

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
Wednesday, October 18, 2023
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, October 18, 2023 at 4:30 p.m. in City Hall at 500 Main Street.

Board Members Present: Althia Caldwell, Mike Faihst, Carmen Garland, Paula Hulick, John Krieb, Josh Vernon

Board Members Absent: Jim Foster

Also Present: Rakov Aetherus, Lindsay Aycock, Dannetta Clayton, Carol Downey, Attorney David Perlow, Lacey Latimer, Lauren Rogers, Amy Grogan, Brent Shultz, Jason Looper, Sally Hopkins, Gerald Bell, Gary Haverstock, Jennifer Crouse, Van Haverstock, Gaye Haverstock and public audience.

Chairman Faihst called the meeting to order and welcomed all guests. Lindsay Aycock called the roll.

Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on September 20, 2023.

Paula Hulick made a motion to approve the minutes from the regular BZA meeting on September 20, 2023 as presented. John Krieb seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit: Lacey Latimer - Request to allow two non-related persons to occupy the property located at 1706 Ryan Ave in a R-2, Single-Family Residential District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the land use and zoning maps, pictures of the property, street views and surrounding properties.

Lacey Latimer came forward and was sworn in. Ms. Latimer explained that she knows one tenant, who is a young professional, and that tenant is looking for a roommate. She stated that she doesn't want to rent to college students. The board asked if Ms. Latimer would still purchase the property if the board decided not to grant the conditional use, if the maximum number of tenants she would rent to would be two and if there is ample off-street parking. She responded that she would need to do some research before deciding if she would still purchase the property as-is, two would be the maximum number of tenants and that she didn't perceive any reason for the tenants to park on the street.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor of this request.

Lauren Rogers came forward and was sworn in. Ms. Rogers shared that she is the property

owner and she spoke with the owners on both side of the property and they have no problems with the request.

Chairman Faihst asked if anyone wished to speak in opposition of this request.

Amy Grogan came forward and was sworn in. Ms. Grogan stated that she bought her neighboring home because the area was single-family and she does not want to live by renters, who could possibly be college students.

Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion. The board discussed their concern of not knowing more specifics in regards to the tenants and how long they will be living there. The board asked Ms. Latimer how long she thought the tenant she knows would live at the property and how long the lease agreement would be. She came forward and shared that the tenant could be there long term but maybe not with a roommate the whole time and that the lease agreement would be one year.

John Krieb made a motion to approve the Conditional Use Permit request as presented to allow two non-related persons to occupy the property located at 1706 Ryan Avenue, contingent upon purchase of the property by the applicant. The findings of fact being that the rental would be to non-college students, there would be no on-street parking, the adjacent property owners are supportive of this request, and it is consistent with our 2023 Land Use Map which shows this area as a medium density area. 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. Chairman Faihst seconded the motion and the motion carried with a 4-2 roll call vote. Carmen Garland and Paula Hulick voted no.

Public Hearing: Dimensional Variance: Stone & Shultz Properties, LLC - Request to construct and operate an automatic car wash with 4 bay washes and self-service vacuums at 301 South 12th Street (including 1107, 1109 and 1111 Vine Street and 1104 Mulberry Street) in a B4, Medium Business District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included a preliminary rendering, the zoning map, pictures of the property, surrounding properties and street views.

Brent Shultz came forward and was sworn in. Mr. Shultz described their plan to flip the layout to better mitigate the noise issue, putting the automatic washer next to the shopping center rather than the road. He named some nearby businesses stating they were similar to his and operating with conditional use permits. Mr. Shultz stated they want to be good neighbors and would do everything they could to satisfy the City's requirements. The board asked for clarification on the new proposed layout.

Jason Looper came forward and was sworn in. Mr. Looper distributed and explained an updated proposed rendering of the project to the board. The board questioned Mr. Looper about water runoff and he answered that their goal is to have underground detention.

The board questioned Mr. Shultz about noise in the restaurant with the new layout and their plan for façade design being that the property is in the corridor. He explained that the dryer will be inside the building so there shouldn't be a noise issue in the restaurant and they had brick and stone in mind with a metal roof, if allowed. The board inquired as what the vacuum noise level would be reduced to and their planned hours of operation. Mr. Shultz said they could put timers on the vacuums if the noise became an issue and the facility would be open twenty-four hours a day, seven days a week. The board asked how many attendants they would have on-site as well as the lighting and screening plans. He responded that they would have one attendant floating between their two facilities; they want the property to be well lit for safety purposes; and they plan to screen with at least a fence around the border of the property.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor of this request.

Sally Hopkins came forward and was sworn in. Ms. Hopkins vouched for Mr. Shultz and Dr. Stone and the properties they currently own. She stated that FNB Bank wants to sell the property to Mr. Shultz and Dr. Stone and feels that a car wash is an appropriate use for the property.

Gerald Bell came forward and was sworn in. Mr. Bell declared that there are at least 12 conditional use permits within three blocks for similar type businesses, including one car wash. He voiced his opinion that the applicants would be good neighbors and the car wash would be a benefit to the community. Mr. Bell mentioned that his son owns a property next to another car wash owned by Mr. Shultz and Dr. Stone and he has had no complaints from his tenants.

Chairman Faihst asked if anyone wished to speak in opposition of this request.

Gary Haverstock came forward and was sworn in. Mr. Haverstock emphasized the intent of the B4 zones, introduced a letter of opposition from a nearby property owner, and explained that the auto part stores mentioned by Mr. Bell close at a reasonable hour and have management on site. He stated his opinion that Sonic was a mistake and shouldn't set the precedent and that the traffic and lighting produced by the project would be detrimental to the residential area.

Jennifer Crause came forward and was sworn in. Ms. Crause voiced her concern that traffic would impact those going to Dumplin's Restaurant as well as children and pets in the residential area.

Van Haverstock came forward and was sworn in. Mr. Haverstock stated his concerns regarding the project bringing noise pollution and vandalism to the adjacent shopping center where he owns property, as well as the possibility of his renters moving out.

Gaye Haverstock came forward and was sworn in. Ms. Haverstock shared that she loves car

washes but doesn't think this is the right place for one.

Brent Shultz came forward for rebuttal. Mr. Shultz explained that traffic backing up wouldn't be an issue, as it is not an issue at any other car wash in Murray and the lighting could probably be dimmed, although there are street lights on every corner.

Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

Josh Vernon made a motion to deny the conditional use permit to construct and operate an auto wash with bay wash areas to include self-service vacuums at 301 South 12th Street. The findings of fact being that the description of the intent of the B4 zone is intended for businesses and services that can be adjacent to residential zones without causing an increase of effect of traffic to those residential streets and a car wash business does add to the nuisance of noise and possibly fumes. It is a business oriented toward vehicles more so than individuals and the intent of the B4 zone is to cater to clients in a professional nature or a limited retail nature where it's more about the person than the vehicle. This project is focused on an in and out of vehicles, drive-through setup, like Sonic, and that would be against the intent of the B4 zone. John Krieb seconded the motion and the motion carried with a 4-2 roll call vote. Chairman Faihst and Carmen Garland voted no.

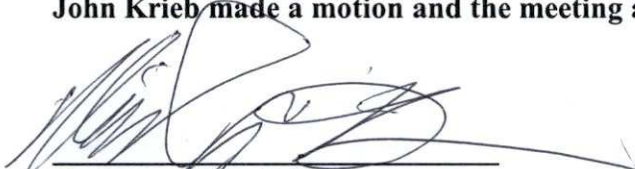
Annual Election of Officers: John Krieb made a motion to accept all current officers for the 2024 term by acclamation. Paula Hulick seconded the motion and the motion carried unanimously.

Discussion Items: None

Questions and Comments: None

Chairman Faihst called for a motion to adjourn.

John Krieb made a motion and the meeting adjourned at approximately 5:41 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock