

**CITY OF VAN ALSTYNE**

**MINUTES**

**Zoning Board of Adjustment**  
Van Alstyne Community Center  
262 N. Preston Ave

**APRIL 11, 2017**

**6:30 P.M.**

Members present: Mayor Larry Cooper, Billy Plake, Robert Jaska, Russell Moore and Brad Clough.

Staff present: Frank Baker, Jennifer Gould, Steve White, Sonja Henriques, Ryan Dockery, Judy Kimzey and Jodi Carr.

**AGENDA**

1. Call to Order. *Mayor Cooper called the meeting to order at 6:30pm.*
2. Invocation. *Recited by Mayor Cooper.*
3. Pledges of Allegiance. *US and Texas.*

**PUBLIC HEARINGS**

4. Conduct a Public Hearing regarding a request by the owner/agent of the property situated in the City of Van Alstyne, County of Grayson, State of Texas, being described as G-0770 MCKINNEY JAMES &HRS A-G0770, ACRES 0.5 and G-0770 MCKINNEY JAMES &HRS A-G0770, ACRES 0.65 more commonly known as 332 North Henry Hynds Expressway (currently zoned Commercial District - 2) for variances to the Van Alstyne Code of Ordinances, Section 46-38 and Section 38-6 to allow the structures currently existing to remain as they are, to allow the use of a non-concrete material on the parking lot and so as not to require landscape areas (10%) and detail of plant material used. *The Public Hearing opened at 6:33pm. Tim Klement, the requestor, spoke to the request advising that no changes to the use or zoning are required. The use will continue as it was with a three-year lease. Mayor Cooper made three calls for comments. There being none, the hearing closed at 6:35pm.*
5. Conduct a Public Hearing regarding a request by the owner/agent of the property situated in the City of Van Alstyne, County of Grayson, State of Texas, being described as DIVISIONS VAN ALSTYNE, BLOCK 3, LOT E ½ OF 7, 140X150 more commonly known as 278 N Dallas Avenue (currently zoned Commercial District - 1) for variances to the Van Alstyne Code of Ordinances, Section 46-37 (d) Area, Setback, Height, and Coverage Regulations to reduce the required side yard setback. *The Public Hearing opened at 6:35pm. Harold Slankard, the requestor, spoke to the need for the request. Mayor Cooper made three calls for comments. There being none, the hearing closed at 6:38pm.*

**ITEMS FOR CONSIDERATION**

6. Consider and take any action necessary regarding a request by the owner/agent of the property situated in the City of Van Alstyne, County of Grayson, State of Texas, being described as G-0770 MCKINNEY JAMES &HRS A-G0770, ACRES 0.5 and G-0770 MCKINNEY JAMES &HRS A-G0770, ACRES 0.65 more commonly known as 332 North Henry Hynds Expressway (currently zoned Commercial District - 2) for variances to the Van Alstyne Code of Ordinances, Section 46-38 and Section 38-6 to allow the structures currently existing to remain as they are, to allow the use of a non-concrete material on the parking lot and so as not to require landscape areas (10%) and detail of plant material used. *Billy Plake asked why the request was necessary to which Frank Baker advised that the code requires compliance once a building/use is "abandoned", as defined by the code, for six months. It was identified that the property was vacant for approximately one year. Mr. Plake asked Mr. Klement what his hardship is that would allow the Board to grant the variances. Mr. Klement advised that he does not own the property and the cost of compliance is outside of feasibility adding that he has already spent approximately \$50,000.00 to become operational. Robert Jaska gave a brief history of the use, ownership and operation of the property and business formerly occupying the location. Mr. Jaska advised that it is his belief that a variance is not necessary because while it appeared to have been vacant, the property was still under active lease by the prior business operator. Mayor Cooper questioned the terminology of the code regarding "abandonment" to which Julie Fort advised of the specific wording of the code and provided further clarification. Russell Moore advised that other business owners who were required to follow the code have expressed frustration with the granting of variances adding that knowing the information Mr. Jaska has provided is important because grant such variances requests would set a precedence. Russell Moore made a motion to deny the request. Brad Clough seconded the motion and the motion passed with Russell Moore, Brad Clough, and Billy Plake in favor and Robert Jaska opposed.*
7. Consider and take any action necessary regarding a request by the owner/agent of the property situated in the City of Van Alstyne, County of Grayson, State of Texas, being described as DIVISIONS VAN ALSTYNE, BLOCK 3, LOT E ½ OF 7, 140X150 more commonly known as 278 N Dallas Avenue (currently zoned Commercial District - 1) for variances to the Van Alstyne Code of Ordinances, Section 46-37 (d) Area, Setback, Height, and Coverage Regulations to reduce the required side yard setback. *Russell Moore made a motion to grant the requested variances. Brad Clough seconded the motion and the motion passed unanimously.*
8. Adjournment. *Mayor Cooper adjourned the meeting at 6:52pm.*

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Larry Cooper, Mayor

ATTEST:

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Jennifer Gould, City Clerk