

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

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, March 22, 2023 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:** None

**Also Present:** Rakov Aetherus, Lindsay Aycock, Danna Clayton, Carol Downey, Attorney David Perlow, Ryan Laber, Gale Sharp, Chris Taylor, Phillip Lynn Rogers, Dennis Thomas, Ihsan Alkhatib, Dora Sheppard, Kimberly Myers, Shawn Kinsey, Brandon Shoulders, Vickie Jost, 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 February 22, 2023.

**John Krieb made a motion to approve the minutes from the regular BZA meeting on February 22, 2023 as amended. Paula Hulick seconded the motion and the motion carried unanimously.**

**Public Hearing: Dimensional Variance Applications: Ryan Laber representing Spire Development, Inc. is requesting: 1) a 60-space parking variance and 2) a height variance of ten feet, both for a proposed 80-unit apartment building for seniors (60 one-bedroom units & 20 two-bedroom units) to be located at the end of Brooklyn Drive in R-4, Multi-Family Residential Zone.** Carol Downey reviewed the regulations for vehicles and the applicable ordinances. She presented the Staff Report which included the zoning map, a rendering of the proposed parking, pictures of the property and the surrounding properties. The board asked about the number of handicap spaces and Carol explained that these were preliminary plans. The board shared the concerns mentioned in the Planning Commission meeting held on March 21, 2023 regarding the amount and type of parking being proposed.

Ryan Laber came forward and was sworn in. Mr. Laber shared details of the proposed project, a topography map and pictures of similar projects they've recently built. The board asked for clarification on some of the data presented and if Spire Development, Inc. was opposed to adding more parking spaces. Mr. Laber commented that adding a few more spaces would probably be fine but they want to be significantly below the 160 required spaces. The board inquired about making each floor nine feet in height, how many wheelchair accessible rooms would be available and if there would be a walking trail and Mr. Laber could not provide answers to the inquiries at the time.

Bobby Deitz came forward and was sworn in. Mr. Deitz explained the ability to provide an alternate plan to expand the parking if needed and have it graded.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition of this request (60-space parking variance). No one came forward, so Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

**John Krieb made a motion to approve the waiver of the parking requirement and approve a 50-parking space variance for the proposed 80-unit senior living three-story apartment building on the proposed five acres at the end of Brooklyn Drive, contingent upon purchase of the property and approval of the plans. The findings of fact being the applicant is willing to prepare a graded area, most likely at the northwest area of the property that could be readily expanded if more parking is required; the applicant is willing to increase the number of van accessible parking spaces and the parking studies Spire Development, Inc. provided did show a reasonableness of their request for a variance. 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. Jim Foster seconded the motion and the motion carried with a 7-0 roll call vote.**

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor or opposition of this request (height variance of ten feet). No one came forward, so Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion. The board asked if any of the surrounding properties responded in opposition of the height and Carol replied that she did not receive anything.

**Jim Foster made a motion to approve the 10' height variance for the proposed 80-unit senior living three-story apartment building on the proposed five acres at the end of Brooklyn Drive, contingent upon purchase of the property and approval of the plans. The findings of fact being that the additional height request relates to the mechanical room equipment on the first floor and the need for the elevator. 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 seconded the motion and the motion carried with a 7-0 roll call vote.**

**Public Hearing: Conditional Use Permit Application: Request by Otis Glenn Allen for a group not to exceed four persons, not all related by blood or marriage, to rent/occupy 216 Woodlawn Ave. in a R-2, Single-family Residential Zone.** Carol Downey reviewed the applicable regulations and presented the Staff Report which included the zoning map, pictures of the property and surrounding properties as well as street views. The board inquired if the surrounding properties were owner occupied or rented and Carol explained that none of the

letters were addressed to Woodlawn addresses and the addresses she used were provided by the PVA office. Carol stated that Mr. Allen sent an email letting them know that he is having Gale Sharp represent him as he is not in town.

Gale Sharp came forward and was sworn in. Ms. Sharp thanked everyone and shared she was there as Mr. Allen's realtor and that he gave her permission to share everything she is sharing. Ms. Sharp stated that Mr. Allen wants to invest in the community and do it the correct way. He is requesting the conditional use permit to have flexibility with the applicants. The board asked who would manage the rental and if the applicant is proposing improvements to the property. Ms. Sharp responded that Mr. Allen would find a company here to manage the rental and the property is in excellent condition.

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

Chris Taylor, current property owner, came forward and was sworn in. Mr. Taylor stated they have been renting the property (single family) for the last six years, but they want to sell it now. He also mentioned that during the last six years, over half of the interested applicants have been students and the layout of the house would be better suited to students than single family.

Chairman Faihst asked if anyone wished to speak in opposition of this request.

Phillip Lynn Rogers came forward and was sworn in. Mr. Rogers explained that his wife owns a neighboring property and they plan to retire there. He mentioned several issues involving people occupying Mr. Taylor's property previously as well as some of the other surrounding properties. Mr. Rogers stated that approving this request would affect the integrity of the neighborhood and devalue their property.

Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion. The board thanked the applicant for bringing the request to them, explained how this is a different situation than previous requests and confirmed with staff that this area is part of the future land use medium density.

**Josh Vernon made a motion to deny the Conditional Use Permit request to allow a group not to exceed four persons, not all related by blood or marriage, to rent/occupy 216 Woodlawn Ave, which is in a R-2, Single-Family Residential Zone. The findings of fact being the intent of the purchaser is to use this property as a multi-family use, the integrity of the neighborhood is single-family use and that would change with the conditional use and there is inadequate parking shown in the images of the driveway and garage. Paula Hulick seconded the motion and the motion carried with a 4-3 roll call vote. Chairman Faihst, Jim Foster, and Carmen Garland voted no.**

**Public Hearing: Dimensional Variance Applications: 1) Request by Dennis Thomas for a five-foot variance for placement of an installed, shared with 1522 London Dr., accessory structure (storm shelter) on the south side of the front side yard of 1520 London Drive in a**

**R-2, Single-family Residential Zone and 2) Request by Ihsan Alkhatib for a five-foot variance for placement of an installed, shared with 1520 London Dr., accessory structure (storm shelter) on the north side of the front side yard of 1522 London Drive in a R-2, Single-family Residential Zone.** Carol Downey reviewed the applicable regulations and presented the Staff Report which included the zoning map, pictures of the property, the installed accessory structure, the surrounding properties, as well as street views. The board inquired about the gas lines and the fire separation distance and Carol responded that there are multiple issues with the location of the structure and a building permit has not been issued.

Dennis Thomas and Ihsan Alkhatib came forward and were sworn in. Mr. Alkhatib explained the agreement between Mr. Thomas and himself was to share the cost of the structure being installed by Kentucky Storm Shelters for \$6754.70. Mr. Alkhatib assumed Kentucky Storm Shelters would pull any required permits and call about the gas lines, etc. Mr. Thomas shared that the installer stated he didn't need a permit since the structure was only 28 square feet and as Mr. Thomas was calling the city regarding the permits, the structure was being installed. The board inquired if they have asked the installer if he would move the structure and Mr. Thomas replied that the installer would move it if they had to but it would cost Mr. Thomas \$2500. David Perlow asked the applicants if a survey of the property lines had been done and the applicants responded that they had not had a survey done and they were using the fence lines as their reference. The board recommended the applicants do some homework and return next month with a plan as to what they want to do.

**John Krieb made a motion that the request for a dimensional variance to allow a five-foot variance for placement of an accessory structure at 1520 and 1522 London Drive both be continued until the next meeting, pending additional information. Jim Foster seconded the motion and the motion carried with a 7-0 roll call vote.**

**Public Hearing: Conditional Use Permit: Request by Linda Cecil to use the upstairs of the office building located at 105 N 6th Street as short-term rental. – B-3/H.D. (Central Business District/Historic Overlay District).** Carol Downey reviewed the applicable regulations and presented the Staff Report which included the zoning map, pictures of the property and the surrounding properties, as well as street views.

Dora Sheppard came forward and was sworn in to speak on behalf of Linda Cecil. Mrs. Sheppard explained that they are buying the property and would like to continue to use the one bedroom, one bath, upstairs unit as a rental, with their real estate offices below.

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

Kimberly Myers came forward and was sworn in. Ms. Myers shared that she was in favor of this request because of the location of the proposed rental space and the value the space adds to the totality of the property.

Chairman Faihst asked if anyone wished to speak in opposition of this request.

Shawn Kinsey came forward and was sworn in. Mr. Kinsey stated that he was neither in favor nor in opposition but has questions as a neighboring property owner. He wanted to know how the company plans to use the easement between the two properties and was concerned because he has a small child and he has seen heavy vehicles passing through at a high rate of speed in the past. Mr. Kinsey requested the description of the rental space location be very specific, including pictures of the entrance, etc. as to keep wanderers from knocking on the door of his residence.

Kimberly Myers and Dora Sheppard came forward for rebuttal. Ms. Myers said that she would convey Mr. Kinsey's concerns and requests to the owner and that they plan to put up directional arrows and a sign above the rental space. She explained that the entrance to the property is to the right of the building and the exit is the driveway that is shared with Mr. Kinsey. Ms. Sheppard explained they would keep Airbnb's strict guidelines.

Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion.

**Jim Foster made a motion to approve the conditional use permit request to allow residential, rental use including short-term rental in a B-3 (Central Business District) for the property located at 105 North 6th Street. The findings of fact being the applicant will provide additional directional signage for the entrance of the rental space. 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 with a 7-0 roll call vote.**

*Chairman Faihst paused the meeting for a break at 6:24 p.m. The meeting resumed at 6:29 p.m.*

**Public Hearing: Conditional Use Permit: Request by Brandon Shoulders for a group of not to exceed four persons not all related by blood or marriage to rent/occupy 523 S 11th Street – R-2 (Single-family Residential Zone).** Carol Downey reviewed the applicable regulations and presented the Staff Report which included the zoning map, pictures of the property and the surrounding properties, as well as street views. The board asked if the carport was grandfathered in and Carol responded that yes, it was.

Brandon Shoulders came forward and was sworn in. Mr. Shoulders explained that he wants to purchase this house for his son, a sophomore at Murray State, and up to two roommates to reside. He also wants to purchase other rental properties in Murray to support his son's business plan. Mr. Shoulders commented that he foresees the need for additional parking in the rear of the home and that he will not put up with misbehavior from his tenants. The board asked if his son could live there alone and Mr. Shoulders replied that he could not afford to pay for it all himself. The board mentioned that in situations like this they usually tie the permit into the primary student's graduation. Mr. Shoulders said that his son should graduate in the spring of 2026.

Chairman Faihst opened the public hearing and asked if anyone wished to speak in favor of this request. No one came forward. Chairman Faihst asked if anyone wished to speak in opposition of this request.

Vicky Jost came forward and was sworn in. Ms. Jost shared that this is a very quiet neighborhood with some elderly people and that a lot of the houses in this area have been renovated and are now occupied by single families. She is opposed to turning this house into a multi-family rental because of how the neighborhood has been transformed recently.

Carol Downey stated she received a call on March 10, 2023 from Elva Walker, a surrounding property owner. Ms. Walker asked Carol to share that she was concerned with parking due to bad experiences in the past and suggested adding a driveway to the property.

Brandon Shoulders came forward for rebuttal. Mr. Shoulders agreed with the parking issue and expressed his empathy for Ms. Jost's concerns.

Chairman Faihst closed the public hearing and brought it back to the board for discussion and a motion. The board discussed the pros and cons of allowing the conditional use including the distance of the property from the college. The board informed Mr. Shoulders that they could review and rescind the permit at any time if necessary, leaving him responsible for finding a single-family buyer.

**Chairman Faihst made a motion to approve the Conditional Use Permit request as presented to allow the applicant's son and two additional roommates to rent/occupy 523 South 11th Street, which is in a R-2 (Single-Family Residential Zone), contingent upon purchase of the property. The findings of fact being that the applicant would install a second driveway, contacting the city for the requirements. The applicant would not allow on-street parking and would enforce the 10:00 p.m. noise ordinance. The permit would be reviewed annually and would expire when the applicant's son graduates. 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 failed with a 2-5 roll call vote. Jim Foster, Carmen Garland, Paula Hulick, John Krieb and Josh Vernon voted no.**

David Perlow recommended a motion be made to deny the aforementioned request.

**Josh Vernon made a motion to deny the Conditional Use Permit request to allow the applicant's son and two additional roommates to rent/occupy 523 South 11th Street, which is in a R-2 (Single-Family Residential Zone), contingent upon purchase of the property. The findings of fact being the general character of the single-family residential area and maintaining that integrity. Jim Foster seconded the motion and the motion carried with a 5-2 roll call vote. Chairman Faihst and Bobbie Weatherly voted no.**

**Questions and Comments:** The board suggested long term planning for areas around campus to provide multi-family housing for students.

Chairman Faihst called for a motion to adjourn.

**Paula Hulick made a motion to adjourn. John Krieb seconded the motion. The meeting adjourned at approximately 6:58 p.m.**



---

Chairman, Mike Faihst



---

Recording Secretary, Lindsay Aycok