

CITY OF VAN ALSTYNE

MINUTES

Zoning Board of Adjustment

Van Alstyne Community Center
262 N. Preston Ave

Tuesday, May 10, 2016

6:30 P.M.

Members present: Mayor Larry Cooper, Billy Plake, Timmerle Kelly, Robert Jaska and Russell Moore.

Staff present: Frank Baker, Jennifer Gould, Tim Barnes, Ryan Dockery, Steve White and Judy Kimzey.

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-0851 MCKINNEY ASHLEY A-G0851, ACRES 0.94, OFCS & ROLLING FLEET 93 more commonly known as 1577 S. Waco Street for a variance to the Comprehensive Zoning Regulations Section 17.4 Height and Area Regulations, Appendix 1-B, Masonry Regulations. The owner/agent is requesting the variance to reduce the percent of masonry required for the property which is currently zoned Commercial District – General (C - 2). *The Public Hearing opened at 6:34pm. There being no comments the hearing closed at 6:34pm.*

ITEMS FOR CONSIDERATION

5. 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-0851 MCKINNEY ASHLEY A-G0851, ACRES 0.94, OFCS & ROLLING FLEET 93 more commonly known as 1577 S. Waco Street for a variance to the Comprehensive Zoning Regulations Section 17.4 Height and Area Regulations, Appendix 1-B, Masonry Regulations. The owner/agent is requesting the variance to reduce the percent of masonry required for the property which is currently zoned Commercial District – General (C - 2). *Mayor Cooper read the recommendation/staff comment that the corner of F.M. 3133 and State Hwy 5 (S. Waco St.) is highly visible and the business at this location should be an excellent example of what a commercial occupancy in Van Alstyne shall be. Staff recommends that Council follow the City's Code, Section 46-107 as well as Local Government Code, Section 211.009 (a)(3). Please note that the applicant must show that the hardship is unique, oppressive, not common to other property, not merely*

financial, not against the public interest, and not self-imposed (see Moody v. City of University Park, 278 S.W. 2nd 912 (Dallas 1955, writ ref'd n.r.e.) and Zoning Board of Adjustment v. Marshall, 387 S.W. 2d 714 (San Antonio 1965, writ ref'd n.r.e.)). Billy Plake made a motion to deny the variance request. Timmerle Kelly seconded the motion and the motion passed with Billy Plake, Timmerle Kelly and Russell Moore in favor and Robert Jaska opposed.

6. Adjournment. *Mayor Cooper adjourned the meeting at 6:38pm.*

Larry Cooper, Mayor

ATTEST:

Jennifer Gould, City Clerk