

CITY OF SULPHUR SPRINGS  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
MEETING MINUTES  
JANUARY 21, 2020  
5:30 P.M.

Present: Chairman Brad Burgin, Board Member Jay Julian, Board Member Kevin Mohl, Alternate Board Member James Litzler

Absent: Vice-Chairman Matt Johnson, Board Member Kyle Robinson

Staff: Tory Niewiadomski, Community Development Director, Jennifer Graham, Admin Asst., Community Development, Jim McLeroy, City Attorney

Others: Lee Teetes, Mary Jane Teetes, Celia Bagwell, James Bagwell, Charles Moore, Faith Huffman, Taylor Nye, Wanda Lair, Myra Grant, Red Cross, Randy Steele, Tracy Steele, Mary Milligan, Kenneth Hanushek, Hosey

**CALL MEETING TO ORDER:**

Chairman Brad Burgin called the Zoning Board of Adjustments and Appeals Meeting to order at 5:35 P.M.

**DISCUSSION/ACTION ON ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING MINUTES OF DECEMBER 17, 2019.**

Consider for approval the Zoning Board of Adjustments and Appeals meeting minutes of December 17, 2019. Board Member James Litzler moved to approve the meeting minutes. Board Member Kevin Mohl seconded. Motion carried, all voting aye.

**DISCUSSION/ACTION ON A VARIANCE REQUEST TO THE DOWNTOWN DESIGN GUIDELINES SIGN REQUIREMENTS TO ALLOW A CHANGEABLE OR VARIABLE MESSAGE GROUND SIGN TO BE LOCATED AT 129 COLLEGE ST.**

The First Presbyterian Church is requesting to install a changeable or variable message ground sign. This application was reviewed at the January 14, 2020. Based on the Downtown Design Guidelines it was not able to meet the sign requirements so therefore it will require a variance. Although the First United Methodist Church is just outside of the district boundary, they are both on the edges of the entrance to downtown. The Presbyterian Church is located near the railroad tracks and is not in a walkable environment which is what was the downtown area was intended for. The Downtown Review Board set forth two options for the approval of the sign. They chose option #2 which states:

Option 2: Approve a ground sign with the following conditions:

1. The applicant reduces the height of the sign to six feet or less.
2. The brick on the sign match the color/style of the brick of the building.
3. The digital sign area be converted to non-digital or manual marquee changeable letter signage.

The Presbyterian Church's proposed sign is much like the First Methodist Church sign. Although the First United Methodist Church is just outside of the district boundary, they are both on the edges of the entrance to downtown. After conferring with the City Attorney, it is staff's opinion that this request to vary from the Downtown Design Guidelines will not harm the spirit and intent of the guidelines based on the context of its location and other signage located in a similar context. The sign has already been bought with a donation given to the church and cost approximately \$10,000. Several Church Members spoke regarding the request for the approval of the sign.

Board Member Kevin Mohl moved to approve the request. Board Member James Litzler seconded. Chairman Brad Burgin, Board Member Kevin Mohl and Board Member James Litzler voted aye and Jay Julian abstained, motion denied for lack of second. After more discussion Chairman Brad Burgin then made another motion to approve the request. Board Member Kevin Mohl seconded. Board Member Kevin Mohl and Board Member James Litzler voted aye and Jay Julian abstained, motion denied for lack of second. After much more discussion, again, Chairman Brad Burgin then made a motion to approve the request. Board Member Kevin Mohl seconded. Chairman Brad Burgin, Board Member Kevin Mohl and Board Member James Litzler voted aye and Jay Julian abstained. Because it was denied by DRB, in order to pass the variance request it takes a super majority of the Zoning Board of Adjustments which requires that there must be four members to approve. There is nothing in the City's Ordinance that says it has to be a super majority, therefore, a simple majority, meaning only three have to vote in favor can decide the outcome. Since it was decided twice before the request was passed.

### **ADJOURN**

With no further business the meeting was adjourned at 6:05 P.M.