

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JUNE 22, 2016
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, June 22, 2016 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Board Members Absent: Bobbie Weatherly

Also Present: Candace Dowdy, Robert Jeffries, Reta Gray, Summer Grogan, Attorney David Perlow, Officer Tim Fortner, Jamie Bailey and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. He noted minor changes to the minutes and then called for a motion for approval to the minutes from the May 18, 2016 BZA meeting.

Mike Faihst made a motion to approve the minutes from the May 18, 2016 BZA meeting as amended. Josh Vernon seconded the motion and the motion passed unanimously.

Chairman Krieb explained that several months ago Dr. Brad Mills' Conditional Use Permit was reviewed and at that time there were several fire and building code violations listed for the basement at 1708 Hwy 121 Bypass North where Dr. Mills' son and two others are residing. Dr. Mills has since completed his work to meet all the fire and building codes with a second means of egress for the sleeping rooms. Planning Department sent a letter to Dr. Mills' recognizing that he is now in compliance and stating that if there should be a change in the tenant situation in the future, the item would need to be brought back before the board for review.

Public Hearing: Dimensional Variance to allow for additional wall signage at 1512 North 12th Street – SpringHill Suites: Robert Jeffries read a letter from Priyesh Nathu (owner of newly constructed SpringHill Suites) stating that he would be unable to attend the meeting since he would be out of town on business. The letter indicated that visibility and identity were the main reasons for the proposed additional wall signage. *The letter was entered as Exhibit A.* Mr. Jeffries explained the proposed signage. Both the 178.52 square foot sign located on the west side of building facing North 12th Street and the monument sign adhere to the sign regulations and are approved. A variance is needed for the following:

- one approximately 114.15 square foot sign located on the south side of building
- one approximately 114.15 square foot sign located on the north side of building

The size of these two signs is within 5% of square footage for both the north and south walls. Staff noted that previous Dimensional Variances have been granted for additional wall signage for both the Holiday Inn Express and the Hampton Inn.

Chairman Krieb opened the public hearing and asked if there was anyone that wished to speak in favor or opposition to the proposal. There was no one. The public hearing was closed and the item was turned over to the board for discussion and a motion.

Jim Foster made a motion to approve the Dimensional Variance request to allow for additional wall signage as presented for SpringHill Suites located at 1512 North 12th Street. The findings of fact include the following: since the traffic speed on Hwy 641 North is near 50 mph additional signage will help the entrances be more visible; Marriott signage requirements; and consistency with the other major hotels. 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 6-0 roll call vote.

Public Hearing: Conditional Use Permit to operate an in-home daycare as a home occupation at 706 Glendale Road – Jamie Bailey: Ms. Jamie Bailey would like to operate an in-home daycare (with up to six children) as a home occupation. The definition of a home occupation was reviewed as it is stated in the Zoning Ordinance; the conditions and requirements were also reviewed for a Conditional Use Permit. Mr. Jeffries showed pictures of the property with the fenced in backyard and the expanded driveway which provides ample parking. All adjoining property owners were notified and a public notice was put in the newspaper. No comments have been received concerning the daycare. Ms. Dowdy explained the different categories in which in-home daycares are divided. She also stated that all other local, state or federal regulations will have to be met by the daycare.

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

Jamie Bailey came forward and was sworn in. Ms. Bailey explained that she has two children of her own that will be in the daycare and that the daycare will be allowed up to ten children (six non-related plus four being related). Ms. Bailey has been in contact with Lisa Marshall from the PADD Office and with the state about certifications that she will need. She is working on complying with state regulations at this point; however, she wanted to get approval from the BZA before pursuing these any further. She added that Ms. Marshall has informed her that she would be willing to make a walk-thru at the property before the state inspection to give her an idea of what the state will be looking for. Since there will be a limited number of children, the drive-way area should be sufficient to handle the traffic that is expected. Visibility is quite good when backing out of her driveway onto Glendale. The hours of operation for the daycare will be Monday through Friday from 6 a.m. to 6 p.m. Ms. Bailey explained that legally she is not required to have any additional employees, only a substitute to fill in for her. She will not be requesting a sign because she plans on advertising by word-of-mouth. Ms. Bailey concluded that before a social worker will come from Owensboro for their walk-thru, the Fire Marshal will need to come out and make his inspection.

There was no one that spoke in opposition; therefore, the public hearing was closed and the item turned over to the board for discussion and a motion.

Josh Vernon made a motion to approve the Conditional Use Permit request to allow a certified childcare home with up to six non-related children to operate as a home occupation in an R-2 Zoning District located at 706 Glendale Road with the following findings of fact: contingencies being that she has gone through the proper process with the state to ensure that she is following their security and safety guidelines and that everything

appears to be in order with that; contingencies being that her operation is in line with our Zoning Ordinance with regards to not generating additional disturbances, noise, smells and not generating a dangerous traffic situation and that the daycare is in compliance with all state laws as well. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote.

Questions/Comments: Chairman Krieb thanked Josh Vernon for chairing the previous meeting in his absence. He then recognized and congratulated Robert Jeffries for the time he has been in the Planning Department and served the City of Murray. Mr. Jeffries is moving to pursue another job in Winchester, Kentucky and this is his last BZA meeting.

Mr. Jeffries reviewed the sign for Re/Max and Station Burger. He explained that Planning Staff has been in touch with them a couple of times about bringing their new sign into compliance with the current Zoning Ordinance. They have recently submitted plans that add a base and landscaping around the sign. Originally they were approved for an 80 square foot sign; however, LA Nails and Radio Shack have decided not to have a spot on the sign at this time. LA Nails will be allowed to add a sign later if they choose to but Radio Shack would have to remove one of their existing wall signs if they want to put a sign up on the new monument sign. He showed a rendering of the new proposed base and landscaping. Ms. Dowdy explained that there was some confusion as to how the base should be situated; however, she has since talked with them and they are going to have Rolling Hills make the proper adjustments to the drawing. She then asked the board for their approval to give them more time to finish this project. The board set the date of August 15th, 2016 that the job is to be completed.

Mr. Jeffries thanked everyone again and commented that it had been a pleasure working for the City of Murray and with the board members. He said that he would miss a lot of things about Murray and it is with mixed emotions that he is leaving. The board members wished him good luck.

Mike Faihst made a motion to adjourn. Dennis Sharp seconded the motion and the motion carried unanimously. *The meeting adjourned at 5:15 p.m.*

Chairman, John Krieb

Recording Secretary, Reta Gray