

MINUTES
ZONING BOARD OF ADJUSTMENTS
MEETING OF JULY 16, 2024

The Zoning Board of Adjustments of the City of Cedar Hill, Texas met on Tuesday, July 16, 2024, 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; Jim Klipp, Alternate #1,

Absent: Board Member Charles Johnson, Alternate #2

City Staff Members Present: Planning Director, Chasidy Benson; Building Official, Gail Lux; Planning Manager, Maria Pena; Senior Planner, Josue De La Vega; 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 June 4, 2024, regular meeting.

A motion was made by Vice-Chairperson Hibbs and seconded by Board Member Lee to approve the minutes of the June 4, 2024, regular meeting. The vote was as follows:

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

Nays: None

Abstain: None

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.

5. Public Hearing Items:

a. **Case No. APPL-649-2024** – Conduct a public hearing for an application containing the following requests on property zoned Planned Development District No. 18-644, legally described as Lot 19, Block D of the Bear Creek Ranch Phase 1 Addition, generally located on the north side of Summerwood Lane, east of Willow Lane, with the approximate address being 1513 Summerwood Lane.

1. Consider and take action on a variance to the rear yard requirement to allow for the encroachment of two accessory structures.
2. Consider and take action on a variance to the side yard requirement to allow for the encroachment of one accessory structure.

Applicant/Property Owner: Chasity Lynn and Courtney Jackson

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 variance, it should be with the following conditions:

1. The accessory structures may only encroach on the side and rear yard of the property as shown in the site plan exhibits submitted.
2. The accessory structures may not exceed the existing heights of the accessory structures.
3. The accessory structures shall not be allowed to be enclosed.
4. A gutter system will be required to be installed on the structures on both sides, if not already installed with the water directed to the street.

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

Staff responded to the Board's question stating that there were pavers on the left of the property, the wood deck was exempt from the variance, the property owner would need to terminate the electrical connections from the structure, and that the outdoor kitchen had the same setbacks because they were permanent to the ground. Staff confirmed that the pool was allowed and that structures could be constructed within the parameters of the property but would need to be smaller to meet the setbacks.

Chairperson Craig asked the applicant to address the Board. Courtney Jackson at 1513 Summerwood Lane, Cedar Hill, TX, came forward, made a brief statement, and stated he was available to answer questions.

The applicant responded to questions from the Board stating that the pergola was on the pool plan.

Building Official Lux stated that the pool was permitted but never passed inspection because it failed the barrier inspection, and that the applicant applied for a separate pergola permit but it was never permitted.

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.

Board Member Ronda Tyler made a motion to approve subject to the conditions listed in the staff report. There was no second.

Chairperson Craig made a motion to deny the variance.

The motion was seconded by Board Member Rod Tyler.

The vote was as follows:

Ayes: 4 – Chairperson Craig, Vice-Chairperson Hibbs, and Board Member Rod Tyler, and Lee

Nays: 1 – Board Member Ronda Tyler

Chairperson Craig declared the motion failed. The applicant was informed to communicate with Building Inspections to determine moving and/or removing the two structures.

At 2:12 p.m., Board Member Ronda Tyler left the meeting and Board Member Klipp, Alternate 1, took her place.

b. Case No. APPL-654-2024 – Conduct a public hearing and consider an application for a special exception to reduce the required number of parking spaces by up to twenty-five percent (25%) for retail uses [Walmart Supercenter] on property zoned “LR” (Local Retail) District, within the Uptown Overlay, generally located on the west side of Uptown Boulevard, south side of West F.M. Road 1382 with the approximate address being 621 Uptown Boulevard.

Applicant: Ian Bright

Property Owner: Walmart Stores Texas LLC

Senior Planner De La Vega briefed the Board on the request. He indicated that an affirmative vote of four members of the ZBA was required to approve this request. He stated that if the ZBA were to approve the variance, it should be with the following conditions:

1. The special exception is subject to the site layout submitted with the application.
2. The reduction from the originally provided 1,043 off-street parking spaces shall not exceed 9%.

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

Staff responded to the Board's question stating that the parking spaces in the area of the request are currently used by Walmart for containers for overstock during holidays and that the applicant would need FAA approval for the drones.

Chairperson Craig asked the applicant to address the Board. Juan Moreira at 10101 Reunion Place, San Antonio, TX, and Ivan Jaime with Walmart at 165307 Nacogdoches Rd, San Antonio, TX, came forward, made a brief statement, and stated they were available to answer questions.

Chairperson Craig asked the Board if there were any questions for the applicant. There were none,

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.

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

Staff responded to the Board's question stating that they could grant up to 25% of a reduction in parking.

The Board deliberated.

Board Member Rod Tyler made a motion to approve subject to the conditions listed in the staff report.

The motion was seconded by Board Member Klipp.

The vote was as follows:

Ayes: 5 – Chairperson Craig, Vice-Chairperson Hibbs, and Board Member Rod Tyler, Lee, and Klipp

Nays: None

Chairperson Craig declared the motion carried.

6. Staff Reports

Planning Director Benson noted that there was no scheduled meeting for August.

7. Adjourn.

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

The meeting adjourned at 2:37 p.m.



Michael Craig
Chairperson



Debra Kalsnes
Planning Executive Assistant

