

**MURRAY BOARD OF ZONING ADJUSTMENTS
SPECIAL CALLED MEETING
WEDNESDAY, MAY 4, 2016
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special called session on Wednesday, May 4, 2016 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

Board Members Present: John Krieb, Josh Vernon, Terry Strieter, Bobbie Weatherly, Dennis Sharp and Jim Foster

Board Members Absent: Mike Faihst

Also Present: Robert Jeffries, David Roberts, Summer Grogan, Reta Gray, Attorney David Perlow, Ledger and Times representative, Tina & Tony Artis, James Derek Choat, Denise Bumphis, Danny Hudspeth and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He explained some minor corrections to the minutes and then asked if there were any additional amendments to the minutes from the April 20, 2016 regular BZA meeting.

Terry Strieter made a motion to approve the April 20, 2016 Regular BZA minutes as amended. Bobbie Weatherly seconded the motion and the motion passed unanimously.

Public Hearing: Conditional use permit to allow a tattoo studio to operate in a B-4 Zoning District located at 408 South 12th Street – Goodfellaz Ink: GoodFellaz Ink tattoo studio would like to relocate to 408 South 12th Street (B-4 Medium Density Business District with Residential zoning located to the west). A tattoo studio is not specifically listed as a permitted principle use and would have to qualify as a conditional use. A tattoo studio would provide a service that is very similar in nature to barber and beauty shops which are listed as permitted principle uses. There is ample parking space available and a good amount of space between the building and the residential area. Mr. Jeffries indicated that an inspection has already been performed by the Health Department. A representative of the Fire Department has also visited the site and plans to finish their inspection later. Neighboring property owners were notified of this request. The following are the proposed hours of business:

- Monday – Scheduled appointments only
- Tuesday thru Thursday - 1:00 p.m. to 8:00 p.m.
- Friday and Saturday – 1:00 p.m. to 9:00 p.m.
- Sunday - Closed

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

Tina Artis came forward and was sworn in. Ms. Artis is co-owner of Goodfellaz Ink. She explained that they are currently located in a shopping center off North 16th where they have been in business since March of 2014. They feel the space has gotten a little bit too confined. Parking is not as readily available with The Keg Restaurant and Nina's Nails in the same shopping center. Ms. Artis said that they are hopeful that the move to South 12th Street will put them at a better location to bring in new business and alleviate the parking problems for their

current customers. Their hours of operation could deviate slightly on occasion; however, there are few instances where that would happen. Goodfellaz Ink does not own the building; they will be leasing it. If cosmetic changes should occur to the exterior of the building, they would be made by the owner; however, there are no plans to make any changes at this time.

James Derek Choat came forward and was sworn in. Mr. Choat stated that he has been running tattoo shops for a very long time. Most of their business will be by appointment only because they are a custom studio; therefore, in and out traffic will be very light.

Denise Bumphis came forward and was sworn in. Ms. Bumphis lives behind the proposed tattoo studio and she was also representing her neighbor who was not in attendance. They are concerned with the maintenance of the fence that is currently between their property and Goodfellaz Ink. At this time there is a section of the fence that is in disrepair and they would like to see that fence repaired and maintained in the future.

David Roberts clarified that it will be the property owner's responsibility to repair the fence and not the tenants. Mr. Jeffries explained that either a privacy fence or landscaping is required as a buffer to separate business from residential zones. The privacy fence is up; however, it is in need of repair. Planning Staff will send correspondence to the property owner (and a copy to Ms. Bumphis) addressing the maintenance situation with the fence.

Danny Hudspeth came forward and was sworn in. Mr. Hudspeth inquired about the hours of operation of this proposed business and their similarity to surrounding businesses. Mr. Jeffries addressed the adjacent businesses and their similarities. Huck's is the only exception and they operate 24-7. Mr. Hudspeth asked whose responsibility it is to monitor the upkeep of the fence such as the one Ms. Bumphis spoke of. Mr. Roberts explained that responsibilities could differ. When a new business goes in, items such as this are addressed at that time; however, the property owners should bring concerns to the attention of the Planning Department. Mr. Hudspeth wanted to know how long this conditional use would be in effect. Chairman Krieb said that all conditional use permits are subject to review in a year or if there are complaints before that time, citizens should contact Planning Staff for their guidance.

Tony Artis, manager of the tattoo shop, came forward and was sworn in. Mr. Artis offered rebuttal. He said that they are willing to repair the fence if they need to.

Attorney David Perlow explained that at this point no one actually knows who owns the fence; therefore, the owners/managers of Goodfellaz Ink are not responsible for making any repairs. With correspondence going out to the property owner, these questions should be answered.

The public hearing was closed and the item turned over to the board members for discussion and a motion.

Bobbie Weatherly made a motion to approve the conditional use permit to allow a tattoo studio (*Goodfellaz Ink*) to operate as a conditional use in a B-4 Zoning District located at 408 South 12th Street. This motion is based on the following: posted business hours by the owners and operators; health inspections have already been done on the property and the Fire Marshal should return to inspect the property in the near future; and the nature of this business is consistent with the intent of the B-4 zoning. Josh Vernon seconded the motion and the motion carried with a 6-0 roll call vote.

Questions/Comments: Chairman Krieb said that there was a good possibility that neither the Chairman or Vice-Chairman would be at the next regular meeting on May 18th; therefore, it will be the Secretary's (Mike Faihs) place to chair the meeting in their absence. He asked everyone to check their calendars and make sure they were in attendance in order to have a quorum.

Terry Strieter made a motion to adjourn. Dennis Sharp seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:00 p.m.*

Chairman, John Krieb

Recording Secretary, Reta Gray