

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 NOVEMBER 3, 2022

3 The Owensboro Metropolitan Planning Board of  
4 Adjustment met in regular session at 5:30 p.m. on  
5 Thursday, November 3, 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 Ruth Ann Mason  
12 Lewis Jean  
13 Tori Thompson  
14 Laina Strehl  
15 Bill Glenn

16 \* \* \* \* \*

17 CHAIRMAN: We will call the Owensboro  
18 Metropolitan Board of Adjustment November 3, 2022  
19 meeting to order. First thing we're going to start  
20 with is Mr. Glenn is going to lead us in a prayer and  
21 the pledge.

22 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

23 CHAIRMAN: First item on the agenda is to  
24 consider the minutes of the October 6, 2022 meeting.  
25 All members should have been mailed a copy of the  
minutes and have hopefully looked through them. At  
this time does anybody have any addition or correction  
to the minutes?

1 (NO RESPONSE)

2 CHAIRMAN: Hearing none I'll entertain a  
3 motion to approve.

4 MS. MASON: Motion to approve.

5 CHAIRMAN: Motion by Ruth Ann.

6 MS. THOMPSON: Second.

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

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 CHAIRMAN: Motion carries unanimously.

11 First item, Mr. Howard.

12 -----

13 VARIANCES

14 ITEM 2

15 1927 Sheridan Place, zoned R-1A Single-Family  
16 Residential  
17 Consider a request for a Variance in order to reduce  
18 the side yard building setback from 10-feet from the  
19 side property line to 5-feet from the side property  
20 line, and to reduce the rear yard building setback  
21 from 20-feet from the rear property line to 5-feet  
22 from the rear property line.  
23 References: Zoning Ordinance, Article 8.5.5(d) &  
24 Article 8.5.5(e)  
25 Applicant: Paul W. Vance & Pamela Hughes

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

23 MR. PEDLEY: Trey Pedley.

24 (TREY PEDLEY SWORN BY ATTORNEY.)

25 MR. PEDLEY: The subject is zoned R-1A

1     Single-Family Residential located near the terminus of  
2     Sheridan Place.

3             The applicant is proposing to construct an  
4     attached carport to be located within the existing  
5     driveway that will be located 5-feet from the side  
6     property line and 5-feet from the rear property line.

7             As further described in the Staff Report, the  
8     Staff believes that granting this variance as  
9     requested will not adversely affect the public safety  
10    because that proposed addition will maintain at least  
11    10-feet of separation from the neighboring residential  
12    homes, as required by the Kentucky Residential  
13    Building Codes. Granting this variance will not cause  
14    a nuisance to the public because the proposed addition  
15    will not encroach into the existing public utility  
16    easement; will not alter the essential character of  
17    the general area because similar encroachments exist  
18    in the immediate vicinity; and will not allow an  
19    unreasonable circumvention of the requirements of the  
20    zoning regulations because similar variances have been  
21    approved within the immediate and general vicinity.

22            We would like to recommend this Variance for  
23    approval with the condition that the applicant obtain  
24    all necessary building, electrical and HVAC permits,  
25    inspections and certificates of occupancy and

1 compliance.

2 We would like to enter the Staff Report into  
3 the record as Exhibit A.

4 CHAIRMAN: Thank you.

5 Is there anyone here representing the  
6 applicant?

7 MS. HUGHES: Yes.

8 CHAIRMAN: Would you come to the podium?

9 MS. KNIGHT: Ma'am, would you state your name  
10 for the record, please?

11 MS. HUGHES: Pamela Hughes.

12 (PAMELA HUGHES SWORN BY ATTORNEY.)

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

15 MS. HUGHES: No.

16 CHAIRMAN: Stay put.

17 Anybody in the audience have any questions or  
18 additions to this?

19 Yes, sir. You need to come to the podium and  
20 be sworn in.

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

23 MR. KUNTZ: Jerry Kuntz.

24 (JERRY KUNTZ SWORN BY ATTORNEY.)

25 MR. KUNTZ: I just had some questions. I've

1 lived directly east of the house for 22 years now. In  
2 my entire time OMU, Bell South, AT&T, Spectrum and all  
3 of the rest come down to the driveway to access the  
4 utility pole. It's the third utility pole in the 22  
5 years I've been there. So I was wondering if the  
6 carport is there, how will OMU get to replace the pole  
7 next time?

8 CHAIRMAN: Can you answer that?

9 MR. HOWARD: We can't. I can't really answer  
10 that. That would really be up to the individual  
11 utilities and how they would access it, and I'll ask  
12 Staff.

13 Was there a utility easement that runs along  
14 the property or just along the rear?

15 MR. PEDLEY: The rear.

16 MR. HOWARD: So according to the Staff the  
17 utility easement runs along the rear of the  
18 properties. Not down to the driveway. They would  
19 have to have some means to be able to get back there  
20 whether they use that driveway or not. I can't speak  
21 to how they would access it in the future.

22 MR. KUNTZ: So would be plausible to instead  
23 of them above the carport and trying to reach out with  
24 something like a crane to drop it down they would come  
25 through my landscaping and backyard and trees and

1       crepe myrtles and azaleas and all of that?

2               MR. HOWARD: The Board of Adjustment, our  
3       Planning Staff, we can't speak for the utilities. I  
4       wouldn't even want to assume, guess or presume how  
5       they might do that. There are easements all over  
6       town. They get to things. They access them. How  
7       they do it is up to them. This Staff wouldn't have  
8       the knowledge or expertise or ability to answer that.

9               MR. KUNTZ: Second question is, with the added  
10       carport and additional carport being under roof, how  
11       would that affect the water flow since Griffith comes  
12       to a peak and it starts to go downhill and then the  
13       hill sort of ends at two of our houses and kind of  
14       meanders down Ford Avenue there. Would that create  
15       additional water problems on our property?

16              MR. HOWARD: That would be a question for the  
17       city engineer's office. I don't want to speak for  
18       them, but I would say that when you look at this, the  
19       carport, correct me if I'm wrong, anybody, but the  
20       carport is going on top of what is already hard  
21       surface, correct?

22              MR. PEDLEY: Yes.

23              MR. HOWARD: So there wouldn't be, in my mind  
24       there wouldn't be any additional runoff because any  
25       new roof coverage that you have is on top of something

1       that's already part of the surface.

2               MR. KUNTZ:   So the roof is only going one  
3       direction towards Sheridan?

4               MR. HOWARD:   Yes.

5               MR. KUNTZ:   The pitch that -- 5-foot area back  
6       towards the utility easement.

7               MR. HOWARD:   Maybe the applicant can address  
8       that.   The direction of the down-spouts off of the  
9       roof, that I don't know.

10              MR. KUNTZ:   I'm not opposed to this.   I love  
11       everything they've done.   They have excellent taste  
12       and done great work.   I'm just concerned about --

13              CHAIRMAN:   Can you address that?

14              MS. HUGHES:   I think I can.   It's open on  
15       three sides so I can't imagine that it's going to have  
16       any effect on the drainage.   The roof is going to go  
17       into the garage.   It's going to connect into the  
18       garage.   If the garage roof goes this way, then this  
19       roof is going in here and then it's open.

20              MR. KUNTZ:   So garage roof goes east/west and  
21       then you're going to go opposite direction, north to  
22       south?

23              MS. HUGHES:   Correct.   It's going to be right  
24       on us where it's going to come down.   We will have the  
25       guttering system and it will go out the driveway

1       because we're not changing that. So it has the slope  
2       for any water that's there. Then with the gutter  
3       system, it will come down and be piped away  
4       with corrugated piping so that it doesn't impede on --  
5       and that area that you're talking about it's up so it  
6       runs off on us anyway.

7               MR. KUNTZ: Okay. Just a question I had.  
8       Thank you.

9               MS. HUGHES: You're welcome.

10              CHAIRMAN: Do you have other questions?

11              MR. KUNTZ: No. Those are the only two  
12       questions I had.

13              CHAIRMAN: Thank you.

14              Anyone else wishing to speak on this item.

15              (NO RESPONSE)

16              CHAIRMAN: Any board members have questions?

17              (NO RESPONSE)

18              CHAIRMAN: Hearing none I'll entertain a  
19       motion.

20              MS. STREHL: I'll make a motion to pass the  
21       ordinance.

22              CHAIRMAN: To grant the Variance.

23              MS. STREHL: To grant the Variance. Thank  
24       you.

25              MR. HOWARD: Based upon the four findings of



1 fact that were included in the Staff Report and the  
2 Condition.

3 MS. STREHL: Yes.

4 CHAIRMAN: We had a motion by Ms. Strehl. Do  
5 I have a second?

6 MR. GLENN: Second.

7 CHAIRMAN: Second by Mr. Glenn. Any question  
8 on the motion?

9 (NO RESPONSE)

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

12 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

13 CHAIRMAN: Motion carries unanimously.

14 Thank you.

15 Next item.

16 -----

17 CONDITIONAL USE PERMIT

18 ITEM 3

19 7859 Highway 144, Zoned A-R, Rural Agriculture  
20 Consider request for a Conditional Use Permit in order  
21 to operate outdoor recreational activities from the  
22 subject property, including dirt bike training,  
23 classes, and practices, as well as walking trails and  
24 the hosting of various events.

25 References: Zoning Ordinance, Article 8,  
Section 8.2(K) 8/42

Applicant: Marvin & Kristi Staser

24 MR. PEDLEY: The subject property is located  
25 along Highway 144 just east of Knottsville Mount Zion

1 Road. This property and all adjoining properties are  
2 zoned A-R Rural Agriculture; most of which are  
3 utilized residentially and/or agriculturally with the  
4 lone exception being a wedding and event venue located  
5 to the west, which obtained a Conditional Use Permit  
6 in 2019.

7 At this time, the applicant has submitted an  
8 application for dirt bike activities, walking trails,  
9 and the hosting of various events.

10 The events portion of the application has  
11 since been withdrawn and, as such, only the dirt bike  
12 activities and the walking trails will be heard  
13 tonight.

14 Per the applicant, the dirt bike uses consist  
15 of two types of activities:

- 16 1. Ride Days, which will be held on:
- 17 A. Friday evenings from 5 - 8
  - 18 B. Saturdays from 9 a.m. to 5 p.m. and
  - 19 C. Sundays from noon to 5 p.m.
  - 20 D. These activities are only expected  
to take place on one weekend per  
month.

21 The ride days will include up to 50 riders and  
22 17 spectators present for dirt bike practices, which  
23 will be separated by class.

24 2. The second type of activity is Training  
25 Days, which will include scheduled dirt bike lessons

1       that will be take place on weekday evenings from 5 - 8  
2       p.m.

3               The training days are expected to host a  
4       maximum of 10 riders with 10 spectators and shall not  
5       overlap with the Ride Days.

6               The requested walking trails are intended to  
7       take place only as an accessory use to the dirt bike  
8       activities and are not intended to be a stand-alone  
9       use.

10              For this use the zoning ordinance requires 1  
11      parking space per employee on maximum shift, 1 per 3  
12      participants, and 1 per 3 spectators. Based on the  
13      information provided, the zoning ordinance will  
14      require 24 parking spaces for this use.

15              Additionally, because this proposal does not  
16      adjoin any public right-of-way or residential zoning,  
17      the zoning ordinance does not require any landscaping  
18      to be installed. However, The Board of Adjustment may  
19      require additional parking and landscaping if deemed  
20      necessary in order to ensure that the use integrates  
21      well into the area.

22              If approved Special Conditions include:

23              1. Approval of this Conditional Use Permit  
24      shall not constitute as approval for any special  
25      events as originally applied for, as such a use was

1 withdrawn from the application;

2 2. If approved, it is recommended that the  
3 OMBA establish conditions pertaining to:

4 \* Specific weekends that the Ride Days will  
be provided;

5 \* Separately establish allowed days and hours  
of operation for both, the Ride Days and for the  
6 Training Days; and,

7 \* Separately establish a maximum number of  
riders at one time for both, the Ride Days and for the  
Training Days.  
8

9 3. The Training Days shall not overlap with  
10 the Ride Days.

11 4. The walking trails shall be available only  
12 as an accessory use to the dirt bike activities and  
13 shall not be conducted as a stand-alone use;

14 5. The first 50-feet of the access point  
15 shall be paved, measured from the edge of pavement  
16 along Highway 144;

17 6. Obtain approval of a Site Plan or Final  
18 Development Plan in order to determine compliance with  
19 all zoning ordinance requirements including, but not  
20 limited to, parking, landscaping and access  
21 management; and,

22 7. Obtain all necessary building, electrical,  
23 and HVAC permits, inspection and certificates of  
24 occupancy and compliance.

25 We would like to enter the Staff Report into

1 the record as Exhibit B.

2 CHAIRMAN: Thank you, Mr. Pedley.

3 Is there anyone one here representing the  
4 applicant?

5 MR. KNIGHT: Mr. Tierney, you're sworn as an  
6 attorney.

7 MR. TIERNEY: Thank you.

8 Madam Chair, I'm here on behalf of the  
9 applicant. Just in addressing the Staff Report and  
10 talking to my client, I think there was an issue with  
11 the Staff Report saying that they wanted it to be the  
12 first weekend of every month. While they anticipate  
13 only having one weekend a month at this time, I think  
14 they would request that any restriction be that just  
15 be for one weekend a month. What they would propose  
16 to do, they're going to try to be good neighbors  
17 ultimately. They don't want to cause too much  
18 disruption. At this time I think what they'd be  
19 willing to do is provide a schedule to any of these  
20 property owners within 30 days notice to say, this is  
21 when -- for instance, in March they would give them a  
22 notice in February to say, this is when we're having  
23 in March, any ride days or anything of that nature. I  
24 just believe, in my purview the way I look at it is  
25 hypothetically speaking if they're trying to operate a

1 business and the Board of Adjustment restricts it to  
2 the first weekend of every month, it could rain the  
3 first weekend of every month for four months and  
4 they're out of business for four months and making it  
5 too restricted. I would just ask that if we limit it  
6 we put something on them to say they have to provide  
7 notice at least 30 days to the property owners.

8 My clients are here to answer any other  
9 questions that may be made available by the Board.  
10 Thank you.

11 CHAIRMAN: Any board members have any  
12 questions of Mr. Tierney?

13 (NO RESPONSE)

14 CHAIRMAN: Is there anyone else here wishing  
15 to address this item?

16 Yes, sir.

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

19 MR. BRANT: James Brant.

20 (JAMES BRANT SWORN BY ATTORNEY.)

21 MR. BRANT: I was just curious, what concerns  
22 they think might come up with this. Because if he's  
23 just talking 10 bikes during training and there's  
24 probably going to be up to 40, 50 maybe by the  
25 weekend, who knows.

1           I work a swing shift and I have a daughter  
2       that works at the hospital straight nights and stuff  
3       and we sleep in the daytime.

4           I can't fault any man for wanting to raise  
5       revenue on his own property and stuff, but not at the  
6       sacrifice of other peoples peace. I mean there's been  
7       a few times that, like I said, he's got a heavy  
8       equipment business. I heard the trucks coming in and  
9       out and never said anything. You can see he's already  
10      got the track up there. I've been woke up from that  
11      too, but that's just him and maybe one friend. Like I  
12      said, it's his property. Man ought to do what he  
13      wants to do on his own property. Like I said, there's  
14      been other cases that I've been woken up from and I've  
15      just let it go and stuff, but to multiply that by 10,  
16      20, 40 more plus the dust alone. If I was ever to  
17      decide to sell my house, that is definitely not going  
18      to be draw if anybody wants to buy my place; I  
19      wouldn't think anyway. Don't get me wrong. I can  
20      appreciate him wanting to train younger riders if  
21      that's what he's got plan and stuff. It's a cool  
22      sport and all.

23           I just don't think the residential area for  
24      what he's got is right for that. I mean you need  
25      something like 100 acres for something like that if

1 he's not really expecting to disturb the residents.

2 CHAIRMAN: So your concerns are for the noise,  
3 the dust and just general incapacity?

4 MR. BRANT: And traffic. That's going to  
5 increase traffic quite a bit too. Where I live at,  
6 you come off his road there and it's on a hill and it  
7 comes down and my driveway and it goes down another  
8 hill. You always have to be careful pulling out of my  
9 driveway. I hate to shoot him down. I don't want to  
10 be unneighborly and all. I don't think it's a good  
11 fit.

12 CHAIRMAN: Do you wish to address his  
13 concerns?

14 MR. TIERNEY: I would find it interesting that  
15 he lives closer to the wedding venue, and I don't know  
16 if he's had the same issues or concerns about the  
17 wedding venue. There's a lot of traffic coming and  
18 going there.

19 He may not like the use that is transpiring,  
20 but it seems to be a little bit selective on  
21 Mr. Brant's part to object to my client's current use  
22 now. My client has already been using the property  
23 with the track for his personal use, you know, and  
24 that predates the wedding venue in 2019. Again, there  
25 is certainly, I think my client is going to do what he



1       can to buffer that noise. He's always going to try to  
2       do what he can to ensure that he's not disrupting or  
3       being as least disruptive as possible, you know, to  
4       that. I understand where Mr. Brant is coming from  
5       relative to that. Again, I think Mr. Staser and Mrs.  
6       Staser have intentionally put it where they put it to  
7       try to be as far away from everyone as possible, their  
8       neighbors.

9               He is intending on having a water truck to  
10       keep the dust down. There's going to be a water truck  
11       there that's going to always have to limit and try to  
12       eliminate as much dust as possible to, again, try to  
13       be as good of a neighbor as he possibly can.

14              MR. BRANT: I would just ask him, there's  
15       quite a bit of noise difference between a few people  
16       talking versus a dirt bike. I mean quite a bit. And  
17       you're going to bring water and driveway like you  
18       said, there's another -- like I said, I sleep days  
19       sometimes. I hate to be like this, man, but it's just  
20       the facts of the situation.

21              CHAIRMAN: Any board members have questions of  
22       Mr. Brant before he sits down?

23              Mr. Glenn.

24              MR. GLENN: I don't think I have new  
25       questions, but I visited site. I looked at it. I

1        didn't drive up the driveway for the applicant, but I  
2        was looking around in the area at the houses.

3                I too am somewhat concerned about the traffic  
4        that could generate that with that many participants,  
5        and I was wondering about the noise. I can see and  
6        saw from this plan that it is back there at the back  
7        end of the property. It's surrounded by some trees  
8        and I guess that could hold the noise down, but I'm  
9        seeing your position there. I'm concerned about that.  
10       I'm concerned about the traffic. That's not an idea  
11       place to get in and out of, from my site visit today.

12              CHAIRMAN: Anyone else have comments from the  
13       Board?

14              MS. MASON: Well, I have a question for the  
15       applicant. Is that okay?

16              CHAIRMAN: Sure.

17              MS. MASON: I have some questions about  
18       parking. 24 spaces, but when people come with their  
19       dirt bikes, I don't know much about dirt bikes, but  
20       you have a trailer that your dirt bike is on. So if  
21       you have 24 space, that means the trailer and the  
22       vehicle is going to take up more than one space. And  
23       when you're talking about 50, maybe 50 people, you  
24       know, at one time plus spectators, you're looking at a  
25       lot more, you're going to need a lot more parking than

1       what's proposed.

2               MR. TIERNEY: And I think there's plenty of  
3       space. It think that would be consistent with a Final  
4       Development Plan or Site Plan in which part of the  
5       Staff recommendation is be subject to that. I think  
6       ultimately if there needs to be more, there's plenty  
7       of space and I don't think the applicants have any  
8       problem creating more. Right now I think it's at 120  
9       by 60. I mean if it ended up being 240 by 112, I  
10      don't think they're going to have a problem creating  
11      that situation there. I think there's enough space to  
12      do that, to address that concern.

13             MS. MASON: Okay. I have more questions.

14             If they're coming for the weekend for these  
15      rides, I know it's like horse people, they have  
16      trailers that they have where they camp and stuff. Is  
17      there going to be any camping on the property?

18             MR. TIERNEY: No. No one is going to be  
19      staying at the premises. That's why they limited the  
20      time frame.

21             MS. MASON: And what about bathrooms, I don't  
22      see anywhere on here where there's any bathroom  
23      facilities with that many people.

24             MR. TIERNEY: Correct. That might be  
25      something that they have to address with their Site

1 Plan and Final Development Plan. I don't know that  
2 they've --

3 MS. MASON: I think if there's going to  
4 port-a-johns, it's going to have to be something they  
5 have to address with the health department maybe.

6 MS. TIERNEY: Certainly. All part of the Site  
7 Plan.

8 MS. MASON: Is that something, Brian, that we  
9 need to, if we approve this, that we need to say about  
10 putting bathrooms in?

11 MR. HOWARD: Both of your questions I think,  
12 in my opinion, should be addressed by the Board, if  
13 recommendation to approve this application were made  
14 tonight. We don't as staff, Mr. Pedley in the Staff  
15 Report gave what the parking requirement would be  
16 based on barebones of the zoning ordinance or outdoor  
17 an recreational use. Now, that doesn't mean that  
18 every outdoor recreational use is the same, and as you  
19 as you pointed out, and if Mr. Tierney agrees, that  
20 these people have trailers and whatnot, so a standard  
21 60 foot by 120 parking area would likely not be  
22 sufficient.

23 Staff doesn't have the knowledge or expertise  
24 right now to know how big that area should be. You  
25 all should make some type of determination, if you

1       were to approve it, that it needs to be this big or  
2       whatever.

3               CHAIRMAN: Anybody else have questions?

4               MS. STREHL: I have a concern. I have a  
5       concern about the excess patrolling this might have to  
6       cause with reports sent in for noise and the burden  
7       that may be put on the county because of the traffic.  
8       I concerns about the burden that it would put on our  
9       county, the patrol system, our police out there and  
10      sheriff because the potential for cause for complaints  
11      and the issues that would most likely arise with  
12      traffic.

13              CHAIRMAN: And safety.

14              MS. STREHL: And the safety of the location of  
15      the entrance to the property.

16              MR. TIERNEY: I don't know how to answer a  
17      concern that may or may not come to fruition. I don't  
18      know how you want me to answer that. I understand the  
19      concern. I recognize it and understand it and I  
20      think, you know, again I think that's why he has tried  
21      to put it as far back as possible so that the noise  
22      complaints may be dissipated somewhat and that's why  
23      he's tried to keep it in an area where there are some  
24      trees that may cut down on some of that noise.

25              MS. STREHL: And that's a maybe.

1           MR. TIERNEY: Right. But you're speaking in  
2           hypothetical too and that's all I can speak too.

3           MS. STREHL: It is, but it is a concern to be  
4           noted.

5           MR. TIERNEY: It's a valid concern. It's 100  
6           percent a valid concern and I recognize and understand  
7           that and that's why I think he's tried to put it as  
8           far as back on his property as possible and in a  
9           wooded spot to alleviate some of those noise issues.  
10          Now, some of those noise issues are just going to be  
11          there at the end of the day because it is a loud, it's  
12          louder than, you know, what most things would be going  
13          on in a property like that. I recognize and  
14          understand that.

15          As far as the traffic, I think that's why he's  
16          tried to, again, they're going to have to get with  
17          Kentucky Transportation Cabinet to even see if that,  
18          you know, that's part of the Staff Report.

19          MS. STREHL: As you further develop and  
20          something to explore.

21          MR. TIERNEY: That's correct. That may not  
22          even be -

23          MS. STREHL: Feasible.

24          MR. TIERNEY: - feasible. With the Kentucky  
25          Transportation they may have the same concerns and

1       they say, we're not going to approve that. And if  
2       they don't, then that again, is making this a mute  
3       issue at the end of the day.

4               CHAIRMAN: Anyone else over here?

5               MR. BRANT: The gentleman said something about  
6       the track being preexisting, that he's already used  
7       his stuff. Like I said, that's when I realized how  
8       loud they was. Would that require a permit on a  
9       personal use like that?

10              MR. HOWARD: If it's personal use, no. If you  
11       live out in the county and you have ATVs, motorcycles,  
12       you can ride those on your property, horses, whatever.

13              MR. BRANT: I understand.

14              MR. HOWARD: But they're here because what  
15       they're proposing would be more of a commercial use as  
16       a facility where people would come and practice and  
17       train. So that's why the public hearing. But as far  
18       as that goes, on your own property you can ride your  
19       motorcycles all you want.

20              MR. BRANT: As far as the gentleman talking  
21       about the tree buffer and noise and stuff there, in a  
22       previous picture you can see my property a little bit  
23       better. I've got straight eyesight to the track. And  
24       it goes down in a valley where no trees won't grow  
25       that tall along that. It might muffle. On top of

1       that, down below him, there's a creek down there at  
2       the bottom of his thing there. There might be some  
3       kind of impact, environmental impact to it because  
4       that is bottom down there behind him and there is a  
5       stream down there. My father-in-law used to own that  
6       land many years ago.

7               There's a lot of things to consider. If I  
8       could ask, is there a time frame when you all might  
9       make a decision roughly?

10              CHAIRMAN: We'll try to tonight.

11              MR. BRANT: Oh, I didn't think it would be  
12       that quick. I figured a week or something.

13              Yes, there might be something to that  
14       environmental part too. Like I said, that bottoms is  
15       wetland down there. I mean it stays wet until  
16       midsummer at least. She knows. She owns the property  
17       on the backside.

18              CHAIRMAN: Do you want to speak?

19              AUDIENCE MEMBER: No. I just couldn't see the  
20       pictures.

21              CHAIRMAN: Okay. Anybody else over here?

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

24              MRS. BRANT: Morgan Hildebrant.

25              (MORGAN HILDEBRANT SWORN BY ATTORNEY.)



1 MS. HILDEBRANT: So I'm representing myself  
2 and my mother.

3 Not only are we neighbors as you can see in  
4 the picture, we also own the wedding venue that he was  
5 speaking on.

6 So we were here in 2019 to get rezoned for  
7 agri-tourism. Mr. Staser was here so he's familiar  
8 that we're having events. Obviously it was a very  
9 large investment for us, about 1.5 million to be  
10 close. It's our livelihood. I can't imagine having  
11 to tell a bride that her ceremony may be ruined  
12 because there could be a dirt bike race going on.

13 He talks about, Mr. Tierney spoke about the  
14 noise and saying that Mr. Brant being biased towards  
15 us. I don't really see that being possible. We're in  
16 an enclosed soundproof building. We haven't had any  
17 complaints about the noise. Again, there's a huge  
18 difference between what we have going on and dirt bike  
19 racing.

20 There is no muffled tree line. You can see  
21 our property line goes right next to his dirt bike  
22 track, and we certainly don't want to be the neighbor  
23 that gets up here doing this. We certainly never  
24 thought we would have to or else we never would have  
25 build there or gone through everything we've had to go

1 through to get here.

2 Obviously, the noise concern. Mr. Staser  
3 brought up the noise concern. When we were here, and  
4 I can't see how that would be more of a concern than  
5 dirt bike racing.

6 Obviously, kind of emotional for us after  
7 everything we've been through. The Staff Report it  
8 says the conditional use is supposed to integrate well  
9 into the proposed area. Obviously, for all of us it  
10 doesn't. I can't think of anyone up there, unless you  
11 love dirt bike racing, you would want that next-door  
12 as often as they're proposing. I know it's case by  
13 case, but we were there first. That's kind of all I  
14 have to say.

15 I could pass out some things for you all if  
16 you feel like you're willing to look at it. We're  
17 127-feet, our ceremony site to the treeline, where his  
18 track is. We book weddings one to two years out. So  
19 even if he gives us 30 days notice on an event, that  
20 isn't enough of a heads up for us. Obviously we have  
21 a lot of concern, you know. As far as traffic goes  
22 for us, we have entrance and exits. Everyone kind of  
23 pulls in separately. We don't have any issues. We  
24 certainly haven't heard from the neighbors that  
25 there's any issues or anything.

1 Do you want to look at these pictures.

2 CHAIRMAN: Sure.

3 MS. MASON: Sure.

4 CHAIRMAN: Any Staff members have questions of  
5 Ms. Hildebrandt, any board members?

6 (NO RESPONSE)

7 CHAIRMAN: Would you like one of these entered  
8 into the record?

9 MS. HILDEBRANDT: Sure.

10 Does everyone have a copy now?

11 CHAIRMAN: We do.

12 MS. HILDEBRANDT: The first image is, it was  
13 the second slide that was shown. As you can see it  
14 circles where the ceremony site is. You can see how  
15 close it is to the property and especially the track.

16 The second copy is of our property. Again,  
17 you can see that ceremony site there and how, again,  
18 how close it is. The third page is just showing how  
19 loud they actually are. Maybe not everyone is  
20 familiar with dirt bikes, but I can't think of a lot  
21 of things on property that are louder than dirt bikes.  
22 Then the last page is showing again how close it is to  
23 our property.

24 Again, I feel like I've said a lot about the  
25 venue. Even if we did not have a business there, we

1       certainly as a neighbor wouldn't want ten plus dirt  
2       bikes out there possibly every night and every  
3       weekend.

4               Again, I don't want to be that neighbor. Like  
5       Jimmy was saying, you know, we want someone to be able  
6       to do what they want on their property, but there  
7       comes a point where it's like quality of life for your  
8       neighbors and just respect of how close everyone is.  
9       Like Jimmy was saying, most of the time if you have  
10      been to a track or familiar with tracks, it's 100 plus  
11      acres and there's not much around them. You can see  
12      at least eight houses in that image right there alone.

13             Just asking you to consider if you were a  
14      neighbor to this, let alone a business owner, you  
15      know, who depends on that for your livelihood.

16             I don't know if he has any questions for me.

17             MR. STASER: I would like to address a couple  
18      of things.

19             CHAIRMAN: You need to address them to us.

20             MS. KNIGHT: Go ahead and state your name.

21             MR. STASER: Marvin Staser.

22             (MARVIN STASER SWORN BY ATTORNEY.)

23             MR. STASER: When I came for their meeting I  
24      guess back in 2019, my only concern, well, one was  
25      noise at nighttime and they said, you know, they were

1       going to put and end to when the time was, and that  
2       was really all I brought up. I could have been just  
3       as much -- I mean what they're going into tonight, I  
4       could have been on noise, but I was trying to be a  
5       good neighbor.

6               My other thing was, I ride dirt bikes. I've  
7       rode dirt bikes my whole life. I've raced at the  
8       highest levels as young amateur. I didn't want  
9       anything to effect me riding my dirt bike. They knew  
10      on the front end they were building around, next to a  
11      dirt bike track that wasn't going anywhere. I've been  
12      riding. I ride all the time. I do have buddies that  
13      come and ride. I'm not collecting any money. We're  
14      just buddies riding, but I would like to now be able  
15      to expand that and actually make just a little bit of  
16      money. I'm going to the track. I'm water the track.  
17      I'm going to prep it and put all that work into it,  
18      instead of me just riding, why don't I spend a little  
19      money and have a conditional use and be able to  
20      actually have a track. And then they addressed 100  
21      acres and that statement is not right. I've been to  
22      many, actually ran a track in Dupont, Tennessee and  
23      it's right in the middle of Dupont Fire Department and  
24      everything. South Carolina, there's a huge south of  
25      the border, it's right in the center of town. So

1       that's not a true statement.

2               We will be the best neighbors that we are, but  
3       they did all their investment, the 1.5 million, they  
4       did that knowing that that a dirt bike track was there  
5       and not going anywhere. So that's not a valid point  
6       as well.

7               Do you have any questions to that?

8               MS. HILDEBRANDT: Yes. Again, we never  
9       complained to you about you over there riding. We  
10      certainly want you to -- I know you grew up doing that  
11      and that's your hobby and we're all for that, but what  
12      we didn't realize is that you wanted to turn it into  
13      more of a commercial use. Like I said, had we known  
14      that, we wouldn't have bought the property because  
15      when we came here to be rezoned it was contingent on  
16      this getting approved. We could have or would have  
17      gone elsewhere. You know, you also brought up the  
18      noise again. You can't say it's the same noise.

19              MR. STASER: No, I agree. Dirt bikes are  
20      loud. I'm not denying that at all. You said "100  
21      acres." I've raced all over and sometimes we're in  
22      the middle of a town and that's --

23              MS. HILDEBRANT: I mean I'm not familiar with  
24      where they're all at. As a neighbor, you know --

25              MR. STASER: She mentioned night. If we need

1 to be good neighbors and say, you know, riding stops  
2 at 4:00. We're not riding at night. I don't plan to  
3 put lights back there. You can work together.  
4 There's working together here. That's all I have to  
5 say. Thank you.

6 CHAIRMAN: Thank you.

7 Anyone else?

8 MS. THOMPSON: I have a question.

9 CHAIRMAN: Okay.

10 MS. THOMPSON: So you just said, Mr. Staser,  
11 you said you weren't going to be riding at night.

12 MR. STASER: On Fridays from 5 to 8. That  
13 would be in the time of the year where it doesn't get  
14 dark until 9:00 or whatever time that may be.  
15 Saturday and Sundays we will be riding.

16 MS. THOMPSON: Another question I have is as  
17 far as safety concerns go, do you plan to have  
18 insurance waivers?

19 MR. STASER: Yes, ma'am.

20 MS. THOMPSON: I know he said that you want to  
21 try to buffer the noise. What are your other options  
22 other than your treeline?

23 MR. STASER: To my knowledge unless you'll  
24 tell me, I don't know of any others besides trees.  
25 Obviously, that picture there looks like, it's colder

1       so there's not much on the trees, but it is a buffer.  
2       I'm not going to lie. It is noisy. I guess that's  
3       why we're here and that's where the issues are. At  
4       the end of the day I've had my dirt bike track and  
5       I've rode and I'm still going to ride. I'm just  
6       trying to do a business with it. That's where we're  
7       at.

8               CHAIRMAN: Thank you.

9               MS. HILDEBRANDT: Again, to the Stasers, we  
10       don't want to cause any trouble, but from a business  
11       owner standpoint we have to do what we feel is good  
12       for us. That's all I have.

13              CHAIRMAN: Thank you.

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

16              MS. JENSEN: It's Julia Jensen.

17              (JULIA JENSEN SWORN BY ATTORNEY.)

18              MS. JENSEN: Unfortunately, I haven't met my  
19       neighbors yet. We've been out there since, I live at  
20       7983, which my property backs up next to it in the  
21       back, the dirt track back there.

22              We have lived out there, we bought the  
23       property at the beginning of 2008. I really just want  
24       to address the noise issue. I was unaware of the  
25       times until tonight that he had planned to have, I



1       guess, racing or lessons and so forth. I don't mind  
2       that he's riding recreationally now. I can sit on my  
3       back deck and hear it from where I am and it's just  
4       two bikes. There has been a time at night where I've  
5       been outside and I didn't realize it sounded like  
6       literally someone was in my backfield just right below  
7       the house riding around. So I called my neighbor and  
8       I said, hey, are you guys back there with your  
9       four-wheelers or something. They said, no, I think  
10      it's the guy with the dirt track. I was like, oh,  
11      okay.

12             I really just want to address the noise issue.  
13      I did not realize how long these events, I guess it's  
14      not events. I noticed they took the events off. If  
15      you're having training, if you're having practices, I  
16      mean every day of the week and on weekends, I mean  
17      there's just no break. The noise is a factor. I hear  
18      just two sitting where I am and it is loud and to have  
19      50 bikes, 10 bikes, you know, running constantly, you  
20      know, the whole weekend and the whole week. I mean  
21      there's just no peace, and we moved out there for the  
22      peace and quiet.

23             I have heard -- the heavy equipment, I thought  
24      it was the wedding people building stuff. I just  
25      really want to address the noise issue and then also

1 the possibility that our property values will go down  
2 should we choose to sell, which we've discussed. But  
3 especially if this goes forward, I think that would be  
4 definite decline in value and we have about 40 acres.

5 I applaud him for wanting to try to start a  
6 business, but I don't think this is the location to  
7 start the business with families around, people  
8 working. We have a lot of shift people out there and  
9 families.

10 Another concern that I have is if this goes  
11 forward right now, the events is off the table, can  
12 that be put back on the table? You know, could he  
13 eventually get some sort of doing -- he's already  
14 going to do events if they're doing practices and  
15 training. To me that is an event. I don't know what  
16 they meant by the "event," other events that were  
17 taken off the table.

18 MR. HOWARD: I can address that. If the Board  
19 were to make a recommendation for approval tonight and  
20 establish conditions as far as what they deem  
21 necessary to adequately incorporate this use into the  
22 vicinity, whatever those conditions are, if the  
23 applicant were to exceed those or wish to exceed those  
24 in any capacity in the future, it would require a new  
25 application to come to the Board of Adjustment along

1 with notification to the neighbors just as happened  
2 with this application. If they were to add special  
3 events back in the future, a new conditional use  
4 permit. If they want to operate more than one day a  
5 month or whatever, new application.

6 MS. JANSEN: Okay. Well, that's really all I  
7 have. I just wanted to address the noise factor that  
8 is already there. I don't mind, you know, the couple  
9 of bikes that run or maybe three bikes that run, but  
10 the amount now that we're talking about and the number  
11 of days, it now for me is going to be an issue.  
12 Somebody on their property doing what they love to do  
13 is not an issue, but now we've blown it up and I think  
14 it's going to be an issue. Thanks.

15 CHAIRMAN: Let's wrap this up.

16 Do you have anything to add? Anybody over  
17 here have anything to add to what's already been said?

18 MR. BRANT: Other than to consider the  
19 environmental part of it and that parking lot.

20 CHAIRMAN: Mr. Tierney, anything to add?

21 MR. TIERNEY: Nothing.

22 CHAIRMAN: Any board members have any more  
23 questions or concerns to address?

24 (NO RESPONSE)

25 CHAIRMAN: I think we may be ready for a

1 motion.

2 Mr. Jean.

3 MR. JEAN: I would like to make a motion that  
4 we deny this Conditional Use Permit based on the Staff  
5 Report, site visit, testimony heard here this evening.  
6 The Findings of Fact that this activity will not be a  
7 harmonious fit into the neighborhood due to the noise  
8 and dust created by this activity. This activity is  
9 not compatible with the neighborhood due to the  
10 surrounding property being primarily agriculture and  
11 residential. It will have a negative impact on  
12 traffic on 144.

13 CHAIRMAN: Thank you. Do we have a second?

14 MR. GLENN: Second.

15 CHAIRMAN: Second by Mr. Glenn. Any question  
16 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. The  
22 application is denied.

23 Do we have any other items to come before us  
24 tonight?

25 MR. HOWARD: No, ma'am.

1 CHAIRMAN: We need one final motion.

2 MR. GLENN: Motion to adjourn.

3 CHAIRMAN: Motion to adjourn by Mr. Glenn. Do  
4 we have a second?

5 MS. MASON: Second.

6 CHAIRMAN: Second by Ms. Mason. All in favor  
7 raise your right hand.

8 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

9 CHAIRMAN: We are adjourned.

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