

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, OCTOBER 21, 2020
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 21, 2020 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

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

Board Members Absent: Jim Foster

Also Present: Justin Smith, Candace Dowdy, Attorney David Perlow, Bennett Moore, Jim Osborne, Mark Manning, Bridget Poor and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Jim Osborne called the roll. At this time Chairman Krieb asked if there were any changes to the minutes from the regular BZA meeting on September 16, 2020.

Mike Faihst made a motion to approve the minutes from the regular BZA meeting on September 16, 2020 as amended. Bobbie Weatherly seconded the motion and the motion carried unanimously.

Public Hearing: Sign Variance request to allow a wall sign that exceeds 80 x 136 square feet to be located at 101 Robert Young Boulevard – Applicant: TPG/Ottway Signs/Mark Manning: Justin Smith reviewed the City zoning map. He then showed the rendering of the TPG sign at 101 Robert Young Blvd. The sign regulations state that a sign cannot exceed 80 square feet in the Industrial zoning district and that only one wall sign is allowed per façade. Ottway Signs is requesting a sign variance on behalf of Mark Manning of the EDC for the TPG industrial building. The sign will be located on the eastern boundary wall facing US HWY 641N. If approved this variance would allow for their only wall sign to be 136 square feet larger than regulations. The wall size is 300 feet x 38 feet for a total of 11,400 square feet which means the proposed sign would be 1.8% of the wall area. (Typically, business districts are allowed 8% for wall signs in comparison to the wall size.) The planning department has allowed the sign to go up temporarily until a decision can be made by the board on whether or not to approve the variance. Ottway Signs thought this sign would be within the regulations because of the overall square footage allowed for industrial buildings; however, this was an oversight on their part.

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

Mark Manning came forward and was sworn in. Mr. Manning was representing the sign company as well as TPG. The rendering that Justin had shown earlier was something that was given to TPG when the EDC was recruiting the company. Mr. Manning said that it is always a good selling point to show a company the building with their name on it. TPG is one of the most amazing corporate citizens that Mr. Manning has ever dealt with. They are growing quickly. He

commented that they actually got this plant up and running within five months and that is unheard of. When TPG was ready to put up their sign, they wanted to use a local vendor because they believe in “keeping it local”. At that point, they handed the original rendering to Ottway Signs and asked them to make it look like the rendering. Ottway personnel thought they were following the business district regulations. In conclusion Mr. Manning stated that the sign is large; however, he does not think the sign is out of character with the surroundings. The company is very proud of the sign and the EDC is very proud of the company.

No one came forward to speak in opposition to the request; therefore, the chairman closed the public hearing and turned the item over to the Board members for further discussion and a motion.

Bobbie Weatherly made a motion to grant the 136 square foot sign variance to allow a wall sign that exceeds 80 square feet to be located at 101 Robert Young Blvd as presented. The testimony presented in this public hearing has shown based on the findings that 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. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Public Hearing: Conditional Use Permit request to allow three non-related persons to occupy the premises at 1704 Olive Street – Applicant: Bridget Poor: Justin showed the property using aerial photography. The property is located in an R-2 (Single Family Residential) zoning district. Justin reviewed the regulations for the zone. The applicant is requesting a Conditional Use Permit to allow a group of not to exceed three persons (who are not related by blood or marriage) to occupy the premises and live as a single, non-profit housekeeping unit. Justin reviewed similar prior requests for the area. The applicant Bridget Poor is requesting that her son and two of his friends be approved to live together at 1704 Olive Street. The applicant and tenants were unaware that approval was needed from the BZA for this type of living situation in a single-family zoning district. The neighbor across the street actually brought this item to the attention of the Planning staff. This neighbor has a “grandfathered in” non-conforming status of multi-family and believes she is the only one in this neighborhood that should be allowed multi-family status. After receiving the complaint, staff notified the property owners and residents to make them aware of the Conditional Use Permit process. Justin added that according to the police department there had been no complaints concerning the property in the past year. Chairman Krieb asked if there were any properties with CUPs that are still current. Justin did not know. Mr. Krieb suggested that in the future that these type of property owners be sent letters to see if they were still compliant. He then requested that at the next meeting that Justin let the Board know how many properties might be involved.

Jim Osborne explained that when letters are sent, sometimes the property owners do not respond and following up on that is very difficult. By the time you go through the process of going through court and the property owner trying to evict them, it takes up most of a semester. Currently we are under an executive order from our Governor that we can’t evict anyone. Mr. Krieb noted that the awareness would be the first step.

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

Bridget Poor came forward and was sworn in. In 2017 Ms. Poor and her husband purchased the property for their daughter (a MSU student at the time) to use while she attended school. She has since moved on and currently their son (who is a sophomore at MSU) is residing in the house. Ms. Poor stated that the intent was not to be landlords when they bought the house; the house was only purchased for their children's use while attending MSU. Once their children are finished with college, they are hoping to sell the house to another single family. They had noticed that the house across the street had multi-family residents. They were not aware that a Conditional Use Permit was needed in order to be multi-family. Two of their son's friends have been living in the house with him since the beginning of September. The house is not crowded as it is a three-bedroom house with two baths. When the Poor's daughter resided in the house, she was married and there was another girl residing with them for a couple of months. Ms. Poor said that she had spoken to the next-door neighbors and asked if the boys were being good neighbors. The neighbors indicated that they are really pleased with their behavior. The boys keep the yard looking good and they are conscious of driving slow through the neighborhood since there are children in the vicinity. The only complaints that have been received were about multiple people at the residence, multiple cars being parked at the house and whether the property is in compliance with the zoning ordinance.

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

Paula Hulick made a motion to grant the Conditional Use Permit for allowing three non-related persons to occupy the premises in an R-2 (Single Family Residential) zoning district located at 1704 Olive Street with the conditions that after the son's graduation the property will revert back to a single unit. No outdoor activities are allowed after 10:30 p.m. and parking must be in the driveway only. According to the testimony of the home owner, the yards have been maintained and there have been compliments relating to the boys driving speed in the neighborhood. The testimony presented in this public hearing has shown based on the findings that it does 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 nuisance to the public; and will not allow unreasonable circumvention of the requirements of the zoning ordinance. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Conditional Use Permit request to allow hemp processing to be located at 201 Poplar Street – Applicant: WKH Farms: After a lengthy discussion at the September meeting, this item was tabled in order for Planning Staff to gather additional information from other cities concerning similar processing operations of hemp in their Kentucky communities. Chairman Krieb called for a motion to remove this item from the table.

Mike Faihst made a motion to remove the item from the table. Paula Hulick seconded the motion. The motion was approved unanimously.

Justin clarified the meaning of tabling an item vs. recessing an item. Even though the public hearing has already been conducted, it will be permissible for questions to be asked to certain individuals.

Candace Dowdy gave a recap from the previous month's discussion on this item. She then showed a map of the area surrounding the warehouse where the hemp is currently being stored. Candace stated that she had previously sent the board members information about six different facilities for their review before the meeting. She then reviewed conversations and information that she had obtained from Danville, Cadiz, Eddyville, Louisville, Paris and Winchester. She noted that most of the facilities are located in industrial areas with one being in an Agricultural zone. There are very few residential areas in close proximity to those facilities. Several different city officials indicated that there is an odor that is present at the facilities and surrounding areas. Candace then referred to the facility in Murray. She said that there doesn't seem to be much of an odor at this time because there is nothing currently happening at the location. The hemp that is stored there now is wrapped in plastic and the doors of the facility are usually closed. Candace stated that Danny Hudspeth had called indicating that the facility does not have heating or air-conditioning; therefore, it is likely that when individuals are working inside, the doors would need to be opened for proper ventilation. This would release additional fumes. Candace said that she had contacted Cary Brandon (the owner of the building) and he was not aware of what the building was being used for. *(The information that Candace has obtained along with overhead pictures were entered as Exhibit A.)*

Various industries produce odors in this area; however, they are not as pungent as those from the hemp facility. Greg Molinar (Fire Marshall for the City of Murray) was not aware that the building was being used for storage; therefore, he has not completed an inspection of the facility at this point. He is expected to make an inspection next week. Bobbie Weatherly said that she was both sympathetic and empathetic with the residents who live near this facility because of the odor it is emitting; however, not a one of the facilities that Candace reported on exactly replicates this situation. She added that she wants to encourage a young entrepreneur such as Joseph Kelly but not to the point of having a facility such as this in the residential area. Paula Hulick agreed with Bobbie and added that she is not sure this location was the zone that a facility such as this should be located in. Mike Faihst stated that he had researched this thoroughly and that the ethanol that is used in the extraction process has a very low flash point. Not knowing how much ethanol will be stored at the facility for this process, Mike was very concerned about the fire suppression.

Chairman Krieb said that he was disappointed that Joseph Kelly (the applicant) was not in attendance since there were a number of questions that the board had unanswered. He then called for a motion.

Josh Vernon made a motion to deny the Conditional Use Permit request to allow hemp processing at 201 Poplar Street based on the following findings: 1) There has been a lack of evidence that an odor control mechanism is planned or in place currently for the facility. 2) The surrounding vicinity has a significant amount of residential single-family homes and based on the testimonies of these surrounding neighbors, the odor has been quite pungent and disturbing in the past. 3) The continuing odor is obvious even when the dried hemp is

sealed in plastic. 4) Based on the review from Planning Staff concerning other facilities in the state, there is at least ¼ mile between those facilities and the residential areas. Paula Hulick seconded the motion and the motion carried with a 5-0 roll call vote. *Bobbie Weatherly abstained from voting.*

Nomination & Election of Officers for 2021 Calendar Year: Candace read the list of current officers for 2020 and they are: John Krieb – Chairman; Mike Faihst - 1st Vice-Chairman; Josh Vernon – 2nd Vice-Chairman.

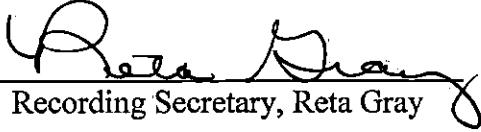
Bobbie Weatherly made a motion that the three presiding officers, John Krieb – Chairman; Mike Faihst - 1st Vice-Chairman; and Josh Vernon – 2nd Vice-Chairman, (upon their agreement) continue in 2021 in the offices that they have served in during 2020. Paula Hulick seconded the motion and the motion passed unanimously.

Questions and comments: Candace reported that according to the Kentucky League of Cities there are no in-person trainings scheduled for this time. The entities have indicated that they will send information if they do have continuing education made available before the end of the year. Candace said that she had asked about the possibility of Murray hosting one of these events and was told that others that handle all the state's trainings typically schedule the location for the events at the same place as prior sessions. Schedules are made a year in advance so if something should change, we wouldn't see that until the 2022 calendar.

Josh Vernon made a motion to adjourn. Mike Faihst seconded the motion. The meeting adjourned at 5:46 p.m.



Chairman, John Krieb



Recording Secretary, Reta Gray

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, NOVEMBER 18, 2020
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, November 18, 2020 at 4:30 p.m. via web cam from City Hall at 500 Main Street.

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

Board Members Absent: Jim Foster

Also Present: Justin Smith, Attorney David Perlow, Bennett Moore, Jim Osborne, Dannetta Clayton, and Scott Elpers

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Dannetta Clayton called the roll. At this time Chairman Krieb asked if there were any changes to the minutes from the regular BZA meeting on October 21, 2020.

Mike Faihst made a motion to approve the minutes from the regular BZA meeting on October 21, 2020 as presented. Carmen Garland seconded the motion and the motion carried unanimously.

Public Hearing: Sign Variance request to allow four additional wall signs to the front façade wall of Huck's located at 411 South 12th Street – Applicant: Huck's/Custom Sign Engineering LLC/Jerome Naas: Justin Smith used aerial photography to show the location of Huck's on South 12th Street. Huck's is located in the B-4 (Medium Density Business) zoning district. The PDP process was explained and the history of signage since 2011. Justin then showed a picture of Huck's before the renovation and a rendering of the new renovation. With the new renovation, they are proposing new signage. New sign regulations allow Huck's to construct a monument sign at this location; however, at this time, they have not requested one. Huck's has a total of three walls where they are allowed signage but they are only looking at placing signage on the front façade which faces west. They have been approved to change their current signage on the front façade and on the canopy in accordance with our sign regulations. The applicant is requesting five wall signs to the front façade wall which is outside of the ordinance regulations. The regulations allow only one sign; thus, the variance request for an additional four wall signs. In summary, this remodel will bring this location more up-to-date with the surrounding area. The new sign proposals are based on the standard design across the nation for Huck's locations as they have partnerships with Godfather's Pizza and Cluck's chicken brand. Justin then asked the Board members if they had any questions. There were positive comments about the new façade as well as the sign proposals. They thought they were very tasteful and that they did not detract from the looks of the building nor cause a distraction.

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