

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

NOVEMBER 5, 2020

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

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

* * * * *

CHAIRMAN: I would like to call the November 5th Owensboro Metropolitan Board of Adjustment meeting to order. We start every meeting with a prayer and pledge to the flag. That will be lead tonight by Bill Glenn.

(INVOCATION AND PLEDGE TO THE FLAG.)

CHAIRMAN: Before we get started, just a little bit of information for you. To make the meeting run smooth and be cordial and productive, if you wish to speak on any issue, we ask you please come to the nearest mike. If you have questions, please direct your questions to the Chair and I will direct the question back to whoever in the audience that

1 needs to answer it or on the Staff rather than have
2 the audience talk back and forth. We keep very close
3 records of our conversations here. Ask you to please
4 do that for me. Appreciate it very much.

5 The first item on our agenda is to consider
6 the minutes of our October 1, 2020 meeting. Everybody
7 has had a chance to read them. Do I have a motion?

8 MR. ANDREW HOWARD: Motion.

9 CHAIRMAN: Motion by Mr. Howard.

10 MS. THOMPSON: Second.

11 CHAIRMAN: Tori has a second. So we have a
12 motion and a second. All in favor raise your right
13 hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Mr. Howard.

16 -----

17 CONDITIONAL USE PERMIT

18 ITEM 2

19 4459 Greenacre Drive, zoned R-1A Single-Family
Residential
20 Consider a request for a Conditional Use Permit in
order to operate an online retail sales business as a
21 Home Occupation with one non-resident employee
References: Zoning Ordinance Article 8,
22 Section 8.2D5A
Applicant: Patrick and Alma Ward

23

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

1 MR. CRUM: Daniel Crum.

2 (DANIEL CRUM SWORN BY ATTORNEY.)

3 MR. CRUM: The subject property is a 0.51 acre
4 residential parcel that is zoned R-1A Single-Family
5 Residential. There have been no zoning map amendments
6 for the subject property. The applicant whom resides
7 on the property is requesting to utilize 800 square
8 feet of the basement of the home, shown on the screen
9 in front of you, for an online retail sale business
10 with one nonresident employee. The applicant's
11 proposed use involves packaging athletic chest
12 wrappings, which are then sold online and mailed to
13 the respective customers. The employee will use the
14 off-street parking available in the residential
15 driveway that serves the subject property. No on-site
16 sales or commercial traffic to the home are proposed
17 with this use.

18 Home Occupations that have nonresidence of the
19 home coming to the property for business related
20 purposes are conditionally permitted within the
21 residential zoning classifications with specific
22 criteria. The criteria, as described below, states
23 that one nonresident employee shall be allowed at the
24 residence and does not designate specific hours of
25 operation. The applicant has indicated that the

1 nonresident employee will be working on site from 8
2 a.m. to 2 p.m. Monday through Thursday.

3 While it is stated within the application,
4 should the proposal be approved, it is recommended
5 that the Board of Adjustment attach conditions in
6 relation to the hours of operation and number of
7 permitted nonresident employees.

8 Land Uses in Surrounding Area: All adjoining
9 properties are zoned R-1A Single-Family Residential
10 and appear to be utilized residentially.

11 As far as Zoning Ordinance Requirements:

12 1. Parking - One parking space per 400 square
13 feet of the activity required. For 800 square foot
14 space two parking spaces are required. The site plan
15 submitted with the application shows that the existing
16 driveway can accommodate the parking for use as well
17 as parking for the resident.

18 2. Landscaping - Because the driveway on the
19 property is less than 1,800 square feet and is not
20 serving six or more vehicles, it is not required by
21 the ordinance to be screened with landscaping;
22 however, the Board may choose to require any
23 landscaping deemed necessary.

24 The Zoning Ordinance has 10 requirements that
25 apply to Conditionally Permitted Home Occupations

1 shown in the Staff Report. All ten of these
2 requirements have been addressed within the
3 application; however, the OMBA may impose further
4 conditions as necessary to ensure proper integration
5 of the use into the area.

6 Suggested Conditions are as follows:

- 7 1. Limiting the hours of operations for the
8 use from 8 a.m. to 2 p.m. Monday through Thursday;
9 and,
10 2. The use shall be limited to one on-site
11 nonresident employee with no customers on-site.

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

14 CHAIRMAN: Is anyone here representing the
15 applicant?

16 MR. WARD: Yes.

17 CHAIRMAN: Would you mind to come to the
18 podium just in case there are questions for you.

19 MS. KNIGHT: I'll go ahead and swear you in.
20 If you could state your name for the record.

21 MR. WARD: Patrick Ward.

22 MRS. WARD: Alma Ward.

23 (PATRICK AND ALMA WARD ARE SWORN BY ATTORNEY.)

24 CHAIRMAN: Any of the board members have
25 questions for the applicants?

1 (NO RESPONSE)

2 CHAIRMAN: Anyone in the audience have
3 questions for the applicants?

4 (NO RESPONSE)

5 CHAIRMAN: That being the case, then I am
6 ready for a motion.

7 Yes, Mr. Glenn.

8 MR. GLENN: I will make a motion to approve
9 this conditional use permit based on the findings
10 presented here tonight. The fact that they'll conform
11 to the zoning ordinance requirements that are stated
12 in this application, and also that they meet the two
13 special conditions and that would be limiting the
14 hours of operation for use from 8 a.m. to 2 p.m. on
15 Monday through Thursday, and that the use shall be
16 limited to one on-site nonresident employee with no
17 customers on site.

18 CHAIRMAN: We have a motion. Do we have a
19 second?

20 MR. ANDREW HOWARD: Second.

21 CHAIRMAN: Second by Mr. Howard. Any
22 questions about the motion?

23 (NO RESPONSE)

24 CHAIRMAN: If not, then all in favor raise
25 your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: The application is approved. Thank
3 you.

4 ITEM 3

5 417 Skinner Lane, zoned R-1A Single-Family Residential
6 Consider a request for a Conditional Use Permit in
7 order to install a Class 2 Manufactured Home in an
8 R-1A zone

9 Reference: Zoning Ordinance Article 8,
10 Section 8.2A10/B7

11 Applicant: Chad Himes

12 MR. CRUM: The subject property is a vacant
13 property that is 2.57 acres in size and is zoned R-1A
14 Single-Family Residential. There has been no history
15 of zoning map amendments at the subject property. In
16 the immediate vicinity, several other properties were
17 granted conditional use approval for Class 2
18 Manufactured Home.

19 The applicant proposes to place a 14 by 70
20 Class 2 Manufactured Home on the western portion of
21 the subject property outside of the intersection
22 utility easements. The manufactured home will include
23 a 10 by 10 patio and an 8 by 20 deck. The applicant
24 is proposing a gravel driveway that connects to the
25 end of Skinner Lane and gravel parking.

26 The applicant is requests a waiver of the
27 sidewalk requirement to remain consistent with the
28 area around the subject property where sidewalks are

1 not present. They're also requesting that the two
2 parking spaces and the driveway apron to be gravel
3 surfaces since the property is not within the city
4 limits and neighboring properties utilize gravel
5 drives.

6 Land Uses In Surrounding Area:
7 Adjoining properties on all sides of the
8 subject property are zoned R-1A Single-Family
9 Residential and appear to be utilized residentially
10 with a mix of Class 2 Manufactured Homes and
11 single-family dwellings.

12 As far as the Zoning Ordinance Requirements,
13 the ordinance specifics eight requirements for Class 2
14 Manufactured Home. The site plan submitted with the
15 application indicates that each of the zoning
16 requirements will be met with the exception of two
17 requested waivers.

18 1. The applicant requests a waiver to
19 eliminate the sidewalk requirement because the subject
20 property is located along a road where sidewalks have
21 not been constructed.

22 2. The applicant is requesting a waiver to
23 allow two 9 by 18 parking spaces and the driveway
24 apron to be a gravel surface to remain consistent with
25 the other properties in the general vicinity.

1 Suggested Conditions:

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

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

7 CHAIRMAN: Is the applicant present?

8 Would you mind coming to the podium in case we
9 have questions?

10 MS. KNIGHT: Would you please state your name
11 for the record?

12 MR. HIMES: Chad Himes.

13 (CHAD HIMES SWORN BY ATTORNEY.)

14 CHAIRMAN: Do any of the board members have
15 any questions for Mr. Himes?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone in the audience have a
18 question for Mr. Himes?

19 (NO RESPONSE)

20 CHAIRMAN: If not I will entertain a motion
21 and remind you to be sure that you include all of the
22 conditions and the special requirements in your
23 motion, please.

24 Mr. Jean.

25 MR. JEAN: I'd like to make a motion that we

1 approve this Conditional Use Permit and to eliminate
2 the sidewalk requirement and to allow two 9 by 18
3 parking spaces and a driveway to be constructed of
4 gravel. This motion is based on the Staff Report,
5 site visit, with the zoning ordinance requirements 1
6 through 8 and one suggested condition.

7 Three Findings of Fact:

8 1. This is a R-1A Single-Family Residential
9 zone where Class 2 Manufactured Homes are allowed.

10 2. It should be compatible with the
11 neighborhood as there are other manufactured homes in
12 the neighborhood.

13 3. The single-family residence should have no
14 traffic impact on Skinner Road.

15 CHAIRMAN: We have a motion. Do I have a
16 second?

17 MR. ANDREW HOWARD: Second.

18 CHAIRMAN: Second by Mr. Howard. Any
19 questions in the audience regarding the motion?

20 (NO RESPONSE)

21 CHAIRMAN: Any questions from the Board
22 members regarding the motion?

23 MS. THOMPSON: I have a question. On your
24 motion, I didn't hear where you said they were okay to
25 eliminate the sidewalk and you referenced --

1 MR. HOWARD: He included those in the very
2 beginning.

3 MS. THOMPSON: I'm okay.

4 CHAIRMAN: Hearing no other questions all in
5 favor raise your right hand.

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: That permit is granted.

8 ITEM 4

9 2992 Taylor Road West, zoned R-1A Single-Family
Residential
10 Consider a request for a Conditional Use Permit in
order to operate a Hair Salon as a Home Occupation
11 References: Zoning Ordinance Article 8,
Section 8.2D5A
12 Applicant: Heather and Barry Raymer, Jr.

13 MR. CRUM: The subject property is 0.85 acres
14 in size. It is zoned R-1A Single Family Residential
15 and is located at the intersection of Taylor Road West
16 and US Highway 231. Our records indicate there have
17 been no zoning map amendments for the subject
18 property.

19 The applicant, whom resides at the property,
20 proposes to operate a hair salon in a 225 square foot
21 portion of the home's existing attached garage.
22 Access to the use will be achieved through the
23 existence gravel residential driveway and the use will
24 utilize the existing paved parking area.

25 Home Occupations that have non-residents of

1 the homes coming to the property for business-related
2 purposes are conditionally permitted within the
3 residential zoning classification with specific
4 criteria. This criteria as stated below states that
5 customers shall be allowed at the residence but does
6 not designate specific hours of operation. The
7 applicant has indicated that the use will operate
8 approximately three days a week with operating hours
9 from 9 a.m. to 6 p.m. by appointment only. There will
10 be only one client at a time with no other employees
11 working. While this is stated within the application,
12 should the proposal be approved, it is recommended
13 that the Board of Adjustment attach agreed upon
14 conditions in relation to the commercial traffic and
15 hours of operation to ensure that the use will
16 properly integrate into the area.

17 Adjoining properties to the north and east of
18 the subject property are zoned A-U Urban Agriculture
19 and A-R Rural Agriculture and appear to be utilized
20 agriculturally. Adjoining properties to the south are
21 zoned I-2 Heavy Industrial and appear to contain a
22 light industrial use. Adjoining properties to the
23 west are zoned B-4 General Business and consist of a
24 vacant service station and single-family residential
25 use.

1 Zoning Ordinance Requirements: For hair
2 stylist or beauty shop the parking requirement is one
3 parking space per 200 square feet of the activity.
4 The floor plan submitted indicate that 225 square feet
5 of the attached garage will be utilized for the use
6 resulting in one required off-street parking space.
7 The submitted site plan illustrates the existing paved
8 parking area can easily support the required parking
9 for the hair salon and the resident.

10 As far as landscaping, vehicular use
11 landscaping is required where the VUA area adjoins the
12 public right-of-way. The subject property has
13 existing trees and landscaping along both frontages
14 which appears to create such a screening element.

15 In addition, Conditionally Permitted Home
16 Occupations have ten additional requirements as shown
17 in your Staff Report.

18 All requirements have been addressed within
19 the application; however, the OMBA may impose further
20 conditions as necessary to ensure proper integration
21 of the use into the area. It should also be noted
22 that while all zoning ordinance requirements appear to
23 have been met, local Conditional Use Permits do not
24 constitute as approval for any state licensing and/or
25 permits that may pertain to the proposed activity.

1 Should the proposal be approved, all such items that
2 are required by the State of Kentucky shall be
3 obtained prior to occupancy of the proposed use.

4 There are two Suggested Conditions:

- 5 1. Limiting the number of customers/clients
6 that may come to the site at one time, as well as the
7 days and hours of operation that customers or clients
8 may come to the subject property; and,
9 2. Obtain all necessary building, electrical,
10 and HVAC permits, inspections and certificates of
11 occupancy and compliance, as well as any permits or
12 licenses that are required by the State of Kentucky.

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

15 CHAIRMAN: Now, you all come to the podium,
16 please.

17 MS. KNIGHT: Would you both state your name
18 for the record.

19 MRS. RAYMER: Barry and Heather Raymer.

20 (BARRY AND HEATHER RAYMER SWORN BY ATTORNEY.)

21 CHAIRMAN: One question. Do you understand
22 the suggested condition number 1?

23 MRS. RAYMER: The hours?

24 CHAIRMAN: Which relates to the hours of
25 operation and so forth. Do you understand that

1 condition?

2 MRS. RAYER: Yes.

3 CHAIRMAN: And you're prepared to meet that
4 condition?

5 MRS. RAYMER: To work from 8 to 6 or 9 to 6?

6 MR. JEAN: Nine to six.

7 MS. KNIGHT: Three days a week.

8 MRS. RAYER: Yes.

9 CHAIRMAN: You're fine with that?

10 MRS. RAYER: Yes.

11 CHAIRMAN: Anyone in the audience have a
12 question of the applicant?

13 (NO RESPONSE)

14 CHAIRMAN: Board members, any of you have
15 questions?

16 MR. JEAN: What three days of the week do you
17 plan on operating?

18 MRS. RAYMER: My three days they change, just
19 because he's a fireman. So when he works the 24
20 hours, I don't work. I'm doing this at home to make
21 it a little bit easier on myself with the kids being
22 in virtual school. It changes. So every third day
23 I'm off.

24 MR. GLENN: So you're operating three days,
25 but they could vary each week. Is that what you're

1 saying?

2 MRS. RAYMER: Yes.

3 MR. GLENN: So any time Monday through Sunday?

4 MRS. RAYMER: No, not Sunday or Saturday. I
5 don't workweeks, and usually I'm off on Mondays. So
6 it's be more Tuesday through Friday.

7 MR. GLENN: Okay. Essentially Tuesday through
8 Friday?

9 MRS. RAYMER: Yes.

10 MR. GLENN: And 9 to 6, no more than three
11 days a week?

12 MRS. RAYMER: Yes.

13 MR. GLENN: You would have one client there
14 working on them and maybe one client that could be
15 pulling up and waiting to come in. Is that the way
16 I'm understanding that; a maximum of two at any one
17 time?

18 MRS. RAYMER: Yes.

19 MR. GLENN: That's all I have.

20 CHAIRMAN: Any other questions?

21 (NO RESPONSE)

22 CHAIRMAN: Did we have a motion?

23 MR. HOWARD: No.

24 CHAIRMAN: Then I'll entertain a motion.

25 MR. JEAN: I'd like to make a motion that we

1 approve this Conditional Use Permit based on the Staff
2 Report, the site visit and the testimony we heard here
3 this evening, with the ten ordinance requirements or
4 zoning ordinance requirement. Two special conditions:
5 Hours operation will be from 9 a.m. until 6 p.m. with
6 one client at a time three days a week. Obtain all
7 necessary building, electric and HVAC permits,
8 inspections and certification of occupancy and
9 compliance, as well as permits or licenses that are
10 required by the State of Kentucky. This is with three
11 findings of fact.

12 This property is zoned R-1A Single-Family
13 Residential where clients come into the home are
14 allowed by a Conditional Use Permit. There will be a
15 minimal impact on traffic due to the number of
16 vehicles accessing the property daily. This use will
17 not create a nuisance and will be compatible with the
18 neighborhood.

19 CHAIRMAN: Do we have a second?

20 MR. ANDREW HOWARD: Second.

21 CHAIRMAN: Second by Mr. Howard. Any
22 questions about the motion?

23 (NO RESPONSE)

24 CHAIRMAN: All in favor raise your right hand.

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: This permit is granted.

2 -----

3 VARIANCE

4 ITEM 5

5 4615 Tanglewood Park Cove, zoned R-1C Single-Family
6 Residential
7 Consider a request for a Variance in order to reduce
8 the rear street setback along Millers Mill Road from
9 30 feet from the rear property line to 25 feet 7b
10 inches from the rear property line.
11 Reference: Zoning Ordinance Article 8,
12 Section 8.5.7(C)
13 Applicant: Sweetwater Pools and Outdoor Living; Doug
14 Sandifer

10

11 MR. CRUM: As Staff is recommending denial, I
12 will be reading the Staff Report verbatim.

13 Special Circumstances? Are there special
14 circumstances that do not generally apply to land in
15 the general vicinity, or in the same zone? No.

16 The subject property is a 0.23 acre lot that
17 is zoned R-1C Single-Family Residential that has
18 frontage on both Tanglewood Park Cove and Millers Mill
19 Road.

20 The applicant, Sweetwater Pools and Outdoor
21 Living, was contracted to construct a 16 foot by 34
22 foot pool in the rear yard of the subject property.
23 Because the rear portion of the property adjoins
24 Millers Mill Road, a major collector roadway, the
25 property is required to meet a 30 foot setback from

1 the rear property line rather than the standard 20
2 foot rear setback. The applicant began preliminary
3 construction activity including installation of the
4 pool's liner without checking to verify the property's
5 setbacks. When the applicant applied for building
6 permits, the inspection revealed that a portion of the
7 pool encroached into the rear platted setback. The
8 applicant has requested a 4 foot 5 inches variance in
9 order to reduce the rear setback from 30 feet from the
10 rear property line along Millers Mill Road to 25 feet
11 7 inches from the rear property line along Millers
12 Mill Road in order to construct the pool as proposed.
13 Based on Staff research, it appears that the subject
14 property would become the sole property in the
15 Tanglewood or Millers Mill neighborhoods with a
16 permitted structure located within this street yard
17 setback area.

18 Granting the variance to reduce the rear yard
19 street setback from 30 feet to 25 feet 7 inches will
20 not adversely affect the public safety or cause a
21 public nuisance because the pool's location meets the
22 required side setbacks from the adjacent residential
23 properties and does not encroach on the public utility
24 easement running along the rear portion of the subject
25 property. It will alter the essential character of

1 the general vicinity because no other structures in
2 the general vicinity have been permitted within this
3 platted setback, and it will create an unreasonable
4 circumvention of the requirements of the zoning
5 ordinance because there is no hardship unique to the
6 property.

7 Hardship? Would strict application of the
8 regulations deprive the applicant of the reasonable
9 use of the land, or create an unnecessary hardship on
10 the applicant? No.

11 The applicant has enough room on the subject
12 property to construct the pool at its current size
13 while meeting all setback requirements. However,
14 relocating the pool on a location that meets setbacks
15 would require the applicant to redo the work that has
16 already been completed.

17 Applicant's Actions? Are the circumstances
18 from which relief is sought a result of the
19 applicant's actions taken after adoption of the zoning
20 regulations? Yes.

21 If Yes: Willful Actions? Did the applicant
22 take willful actions in violation of the zoning
23 regulation? If so, the Board shall Deny the variance.

24 The applicant's actions were taken after the
25 adoption of the zoning regulations, but were a result

1 of an error, not a willful violation of the ordinance.

2 FINDINGS: Granting This Variance:

3 This Variance will not adversely affect the
4 public health, safety or welfare because the pool's
5 location meets required side setbacks from the
6 adjacent residential properties;

7 It will alter the essential character of the
8 general vicinity because no other structures in the
9 general vicinity have been permitted within this
10 platted setback.

11 It will not cause a hazard or a nuisance to
12 the public because the pool's location does not
13 encroach on the public utility easement running along
14 the rear portion of the subject property and will
15 still be over 25 feet from Millers Mill Road.

16 It will allow an unreasonable circumvention of
17 the requirements of the zoning regulations because
18 there is no hardship unique to the subject property.

19 Staff would recommend for Denial.

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

22 CHAIRMAN: Is the applicant here?

23 You want to come to the mike?

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

1 MR. HOPEWELL: Chad Hopewell.

2 (CHAD HOPEWELL SWORN BY ATTORNEY.)

3 CHAIRMAN: I assume you're with Sweetwater
4 Pools?

5 MR. HOPEWELL: I am.

6 CHAIRMAN: I guess I have one question for
7 you. I'm assuming you have installed a number of
8 pools during a year, don't you?

9 MR. HOPEWELL: We do.

10 CHAIRMAN: I guess I'm a little bit concerned
11 about how you would not be aware of this regulation
12 and how you would --

13 MR. HOPEWELL: It was an error on our behalf.
14 So we're 30 foot on one side and 25.7 on the other.
15 So it was an error on our behalf.

16 MR. HOWARD: As you can see, and what he's
17 talking about on the map is you can see that that back
18 parking is at an angle. They just measured wrong so
19 it was off. They've done quite a few pools here.
20 This is the first error that we have seen from them.
21 This isn't like a habitual type of thing.

22 MR. HOPEWELL: No, and it's going to be the
23 last one.

24 CHAIRMAN: We understand. I just wanted to
25 know.

1 MR. HOWARD: Just for the Board's information
2 and your all's too, the Staff, on something like this
3 where you've got the room to do it, we're never going
4 to recommend approval of a Variance after the fact.

5 CHAIRMAN: Sure.

6 MR. HOWARD: In this instance, they didn't do
7 it viciously. It just happened. It was an error.
8 It's still going to be 25 feet beyond where, you know,
9 like a normal setback would be. We don't have a whole
10 lot of heartburn with it, but it's still one that
11 we're just not going to recommend approval.

12 CHAIRMAN: I understand.

13 Any other board members have any questions?

14 (NO RESPONSE)

15 MR. GLENN: I was just wondering if there's
16 anybody here in the audience that has anything to say
17 right now.

18 AUDIENCE: We live right behind. We were just
19 curious.

20 CHAIRMAN: Thank you. Appreciate you coming.

21 Anyone else in the audience have any questions
22 or concerns?

23 (NO RESPONSE)

24 CHAIRMAN: Does the Board have enough
25 information to make a motion?

1 (NON RESPONSE)

2 CHAIRMAN: I don't see any nodding. I will
3 accept a motion.

4 MS. THOMPSON: I'll make a motion to approved
5 based on it will not adversely affect the public
6 health, safety or welfare because the pool's location
7 meets the required side setbacks. Although it may
8 alter the essential character of the general vicinity
9 because no other structures in the general vicinity
10 have been permitted with a setback. It will not cause
11 a hazard or a nuisance and it may allow unreasonable
12 circumvention of the requirements of the zoning
13 regulations because there is no hardship unique to the
14 subject property.

15 CHAIRMAN: Your motion is to recommend
16 approval?

17 MRS. THOMPSON: I would recommend approval.
18 Because it is a minimal intrusion and just based on my
19 experience with my construction background, I don't
20 see that being an issue.

21 CHAIRMAN: Very good.

22 Do we have a second to that motion?

23 MR. JEAN: Second.

24 CHAIRMAN: Second by Mr. Jean. Any question
25 from anyone in the audience with regard to the motion?

1 (NO RESPONSE)

2 CHAIRMAN: Any questions from the Board with
3 regard to the motion?

4 (NO RESPONSE)

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

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: That motion passes. You may have
9 your pool.

10 I need one more motion.

11 MR. GLENN: Motion to adjoin.

12 MR. ANDREW HOWARD: Second.

13 CHAIRMAN: All in favor raise your right hand.

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: We are adjourned.

16 -----

17

18

19

20

21

22

23

24

25

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 25
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 December, 2020.

18

19

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

20

21

22

23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

25