

**BOARD OF ADJUSTMENT
OFFICIAL MINUTES
January 9, 2012**

Members Present:

Michael Gallagher
Andrew Ozuna
Helen Dutmer
George Britton
Mary Rogers
Jesse Zuniga
Gene Camargo
Mike Villyard
Henry Rodriguez
Harold Atkinson

Staff:

John Jacks, Assistant Director
Jacob Floyd, Senior Planner
Andreina Dávila-Quintero, Planner
Paul Wendland, City Attorney

Call to Order

Pledge of Allegiance to the U.S. and Texas Flags.

Mr. Gallagher, Chairman, called the meeting to order and called roll of the applicants for each case.

Mr. Rodriguez arrived at 1:04 p.m.

CASE NO. A-11-046

Applicant – Mary Josie Treviño
Lot 6, Block 18, NCB 18820
2615 Woodline Drive
Zoned: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting **1)** an 8-foot variance from the 10-foot minimum front setback requirement, in order to allow a 2-foot front setback for a carport; and **2)** a 2-foot variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow a roof eave to project up to one (1) foot from the property line.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of denial of the requested variances. She indicated 31 notices were mailed, one was returned in favor and none were returned in opposition.

Mary Josie Treviño, applicant, stated she repaired the carport a few months ago and did not realize the carport was not in compliance. The carport has been in existence for twenty-five years. She also stated had she known the carport was in violation, she would not have repaired it. She further stated she had an engineer remove the building setback line.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-11-046 closed.

MOTION

A motion was made by **Mr. Ozuna**. Re appeal No. **A-11-046**, variance Application for **2615 Woodline Drive**, subject property description is **Lot 6 Block 18 NCB 18820**, situated at **2615 Woodline Drive**, the applicant being **Mary Josie Treviño**, the applicant request **1) an 8-foot variance from the 10-foot minimum front setback requirement, in order to allow a 2-foot front setback for a carport and 2) a 2-foot variance from the requirement that no eaves may project closer than three (3) feet to any property line, in order to allow a roof eave to project up to one (1) foot from the property line.** I move that the Board of Adjustment grant the applicant's request regarding Appeal No. **A-11-046**, application for a variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Specifically, we find that such variance will not be contrary to the public interest in that **the applicant has provided testimony to us today to show that the design of the carport is common to the neighborhood and there is nothing intrinsically, not in keeping with the neighborhood fabric.** Additionally notices were sent out to the property owners surrounding the area. **We had one responded in favor, none in opposition, and no homeowners association opposed to the variance request.** Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **the applicant has gone through considerable expense in trying to remedy the situation with replatting the lot to remove the setback requirements to bring the garage in compliance.** The spirit of the ordinance is observed and substantial justice is done in that **the variance would keep within the spirit of the ordinance and would do substantial justice if the variance would not be granted.** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the existing zoning of "R-6 AHOD" Residential Single-Family Airport Hazard Overlay District would remain and no changes to the existing zoning is requested.** Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **again the applicant provided testimony that garage tops are common throughout the neighborhood.** The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **the applicant provided testimony that she was merely replacing an existing carport that had occupied the exact same location and that the improvements**

were completed without a building permit but the intent was to replace what was there before and comply with the existing property building codes and any electrical that was completed on the structure. The motion was seconded by **Mr. Rodriguez**.

AYES: Ozuna, Rodriguez, Camargo, Atkinson, Dutmer, Rogers, Britton, Zuniga, Gallagher

NAY: Villyard

THE VARIANCE WAS GRANTED.

CASE NO. A-12-011

Applicant – MJ Thomas Engineering, c/o Jeff Mannon
West 550.31 feet of Lot 6, NCB 10241
3310 East Commerce Street
Zoned: “AE-3 EP-1” Arts and Entertainment Facility Parking/Traffic Control District

The applicant is requesting 1) a 1-foot variance from the 20-foot maximum front setback requirement of the “AE-3” Arts and Entertainment District when the front yard is used as a semi-private space, in order to allow a 21-foot front setback for the proposed community center; and 2) a 14.25-foot variance from the 25-foot minimum setback from all high pressure oil, gas or gasoline lines requirement, in order to allow a 10.75-foot setback from a 6-inch oil pipeline for the proposed community center.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the requested variances. She indicated 36 notices were mailed, none were returned in favor and none were returned in opposition and no response from the Jefferson Heights Neighborhood Association.

Jeff Mannon, representative, stated they are trying to hold to the intent of the district. He also stated they had no problems with placing the building within the required zoning setbacks but because of the easement the building cannot encroach into the easement.

The following citizens appeared to speak:

Fannie Mae Brown, citizen, spoke in opposition

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-12-011 closed.

MOTION

A motion was made by **Mr. Villyard**. Re appeal No. A-12-11, the variance is for 1) a 1-foot variance from the 20-foot maximum front setback requirement when the front yard is used as a semi-private space, in order to allow a 21-foot front setback for the proposed community center; and 2) a 14.25-foot variance from the 25-foot minimum setback from all

high pressure oil, gas or gasoline lines requirement, in order to allow a 10.75-foot setback from a 6-inch oil pipeline which according to the Texas Railroad Commission has been abandoned. I move that the Board of Adjustment grant the applicant's request regarding this appeal, application for a variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the Unified Development Code, as amended, would result in an unnecessary hardship. Specifically, we find that such variance will not be contrary to the public interest in that **the variance request is not contrary to the public interest as the proposed location of the community center meets the intent of "AE-3" Arts and Entertainment District of developing properties in a town center pattern.** The purpose of the maximum setback in this district is to bring buildings closer to the right-of-way line to encourage the interconnectivity between vehicular and pedestrian traffic and buildings. While the building is proposed at twenty-one (21) feet from the north property line (one 1-foot more than the 20-foot maximum setback allowed), the applicant is still proposing to provide a semi-private area as required by Section 35-358 to maintain this connectivity. In addition, the community center, as proposed, will benefit the public interest by improving the overall appearance of the "AE-3" Arts and Entertainment District. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that **there is an existing 20-foot wide pipeline easement shown on the documents in this, rather than a pipeline easement, along the north property line of the subject property.** Furthermore, there is a 6-inch pipeline within this easement that is currently inoperable. Due to this easement and pipeline, no structure may be erected within the north 35-feet. The spirit of the ordinance is observed and substantial justice is done in that **the applicant is proposing to provide the semi-private area in front of the community center that is required when the front setback is extended to 20-feet, as well as comply with the all other development standards of the "AE-3".** Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that **the requested variance will not authorize the use of anything other than "AE-3" Art and Entertainment base zoning district.** Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that **the requested variances will not substantially injure the appropriate use of the adjacent conforming properties.** The subject property is surrounded by industrial uses, library, apartments and single-family residences. Furthermore, the applicant is proposing to construct the building in conformance with the minimum development standards of the "AE-3". The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that **the variance is being sought due to the existing 20-foot wide pipeline easement and abandoned 6-inch pipeline that exist along the north property line of the subject property.** These conditions are not a result of an action by the property owner, are not merely financial, or due to the general conditions in the district. The motion was seconded by Mr. Camargo.

AYES: Villyard, Camargo, Atkinson, Rogers, Rodriguez, Zuniga, Dutmer, Ozuna, Britton, Gallagher

NAY: None

THE VARIANCES WERE GRANTED.

CASE NO. A-12-012

Applicant – Candid Rogers

Lot 19, Block 6, NCB 747

430 Madison Street

Zoned: “HS IDZ H AHOD” Historic Significant Infill Development Zone King William Historic Airport Hazard Overlay District

The applicant is requesting 1) a 5-foot variance from the 5-foot minimum rear setback requirement, in order to allow a 0-foot rear setback; and 2) a 6-foot variance from the 20-foot minimum right-of-way setback requirement for a garage entry accessed from a street right-of-way, in order to allow a 14-foot setback to the garage entry.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the variance #1 and denial of variance #2. She indicated 21 notices were mailed, 4 were returned in favor and none were returned in opposition and no written response from the King William Neighborhood Association.

Candid Rogers, applicant, stated the lot a unique size and unique condition of the easement make the lot smaller than a typical lot size. He also stated the easement and density of the trees provide the best access to the garage on the side street. He further stated the garage is set closest to the large parking lot of the apartment complex wanting to minimize the evasive nature of the large drive near Madison St.

The following citizens appeared to speak:

Marvin Barenblat, citizen, spoke in favor.

Frank Burney, citizen, spoke in favor.

Steven Yndo, citizen, spoke in favor.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-12-012 closed.

MOTION

A motion was made by **Mr. Camargo**. I would move that in Case **A-12-012**, the request of **Candid Rogers**, on property located at **430 Madison Street**, legally described as **Lot 19, Block 6, NCB 747**, located in “**HS IDZ H AHOD**” **Historic Significant Infill Development Zone**

King William Historic Airport Hazard Overlay District, be granted the requested variances a 1) a 5-foot variance from the 5-foot minimum rear setback requirement, in order to allow a 0-foot rear setback; and 2) a 6-foot variance from the 20-foot minimum right-of-way setback requirement for a garage entry accessed from a street right-of-way, in order to allow a 14-foot setback to the garage entry. Specifically, we find that such variance will not be contrary to the public interest in that the requested 5-foot setback is not contrary to the public interest in that it proposes a single-family residential structure and it meets the intent of infill development zoning district. The 6-foot variance from the required setback for the garage in this member's opinion is not contrary to the public interest in that for one in an older area such as this setbacks nearer the front or property line are not uncommon. In this particular area it has been pointed out that if a carport were desired by the proposed developers, except for the easement that's on a subdivision plat, a 10-foot setback would be required. The 14-foot setback that is proposed in my opinion is acceptable in the redevelopment of this property. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship in that the subject property is at 56-foot wide by 70-foot deep lot that was created back in 2007 by platting that occurred of this property due to the limitation of size of this property. It also limits the size of the structure that is going to be built and therefore the requested setbacks are in order. The spirit of the ordinance is observed and substantial justice is done in that the applicant is only proposing to the east 20-feet of the family residence to extend to the rear of the southeast property line. The remainder of the house will comply with the 5-foot setback requirements. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the subject property is located in that the requested variance will not authorize the operation of a use that is not allowed in the zoning classification in that a single-family residence is proposed in this infill development zone classification. Such variance will not substantially injure the appropriate use of adjacent conforming property or alter the essential character of the district in which the property is located in that the requested variances will not substantially injure the appropriate use of the adjacent conforming properties, or alter the essential character of the surrounding neighborhood. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located in that the variances are being sought due to the existing lot size and the 14-foot wide gas, electric, telephone, and cable television easement that exists along the northwest and southeast property lines. The motion was seconded by Mr. Zuniga

AYES: Camargo, Zuniga, Dutmer, Villyard, Britton, Rogers, Rodriguez, Ozuna, Atkinson, Gallagher

NAY: None

THE VARIANCES WERE GRANTED.



CASE NO. A-12-013

Applicant – Aetna Sign Group

Lot 4, NCB 8611

114 East Gerald Avenue

Zoned: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting 1) a 5.33-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.33-foot tall sign; 2) a 5.78-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 41.78-square foot sign; and 3) a variance from the regulation prohibiting digital display signs in residential zoning districts with frontage on local streets and residential collectors, in order to allow a digital display sign in a residential district with frontage on a local street.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of denial of the requested variances. She indicated 87 notices were mailed, 4 were returned in favor and none were returned in opposition

Ray Madrigal, representative, stated these marquees are being asked for by the committees. He also stated several of the middle schools do have these signs. He further stated he does have support from the surrounding property owners. These signs are for communicating with the community and the parents and will be only operating certain hours of the day.

Larry Gottsman, representative, stated that most schools are utilizing the digital signs due to safety and easier communication with the community.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-12-013 closed.

MOTION

A motion was made by **Mr. Camargo**. In Case A-12-013, the applicant being **Aetna Sign Group**, the owner of the property **Harlandale ISD**, on **114 East Gerald Avenue**, legally described as **Lot 4, NCB 8611**, the Board of Adjustment grant two of the three requests 1) **a 5.33-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.33-foot tall sign; 2) a 5.78-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 41.78-square foot sign.** The variance is necessary because strict enforcement of this article and the height that prohibits the classification would possibly encourage vandalism and the additional height would be necessary to avoid that. The subject property is not influenced by unique features in that it has been stated that the location of the proposed sign on Gerald Street is at the location where previously another sign existed prior to remodeling of the school. The subject property is located on a local

residential street but from the aerial photograph and land use that we saw. There is a limited number of residences that front onto the high school and a representative of the school district has indicated that those people do not raise any opposition to the proposal. Granting the variance will not have a substantially adverse impact the neighboring properties in that the proposed sign will be located in front of a main school entrance that has been recently remodeled. Granting the variance will not substantially conflict with the stated purposes of this in that **again for clarification this motion only addresses items 1 and 2 of the request.** The motion was seconded by **Ms. Dutmer.**

AYES: Camargo, Dutmer, Villyard, Rogers, Rodriguez, Britton, Ozuna, Gallagher

NAY: Atkinson, Zuniga

THE VARIANCES WERE NOT GRANTED.

CASE NO. A-12-014

Applicant – Aetna Sign Group

Lot 2, Block 339, NCB 9434

503 West Formosa Boulevard

Zoned: “R-6 AHOD” Residential Single-Family Airport Hazard Overlay District

The applicant is requesting **1)** a 5.08-foot variance from the 8-foot maximum sign height standard for freestanding signs in a residential zoning district, in order to allow a 13.08-foot tall sign; **2)** a 3.82-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 39.82-square foot sign; and **3)** a variance from the regulation prohibiting digital display signs in residential zoning districts with frontage on local streets and residential collectors, in order to allow a digital display sign in a residential district with frontage on a local street.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of denial of the requested variances. She indicated 44 notices were mailed, 5 were returned in favor and none were returned in opposition.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-12-014 closed.

MOTION

A motion was made by **Mr. Ozuna.** I move that the Board of Adjustment grant the applicant’s request regarding Appeal No. **A-12-014**, application for a variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined, show that the physical character of this property is such that a literal enforcement of the provisions of the UDC, as amended, would result in an unnecessary hardship. The applicant’s request is for **1) a 5.08-foot variance from the 8-foot maximum sign height standard for**

freestanding signs in a residential zoning district, in order to allow a 13.08-foot tall sign; 2) a 3.82-square foot variance from the 36-square foot maximum sign area standard for signs in a residential zoning district, in order to allow a 39.82-square foot sign. Specifically, we find that the variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography. **The applicant has provided testimony before us today about the necessity to have the minimum height requirements to prohibit vandalism and provide a copy so that it is legible to the public including the motorists who are passing by.** A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property. After seeking one or more of the findings set forth in (1) or (2), the board finds that granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated. **Again the applicant provided testimony that the subject sign merely replaces one of the signs that had existed on the property. The sign is going to be located on a local street in which the zoning conflicts and requires the subject variances.** The motion was seconded by Ms. Dutmer.

AYES: Ozuna, Camargo, Villyard, Rodriguez, Rogers, Britton, Zuniga, Dutmer, Gallagher

NAY: Atkinson

THE VARIANCE WAS GRANTED.

CASE NO. A-12-015

Applicant – Nora V. Garza
Lot 11, Block 3, NCB 2324
2817 Buena Vista Street
Zoned: “MF-33 AHOD” Multi-Family Airport Hazard Overlay District

The applicant is requesting a Special Exception to allow a one-operator beauty/barber shop in a residential zoning district.

Andreina Dávila-Quintero, Planner, presented background and staff’s recommendation of approval of the requested Special Exception. She indicated 25 notices were mailed, 2 were returned in favor and none were returned in opposition.

Nora V Garza, applicant, stated this special exception allows her to be there for her son. She also stated her customers come in through the back alley way.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-12-015 closed.

MOTION

A motion was made by **Mr. Rodriguez**. In Case No. **A-12-015**, applicant is **Nora V Garza**, location **2817 Buena Vista Street**, legal description of **Lot 11, Block 3, NCB 2324**, zoned **"MF-33 AHOD" Multi-Family Airport Hazard Overlay District**. I move that we approve this request; if we would apply the Unified Development Code process it would create a hardship. The special exception will be in harmony with the spirit and purpose of the chapter in that **the day would be as mentioned by the staff member which are Mondays, Wednesdays, Tuesdays, Thursdays, Fridays, and Saturdays from nine in the morning to the six in the evening**. The requested special exception is in harmony with the spirit and purpose of the UDC as the existing one-operator beauty/barber shop complies with the specified additional criteria established in Section 35-399.01 of the UDC. The public welfare and convenience will be substantially served in that **the existing one-operator beauty/barber shop has served the surrounding residential area and has been in continuous operation since 2001 and without any problems**. The neighboring property will not be substantially injured by such proposed use in that **the existing one-operator beauty/barber shop is located on the back portion, and only comprises approximately eighteen percent of the gross floor area of the existing single-family residential structure**. Furthermore, **this beauty/barber shop will be operated by the owner of the residential home on an appointment-only basis that will not exceed forty-five hours per week**. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought in that **the continuing use of the existing one-operator beauty/barber shop will not alter the essential character of the district**. The applicant is not proposing to alter the appearance of the structure, and will maintain its residential appearance and character. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district in that **the City of San Antonio's UDC allows barber and beauty shops in all residential zoning districts subject to additional conditions, limitations and restrictions to meet the intent and purpose of the residential districts, as well as protect the residential areas and neighboring properties**. The existing one-operator beauty shop complies with all the additional conditions as established in the UDC, and thus will not weaken the general purpose of the district. This would be for a four year time period. The motion was seconded by **Mr. Zuniga**.

AYES: Rodriguez, Zuniga, Dutmer, Camargo, Britton, Rogers, Atkinson, Villyard, Ozuna, Gallagher

NAY: None

THE SPECIAL EXCEPTION WAS GRANTED.

CASE NO. A-12-016

Applicant – Extreme Signs

South irregular 682.36 feet of west irregular 492.86 feet of Lot 1, Block 1, NCB 17322

5614 East Interstate Highway 10

Zoned: "C-3 AHOD" General Commercial Airport Hazard Overlay District and "I-1 AHOD"

General Industrial Airport Hazard Overlay District

The applicant is requesting 1) a 13-foot, 8-inch variance from the 50-foot maximum expressway sign height standard for single-tenant signs, in order to allow a 63-foot, 8-inch tall sign cabinet; and 2) a 455.33-square foot variance from the 350-square foot maximum expressway sign area standard for single-tenant signs, in order to allow an 805.33-square foot single-tenant expressway sign, 5614 East Interstate Highway 10.

Andreina Dávila-Quintero, Planner, presented background and staff's recommendation of denial of the requested variance. She indicated 7 notices were mailed, none was returned in favor and none were returned in opposition.

Derrin Bege, representative, stated they are planning to reduce the size of the sign by removing a sign that does not function correctly 100% of the time. He also stated the currently sign is a scrolling unit that allows the owner to display gas prices and specials that they run in the store.

No citizens appeared to speak.

Everyone present for or against having been heard and the results of the written notices having been received, the Chair declared the public hearing of Case No. A-12-016 closed.

MOTION

A motion was made by **Mr. Ozuna**. Re Appeal No **A-12-016**, variance application for **5614 East Interstate Highway 10**, legal description is **south irregular 682.36 feet of west irregular 492.86 feet of Lot 1, Block 1, NCB 17322**, the applicant is **Extreme Signs**, the variance request is for a **13-foot, 8-inch variance from the 50-foot maximum expressway sign height standard for single-tenant signs, in order to allow a 63-foot, 8-inch tall sign cabinet with the 10-foot adjustment for grade separation differences; and 2) a 455.33-square foot variance from the 350-square foot maximum expressway sign area standard for single-tenant signs, in order to allow an 805.33-square foot single-tenant expressway sign**. I move that the Board of Adjustment grant the applicant's request regarding Appeal No **A-12-016**, application for a sign variance to the subject property as described above, because the testimony presented to us, and the facts that we have determined show that the physical character of this property is such that a literal enforcement of the provisions of the UDC, as amended, would result in an unnecessary hardship. Specifically, we find that the variance is necessary because strict enforcement of this article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions. A denial of the variance would probably cause a cessation of legitimate, longstanding active commercial use of the property. **The subject property is located at the Southeast corner of IH-10 East and Ackerman Road. Due to its frontage on the expressway and difference in street grade elevations the subject has the advantage of placing a sign at the maximum height allowed by the sign regulations. Additionally the subject property's conditions are such that the applicant is merely replacing the digital cabinetry with a smaller face digital cabinet that would provide better communication to the public. Because the applicant is replacing the cabinet, the square footage will be reduced from the current situation that exists today.** The granting the variance does not provide the applicant with a special privilege not enjoyed by others similarly

situated or potentially similarly situated in that the **applicant provided pictures and testimony of other signs that are grandfathered in which provide the signage that is typical of what the applicant is requesting to do today.** Granting the variance will not have a substantially adverse impact upon neighboring properties in that **the granting of the variance will not adversely impact the neighboring properties.** The subject property is located on a major thoroughfare surrounded by other properties of similar use and size. Furthermore, these properties have signs of similar height in areas that were probably built prior to the effected date of the current sign regulations. Granting the variance will not substantially conflict with the stated purposes of this article in that **again with the requests a variance of 3-foot 8-inches nonmaterial given the overall height that is permissible to be built at 60-feet. The 3-foot 8-inche variance is not material in my mind and will not cause conflict with the stated purpose of this article.** The motion was seconded by **Ms. Rogers.**

AYES: Ozuna, Rogers, Atkinson, Rodriguez, Dutmer, Britton, Gallagher

NAY: Camargo, Villyard, Zuniga

THE VARIANCES WERE NOT GRANTED.

Sign Master Plan No. 12-003

Hayton Phillips, applicant, briefed Board Members on Sign Master Plan for First Baptist Church, located at McCullough Avenue and Broadway Avenue.

Ms. Dutmer made a motion to approve **Sign Master Plan No. 12-003** and was seconded by **Mr. Rodriguez** and all members voted in the affirmative.

THE SIGN MASTER PLAN WAS APPROVED.

Approval of the December 5, 2011 Minutes

The December 5, 2011 minutes were approved with all members voting in the affirmative.

There being no further discussion, meeting adjourned at 5:29 p.m.

APPROVED BY: Michael A. Gallagher OR _____
Michael Gallagher, Chairman Andrew Ozuna, Vice-Chair

DATE: 2-20-12

ATTESTED BY: [Signature] DATE: 2-20-12
Executive Secretary