

MINUTES

BOARD OF ADJUSTMENTS

REGULAR MEETING
Tuesday, January 15, 1991

10:00 a.m.

Members present: David Wright (alternate), Don Hawkins, James Canaday, and Joyce Rigler (alternate).

Members absent: Robert Boone, Ben Turbeville, Jerry Dietz.

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

Visitors: List.

The meeting was called to order at 10:10 a.m by Chairman Don Hawkins.

The **second item on the agenda** was consideration and approval of minutes from the regular meeting of November 20, 1990; special meeting of December 12, 1990; and of the regular meeting of December 18, 1990. A motion was made by James Canaday and seconded by Joyce Rigler to approve the minutes from all three meetings. Motion carried by the following votes: Ayes: Hawkins, Wright, Canaday and Rigler. Nays: None. Absent: Turbeville, Dietz, and Boone.

The **third item on the agenda** was consideration of and action on a request by Robert Strong and Mary Strong, representing Strong's Antiques, 1808 N. I-35, for a variance to the requirements of the I-35 Development Standards Ordinance which only allows one attached sign per street frontage. Mr. Hawkins asked if anyone was present to represent Strong's Antiques. Mary Strong replied she would speak in her behalf. She stated that they were asking for the variance due to the location of their building and the angle of the lot contiguous to Interstate 35. She argued her point by saying only one attached sign per building would only be visible to either northbound or southbound traffic, along with the westbound Highways 82 traffic. Therefore, she said she feels that each side would be visible if she could have two attached signs. Mr. Hawkins asked her if they had given any consideration to a free standing sign; she replied they had, but it seemed that that type of sign would be blocked by a billboard in the area. Also, she said she was reluctant to consider the free standing sign because of the location of overhead electrical wires.

Pictures of the area and the building were passed around to the Board members for their observation.

Mr. Hawkins then asked if anyone was present who wanted to speak in opposition to the request; there was none.

Mr. Hawkins asked if Staff had any comments. Mr. Cravens replied by saying that based upon the strict interpretation of the granting of the variance due to a hardship because of special circumstances relating to the size, shape and topography of the lot, he really didn't see that the piece of property is unique compared to the other properties surrounding it. He continued by saying that the City

believes that there should be a spot where a free standing sign could be beneficial and still follow the regulations [I-35 Development Standards Ordinance].

Mr. Hawkins said he agreed that there seemed to be a spot for a free standing sign, which sign would be more visible to oncoming traffic from all directions than either sign would be on the sides of the building. Mr. Cravens said there is another business in the vicinity which erected a free standing sign next to its building, which is permissible, and the sign is high enough [max. allowable height-35'] to allow visibility of the sign for a good distance. Mrs. Strong agreed that a free standing sign would be beneficial.

Mr. Hawkins asked if anyone else had comments. David Wright said he felt that businesses should be encouraged and even though he wished Mrs. Strong would investigate a free standing sign, he felt that a second attached sign would not be harmful.

After no further comments a motion was made by David Wright to grant the variance of allowing the Strongs to add a second attached sign to their building, and preferably encourage them to erect a free standing sign. James Canaday seconded the motion. Motion failed by the following votes: Ayes: Wright, Rigler and Canaday. Nays: Hawkins. Absent: Dietz, Boone and Turbeville. **NOTE: Motion failed due to only 3 affirmative votes being cast. Minimum of 4 affirmative votes is required to pass on any variance. Re: City of Gainesville, Texas Zoning Board of Adjustment Rules of Procedure, Adopted January 20, 1987.**

The fourth item on the agenda was consideration of and action on a request by AFCO for a 0' variance to the I-35 Development Standards Ordinance requiring a 15-foot setback requirement for free standing signs from the property line.

Chairman Hawkins asked if anyone was present representing the AFCO Fuel Company who wanted to speak in favor of the request for the variance. David McCay representing AFCO, stated that the main purpose for the 0' variance was visibility in all directions, including I-35. He also said there are power lines which could interfere with a sign if it is put in accordance with the regulating guidelines for sign setbacks. Mr. McCay said if the sign were set back where it should be, according to the I-35 regulations, the whole driveway concept will have to be redesigned. He indicated that he wants to direct traffic both locally and from I-35; therefore, that is his reasoning for wanting the 35' sign placed on a 0' setback so it will be more visible for the business.

Mr. Hawkins asked if anyone present wanted to speak in opposition to the request; there was none. Mr. Hawkins asked Mr. Cravens to make a statement on behalf of the City. Mr. Cravens said under the strict findings of hardship, the lot is not an unusually shaped lot and the sign could be placed 15 feet back with some revisions to the curbing and entrance. Basically, according to Mr. Cravens, the cause of the hardship is financial in the strict sense.

Mr. Hawkins said one thing he is concerned with is the obstruction of view to entering Highway 82 from Refinery Road. A lot of that traffic consists of heavy trucks and trailers, and if the sign is placed right on the property line, it may restrict clear visibility of anyone trying to enter the highway and could be a dangerous situation.

Mr. McCay asked about setting the sign back 15 feet to where the sign is shown to be now, even though there will be extra costs associated with the construction. Mr. Cravens said that would solve the problem.

Mr. McCay continued by saying that placing the sign back at the fifteen foot setback might cause problems for transports' access. He agreed that he could set the sign on the west side of the property [Refinery Road side] with a 15' setback.

Mr. Hawkins said another possibility would be to allow a 5' variance for the sign which would give 10' more of visibility. He asked if it is permissible to change the request on a variance. Mr. Cravens said it is if the change is less, not more. Mr. Hawkins asked Mr. McCay if he would like to amend his request from a 15' [0' setback] to a 5' variance. Mr. McCay replied that he would change his request to a 5' variance.

After no further comments, a motion was made by James Canaday and seconded by Joyce Rigler **to approve a 5' variance to the setback requirements of the I-35 Development Standards Ordinance.** Motion carried by the following vote: Ayes: Canaday, Hawkins, Rigler, and Wright. Nays: None. Absent: Boone, Turbeville, and Dietz.

After no further business, meeting was adjourned at 10:49 a.m.