

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, NOVEMBER 18, 2009  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, November 18, 2009 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** Mary Anne Medlock, Justin Pounds, Scott Seiber, Tom Auer, and Bill Whitaker

**Board Members Absent:** Kim Griffo

**Also Present:** Candace Dowdy, Peyton Mastera, David Roberts, Reta Gray, Dr. Benjamin Hall, Officer Steve Robinson, and public audience

Chairman Whitaker called the meeting to order at 4:30 p.m. and welcomed all guests and applicants. Chairman Whitaker then asked for approval of the minutes from the October 21, 2009 regular meeting.

**Scott Seiber made a motion to approve the minutes from the October 21, 2009 regular Board of Zoning Adjustments meeting as presented. Mary Anne Medlock seconded the motion and the motion carried unanimously with a voice vote.**

**Public hearing to review the dimensional variance application for a four foot front setback and a three foot side setback variance on the proposed location of a monument style sign – 312 North 12<sup>th</sup> Street – Dr. Benjamin Hall:** Peyton Mastera used a Power Point presentation to show the property at 312 North 12<sup>th</sup> Street where Dr. Benjamin Hall is opening Hall Vision Center. This location is the previous location of Dr. Denham's Murray Optical. The previous business had a non-conforming free-standing sign which was recently removed. That sign was situated approximately six feet three inches from the front (western) property line, and approximately seven feet from the side (south) property line. Dr. Hall is requesting permission to erect a monument style sign at the same location of the previous free-standing sign. Since the previously grandfathered-in sign lost its non-conformity when it was removed, any sign hereafter must meet all size, height, and setback requirements of the City of Murray Zoning Ordinance which states that monument type signage is required in place of free standing signage along the 12<sup>th</sup> Street Corridor. The front and side setback requirements are ten feet; thus, Dr. Hall is requesting a four foot front setback variance and a three foot side setback variance on the proposed placement of a monument style sign. Mr. Mastera stated that Dr. Hall's proposed signage would run along the same line as the Liberty Tax's monument style sign next door at 316 North 12<sup>th</sup> Street. (This signage was approved for a Dimensional Variance in March of 2007 by the Board of Zoning.)

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

Dr. Benjamin Hall, 302 Merrywood Drive, Benton, Kentucky was sworn in. Dr. Hall stated that he had commissioned Bruce Ottway to design the sign and that he did not have specific dimensions for the sign at this time. Dr. Hall said that he would like to place the sign at the same location as the previous sign and that he did not feel it would obscure the visibility of traffic at that location. Dr. Hall stated that there is a hedge dividing his property from the property that lies to the south and he questioned whether the hedge would be sufficient landscaping as required by the Ordinance. Ms. Medlock stated that she did not feel that the hedge would qualify as landscaping since it was basically used as a property divider. She added that the ordinance criteria specify that landscaping should be placed around the sign. Ms. Medlock then asked Dr. Hall if there was a particular reason that he wanted to put the sign in the same location as the previous one. Dr. Hall said that one reason was to keep from breaking up the asphalt and another was to utilize the existing landscaping. Dr. Hall added that if he should decide to incorporate illumination to the sign, running power to the sign would be another concern.

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.

Ms. Medlock stated that she felt that moving the sign directly in front of the building would be better placement associating the sign with the building unlike the sign that was previously there that presented questions as to where the business actually was. Chairman Whitaker said that there were three or four different places that a sign could be mounted without granting a variance. Scott Seiber stated that he agreed with the Chairman and with Ms. Medlock in that Dr. Hall has the luxury of having ample space to place a sign without getting a variance.

**Mary Ann Medlock made a motion to deny a four foot front setback and a three foot side setback variance (south side of property) on the proposed monument style sign to be located at 312 North 12<sup>th</sup> Street for the applicant, Dr. Benjamin Hall as the ordinance only requires free-standing signs to be setback a minimum of ten foot off front and side property lines. Scott Seiber seconded the motion and the motion carried with a 5-0 voice vote.**

**Questions and comments:** Chairman Whitaker made a suggestion that Planning Staff contact Mr. Henley concerning the landscaping of the sign at Liberty Tax. The sign should be brought into compliance by adding proper landscaping.

**Scott Seiber made a motion to adjourn. Justin Pounds seconded the motion and the motion carried with a unanimous vote. *The meeting adjourned at 5:15 p.m.***

---

Chairman, Scott Seiber

---

Recording Secretary, Reta Gray