



MINUTES OF A CALLED MEETING OF THE
BOARD OF ADJUSTMENT
 OF THE CITY OF SUNSET VALLEY, TEXAS
 WEDNESDAY, SEPTEMBER 12, 2012
 7:00 P.M.

MEMBERS PRESENT

Sandy Cox, Chair
 Wade Buckner
 Randall Rosengarten
 Steve Borochoff, Alternate

STAFF PRESENT

Clay Collins, City Administrator
 Sara Wilson, Assistant City Administrator
 Doug Young, City Attorney's Office

A-1: Call to Order.

Sandy Cox called the meeting to order at 7:05 P.M.

A-2: Approval of minutes from April 11, 2012 and July 9, 2102 meetings.

After reviewing the minutes, a motion was made by Steve Borochoff and seconded by Randall Rosengarten to approve the minutes of the April 11, 2012 and July 9, 2012 meetings. All members voted in favor and the motion carried.

A-3: Public Hearing on an application submitted by Vir Singh owner of the Holiday Inn Express for a variance from Section 2.904 of the Land Development Code to exceed the maximum height of 35 feet allowed in the Highway Commercial District to allow the entry parapet of the existing building to be extended an additional five feet in height for a total height of 40 feet at 4892 U.S. Highway 290 West.

The Chair declared the Public Hearing to be opened. A brief presentation was made by Clay Collins. Jeff Krokicki, with Dick Clark Architects made a presentation representing the owner. He explained that the Holiday Inn Express was undergoing extensive renovations and that new signage was a part of the project. The request was to raise the building parapets on the east and south sides to allow for improved visibility of the signage. John Gemperle, General Manager of the Holiday Inn Express presented information about the need for improved visibility of the signage and responded to questions.

Drawings and maps were presented to illustrate the difficulty with visibility of the existing signage.

Clay Collins noted that the actual signage that is being proposed is not a part of this request. The signage will need to be approved by the City Council. Only the building modifications are included in the variance request.

Two comment cards were received in support of the request. No one else appeared during the public hearing. The Chair closed the public hearing.

48 **A-4: Consider action on an application submitted by Vir Singh owner of the Holiday Inn Express for a**
49 **variance from Section 2.904 of the Land Development Code to exceed the maximum height of 35 feet**
50 **allowed in the Highway Commercial District to allow the entry parapet of the existing building to be**
51 **extended an additional five feet in height for a total height of 40 feet at 4892 U.S. Highway 290 West.**
52

53 Board members reviewed the findings and documentation provided by the applicant. Following additional
54 discussion, a motion was made by Randall Rosengarten to approve the variance request from Section 2.904
55 of the Land Development Code to allow the entry parapet of the existing building to be extended an
56 additional five feet in height for a total height of 40 feet, but not less than 35 feet at 4892 U.S. Highway 290
57 West. The motion included acknowledgment that the required findings had been met as documented by
58 the applicant and that the variance was further conditioned by the drawings and representations provided
59 to the Board. The motion was seconded by Steve Borochoff. All members voted in favor and the variance
60 was approved by a 4-0 vote.

61
62 **A-5: Public Hearing on an application submitted by Marshall McHone and Margaret Bentley for a**
63 **variance at 11 Pillow Road from Section 2.506(a)(8) to exceed the cumulative total of 1,500 square feet**
64 **per lot of all accessory structures. The request is for a 1,000 square foot free standing solar panel**
65 **structure. The Board granted a variance for a similar request on April 11, 2012; however, the proposed**
66 **location and dimensions of the project have changed and a new variance will be required.**
67

68 The Chair opened the Public Hearing. Clay Collins made a brief presentation and explained that due to
69 changes from the original project that had received a variance, the applicant had been required to submit
70 for a new variance. Photos and drawings were presented. Jennifer Love, with Circular Energy appeared
71 representing the applicant. The size and location of the proposed structure was presented.

72
73 Comment cards were received from four neighbors in support of the application.

74
75 No one else was present to comment and the Public Hearing was closed.

76
77 **A-6: Consider action on an application submitted by Marshall McHone and Margaret Bentley for a**
78 **variance at 11 Pillow Road from Section 2.506(a)(8) to exceed the cumulative total of 1,500 square feet**
79 **per lot of all accessory structures. The request is for a 1,000 square foot free standing solar panel**
80 **structure.**
81

82 Following a discussion by the Board, a motion was made by Randall Rosengarten to approve the variance
83 request for a variance at 11 Pillow Road from Section 2.506(a)(8) to exceed the cumulative total of 1,500
84 square feet per lot of all accessory structures for a 1,000 square foot free standing solar panel structure.
85 The motion included a reference to the findings provided by the applicant and with the further stipulation
86 that the variance is conditioned by the drawings and representations provided to the Board. The motion
87 was seconded by Wade Buckner. All members voted in favor and the variance was approved by a 4-0 vote.

88
89 **A-7: Consider a recommendation to the Zoning Commission and City Council regarding the notice**
90 **requirement for Zoning Variances in Section 2.300 (b)(2) Written Notice to Property Owners.**
91

92 This item was placed on the agenda at the request of the Chair. It was discussed that some variance
93 requests could impact property owners that live beyond the 500 foot distance that notices are currently
94 provided. It was suggested that for residential variances, a notice could be sent to all property owners
95 living on the street where the variance was requested. Clay Collins outlined how this might be done with a
96 revision to the code and noted that the Board could only recommend this to the City Council for

97 consideration by the Council and the Zoning Commission. Randall Rosengarten noted that the current
98 requirements of the Code mirror state law and that to expand the notice requirements could result in
99 problems if the additional notice provisions were not followed due to some error or omission. A motion
100 was made by Wade Buckner and seconded by Steve Borochoff to recommend that the City Council consider
101 the expanded notice requirements for residential variances. Cox, Buckner, and Borochoff voted in favor of
102 the motion. Rosengarten voted no. The motion passed by a vote of 3-1.
103

104 **A-8: Consider a recommendation to the Zoning Commission and City Council regarding Lots in the**
105 **Highway Commercial Zoning District that do not meet the minimum lot dimensions.**
106

107 This item was also placed on the agenda at the request of the Chair. The issue was to come up with a
108 mechanism to prevent future property owners of commercial lots that were less than 3 acres in size to be
109 required to go through the variance process because the lots had been legally subdivided. The City
110 Attorney indicated that he could research this and bring back information at a future meeting. A motion
111 was made by Steve Borochoff and seconded by Randall Rosengarten to request that this research be
112 conducted and presented at the next meeting of the Board.
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115 There being no other business coming before the Board, the meeting was adjourned at 8:25 P.M.
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119 _____
120 Sandy Cox, Chair