

MINUTES

BOARD OF ADJUSTMENTS AND APPEALS

REGULAR MEETING

Tuesday, July 21, 1992

10:00 a.m.

Members present: David Wright, Ben Turbeville Belvin Harris, Don Hawkins, and J. D. McCain.

Members absent: Joyce Rigler, Lewis Ozuna.

Staff present: Lyle Dresher, Pat Payne and Mack Barnhart, City Attorney.

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 was consideration of and action on the minutes of the regular meeting of June 16, 1992. A motion was made by David Wright and seconded by Ben Turbeville to approve the minutes as presented. Motion carried by the following vote: Ayes: Wright, Harris, Turbeville, Hawkins, and McCain. Nays: None. Absent: Rigler and Ozuna. Abstentions: None.

The third item on the agenda was consideration of and action on a request by Sue McCutchen for a variance to the requirements of the I-35 Corridor Development Standards Ordinance, Section 2.1.4, to allow a roof sign on her building at 2235 N. I-35. **NOTE:** A letter (copy) of protest written by Bob and Mary Strong, owners of the Antique Mall on I-35, was handed to each Board member.

Mr. Hawkins began by asking Sue McCutchen if she would like to speak on behalf of her request. She stated that she and her husband wanted to put the sign upon the roof of the building in order to advertise their antique business at that location and also in order for traffic on the Interstate to be able to see the sign. She said she also felt that having the roof-top sign would also direct traffic not only to her business, but she would be able to further direct these people into the downtown area.

Mr. Hawkins asked if anyone else wanted to speak for or against the request. Betty Buttolph spoke saying she felt that the sign was important in order to direct people into the antique store because she has merchandise there as well as other antique stores within the City and she understands the importance of getting people's attention in order to divert them to those businesses.

Mr. Hawkins asked Mr. Dresher what the City's position was regarding this request. Mr. Dresher replied that the staff report addresses the violations of the requested sign and staff recommends denial of the request for a roof sign as presented because it does not conform with the I-35 Corridor Standards which disallows roof signs.

Mr. Hawkins asked Mr. Barnhart, City Attorney, if had an opinion on the issue. Mr. Barnhart said that the photographs submitted for review note the sign in question which is leaning against the wall just below the roof line. The cross arms are already in place on the roof where the intended location of the sign is to be. To allow it to be attached there would be a clear violation of the ordinance for regulation of the I-35 Corridor. Therefore, Mr. Barnhart continued, it is the recommendation that the request for the sign which shows "Antique Mall" should be denied.

Mr. Hawkins asked if the Board had any further comments or questions regarding the request. Mr. Turbeville asked if trees directly to the north/northeast of the business would hinder the view of another type of sign which might be lower and harder to see.

Mr. Harris commented on the letter of protest from the Strongs.

Mrs. McCutchen said that over one hundred people had stopped at her store the previous weekend and had asked about other shops and stores within the City. Therefore, she, said she felt she needed all the exposure she could get in order to get travelers off I-35.

Mr. Dresher said that there are alternatives to having a roof sign, such as having a free standing sign which can be up to thirty five feet in height and which can give plenty of advanced notice to travelers that there is an antique store there and also informing them that they can exit at a certain place. Mr. Hawkins pointed out that the roof sign would also not be visible until cars were right in front of the business and too late to exit. There was more discussion regarding a two-faced, free-standing sign which would advertise both the antique store and the pawn shop, both on the same site. Mr. Hawkins suggested this to Mrs. McCutchen and she agreed it was a good idea. [The allowable square footage for such a sign is 160 square feet - Category Five, subsec. 3.2.2.- **I-35 Corridor Development Standards Ordinance.**] Mr. Hawkins informed Mrs. McCutchen that the leaning "Antique Mall" sign (the sign she wishes to install on the roof) will have to be removed.

After no further discussion, a motion was made by J. D. McCain to **deny the variance request for a roof sign at 2235 N. I-35.** Motion was seconded by Belvin Harris. Motion carried by the following votes: Ayes: Wright, Harris, Turbeville, Hawkins, and McCain. Nays: None. Absent: Rigler and Ozuna. Abstentions: None.

Betty Buttolph asked what is the time limit for banners. She was told they can be in place for fourteen days at ninety day intervals (three times in a one year period). Discussed ensued.

Discussed also developed regarding cluster signs on a single freestanding sign location for possible future development of retail and business along the Interstate.

After no other business to come before the board, the meeting was adjourned at 10:35 a.m.