

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, DECEMBER 16, 2020
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, December 16, 2020 at 4:30 p.m. via web cam from City Hall at 500 Main Street.

Board Members Present: John Krieb, Mike Faihst, Bobbie Weatherly, Carmen Garland, Paula Hulick and Josh Vernon

Board Members Absent: Jim Foster

Also Present: Justin Smith, Attorney David Perlow, Bennett Moore, Jim Osborne, Danna Clayton, David Roberts, Robert Margoliner and Dennis Sharp

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Danna Clayton called the roll. At this time Chairman Krieb noted a change to the minutes from the regular BZA meeting on November 18, 2020 and called for a motion to approve.

Josh Vernon made a motion to approve the minutes from the regular BZA meeting on November 18, 2020 as amended. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: Request for a 14-foot secondary yard setback variance for an attached garage to be located at 1701 Greenhills Drive – Applicant: Robert Margoliner: Justin Smith showed an aerial view of the property located on the southwest corner of Greenhills Drive and Martin Chapel Road. The focus of this setback variance will be on the secondary yard since this property is located on a corner lot. Justin reviewed the applicable regulations. The required setbacks are 25 feet off Greenhills Drive (principal street) and 25 feet off the 60-foot right-of-way on Martin Chapel Road (secondary street). Robert Margoliner recently purchased this home and has decided to add an additional attached garage to the south side. Since his initial submittal and the public advertisement, Mr. Margoliner has decided to amend his proposal and only ask for an 8-foot instead of a 14-foot variance. With this change, the proposed garage will now be located 17 feet away from the right-of-way on Martin Chapel Road. Justin added that if Mr. Margoliner is allowed to place this structure at the proposed site, he would be in violation of the subdivision's CC&R regulations. By bringing this matter to the attention of the Board, Justin explained that the City always questions where the City's boundaries are when it comes to variances and CC&R's. After speaking to the City Attorney, Justin clarified that CC&R's (a contract between private parties) are not zoning laws and that ordinances are imposed and enforced by Government bodies. Thus, the subdivision's CC&R has nothing to do with the variance that is being reviewed. Justin said that he had received 2 e-mails from adjoining property owners and both were in favor of the proposal. There was also one phone call from another neighbor and he also approved of the request. The garage will have its own entrance off Martin Chapel Road and Mr. Margoliner has been made aware of the driveway's required width. The proposed total square footage of the entire home and garage will be in compliance with the 35% allowable maximum lot coverage when it pertains to density requirements.

Chairman Krieb opened the public hearing. He then asked Mr. Margoliner to answer some questions.

Robert Margoliner was sworn in. He explained that they are completely remodeling the inside of the house. They wish to increase the overall square footage and improve the value of the property. The existing garage will be turned into a master suite and there will be a 10 x 12-foot area that will attach the proposed 3-car garage to the south side of the house. Mr. Margoliner said that he has talked to all of his neighbors except for David Taylor and everyone is in agreement with what he is doing. He explained that the proposal is 60 feet wide. 30 feet of the width will be used for a garage, 15 feet will be a man-cave and 15 feet will be an under roof outdoor kitchen.

Chairman Krieb asked if there was anyone else that wished to speak in favor or opposition to this request. There was no one; therefore, the public hearing was closed and the item turned over to the Board for further discussion and a motion.

Paula Hulick made a motion to grant the 8-foot setback variance for an attached garage to be located in a secondary yard at 1701 Greenhills Drive as presented. The testimony presented in this public hearing has shown based on the findings: it does not adversely affect public health, safety, or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow unreasonable circumvention of the requirements of the zoning ordinance.

Chairman Krieb amended the motion by adding the following: Feedback from the majority of the immediate neighbors was positive and no negative comments were received by the staff or during the Board meeting. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Approval of the 2021 Board of Zoning Adjustments Calendar: Chairman Krieb said that the Planning Commission had approved their calendar the previous night. He then called for a motion to approve the Board of Zoning Adjustments Calendar for 2021.

Mike Faihst made a motion to approve the 2021 BZA calendar. Carmen Garland seconded the motion and the motion carried unanimously.

Re-election of Officers: Chairman Krieb explained that Tom Kind had previously served as Chairman of the Planning Commission and that his term was not extended; therefore, the Planning Commission held an election of officers for 2021 the previous night. Mr. Krieb was elected as Chairman. From previous discussions with staff and Attorney David Perlow, the recommendation was that one person should not be Chairman of both the BZA and the Planning Commission. Based on that, Mr. Krieb said that he would no longer be Chairman of the Board of Zoning Adjustments and that an election for a new Chairman would need to be held.

John Krieb nominated Mike Faihst as the Chairman of the BZA for 2021. Carmen Garland seconded the motion and the motion carried unanimously.

Chairman Krieb said that there was now an opening for the 1st Vice-Chair and asked for a nomination for that position.

Mike Faihst made a motion to elect Josh Vernon as the 1st Vice-Chair for the BZA for 2021. Paula Hulick seconded the motion and the motion carried unanimously.

This left the 2nd Vice-Chair position opened.

Mike Faihst nominated Bobbie Weatherly for the 2nd Vice-Chair for the BZA for 2021. Josh Vernon seconded the motion and the motion carried unanimously.

Mike Faihst thanked John Krieb for his leadership over the years.

Questions and comments: Justin said that he followed up on the research that Mr. Krieb had asked him to do at the November meeting pertaining to Conditional Use Permits. This was concerning non-related persons that had been living together that had been approved by the Board in the past. Justin said that he went through the past 20 years of the index and cross-referenced who is living there now and what they had been specifically approved for. Out of the 15 that were approved, all are now in compliance. Only 1 CUP is still valid (at 1704 Olive) that was approved in October of 2020. The remainder of the requests that were previously approved are back to single family. The Board thanked Justin for his prompt report. Mr. Krieb noted that there still may be several instances that the Board might not be aware of. Justin agreed and said that until staff is made aware of a situation that is not in compliance, they do not know how the property is being used.

Mike Faihst wished everyone a Merry Christmas and a Happy New Year. Mike hopes to get to see everyone in person in the upcoming year. Mr. Krieb then thanked Tom Kind for his service on the Planning Commission. Tom joined in March of 2000 and he has been Chairman since 2016. He then wished everyone a blessed and safe Christmas season and hopefully a better 2021.

Other board members then thanked Mr. Krieb for his service as Chairperson for the BZA. Wishes also went out for a very merry Christmas.

Jim Osborne then commended the Board for the year that they have had. Even with the obstacles that they have faced, he thinks as they look back on 2020, the City will be proud.

Paula Hulick made a motion to adjourn. Mike Faihst seconded the motion. The meeting adjourned at 5:00 p.m.



Chairman, John Krieb



Recording Secretary, Reta Gray