

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, AUGUST 21, 2019
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, August 21, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

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

Board Members Absent: Josh Vernon and Jim Foster

Also Present: Justin Smith, Jeremy Buchanan, Maurice Thomas, Zach Warren, Andy Gupton, Warren H. Murphy III, Jennifer Brindley and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. At this time Chairman Krieb asked if there were any changes to the minutes from the special called BZA meeting on August 1, 2019.

Mike Faihst made a motion to approve the minutes from the special called BZA meeting on August 1, 2019 as amended. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: A Conditional Use Permit request to operate a yoga studio in a B-1 Zone (Neighborhood Business District) located at 104 North 15th Street – Applicant:

Warren H. Murphy III: Justin Smith explained that 104 North 15th Street is located in a B-1 Zone at the corner of North 15th and Main Street. This 2 story building has 2 store fronts on the main level and 3 apartments on the 2nd level. One of the store fronts is occupied by Gear Up Cycles. Warren Murphy would like to open the other store front with a yoga studio (Be Fit Studios). Pictures were shown of the property. The applicant is requesting a Conditional Use Permit to operate a private personal training studio for small group classes in a B-1 zone. Capacity for this studio is a maximum of 15 people at one time. Justin reviewed the applicable uses in a B-1 zoning district. Yoga studios are not permitted in this district; however, these services would be allowed if a Conditional Use Permit is granted. Mr. Murphy recently applied for a business license in order to open the yoga studio. Upon his request, he was informed he would need to seek approval from the BZA for a Conditional Use Permit to be able to operate this type of business in the B-1 zone. Planning staff allowed Mr. Murphy to open his business with his business license pending approval of a Conditional Use Permit. His business hours are Monday-Friday 9am-7pm. Once a month the owner plans to have “Free Saturdays” in hopes to get the community involved in personal training exercises. Currently there are 10 on-street parking spaces and 29 parking lot parking spaces for this location which equals out to be 19 more spaces than required for this location. Andy Gupton is the owner of the building. Mr. Gupton has an agreement with the bowling alley for over-flow parking and to date he has not had to utilize that space.

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

Warren H. Murphy III came forward and was sworn in. Mr. Murphy stated that he was more than happy to share his experience of over 20 years in working with people either on a one-on-one or group setting. Amongst his priorities he believes that safety should be first, having fun should be second and reaping the results as third. He is willing to give anyone in the community his utmost attention in accommodating their needs. People that have been coming in the last 30 days have given him some great feedback. Mr. Murphy stated that he is 43 years old and that he has been doing organized classes since he was 18. He is happy to be here and hopefully that will continue. He is limited to 15 participants at any given time; however, if he could find an outdoor setting somewhere on campus, he could have more than 15 per class.

Andy Gupton came forward and was sworn in. Mr. Gupton said that as he was trying to find a new tenant for this building, he had others that wanted to open restaurants in this location; however, Mr. Murphy's business model was more suited for this location. Mr. Gupton stated that he can see no negative impacts that this business will have on the community.

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

Mike Faiht made a motion to grant the Conditional Use Permit to operate a private personal training studio for small group classes in a B-1 (Neighborhood Business District) zone at 104 North 15th Street as presented with a maximum class size of 15 people. If additional parking is needed, they have the use of the Bowling Alley parking lot. Bobbie Weatherly seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: A Dimensional Variance request to allow a secondary structure to be placed in a secondary yard located at 206 Walnut Street – Applicant: Jennifer Brindley: Justin showed pictures of the property on the northeastern corner of the intersection of Walnut Street and Cherry Street. (The focus of this setback variance will be on the secondary front yard since this property is located on a corner lot.) The property is located in the R-5 (Multi-family) zoning district. Justin reviewed the restrictions for a secondary structure. Ms. Brindley has intentions on purchasing a 14 ft. x 20 ft. grey metal garage building with white trim. She has a very shallow rear yard; therefore, in order to put a secondary structure on her property, it would have to be in a side yard. Ms. Brindley's first choice for the secondary structure was actually to put it in an area that would be prohibited. Her second choice would be to place the structure between the house and Cherry Street. The secondary yard setback on this lot is 25ft with an additional setback due to the fact there is a residential front yard adjacent to Mrs. Brindley's rear yard. The proposed location would sit within the secondary front yard setback by 20ft. Justin then explained that the application was received by email. Ms. Brindley's son (Dustin Price) owns the property and his signature was not on the application. At this point, Ms. Brindley hasn't been able to bring in a copy of the application with the signature on it. Justin stated that he wanted to bring that to the Board's attention because he didn't know if they would want to table the item until the proper signature was on the application or go ahead and make a decision without the signature and add contingencies to the motion. Furthermore, any approval will also need to be contingent upon approval from the Architectural Review Board due to this property being located in the Historic

Overlay District. (Ms. Brindley also has a plan for an above ground pool in addition to the secondary structure.)

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

Jennifer Brindley came forward and was sworn in. Ms. Brindley asked for clarification to exactly where she could put a garage. Justin replied that if the BZA approved the variance, she could attach the garage to the home and have it located on the corner. Ms. Brindley stated that at this point, the structure would be used for storage because if she made it into a garage she would have to pour a cement foundation. Her intent is to use the building only for storage since she wouldn't be able to put it where she originally wanted it. Pictures were shown. The building is fully enclosed on all four sides. Ms. Brindley has put a down payment on the building, but she was waiting to see if the variance got approved before she had it delivered. Justin clarified that if she stays 5 foot from the rear yard lot line, she will be ok and this variance would be 9 foot within the side yard.

Jeremy Buchanan stated that Staff had received a phone call from a neighbor. They had comments about the structure being located on the west side of the house. They were concerned about site visibility when pulling out of their driveway. They also were concerned about whether the structure would be open-air or closed. Jeremy said those questions have been answered. No one came to speak in opposition to the request. The public hearing was closed and the item turned over to the Board for further discussion and a motion.

Bobbie Weatherly made a motion to grant the Setback Variance for an accessory building in a side yard at 206 Walnut Street as presented by staff reports and testimony. 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. The conditions are: a physical copy of the signed application be received from the owner (Dustin Price) and that the granting of this variance is contingent upon approval from the Architectural Review Board. Mike Faiht seconded the motion and the motion carried with a 5-0 roll call vote.

Zoning Compatibility meeting for Ryan Stanger Development – Bailey Road east of Megan Drive – Applicant: Ryan Stanger: Justin Smith stated that the property in discussion was rezoned from Agricultural to R-4 at the PC meeting the previous night. Provided there are no appeals, 21 days after the Planning Commission meeting, the property will become R-4 (Multi-family Residential). 26 acres was actually rezoned and this Compatibility Meeting is only for a 3 acre proposal. The Advisory meeting was also conducted at the Planning Commission meeting and forwarded on to the BZA for compatibility. Ryan Stanger was not in attendance to present this matter; therefore, Justin made the presentation. Ryan Stanger and Matt Jennings are proposing a multi-family development that will consist of eight buildings (48 one-bedroom units). The development will consist of two lots. Ryan Stanger will own one lot and Matt Jennings will own the other. Each lot will have 4 buildings on it. Justin showed a drawing of the development. Each building will be 3,888 square feet. Street frontage of this development will be

off of Bailey Road (east of Megan Drive) with two ingress/egress access points. There will be an easement for access as required by the Fire Marshal. Parking spaces required/provided total 144 spaces. The City of Murray's Planning and Building Department, Fire Marshal (Greg Molinar) and Public Works Supervisor (Jaimey Erwin) have reviewed this proposed project. Justin noted the concerns with additional traffic to Bailey Road that was brought up at the Advisory Meeting. Planning Staff does not have projected numbers at this time; however, Justin said that BFW would have those numbers at the Preliminary Plat meeting if this project moves forward. The board members questioned why 144 parking places were needed for a development with only 48 units. Justin explained that this item was also discussed at the Advisory meeting. The current Zoning Ordinance requires 3 spaces per apartment; however, the new proposed parking regulations would only require 2 per apartment/ 96 parking spaces. (Thus, leaving more green space.) Justin said a lot of these type regulations have been in place since the 70's and they are trying to revise them. The question was asked about handicap parking. Jeremy Buchanan replied that there are 5 spaces designated for handicap parking. At this stage, Jeremy has not heard the developers say if any of the units will be handicap accessible or not. Sidewalks are shown on the drawing, but detention has not been decided upon at this time. A landscaping plan will be required if the project moves forward. Justin explained that currently the developers are proposing one dumpster location but they will need two because there are two different properties. Chairman Krieb called for a motion at this time.

Paula Hulick made a motion that the zoning compatibility for the proposed multi-family development for Ryan Stanger located on Bailey Road east of Megan Drive is acceptable. Carmen Garland seconded the motion and the motion carried with a 5-0 roll call vote.

There were no further questions or comments. Chairman Krieb called for a motion to adjourn. **Mike Faiht made a motion to adjourn at 5:19 p.m. Bobbie Weatherly seconded the motion and the motion carried unanimously.**

Chairman, John Krieb

Recording Secretary, Reta Gray