

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JUNE 17, 2009
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, June 17, 2009 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Kim Griffo, Mary Anne Medlock, Justin Pounds, Scott Seiber, and Kevin Perry

Board Members Absent: Tom Auer and Bill Whitaker

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, Sid Easley, Bobby Martin, Officer Jimmy Osborne, and public audience

Vice-Chair Griffo called the meeting to order at 4:30 p.m. and welcomed all guests and applicants. Vice-Chair Griffo asked for approval of the minutes from the May 20, 2009 regular meeting.

Attorney Mike Pitman noted to the Board that at the last meeting the Board reviewed the Conditional Use Permit for John Gray at 609 S. 4th Street as it pertains to outdoor storage of merchandise. Mr. Pitman stated that one of the conditions on the permit was that the merchandise be kept in an “aesthetically pleasing” manner behind the front building line and that the additional condition placed on the permit requiring the merchandise to be kept behind the rear building line might be asking too much of Mr. Gray. He stated that he feels like the original condition in itself would give the BZA quite a bit of latitude in deciding what is and is not aesthetically pleasing or appropriate. Mr. Pitman explained that the Board has the option to revisit this case in its entirety; or, find that he was in compliance and approve the minutes without the amendment of having Mr. Gray move the merchandise behind his rear building line. Mr. Seiber asked about tabling this decision. Mr. Pitman explained that would be an option but noted the motion could be amended. Mr. Pitman noted that the time frame for an appeal would not begin until after the portion regarding Mr. Gray’s conditional use permit minutes were approved.

Mary Anne Medlock made a motion to approve the minutes from the May 20, 2009 regular Board of Zoning Adjustments meeting as presented, with the exception of the Review of a Conditional Use Permit for 609 S.4th Street – Gray’s Flea Market. Justin Pounds seconded the motion and the motion carried unanimously with a voice vote.

Mary Anne Medlock made a motion to table the approval of the minutes from May 20, 2009 regarding the Review of the Conditional Use Permit for 609 S. 4th Street – Gray’s Flea Market until it can be reviewed again by the BZA and Mr. Gray. Justin Pounds seconded the motion and the motion carried unanimously.

Review of Conditional Use Permit – 103 N. 16th Street – Pi Kappa Alpha - Ms. Dowdy explained the history of Pi Kappa Alpha's Conditional Use Permit at 103 N. 16th Street. The Pikes first received a Conditional Use Permit to be located at this location in June 2005. Since that time, they have been back for reviews on two other occasions to give a status update on their fundraising efforts to rebuild a fraternity house. The Pikes have purchased the property to the north of 103 N. 16th Street (previously the campus barber shop, 105 N. 16th Street) and are looking to demolish it in the near future. Ms. Dowdy noted 2 instances over the past year in which the police were called to the property. The first instance was a follow-up call in the mid-afternoon. The second incident was a noise complaint at a finals party on May 2, 2009.

Vice-Chair Griffo swore in Attorney Sid Easley, 1610 Loch Lomond Drive. Mr. Easley explained that the fraternity has raised funds but have been held up recently by the economic times. Once adequate funding is received, the Pikes look to demolish and rebuild at this location. Mr. Easley noted that the upstairs of 105 N. 16th Street is being rented. Their request is to continue the conditional use permit as is.

Scott Seiber made a motion to extend the conditional use permit of Pi Kappa Alpha fraternity to operate at 103 N. 16th Street with all the current conditions in the existing conditional use permit until June 2010. Mary Anne Medlock seconded the motion and it carried by a 4-0 vote. Justin Pounds abstained from voting.

Questions and comments: None

Mary Anne Medlock made a motion to adjourn. Scott Seiber seconded the motion and the motion carried with a unanimous vote. The meeting adjourned at 5:03 p.m.

Vice-Chair, Kim Griffo

Recording Secretary, L. Peyton Mastera