



**MINUTES
BOARD OF ADJUSTMENT CITY OF MISSOURI CITY, TEXAS**

September 29, 2017

The Notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairman Morris approximately 6:00 p.m.

ATTENDEES:

Board Members Present:

Roger Morris, Chairman
Scott Moseley
Joe Workman
John Jobe
James Norcom, III
Sharon Jurica (alternate)

Board Member Absent:

J. R. Atkins

STAFF PRESENT:

Otis Spriggs, Director of Development Services
Jennifer Thomas, Planning Manager
Thomas White, Planner II
Evelyn Kimeu, Assistant City Attorney
Nancy Desobry, Office Manager

Others Present:

Art Brannen

READING OF MINUTES:

Chairman Morris called for any corrections or additions to the April 29, 2015, meeting minutes.

Motion:	Approval of the April 29, 2015, meeting minutes.
Made By:	Board Member Workman
Second:	Board Member Norcom
AYES:	Board Member Workman, Board Member Norcom, Board Member Jobe, Chairman Morris, Board Member Moseley
NAYS:	None

The motion passed.

REPORTS:

There were none.

PUBLIC COMMENTS

There were none.

AGENDA ITEM FOR CONSIDERATION

- A. To receive comments for or against a request by Art Brannen on behalf of Texas AA Development LLC for a variance of Section 13.12.G.(4) of the Missouri City Zoning Ordinance. The subject site is located at 3711 FM 1092, Missouri City, Texas (Advance Auto Parts), north of Hampton Drive, east of Lowe's Home Improvement Store, west of FM 1092, and south of Express Oil Change and Tire Engineers.

Mr. Art Brannen, Texas AA Development, LLC, gave a brief description of the project stating due to a pipeline obstruction the sign was placed in its current position. The project changed sign contractors and inspections fell through the cracks. They are requesting a variance from requirements for minimum distance of a monument sign from other signs contained within Section 13.12.G.4, of the City of Missouri City Zoning Ordinance.

Mr. Thomas White presented this item stating this application represents a request for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. The City recommends that the variance application be denied for the following reasons: (1) Section 13.12.G.4 of the Zoning Ordinance request that "A monument sign shall be located a minimum distance of: (1) 25 feet from any side or rear property line; (b) 50 feet between all signs on the subject premises; and (c) 50 feet between all signs on any adjacent properties..." (2) Section 13.6.A.3 of the Zoning Ordinance requires "a sign inspection shall be required before any sign for which a sign permit is required is located within the city. The applicant shall be required to arrange for such inspection in advance of the date the sign is to be located by contacting the director of development services or his designee." The City requires the approval of a sign site inspection prior to the construction of a monument sign to ensure that the placement of such sign is in accordance with the rules and regulations of the Zoning Ordinance.

The following is background:

- Gulf Coast Signs & Graphics submitted to the City an application for a sign permit for a monument sign on or about December 1, 2016.
- A right-of-way consent agreement, from ExxonMobil, for the allowance of "utilities with conduit, signage, and landscaping across over and under the SAPL – TX-116" was provided as part of the sign application package in a letter dated November 29, 2016.
- On or about December 22, 2016, the City completed a review of the application and a sign permit was approved with conditions marked on the drawings and in a staff report.

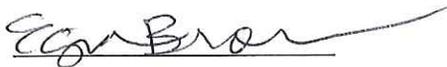
- On or about December 29, 2016, a sign permit for the construction of a monument sign was issued by the City to Gulf Coast Signs & Graphics.
- On or about December 30, 2016, a sign site inspection was requested by Gulf Coast Signs & Graphics. Such inspection was requested to be performed in the morning to inspect the proposed monument sign location and an item noted as "PG".
- On or about December 30, 2016, a sign site inspection was completed by City staff. The inspection was disapproved by the Zoning Inspector and a re-inspection ticket generated. The Zoning Inspector indicated that the inspection was disapproved because the sign base and sign face of the monument sign had been constructed and was located within 50 feet of an existing sign. The existing sign is an entry sign for a residential subdivision.
- On or about May 8, 2017, the sign contractor and permit expeditor contacted the City to inquire about the status of the monument sign approval.
- On or about, June 20, 2017, Texas AA Development, LLC submitted a variance application, along with a statement from Ergon – Texas Pipeline, Inc. indicating that that the company approves the current placement of the Advance Auto Parts sign at the corner of FM 1092 and Hampton Road.

The Board discussed the timeline, property limitations, whether this would set a precedent and determined the pipeline is an impediment, limitations of the site.

Motion: To grant a variance from the requirements of Section 13.12.G(4) of the City's Zoning Ordinance for the construction of an Advance Auto Parts store monument sign at 3711 FM 1092, Missouri City, Texas.

Made by:	Board Member Workman
Seconded:	Board Member Moseley
AYES:	Board Member Moseley, Board Member Workman, Board Member Norcom
NAYS:	Chairman Morris, Board Member Jobe

ADJOURNMENT



Egima Brown
Planning Technician

