

**MINUTES
ZONING BOARD OF ADJUSTMENTS
MEETING OF OCTOBER 5, 2021**

The Zoning Board of Adjustments of the City of Cedar Hill, Texas met on Tuesday, October 5, 2021 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; Charles Johnson, Alternate #2

Absent: None

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

The City's attorneys, Cynthia Kirchoff and Cameron Saenz, were present via Zoom.

I. 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.

II. Approve the minutes of the June 29, 2021 regular meeting.

A motion was made by Board Member Tyler and seconded by Vice-Chairperson Hibbs to approve the minutes of the June 29, 2021 regular meeting. The vote was as follows:

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

Nays: None

Chairperson Craig declared the motion carried.

III. Citizens Forum.

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

IV. Public Hearings:

1. **Case No. APPL-361-2021** – Conduct a public hearing and reconsider an application for a special exception to exceed the maximum allowed floor area for accessory buildings on property zoned Planned Development District No. 95-210, legally described as Lot 221A of the Lake Ridge, Section 3 Addition, generally located on the north side of Eden Drive, west of Lake Ridge Parkway, with the approximate address being 2837 Eden Drive.

Applicant/Property Owner: Dalace Duvall

Planner Katherine Linares briefed the Board on the request for a special exception to allow the accessory building to exceed 15 percent of the floor area of the main residential building and subject to the site plan.

The Board asked the height of the building at the center peak. The applicant's construction manager, Michael Biggs, at (817) 709-8584, informed the Board that the maximum wall height was 12 feet, and the maximum roof height was 16 feet. Staff informed the Board that this was within code.

The Board asked staff to clarify the neighborhood support roster. Staff informed the Board that initial support roster was issued in June at the first consideration.

The Board asked for clarification as to whether this was in conjunction with the non-profit business. Staff informed the Board that the considered use was a philanthropic organization and that further questions needed to be answered by the applicant.

Chairperson Craig asked the applicant to address the Board. Dalace Duvall at 2837 Eden Drive, Cedar Hill, TX 75104, addressed the Board.

The Board asked the applicant regarding the non-profit business and if business was done out of the residence. Mr. Duvall responded that business would not be done from this accessory structure.

Chairperson Craig opened the public hearing.

Chairperson Craig asked if there was anyone wishing to speak in support of this request. Chairperson Craig swore in Trisha Lyon at 2211 Whispering Hills Dr., Midlothian, TX, (972) 207-4651, who spoke in support to the request.

Chairperson Craig asked if there was anyone wishing to speak in opposition of this request. Chairperson Craig swore in Patrick Dale at 1112 Prosperity Ct, Cedar Hill, TX, President of the Lakeridge Property Owners Association (POA), who spoke in opposition to the request.

Chairperson Craig closed the public hearing.

Chairperson Craig confirmed with staff that the only item on the agenda was the special exception for the 3300 square foot accessory structure.

Board Member Lee made a motion to approve.

The motion was seconded by Board Member Ronda Tyler contingent upon verification that no business would be performed from this accessory structure.

At this point, the attorneys (via Zoom) were consulted as to whether the Board could go into executive session to discuss this case. Since it was not listed on the agenda, they could not.

The vote was as follows:

Ayes: 2 – Board Members Lee and Ronda Tyler

Nays: 3 – Chairperson Craig, Vice-Chairperson Hibbs, and Board Members Tyler

Chairperson Craig made a motion to deny.

The motion was seconded by Vice-Chairperson Hibbs.

The vote was as follows:

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

Nays: 2 – Board Members Lee and Ronda Tyler

Chairperson Craig declared the motion carried.

At this point, Mr. Duvall made a closing statement.

V. Staff Reports

Planning Director Stringfellow briefed the Board on the Zoning Board of Adjustments meeting calendar for 2022.

VI. Convene into Closed Session

- 1. Closed Session** called pursuant to Section 551.071 (Consultation With Attorney) of the Texas Gov't Code. Consultation with legal counsel on a matter in which the duty of the legal counsel to the Zoning Board of Adjustments under the Texas Attorneys' Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of the Texas Open Meetings Act.

- Training on Zoning Board of Adjustments duties and responsibilities.

The Board convened into closed session at 2:17 p.m.

VII. Reconvene in Open Session and consider any action(s) needed as a result of the Closed Session.

The Board reconvened in open session at 3:58 p.m. No action was taken as a result of the closed session.

VIII. Adjourn.

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

The meeting adjourned at 3:58 p.m.



Michael Craig
Chairperson



Debra Kalsnes
Planning Executive Secretary