

CITY OF SULPHUR SPRINGS  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
MEETING MINUTES  
JUNE 20, 2017  
5:30 P.M.

Present: Chairperson Carrie Nuckolls, Vice-Chairman Joel Sheffield, Board Member Matt Johnson, Board Member Kyle Robinson, Board Member Brad Burgin, Alternate Board Member Tony Bassham

Absent: Board Member Kevin Mohl

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Community Dev. Admin. Assistant, Dave Reed, City Engineer

Others: Paul Drake, Chip McEwin, Jeff Elder, Shawn Napier, Gary McLemee, Traci McLemee, Jay Hodge, Michael Stansberry

**CALL MEETING TO ORDER:**

Chairperson Carrie Nuckolls called the Zoning Board of Adjustments and Appeals Meeting to order at 5:30 P.M.

**DISCUSSION/ACTION ON SELECTION OF ZONING BOARD OF ADJUSTMENTS AND APPEALS CHAIRMAN:**

Consider for approval the nomination of Board Member Brad Burgin for Zoning Board of Adjustments and Appeals Chairman. Chairperson Carrie Nuckolls moved to nominate Board Member Brad Burgin. Vice-Chairman Joel Sheffield seconded. Motion carried, all voting aye.

*The meeting was turned over to newly elected Chairman Brad Burgin.*

**DISCUSSION/ACTION ON SELECTION OF ZONING BOARD OF ADJUSTMENTS AND APPEALS VICE-CHAIRMAN:**

Consider for approval the nomination of Board Member Matt Johnson for Vice-Chairman. Vice-Chairman Joel Sheffield moved to nominate Board Member Matt Johnson. Board Member Kyle Robinson seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING MINUTES OF APRIL 18, 2017.**

Consider for approval the Zoning Board of Adjustments and Appeals meeting minutes of April 18, 2017. Vice-Chairman Matt Johnson moved to approve the meeting minutes of April 18, 2017. Board Member Carrie Nuckolls seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST BY JAY HODGE CHEVROLET FOR A VARIANCE TO THE MASONRY WALL FOR PROPERTY LOCATED AT 478 WILDCAT WAY.**

A variance was granted to Jay Hodge Chevrolet back in 2014 to allow a 50ft. vegetated buffer on the north property line of Wildcat Way instead of a masonry wall. Applicant is seeking additional relief on the north property line specifically. They are looking to expand the business to add oil change bays and six bays for automotive repair. The new 6000sf. building will be built behind, but not attached to the current building. Utilities are a concern because they run around the building making the placement of the building difficult. In order to stay out of the 50ft. buffer as well as the flood plain backing the property, they are asking to encroach on the flood plain by 23ft. This request would be a modification to the previously granted variance and would only apply to their proposed property expansion. Board Member Carrie Nuckolls moved to approve the variance request. Board Member Kyle Robinson seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST BY SHANEQUA MOORE FOR A SPECIAL USE PERMIT TO DO EAR PIERCING FOR PROPERTY LOCATED AT 517 MAIN ST.**

Shanequa Moore requested a Special Use Permit to perform ear piercing at 517 Main St. The Board agreed to allow ear piercing by this individual at this single location only. The Special Use Permit is non-transferable. Board Member Joel Sheffield moved to approve the Special Use Permit. Board Member Carrie Nuckolls seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST BY G.N.S. MOTEL INC. FOR A VARIANCE TO THE SIGN ORDINANCE FOR PROPERTY LOCATED AT 1521 SHANNON RD.**

Best Western is in the process of updating their logo. Their current sign is approximately 272 sq. ft. It is considered non-conforming due to the size and setback requirements. They are requesting to reduce the size of their signage by 92 sq. ft. which brings it closer into conformance of City standards. This would cause the sign height to be increased by 8". The pole will stay in its current location. This is a structural modification so a variance must be granted. Staff feels this an acceptable request since the size of the sign will be decreased substantially. Vice-Chairman Matt Johnson moved to approve the variance to the sign ordinance. Board Member Carrie Nuckolls seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST BY TACO BUENO FOR A VARIANCE TO THE SIGN ORDINANCE FOR PROPERTY LOCATED AT 1324 S. BROADWAY.**

**VARIANCE 1** - The first variance is on a freestanding sign at the southeast corner of the property. Based on the Sign Ordinance the freestanding sign is limited to 80 sq. ft., must set back 15' from the property line and a height of 24'. They are asking for a freestanding sign that is 45' tall and 145.75 sq. ft. Staff was unable to identify a unique hardship that would apply to this property to justify a variance. Gary McLemee representing Taco Bueno and Mike Stansberry representing Taco Bell spoke on behalf of this variance. Staff recommends denial based on the fact that the proposed sign would far exceed a reasonable threshold based on the new Sign Ordinance requirements. The request would exceed the height requirements by 87% and 82% above the square footage requirements which exceeds the spirit and intent of the ordinance. Based on the context of this particular location, the height and size of the proposed sign overloads the public's

capacity to receive information by distracting and obstructing driver's vision and interferes with the communications efficiency intent of the ordinance. Board Member Kyle Robinson moved to deny the request. Chairman Brad Burgin seconded. Board Member Joel Sheffield also voted for denial. Vice-Chairman Matt Johnson and Board Member Carrie Nuckolls voted in the affirmative. Motion failed due to lack of a majority vote. In a new motion Vice-Chairman Matt Johnson moved to approve the variance to allow the freestanding sign to be 45'. Board Member Carrie Nuckolls seconded. Chairman Brad Burgin, Board Member Kyle Robinson and Board Member Joel Sheffield voted nay. Motion failed due to lack of a majority vote. **Variance 1** was denied due to a lack of support for the request.

**VARIANCE 2** - The request is to construct 81.5 square feet on the south elevation of the building (right elevation). For this side of the building, the maximum amount of square footage permits 30 square feet per Section 4.102a. The applicant would need a variance of 51.5 square feet for the wall signage on this building face. The variance would exceed the square footage requirement by 171%. Staff recommends approval based on the length of the building and that the proposed signage does not impact the general attractiveness of the area and the signage improves the communications efficiency of the site without overwhelming the number of messages on site. This request would not negatively impact the safety of the area or the environment quality and would allow the site to have a reasonable display of signage for the site. Vice Chairman Matt Johnson moved to approve **Variance 2** in its entirety. Board Member Joel Sheffield seconded. Motion carried all voting aye.

**VARIANCE 3** - The request is to construct 39.5 square feet on the north elevation of the building (left elevation). For this side of the building, the maximum amount of square footage permits 30 square feet per Section 4.102a. The applicant would need a variance of 9.5 square feet for the wall signage on this building face. The variance would exceed the square footage requirement by 31%. Staff recommends approval based on the length of the building and that the proposed signage does not impact the general attractiveness of the area and the signage improves the communications efficiency of the site without overwhelming the number of messages on site. This request would not negatively impact the safety of the area or the environment quality and would allow the site to have a reasonable display of signage for the site. Board Member Joel Sheffield moved to approve **Variance 3** in its entirety. Vice-Chairman Matt Johnson seconded. Motion carried, all voting aye.

**VARIANCE 4** - The sign application indicates a request to construct a menu board that is 36 square feet and is 8 feet in height. Section 4.102k(5)(h) indicates that these types of signs are limited to 36 square feet in area and a maximum height of six feet. The applicant would need variance of 2 feet in height for the menu board. The variance would exceed the height requirement by 33%. Staff believes that the menu board can be altered to fit within the guidelines by being lowered to six feet high and making it wider. Staff recommends denial due to the lack of hardship identified on the site. It appears that there would be ample room to make the menu board lower in height and wider to comply with the ordinance requirements. Board Member Joel Sheffield moved to deny **Variance 4** in its entirety. Board Member Kyle Robinson seconded. Motion to deny carried, all voting aye.

**DISCUSSION/ACTION ON A REQUEST BY LOVE'S TRAVEL STOP FOR A VARIANCE TO THE SIGN ORDINANCE FOR PROPERTY LOCATED AT 1201 S. HILLCREST DR.**

**VARIANCE 1** – Due to FAA regulations the highest the sign can be is 94'. The request is to construct an on premise hi-rise sign that is 94' tall and 944.79 square feet in size. Section 4.102b(1)b (Table 1- pole signs), indicates the maximum height of 40' and 150 square feet in size or up to 200 square feet for multi-use signs. The applicant would need a variance of 54' in height and 744.79 square feet in size. The variance request would exceed the height requirements by 135% and size by 372%.

There is possibly two locations for the freestanding sign. Based on the documents submitted.

Variance 1A - west of the Valero gas station. Acceptable at 381 sq. ft. and 80' in height.

Variance 1B - east of the Valero gas station. Acceptable at 381 sq. ft. and 94' in height.

Alex Fuller, the real estate project manager, spoke on behalf of Love's.

A representative of the Valero spoke on this matter.

Staff would not be in favor of the original sign request of a 944 square foot sign as staff believes that the proposed sign would be contrary to the spirit and intent of the ordinance. However, staff would recommend approval of a sign that is 80 feet in height if the sign is located west of the Valero sign or 94 feet if located east of the Valero sign and that the size is limited to 381 square feet in size based on the fact that there is a physical hardship of the property as well as the use of the property as a truck stop does cause undue hardship as it relates to the location of the overpass and thick vegetation of deciduous trees speed along I-30 that limits visibility at the ordinance requirement of 40 feet in height. The request does present a safety issue as it relates to semi-truck traffic, the height and limited size of the sign provides reasonable and safe visibility for trucks exiting onto the service road to maintain the spirit and intent of the ordinance. Board Member Carrie Nuckolls moved to approve the request of 944.79 sq. ft. and 94' in height. Board Member Carrie Nuckolls amended her motion to approve 724 sq. ft. and 94' in height. If it is built on the west side a minimum 15' to the south and not to obstruct the Valero sign. Board Member Kyle Robinson seconded. Board Member Joel Sheffield and Chairman also voted in the affirmative. Vice-Chairman Matt Johnson voted nay. Motion carried.

**VARIANCE 2** - The request is to construct wall signage on the tire shop that will be an ancillary use to the truck stop in the amount of 118.61 square feet on Elevation 2. Per Section 4.102a, the ordinance allows two square feet of sign area per lineal foot of building fascia length. Alternate signage is allowed on sides of the building not adjacent to the public right-of-way not to exceed one-third of the allowance or 30 square feet, whichever is less. The applicant would need a variance of 88.61 square feet for the alternate signage. The variance request would exceed the area requirements by 295%. Staff recommends approval due to the unique characteristics of the site with multiple uses and structures on site and would not be a detriment from public view in regards to attractiveness. This request would not negatively impact the safety of the area and would allow the site to have a reasonable display of the collective businesses on site.

Board Member Joel Sheffield moved to approve Variance 2 in its entirety. Board Member Carrie Nuckolls seconded. Motion carried, all voting aye.

**VARIANCE 3** - The request is to construct wall signage on the left elevation of the travel stop building in the amount of 70 square feet. Per Section 4.102a, the ordinance allows two square feet of sign area per lineal foot of building fascia length. Alternate signage is allowed on sides of the building not adjacent to the public right-of-way not to exceed one-third of the allowance or 30 square feet, whichever is less. The applicant would need a variance of 40 square feet for the alternate signage. The variance request would exceed the area requirements by 133%. Staff recommends approval due to the unique characteristics of the site with multiple uses and structures on site and would not be a detriment from public view in regards to attractiveness. This request would not negatively impact the safety of the area and would allow the site to have a reasonable display of the collective businesses on site. Board Member Kyle Robinson moved to approve Variance 3 in its entirety. Board Member Carrie Nuckolls seconded. Motion carried, all voting aye.

**VARIANCE 4** - The sign application materials indicate a cat scale sign for weighing semi-truck vehicles and other directional signs that are classified as on-site movement-control-signs. Section 4.102k(5)(q) indicates that these types of signs are limited to four square feet in area and a maximum height of six feet. The applicant would need variances of 12 square feet for three directional signs. The applicant would also need a height variance of 14 feet to permit a 20 foot tall sign and 103.5 square foot variance to the size of the on-site movement-control signs. The variance request would exceed the area requirements by 300% for three on-site directional signs and would exceed the height requirements by 233% and area requirements by 2587% for the cat scale signage. Staff recommends approval due to the unique characteristics of the site with multiple uses and structures on site due to heavy truck traffic and height requirements for weigh stations. This request would not negatively impact the safety and general attractiveness of the area and would allow the site to have a reasonable display and delineation of the collective businesses on site. This is a unique circumstance that is not general or recurrent in nature and would not be contrary to the intent of the ordinance. Vice-Chairman Matt Johnson moved to approve Variance 4 in its entirety. Board Member Carrie Nuckolls seconded. Motion carried, all voting aye.

#### **ANY OTHER BUSINESS**

There was a brief discussion regarding the Taco Bueno freestanding sign.

#### **ADJOURN:**

With no further business the meeting was adjourned at 7:20 P.M.