

MINUTES

BOARD OF ADJUSTMENTS AND APPEALS

SPECIAL MEETING

Tuesday, May 26, 1992

FILED

JUN 12 1992

10:00 a.m.

Members present: Ben Turbeville, Lewis Ozuna, Belvin Harris, Don Hawkins.

Members absent: David Wright Joyce Rigler.

Staff present: Lyle Dresher, David Hall and Pat Payne.

Visitors: List.

The first item of business was calling the meeting to order at 10:03 a.m by Chairman Don Hawkins.

The second item on the agenda: **NOTE:** A seventh appointed member to the Board of Adjustment and Appeals was not present for the swearing in of his position.

The third item on the agenda was consideration of and action on a request by Bhupinder S. Khaira for a setback/height variance to the requirements of the Zoning Ordinance, as amended, to construct an accessory structure on his property at 901 Lindsay Street.

Mr. Hawkins asked Dr. Khaira if he would like to speak for his request. Dr. Khaira explained that when the plans were drawn up for the garage, there was a problem with the height of the structure, along with the required setback from the rear property line. He asked that Mary McCain, architect, explain the problem to the Board. She said that due to the historical qualities of the main structure, she felt that the twelve foot height limitation was too restrictive in order for the accessory structure to be compatible with the house. She presented the plans and drawings showing the proposed building. There is a ten foot alleyway which abuts the property at the rear (west).

Mr. Hawkins asked Mr. Dresher if the alley is open all the way through; he confirmed that it is, but is very tight in places due to a utility pole and some trees, etc. being in the alley.

Mr. Dresher confirmed that the request is for the height variance and also includes a rear yard setback variance, as stated.

Keith Clegg, who lives behind Dr. Khaira, said he was in full support of Dr. Khaira's request for the height/setback variance request and he felt that he was duly notified of the public hearing.

Ben Turbeville asked if the roof eaves would hang over the alley if the setback variance was also granted; Ms. McCain replied it would not.

A motion was made by Belvin Harris and seconded by Ben Turbeville to grant a 14' height variance and a 1' rear yard setback variance. Motion carried by the following votes: Ayes: Turbeville, Ozuna, Harris and Hawkins. Nays: None. Absent: Rigler and Wright. Abstentions: None.

The fourth item of business was continuation of public hearing on a request by Brandon Beck, dba Grandy's Restaurant/Capital City Restaurants, for a variance to the I-35 Corridor Regulation, Section 2.2.1.3; and the Gainesville Sign Code, Section Nine-D; for a painted wall sign on the Marler building, adjacent to the present Grandy's tract.

NOTE: Mr. Beck was unable to attend due to personal reasons.

Mr. Hawkins noted the memorandum of opinion from the City Attorney regarding the issue of whether the sign Mr. Beck wishes to have is on-premise or off-premise. He asked what the City's position is. Mr. Dresher related to the Board the recommendation and conclusion from the City Attorney (attached). Basically, Mr. Dresher continued, the bottom line is that the entire strip of encroachment of the Marler building onto the Grandy's tract (owned by Ralph Sidner) is that if a sign were placed on the side of the Marler building, then the sign would be an off-premise sign, which is prohibited by the I-35 Corridor Regulations. Therefore, it appears that a free-standing sign within the approximate one-foot strip next to the Marler building and outside of the curbing of Grandy's would be the best option for the Board to consider, if they opt to grant a variance. If that should be the case, the sign could be placed where one of the current directional parking signs is located and it and the other parking sign be removed.

Mr. Hawkins said that the problem for the parking lot is that the majority of people that enter the front parking lot do not realize there is two lanes where the drive-thru is located, and one of them is for entrance into the back parking lot, going the opposite direction.

Mr. Dresher explained that Mr. Beck felt that the word "Grandy's" should be on the proposed sign to indicate that the direction for rear parking is for the restaurant and not for the Marler building. He also said Mr. Beck would like to have the maximum 160' square feet for an additional free-standing sign.

Mr. Hawkins asked for discussion from the Board. Mr. Harris asked what specifically the variance would be for. He was told it was, after the opinion of the City Attorney, for an additional on-premise, free-standing sign. Mr. Dresher commented that the Board should clarify that the sign would probably be designated as a directional parking sign as well as an additional advertising sign, since Mr. Beck wants the Grandy's name on it.

Additional discussion ensued regarding the better of several options for a variance for the directional parking signage.

A motion was made by Belvin Harris and seconded by Ben Turbeville to grant a variance to Mr. Beck for one additional 4' X 8' (32 sq. ft) directional parking/advertising/free-standing sign on his property with the Grandy's name, designating parking to the rear of the property, and to be no taller than 8', with the two parking signs to

be removed from that location. Motion carried by the following votes: Ayes: Turbeville, Ozuna, Harris and Hawkins. Nays: None. Absent: Rigler and Wright. Abstentions: None.

Mr. Drescher explained a proposed ordinance to the Board which will split the Board of Adjustment and Appeals and established a Zoning Board of Appeals and a Board of Code Appeals. The Zoning Board of Appeals will deal with the Zoning Ordinance, Sign Regulations, the Building Official's decisions relating to those type of things, the I-35 Corridor, Flood Control Ordinance, etc. It will basically be the same as the current Board of Adjustment and Appeals.

If there are appeals dealing with any of the Codes, i.e. electrical, plumbing, mechanical, fire, any life safety code, that Board will hear them. The membership will mainly be made up of persons within those trades with which the Board will be concerned, with two at-large members being appointed.

After no further business, the meeting was adjourned at 10:45 a.m.