

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JUNE 21, 2023
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, June 21, 2023 at 4:30 p.m. in City Hall at 500 Main Street.

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

Board Members Absent: Jim Foster, Paula Hulick

Also Present: Rakov Aetherus, Lindsay Aycock, Danna Clayton, Carol Downey, Attorney David Perlow, Father Josh McCarty, Lubie L. Veal III, Kary Fox, Tony Jarvis, Jacob Rivera 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 May 17, 2023.

Josh Vernon made a motion to approve the minutes from the regular BZA meeting on May 17, 2023 as presented. John Krieb seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit request by Father Josh McCarty, St. Leo's Catholic Church, to allow up to three non-related persons to occupy the premises located at 1304 Wells Blvd. 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 property, the street views and the surrounding properties. Carol mentioned two of the adjacent property owners called to advise that they were not in opposition of the request.

Althia Caldwell entered the meeting at approximately 4:32 p.m.

Chairman Faihst requested Althia Caldwell be sworn in at this time.

Oath of Office: Carol Downey administered the oath of office to Althia Caldwell.

Father Josh McCarty came forward and was sworn in. Father McCarty did not have anything to add to Carol's presentation and stated that he appreciated the board's consideration.

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.

Josh Vernon made a motion to approve the Conditional Use Permit to allow up to three non-related persons to occupy the premises located at 1304 Wells Blvd., which is in a R-2, Single-Family Residential Zone. The findings of fact being that the current and future use of the property are in keeping with the intent of the neighborhood and the use of the church, as well as the maturity of the individuals living in the home. This permit would extend until Father Thomas is reassigned from the current living circumstances. 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 request by Chip Veal, Hometown Mattress, for a 129.75 square foot variance for the wall sign comprised of four elements, on the east side of the commercial tenant space located at 500 A South 12th Street in a B-2, Highway Business District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, pictures of the approved and actual signage, the property, surrounding properties and street views.

Lubie L. Veal III or "Chip" came forward and was sworn in. Mr. Veal explained that once they owned the sign, they decided it would look better to stack the words on top of each other instead of side-by-side, not realizing it would increase the square footage of the sign. He said they want to add the painted, wooden house silhouettes to give it a mural-like feel, similar to the others in town and to make it look more visually appealing. The board asked Mr. Veal if he had contacted the supplier in regards to getting his order corrected. He responded that the supplier told him it would take two months to have new letters made. Mr. Veal stated that he didn't have two months to wait for new letters.

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

Kary Fox came forward and was sworn in. Ms. Fox stated that she is in favor of the request and thinks it will provide a hometown feel and great curb appeal.

Chairman Faihst asked if anyone was in 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 to allow the 129.75 square foot variance for signage on the east facade, comprised for 4 elements, for the tenant space located at 500 A South 12th Street as presented. The findings of fact being that the error of the sign company would have cost the owner two more months without signage on the new business and the appearance will be improved with the proposed silhouette additions. 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. Josh Vernon seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Dimensional Variance request by Tony Jarvis for a two-foot variance for the purpose of constructing a six-foot fence in side yard of the property located at 803 South 17th Street (corner lot, secondary street shall be treated as a front yard) in a R-2, Single-Family Residential Zone. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, a site plan, pictures of the style and size of fencing, the area to be enclosed, surrounding properties and street views.

Tony Jarvis came forward and was sworn in. Mr. Jarvis shared their desire for the fence to look uniform and wanting a place for their children and dogs to play. He mentioned that he has been in regular contact with his backyard neighbor, Mr. Poston, to make sure the request wouldn't be intrusive to him or his wife.

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.

Josh Vernon made a motion to approve the Dimensional Variance to allow a two-foot variance for the purpose of constructing a fence on the north side yard at 803 South 17th Street. The findings of fact being that the shrubs are already taller than the proposed fence, it would cause an unnecessary nuisance to the homeowner to have to modify the existing concrete pad and as shown in the pictures, it is a secondary condition corner 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. Chairman Faihst seconded the motion and the motion carried with a 5-0 roll call vote.

Public Hearing: Conditional Use Permit request by Leslye Bransford & Sarah Stanger, Aligned Health, to have an outpatient medical office located at 400 Industrial Road, Suite A in an I, Industrial District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, pictures of the property, surrounding properties and street views.

Jacob Rivera came forward and was sworn in. Mr. Rivera stated they want to move their medical practice from the current 12th Street location to 400 Industrial Road, Suite A. He said there was a medical office there before so it's a perfect space for both of their providers and the growing practice.

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.

Josh Vernon made a motion to approve the Conditional Use Permit to allow an outpatient medical office in an Industrial Zone to be located at 400 Industrial Road, Suite A. The findings of fact being that it follows the intended purpose of the building, the proposed business is similar to the past occupancy and the surrounding properties include several office-type occupancies. 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.

Non-Public Hearing: Nominate and Appoint Secretary: Josh Vernon nominated Jim Foster as Secretary of the Board of Zoning Adjustments. Chairman Faihst seconded the motion and the motion carried unanimously.

Questions and Comments: The board inquired if it would be allowable for staff to encourage the property owner, where Family Dollar was previously, to paint over the space where the sign used to hang. Staff agreed to contact the owner of the shopping center.

Chairman Faihst called for a motion to adjourn.

Josh Vernon made a motion to adjourn. Chairman Faihst seconded the motion. The meeting adjourned at approximately 5:13 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock