

**EXCERPT FROM
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CITY OF CLEBURNE
ZONING BOARD OF ADJUSTMENT (ZBA)
MINUTES OF THE FEBRUARY 15, 2022 MEETING**

The Zoning Board of Adjustment (ZBA) of the City of Cleburne conducted a regular meeting on Tuesday, February 15, 2022, at 5:00 p.m. in the Council Chambers of City Hall located at 10 N. Robinson. Zoning Board of Adjustment meetings are open to the public and social distancing protocols will be in effect.

BOARD MEMBERS PRESENT:

Julie Hammond – Chairwoman
Ross Green - Vice-Chairman
Adam Matthews
Raydean White

Danielle Castillo, Planning Manager
Colt Friedrich, Project Engineer
Lindsey Hale, City Attorney

BOARD MEMBERS ABSENT:

Sabrina Ishmael
Michael Arthurs

CITY STAFF ABSENT:

David Jones, Community Development
Director
Terry Broumley, Building Official
Laura Melton, Assistant Director of Public
Works
David Jellen, Planner

CITY STAFF PRESENT:

CALL TO ORDER:

ROLL CALL FOR THE ESTABLISHMENT OF A QUORUM.

Chairwoman Hammond called the meeting to order at 5:00 P.M. and it was established that a quorum was present.

CITIZEN COMMENTS:

There were no citizen comments at this meeting.

APPROVAL OF MINUTES:

The minutes of the January 18, 2022 meeting were considered.

Chairwoman Hammond called for a motion to approve the minutes of the Zoning Board of Adjustment meeting of January 18, 2022. Vice-Chairman Green made a motion to approve the minutes and Board Member White seconded the motion. The motion to approve the minutes carried by a vote of 4-0.

ITEMS FOR CONSIDERATION:

Consider a request for a variance from the requirements of §155.40(C) of the Code of Ordinances: Primary District Regulations, specifically a reduction of the minimum front yard setback for the property located at 2102 North Main Street, as requested by Scooter's Coffee, LLC, **Case VC22-001**

Danielle Castillo, Planning Manager, presented the case to the Board.

Vice-Chairman Green questioned staff regarding the proposed setbacks in the City's zoning ordinance update.

Mrs. Castillo responded that the current 50-foot front-yard setback would be reduced as part of the City's zoning ordinance update.

Chairwoman Hammond questioned staff regarding the proposed front-yard setback.

Mrs. Castillo responded that the proposed front-yard setback would be 25 feet.

Chairwoman Hammond swore in the applicant, Taylor Fichtner. Mr. Fichtner briefed the Board on the request.

Vice-Chairman Green questioned the applicant regarding the building at the rear of the subject property.

Mr. Fichtner responded that the existing building would be demolished.

Chairwoman Hammond opened the public hearing.

Preston Allen, 566 Hoover Road, Burleson, TX, stated his opposition to the request and expressed his concern that the visibility of the existing business adjacent to the subject property would be reduced if the variance request were approved.

Claudia Lopez, 5725 Spring Street, Alvarado, TX, stated her opposition to the request and expressed her concern that the visibility of the existing business adjacent to the subject property would be reduced if the variance request were approved. She stated that the proposed development should be required to comply with the same setback regulations as the existing business.

Chairwoman Hammond closed the public hearing.

Vice-Chairman Green questioned the applicant regarding the signage for the proposed development.

Mr. Fichtner responded that the signage for the proposed development consisted of a 12-foot monument sign.

Vice-Chairman Green questioned the applicant whether there would be access between the proposed development and the existing business.

Mr. Fichtner explained that there would be a mutual access easement between the proposed development and the existing business in order to provide future access across each property.

Board Member White questioned the applicant regarding the semi-truck traffic related to the existing business adjacent to the subject property.

Mr. Fichtner responded that the semi-truck traffic related to the existing business would stay separated from the proposed development.

Chairwoman Hammond re-opened the public hearing.

Board Member White questioned Ms. Lopez regarding the visibility of the existing business.

Ms. Lopez responded that in order to maintain their current visibility, the existing business would need to spend additional money for new signage if the proposed variance were approved. She stated that the 50-foot front-yard setback requirement would allow the existing business to maintain its current level of visibility.

Board Member White questioned Ms. Lopez regarding the signage of the existing business.

Ms. Lopez responded that the existing business had a pole sign in front of their building along North Main Street.

Chairwoman Hammond closed the public hearing.

Mr. Fichtner stated that the proposed development would not effect the visibility of the existing tire shop business. He explained that the existing business would have the benefit of having vehicle access from Main Street and that the proposed development would only be accessible by vehicle from Spruce Street.

Chairwoman Hammond re-opened the public hearing.

Ms. Lopez stated that the semi-truck traffic related to the existing business would be negatively effected by the proposed development.

Board Member White questioned the applicant regarding the semi-truck traffic related to the existing business.

Mr. Fichtner explained that the semi-truck traffic would not effect the subject property.

There being no further questions or items for discussion, Chairwoman Hammond closed the public hearing and called for a motion. Vice-Chairman Green made a motion to approve case VC22-001 as presented and Board Member White seconded the motion. **The motion to approve failed by a vote of 3-1.**

The previous motion having failed, Chairwoman Hammond called for a new motion. Board Member Matthews made a motion to deny case VC22-001 as presented and Board Member White seconded the motion. **The motion to deny passed by a vote of 4-0.**

THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 5:30 PM.