

MINUTES

BOARD OF ADJUSTMENTS

Thursday, July 6, 1989

10:00 a.m.

Members present: Ben Turbeville, Robert Boone, Jerry Dietz, Don Hawkins and James Canaday.

Members absent: David Wright.

Staff present: Pat Payne and Gilbert Villa.

Visitors: Ronnie Herr.

The meeting was called to order at 10:06 a.m by Chairman Don Hawkins.

The **second item of business** on the agenda was presentation and approval of the Minutes from the April 18, 1989, Board of Adjustment and Appeals meeting. Ben Turbeville made a motion to accept the minutes as presented with a second by Jerry Dietz. Motion carried by the following votes: Ayes: Boone, Canaday, Turbeville, Hawkins, Rigler and Dietz. Nays: None. Absent: Wright.

The **third item of business** on the agenda was a request from Ronnie Herr asking for an 8' 7 1/2" variance from the required height restriction on signs within the I-35 Corridor, which is 22' on his property located at 415 N. Interstate 35. The sign would contain 130 square feet in area, with the maximum allowed, according to the I-35 Development Standards, being 150 square feet. Mr. Herr explained that the present Gulf sign is to be replaced by a Chevron sign.

Mr. Hawkins explained to Mr. Herr that the I-35 Corridor Development Standards Ordinance had recently been passed by the City Council, and in that ordinance, provisions for the regulation of signs were outlined which establishes the criteria for all signs within the Corridor, including Mr. Herr's.

Mr. Hawkins further explained that he felt rather than began setting a precedent to hear requests for variances if the 22' height was not sufficient, he felt the Ordinance should be amended to be in conformance with the regulations of the height of signs in the new Sign Code (Ordinance) which is to have first reading on July 11, 1989; the height restriction in it is 35', and 16' in residential areas.

Mr. Hawkins said the Board had one of two choices; one is to approve the variance of 8' 7 1/2" or disapprove it; also, the matter of sign heights could be referred back to the Planning and Zoning Commission for further study and consideration of changing the I-35 Corridor Ordinance (amending).

Robert Boone explained that this situation is somewhat like the age-old problem of "spot zoning", in that variances are granted as people want remedies to fit their situations, and then a precedent is set

with "spot" variances in an area where restrictive regulations have been adopted.

Because of a time element in erecting Mr. Herr's sign, he stated he would stay with the 22' height if the variance wasn't approved, rather than wait on a recommendation from Planning and Zoning to Council, and then action by Council if they amended the I-35 Corridor Ordinance.

After no further discussion on the matter, a motion was made by Jerry Dietz and seconded by James Canaday to grant the variance for 8' 7 1/2" and also request that Planning and Zoning reevaluate the 22' sign height limit and possibly amend the I-35 Corridor Development Standards Ordinance to include a maximum sign height which conforms with the new Sign Code for the entire City. Motion carried by the following vote: Ayes: Boone, Hawkins, Dietz, Rigler, Turbeville and Canaday. Nays: None. Absent: Wright.

After no further business, the meeting was adjourned at 10:40 a.m.