

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, OCTOBER 19, 2016
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 19, 2016 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Bobbie Weatherly, Terry Strieter, Mike Faihst, John Krieb, Josh Vernon and Jim Foster

Board Members Absent: Dennis Sharp

Also Present: Candace Dowdy, Ahmed Abdullah, Summer Grogan, Attorney David Perlow, Danny and Earleene Woods, P.G. Georgiou, Bunnarath Mao, Helen Weaver and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He then introduced the new Planner Ahmed Abdullah. Ahmed gave a brief history of how he was able to come to the United States and his educational achievements. He spoke of his previous employments while living in this country. Ahmed saw the job bid for the Planner position in Murray; he applied and here he is. Chairman Krieb then reviewed changes to the minutes from the September 21, 2016 BZA meeting and asked for a motion to approve.

Mike Faihst made a motion to approve the minutes from the September 21, 2016 BZA meeting as amended. Terry Strieter seconded the motion and the motion passed unanimously.

Mega Gym public hearing was scheduled to be next on the agenda; however, Ms. Dowdy said that the spokesman for Mega Gym had not yet arrived and asked that the item be moved down on the agenda. Chairman Krieb agreed to do so.

Public Hearing: Dimensional Variance request for a side setback variance to place an accessory structure in a side yard on a corner lot located at 198 Camelot Drive – Danny and Earleene Woods: Danny and Earleene Woods live on the northeast corner of Camelot Drive and Gibbs Store Road. Their house faces Camelot Drive. Initially they applied for a building permit to construct a detached garage in their backyard. Because of the topography involving a slope to the backyard, they have decided to ask for a variance to construct the garage in the side yard along Gibbs Store Road. Planning Staff explained that placement of a structure on a corner lot has different restrictions than placement on an interior lot. Secondary yard restrictions of a 25 foot setback apply in this situation. The side of the Woods' house is 15 feet off the 25 foot setback line. Approximately nine feet of the garage will be behind the back wall of their house and 15 feet will be within the side yard. The garage will not encroach any closer to Gibbs Store Road than the 25 foot setback and it will also face Camelot. The entrance to the garage will be off their existing driveway on Camelot. Public notices were sent out to adjoining property owners and the newspaper.

Chairman Krieb reminded the board members that it is important to take notes to use as findings of fact for variances. He then opened the public hearing and asked if there was anyone that wished to speak in favor or in opposition to the request.

Earleene Woods came forward and was sworn in. Ms. Woods stated that the main reason they want to locate the garage at this site is because of the water issue. When there is a heavy rain, water run-off goes across the low area of backyard onto neighboring properties. She explained that the garage will complement the color of their house. The Woods have three vehicles and a boat with only a one car carport; thus, the need for the garage.

Johnny Bohannon came forward and was sworn in. He stated that he is in support of the request. Mr. Bohannon lives at 61 Lancelot. He affirmed that there is a lot of water that runs across the back of the Woods property onto his property during heavy rainfalls.

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

Mike Faihst made a motion to approve the request by Danny and Earleene Woods to place an accessory structure within the side yard along Gibbs Store Road as shown on the site plan based on the topography of the lot and that the structure will not encroach within the 25 ft. secondary yard setback. The proposed location of the accessory structure will not be an obstruction of vision to traffic entering Gibbs Store Road from Camelot Drive. The findings of facts include that the lot is sloped along the back side causing water issues with run-off and there will be no access to Gibbs Store Road. The granting of the variance will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Jim Foster seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Dimensional Variance request for an additional wall sign located at 1105 Keepers Way – Mega Gym: The new Mega Gym building only has road frontage along Keepers Way which is not a thru street. The gym will have future access from the north side of the Kroger parking lot as other adjacent properties are developed. The property owners have proposed to place channel letters on the front of the building that faces north that cover approximately 133.33 square feet (which is in compliance with the 5% allowed). Mega Gym is also proposing a logo sign on the west side of the building that is approximately 74 square feet and possibly a free-standing sign along Keepers Way. Based on the dimensions of the west side of the building they would be allowed up to 89 square feet for signage and in addition they are allowed to have a pylon sign as tall as 24 feet. The board discussed Keepers Way not being opened to the public at all times. (The street will have temporary barriers to prevent public access to the soccer fields except during soccer season when the barriers will be removed.) Public notices were sent out to adjoining property owners and the newspaper.

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

P.G. Georgiou (owner of the Mega Gym property) came forward and was sworn in. Mr. Georgiou explained that the proposed signage that they want to put on the north and west sides of the building are LED 3D lit. At this time, they have not decided whether they will put up a pylon sign at this location.

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

Bobbie Weatherly made a motion to approve the request for one additional wall sign to be placed on the west side of the building for Mega Gym located at 1105 Keepers Way based on the facts that the sign will be 74 square feet; both signs will be lit by LED lighting; and that Mega Gym is located on a side street that is not a thru street which limits their visibility from North 12th Street. The granting of the variance will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote. Josh Vernon abstained.

Public Hearing: Dimensional Variance request for an additional wall sign located at 201 North 12th Street – Murray Donuts: Mr. Bunnarath Mao is relocating his business (Murray Donuts) to a new building under construction at 201 North 12th Street. The building consists of three separate tenant spaces of which he intends to use one space for himself. He will rent the remaining spaces for other businesses allowed in a B-4 zoning district. The building is located on the northwest corner of Olive and North 12th Street. Since this building is located on a corner lot, Mr. Mao is allowed a sign on the secondary street as well. He has opted to have a 3 x 4 foot menu board next to the pick-up window on the Olive side instead. Mr. Mao has relocated his existing sign of channel letters to the new location. He plans to construct a monument sign along 12th Street and would like to add his new business logo to the front of the building. One wall sign per tenant is allowed along with a monument sign for Olive Plaza. The channel letters and proposed monument sign meet requirements; however, Mr. Mao is requesting a variance to allow him to add the logo sign which adds another 19.64 square feet of signage. Public notices were sent out to adjoining property owners and the newspaper.

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

Bunnarath Mao came forward and was sworn in. Mr. Mao explained that based on the engineering and size of the building, they want the signage to be unique; therefore, they have chosen a design for the logo that will look great. He added that both the logo and the channel letters are back lit.

Helen Weaver came forward and was sworn in. Ms. Weaver had concerns with the future of the neighborhood. She stated that she and her husband have lived at 1203 Olive for approximately 60 years. They would like to keep the neighborhood as low-keyed as possible. Jimmy Johns was kept from coming in previously at this location because of similar concerns. Olive Boulevard is a beautiful street coming into the University and they would like for it to remain that way in the future.

Mr. Mao came forward in rebuttal. Mr. Mao's business hours will be 4:30 a.m. until 5:00 p.m. Mr. Mao said that he understood the concerns the residents have. He loves Olive Boulevard himself. He could have chosen another place to erect his building, but since he loved the street, he chose this location. Mr. Mao said that he has improved the previous looks of the property. The intention was to make the situation better and now there are sidewalks to take advantage of. Mr. Mao concluded that there will be an eight foot privacy fence added along the back of the property that will provide screening for the residential area.

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

Mike Faihst made a motion to approve the variance for one additional wall sign for Murray Donuts located at 201 N. 12th Street. The findings of fact include: the proposed back lit logo sign is within the allowable square feet and it fits the architectural design of the building. The granting of the variance will not alter the essential character of the general vicinity; will not cause a hazard or nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Jim Foster seconded the motion and the motion carried with a 5-0 roll call vote. Terry Strieter abstained.

Election of Officers for 2017: The current slate of officers for the 2016 Board of Zoning Adjustments follows:

- Chairman – John Krieb
- Vice Chairman – Josh Vernon
- Secretary – Mike Faihst

Ms. Dowdy asked for recommendations for officers for the upcoming year.

Jim Foster made a motion to continue with the same slate of officers for the 2017 Board of Zoning Adjustments. Terry Strieter seconded the motion and the motion carried unanimously.

Questions and Comments: Chairman Krieb stated that electronic agenda packets were discussed in the Planning Commission meeting the previous night. It was suggested that the packets be e-mailed rather than sent through the mail. The electronic suggestion was approved by the commissioners. Ms. Dowdy informed the board members that they would be e-mailing the packets in the future; however, if they wished to have a hard copy that one would be sent. Everyone was in favor of the suggestion.

Chairman Krieb asked for an update on Tom's Pizza free-standing sign. Ms. Dowdy informed the board that the item had been turned over to the Code Enforcement Officer, Tim Fortner and he had been in touch with Jim Karvounis as to how long he has to get the sign down. She understood that they have 14 days from the current date in order to remove the sign. She informed the Board that if Tom's Pizza should decide to re-open, they would have to come back before the board for permission to put the free-standing sign back up. If this does happen, modifications to the sign will be necessary in order to comply with the 12th Street corridor sign regulations.

Mike Faihst made a motion to adjourn. Terry Strieter seconded the motion and the motion carried unanimously. The meeting adjourned at 5:51 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray