

**MINUTES
ZONING BOARD OF ADJUSTMENTS
MEETING OF AUGUST 1, 2023**

The Zoning Board of Adjustments of the City of Cedar Hill, Texas met on Tuesday, August 1, 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: 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: Planning Director, Chasidy Benson; Planning Manager, Maria Peña; Building Official, Gail Lux; Planning Executive Assistant, 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 June 6, 2023, regular meeting.

A motion was made by Board Member Klipp and seconded by Board Member Ronda Tyler to approve the minutes of the June 6, 2023 regular meeting. The vote was as follows:

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

Nays: None

Abstain: 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. A translator also swore in the applicant in Spanish.

4. Citizens Forum/Public Comments.

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

5. Public Hearing Items:

1. **Case No. APPL-567-2023** – Conduct a public hearing and consider an application for a special exception to allow an alternative pavement surface in lieu of the required reinforced concrete on property zoned "I" (Industrial) District, legally described as Lot 1, Block 2 of the American Industrial Park Addition, generally located on the east side of American Way and west side of Freedom Way with the approximate address being 1450 American Way.

Representative: Amy Matthews and Trenton Robertson, Masterplan

Applicant: Edwin Brooks Lumpkin, Jr., Metro Companies

Property Owner: Kay DeBoer, DeBoer Investments, LLC

Planning Manager Peña 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 alternative surface parking area for the parking of the trailer trucks shall be consistent with the areas denoted on the site plan.
2. The alternative surface parking area shall be limited to the parking of trailer trucks associated with the business operation only. No outdoor storage of materials, products or goods shall be permitted.

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

Staff responded to the Board's questions regarding the curb required by the City Engineer, and the primary use of the property to be a trucking company. Staff clarified that this case was for alternative surface in lieu of concrete.

Vice-Chairperson Hibbs asked the applicant to address the Board. Trenton Robertson with Masterplan at 2201 Main St, Suite 1280, Dallas, TX, came forward, made a presentation, and stated he was available to answer questions. Edwin Lumpkin from Birmingham, AL, also made a statement.

Mr. Robertson responded to questions from the Board about the improvements made to the property.

Board Member Lee commended the applicant for reaching out to neighbors. Mr. Lumpkin responded to the Board's question regarding how many trucks would be utilized by this facility stating they do not rent truck parking spaces, that it would be low impact, the landscaping that would be implemented along the fence line, and that there would be no dock for unloading or loading of trucks.

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 came forward.

Vice-Chairperson Hibbs closed the public hearing.

The Board deliberated regarding the gravel parking lot, and the issue of dust and particles washing away and encouraged the applicant to follow through on the landscaping outlined in the site plan.

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

The motion was seconded by Board Member Klipp.

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.

- 2. APPL-568-2023** – Conduct a public hearing for an application containing the following requests on property zoned Planned Development District No. 87-994 legally described as Lot 28, Block 1 of the Heritage Addition, generally located on the northeast corner of Canyon Ridge Drive and Maplegrove Drive, with the approximate address being 1200 Canyon Ridge Drive.

Applicant/Property Owner: Maria de Jesus Molina Vargas

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

Planning Manager Peña 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 may only be allowed to encroach up to the existing electric utility easement along the rear of the property and not further into the setback. The structure may only encroach on the side yard of the property as shown in the photographs and on the site plan exhibits submitted.
2. The attached structure shall not be allowed to be enclosed.

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

The Board asked for clarification regarding patio items in the carport photos which staff could not answer as these were submitted by the applicant. Staff answered the Board's question stating that Oncor was unaware of the encroachment.

Vice-Chairperson Hibbs asked the applicant to address the Board. Attorney Cheryl Bugg with the Law Office of Ernie Garcia at 2626 S Loop West, Suite 630, Houston, TX, representing Maria

Molina, through an interpreter, made a statement to the Board and stated she was available to answer questions.

The Board asked the applicant to confirm that she understood to be compliant she would need to remove the beams and roof of the carport encroaching in the electrical easement and that if she could not find a contractor to work within her budget, that she would have to tear down the structure.

The applicant confirmed that her vehicles could pass through the gate and she could park in the carport. She also answered the Board's question that the firepit was there when she purchased the property and it did not hinder her parking under the carport.

Vice-Chairperson Hibbs stated that the applicant did not meet the criteria for the variance.

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.

Vice-Chairperson Hibbs closed the public hearing.

The Board deliberated.

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

Board Member Ronda Tyler made a motion to approve subject to staff's conditions. The motion was not seconded.

- b. Consider and take action on a variance to the side yard requirement to allow for the encroachment of an attached structure.

Board Member Ronda Tyler made a motion to approve subject to staff's condition. The motion was not seconded.

Board Member Rod Tyler made a motion to deny both requests.

The motion was seconded by Board Member Klipp.

The vote was as follows:

Ayes: 4 – Vice-Chairperson Hibbs, Board Members Rod Tyler, Lee, and Klipp

Nays: 1 – Board Member Ronda Tyler

Vice-Chairperson Hibbs declared the motions denied.

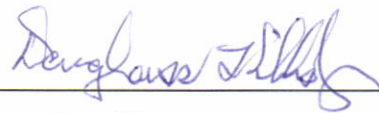
6. Staff Reports

Planning Director Benson introduced herself to the Board.

7. Adjourn.

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

The meeting adjourned at 3:02 p.m.



Douglass Hibbs
Vice-Chairperson



Debra Kalsnes
Planning Executive Assistant