



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

SEPTEMBER 14, 2016

**FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

AN AGENDA INFORMATION PACKET IS AVAILABLE
ONLINE AT WWW.FLOWER-MOUND.COM/AGENDACENTER

A. CALL REGULAR MEETING TO ORDER – 6:30 P.M.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC PARTICIPATION

The purpose of this item is to allow the public an opportunity to address the Board on issues that are not the subject of a Public Hearing. Any item requiring a Public Hearing will allow the public to speak at the time that item appears on this agenda as indicated as a "Public Hearing."

D. CONSENT AGENDA

This agenda consists of non-controversial or "housekeeping" items and may be approved with a single motion. A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the minutes of the January 13, 2016, Board of Adjustment meeting.

E. PUBLIC HEARING

1. (BOA16-0001) Hold a public hearing and consider a request from Harshavardhan Rilani for a variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located west of Long Prairie Road and north of Lakeside Parkway, and is locally known as 2661 Virginia Parkway, Lot 6, Block F, of Lakeside Phase 1 subdivision.

F. ADJOURNMENT



Danny Hartz
Chief Building Official

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times, and said Notice was posted on the following date and time: September 9, 2016, at 11:00 a.m., at least 72 hours prior to the scheduled time of said meeting.



Kathy Allgood
Administrative Assistant

Pursuant to Section 551.071 of the Texas Government Code, the Board of Adjustment reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda. The Flower Mound Town Hall and Council Chambers is wheelchair accessible. Requests for accommodations or interpretive services must be made at least 48 hours prior to this meeting by contacting Building Inspections at 972.874.6355.

THE FLOWER MOUND ZONING BOARD OF ADJUSTMENT MEETING HELD ON THE 13TH DAY OF JANUARY, 2016, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 P.M.

The Zoning Board of Adjustment met in a regular session with the following members present:

Laile Neal	Chair
Stephen Harris	Vice-Chair
Doug Fulmer	Board Member
Kent Johnson	Board Member
Gail Scheepers	Board Member
Jason Webb	Alternate Board Member
Jim Engel	Alternate Board Member
Sky Jay Schoggins	Alternate Board Member

Constituting a quorum with the following members absent:

No members absent

Constituting a quorum with the following members of the Town Staff participating:

Ashley Dierker	Town Attorney
Danny Hartz	Chief Building Official
Liz Ciolino	Plans Review Supervisor
Joelle Hainley	Assistant Building Official
Kathy Allgood	Administrative Assistant

A. CALL TO ORDER – REGULAR SESSION

Chair Neal called the meeting to order at 6:30 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Chair Neal led the Pledge of Allegiance.

C. PUBLIC PARTICIPATION

D. CONSENT AGENDA

1. Consider approval of the minutes of the December 9, 2015, Board of Adjustment meeting.

VOTE ON THE MOTION

AYES:	Fulmer, Harris, Johnson, Neal, Scheepers
NAYS:	None

E. PUBLIC HEARING

2. **(BOA15-0007)** Hold a public hearing and consider a request from Robert T. Day, Jr. for a variance from Section 98-1032 (b)(2)(b) "Accessory Buildings," Section 14-173, "Location Requirements", and Section 14-572 (AG101.3(a)), "Local amendments to International Residential Code" of the Code of Ordinances. The property is generally located north of McPherson Lane and west of Surrey Lane and is locally known as 2801 North Park Road, Lot 12A, of the Shady Point Acres Addition.

Staff Presentation

Liz Ciolino, Plans Review Supervisor

Applicant Presentation

Robert Day, 2801 North Park Road, Flower Mound, TX. Mr. Day indicated during his presentation that he wished to withdraw his request for variance pertaining to the swimming pool location.

Public Comment

Mark Stewart, 733 Balmoral Castle Ct., Flower Mound, TX, spoke in opposition of the variance. Mr. Stewart gave a short presentation to express his concerns pertaining to the location of the "Accessory Building" on the property.

Martin Augustine, 2900 North Park Dr., Flower Mound, TX, spoke in favor of granting the variance.

Chair Neal closed the public hearing at 6:50 p.m.

Board Member Scheepers moved to deny the request for variance from Section 14-173, "Location Requirements", and Section 14-572 (AG101.3(a)), Local amendments to International Residential Code" of the Code of Ordinances, as it pertains to the swimming pool. The property is generally located north of McPherson Lane and west of Surrey Lane and is locally known as 2801 North Park Road, Lot 12A, of the Shady Point Acres Addition.

Board Member Fulmer seconded the motion.

VOTE ON THE MOTION

AYES: Fulmer, Harris, Neal, Scheepers
NAYS: Johnson

The motion to deny the request for variance was approved with a 4-1 Vote.

Board Member Johnson moved to approve the variance from Section 98-1032 (b)(2)(b) "Accessory Buildings". The property is generally located north of McPherson Lane and west of Surrey Lane is locally known as 2801 North Park Road, Lot 12A, of the Shady Point Acres Addition.

- A. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not generally apply to other property in the same area and under the same zoning districts.
- B. A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- C. The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive master Plan of the Town of Flower Mound.
- D. The variance, if granted, will be no material detriment to the public welfare of injury to the use, enjoyment, or value of property in the vicinity.

Vice-Chair Harris seconded the motion.

VOTE ON THE MOTION

AYES: Fulmer, Harris, Johnson
NAYS: Neal, Scheepers
ABSTAIN: None

The motion to grant the request for variance was denied with a 3-2 vote.

G. ADJOURNMENT OF REGULAR SESSION

Chair Neal adjourned the meeting at 7:07 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Danny Hartz
Chief Building Official

ATTEST:

Kathy Allgood, Administrative Assistant



**BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO:
SEPTEMBER 14, 2016**

FROM: Kate Allen, Plans Examiner *kie*
THROUGH: Danny Hartz, Chief Building Official

PRESENTER:
APPLICANT: Harshavardhan Rilani

STAFF: Liz Ciolino, Plans Review Manager *LC*

ITEM: (BOA16-0001) Hold a public hearing and consider a request from Harshavardhan Rilani for a variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located west of Long Prairie Road and north of Lakeside Parkway and is locally known as 2661 Virginia Parkway, Lot 6, Block F, of the Lakeside Phase I subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: Harshavardhan Rilani
2661 Virginia Parkway
Flower Mound, TX 75022

II. LOCATION:

PROPERTY ADDRESS: 2661 Virginia Parkway
Flower Mound, TX 75022

SUBDIVISION: Lot 6, Block F
Lakeside Ph I

ZONING: MU

III. STAFF ANALYSIS:

A request has been received from Harshavardhan Rilani for a variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances.

This request is to allow a 6' fence to be located within the 10' required front yard. The permit was disapproved based on Section 98-1142(a) of the Code of Ordinances, which states, "Except in A, agricultural district no fence or wall within a required front yard shall exceed four feet in height above the adjacent grade." This lot is a key lot, platted with two front yards adjacent to Virginia Parkway and Loma Alta Drive. Mr. Rilani is requesting a variance to be allowed to move the existing 6' fence in front of the front building line in the front yard adjacent to Loma Alta Drive.

In exercising its power to grant a variance in accordance with this chapter, the Board of Adjustment shall make findings and show in its minutes that:

- a. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, and location that do not generally apply to other property in the same area and the same zoning districts.
- b. A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the Ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- c. The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive Master Plan of the Town of Flower Mound.
- d. The variance, if granted, will be no material detriment to the public welfare or injury to the use, enjoyment, or value of property in the vicinity.

IV. ATTACHMENTS:

- Attachment 1: Variance application
- Attachment 2: Information from applicant
- Attachment 3: Section 98-1142
- Attachment 4: Zoning Map
- Attachment 5: 200' property owner notice map
- Attachment 6: Aerial photograph of property
- Attachment 7: Published public hearing notice
- Attachment 8: Property owner notification
- Attachment 9: List of property owners within 200 feet

**ZONING BOARD OF ADJUSTMENT
TOWN OF FLOWER MOUND**

DATE: 8/4/2016

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section 98-114.2 of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 2661 VIRGINIA PKWY, FLOWER MOUND, TX 75022

Legal Description: Lot/Tract 6, Block F, of Subdivision/Abstract _____

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

My Variance request is to move the street side fence 9 feet towards the side walk and maintain the fence height at 6 feet.

A non-refundable application fee of \$250 + \$40 public hearing notice fee required at the time of application. \$2.50 per property notice fee is due upon notification by case manager.

For a variance to be granted by the Board of Adjustment, the Board must determine that all of the following conditions apply:

- (a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.
- (b) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- (c) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Master Land Use Plan and will not adversely affect any other features of the Comprehensive Master Plan of the Town of Flower Mound.
- (d) That the variance, if granted, will be not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to receive a variance.

J. Harsh
Signature of Applicant

HARSHAVARDHAN R ILANI
Print Name

2661 VIRGINIA PKWY, FLOWER MOUND
Mailing Address

214 556 3132
Telephone (Home)

972 352 9593
Telephone (Day Number)

TX, 75022
Mailing Address

8/5/16
Date

R3033678
Receipt Number

[Signature]
Staff Member's Signature

Date

Receipt Number

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.

**ZONING BOARD OF ADJUSTMENT
TOWN OF FLOWER MOUND**

DATE: 8/4/2016

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section 98-1142 of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 2661 VIRGINIA PKWY, FLOWER MOUND, TX 75022

Legal Description: Lot/Tract 6, Block F, of Subdivision/Abstract _____

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

My Variance request is to move the street side fence 9 feet towards the side walk and maintain the fence height at 6 feet.

A non-refundable application fee of \$250 + \$40 public hearing notice fee required at the time of application. \$2.50 per property notice fee is due upon notification by case manager.

For a variance to be granted by the Board of Adjustment, the Board must determine that all of the following conditions apply:

- (a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.
- (b) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- (c) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Master Land Use Plan and will not adversely affect any other features of the Comprehensive Master Plan of the Town of Flower Mound.
- (d) That the variance, if granted, will be not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to receive a variance.

J. Harsh
Signature of Applicant

HARSHAVARDHAN RILANI
Print Name

2661 VIRGINIA PKWY, FLOWER MOUND

214 556 3132

972 352 9593

TX, 75022
Mailing Address

Telephone (Home)

Telephone (Day Number)

[Signature]
Staff Member's Signature

8/5/16
Date

R3033678
Receipt Number

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.

H
R

SURVEY PLAT

H
R

FOR USE ONLY IN THE ORIGINAL TRANSACTION IDENTIFIED BY THE G.F. NO. SHOWN HEREON AND TO THE LIENHOLDERS AND/OR THE OWNERS AND THE PURCHASERS OF THE PREMISES SURVEYED AND TO STEWART TITLE NORTH TEXAS:

This is to certify that I have made a careful and accurate survey of the property located at 2661 VIRGINIA PARKWAY in the Town of FLOWER MOUND, DENTON County, Texas, described as follows: Lot 6, in Block F, of LAKESIDE PHASE ONE, an addition to the Town of FLOWER MOUND, DENTON County, Texas, according to the Map or Plat thereof recorded in/under Clerk's File No. 2013-212, Plat Records, DENTON County, Texas.

NOTES: The easements recorded in Volume 376, Page 165; Volume 372, Page 442; and Volume 339, Page 248, Real Property Records, Denton County, Texas do NOT affect this property.

THIS PROPERTY DOES NOT LIE IN A 100 YEAR FLOOD HAZARD AREA ACCORDING TO THE F.E.M.A. FLOOD INSUR. RATE MAP COMM. PANEL NO. 480777 0680 G THIS PROPERTY LIES IN ZONE "X"

LOT 7

LOMA ALTA DRIVE

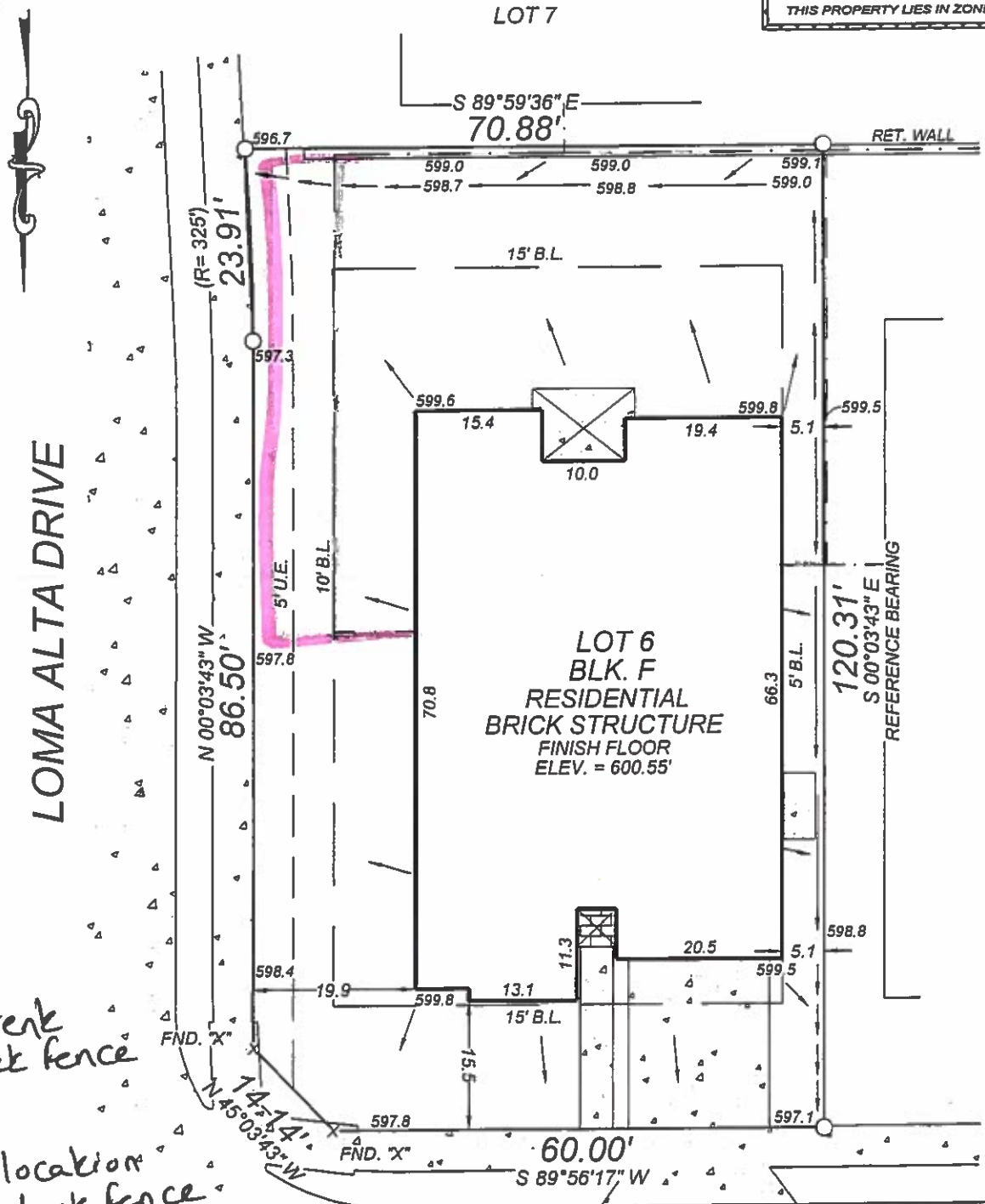
LOT 6
BLK. F
RESIDENTIAL
BRICK STRUCTURE
FINISH FLOOR
ELEV. = 600.55'

LOT 5

Current
6 feet fence

New location
for 6 feet fence
on street side

2661 VIRGINIA PARKWAY



Sec. 98-1142. - Front yard fence height and visibility.

(a)

Except in A, agricultural district no fence or wall within a required front yard shall exceed four feet in height above the adjacent grade.

(b)

In the A, agricultural district no solid fence or wall within a required front yard shall exceed four feet in height above the adjacent grade; however, notwithstanding the foregoing, barbed wire or metal/wire livestock fencing not exceeding five feet in height above the adjacent grade shall be permitted within a required front yard.

(c)

No fence or wall erected within a required side or rear yard shall exceed eight feet in height above the adjacent grade.

(d)

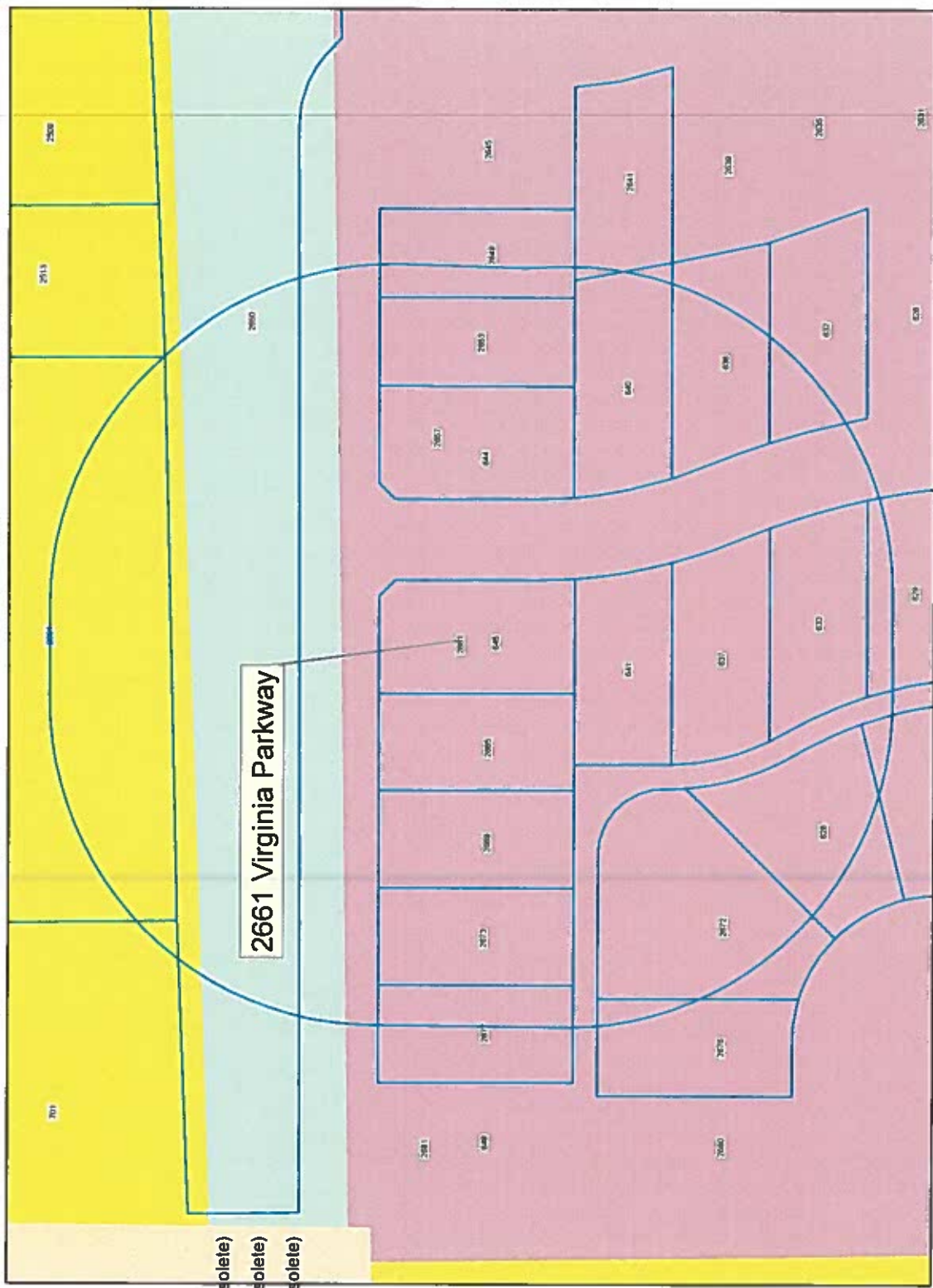
Fences and walls shall be erected in accordance with the requirements of section 82-161 of this Code, corner visibility.

(Code 1989, ch. 12, § 5.06(a)—(e); Ord. No. 03-01, § 1, 1-4-2001; Ord. No. 06-12, § 38, 2-20-2012)

2661 VIRGINIA PARKWAY

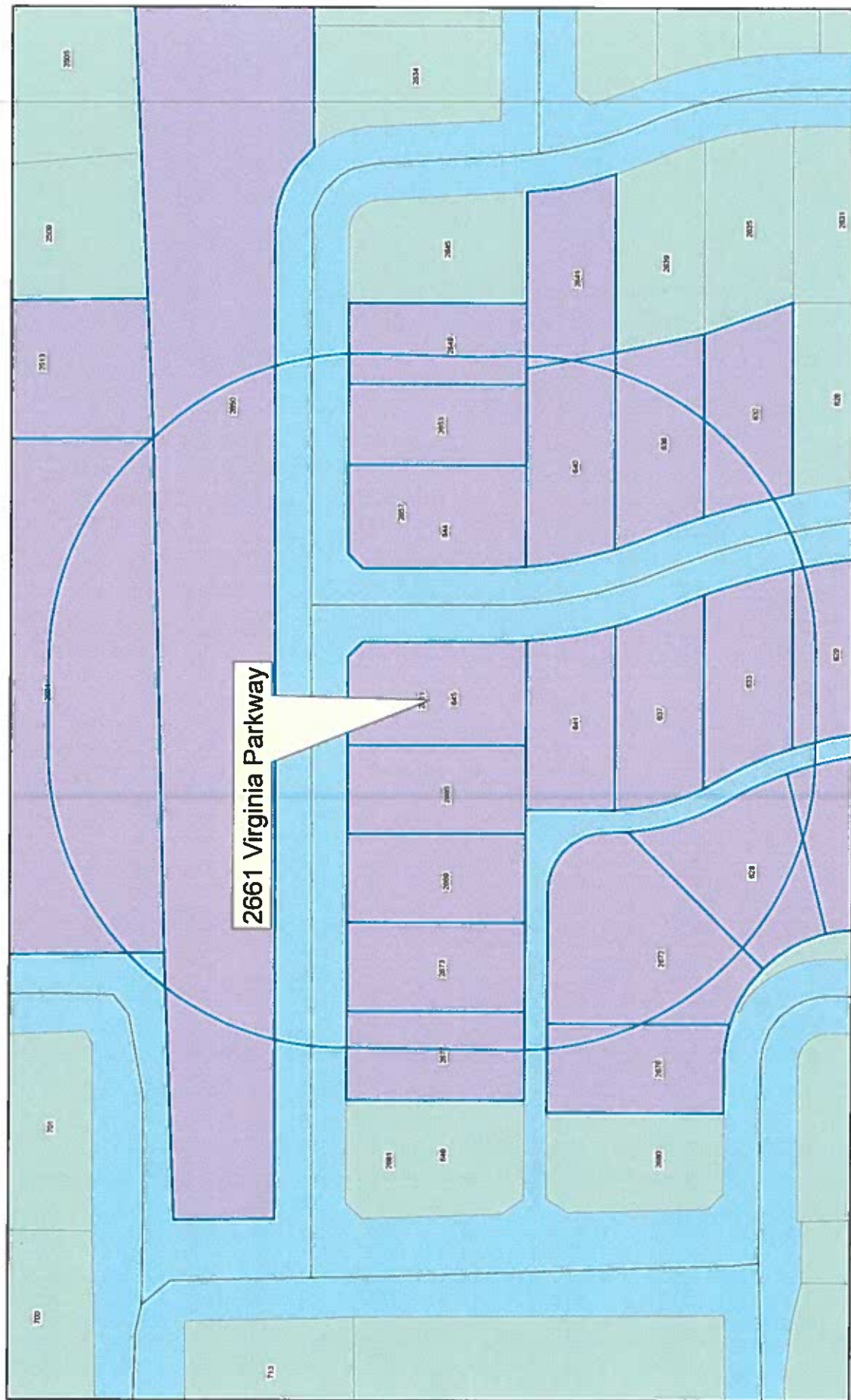
Legend

- Interim Holding
- Mixed Use
- Central Business District
- Agriculture
- Single Family Estate
- Single Family 30 & 1 (obsolete)
- Single Family 15 & 2 (obsolete)
- Single Family 10 & 3 (obsolete)
- Single Family Attached
- SFD (obsolete)
- SFDM (obsolete)
- SF-5
- Multi-Family
- Mobile Home
- Office
- Retail 1
- Retail 2
- Commercial 1
- Commercial 2
- Campus Industrial
- Campus Commercial
- Industrial 1
- Industrial 2
- Water Recreation
- Recreation
- Lake



Zoning Map

2661 VIRGINIA PARKWAY



2661 VIRGINIA PARKWAY



Aerial Map

PUBLIC HEARING

Notice is hereby given that the Board of Adjustment of the Town of Flower Mound, Texas, will hold a public hearing on Wednesday, September 14, 2016 at 6:30 p.m. at the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171). The purpose of the hearing is to consider a request from Harshavardhan Rilani for a variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located west of Long Prairie Road and north of Lakeside Parkway and is locally known as 2661 Virginia Parkway, Lot 6, Block F, of the Lakeside Phase I subdivision.

Kate Allen
Plans Examiner
Town of Flower Mound

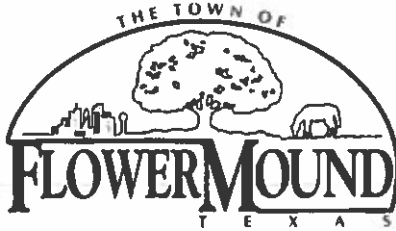
To Run in Denton Record Chronicle: Friday, September 2, 2016
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, September 2, 2016

Denton Record Chronicle:
FAX: 940-381-9667
Attn: Ann
e-mail: classads@dentonrc.com
Attn: Legal Notice Rep

ANY QUESTIONS OR PROBLEMS PLEASE CALL Kate Allen at 972-874-6368.

(Ref: Case No. BOA16-0001)

Town of Flower Mound Account Number: 100041132



August 29, 2016

Board of Adjustment Case No. BOA16-0001

**NOTICE OF APPLICATION
FOR A VARIANCE TO THE LAND DEVELOPMENT CODE
TOWN OF FLOWER MOUND, TEXAS**

A request has been made request from Harshavardhan Rilani for a variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located west of Long Prairie Road and north of Lakeside Parkway and is locally known as 2661 Virginia Parkway, Lot 6, Block F, of the Lakeside Phase I subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, September 14, 2016 at 6:30 p.m. at the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171)**. As an interested property owner, you are requested to make your views known by attending this hearing. If you cannot attend the hearing, it is requested that you express your views by mail to the address listed below to my attention or in person to the office of Development Services.

The Board of Adjustment will review the merits of the case, based on the following criteria:

- a. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.
- b. That a variance is necessary to permit the applicant the same right in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- c. That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Master Land Use Plan and will not adversely affect any other features of the Comprehensive Master Plan of the Town of Flower Mound.
- d. That the variance, if granted, will not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

Sincerely,

Kate Allen
Plans Examiner

**2661 Virginia Parkway
200' Property Owner Notification**

<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
1 AGRAWAL, ANIL KUMAR	624 HERITAGE LN	FLOWER MOUND	TX	75022
2 BOSWELL, DAVID MICHAEL & MARY ROSALIA PARON	2665 VIRGINIA PKWY	FLOWER MOUND	TX	75022
3 CANGELOSI, FRANK J & MICHAELANNE I	640 LOMA ALTA DR	FLOWER MOUND	TX	75022
4 CHAPMAN, NATHAN & LISA	2672 MCPHERSON LN	FLOWER MOUND	TX	75022
5 DARLING HOMES OF TEXAS LLC	2500 LEGACY DR STE 100	FRISCO	TX	75034
6 DAVIS, PHIL G II & LISA W	636 LOMA ALTA DR	FLOWER MOUND	TX	75022
7 FLOWER MOUND, TOWN OF	2121 CROSS TIMBERS RD	FLOWER MOUND	TX	75028
8 GARG, RAJIV & KAVITA	2669 VIRGINIA PKWY	FLOWER MOUND	TX	75022
9 HANNAH, JENNIFER L	2657 VIRGINIA PKWY	FLOWER MOUND	TX	75022
10 LAKKADI, ARAVIND REDDY	2653 VIRGINIA PKWY	FLOWER MOUND	TX	75022
11 MADAPATHI, BALAKRISHNA & PARVATHI C	633 LOMA ALTA DR	FLOWER MOUND	TX	75022
12 MAMOLA, RICHARD F & CATHERINE	2513 STILLWATER CT	FLOWER MOUND	TX	75022
13 OJEDA, LILIANA K & LORENZO, RICARDO A	628 HERITAGE LN	FLOWER MOUND	TX	75022
14 PARK, JONATHAN D & HANNAH H	632 LOMA ALTA DR	FLOWER MOUND	TX	75022
15 PARUCHURI, VIKRAM & PERAVALI, SUJATHA	629 LOMA ALTA DR	FLOWER MOUND	TX	75022
16 ROMANOW, TODD & KATHARINE	2676 MCPHERSON LN	FLOWER MOUND	TX	75022
17 SHAH, KUNAL U	2673 VIRGINIA PKWY	FLOWER MOUND	TX	75022
18 SURAPANENI, NEEL KANTH & SIRISHA	2641 VIRGINIA PKWY	FLOWER MOUND	TX	75022
19 WILSON, GREG & SUSAN GAIL	637 LOMA ALTA DR	FLOWER MOUND	TX	75022
20 WONG, MARTIN & JACY	2649 VIRGINIA PKWY	FLOWER MOUND	TX	75022
21 ZOTING, PRAKASH D & SHILPA	641 LOMA ALTA DR	FLOWER MOUND	TX	75022