

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, APRIL 16, 2014
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, April 16, 2014 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: John Krieb, Linda Scott, Terry Strieter, Josh Vernon and Bobbie Weatherly

Board Members Absent: Scott Seiber and Mary Anne Medlock

Also Present: Candace Dowdy, David Roberts, Reta Gray, Jennifer Tolley, Hawkins Teague, Keith Inman, Alan Lanier, Debbie Owens, Lillie Fuqua and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Candace Dowdy noted a few minor changes to the minutes. Chairman Krieb asked if there were any additional comments concerning the minutes from March 19, 2014 regular meeting.

Josh Vernon made a motion to approve the BZA minutes from the March 19, 2014 regular meeting as amended. Terry Strieter seconded the motion and the motion carried unanimously.

Public Hearing: Request for Conditional Use Permit to allow church related activity at 511 Stone Ridge Lane – First Baptist Church: Candace Dowdy used a Power Point presentation to show the house at 511 Stone Ridge Lane that is owned by First Baptist Church. The church recently inherited the house from a former church member, Ms. Garrison. Ms. Dowdy explained that the house is currently vacant. It is located in an R-2 zone and is surrounded by R-2 zoning in all directions. The Conditional Use section of the Ordinance says that churches or church related activities could be allowed in an R-2 zone as a conditional use. Pastor Keith Inman came to the Planning Department a few weeks ago for information about housing a group of eight female students and one supervisor in the house for a period of approximately six weeks. Ms. Dowdy said that she explained the requirements in the R-2 district and told him that since this was a church related activity, they could apply for a Conditional Use Permit. She explained that this request is somewhat misleading because the purpose is not to actually have activities at the residence, but to house the students only. Pastor Inman applied for the permit to allow a group of nine female students to temporarily reside on the premises from June 5 until July 15, 2014 (approximately six weeks). The group of students will be from the Baptist Campus Ministries across the state that will be involved in ministry projects with the church and throughout the community during this time frame. Pastor Inman has indicated that there will not be more than three vehicles on the premises at any given time and that any outside church related activities will be held at First Baptist or the Campus Student Ministry on Chestnut Street. Ms. Dowdy said that the house has a double driveway and can easily accommodate three cars. She added that Pastor Inman is not sure what the church will do with the property after the girls leave. They understand that the property is in a single family zoning district and they will abide by the regulations if used for rental purposes. Ms. Dowdy said that adjoining property owners were notified of the meeting. Only one call was received from a neighbor who was inquiring what kind of activities would be conducted at the residence. That neighbor also had some safety and noise concerns. Chairman Krieb asked why the board wasn't considering this item as non-related persons occupying the premises in an R-2 zone. Ms. Dowdy replied that she felt like the

board would not have the ability to approve the request since the zoning ordinance is clear as to how many non-related persons can occupy the premises in an R-2 zone as a conditional use. Ms. Weatherly asked how many bedrooms were in the home. Ms. Dowdy replied that there were two bedrooms and two baths with a third room available for use as a bedroom if needed. The question was asked if there is on-street parking available on Stone Ridge Lane. Ms. Dowdy did not know for sure, but said that she could check into that if necessary.

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

William Keith Inman, 115 Crossfield Drive, Murray was sworn in. He currently serves as pastor of First Baptist Church. Pastor Inman said that they were trying to be proactive by asking the board's permission to grant this exception. He added that Ms. Dowdy had described the situation accurately. Pastor Inman stated that the ladies will be leaving the home every morning for studies either at the church or on campus and will return in the evening. There is a fenced in backyard if they should decide to have any outdoor activities. The nine young ladies will be leaving Murray at the end of the six week period for service in an orphanage in the Dominion Republic. This is a program that has been sponsored by the Kentucky Baptist Convention. These students have been hand selected and are excellent role models. It is the church's intent to do everything that the board and the community require them to do to keep in a good stance with the neighborhood. There are rooms available at the church and on campus for other activities. The plan is to have two sets of bunk beds in each of the two bedrooms. The extra room will be used as a third bedroom by the supervisor. There is no intent for this to become a repeating program as the future plan is to sell the house. Pastor Inman concluded that he certainly understands any reservations that the board may have and they will obey whatever is decided.

Alan Lanier, 1733 Faxon Road, Murray was sworn in. Mr. Lanier stated that he serves as the church treasurer for First Baptist Church. He has spent a lot of time with the attorney of Ms. Garrison's estate at the home recently. He described the home as having a traditional layout with a formal living room and family room where one of the rooms could easily be converted to a third bedroom. Mr. Lanier said that First Baptist Church does not have any long term rental plans for this property and at the end of the summer they will probably liquidate it. But until that time, they plan on preserving the quality of the home along with maintaining the lawn. Mr. Lanier said that the person that formerly took care of the lawn for Ms. Garrison has been contacted and lawn maintenance will begin immediately and continue on a weekly basis. Inheriting the property has given them the opportunity to save some money in housing the young ladies while they are here in Murray. First Baptist is a good neighbor advocate and they want to be a good neighbor to those around them as well.

Chairman Krieb asked if there was anyone that wished to speak in opposition to the application.

Debbie Owens, 509 Stone Ridge Lane, Murray was sworn in. Ms. Owens has resided at this address for over a decade and she is a professor at MSU. Ms. Owens said that she is the neighbor that called Ms. Dowdy asking for explanations of the Conditional Use Permit request. Many of her questions had been answered by Pastor Inman and his associate; however, she still has concerns. Her gut feeling is that this residence will be serving as a "community center" for

non-related individuals. She listed the following three reasons that she is in opposition to the request:

- Security reasons
- Decrease in property values
- Overall upkeep of the property

Lillie Fuqua, 510 Stone Ridge Lane, Murray was sworn in. Ms. Fuqua stated that she will be 82 years of age on her birthday. She lives alone and is very concerned about security. Ms. Fuqua is also concerned about the property values declining. When she moved into the cul-de-sac she was pleased with the fact that the neighborhood was so private and she felt safe; but since a recent event transpired in front of her home, she is very concerned with her security. She loves the closeness and quietness of her neighborhood and she feels that approving the Conditional Use Permit would prove to be detrimental to that. Ms. Weatherly asked if there was anything that First Baptist Church could do to make Ms. Fuqua feel secure if they should approve the request. Ms. Fuqua replied that maybe a policeman could patrol the area and that might help. She concluded that her neighbors David and Tova Shinall that live on Cardinal were out of town but they had asked her to speak on their behalf and express that they were in opposition to this request for some of the same reasons that were mentioned earlier.

Chairman Krieb asked if there was any rebuttal from the First Baptist representatives.

Mr. Lanier came forward. He pointed out that there is a fenced in backyard for outdoor socializing. First Baptist does not anticipate any problems from these young ladies as they are coming to Murray for a just cause and he truly respects the comments that had been made by the neighbors, but he wanted them to have confidence in First Baptist Church to handle any situation that should arise. Mr. Lanier stated that there are some mitigating situations concerning Ms. Garrison's death and they will be taking care of getting the home in a condition to show it through a real estate agent once the girls are gone. Ms. Scott asked Mr. Lanier if the board should approve the request, would it be possible for the church to send out letters to the neighbors making them aware that this would only be a six week housing period for the students and not long term. Mr. Lanier said that that would absolutely be possible and at the same time they would provide contact information in case there was a situation that occurred. Ms. Scott then asked if there would be any type of curfew for the students. Mr. Lanier replied they would make the young ladies aware that they would be living in a residential neighborhood and that they should be respectful and not have their comings and goings at all hours during the day and night but he did not think they could set a curfew. Chairman Krieb thought that setting a reasonable curfew would be appropriate as would a notification to the neighbors stating the future intent of the property. Chairman Krieb added that maybe even a "get together" at the church inviting the neighbors might be an idea where the neighbors could meet the girls. Mr. Lanier replied that that could be arranged. Ms. Dowdy explained that according to KRS, if the request is approved, the board has the ability to place any type of restrictions on the Conditional Use in order to maintain the integrity of the neighborhood. If at any time they are found to be non-compliant with those conditions, the board has the right to revoke the permit. Mr. Lanier concluded that First Baptist Church is looking at selling this house after the girls move out;

therefore, they do not plan on doing anything that would adversely affect the neighborhood or the house as it could prove detrimental to the sale of the house later on.

Pastor Inman came forward. He stated that they will do everything they can in order for the neighbors to feel safe. He added that there is a police officer that is a member of their church and if it is within the protocol of Murray Police Department they will do everything they can to make sure the neighbors continue to feel safe.

The public hearing was closed and the item was turned over to the board for discussion.

Mr. Vernon said that the shortness of this request lends itself to not being problematic; however, he is concerned with the number of ladies that are going to be living there. He added that he is also concerned with the noise. Ms. Dowdy stated that the church could provide contact numbers available for the residents of the neighborhood should there be any issues; however, the Planning Department could also be contacted if there were any problems. Ms. Scott said that with that many people in the house, there is certainly going to be noise. Even though the neighbors will have contact information available, that will not immediately correct the situation should a problem arise. Mr. Vernon agreed that a situation would only be placing a burden on the neighbors by having to call and make a report. Ms. Weatherly said that these are not typical college girls. They have been screened by different boards and they represent a good code of conduct or they wouldn't be in these positions.

Josh Vernon made a motion to deny the Conditional Use Permit for First Baptist Church to use the property at 511 Stone Ridge Lane for the purposes of church activities with findings that the proposed use will be primarily for housing and not necessarily for church activities. According to the Zoning Ordinance, above four non-related persons in a house is excessive of what is allowed. Linda Scott seconded the motion and the motion carried with a 3-1 roll call vote. John Krieb voted no and Bobbie Weatherly abstained.

Questions and Comments: Some of the board members stated reasons for voting the way they did concerning the First Baptist request. Ms. Scott reminded the board that there is a training session the first week of May with Kentucky Heritage Council. Ms. Dowdy said that Planning Staff would send out a reminder. She thought the session was either May 5th or 6th. She explained that the Heritage Council would be in Murray taking a look at some of the downtown buildings. Murray Main Street Manager, Deena Wright indicated that they would be willing to present a short workshop. It will be open to the Architectural Review Board, the Board of Zoning Adjustments, the Planning Commission and the City Council members. Chairman Krieb announced that David Roberts will be presenting the Planning Department budget and the Police Department will be presenting their budget at a meeting on the following Thursday at 5:30 p.m. The proposed position of Code Enforcement Officer will be part of that discussion. If anyone is able to attend and show support that will be appreciated.

Adjournment: Bobbie Weatherly made a motion to adjourn. The meeting adjourned at 5:35 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray