

MINUTES

**BOARD OF ZONING APPEALS
REGULAR MEETING
PUBLIC HEARING
Tuesday, July 27, 1993**

10:00 a.m.

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

Members Absent: None.

Staff Present: Pat Payne

Visitors: List

The **first item of business** was calling the meeting to order at 10:10 a.m. by Recording Secretary, Pat Payne.

The **second item of business** was the swearing in of new Board members, Bill Pate, Mike Allison, Belvin Harris, Paul McCormack, and Clarence Tucker by Recording Secretary, Pat Payne.

Mayor Jim J. Hatcher then spoke to the Board, expressing his thanks and appreciation to each of them for their acceptance to serve on the Board. He asked that they each act independently and use their own judgement and do what each thinks is in the best interest of the City of Gainesville. He also suggested that if the current set meeting date and time is not convenient, then the Board should discuss what would be the best time for everyone.

Next, the Board unanimously voted to elect Belvin Harris as the Chairman of the Board of Zoning Appeals. The Board then agreed to wait until the next meeting to elect a Co-Chairperson when all appointed members could be present.

The **third item of business** was consideration of and action on the minutes of the regular meeting of May 18, 1993. Belvin Harris declared that the minutes be approved as presented [NOTE: Mr. Harris is the only original member from the prior Board].

The **fourth item of business** was an overview and review of the rules and regulations for the Board of Zoning Appeals, presented by Mike Land. He also explained meeting procedures.

Mr. Harris asked if anyone had any questions regarding what Mr. Land had just explained; there were none.

The **fifth item of business** was consideration and action on a request by the MHMR/Joe Walter Sheltered Workshop for a 12 foot variance to the setback requirements of the I-35 Development Standards Ordinance, Category II, subsection 1.2.1.1, to construct a storage building at 610 West Broadway Street.

Mr. Harris asked if anyone was present to speak in favor of the request. Janice Cravens, Director of Cooke County MHMR Services, spoke. She introduced Glenda Watson, Director of the Joe Walter Sheltered Workshop. She explained that the reason they need the storage building, even though there is a loading dock at the rear of the building, is that it would enable them to have a covered area where they could load and unload equipment and supplies for their contract work at the Workshop. Also part of the building would be an open, fenced area. Part of it would be enclosed for security. The enclosed area would house their mowing equipment when not in use. The students from the Workshop mow the Tourist Bureau area and also the roadside parks. Without a secured storage area, thefts have occurred. She further explained that this building, as well as another storage building they already have, would be built with steel siding of the same color which will blend with the main structure so it will not detract from the overall look of the property; the site is not visible from the Interstate.

Pat Payne explained that there is a required fifteen foot rear and side yard setback requirement in this particular case, and the Workshop wishes to place the new structure three feet from each property line adjacent to the site; therefore their request is for a twelve foot side and rear yard variance to the setback requirement of the I-35 Development Standards Ordinance.

Mike Allison said he had been to the site, and the Scivally building directly south of the Workshop is only three feet from their property line also. He said he feels that the setbacks are consistent and it will not be noticeable from the Interstate, or even Culberson Street, unless someone is specifically looking for it.

A motion was made by Mike Allison and seconded by Clarence Tucker to **approve the twelve foot side and rear yard setback variance** to the requirements of the I-35 Development Standards Ordinance at 610 West Broadway for construction of a storage building. Motion carried by the following votes: Ayes: Bill Pate, Mike Allison, Belvin Harris, Paul McCormack, and Clarence Tucker. Nays: None. Absent: None. Abstentions: None.

The **sixth item of business** was consideration and action on a request by The Gainesville Bible Church, 535 N. Interstate 35, for a variance to the requirements of the I-35 Development Standards Ordinance, Category I, subsection 2.3, to place a mobile building behind the structure for additional classrooms with differing materials than that of the main structure.

Mr. Harris asked if anyone was present to speak in favor of the request. Tom Bragg, representing the Gainesville Bible Church, spoke, stating that they have rented the former Dairy Queen building on I-35, and have now run out of space for their membership. He explained that they wish to purchase a 14' X 48' building which will be brought in on skids and placed behind the main building. There will be electrical service but not plumbing in the proposed structure.

Mr. Harris asked if anyone was present to speak against the request; there was none. He asked if Staff had any comments. Mike Land reviewed the size of the main structure in comparison with the proposed mobile building. He also said that the variance will run with the "situation" and this "use", not the land, if and when they should move the congregation to another site and move their building with them. He also emphasized that the Board can put any conditions on the variance, if they grant it, that they wish to. Mr. Land assured the Board that the Building Official would inspect the structure, which would have to meet applicable codes.

Mike Allison questioned the amount of space between the main structure and the proposed building. He said it appeared there is only about thirty feet between the building and the property line, which doesn't leave much room for the mobile structure. With the question of the space, Mr. McCormack asked if that situation would require another variance; Mr. Land said it would. Mr. McCormack then suggested that the structure might work better if it were placed on the south side of the main structure.

Mr. Land explained the variance further in that the main structure in this case is built of masonry blocks and the proposed structure is a metal facility; there would have to be a variance to the requirements of the I-35 Development Standards Ordinance requiring all accessory structures to be of the same type of materials to the same or greater degree of that of the main structure. He said if the variance is granted, all applicable building codes will have to be adhered to.

A motion was made by Clarence Tucker and seconded by Paul McCormack to grant a variance to the Gainesville Bible Church, 535 N. Interstate 35 relating to Category I, subsection 2.3, I-35 Development Standards Ordinance. Motion carried by the following votes: Ayes: Bill Pate, Belvin Harris, Paul McCormack, and Clarence Tucker. Nays: Mike Allison. Absent: None. Abstentions: None.

After no further business, the public hearing adjourned at 10:56 a.m.