

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 SEPTEMBER 1, 2022

3 The Owensboro Metropolitan Planning Board of  
4 Adjustment met in regular session at 5:30 p.m. on  
5 Thursday, September 1, 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 Lewis Jean  
12 Bill Glenn  
13 Andrew Howard

14 \* \* \* \* \*

15 CHAIRMAN: We will call the Owensboro  
16 Metropolitan Board of Adjustment September 1, 2022  
17 meeting to order and we will begin with a prayer and  
18 pledge to the flag by Mr. Jean.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: First item on the agenda is to  
21 consider the minutes of the August 4, 2022 meeting.  
22 Members have been mailed a copy or received one via  
23 electronic. At this time we will entertain a motion.

24 MR. ANDREW HOWARD: Motion to approve.

25 CHAIRMAN: Motion to approve by Mr. Howard.

MR. GLENN: Second.

CHAIRMAN: Second by Mr. Glenn. Any question

1 on the motion?

2 (NO RESPONSE)

3 CHAIRMAN: All in favor raise your right hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: Motion carries unanimously.

6 Next item, Mr. Howard.

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8 CONDITIONAL USE PERMITS

9 ITEM 2

10 2636 Allen Street, zoned R-1C Single-Family  
11 Residential

12 Consider a request for a Conditional Use Permit in  
13 order to operate a hair salon as a home occupation  
14 from a detached structure on the subject property.

Reference: Zoning Ordinance, Article 8,  
Section 8.2(D)(5a)

Applicant: Lana Calufetti-Soza & Roberto R. Soza

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

17 MR. PEDLEY: Trey Pedley.

18 (TREY PEDLEY SWORN BY ATTORNEY.)

19 MR. PEDLEY: The subject property is a  
20 residential located on Allen Street. This property as  
21 all other adjoining properties is zoned single-family  
22 resident. At this time the applicant is proposing to  
23 tear down the existing one-car garage and construct a  
24 much larger garage on the subject property. Room for  
25 two cars plus room for a 396-square foot hair salon

1     which the applicant proposes to operate as a home  
2     occupation.

3             The application states that the use will meet  
4     with clients by appointment only. Will Mainly operate  
5     on Tuesdays through Fridays from 8 a.m. to 8 p.m.,  
6     without limitation to schedule appointments based on  
7     availability and circumstances. There will be a  
8     maximum of two clients present at one time, with the  
9     exception of family or group appointment such as prom,  
10    wedding, etcetera. The salon will have one stylist  
11    station, one stylist chair, one shampoo bowl, and one  
12    dryer/steamer chair.

13            As with all home occupations, recommended that  
14    the Board of Adjustment place very specific conditions  
15    pertaining to the number of customers/clients on-site  
16    at one time, the number of employees on-site at one  
17    time, be allowed days of operation and allowed hours  
18    of operation.

19            The zoning ordinance for this use require two  
20    parking spaces plus an additional two spaces for the  
21    residence. The site plan shows compliance requires  
22    four total parking spaces.

23            Zoning ordinance does not require any  
24    landscaping for this use.

25            If approved suggested conditions include:

1           1. It is recommended that the OMBA,  
2       separately, limit the number of non-residential  
3       employees and the number of customers on-site at one  
4       time, as well as the days and hours of operation; and,

5           2. The applicant shall obtain all necessary  
6       building, electrical and HVAC permits, inspections and  
7       certificates of occupancy and compliance, as well as  
8       any permits licenses, or certificates that are  
9       required by the State of Kentucky.

10           We would like to enter the Staff Report into  
11       the record as Exhibit A.

12           CHAIRMAN: Thank you.

13           Is there anyone here representing the  
14       applicant?

15           MS. SOZA: Yes.

16           CHAIRMAN: Would you step to the podium,  
17       please?

18           MS. KNIGHT: Ma'am, if you could state your  
19       name for the record.

20           MS. SOZA: Lana Calufetti-Soza.

21           (LANA SOZA SWORN BY ATTORNEY.)

22           CHAIRMAN: Do you have anything to add to what  
23       Mr. Pedley has presented?

24           MS. SOZA: No, I do not.

25           CHAIRMAN: Is there anyone here that has

1 anything to ask of this application?

2 (NO RESPONSE)

3 CHAIRMAN: Any board members?

4 MR. JEAN: Will you have employees there?

5 MS. SOZA: No.

6 MR. JEAN: What will your hours of operation  
7 be?

8 MS. SOZA: Tuesday through Friday from 8 to 8  
9 basically.

10 MR. JEAN: How many customers will you have at  
11 one time?

12 MS. SOZA: One most of the time, but there are  
13 times when while a color is processing I will take  
14 another client. So two at the maximum, but that's not  
15 with every appointment. Sometimes I'll do a man's  
16 haircut in the middle, but not all the time.

17 MR. JEAN: Thank you.

18 CHAIRMAN: Any other board members have  
19 questions?

20 (NO RESPONSE)

21 CHAIRMAN: I will entertain a motion.

22 Mr. Jean.

23 MR. JEAN: I make a motion that we approve  
24 this conditional use permit based on the Staff Report,  
25 the site visit, and the testimony we heard here this

1 evening with the two conditions; 1) the applicant will  
2 have zero employees at the subject property, and the  
3 hours of operation will be from 8 a.m. to 8 p.m.  
4 Tuesday through Friday and the activity will not  
5 exceed two clients at one time. The applicant will  
6 obtain all necessary building and electrical HVAC  
7 permits, inspections and certificates of occupancy and  
8 compliance with three findings of fact.

9 1. This property is a R-1C Single-Family  
10 Residential where operation of the business is a  
11 detached structure is allowed by a conditional use  
12 permit.

13 2. The applicant will comply with all zoning  
14 ordinance requirements and the activity will not  
15 create a hazard of a nuisance to the neighborhood  
16 because the small number of clients it serves.

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

19 MR. ANDREW HOWARD: Second.

20 CHAIRMAN: Second by Mr. Howard. 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: Next item.

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3 VARIANCE

4 ITEM 3

5 1230 W. Parrish Avenue, zoned R-1A Single-Family  
6 Residential

7 Consider a request for a Variance in order to increase  
8 the maximum height of a fence in the front yard from  
9 3-feet in height to 6-feet in height.

Reference: Zoning Ordinance, Article 3,

Section 3-7(g)(3)

Applicant: Timothy Fisher & Katherine Fisher

10 MR. PEDLEY: The subject property is a half  
11 acre lot that is located at the intersection of West  
12 Parrish Avenue and Robin Road facing West Parrish  
13 Avenue.

14 The applicant intends to construct a fence on  
15 the property that will surround the entire property.  
16 It will be 4-feet tall at the beginning of the fence  
17 along Robin Road near the house. Then as it goes out  
18 the applicant desires for it to appear level.

19 However, this property has got topography issues with  
20 a pretty deep slope to it. So as the ground falls, to  
21 keep the fence looking level, he has requested a  
22 variance to increase the allowed height of the fence  
23 in the front yard from 3-feet to 6-feet.

24 As further detailed from the Staff Report, the  
25 Staff believes that granting the Variance as requested

1 will not adversely affect the public safety because  
2 the fence will not create a sight-triangle issue at  
3 the intersection of West Parrish Avenue and Robin  
4 Road; it will not cause a nuisance to the public  
5 because the fence will be located on top of a hill and  
6 retaining wall and will sit further back on the  
7 property; it will not alter the essential character of  
8 the general vicinity because the retaining wall at the  
9 intersection of West Parrish Avenue and Robin Road  
10 exceeds the requested 6-feet in height; and it will  
11 not create an unreasonable circumvention of the  
12 requirements of zoning regulations because if the  
13 proposed fence was not located outside of the building  
14 setback along Robin Road, a variance would not be  
15 required. Staff recommends approval.

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

18 CHAIRMAN: Thank you.

19 Is this there anyone here representing the  
20 applicant?

21 MR. FISHER: Yes.

22 CHAIRMAN: Step up please.

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

25 MR. FISHER: Tim Fisher.



1 (TIM FISHER SWORN BY ATTORNEY.)

2 CHAIRMAN: Do you have anything to add to what  
3 Mr. Pedley has already read?

4 MR. FISHER: No, ma'am.

5 CHAIRMAN: Any question of Mr. Fisher?

6 (NO RESPONSE)

7 CHAIRMAN: Anybody in the audience have any  
8 comments?

9 (NO RESPONSE)

10 CHAIRMAN: I will entertain a motion.

11 Mr. Glenn.

12 MR. GLENN: I will make a motion to approve  
13 this application based on the Staff Report and  
14 information read tonight and also due to the four  
15 findings of facts that are listed.

16 CHAIRMAN: We have a motion. Do we have a  
17 second?

18 MR. ANDREW HOWARD: Second.

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

21 (NO RESPONSE)

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

24 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

25 CHAIRMAN: Motion carries unanimously.

1 Anything else, Mr. Howard?

2 MR. HOWARD: No, ma'am.

3 CHAIRMAN: We have one more motion.

4 MR. ANDREW HOWARD: Motion to adjourn.

5 CHAIRMAN: Do we have a second?

6 MR. GLENN: Second.

7 CHAIRMAN: All in favor of the motion raise  
8 your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: We are adjourned.

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