

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JULY 17, 2013
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 17, 2013 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Scott Seiber, John Krieb, Brad Darnall, Mary Anne Medlock and Josh Vernon

Board Members Absent: None

Also Present: Candace Dowdy, Justin Crice, Reta Gray, Officer Todd Clerc, Hawkins Teague, Kevin Perry, Kenneth Adams, Scott Adams, Troy Stovall, Cody Howland and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Chairman Krieb asked if there were any changes, additions or deletions to the June 19, 2013 regular meeting.

Josh Vernon made a motion to approve the BZA minutes from June 19, 2013 regular meeting as presented. Scott Seiber seconded the motion and the motion carried unanimously.

Public Hearing: Conditional use permit request for a proposed residential planned development project located at 1405 Main Street – Kenneth & Scott Adams: Candace Dowdy explained that the property at 1403 and 1405 is currently two tracts of land (1.29 acres) and is located in a B-1 (Neighborhood Commercial) zoning district that allows residential planned development projects as a conditional use. This property is surrounded by Government zoning, R-4 (Multi Family Residential) zoning to the north and south, and B-1 (Neighborhood Commercial) to the East and West. The property currently has multiple residential structures on it that are in disrepair. Kenneth and Scott Adams are proposing the development this property. The preliminary plat was approved by the Planning Commission the previous night and it is now before the BZA for a conditional use permit as a part of the PDP process. Ms. Dowdy stated when this proposal was reviewed by the Planning Commission in May some of the commissioners and neighbors requested that the developers avoid building barracks type buildings. They suggested some type of design that would give a more pleasing appearance blending with the historic character of the Main Street corridor. There was also a suggestion by one of the commissioners to add some sort of turnaround midway through the development to provide an emergency exit route. A PowerPoint presentation was used to show conceptual drawings of the development. Ms. Dowdy said that the developers had attempted to fulfill some of the requests made previously. The preliminary plat shows two two-story buildings with a total of 24 two bedroom units. The building on the west side is showing 14 units with a bump out to somewhat break up the straight lines of the facade. The building on the east side shows 10 units with different facades and covered porches. The buildings will be bricked on the bottom and with vinyl siding on the second floor. Some of the units will have different colors. The size of each unit will be 16 feet x 30 feet. All building setbacks are being met. The property has one 24 foot wide access off Main Street with traffic flowing in a one way direction around the development. Ms. Dowdy stated that one of the drive aisles is shown to be 12 feet wide and the other is 12.62 feet wide. These widths will need to be adjusted to accommodate fire and sanitation trucks. The plat shows a bike rack in the center median area along with green space, a couple of picnic tables and parking.

There is an 8 foot privacy fence shown as the required screening along the south side of the property. Evergreens are shown on the east and west sides which will serve as a buffer to the adjoining commercial properties. The preliminary plat shows a four (4) foot sidewalk in front of each building with green space between the sidewalk and the building. The developers are also proposing a black wrought iron fence along the front of the development. Chairman Krieb said that the commissioners had suggested that they turn the fence back towards the buildings at both ends to help enclose the development. Mary Anne Medlock then suggested that the developers add a brick column on either side of the entrance. Ms. Dowdy stated that the Sanitation Department had approved the location for the dumpster on the south side of the property. The developers left a large green space area along the back of the property for the stormwater detention. 72 parking spaces are required for this development; however, to provide more green space the developers are proposing 51 parking spaces with three (3) handicap spaces. The developers indicated they might add a few additional spaces in the center median by cutting down on the green space if necessary. The owners plan to have assigned parking spots for their tenants. In the past, the BZA has considered granting a variance for PDP's of this nature based on 1.5 parking spaces per unit. One neighbor came forward during the Planning Commission meeting and stated that he would like to see more parking and less green space based on the fact that he lives on 14th Street and he already experiences a lot of college students parking in an unruly nature in his neighborhood. Ms. Dowdy explained that since this development is in close proximity with MSU, there could be some tenants that do not have vehicles and choose to walk. She added that there is also a MSU parking lot across the street that would be available for students. There is a vacant lot that is to the east of this development that is owned by someone else; thus, it is not know at this time if overflow parking will be allowed. Ms. Dowdy continued that the plan is showing that all apartments have a back door for safety purposes; however, the developers might decide to change that to a window as the planning for the development progresses. Hopefully, that would help eliminate the opportunity to "hang out" in the backyard since the owners have no intention of constructing patios back there. Ms. Dowdy pointed out that the buildings on the west side are only going to be about 10 feet off of the property line. Mr. Seiber said that since Leland Cypress trees mature to a 20 foot base, they probably wouldn't be practical in that spot; thus, the developers might have to look at some other type of tree for a buffer on the west side. Mr. Seiber commented that this proposal would be a vast improvement over what is currently there.

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

Kevin Perry, 706 Glendale Road, Murray was sworn in. Mr. Perry passed out some drawings to the board members. He then stated that the plan that he had presented to the board has included some of the things that were discussed the previous night at the Planning Commission meeting. Previously there was a wood fence noted on the plans and they have changed that to a vinyl fence. The cast iron fence returns were added curving back toward the buildings and they have added eight parking spaces. Mr. Perry explained that he initially thought the angled parking spaces were 20 feet long, when in fact they were only 18 feet long; therefore, they chose to lose the sidewalk between the parking areas in order to get the 16 foot aisle ways. Mr. Perry clarified that they would not be using Leland Cypress trees; however, they would let a professional landscaper determine what tree would work in that area. Ms. Medlock asked whether they had

decided to use doors or windows on the back of the units. Mr. Perry replied they would be using windows. Chairman Krieb asked if this would meet the fire codes for exits and Mr. Perry replied that it would. Chairman Krieb said that change was a good decision as it would help to eliminate gatherings outside in the backyard; thus, keep the noise level down for the neighbors. He added that the design was impressive. He said he was pleased with the color scheme and the variations that give a better appearance.

Scott Adams, 375 McDay Lane, Dexter was sworn in. Mr. Adams said that each time they come before one of the boards they walk away with new ideas. They are still “fine tuning” as they get ideas; however, there is a point where they have to stop adding on to the development because of increasing financial burdens. The suggestion to change some of the colors on the façade of the buildings had made a tremendous difference in the appearance without any additional costs. Mr. Adams said that they owned a construction business and installing vinyl is one of the things they are fluent in doing; thus, the choice for the vinyl on the top of the buildings. Ms. Medlock said that she would like to make a suggestion that they try to keep the color scheme to somewhat of a historical nature. Mr. Adams said that they have found that earth tones usually are good choices. Currently they are showing a couple of street lamps on the plans and for safety reasons they will need additional lighting on the back of the buildings. Ms. Dowdy said that certainly they did not want to put anything in the back that would be obnoxious to the neighbors. Mr. Darnall suggested that putting an outdoor light on each unit with an indoor light switch might be a solution to deliver a safer environment. Ms. Dowdy said that the columns were mentioned for the front entrance and it might be good to put lights on the top of these to give a little lighting to the entrance. Mr. Adams said that Mr. Vernon had brought up a good point in that there would not be any sunlight between the building on the west and T.C. Dinh’s building suggesting that maybe a vinyl fence in that area would be best for screening on that side of the property as well. Mr. Adams described the layout of the apartments as two bedrooms upstairs with the kitchen, living room and utility room downstairs. As they get down to the actual design, they will try to incorporate two baths for each unit. Chairman Krieb stated that he liked the “bump out” on the larger building and suggested bricking the entire section that is “bumped out”. Mr. Adams stated that they want to bring back a final plat that both the boards can agree on and that the owners can afford. Right now they are facing a slight issue with the sewer lines on Main Street not being adequate. There is a line on 14th Street that runs across the vacant lot. Mr. Adams said that dealing with the owners of that property has proven to be a challenge and at this point they are still in negotiation in just getting an easement with them. They will be meeting with the Civil Engineer and David Roberts the next day to see their options and try to come up with a solution.

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

Scott Seiber made a motion to approve the conditional use permit request for the proposed residential planned development project at 1403 and 1405 Main Street for Kenneth & Scott Adams. He also moved to approve a 13 space parking variance at this location. This is contingent upon Final Plat approval by the Planning Commission, stormwater detention plans being submitted and approved, and the project meeting all other city regulations. Mr. Seiber added that the Adams should continue to work with Planning Staff to make any

necessary changes. Brad Darnall seconded the motion and the motion carried with a roll call vote of 5-0.

Review of Revised Final Plat – Revised plat for residential planned development project on Lowes Drive – Troy Stovall: Candace Dowdy read a section of the PDP regulations aloud explaining the reason this item is being brought back before the board. She stated that the intent for the project has not changed; however, Mr. Stovall had made some changes and submitted a revised final plat to Planning Staff. Justin Crice used a Power Point presentation to show the property on Lowes Drive where Troy Stovall is proposing a residential planned development project. Mr. Stovall received final plat approval from the Planning Commission on this proposal in March of this year. A conditional use permit was approved by the BZA for this PDP in February with a 56 space parking variance. In the process of doing some site grading, Mr. Stovall felt there was an opportunity to improve the flow of traffic on the property and lay out the development somewhat differently. The proposed change is on the west side of the development where the drive aisle will now be located between two buildings. In doing this, Mr. Stovall will be moving a building on the west side of the property forward past the required 50 feet front yard setback line. Mr. Stovall did receive a 15 foot front yard setback variance on the north side of the property if it was deemed necessary. Mr. Stovall is also requesting to add an additional unit to a building that previously had three units on the north side that is now being proposed as four units. This additional unit will bring the total number of units on the property to 60. Two parking spaces were added for the additional unit. Mr. Crice stated Mr. Stovall is also proposing to change the order of how the phases will be developed. Phase I will now encompass the entrance to the property and the southwest corner of the development with 22 units. Phase II will be the southeast corner of the property with 22 units and Phase III will finish with 16 units on the north side nearest the detention area. The units will still be the same size at 16.6 feet x 36 feet. The property will still maintain a minimum 24 foot drive aisle around the development. Mr. Crice explained that originally they intended on building a retaining wall in the rear of the buildings but later decided to back the structure into the hillside where the first floor will have a walkout basement in the front.

Chairman Krieb asked Mr. Stovall to come forward.

Troy Stovall, 151 Lakesong Lane, Murray was sworn in. Mr. Stovall explained that construction will be easier as the phases are shown now. Once the first phase is built, construction can go around the back side while constructing Phase II and not be running through the newly constructed Phase I. He continued that with the original driveway, the elevation was so far off that they were going to have to put in retaining walls. The new drive will be more appealing leaving more green space. The basement areas will have walls poured on the sides and the area will be sloped between the buildings. As Mr. Crice had stated, they decided to back the structure into the hillside where the first floor will have a walkout basement in the front. The kitchen and living room will be located on the first floor and the bedrooms will be on the second floor with a ground level exit. There will be patios off the back also. Mr. Stovall said that he had found that no one actually uses the patios; however, everyone wants one. Mr. Stovall stated that the buildings will be bricked. He has found that vinyl eventually has to be replaced, but brick is there forever.

Chairman Krieb asked the board for any additional comments and there were none; thus, he asked for a motion.

Josh Vernon made a motion to approve the Revised Final Plat for the Residential Planned Development Project on Lowes Drive for Troy Stovall as presented with the addition of one unit with the north & northwest buildings being located 35 feet off the front property line. This is contingent upon stormwater detention plans being submitted and approved with the project meeting all other city regulations. There will not be any need for guard rails between the units because the grade is going to slope downward between the units. Brad Darnall seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Appeal of decision made by zoning official – 811 Sycamore Street – The Breakaway Lounge: Justin Crice used a Power Point presentation to show the property at 811 Sycamore Street (located in a B-2 zone) where Cody Howland opened The Breakaway Lounge in December of 2012. At that time the inside of the building was approved for being up to code. This property is owned by Charlie Adams and Mr. Howland leases the building. Mr. Howland operates this facility as a hookah lounge and a novelty store. This property has been used in the past as a used car lot and a service station/convenience store. Planning Staff noticed in March of this year that the free standing sign on the property had been altered and requested a meeting with Mr. Howland. In April a meeting was held with Planning Staff and Cody Howland to discuss the free standing sign. It was agreed upon that Mr. Howland and the property owner would work to remove the top portion of the free standing sign that had a panel missing from it. (The top portion of the sign has been taken off as Planning Staff requested and the business's sign is located in the bottom portion of the existing frame.) During the April meeting Mr. Howland asked David Roberts and Justin Crice about the possibility of putting an outdoor seating area under the old gas pump canopy to prevent vehicles from cutting through the parking lot. Mr. Roberts said they would look into it and get back with Mr. Howland. Planning Staff observed and noted to file on April 18th 2013, that Mr. Howland had erected an outdoor seating area underneath the existing canopy located in the front yard. At that time Planning Staff sent a letter to Mr. Howland asking him to contact the Fire Marshal for applicable code regulations regarding outdoor seating entries/exits, fire extinguishers, and fire retardant seating. After speaking with Fire Marshal Dickie Walls, it was determined that this structure was not in compliance with fire codes. Mr. Walls indicated that he did not officially do an inspection, but if he had, he would have shut it down. The Fire Marshal noted that there were some extension cords outside that he would have had Mr. Howland remove or bring up to code as soon as possible. This structure is also violating building codes. Since the structure is enclosed it would have an occupant load with capacities and need for appropriate entries and exits. Planning Staff felt that Mr. Howland has altered a non-conforming canopy that is located in a front yard; thus, it was requested that Mr. Howland either remove the building/structure from the property or appeal this decision to the Murray Board of Zoning Adjustments. Mr. Howland was notified of this on May 2, 2013 and asked to respond to the letter within three days after receipt of that letter. Mr. Crice said that Mr. Howland did not notify Planning Staff of removing the structure or a decision to appeal. After speaking with Mr. Howland via phone Planning Staff sent a follow up letter on June 12, 2013 to clarify the procedure to appeal the decision. Mr. Howland submitted a letter in writing on June 27, 2013 to appeal the decision made by Planning Staff.

This canopy/accessory structure is located in a front yard. It does not maintain the required 50 foot front yard setback or 25 foot secondary street setback. The required rear set back would be 25 feet and the eastern side yard setback would be 25 feet since it is adjacent to residential zoning. The canopy is a non-conforming structure; therefore, altering this structure makes it a violation of the Murray Zoning Ordinance in Section III, Article IV (D) (1). The free standing sign on the property is 29.8 feet from the centerline of Sycamore Street, putting it within the right-of-way. Sycamore has a 60 foot right-of-way through this portion of the street. The front edge of the canopy sets 10 feet from the property line/right of way line. The canopy is 20 feet x 22 feet and is approximately 18 feet tall. There are pallets that have been stacked up that are being used for seating and lattice sheets used as fencing around the structure. Mr. Crice said he spoke to the Building Official and if this structure is allowed, some more permanent means of fastening down the materials will need to take place. The current fencing is not fastened to the existing canopy in any fashion. There is some seating and landscaping that has also been added. The building is actually located on an angle on the rear property line; therefore, there would not be a place available in the rear yard for this structure. The canopy has been there for several years. It not only has an improper setback, is a foreign accessory structure located in the front yard and it not up to code. Ms. Dowdy added that this is not the only property around town where an old sign frame that was non-conforming had been used is this way. She said that over the years when the building was sitting vacant, the property owner should have removed the canopy and the sign since they were both non-conforming. Mr. Howland was probably not aware these items were non-compliant upon opening his business; however, if he ever chooses to move from this location the property owner will be notified that these structures must come down in order to bring the property into compliance. She said that any signage thereafter would have to comply with current regulations.

Mary Anne Medlock asked when Planning Staff met with Mr. Howland in March, how long it took Planning Staff to get back with him regarding the canopy/outdoor space. Mr. Crice replied that they had a meeting in early April (around the 8th) with Mr. Howland, but did not have a chance to inform Mr. Howland that the canopy/outdoor space would not be allowed before they noticed he had already constructed it. Mr. Crice said during the meeting they had asked him about the pallets that were on site and what he planned to do with them. Mr. Howland had indicated that he had a lot of traffic that uses his parking lot as a cut through and he asked Planning Staff what they thought about him making a seating area under the canopy. Ms. Dowdy confirmed that Mr. Roberts had told Mr. Howland during the early April meeting that he would have to look at the Ordinance and see if his request would be possible and before they had a chance to get back to him, it was noted that by April 18th the seating area had already been constructed. At that time they sent Mr. Howland a letter (May 2nd). He did not respond. Mr. Crice said that he felt like Planning Staff didn't clarify themselves in the first letter, so they contacted Mr. Howland by phone and also sent a follow up letter on June 12th. This letter explained the appeal process. Then on June 27th, Mr. Howland submitted a letter to Planning Staff requesting the appeal.

Chairman Krieb stated that it is Mr. Howland's right to appeal the decision made by the Planning Staff. He added that the board's role at this time to either to agree or disagree with the Planning Staff's decisions. The Zoning Ordinance states in Section III, Article IV (D) (1) *no such non-conforming structure may be enlarged or altered in a way which increases its non-conformity*

but any structure or portion thereof may be altered to decrease its non-conformity. Mr. Krieb continued that the sign (which is not an issue) has decreased its non-conformity; however, the canopy (which is the issue) has been increased in non-conformity. Scott Seiber asked if Mr. Howland had come before the board before he made the changes, if his request could have been approved. Ms. Dowdy stated that she was not sure. She said that the original purpose of the canopy a cover for gas pumps so there was no occupancy load to it. Now this non-conforming structure has been changed from one non-conforming use to another non-conforming use which increases the non-conformity. Since checking with the Building Official and Fire Marshal, by constructing an enclosed seating area this has added an occupancy load to the structure. According to the Fire Marshal, Mr. Howland has to now meet fire codes which include the type of material and the appropriate ingress/egress accessibility. Ms. Dowdy replied that she is not sure that Mr. Howland can have a seating area there at all. She said that he could probably leave the canopy there and put up some type of barriers to keep traffic from coming through his parking lot or provide parking spaces underneath it. Chairman Krieb asked if the board should decide that Mr. Howland could not continue to have the outdoor seating under the canopy, would there be anything to prevent Mr. Howland from having another outdoor seating area connected to the front of the building or along either side. Mr. Dowdy replied that that might be a possibility to have a small enclosed area with seating or some tables with umbrellas; however, he would have to get a building permit if he attached anything to the building. Ms. Medlock stated that it was her understanding that Mr. Howland had constructed the seating area to deter the traffic from cutting through his parking lot and that he might not even want an outdoor seating area. Ms. Medlock thought they needed to hear from Mr. Howland.

Chairman Krieb opened the public hearing and asked Mr. Howland to come forward.

Cody Howland, 204 South 16th, Murray was sworn in. Mr. Howland said that the only reason that he had turned the canopy into a covered seating area was because he had a couple of customers almost get their cars hit by traffic cutting through his parking lot; thus, he constructed this area to keep it from being used as a cut-thru. He continued that he actually had the lattice and seating spots there before the meeting with Planning Staff. At that time, Planning Staff told him not to do anything else to the space until they got back to him. Mr. Howland said that Crice indicated that Planning Staff had received numerous complaints that the space was tacky. Mr. Howland continued that since it has been so hot outside, the outdoor space is not being used. Technically he could remove it and he wouldn't really lose anything. Mr. Howland said that he can't afford to use the outdoor awning lights; thus, it is pretty dark in that area at night time. He said that he had actually put up railroad ties on each side of the awning to try to stop the traffic and there were still those with trucks that drove right over them. Mr. Seiber asked why others were cutting through there. Mr. Howland replied to avoid the stop sign. He continued that even though the parking lot is nearly packed at times, there is still traffic cutting through. Ms. Dowdy suggested that Mr. Howland get concrete stop blocks and define the parking areas with striping to stop that traffic from cutting through. Ms. Medlock asked if Mr. Howland had discussed the situation with his landlord to see if he would be willing to remove the canopy. He replied that he had spoken to Mr. Adams about this and Mr. Adams was concerned that if he removed the canopy, traffic would drive through faster with the canopy gone. Mr. Howland explained that his business attracts the Saudi Arabians (mostly MSU students) because he has a hookah lounge. He is concerned that the kind of crowd that he draws is why he is getting so much disrespect. Mr.

Crice asked Mr. Howland the hours of operation for his business. Mr. Howland replied 1:00 p.m. to 2:00 a.m. He's not that busy during all of that time; however, the Saudi's like to come at 1:30 and stay until 4:00 a.m. Mr. Vernon suggested that as Mr. Howland tries to coordinate his income with his upkeep or benefit to his site, he needs to design the parking lot so that it prohibits people from pulling through. He said that some of the costs may be able to be negotiated with the landlord. He added that in the long term, it is the BZA's responsibility to see that if any improvements are made to the property they are in compliance with the codes and ordinances of the city. Ms. Dowdy said that Mr. Howland needs a defined entrance and exit to the business. She suggested that Mr. Howland look at Friendly Liquor's business on the corner of 4th and Sycamore. She said that the state had recently required them to put up white stop blocks to keep traffic from coming in and out from all directions. She added that might be an option for his business as well. Mr. Darnall said that the BZA has to follow the Ordinance. He added that if this seating arrangement was to solve the problem of people driving across his lot, he thinks that the board has offered him some other solutions that would help him be in compliance. Mr. Seiber said that traffic cutting through parking lots to avoid traffic lights or stop signs is a chronic problem on any corner lot in Murray. Chairman Krieb suggested that Mr. Howland talk with his landlord to get rid of the canopy and put up the parking barriers.

Mr. Howland stated that when the Fire Marshal came by, he was concerned that the pallets were from an establishment that had handled food items; therefore, the possibility of spreading germs by contamination. Mr. Howland clarified that the pallets were from the Pepsi Company and they had not been in contact with any food products. He said that he had removed the extension cord that the Fire Marshal had said was not acceptable. Mr. Howland stated that he was weed eating at the time the Fire Marshal visited and had a gas can setting next to the seating area which was another violation. He continued to say that all the seating and carpet in the hookah smoking area had been treated with fire retardant spray. Mr. Howland said that the Fire Marshal had indicated to him that he wouldn't pass the structure because the seats were not stable, but if everything was stabilized and there was no explosive material (such as the gas can) next to it, he would have passed it. Mr. Howland stated that if he is allowed to keep the seating area, he will attach the lattice to the metal poles. Mr. Vernon explained in order to put an occupancy load under the canopy Mr. Howland will have to get a building permit. In order to get a building permit, he will have to present a set of plans to the city for their approval. In order to get that approval, he will have to ask for a variance on a setback. Chairman Krieb said that there are two different issues they are dealing with. One is the parking and people driving through the lot and the other is the seating under the canopy. The issue for the BZA is to decide if the Planning Staff was correct in telling Mr. Howland that he could not have the structure built under the canopy because it was non-conforming. He added that if Mr. Howland would still like outdoor seating available, that is something that he will have to work out with the Planning Department. Chairman Krieb concluded that Planning Staff could approach the property owner concerning how the property can be brought into compliance. Mr. Seiber and Mr. Darnall each expressed their concerns for the situation that Mr. Howland is in (the parking and traffic cutting through his business's lot); however, those were items to be worked out by him, the landlord and the police.

The public hearing was closed and Chairman Krieb turned it over to the board for discussion and a motion.

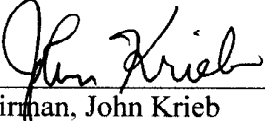
Brad Darnall made a motion to affirm the decision made by the Planning Staff regarding The Breakaway Lounge. Mr. Howland is to be given 30 days to bring the property back into its original non-conforming state. Mary Anne Medlock seconded the motion and the motion carried with a 5-0 roll call vote.

Amend Bylaws: Section V – Reimbursement: Ms. Dowdy explained that during the budget process of the City Council an increase in compensation was adopted for the different boards. The increase in compensation will go from \$40 to \$50 per meeting attended. Ms. Dowdy said that she needed a motion to amend the bylaws stating this change.


Scott Seiber made a motion to amend Section V – Reimbursement of the Bylaws to increase the compensation for the Board of Zoning from \$40 to \$50 per meeting attended. Brad Darnall seconded the motion and motion carried unanimously.

Questions and Comments: Chairman Krieb noted that there are now two vacancies on the board and he encouraged the board to make some recommendations for new members to the Planning Staff. He added that Mike Faihs had recently been selected for the BZA and then an opportunity became available on the City Council where he preferred to serve; thus, he resigned the BZA.

Adjournment: Scott Seiber made a motion to adjourn. Josh Vernon seconded the motion and the motion carried unanimously. The meeting adjourned at 6:00 p.m.



Chairman, John Krieb



Recording Secretary, Reta Gray

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Board Members Present: Scott Seiber, John Krieb, Brad Darnall, Mary Anne Medlock and Josh Vernon

Board Members Absent: None

Also Present: Candace Dowdy, Justin Crice, Reta Gray, Officer Todd Clere, Hawkins Teague, Kevin Perry, Kenneth Adams, Scott Adams, Troy Stovall, Cody Howland and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Chairman Krieb asked if there were any changes, additions or deletions to the June 19, 2013 regular meeting.

Josh Vernon made a motion to approve the BZA minutes from June 19, 2013 regular meeting as presented. Scott Seiber seconded the motion and the motion carried unanimously.

Public Hearing: Conditional use permit request for a proposed residential planned development project located at 1405 Main Street — Kenneth & Scott Adams: Candace Dowdy explained that the property at 1403 and 1405 is currently two tracts of land (1.29 acres) and is located in a B-1 (Neighborhood Commercial) zoning district that allows residential planned development projects as a conditional use. This property is surrounded by Government zoning, R-4 (Multi Family Residential) zoning to the north and south, and B-1 (Neighborhood Commercial) to the East and West. The property currently has multiple residential structures on it that are in disrepair. Kenneth and Scott Adams are proposing the development this property. The preliminary plat was approved by the Planning Commission the previous night and it is now before the BZA for a conditional use permit as a part of the PDP process. Ms. Dowdy stated when this proposal was reviewed by the Planning Commission in May some of the commissioners and neighbors requested that the developers avoid building barracks type buildings. They suggested some type of design that would give a more pleasing appearance blending with the historic character of the Main Street corridor. There was also a suggestion by one of the commissioners to add some sort of turnaround midway through the development to provide an emergency exit route. A PowerPoint presentation was used to show conceptual drawings of the development. Ms. Dowdy said that the developers had attempted to fulfill some of the requests made previously. The preliminary plat shows two two-story buildings with a total of 24 two bedroom units. The building on the west side is showing 14 units with a bump out to somewhat break up the straight lines of the facade. The building on the east side shows 10 units with different facades and covered porches. The buildings will be bricked on the bottom and with vinyl siding on the second floor. Some of the units will have different colors. The size of each unit will be 16 feet x 30 feet. All building setbacks are being met. The property has one 24 foot wide access off Main Street with traffic flowing in a one way direction around the development. Ms. Dowdy stated that one of the drive aisles is shown to be 12 feet wide and the other is 12.62 feet wide. These widths will need to be adjusted to accommodate fire and sanitation trucks. The plat shows a bike rack in the center median area along with green space, a couple of picnic tables and parking.

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There is an 8 foot privacy fence shown as the required screening along the south side of the property. Evergreens are shown on the east and west sides which will serve as a buffer to the adjoining commercial properties. The preliminary plat shows a four (4) foot sidewalk in front of each building with green space between the sidewalk and the building. The developers are also proposing a black wrought iron fence along the front of the development. Chairman Krieb said that the commissioners had suggested that they turn the fence back towards the buildings at both ends to help enclose the development. Mary Anne Medlock then suggested that the developers add a dump column on either side of the entrance. Ms. Dowdy stated that the Sanitation Department had approved the location for the dumpster on the south side of the property. The developers left a large green space area along the back of the property for the stormwater detention. 72 parking spaces are required for this development; however, to provide more green space the developers are proposing 51 parking spaces with three (3) handicap spaces. The developers indicated they might add a few additional spaces in the center median by cutting down on the green space if necessary. The owners plan to have assigned parking spots for their tenants. In the past, the BZA has considered granting a variance for PDP's of this nature based on 1.5 parking spaces per unit. One neighbor came forward during the Planning Commission meeting and stated that he would like to see more parking and less green space based on the fact that he lives on 14th Street and he already experiences a lot of college students parking in an unruly nature in his neighborhood. Ms. Dowdy explained that since this development is in close proximity with MSU, there could be some tenants that do not have vehicles and choose to walk. She added that there is also a MSU parking lot across the street that would be available for students. There is a vacant lot that is to the east of this development that is owned by someone else; thus, it is not know at this time if overflow parking will be allowed. Ms. Dowdy continued that the plan is showing that all apartments have a back door for safety purposes; however, the developers might decide to change that to a window as the planning for the development progresses. Hopefully, that would help eliminate the opportunity to "hang out" in the backyard since the owners have no intention of constructing patios back there. Ms. Dowdy pointed out that the buildings on the west side are only going to be about 10 feet off of the property line. Mr. Seiber said that since Leland Cypress trees mature to a 20 foot base, they probably wouldn't be practical in that spot; thus, the developers might have to look at some other type of tree for a buffer on the west side. Mr. Seiber commented that this proposal would be a vast improvement over what is currently there.

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

Kevin Perry, 706 Glendale Road, Murray was sworn in. Mr. Perry passed out some drawings to the board members. He then stated that the plan that he had presented to the board has included some of the things that were discussed the previous night at the Planning Commission meeting. Previously there was a wood fence noted on the plans and they have changed that to a vinyl fence. The cast iron fence returns were added curving back toward the buildings and they have added eight parking spaces. Mr. Perry explained that he initially thought the angled parking spaces were 20 feet long, when in fact they were only 18 feet long; therefore,

they chose to lose the sidewalk between the parking areas in order to get the 16 foot aisle ways. Mr. Perry clarified that they would not be using Leland Cypress trees; however, they would let a professional landscaper determine what tree would work in that area. Ms. Medlock asked whether they had
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decided to use doors or windows on the back of the units. Mr. Perry replied they would be using windows. Chairman Krieb asked if this would meet the fire codes for exits and Mr. Perry replied that it would. Chairman Krieb said that change was a good decision as it would help to eliminate gatherings outside in the backyard; thus, keep the noise level down for the neighbors. He added that the design was impressive. He said he was pleased with the color scheme and the variations that give a better appearance. Scott Adams, 375 McDay Lane, Dexter was sworn in. Mr. Adams said that each time they come before one of the boards they walk away with new ideas. They are still "fine tuning" as they get ideas; however, there is a point where they have to stop adding on to the development because of increasing financial burdens. The suggestion to change some of the colors on the façade of the buildings had made a tremendous difference in the appearance without any additional costs. Mr. Adams said that they owned a construction business and installing vinyl is one of the things they are fluent in doing; thus, the choice for the vinyl on the top of the buildings. Ms. Medlock said that she would like to make a suggestion that they try to keep the color scheme to somewhat of a historical nature. Mr. Adams said that they have found that earth tones usually are good choices. Currently they are showing a couple of street lamps on the plans and for safety reasons they will need additional lighting on the back of the buildings. Ms. Dowdy said that certainly they did not want to put anything in the back that would be obnoxious to the neighbors. Mr. Darnall suggested that putting an outdoor light on each unit with an indoor light switch might be a solution to deliver a safer environment. Ms. Dowdy said that the columns were mentioned for the front entrance and it might be good to put lights on the top of these to give a little lighting to the entrance. Mr. Adams said that Mr. Vernon had brought up a good point in that there would not be any sunlight between the building on the west and T.C. Dinh's building suggesting that maybe a vinyl fence in that area would be best for screening on that side of the property as well. Mr. Adams described the layout of the apartments as two bedrooms upstairs with the kitchen, living room and utility room downstairs. As they get down to the actual design, they will try to incorporate two baths for each unit. Chairman Krieb stated that he liked the "bump out" on the larger building and suggested bricking the entire section that is "bumped out". Mr. Adams stated that they want to bring back a final plat that both the boards can agree on and that the owners can afford. Right now they are facing a slight issue with the sewer lines on Main Street not being adequate. There is a line on 14th Street that runs across the vacant lot. Mr. Adams said that dealing with the owners of that property has proven to be a challenge and at this point they are still in negotiation in just getting an easement with them. They will be meeting with the Civil Engineer and David Roberts the next day to see their options and try to come up with a solution.

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

Scott Seiber made a motion to approve the conditional use permit request for the proposed residential planned development project at 1403 and 1405 Main Street for Kenneth & Scott Adams. He also moved to approve a 13 space parking variance at this location. This is contingent upon Final Plat approval by the Planning Commission, stormwater detention plans being submitted and approved, and the project meeting all other city regulations. Mr. Seiber added that the Adams should continue to work with Planning Staff to make any

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necessary changes. Brad Darnall seconded the motion and the motion carried with a roll call vote of 5-0.

Review of Revised Final Plat — Revised plat for residential planned development project on Lowes Drive — Troy Stovall: Candace Dowdy read a section of the PDP regulations aloud explaining the reason this item is being brought back before the board. She stated that the intent for the project has not changed; however, Mr. Stovall had made some changes and submitted a revised final plat to Planning Staff. Justin Crice used a Power Point presentation to show the property on Lowes Drive where Troy Stovall is proposing a residential planned development project. Mr. Stovall received final plat approval from the Planning Commission on this proposal in March of this year. A conditional use permit was approved by the BZA for this PDP in February with a 56 space parking variance. In the process of doing some site grading, Mr. Stovall felt there was an opportunity to improve the flow of traffic on the property and lay out the development somewhat differently. The proposed change is on the west side of the development where the drive aisle will now be located between two buildings. In doing this, Mr. Stovall will be moving a building on the west side of the property forward past the required 50 feet front yard setback line. Mr. Stovall did receive a 15 foot front yard setback variance on the north side of the property if it was deemed necessary. Mr. Stovall is also requesting to add an additional unit to a building that previously had three units on the north side that is now being proposed as four units. This additional unit will bring the total number of units on the property to 60. Two parking spaces were added for the additional unit. Mr. Crice stated Mr. Stovall is also proposing to change the order of how the phases will be developed. Phase I will now encompass the entrance to the property and the southwest corner of the development with 22 units. Phase II will be the southeast corner of the property with 22 units and Phase III will finish with 16 units on the north side nearest the detention area. The units will still be the same size at 16.6 feet x 36 feet. The property will still maintain a minimum 24 foot drive aisle around the development. Mr. Crice explained that originally they intended on building a retaining wall in the rear of the buildings but later decided to back the structure into the hillside where the first floor will have a walkout basement in the front.

Chairman Krieb asked Mr. Stovall to come forward.

Troy Stovall, 151 Lakesong Lane, Murray was sworn in. Mr. Stovall explained that construction will be easier as the phases are shown now. Once the first phase is built, construction can go around the back side while constructing Phase II and not be running through the newly constructed Phase I. He continued that with the original driveway, the elevation was so far off that they were going to have to put in retaining walls. The new drive will be more appealing leaving more green space. The basement areas will have walls poured on the sides and the area will be sloped between the buildings. As Mr. Crice had stated, they decided to back the structure into the hillside where the first floor will have a walkout basement in the front. The kitchen and living room will be located on the first floor and the bedrooms will be on the second floor with a ground level exit. There will be patios off the back also. Mr.

Stovall said that he had found that no one actually uses the patios; however, everyone wants one. Mr. Stovall stated that the buildings will be bricked. He has found that vinyl eventually has to be replaced, but brick is there forever.

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Chairman Krieb asked the board for any additional comments and there were none; thus, he asked for a motion.

Josh Vernon made a motion to approve the Revised Final Plat for the Residential Planned Development Project on Lowes Drive for Troy Stovall as presented with the addition of one unit with the north & northwest buildings being located 35 feet off the front property line. This is contingent upon stormwater detention plans being submitted and approved with the project meeting all other city regulations. There will not be any need for guard rails between the units because the grade is going to slope downward between the units. Brad Darnall seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Appeal of decision made by zoning official — 811 Sycamore Street — The Breakaway Lounge: Justin Crice used a Power Point presentation to show the property at 811 Sycamore Street (located in a B-2 zone) where Cody Howland opened The Breakaway Lounge in December of 2012. At that time the inside of the building was approved for being up to code. This property is owned by Charlie Adams and Mr. Howland leases the building. Mr. Howland operates this facility as a hookah lounge and a novelty store. This property has been used in the past as a used car lot and a service station/convenience store. Planning Staff noticed in March of this year that the free standing sign on the property had been altered and requested a meeting with Mr. Howland. In April a meeting was held with Planning Staff and Cody Howland to discuss the free standing sign. It was agreed upon that Mr. Howland and the property owner would work to remove the top portion of the free standing sign that had a panel missing from it. (The top portion of the sign has been taken off as Planning Staff requested and the business's sign is located in the bottom portion of the existing frame.) During the April meeting Mr. Howland asked David Roberts and Justin Crice about the possibility of putting an outdoor seating area under the old gas pump canopy to prevent vehicles from cutting through the parking lot. Mr. Roberts said they would look into it and get back with Mr. Howland Planning Staff observed and noted to file on April 18th 2013, that Mr. Howland had erected an outdoor seating area underneath the existing canopy located in the front yard. At that time Planning Staff sent a letter to Mr. Howland asking him to contact the Fire Marshal for applicable code regulations regarding outdoor seating entries/exits, fire extinguishers, and fire retardant seating. After speaking with Fire Marshal Dickie Walls, it was determined that this structure was not in compliance with fire codes. Mr. Walls indicated that he did not officially do an inspection, but if he had, he would have shut it down. The Fire Marshal noted that there were some extension cords outside that he would have had Mr. Howland remove or bring up to code as soon as possible. This structure is also violating building codes. Since the structure is enclosed it would have an occupant load with capacities and need for appropriate entries and exits. Planning Staff felt that Mr. Howland has altered a non-conforming canopy that is located in a front yard; thus, it was requested that Mr. Howland either remove the building/structure from the property or appeal this decision to the Murray Board of Zoning Adjustments. Mr. Howland was notified of this on May 2, 2013 and asked to respond to the letter within three days after receipt of that letter. Mr. Crice said that Mr. Howland did not notify Planning Staff of removing the structure or a decision to appeal. After speaking with Mr. Howland via phone Planning Staff sent a follow up letter on June 12, 2013 to clarify the procedure to appeal the decision. Mr. Howland submitted a letter in writing on June 27, 2013 to appeal the decision made by Planning Staff.

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This canopy/accessory structure is located in a front yard. It does not maintain the required 50 foot front yard setback or 25 foot secondary street setback. The required rear set back would be 25 feet and the eastern side yard setback would be 25 feet since it is adjacent to residential zoning. The canopy is a non-conforming structure; therefore, altering this structure makes it a violation of the Murray Zoning Ordinance in Section III, Article IV (D) (1). The free standing sign on the property is 29.8 feet from the centerline of Sycamore Street, putting it within the right-of-way. Sycamore has a 60 foot right-of-way through this portion of the street. The front edge of the canopy sets 10 feet from the property line/right of way line. The canopy is 20 feet x 22 feet and is approximately 18 feet tall. There are pallets that have been stacked up that are being used for seating and lattice sheets used as fencing around the structure. Mr. Crice said he spoke to the Building Official and if this structure is allowed, some more permanent means of fastening down the materials will need to take place. The current fencing is not fastened to the existing canopy in any fashion. There is some seating and landscaping that has also been added. The building is actually located on an angle on the rear property line; therefore, there would not be a place available in the rear yard for this structure. The canopy has been there for several years. It not only has an improper setback, is a foreign accessory structure located in the front yard and it not up to code. Ms. Dowdy added that this is not the only property around town where an old sign frame that was non-conforming had been used is this way. She said that over the years when the building was sitting vacant, the property owner should have removed the canopy and the sign since they were both non-conforming. Mr. Howland was probably not aware these items were non-compliant upon opening his business; however, if he ever chooses to move from this location the property owner will be notified that these structures must come down in order to bring the property into compliance. She said that any signage thereafter would have to comply with current regulations.

Mary Anne Medlock asked when Planning Staff met with Mr. Howland in March, how long it took Planning Staff to get back with him regarding the canopy/outdoor space. Mr. Crice replied that they had a meeting in early April (around the 8th) with Mr. Howland, but did not have a chance to inform Mr. Howland that the canopy/outdoor space would not be allowed before they noticed he had already constructed it. Mr. Crice said during the meeting they had asked him about the pallets that were on site and what he planned to do with them. Mr. Howland had indicated that he had a lot of traffic that uses his parking lot as a cut through and he asked Planning Staff what they thought about him making a seating area under the canopy. Ms. Dowdy confirmed that Mr. Roberts had told Mr. Howland during the early April meeting that he would have to look at the Ordinance and see if his request would be possible and before they had a chance to get back to him, it was noted that by April 18th the seating area had already been constructed. At that time they sent Mr. Howland a letter (May 2nd). He did not respond. Mr. Crice said that he felt like Planning Staff didn't clarify themselves in the first letter, so they contacted Mr. Howland by phone and also sent a follow up letter on June 12th. This letter explained the appeal process. Then on June 27. Mr. Howland submitted a letter to Planning Staff requesting the appeal.

Chairman Krieb stated that it is Mr. Howland's right to appeal the decision made by the Planning Staff. He added that the board's role at this time is to either agree or disagree with the Planning Staff's decisions. The Zoning Ordinance states in Section III, Article IV (D) (1) no such nonconforming structure may be enlarged or altered in a way which increases its non-conformity

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but any structure or portion thereof may be altered to decrease its non-conformity. Mr. Krieb continued that the sign (which is not an issue) has decreased its non-conformity; however, the canopy (which is the issue) has been increased in non-conformity. Scott Seiber asked if Mr. Howland had come before the board before he made the changes, if his request could have been approved. Ms. Dowdy stated that she was not sure. She said that the original purpose of the canopy was a cover for gas pumps so there was no occupancy load to it. Now this non-conforming structure has been changed from one non-conforming use to another non-conforming use which increases the non-conformity. Since checking with the Building Official and Fire Marshal, by constructing an enclosed seating area this has added an occupancy load to the structure. According to the Fire Marshal, Mr. Howland has to now meet fire codes which include the type of material and the appropriate ingress/egress accessibility. Ms. Dowdy replied that she is not sure that Mr. Howland can have a seating area there at all. She said that he could probably leave the canopy there and put up some type of barriers to keep traffic from coming through his parking lot or provide parking spaces underneath it. Chairman Krieb asked if the board should decide that Mr. Howland could not continue to have the outdoor seating under the canopy, would there be anything to prevent Mr. Howland from having another outdoor seating area connected to the front of the building or along either side. Mr. Dowdy replied that that might be a possibility to have a small enclosed area with seating or some tables with umbrellas; however, he would have to get a building permit if he attached anything to the building. Ms. Medlock stated that it was her understanding that Mr. Howland had constructed the seating area to deter the traffic from cutting through his parking lot and that he might not even want an outdoor seating area. Ms. Medlock thought they needed to hear from Mr. Howland.

Chairman Krieb opened the public hearing and asked Mr. Howland to come forward.

Cody Howland, 204 South 16th, Murray was sworn in. Mr. Howland said that the only reason that he had turned the canopy into a covered seating area was because he had a couple of customers almost get their cars hit by traffic cutting through his parking lot; thus, he constructed this area to keep it from being used as a cut-thru. He continued that he actually had the lattice and seating spots there before the meeting with Planning Staff. At that time, Planning Staff told him not to do anything else to the space until they got back to him. Mr. Howland said that Crice indicated that Planning Staff had received numerous complaints that the space was tacky. Mr. Howland continued that since it has been so hot outside, the outdoor space is not being used. Technically he could remove it and he wouldn't really lose anything. Mr. Howland said that he can't afford to use the outdoor awning lights; thus, it is pretty dark in that area at night time. He said that he had actually put up railroad ties on each side of the awning to try to stop the traffic and there were still those with trucks that drove right over them. Mr. Seiber asked why others were cutting through there. Mr. Howland replied to avoid the stop sign. He continued that even though the parking lot is nearly packed at times, there is still traffic cutting through. Ms. Dowdy suggested that Mr. Howland get concrete stop blocks and define the parking areas with striping to stop that traffic from cutting through. Ms. Medlock asked if Mr. Howland had discussed the situation with his landlord to see if he would be willing to remove the canopy. He replied that he had spoken to Mr. Adams about this and Mr. Adams was concerned that if he removed the canopy, traffic would drive through faster with the canopy gone. Mr. Howland explained that his business attracts the Saudi Arabians (mostly MSU students) because he has a hookah lounge. He is concerned that the kind of crowd that he draws is why he is getting so much disrespect. Mr.

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Crice asked Mr. Howland the hours of operation for his business. Mr. Howland replied 1:00 p.m. to 2:00 a.m. He's not that busy during all of that time; however, the Saudi's like to come at 1:30 and stay until 4:00 a.m. Mr. Vernon suggested that as Mr. Howland tries to coordinate his income with his upkeep or benefit to his site, he needs to design the parking lot so that it prohibits people from pulling through. He said that some of the costs may be able to be negotiated with the landlord. He added that in the long term, it is the BZA's responsibility to see that if any improvements are made to the property they are in compliance with the codes and ordinances of the city. Ms. Dowdy said that Mr. Howland needs a defined entrance and exit to the business. She suggested that Mr. Howland look at Friendly Liquor's business on the corner of 4th and Sycamore. She said that the state had recently required them to put up white stop blocks to keep traffic from coming in and out from all directions. She added that might be an option for his business as well. Mr. Darnall said that the BZA has to follow the Ordinance. He added that if this seating arrangement was to solve the problem of people driving across his lot, he thinks that the board has offered him some other solutions that would help him be in compliance. Mr. Seiber said that traffic cutting through parking lots to avoid traffic lights or stop signs is a chronic problem on any corner lot in Murray. Chairman Krieb suggested that Mr. Howland talk with his landlord to get rid of the canopy and put up the parking barriers.

Mr. Howland stated that when the Fire Marshal came by, he was concerned that the pallets were from an establishment that had handled food items; therefore, the possibility of spreading germs by contamination. Mr. Howland clarified that the pallets were from the Pepsi Company and they had not been in contact with any food products. He said that he had removed the extension cord that the Fire Marshal had said was not acceptable. Mr. Howland stated that he was weed eating at the time the Fire Marshal visited and had a gas can setting next to the seating area which was another violation. He continued to say that all the seating and carpet in the hookah smoking area had been treated with fire retardant spray. Mr. Howland said that the Fire Marshal had indicated to him that he wouldn't pass the structure because the seats were not stable, but if everything was stabilized and there was no explosive material (such as the gas can) next to it, he would have passed it. Mr. Howland stated that if he is allowed to keep the seating area, he will attach the lattice to the metal poles. Mr. Vernon explained in order to put an occupancy load under the canopy Mr. Howland will have to get a building permit. In order to get a building permit, he will have to present a set of plans to the city for their approval. In order to get that approval, he will have to ask for a variance on a setback. Chairman Krieb said that there are two different issues they are dealing with. One is the parking and people driving through the lot and the other is the seating under the canopy. The issue for the BZA is to decide if the Planning Staff was correct in telling Mr. Howland that he could not have the structure built under the canopy because it was non-conforming. He added that if Mr. Howland would still like outdoor seating

available, that is something that he will have to work out with the Planning Department. Chairman Krieb concluded that Planning Staff could approach the property owner concerning how the property can be brought into compliance. Mr. Seiber and Mr. Darnall each expressed their concerns for the situation that Mr. Howland is in (the parking and traffic cutting through his business's lot); however, those were items to be worked out by him, the landlord and the police.

The public hearing was closed and Chairman Krieb turned it over to the board for discussion and a motion.

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Brad Darnall made a motion to affirm the decision made by the Planning Staff regarding The Breakaway Lounge. Mr. Howland is to be given 30 days to bring the property back into its original non-conforming state. Mary Anne Medlock seconded the motion and the motion carried with a 5-0 roll call vote.

Amend Bylaws: Section V — Reimbursement: Ms. Dowdy explained that during the budget process of the City Council an increase in compensation was adopted for the different boards. The increase in compensation will go from \$40 to \$50 per meeting attended.

Ms. Dowdy said that she needed a motion to amend the bylaws stating this change.

Scott Seiber made a motion to amend Section V — Reimbursement of the Bylaws to increase the compensation for the Board of Zoning from \$40 to \$50 per meeting attended. Brad Darnall seconded the motion and motion carried unanimously.

Questions and Comments: Chairman Krieb noted that there are now two vacancies on the board and he encouraged the board to make some recommendations for new members to the Planning Staff. He added that Mike Faihsst had recently been selected for the BZA and then an opportunity became available on the City Council where he preferred to serve; thus, he resigned the BZA.

Adjournment: Scott Seiber made a motion to adjourn. Josh Vernon seconded the motion and the motion carried unanimously. The meeting adjourned at 6:00 p.m.

Chairman, John Krieb Recording Secretary, Reta