

**MURRAY BOARD OF ZONING ADJUSTMENTS
SPECIAL MEETING
WEDNESDAY, OCTOBER 24, 2007
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special session on Wednesday, October 24, 2007 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Scott Seiber, Darren Jones, Helen Spann, Tom Auer, Bill Whitaker, Ed Davis and Andy Dunn

Board Members Absent: None

Also Present: Candace Dowdy, Peyton Mastera, Reta Gray, and Sabrina Leslie

Chairman Bill Whitaker called the meeting to order at 4:30 p.m., and welcomed all guests and applicants.

Public Hearing to Review the Conditional Use Permit Application to Allow a Furniture Store in a B-1 Zoning District – 1407 Main Street – Sabrina Leslie: Candace Dowdy pointed out the proposed location on Power Point. She then stated that the applicant, Sabrina Leslie, would like to open a furniture store at 1407 Main Street. The building was occupied by Owen's Food Market for many years and after Mr. Owen closed his grocery store, a Cosmetology School occupied the building for a short time. A furniture store is not listed as a permitted use in a B-1 zone; however, if it is determined that the proposed use is essential to the convenience of the neighboring residents, the Board will grant the conditional use permit allowing Ms. Leslie to operate the business at this location.

Ms. Dowdy stated that the building is approximately 7,000 square feet and based on a consumer service type business, requirement for parking is 35 parking spaces. There are currently 17 parking spaces in the front of the building, 5 more spaces on the west side of the building, and an additional 18 parking spaces to the rear of the building. (Matt B's, The Bowling Alley and Tasty Donuts have access to the parking spaces on the west side of the building as well.) There are 10 apartments on the second floor of the building with tenants sharing the use of parking spaces at the rear.

Ms. Leslie currently operates a used furniture business next to Fleming Furniture on Hwy 641 North. Ms. Leslie and her mother have also previously managed Wiggins Furniture, so therefore, they are used to the nature of the business. Ms. Dowdy stated that there would probably not be over four or five customers at the location at any given time; therefore, the required 35 parking spaces would be too many for this particular business.

Tom Auer pointed out that since Murray State University is in close proximity to this location, the parking lot in front of this building continues to be very attractive to students. Ms. Dowdy

stated that private property owners do have the right to post their parking lots limiting use to their own customers and to have others towed at the violator's expense.

Darren Jones asked if signage had been discussed. Ms. Dowdy stated that there was enough room for a wall sign. Mr. Owen had a pylon sign at this location originally and there will not be ample room for the setback allowance to put a sign in the front.

Chairman Whitaker opened the Public Hearing and asked if there was anyone wishing to speak in favor of the Conditional Use Permit Application. Ms. Sabrina Leslie was sworn in. Chairman Whitaker asked what would be the maximum number of employees that would be there at any one given time. Ms. Leslie stated two. Chairman Whitaker then asked if there would be a store delivery truck parked at the premises. Ms. Leslie stated that she would have a delivery truck, but she planned for it to be parked at her residence until needed for deliveries. After the delivery is made, the truck will be returned to her residence. Ms. Leslie also stated that there would be trucks entering the property to make deliveries to her store. Since the two front doors of the building are automatic, the side door is the only door that can be used for deliveries. Ms. Leslie added that she will close her "used" furniture store at the Hwy 641 North location when she opens the "new" furniture store at the proposed site. The hours of operation for the new store will be 10-6 Monday through Friday and 10-3 on Saturday.

Tom Auer asked what Ms. Leslie's ideas for signage were. Ms. Leslie stated that she would like to put a sign on the front of the building. She also said that she might consider something that she could bring in and out of the store daily that could be placed out next to the street. Ms. Dowdy explained that every business is permitted to have one wall sign and one freestanding sign; however, if a "Sandwich Board" type (i.e. removable) sign was used that it was typically used next to the building. Ms. Dowdy continued that a freestanding sign is required to be a minimum of 10 feet back from the property line. If a new sign was put next to the road, somewhat like the old sign, it would be in the right-of-way; therefore, be in violation of the ordinance and a setback variance would need to be granted. Ms. Dowdy suggested that if Ms. Leslie wants an additional sign, a pylon sign would probably be more suitable at the location than a monument sign since visibility is an issue for entering Main Street and with a pylon sign, the sign would be lifted; therefore, not restricting a persons visibility.

Chairman Whitaker asked if anyone else would like to speak in favor of the application. There was no one. Chairman Whitaker asked if anyone would like to speak in opposition of the application and there was no one. The public hearing was closed and discussion was opened to the Board.

The Board decided that if Ms. Leslie decided that she wanted a sign next to road, that she would need to come back later with a proposal to the Planning Department and if it was not within standards, that it would have to be brought before the Board of Zoning Adjustments at that time.

Andy Dunn made a motion to grant a Conditional Use Permit for a furniture store to be located in a B-1 zone, at 1407 Main Street with the findings of the Board that the existing parking is sufficient for the nature of the business and that this permit is only valid for a

furniture store at this location. Darren Jones seconded the motion and it carried with a 7-0 vote.

Questions and Comments: Andy Dunn's four-year term of serving on the Board of Zoning Adjustments is up on October 27, 2007; therefore, this will be Andy Dunn's last meeting. Chairman Whitaker thanked Andy for his many years of duty.

Peyton Mastera stated that the Board needs to think about the election of officers before the meeting in November.

Ed Davis made a motion to adjourn and Scott Seiber seconded the motion. The motion carried with a 7-0 voice vote. The meeting adjourned at 5:15 p.m.

Chairman, Bill Whitaker

Recording Secretary, Reta Gray