

**MURRAY BOARD OF ZONING ADJUSTMENTS
SPECIAL MEETING
MONDAY, APRIL 3, 2006
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special session on Monday, April 3, 2006 at 4:30 p.m. in the council chambers of city hall at 104 North 5th Street.

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

Board Members Absent: Helen Spann

Also Present: Candace Dowdy, Sam Perry, Kristen Taylor and Tom Karvounis

Chairman Bill Whitaker called the meeting to order at 4:30 p.m., and welcomed the guest and applicant.

Variance Request For Use Of Second Existing Freestanding Sign—Tom’s Pizza—Olympic Plaza—506 North 12th Street, Suite A—Tom Karvounis: Candace Dowdy stated that the board originally reviewed this in September 2004. Mr. Karvounis originally had three (3) freestanding signs on the lot. When Murray Telephone & Electronics (MTE) moved from the location, the sign would be removed, leaving the second freestanding sign. The discussion was that Mr. Karvounis wanted to be able to use the sign for a tenant in the corner of the shopping center, where Seafood Express used to be, because that storefront had limited wall sign visibility. Mr. Karvounis also wanted to use the top panel for one of his tenants if business was slow and they needed some additional advertising. Ms. Dowdy asked the board to review the motion made in September 2004. Mr. Karvounis is remodeling the space where MTE was and preparing it for a pizza restaurant. The way Mr. Karvounis interpreted the board’s ruling in September 2004, was that he would be able to use the second freestanding sign for any of his tenants in the future. Staff recently denied the use of the second freestanding sign for simply any of the tenants, based on the discussion in September 2004 meant to be for a tenant in the corner. Ms. Dowdy stated that Mr. Karvounis is permitted to have wall signs on both the West and North sides, because the building fronts two (2) streets. Because of the confusion in understanding what would be permitted, Mr. Karvounis is coming back to the board for a ruling on his proposed plans. Mr. Karvounis’s intention is to remove the Eyes & Eyewear sign, and use the entire sign for Tom’s Pizza. The overall height is 25’, therefore a one (1) foot height variance was granted in September 2004. Andy Dunn asked what Mr. Karvounis’s plans were for the sign. Ms. Dowdy stated that Mr. Karvounis would like to use both the six (6) foot by (10) foot frame on top and the five (5) foot by nine (9) foot frame on the bottom, for Tom’s Pizza, and lower the overall sign by five (5) feet. Ms. Dowdy stated that it was noted in the September 2004 meeting that the city was in the process of adopting monument sign regulations for 12th Street. The new regulations were not adopted until March 2005. At the time, the overall height limit was 24’, and the overall square footage limitation was 80 square feet. Scott Seiber asked what the limitation was with the new regulations. Ms. Dowdy stated that for a shopping center

monument sign, the limit was 14' overall height and 80 square feet in sign area. Ms. Dowdy stated that Mr. Karvounis has put a new façade on the front of the store and now channel letters are required for the storefronts. Mr. Seiber asked if all the spaces were rented. Ms. Dowdy stated that there was one open.

Chairman Whitaker swore in Tom Karvounis. Mr. Karvounis stated that he would lower the sign five (5) feet, since the city wants shorter signs. Mr. Karvounis stated that the board required him to remove one (1) sign and allowed him to keep another. Mr. Karvounis stated that the name on the sign has to be changed anyway, which should not matter to the city. Mr. Karvounis confirmed that he had planned to allow a tenant in the corner to use the sign for added visibility, but has instead given them a discount on rent. Mr. Karvounis stated that he had followed through with the board's requirement of removing the MTE sign, and now requests using the existing sign by lowering it five (5) feet. Andy Dunn asked if the proposed sign was designed. Mr. Karvounis stated that it was a very expensive sign. Mr. Dunn asked if Mr. Karvounis would remove the top portion and use the bottom portion for signage. Mr. Karvounis stated that would not be enough room to advertise specials. Mr. Dunn asked if he would remove the brick base of the old MTE sign. Mr. Karvounis stated that he had done a lot to spruce up the whole property. Scott Seiber asked if Eyes & Eyewear would still have a sign on the pole. Mr. Karvounis stated that the Eyes & Eyewear sign would be removed from the pole. Mr. Karvounis confirmed that he is now requiring channel letters for the storefronts. Ms. Dowdy stated that Mr. Karvounis is requesting to use the entire 105 square feet for Tom's Pizza. George Stockton asked Mr. Karvounis if he was planning to use a reader board for specials. Mr. Karvounis stated that he wants to add a smaller reader board underneath for specials. Mr. Karvounis stated that he would be willing to remove the top, empty frame. Ms. Dowdy stated that he would be lowering the sign by six (6) feet. Sam Perry asked if there had been any other signs on 12th Street reviewed by the board since the new regulations, besides the old Heilig-Myers sign. Scott Seiber stated that there was the Singer Sewing Center sign, which was made into monument-style. Mr. Seiber stated that he appreciates the proposal, but, in his opinion, this is an opportunity to replace a freestanding sign. Mr. Karvounis stated that the board previously agreed to allow him to keep the sign. Mr. Seiber reminded Mr. Karvounis that it was a 3-2 vote. Mr. Seiber stated that his vision for the 12th Street corridor is one that does not have freestanding signs, and every time that the board misses an opportunity to reach that goal, the vision is pushed even farther into the future. Mr. Karvounis stated that he has made a lot of improvements to the shopping center. Mr. Seiber stated that he would rather see two (2) monument signs, than the two (2) freestanding signs at Olympic Plaza. Mr. Seiber commended Mr. Karvounis on the shopping center improvements, regardless of the sign in discussion. Ms. Dowdy asked Mr. Karvounis if he would consider making it a 14' sign. Mr. Seiber stated that the height alone is not the issue; it is also the style, which should be monument. Mr. Seiber stated that granting this request would make it very difficult to ask another business owner to convert their sign to monument style.

Chairman Whitaker stated that the agreement is that a business in the corner can use the sign in question. Chairman Whitaker stated that what has changed now is the location of the business within the shopping center. Chairman Whitaker stated that the mistake was made back in September 2004. Ed Davis stated that the motion did not say anything about a business in the back corner of the shopping center. Chairman Whitaker stated that now Mr. Karvounis is

offering a concession by shortening the sign. Chairman Whitaker stated that if the board votes to put a monument sign in as a replacement, than another mistake will be made on top of an existing mistake. Scott Seiber and Ed Davis agreed. Andy Dunn questioned if it could be possible, with the new regulations now in place that an argument could be made for requiring a monument sign. Mr. Davis stated that if the motion had stated that the sign could remain as long as a business in the corner was using it, than it would hold up. Chairman Whitaker stated that it could put the board in a dangerous legal situation to require a monument. Candace Dowdy stated that a four (4) feet by eight (8) feet or a four (4) feet by six (6) feet reader board would work under the Tom's Pizza five (5) foot by nine (9) foot sign. The board agreed that four (4) feet by six (6) feet would be ideal.

Darren Jones asked Candace Dowdy to explain the current sign regulations regarding a new business moving into a property with an existing freestanding sign. Ms. Dowdy gave a hypothetical example of Brinn's Quick Lube on South 12th Street. Ms. Dowdy stated that Brinn's has a freestanding sign. Ms. Dowdy stated that if Brinn's ceases to exist at the location, and a new business moves into the location, than the new business would have to comply with the monument style sign regulations and any nonconforming signage would have to be removed. Andy Dunn stated that he believes that, alone, is an argument for having a monument sign for Tom's Pizza. Ms. Dowdy stated that there are no regulations in place for shopping centers. Andy Dunn stated that the shopping center sign is already there; this sign is just for a business. Ms. Dowdy stated that is what the board needs to review, as well as consider the ruling that was made in September 2004. Ed Davis stated that there were some statements in the most recent proposed amendments referring to shopping center signage and he believes that is why they were voted down by the Planning Commission. Ms. Dowdy stated that, for example, in Shoppes of Murray, there is a new business that staff has told that they could remove the old business's panel, repaint it and put it back in to the nonconforming freestanding sign. Ms. Dowdy stated that there were no regulations which explained when a shopping center sign would be removed and a monument sign put in it's place. If staff continues to allow old sign panels to be replaced as businesses change, most likely the property owner is never willingly going to remove the sign and replace it with a monument sign. Andy Dunn stated he could understand allowing the sign to stay if it was under the Olympic Plaza sign, but this is a totally different sign. Ms. Dowdy stated that staff was not aware of another shopping center in Murray with two (2) freestanding signs.

Scott Seiber stated that the board simply did not make it clear in the motion. Ed Davis stated that the only condition made in the motion was that the MTE sign be removed upon them leaving the shopping center. Ms. Dowdy asked Mr. Karvounis if he would be willing to put a landscaped base around the sign. Mr. Karvounis stated that he would, if it was required. **Scott Seiber made a motion to approve the use of the existing second freestanding sign to include the existing five (5) feet by nine (9) feet panel that is currently on the sign and a new four (4) feet by six (6) feet reader board below, for a total of 69 square feet, with an overall height of 19' and that Mr. Karvounis will provide a staff-approved landscaped base, based on the findings that the motion made in 2004 did not specify the business(s) that would be eligible to use the sign 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 an unreasonable circumvention of the requirements of the zoning regulations. Darren Jones seconded the motion. Andy Dunn asked about the removal of the old MTE sign base. Mr. Karvounis stated that there are electrical wires in it, and that he could plant flowers there. Andy Dunn asked if it would be appropriate to add any rulings about future businesses using the Tom's Pizza sign pole. Ms. Dowdy stated that the current regulations cover that. Mr. Seiber agreed. Mr. Karvounis agreed that if a future business wanted to change the sign, it would have to be monument style. Ms. Dowdy confirmed that would be her interpretation, as well. Mr. Karvounis concluded with the history of his life in Murray, Kentucky. **The motion carried with a 6-0 vote.**

Being of no further business, **Darren Jones made a motion to adjourn. Andy Dunn seconded the motion and the motion carried with a 6-0 voice vote.**

The meeting adjourned at 5:28 p.m.

Chairman, Bill Whitaker

Recording Secretary, Sam Perry