

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MAY 17, 2017
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 17, 2017 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Board Members Absent: Jim Foster

Also Present: Maurice Thomas, David Roberts, Gerald Gilbert, Attorney David Perlow and public audience.

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He then asked for a motion to approve the minutes from the March 22, 2017 Regular BZA meeting.

Mike Faihst made a motion to approve the minutes from the March 22, 2017 regular BZA meeting as amended. Terry Strieter seconded the motion and the motion passed unanimously.

Public Hearing: Dimensional Variance for a third entrance into the Pocket's Gas Station located at 1102 Octane Drive – V-01-2017 - Octane Drive Pockets – Applicant Chuck Baker: Gerald Gilbert explained that the maximum number of access points/driveways allowed for commercial purposes is two. The applicant is requesting a dimensional variance for a third access point that is 26 feet wide and centrally positioned on Octane Drive. The property is unique due to its shallow depth and location near the intersection of US 64N and North 4th Street. If the strict enforcement of the driveway limitation is followed, the site would be too small to provide adequate turning radius for vehicles towing boats or trailers to access the gas canopies. The proposed third driveway would provide a reasonable alternative for improving the site's circulation pattern. In addition, granting the third driveway "will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations.

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

Charles Edward Baker, owner of the property, came forward and was sworn in. Mr. Baker explained that his company has used the same proposed site development plan for several of their projects. They chose it for this project because it has a set aside diesel island which keeps the larger fuel trucks away from the automobiles. The only issue they have encountered is when trucks are there, congestion is created. They feel with the addition of the third ingress/egress access the congestion would be alleviated. There is an elevation change at the proposed site of the third access and that is actually a good thing because it will slow the traffic down. This proposal will also help when tanker trucks are unloading product into the underground storage tanks because the east drive-way will be partially blocked during this time. Mr. Baker revealed that they had sold one of the adjoining lots to Lake Chem Credit Union which is not a big traffic

generating business. He reiterated that this proposal will be extremely beneficial to their customers and it will cut down on congestion.

There was no one that wished to speak in opposition to the proposal; thus, Chairman Krieb closed the public hearing and turned the item over to the board for discussion and a motion.

Mr. Strieter was concerned that allowing three entrances would set precedence for future projects along this corridor. Chairman Krieb explained that each case should be looked at individually to determine if a similar request would be applicable or not. Attorney Perlow reminded the board that the decision should be made on the testimony evidence presented at this time on this particular project. Mr. Vernon said that it was his opinion that with three entrances you would be creating three opportunities for accidents to happen; however, from a design standpoint, he does think that this proposal functions better at the pumps but he is not convinced that it will reduce safety hazards. Drivers may be looking for an open gas pump instead of paying attention to who is pulling in and out of the property.

Mike Faihst made the motion to approve the request for a third access variance at 1102 Octane Drive based on the following:

A variance from § 156.014 GENERAL REGULATIONS FOR VEHICLES (A)(1)(c)1 which limits the maximum number of driveways to two. The variance request is for a third access point that is 26 feet in width centrally positioned on Octane Drive.

The testimony presented in this public hearing was in favor of the proposal and it has depicted that the granting of this variance to the front yard setback will not adversely affect the public health, safety or welfare; will not alter the essential character of the general vicinity; will not cause a hazard or a nuisance to the public; and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Access will be made easier for the public and the staff report indicates that it will fit the lot. A third entrance is recommended for normal flow because of the configuration of the lot and the location of the canopy and pumps with respect to Octane Drive. Bobbie Weatherly seconded the motion and the motion carried with a 4-2 roll call vote. Terry Strieter and Josh Vernon voted no.

Questions and comments: Mr. Faihst recalled that storage buildings were approved for construction behind Vernon's Pawn Shop on South 12th approximately two years earlier. Nothing has been done with that proposal and he stated that their two year time allotment had expired. He also noticed that the property is currently for sale.

A motion to adjourn was made by Josh Vernon and seconded by Mike Faihst. *The meeting adjourned at 4:52 p.m.*