

Minutes
Zoning Board of Adjustments
October 29, 2018

After determining that a quorum was present, the Zoning Board of Adjustment of the City of Denton, Texas will convene in a Regular Meeting on Monday, October 29, 2018 at 4:30 p.m. in the City Hall Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered:

Present: Chair Amber Briggie, Board Members: Eric Horton, Jennifer Lane, David Higgins, And Connie Baker

Alt. Board Members: 1. Maureen Leek, 2. Emily Meisner, 3. Brian Beck

Staff: Jerry Drake, Ron Menguita, Cathy Welborn, Selena Dillard

Absent: William House, Greg Sawko

Chair Amber Briggie opened the meeting at 4:34pm

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. ITEMS FOR CONSIDERATION

A. Consider and appoint a member for the Zoning Board of Adjustment Vice-Chair position.

Chair Briggie and Ron Menguita, Principle Planner, requested the board members introduce themselves. Chair Briggie suggested that there be a meeting at least quarterly even if there is no item to discuss. After introductions she requested nominations for vice chair. Chair Briggie nominated Alt. Emily Meisner, Menguita noted that Maureen Leak, Emily Meisner, and Brian Beck are alternates, and that only members can be considered for Vice Chair.

Board Member Lane motioned to postpone this item until the next meeting, Chair Briggie seconded. Motion approved (7-0) Chair Briggie, “aye”, Board Member Horton, “aye”, Board Member Lane “aye”, Board Member Higgins, “aye”, Board Member Connie Baker, “aye”, Alt. leak, “aye”, Alt. Meisner, “aye”

B. Consider approval of the Zoning Board of Adjustment meeting minutes.

Menguita noted that there may not be enough members attending to consider approval of the minutes. Drake stated that everyone on the board can vote although the person making the motion should have been present at the previous meeting. Chair Briggie suggested that she would like to see more detail in the minutes. Menguita stated that the previous meeting was recorded but going

forward the meetings will no longer be filmed as they were in the past, but still be recorded for assistance with the meeting minutes. Amber wants the minutes to be available online for the public. Drake had a concern that there needs to be some kind of audio recording done of the meeting.

Amber asked for a motion for approval. Board Member Higgins motioned, Chair Briggie seconded to approve the July 30, 2018 meeting minutes. Motion approved (7-0) Chair Briggie, “aye”, Board Member Horton, “aye”, Board Member Lane “aye”, Board Member Higgins, “aye”, Board Member Connie Baker, “aye”, Alt. Leak, “aye”, Alt. Meisner, “aye”

C. Receive a presentation and hold a discussion regarding the role and responsibilities of the Zoning Board of Adjustment.

Mengueta shared a presentation going over the roles and responsibilities of the Zoning Board of Adjustments.

Alt. Beck asked if a third party could come before the board regarding a decision made by city staff, Drake stated that would not be an issue that would come before the board.

Drake stated that he had a classification of items that he wanted to address that were not found in the presentation slides. He said that under Texas law a variance includes things such as height, setbacks, and number of stories. In Texas it is illegal to grant a use variance. For example If something is allowed in a general retail zoning classification but not a residential there cannot be a variance granted to allow it in the residential zoning.

Board Member Higgins noted that when staff makes its presentation for recommendations on a case, that it is not an administrative decision, Mengueta confirmed.

Mengueta asked the board that if they cannot make the scheduled meeting to please let him or staff know, and that next meeting he will go over Roberts Rule of Law. He noted that regardless of if there is a case or not that there will be a quarterly meeting.

Board Member Horton asked when the board will be alerted that there is a case and a meeting will take place, Mengueta answered that they will know approximately two weeks in advance.

Alt. Leak asked if the closeness of a location would be considered a conflict of interest, Drake answered the familiarity of a location would not be considered a conflict unless there is direct involvement.

Chair Briggie noted that her email was listed as wrong in the contact list.

Board Member Lane asked if there is something that references aesthetics in the requirements for a variance of zoning regulations. Mengueta answered that the regulations are not necessarily decided by aesthetics.

D. [Receive a presentation and hold a discussion regarding Robert's Rule of Order.](#)

Board Member Lane motioned, Chair Briggie seconded to postpone the discussion of Robert's Rule until the next ZBA meeting. Motion approve (7-0) Chair Briggie, "aye", Board Member Horton, "aye", Board Member Lane "aye", Board Member Higgins, "aye", Board Member Connie Baker, "aye", Alt. Leak, "aye", Alt. Meisner, "aye"

E. [Receive a presentation on the City Boards and Commission Training Video.](#)

Menguita showed a training video for the board regarding City Boards and Commissions. Alt. Beck asked if there is a quorum present should alternates vote, Drake stated that only the members would be voting if there is a quorum of 7 members, that alternates only vote if the board is short of members.

Board Member Lane asked who can appeal the ZBA's decisions, Drake answered that the applicant or property owner would appeal. He also stated that the City Council can challenge the Board's decision if they did not follow the correct procedures.

F. [Receive a presentation and hold a discussion regarding the status of the Denton Development Code Update.](#)

Menguita presented the status of the Denton Development Code update

Alt. Leak needs a copy of the Denton Plan 2030 packet

Menguita noted that there are 8 new subchapters of the Denton development code as opposed to the last code being 24 subchapters. He also stated that the ZBA members need to pay close attention to subchapter 3 in particular. He went on to say that the current 28 zoning districts will be reduced to half.

Chair Briggie asked Menguita how ZBA members can be most helpful with Denton Code 2030. Menguita responded that the board should go online and take a look at subchapter 3 and come back with feedback.

Board Member Lane asked what the difference was between density metrics and dimensional requirements, Menguita answered that dimensional standards entail the lot area, he went on to say that staff is proposing that density no longer be used for dimensional requirements, and that lot area should be the determining factor.

G. [Request confirmation from board members regarding the start time for the Zoning Board of Adjustment meeting.](#)

Menguita stated that the calendar has not been approved yet, and there was not a set time for when the ZBA meeting starts. Chair Briggie and the board all agreed that the meeting will start at 4:30pm.

3. CONCLUDING ITEMS

Chair Briggie noted that early voting is happening currently.

Alt. Meisner asked for the date of the next ZBA meeting, Menguita responded that the next meeting will more than likely be in January unless there is a case.

Chair Briggie closed the meeting at 6:39pm