

**MINUTES OF THE  
LEON VALLEY ZONING BOARD OF ADJUSTMENT**

**Tuesday, January 9, 2018, at 5:00 p.m.  
City Hall**

**6400 El Verde Road, Leon Valley, Texas, 78238**

I. Poll for Attendance, Determination of a Quorum, Call Meeting to Order

Chairwoman Elizabeth Maloy called the meeting to order at 5:00 p.m. Present were Board members Elizabeth Maloy, Vivian Pankey, Pat Martinez, and Steven Mouser. Alternate 2 Phillip Riddle was seated as a member. Absent were Lupita Carpio, Member, and Lyn Joseph, 1<sup>st</sup> Alternate. Also present were Planning and Zoning Director Nina Nixon-Mendez and Felisha Novan, Assistant Planning and Zoning Director. A quorum was present.

II. Consideration and Possible Action on the Minutes of the September 28, 2017 Board of Adjustment meeting.

Chairwoman Maloy asked for a motion to approve, disapprove or correct the minutes. Board member Pankey noted a correction of the spelling of her name on page 3 in the last paragraph. Board member Martinez made a motion to approve the minutes as corrected. Board member Mouser seconded the motion. Chairwoman Maloy called for a vote. The motion was approved and accepted with the changes.

III. Presentation, Public Hearing, Discussion and Possible Action on Board of Adjustment Case No. 2017-216, a request by Gail Tribble, applicant and property owner, for a variance to the Leon Valley Code of Ordinances, Chapter 15, "Zoning," Sec.15.02.304 Description and purpose of districts (f) Side and rear yard. (2) Noncombustible accessory buildings ... and Section 15.02.306 "R-1" single- family dwelling, (d) Other (1) Accessory Buildings," generally located at 6003 Forest Bend being Lot 5 Blk 2 CB 4445F in Leon Valley, Texas.

Chairwoman Maloy opened item 3 and requested the presentation by staff. Witnesses presenting testimony were administered the oath.

Staff member Nixon-Mendez gave a presentation on the case. She stated that the applicant Gail Tribble was requesting a variance at 6003 Forest Bend. She said the request was for a variance to the Leon Valley Code of Ordinances, Chapter 15, "Zoning," Sec.15.02.304 Description and purpose of districts (f) Side and rear yard. (2) Noncombustible accessory buildings ... and Section 15.02.306 "R-1" single- family dwelling, (d) Other (1) Accessory Buildings," generally located at 6003 Forest Bend being Lot 5 Blk 2 CB 4445F in Leon Valley. The request is to keep a storage shed in the rear yard in an R-1 district. She stated that the adjoining lots were residential and that it was a residential area. She said that records indicate that the house was built in 1967. She said there is no permit record for an accessory building. She presented a location map and an aerial map showing the parcel. She said the appraisal district records indicate a 150 square foot shed on the property but the records

do not indicate the year built. This case is a result of a Notice of Violation letter issued to the property owner by Leon Valley on August 28, 2017. She reviewed the Code Section referenced as Chapter 15, "Zoning," Sec.15.02.304 Description and purpose of districts (f) Side and rear yard. (2) Noncombustible accessory buildings, and stated that because the shed is combustible and it is located closer than 15 feet to the main building it requires a 5 foot set back from the property line. She stated that the second section that the variance concerns is Section 15.02.306 "R-1" single-family dwelling, (d) Other (1) Accessory Buildings," that the accessory building shall be located at least 5 feet from any property line and shall not occupy more than 30% of the rear yard.

Mrs. Nixon-Mendez reviewed the code definitions that were provided in the Board packet. She showed a typical illustration showing the required yards and stated that the accessory building must be in the rear yard and set back 5 feet from any property line. She explained that the application stated that the accessory structure was placed on the property in 1993. She said the zoning code at the time (1989 zoning code) when the shed was placed on the property required a 5 foot setback, so it is not a legal non-conforming condition and the variance would be necessary. She showed the site plan provided by the owner in the application, and indicated where the shed encroached into the setback. She presented pictures of the shed showing its placement on the property line at the alley.

Mrs. Nixon-Mendez explained that this will be a two-step process. She said the Board of Adjustment considers the variance to the zoning code. She stated that the City has ordered a survey to determine if there is any encroachment into the alley, and if so then the City Council would consider an encroachment agreement for the alley. She said if there is any encroachment into the alley, this is not something that the Board of Adjustment considers. She said that the BOA only considers the variance to the zoning code.

Mrs. Nixon-Mendez stated 29 letters were mailed. She stated at the time the board packet was printed 3 letters had been received in favor of the variance. The Board has been provided copies of 3 additional letters in favor of the variance; so there are a total of 6 letters in favor of the request. She stated that no letters were received in opposition and none were returned undeliverable.

Mrs. Nixon-Mendez reviewed findings that could be made for a motion to approve:

- That there are special circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and which were not self-imposed; and that this variance will not be a grant of special privilege to the applicant; and that it is also found:
- That because of physical circumstances such as size, shape or topography, no reasonable use can be made of the property without this variance;
  - That there will be no adverse effect from the granting of the variance;
  - Light or air will not be impaired to adjacent property;
  - Congestion will not be substantially increased;
  - Neighborhood property values will not be substantially impaired;
  - The amount of the variance is the minimum needed to afford relief; and

- That the following conditions, if any, which have been imposed. (Board may name conditions.)

She stated that the Board had several alternatives to: 1) Approve the variance as requested. 2) Approve the variance with conditions; or 3) Deny the variance requested.

Chairwoman Maloy inquired if any of the Board had any questions. Board member Riddle asked if the requirement related to the combustible shed was a fire requirement. Mrs. Nixon-Mendez stated that the fire safety aspect is the reason for that distance and that is actually a section in the zoning code. Mrs. Nixon-Mendez stated that fire safety is a reason for that. Board member Riddle asked if the shed was sitting on the neighbor's property line. Mrs. Nixon-Mendez stated that it is slightly offset from the property line, and estimates it to be approximately 1 foot from the property line. She explained that the distance was not illustrated on the applicant's site plan.

Chairwoman Maloy inquired why setbacks are important. Mrs. Nixon-Mendez stated that the reasons for setbacks are related to safety and nuisance factors. She stated that most cities have setbacks related to accessory structures and typically they will be five feet. Setbacks are required when expanding a main building. She also stated that in residential areas the front yard setback has to do with aesthetics and to provide a set of uniform standards. Chairwoman Maloy asked the purpose of the setback that is out of compliance. Mrs. Nixon-Mendez responded that the setback requirement is 5 feet from any property line and is related to health and safety issues such as fire safety and providing sufficient space for air circulation.

Chairwoman Maloy invited the applicant to plead her case. Gail Tribble, owner, addressed the Board. Mrs. Tribble stated she wanted to fill in details that the letter they wrote did not explain. She stated the home was built in April of 1977 and had a fully fenced yard and the fence was where it is now. The placement of the storeroom is exactly the place it is now. In 1986, Mrs. Tribble became a single home owner. She later married and they decided to rent a storeroom to sort through everything. She said they decided to put a storeroom in the back yard. She said they contracted with Heartland of Texas. She said they found in their check register the day they paid them to build the storeroom. She said they came out, they measured it, and contacted the City of Leon Valley, and she believes it was the City Engineer. She said that was 24 years ago and she had forgotten the name. She said they determined that the back yard was unique and that it was most likely the smallest back yard in Leon Valley at that time. She said the existing house measurements between the house and the fence were not as wide, especially with the current code. There were two huge oak trees, one on the side by the driveway and one next to the driveway with a fence between it. She said that she would not allow either of the oak trees to be cut down. She said they are Heritage Trees. She said someone from the City at the time came out and allowed the placement. She said the telephone pole guy-wires in the easement have never been a problem for people who service utilities on the telephone pole or for CPS. She said when they placed the storeroom, and they made sure that the fence line was followed. She said the post holes had been marked from the existing fence to determine the placement of the back wall of the storeroom. She said the contractor had nailed the permit on the tree for all to see, after which the fence was added on both ends to make a solid line between the fence and the alley. She said that he felt that the fence line was

still the same and there should not be a problem with coming and going in the alley because the existing width had not been altered and the fence had been there before the purchase of the home in 1977.

Mrs. Tribble said in August 2017 someone turned in a complaint to the City about the storeroom. She stated that pictures were being shown on the Police Chief's cell phone, and she walked up to him in the lobby and saw her storeroom on his cell phone. She said she asked the Chief why he was looking at her storeroom. She said the Police Chief responded that he did not know that was her storeroom, but he had to investigate it. She said she told him when it had been built, and she said he responded that he was surprised because it looked new. Mrs. Tribble stated they recently painted the storeroom, reroofed it and that the contractor got the permit to do it, and it looks new. She stated that she was surprised it could not be grandfathered, but apparently it could not. She said a letter was sent out by Heather, the code enforcement official, in August stating they were guilty of many infringements. Mrs. Tribble stated that there was not enough room anywhere. She said they were advised to go to the Board of Adjustment to get it officially worked out, although it was officially worked out many years ago but there is nothing on record to prove it. She said they checked with a broker and it would not be a problem if they chose to sell the home. She said the only problem they have is with the City of Leon Valley. She said they agreed to pay the variance fee which they thought was \$150, but it was \$250 when they came to pay the fee. She said then they had flu-like symptoms through the holidays and had a major computer fail where they were affected by ransom-ware. She said it took a week or so to get the computer working again. She said they got a call from the City requesting the application for a variance be filed by 5 p.m. that day. She said that day they received a citation for no permit. She said they were told that they would not appear on the docket but needed the paperwork into the office. She said they turned in their application and were told in an email by Acting Director of Community Development Melinda Moritz that they had sent the City Engineer out to measure and see if there was an encroachment problem and he said it was possibly over an inch or so. She said that the City has contracted with another engineering firm to do a survey.

Chairwoman Maloy stated that the issue Mrs. Tribble was addressing was not what the Board was considering. She stated that the encroachment into the alley was not what this board was addressing. She stated that the Board is considering the variance to keep the shed in the setback line.

Mrs. Tribble said the lot is 84 feet deep and not the required 120 feet deep. She stated that because physical circumstances, the size and shape and topography, no reasonable use could be made of the property in talking about the inch or inch and a half, without the variance in the alley. Chairwoman Maloy stated that the Board is not addressing the alley. Mrs. Tribble stated that originally they were told they were dealing with three things and now it is just two.

Chairwoman Maloy asked if there were any questions for Mrs. Tribble. Board member Riddle asked when the shed was built, did the contractor have a survey of the property. He also asked if Mrs. Tribble has a survey of the property. Mrs. Tribble stated that the property was surveyed when she bought the home but she did not have it with her, but he checked the plat or checked with the City but she had no idea what he had. She said

she did not provide him with a survey. Board member Martinez stated that they would not ask for a survey to put in a shed. Board member Riddle stated he received a survey of his lot when he bought his home. Chairwoman Maloy asked that the questions be limited to the applicant. Board member Riddle asked Mrs. Tribble to clarify that the applicant had no survey and that the contractor did not have a survey at the time the shed was placed. Mrs. Tribble stated that they did not have a survey and that they followed the prior survey.

Robert Tribble addressed the Board. Mr. Tribble stated that he did not know why they were here; that they had settled this in 1993 when they built the shed. He said they had someone from Leon Valley come out and they told them exactly where to put the building when the contractor was building it. Mr. Tribble stated that the alley is on the side of the property not the rear of the property. He said their yard only has an 8 foot clearance between the house and the back of the property. He said it was inconsistent with all of the other properties in Leon Valley. He remembers that they had a permit attached to the tree. He said they assumed the contractor had all of the right permits. He said it has been on the tax rolls since 1998.

Chairwoman Maloy asked if anyone else wanted to speak on the item.

Olen Yarnell stated he was a friend the applicant and has known them for about 45 years. He said he had been a member of the Zoning Commission for 14 years. He said on page 15-130 it states the duties of the board is to hear appeals from individuals contesting the zoning enforcement officer. He asked if there is a copy. Mrs. Nixon-Mendez stated that there was a citation and notice of violation issued. She stated it is a pending case and she is not able to discuss that. She said it an open case that was investigated and enforcement enacted, so she is unable to discuss it. Mr. Yarnell inquired why the case was before the board. Mrs. Nixon-Mendez responded that the applicant has requested a variance. She stated that it is an open case and she cannot discuss it, that it is a criminal matter. She said because it is in violation of the code, they were informed of the violation, and they have made the application for a variance in order to remedy the violation. Mr. Yarnell stated he did not know why he could not receive the information on when this would be going to court.

Chairwoman Maloy stated that the Board of Adjustment is considering the variance to the zoning code.

Mr. Yarnell stated that according to the rules of the Zoning Commission he says that the applicant has to contest a decision by the zoning enforcement officer.

Board member Pankey inquired what Mr. Yarnell's purpose was and if he was there to present information or if he was acting as an attorney. Mr. Yarnell stated that he was a citizen.

Chairwoman Maloy stated that they were looking for either support of approval or disapproval of the case before the Board. She stated that any curiosity as to how the system works is not being handled by this court. She stated that Mr. Yarnell could make

Chief Jo Salvaggio stated that this has nothing to do with the enforcement, but to rectify the situation of where their shed is built. He said they have to come before the board for a variance to the setback. He explained that the variance has nothing to do with the municipal court. He said if it goes to municipal court, they would look at the facts. He stated that the applicant is not here for the enforcement aspect; that the applicant is here to ask for a variance. He stated that it is in the applicant's favor if she asks for a variance.

Chairwoman Maloy stated that the reason for tonight is to consider a variance to the location where it is sitting within the setback. Chairwoman Maloy stated that Mr. Yarnell is not understanding the process.

Mr. Yarnell stated that he thinks the shed should stay because it has been there since 1993, 24 years ago. Mr. Yarnell stated that there are a lot of things in the city that do not comply with the current code, that building being one of them. Chairwoman Maloy stated that the applicant is requesting a variance to the current code.

Chairwoman Maloy asked if there was anyone else who wanted to speak. Mark Stahl spoke in favor of the variance. He stated he lived at 6002 Forest Bend, across the street. He stated that he did not even notice the shed, and it does not bother him at all.

Chairwoman Maloy asked if there was anyone else who wanted to speak. Gary Kern spoke in favor of the variance. He has had the property across from the alley for three years. He stated he sees no reason to move it. He said the lots are short, there is no place to put a storage shed, and it has been there so long. He said it did not detract from anything.

Chairwoman Maloy asked if there was anyone else who wanted to speak. Audrey Kern spoke in favor of the variance. She stated that she is Mr. Kern's daughter in law who lives at 6004 Forest Bend. They plan to purchase the home from Mr. and Mrs. Kern. She said they have been living there for three years, the shed does not bother them and they should be granted the variance.

Don Friedeck spoke in favor of the variance. He said he is a neighbor and lives at 6711 Forest Bend around the corner. He said he has been there since 1976. He said their piece of property is an odd shape and that there is not enough room to do the same thing that he can do in his yard. He said they have maintained the fence line and shed better than anybody. He said it presents no problems to the alley way. He said he has seen fire trucks and CPS in the alley way with no problem. He stated that they were informed where to put the shed back at that time, and to no grant the variance would not be right.

Chairwoman Maloy asked if anyone else would like to speak. No one in the chamber indicated that they wanted to speak. Chairwoman Maloy said since there is no one else she is closing the public hearing.

Chairwoman Maloy opened Board discussion. Chairwoman Maloy stated there were many people in her neighborhood who have been stopped from going to closing because they built in setback line and had to take down the building. Part of the reason

for having a setback is for circulation of air. She was concerned that there was a permit placed on a tree, but there was no permit pulled. She stated that it is the owner of property's responsibility to get the proper permit.

Board member Riddle inquired if the utilities are underground in the area. Mrs. Nixon-Mendez stated that the utilities were in the alley. Board member Riddle asked if there was a possibility the shed may be sitting over utilities. Mrs. Nixon-Mendez stated that the city has requested a survey to determine if there is encroachment into the alley, and that would be an issue that would come before City Council. Chairwoman Maloy commented that a locate is important to find out where the utilities go into the house.

Board member Martinez stated that if someone came into do work, it was the property owner's responsibility to make sure they had a permit. Chairwoman Maloy stated that bottom line it is the responsibility of the property owner. Chairwoman Maloy stated that they are being told that there is not permit, yet there is a permit on the tree. Board member Martinez said that there was no permit found. Mrs. Nixon-Mendez asked the Chairwoman if she could address that, and the Chairwoman consented. She stated that she searched for the permit, that they have record logs dating from 1990 to 1995. She stated they did a manual search for the permit issued for that property. The logs note what permit was issued, what it was for, the date, the name, the address, the valuation and the fee. She said these are handwritten and she was unable to locate a permit record. She further stated that even if a permit were issued, and if it was issued in violation of a zoning code, the zoning code still must be complied with.

Board member Pankey stated that it was complicated, and her concern was if there were underground utilities. Mrs. Nixon-Mendez stated that the utilities were located in the alley and are above ground. Commissioner Mouser stated that overhead utilities have easements. Mrs. Nixon-Mendez stated she contacted CPS and because when the subdivision was platted in the 1960s there technically is not an easement on the plat in the alley.

Board member Martinez inquired about the complaint. Mrs. Nixon-Mendez stated it was an anonymous complaint related to the shed. She said that was typical of complaints that are received by the City. She said they send a code officer to investigate the complaint. If it is in violation of the code, enforcement is initiated. She said they strive to achieve voluntary compliance and work with property owners to seek remedies of the violation.

The Chairwoman asked if there were any more questions or if anyone wanted to make a motion. Board member Martinez made a motion to approve the variance and stated that there are special circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and which were not self-imposed; and that this variance will not be a grant of special privilege to the applicant; and that there will not be any adverse effect from the granting of the variance. Board member Pankey seconded the motion. A roll call vote was taken.

Chairwoman Maloy  
Pat Martinez

Opposed  
Approve

Vivian Pankey  
Steven Mouser

Approve  
Opposed

The motion did not carry. The Chairwoman stated that the variance was denied. She thanked the attendees and stated that the case was closed and they would go onto the second case.

Mrs. Nixon-Mendez requested a brief check on the recording.

IV. Presentation, Public Hearing, Discussion and Possible Action on Board of Adjustment Case No. 2018-217, a request by Diana & James Silva, applicants and property owners, for a variance to the Leon Valley Code of Ordinances, Chapter 15, "Zoning," Sec.15 Appendix C.1 Overlay Districts - General, G. - Signs, 2 (d) Wall signs, and U) Prohibited signs. Generally located at 7180 Bandera Rd being LOT 1 O CB 4446EE (VALLEY VIEW SUBD UT 2), in the City of Leon Valley, Bexar County, Texas and more particularly described in documents on file at Leon Valley City Hall

Chairwoman Maloy opened item 4 and requested the presentation by staff. Witnesses presenting testimony were administered the oath.

Ms. Felisha Novan gave a presentation on the Case No. 2018-217, a request by Diana & James Silva, applicants and property owners, for a variance to the Leon Valley Code of Ordinances, Chapter 15, "Zoning," Sec.15 Appendix C.1 Overlay Districts - General, G. - Signs, 2 (d) Wall signs, and U) Prohibited signs, generally located at 7180 Bandera Rd. She said the property is zoned B-2 (Retail) and is in the Sustainability Overlay.

Chairwoman Maloy asked Ms. Novan to expand on the overlay district. Ms. Novan explained that there are overlay districts adopted for portions of the city. She explained that there were three overlay districts and each has additional zoning requirements. She stated that the Sustainability Overlay is the largest and encompasses the most traveled corridors and the regulations are established to ensure uniformity in that area, especially in the case of signage. She said the applicant is requesting an LED sign which is currently prohibited. She said it is defined as an electronic reader board except for time and temperature devices. She said that the BOA will only consider the variance to the zoning code. However, she wanted to present the request in its entirety so that the board is familiar with it. She said the city code states that the maximum total square footage per wall area cannot exceed 200 square feet per occupancy. The proposed signage exceeds the amount. The proposed sign area is 275.5 square feet. She stated that the City Code also prohibits LED signs. She said that the Board of Adjustment is considering only the LED message boards which are 8 ft. x 8 ft. each. She said that the LED message boards are proposed for both sides of the building.

Chairwoman Maloy asked if one sign was facing north and the other south. Ms. Novan responded yes.

Ms. Novan stated that in conserving approval of a variance, the Board would make findings that there are special circumstances applicable to the property which, if strictly enforced, will deprive such property of privileges enjoyed by other property of the same

classification in the same zoning district; and which were not self-imposed; and that this variance will not be a grant of special privilege to the applicant; and that it is also found:

- That because of physical circumstances such as size, shape or topography, no reasonable use can be made of the property without this variance;
  - That there will be no adverse effect from the granting of the variance;
  - Light or air will not be impaired to adjacent property;
  - Congestion will not be substantially increased;
  - Neighborhood property values will not be substantially impaired;
  - The amount of the variance is the minimum needed to afford relief; and
- That the following conditions, if any, which have been imposed. (Board may name conditions.)

She stated that the Board had several alternatives to: 1) Approve the variance as requested. 2) Approve the variance with conditions; or 3) Deny the variance requested. She said that applicant stated in their application that they are requesting this variance because there is a large pole sign next to the property in question that obstructs the front view, and that the building gets tagged with graffiti at ground level so there is a need for signage at eye level. She said 6 letters were sent to neighboring properties, none were returned, and no responses opposed were received.

Chairwoman Maloy asked if there were any questions. Board member Riddle asked about the previous business's signs. Ms. Novan showed photographs of the signs and said that they were being removed. Board member Pankey asked about another sign in the photograph. Mrs. Novan responded that was for the neighboring business, the Mexican buffet. Board member Pankey asked if that sign would remain and Ms. Novan responded yes.

Chairwoman Maloy inquired if they were getting a variance for the size too or just for the LED. Ms. Novan responded that the request is allow for an LED and that they meet the sign area in the Sustainability overlay. Board member Riddle asked if the existing overlay did not allow LED signs, and Ms. Novan responded that was correct.

Chairwoman Maloy called on the applicant to speak. Dr. James Silva, the applicant, stated that his business is a niche type of medicine. They want to tell the community what they can do and they can be of a bigger service for a healing institution in Leon Valley. He said they will hire 18 to 20 people and the office of over 1.2 million. They are asking for this variance as opposed to installing a monument sign. He said a 7 foot tall monument sign is problematic because persons writing graffiti can get up to 10 feet. He said they cleaned up the graffiti on the building only to receive rocks in their window. He said the Police Chief and Captain are aware of the graffiti. He said the office site is near a trailer park and on the route to school. He said the large Mexican buffet sign is 21 inches from their property line and it is huge. Chairwoman Maloy inquired why he wanted the variance allowing the LED lights. Dr. Silva responded that they want a sign to help the population know what maladies that they treat. He said they would not advertise daily specials. He said it would not affect the surrounding properties, and is the minimum needed for relief. He said this would help the population avail themselves to the medical services.

Board member Riddle asked if they were an emergency services clinic. Dr. Silva stated that they are a specialty clinic that does thing like stem cell to regenerate knee joints.

He stated that they do not do emergency, and that he would hate for people to think that is what they do.

Chairwoman Maloy asked if any of the members had questions. Board member Martinez stated that she was concerned about some of the signs on Bandera Road and if they were within the same district. Chairwoman Maloy stated that the Board needed to keep the consideration to this particular location.

Chairwoman Maloy asked Board member Mouser if he had any questions, and he stated no.

Dr. Silva added that he is only allowed to have one sign on one side of his building. He stated that if a person was traveling from south to north that they would miss it. Chairwoman Maloy asked how LED's affect that. She stated that they are only considering the LED signs in this request. Dr. Silva stated that he appreciated the Board's time, and that he was sorry for wasting it. Chairwoman Maloy stated that he is not wasting their time. She stated that they were glad he was coming to Leon Valley.

Chairwoman Maloy acknowledged Board member Riddle. Board member Riddle asked if their normal business was through referrals. Dr. Silva said it was not and they take walk-ins. Dr. Silva stated that many of the clientele are Medicare patients and they are trying to assist that population. He said currently they have an office next to Hobby Lobby and they have a pylon sign. He said at this new location they are only allowed to have a monument sign, and a lot of elderly get very confused and frustrated, and the proposed sign would help them. Chairwoman Maloy said she appreciated him coming tonight.

Chairwoman Maloy asked if anyone else wanted to speak. Chris Hernandez stated he was hired by Dr. Silva as the general contractor for their office. He stated that signs are more high tech and it helps us to move into the future. He stated that they want to install the best sign that they can get.

Chairwoman Maloy asked if anyone else wanted to speak. Chief Joe Salvaggio stated he was not for or against, but he stated that he told Dr. Silva he would address the graffiti problem. He stated they have had a huge graffiti problem in the area where signs that are lower are getting graffiti on them. He stated they are trying their best to solve the issue, and that that location has not had graffiti lately. He stated that when they put a stop to it, the building got their windows broken out. He stated he thought the sign being low would be a bad idea for Leon Valley. He said as far as LED, it would be up to the Board. He stated that he was working with Dr. Silva to resolve those graffiti issues.

Chairwoman Maloy closed the public hearing and asked to keep the consideration to LED or not LED, not the size of the sign. Chairwoman Maloy asked if there was any discussion. Chairwoman stated that 15 to 20 years ago there was not a sign ordinance and that is why there is a mess on Bandera Road. She stated that since the ordinance was in place it is looking better. She stated there was an amendment to the ordinance, and later the overlay district was adopted. She stated that she believed that slipping back into another direction would be going in the wrong direction. Board member Riddle stated he found the LED signs to be distracting when driving because you are taking

your eyes off the road to read it. He stated that the overlay restriction is needed. Board member Martinez said she guessed that the current LED signs were not in the overlay district. Chairwoman Maloy responded that they may be grandfathered.

Mrs. Nixon-Mendez stated that the overlay districts were adopted in 2010 and that anything permitted prior to that but not legal now is considered legal nonconforming.

Board member Pankey stated that Bandera Road had all kinds of signs prior to the ordinance. She stated that the intent is good, but we need to try to make Bandera Road more attractive, and if the Board approves one, everyone will be requesting it.

Board member Mouser stated that they are not denying the All-Star Health Care sign and not denying him from having any visibility. He stated that is was just the LED sign under consideration. Board member Pankey stated that if they are open during the day they can still see the sign.

Board member Pankey made a motion to deny the variance request because granting it would give special conditions to the applicant not enjoyed by others in the same classification in the same vicinity and zoning district and that there are no similar variances nearby.

Board member Riddle seconded the motion. Mrs. Nixon-Mendez clarified that the motion was to deny the request. A roll call vote was taken.

Chairwoman Maloy	For	Vivian Pankey	For
Pat Martinez	For	Steven Mouser	For
Phillip Riddle	For		

The motion to deny the variance was approved unanimously.

#### V. Board of Adjustment Workshop - Case Review Exercise & Discussion.

Chairwoman Maloy asked if the Board wanted to proceed with the sample case, as they had been going for over two hours or schedule for another day. Chairwoman Maloy said the item would be postponed, and would like to schedule a day for training purposes in the first quarter. She also suggested another case going further back because three of the board members actually heard that case.

#### VI. Announcements and/or Comments by Commission Members and Staff.

There were no announcements.

#### VII. Adjourn

Board member Martinez made a motion to adjourn, and Board member Riddle seconded the motion. A voice vote was taken and the motion to adjourn as approved.

TIME: 6:45 p.m.

Chair Sydney Maloy

Date March 30, 2018