

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MARCH 21, 2012
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, March 21, 2012 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Bill Whitaker, Scott Seiber, Mary Anne Medlock, Brad Darnall and Steven Reed

Board Members Absent: Justin Pounds and John Krieb

Also Present: Candace Dowdy, Justin Crice, David Roberts, Reta Gray, Hawkins Teague, Troy Stovall, Josh Hargrove, and Max Cleaver

Chairman Whitaker called the meeting to order and welcomed all guests and applicants. Chairman Whitaker asked if there were any changes, additions or deletions to the minutes from the February 22, 2012 regular meeting.

Scott Seiber made a motion to accept the minutes from the February 22, 2012 Board of Zoning Adjustments regular meeting as presented. Mary Anne Medlock seconded the motion and the motion carried unanimously.

Public Hearing: Review Conditional Use Permit application for residential planned development project at 1407 & 1409 North 16th Street – Troy Stovall: Justin Crice used a Power Point presentation to show the property at 1407 & 1409 North 16th Street that is owned by Troy Stovall. The property is located in an R-4 zone with B-2 zoning to the North, R-4 to the South and West, and B-2 & AG to the East. These two lots are the last vacant lots remaining on N. 16th Street that are a part of the University Heights Subdivision. A minor subdivision plat has recently been reviewed and approved by Planning Staff consolidating these two lots into one tract of land. The new tract consists of 0.496 acres. The preliminary plat was approved by the Planning Commission on the previous night. The plat illustrates an entrance and exit into the development; the entrance being on the north end and the exit on the south end of the property. Planning Staff recommended that the width of the entrance and exit be reduced to a minimum of fourteen feet in size (allowing more green space) and that appropriate signage be put up indicating entrance and exit only. Mr. Crice stated that the Chief of Police and Fire Chief were notified and there were no problems with this proposed change. Ms. Dowdy stated that a typical entry or exit is 24 feet wide; however, the Planning Staff suggested that they cut down the width to hopefully prevent safety issues. By reducing the width of the entrances and angling the parking spaces, this will hopefully eliminate cars from coming and going through the same entrance. The number of required parking spaces for this project will be twenty-four; however, the site plan shows sixteen (16) 9 feet x 18 feet angled parking spaces. An eight parking space variance will be needed for this project. She added that the Planning Commission had suggested that a handicap parking spot be made available and Mr. Stovall has agreed to that request. The lot has a designated 50 foot front setback, a 25 foot rear setback, and ten feet on both sides. The site plans shows that all setbacks will be met. Mr. Stovall would like to move the buildings five additional feet off North 16th than the site plan is showing to allow for future road widening. This would require a five foot rear setback variance. Mr. Stovall is proposing to construct two buildings that will have four units in each building. The two buildings will have a ten foot separation between them. Each building is 36 feet x 76 feet for a total of 2520 square feet. Each unit will have a concrete patio area in the back of the apartment. Mr. Stovall owns the two lots to the west of this property (lots 10 and 11) and is proposing to construct a dumpster area between the lots that will serve this project

as well as the units that he will be constructing on lots 10 and 11. The dumpster will eliminate the use of roll out containers. Mr. Stovall also plans to construct a sidewalk in the rear of the units on North 16th in order for his tenants to access the dumpster area. Ms. Dowdy said that at the Planning Commission meeting the previous night, someone had asked what would happen to the dumpster situation if Mr. Stovall decided to sell one of the units. Ms. Dowdy said that a note would be added to the final plat noting an access easement to the dumpster area. Ms. Dowdy added that Mr. Stovall has proposed to build a storm shelter on the property that will be for his tenant's use. She then stated that Planning Staff does have something in writing from V.L. Associates where the site distance on the property was calculated showing that it does meet the state's requirements. Improvements will be made to an existing ditch and drainage area along the north side of the property that will provide adequate detention for the project. Landscaping will be provided as shown in front of each unit. Mr. Crice added that notices were sent to adjoining property owners and a sign was posted on the property with the date and time of the public hearing.

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

Troy Stovall, 151 Lake Song Lane, Murray was sworn in. Mr. Stovall said that he had decided to taper the hill on the front of the property to make the property look better from North 16th. Mr. Stovall also noted that he would be building a storm shelter on the property for the tenants.

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

Scott Seiber made a motion to approve the conditional use permit for the Residential Planned Development Project at 1407 & 1409 North 16th Street with an eight parking space variance, five foot rear setback variance and an easement for access from the sidewalk to the dumpster on the adjacent property contingent upon the project receiving final plat approval by the Planning Commission. Steven Reed seconded the motion and the motion carried with a 5-0 voice vote.

Public Hearing: Dimensional Variance request for rear building setback on proposed addition to Grease Monkey – South 12th Street: Candace Dowdy used a Power Point presentation to show the Grease Monkey located on South 12th Street. The business is located in a B-2 zoning district with B-2 (Highway Business) to the North, South, and West and B-4 (Medium Density Business) to the East. The Grease Monkey is an automotive service business. They currently have two bays available for servicing vehicles and would like to add one additional bay in the rear. The request to add on to the rear instead of the front of the building is because of the traffic flow they currently have established at the location. They are requesting a 17.60 foot rear setback variance on the proposed addition. The existing building is currently 27.4 feet off the rear property line that adjoins the Walgreens property. If this request is approved the building would be 7.4 feet off the rear property line. Ms. Dowdy stated that Max Cleaver Construction has been hired for the construction. She added that Mr. Cleaver was present if the board should have any questions. All adjoining property owners were notified and no responses were received.

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

Josh Hargrove, 102 South 12th Street, Murray was sworn in. Mr. Hargrove stated that they built this facility in 1996 and have recently seen potential to expand their services; therefore, the request for a rear setback. He said that currently their business consists primarily of oil changes and they are now seeing a huge demand for brake service so they would like to expand their services and possibly capitalize on brake service. Mr. Hargrove said that adding on to the back of the building seemed the most logical move

for them. They also plan on also making some changes to the exterior that would make it more aesthetically pleasing.

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

Chairman Whitaker asked David Roberts if there was any problem with drainage on the west side of the building. Mr. Roberts replied that everything flows towards the southwest corner of the property and there is a drain that connects behind Walgreens. Mr. Roberts added that he has never seen any water standing there before. Mr. Roberts said that he is concerned with the location of the power pole that is shown on the site plan. Mr. Cleaver explained that it would not be necessary to move the pole.

Brad Darnall made a motion to approve the Dimensional Variance application for a 17.6 feet setback on the proposed addition to the building at 102 South 12th Street based on the fact that it will not adversely affect the public health, safety or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or a nuisance to the public and it will not allow an unreasonable circumvention of the requirements of the zoning regulations. Scott Seiber seconded the motion.

Brad Darnall moved to amend the previous motion to the following: approve the Dimensional Variance application for a 17.6 feet setback on the proposed addition to the building at 102 South 12th Street based on the fact that adjoining property owners were notified and there was no feedback from them and that it will not adversely affect the public health, safety or welfare; it will not alter the essential character of the general vicinity; it will not cause a hazard or a nuisance to the public and it will not allow an unreasonable circumvention of the requirements of the zoning regulations. Scott Seiber seconded the motion and the motion carried with a 5-0 voice vote.

Remove Tabled Request: Update board on Paint Plus request for Conditional Use Permit to operate a retail business in a B-1 zone at 1211 Story Avenue: Candace Dowdy stated that the applicants had decided to withdraw their application. They actually have purchased the property at 1211 Story Avenue; however, at this time they are undecided as to what the use of the property will be. There is no further action needed by the board at this time.

Scott Seiber made a motion to remove the item from being tabled. Mary Anne Medlock seconded the motion. The motion carried with a unanimous voice vote.

Questions and Comments: There was a question concerning Rickie and Christi Spann's Compatibility Hearing for their property on Stadium View Drive. Ms. Dowdy stated that the Spann's had withdrawn their request at a late date prior to the meeting; therefore, she did not have time to remove the item from the agenda. She added that the reason for the withdrawal is that the Spann's have decided to go from the proposed five units to four units. This will allow them to go through the building permit process instead of the PDP process. The property is located in an R-4 zone and up to four units are allowed in that zone.

Adjournment: Scott Seiber made a motion to adjourn. Mary Anne Medlock seconded the motion and the motion carried with a unanimous vote. The meeting adjourned at 5:10 p.m.