

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, MAY 23, 2007
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, May 23, 2007 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Andy Dunn, Darren Jones, Scott Seiber, Helen Spann, and Bill Whitaker

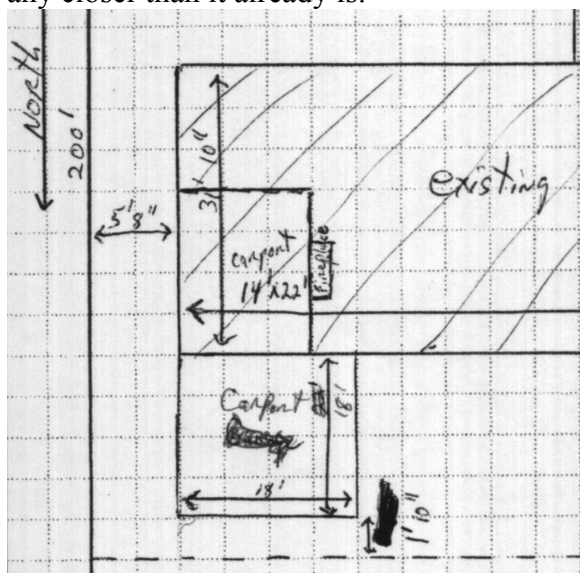
Board Members Absent: Ed Davis and Michael Jordan

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Squire Babcock, Sid Easley, Blake Anderson, and Public Audience

Chairman Whitaker called the meeting to order at 4:30 p.m., and welcomed all guests and applicants.

Approval of minutes from the April 18, 2007 Regular Meeting: Scott Seiber made a motion to approve the minutes as presented. Darren Jones seconded the motion and it carried with a 5-0 voice vote.

Request for a 4'4" side setback variance on addition to home – 1317 Wells Boulevard – Squire Babcock: Mr. Mastera explained that the applicant, Mr. Squire Babcock of 1317 Wells Boulevard, is constructing an 18' x 18' addition to the front of his carport. Mr. Babcock will meet the 30' front setback requirement by 1'10", but the addition will only be 5'8" from the side property line. In an R-2 zone, the minimum side yard setback requirement is 10'. The existing carport is situated only 5'8" from the side property line; thus, the side building line will not come any closer than it already is.



Mr. Mastera noted that in November of 2002, Mr. Roger Reichmuth at 207 N. 13th Street, which is in the vicinity, was granted an 8' side setback variance to construct a garage. Mr. Mastera stated that a letter was also submitted to Planning Staff by the property owner of 1313 Wells Boulevard, Ms. Beverly Wyatt, expressing her support of the application. *Mr. Mastera submitted the letter into evidence as exhibit A.* Mr. Jones asked if there were any subdivision regulations that would prohibit this setback variance. Mr. Mastera stated that the subdivision plat was reviewed and no restrictions were found.

Chairman Whitaker swore in Mr. Squire Babcock of 588 Atkins Trail, Hazel, KY 42049, and property owner of 1317 Wells Boulevard. Mr. Babcock noted a correction in his site plan in that the carport will only be 14' wide, not 18'. Mr. Babcock stated that the proposed carport will have a flat roof with three brick columns (that will match the appearance of the home) and a retaining wall.

Mr. Jones asked how Planning Staff is making a distinction between the metal carports required in rear yards and this application. Ms. Dowdy explained that the difference is that this carport is going to be properly attached to the principle structure and it would be considered an addition to the home.

Andy Dunn made a motion to approve a 4'4" side setback variance for 1317 Wells Boulevard as the addition to the home will not extend any closer to the side property line 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 requirements of the zoning regulations. Scott Seiber seconded the motion and it carried with a 5-0 vote.

Review of conditional use permit – 103 N. 16th Street – Pi Kappa Alpha: Ms. Dowdy explained that the Conditional Use Permit for Pi Kappa Alpha was granted on June 7, 2005. At the June 2006 BZA meeting, a 12 month review was held and it was agreed upon by the BZA members that the fraternity was meeting the conditions set forth in the permit. The 2 year time limitation expires on June 7, 2007, and Pi Kappa Alpha is going to request an extension of the Conditional Use Permit and evaluate the status of constructing a new fraternity house based upon their upcoming fundraiser.

Chairman Whitaker swore in Mr. Sid Easley of 1610 Loch Lomond Drive and representative of Pi Kappa Alpha. Mr. Easley explained that with the recent success of the fraternity, the Pi Kappa Alpha Housing Corporation felt comfortable selling the property in which the previous fraternity house was located, which was on Stadium View Drive, two months earlier. Mr. Easley noted that some preliminary plans are in place for a new home at 103 N. 16th Street, but the fraternity is still in the process of acquiring additional land for purposes of rebuilding. Mr. Easley explained that the fundraising campaign is set to begin on September 1st, 2007, and from the funds received, a course of action will be decided. Mr. Seiber stated that he still has some concerns as to the size of the property.

Mr. Easley read the conditions set forth in the original conditional use permit:

...landscaping/screening be in accordance with the zoning ordinance in Section I, Article 3 G. (1) (D), that there be no more than two (2) residents per building and that all non-resident parking be provided off-site based upon the letter from Dr. F. King Alexander

Chairman Whitaker asked what would happen if a new structure is built before this conditional use permit expires. Mr. Pitman stated that the fraternity would need to come back before the BZA and request another conditional use permit. .

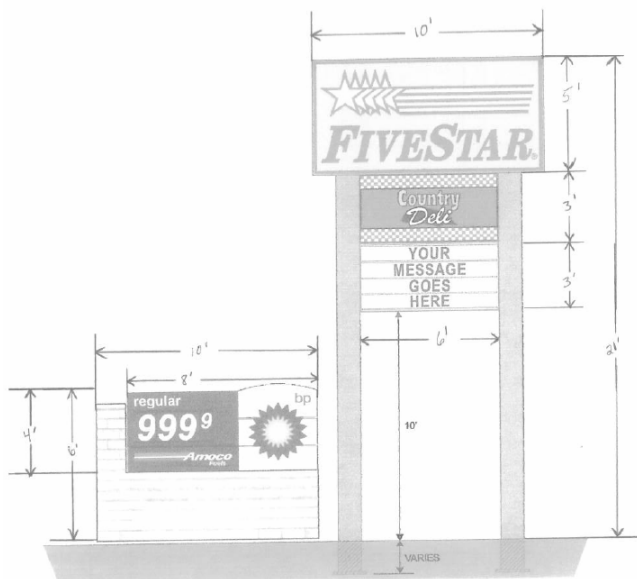
Scott Seiber made a motion to extend the Conditional Use Permit for Pi Kappa Alpha, at 103 N. 16th Street, for a time period of one (1) year, with the same conditions as granted on June 7, 2005 and that the Conditional Use Permit is only valid with the existing structure remaining in place. Andy Dunn seconded the motion and it carried with a 5-0 vote.

Dimensional variance request to alter existing free-standing sign – 1600 HWY 121 N.

Bypass – Five Star BP Station: Ms. Dowdy explained that Five Star BP is requesting to reduce the size of their existing free-standing sign and attach a monument style sign displaying a single gas price similar to the picture below.



As granted by the BZA through a dimensional variance on March 19, 2003, Five Star currently has a 30' tall sign with a total of 130 sq. ft. This variance request would reduce the height of the free-standing sign to 21' (86 sq. ft.). In addition, Five Star is requesting to attach a 6' tall (32 sq. ft.) monument style sign next to the 21' tall sign.



Chairman Whitaker swore in Mr. Blake Anderson of 4641 Symsonia HWY, Benton, KY 42025, and representative of Five Star BP. Mr. Anderson distributed booklets to the BZA members displaying the proposed sign. *Mr. Mastera submitted the booklet into evidence as Exhibit A.* Mr. Anderson explained that Five Star is promoting its name across the state of Kentucky with revamped signage. It is a requirement from whichever gas company provides fuel for a Five Star gas station that their gas prices be displayed in front of the Five Star sign (as seen above), or the name of the gas company (in this case, BP) has to be placed on top of a free-standing sign with any additional advertising, such as Five Star, has to be placed below. The City of Paducah considers this prototype as 1 free-standing sign, despite the monument sign and free-standing sign being detached from one another. Mr. Anderson also explained that with the widening of HWY 121 North, the location of the sign will be moved in accordance with the City of Murray sign regulations, new state right-of-way, and easements along the property.

Mr. Dunn asked what the point was of separating the two signs (referring to the BP monument sign and the Five Star sign). Mr. Anderson explained that Five Star is trying to promote their name, and by incorporating both the BP and Five Star advertisement into one, the BP sign would have to go on top. What Five Star wants to accomplish is to have less square footage and lower the existing free-standing sign. The concept is to separate the BP monument sign from the Five Star sign.

Chairman Whitaker stated that this is the first gas station, on either HWY 121 North or along 12th Street, that deals with the new monument style sign ordinance. Mr. Whitaker asked Mr. Anderson to explain what makes this situation unique along HWY 121 N. to allow this variance. Mr. Anderson explained they are no different from anyone else in regards to the rules, but this is a different type of business; Five Star is relying in great deal on selling products from these locations, other than fuel. Chairman Whitaker stated that with a YES vote, the BZA would be rewriting the sign ordinance; in the future, the BZA would not be able to vote NO, if a YES vote is granted for this application. Mr. Seiber stated that he would feel more comfortable granting a variance for an additional wall sign instead of an additional free-standing sign; anything approved would be setting a precedent. Mr. Anderson stated that the maximum allowable signage of 55 sq. ft. is not a lot considering the smallest BP sign that can be displayed is 32 sq. ft.

Chairman Whitaker suggested trying to determine a workable size sign that Mr. Anderson and the sign designers for Five Star can develop, assuming that 55 sq. ft. may be too small. Chairman Whitaker suggested an 80 sq. ft. sign (which is allowed for shopping centers with over 4 businesses and businesses with a frontage road). Mr. Anderson stated that they will try and develop a new design within 80 sq. ft. Ms. Spann stated Mr. Anderson is aware of the sign ordinance and that she does not believe the Board should stipulate an 80 sq. ft. goal, but rather table this item and let Mr. Anderson and his company come up with a new proposal.

Scott Seiber made a motion to table this item on the agenda until Five Star BP Station has a revised plan for their sign. Darren Jones seconded the motion and it carried with a 5-0 voice vote.

Discussion of Carports: Ms. Dowdy noted to the BZA that this matter has been discussed in the Planning and Engineering Department and it is now a requirement for those wishing to erect a carport, they must first obtain a building permit. Also, Ms. Dowdy noted that Planning Staff intends to inventory all homes that have a carport and send the property owner a letter stating that their carport is “grandfathered-in”, but any alteration or movement of the carport will require a building permit and must adhere to the zoning ordinance.

Questions and Comments: Ms. Spann noted the use of storage containers across the city, in particular the ones across from Gray’s Flea Market (609 S. 4th Street). Ms. Dowdy explained to the BZA it is an issue Planning Staff is still working with.

Mr. Pitman stated that at the last Planning Commission meeting there was discussion of possible text amendments concerning Bed and Breakfasts. Ms. Dowdy stated that Bed and Breakfast inquiries are often received in the Planning Department. Currently, the zoning ordinance does not allow Bed and Breakfasts as a permitted or conditional use. In the near future, a public hearing could be held to make some text amendments as it pertains to Bed and Breakfasts, specifically addressing what zones they would be allowed in, parking requirements, if you would have to apply for a conditional use permit, signage, and how many employees would be allowed.

Scott Seiber made a motion to adjourn. Andy Dunn seconded the motion and it carried with a 5-0 voice vote. The meeting adjourned at 6:10 p.m.

Chairman, Bill Whitaker

Recording Secretary, L. Peyton Mastera