicinity, or in the same zone?

The Staff finds "No."

The subject property is a vacant corner lot
located at the intersection of Frederica Street and
Emory Drive and is zoned B-4 General Business. The
property is 0.541 acres in size and does not have a
history of previous Zoning Map Amendments. The
applicant proposes to utilize the subject property in
order to construct a 5,000 square foot mixed use
commercial building. While the building is proposed
to face Frederica Street, access to the site shall be limited to Emory Drive with no direct access to Frederica Street permitted.

Frederica Street in this vicinity is classified as principal arterial roadway with a 60-foot roadway buffer and 75-foot building setback line. Required parking and landscaping areas are prohibited within the roadway buffer. The applicant is requesting to reduce the roadway buffer to 34 feet from the centerline of the road in order to accommodate the proposed front parking area and required landscaping. Based on the building size and composition of proposed uses, 23 parking spaces are required by ordinance, with 27 spaces provided per the proposed site plan. However, 10 of the parking spaces and the required landscaping are located within 60-foot roadway buffer that runs along Frederica Street.

It appears that all of the properties directly adjacent to the subject property meet the required roadway buffer for Frederica Street. In the past several variances have been granted to properties several blocks farther north along Frederica Street to reduce the 60-foot roadway buffer, including:

* 2400/2402 Frederica Street - Approved in 2005 to reduce the roadway buffer to 45-feet
* 2425 Frederica Street - Approved in 2002 to reduce the roadway buffer to 34 feet
* 2524 Frederica Street - Approved in 2005 to reduce the roadway buffer to 48 feet.
* 2645 Frederica Street - Approved in 2009 to reduce the roadway buffer to 35 feet

The subject property is a well-proportioned lot that is over half an acre in size. All but one of the properties granted a variance are smaller than the subject property, and they were all more constrained than the subject property due to their odd shape and location. In addition, establishing a landscaped parking lot in the proposed area on the subject property in such close proximity to Frederica Street may present problems with visibility for vehicles exiting at the intersection of Emory Drive and Frederica Street.

Granting the variance to reduce the roadway buffer may alter the essential character of the general vicinity because while variances to reduce roadway buffer along Frederica Street have been approved in the past for four properties several blocks north of the subject property, all properties in the immediate vicinity of the subject property were developed to meet roadway buffer requirements. In addition, the variance may pose a hazard or a risk to public health or safety due to reduced visibility at
the Emory Drive and Frederica Street intersection.

The requested variance would be an unreasonable

circumvention of the requirements of the zoning

ordinance because the subject property is large enough
to reasonably accommodate construction of a commercial
structure and parking lot without requiring a variance
to reduce the roadway buffer.

HARDSHIP? Would strict application of the

regulation deprive the applicant of the reasonable use
of the land, or create an unnecessary hardship on the
applicant?

Staff finds "No."

It is possible to reduce the size of the
development in order to configure the site without the
need for a variance.

APPLICANT'S ACTIONS? Are the circumstances
from which relief is sough a result of the applicant's
action taken after adoption of the zoning regulations.

IF YES: WILLFUL ACTIONS? Did the applicant
take WILLFUL actions in violation of the zoning
regulation? IF SO, the Board SHALL DENY the variance.

The Staff finds that they did not.

FINDINGS: Approving this Variance...

1. May adversely affect the public health,
safety or welfare because of reduced visibility at the
Emory Drive and Frederica Street intersection;

2. Will alter the essential character of the general vicinity because all properties in the immediate vicinity of the subject property were developed to meet roadway buffer requirement;

3. May cause a hazard or nuisance to the public because of reduced visibility at the Emory Drive and Frederica Street intersection; and,

4. Will allow an unreasonable circumvention of the requirements of the zoning regulations because the subject property is large enough to reasonably accommodate construction of a commercial structure and parking without requiring a variance to reduce the roadway buffer.

Staff's recommendation is Denial.

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

CHAIRMAN: Thank you.

Is there anyone here wishing to speak on behalf of this application?

MR. KAMUF: Yes. Madam Chairman, Charlie Kamuf.

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

MR. KAMUF: I represent 4 Cats Real Estate
Company. It's a development company. As stated, it's a very small strip center that we plan to develop at 2804 Frederica. The development company consist of Sean Byrne, John McNulty, Phil Roberts and Mark Riney. Three of those gentlemen are here to testify here today.

What the applicant is requesting: What was stated in the report, there's a 60-foot roadway buffer along Frederica Street in this area. It will be to reduce 34 feet, a reduction of 26 feet. We'll show you some plats in a second. Let me show you some exhibits here.

This is Exhibit Number 1, as you'll see. The purpose of this exhibit is to show the subject property and what's located around it.

As you see to the rear is Emory Center, and also Emory Center, Long John Silvers, BB&T, U.S. Bank and then to the left is Plasma Biological Services, which is the Crandall property, which we'll talk about in just a few minutes.

This property for 30 years has been vacant. It used to be the old Murphy standard oil service station.

The next exhibit that you have -- the purpose of this exhibit is to show you the location of the
property. There's some question, as you can see on
the front, as to whether we'll lose -- we say we'll
lose 12 parking spaces. I think they mentioned a few
minutes ago 10. You can see the roadway buffer.
There's a 60 foot roadway buffer, and you can see the
34 buffer requested, and you can see the area where we
will lose the parking.

It's our opinion that the strict application
of the provisions of the zoning ordinance would create
an unnecessary hardship on the applicant because it
would reduce the developable depth of the lot by 26
feet, making it impossible for the applicant to
construct a 5,000 square foot building above and
provide for the required parking. The applicant, as I
stated, our opinion we would lose 12 parking spaces.

Under the ordinance, when can variances be
granted? Variance can be granted by reason of the
narrowness, depth of the lot or the unusual shape of
the site. We are asking for that 26-foot reduction,
and the reason for this is because the depth of the
lot is only 160 feet and that would prevent the
reasonable development of the property. What is a
roadway buffer? A little background. All along
Frederica Street in the area there is a 60 foot
required buffer. The purpose of the roadway buffer is
to allow for the widening of Frederica Street. The
60-foot roadway buffer along Frederica Street is not
unusual. Many of the roads coming into Owensboro have
that.

Past action by the Board. This Board has
approved variance permits along Frederica Street for
commercial properties in the immediate area of the
property. That was mentioned in the Staff Report.

In the last 18 years, the Board has approved
at least five variances in the immediate vicinity.
Three various reducing the 60-foot right-of-away along
Frederica Street for as much as 26 feet and as little
as 15 feet. I have handled several of these cases
along there and I do not recall any variances
whatsoever that have been denied.

Our request is consistent with the previous
action of the Board. The similar variances were
approved and this is exhibit, this is our big exhibit.
You have a copy of it.

All of the locations that I talk about today
-- everything I talk about today will be listed in
this exhibit. This exhibit shows every precedence
that we will be talking about.

First of all, let me point you to this
exhibit. Up on the right-hand corner is Walgreens. I
personally handled the variance on that one.

The next one that you see is Independence
Bank, Starbucks, Shammy's Auto Wash and Gavin Roberts,
Farm Bureau building. Everything that you see in
green on the exhibit is a previous variance that has
been approved by this Board. As you see the subject
property down there, and next to the subject property
is Ken Crandall's property, and we'll talk about that
in a few minutes. You also see the roadway buffer
which is important. There's a roadway buffer on each
side of Frederica Street that we see there.

Let me review these, if you will. All of
these variances were requested because of parking
issues, which we'll talk about.

The first one that we'll talk about, the
exhibit that's being passed out is five different
exhibits. The first exhibit that you see is
Independence Bank.

Let's talk about the Independence Bank first.
As you can see, there was a 26-foot variance and the
purpose of this exhibit, the first one, Independence
Bank, as you can see all along that property, it's a
whole block, there was a variance. The main reason
for the variance was for the parking.

The next photo is of Walgreens. I personally
handled that. You can see the variance along Frederica Street where the trees. You'll notice each one of those exhibits the area where the variance is there's parking. Parking is the key question.

Let's look at Starbucks. You see the cars that are parked there. Starbucks along Frederica, there was a 15-foot reduction.

The next one that you have is Shammy. Shammy was a variance which was requested by Sean Byrne and Mr. Riney. They're here as part of this one here today. You can see that particular area there. That's all -- there's a truck parked out front. The idea there is variance so they can get parking.

The last one is Gavin Roberts. Gavin Roberts all along the front shows the variance.

Let me point out with the big exhibit. As you see all along here, this is a huge development. It's over half a block that you have where Walgreens is. The variance is all along the front. This is not just a small lot. This is two or three times larger than the subject property. Look at Independence. Look how large that is. You can see all along there. The next one is Starbucks. That might be about the same size as the subject property. The other two are smaller where you have Shammy's, but you can see this line
coming in through here. That's called the buffer area.

Let's talk about this one here. This is the Crandall property. I go home every day and I kept noticing this construction. The construction that you could see on the Crandall property is out near the street. So what did I do? I took a picture of it and I checked it out. The Crandall property, as far as -- they have a parking lot. I talked to Mr. Crandall. The whole idea on developing of this area that he's doing now is because he had to have additional parking. He paid $25,000 for just a little strip so he could increase the parking.

That one there is down from the property.

Now, that exhibit that you see it's under construction at the present time. It's the parking lot for Crandall's property.

The last exhibit that I just gave you, which is Exhibit 10, it shows a 5-foot intrusion into the roadway buffer.

So the whole idea today is for me to show you the different areas out there and what has taken place. As we speak, there is an intrusion into the roadway buffer of this property.

Let me give you a little background. Why are
we here? The purchase of the lot. When the applicant purchased the lot he paid $500,000 for this lot. That's a lot of money where you just have three units to make it economically developed. They did not know about the 60-foot roadway buffer. The roadway buffer is not recorded at the courthouse. If he had the title run, you don't see this. A lawyer running that title didn't necessarily find about the roadway buffer.

The purpose of the 60-foot roadway buffer was for the widening of Frederica Street. The question is, is it economically feasible for a developer to develop this lot without the 26-foot reduction in the roadway? The developer paid $500,000 for the property. The cost of the lot was about $3,000 per foot. You get this by dividing 500,000 by the depth of the lot, which is 160 feet, which equals 3,000 per foot. If each depth of the lot is worth 3,000 and the developer loses 26 feet, he's lost $77,000. In other words, $77,000 of land he cannot use.

Talk about the widening of Frederica Street and the purpose of this roadway buffer. I can remember in my lifetime Frederica Street has been widen at least three times. In the area of this property, there are five lanes. In the area of
Owensboro Senior High, there are five lanes plus two parking lanes. Why am I telling you that? I'm telling you that it's very, very unlikely that this area of Frederica Street will ever be widened in the future.

The reason for me to show you this exhibit, which is of Chase Bank, if we're talking about setoffs from Frederica Street, this is on the corner of Scherm Road and Frederica. My position is that it would be nearly impossible to ever widen Frederica Street any more; therefore, the roadway buffer would not be needed.

This area along Frederica Street, we're talking about from where Walgreens is to this particular area just south of the subject property is probably the busiest commercial area in Western Kentucky.

In the '50s or '60s, there were service stations all along this property. At the intersection of 24th Street, you see there at 24th, you see Booth on the other side, there were three service stations. There was a Gulf Station, a DX Station by Russell Oldham, and another station where Independence Bank is today by Hank McCain. There were three at that lot. The next lot, which is 25th and Frederica, there was
Kings, DX and another service station. As you get on at the corner of Park Place, there were two and at Washington Avenue there were two.

The subject property had a Standard Oil Service Station on it. Now, why did I tell you that? Nearly all of these service stations, the developer of the service station would try to get it on there for half an acre or quarter of an acre. These lots have a history of being small. Now that all the service stations except two out there have been demolished, they're redeveloping the property and as a result of redeveloping the property, all of these smaller lots everybody needs a little more parking.

Variances have been approved, as I spoke to you a second ago.

Right here at Independence Bank in 2002, and I would tell you that Independence Bank would not be built today if the variance wasn't approved.

Walgreens, I handled this myself. There were a lot of questions about EPA there, but they bought maybe five or six lots, which is just about the entire block as you can see here. The alley runs along there.

That property would not have been developed, I can assure you, if we hadn't got the -- we had the
variance all along Frederica Street. As you can see, this variance here along Independence Bank is huge. Starbucks, they had theirs. I can say this, that Shammy's would not have been developed, Shammy's was in 2005, if it hadn't been, as you can see here --

MR. REEVES: Mr. Kamuf, you ever hear of sometimes less is more? Having heard all of the things you said, and I think you made a very compelling case, I'm incline to make a motion to approve this variance.

MR. KAMUF: You won't hear another word out of me.

MR. REEVES: Madam Chairperson, I would make a motion to approve this variance based on the testimony given this evening and that it may adversely affect the public health, safety to reduced visibility at Emory Drive along Frederica Street, but we do not know that for a fact. It will not alter the essential character of the neighborhood, in the general vicinity because all properties in the immediate vicinity of the subject property were developed some period of time ago, probably before the zoning ordinance, and that was not an issue then. It will not cause a hazard or a nuisance to the public because reduced visibility at Emory Drive because we're exiting on
Emory Drive. It will not allow an unreasonable circumvention of the requirements of the zoning regulations because the subject property is large enough to accommodate construction of a commercial structure and parking without requiring a variance to reduce the roadway buffer.

CHAIRMAN: We have a motion by Mr. Reeves. Do we have a second on that motion?

MR. ANDREW HOWARD: Second.

CHAIRMAN: Second by Andrew. Any question on this motion?

(NO RESPONSE)

CHAIRMAN: Any additional comments or questions on this?

MR. KAMUF: I might point out, there is no objection to this you understand. None of the neighbors have objected.

CHAIRMAN: Thank you.

Hope I didn't say too much, Freddy?

MR. REEVES: Just the right amount.

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

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimously.

Is there any other business, Mr. Howard?
MR. HOWARD: No, ma'am.

CHAIRMAN: Hearing none I'll entertain one more motion.

MR. GLENN: Motion to adjourn.

CHAIRMAN: Motion to adjourn by Mr. Glenn.

MS. THOMPSON: Second.

CHAIRMAN: Second by Tori. All those in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

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STATE OF KENTUCKY )
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 10
typewritten pages; and that no signature was requested
to the foregoing transcript.

WITNESS my hand and notary seal on this the
1st day of November, 2020.

LYNETTE KOLLER FUCHS
NOTARY ID 613522
OHIO VALLEY REPORTING SERVICES
2200 E PARRISH AVE, SUITE 205-C
OWENSBORO, KY 42303

COMMISSION EXPIRES: DECEMBER 16, 2022
COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

Ohio Valley Reporting
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