

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, FEBRUARY 22, 2023
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, February 22, 2023 at 4:30 p.m. in City Hall at 500 Main Street.

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

Board Members Absent: Jim Foster, Paula Hulick, Josh Vernon

Also Present: Rakov Aetherus, Lindsay Aycock, Danna Clayton, Carol Downey, Attorney David Perlow, Catherine Reese, David Thompson, Robert Hasz, John Kopperud, Kathy Kopperud, Ryan Vanover, and public audience.

Chairman Faihst called the meeting to order and welcomed all guests and applicants. Lindsay Aycock called the roll.

Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on January 18, 2023.

John Krieb made a motion to approve the minutes from the regular BZA meeting on January 18, 2023. Bobbie Weatherly seconded the motion and the motion carried unanimously.

Public Hearing: Conditional Use Permit: 610 North 12th Street – Tractor Supply – Catherine Reese: Request for outdoor storage of merchandise on the west-side sidewalk located in front of Tractor Supply. Carol Downey reviewed the ordinance regulations and presented the Staff Report including the zoning map, a rendering of the proposed outdoor storage area, pictures of the current outdoor storage areas, pictures & measurements of the proposed space, pictures of the surrounding properties and ADA information. The board asked for clarification on the measurements as well as the Fire Marshal's requirement on combustible materials near entrances. Danna Clayton was able to confirm with the Fire Marshal that combustible materials must not be within ten feet of doorways.

Catherine Reese came forward and was sworn in. Ms. Reese stated they would comply with the previously mentioned ten-foot regulation. She shared their desire to soften the look of the front entrance with flowers, home goods, etc. The board asked if their sole purpose was to display attractive goods versus hard merchandise and Ms. Reese replied that is their primary interest, but there may be smaller, hard items housed on the sides if needed, but not large equipment. The board asked how they would keep goods from being blown into the walkway and she said they have cables to tie them down or to each other. The board inquired about their watering process and how they prevent slipping and Ms. Reese explained that they try to water before they open and after they close.

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 or a motion.

John Krieb made a motion to approve the Conditional Use Permit request to allow additional ADA compliant (maintaining a 48" clear path along the sidewalk) outdoor storage of merchandise along the storefront sidewalk at 610 North 12th Street as presented with the additional requirement to not store combustible material within ten feet on either side of the front door. 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. Bobbie Weatherly seconded the motion and the motion carried by a 4-0 roll call vote.

Public Hearing: Conditional Use Permit: 700 A North 12th Street – Buchheit – David Thompson: Request for outdoor storage of merchandise. Carol Downey reviewed the ordinance regulations and presented the Staff Report including the zoning map, pictures of planned merchandise for the proposed area, pictures of the current outdoor storage areas, pictures & measurements of the proposed space, pictures of the surrounding properties and ADA information. The board asked for clarification on placement of some of the materials in the back of the building and also addressed the ten-foot combustible material regulation.

David Thompson came forward and was sworn in. Mr. Thompson explained their plans for condensing some of the current inventory and dressing up the front of the store with plants, etc. as well as removing the concrete planters. He also mentioned that they would get in compliance with the ten-foot regulation.

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 or a motion.

John Krieb made a motion to approve the Conditional Use Permit request to allow additional ADA compliant (maintaining a 48" clear path along the sidewalk) outdoor storage of merchandise along the storefront sidewalk at 700 A North 12th Street. Two 36 x 100 (33 parking spaces, without utilizing the ADA compliant spaces) may be used for outdoor storage of merchandise. An area on the south east corner as well as the east side or rear property line area may be used for outdoor storage of merchandise as well, at 700 A North 12th Street as presented with the additional requirement to not store combustible material within ten feet on either side of the front door. 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. Mike Faihst seconded the motion and the motion carried by a 4-0 roll call vote.

Public Hearing: Conditional Use Permit: 712 Main Street – Robert and Dawn Hasz: Request to occupy 712 Main Street - located in the Professional Office District, as a primary dwelling with a home office for Hasz Construction. Carol Downey reviewed the zoning map and the ordinance regulations and presented the Staff Report which included an excerpt of the letter submitted by Mr. Hasz, as well as pictures of the property and the surrounding properties.

Robert Hasz came forward and was sworn in. Mr. Hasz shared that he and his wife, Dawn just want to live at 712 Main Street, restore it and make it their forever home. He explained that he has a warehouse where all of his construction business equipment, materials, and vehicles are kept and he would not be bringing any of those things to 712 Main Street. The board asked if they planned to pave the front driveway and where guests would park. Mr. Hasz replied that they would either improve the gravel entrance currently being used for the library construction, or with paved tire tracks possibly, or arrange with the library to use their parking lot for access to the home's parking spaces. The board mentioned a full paved driveway would be preferred over tire tracks and asked if he and his wife would be the sole occupants of the house since it had an apartment at one time. He responded that the current owner, Mr. Gallimore, tried to restore the home back to a single residence when he purchased it five years ago and it is no longer sectioned off to allow for a second family to live there. The board inquired about the number of people Mr. Hasz employs and he stated that he does not have any employees other than himself. Attorney David Perlow confirmed with Mr. Hasz that he drafted and signed the letter that was submitted to the board. Mr. Perlow also asked Mr. Hasz if the house would be deeded in his name or under Hasz Construction and Mr. Hasz stated that house would be deeded in his and his wife's name and their closing date is set for Monday, February 27, 2023.

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

John Kopperud came forward and was sworn in. Mr. Kopperud voiced his opinion in favor of this request and is very excited about the prospect of The Hasz's purchasing & restoring this property. He has no concerns of Mr. Hasz operating his business out of the home.

Kathy Kopperud came forward and was sworn in. Mrs. Kopperud expressed her excitement and read a letter from the neighbors at 714 Main Street in support of the Conditional Use Permit. She also shared that the library board voted to support The Hasz' as well and plan to send a letter. Mrs. Kopperud named some of the other neighbors who were present and would love to see the house on 712 Main Street restored.

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

Bobbie Weatherly made a motion to approve the Conditional Use Permit request for 712 Main Street to be a primary dwelling with a home office for Hasz Construction. 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 a suggested amendment for the findings of fact to include that Mr. Hasz stated that no construction vehicles, other than his personal vehicle, no construction materials and no employees will be on the property. The motion carried by a 4-0 roll call vote.

Public Hearing: Conditional Use Permit: 203 South LP Miller Street – Ryan Vanover: Request to open a retail sales and consumer services business on the property located at 203 South LP Miller Street – Zone- Industrial. Carol Downey reviewed the zoning map and the ordinance regulations and presented the Staff Report which included pictures of the property and the surrounding properties.

Ryan Vanover came forward and was sworn in. Mr. Vanover explained that he and his wife are starting a retail business and will sell E-bikes, paddle sports, firearms and accessories, outdoor clothing and footwear and First Responder Gear. He mentioned that they will sell online as well. The board asked if they will have additional employees, if he and his wife will be working in the store and what type of safety measures they will be using. Mr. Vanover replied that he and his wife will be working there along with three to four additional employees and they will have gates on the windows and doors, cameras inside and out, and the firearms will be in locked cases and cabled. The board asked about the interior of the building and he responded that Murray Lumber had recently remodeled it for their design center so they will only have to make a few cosmetic changes and they plan to package and ship online orders out of the warehouse-like space where the garage door is shown in the pictures.

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 or a motion.

Bobbie Weatherly a motion to approve the Conditional Use Permit request to allow 203 South LP Miller street to be a retail sales and consumer service business based on the need for First Responder Gear and other safety and security needs as presented. 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. Chairman Faihst requested an amendment be added that the building is inspected by the Fire Marshal and the ATF Guidelines are followed. John Krieb seconded the motion and the motion carried with a 4-0 roll call vote.

Questions and Comments: John Krieb recommended the meeting minutes be removed from the city website if they are not able to be kept current. He shared the requested updates to the sign ordinances in regards to closed businesses as discussed in the 2/21/23 Planning Commission meeting and mentioned two stores that have gone out of business, but still have signs up. Mr. Krieb suggested the board be more diligent in looking for closed businesses with signs still up or

ones that need to be painted or fixed where the signs used to be displayed and reporting those findings to the Planning Department. He requested the Planning Department notify the Fire Marshal of the board's recent motions which included the requirement to not store combustible material within ten feet on either side of a building's doors and ask for clarification of the rule since there have been some inconsistencies. Chairman Faihst asked for confirmation regarding the meeting Monday, February 27th at 1 p.m.

Chairman Faihst called for a motion to adjourn.

Bobbie Weatherly made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at approximately 5:45 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock