

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
WEDNESDAY, JULY 19, 2023
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, July 19, 2023 at 4:30 p.m. in City Hall at 500 Main Street.

Board Members Present: Althia Caldwell, Mike Faihst, Jim Foster, Carmen Garland, Paula Hulick, John Krieb, Josh Vernon

Board Members Absent: None

Also Present: Rakov Aetherus, Lindsay Aycock, Dannelta Clayton, Carol Downey, Attorney David Perlow, Peter Placr, Rochea Perry, Mammie Foster, Mignon Rutledge, Denise Jackson, Alisa Walls, 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 June 21, 2023.

Josh Vernon made a motion to approve the minutes from the regular BZA meeting on June 21, 2023 as presented. John Krieb seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance request by Peter Placr, General Manager of Kenlake Foods, for a three-foot setback on the west side yard and a twenty-foot setback on the north side, which is facing the secondary street (Spruce Street) and shall be treated as a front yard, for the purpose of constructing a 6000 square foot warehouse addition to the existing structure located at 300 North LP Miller Street. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, an exhibit of the proposed building lines, pictures of the property, the street views and the surrounding properties.

Peter Placr came forward and was sworn in. Mr. Placr explained that this expansion would not result in any additional traffic as it will just be for storage. The board asked if there would be doors on the warehouse or extra parking and inquired as to the building height and roof type. Mr. Placr responded that there may be an emergency door only, but no extra parking. He also said the building height would be about 30 feet to match the existing building and the roof would be flat with a membrane. Screening was also mentioned and Mr. Placr said the existing trees located outside the fencing would remain.

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.

Rochea Perry came forward and was sworn in. Ms. Perry expressed her concerns regarding the building of the warehouse addition, which included additional traffic, noise, and rodents, next to a residential area. She recommended building the warehouse elsewhere on an empty lot.

Mammie Foster came forward and was sworn in. Ms. Foster explained that since she moved to Spruce Street in 2016, the noise has gotten louder; trucks are driving through despite the signage; and dust is getting all over everything.

Mignon Rutledge came forward and was sworn in. Ms. Rutledge shared that the trucks travel up and down Spruce Street all day and night and the noise and smell are constant.

Peter Placr came forward for rebuttal and stated that he appreciated the feedback. He communicated that the warehouse addition would actually provide a noise buffer; they plan to pave the area to decrease the dust; the warehouse will be used for storage, so there will not be additional traffic; and their plan is to build an esthetically pleasing structure, not to destroy the area. He explained that an off-site warehouse would actually contribute to noise pollution and they have very strict rodent control guidelines and monitoring. Mr. Placr indicated they would contact the truck companies regarding their use of Spruce Street and improve the signage.

Chairman Faiht a motion to approve the Dimensional Variance request to allow a 20-foot setback variance on the north side, which is on a secondary street known as Spruce Street, and a three-foot setback variance on the west side yard, adjacent to a residential district, for the purpose of building a 6,000 sq. ft. warehouse and production area addition for the property located at 300 North LP Miller Street. The findings of fact being that the property belongs to the applicant; the addition will shield some of the noise; Kenlake plans to pave the area to decrease the dust; and it won't increase truck traffic because everything will be internal. 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 4-3 roll call vote.

Public Hearing: Dimensional Variance request by Michelle Ellis for a 15-foot setback variance for the front yard and a 15-foot setback variance for the rear yard, for the placement of a manufactured home on the property located at 101 Ash Street, which is in a R-5, Multi-Family Residential Zone. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, the proposed site plan, pictures of the property, the surrounding properties and the street views.

Michelle Ellis and Sherri Hendersen came forward and were sworn in. Ms. Ellis stated their vision and goal and shared her background information. She showed pictures of the proposed home as well as how the lot looked previously. The board asked for a timeline for the four to five homes, if she will be renting or selling the homes and the plan for parking. Ms. Ellis replied that the first home would go up in three months with one to follow every three to five months, depending on funding. She stated that she is not against selling the homes, but she does plan to rent the first one and the homes will have a concrete slab for off-street parking.

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

Denise Jackson came forward and was sworn in. Ms. Jackson voiced her support for the project.

Alisa Walls came forward and was sworn in. Ms. Walls stated her support for the project.

Rochea Perry came forward and was sworn in. Ms. Perry gave her affirmation for the project.

Chairman Faihst asked if anyone was 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 and a motion.

John Krieb made a motion to approve the Dimensional Variance request to place a Class A Manufactured Home on the lot located at 101 Ash Street with a 15-foot variance for the front yard setback and a 15-foot variance for the rear yard setback, contingent upon all other regulations being met. A building permit must be obtained for placement of the manufactured home per the regulations in the city ordinance. The findings of fact being the applicant owns this lot and others in the area, with the stated intent to build this home and additional homes in the near future and support the community efforts to improve; it will be a positive investment in the Douglas Community and a positive effort for Murray. Also, the existing building did not meet the current setback requirements and if those requirements were to be imposed, this lot loses all value; this is an improvement from the previous structure that is no longer there; and this single-family home lot would not be combined with any other lot to be able to have a building on it. 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. Paula Hulick seconded the motion and the motion carried with a 5-0 roll call vote.

Discussion Items: None


Questions and Comments: None

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 5:36 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock