

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 OCTOBER 6, 2022

3 The Owensboro Metropolitan Planning Board of
4 Adjustment met in regular session at 5:00 p.m. on
5 Thursday, October 6, 2022, at City Hall, Commission
6 Chambers, Owensboro, Kentucky, and the proceedings
7 were as follows:

8 MEMBERS PRESENT: Judy Dixon, Chairman
9 Terra Knight, Attorney
10 Melissa Evans
11 Ruth Ann Mason
12 Tori Thompson
13 Lurna Strehl
14 Lewis Jean
15 Andrew Howard

16 * * * * *

17 CHAIRMAN: We will call the Owensboro
18 Metropolitan Board of Adjustment October 6th meeting
19 to order.

20 Before we begin I want to introduce our new
21 board member who is Lurna Strehl. She is replacing
22 Fred Reeves.

23 MS. STREHL: Thank you.

24 CHAIRMAN: We shall begin by asking Ms. Mason
25 to lead us in prayer and pledge to the flag.

26 (INVOCATION AND LEDGE OF ALLEGIANCE.)

27 CHAIRMAN: The first item on the agenda is to
28 consider the minutes of the September 1, 2022 meeting.

1 All members have been mailed or received the e-mail a
2 copy and should have had time to look them over. At
3 this time I will entertain a motion.

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

5 MS. MASON: Second.

6 CHAIRMAN: We have a motion by Tori and a
7 second by Ruth Ann. Any question on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: All in favor of the motion raise
10 your right hand.

11 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

12 CHAIRMAN: Motion carries.

13 First item on the agenda.

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15 CONDITIONAL USE PERMIT

16 ITEM 2

17 316 Booth Avenue, zoned B-4, General Business
18 Consider a request for a Conditional Use Permit in
19 order to operate an adult daycare/training center from
20 the subject property.
Reference: Zoning Ordinance, Article 8,
Section 8.2(B)(3)
Applicant: Sarah Roby, Ryan Rutman

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

22 MR. PEDLEY: Trey Pedley.

23 (TREY PEDLEY SWORN BY ATTORNEY.)

24 MR. PEDLEY: The subject property is an
25 existing development that is zoned B-4 General

1 Business and is located near the intersection of Booth
2 Avenue and Frederica Street. All adjoining properties
3 are also zoned B-4 General Business and appear to be
4 utilized appropriately.

5 The applicant proposes to operate an adult
6 daycare/training center from the subject property
7 which will include Adult Day Training and Behavior
8 Therapy.

9 For this use the zoning ordinance will require
10 five parking spaces. The approved site plan on file
11 illustrates nine existing parking spaces on site. The
12 ordinance also requires a 3-foot tall continuous
13 element and one tree per 40-linear-feet where the
14 vehicular use area adjoins Booth Avenue. This is also
15 shown on the approved site plan.

16 If approved Special Conditions include:

17 1. Obtain all necessary building, electrical
18 and HVAC permits, inspections and certificates of
19 occupancy and compliance, including any that may be
20 required by the State of Kentucky Department of
21 Housing, Building and Construction or any other
22 entity.

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

25 CHAIRMAN: Thank you, Mr. Pedley.

1 Is there someone here representing the
2 applicant?

3 Would you go to the podium, please?

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

6 MS. ROBY: Sarah Roby.

7 (SARAH ROBY SWORN BY ATTORNEY.)

8 CHAIRMAN: Ms. Roby, do you have anything to
9 add to what Mr. Pedley has said?

10 MS. ROBY: I think he did a great job
11 explaining what we're hoping to use this building for.

12 CHAIRMAN: Is there anyone else wishing to
13 speak in favor of this item?

14 (NO RESPONSE)

15 CHAIRMAN: Is there anyone else in the
16 audience that wishes to speak in opposition?

17 (NO RESPONSE)

18 CHAIRMAN: Any board members have questions?
19 Mr. Jean.

20 MR. JEAN: How many clients and staff would
21 you be having there?

22 MS. ROBY: That's a great question. We
23 actually at this point have accepted referrals for
24 only seven clients that would be there on a daily
25 basis. That would require one and a half staff. So

1 one and then a little bit more to help because we do a
2 five to one ratio. We would cap ourselves at no more
3 than 25 participants in the building at any given
4 time. That would be quite a bit for the individuals
5 that we serve. We wouldn't go over that, but I don't
6 even know that we would get to that in quite a while.
7 As far as that goes, the staffing would be a five to
8 one ratio for our participants.

9 CHAIRMAN: From where do you get your
10 referrals?

11 MS. ROBY: We get our referrals through case
12 management agencies here in Kentucky. Some of those
13 would be River Valley. We've got several here in
14 town, but all of our clients are through the SCL,
15 which stands for Support for Community Living, or the
16 Michelle P. Waiver program which are under the
17 umbrella of Medicaid. So our technical term is we're
18 a Medicaid provider support agency.

19 CHAIRMAN: Thank you. What are the ages, age
20 range?

21 MS. ROBY: For our Day Training Program, that
22 would be all adults. They would be over the age of
23 18. There is no cap on that age, but they can't be
24 younger than 18.

25 Our behavior therapy clients can be any age.

1 The youngest that we typically see with Medicaid
2 waiver would be 5 years old. Our oldest that we
3 currently have is 76. So it's a wide range there.
4 Those behavior clients aren't necessarily always in
5 this building. Those supports are provided in their
6 homes in the community and sometimes in the building,
7 if that's necessary for more clinical setting, but
8 that's definitely the smaller portion of how those
9 supports are provided.

10 CHAIRMAN: Thank you.

11 Anyone else have questions.

12 (NO RESPONSE)

13 CHAIRMAN: Are we ready for a motion?

14 Mr. Jean.

15 MR. JEAN: I would like to make a motion that
16 we approve this Conditional Use Permit based on the
17 Staff Report, the site visit, and the testimony heard
18 here this evening, with the two zoning ordinance
19 requirements and the one special condition and the
20 three findings of fact. This property is zoned B-4
21 General Business for operating an adult day care
22 center that's allowed by this Conditional Use Permit.
23 This use will not have a significant impact on traffic
24 on Booth Avenue due to the small number of clients
25 each day. This activity will not create a hazard or a

1 nuisance to the neighborhood because of the number of
2 other businesses in the neighborhood.

3 CHAIRMAN: We have a motion by Mr. Jean. Do I
4 have a second?

5 MS. MASON: Second.

6 CHAIRMAN: Second by Ms. Mason. Does anyone
7 have a question on the motion?

8 (NO RESPONSE)

9 CHAIRMAN: Hearing none I'm ready for a vote.
10 All those in favor of the motion raise your right
11 hand.

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Anything else, Ms. Evans?

15 MS. EVANS: No, ma'am.

16 CHAIRMAN: At this point I'll entertain one
17 last motion.

18 MS. THOMPSON: I make a motion to adjourn.

19 CHAIRMAN: Do I have a second?

20 MS. MASON: Second.

21 CHAIRMAN: All in favor raise your right hand.

22 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

23 CHAIRMAN: We are adjourned.

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25

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 8
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 31st day of October, 2022.

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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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