

**MURRAY BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING
Wednesday, August 16, 2023
4:30 P.M.**

The Murray Board of Zoning Adjustments met in a regular meeting on Wednesday, August 16, 2023 at 4:30 p.m. in City Hall at 500 Main Street.

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

Board Members Absent: Jim Foster

Also Present: Rakov Aetherus, Lindsay Aycock, Danna Clayton, Carol Downey, Attorney David Perlow, Richard M. Imes, Michael Crouch, Josh Burks, Tony Milliano, and public audience.

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

Chairman Faihst called for a motion to approve the minutes from the regular BZA meeting on July 19, 2023.

John Krieb made a motion to approve the minutes from the regular BZA meeting on July 19, 2023 as presented. Paula Hulick seconded the motion and the motion carried unanimously.

Public Hearing: Dimensional Variance request by Richard M. Imes and Wendy Imes, owners of Imes Funeral Home, for an additional monument sign on the property located at 311 North 4th Street in a B-3 District. A 9.5' variance is also requested for the distance of the monument sign to the east property line. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, a rendering of the proposed monument sign, a plat utilized in the measurements, pictures of the proposed location, property, street views and surrounding properties.

Carmen Garland recused herself at 4:36 p.m.

Richard Matt Imes came forward and was sworn in. Mr. Imes showed the measurements he made regarding the proposed sign location. The board asked where the previous free-standing sign was located and Mr. Imes replied that the sign was located where the horse-drawn hearse building is now. Mr. Imes explained that the wording on the building is obscured and not visible at night.

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 and a motion.

John Krieb made a motion to approve the Dimensional Variance request for an additional monument sign and an additional variance for the location of the new sign. A 9.5' variance is approved for the placement of the sign as needed for the placement of the proposed sign in relation to the east property line. The findings of fact being that the sign's location will be in line with the antique hearse display and the other signage on North 4th Street. The sign will be an attractive design that compliments the structure as well as the rest of the area. 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. Althia Caldwell seconded the motion and the motion carried with a 5-0 roll call vote.

Carmen Garland returned to the meeting at 4:43 p.m.

Public Hearing: Dimensional Variance request by Michael Crouch with Greer Neon on behalf of owner, WKRECC, to allow 39% of the sign area to be a changeable copy sign, which is a 9% variance, for the monument sign located at 1601 North 12th Street in a B-2 District. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, a rendering of the proposed sign, pictures of the property, surrounding properties and street views.

Michael Crouch came forward and was sworn in. Mr. Crouch explained that they need a little larger area for the reader board part of the sign since they are on a demanding highway coming in and out of Murray. The board asked if the reader board is dimmable and about shrubbery. Mr. Crouch responded that the reader board is dimmable and that if there is any shrubbery, it will be low.

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 and a motion.

Josh Vernon made a motion to approve the Dimensional Variance request to allow 39% of the monument sign area, which is 9% more than the permitted thirty percent 30%, to be a changeable copy sign - located at 1601 N 12th Street in a B-2 District. The findings of fact being that the business is further away from the highway due to the frontage road and the request is fully contained within the existing sign's design. 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 6-0 roll call vote.

Public Hearing: Dimensional Variance request by Josh Burks with A&K Construction on behalf of owner, Milliano Holdings, LLC, to allow 35% of the sign area to be a changeable copy sign, which is a 5% variance and an 8'6" variance for the placement of the monument

sign on the north property line located at Hwy 121 North. An additional monument sign is requested to be located on the south side of the property at Coldwater Road. Carol Downey reviewed the applicable ordinance and presented the Staff Report which included the zoning map, renderings of the proposed signs, site plans, pictures of the property, surrounding properties and street views.

Josh Burks came forward and was sworn in. Mr. Burks shared that their design is based on an eight-foot-wide sign, so the changeable copy sign variance is needed for the sign to look proportionate in total. He explained that the variance for the placement of the monument sign will allow only one parking spot to be used instead of two and the additional monument sign at the south side entrance is needed because Coldwater Road is a highly travelled road.

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

Tony Milliano came forward and was sworn in. Mr. Milliano mentioned the need to be able to recruit tenants with visible signage on this unique property that has two very busy frontage roads, but is not a corner lot. The board asked if the changeable copy sign would be dimmable and Mr. Milliano replied yes, it would be dimmable.

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.

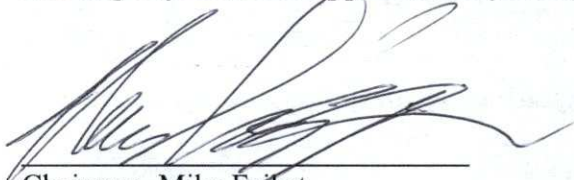
John Krieb made a motion to approve the Dimensional Variance request for an 8' 6" variance for the placement of a monument sign, in relation to the north property line, to be located at 1713 Hwy 121 North as presented, as well as a request for the same sign to have 5% variance for the portion of the sign which is changeable copy to be 35% of the signage vs. the regulated 30% of the sign area. An additional monument sign is approved for the Coldwater Road entrance area as presented. The findings of fact being that the reader board will be the same width as the balance of the monument sign, which improves the aesthetics and provides good visibility; the balance of the sign above the reader board provides adequate space for visibility and improves knowledge of their location for customers and possible tenants; and the Coldwater Road sign will also provide visibility and awareness for customers and possible tenants. 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 6-0 roll call vote.

Discussion Items: None

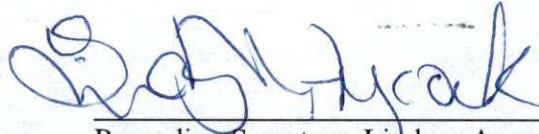
Questions and Comments: None

Chairman Faihst called for a motion to adjourn.

Paula Hulick made a motion to adjourn. Chairman Faihst seconded the motion. The meeting adjourned at approximately 5:04 p.m.



Chairman, Mike Faihst



Recording Secretary, Lindsay Aycock