

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES  
SPECIAL MEETING  
APRIL 26, 2005**

The Murray Board of Zoning Adjustments met in special session on Tuesday, April 26, 2005 at 5:30 p.m. in the Murray Electric System Board Room at 401 Olive Street.

**Board Members Present:** Ed Davis, Andy Dunn, Red Howe, George Stockton, Helen Spann and Bill Whitaker

**Board Members Absent:** Scott Seiber

**Also Present:** Candace Dowdy, Sam Perry, Mike Pitman, Henry Nance and Marc Peebles

Chairman Whitaker called the special called meeting to order at 5:30 p.m.

**Request to Amend a Recorded Final Planned Development Project Plat, University Heights Lots 19 & 20—Brooklyn Drive—Henry Nance:** Ms. Dowdy presented the original PDP plat reviewed by the Planning Commission and Board of Zoning Adjustments in 1997. Ms. Dowdy stated that the plat went through all the PDP process and had received all the proper approvals. Ms. Dowdy stated that the Planning Commission had granted a time extension in 2003, because the project had never been started. Ms. Dowdy stated that the west building setbacks range from 26' to 28' and that the east setback line is 31'. Ms. Dowdy stated that there was a 15' utility easement on the west side of the property. Ms. Dowdy stated that the only variance granted for this project was an 8' rear setback making the actual setback, 17'. Ms. Dowdy stated that there was a note on the plat which referred to the property being serviced by individual trash cans. Ms. Dowdy stated that in the granting of the time extension in 2003, that note was to be removed so that trash pickup could be served by dumpsters, to avoid having 24 trash cans out next to the street. Ms. Dowdy stated that the city requested that the previous owner, Mr. Dale Campbell grant the city an additional 10' easement for new water lines to provide better water service to University Heights, Murray Place and Tanglewood Apartments. Ms. Dowdy stated that this would make the utility easment 25' wide. Ms. Dowdy stated that this additional easement would be a benefit to the city because it would allow there to be a loop that could provide redundant water service to the area in the event of a shut-off, or other problem. Ms. Dowdy stated that Mr. Campbell granted the additional easement and it had been recorded. Ms. Dowdy stated that Henry Nance is requesting to add three (3) additional feet to the depth of the buildings making them 35 feet. Ms. Dowdy stated that in order to do that, the entire project was moved to the east six feet which keeps the buildings off the 25 foot utility easement. Ms. Dowdy stated that the new east side setback is 25'. Ms. Dowdy stated that Mr. Nance's request to increase the depth of the buildings to 35' was to provide a more economical layout for the apartment. Ms. Dowdy stated that in reviewing the requests, the planning department felt that this was a minor change and that this was not a change from the original intent of the project. Chairman Whitaker asked if this was the same number of units as before only three feet deeper. Ms. Dowdy confirmed and stated that there was no change in parking, either. Ms. Dowdy summarized the changes as

follows: two (2) dumpsters instead of 24 trash cans, addition of three feet to the depth of each building, additional 10' utility easement and the entire project is shifted six feet to the east. Ms. Dowdy stated that the project was on the dead end portion of Brooklyn Drive. Chairman Whitaker asked if that was the reason for the turn-around. Ms. Dowdy confirmed that it was a temporary turn-around noted on the plat, to be removed if the street was extended. Chairman Whitaker asked Mike Pitman to remind the board about the amendment review process. Mr. Pitman stated that there had been three (3) final PDP plat amendment requests in the past six months and that the other two were both found to be minor changes. Mr. Pitman stated that according to the City of Murray Zoning Ordinance, an amendment to a recorded final PDP plat has to be consistent with the initial intent and direction of the Planning Commission and Board of Zoning Adjustments and that the change must be approved by both boards. Mr. Pitman stated that a question that the board might ask themselves is: "Is the requested change one that would have been approved initially?" Mr. Pitman reminded the board of the details of the previous two (2) requests. Mr. Pitman recommended that the board make detailed findings if they choose to grant the request, so that any future requests can be compared in order to avoid a slippery slope or frequent amendments. Ms. Dowdy stated that landscaping would need to be provided as shown on the plat and that the dumpster areas would need to be enclosed. Chairman Whitaker asked if there were any more questions or was the board ready to make a motion. **Red Howe made a motion to approve the request to amend the recorded final PDP plat based on the facts that the amendment is only a minor change to the original plat and it remains consistent with the original intent and direction of the project. George Stockton seconded the motion and the motion carried with a 6-0 vote.**

**Ed Davis made a motion to adjourn. Andy Dunn seconded the motion and the motion carried with a 6-0 voice vote.**

**The meeting adjourned at 5:50 p.m.**

---

Chairman, Bill Whitaker

---

Recording Secretary, Sam Perry