

BOARD OF ZONING APPEALS  
PUBLIC HEARING

MINUTES

Tuesday, May 17, 1994  
2:00 P.M.

**Members Present:** Mike Schmitz, Paul McCormack, Belvin Harris, Mike Allison, Bill Pate, Rev. Clarence Tucker (2:05 p.m.), and John Thomas (2:06 p.m.).

**Members Absent:** None

**Staff Present:** Mike Land, Pat Payne

**Visitors Present:** List

The first item of business was consideration and action on the minutes of the regular meeting of April 19, 1994. A motion was made by Mike Schmitz and seconded by Mike Allison to approve the minutes as presented. Motion carried by the following votes: Ayes: Schmitz, McCormack, Harris, Allison, and Pate. Nays: None. Absent: Tucker and Thomas. Abstentions.

The second item of business was consideration and action on a request by Galaxy Sign Company for a 15' variance to the I-35 Development Standards Ordinance, as amended by Ordinance No. 427-10-89, to allow a 50' sign at 1701 N. I-35 within the I-35 Corridor. Said property is the site of the former Caravan Motel.

Mr. Harris asked if anyone was present to speak in favor of the request. Mr. Boatright, representing the Galaxy Sign Company, spoke, stating that in order to have the traffic visibility needed and also place the sign the required 25' setback from the front property line, they were requesting a 15' variance in order for the sign to be seen in both directions by oncoming traffic on I-35. Mr. Boatright explained that the old sign is within the setback area, and their company is going to reset the sign closer to the building and the setback from the front property line will be in conformance with the I-35 Regulations.

Mr. Harris asked if anyone was present to speak in opposition to the request; there was none.

After no further discussion, a motion was made by Paul McCormack and seconded by Mike Allison to grant a 15' variance to the maximum height requirements of the I-35 Regulations for a 50' sign. Motion carried by the following votes: Ayes: Schmitz, McCormack, Harris, Allison, Tucker, Thomas and Pate. Nays: None. Absent: None. Abstentions.

The fourth item of business was consideration and action on a request by Douglass Distributing Company for a 1) 10' side yard setback variance; 2) 5' front yard setback variance; and 3) 25' height variance to the I-35 Development Standards Ordinance to

replace a freestanding, on-premises sign at 1935 N. I-35.

Mr. Harris asked if anyone was present to speak in favor of the request. Mr. Bill Douglass, representing Douglass Distributing (Exxon), spoke. He stated that because of the recent tornado, the sign was demolished at the heretofore referenced address. Because the former sign was in a location that was advantageous to the property and also because the anchors were still in place, they wished to put the new sign back in the same spot.

At that time, Mr. Harris suggested that Item # 4 (1935 N. I-35) and Item # 5 (1904 N. I-35) on the agenda be discussed simultaneously. Mr. Land said both items could not be acted upon together, but they could discuss them at the same time due to the similar circumstances and the fact that Mr. Douglass owns both properties.

Mr. McCormack asked if it was necessary that the applicant request an exception, i.e. in these particular cases, if the signs were not in conformance. Mr. Land said that because of the grandfather clause and the non-conforming clause of the Zoning Ordinance [which the I-35 Regulations amends], it is necessary that this action be taken when 50% or more of a structure of any kind is destroyed by a natural disaster.

Mike Allison affirmed that both signs at both 1904 and 1935 N. I-35 were to be put back exactly as they were prior to the damaging tornado. Mr. Land said that was correct.

Mr. McCormack asked if either of the signs, when blown down, damaged any other property. Mr. Douglass said they did not, although one of them fell within five feet of a parked car; there were no structures in danger from the damaged signs. He explained that all signs of this caliber are designed to withstand up to 100 miles an hour winds. He also said he had never in this business observed the girders of these types of signs twisted down such as these were.

Mr. Harris asked if there was any further comments, either from anyone speaking for or against the request; there were none.

After no further discussion, a motion was made by John Thomas and seconded by Paul McCormack to grant a 10' side yard setback variance, a 5' front yard setback variance, and a 25' height variance for a replacement sign at 1935 N. I-35. Motion carried by the following votes: Ayes: Schmitz, McCormack, Harris, Allison, Tucker, Thomas and Pate. Nays: None. Absent: None. Abstentions.

A motion was made by John Thomas and seconded by Mike Allison to grant a 8' side yard variance, a 23' front yards setback variance, and a 25' height variance for a replacement sign at 1904 N. I-35. Motion carried by the following votes: Ayes: Schmitz, McCormack, Harris, Allison, Tucker, Thomas and Pate. Nays: None. Absent: None. Abstentions.

Mr. Douglass expressed his thanks to the Board and to staff for

their assistance and support in his being able to make his property attractive and productive once again.

After no further business, the meeting was adjourned at 2:18 p.m.