



**NOTICE OF REGULAR MEETING AGENDA
ZONING BOARD OF ADJUSTMENT
MUNICIPAL CENTER CITY COUNCIL CHAMBERS
211 N. HENRY STREET, LANCASTER, TEXAS**

Thursday, February 25, 2021 - 7:00 p.m.



The Chair of the Zoning Board of Adjustment and Committee members will attend via video or audio link due to the COVID-19 emergency situation.

IMPORTANT NOTICE: Due to the COVID-19 (coronavirus) state of emergency and consistent with the Governor's Order regarding modifications to the Texas Open Meetings Act ("TOMA"), and executive orders regarding the public will not be admitted to the physical meeting location.

Please click the link below for forms:

<https://www.lancaster-tx.com/1413/Notice-Regarding-Public-Participation>

Please click the link below to join the webinar:

<https://us02web.zoom.us/join/tZMudO6hpj0vHtEU6l1tPzOwDNTOGZfTCXrt>

The meeting will be broadcast live via video at the following address:

<http://www.lancaster-tx.com/324/Watch-Meetings>

7:00 p.m. Regular Meeting

CALL TO ORDER

PUBLIC TESTIMONY:

At this time, citizens who have pre-registered before the call to order will be allowed to speak on consent or action items on the agenda, with the exception of public hearings, for a length of time not to exceed three minutes. Anyone desiring to speak on an item scheduled for a public hearing is requested to hold their comments until the public hearing on that item.

CONSENT AGENDA:

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Board Member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Consider approval of meeting minutes from the Zoning Board of Adjustment meetings held on January 16, 2018, March 26, 2019 and March 2, 2020.

PUBLIC HEARING:

2. ZBA21-01 Conduct a public hearing and consider a request for a Variance to reduce the front yard setback from 30 feet to 19 feet on a property located at 112 Pecan Grove, Lancaster, Texas.

ADJOURNMENT

ACCESSIBILITY STATEMENT: Meetings of the Lancaster Boards and Commissions are held in municipal facilities that are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

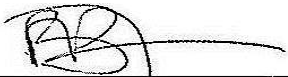
CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

Certificate

I hereby certify the above Notice of Meeting was posted at Lancaster City Hall on February 22, 2021, @ 6:55 p.m. and copies thereof were provided to the Zoning Board of Adjustment board members.



**Bester Munyaradzi,
Board Liaison**

CITY OF LANCASTER BOARDS AND COMMISSIONS

Zoning Board of Adjustment

1.

Meeting Date: 02/25/2021

Policy Statement: This request supports the City Council 2020-2021 Policy Agenda

Goal(s): Effective Municipal Operations
Healthy, Safe & Engaged Community

Submitted by: Vicki D. Coleman, Development Services Director

Agenda Caption:

Consider approval of meeting minutes from the Zoning Board of Adjustment meetings held on January 16, 2018, March 26, 2019 and March 2, 2020.

Attachments

Draft Minutes 01.16.2018

Draft Minutes 03.26.2019

Draft Minutes 03.02.2020

MINUTES

ZONING BOARD OF ADJUSTMENT REGULAR MEETING OF JANUARY 16, 2018

The Zoning Board of Adjustment of the City of Lancaster, Texas, met in a Regular Session in the Council Chambers of City Hall on January 16, 2018 at 6:30 p.m. with a quorum present to-wit:

Board Members Present

Chair Deborah Taylor
Margaret Brooks
Sherri Williams
Syrinithnia Mann
John G Thomas
Alternate Lawrence Smith

City Staff:

Dale Jackson, Building Official
Kelley Frazier, Development Coordinator
David Ritter, City Attorney

Call to order

Chair Taylor called the meeting to order at 6:30 p.m. on January 16, 2018.

Consent Agenda:

Chair Taylor read the consent agenda.

1. **Consider approval of minutes from the Board of Adjustment Regular Meeting held on April 11, 2017.**

MOTION: Board Member Brooks made a motion, and seconded by Board Member Williams to approve consent item 1 with the amendment that Alternate Lawrence Smith be counted present for the meeting. The vote was cast 5 for, 0 against.

Public Hearing:

2. **Discuss and consider a variance from Section 14.503(a)(3)A. of the Lancaster Development Code which requires garages that are accessed off of a street to be located at least 20 feet behind the closest corner of the front building facade or for the garage door to be perpendicular to the street. The location of the variance request is 618 Kiowa Circle and is further described as Lot 9, Block E of the Indian Canyon Subdivision.**

Dale Jackson, Building Official, stated a permit was issued on May 19, 2017 to construct a new Single-Family Dwelling at 618 Kiowa Circle. During the construction process, an inspection was requested and an error was discovered. The applicant was informed that a variance would be required to continue. Section 14.503(a)(3)A. of the Lancaster Development Code requires that garages to be accessed off of an alley. If the garage is accessed off of the street, the garage must be located at least 20 feet behind the closest corner of the front building façade or a J-swing garages (garages that have their door perpendicular to the street) is not required to meet the additional 20 foot setback. In this case the house has a front facing garage, and it is not set back the required 20 feet. Additionally, the house has had plumbing installed, foundation poured and framing completed. Staff went on site and noticed there are several homes on this same street and in this area that are similar to this home. Because this house is currently under construction

and it does not differ from homes that currently exist in the immediate vicinity, in staff's opinion, approval of the variance would not alter the essential character of the district or weaken the general regulations established for the district. Staff recommends approval of this variance as presented.

Board Member Thomas inquired if there inspections on this property during construction. Mr. Jackson stated there were inspections completed at this location and when the error was discovered, work was stopped at that time to allow this variance to move through the process.

Board Member Williams asked how far along the home is in the construction phase. Mr. Jackson indicated that the home is at the framing stage so the structure of the home is complete, the electrical rough is complete, the HVAC duct work has been installed, the plumbing is up through the foundation and into the walls, however sheetrock has not been installed at this time. At this point they are about 50% complete.

Board Member Mann inquired as to who is the applicant for this project is. Mr. Jackson stated the contractor and property owner is the applicant for this project. Ms. Mann asked if the error occurred during the initial plan review of the project. Mr. Jackson stated that was correct.

Chair Taylor opened the public hearing.

Joe Boston, 717 E Border Street, Arlington Texas, indicated that when the process was initially started and the plans were submitted to the Building Official at that time and were approved by him. He chose this plan because it did match the majority of the neighborhood in this area and had no idea that this violated city code. However, he has been delayed at this point for two months and needs to be able to move forward on this project. He is requesting this variance be approved in order to move forward with completion of the home.

MOTION: Board Member Thomas made a motion and seconded by Board Member Brooks to close the public hearing. The vote was cast 5 for, and 0 against.

MOTION: Board Member Mann made a motion and seconded by Board Member Thomas to approve item 2 as submitted. The vote was cast 5 for, and 0 against.

MOTION: Board Member Brooks made a motion and seconded by Board Member Mann to adjourn the meeting. The vote was cast 5 for, and 0 against.

The meeting was adjourned at 6:47 p.m.

ATTEST:

APPROVED:

Terry Capehart, Director

Deborah Taylor, Chair

MINUTES

ZONING BOARD OF ADJUSTMENT JOINT SPECIAL MEETING OF MARCH 26, 2019

The Zoning Board of Adjustment of the City of Lancaster, Texas, met in a called Joint Special Session in the Lancaster Recreation Center, 1700 Veterans Memorial Parkway on March 26, 2019 at 6:30 p.m. with a quorum present to-wit:

Board Members Present:

Margaret Brooks
Deborah Taylor

City Staff:

Opal Mauldin-Jones, City Manager
Rona Stringfellow, Deputy City Manager
Fabrice Kabona, Assistant City Manager
Dori Lee, Director of Human Resources
Sean Johnson, Director of Quality of Life and Cultural Services
Jermaine Sapp, Director of Equipment Services & Facilities
Shane Shepard, Director of Economic Development
Kenneth Johnson, Fire Chief
Terry Capehart, Director of Development Services
Andrew Waits, Interim Assistant Public Works Director
Kellen Benbrook, Airport Manager
Kaylon Jackson, Administrative Secretary
Bester Munyaradzi, Senior Planner
Emma Chetuya, Planner
Rashad Jackson-Stegall, Recreation Supervisor
Jessica Duran, Assistant Library Manager
Kevin Wiley, Parks Superintendent
Anita Skipper, Recreation Superintendent
Jonathan Harris, Animal Control Officer
Jasmine Carr, Community Programs Coordinator
Dale Jackson, Chief Building Official
Cheryl Womble, Administrative & Community Relations Supervisor
Delajer Walker, E.C. Superintendent
David T. Ritter, City Attorney
John Martin, Records Supervisor
Mayra A. Ortiz, Board Secretary/Deputy City Secretary
Sorangel O. Arenas, City Secretary

Call to order

The meeting was called to order at 6:56 p.m.

1. Welcome.

Mayor Hairston welcomed all Boards, Commissions, and Committees to the training.

2. State mandated Texas Open Meetings Act Training conducted by Brown & Hofmeister, L.L.P.

David Ritter, City Attorney led the training.

3. Receive an update on City projects from City Manager.

Opal Mauldin-Jones, City Manager provided an update.

The meeting was adjourned at 7:59 p.m.

ATTEST:

Vicki Coleman, Director

APPROVED:

Deborah Taylor, Chair

MINUTES

ZONING BOARD OF ADJUSTMENT JOINT SPECIAL MEETING OF MARCH 2, 2020

The Zoning Board of Adjustment of the City of Lancaster, Texas, met in a called Joint Special Session in the Lancaster Recreation Center, 1700 Veterans Memorial Parkway on March 2, 2020 at 6:30 p.m. with a quorum present to-wit:

Board Members Present:

Darlene Webb
Deborah Taylor
John G. Thomas
Sherri Williams

Board Members Absent:

Margaret Brooks
Syrinithnia Mann

City Staff:

Opal Mauldin-Jones, City Manager
Fabrice Kabona, Assistant City Manager
Carey Neal, Assistant to the City Manager
Dori Lee, Director of Human Resources
Sean Johnson, Director of Quality of Life and Cultural Services
Jermaine Sapp, Director of Equipment Services & Facilities
Shane Shepard, Director of Economic Development
Sam Urbanski, Police Chief
Jason Boulton, Assistant Police Chief
Charley Miller, Assistant Police Chief
Kenneth Johnson, Fire Chief
Chris Youngman, Assistant Fire Chief
DeeDee Hillary, EMS Chief
Shannin Phillips, Administrative Secretary (Fire Chief)
Shawn Gary, Fire Marshal
Melina Villanueva, Administrative Secretary (Fire Marshal)
Kim Hall, Finance Director
Kellen Benbrook, Airport Manager
Kaylon Jackson, Administrative Secretary
Kenne Johnson, Administrative Secretary (Quality of Life & Cultural Services)
Bester Munyaradzi, Senior Planner
John Melton, Library Manager
Cheryl Womble, Administrative & Community Relations Supervisor
Deborah Bunton, Administrative Secretary (City Manager's Office)
Jerry Rand, City Marshal
Ron Gleaves, I.T. Manager
David T. Ritter, City Attorney
Cynthia Smith, Deputy City Secretary
Sorangel O. Arenas, City Secretary

Call to order

The meeting was called to order at 6:45 p.m. on March 2, 2020.

1. Welcome.

Mayor Hairston welcomed all Boards, Commissions, and Committees to the training.

2. State mandated Texas Open Meetings Act Training conducted by Brown & Hofmeister, L.L.P.

David Ritter, City Attorney led the training.

3. Receive an update on City projects from City Manager.

Opal Mauldin-Jones, City Manager provided an update.

The meeting was adjourned at 7:55 p.m.

ATTEST:

APPROVED:

Vicki Coleman, Director

Deborah Taylor, Chair

CITY OF LANCASTER BOARDS AND COMMISSIONS

Zoning Board of Adjustment

2.

Meeting Date: 02/25/2021

Policy Statement: This request supports the City Council 2020-2021 Policy Agenda

Goal(s): Healthy, Safe & Engaged Community
Quality Development

Submitted by: Vicki D. Coleman, Development Services Director

Agenda Caption:

ZBA21-01 Conduct a public hearing and consider a request for a Variance to reduce the front yard setback from 30 feet to 19 feet on a property located at 112 Pecan Grove, Lancaster, Texas.

Background:

1. **Location and Size:** The property is located at 112 Pecan Grove within the Pecan Grove Estates Subdivision. The total site area is approximately 0.2321 acre in size.
2. **Current Zoning:** The property is currently zoned SF-5 Single Family Residential.
3. **Adjacent Properties:**
North: SF-5, Single Family Residential (Occupied Residence)
South: SF-5, Single Family Residential (Occupied Residence)
East: SF-5, Single Family Residential (Occupied Residence)
West: SF-5, Single Family Residential (Occupied Residence)
4. **Comprehensive Plan Compatibility:** The future land use plan of the Comprehensive Plan designates this site as suitable for low density residential development. The requested single family use is consistent with the plan.

Operational Considerations:

In accordance with the Lancaster Development Code Sec. 14.210 (d), the Criteria for Granting Variances is as follows:

1. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.
2. The Variance or request for relief is not a self-created hardship.
3. Such Variance or request for relief will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
4. Such Variance or request for relief will not adversely affect the health, safety or general welfare of the public; and
5. Such Variance or request for relief will not be contrary to the public interest; and
6. Such Variance or request for relief will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the Variance is sought is located, except as provided in Section 10.3 above; and
7. Such Variance or request for relief will be in harmony with the spirit and purpose of this ordinance; and
8. Such Variance or request for relief will not alter the essential character of the district in which is

- located the property for which the Variance is sought; and
9. Such Variance or request for relief will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
 10. The plight of the owner of the property for which the Variance or Exception is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The subject site is part of the Pecan Grove Estates plat that was approved in 1985. The subject site is a corner lot with a curvilinear shape having only a front yard and two side yards. The setback requirements for a lot with an SF-5 zoning class are 30 feet for the front yard and 10 feet for the side yard. The setback establishes a building's location on a property and ultimately the minimum size of a property's yard. The site plan approved by City staff on November 20, 2020 indicated a setback line measured from an incorrect location which resulted in the structure being partially situated within the minimum front yard. Because of the lot's shape and the revised setback measurement, the foundation now encroaches into the front setback from 3.2 feet at the structure's front to a maximum of 10.7 feet at the corner. The attached updated site survey, shows the proposed house plan with the now partial encroachment in the setback.

The proposed house is being constructed within an existing residential neighborhood. Foundation construction has been set and the site's water and sewer infrastructure has already been installed to the house. The proposed house will be constructed of 100 percent masonry materials and will be in harmony with the existing residential homes along the street. The design of the proposed house is consistent with the character of the surrounding development and if approved does not permanently injure the use of the district, neighborhood or the adjacent home. If the Variance is approved, the setback encroachment will not permanently injure the neighborhood. The house's front building line is situated approximately 3 feet beyond that of the home on the adjacent lot identified as 116 Pecan Grove. The structure at 112 Pecan Grove is being built on a corner lot and the portion of the structure where the largest setback encroachment exists occurs at the corner where the closest home is situated across the alley.

Legal Considerations:

The concurring vote of four of the five members of the board is required to authorize a variance from the zoning ordinance.

Public Information Considerations:

Notice regarding this public hearing appeared in the official publication of record, Focus Daily News, on Sunday, February 7, 2021. Additionally, property owners within 200 feet of the subject site were notified by mail of the public hearing. There were no letters received in support or opposition to the request.

This item is being considered at a meeting of the Zoning Board of Adjustment noticed in accordance with the Texas Open Meetings Act.

Options/Alternatives:

1. The Zoning Board of Adjustment may approve the request for a variance.
2. The Zoning Board of Adjustment may approve the request for a variance subject to conditions and state the conditions.
3. The Zoning Board of Adjustment may deny the request for a variance.

Recommendation:

Staff recommends approval of the variance request.

Attachments

Site Location Map

112 Pecan Grove Survey

House Elevations



City of Lancaster
112 Pecan Grove
Zoned: SF-5

- Hydrants
- Sewer Lines
- Storm Lines
- Water Lines
- Parcels
- City Limits
- 100 Year Floodplain
- Railroads
- Creeks
- Historic Landmark District
- Property Boundary

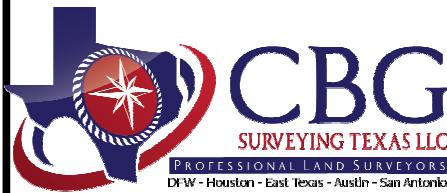
DISCLAIMER / LIMITATION OF LIABILITY
The information on this map is provided by the City of Lancaster as a public service. We are continually updating the data in order to provide the most accurate information possible. Such information is intended for reference only. The City of Lancaster does not guarantee the accuracy of the information, data or maps. All information is provided "As-Is" without warranty of any kind.

0 20 40 80 Feet

date: 01/20/2021

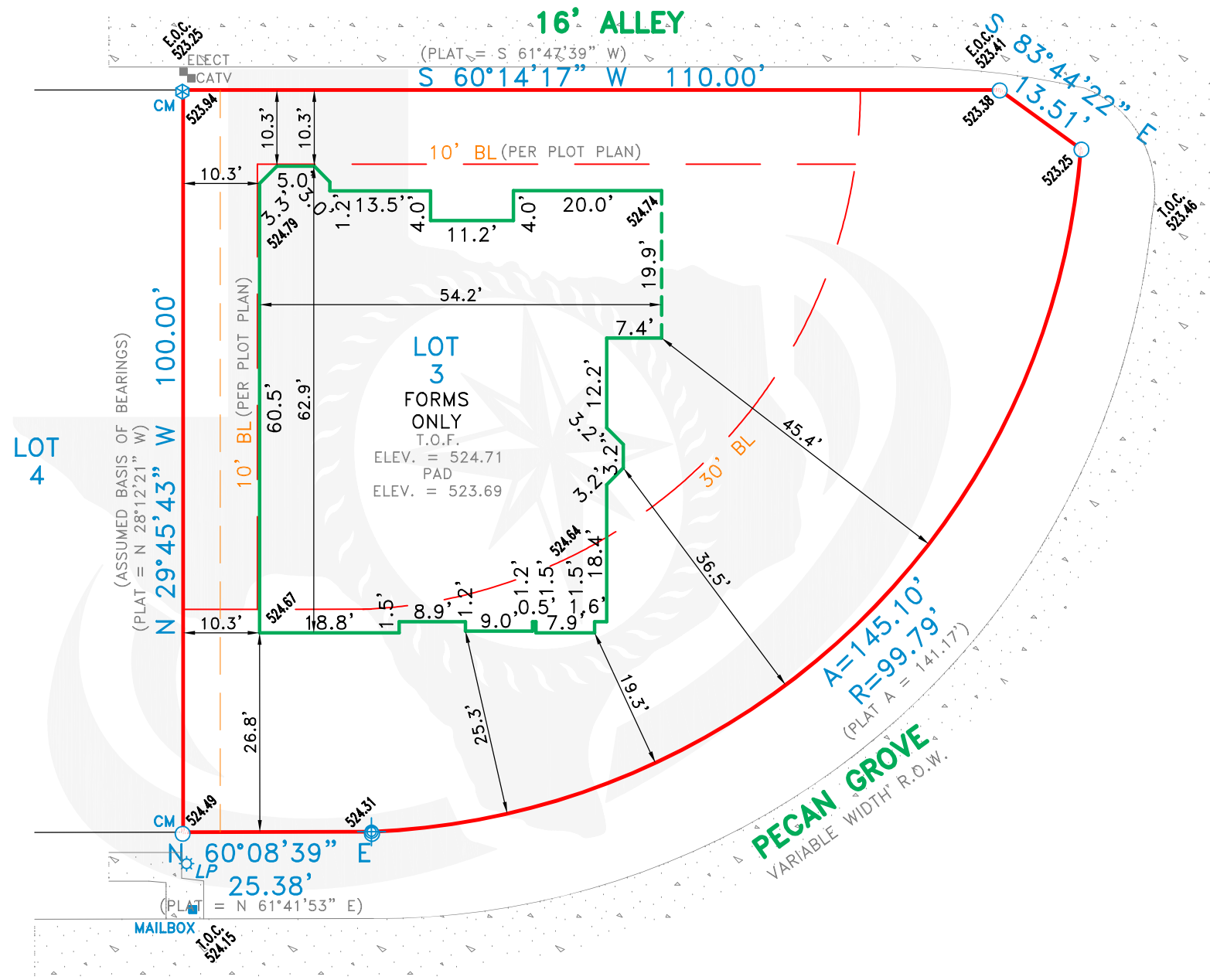
GeoEye, Maxar, Microsoft

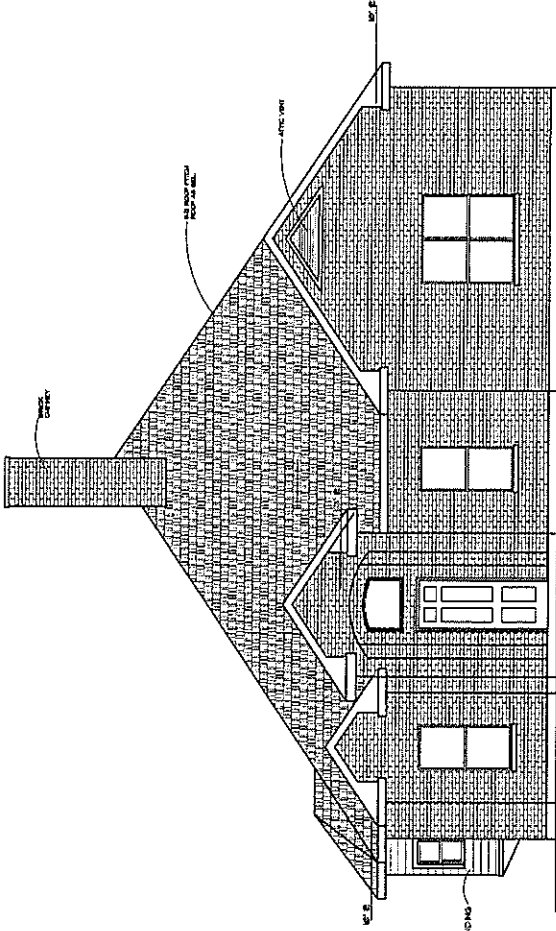




112 Pecan Grove

Being Lot 3, Block A, of Replat of Pecan Grove Estates, an addition to the City of Lancaster, Dallas County, Texas, according to the Plat thereof recorded in Volume 85156, Page 5321, Map Records, Dallas County, Texas.





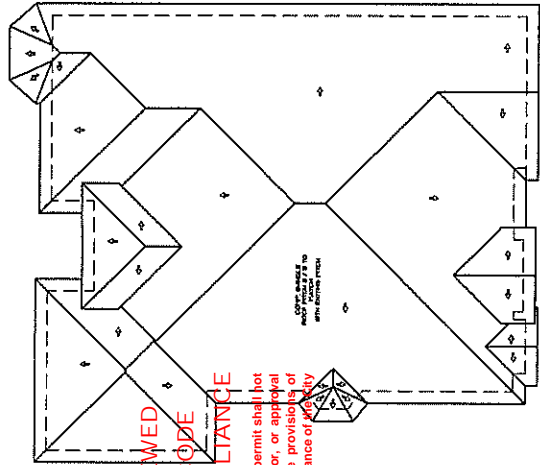
FRONT ELEVATION

SCALE 3/16" = 1'-0"



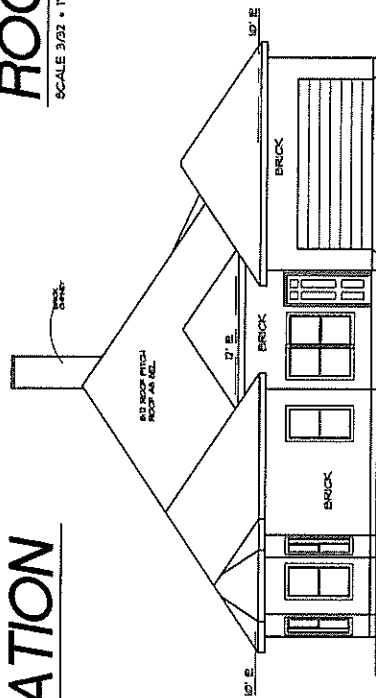
**REVIEWED
FOR CODE
COMPLIANCE**

The issuance or granting of a permit shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this code or of any other ordinance of any city of Lancaster or any State Law.



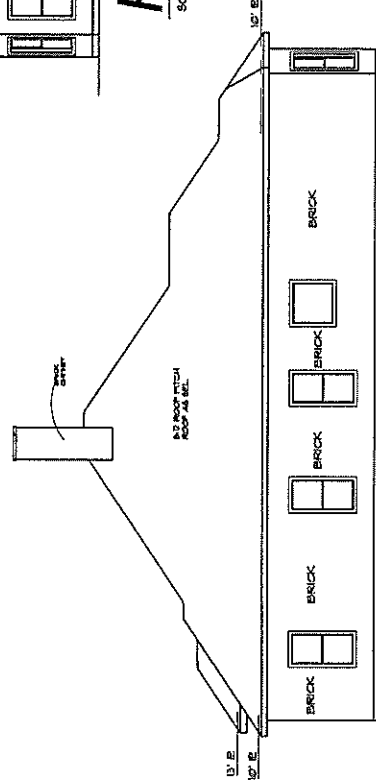
ROOF PLAN

SCALE 3/32" = 1'-0"



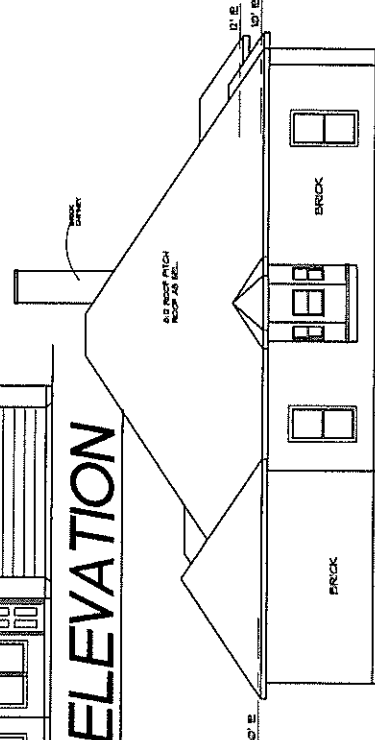
REAR ELEVATION

SCALE 1/8" = 1'-0"



RIGHT ELEVATION

SCALE 1/8" = 1'-0"



LEFT ELEVATION

SCALE 1/8" = 1'-0"



Stellar Division LLC
112 Pagan Grove
Lancaster Texas 75146

DATE
9-23-2020
REVISIONS

JOB NO.
PROJECT NO.
SHEET NO.

A4