

**MURRAY BOARD OF ZONING ADJUSTMENTS  
SPECIAL CALLED MEETING  
WEDNESDAY, MARCH 28, 2019  
4:30 P.M.**

The Murray Board of Zoning Adjustments met in special called session on Wednesday, March 28, 2019 at 10:00 a.m. in the council chambers of City Hall at 500 Main Street.

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

**Board Members Absent:** Jim Foster

**Also Present:** Maurice Thomas, Justin Smith, Jeremy Buchanan, Attorney David Perlow, Jim Osborne, Ryan Riegger and James Harvill

Chairman Krieb called the meeting to order and welcomed all guests and applicants. Maurice Thomas called the roll.

**Public Hearing: Conditional Use Permit - request to operate a jewelry store, piercing and tattoo shop in a B-4 (Medium Density Business District) for the property located at 112 North 12<sup>th</sup> Street Suite B:** Justin referred to the Conditional Use portion of the Ordinance and noted what type businesses can be located within a B-4 zone. Since the proposed use is not listed as an allowable business, an approved Conditional Use will be necessary in order to allow this request. Surrounding this property are the following zones: B-4 (Medium Density Business) to the North and to the South; B-2 (Highway Business) to the West; and R-2 (Single Family Residential) to the East. 112 North 12<sup>th</sup> Street is the location of Town Center Plaza which is on the southeast corner of the intersection of Olive and North 12<sup>th</sup> Streets. Justin showed pictures of the plaza. This plaza currently has 3 suites with Suite B being vacant. Suite A is occupied by Lake Chem Credit Union (soon to be moving north of town across from Pockets on Octane Drive) and Suite C is occupied by Nails Art. A rendering of the inside design of the proposed business was shown. James Harvill has been operating a similar business in our community since the year of 2000 at Aint That Art Tattoo Studio located on Rushing Way behind Hardees. He has recently decided to start his own business (Gallery X Art Collective). The front of the business will primarily be a jewelry store that offers piercing services and the back portion of the business will be for tattoos. Staff considers this to be a medium density type of business. This site has 22 parking spaces. This type of business would be ideal for the location since it will not generate a lot of traffic or use a lot of parking spaces. Mr. Harvill has signed a five year lease at this property contingent on the approval of the request for a Conditional Use Permit. Staff is not opposed to allowing the Conditional Use Permit to operate a jewelry store, piercing and tattoo shop in a B-4 (Medium Density Business District) if the Board of Zoning Adjustment finds that the request is reasonable and necessary. Justin added that there are currently two other tattoo shops in Murray and they are both located in B-2 zoning districts. One former additional shop (located in a B-4 zoning district on South 12<sup>th</sup> Street) was approved for a Conditional Use Permit to operate in that district.

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

James Harvill came forward and was sworn in. Mr. Harvill stated that he had been in Murray since 2000. He bought a house and has raised his children in this community and is now ready to open his own business. Mr. Harvill said that Justin had explained his request accurately. Mr. Harvill indicated that his business hours would be between 1:00 p.m. and 9:00 p.m. during the week days and from 1:00 p.m. to 10:00 p.m. on the weekends. They plan on operating by "appointment only" on Mondays and being closed on Sundays. Mr. Harvill anticipates that he will need around four or five parking spaces for his staff and customers. The jewelry that he will carry will primarily be body piercing jewelry including earrings. He caters for all ages beginning at six years old. There will be no necklaces or finger rings. Mr. Harvill has several certifications in body piercing and he annually continues his education and stays current with blood-borne pathogens. The Calloway County Health Department is in charge of over-seeing his business. He indicated that he has already contacted them and reviewed their standards. He has always been "above and beyond" their standards and is not worried about being in compliance with their regulations. There will be two tattoo artists and two piercers. (One of the tattoo artists is also the piercer.)

Ryan Riegger came forward and was sworn in. Mr. Riegger said that he had been involved in this industry the majority of his life. He is employed at Aint That Art (the business that his father brought to Murray in 2000). Mr. Riegger is 100 percent for this business. He feels that it will bring a higher level of this type of industry than the community is used to and that everyone will be proud of the results.

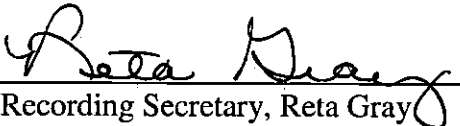
No one spoke in opposition; therefore, the public hearing was closed and the item turned over to the board for further discussion and a motion. Justin stated that he did not receive any phone calls from adjoining property owners; however, he did speak to Kevin the owner of the shopping plaza. Kevin is very much in favor of Mr. Harvill opening his business there. Jeremy Buchanan heard from Mike Lovett with McDonald's and he was not opposed to the request.

**Mike Faihst made a motion to grant the Conditional Use Permit to operate a jewelry store, piercing and tattoo shop in a B-4 (Medium Density Business District) for 112 North 12th Street Suite B provided that all Health Department Permits are obtained and that there is no excessive parking situation that occurs. Josh Vernon seconded the motion. The motion carried with a 6-0 roll call vote.**

**Questions and Comments:** Bobbie Weatherly wished Mr. Harvill well with his new business. At this time, Chairman Krieb called for a motion to adjourn.

**Mike Faihst made a motion to adjourn at 10:14 a.m. Paula Hulick seconded the motion and the motion carried unanimously.**

  
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Chairman, John Krieb

  
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Recording Secretary, Reta Gray