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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

JULY 1, 2021

The Owensboro Metropolitan Board of Adjustment met in regular session at 5:30 p.m. on Thursday, July 1, 2021, 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
- Lewis Jean
- Ruth Ann Mason

* * * * *

CHAIRMAN: We will call the Owensboro Metropolitan Board of Adjustment July 1, 2021 meeting to order. First thing on the agenda is for Mrs. Mason to give us the pledge and a prayer.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: Next we'll consider the minutes of the June 3, 2021 meeting. Everybody should have had a copy by now and have had time to check it out. At this time I'll entertain a motion.

MR. GLENN: Motion to approve the minutes.

CHAIRMAN: Motion to approve by Mr. Glenn.

MS. MASON: Second.

CHAIRMAN: Second by Ruth Ann. Any question on the motion?

1 (NO RESPONSE)

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

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.
6 Item Number 2, Mr. Howard.

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8 CONDITIONAL USE PERMITS

9 ITEM 2

10 7601 Terminal Road, zoned I-2 Heavy Industrial
11 Consider a request for a Conditional Use Permit in
12 order to construct a 2,400 square-foot detached
13 structure within the floodway.
14 Reference: Zoning Ordinance Article 18,
15 Section 18-4(b)3, 18-5(b)4, 18-6(b)3
16 Applicant: Gavilon Grain, LLC

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

19 MR. CRUM: Daniel Crum.
20 (DANIEL CRUM SWORN BY ATTORNEY.)

21 MR. CRUM: The subject property is a 92.95
22 acre parcel that is zoned I-2 Heavy Industrial and is
23 adjacent to A-R Rural Agricultural, I-1 Light
24 Industrial, I-2 Heavy Industrial, and R-1A
25 Single-Family Residential zoning.

OMPC records indicate that there has not been
any zoning map amendments for the subject property,
but the Board of Adjustment has granted seven previous

1 Conditional Use Permits at this location.

2 This request is for the construction of a
3 detached 2,400 square foot break room within the
4 floodway. The applicant has obtained a required
5 approval from the Kentucky Division of Water, U.S.
6 Army Corp of Engineers and has provided a
7 certification of no impact from a design professional.

8 If approved Staff recommends including the
9 following condition:

10 1. Obtain approval of an amended site plan or
11 development plan; and,

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

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

17 CHAIRMAN: Thank you.

18 Is there anyone here representing the
19 applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Is there anyone here who wishes to
22 speak to this item?

23 (NO RESPONSE)

24 CHAIRMAN: Hearing none I'll entertain a
25 motion on this item.

1 MR. JEAN: I would like to make a motion to
2 approve this Conditional Use Permit based on the Staff
3 Report, the site visit, with the two conditions with
4 Findings of Fact 1) all the zoning ordinance
5 requirements have been met by the applicant, it is
6 consistent with the seven previous approved
7 Conditional Use Permits issued for this property, and
8 is compatible with the I-2 zoning in this area.

9 CHAIRMAN: We have a motion by Mr. Jean.

10 MR. REEVES: Second.

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

13 (NO RESPONSE)

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

16 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

17 CHAIRMAN: Motion carries unanimously.

18 Next item, Mr. Howard.

19 ITEM 3

20 2700 & 2708 Veach Road, 614 27th Street, zoned R-1C
21 Single-Family Residential
22 Consider a request for a Conditional Use Permit in
23 order to operate a Buddhist temple and parish house in
24 an R-1C Single-Family Residential zone.
25 References: Zoning Ordinance Article 8, Section 8.2B4
Applicant: Nai S.P. Htaw & Hai H. Sein & Tan S.
Hungsardone

MS. MASON: Madam Chairman, I need to recuse

1 myself as this property is a few doors down from the
2 business that we own.

3 CHAIRMAN: Okay.

4 MR. CRUM: The subject property consists of
5 three parcels totaling 0.473 acres that are zoned R-1C
6 Single-Family Residential. In the immediate area,
7 other properties with R-1C Single-Family Residential
8 and B-4 General Business zonings can be found.

9 The applicants wish to utilize the existing
10 single-family residence at this location as a parish
11 house and renovate the existing detached accessory
12 garage to a temple that is approximately 1,500 square
13 feet in size.

14 Using the detached garage as a temple would
15 require the building to be principal setbacks, which
16 in this case are 5-feet from the side and 20-feet from
17 the rear property line.

18 As the structure's current location doesn't
19 meet principal setbacks, a Variance from setback
20 requirement as well as compliance building code would
21 be required if the structure is used as a temple or
22 any other reason.

23 The site plan submitted with the request shows
24 a 24-foot two-way commercial drive from East 27th
25 Street leading to parking areas, as well as existing

1 residential drive. Access to the site is going to be
2 limited to East 27th Street with no access to Veach
3 Road permitted.

4 Based on the 25 person maximum capacity
5 indicated by the applicant, the five proposed paved
6 parking spaces are sufficient to meet parking
7 requirements at the temple and the two existing
8 residential spaces are sufficient to meet parking
9 needs for the parish house.

10 Parking area here is screened from view from
11 residential properties at East 27th Street by
12 landscaping.

13 If the Board moves to approve this request,
14 Staff recommends including the following special
15 conditions:

16 1. Obtain approval of minor subdivision plat
17 consolidating the subject property.

18 2. Obtain a Variance from the OMBA in order
19 to reduce the building setbacks for principal
20 buildings if the existing detached structure is
21 utilized as a temple or any other use.

22 3. Obtain approval of a site plan.

23 4. No direct access to Veach Road shall be
24 permitted. Access to the subject property shall be
25 limited to East 27th Avenue.

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

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

6 CHAIRMAN: Thank you.

7 Now, is there anyone here representing the
8 applicant?

9 (NO RESPONSE)

10 CHAIRMAN: Is there anyone here that wants to
11 speak to this item?

12 (NO RESPONSE)

13 CHAIRMAN: Is there anyone on the Board that
14 wants to address this item?

15 MR. REEVES: I have a question, if I can find
16 what it was now.

17 If they have to have -- are they going to have
18 to come back a second time to get the variances for
19 the building setback or is that part of this
20 application?

21 MR. HOWARD: No. They would be required to --
22 if they're going to utilize that, what has been
23 accessory structure for any type of principal use,
24 then, yes, they would have to come back and get a
25 variance.

1 MR. REEVES: That answers my question.

2 CHAIRMAN: Any other questions?

3 (NO RESPONSE)

4 CHAIRMAN: Do I hear a motion on the
5 Conditional Use Permit request?

6 MR. GLENN: I would like to make a motion to
7 approve this Conditional Use Permit based on the
8 findings presented here tonight and that they meet the
9 five special conditions that are listed.

10 CHAIRMAN: We have a motion by Mr. Glenn. Do
11 I hear a second?

12 MR. REEVES: Second.

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

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT - WITH RUTH ANN
19 MASON RECUSING HERSELF - RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Next item.

22 -----

23 VARIANCES

24 ITEM 4

25 2810 Frederica Street, zoned B-4 General Business
Consider a request for a Variance in order to reduce

1 the required side street yard building setback along
2 Emory Drive from 25-feet from the property line to
3 16.25-feet from the property line, and to reduce the
4 distance of a non-residential driveway from the
5 right-of-way of an intersecting street from 50-feet to
6 14-feet

7 References: Zoning Ordinance Article 8,
8 Section 8.5.16(c), Article 13, Section 13.22
9 Applicant: Tracy and Debra Thacker

10 MR. CRUM: This is a narrow corner parcel
11 zoned B-4 General Business located at the intersection
12 of Frederica Street, Emory Drive and Yale Place.

13 This site was the previous location of U.S.
14 Bank which was demolished in 2021.

15 It's the applicant's intent to construct a
16 4,037 square foot financial office building at this
17 location and reconfigure parking areas and side
18 access. As a local roadway, the ordinance requires a
19 25-foot building setback from Emory Drive; however,
20 the structure shown in the submitted site plan is only
21 16.25-feet from Emory Drive requiring a variance.

22 This is however an improvement of the previous
23 structure at this location which was located as close
24 as 7 1/2 feet to Emory Drive. The nearby property at
25 527 Emory Drive also encroaches into the required
building setbacks as well.

Staff finds that granting this Variance to
reduce the required side street building setback will
not adversely affect the public health, safety or

1 welfare because the proposed structure will maintain
2 at least 10-feet from the road right-of-way. It will
3 not alter the essential character of the general
4 vicinity because the adjacent property at 527 Emory
5 Drive encroaches further into the required Emory Drive
6 building setback than the proposed structure. It will
7 not cause a hazard or a nuisance to the public because
8 the proposed building will be setback further than the
9 previous structure at this location; and, will not
10 allow an unreasonable circumvention of the
11 requirements of the zoning regulations because this is
12 a narrow corner lot, which significantly limits where
13 the structure can be located.

14 The applicant is also requesting a variance in
15 order to modify the site access point. Currently, the
16 property has a 40-foot wide access to Emory, as well
17 as a 84-foot wide access point to Yale Place. The
18 applicant wishes to close the access point on Emory
19 Drive and reconfigure the 84-foot wide Yale Place
20 access point into two 16-foot wide access points, one
21 of which is located less than 50 feet from the Emory
22 Drive intersection.

23 Staff finds that granting this variance to
24 allow an access point within 50-feet of an
25 intersecting street will not adversely affect the

1 public health, safety or welfare because this request
2 will result in an increase in distance from the
3 property's access point to the intersection at Emory
4 Drive. It will not alter the essential character of
5 the general area because the previous access point was
6 much closer to Emory Dive; it will not cause a hazard
7 or a nuisance to the public because the proposed
8 defined access points with improvements will be less
9 hazardous than the property's undefined access point;
10 and, it will not allow an unreasonable circumvention
11 of the requirements of the zoning regulations because
12 the subject property is a narrow corner lot, which
13 significantly limits where access points can be
14 located.

15 With that staff recommends approval with the
16 following conditions:

- 17 1. Obtain approval of a Site Plan or Final
18 Development Plan; and,
- 19 2. Obtain all necessary building, electrical
20 and HVAC permits, inspections and certificates of
21 occupancy and compliance.

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

24 CHAIRMAN: Thank you.

25 Is there anyone here representing the

1 applicant?

2 MR. LITTLEPAGE: Good evening. T. Tommy
3 Littlepage on behalf of the applicant, 611 Frederica
4 Street, 42301.

5 I am joined today by the applicant Debra
6 Thacker and also the surveyor David Weaver with Bryant
7 Engineering if there are any questions.

8 CHAIRMAN: Is there anyone in the audience
9 that has a comment or a question on this?

10 (NO RESPONSE)

11 CHAIRMAN: Anyone on the Board?

12 (NO RESPONSE)

13 CHAIRMAN: If not I'll entertain a motion.

14 MR. REEVES: I will make a motion based on a
15 site visit and various findings of fact. One, the
16 relationship to the required side street building
17 setback along Emory Drive and the four findings, with
18 Conditions 1 and 2.

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

21 MS. MASON: Second.

22 CHAIRMAN: Second by Ms. Mason. Any question
23 on the motion?

24 (NO RESPONSE)

25 CHAIRMAN: All in favor of the motion raise

1 your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item, Mr. Howard.

5 ITEM 5

6 1731 West Parrish Avenue, zoned B-4 General Business
7 Consider a request for a Variance in order to reduce
8 the required roadway buffer along West Parrish Avenue
9 from 60-feet from the street centerline to 30-feet
10 from the street centerline.

11 Reference: Zoning Ordinance Article 13,

12 Section 13.6221

13 Applicant: BHW Properties, LLC; Winn Leasing Corp

14

15 MR. CRUM: The subject property is a 2.616

16 acre lot that is zoned B-4 General Business and

17 located at the intersection of West Parrish Avenue,

18 Independence Avenue and Werner Avenue.

19 The site is the remainder of a commercial

20 strip center; however, all of the structures within

21 the center were demolished around 2015 with the

22 exception of the remaining detached commercial

23 structure to the north.

24 The applicant intends to subdivide a 0.708

25 acre portion of the southwest corner of this parcel in

order to develop a Dollar Tree use in the footprint of

the previous commercial strip center, as shown on the

submitted site plan.

As a new development, they are to comply with

1 the 75-foot building setback and a 60-foot roadway
2 buffer from West Parrish Avenue, and a 25-foot setback
3 from Independence Avenue. The proposed structure
4 meets all the requirements; however, half of the
5 site's park and accompanying landscaping is located
6 within the West Parrish Avenue roadway buffer, which
7 is not permitted.

8 In this portion of West Parrish Avenue from
9 Frederica Street to Bosley Road, five other legal
10 non-conforming commercial properties have structures
11 or parking areas that are located near the road
12 right-of-way, significantly encroaching into the
13 required roadway buffer. In addition, in 2018 the
14 Board granted a variance for new construction to
15 reduce the front building setback and roadway buffer
16 to 55-feet for the adjacent property at 1805 West
17 Parrish Avenue.

18 Staff finds that granting this variance will
19 not adversely affect the public health, safety or
20 welfare because the building setback along
21 Independence Avenue and West Parrish Avenue are being
22 upheld, limiting traffic visibility concerns at the
23 intersection. Granting this variance will not alter
24 the essential character of the general vicinity
25 because this property has historically contained a

1 commercial development with structures and required
2 parking that are located near the road right-of-way
3 line. It will not cause a hazard or nuisance to the
4 public because neither the Metropolitan Transportation
5 Plan or Transportation Improvement Plan currently
6 designate this portion of West Parrish Avenue for any
7 future roadway improvements. It will not allow an
8 unreasonable circumvention of the requirements of the
9 zoning regulations because the proposed development is
10 a unique situation where the applicant is
11 re-establishing and improving a use in the footprint
12 of the site's previous legal non-conforming
13 development, and due to this unique situation this
14 request should not create precedence for other
15 developments.

16 Staff recommends approval with the following
17 conditions for the use:

- 18 1. Obtain approval of a Site Plan or Final
19 Development Plan;
- 20 2. Obtain all necessary building, electrical
21 and HVAC permits and inspections and certificates of
22 occupancy and compliance.

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

25 CHAIRMAN: Thank you.

1 Is there anyone in the audience needing to
2 address this item?

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

5 MR. GOINS: I'm Jason Goins. I'm with
6 Siteworx in Paducah, Kentucky. I'm the engineer here
7 presenting the applicant. I also have a
8 representative from BHW Properties here, Mike Wiles.

9 MS. KNIGHT: Let me go ahead and swear you in.

10 (JASON JOINS SWORN BY ATTORNEY.)

11 CHAIRMAN: Does anyone have questions of the
12 applicant?

13 Please come up and speak.

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

16 MR. EVANS: William Evans.

17 (WILLIAM EVANS SWORN BY ATTORNEY.)

18 MR. EVANS: William Evans. I live on Werner
19 Avenue across from this site. I'm wondering if
20 there's going to be a street running from Independence
21 over to Werner Avenue. There's a property there
22 that's wide open. People have been using it as a
23 street. They come out where the old Eagle's Club is.
24 Makes a lot of noise and dirt.

25 CHAIRMAN: Did you understand his question?

1 MR. GOINS: I think so. We will be utilizing
2 the existing curb gutter, insurance office off of
3 Independence Avenue. That would be a rear access for
4 our development, but I really can't speak of through
5 traffic that might go over to the east to Werner
6 Avenue. That will not be necessary for our
7 development.

8 CHAIRMAN: Do you have any other questions of
9 him?

10 MR. EVANS: No.

11 CHAIRMAN: Does that satisfy you?

12 MR. EVANS: That's good enough.

13 MR. HOWARD: We do have a site plan. It's up
14 on the screen. If you would like to see a paper copy
15 of it, we can bring one over to you. Melissa can
16 bring it just so you can see what they're proposing.

17 As he said, they're only developing a small
18 portion of it. The rest of it is going to remain
19 undeveloped at this point.

20 MR. EVANS: Okay. Thank you.

21 CHAIRMAN: Thank you.

22 Anyone else have questions or comments
23 regarding this application?

24 (NO RESPONSE)

25 CHAIRMAN: Anyone on the Board?

1 (NO RESPONSE)

2 CHAIRMAN: I'll entertain a motion.

3 Mr. Glenn.

4 MR. GLENN: I would make a motion to approve
5 this variance based on the findings presented here
6 tonight; specifically the fact that the property that
7 used to be there sat almost onto Parrish Avenue, and
8 that in 2018 there was a variance approved at that
9 time also, and the fact that they should meet the two
10 conditions that are listed.

11 CHAIRMAN: Thank you.

12 MR. JEAN: Second.

13 CHAIRMAN: Second by Mr. Jean. Any questions
14 on the motion?

15 (NO RESPONSE)

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

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 ITEM 6

21 2045 Planeview Drive, zoned I-1 Light Industrial
22 Consider a request for a Variance in order to reduce
23 the required front regulatory building setback from
24 25-feet to 10-feet, reduce the rear yard building
25 setback from 20-feet from the property line to 10-feet
from the property line, and to eliminate required
landscaping consisting of one tree per 40-feet where
the property adjoins residential zoning.
Reference: Zoning Ordinance Article 8, Sections
8.5.3(c), 8.5.3(e); Article 17, Section 17.311

1 Applicant: DMCR Properties, LLC

2 MR. CRUM: The subject property is a 4.918
3 acre vacant parcel that is zoned I-1 Light Industrial
4 and is located on Planeview Drive, stemming from Old
5 Calhoun Road.

6 A minor subdivision plat approved earlier in
7 2021 created the subject parcel and established an
8 access easement along Planeview Drive to provide the
9 land-locked subject property and adjacent residential
10 properties with access to Old Calhoun Road. This
11 easement extends 25-feet from the east side of
12 Planeview Drive and includes a 25-foot regulatory
13 building setback from the easement's edge. This
14 particular easement and building setback sizes were
15 chosen to ensure that there was sufficient room
16 obtained in the event that Planeview Drive was ever
17 developed into a public roadway and to ensure that any
18 new construction along Planeview Drive could meet
19 future required setbacks for the potential road
20 right-of-way. In total, the easement and building
21 setback within 50-feet of the subject property's
22 frontage along Planeview Drive not building buildable.
23 The applicant seeks to reduce the regulatory building
24 setback from 25-feet to 10-feet in order to obtain
25 more buildable area. The applicant is also requesting

1 to reduce the rear setback from 20-feet to 10-feet
2 along the shared property line with the
3 Owensboro-Daviess County Regional Airport. Typically
4 the zoning ordinance does not require rear building
5 setback when industrial and commercial uses
6 subsequently adjoin one another. However, because the
7 airport is agricultural zoning instead of commercial
8 zoning, at 20-foot setback is required.

9 The requested variance to reduce the front and
10 rear building setbacks will not adversely affect the
11 public health, safety or welfare because all future
12 structures will maintain at least 10-feet from the
13 potential road right-of-way if Planeview Drive is
14 constructed and 10-feet from the rear property line.
15 Granting this variance will not alter the essential
16 character of the general vicinity because there are
17 other properties along Planeview Drive that have
18 existing structures that encroach into required
19 building setbacks. It will not cause a hazard or
20 nuisance to the public because even with a reduced
21 setback, any structures constructed on the subject
22 property would be located at least 35-feet from the
23 current front property line, and rear setbacks are not
24 typically required by the zoning ordinance where
25 commercial and industrial uses adjoin one another. It

1 may not allow an unreasonable circumvention of the
2 requirements of the zoning regulations because the
3 25-foot setback from the edge of the access easement
4 is a precautionary measure for a road that currently
5 is not planned to be constructed.

6 The applicant is also requesting a variance in
7 order to eliminate portions of the required
8 landscaping where the property adjoins residential
9 zoning. Where industrial zoned properties adjoin
10 residentially zoned properties, a 10-foot wide
11 landscaping easement consisting of a 6-foot tall
12 continuous element and one tree per 40-linear feet of
13 shared boundary is required.

14 The applicant is requesting to waive the tree
15 requirement where the subject property adjoins
16 residential property along Planeview Drive, but will
17 still install a 6-foot tall continuous element to
18 screen the use.

19 Staff finds the requested variance to
20 eliminate one required tree per 40-feet of shared
21 boundary will not adversely affect the public health,
22 safety or welfare because the use will still be
23 effectively screened along the shared boundary line by
24 the required 6-foot tall continuous element. Granting
25 this variance will not alter the essential character

1 of the general vicinity because landscaping is
2 uncommon for other nonresidential uses in the area.
3 It will not cause a hazard or nuisance to the public
4 because the applicant owns all of the adjacent
5 residential properties along Planeview Drive. It may
6 allow an unreasonable circumvention of the
7 requirements of the zoning regulations because there
8 is sufficient space on the property to install the
9 required trees.

10 Staff recommends approval of the request
11 subject to the following conditions:

12 1. Obtain approval of a Final Development
13 Plan.

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

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

19 CHAIRMAN: Thank you.

20 Is there anyone here wishing to speak on
21 behalf of the applicant?

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

24 MR. TAYLOR: Clay Taylor.

25 (CLAY TAYLOR SWORN BY ATTORNEY.)

1 MR. TAYLOR: I don't have anything to add from
2 the Staff Report, but happy to take any questions if
3 there are any.

4 CHAIRMAN: Does anyone have any questions to
5 ask Mr. Taylor regarding the application?

6 (NO RESPONSE)

7 CHAIRMAN: Anyone on the Board?

8 (NO RESPONSE)

9 CHAIRMAN: If not I'll entertain a motion.

10 MR. JEAN: I would like to make a motion to
11 approve the variance based on the Staff Report and
12 site visit with the 8 findings and the two conditions.

13 CHAIRMAN: Motion by Mr. Jean. Is there a
14 second?

15 MS. MASON: Second.

16 CHAIRMAN: Second by Ms. Mason. Any question
17 on the motion?

18 (NO RESPONSE)

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

21 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

22 CHAIRMAN: Motion carries unanimously.

23 ITEM 7

24 5872 Highway 1389, zoned P-1 Professional/Service
25 Consider a request for a Variance in order to reduce
the minimum width for a two-way commercial drive from
24-foot wide to 18-foot wide.

1 Reference: Zoning Ordinance Article 13, Section
13.161
2 Applicant: Griffin Residuals, LLC; ASVG Properties,
LLC
3

4 MR. CRUM: The subject property is a 3.65 acre
5 lot that is zoned P-1 Professional Service. In 2021,
6 the property was rezoned from A-R Rural Agriculture
7 and R-1A Single-Family Residential to P-1
8 Professional/Service.

9 The site is the former location of Field
10 House, a nonprofit use that used the property for
11 hosting events and retreats. The applicant purchased
12 the property with the goal of establishing an
13 engineering office; however, the change in use
14 triggers the need to bring the site into compliance
15 with zoning ordinance requirement.

16 The existing driveway that served the Field
17 House use is approximately 12-feet in width, well
18 below the 24-foot minimum width for two-way commercial
19 drives. The ability for the parcel to meet the
20 driveway width requirement is limited by the
21 property's "pipe stem" shape where it narrows 20-foot
22 wide strip of the property provides road frontage and
23 access to Highway 1389. At 18-foot in width, the
24 proposed driveway will be able to accommodate two
25 9-foot wide travel lanes which should be sufficient to

1 accommodate low levels of two-directional traffic, if
2 needed.

3 Granting the variance will not adversely
4 affect the public health, safety or welfare because
5 while the driveway does not meet the ordinance's
6 minimum width requirement, the proposed 18-foot wide
7 driveway should still be large enough to safely
8 accommodate low levels of commercial traffic. It will
9 not alter the essential character of the general
10 vicinity because the property has an existing
11 non-residential drive at this location. It will not
12 cause a hazard or nuisance to the public because the
13 proposed driveway will be wider than the 12-foot wide
14 non-residential driveway that served the previous use.
15 It will not create an unreasonable circumvention of
16 the requirements of the zoning ordinance because the
17 narrow width of the property along the access stem
18 limits the applicant's ability to expand the drive to
19 meet ordinance requirements.

20 Staff recommends approval subject to the
21 following conditions:

- 22 1. Obtain approval of a Site Plan or Final
23 Development Plan.
- 24 2. Obtain all necessary building, electrical
25 and HVAC permits, inspections and certificates of

1 occupancy and compliance.

2 Staff would like to enter the Staff Report
3 into the record as Exhibit F.

4 CHAIRMAN: Thank you.

5 Is there anyone here representing the
6 applicant?

7 MS. KNIGHT: Please state your name the
8 record.

9 MR. GRIFFIN: William Griffin.

10 (WILLIAM GRIFFIN SWORN BY ATTORNEY.)

11 CHAIRMAN: Does anyone have questions of
12 Mr. Griffin?

13 Come to the microphone.

14 MS. KNIGHT: Ma'am, if you could state your
15 name, please.

16 MS. WATSON: It's Megan Watson.

17 (MEGAN WATSON SWORN BY ATTORNEY.)

18 MS. WATSON: I own the property at 6323. It's
19 right in front of that property. I'm just wanting to
20 know are you -- what are you wanting to do? Are you
21 still just going to have a property there with
22 somebody living there? The last meeting that I was
23 overhearing, are you wanting to make the drive bigger?
24 I'm not understanding.

25 CHAIRMAN: Mr. Griffin, you need to come to he

1 mike.

2 MR. GRIFFIN: No. This is part of the
3 rezoning to be able to use it for any type of
4 professional use. Would require a variance or else we
5 would have to widen that driveway. So this is to
6 avoid doing a lot of construction.

7 CHAIRMAN: Thank you. Does that answer your
8 question?

9 MS. WATSON: Yes.

10 CHAIRMAN: Thank you. Do you have other
11 questions?

12 MS. WATSON: No.

13 CHAIRMAN: Any board member have questions?

14 (NO RESPONSE)

15 CHAIRMAN: I'll entertain a motion.

16 MS. MASON: I move for approval based on the
17 Staff Report and the fact that the property does not
18 allow enough space for the 24-foot driveway; so the
19 18-foot will accommodate the two-way traffic and with
20 the Conditions 1 and 2.

21 CHAIRMAN: Thank you, Mrs. Mason.

22 Is there a second?

23 MR. GLENN: Second.

24 CHAIRMAN: Second by Mr. Glenn. All in favor
25 of the motion raise your hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
2 CHAIRMAN: Motion carries unanimously.
3 Any other business to come before the Board?
4 (NO RESPONSE)
5 CHAIRMAN: Entertain one more motion.
6 MR. REEVES: Motion to adjoin.
7 CHAIRMAN: Motion to adjourn by Mr. Reeves.
8 MS. MASON: Second.
9 CHAIRMAN: Second by Ms. Mason. All in favor
10 raise your right hand.
11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)
12 CHAIRMAN: We were adjourned.
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1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into foregoing 28
14 typewritten pages; and that no signature was requested
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of August, 2021.

18

19

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

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23 COMMISSION EXPIRES: DECEMBER 16, 2022

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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