

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, OCTOBER 17, 2012  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 17, 2012 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5<sup>th</sup> Street.

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

**Board Members Absent:** None

**Also Present:** Candace Dowdy, Justin Crice, Reta Gray, Officer Clere, Gerald & Casey Bell, Hawkins Teague and public audience

Chairman Whitaker called the meeting to order and welcomed all guests and applicants. Chairman Whitaker asked if there were any changes, additions or deletions to the minutes from the September 19, 2012 regular meeting.

**Scott Seiber made a motion to accept the minutes from the September 19, 2012 Board of Zoning Adjustments regular meeting as presented. John Krieb seconded the motion and the motion carried unanimously.**

**Public Hearing: Requests for a sign variance at 507 Rushing Way – Fazoli’s – Terry Parker-Bell:**

Candace Dowdy used a Power Point presentation to show the property at 507 Rushing Way where the construction of Fazoli’s Restaurant is currently underway. Ms. Dowdy stated that the property owner is requesting a variance to place additional wall signage on the north, south, and west sides of the building instead of a freestanding sign. The building is located to the north of Chestnut Street with poor visibility; therefore, they feel like the wall signs on all sides of the building would be more beneficial to them than a pylon sign. The request includes a 25 square foot logo sign on the south and west sides of the building and a 25 square foot logo sign along with an 8.5 square foot blade sign on the north side of the building. Based on sign regulations they are allowed to have one wall sign. If the sign is placed on the side of the building that fronts Rushing Way (east side) they would be allowed a 42.5 square foot sign, but they are proposing a 33 square foot wall sign which is 9.5 square feet under the allowable square footage. They will also be utilizing the typical directional signage as well as menu board signage. Ms. Dowdy stated that Gerald Bell and his son Casey were there to answer any questions that the board members may have. Chairman Whitaker asked if the protruding blade sign was prohibited according to the Ordinance. Ms. Dowdy stated that the Ordinance only addresses projecting signage in a B-3 zone. She said that they typically do not have projecting signs in the B-2 zone, but she does not know if they are actually prohibited. She added that the proposed blade sign is part of Fazoli’s corporate package. Ms. Dowdy explained that the main entrance to the building will be facing the north. Ms. Dowdy added that there will be overflow parking to the south of Fazoli’s on property where Mr. Bell owns a shopping center.

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

Gerald Bell came forward. Chairman Whitaker stated that he would not be swearing Mr. Bell in because he is an attorney. Mr. Bell stated that he represents the principle (Terry Parker-Bell) for Fazoli’s in Murray. Mr. Bell explained that when the principle entered into the agreement with Fazoli’s, Fazoli’s gave them the building and signage requirements. The signage is actually what Ms. Parker-Bell would

like to use subject to the City's approval. Ms. Parker-Bell has elected not to put up a monument sign instead she is requesting that she be allowed to have Fazoli's prototype signage on all sides of the building. Mr. Bell said that the blade sign is not illuminated. Mr. Bell added that if there is consideration not to allow one of the signs, the blade sign would be the one that would be least desirable. The bottom of the sign is 10 foot 6 inches off the ground; thus, it would be elevated enough where no one would bump into it. Mr. Bell explained that the building is over 90 feet from the right of way (property line) and over 100 feet from the street. Being this far from the street, they first thought about having a larger sign in the front; however, they decided to go with the proposed signage package; thus they are asking the board for approval. Mr. Bell stated that all three of the tomato logos are 25 square feet and they are illuminated and should be quite visible. Mr. Bell added that he had driven around other food establishments in Murray and named several businesses where there is signage on three sides of the building in addition to a pylon or freestanding sign. He just wanted to note that what is being requested for Fazoli's is very typical for what is being allowed for other restaurants. He concluded that if the board would consider the request he thought that Ms. Parker-Bell would be very appreciative.

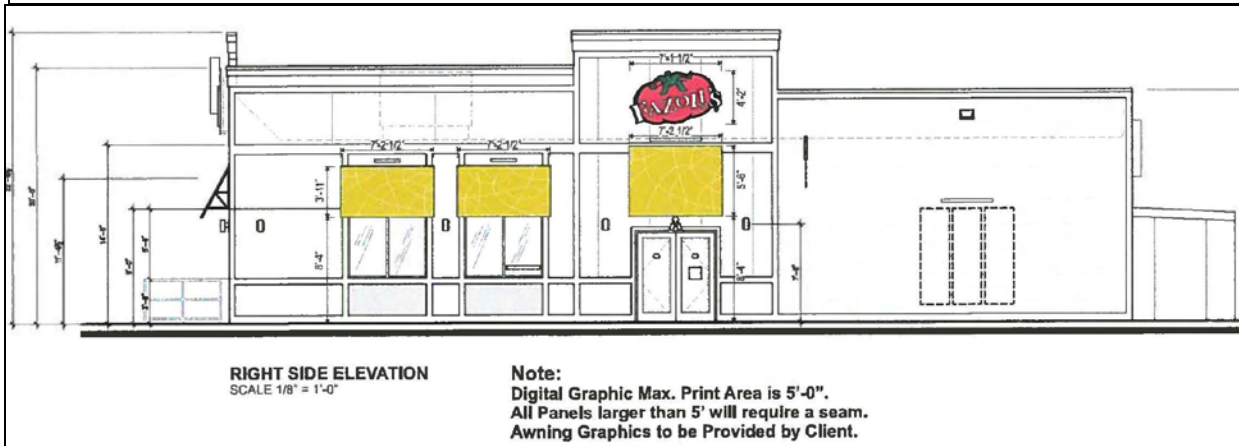
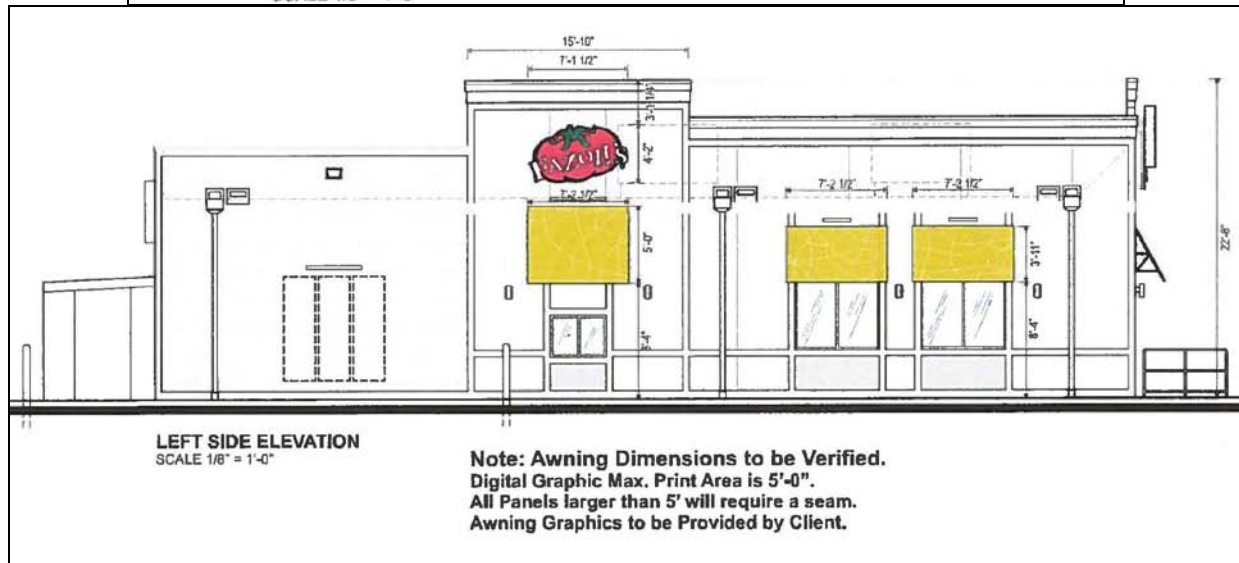
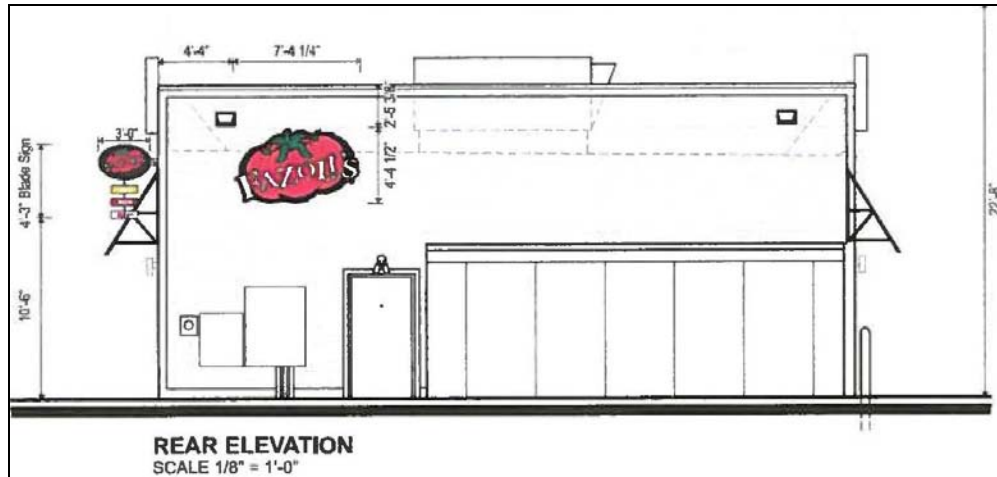
Mary Anne Medlock asked where the front actually was on the building. Mr. Bell explained that typically for Fazoli's restaurants, when you were looking at the front of the building, the drive-up window would be on the left and the main entrance is on the right. Ms. Medlock asked if there would be a menu board on the back of the building as well as the tomato sign. Mr. Bell said yes, but that it would only be visible to someone that was driving around the back of the building. John Krieb stated that since there will be signage on all four walls he was not clear what the blade sign would be adding. Mr. Bell said that he agreed with Mr. Krieb; however, Ms. Parker-Bell was obligated to ask for this sign since it was in the corporate package. Mr. Bell explained that one of Fazoli's new graphic themes is spaghetti noodles and those will be on the awnings. Chairman Whitaker stated that there had been a similar request once before. The applicant was asking for more signage on their building instead of a pylon or freestanding sign. Later on the applicant came back before the board because they decided that they wanted a freestanding sign. Mr. Bell said that they would be comfortable with the motion stating that this request was approved subject to there being no pylon or monument 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.

Commissioner Krieb asked Ms. Dowdy for clarification: since the blade sign/projecting sign was a prohibited sign, could the board grant a variance for it. Ms. Dowdy stated that the board could not grant a variance on something that was prohibited in the zone. Ms. Dowdy corrected the comment that she made earlier about projecting signs not be addressed in the sign regulations for the B-2 zone. She stated that projecting signs are prohibited in all zoning districts except the B-3 zone. Justin Pounds asked Ms. Dowdy what size freestanding/pylon sign the applicant would be allowed based on their overall building front square footage. Ms. Dowdy said that they would be allowed a maximum of 80 square feet at 24 feet high. She agreed with Mr. Bell that they would probably get more visibility from the wall signs than a freestanding sign. Mr. Pounds said that they are allowed 122.5 square feet overall for signage and they are only asking for 108 square feet. He said that they are obviously under what they are allowed. Mr. Seiber stated that there are very good business reasons for doing everything and this would be one of those examples.

**John Krieb made a motion to approve the dimensional variance request for Fazoli's located at 507 Rushing Way for three (3) additional wall signs at 25 square feet each. The additional signage will be in lieu of a free-standing sign and all other signage must comply with current sign regulations. No monument, pylon or projecting sign will be allowed in the future. 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. Justin Pounds seconded the motion and the motion carried with a 6-0 voice vote.



**Questions and Comments:** Ms. Dowdy read the current slate of officers. They are as follows:

Bill Whitaker	Chairman
Scott Seiber	Vice-Chairman
Justin Pounds	Secretary

Ms. Dowdy stated that this was the last night for Bill Whitaker to serve on the BZA. He has served for 26 years since June of 1986. Ms. Dowdy said that Mr. Whitaker will be greatly missed and the board appreciated his service. She invited the board to the City Council meeting to be held at City Hall on October 25<sup>th</sup> at 6:30 p.m. where Mayor Wells would be recognizing Bill Whitaker for his service to the City. Scott Seiber agreed that Mr. Whitaker will be missed. He added that he has served on a lot of boards and committees in his adult life and he did not think he appreciated anyone any better than Bill Whitaker. The other board members agreed. Mr. Seiber stated that he too would be leaving the board probably at the end of this year and he thinks it will be good to pass on responsibilities to John Krieb and Justin Pounds; however, he would agree to serve this last year as Secretary.

**Scott Seiber nominated the following slate as next year's officers:**

<b>John Krieb</b>	<b>Chairman</b>
<b>Justin Pounds</b>	<b>Vice-Chairman</b>
<b>Scott Seiber</b>	<b>Secretary</b>

**Mary Anne Medlock seconded the motion and the motion carried unanimously.**

**Adjournment:** Justin Pounds made a motion to adjourn. Brad Darnall seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:15 p.m.*

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Chairman, Bill Whitaker

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Recording Secretary, Reta Gray