

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 AUGUST 5, 2021

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:30 p.m. on Thursday,
5 August 5, 2021, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Judy Dixon, Chairman
9 Fred Reeves, Vice Chairman
10 Ruth Ann Mason, Secretary
11 Brian Howard, Director
12 Terra Knight, Attorney
13 Bill Glenn
14 Andrew Howard

15 * * * * *

16 CHAIRMAN: We will begin our meeting today of
17 the Owensboro Metropolitan Board of Adjustment August
18 5, 2021 meeting. We'll begin with a prayer and pledge
19 to the flag by Ms. Mason.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: First item on the agenda is to
22 consider the minutes of the July 1, 2021 meeting. All
23 members have been mailed or received online a copy of
24 the minutes. At this time I'll entertain a motion.

25 MR. ANDREW HOWARD: So moved.

MR. CHAIRMAN: Motion by Mr. Andrew Howard. Do I
have a second?

MR. GLENN: Second.

1 CHAIRMAN: Second by Bill Glenn. All in favor
2 of the motion raise your right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries.

5 First item on the agenda, Mr. Howard.

6 -----

7 CONDITIONAL USE PERMITS

8 ITEM 2

9 529 Cedar Street, 600 Locust Street, zoned R-4DT
10 Inner-City Residential
11 Consider a request for a Conditional Use Permit in
12 order to operate a church and related facilities in an
13 R-4DT Inner-City Residential zone.
14 Reference: Zoning Ordinance Article 8, Section 8.2B4
15 Applicant: Diocese of Owensboro; Bishop John J.
16 McRaith

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

19 MS. CRUM: Daniel Crum.

20 (DANIEL CRUM SWORN BY ATTORNEY.)

21 MR. CRUM: The subject property consist of two
22 parcels totaling 2.86 acres in size that are zoned
23 R-4DT Inner-City Residential and are surrounded by
24 R-4DT Inner-City Residential, P-1 Professional Service
25 and B-4 General Business zoning.

600 Locust Street is the location of St.
Stephen's Cathedral and its related facilities which
has operated at this site since before the adoption of

1 the current zoning ordinance. However, the church use
2 of this location never received a Conditional Use
3 Permit. The applicants wish to expand the church's
4 use by converting the resident on the adjacent
5 property at 529 Cedar Street into an accessory office
6 space for the church. In order to conduct this office
7 expansion, a Conditional Use Permit encompasses the
8 church and all related facilities is required.

9 No building expansions or site improvements
10 are proposed with this request and based on the size
11 of the primary church use, the existing parking lot is
12 sufficient to meet the parking requirements for the
13 church and its related facility, but does require
14 landscaping. As a legal non-conforming feature,
15 future redevelopment of the site will require the site
16 to come into compliance with landscaping requirement.

17 If approved, Staff recommends the following
18 Special Conditions:

- 19 1. Obtain approval of a shared final
20 development plan between the two subject properties;
21 and,
- 22 2. Obtain all necessary building, electrical
23 and HVAC permits, inspections and certificates of
24 occupancy and compliance.

25 Staff would like to enter the Staff Report

1 into the record as Exhibit A.

2 CHAIRMAN: Thank you.

3 Is there anyone here representing the
4 applicant.

5 MR. BLINCOE: That would be me.

6 CHAIRMAN: Would you step to the microphone
7 and be sworn in, in case anyone has questions.

8 MS. KNIGHT: If you could state your name for
9 the record, please.

10 MR. BLINCOE: William Blincoe.

11 (WILLIAM BLINCOE SWORN BY ATTORNEY.)

12 CHAIRMAN: Do you have anything to add to what
13 has been read into the record?

14 MR. BLINCOE: No.

15 CHAIRMAN: Is there anyone in the audience
16 that has questions of this application or comments
17 that you would like to make?

18 (NO RESPONSE)

19 CHAIRMAN: Hearing none I'll entertain a
20 motion.

21 MS. MASON: Move for approval based on the
22 facts that it is compatible with the land use in the
23 area and the church is already on the property and
24 it's a logical expansion of the existing use as it's
25 in harmony with the use that is going on there now at

1 the church. And that they meet all the zoning
2 ordinance requirements and the special conditions are
3 met that were mentioned earlier.

4 CHAIRMAN: Thank you, Ms. Mason. Is there a
5 second?

6 MR. ANDREW HOWARD: Second.

7 CHAIRMAN: Second by Andrew Howard. We have a
8 motion and a second. Is there a question on the
9 motion?

10 (NO RESPONSE)

11 CHAIRMAN: Hearing none all in favor of the
12 motion raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, Mr. Howard.

16 ITEM 3

17 3300 Frederica Street, zoned R-1A Single-Family
Residential
18 Consider a request for a Conditional Use Permit in
order to operate a college in an R-1A Single-Family
19 Residential zone.
Reference: Zoning Ordinance Article 8, Section 8.2B14
20 Applicant: Kentucky Wesleyan College.

21 MR. CRUM: The subject property is a 1.94 acre
22 parcel that is zoned R1-A Single-Family Residential
23 and is adjoined by a P-1 Professional Services, B-4
24 General Business and R1-A Single-Family Residential
25 zoning.

1 The applicant wishes to convert the church at
2 this location into a 550 seat auditorium and classroom
3 space for Kentucky Wesleyan College.

4 Accompanying the change in use is the
5 construction of a 625-square foot pavilion, parking
6 lot modifications and landscape addition to bring the
7 use into compliance with the ordinance requirements
8 are also proposed. The site will continue to use the
9 subject property's parking areas and will be limited
10 to using the site's existing access point; however,
11 based on the projected occupancy of use, the site does
12 not have sufficient parking in the existing parking
13 areas in order to fully comply with the ordinance
14 parking requirements. As such, the remaining required
15 parking will be provided in Kentucky Wesleyan College
16 Campus which will require the subject property to be
17 incorporated into Kentucky Wesleyan College's Final
18 Development Plan. The development plan submitted with
19 the request shows the campus can accommodate the
20 increase in the required parking.

21 If approved, Staff recommends the following
22 Special Conditions:

23 1. Approval of an amended Final Development
24 Plan with the adjacent Kentucky Wesleyan College
25 campus at 3000 Frederica Street;

1 2. Access to 3300 Frederica Street shall be
2 limited in the site's two existing access points along
3 College Drive and Hermitage Drive. No direct access
4 to Frederica Street shall be permitted; and,

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

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

10 CHAIRMAN: Thank you, Mr. Crum.

11 Is there anyone here representing the
12 applicant?

13 MS. KNIGHT: Please state your name for
14 record.

15 MR. KRAMER: Scott Kramer.

16 (SCOTT KRAMER SWORN BY ATTORNEY.)

17 CHAIRMAN: Do you have anything to add to what
18 has been read?

19 MR. KRAMER: I sure don't, no.

20 CHAIRMAN: Does anyone in the audience have
21 any comments or questions about this item?

22 (NO RESPONSE)

23 CHAIRMAN: Hearing none I'll entertain a
24 motion.

25 MR. REEVES: Motion to approve this

1 application based on the fact that the proposed use is
2 very consistent with what has been currently used for
3 in the past and is also adjacent to Kentucky Wesleyan
4 College and has had many similar uses of this. The
5 residence is along College Drive. At some point in
6 time it has all been part of the college's campus use
7 until some were sold back to the original owners.
8 It's consistent with what is required and used in the
9 neighborhood, with Special Conditions 1 through 3.

10 CHAIRMAN: We have a motion by Mr. Reeves. Is
11 there a second?

12 MR. ANDREW HOWARD: Second.

13 CHAIRMAN: Second by Mr. Howard. All in favor
14 of the motion raise your right hand.

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Next item, Mr. Howard.

17 ITEM 4

18 3661 Hurricane Island Road, zoned A-R Rural
19 Agriculture and I-1 Light Industrial
20 Consider a request for a Conditional Use Permit in
21 order to operate a marina and construct a shelter in
22 the floodway.
23 Reference: Zoning Ordinance Article 8,
24 Section 8.2K7/42; Article 18, Section 18-4(b)3,
25 18-c5(b)4, 18-6(b)3
26 Applicant: Hurricane Marina, LLC; Daviess County
27 Fiscal Court

28 MR. CRUM: The subject property is an 18.80
29 acre parcel located along the Ohio River that is zoned

1 A-R Rural Agriculture and I-I Light Industrial, and is
2 adjacent to A-R Rural Agricultural, I-1 Light
3 Industrial zoning.

4 The site is historically operated as a marina,
5 but the site never received a Conditional Use Permit.
6 This request is for a Conditional Use Permit in order
7 to operate a marina at this location and to construct
8 a 1,506-square foot shelter and 550-foot boat dock
9 within the floodway.

10 The site will continue to use the existing
11 paved parking area which are sufficient to meet the 11
12 required spaces for the use. Based on the parking
13 area location, no landscaping is required.

14 The applicant has obtained the acquired
15 approval for construction in the floodway from the
16 Kentucky Division of Water, the U.S. Army of Corps of
17 Engineers, and has provide a certification of no
18 impact from a designed professional.

19 If approved, Staff recommends including the
20 following Special Conditions:

21 1. That the applicant obtain approval of a
22 site plan or final development plan; and

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

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

3 CHAIRMAN: Thank you, Mr. Crum.

4 Is there anyone here representing the
5 applicant?

6 (NO RESPONSE)

7 CHAIRMAN: Is there anyone here that wishes to
8 speak either for or against this item?

9 (NO RESPONSE)

10 CHAIRMAN: Seeing none I'll entertain a
11 motion.

12 Mr. Glenn.

13 MR. GLENN: I would make a motion to approve
14 this application based on the facts presented here
15 tonight; especially the fact that they've already been
16 approved by the Kentucky Division of Water and the
17 U.S. Army Corps of Engineers has also signed off. The
18 fact that it's not going to have any kind of
19 substantial impact on the Ohio River there. And the
20 fact that it has been a boat launching facility for a
21 number of years. And also that they meet the two
22 special conditions.

23 CHAIRMAN: We have a motion by Mr. Glenn. Is
24 there a second?

25 MR. ANDREW HOWARD: Second.

1 CHAIRMAN: Second by Mr. Howard. Any question
2 on the motion?

3 (NO RESPONSE)

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

6 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

7 CHAIRMAN: Motion carries unanimously.

8 Next item, Mr. Howard.

9 ITEM 5

10 9411 Kelly Cemetery Road, zoned R-1B
11 Consider a request for a Conditional Use Permit in
12 order to install a Class 2 Manufactured Home in an
13 R-1B Single-Family Residential zone.
14 References: Zoning Ordinance Article 8,
15 Section 8.2A10/B7
16 Applicant: CWD Properties, LLC; Charlie Dawson

17 MR. CRUM: The subject property consist of a
18 vacant 0.326 acre parcel that is zoned R-1B
19 Single-Family Residential. In the immediate vicinity,
20 other properties with R-1B Single-Family Residential,
21 R-1A Single-Family Residential and A-U Urban
22 Agricultural zoning can be found.

23 The applicants wish to install a 16 by 80
24 Class 2 manufactured home at this location. In the
25 immediate vicinity, two previous Conditional Use
26 Permits for Class 2 manufactured homes have been
27 granted.

28 The applicants are requesting separate waivers

1 for this request including:

2 1. A waiver of the required 10 by 10 deck in
3 order to allow the use of 4 by 4 deck instead;

4 2. A waiver of the paved driveway and a
5 driveway apron requirement to allow gravel surfaces
6 instead of pavement to remain could consist with the
7 area around the subject property where gravel drives
8 are common;

9 3. A waiver of the sidewalk requirement to
10 remain consistent with the area around the subject
11 where sidewalks are not present; and

12 4. A waiver of the required concrete of
13 masonry skirting in order to utilize metal skirting
14 like other homes in the area.

15 This use meets all other zoning requirements
16 for Class 2 manufactured homes.

17 If the Board moves to approve the request,
18 Staff recommend including the following Special
19 Condition:

20 1. Obtain all necessary building, electrical
21 and HVAC permits, 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 here wishing to speak in
2 reference to this?

3 Please come to the podium.

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

6 MR. DAWSON: I'm Charles Dawson of CWD
7 Properties.

8 (CHARLES DAWSON SWORN BY ATTORNEY.)

9 CHAIRMAN: Do you have anything to add to what
10 has been --

11 MR. DAWSON: I think he's pretty much said
12 everything. This is really similar to every other
13 property in the area. I think that most things that
14 we do we try to improve the area. Not take an area
15 down. I wanted to say it's going to be a nice place.

16 CHAIRMAN: Wait and let's see if anybody else
17 has any questions.

18 Does anyone in the audience have a question or
19 a comment on this?

20 (NO RESPONSE)

21 CHAIRMAN: Hearing none I'll entertain a
22 motion.

23 MS. MASON: I'll move for approval based on
24 the fact that it's compatible with the land use in the
25 neighborhood as there are several other homes in the

1 area, Class 2 manufactured homes in the area, and that
2 they meet all of the zoning ordinance requirements.
3 That they have the waiver of the deck, the paved
4 driveway, the sidewalk, and the concrete and masonry
5 skirting, and with the special condition that was
6 mentioned.

7 CHAIRMAN: We have a motion by Ms. Mason. Do
8 we have a second?

9 MR. REEVES: Second.

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

12 (NO RESPONSE)

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

15 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

16 CHAIRMAN: Motion carries unanimously.

17 Next item, Mr. Howard.

18 ITEM 6

19 2141 Summer Walk, zoned R-1C Single-Family Residential
20 Consider a request for a Conditional Use Permit in
21 order to teach music lessons as a home occupation.
Reference: Zoning Ordinance Article 8, Section 8.2D5a
Applicant: Morgan Gibbs & Jacob Tyler Gray

22 MR. CRUM: The subject property is a 0.163
23 acre single-family residential parcel located within
24 the Heartland Subdivision. The subject property and
25 all surrounding properties are zoned R-1C

1 Single-Family Residential.

2 The applicant wishes to utilize a portion of
3 their home in order to teach piano lessons. These
4 lessons will be limited to one student at a time and
5 the application states the specific hours of the use
6 will vary based on the availability of the students,
7 but will occur between 8 a.m. and 8 p.m. Monday
8 through Saturday.

9 The applicant is required to provide one
10 parking space for the music lesson's use, as well as
11 two spaces for the residence. Available parking is a
12 existing residential garage and driveway are
13 sufficient to meet these spaces.

14 No landscaping is required due to the size and
15 location of the site's vehicle use area. The use
16 requires that all specific criteria for a
17 conditionally permitted home occupation.

18 If approved the Staff recommends the following
19 Special Conditions:

- 20 1. Consider conditions related to the days
21 and hours of operation of the use;
- 22 2. Consider conditions relating to the number
23 of students permitted on site at one time; and,
- 24 3. 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 E.

4 CHAIRMAN: Thank you.

5 Is there anyone here representing the
6 applicant?

7 Come forward, please.

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

10 MS. GIBBS: Morgan Gibbs.

11 (MORGAN GIBBS SWORN BY ATTORNEY.)

12 CHAIRMAN: Do you have anything to add to
13 what's been read?

14 MS. GIBBS: No, ma'am.

15 CHAIRMAN: No changes in what has been read?

16 MS. GIBBS: No.

17 CHAIRMAN: Thank you.

18 Does anyone in the audience have questions or
19 comments regarding this item?

20 MR. REEVES: I've got a question.

21 There's something in here I think you don't
22 realize you've said that you really don't want to be
23 in here. You're going to have two students on site;
24 one who is getting a lesson and one who is arriving
25 and waiting for a lesson. We said it's limited to one

1 student. It really needs to be limited to two
2 students, I think.

3 MS. GIBBS: Currently I only have one student.

4 MR. REEVES: That makes it easy then.

5 CHAIRMAN: It simplifies that.

6 MR. REEVES: Yes. It makes it a lot easier.

7 CHAIRMAN: Anyone body have any questions?

8 MR. GLENN: The hours you're going to operate,
9 did I see that 8 a.m. up to 8 p.m.?

10 MS. GIBBS: Yes. Depending on when my
11 students are available. Those are the hours that I am
12 willing to teach them lessons.

13 MR. GLENN: Monday through Saturday?

14 MS. GIBBS: Yes.

15 CHAIRMAN: Anybody else have questions?

16 (NO RESPONSE)

17 CHAIRMAN: Hearing none I'll entertain a
18 motion.

19 Mr. Glenn.

20 MR. GLENN: I would make a motion to approve
21 this Conditional Use Permit based on the information
22 that we received here tonight. Also, the fact that it
23 will be in the record that it would be operating from
24 Monday through Saturday and the hours would 8 a.m. to
25 8 p.m. I would also put in there that in case

1 business picks up that you could have up to two
2 clients or student there at one time, and that you
3 meet the three special conditions listed on here.

4 CHAIRMAN: We have a motion by Mr. Glenn. Do
5 we have a second?

6 MR. REEVES: Second.

7 CHAIRMAN: Second by Mr. Reeves. All in favor
8 of the motion raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 Next item.

12 ITEM 7

13 4875 & 4941 Veach Road, zoned A-U Urban Agriculture
14 Consider a request for a Conditional Use Permit in
15 order to operate an agritourism use, specifically for
16 hosting events and farmers markets.
Reference: Zoning Ordinance Article 8, Section 8.2H9
Applicant: Robert Williams; Country Roads, LLC

17 MR. CRUM: The subject properties consist of
18 two agricultural parcels totaling 14.48 acres in size
19 that are zoned A-U Urban Agriculture and are adjacent
20 to R-1A Single-Family Residential and A-U Urban
21 Agricultural zoning.

22 The applicant is requesting this Conditional
23 Use Permit in order to utilize the subject properties
24 for agritourism activities, specifically events and
25 farmers market.

1 The site plan submitted with the application
2 shows the location of the tents that will be the
3 primary location for the events held on site along
4 with proposed parking areas, driving lanes and the
5 existing access point.

6 While the submitted site plan shows the
7 existing barn, it is not proposed to be utilized in
8 conjunction with this use.

9 For agritourism uses the ordinance requires
10 the minimum of 5 parking spaces; however, additional
11 parking requirements may be determined by the Board of
12 Adjustment based on the proposed occupancy of the use.
13 The projected occupancy is unknown at this time;
14 however, the applicant's current site plan shows 30
15 spaces including 2 ADA spaces, along with two
16 potential future parking areas. The majority of the
17 parking spaces are gravel with the exception of the
18 ADA spaces in the surrounding areas, which are located
19 closest to the building and will be on paved surface.

20 No landscaping is required here as the
21 property is surrounded by large agricultural
22 properties and the parking area is not adjacent to
23 public right-of-way or residential zoning.

24 If approved, Staff recommends the following
25 Special Conditions:

1 1. Obtain approval of a Final Development
2 Plan.

3 2. The existing barn shall not be used in
4 conjunction with this proposal.

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

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

10 CHAIRMAN: Thank you.

11 Is there anyone in the audience representing
12 this application?

13 Can you come to the microphone, please?

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

16 MR. WILLIAMS: Robert Williams.

17 (ROBERT WILLIAMS SWORN BY ATTORNEY.)

18 CHAIRMAN: Do you have anything to add to
19 what's been in the record?

20 MR. WILLIAMS: I don't, no, ma'am.

21 CHAIRMAN: Is there anyone in the audience or
22 on this Board that has a question of the applicant?

23 If you could come to the microphone, please.

24 MS. KNIGHT: If you could state your name for
25 the record, please.

1 MR. NORTHERN: Tim Northern.

2 (TIM NORTHERN SWORN BY ATTORNEY.)

3 MR. NORTHERN: I'm across the street at 4886
4 Veach Road. I'm just curious about this.

5 CHAIRMAN: Mr. Northern, address your
6 questions to us and then we can get the answer.

7 MR. NORTHERN: Certainly. I'm right across
8 the road at 4886. I'd just like to know what about
9 traffic, what about striping? I know the history of,
10 this road has several accidents on it. I'm not
11 against this. I simply would like to know more, the
12 safety concerns, the lighting, hours of operation. I
13 guess that's probably already submitted and is already
14 in the application. I would just like to have some
15 more info.

16 CHAIRMAN: Mr. Howard, have any of these been
17 addressed in the application, striping, hours of
18 operation?

19 MR. HOWARD: I don't. Mr. Crum has dealt or
20 been in contact with the applicant and would know
21 better on those specifics. Of course, the applicant
22 is here and should be able to provide some of that
23 information as well.

24 MR. CRUM: In regards to site access, the site
25 access point will continue to be utilized. This was

1 signed off on by the county engineer. So consider
2 using the access point that is currently serving the
3 properties, the applicant, to my knowledge, hasn't
4 proposed any changes in striping along Veach Road
5 there, and I don't believe they're proposing any
6 additional lighting near Veach Road, but he can speak
7 to the rest on that.

8 MR. DAWSON: Actually those are all good
9 questions.

10 We met or I spoke to Mark Brasher as far as
11 the entry and exit of that. There's currently an
12 entry and exit and talked to him about the safest way
13 to do that. Apparently, national standard is 250 feet
14 site line. Based on his measurements we were 240 one
15 way and 260 another way so right at national standard
16 for stopping distance at that speed limit.

17 There's no proposed additional lighting.

18 As far as hours of operation, events can go to
19 10 p.m. is our proposed time with the gates locking at
20 11 for them to have time to clean up.

21 CHAIRMAN: Do you have any other questions of
22 him?

23 MR. NORTHERN: No.

24 CHAIRMAN: If you can come back to the
25 microphone so it will be on the record.

1 MR. NORTHERN: Are the plans acceptable? Can
2 I see the plans? Are they public, submitted, or is
3 that not --

4 MR. HOWARD: Yes. Anything that's been
5 submitted is public record, yes.

6 Mr. Crum looks like he's -- we can give you
7 certainly a reduced version of everything that the
8 board members have.

9 MR. NORTHERN: Thank you very much.

10 MR. WILLIAMS: Just to clarify this. Our goal
11 of this property is to maintain the current look and
12 make as little changes as possible while still meeting
13 all the requirements from Planning and Zoning. Right
14 now there's a gravel drive going down that property.
15 It will have to widen. It will stay gravel. It will
16 widen to 24 feet with parking on the right side of
17 that. That will be gravel down. So there will be
18 minimal visual changes to that property. We expect
19 that events can only happen -- actually the tent that
20 will be provided can only be up six months of the
21 year. We expect that events will happen mainly
22 Fridays and Saturdays and sporadic throughout the year
23 and sporadic through that six months. We don't expect
24 this to be ongoing thing. With COVID it may be a
25 while.

1 CHAIRMAN: Thank you.

2 Do you have any more questions of him?

3 MR. NORTHERN: No, ma'am. Thank you.

4 CHAIRMAN: Anyone else?

5 MR. HOWARD: One thing I will add that
6 Mr. Williams alluded to. There is a gravel driveway
7 out there. It will have to be widened. Their site plan
8 does show, and it's not specified in any of the other
9 information, but their site plan does show that they
10 would provide a 50-foot long paved driveway apron
11 where the driveway meets the road. That way gravel
12 and whatnot would not spill out into the public
13 right-of-way. That's a typical thing that we
14 generally see on any of these type of uses, that there
15 will be a gravel drive utilized if there's going to be
16 any type of traffic whatsoever. If it was a really
17 limited small use, that might not be a requirement.
18 For this it is. That will be another thing that's
19 included as part of this application and as part of
20 this development. It wasn't really mentioned, but I
21 think that's important to note that, that the intent
22 is not to have gravel out in the middle of the road or
23 whatever.

24 CHAIRMAN: Anyone on the board have questions
25 or comments?

1 (NO RESPONSE)

2 CHAIRMAN: We're ready for a motion.

3 Mr. Glenn.

4 MR. GLENN: I would make a motion to approve
5 this Conditional Use Permit based on the information
6 that we have heard here tonight. I don't think that
7 it's really going to detract from the area around it,
8 being they're not going to really change anything. It
9 has a number of trees and things around the area
10 shielding it, and the fact that they would meet the
11 three special conditions.

12 CHAIRMAN: We have a motion by Mr. Glenn. Do
13 we have a second?

14 MS. MASON: Second.

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

17 (NO RESPONSE)

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

20 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

21 CHAIRMAN: Motion carries unanimously.

22 Next item.

23 -----

24 VARIANCES

25 ITEM 8

1 3805 Fairview Drive, zoned B-4 General Business
2 Consider a request for a Variance in order to reduce
3 the required rear yard building setback from 20-feet
4 to the property line to 7-feet from the property line
5 along the western property line.
References: Zoning Ordinance Article 8,
Section 8.5.16(e)
Applicant: Professional Properties and Construction,
LLC

6 MR. CRUM: The subject property is a vacant
7 2.966 acre parcel that was recently rezoned to B-4
8 General Business.

9 It is located on Fairview Drive north of the
10 Downs Subdivision and east of the future site of
11 Daviess County Middle School.

12 The applicant intends to develop this parcel
13 into an office complex and is requesting a variance in
14 order to reduce the rear setback along the western
15 property line from 20 feet to 70 feet to construct the
16 building as shown on the site plan.

17 This western property line is shared with the
18 future Daviess County Middle School use. Typically
19 the Zoning Ordinance does not require a rear building
20 setback where uses such as these adjoin one another;
21 however, because the school property has agricultural
22 zoning instead of business zoning, the subject
23 property is required to abide by a 20-foot rear
24 building setback. As such, the requested variance is
25 a larger setback and is typically required for these

1 uses.

2 The requested variance will not adversely
3 affect the public health, safety or welfare because
4 the proposed structures will be located over 300 feet
5 from the nearest structures at the adjacent school
6 property.

7 Granting this variance may alter the essential
8 character of the general vicinity because this is an
9 area of new development and no other encroachments
10 into required building setbacks have been approved.

11 It will not cause a hazard or a nuisance to
12 the public because the requested variance is along the
13 western property line adjoining the new school and
14 does not affect the nearby residential subdivision.

15 It will not allow an unreasonable
16 circumvention of the requirements of the zoning
17 regulations because under normal circumstances, rear
18 setbacks are not required where non-residential uses
19 such as schools and offices adjoin one another.

20 Staff recommend approval of this request with
21 the following Conditions:

22 1. Obtain approval of a Final Development
23 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 G.

4 CHAIRMAN: Is there anyone here wishing to
5 speak to this item?

6 MR. REEVES: I have a question.

7 CHAIRMAN: Okay.

8 MR. REEVES: Mr. Howard, being this is really
9 a new area opening up for development and a lot of
10 future development, do you see anything in this
11 request for a variance that would impact any of the
12 future development out there or create any kind of
13 precedence? We don't really look at it that much, but
14 would it encourage such kind of a request?

15 MR. HOWARD: I don't think so. This is
16 somewhat of a unique circumstance in that it does
17 adjoin a zoning that would require a greater setback,
18 but with that being the property where the school is
19 being constructed, this reduced setback won't impact
20 anything really. I think you have some special
21 circumstances that won't necessarily create the
22 potential for precedence in that I don't think you'll
23 really have any other properties that might have an
24 apples to apples comparison when they develop in the
25 future. We really didn't have any concerns with it.

1 CHAIRMAN: Any other questions?

2 (NO RESPONSE)

3 CHAIRMAN: Seeing none I'll entertain a
4 motion.

5 MR. REEVES: Motion to approve this
6 application based on the testimony we've heard this
7 evening, and Staff recommendation and the Findings of
8 Fact 1 through 4.

9 CHAIRMAN: We have a motion by Mr. Reeves. Do
10 we have a second?

11 MR. ANDREW HOWARD: Second.

12 CHAIRMAN: We have a second by Mr. Howard.

13 MR. HOWARD: Could we also include those two
14 conditions?

15 MR. REEVES: Yes, to include the special
16 conditions.

17 CHAIRMAN: Any question 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 carry unanimously.

23 Next item, Mr. Howard.

24 ITEM 9

25 2700 Veach Road, zoned R-1C Single-Family Residential
Consider a request for a Variance in order to reduce

1 the required rear yard building setback from 20 feet
2 from the property line to 5 feet from the property
line.

3 References: Zoning Ordinance Article 8,
4 Sections 8.5.7(d), 8.5.7(e)
Applicant: Nai S.P. Htaw & Nai H. Sein & Tan S.
Hungsardone

5 MS. MASON: I need to recuse myself from this
6 because we have a business a couple of doors down from
7 it.

8 CHAIRMAN: We'll note that Ms. Mason has
9 recused herself.

10 MR. CRUM: The subject property is a 0.474
11 acre residential parcel that is zoned R-1C
12 Single-Family Residential and is located at the
13 intersection of Veach Road and East 27th Street.

14 The site recently received a Conditional Use
15 Permit in order to convert the site single-family
16 residential into a parish house and expand the
17 existing accessory garage to approximately 1,500
18 square feet in size and converting it into a 25 seat
19 Buddhist temple.

20 The garage structure is current located 4.5
21 feet from the side property line, and 7.4 feet from
22 the rear property line. The applicants are requesting
23 a reduction in the side and rear setback to utilize
24 and expand the structure as proposed.

25 The requested variance will not adversely

1 affect the public health, safety or welfare because
2 the proposed temple structure will be required to be
3 constructed with 1-hour of fire rated walls,
4 satisfying building and fire code requirements.

5 Granting this variance will not alter the
6 essential character of the general vicinity because
7 there are other commercial structures on adjacent
8 properties that encroach into required setbacks where
9 they adjoin residential zoning.

10 It will not cause a hazard or a nuisance to
11 the public because the proposed building expansion
12 will not be located any closer to the property lines
13 than the existing structure at this location.

14 It will not allow an unreasonable
15 circumvention of the requirements of the zoning
16 regulations because the ordinance will allow for an
17 identical building expansion if the proposed temple
18 building was an existing principal structure.

19 Staff recommends approval of this request with
20 the two Special Conditions.

21 1. Obtain approval of a site plan or Final
22 Development Plan.

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

1 Staff would like to the enter the Staff Report
2 into the record as Exhibit H.

3 CHAIRMAN: Thank you.

4 Is there anyone in the audience wishing to
5 address on this item?

6 (NO RESPONSE)

7 CHAIRMAN: Anyone on the Board have a question
8 of the item?

9 (NO RESPONSE)

10 CHAIRMAN: I'll entertain a motion.

11 MR. GLENN: I'll make a motion to approve this
12 request permit based on the information we received
13 tonight, also based on the Findings of Fact 1 through
14 4, and also that they should meet the two special
15 conditions, 1 and 2.

16 CHAIRMAN: We have a motion by Mr. Glenn. Do
17 I have a second?

18 MR. REEVES: Second.

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

21 (NO RESPONSE)

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

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

1 CHAIRMAN: Motion carries unanimously.

2 We need one final motion.

3 MR. GLENN: Motion to adjoin.

4 CHAIRMAN: We have a motion to adjourn by Mr.

5 Glenn. Do we have a second?

6 MR. ANDREW HOWARD: Second.

7 CHAIRMAN: Second by Mr. Andrew Howard. All

8 in favor of the motion raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: We are adjourned.

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1 STATE OF KENTUCKY)
) SS: REPORTER'S CERTIFICATE
2 COUNTY OF DAVIESS)

3 I, LYNNETTE KOLLER FUCHS, Notary Public in and
4 for the State of Kentucky at Large, do hereby certify
5 that the foregoing Owensboro Metropolitan Board of
6 Adjustment meeting was held at the time and place as
7 stated in the caption to the foregoing proceedings;
8 that each person commenting on issues under discussion
9 were duly sworn before testifying; that the Board
10 members present were as stated in the caption; that
11 said proceedings were taken by me in stenotype and
12 electronically recorded and was thereafter, by me,
13 accurately and correctly transcribed into foregoing 33
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 30th day of August, 2021.

18

19

20

21

22

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

23

COMMISSION EXPIRES: DECEMBER 16, 2022

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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