

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, OCTOBER 19, 2005
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 19, 2005 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Ed Davis, Andy Dunn, Helen Spann, George Stockton, Darren Jones and Scott Seiber

Board Members Absent: Bill Whitaker

Also Present: Candace Dowdy, David Roberts, Mike Pitman, Sam Perry, Kristen Taylor, Don Faughn, Kim Oatman, Charles Lamb, Larry Lilly and Teesa Lilly

Vice-Chairman Helen Spann called the meeting to order at 4:35 p.m., and welcomed the guests and applicants. Due to the absence of Chairman Whitaker, Ms. Spann chaired the meeting.

Chairman Spann stated that the board received two mailings of the minutes: one for the September 21, 2005 meeting and one for the September 28, 2005 special meeting. Scott Seiber stated that there were a couple of things that needed clarification and these items were noted to be reviewed by Candace Dowdy and Sam Perry. **Scott Seiber stated there was nothing of significance to change and made a motion to approve the minutes as presented. Ed Davis seconded the motion and the motion carried with a 6-0 voice vote.** Helen Spann stated the meetings are tape recorded and that summarization should be adequate when transcribing minutes.

Dimensional Variance Request For Building Side Setback and Size of Freestanding Sign – 401 Sycamore Street—Faughn’s Used Cars—Don Faughn: Ms. Dowdy stated she had made a mistake in reporting the amount of street frontage, that it is actually about 100’ on Sycamore street. This correction would adjust the allowable signage area. Based on the street frontage, Mr. Faughn would be allowed approximately 50 sq. ft. for a freestanding sign. Ms. Dowdy stated that Mr. Faughn wanted to place a new sign panel in the top portion of the sign that is currently empty. Based on the current frames that are present, the signage area would be 66 sq. ft. This is about a 32% increase. The top panel is a 6’ x 8’ opening and the bottom panel is a manual reader board measuring 3’ x 6’ with capability that allows letters to be interchanged. The height of 21’ was fine. Slides were shown of the property lines and signage location. The pole is about 6’ off of the property line. The bottom of the sign would hang over approximately 5 3/8”. If approved, Mr. Faughn would need to have a 10’ front setback variance because the sign is on the property line except for the 4-6 inches that hangs over into the right-of-way area. He will need approximately a 16 sq. ft. variance on his overall sign if he wanted to use the top panel and reader board. Ed Davis asked if the financing information was part of the sign. Ms. Dowdy suggested that the small sign promoting financing be removed and that this can be discussed inside the business office. She stated that his wall signage is fine and he has a business license

for two businesses at this location. Discussion was made regarding reversing the sign. An additional setback variance of 7' would be required for both the front and back of the sign. Scott Seiber asked about the condition of the sign. Ms. Dowdy stated the sign has been there for a number of years. Ms. Dowdy also stated that she was not sure if the intent of Mr. Faughn was to resurface the parking area and that the pole really should be painted. Chairman Spann swore in Don Faughn. Mr. Faughn stated that the sign was in good shape. Around the base of the sign, concrete was poured and had broken. He has contracted with Mitchell Paving to make a top coat over the entire lot and use a sealant. The financing sign is going to be removed. Mr. Faughn is going to re-metal the sign with a silver casing, like "Pockets". This sign will have advertising on both sides. The secondary sign is welded to the pole and if removed it would cause the loss of the structure. The signs will be internally lit. Scott Seiber asked about refurbishing the sign by painting. Mr. Faughn stated that he can patch around the sign if needed. Scott Seiber stated this would be acceptable. A clearance area for the reader board was discussed and no incidents have occurred. Landscaping was discussed and it would be more of an impairment of visibility to drivers. **Scott Seiber made a motion to approve the 16 sq. ft. variance on size and a 10' front setback variance on the freestanding sign under the conditions that the credit card sign be removed, the sign be refurbished, the area be patched and sealed, and the landscaping be waived under the findings that the sign currently exists not causing a sight distance problem, there are two steel poles which will provide safety between the roadway and sign and landscaping could hinder sight distance, based on the facts that such a variance will not adversely affect the public health, safety or welfare, nor alter the essential character of the vicinity, will not cause a hazard or be a nuisance to the public and will not cause an unreasonable circumvention of the zoning regulations. The motion was seconded by Andy Dunn and carried with a 6-0 vote.**

Dimensional Variance Request for Building Side Setback and Additional Entrances Off Poplar Street—First Presbyterian Church—1601 Main Street—Kim Oatman: Ms. Dowdy stated that the site plan was provided by Kim Oatman and he will be representing the church tonight. Slides were shown of the current area where the church is located. Ms. Dowdy stated that when the project begins, the plan will be to demolish everything except for the sanctuary and expand the overall building footprint with new construction. The church is in an R-2 single family residential zone that was previously allowed as a conditional use in order to expand the parking area. The side setback for a corner lot on a secondary street is 25'. The building is currently at 18' from the right-of-way, existing as a legal nonconforming structure; a portion within the setback will be demolished and rebuilt at the same distance from right-of-way. The church has purchased the property at 1606 Poplar Street. The 102 South 16th Street structure was, in years past, removed and made into more gravel parking. The parking area along Main Street and 16th Street is open and one entrance is requested. Ms. Dowdy stated that the recommendation from the Planning Department would be that they continue the sidewalk from 16th Street entrance down to Poplar Street. Scott Seiber asked if they can assume that there would be reconfiguration of the parking lot when they ask for the three entrances off of Poplar Street. Ms. Dowdy stated that there would be reconfiguration and that Mr. Oatman will explain the design. Ms. Dowdy stated that there were striped parking spaces along Poplar Street. Ms. Dowdy stated that the parking spaces were temporary, for use during a construction project at the elementary school, and is now used as overflow parking. Ms. Dowdy stated that the use of the

house at 1606 Poplar Street for church related activities will require a conditional use permit. Scott Seiber asked if parking spaces on Poplar Street would be eliminated with this project. Ms. Dowdy stated that they would. Scott Seiber and Ed Davis asked if the guy wire on the corner would cause a problem with the entrance. Ms. Dowdy stated that the site plan shows three (3) 24' entrances. Ms. Dowdy stated that the sanctuary will become the fellowship hall. Chairman Spann swore in Kim Oatman. Mr. Oatman stated that the majority of the building will be demolished and that southeastern corner of the building will be rebuilt back on the same foundation. Mr. Oatman stated that the church needs a 7' setback variance for that section. Mr. Oatman stated that the sanctuary portion actually would need a 10' variance, to be in compliance. Mr. Seiber recommended including the 10' variance request with the 7' variance request, for the whole building. Mike Pitman recommended including both since it was an alteration of a nonconforming structure. Mr. Oatman stated that the renovation includes a new sanctuary, classrooms and offices.

Mr. Oatman explained that the reason that the church is requesting three (3) entrances is to maximize the number of parking spaces. Mr. Oatman stated that the parking lot serves both the church and the elementary school. Mr. Oatman stated that three (3) to four (4) street parking spaces would be eliminated with this plan. Mr. Oatman stated that the pole and guy wire fall in a green space. Mr. Oatman stated that the church was not planning on extending the sidewalk, but were planning to curb the edge of the parking lot. Scott Seiber stated that he agreed with staff, that the church should extend the sidewalk, because it would provide continuity to the area. Mr. Oatman agreed that it was a good idea, but that it was an added cost to the church. David Roberts asked if the 16th Street entrance was going to be abandoned. Mr. Oatman stated that it was going to be improved by widening. David Roberts asked about the distance of the first entrance from 16th Street. Mr. Oatman stated that it met the requirements. Mr. Roberts stated that he was concerned about the close proximity of it to 16th Street, even if the requirement of 10' from right of way was met. Darren Jones asked if the angle of the guy wire would pose a problem with taller vehicles. Scott Seiber stated that the two concerns together compel him to only allow the two westernmost entrances. Mr. Seiber commented that some funding allocated for the third entrance could instead be used for the sidewalk extension. George Stockton asked if sidewalk construction was the responsibility of the property owner. Sam Perry stated that the only time sidewalks are required is when property is subdivided adjacent to an arterial street. Mr. Perry stated that the required width is 5'. Mr. Oatman stated that whatever improvements are done in the right of way, will have to be approved by Kentucky Department of Highways (KDOH). Helen Spann asked if the parking lot would be paved. Mr. Oatman stated that pavement was part of the overall construction package. **Ed Davis made a motion to approve the 10' side setback variance based on the plans presented and two (2) additional entrances off Poplar Street with the conditions that the sidewalk be extended to Poplar Street, the easternmost entrance be eliminated from the plan, with all work in right of way to be approved by KDOH, based on the facts that this is a special circumstance because of the building already existing past the required setback and that it will not adversely affect the public health, safety or welfare, nor alter the essential character of the vicinity, will not cause a hazard or be a nuisance to the public and will not cause an unreasonable circumvention of the zoning regulations. Scott Seiber seconded the motion and the motion carried with a 6-0 vote.**

George Stockton excused himself from the meeting at 5:35 p.m.

Dimensional Variance Request For Additional Square Footage On Monument-Style Sign—615 South 12th Street—Southside Shopping Center—Larry Lilly: Darren Jones recused from this item due to a possible conflict of financial interest and left the meeting. Candace Dowdy stated that the city was in the process of having the sign removed and the Lillys have presented plans to replace the sign according to the new regulations for the 12th Street Corridor. Ms. Dowdy stated that this shopping center is different than most because there is very little street frontage compared to the number of storefronts. Most shopping centers would be allowed the maximum of 80 square feet because of sufficient lot size. Based on 90' of street frontage, a 45 square foot monument-style sign would be allowed. The overall height could be 14', but that their plans are to keep the sign under 10'. Ms. Dowdy showed a slide of the Regions Bank sign nearby, which was one of the first new monument-style signs. Regions was denied a setback variance for a freestanding sign and asked to erect a monument-style sign within setbacks. Ms. Dowdy stated that the Lillys have 43' of open space from the edge of the landscaping to the building. No request for a setback variance is needed. Some asphalt will be removed to make room for the required landscaping. The building will be getting a facelift and have uniform wall signage. Scott Seiber asked what the size of the Regions Bank sign was. Sam Perry stated that it was 45 square feet. Ms. Dowdy stated that the reason they are asking for a 20 square foot size variance is because they have the potential for 13 stores. Ms. Dowdy stated that the planned sign has a 2' base, brick columns, with a 45 square foot area displaying "Southside Shopping Center" and a 2' x 10' area for an electronic sign, which would stay within the 30% allowable area. Chairman Spann swore in Teesa Lilly. Ms. Lilly stated that the columns are 6 ½', the curved center portion is 7' tall and there is a 2' base. Ms. Lilly stated that the sides were dropped down in the plan, to stay within the requested 65 square feet. Andy Dunn asked what the electronic message board would be used for. Ms. Lilly stated that it will be for the businesses to share space in scrolling their names. Ms. Lilly stated that there will be a total of five (5) beauty/barber shops, a cleaning company and some various offices. Ms. Lilly stated that their original plan was to refurbish the existing sign, but they are now requesting a variance because they would like the old sign removed. They request a variance because of the number of businesses in the building. Scott Seiber asked if they would be allowed the maximum if the building was turned to face 12th Street. Sam Perry stated that was correct. Andy Dunn asked if the old sign would be removed first. Ms. Lilly stated that it would be removed first and that she would be willing to have the old sign completely removed by January 1, 2006. **Scott Seiber made a motion to approve the 20 square foot variance on the size of the planned monument-style sign based on the facts that it will vastly improve the appearance of the property, the special circumstance of the uncommon perpendicular configuration of the building to South 12th Street and that it will not adversely affect the public health, safety or welfare, nor alter the essential character of the vicinity, will not cause a hazard or be a nuisance to the public and will not cause an unreasonable circumvention of the zoning regulations with the condition that the old sign be completely removed by January 1, 2006.** Ed Davis seconded the motion and the motion carried with a 4-0 vote. Darren Jones was recused from this item.

Darren Jones re-entered the meeting at 5:55 p.m.

Election Of Officers: Candace Dowdy stated that Bill Whitaker is Chairman, Helen Spann is Vice-Chairman and Scott Seiber is Secretary. **Scott Seiber made a motion to keep the same slate of officers. Ed Davis seconded the motion and the motion carried with a 5-0 voice vote.**

Sam Perry stated that the freestanding Murray Telephone & Electronics sign at Olympic Plaza has been removed according to a condition placed by the BZA.

Being of no further business, Ed Davis made a motion to adjourn. Darren Jones seconded the motion and the motion carried with a 5-0 voice vote. The meeting adjourned at 5:57 p.m.

Acting Chairman, Helen Spann

Recording Secretary, Sam Perry