

MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT

FARMERS BRANCH, TEXAS
JANUARY 26, 2016
7:00 P.M.

COUNCIL CHAMBERS
CITY HALL

Members of the Zoning Board of Adjustment present were:

Chairman	Robert Schies Ruben Rendon Michael Rogan
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Alternates	Cory Plunk Mike Del Valle
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Members of the Zoning Board of Adjustment not present were:

Regular Board	Wayne Baham
Vice Chairman	John Tarlton

Members of City Administration present were:

Building Official	Hugh Pender
Recording Secretary	Rebecca Albin
Deputy Building Official	Paul Mattson
Permit Technician	Sara Goebel

Chairman Schies called the meeting to order at 7:03P.M. and greeted all in attendance.

Chairman Schies requested that any member of the audience intending on testifying regarding any case before the Board to rise and be sworn in. They did so.

Chairman Schies announced that Alternate Members, Cory Plunk and Mike Del Valle, would be sitting as a voting members in the absence of regular members.

APPROVAL OF THE MINUTES OF THE NOVEMBER 24, 2015 MEETING

Chairman asked the Board if they had read the minutes of the November 24, 2015 meeting. After deliberation a motion was made by Mr. Baham and seconded by Mr. Del Valle to approve the minutes of the November 24, 2015 meeting, with corrections. The motion carried unanimously.

Mr. Schies read the following legal notice.

RL Lemke with Pillar Income, representing TCI Manhattan 2, LLC owners of a 7.8 acre tract of land located in the William M. Cochran Abstract 279 page 130, is requesting permission to construct a twelve (12) foot tall landscape barrier/fence along the side of their property adjacent to the rail road tracks. Section 22-264 of the Code of Ordinances allows a maximum fence height of eight (8) feet on any side yard from the front building line to the rear lot line. A variance to Section 22-264 of the Code of Ordinances, to allow a twelve (12) feet tall fence to be located in the side yard, would be necessary to issue a permit for this project.

Chairman Schies opened the public hearing and directed the applicant to step forward and present the case. Mr. R. L. Lemke with Pillar Income (1603 LBJ Freeway, Farmers Branch, TX), representing TCI Manhattan 2, LLC, the Master Developer of Mercer Crossing, came forward to request permission to construct a twelve (12) foot tall landscape temporary/intermediate barrier/fence along the side of their property adjacent to the rail road tracks. The landscaping intent is to buffer the visuals and sound along the tracks to the adjacent development. The intent would be for the fence to have a useful life of no more than 20 years and would be taken down once the landscape trees have grown up to shield the area.

Mr. Schies asked if there was anyone else in the audience who would like to testify either in favor or opposed to the request. No one else came forward.

With no further testimony being offered, a motion was made by Mr. Rogan and seconded by Mr. Del Valle, that the public hearing be closed. The motion carried unanimously.

After deliberation a motion was made by Mr. Rogan and seconded by Mr. Rendon that the Zoning Board of Adjustment **grant** a variance to Section 22-264 of the Code of Ordinances to allow a twelve (12) foot tall fence in the side yard adjacent to the rail road track located on a 7.8 acre tract of land located in the William M. Cochran Abstract 279 page 130, with the condition that the fence be removed by the property owners' association no later than 20 years from the issuance of the permit for the fence because the Board's determination from the facts and evidence presented at the public hearing indicated that the proposed fence is reasonable and proportional and; that literal enforcement of the Code of Ordinances would not be contrary to public interest and; that enforcement of the Code or Ordinances would result in an unnecessary hardship. The motion passed unanimously, 5 to 0.

Mr. Schies read the following legal notice.

Tim Odermann, representing **Joe and Elizabeth Artus**, owner of Lot 25, Block L of Brookhaven Estates subdivision, more commonly known as **3357 Pine Tree Court**, is requesting permission to construct an addition to a home that would have garage doors facing the street where other homes do not. Section 9-502(o) of the Comprehensive Zoning Ordinance prohibits vehicle entrance openings facing the street in the front half of the lot when at least 75% of the homes on the block do not have vehicle entrance openings facing the street in the front half of the lot. However, Lots within R-3, R-4, R-5 and R-6 zoning districts that have less than 81 feet of street frontage may locate a front facing garage door as long as a minimum setback 10 feet

greater than that of the main structure is provided. A variance to allow the home with garage doors facing the street, on a lot with approximately 125 feet of street frontage, would be required to allow a permit to be issued.

Chairman Schies opened the public hearing and directed the applicant to step forward and present the case. Mr. Tim Odermann, of Bimmerli Construction (1026 James Price Ct., Bartonville, TX 76226) came forward to present the case for owners Joe and Elizabeth Arttus of 3357 Pine Tree Court. The homeowner is requesting permission to construct an addition to their home that would have garage doors facing the street where other homes do not. The property owner's removed an old attached addition and carport in preparation to construct a new attached enclosed garage, storage and utility area. The previous addition was constructed in line with the homes along the Pine Tree Ct. frontage.

In an effort to determine if a property hardship exists to grant a variance to the applicant, Chairman Schies asked Mr. Odermann to explain their hardship. Mr. Odermann requested clarification of what was meant by hardship. Mr. Joe Arttus, the home owner, came forward and was sworn in to testify (3357 Pine Tree Ct., Farmers Branch, TX 75234) regarding the hardship. He reported that most of their frontage is at the side of their lot and they don't have enough room to build a drive way on the side of the house without demolishing the former garage which is now their family room and that no other area of the lot is large enough to build on and still retain a back yard. The Building Official asked for clarification from the owner if he was indicating that the shape of the lot and the topography hardships warranted the variance. The owner agreed those were the hardships.

With no further testimony being offered, a motion was made by Mr. Rogan and seconded by Mr. Del Valle, that the public hearing be closed. The motion carried unanimously.

Chairman Schies asked Staff if any correspondence had been received regarding the application. Mr. Pender responded that 19 notices were mailed to surrounding property owners and that the file contained 1 email in favor of the request and 0 against. The email in favor was submitted by Mr. William Peppard of 3353 Pine Tree.

After deliberation a motion was made by Mr. Plunk and seconded by Mr. Rendon that the Zoning Board of Adjustment **grant** a variance to Section 9-502(0) of the Zoning Ordinance to allow a lot with more than 81 feet of street frontage to have a front facing garage door as long as a minimum setback 10 feet greater than that of the main structure is provided at 3357 Pine Tree Court due to the unique cone shape of the lot and the small backyard because their determination from the facts and evidence presented at the public hearing indicated that literal enforcement of the Zoning

Ordinance would not be contrary to public interest and; that enforcement of the Ordinance would result in an unnecessary hardship. The motion passed 4 – 1 with Mr. Del Valle in opposition.

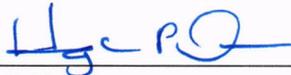
ADJOURNMENT

With no other items on the agenda, a motion was made by Mr. Rogan and seconded by Mr. Rendon that the meeting be adjourned at 8:30 p.m. The motion carried unanimously.

APPROVED:



Robert Schies
Chairman



Hugh Pender
Building Official