

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JULY 7, 2022

3 The Owensboro Metropolitan Planning Board of
4 Adjustment met in regular session at 5:30 p.m. on
5 Thursday, July 7, 2022, at City Hall, Commission
6 Chambers, Owensboro, Kentucky, and the proceedings
7 were as follows:

8 MEMBERS PRESENT: Judy Dixon, Chairman
9 Brian Howard, Director
10 Terra Knight, Attorney
11 Fred Reeves
12 Ruth Ann Mason
13 Bill Glenn
14 Tori Thompson
15 Lewis Jean
16 Andrew Howard

17 * * * * *

18 CHAIRMAN: We will call the Owensboro
19 Metropolitan Board of Adjustment July 7th meeting to
20 order. The first thing on the agenda is Ms. Mason is
21 going to lead us in the pledge and the prayer.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: Thank you, Ms. Mason.

24 We will consider the minutes of the June 2,
25 2022 meeting. Members have been mailed or received a
digital copy so I will entertain a motion.

26 MS. THOMPSON: I make a motion to approve.

27 CHAIRMAN: Move to approve by Tori.

28 MS. MASON: Second.

1 CHAIRMAN: Second by Ms. Mason. Any question
2 on the motion?

3 (NO RESPONSE)

4 CHAIRMAN: All in favor raise your right hand.

5 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

6 CHAIRMAN: Motion carries.

7 Next item, Mr. Howard.

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9 CONDITIONAL USE PERMIT

10 ITEM 2

11 2916 Veach Road, zoned R-3MF Multi-Family Residential
12 Consider a request for a Conditional Use Permit in
13 order to operate a rehabilitation and housing facility
14 from apartment units 21-26.

15 References: Zoning Ordinance, Article 8,
16 Section 8.2A7/6a

17 Applicant: Mountain Comprehensive Care; Carolyn &
18 Randy Kassinger

19

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

22 MR. PEDLEY: Trey Pedley.

23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 MR. PEDLEY: The subject property is an

25 existing apartment complex that is zoned R-3MF

Multi-Family Residential and located at the

intersection of Dixiana Court and Veach Road. The

property is surrounded by apartment units, single

family residential homes, an office complex, and an

1 existing salon.

2 The applicant intends to utilize six of the
3 existing apartment units to operate a rehabilitation
4 and housing facility which will total 16 beds, office
5 space, and 24-hour on-site staffing.

6 The applicant does not intend to modify the
7 existing site layout and the development shall
8 maintain 44 of the existing apartment units.

9 Based on the zoning ordinance requirements,
10 the total development shall require a total of 88
11 parking spaces. The submitted site plan illustrates
12 91 existing parking spaces. Such compliance shall be
13 verified through a Final Development Plan prior to
14 occupancy. In any event, the proposed use requires 8
15 spaces; 4 less than the apartments that it is
16 replacing.

17 The existing site also appears to comply with
18 all landscaping requirements; however, this too will
19 be verified on a Final Development Plan.

20 It should be noted that Group Homes shall
21 comply with a series of additional requirements; all
22 of which have been addressed throughout the
23 application with the exception of the electric main
24 and fire extinguisher locations, which need to be
25 reflected on a Fire Escape Plan.

1 If approved, special conditions include:

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

4 2. Prior to the approval of a Final
5 Development Plan, the OMPC Planning Staff shall obtain
6 an updated and completed fire exit plan for the
7 structure, which shall illustrate the exact location
8 of the electric main and all fire extinguishers within
9 the building. The updated plan shall be displayed
10 within all common areas; and,

11 3. Obtain all necessary building,
12 electrical, and HVAC permits, inspections and
13 certificates of occupancy and compliance, including
14 those required by the State of Kentucky Department of
15 Housing, Building, and Construction.

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

18 CHAIRMAN: Thank you, Mr. Pedley.

19 Is there someone here representing the
20 applicant?

21 MR. STEIN: Yes.

22 CHAIRMAN: Would you go to the microphone
23 please and be sworn in.

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

1 MR. STEIN: Ken Stein.

2 (KEN STEIN SWORN BY ATTORNEY.)

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

5 MR. STEIN: I would like to add the
6 circumstances under which we are requesting this
7 Conditional Use Permit.

8 CHAIRMAN: Please do.

9 MR. STEIN: We have been subletting in Rolling
10 Heights from Oasis for the last five years. You may
11 be aware that Oasis is also leaving the Rolling
12 Heights Subdivision. Their lease was canceled and
13 because their lease was canceled I have a sublease
14 with them; so by definition I have to move. My
15 program has to be out by the end of September. We
16 have found this 6-unit apartment building that we
17 think would be appropriate for the program that we're
18 going to house there. I want to emphasize that it is
19 not a walk-in/walk-out type of clinic. It is staffed
20 24-hours a day. During the day there's probably eight
21 to ten people there where the program takes place.
22 Second and third shift there are at least two people
23 on staff 24-hours a day. It is locked so the women
24 who are there are not allowed to leave, come and go or
25 be generally outside except for in the fenced area

1 that will be in the back of the building.

2 CHAIRMAN: Thank you.

3 Is there anyone in the audience that has any
4 questions of Mr. Stein?

5 (NO RESPONSE)

6 CHAIRMAN: Any board members have any
7 questions?

8 Mr. Reeves.

9 MR. REEVES: Would I be correct in saying THAT
10 you have to demonstrate a need for this to get
11 authorization from the state to operate it?

12 MR. STEIN: Yes. It is a facility that is
13 licensed by the Office of the Inspector General. So
14 we have a license that is renewed each year and
15 inspected each year. We are also under different
16 types of accreditation like CARF and ASAM which review
17 our program for the programming that we do and how we
18 staff it and how we take care of the women.

19 MR. REEVES: Second question, if you don't
20 mind.

21 Are all of the current residents or intended
22 residents from Daviess County?

23 MR. STEIN: No. I would say 90 percent of
24 them are from the Daviess County area. Most of them
25 are either self-referrals or they come from the court

1 system, but we do have a few that will come from other
2 counties.

3 MR. REEVES: The ones that are from the court
4 referral system, are they from other counties? This
5 has always concerned me because we have these
6 facilities and amenities that other counties look for
7 us to provide for what they should be doing
8 themselves.

9 MR. STEIN: Well, there are very few of these
10 facilities in the State of Kentucky. We also operate
11 one in McCracken County in Paducah. Then we operate a
12 number of them in Eastern Kentucky, but there are very
13 few in this area that are licensed by the OIG, that
14 are certified that do the type of programming that we
15 do.

16 MR. REEVES thank you.

17 CHAIRMAN: Anyone else have questions of
18 Mr. Stein?

19 MR. PEAK: Yes, I've got a question.

20 CHAIRMAN: Go to the mike, please.

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

23 MR. PEAK: My name is Les Peak.

24 (LES PEAK SWORN BY ATTORNEY.)

25 MR. PEAK: If I understood the gentleman

1 correctly, you said this place is going to be locked
2 down 24/7. Did I understand you correctly?

3 MR. STEIN: It is a locked facility.

4 MR. PEAK: Why? Are the people dangerous?

5 CHAIRMAN: You need to address your questions
6 to us and we'll get the answer.

7 MR. PEAK: Okay. Why is this a 24-hour locked
8 down facility? Are these people a danger to the folks
9 that live in the area?

10 CHAIRMAN: Mr. Stein, you want to step forward
11 and answer that?

12 MR. STEIN: Yes, ma'am.

13 When I say it's a locked facility, it is
14 locked from the outside to keep people from coming in.
15 We cannot lock it due to fire codes from the inside.
16 We're trying to keep people from coming into the
17 building and interfering with our programming, but the
18 women who come to this program all they really have to
19 do is walk out the door and there's nothing we can do
20 about it. It's not a locked secured facility with a
21 fence. It's locked to the outside.

22 CHAIRMAN: In other words, it's locked for the
23 protection of your residents?

24 MR. STEIN: Yes, ma'am, it is.

25 CHAIRMAN: Thank you.

1 MR. PEAK: Is it all an female facility; did I
2 hear that properly?

3 CHAIRMAN: That's what I understood.

4 MR. STEIN: Yes, sir.

5 MR. PEAK: What would something like that do
6 to our property value in that area? Any idea? I mean
7 we've already got the Wyndall Foster Center facility
8 next-door to our property that I currently own. Is
9 this stuff going to depreciate our value on our
10 property in those neighborhood?

11 CHAIRMAN: That's not something that I can
12 answer.

13 Mr. Howard.

14 MR. PEAK: It will, I guess.

15 MR. HOWARD: I would recommend you to speak
16 with an appraiser and they would be able to provide
17 you answers with that. No one here is a licensed
18 appraiser or certified.

19 MR. PEAK: The city appraised it. Okay.
20 Thank you.

21 CHAIRMAN: Is there anyone else that has a
22 question?

23 Yes, sir.

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

1 MR. GOODWIN: Daniel Goodwin.

2 (DANIEL GOODWIN SWORN BY ATTORNEY.)

3 MR. GOODWIN: I have a question on the
4 residents that are going to be there. If they leave,
5 is there an accountability for these people that are
6 there? Are they just transient people? Are they
7 people that have been recommended maybe from another
8 facility? If they do leave, and I'm saying this
9 because I live in another part of the city and we have
10 a lot of traffic from people that come from, the
11 gentleman's question earlier about being from out of
12 the county. If they come from another county here and
13 they go into the program and then they're like, hey,
14 this ain't for me, then they leave, are they -- I
15 guess they're adults and they're in America and they
16 can do whatever they want to do, but are most of these
17 people referred from another agency or another medical
18 recommendation?

19 CHAIRMAN: Let's let Mr. Stein answer that.

20 MR. STEIN: The majority of the residents come
21 to us through referrals from the court. Most of them,
22 well, they all have drug issues and the reason the
23 court is referring them to us is because the judges
24 will typically ask them, would you like to spend your
25 last 28, 30 days in jail or would you prefer to spend

1 it at Mountain Comprehensive Care Center? If they are
2 referred by the Court and they decide to leave, we
3 immediately call law enforcement because they are
4 there under a Court Order. They will be picked up
5 immediately. If they are self-referral, typically
6 those people that don't have anything to hide or not
7 running from the law, they're there to try to get
8 substance abuse help. If they leave, they typically
9 go back to their home because they all come from a
10 home. We don't have homeless people. We don't have
11 people that have been wondering the streets. They're
12 all coming from somewhere.

13 MR. GOODWIN: That was kind of my question,
14 was if they are basically homeless people because we
15 live in a part of the city where there is a homeless
16 problem.

17 Another question is, is this a faith-based
18 operation or is this just a state sponsored agency?

19 MR. STEIN: It is not faith-based. The
20 curriculum that we use is approved by the federal
21 government because we do get paid by Medicaid for them
22 being there; so it's not a faith-based program. I'm
23 sorry, what was the other port of the question?

24 MR. GOODWIN: That was it.

25 CHAIRMAN: Anyone else have questions?

1 (NO RESPONSE)

2 CHAIRMAN: I think I'm ready for a motion.

3 Mr. Glenn.

4 MR. GLENN: Based on what I've heard and from
5 a site visit I would like to make a motion that we
6 approve this Conditional Use Permit based on the
7 information that we've received and I've heard here
8 tonight. Also, based on the fact that this is an
9 apartment complex, part of it anyway to begin with.
10 It essentially is going to be basically the same. I
11 don't think it's going to increase traffic or do any
12 -- it's not going to cause a lot of other people to be
13 around because they were apartments and it will still
14 be occupied. It's definitely not going to affect the
15 character or anything in that neighborhood. I would
16 also enter into it that they complete or comply with
17 the zoning ordinance requirements 1 and 2 and then the
18 other 10 that are listed and also obtain the three
19 special conditions.

20 CHAIRMAN: Thank you. We have a motion. Do I
21 have a second?

22 MS. MASON: Second.

23 CHAIRMAN: Second by Ms. Mason. 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 ITEM 3

7 8629 Highway 81, zoned R-1A Single-Family Residential
& A-R Rural Agriculture
8 Consider a request for a Conditional Use Permit in
order to operate a mechanic and welding business as a
9 home occupation from a detached structure.
References: Zoning Ordinance, Article 8,
10 Section 8.2D5a
Applicant Steven Lee Miller
11

12 MR. PEDLEY: The subject property is a
13 5.52-acre parcel that is the site of a former school
14 and is located along Highway 81, adjoining a series of
15 single family homes, a large farm tract, and a 44-acre
16 industrial site.

17 The applicant, whom resides within the former
18 school, is proposing to utilize the existing 6,000
19 square foot detached structure as a welding and
20 mechanic business. 25% of the building will be used
21 for parking, 50% will be mechanic and welding
22 activities, and the remaining 25% is not expected to
23 be utilized unless necessary. As such, the applicant
24 is requesting a waiver to utilize more than 400 square
25 feet of a detached structure in conjunction with a

1 home occupation.

2 The application states that the business will
3 not have any employees at the property, and will not
4 exceed 1 customer on the premises at one time, and
5 work will not exceed 7:00 a.m. to 7:00 p.m.

6 The zoning ordinance requires that the use
7 shall maintain 10 parking spaces. The applicant
8 intends to park as many as 5 vehicles inside the
9 structure, and shall establish 5 additional gravel
10 spaces in front of the building, which is zoned A-R
11 Rural Agriculture.

12 No required parking spaces appear to adjoin
13 any public right-of-way or residential zoning, and so
14 no landscaping is required by ordinance.

15 Conditionally Permitted Home Occupations are
16 required to maintain compliance with additional
17 requirements; all of which have been addressed in the
18 application with the exception of the requested waiver
19 to allow 6,000 square feet of a detached structure to
20 be utilized.

21 If approved, suggested conditions include:

22 1. The OMBA shall, separately, limit the
23 number of non-resident employees and the number of
24 customers on-site at one time, as well as the days and
25 hours of operation;

1 2. No outdoor storage shall be permitted;
2 and,

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

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

8 CHAIRMAN: Thank you, Mr. Pedley.

9 Is there anyone in the audience that has
10 questions or comments?

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

12 MS. KNIGHT: Please state your name for the
13 record.

14 MR. MILLER: I'm Steven Miller.

15 (STEVEN MILLER SWORN BY ATTORNEY.)

16 CHAIRMAN: Mr. Reeves.

17 MR. REEVES: Is this the old Snyder School
18 building?

19 MR. MILLER: Yes, sir, this is the old Snyder
20 School.

21 MR. REEVES: I know it well.

22 CHAIRMAN: Do you have anything to add to
23 what's been said?

24 MR. MILLER: Like this gentleman did a great
25 job. It's like a 6,000 square foot building. I'm not

1 planning on manufacturing anything in it, in a large
2 scale. I just want to make my own living in my own
3 shop.

4 CHAIRMAN: Thank you.

5 Is there anyone in the audience that has a
6 question?

7 (NO RESPONSE)

8 CHAIRMAN: Any board member?

9 MR. GLENN: Yes. I just want to make sure of
10 something.

11 Says here that you're submitting an
12 application. Says that you're not going to have any
13 employees working there. You're the only one going to
14 be working?

15 MR. MILLER: Correct. At this time, yes.

16 MR. GLENN: You're just going to have like one
17 customer at a time would be what you would be doing.
18 You wouldn't have multiple people there?

19 MR. MILLER: Correct. At one time dropping
20 off a vehicle or picking up a vehicle.

21 MR. GLENN: Then the only other thing I see in
22 here that you're asking, if it can be a 7 a.m. to 7
23 p.m. to allow you the flexibility.

24 MR. MILLER: Correct.

25 MR. GLENN: That's all I wanted to make sure.

1 CHAIRMAN: Ms. Jean.

2 MR. JEAN: How many days a week will you be
3 operating this facility?

4 MR. MILLER: The biggest thing is that my wife
5 recently chose to separate from me so I would like to
6 have 50/50 custody of my children. It would be pretty
7 chaotic to have a work schedule. My theory to have
8 this be my work is I do like a four day on, four day
9 off to where it revolves around my family life. I
10 still don't see like seven days a week or six days a
11 week. It would be whenever I have the time available
12 away from my family.

13 MR. JEAN: No particular daily schedule?

14 MR. MILLER: No particular day would be
15 scheduled. I would have you could say a conventional
16 business hours where I could always be reached on the
17 phone and meet at my shop when possibly.

18 MR. JEAN: Thank you.

19 CHAIRMAN: Anybody else have a question?

20 (NO RESPONSE)

21 CHAIRMAN: I'll entertain a motion.

22 Mr. Jean.

23 MR. JEAN: I would like to make a motion we
24 approve this Conditional Use Permit with the waiver
25 for the use of the entire 6,000 foot detached

1 structure to be operate a mechanic and welding
2 business. This is based on the Staff Report, site
3 visit, testimony heard here this evening with the ten
4 zoning ordinance requirements and with the three
5 conditions. The applicant will not have any employees
6 at the subject property. The hours of operation will
7 be from 7 to 7. The activity will not include more
8 than one customer at a time. No outdoor storage shall
9 be permitted. The applicant will obtain all necessary
10 building, electrical and HVAC permits, inspections,
11 certifications of occupancy and compliance.

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

14 MR. ANDREW HOWARD: Second.

15 CHAIRMAN: We have a motion and a second. Any
16 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 -----

23 VARIANCES

24 ITEM 4

25 1500 Independence Avenue, zoned R-4DT Inner-City
Residential

1 Consider a request for a Variance in order to reduce
2 the building setback along Willis Avenue from 25-feet
3 to 17-feet from the property line, to reduce the
4 building setback along James David Court from 25-feet
5 to 19-feet from the property line, and to reduce the
6 rear building setback along the western interior
7 property line from 20-feet to 5-feet from the property
8 line.

9 Reference: Zoning Ordinance, Article 8,
10 Sections 8.5.11(c) & 8.5.11(e)
11 Applicant: Habitat for Humanity Owensboro-Daviess
12 County

13 MR. PEDLEY: The subject property is a
14 0.177-acre tract of land that is located along
15 Independence Avenue.

16 This property received a variance at the June
17 2022 OMBA meeting to reduce the building setbacks
18 along James David Court and Willis Avenue, both from
19 25-feet to 20.3-feet from the property lines, stating
20 that the building setbacks along three roads created
21 too small of a building envelope to construct a
22 residence. It was also noted that the existing
23 structures along both streets encroached further into
24 the setbacks than that of the requested, and the sight
25 triangle along Independence Avenue would be upheld.

However, after the variance was approved, it
was discovered that the floor plan was modified to
accommodate a Zero Net Energy home, which increased
the home size by 5-feet and added two porches. As a
result, the proposed home encroaches further into the

1 setbacks than what was previously approved.

2 At this time, the applicant has requested an
3 additional variance to fit the proposed home on the
4 property. All reasons for granting the previous
5 variance remain true for the current proposal.

6 This variance also requests to reduce the rear
7 yard setback from 20-feet to 5-feet due to the
8 orientation of the home. This rear yard effectively
9 serves as a side yard, where 5-foot setbacks are
10 permitted in the R-4DT Inner-City Residential zone and
11 commonly found within the immediate vicinity.

12 Due to all of the reasons described, Staff
13 believes that granting the variances as requested will
14 not adversely affect the public safety, will not cause
15 a nuisance to the public, will not alter the essential
16 character of the general vicinity, and will not create
17 an unreasonable circumvention of the requirements of
18 the zoning regulations.

19 Staff recommends approval with the condition
20 that the applicant obtain all necessary building,
21 electrical, and HVAC permits, inspections, and
22 certificates of occupancy and compliance.

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

25 CHAIRMAN: Is there someone in the audience

1 speaking on behalf of the applicant?

2 MS. KNIGHT: Please state your name for the
3 record.

4 MR. STEVENS: Jeremy Stephens.

5 (JEREMY STEPHENS SWORN BY ATTORNEY.)

6 MR. STEPHENS: Happy to comply with any
7 conditions if approved.

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

10 MR. STEPHENS: I'll just reiterate.

11 We had the first variance and because of the
12 specialty in nature of this home the plan had to be
13 altered. That happened right around the same time of
14 the approval of the last variance and it just did not
15 work out. Apologize for the same variance on the same
16 property, but that's where we are.

17 CHAIRMAN: Thank you.

18 Is there anyone in the audience that has a
19 question of the applicant?

20 (NO RESPONSE)

21 CHAIRMAN: Anyone on the board have a
22 question?

23 (NO RESPONSE)

24 CHAIRMAN: I'll entertain a motion.

25 Bill.

1 MR. GLENN: I would make a motion to approve
2 this variance that they're asking for. I did make a
3 site visit and I saw a number of situations where
4 homes were already or buildings were already
5 encroaching on that setback area that is required.
6 I'm saying I would approve it based on those four
7 findings of fact and the one staff recommendation.

8 MS. THOMPSON: Second.

9 CHAIRMAN: Second by Tori. Any question on
10 the motion?

11 (NO RESPONSE)

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

14 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

15 CHAIRMAN: Motion carries.

16 MR. JEAN: Madam Chair, on the Conditional Use
17 Permit on 81 I neglected to read my findings of fact.
18 Should I do that now?

19 CHAIRMAN: Who seconded the motion?

20 MS. MASON: Andrew did.

21 CHAIRMAN: Do you withdraw your second?

22 MR. ANDREW HOWARD: Yes, I withdraw my second.

23 CHAIRMAN: Go ahead, Mr. Jean.

24 MR. JEAN: I'll just read the findings of
25 fact.

1 One, this property is zoned A-R Agricultural
2 zone and an R-1A Single-Family Residential where
3 operating a business in a detached structure is
4 allowed by a Conditional Use Permit. The applicant
5 will comply with the zoning ordinance requirements.
6 This activity will not create a hazard or a nuisance
7 to the neighborhood.

8 CHAIRMAN: Thank you. Now do you want to
9 second?

10 MS. MASON: I'll second it.

11 CHAIRMAN: All right. All in favor of the
12 amended/amended motion raise your right hand.

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries.

15 MR. JEAN: Sorry.

16 ITEM 5

17 56 Woodford Avenue, zoned R-4DT Inner-City Residential
18 Consider a request for a Variance in order to reduce
19 the building setback along Herr Avenue from 25-feet
20 from the property line to 10-feet from the property
21 line.

22 Reference: Zoning Ordinance, Article 8, Section
23 8.5.11(c)

24 Applicant: City of Owensboro

25 MR. PEDLEY: The subject property is a 0.181
26 acre tract of land located at the intersection of
27 Woodford Avenue and Herr Avenue.

28 This property is a 50-foot wide corner lot

1 where current setbacks require a 20-feet in width to
2 construct a home. As a result, the applicant is
3 proposing to reduce the street yard setback along Herr
4 Avenue from 25-feet to 10-feet from the property line;
5 as can be found on neighboring properties directly
6 across Herr Avenue.

7 Staff believes that granting this variance
8 will not adversely affect the public safety because
9 the required setback along Woodford Avenue will not be
10 reduced, and so the proposed home will not create
11 visibility issues at the intersection. Additionally,
12 this variance may not cause a hazard or a nuisance to
13 the public and will not alter the essential character
14 of the general vicinity because similar encroachments
15 exist on neighboring lots. Lastly, granting the
16 variance will not create an unreasonable circumvention
17 of the requirements of the zoning regulations because
18 the current setbacks limit the buildable area of the
19 subject property.

20 Staff recommends approval with the condition
21 that the applicant obtains all necessary building,
22 electrical, and HVAC permits, inspections, and
23 certificates of occupancy and compliance.

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

1 CHAIRMAN: Thank you.

2 Is there anyone in the audience wishing to
3 speak in behalf of this?

4 Ms. Shelton.

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

7 MS. SHELTON: Abby Shelton.

8 (ABBY SHELTON SWORN BY ATTORNEY.)

9 MS. SHELTON: Thank you for the opportunity to
10 speak tonight. I represent the City of Owensboro
11 Committee Development Department and we are two and a
12 half years into a Northwest Inner City Riverview
13 Development Plan that we are conducting in that area
14 from Walnut Street to Ewing Road, from the north side
15 of Fifth Street to the river. We have acquired this
16 property in hopes to build a single-family home using
17 home federal funds to sell to single, right now
18 identified as a single mother that is a first time
19 home buyer. So we will build a 1,450 square-foot
20 house; three bedrooms, two baths, and it will be
21 stories.

22 CHAIRMAN: Thank you.

23 Anyone have any questions of Ms. Shelton?

24 Yes, sir.

25 MS. KNIGHT: If you could go ahead and state

1 your name again and you're still sworn in.

2 MR. GOODWIN: Daniel Goodwin. I live at 1517
3 Herr Avenue which is by the diagram behind that.

4 My question is: Is this going to be a Habitat
5 Home or who -- you say it's going to be a home for
6 someone or whatever. Is the city doing that? Is it a
7 Habitat Home or who is going to basically build the
8 house?

9 Then I can see there that you've got it looks
10 like a driveway coming off of Herr. I'm just kind of
11 looking at the picture. I can see you guys are going
12 to do a lot of excavation out there and rescaping
13 that.

14 The question is, I am not really concerned
15 with the setback as much as the uniformity of the
16 other houses that are there. I don't think that's
17 going to be a big deal. Really my biggest question
18 is, if that's going to have an access coming from Herr
19 Avenue, would it be possible in the future maybe to
20 limit the access going through Herr Avenue, going into
21 the park from Herr Avenue into English Park? We use
22 that kind of as a driveway, but it's also a
23 thoroughfare for a lot of activity that goes through
24 that driveway. There's plenty of accesses from
25 everyone else in that park. If you went down Herr,

1 you could get in -- if you went on down to Herr and
2 then to Woodford you could get into English Park.
3 From that area you could get into it from Henning
4 which has two or three accesses.

5 Would it be possible to maybe in the future
6 limit the access going through there? Basically would
7 the City be agreeable to blocking off that island?

8 CHAIRMAN: Let's see if we can get you some
9 answers.

10 MR. GOODWIN: Sorry that was a lot.

11 MS. SHELTON: It's good to finally meet you
12 face-to-face.

13 MR. GOODWIN: You too.

14 MS. SHELTON: First of all, we have a lot of
15 excavation work to do to level that lot and make it
16 accessible from Herr Avenue, which is not feasible off
17 the back of the property as you well know. Any
18 drainage concerns or issue that you may have we will
19 be happy to address with you. If you have anything
20 that you have expressed with the city engineer in the
21 past, we can work with that. As far as the access to
22 English Park, that is not my department, but I would
23 be happy to sit down with you and the city engineer to
24 see if there are any plans or if there are any traffic
25 concerns over there. I have been over there several

1 times and I do understand the foot traffic you see,
2 but also the traffic that comes in and out of the
3 park. I hope I've answered your questions.

4 MR. GOODWIN: The one you said about if you're
5 going to do all that landscaping you're going to
6 disturb that alleyway. I have a drainage problem
7 there that you already know about that goes back into
8 my garage. Hopefully we can work with engineering and
9 they can help us resolve that.

10 MS. SHELTON: Yes. Understand. Taking your
11 concerns into my consideration as far as how to make
12 sure we don't put any more distress on your property.
13 We will most definitely do that.

14 CHAIRMAN: He also asked who was building the
15 house.

16 MS. SHELTON: It's the City of Owensboro. Not
17 a Habitat House. It's us. We're going to build it.
18 I would be happy to show you plans after this.

19 MR. GOODWIN: Is it preselected who you --

20 MS. SHELTON: It's first come first serve
21 basis. As far as the homeowners, whoever apply and
22 qualify if they want that property then we will give
23 to that homeowner.

24 MR. GOODWIN: I have --

25 CHAIRMAN: Go back to the microphone and

1 direct it to us.

2 MR. GOODWIN: There's a garage on the corner
3 of that. Is that going to be removed? You can see it
4 on that bottom left-hand side there, right at the edge
5 of the alleyway. Is that going to stay or is that
6 going to go? Are there going to be some trees and
7 whatnot, bushes and things like that put in there
8 along the alleyway or is that going to be fenced in,
9 maybe a privacy fence or something of that nature?

10 MS. SHELTON: The garage is going to stay with
11 the request of the current homeowner; home buyer, let
12 me say that. Then as far as any landscaping, we do
13 not plan to put anything on the back line. We do have
14 -- be happy to show you the plans so you can see
15 what's going on. I think there is a fence line that
16 goes around the south side. That's the only fence
17 that we're right now planning to put up, but if you
18 guys are, if you wish to have some coverage back
19 there, we can talk about that as well.

20 CHAIRMAN: Thank you.

21 Anybody on the board have questions?

22 MR. REEVES: Just a comment.

23 CHAIRMAN: Comment.

24 MR. REEVES: Sir, you're very fortunate that
25 the City plans to develop that because Abby will make

1 sure that it's done well. She always does. She's
2 always concerned about the homeowner and the impact
3 that her office has and her projects have on the
4 community. You'll be in good shape. I would be
5 stunned if you're not very, very happy.

6 CHAIRMAN: I'll a entertain motion.

7 Mr. Glenn.

8 MR. GLENN: I make a motion to approve this
9 variance. I drove by the site and looked at it.
10 After listening to the Staff Report and reading it and
11 also the four findings of fact and the one Staff
12 condition.

13 CHAIRMAN: Is there a second?

14 MS. THOMPSON: Second.

15 CHAIRMAN: Any question on the motion?

16 (NO RESPONSE)

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

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 CHAIRMAN: Motion carries unanimously.

21 Mr. Reeves.

22 MR. REEVES: Move to adjourn.

23 MR. GLENN: Second.

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

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 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 31
14 typewritten pages; and that no signature was requested
15 to the foregoing transcript.

16 WITNESS my hand and notary seal on this the
17 1st day of August, 2022.

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

24 COUNTY OF RESIDENCE: DAVIESS COUNTY, KY

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