

**MURRAY BOARD OF ZONING ADJUSTMENTS  
SPECIAL CALLED MEETING  
WEDNESDAY, NOVEMBER 28, 2018  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special called session on Wednesday, November 28, 2018 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

**Board Members Present:** John Krieb, Bobbie Weatherly, Mike Faihst, Terry Strieter, Josh Vernon and Jim Foster (*entered meeting at 4:40 p.m.*)

**Board Members Absent:**

**Also Present:** Maurice Thomas, Justin Smith, Jeremy Buchanan, Attorney David Perlow and Jimmy Myers

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He explained that this special called BZA meeting was to make up for the previously scheduled November 14<sup>th</sup> meeting that was cancelled because of weather conditions. Maurice Thomas called the roll. Chairman Krieb then asked for a motion to approve the minutes from the October 17, 2018 regular BZA meeting.

**Mike Faihst made a motion to approve the minutes from the October 17, 2018 regular BZA meeting as corrected. Terry Strieter seconded the motion and the motion carried unanimously.**

**Public Hearing: Request for a Dimensional Variance to allow an accessory structure in the front yard at the property located at 833 Glendale Road – Applicant: Glen Joiner:**

Justin Smith described the request from Glen Joiner to allow a carport to be placed in the existing driveway located in the front yard of the duplex at 833 Glendale Road. Mr. Joiner rents this property. He is an elderly gentleman who has a hard time getting around and he is hoping to keep his vehicle out of the winter conditions while he lives at this duplex. Justin explained that Mr. Joiner had a health scare the previous night; therefore, he was not in attendance but he sent a representative to speak on his behalf. Justin used a Power Point to show pictures he had taken at the site. During the 10 minute time span of taking the pictures, Mr. Joiner came outside to talk with Justin and afterwards, it took him the entire time that Justin was taking pictures to get back into the house from the driveway. Mr. Joiner has a scooter that he gets around on while inside his home. He said that just to reveal the circumstances that Mr. Joiner lives in. The driveway for 833 Glendale Road is off of South 9<sup>th</sup> Street. Mr. Joiner is proposing a 12 x 20 foot gray quality outdoor product structure. According to the Ordinance “*Accessory buildings are permitted only in rear yards and shall be located at least five feet from all lot lines except on corner lots where secondary yard restrictions will apply.*”

At this time Jeremy Buchanan came forward and spoke. He explained that he had met with Mr. Joiner numerous times. Mr. Joiner suffered a stroke 18 years ago and as a result, he wears a shoe that is built up to assist him in walking. About 6 months ago, Mr. Joiner moved to Murray from Dexter. The primary reason that he is requesting the carport is because of his inability to go out

and scrape a car. Mr. Joiner has approval from the property owner through their management company to have a carport. He is now asking permission from the Board. There was indication that the carport would be removed when Mr. Joiner no longer resides there.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

Jimmy Myers came forward and was sworn in. Mr. Myers was there on behalf of Mr. Joiner. He explained that Mr. Joiner would like to have the carport to park his car under to keep ice off the windows. He explained that he has known Mr. Joiner for approximately 8 years. After Mr. Joiner's wife passed away, he was unable to keep up the maintenance of his property so he decided to get an apartment in town where he wouldn't have to mow the yard any longer. Mr. Joiner goes to Crossroads every morning for breakfast. He currently sits in his car (with it running) until the windows clear since he is unable to scrape the ice off the windows himself. Mr. Myers is concerned that he will get sick sitting in a cold car waiting for the ice to melt. Mr. Myers concluded that he would take care of having the carport removed when Mr. Joiner no longer resides there.

No one came forward to speak in opposition; therefore, the public hearing was closed and the item turned over to the board for further discussion and a motion.

**Mike Faihst made a motion to grant the Variance for an accessory building in a front yard for 833 Glendale Road on the condition that the structure will remain there as long as Mr. Joiner is living there. Once he is no longer residing there, the structure must be removed within 60 days. The testimony presented in this public hearing has shown based on the findings, it does not adversely affect 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 ordinance. Terry Strieter seconded the motion and the motion carried with a 6-0 roll call vote.**

**Approval of the Board of Zoning Adjustments By-Laws:** Jeremy Buchanan passed out revised copies of the proposed Board of Zoning Adjustments By-Laws. He explained some of the changes made to the By-Laws concerning members being adjusted by attrition, the officer positions for the BZA and Planning Commission and the officers recusing themselves or abstaining from a vote.

**Mike Faihst made a motion to approve the proposed amendments to the BZA By-Laws. Jim Foster seconded the motion and the motion carried unanimously.**

**Approval of the 2019 Board of Zoning Calendar:** Justin presented the 2019 calendar with the proposed monthly dates for the BZA meetings. Chairman Krieb asked for a motion to approve the calendar.

**Bobbie Weatherly made a motion to approve the calendar for the 2019 Board of Zoning Adjustments Regular Meetings as presented. Mike Faihst seconded the motion and the motion carried unanimously.**

Jeremy stated that to date there is nothing on the agenda for a December meeting. The BZA still does not have a Second Vice-Chairman; however, he suggested that they hold that item until January 2019 instead of having a meeting for the sole purpose of choosing one. Chairman Krieb said that if there is not a meeting in December, this will be Terry Strieter's last meeting since he will be joining the City Council. He thanked him for his service and wished him the best in his new role. Everyone was wished a Merry Christmas and a Happy New Year.

**Mike Faihst made a motion to adjourn at 5:03 p.m. Josh Vernon seconded the motion and the motion carried unanimously.**

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Chairman, John Krieb

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Recording Secretary, Reta Gray