

MINUTES
ZONING BOARD OF ADJUSTMENT
FEBRUARY 6, 2008

The Lewisville Zoning Board of Adjustment was called to order at 6:30 p.m. Members present:

Stephanie Rogers (Chairman), Leroy Vaughn, Jack Rochester (Alt), Marshan Naragon (Vice-Chairman), William "Bill" Price (P&Z Representative), Tom Jensen (Alt.)

Member Joy Bunnell was absent. Alternate Tom Jensen sat in for Joy Bunnell.

Staff members present: Gene Lewis and Mary Paron Boswell

Item 2: Selection of a Chairman, and if needed, a Vice-Chairman

Chairman James Davis was appointed to serve on the Planning and Zoning Commission, leaving a vacancy on the ZBOA. A motion was made by Marshan Naragon to appoint Stephanie Rogers as Chairman, seconded by Bill Price. The motion passed unanimously (5-0). The appointment of Stephanie Rogers as Chairman necessitated a selection of a Vice-Chairman. A motion was made by Stephanie Roger to appoint Marshan Naragon as Vice-Chairman, seconded by Bill Price. The motion passed unanimously (5-0).

Item 3: Minutes

Approval of the September 5, 2007, minutes was next on the agenda. A motion was made by Tom Jensen to approve the minutes subject to a correction to item 2 showing that "Bill Price made the motion to approve the minutes of the of the August 8, 2007, meeting and that he seconded the motion", Tom's motion was seconded by Marshan Naragon. Leroy Vaughn abstained from the vote since he was not at the previous meeting. The motion was approved (4-0-1).

Item 4: Public Hearings

- A. Consideration of a variance request to allow an encroachment into the required 100ft front, side and rear yard setbacks, by allowing a front and rear yard setback of 50 ft and a side yard setback of 25ft, in an Agriculture Open-Space District identified as 301 E. Uecker Lane; further identified as Tract 9 of the L. Burgois Survey, Abstract 52. The request is being made by Dan Matisse, with authorization from the current property owner. (Case No. BA20080201)

Staff indicated that this item has gone before the P&Z and City Council as a zone change request from AO to ETH. Several of the neighboring residents were not in favor of rezoning the property to a residential zoning district, believing that this property along with theirs is prime commercial property. The P&Z recommended denial of the zone change request and the City Council tabled the item, so that it could go before the ZBOA for a variance to the setback requirements. Staff indicated that it would prefer that the site was rezoned to establish a development pattern for the area. The lot is almost three acres in size, well above the norm for residential lot sizes, but the dimensions of the lot and the required 100 ft setbacks is what is causing a hardship to build a house on this lot. The applicant requested to have 50 ft front and rear setbacks and 25 ft side yard setbacks, well above setback requirements in all of the City's other residential zoning districts, as well as the existing homes in the neighborhood. Staff indicated that they received a letter from John Wilson, a neighborhood resident, who was in favor of granting the variance. Staff also indicated that horses would be allowed on the property today without any variance action as long as it met with the animal control ordinances. The sole issue before the board was whether to allow Mr. Matisse some relief in the setbacks that would allow him to build a home on the property. Tom Jensen asked if the right-of-way dedication was already there. Staff indicated that the city had

already acquired right-of-way adjacent to this property but the road has not been built. The public hearing was then opened and Mr. Matise, the applicant, spoke in favor of the request. He stated that he has been in the real estate business for over 50 years and that he would be the first person to ask for commercial zoning if he believed that it was a good location for it, but he does not think that is the case here. He does not want to be deprived of building a house on the site. He believes that residential zoning is the highest and best use for the site and would have preferred to have the zoning because it would make financing and appraising easier, but he was willing to accept a variance to the setbacks. Stephanie Rogers asked Mr. Matise to state his intentions to the board for the use of the property since they had not attended any of the previous P&Z and City Council meetings. Mr. Matise stated that he wants to build a house on the site with a stable and that he will meet with Animal Control to discuss the location of a stable. Councilman Dean Ueckert spoke to the ZBOA and indicated the he was neither in favor nor against the request. He had some concerns in zoning the property ETH and preferred that the applicant try to obtain a variance. There being no one else present to speak for or against the item, the public hearing was then closed. The members had no further questions and a motion was made by Tom Jensen to approve the variance request, seconded by Leroy Vaughn. The motion passed unanimously (5-0).

There being no other business before the Board, the meeting adjourned at 6:55 p.m.
These minutes approved by the Lewisville Zoning Board of Adjustment on April 2, 2008.

Respectfully Submitted,

Approved,

Mary Paron Boswell, Sr. Planner

Stephanie Rogers, Chairman