

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES
DECEMBER 15, 2004**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, December 15, 2004 at 4:30 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Board Members Present: Andy Dunn, Scott Seiber, Helen Spann, Ed Davis and Bill Whitaker

Board Members Absent: Red Howe, George Stockton

Also Present: Candace Dowdy, David Roberts, Sam Perry, and public audience

Chairman Whitaker called the meeting to order and welcomed the guests. Chairman Whitaker stated that there was one minor correction to the November 17, 2004 minutes 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 the correction. Helen Spann seconded the motion and it carried by a 5-0 voice vote.**

Public hearing to review conditional use application for up to four (4) non-related persons to occupy the premises in an R-2 zone—216 Woodlawn Street—Richard Mark and Brian Anthony Edwards: Candace Dowdy stated that an inquiry had come in to the Planning office asking if the property at 216 Woodlawn Street was zoned for multi-family use. The caller thought that the property was being used as rental property to more than one person. Ms. Dowdy stated that she sent a letter on October 7, 2004 to Richard Mark Edwards asking if the property was being used as rental and requesting that he contact the Planning office. Mr. Edwards contacted the Planning office and Ms. Dowdy explained to him that the property could not be used as such without a conditional use permit. Mr. Edwards was unaware of the Murray Zoning Ordinance regulations because the previous property owner had used the property in the same way, since November, 2001. Ms. Dowdy stated that Mr. Edwards had purchased the property in May, 2004. Before November 2001, the property was owner-occupied, single-family use, so the use could not be grand-fathered in. Ms. Dowdy stated that there were not any “no parking” signs on Woodlawn Street. Ms. Dowdy presented aerial photographs with zoning boundaries showing that most of the area was zoned R-2, except for a section directly to the west, off of Vine and 15th Streets. Ms. Dowdy presented photographs of the property showing parking and the adjacent property at 214 Woodlawn Street. Ms. Dowdy stated that the shoulder area in front of 216 Woodlawn Street was not graveled and was very muddy. Chairman Whitaker swore in Richard Mark Edwards. Mr. Edwards stated that his son, Brian Anthony, lived on the premises and had three roommates. Mr. Edwards stated that a rear north/south, dead-end alley was being used by the property to the west to access the apartment building directly to the west of 216 Woodlawn Street. Mr. Edwards stated that the driveway widened closer to the house and was large enough to accommodate at least six vehicles. Scott Seiber stated that keeping cars off the street was a major concern due to safety and cleanliness. Mr. Edwards stated the house has four to five bedrooms and is 2,450 sq ft. Chairman Whitaker asked if Mr. Edwards planned to keep the house after Brian graduates. Mr. Edwards stated that he planned to sell the

house. Mr. Edwards stated that Lois Ruiz, the property owner at 214 Woodlawn Street, had offered to grant an easement for Mr. Edwards to widen his driveway if needed. Chairman Whitaker swore in Lois Ruiz. Scott Seiber asked if the rear alley had ever been blocked by cars. Ms. Ruiz stated that she had access to the rear of her property through the alley. Ms. Ruiz also stated that four or five neighboring property owners and/or tenants used the alley frequently. Ms. Ruiz confirmed that she would allow the tenants at 216 Woodlawn Street to use her driveway for parking or grant a strip of her property for driveway widening. Scott Seiber stated that although there was adequate parking, friends commonly bring more parking problems. Ms. Ruiz stated that Brian Edwards and his roommates had been good tenants and neighbors.

Chairman Whitaker asked if there was anyone else that would like speak either in favor of or in opposition to this issue. There being no one, the public hearing was closed.

Helen Spann stated that she believed the BZA's objective should be to preserve the single-family neighborhood appearance and if additional parking in the rear aids that objective, it should be carried out in a way that matches other properties in the vicinity. Chairman Whitaker stated that he would not like to see a new graveled strip in the front yard for parking. Scott Seiber stated that most of the traffic on Woodlawn Street was residents. Scott Seiber stated that he would like to see the additional off-street parking to be made in the rear yard, accessible from the alley. Chairman Whitaker asked for a motion. **Helen Spann made a motion to approve the conditional use permit to allow up to four (4) non-related persons to live on the premises of 216 Woodlawn Street with the conditions: (1) no parking on the grassy areas (2) permit limited to this property owner, ending upon Brian Edward's graduation (3) there being no adverse action by the neighborhood or police. Scott Seiber seconded the motion. The motion carried with a 4-1 vote. Ed Davis voted no.**

Dimensional variance request for a 6'-9" front setback for freestanding sign—611 S. 12TH Street—Union Planters Bank/Regions Bank—Ted Kaler: Sam Perry stated that Ted Kaler is in the process of changing signage from Union Planters Bank to Regions Bank. He came in to the Planning office on November 9, 2004 and obtained sign permits for two other Union Planters locations, and was not issued one for 611 S. 12TH Street because a survey needed to be done to determine exactly where the right-of-way was located. Mr. Perry stated that the current Union Planters sign permitted in 1998 did not have a variance, even though it was four feet from the right-of-way, in violation of the Murray Zoning Ordinance. Mr. Perry stated that the proposed sign was the same height of 15', as the existing sign, but a pylon-style design. Scott Seiber asked if the proposed sign would meet the requirements as stated in the regulations. Mr. Perry stated that the sign was under the limit and that with the proposed pylon-style sign; site distance would improve because one could see under the sign while exiting onto 12TH Street, which is a current problem. Candace Dowdy stated that the proposed sign regulations for monument-style signage had not been sent to City Council yet for adoption. Chairman Whitaker swore in Ted Kaler. Scott Seiber asked if the sign could be moved to the east. Mr. Kaler stated that it would be easier to use the existing foundation. Mr. Kaler stated that the new sign would slip over the old sign pole. Helen Spann asked if Regions Bank had any monument-style signs. Andy Dunn asked if the total sign height could be lowered. Helen Spann stated that one intention of the proposed sign ordinance changes were to lower signs on 12TH Street. Mr. Kaler stated that to lower a pylon-style sign, there

would be a vehicle clearance problem. Candace Dowdy stated that the current height limit for signs is 24 feet. Chairman Whitaker stated that a monument-style sign could be used on the north island in the parking lot. Chairman Whitaker asked for a motion. **Scott Seiber made a motion to deny the dimensional variance request. Ed Davis seconded the motion. The motion carried with a 5-0 vote.**

Candace Dowdy handed out a copy of the first revision of a proposed Bed & Breakfast Ordinance that was presented to Planning Commission on the previous night.

Scott Seiber made a motion to adjourn. Andy Dunn seconded the motion. The motion carried with a 5-0 voice vote.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry