

| |
|---|
| AGENDA |
| ZONING BOARD OF ADJUSTMENT CITY OF MANSFIELD, TEXAS CITY COUNCIL CHAMBERS WEDNESDAY, FEBRUARY 1, 2017, 6:00 PM |

1. CALL TO ORDER

2. APPROVAL OF LAST MEETING MINUTES

3. PUBLIC HEARINGS:

- A.** ZBA#17-001: Request for variances to Section 7100.D.1 of the Zoning Ordinance to allow an increase in the maximum number of general business signs, to allow a reduction in the required 10' setback for a monument sign from a street right-of-way line, and to allow an increase in the maximum width of the monument signs on property located at 101 E Debbie Lane.

4. ADJOURNMENT OF MEETING

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on **January 26, 2017**, in accordance with Chapter 551 of the Texas Government Code.

Delia Jones, Secretary

- This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817-473-0211 or TDD 1-800-RELAY TX, 1-800-735-2989.

**ZONING BOARD OF ADJUSTMENT
CITY OF MANSFIELD**

January 11, 2017

Chairman Jones called the meeting to order at 6:00 p.m. in the Council Chambers of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code, with the following members present:

Present:

| | |
|-----------------|---------------|
| Kelly Jones | Chairman |
| Robyn Accipiter | Vice-Chairman |
| Ann Smith | Board Member |
| Joe Glover | Board Member |
| Louis Stefanos | Board Member |

Absent:

| | |
|-------------|--------------|
| Don Michael | Board Member |
|-------------|--------------|

Staff:

| | |
|-------------|-----------|
| Art Wright | Planner |
| Delia Jones | Secretary |

Approval of Last Meeting Minutes

Board Member Smith made a motion to approve the minutes of the December 7, 2016, meeting. Board Member Glover seconded the motion, which carried by the following vote:

Ayes: 5 – Jones, Accipiter, Smith, Glover and Stefanos

Nays: 0

Abstain: 0

ZBA#16-009: Request for a Special Exception under Section 6300.E.6 of the Zoning Ordinance to allow an accessory building with an area of approximately 665 square feet and a height of approximately 19 feet at 702 Glen Abbey Drive

Michael Wood, representing the applicant, gave a brief presentation and was available to answer questions.

Chairman Jones opened the public hearing.

Seeing no one come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval.

Board Member Glover made a motion to approve the request. Vice-Chairman Accipiter seconded the motion, which carried by the following vote:

Ayes: 5 – Jones, Accipiter, Smith, Glover and Stefanos

Nays: 0

Abstain: 0

ZBA#16-010: Request for a Special Exception under Section 6300.E.6 of the Zoning Ordinance to allow a playhouse with an area of approximately 119 square feet and a height of approximately 14 feet, 10 inches at 2314 Chaparral Trail

Bert Sloan, representing the applicant, gave a brief presentation, distributed additional photographs and was available to answer questions. Marissa LaCour, the applicant, was also available to answer questions.

Chairman Jones opened the public hearing.

Doug Thompson, property owner directly behind the subject property, distributed pictures from his backyard and stated that the playhouse affects his privacy and it should have been constructed according to city codes.

Rebuttal: Mr. Sloan stated that there is no balcony, no windows on the back of the structure and he would be willing to add trees to screen the playhouse. Ms. LaCour added that due to the elevation of both homes, from her back yard she can see into the Thompson's backyard. Board Member Stefanos asked how and when she was made aware there was a problem. Ms. LaCour stated that Code Enforcement made them aware that it was not in compliance shortly after it was built in November 2016.

Seeing no one else come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval.

Board Member Glover made a motion to approve the request as presented with the condition that a minimum of two trees must be planted between the playhouse and the rear property line. Vice-Chairman Accipiter seconded the motion, which carried by the following vote:

Ayes: 4 – Jones, Accipiter, Smith and Glover

Nays: 1 – Stefanos

Abstain: 0

Adjournment

With no further business Chairman Jones adjourned the meeting at 6:25 p.m.

Kelly Jones, Chairman

ATTEST:

Delia Jones, Secretary

ZBA COMMUNICATION

Agenda Date: February 1, 2017

Case Number: ZBA#17-001

Applicant: Travis Bousquet

Subject Land Use: RaceTrac Gas Station

Zoning: C-2

Request: Variances to allow:

1. an increase in the maximum number of general business signs;
2. a reduction in the required setback for monument signs; and
3. an increase in the maximum width of monument signs.

Zoning Ordinance Reference: 7100.D.1

Location: 101 E. Debbie Lane

STAFF COMMENTS

RaceTrac Petroleum is seeking the following variances for a new gas station:

1. For the subject property, a corner lot with two street frontages, Section 7100.D.1 allows a total of three General Business Signs, either: a) 1 monument sign and 2 wall signs; or b) 2 monument signs and 1 wall sign. The applicant is proposing 2 monuments signs plus 2 wall signs.

The applicant also requested a variance to allow two banners on the building walls. Banners are in a land use category defined as “Temporary Signs,” which are expressly prohibited by Section 7100.L.3 to be used as permanent signage. As a use variance involving a prohibited use, the request is not within the Board’s authority to grant (per Section 8400.F of the Zoning Ordinance).

2. Section 7100.D.1 imposes a minimum 10-foot setback from a monument sign to the property lines along E. Debbie Lane and U.S. 287. The applicant is seeking to reduce the minimum required setback to 5 feet.
3. The monument sign exhibits submitted with the application show a sign width beyond the maximum allowable width of 10 feet. However, no variance request for sign width was mentioned in the application or the letter of request.

This is the second application for sign variances made by RaceTrac for this location. In April 2012, RaceTrac’s representative requested the following variances:

1. to allow an additional wall sign; and

2. to allow a setback reduction of five feet for a monument sign.

At the April 4, 2012, meeting, the Board voted to deny the requests as shown in the attached minutes. There were fewer variances requested in 2012 than in the present application.

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 8400 of the Zoning Ordinance, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and
- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done.

Note: If granted, the variances will apply to the land, not to the applicant.

Attachments:

Maps and supporting information

Letter from property owner

Site Plan and exhibits

Provisions of Section 7100

Minutes of the April 4, 2012, ZBA meeting



January 3, 2016
City of Mansfield
Planning and Zoning Department
1200 East Broad Street
Mansfield, TX 76063

Planning and Zoning Department,

RaceTrac Petroleum is proposing to construct a new facility on property located at 101 East Debbie Lane (the "Property"). In conjunction therewith, RaceTrac respectfully requests the review and approval of certain sign variances to allow a total of six signs on the Property, as well as a reduction of the current sign setback requirement from 15 feet to 5 feet. The proposed signage will include two monument price signs, identification signs above both building entrances, and two encased marketing banners.

The Property is located at the intersection of two major high-volume roads: East Debbie Lane and Highway 287. As a result, monument signs along both frontages are warranted and the locations of these monument price signs, as well as the reduction of the current sign setback from 15 feet to 5 feet, will allow greater visibility to guests traveling along each road.

The building entrance identification signs will be placed directly above the two entrances to the store. The main, front entrance will face East Debbie Lane, and the second, side entrance will face Highway 287. These signs are the familiar, parallelogram-inspired RaceTrac logo that will allow guests to more easily identify the store.

The two marketing banners will be neatly framed by encasements that match the rest of the building's aesthetic façade. One marketing banner will accompany each identification sign on the respective wall faces. These banners are critical to RaceTrac's marketing and advertisement strategies, and will be used to allow patrons to have a better understanding of the products and services offered in the store.

Currently, the Code only allows a total of three signs on the Property. The requested sign variances will be for an additional three signs, as described above, and a reduction of the current sign setback. RaceTrac truly believes that these variances will work to both improve the experience of our guests, while also positively serving the public interest by creating a convenience store that will add greater value to the local community.

Kind Regards,

Andrew Malzer
Engineering Analyst – DFW Area

| | |
|--------------|-----------------------------|
| DRAWN BY | 8.02 L |
| DATE | 12 oct 2006 |
| SCALE | $1'' = 200'$ |
| DRAWING NAME | |
| PROJECT | Manure, 14 1/2 ft. x 14 ft. |

A vertical graphic scale bar labeled "GRAPHIC SCALE IN FEET". The bar is divided into segments of alternating white and hatched patterns. Numerical markings are placed to the left of the bar at intervals of 20 feet, starting from 20 at the top and ending at 80 at the bottom. The segments represent 10-foot intervals.

CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

PROPOSED MONUMENT SIGN

50 SqFt Price Sign - 16" LED (N2)

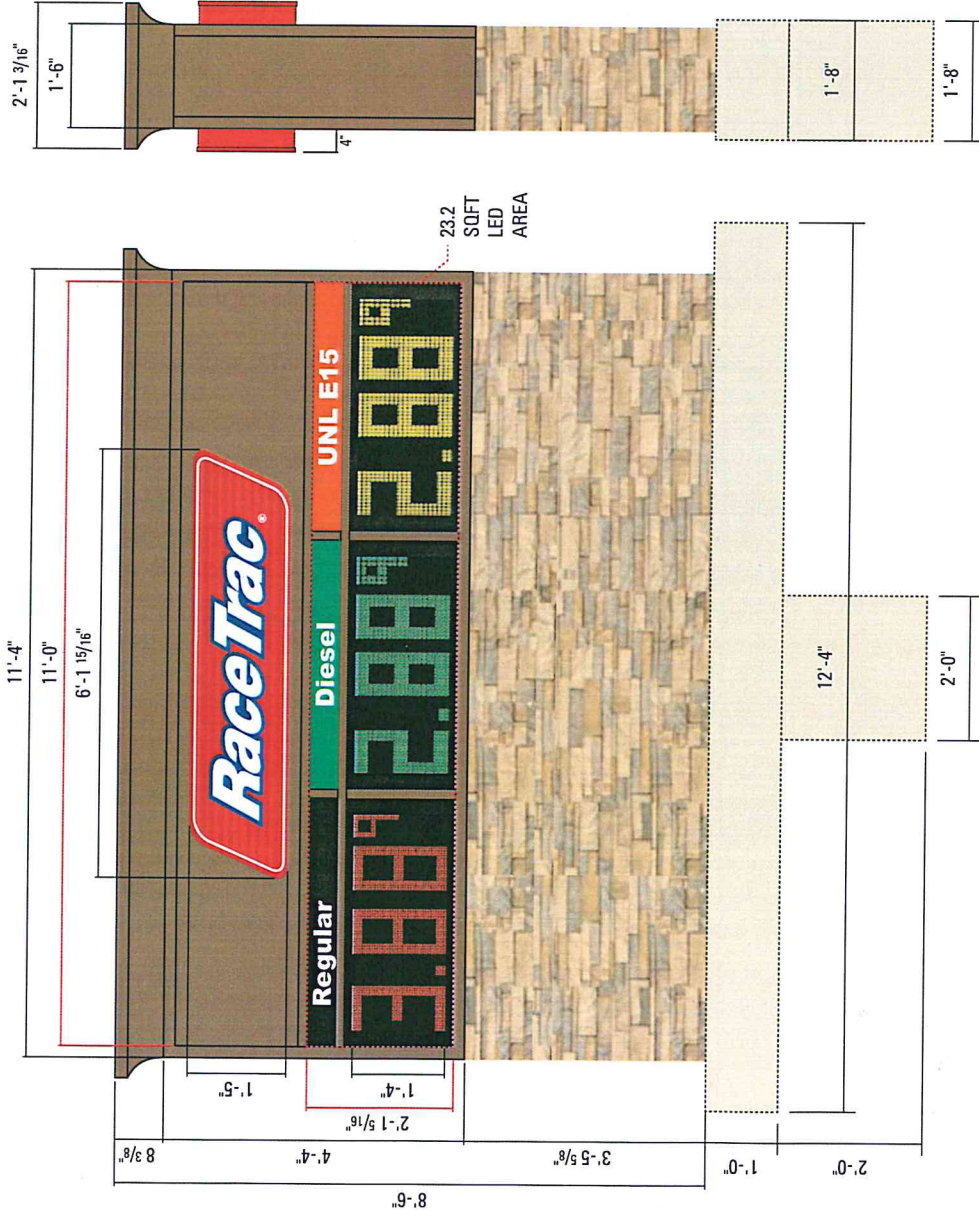
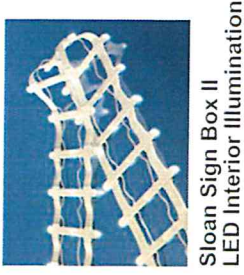
*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

STAMPED, SEALED ENGINEERING REQUIRED

FOUNDATION INFORMATION PROVIDED BY RACETRAC. MANUFACTURER RESPONSIBLE FOR HAVING A LICENSED ENGINEER VALIDATE FOUNDATION DESIGN PRIOR TO INSTALL

DOUBLE FACED

QUANTITY 1



Specifications:

Sign Faces:

- Logo panel: Aluminum panel painted Akzo Sign 31356-Bronze with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Akzo Nobel #SIGN91780.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- UNL E15 Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied Oracal 8500-323 Coral Red "E85" white text color.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding painted Akzo Sign 31356-Bronze.

Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted Akzo Sign 31356-Bronze.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.



Store No. 2322
NEC Debbie Road & US Hwy 287, Mansfield, TX

See Color Schedule on Page 2

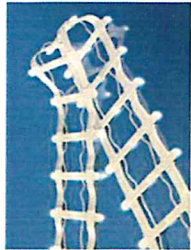
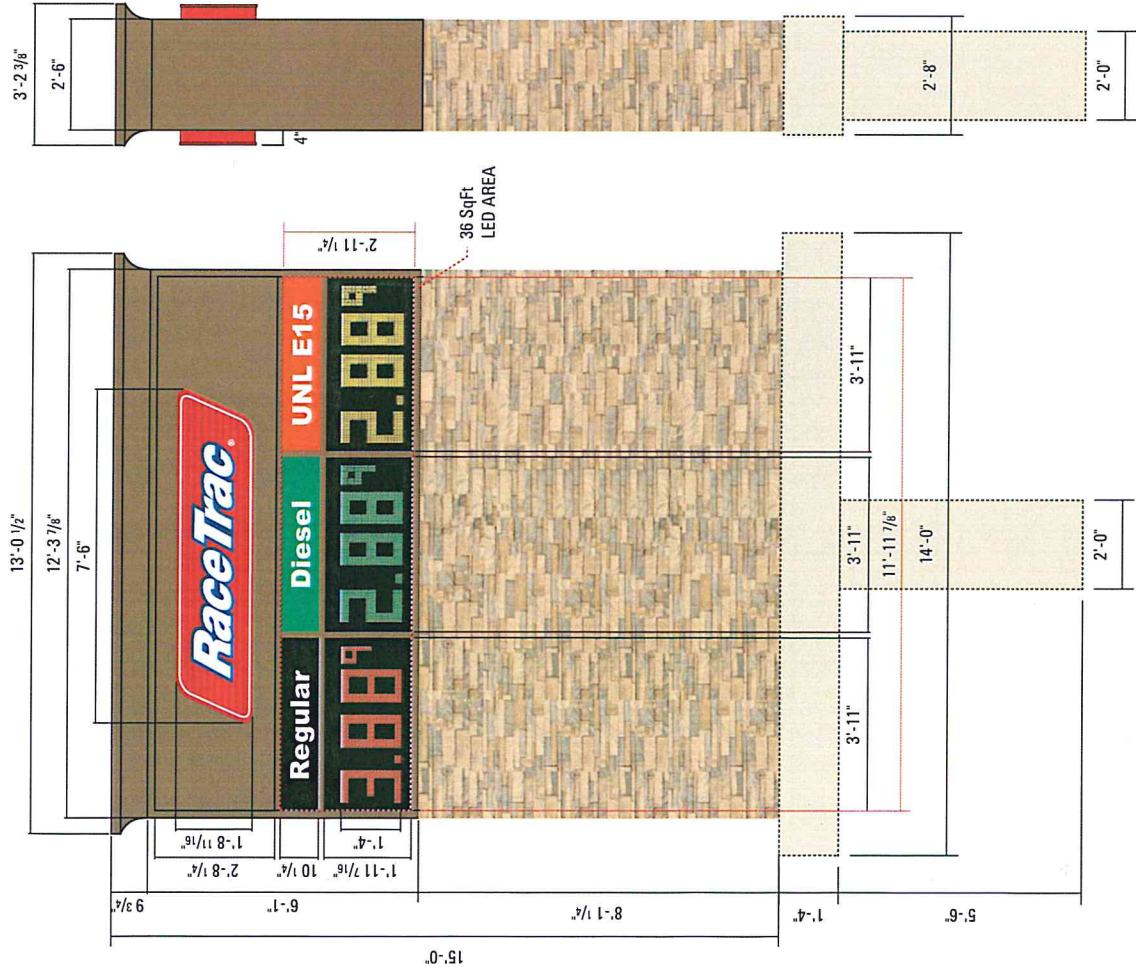
GENERAL NOTE: ALL WORK SHALL BE IN COMPLIANCE WITH RECOGNIZED INDUSTRY STANDARDS. MANUFACTURER'S RECOMMENDATIONS AND ALL APPLICABLE STATE AND LOCAL CODES. NO SUBSTITUTIONS ALLOWED.

75 SqFt Price Sign with Swirl World - 16" LED (N1)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.

STAMPED, SEALED ENGINEERING REQUIRED

FOUNDATION INFORMATION PROVIDED BY RACETRAC. MANUFACTURER RESPONSIBLE FOR HAVING A LICENSED ENGINEER VALIDATE FOUNDATION DESIGN PRIOR TO INSTALL
DOUBLE FACED
QUANTITY 1



Sloan Sign Box II
LED Interior Illumination

Specifications:

Sign Faces:

- Logo panel: Aluminum panel painted Akzo Sign 31356-Bronze with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Akzo Nobel #SIGN91780.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- UNL E15 Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied Oracal 8500-323 Coral Red "E85" white text color.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding painted Akzo Sign 31356-Bronze.

Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted Akzo Sign 31356-Bronze.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.

External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

TABLE 7100D SCHEDULE OF SIGN STANDARDS

1) PERMANENT SIGNS

| TYPE OF SIGN | ZONING DISTRICT * WHERE PERMITTED | SIGN CLASSIFICATION PERMITTED | MAXIMUM AREA IN SQUARE FEET | MAXIMUM HEIGHT IN FEET | MAXIMUM WIDTH IN FEET | MINIMUM SETBACK FROM STREET RIGHT- OF-WAY LINE IN FEET** | MINIMUM SETBACK FROM SIDE OR REAR PROPERTY LINE IN FEET** | MAXIMUM QUANTITY/ ONE PER STREET FRONTAGE PLUS ONE WALL SIGN ON THE PRINCIPAL BUILDING | LIGHTING | FLASHING | MOTION | ADDITIONAL REGULATIONS |
|---|--------------------------------------|----------------------------------|--------------------------------|---------------------------|--------------------------|--|--|---|----------|----------|--------|--|
| INSTITUTIONAL | ALL DISTRICTS | M, W | 50 | 10 | 10 | 10 | 15 | ONE PER STREET FRONTAGE PLUS ONE WALL SIGN ON THE PRINCIPAL BUILDING | YES | NO | NO | SEE NOTES (2) (6) (7) (10) & (11) |
| APARTMENT NAME | MF-1, MF-2 | M, W | 50 | 10 | 10 | 10 | 15 | ONE PER STREET FRONTAGE PLUS ONE WALL SIGN ON THE PRINCIPAL BUILDING | YES | NO | NO | SEE NOTES (2) (3) (4) (7) (10) & (11) |
| NAME PLATE | ALL DISTRICTS | P, W | 2 | N/A | NONE | N/A | N/A | NONE | NO | NO | NO | SEE NOTE (6) |
| GENERAL BUSINESS | C-1, C-2, C-3, C-4, I-1, I-2 | W | NONE | N/A | SEE NOTE (1) | N/A | N/A | ONE PER STREET FRONTAGE PER INDIVIDUALLY OWNED LOT OR TRACT PLUS ONE WALL SIGN PER TENANT WHO OCCUPIES SUCH LOT OR TRACT | YES | NO | YES | SEE SECTION 7100E |
| ADVERTISING | C-3, I-1, I-2 | P, G | 600 | 40 | NONE | 10 | 15 | SEE SECTION 7100F | YES | NO | YES | SEE NOTES (7) (10) & (11) |
| AGRICULTURAL | A | M, W | 32 | 10 | 10 | 10 | 15 | ONE PER STREET FRONTAGE | NO | NO | NO | SEE NOTE (5) |
| SUBDIVISION | ALL DISTRICTS | M, W | 32 | 6 | 10 | N/A | N/A | ONE SIGN PER STREET ENTRANCE TO THE SUBDIVISION | NO | NO | NO | SEE NOTE (10) |
| DIRECTORY | OP | M, W | 32 | 6 | 10 | 10 | 15 | ONE PER STREET FRONTAGE | YES | NO | NO | SEE NOTES (6) & (10) |
| WINDOW | ALL NON- RESIDENTIAL DISTRICTS | N/A | SEE NOTE (12) | N/A | N/A | N/A | N/A | N/A | YES | NO | NO | SEE NOTES (10) & (11) |
| ELECTRONIC MESSAGE CENTER/READER BOARD SIGN | C-2, C-3, I-1, I-2 | M | | | | | | | | | | TEMPORARY |
| LIMITED TO 50% OF THE SIGN AREA | | | | | | | | | | | | SEE NOTES (8) (9) (10) & (11) |
| <p>NOTES:</p> <p>(1) Width not to exceed 75% of building or store front.</p> <p>(2) Permitted on face of fence or wall in required front setback.</p> <p>(3) For building identification only.</p> <p>(4) Not applicable to rental single-family or two-family dwellings.</p> <p>(5) Specific use permit required.</p> <p>(6) Signs permitted in residential districts are also permitted in the PR district.</p> <p>(7) On lots with direct frontage along U.S. 287 and S.H. 360 monument signs may have a maximum height of 15 feet and a maximum sign area of 75 square feet. The sign must be located along the highway frontage of the lot.</p> <p>(8) Electronic Message Centers/Reader Boards may be used by institutional uses in any zoning district.</p> <p>(9) Signs for theaters advertising current and coming attractions shall be exempt from the percentage restriction on Electronic Message Center and Reader Board signs.</p> <p>(10) See section 7100.13 for further regulations on monument signs.</p> <p>(11) No freestanding sign may be located within 400 feet of another freestanding sign on the same lot or tract, measured along the street right-of-way lines.</p> <p>(12) The total sign area of window sign(s) shall not obscure more than twenty-five (25) percent of the total window area on each façade. Doors shall not contain signage for any message other than business name, hours of operation and payment method, and such signage shall not exceed four (4) square feet in total area.</p> <p>**Where the width of an easement is greater than the required setback, the sign must be located outside of the easement.</p> | | | | | | | | | | | | <p>LEGEND:</p> <p>M – MONUMENT SIGN</p> <p>P – POLE SIGN</p> <p>W – WALL SIGN</p> <p>G – GROUND SIGN</p> <p>PR – PROJECTION SIGN</p> |

3. Any search lights, bullhorns, pendants, spinners, balloons, banners, streamers, flags or other wind signs, any string lights or strip lighting except as permitted uses under the provisions of Section 7100.
 4. Any portable sign, or directional sign which is not included under the types of signs permitted in Section 7100.D through Section 7100.J. (*Ordinance No. 1453, Adopted 10/13/03*)
 5. Any signs, advertisement, poster, placard or handbill upon any lamp post, electric light, railway, telephone or telegraph pole, fire hydrant, shade tree, stone cliff or other natural object, or boxing covering public utilities, or on any bridge, pavement, sidewalk or crosswalk.
 6. Any sign, advertisement, poster or other matter on privately or publicly owned property without having obtained the written permission of the owner, agents, or occupants of the premises, and without having complied with other provisions of this Ordinance pertaining thereto.
 7. Any sign or sign structure which constitutes a hazard to public safety or health.
 8. Any sign which obstructs free ingress or egress from a fire escape, door window or other required exit way.
 9. Any sign which interferes with any opening required for ventilation.
 10. Any sign which makes use of words such as stop, look, one way, danger, yield or any other similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse the vehicular traffic.
 11. Any structure or part thereof, or any device or representation attached to, painted on, or represented on a building, fence, pole or other structure, which is used as or in the nature of an announcement, direction, advertisement, or other attention getting purposes, and which is not originally designed or intended to be a sign.
 12. Any wall sign except a name plate sign, on the rear façade of a building or on any façade that is parallel or nearly parallel to the front façade of a building. For the purpose of this provision, a front façade shall be defined as the face on which a business, tenant or occupant has the main entrance. (*Ordinance No. 1482, Adopted 4/26/04*)
- M. Continuation and Discontinuation of Nonconforming Signs:** All non-conforming permanent signs, legally existing on the effective date of this Ordinance, may continue to exist, provided that no non-conforming sign:
1. shall be changed to another Nonconforming sign.
 2. shall be structurally altered so as to prolong the life of the sign or so as to significantly and materially change the shape, size, type or design of the sign. (*Ord No. 1479, 4/12/04*)
 3. shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the reproduction cost.

- F. **Use Variance Prohibited.** No variance shall be granted to permit a use in a zoning district in which that use is prohibited, or a use which is explicitly prohibited by this ordinance.
- G. **Additional Conditions.** The Board is empowered to impose upon any variance any condition reasonably necessary to protect the public interest and community welfare.
- H. **Revocation or Modification.** A variance or special exception may be revoked or modified for any of the following reasons:
1. That the variance or special exception was obtained or extended by fraud or deception.
 2. That one or more of the conditions imposed by the Board in granting such variance or special exception has not been complied with or has been violated.
 3. That the variance or special exception although granted in accordance with all requirements hereof, has caused a nuisance or is otherwise detrimental to public health, safety and welfare.

An action to revoke or modify a previously granted variance or special exception may be initiated by order of the Board, or the person who obtained the variance or special exception.

The Board of Adjustments shall hear a request for the revocation or modification of a variance or special exception in accordance with the same notification and hearing procedures established for the original variances or special exception.

- I. **Notification and Public Hearing Process.** Any request for an appeal, variance or special exception shall require a public hearing before the Board. Notice of said public hearing shall be published at least one time in a newspaper of the City of Mansfield, at least ten (10) days prior to the date of the hearing. A written notice of the hearing shall be sent to owners of property situated within two hundred (200) feet of the exterior boundary of the property with respect to which such appeal or variance is requested at least ten (10) days prior to the date of the hearing. It shall be sufficient that such written notice is addressed to the owner appearing on the last approved tax roll of the City and addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll or no address appears thereon, the written notice to such property owner shall not be required. An application fee as set forth in the Mansfield Fee Schedule Ordinance shall be paid to the City in advance of the hearing except as indicated in Section 6300 of this Ordinance. No refund shall be made under any circumstances except in the event the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.
- J. **Action of the Board.** The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.
- K. **Appeal from Decision of Board.** Any person aggrieved by any decision of the Board of Adjustment, or any officer, department or other board or commission of the City of the City Council, may appeal the decision or action of the Board of Adjustments by filing a petition for same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the

Seeing no one come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval of the Special Exception.

Board Member Glover made a motion to approve the request. Vice-Chairman Smith seconded the motion, which carried by the following vote:

Ayes: 5 – Jones, Smith, Accipiter, Sterling and Glover
Nays: 0
Abstain: 0

ZBA#12-004: Request for variance to Section 7100.D.1 of the Zoning Ordinance so as to allow a monument sign exceeding 10 feet in height at 2840 FM 157.

Rick Sutton, representing Starlite Signs, gave a brief overview of the request and was available to answer questions.

Chairman Jones opened the public hearing.

Butch Jones, representing Great Lakes Center, spoke in support of the request.

Seeing no one else come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval of the variance.

Vice-Chairman Smith made a motion to deny the request. Board Member Sterling seconded the motion, which carried by the following vote:

Ayes: 4 – Jones, Smith, Accipiter and Sterling
Nays: 1 – Glover
Abstain: 0

ZBA#12-008: Request for variance to Section 7100.D.1 of the Zoning Ordinance so as to allow a monument sign exceeding 50 square feet of signage area at 2840 FM 157.

Rick Sutton, representing Starlite Signs, was available to answer questions.

Chairman Jones opened the public hearing.

Seeing no one come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval of the variance.

Vice-Chairman Smith made a motion to deny the request. Board Member Accipiter seconded the motion, which carried by the following vote:

Ayes: 5 – Jones, Smith, Accipiter, Sterling and Glover
Nays: 0
Abstain: 0

ZBA#12-005: Request for variance to Section 7100.D.1 of the Zoning Ordinance so as to allow an additional wall sign at 101 E. Debbie Lane.

Dallas Cothrum, representing the applicant, gave a brief overview of the request and was available to answer questions.

Chairman Jones opened the public hearing.

Paul Henderschedt spoke in opposition to the request noting his current issues with lighting and noise. He stated that with the addition of Racetrac, his property will be further impacted by these issues as well as the loss of the trees behind his property.

Rebuttal: Mr. Cothrum stated that the trees on the north and east side of the property will not be removed and Racetrac will be adding additional trees. He added that Racetrac will also comply with all lighting restrictions. Mr. Cothrum also noted that lack of signage on the west side and two street frontages affects the ability to draw consumers to the business.

Cross-examine: Mr. Henderschedt stated that there will be too much lighting and nothing to protect residential from commercial.

Seeing no one else come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval of the variance.

Board Member Glover stated that the highway appears to be the hardship in this case.

Vice-Chairman Smith made a motion to deny the request. Board Member Accipiter seconded the motion, which carried by the following vote:

Ayes: 4 – Jones, Smith, Accipiter and Sterling

Nays: 1 – Glover

Abstain: 0

ZBA#12-006: Request for variance to Section 7100.D.1 of the Zoning Ordinance so as to allow a setback reduction of five feet for a monument sign at 101 E. Debbie Lane.

Dallas Cothrum, representing the applicant, gave a brief overview of the request and was available to answer questions.

Chairman Jones opened the public hearing.

Paul Henderschedt spoke in opposition to the request noting the negative impact for his neighborhood.

Rebuttal: Mr. Cothrum stated that the new business will create approximately 60 new jobs and sales tax revenue. He also noted the right-of-way dedication by Racetrac as well as landscape requirements that will be adhered to.

Seeing no one else come forward to speak, Chairman Jones closed the public hearing.

Chairman Jones read the criteria for approval of the variance.

Board Member Glover made a motion to approve the request. The motion died for lack of a second

Vice-Chairman Smith made a motion to deny the request. Board Member Accipiter seconded the motion, which carried by the following vote:

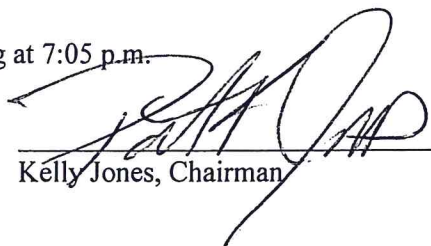
Ayes: 5 – Jones, Smith, Accipiter, Sterling and Glover

Nays: 0

Abstain: 0

Adjournment

With no further business Chairman Jones adjourned the meeting at 7:05 p.m.



Kelly Jones, Chairman

ATTEST:



Delia Jones, Secretary