

**MINUTES
ZONING BOARD OF ADJUSTMENTS
MEETING OF SEPTEMBER 6, 2022**

The Zoning Board of Adjustments of the City of Cedar Hill, Texas met on Tuesday, September 6, 2022 at 1:00 p.m. in the T. W. "Turk" Cannady/Cedar Hill Room, 285 Uptown Blvd, Bldg. 100, Cedar Hill, TX.

Zoning Board of Adjustments Members Present: Vice-Chairperson Douglass Hibbs; Board Members: Rod Tyler, Charles Lee Jr., Ronda Tyler; Jim Klipp, Alternate #1; Charles Johnson, Alternate #2

Absent: Chairperson, Michael Craig

City Staff Members Present: Director of Planning, LaShondra Stringfellow; Building Official, Gail Lux; Senior Planner, Maria Pena; Planner, Katherine Linares; Planning Executive Secretary, Debra Kalsnes

1. Call the Meeting to Order.

Vice-Chairperson Hibbs called the meeting to order at 1:00 p.m. declaring it an open meeting in which a quorum was present, and the meeting notice was duly posted.

2. Approve the minutes of the August 2, 2022 regular meeting.

A motion was made by Board Member Klipp and seconded by Board Member Ronda Tyler to approve the minutes of the August 2, 2022 regular meeting. The vote was as follows:

Ayes: 5 – Vice-Chairperson Hibbs, Board Members Rod Tyler, Lee, Ronda Tyler, and Klipp

Nays: None

Vice-Chairperson Hibbs declared the motion carried.

3. Swearing in of all persons presenting to the Board.

Vice-Chairperson Hibbs swore in all citizens wishing to speak.

4. Citizens Forum/Public Comments.

No one spoke. There were no written comments submitted online.

5. Public Hearing Items:

- 1. Case No. APPL-467-2022** – Conduct a public hearing and consider an application for a special exception to exceed the maximum allowed floor area for an accessory building on property zoned "SF-E" (Single-Family Residential Estate – minimum 1-acre

lots) District legally described as Tract 5 of the S.A. & M.R.R. Survey, Abstract No. 1441, generally located on the east side of South Tar Road, south of Rocky Acres Drive with the approximate address being 1848 South Tar Road.

Applicants/Property Owners: Raul & Olga Marquez

Planner Linares briefed the Board on the request. She indicated that an affirmative vote of four members of the ZBA was required to approve this request. She stated that if ZBA were to approve the special exception, it should be with the following conditions:

1. The special exception is subject to the site plan submitted with the application.
2. The accessory building is limited to 1,500 square feet.

Vice-Chairperson Hibbs asked the Board if there were any questions for staff.

Staff responded to the Board's question regarding the letter of opposition.

Vice-Chairperson Hibbs asked the applicant to address the Board. Olga Marquez at 1848 Tar Road, Cedar Hill, TX, made a statement to the Board and stated she was available to answer questions.

The applicant responded to questions from the Board regarding how the building would be utilized.

Vice-Chairperson Hibbs opened the public hearing.

Vice-Chairperson Hibbs asked if there was anyone wishing to speak in support or opposition of this request. No one spoke in support or opposition to the request.

Board Member Lee stated that an accessory dwelling would be permitted.

The applicant responded to the Board's question regarding the tree line on the property for screening the structure from the neighbors.

Board Member Klipp made a motion to approve subject to the conditions noted in the staff report.

The motion was seconded by Board Member Lee.

The vote was as follows:

Ayes: 5 – Vice-Chairperson Hibbs, Board Members Lee, Rod Tyler, Ronda Tyler, Klipp

Nays: None

Vice-Chairperson Hibbs declared the motion carried.

2. Case No. APPL-476-2022 – Conduct a public hearing for an application containing the following requests on property zoned Planned Development District No. 96-284 legally described as Lot 61, Block F of the Meadow Vista Estates Addition First Section, generally located on the south side of Meadow Vista Drive, west of South Duncanville Road, with the approximate address being 1432 Meadow Vista Drive.
Applicant: Johnny Cross
Property Owner: Johnny & Kayla Cross

Planner Linares briefed the Board on the request. She indicated that an affirmative vote of four members of the ZBA is required to approve this request. If the Board approves, staff recommends the following condition: The buildings are not allowed to encroach further into the setbacks than they are currently constructed as shown in the photographs and on the site plan submitted as exhibits.

Vice-Chairperson Hibbs asked the Board if there were any questions for staff.

Building Official Lux responded to the Board's question regarding the site's compliance with building code.

Vice-Chairperson Hibbs asked the applicant to address the Board. Johnny Cross at 1432 Meadow Vista, Cedar Hill, TX, made a statement to the Board and stated he was available to answer questions.

The applicant responded to questions from the Board regarding the contractors who built the structure and the structural stability of the structure.

Vice-Chairperson Hibbs opened the public hearing.

Vice-Chairperson Hibbs asked if there was anyone wishing to speak in support of this request. No one spoke in support to the request.

Vice-Chairperson Hibbs asked if there was anyone wishing to speak in opposition of this request. Ila Faye Dade at 1436 Meadow Vista, Cedar Hill, TX, asked for clarification of the requests.

Vice-Chairperson Hibbs closed the public hearing.

a. Consider and take action on a variance to the rear yard requirement to allow for the encroachment of an attached garage.

The Board deliberated on the variance to the rear yard requirement to allow for the encroachment of an attached garage.

The Board commented that the garage was illegally built within the 20-foot build line and was in close proximity to the alley.

Board Member Klipp made a motion to deny.

The motion was seconded by Board Member Tyler.

The vote was as follows:

Ayes: 5 – Vice-Chairperson Hibbs, Board Members Lee, Rod Tyler, Ronda Tyler, Klipp

Nays: None

Vice-Chairperson Hibbs declared the motion carried.

- b.** Consider and take action on a variance to the side yard requirement to allow for the encroachment of a storage building.

The Board deliberated on a variance to the side yard requirement to allow for the encroachment of a storage building.

Board Member Ronda Tyler made a motion to approve subject to the conditions noted in the staff report. The motion died because there was no second.

Board Member Rod Tyler made a motion to deny.

The motion was seconded by Board Member Klipp.

The vote was as follows:

Ayes: 3 - Vice-Chairperson Hibbs, Board Members Rod Tyler, and Klipp

Nays: 2 - Board Members Lee and Ronda Tyler

Vice-Chairperson Hibbs declared the motion carried.

6. Other Business Items

- 1.** Consider and take action on 2023 meeting dates.

Board Member Klipp made a motion to approve the 2023 meeting dates with the revisions.

The motion was seconded by Board Member Rod Tyler.

The vote was as follows:

Ayes: 5 – Vice-Chairperson Hibbs, Board Members Lee, Rod Tyler, Ronda Tyler, Klipp

Nays: None

7. Staff Reports

Director Stringfellow informed the board of the new attendance requirements and that there would be a meeting on October 4, 2022.

8. Adjourn.

A motion was made by Board Member Lee to adjourn and it was seconded by Board Member Klipp.

The meeting adjourned at 2:32 p.m.



Douglass Hibbs
Vice-Chairperson



Debra Kalsnes
Planning Executive Secretary

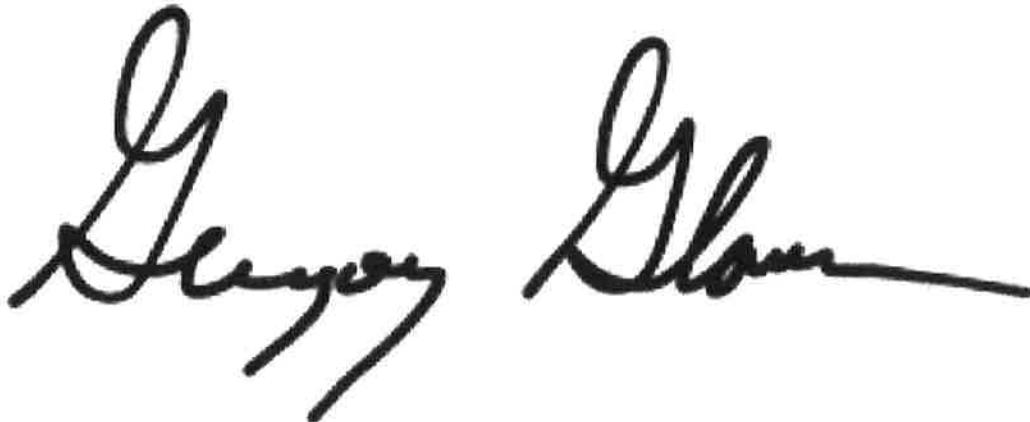
Case No. APPL-476-2022 – 1432 Meadow Vista Drive, Cedar Hill Texas.

Good Afternoon,

I am writing in response to Case No. APPL-476-2022. I have several concerns regarding the additions to the above property. My concerns are for the safety of the residents in our community and the maintenance of construction standards within our community. While I respect each homeowner's right to live as they may, this community was built with defined construction standards approved by the city of Cedar Hill and the developer.

Building unapproved additions and expansions negatively impact the value of our homes and decreased the level of safety within our community. As a homeowner, it is reasonable to expect the surrounding homes to be built to the same building standards and safety levels. This year a home on Suffolk lane was severely damaged by fire from tenants living in the garage and using space heaters. Additionally, another home on Suffolk lane was able to circumvent city guidelines and function as a boarding house in which the residents walked the streets of the community at all hours of the day. This is what happens when standards are not adhered to by the homeowner and tenant. While I am confident there are many homes with unapproved carports and patio coverings, the magnitude of this build is far greater.

I am concerned that approval of this variation would send a signal to other property owners to convert their existing garages to living spaces and build new attached garages - all without seeking permits prior to building. An approval of this variance would inadvertently create a new standard. How could the city, in the future, refuse another homeowner's application to extend the garage to the property line and build a storage building to the property line if this build is approved?

A handwritten signature in black ink, appearing to read "Gregory Glover", is written in a cursive, flowing style. The signature is positioned above a typed name and title.

Gregory Glover, M.S.M.L.
Cedar Hill Councilman Place 5



Planning Department
285 Uptown Blvd.
Cedar Hill, TX 75104
O. 972-291-5100 x1080
F. 972-291-7250

**ZONING BOARD OF ADJUSTMENTS
ACTION SUMMARY
TUESDAY, AUGUST 2, 2022
1:00 P.M.**

DATE FILED 9/22/22

This document shall serve as the official notice of the action on the application below.

Case No. APPL-467-2022 – Conduct a public hearing and consider an application for a special exception to exceed the maximum allowed floor area for an accessory building on property zoned "SF-E" (Single-Family Residential Estate – minimum 1-acre lots) District legally described as Tract 5 of the S.A. & M.R.R. Survey, Abstract No. 1441, generally located on the east side of South Tar Road, south of Rocky Acres Drive with the approximate address being 1848 South Tar Road.

Applicants/Property Owners: Raul & Olga Marquez

ACTION:

Denied _____

Denied without prejudice _____

Approved

Approved with the following conditions :

1. The special exception is subject to the site plan submitted with the application.
2. The accessory building is limited to 1,500 square feet.



Michael Craig, Chairperson



Debra Kalsnes, Planning Secretary



LaShondra Stringfellow, AICP, Planning Director



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Applicant: Johnny Cross

Property Owner: Johnny & Kayla Cross

- a. Consider and take action on a variance to the rear yard requirement to allow for the encroachment of an attached garage.

ACTION:

Denied X

Denied without prejudice _____

Approved _____

Approved with the following conditions:

1. The buildings are not allowed to encroach further into the setbacks than they are currently constructed as shown in the photographs and on the site plan submitted as exhibits.

Debra Kalsnes

Debra Kalsnes, Planning Secretary

LeShondra Stringfellow

LeShondra Stringfellow, AICP, Planning Director

Michael Craig for.

Michael Craig, Chairperson



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Applicant: Johnny Cross

Property Owner: Johnny & Kayla Cross

b. Consider and take action on a variance to the side yard requirement to allow for the encroachment of a storage building.

ACTION:

Denied X

Denied without prejudice _____

Approved _____

Approved with the following conditions:

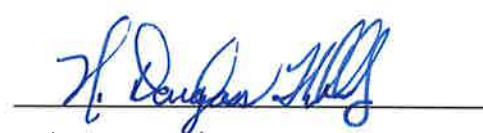
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Debra Kalsnes, Planning Secretary



LaShondra Stringfellow, AICP, Planning Director



Michael Craig, Chairperson



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