

**MINUTES
ZONING BOARD OF ADJUSTMENTS
MEETING OF JUNE 6, 2023**

The Zoning Board of Adjustments of the City of Cedar Hill, Texas met on Tuesday, June 6, 2023, 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: Chairperson, Michael Craig, Vice-Chairperson Douglass Hibbs; Board Members: Rod Tyler, Charles Lee Jr., Ronda Tyler; Charles Johnson, Alternate #2

Absent: Jim Klipp, Alternate #1

City Staff Members Present: Planning Manager, Maria Peña; Building Official, Gail Lux; Planner, Katherine Linares; Planning Executive Assistant, Debra Kalsnes

1. Call the Meeting to Order.

Chairperson Craig 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 May 2, 2023, regular meeting.

A motion was made by Vice-Chairperson Hibbs and seconded by Board Member Rod Tyler to approve the minutes of the May 2, 2023 regular meeting. The vote was as follows:

Ayes: 4 – Vice-Chairperson Hibbs, Board Members Rod Tyler, Ronda Tyler, and Johnson

Nays: None

Abstain: Chairperson Craig (minutes not reviewed)

Chairperson Craig declared the motion carried.

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

Chairperson Craig swore in all citizens wishing to speak.

4. Citizens Forum/Public Comments.

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

At this point, Board Member Lee entered the meeting.

5. Public Hearing Items:

1. **Case No. APPL-549-2023** – Conduct a public hearing and consider an application for a variance to the side yard requirement on property zoned "SF-7" (Single-Family Residential District – minimum 7,000-square-foot lots) legally described as Lot 4, Block 1 of the Lone Cedar Addition, generally located on the south side of West Hendricks Street, east of North Roberts Street, with the approximate address being 606 West Hendricks Street.

Applicant: Jaime Chavez

Property Owner: Alejandra Ruiz

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 the ZBA were to approve the special exception, it should be with the following conditions:

1. The addition is not allowed to encroach further into the setback than it is currently constructed as shown on the site plan and photographs submitted as exhibits.
2. The addition's wall and roof may be required to be modified to be 1-hour rated with no openings, upon inspection.

Chairperson Craig asked the Board if there were any questions for staff.

Staff responded to the Board's questions regarding the construction of the addition which occurred around 2012-2013, confirmed that re-platting would not resolve the issue, confirmed the requirement of a 10-foot separation between residences, and that the structure was built without a permit and was identified when the applicant applied and was approved for reconstruction of the covered patio.

Building Official Lux responded to the question from the Board explaining the 1-hour fire wall requirement and stating that they have not inspected the wall and addition to see what would be needed to make it compliant with building code or if the construction was built structurally sound.

Chairperson Craig asked the applicant to address the Board. Jaime Chavez at 606 Hendricks Street, Cedar Hill, TX, 75104, came forward, made a brief statement, and stated he was available to answer questions.

The applicant responded to questions from the Board about when the addition was constructed and that the electrical was upgraded without a permit or inspection.

Chairperson Craig then asked the applicant for the demolition quote. It was then found that pages were missing from the quote. The Board deemed this a staff error. Building Official Lux responded to the Board's question stating that the contractor who submitted the demolition quote was familiar to the City.

Board Member Ronda Tyler stated that she did not feel this case was complete and more information was needed. Board Member Rod Tyler stated that the problem lies with compliance with the building code rather than compliance with the zoning code and additional data would not solve the issue.

Planning Manager Peña explained the options before the Board. Building Official Lux explained what would be needed to inspect this property and to confirm that this structure meets the building codes.

Chairperson Craig opened the public hearing.

Chairperson Craig asked if there was anyone wishing to speak in support or opposition of this request. No one came forward.

Chairperson Craig closed the public hearing.

The Board deliberated.

Chairperson Craig made a motion to deny subject to staff's conditions.

The motion was seconded by Board Member Rod Tyler.

The vote was as follows:

Ayes: 3 – Chairperson Craig, Vice-Chairperson Hibbs, and Board Member Rod Tyler

Board Member Lee made a motion to approve subject to staff's conditions and compliance with the building code.

The motion was seconded by Board Member Ronda Tyler.

Ayes: 2 – Board Members Lee, and Ronda Tyler

Chairperson Craig declared the motion failed to be approved.

- 2. Case No. APPL-550-2023** – Conduct a public hearing and consider an application for a variance to the rear yard requirement on property zoned "SF-8.5" (Single-Family Residential – minimum 8,500-square-foot lots) District legally described as Lot 19, Block H of the Highlands North Addition, generally located on the east side of Nafus St, south of Angel Street terminus, with the approximate address being 209 Nafus Street.
Applicants/Property Owners: Paul W. and Karen L. Knight

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 conditions:

1. The structure is 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.

Chairperson Craig asked the Board if there were any questions for staff.

Staff answered the Board's questions about the encroachment into the easement.

Building Official Lux clarified that the measurements were obtained from the actual dimensions from the surveyor.

Chairperson Craig asked the applicant to address the Board. Paul Knight at 209 Nafus Street, Cedar Hill, TX, 75104, made a statement to the Board and stated he was available to answer questions.

The Board responded to the applicant's question regarding the structure which was built years ago.

The applicant responded to the Board's questions about any issues with alley access.

Chairperson Craig opened the public hearing.

Chairperson Craig 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.

Chairperson Craig closed the public hearing.

The Board deliberated.

Board Member Ronda Tyler made a motion to approve subject to staff's conditions.

The motion was seconded by Board Member Lee.

The vote was as follows:

Ayes: 4 – Chairperson Craig, Vice-Chairperson Hibbs, Board Members Lee and Ronda Tyler

Nays: 1 – Board Member Rod Tyler

Chairperson Craig declared the motion carried.

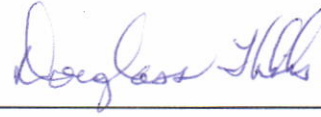
6. Staff Reports

Planning Manager Peña informed the Board that the next meeting would be on August 1st with possibly two cases.

7. Adjourn.

A motion was made to adjourn by Vice-Chairperson Hibbs and it was seconded by Board Member Rod Tyler.

The meeting adjourned at 2:37 p.m.



Douglass Hibbs
Vice-Chairperson



Debra Kalsnes
Planning Executive Assistant