

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JANUARY 18, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, January 18, 2006 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

Board Members Present: Andy Dunn, Darren Jones, George Stockton, Scott Seiber and Bill Whitaker

Board Members Absent: Ed Davis and Helen Spann

Also Present: Candace Dowdy, David Roberts, Mike Pitman, Kristen Taylor, Paul Garland, Aleshia Banks, Bill Call, Mayor Tom Rushing, Payton Mastera, public audience from the Campbell Estates, Ingleside and Gatesborough subdivision area and other public audience.

Chairman Bill Whitaker called the meeting to order at 4:30 p.m., and welcomed the guests and applicants. Mayor, Tom Rushing introduced Payton Mastera to the board and public, stating that this was the first time that the city had taken on an intern to shadow administrative staff. Mayor Rushing introduced the board to Mr. Mastera, MSU masters student in public administration, explaining that he would be writing a thesis from this internship. Chairman Whitaker explained that the staff had an announcement. Sam Perry stated that Don Snodgrass had withdrawn his application for a height variance of an antenna; therefore it is now removed from the agenda. Members of the audience expressed confusion about the withdrawing and notification process and if the application was finalized. Mr. Perry stated that is all the information that staff has. Candace Dowdy stated that the applicant could potentially re-apply the next month. Chairman Whitaker asked if everyone understood. Other members of the audience stood from the audience and expressed the fact that there were 15-20 present tonight that were concerned about the tower. A member of the audience asked Mike Pitman why this could be allowed if there were restrictions preventing aerials in the subdivision. Another member asked how a homeowner's association enforces restrictions. Mr. Pitman explained that it would be up to the homeowner's association to seek methods of enforcement on any restrictions that might exist. Sam Perry met with those present in reference to the tower height variance, in a separate room to clarify any confusion regarding the withdrawn application.

Chairman Whitaker requested approval of the December 21, 2005 regular meeting minutes. **Scott Seiber made a motion to approve the minutes as presented. Darren Jones seconded the motion and the motion carried with a 5-0 voice vote.**

Dimensional Variance Request For A 35' Height Variance For A Structure In An R-2 Zone—Amateur Radio Antenna—2000 Melrose Drive—Don Snodgrass: Chairman Whitaker asked for a motion to remove this item from the table due to the fact that the applicant has withdrawn the request. **Scott Seiber made a motion to remove the dimensional variance application from the table. George Stockton seconded the motion and the motion carried with a 5-0 voice vote.**

Dimensional Variance Request For One Additional Wall Sign—1306 South 12th Street, Suite G—Murray Store & Lock Climate Control—Paul Garland: Candace Dowdy presented photographs and stated that Paul Garland has purchased the property and renovated the façade. Mr. Garland will use the portion that was previously Uncle Jeff's for Murray Store & Lock. Ms. Dowdy stated that Mr. Garland is requesting one additional wall sign, because the new ordinance allowing two (2) wall signs for businesses on a corner lot, only allows the wall signs on the primary and secondary streets. Mr. Garland is requesting a sign on the east and north walls of the building. The proposed size is 98 square feet, which is allowable. If the request was for the south facing wall, a variance would not be required. Ms. Dowdy stated that the intention is for visibility for south bound traffic. Mr. Garland is requiring that all tenants use channel-lettering which would give a consistent look to the building. Scott Seiber asked how much of the exterior renovation was complete. Ms. Dowdy stated that it was complete. Mr. Seiber stated that very few buildings have this orientation. Chairman Whitaker stated that a sign on the south side would be little benefit.

Chairman Whitaker swore in Paul Garland. Mr. Garland stated that he would like the additional advertisement on the north wall. George Stockton asked if his plans were to use the same size on both walls. Mr. Garland stated that it would depend on the cost, but that he would just like to have the option available, if it is affordable for him. Mr. Garland stated that he has made vast improvements to the property and building without recognition from the city. Chairman Whitaker asked about the storage buildings that were for sale at the property previously. Mr. Garland stated that they were moved. Darren Jones asked if Terry's Paint was still there. Mr. Garland stated that they were still in operation. Candace Dowdy stated that the temporary Pittsburgh Paints sign needs to be removed. Ms. Dowdy stated that the Terry's freestanding sign could stay as long as they were in business; otherwise monument-style signs are required on 12th Street. Mr. Garland stated that there was no need for him to make any changes to the freestanding sign or the parking lot because the road was going to be widened in the future. He had met with Kentucky Department of Highways. Mr. Garland stated that he had added a concrete wall to the back perimeter of the building to curb water infiltration. **Scott Seiber made a motion to approve the request for one additional wall sign, as presented, based on the findings that (1) this is an unusual configuration for a building; its orientation is not like most businesses that would be making this type of request and (2) that Mr. Garland has made significant improvements to the property which make it an asset to the neighborhood, not a detriment and: that it will 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 zoning regulations.** Andy Dunn seconded the motion and the motion carried with a 5-0 vote.

Dimensional Variance Request For Additional 22 Square Feet For A Wall Sign—1006A Chestnut Street—ECS Racing And Gift Shop—Aleshia and Devin Banks: Candace Dowdy stated that a sign variance was granted in June 2003 when the building was divided into two (2) storefronts. Based on the storefront, each business would have only been allowed 10 square feet for a wall sign. A variance of 22 square feet was granted in 2003 for each wall sign, so that two

(2) 32 square foot wall signs could be used on the building. Because the previous business is no longer in existence at the location, any new signage would have to come into conformance; that is why it is being brought back to the BZA. Ms. Banks would like to be able to use the same panel, but simply have it repainted. It is basically the same request as in 2003. The board denied the request for use of the existing freestanding sign in 2003. It was 2 mobile signs from which the wheels had been removed. Chairman Whitaker swore in Aleshia Banks. Chairman Whitaker asked Ms. Banks to describe the business. Ms. Banks stated that it consisted of retail sales of racing apparel. Chairman Whitaker asked if parking requirements were met. Candace Dowdy stated that parking was sufficient mainly because they are open during the day, when the movie theater parking lot is not heavily used. Ms. Banks stated that there were parking spaces at the storefront as well as on the east side between the gas station. The drive-through is not being used on the east side. Scott Seiber asked if there was a rendering of the sign available. Ms. Banks stated that she did not have one, but that it would fit within the same space. Ms. Banks stated that she had operated at home for five (5) years. Ms. Banks stated that the property would look nicer if both signs were the same size, as was used previously. The sign is not lit. The hours of operation are 10 a.m. to 5 p.m. **Scott Seiber made a motion to approve the request for an additional 22 square feet for the wall sign based on the findings that a sign size any different than the other suite, would be off-balance and that it will 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 zoning regulations. George Stockton seconded the motion.** Chairman Whitaker stated that the previous variance issued for this property required the removal of a large nonconforming sign and he has not seen any problems since, rather it has been an improvement in aesthetics. **The motion carried with a 5-0 vote.**

Chairman Whitaker asked if there were any questions or comments.

George Stockton asked staff what the requirements were for displaying 911 numbering on businesses. Mr. Stockton stated that it was very difficult to see street numbers on businesses in Murray. Candace Dowdy stated that according to 911, fire, and property maintenance codes, numbers of at least 3" in height are required. The numbers are required to be in clear and visible sight to any emergency responder. If it is an apartment complex set back from the street, there should be numbers posted out by the street. There have been number visibility issues in University Heights which have a private access in to the complex with several buildings. Numbers were not properly displayed, therefore letters requesting compliance were sent. Shoppes of Murray and Olympic Plaza were recently dealt with on this issue. Ms. Dowdy asked the board members to let staff know of any problems with visibility of street numbers.

Chairman Whitaker asked for a briefing on the previous night Planning Commission meeting. Sam Perry stated that staff was asked to send a letter to John Downs requesting his presence at the next Planning Commission meeting to discuss the incomplete improvements of the parking lot and fence at Chantilly Place. There were also several subdivision plats reviewed. The annexation of the remainder of Dale Campbell's property on Robertson Road South, being 23 acres was recommended to city council for annexation.

Being of no further business, George Stockton made a motion to adjourn. Scott Seiber seconded the motion and the motion carried with a 5-0 voice vote. The meeting adjourned at 5:11 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry