

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, OCTOBER 17, 2018
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, October 17, 2018 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

Board Members Present: John Krieb, Bobbie Weatherly, Mike Faihst, Terry Strieter, and Jim Foster

Board Members Absent: Josh Vernon

Also Present: Maurice Thomas, Justin Smith, Jeremy Buchanan, Jim Osborne, Attorney David Perlow and Ryan Stanger

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. Chairman Krieb then asked for a motion to approve the minutes from the September 19, 2018 Regular BZA meeting.

Terry Strieter made a motion to approve the minutes from the September 19, 2018 regular BZA meeting as corrected. Jim Foster seconded the motion and the motion carried unanimously.

Public Hearing: Request for a Conditional Use Permit to allow multi-family residential use in a B-3 (Central Business District) Zone located at 105 North 6th Street – Applicant: Ryan Stanger & Michael Stanger: Applicant Ryan Stanger of SBG, LLC is seeking approval to allow the upstairs area to be rented out on a nightly basis (similar to an Airbnb). The upstairs of the building located at 105 North 6th Street has a separate entrance from that of SBG's. There are 20 parking spaces already located on this property. To grant the Conditional Use request, the Board must find that "the granting of the Conditional Use meets the stipulations listed in § 156.081 CONDITIONAL USE PERMITS... (A)(B). Staff is not opposed to allowing this request if the Board of Zoning Adjustments finds that granting the Conditional Use Permit is reasonable and necessary.

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

Ryan Stanger came forward and was sworn in. Mr. Stanger (representative of SBG, LLC) explained the renovations that have been made at this point and the items still left to be completed. The original plan was to put office space upstairs; however, his office staff has decided that an Airbnb would be more fun. The layout will have a full kitchen, living room, bedroom, bathroom and laundry area. Mr. Stanger said that they currently have a lake house that is basically the same thing and they have had pretty good luck with it. Their goal is to offer a more accommodating choice of room (other than a hotel room) at a more reasonable price. They would like to try it and see how things go. He is reluctant to rent the space out long term because his office will be located on the 1st floor and having someone above them constantly might not have a desirable result. In

order to justify the expense, the space needs to be rented five and a half nights per month. The Fire Marshal (Greg Molinar) has been to the property and all the changes that he asked for have been done. The space could be ready for occupancy in about three days.

No one spoke against the request; therefore, the public hearing was closed and the item turned over to the Board for discussion and a motion. Justin explained that the City of Murray does not have a set of rules or regulations at this point for an Airbnb; however, they will be reviewing their file and establish a section in the Ordinance for this type of housing. Until then, a Conditional Use Permit will be used.

Jim Foster made a motion to grant the Conditional Use Permit to allow renting of a dwelling unit above the primary permitted use in the B-3 Central Business District located at 105 North 6th Street subject to fire inspection and building permits. The testimony presented in this public hearing has shown based on the findings that 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. Mike Faihst seconded the motion and the motion carried with a 5-0 roll call vote.

Discussion: Revision of Board of Zoning Adjustments By-Laws: Jeremy Buchanan explained that the City Council had made changes to their By-Laws in January 2018; therefore, changes need to be made to the BZA By-Laws in order to come into compliance with the City's Ordinance 2018-1750 which relates to the membership. Jeremy reviewed a copy of the previous Ordinance with proposed changes. There was discussion amongst the Board and the Attorney. Jeremy said that the Planning Commission had reviewed the same item the previous night. The new revision talks about members being adjusted by attrition. Currently they have 5 members and 4 officers. They voted to do away with the Secretary position; thus, they now will have 3 officers: Chairman, First Vice-Chairman and Second Vice-Chairman. (The Secretary position is taken care of by Staff at this point.) The consensus was to mirror the decision made by the Planning Commission for the same number and position titles of BZA officers. Jeremy said they would make the changes and bring a revised copy back before the Board next month for approval.

Annual Election of Officers: The current slate of BZA officers follows:

- John Krieb – Chairman
- Josh Vernon - First Vice-Chairman
- Secretary – Mike Faihst

Chairman Krieb explained that the current City Council and Mayor have decided that the BZA should progressively go from six to five members. Jeremy read the expiration dates for the service of each of the board members. The board members agreed to mirror the positions to the Planning Commission and do away with the Secretary position. This would leave the positions of: Chairman, First Vice-Chairman and Second Vice-Chairman. Jeremy recommended that a Chairman and First Vice-Chairman be chosen at this time and after the adoption of By-Laws is

formalized, a Second Vice-Chairman could be chosen. Nominations for officers for the upcoming year were then received.

Jim Foster made a motion that the Chairman and First Vice-Chairman remain the same for 2019 as they currently are. Mike Faihst seconded the motion and the motion carried unanimously.


Questions and Comments: Chairman Krieb announced that David Roberts would be retiring from his position at the City of Murray and that his last day in the office would be October 19th. This news was also announced at the Planning Commission meeting. David was not able to attend the BZA meeting; however, he wished to express thanks and appreciation to the Board members for their roles in both the Planning Commission and BZA.

Chairman Krieb then asked for an update from Popeye's. Jeremy said that they had submitted a building permit and everything that the Board has previously asked of them had been accommodated; however, there are still revisions to be made regarding utilities.

Mike Faihst made a motion to adjourn. Jim Foster seconded the motion. The meeting was adjourned at 5:07 p.m.



Chairman, John Krieb



Recording Secretary, Reta Gray