

MINUTES

BOARD OF ZONING APPEALS
REGULAR MEETING

Tuesday, March 16, 1993
10:00 a.m.

Members present: David Wright, Joyce Rigler, Belvin Harris, Hawkins, Lewis Ozuna (10:05).
NOTE: J. D. McCain has resigned from the Board, effective March 8, 1993.

Members absent: Ben Turbeville.

Staff present: Mike Land and Pat Payne.

Visitors: List.

The first item of business was calling the meeting to order at 10:02 a.m. by Acting Chairman Belvin Harris (Mr. Hawkins had loss of voice).

The second item on the agenda was consideration of and action on the minutes of the regular meeting of January 19, 1993. A motion was made by Joyce Rigler and seconded by David Wright to approve the minutes as presented. Motion carried by the following vote: Ayes: Wright, Harris, Hawkins and Rigler. Nays: None. Absent: Turbeville and Ozuna. Abstentions: None.

The third item on the agenda was consideration of and action on a request by Thomas L. Case, 1823 Throckmorton Street, for a 12 foot front yard setback variance to the requirements of the Zoning Ordinance of the City of Gainesville, to erect a carport at the front of his residence.

Mr. Harris asked if anyone was present to speak in favor of the request. Leroy Case spoke stating that he was owner of the property at 1823 Throckmorton Street where his son, Thomas, lives. The carport would be for protection of the vehicles and he said he didn't feel that the carport "would take away from the neighborhood in any way". It would be an open carport and would be of heavy-gage metal.

Joyce Rigler asked if there were many carports in that area; Mr. Case replied there are some. Mr. Hawkins said there are no carports protruding into the front yards on that street. By being on a corner lot, Mr. Hawkins continued, it is even more important to have the setback for unobstructed vision for vehicles at the intersection. He also pointed out that a carport could be built at the rear of the residence since it could be entered by the side street.

Mr. Case said that the reason that they did not want to build a carport at the rear of the house was that they wanted to erect a garage back there later, and they cannot afford to built the garage at this time.

Mr. Hawkins said there was no hardship with this case as stipulated in the Zoning Ordinance for granting variances. Mr. Case said the hardship is money.

Mrs. Case said that they bought the property and cleaned it up and made it into a very nice looking place. They would not put anything there

that would be a detriment to the neighborhood because they are proud of it.

Mr. Harris questioned the narrow front yards on the opposite side of the street. He was told that even though the houses may be closer to the street, there is still a set building line and all the houses are in conformity as to the setback. The street possibly took part of the right-of-way into the property at some point in time, making the front yards appear to be smaller than they should.

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

David Wright had questions concerning the street right-of-way, width, and setback requirements. He said he felt that the Board should wait and go over to that neighborhood and look at other properties throughout that area.

Joyce Rigler said the only way she could see that the request would be justified was if the carport was smaller (in length) in order to conform to the setback requirement for the front yard.

Mr. Hawkins said he did not feel that the applicant had any grounds for hardship to obtain a variance, even though he knew that the structure would be well built and of quality materials.

After no further discussion, a motion was made by Joyce Rigler and seconded by Don Hawkins to **deny the front yard set back variance**. Motion carried by the following votes: Ayes: Rigler, Harris, Ozuna, Hawkins. Nays: None. Absent: Turbeville. Abstentions: Wright (He owns property in the area).

Mrs. Case commented that she could not understand the negative feelings of the Board for not allowing the variance for young people coming into that neighborhood wanting to improve their property. She also said that there are carports all over that area, and houses on the other side of the street as well as on Throckmorton Street are built too close to the street. Mr. Case told the Board he appreciated the Board's interest and consideration.

The **fourth item on the agenda** was consideration and action on a request by Sid Kerr of Kerr Kountry RV, 705 West California Street, for a variance to the I-35 Development Standards Ordinance, Category 5, as follows: Subsection 3.2.3, as amended, for a freestanding sign exceeding the 35 foot maximum height requirement; a variance to the maximum allowable square feet for freestanding sign(s), subsection 3.2.2; a variance to subsection 2.7.3, prohibiting freestanding signs to be closer than 100 feet to another; and a variance to the required 25 foot required setback from the frontage road, subsection 3.2.1.1.

Mr. Harris asked who was present to speak for the request. Ronnie Brooks said he would be installing the signs and he would present information for the request.

Mr. Brooks said that after moving the business from Sanger, Texas, Mr. Kerr wants to move the pole sign from that location to the new business at the old Marler Ford property. The height of that sign is 60 feet-25 feet over the allowable height as outlined in the I-35 Ordinance. He

pointed out that Granuy's sign is approximately 70 feet high, Wendy's sign is roughly 70 feet high, and the McDonald's sign is 75 feet high. The setback will be in conformity.

Mr. Brooks said that they also wish to use another freestanding sign that was already in place from the Ford business, but will need a new facing for the parts and service department (height is okay). It's setback will require a 24 foot variance and is located within a grassy area. He also commented that with the two freestanding signs, there will need to be a variance for the two to be closer than 100 feet apart, as required. The overall signage area was discussed.

David Wright said he felt that the existing freestanding sign should be allowed to stay, along with possibly granting a variance for the proposed taller sign, in order to alert travelers where the service center is so they won't park on the State right-of-way or the service road just because they can't find the right department for their needs.

After no further discussion, a motion was made by David Wright and seconded by Joyce Rigler to **grant the variances, as requested by Kerr Kountry RV**, to the sign requirements of the I-35 Development Standards Ordinance for additional signage at 705 West California Street. Motion carried by the following votes: Ayes: Hawkins, Wright, Harris, Rigler, Ozuna. Nays: None. Absent: Turbeville. Abstentions: None.

Mr. Kerr expressed his appreciation to the Board and to staff for their consideration for his request.

Mr. Land asked the Board if there was additional information and support data they would like to have for each meeting in order to be more aware of the proceedings to follow for each meeting. They all agreed that they would like to have photographs depicting each case and the area of which they will be considering.

After no other business to come before the board, the meeting was adjourned at 10:52 a.m.