

MINUTES

SIGN BOARD OF APPEALS/ZONING BOARD OF ADJUSTMENT HELD ON October 27, 2009

CALL TO ORDER

Chairman White called the meeting to order at 5:30 p.m.

ROLL CALL

PRESENT: Chairman White, Dobbs, Iverson, Elliott, & Hilton

PRESENT ALTERNATES: Garrett
Council Liaison Darlene Hooks

ABSENT BOARD MEMBERS: None

ABSENT ALTERNATES: Mata & Thompson

ADMINISTRATIVE STAFF PRESENT

James Pliska, Director of Planning & Zoning
Kellie Smith, Planning & Zoning Assistant

EXCUSED ABSENCES

None to discuss.

APPROVAL OF MINUTES

October 13, 2009 ZBA minutes were approved.

MEETING FORMAT

Chairman White went over the meeting format. Applicants were sworn in.

CHAIRMAN WHITE CALLED THE ZONING BOARD OF ADJUSTMENT TO ORDER

PUBLIC HEARING

SBA-006-09 Consider the application of David Fain, representing the city of Haltom City's Little Fossil Creek Floodplain Project for a Variance to the "Sign Ordinance", Section 82-9 "Existing Signs" to relocate an existing non-conforming off-premise billboard sign 10' to the north on Tract 20A3, Thomas Akers Survey, Abstract 25, in the "M-2" Industrial District, located on the north side of Airport Freeway, locally known as 5939 Airport Freeway.

Mr. Pliska reviewed this case for the Board to consider.

The legal notice was published in the October 15, 2009; *Fort Worth Star Telegram*, and six (6) property owners had been notified. Staff had received zero (0) written responses in favor of the request, zero (0) opposed and one (1) returned. Mr. Pliska formally submitted the applicant's case for the record along with all staff attachments.

Mr. David Fain, Director of Public Works said they are in a contract and have been

working on this project with the US Army Core of Engineers for about two – three years. This project is to work on the flood protection and the drainage issues in the recreation facilities improvements to Little Fossil Creek. This will be from the Belknap Bridge south past Hwy. 121 to purchase 68 parcels of property. They will either be full or partial takes. This piece presented tonight was considered as a full take but there are cost concerns if they will need to pay a tremendous amount due to this sign. Some concerns of taking the sign company's livelihood with removal of the sign. They feel like the best way to approach this would be to relocate the sign 10' north. By removing the properties out of the flood plain it will help to save the property owners on their flood insurance.

Chairman White asked Mr. Fain who the sign company was.

Mr. Pliska said Clear Channel and the billboard were protected by the State.

Board member Elliott asked who would pay them to move this sign.

Mr. Fain said the City would.

Board member Iverson asked if the City would pay for the property and to remove the sign.

Mr. Fain said yes the City to purchase the property and to have the sign relocated.

Board member Iverson said back when he was on City Council in 1999 they approved of something similar and then nothing was ever developed with the property and it was a waste of money. He asked if there was a time line for this project.

Mr. Fain said they would handle this in two phases. There are a total of 68 parcels, they have purchased half. The first phase was from Thomas Rd. south to Hwy. 121 in which they hope to begin in the spring. Phase II still needs purchased and it would be from Thomas Rd. N. to the Belknap Bridge.

Mr. Pliska said that the State code requires if a sign is removed you must pay back pay and any future income lost. In the event of it naturally destroyed by tornado ok to rebuild back the same way.

Board member Iverson commented that the area would still be in a flood plain and they would still need to pay for flood insurance.

Mr. Pliska said they were to move some of the properties out of the flood area.

Mr. Fain said it would be a direct benefit to the citizens.

Board member Elliott said he was also concerned with the money spent to relocate the sign and not having that project finished.

Chairman White said that he was aware that this project was being progressively pursued.

Board member Iverson asked if 10' was enough to be out of harm's way.

Mr. Fain said yes.

There were none to speak for or against this request.

CHAIRMAN WHITE CLOSED THE PUBLIC HEARING

Board member Hilton said that the cost wasn't the issue. To decide to move the sign or not was.

Board member Elliott said he would like to see something showing this will happen. He has no objective to move the sign 10'.

Chairman White said that it would cost more in the long run if the Board didn't approve to relocate the sign.

Mr. Pliska said they couldn't leave the sign where it was, it was in the floodway, it would have to be moved because of the project that has been approved by the bond for this project.

Board member Elliott said he wasn't aware of any of this project.

Mr. Pliska said they have discussed this project at several City Council meetings under the Capital Improvements and approved this bond in 2001. It will bring minimum improvement to maximum offset.

Mr. Fain said this is a project that the City and the Core of Engineers are working on together. The City has already encumbered four million for this Core driven project.

ACTION OF THE BOARD

Board member Elliott, seconded by Hilton, motioned to approve SBA-006-09. The motion passed unanimously.

CHAIRMAN WHITE CLOSED THE SIGN BOARD OF APPEALS

CHAIRMAN WHITE OPENED THE ZONING BOARD OF ADJUSTMENTS

PUBLIC HEARING

ZBA-014-09 Conduct a Public Hearing and Consider the application of Michael Simeroth for a Variance in accordance with "Zoning Ordinance" 2002-032-15, Section 33.F.1.d., "Non-Residential Use Fence" for a 7' Wrought iron security fence to be erected four feet (4') into the required (30') front building setback area along Janada Street in the "M-1" Light Industrial District, on Lot 1, Blk. 1, Loretta's Add'n., being on the west side of Janada St., locally known as 4233 Janada St.

Mr. Pliska reviewed this case for the Board to consider.

The legal notice was published in the October 16, 2009; *Fort Worth Star Telegram*, and nine (9) property owners had been notified. Staff had received two (2) written responses in favor of the request, zero (0) opposed and zero (0) returned. Mr. Pliska formally submitted the applicant's case for the record along with all staff attachments.

Mr. Pliska said the site plan was hard to read. The fence can't go on the property line due to a pipeline easement. He said they are asking for this fence due to having vandalism issues. Fire will approve of the gate.

Board member Iverson asked Mr. Pliska how he felt about their request.

Mr. Pliska said he felt they needed it. Said they will just have to be careful due to the high pressure gas line. The surveyor needs to set the points.

Mr. Scott Moore, applicant said the Surveyor did set the points.

Mr. Pliska said the document was hard to read, and glad the surveyor had done that.

There were none to speak for or against this request.

CHAIRMAN WHITE CLOSED THE PUBLIC HEARING

ACTION OF THE BOARD

Board member Iverson, seconded by Hilton, motioned to approve ZBA-014-09. The motion passed unanimously.

REPORTS

Mr. Pliska told the Board that City Council approved the change on the Zoning Board of Adjustments from five members and two alternates to eight members and one alternate.

Mr. Bob Watkins said he told City Council he felt if you had seven members and one alternate equals six to make a quorum, it would be even better to have eight members and one alternate to equal six to make a quorum.

Board member Iverson suggested on the second reading that they go ahead and appoint new members.

Chairman White said that would be a good idea and if they didn't do that at the next meeting to have the effective date at a later date.

Darlene Hooks, City Council liaison, said she would see if they could appoint the alternates to regular members at the next City Council meeting.

ADJOURN

There being no further business to discuss, Chairman White adjourned the Zoning Board of Adjustment at 6:16 p.m.

Respectfully submitted,

Kellie Smith, Planning & Zoning Asst.

James White, Chairman