

Board of Adjustments met on February 11, 2020, in the Council Chambers at Cleveland City Hall, 907 E. Houston, Cleveland, Texas with Board Chair Delores Terry presiding the meeting.

**BOARD MEMBERS:** Delores Terry, Jim Plumlee, Ken Butler, Archie Phillips, Marvin Futrell

**CITY EMPLOYEES:** Angela Smith, City Secretary, Kelly McDonald, City Manager, Jeremy Chesnutt, Development Services Director, Sean Anderson, Fire Chief, Rod Hainey, Public Works Director

**CITY ATTORNEY:** Derra Purnell, Olson & Olson, Assistant City Attorney

**VISTORS:** Robert Reynolds

Board Chair Terry called the meeting to order at 9:31 am on February 11, 2020. All board members were present so there was a quorum. Marvin Futrell gave the invocation and Archie Phillips did the pledge to the US flag and Ken Butler did the pledge to the Texas flag.

## **REPORTS**

### **1) Update on status of 501 Cliffbrook since previous board decision at the November 13, 2019 meeting**

At the November 13, 2019 meeting, the board gave the owners 90 days to start the process however nothing has been done. City staff has met with the owner as well. The property owner was not present at this meeting but staff did speak with him yesterday and last week. He has no intention to do anything on the structure because he has no means to do so. The board is at the point to give him more time and then will proceed forward with corrective action. No action needed by the board today.

## **DISCUSSION AND ACTION BY THE BOARD**

### **2) Discussion and possible action on variance request to allow encroachment into rear setbacks by 10 feet from Dunnco Properties II, LTD for property address 517 S Washington, Cleveland TX 77327. This request for variance is based on City Code Section 126-193.**

Jeremy Chesnutt, City's Development Services Director, spoke on the issue. He stated Mr. Dunn with Dunnco was not present at this meeting. He has submitted a proposed plan to demo the structure. There is a drawing in the packet indicating dims on it. It was asked if an explanation for the variance request was given and the reply was that in the packet it states "flooding issues/elevation and parking".

City Public Works Director Rod Hainey addressed part of the issue is that it is placed on small lot and water/sewer pass through a vacant lot that doesn't belong to Mr. Dunn. Mr. Hainey informed Mr. Dunn that he would need to get a utility easement to remedy this problem. He has not heard back on this issue.

Fire Chief Anderson stated that the fire department would need the fire break area since there is limited space to work.

The location was more clearly stated as being the prior window tinting place by Dairy Queen.

Boardmember Phillips asked if there is a safety problem, he would like to hear from the property owner side as well. Assistant City Attorney Derra Purnell said that since there is a plat that was submitted with it, it is legally better for the board to take action now.

Boardmember Jim Plumlee made a motion to deny the variance from Dunncoco Property, II LTD as presented with a second from Boardmember Archie Phillips. All members present voted "AYE". Motion carried.

Ms. Purnell reminded the board that the claimant is asking to build closer to the lot line and that is the exception, if vote to deny the board is saying the claimant has to put it 15 feet from the lot line.

**3) Discussion and possible action on variance request to increase allowed pole sign square footage from 160 sf to 765 sf, regarding City Code Section 26-452(b)(2), and to increase allowed pole sign height from 50 ft. to 120 ft. from Karl A Smith (QuikTrip) for property located in the Subdivision John S Boothe, Abstract 139 currently located in the C-2 General Commercial Zoning district of Cleveland Texas**

Mr. Chesnutt said that the representatives from Quiktrip are here at the meeting today. The variance request is straight forward as they are asking for the sign height to be taller and larger in square footage. David Myers with Quiktrip gave a history of their company and explained that the way the site is now they are at a disadvantage with travelers due to the trees on either side. Ms. Purnell reminded the board that they have two requests – one for increase in height to 120 ft. and the face of the sign up to 765 sq. feet. There are no FAA issues and the sign is very safe and well-engineered stated David Myers.

Boardmember Phillips made a motion to approve the sign variance requests as presented by Quiktrip with a second by Boardmember Plumlee. All members present voted "AYE". Motion carried.

**Other action or Discussion by the Commission**

**4) Approve minutes from the January 14, 2020 of Board of Adjustments meeting**

Boardmember Futrell made a motion to approve the minutes as presented with a second from Boardmember Plumlee. All members present voted "AYE". Motion carried.

**5) Discuss date for next meeting**

There is nothing pending at this time so the next meeting is scheduled for April 7, 2020 at 9:30 am.

**6) Adjourn**

Boardmember Plumlee made a motion to adjourn with a second by Boardmember Futrell. Meeting adjourned at 10:25 am.

**PASSED AND APPROVED** this 1<sup>st</sup> day of May 2020.

\_\_\_\_\_/signed\_\_\_\_\_  
Board Chair, Delores Terry

ATTEST:

\_\_\_\_\_/signed\_\_\_\_\_  
City Secretary Angela Smith