

Minutes
Zoning Board of Adjustment
September 30, 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, September 30, 2019 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: Board Members: Amber Briggie, Jennifer Lane, Connie Baker, David Higgins and Emily Meisner

Alternate Board Members: Princewill Njoku Jr.

Staff: Ron Menguita, Jerry Drake, Cynthia Kirchhoff, Selena Dillard

Absent: William House, Eric Horton

Chair Briggie called the meeting to order at 4:35 p.m.

Chair Briggie announced William House and Eric Horton as being absent.

1. PLEDGE OF ALLEGIANCE

A. U.S. Flag B. Texas Flag

2. ITEMS FOR COSIDERATION

A. Consider approval of the minutes of August 26, 2019

Vice-Chair Lane noted a grammatical error in the minutes.

Vice-Chair Lane motioned to approve the minutes pending the correction, Board Member Meisner seconded the motion. Motion to approve the August 26, 2019 minutes approved (5-0-1-2).

AYES (5): Chair Briggie, Vice-Chair Lane, Board Members: Baker, Higgins, and Meisner

NAYS (0): None

RECUSED (1): Alternate: Njoku Jr.

ABSENT (2): Board Members: House, Horton

B. ZBA19-024 Consider and appoint a member for the Zoning Board of Adjustment Chair position.

Vice-Chair Lane nominated Amber Briggie, Board Member Higgins seconded. Motion approved (5-0-1-2).

AYES (5): Chair Briggie, Vice-Chair Lane, Board Members: Baker, Higgins, and Meisner

NAYS (0): None

1 **RECUSED (1): Alternate: Princewill Njoku Jr.**

2 **ABSENT (2): Board Members: House, Horton**

3
4 C. Consider and appoint a member for the Zoning Board of Adjustment Vice-Chair position.
5 Board Member Meisner nominated Jennifer Lane, Board Member Higgins seconded. Motion
6 approved (5-0-1-2).

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8 **AYES (5): Chair Briggie, Vice-Chair Lane, Board Members: Baker, Higgins, and Meisner**

9 **NAYS (0): None**

10 **RECUSED (1): Alternate: Princewill Njoku Jr.**

11 **ABSENT (2): Board Members: House, Horton**

12
13 D. Receive a report and hold a discussion of Robert's Rule of Order.
14 The Board viewed the video outside of the meeting, and had no questions or concerns.

15
16 **3. PUBLIC HEARINGS**

17
18 Chair Briggie called the Public Meeting to order at 4:42 p.m.

19
20 A. Hold a public hearing and consider approval of two variance requests from Chapter 33 –
21 Signs and Advertising Devices of the Code of Ordinances, specifically Section 33.14.2(b)(1) as it
22 relates to the maximum permitted height and maximum permitted effective area for ground signs
23 on IH-35E street frontages in nonresidential districts. The subject approximately 1.688-acre
24 property is located on the northeast corner of the intersection of Fort Worth Drive and the IH-35E
25 frontage Road. (ZBA19-0008, McDonalds Sign, Sean Jacobson)

26
27 Ron Menguita, Principle Planner, and Adam Bailey, the applicant was sworn in.

28
29 Menguita presented information regarding ZBA19-0008.

30
31 The maximum height allowed for ground sings, along IH-35E is 40 feet measured from the
32 principle lane of the highway. The highway at the sign location measures 19 feet, allowing the
33 total measurement of the sign to be 59 feet per Denton code. The applicant is requesting a variance
34 to allow for an additional 21 feet, making the sign a total of 80 feet tall. Along with the request for
35 a height variance, the applicant has asked for an increase in the maximum effective area of the
36 sign. The maximum effective area of signage per the Denton code is 250 square feet, the applicant
37 is requesting 349 square feet. The sign that would require 349 square feet is an 80 foot sign,
38 including a main illuminated sign with a secondary sign below it.

39
40 City staff did not believe the site had unique conditions or features that would cause hardship for
41 the applicant. Staff recommended the Board to deny both variances requested.

42
43 Chair Briggie asked about other cases with similar signage that had a variance approved. Menguita

1 replied that there had been cases that were similar, but that the current case cannot be compared to
2 another case. Only information presented during the meeting shall be considered while voting for
3 a variance. Vice-Chair Lane asked for a record of the Zoning Board of Adjustment meeting as to
4 see why the Buc-ee's sign had been granted a variance.

5
6 Jerry Drake, City Attorney, asked if the lower sign on the proposed sign would be a static image
7 or a video, Bailey answered that the sign would be a non-moving image.

8
9 Bailey explained why he is seeking a variance for both height and area of the proposed McDonald's
10 sign. He presented pictures of a flag test, showing the sign would have poor visibility for traffic
11 traveling northbound if the variance were not granted. He then noted the existence of two nearby
12 signs that were 100 feet in height. Menguita responded that the two signs were in place prior to
13 the current code.

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

15
16 Drake noted for the record, that the staff report would need to be an Exhibit. Menguita stated that
17 Staff Analysis is listed as Exhibit 2 in the Board's packets, it contains all exhibits in the
18 presentation as well as the applicant's narrative.

19
20 Board Member Meisner stated that she did not believe that the criteria for a variance was met.

21
22 Chair Briggie opened the public hearing 5:07 p.m. to allow Alternate Njoku Jr. to ask the applicant
23 a question. He asked what signs are visible near the proposed sign, Bailey responded that both
24 Valero and Motel 6 signs are visible from the highway.

25
26 Chair Briggie closed the Public Hearing at 5:08 p.m.

27
28 Board Member Meisner motioned to deny both variances requested, Board Member Higgins
29 seconded.

30
31 Alternate Njoku Jr. stated that he would be interested in discussing a compromise due to the 2
32 signs in the area that are taller than the code allows. Drake noted that the other signs are legally
33 non-conforming, and were legal at the time of construction.

34
35 Alternate Njoku Jr. and Vice-Chair Lane both questioned how the Buc-ee's sign was granted a
36 variance after the new code was adopted. Drake stressed the importance of the board only
37 considering criteria given in this specific case. Vice-Chair Lane questioned why the Buc-ee's sign
38 was not included in the staff report, Menguita responded that it was not included as it is not in the
39 vicinity of the proposed sign.

40
41 Chair Briggie stated that the proposed sign did not meet the criteria for a variance.


42
43 Motion to deny the variance approved (5-1-0-2).

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2 **AYES (5): Chair Briggie, Vice-Chair Lane, Board Members: Baker, Higgins, and Meisner**
3 **NAYS (1): Alternate: Princewill Njoku Jr.**
4 **RECUSED (0):**
5 **ABSENT (2): Board Members: House, Horton**

6
7 4. CONCLUDING ITEMS
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9 Vice-Chair Lane would like a staff report and meeting minutes as to how and why the Buc-ee's
10 sign was approved a variance. Chair Briggie would like a longer discussion as to legal non-
11 conforming signs and signs that have been approved or not-approved. Board Member Meisner
12 would like to also see signs that were granted a variance since the new code had been adopted.
13

14 Meeting adjourned at 5:30 p.m.
15

16
X 

Jennifer Lane
Vice-Chair

Date: 11/18/2019