

REGULAR SESSION

March 14, 2017

The Zoning Board of Adjustments of the City of Athens, Texas met in Regular Session on Tuesday, March 14, 2017, 4:00 p.m. in the Development Service Conference Room, 622 S. Prairieville, Athens, Texas with the following members present, to-wit:

Jack Bateman
Morgan Jones
Todd Fowler
Bryan Barker, Alternate
Alex Withers, Alternate

Barbara Holly, Managing Director of Development Services
Yadira Chairez, Development Coordinator

Following members absent: Mamie Stafford, Thomas Faulk

constituting a quorum at which time the following proceedings were enacted, to-wit:

Chair Bateman called the meeting to Order.

CONSIDER APPROVING THE MINUTES OF THE FEBRUARY 14, 2017 REGULAR SESSION

A motion was made by Member Withers , seconded by Member Barker to approve the minutes of the February 14, 2017 Regular Session. The motion carried unanimously.

PUBLIC HEARING CONCERNING A REQUEST BY PETERSBURG BAPTIST CHURCH FOR A LIGHTED SIGN WITHIN 150' OF A RESIDENTIAL DISTRICT AT 1008 MILL RUN ROAD (ZBA-02-17-001).

Barbara Holly, Managing Director of Development Services, explained that in the prior meeting the Zoning Board requested that notification be re-sent to ensure that all residents within a 200 feet radius were notified. The board also requested the exact measurement of the sign from Petersburg Baptist Church. Staff re notified by comparing 911 and Appraisal District addressing. Ms. Holly stated that staff received eight notices: six in opposition and two in favor. Ms. Holly said the church staff clarified that size of the sign was correct in the first meeting, eight feet tall and seven feet wide. She explained that there are alternative ways of communicating to the public including social media and newspaper. Ms. Holly also explained that staff researched the sign for Heavenly Gates Church on West Tyler and could not find a permit. Staff recommendation is to uphold the legislative requirement of no lighted signs within

permit. Staff recommendation is to uphold the legislative requirement of no lighted signs within 150 feet of a residential district as the sign would commercialize a residential area, discouraging further residential development.

Member Bateman asked if there are any hardship to be considered for Petersburg Baptist Church.

Ms. Holly explained that a variance or special exception shall not be granted to relieve a self-created or personal hardship, nor shall it be based upon economic gain or loss when making a decision.

Member Bateman asked if anyone had questions for staff.

Member Bateman opened the Public Hearing.

Larry West quoted John 1:4-5 from the Bible: "let there be light and there was light". This is what the church wants to reflect to the community by having a lighted sign. Mr. West apologized about the previous meeting presentation and confusion created on the LED sign measurements. West explained that he had talked to the City of Houston and they allow lighted signs for the purpose of growing a community. West went on to say the church sign they want to install is not a "shabby sign", but a professionally constructed sign. He said the church would be willing to turn the sign off at night to keep light out of adjacent residences.

Mr. West explained that the church had been broken into several times and the LED sign will give more visibility to the church property. Mr. West was concerned that other churches had been allowed LED signs such as Eastern Hills on Hwy 175 E., the Methodist Church on Lovers Lane, and Heavenly Gates on W. Tyler. He mentioned that TVCC has the brightest LED sign. He proceeded to say that the church just wanted the LED sign to "announce that the church doors are open to anyone who wanted to join their church family".

Member Withers asked Mr. West if he was stating that the sign could be turned off at night. Mr. West replied he was going to let Pastor Jacky Coleman answer. Mr. Coleman answered that the church has respect for the people around the church; they are good people, and that the church is willing to turn the sign off at night.

Wesley Carter said he lives down the road on Mill Run and his concern with the sign is safety for drivers. He has two young, inexperienced drivers that he did not want blinded by sign brightness when they are driving down Mill Run Road.

Member Jones asked if the company could modify the sign by lowering the brightness of the sign. Mr. West answered that the sign had already been purchased prior to applying for a permit. He questioned why the church asked to abide by lower lighting standards if the TVCC sign is brighter than any other sign. This made them think that it was a race issue and not a sign issue.

Chair Bateman stated that Zoning Board of Adjustments does not look at race when making a decision.

After discussion, a motion was made by Member Bateman and seconded by Member Jones to close the public hearing. The motion carried unanimously.

Member Fowler asked if City Council can overrule the decision they make today.

Ms. Holly stated that City Council cannot overrule any ZBA decision because the board acts like a courtroom (quasi-judicial). Any appeal of this decision would have to go to a court of record.

Chair Bateman stated that he was not in agreement with allowing the LED sign in a residential district due to the fact that he does not know the problems it can cause later if they allow it. He would not like to see this establish a precedent.

Member Barker motioned to allow the LED sign for Petersburg Baptist Church if they would turn it off at night. Member Withers said he would second the motion if he knew for sure the time they would turn it off and on. Discussion continued among members.

Mr. Barker amended his motion to allow the LED sign for Petersburg Baptist Church with the condition that the LED sign can only be lit between the hours of 7:00 AM to 5:00 PM seven days a week. The church would have to take full responsibility informing future church staff about the LED sign regulations. Member Withers seconded this motion. The motion carried four to one (Chair Bateman).

ADJOURN

The meeting was adjourned.

PASSED AND APPROVED THIS 11TH DAY OF APRIL, 2017.

Jack Bateman, Chairman

ATTEST:

Yadira Chairez, Development Coordinator