

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, DECEMBER 18, 2019
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, December 18, 2019 at 4:30 p.m. in the council chambers of City Hall at 500 Main Street.

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

Board Members Absent:

Also Present: Justin Smith, Jim Osborne, Maurice Thomas, Zach Warren, Attorney David Perlow, Jim Karvounis, Keith Crouch, Philip Woodall, Andrew French, David Nash, Krystal Jones, Jason Pittman and Ricky & Cathy Walls

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll. At this time Chairman Krieb asked if there were any changes to the minutes from the regular BZA meeting on November 20, 2019.

Mike Faihst made a motion to approve the minutes from the regular BZA meeting on November 20, 2019 as presented. Jim Foster seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance request to allow a free-standing sign for Olympic Plaza to be located at 506 North 12th Street – Applicant: Jim Karvounis: Justin Smith explained that this item had been tabled at the October meeting in order to give the applicant (Jim Karvounis) more time to decide on a location for his new/updated sign. The Ordinance requires monument type signs to be in place along the 12th Street corridor; however, in order to update the existing non-conforming Olympic Plaza sign, Mr. Karvounis is requesting a sign variance to allow a freestanding sign instead of a monument sign or a shopping center sign. The current sign is located close to the corner at North 12th and Arcadia. Justin showed an aerial photograph of the property along with pictures of the existing signs on the property. A rendering of the proposed sign was shown with dimensions. Justin then reviewed the overall allowable square footage and height for the sign. Mr. Karvounis has indicated that his plan is to utilize the existing sign frame. He wants to alter it, remove the columns from the steel poles and replace the columns with brick. Mr. Karvounis will be altering and upgrading his current sign beyond the extent of simple maintenance; therefore, he will need to seek BZA consideration in order to keep a freestanding sign on the monument sign corridor of 12th Street. Chairman Krieb opened the public hearing at this time. He asked Mr. Karvounis to come forward.

Jim Karvounis came forward and was sworn in. He said that when they left the last meeting, he was to determine where the location would be for the Olympic Plaza sign. Mr. Karvounis said that he decided to leave the sign where it is currently located. Chairman Krieb asked Mr. Karvounis if he had thought about the Board's previous discussion in making the sign a true "shopping center sign" with names of the clients listed. Mr. Karvounis replied that he had not. He

thought they had determined that in its current location, it would not be beneficial to list the names of the tenants since the sign is so far off the street. The new sign will be the same height as the current sign. Mr. Foster recommended that since the sign would remain in the same spot, he would like to see the former "Tom's Pizza" sign pole removed and the landscaping cleaned up around it. Mr. Karvounis said that since there is electricity running to that pole he would need to have capped and that he did intend to remove the pole and clean up that area. Ms. Weatherly commended Mr. Karvounis on the new appearance of the shopping center.

No one else came forward to speak either in favor or opposition to this request; therefore, the public hearing was closed and the item was turned over to the Board for further discussion and a motion.

Mike Faihst made a motion to grant the Sign Variance for 506 North 12th Street to allow a freestanding sign for Olympic Plaza Shopping Center as presented providing it is in its current location. The sign cannot be any larger or taller (taller than 22 feet) than the current sign as it is a non-conforming sign. The Board would like the former "Tom's Pizza" sign pole removed within a six month period. Bobbie Weatherly seconded the motion and the motion carried with a 6-0 roll call vote. Josh Vernon abstained from voting.

Public Hearing: Dimensional Variance request for a paving waiver and parking space reduction to the property located at 713 River Road – Applicant: Philip Woodall: Justin explained the property in discussion is currently vacant and owned by Philip Woodall. Mr. Woodall intends to construct a 10,000 square foot building with nine offices for employees and warehousing for materials and tools used in the roofing business. An aerial photograph was shown of the property and a picture of a proposal for the new Business Loop. When the Business Loop is completed, there will be a cul-de-sac off South 4th Street. The Woodall property will have their entrance off of the cul-de-sac on River Road. Justin read the regulations of the Ordinance pertaining to driveways and parking spaces. According to these regulations, they will be required to have 28 parking spaces. They do not think they will need that many. They are a roofing corporation and they pick up most of their roofers and take them to the job site; therefore, they are requesting a reduction of down to 12 parking spaces. Mr. Woodall would like a paving waiver for two reasons: heavy semi-trucks and industrial forklift equipment will tear up asphalt and due to the unusual shape of this lot, installing concrete will be extremely costly. He would like to install gravel for the driveway, drive aisles, and parking space areas because he believes this will suffice for their operation. Justin spoke to Murray Paving and was told it would cost somewhere around \$45,000 to \$50,000 to pave the entire driveway with asphalt. He added that these paving requirements were added to the Ordinance in 1990 and since then the records show there have not been any paving waivers granted; however, there have been time limits and extensions granted. Chairman Krieb opened the public hearing and asked the applicant to come forward.

Philip Woodall came forward and was sworn in. Mr. Woodall said that this particular piece of property is a unique and secluded lot. It lies down a slope past the church. He described the properties surrounding his piece of land. Their plan is to have a dense grade gravel driveway to keep their trucks out of the mud. Ms. Weatherly asked if the neighbors were aware of Mr. Woodall's plan. He replied that one of the neighbors was present at the meeting but he did not

know if the other neighbors knew. Adjacent property owners were notified by the City about the meeting. Mr. Woodall would like to have a paved entrance off the bypass once it's constructed. Chairman Krieb asked Mr. Woodall to consider paving a section that goes to River Road where he can connect to the future Bypass at some point and leave the main area with dense grade. Mr. Krieb said this would be a compromise and would make the appearance look better from River Road. Mr. Woodall replied that they have 80,000 lb. semi-trucks coming in several times a week with deliveries and 50,000 lb. fork lift trucks which could be a nightmare for asphalt. Mr. Krieb said that all the industrial parks have asphalt driveways and they don't have a problem; however, they do have a quality base under the asphalt. A dense graveled area wouldn't be a problem next to the building where you would be unloading. Mr. Krieb indicated that he had spoken to an Engineer about this situation the day before and the Engineer had agreed with him.

Andrew French came forward and was sworn in. Mr. French is friends with Philip Woodall and he spoke in favor of the proposal. He is excited about Philip purchasing the property along with the improvements he has already made to it. Mr. French and Greg Taylor are owners of the former Gene & Jo's Florist building at 705 South 4th Street. He feels that South 4th Street improvements are noteworthy. Mr. French also owns the 3.5 acres south of the Bypass location. He stated that he is one of the few property owners on River Road. He is glad to have another investor in the community that is trying to make it better.

No one came forward to speak in opposition; therefore, the public hearing was closed. The item was then turned over to the Board for further discussion and a motion. The Ordinance states that the owner has one year from the time the building construction is complete before the driveway has to be put into a hard surface.

Mr. French came forward again. He said that he and Philip had been in a couple of meetings with Engineers about acquisition of their properties for right-of-ways and easements. There are a lot of unknowns about what is happening about River Road. It is currently very rough and they would like to see it improve. They anticipate water issues that are going to be coming up that they have already met with the City about. Philip's property is at the end of the cul-de-sac. He would like to put this decision off for a while. Mr. French would hate to see Philip put down pavement and then have to cut through it for a waterline.

Chairman Krieb called for motions at this time. He asked for separate motions for the parking space reduction variance and the paving waiver. Mr. Woodall came forward again and asked the Board to consider putting the decision for paving of the driveway on hold until the Bypass is complete. They met with BFW about a month earlier and they wanted to run a waterline along side of the driveway. Mr. Woodall is not certain at this time exactly where that will go. Since they do not know when the cul-de-sac on River Road or the Bypass will be completed, Mr. Foster suggested that they make the motion to allow the applicant a year to pave the driveway. Once the cul-de-sac and Bypass have been started, he can come back for an extension since that timeline could possibly be altered with circumstances beyond his control.

Jim Foster made a motion to grant the 16 space parking reduction variance for 713 River Road to allow Woodall Roofing to construct their parking areas as presented. Mike Faiht seconded the motion and the motion carried with a 7-0 roll call vote.

Mike Faihst made a motion to grant a paving waiver for 713 River Road to allow Woodall Roofing to construct their building and give Mr. Woodall an additional year waiver (on top of the standard year) for paving from the time the building is constructed. The entrance is to be paved from River Road to the end of the dogleg or approximately 250 feet (whichever is greater). If an extension is needed on the time allowed because of construction on River Road for the Bypass, the applicant can come back before the Board. One spot should be paved near the building for ADA accessibility. Paula Hulick seconded the motion and the motion carried with a 7-0 roll call vote.

Public Hearing: Conditional Use Permit request to operate a fitness gym and beauty salon in an Industrial Zone located at 311 Solar Drive – Applicant: Relentless Strength & Fitness, Krystal Jones: In 2018 Relentless Strength & Fitness (formerly Downtown Dynobody) moved to 311 Solar Drive from Poplar Street. (Aerial photography was shown of the current location.) When they operated on Poplar Street, a Conditional Use Permit to operate in an Industrial Zone was approved. They were unaware that if they moved their business a new Conditional Use Permit would be needed. The current owner (Krystal Jones) wishes to add a beauty salon as a secondary business at this location. Staff has directed her to the Board to request a Conditional Use Permit in order to get the moving error corrected. Mrs. Jones will be the only beautician for the beauty salon and will be going through the state process to secure the proper licensing. The beauty salon will have a separate entrance and separate bathrooms. There are currently 17 parking spaces in the front and 16 parking spaces in the rear at this location for a total of 33 parking spaces. Universal Athletics next door has 109 parking spaces and allows overflow parking from Relentless Strength & Fitness if needed. There is also ADA parking available. Staff is not opposed to allowing the fitness gym and beauty salon to operate in an Industrial Zone if the BZA finds that granting the Conditional Use Permit is reasonable and necessary. Chairman Krieb opened the public hearing and asked the applicant to come forward.

Krystal Jones came forward and was sworn in. Ms. Jones stated that their business is family owned and operated with no additional employees. She needs to be at the gym all the time; thus, she wants to put her salon in there as well where she can run both businesses simultaneously. She anticipates her licenses being completed soon. Jim Foster asked if she would be willing to refresh the painted handicap parking space. Ms. Jones replied yes.

No one came forward to speak in opposition; therefore, the public hearing was closed and the item turned over to the Board for further discussion and a motion.

Josh Vernon made a motion to grant a Conditional Use Permit for a fitness gym and beauty salon to operate in an Industrial Zone at 311 Solar Drive with the conditions that the other businesses that operate in the vicinity have similar variances from that industrial aspect of the zoning and that nothing that would cause any difficulty for that area based on this business operating. As a part of the Conditional Use Permit, the owners will install a handicap sign at their accessible stall and put a coat of paint down where it is visible within six months. Jim Foster seconded the motion and the motion carried with a 7-0 roll call vote.

Public Hearing: Request for a height variance and to allow a monument sign with an electronic reader board that exceeds 30% of allowable area for CFSB located at 414 South 12th Street – Applicant: Greer Neon Company, Keith Crouch: Justin Smith showed photos of the new CFSB which is currently under construction. While visiting the construction site earlier, he measured to make sure they would be meeting their 10 foot setback requirement for the sign and they were. A rendering of the proposed sign was then shown. The applicant is requesting a sign variance to allow a monument type sign that is 1.5 feet taller than the 14 feet maximum height allowance and 11.25 square feet larger than the 80 square feet allowance. They are also requesting that their sign have a changeable copy sign that is 38% of the total sign area (which is more than 30% of the allowable sign area). Basically CFSB wants a sign that compliments the newly constructed building and that's similar to what Murray Bank has in regards to height and size. The reader board will be exactly the same square footage that Murray Bank has (35 square feet). The height of the sign will be 1 ½ feet taller than Murray Bank's but the overall square footage will be less. Murray Bank sign has a square footage of 110.93 square feet and CFSB is proposing a sign with 91.25 square feet. Keith Crouch with Greer Neon is constructing the sign for CFSB. He also constructed the Murray Bank sign and has tried to be consistent during the design process. The proposed sign for CFSB is a monument style sign. The brightness of the sign was discussed. Justin explained that if there should be a complaint from the public about the brightness, then at that time Staff can address that. Chairman Krieb opened the public hearing and asked the applicant to come forward.

Jason Pittman came forward and was sworn in. CFSB wants signage that will complement the community as well as the facility with an extremely professional look. The narrower version of the sign and the height fits into the standard model that they have adapted as a logo sequence for their community bank. Jim Foster asked if they would have the ability to tone down the brightness of the sign at night. Jason said that he thought the technology would be there to make adjustments. Jason served on the City Council when the reader board part of the Ordinance was passed and deemed it was for good reason. As long as the sign is consistent with being readable at night, that's the main thing that they are concerned with. He doesn't see any issues with adjusting it if they should have complaints.

No one came forward to speak in opposition to the request; therefore, the public hearing was closed and the item turned over to the Board for further discussion and a motion.

Jim Foster made a motion to grant the Sign Variance for 414 South 12th Street as presented in regards to a 1 ½ foot height variance, 11.25 square footage variance, and a reader board that is 38% of the total sign area. Mike Faihs seconded the motion, and the motion carried with a 7-0 roll call vote.

Public Hearing: Setback Variance and Height Variance to allow a six foot tall fence in the side yard of a corner lot located at 1300 Wells Boulevard – Applicant: Mary Williams: Justin showed aerial photography of the house and explained where the proposed fence would go. The house is located on the corner of Wells Boulevard and North 13th Street. The House faces Wells Blvd with the driveway access being off of North 13th Street. The applicant is seeking a variance to allow a fence 6.5 feet inside the 10 foot setback from the right of way and a 2 foot height variance. This request is due to the fact that the property owner does not have a very big back yard

for their pets to run around in. They would like to expand their 6 foot tall fence towards North 13th Street so they can better utilize this space of their property for their dogs. After discussions with James Oakley our Stormwater Manager, he is aware the fence will be placed a few feet away from the stormwater infrastructure that runs south to north and he has no problem with it being located there. There will still be enough room to work on the stormwater pipe in the future if need be or the city could ask the property owner if we could take down the fence temporarily in the case of an emergency. The homeowner provided a Site Plan with precise details. In the Site Photos the yellow plastic stakes represent the location of the right of way, the proposed location of the fence, and the 10 foot setback from the right of way (which is the location a 4 foot fence could be located at without a variance). On corner lots, the side facing the secondary street shall be treated as a front yard. The current fence that fences in the small area behind the house is 4 feet tall and runs right up to the right-of-way. It has been there over 10 years; therefore, it is grandfathered in. The proposed fence will be similar to the existing fence in appearance. Chairman Krieb opened the public hearing and asked the applicants to come forward.

Ricky and Cathy Walls (representatives and in-laws of the applicant) came forward and were sworn in. Mr. Walls explained that the reason they are wanting to expand their fenced in area is because they have a rather large dog. With a smaller fence, they are afraid that their dog would be able to get over it. The applicant is a professor at MSU. Privacy is a concern and there is a lot of foot traffic down 13th Street. The fence will provide a screening as it will be a solid fence exactly like the photos that were presented.

No one came forward to speak in opposition; therefore, the public hearing was closed and the item turned over to the Board for further discussion and a motion.


Mike Faihst made a motion to grant a 6.5 ft. Setback Variance and 2 ft. Height Variance for the fence at 1300 Wells Blvd to be located in the secondary yard as presented. Bobbie Weatherly seconded the motion and the motion carried with a 7-0 roll call vote.

Questions and comments: Chairman Krieb thanked the Board and Staff for the very good year. Justin told the Board that everything that they do is appreciated and said that hopefully they will have another successful year in 2020. Josh Vernon said that he would like to amend his motion concerning "handicap parking" to say that the applicant should follow the ADA requirements. Justin stated he would follow-up with the applicant to make sure the codes are followed. Mike Faihst suggested that current businesses that do not have handicap signs or where the striping has faded be contacted to comply with the ADA requirements. Everyone was wished a Merry Christmas and a Happy New Year. Jim Foster said that is nice to have the Board up to "full strength" again.

Bobbie Weatherly made a motion to adjourn at 5:46 p.m. Mike Faihst seconded the motion and the motion carried unanimously.



Chairman, John Krieb



Recording Secretary, Reta Gray