

**MINUTES**

**BOARD OF ADJUSTMENTS**

**REGULAR MEETING**

**Tuesday, January 21, 1992**

**10:00 a.m.**

**Members present:** Bill Harris, Don Hawkins, Lewis Ozuna, David Wright, and Robert Boone.

**Members absent:** Ben Turbeville and Joyce Rigler.

**Staff present:** Gene Cravens, David Hall and Pat Payne.

**Visitors:** Loyd Walters.

The **first item** of business was calling the meeting to order at 10:01 a.m by Chairman Don Hawkins.

The **second item on the agenda** was consideration and approval of the minutes from the regular meeting of December 17, 1991. A motion was made by Robert Boone and seconded by Bill Harris to approve the minutes as presented. Motion carried by the following votes: Ayes: Ozuna, Harris, Hawkins, Boone, and Wright. Nays: None. Absent: Rigler and Turbeville.

The **third item on the agenda** was consideration of and action on a request by Michael G. Rigler for variances to the Gainesville Sign Code. The first being: 1) Ten foot variance to the one hundred foot frontage requirement to allow two signs [the frontage of Mr. Rigler's lot is ninety feet]; 2) Four foot set back variance for the two signs both from the front yard and side yard setback requirements of five feet [both signs, one which is already framed on a foundation, are anticipated to be set one foot from both setback lines].

Mr. Hawkins asked Loyd Walters, representing Michael G. Rigler, if he had documentation to present which supported the variance requests. Mr. Walters said he had turned in a survey to City staff, which was produced. The survey depicted the placement of the proposed signs in conjunction with the main structure. He then began by showing the Board where the signs were planned to be set and also explained the structure of the signs. He said that Mr. Rigler did not want to obstruct the view of the new building. The signs also are to be of the same like materials of the building and will blend in with the landscape. Mr. Walters further stated that he felt the signs would not obstruct the view of traffic at that intersection, either from the west or east [Intersection is Broadway and Weaver Streets]. The signs, one of which has been set, are on the property but are one foot from the property line. Pictures, both from Mr. Walters and from Staff, were presented of the area. Irrelevant to the request, Mr. Walters said that the farm machinery lot to the west obstructed traffic view worse than would the signs.

Mr. Hawkins asked Mr. Walters if the proposed parking area on the front of the building (north) was to be a green area instead; Mr. Walters replied it is [This refers to the second variance request on the agenda]. Then Mr. Walters continued by explaining how many parking spaces were available in the immediate area to clients and employees of the business. He said the building looked much better than what had been on the lot previously [Old Woods Lumber Company].

Mr. Hawkins asked Mr. Cravens what the City's position on the request(s) are. Mr. Cravens responded by saying that on the first part, the number of freestanding signs allowed per lot frontage, more than one freestanding sign is allowed if the lot is one hundred feet or wider; the lot is only ninety feet wide. He said that as far as having two, he did not see a problem with that. The signs are low to the ground (monument-type signs) and blend in. However, due to the setback requirements of the Sign Code, and because the signs are to be monument-type signs, they are low to the ground and will create an obstruction to the oncoming traffic and will create a safety hazard. The required setback is five feet from the property line; the signs are planned to be only one foot from the property line.

Mr. Hawkins asked Mr. Walters the reasoning of having two signs in the front. Mr. Walters replied that there will be several business enterprises in the building for which a name/title will be necessary.

Mr. Hawkins said that it appeared to him that having cars parked in front of the building would create more of a traffic obstruction hazard than would the signs. Mr. Cravens said he did not see anything wrong with varying the parking requirement [Agenda Item Two], because there is plenty of parking area around the building. Mr. Hawkins asked Mr. Walters why the signs were proposed to be put in the spot requested. Mr. Walters replied that they would be more visible to oncoming traffic and those trying to find the location [thus, creating a financial hardship request for the variance].

Mr. Harris asked if the signs would be harder to see if they were set back the required five feet; Mr. Walters said, yes, they would be harder to see from the street and less likely to "catch the eye". Mr. Harris asked how far back from the curb would the signs be set; Mr. Walters said it would be approximately ten feet.

Mr. Hawkins asked Mr. Walters why the request for the variances was not asked for prior to the one sign being set; Mr. Walters said, at that time, they did not know "what the Sign Ordinances were". He said the Building Inspector confronted them and said the sign was not in compliance with the ordinances. Mr. Walters also said he did not know the City had a sign ordinance.

Mr. Hawkins asked what the procedure was in presenting a plot plan for new construction. Mr. Cravens explained that when the plot plan is brought in for review, then if there are signs to be constructed, it is explained to the presenter that there will be separate permits and a plan will have to be submitted for the sign also. Mr. Walters said he did not remember being told about sign regulations.

David Wright said a car would have to pull out further than usual to see around the corners, but he had more trouble with pulling out onto California Street from Jefferson Street by the Turner Apartments.

Robert Boone said that due to the unusual configuration of the intersection at Broadway and Weaver Streets, what would be the chance of possibly moving the Stop Sign forward about four feet. Mr. Cravens said the Police Department would have to be contacted for that information. Mr. Boone said he agreed that the sign which is already set at the corner does have some obstruction of view, but due to the unusual corner, one would still have to pull out and the sign is better than the first plan of having parking in the front of the building (north side).

Mr. Walters, again, said that moving the signs closer to the building within the required setbacks would cut down on the view of building. He said, also, he couldn't say enough about the difference of what has been built there compared to what had been on the property previously. He said the City needs to be flexible in order to get new building in the City of Gainesville.

After no further comments or discussion, a motion was made by David Wright and seconded by Lewis Ozuna to **grant the variances as requested (being the 10' frontage variance and the 4' setback variances)**, at 316 W. Broadway Street.

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

The **fourth item of business** was consideration and action on a request by Michael G. Rigler for a variance to the parking space requirement of the Zoning Ordinance requiring one parking space per each 300 square feet of floor space; the building is 4500 square feet, thus requiring 15 parking spaces.

The item had been discussed earlier and, with no further comments, a motion was made by Bill Harris and seconded by Robert Boone to **grant the variance of the parking space requirement from 15 to 9 required parking spaces** at 316 W. Broadway Street. Motion carried by the following votes: Ayes: Harris, Boone, Ozuna, Wright and Hawkins. Nays: None. Absent: Turbeville and Rigler. Abstentions: None.

After no further business, the meeting was adjourned at 10:26 a.m.