

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JANUARY 16, 2008
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, January 16, 2008 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Darren Jones, Kim Griffo, Ed Davis, Greg Mayes, Scott Seiber, and Bill Whitaker

Board Members Absent: Tom Auer

Also Present: Candace Dowdy, Peyton Mastera, Mike Pitman, David Roberts, Reta Gray, Mayor Rushing, Matt Mattingly, Chip Adams, Felecia Myers, and public audience

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

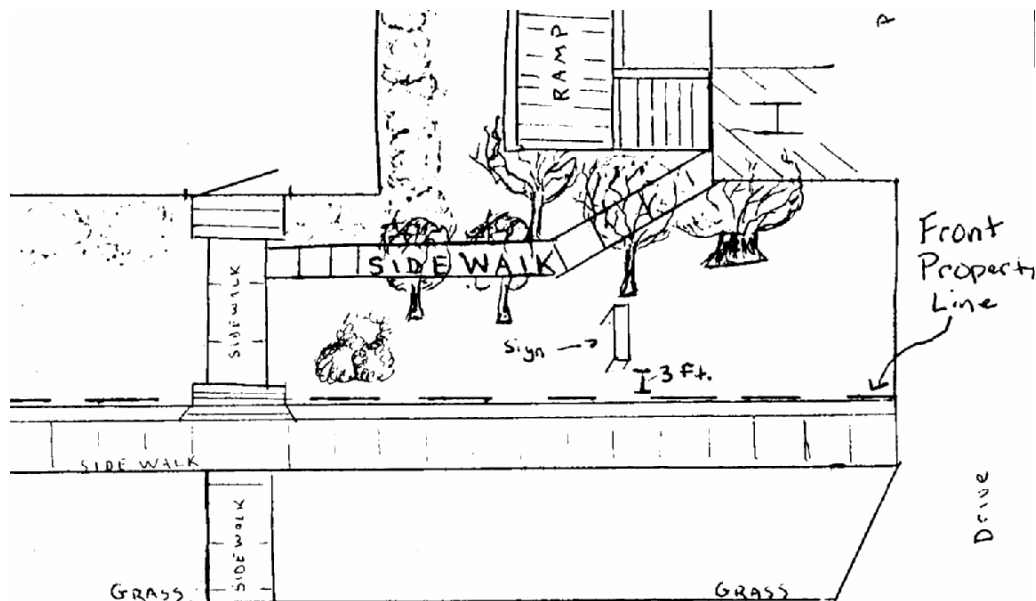
Candace Dowdy swore in new Board of Zoning Adjustments member, Kim Griffo.

Approval of minutes from the November 14, 2007 Regular Meeting: Ed Davis made a motion to approve the minutes as presented. Darren Jones seconded the motion and it carried with a 6-0 voice vote.

Review of conditional use permit – 1105 Poplar Street – James D. Tolley: Mr. Chip Adams, attorney for Mr. James Tolley, came forward and explained to the BZA that Ms. Danyel Tolley no longer has a roommate living with her and that the conditional use permit has been withdrawn by Mr. Tolley.

Dimensional variance request for a seven (7) foot front setback variance on a free-standing sign – 105 N. 6th Street – Spa La Vie – Felecia Myers: Mr. Peyton Mastera explained to the BZA members that Mrs. Felecia Myers recently opened Spa La Vie, located on 105 N. 6th Street. Mrs. Myers was issued a sign permit by the Murray Planning Department but Mrs. Myers was not fully aware of the required ten (10) foot setback required on free-standing signs. Mrs. Myers ended up erecting her sign only three (3) feet from her front property line. Mr. Mastera stated that he contacted Mrs. Myers concerning the placement of her sign; in turn, Mrs. Myers opted to apply for the dimensional variance. Mr. Mastera showed the BZA members pictures on PowerPoint of the current sign and its location. Starting from the street and moving towards the business, the configuration of this area starts with N. 6th Street, a grassy strip, a sidewalk, a retaining wall, front property line, then the remainder of the front yard area. The front property line is situated just inside the retaining wall area.

Below is the site plan submitted by Mrs. Myers:



Chairman Whitaker swore in Mrs. Felecia Myers, 263 Dry Branch Road, Marion, KY. Mrs. Myers explained to the Board that she was unaware that her sign was closer than the required 10' setback stipulated in the zoning ordinance. Mrs. Myers noted that the previous occupier of this location had an iron rod sign in the grassy area next to N. 6th Street, which would have been located in the right-of-way. Mr. Seiber asked if the size of the sign is in compliance. Mr. Mastera stated that Mrs. Myers has a large road frontage and does not come near her allowed maximum signage.

Scott Seiber made a motion to approve a seven (7) foot front setback variance on the free-standing sign, for Spa La Vie (Felecia Myers), located at 105 N. 6th Street as Mrs. Myers error was made in good faith, there is substantial room between the road and her sign and there will be no traffic concerns, and that that it will not adversely effect the public health safety, or welfare or 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 regulation. Ed Davis seconded the motion and it carried with a 6-0 vote.

Questions and Comments: There were none.

Ed Davis made a motion to adjourn. Darren Jones seconded the motion and it carried with a 6-0 voice vote. The meeting adjourned at 4:45 p.m.