

PLANNING AND ZONING COMMISSION  
ZONING BOARD OF ADJUSTMENTS AND APPEALS  
REGULAR MEETING, MAY 8, 2007

The Planning and Zoning Commission / Zoning Board of Adjustments and Appeals met for a regular meeting held May 8, 2007, at 10:00 a.m.

Commission Members present were:

David Spindle, Chairman  
Sherry Christie, Regular member  
Ron Corcoran, Regular member  
Mary Hamel, Regular member  
Jason Riley, Alternate member

Staff members present were:

Faye Brockett, Planning and Zoning Director  
Gracie Loyd, Secretary

Others present were:

Joni Beamish  
Penny Carruth  
George Farinelli  
Addie Jo Ogle Harris  
Charles Harris  
C.H. Knighton  
Joyce Knighton  
Charles Lindell  
Robert Mercado, Jr.  
Joe C. Shelton

MINUTES

On a motion made by Ron Corcoran, seconded by Mary Hamel, the minutes of the April 10, 2007, regular meeting were unanimously approved.

CASE #4-2007

The Commission was asked to review a request for a change of zoning from Commercial to Commercial with a Specific use Permit for used car sales and repair, submitted by Robert Mercado, Jr., for property out of the P.C. Martin Survey, A-767, containing 0.49 acres, 2101 S. Armstrong.

Faye Brockett explained that the applicant would like to zone the property for a used car sales and repair business in order to market this site. This was previously a restaurant.

Water and sewer are available.

Surrounding zoning consists of Commercial, Light Industrial and Single Family District Two. The Land Use Plan recommends Community Retail.

Staff recommended disapproval based on the Land Use Plan.

There were 14 property owners notified with 1 approval and 2 disapprovals.

Slides were presented.

Robert Mercado was present to speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by Sherry Christie, seconded by Ron Corcoran, the request was disapproved on the basis that it was not compatible with the Land Use Plan by a vote of 4 to 1. Sherry

Christie, Ron Corcoran, David Spindle and Jason Riley voted to disapprove the request. Mary Hamel vote to approve the request.

Faye Brockett announced that the applicant for Case #9-2007 was not present at the meeting and requested the case be tabled in hopes the applicant would arrive at a later time during the meeting. Therefore, on a motion made by Ron Corcoran, seconded by Mary Hamel, the request was unanimously tabled.

Faye Brockett announced that the applicant for Case #10-2007 requested that their case be tabled and reset for another meeting at a later date. Therefore, on a motion made by Sherry Christie, seconded by Ron Corcoran, the request was unanimously tabled.

#### CASE I-2007

The Board was asked to review a request for a variance to Ord. Sect. 28-208 Accessory Buildings (c) Rear Yard, submitted by Joe Shelton, for property out of The Terminal Center, Lots 1 & 2, 3230 W. Morton St.

Faye Brockett explained that the applicant would like to construct a 4' x 8' metal storage building in the rear yard area which is 8' from the main structure. The required distance from the main structure is 15'. A variance is requested for 7 feet.

A site plan has been submitted.

All adjacent property owners have been notified.

Staff recommended approval subject to neighborhood comment.

There were 6 property owners notified with no approvals and no disapprovals.

Joe Shelton stated that he wanted to put the storage building 8' from the house as there was little room to place it elsewhere

No one was present to speak in opposition to this request.

On a motion made by Mary Hamel, seconded by Ron Corcoran, the request was unanimously approved.

#### CASE J-2007

The Board was asked to review a request for a variance to Ord. Sect. 28-208 Accessory Buildings (a) Front Yard, (b) Side Yard and (c) Rear Yard submitted by C.H. Knighton, for property out of the Big Cedar Subdivision, Lot 13, 1224 Big Cedar Lane.

Faye Brockett explained that the applicant would like to construct a 4' x 20' handicap ramp 27' from the 30' building line setback and also construct a carport, 22' x 21', over the driveway which will be 8'4" from the residence. A variance is requested for 3' in the front yard area for the handicap ramp. A variance is requested for 7' for the distance from the main structure. The required distance is 15' located in the rear yard. The variance is also to allow for the carport to be located in the side yard.

All adjacent property owners have been notified.

Staff recommended approval subject to neighborhood comment.

There was 4 property owners notified with no approvals and no disapprovals.

Slides were presented.

C.H. Knighton was present to speak in favor of this request.

Penny Knighton Carruth urged to Commission to ask the City Council to allow handicap persons to install their ramps prior to getting a variance throughout Denison.

No one was present to speak in opposition to this request.

On a motion made by Ron Corcoran, seconded by Mary Hamel, the request was unanimously approved.

#### Case K-2007

The Board was asked to review a request for a variance to Ord. Sect. 28-208 Accessory Buildings (a) Front Yard, submitted by Addie Jo Ogle, for property out of the T.M. Suggs Survey, A-1169, containing 3.22 acres.

Faye Brockett stated that applicant would like to construct a wood garage, 24' x 30', in the front yard area. Applicant plans to remove the existing carport and place a garage in its place.

A site plan has been submitted.

Applicant is requesting a variance to locate the garage in the front yard area instead of the rear yard as they have acreage and cannot get to their rear yard.

Staff recommended approval subject to neighborhood comment.

There were 6 property owners notified with no approvals and no disapprovals.

Slides were presented.

Addie Jo Ogle-Harris was present to speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by Sherry Christie, seconded by Ron Corcoran, the request was unanimously approved.

#### CASE L-2007

The Board was asked to review a request for a variance to Ord. Sect. 28-208 Accessory Buildings, (a) Front Yard, submitted by Michael Kirk, for property out of Layne's Addition, Lot 9, Block 21, 805 W. Day.

Faye Brockett explained that the applicant would like to construct a, 11' x 17', handicap ramp in the front yard area. The established building line is 20'. The ramp will be 9' from the front property line. A variance of 11' is requested.

All adjacent property owners have been notified.

A site plan has been submitted.

Staff recommended approval subject to neighborhood comment.

There were 8 property owners notified with no approvals and no disapprovals.

Slides were presented.

Charles Lindell was present speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by Sherry Christie, seconded by Ron Corcoran, the request was unanimously approved.

#### ITEMS #11 & 12

The Commission was asked to review a preliminary and final plat of Monarch Acres Subdivision, submitted by George Farinelli, for property out of the Polly Stamps Survey, A-1098, containing 4.208 acres of land, Preston Road.

Faye Brockett stated that the applicant would like to plat the property in order to sell Lots 1 and 3 and construct a new home on Lot 2. Each lot contains 1 acre or more. These lots face Preston Road which is a private gated roadway.

Water is supplied by Munson Point Corporation. Sewer is on-site septic systems approved by Grayson County.

A 50' building line is shown. 10' drainage and utility easements are shown around the perimeter of the property and between lots. A 20' TXU electrical easement is shown on the Preston Road right-of-way. A two story stucco house is shown on the preliminary plat. A foundation for a new home under construction is shown on Lot 1.

This property backs up to Corps of Engineers land and Lake Texoma.

All utilities have been notified.

Staff recommended approval with the variance to scale of 1"=60' as 1" = 100' is required for the preliminary and final plat.

George Farinelli was present to speak in favor of this request.

On a motion made by Ron Corcoran, seconded by Mary Hamel, the preliminary plat was unanimously approved.

On a motion made by Ron Corcoran, seconded by Sherry Christie, the final plat was unanimously approved with the aforementioned variances.

On a motion made by Ron Corcoran, seconded by Sherry Christie, Case #9-2007 was unanimously untabled.

#### CASE #9-2007

The Commission was asked to review a request for a change of zoning from Light Industrial to Commercial submitted by Joni Beamish, for property out of the Original Town Plat, Lots 4- 5, Block 59, 208 S. Houston St.

Faye Brockett stated that the applicant would like to down zone this property Commercial so that she can establish living quarters on the site. The site is in the area of businesses and is located next door to her business at 110 S. Houston. In a Light Industrial zoned area a residential use may not exist. Applicant would like to live at this location and operate her business of pottery making, stained glass and art.

Water and sewer are available.

Surrounding zoning consists of Central Area and Light Industrial. The Land Use Plan recommends Light Industrial. If the Commission feels this use will be compatible with existing uses, staff would be supportive of this request.

There were 8 property owners notified with no approvals and no disapprovals.

Slides were presented.

Joni Beamish was present to speak in favor of this request.

No one was present to speak in opposition to this request.

On a motion made by Ron Corcoran, seconded by Sherry Christie, the request was unanimously approved due to transition of the area and neighboring properties.

Being no further business, on a motion made by Ron Corcoran, seconded by Sherry Christie, the May 8, 2007, regular meeting of the Planning and Zoning Commission/Zoning Board of Adjustments and Appeals was unanimously adjourned at 10:35 a.m.

Respectfully submitted,

Faye Brockett  
Planning and Zoning Director

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