

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
THURSDAY, OCTOBER 20, 2021  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Thursday, October 20, 2021 at 4:30 p.m. in City Hall at 500 Main Street.

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

**Board Members Absent:** Josh Vernon and Jim Foster

**Also Present:** Kim Miles, Attorney David Perlow, Rakov Aetherus, Marisa Stewart, Dannetta Clayton, Candace Dowdy, Casey Smith, Brian Edwards, Michael Pitman and public audience

Chairman Faihst called the meeting to order and welcomed all guests and applicants. Kim Miles called the roll. At this time Chairman Faihst called for a motion to approve the minutes from the special called BZA meeting on September 30, 2021.

**John Krieb made a motion to approve the minutes from the special called BZA meeting on September 30, 2021 as presented. Paula Hulick seconded the motion and the motion carried unanimously.**

**Continuation of previous Public Hearing: Request to allow an accessory structure in the front yard located at 283 King Drive:** Chairman Faihst brought this item out of adjournment. At last month's meeting the applicant was asked to bring additional information to the Board (modification of the original construction plan and landscaping detail). Marisa Stewart came forward and presented the staff report. She had pictures that had been presented to her from the applicant. The pictures were passed around for the Board's review. Marisa showed a topographic map and an aerial view of the property. The topographic map showed the steepness of the property near the house, the back of the property and at the front by the road. The aerial photo showed where the house is and where the newly poured pad is. (Because of the tree line along the front, you cannot see the pad from the road.) The applicant was then asked to come forward.

Casey Smith came forward and was sworn in. Mr. Smith said that he had prepared a report for the Board members that was supposed to be put on the overhead, but because of technical difficulties he was unable to show it; therefore, he passed out that information on paper to the Board. Pictures were shown of what the 18' x 36' building is going to look like, the building layout, proposed landscaping, Mr. Smith's house and how the proposed building material will match up. (The building will be dark brown and slate; the house is mostly red brick.) At last month's meeting the Board members discussed having brick veneers put on the bottom of the building to coordinate with the outside of the house. Mr. Smith looked on-line and discovered that there is a brick veneer that could be added to the outside of the building. It is a little costly, but he agreed that he would be willing to put the veneer a quarter or half the way up; however,

he explained that putting anything on the building the first 90 days would be in violation of the building's warranty. Mr. Smith apologized for pouring the pad before he was issued a building permit. He explained that when he called the City Building Inspector he felt like he was just given a generic answer on getting a building permit and then he was overwhelmed with the paperwork. He's only been living at this location a little over a year and he has never received a city tax bill; thus, he was not sure if he was in the city limits or not. He added that he pays tuition for his two children to attend Murray City schools and that was another reason for thinking that his property was not located in the city. After speaking to some of his neighbors he found out that the property used to be in the county, but the property was annexed a few years ago into the city. He also learned that the city and county school districts are different from the city limits boundaries. After comparing the vinyl sided buildings with the metal buildings, he ended up purchasing the metal building in Mayfield. Mr. Smith presented a landscaping plan. He was asked to consider using some evergreen trees or shrubs instead of his proposed landscaping plan in order to provide a year-round barrier. He replied that he would consider that. He added that his neighbor (John Thomasson) was unable to attend the meeting; however, he was in favor of Mr. Smith's proposal. In conclusion, Mr. Smith wants the building to look presentable to the neighborhood.

Marisa stated that she had spoken to Vickie Ridder who is one of the adjacent property owners. Ms. Ridder indicated that she was in favor of Mr. Smith building the shed at the proposed site and she thinks it will look nice.

Candace Dowdy came forward and was sworn in. She noted for the record that she is a City of Murray employee and that she was speaking as an adjoining property owner. She has had no discussion with the board regarding this item and nothing to do with the preparation of the staff report. Candace is not totally in opposition to this request but she wished that Mr. Smith had checked with the City before he poured the concrete slab. Her property adjoins Mr. Smith's in the rear. Candace has Leland Cypress evergreens in her back yard and there is an open spot where she will be able to see the proposed building. If the Board should choose to approve the request, Candace prefers that Mr. Smith use evergreens that would help provide year-round screening. Candace stated that she understands that in order to see the metal building from the front, you would have to turn into Mr. Smith's driveway. She also thought that if the brick veneer was added around the bottom of the building and decorative lighting added to the building that it would be acceptable. She closed by saying that she would not like to see this set a precedence for people to put metal buildings in their front yard.

Chairman Faihst closed the public hearing at this time and turned the item over to the Board for further discussion and a motion.

**John Krieb made a motion to grant the variance for an accessory structure in the front yard located at 283 King Drive. The findings of fact are that the property has a steep decline in the rear yard and flooding issues making it less desirable to build in these areas. It appears that the front yard is a reasonable location to build. Requirements are to keep the two-tone look of the building with shutters included. Brick veneer on the bottom slate color section of the building is to be installed within six months from meeting date and landscaping with evergreen type trees are to be at least three feet in height. There should**

**be lighting on the front side by the roll-up door. The testimony presented in this public hearing has shown based on the findings that 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. Bobbie Weatherly seconded the motion and the motion carried with a 3-2 roll call vote. *Carmen Garland and Paula Hulick voted no.***

**Public Hearing: Request to allow a single post freestanding sign located at 1310 North 12<sup>th</sup> Street:** Marisa Stewart reviewed the regulations in the Ordinance pertaining to this request. The applicant wants to update the freestanding sign in front of his building. The sign was erected in 2013 and was in compliance with sign regulations at that time. It is 8 ft. x 8 ft. and 13 ft. in height. The proposal is to erect a single pole freestanding sign that will be 8 ft. x 8 ft. and 20 ft. in height. The sign will be in compliance with the current sign regulations on the size and height, but would be a pylon sign instead of a monument sign. The current sign is dated and too small to be seen from the road. Marisa showed the zoning map identifying the location of the property and the front of the building with the current sign. She then showed the new proposed sign.

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

Brian Edwards (owner of the business) came forward and was sworn in. He stated that the current sign is an "eye sore". He said that he was driving home late one night and he glanced over at the sign and noticed that you couldn't see the sign or tell that the store was opened. His business is a sporadic buy and he cares about what this town looks like. Brian thinks the lighted proposed sign will be an upgrade from what's there now. He also thinks that a monumental sign would be a waste of his money because you still wouldn't be able to see it from the road. He said that if he could go out farther (closer to the highway) he would use a monument sign because of the classier look. But in the scheme of things with the frontage road between his business and the highway, you just can't see the existing sign. Brian said that Candace had been very helpful in helping him with this request. The proposed sign location will be the same place as the current one only taller. Landscaping will be provided around the bottom of the pole.

No one spoke in opposition to this request. Chairman Faihst closed the public hearing and turned the item over to the Board for further discussion and a motion.

**John Krieb made a motion to approve the dimensional variance request to install a single pole freestanding sign at 1310 North 12<sup>th</sup> Street as presented. The findings of fact are that the sign will be located in the exact same location as the current sign and the existing sign was larger in area and grandfathered in at the time the sign ordinance was adopted. The new sign is smaller with an improved appearance than the current sign. The requirements are that there must be landscaping at the base of the new sign. Paula Hulick seconded the motion and the motion carried with a 5-0 roll call vote.**

**Public Hearing: Request to allow a third access entrance for the property located at 213 South 12<sup>th</sup> Street:** Marisa Stewart reviewed the regulations pertaining to this request. The Ordinance states that only two entrances are allowed. The property has recently been leased to Aligned Health, which is a healthcare office. There will be up to four staff members in this building plus patients. This property is narrow and deep. The requirement for parking spaces is 12 for this business. Currently there are six useable parking spots (which includes a handicap space). There is a detached garage to the east of the office building facing Elm Street and a vacant area to the east of that. Mr. Pitman has indicated that he would be able to add an additional 5-6 parking spaces off of Elm Street at the rear of the property if he is allowed to put in a 12-foot access. Aligned Health has approval to use the parking area across the street at Haverstock Law (their landlord) if needed. Marisa showed the Zoning Map of the location of the property, pictures of the current access points and the site plan showing where they want the new access.

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

Michael Pitman (owner of the property) came forward and was sworn in. Mr. Pitman stated that this property is zoned B-4 as are the surrounding properties. The building was previously a home and was converted to office space in approximately 2005. Mr. Pitman passed out copies of his proposal to the Board. He then reviewed the pictures. Ninety percent of the traffic leaving this building goes back to 12<sup>th</sup> Street and the rest exits through Elm Street. He explained how they decided on this location for the 3<sup>rd</sup> entrance. The lot is very narrow. It is 60 feet in width and 200 feet in depth. They are proposing a 12-foot access lane with green space on both sides and an additional parking area with 5 or 6 spaces. This new access would allow people to drive out of the parking lot instead of backing out on Elm. In summary, they would like to utilize the 3,000 square foot area in the back of the property for additional parking and the variance is needed in order to accomplish this. Mr. Pitman does not envision this business creating any additional traffic like you would see at some commercial businesses. The unusual width of the lot is why they feel this request would be appropriate. The entrance will be concrete or asphalt. In the beginning the plan is to gravel the parking lot and then pave it later on. Mr. Pitman spoke to one of the neighbors on Elm Street and she does not have any opposition to the request.

No one spoke in opposition to this request. Chairman Faihst closed the public hearing and turned the item over to the Board for further discussion and a motion.

**Paula Hulick made a motion to approve the dimensional variance request to allow a third entrance on Elm Street as presented given the unusual width and depth of the lot. The testimony presented in this public hearing has shown based on the findings that 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. John Krieb amended the motion to require that the actual entrance into the street (the apron portion) be paved either with concrete or asphalt to minimize the stone from being dragged onto Elm Street. John Krieb then seconded**

**the motion and the motion carried with a 5-0 roll call vote.**

**Annual Election of Officers:** Dannetta Clayton explained that the Bylaws require that the election of officers be done every year in October. This new slate of officers will be effective in January of 2022. Mike Faihst is currently the Chairman; 1<sup>st</sup> Vice-Chairman is Josh Vernon; and 2<sup>nd</sup> Vice-Chairman is Bobbie Weatherly.

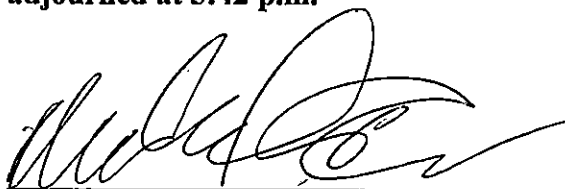
**Bobbie Weatherly made a motion to retain the same slate of officers for the next year. John Krieb seconded the motion and the motion carried unanimously.**

**Questions and comments:** Candace Dowdy came forward to announce her retirement from the City of Murray. She stated that she has had 25 years of employment with the City and the Board members have been like family to her. She voiced her appreciation of the dedicated faithfulness of all the Planning Commission and BZA members. John Krieb presented a card to Candace from the PC and the BZA members.

Mr. Krieb explained that the Comp Plan has been updated and ready to go. He said that he had made an error and failed to open and close the public hearing at the Planning Commission meeting the previous night; therefore, they will have to bring it back up in November to have a quick open and close. At that point Dannetta will be able to put the updated version on the website. The Commissioners also decided to work on updating the Land Use element in 2022 and then move on to the other sections as the years go on. The Commissioners were asked to brainstorm and think of ways that they might improve the process of gathering public input for periodic updates. Dr. Robin Zhang and Dr. Milkman are going to be pursuing several different things and hopefully in November, they will talk in more detail about their ideas. There was an e-mail that went out to a number of people that related to an updated study from the Kentucky Transportation Cabinet. It is an on-line survey to identify problem areas in the Murray area. Mr. Krieb said that he would forward that e-mail to the board members. David Roberts found the 2008 study that was done and he will attach the link for that as well. If you browsed through that study, you might identify items that have been accomplished and ones that have not been accomplished and possibly add those items to the list to be worked on.

Chairman Faihst stated that once again they were confronted with someone that was asking for forgiveness instead of permission (referring to the first item on the agenda). There is such a fine line between willful and non-willful. He said that he appreciated everyone's dedication to the item that had been discussed that night. Chairman Faihst and the Board members thanked Candace for all the help that she has given over the years. Chairman Faihst then called for a motion to adjourn.

**Paula Hulick made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at 5:42 p.m.**



Chairman, Mike Faihst

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Recording Secretary, Reta Gray