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OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

FEBRUARY 10, 2022

The Owensboro Metropolitan Planning Board of Adjustment met in regular session at 4:30 p.m. on Thursday, February 10, 2022, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

- MEMBERS PRESENT: Judy Dixon, Chairman
- Fred Reeves, Vice-Chair
- Melissa Evans
- Terra Knight, Attorney
- Ruth Ann Mason
- Bill Glenn
- Lewis Jean
- Tori Thompson

\* \* \* \* \*

CHAIRMAN: We will call the Owensboro Metropolitan Board of Adjustment meeting of February 10, 2022 to order. At this time we're going to stand and I'll say the prayer and the pledge.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN: First thing we'll consider is the minutes. Everyone should have a copy and have had time to look at them. So I'll entertain a motion to dispose of the minutes.

MR. GLENN: Motion to approve.

CHAIRMAN: We have a motion by Mr. Glenn.

MS. MASON: Second.

1           CHAIRMAN: Second by Ruth Ann. 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 is the election of  
6 officers.

7           MS. KNIGHT: I'll take it from here, Madam  
8 Chair.

9           For all of you who haven't done this yet,  
10 which I think all of you have, but KRS 100 requires  
11 that we have elections every year. Our bylaws states  
12 that we have them the first meeting of every year.  
13 This is the first time we've been able to meet this  
14 year so we'll do that now.

15           We vote for Chair, Vice Chair and a  
16 secretary/treasurer, and we always vote by show of  
17 hands so that's what we'll do tonight.

18           At this time I open the floor for nomination  
19 for Chair.

20           MR. JEAN: I would like to nominate Judy Dixon  
21 for Chair.

22           MS. KNIGHT: Is there a second to that  
23 nomination?

24           MS. MASON: I'll second that.

25           MS. KNIGHT: Ms. Dixon, do you accept the

1 nomination?

2 MS. DIXON: I do.

3 MS. KNIGHT: Are there any other nominations  
4 for Chair?

5 (NO RESPONSE)

6 MS. KNIGHT: Hearing none we'll close the  
7 floor and take a vote. All in favor of Ms. Judy Dixon  
8 please signify by raising their right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 MS. KNIGHT: It's unanimous.

11 Congratulations, Ms. Dixon.

12 Now I'll open the floor for nomination of Vice  
13 Chair.

14 MS. MASON: I nominate Fred Reeves.

15 MS. KNIGHT: Is there a second to that  
16 nomination?

17 MR. GLENN: I'll second it.

18 MS. KNIGHT: Mr. Reeves isn't here, but I  
19 guess you all feel comfortable that he is willing to  
20 accept that?

21 MR. GLENN: Yes.

22 MS. KNIGHT: Are there any other nominations  
23 for Vice Chair?

24 (NO RESPONSE)

25 MS. KNIGHT: Hearing none we'll vote. All in

1 favor of Mr. Reeves as vice chair please raise your  
2 right hand.

3 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

4 MS. KNIGHT: It's unanimous.

5 Now I'll open the floor for  
6 secretary/treasurer.

7 MS. DIXON: I nominate Ruth Ann Mason.

8 MS. KNIGHT: Is there a second?

9 MS. THOMPSON: I'll second it.

10 MS. KNIGHT: Ms. Mason, do you accept that  
11 nomination?

12 MS. MASON: I do.

13 MS. KNIGHT: Any other nominations for  
14 secretary/treasurer?

15 (NO RESPONSE)

16 MS. KNIGHT: Hearing none we'll vote. All in  
17 favor of Ms. Mason as secretary/treasurer please raise  
18 your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 MS. KNIGHT: It's unanimous.

21 I'll turn the floor over to you, Madam Chair.

22 -----

23 CONDITIONAL USE PERMITS

24 ITEM 3

25 104, 112 & 120 East 4th Street, 109 East 5th Street,  
and 419, 421, 423 & 429 Allen Street, zoned B-2

1 Central Business District, Downtown Transition Overlay  
District  
2 Consider request for a Conditional Use Permit in order  
to operate a rehabilitation and housing facility.  
3 References: Zoning Ordinance, Article 21,  
Section 21.7(C)(1)  
4 Applicant: Owensboro Area Shelter and Information  
Services, Inc.; Fourth & Allen, LLC  
5

6 MS. MASON: Madam Chairman, I need to recuse  
7 myself from this item.

8 CHAIRMAN: So noted.

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

11 MR. PEDLEY: Trey Pedley.

12 (TREY PEDLEY SWORN BY ATTORNEY.)

13 MR. PEDLEY: The subject properties make up  
14 eight lots that are zoned B-2 Central Business  
15 District and are located within the Downtown  
16 Transition Character District.

17 All surrounding properties are also zoned B-2  
18 or R-4DT Inner-City Residential and consist of  
19 residential properties, a series of office uses,  
20 existing parking lots, and churches.

21 On the subject properties, the applicant  
22 proposes to operate a rehabilitation and housing  
23 facility with 12 residential apartments. The only  
24 planned changes to the site layout include the closure  
25 of existing access points, the construction of a

1 playground, and re-configuration of the parking lot.

2 For this use the zoning ordinance requires 12  
3 parking spaces. The properties currently have  
4 approximately 33 parking spaces on-site. The zoning  
5 ordinance will also require a 4-foot tall street  
6 screen where the vehicular use area adjoins public  
7 right-of-way.

8 If approved, special conditions should  
9 include:

- 10 1. Approval of a Final Development Plan; and,  
11 2. Obtain all necessary building, electrical,  
12 and HVAC permits, inspections, and certificates of  
13 occupancy and compliance.

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

16 (MR. FRED REEVES JOINS MEETING AT THIS TIME.)

17 CHAIRMAN: Thank you, Trey.

18 Is there someone here representing the  
19 applicant?

20 MS. ROBINSON: Yes.

21 MS. KNIGHT: State your name, please.

22 MS. ROBINSON: Andrea Robinson.

23 MS. KNIGHT: Are you an attorney?

24 MS. ROBINSON: I am not.

25 (ANDREA ROBINSON SWORN BY ATTORNEY.)

1           CHAIRMAN: Can you give us a little background  
2 on this project besides what has been read into the  
3 record?

4           MS. ROBINSON: Yes. We are a victim service  
5 provider required to operate through the State of  
6 Kentucky. This property will provide safe housing,  
7 rehabilitation and transitional housing for victims of  
8 crimes on a short-term basis as we help them  
9 transition back into self-sufficiency.

10          CHAIRMAN: Is there anyone in the audience  
11 that has questions of the applicant?

12          Mr. Edge.

13          MS. KNIGHT: If you could state your full  
14 name, please.

15          MR. EDGE: John Edge.

16          (JOHN EDGE SWORN BY ATTORNEY.)

17          MR. EDGE: I just had some questions as to, is  
18 Oasis owning the property or are you buying the  
19 property or leasing the property?

20          CHAIRMAN: Mr. Edge, can you direct your  
21 questions to me and then I will get the answers.

22          MR. EDGE: All right. Thank you.

23          Is Oasis buying the property or are they  
24 leasing the property?

25          MS. ROBINSON: We will be purchasing.

1 CHAIRMAN: And Oasis is moving?

2 MS. ROBINSON: Correct.

3 MR. EDGE: Is this change, would it be only  
4 for Oasis? In other words, if some sort of rehab  
5 facility or something bought it from Oasis later on,  
6 would we have an opportunity to dispute that at some  
7 later point?

8 CHAIRMAN: They would have to apply for  
9 another conditional use permit if somebody else bought  
10 it, would they not?

11 MS. EVANS: Yes. This conditional use permit  
12 is specific to this use and the conditions that are  
13 laid out in this use as far as the number of beds, the  
14 number of residents. So any other facility that would  
15 move in there, unless they operated exactly like this,  
16 with the same number of residential units or number  
17 the beds, they would have to seek a new conditional  
18 use permit.

19 MR. EDGE: Okay. Is there a plan that we can  
20 look at that shows what their plans are? All we  
21 received was the notice.

22 By the way, I'm a member of Settle Memorial  
23 Methodist is my interest here.

24 MS. EVANS: So the plan that's on the screen I  
25 believe is their plan. The only new construction that



1 I'm aware of, and you can correct me if I'm wrong, is  
2 the addition of that playground that's shown, the  
3 stripped area in the middle of the parking lot.  
4 They're going to utilize the existing buildings that  
5 are there. There will be some renovations to the  
6 interior of the buildings. There will be some access  
7 points that are blocked off and additional landscaping  
8 installed per ordinance requirements, but I don't  
9 believe there will be any new construction of any  
10 structures on the property besides that playground.

11 MS. ROBINSON: That's correct.

12 MR. EDGE: Will there be any fencing in the  
13 northeast corner, I call it the pergola tract, the  
14 tract that is in grass now that has the one, the  
15 pergola on it.

16 MS. ROBINSON: At this time, no. We intend to  
17 allow that to still be used at this time, you know.  
18 We would come back to request a different permit. At  
19 this time we would intend for that to still be able to  
20 be used by the state.

21 MR. EDGE: Settle uses it for their Easter egg  
22 occasionally. Would we need a permit?

23 MS. ROBINSON: No. You know, if it's approved  
24 then let's communicate and we would love to partner in  
25 any way we could.

1           MR. EDGE: We want to be good neighbors. I  
2 think that will work. Thank you.

3           CHAIRMAN: Anyone else have questions,  
4 comments, concerns?

5           (NO RESPONSE)

6           CHAIRMAN: Any board members have questions or  
7 concerns?

8           MR. GLENN: I have one question.

9           If this is -- I'm familiar with Oasis so I'm  
10 assuming that it will be operated like the present  
11 one. Is some type of supervision there?

12          MS. ROBINSON: 24-hours a day.

13          MR. GLENN: That's all I wanted to know.

14          CHAIRMAN: Mr. Reeves.

15          MR. REEVES: My question is, and I have a  
16 similar question about another one of these of what I  
17 call them shelters. I think it was the last meeting  
18 or the meeting before last.

19                 Will you be able to have more individuals than  
20 you'll serve in this location than where you  
21 previously are?

22          MS. ROBINSON: We have approximately the same  
23 number, but one of the differences is that the shelter  
24 will now be able to operate as non-COVID shelter in  
25 response to COVID-19. So the actual apartments will

1 be used as spaces. The number of beds for clients  
2 will be the same or fewer.

3 MR. REEVES: Because I've mentioned, I have a  
4 real concern about us having so many of these shelters  
5 in our community that we become a place where  
6 Hopkinsville and Central City, Paducah, whoever else  
7 sends their people because they have space up there.  
8 I will be opposed to this.

9 MS. ROBINSON: We'll operate the same way that  
10 we have to this point. As I did mention, we are  
11 required by KRS statute to operate within the  
12 community, but we also are here to serve our  
13 community. We have a small number, very, very small  
14 number of people that come from outside of the  
15 community. This would primarily serve Daviess County.

16 CHAIRMAN: It's not a duplication. It's a  
17 replacement for Oasis?

18 MS. ROBINSON: Yes. Just a new location.

19 CHAIRMAN: Anybody else have questions?

20 (NO RESPONSE)

21 CHAIRMAN: Anybody else in the audience have  
22 questions or concerns?

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

25 MRS. EDGE: Cheryl Edge.

1 (CHERYL EDGE SWORN BY ATTORNEY.

2 MRS. EDGE: I just have a question really  
3 about the conditional use. I know that I have had  
4 other situations where let's say it was conditionally  
5 used for preschool. So a preschool could go in,  
6 correct, if it went in and did the same thing. So  
7 this is used as a shelter where we're all very  
8 supportive of Oasis. It's an amazing organization.  
9 However, one of the things is if somebody comes in and  
10 says, I'm a shelter, it may be a halfway house. I'm  
11 just trying to think of things that -- do they still  
12 have to come and request a conditional use permit? I  
13 know they have to be exactly the same amount of beds  
14 and all that kind of stuff. There is quite a need for  
15 that as well. I'm just curious. This should be  
16 long-term. I assume long-term situation hopefully.  
17 Does that make sense what I'm asking?

18 MS. EVANS: It does, yes. You can correct me  
19 if I'm wrong, but Board could place conditions, that's  
20 what this board is for, that says that this is for  
21 this specific type of shelter for Oasis. If a  
22 different type of shelter, a halfway house or a  
23 recovery center other than the specific use of  
24 domestic violence came in there, then they would have  
25 to seek a new conditional use permit. So that would

1 be up to the board to place a condition like that on  
2 this application if they chose to do that.

3 MS. ROBINSON: Can I add one thing?

4 CHAIRMAN: Yes.

5 MS. ROBINSON: We are no longer a treatment  
6 facility as far as substance use. I know sometimes  
7 that might be a concern. We do partner with other  
8 mental health programs throughout the community, but  
9 where Oasis used to be a treatment facility  
10 specifically with mental health. We serve clients  
11 that have those needs, but we are not a treatment  
12 facility. So we're not operating as a rehab facility  
13 as far as substance abuse.

14 CHAIRMAN: It's mainly a place for domestic  
15 violence.

16 MS. ROBINSON: Yes. A safe place where people  
17 can come to escape violence and we can protect them  
18 and help them relocate or face whatever challenges.

19 CHAIRMAN: Thank you.

20 MRS. EDGE: I don't know if it's appropriate  
21 to request that. I think it would be nice for the  
22 folks to have an opportunity if another type of  
23 facility came in, that they would have an opportunity  
24 to discuss that to see if it fits the need at any  
25 particular time. I don't know how that happens or

1 goes about, but this would be something that as a  
2 community member that I would like to ask for, and I  
3 think some others might would too.

4 One of the questions that we did have is since  
5 they're not serving more beds, is there a reason for  
6 moving? Is the facility just not appropriate at the  
7 time or do they need more individual units to serve  
8 them, more of an apartment type?

9 MS. ROBINSON: We have been at our current  
10 location for 26 years. We received in June  
11 notification that our lease would not be renewed after  
12 26 years. So we did not have any control or recourse.  
13 We had to start searching for a new location.

14 MRS. EDGE: Thank you. That's all I have.  
15 Thank you.

16 CHAIRMAN: Mr. Reeves.

17 MR. REEVES: I have one more question.

18 Are there other agencies in the community  
19 providing the same services that you do?

20 MS. ROBINSON: No. We are the only -- each  
21 domestic violence program serves an area development  
22 district. So there's 15 programs across the state and  
23 we serve all of Green River.

24 MR. REEVES: That makes a different to me.

25 CHAIRMAN: Anyone else have comments,

1 criticisms, questions?

2 (NO RESPONSE)

3 CHAIRMAN: Anyone else on the Board have a  
4 question?

5 (NO RESPONSE)

6 CHAIRMAN: I'm ready for a motion.

7 MS. THOMPSON: I make a motion to approve as  
8 long as those special conditions are met and I would  
9 like to throw in a condition to where this is specific  
10 to Oasis.

11 MS. KNIGHT: Give some findings. May be  
12 integrated into the community.

13 MS. THOMPSON: I don't think it will be  
14 nuisance to the community. I think the community  
15 needs this, and no one else is providing the service.

16 CHAIRMAN: Is there a second?

17 MR. GLENN: Second.

18 CHAIRMAN: Second by Bill Glenn. Any question  
19 on the motion?

20 (NO RESPONSE)

21 CHAIRMAN: All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE, WITH  
23 RUTH ANN MASON RECUSING HERSELF.)

24 CHAIRMAN: Motion carries unanimously.

25 Next item.

1       ITEM 4

2       601 East 14th Street, zoned I-1 Light Industrial  
3       Consider request for a Conditional Use Permit in order  
4       to operate an indoor recreational activity at the  
5       subject property.

6       Reference: Zoning Ordinance, Article 8,  
7       Section 8.2B11/13

8       Applicant: Bryan Riney; Bryman, LLC

9               MR. PEDLEY: The subject property is a 0.3  
10       acre parcel that is zoned I-1 Light Industrial and is  
11       located at the intersection of Sweeney Street and East  
12       14th Street.

13               The subject property is a 0.3 acre parcel that  
14       is zoned I-1 Light Industrial and is located at the  
15       intersection of Sweeney Street and East 14th Street  
16       are also zoned I-1 and appear to be utilized  
17       appropriately. Those across East 14th Street consist  
18       of B-4 General Business and B-5 Business/Industrial  
19       zoning, and include an existing bowling alley.

20               The applicant intends to utilize the existing  
21       building to operate batting cages for baseball and  
22       softball with a maximum of 20 people sharing 4 batting  
23       cages. Based on the application and conversations  
24       between the applicant and the OMPC Staff, the proposed  
25       use shall require 11 parking spaces.

26               The existing parking lot contains 14-parking  
27       spaces and does not comply with various ordinance  
28       requirements, including landscaping. In order to



1 utilize this site in its current state, the applicant  
2 has applied for an Administrative Appeal which will be  
3 heard as a related item.

4 If the proposed Conditional Use Permit is  
5 approved, special conditions should include:

- 6 1. The use shall not exceed an occupancy of  
7 20 people unless an updated parking breakdown is  
8 submitted to the OMPC staff to ensure that the use  
9 complies with parking requirements;
- 10 2. Obtain approval of an Administrative  
11 Appeal or obtain approval of a Site Plan or Final  
12 Development Plan illustrating site improvements which  
13 will be bring the property into compliance with  
14 current regulations, in which case, all improvements  
15 shall be made prior to the issuance of a Certificate  
16 of Occupancy; and,
- 17 3. Obtain all necessary building, electrical,  
18 and HVAC permits, inspections, and certificates of  
19 occupancy and compliance.

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

22 CHAIRMAN: Thank you.

23 Is there someone here representing the  
24 applicant?

25 Would you come forward, please.

1 MS. KNIGHT: State your name for the record.

2 MR. RINEY: William Bryan Riney.

3 (WILLIAM BRYAN RINEY SWORN BY ATTORNEY.)

4 CHAIRMAN: Do you have anything you want to  
5 add to what has been read into the record, what  
6 Mr. Pedley has said?

7 MR. RINEY: No, I do not.

8 CHAIRMAN: Okay.

9 Is there anyone in the audience who has  
10 questions or comments about this particular item?

11 (NO RESPONSE)

12 CHAIRMAN: Anyone on the board?

13 (NO RESPONSE)

14 CHAIRMAN: I'll entertain a motion.

15 MR. GLENN: I make a motion to approve this  
16 Conditional Use Permit based on the information of  
17 what we've been presented and what we've heard. Also  
18 that they would complete the three special conditions  
19 or suggested conditions here. I don't think that it's  
20 going to be out of the way in that area. It's not  
21 going to affect the health or safety for sure, and  
22 it's not going to affect the character of that  
23 neighborhood. I visited that and I don't believe it  
24 will bother that or hurt that area.

25 CHAIRMAN: We have a motion by Mr. Glenn. I

1 need a second?

2 MS. THOMPSON: Second.

3 CHAIRMAN: Second by Tori. Any question on  
4 the motion?

5 (NO RESPONSE)

6 CHAIRMAN: All in favor raise your right hand.

7 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

8 CHAIRMAN: Motion carries unanimously.

9 Thank you, sir.

10 RELATED ITEM

11 ITEM 4A

12 601 East 14th Street, zoned I-1 Light Industrial  
13 Consider a request for an Administrative Appeal to  
14 change from one non-conforming use to another,  
15 specifically regarding the parking for an indoor  
16 recreational activity at the subject property.  
17 References: Zoning Ordinance, Article 4, Section 4.53  
18 Applicant: Bryan Riney; Bryman, LLC

19 MR. PEDLEY: This property was developed prior  
20 to the establishment of the zoning ordinance and, as a  
21 result, has several site features that do not comply  
22 with the current regulations. Such situations are not  
23 uncommon, but whenever a site changes use, progression  
24 towards compliance is often sought.

25 However, the site's existing restraints are  
preventing such improvements from being accomplished.  
As a result, the applicant has requested an  
Administrative Appeal seeking relaxations pertaining

1 to Traffic Flow, Access Management, Driveway Width,  
2 and Vehicular Use Area Screening.

3 A motion to approve the request will allow the  
4 applicant to utilize the site in its current state.  
5 If deemed necessary, the OMBA may place conditions on  
6 the request, requiring site improvements be made in  
7 conjunction with the change of use.

8 A motion to deny the request will prevent the  
9 applicant from using the property for the proposed use  
10 unless that site were developed in compliance with the  
11 current regulations.

12 If approved, special conditions should  
13 include:

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

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

19 CHAIRMAN: Thank you.

20 Is there anyone here wishing to address this?

21 MR. RINEY: What was that?

22 CHAIRMAN: Do you have anything to add?

23 MR. RINEY: No, not at all.

24 CHAIRMAN: Any board member or anybody in the  
25 audience have any comments?

1 (NO RESPONSE)

2 CHAIRMAN: Anybody on the board?

3 (NO RESPONSE)

4 CHAIRMAN: I'll entertain a motion.

5 MR. REEVES: Motion to approve this  
6 Administrative Appeal.

7 CHAIRMAN: We have a motion to approve the  
8 Administrative Appeal by Mr. Reeves.

9 MR. JEAN: Second.

10 CHAIRMAN: Second by Mr. Jean. All in favor  
11 of the motion raise your right hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 ITEM 5

15 6323 Highway 144, zoned A-R Rural Agricultural  
16 Consider request for a Conditional Use Permit in order  
17 to operate a dog grooming business as a home  
18 occupation from a detached structure.

19 Reference: Zoning Ordinance, Article 8,  
20 Section 8.2D5a

21 Applicant: Meghan Watson

22 MR. PEDLEY: The subject property is a 3.3  
23 acre residential parcel that is zoned A-R Rural  
24 Agriculture. All adjoining properties are zoned A-R  
25 or R-1A Single Family Residential and utilized  
appropriately with the exception of the adjoining  
property to the north, which is zoned P-1  
Professional/Service and utilized as an office.

1 The applicant intends to utilize 400 square feet of  
2 the existing 1200 square foot detached garage to  
3 operate a dog grooming business.

4 For this use and the existing single-family  
5 residence, the zoning ordinance requires a total of 3  
6 parking spaces. With two separate parking areas on  
7 site, the property easily complies with this  
8 requirement.

9 One of these parking areas is located to the  
10 south of the garage, running parallel to Highway 144.  
11 This parking area shall be screened from the Highway  
12 by a 3-foot tall continuous element plus 1 tree per  
13 40-linear feet.

14 If approved, suggested conditions include:

15 1. It is recommended that the OMBA,  
16 separately, limit the number of non-resident employees  
17 and the number of customers on-site at one time, as  
18 well as the number of pets on-site at one time;

19 2. It is recommended that the OMBA establish  
20 days and hours of operation;

21 3. The pet grooming business located within  
22 the detached garage shall not exceed the requested 400  
23 square feet;

24 4. No outdoor storage shall be permitted;  
25 and,

1           5. The applicant shall obtain all necessary  
2 building, electrical and HVAC permits, inspections and  
3 certificates of occupancy and compliance.

4           We would like enter the Staff Report into the  
5 record as Exhibit D.

6           CHAIRMAN: Thank you.

7           Is there anyone here wishing to speak on  
8 behalf of the applicant?

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

11          MS. WATSON: Meghan Watson.

12          (MEGHAN WATSON SWORN BY ATTORNEY.)

13          CHAIRMAN: Do you have anything to add to what  
14 Mr. Pedley has said?

15          MS. WATSON: So I owned my own business back  
16 home in Winchester, Kentucky. This was my dad's  
17 property. He suddenly passed away in October. So I  
18 moved. I'm hoping to move my grooming, because that's  
19 my passion, back home because I wanted to be near my  
20 sister and my niece. I don't know -- now, there I did  
21 one dog every like two hours. So there was always  
22 just one person there at a time. There was not like  
23 multiple people pulling in at one time. Here I don't  
24 know because it's an actual business. I haven't  
25 really sat down to see. I don't do more than five

1 dogs a day, but I don't know what your all's  
2 stipulations are and what you all recommend or if I  
3 can just do like four days a week and then do like 8  
4 to 5. I'm just wanting to do the same thing that I  
5 did back home. Since my Daddy passed away I wanted to  
6 be near my sister and my niece.

7 CHAIRMAN: Thank you.

8 Is there anyone here that has any comments on  
9 this particular item or concerns?

10 (NO RESPONSE)

11 CHAIRMAN: Anyone on the board?

12 MR. GLENN: I do.

13 CHAIRMAN: Mr. Glenn.

14 MR. GLENN: I want to address some of these  
15 questions or maybe possible stipulations about the  
16 number of pets that you might have on your site at one  
17 time. I heard you say that you wouldn't do but five  
18 pets in a day. So you could have up to five animals  
19 there at one time maybe?

20 MS. WATSON: No. I normally don't like to  
21 kennel the dogs. Back when I ran it out of my own  
22 home, like I said, I would have them drop off at like  
23 10 and then they'd pick up at 12. I only allot like  
24 two hours for one pet. That way there's not multiple  
25 pets still there waiting. Now, if someone had to go



1 to work or something like that, they could drop off  
2 and then pick up at lunch or on their way home, but I  
3 don't want a lot of pets, you know.

4 MR. GLENN: So you will have some kennelling  
5 there?

6 MS. WATSON: Yes. I'm going to have two  
7 kennels there in the facility just in case. But also  
8 too for a safety standard for the pets too, I'm going  
9 to have like if you walk through the door, there's  
10 going to be another area where there will be a gate  
11 where, you know, if there is a pet there and it's just  
12 standing around, it's not going to be able to run out  
13 because 144 is right there.

14 MR. GLENN: So will there be more employees  
15 other than you on site?

16 MS. WATSON: No. It's just me. Now, my  
17 husband every once in a while he would help me dry the  
18 dog, but no, I'm not going to be employing anyone.

19 MR. GLENN: And you intend to operate under  
20 what time frame; what days and what hours?

21 MS. WATSON: I'm hoping to do Wednesday  
22 through Saturday. I would like to do 8 to 5. Now,  
23 that's not saying that sometime I don't go over if  
24 there's a dog that needs more work or something like  
25 that. Sometimes it does run into maybe up to 7:00 or

1 something like that.

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

3 CHAIRMAN: Mr. Jean.

4 MR. JEAN: You don't think you'll ever have  
5 more than five a day?

6 MS. WATSON: No. Really that's all I can  
7 handle. You do more than that you kind of like  
8 over-exert yourself.

9 CHAIRMAN: Thank you.

10 Mr. Reeves.

11 MR. REEVES: Giving that you have people  
12 coming and going, sometimes it will be maybe husband  
13 and wife will drop the dog off, if you were allowed to  
14 have say four people on site at any one time, would  
15 that be sufficient do you think?

16 MS. WATSON: You mean parking?

17 MR. REEVES: No. No. For customers on site  
18 at any one time.

19 MS. WATSON: Oh, yes. If four of them showed  
20 up, hopefully that's not going to happen because I  
21 want, like the way that I did it at my house, I did it  
22 with time slots and it worked out really well. At any  
23 given time maybe there was two, three, you know, if  
24 they got into something and they had to run errands or  
25 something like that.

1 MR. REEVES: Okay.

2 CHAIRMAN: Anybody else have questions?

3 MS. MASON: I have a question about parking.

4 How many parking spaces are you going to have?

5 MS. WATSON: Well, it's a gravel driveway.

6 MS. MASON: I see that.

7 MS. WATSON: When you pull in, there is still  
8 an area over, there's an electric pole and then  
9 there's enough area for at least one vehicle to park,  
10 maybe two, but then when you pull in there's still  
11 area up here by the trailer on the right and the left.  
12 It's pretty large. You can still pull in.

13 MS. MASON: So you have enough park if someone  
14 is leaving and coming to drop their dog off?

15 MS. WATSON: Yes. Yes.

16 CHAIRMAN: Thank you.

17 Any other questions?

18 MS. THOMPSON: I have a question.

19 I know you said you intend to work Wednesday  
20 through Saturday. Could you possibly work Monday or  
21 Tuesday? I would hate to put a restriction on and  
22 then you actually work you Monday or Tuesday.

23 MS. WATSON: Right now I don't because I don't  
24 have any clientele here. I mean I used to live here  
25 so I haven't really -- I wanted to make sure that I

1       could get the use permit before I started putting the  
2       word out there in trying to get clientele. That I  
3       don't know because -- if I need to just set those  
4       days, I can, but you said you would put a restriction  
5       on it?

6               MS. THOMPSON: Well, not really a restriction,  
7       but I guess a limit.

8               MS. WATSON: I would not work more than five  
9       days in one week period. In the past -- this I want  
10       to work four days, but in the past, you know, I've  
11       been grooming for, I started out at Pet Smart. If you  
12       work yourself so much, you're going to get burned out.  
13       I just want to do four, no more than five days.

14              CHAIRMAN: Thank you.

15              Mr. Reeves.

16              MR. REEVES: We certainly want your business  
17       to be successful. We don't want to restrict you. If  
18       we said you could operate within certain hours Monday  
19       through Saturday, would that give you the time that  
20       you would want to work? Saturday might be different  
21       hours than Monday through Friday. Would that work for  
22       you?

23              MS. WATSON: Yes, that would be fine.

24              MR. REEVES: We want you to be successful. We  
25       don't want to restrict you, because you might want to

1 try to make a living out of this.

2 CHAIRMAN: Anybody else?

3 (NO RESPONSE)

4 CHAIRMAN: I'll entertain a motion.

5 Mr. Jean.

6 MR. JEAN: I'd like to make a motion we  
7 approve this conditional use permit based on the Staff  
8 Report, the site visit, and the testimony presented  
9 here this evening with the 10 ordinance requirements  
10 and with the 5 special conditions that are listed;  
11 plus the 6th special condition that it would only be  
12 open six days a week, Monday through Saturday with  
13 five clients a day with the three finding the fact.  
14 This property is zoned A-R Rural Agriculture where dog  
15 grooming business in a home are allowed by a  
16 conditional use permit. With only five clients a day  
17 this activity will have little impact on the traffic  
18 on Kentucky 144. And the applicant will follow the  
19 ten Zoning Ordinance requirements.

20 CHAIRMAN: Thank you.

21 Any question on the motion?

22 (NO RESPONSE)

23 CHAIRMAN: Do I have a second?

24 MS. MASON: Second.

25 CHAIRMAN: Second by Ms. Mason. All in favor

1 of the motion raise your right hand.

2 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

3 CHAIRMAN: Motion carries unanimously.

4 Next item.

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6 VARIANCES

7 ITEM 6

8 25 Church Street, zoned R-1A Single-Family Residential  
9 Consider request for a Variance in order to allow the  
10 combined square footage of accessory structures on the  
11 property to exceed the square footage of the existing  
12 home.

Reference: Zoning Ordinance, Article 3,

Section 3.6(c)

Applicant: Stephen A. Smith

13 MR. PEDLEY: The subject property is a 0.41  
14 acre lot that is zoned R-1A Single Family Residential  
15 and located near the intersection of Church Street and  
16 Highway 1554. This property consists of an existing  
17 home and a detached garage used for residential  
18 accessory storage.

19 The applicant intends to construct an  
20 additional 1200 square foot building on the property;  
21 however, doing so will cause the combined footprint of  
22 the two detached buildings to exceed the footprint of  
23 the home. As a result, the applicant has requested a  
24 variance to allow the construction of this garage.

25 As further detailed in the Staff Report, the

1 OMPC Staff believes that granting the proposed  
2 variance will not adversely affect the public safety  
3 and will not cause a nuisance to the public because  
4 the structure will meet all required setbacks, and  
5 because the total footprint of all roofed structures  
6 will be far less than the allowed 50 percent lot  
7 coverage. It may not alter the essential character of  
8 the general vicinity and may not create an  
9 unreasonable circumvention of the zoning regulations  
10 because the accessory structures on a neighboring lot  
11 appear to exceed the square footage of their  
12 respective home, and structures larger than the  
13 proposed could be permitted within the general  
14 vicinity.

15 Staff recommends approval with the condition  
16 that all necessary building, electrical, and HVAC  
17 permits, inspections, and certificates of occupancy  
18 and compliance are obtained.

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

21 CHAIRMAN: Is there anyone here representing  
22 the applicant?

23 MS. KNIGHT: State your name, please.

24 MR. SMITH: Stephen A. Smith.

25 (STEPHEN SMITH SWORN BY ATTORNEY.)

1           CHAIRMAN: Do you have anything you want to  
2 add to what's been put in the record?

3           MR. SMITH: No. Only thing is the existing  
4 building that's already there is more storage. It's  
5 just something my grandfather built when he was doing  
6 cabinet making. That's all it is, is storage. This  
7 is going to be something that we're going to use to  
8 store our vehicles, keep them out of the weather and  
9 keep them nice.

10          CHAIRMAN: Thank you.

11          Anybody have any questions of Mr. Smith or  
12 comments?

13          (NO RESPONSE)

14          CHAIRMAN: Anybody on the board?

15          (NO RESPONSE)

16          CHAIRMAN: I'll entertain a motion.

17          Ms. Mason.

18          MS. MASON: I make a motion to approve based  
19 on the information presented tonight and the testimony  
20 and the Staff Report with the findings 1 through 4 and  
21 that they meet the condition that was read into the  
22 Staff Report.

23          MS. THOMPSON: Second.

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



1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 CHAIRMAN: Motion carries unanimously.

3 ITEM 7

4 2290 Wilson Lane, zoned R-1A Single-Family Residential  
5 Consider request for a Variance in order to reduce the  
6 front yard building setback from 35-feet to 30-feet  
7 from the front property line.

8 References: Zoning Ordinance, Article 8,  
9 Section 8.5.5(c)

10 Applicant: Ewind Torres; Ludy Alvarado Flores

11 MR. PEDLEY: The subject property is a 0.32  
12 acre lot that is zoned R-1A Single Family Residential  
13 and is located in the middle of Wilson Lane with  
14 existing homes on each side. The applicant intends to  
15 place a Class I Manufactured Home on the subject  
16 property.

17 This lot is unique in that it has a platted  
18 35-foot front building setback, 10-feet larger than  
19 the typically required 25-feet. In order to place the  
20 proposed structure in line with the neighboring homes,  
21 the applicant has requested a variance to reduce this  
22 setback from 35-feet to 30-feet.

23 As further detailed in the staff report, the  
24 OMPC staff believes that granting the proposed  
25 variance will not adversely affect the public welfare  
and will not alter the essential character of the  
general vicinity because neighboring homes are located  
closer to the front property line than the requested

1 variance. Additionally it will not cause a hazard to  
2 the public and will not allow an unreasonable  
3 circumvention of the requirements of the zoning  
4 regulations because the structure will still maintain  
5 a greater front yard building setback than most other  
6 structures along local roads are required to maintain.

7 Staff recommends approval with the condition  
8 that all necessary building, electrical, and HVAC  
9 permits, inspections, and certificates of occupancy  
10 and compliance are obtained.

11 We would like to enter the Staff Report into  
12 the record as Exhibit F.

13 CHAIRMAN: Thank you.

14 Is there someone here representing this  
15 application?

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

18 MR. TORRES: Ewind Torres.

19 (EWIND TORRES SWORN BY ATTORNEY.)

20 CHAIRMAN: Do you have anything to add to what  
21 he has read into the record?

22 MR. TORRES: I do not.

23 CHAIRMAN: Anybody on the board have  
24 questions?

25 (NO RESPONSE)

1           CHAIRMAN: Anybody in the audience have  
2 questions?

3           (NO RESPONSE)

4           CHAIRMAN: I will entertain a motion.  
5 Mr. Glenn.

6           MR. GLENN: I make motion to approve this  
7 variance based on the information from the Staff and  
8 everything that has been read in here tonight,  
9 especially the fact that it's not going to alter the  
10 essential character of the area because there are  
11 other buildings there that are even closer than what  
12 this building would be, and also that he meets the  
13 special condition of obtaining all its permits.

14          CHAIRMAN: Thank you.

15          Do I have a second on the motion?

16          MR. REEVES: Second.

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

19          (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20          CHAIRMAN: Motion carries unanimously.

21          Next item.

22          MS. MASON: Motion to adjourn.

23          MS. THOMPSON: Second.

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

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(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

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 Planning  
6 Commission 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 36  
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 March, 2022.

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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