



**CITY OF DENISON  
ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING  
AGENDA**

**Monday, February 24, 2025**

After determining that a quorum is present, the Zoning Board of Adjustments and Appeals Meeting of the City of Denison, Texas will convene in a Regular Meeting on **Monday, February 24, 2025, at 10:00 AM** in the Council Chambers at City Hall, 300 W. Main Street, Denison, Texas at which the following items will be considered:

**1. CALL TO ORDER**

**2. PUBLIC COMMENTS**

Citizens may speak on action items listed on the Agenda. A “Request to Speak Card” should be completed and returned to the City Clerk upon arrival, prior to the Board reaching the Public Comment section of the agenda. Citizen comments are limited to three (3) minutes, unless otherwise required by law. Comments related to the Public Hearings listed below will be heard when the specific hearing starts.

**3. PUBLIC HEARINGS**

- A. Receive a report, hold a discussion, conduct a public hearing, and take action on a variance to reduce the required lot width and lot area for the proposed Lot 1R, of the OTP of Denison, TX Addition currently legally described as O.T.P. of Denison, Block 26, Lot N. 43.50 Ft., 9 and 10, and commonly known as 410 N. Houston Avenue. (Case No. 2024-035V).

**4. ADJOURNMENT**

CERTIFICATION

I do hereby certify that a copy of this Notice of Meeting was posted on the front windows of City Hall readily accessible to the general public at all times and posted on the City of Denison website on the 21<sup>st</sup> day of February 2025 before 10:00 AM.

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Christine Wallentine, City Clerk

In compliance with the Americans With Disabilities Act, the City of Denison will provide for reasonable accommodations for persons attending the Zoning Board of Adjustments and Appeals meeting. To better serve you, requests should be received 48 hours prior to the meetings. Please contact the City Clerk’s Office at 903-465-2720, Ext: 2437.

# Zoning Board of Adjustments and Appeals Staff Report



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## Agenda Item

Receive a report, hold a discussion, conduct a public hearing, and take action on a variance to reduce the required lot width and lot area for the proposed Lot 1R, of the OTP of Denison, TX Addition currently legally described as O.T.P. of Denison, Block 26, Lot N. 43.50 Ft., 9 and 10, and commonly known as 410 N. Houston Avenue. (Case No. 2024-035V).

## Staff Contact

Dianne York, Planning Manager

[dyork@denisontx.gov](mailto:dyork@denisontx.gov)

903-465-2720

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## Summary

- Applicant has submitted a Replat Application to create one (1) legal lot of record.
- The subject property is zoned SF-5, Single Family Residential.
- The proposed Lot 1R does not meet the minimum lot width and lot area requirements listed within the SF-5, Single Family Residential Zoning District.
- Th parcel is a part of an illegal subdivision. The applicant is seeking the two variances in order to move forward with constructing a single-family structure.

## Staff Recommendation

Staff recommends approval of the proposed variances.

## Recommended Motion

“I move to approve the variances as presented.”

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## Background Information and Analysis

The applicant, Scott Moody, is seeking approval of variances to the lot width and lot dimension requirements detailed in the SF-5, Single Family Residential District for the proposed Lot 1R of the OTP of Denison, TX Addition to allow for the construction of a single-family structure. The current parcel is a part of an illegal subdivision. In addition to this Variance Request Application, the applicant has submitted a Replat Application for the subject property in order to create a legal lot of record. The proposed Replat was conditionally approved by the Planning and Zoning Commission at their meeting held on January 28<sup>th</sup>, 2025, pending the variances above are approved by the Zoning Board of Adjustments.

As previously stated, the subject parcel is a part of an illegal subdivision in which two (2) legal lots of record originally fronting on East Sears Street were illegally subdivided creating three (3) parcels that front on North Houston Avenue. Each parcel is owned by separate entities with one parcel being developed in a single-family manner. Prior to the two (2) vacant parcels being developed, they must be platted into a legal lot of record. The manner in which the original lots have been illegally subdivided creates a non-self-induced hardship for the two (2) northern parcels when moving forward with platting into legal lots of record.

Approving the two requested variances will allow the applicant to move forward with developing the vacant lot in a single-family manner.

**Financial Considerations**

N/A

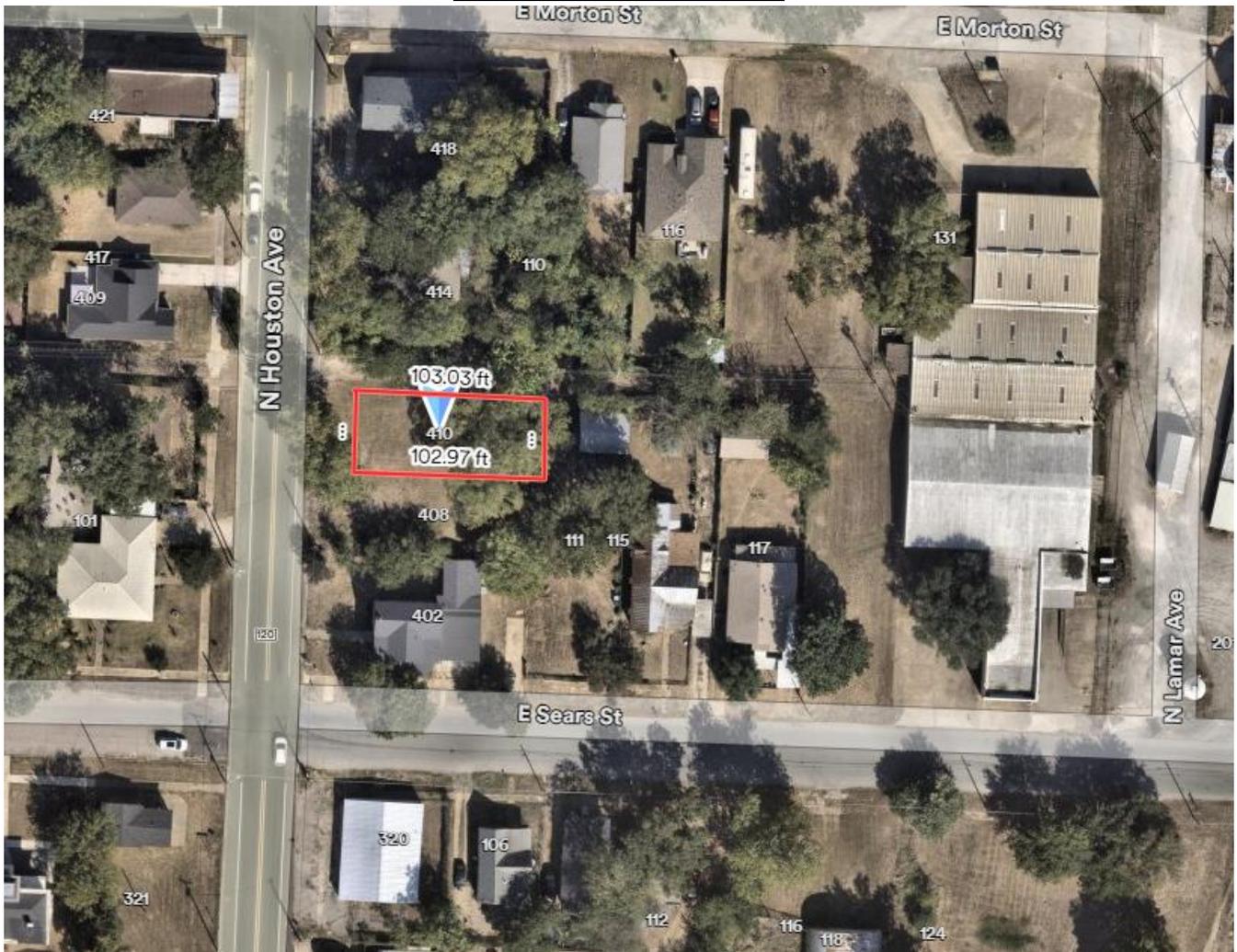
**Prior Board or Council Action**

- The Planning and Zoning Commission conditionally approved the proposed Replat at their meeting held on January 28<sup>th</sup>, 2025.

**Alternatives**

The Board may approve, deny, or table the request.

**Aerial of Subject Property**





**Legal Description**

**Situated** in the City of Denison, County of Grayson, State of Texas being a part of the James Roland, Abstract No. 1014, and being a part of the north 43.50' of Lots 9 and 10, Block 26, Original Town Plat of Denison, Texas, as shown by plat of record in Volume 28, Page 362, Deed Records, Grayson County, Texas, and being the same tract of land conveyed to SCOTT MOODY HOMES LLC by deed of record in Document No. 2024-27580, Official Records, Grayson County, Texas and being more particularly described by metes and bounds as follows:

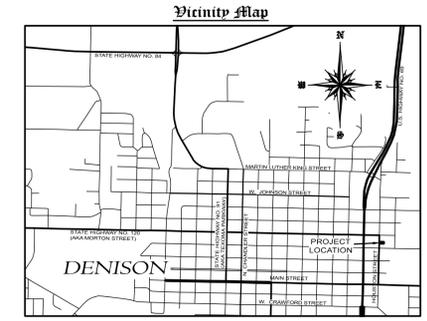
**Beginning** at a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the northeast corner of said Lot 10 and the northwest corner of Lot 11, Block 26 of said Original Town Plat of Denison and in the south line of a 20' alley from which a 1/2" steel pipe found bears South 47°43'00" East, a distance of 0.42 feet;

**Thence South 01°18'19" West**, along the east line of said Lot 10 and the west line of said Lot 11, a distance of **43.50 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the southeast corner of said Scott Moody Homes LLC Tract and the northeast corner of a tract of land conveyed to Arietta Earnhart by deed of record in Volume 1588, Page 298 of said Official Public Records;

**Thence North 88°41'41" West**, along the south line of said Scott Moody Homes LLC Tract and the north line of said Arietta Earnhart Tract, a distance of **100.00 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the southwest corner said Scott Moody Homes LLC Tract, the northwest corner of said Arietta Earnhart Tract, in the west line of said Block 26 and in the east line of N. Houston Street;

**Thence North 01°18'19" East**, along the west line of said Block 26 and the east line of said N. Houston Street, a distance of **43.50 feet** to a 1/2" steel rod set with an aluminum cap marked COPLEY RPLS 6720 for the northwest corner of said Lot 9, and the intersection of the east line of said N. Houston Street and the south line of said 20' alley;

**Thence South 88°41'41" East**, along the north line of said Lots 9 and 10 and the south line of said 20' alley, a distance of **100.00 feet** to the **Point-of-Beginning** and containing **0.100 acres** of land.



**Owners Certificate & Dedication**

STATE OF TEXAS  
COUNTY OF GRAYSON

I (we), the undersigned owner(s) of the land shown on this plat and designated herein as the Replat of The North 43.50' of Lots 9 and 10, Block 26, O.T.P. of Denison, TX subdivision to the City of Denison, Texas, and whose name is subscribed hereto, hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements and public places thereon shown on the purpose and consideration therein expressed. I (we) further certify that all other parties who have a mortgage or lien interest in the Replat of The North 43.50' of Lots 9 and 10, Block 26, O.T.P. of Denison, TX have been notified and signed this plat.

I (we) further acknowledge that the dedications and/or exactions made herein are proportional to the impact of the subdivision upon the public services required in order that the development will comport with the present and future growth needs of the City; I (we), my (our) successors and assigns hereby waive any claim, damage, or cause of action that I (we) may have as a result of the dedication of exactions made herein.

WITNESS MY HAND this \_\_\_\_ day of \_\_\_\_\_, 2024.

SCOTT MOODY  
MEMBER OF SCOTT MOODY HOMES LLC

STATE OF TEXAS  
COUNTY OF GRAYSON

STATE OF TEXAS  
COUNTY OF GRAYSON

Before me the undersigned, notary public in and for said County and State, on this day personally appeared SCOTT MOODY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that <he/she> executed the same for the purposes and consideration therein expressed and in the capacity therein stated.

Given under my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2024.

Notary Public in and for  
the State of Texas

My Commission Expires: \_\_\_\_\_

**City Signature Block**

I hereby certify that the above and foregoing plat of The North 43.50' of Lots 9 and 10, Block 26, O.T.P. of Denison, TX, an addition to the City of Denison, Texas, was approved by the Planning and Zoning Commission of the City of Denison on the day of \_\_\_\_\_, 2024.

Planning and Zoning Commission Chair  
City of Denison

**Surveyor's Certificate**

KNOWN ALL MEN BY THESE PRESENTS:

That I, John C. Copley, Registered Professional Land Surveyor, hereby certify that I have prepared this plat from an actual on-the-ground survey of the land, and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the City of Denison, Texas.

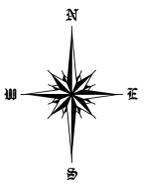
John C. Copley  
Registered Professional  
Land Surveyor No. 6720  
Firm No. 10194429

Date

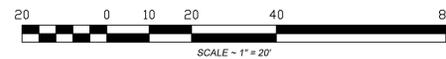
**- GENERAL NOTES -**

- Water Supply to be provided by the City of Denison.
- Sewer service to be provided by the City of Denison.
- Electrical service is provided by Oncor Electrical Delivery.
- Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the roadway is prohibited.
- Any existing creeks or drainage channels traversing along or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
- The City of Denison will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
- Neither the City of Denison nor the undersigned surveyor will be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flooding conditions.
- The owners and builders must comply with all other local, state and federal regulations regarding developments of this type.
- Bearings are based on the City of Denison Control Monument Network.
- The City of Denison reserves the right to require submission of Development Plat based on proposed use of each lot.
- All proposed lots situated in whole or in part within the City's Corporate Limits comply with the minimum size requirements of the Governing Zoning District and the requirements of the Subdivision Ordinance.
- Selling off a portion of this addition by metes and bounds description, without a replat being approved by the City of Denison, is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits.
- Visibility Note: Intersection visibility triangles shall be shown and maintained in accordance with the subdivision regulations.
- The subject tract lies within Zone "X" (areas determined to be outside of the 500 year flood) Designation, as shown by FEMA Flood Insurance Rate Map No. 48181C0170F, Map Revised September 29, 2010.
- Lots are to be used as Residential.
- Property is zoned as SF-5.
- Case No. 2022-1406P.

BE ADVISED: Improvements to the existing public facilities (such as roadways) may be required to meet the minimum standards outlined in Ordinance 22-67.



- BASIS OF BEARINGS -  
GRID NORTH, NAD 83  
TEXAS STATE PLANE COORDINATE SYSTEM  
NORTH CENTRAL ZONE (4202)



**Copley Land Surveying**  
3904 Texoma Parkway, Sherman, Texas 75080  
TX 903-415-0643  
john@copleylandsurveying.com

**OWNERS/DEVELOPER**  
SCOTT MOODY HOMES LLC  
215 SOUTH ANSLEY LANE  
DENISON, TEXAS 75020

**SURVEYOR**  
JOHN C. COPLEY  
R.P.L.S. NO. 6720  
1702 VERDI LN.  
SHERMAN, TEXAS

**Replat of  
The North 43.50'  
of Lots 9 and 10, Block 26  
O.T.P. of Denison, Tx  
an addition to  
the City of Denison  
Being a Replat of the North 43.50' of  
Lots 9 and 10, Block 26  
Original Town Plat of Denison, Texas  
Being 0.100 Acres in the Roland James  
Survey, Abstract No. 1014**