

**EXCERPT FROM  
THIS IS NOT A VERBATIM TRANSCRIPTION  
CITY OF CLEBURNE  
ZONING BOARD OF ADJUSTMENT (ZBA)  
MINUTES OF THE JUNE 16, 2020 MEETING**

The Zoning Board of Adjustment (ZBA) of the City of Cleburne conducted a regular meeting on Tuesday, June 16, 2020, at 5:00 p.m. in the Council Chambers of City Hall located at 10 N. Robinson.

Zoning Board of Adjustment meetings have reopened and social distancing protocols will be in effect.

**BOARD MEMBERS PRESENT:**

Robert Ledlow - Chairman  
Rosemarie Wileman – Vice-Chairwoman  
Barbara Chayer  
Chris Saunders  
Julie Hammond

**BOARD MEMBERS ABSENT:**

Michael Arthurs (Alt #1)  
Gina Giesen (Alt #2)

**CITY STAFF PRESENT:**

Shane Pace, Executive Director of Development Services  
Danielle Castillo, Planning Manager  
David Jellen, Planner  
Terry Broumley, Building Official  
Bradley Anderle, City Attorney

**CITY STAFF ABSENT:**

Colt Friedrich, Project Engineer

**CALL TO ORDER:**

ROLL CALL FOR THE ESTABLISHMENT OF A QUORUM.

Chairman Ledlow 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 May 19, 2020 meeting were considered.

Chairman Ledlow called for a motion to approve the minutes of the Zoning Board of Adjustment meeting of May 19, 2020. Board Member Hammond made a motion to approve the minutes and Vice-Chairwoman Wileman seconded the motion. The motion to approve the minutes carried by a vote of 5-0.

**EXECUTIVE SESSION:**

Pursuant to Section 551.071, Texas Government Code, the Board reserves the right to convene in Executive Session(s) from time to time as deemed necessary during this meeting to receive advice from its attorney on any posted agenda item.

Chairman Ledlow convened into Executive Session to receive advice from the City Attorney on the posted agenda item at 5:01 P.M.

Chairman Ledlow closed the Executive Session at 5:35 P.M. and the meeting reconvened into open session.

**ITEM FOR CONSIDERATION:**

Consider a request for a variance from the requirements of §155.37(F) of the Code of Ordinances: Primary District Regulations, specifically a reduction of the minimum setbacks for the property located at 1202 N. Brazos Avenue, as requested by Ameritex Homes, LLC, represented by Clegg Wellborn, **Case VC20-005**

Mr. Pace presented the case to the Board.

Vice-Chairwoman Wileman questioned staff whether the neighboring homes have been built prior to the setback regulations in the current Zoning Ordinance.

Mr. Pace stated that City records show that the setback regulations have been consistent for any home built in the neighborhood since 1965.

Vice-Chairwoman Wileman questioned staff regarding the likelihood of similar issues with setback regulations occurring in the future.

Mr. Pace responded that staff would take every precaution possible to prevent similar issues from occurring in the future.

Chairman Ledlow opened the public hearing and swore in the applicant, Clegg Wellborn.

Mr. Wellborn briefed the Board on the request.

Chairman Ledlow questioned the applicant if the home appeared to be different once construction had started from the surrounding homes.

Mr. Wellborn stated that there was no reason to question if the setbacks were correct once the City had approved the permits.

Board Member Hammond questioned the applicant about the amount of money that had already been invested in the property.

Mr. Wellborn responded that approximately fifty-thousand dollars (\$50,000) had been invested into the property.

Board Member Saunders questioned the applicant about how many homes they have built in the City.

Mr. Wellborn responded that they have built approximately twenty-five (25) homes.

Board Member Saunders questioned the applicant about the process that is used to position each home and how that is determined.

Mr. Wellborn stated that the process is initiated internally and then is turned over to a land surveying company to position each home on each lot.

Board Member Saunders questioned the applicant about who is responsible for knowing the setback regulations of the City.

Mr. Wellborn responded that it is the responsibility of both the homebuilder and the land surveyor to know the setback regulations of the City.

Board Member Saunders questioned the applicant about the process of positioning a home.

Mr. Wellborn explained the roles of the homebuilder and the land surveyor throughout the home positioning process.

Board Member Saunders questioned the applicant about what precautions they have taken to ensure similar mistakes do not occur in the future.

Mr. Wellborn stated that they have made changes to how they work with the land surveying company to ensure that homes are positioned according to setback regulations.

Vice-Chairwoman Wileman stated that the homebuilder shared responsibility to know setback regulations in the City throughout the development process.

Vice-Chairwoman Wileman questioned the applicant if there were multiple builders involved in the development process.

Mr. Wellborn responded that they have only worked with one (1) builder.

Vice-Chairwoman Wileman questioned the applicant if there would be any visibility issues due to an existing tree on the corner of the lot.

Mr. Wellborn responded that the existing tree does not create any visibility issues.

Chairman Ledlow questioned the applicant if it was the intention of the homebuilder to build more homes in the City.

Mr. Wellborn responded that they would be building more homes in the City.

Chairman Ledlow questioned staff if the home appeared to fit in with the neighboring homes on Brazos Avenue.

Mr. Pace responded that the home is set back further from Brazos Avenue than the neighboring homes.

Vice-Chairwoman Wileman questioned the applicant if the home would have a garage.

Mr. Wellborn responded that the home would not have a garage.

Chairman Ledlow closed the public hearing.

Chairman Ledlow stated that the home did not appear to be inconsistent with the character of the neighborhood and that the main concern was the visibility at the intersection of Brazos Avenue and Cleburne Street.

Board Member Hammond stated that there did not appear to be a visibility issue due to the front setback of the home on Brazos Avenue.

Board Member Saunders stated that it is the responsibility of the homebuilder to know the setback regulations of the City.

Vice-Chairwoman Wileman stated the need for more responsibility between the City and the homebuilder to prevent similar issues from occurring in the future.

There being no further questions or items for discussion, Chairman Ledlow called for a motion. Board Member Hammond made a motion to approve case VC20-005 as presented and Board Member Saunders seconded the motion. **The motion to approve passed by a vote of 4-1, with Vice-Chairwoman Wileman voting against the motion.**

**THERE BEING NO OTHER BUSINESS, THE MEETING WAS ADJOURNED AT 6:07 PM.**