

**MINUTES**

**BOARD OF ADJUSTMENTS AD APPEALS**

**REGULAR MEETING**

**Tuesday, April 21, 1992**

**FILED**

APR 23 1992

**10:00 a.m.**

**Members present:** Joyce Rigler, Robert Boone, Lewis Ozuna, David Wright, Bill Harris, Don Hawkins (10:12), and Ben Turbeville (10:20).

**Members absent:** None.

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

**Visitors:** List.

The first item of business was calling the meeting to order at 10:10 a.m by Acting Chairman Robert Boone.

The second item on the agenda was consideration and approval of the minutes from the regular meeting of March 17, 1992. A motion was made by Joyce Rigler and seconded by Lewis Ozuna to approve the minutes as presented. Motion carried by the following votes: Ayes: Ozuna, Rigler, Boone, Wright, and Harris. Nays: None. Absent: Hawkins and Turbeville.

The third item on the agenda was consideration of and action on a request by Charles L. Burton, owner of Burton Oil Company, Inc., for a variance to the setback requirements of the I-35 Development Standards Ordinance for minimum requirements for setbacks adjacent to dedicated streets, Section 1.1.1.2. Said variance relates to construction of a proposed gasoline service station facility at the corner of Culberson and California Streets, more specifically, for the gas pump canopy and building setbacks.

Mr. Boone asked Mr. Burton if he wanted to speak in behalf of his request. Mr. Burton explained that on his application, he stated that the tract was to be curbed on the east and west, but he said he had worked out a compromise with the adjoining lessee and may not need to curb the property. He continued by saying he felt this needed to be addressed at this time. However, he was told that this was irrelevant to the agenda items and his requests.

Mr. Burton explained that a Mobil gas station/convenience store business would be going in there, and due to the small size of the tract, the configuration for the building, pumps, canopy, etc. was, at least, the best he could do; therefore, the need for variances are prevalent.

Mr. Boone asked Mr. Burton about the curbs, and the Board discussed this at some length. However, the Board was informed that the only consideration for the public hearing was the requests for the variances.

Mr. Drescher questioned the curbing and what type of curb cut and radius would be utilized on the Culberson Street side of the property. Also a power pole, along with the guy wires, were discussed as possibly being a deterrent to smooth egress and ingress from the property. Mr. Burton reiterated that only the curbs on the north and east of the tract he will have will be removed.

Again, it was confirmed that all curb cuts, power poles, etc. will be addressed at the time of site plan review.

Mr. Boone asked Mr. Drescher if he had further information regarding these requested variances for the canopy and the building; he replied he did not. He said the only concern he had was the traffic flow in and out of the business.

After no further comments or discussion, a motion was made by David Wright and seconded by Belvin Harris to **grant the variances as requested**. Motion carried by the following votes: Ayes: Rigler, Boone, Ozuna, Turbeville Wright, Harris and Hawkins. Nays: None. Absent: None. Abstentions: None.

The **fourth item of business** was consideration and action on a request by Charles L. Burton, owner of Burton Oil Company, Inc., for a variance to the requirements of the I-35 Corridor Development Standards Ordinance, Section 4.2.1.1, minimum setback requirements for signs. This request also relates to the construction of a proposed service station facility at the intersection of California and Culberson Streets.

Mr. Boone again asked Mr. Burton if he wanted to address the Board regarding his request for the variance. Mr. Burton replied that he would. He began by saying the single pole sign would be erected in the same spot as the sign from the previous gasoline service station facility, and it is imperative that a variance be granted in order for the sign not to be placed in the middle of the gas pump area. A variance will not be required for the requirements of 35' maximum height for signs, because, Mr. Burton continued, he decided that the surrounding businesses will draw motorists off the Interstate, and a very tall sign is very expensive to erect.

Mr. Burton explained that his air and water facilities for the business will be located near the sign. Again, the Board was reminded that this type of consideration will come under the site plan review when presented before staff and the Planning and Zoning Commission.

Mr. Turbeville asked if the sign could be mounted on top of the canopy. He was told that would not be allowed under the sign requirements of the ordinance.

After no further discussion, a motion was made by Don Hawkins and seconded by Joyce Rigler to **grant the 9' and 11' variances for the sign** to the setback requirements of the I-35 Corridor Development Standards Ordinance. Motion carried by the following votes: Ayes: Turbeville, Boone, Ozuna, Rigler, Harris, Wright and Hawkins. Nays: None. Absent: None. Abstentions: None.

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