

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
Wednesday, September 20, 2023  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, September 20, 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, Carol Downey, Attorney David Perlow, Aaron Scott, Renee Gray, Bobby Deitz, Deana Wright, 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 August 16, 2023.

**Carmen Garland made a motion to approve the minutes from the regular BZA meeting on August 16, 2023 as presented. Paula Hulick seconded the motion and the motion carried unanimously.**

**Public Hearing: Dimensional Variance - Request a variance to allow two additional wall signs for a total of three wall signs on the north façade of the building located at 309 Solar Drive, in an Industrial zone. (Aaron Scott, Premier Athletics Inc., applicant/owner)** Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, a rendering of the proposed wall sign, pictures of the proposed sign location, property, street views and surrounding properties.

Aaron Scott came forward and was sworn in. Mr. Scott explained that the current signage was a gift from the parents and he had already planned on having a light up sign. He mentioned that the light up sign would help illuminate the exterior, be color changing and dimmable.

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 to allow two additional wall signs, for a total of three wall signs, on the north façade of the building located at 309 Solar Drive as presented. The findings of fact being that the total allowed signage is 355 square feet and they are requesting three signs totaling less than 68 square feet; the building is on a side street with minimal traffic; and the signs will help in the parking 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 6-0 roll call vote.**

**Public Hearing: Conditional Use Permit - Request to allow a medical office facility located at 400 Industrial Road, Suite A, in an Industrial zone. (Ann Marie Edwards, Kentucky Advanced Medical Research LLC, applicant – Jeanna Glisson, Owner)** 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.

Renee Gray came forward and was sworn in. Ms. Gray explained that they do clinical trials for different pharmaceutical facilities and it's free to all patients. The board asked how many people would be there per day and if the patients are walk-ins or referrals. Ms. Gray responded that there would usually only be two to three patients each day and they have both walk-in and referrals. The board inquired about the length of their lease and how many trials they participate in and Ms. Gray stated she was not given any information regarding the lease and the amount of studies they are in varies and Ms. Gray shared that they are FDA regulated.

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 a medical office in an Industrial Zone to be located at 400 Industrial Road, Suite A. The findings of fact being that the facility has been used for a similar type business in the recent past and is fitting with the surrounding office space in this Industrial Zone. 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 6-0 roll call vote.**

**Public Hearing: Dimensional Variance - Request to waive the parking requirement of two spaces for Multi-Family Residential one- or two-bedroom units. Spire Development is requesting a 34-space parking variance on the proposed five acres at the end of Brooklyn Drive, in a R-4 Multi-Family Residential District, contingent upon purchase of the property and approval of the plans. (Spire Development, applicant – Stanger Management & Development LLC, owner)** Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, pictures of the proposed property, surrounding properties and street views.

Bobby Deitz came forward and was sworn in. Mr. Deitz explained that the building came in over budget so they had to shrink off 20 units and are now asking for a parking ratio of 1.43. 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 waiver of the parking requirement and approve a 34-parking space variance for the proposed 60-unit senior living three-story apartment building on the proposed five acres at the end of Brooklyn Drive, contingent upon purchase of the property and approval of the plans. The findings of fact being that they have space to add parking if needed, but they believe their performance works correctly for the number of units they have and the original 80-unit facility concept proved to be over budget so they reduced it to 60 units, but they still need the parking variance. 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 6-0 roll call vote.**

**Public Hearing: Dimensional Variance - Request to allow a mural painted directly upon the exterior façade on the north side of the building located at 106 North 4th Street, in the B-3 Central Business District and Historic Overlay District. (Applicant/Owner – Bill Windsor)**

**Public Hearing: Dimensional Variance - Request to allow a mural painted directly upon the exterior façade on the east side of the building located at 208 Main Street, in the B-3 Central Business District and Historic Overlay District. (Applicant/Owner – Murray Main Street)**

**Public Hearing: Dimensional Variance - Request to allow a mural painted directly upon the back lot (south side) retaining wall surface at 507 Main Street, in the B-3 Central Business District and Historic Overlay District. (Applicant/Owner - Mark & Karen Welch)**

Carol Downey reviewed the applicable ordinance and presented the Staff Reports for all three mural requests which included the zoning maps, renderings of the proposed murals, pictures of the properties, surrounding properties and street views.

Deana Wright came forward and was sworn in. Ms. Wright shared that they received a donation from a couple who wanted kindness-themed murals downtown. She detailed each of the murals and mentioned repairing and cleaning the proposed locations prior to the murals being painted. The board inquired as to the saturation point for murals in downtown Murray and Ms. Wright responded that in keeping with the narrative and not painting on unpainted brick, she doesn't see many more than three, after these.

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.

**Chairman Faihst made a motion to approve to allow the mural to be painted directly on the north façade of the building located at 106 North 4th Street as presented. The findings**

of fact being that the building was already painted; the mural will not wrap around the building; the mural will brighten up the area; and Murray Main Street is responsible for the upkeep of the mural. 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 6-0 roll call vote.

Josh Vernon made a motion to approve to allow the mural to be painted directly on the east façade of the building located at 208 Main Street as presented. The findings of fact being that the building was already painted; the mural will not wrap around the building; the mural will brighten up the area; and Murray Main Street is responsible for the upkeep of the mural. 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 6-0 roll call vote.


John Krieb made a motion to approve to allow the mural to be painted directly on the back lot (south side) retaining wall, located at 507 Main Street as presented. The mini murals are contingent on the board's approval. The findings of fact being that the building was already painted; the mural will not wrap around the building; the mural will brighten up the area, Murray Main Street is responsible for the upkeep of the mural; and it will be an excellent opportunity to encourage youth to participate in a kindness related activity. 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 6-0 roll call vote.

**Discussion Items:** Chairman Faihst stated that the Planning Commission adopted the Future Land Use Element of the Comprehensive Plan at the September 19, 2023 meeting.

**Questions and Comments:** None

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 5:17 p.m.**



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock