

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, MAY 16, 2012  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 16, 2012 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

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

**Board Members Absent:** Justin Pounds

**Also Present:** Candace Dowdy, Justin Crice, David Roberts, Hawkins Teague, Troy Stovall, and Hal Perry

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 April 18, 2012 regular meeting.

**John Krieb made a motion to accept the minutes from the April 18, 2012 Board of Zoning Adjustments regular meeting as presented. Scott Seiber seconded the motion and the motion carried unanimously.**

**Public Hearing: Dimensional Variance Application for Rear Setback – Lots 10 & 11 Chris Drive – Troy Stovall:** Candace Dowdy used a Power Point presentation to show the property at 1612 and 1614 Chris Drive (lots 10 & 11) that Troy Stovall owns in University Heights Subdivision. The property is zoned R-4. Mr. Stovall has applied for a building permit to put four units on each lot. Due to the shape of these lots he would like to construct the buildings twenty (20) feet off the rear property line to give more space in the front for the parking and the 20 foot drive aisle between the two lots for access to the dumpster area. The minimum rear yard setback in an R-4 zoning district is 25 feet; therefore, he is requesting a five (5) foot rear setback variance. Scott Seiber asked if the parking spaces in front of the building could be angled instead of straight. Ms. Dowdy replied that Mr. Stovall would be able to answer that question. Notices were sent to adjoining property owners and a public notice ran in the paper in regards to this application. *Brad Darnall entered the meeting at 4:40 p.m.*

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 indicated that the parking spaces were angled because they were easier to get into. Mr. Stovall added that before the buildings were moved back five feet you could not easily access the road to the dumpster because vehicles using the end parking space might protrude into the road making it tight to maneuver through. John Krieb asked if 40 feet between the units would be crowded. Mr. Stovall said that he did not think so and then explained that the reason he didn't move the units back even farther is because the property drops off where there is a natural water flow between the two properties. This area will be where the water detention will be located. Mr. Stovall stated that the units will have an eight foot patio along the rear with dividers between each unit. John Krieb asked if there was any thought in running a fence along the property line between the two properties. Mr. Crice stated that there is a 50 foot utility easement located there so that would not be possible.

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 Dimensional Variance application for Troy Stovall at 1612 & 1614 Chris Drive for a five (5) ft. rear setback variance on the buildings for both properties. Due to the shape of these lots this variance is a reasonable request that will provide a more adequate layout of the parking lot and access to the dumpster area and 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. John Krieb seconded the motion and the motion carried with a 6-0 voice vote.**

**Public Hearing: Conditional Use Permit for Lot 49 Princeton Drive – Sam Underwood and Hal Perry:** Justin Crice used a Power Point presentation to show lot 49 in Cambridge Subdivision Unit III that is owned by Sam Underwood and Hal Perry. There is currently one building with four units on the property where Mr. Underwood and Mr. Perry are proposing to construct another four (one bedroom) units. Based on the lot size requirements in an R-4 zoning district the lot could accommodate another four (4) units. The plat shows a 20 ft. shared drive aisle that goes from Princeton Drive back to the proposed units that is approximately 165 feet long. Planning Staff required that the final plat identify a permanent crossover easement on lots 48 and 49 for the purpose of ingress/egress and dumpster access. The site plan identifies an area at the end of the drive aisle for an enclosed dumpster area for sanitation pickup. Planning Staff also requires a permanent drainage easement to be located on the final plat for lot 42 that will be signed by all adjacent property owners. This easement will take the stormwater north to a curb inlet. Stormwater detention will be designed to accommodate lots 48 and 49. This will eliminate the roll out containers used by the current tenants. The plat shows nine (9) parking spaces in front of the proposed units along with seven (7) existing parking spaces in front of the four existing units. The 20 ft. drive aisle eliminates one of the original eight (8) spaces. Parking regulations would require this development to have 24 parking spaces. This project will require an eight (8) space parking variance if approved. The units are 15 feet off the rear setback line; therefore, a rear setback variance will also be required for 10 additional feet. Mr. Crice showed Daniel Yong's final plat that had been approved the previous night so the four (4) ft. drainage easement could be shown for Lot 42. Mr. Crice noted that Planning Staff had the surveyor place signature boxes for owner's signatures for Lot 48, Lot 49, and Lot 42. A landscaping drawing is not required for the project; however, Planning Staff suggest that the developers provide some landscaping for this project. Notices were sent to adjoining property owners and a notice was posted in the local newspaper 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.

Hal Perry, 1452 Airport Road, Murray was sworn in. Mr. Perry clarified that the existing building has landscaping between the sidewalk and the building. The sidewalk for the new building will run against the building; therefore, there will be no space for landscaping in the front. There will be room on other areas of the lot to accommodate the landscaping request. John Krieb asked if the parking spaces would pose any type of issues for accessing the dumpster area. Ms. Dowdy responded that the Fire Marshal and Sanitation Dept. had taken a look at that and did not see any issues with the current layout. She added that at the previous month's meeting, they had discussed shifting the building and drive aisle which would affect the parking, but because of the current alignment, this layout would prove more efficient. Mr. Krieb asked if there could be one additional parking space added to the spaces in the back for visitors. Mr. Perry responded that you probably could but since these will be one bedroom apartments, that it probably wouldn't be needed. He added that they are currently showing the same amount of parking spaces for the one bedroom as they have for the existing two bedroom apartments, which is working out fine for them.

Chairman Whitaker asked for a description of the stormwater detention area. Mr. Perry stated it is his understanding that it will be an above ground low lying grassy area to hold the water and it will be designed by an engineer. David Roberts stated that the actual configuration may change somewhat. He added that there would be a six or eight inch pipe that will drain underground that will be gravity fed to the north to the right of way. There will be a junction box and that will go to the curb box inlet as is indicated on the plat.

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

**Brad Darnall made a motion to approve the Conditional Use Permit for the Residential Planned Development Project on lot 49 located on Princeton Drive with a 10 ft. rear setback variance and a total of eight parking space variance. This is contingent upon the necessary easements being approved for ingress/egress and stormwater detention by the owners of Lot 48 and Lot 42. Approval of this conditional use permit is also contingent upon stormwater detention plans being approved, final plat approval by the Planning Commission, an approved landscaping plan and the development meeting all other city regulations. John Krieb seconded the motion and the motion carried with a 6-0 voice vote.**

**Questions and Comments:** Candace Dowdy stated that there are two continuing education opportunities coming up. They are each eight hour sessions and will be June 20<sup>th</sup> in Paducah and August 22<sup>nd</sup> in Gilbertsville at Kentucky Dam. Everyone is required eight hours of continuing education. Ms. Dowdy asked the board members to inform her if they were planning on attending and she would get them registered.

David Roberts asked if there was any update on the Campus Core sidewalk issue. Ms. Dowdy stated that Attorney Mike Pitman sent the letter to Campus Core that was requested. Ms. Dowdy added that she had talked with Peyton Mastera (Projects Administrator) earlier and he informed her that he had made contact with the manager. The manager wanted to know if they put the sidewalk in, would they receive a letter saying that they had fulfilled their requirements for the Conditional Use Permit. Peyton told the manager that he would send a letter stating they had fulfilled their requirements as soon as the sidewalk project was completed. Ms. Dowdy also said that Peyton had indicated that he was going to e-mail the manager and ask for a definitive answer of whether they are going to put in the sidewalks and a date that they are expecting to get started. Otherwise, if things do not proceed this item will be put on the agenda for June.

Steven Reed said that he had noticed some businesses on 12<sup>th</sup> Street that did not previously have landscaping have recently installed some plants around their monument signs. He was pleased to see this.

**Adjournment: Scott Seiber made a motion to adjourn. John Krieb seconded the motion and the motion carried with a unanimous vote. The meeting adjourned at 5:20p.m.**

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Chairman, Bill Whitaker

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Recording Secretary, Reta Gray