

BOARD OF ADJUSTMENT

April 10, 2007

STAFF:

Victoria Huynh, Assistant City Attorney
Selso Mata, Chief Building Official
Cliff Bormann, Assistant Building Official
Marilu Madrigal, Sr. Code Compliance Representative
Tamra Beck, Sr. Administrative Assistant

PRESENT:

Chris Caso, Chairman
Randy Hart
Joe Milkes
Chris Polito
Donnie Swango, Alternate

PRESENT NOT SEATED:

Cameron McCall, Alternate
Mike Pirek, Alternate
William Suttle, Alternate

ABSENT:

George Elwell

A public hearing of the Board of Adjustment ("Board") was called to order by Chairman Chris Caso on Tuesday, April 10, 2007 at 6:00 p.m. in the Building Inspections Training Room at the Plano Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law.

1. Approval of Minutes: March 27, 2007

Mr. Chris Polito made a motion to approve the minutes from March 27, 2007. Mr. Donnie Swango seconded. The motion was approved with a vote of 5/0.

2. Public Comments:

There were no public comments.

3. APPEAL #07-09Z 1301 H AVENUE: A request to vary subsection 2.803 (3) of the Zoning Ordinance number 2006-4-24 to allow a residential lot in the GR district to have a reduced minimum lot depth of 66' from the required 90'. This item was tabled at the February 27, and March 27, 2007 meetings.

Mr. Chris Polito made a motion to remove Appeal #07-09Z and Appeal #07-10Z from the table. Mr. Donnie Swango seconded. The motion was approved with a vote of 5/0. Chairman Caso opened the public hearing.

Ms. Marilu Madrigal testified that the property is located at the northwest corner of 13th Street and Avenue, in the Original Donation subdivision. The applicant applied for two permits (duplex) one per each family dwelling unit on September 2006. Building Inspection Department was given a verbal approval from the Planning and Engineering Department in regards to plat approval. The permit with the address of 1301 H Ave received its final building inspection approval on November 2006.

Ms. Madrigal further testified that recently it was brought to the Building Inspection Department's attention that the lot depth of two adjacent lots (1301 H Ave and 1305 H Ave) did not comply with the GR zoning district requirements.

At a hearing held on September 19, 2005, the Planning and Zoning denied the re-plat for these two lots. The Planning and Zoning Commission informed the applicant that he should seek a variance through the Board of Adjustment prior to requesting Planning & Zoning approval.

Ms. Madrigal referenced paperwork from the P&Z meeting held 09-19-05.

Ms. Madrigal showed pictures of the property including an aerial view, the lot as it is now and where the property line would be if re-platted. Staff recommended approval of the requested variance.

Chairman Caso admitted into the record the application, staff report, lot layout, staff presentation.

Mr. Steve Brown, Applicant, testified that he was issued two building permits to build a duplex since the Code requires a permit for each unit. One has already been built as an energy efficient home. The second home will also be an energy efficient structure with newer technology. Mr. Brown said they will be monitoring these homes to see whether the energy cost will be different between the two.

Mr. Brown further testified that they meet all the setback requirements, and the variance is only for the depth of the lot.

Mr. Brown stated his company is a nationally rated energy efficient builder. He also stated that they have been doing this type of building for over 15 years and appreciate working in Plano because of the quality staff.

Chairman Caso closed the public hearing.

Mr. Chris Polito made a motion to approve Appeal #07-09Z subject to the Planning and Zoning Commission's approval of the lot re-plat. Mr. Donnie Swango seconded. The motion was approved with a vote of 5/0.

4. APPEAL #07-10Z 1305 H AVENUE: A request to vary subsection 2.803 (3) of the Zoning Ordinance number 2006-4-24 to allow a residential lot in the GR district to have a reduced minimum lot depth of 66' from the required 90'. This item was tabled at the February 27, and March 27, 2007 meetings.

Chairman Caso opened the public hearing, and admitted into the record the application, staff presentation, drawing from the applicant and testimony from Appeal #07-09Z..

Chairman Caso closed the public hearing.

Mr. Joe Milkes made a motion to approve Appeal #07-10Z subject to Planning & Zoning's approval of the lot re-plat. Mr. Donnie Swango seconded. The motion was approved with a vote of 5/0.

5. APPEAL #07-15Z 4593 KENTUCKY DRIVE: A request to vary subsection 3.1002 (1) of the Zoning Ordinance number 2006-4-24 to allow a fence within the front yard to be 56" over the allowed 40" in height for a total of 96" and to be 0% open in construction, instead of the required 50% open in construction

Chairman Caso opened the public hearing.

Ms. Marilu Madrigal showed pictures and testified that the property is located in a cul-de-sac. The applicant is proposing to install an 8 feet tall solid wood fence over the front building line of the property. The proposed fence would meet the requirements of the 8'X8' visibility clip required on a property adjacent to an alley.

Ms. Madrigal further testified that per the applicant, the location of the lot is at the end of a cul-de-sac and a good portion of the side yard is lost due to the radius of the street, since the building line is pushed back or curves along with the front property line. Staff recommended denial of the requested variance. The motion failed since it failed to obtain 4 affirmative votes.

Chairman Caso admitted into the record the photos, staff presentation, application and staff report.

Mr. Ray Sanseverino, representing Meritage Homes, testified that an independent fence contractor received a permit to build the fence. He stated he did not realize that the building line was at a radius. He said the poles had been set around 50 ft. out and they are asking for the fence to extend about 22 ft. out, and then follow the radius and maintain the 8'X8' vision clip.

Mr. Sanseverino further testified that the fence would be solid for privacy, provide security for the children and should not be a detriment to the neighborhood. The yard will be landscaped.

Chairman Caso closed the public hearing.

The Board asked questions regarding the utility easement.

Chairman Caso re-opened the public hearing.

Mr. Sanseverino showed the Board a plat of the land.

Chairman Caso closed the public hearing.

Mr. Donnie Swango made a motion to approve Appeal #07-15Z stipulating that it must meet the visibility clip. Mr. Randy Hart seconded. The vote was 3/2; therefore, the appeal was denied. Mr. Chris Caso and Mr. Chris Polito cast the dissenting votes.

6. APPEAL #07-16S 4720 DEXTER DRIVE: A request to vary subsection 4.706 of the Zoning Ordinance number 2006-4-24 to allow an Identification Sign to:

- a) Exceed the maximum 125 sq. ft. in size by 198 sq. ft. for a total area of 323 sq. ft.**
- b) Exceed the maximum allowed copy area of 100 sq. ft. by 30 sq. ft. for a total of 130 sq. ft.**
- c) Exclude the 6" masonry requirement for a monument sign located within the 190 Tollway/Plano Pkwy Overlay district at the top of the sign.**
- d) Encroach 25' into the required 30' setback to adjacent property lines.**

Chairman Caso opened the public hearing.

Ms. Marilu Madrigal testified that the property is located on Dexter Dr., between Preston Rd. and Burnham Dr. The property does not have any street frontage on Plano Parkway. The applicant's intent is to install a sign facing Plano Parkway and as close as possible to the street. The proposed sign would be 9.5 feet in height and 34 feet in width.

Ms. Madrigal further testified that the proposed sign is a "V" shape sign and each panel or side is 9.5 feet in height and 17 feet wide. The angle of the two faces or panels of this "V" shape sign is 90 degrees with 34 feet in width. For measurement purposes, the two faces are flattened and measured as one face.

Ms. Madrigal further testified that the property is located within the 190/Plano Parkway Overlay District. The sign will be framed on all four sides by at least six inches of masonry, rock, or other material to be compatible with the building's fascia. The proposed sign will be framed on only 3 sides.

Ms. Madrigal showed photos of the property, including the aerial view, street front and layout of the property and where the sign will be located. Staff recommended denial of the requested variance.

Chairman Caso admitted into the record the photos, map, staff presentation, application, layout of the plat, and the sign drawings.

Mr. Allan Ross representing Dexter Professional Park testified that the company has been working on this project for approximately 2 ½ years. There are four lots to be built on in the area. The facilities will be for the doctors practicing in the new Baylor Hospital.

Mr. Ross further testified that as the project has been developed there have been significant problems marketing the space due to lack of frontage on Plano Parkway. He stated this is a hardship for three reasons; 1) there is a 150 feet setback from the curb to the peninsula, 2) poor

visibility because it is situated between the two buildings, 3) Plano Parkway splits at this location. He said since last year, they have tried many different configurations to maximize visibility with no success. He said their goal is to have a quality sign that will identify the property.

Chairman Caso closed the public hearing.

The Board asked the applicant if he would be willing to modify the sign plan to have a lesser degree of variance.

Chairman Caso re-opened the public hearing for additional testimony.

Mr. Ross stated that he would need to speak to his client before making any decision on their behalf and requested that this appeal item be tabled.

Mr. Joe Milkes made a motion to table Appeal 07-16S. Mr. Donnie Swango seconded. The motion was approved with a vote of 5/0.

7. APPEAL #07-17S 4701 PRESTON PARK BLVD: A request to vary subsection 3.1603 (2) (b) of the Zoning Ordinance number 2006-4-24 to allow an apartment sign to exceed the maximum allowed 25 sq. ft. by 25 sq ft for a total of 50 sq. ft.

Chairman Caso opened the public hearing.

Ms. Marilu Madrigal testified that the property is located on Preston Park Blvd, between Park Blvd. and Preston Rd. A permit for a freestanding monument sign was approved March 1, 2007. The approved plans reflect a sign with the dimensions of 3.33 ft. in height and 6 ft. in width for a total sq. ft. of 19.98 sq. ft.

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Ms. Madrigal further testified that the applicant is requesting a variance to install a larger monument sign at the entrance of this community stating that the current sign is not seen by drive-by customers. The new sign is larger and has the same design as the current sign. The overall height of the proposed sign would be approximately 5.3 ft. and the overall width would be approximately 9.4 ft. Staff recommended denial of the requested variance.

Ms. Madrigal showed pictures which included an aerial view of the property and the existing sign.

Ms. Garrett Faillaci, representing the property owner, testified that they have had a visibility problem with the small sign because Preston Park is a curved road with a 30 ft. median in the center. The existing sign is only visible from one direction. The larger sign would increase the visibility.

Chairman Caso closed the public hearing.

Mr. Chris Caso made a motion to approve Appeal 07-17S with the condition that it is built in accordance with Exhibit "A", which is a drawing of the proposed sign. Mr. Chris Polito seconded. The motion was approved with a vote of 5/0.

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OTHER BUSINESS

8. Discuss the Board of Adjustment Report to Council for June 25, 2007

The Board discussed the Board's presentation to the City Council on June 25, 2007. The Board requested that the Staff prepare a PowerPoint presentation for the Board's review to be given at the City Council meeting outlining the Board's activity over the last year.

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There being no further business, the meeting was adjourned at 7:51 p.m.

Chairman Caso

