

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES
APRIL 20, 2005**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, April 20, 2005 at 4:30 p.m. in the council chambers of City Hall located at 104 N. 5th Street.

Board Members Present: Andy Dunn, Red Howe, Scott Seiber, George Stockton and Bill Whitaker

Board Members Absent: Ed Davis and Helen Spann

Also Present: Candace Dowdy, Sam Perry, David Roberts, Mike Pitman, Clara Bramley, Jimmy Bramley, Howard Brandon, Mayor Rushing, Max Cleaver, Sam Underwood, Angela Noel, Joey James and other public audience

Chairman Whitaker called the meeting to order at 4:38 p.m. and requested approval of the March regular meeting minutes. **Scott Seiber made a motion to approve the March 16, 2005 regular meeting minutes as presented. George Stockton seconded the motion and the motion carried with a 5-0 voice vote.**

Chairman Whitaker requested approval of the April 4, 2005 special meeting minutes. **George Stockton made a motion to approve the April 4, 2005 special meeting minutes as presented. Scott Seiber seconded the motion and the motion carried with a 5-0 voice vote.**

Follow-Up On Public Hearing for Conditional Use Permit for Expansion of a Church In A R-5 Zone—502 North L.P. Miller Street—Church of the Living God—Clara Bramley: Sam Perry stated that this item was a follow-up from the regular January BZA meeting, because the board requested more information, possibly a survey of the property, before granting the conditional use permit. Mr. Perry stated that the church existed prior to the zoning ordinance, so it was allowed to continue, but any expansion would require a conditional use permit. Mr. Perry stated that Mrs. Bramley would like to erect a building in the rear yard to use as a baptistery. Mr. Perry stated that Mrs. Bramley had the property surveyed and that she had developed a site plan. Mr. Perry presented the site plan and explained that the building would be 5' off the side property line and the total building lot coverage would be 29%, which is under the maximum of 50%. Scott Seiber asked what size the building would be. Mr. Perry stated that the proposed building is 14' x 20'. Mr. Perry also stated that the church owned a small lot that faces Ash Street that would be used for additional parking, if needed. Scott Seiber asked if the current parking area was sufficient. Mr. Perry stated that it was sufficient. Chairman Whitaker asked what the rear setback was for the building. Mr. Perry stated that it was 25 feet. Scott Seiber asked if there was a need for a side or rear setback variance. Mr. Perry stated that there was not. Chairman Whitaker asked the board if they had any more questions for the staff or for the applicant. **Scott Seiber made a motion to approve the conditional use permit. Andy Dunn seconded the motion and the motion carried with a 5-0 vote.**

Public Hearing for Conditional Use Permit for the Use of Outdoor Storage of Merchandise—Terry's Paint—1306G South 12th Street: Candace Dowdy stated that storage buildings were being kept in the parking lot of the old Uncle Jeff's shopping center. Ms. Dowdy stated that the property owner was notified that a conditional use permit was required for outdoor storage of merchandise in a B-2 zoning district. Ms. Dowdy stated that all adjoining property owners were notified. Ms. Dowdy stated that currently there were three storage buildings in three different locations sitting on the lot. Scott Seiber asked if there were any calls from the public prior to the property owner being notified. Ms. Dowdy stated that there were not, and that she had noticed the buildings herself. Ms. Dowdy stated that an advertisement sign was removed, because the sign consisted of off-site advertising. Ms. Dowdy stated that Fred's and Storey's Food Giant both had conditional use permits for outdoor storage of merchandise. Andy Dunn asked if either of those two businesses were selling similar merchandise. Ms. Dowdy stated that they were not selling similar items, but simply that they were required to obtain conditional use permits for outdoor storage of merchandise.

The public hearing was opened. Chairman Whitaker swore in Joey James. Chairman Whitaker asked Mr. James what the buildings were used for. Mr. James stated that his company does house painting and floor coverings and that these storage buildings were an additional product he offered for sale because they were easy to match with an existing house. Mr. James explained, using the photographs, that one building was a 10' x 16' short-roof, utility building. The others are a 10' x 16' loft and a 8' x 12' loft. Scott Seiber asked Mr. James if he worked for Terry's Paint. Mr. James stated that he was operating the business with the option to buy it. Mr. Seiber asked what the future was for the storage building part of the business. Mr. James stated that he and the manufacturer agreed to keep no more than four (4) on the premises at a time. Andy Dunn stated that he would like to see the buildings kept in the same area. Mr. Seiber stated that the buildings should be kept in a specific area. Mr. Seiber asked if Mr. James had the capacity to move the buildings himself. Mr. James stated that he had to place a call with the manufacturer and they would take care of that. Mr. James stated that the company was located in Anna, Illinois. Mr. James stated that he had discussed the undesirable location of the building that is next to U.S. 641 with the manufacturer. Mr. Seiber recalled that outdoor storage of merchandise, specifically metal carports, was denied for Robert Vaught, near the intersection of 12th & Chestnut Streets. Mr. Seiber stated that an item of this nature was of an interest to the City of Murray as a whole, because this location is one of the first things seen upon entering Murray. Red Howe asked Mr. James where he would propose to organize the buildings. Mr. James stated that he would place three (3) or four (4) along the north facing wall. Mr. Howe asked if there were four (4) models to choose from. Mr. James stated that there were many more types available. George Stockton asked if the buildings would be rotated periodically, because of weathering. Mr. James stated that the manufacturer rotates the stock as they become weathered. Mr. Seiber stated that, if the permit was approved, he would prefer to see the buildings kept in a fenced area. Mr. Dunn asked if the red and white building was currently rented. Mr. James stated that it was vacant, and that the storage buildings would have to be moved if someone leased that portion of the building. Mr. Howe asked if there was a specific drop area. Mr. James stated that they were usually dropped at the east-facing wall, near the corner of the red and white building. Mr. James stated that the company was prepared to

move the buildings any time or to come and pick them all up if the conditional use permit was not granted. Mr. Stockton asked about the delivery truck. Mr. James stated that a large truck drops them off, and a smaller, set-up truck moves them. Mr. Howe asked if the buildings could be kept at least 25' from the right-of-way. Mr. James stated that it would depend upon the size of the building. Mr. Howe asked if any of the adjacent property owners expressed objection. Ms. Dowdy stated that the only inquiries have been for clarification, not for opposition. Mr. Stockton asked Mr. James why he would not place the building in front of the white building since that was where he was located. Mr. James stated that there was not ample room. Mr. Seiber asked if Terry's was the only business in the building. Mr. James stated that the other tenants were Glendale Church of Christ furniture give-away and Brenda's Beauty Salon. Mr. Seiber stated that his concern was that Mr. Vaught had been turned down previously, and this could open the door, especially in such a visible area. Mr. James stated that these were very nice buildings that could be painted anything, compared to steel carports. Mr. Seiber stated that nevertheless, they were buildings in the raw. Mr. James stated that was the most popular kind. Chairman Whitaker asked where they would be painted. Mr. James stated that the owner would handle that. Mr. Stockton asked if the buildings would extend past the corner of the building if they were aligned along the north wall. Mr. James stated that they most likely would not, but he did not know the length of the wall. Scott Seiber asked if this was the only outlet for Cook's Outdoor Buildings. Mr. James stated that he had the impression that he was the only outlet. Ms. Dowdy stated that there were other stores selling other brands of similar outdoor buildings in the Murray area. Chairman Whitaker asked if there was a motion. **Red Howe made a motion to grant the conditional use permit with the conditions that there be no more than four (4) buildings on the premises, that the buildings be organized in an orderly fashion in the corner, that Mr. James develop a specific delivery area not to be located across the other side of the parking lot and that the delivery and display area conform to at least the minimum requirement of distance setback from the right-of-way. Andy Dunn seconded the motion. Red Howe amended the motion to allow no more than three (3) buildings and that the conditional use permit would only be valid as long as the red and white building is vacant. The motion carried with a 4-1 vote, with Chairman Bill Whitaker voting no.**

Public Hearing for Conditional Use Permits for Operation of Various Businesses in a B-1 Zone—Essential Day Spa, Family Chiropractic, Beltone of Murray—1309-1313 Johnson Boulevard—Sam Underwood: Sam Perry stated that on March 11, 2005 Beltone of Murray applied for a business license to operate at 1311 Johnson Boulevard, in the building with Family Chiropractic. Mr. Perry stated that a hearing aid business was not listed as a permitted use in the B-1 zoning district. Mr. Perry stated that the business owner and the property owner were notified, and that neither the business owner nor the property owner, Sam Underwood, was aware of the situation. Mr. Perry stated that in researching, it was found that neither Family Chiropractic, nor the Essential Day Spa was required to have a conditional use permit. Mr. Perry stated that Mr. Underwood obtained a 10' rear setback variance in 1999 for the Family Chiropractic building. Mr. Perry named several other conditional use permits that were applied for on neighboring properties in the same B-1 zoning district. Andy Dunn asked if there was any response from the adjacent property owner to the west at 1397 Johnson Boulevard. Mr. Perry

stated there was not a response from the homeowner. Chairman Whitaker commented that, from a planning perspective it appears that the ordinance is extremely outdated. Chairman Whitaker stated that when an ordinance literally spells out which types of businesses are permitted and which ones are not, that the planning process might need to be revised. Chairman Whitaker stated that although when reading the intent of the B-1 zoning district, it is understood that it is designed for smaller-scale businesses, however it is very confusing to enforce it, knowing that a grocery store is a permitted use, which requires absolutely no special permission. Chairman Whitaker commented that today's grocery store is much different than the grocery store that existed at the time that the ordinance was established. Red Howe stated that the businesses that were located in that immediate area, which was a B-1 zoning district, were actually more desirable than the ones that are specifically spelled out in the ordinance. Chairman Whitaker agreed. Mr. Howe commented that the board is now left in an odd predicament due to the outdated ordinance. Scott Seiber stated that desirable was in the eye of the beholder. Mr. Perry stated that the area on Johnson Boulevard was actually functioning more of a professional office zoning district. Mr. Perry stated the intent of the ordinance for this zoning district was to meet the needs of the immediate neighborhood and that a large grocery store was not necessarily that, but that a smaller grocery store might serve that need for pedestrians or close by neighbors. Candace Dowdy stated that there were screening requirements for commercial property when it joins residential property. Ms. Dowdy stated that the two property owners that did respond agreed that these businesses were not detrimental to the neighborhood. Mr. Seiber stated that a large grocery store may not be detrimental, but it would be overwhelming to the neighborhood. Mr. Perry stated that there were no quantitative limits to these permitted uses that are listed and that maybe if there were, these permitted uses could be kept in the ordinance. Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Sam Underwood. Mr. Underwood stated that he assumed that the businesses were permitted uses at the time. Mr. Underwood stated that because the hearing aid business was similar in nature to the doctor or dentist office, he thought that it would be permitted. Mr. Perry stated that the type of business was discussed prior to the construction of the building for Family Chiropractic. Chairman Whitaker closed the public hearing. Mike Pitman stated that if there were a motion to approve, he would recommend to state that businesses of similar nature would be permitted and that these type businesses meet the intent of this zoning district. **Andy Dunn made a motion to approve the conditional use permits for the three businesses based on the fact that they meet the intent of this zoning district and that businesses of a similar nature be permitted in the future for this location. Red Howe seconded the motion and the motion carried with a 5-0 vote.**

Public Hearing for Conditional Use Permit for North Point Professional Park Planned Development Project—1710 Highway 121 Bypass North—Steve Farmer: Red Howe recused himself from this item, due to a possible conflict of interest. Candace Dowdy stated that the Planning Commission reviewed the project for an advisory hearing in July of 2004 and then the Board of Zoning Adjustments reviewed the project in a compatibility hearing. Ms. Dowdy stated that the project was an office development located in a B-2 zoning district. Ms. Dowdy stated that the original plan showed six (6) buildings on the lot, and that the project has been scaled down to four (4) individual buildings. Ms. Dowdy stated that the design of the buildings is totally different than what

was presented in July of 2004. Ms. Dowdy stated that the developer wishes to complete the project in two phases. Ms. Dowdy stated that the lot is approximately four acres. Ms. Dowdy stated that there was a vacant lot to the west, at the intersection of Lowes Drive and Highway 121 Bypass North. Ms. Dowdy showed satellite images of the project area and a new site plan of the project. Ms. Dowdy stated that there was no side setback required in the B-2 zoning district and that this development proposed a 14' – 17' side setback. Ms. Dowdy explained that the front setback requirement for the B-2 zoning district is 50' and that the front setback for this development ranges from 66' to 75'. Ms. Dowdy stated that 94 parking spaces are required for Phase I, and that 109 spaces are shown. Ms. Dowdy stated that the planning department spoke with Fire Chief, Ricky Stewart and showed Chief Stewart the 24' front entrance, the 19' parking lot aisle, the 25'-1" center passage. Ms. Dowdy stated that the current site plan shows the parking lot with a turn around in the center. Scott Seiber asked if it were one-way on both sides. Ms. Dowdy confirmed that it was a one-way parking lot. Andy Dunn asked how the widening of Highway 121 Bypass North would affect the project. Ms. Dowdy stated that although there were right-of-way plans for a proposed widening, the project does meet the current setback requirements, which is all that is necessary. Ms. Dowdy stated that the state could possibly acquire an additional 18'-20' of right-of-way. Ms. Dowdy stated that an existing 15' utility easement is shown on the site plan. Ms. Dowdy stated that the sign location is shown to be 50' back from the property line. Ms. Dowdy stated that if an additional 20' right-of-way is acquired, than the closest building would have a 46' front setback. Ms. Dowdy stated that there are sewer, gas and water services available at this location. Ms. Dowdy pointed out the dumpster and landscaped locations. Ms. Dowdy stated that the buildings could be leased as six (6) spaces, or as three (3), depending upon the needs of the business. Ms. Dowdy stated that the existing pond to the north is going to be used as a detention basin. Scott Seiber asked what type of businesses would be there. Ms. Dowdy stated that parking requirements were calculated based upon retail sales and services, even though the building is planned for professional offices. Ms. Dowdy stated that the Planning Commission approved the preliminary plat the night before contingent upon a conditional use permit being granted by the BZA.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Max Cleaver. Mr. Cleaver presented sketches of the proposed building. Mr. Cleaver stated that the site was an extremely challenging site and that the buildings would have to be stepped down by 2' at each section. Mr. Cleaver stated that the step-down accommodates for handicap parking and reduces the number of stairs and ramps, making it more user-friendly. Mr. Cleaver stated that they were attempting to establish a lot of green zones to be landscaped. Mr. Cleaver stated that the intent of this project was for professional services such as doctors and accountants. Mr. Cleaver stated that they had done their own parking surveys and found that a dentist office actually uses more parking spaces than a retail business at certain times of the day. Scott Seiber asked if each building would be stepped down. Mr. Cleaver stated that they would, with the exception of the southeastern most building. Mr. Cleaver stated that there were three doctors that were going to move into the Phase I portion, then as future tenants decide what they will need construction will continue. Chairman Whitaker stated that he liked the look of the building, and realized the parking needs, but would rather see less parking and more green space. Chairman Whitaker stated that with the project being done in two phases, it

is going to help knowing the success of the parking provisions and that maybe some parking spaces could be exchanged for green space. Mr. Cleaver stated that they have also discussed purchasing adjacent land for extra parking, if the need arose, and concluded the parking discussion by saying that these plans allow them to increase or decrease parking spaces. Ms. Dowdy stated that they are required to provide 184 spaces for the whole project, and the plan shows 185. Ms. Dowdy stated that the original plan showed 245 spaces.

Chairman Whitaker asked if there was any opposition to the project, being none, the chairman closed the public hearing. Chairman Whitaker asked if there was any discussion from the board. **Andy Dunn made a motion to approve the conditional use permit contingent upon the submission of a landscaping plan. The motion carried with a 4-0 vote. Red Howe was recused from this item.**

Red Howe re-entered the meeting at 5:58 p.m.

Request for Interpretation of KRS 100.253 for Property Located at 221 Woodlawn Street—Angela Noel: Candace Dowdy read the definition for a non-conforming structure or use from the City of Murray Zoning Ordinance. Ms. Dowdy stated that after researching back to 1960, no building permit was found for this structure, so it is unknown when it was built. Ms. Dowdy stated that it appears that the structure was built as a duplex and over the years it has been used for anything up to a four-plex, with two upstairs and two downstairs apartments. Ms. Dowdy stated that the building official and the fire marshal had inspected the property due to someone inquiring about the property last year. Ms. Dowdy stated that Ms. Noel originally applied for a conditional use permit, but it was determined that there were no provisions for multi-family structures in a single-family zone, so a conditional use permit application could not be processed. Ms. Dowdy explained that the board has reviewed a few items in the past that refer to KRS 100.253, existing, non-conforming uses. Ms. Dowdy read the definition for a non-conforming use according to KRS 100.253. Ms. Dowdy stated that utilities were cut off in May of 2004. Ms. Dowdy stated that someone had called last year inquiring about the property and that they were informed that it was approaching the one year period of being abandoned or neglected and not in a continual use. Ms. Dowdy stated that the property owner did not pursue the property anymore. Ms. Dowdy stated that Housing and Urban Development (HUD) owned the property from August of 2003 to June of 2004, from June of 2004 to September of 2004 it was owned by Calloway County Fiscal Court and from September of 2004 to present it was owned by Keith Brandon. Ms. Dowdy presented a letter from Murray Electric System, obtained by Angela Noel, which stated that since 1993 there had been accounts for at least four (4) separate apartments at 221 Woodlawn Street. Ms. Dowdy stated that Ms. Noel was aware that if she could show evidence that the intent was to not abandon the non-conforming use for a period of 10 years or longer, than this was the only option to pursue, since the conditional use permit was out of the question. Mike Pitman reminded the board on the permitted and conditional uses allowed in the R-2 zoning district, and stated that a conditional use would be option one. Mr. Pitman refreshed the board on pre-existing, non-conforming uses, and stated that that this would be option two, as long as there had not been intent to abandon the use. Mr. Pitman explained that option three appeared to be the most

applicable and reminded the board of an applicant in a similar situation on Farmer Avenue. Mr. Pitman stated that with option three, the party would have to provide information showing continuous non-conforming use for a period of 10 years with no adverse action from the zoning official, but that the property owner would have to comply with parking regulations and any other requirements for a property in an R-4 zoning district. Mr. Pitman stated that this was a complicated situation because two different government agencies have owned the property and that an argument could be made, based on the zoning ordinance that refers to an exception from the 12-month abandonment: when government action prevents such use. Mr. Pitman stated that it would be difficult to find the entire history of a property of this nature, because it would require about 40 years of documentation. Red Howe asked if the property was vacant while owned by the governmental entities. Mr. Pitman stated that it was vacant the entire time. Ms. Dowdy stated that there was a conditional use permit granted for non-related persons to occupy the premises across the street at 216 Woodlawn Street, but that was a single-unit dwelling. Ms. Dowdy stated that the difference is that this property has at least three (3) units. Mr. Pitman reiterated that the fact of being a multi-family structure is what takes it out of the conditional use permit arena. Chairman Whitaker asked for a clarification of KRS 100.253, subsection 3. Mr. Pitman explained that this subsection allows a property to continue being used illegally, for a purpose that is not permitted in the zoning ordinance, as long as it continues unabated, without any adverse action for ten years from an administrative official, after which the governing unit can not then force the property owner to cease the illegal use. Mr. Pitman summarized by saying that it essentially rewards someone of "breaking the law" as long as they can get away with it for a period 10 years. George Stockton asked if any of the adjacent property owners were spoken with. Ms. Dowdy stated that the property owner to the south, at 1406 Vine Street, Mr. Mowery, stated that the property had been used as multi-family residential for at least 20 years, which was as long as they had lived there. Ms. Dowdy stated that Ms. Mowery had commented that there had been no problems with disturbances from the tenants, and that a sewer drainage problem was the only concern she had. Mr. Howe asked if the period when the government entities owned the property interrupted the continuous, illegal use. Chairman Whitaker stated that that was the reason for this interpretation. Mr. Howe questioned why the apparent foreclosure took place and speculated that could be why the governmental entities took ownership. Mr. Howe questioned the fact that governmental ownership could have, at that point, been equivalent to a change in intent. Ms. Dowdy stated that she believes a HUD loan can not be given for multi-family structures.

Chairman Whitaker swore in Angela Noel. Chairman Whitaker asked Ms. Noel what she was planning to do with the property. Ms. Noel stated that she planned to remove a kitchen and turn the structure into a three (3)-unit structure. Scott Seiber asked Ms. Noel if she owned other property. Ms. Noel stated that this would be an investment property for her and that she plans to improve its value significantly. Ms. Noel stated that if she were to get permission to use this property as she wished, she would install a new sewer service line. Mr. Seiber stated that he felt that the best thing that could happen with this property is for Ms. Noel to buy it and improve it. Ms. Noel stated that structurally, the wall between the units can not be removed. Ms. Noel stated that once it was discovered that the property was multi-family, the loan was cancelled and the property owner was

evicted. Ms. Noel stated that Keith Brandon purchased the property with the understanding she would buy it if permission was granted by the city to use the property as multi-family. Ms. Noel stated that she had a heritage of rental to sorority girls and they know that she provides quality amenities such as new appliances and hardwood flooring. Mr. Seiber asked if there was an offer on the table for her to purchase, which had been accepted. Ms. Noel confirmed. Mr. Seiber stated that this house would continue to deteriorate if a responsible owner did not purchase it. Ms. Dowdy stated that Ms. Mowery had told her that the neighboring property owners considered purchasing it and tearing it down because it was in such poor condition. Ms. Noel stated that she planned to asphalt the parking area and landscape the yard. David Roberts stated that the parking requirements for a tri-plex would have to be met, which included ingress/egress in a forward motion from the property. Ms. Noel stated that her lease agreements limited the number of vehicles. Ms. Noel stated that she would not pave the front yard, that it was reserved for landscaping. Mr. Roberts stated that the non-conforming parking that has existed for years could also be included with the non-conforming use, in the entire consideration by the board. Chairman Whitaker asked for a motion. Chairman Whitaker stated that in 1993, it is proven that it was rental property and later governmental entities took it over. Scott Seiber stated that based upon the way the house was built; it could not have been intended for anything other than multi-family use. Chairman Whitaker stated that it does not appear that there was ever an intention to abandon the use. Chairman Whitaker stated that in order to go the pre-existing, non-conforming route, KRS 100.253 subsection 2, 40+ years of evidence would be required, which has not been presented. Mr. Pitman stated that if the board would like to go the route of subsection 3, there is a letter from Murray Electric System. Scott Seiber asked if the subsection 3 route for this case was as clean as subsection 2. Mr. Pitman reminded the board that the issue of governmental intervention would have to be interpreted for subsection 3 in regards to a decision whether there was a lapse of use or not. Chairman Whitaker stated that it appears that the intention of the use still appears to be there, but the structure is in such disrepair that no one will rent it. Mr. Pitman stated that he could not recommend subsection 2, pre-existing, non-conforming use, because he does not believe that evidence dating back to the 1950's has been presented to warrant its application, but that there is at least some evidence for subsection 3. Mr. Pitman stated that the board should weigh any evidence with the notion of possible future requests of a similar nature. **Scott Seiber made a motion to interpret KRS 100.253 to apply to 221 Woodlawn Street using subsection 3, a property which existed as a multi-family use in a single-family zone and is now deemed a non-conforming use because it has existed illegally and does not conform to the provisions of the zoning regulations, and has been in continuous existence for a period of 10 years, and has not been the subject of any adverse order or other adverse action by the administrative official, and further based upon the finding that the government ownership was not an intention to abandon or discontinue use as described in City of Murray Zoning Ordinance Sec III, Article 4, E. 6, contingent upon the property owner following through with the discussed property improvements herein. George Stockton seconded the motion and the motion carried with 5-0 vote.**

Chairman Whitaker asked for any questions or comments. Chairman Whitaker commented that the minutes from the last month regarding the Chamber of Commerce

sign reflected some comments from the board that he would like to make known. Chairman Whitaker stated that the Chamber did not have to bring the proposed sign before the board, but did so as a gesture. Chairman Whitaker stated that it may have been ex parte` communication when he recently spoke with Planning Commissioner, Marc Peebles, but he found that Commissioner Peebles is very upset about this sign. Chairman Whitaker stated that the city just passed new sign regulations and the first people to put a sign up, go against them. Chairman Whitaker stated that the comments from the board reflected that a bad precedent is being set by the city, in going against the ordinance. Chairman Whitaker stated that Commissioner Peebles is contemplating changing the regulations to agree with this sign. Chairman Whitaker stated that Commissioner Peebles' attempt may be to address the argument that "if the city can do it, then why can't anyone else?" Scott Seiber stated that it is an unfortunate situation. Scott Seiber stated that he originally made the statement that he would not vote to vary regulations for electronic signs, therefore to be sure the ordinance is desirable at the outset. Mike Pitman reminded the board that the intention of the sign was to advertise events from multiple organizations.

Candace Dowdy announced the upcoming special-called Planning Commission and Board of Zoning Adjustments meetings on Tuesday, April 26, 2005 in the Murray Electric System Board Room. Ms. Dowdy discussed the rescheduling of the regular May Planning Commission and Board of Zoning Adjustment meetings. Sam Perry reminded the board of required continuing education hours and noted that there were two videos available for viewing.

Being of no further business, Scott Seiber made a motion to adjourn. Andy Dunn seconded the motion and the motion carried with a 5-0 voice vote. The meeting adjourned at 7:05 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry