

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, SEPTEMBER 20, 2006  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, September 20, 2006 at 4:30 p.m. in the council chambers of city hall at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Andy Dunn, Darren Jones, George Stockton, Ed Davis, and Bill Whitaker

**Board Members Absent:** Helen Spann and Scott Seiber

**Also Present:** Candace Dowdy, David Roberts, Mike Pitman, Peyton Mastera, Kristen Taylor, Mary Hillman, Sam Lehman, Henry Morton, John Gray, Russell Dunn, T.C. Dinh, Mayor Rushing, and 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 August 16, 2006 regular meeting minutes. **Ed Davis made motion to approve the minutes as presented. George Stockton seconded the motion and it carried with a 5-0 voice vote.**

**Dimensional variance request for accessory structure in front yard with side setback variance – 1302 Sycamore Street – Mary Hillman:** Candace Dowdy began by explaining that Ms. Mary Hillman lives at 1302 Sycamore Street and has a detached carport in her front driveway. Ms. Hillman was sent a letter notifying her that the carport was in violation of the zoning ordinance. In turn, Ms. Hillman has applied for a dimensional variance and requesting the carport to remain at its current location. Ms. Hillman has lived at the property for 21 years. When she purchased the property there was a carport in the same location. In 2002, the old carport was damaged and deteriorating so Ms. Hillman replaced it with a metal carport. Ms. Dowdy presented letters to the Board members from neighbors expressing their support for Ms. Hillman and not opposed to the carport being at its current location. Ms. Dowdy explained the displayed pictures of the carport and subsequent measurements Peyton Mastera had taken at her house. The carport is approximately three feet from the side property line and Ms. Hillman's house is about seven feet from the nearest point of her neighbor's house. Ms. Dowdy stated that Ms. Hillman has a truck and it is probably difficult for her to fit her vehicle into the garage since the door opening is only eight feet. The next overhead slide displayed, Ms. Dowdy explained the carport is as close to her house as possible, so there would be no way it can be moved any further back. Ed Davis asked if the carport is supported with concrete. Ms. Dowdy stated they would have to ask Ms. Hillman. Chairman Whitaker asked Mr. Mastera to explain how Pearly McClure, Building Official, said these structures were affixed to the ground. Mr. Mastera stated that Mr. McClure was referring more to carports being affixed on top of concrete driveways with bolts; Ms. Hillman's carport extends over the driveway and into the ground. Chairman Whitaker stated the Board needs to come up with a standard as to how to enforce carports because most people have them erected first, then come and apply for the variance. Ed

Davis asked if there is any room in the back yard for the carport. Ms. Dowdy explained there would not be a means to get it into her back yard.

Chairman Whitaker swore in Ms. Mary Hillman of 1302 Sycamore Street. Chairman Whitaker asked Ms. Hillman if she knew how the carport was attached to the ground. Ms. Hillman stated her son told her it was anchored with rebar. Ms. Hillman does not believe there is concrete poured, but did not watch them construct it. Ms. Hillman explained a trench was dug and the posts were driven into the rebar. Ms. Hillman explained there has always been a carport at her house, but a hail storm a few years earlier damaged it and the wood on the previous carport had become rotten, so she put up a metal carport. Mr. Whitaker asked where the previous carport was located. Ms. Hillman stated it was in the same location as the present carport; both carports have been up against the house so water does not run off into the garage.

Ed Davis reiterated Chairman Whitaker's point that there needs to be some sort of regulation on the front end of carports being erected to let property owners know where they are permitted. Ms. Dowdy noted, as it has been discussed, it will be difficult to contact every supplier as there are so many in the surrounding area. Ms. Dowdy explained that Planning Staff has looked at other cities as to whether they require building permits for detached carports.

Ms. Dowdy explained that since the zoning ordinance does not allow accessory structures in front yards, Planning Staff would feel more comfortable granting a side setback variance of seven feet. Darren Jones stated that from a safety aspect, adding in the same requirement that a building inspector come inspect the carport to ensure it is properly affixed to the ground is a good thing.

**Ed Davis made a motion to allow an accessory structure to be placed in the front yard of 1302 Sycamore Street with the stipulation that a Murray building official inspect the accessory structure to ensure it is securely fastened to the ground, also granting a seven foot side yard setback, based on the findings that it does 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. Existing carport replaces carport that was in poor condition and was grandfathered in. Andy Dunn seconded the motion and it carried with a 5-0 vote.**

**Request for building setback on lot 18 of Deer Meadow Subdivision – 2219 Bambi Lane – Sam Lehman:** Ms. Dowdy explained that Deer Meadow Subdivision is located off of Robertson Road South and the subdivision consists of duplexes. Mr. Lehman is requesting a five foot side setback variance on lot 18 which fronts Robertson Road South. Ms. Dowdy stated that when there is a corner lot, the secondary street requirements state that any structure must a minimum of 25 feet from the property line. On the east side of the property there is a 20 foot public utility easement which causes Mr. Lehman to move his structure further than the required 10 feet off the property line. In order to remain off the public utility easement, Mr. Lehman is requesting his structure be shifted five feet to the west, which would only place him 20 feet off the property line fronting Robertson Road South. Mr. Roberts added that he does not see a

problem with the setback request because there is a 30 foot right-of-way along Robertson Road South. Mr. Roberts stated that the road has recently been widened approximately 12 feet which will put the structure about 40 feet from the pavement; there should be no problem with visibility. Mr. Roberts stated that the sewer is relatively deep at that location and that the southeast corner of the lot must be kept clear of any structure. Ms. Dowdy explained that on the plat there is a note stating the building line must meet the easement line, so Mr. Lehman cannot come any closer to the eastern property line. Mr. Roberts stated he does not believe there will be any visibility issues coming out of The Crossings Subdivision to the south either.

**Ed Davis made a motion to grant a five foot side setback variance off of Robertson Road South for lot 18 of Deer Meadow Subdivision due to the requirement to stay off the utility easement and because of the right-of-way along Robertson Road South based on the findings that it does 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. Darren Jones seconded the motion and it carried with a 5-0 vote.**

**Compatibility Hearing – Campus Suites Planned Development Project – North 16<sup>th</sup> Street – Tom Lang:** Ms. Dowdy began by explaining that the proposed Campus Suites PDP was reviewed by the Planning Commission the previous night for an advisory meeting; the Planning Commissioners had no objections and so it is now brought before the BZA for a compatibility hearing. This property is owned by Mr. Howard Brandon and located off of N. 16<sup>th</sup> Street; the former Charette property. The 45 acre tract of land was rezoned from R-2 to B-2 in April of 2001. Campus Suites is looking to put a multi-family residential PDP on this site. The conceptual drawing given in the staff report gave some basic information as to the number of units and beds. Ms. Dowdy stated Campus Suites is possibly looking to reserve a four acre tract of land on the south corner of the property for limited commercial development. Ms. Dowdy then showed the Board members pictures of the property, including the existing entrance. Across the street (referring to 16<sup>th</sup> Street) from the existing entrance to Campus Suites are two entrances to other residential properties. These entrances are located to the north and south of that of the proposed entrance to Campus Suites. The pictures show that the potential entrance would be located at the top of the hill on western side of N. 16<sup>th</sup> Street. Preliminary figures show 140 units and 490 beds for residents of the complex. Ms. Dowdy stated Campus Suites would have a lot of landscaping and green space by utilizing land to the north and west. Planning Staff met with the developers, Fire Chief, and Fire Marshal today about several issues including the need for two means of ingress/egress into the property for emergency purposes. The complex will possibly be a gated community for security purposes with a clubhouse. Ms. Dowdy stated that the uniqueness to this development is that each unit will contain three or four bedrooms and each bedroom will have a private bath. Ms. Dowdy stated Campus Suites has other developments, the closest being in Bowling Green, Kentucky. Ms. Dowdy showed the Board members a rendering showing what each unit would look like from the outside.

Chairman Whitaker swore in Mr. Henry Morton, owner and partner of Tom Lang. Mr. Morton explained to the Board members that four of the buildings are designed as three stories with a basement and because of the contour of the land; the fifth building would only be three stories.

Ms. Dowdy stated there is a concern about traffic with the entrance being at the top of the hill and that the developers may have to provide a traffic study. Other issues were discussed such as acquiring additional right-of-way, putting in a left turn lane from 16<sup>th</sup> Street into the development and constructing sidewalks along the west side of the property. Ms. Dowdy noted Campus Suites provides a bus service to their tenants going to campus. Mr. Morton stated Campus Suites is in the process of purchasing additional buses for their other complexes because they are used frequently by the students. Mr. Morton stated they have found that students do not want to deal with parking on campus and enjoy the bus service. Mr. Morton explained there would be 1.2 parking spaces provided for each bed, which will be ample. Mr. Morton stated Campus Suites often works with local bus services in trying to contract out the service to students. Ed Davis asked if the buses run on a schedule or are they done based upon the student's needs at the complex. Mr. Morton stated they would work with the local bus system in determining that but it would be a consistent schedule. Mr. Morton explained that Murray State has a bus service as well as the city. Ms. Dowdy noted Murray State has a few transit buses but it was not known if they would be interested in contracting any off-campus services. Darren Jones asked if the basements will be used for living quarters. Mr. Morton compared it to a split-level home and that the reason they are like they are is because of the contour of the land. Mr. George Stockton stated his major concern is the traffic with the entrance being on top of the hill, the proximity of north elementary school, and students going to and from class during the day. Mr. Stockton added that the city needs to address this problem in some fashion. Mr. Morton explained it is an issue that has been discussed at length with the Planning Staff.

Darren Jones asked if the current driveway will be the main entrance into the complex. Ms. Dowdy stated it would be best to ask Mr. Morton, but she does not believe the developers have made a decision as to where the main entrance is going to be. Mr. Jones asked if the area had been platted off yet. Ms. Dowdy stated it is currently one tract of land and not yet subdivided. Mr. Jones asked where the other entrance on to 16<sup>th</sup> Street would be. Mr. Morton explained there are two entrances that have been looked at thus far. The first being the current entrance into the property, and the other is a little further to the north. Mr. Morton explained that the house currently on the property would most likely be utilized as the office and housing of the full-time staff.

Mr. Roberts stated there is a lot of concern with the traffic situation; when University Heights was developed many traffic studies were done. Mr. Roberts explained there have been ongoing negotiations with the state in collecting estimates as to what it would take to rework the street. Mr. Roberts stated that with the current fiscal restraints within the next few years, the city must continue to work with the local representatives in Frankfort. Mr. Stockton asked what the time-frame is for the development of Campus Suites. Mr. Morton stated they would like to start construction in March or April of 2007 with a completion date in July of 2008. Mr. Andy Dunn asked if the turn lane discussed would be at the expense of the developer. Mr. Morton stated that is currently being discussed with the city as to how it will be handled. Mr. Davis asked if the bridge had been widened. Mr. Roberts stated it has been widened but not sure if it is large enough to accommodate a complete lane. Mr. Roberts noted to the Board that improvements are being made to 16<sup>th</sup> Street, in particular with the widening of 121 and making improvements with

that intersection. Mr. Jones asked if this project will be done in phases or all at once. Mr. Morton stated this site plan is to take place in one phase.

Chairman Whitaker asked Mr. Morton to explain the parking situation. Mr. Morton stated they provide the 1.2 parking spaces which seem to accommodate the tenant plus any visitors they have. Ms. Dowdy stated it was calculated as to how many parking spaces would be required (about 560), and Campus Suites would exceed the minimum requirements. Ms. Dowdy added that the Planning Commission requested references as to see whether they have been good neighbors to other communities.

**Andy Dunn made a motion to accept the Campus Suites Planned Development Project as compatible with other developments around the area, but traffic concerns have been noted and will need to be addressed. Ed Davis seconded the motion and it carried with a 5-0 vote.**

**Public hearing to review conditional use application for outdoor storage of merchandise – 609 S. 4<sup>th</sup> Street – Gray’s Flea Market:** Ms. Dowdy explained that Mr. John Gray has operated his business in the back part of the building located at 609 South 4<sup>th</sup> Street since 1992. The “Flower Basket” was located on the front portion of the building and is now going out of business. Mr. Gray has expanded his business to occupy the entire building. Ms. Dowdy explained that Mr. Roberts sent a letter to Mr. Gray in September of 2004 notifying Mr. Gray he would have to obtain a conditional use permit to have outdoor storage of merchandise in a B-2 zone. Mr. Roberts has had many conversations with Mr. Gray and he agreed to condense the area to which merchandise was being stored. Once Mr. Gray expanded his business to the entire building, another letter was sent to Mr. Gray explaining he would have to apply for the conditional use permit. Ms. Dowdy presented pictures of the business specifying its location at the corner of South 4<sup>th</sup> and Sycamore Streets. Ms. Dowdy noted that Sycamore Extended has a 50 right-of-way and that it is not known if Mr. Gray’s merchandise encroaches upon the right-of-way or not. To the rear of the business are two tractor trailers used for storage purposes. Ms. Dowdy stated the Board made an interpretation in April of 2004 that tractor trailers are not considered accessory structures and they are not to be used for storage. Darren Jones asked why there has never been a conditional use applied for. Ms. Dowdy stated that she could not speak for previous staff as to why a conditional use permit was never applied for, but there have been several complaints following the letter in 2004, and that is why the letter was sent to Mr. Gray asking him to apply for the conditional use permit. Andy Dunn asked if any of the adjacent property owners had responded to their notifications of the public hearing. Ms. Dowdy stated that some of the adjacent property owners are in attendance and will voice their concerns on the matter. Darren Jones asked about the previous interpretation. Ms. Dowdy read the interpretation motion, which stated, “The use of tractor trailers for storage does not meet the definition of a permitted accessory structure in residential or business districts.” In the zoning ordinance, it states only a garage or storage building will be considered an accessory structure incidental to the principle use of the property. Andy Dunn asked if Mr. Gray owns the building. Ms. Dowdy stated that he rents the building and is in attendance to address any questions the BZA may have.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Mr. John Gray. Mr. Gray explained that the trailer that runs along the south side of the property is being used to

transport merchandise to a festival and is currently at this location to load additional merchandise. Once the trailer goes to the festival it will be taken to Mr. Gray's house to be stored away. Mr. Gray acknowledged he has two trailers to the rear of his business which also store merchandise. Andy Dunn asked if he owns the property and if there is any additional room on the inside of his building to store items. Mr. Gray said he does not own the property and that there is no additional room inside. Mr. Gray explained he purchases his items in Fort Campbell and when he buys his merchandise, it is in large quantities. Mr. Gray explained the two smaller utility trailers are used to deliver and pick-up items. Chairman Whitaker inquired about the white car sitting to the south side of his business. Mr. Gray explained the car was brought to this location a few years ago and was supposed to be "cleaned-up" but it never got done; he explained there would be no problem in removing the car. Chairman Whitaker asked if there was anyway to reduce the merchandise. Mr. Gray stated he gets what his customers ask for. If he doesn't have it then he goes out and tries to find it. Mr. Gray stated there is nowhere else to put the stuff. He explained if he had room for storage inside, he would place it inside. Chairman Whitaker stated that it appears to him a lot of the merchandise would ruin sitting outside all the time. Mr. Gray stated he does lose items, but there is nowhere to put it. Chairman Whitaker asked if this business was operated at another location. Mr. Gray explained his previous business was previously across from Hih-Burger and has been at this` current location for approximately 15 years.

Chairman Whitaker asked if anyone would like to speak in opposition. Chairman Whitaker swore in Mr. Lance Allison. Mr. Allison owns Allison Photography which is on the property directly to the north of Gray's Flea Market. Mr. Allison is also representing his father, Harry, who owns the building Allison Photography is located in. Mr. Allison stated the problem they have is bringing the merchandise to the side and front of Mr. Gray's business. Mr. Allison stated that being able to place merchandise to the side and front creates a "visual problem" from an aesthetic point of view; also, the 4<sup>th</sup> Street/Sycamore intersection is a busy intersection and can create problems pulling in and out of their properties. Mr. Allison explained they have had problems in the past with turning vehicles around to the rear of their business where Mr. Allison rents a portion of their building out to tenants. Mr. Allison stated it is difficult for the renters to turn their cars around when merchandise is up to the property line. Mr. Allison stated that they do not want this business to encroach upon the front of the building with outside merchandise. Chairman Whitaker asked Mr. Allison if they have to use a portion of Mr. Gray's driveway for access to their apartment. Mr. Allison stated that is not the case and that there is another driveway to the east of Mr. Gray's building not shown in the picture. Mr. Allison explained that Mr. Gray's merchandise is up to the edge of his driveway, but does not cross over to his own driveway. Ms. Dowdy noted that buildings can be placed up to the property line in B-2 zoning districts, but outdoor merchandise has to be looked at differently.

Chairman Whitaker swore in Mr. Jed Workman. Mr. Workman owns the carwash to the east of Gray's Flea Market; his property line runs along the back retaining wall of Mr. Gray's property. Mr. Workman stated his business has been broken into twice and that there are visibility issues with the tractor trailers on Mr. Gray's property obstructing the view of the carwash. Mr. Workman also stated he does not think the merchandise looks good for the area.

Mr. Gray rebutted by stating he sees nothing that would block the view of Mr. Workman's carwash and him having merchandise in the back of his building has nothing to do with Mr. Workman's business being broken into. Mr. Gray stated he was at his business when the carwash was broken into. Mr. Gray explained the merchandise up front was recently brought in and it is normally placed at the bottom of the hill, except for a few trailers he has been sitting up top. Mr. Gray acknowledged that if this is a problem, he can move it all to the bottom of his hill. Mr. Gray explained there is an access behind his business that leads to Mr. Allison's property. Mr. Gray stated there is a gentleman that rents from Mr. Allison and stores his lawn-care supplies in the storage garage. Mr. Gray stated he has spoken with this gentleman and he has no problem getting in and out of his storage garage. Mr. Gray also noted that Mr. Workman is attempting to purchase the property where Gray's Flea Market is located and may not like the merchandise where it is.

Chairman Whitaker closed the public hearing. Ms. Dowdy explained that a fence along the back side of the property would not do any good because there is already a retaining wall that separates Mr. Gray's business from the car wash. Ms. Dowdy stated the right-of-way on 4<sup>th</sup> Street, at this location, is 70 feet, which is wider than normal (right-of-way on Sycamore is 50 feet). Ed Davis asked if the grassy area is supposed to be maintained by the city or the property owner. Ms. Dowdy explained that the upkeep of grassy areas, which are a part of the right-of-way are normally maintained by the property owner.

Ed Davis stated that by ordinance the two tractor trailers in the rear of the business will need to be removed. Ms. Dowdy explained that the two smaller utility trailers are in violation of the zoning ordinance which states that any type of accessory trailer or truck is not to be parked for advertising purposes. Ms. Dowdy mentioned the possibility of erecting a fence along Sycamore Street to screen off the merchandise. Mike Pitman explained that if the Board does grant a conditional use permit then they can attach conditions such as time limitations or requirements that one or more things be done before the request can be initiated or set conditions of a continuous nature; the Planning Staff would have an opportunity to review the permit and decide if the conditions are being met. Mr. Pitman stated the Board has a great deal of latitude in granting a conditional use permit and setting conditions.

**Ed Davis made a motion to approve the conditional use permit based upon the following conditions: removal of the two tractor trailers in the rear of the business; tractor trailer used for transporting merchandise be parked at another location; removal of the white car on the south side of the property; no storage of merchandise from the front building line forward; all trailers with advertisements shall be placed in the rear yard area; there must be a major cleanup and reorganization of the merchandise so that it is more aesthetically pleasing; all merchandise must be off of the street right-of-way; and that the Planning Staff shall inspect the property in 60 days to ensure the aforementioned stipulations are being met and then report back to the Board of Zoning Adjustments. Failure to meet these stipulations could result in revoking the conditional use permit. George Stockton seconded the motion and it carried with a 3-2 vote. Andy Dunn and Bill Whitaker voted no.**

**Public Hearing to review conditional use application for outdoor storage of merchandise – 506 N. 12<sup>th</sup> Street, Suite M – Dollar General Store:** Ms. Dowdy explained to the Board that a letter was sent to Mr. Russell Dunn, manager of Dollar General Store, notifying him that a retail business in a B-2 zone must apply for a conditional use permit to store merchandise outside. The only area Dollar General wants to store merchandise is in the front of their building. The storefront encompasses a sidewalk that is 12.5 feet wide and 100 feet long. Mr. Dunn has received permission from the property owner, Mr. Tom Karvounis, to place an ice machine in front of the store. Ms. Dowdy stated that all merchandise is brought in everyday with the exception of the ice machine and a couple of storage racks. Ms. Dowdy expressed to the Board the sentiments of the fire marshal which does not have a problem with the outdoor storage of merchandise as long as there is a clear pathway and no combustible items are near the entrances. Ms. Dowdy stated that all adjacent property owners were notified and the only response was from Mr. Skip Chambers, owner of the Big Apple Café (restaurant behind Dollar General Store), and he was just making sure the outdoor storage of merchandise was going to be contained to the front of the store and not the rear.

Chairman Whitaker opened the public hearing. Chairman Whitaker swore in Mr. Russell Dunn, store manager of Dollar General Store. Manager Dunn explained he has yet to speak with the fire marshal but noted he has been traveling between stores and it very possible he has missed him. Chairman Whitaker inquired about the ice machine. Manager Dunn stated it was a decision made by the corporate office about three months earlier and that it has been successful so far in Murray. Manager Dunn stated he explained to his employees that they have limited through-space and for the outdoor merchandise to be placed against the building. Manager Dunn is in the process of purchasing two smaller carts, so the larger carts will be gone. Manager Dunn also noted the bench shown in the picture has been removed. Chairman Whitaker asked if this would be (referring to what the displayed pictures were showing) the most outdoor storage they would have at the location. Manager Dunn stated it would be and reiterated the point they are in the process of purchasing two smaller carts that will alleviate some of the current merchandise. Ms. Dowdy asked if it would be possible for the merchandise to be placed on the north side of the entrance to help ease congestion.

George Stockton asked how this storage compares to that of grocery stores and other places that store items outside. Ms. Dowdy explained that they should have a conditional use permit as well. Ms. Dowdy added that she believes this is the only store in the shopping center with outdoor storage of merchandise. Mr. Stockton asked if drink machines require conditional use permits. Ms. Dowdy explained this issue has been addressed in year's past; they are supposed to have a conditional use permit but feels there are many across town that have not received a conditional use permit.

**Andy Dunn made a motion to approve the conditional use permit for Dollar General Store located at 506 N. 12<sup>th</sup> Street, Suite M, provided a clear pathway is made along the sidewalk, not to exceed the four black carts Manager Russell Dunn mentioned, and within compliance of city fire codes. Darren Jones seconded the motion and it carried with a 5-0 vote.**



**Dimensional Variance request for front setback on free-standing sign – 713 S. 12<sup>th</sup> Street – T.C. Dinh:** Ms. Dowdy stated that Mr. T.C. Dinh is representing Sean and Huong Kelly, owners of the property. The current free-standing sign (Vernon's Pawn Shop location) is a non-conforming free-standing sign along the 12<sup>th</sup> Street corridor. The Kelly's received a letter in January explaining the new sign ordinance along 12<sup>th</sup> Street which requires monument signage if erecting a new sign or altering the existing sign. Ms. Dowdy noted that there was a third freestanding sign at this location which has been taken down. Mr. Dinh would like to remove all the existing signage leaving the two posts to be lowered to fourteen feet. The existing posts are in good condition other than needing to be repainted. Also, the second freestanding sign that identifies Debbie and Company will be removed, leaving only one free-standing sign on the property. Ms. Dowdy noted that based on the amount of street frontage for this property and the fact they have four businesses at this location they would be allowed the maximum signage of 80 square feet with an overall height of 14 feet, with the accompanying landscaping. For this to be allowed, a six foot front setback is required because the front post is located four feet from the right-of-way. Ms. Dowdy explained that there are two entrances to the property and there should be no visibility issues. Ms. Dowdy stated that to the north of this property is another building owned by the Dinhs which has a sign that will somewhat replicate the proposed signage at this location. George Stockton asked if the bush on the south side of the property creates visibility issues. Ms. Dowdy stated that the bush is probably in the right-of-way and that Thomas Clendenen, Superintendent of the Street Department, could check to see if it is in the right of way and then notify the property owner of any trimming or removal that may need to take place. Chairman Whitaker asked who determines if the sign will cause any visibility issues. Ms. Dowdy explained the base will be no taller than two feet tall and will not extend any further than the existing post to the road.

**Darren Jones made a motion to grant a six (6) foot front setback variance on a free-standing sign at 713 S. 12<sup>th</sup> Street cutting it down to the monument style requirement of fourteen (14) feet in height, painting the existing posts, removing the Debbie and Company sign on the property, determine if the bush on the south side of the property causes any visibility hazards and take appropriate measures if need be; the variance will allow the sign to brought into compliance with the sign ordinance along the 12<sup>th</sup> Street corridor 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.**

Ms. Dowdy reminded the BZA members of a special called meeting set for Wednesday, October 4, 2006 at 4:30 p.m. to place a detached garage in a side yard at 1307 Fleetwood Drive.

**Chairman Whitaker asked for any questions or comments.** Ed Davis stated he wished there were a way to get a handle on the carports being erected across the city; businesses such as Brinn's advertise carports, but they do not provide guidance as to where they can or cannot be erected. Mr. Roberts suggested contacting Brinn's and ask them who else sales these carports and continue to notify suppliers of these carports that they are only allowed in rear yards. Mr. Pitman reiterated the notion that it will be difficult trying to explain to one person that a carport

is allowed at one location, but not at theirs. Ed Davis agreed with Mr. Pitman and stated what bothers him is the consistency factor. Mr. Roberts stated the newer subdivisions should address carports in their covenants and restrictions. George Stockton asked if there was any way at all to alert the public of this issue. Ms. Dowdy stated that the newspaper and radio would be about the only means to reach everyone in the city. Ed Davis again explained this would best be dealt with by contacting those who sell the carports.

Being of no further business, **Ed Davis made a motion to adjourn. Andy Dunn seconded the motion and it carried with a 5-0 voice vote.** The meeting adjourned at 6:40 p.m.

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Chairman, Bill Whitaker

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Recording Secretary, L. Peyton Mastera