

**MINUTES**  
**BOARD OF ADJUSTMENT**  
*City Commissioner's Room*  
*118 S. Cage Blvd. May 2, 2018 - 6:00 p.m.*

A meeting of the Board of Adjustment of the City of Pharr was held on Wednesday, May 2, 2018 and following is the record of attendance.

**MEMBERS PRESENT:** Danny Wylie  
Guadalupe Cano  
Rafael Munguia  
Ramiro Gutierrez  
Ruben Luna

**ABSENT:** Hector Guerra

**OTHERS PRESENT:** See attached list

**STAFF PRESENT:** Melanie Cano, Director  
Roland Gomez, Assistant Director  
John Rigney, City Attorney  
Cristina Garcia, Senior Planner  
George Martinez, Building Official  
Angie Resio, Secretary

**ITEM 1. CALL TO ORDER**

Vice Chairman, Danny Wylie called the meeting to order at 6:00 p.m.

**ITEM 2. ROLL CALL:**

Roll call established a quorum.

**ITEM 3. APPROVAL OF MINUTES**

**A) MINUTES OF APRIL 18, 2018**

Vice Chairman, Danny Wylie introduced the item.

There being no discussion, Guadalupe Cano **moved** to approve the minutes of April 18, 2018. Ramiro Gutierrez seconded the motion and when put to a vote it carried unanimously.

**ITEM 4. PUBLIC COMMENTS**

Kenneth C. Fletcher, residing at 504 South Diplomat, stated he was still experiencing loud noise and vibrations coming from Costco and would like to thank Lamar for doing

business with the City of Pharr. Dr. Fletcher further stated that Ordinance 2014-21 was not being enforced and even though he does not live 200 feet from the sign he is still a taxpayer and has the right to speak. He also stated Lamar was supposed to remove 5 signs as stated in the BOA titled Toyota of Pharr and he can't find which signs were removed. Dr. Fletcher also stated there were various signs by Lamar Advertising that were not in line with various ordinances and that should be looked into. Dr. Fletcher further stated the BOA should be advertised in the official newspaper which is the Advance News Journal and not The Monitor. He continued stating that in his opinion the item on the Agenda should be a special exception and not a variance and believes the location looks better without a sign.

There being no one else wishing to speak, Vice Chairman, Danny Wylie closed the Public Comments and proceeded to the next item.

#### **ITEM 5. PUBLIC HEARING**

- A. WALTER A. CLINT, REPRESENTING LAMAR ADVERTISING, IS REQUESTING A VARIANCE TO REBUILD A NON-CONFORMING/ABANDONED OFF-PREMISE BILLBOARD SIGN. THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 7 THRU 12, LONE STAR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 601 IH 2 WEST. BOA#180317**

Cristina Garcia, Senior Planner, introduced the item and stated the property is currently zoned General Business District (C). The surrounding area is zoned General Business District (C) to the north, east and west and Single Family Residential District (R-1) to the south. The area is generally designated for commercial use in the Land Use Plan. She further reported thirteen (13) surrounding property owners were notified of the request by letter and a legal notice was published in the McAllen Monitor. She stated staff received no response to the letters or the legal notice.

The applicant has indicated that a literal enforcement of the current city sign ordinance would not allow a new billboard to be erected within the City of Pharr.

The sign was previously classified as an off-premise billboard sign; however, the sign has been vacant and unoccupied, therefore is considered an abandoned sign. Under the City of Pharr's Sign Ordinance (O-2014-21), Section 106-62, Sign Classification (E), Abandoned signs means: any sign that is located on property which becomes vacant and is unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign, owner of the premises, or the city manager after written notice has been served.

Vice Chairman, Danny Wylie opened the public hearing and asked if anyone signed up to speak. There being no one who signed up, the public hearing was closed. Mr. Wylie opened the item for discussion and action.

At this time, Rafael Munguia recommended the item be discussed in closed session. There was no objection.

**CLOSED SESSION: IN ACCORDANCE WITH CHAPTER 551 OF THE TEXAS GOV'T. CODE, THE BOARD OF ADJUSTMENT HEREBY GIVES NOTICE THAT IT MAY MEET IN A CLOSED (NON-PUBLIC) EXECUTIVE SESSION TO DISCUSS THE ITEMS LISTED ON THE PUBLIC PORTION OF THE MEETING AGENDA IN ACCORDANCE WITH THE FOLLOWING BELOW**

The time being 6:07 p.m., Vice Chairman Wylie stated the commission would be entering into closed session in accordance with Chapter 551 of the Texas Govt. Code to discuss agenda items listed in the public portion of the agenda and Pursuant to Sections 551.071, 551.072, 551.074, 551.076, 551.084 and 551.087

**RECONVENE:**

The time being 6:18 p.m., Vice Chairman Wylie stated the commission would be resuming the open meeting.

- B. WALTER A. CLINT, REPRESENTING LAMAR ADVERTISING, IS REQUESTING A VARIANCE TO REBUILD A NON-CONFORMING/ABANDONED OFF-PREMISE BILLBOARD SIGN. THE PROPERTY IS LEGALLY DESCRIBED AS BEING ALL OF LOTS 7 THRU 12, LONE STAR SUBDIVISION, PHARR, HIDALGO COUNTY, TEXAS. THE PROPERTY'S PHYSICAL ADDRESS IS 601 IH 2 WEST. BOA#180317**

There being no discussion Vice Chairman Wylie opened up the item for motion.

Ramiro Gutierrez moved to deny the request to rebuild a non-conforming/abandoned off-premise billboard sign. Guadalupe Cano seconded the motion and when put to a vote, it carried unanimously.

Melanie Cano, Director of Development Services stated the applicant would like to speak to the board and that it was their decision to allow him to or not.

Vice Chairman, Danny Wylie, agreed to allow the applicant to speak.

Walter Clint, representing Lamar Advertising located at 201 Industrial Way, San Benito, Texas. He stated Lamar was approached by Lone Star Development and his

words may not make a difference as the Board has already made a decision but he felt they should be allowed to state their story. He stated the current owner did not have the capital to put into the existing sign and the best practical use for the sign is for a billboard and it would benefit the property owner as well as Lamar Advertising. Mr. Clint stated he was aware that off-premise signs were no longer allowed to be built in the City of Pharr but that because this was an existing sign he thought the Board would consider their request.

Paul. Veale, property owner, stated that he has been a taxpayer in the City of Pharr since 1966 and this sign had been used for a significant amount of time. He further stated he was requesting the Board to assist them in putting it back in service.

**ITEM 6. ANNOUNCEMENTS/OTHER BUSINESS**

None.

**ITEM 7. ABSENTEE REPORT**

Hector Guerra, Sr., was the absent member. Ramiro Gutierrez moved to excuse the absence of the members. Rafael Munguia second the motion and when put to a vote, it carried unanimously.

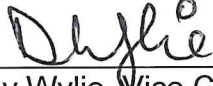
**ITEM 8. ADJOURNMENT**

There being no further business, Danny Wylie moved to adjourn and when put to a vote, the motion carried unanimously. Meeting adjourned at 6:25 p.m.

ATTEST:



\_\_\_\_\_  
Rafael Munguia, Secretary

  
\_\_\_\_\_  
Danny Wylie, Vice Chairman

APPROVED: \_\_\_\_\_

