

Zoning Board of Adjustment
August 25, 2015
Lewisville Town Council Chambers

- I. Call to Order
 - A. Chair Ron Hutton called the meeting to order. Members present were Scott Ayers, Susan Baker, Nathan Ziglar, Timothy Dickson. Also present was Secretary Monty Sprinkle, Attorney Bowen Houff and Planner Marty Myers.
 - B. Adoption of Agenda
 - 1. Mr. Ayers moved adoption and Mrs. Baker seconded. The vote was unanimous.

- II. Approval of Minutes
 - A. Mrs. Baker moved approval of the April 28, 2015 minutes and Mr. Ayers seconded. The vote was unanimous.

- III. Hearings & Development of Cases
 - A. Manufactured Home Renewal (Consent)
 - 1. Dorothy Shelton (Barbara Billings) **Case #5106** Request permission to continue to place a Manufactured Home, Class C on a .52 acre tract located at 4989 Styers Ferry Road (private drive), approximately 200 feet northwest of Styers Ferry Road and across from Kinney Road. Property is zoned RS-9. Tax Block 4431, Tax Lot 5A, PIN 5895-01-1016.00
 - a. Mr. Sprinkle read into the record the necessary findings for issuing a Special Use Permit: The Zoning Board of Adjustment shall issue a special use permit only when the Board makes an affirmative finding that:
 - (1) The use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
 - (2) The use meets all required conditions and specifications;
 - (3) The use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity; and
 - (4) The location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the Legacy Plan and Lewisville Comprehensive Plan.
 - b. Mr. Houff swore in Susan Shelton, daughter of Dorothy Shelton who is deceased. She said the residents had been there 30 years. The property hasn't significantly changed since the last renewal.
 - c. Dr. Hutton closed the public hearing when there was no one in attendance in opposition.
 - d. Mr. Ayers moved to approve the request for another five years under the conditions provided by Mr. Sprinkle. Mr. Dickson seconded. The vote was unanimous.
 - B. Other Special Use Permits (New)
 - 1. Lawrence Roscana, Peter Roscana, Cheek Johnson Properties LLC (Apex Tower, Harold Timmons) **Case #5103** Request permission to construct a Transmission

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tower on a 4.1 acre tract of land as per plot plan on file. Property is known as parcel ID 5885-39-2376.00 located approximately 700 feet north of Shallowford Road. Property is zoned RM12. Tax block 4425F, Tax Low 002.

- a. The same findings as read early, would apply for this case. At the July 22 Planning Board meeting, the Board's findings were that this project met all requirements found in the Lewisville Unified Development Ordinances (UDO) for this use.
- b. Mr. Houff swore in Harold Timmons.
 - (1) Mr. Timmons was representing Apex Tower. He said also in attendance were Lawrence and Peter Roscana. He said the tower is needed by Verizon as there are some issues of coverage in this area. This will be a 150 foot tower with room for four carriers. Landscaping will also be provided at the site. He said they felt their structure meets the four requirements. This is a commercial area and, therefore, appropriate. The company is requesting a monopole structure. A Type IV buffer is required. While there is existing buffer, an additional 20 plants on each side will still need to be added. Photos of the site were presented. It was explained that the Type IV bufferyard will have to be installed. He also explained the monopine type pole.
 - (a) Mr. Josh Powell was in attendance representing his grandmother, the adjacent property owner. He wanted to know if it met set backs and encroached on any other properties.
 - (b) Mr. Timmons said no. He said the fence is some 40 feet away from the other property.
 - (c) Peter Roscana asked the Board why the amount of vegetation couldn't be reduced.
 - i) Mr. Houff said there was no way for the ZBOA to address that. He said in working with City Inspections there may be some means to meet the requirements in another way.
- c. There was no one in attendance opposed to this request.
- d. Dr. Hutton closed the public hearing.
- e. Mrs. Baker moved for approval of installation of the monopole. Mr. Ziglar seconded the motion. The vote was unanimous.

IV. Adjournment

- A. Having no other business to discuss, Mr. Ayers moved to adjourn and Mr. Dickson seconded. The vote was unanimous.

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Respectfully Submitted:

Lynn W. Hall, Public Information Officer

Attest:

Joyce C. McWilliams Walker, Town Clerk

Ron Hutton, chair