



MINUTES
REGULAR BOARD OF ADJUSTMENT AND
BUILDING AND STANDARDS COMMISSION MEETING
THURSDAY, June 18, 2019, AT 4:00 P.M.
CITY HALL ANNEX, 115 S.W. 1st STREET, MINERAL WELLS, TEXAS

BOARD MEMBERS

Myra Johnson, (Chairperson)
Jonathon Rusher
Kenneth Drew
Barry Campbell

BOARD ALTERNATES

Thomas Zinn Brown
Michael Garza Jr

CALL TO ORDER: The meeting was called to order at 4:04p.m. by Mrs. Myra Johnson.

BOARD MEMBERS PRESENT: Myra Johnson (Chair), Kenneth Drew,, Berry Campbell

BOARD ALTERNATES PRESENT: Thomas Zinn Brown (voting alternates)

STAFF MEMBERS PRESENT: – Robert Turk Building Official, (via phone) Mari N Hernandez – Code Enforcement Secretary, Randy Criswell, City Manager

MINUTES: The minutes of the Jan 2, 2020, Board of Adjustment meeting were approved with all in favor, at 4:04 p.m.

PUBLIC HEARINGS

PUBLIC HEARING ON BOA CASE 2020-1: Applicant, Christian Diaz, is requesting (a) A Special Exception in order to construct a carport to within 5 ft. of the front property line in an SF-6 zoned district, located at 1209 SE 14th St., being Lots S/D A Of 3 & E16.67 Of S/D B Of 3, Block J, of the Arrington Addition to the City of Mineral Wells, Palo Pinto County, Texas. (b) A 5 ft. Variance from the above Special Exception in order to construct a carport up to the front property line in an SF-6 zoned district, located at 1209 SE 14th St., being Lots S/D A Of 3 & E16.67 Of S/D B Of 3, Block J, of the Arrington Addition to the City of Mineral Wells, Palo Pinto County, Texas.

A public hearing opened at 4:04 p.m. No one was present to speak regarding the case. Mrs. Johnson asked how many letters were sent out to property owners within a 200 ft radius. Mrs. Hernandez stated that 28 letters were sent out with no response. Mrs. Johnson then read aloud the staff recommendation, which was no objection to the Special Exception/ Variance as submitted. The Special Exception/ Variance was approved with all in favor, at 4:05 p.m.

PUBLIC HEARING ON BOA CASE 2020-2: Applicant, Kevin Harrison, is appealing the interpretation of regulations by the administrative official in regards to Section 2-6. "Nonconforming Uses of Land." Subsection (1), of the City of Mineral Wells Zoning Ordinance, to permit and operate a mobile food unit on a nonconforming property

A public hearing opened at 4:05 p.m. Mr. Harrison was present for the meeting and spoke in regards to him wanting to operate a mobile snow cone stand on his property located at 1709 SE 14th St. Mr. Turk explained that Mr. Harrison had applied for a mobile food permit but was denied due to the ordinance restricting mobile food units to only be placed in commercial zoning districts. He went on to explain that although the property is currently used commercially, that it is considered non-conforming because it is located in a residential zoning district, and that the zoning ordinance prohibits the expansion of a non-conforming use of land. Mr. Criswell explained that the Board of Adjustment was granted the ability to hear the appeal of an interpretation of the ordinance, and that it was the opinion of Mr. Turk that the interpretation of the

ordinance as it applies to the request would not allow the mobile food unit at that location. He went on to explain that the non-conforming use as a salon was grandfathered in because it existed prior to the current zoning, and that it was Robert's interpretation that to allow the request would be an expansion of the non-conforming use, and not be allowed. Mr. Criswell went on to explain that the Board was the body to hear appeals of an interpretation by the Building Official and had the authority to over turn it, or stand behind the interpretation made. Mr. Brown asked if decisions made on these cases were made on a case by case basis, and Mr. Criswell confirmed. Mrs. Johnson asked if the appeal would be heard by another board or commission if it were to not be granted, and Mr. Criswell explained that their decision would be final. Mr. Campbell inquired as to if the Board could edit the interpretation since the same property owners/family currently using the property were making the request. Mr. Criswell stated that they could, if that was the decision of the Board. Mr Brown made a motion to grant the Appeal, seconded by Mr. Campbell. The Appeal was granted with all in favor at 4:16 p.m.

PUBLIC HEARING ON BOA CASE 2020-3: Applicant, Edwin Hanlon, is requesting a Variance from the City of Mineral Wells Code of Ordinances, Appendix B Zoning,, Section 6-3. A., 5. (a), in order to utilize a permanent accessory building located in front of a primary structure in an MH zoned district located at 504 SW 20th St., being Lots 9 & 10, Block 7, of the Lawn Place #2 Addition to the City of Mineral Wells, Palo Pinto County, Texas.

Case 2020-3 was pulled by the applicant prior to the meeting.

PUBLIC HEARING ON BOA CASE 2020-4: Applicant, Fernando Gonzales, is requesting a Special Exception in order to construct a carport to within 5 ft. of the front property line in an SF-9 zoned district located at 1805 SE **12th** St., being Lot 26, Block 2, of the Lamar Heights Addition to the City of Mineral Wells, Palo Pinto County, Texas

A public hearing opened at 4:16 p.m. No one was present to speak regarding the case. Mrs. Johnson asked how many letters were sent out within a 200 ft. radius. Mrs. Hernandez stated that 28 letters were sent out with no response. Mrs. Johnson then read aloud with staff recommendation, which was no objection to the Special Exception as submitted. Mr. Campbell made a motion to approve the Special Exception request as submitted, seconded by Mr. Brown. The Special Exception request was approved with all in favor, at 4:17 p.m.

PUBLIC HEARING ON BOA CASE 2020-5 : Applicant, Amanda Franklin, is requesting (a) A Special Exception in order to construct a carport to within 5 ft. of the front property line in an SF-9 zoned district located at 1901 SE 10th St., being Lot 14, Block 11, of the Goodwin #3 Addition to the City of Mineral Wells, Palo Pinto County, Texas. (b) A 5 ft. Variance from the above Special Exception, in order to construct a carport up to the front property line in an SF-9 zoned district located at 1901 SE 10th St., being Lot 14, Block 11, of the Goodwin #3 Addition to the City of Mineral Wells, Palo Pinto County, Texas.

A public hearing opened at 4:18 p.m. Shane Slimp, contractor for Mrs. Franklin was present, and spoke in regards to the request. Mrs. Johnson asked how many letters were sent out within a 200 ft. radius. Mrs. Hernandez stated that 25 letters were sent out with no response. Mrs. Johnson read aloud the staff recommendation which was no objection to the Special Exception/ Variance as submitted. Mr. Brown made a motion to approve the Special Exception/Variance request as submitted, seconded by Mr. Campbell. The Special Exception/ Variance request was approved with all in favor, at 4:20 p.m.

PUBLIC HEARING ON BOA CASE 2020-6: Applicant, Arrington Outdoor Advertisement, is requesting for the Board of Adjustment to permit the installation of a prohibited sign, being an off-premise advertising sign (billboard), as listed in the City of Mineral Wells Code of Ordinances, Chapter 6, Advertising and Signs., Section 6-35 Prohibited Signs in a (GR) General Retail zoned district, located at 2102 East Hubbard, being Lots 1 & 4 & W20 of Lots 2 & 5, Block 7, of the Wynnwood Addition to the City of Mineral Wells, Palo Pinto County, Texas.

Mrs. Johnson read aloud a letter regarding the next two cases from Doris Richeson, owner of the Dairy Queen restaurant, expressing opposition to the requests.

A public hearing opened at 4:23 p.m. Mrs. Johnson read aloud the Staff recommendation, which was to deny the request. Christopher Weems, representing Arrington Outdoors Advertisement was present and spoke. Mr. Weems asked to

address the letter of opposition from the Mineral Wells Dairy Queen, stating that the proposed location of the sign would have no affect on the visibility of the Dairy Queen's. He went on to say that the main objective for the proposed sign was to promote and market businesses within Mineral Wells, and explained that Arrington Outdoors would make money on it as well, but wanted to provide the opportunity to businesses by doing something similar to what Crazy did with the sign installed on Hwy 180, with the exception that their sign would be smaller, and changed advertisement every eight seconds, allowing alot more businesses to have the opportunity for advertisement. Mr. Weems stated that, in addition, they would offer advertisements for special events within the City at no charge mentioning large football games and the Crazy Water Festival. He mentioned that concerns of distraction created by this type of sign were commonly expressed, and explained studies by the Highway Safety Administration that were done regarding the same. Mr. Weems went on to say that the proposed location is in the middle of a commercial district and therefore has a high traffic count that would benefit advertisement for businesses and provide notice of emergencies to inform citizens. He continued noting growth opportunity for the Chamber of Commerce by providing discounted rates for advertisement to members of the Chamber. Mr. Weems then referenced the information provided in their packets and asked the Board if they had any questions. Mr. Brown asked how the messages would be controlled, and Mr. Weems stated that it would be done through their office in Lake Dallas and that they currently have 13 digital faces that they control. Mr. Brown then asked if they had looked at other places for the sign, and Mr. Weems stated that they did. Mr. Brown asked if the type of location proposed was normal, and Mr. Weems stated that it has to attract eyes, and there is no reason to place a sign like this where no one is looking. Mr. Brown stated that it seemed unique to him being in the middle of two different flows of traffic being East and West Hubbard and Mr. Weems stated that he sees this type of placement regularly. Mr. Cambell asked what would be displayed on the sign in instances that there were vacant advertising spaces and Mr. Weems said that it would say available, and list a phone number. Mr. Brown asked Mr. Weems the likelihood of him asking for more locations if this were to be approved, and Mr. Weems stated that at this time they were looking to do the one to see if it works. Mr. Brown then inquired as to how many other companies there were around similar to Arrington Outdoors, and Mr. Weems stated that there were three. Mr. Brown asked Mr. Weems about the possibility of the other companies asking for the same, if a precedent was set by the Board allowing Arrington Outdoors their request, and Mr. Weems stated that he understood what he was saying but said that it would be their decision. Mr. Campbell asked Mr. Criswell what made this request prohibited by the ordinance, and Mr. Criswell stated that it being off premise advertisement, it is not allowed and went on to explain that when the sign ordinance was adopted, it was the intention that billboards be prohibited, and agreed that they should be, citing his experience in Canyon, where there were numerous billboards throughout the town. Mr. Criswell went on to explain that although the sign ordinance prohibits billboard signs, it also states that the Board of Adjustment can permit a prohibited sign but his opinion was that the intention of the sign ordinance was to not allow off premise and/or billboards and if that was going to change, it would need to be by a revision of the ordinance through the Planning and Zoning Commission and City Council, however the Board had the authority at this time to permit or deny this request and expressed his concerns with possibly setting a precedent for these type of signs if they were to permit this one. Mr. Weems spoke stating that he wanted to clarify to the Board that digital message boards are allowed by ordinance, and the only difference with his proposed sign was the use of off premise advertising. Mrs. Johnson clarified with Mr. Criswell that if the Board was to decide to approve, then it would go through, to be permitted to install, and if they chose to deny, that it would be over not allowing the sign to be installed, and Mr. Criswell confirmed. A citizen in attendance spoke with concerns of this type of signage causing additional traffic problems in the area. Mrs. Johnson asked the Board if there was anyone to vote for approval of the request and received no response. She then asked for those in favor of denial, and there were 4 ayes. The request by Arrington Outdoors to install a prohibited sign being an off-premise advertising sign (billboard), as listed in the City of Mineral Wells Code of Ordinances, Chapter 6, Advertising and Signs., Section 6-35 Prohibited Signs in a (GR) General Retail zoned district, located at 2102 East Hubbard, being Lots 1 & 4 & W20 of Lots 2 & 5, Block 7, of the Wynnwood Addition to the City of Mineral Wells, Palo Pinto County, Texas failed with all opposed at 4:43 p.m.

PUBLIC HEARING ON BOA CASE 2020-7 Applicant, Arrington Outdoor Advertisement, is requesting a 100 sq. ft. Variance from Chapter 6, Section 6-32 (d) (2) of the City of Mineral Wells Code of Ordinances, in order to construct a message board (pole sign) having a total area of 300 sq. ft. in a (GR) General Retail zoned district, located at 2102 East Hubbard, being Lots 1 & 4 & W20 of Lots 2 & 5, Block 7, of the Wynnwood Addition to the City of Mineral Wells, Palo Pinto County, Texas.

A public hearing was not opened due Boa Case 2020-6 being denied

ADJOURNMENT: There was no further business. The meeting was adjourned at 4:44 p. m. by Mrs. Johnson .

Minutes approved on: _____

Myra Johnson, Chairperson

Mari N Hernandez, Secretary