

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, APRIL 20, 2016  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, April 20, 2016 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, Josh Vernon, Terry Strieter, Mike Faihst, Bobbie Weatherly, Dennis Sharp and Jim Foster

**Board Members Absent:**

**Also Present:** Candace Dowdy, David Roberts, Summer Grogan, Reta Gray, Attorney David Perlow, Ledger and Times representative, Jackie & Suzette Vaughn, Attorney Harold Hurt, Dwain Taylor and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He then asked if there were any changes, additions or deletions to the minutes from the March 16, 2016 regular BZA meeting.

**Mike Faihst made a motion to approve the March 16, 2016 Regular BZA minutes as presented. Jim Foster seconded the motion and the motion passed unanimously.**

**Public Hearing: Review of a 12 foot dimensional variance request to place a storage/shed 13 feet from the west property line along South 16<sup>th</sup> Street, located at 1517 Cardinal Drive – Jackie & Suzette Vaughn:** The property is located on a corner lot at the intersection of South 16th Street and Cardinal Drive. The property owners would like to replace the existing accessory (12' x 24') structure located on the southwest corner of their property with a new larger structure (20' x 28'). Accessory buildings are permitted only in rear yards and shall be located at least five feet from all lot lines except on corners lots where secondary yard restrictions apply with a minimum setback of 25 feet. The new larger accessory structure will have a 13 foot setback from 16th Street and would require a 12 foot dimensional variance. The property's elevation sits below 16th Street. The proposed location for the structure shouldn't cause any obstruction of vision for traffic along 16th Street or Cardinal Drive. All adjoining property owners were notified and no calls were received regarding this request.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the request.

Jackie Vaughn came forward and was sworn in. Mr. Vaughn indicated the reason for a newer larger accessory structure was to house his boat and his lawn care equipment. He described the building to have a block foundation with vinyl sided walls and a shingled roof. The building will be ten feet tall with an eight foot tall garage door.

No one came forward in opposition to the request. Chairman Krieb closed the public hearing and turned the item over to the board for discussion and a motion.

**Josh Vernon made a motion to approve the 12 foot dimensional variance request for the location of the proposed accessory structure at 1517 Cardinal Drive. The findings of fact**

**are: the existing structure is not a nuisance or a visual problem; the proposed new structure is in the same location with minor dimensional variations; the existing landscaping remains a visual barrier from the southern approach; and the ease of using this storage building while backing the boat into it. The granting of the 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. Mike Faihst seconded the motion and the motion carried with a 7-0 roll call vote.**

**Public Hearing: Review dimensional variance request to relocate one non-conforming free-standing sign to a new location on the lot located at 1301 South 12<sup>th</sup> Street – Toyota of Murray:**

The current Toyota of Murray sign at 1301 South 12th Street is located within the proposed right-of-way for the US 641 South widening project (aka South 12th Street); thus, the property owner is required to relocate the existing sign. The applicant would like to relocate the existing non-conforming free-standing sign to a new location which will be at least ten feet off the front and side property lines. The existing non-conforming sign was installed prior to the monument sign regulations which were adopted in March 2005; therefore, this particular sign has a “grandfathered in” status. Planning Staff informed the property owner (Dwain Taylor) that they could make a request to the Board of Zoning Adjustments for a dimensional variance to relocate the existing sign due to the circumstances.

Chairman Krieb opened the public hearing and asked if there was anyone that would like to speak in favor or opposition to this request.

Attorney Harold Hurt came forward and was sworn in. Mr. Hurt is the attorney and spokesman for Toyota of Murray. He described the proposals and improvements that the state has indicated to them. The current sign is in the right-of-way of the highway widening. Toyota requires this particular sign to be used at their franchises. Mr. Hurt indicated a Toyota logo change sometime in the future; however, the sign itself will not change.

There was no one that wished to speak in opposition to the request. Chairman Krieb closed the public hearing and turned the item over to the board for discussion and a motion.

**Mike Faihst made a motion to approve the dimensional variance request to relocate the existing non-conforming free-standing sign to a new location on the lot for Toyota of Murray, located at 1301 South 12th Street. The findings of fact are: the sign is being moved because of a right-of-way change for the road and this particular sign is a requirement of the manufacturer. There will be a logo change at the same time as the sign movement which will prevent the applicant from the need to come back before the board in the future. The granting of the 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. Jim Foster seconded the motion and the motion carried with a 7-0 roll call vote.**

**Public Hearing: Review dimensional variance request to relocate two non-conforming free-standing signs to new locations on the lot located at 1307 South 12<sup>th</sup> Street – Dwain Taylor Chevrolet-Buick-GMC-Cadillac:** This item is similar to the previous request in that Dwain Taylor is the owner and the widening of US 641 South (aka South 12<sup>th</sup> Street) is the reason for

the request. The signs displaying *Chevrolet, Buick, GMC, and Cadillac Taylor* and the *Quality Pre-owned Vehicles Taylor* are both located within the proposed right-of-way for the new road. The applicant would like to relocate the existing non-conforming free-standing signs to new locations (at least ten feet off the front and side property lines). The signs were approved by two previous dimensional variance requests which run with the land. These signs were also “grandfathered in” as legal non-conforming signs in March of 2005 when the monument sign regulations were adopted. Planning Staff informed the property owner that they could make a request to the Board of Zoning Adjustments for a dimensional variance to relocate the exiting signs due to the state acquiring additional right-of-way from them.

Chairman Krieb opened the public hearing and asked if anyone would like to speak in favor or in opposition to the request.

Harold Hurt came forward. Mr. Hurt is the attorney and spokesman for this dealership as well. Mr. Hurt explained the changes that would be made to the intersection of Peggy Ann Drive; the right-of-way that is to be acquired by the state; the construction of sidewalks and the changes that are proposed to the entrance of the lot. The elevation of pavement will be raised in front of the dealership approximately 3.5 to 4 feet; thus, the heights of the signs will be more important in the future than they are now. Both signs will be moved back outside the easement. One sign will be moved directly back towards the building and because of the change in entrance, they are not exactly sure at this time where the second sign will be located. Mr. Hurt indicated that this property would be affected significantly more than the Toyota lot would be.

No one spoke in opposition to the request; therefore, the public hearing was closed and Chairman Krieb turned the item over to the board for discussion and a motion.

**Josh Vernon made a motion to approve the dimensional variance request to relocate the non-conforming free-standing signs to new locations on the lot for Dwain Taylor located at 1307 South 12th Street on the findings that the required easement due to construction of US 641 South necessitates moving of the signs. The granting of the 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. Bobbie Weatherly seconded the motion and the motion carried with a 7-0 roll call vote.**

**Questions/Comments:** Mike Faihst stated that he had attended the Chamber breakfast the previous week and he was impressed with the update that Cathy Morris had given on the kaizen training that had taken place for Planning and Engineering.

**Josh Vernon made a motion to adjourn. Mike Faihst seconded the motion and the motion carried unanimously. The meeting adjourned at 5:05 p.m.**

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Chairman, John Krieb

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Recording Secretary, Reta Gray