

MINUTES
ZONING BOARD OF ADJUSTMENT
September 25, 2017

After determining that a quorum was present, the Zoning Board of Adjustment convened in a Work Session on **Monday, September 25, 2017 at 4:00 p.m.** in the City Council Work Session Room at City Hall, 215 E. McKinney at which time the following items were considered:

PRESENT: Chair Greg Sawko, Vice-Chair Marshall Surratt, Board Members: Amber Briggie, David Higgins, William House, Jason Cole, and Connie Baker.

Alt. Board Members: 1. Jennifer Lane, 2. Greg Price and 3. Don Merki.

STAFF: Emily Loiselle, Angela Adams, Michelle Brown, Victor Flores, Scott McDonald, Trey Lansford, Ron Menguita, Athenia Green, Julie Wyatt, and Hayley Zagurski.

ABSENT: None.

WORK SESSION

Chair Sawko called the Work Session to order at 4:02 p.m.

WORK SESSION

1. Clarification of agenda items listed on the Regular Meeting portion of this agenda, and discussion of issues not briefed in the written backup materials.

Chair Sawko provided background information regarding variances, as a brief training for the new Commissioners. There was no discussion regarding the agenda items.

Board Member Higgins motioned, Board Member House seconded to close the Work Session. Motion approved (7-0). Chair Greg Sawko, “aye”, Vice-Chair Marshall Surratt, “aye”, Board Member Amber Briggie, “aye”, Board Member Jason Cole, “aye”, Board Member Connie Baker, “aye”, Board Member William House, “aye”, Board Member David Higgins, “aye”.

Following the completion of the Work Session, the Zoning Board of Adjustment convened in a Regular Meeting to consider the following items:

1. **PLEDGE OF ALLEGIANCE**

A. U.S. Flag

B. Texas Flag

2. CONSIDER APPROVAL OF THE ZONING BOARD OF ADJUSTMENT MINUTES FOR:

- A. Consider approval of the Zoning Board of Adjustment meeting minutes.

Board Member Briggie questioned if the vote would need to be two separate votes for those members that were not on the Board at that time, or in regards to Chair Sawko recusing himself from an agenda item. Trey Lansford, Deputy City Attorney, stated no, only one vote would be necessary.

Board Member Surratt motioned, Board Member Briggie seconded to approve the October 31, 2016, meeting minutes. Motion approved (7-0). Chair Greg Sawko, “aye”, Vice-Chair Marshall Surratt, “aye”, Board Member Amber Briggie, “aye”, Board Member Jason Cole, “aye”, Board Member Connie Baker, “aye”, Board Member William House, “aye”, Board Member David Higgins, “aye”.

3. PUBLIC HEARINGS

- A. Hold a public hearing and consider approval of a variance from Chapter 33 Signs and Advertising Devices of the Code of Ordinances, specifically Section 33.14.2 as it relates to the maximum allowed effective area and the number of allowed signs in a nonresidential district. The variance requested is for a second monument sign with over 60 square feet of effective area on the east side of Mayhill Road approximately 770 feet south of Colorado Boulevard. (ZBA17-0003, Heart Hospital, Hayley Zagurski).

Hayley Zagurski, Senior Planner, provided the backup materials for this item. She stated the applicant is proposing 29 extra square feet (SF) over what the sign ordinance allows.

Staff recommends approval of the request for a second sign along the frontage of Mayhill Road, but recommends denial of the request for an increase in effective area from 60 SF to 89 SF because the need for this increased area does not appear to be related to a unique feature of the property.

Zagurski stated given the proposed sign’s proximity to two (2) utility easements, staff recommends the following condition: an agreement be drafted stating that the property owner is responsible for maintenance of the sign in the event that work has to be conducted in the adjoining easements.

Board Member Briggie questioned the state requirements for the sign lettering size. Zagurski stated the applicant could provide that information.

Chair Sawko stated if the eight (8) inch lettering is required then it would cause the area of the sign to be bigger. Zagurski stated she is not familiar of the state regulations regarding the width of the letters, rather the height of the lettering.

Chair Sawko questioned if the sizing is necessary. Zagurski stated she doesn’t believe so, she stated there is an opportunity for the lower portion of the sign to change. Ron Mengueta, Long Range Planning Administrator, agreed with Zagurski.

Chair Sawko swore in the applicant, Brad Morgan, Heart Hospital, 2801 South Mayhill Road Denton, TX 76208.

Morgan stated he is the Vice President of Operations for the Heart Hospital. He stated they are not currently compliant with the state requirements. The sign should be illuminated, which it is not currently illuminated. Board Member Briggie questioned if the recent discovery of the requirements for the sign to be illuminated is what lead towards the layout change of the sign. Morgan confirmed. He stated the Heart Hospital brought in the sign contractor that works with all of the Baylor, Scott and White hospitals and drafted the sign to be consistent with the other Baylor, Scott and White hospital signs. Morgan stated they also aimed to make it consistent with the other two hospitals in Denton.

Morgan stated the goal was to increase the height and size of the sign in order to be visible from all traffic patterns.

Board Member Briggie questioned if they would still adhere to the state regulations with a smaller sign. Morgan confirmed, he stated they could construct a 60 SF sign. It would be an alternative if the proposed sign is not approved.

Board Member Briggie questioned if the Medical City Denton Hospital on Mayhill Road also has a 90 SF sign. Morgan confirmed, he stated their sign is also illuminated.

Chair Sawko questioned if the signage would be to advertise for an emergency room. Morgan confirmed. He stated they have received comments from Emergency Medical Services and patients regarding the emergency access not being visible.

Board Member House questioned if Morgan is aware of the process that Medical City Denton went through for their sign, or if it was developed under the current sign ordinance. Morgan stated he questioned that as well, however, he has not received an answer. He stated the Medical City Denton sign has been recently updated since the hospital went through a name change earlier this year, which would have required approval. Board Member House questioned if Morgan feels the 60 SF sign would interfere with patient safety. Morgan stated it would be comparable to the current sign; it would not be very visible.

Board Member Cole questioned if the Medical City Denton hospital offers the same services as the Heart Hospital. Morgan confirmed.

Chair Sawko opened the Public Hearing for anyone to speak. Chair Sawko swore in Jennifer Lane.

The following individual spoke during the Public Hearing:

Jennifer Lane, 1526 Willowwood Lane, Denton, Texas.

Lane stated she drove by the facility, there is a lot of information on the building. There is also a sign currently coming from the direction of concern. Chair Sawko questioned Lane if she frequents the area often. Lane declined. Chair Sawko questioned if the signs are easy to miss. Lane stated

she doesn't believe so. She stated if you are heading north on Mayhill Road they are visible. However, if you were heading southbound on Mayhill Road, the signs might be easy to miss.

There was no one else to speak. Chair Sawko closed the Public Hearing.

Board Member Higgins stated this area is a unique area. The way the building is organized does deserve an exception. There are a lot of wayfinding signs within the area. He referred to the area as a labyrinth; he stated good directions are essential in this area. Board Member Higgins stated the sign in essence is not out of scale for this area.

Board Member Briggie agreed with Higgins. She stated she has visited this site before, even in clear daylight it is challenging to find. Board Member Briggie stated although the sign does not conform to the sign ordinance, it does conform to the area. It needs to be illuminated and large enough for this area. She stated she is in favor of the applicant's request.

Chair Sawko stated he feels the sign ordinance needs to be revisited when it comes to emergency areas and facilities. He stated he is also in favor of the applicant's request.

Board Member Cole stated these are two competing hospitals in the same area. One has a larger sign than the others. He stated he is also in favor of this request.

Vice-Chair Surratt stated he is also in favor of this request. He stated he would like to see some of the sign clutter cleaned up. However, this is not a neighborhood that has a lot of sign clutter. He stated he feels a lot of signs in the area are well thought out.

Board Member Briggie stated she would motion to approve the applicant's request based on staff's condition, Board Member Cole stated he would second the motion.

Chair Sawko asked staff to clarify if the sign was in the easement. Zagurski stated that the sign as proposed will be outside the easement. Chair Sawko asked for a friendly amendment to the motion to remove the condition to have an agreement be drafted. Board Member Briggie amended her motion and Board Member Cole seconded the amended motion.

Board Member House stated he agrees with all of the comments because this is a hospital. However, he doesn't feel that this should be an ongoing occurrence for all businesses that want equally sized signs. Chair Sawko agreed, he stated the "emergency" nature of this request is the reason he is voting to approve this request.

Board Member Briggie motioned, Board Member Cole seconded to approve the request. Motion approved (7-0). Chair Greg Sawko, "aye", Vice-Chair Marshall Surratt, "aye", Board Member Amber Briggie, "aye", Board Member Jason Cole, "aye", Board Member Connie Baker, "aye", Board Member William House, "aye", Board Member David Higgins, "aye".

- B. [Hold a public hearing and consider approval of a variance from Section 35.14.4, Spaces Required of the Denton Development Code, relating to the minimum number of required parking spaces for mixed density dwellings on approximately 0.91 acre. The variance requested is for a reduction in the number of required parking spaces. The subject property is generally located on the west side of the Industrial Street and South Bell Avenue intersection, approximately 100 feet north of E. Prairie Street. \(ZBA17-0004, Industrial Street Apartments, Julie Wyatt\).](#)

Julie Wyatt, Senior Planner, provided the backup materials for this request. She stated staff recommends denial of this request.

Vice-Chair Surratt questioned the number of bedrooms per unit. Wyatt stated they are efficiency studios, therefore there would only be one (1) bedroom per unit.

Chair Sawko questioned the location for overflow parking. Wyatt stated there is one (1) space per unit, with an additional five (5) guest parking spaces. She stated any additional overflow parking would have to be street parking.

Vice-Chair Surratt questioned the residential requirements for dwelling units, he questioned how many unrelated individuals could reside in one location. Wyatt stated per Subchapter 12 of the Denton Development Code, there is a maximum of four nonrelated persons per dwelling unit. Menguita confirmed.

Board Member Briggles referred to the Denton Plan 2030 regarding density and walkability. She questioned how fewer parking spaces and more units in a dense area furthers the goals of the Denton Plan 2030. Ron Menguita, Long Range Planning Administrator, stated the core area was identified to be denser, there are incentives that create multi-family, usually mixed use developments would be more of a preference than single multi-family developments. Menguita stated staff does not walk the parking to impact the adjacent properties.

Chair Sawko questioned if the number of bedrooms will remain the same based on the original submittal. Wyatt confirmed. Wyatt stated the applicant is present for any further discussion or clarification.

Chair Sawko swore in the applicant, Lee Allison, with Allison Engineering Group, 2415 N. Elm Street, Denton, Texas.

Allison stated property owner, Flamur Ahmeti, and Lance Holdorf with Allison Engineering Group are also present.

Allison stated the site plan has been approved, the project is currently under construction for multi-family development. He stated each bedroom will have its own bathroom, the units are intended for individual occupancy. The development is not geared towards students or families. There are spaces for bike racks. The development would consist of 36 apartments, with 48 bedrooms and 53 parking spaces. There is not a proposed outdoor recreational space. Allison stated he anticipates the residents to utilize the local businesses and A-Train.

Chair Sawko questioned if the proposal is to alter the construction plan, but not the site plan. Allison confirmed.

Chair Sawko opened the Public Hearing for anyone to speak. Chair Sawko swore in Jennifer Lane.

The following individual spoke during the Public Hearing:

Jennifer Lane, 1526 Willowwood Lane, Denton, Texas.

Lane spoke in opposition of this request. She stated the proposed plan will draw more traffic to the area. This will allow more congestion of parking and visitors. This would also require a lot of on-street parking.

Chair Sawko read the opposition letters received into the record.

Arthur King, 315 S. Locust Street, Denton, Texas.

Larry Calvert, 304 E. Sycamore Street, Denton, Texas.

Sandra Marsh, 5513 Woodland Hills Drive, Denton, Texas.

There was no one else to speak on this item. Chair Sawko closed the Public Hearing.

Board Member House stated he used to reside in the area, he stated parking is at a premium in this area. He stated he doesn't feel that five (5) parking spaces is sufficient for the development and the area. It will become a burden in the area for those that will have to park on the street. If the units are going to increase then the parking needs to increase as well. Board Member House stated he agrees with staff to deny this request.

Board Member Briggie stated she disagrees. She stated if these are efficiency units, then most of those individuals will be single. There will be a lot of individuals with no vehicles. There are bikes for rent in the downtown area, walkable downtown area, and access to the A-Train. Board Member Briggie stated she is in favor of this request.

Vice-Chair Surratt stated he agrees with House. He stated he also lives downtown, there will always be vehicles in the area, and they will impact their neighbors.

Board Member Higgins stated the new proposal looks like there will be an increase in people to the area. It would appear that the owner is trying to get as much value out of the piece of property as possible. This will generate more parking and traffic for the area. Board Member Higgins stated he is opposed to this request.

Board Member Baker stated some of the streets in the area are narrow. This will cause parking issues in the area. He stated he is glad to see the bicycle racks, however, the parking is going to be an issue.

Chair Sawko stated he agrees with Board Member Briggie in some aspects. However, he does not feel that the applicant has met the requirements for a variance. The applicant currently has a site plan they could build from. There is no uniqueness with the property. Chair Sawko stated he agrees with House's comments, he is opposed to this request.

Board Member House motioned, Vice-Chair Surratt seconded to deny this request. Motion carried (6-1). Chair Greg Sawko, “aye”, Vice-Chair Marshall Surratt, “aye”, Board Member Jason Cole, “aye”, Board Member Connie Baker, “aye”, Board Member William House, “aye”, Board Member David Higgins, “aye”. Board Member Amber Briggie, “nay”

- C. [Hold a public hearing and consider approval of a variance from Section 35.5.2.3, General Regulations of the Denton Development Code, relating to the minimum front yard setback of an existing residential home. The variance requested is for the construction of an addition to the residential home to support solar panels which would encroach into the minimum 20-foot setback. The subject property is generally located on the north side of Hummingbird Lane, approximately 540 feet west of Cardinal Drive. THIS ITEM HAS BEEN WITHDRAWN BY THE APPLICANT. \(ZBA17-0002, Solar Panel Structure, Julie Wyatt\).](#)

This item has been withdrawn by the applicant.

4. [CONCLUDING ITEMS](#)

Chair Sawko informed the Board to let Ron Menguita, Long Range Planning Administrator, know if they have any future agenda items they would like to see added to an upcoming agenda.

Vice-Chair Surratt questioned if there are any upcoming items that would allow for another meeting. Menguita confirmed, he stated the item that has been withdrawn will come before this Board during the October 30, 2017 meeting. He stated the selection of Chair and Vice-Chair would also be on the agenda.

There was no additional discussion. Chair Sawko adjourned the Regular Meeting at 5:25 p.m.