

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, APRIL 22, 2009
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, April 22, 2009 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: Scott Seiber, Greg Mayes, Kim Griffo, Mary Anne Medlock, Kevin Perry, Justin Pounds, and Bill Whitaker

Board Members Absent: Tom Auer

Also Present: Candace Dowdy, Peyton Mastera, David Roberts, Mike Pitman, Reta Gray, Mayor Rushing, Harold Moss, Keith Crouch, Bill Adams, Officer Steve Robinson, and public audience

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

Swearing in of new BZA members: Candace Dowdy swore in new members Justin Pounds and Kevin Perry.

Chairman Whitaker welcomed the new members to the board and asked for approval of the minutes from the March 18, 2009 regular meeting.

Scott Seiber made a motion to approve the minutes from the March 18, 2009 regular Board of Zoning Adjustments meeting as presented. Mary Anne Medlock seconded the motion and the motion carried unanimously.

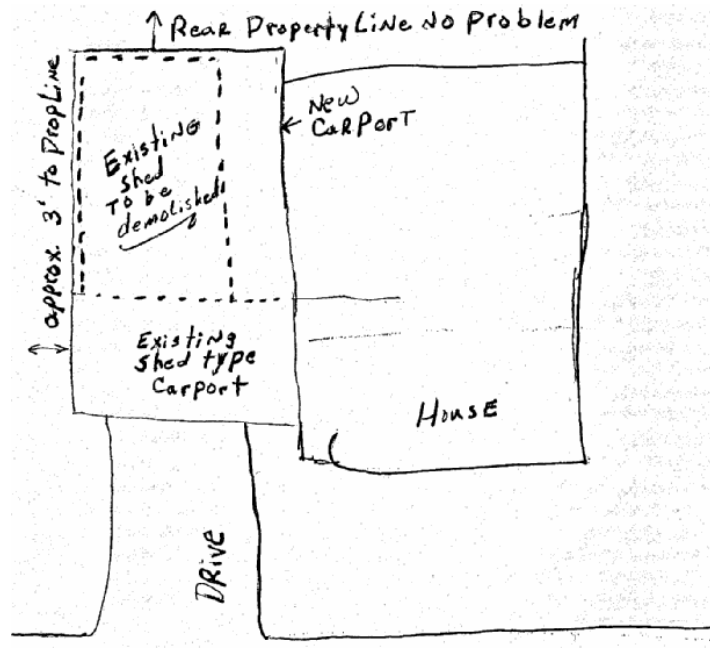
Public hearing to review the dimensional variance application for a seven foot side setback variance on addition to home - 1311 Poplar Street – Harold Moss: Candace Dowdy used a Power Point presentation to show the property at 1311 Poplar Street that is owned by Mr. Harold Moss. The property currently has an existing carport that runs along the side of the house and is located three feet from the eastern side property line. According to the zoning ordinance, principle structures are to be set back ten feet from the side property line. Mr. Moss would like to demolish the shed that is located behind (to the south of) the carport and extend his existing carport in its place, three feet off the eastern property line; thus, Mr. Moss is applying for a seven foot side setback variance. Ms. Dowdy stated that Mr. Moss indicated to her that any new building construction would not come closer to the property line than what already exists. She added that according to the City Building Inspector, Kenny Jackson, should Mr. Moss decide to enclose the carport to become a garage, he would have to install a one hour fire rated wall on the east side in order to meet building codes.

Chairman Whitaker opened the public hearing and asked if there was anyone there that wished to speak in favor of the application.

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Mr. Harold Moss, 1311 Poplar, Murray, was sworn in. Chairman Whitaker asked Mr. Moss if he had spoken to his neighbors about this proposed addition. Mr. Moss stated that he had spoken to them and they had no problem with the addition. Mr. Moss said that he had added the existing carport approximately two years earlier. He stated that the east wall is actually enclosed and is covered with vinyl siding and the plans for the proposed carport would be the same as the existing one except that it would extend southward where the shed is now located. Mr. Moss stated that he installed the fence that is to the east of his property approximately five years ago and that he had plans to replace it with a new vinyl fence.

Chairman Whitaker asked if there was anyone that wished to speak in opposition to the application. There was no one. Chairman Whitaker closed the public hearing and turned it over to the board for discussion.



Scott Seiber made a motion to approve the dimensional variance request of Harold Moss for a seven foot side setback variance on the proposed construction of an attached carport along the eastern property line, located at 1311 Poplar Street. This variance will not place the principle structure any closer than it already is to the eastern property line and this variance 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations and that construction of the carport will comply to all city building codes. Kim Griffo seconded the motion and the motion carried with a 6-0 voice vote.

Public hearing to review the dimensional variance application for four additional wall sign – 1208 North 12th Street – Goodwill Industries: Peyton Mastera used a Power Point presentation to show pictures of the Goodwill Industries building located at 1208 North 12th Street. Mr. Mastera stated that Goodwill was granted a variance previously for their existing monument and drive-thru sign. Goodwill Industries would like to place four additional wall signs (two signs on each overhang) on the building. These signs will be 18” x 12 ½” in size (approximately 1.69 square feet each). Based upon the square footage of the face of the building facing N. 12th Street, Goodwill is allowed up to a 180 square foot wall sign. Their current wall sign plus the addition of the “Drive Thru” sign gives Goodwill a total of 77 ½ square feet of wall signage on the west side of the building. This variance would add 3.38 square feet of wall signage to the west side of the building for a total of 80.88 square feet. The south side of the building would only have a total of 3.38 square feet of wall signage. Justin Pounds stated that as he was traveling south on Hwy 641, he found that the proposed signs would be useless because the monument sign would block them.

Chairman Whitaker opened the public hearing and asked if there was anyone that wished to speak in favor of the application.

Mr. Keith Crouch, Greer Neon Signs, Mayfield, was sworn in. Mr. Crouch was speaking on behalf of Goodwill Industries. Mr. Crouch stated that the reason for wanting to add the proposed signs is because the Goodwill Industries buildings are designed to have these signs on the overhangs; however, not knowing whether or not they would be able to get a variance, they decided not to put the small signs up in the beginning. After the building was completed and a walk around was done, the decision was made to add the “Smiling G” small signs on the main entrance side (south side) of the building, since there is no identification on that side.

Chairman Whitaker asked if there was anyone there that would like to speak in opposition to the application. There was no one. Chairman Whitaker closed the public hearing and turned it over to the board.

Justin Pounds and Mary Anne Medlock commented that adding the additional small signs could possibly confuse customers and may not benefit the business. They felt that the current signs in front of the building were adequate; however, they did think that something different and maybe larger on the entrance side could be beneficial to customers.

Chairman Whitaker asked if there was anyone that wanted to rebut.

Mr. Crouch stated that for aesthetic looks, he thought the proposed signage would improve the building.

Mary Anne Medlock made a motion to deny the dimensional variance request for four additional wall signs at Goodwill Industries, located at 1208 N. 12th Street as the zoning ordinance does not permit more than one wall sign per business and Goodwill Industries has already received a variance for an additional 2 ½ ft. wall sign on the west side of the

building. Kim Griffo seconded the motion and the motion carried with a 4-2 voice vote. Kevin Perry and Scott Seiber voted no. Mayor Rushing left the meeting at 5:30 p.m.

Public hearing to review the dimensional variance application for a 15 foot side yard variance on proposed construction of a dental office – 1109 Poplar Street – Dr. Michael Bobo: *Kevin Perry recused himself for a possible conflict of interest.* Peyton Mastera used a Power Point presentation to show the property owned by Dr. Michael Bobo at 1109 Poplar Street. Dr. Bobo is proposing to construct a two-story dental office in a B-4 zone. According to the zoning ordinance, principle structures in a B-4 zone are to be located ten feet from the side property line; however, since this property is adjacent to a residential zoning district, the setback is required to be twenty-five in the side or rear yard. With this proposed building only being ten feet from the eastern property line, a fifteen foot side setback variance is being requested. Mr. Mastera stated that the proposed building will be angled on the property to where it faces South 12th Street because of a drainage ditch that is located on the property along the west side. This site will require storm water detention and have to meet all City of Murray screening/landscaping requirements. Mr. Mastera added that he had received a letter from the property owner, Carlie Faughn, of 1107 Poplar which is to the east of the proposed building site stating that she had no objections with the dimensional variance request. *The letter was entered as Exhibit A.*

Chairman Whitaker opened the public hearing and asked if anyone wished to speak in favor of the application.

Bill Adams, Bill Adams Construction, Murray, was sworn in. Mr. Adams stated that the property at 1107 Poplar is presently occupied by Ms. Faughn (Carlie Faughn's grandmother). Mr. Adams explained the traffic flow of the patients as they should enter and exit the facility. Mr. Adams stated that the floor plan of the facility is a replica of Dr. Bobo's office in Union City; however, the Murray office will be somewhat bigger because it will include an upstairs. Mr. Adams explained that the creek runs across the property and in order to get access to the back of the building, have adequate parking for the customers, and build a six foot wide sidewalk, the building had to be turned on an angle on the lot and partially face 12th Street. Mr. Adams added that another design factor that Dr. Bobo wanted was for the design to be a pleasant looking building that had a good fit with the surrounding residential area. Mr. Adams stated that he felt like he had accomplished that with the drawings he presented. He concluded that he had applied to the Division of Water and is waiting on approval to install a retaining wall on the south side of the property in order to build up the parking area.

Chairman Whitaker asked if there was anyone that wished to speak against the application. There was no one. Chairman Whitaker turned it over to the board for discussion.

Kim Griffo made a motion to grant a 15 foot side setback variance along the eastern property line for Dr. Michael Bobo on the proposed construction of a dental office at 1109 Poplar Street due to the fact there is a drainage ditch that runs through the property that cannot be constructed upon; this building will be properly screened from all adjacent residential districts; it will not obstruct the view of 1107 Poplar Street; and, 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 a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Scott Seiber seconded the motion and the motion carried with a 5-0 voice vote. Kevin Perry reentered the meeting.

Election of officer – Secretary position: Candace Dowdy stated that the secretary position was previously filled by Greg Mayes and he resigned last month leaving the position opened. Ms. Dowdy added that in the absence of the Chairman, the Vice Chairman would chair the meeting; and in the absence of the Vice Chairman, the Secretary would chair.

Kim Griffo made a motion to elect Scott Seiber to fill the position of Secretary of the Board of Zoning Adjustments. Mary Anne Medlock seconded the motion and the motion carried unanimously.

Questions and Comments: Candace Dowdy stated that the Planning and Zoning members are required to complete eight hours of continuing education during a two year period with four hours of that to be completed in the first 120 days of serving. They may also use previous seminars to apply towards that total. Ms. Dowdy reviewed some continuing education seminars that were up coming. There is a Smart Growth Forum that will be held at Murray State University at Alexander Hall on Tuesday, April 28th. The Kappa Conference will be held at Lake Barkley on May 20-22. The National Town & Gown Conference will be held at the Curris Center from June 1-4. Candace stated that the Town and Gown Conference fee would be reduced to \$50.00 each for the City of Murray Planning Commissioners or Board of Zoning Adjustments members.

Both new members, Kevin Perry and Justin Pounds introduced themselves to the Board.

Peyton Mastera reviewed the bicycle path project that was presented by Murray State students the previous night at the Planning Commission meeting. He stated that city staff had been working with a class at Murray State for approximately 15 months on this project (which the students refer to as SAFE) and they have designated some potential bike routes through the city of Murray that they would like to see established in various phases over the next 15 year period. Mr. Mastera stated that it was explained through the presentation that the first step to seeing a project adopted is to first have a plan in place and to show a public interest. Peyton added that they would like to continue the public awareness about the project and also get something formally adopted.

Scott Seiber made a motion to adjourn. Mary Anne Medlock seconded the motion and the motion carried with a unanimous vote. The meeting adjourned at 6:10 p.m.