

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

The Murray Board of Zoning Adjustments met in regular session on Wednesday, January 19, 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, Josh Vernon, and Bobbie Weatherly

Board Members Absent:

Also Present: Attorney David Perlow, Rakov Aetherus, Dannetta Clayton, Carol Downey, Lindsay Aycock, Kevin Spengler, Megan Ottway, and public audience

Chairman Faihst called the meeting to order and welcomed all guests and applicants. Dannetta Clayton called the roll. Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on November 17, 2021.

Paula Hulick made a motion to approve the minutes from the BZA meeting on November 17, 2021 as presented. Jim Foster seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance Request: Westside Baptist Church – 207 Johnny Robertson Rd South - Allow an additional monument sign on site with a six-foot height variance and 34.37 square foot variance for the sign face: Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. Ottway Signs is requesting a sign variance on behalf of Merrick Nunn for Westside Baptist Church. The variance would allow two monument signs, which exceeds the maximum of one freestanding sign per street frontage. The variance would also allow for a sign that exceeds the maximum height limit of 8 feet - with measurements of 6.67' wide by 10' tall with an electronic reader board (height excluding 4-foot brick base). The total height of the proposed sign is 14 feet including the base. The overall sign face including the electronic reader board will exceed the maximum of thirty-two square feet with a measurement of 66.37 square feet. A Conditional Use Permit is also being requested for an electronic reader board in a residential district. The subject property consists of three adjoining parcels totaling approximately 13.18 acres. The existing monument sign is located directly in front of the Westside Baptist Church. The proposed site of the new monument sign is at the front of the parcel containing the parking lot. Currently, the property is fenced along road frontage side of the property. The base of the new monument sign would need to be at least four feet in height in order for the reader board to be above the fence. Carol showed the pictures of the zoning map, the proposed sign and the surrounding properties.

Megan Ottway came forward and was sworn in. Megan stated the rendition of the sign as shown was requested by Westside Baptist Church. The 4 feet at the bottom would be to get recognition of the reader board above the existing white fence. Ottway Signs proposed a 3 x 6 reader board. Westside Baptist would like the reader board sign for updates and upcoming church events. The

Regular BZA Meeting
January 19, 2022

Board asked about the lighting details of the sign. Megan replied that the reader board has an automatic dimmer, there would be no flashing or strobing and the logo and wording at the top of the sign would be backlit. The Board expressed concern regarding the height of the sign, gave suggestions for reducing the size and asked where the design details originated. Megan replied that the pastor requested the rendition to have a brick base, a reader board, and an arched look, similar to CSFB and this was the design they rendered.

Carol Downey explained that if the height of the sign is lowered, a variance for the reader board would still be required as it would exceed 30% of sign area. The Board asked if the neighbors were contacted. Carol read the letter (including the sign's dimensions) that was sent to all the surrounding property owners and stated that no one responded.

No one spoke in opposition to this request. Chairman Faihst closed the public hearing and turned the item over to the Board for further discussion and a motion. There was additional discussion and concern regarding the size and brightness of the sign. Carol showed the Ordinance slide regarding the brightness and the time frame it is allowed to be on.

Jim Foster made a motion to approve the Dimensional Variance Request to allow an additional monument sign with a 2-foot sign height variance, not to exceed 10 feet in total height, at 207 Johnny Robertson Rd South. Also, the Electronic Reader board sign must go dormant from 7:30 p.m. to 7:00 a.m. 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. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit for -- Westside Baptist Church -- 207 Johnny Robertson Rd South- an incorporated electronic reader board in a sign on a lot occupied by a permitted religious place of worship in a residential district: Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. Ottway Signs is requesting a conditional use permit on behalf of Merrick Nunn for Westside Baptist Church. The proposed sign to be located behind the fence, on the east boundary, facing north to south, on Robertson Road South will include a 3' by 6' electronic reader board. The total square footage of the electronic reader board is 18 square feet which is 27% of the total face of the sign. Ottway Signs is also requesting a dimensional variance for the sign for the height, sign face size and to allow an additional monument sign on the property. Westside Baptist Church is located in an R-2 zone -- Residential District. The subject property consists of three adjoining parcels totally approximately 13.18 acres. The existing monument sign is located directly in front of the Westside Baptist Church. Carol showed the pictures of the zoning map and the proposed sign.

Chairman Faihst opened the public hearing and asked anyone wished to speak in favor or opposition to the request. Chairman Faihst called for a motion.

Regular BZA Meeting
January 19, 2022

John Krieb made a motion to approve the Conditional Use Permit for a Reader board to be limited to 30% of the sign area per the regulations to be incorporated into the monument sign to be located at 207 Johnny Robertson Rd South. 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. Josh Vernon seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit for – 1015/1017 Payne Street - convert nonconforming long-term rental property to a nonconforming short-term rental property in a B-4 zone: Carol Downey reviewed the regulations in the Ordinance pertaining to this request and presented the Staff Report. Applicant Kevin Spengler is requesting to allow 1015/1017 Payne Street to be utilized as a nonconforming short-term rental. The applicant recently purchased the property, which had been utilized as a nonconforming long-term rental. The property is in a B-4 zone, Medium Density Business District. The proposed usage is in the same classification, residential rental, as the prior usage of the property. Carol showed the pictures of the zoning map, the current property, renderings of the proposed updates to the property, and the surrounding properties.

Kevin Spengler came forward and was sworn in. Kevin stated he purchased the property January 3rd. as a duplex and has already cleaned up the fence row along with Mr. Saladino, the gentleman on the corner. He plans to add some timber frame at the top and on the sides, move the doors onto the side for privacy, add stone around base, and add gray siding with white trim. He is going to match the siding and paint to the garage to make it look nice as well. He will have granite counter tops and workspaces inside. Half of the duplex will have a modern look with an electric car charger outside and the other half will have a country feel. He will be using Air B&B but no food will be served. It will be used for short-term stays and geared towards places like Pella, Murray State University, and the hospital. Kevin mentioned that Ryan Walker with State Farm is excited about this opportunity, as he has families that could benefit from a short-term stay rental. The Board asked Kevin if he would be paving the two driveways and he responded it was not his intent at this point, but he could do it in the future, if required.

Chairman Faihst asked if anyone wished to speak in favor or opposition to the request. Chairman Faihst closed the hearing and turned the item over to the Board for further discussion. The Board mentioned their favor for this type of improvement/venture as well as their desire for designated driveways at this property. Chairman Faihst called for a motion.

Josh Vernon made a motion to approve a Conditional Use Permit request to allow 1015/1017 Payne Street to be utilized as a nonconforming short-term rental property with the condition that within a year, the driveways that are currently serving the two duplexes be a permanent design with hardscape, whether that be concrete or asphalt is up to the owner. 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

Regular BZA Meeting
January 19, 2022

circumvention of the requirements of the zoning ordinance. John Krieb seconded the motion and the motion carried unanimously.

Comments: The Board mentioned some cities being overwhelmed by short-term rentals which is causing safety issues and rentals to disappear. They stated there are only three or four Air B & Bs currently registered in Murray, but definitely something to watch for in the future.

Dannetta Clayton introduced Lindsay Aycock as the one who will be typing the minutes.

Chairman Faihst called for a motion to adjourn.

Paula Hulick made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at 5:21 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock