

**LEWISVILLE ZONING BOARD OF ADJUSTMENT  
RM 110 - LEWISVILLE TOWN HALL  
6510 SHALLOWFORD ROAD ROOM 110  
TUESDAY, JUNE 22, 2021 - 6:30 P.M.**

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**NOTE:** ALL cases on the Zoning Board of Adjustment agenda are quasi-judicial in nature; as a result, NO communications should take place between yourself and the Zoning Board of Adjustments members prior to the public hearing.

- I. Chair Ken Wernick called the meeting to order at 6:35 p.m. Board members present were Jennifer Hill, Vance Horner, and Philip May. Board members Lynn Fulton, David Hunt and Alan Nealeans were excused. Also present wer Attorney Bo Houff and Secretary Amy McBride. Planner Stacy Tolbert was unable to attend.
  
- II. **Adoption of Agenda**
  - A. Vance Horner moved to approve the agenda. The motion was seconded by Jennifer Hill and approved unanimously.
  
- III. **Approval of Minutes**
  - A. May 25, 2021 - not available
  
- IV. **Hearing and Determination of Cases** (continued from the February 25, 2020 meeting)
  - A. Special Use Permit Renewals (Consent)
    1. Ms. McBride read the required findings into the record:
      - a. 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 pubic 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. Ms. McBride was sworn in.
    2. **Case # Z2100327** John Phipps requests permission to continue to place a Manufactured Home, Class **A C** on a 1.17-acre tract of land located at 8260 Lake Ridge Drive, approximately 1300 feet south of Dull Road. Property is zoned RS20. Tax Block 4405, Tax Lot 022C, PIN 5874-88-5816. (The class information was corrected - noted as a typing error.)
      - a. The application indicated the home is currently being renovated with a metal roof being placed on the shed beside . The out building is to be torn down and the yard to be graded. It was first approved in 2000 and then in 2005, 2010 and 2016.
      - b. The public hearing was opened.
        - (1) Janet Miller Ford, 8825 Belhaven Ct., stated she is across the farm

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lake from the property. She passes by the property to visit a relative. She stated that the property is not kept up and this is the first time she has seen the lawn mowed. This property will devalue the property across the lake. She brought a letter written by her brother.

- (a) Attorney Houff said that the letter could be accepted; however, because he is not present, questions can't be asked.
- (2) Ms. Ford continued to say that she would like to maintain the value of her property for her children. His property could be a health hazard. She didn't know him personally. Also, this is the first time she received a notice about the hearing. She said she received the notice because she is within 500 feet of the property.
  - (a) She was asked if she had evidence showing a loss of value.
    - i) She said no, it was common sense that his property would devalue others.
  - (b) She was also asked if it was unsafe or of concern to the public?
    - i) She didn't know if there were rodents but she has seen dogs and chickens. The grass is usually knee high. She said she understands why people live in mobile homes but her concern is the affect on all the properties around it and the value.
      - a) Attorney explained the town's unkept lot and tall grass ordinances; however, that is a separate issue and not a part of this.
  - (c) There was a question whether Mr. Phipps was the owner in 2016.
    - i) There was no information in the packet on 2016.
- (3) Mrs. Ford continued to say that she goes by every two to three weeks and hardly sees it mowed. She also did not see any animals when she went by on Monday. As far as she knows, he is still living there. The out building looks like it is mostly underground. The area was described showing where all the properties were located.
  - (a) The shed is to be demolished this summer.
  - (b) The application was made on May 7.
- (4) Board members pointed out items on the property as they drove by: problems with the roof; the condition of the outbuilding; and the front door needs paint.
- c. Having no other speakers, the public hearing was closed.
- d. Attorney Houff advised:
  - (1) Reiterated four facts of finding.
  - (2) The need for evidence regarding health and safety.

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- (3) The need for evidence regarding devaluation of property.
  - (a) This would need to be from an expert.
- e. Other observations from the board:
  - (1) Broken window.
    - (a) It was noted that this could be a temporary situation since the mobile home is under renovation.
  - (2) Board members were concerned about safety issues.
- f. After discussion, Vance Horner moved to continue the case to the October meeting (to allow for the renovations to be completed). The motion was seconded by Jennifer Hill and approved unanimously.

B. Other Special Use Permits (New)

- 1. None.

C. Appeals

- 1. None.

V. **Unfinished Business**

- A. None.

VI. **New Business**

- A. None.

VII. **Board Discussion**

- A. None.

VIII. **Adjournment**

- A. Having no other business to discuss, Council Member Philip May moved to adjourn the meeting at 7:38 p.m. The motion was seconded by Vance Horner and approved unanimously.

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Ken Wernick, Chair

ATTEST:

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Joyce C. McWilliams Walker, Town Clerk