

Minutes  
Zoning Board of Adjustment  
August 26, 2019

After determining that a quorum was present, the Zoning Board of Adjustment of the City of Denton, Texas convened in a Regular Meeting on Monday, August 26, 2019 at 4:30 p.m. in the City Hall Conference Room at City Hall, 215 E. McKinney Street, Denton, Texas at which the following items were considered.

**Present:** Board Members: Amber Briggie, Jennifer Lane, Eric Horton, and Emily Meisner  
Alternate Board Members: Susan Seaborn and Brian Beck

**Staff:** Richard Cannone, Jerry Drake, Cynthia Kerchoff, Charlie Rosendahl, Sean Jacobson, and Selena Dillard

**Absent:** William House, Connie Baker, David Higgins, and Maureen Leak

Chair Briggie called the meeting to order at 4:37 p.m.

Chair Briggie announced William House, Connie Baker, David Higgins, and Maureen Leak as being absent.

**1. PLEDGE OF ALLEGIANCE**

A. U.S. Flag    B. Texas Flag

**2. ITEMS FOR COSIDERATION**

A. ZBA19-023 Introduction of new Alternate Member Susan Seaborn.

B. ZBA19-024 Consider approval of the minutes of April 29, 2019.

Alternate Seaborn pointed out a grammatical error in the minutes. Vice-Chair Lane motioned to approve the minutes pending the correction, Board Member Horton seconded the motion. Motion to approve the April 29, 2019 minutes approved (6-0).

**AYES (6): Chair Briggie, Vice-Chair Lane, Board Members: Eric Horton, Emily Mesiner, Alternates: Brian Beck and Susan Seaborn.**

**NAYS (0): None**

**RECUSED (0): None**

**ABSENT (0): Board Members: William House, Connie Baker, David Higgins, and Alternate Maureen Leak**

C. ZBA19-025 Draft Policies and Procedures for the Zoning Board of Adjustment: Boards and Commission attendance policy.

Charlie Rosendahl presented the Boards and Commissions attendance policy to the Board.

**D. ZBA19-029 Receive a presentation and hold a discussion regarding Robert's Rule of Order.**

Jerry Drake suggested the training video be sent to the Board members to view outside of the meeting, and to discuss it in the following meeting. Charlie Rosendahl will send the video.

**E. ZBA19-030 Receive a briefing and discuss the limitations and authority of the Board of Adjustment in hearing and ruling upon variance requests.**

Jerry Drake presented a PowerPoint to discuss the limitations and authority of the Zoning Board of Adjustment.

Vice-Chair Lane asked if a variance is granted to an owner of a property, would the variance transfer to a new owner. Mr. Drake confirmed that it would.

Chair Briggie asked if there were any talks of the meeting being recorded. Rosendahl answered the Council decided to record the Zoning Board of Adjustment beginning in October, 2019.

Briggie also asked Drake to elaborate on an instance if an applicant wanted to meet a Board Member outside of ZBA to discuss an issue at hand. Drake answered that it is not acceptable as it is receiving evidence outside of the record.

### **3. PUBLIC HEARINGS**

Chair Briggie called the Public Meeting to order at 5:11 p.m.

**A. ZBA19-0006 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(d) as it relates to the maximum number of on-premises ground signs permitted on any one premises. The variance requested is for a second ground sign on an approximately 0.97- acre property on the southeast corner of the intersection of Dallas Drive and Simmons Street.**

Sean Jacobson was sworn in and presented item ZBA19-0006. The applicant previously had 2 ground signs at 301 Dallas Drive, one of the signs was non-conforming as the code states the property is limited to one ground sign. In October of 2018 one of the ground signs was struck by a driver, destroying it. The owner received insurance money, and ordered a new sign to be the replacement. The new sign was the same type as the previous sign, and was to be placed exactly in the same spot. The applicant is requesting a variance from chapter 33 section 33.14.2 (d), to allow a second ground sign on the premises. Jacobson added that according to the Code of Ordinances Section 33.10.5.a, "If the cost of replacement, repair or renovation is in excess of sixty (60) percent of the cost of erecting a new sign of the same type at the same location," then the damaged or destroyed sign cannot be repaired or replaced. Jacobson presented photos showing the original sign, damage from the accident, as well as the proposed new sign.

Alternate Beck asked if the existing sign on the property was not present, would the applicant be allowed to have the new sign, Jacobson confirmed that he would.

Kevin Hinzman, the current owner of the property was sworn in. Hinzman explained that the insurance money was received from the accident, and the new sign was bought, built, and is currently at Signorama. He pointed out on the property's site plan, (Exhibit 1), that previously the signs were set up where one sign was facing northbound, and the second sign faced southbound. He had concerns that the existing sign cannot be seen going southbound on Dallas Drive. He stated that the option of taking down the existing sign, and replacing with one larger sign would be substantially more expensive, and believed that to be a financial hardship.

Board Member Horton asked if the original signs were non-conforming when installed, Jacobson replied that both signs were legally permitted at the time. Board member Meisner asked if the newly constructed sign be placed on the back of the existing sign, Hinzman noted that at the angle of the existing sign the back would not be able to be seen from the street. Alternate Beck asked staff if both the existing and new sign can be positioned in a way, where both sides are visible from Dallas Drive, and still conform to the code. Jacobson answered that as long as it is one ground sign, it may have two sides. Board Member Horton asked if the new sign was made after authorization from the City, Hinzman answered that the sign was bought, built, and then later told it could not be permitted. Chair Briggie noted that although it would be more expensive for the applicant, there is a way to have one larger sign, and would not require a variance. Vice-Chair Lane suggested the possibility of selling the newly constructed sign to regain some of the loss. Board Member Meisner asked if the new sign paid for prior to the new code being initiated, Jacobson answered that the code was in place at the time of purchase. She also suggested to have just the current existing sign, Hinzman stated that the existing sign cannot be seen from one side of Dallas Drive. Alternate Seaborn stated that ultimately the case does not meet all the criteria to grant the variance.

Drake recommended that the staff presentation be entered into the record as Exhibit 2 and the Staff Report be entered as Exhibit 3.

Chair Briggie asked if Signorama could retrofit the new sign to the existing sign and angle it in a preferable way. Hinzman had not discussed that with Signorama.

Chair Briggie closed the public hearing at 5:45 p.m.

Board Member Horton motioned to deny the variance requested, Alternate Beck seconded the motion. Motion to deny the variance approved (6-0).

**AYES (6): Chair Briggie, Vice-Chair Lane, Board Members: Eric Horton, Emily Mesiner, Alternates: Brian Beck and Susan Seaborn.**

**NAYS (0): None**

**RECUSED (0): None**

**ABSENT (0): Board Members: William House, Connie Baker, David Higgins, and Alternate Maureen Leak**

Meeting adjourned at 5:49 p.m.