

State of Texas
County of Denton
City of Lake Dallas

The Board of Adjustment of the City of Lake Dallas met in a special meeting on February 28, 2011 at 7:30 p.m. in the Lake Dallas City Hall, 212 Main Street, Lake Dallas, Texas with notice of the meeting posted as required by Title 5, Chapter 551.041 of the Texas Government Code.

1. **Roll Call**

Members present: Steven Bertrand, Harry Cagnetto, Rhonda Dick and Travis Cattell

Staff present: Planning and Zoning Secretary Char DuPree

2. **Consideration and Action on approval of Minutes for the October 29, 2009 meeting.**

Motion to approve the Minutes for October 29, 2009 was made by Rhonda Dick; second by Steven Bertrand

Ayes: Steven Bertrand, Harry Cagnetto, Rhonda Dick and Travis Cattell

Noes: None

Motion Passed

Board Chair Steven Bertrand announced he was changing the agenda order and hearing items 5 and 6 first, the sign variance request by Alan Bieke. He felt this issue would take less time than the setback request.

5. **Public Hearing on a request by Alan Bieke for a variance at 501 Swisher Road, Tract 21 b and c of the N. French Abstract A0424a, to allow a one hundred twenty (120) square feet overall area monument sign where a sixty (60) feet is required.**

Alex Kim, Texas Plastic Signs, sign contractor for the Swisher Courts project, stated where the sign would be located in relation to the proposed building. The digital interior of the sign will be 6 ft. 6 in. by 9 ft.

Alan Bieke, owner of Swisher Courts explained the position of the sign and the LED light will have dimming capability so that it is not too bright. Two residents initially objected to the sign variance:

Two residents initially objected to the sign variance. Carrie Mabes, 1009 Kings Manor and Duno Ockerman, 1007 Kings Manor. After reviewing the city map, the Board and residents concerns were relieved and there were no further objections to approving the sign variance for Swisher Courts.

No one else came forward and Steven Bertrand closed the public hearing.

6. **Consideration and Action on a request by Alan Bieke for a variance at 501 Swisher Road, Tract 21 b and c of the N. French Abstract A0424a, to allow a one hundred twenty (120) square feet overall area monument sign where a sixty (60) feet is required.**

The Board asked if the sign brightness could be dimmed during in the late night hours so as not to disturb the neighboring properties during sleeping hours. Mr. Kim replied the sign can be programmed to dim as needed. Board members felt the sign should be

dimmed at 10 p.m. each night.

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Motion to approve the sign variance as requested was made by Harry Cagnetto. He amended the motion to approve the sign variance with the stipulation the sign be dimmed at 10 p.m. to the extent needed. Second was made by Travis Cattell.

Ayes: Steven Bertrand, Harry Cagnetto, Rhonda Dick and Travis Cattell

Noes: None

Motion Passed

3. Public Hearing on a request by Rex Brown for a variance at 524 Addison Street, Lot 25, Block J of the Oak Lakes Subdivision, to allow a twenty (20) feet front setback where twenty five (25) feet is required.

Martha Lowry, 531 Meadowbrook in Lake Dallas, is not in favor of the front yard setback of 20 ft. She built her house 30 years ago and had to comply with the 25 ft. front setback and so did her daughter, Cindi Arthur when she built in 2008 at 204 Pembroke. She does not want the pond to be changed behind these houses and is concerned this change will cause additional problems with the dam at the end of the pond. Also a concern, the pond water being increased too much when there are heavy rains and flooding her home. Ms. Lowry also feels the City should take more responsibility in taking care of the dam and cleaning the drainage ditch. by the dam. She has been doing that and can't continue this; it is too much for her. In conclusion, Ms. Lowry just did not want the setback exception to be approved, that Mr. Brown should have to follow the rules. She further stated that he started working on the lot and retaining wall without a permit.

Mr. Mike Bratcher, 520 Addison in Lake Dallas, agrees with Ms. Lowry regarding the possible overflow of the north end dam in heavy rains. He also feels Mr. Brown is destroying the pond. He stated another property owner helped him dig out the pond to approximately 6 ½ ft. deep during a drought season a couple of years ago. The construction on Swisher and the work done by Mr. Brown has done decreased the depth of the pond to approximately 3 ½ ft. In addition, Mr. Bratcher feels Mr. Brown has changed the shape of the pond and flow of the water. He also asked when the meeting was held before Mr. Brown built up the lot with dirt and installed the new retaining wall.

Ms. Lori Schneider, 530 Addison, was upset about Mr. Brown pumping water out the pond to build the retaining wall. She stated the water drained into her yard for two (2) nights, jeopardizing her newly installed landscape. Ms. Schneider was concerned about that Mr. Brown was ruining the pond and not being a good neighbor.

While the Board understood the complaints and frustrations of the citizens speaking, Steven Bertrand explained he could only deal with the issue at hand which was the 5 ft. reduction in the front yard setback. He advised the citizens to take their complaints to the City Manager and/or City Council.

Mr. Rex Brown, 1909 Quail Run in Corinth, stated he planned to build his new family home

on this lot. He wanted the shorter front setback to accommodate a bigger back yard and create stronger support for the house foundation. It would move the residence farther away from the pond and alleviate some of the neighbors' concerns.

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In addition Mr. Brown let meeting attendees review his property survey showing the new dirt area was not part of the flood plain.

Before closing the public hearing Mr. Bertrand explained the role of the Board of Adjustment as part of the process prior to the building permit application being submitted to the City for review and approval. At that point the public hearing was closed by the Board Chair.

4. Consideration and Action on a request by Rex Brown for a variance at 524 Addison Street, Lot 25, Block J of the Oak Lakes Subdivision, to allow a twenty (20) feet front setback where twenty five (25) feet is required.

Board members discussed the effect of the 20 ft. setback and felt the proposed home construction would be better being 5 ft. further from the existing pond. Travis Cattell stated the dirt and wall are already on the property and that is not the issue before the Board. The other issues must be brought before the Council and City Manager; that can be coordinated through Ms. DuPree.

Motion to approve the 20 ft. front setback as written was made by Travis Cattell; second was mad by Rhonda Dick.

Ayes: Steven Bertrand, Harry Cagnetto, Rhonda Dick and Travis Cattell

Noes: None

Motion Passed

6. Adjournment

Motion to adjourn was made by Travis Cattell; second by Steven Bertrand

Ayes: Steven Bertrand, Harry Cagnetto, Rhonda Dick and Travis Cattell

Noes: none

Motion Passed

The meeting adjourned at 8:34 p.m.

Steven Bertrand, Chair

DRAFT