

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, OCTOBER 19, 2022
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, October 19, 2022 at 4:30 p.m. in City Hall at 500 Main Street.

Board Members Present: Mike Faihst, Carmen Garland, Paula Hulick, John Krieb, and Bobbie Weatherly

Board Members Absent: Jim Foster and Josh Vernon

Also Present: Rakov Aetherus, Lindsay Aycock, Danna Clayton, Carol Downey, Kim Miles, Attorney David Perlow, Dan Otterson, Danielle Bell, Kathy Zmich, and public audience.

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

Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on September 21, 2022.

Paula Hulick made a motion to approve the minutes from the regular BZA meeting on September 21, 2022. John Krieb seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance: 603 Maple Street – Dan Otterson: Request to approve usage of off-street parking within 400 feet walking distance of the property. Carol Downey reviewed the ordinance regulations and presented the Staff Report which included the need for nine spaces, the zoning map, pictures of the property and the surrounding properties.

Dan Otterson came forward and was sworn in. Mr. Otterson explained his desire to bring more business to the downtown Murray area with his 24-hour, member's only, private training facility. He will be getting an agreement from the adjacent church giving him permission to use their parking lot plus he will allow the parking lot at his neighboring property, 601 Main Street, to be used for this facility as well.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition of this request. No one came forward, so Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

Bobbie Weatherly made a motion to approve the waiver of the parking requirement and approve usage of off-street parking within walking distance of 400 feet for the property located 603 Maple Street based on Mr. Otterson's presented plans. 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 with the following amendments to the findings of fact: 1) Available parking in the immediate area is about three times the required number for this operation, 2) On-site construction of additional parking does not appear very feasible and if done, would detract from the general appearance of the immediate area and 3) The owner-operator has agreed to obtain written permission from a nearby church regarding overflow parking, if required. The motion carried with a 5-0 roll call vote.

Public Hearing: Conditional Use Permit: 1105 Sycamore Street – Danielle Bell of Distinctive Living of Murray: Request to allow multi-family residential short-term rental usage as well as business use for small events for the property. Carol Downey reviewed the ordinance regulations and presented the Staff Report which included the zoning map, pictures of the property and the surrounding properties.

Danielle Bell came forward and was sworn in. Ms. Bell shared their vision of using the property for an Airbnb without the restriction of everyone being immediate family as well as advertising to be used for wedding/baby showers and small get togethers of 10-15 people. Danielle stated there is ample parking available. The board shared their concerns with parking and cars moving in and out of the property.

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

Kathy Zmich came forward and was sworn in. Ms. Zmich voiced her concerns with the possibility of noisy and/or disrespectful people renting for six months as well as parking and traffic in the area.

Danielle Bell came forward and explained that expectations would be set in advance with renters regarding noise, parking, etc. and she offered to give Ms. Zmich her phone number to personally handle any problems should they arise.

Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion. The board discussed parking and property lines for possible future parking if needed.

Chairman Faihst made a motion to approve the Conditional Use Permit request to allow multi-family residential use for short-term rental and to utilize the residence for small events such as baby showers or wedding showers, as an incidental usage in addition to the short-term rental for the property located at 1105 Sycamore Street with the stipulations that request renters to exit the driveway facing forward and keep noise down after 10PM. The findings of fact are as follows: 1) There is ample parking for small groups and 2) The applicant has stated that she will monitor the property. 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. Paula Hulick seconded the motion and the motion carried with a 4-1 roll call vote. *Bobbie Weatherly voted no.*

Annual Election of Officers: Carmen Garland made a motion to accept all current officers for the 2023 term, pending Josh Vernon as he was not present, by acclamation. John Krieb seconded the motion and the motion carried with a 5-0 roll call vote.

Questions and Comments: Dannetta gave a Comprehensive Plan update and let the board know that she is working on some updates to the By-laws and ordinances for the BZA and Planning Commission to review.

Chairman Faihst called for a motion to adjourn.

Carmen Garland made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at approximately 5:14 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock