

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JULY 22, 2020
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, July 22, 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, Jim Foster, Paula Hulick, Josh Vernon and Carmen Garland (*Carmen arrived at 4:34 pm*)

Board Members Absent: none

Also Present: Justin Smith, Zach Warren, Attorney David Perlow, Maurice Thomas, Jim Osborne (*Jim joined the meeting at 4:39 pm*), Justin Kimbro, Deena Wright, Shawn and Laurel Kinsey, Jan Seargent, Patti Reyes, and Marla and David Thomason

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 June 17, 2020.

Mike Faihst made a motion to approve the minutes from the regular BZA meeting on June 17, 2020 as presented. Jim Foster seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance request to allow a mural to be located at 307A North 4th Street – Applicant: Helix Creative/Justin Kimbro: Justin Smith showed aerial photography of the building at 307A North 4th Street that Helix Creative (Justin Kimbro) now occupies. The current zoning is B-3 (Central Business District). The rendering of the proposed mural that Mr. Kimbro submitted was shown. Justin reviewed that the applicable regulations are listed in § 156.050 Signs and Exempt Signs. Helix Creative would like to have an 8-foot x 8-foot mural painted on the south wall to compliment the renovated building. Justin turned the item over to the Board for questions.

Chairman Krieb opened the public hearing and asked the applicant to come forward.

Justin Kimbro came forward and was sworn in. Mr. Kimbro said that they purchased the building a couple of years ago and have renovated it during that time. Helix Creative is located on one side and Miracle Ear on the other. Mr. Kimbro indicated that he had talked to the neighbors (Rick Melton and Mitch Ryan) and received positive feedback about the mural. Justin stated they are excited about joining in with the others who have murals downtown. He feels this will give pride to our town.

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

Deena Wright (Main Street Manager) came forward and was sworn in. Ms. Wright said that the last time she came before the Board, she requested approval for three murals for downtown. Two of the three are up. She feels that the artsy murals in the downtown area were a positive addition for Murray. It is her opinion that this mural will also be a positive addition especially during these times. Ms. Wright hopes the Board agrees with her and approves this request.

No one spoke in opposition to the request. Chairman Krieb closed the public hearing and turned the item over to the Board.

Mike Faiht made a motion to approve the Variance for the 307A North 4th Street mural 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. Paula Hulick seconded the motion. Josh Vernon amended the motion to add that the mural should be professional in the manner in which it has been designed and presented. The motion carried with a 7-0 roll call vote.

Public Hearing: Conditional Use Permit request to allow residential use in the B-3 (Central Business District) zone to be located at 103 North 6th Street – Applicant: Shawn and Laurel Kinsey: Justin Smith explained that the applicants, Shawn and Laurel Kinsey, are in the process of buying the property at 103 North 6th Street with hopes of using it as residential use for themselves. This property was recently renovated by the current owner. It is a beautiful Victorian style house and would be an ideal residential home moving forward. Justin said that this is the first request that the Board has seen since the Zoning Ordinance was revised. One of the purposes for making updates to the Ordinance was to open it up for more people to be able to request residential use in the B-3 district and to hopefully get a little more foot traffic in the downtown area; thus, attract more businesses. Justin showed aerial photography of the property along with renovation shots of the home.

Chairman Krieb opened the public hearing and asked the applicants to come forward.

Shawn and Laurel Kinsey came forward and were sworn in. Mr. Kinsey said that he is 30 years old. He was born and raised in this town and he loves Murray. He's always loved this house since he was a child. He often takes detours so that he can walk or drive by the house. Shawn and Laurel looked at buying the house a few years ago, but as a newly wed couple they didn't think they would be able to take on the task of restoring it. Thanks to the current owners, they have spent many years of love to bring life back to the home by restoring it. Now the Kinseys would like nothing more than to put life into the home. They have no intention of renting the property. They plan to use it as a single-family residence for their family.

Deena Wright came forward to speak in favor of the request. Ms. Wright said that they are very lucky that the current owners (the Youngs) spent their money to renovate this historic home in downtown Murray. She said that the home is absolutely gorgeous now. They are lucky again to

have a young couple that wants the house to belong to them. It is important to the downtown to keep that history alive and to keep families involved in our downtown as well. Ms. Wright concluded that she knows this family will be a great part of our downtown and she hopes the Board agrees with her. The house is over 100 years old. It was originally built on Main Street, put on rollers and turned towards 6th Street. It was also one of the first houses to have running water. That history is still alive because someone saved it.

Jan Seargent came forward and was sworn in. Ms. Sergeant said that her and her husband have lived on Main Street for 40 years in a mixed zone. She said that it makes her heart really happy to know that she is actually going to have neighbors. She feels like this will add to the neighborhood. She said that she is in total favor of this request.

No one spoke in opposition to the request. The public hearing was closed and Chairman Krieb turned the item over to the Board for further discussion and a motion.

Josh Vernon made a motion to grant the Conditional Use Permit to allow residential use as the primary use in the B-3 Central Business District for the location of 103 North 6th Street. As the testimonies have indicated this is the ideal situation we want to happen for a historic home like this in its location. 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 7-0 roll call vote.

Public Hearing: Conditional Use Permit request to allow a state licensed therapeutic massage therapist to operate a business in a residential home at 17 Gibbs Store Road – Applicant: Patricia (Patti) Reyes: Justin used aerial photography to show the property on the corner of Wiswell and Gibbs Store Road. He explained that home occupations are allowed within the city limits of Murray through the application process. If the application is questionable, the applicant has the option to come before the Board and ask for approval. In this situation, Patti Reyes (state licensed therapeutic massage therapist) wishes to operate her business from her home. Patti indicated that she works alone and that her clients will come to her home for their massages. Additional traffic will be generated. This is the main reason why the Board is reviewing the request. Since the Covid-19 pandemic, Patti's business has suffered significantly to the point where she can no longer afford property rent for her business in a commercial zone at 300 Maple Street Suite 5. She does not want to go out of business entirely and would like to request to operate her therapeutic massage business out of her home. Justin said that he had received one call with concerns about the additional traffic this would generate and with additional cars parked in the driveway, that the visibility at the intersection could become worse. This is a dangerous intersection with traffic moving quite fast on Wiswell. There have been several accidents at this intersection already. The visibility is poor because of a hill and a curve and now there are crops that are hindering the visibility even more. When there are automobiles parked in this driveway, that also hinders the

visibility. Chairman Krieb asked Justin to determine the distance that the intersection is from Ms. Reyes' driveway. He then asked the applicant to come forward.

Patricia Reyes came forward and was sworn in. Patti has lived at this location for 34 years. She is well aware of the traffic issues at this intersection. She fought with the State Highway Department about 18 or 19 years ago requesting that they lower the speed limit in this area. She said that State Troopers parked in her driveway to monitor the speed of the cars that were going by. This actually resulted in lowering the speed limit by 10 miles per hour; however, the problem still exists because they did not put the sign (heading east on Wiswell) far enough from the intersection for motorists to react. She added that in the time that she has lived there, there have been crops grown to the west of her driveway, but there has never been anything grown as tall as the corn is now. She said as far as parking goes, her car is always in the garage. Patti and her husband are the only occupants of her home and her husband works most of the time and his vehicle is not there. When he is there, he pulls up close to the house for the very reason to not hinder someone's sight for those on Gibbs Store Road. She said that to her knowledge, there has been two car wrecks and two dogs killed at that intersection, but she did not think that anyone had been killed there. One of the accidents was her daughter as she was backing out of the driveway. Someone was traveling about 70 mph around the curve after the speed limit sign had been implemented. Patti's driveway is three cars wide and you can fit six long trucks in it. She will only have one client at a time and she has always spaced at least an hour between every client to allow her time to complete paperwork, sterilize between clients and give her hands a break. There should never be more than one automobile in the driveway unless her husband is home and he will park in the yard. Patti added that a lot of her clients are elderly and they are usually dropped off. She does therapeutic massage and she has a lot of clients in a lot of pain that need to be worked on. It is very important to her to be able to continue to serve her clients. Patti does not back into Wiswell, she backs into her yard in a graveled area. She tells everyone that comes over to back into the yard in the turnaround area. She will probably be down to two clients a day. Her massages do not begin before 11 a.m. Her busiest time when she was working full time was from 3-7 p.m. Patti does not think her clients will add to the visibility issue at all. Mike Faihst asked if the Fire Inspector is required to conduct an inspection. Patti did not know but she would try to find that out.

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

Marla Thomason came forward and was sworn in. Marla said that they had used Patti for several years and she was always very professional. She said that it means a lot to Patti to be able to move this business to her home and to continue to work. Marla has been in Patti's driveway a few times. She has a long Expedition and she has never had a bit of problem backing out of her driveway. Marla said that she hopes the Board will grant the request so that Patti can continue to work.

David Thomason came forward and was sworn in. David said that he is familiar with that area because he drives a school bus for Calloway County School System. He does

not think there will be a problem for the clients coming and going from Patti's house. He said that no more clients than she is going to be seeing, he does not think that will be an issue at all.

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

Justin said that he used GeoMedia to find out the distance from Ms. Reyes driveway to the property line. It is 70 feet from the property line and 86 feet from the roadway. Paula Hulick said that she lives in Campbell Estates and noted that Wiswell Road has become a dangerous highway. Paula and her husband drove to Gibbs Store Road and tried to back out onto Wiswell. She said it was very busy and she thinks that intersection is quite dangerous. She commended Patti for trying to get the speed limit reduced, but added that people just do not adhere to speed limit signs. There was discussion concerning Ms. Reyes scheduling her appointments around school bus times.

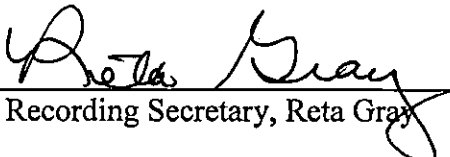
Jim Foster made a motion to approve the Conditional Use Permit to allow a state licensed therapeutic massage therapist to operate a business in a residential home located at 17 Gibbs Store Road subject to fire inspection, any State and City regulations, and to try to limit the use of the business between the hours of 3 pm and 4 pm for bus use on the road. 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. Josh Vernon seconded the motion and the motion carried with a 6-1 roll call vote. Paula Hulick voted no.

Questions and comments: Justin told the Board members that the copies of the revised Zoning Ordinance were passed out earlier. He asked them to take the new one home and replace the old one. David Perlow noted that at the Planning Commission meeting the previous night, the issue of the speed limit on west Main Street was discussed. Jim Osborne then spoke. He said that he had contacted the Chief District Engineer for KYTC in the first region and was pleased to say that the State has approved moving the 45-mph speed limit further west nearly to the access road that goes to the vocational school. The 35-mph speed limit will also be moved further west. Ideally cars going east will start slowing down just past Dollar General. The signs will be put up soon.

Mike Faihst said that some of the downtown buildings have improved their facades in the last year or two and he thinks that this is moving in the right direction. Chairman Krieb agreed. Chairman Krieb then called for a motion to adjourn. **Mike Faihst made a motion to adjourn. Linda Hulick seconded the motion. The meeting adjourned at 5:11 pm.**



Chairman, John Krieb



Recording Secretary, Reta Gray