



**Minutes of Called Meeting  
Lindale Board of Adjustments  
August 26<sup>th</sup>, 2019**

A Called Meeting of the Lindale Board of Adjustments convened at Lindale City Hall on August 26<sup>th</sup>, 2019 at 7:00 p.m.

- A. The meeting was called to order by Stephen Bills.
- B. Board members present Stephen Bills, Kelli Campbell, Craig Shine, Mike Renfro, and Paul Ray.
- C. Stephen Bills gave the invocation.
- D. Craig Shine led the Pledge of Allegiance.
- E. **Approval of Minutes for the June 11, 2019 Board of Adjustments meeting.** Craig Shine made motion to approve minutes and Mike Renfro seconded the motion.
- F. **Scheduled Business:**
  - 1. **Workshop to discuss Board of Adjustments duties, responsibilities, and requirements under the Zoning Ordinance and Subdivision Ordinance with City Attorney.** Glen Patrick, city attorney went over duties and how to establish procedures to follow. Glen Patrick stated BOA is a judicial Board and has limited authority. The board hear cases on special use permits, request for variances and appeals. Glen wanted to review so board members can understand rules and focus on the finer point and what criteria to consider and to explain the differences. Glen stated the rules of procedures were adopted a year ago. Glen Patrick stated the two things the Board of Adjustments do are hear cases for Special Use and request for variances. Courts may look to see if a board-member did abuse their position in making a decision Glen explained the difference in a Variance and Special Use request and some of the criteria and evidence that should be considered in forming a decision. First; a special use permit is a use that is already permitted in the corresponding zoning districts. Before deciding to make judgment, be sure the use is allowed as stated in the Zoning Ordinance and for the district. A variance is a use or specification or regulation that is not permitted. A burden of proof needed in order to grant variances; it's hard to get a variance. The burden of proof shall be evidence submitted by the applicant. The burden of proof should not be an individual's feeling or thought regarding whether certain regulations should be enforced. The consideration of financial hardship shall not a reason to approve variances. If this Board of Adjustments were granting variance all the time, in a year or two, the city won't look like the city described in the ordinances. If variances are granted based on what every group or individual may think, in contrary to the regulations and ordinances as written and approved by the city council; the adopted ordinances would constantly be amended or adjusted case by case and not follow what has been voted on and approved. On the other hand; special use allowances are already authorized and the board may consider what conditions, if any may be placed on the allowed use. A variance is inconsistent to zoning ordinance and request changes to the ordinances. What a board member thinks might be a good idea, is irrelevant. Certain things have to be found for causes. Jurors may think what's fair or what might look

good and approach the decision from back end get the desired answers. Emphasis always should be to look at factual criteria, what's deemed as fair is not criteria to use for a decision. It's not the judge's job to determine what's fair. Consider evidence and specific criteria to help make the decision not feelings or opinions. All evidence should be allowed to be presented.

2. **Discussion and possible action to cancel September 10<sup>th</sup> meeting and set the next quarterly meeting dates for Board of Adjustments.** Board members cancelled September 10<sup>th</sup>, 2019 meeting and scheduled next meeting for Monday November 18, 2019 at 7:00 p.m.
  
3. **Hearing on CASE No. 19168**  
**Deliberation and Determination on**  
**A Request From Robbie Bristol For A Variance Permit To Be Exempt**  
**From the Construction Design Requirements in the Subdivision Ordinance**  
located at 11841 CR 4102, Lindale, TX. Robbie Bristol stated he resides on 14172 CR 496, Lindale, Texas 75771. Stephen Bills swore in Robbie. Robbie explained he is outside the ETJ. Robbie stated when he first bought property he started building a cul-de-sac. Robbie is trying to keep to the original landscape and appeal of an already existing development which is one house. Robbie doesn't want streetlights, curbs, and gutters. That type of development would be out of place with the pasture and country living and wouldn't look good with what's there. Robbie stated he just wants an answer and only wants a variance for no curbs and gutters. Robbie stated he has another issue with Lindale Rural Water, the organization requires an eight-foot easement. Robbie stated he is dealing with City of Lindale and Smith County regulations. Robbie stated Lindale Rural is taking 8 feet ROW, easement , and utilities need 10 feet. Robbie doesn't want sidewalks it takes away from original appeal won't look right. Glenn Patrick stated Board of Adjustments has no authority to rule on the City of Lindale Subdivision Ordinance. The city attorney and Stephen Bills suggest to Robbie to attend planning and zoning meeting. Steven Lloyd stated there are two different ordinances; the Zoning Ordinance and the Subdivision Ordinance. Subdivision Ordinance article 2 states the subdivision requirements, what parts need to be in a subdivision; this is the section detailing the requirements for minimum widths of streets, street system layout and intersections, requirements for sidewalks utilities and drainage and the requirements of easements needed for utilities. Article 3 is the construction design requirements, this section describes the requirements installing roads and streets, engineering specifications on thickness of concrete or asphalt, placement of water or sewer lines and storm water drainage design criteria. Steven Lloyd stated the design shall be compliant with the City of Lindale Subdivision Ordinance recommended against granting a variance. BOA denied a variance has no authority to grant variances because the power and duties are listed under the Zoning Ordinance and not the Subdivision Ordinance.

**4. Hearing on CASE No. 19244**

**Deliberation and Determination on**

**A Request From John Droblyn For A Special Use Permit To Allow**

**Building Two Family Dwellings in the R-1C Single Family Residential Standard Zoning District located at 504 E. South St., Lindale, TX.** Steven Lloyd, Director of Planning and Development stated the property is zoned R-1C Single Family Residential Standard zoning district. A structure dated from 1925 was on the property. The house was in poor condition and was demolished in 2019. Currently it is still vacant land. No apparent negative impacts regarding this project. Steven stated that approval of a Special Use Permit is allowed and not a violation. Although this application may seem peculiar and unusual, the characteristics of the immediate area are maintained and compatible with the surrounding land uses. Steven stated the use is allowed per Addendum 1 with the City of Lindale Zoning Ordinance and upon being granted a Special Use. Steven has visited this site and provided the property owner with recommendations and guidance. There are no apparent adverse financial impacts. Steven recommend installing sidewalks across the property frontage as required by all other projects within the city per Section 2-5 of the Subdivision Ordinance. Steven stated maybe the location of the driveway entrance and take in considerations that the existing drainage ditch be maintained, the appropriate culvert and components be constructed. Steven stated the owner was notified of meeting but not in the audience. Craig Shine made motion to approve special use permit to allow two family dwellings. Seconded by Kelli Campbell. All voted in favor.

**5. Hearing on CASE No. 19247**

**Deliberation and Determination on**

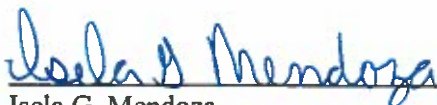
**A Request From Ryan Hopson For A Special Use Permit To Allow**

**A Preowned Automobile Dealership in the MU-1 Neighborhood Mixed Use Zoning**

**District located at 1601 S. Main St., Lindale, TX.** Steven Lloyd, Director of Planning and Development stated based on the application the use is allowed and compliant with the City of Lindale Ordinance Addendum 2, depending on the true use being determined, and thus being granted a special use. The property is zoned MU-1 Neighborhood Mixed Use District, with a 16,625 square foot building that was built around 2005. It was previously used for retail sales known as Fred's. Steven stated there is some caution regarding the use of the property. The floor plan submitted shows what looks like three different businesses i.e. construction office, shop, wash bay, and show room. The city Zoning Ordinance shows a commercial special use table. Steven stated each planned business occupancy will require a certificate of occupancy if and only if the petitioner is granted a special use for that specific use of business. Steven stated peculiar details of concern maybe witnessed with the petitioner's application stating the purposed use as being used car sales, full-service center, new and used RV's new and used ATV's and Zero-Turn sales. Steven questions if there is car wash business in the back, as shown on the floor plan. The city endorses all new businesses. It should be keenly questioned if purposed proprietors have understandings of all city regulations including, Certificate of Occupancy for each business, Sign regulations on business properties, the number of parking spaces for different uses? Will the entire parking lot be filled with used cars and buses? Are there residences nearby? Steven stated they are cautious because this application stating use and floor plan are not complimentary with each other and question may arise on how much of the city regulations have been acknowledged and factored into their due diligence. Steven stated

if applicant can give some more definition on the intended business. Stephen Bills asked if a special use will be needed for each one and swore in Bryan Hopson. Bryan Hopson stated he resides at 13107 FM 2710 and has been managing partner for 17 years Longhorn in Mineola and has always wanted to make a used car dealership in Lindale and RV vehicles service center and wants to focus on service. Mike Cooper has 30 years of experience at a new car store. Mike stated this is one location and small offices for a construction company and the service office together. Stephen Bills asked will they store construction equipment. Bryan stated will not store anything or equipment from the construction the company. Mike Renfro asked will there be flammables stored and if so the sprinkler piping of maybe 150 ft. sq. per head of coverage needs to change, replumbing the fire suppression system are you willing to do that. Bryan stated it will have a firewall that controls and should not have a problem. Mike Renfro asked will there be wash bay. Bryan stated only power washing. Stephen Bills has concerns for the residents on Pearl St. Mike Renfro asked if TXDOT has given access. Bryan stated it will have an in and out primary in the front entrance. Bryan stated he proposed a fence that will be knee high, lower profile, very nice. Mike Cooper stated he resides at 13351 CR 4110. Mike stated the plan in the building is an automotive wash bay that will not be open to the public is that correct. Mike stated lawnmowers and motor vehicles go together for sales. What they are selling will not be an eye sore. Craig Shine stated there will be no storage for construction business it will only be offices. Glenn Patrick suggested to board members look at the ordinance for authorized special use. Stephen Bills told Ryan there is a limited space of cars it can hold. Stephen asked where the design layout of the parking is and what the plan will look like. Bryan stated it will have 80 parking spaces and can take out more for display area. Stephen bills stated it meets requirements for used cars, recreation vehicles, ATV's and it addresses multiple uses. Kelli Campbell made motion to approve the special use permit for Preowned Automobile Dealership, Construction Office, Full Auto Service Center, New and Used RV'S, New and Used ATV'S & Zero Turn Sales with specific criteria to Prohibit Overnight Storage of Construction Equipment. Seconded by Craig Shine. All voted in favor.

6. **Adjournment:** There being no further business, Craig Shine made the motion to adjourn. Paul Ray second the motion. Meeting Adjourned at 8:33 p.m.



Isela G. Mendoza  
Administrative Assistant  
Community Development



~~Stephen Bills~~ 25/IG  
Chairman