

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES
OCTOBER 20, 2004**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 20, 2004 at 4:30 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Board Members Present: Scott Seiber, George Stockton, Bill Whitaker, Ed Davis and Andy Dunn

Board Members Absent: Red Howe and Helen Spann

Also Present: Candace Dowdy, David Roberts, Mike Pitman and public audience

Chairman Whitaker called the meeting to order and welcomed the guests. Chairman Whitaker stated that there was one correction to the September 22, 2004 minutes in reference to the Dimensional Variance request by Tom Karvounis and with that correction noted he would ask for a motion to approve the minutes. **Scott Seiber made a motion to approve the minutes with corrections. Ed Davis seconded the motion and it carried by a 5-0 voice vote.**

Request for conditional use permit to allow the renting of sleeping rooms or taking of borders or tourists by the owner family on the premises in an R-2 zone – 1106 Main Street – Mark Roberts: Candace Dowdy stated that Mark Roberts has applied for a conditional use permit to allow a bed and breakfast inn or to allow the renting of sleeping rooms or taking of borders by the owner family in an R-2 zone. Candace stated that the zoning ordinance does not give a definition for a bed and breakfast inn but does define what a boarding or lodging house and sleeping rooms are. Candace stated that under Section II, Article 2. D., the City of Murray Zoning Ordinance allows home occupations in an R-1 and R-2 zone but specifically states in Section III, Article 6. E. that bed and breakfasts, boarding houses and hotels are prohibited uses as a home occupation. Candace stated that the only way Mr. Roberts could apply for the conditional use would be to consider this as the renting of sleeping rooms for up to three (3) persons. Candace stated that Section III, Article 6, Home Occupation Regulations was adopted in its entirety by the City Council in September 1997. Scott Seiber asked what zone the Diuguid House was located in. Candace stated that it was in a B-3 zone and that the planning department had researched to see whether a conditional use permit had ever been issued for a boarding house inside the city limits but no information was found to that effect. Scott Seiber stated that there was a big difference between a bed and breakfast and the renting of sleeping rooms for up to three (3) persons. Mr. Seiber stated that typically people who use bed and breakfast inns travel as couples or families. Candace presented a power point presentation showing the property. Candace stated that Mr. Roberts shares a driveway entrance with Jim Tate, who lives at 1108 Main Street. Candace stated that she had spoken to Mike Keel with the Calloway County Health Department as to what type of requirements there were for a bed and breakfast inn. Candace stated that Mr. Keel explained that the regulations on a bed and breakfast were very minimal and the only thing they regulated was food preparation.

Chairman Whitaker swore Mark Roberts in. Mr. Roberts stated that he has several rooms that are not being used at this time and two of them are very indicative to being rented and a third one that could possibly be used for rental purposes. Mr. Roberts stated that he would like to clarify that he wants to be able to rent three rooms and if that meant double occupancy then it would be six people. Mr. Roberts stated that he would like to rent the two rooms just like an inn or hotel would with the flair of a bed and breakfast. Mr. Roberts stated that he feels Murray is a friendly community and that a bed and breakfast would be indicative of that sort of flavor in the community. Mr. Roberts stated that he would like to provide his guests with a morning meal and evening meal as well if they should request it. Mr. Roberts stated that as far as the parking is concerned you could park up to five cars at an angle from the back porch of the house to the garage structure. Mr. Roberts stated that he has ample space in the back yard to add additional parking if necessary and has also contacted US Bank across the street about using their parking lot after hours for overflow parking. Chairman Whitaker stated that he was concerned about the renting of rooms as a boarding house in that it sounds like more of a permanent situation rather than a typical one to two night stay at a bed and breakfast. Mr. Roberts stated that his intent is for people to stay at his home just like they would at Shoney's Inn. Mr. Roberts stated that he would not be offering a price break for longer stays so this would eliminate any long-term rentals. Mr. Roberts stated that it is not his intention to rent to college students for a semester or two but for tourists traveling through Murray. Scott Seiber asked how Mr. Roberts would handle parking for RV's. Mr. Roberts stated that his only option would be to park them in the backyard or use the bank parking lot across the street. Andy Dunn asked Mr. Roberts if he planned to put a sign in his front yard. Mr. Roberts stated that he would place a small sign hanging on a post.

Chairman Whitaker asked if there was anyone that wished to speak in opposition to this issue. Chairman Whitaker swore Donna Tate in. Mrs. Tate stated that her and her husband, Jim Tate, are mainly concerned about the parking situation since they have a joint driveway with Mr. Roberts and the number of people that would be allowed and how long they would be allowed to stay. Mrs. Tate asked what would happen if the permit is issued and things don't work out. Scott Seiber stated that the board could place conditions on the permit if granted and request the permit to be reviewed by the board after a certain period of time to see if everything is working out. Andy Dunn asked what the parking and screening requirements were for a bed and breakfast or boarding house. Candace Dowdy stated that the zoning ordinance does not address any specific requirements for a bed and breakfast. Attorney Mike Pitman stated that the ordinance addresses the parking requirements for a boarding house as one (1) parking space for every boarder based on the maximum occupancy in addition to the requirements for the dwelling. Candace stated that Mr. Roberts is in a residential zone and therefore no screening would be required unless the board requested it. Chairman Whitaker stated that he would hate to see the green space in the backyard turned into a parking lot because it would reduce the charm of the property rather than enhance it.

Chairman Whitaker swore Bjarne Hanson in. Mr. Hanson stated that he owns the property across the street from Mr. Roberts. Mr. Hanson stated that he is not for or against this project at this point but his concern is adding more commercial type businesses along Main Street within the already existing residential neighborhood and what it will do for the property values. Mr. Hanson stated that it is difficult at times in trying to get in and out of his driveway as it is.

Mark Roberts stated that he would like to clarify the fact that his property is not in a business zone and that he is simply asking for a conditional use in a residential zone and that if he sold his property he could not market it as commercial property.

Board member, George Stockton stated that his concern is not knowing exactly how bed and breakfast operate and what controls are on these type facilities what is to keep the facility from being just a boarding house or renting out rooms on a daily basis. Chairman Whitaker stated that that is the problem because the way the zoning ordinance is written it does not address that. Chairman Whitaker stated that at this point he feels uncomfortable in approving this since the zoning ordinance is not clear on how to address the regulations of a bed and breakfast but does not feel like the project should be denied either. Chairman Whitaker stated that it seems that the board's options tonight are to approve, deny or table this matter. **Ed Davis made a motion to table this issue until the Planning Commission can address the regulations of a bed and breakfast and then it would be brought back to the board for their consideration. Andy Dunn seconded the motion and it carried by a 5-0 vote.**

Election of officers for the year 2005: Candace Dowdy stated that the current officers are: Chairman, Bill Whitaker, Vice-Chairman, Helen Spann and Secretary, Scott Seiber. **Scott Seiber made a nomination to keep the same slate of officers for the upcoming year. Ed Davis seconded the motion and it carried by a 5-0 vote.**

Chairman Whitaker asked if there were any questions or comments from the staff or the board members. Candace Dowdy stated that Mr. Stephen Blackshear has withdrawn his dimensional variance request for additional signage on South 12th Street that the board tabled several months ago. Candace also noted that she has sent Mr. Harold McReynolds, owner of the Corn-Austin building a letter on two different occasions inquiring as to the date for the removal of the Corn-Austin sign and that Mr. McReynolds has not responded as to this date.

David Roberts gave the board a brief update on the Dr. Muehleman issue at 503 Poplar Street. David also gave the board an update on the public hearing that the Planning Commission held last night on the proposed changes to the sign regulations and the zoning ordinance.

Being no further business the meeting adjourned.

Chairman, Bill Whitaker

Recording Secretary, Candace Dowdy