

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MAY 18, 2016
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 18, 2016 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Board Members Absent: John Krieb

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Officer Tim Fortner, Dan Drury, Melanie Cantrell, Carol Arnold, Greg Stewart, Ledger & Times representative, and public audience

Vice-Chairman Vernon called the meeting to order and welcomed all guests and applicants. He noted minor changes to the minutes and then called for a motion for approval to the minutes from the May 4, 2016 special called BZA meeting.

Terry Strieter made a motion to approve the minutes from the May 4, 2016 special called BZA meeting as amended. Dennis Sharp seconded the motion and the motion passed unanimously.

Public Hearing: Dimensional variance for additional wall signage located at 814 North 12th Street – Burger King: The Burger King building will be going through renovations soon and with the renovations they are proposing five new wall signs. One 36 square foot sign facing 12th Street (west side of the building) adheres to the sign regulations and is approved. The remaining four signs that will need to be reviewed as a dimensional variance are: two 36 square foot logo signs on the south side of the building facing the Kroger parking lot; one 25 square foot awning sign also on the south side of the building that reads "*Home of the Whopper*" and one 6 foot round logo sign on the north side of the building facing Applebee's.

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

Dan Drury, President of Mid America Hotels/Drury Restaurants, came forward and was sworn in. (Also in attendance was Melanie Cantrell-Engineer for Mid America Hotels.) Remodeled renderings with similarities to the Murray Burger King were shown. Mr. Drury explained that the sign proposals are the typical Burger King package with standard size signs. The signs will be LED lit. He described the finished building as very nice with stone on the outside.

No one spoke in opposition. Vice-Chairman Vernon closed the public hearing and turned the item over to the board for discussion and a motion.

Board Members Foster and Strieter agreed that there was a lot of signage on the south side of the building. Mr. Jeffries explained that the total signage on the south side of the building is approximately 7 square feet over the allowable square footage. Board Member Foster commented that the proposed changes to the building were definitely needed; however, he is

concerned that allowing all the proposed signs would set precedence for future signage.

Mike Faihst made a motion to approve the dimensional variance request to allow additional wall signage as presented for Burger King located at 814 North 12th Street with the findings of fact that the proposed signage on the south side of the building is approximately 7 square feet over the allowable square footage and other businesses to the north have been granted variances for additional signage in the recent past. The granting of the variance 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. Bobbie Weatherly seconded the motion and the motion carried with a 5-1 roll call. Terry Strieter voted no.

Public Hearing: Conditional use permit to allow one sleeping room to be rented in home at 218 South 11th Street (R-2 Single Family Residential Zoning District) – Carol Arnold: The applicant is the owner and resident of the property. She originally applied for a conditional use permit to allow her to have two sleeping rooms in her home; however, she has changed that request to allow for only one sleeping room. This request is only allowed as a conditional use in an R-2 zone. Ms. Arnold has expressed to Planning Staff that she lives alone and would like to have a foreign exchange student or a lady companion be able to live with her. Adjoining property owners were notified. One only phone call was received and that was an inquiry. No one replied in opposition.

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

Carol Arnold came forward and was sworn in. Ms. Arnold explained that since being divorced, she has decided that she doesn't really like to live alone; therefore, she is requesting to have a tenant. Ms. Arnold said that she recently found out that foreign students under the age of 21 are required to live on campus; therefore, a foreign student might not be a good option for a tenant. She suggested that having a female companion close to her age might be more ideal. She is looking for someone to live with her and help to share expenses.

No one came forward in opposition; therefore, the public hearing was closed and the item was turned over to the board for discussion and a motion.

Bobbie Weatherly made a motion to approve the conditional use permit request for one sleeping room to be rented in an R-2 Single Family Zoning District located at 218 South 11th Street based on the testimony of Ms. Carol Arnold that she would like to have either a foreign student or a female companion near her age as a tenant. This variance will only be applicable as long as Ms. Arnold owns the property and resides there. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Conditional use permit to allow the outdoor storage of merchandise located at 900 North 12th Street – Huck's: This request is for a permanent outdoor display of one propane cage, one ice machine, two (4 foot) display racks and two (6 foot) display racks. In addition, the applicant would like to have a seasonal 100 x 4 foot display of palletized mulch (March thru August). It is not uncommon for convenience stores to have outdoor displays of

merchandise of this nature. There are plenty of bollards located along the front of the building to prevent vehicles from approaching the merchandise that is being displayed. There is also ample room for walking along the sidewalk between the bollards and the merchandise.

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

Greg Stewart came forward and was sworn in. Mr. Stewart is the Divisional Manager of Huck's over the Murray stores. He explained that the mulch will be palletized along the north side of the building against the curb. The mulch will be seasonal and typically will be displayed from March thru August. A typical pallet is 48 x 48 and less than 5 feet high, pre-stacked and shrink-wrapped. They are anticipating no more than 100 feet for the pallets (allowing ample room between the pallets). The pallets will not impact traffic from the drive-thru located on that side of the building. The other outside storage racks will basically be year round items such as water, firewood, and automobile fluids with rotation of several items. The ice machine and propane tanks storage will also be year round with no rotation. He described the bollards as steel tubes filled with concrete. He confirmed that there is adequate space on the sidewalk between the merchandise and bollards.

There was no one that spoke in opposition to the request. The public hearing was closed the item turned over to the board for discussion and a motion.

Mr. Foster owns Culver's (the business directly to the south of Huck's) and he was complimentary of the way the building and facilities are kept. He said that they are good neighbors and that they keep all their trash picked up; however, he is concerned with the possibility of plastic blowing off the pallets and littering the surrounding areas.

Jim Foster made a motion to approve the conditional use permit to allow outdoor storage of merchandise as presented for Huck's located at 900 North 12th Street. This motion includes one propane cage, one ice machine, two (4 foot) display racks, two (6 foot) display racks in front of their building and the pallets of mulch on the north side of their property (which are only allowed from March 1st thru August 1st). This approval is contingent upon everything being in compliance with fire and building codes and that the property be maintained and cleaned up on a regular basis to avoid becoming a nuisance. Terry Strieter seconded the motion and the motion carried with a 6-0 roll call vote.

Questions/Comments: Mr. Jeffries explained different social media ways to make the public more aware of Planning Commission and BZA meetings. He shared that Paducah actually posts their meetings on their YouTube channel the day after the meetings are held. He concluded that if the Board Members had any ideas in making the public more aware of meetings to contact the Planning Staff with those ideas.

Mike Faihst made a motion to adjourn. Jim Foster seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:25 p.m.*

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No one spoke in opposition. Vice-Chairman Vernon closed the public hearing and turned the item over to the board for discussion and a motion.

Board Members Foster and Strieter agreed that there was a lot of signage on the south side of the building. Mr. Jeffries explained that the total signage on the south side of the building is approximately 7 square feet over the allowable square footage. Board Member Foster commented that the proposed changes to the building were definitely needed; however, he is

Murray Board of Zoning Adjustments Regular Meeting

May 18, 2016 258

concerned that allowing all the proposed signs would set precedence for future signage.

Mike Faihst made a motion to approve the dimensional variance request to allow additional wall signage as presented for Burger King located at 814 North 12th Street with the findings of fact that the proposed signage on the south side of the building is approximately 7 square feet over the allowable square footage and other businesses to the north have been granted variances for additional signage in the recent past. The granting of the variance 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. Bobbie Weatherly seconded the motion and the motion carried with a 5-1 roll

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