

MINUTES

**BOARD OF ZONING APPEALS
REGULAR MEETING**

Tuesday, April 20, 1993

10:00 a.m.

Members Present: David Wright, Belvin Harris, Ben Turbeville, Joyce Rigler, Don Hawkins and Lewis Ozuna.

Members Absent: None.

Staff Present: Pat Payne

Visitors: List

The first item of business was calling the meeting to order at 10:00 a.m. by Chairman Don Hawkins.

The second item of business was consideration of and action on the minutes of the regular meeting of March 16, 1993. A motion was made by David Wright and seconded by Belvin Harris to approve the minutes as presented. Motion carried by the following votes: Ayes: Hawkins, Wright, Harris, Rigler, Ozuna, and Turbeville. Nays: None. Absent: None. Abstentions: None.

The third item of business was consideration of and action on a request by The Family Dollar Stores, Inc. for a 32.5 foot variance to the Gainesville Sign Code for an attached sign at 1010 E. Highway 82, also being in the Gainesville Shopping Center.

Mr. Hawkins asked if a representative from the Family Dollar Stores was in attendance to speak for the request. G. G. Black spoke stating that the negotiations to obtain the location, which was once occupied by the M. E. Moses store, have been completed. The Sign Code would only allow for 125.5 square feet of signage for the store, concurring with the allowable signage to linear feet of frontage for the site. The requested standard sign for their store is 5' by 32' feet and is the only sign they use for their stores. He continued by saying they are looking forward to locating in Gainesville.

Mr. Hawkins asked if anyone else had any comments; there were none. He asked if the owners or anyone in the shopping center had any objections to what they propose to do; Mr. Black responded by saying they do not. In fact, Mr. Sweet, one of the owners, has been helpful in supporting the request.

After no further discussion, a motion was made by Belvin Harris and seconded by Ben Turbeville to approve the 32.5' variance as

requested. Motion carried by the following votes: Ayes: Hawkins, Wright, Harris, Rigler, Ozuna, and Turbeville. Nays: None. Absent: None. Abstentions: None

The fourth item of business was consideration and action on a request by Ricky Allen and Don Lawson for a 2' side yard setback variance to the requirements of the Zoning Ordinance to build a carport onto the west side of the residence, at 1419 Gribble Street.

Mr. Hawkins asked who was present to present the request; Brenda Lawson said she would speak for her brother, who was out of town. She said that the property is rental property she and her brother, Ricky Allen, own and they want to improve the property because their mother lives there at the present time. She said they are asking for a two foot variance from the side property line to construct a nine-foot wide carport. That would make the carport four feet from the property line. It will be constructed with a gable roof, with a concrete drive way and will be attached to the house.

Mr. Hawkins asked if anyone was present who wanted to speak against the request. Mr. A. L. Ward, who has lived to the west of the property in question for over forty years, said he is against the request. He said ".....they are just going to have room just to build a carport and there's not enough room over to his fence...". He continued by saying if the City has an ordinance, then they ought to abide by the ordinance and shouldn't change it for this one and the other one. Mr. Hawkins asked him if a carport would detract from his property; Mr. Ward replied he didn't think so and it wouldn't hurt his property value.

Mr. Hawkins confirmed with Ms. Lawson that the water would not be deflected to the side of the property, if constructed, but rather would be directed to the rear; she replied that is true-the water will go to the rear. Mr. Hawkins said he had driven through the area and there are several carports, several of which may be built closer than allowed to the side yard lines due to the age of the neighborhood and the narrowness of the lots. He said that criteria he tries to use in determining this type of case is 1) will it detract from a neighbor's property, and 2) will it create a fire hazard or a police deterrent to access around the property.

Mr. Hawkins asked if there was any comment from the Board. Joyce Rigler asked if there was room to build a carport without a variance. Brenda Lawson replied that would not give enough room.

After no further discussion, a motion was made by Joyce Rigler and seconded by Lewis Ozuna to grant a two foot variance to the side yard setback requirements of the Zoning Ordinance at 1419 Gribble Street to erect a carport. Motion carried by the following votes: Ayes: Hawkins, Wright, Harris, Rigler, Ozuna, and Turbeville. Nays: None. Absent: None. Abstentions: None.

The fifth item of business was consideration and action on a

request by J. R. Cain, owner of McDonald's Restaurant at 514 West California Street, for variances to the sign requirements of the I-35 Development Standards Ordinance for: 1) setback variances on California and Hancock Streets; 2) variance to the total allowable signage area; and 3) consideration of a variance for more than one allowable freestanding sign on the premise.

Mr. Hawkins asked Mr. Cain if he wanted to speak for his request; he replied he would let Ronnie Brooks of Future Signs explain the request. Mr. Brooks began by stating that the playground at the front of the McDonald's Restaurant was going to be remodeled, and Mr. Cain wants to move the existing freestanding sign within the playground over to the northwest corner of the property. The requested setback variances are: 1) 12 feet from the California Street side; and 2) 10 feet from the Hancock Street side. Also, Mr. Cain wants to add a reader board (marquee) sign to the freestanding sign to be moved, which will increase the overall allowable signage area for the property to 489 square feet (allowable signage area is 160 square feet). A variance for two freestanding signs on the same premises is also required.

Pat Payne pointed out the alteration of nonconforming status of the signs on the property, that being raising the height of the sign to be moved, plus adding to the total square footage.

A motion was made by David Wright and seconded by Lewis Ozuna to grant all variances as heretofore requested. Motion carried by the following votes: Ayes: Hawkins, Wright, Harris, Rigler, Ozuna, and Turbeville. Nays: None. Absent: None. Abstentions: None.

After no further business, meeting was adjourned at 10:28 a.m.