

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MARCH 20, 2019
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, March 20, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Board Members Present: John Krieb, Mike Faihst, Josh Vernon, Carmen Garland, Jim Foster, Bobbie Weatherly and Paula Hulick

Board Members Absent: None

Also Present: Maurice Thomas, Justin Smith, Jeremy Buchanan, Zach Warren, Attorney David Perlow, Jim Osborne, Mayor Rogers and Attorney Dennis Courtney

Chairman Krieb called the meeting to order and welcomed all guests, applicants and the two new Board members. Maurice Thomas called the roll. Chairman Krieb then asked for a motion to approve the minutes from the February 20, 2019 regular BZA meeting.

Mike Faihst made a motion to approve the minutes from the February 20, 2019 regular BZA meeting. Jim Foster seconded the motion and the motion carried unanimously.

At this time Maurice Thomas swore in the new BZA members Carmen Garland and Paula Hulick.

Approval of the Board of Zoning Adjustment By-Laws: Justin noted the Secretary position for the Board of Zoning Adjustment would be changed to Second Vice-Chair and that the number of members would be changed from five to seven.

Mike Faihst made a motion to approve the By-Laws as corrected. Josh Vernon seconded the motion and the motion carried unanimously.

Public Hearing: A Dimensional Variance request for an accessory structure in a secondary front yard and a secondary front yard setback at the property located at 104 South 15th Street – Dennis J. Courtney: Justin Smith explained that the property is located at the northwest corner of the intersection of Poplar and South 15th Street and zoned R-4. The surrounding properties are R-4 (Multi-Family Residential), G (Government) and B-1 (Neighborhood Business). Mr. Courtney currently operates a law office at this location and is seeking approval to allow a 24' x 21' carport to be located in the secondary yard. The focus of this request will be on the secondary yard because the property is on a corner. There is a parking lot to the south of the building with enough space to accommodate this request. The carport would set back approximately 36 feet from the property line off Poplar Street and 63 feet from the property line off South 15th Street. This location will meet the minimum 25 foot setback requirement for both the front yard and the secondary yard. Justin explained that this property only has a five foot backyard; therefore, there is not enough room for a carport in the back. Mr. Courtney currently has six parking spaces. If he is allowed to place a carport on the property, he

will lose one of those spaces. By adding a two space carport, he will actually gain one space with an overall total of seven parking spaces. Staff is not opposed to allowing the Variance for this accessory structure in a secondary yard provided that the Board of Zoning Adjustment finds that granting the Variance is reasonable and necessary. Justin added that since the letters went out to nearby property owners, Planning Staff has received two calls. Each indicated that they did not object to the request for the carport.

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

Dennis Courtney came forward and was sworn in. Mr. Courtney stated that he bought the near 100 year old house some 16 or 17 years ago. Since that time, he gutted the house and spent approximately \$125,000.00 remodeling it to be a fine structure. The primary reason for wanting the carport is so that his secretary doesn't have to walk in inclement weather while getting to and from the office entrance. He indicated that he is basically lazy and that even though he shoveled snow for his secretary in the past, he was not able to do it anymore. Mr. Courtney stated that he plans to put up a nice structure with opened sides. The roof siding of the carport will match the siding on the building. His plans are to continue practicing law at this location for a while longer and he would appreciate approval for his request. He concluded that he would not put the structure there unless it was aesthetically pleasing.

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

Jim Foster made a motion to grant the Variance for an accessory structure in a secondary yard at 104 South 15th Street. 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. Mike Faihst seconded the motion and the motion carried with a 7-0 roll call vote.

Questions and Comments: Justin reminded the Board that there is a Special Called BZA meeting on March 28th at 10:00 a.m. At this time, Chairman Krieb called for a motion to adjourn.

Mike Faihst made a motion to adjourn at 4:49 p.m. Carmen Garland seconded the motion and the motion carried unanimously.

Chairman, John Krieb

Recording Secretary, Reta Gray