Balcones Heights City Council will be present as the Board of Adjustments & Appeals
Possible quorum of Planning and Zoning Commission

NOTICE OF MEETING OF THE BOARD OF ADJUSTMENTS & APPEALS

CITY OF BALCONES HEIGHTS
3300 Hillcrest Drive
BALCONES HEIGHTS, TEXAS 78201

Notice is hereby given that a called meeting of the Board of Adjustments and Appeals of Balcones Heights, Texas, will be held on the 27th of March, 2017 at 5:30 p.m. at the Justice Center located at 3300 Hillcrest Drive, Balcones Heights, Texas, at which time the following subjects will be discussed, to-wit:

I. Call to Order and Recording of Quorum:

II. Approval of Minutes:
December 19, 2016

III. Business Matters:

Case No. BOA 2017-01: The Board will hear, consider, and approve/disapprove Application Request for Appeal regarding a waiver of a Temporary Sign Moratorium for Installation of new Fascia and Lettering on Existing Canopy.

IV. Adjournment:

DECORUM REQUIRED
Any disruptive behavior, including shouting or derogatory statements or comments may be ruled out of order by the Presiding Officer. Continuation of this type of behavior could result in a request by the Presiding Officer that the individual leave the meeting, and if refused, an order of removal.

The Balcones Heights Board of Adjustments reserves the right to adjourn into executive session at any time to discuss any of the matters listed above, as authorized by Texas Government Code § 551.071 (Consultation with Attorney) § 551.072 (Deliberations about Real Property) § 551.073 (Deliberations about Gifts and Donations) § 551.074 (Personnel Matters) § 551.076 (Deliberations about Security Devices), and § 551.086 (Economic Development)

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING
The City of Balcones Heights Board of Adjustments meetings are available to all persons regardless of disability. This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations, should you require special assistance, must be made 48 hours prior to this meeting. Braille is not available. Please contact the City Secretary’s office at 735-9148 or write to 3300 Hillcrest Drive, Balcones Heights, Texas 78201

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the bulletin board, at the Justice Center / City Hall of Balcones Heights, Texas, in a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: March 24, 2017, at 4:30 P.M. and remained so posted continuously for at least 72 hours preceding the scheduled time of said Meeting.

Submitted by:

Delia R. Sanchez
City Secretary
March 17, 2017

Mr. Jason Colvin
Image Solutions
6631 Raymond Stotzer Pkwy.,
College Station, TX

Re: 4301 Fredericksburg Rd.

Dear Mr. Colvin:

On October 24, 2016 the City of Balcones Heights adopted Ordinance #2016-16. The ordinance as written enacts a 90-day temporary moratorium on issuing sign permits in the City the limits of Balcones Heights. As required by law, the Notice of Public Hearing was published in the newspaper and two public hearings and two readings were conducted. On January 23, 2017 the City Council approved an extension of the temporary moratorium an additional 90-days.

On or about March 16, 2017 I visited the property at 4301 Fredericksburg Rd., to inspect what appeared to be alterations to the canopy. An inspection revealed the existing 48" cabinets around the perimeter of the canopy were being removed and proposed to be replaced with new 36" cabinets. The work was requested to cease until a permit application was submitted and approved by the City of Balcones Heights. This same day I received a sign application from Image Solutions for the installation of new red/white fascia to the canopy, installing two (2) sets of Exxon letters and installing two (2) red waves adjacent to the pumps and four Synergy sign panels above the pumps.

Because of the temporary moratorium, this letter is to advise you that the permit application submitted for the canopy project is denied. The City will review the application upon expiration of the Temporary Sign Moratorium and notify Image Solutions upon completion of review.

However, Section D of Ordinance #2016-16 allows an applicant to request a waiver of the application of the enacted Sign Moratorium to a particular project.

D. Appeals Process

A request for a waiver of the application of this Moratorium to a particular project may be made in writing to the Board of Adjustment within ten (10) business days of having an application denied by the City due to this Moratorium. The application for a Waiver must be submitted to the City detailing in writing how the project is eligible for a Waiver, including written descriptions, site map and graphic illustrations. Completed applications for
Waivers will be placed on the agenda for the next available Board of Adjustment meeting. Applications must be submitted at least ten (10) business days prior to the meeting.

Should you wish to appeal to the Board of Adjustment, please complete the included application and submit on or before close of business Friday, March 17, 2017 so that the Appeal may be considered at the next Board of Adjustment meeting, Monday, March 27, 2017 at 5:30 p.m. The meeting will be held on the 2nd floor of the Balcones Heights Justice Center and City Hall. A representative must be in attendance to present the Appeal.

The red waves and Synergy sign panels are also denied. This type of advertising is not allowed and not eligible to be included with the canopy project. Our current and proposed sign code will allow for one permanent sign structure for each platted lot. Should you wish to appeal my decision, please complete and submit the Board of Adjustment Variance application not later than Wednesday, March 22, 2017 with the applicable fee of $500. Or, you may want to reach out to the owner who is in the process of requesting a variance for a separate project; this request may be included with the other project.

Respectfully,

[Signature]

Rita Hoyl
Director of Community Development

Cc: Golden SA Properties, shehmir@goldensa.net
City of Balcones Heights
3300 Hillcrest Drive
Balcones Heights, TX 78201
210-735-9148 Fax 210-735-9409

PERMIT APPLICATION
THIS IS NOT A PERMIT- WORK IS PROHIBITED UNTIL A PERMIT IS ISSUED

Date: ________________ Permit Number: ________________

USE OF PROPERTY: □ Residential  □ Commercial  □ Multi-Family  Project Type: __________

Address Where Work Will Be Performed: 4301 Fredericksburg Rd, Balcones Heights, TX

Property Owner Name: Golden SA Properties

Owner Address: 3500 Broadway St, San Antonio, TX

Owner Telephone(s): 210-824-3892

Email: shehmir@goldensa.net

Property in Floodplain: □ Yes □ No

Asbestos Survey Required on Commercial Project: __________

Initial Required: __________

Does project include Work in the Right-of-Way: □ Yes □ No

General Contractor: Image Solutions

If Applicable: __________

GC Address: 6631 Raymond Stotzer Pkwy, College Station, TX

City: __________ Zip: __________

GC Office Phone #: 979-778-4613 GC Cell: 979-412-0814

Sub Contractor: __________

Contractor Business name and Business Owner name: __________

Sub Contractor Address: __________

Street (no PO Boxes): __________ City: __________ Zip: __________

Sub Contractor Office Phone #: __________ Contractor Cell: __________

Email: __________ Super Name/Cell: __________

Trade State License No.: __________ License Expiration: __________

Name of Person requesting permit: Jason Colvin

Type or Print legibly: __________

Total market value for this project is $24,000.00

(Dollar amount required)

DESCRIPTION OF WORK TO BE PERFORMED UNDER THIS PERMIT

Use extra sheets and/or attach plats, surveys, plans, specifications, asbestos survey and related information and graphics.

Install new red/white fascia to canopy. System is 3' tall x 189' long.

Installing 2 sets of Exxon letters on the canopy. Exxon letter signs are 3ft tall x 8'4" wide. The E, O, & N are 18" tall. The double X's are 26 5/8" tall. All illumination is led and covered. No exposed lighting.

install 2 "red waves" near pumps. Waves are 120" tall. They will have led lighting on the inside.

Signature of Applicant: Jason Colvin Date Signed: 3/16/17

Three (3) complete sets of Licensed Architect or Engineer Stamped Plans and Specification must be attach to this application. Plans shall not exceed 30"x36" and shall be "Scaled" Drawings.

Incomplete applications will not be accepted.
AN ORDINANCE OF THE CITY OF BALCONES HEIGHTS, TEXAS, ("CITY") IMPLEMENTING A TEMPORARY MORATORIUM ON ISSUING SIGN PERMITS IN THE CITY LIMITS FOR THE PURPOSE OF ERECTING, RELOCATING, OR ALTERING SIGNS; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; PROVISIONS, INCLUDING: PURPOSE; SCOPE; PROHIBITIONS; SPECIAL EXCEPTIONS; APPEALS PROCESS; AND ENFORCEMENT, INCLUDING SETTING CRIMINAL FINES AND CIVIL PENALTIES PER VIOLATION; REPEALER; SEVERABILITY; AND PROPER NOTICE & MEETING.

SECTION 3. PROVISIONS.

A. Purpose
This Moratorium is being enacted to preserve the status quo and: (1) assess the City's goals for sign regulations; and to (2) evaluate and study methods to allow signs;

B. Scope
1. This Moratorium applies in the City Limits.
2. This Moratorium shall be in effect for a period of ninety (90) days after date of adoption. It may be extended, but not to exceed an aggregate of 180 days, under Section 212.1362 of the TEXAS LOCAL GOV’T CODE.
3. This Moratorium applies to sign applications, and the act of erecting, relocating, or altering signs located in the City Limits.
4. This Moratorium does NOT apply to the following:
   a. An administratively complete sign application already filed and pending before the Effective Date of this Moratorium;
   b. Projects with Permits: Signs for which the City has already granted all permits before the Effective Date of this Moratorium;
   c. Signs and activities not requiring a permit under Chapter 453 Sec. 4.5.3(2) of the municipal ordinances;
   d. Political signs to the extent the limitations under Chapter 453, Sec. 4.5 Table 4a of the municipal ordinances are not exceeded; and,
   e. Ordinary maintenance or repair of a sign meaning activities relating to a sign that would be considered ordinary or common for upkeep of the sign, including but limited to the replacement of existing materials with identical or in-kind materials or painting or altering or changing the advertising message. Ordinarily maintenance does not include the expansion of surface area, installation of illuminating devices, increases in sign height, addition of animated or moving parts, enlargement, or renovation or remodeling of a sign that would expand or increase the surface for display of advertising.
C. Prohibitions
The City will neither accept nor process applications for these permits:

1. Sign Building Permits: The City's acceptance, review and approval of building permits for construction of new sign structures, in the City Limits is hereby temporarily suspended and prohibited.

2. Sign Applications: The City's acceptance, review and approval of sign applications as defined in Chapter 453, Sec. 4.5 of the municipal ordinances, in the City Limits is hereby temporarily suspended and prohibited.

3. Erecting, relocating, or altering signs in the City Limits is hereby temporarily suspended and prohibited.

D. Appeals Process
A request for a waiver of the application of this Moratorium to a particular project may be made in writing to the Board of Adjustment within ten business (10) days of having an application denied by the City due to this Moratorium. The application for a Waiver must be submitted to the City detailing in writing how the project is eligible for a Waiver, including written descriptions, site map and graphic illustrations. Completed applications for Waivers will be placed on the agenda for the next available Board of Adjustment meeting. Applications must be submitted at least ten (10) business days prior to the meeting.

Waivers may be granted by the Board of Adjustment when the Board determines in writing that one (1) or more of the conditions listed below are satisfied.

1. Undue Hardship.
   a. The applicant shall otherwise suffer undue hardship, that being something beyond or in addition to financial hardship;
   b. The current regulations are adequate to address the particular type of development and construction proposed by the applicant;
   c. It is in the public interest to allow a limited exception to the Moratorium in the particular instance; and
   d. Authorizing the waiver will not adversely impact the Purposes and Findings of Fact identified herein.

2. Pending Projects. Complete applications for one or more building permits for the proposed project (as specified in the application for the building permit) were on file with the City on or before the Effective Date of this Moratorium.

3. Development Agreement. The tract is subject to a valid, written development agreement between the property owner and the City pursuant to which all land use and development matters are addressed in a manner that protects and maintains the historic, architectural or cultural significance of the Zoning District.
APPLICATION
REQUEST FOR
APPEAL

OFFICE USE ONLY

MEETING DATE: March 27, 2017 CASE NUMBER:

PRINT OR TYPE

NAME OF APPLICANT: Golden SA Properties
ADDRESS: 3500 Broadway St, San Antonio, TX
PHONE NO: HOME WORK 210-824-3892 FAX
EMAIL ADDRESS: shehmi@goldensa.net
STATUS: OWNER (x) AGENT ( ) – If agent, attach notarized Letter of Authorization

PROPERTY DESCRIPTION

ADDRESS: 4301 Fredericksburg Rd, Balcones Heights, TX
LEGAL DESCRIPTION Convenience Station
EXISTING PROPERTY USE or STATE NONE: gas station convenience store
PROPOSED USE & DESCRIPTION: gas station C-store
ACREAGE AND/OR SQUARE FOOTAGE: ½ 2,500 sq. ft.
DOES OWNER OWN ADJACENT PROPERTY: YES ( ) NO ( )
REQUESTED BOARD ACTION:
Appeal (x) Special Exception ( ) Variance ( )

Appeals requests are heard and approved or denied by the Board of Adjustment. The following items are required for scheduling a Board of Adjustment hearing and are due to City Hall with the application.

1. A formal written permit denial letter. This letter is issued to the property owner or duly appointed representative by the Director of Community Development. In order to obtain this written denial, the property owner or representative must have submitted the necessary documents to apply for a Building Permit from the Community Development Department. The necessary documents included, but are not limited to, a current certified survey and height statement reflecting the height as measured according to the guidelines set forth by City Ordinance, or full architectural plans if said plans include the two aforementioned items. Once the Director of Community Development denies the request for a building permit, the Community Development Department will provide the property owner or representative with the written denial necessary for the Appeal.

2. The application must be signed by the property owner. If the applicant is not the owner, a signed document showing authority to request the variance must accompany the application.
3. The following must also accompany the application packet:
   a. A site plan which:
      a. Indicates property location by street address and legal description;
      b. Property owner’s name (and applicant’s name if different);

4. Application and one hard copy of the necessary documents, etc. in completed form must be
   submitted to the Community Development Department; a PDF file document is also required and
   emailed to rhoyal@bhtx.gov. Partial and/or incomplete applications and site plans will not be
   accepted by the Board.

Please provide description and purpose of Appeal

____________________________
Install Exxon letters and fascia on an existing canopy. Site is rebranding from unbranded to Exxon.

____________________________

____________________________

____________________________

____________________________

____________________________

3/16/17

Date

_____________________________________________________
Signature of Property Owner/Representative

3300 Hillcrest Drive  Balcones Heights, TX 78201  (210) 735-9148 phone (210) 735-4954 fax
Cardtronics ATM
ATM · 4301 Fredericksburg Rd

Exxon
Gas Station · 4301 Fredericksburg Rd

THE RIGHT CHOICE #1
Gas Station · 4301 Fredericksburg Rd
Open until 12:00 AM

Three Star Market
Gas Station · 4301 Fredericksburg Rd
Open until 12:00 AM
MEMO TO THE BOARD OF ADJUSTMENT

DATE: March 24, 2017
FROM: Rita Hoyl, Director of Community Development
SUBJECT: Waiver of Temporary Sign Moratorium for Installation new Fascia and Lettering on Existing Canopy
GOLDEN SA PROPERTIES/EXXON/QUICKS
4301 FREDERICKSBURG RD.

DATE AND TIME OF HEARING: March 27, 2017, 5:30 pm

BACKGROUND: On or about March 16, 2017 I visited the property at 4301 Fredericksburg Rd. to inspect what appeared to be alterations to the existing canopy. An inspection revealed the existing 48" cabinets around the perimeter of the existing canopy were going to be removed and proposed to be replaced with new 36" cabinets. The work was requested to cease until a permit application was submitted and approved by the City of Balcones Heights. This same day I received a sign application from Image Solutions for the installation of new red/white fascia on the canopy, installation of two (2) sets of Exxon letters and installing two (2) red waves adjacent to the pumps and four (4) Synergy sign panels above the pumps.

On October 24, 2016 the City of Balcones Heights adopted Ordinance #2016-16 implementing a 90-day temporary moratorium on issuing sign permits while the City evaluates methods to allow signs. On January 23, 2017 the City Council approved an extension of the temporary moratorium an additional 90-days.

Staff accepted and reviewed the permit application. Upon review, the applicant was notified in writing that due to the temporary moratorium in effect, the permit application for the canopy reface and Exxon lettering is denied. Section D of Ordinance #2016-16 allows an applicant to request a waiver of the application of the enacted Sign Moratorium to a particular project. Staff provided the information for the Appeals process to the enacted Moratorium; the applicant has submitted a request for an Appeal for this project.

Golden SA Properties has recently painted the exterior of the building, reconfigured the interior and has made many cosmetic improvements.

RECOMMENDATION: The proposed canopy project is not detrimental to the public health, safety, or welfare of the residents of Balcones Heights. Staff recommends it is in the public interest to allow a limited exception to the Moratorium in this particular instance and allow Image Solutions, on behalf of Golden SA Properties to install the red/white fascia and two sets of Exxon letters to the existing canopy upon receipt of a sign permit.