



Stephenville Board of Adjustment

City Hall Council Chambers, 298 West Washington Street

Thursday, July 12, 2018 at 4:00 PM

		Page
I	CALL TO ORDER	
II	CONSIDER APPROVAL OF MINUTES	
A	Consider approval of the April, 2018 Minutes Board of Adjustment - 12 Apr 2018 - Minutes - Pdf	3 - 5
III	PUBLIC HEARING	
A	Case No.: SE-2018-003: Applicant Arrington Outdoor Advertising, L.P. is requesting a special exception under section 12-11 to allow for a billboard to be constructed off-premises at 2045 N. US Hwy 377, Stephenville, TX. Staff Report - SR-18-079 - Pdf	6 - 8
B	Case No: V2018-002: Applicant, David Gibson, is requesting a Variance from Section 5.6.D (A), (8), (b) of the City of Stephenville Zoning Ordinance, in order to construct, or place, a second accessory building in an R-3 zoned district, located at 1430 Lingleville, being Lot 3A, Block 6, of the Tarleton Heights Addition to the City of Stephenville, Erath County, Texas. Staff Report - SR-18-080 - Pdf	9 - 13
C	Case No: V2018-003: Applicant, David Gibson, is requesting an approximately 9.42 ft. Variance from the 12 ft. separation requirement from the edge of the main building, in order to construct, or place, an accessory building to within approximately 31 inches from the main building in an R-3 zoned district, located at 1430 Lingleville, being Lot 3A, Block 6, of the Tarleton Heights Addition to the City of Stephenville, Erath County, Texas. Staff Report - SR-18-081 - Pdf	14 - 18
D	Case No: V2018-004: Applicant, Rose Wooley is requesting an approximately 4 ft. Variance from the 5 ft. rear setback requirement, in order to construct a carport within 1 ft. of the rear property line in an (R-1) Single Family Residential zoned district, on the property located at 780 Mockingbird, being lot 6 and 7, bock 5, of the South Tanglewood Addition to the City of Stephenville, Erath County, Texas. Staff Report - SR-18-082 - Pdf	19 - 23
E	Case No.: V2018-005: Applicant Joseph Borges is requesting an approximately 15 ft. Variance from the 25 ft. setback requirement, in order to construct a single family home within 10 ft. of the property line in a (R-3) Multi Family Residential zoned district, on the property located at 234 W. Walnut, being lots 2,3,4, block 14, of the Frey First Addition to the City of Stephenville, Erath County, Texas Staff Report - SR-18-083 - Pdf	24 - 28
F	Case No.: SE2018-005: Applicant Hart Mason is requesting a special exception under ordinance No. 2018-003, Section E to allow for an antenna facility 90 ft. in height to be permitted at 1292 W. Washington, Stephenville, TX. Staff Report - SR-18-084 - Pdf BOA - Letter for Case # SE2018-005 combined Coverage map	29 - 39

IV ADJOURN



MINUTES
City of Stephenville
Board of Adjustment

Thursday, April 12, 2018 at 4:30 PM

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, April 12, 2018, at 4:30 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

COMMISSION PRESENT: Place 5 Keri Wallace
 Place 2 Chris Gifford
 Place 3 Stephen McKethan
 Chairman Moumin Quazi
 Council Member Brandon Huckabee

COMMISSION ABSENT:

OTHERS ATTENDING: Ben Tackett, Alternate
 Jeremy Allen, Deputy City Administrator
 Shyra King, Board Secretary

I. CALL TO ORDER

Chairman, Moumin Quazi, called the meeting to order at 4:30p.m..

II. SWEARING IN NEW MEMBERS

Executive Assistant, Karen Wilkerson swore in Place 1 Keri Wallace, Place 2 Chris Gifford, Place 5 Brandon Huckabee and alternate Ben Tackett.

III. CONSIDER APPROVAL OF MINUTES OF THE MARCH 8, 2018 MEETING

1. minutes were approved as presented.

IV. PUBLIC HEARING

1. **Case No.SE-2018-001: Applicant Amber Broyles is requesting a special exception under section 12-11 to allow for a billboard to be constructed off-premises at 112 Morgan Mill Rd., Stephenville, TX.**

Jeremy Allen, Director of Planning and Building Services, addressed the Board, stating that the property is owned by Alois and Jana Piskor. Amber Broyles and company have come to terms with land lease for the location of the billboard. Ms. Broyles and company have applied for and been granted a permit with TxDOT. The applicant has met the requirements to be heard by BOA for this special exception.

Chairman Moumin Quazi opened a public hearing.

Those in favor of the special exception under section 12-11 to allow for a billboard to be constructed off-premises: Tommy Roberts ,representative for Lamar Signs, was present and answered any questions presented.

Alois Piskor (Property Owner) also commented on the billboard request, asked to be allowed, but requested the size be reduced.

Those in opposition of special exception under section 12-11 to allow for a billboard to be constructed off-premises: None

Discussion: Members asked Tommy Roberts (Lamar Rep) about the size that was submitted to TxDOT. Mr. Roberts (Lamar Rep) stated that they submitted 14x48=672sq ft., but they would comply with whatever the board recommended . Board members discussed back and forth with Mr. Roberts on sizes that would work for all parties involved.

MOTION by Chris Gifford, second by Keri Wallace, motioned to approve, but not to exceed 35' height, 10.6 x 36 size, and perpendicular to HWY 281.

MOTION CARRIED by the following votes:

Ayes: Keri Wallace, Chris Gifford, Stephen McKethan, Moumin Quazi, and Brandon Huckabee

2. **Case No.SE-2018-002: Applicant Amber Broyles is requesting a special exception under section 12-11 to allow for a billboard to be constructed off-premises at 802 East Rd., Stephenville, TX.**

Jeremy Allen, Director of Planning and Building, addressed the Board, stating that the property is owned by Conrado M and Maria Castillo. Amber Broyles and company have come to terms with land lease for the location of the billboard. Ms. Broyles and company have applied for and been granted a permit with TxDOT. The applicant has met the requirements to be heard by BOA for this special exception.

Chairman Moumin Quazi opened a public hearing.

Those in favor of the special exception under section 12-11 to allow for a billboard to be constructed off-premises: Tommy Roberts ,representative for Lamar Signs was present, and answered any questions presented.

Those in opposition of special exception under section 12-11 to allow for a billboard to be constructed off-premises: None

Discussion: None

3. motioned to amend with TxDot height restriction of 42.5'.

MOTION by Stephen McKethan, second by Brandon Huckabee, motioned to be approve with condition that the billboard not exceed 10.6 x 36 size, with no height restriction.

MOTION CARRIED by the following votes:

Ayes: Keri Wallace, Chris Gifford, Stephen McKethan, Moumin Quazi, and
Brandon Huckabee

V. ADJOURN

Motion was made by Commissioner Stephen McKethan and seconded by Commissioner Chris Gifford to adjourn the meeting at 5:25 p.m.. The vote was unanimous.

Moumin Quazi, Chairman

Board of Adjustment
STAFF REPORT



SUBJECT: Case No.: SE-2018-001: Applicant Arrington Outdoor Advertising, L.P. is requesting a special exception under section 12-11 to allow for a billboard to be constructed off-premises at 2045 N. US Hwy 377, Stephenville, TX.

MEETING: Board of Adjustment - 12 Jul 2018

DEPARTMENT: Board of Adjustment

STAFF CONTACT: Jeremy Allen

RECOMMENDATION:

Staff has no objection to the applicant requesting a special exception under section 12-11 to allow for a billboard to be constructed off-premises at 2045 N. US Hwy 377, Stephenville, TX.

BACKGROUND:

The construction of new permanent off-premises signs shall be prohibited in any zoning district or the extraterritorial jurisdiction without a special exception. The existing, nonconforming permanent off-premises signs in the city or its extraterritorial jurisdiction that are adjacent to interstate highways and federal-aid primary highways, as those terms are defined in the Highway Beautification Act, are subject to the regulations in this section. All Texas Department of Transportation regulations for permanent off-premises signs shall apply in addition to the requirements of this chapter.

In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare.

ALTERNATIVES:

1. Grant the special exception
2. Grant the special exception with modifications
3. Deny the special exception
4. Defer action on any appeal whenever it concludes that additional evidence is needed or that alternate solutions need further study.

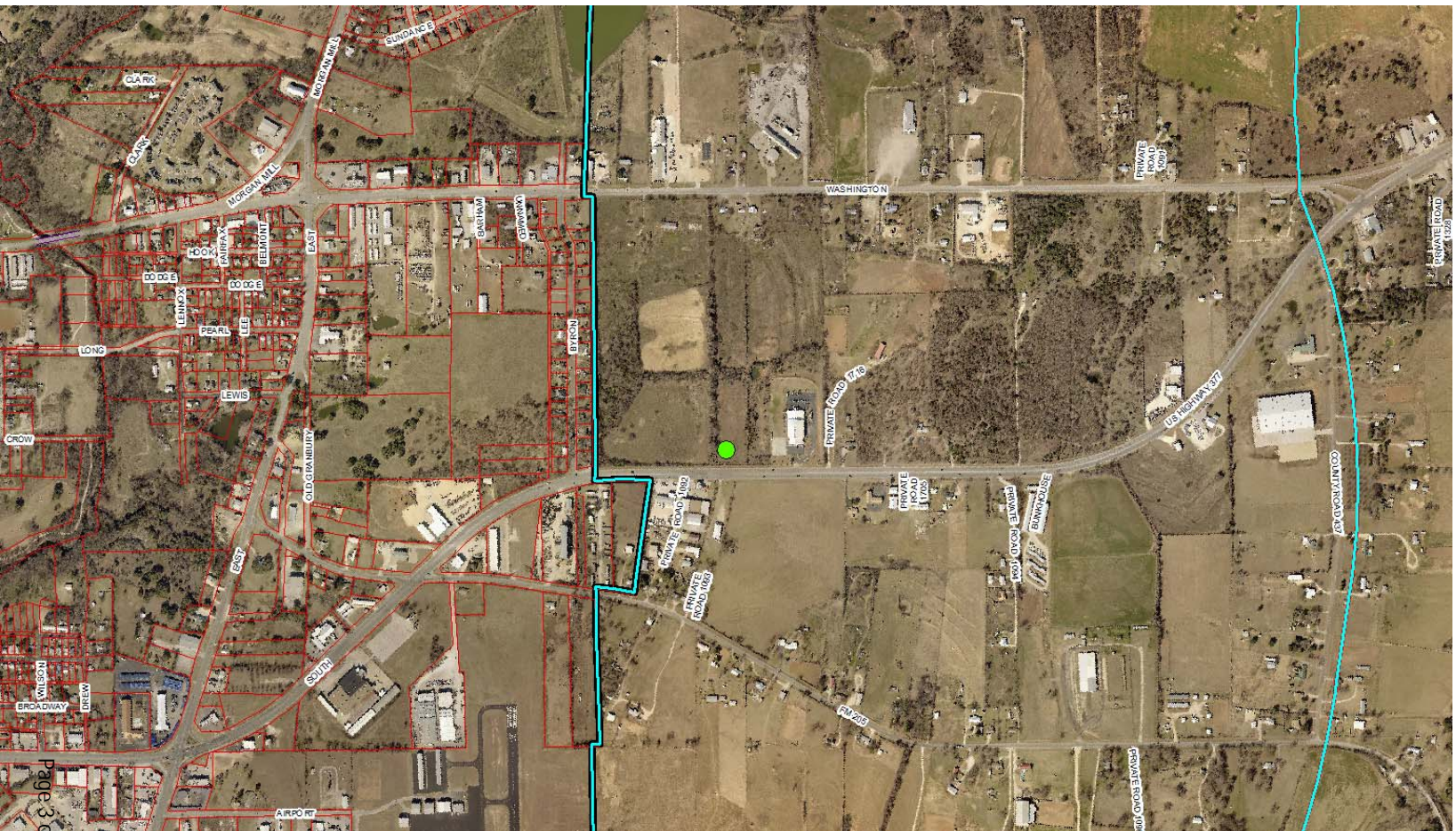
ATTACHMENTS:

[Arrington presentation](#)



Public Hearing:

1. Case No.: SE-2018-001: Applicant Arrington Outdoor Advertising, L.P. is requesting a special exception under section 12-11 to allow for a billboard to be constructed off-premises at 2045 N. US Hwy 377, Stephenville, TX.



Board of Adjustment
STAFF REPORT



SUBJECT: Case No: V2018-002: Applicant, David Gibson, is requesting a Variance from Section 5.6.D (A), (8), (b) of the City of Stephenville Zoning Ordinance, in order to construct, or place, a second accessory building in an R-3 zoned district, located at 1430 Lingleville, being Lot 3A, Block 6, of the Tarleton Heights Addition to the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment - 12 Jul 2018

DEPARTMENT: Board of Adjustment

STAFF CONTACT: Jeremy Allen

RECOMMENDATION:

Staff has not objection to the request to grant a variance from section 5.6.D(A), (8), (b) of the City of Stephenville Zoning Ordinance.

BACKGROUND:

- (8) Accessory buildings:
- (b) Maximum number of accessory buildings: one.**

ALTERNATIVES:

1. Grant the variance
2. Grant the variance with modifications
3. Deny the variance
4. Defer action on any appeal whenever it concludes that additional evidence is needed or that alternate solutions need further study.

ATTACHMENTS:

[Gibson 002 Presentation](#)



Public Hearing:

Case No: V2018-002: Applicant, David Gibson, is requesting a Variance from Section 5.6.D (A), (8), (b) of the City of Stephenville Zoning Ordinance, in order to construct, or place, a second accessory building in an R-3 zoned district, located at 1430 Lingleville, being Lot 3A, Block 6, of the Tarleton Heights Addition to the City of Stephenville, Erath County, Texas.







Page 5 of 5

Board of Adjustment
STAFF REPORT



SUBJECT: Case No: V2018-003: Applicant, David Gibson, is requesting an approximately 9.42 ft. Variance from the 12 ft. separation requirement from the edge of the main building, in order to construct, or place, an accessory building to within approximately 31 inches from the main building in an R-3 zoned district, located at 1430 Lingleville, being Lot 3A, Block 6, of the Tarleton Heights Addition to the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment - 12 Jul 2018

DEPARTMENT: Board of Adjustment

STAFF CONTACT:

RECOMMENDATION:

Staff has no objection to the applicants request for an approximately 9.42 ft. Variance from the 12 ft. separation requirement from the edge of the main building.

BACKGROUND:

- (8) Accessory buildings:
 - (e) **Minimum depth from the edge of the main building: 12 feet.**

ALTERNATIVES:

1. Grant the variance
2. Grant the variance
3. Deny the variance
4. Defer action on any appeal whenever it concludes that additional evidence is needed or that alternate solutions need further study.

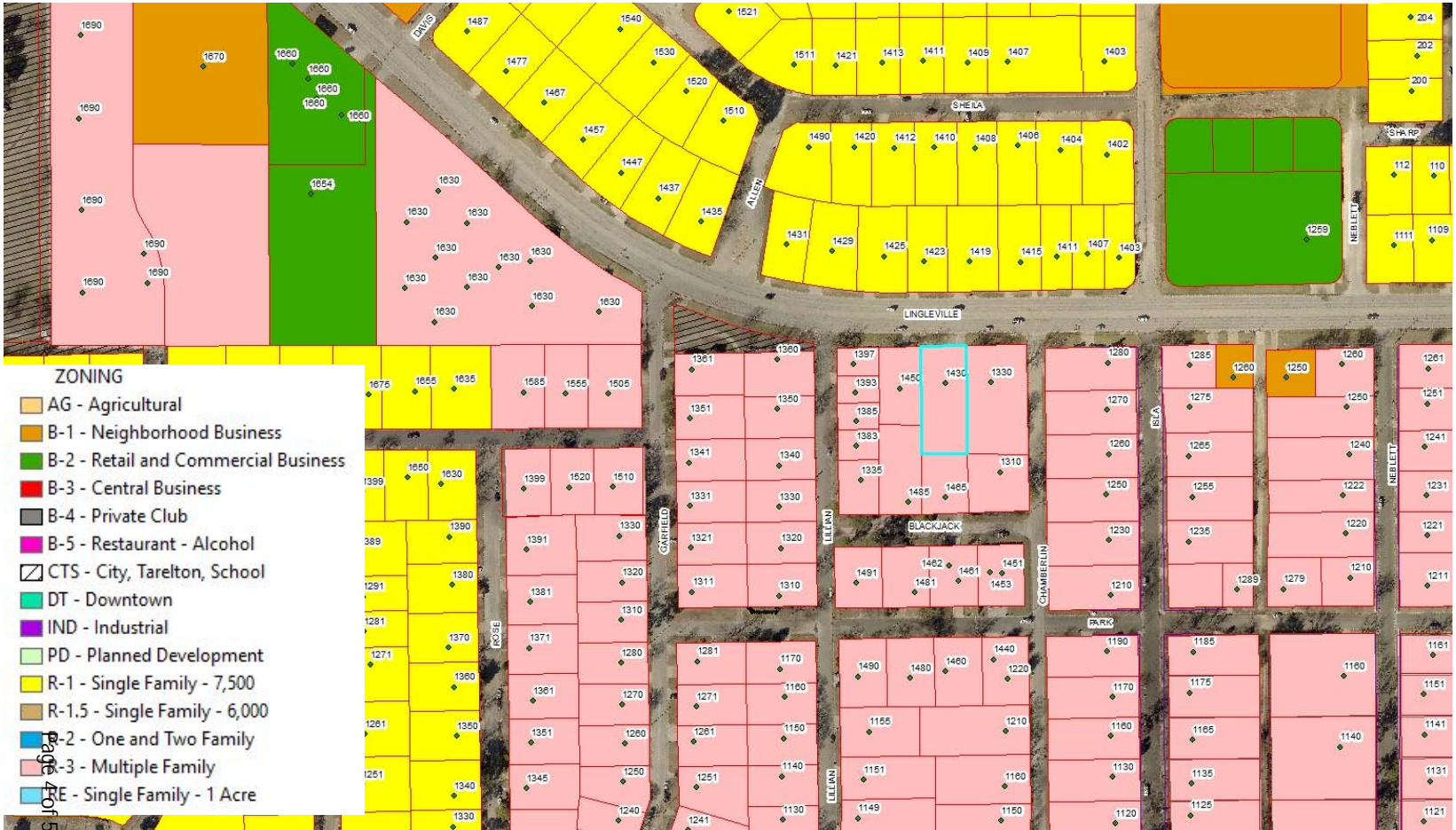
ATTACHMENTS:

[Gibson 003 Presentation](#)



Public Hearing:

Case No: V2018-003: Applicant, David Gibson, is requesting an approximately 9.42 ft. Variance from the 12 ft. separation requirement from the edge of the main building, in order to construct, or place, an accessory building to within approximately 31 inches from the main building in an R-3 zoned district, located at 1430 Lingleville, being Lot 3A, Block 6, of the Tarleton Heights Addition to the City of Stephenville, Erath County, Texas.





Page 5 of 5

Board of Adjustment
STAFF REPORT



SUBJECT: Case No: V2018-004: Applicant, Rose Wooley is requesting an approximately 4 ft. Variance from the 5 ft. rear setback requirement, in order to construct a carport within 1 ft. of the rear property line in an (R-1) Single Family Residential zoned district, on the property located at 780 Mockingbird, being lot 6 and 7, bock 5, of the South Tanglewood Addition to the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment - 12 Jul 2018

DEPARTMENT: Board of Adjustment

STAFF CONTACT: Jeremy Allen

RECOMMENDATION:

Staff has no objection to the applicant requesting an approximately 4 ft. Variance from the 5 ft. rear setback requirement in (R-1).

BACKGROUND:

- (9) Accessory buildings:
- (d) Minimum depth of rear setback: five feet.

ALTERNATIVES:

1. Grant the variance
2. Grant the variance
3. Deny the variance
4. Defer action on any appeal whenever it concludes that additional evidence is needed or that alternate solutions need further study.

ATTACHMENTS:

[Wooley Presentation](#)

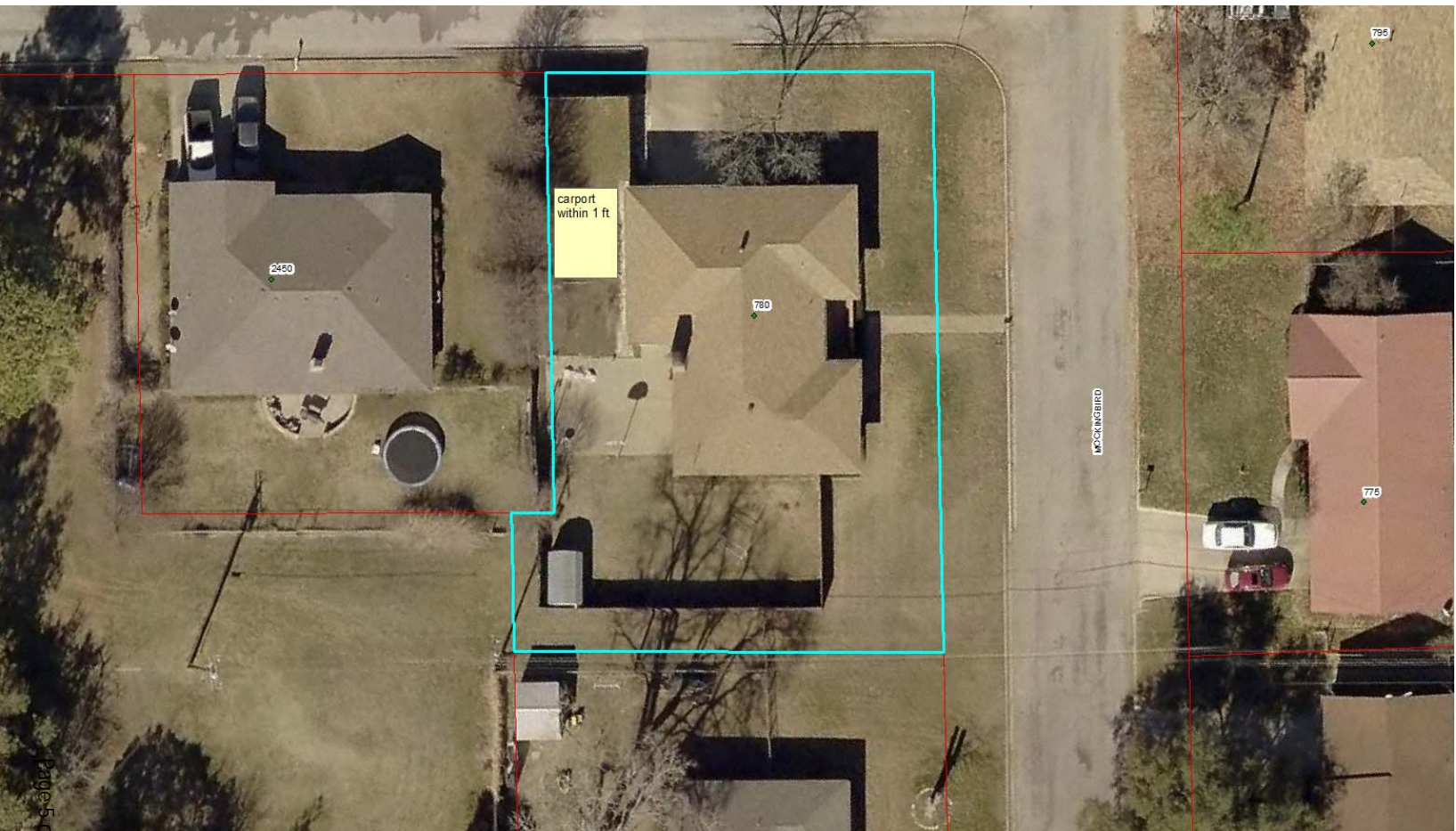


Public Hearing:

Case No: V2018-004: Applicant, Rose Wooley is requesting an approximately 4 ft. Variance from the 5 ft. rear setback requirement, in order to construct a carport within 1 ft. of the rear property line in an (R-1) Single Family Residential zoned district, on the property located at 780 Mockingbird, being lot 6 and 7, bock 5, of the South Tanglewood Addition to the City of Stephenville, Erath County, Texas.



- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - B-5 - Restaurant - Alcohol
 - CTS - City, Tareyton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-3 - Multiple Family
 - R-E - Single Family - 1 Acre



Board of Adjustment
STAFF REPORT



SUBJECT: Case No.: V2018-005: Applicant Joseph Borges is requesting an approximately 15 ft. Variance from the 25 ft. setback requirement, in order to construct a single family home within 10 ft. of the property line in a (R-3) Multi Family Residential zoned district, on the property located at 234 W. Walnut, being lots 2,3,4, block 14, of the Frey First Addition to the City of Stephenville, Erath County, Texas

MEETING: Board of Adjustment - 12 Jul 2018

DEPARTMENT: Board of Adjustment

STAFF CONTACT: Jeremy Allen

RECOMMENDATION:

Staff has no objection to the applicant requesting an approximately 15ft. Variance form the 25ft. setback.

BACKGROUND:

- (6) Minimum width of side setback:
 - (b) Corner lot: 25 feet from intersecting side street.**

ALTERNATIVES:

1. Grant the variance
2. Grant the variance
3. Deny the variance
4. Defer action on any appeal whenever it concludes that additional evidence is needed or that alternate solutions need further study.

ATTACHMENTS:

[Borges presenation](#)



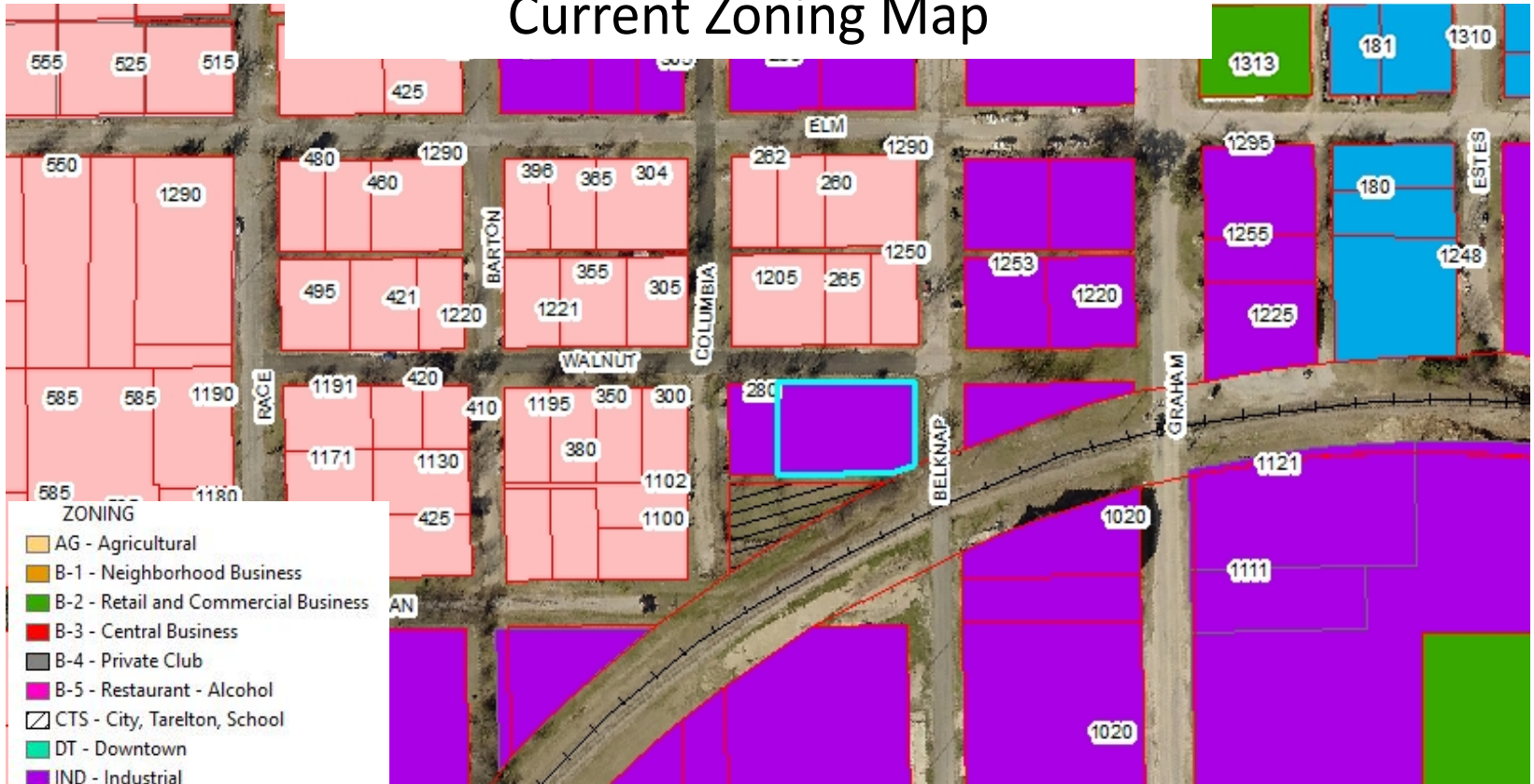
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Current Zoning Map



- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - B-5 - Restaurant - Alcohol
 - CTS - City, Tareyton, School
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 - B-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



Page 5 of 5

Board of Adjustment
STAFF REPORT



SUBJECT: Case No.: SE2018-005: Applicant Hart Mason is requesting a special exception under ordinance No. 2018-003, Section E to allow for an antenna facility 90 ft. in height to be permitted at 1292 W. Washington, Stephenville, TX.

MEETING: Board of Adjustment - 12 Jul 2018

DEPARTMENT: Board of Adjustment

STAFF CONTACT: Jeremy Allen

RECOMMENDATION:

Staff has no objection to the special exception request to allow for an antenna facility

ALTERNATIVES:

The maximum height for an antenna facility permitted without a special exception in any nonresidential district shall be 80 feet;

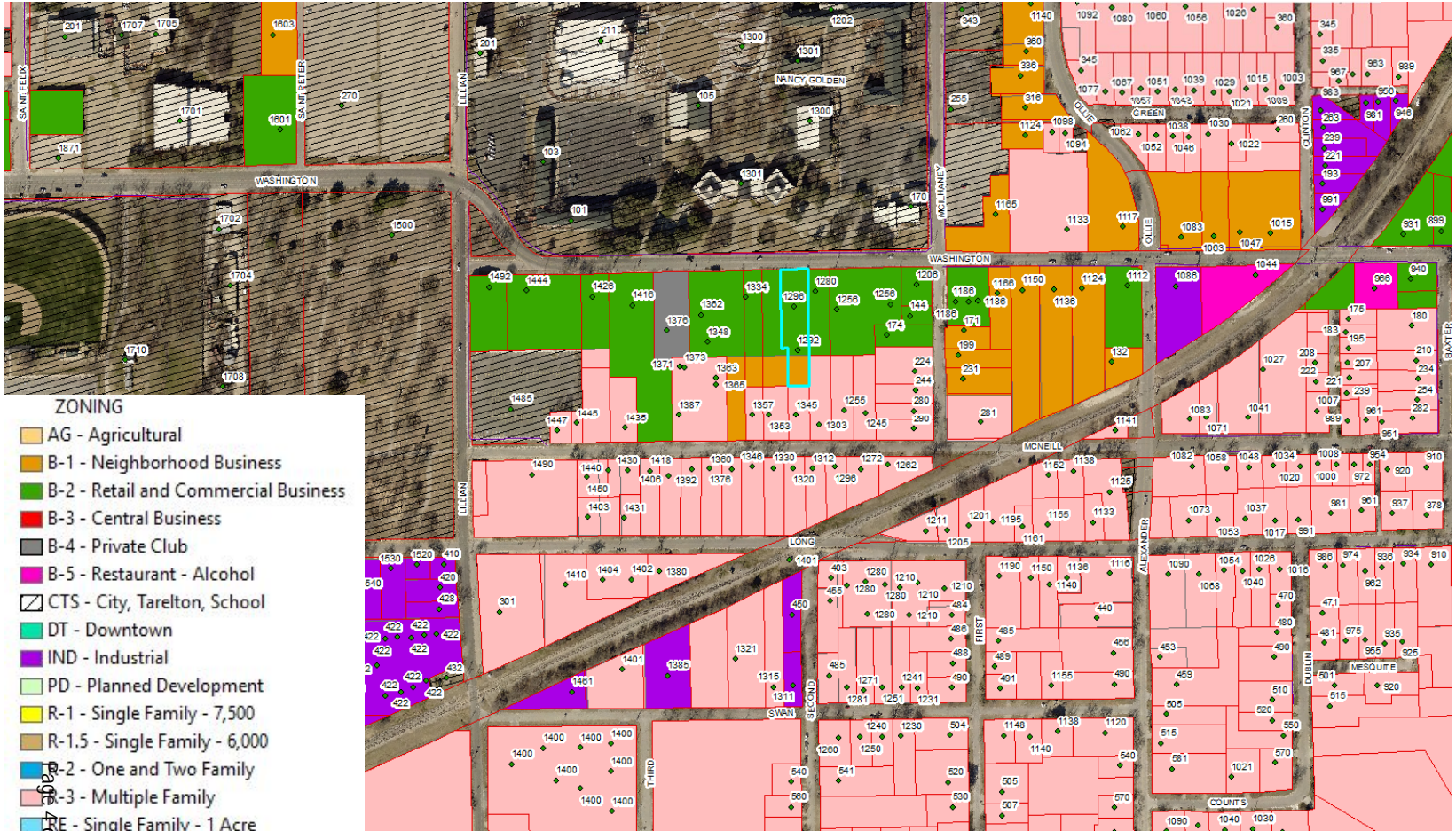
ATTACHMENTS:

[Mason presentation](#)

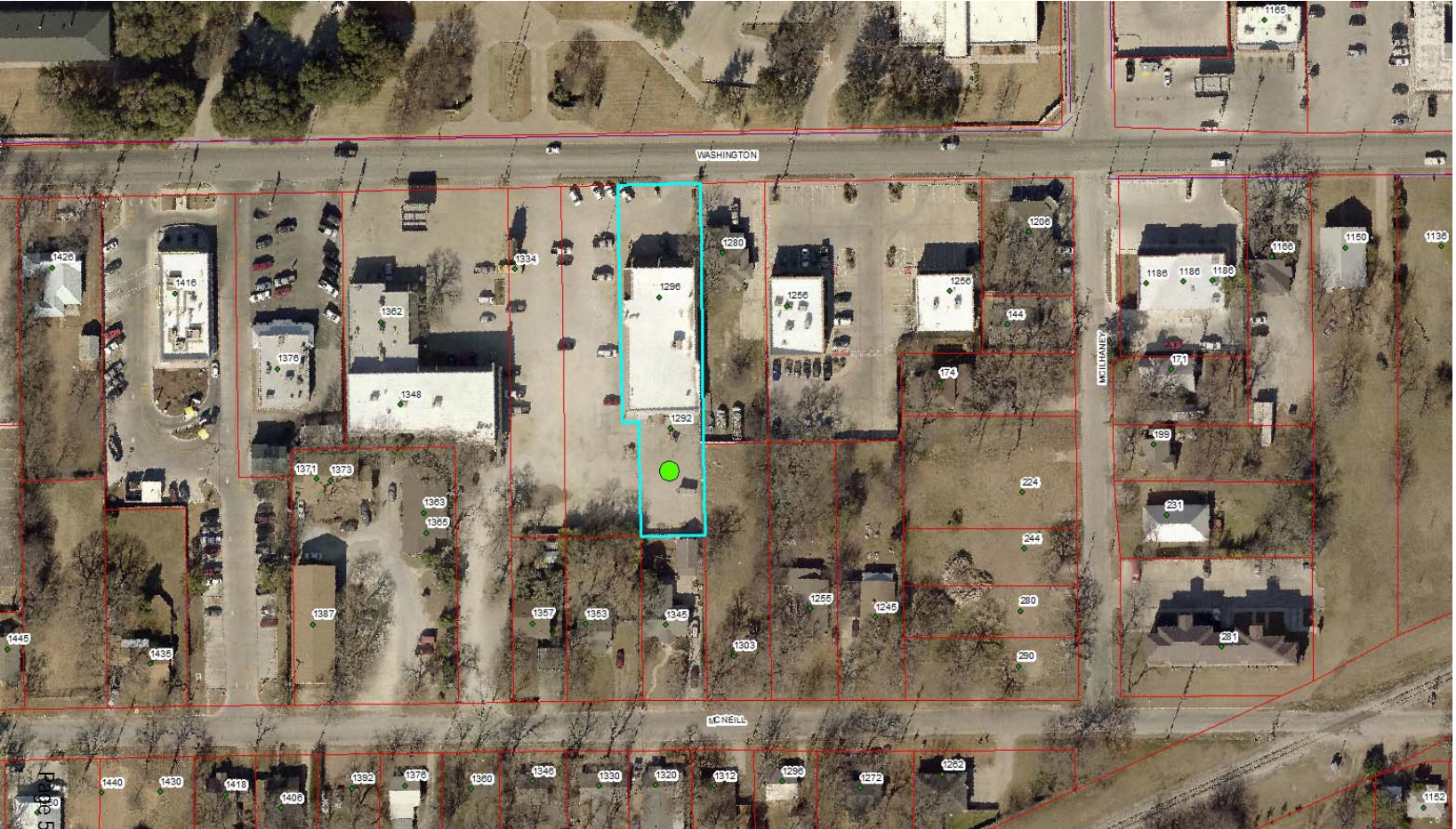


Public Hearing:

Case No.: SE2018-005: Applicant Hart Mason is requesting a special exception under ordinance No. 2018-003, Section E to allow for an antenna facility 90 ft. in height to be permitted at 1292 W. Washington, Stephenville, TX.



- ZONING**
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 - R-2 - One and Two Family
 - R-3 - Multiple Family
 - R-E - Single Family - 1 Acre



MICHAEL D. STEPHENS PHONE 254-592-9637
 PEGGY S. STEPHENS
 1345. W. McNEILL ST.

7-11-18 PAGE 1

TO: PROPERTY BOARD OF ADJUSTMENT

THIS LETTER IS IN REFERENCE TO APPLICANT, HAAT MASON CASE NO. SE 2018-005 TO ALLOW FOR A 90' ANTENNA FACILITY TO BE LOCATED AT 1292 W. WASHINGTON ST. I AM OPPOSED TO THIS PROJECT AND WISH FOR THIS LETTER TO BE MADE PART OF THE OFFICIAL MINUTES OF THIS MEETING FOR PUBLIC RECORD.

I BELIEVE THAT THIS PROJECT WILL HAVE A NEGATIVE IMPACT ON PROPERTY VALUES IN MY NEIGHBORHOOD. ACCORDING TO A SURVEY DONE BY THE NATIONAL INSTITUTE FOR SCIENCE, LAW AND PUBLIC POLICY CELL TOWERS HAVE A NEGATIVE IMPACT ON RESIDENTIAL REAL ESTATE PROPERTY VALUES. OF 1000 RESPONDENTS TO THE SURVEY 94% VOICED CONCERN OVER LOCATION AND PRICE, 78% STATED UNDER NO CIRCUMSTANCES WOULD THEY BUY OR RENT PROPERTY NEAR A TOWER, 90% HAD CONCERNS ABOUT TOWERS IN THEIR NEIGHBORHOODS.

A 2006 ARTICLE BY SANDY BOND PHD, PAST PRESIDENT OF PACIFIC RIM REAL ESTATE SOCIETY IN THE APPRAISAL JOURNAL STATED THE NEGATIVE IMPACT OF UP TO 20% ON REAL ESTATE HOME VALUES, DUE TO THE IMPACT OF TOWERS LOCATED IN NEIGHBORHOODS.

ALSO OF CONCERN IS THE HEIGHT OF THIS TOWER AND ITS LOCATION. AS FAR AS I COULD RESEARCH THE TOWERS PRESENTLY PERMITTED IN STEPHENVILLE ARE ALL LOCATED ON PROPERTIES ZONED INDUSTRIAL. I BELIEVE THAT THE PROPERTY AT 1292 W. WASHINGTON IS ZONED BUSINESS/COMMERCIAL. ALLOWING THIS PERMIT, IF I AM CORRECT COULD OPEN THE DOOR FOR FUTURE LOCATIONS IN OTHER THAN INDUSTRIAL ZONED PROPERTIES.

CONT → PAGE 2

PAGE 2

I ALSO HAVE CONCERNS OVER HEALTH AND SAFETY, THE RADIO FREQUENCY RADIATION THAT THESE TOWERS EMIT COULD RESULT IN HEALTH ISSUES DUE TO LONG TERM EXPOSURE. THERE ARE CURRENTLY INADEQUATE GOVERNMENT CONTROLS AND INSPECTIONS OF THESE TOWERS. STUDIES SHOW 10% OF CURRENT TOWERS INSPECTED DO NOT MEET CURRENT STANDARDS. THERE IS A REASON MANY LOCAL GOVERNMENTS HAVE RESTRICTED LOCATING TOWERS ANYWHERE NEAR SCHOOLS, OF GRAVE CONCERN TO ME IS THE FACT THAT OUR CURRENT REGULATIONS FOR RADIO FREQUENCY TRANSMISSION SYSTEMS WERE BASICALLY WRITTEN BY THE INDUSTRIES THAT THEY ARE SUPPOSED TO REGULATE, AND ADOPTED BY CONGRESS.

THE CURRENT REGULATIONS ARE GROSSLY OUTDATED AND POORLY ENFORCED.

AESTHETICALLY A 90' TOWER WILL BECOME THE FOCAL POINT IN MY NEIGHBORHOOD. WE BOUGHT OUR HOUSE WITH PLANS TO LIVE HERE THE REST OF OUR LIVES, WE DON'T WANT A 90' EYE CATCHER TO BECOME THE MAIN THING EVERYONE IN OUR NEIGHBORHOOD SEES EVERY TIME THEY GO OUT THEIR DOOR OR COME HOME DAILY. WOULD YOU WANT SOMETHING AS TALL AS A ~~7~~ SEVEN OR EIGHT STORY BUILDING IN YOUR BACKYARD?

I BELIEVE THERE ARE OTHER MORE SUITABLE PROPERTIES THAT MEET THE INDUSTRIAL ZONING CRITERIA WITHIN A DISTANCE THAT THIS TOWER COULD STILL TRI-ANGULATE SIGNAL TO OTHER TOWERS.

CONT - PAGE 3 →

PAGE 3

IT IS MY SINCERE HOPE THAT MY CONCERNS
WILL NOT FALL ON DEAF EARS JUST SO SOMEONE CAN
MAKE A BUCK. MY WIFE OF 63 YEARS WAS BORN AND
RAISED HERE AND I HAVE LIVED HERE SINCE 1987. THIS
IS OUR HOME AND WE ARE PROUD OF WHAT WE HAVE AND
WORRY THAT THE NEGATIVE IMPACT OF THIS PROJECT
WILL AFFECT THE QUALITY OF OUR LIFE IN STEPHENVILLE.

Peggy Stephens

SINCERELY,

1345 W. McNeill

Michael J. Stephens

76801

Melanie Haas

1245 W McNeill St.

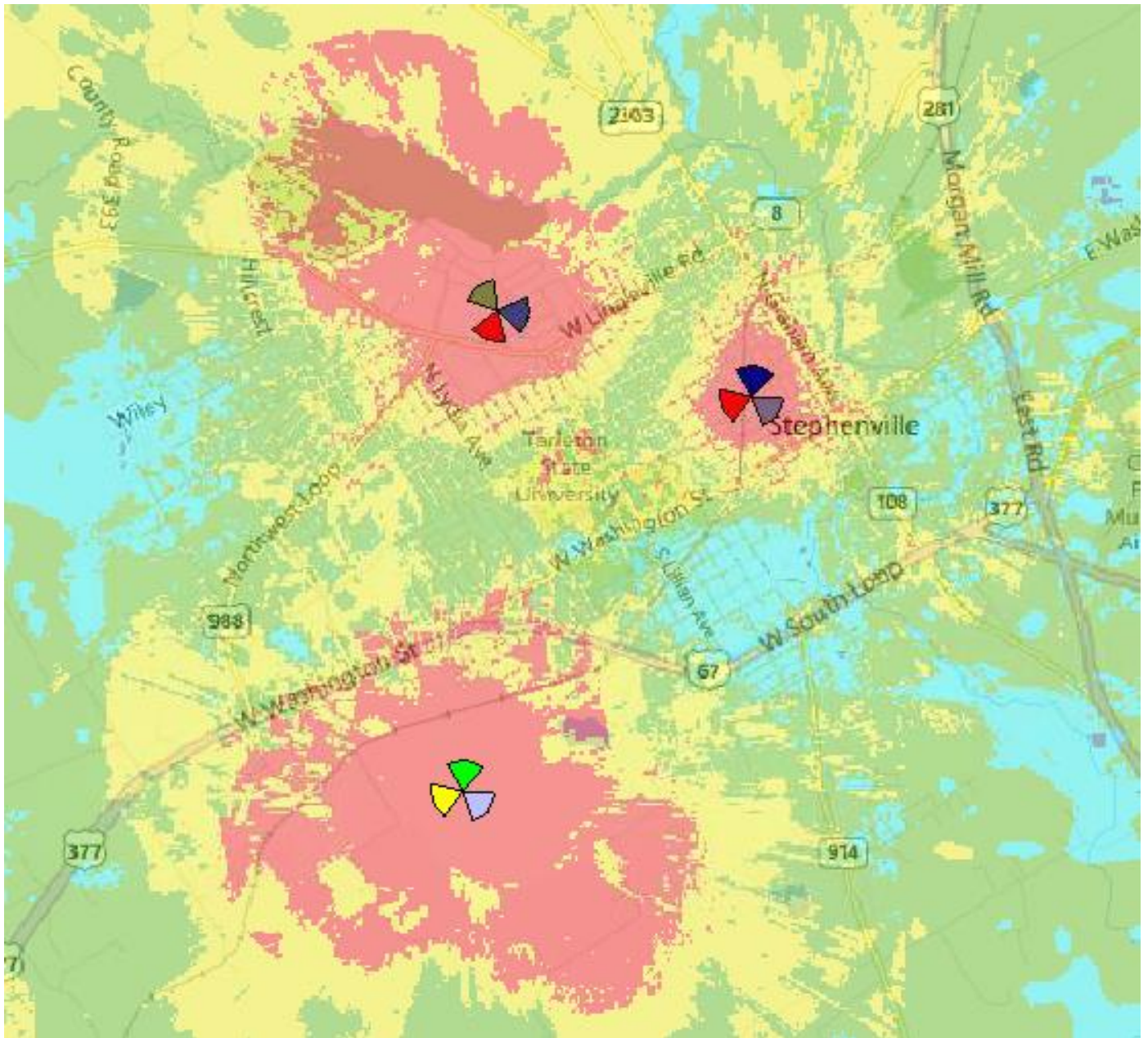
Lisa J. Riley

1346 W McNeill St.

Stephanie Staver

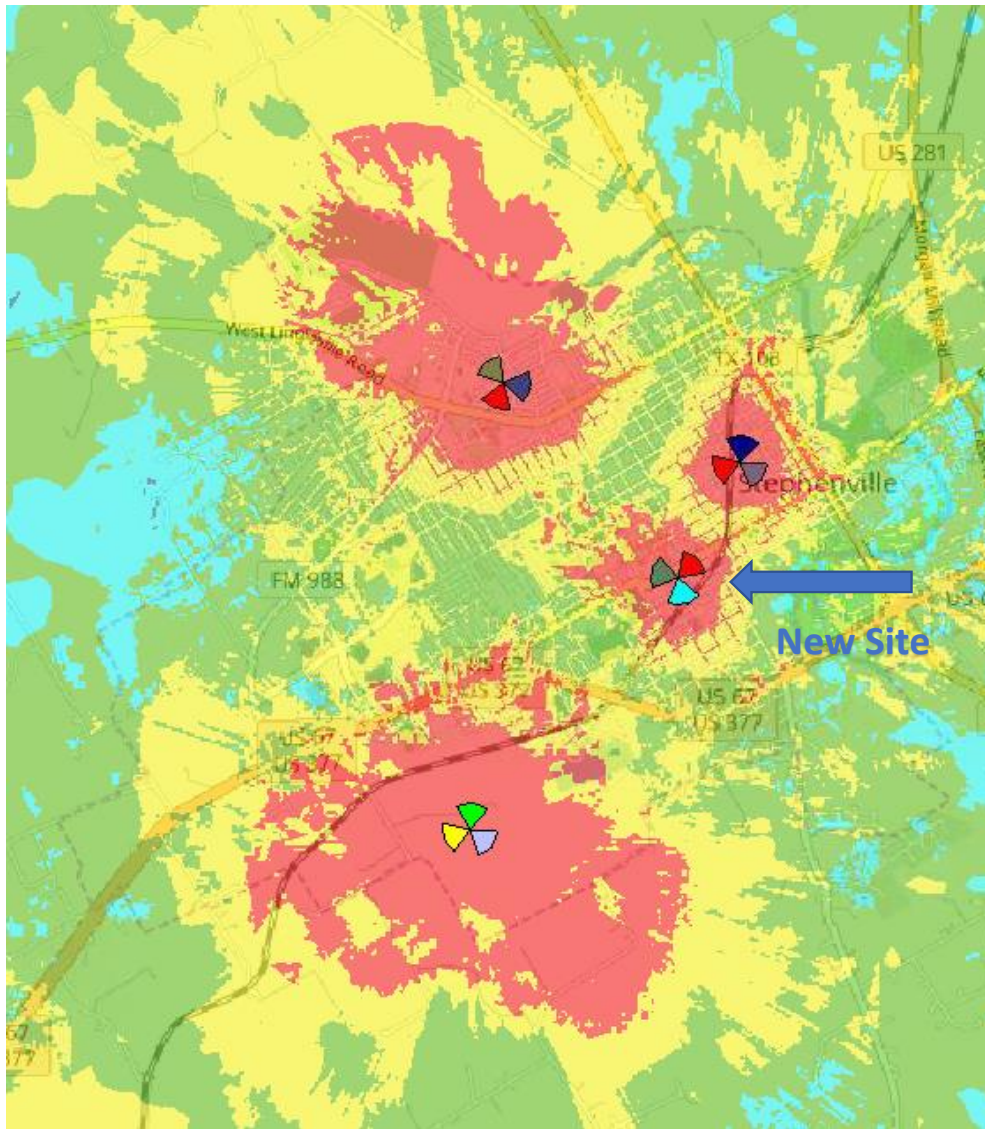
1330 W. McNeill St.

Plot is existing coverage, BEFORE NEW SITE IS ON-AIR – color coded by bars on phone



- 5 Bars
- 4 Bars
- 3 Bars
- 2 Bars
- 1 Bar

Plot is coverage AFTER SITE IS ON-AIR



- 5 Bars
- 4 Bars
- 3 Bars
- 2 Bars
- 1 Bar

Sector coverage map of AT&T SITES

