CITY OF HUNTSVILLE, TEXAS

Jack Olsta, Chair

John Bradley
Matt Hannes, Vice Chair
Christina Felder

Dan Phillips
Joe E. Kirk
Nate Grigsby

ZONING BOARD OF ADJUSTMENT AGENDA

FRIDAY, JUNE 25, 2010, 12:00 NOON
CONFERENCE ROOM
HUNTSVILLE CITY HALL, 1212 AVENUE M

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Division, at 936-294-5782 two working days prior to the meeting so that appropriate arrangements can be made.

REGULAR SESSION [12:00PM]

1. **CALL TO ORDER**

2. **PUBLIC HEARING** for the variance request by J. David Tinsley, applicant, for a request to demolish and replace off-premise sign(s) at 188 and/or 210 Interstate 45 South.

3. **CONSIDER** the variance request by J. David Tinsley, applicant, for a request to demolish and replace off-premise sign(s) at 188 and/or 210 Interstate 45 South.

4. **CONSIDER** the minutes from the meeting of May 21, 2010.

5. **UPDATE** on the revision to Chapter 2 of the Huntsville Horizon Comprehensive Plan.

6. **ADJOURNMENT**

If, during the course of the meeting and discussion of any items covered by this notice, the Zoning Board of Adjustment determines that a Closed or Executive session of the Commission is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Sections: 551.071 – consultation with counsel on legal matters; 551.072 – deliberation regarding purchase, exchange, lease or value of real property; 551.073 – deliberation regarding a prospective gift; 551.074 – personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; 551.076 – implementation of security personnel or devices; 551.087 – deliberation regarding economic development negotiation; and/or other matters as authorized under the Texas Government Code.

If a Closed or Executive session is held in accordance with the Texas Government Code as set out above, the Zoning Board of Adjustment will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATE

I, Lee Woodward, City Secretary, do hereby certify that a copy of the June 25, 2010 Zoning Board of Adjustment Agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, in compliance with Chapter 551, Texas Government Code.

DATE OF POSTING: 6/15/10

TIME OF POSTING: 12:45 pm

DATE REMOVED: _____

Lee Woodward, City Secretary

ZONING BOARD OF ADJUSTMENT
AGENDA ITEM DISCUSSION FORM

Prepared by:	Rose Kader Planner	Aron Kulhavy, A.I.C.P. City Planner/Director of Public Works	Mike Roempke Chief Building Official

MEETING DATE: June 25, 2010 TYPE OF REVIEW: Off-premise sign variance

SUBJECT: 188 and/or 210 Interstate 45 South REQUESTED BY: J. David Tinsley

FACTS, CODE REQUIREMENTS AND CONDITIONS:

The applicant has indicated to staff the need to remove two existing billboards that he leases out. He reported to staff that they have become ineffective and obsolete. The signs are located at 188 and 210 Interstate 45 South (east feeder road between 19th and 22nd Streets) on undeveloped land. Staff understands the applicant's intention is to replace both signs for one modern, unobtrusive mono pole sign on the same property as the sign currently located at 210 I-45. However, the new sign will be placed at the southern end of the property instead of its current location for better Interstate visibility with the completion of the new exit ramp and so that the view of Stewart's Garden Center would no longer be blocked.

The applicant has indicated that he wishes to erect a billboard of just less than 700 square feet at an unknown height. The code allows for a maximum square footage of 450 square feet and a height of 42 ½ feet.

The signs are currently grandfathered; consequently, if removed, the new sign will not meet the standards of the Development Code. The applicant is therefore requesting a variance for allowance of an off-premise sign.

Section 206.1 of the City of Huntsville's *Development Code* indicates that:

> *"If…a developer or owner makes alterations or repairs costing over fifty (50) percent of the then physical value of the sign structure to an existing sign structure, then the developer or owner shall make that conform to the requirements of this Code…"*

Section 1101.1 (2) of the City of Huntsville's *Development Code* indicates that:

> *"Off-premise sign" shall mean any sign advertising the business, person, or activity, goods, products or services not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises for business purposes.*
>
> Both of these signs are off-premise signs. The advertisement on the sign located at 188 is for the Grand Buffet and the sign at 210 is for Ernst Jewelers.

Section 1106.1(3) of the City of Huntsville's *Development Code* indicates that:

> *No off-premise sign may be erected within five hundred (500) feet of any structure in which one or more human beings resides or which is designed for human habituation;*

provided, however, that this prohibition shall not apply to hotels, motels, or recreational vehicle parks which provide overnight accommodations only.

Within 500 feet of the sign locations there are residential structures. For the sign located at 210 some of the residential structures are in the Neighborhood Conservation District.

Section 1106.1(4)(a) of the City of Huntsville's *Development Code* indicates that:

No off-premise sign having a face area up to three hundred (300) square feet shall be located within five hundred (500) feet of another off-premise sign or on-premise sign on the same side of the public right-of-way.

Both signs are currently located within 500 feet of other on-premise signs. The new sign placement at the southern end of the property will also be located within 500 feet of other on-premise signs.

In order to grant this request, the *Development Code* states (Section 104.3.3) that all of the following criteria must be met (*staff comments in regards to each criterion follow in italics*):

(a) Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings.

Staff finds the only special condition or circumstance would be that the existing signs are grandfathered.

(b) The special conditions and circumstances do not result from the actions of the applicant, nor could the condition or circumstances be corrected or avoided by the applicant.

This statement is true. The signs became grandfathered upon adoption of the Development Code. Staff would also point out that there have been two changes to the east feeder road: one-way, northbound traffic and changes to the entrance and exit ramps; however, this affects all businesses for the majority of Interstate 45 in the core of the city limits.

(c) The relief granted is the minimum degree of relief necessary to make possible the reasonable use of the land, building, or structure according to all other applicable regulations.

With both signs being replaced with one sign, the visual clutter along I-45 will be reduced. The applicant will also have to meet the sign standards set forth in the Development Code for off-premise signs.

(d) Literal interpretation of the provisions of the Code would deprive the applicant of rights commonly enjoyed by other properties under the terms of this Code and would work unnecessary and undue hardship on the applicant.

A literal interpretation of the Code would not deprive the applicant rights commonly enjoyed by other property owners. Placing any off-premise sign in this location or any other location would result in the same sign standards.

(e) The grant of the relief will not violate the general intent and purpose of this Code nor policies of the Comprehensive Plan.

The general intent of the Development Code is for the health, safety, and general welfare of the existing and future residents of the City. Whereas staff considers the signs to be in a deteriorating condition, the removal and/or replacement of the sign(s) would increase the safety to surrounding structures and people.

At the time the application was received, the Comprehensive Plan did not address signs along major corridors; however, the Plan as adopted on June 15, 2010, which was revised from the original 2007 Plan, does address the need to "focus particular attention on more effective management of development, quality, impacts, and aesthetics along Huntsville's major roadway corridors…the type, size and number and placement of signs" (Chapter 2, Goal 2.2.9.).

(f) The grant of relief will not create unsafe conditions nor other detriments to the public welfare beyond the effects of development otherwise allowed.

If the relief is granted the developer would be creating a safer environment for those in close proximately to the sign(s). However, the Development Code, Section 1102.1 Sign Maintenance and Removal describes that the property owner is to maintain the sign and if it becomes unsafe, must be corrected in conformity with the provisions of this Code (See Section 1102.2 Unsafe signs and Section 206.1 Permit required).

STAFF RECOMMENDATION:

Because the request does not meet ALL of the criteria of the *Development Code* as described above, staff recommends denial of this request. Should the board consider approving the variance, it is strongly recommended that a condition be placed that the two existing billboards be removed.

ATTACHMENTS:

- Variance Request from applicant
- Vicinity Map from staff
- Pictures of current signs from staff
- Email from applicant
- Pictures from applicant

Applicant Name

J. David Tinsley

Questions

Please answer the following questions. Attach a separate sheet if additional space is needed.

1. What special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings?

   To Close - THIS PROJECT IS GRANDFATHERED - New ORDIANCE RENDERS THIS SIGN unacceptable for A SIGN PERMIT without A VARIANCE

2. Are the special conditions and circumstances a result from the actions of the applicant, or could the condition or circumstances be corrected or avoided by the applicant?

   NO - City CHANGED RULES - NOTHING I COULD HAVE DONE -

3. Is the relief, if granted, the minimum degree of relief necessary to make possible the reasonable use of the land, building, or structure according to all the other applicable regulations?

   Yes - without this VARIANCE - THIS SITUATION WILL CONTINUE TO CREATE ECONOMIC HARDSHIP to THIS PROPERTY -

4. Would the literal interpretation of the provisions of the Code deprive the applicant of rights commonly enjoyed by other properties under the terms of this Code and work unnecessary and undue hardship on the applicant?

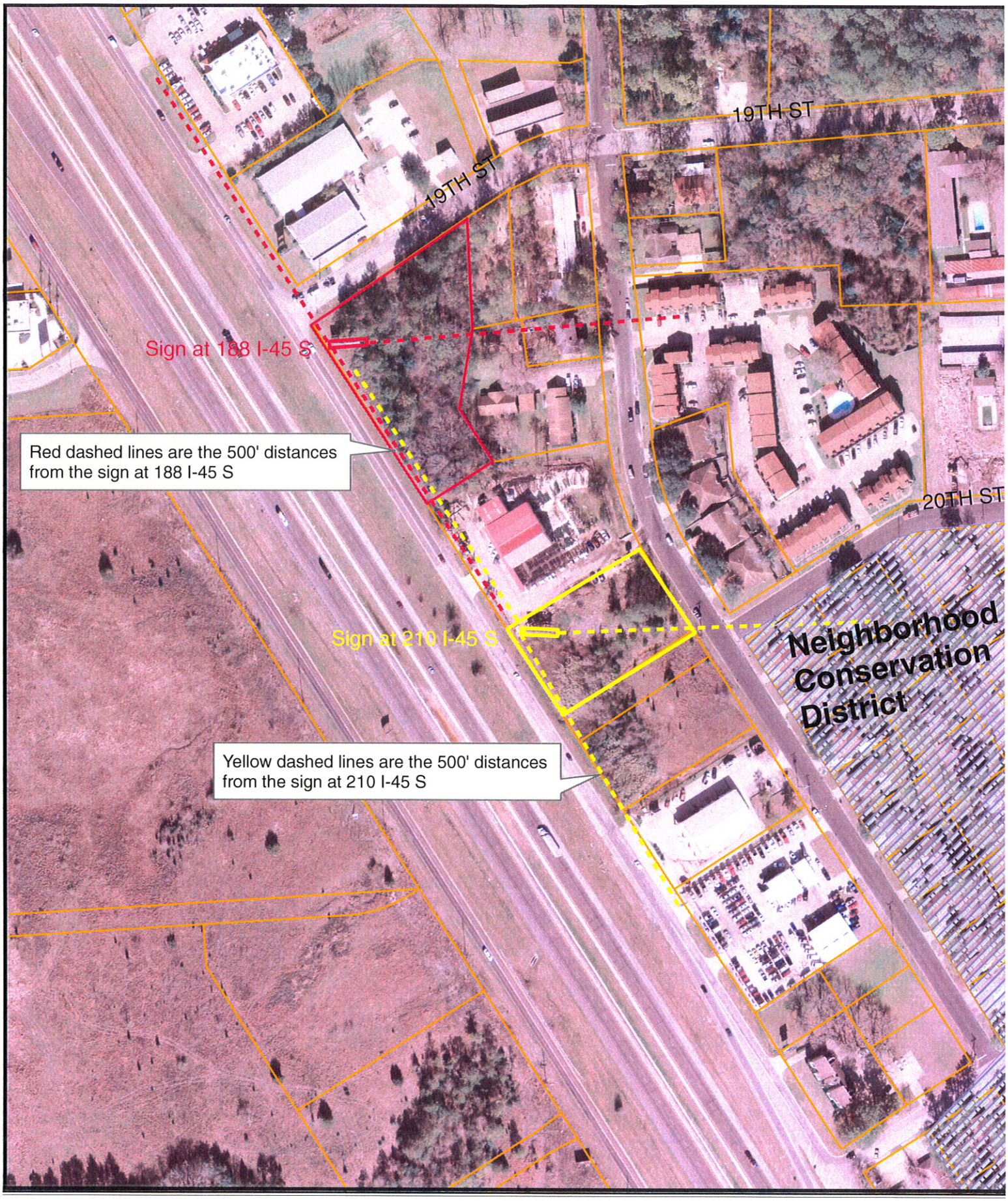
   Yes, because the interstate system HAS RELOCATED ON & OFF RAMPS CREATING A HARDSHIP ON THESE TWO LOCATIONS -
   READABILITY - HIGH - DOUBLE FACE

5. Will the grant of the relief violate the general intent and purpose of this Code or policies of the Comprehensive Plan?

   ASKING FOR RELIEF

6. Will the grant of relief create unsafe conditions or other detriments to the public welfare beyond the effects of development otherwise allowed?

   NO - By HAVING THIS IMPROVEMENT - IT WILL ENHANCE the development of INTERSTATE TRAFFIC ACCESS



* NOTE: These data are to be used for graphical representation only. The accuracy is not to be taken/used as data produced for engineering purposes or by a Registered Professional Land Surveyor for the State of Texas. For this level of detail, supervision and certification of the produced data by a Registered Professional Land Surveyor for the State of Texas would have to be performed. The City of Huntsville assumes no responsibility for the accuracy of said data.

N

1 inch = 200 feet

Tinsley Sign Variance
Meeting Date: June 25, 2010

Tinsley Sign Variance – Sign at 188 I-45 South

Tinsley Sign Variance – Sign at 210 I-45 South

Rose Kader

From: bossbird@lickinchickin.com
Sent: Friday, June 18, 2010 12:31 PM
To: Rose Kader
Cc: Rose Kader
Subject: Billboard Project
Attachments: Billboards.pdf

Rose Kader---no one really likes billboards, but all of us use them and see them, we are trying to improve on the whole situation-- our request is to remove the two existing old out of date boards & replace with one modern unobtrusive mono pole sign giving us a cleaner look for our property to aid in development of the three remaining tracts--the image of only one mono pole billboard will be shown----after looking at this site we only want to place this one double face 14x48'board on the south corner of our property---this placement allows us to reach i-45 travelers southbound & northbound in time for them to exit to shop in huntsville-------i regret my family obligations prevent me from being here, however robert garrett is up to speed on this signage and how it will benifit huntsville merchants and be, as a billboard easier on the eye and enviroment for our neighbors--thank you for your time--attatched is a pdf document that shows the problems and what i want to do--genuinely yours-- david tinsley----

Received from applicant 6-18-2010 RN

①

Picture from 22nd Street

2

I-45 at 19th Street

Blocks Wards Furniture

(4)

STEVEN COFFER
art-hhsign@sbcglobal.net
(254) 752-4741
(254) 752-1801

H & H
SIGN CO., INC.

2611 S. UNIVERSITY PARKS DR.
WACO, TEXAS 76706

P.O. BOX 206
WACO, TEXAS 76703

H & H Sign Co., INC.

P.O. BOX 206
WACO, TEXAS 76703-0206
254-752-4741 FAX 254-752-8211

CLIENT	CLIENT APPROVAL
DATE	SCALE

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WITHOUT WRITTEN APPROVAL OF H & H SIGN CO., INC.

After Removal

5

Blocking Stuarts Nursery

6

Moved South For Better Exit View

MINUTES OF THE MEETING OF THE ZONING BOARD OF ADJUSTMENT HELD IN THE CONFERENCE ROOM, AT CITY HALL, 1212 AVENUE M, HUNTSVILLE, TEXAS ON THE 21 ST DAY OF MAY 2010 AT 12:00 NOON.

Members present: Bradley, Felder, Grigsby, Hannes, Kirk, Phillips
Members absent: Olsta
Staff present: Kader, Kulhavy, Roempke

1. **Call to Order**

   This meeting was called to order by Vice-Chairman Hannes. [12:05PM]

2. **INTRODUCTION of new members.**

   Joe Kirk was introduced to the Board. (This was done after agenda item #7).

3. **PUBLIC HEARING for the variance request by Image Installations, applicant, subject property located at 563 Interstate 45 South, for a request to encroach into the building setback.**

   Steven Morris with Image Installations explained the conditions of the existing canopy that is 12 feet into the building setback. Mr. Morris provided a handout to the Board and explained the location, the proposed design, and how the canopy will protect the gas pumps and their customers by extending the drip line by five (5) feet.

   Dan Philips inquired about lightening strikes and slipping on concrete. Mr. Morris described each hazard and how the electronic pumps are to be protected.

   Tina Felder inquired about the construction of the canopy and if the five (5) feet will be adequate. Mr. Morris explained the issues with the current six inch poles and the new construction design. Mr. Morris added that the request is the minimum to cover the area of danger while respecting the setback regulations and not blocking other businesses. Mr. Morris referred to the packet provided and described how the extension will be approximately 42 feet to the existing pavement.

   Mohammed Karim, property owner, addressed John Bradley's question regarding the expansion of the feeder road and his understanding is no additional lanes will be created.

   Tarek Maalouf – asked Mr. Morris questions regarding safety.

   Nate Grigsby inquired into the detachment of the canopy. Mr. Morris stated that there will be a gap of about three (3) feet between the canopy and the building.

4. **CONSIDER the variance request by Image Installations, applicant, subject property located at 563 Interstate 45 South, for a request to encroach into the building setback.**

   John Bradley stated he saw no issues regarding safety if allowed.

Dan Phililps asked about future plans for infrastructure improvements. City Planner Kulhavy stated that there are no current plans for widening the road and all infrastructures is currently in place.

Tina Felder stated she sees no traffic or line-of site issues to allow for the variance.

John Bradley made a motion to approve the variance. Second was by Tina Felder. The vote was unanimous. (Alternate Nate Grigsby voted in the absence of Jack Olsta.)

5. **PUBLIC HEARING for the variance request the City of Huntsville, applicant, subject property located at 1216 14th Street (Huntsville Public Library), for a request to plat setbacks less than the minimum requirement and allow for an encroachment into the building setbacks.**

City Planner Kulhavy gave an overview of the property and the construction plans for the Huntsville Public Library. He continued explaining that the property will be platted; and, as the existing structure is grandfathered, staff is seeking a variance request, even though not required, to allow for the expansion to encroach the standard setbacks.

Tom Weger, Project Manager, explained the renovation process. He explained how the removal of the Fire Station and the extent to which the Library will be expanded will help eliminate and improve a hazardous intersection.

Charles W. Smither, Jr. stated that he does not have a problem with the variance for 14th Street as long as the new construction does not surpass the limit of the existing structure. However, Mr. Smither disagreed with granting the variance on Avenue M because the city should be meeting and not violating the rules. He voiced his opinion that if others have to suffer with the setback requirement so should the City.

Tarek Maalouf – stated that the setback rules apply to him as a local developer; however, he was in agreement with this variance requests because he thinks the development is a great plus for Huntsville. He point out that setback variances are brought up too often and would ask that the Planning and Zoning Commission revise the setback regulations.

6. **CONSIDER the variance request the City of Huntsville, applicant, subject property located at 1216 14th Street (Huntsville Public Library), for a request to plat setbacks less than the minimum requirement and allow for an encroachment into the building setbacks.**

The Board discussed setback requirements and the need for Planning and Zoning to look into this matter.

Dan Phillips expressed his opinion that this is a reasonable request because even though he was not aware of a sight issue on Avenue M, the visibility on that street will be increased and that there has been a need for a larger library for decades.

John Bradley stated he agreed with Mr. Smither's comments; but, he stated that this allowance would improve the site.

Nate Grigsby inquired into the possibility of rezoning this area as part of the Downtown District.

Vice-Chairman Hannes abstained from voting because of previous involvement. John Bradley stated that Joe Kirk will be a voting in the Vice-Chairman's place as well as alternate Nate Grigsby for absent Jack Olsta.

Tina Felder made a motion to approve the variance. Second was by Dan Phillips. The vote was unanimous. (Matt Hannes abstained).

7. CONSIDER minutes from the meeting of January 29, 2010.

John Bradley made a motion to accept the minutes. Second was by Nate Grigsby. The vote was unanimous. (Alternate Nate Grigsby voted in the absence of Jack Olsta.)

8. ADJOURNMENT

Dan Philips made a motion to adjourn. Second was by Tina Felder. The vote was unanimous. (Alternate Nate Grigsby voted in the absence of Jack Olsta.) [12:55PM]

DRAFT