



City of Farmers Branch

City Hall
13000 Wm. Dodson Pkwy
Farmers Branch, TX 75234

Meeting Minutes - Draft

Zoning Board of Adjustment

Tuesday, August 27, 2019

6:00 PM

City Hall

Dinner break at 5:00 PM in the Study Session Room and Meeting to be held at 6:00 PM in the Council Chambers.

A. REGULAR AGENDA ITEMS

- Present** 7 - Chair Michael Rogan, Vice Chair Mike Del Valle, Member Glenn Douglass, Member Beverly Nelson, Member Tommie Hylkema, Alternate Jake Gigl, and Alternate Matthew Kelley
- Staff** 5 - Building Official Hugh Pender, Paul Mattson Deputy Building Official, Danielle Summers Plans Examiner, Rebecca Albin Recording Secretary, and Louise Means Administrative Assistant I

Call to Order - Council Chambers 6:00 PM

Chairman Rogan stated that all persons planning to testify to please stand to take the oath. They did so.

A.1 19-400

Consider excusal of absence of a Board Member from a regular meeting; and take appropriate action.

Chairman asked the Board to consider the approval of the absence of Vice Chairman Del Valle from the June 25, 2019 regular meeting due to a pre-scheduled vacation.

A motion was made by Member Hylkema, seconded by Member Douglass, that the absence be excused. The motion carried by the following vote:

Aye: 5 - Chair Rogan, Vice Chair Del Valle, Member Douglass, Member Nelson and Member Hylkema

A.2 19-399

Consider approval of the June 25, 2019 Zoning Board of Adjustment Minutes; and take appropriate action.

Chairman asked the Board if they had read the minutes of the June 25, 2019 meeting and if anyone had changes to the minutes.

A motion was made by Member Nelson, seconded by Member Douglass, that the minutes be approved as drafted. The motion carried by the following vote:

Aye: 5 - Chair Rogan, Vice Chair Del Valle, Member Douglass, Member Nelson and Member Hylkema

B. PUBLIC HEARING**B.1 [19-ZBA-03](#) Conduct a public hearing and consider a variance request at 14050 N. Stemmons Fwy to replace the existing 30' high pole sign with a 50' high pole sign; and take appropriate action.**

Chairman Rogan opened the public hearing.

Building Official Hugh Pender gave a brief presentation on the case.

Chairman Rogan opened the floor to questions.

Vice Chairman Del Valle asked about the height of the Super 8 sign that was near by and would the proposed Jack in the Box sign be that same height. Mr. Pender stated yes, the Jack in the Box sign would be approximately the same height as the Super 8 sign.

Vice Chairman Del Valle asked who was responsible for trimming the trees in the area of the sign and how long would it be before the trees covered the sign. The applicant, Dawn Benehoff, Construction Manager for Jack in the Box, came forward and stated that Super 8 is responsible for trimming the trees. She has asked Super 8 to trim the trees so there would be better visibility of the Jack in the Box sign, but Super 8 refused. They are asking for the additional sign height to avoid the tree issue because this particular type of tree will not grow to the 50' height.

Member Hylkema asked if there had been any response from the neighboring properties. Mr. Pender stated that nine (9) letters had been mailed and there were no responses.

Member Nelson asked if assurances had been received as to the structural soundness since the sign was going from a two (2) pole sign to a single pole and increasing in height. Ms. Benehoff stated that they install signs like the Jack in the Box sign all the time and are required to drill down to a certain depth to insure the structural soundness.

Member Douglass asked if the new sign was the same size as the old sign. Ms. Benehoff stated that they were not the same size. The new sign is smaller in square footage but they are gaining the height for better visibility.

Vice Chairman Del Valle asked what is the maximum square footage that the sign can be and what is the size of the proposed sign. Mr. Pender stated that the maximum square footage is 200 square feet and the proposed sign is 90 square feet.

No one else came forward to address this agenda item. Chairman Rogan asked for a motion to close the public hearing. Member Hyklema made a motion to close the public hearing. Seconded by Vice Chairman Del Valle. The motion passed unanimously.

With no further discussion, Chairman Rogan asked for a motion.

A motion was made by Vice Chairman Del Valle to grant a variance to Ordinance Number 2111, Section C.2.(d) to allow the height of the pole sign to increase to 41' above the nearest freeway travel lane (50') to issue a Sign Permit, because the determination from the facts and evidence presented at the public hearing indicated that literal enforcement of Ordinance Number 2111 would be contrary to public interest and would result in an

unnecessary hardship due to trees on an adjacent property that impair visibility of the current sign. Seconded by Member Douglass.

The motion carried by the following vote:

Aye: 5 - Chair Rogan, Vice Chair Del Valle, Member Douglass, Member Nelson and Member Hylkema

B.2 [19-ZBA-04](#)

Conduct a public hearing and consider a variance request at 3147 Rolling Knoll Drive to reduce the 20' platted side yard setback due to the requirement being more restrictive than the current Comprehensive Zoning Ordinance (CZO); and take appropriate action.

Chairman Rogan opened the public hearing.

Building Official Hugh Pender presented the case. Mr. Pender stated that fourteen (14) notices were mailed out to adjacent property owners and there were no responses.

Chairman Rogan opened the floor to questions.

The applicant, Bronson Blackson of 3147 Rolling Knoll came forward and spoke in regards to the request.

Mr. Bill Phelps of 3135 Rolling Knoll Court came forward and spoke in favor of the request.

No one else came forward to address this agenda item. Chairman Rogan asked for a motion to close the public hearing. A motion to close the public hearing was made by Member Hylkema, seconded by Vice Chairman Del Valle. Approved unanimously.

A motion was made by Member Nelson, seconded by Member Douglass, to grant a variance allowing the use of the Comprehensive Zoning Ordinance, Article 3, Section 1.2.d in lieu of the recorded plat, because our determination from the facts and evidence presented at the public hearing indicated that literal enforcement of the Recorded Plat would be contrary to public interest and would result in an unnecessary hardship because of the restrictive nature of the platted set back and the unique lot shape.

The motion carried by the following vote:

Aye: 5 - Chair Rogan, Vice Chair Del Valle, Member Douglass, Member Nelson and Member Hylkema

B.3 [19-ZBA-05](#)

Conduct a public hearing and consider a variance request at 2879 Millwood Circle to re-construct the existing 4' high masonry subdivision fence behind the home to a height of 8'; and take appropriate action.

Chairman Rogan opened the public hearing.

Building Official Hugh Pender presented the case. Chairman Rogan opened the floor to questions.

The applicant, David Silver of 2879 Millwood Circle, came forward and gave a presentation concerning the request.

Pamela Silver of 2879 Millwood Circle came forward and spoke in regards to the request.

Pablo Gorda and his grandmother Nancy Quezada of 2889 and 2899 Millwood Circle came forward, were sworn in and spoke regarding the request and their concern about the trees that may need to be removed.

Member Nelson asked what the intention was in regard to the trees and the extended height of the fence. Mr. Silver stated that the vegetation that was being removed, due to the new wall footer, were bushes, not trees and the intention would be to replace the softscape after the new wall was constructed.

Member Hylkema asked if there was a cost estimate for the wall that is being proposed. Mrs. Silver stated they did not, the only estimate they had at this time is for the four (4) foot wall and not the eight (8) foot wall.

Chairman Rogan asked if there had been any response from the surrounding property owner mailing and Mr. Pender stated that twelve (12) notices had been mailed and no response was received.

Member Kelly asked Mr. Gorda and Ms. Quezada if they were in a position to consider doing a fence on their properties like the one proposed by the Silvers. Mr. Gorda answered yes, in the next few years.

Vice Chairman Del Valle made a motion to close the public hearing, seconded by Member Gigl and passed unanimously.

A motion was made by Member Hylkema, seconded by Member Douglass, to grant a variance to Article VIII, Section 22-265(b) of the Code of Ordinances to allow the modification in height to their portion of the subdivision fence to revise the current Fence Permit, because our determination from the facts and evidence presented at the public hearing indicated that literal enforcement of the Code of Ordinances would be contrary to public interest and would result in an unnecessary hardship because of the unique lot and the unavailability of the current building materials. The motion carried by the following vote:

Aye: 5 - Chair Rogan, Vice Chair Del Valle, Member Douglass, Member Nelson and Member Hylkema

C. ADJOURNMENT

With no other business before the board, Chairman Rogan called for a motion to close the meeting.

A motion was made by Vice Chair Del Valle to close the meeting at 8:29 PM, seconded by Alternate Gigl. The motion carried by the following vote:

Aye: 5 - Chair Rogan, Vice Chair Del Valle, Member Douglass, Member Nelson and Member Hylkema

Approved:

Attest:

Mike Rogan, Chairman

Rebecca Albin, Recording Secretary