

ZONING BOARD OF ADJUSTMENT

AGENDA INFORMATION



**FARMERS
BRANCH**

April 26, 2016

BRIEFING SESSION

**ZONING BOARD OF ADJUSTMENT
FARMERS BRANCH, TEXAS**

APRIL 26, 2016

6:30 P.M.

**STUDY SESSION ROOM, SECOND FLOOR
CITY HALL PLAZA**

A. Discuss Regular Agenda Items

B. Adjournment

Posted by _____ on City Hall bulletin board on or before 5:00 p.m. on
_____, 2016.

FARMERS BRANCH CITY HALL IS WHEEL CHAIR ACCESSIBLE. ACCESS TO THE BUILDING AND SPECIAL PARKING ARE AVAILABLE AT THE MAIN ENTRANCE FACING WILLIAM DODSON PARKWAY. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO ARE DEAF OR HEARING IMPAIRED AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS A SIGN INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-919-2503 AT LEAST 72 HOURS PRIOR TO THE MEETING.

AGENDA

**ZONING BOARD OF ADJUSTMENT
CITY OF FARMERS BRANCH, TEXAS**

APRIL 26, 2016

7:00 P.M.

**COUNCIL CHAMBERS
CITY HALL**

Approval of the minutes of the March 22, 2016 Zoning Board of Adjustment meetings.

Rick Sutton, with Starlite Signs, representing Ray Hallford, owner of 2430 Valley View Lane, is requesting permission to re-locate a non-conforming sign that is scheduled to be removed due to right-of-way acquisition. Chapter 62-29(a) of the Code of Ordinances does not permit structural alterations, enlargements or re-erection of non-conforming signs. A variance to allow re-location of a non-conforming pole sign would be required to allow a sign permit to be issued.

Adjournment

Posted on the bulletin board at City Hall before 5:00 P.M. on _____, 2016 by _____.

FARMERS BRANCH CITY HALL IS WHEEL CHAIR ACCESSIBLE. ACCESS TO THE BUILDING AND SPECIAL PARKING ARE AVAILABLE AT THE MAIN ENTRANCE FACING WILLIAM DODSON PARKWAY. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO ARE DEAF OR HEARING IMPAIRED AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS A SIGN INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-919-2503 AT LEAST 72 HOURS PRIOR TO THE MEETING.



Information Memorandum

To: Zoning Board of Adjustment
From: Hugh Pender – Building Official
Subject: Agenda Item No. 1
Date: April 18, 2016

APPROVAL OF THE MINUTES OF THE MARCH 22, 2016 MEETING:

Minutes attached.

ACTIONS BY THE BOARD:

1. Motion that the Zoning Board of Adjustment approve the minutes of the March 22, 2016 meeting (as drafted)(as amended in the study session).
2. Any other action desired by the Board.

Attachments:

Draft minutes of the March 22, 2016 meeting.

MINUTES OF A REGULAR MEETING
ZONING BOARD OF ADJUSTMENT

FARMERS BRANCH, TEXAS
MARCH 22, 2016
7:00 P.M.

COUNCIL CHAMBERS
CITY HALL

Members of the Zoning Board of Adjustment present were:

| | |
|---------------|----------------|
| Chairman | Robert Schies |
| Vice Chairman | John Tarlton |
| | Wayne Baham |
| | Michael Rogan |
| | Ruben Rendon |
| Alternates | Mike Del Valle |
| | Cory Plunk |

Members of City Administration present were:

| | |
|--------------------------|---------------|
| Building Official | Hugh Pender |
| Recording Secretary | Rebecca Albin |
| Deputy Building Official | Paul Mattson |
| Permit Technician | Sara Goebel |

Chairman Schies called the meeting to order at 7:00P.M. and greeted all in attendance.

Chairman Schies requested that any member of the audience intending on testifying regarding any case before the Board to rise and be sworn in. They did so.

Chairman Schies noted that Mr. Plunk would be sitting as a voting member of the Board in place of the Chairman.

APPROVAL OF THE MINUTES OF THE FEBUARY 23, 2016 MEETING

Chairman asked the Board if they had read the minutes of the February 23, 2016 meeting and if any member had corrections. One correction was found and corrected. After deliberation a motion was made by Mr. Baham and seconded by Mr. Rogan to approve the minutes of the February 23, 2016 meeting as corrected. The motion carried unanimously.

Mr. Schies read the following legal notice.

Alex Balic, with Dallas Digital Signs and Graphics, representing **World of Décor** tenants of **13400 Midway Road, Suite 200**, is requesting permission to install two wall signs on the West elevation that total 253 sf together. Section 62-10i(2) of the Code of Ordinances allows property located within Light Industrial (LI) zoning districts to have a maximum of 200 square feet of wall signage per frontage or 10% of the building elevation, whichever is less for each 300 linear feet of building elevation. A variance to exceed the maximum amount of wall signage by 53 sf would be necessary to issue a permit for the signs.

Chairman Schies opened the public hearing and directed the applicant to step forward and present the case. Mr. George Eouse (9275 Cypress Drive, Orlando, FL), the owner of World of Décor, came forward to request permission to re-install previously used signs to the new location of his business, which is a very large building. Mr. Eouse offered two special circumstances as to why the signs should be allowed. First, the scale of the signs to the wall is reasonable, considering the size of the new building and taking into consideration neighboring signage. Secondly, the signs are significant to the establishment of the relocation of the business as they differentiate the different parts of the business and to the large size of the entire building.

Mr. Pender, the Building Official, explained to the Board and to the applicant that what the applicant is requesting in person is not the variance requested by the sign company and not the variance that was posted in the newspaper. The case currently before the Board is to increase the total signage by 54 square feet. The Board is not concerned with where the signs are placed on the building, but are only considering the total square feet of the signage. It will be necessary to keep with the original variance request or submit a new request for a meeting in the future.

Chairman Schies asked Staff if any correspondence had been received regarding the application. Mr. Pender responded that 9 notices were mailed to surrounding property owners and that the file contained 0 letters in favor and 0 letters against.

Mr. Schies asked if there was anyone else in the audience who would like to testify either in favor or opposed to the request. No one else came forward.

With no further testimony being offered, a motion was made by Mr. Rendon and seconded by Mr. Baham, that the public hearing be closed. The motion carried unanimously.

After deliberation a motion was made by Mr. Plunk and seconded by Mr. Baham that the Zoning Board of Adjustment **grant** a variance to Section 62-10i(2) of the Code of Ordinances to allow a total of 253 square facing elevation at 13400 Midway Road, Suite 200, because their determination from the facts and evidence presented at the public hearing indicate a special condition that the variance will apply as long as the current business operates within both ends of the building and that literal enforcement of the Code of Ordinances will not be contrary to public interest and that enforcement of the Code of Ordinances would result in an unnecessary hardship. The motion failed in a vote of 2 opposed (Mr. Rogan and Mr. Rendon) and 3 in favor (Mr. Baham, Mr. Tarlton and Mr. Plunk).

Chair asked for another motion. A second motion was made by Mr. Rogan and seconded by Mr. Rendon that the Zoning Board of Adjustment deny the requested variance at 13400 Midway, Suite 200 because their determination from the facts and evidence presented at the public hearing indicated that no special conditions exist that are unique to the applicant or property and that literal enforcement of the Code of Ordinance would be contrary to public interest and; that enforcement of the Code of Ordinances would not result in an unnecessary hardship. The motion failed in a vote of 3 in opposed (Mr. Baham, Mr. Tarlton and Mr. Plunk) to 2 in favor of the motion (Mr. Rogan and Mr. Rendon).

Mr. Pender, the Building Official, advised the applicant that the Board seem to be deadlocked which would allow a continuance of the case to the next meeting, but would need a motion to reopen the public hearing to discuss this.

Because of the need for further discussion and comment by both the board and the applicant, the Chair asked for a motion to reopen the public hearing. A motion was made by Mr. Rendon and seconded by Mr. Baham to open the public hearing and it passed unanimously.

The applicant expressed no desire to continue the case to the next meeting as it was critical that he get his business open with signage at both entrances. He asked for any consideration the board could give him to that end.

After much discussion regarding sign size, letter size, sign type, etc. a third motion was offered.

A third motion was made by Mr. Tarlton and seconded by Mr. Baham to grant a variance to Section 62-10i(2) of the Code of Ordinances to allow a total of 235 square feet of wall signage on the West facing elevation located at 13400 Midway Road, Suite 200, with additional signage to be installed above the entrance at that location, because our determination from the facts and evidence presented at the public hearing indicated that conditions which are unique to the applicant or property exist and that literal enforcement of the Code of Ordinance would result in an unnecessary hardship. The motion passed on a vote of 4 to 1 with Mr. Rogan opposing.

ADJOURNMENT

With no other items on the agenda, a motion was made by Mr. Rendon and seconded by Vice Chairman Tarlton that the Zoning Board of Adjustment be adjourned at 8:30 p.m. The motion carried unanimously.

APPROVED:

Robert Schies
Chairman

Rebecca Albin
Recording Secretary



Information Memorandum

To: Zoning Board of Adjustment
From: Hugh Pender - Building Official
Subject: Agenda Item No. 2 (16-06)
Date: April 8, 2016

PUBLIC HEARING:

Rick Sutton, with Starlite Signs, representing Ray Hallford, owner of 2430 Valley View Lane, is requesting permission to re-locate a non-conforming sign that is scheduled to be removed due to right-of-way acquisition. Chapter 62-29(a) of the Code of Ordinances does not permit structural alterations, enlargements or re-erection of non-conforming signs. A variance to allow re-location of a non-conforming pole sign would be required to allow a sign permit to be issued.

EXPLANATION:

Due to the IH-35E widening project a portion of the southeast corner of IH 35E and Valley View Lane has been acquired by TXDOT. This will require the existing freestanding pole sign to be removed. The property owner would simply like to re-locate the existing sign 25' due east of its current location. The existing sign is 40 feet tall and the property owner feels he will lose visibility if the existing sign was lowered to the new 30 foot requirement. They would also like to leave the base open and un-screened.

RECOMMENDATION:

Staff would support re-location of this non-conforming sign.

ACTIONS BY THE BOARD:

1. Motion that the Zoning Board of Adjustment grant a variance to Chapter 62-29(a) of the Code of Ordinances to allow the re-location of a 320 sf, 40' tall freestanding pole sign located at 2430 Valley View Lane, because our determination from the facts and evidence presented at the public hearing indicate that literal enforcement of the Code of Ordinances will be contrary to public interest and; that enforcement of the Ordinance will result in an unnecessary hardship.
2. Motion that the Zoning Board of Adjustment deny the requested variance at 2430 Valley View Lane, because our determination from the facts and evidence presented at the

public hearing indicate that no special conditions exist that are unique to the applicant or the property that warrant the requested variance and; that literal enforcement of the Code of Ordinance will not be contrary to public interest and; that enforcement of the Ordinance will not result in an unnecessary hardship.

3. Any other action desired by the Board.

Attachments:

Application
Area Map
Aerial photo
Survey/Elevation of proposed sign
Street photos
Ordinance excerpt



**FARMERS
BRANCH**

RECEIVED

MAR 31 2016

**BUILDING INSPECTION DEPARTMENT
CITY OF FARMERS BRANCH**

Filing Fees Residential: \$60.00
Non-Residential: \$100.00

**APPLICATION to the ZONING BOARD OF ADJUSTMENT
CITY OF FARMERS BRANCH**

This application will not be considered complete without all information requested below and will not be accepted without a complete and final set of plans submitted with the application, by the specified deadline.

1. Data relative to premise:

Date: 3/23/16

Appeal Address: 2340 Valley View Lane

Lot: 1 Block: 2 Addition: _____

Volume: _____ Page: _____ Zoning District: _____

Lot Size: 1.4669 acres Present use of Property: retail / Commercial

Applicant: Starlite Sign ^{ACK} _{SUTTON} Phone #: 940-382-8850

Applicant Address: 7923 E. McKinney Email: S.butler@StarliteSign.com

City: Denton State: Tx Zip: 76208

Rick Sutton

Property Owner: Ray Hallford Phone #: _____

Property Owner Address: 3307 Fairview Dr Email: _____

City: Austin State: Tx Zip: 78703

Applicant's interest in property: Owner Agent Lessor Option

2. To the Zoning Board of Adjustment:

This is to affirm that application has been made for permission to: _____

move existing pylon sign back 25' to accommodate
freeway expansion leaving sign at existing size
and height.

Permission was denied by the Building Official as it was deemed contrary to the Zoning Ordinance or Sign Regulations of the City of Farmers Branch. Therefore, appeal is now made to the Zoning Board of Adjustment to grant heretofore requested permission for the following reasons:

move existing pylon 25' to accommodate freeway expansion leaving sign at existing size and height. Height of I-35 ramp at this point is approximately 30', if sign is lowered all visibility will be lost.

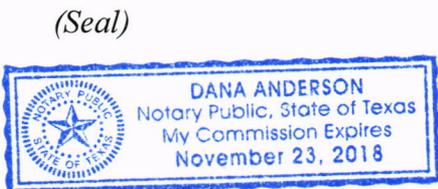
I hereby certify that all the above information and any information contained in any supporting documentation submitted herewith are true, accurate and correct to the best of my knowledge and belief.

Respectfully Submitted: Sue Butler Printed Name: Sue Butler
Date: 3-30-16 Agent for: Starlite Sign

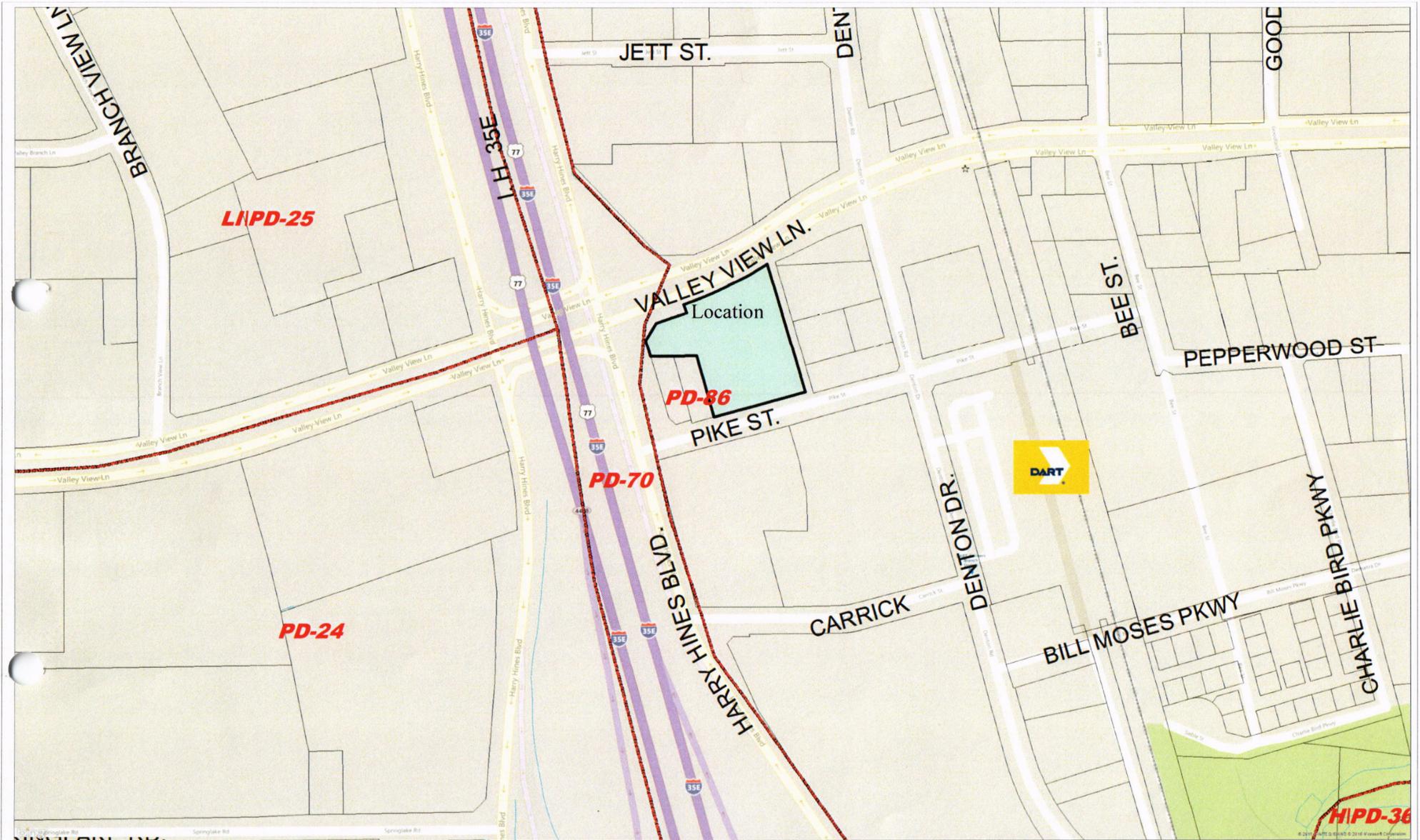
State Of Texas §
County of Dallas §

Before me, a notary public, on this day personally appeared Sue Butler known to me to be the person whose name is subscribed to the forgoing document and, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this the 30th day of March, 2016.



Dana Anderson
Notary Public
My Commission Expires: 11-23-18



-  Zoning District Boundary
-  Parcel Property Boundaries
-  City Limit
-  Subject Property

ZB16-06 - Location Map

2340 VALLEY VIEW LN.

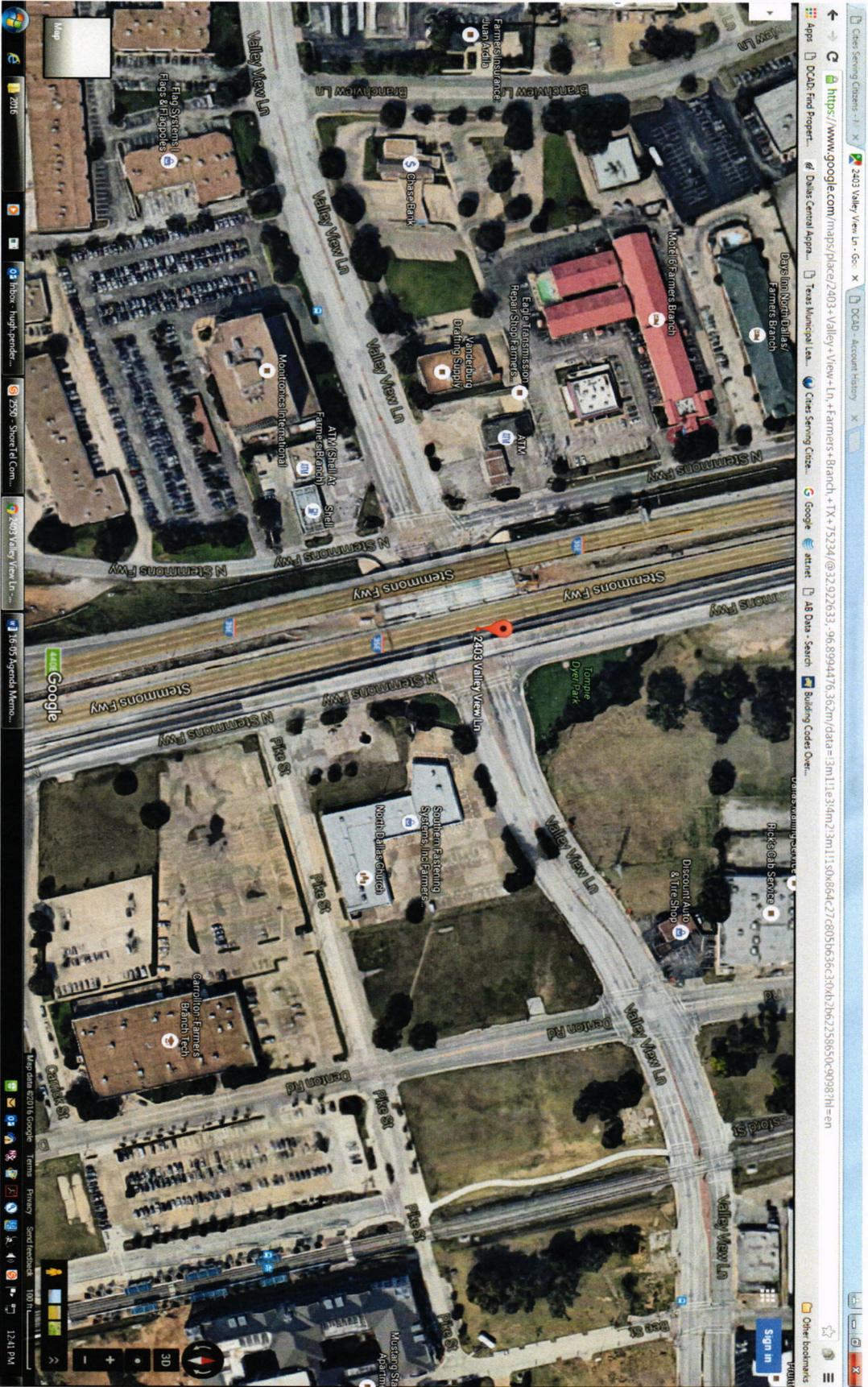


Various official and unofficial sources were used to gather this information. Every effort was made to ensure the accuracy of this data, however, no guarantee is given or implied as to the accuracy of said data. For pictorial reference only.

0 215 430

Feet 

Date: 4/14/2016





5th
SOUTHERN
FASTENING SYSTEMS

OMEGA
REHABILITATION
CENTER

North Dallas
CHURCH





SFS
SOUTHERN
FASTENING SYSTEMS

OMEGA
REHABILITATION
CENTER

North Dallas
CHURCH



62-28 Building Address Numbers

(a) Building address numbers shall be displayed in accordance with Chapter 22, Article XI of the Code of Ordinances and shall meet the materials and workmanship requirements of this Section.

(b) In residential zoning districts building address numbers painted on the curb must be in conformance with Section 70-3 of the Code of Ordinances and the numbers shall be white, minimum of three inches (3") in height and centered within a five-inch (5") dark contrasting background.

(c) Non-residential building address numbers shall be in conformance with Section 38-38 of the Code of Ordinances.

62-29 Nonconforming signs

Any sign legally existing at the time of the passage of this ordinance that does not conform in use (other than off-premises signs), location, height or size with the regulations of the zone in which such sign is located, shall be considered a legal nonconforming use or structure and shall be permitted to continue in such status until such time as it is either abandoned or removed by its owner, subject to the following limitations:

(a) Structural alterations, enlargements or re-erection are not permitted. Sign copy may be changed and maintenance and repair may be performed on the structure.

(b) Nonconforming signs, which are considered abandoned signs, shall be removed regardless of the owners' intent to make future use of the structure.

(c) Any legal nonconforming sign shall be removed if the structure has been allowed to deteriorate to the extent that the cost of repair or maintenance exceeds 50 percent of the original cost of the sign as determined by the building official.

62-30 Definitions

The following words, terms and phrases when used in this chapter shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned Sign. A sign structure that has ceased to be used and/or contains obsolete sign copy for a period greater than 6 months; or a sign structure on which the owner no longer intends to display sign copy.

Apartment Name Sign. A sign identifying an apartment building or complex of apartment buildings.

Awning Sign. A sign that is part of, or attached to, an awning, canopy, or other fabric, plastic, or structural projection or cover over a door, window, storefront, or outdoor service area.