

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, APRIL 17, 2019
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, April 17, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

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

Board Members Absent: Jim Foster and Josh Vernon

Also Present: Maurice Thomas, Justin Smith, Jeremy Buchanan, Attorney David Perlow, Jim Osborne, Jack Smith and Levy Weatherford

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. At this time Chairman Krieb asked if there were any changes to the minutes from the regular BZA meeting on March 20, 2019.

Mike Faihst made a motion to approve the minutes from the Regular BZA meeting on March 20, 2019 as presented. Paula Hulick seconded the motion and the motion carried unanimously.

Chairman Krieb asked if there were any changes to the minutes from the special called BZA meeting on March 28, 2019.

Paula Hulick made a motion to approve the minutes from the Special Called BZA meeting on March 28, 2019 as presented. Mike Faihst seconded the motion and the motion carried unanimously.

Public Hearing: A Dimensional Variance request to allow a monument sign to have a changeable copy sign that is more than 30% of the total sign area: Applicant: University Church of Christ – Jack Smith: Justin Smith showed pictures of the University Church of Christ which is located at 801 North 12th Street (northwest corner at the intersection of North 12th Street and Hwy 121 Bypass North). He also showed pictures of the current sign and a rendering of the proposed sign. The variance request is for a changeable copy sign on the proposed monument type sign to be approximately 66% of their total signage area. According to regulations of the Zoning Ordinance, the changeable copy sign should not exceed 30% of the overall total square feet. Staff has been assisting the applicant Jack Smith (representative for the University Church of Christ) with this process and he has indicated that they would like to model their proposed sign after the Chamber of Commerce's sign (which is located adjacent to the Church) and reconfigure their existing 48 square foot sign with 32 square feet of that space being allotted to the changeable copy sign. The Chamber has an electronic reader board that is 30% larger than the allowable sign square footage. Justin explained that the Chamber of Commerce is zoned G (Government) and the city typically does not regulate the signs in government zoning districts. The new sign regulations allow the University Church of Christ a total of up to 80 square feet for a monument style sign.

They have elected to stay at 48 square feet since they already have a monument style sign which they could retrofit.

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

Jack Smith came forward and was sworn in. Mr. Smith explained that due to Mother Nature events their current sign has become disabled since July of 2018. Steps have been taken to find the most economical sign they can get. They have hired a contractor out of Paris, Tennessee to do the work. Mr. Smith said that after he met with Justin to discuss the sign regulations, he decided to apply for a variance. They think the proposed sign will be a great asset to their religious organization and to the community as well. They have community groups and twelve step groups that use their building. They also serve the community in multiple ways both financially and otherwise. In the past they advertised their group meetings with their LED board when it was operational. Once the sign is reconfigured, they plan to continue to have the group meetings and advertise them as well. Mr. Smith said that there are other organizations that have a sign greater than the 30% other than the government agencies. They feel that it would be a worthwhile adventure to seek the approval of the Board and to serve the community in another way with a bigger sign. There is a lot of traffic that passes their building and the intersection probably has the most traffic in all the city. They want to be a service to the community and let people know about them through the electronic changing sign that is visible. They did consider going to a larger sign; however, they decided against it to keep from tearing down the already constructed brick pillars. They believe they can do all the work with the new proposed sign without having to disturb the current base foundation. The only way to alter the sign in the current location is to go up with it. It is their opinion that their choice of the proposed sign will be aesthetically pleasing to them as well as to the City. They have been told by the sign company that they will be able to adjust the brightness of the sign. They hope to run the sign both day and night. Financial reasons were the biggest player in the size of sign that they chose. Visibility was also a factor with the amount of traffic that passes by. They want to be able to present the text where it will be readable at a quick glance. With all this in mind, they feel like they were able to obtain their goals without disturbing the appearance of the 12th Street corridor. Mr. Smith said that if they were required to go down percentage wise in the size of their sign, they would prefer to keep the reader board the same and go down on the other part of the sign as they feel that the reader board would be of the most value to them.

Levy Weatherford came forward and was sworn in. Mr. Weatherford (deacon of the church facility) said that two or three years ago the church group decided to focus their missions on Murray State and the community. They have been supporting foreign missions for years, but recently decided to step back and look at what the founding members of their church originally started the church for and it was for missioning to the university students. Most of their mission budget goes to the University Christian organizations. Mr. Weatherford added that churches change and they might need to change their time of worship someday and if this should occur, they feel like they could change as change is needed with a reader board. They are focused on serving the community and making them aware of opportunities that are being offered in their church.

No one came forward to speak in opposition; therefore, Chairman Krieb closed the public hearing and turned the item over to the BZA for discussion and a motion.

Mike Faihst made a motion to grant the Sign Variance for 801 North 12th Street to allow a monument sign with a changeable copy sign that is 66% of the total sign area as presented. The findings show that because of the distance off the right-of-way, the variance will allow the sign to be more visible. If there should be future complaints about the sign being too bright, then the sign brightness should be toned down. 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. Carmen Garland seconded the motion and the motion carried with a 4-1 roll call vote. Paula Hulick voted no.

Questions and Comments: There was discussion about this being the third variance since the new Ordinance. The Board does not want to set a precedence by allowing 66% of all signs to be a reader board. Mr. Faihst said that the part of the Ordinance that listed this particular item didn't get modified and they might need to look at that. Chairman Krieb reminded the Board that each case should be looked at on a case-by-case basis and in this circumstance the distance factor, financial aspect and the visibility were all considered. Jeremy added that most of these requests for a variance were that the applicant did not wish to take advantage of the over-all allotted size. The trend is that people don't want to take full advantage of that size along that corridor. He personally thinks it looks better if people don't put in the biggest sign they are allowed. Jeremy then gave an update on the Comprehensive Plan Committee. The BZA representatives are: John Krieb and Mike Faihst. The PC representatives are: Bobby Deitz and Robin Zhang. The citizen members will be Mark Manning from the EDC, Clint Combs (works for Peel & Holland and was previously a Safety Intern for the City) will represent the younger demographic sector, Cami Duffy (Title IX Coordinator at MSU) and Ryan Vanover (local contractor). Two or three of the chapters have been revised by an intern named Tanner Dutton who put a lot of effort into this update to hopefully provide a better starting point than previous Comprehensive Plan updates. Jeremy said that they are looking at having the committee meet on the first Tuesday of the month. He will be e-mailing people on the committee concerning the meetings. At this time, Chairman Krieb called for a motion to adjourn.

Mike Faihst made a motion to adjourn at 4:57 p.m. Bobbie Weatherly seconded the motion and the motion carried unanimously.

Chairman, John Krieb

Recording Secretary, Reta Gray