

**MURRAY BOARD OF ZONING ADJUSTMENTS MINUTES
SPECIAL MEETING
JUNE 7, 2005**

The Murray Board of Zoning Adjustments met in regular session on Tuesday, June 7, 2005 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Ed Davis, Andy Dunn, George Stockton, Scott Seiber and Helen Spann

Board Members Absent: Bill Whitaker

Also Present: Candace Dowdy, David Roberts, Sam Perry, Warren Hopkins, Mike Pitman, Sid Easley, Mike Crook, Gerri Lashley, Margaret Koch, Joe Wrye, Hal Houston, Jerry Veach, Michael Brown and other Pi Kappa Alpha members

Vice Chair Spann called the special meeting to order at 4:30 p.m. and welcomed the guests. Vice Chair Helen Spann acted as chair in the absence of Bill Whitaker.

Dimensional Variance Request For Extension Of Temporary Signage Display Time—First Baptist Church—203 South 4th Street—Mike Crook: Sam Perry stated that First Baptist Church (FBC) has an annual event called, “I Believe In America” in which they use the same sign each year. Mr. Perry stated that they would like to advertise for the event for a total of 30 days, from May 29th to June 29th, the day of the event. Mr. Perry stated that FBC would like to use the 32 square foot sign for an annual event in December, as well, and are requesting permission for both, tonight. Mr. Perry also mentioned that FBC also had an electronic message board at the same intersection, but felt that was insufficient advertising for the event. Chairman Spann swore in Mike Crook. Mr. Crook stated that he was Associate Pastor for music and worship for FBC. Mr. Crook stated that the sign was just one part of the advertising, which included newspaper, radio, tickets and letters. Mr. Crook stated that the main reason that he is requesting the additional two weeks is to not only establish the logo, but to inform and remind the community of the availability of free tickets in a timely manner. Andy Dunn asked if he wished to advertise for 30 days for the December program, as well. Mr. Crook stated that he would like to work that out now, if that was the board’s wishes. Scott Seiber asked if there were any other annual events needing this type of advertising. Mr. Crook stated that there was not any within his realm. Mr. Seiber asked how long he had been advertising with this sign. Mr. Crook stated that it had been eight (8) years. Mr. Seiber questioned the need to use the sign since it was an established event in the community. Mr. Crook stated that there are always newcomers to the community who are not aware, as well as those who do not come to any other church events. Mr. Seiber was cautious about setting a precedent, because businesses would also like to use temporary signs for extended periods. Mr. Crook stressed the need to use the early ticket counts to plan for the event. Ed Davis asked what had been done in the past with this event. Mr. Perry stated that there was no record. Mr. Crook stated that he had received a letter of violation in the past and he wished to be in compliance this year. Mr. Seiber stated that he had reservations about approving such a length of time, but realized that this was not a for-profit venture. Chairman Spann and Mr. Davis agreed. **Scott Seiber**

made a motion to approve the extension of temporary sign display time to 30 days for the 2005 “I Believe In America” event, ending June 29, 2005 with the condition that any future requests be addressed separately. Andy Dunn seconded the motion and the motion carried with a 5-0 vote. George Stockton abstained from voting due to being a member of FBC.

Public Hearing For Conditional Use Request For Up To Four Non-Related Persons To Occupy The Premises In An R-2 Zone—1702 Olive Street—Gerri Lashley: Ms. Dowdy stated that Ms. Lashley, the property owner, called her and stated they were looking at this piece of property to purchase for their daughter and possibly for an additional one to three girls to live there as well. Ms. Dowdy explained to Ms. Lashley that the property is in an R-2 single family residential zone which only allows the renting of non-related persons as a conditional use permit and that it would have to be reviewed by the Board of Zoning Adjustments for that approval. Ms. Dowdy stated that the Planning office has been presented with a petition from some of the neighbors that she would like to enter as evidence. At this time, Ms. Dowdy showed pictures of the property and the adjoining property. Andy Dunn asked if the adjoining vacant lot was owned by Ms. Lashley. Ms. Dowdy stated that Ms. Audrey Brown owns that piece of property. Ms. Dowdy stated that Ms. Lashley was present and could answer any questions and that in a single family residential zone that part of the zoning requirement is to have ample off-street parking. Scott Seiber asked if parking was allowed on the street in that section of Olive Street. Ms. Dowdy stated that she checked and no there were no parking signs on Olive Street and emphasized that when there is multi-family the City requires that they provide enough off-street parking because the City does not want to see parking on the street in a single family residential zone. Sam Perry stated that the signs normally reflect a city ordinance, whether or not parking is allowed in that area.

Chairman Spann opened the public hearing. Chairman Spann swore in Gerri Lashley. Ms. Lashley stated they have been visiting Murray for over two years and that her daughter has a full volleyball scholarship for MSU and is majoring in Special Education with hopes of teaching in Kentucky. With a full scholarship she receives housing but the studying conditions are not the best for her so they decided in order for her to continue to be an excellent student she needs a quiet house to study and this house provided this opportunity. The house is a 3 bedroom and no more than two additional girls would be staying there only during the school year. Ms. Lashley stated that it is important that the investment is well taken care of and not only would her daughter and the girls be responsible the other girls’ parents would be involved and set guidelines and rules to live by. Ms. Lashley stated they have owned the property since May 27 and she has already hired someone to take care of the grass each week. Ms. Lashley stated that she had no problem with giving her phone number out to neighbors and would welcome calls from anybody that would like to report anything to her. Ms. Lashley stated they believe in being contributors to the community and that everyone has been so nice to them in just the two short weeks they have been dealing with the property and they would like to make a commitment to the community and hope the board will consider the request. Scott Seiber asked what arrangements have been made on parking issues. Ms. Lashley stated that her daughter did not have a car and the property had a one car garage and a very long driveway. Mr. Seiber asked what year her daughter was in school. Ms. Lashley stated she is going to be a junior. Mr. Seiber asked if she planned on graduate

school. Ms. Lashley stated she thought in her field of study the answer would be yes and she would like to stay an extra year with the volleyball team to be a manager for scholarship. Mr. Seiber then stated that Murray is a wonderful community but that sometimes people are jealous of their neighborhood particularly near the university if it is not zoned for multi-family rental property. Mr. Seiber asked if there would only be two other girls living there. Ms. Lashley answered yes because there are only three bedrooms. Mr. Seiber stated he felt the driveway is a problem waiting to happen because he assumes the other two girls will have a car and their friends will be visiting and they will have to shuffle cars around and these are the problems you run into with one lane driveways that there is parking in the yard and on the street. Ms. Lashley stated that she and her husband have already discussed the possibility of enlarging the driveway so two cars could park side by side but wanted to cross one bridge at a time. Chairman Spann asked if after her daughter graduates if she chooses to move what are the plans for the house. Ms. Lashley stated that they would like to sell the house at that time. Mr. Seiber asked what her primary motivation for buying a home in lieu of renting an apartment. Ms. Lashley stated it was because of investment and if she were living in an apartment she wouldn't have the space and if the rental property wasn't close enough that they might have to invest in a car for her. Right now she is in a dorm with no control over the ones there but at this property she would have control over noise and visitors and also during volleyball season which is in the fall they visit often and would be able to stay with her. Mr. Seiber asked if she would want her daughter living there alone if the conditional use permit was not approved. Ms. Lashley stated that she would like for her to have somebody for safety. George Stockton asked Ms. Lashley if the other two rental properties on the street are in the vicinity of her house. Ms. Lashley stated she believed one was across the street two doors down and the other one was next door. Ms. Dowdy stated that staff would check on those places and to her knowledge there was no conditional use permits issued along Olive or 17th Street. Mr. Perry stated that the zoning changes to multi-family half way between 17th & 16th. Vice Chairman Spann asked if there was anyone else to speak in favor of the request. Margaret Koch came forward and was sworn in. Ms. Koch stated that she was Vice President of the St. Louis City Rental Properties Association and has dealt with rental property for over thirty years. Ms. Koch stated that Ms. Lashley shared her philosophy on rental property that it should be an investment property for a way of living and an asset to the community. It should be maintained and kept up and most importantly the behavior of the people residing there and that she felt comfortable stating that there probably wouldn't be any problems but if the neighbors had any type of concern Ms. Lashley would be available.

Being no others to speak in favor of request, Chairman Spann asked if anyone would like to speak in opposition to the request. Norma Suiter came forward and was sworn in. Ms. Suiter stated that her property joins at the back with Ms. Lashley's property and they both join the vacant property and which is where most people park and she is afraid of the noise due to barbeques and picnics. Ms. Suiter stated that she found out that whenever university kids move into the neighborhood, the price of property goes down. Ms. Suiter stated that she has absolutely nothing against the kids or the university but she wants her property protected. Ms. Spann then asked Ms. Suiter if she wished for the petition to be entered into her opposition record and Ms. Suiter confirmed that she did (Exhibit 1). Ms. Spann asked Ms. Suiter if she would read the petition and she did, stating she had eleven names on it. George Stockton asked if the neighbors on the petition were in the same

zone. Ms. Spann stated that only two were adjoining and Sam Perry stated that the names on Olive were in a single family zone. Andy Dunn asked if she had ever noticed the parking being a problem with the college students across the street. Ms. Suiter stated that she did not know about across the street but the house that Ms. Lashley bought, there has always been a problem because the driveway is so narrow. Chairman Spann asked if the driveway and the back yard noise were made conditions to be remedied, if that be something she could tolerate. Ms. Suiter answered that she thought so but when university students move into the neighborhood it causes your property to go down in value. Mr. Seiber asked if she was willing to admit that the tenant could be a very nice person. Ms. Suiter answered certainly and stated that she had never met them but knew they could get along but everybody needed to realize they have neighbors and to be quiet. Ms. Suiter stated that she felt 10:30 p.m. was late enough for them to be outside having fun. Mr. Seiber asked how many neighbors were there. Ms. Suiter answered that there were two others present. Being no further in opposition, Ms. Lashley came forward again and stated that she is concerned about property value just as much as any neighbor and that she would not invest in a property that would go down in value. Ms. Lashley stated that all girls including her daughter will be signing a lease and she can put in any condition she wishes in the lease and that they will be having talks on respect for neighborhood and neighbors and making sure they are a positive influence on the street. At this time, Ms. Spann declared the public hearing closed and opened it up for the members of the board for consideration. Scott Seiber asked Mike Pitman how forceful the stipulations could be that are put in the conditional use permit. Mr. Pitman stated that the stipulations that can be put in a conditional use permit are relatively unlimited. He stated one condition that comes to mind is KRS 100.237 which says the board may approve, modify or deny any application for conditional use permit and if the board approves the permit it may attach necessary conditions such as time limit requirements. Mr. Pitman stated that it is his view that if you impose conditions that are reasonable to the concerns that have been expressed then it would be appropriate to allow this property to operate within the R-2 zone then those conditions would have to be followed and can be enforced if violated. Mr. Pitman continued to state that if the conditions are not complied with, a zoning official can make it known to the board and the board can revoke the conditional use permit. Ms. Spann stated that just because a person is a student does not make them a bad neighbor and if they are willing to reside in a neighborhood and abide by the general rules of that neighborhood and conform to the things that the single family people do in keeping time tables and keeping the property it is her opinion they should have that opportunity and that also falls back on the owner to provide a double driveway. Mr. Stockton committed that the property is zoned single family and he feels people living in that area should be somewhat protected from multi-family use and there are other areas available in Murray for multi-family use. Mr. Dunn asked if he understood Ms. Suiter saying she was alright with the conditional use permit if her conditions were met. Ms. Spann asked Ms. Suiter if the girls would not disrupt her normal life would she be okay with the conditional use permit. Ms. Suiter said yes and she wanted that understood. Mr. Seiber commented that he respected the neighbors and the feeling that they have concerning property value and the peace in the neighborhood. **Scott Seiber made a motion to approve the conditional use permit with the following conditions: the driveway be expanded to accommodate two car width; that there be a 10:30 p.m. time limit on any outdoor activity that would raise the noise level in the neighborhood; the conditional use permit shall expire at the time of Julia Lashley**

graduates from Murray State University or is no longer a student, which at that time would revert back to single-family use; and a maximum of three people living on the premises with one to be the daughter. Andy Dunn seconded the motion and the motion carried with a 3-2 vote. Ed Davis and George Stockton voted no.

Dimensional Variance Request Of 13 Parking Spaces—1209 Story Avenue—Joe Wrye: Candace Dowdy stated that Mr. Wrye has applied for a building permit to construct a building on Story Avenue and the site plan shows the building to be 75 X 60 with a 12 X 12 office space with two (2) bays for cars to enter from the front and all work to be done on the inside with an additional space to lease out to another business. Ms. Dowdy stated that the zoning on this property, tract 4B, is currently split with part of it being B-1 which is the neighborhood business district and part of it being B-2 which is the highway district but the night before the planning commission reviewed the rezoning and made a recommendation that will be sent to the City Council to rezone the entire lot to B-2. Ms. Dowdy stated that Mr. Wrye currently has a detail shop on Glendale Road and in the front part of the building is a taxidermy shop and that is what he is looking to do with this property and based on the size of building the parking requirement would be twenty-three parking spaces. Ms. Dowdy stated that the site plan shows five parking spaces on the east side and five spaces on the west side with a 24' entrance. Ms. Dowdy continued to explain that across the street is R-2 zoning and the zoning ordinance requires that when a business zone is adjacent to residential zone that the business has at least a 10' buffer strip of landscaping. Ms. Dowdy added that the building can accommodate up to seven cars inside the building and with most of his business he picks up and delivers the vehicles so there would not be a lot of additional vehicles in the parking lot with the exception of employees. Sam Perry stated that Mr. Wrye gets his vehicles which he works on from dealers so there is not individual walk-in traffic. Chairman Spann swore in Joe Wrye. Mr. Wrye stated that the taxidermy business during deer season could have up to five vehicles there but most of the time there is only one to two vehicles there and that the owner would be parking inside the building and for his business he plans on keeping most of the vehicles inside. Mr. Wrye stated that he works for Billy Crouse which is two blocks away and he can park them there and added that there would not be any junk on the lot as in the past. Scott Seiber asked if there would be any haul-a-ways coming in to the business. Mr. Wrye answered that there would not be any haul-a-ways at all. **Ed Davis made a motion to grant the 13 space parking variance. Scott Seiber seconded the motion.** Chairman Spann asked if there were any conditions to be added to the variance. Mike Pitman advised that the board could add conditions, if desired. Mr. Seiber stated his only concern was with haul-a-ways, and that was answered. Mr. Davis stated that his only concern was storage of extra vehicles in the parking lot and that was answered. **Being no further discussion, the motion carried with a 5-0 vote.**

Public Hearing For Conditional Use Request For A Fraternity In An R-4 Zone—103 North 16th Street—Pi Kappa Alpha—Sid Easley: George Stockton recused himself from this item due to being a member of Pi Kappa Alpha and excused himself from the meeting. Candace Dowdy stated that the property was located at 103 North 16th Street, in an R-4 zoning district and that a fraternity was only allowed as a conditional use in R-4. Ms. Dowdy presented the board with a copy of the written requirements from the zoning ordinance regarding fraternities. Ms. Dowdy stated that a 5' landscaped strip is required between a fraternity and adjacent property, unless the adjacent property is a fraternity.

Ms. Dowdy showed the board an aerial photograph, explaining the neighboring properties and zoning district boundaries. Ms. Dowdy showed the board a recent survey of the property that was just presented to the planning department that day. The lot measured 65' x 185', totaling 12,025 square feet, which is under the required lot size of 15,000 square feet. Ms. Dowdy stated that the house was 16' from the north property line, 14' from the south property line and 56' feet from the front property line. The apartment house was surveyed to be 2'-3' from the rear property line. Ms. Dowdy stated that the parking requirements were one (1) parking space per student based upon the maximum occupancy as well as parking spaces for resident managers that live on the premises. Ms. Dowdy stated that 525 square feet (north side) of the 1,473 square feet on the 1st floor, will be used for meeting room purposes. Based on the information, the occupancy load for the 1st floor will be 35. Ms. Dowdy stated that the upstairs is 884 square feet, with an occupancy load of four (4). Ms. Dowdy stated that the apartment house occupancy load is six (6). The parking requirement total is 45 spaces. Ms. Dowdy stated that parking is one of the planning department's concerns. Ms. Dowdy showed the board a site plan that showed six (6) parking spaces in the front, a driveway going to the rear and three (3) parking spaces in the back. Ms. Dowdy explained that if there were cars parked within the circle drive, the entire six (6) spaces could be used.

Ms. Dowdy showed the board pictures, from several angles, which were taken that day of the property. Ms. Dowdy explained that there was not any screening on the north side at this time. Scott Seiber asked about the property to the north. Ms. Dowdy explained that Mr. Veach owned the barber shop property and that he had rental apartments upstairs, with parking in the front and the back. Ms. Dowdy showed the board a picture of the dumpster area and noted that there were four (4) dumpsters out on the curb. Ms. Dowdy explained that there was not room for any more parking spaces on the property unless the apartment building was torn down. Ms. Dowdy was informed that there was an active membership of about 40 people. Ms. Dowdy stated that she had spoken with Dewey Yeatts, MSU facilities management director, who was not able to be present, and that he had stated that no one had spoken with him about this proposal. Ms. Dowdy was informed by Mr. Yeatts that there were nearby parking lots, to the north that were zoned for students, in which Murray State would not have any objections to them using. Ms. Dowdy stated that there were also sorority parking lots off Brentwood Drive and Poplar Street that would be a distance that totaled around 106 parking spaces. Ms. Dowdy pointed out that Murray State owned the corner property, to the south, which was zoned Government. Mr. Seiber asked if the property was for sale. Ms. Dowdy stated that Mr. Yeatts had informed her that there had been some discussion as to possible leasing or buying of the corner property. Ms. Dowdy noted that the proposed location at 103 North 16th Street, would be a temporary location for 2-5 years. Ms. Dowdy stated that they planned to do some renovations to update the property, and that there was also discussion of purchasing the adjacent MSU property and tearing down the two (2) structures at 103 North 16th Street, erect a new building and situate it at an angle with the intersection, and the remainder be used for parking.

Chairman Spann opened the public hearing. Chairman Spann asked Sid Easley if he was acting as attorney or member. Mr. Easley commented that it was actually both. Chairman Spann swore in Sid Easley. Mr. Easley stated that no decision has been made on the issue of a new house being erected at this location. Mr. Easley reminded the board

that the Pi Kappa Alpha house on Stadium View Drive had burned in June, 2004. Mr. Easley stated that the Pi Kappa Alphas are considering locating closer to campus, but had not decided on whether it would temporary or permanent. Mr. Easley stated that this was a request for temporary location, possibly 24 months or more, due to the expense of building a new house. Mr. Easley showed the board a possible representation of what a new house would look like, but stated that whether it would be at this location or at Stadium View was unknown. Mr. Easley stated that either way, they would need more space at the North 16th Street location. Mr. Easley pointed out to the board the locations of the fraternities and sororities in relation to the MSU campus and stated that MSU owned the parking off of Poplar Street that the sororities were using. Mr. Easley also pointed out that MSU owned property in front of the ATO house and could essentially build a building right in front of it. Mr. Easley highlighted the fact that fraternities and sororities are located on the southern tip of the campus. Mr. Easley presented a letter from Dr. F. King Alexander (Exhibit 1) which, in summary, addressed the following:

- 1) supported the location that Pi Kappa Alpha desired, based on safety and other greek organization's locations on the southern end of campus
- 2) permitted the use of the MSU lot adjacent to the property for social activities
- 3) noted available MSU parking if needed
- 4) waived screening requirements

Mr. Easley stated that the intention was to only have four boys living in the house. Mr. Easley stated that meetings were held at night, which would improve the parking availability situation. Mr. Easley pointed out locations of available parking at the Wrather West Kentucky Museum and adjacent to Oakhurst, as well as north, to the Nash House. Mr. Easley stated that they would not be using the Presbyterian Church parking lot at all. Mr. Easley listed factors to consider in granting a dimensional variance and reminded the board of the $\frac{3}{4}$ acre available adjacent to the proposed location. Mr. Easley stated that he believed the character of the neighborhood would not be changed if permission was granted.

Scott Seiber asked Mr. Easley if he knew how greek organizations fit a master plan of MSU. Mr. Easley explained that MSU's goal was to retain students, not necessarily in a master plan, but that any type of peer group, fraternity being one, will help keep students in college. Mr. Seiber commented that the MSU $\frac{3}{4}$ acre was available for use. Mr. Easley stated that would have to be dealt with at another time, because it was very difficult for MSU to sell property, being a state agency. Mr. Seiber also commented that the old property on Stadium View drive could be used. Mr. Easley stated that the permanent location and amount of money to spend was still undecided. Mr. Easley clarified to the board that even if they end up selling this property on 16th Street, they are not asking permission for the purpose of making a later profit. Andy Dunn asked if 24 months was long enough. Mr. Easley stated that it would be, and agreed that they could request a re-issue if that was not long enough. Mr. Seiber commented that after hearing the presentation, the idea of a short term solution makes sense. Ms. Dowdy asked for a clarification on how many boys they would like to have living in the house. Mr. Easley stated that there would not be more than two (2) in the house and not more than two (2) in the rear apartment building. Mr. Seiber asked what the condition of the rear apartment building was. Mr. Easley stated that it was slightly below average condition, concrete block, with two, one-bedroom apartments. Mr. Seiber stated that he agreed with the

concept of the fraternity here, but was very concerned with parking. Mr. Easley named other fraternities that used MSU parking. Sam Perry asked if there were evening classes at Wilson Hall. Mr. Easley stated that he never had a problem finding parking in that area in the evening. Mr. Seiber asked who would be living on the premises. Mr. Easley stated that has not been decided, but they would pay, although, they are not trying to make a profit.

Chairman Spann swore in Dr. Hal Houston. Dr. Houston gave a history of fraternities at MSU and that Pi Kappa Alpha was the first one at MSU, in 1958, noting that MSU was hesitant at the time to adopt. Dr. Houston followed to say that MSU now sees fraternities as a benefit to campus. Dr. Houston stated that the membership was somewhat divided on what to do in the future but that it would be a positive thing to locate on North 16th Street, at least for now. Dr. Houston listed several community names that also were members of Pi Kappa Alpha and commented that the success and the impact of this proposal would bear the names of those community members, noting that they would ensure the proper care and maintenance. Dr. Houston stated that it could be hurting membership numbers that there is not a house at this time, and that other greeks have a house of their own. Dr. Houston commented that he was also concerned with parking at this location, but was willing to move in, improve the property, and go from there. Chairman Spann swore in Michael Brown, inter-fraternity council president, MSU. Mr. Brown stated that Pi Kappa Alpha, as well as one other fraternity and one other sorority met at the Curris Center on Sunday nights and the parking lot was extremely full. Mr. Brown felt that it would free up parking at the Curris Center if the meetings were held at the proposed site. Chairman Spann asked if there was anyone else to speak in favor of the application. Being none, Chairman Spann asked if there was anyone wishing to speak in opposition to the application.

Chairman Spann swore in Jerry Veach. Mr. Veach stated that it would be premature for the board to make a decision at this point, based upon all the unknowns that have been stated tonight. Mr. Veach felt that a fraternity locating just south of his property would affect his rental apartment in the upstairs of the barber shop. Mr. Veach expressed concern that the proposed meeting rooms, being on the north side of the building, would affect his residents' bedrooms, which are on the south side of the building at 105 North 16th Street. Mr. Veach stated that the proposed fraternity site is too small for its current residential use, much less the proposed, expanded use being a fraternity. Mr. Veach expressed concern about vehicles crossing on to his property through the rear, smaller parking lot. Mr. Veach stated that if the east/west drive were blocked by a single car, that the access to the rear parking lot would be completely cut off. Mr. Veach stated that there were currently no parking problems and everyone works together well, but that problems could escalate during meeting times and social gatherings, where attendance triples. Mr. Veach was concerned about routine parking, as well as parking for events. Mr. Veach stated that there was less than 20' between the buildings and he was concerned about the type of screening that would be provided. Mr. Veach also stated that there was a safety concern with the possibility of cars backing out on to 16th Street, if the drive was blocked in a way that cars could not turn around. Mr. Veach stated that he would be opposed to an approval of a situation that would leave him guessing for two (2) years as to how it would affect his property. Chairman Spann asked if there was anyone

else to speak in opposition. Being none, Chairman Spann opened the floor back up to Mr. Easley.

Mr. Easley stated that there were presently eight (8) people living on the property and that there would be less when the Pi Kappa Alphas acquire it. Mr. Veach responded by saying that it was a purely residential use now, but would be more of a mixed use with a fraternity there. Scott Seiber asked Mr. Veach if he would be satisfied with the situation considering the required screening for a fraternity. Mr. Veach stated that his parking area was the closest and that is why he was concerned. Mr. Seiber recommended to Mr. Veach that if approval were granted, to have a meeting with the administration of Pi Kappa Alpha regarding any agreements. Mr. Veach requested that the board make it a condition to revoke the conditional use permit if vehicles had to be towed or there were other severe problems. The board confirmed. Mr. Veach requested limiting activity to 10:30 p.m., citing the previous item that night, with a similar condition. Mr. Seiber stated that this was a much different neighborhood and that most fraternity members stay up later. Ms. Dowdy read and explained the screening requirements from the zoning ordinance. Ed Davis asked for information about a sign. Mr. Easley stated that it would comply with the 8 sq. ft. regulation, and be mounted to the 16th Street wall. Dr. Houston came forward again and expressed the urgency of the situation, because part of the contingency to buy includes notifying the current renters if they will be able to stay or not. Dr. Houston agreed to erect a fence that would prevent cars from driving across the property line. Dr. Houston mentioned that it would be a possibility to acquire a strip of land from MSU to allow two (2) cars to pass on the east/west lane. Dr. Houston wished to do what it took to please Mr. Veach and also explained that it could help his rental situation financially. Dr. Houston also stated that it would be a problem to set a quiet-time, but that they could work on that. Chairman Spann asked if there was anyone else wishing to speak. Being none, Chairman Spann closed the public hearing.

Ed Davis asked if the board could set a time at which the permit could be reviewed. Ms. Dowdy stated that a review time has been set for similar situations. Warren Hopkins, legal counsel, advised the board to separate the motions for the dimensional variance and the conditional use because the statutory requirements are different for each. Ms. Dowdy stated that there had been other variances on lot sizes for fraternities. **Ed Davis made a motion to grant the 2,975 square foot variance on the lot for a fraternity based on the fact that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the neighborhood or cause an unreasonable circumvention of the zoning regulations, that this site is in the area of other organizations in the Greek system, which is near central MSU and that there is an urgent need for a meeting location for Pi Kappa Alpha at this time. Andy Dunn seconded the motion and the motion carried with a 4-0 vote. George Stockton was recused from this item.**

Mr. Easley stated that he would prefer not leaving the fence requirements up to Mr. Veach since there had been prior negations regarding possible sale of his property. The board felt that requirements could be interpreted solely from the zoning ordinance.

Ed Davis made a motion to approve the conditional use permit for 24 months, with a 12-month review, for Pi Kappa Alpha fraternity in an R-4 zone, based upon the

following conditions: landscaping/screening be in accordance with the zoning ordinance in Section I, Article 3 G. (1) (D), that there be no more than two (2) residents per building and that all non-resident parking be provided off-site based upon the letter from Dr. F. King Alexander (Exhibit 1). Andy Dunn seconded the motion and the motion carried with a 4-0 vote. George Stockton was recused from this item.

Ed Davis made a motion to adjourn. Andy Dunn seconded the motion and the motion carried with a 4-0 voice vote.

The meeting adjourned at 7:45 p.m.

Vice Chair, Helen Spann

Recording Secretary, Sam Perry