

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, February 22, 2006 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

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

Board Members Absent: none

Also Present: Candace Dowdy, Sam Perry, Bill Adams, Mike Pitman, Kevin Lamb, Kristen Taylor, Darrell Mitchell, Bill Allbritten, Tom Auer, Harold Beck, Debbie Beck, Austin Beck and other public audience

Chairman Bill Whitaker called the meeting to order at 4:30 p.m., and welcomed the guests and applicants. Chairman Whitaker requested approval of the January 18, 2006 regular meeting minutes. **Scott Seiber made a motion to approve the minutes as presented with one minor correction. George Stockton seconded the motion and the motion carried with a 7-0 voice vote.**

Discussion Of Tabled Item—Singer Sewing Center Freestanding Sign—521 South 12th Street: Sam Perry stated that this was an item in which a higher sign than what would be permitted on 12th Street, was being requested. Since then, the business owners have presented plans which comply with the 12th Street sign regulations: monument-style with landscaping, not over 10 feet high. There is not a need for a variance, so it simply needs removed from the table. Scott Seiber made a motion to remove the item from the table. Ed Davis seconded the motion and the motion carried with a 7-0 voice vote.

Dimensional Variance Request For One Additional Wall Sign—101 Industrial Road—Lamb's Small Engine—Kevin Lamb: Candace Dowdy stated that the business has one wall sign for Cub Cadet, which is a product that they sell. Ms. Dowdy stated that the applicant had applied for a variance for a 24 square foot projecting sign and an 18 square foot wall sign in 1993. Ms. Dowdy stated that Kevin's father was running the business at the time and that he decided to not put up the requested signage, even though it was approved. Ms. Dowdy stated that Mr. Lamb commonly has customers come in and ask where Lamb's Small Engine is because there is no identification for the business on the outside. Ms. Dowdy presented a sample 32 square foot sign for the east side of the building. Forty (40) square feet would be permitted, based on the wall dimensions. Mr. Lamb would like to design a sign with his name, address and possibly some of the logos that are affiliated with some of his products. Mr. Lamb is requesting to keep the existing 15 square foot sign and add a second wall sign to the east side. Scott Seiber stated that he did not see an issue with the square footage, only the additional wall sign. Mr. Seiber stated that he, personally, had some difficulty finding the business the first time.

Chairman Whitaker swore in Kevin Lamb. Scott Seiber asked if the focus for the additional sign was to advertise Lamb's Small Engine, not just all the product logos. Mr. Lamb stated that was correct, and that this rendering is only a rough draft. Mr. Lamb is planning to have a logo designed for his business. The sign would be unlighted. Mr. Lamb stated that there is a street light across the street that lights his building well. **Scott Seiber made a motion to approve one additional wall sign for Lamb's Small Engine based on the size presented as 32 square feet and on the findings that it will aid in the identification of this business and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the zoning regulations. Andy Dunn seconded the motion.** Scott Seiber recommended enlarging the 911 numbers on the door to aid clarification. **The motion carried with a 7-0 vote.**

Dimensional Variance Request For Accessory Structure In Side Yard—501 South 13th Street—Darrell Mitchell: Sam Perry stated that Darrell Mitchell is requesting permission for a detached garage in the sideyard. Mr. Perry referred to the site plan, that the house faces South 13th Street. The lot was created during the process of Family Dollar being constructed. There was a rezoning and minor subdivision plat that took place, which created the long and narrow lot. Because of the way the house is facing, there is a very shallow rear yard. Mr. Perry stated that recently a request for an accessory structure was reviewed by the BZA for 102 South 10th Street. There would be a separate driveway with Mr. Mitchell's application. Mr. Perry stated that the side and rear setbacks of 25' and 35' greatly exceed the required five (5) feet. Mr. Perry stated that there are underground utility lines which serve Family Dollar. Mr. Mitchell is willing to grant an easement to the city for maintenance of the utility lines. Mr. Perry stated that it was an oversight that there was not an easement created with the minor subdivision plat, but this is an opportunity to get one, if the board sees fit to grant the variance. The lot was not wide enough for two (2) houses, without the granting of multiple variances, so this is what Mr. Mitchell has decided to do, to make use of the land, since it is such an odd shape. Chairman Whitaker asked if the fence was on the property line. Chairman Whitaker swore in Darrell Mitchell. Mr. Mitchell stated that the small trees were on the line. Ed Davis asked if the requested garage would match the new home, same roof line, siding, etc. Mr. Mitchell stated that if he built it, it would match the house. Mr. Mitchell stated that an additional garage is a good selling point for the property, which is why he is requesting permission, even though he may not be the one to build it. George Stockton stated that he was concerned about another builder not knowing that it would need to match the house. **Ed Davis made a motion to approve the accessory structure in the side yard at 501 South 13th Street with the conditions that the accessory structure match the house and a utility easement be granted to the City of Murray on the south side of the property based on the findings that the lot is unusually shallow and that it will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow unreasonable circumvention of the zoning regulations. Darren Jones seconded the motion and the motion carried with a 7-0 vote.**

Public Hearing To Review Request For Conditional Use Permit To Allow Church Office In R-2 Zone At 1625 Farmer Avenue—St. Johns Episcopal Church: Candace Dowdy pointed

out the church and adjacent property on aerial photography. Ms. Dowdy stated that the church bought about 85 feet of the rear portion of 1623 Farmer Avenue, therefore their property along Broach Avenue goes back within about five (5) feet of the accessory structure at 1623 Farmer Avenue. They own all of the property at 1625 Farmer Avenue along with all the church property fronting Main Street. A few years ago, the church requested to put the Angel's Attic thrift shop in the front building of the small apartment property. The apartments are actually owned by a separate entity, which is affiliated with the Episcopal Church. The board approved putting Angel's Attic there until they outgrew the space. They have since moved to Chestnut Street. The building was occupied at that time with the church office. Mr. Simmons, the pastor, reported to Ms. Dowdy, that they had to pay rent to the Episcopal housing company for the church office to be there. The house was purchased in June 1999. They did apply to have up to three (3) non-related students living on the premises, along with the campus ministry use. Ultimately, the board denied the campus ministry to operate there, but because the multi-family use had been in existence, it was grandfathered-in. The church offices have been located in the house for about one (1) year. It was just recently brought to the planning department's attention, and the church was not aware that was something that they would need a conditional use permit for. There is only (1) student living in the house. If the board approves the church office operating there, one (1) student is all they would request to live there. There are three (3) graveled parking spaces for the house, and the driveway does connect all the way through to the main church property fronting Main Street. Scott Seiber asked how the use of the property would change with this approval. Ms. Dowdy stated that Mr. Simmons was not able to be there, but that there were two (2) representatives from the church to answer any questions. Ms. Dowdy stated that there have not been any phone calls regarding the application. Scott Seiber asked if there were any properties in the neighborhood that had conditional use permits. Ms. Dowdy stated that there were none that she was aware of. Darren Jones asked if there had been any complaints during this past year. Ms. Dowdy stated that there had not been and that it was merely by accident that it was brought to the staff's attention, not a complaint. Sam Perry stated that there was a conditional use permit issued for 1628 Farmer Avenue for three (3) non-related persons.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Bill Allbritten. Mr. Allbritten stated that their priest is 2/3 with the church, 1/3 with the university and while at the house he uses the house for pastoral counseling, correspondence for the church, counting money on Sunday, printing the bulletin or other materials. Scott Seiber asked if it was true that with this approval there would not be any change in property use. Mr. Allbritten stated that there would be no change, if anything, less use of the property, than more, based on the habits of the current priest. Chairman Whitaker asked what the hours of operation were. Mr. Allbritten stated that there are about 12 hours during the week posted for pastoral care hours at mid-day time. There is one part-time employee. Scott Seiber asked about parking. Mr. Allbritten stated that there was parking for three (3) in front and parking for 40 in back. Chairman Whitaker asked how many lived there. Mr. Allbritten stated that there was one (1) and that she happens to be the employee, which is not always the case. Mr. Seiber asked what the role of the resident was. Mr. Allbritten stated that the current resident happens to be studying for the priesthood, which is not a requirement for living there. Mr. Allbritten stated that most of the meetings are held in the church. Mr. Allbritten stated that there is a "dinner-and-a-movie" night for students about 20

Friday nights a year, which has been going on for awhile. There is a free meal, worship service and movie, which are over around 10:00 p.m. Darren Jones asked where the church office was prior to being in the house. Mr. Allbritten stated that it was in the church building, which has now been converted into a nursery. Mr. Allbritten stated that there are a large number of small children, and they simply had no room. Scott Seiber asked why it was denied in 1999. Helen Spann stated that it was in regards to cooking food on the premises. Mr. Allbritten stated that eight (8) or (9) usually come to the movie nights. Ms. Dowdy stated that the 1999 review was denied due to a failed motion. Mr. Allbritten stated that the requested activities at that time, do not take place now. Ed Davis stated that from his recollection, the whole issue was the three students living on the premises. Sam Perry stated that the Fire Marshal could meet with the church and establish an occupant load for the house. Chairman Whitaker closed the public hearing.

Candace Dowdy stated that the church would like to request up to three (3) non-related persons occupying the premises if the church office use was denied. Chairman Whitaker stated that there are multiple issues regarding why it could have been denied in 1999: multi-family use, cooking of food, parking, etc. Scott Seiber stated that it is very important to state findings, for future reference. **Helen Spann made a motion to grant a conditional use permit for 1625 Farmer Avenue to allow rental to one person for residential use, use of the facility for church related activities and use of the facility for a church office with the conditions that the facility meet the approval of the fire marshal and there be no parking on the street, in front of the house.** The board interpreted that the activities discussed were church related activities. Chairman Whitaker asked Ms. Spann if she would like to put any time limits on the permit. Ms. Spann stated that it was not necessary. Mike Pitman asked if signage had been discussed. Ms. Dowdy stated that there had been no requests for signage. Ms. Dowdy stated that a two (2) square foot sign would be allowed by the zoning ordinance. **George Stockton seconded the motion and the motion carried with a 7-0 vote.**

Compatibility Hearing For Proposed Planned Development Project (Storage Units) At 1508 Diuguid Drive—David King: Sam Perry stated that Bill Adams is here to represent Mr. King. This is a project that has been ongoing since 1996. Mr. Perry presented a new site plan including this last phase which is the addition of one (1) building. The Planned Development Project that was platted in 1996 did not show this last phase of the project. In 1998, Mr. King came back for a revision to change the PDP, to do away with a building and lengthen two (2) others, making a total of five (5) buildings, instead of six (6). Some more time passed, and then Mr. King requested to put the sixth building into the project, which did not require the PDP to be changed at the time because it was only one (1) building. However, it was noted on the building permit, that the next building to be built would require the PDP process, because it would be two (2) buildings on a lot. In an effort to expedite the process for this application, which is both similar and adjacent to the previous one, the Planning Commission reviewed the project for Advisory and Preliminary and made approval last night contingent upon the BZA finding the project compatible and granting a conditional use permit. The items discussed were stormwater drainage, screening on the north and west sides and the entrances. Mr. Perry stated that it was an irony of zoning districts because the vicinity is predominately residential, but since PDPs are permitted in B-2, residential PDPs are very dense in area, even though a business use is closer to

the original intent of the zoning ordinance. Because of the B-2 zoning district continuing to the west, the zoning ordinance does not technically require screening on the west property line, adjacent to Harry Reed Apartments. Screening would be required along the north side. Ed Davis informed the board that the commission also discussed the possibility of shrubbery along the front of the development. Darren Jones asked if there was supposed to be trees along the north property line. Mr. Perry stated that there were, and if they were planted they have not survived. The board questioned the construction of the detention area. Mr. Perry stated that it had apparently been partially built, than had filled in. It was shown on the original plat. Sam Perry stated that staff does not see a problem with the compatibility because the same use is already on the adjacent property. **Ed Davis made a motion that the project is compatible with the surrounding area. Scott Seiber seconded the motion and the motion carried with a 7-0 vote.**

Public Hearing To Review Conditional Use Application For Proposed Planned

Development Project (Storage Units) At 1508 Diuguid Drive—Duiguid Drive: Sam Perry stated that the rear setback of 25' is being met and exceeded. Chairman Whitaker asked how the detention basin could fit in between the building and the property line. Mr. Perry stated that the site plan has the appearance of a very narrow detention basin. Chairman Whitaker asked if the rip-rap would stay where it is. Mr. Perry stated that Bill Adams could better explain the detention. Mr. Perry stated that as long as the city regulations for stormwater were met, staff did not have a problem with it. Mr. Perry stated that if the board was inclined to require any additional screening in addition to the north property line, they would need to make it a condition. Chairman Whitaker asked if they were required to by the Planning Commission. Mr. Perry stated that it was intended to be an item of discussion for the board, since the board sets the conditions, not the Planning Commission. It was not a contingency of approval for the Planning Commission. The board discussed the site photographs. Darren Jones asked about the entrance issue. Mr. Perry stated that the issue regarding the entrances was simply that if one of the three lots were sold, and the new owner needed a separate entrance, than a new driveway would have to be created, since the internal lot lines still separate the property into three lots. Mr. Jones asked about the trailer on the lot. Chairman Whitaker opened the public hearing and asked if anyone would like to speak in favor of the project. Chairman Whitaker swore in Bill Adams. Mr. Adams stated that the trailer belongs to a contractor and that it is temporary. Mr. Adams stated that there was a small detention basin in the beginning of the project, it was expanded later, and has since filled back up. Mr. Adams stated that it is to be reconstructed as shown. Mr. Adams stated that Mr. King is planning to put trees or shrubs on the property line. The reason the rip-rap is there, is for bank stabilization. There will be some reorganization of the rip-rap in order to make way for planting of the trees/shrubs. Mr. Adams stated that he did not see why it would be a requirement to have trees/shrubs in the front, since it is a B-2 zone. Scott Seiber asked how many entrances there were. Mr. Adams stated that there was one (1); and when discussing the project with staff, it was seen as excessive to have additional driveways, because the traffic volume is so low. Candace Dowdy asked if Mr. King would be receptive to any shrubbery along the front. Mr. Adams stated that they did not discuss it. Chairman Whitaker asked if he would be willing to plant trees on the west property line in between the existing trees. Mr. Adams stated that three addresses would go up on the ends of the buildings, one for each lot. Sam Perry asked about the sign. Mr. Adams stated that it would be relocated to be in

compliance. Mr. Perry stated that he noticed a security light on the northeastern corner of the property. Mr. Adams stated that he was not sure who owned the light. Chairman Whitaker closed the public hearing.

Andy Dunn made a motion to grant the conditional use permit for the AAA mini-storage Planned Development Project in a B-2 zone with the conditions that the sign be relocated to be in compliance, vegetative screening be provided per standard regulations on the west property line in addition to the planned, vegetative screening on the north property line. Scott Seiber seconded the motion and the motion carried with a 7-0 vote.

Dimensional Variance Request On Parking Requirements—1604 Calloway Avenue—

Harold & Debbie Beck: Candace Dowdy stated that the zoning ordinance does not address parking regulations for residential structures with more than five bedrooms and being only one dwelling unit. Murray State parking is on two sides of the property. The request is to construct a two (2)-story, one dwelling unit structure with six (6) bedrooms on the lot. The lot is 49.98' wide and 150' deep. The minimum lot size is 7,500 square feet for R-4, so the lot is 3 square feet too small. The parking for one dwelling unit is two (2) parking spaces with one (1) and two (2) bedrooms and anything over two (2) bedrooms, up to and including five (5), would be one (1) additional parking space per bedroom. Ms. Dowdy showed elevation views of the house, which was intended to match the theme of the new Murray State buildings. The site plan shows five (5) parking spaces in the front and two (2) in the rear. The building does have to be ten (10') feet from the side property line. The site plan only shows ten (10') feet around the east side of the building for cars to get around back. Ms. Dowdy stated that being a two (2) story structure, staff did not feel that the overhang encroaching into the setback is a problem. The fire department looked it over and found that they would be able to get a ladder truck into the property if necessary. Ms. Dowdy stated that it would not be required but that the owners are planning a four (4') fence with shrubbery on the west side for privacy of the adjacent property owners. According to Dickie Walls, the 2006 fire code requires individual smoke detectors in the bedrooms as well as a sprinkler system. Ms. Dowdy stated that the staff's main concern is the high density of the development on a lot of this small size. The setbacks are being met, but staff felt it was worthy of the board reviewing to see if this development would be suitable for this particular lot. Ms. Dowdy stated that the original plan was a fraternity house, but after meeting with the planning department found out that the minimum lot size was 15,000 square feet, which is double of the lot size in question. Scott Seiber asked how the building is entered. Ms. Dowdy stated that from what she can tell there are three doors, two on the east side and one on the south side. Ms. Dowdy stated that it is staff's recommendation that there only be one occupant per bedroom. There is not enough parking or common areas for that number of people. Darren Jones brought up the issue of a two-way entrance for ingress/egress. Mr. Perry stated that it is a good idea, if there is room.

Chairman Whitaker stated that he understood that this development was in a gray area because of how a dwelling unit is defined, in terms of the number of kitchens, in this case being one.

Candace Dowdy stated that it is very difficult to enforce parking spaces for visitors because the zoning ordinance only requires it when there is more than one dwelling unit per structure. Scott Seiber stated that the reality is that there will be visitors. Legal counsel, Mike Pitman read from

the zoning ordinance that the BZA had latitude to determine the necessary parking in a gray area, when the zoning official requests an interpretation. Mr. Pitman suggested also looking at boarding and rooming houses. Scott Seiber questioned what the board's viewpoint would be if this were an existing home. Sam Perry stated that the Murray State campus proximity plays a big role. Mr. Seiber stated that the pressure will be off in the off-peak hours, but other times will be a problem. Ms. Dowdy stated that it should be assumed that every resident will have their own vehicle. Mr. Pitman stated that operating under the assumption that the MSU parking lot will always be available, would be short-sighted, considering the rate of MSU construction. Scott Seiber stated that he felt it was too large of a project with not enough parking, even though it is an efficient use of the land. Ms. Dowdy stated that all the trees would have to be removed from the lot. Helen Spann recommended varying the rear setback and putting all the parking in the front.

Chairman Whitaker swore in Debbie Beck. Ms. Beck stated that they could also move the house up to the front setback and move five (5) parking spaces to the back, instead of the front. Ms. Spann stated that the turning radius in the rear would still be a problem. Ms. Beck stated that the students living there would have parking stickers to park on campus, as well. Darren Jones stated that he felt it would cause more congestion to move most of the parking to the rear. Candace Dowdy stated that they do show a 22' aisle. Chairman Whitaker stated that it would be much simpler if it was a single-story, three (3) bedroom house. Ms. Beck asked if they only are required six (6) parking spaces. Ms. Dowdy stated that it is up to the board's interpretation, because the zoning ordinance does not specify if over five (5) bedrooms. Ms. Beck stated that if they were required to have six (6), then they could use the extra nine (9') for turning radius in the back. Ms. Spann was inclined to move the building back and do away with the rear parking and side driveway. Ms. Beck stated that their intention is to match the aesthetics of the university. Mr. Seiber stated that the building design is fine, but the issue is space. Chairman Whitaker referred to the earlier statement about one (1) occupant per room and stated that enforcing the number of occupants is impossible for city staff. Ms. Beck confirmed that one (1) occupant per bedroom was going to be their policy. Ms. Beck stated that they would continue to rent it out after her son graduated, who is currently a sophomore.

Candace Dowdy stated that she had discussed with the builder and owner the possibility of taking this through the Planned Development Project (PDP) process, since it is a unique development. Scott Seiber stated that this was a very dense development. Chairman Whitaker asked the board to think about what makes the project different, from a three (3)-unit complex, with three (3) bedrooms, which requires nine (9) parking spaces. Mr. Seiber agreed that there was no difference. Chairman Whitaker then asked the board how it could be possible to allow this small amount of parking, especially with two (2) of the spaces being almost completely inaccessible. Helen Spann asked Ms. Beck if she considered raising it to three (3) levels and putting parking underneath. Ms. Beck stated that they have worked very hard and have looked at numerous different layouts. Ms. Beck stated that time was also a factor, and that they would like to have something complete by Fall 2006. Ms. Beck stated that they began working with planning staff on this project in early December 2005. The original plan was three (3) stories and ten (10) bedrooms. Ms. Dowdy read excerpt from the staff letter to the Becks regarding the first proposal. The original request was for a conditional use. The original application was

denied because of the proposed density. At that time, staff did not direct the project through the PDP process. Ms. Dowdy asked Mr. Pitman about the project going through the PDP process. Mike Pitman stated that it is up to the zoning official to direct a project through the PDP process, not the BZA.

Ms. Dowdy reiterated that the main reason this item was brought to the board, was that the ordinance does not address single dwelling units over five (5) bedrooms. Scott Seiber stated that from a practical standpoint this is a multi-family dwelling. Sam Perry asked Ms. Beck if she would be willing to go through the PDP process. Ms. Beck stated that they are willing, but they do not have much time. Ms. Beck stated that they really needed to break ground in early March. Mr. Seiber stated that he understood the urgency, but that the board is looking at the long term effects of allowing this development, not just the current owner. Mr. Pitman stated that the board needs to determine how many spaces should be required. Chairman Whitaker asked why the ordinance stopped at five (5) or why was there even a maximum? Mr. Perry stated that in building code, a structure with over five (5) units changes to a commercial use, that was the only possible parallel. Chairman Whitaker stated that it was also odd that the zoning ordinance tends to say that only multi-family dwellings have visitors. Mr. Pitman stated that eight (8) spaces would be required if it was considered a boarding house. Helen Spann stated that, based on the location, there may be residents that do not own cars.

Chairman Whitaker swore in Harold Beck. Mr. Beck responded to the concerns about the long term use. Mr. Beck stated that their intention is for the home to be adaptable for a single-family use, such as a professor or other official that wants to live on the edge of campus. Mr. Beck stated that international students could also rent the structure as a whole. Mr. Beck stated that he understood the concerns and had experience dealing with zoning concerns on the Benton City Council. Mr. Beck stated that their goal was to teach the young men living there how to live in and take care of their community. George Stockton asked if the home could be co-ed. Mr. Beck stated that it was not designed that way, but could be adapted with some partitioning, although there would still be a shared kitchen facility. Mr. Beck asked about re-labeling one of the rooms into a common area. Ms. Dowdy stated that if staff felt that it was an unusual development for the lot, than it still may have come to the board for interpretation. Darren Jones asked about the receptacle for sanitation pickup. Staff stated that it would be one can, unless more were requested. Mr. Beck stated that he appreciated the comments regarding items that they need to be thinking about. The board discussed parking regulations referring to boarding houses. Mr. Seiber asked Mr. Beck if the reason for the additional bedrooms in the original plan was to provide cash flow. Mr. Beck stated that it started out at ten (10) bedrooms because they had asked their son how many friends he would like in the house and he wanted as many as possible. Mr. Beck stated that it was never intended to be a fraternity house, but it was simply easier to label it that way. Mr. Beck stated that he realized that a fraternity house needs more space, inside and outside. Mr. Seiber asked Mr. Beck if his son was a member of a fraternity. Mr. Beck introduced his son, Austin. Mr. Beck explained that he was in the beginning stages of a new one called Kappa Sigma, which was in colony status. Mr. Beck explained the activities and study habits of his son. Mr. Seiber stated that the way he sees it, it is a starter house, but the main problem is parking.

Chairman Whitaker swore in Austin Beck. Austin stated that 99% of visitors will be from Murray State University (MSU). Austin stated that the dorms are very closeby. Austin stated that if they do choose to drive, those students will already have a parking permit. Austin stated that, for commuters, the parking on three sides of the property is MSU parking, zoned for commuters. Austin stated that it would not be a problem unless someone's family member visited. Chairman Whitaker reiterated Scott Seiber's point that it may not be an issue with this property owner, but may be for a future one, decades from now. The board again discussed the boarding house parking regulations. Ms. Dowdy stated that it should go through the residential Planned Development Project process. Helen Spann stated that it comes down to how the property is managed. Chairman Whitaker asked the board to consider if they are being consistent if they choose to approve the variance because there is so much adjacent MSU parking. Ms. Spann stated that she did not see how it was inconsistent to follow the regulations requiring a parking space for each bedroom. Andy Dunn asked if it is being looked at as a boarding house or a multi-family dwelling. Mike Pitman stated that another option is for the board to interpret the number of spaces that should be required and then the applicant would have to find a way to come up with that amount or receive approval for a variance.

Scott Seiber made a motion to deny the variance for parking based on the interpretation of the zoning ordinance that seven (7) parking spaces is not adequate on-site parking for the number of bedrooms with the presented design, based on Section I, Article 3, E. (1) (C) regarding BZA parking interpretation authority and cited that inadequate parking poses a safety concern. George Stockton seconded the motion. Sam Perry asked the board if they would interpret the number of spaces that should be required. The board discussed the number of spaces that would be required if the development was a boarding house. Scott Seiber stated that it possibly could be up to the applicants to redesign the development or to go with the Planned Development process. Helen Spann stated that she would not have a problem with the project if there were not cars driving around back. **The motion carried with a 7-0 vote.**

Chairman Whitaker thanked the Becks for their patience in the lengthy discussion.

Candace Dowdy presented photographs of Dr. Muehleman's parking lot at 503 Poplar Street, which was required by the BZA on April 21, 2004. Dr. Muehleman requested, in writing to David Roberts, that the Certificate of Occupancy, for the upstairs addition to 503 Poplar Street be released. The parking lot is constructed. There is a fence in place. Dickie Walls, Fire Marshal, and Pearly McClure, Building Official, has looked at the improvements and do not have any objections for the Certificate of Occupancy being issued. Ms. Dowdy stated that 15 spaces are in the rear and six (6) in the front, for a total of twenty-one (21). Chairman Whitaker asked if he had ever been fined. Ms. Dowdy stated that he had not. Mike Pitman stated that he maintained correspondence with Dr. Muehleman and the contractor, Kenny Bogard, and there were several delays regarding scheduling and weather problems. Ms. Dowdy asked the board to consider if the improvements meet their approval.

Scott Seiber made a motion that the improvements made in regards to the Muehleman parking lot project set forth in the April 21, 2004 BZA meeting were found to be satisfactory. Ed Davis seconded the motion and the motion carried with a 7-0 voice vote.

Being of no further business, Andy Dunn made a motion to adjourn. Darren Jones seconded the motion and the motion carried with a 7-0 voice vote. The meeting adjourned at 7:30 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry