

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 OCTOBER 14, 2021

3 The Owensboro Metropolitan Board of Adjustment
4 met in regular session at 5:00 p.m. on Thursday,
5 October 14, 2021, at City Hall, Commission Chambers,
6 Owensboro, Kentucky, and the proceedings were as
7 follows:

8 MEMBERS PRESENT: Judy Dixon, Chairman
9 Brian Howard, Director
10 Terra Knight, Attorney
11 Lewis Jean
12 Andrew Howard
13 Fred Reeves
14 Tori Thompson

15 * * * * *

16 CHAIRMAN: We'll call the Owensboro Board of
17 Adjustment October 14, 2021 meeting to order. We will
18 begin our meeting with the pledge and a prayer by
19 Mr. Jean.

20 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

21 CHAIRMAN: First things on the agenda is to
22 consider the minutes of the September 2, 2021 meeting.
23 All members should have received a copy either written
24 or by e-mail. So at this point I'll entertain a
25 motion.

26 MR. ANDREW HOWARD: So moved.

27 CHAIRMAN: Motion by Mr. Andrew.

28 MS. THOMPSON: I'll second it.

1 CHAIRMAN: Second by Tori. Any question on
2 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.

8 First item under Conditional Use Permits,
9 Mr. Howard.

10 -----

11 CONDITIONAL USE PERMITS

12 ITEM 2

13 240 Hill Bridge Road, zoned B-4 General Business
14 Consider a request for a Conditional Use Permit in
15 order to construct an individual self-storage building
16 in a B-4 General Business zone.
17 Reference: Zoning Ordinance Article 8,
18 Section 8.2L7/48
19 Applicant: Koger Farms, LLC

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

22 MS. CRUM: Daniel Crum.

23 (DANIEL CRUM SWORN BY ATTORNEY.)

24 MR. CRUM: The subject property is a vacant
25 lot zoned B-4 General Business that is located on Hill
26 Bridge Road. The applicant intends to construct a 50
27 by 100-foot structure to be used for an individual
28 storage for equipment and machinery for Koger Farms.

1 The structure will be similar in appearance to a pole
2 barn and will be accessed via 24-foot wide concrete or
3 asphalt drive.

4 Other properties in the area are mixed
5 agricultural and single-family residential uses with
6 R1-A Single-Family Residential, B-4 General Business
7 and A-U Urban Agriculture zoning.

8 The use is not required to provide any
9 parking; however, the Board may require additional
10 parking as it sees fit. The applicant is required to
11 provide several forms of landscaping including a
12 3-foot tall continuous element with one tree per
13 40-feet for vehicular use areas where adjoins public
14 right-of-way or residential zoning. A 10-foot wide
15 landscape easement consisting of an 8-foot tall solid
16 wall or fence within 1 tree per 40-linear feet where
17 it adjoins residential zoned property to the south and
18 west, and an 8-foot tall solid wall or fence where it
19 adjoins property to the east.

20 The applicant is seeking a variance from the
21 required landscaping easement and fencing, but will
22 provide all other required landscaping.

23 There are several criteria including
24 additional screening and setback requirements that
25 apply specifically to conditionally permitted

1 individual storage structures.

2 The applicant is requesting several variance
3 criteria including a variance to reduce the required
4 rear building setback from 25-feet to 10-feet where
5 the property adjoins residential zoning to the rear.
6 A variance to allow a maximum structure height of 24
7 feet and a variance to eliminate the required 8-foot
8 tall solid wall or fence along the eastern property
9 line.

10 All other ordinance criterias will be met.

11 If approved Staff recommends the following
12 Special Conditions:

13 1. Obtain approval of a site plan or final
14 development plan;

15 2. No outdoor storage shall be permitted;
16 and,

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

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

22 CHAIRMAN: Thank you.

23 Is there someone here representing the
24 applicant?

25 MS. KNIGHT: Please state your name for the

1 record.

2 MR. MEYER: J.D. Meyer.

3 MS. KNIGHT: Mr. Meyer, you're sworn as an
4 attorney.

5 MR. MEYER: Ms. Dixon and Members of the
6 Board, my name is J.D. Meyer. I represent Koger Farms
7 in this matter.

8 I take it that we're just considering the
9 Conditional Use Permit at this time?

10 CHAIRMAN: That's correct.

11 MR. MEYER: As was stated by Mr. Crum, the
12 intent is to construct a storage facility for personal
13 use by Koger Farms to store farm equipment, tractors,
14 machinery, seeders, and things of that nature on the
15 property.

16 The conditions that have been imposed as set
17 forth in the requirements plan to meet all the
18 requirements of the zoning ordinance except for those
19 that we specifically requested the variance on. I'll
20 address those other variances when he get to those
21 items. If the board has any questions, I just want to
22 let you know I'm here along with Mr. Koger who is a
23 representative of Koger Farms.

24 CHAIRMAN: Is there anyone in the audience
25 that has any questions of Mr. Meyer or Mr. Koger?

1 (NO RESPONSE)

2 CHAIRMAN: Any members of the Board?

3 (NO RESPONSE)

4 CHAIRMAN: Are we ready for a motion?

5 Somebody is going to have to speak.

6 Mr. Jean.

7 MR. JEAN: I would like to make a motion that
8 we approve this Conditional Use Permit based on the
9 Staff Report, the site visit, testimony heard this
10 evening, with all zoning ordinance requirements, the
11 three special conditions with findings of fact such a
12 use is conditionally permitted in a B-4 General
13 Business classification zone area, it is compatible
14 with the area as there are other similar buildings in
15 the neighborhood and it will have very little impact
16 on the traffic on Hill Bridge Road.

17 CHAIRMAN: We have a motion by Mr. Jean. Do
18 we have a second?

19 MR. REEVES: Second.

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

22 (NO RESPONSE)

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

25 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

1 CHAIRMAN: Motion carries unanimously.

2 Next item, Mr. Howard.

3 Related Items

4 ITEM 2A

5 240 Hill Bridge Road, zoned B-4 General Business
6 Consider a request for a Variance in order to reduce
7 the rear building setback for a conditionally
8 permitted individual storage building from 25-foot
9 from the adjoining residential zone to 10-feet from
10 the adjoining residential zone.

11 References: Zoning Ordinance Article 8,
12 Section 8.2L7/48

13 Applicant: Koger Farms, LLC

14 MR. CRUM: As Staff is recommending denial of
15 this request, we will be reading the Staff Report
16 verbatim.

17 Special Circumstances? Are there special
18 circumstances that do not generally apply to land in
19 the general vicinity, or in the same zone?

20 Staff finds "no."

21 The subject property is 0.391 acre vacant lot
22 located on Hill Bridge Road that is zoned B-4 General
23 Business.

24 As stated within the accompanying conditional
25 use permit request, the applicant is proposing to
construct a 24-foot tall individual storage structure
totaling 5,000 square-feet in size that will be used
to store equipment and machinery belonging to Koger
Farms. Several variances are requested in order to

1 develop the site as proposed.

2 The first requested variance is to reduce the
3 required rear building setback. When adjoining
4 residential zoning, all zones require a minimum of a
5 20-foot rear setback for principal structures.
6 Conditionally permitted individual storage buildings
7 have a rear building setback of 25-feet in situations
8 where they adjoin residential zone. The applicant is
9 requesting a variance to reduce the rear building
10 setback to 10-feet from the rear property line along
11 the southern boundary where adjoining a residential
12 zone.

13 The applicant claims that this variance is
14 necessary because their ability to develop the
15 property is limited by an existing utility pole
16 located near the front of the property. This utility
17 pole is located near the mid-point of the road
18 frontage of the property, and features a guide wire
19 located approximately 40-feet from the centerline of
20 Hill Bridge Road (approximately 10-feet into the
21 subject property, based on GIS imagery). The
22 applicant contends that the structure needs to be
23 located within the required 25-foot rear building
24 setback in order to maneuver equipment and vehicles
25 without damaging or removing the utility pole and

1 guide wire.

2 However, based on the submitted site plan, it
3 appears that there is sufficient space to develop the
4 subject property as illustrated while meeting
5 ordinance requirements. By shifting the 3-foot wide
6 vehicular use area landscaping buffer and 24-foot wide
7 access drive just outside of the guide wire, it
8 appears there is sufficient space to construct the
9 building at the proposed size, maintain the current
10 access drive width and configuration, and accommodate
11 all required landscaping areas while meeting all
12 setback requirements. It appears, that shifting the
13 site layout in such a manner would result in
14 approximately 30-feet of space to the rear, more than
15 sufficient to accommodate the 25-foot rear setback
16 required by ordinance.

17 The impact of the proposed rear building
18 setback on the adjacent property may be partially
19 mitigated by the 8-foot tall solid fencing and trees
20 required within the rear landscaping easement, which
21 should eventually grow and develop into an effective
22 screening element. While the structure is proposed to
23 be closer to the rear property line than is permitted
24 in any zone when adjoining residential zoning, the
25 proposed structure will be able to maintain at least

1 20-feet of distance to the nearest residential
2 structure. Despite the minimal risk to public health
3 or safety with this request there is still no hardship
4 that is preventing the applicant from meeting the full
5 rear setback requirement, and all other properties in
6 the vicinity appear to comply with rear building
7 setback requirements.

8 The requested variance may adversely affect
9 the public health, safety or welfare because the
10 requested 10-foot rear setback is closer than any zone
11 would allow for a principal structure when adjoining
12 residential zone. Granting this variance may alter
13 the essential character of the general vicinity
14 because other properties in the vicinity appear to
15 comply with required rear building setbacks. It may
16 not cause a hazard or a nuisance to the public because
17 as the required trees within the rear 10-foot wide
18 landscaping easement grow, they should develop into
19 effective screening element for the structure. It
20 will allow an unreasonable circumvention of the
21 requirements of the zoning regulations because there
22 is sufficient space on the property to meet all
23 required setbacks while maintaining the same structure
24 size and access configuration.

25 Would strict application of the regulations

1 deprive the applicant of the reasonable use of the
2 land, or create an unnecessary hardship on the
3 applicant?

4 Staff finds "no."

5 If the application were denied, the applicant
6 could move the structure, vehicular use area, and
7 landscaping farther forward in order to comply with
8 all required setbacks.

9 Are the circumstance from which relief is
10 sought a result of the applicant's actions taken after
11 adoption of the zoning regulations?

12 Staff finds "no."

13 Staff finds that granting this variance may
14 adversely affect the public health, safety or welfare
15 because the requested 10-foot rear setback is closer
16 than any zone would allow for a principal structure
17 when adjoining a residential zone;

18 It may alter the essential character of the
19 general vicinity because other properties in the
20 vicinity appear to comply with required rear building
21 setbacks;

22 It may not cause a hazard or a nuisance to the
23 public because as the required trees within the rear
24 10-foot wide landscaping easement grow, they should
25 develop into an effective screening element for the

1 structure; and,

2 It will allow an unreasonable circumvention of
3 the requirements of the zoning regulations because
4 there is sufficient space on the property to meet all
5 required setbacks while maintaining the same structure
6 size and access configuration.

7 Staff recommends denial and would like to
8 enter the Staff Report into the record as Exhibit B.

9 CHAIRMAN: Thank you.

10 Mr. Meyer, are you wanting to address this
11 item?

12 MR. MEYER: Yes.

13 We understand that the Staff has recommended
14 denial of this requested Variance; however, there are
15 a few things that I would like to point out.

16 I believe that the -- the main reason and the
17 purpose for the requested variance to have only a
18 10-foot setback on the southern boundary has to do
19 with a guide wire. I believe the dimensions cited
20 from the GPS are inaccurate. The guide wire -- the
21 telephone pole is about 7 or 8-feet from the road, and
22 then the actual guide wire runs back a great distance.
23 So it's more like 20-feet according to our
24 calculations. By shifting, you can't really shift the
25 building around as Staff has understood or thought

1 because mainly the main entrance, the design of the
2 building is to have different bays for the different
3 pieces of equipment. As a result, we need the ability
4 to move on the proposed entrance, move around, get
5 semi trucks or other large pieces of equipment. And
6 to move it forward poses a danger and risk to anybody
7 operating that machinery, trying to utilize and access
8 the storage facility. There are no entrances on the
9 side is my understanding.

10 The guide wire does pose an issue. It does
11 pose an impediment and does prevent us from moving the
12 building forward, and that's why we requested it to be
13 placed where it is.

14 I have a signed statement from Linda Pogue,
15 who is the neighbor to the south. The statement,
16 which I'll read, just says, "I Linda Pogue approve the
17 setback of 10 feet off the property line located at
18 240 Hill Bridge Road, Utica, Kentucky north of my
19 property (226 Hill Bridge Road, Utica, Kentucky) for
20 the new storage building to be built by Koger Farm
21 Properties (Owners are Mike and Jason Koger)," and
22 signed by Linda Pogue. I can submit that along with a
23 copy of the site plan that you all have.

24 That's the basis and the reason behind the
25 request for the variance; is that where the guide wire

1 is located it does not actually allow us to move the
2 building forward. A 10-foot barrier in the back
3 allows for more room in the front. We don't think
4 it's going to impose an unreasonable danger to the
5 public. There will be a fence and other boundaries,
6 set up between this lot and Ms. Pogue's lot behind and
7 to the south to provide appropriate buffers.

8 Again, this is individual storage unit. This
9 is an agricultural area. While there may be some
10 concentration in this area, the majority if you expand
11 out, this is on the Hill Bridge Road/Sutherland Road
12 kind of intersection by -- what's the name of that
13 school? Southern Oaks Elementary School, which is
14 little bit to the west. We don't believe that this
15 will impose any issues with the character of the land
16 or cause any hazard or nuisance to the public, and
17 we're not certainly trying to seek an unreasonable
18 circumvention of the zoning regulations or
19 requirements. It's all driven based on the location
20 of that utility pole which we obviously cannot move or
21 control.

22 CHAIRMAN: Did you want to introduce that in
23 the record?

24 MR. MEYER: I do. Do you want the copy or the
25 original?

1 MS. KNIGHT: Original.

2 CHAIRMAN: Is anyone else wishing to address
3 this item?

4 (NO RESPONSE)

5 CHAIRMAN: Board members, questions, comments?

6 (NO RESPONSE)

7 CHAIRMAN: We're ready for a motion.

8 Mr. Jean.

9 MR. JEAN: I would like to make a motion we
10 approve the request.

11 MR. BRIAN HOWARD: Mr. Jean, would you turn
12 your mike on, please?

13 MR. JEAN: I would like to make a motion we
14 approve this request with the findings that it may not
15 adversely affect the public health, safety or welfare
16 because the request 2-foot rear setback closer than
17 the zone would allow for principle structures from the
18 adjoining residential zone. It may not alter the
19 essential character of the vicinity because other
20 properties in the vicinity appear to comply with the
21 required building setbacks. It may not cause a
22 hazardous or nuisance to the public because the
23 required trees within the rear 10-foot wide
24 landscaping easement will grow. They should develop
25 into effective screening element for the structure.

1 It will not allow an unreasonable circumvention of the
2 requirements of the zoning regulations because there
3 is not sufficient space on the property to meet all
4 the requirements and setbacks and to move the
5 equipment while maintaining the same structure size as
6 assessed configuration.

7 CHAIRMAN: We have a motion by Mr. Jean. Do I
8 hear a second?

9 MR. ANDREW HOWARD: Second.

10 CHAIRMAN: Second by Andrew. Any question on
11 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 2B

19 240 Hill Bridge Road, zoned B-4 General Business
20 Consider a request for a Variance in order to increase
21 the maximum height of a conditionally permitted
22 self-storage building from 15-feet to 24-feet.
Reference: Zoning Ordinance Article 8,
Section 8.2L7/48
Applicant: Koger Farms, LLC

23 MR. CRUM: As stated in the previous Staff
24 Report, the applicant intends on establishing a
25 conditionally permitted individual storage use for

1 Koger Farms at this location.

2 In addition to the requested rear setback
3 variance detailed in the previous Staff Report, the
4 applicant is seeking a variance in order to increase
5 the maximum height of the structure from 15-feet to
6 24-feet in order to accommodate the larger equipment
7 being stored on site.

8 This property is located in an agricultural
9 area where large agricultural structures are common.
10 As such there are several structures in that vicinity
11 that exceed the proposed height. The 15-foot maximum
12 height is specific to conditionally permitted
13 individual storage uses, and as such other General
14 Business uses could build structures on site that
15 could significantly exceed the applicant's proposed
16 structure height.

17 The impact of the increased height may be
18 partially mitigated by the required tree planting
19 where the property adjoins residential zoning. Over
20 time these trees should grow and expand and form a
21 continuous screening element for adjacent residences.
22 The Board may also require any additional trees or
23 landscaping it deemed necessary to screen the area.

24 Staff finds that granting this variance will
25 not adversely affect the public health, safety or

1 welfare because the property's B-4 General Business
2 zoning could permit significantly taller structures
3 than the applicant's requested 24-foot structure.
4 Granting this variance will not alter the essential
5 character of the general vicinity because there are
6 several structures in the immediate vicinity that
7 appear to be taller than the proposed structure. It
8 may not cause a hazard or a nuisance to the public
9 because over time the required trees along the shared
10 boundary with the residential uses should grow to
11 become effective screen for the taller structure. It
12 will not allow an unreasonable circumvention of the
13 requirements of the zoning regulations because most
14 B-4 General Business uses do not have a maximum height
15 requirement.

16 Staff recommends approval subject to the
17 following Conditions:

- 18 1. Obtain approval of a site plan or final
19 development plan;
- 20 2. No outdoor storage shall be permitted;
- 21 and,
- 22 3. 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 record as Exhibit C.

2 CHAIRMAN: Thank you.

3 Does anyone have any questions or comments on
4 this item?

5 MR. MEYER: I agree with what he said.

6 CHAIRMAN: I thought so.

7 Board members?

8 (NO RESPONSE)

9 CHAIRMAN: Ready for a motion.

10 Tori.

11 MS. THOMPSON: I would like to make a motion
12 to approve based on the four findings and the three
13 conditions that are recommend by the Staff.

14 CHAIRMAN: Do we have a second?

15 MR. ANDREW HOWARD: Second.

16 CHAIRMAN: Any question 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 ITEM 2C

24 240 Hill Bridge Road, zoned B-4 General Business
25 Consider a request for a Variance in order to
 eliminate 8-foot tall solid wall or fence along the
 eastern property line.

1 Reference: Zoning Ordinance Article 8, Section
 8.2L7/48
2 Applicant: Koger Farms, LLC

3 MR. CRUM: As stated in the previous Staff
4 Reports, the applicant intends to establish a
5 conditional permitted individual storage use for Koger
6 Farms at this location.

7 In addition to the requested rear setback and
8 height variances detailed in the previous request, the
9 applicant is also seeking a variance to eliminate the
10 required 8-foot tall solid fence or wall along the
11 eastern property line. There is an existing ditch and
12 several trees located along the eastern property line
13 that the applicant contends makes installing the
14 required wall or fence difficult in this area. The
15 adjacent property to the east is a large agricultural
16 parcel that is over 25 acres in size.

17 Typically, when most B-4 uses are not required
18 to provide any form of perimeter screening where they
19 adjoin agriculture parcels over 10 acres in size.
20 However, the specific ordinance requirement for
21 conditionally permitted individuals storage uses
22 require an 8-foot tall solid fence in this instance.

23 Staff finds the variance may not adversely
24 affect the public health, safety or welfare because
25 while the applicant is not proposing to provide the

1 required 8-foot tall solid wall or fence along the
2 eastern property line, they will still provide the
3 required landscaping around the eastern portion of the
4 site's vehicular use area to help screen view of the
5 use from the adjacent property.

6 It may not alter the essential character of
7 the general vicinity because the existing vegetation
8 and trees along the eastern property line will still
9 provide some screening for the use.

10 It will not cause a hazard or a nuisance to
11 the public because the adjoining property is a large
12 agricultural parcel that will be minimally impacted by
13 the lack of the 8-foot tall solid wall or fence.

14 It will not allow an unreasonable
15 circumvention of the requirements of the zoning
16 regulation because under normal circumstances, no form
17 of perimeter screening is required when most other B-4
18 uses adjoin large agricultural tracts that are over 10
19 acres in size.

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. No outdoor storage shall be permitted;
- 25 3. Obtain all necessary building, electrical

1 and HVAC permits, inspections and certificates of
2 occupancy and compliance.

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

5 CHAIRMAN: Thank you.

6 Any question on this item?

7 (NO RESPONSE)

8 CHAIRMAN: I'm assuming you agree with
9 everything he said?

10 MR. MEYER: Yes, ma'am. You read my mind.

11 CHAIRMAN: Anyone else in the audience have
12 any comments or question on this?

13 (NO RESPONSE)

14 CHAIRMAN: Board?

15 (NO RESPONSE)

16 CHAIRMAN: Let's have a motion.

17 Fred.

18 MR. REEVES: Motion to approve this variance
19 application based on the Staff's Findings of Fact 1
20 through 4, the Staff's recommendation and the
21 testimony heard this evening in the room.

22 MS. THOMPSON: Second.

23 CHAIRMAN: We have a motion and a second. Is
24 there a question on the motion?

25 (NO RESPONSE)

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Next item.

5 ITEM 3

6 9421 McCamish Road, zoned A-R Rural Agriculture
7 Consider a request for a Conditional Use Permit in
8 order to utilize a detached structure on the subject
9 property for storage in conjunction with a Home
10 Occupation and to allow employees on-site.
References: Zoning Ordinance Article 8,
Section 8.2D5a
Applicant: Nona Sumner and Eric Sumner

11 MR. CRUM: The subject property is a 1.06 acre
12 rural residential parcel that is zoned A-R Rural
13 Agriculture and is surrounded by other agriculturally
14 zoned properties.

15 The applicants wish to establish an HVAC home
16 occupation at this location and intends to construct a
17 576-square-foot detached structure to store equipment
18 and supplies.

19 As proposed, the structure will be strictly
20 used for storage of HVAC equipment and machinery, with
21 no other business activity taking place within the
22 proposed structure and no outdoor storage proposed.
23 The storage structure will only be utilized during
24 business hours which are typically 8 a.m. to 5:00 p.m.
25 Monday through Friday. Currently, the applicant's

1 business does not have any non-resident employees;
2 however, they are seeking approval to allow
3 non-resident employee traffic to the site in the event
4 that they hire additional employees in the future.

5 Shop of Special Trades are required to provide
6 one parking space for every 600-square-feet of use
7 with one space for each vehicle owned or operated by
8 the use. Based on the size of the structure and one
9 proposed company vehicle, two spaces are required for
10 the use, and two spaces are required for the
11 residence. Based on the submitted site plan there is
12 sufficient space to accommodate the four total
13 required parking spaces within the home's existing
14 gravel parking area.

15 Due to the location of the use and surrounding
16 agricultural zoning, no landscaping is required;
17 however, the Board may require additional landscaping
18 as they deem necessary.

19 There are several specific ordinance
20 requirements that pertain to Conditionally Permitted
21 Home Occupations. The application is seeking a waiver
22 to allow the use of structures that exceed
23 400-square-feet, but meets all other ordinance
24 requirements.

25 If approved, Staff recommends the following

1 Special Conditions:

2 1. Limit the number of non-resident employees
3 permitted on-site, as well as the hours of operation
4 of the use;

5 2. No outdoor storage shall be permitted;

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

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

11 CHAIRMAN: Is there anyone here representing
12 this item?

13 MR. SUMNER: We are owners.

14 CHAIRMAN: Does anybody in the audience have
15 any questions on this item?

16 (NO RESPONSE)

17 CHAIRMAN: Anyone on the board have questions?

18 MR. JEAN: I have a question of the applicant?

19 CHAIRMAN: One of you are going to need to
20 come to the podium and be sworn in.

21 MS. KNIGHT: Go ahead and state your name,
22 please.

23 MR. SUMNER: Eric Sumner.

24 (ERIC SUMNER SWORN BY ATTORNEY.)

25 MR. JEAN: Are your hours of operation going

1 to be from 8 to 5?

2 MR. SUMNER: My hours of operation using that
3 facility I guess could be at any time. I run calls
4 throughout the evening sometimes. I never know. So I
5 might have to go pick parts out of the building here
6 and there, but as far as traffic from the employee or
7 anything like that, it would be strictly 8 to 5.

8 MR. JEAN: Do you plan on having employees?

9 MR. SUMNER: In the future, yes; probably in
10 the beginning of next year.

11 MR. JEAN: How many?

12 MR. SUMNER: One.

13 MR. JEAN: You will be operating Monday
14 through Friday?

15 MR. SUMNER: Yes, sir.

16 MR. JEAN: That's all the questions I have.

17 CHAIRMAN: Any other questions?

18 (NO RESPONSE)

19 CHAIRMAN: Are we ready for a motion?

20 Mr. Jean.

21 MR. JEAN: I would like to make a motion we
22 approve this Conditional Use Permit based on the Staff
23 Report, the site visit and the testimony heard here
24 this evening with the waiver, with the zoning
25 ordinance requirements, with the three conditions;

1 limit the number on-site employees to one, and hours
2 of operation from 8 to 5 Monday through Friday. No
3 outdoor storage will be permitted, and obtain all
4 necessary building, electrical, HVAC permits and
5 certificates, with the finding of fact that such a use
6 is conditionally permitted in an A-R Rural
7 Agricultural zone by Zoning Ordinance 8, Section
8 8.2D5a. It is compatible with the area as there are
9 other similar buildings in the neighborhood. It will
10 have very little impact on traffic on this road.

11 CHAIRMAN: We have a motion. Do I have a
12 second?

13 MS. THOMPSON: Second.

14 CHAIRMAN: Second by Tori. Any question on
15 the motion?

16 (NO RESPONSE)

17 CHAIRMAN: All in favor raise your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries.

20 Next item, Mr. Howard.

21 ITEM 4

22 2420 West 4th Street, zoned B-4 General Business
23 Consider a request for a Conditional Use Permit in
24 order to operate a group home for women and children.
25 Reference: Zoning Ordinance Article 8,
26 Section 8.2A7/6a

27 MR. CRUM: The subject property is a 0.299

1 acre lot that is zoned B-4 General Business and is
2 located near the intersection of West Fourth Street
3 and Jed Place.

4 While the property has a West Fourth Street
5 address, it does not have direct access to West Fourth
6 Street. Instead is serviced by a 15-foot wide private
7 service drive that runs parallel to West Fourth Street
8 and functions as an alley. The applicant intends to
9 convert the vacant church at this location into a
10 16-bed group home for women and children.

11 The areas to the north, east and west of the
12 subject property are zoned B-4 General Business and
13 consist of a mix of commercial uses, a vacant lot and
14 single-family residential homes. The properties to
15 the south are zoned R-1C Single-Family Residential and
16 contain residential uses.

17 The use is required to provide five parking
18 spaces, plus one space for every five beds for a total
19 of 8 required spaces.

20 The site plan included with the request shows
21 the applicant removing nonconforming parking areas,
22 restructuring the lot and installing new concrete or
23 asphalt parking spaces that back out into the drive.
24 The site plan indicates that all required parking
25 spaces have been provided.

1 The use is required to provide landscaping
2 consisting of a 3-foot-tall continuous element with 1
3 tree per 40-feet where vehicular area adjoins public
4 right-of-way or residential zoning. The use is also
5 required to provide a 10-foot-wide landscape easement
6 consisting of a 6-foot-tall solid element with one
7 tree per 40-linear-feet where it adjoins residential
8 zoning to the south.

9 The site plan submitted with the request
10 indicates that all landscaping requirements have been
11 met.

12 Group Home Uses also have a number of specific
13 zoning criteria that are detailed by Staff Report.
14 All of these criteria have been met.

15 Should the Board move to approve the request,
16 Staff recommends the following Special Conditions:

- 17 1. Obtain approval of site plan or final
18 development plan;
- 19 2. Obtain all necessary building, electrical
20 and mechanical permits, inspections and certificates
21 of occupancy and compliance.

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

24 CHAIRMAN: Is there anyone in the audience
25 that has a comment or a question?

1 (NO RESPONSE)

2 CHAIRMAN: Do you have any comments on this?

3 APPLICANT REP: No. I thought you were going

4 to ask if I was here to represent?

5 CHAIRMAN: Any board member have questions?

6 MR. REEVES: I have a question.

7 MS. KNIGHT: State your name, please.

8 MS. WELSH: Angel Welsh.

9 MR. REEVES: Is this group home for profit or

10 nonprofit?

11 MS. WELSH: It's for nonprofit.

12 CHAIRMAN: Anybody else have questions?

13 (NO RESPONSE)

14 CHAIRMAN: I'll entertain a motion.

15 Tori.

16 MS. THOMPSON: I'll make a motion to approve

17 based on the fact that all the requirements have been

18 met for the group home requirements, and then as long

19 and the two special conditions are met.

20 CHAIRMAN: We have a motion. Do I have a

21 second?

22 MR. REEVES: Second.

23 CHAIRMAN: Second by Mr. Reeves. Any question

24 on the motion?

25 (NO RESPONSE)

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

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 CHAIRMAN: Motion carries unanimously.

5 Next item, Mr. Howard.

6 MR. HOWARD: Under the Variance, Item Number 5
7 is 2024 Highway 81. This item was postponed from the
8 September 2, 2021. They requested that this item be
9 posted again. So you'll need to take action to
10 postpone again.

11 CHAIRMAN: Do I have a motion to postpone?

12 MR. REEVES: Motion to postpone.

13 MR. JEAN: Second.

14 CHAIRMAN: Motion by Mr. Reeves. Second by
15 Mr. Jean. Any question on the motion?

16 (NO RESPONSE)

17 CHAIRMAN: All in favor raises your right hand.

18 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

19 CHAIRMAN: Motion carries unanimously.

20 We need one more motion.

21 MR. HOWARD: I'll make a quick announcement.
22 Daniel Crum who presented our Staff Reports tonight,
23 just going to let the Board know that this is his last
24 meeting. He is from Lexington and a job opened up in
25 Lexington, which he has accepted and tomorrow is

1 actually his last day. This will be the last meeting
2 for Daniel here at the Board of Adjustment. I just
3 wanted to make that announcement.

4 CHAIRMAN: Now we need one more motion.

5 MR. ANDREW HOWARD: Motion to adjourn.

6 MS. THOMPSON: Second.

7 CHAIRMAN: All in favor raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 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 32
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 November, 2021.

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

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COMMISSION EXPIRES: DECEMBER 16, 2022

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COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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