



PERMITS & INSPECTIONS
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A G E N D A
REGULAR MEETING
ZONING BOARD OF ADJUSTMENT
CITY OF HIGHLAND VILLAGE, TEXAS
THURSDAY, SEPTEMBER 5, 2019, 7:00 P.M.
HIGHLAND VILLAGE MUNICIPAL COMPLEX
CITY COUNCIL CHAMBERS
1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS

1. **Call to Order/Roll Call.**
2. **Consider Approval of minutes from the Regular Meeting held on November 1, 2018.**
3. **Visitor Comments.** (Anyone wishing to address the Zoning Board of Adjustment must complete a Speakers' Request form and return it to the Administrative Assistant. In accordance with the Texas Open Meetings Act, the Zoning Board of Adjustment is restricted in discussing or taking action on items not posted on the agenda. Action on your statement can only be taken at a future meeting. In order to expedite the flow of business and to provide all visitors the opportunity to speak, the Chairperson may impose a three (3) minute limitation on any person addressing the Board.)
4. **Conduct Public Hearing and Review and Consider a request pursuant to City of Highland Village Comprehensive Zoning Ordinance, Section 7.5.E, to expand a non-conforming structure by more than ten percent of the area of the existing structure on the property located at 308 Highland Lake Drive, being Lot 2, Highland Lake Section 5.**
5. **Receive Status Reports on Various Projects.**
 - **Dates for Future ZBA Meetings**
6. **Adjournment.**

Pursuant to Section 551.071 of the Texas Government Code, the Zoning Board of Adjustment reserves the right to consult in closed session with its' Attorney and to receive legal advice regarding any item listed.

I HEARBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE PUBLIC BULLETIN BOARD AT THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD, HIGHLAND VILLAGE, TEXAS IN ACCORDANCE WITH THE *TEXAS GOVERNMENT CODE, CHAPTER 551*, ON THE 30TH DAY OF AUGUST 2019 NOT LATER THAN 5:00 P.M.

Billy Spencer
Building Official

(SEAL)

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (972) 899-5132 or Fax (972) 317-0237 for additional information.

Removed from posting on the _____ day of _____ 2019, by _____ at _____.

Minutes for Zoning Board of Adjustment – November 1, 2018

**DRAFT MINUTES
REGULAR MEETING OF THE
ZONING BOARD OF ADJUSTMENT, CITY OF HIGHLAND VILLAGE, TEXAS
HELD IN THE MUNICIPAL COMPLEX, 1000 HIGHLAND VILLAGE ROAD
THURSDAY, NOVEMBER 1, 2018, 7:00 P.M.**

1. Call to Order/Roll Call.

Chairman Richard Metivier called the meeting to order at 7:02 p.m.

Roll Call

Present:	Richard Metivier	Chairman
	Christian Hart	Board Member
	Richard Holderby	Board Member
	David Smith	Alternate Board Member
Absent:	Thomas Peck	Vice Chairman
	Darrah Boxberger-Torres	Board Member
	Guy Skinner	Alternate Board Member
	Annette Brunken	Alternate Board Member
Staff Members:	Billy Spencer	Building Official
	Autumn Aman	Community Development Coordinator
	Kim Huntley	Community Services Assistant

2. Elect Chairman and Vice Chairman.

Board Member Christian Hart made a motion to elect Richard Metivier as Chairman. Alternate Board Member David Smith seconded the motion.

Motion Passed (4-0)

Board Member Hart made a motion to elect himself as Vice Chairman; Chairman Richard Metivier seconded the motion.

Motion Passed (4-0)

3. Consider Approval of the Minutes from the Regular Meeting of the Zoning Board of Adjustment held on January 4, 2018.

Chairman Metivier made a motion to approve the minutes as written; Board Member Richard Holderby seconded the motion.

Motion passed (4-0)

4. Visitor Comments.

Minutes for Zoning Board of Adjustment – November 1, 2018

Chairman Metivier read a speaker's request from Mr. Calvin Justice, 303 Highland Lake Drive, who did not wish to speak; however, he wanted it to be part of the record that he was in support of the requested variance being granted.

5. Conduct Public Hearing and Review and Consider a request pursuant to the City of Highland Village Comprehensive Zoning Ordinance, Section 7.5.E, to expand a non-conforming structure by more than ten percent (10%) of the area of the existing structure on the property located at 301 Highland Lake Drive, being Lot 1, Block 3, Highland Lake 3.

Building Official Billy Spencer addressed the Board stating that the applicant, Monte Thurmond, property owner of 301 Highland Lake Drive, had submitted an application for a variance request to be allowed to construct an approximate one thousand seven hundred and thirty-two (1,732) square foot addition to their existing non-conforming residential structure. The area of the proposed addition exceeds ten percent (10%) of the area of the existing structure. He continued that the City of Highland Village Comprehensive Zoning Ordinance, Section 7.5.E, currently reads as follows:

If the use is conforming but the structure is not, the nonconforming structure can be remodeled, maintained or improved as long as the size (square footage) of the structure is not increased more than ten percent (10%).

Building Official Spencer stated that Mr. Thurmond had been denied a building permit due to the nonconforming status of the structure. The structure is nonconforming because it did not comply with the setback requirements as set forth in the City of Highland Village Comprehensive Zoning Ordinance (CZO). The zoning is (SF-10) Single-Family Residential District and the area regulations for size of yards requires a minimum front yard of twenty-five (25') feet. The survey dated September 14, 2018 indicated a twenty (20') foot front yard setback. Mr. Spencer continued that the house was built in approximate 1961, and at that time the regulations as set forth in the City Ordinances possibly did not exist. He stated, if enlarged, the addition would comply with all other aspects of the City Ordinances other than the front yard setback.

Mr. Thurmond, property owner of 301 Highland Lake Drive, addressed the Board thanking them for their service and stated he had previously lived in Highland Village and is now moving back. He continued it was his dream property and they would making the house more attractive along with enhancing the value. He stated they would also be making the structure less nonconforming by removing some of the front porch area from the street.

The Board Members, Building Official Spencer, and Mr. Thurmond discussed the request as it pertained to the existing front yard setback, if the new plans for the addition would be conforming, the existing square footage of the home, allowing enlargement of sixty percent (60%) of its' current value. Discussion continued that it seemed there were other properties in the area that appeared to be closer to the street then Mr. Thurmond's house and tearing down his house and moving it back five feet (5') would not be a feasible option. The Board concluded that it was a highly unusual street, older section of town, and that it would probably enhance the neighborhood.

Chairman Metivier questioned if there had been any inquiries on the request from the Public

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Hearing notices sent.

Building Official Spencer responded that there had not.

Chairman Metivier opened the Public Hearing at 7:20 p.m.

There were speakers during the Public Hearing.

Chairman Metivier closed the Public Hearing at 7:20 p.m.

The Board as a whole went through the Variance Findings Flow Chart, discussing the following along with their findings:

1. Is the request for a variance owing to special condition inherent in the property itself?
Findings (Yes) due to placement of the house and the steep hill behind it.
2. Is the condition one unique to the property requesting the variance?
Findings (yes)
3. Is the condition self-imposed or self-created?
Findings (No)
4. Will a literal enforcement of the zoning ordinance result in an unnecessary hardship?
Findings (Yes)
5. Would the grant of the variance be contrary to public interest?
Findings (No)
6. Is the request within the spirit of the ordinance and does it further substantial justice?
Findings (Yes)

Alternate Board Member Smith made a motion to grant the variance request. Vice Chairman Hart seconded the motion.

Motion passed (4-0)

6. Receive Status Reports on Various Projects.

- **Dates for Future ZBA Meetings**

Building Official Spencer notified the Board members of the upcoming training that would be given by the City Attorney for newly appointed Boards and Commission members to be held on November 5, 2018.

7. Adjournment.

Meeting adjourned at 7:26 p.m.

Autumn Aman
Community Development Coordinator

Richard Metivier - Chairman
Zoning Board of Adjustment

CITY OF HIGHLAND VILLAGE
ZONING BOARD OF ADJUSTMENT

AGENDA# 4

MEETING DATE: September 5, 2019

SUBJECT: Conduct a public hearing and consider an application requesting a variance to the Comprehensive Zoning Ordinance Section 7.5 E. relating to property located at 308 Highland Lake Drive, described as Lot 2, Highland Lake Section 5, an addition to the City of Highland Village, Texas.

REPAIRED BY: Billy Spencer, Building Official

BACKGROUND

The applicants, owners of the property located at 308 Highland Lake Drive, has submitted a request to be allowed to construct an approximately 595 square foot addition to an existing non-conforming garage structure on the property that was built in approximate 1975. The requested addition exceeds 10% of the area of the existing structure. The Comprehensive Zoning Ordinance (CZO) Section 7.5 E reads in relevant part as follows:

7.5 Expansion of Nonconforming Uses and Buildings:

If the use is conforming but the structure is not, the nonconforming structure can be remodeled, maintained or improved as long as the size (square footage) of the structure is not increased more than ten percent (10%).

The applicants have been denied a building permit due to the nonconforming status of the structure. The structure is nonconforming because it does not comply with setback requirements as set forth in the CZO. The zoning for the property is SF-10 Single Family Residential District. The area regulations for size of yards requires a minimum front yard of twenty-five feet (25.0'). A survey dated 05-13-19 indicates the garage structure is setback 9'1" from the property line. (Please see the survey for dimensions).

IDENTIFIED NEED/S:

The applicant will identify his needs as submitted.

OPTIONS & RESULTS:

See pictures, survey and other documents included in the packet and determine whether or not the request satisfies the criteria for granting a variance as set forth in Sections 9.5 A. and 9.5 B of the Comprehensive Zoning Ordinance, which reads as follows:

9.5 Variances:

A. *In order to grant a variance from these zoning regulations, the ZBA must make written findings that an undue hardship exists, using the following criteria:*

1. *That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;*
2. *That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;*
3. *That the relief sought will not injure the permitted use of adjacent conforming property; and*
4. *That the granting of a variance will be in harmony with the spirit and purpose of these regulations.*

B. *A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss, nor shall it permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship on another parcel of land.*

The applicant bears the burden of proof in establishing that the variance requested complies with all criteria required to be satisfied before the variance may be granted.

PROGRESS TO DATE: (if appropriate)

N/A

BUDGETARY IMPACT/ORDINANCE CHANGE: (if appropriate)

N/A

RECOMMENDATION:

Review the Zoning Ordinance, the applicant's submittal including survey and other information provided by the applicant and make a determination as to whether or not the owner of the property has met his burden of proof by presenting facts which justify the grant of the variance.