

**Board of Adjustment  
October 25, 2016**

Board Members Present

Carolyn Kalchthaler, Chairperson  
Robert Miller  
Peter Krause  
Jim Norton  
William Gibson  
Ban Alali  
Joyce Beach  
Enghlab Eftekhari

Absent

Phillip Pierceall, Alternate  
Phil Head, Alternate

Staff

Victoria Huynh, Deputy City Attorney  
Selso Mata, Building Official  
Laura Wigglesworth, Code Compliance Rep  
Diana Casady, Sr. Administrative Assistant

Chairperson Carolyn Kalchthaler called the meeting to order at 3:00 p.m., Tuesday, October 25, 2016 in the Building Inspections Training Room of the Municipal Center. A quorum was present and notice of the meeting had been posted for the time and manner required by law. The following matters were discussed.

Chairperson Kalchthaler admitted all documents and testimony given into the official Board of Adjustment record.

**1. Public comments:** There was no public comment.

**2. Approval of Minutes from August 23, 2016**

Board Member Bill Gibson made the motion to approve the minutes from August 23, 2016, Joyce Beach seconded the motion. The Board voted 8/0 in favor of approving the minutes from August 23, 2016.

**3. APPEAL #16-17Z 5170 Village Creek Drive: A request to vary from Subsection 13.500 (.2) (C) of Division 2, Article 13, Zoning Ordinance No. 2015-5-2 as amended, to allow a structure that is 10.92 feet over the allowed 40 inches in height above grade, in the required front yard.**

Laura Wigglesworth, Code Compliance Representative, gave a presentation on the variance request and answered questions from the Board.

Randall Reiners, Chairman of the Board for Yorktown Education, testified that they have applied for a permit for a fence around the playground, but it has not been approved yet. He said they are not building anything without permission from the City. Mr. Reiners answered questions from the Board.

Purvi Ajmera, Dean of Schools for Yorktown Education, testified they are waiting to see where they are with the variance process to move forward with the fence. She said they intend to follow rules and guidelines for the school, and their understanding through the fact-finding process was they were in the

clear to install the playground. She said there is no other location on their property for the playground since the school is in an office park. Ms. Ajmera answered questions from the Board.

Jaylene Richardson, Employee of Yorktown Education, testified that she contacted the City to see if any permits were needed or restrictions for the playground equipment. Ms. Richardson spoke to Erica Marohnic in the Planning Department and asked if they needed a permit. At that time, she did not know where the playground would be placed or the size of the playground. She said she was advised they would need one for the fence. She said she asked Ms. Marohnic to send an email so she could forward on to administration. The school then moved forward with the search for a playground. Ms. Richardson answered questions from the Board.

Moshe Golan, Owner of the Property, testified that when the school approached him about the playground that he told them to call the City and make sure this was allowed. Mr. Golan said Ms. Richardson is not in the building business, and she followed what she was supposed to do by calling the City and getting approval over the phone. Mr. Golan also testified that when the Tenant leaves the property, they will remove the playground and take down the fence. Mr. Golan said there are other playgrounds in this area so this structure does not really stand out.

Tom Watson, Owner of Adjacent property, testified that as a construction person, he thinks that it was the school's duty to check with all current codes and ordinances before installing the playground. He said the ordinance that is in place today is the same one that was in place when the building was constructed, other than being amended in 2015, which covers build lines, height, etc. Mr. Watson stated that he, along with other surrounding property owners, were opposed to the variance request. He said the school proceeded to do something that was not allowed by law or consistent with the intent of the ordinance. He said he does not oppose children having playgrounds in Plano; however, it must be safe and consistent with all applicable ordinances. He said they proceeded to put the playground up in violation of City Code and are now asking for permission. He testified this playground is 400 % taller than what is allowed. He reiterated that he was opposed to this and has signatures of all the building owners because it impacts their site line from the street, and property values. He also said the surrounding property owners believe the playground is out of place, and not consistent with the use in their zoning district. Mr. Watson further testified that contrary to the school's testimony, the children are not supervised at all times, and he has video of kids playing on this playground with no supervision next to a street that has 500 cars going by daily. In his view, this playground needs to be removed.

Erica Marohnic, Lead Planner of Development Review Division for City of Plano Planning Department, testified she took the phone call on May 5, 2016 from Ms. Richardson and followed up with an email concerning whether a revision to the site plan was required for a playground, to which she responded it was not. She does not recall discussing about the specific details about the playground such as height, size, or placement. She provided an email as requested which essentially stated that they did not need an amended site plan for a playground. Since a revised site plan was not needed for a playground, Ms. Marohnic said she did not comprehensively review the site plan to consider such matters as the build line, zoning district or set back requirements.

Chairperson Kalchthaler closed the floor to public comment, and discussion was confined to the Board.

After discussion, Board Member Peter Krause made the motion to approve Appeal #16-17Z. Bill Gibson seconded the motion. The Board voted 0/8 in favor of the motion, the motion failed and the variance request was denied.

**4. APPEAL #16-18S 4250 Mapleshade Lane: A request to vary from Subsection 22.300 (.1) (B) (i) (ii) of Division 4, Article 22, Zoning Ordinance No. 2015-5-2 as amended, to allow the following:**

- a. **Two wall signs (signs 1 & 3) on the north elevation to exceed the allowed 6 feet height by**
  - i. **Sign 1 - 5.84 feet resulting in an overall height of 11.84 feet and**
  - ii. **Sign 3 - 8.81 feet resulting in an overall height of 14.81 feet**
- b. **Two wall signs (signs 2 & 4) on the south elevation to exceed the allowed 460.76 square feet by 57.76 square feet resulting in 518.52 square feet total, and the allowed 6 feet height by 8.81 feet for an overall height of 14.81 feet.**
- c. **One wall sign (sign 5) on the east elevation to exceed the allowed 93.08 square feet by 166.18 square feet resulting in 259.26 square feet total, and the 6 feet height by 8.81 feet resulting in an overall height of 14.81 feet.**

Laura Wigglesworth, Code Compliance Representative, gave a presentation on the variance request and answered questions from the Board.

Melanie Hancock, Hancock Sign Company, representing the applicant, testified that due to the location of the facility and the height of the building and tower, it is imperative for Woodspring Suites to identify themselves to their clientele. Ms. Wigglesworth testified this sign would be in compliance if the logo was not stacked, since the letters themselves are not that large. She stated each letter is only two feet tall, and given the height of the building, the signs are not very large. She said Woodspring Suites have strict restrictions on logos and she is not allowed to change them. She further said they have designed this for the size of the tower, and the ordinance does not take into consideration the height of the buildings. Ms. Hancock answered questions from the Board.

Greg McNeal, 4090 Mapleshade Lane, representing the owners and occupant of that building, and the occupants of 4100 Mapleshade Lane, testified they have developed several buildings along the Corridor and are looking to develop a third one. He said they have maintained strict compliance with the sign ordinance and had to make changes to their logos to accommodate the Plano ordinances. They have done so by removing the stacking, or changing or reducing their logos. He is opposed to the variance request. He said the Mapleshade corridor is currently under great development and everyone in the corridor has complied with the required standards.

Chairperson Kalchthaler closed the floor to public comment, and discussion was confined to the Board.

After discussion, Board Member Robert Miller made the motion to approve Appeal #16-18S. Ban Alali seconded the motion. The Board voted 0/8 in favor of the motion, the motion failed and the variance request was denied.

## **5. Items for future Agenda.**

There have two cases for the November 8, 2016 meeting.

Chairman Kalchthaler announced that this is the last meeting for Peter Krause and Bill Gibson, and she thanked them for their service to the Board over the years. Ms. Kalchthaler also introduced Pat Morgan who will begin serving as an alternate starting November 1, 2016.

Meeting adjourned at 4:13 p.m.

  
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Carolyn Kalchthaler, Chairperson