

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, DECEMBER 21, 2011  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, December 21, 2011 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

**Board Members Present:** John Krieb, Scott Seiber, Brad Darnall, Bill Whitaker, Justin Pounds, Mary Anne Medlock and Steven Reed

**Board Members Absent:** None

**Also Present:** Candace Dowdy, Justin Crice, David Roberts, Mike Pitman, Hawkins Teague, Sam Underwood, Priyesh Nathu, Burton Young, Michael Dotson and public audience

Chairman Whitaker called the meeting to order at 4:30 p.m. and welcomed all guests and applicants. Chairman Whitaker asked if there were any changes, additions or deletions to the minutes from the November 16, 2011 regular meeting.

**Scott Seiber made a motion to accept the minutes from the November 16, 2011 Board of Zoning Adjustments regular meeting as corrected. Justin Pounds seconded the motion and motion carried unanimously.**

**Public Hearing for Proposed Commercial Planned Development Project at 806 Whitnell Street - Sam Underwood:** Justin Crice used a Power Point presentation to show the property at 806 Whitnell Drive where Sam Underwood (owner of the property) is proposing to construct a Commercial Planned Development Project (storage buildings). The property is located in a B-1 (Neighborhood Business District) zone; therefore, it will be reviewed as a PDP which is allowed as a conditional use. During the PDP process the Planning Commission has already reviewed this project through an advisory meeting and the BZA for compatibility. The property is surrounded by B-2 zoning to the east, B-1 zoning to the north and south and R-2 zoning to the west. The total acreage for the lot is 0.580 acres. A minor subdivision plat was recently approved by Planning Staff realigning Mr. Underwood's property along Whitnell Street on the 800 block. Mr. Crice stated that Mr. Underwood will be looking at a front and a rear building setback variance along with a variance for one additional entrance into the property. There is a daycare adjoining the property to the south. Mr. Underwood has plans to use one of the same entrances for the storage units that is used for the daycare; thus, Planning Staff required Mr. Underwood to put a permanent access easement on the minor plat for that entrance. The applicant is proposing to construct two buildings on the property; one that is 9450 square feet and one that is 1500 square feet. The larger building will contain 50 climate controlled storage units. The smaller building will have four large outdoor storage units where Mr. Underwood will be using one of these units for himself to store equipment that he uses for maintenance on his properties. The Planning Commission also previously noted that they would like to see some parking spaces striped in order to maintain order to the property since they will be sharing one of the driveways. Mr. Crice said that Mr. Underwood has already addressed stormwater detention

by previously installing an underground drainage system during the construction of the other storage buildings on the lots nearby. Chairman Whitaker asked if the current system would be sufficient to carry the runoff from the storage buildings. David Roberts stated that Mr. Underwood has plans to extend the existing retaining wall at the back of the property another 75 feet towards Whitnell where the water will be directed towards the detention area and that should alleviate any run off problems. Mr. Underwood does not plan on having a sanitation dumpster at the site because he has a dumpster located at the daycare facility that will be available for his tenants of the storage buildings use. According to Murray Electric, there is a post and a guide wire that is located on the front of the property that cannot be removed. Mr. Underwood said that he plans to put curbs around the guide wire to keep people from backing into it and place a monument sign next to the guide wire. In order to help blend the storage buildings with the surrounding buildings, the large proposed building will be brick on three sides and metal on the back side and the smaller building will be bricked only on the front.

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

Sam Underwood, 1557 Whippoorwill Drive, Murray was sworn in. Mr. Underwood explained that the guide wire that was discussed previously is necessary for electrical support for the adjacent shopping center and it will be reconfigured by Murray Electric where it will come straight down instead of on an angle. Mr. Underwood agreed with Mr. Roberts' earlier statement concerning the water flow. (Once the retention wall is there, the water will be directed to the detention area.) Mr. Underwood will be adding green space and trees on the north side of the project instead of concreting the entire area as originally planned.

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.

Mary Anne Medlock stated that she noticed that Mr. Underwood had not made any changes to the two parking spaces that were available on the preliminary drawing and that she would like to see additional parking spaces before the final plat is submitted. Ms. Dowdy stated that the BZA and Planning Commissioners had discussed that with Mr. Underwood during the previous month and Mr. Underwood indicated that with the two canopies that will be on the front of the building, the distance will not be available for marking additional parking spaces. Brad Darnall said that he agreed with Ms. Medlock. He added that storage units do not usually require a lot of parking since people frequently come and go; however, he did see a need for more than two parking spaces. Ms. Dowdy said that the Planning Staff would get with VL Associates and Mr. Underwood to see if they could make some changes.

**Scott Seiber made a motion to approve the Conditional Use Permit Application for Sam Underwood's Proposed Development Project located at 806 Whitnell contingent upon final plat approval by the Murray Planning Commission and the development meeting all city regulations. Based on the preliminary plat the following variances will be approved: 16 foot front setback variance, 10 foot rear building setback variance, 9 foot front setback**

**variance for the monument signage and an additional 30 foot access entrance. John Krieb seconded the motion and the motion carried with a 7-0 voice vote.**

**Public Hearing to Review Dimensional Variance Application – 517 South 12<sup>th</sup> Street – America’s Best Value Inn – Nathu Inc.:** Ms. Dowdy stated that The Days Inn has been located at 517 South 12<sup>th</sup> Street for approximately 20 years. The hotel name will change effective January 1, 2012 to America’s Best Value Inn. A Dimensional Variance was granted for the property in 1992 approving a 16 square foot variance on the free standing sign with a 6 foot x 12 foot logo sign and a 4 foot x 6 foot reader board for a total of 96 square feet of allowable space. The 24 foot tall sign is approximately eight feet from the front property line. Ms. Dowdy explained that when the new Ordinance was adopted in 2006 all existing signage was “grandfathered in”. As changes or alterations are made to the signage, each business along the corridor of 12<sup>th</sup> Street is required to use monument style signage in order to come into compliance with the Ordinance. Nathu, Inc. is requesting to alter the existing non-conforming free-standing sign at the South 12<sup>th</sup> Street location by replacing the top panel. The owners have a family member who owns another inn that has an extra sign available for their use. The proposed sign will be 3 feet x 12 feet for a total of 36 square feet along with a reader board of 4 feet x 6 feet totaling 24 square feet. The actual square footage of signage will be 60 square feet and will be reduced from what they currently have. Ms. Dowdy stated that if the proposed sign was lowered to 10 feet in height, there would be some visibility issues; therefore, the sign will need a size variance as well as a height variance based on current regulations.

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

Priyesh Nathu, 1542 Spring Creek Drive, Murray was sworn in. Mr. Nathu stated that it is difficult for customers to see the signage when coming down 12<sup>th</sup> Street; thus, if the sign is higher, it will have a better visibility. He also added that if they were allowed to use the sign that has been offered to them, it will reduce some of their costs. Ms. Dowdy asked Mr. Nathu if they were planning on putting any signage on the wall and he answered that he did not know at this time; however, if they did it will be within the regulated size. John Krieb said that he would like to see the sign dropped down to leave only a foot between it and the reader board. He said that this would help to keep the signage more in line with the 12<sup>th</sup> Street corridor monument signs. Mary Anne Medlock said that she personally notices signs that are brought down closer to the ground than ones that are suspended high in the air. Scott Seiber said that he agrees that the sign should be lowered closer to the reader board and he did not think that would affect the customers being able to find the inn.

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.

**John Krieb made a motion to approve the Dimensional Variance Application for America’s Best Value Inn (business owner: Nathu, Inc.) at 517 South 12<sup>th</sup> Street for the 36 foot sign to be added to the top of the existing reader board with a maximum height for the entire sign**

**being limited to 16 feet. This sign must meet all landscaping requirements; the use of this sign will not hinder nor obstruct the view of traffic; 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. This variance was approved to provide adequate visibility due to other signage and obstructions on neighboring properties; limiting visibility of this business if it were to be reduced in height by using a monument sign. Justin Pounds seconded the motion and the motion carried with a 6-1 voice vote. Mary Anne Medlock voted no.**

**Public Hearing to Review Dimensional Variance Application – 507 South 12<sup>th</sup> Street – Murray Complete Auto Care LLC – Mike Dotson:** Candace Dowdy used a Power Point presentation to show the property at 507 South 12<sup>th</sup> Street where Mike Dotson, owner of Murray Complete Auto Care is looking to utilize an existing non-conforming free-standing sign. (Burton Young is actually the owner of the property and Mr. Dotson is currently leasing from him.) The sign is approximately 74 square feet. It is situated three feet from the front property line, seven feet from the side property line and is located in the 50 foot clear zone. The location of the sign was permitted by a front and side setback variance in April 1993. A 24 square foot variance was permitted in October 1993 for a reader board. Ms. Dowdy stated that when the Ordinance changed, the property owner was sent a letter saying that their sign was “grandfathered in” and if there were any changes to the sign in the future, they would have to comply with the sign regulations. The current sign regulations state that any new signage must be of a monument style. Mr. Dotson is simply requesting to change out the existing panel and use the frame and pole that are already there. Ms. Dowdy stated that from the Planning Staff’s stand point, the site where the sign is currently located is the only suitable site to place a sign. Chairman Whitaker asked if the entrance from Pogue could be closed off and Ms. Dowdy stated that had not been done in the past on any other businesses that are located on corner lots. She added that if the type of business was going to change, they might look at the situation since the parking would be affected. John Krieb said that it appeared to him that the business had a pretty good setup for pick-up and delivery of vehicles.

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

Burton Young, 2000 Edinborough, Murray was sworn in. Mr. Young stated that the property has been in his family for approximately 50 years; however, the sign has only been there since the 1970’s. The existing shop was once a service station and has been various lube shops in the past. The most recent business was Brinn’s Quality Service & Lube. Mr. Young stated that Mr. Brinn’s ailing health lead him to sell the business to Mike Dotson on December 1<sup>st</sup>. Mr. Dotson and his wife have plans to relocate to Murray. Mr. Young said that there are actually two buildings on the lot and Mr. Dotson and his partner will be using both buildings to make repairs to automobiles. He added that closing the Pogue entrance to the buildings would be a hindrance to the business. Mr. Young also stated that he thought a monument sign would block visibility when trying to pull on to 12<sup>th</sup> Street; therefore, he would like to leave the sign pole and frame as they currently exist and only change out the panels with the new business name on them. Mr.

Young has plans to paint the building to give it a little better curb appeal. The vinyl lettering on the front of the building will be removed before the building is painted and replaced afterwards. John Krieb stated that he would be interested in finding out how complicated it would be to lower the sign on the existing pole (just as they have asked the America's Best Value Inn owners to do in the previous application). Steven Reed asked if anything could be done about the carport as it was unsightly and on the front side of the building. Mr. Krieb also addressed the parking situation on the lot and asked Mr. Young would he be willing to angle some landscaping towards the stop sign where no one could park cars there. Mr. Young said that was a good suggestion and he would look into that.

Michael Dotson, 53 Lovers Lane, Benton, KY was sworn in. Mr. Dotson addressed closing the different accesses to the business and how that could affect his business. Mr. Dotson said that he would be in favor of moving the carport at some future time as he does not think that it will be sufficient for his use. He concluded that he will work with the board to do what they suggest concerning the sign.

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.

**Justin Pounds made a motion to approve the Dimensional Variance Application for Murray Complete Auto Care (business owner: Mike Dotson) at 507 South 12th to use an existing non-conforming free-standing sign with the modification that the primary sign portion be lowered to within one foot of the top of the existing reader board as it appears 12/21/2011 with the gap to be no more than one foot between the two signs. This is based on the fact this business is located on a corner lot and a monument style sign could obstruct the vision at this intersection causing a safety hazard; the relocation of the sign to the north side of the property is not possible due to the ingress and egress entrance along 12<sup>th</sup> Street and the granting of 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. Scott Seiber seconded the motion.**

**John Krieb amended the motion to also require that some restrictions be put on the pavement (whether it is concrete barrier or landscaping) so that customers do not park between the stop sign and the business sign. Justin Pounds seconded the amendment and the amendment passed with a 7-0 voice vote. The original motion was voted on and passed with a 6-1 voice vote. Mary Anne Medlock voted no on the original motion.**

Chairman Whitaker informed Mr. Dotson that the carport is in violation of the City Ordinance by being located in the front of the business. If Mr. Dotson decides to keep the carport, he will need to come back before the board requesting a dimensional variance. If he should choose to remove or relocate the carport to the back of the building, he has the permission of the board to do so. Ms. Dowdy informed Mr. Dotson that Planning Staff would be sending him a follow-up letter from this meeting and the matter of the carport would be addressed in the letter. She also told

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him that he would be able to pick up a sign permit with the Planning Staff for the new sign beginning the next day.

Questions and Comments: None

**Adjournment: Scott Seiber made a motion to adjourn. Brad Darnall seconded the motion and the motion carried with a unanimous vote. *The meeting adjourned at 6:12 p.m.***

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Chairman, Bill Whitaker

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Recording Secretary, Reta Gray