

Barbara Jordan, Board Member
Brick Parsons, Board Member



Dr. Zak Leslie, Board Member
Christie Scroggins, Board Member
Jeffrey Lyons, Development Services
Director

Mike Davis, Chairman

NOTICE OF REGULAR MEETING
ZONING BOARD OF ADJUSTMENT AND APPEALS AGENDA
Tuesday, July 25, 2017 at 5:30 p.m.
City Council Chambers
504 N. Queen Street
Palestine, Texas

Pursuant to Section 551.071 of the Texas Local Government Code, the Zoning Board of Adjustment and Appeals reserves the right to adjourn into a closed meeting at any time regarding any item on the agenda for which it is legally permissible.

REGULAR MEETING

A. CALL TO ORDER

B. ROLL CALL

C. CONFLICT OF INTEREST DISCLOSURES

D. APPROVAL OF MINUTES

- 1) July 11, 2017 special meeting.

E. ITEMS FOR CONSIDERATION

- 1) Consider a change in a non-conforming use to allow the existing building at 1502 N. Jackson Street to be used as a wood working shop. Case ZBA-17-04. Applicant Marjorie Braly.

F. COMMISSION COMMENTS AND FUTURE AGENDA ITEMS

- 1) The Commission may discuss and receive input from staff concerning the status of current and proposed development projects, zoning and development code items, and other relevant information.

G. ADJOURN

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outdoor bulletin board at the main entrance to City Hall, 504 N. Queen Street, Palestine, Texas, on the following date and time:

Friday, July 21, 2017 @ 4:25 pm


Jeffrey Lyons, Development Services Director

In compliance with the Americans with Disabilities Act, the City of Palestine will provide for reasonable accommodations for persons attending City Council meetings. Requests for accommodations or interpretive services must be made 48 hours prior to the meetings. Please contact the City Secretary's office for further information at 903-731-8414.

THE STATE OF TEXAS §
COUNTY OF ANDERSON §
CITY OF PALESTINE §

The Zoning Board of Adjustment and Appeals convened in a Special Meeting on Tuesday, July 11, 2017 at 5:30 p.m. in the Public Works Conference Room at 310 W. Debard Street, Palestine, Texas

CALL TO ORDER – SPECIAL MEETING

Chairman Mike Davis called the meeting to order at 5:35 pm.

ROLL CALL

Chairman Davis called the roll with the following members present:
Vice Chairman Brick Parsons, Board Members Barbara Jordan, Christie Scroggins and Dr. Zak Leslie.
Others present: Development Services Director Jeffrey Lyons

APPROVAL OF THE MINUTES

February 3, 2017 special meeting and July 6, 2017 special meeting. Motion by Brick Parsons to approve as submitted. Second by Barbara Jordan. Upon vote, the motion carried unanimously.

ITEMS FOR CONSIDERATION

1. Consider variances from Section 40-137, Table 40.3, primary building setbacks of Chapter 40 Development to allow multi-family buildings to be located 25-feet into the 25-foot front yard setback, 16-feet into the 20-foot rear yard setback, 20-feet into the 25-foot side yard setback (lot line furthest from N. Loop 256) and 5-feet into the 25-foot side yard setback (lot line closest to N. Loop 256). Case ZBA-17-03. Applicant Richard Farris, Jr. Continued from July 6, 2017.

Summary of request provided to Chairman Mike Davis and Dr. Zak Leslie who were not present at the July 6, 2017 meeting at which a public hearing and discussion were held on the variance requests.

Christie Scroggins motioned to approve the variances as submitted, seconded by Barbara Jordan. Upon vote, the motion carried unanimously.

ADJOURN

With no other business to come before the Board, the meeting was adjourned at 5:45 pm.

Mike Davis, Chairman

ATTEST:

Jeffrey Lyons, Development Services Director



APPLICATION TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS

OWNER AND APPLICANT INFORMATION: (Location where variance is being requested)

Property Address:	1502 N. Jackson		
Legal Description:	Subdivision:	Block:	Lot:
Land Use and Zoning:	Appraisal District Tract and Block (if not part of a recorded subdivision):		
	Current Use of the Property:	was the old Braly Builders Supply from 1932-2013.	
	Zoning:	Acreage:	
Property Owner Info:	Name:	Marjorie Braly	
	Address:	910 Wright Drive, Palestine, TX 75801	
	Phone:	903-724-0206	Email: MBRALY@AOL.COM
Applicant Info:	Name:	Kim Repler	
	Address:	Bluebonnet Remodeling	
	Phone:	361-816-2887	Email:

VARIANCE REQUEST INFORMATION:

Reason for Requesting a Variance:	Lease for a woodworking shop
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ZONING AND DEVELOPMENT CODE REQUIREMENTS:

Indicate which codes you are requesting to vary from: It's been commercial since 1932. Zoning has been changed to residential. It was old Braly Builders Supply building from 1932-2013.



APPLICATION TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS

PROPERTY OWNER OR AUTHORIZED APPLICANT SIGNATURE PAGE:

I acknowledge under penalty of perjury that I am the legal owner of the property described in the application or, alternatively, that I am authorized to represent all of the owners of the property described in this application.

YOUR DRIVER'S LICENSE MUST SHOW YOUR CURRENT ADDRESS AND IT CANNOT BE EXPIRED.

Marjorie Braly

Notarized Signature of Applicant
(Signature must be witnessed by a Notary Public)

STATE OF TEXAS
COUNTY OF ANDERSON

Before me, the undersigned, personally appeared *Marjorie Braly*
Who on his/her oath certifies that the above/attached statements are true and correct.

Given under my had and seal of office, this *11th* day of *July*, 20*17*.

Alene Leverton

Notary Public, State of Texas



ZONING BOARD OF ADJUSTMENT AND APPEALS

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Case ZBA-17-04 Staff Report

Request:	A change to a non-conforming use to allow a wood working shop.
Location:	1502 N. Jackson Street
Applicant:	Marjorie Braly
Attachments:	1. Application 2. Picture of existing building at 1502 N. Jackson Street
Applicable Codes:	Appendix A, Zoning, Article 16, Section 16.9, #4 Change in Non-Conforming Use
Property Zoning:	R-2, Single Family Detached, Medium Density District
Overlay Zones:	N/A
Public Notice:	Nineteen notices sent to surrounding property owners. None received in opposition, one received in favor.
Prepared By:	Jeffrey Lyons, Development Services Director

BACKGROUND

Ms. Marjorie Braly, owner of 1502 N. Jackson Street, has submitted an application requesting a change in non-conforming use to allow the existing structure to be used as a wood working shop. This location is zoned R-2, single family which does not allow non-residential uses to be conducted on the property. This was the previous location of Braly's Hardware Store which was in existence prior to the adoption of the City's zoning regulations. When zoning regulations were established, the property was zoned for single family uses which designated the hardware store as a legal non-conforming use.

In September of 2014, the current owner applied to the Board requesting a change in non-conforming use from building material sales to a wrecker service which was approved with certain conditions. The wrecker service has since vacated the property and the owner is requesting an additional change in non-conforming use to allow the property to be used as a wood working shop.

The Board has the authority to authorize a change in a non-conforming use if the applicant can demonstrate that the use:

1. Will not extend the life of a nonconforming use;
2. Will reduce traffic, sound, odor, smoke, or number of employees;
3. Will not include structural alteration or expansion;



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4. Will improve the character and value of surrounding property.
Such change in use may be permitted only following formal application for change with the board of adjustment. Where proper findings are made, the board of adjustment may direct the building inspector to issue the necessary permits.

Site Picture



Image capture: May 2016 © 2017 Google United States

Palestine, Texas

Street View - May 2016

Staff Recommendation

If the applicant can demonstrate that the change in non-conforming use will meet the above criteria, Staff recommends approval of the request.