



CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JANUARY 18, 2018

Council Chamber **Regular Session** **7:00 PM**

**7008 S. RICE AVENUE
BELLAIRE, TX 77401**

1. CALL TO ORDER

Vice Chairman Sinha called the meeting to order at 7:00 PM.

2. PLEDGE TO THE FLAG (US AND TEXAS)

Vice Chairman Sinha led the Board and the public in the pledges to both flags.

Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).

3. CERTIFICATION OF A QUORUM

Vice Chairman Sinha certified that a quorum was present, consisting of the following members:

Name	Title	Status	Arrived
Avioli Sr.	Board Member	Present	
Karakowsky	Board Member	Present	
Sinha	Vice Chairman	Present	
Mandel	Board Member	Present	
Raval	Board Member	Present	
McKone	Board Member	Present	
Simpson	Director of Development Services	Present	
S	Development Services Coordinator	Present	
ov	Assistant City Attorney	Present	

4. APPROVAL OF MINUTES

A. Board of Adjustment - Regular Session - Nov 16, 2017 7:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Bharat Raval, Board Member
SECONDER:	James P. Avioli Sr., Board Member
AYES:	Avioli Sr., Karakowsky, Sinha, Mandel, Raval, McKone

5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING

There were no reports from officers, committees, or communications.

6. UNFINISHED BUSINESS

There was no unfinished business.

7. READING OF THE STANDARDS FROM SECTION 24-718, BELLAIRE CODE OF ORDINANCES

Attorney Petrov read aloud the standards present in Section 24-718 of the City of Bellaire Code of Ordinances, dealing with the granting of Special Exceptions.

8. NEW BUSINESS

A. Election of a Chairman and Vice Chairman

Nominations:

Chairman:

A motion was made by Board Member Raval and seconded by Board Member Avioli to nominate Vice Chairman Sinha as Chairman of the Board.

Vote: the motion passed with a vote of 6-0.

Vice Chairman:

A motion was made by Board Member Avioli and seconded by Board Member Raval to nominate Board Member Karakowsky as Vice Chair of the Board.

Vote: the motion passed with a vote of 6-0.

Board Members Sinha and Karakowsky were named Chair and Vice Chair of the Board, respectively.

B. Public Hearings

Docket # BOA-2018-01-Request for a special exception by Hardman Signs, on behalf of Southwest Presbyterian Church, to allow for the construction of an electronic message board/monument sign in accordance with the provisions set forth in Chapter 24, Planning and Zoning, Section 24-1014 (2) of the City of Bellaire Code of Ordinances. The property is addressed as 6033 S. Rice Avenue, and is located in the R-3 Zoning District.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Debbie Karakowsky, Board Member
SECONDER:	Jed Mandel, Board Member
AYES:	Avioli Sr., Karakowsky, Sinha, Mandel, Raval, McKone

i. Presentation by the Applicant

Todd Hinson, Hardman Signs-Mr. Hensen informed the Board that Southwest Presbyterian Church is asking for a monument sign that will be aesthetically pleasing to replace the pole sign that is currently in existence on the property. He added that all of the City's sign regulations will be followed and that the proposed sign is very similar to the one that was recently installed at Condit Elementary. Mr. Hensen explained that Southwest Presbyterian's current sign is somewhat of an eye sore to the community, and reiterated that they are simply asking to replace it with a monument sign.

ii. Presentation by the City

Ms. Sampson gave an overview of the application, stating that the applicant, Hardman Signs, is requesting a Special Exception in accordance with the provisions set forth in Section 24-1014 (2) of the City of Bellaire Code of Ordinances, in order to allow for the construction of an electronic message board/monument sign at 6033 S

Rice Avenue (Southwest Presbyterian Church). She added that a pole sign is currently in existence on the site, and that the church is now seeking to replace the current sign with a double-sided monument sign with an electronic message display, in an effort to increase visibility. Ms. Sampson explained that if the request is approved, the pole sign will be removed prior to installation of the electronic message display sign. She then reviewed the guidelines set forth in the Article X Section 24-10105 of the Zoning Ordinance.

Ms. Sampson explained that the application was filed on December 4, 2017, and that mail outs were sent on January 4, 2018, and the legal notice was published on January 2, 2018.

Ms. Sampson stated that it is of the Director's opinion, upon review of the application and materials submitted, that the application does meet the Standards for Special Exceptions as outlined in Article V, Division 2, Section 24-718, and that staff recommends approval of the request. She mentioned that although the proposed location is on a major thoroughfare, the sign location is adjacent to residential property; therefore, the Board may consider limiting the hours of operation, if deemed necessary.

iii. Public Comments

Cindy Preble, 815 N 3rd Street-Ms. Preble asked several questions regarding the specifics of the proposed sign, including how big it would be, how high off the ground it would be located, when the sign will be illuminated, and where exactly on the property it would be installed.

iv. Rebuttal by the Applicant

Mr. Hinson stated that it would be 7 feet tall from the ground to the top of the sign, and 10 feet, 9 inches wide. They added that it would be located 11 feet from the sidewalk on Rice Avenue and ten feet from the curb of the driveway, where the existing sign is now. He ensured the Board that the proposed sign would be located over 100 feet from the surrounding residences.

v. Questions by the Board

Board Member Mandel asked for clarification that the new sign will be installed slightly more to the south of where the current sign is located.

The applicant confirmed this.

Board Member Avioli asked if the current sign is illuminated.

Mr. Hinson stated that it is not. He added that it has the capability to be, but is out-dated.

Board Member Avioli asked how far away the proposed sign would be from the parking lot, and when the lights in the parking lot are scheduled to go off.

The applicant stated that the proposed sign would be approximately 10 feet from the parking lot. He then asked someone from the church to speak on the hours of operation for the parking lot lights.

Chris Casteneda, of Southwest Presbyterian Church stated that the parking lot lights go off around 9:00 PM.

Board Member Avioli asked if the light system for the parking lot would be connected to the proposed monument sign.

The applicant and Mr. Casteneda stated that the two systems would be completely independent of each other.

Board Member Avioli asked what the hours of operation would be for the sign.

Mr. Casteneda stated that he had not had any specific conversations about this with the church, but it was his assumption that it would always be on unless there was opposition to it.

Board Member Avioli asked staff if there had been hours of operation set for any signs that were previously approved in the City.

Ms. Sampson stated that the last sign that was approved by the Board was for ChristChurch Prebysterian, at the corner of South Rice and Bellaire Boulevard, and that no restrictions were put on it. She added that she believed that the only sign with restricted hours was the one for Horn Elementary due to the fact that it was right across the street from residential homes.

Board Member Avioli asked for confirmation that the proposed sign would be located directly across from the car wash.

This location was confirmed.

Board Member Avioli mentioned that the residents on North Third should not be able to see the proposed sign from their house.

The applicants confirmed this.

Vice Chair Karakowsky asked how tall the church building is that is located in between the proposed sign and the residents on North Third.

Mr. Casteneda stated that the building that is directly to the east of the sign is the education building and is approximately 20-25 feet tall, and would completely block the view of the sign from North Third Street.

Vice Chair Karakowsky asked if there are residential homes located directly adjacent to the church.

Mr. Casteneda stated that there are residential properties located both north and south of the church property.

Vice Chair Karakowsky asked if the properties are inhabited, and whether the residents were present.

Mr. Casteneda stated that as far as he knows the homes are inhabited, but that they were not present at the hearing.

Vice Chair Karakowsky asked if the church had been approached by those neighbors regarding any concerns.

Mr. Casteneda stated that to his knowledge those individuals had not confronted the church with any concerns regarding the sign proposal.

Vice Chair Karakowsky asked what the dimensions of the current sign are.

Mr. Hinson explained that the current sign is 4 feet by 8 feet and is located approximately 10 feet off the ground.

Vice Chair Karakowsky asked what the applicant would be comfortable with if the hours of operation of the sign were limited.

Mr. Casteneda stated that he would be satisfied with the hours of 6am-10pm.

Vice Chair Karakowsky asked Ms. Preble if she had any other concerns that she wanted to voice.

Ms. Preble stated that she doesn't have any objections to the sign based on how it is being proposed, however, residents surrounding the church have had issues with them not keeping their word in the past. She wanted to ensure that the building will be in between the sign and her backyard, and that they couldn't change the proposal once it has been granted by the Board.

The applicant assured the resident that the sign will be installed based on the Board's approval and the City's sign regulations.

Board Member McKone asked if the sign would be two-sided and whether it would face South Rice or be perpendicular to the street.

The applicant stated that it would be two-sided and would be perpendicular to the street.

Board Member Mandel asked if anything else, other than the wording on the sign, would be illuminated.

The applicant mentioned that they are not proposing that at this time, but if anything they might add ground lighting in the future.

Vice Chair Karakowsky mentioned that she would feel more comfortable if the Board approved the sign based on the exact dimensions, location, setbacks, etc., as proposed per staff approval.

Board Member Raval stated that he is in support of the application and feels that it should be approved.

Board Member Mandel asked if the applicant would have to come back before the Board if they moved the location of the sign by a certain number of feet.

Ms. Sampson explained that the request is for the sign in general, not specifically where the sign is located on the property, unless the Board decides to include a condition limiting installation of the sign to only the area specified by the Board. She added that in that instance the applicant would have to come back before the Board if they choose to move the sign outside of those specifications. Ms. Sampson pointed out that the Board would need to take into consideration the fact that sometimes issues arise in the field that are not originally anticipated, and suggested that some leniency be given with regard to the location of the sign.

Vice Chair Karakowsky asked if a 5-8 foot deviation would suffice.

Board Member Avioli stated that he felt as though 5 feet would be reasonable.

Ms. Sampson stated that a deviation of 8 feet would be better.

Board Member McKone asked the applicant if any preliminary work was done to see if anything would impede the sign from being installed at the proposed location.

Mr. Hinson stated that some preliminary work was done, and nothing was seen that would cause any issues.

vi. Consideration of, deliberation by, and action on the docket item

Motion: a motion was made by Vice Chair Karakowsky and seconded by Board Member Mandel to approve the special exception for 6033 South Rice Avenue with the condition that the monument sign must be installed based on the specifics shown on the materials submitted, or within five (5) feet of those specifications.

Vote: The motion carried on a unanimous vote of 6-0.

C. Approval of the Board of Adjustment's 2017 Annual Report to the City Council.

Chairman Sinha stated that he had made some revisions to the report, which everyone had been provided with a copy of.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	L. Timothy McKone, Board Member
SECONDER:	Bharat Raval, Board Member
AYES:	Avioli Sr., Karakowsky, Sinha, Mandel, Raval, McKone

9. GENERAL COMMENTS

(Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).

There were no general comments.

10. GENERAL COMMENTS FROM BOARD MEMBERS

There were no general comments from Board Members.

11. ANNOUNCEMENTS

Ms. Sampson informed the Board that City Council would be conducting interviews within the next few days for a new member following the resignation of Jill Almaguer, and that the position would be filled before the next meeting.

12. ADJOURNMENT

Chairman Sinha adjourned the Regular Meeting at 7:43 PM.