

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, APRIL 19, 2023
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, April 19, 2023 at 4:30 p.m. in City Hall at 500 Main Street.

Board Members Present: Mike Faihst, Jim Foster, Paula Hulick, John Krieb, Bobbie Weatherly

Board Members Absent: Carmen Garland, Josh Vernon

Also Present: Rakov Aetherus, Lindsay Aycock, Danna Clayton, Carol Downey, Attorney David Perlow, William Cullop, Deana Wright, Seth Parker-Bell, Paul Harber, and public audience.

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

Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on March 22, 2023.

Jim Foster made a motion to approve the minutes from the regular BZA meeting on March 22, 2023 as amended. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance Application: William and Lee Cullop requested a seven-foot variance for the purpose of constructing a fence in the east side yard of 1512 Henry Street in a R-2, Single-Family Residential Zone. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, pictures of the proposed fence location, the street views and the surrounding properties.

William Cullop came forward and was sworn in. Mr. Cullop shared that they want to install the fence for their dog and the variance request is to be able to avoid the tree line and root system. The board asked if he would still install the fence without the variance and Mr. Cullop responded that he wasn't sure because the intent is to provide a shaded play area for their dog.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition of this request. No one came forward, so Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

John Krieb made a motion to approve the dimensional variance request to allow a seven-foot variance for the purpose of constructing a fence on the east side yard at 1512 Henry Street. The findings of fact being that the height (four feet) and type (chain link) of the fence would not affect visibility or impact the safety aspect of vehicles on the street and the location aids in the preservation of the established trees. 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 5-0 roll call vote.

Public Hearing: Dimensional Variance Application: Request by Deana Wright of Murray Main Street to allow a mural on the west side building façade located at 411 Maple Street in both a B-3, Central Business District and a H.D., Historic Overlay District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, pictures of the proposed mural location, a rendering of the proposed mural, examples of the artist's work, as well as pictures of the street views and the surrounding properties.

Deana Wright came forward and was sworn in. Ms. Wright explained that this would be an educational mural and would be a nice addition to the downtown mural trail being established. The board inquired about the maintenance of the downtown murals and she responded that the murals are sealed and they will have the artist come back and touch up as needed. The board asked about the specific design of the mural and Ms. Wright mentioned that the rendering was a quick example and that the trees and birds in the interactive mural would be ones indigenous to Murray, Kentucky. The board questioned whether or not the mural could be larger and if Murray Family Church wanted a religious message included in the mural. She replied that the artist is donating her time and doesn't paint large murals and there will not be a religious message in the mural.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition of this request. No one came forward, so Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

Bobbie Weatherly made a motion to approve to allow the mural to be painted directly on the façade of the building located at 411 Maple Street, which currently houses Soup for the Soul and Murray Family Church, as presented. The findings of fact being the presentation and samples of the artist's work. 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. Paula Hulick seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Dimensional Variance Application: Request by Seth Parker-Bell with TeCaSe, LLC for a fifteen-foot rear yard setback variance for the purpose of constructing a five-unit multipurpose office/storage building at 616 South 4th Street in a B-2, Highway Business District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, renderings of the site plan, as well as pictures of the proposed property and the surrounding properties.

Seth Parker-Bell came forward and was sworn in. Mr. Parker-Bell disclosed that they have

started building a retaining wall to help when he mows. The board asked what materials would be used for the building and his intentions for the five units and he responded that the type of materials have not yet been decided and he foresees the units being used by contractors for storage and as a meeting place with a nice store front and signage.

Jim Foster made a motion to approve the dimensional variance request to allow a fifteen-foot rear yard setback variance for the purpose of constructing a five-unit, 6192 square foot, multipurpose office/storage building located at 616 South 4th Street. The findings of fact being that the project would likely not be possible without the variance, due to the size of the lot. 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. John Krieb seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Dimensional Variance Application: Request by Paul Harber for a nineteen-foot rear yard setback variance and a forty-five-foot build line setback variance on the west side yard for the purpose of building a warehouse addition at 411 Sunbury Circle in a B-2, Highway Business District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, preliminary renderings of the project, as well as pictures of the proposed property and the surrounding properties.

Paul Harber came forward and was sworn in. Mr. Harber stated that he has an irregularly shaped lot that he needs help building a warehouse on and wants to do it correctly. The board inquired about the property owner's consent, the amount of traffic the warehouse would generate, the affects to nearby residential properties and if the warehouse would need to have an internal sprinkler system. He responded that he feels confident he will receive the property owner's consent and there will be little traffic since they will be using it for long-term storage. Mr. Harber stated that the warehouse would store only floor coverings, no paint. Staff explained that the building official would determine if sprinklers are needed.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition of this request. No one came forward, so Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

Jim Foster made a motion to approve the dimensional variance request to allow a nineteen-foot rear yard setback variance and a forty-five-foot build line setback variance on the west side yard for the purpose of building a warehouse addition for the property located at 411 Sunbury Circle. The findings of fact being that the required setback would divide the intended warehouse to half the size. 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. John Krieb seconded the motion and the motion carried with a 5-0 roll call vote.

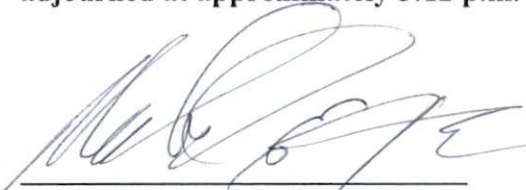
Public Hearing: Continued Reviews: 1) Request by Dennis Thomas for a five-foot variance for placement of an installed, shared with 1522 London Dr., accessory structure (storm shelter) on the south side of the front side yard of 1520 London Drive in a R-2, Single-family Residential Zone and 2) Request by Ihsan Alkhatib for a five-foot variance for placement of an installed, shared with 1520 London Dr., accessory structure (storm shelter) on the north side of the front side yard of 1522 London Drive in a R-2, Single-family Residential Zone. Carol explained that per the Building Official, Marisa Stewart, as of this afternoon, the storm shelter had been moved to the backyard of 1520 London Drive. The applicant was issued a building permit and no longer needs the variance.

Chairman Faihst made a motion to close the previously mentioned, tabled public hearing items since the requests have been removed from the table. John Krieb seconded the motion and the motion carried with a 5-0 roll call vote.

Questions and Comments: The board asked if there was an update on the future land use and staff responded that there are no updates.

Chairman Faihst called for a motion to adjourn.

Paula Hulick made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at approximately 5:12 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock