

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, MARCH 17, 2010  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, March 17, 2010 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Justin Pounds, Tom Auer, Mary Anne Medlock and Steven Reed

**Board Members Absent:** Bill Whitaker and Scott Seiber

**Also Present:** Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Butch Clendenen, Dennis Crawford, Chris Maley, Tim Lemons, Officer Steve Robinson, and public audience

Chairman Pounds called the meeting to order at 4:30 p.m. and welcomed all guests and applicants. Chairman Pounds asked for approval of the minutes from the February 17, 2010 regular meeting.

**Mary Anne Medlock made a motion to approve the minutes from the February 17, 2010 regular Board of Zoning Adjustments meeting as presented. Tom Auer seconded the motion and the motion carried unanimously with a voice vote.**

**Public hearing to review the conditional use permit application to allow up to four non-related persons to occupy the premises in an R-2 (single family residential) zoning district – 1108 Elm Street – Dennis and Jean Crawford:** Candace Dowdy used a Power Point presentation to show the vacant house at 1108 Elm Street owned by Dennis and Jean Crawford. The Crawfords purchased the house just to the west of their residence at 1104 Elm Street in December 2009 with the intention to renovate the house and then sell it to a single family. Ms. Dowdy stated that the Crawfords would like to be able to rent the house to four college students during the renovation period. They feel like they would be able to manage the property and maintain the integrity of the neighborhood while it is being rented since they live next door. Ms. Dowdy said that the house is located in an R-2 single family residential zone and that the property across the street at a diagonal is zoned commercial. The house has four bedrooms and two baths. The house has a long driveway with plenty of off street parking that could easily accommodate four or more vehicles.

Chairman Pounds opened the public hearing and asked if there was anyone that wished to speak in favor of the application.

Butch Clendenen, 1103 Poplar, Murray, was sworn in. Mr. Clendenen stated that he had been neighbors with the Crawfords for approximately seven years and that they were fine neighbors and people of their word. Mr. Clendenen said that he felt that if the Crawfords said they would take care of the property and present no problems; that you could rest assured that they would.

Dennis Crawford, 1104 Elm Street, Murray, was sworn in. Mr. Crawford stated he and his wife had noticed that the neighborhood was not being as well kept they would like to see it. The house next door to his residence had incurred problems in the past with various tenants; therefore, they felt if they were going to have any control over the neighborhood situation that they would purchase the house, renovate it and try to sell it to a family. Mr. Crawford contacted his adjoining property owners to inform them of what he had plans to do with the property and had no objections from them. Mr. Crawford is currently remodeling the house with future plans to relocate the driveway and concrete it. By moving the driveway a few feet to the west, Mr. Crawford will be resolving a property line issue as the current gravel driveway is partially located on his property at 1104 Elm. Mr. Crawford stated that the whole purpose of buying the property was to keep the neighborhood from going down. He hopes to be able to rent the property during the renovations to help pay for the updates. The Crawfords feel that they will have control over the tenant situation since they live next door.

Ms. Dowdy asked if he had anyone in mind to rent the property. Mr. Crawford stated that he and his wife have met four college girls that were interested in renting and after talking to the girls several times, the Crawfords think that they would be a good fit for the property. The girls would like to rent the property in May even though they will be gone most of the summer. He added that the girls have intentions of staying for a couple of years. Mr. Crawford stated that he has contacted a lawyer and had papers drawn up for tenants. He stated that the contract is mostly about being a good neighbor.

Mary Anne Medlock stated that with Mr. Crawford's background as a Kentucky State Trooper he should be aware of issues that could occur with non-related tenants in an R-2 zone. Ms. Medlock stated that luckily with Mr. Crawford being next door, he could control these situations. Ms. Medlock asked Mr. Crawford if the driveway would be ample size to accommodate more than four cars since four tenants could have several visitors with cars at one time. Mr. Crawford said that the driveway would be large enough to keep the tenants and their guests from parking in the yard.

Chairman Pounds asked if there was anyone that wished to speak in opposition of the application. There was no one. Chairman Pounds closed the public hearing and turned it over to the board for discussion.

Mary Anne Medlock stated that she had never voted for this type of conditional use permits; however, she felt that this was an entirely different situation with the landlord living next door. She believes that Mr. Crawford will uphold the law and have a watchful eye on the tenants. Chairman Pounds agreed that they were fortunate to have the landlord right next door in this situation. Tom Auer stated these codes were there for a reason; he feels that despite the promises or intentions of students, you cannot predict what they are going to do. He added that he had rather see the property sold to a family and that his intention was to vote no.

**Tom Auer made a motion to deny the request for a conditional use permit application at 1108 Elm Street to allow up to four non-related persons to occupy the premises in an R-2 (Single Family Residential) zoning district. No one seconded the motion.**

**Mary Anne Medlock made a motion to approve the request for a conditional use permit for the property located at 1108 Elm Street to allow up to four non-related persons to occupy the premises in an R-2 (Single Family Residential) zoning district with the following conditions: Permit is only valid as long as Dennis and Jean Crawford own the property; there are no complaints or disturbances reported; no on-street parking; and the permit will be reviewed in one year. Steven Reed seconded the motion and the motion carried with a 3-1 vote. Tom Auer voted no.**

**Public hearing to review the conditional use permit application to expand outdoor storage of merchandise – 512 South 4<sup>th</sup> Street – Maley Landscapes, Inc.:** Candace Dowdy used a Power Point presentation to show Maley Landscapes, Inc. at 512 South 4<sup>th</sup> Street. The property is in a B-2 (Highway Business) zone. Chris Maley leases the property where he owns and operates his business and has been at that location for nine years. In August 2005 Mr. Maley requested a conditional use permit where he could have outdoor storage of landscaping products on hand for the jobs he was currently work on. The board approved a 40 foot x 60 foot area on the south side of the building that is now enclosed with a four foot split rail fence. Mr. Maley would like to expand the area another 75 feet to the south where he can sell retail. The back of this area would have a six foot wooden screening fence with the rest of the area being enclosed with the same four foot split rail fence. Currently the bulk mulch and decorative gravel piles are stored to the rear of the property; however, Mr. Maley would like for the board to consider approving an additional 90 foot x 20 foot area that would consist of six portable bins to keep material more contained and help avoid excess waste of the products. In total this would add an additional 5550 square feet of outdoor storage. Ms. Dowdy stated that Mr. Gremore operates a car clean-up located in the back building to the west and Jamie Vance owns and operates a heating and air business to the south. Mr. Maley has spoken to both and neither of these businesses have any objections to Mr. Maley expanding his business. Ms. Dowdy presented letters from each business as *Exhibit A*.

Chairman Pounds opened the public hearing and asked if there was anyone that wished to speak in favor of the application.

Chris Maley, 371 Locust Grove Road, Murray, was sworn in. Mr. Maley said that fortunately his business was doing well; therefore, he would like to expand and sell retail in conjunction with his landscaping business. The problem he has run into over the last couple of years is not having sufficient space available to store all the products he might have for large scale landscaping jobs. Mr. Maley stated that Pam Underwood owned the property and that he had spoken to her concerning expansion of his business and she was in favor of it.

Chairman Pounds asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Pounds closed the public hearing and turned it over to the board for discussion.

**Tom Auer made a motion to approve the request to expand the outdoor storage of merchandise area at 512 South 4<sup>th</sup> Street for Maley Landscapes, Inc. exclusively as shown on the site plan submitted by the applicant. The additional 75 foot x 50 foot area will be located to the south of the existing area that was approved in August 2005; and, this approval shall also include a 90 foot x 20 foot area behind the business which may only be used for six portable bins for material storage. Steven Reed seconded the motion and the motion carried with a 3-0 voice vote. Mary Anne Medlock abstained from voting.**

**Public hearing to review the conditional use permit application for outdoor storage of merchandise – 408 North 12<sup>th</sup> Street – Red Barn Gift Shoppe:** Peyton Mastera used a Power Point presentation to show pictures of Red Barn Gift Shoppe which recently opened at 408 North 12<sup>th</sup> Street. Mr. Mastera stated that Tim Lemons, representative for the business is requesting to place a limited amount of accessories along the walkway and in addition he would like to have a removable cart that can be taken in and out on a daily basis. The parking lot area will remain clear. Mr. Mastera stated that Mr. Lemons has made significant aesthetic improvements to the building and has plans to restripe the parking spaces in the coming months.

Chairman Pounds opened the public hearing and asked if there was anyone that wished to speak in favor of the application.

Tim Lemons, 5173 Hwy 94 West, Murray, was sworn in. Mr. Lemons stated that he and his wife, Beverly, had previously owned and operated the Red Barn Gift Shoppe next door to their home on Highway 94 West. After closing the business a few years ago, they have recently decided to reopen it within the city limits of Murray. The Lemons do not wish to clutter the front porch of the business; however, they would like to display a few items that are relative to their business. Mr. Lemons stated that their business was known for reasonable priced, fun and unique items. He added that he liked to build over scale items such as large chairs and bird houses (items that were displayed at their former location) and he would like to continue to display these types of items. There is an area south of the walkway that would be suitable for this type of display where there was previously a truck loading dock area. Mr. Lemons stated that he had put a painted fence in front of that area and made it more attractive.

Chris Maley, 371 Locust Grove Road, Murray stated that he had known Tim for 20 years and he wished to speak to Tim's character. Mr. Maley stated that Mr. Lemons was an irrigation specialist and the two had worked together for years on projects. He finds Tim to be a man of his word and a man that is dependable. Mr. Maley said that he felt Tim's business would be an asset to the area.

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Chairman Pounds asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Pounds closed the public hearing and turned it over to the board for discussion.

**Mary Anne Medlock made a motion to approve the conditional use permit application for outdoor storage of merchandise at 408 North 12<sup>th</sup> Street for Red Barn Gift Shoppe. The outdoor storage of merchandise will be confined to the covered walkway area beside the business and area in front of the gated dock and all exits must be kept clear per fire codes. Tom Auer seconded the motion and the motion carried with 4-0 voice vote.**

**Questions and comments:** Mary Anne Medlock questioned whether the signage was in compliance at 312 North 12<sup>th</sup> Street, Murray Family Eyecare, Dr. Ben Hall. Mr. Mastera stated that they would look at it.

**Tom Auer made a motion to adjourn. Steven Reed seconded the motion and the motion carried with a unanimous vote. *The meeting adjourned at 5:40 p.m.***

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Chairman, Justin Pounds

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Recording Secretary, Reta Gray