

**ZONING BOARD OF ADJUSTMENTS
OCTOBER 12, 2011
CITY HALL'S COUNCIL CHAMBERS**

MEMBERS PRESENT

Kathy Olivarez
Jon Lown
Ned Sheats
Keri Aman
Danny Tijerina

MEMBER ABSENT

Raul Sesin
Jorge Garcia

STAFF PRESENT

Bobby Salinas
Sergio Zavala
Annette Zavala

GUEST PRESENT

Tomas Tijerina
Cliff Ranson
Jenny Hollis
Jose Aguilar
Eduardo Vejara
David Aguilar

CALL TO ORDER

Chairwoman Olivarez called the meeting to order at 4:35 p.m.

CITIZENS PARTICIPATION

The audience remained un-responsive.

APPROVAL OF MINUTES FOR AUGUST 17, 2011

Chairwoman Olivarez asked if there were any corrections to the minutes. Mr. Sheats moved to approve the minutes as presented. Mr. Lown seconded the motion. Upon a vote, the motion passed unanimously.

ITEM #1.1

CONSIDER A VARIANCE REQUEST TO ALLOW A 2ND MULTI-TENANT SIGN AT A MULTI-SUITE COMMERCIAL PLAZA AT SHARYLAND PLAZA SUBDIVISION, BEING LOT 15, AS REQUESTED BY MR. JOSE AGUILAR

Mr. Salinas mentioned that the site was located approximately ¼ mile east of Shary Road along the south side of Griffin Parkway. The Sign Code's intent is to consolidate as many signs as possible to one tenant sign if in one commercial suite complex. Several years ago, when Subway sought a ground pole sign, a former co-worker issued the permit without factoring-in the remaining suites. As a result, Subway has a sign that has another tenant on it. Viewing the aerial, we see that the Subway sign is at the northeastern most point of the commercial subdivision, i.e., SE corner Griffin Parkway / Hackberry Lane. The Subway is not equipped to facilitate the other suites. The proposal is to have ZBA hopefully consider allowing a tenant sign at the mid-entrance juncture of the 300' front commercial site. This centrally located sign would be about 150' from the current Subway tenant sign. The Sign Code has a regulation for variances in order to have you consider circumstances that may not be expressed in the ordinance, but nevertheless should be considered to reach a just and reasonable verdict. Since the

former staff made an inadvertent error that is now causing distress to our sign ideology, we hope that ZBA can rule favorably to allow the 2nd and last tenant sign on these eastern series of suites, The proposed BBQ, Ace's sign is at a 15' height & does not appear to be sufficient to allow for more users to tack-on, thus if approved, it'd have to increase its height a bit. The sign code allows a height to be 50' (which is excessive and is not recommended). Factoring-in that the other (Subway tenant) sign is about 150' away, that this would be the last tenant sign for the eastern series of suites, and that a former city staffer issued a sign permit inadvertently, Staff recommends that the 2nd sign be allowed BUT to be designed to accommodate for at least an additional 3 users.

Chairwoman Olivarez asked if there was any public opposition to the request.

Mrs. Jenny Hollis, owner of The Studio, mentioned that she's not in opposition of the second sign; however, when she bought the building 7 years ago she was told that they needed the majority of the units to be sold for the them to move forward with the signage. The sign was to be installed by the owner of the property. She also stated that a business without a sign is a sign of no business and any new owner going in to one of the suites wants signage for their business. Her opposition with the proposed sign is that it would only accommodate three businesses, excluding the other suites. She stated that this would set precedence to any new owner coming in, and this is not beneficial to them.

Mr. Tomas Tijerina owner of Renee's of Sharyland mentioned that he's a friend of Mrs. Hollis and Mr. Aguilar, to his understanding there are some documents recorded at the County Clerk's Office and they state that this location would be a condo type location with a management group to maintain and collect for the expense of the signage for the suites. His concern was that that if this were approved, a new occupant would be back in a few years and would have to go through the same issue. Mr. Tijerina explained that with his business being on the same side of the street, multiple signs would block his sign from oncoming traffic.

Mr. Eduardo Vejera bought the suite next to Aces BBQ and was not aware that he was not going to be allowed to install a sign. He stated that he was in the process of applying for a permit and has also designed and paid for a sign already. He was not aware that if this item gets approved, he would not be able to obtain a sign of his own.

Chairwoman Olivarez asked if the applicant or representative were present.

The owners of Aces BBQ, Mr. Jose and David Aguilar, the owner of Shotz, Mr. Jimmy Garza and Mr. Eagan, the designer of the sign were present to answer any questions the board might have.

Mr. Eagan said that he believes they have a solution to the problem. He presented a new layout of how the signs would be and mentioned that if the Subway sign were engineered to allow another 24' sq. ft. of wind load, the sign would accommodate the remaining businesses.

Mr. Sheats mentioned that there was a problem with the math. They would only accommodate up to five suites, where ten spaces are needed. Mr. Sheats stated that needed to figure out to do this because if not, they were going to end up asking for another variance in a few years. He mentioned that Staff had an example of a multi-tenant sign. They need someone to get together with all the tenants and come back to the board.

Chairwoman Olivarez asked if the sign permit had been issued.

Mr. Aguilar mentioned that they were trying to get the sign permit approved. He also mentioned that the sign was already paid for.

Mr. Eagan mentioned that if they would raise the Subway sign 5' more ft., this would accommodate five tenants and Aces BBQ could accommodate three more.

Mr. Sheats asked if Aces BBQ puts up the sign, whom would the other suite owners go to at the time they want to put up a sign? Will they go to Aces BBQ and get a lease space from them?

Chairwoman Olivarez mentioned that they were still leaving tenants out. She mentioned that she had a problem with having two signs. She stated that they should have a design that the City would rather follow and have Subway on the top since they were first and go down the line.

Mr. Tijerina mentioned that Subway was not there to comment, and the plaza is not Ace BBQ Plaza, its Sharyland Plaza. He mentioned that HEB on Shary had a good example that benefits every one in that area.

Mr. David Aguilar mentioned that the board is asking them to place a multi tenant sign and he doubts that Subway is going to take it down. He also mentioned that if Subway would allow a few more tenants on their sign they could have five tenants per sign. He also stated that he understood that it was not Aces BBQ Plaza, but it isn't Subway Plaza either.

Chairwoman Olivarez mentioned that they understood that it was done wrong, but they want for everyone to get together and come up with a better solution.

There being no further discussion, Chairwoman Olivarez entertained a motion. Mr. Sheats moved to table the variance request as recommended by staff; Mr. Lown seconded the motion, upon a vote the motion passed unanimously.

ITEM #2.0
ADJOURNMENT

There being no further business, Chairwoman Olivarez entertained a motion to adjourn. Mr. Tijerina moved to adjourn. Mr. Sheats seconded the motion. Upon a vote, the motion passed unanimously at 5:05 p.m.

Kathy Olivarez, Chairwoman
Zoning Board of Adjustments