

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, July 19, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 19, 2006 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Andy Dunn, Darren Jones, Helen Spann, George Stockton, Scott Seiber

Board Members Absent: Ed Davis, Bill Whitaker

Also Present: Candace Dowdy, David Roberts, Mike Pitman, Peyton Mastera, Kristen Taylor, Mayor Rushing, Jim Carter, Greg Poole, Greg Coone, Karen Armstrong, Butch Seargent, Marcy Snodgrass, Bob Jackson, Sue Cochran, Tom Lyle, Matt Mattingly, and public audience.

Chair Helen Spann called the meeting to order at 4:30 p.m., and welcomed the guests and applicants. Chair Spann requested approval of the June 21, 2006 regular meeting minutes. **Scott Seiber made a motion to approve the June 21, 2006 minutes. George Stockton seconded the motion and it carried with a 5-0 voice vote.**

Dimensional variance request for an accessory structure to be placed in side yard at 1602 Catalina Drive – Karen Armstrong: Candace Dowdy explained that letters were sent out to several property owners along Catalina Drive that three metal carports were possibly in violation of the zoning ordinance on the placement. One person that received the letter is Ms. Karen Armstrong. It was explained to her that her detached metal carport is in violation of the zoning ordinance as it is considered an accessory structure and not located in the rear yard. Ms. Dowdy stated that the Planning Department told Ms. Armstrong she could apply for a variance to see if the Board of Zoning Adjustments would allow the carport to remain in the side yard. Ms. Dowdy stated Ms. Armstrong had the carport installed last fall and was unaware the structure could not be in the side yard. Ms. Dowdy then explained the overhead pictures detailing where the location of the carport is in relation to her driveway and property line. Ms. Dowdy indicated that Ms. Armstrong was not sure where her property line was and that her neighbor to the west, Mr. Cecil Baker did not know the exact location either. Ms. Armstrong believes her west property line is at least 11 feet from the carport but Mr. Baker believes the property line is more than 11 feet. Ms. Dowdy stated she has a statement on file from Mr. Baker indicating he is not opposed to Ms. Armstrong leaving the carport in the side yard.

Andy Dunn asked how the carports in violation it came to the attention of the Planning Department. Ms. Dowdy indicated the Planning Department had received an inquiry regarding accessory structures of similar nature around town and wanting to know if they had received a variance for them. It was brought to the attention of the Planning Department because these structures seem to be relatively new. Ms. Dowdy stated that a letter was sent to the property owners requesting them to contact the Planning Department. Mr. Dunn asked if the other two people had variances. Ms. Dowdy stated one of the accessory structures has been removed, one

of the property owners is having someone mark their property corners to see if it is feasible to move the carport to another location on the property.

Scott Seiber asked again if a building permit was required. Ms. Dowdy stated it is not required. Mr. Seiber asked David Roberts how these carports are constructed. Mr. Roberts stated that he believes they are secured by some type of tied down system. Ms. Dowdy indicated she believes they are attached to the ground by bolts. Mr. Seiber explains that he understands that on the concrete that would be possible, but does not understand how it is attached in the grass. Mr. Seiber expressed concern over these carports being installed and not properly secured.

George Stockton asked if the only problem with the current structure is that is in the side yard. Ms. Dowdy stated that was correct and would not require a variance if placed in the rear yard. Mr. Seiber asked why there is no building permit required. Ms. Dowdy explained it is considered a temporary structure and does not require a permit. Mr. Seiber explained that he is concerned with the fact that a strong wind could possibly pick it up and be a flying object. Mr. Roberts stated he would check with the building department and receive their input on the matter.

Chair Spann explained that when these subdivisions were developed there were regulations on what can and can not be placed on property. Chair Spann stated that in the real estate industry, carports are classified as temporary mobile buildings and not considered an accessory structure. Mr. Seiber stated the reason people are erecting these carports are because it is a lot cheaper than building an actual garage. Chair Spann explained the Board has approved shed-type carports that are built consistent with the house, and more sturdy; Chair Spann stated the Board needs to stay consistent. Mr. Seiber stated that he still feels like there should be a building permit required for these type structures because that at least gives the planning department an idea as to the location of these structures. Ms. Dowdy stated that a lot of these carports were grandfathered in and they become a problem when the structures are not placed in the rear yard. Mr. Seiber stated that he does not believe it is good practice on the part of the Board to have to make a ruling after an accessory structure has been placed and would rather do it before these structures are erected.

Ms. Dowdy stated there have been some instances where businesses in town, have tried to sell carports and the Planning Department has explained to them they could only be erected in rear yards but would be difficult to contact all businesses that sell the carports.

Ms. Dowdy stated, that according to the zoning ordinance, an “accessory building” is a detached building the use of which is customarily incidental to the principal building on the same lot.

Chair Spann swore in Karen Armstrong. Mr. Seiber asked Ms. Armstrong if she went out and contacted someone regarding the carport or if someone approached her to purchase one. Ms. Armstrong explained she had wanted one for a long time but was just recently able to get one last August. Mr. Seiber asked if Ms. Armstrong had any idea the city requires accessory structures to be placed in the yard. Ms. Armstrong stated she had no clue. Ms. Armstrong stated that if she had known, she would have requested a variance before she purchased the carport. Ms.

Armstrong stated the carport is durable and does not believe a strong wind would pick up her carport. Mr. Seiber stated he was referring more to building standards of these structures because if they are cracked or not tied down properly it could be a danger to the public. Ms. Armstrong asked if it was moved further back would she not have the same problem. Mr. Seiber stated it would depend on how the construction was done. Ms. Armstrong stated if she had gravel in the rear of her yard and placed the carport there, it would be more of a hazard because the house would not protect it from the wind. Mr. Seiber explained to Ms. Armstrong she had done the most logical thing in coming to apply for the variance; Mr. Seiber stated his main issue deals with approving these after the fact. Ms. Armstrong stated she contacted the person whom erected her carport about moving the carport and they had never had to move a carport to the rear of a house.

Mr. Dunn asked if the Board has granted variances for these structures in the past. Ms. Dowdy stated there have been variances granted in the past and the only one that comes to mind is on South 13th Street, Ms. Lillian Robertson. Ms. Dowdy stated that in the past the Board has taken into considered the distance from the adjoining property owner to the carport. In the Robertson case, a creek was the dividing property line. Ms. Dowdy stated that approval of these structures is usually determined on a case-by-case basis. Mr. Seiber stated that he believes Mr. Roy Hill had applied for a variance on an accessory structure a few years back along Elm Street. Chair Spann stated she does not know of any other carports in the area of the subject and suggested more investigation into these carports before taking action against everyone that has a carport. Mr. Seiber stated there needs to be a better way for the Planning Department to, "get their arms" around the subject so they do not continue to be erected all through town. Mike Pitman stated the Planning Commission could take a look at adding a text amendment that specifically address anchoring accessory structures as part of the process of erecting an accessory building.

Mr. Seiber stated this is not the first time accessory structures similar to this one have been erected and hates to rule against this one to make an example, but wishes there was more control over placing accessory structures on properties to ensure safety. Mr. Seiber stated it would be different if neighbors in the vicinity were against this structure being located in the side yard, but none seem to object. Mr. Seiber stated he will not make a motion to approve the variance request, but will support such a motion.

Andy Dunn made a motion to grant the dimensional variance request to allow the current accessory structure to remain in the side yard on the grounds 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 requirements of the zoning regulations. Chair Spann stated that it is her understanding in order to grant this variance, it must meet all the necessary conditions, and feels this variance will alter the essential character of the general vicinity, because a structure will be allowed in an area that is not consistent with the existing properties of the area. **Scott Seiber seconded the motion and it carried with a 3-2 vote.** Chair Spann and George Stockton voted no.

Dimensional variance request on height of building and additional signage for the proposed Hampton Inn located on Lowes Drive – Ershig Properties: Ms. Dowdy stated this item has been switched with item #6 on the agenda.

Andy Dunn asked if this was the same Hampton Inn that was to be located on North 12th Street. Ms. Dowdy stated that it was and the prior application that the board reviewed a few months ago was for the North 12th Street location but the deal fell through and that the gentlemen representing Hampton Inn could answer questions in regard to that matter. Ms. Dowdy stated that the new location for the proposed Hampton Inn will be located along the corner of Wal-Mart Drive and Lowe's Drive. Ms. Dowdy explained that Ershig Properties is looking to purchase lots 14 and 15 and 2.61 acres from the Murray State Foundation. This would allow enough room for the hotel and two outlots. Ms. Dowdy stated the proposed site plan will meet the parking requirements and building setbacks, but a height variance 8'3" is needed on the building and they would like to have an additional sign on the east and west end, as the Board previously approved. Ms. Dowdy indicated that Mr. Greg Poole representing Hampton Inn has indicated that they do not intend to have a free-standing sign but will place a monument style sign in front of the property. Ms. Dowdy stated that Ershig Properties feels the additional wall signage is imperative for identification purposes and that all signs will be within the allowable square footage. Mr. Seiber asked where the location of the monument style sign will be. Ms. Dowdy stated it will be located at the front of the building near the entrance.

Mr. Dunn asked if the Board split up the motions last time they applied. Ms. Dowdy stated the Board did split up the motions. Mr. Seiber stated the additional parking would be a good thing because it will provide additional parking for those going to the RSEC.

Chair Spann swore in Murray State representative, Mr. Bob Jackson. Mr. Jackson explained that Mr. Jim Carter and he were there on behalf of Murray State University lending their support for this proposed hotel. Mr. Jackson stated that having experience with the Economic Development Corporation, bringing in the hotel provides extra jobs and provides more hotel accommodations that are much needed. Mr. Jackson stated that Murray State University wholeheartedly supports that project and that the MSU Foundation is just selling the property.

David Roberts explained that he realizes the proposed hotel meets the parking requirements, but stated many locations have too many parking places that could be used for "green space." Mr. Seiber stated that to him the location speaks to a need for more parking being so close to the RSEC and Murray State.

Chair Spann swore in Greg Poole from Ershig Properties. Mr. Poole stated the hotel will be 43' tall a standard prototype for Hilton which is why they are requesting the 8'3" variance. Mr. Poole noted that Hampton Inn is owned by Hilton. Mr. Poole stated the hotel "is a destination" for people and the additional wall signs are important for visibility purposes. Mr. Stockton asked if the signs on the building will be visible to highway traffic. Mr. Poole stated they would be visible.

Chair Spann suggested that in making the motion to mention the elevation of the site as it is lower than some of the surrounding properties. Mr. Stockton asked why there was a 35' height limitation in the city. Mr. Roberts said it probably has something to do with building codes but not sure how they came to that number.

Mr. Seiber asked if it was necessary to split up the motions. Mr. Pitman stated it would not be necessary.

Scott Seiber made a motion to approve the 8'3" height variance for the proposed building and to add additional signage on either end of the building to improve visibility and being a consumer industry will be an asset to the traveling public to see the building at this location and 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 requirements of the zoning regulations. Andy Dunn seconded the motion and it carried with a 5-0 vote.

Public Hearing to review conditional use application to allow home occupation at 1907

Larkspur Drive – Marcy Snodgrass: Candace Dowdy stated that this property is located in Campbell Estates Subdivision. Ms. Dowdy stated that Marcy Snodgrass is the previous owner of the Essential Day Spa and is a licensed massage therapist. Ms. Dowdy stated that Ms. Snodgrass has a few clients that wish to continue their therapy, some for medical purposes, with her. Ms. Dowdy stated Ms. Snodgrass would like to see if the board would approve a conditional use permit to allow her to have up to eight clients a month. The nature of her business would only involve one client at a time. Ms. Dowdy stated all adjoining property owners were notified. Ms. Dowdy explained one adjoining property owner faxed a letter to Peyton Mastera. Ms. Dowdy explained the letter was not necessarily in favor of allowing the conditional use. The letter is from Mr. Marshall Gordon, a developer who still owns property in Campbell Estates but resides in Missouri. Ms. Dowdy explained that Ms. Snodgrass had recently applied for a business license to allow her to provide her services to her clients in their home but now feels it will be more convenient to provide this service from her home. The business license was approved because she met all the guidelines for a home occupation.

Chair Spann stated that since this is a public hearing the letter should be read at the appropriate time. Mr. Pitman explained it needs to be a part of the record and will be best to be read in during the public hearing.

Chair Spann opened the public hearing. Chair Spann swore in Marcy Snodgrass. Ms. Snodgrass explained that she owned the Essential Day Spa for over 10 years and some of the clients she had developed a relationship with over the past 10 years would like to remain with her as clients. Ms. Snodgrass stated it would be more convenient to have her business at her home rather than transporting her table and the other items that go along with it to each client's home. Ms. Snodgrass stated that she would only be providing her services during the day while her children were in school and there would only be one car at a time so she would not really be generating extra traffic to the neighborhood. Ms. Snodgrass stated she had gone to every house on her block explaining her intentions to have the in-home massage therapy business. Ms. Snodgrass

was not aware of the letter submitted by Mr. Gordon and stated he does not reside in Campbell Estates.

Mr. Seiber inquired about only having eight (8) clients a month and wanting to know if this would require multiple visits from eight different clients. Ms. Snodgrass stated it would only be two days a month with eight (8) session's total. Her intentions are to do four (4) visits one day and three to four visits another day. Mr. Seiber asked if Ms. Snodgrass anticipated an increase client flow. Ms. Snodgrass does not anticipate any more clients as she has already done that with her previous business and wants to limit it to spend more time with her children and devote more time to teaching. Chair Spann asked how long a visit last. Ms. Snodgrass stated it lasts for an hour.

Mr. Seiber asked if there were any other business licenses issued in the surrounding area. Ms. Dowdy stated she checked with the City Clerk and Ms. Snodgrass is the only one in the area. To Ms. Dowdy's knowledge, no one else operates a business from their home in the area.

Chair Spann asked if anyone else was in opposition other than the letter from Mr. Gordon. Ms. Dowdy then read the letter which is against a conditional use being granted at 1907 Larkspur Drive as it will potentially devalue the property in the area but is not fully opposed to it if similar conditional uses have been previously granted in the neighborhood.

Ms. Snodgrass stated that neighbors had offered to come on her behalf but they did not think they were supposed to come.

Ms. Dowdy explained the Board could put conditions on the permit for review or if there are any complaints for it to possibly be revoked. Mr. Stockton asked whom the follow-up would be administered by. Ms. Dowdy stated the Planning Department can inspect the location or site of the conditional use permit and find a condition not being met; notification must be given to the Chairman of the Board, in writing, and brought back forward for review. Chair Spann suggested the Board put a limit on the number of visits so that is she does want more, she would have to reapply.

Chair Spann closed the public hearing.

Ms. Dowdy stated Ms. Snodgrass may have a client that requires multiple visits per month and that each visit, no matter if it a multiple client in a month, goes with the tally of only 8 per month each time a massage session is administered. Ms. Snodgrass confirmed Ms. Dowdys statement.

Mr. Pitman suggests making the motion so that it states the conditional use permit would only be valid when Ms. Snodgrass is occupying the premise as conditional use permits become permanent often times at residences without proper stipulations. Ms. Dowdy stated the guidelines (eg. No signage, no external storage, use conducted within dwelling, etc.) for the conditional use, and they would be included if the conditional permit is issued. Ms. Dowdy explained if Ms. Snodgrass violates any of these requirements, her permit could be reviewed and possibly taken away.

Andy Dunn made a motion for Marcy Snodgrass to operate as licensed massage therapist out of her home at 1907 Larkspur Drive as long as she owns and occupies the residence and does not exceed 8 visits per month as it does not visibly change the appearance or nature of the neighborhood. Scott Seiber stated that he cannot imagine a more low impact home occupation business than this one. **Darren Jones seconded the motion and it carried with a 5-0 vote.**

Public Hearing to review a conditional use application to expand a non-conforming structure at 602 Main Street – Butch Seargent: Candace Dowdy explained that Mr. Butch Seargent's residence at 602 Main Street is located in a B-3 zone and has been located there for a number of years and he runs his part-time surveying business from this location. Ms. Dowdy explained Mr. Seargent is requesting to make a 6' x 9' addition on his home to expand his kitchen area. Ms. Dowdy then explained the minor plat to the Board and highlighted the area to be added on to. Ms. Dowdy noted that in May of 1997 Mr. Seargent had requested a conditional use permit to add on to his garage.

Chair Spann opened the public hearing. Chair Spann swore in Mr. Seargent. Mr. Seargent thanked the Board for their hard work. Mr. Seargent explained that he and his wife wanted to make the addition on to the house to have more room for their kitchen. Mr. Seargent stated the addition will not make the house any closer to the property line.

Chair Spann asked if anyone would be speaking in opposition. Being none, Chair Spann closed the public hearing.

Darren Jones made a motion to approve a 6' x 9' addition to Mr. Seargent's house at 602 Main Street as it will not encroach any closer to the east or north property lines and will basically square up the existing current property. Andy Dunn seconded the motion and it carried with a 5-0 vote.

Dimensional Variance request for accessory structure in side yard at 1621 West Olive Street – Sue Cochran: Candace Dowdy stated Ms. Cochran's son-in-law, Mr. Tom Lyle, had contacted the Planning Department about placing a metal carport in the graveled side yard area at Ms. Cochran's residence. To the west is a riprap creek area that divides her residence from the neighbors to her west. Ms. Dowdy indicated that Ms. Cochran had spoken with her neighbor to the west, and he did not have a problem with the carport being placed in her side yard. Ms. Dowdy then showed a picture of the site plan which showed her carport would be one foot from her house and five feet from the property line; the back side of her carport would be in line with the back side of her house.

Ms. Dowdy explained that Ms. Cochran's house is surrounded by multiple rental houses and the zoning line zigzags around the area to the West of 16th Street. Ms. Cochran's home is located in an R-4 (multi-family residential) zone. Mr. Seiber stated the property to the east is multi-family; Ms. Dowdy noted that the property was previously owned by the late, Mr. Walter Jones.

Chair Spann swore in Ms. Sue Cochran. Ms. Cochran explained she wants to put up a carport to the west of her house. Ms. Cochran stated the properties around her are rental or owned by Murray State. Ms. Cochran explained that Gene and David Bailey own the property directly to the west of hers and that she had contacted Mr. Bailey and he has no problem with her erecting a carport at this location. Mr. Seiber asked how long Ms. Cochran had lived at the location. Ms. Cochran stated she had lived there since 1984 and not aware if it has ever been used for rental purposes. According to Ms. Cochran, the property to the east was previously owned by the Jones' that rented trailers to students. Chair Spann asked how long Ms. Cochran intended on staying at this location. Ms. Cochran indicated that she would not be unopposed to selling, but has no intentions to move at this time. Chair Spann asked if Ms. Cochran has investigated the price of placing an attached carport. Ms. Cochran stated that she has not investigated the price but knows it would be a lot more than a detached carport. Chair Spann asked if it would be possible for Ms. Cochran to go behind the house to erect the carport. Ms. Cochran indicated there may be enough room, but stated she is not sure of how much room she has to the rear of the home to erect a carport. Ms. Cochran's son-in-law, Mr. Tom Lyle, explained that the tree would have to be removed from the backyard and would take up too much space if the Board wants her to place it there, even if it was placed at the exact rear of the house. Darren Jones asked if the dimensions of the site-plan, indicating the gravel driveway to be 12' x 20' is accurate. Ms. Cochran stated that the people putting up the carport measured it and it is accurate. Darren Jones asked if the back edge of the carport will begin at the edge of the flowerbed at the end of her driveway. Ms. Cochran stated that is correct.

Mr. Seiber asked Ms. Cochran if she would be adding some additional gravel. Ms. Cochran stated yes. Darren Jones asked if the carport would look similar to the picture submitted to the Planning Department. Ms. Cochran stated that it is the same carport and will look the same. Mr. Seiber asked if Ms. Cochran had intentions of paving the driveway. Ms. Cochran said no. Chair Spann asked who is putting together the carport and asked Mr. Tom Lyle to come forward to be sworn in.

Chair Spann swore in Tom Lyle, Ms. Cochran's son-in-law. Mr. Lyle explained the carport is being purchased by State Line Western Wear which sells items similar to the carport. Mr. Lyle explained the business is similar to that of a consignment business that displays the carport and when it is sold, someone else comes in and builds it on the property. Mr. Lyle stated he does not believe the carport will fit in the rear yard and that the riprap along the creek causes flooding up to the side of the house. Mr. David Roberts explained he would investigate the issue and pass it along to the engineering and street department.

George Stockton asked if there were any other temporary structures along the street. Ms. Dowdy stated she does not know of any. Mr. Roberts stated this would be an ideal time for whoever installs the carport to meet with a building official to inquire how these are erected. Mr. Seiber suggested that an official could meet them on-site to get a better idea of how they are held in place. Mr. Lyle stated that if the BZA requires Ms. Cochran to place the carport in the back yard, it will take away any privacy that she has from her neighbors. Chair Spann asked if there was a porch or deck in the back yard. Mr. Lyle stated there was no porch or deck in the rear yard, just a door. Mr. Stockton asked if any of the rooms at house were rented out. Mr. Lyle

stated that it is only a two bedroom house and no rooms are rented out. Ms. Cochran explained that all homes being rented out to students around her have come about since she has lived there. Chair Spann asked if they had investigated the cost of an attached carport. Mr. Lyle stated he estimates it would be 3 to 4 times the cost of a detached carport. Mr. Seiber explained that the proposed location makes the most sense.

Ms. Dowdy stated that in the motion the Board may want to make mention of the accessory structure being 5' from the property line. Mr. Seiber asked if it required a setback variance being on the side of the house and being only 5' from the property line. Mr. Pitman stated it would be a more "conservative" approach to grant a 5' side setback variance.

Scott Seiber made a motion to approve an accessory structure to be placed in a side yard at Sue Cochran's house at 1621 West Olive Street primarily doing so because there is no other suitable place for the accessory structure to be placed and will be 5' from the property line and granting a 5' side setback variance as it will not alter the neighborhood and Ms. Cochran must notify the Planning Department before erecting the carport so an official can do an on-sight inspection. George Stockton seconded the motion and it carried with a 5-0 vote.

Dimensional variance request on lot frontage and building front setback for Riverfield Estates – Doran Road South – Developer Matt Jennings: David Roberts explained the developer, Mr. Matt Jennings, had brought the preliminary plat before the Planning Commission for approval the previous night and that a portion of the development would require a variance by the BZA. Mr. Roberts explained that the northern section of the subdivision, Unit 1, will be for single-family dwelling purposes only and Unit 2 will be for either single or multi-family. In Unit 1 there will be split-zoning of R-2 to the eastern side and R-4 on the western side, as indicated on the preliminary plat of the subdivision along the extended Doran Road South. Mr. Roberts explained that lots 2 and 3 of Unit 1 do not adhere to the zoning ordinance because according to the ordinance, there must be a 75' lot frontage on a public road; the subdivision regulations make provisions for variances. Mr. Roberts stated the Planning Commission approved the preliminary plat on the grounds the BZA grants the variance. Lot 2 has a frontage of 68.89' and lot 3 has a frontage of 61.75'; both setbacks will adhere to the 75' frontage at the building setback line which is 25 feet for the R-4 zone and 30' in an R-2 zone. Both units meet the lot size requirements for R-2 and R-4 zones. Lots 2 and 3 in Unit 1 are two of the largest lots, almost half an acre a piece.

Darren Jones asked if Mr. Jennings was wanting to put only single family residences on the western side of Unit I even though it is zoned R-4. Mr. Roberts stated yes and that subdivision regulations allow single family homes in an R-4 zone. Mr. Seiber asked if the developer was meeting the lot size requirements. Mr. Roberts stated that Mr. Jennings meets the 10,000 sq. ft. minimum lot size in an R-2 zone. Mr. Roberts explained that the developer meets the minimum lot size of 9,500 sq. ft. for duplexes in an R-4 zone. Mr. Roberts noted that in an R-4 zone, the zoning ordinance only requires 7,500 sq. ft. for single-family homes, which Mr. Jennings will meet the requirements.

Mr. Roberts stated that the fire department and police department have reviewed the preliminary plat and have no objections as the proposed Deepwood Road meets all safety requirements. Mr. Roberts explained an old tower used to be located in the general vicinity and described the proposed location of Unit 2 which does not have an exit road to the east. Mr. Roberts stated the previous proposed development of Clarence Goforth, in this area, received approval from the Planning Commission and did not require a variance from the BZA, but for one reason or another, development never took place.

Mr. Stockton asked if the proposed Doran Road South will be the responsibility of the city for maintenance and upkeep. Mr. Roberts stated that once the street is constructed it will be maintained by the city. Mr. Stockton asked who will have to maintain the proposed Deepwood Road that runs into the county. Mr. Roberts stated it would be the responsibility of the county to maintain that portion of the road. Mr. Stockton asked if the city has a say in the size of the proposed Deepwood Road. Mr. Roberts stated the road will meet all city minimum standards and specifications which are 28' wide with curb and gutter.

Mr. Seiber asked for clarification on what the Board is being asked to approve. Mr. Roberts explained the Board is being asked to approve a variance for lot frontages on lots 2 and 3 of Unit 1, and by granting this, the developer will meet the setback requirements of 25 and 30 feet. Mr. Roberts explained that the subdivision regulations are different in that they recognize setbacks from cul-de-sacs and curves which can easily cut into the minimum lot frontage requirements. Mr. Seiber and Mr. Roberts noted that lots 1 and 22 will be unique circumstance when a structure is erected on those lots because of their abnormal shape. Mr. Roberts stated that the typical lot lines are 140' x 75', once outside of the curved areas of the proposed subdivision. Mr. Roberts stated that Mr. Jennings was in attendance if the Board had any questions. Mr. Seiber stated the developer will have a few smaller lots, but as a whole, the subdivision will be used a lot more efficiently than some developments.

Scott Seiber made a motion to approve a dimensional variance for lot frontages of lots 2 and 3, Unit 1 of the proposed Riverfield Estates Subdivision as it is necessary because of the curve of the road entering the subdivision requires a variance be granted in order to meet the subdivision setback requirements and 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 requirements of the zoning regulations. Andy Dunn seconded the motion and it carried with a 5-0 vote.

Candace Dowdy explained to the commissioners some are still lacking continuing education hours and that there would be an opportunity on August 30 in Gilbertsville and an opportunity in Calvert City on August 24 to receive more hours.

Darren Jones made a motion to adjourn. Andy Dunn seconded the motion and it carried with a 5-0 voice vote. The meeting adjourned at 6:32 p.m.

Chairman, Helen Spann

Recording Secretary, L. Peyton Mastera