

1 OWENSBORO METROPOLITAN BOARD OF ADJUSTMENT

2 JANUARY 5, 2023

3 The Owensboro Metropolitan Planning Board of
4 Adjustment met in regular session at 5:30 p.m. on
5 Thursday, January 5, 2023, at City Hall, Commission
6 Chambers, Owensboro, Kentucky, and the proceedings
7 were as follows:

8 MEMBERS PRESENT: Judy Dixon, Chairman
Lewis Jean, Vice Chairman
9 Brian Howard, Director
Terra Knight, Attorney
10 Laurna Strehl
Tori Thompson
11 Bill Glenn
Andrew Howard

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14 CHAIRMAN: We'll call the Owensboro
15 Metropolitan Board of Adjustment January 5, 2023
16 meeting to order. We will start with the pledge to
17 the flag and a prayer and Mr. Jean will lead us this
18 evening.

19 (INVOCATION AND PLEDGE OF ALLEGIANCE.)

20 CHAIRMAN: First item on the agenda is the
21 election of officers so I will turn that over to our
22 counsel.

23 MS. KNIGHT: Thank you, Madam Chair.

24 As you all know, KRS 100.217 requires that
25 each Board of Adjustment annually elect a chairman and

1 any other officers that deem necessary. Our bylaws
2 provide that we will have a chairman, a vice chair and
3 a secretary/treasurer.

4 The bylaws also provide that we hold this
5 election the first meeting of January of each year.
6 We traditionally vote by show of hands so that's what
7 we'll do tonight. We elect the officers in the order
8 that they're listed in the bylaws so we'll start with
9 chair, the vice chair and then secretary/treasurer.

10 So at this time I'll open the floor for
11 nominations for chair.

12 MR. GLENN: I would like to nominate Judy
13 Dixon.

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

16 MR. JEAN: Second.

17 MS. KNIGHT: Ms. Dixon, do you accept that
18 nomination?

19 MS. DIXON: I do.

20 MS. KNIGHT: Are there any other nominations
21 for chair?

22 (NO RESPONSE)

23 MS. KNIGHT: Hearing none I'll close the floor
24 for nominations and we will vote. All in favor of Ms.
25 Judy Dixon as chair please raise your right hand.

1 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

2 MS. KNIGHT: It is unanimous.

3 Now for vice chair. I'll open the floor for

4 nomination for vice chair.

5 MR. Glenn: I would like to nominate Lewis

6 Jean for vice chair.

7 MS. KNIGHT: Is there a second to that

8 nomination?

9 MS. THOMPSON: Second.

10 MS. KNIGHT: Mr. Jean, will you accept that

11 nomination?

12 MR. JEAN: I will.

13 MS. KNIGHT: Are there any other nominations

14 for vice chair?

15 (NO RESPONSE)

16 MS. KNIGHT: Hearing none we'll close the

17 nominations and we'll vote. All in favor of Mr. Jean

18 for vice chair please raise your right hand.

19 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

20 MS. KNIGHT: That's unanimous as well.

21 Now secretary/treasurer. Any nominations?

22 MR. GLENN: I would like to nominate Ruth Ann

23 Mason.

24 MS. KNIGHT: Is there a second for that

25 nomination?

1 MR. ANDREW HOWARD: I'll second that.

2 MS. KNIGHT: Of course, Ruth Ann is not here
3 tonight, but I believe she'll probably accept that
4 nomination.

5 Any other nominations for secretary/treasurer?

6 (NO RESPONSE)

7 MS. KNIGHT: Hearing none we'll go ahead and
8 vote. All in favor please raise your right hand.

9 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

10 MS. KNIGHT: That is unanimous as well.

11 Thank you, Madam Chair.

12 CHAIRMAN: Thank you, Counselor.

13 First item on the agenda is to consider the
14 minutes of the December 1, 2022 meeting. All members
15 have a copy and at this time we'll entertain a motion.

16 MS. THOMPSON: I'll make a motion to approve.

17 CHAIRMAN: Move to approve by Tori.

18 MR. ANDREW HOWARD: Second.

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

21 (NO RESPONSE)

22 CHAIRMAN: All in favor raise your right hand.

23 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

24 CHAIRMAN: Motion carries unanimously.

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1 CONDITIONAL USE PERMITS

2 ITEM 3

3 96 Booth Field Road, zoned A-U Urban Agriculture
4 Consider request for a Conditional Use Permit in order
5 to operate a cleaning service as a home occupation
6 from a detached structure.

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

9 Applicant: Brad & Tara Higgs

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

12 MR. PEDLEY: Trey Pedley.

13 (TREY PEDLEY SWORN BY ATTORNEY.)

14 MR. PEDLEY: The subject property is a 17 acre
15 parcel that is zoned A-U Urban Agriculture. All
16 adjoining properties are zoned A-U or R-1A
17 Single-Family Residential and appear to be utilized
18 appropriately.

19 The applicant is proposing to utilize a 20 by
20 20 room within a detached structure to operate a
21 cleaning service as a home occupation.

22 The application states that the use will have
23 four employees that will arrive at the site at 8 a.m.
24 in order to load up the two company vans and they will
25 return to the site at 5 p.m. each day to unload the
26 vans.

27 For this use the zoning ordinance requires
28 three parking spaces; however, the Board of Adjustment

1 can require more if deemed necessary in order to
2 accommodate the four employees that are coming to the
3 property, as well as the two company vans.

4 Also for this use the Zoning Ordinance does
5 not require any landscaping, but the Board of
6 Adjustment can require more if deemed necessary.

7 If approved special suggested conditions
8 include:

9 1. It is recommended that the OMBA,
10 separately, limit the number of nonresident employees
11 on-site at one time and the hours of operation that
12 the employees will be on site;

13 2. It is recommended that the OMBA establish
14 a minimum number of parking spaces that will be
15 installed at the subject property. If more than three
16 spaces are needed for the proposed use, the applicant
17 shall provide to the OMPC Staff with an amended site
18 plan for the Conditional Use Permit files;

19 3. No outdoor storage shall be permitted;

20 4. The applicant shall obtain all necessary
21 building, 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 A.

25 CHAIRMAN: Thank you, Mr. Pedley.

1 Is there anyone here representing the
2 applicant?

3 Do you want to come to the podium in case we
4 have any questions?

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

6 MS. HIGGS: Terra Higgs.

7 (TERRA HIGGS SWORN BY ATTORNEY.)

8 CHAIRMAN: Do you have anything to add to what
9 Mr. Pedley has read?

10 MS. HIGGS: The parking spaces, there was a
11 question. We are graveled all the way around to the
12 back of it. So there's plenty of parking if there
13 needs extra parking out there.

14 CHAIRMAN: Is there anyone in the audience
15 that has a question of Ms. Higgs?

16 (NO RESPONSE)

17 CHAIRMAN: Any board member have a question?

18 Mr. Jean.

19 MR. JEAN: In your application you say that
20 you'll have no clients coming to the property and you
21 stated your employees will arrive at 8 and leave at 5
22 and all the proposed parking is located in front of
23 the property; is this correct?

24 MS. HIGGS: Yes, that's correct. They get
25 there about 10 till 8 and we load up. We're gone all

1 day long. Come back at about a quarter till 5, unload
2 our vans and get ready for the next day.

3 MR. JEAN: Thank you.

4 CHAIRMAN: Any other questions of the
5 applicant?

6 MR. GLENN: I may have read it and I forgot it
7 here, but do you have nonresident people that are
8 going to be at the building working, employees?

9 MS. HIGGS: No. No. Just me.

10 CHAIRMAN: Any other questions?

11 (NO RESPONSE)

12 CHAIRMAN: I will entertain a motion.

13 Mr. Jean.

14 MR. JEAN: I would like to make a motion to
15 approve this Conditional Use Permit based on the Staff
16 Report, site visit and the testimony presented here
17 this evening, with all zoning ordinance requirements
18 and with the four conditions and with three findings
19 of fact. Number one, this property is zoned A-U Rural
20 Agriculture where home occupants that use detached
21 structures for business are allowed by a Conditional
22 Use Permit. The use will not create a hazard or a
23 nuisance to the neighborhood due to the remote
24 location on this property. The applicant will not
25 have any clients coming to the subject property. They

1 will have four employees that will arrive at 8 a.m.,
2 load vans, leave, and then turn at 5 p.m. to unload
3 vans Monday through Friday. There is adequate parking
4 on the gravel parking for vans and employees.

5 CHAIRMAN: We have a motion by Mr. Jean. Do
6 we have a second?

7 MS. THOMPSON: Second.

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

10 (NO RESPONSE)

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

13 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

14 CHAIRMAN: Motion carries unanimously.

15 Next item, Mr. Howard.

16 ITEM 4

17 5533 Highway 144, zoned B-4 General Business
18 Consider request for a Conditional Use Permit in order
19 to expand an existing childcare facility.
20 References: Zoning Ordinance, Article 8,
21 Section 8.2(B) (3)
22 Applicant: Blissful Beginnings East, LLC; Country
23 Roads, LLC

21 MR. PEDLEY: The subject property is
22 approximately 0.55 acres in size zoned B-4 General
23 Business and contains an existing childcare facility.

24 The applicant proposes to construct a building
25 addition and a second parking lot in order to expand

1 the use increasing the number of children under care
2 from 60 to a maximum of 99.

3 For a childcare facility serving a maximum of
4 99 children, the proposed use requires 12 parking
5 spaces. With the addition of a second parking lot the
6 site will easily comply with the required 12 spaces.

7 Landscaping is required by ordinance includes
8 a 3-foot tall continuous element with one tree every
9 40-linear feet where the vehicular use area adjoins
10 public right-of-way, and a 6-foot tall continuous
11 element with one tree every 40-linear feet where the
12 development adjoins the residential zoning to the
13 north.

14 Suggested if approve Special Conditions
15 include:

16 1. Obtain approval of a Site Plan or Final
17 Development Plan;

18 2. No Site Plan or Final Development Plan
19 illustrating the proposed access point along Highway
20 405 shall be approved until after KYTC has issued
21 approval of the access point; and,

22 3. Obtain all necessary building, electrical
23 and HVAC permits, inspections and certificates of
24 occupancy and compliance, including those required by
25 the State of Kentucky.

1 We would like to enter the Staff Report into
2 the record as Exhibit B.

3 CHAIRMAN: Thank you.

4 Is there anyone here representing the
5 applicant?

6 Do you mind coming to the podium, please?

7 MS. KNIGHT: Please state your name for the
8 record.

9 MS. PORTER: Brittany Porter.

10 (BRITTANY PORTER SWORN BY ATTORNEY.)

11 CHAIRMAN: Do you have anything to add to what
12 has been presented?

13 MS. PORTER: I do not.

14 CHAIRMAN: I want to know how 99 children is
15 blissful.

16 Is there anyone in the audience that has
17 anything to add or ask?

18 (NO RESPONSE)

19 CHAIRMAN: Any member of the board?

20 (NO RESPONSE)

21 CHAIRMAN: Hearing none I will entertain a
22 motion.

23 MR. GLENN: I would make a motion to approve
24 this Conditional Use Permit based on the information
25 that I've heard here tonight and all this information

1 that I've read through it. It already is a daycare so
2 they're just going to expand it some. It's not going
3 to change anything in that area. I don't really
4 believe this will add that much more traffic to the
5 area. Also that they meet the three special
6 conditions listed.

7 CHAIRMAN: We have a motion by Mr. Glenn. Is
8 there a second to the motion?

9 MR. HOWARD: And that would limit it to a
10 maximum of 99 children, I guess, correct?

11 MR. GLENN: Yes, it would.

12 MR. ANDREW HOWARD: Second.

13 CHAIRMAN: Second by Mr. Andrew Howard. We
14 have a motion and a second on the table. Any question
15 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 Do we have anything else, Mr. Howard?

22 MR. HOWARD: Not that I am aware of.

23 CHAIRMAN: I will entertain one more motion.

24 MS. THOMPSON: Motion to adjourn.

25 MR. GLENN: Second.

1 CHAIRMAN: Motion to adjourn by Tori and a
2 second by Mr. Glenn. All in favor raise your right
3 hand.

4 (ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

5 CHAIRMAN: We are adjourned.

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