

A G E N D A
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT
CITY OF HIGHLAND VILLAGE, TEXAS
THURSDAY, NOVEMBER 1, 2018, 7:00 P.M.
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

1. **Call to Order/Roll Call.**
2. **Elect Chairman and Vice Chairman.**
3. **Consider Approval of minutes from the Regular Meeting held on January 4, 2018.**
4. **Visitor Comments.** (Anyone wishing to address the Zoning Board of Adjustment must complete a Speakers' Request form and return it to the Administrative Assistant. In accordance with the Texas Open Meetings Act, the Zoning Board of Adjustment is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Chairperson may impose a three (3) minute limitation on any person addressing the Board.)
5. **Conduct Public Hearing and Review and Consider a request pursuant to City of Highland Village Comprehensive Zoning Ordinance, Section 7.5.E, to expand a non-conforming structure by more than 10% of the area of the existing structure on the property located at 301 Highland Lake Drive, being Lot 1, Block 3, Highland Lake 3.**
6. **Receive Status Reports on Various Projects.**
 - **Dates for Future ZBA Meetings**
7. **Adjournment.**

Pursuant to Section 551.071 of the Texas Government Code, the Zoning Board of Adjustment reserves the right to consult in closed session with its' Attorney and to receive legal advice regarding any item listed.

I HEARBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 26th DAY OF OCTOBER, 2018 NOT LATER THAN 5:00 P.M.

Billy Spencer
Building Official

(SEAL)

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the _____ day of _____ 2018, by _____ at _____.

DRAFT MINUTES
REGULAR MEETING OF THE
ZONING BOARD OF ADJUSTMENT, CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
THURSDAY, JANUARY 4, 2018, 7:00 P.M.

1. Call to Order/Roll Call.

Board Member Richard Metivier called the meeting to order at 7:01 p.m.

Roll Call

Present:	Richard Metivier	Board Member
	Darrah Boxberger-Torres	Board Member
	Thomas Peck	Board Member
	Christian Hart	Board Member
	Denver Kemery	Board Member
	Richard Holderby	Alternate Board Member
	David Smith	Alternate Board Member
	Guy Skinner	Alternate Board Member
Staff Members:	Billy Spencer	Building Official
	Kevin Laughlin	City Attorney
	Autumn Aman	Community Development Coordinator
	Sasha Torres	Community Services Assistant

2. Elect Chairman and Vice Chairman.

Board Member Christian Hart made a motion to elect Richard Metivier as Chairman. Board Member Thomas Peck seconded the motion.

Motion Passed (5-0)

Board Member Hart made a motion to elect Thomas Peck and Vice Chairman. Chairman Metivier seconded the motion.

Motion Passed (5-0)

3. Consider Approval of the Minutes from the Regular Meeting of the Zoning Board of Adjustment held on August 3, 2017.

Vice Chairman Peck made a motion to approve the minutes as written; Board Member Darrah Boxberger-Torres seconded the motion.

Motion passed (5-0)

4. Visitor Comments.

There were no visitor comments.

5. Conduct Public Hearing and Review and Consider a variance request to the City of Highland Village Comprehensive Zoning Ordinance, Section 33.6.A.1 as submitted by Sigma Signs on behalf of the property owner to allow an off-premises monument

sign. The property is located at 2260 Highland Village Road, and described as Lot 1B, Block A, Wilkerson Addition, Highland Village, Texas.

Building Official Billy Spencer addressed the Board stating that the applicant, Sigma Signs, was requesting to be allowed to construct an off-premise monument sign on the property located at 2250 Highland Village Road. He continued that the property requesting the variance is located at 2260 Highland Village Road. Mr. Spencer stated the Comprehensive Zoning Ordinance Section 33.6.A.1 reads in relevant part as follows:

Detached signs are permitted in nonresidential zoning districts as provided in the section. Detached signs must be on-premises signs.

Mr. Spencer continued that a copy of the map identifying the location of the properties, location of the proposed monument signs, and associated documentation was provided in the packets.

He stated the options and results are to review the pictures, maps and other documents, and determine whether the request satisfies the criteria for granting a variance as set forth in Sections 9.5. A and 9.5.B of the Comprehensive Zoning Ordinance. Mr. Spencer stated that the applicant bears the burden of proof in establishing that the variance requested complies with all the criteria required to be satisfied before the variance may be granted. He also stated the applicant had been advised they had the option of requesting the creation of a Planned Development, specific to the sign regulations, through the Planning and Zoning Commission and City Council, however they chose not to.

The Board Members, Building Official Spencer, and City Attorney Kevin Laughlin discussed the request as it pertained to the following:

- Definition of an on-premise sign compared to an off-premise sign.
- Request involves three (3) separate pieces of property owned by same people just different company names.
- Current zoning on the property being (O) Office.
- When the building at 2260 Highland Village Road was built and the square footage being approximately 5,998 square foot.
- Current tenant at 2260 Highland Village Road possibly being Edward Jones.
- If there was, a way to redesign the existing monument signs on the properties.
- Driveways and access easements.
- History of the property. In 2015, the property owners requested to replat the property at 2260 Highland Village Road to make a separate lot. At that time, City Ordinances required all lots to have street frontage to develop. The owners requested to replat the lot, which would create a separate lot without street frontage. All actions and reconfiguration of the lots involving a replat was by the request of the applicant.

Chairman Metivier opened the Public Hearing at 7:03 pm.

Mr. Dave Elliott, Sigma Signs, 1992 Justin Rd., Highland Village, TX addressed the Board showing exhibits of the proposed sign and location and stated the main objection is so that people can locate the building located at 2260 Highland Village Road. He continued that the business Edward Jones would be occupying a space in the building pending an agreement could be reached on the signage.

The property owner, Mr. Paul Bosco, Tre Far Niente Partners, 4509 Mahogany Lane, Copper Canyon, Texas gave all the Board Members a copy of The City of Highland Village Ordinance No. 2015-1184, which amends Chapter 26 of the Subdivision and Site Development Regulations, Section 3.6. Mr. Bosco stated when the amendment was

created; signage was not discussed, stating he thought it was an oversight by City staff and possibly the signage could have been addressed at the same time. Mr. Bosco stated he felt they had a hardship due to not being able to locate the building at 2260 Highland Village Road.

Building Official Spencer stated that City Staff had addressed the signage at Site Plan review and the applicant stated they would not be having any signage.

Vice Chairman Peck stated it was not the City's responsibility to think about the signage for the applicant.

City Attorney Laughlin stated the City of Highland Village Ordinance No. 2015-1184 was intended to allow for subdivision platting and creating an exception to our standards having a lot without street frontage. He stated it was a platting issue and not a zoning issue. The signage was a zoning issue and as stated in The City of Highland Village current zoning ordinances, off-premise signage is generally prohibited throughout the City. City Attorney Laughlin continued that it had been suggested that a Planned Development be created to generate an overall sign plan for the three (3) properties. He continued for clarification of the zoning ordinance and subdivision ordinance, sign regulations have nothing to do with platting.

Chairman Metivier read from the Zoning Board of Adjustment rules and regulations.

A variance may only be granted if there exists an unnecessary hardship. Unnecessary hardship does not include:

1. *The fact that the property cannot be used for its highest and best use.*
2. *Financial economic hardship.*
3. *Self-created hardship.*
4. *The fact that the development objectives of the property owner are frustrated or personal nature.*

Mr. Tom Torcellini, 4106 Bar Harbor Ct., Granbury, Texas addressed the Board stating they had worked hard to make all the buildings look alike and without signage, it would be difficult to locate the building at 2260 Highland Village Road.

Chairman Metivier closed the Public Hearing at 7:57 pm.

The Board as a whole went through the Variance Findings Flow Chart discussing the following along with their findings:

- Is the request for a variance owing to special condition inherent in the property itself?
Findings (Yes)
- Is the condition one unique to the property request the variance?
Findings (Yes)
- Is the condition self-imposed or self-created?
Findings (Yes)

Vice Chairman Peck made a motion to approve the variance. Board Member Hart seconded the motion. No action was taken therefore the request was **Denied (5-0)**.

6. Conduct Public Hearing and Review and Consider a variance request to the City of Highland Village Comprehensive Zoning Ordinance, Section 33.6.A.2, as submitted by Sigma Signs on behalf of the property owner to install a second monument sign. The

property is located at 2250 Highland Village Road, and described as Lot 2, Block A, Wilkerson Addition, Highland Village, Texas.

This item was withdrawn by the request of the property owner, Mr. Paul Bosco.

7. Receive Status Reports on Various Projects.

- **Future P&Z Meetings**

There was no other business.

8. Adjournment.

Meeting adjourned at 8:04 p.m.

Autumn Aman
Community Development Coordinator

Chairman
Zoning Board of Adjustment

CITY OF HIGHLAND VILLAGE
ZONING BOARD OF ADJUSTMENT

AGENDA# 5

MEETING DATE: November 1, 2018

SUBJECT: Conduct a public hearing and consider an application requesting a variance to the Comprehensive Zoning Ordinance Section 7.5.E for the property located at 301 Highland Lake Drive, Lot 1, Block 3, Highland Lake 3.

PREPARED BY: Billy Spencer, Building Official

BACKGROUND

The applicant, Monte Thurmond, property owner of 301 Highland Lake Drive, has submitted an application for a variance request to be allowed to construct an approximate 1,732 square foot addition to their existing non-conforming residential structure. The area of the proposed addition exceeds 10% of the area of the existing structure.

The Comprehensive Zoning Ordinance, Section 7.5.E., currently reads as follows:

7.5 Expansion of Nonconforming Uses and Buildings:

If the use is conforming but the structure is not, the nonconforming structure can be remodeled, maintained or improved as long as the size (square footage) of the structure is not increased more than ten percent (10%).

Monte Thurmond has been denied a building permit due to the nonconforming status of the structure. The structure is nonconforming because it does not comply with the setback requirements as set forth in the CZO. The zoning is (SF-10) Single-Family Residential District. The area regulations for size of yards requires a minimum front yard of twenty-five feet. The survey dated 09-14-18 indicates a twenty (20') foot front yard setback in lieu of the required twenty-five (25') foot front yard setback. (Please see the survey for dimensions).

IDENTIFIED NEED/S:

The applicant will identify his needs as submitted.

OPTIONS & RESULTS:

Comprehensive Zoning Ordinance Section 9.6.C. authorizes the ZBA “to authorize the enlargement, expansion or repair of a nonconforming structure in excess of 60 percent of its current value.” If granted, “all provisions of the district in which such structure is located shall apply to the new construction on the lot or parcel.” In other words, if the ZBA elects to grant the requested addition to the existing residence, the addition must conform to the existing zoning regulations of the SF-10 zoning district,

including the current front yard setbacks. In the instance where the use of the property is permitted but the structure is non-conforming, other than the making the new construction conform to the existing zoning regulations, the Comprehensive Zoning Ordinance provides no other guidance on criteria relating to approval of the expansion of a non-conforming structure by more than 10% of the area of the existing structure.

PROGRESS TO DATE: (if appropriate)

N/A

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Review the Zoning Ordinance, the applicant's submittal including survey and other information provided by the applicant and make a determination as to whether or not the owner of the should be granted the requested addition..