

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, FEBRUARY 20, 2008
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, February 20, 2008 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Darren Jones, Kim Griffo, Greg Mayes, and Scott Seiber

Board Members Absent: Ed Davis, Tom Auer, and Bill Whitaker

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, Reta Gray, Matt Mattingly, Carla Stokes, Allie Eckman, Dorothy Barrow, Holly Wise and public audience

Chairman Scott Seiber called the meeting to order at 4:30 p.m., and welcomed all guests and applicants.

Approval of minutes from the January 16, 2008 Regular Meeting: Darren Jones made a motion to approve the minutes as presented. Kim Griffo seconded the motion and it carried with a 4-0 voice vote.

Review of Conditional Use Permit – 1502 Sycamore Street – Chong Kim: Ms. Kim was not present, nor did she send a representative. Candace Dowdy stated that this is the second month that the attempt has been made to bring the Conditional Use back for review before the Board of Zoning Adjustments. Ms. Kim has been notified of each meeting and each time she stated that she could not be in attendance. The Board decided to serve her with a subpoena requesting her presence at the next Board of Zoning Adjustment meeting on March 19, 2008. Mike Pitman will prepare the subpoena, have the clerk sign it and then send it by certified mail to Ms. Kim.

Darren Jones made a motion to table the Review of Conditional Use Permit – 1502 Sycamore Street – Chong Kim. Greg Mayes seconded the motion and it carried with a 4-0 voice vote.

Public Hearing to review the Dimensional Variance request for a two foot side setback on a monument style sign – 203 N. 12th Street – Stokes and Sweeney: Peyton Mastera referred to the property with a power point presentation. He stated that Stokes Appraisal and Brandon Realty recently moved to 203 N. 12th Street. Stokes & Brandon have submitted a site plan to put up a new monument style sign. The proposed sign will meet all design specifications; but, due to the configuration of the yard, the applicants are requesting the sign be placed eight (8) feet from the front property line, which is closer than the required ten (10) feet. In turn, the applicants are requesting a two (2) foot front setback variance.

Chairman Seiber opened the public hearing and asked if there was anyone there that wished to speak in favor of the variance. Ms. Carla Stokes, 203 N. 12th Street, was sworn in. Ms. Stokes pointed out her property lines from the pictures on the power point presentation. Ms. Stokes

stated that she if she put up a sign with the required ten foot front setback, the sign would actually be in the side yard and not visible from 12th Street. Greg Cagle will be designing her sign and he is aware of the City's guidelines for signage. In addition, the sign will have up lighting from both sides and it will not be blocking any views of people entering 12th Street. Ms. Stokes also plans to install a sidewalk and landscaping from the driveway to the front door of the house.

There was no one that spoke in opposition of the variance. Chairman Seiber closed the public hearing and opened the discussion to the Board. Ms. Dowdy reminded Ms. Stokes that the sign's spotlights would have to be turned so that they would not be pointing into 12th Street. Some similar instances were noted concerning setback variances along 12th Street. (Mike Pitman made the Board aware of the appeal filed by Dr. Kevin Adams concerning Greg Taylor's sign blocking his sign as you travel south on 12th Street.)

Greg Mayes made a motion to grant a two (2) foot front setback variance for the proposed monument sign at 202 N. 12th Street, as it will not obstruct the visibility of adjoining property owners, and it will not adversely affect the public health safety or welfare nor would it alter the essential character of the general facility and it would not cause a hazard or nuisance to the public. Darren Jones seconded the motion and it carried with a 4-0 vote.

Public hearing to review the Dimensional Variance request for a five foot side setback variance and up to a four foot height variance on the placement of a fence – 516 South 8th Street – Chris Craycraft: Peyton Mastera referred to a power point presentation to show the proposed site of the fenced in area. Mr. Chris Craycraft is requesting a five foot side setback on the placement of the proposed gated fence for his dogs as well as a height variance of up to four foot on the portion of the fence extending beyond his front side building line towards his secondary street, Story Avenue. Peyton stated that homes that have corner lots are treated similar to front yard regulations, in that fences can be no higher than four feet tall on the side facing the secondary street.

Chairman Seiber opened the public hearing and asked if there was anyone there wishing to speak in favor of the variance. Ms. Allie Eckman, girlfriend of Mr. Chris Craycraft of 516 South 8th Street, was sworn in. Ms. Eckman stated that in addition to what Peyton had said, she would like to say that since the church is across the road from the property, there are people coming and going quite frequently and they would like to use the fence for privacy as well as for the dogs. She also stated that they would probably be using a solid vinyl fence because it would be less upkeep for them. Ms. Eckman concluded by saying that they have not started the fencing yet because they were waiting to see what the City would allow them to do and she noted that the electric and water meters are located outside of the proposed fenced area as required by the City.

Chairman Seiber stated that he was against an eight foot solid fence on all sides because of the imposition and obstruction of view for traffic at the stop sign. He suggested angling the fence to start out at a six foot height in the front and side yards progressing to the eight foot height in the back yard. Peyton Mastera stated that since the fence was going to include part of the driveway,

he was interested in where their visitors were going to park outside the fenced area. Ms. Eckman stated that when her car and Mr. Craycraft's car were both there, the driveway was full and that if they did have guests, they would need to park in the street whether they had a fence or not. Ms. Dowdy asked if there were any "No Parking" signs on the street and Ms. Eckman stated that there were none.

Chairman Seiber asked if there was anyone wishing to speak in opposition. Ms. Dorothy Barrow, 517 South 8th Street, was sworn in. Ms. Barrow stated there are children playing in the neighborhood and her concern was for them. She added that having a fence too high obstructs the view near the stop sign, and it would be adding a potentially more dangerous situation than is already there. She stated that this is a dead end street with a lot of traffic (which already has a tendency not to stop at the stop sign) and she feels that an eight foot fence would add to the unsafe environment for children. Chairman Seiber closed the public hearing.

Darren Jones made a motion to approve the dimensional variance request of Chris Craycraft for a five foot side setback variance and two foot height variance on the proposed fence, located on the secondary street side because it will not obstruct visibility, with the condition the fence will be constructed of a solid vinyl material, and it does not adversely affect the public health safety, or welfare or will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public and will not allow an unreasonable circumvention of the requirements of the zoning regulation. Kim Griffo seconded the motion and it carried with a 3-1 vote. Greg Mayes voted no.

Matt Mattingly left the meeting at 5:00 p.m.

Discussion of temporary signs associated with community festivals or events of a cultural or educational nature: Peyton Mastera stated that this item was also discussed at the Planning Commission meeting the previous night. Peyton explained the zoning ordinance procedure for issuing temporary sign permits for festivals or events that are hosted in Murray. The ordinance states: *Temporary signs associated with community festivals or events of a cultural or educational nature are not to be displayed more than 14 consecutive days.* Several applicants have asked for clarity of this statement. It is hard to determine what actually should qualify to be a cultural or educational event. Peyton continued that these events are getting the benefit of free advertising by posting signs throughout town on the roadsides or at busy intersections. Peyton asked if the Board felt that the City was being too relaxed or were they taking the definition broader than it should have been? He suggested that a clear definition to cultural and educational events be determined. There was discussion among the Board members and they agreed that clarification was needed on the "cultural or educational nature" in the ordinance. Candace concluded that the wording would be worked on and then this item would be taken back to the Planning Commission.

Questions and Comments: Darren Jones voiced a concern about getting security detail in the meetings. Candace Dowdy stated that it was discussed at the City Council meeting the previous week for the Council, Planning Commission, and BZA meetings to have security measures. It is being considered and the Mayor and Chief of Police are looking at options.

Darren Jones made a motion to adjourn. Greg Mayes seconded the motion and it carried with a 4-0 voice vote. The meeting adjourned at 6:05 p.m.

Chairman, Scott Seiber

Recording Secretary, Reta Gray