

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, FEBRUARY 17, 2016
4:30 P.M.**

The Murray Board of Zoning Adjustments met in regular session on Wednesday, February 17, 2016 at 4:30 p.m. in the council chambers of City Hall located at 104 North 5th Street.

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

Board Members Absent: None

Also Present: Candace Dowdy, Robert Jeffries, Summer Grogan, Reta Gray, Officer Tim Fortner, Attorney David Perlow, Ledger and Times representative, Mathias Smith, Dr. H. S. Jackson, Frankie Rogers, Adam Carver and public audience

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Corrections were noted to the December 16, 2015 minutes. Chairman Krieb then asked for a motion to approve the minutes.

Terry Strieter made a motion to approve the BZA minutes from the December 16, 2015 regular meeting as amended. Mike Faihst seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional variance request for additional signage at 1619 Hwy 121 Bypass North – Casey’s General Stores: Casey’s General Store will be constructing a new convenience store/gas station at 1619 Highway 121 Bypass North. The Planning Department has received the sign permit application as well as the proposed renderings. The sign regulations pertaining to this request were explained. The applicant would like to apply for a dimensional variance to allow additional signage. The face of the building is 2,120 square feet—allowing 212 square feet plus an additional 5% of wall signage since the building will be located more than 100 feet from the street. The following signs are proposed:

- Three gas canopy signs—Casey’s General Store logos
- Six Gasoline Pump Toppers at 14 x11 inches each
- Three additional wall signs consisting of one “Homemade To Go” sign and two advertising signs in aluminum frames
- Six inch variance on monument sign

Mr. Jeffries reviewed the dimensions of the proposed signs with an overall total of 171.43 square feet. This includes the building, gas canopy, gas pump topper and the monument signs.

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

Mathias Smith (Casey’s representative) came forward and was sworn in. Mr. Smith explained that pizza is a big part of their business. He clarified that Casey’s operates all of the food services themselves and explained that the “snap frame” signs are to promote different pizza specials for the month. The typical monument sign for Casey’s is six inches taller than the City’s

sign regulation. If Casey's is not allowed to use their standard sign, they will have to get it reconfigured to fall within the proper guidelines.

The public hearing was closed and the item was turned over to the Board for discussion and a motion.

Josh Vernon made a motion to approve the dimensional variance request to allow the additional signage as presented on the renderings/site plan for Casey's General Store at 1619 Highway 121 Bypass North based on the following findings:

- **The six inches on the monument sign is a minor visual variance**
- **The additional sign for the pizza is appropriate since they advertise a second type of business**
- **Homemade logo and toppers on the gas pumps are not detracting**

The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Mike Faihst seconded the motion.

Mr. Vernon amended the motion and clarified that he did not wish for the motion to include approval for the "snap frame" signs. Terry Strieter seconded the amendment. The motion was denied with a 4-3 roll call vote. *John Krieb, Mike Faihst, Dennis Sharp and Bobbie Weatherly voted no.*

Mr. Faihst amended Josh Vernon's motion to include the "snap frame" signs. Bobbie Weatherly seconded the motion and the motion passed with a 4-3 roll call vote. *Jim Foster, Josh Vernon and Terry Strieter voted no.*

Public Hearing: Dimensional variance request on height of fence at 1522 Canterbury Drive – Owners Dr. H.S. and Karen Jackson: The property is located on the northwest corner of Canterbury and Tabard and backs up to a creek on the west side. The Jacksons would like to construct a 14 foot tall retaining wall/fence along the back of the property approximately 50 feet in length for the purpose of keeping the back yard from flooding, to stop erosion of the yard into the creek, and for their privacy. The fence will be constructed of a combination of stone and wood. The Zoning Ordinance regulations for fences and walls in a residential zoning district were explained.

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

Dr. H. S. Jackson came forward and was sworn in. Dr. Jackson explained that for the past 25 years the creek that runs along their backyard is continuing to erode their property and even with several attempts in stopping this erosion by laying rip rap, their property has deteriorated two feet. Dr. Jackson showed a rendering of a concrete/stone retaining wall with a 14 foot fence on top of the wall. He stated that the purpose of the wall/fence is for water control as well as restricting the view of an unsightly adjacent vacant lot. The fence will stop approximately 120 feet from Tabard to avoid creating visibility issues and should not impact the neighbors with additional water run-off. Dr. Jackson stated that since he has been a resident of Murray he has

wanted his property to look nice and he is confident that his contractor Frankie Rogers will complete a very nice wall/fence.

Frankie Rogers came forward and was sworn in. He explained the style of the wall/fence and stated that the fence will be engineered with up lighting on the posts. Both sides will be finished and aesthetically pleasing and there will be plantings along the side facing the Jackson's home.

The public hearing was closed and the item turned over to the board for discussion and a motion.

Mike Faihst made a motion to approve the request for an additional six foot height variance on a 14 foot tall retaining wall/fence at 1522 Canterbury Drive for Dr. H.S. and Karen Jackson based on the findings that the retaining wall/fence will keep the backyard from flooding, will stop the continual erosion of the backyard into the creek and that it will have no adverse effect to the neighboring property at 1602 Tabard. All the necessary permits should be acquired and the construction should be approved by the City's Stormwater Engineer. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Bobbie Weatherly seconded the motion.

Josh Vernon requested that a distance back from Tabard be included in the motion. Mike Faihst amended his motion to include that the retaining wall/fence not be constructed any closer to Tabard than approximately 100 feet. Bobbie Weatherly seconded the motion. The motion carried with a 7-0 roll call vote.

Public Hearing: Dimensional variance request for additional wall signage at 932 South 12th Street – Sirloin Stockade – Adam and Lisa Carver: *Josh Vernon recused himself at 5:12 p.m.* Sirloin Stockade has recently undergone a renovation and a new addition was constructed on the south side of the building with a separate entrance for the "To Go" and "Pick-Up" orders. The Carvers would like to add a new painted sign on the face of the building to identify "To Go" and "Pick-Up" entrance. If the variance is allowed, there would then be two signs along the east side of the building facing South 12th Street, the existing Sirloin Stockade wall sign and the new "To Go" entrance sign. The applicant is allowed a total of 62 square feet to use as wall signage. The total wall signage (existing + proposed) would be 41 square feet. Ms. Dowdy explained that the Ordinance does not permit signs to be painted on the exterior of the building.

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

Adam Carver came forward and was sworn in. Mr. Carver explained that the idea of a "To Go" and "Pick-up" entrance was new to their franchise. They were somewhat skeptical of this idea; however, they feel that this is an opportunity to provide a different marketing aspect as well as grow their business. Since they have opened this entrance their take out has doubled and they are anticipating that it will increase even more. Mr. Carver explained that there is lighting in the eaves above where the sign will be placed on the building. He feels that this request is very relevant to them and they are willing to work with the City to find a suitable sign if the proposed painted one is not permitted.

The public hearing was closed and the item turned over to the board for discussion and a motion.

Jim Foster made a motion to approve the dimensional variance request for one additional wall sign totaling 15 square feet for Sirloin Stockade located at 932 South 12th Street based on it being done in block letters instead of paint. The granting of the variance will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations. Mike Faihst seconded the motion and the motion carried with a 6-0 roll call vote. Josh Vernon re-entered the meeting at 5:20 p.m.

Questions and Comments: Ms. Dowdy announced that there will be a special called BZA meeting on March 2nd and if any of the board members are not going to be in attendance she needs to know as soon as possible. She then reviewed the upcoming continuing educations. The first one is in Paducah on March 23rd and the other is at Kentucky Dam Village on April 20th. If anyone wishes to attend, they should contact the Planning Staff so that their registration can be submitted.

Mike Faihst made a motion to adjourn. Josh Vernon seconded the motion and the motion carried unanimously. The meeting adjourned at 5:57 p.m.

Chairman, John Krieb

Recording Secretary, Reta Gray

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Chairman, John Krieb

Recording Secretary, Reta Gray