

**MURRAY BOARD OF ZONING ADJUSTMENTS
SPECIAL MEETING
MONDAY, MAY 8, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special session on Monday, May 8, 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, David Roberts, Mike Pitman, Kristen Taylor, Brenda Brown, Earlene Woods and other public audience

Chairman, Bill Whitaker called the special meeting to order at 4:30 p.m., and welcomed the guests and applicant.

Public Hearing For Conditional Use Permit Request To Allow Three Non-Related Persons To Reside On The Premises In An R-2 Zoning District—1403 Poplar Street—Anna Brown:

Candace Dowdy stated that Brenda Brown, mother of Anna Brown, requests a conditional use permit for three (3) non-related persons to occupy the premises at 1403 Poplar Street for the use of her daughter, a Murray State student. The Browns are currently in the process of purchasing the home. Anna would like to be able to rent the additional two (2) bedrooms to two (2) of her friends. Ms. Dowdy stated that all the adjoining property owners were notified and that one was present tonight. One adjoining property owner sent a letter stating that they had no objections to the request. Ms. Dowdy presented site photographs and aerial photography/zoning of the area. The corner property to the east is vacant, where a house had burnt a few years back. The property to the west, at 1405, has been used as multi-family since the 1950s. There is one owner-occupied property to the south, facing Woodlawn Street, as well as two (2) others across Poplar Street. All other adjoining properties are rental. Ms. Dowdy stated that the west property line ran close to the edge of the driveway according to a minor subdivision plat. There is a small, detached garage and a fenced-in backyard. The single-wide driveway could accommodate up to four (4) vehicles. The lot is 75' wide. The properties at 1403 and 1405 are both owned by Andy Jobs. Andy Dunn asked if Ms. Brown would maintain the property as a rental after her daughter graduates. Ms. Dowdy stated that Ms. Brown was present and could answer the question. Ms. Dowdy stated that the Browns are buying the home contingent upon the conditional use permit being granted. Planning staff had discussed with Ms. Brown previous to the meeting the possibilities for modifying the entrance to avoid cars backing out onto the street. Ms. Brown was willing to make changes to the entrance, if requested. Darren Jones asked if the owner-occupied homes across the street (1406 and 1408 Poplar) contacted the city. Ms. Dowdy stated that the only call was from the Spanns, who rent to students, across the street. The property is zoned R-4 (multi-family) across the street. The Spanns sent a letter stating that they were not in opposition to the application.

Scott Seiber asked if it was possible to have a turn-around in the back instead of the front. Ms. Dowdy stated that it would nearly eliminate the use of the back yard as well as make the driveway unusable for parking, since it would be the access. Ms. Dowdy stated that a half-circle drive in the front is the only concept that staff could come up with for this property. Ms. Dowdy stated that an alternative may be an additional single-wide driveway on the east side of the house. Darren Jones asked if there was any parking allowed on Poplar Street. Ms. Dowdy stated that there was not. George Stockton asked how the property at 1405 Poplar was accessed, since it was a multi-family property. It was unknown if there was an additional driveway on the west side. It has two additional apartments in the rear and has been used that way at least 40 years.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Brenda Brown. Ms. Brown passed out recent grades of her daughter, Anna. Brenda spoke about her family's fondness of Murray and Murray State University. Ms. Brown stated that before they put an offer on the house, they got in touch with the neighbor to the south, and found that there was no objection to their plans. Ms. Brown stated that Anna will sign a family document stating that she will sell the house after five years, and also that she will pay for half the house. Ms. Brown stated that they will not buy the house, if the permit is not approved, because she does not want her daughter living alone. The main reason for the house, is so that she can have a quieter environment her junior and senior years. Chairman Whitaker asked Ms. Brown if she would be willing to NOT modify the driveway, and use it as if it were a single-family home, with three cars being shuffled around because of different schedules. Ms. Brown stated that she would and that the roommate who is a teacher would be the only one that would have to drive, because the other two will ride their bikes to campus. Ms. Brown stated that Anna's car would stay in the garage most of the time. The board agreed that doing a turn around in the back yard would be a detriment to the property. Ms. Brown stated that they have looked at several houses, and this one is the most suitable, because of the quietness. They are applying for the permit because it is R-4 across the street and the property next door is grandfathered-in. Scott Seiber stated that most of the driveways on Poplar Street are single-wide, which forces backing out onto the street. Ms. Brown stated that it would be safer if they were not backing out. Chairman Whitaker stated that the city council modified the zoning regulations regarding multi-family use in single-family zones when there was a rash of hap-hazard gravel parking areas being made in front yards of single-family homes. Chairman Whitaker followed to say that he would rather see properties keep the look of a single-family home. Mr. Seiber agreed. Chairman Whitaker cited the difference of this property from an application reviewed on Main Street, next to the Episcopal Church. This property would be dominated by the driveway, because it is a much smaller property. Chairman Whitaker stated that a circle drive would only help one car because additional ones would still have to back out. Chairman Whitaker asked if anyone else wished to speak in the public hearing. Being none, Chairman Whitaker closed the public hearing.

Helen Spann stated that she felt any time the board approves a conditional use permit like this; it should be with the condition that the home and property maintain a single-family home appearance. Chairman Whitaker asked about a time limit. Scott Seiber stated that it should be while Anna owns and occupies the home. Mr. Seiber stated that with that condition it would

allow the board to look at any future applicants, even if Anna decided to maintain ownership of the property.

Helen Spann made a motion to approve the conditional use permit for 1403 Poplar Street with the following conditions: A) limited to three nonrelated persons, B) only while Anna Brown owns and occupies the property or up to five (5) years, whichever is sooner C) the property be maintained and occupied in the same manner as the single-family property in the neighborhood and D) that there be no nuisance and recurring parking complaints from adjacent property owners. The motion is based on a finding that there are properties of similar nature in the vicinity, as well as R-4 zoning across the street. Darren Jones seconded the motion. Legal counsel, Mike Pitman, stated that there had been a condition relating to nuisance noise in the evening hours on a permit request near 17th and Olive Streets. **The motion carried 5-2. Ed Davis and George Stockton voted no.**

Being of no further business, the meeting was adjourned at 5:07 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry