



**AGENDA
CITY OF THE COLONY
BOARD OF ADJUSTMENT
WEDNESDAY, SEPTEMBER 15, 2021
6:30 PM**

TO ALL INTERESTED PERSONS

Notice is hereby given of a **REGULAR SESSION** of the **BOARD OF ADJUSTMENT** of the City of The Colony, Texas to be held at **6:30 PM** on **WEDNESDAY, SEPTEMBER 15, 2021**, at **CITY HALL, 6800 MAIN STREET, THE COLONY, TEXAS**, at which time the following items will be addressed:

This meeting notice and agenda are posted online at www.thecolonytx.gov.

If you wish to address the Board of Adjustment in person, you can do so by attending the meeting at City Hall. If you wish to have comments added to the council minutes about issues on the Agenda, you may submit those comments to the City Secretary Office via email or on the city website.

1.0 CALL REGULAR SESSION TO ORDER

Citizen Input

2.0 CONSENT AGENDA

2.1 Consider approval of the minutes of the July 21, 2021 Regular Session.

EXECUTIVE SESSION NOTICE

Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public, including but not limited to consultation with attorney pursuant to Texas Government Code Section 551.071 arising out of the attorney's ethical duty to advise the city concerning legal issues arising from an agenda item. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.

ADJOURNMENT

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact the City Secretary's Office, at 972-624-3105 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

CERTIFICATION

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 pm on the 10th day of September 2021.

A handwritten signature in black ink that reads "Tina Stewart". The signature is written in a cursive style and is positioned above a horizontal line.

Tina Stewart, TRMC, CMC, City Secretary



**MINUTES
CITY OF THE COLONY
BOARD OF ADJUSTMENT MEETING
WEDNESDAY, JULY 21, 2021**

After determining that a quorum was present, the Board of Adjustment of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, July 21, 2021 at 6:30 p.m. in the City Council Chambers located at City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Constance Yahwak, Chairman; Dean Byers; Jacob Evans; and Gerald Odum.

Board Members Absent: Joel Ortega

Staff Present: Isaac Williams, Senior Planner; Michael Martin, City Attorney; Brian Mcnuelty, Engineering Technician.

1.0	<i>CALL REGULAR SESSION TO ORDER</i>
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Chair Yahwak called the Regular Session of the Board of Adjustment meeting to order at 6:30 p.m.

1.1	<i>CITIZEN INPUT</i>
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No citizen came forward for input. Citizen input was closed at 6:30 p.m.

2.0	<i>CONSENT AGENDA</i>
2.1	<i>Consider approval of the minutes of May 19, 2021 Regular Session.</i>

Chair Yahwak read Consent Agenda Item 2.1 into record.

Member Odum made a motion to approve Consent Agenda Item 2.1, seconded by Member Byers. The motion carried (4-0).

3.0	<i>PUBLIC HEARING ITEMS</i>
3.1	<i>BOA21-0003 4245 Iola Avenue Fence Height Variance</i> Conduct a public hearing, discuss and consider a request for a variance to Section 18. – Fence and Wall Regulations, (18-602) rear yard and (18-603) side yard, to allow a nine (9) foot, one and one-half (1.5) inch fence where eight (8) feet and six (6) inches is the maximum. The subject site is located at the north east intersection of Iola Avenue and Elliot Court. The subject site contains approximately 0.17 acres and is zoned for Single-Family (SF-4) residential use.

Mr. Williams presented the report.

Member Odum asked if the city required installation of the retaining wall.

Applicant responded the city did not require; engineering approval is not required for a wall of that height.

Member Odum asked if the retaining wall would support the fence.

Applicant responded experienced contractor knew of plans to top with a wall.

Mr. Williams added further evaluation would be a component of review for the fence permit application.

Chair Yahwak opened public hearing at 6:43 p.m.

Mr. Steven Schmidt, 4245 Iola Avenue, owner and applicant thanked the board for their consideration.

Chair Yahwak closed the public hearing at 6:44 p.m.

Member Odum made a motion to approve 3.1 conditioned upon city ensuring the retaining wall can support the fence, seconded by Member Evans. The motion carried (4-0).

3.2	<i>BOA21-0004 4695 SH 121 Sign Height Variance</i> Conduct a public hearing, discuss, and consider a request for a variance to Section 15-102 to allow a proposed “billboard” sign at an overall height of eighty-five (85’) feet where the maximum signage height in the General Retail (GR) district is two (2) stories. The subject site is located at 4695 SH 121 at the northwest intersection of F.M. 121 (Main Street) and SH 121 and is located within the General Retail (GR) zoning district and the Gateway Overlay District.
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Mr. Williams presented the report.

Member Evans asked for the reason for the additional height.

Applicant responded the height is necessary to place the sign above grade where SH 121 is elevated. He added the v shape targets SH 121 traffic and reduces light on nearby properties.

Mr. Williams added this General Retail zoning district has a more restrictive height requirement when compared to other zoning districts along SH 121.

Chair Yahwak opened the public hearing at 6:58 p.m.

Mr. Beau Burkett, PO Box 163266, Austin, TX of Burkett Media and applicant offered to be available for any questions. Mr. Burkett shared they are requesting this variance after approval of SBA21-0002 (in May); they began the project not knowing the height proposed was not a part of

that approval. He added the sign would have a sixteen-foot stone cladding base, costing \$30,000 extra, which they are not required to provide.

Member Evans asked about the type of messaging.

Mr. Burkett responded the LED digital signs would meet city regulations consistent with existing signage along SH 121. Messages vary compared to static vinyl billboards. They offer free space for non-profits and community events.

Chair Yahwak made a motion to approve 3.2, seconded by Member Byers. The motion carried (4-0).

There being no further business to come before the Board, Madam Chair Yahwak adjourned the Regular Session of the Board of Adjustment at 7:03 p.m.

Constance Yahwak, Chairman

Isaac Williams, Senior Planner