

MINUTES

BOARD OF ZONING APPEALS

PUBLIC HEARING

Tuesday, April 19, 1994

10:00 a.m.

Members Present: Paul McCormack, Mike Allison, Bill Pate and Clarence Tucker.

Members Absent: Belvin Harris, Mike Schmitz, and John Thomas.

Staff Present: Pat Payne and Mike Land.

Visitors: None.

The first item of business was calling the meeting to order at 10:04 a.m. by Acting Chairman, Mike Allison.

The second item of business was consideration and action on the minutes of the regular meeting of January 18, 1994. A motion was made by Rev. Clarence Tucker and seconded by Paul McCormack to approve the minutes as presented. Motion carried by the following votes: Ayes: Tucker, Allison, Pate and McCormack. Nays: None. Absent: Schmitz and Harris, Thomas. Abstentions: None.

The third item of business was consideration of and action on a request by Impact Outdoor Advertising Company for a variance to Ordinance No. 490-1-89, the I-35 Development Standards Ordinance, as amended by Ordinance No. 564-10-93, subsection 2.9.5.4, to allow an off-premises sign closer than 300 feet to a residential structure within the I-35 Corridor, east of I-35, and located north of the Old Sivells Bend Road. The residential structure is the Lexington Square Apartments and is north of the proposed signage area. Denny's Restaurant is situated south of the tract.

Mr. Allison asked if anyone was present to speak for the request; there was none. Mr. Land said the application is self-explanatory. He continued by saying that due to the size of the parcel on which the proposed sign would be located, a billboard on any part of the property would be required to have a variance. Other than the location, the proposed sign has met all I-35 Regulations criteria according to the submitted plans.

Mr. McCormack asked who owns the land. Mr. Land replied that the sign company has purchased the land, so he was told. Mr. McCormack said he preferred that the sign be placed at the south end of the property, further away from the apartments. There are quite a lot of children that live in the apartments and playground equipment is located close to where the proposed billboard would be located.

Mr. Allison said, that in his opinion, to put a sign or billboard on the land would improve the salability and value of the property; however, do we want to turn the Corridor into a row of billboards. He was told that just about all the signage areas have been used up, as far as spacing is concerned [1500' spacing between billboards]. He also determined that if the sign is also the maximum allowed height of 35', and if it should fall over to the north, there will be approximately 60' of spacing between the downed sign and the apartment property.

At that time, a motion was made by Rev. Clarence Tucker and seconded by Mike Allison to grant the variance request. Motion failed by the following votes: Ayes: Allison and Tucker. Nays: McCormack and Pate. Absent: Schmitz, Thomas, and Harris. Abstentions: None. **NOTE:** It is necessary that any action approved by the Board of Zoning Appeals has to have the concurring vote of four (4) members to revise any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance of the City of Gainesville, Texas, or to affect any variance in said Ordinance, or amendment thereof. Ref: Ordinance No. 25-2-71; 101A-8-76; 154-12-79; Section 18-105 B.

The Board then discussed the meeting time for the Board. It was agreed that in the interest of all Board members, 2:00 p.m. on the 3rd Tuesday of the month would be a more appropriate time for everyone. A motion was made by Rev. Clarence Tucker and seconded by Paul McCormack to officially change the hour of the meetings. Motion carried by the following votes. Ayes: Allison, Tucker, Pate and McCormack. Nays: None. Absent: Schmitz, Thomas and Harris. Abstentions: None.

After no further business, the public hearing adjourned at 10:20 a.m.