

**MURRAY BOARD OF ZONING ADJUSTMENTS  
REGULAR MEETING  
WEDNESDAY, JUNE 22, 2022  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, June 22, 2022 at 4:30 p.m. in City Hall at 500 Main Street.

**Board Members Present:** Mike Faihst, Jim Foster, Carmen Garland, Paula Hulick, John Krieb, and Bobby Weatherly

**Board Members Absent:** Josh Vernon

**Also Present:** Rakov Aetherus, Lindsay Aycock, Dannetta Clayton, Carol Downey, Kim Miles, Attorney David Perlow, Ryan Cunningham, Wyatt Alverson, Tyler Mitchell, Mark Welch, Karen Welch, Clark Sheeks, Chris Bryant, and public audience

Chairman Faihst called the meeting to order and welcomed all guests and applicants. Kim Miles called the roll.

**Paula Hulick made a motion to approve the minutes from the BZA meeting on May 18, 2022 as presented. Carmen Garland seconded the motion and the motion carried unanimously.**

**Public Hearing: Conditional Use Permit: 821 N. 19<sup>th</sup> Street – Ryan and Sarah Cunningham: request to allow three unrelated persons to occupy the property in a R-2 zone.** Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. Applicants Ryan and Sarah Cunningham are requesting a review of a prior permitted conditional use permit which is expiring due to the condition of “the residents are required to return in one year and apply again”. The house has three bedrooms and enough off-street parking to for eight to ten vehicles. In June 2021 the Board of Zoning Adjustments approved the Conditional Use Permit request “with the findings that it is clearly evident that the habitation of this residence is not going to be a distraction to the neighboring properties and that there is no evidence of any difficulties with street parking. The approval is with the condition that the residents are required to return in one year and apply again.” Carol showed pictures of the zoning map, the property, and the surrounding properties.

Ryan Cunningham came forward and was sworn in. Mr. Cunningham stated that they are just looking for an extension of the Conditional Use Permit and the current residents have been an asset to the community. The Board asked for more information on the living situation as well as the future plan for the property. Mr. Cunningham explained that two of the three previous renters, who are all young professionals and employed by St. Leo’s Catholic Church, will be staying. They are in the process of asking a third renter, also a young professional. He plans to continue to rent the property in the future.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor of this request.

Carol Downey came forward to share she received a call from Ms. Wrye at 818 N. 20<sup>th</sup> Street in favor. Ms. Wrye wanted to relay that she is fine with the rental use of the property.

Since no one wished to speak against this request, Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

**Paula Hulick made a motion to approve the Conditional Use Permit request as presented to allow the three non-related persons to occupy the property located at 821 N. 19th Street for a one-year extension to be reviewed again in one year. Parking is limited to the eight to ten, off-street spots on the property only. No off-street parking is allowed. The testimony presented in this public hearing has shown based on the findings, it does not adversely affect public health, safety, or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or nuisance to the public, and will not allow unreasonable circumvention of the requirements of the zoning ordinance. John Krieb seconded the motion. The motion carried unanimously.**

**Public Hearing: Conditional Use Permit: 1313 Main Street – Gamma Upsilon Sigma Pi – request to utilize the property as a fraternity house in a R-4 zone.** Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. The Gamma Upsilon of Sigma Pi Fraternity Housing Corporation requests a Conditional Use Permit to utilize 1313 Main Street as a fraternity house. The property is zoned R-4 (multi-family district) which allows for fraternity and sorority houses as a conditional use. The lot totals 23,940 square feet which exceeds the 15,000 square foot minimum required by ordinance 156.016. Kitchen facilities are available in the house and natural screening exists on both sides of the adjoining property lines. The property has 10 parking spaces and is located within walking distance of the University campus. Carol showed pictures of the zoning map, the subject property, and the surrounding properties.

Wyatt Alverson came forward and was sworn in. He described Gamma Pi's history with the property and their desire to use it as their fraternity house. The Board asked how the house would be used and how parking would be handled. Mr. Alverson explained that other than the four to five members continuing to live at the property, they would likely host a couple of events in the backyard during rush and display composites and trophies for alumni to see. If parking were to get crowded, they have permission to use a neighboring property or they would instruct people to park on campus and walk to the property. Gamma Pi's previous house locations were discussed and Mr. Alverson stated they will continue to rent this property until their landlord decides to sell or something else becomes available that they can purchase.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor of this request.

Tyler Mitchell came forward and was sworn in. He shared how the fraternity house would be an amazing recruiting tool during rush, which would allow Gamma Pi to give back more to the community.

Chairman Faihst asked if anyone wished to speak against this request.

Mark Welch, 1321 Main Street, came forward and was sworn in. Mr. Welch described the neighboring properties and voiced his concerns regarding property valuations in the future, increased traffic, sound and language issues if a fraternity house were allowed on this block.

Karen Welch, 1321 Main Street, came forward and was sworn in. Mrs. Welch expounded upon the sound and language issues Mr. Welch mentioned previously. She stated that they and their neighbors have worked hard renovating their properties and they do not think this block is where a fraternity house belongs.

Clark Sheeks, 1323 Main Street, came forward and was sworn in. Mr. Sheeks stated that the whole block is family oriented and he is concerned about noise and property value declining.

Wyatt Alverson came forward for rebuttal and reiterated that the area is zoned R-4, which he said makes it perfect for fraternities and sororities. He mentioned that he was made aware of the noise complaint by his president, who handled the situation. The Board asked about the lease and other rental opportunities to which Mr. Alverson responded, the lease is up for renewal every year on July 1<sup>st</sup> and there are no other properties available for them at this time.

Chairman Faihst closed the public hearing and brought it back to the Board for discussion and a motion.

The Board discussed the potential for increased parking and noise issues. They agreed that Gamma Pi needs a house, but this one is just not in the right location.

**Bobby Weatherly made a motion to deny the Conditional Use Permit request to allow the house located in an R-4 zone at 1313 Main Street to be utilized as a fraternity house. She respects there are four unrelated persons living there and are well within the range of a Conditional Use but the testimony presented in this public hearing has shown that the compatibility and Conditional Use Permit for allowing the house located in an R-4 zone at 1313 Main Street should not be used as a fraternity house at this time. Jim Foster seconded the motion. The motion carried unanimously.**

**Non-Public Hearing: Compatibility meeting for a Planned Development Project consisting of a multi-family residential community for the elderly. The property consists of two tracts totaling 9.845 acres located south of Wiswell Road and to the west of Coach Estates.** Carol Downey showed the zoning map and explained the purpose of the compatibility meeting. Carol gave the project description as proposed by Chris Bryant, of Wabuck Development Group, which includes 52 total units, ample parking, sidewalks, landscaping, a community building, and a retention basin. The proposed site would need to be rezoned from R-2 to R-4 and a Conditional Use Permit would be needed as well. Carol showed the proposed site plan rendering, plat information with possible entries and a map of available utilities.

Chris Bryant came forward and was sworn in. Mr. Bryant described the property developer, construction company, and management group and showed regional and vicinity maps of the property. He explained that the Kentucky Housing Corporation accepts applications from developers to build multi-family housing in areas in need. The process is focused on Census Tracts of which the City of Murray scored in the top ten this year. Mr. Bryant mentioned Kentucky Housing Corporation's age minimum is 55 and showed pictures of some of their other properties. The Board asked about rent, covered parking, leases and pets. He explained rent was based on income and would range from \$560 - \$980, not including utilities. He shared that there is no covered parking, leases are for one year, and pets are permitted. The Board inquired about the site manager, security, the community room, leasing regulations, and multiple entrances. Mr. Bryant stated the manager would be on-site, Monday through Friday from 8:00 a.m. to 4:00 p.m. and there would be an after-hours number available. Cameras would be installed around the property for security and the community room would have a half kitchen and tables. Mr. Bryant disclosed Kentucky Housing Corporation's leasing regulations and the options for multiple entrances were discussed.

Chairman Faihst brought it back to the Board for a motion.

**John Krieb made a motion to find the proposed Planned Development Project of a multi-family residential community for the elderly, consisting of two tracts totaling 9.845 acres, located south of Wiswell Road and to the west of Coach Estates, subject to purchase of the property and rezoning, as being compatible to the surrounding area with the contingency that there would be two active entrances, one at Danbury and one at Bluebird with the findings that it is an appropriate addition to a residential area; there is a need for elderly housing in Murray at a reasonable cost; and the company has a successful track record. Paula Hulick seconded the motion. Carmen Garland abstained and there were five ayes.**

**Discussion:** Dannetta Clayton gave an update on the Comprehensive Plan including naming those appointed by the mayor to serve on the committee, the outline for the first meeting with KLC planned for July 14th, 2022 and the frequency of the future meetings.

**Questions and Comments:** Chairman Faihst wished everyone a safe and happy fourth of July.

Chairman Faihst called for a motion to adjourn.

**Jim Foster made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at approximately 5:48 p.m.**

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Chairman, Mike Faihst

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Recording Secretary, Lindsay Aycock