
BOARD OF ADJUSTMENT

May 8th, 2012

Minutes

Members Present: Roger Huber
Col. Langholtz
Bob Beerman
Rick Waldruff
Dani Ramsey

Staff Present: Zack Rainbow, Planner II
Ben Bryner, Planning Services Manager
Brad Stone, Planner
Kelley Messer, Attorney
Debra Hill, Secretary II (recording)

Others Present: Leigh Ann Fry 2201 Republic Ave
Scot Colley ACU Box 28179
Karen Dansby 4602 Catclaw Dr

Item One: Call the Meeting to Order:

Col. Langholtz called the meeting to order at 8:30 AM and declared a quorum present.

Item Two: Approval of the Minutes

Mr. Beerman moved to approve the minutes of the April 10th, 2012 meeting. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Ramsey, Huber, Waldruff, Langholtz and Beerman) and none (0) opposed.

Col. Langholtz read the opening statement for the Board of Adjustment.

Item Three: Variance:

a. BA-2012-11

A public hearing to consider a request from Abilene Christian University, agent Scot Colley, for a 76 square foot variance to the 20 square foot maximum sign area in CU (College University) zoning on property located at 2295 ACU Dr.

Mr. Zack Rainbow presented the staff report for this case. The subject property is the Abilene Christian University Campus. The surrounding properties are primarily developed as the University campus. The applicants are requesting a 76 square foot variance to the 20 square foot maximum sign area in CU zoning in order to construct a 96 square foot monument sign on the north east side of their campus, at the intersection of N. Judge Ely and Ambler. The proposed monument sign would be setback approximately 28 feet from both streets.

After review, staff determined that the best solution to remedy this problem, as well as others, in the future was to bring forward an ordinance amendment which would increase the maximum sign area allowed in CU zoning.

Staff has reviewed and proposed an update to the current Sign Ordinance in order to address many issues such as this one. The proposed Ordinance has been tabled indefinitely, but staff anticipates discussion to resume in the near future.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

1. THERE ARE CONDITIONS PECULIAR TO THE LAND:

Staff Position: Staff could find no peculiarities to the land.

2. STRICT APPLICATION OF THE REGULATION WOULD RESULT IN A NON-FINANCIAL HARDSHIP:

Staff Position: Strict application would not result in a non-financial hardship

3. APPROVAL OF THE REQUEST WOULD NOT HAVE A NEGATIVE EFFECT ON THE PUBLIC HEALTH, SAFETY, OR WELFARE:

Staff Position: Staff anticipates no effect on the general public from this request.

Property owners within 200 feet of the request were notified. Zero (0) comment forms were returned in favor and zero (0) in opposition of the request.

The Planning staff is recommending denial. As from a strict interpretation, staff could find no hardship or peculiarity to the lot in this case. However, staff did determine that an amendment to the ordinance would be the best solution to remedy this situation as well as others in the future for the CU zoning district.

Mr. Huber questioned if the height of the sign is not the issue but the square footage of the sign is. Mr. Rainbow stated that was correct.

Mr. Beerman questioned what the height of the sign would be. Mr. Rainbow presented the Board with the design of the proposed sign and explained it would be approximately 6 ft. in height with lettering of 2 ft.

Col. Langholtz opened the public hearing.

Scott Colley (agent for ACU) spoke in favor of this request. Mr. Colley explained that this sign would be similar to the existing signage located at the entrance on Judge Ely Blvd. He added this sign would be located off the I-20 corridor which at present has nothing to signify ACU.

Col. Langholtz closed the public hearing.

Mr. Huber moved to approve BA-2012-11 in regards to the height variance noting: the peculiarity being; the university has significantly developed along Ambler and Judge Ely Blvd away from the main entrance; the non-financial hardship being that at present there is no signage along Ambler and Judge Ely Blvd for the university. Mrs. Ramsey seconded the motion and the motion carried by a vote of five (5) in favor (Ramsey, Huber, Langholtz, Waldraff and Beerman) and none (0) opposed.

b. BA-2012-12

A public hearing to consider a request from Noah Project, agent Leigh Ann Fry, for a 4 foot variance to the maximum fence height of 4 feet at the front property line on property zoned PD 129 (Planned Development) zoning district. Legal description being NOAH PROJECT, BLOCK A, LOT 1, ACRES 4.069. Located at 5802 Texas Avenue.

Mr. Rainbow presented the staff report for this case. The property is developed as a women's shelter and most of the surrounding properties are developed with single-family and mobile home residences. The applicant is requesting the 4' height variance in order to keep an 8' wrought iron security fence along the front of their property. The applicant states that the reasons for the request are to ensure safety of the residents of the shelter. The front of the property is along Texas Avenue. The applicant constructed an 8 foot fence along the property lines surrounding their property. In order for the fence height to exceed the 4 foot maximum in the front yard, the fence must meet the front yard building setback. In this case, the front yard building setback is 30 feet. The property was built with an approved site plan showing the 8 foot fence being setback 30 feet from the property line. During the construction, the 8 foot fence was built at the front property line Therefore, the reason for the variance request.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

1. THERE ARE CONDITIONS PECULIAR TO THE LAND:

Staff could determine no conditions peculiar to the land.

2. STRICT APPLICATION OF THE REGULATION WOULD RESULT IN A NON-FINANCIAL HARDSHIP:

Staff was unable to determine a non-financial hardship in this case.

3. APPROVAL OF THE REQUEST WOULD NOT HAVE A NEGATIVE EFFECT ON THE PUBLIC HEALTH, SAFETY, OR WELFARE:

Staff foresees no negative effects on public health, safety, or welfare from a variance at this location.

Property owners within 200 feet of the request were notified. Four (4) comment forms were returned in favor and zero (0) in opposition of the request. Staff is recommending denial as this request was unable to determine peculiarities or a non-financial hardship in this case.

Col. Langholtz opened the public hearing.

Mrs. Leigh Ann Fry (Executive Director at Noah Project) spoke in favor of this request. Mrs. Fry explained that Noah Project is a center of care for people of family violence. She described the current facility located at 1802 Grape and the lack of protection and security for the residence. She added that the new building located on Texas Ave was designed specifically for the protection and security of their residents. Mrs. Fry described the various security aspects of the new facility including the reasoning for the fence in this request. She added the fence located in the front of the property has two check points between the street and the building to aid in the security of the property. Mrs. Fry stated that if the facility is required to lower their fence, to the four foot requirement, then this would make the security system vulnerable. She also added that if the facility is required to move the fence back on the property this too would impede on the safety of the residence. Mrs. Fry presented the Board with a slide show of the property and the fence in this request. She added this fence does not obstruct vision of traffic. Mrs. Fry also discussed the adjacent properties and the current fences along Texas Ave and their close footage to the curbs and streets.

Col. Langholtz questioned the location of the fence.

Mrs. Karen Dansby (developer for the Noah Project) stated the original plans did not allow for the additional parking needed for the board members for the Noah Project. She added that the moving of the fence closer to the property line would allow for the additional parking and would also aid in the needed security for their residents. Mrs. Dansby stated that their builder did contact the City and was told that moving the fence closer to the property line would not be a problem. Mr. Waldraff questioned the location of the additional parking. Mrs. Dansby stated it would be located in the front side along the fence line.

Col. Langholtz closed the public hearing.

After discussion among the Board, the following was decided.

Mr. Beerman moved to approve BA-2012-12 with the peculiarity being; adjacent properties have existing fences located within 5 ft. of the ROW, the location of the new facility is further from emergency personnel if needed ; the non-financial hardship being the fence would ensure the safety and security of the residents and staff. Mr. Huber seconded the motion and the motion carried by a vote of five (5) in favor (Ramsey, Huber, Langholtz, Waldraff and Beerman) and none (0) opposed.

Item Four: Adjourn

Col. Langholtz moved to adjourn the meeting.

Approved: _____, Chairman