



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

MARCH 8, 2017

**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. ELECTION OF CHAIRPERSON

D. ELECTION OF VICE-CHAIRPERSON

E. 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

Board of Adjustment Meeting Agenda
March, 8, 2017
Page 2

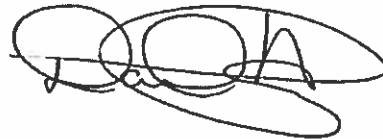
item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the minutes of the September 14, 2016, Board of Adjustment meeting.

E. PUBLIC HEARING

1. (BOA17-0001) Hold a public hearing and consider a request from Joe Lisanti for a variance from Section 86-68(b)(1) "Wall Signs," of the Code of Ordinances. The property is generally located east of Long Prairie Rd. and south of Spinks Rd. and is locally known as 2010 Lakeside Parkway, Suite 100, Lot 1, Block A, of the DFW Airport North Distribution Center II subdivision.
2. (BOA17-0002) Hold a public hearing and consider a request from William Scott Singler for a variance from Section 98-1206(h), "Single-family detached (medium density)," of the Code of Ordinance. The property is generally located north of Flower Mound Road and west of Bruton Orand Boulevard and is locally known as 3220 Brittany Drive, Lot 12, Block E, of the Wellington Estates, Phase 1C 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: March 3, 2017, 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 14TH DAY OF SEPTEMBER, 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:

Stephen Harris	Vice-Chair
Doug Fulmer	Board Member
Kent Johnson	Board Member
Gail Scheepers	Board Member
Jim Engel	Alternate Board Member

Constituting a quorum with the following members absent:

Sky Jay Schoggins	Alternate Board Member
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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

Vice-Chair Harris called the meeting to order at 6:30 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Vice-Chair Harris led the Pledge of Allegiance.

C. PUBLIC PARTICIPATION

Vice-Chair Harris made an announcement that Laile Neal had been appointed to the Planning and Zoning Commission effectively immediately, and that he was no longer a member of the Board of Adjustment.

D. CONSENT AGENDA

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

VOTE ON THE MOTION

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

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.

Staff Presentation

Liz Ciolino, Plans Review Supervisor

Applicant Presentation

Harshavardhan Rilani, 2661 Virginia Parkway, Flower Mound, TX.

Public Comment

There was no one present to speak in favor or opposition. There were two letters received in opposition of the variance. Liz Ciolino distributed copies of the letters to Board Members for their consideration.

Vice-Chair Harris closed the public hearing at 6:50 p.m.

Board Member Scheepers moved to deny the request for 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. Board Member Johnson seconded the motion.

VOTE ON THE MOTION

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

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

**The information contained in this document is unofficial
until such time as the minutes are approved by the Board of Adjustment.**

FLOWER MOUND ZONING BOARD OF ADJUSTMENT MEETING OF SEPTEMBER 14, 2016 PAGE 3

G. ADJOURNMENT OF REGULAR SESSION

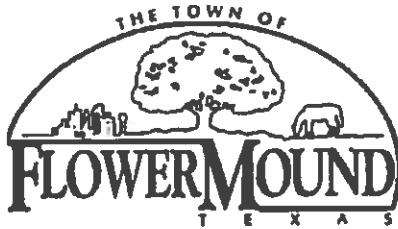
Vice-Chair Harris adjourned the meeting at 7:11 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Danny Hartz
Chief Building Official

ATTEST:

Kathy Allgood, Administrative Assistant



BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO: 2
March 8, 2017

FROM: Andrea Schricker, Water Protection Officer

THROUGH: Danny Hartz, Chief Building Official *DH*

PRESENTER:

APPLICANT: Joe Lisanti

STAFF: Joelle Hainley, Assistant Building Official *JH*

ITEM: (BOA17-0001) Hold a public hearing and consider a request from Joe Lisanti for a variance from Section #86-68(b)(1) "Wall Signs," of the Code of Ordinances. The property is generally located east of Long Prairie and south of Spinks Rd. and is locally known as 2010 Lakeside Pkwy Suite 100., Lot 1, Block A, of the DFW Airport North Distribution Center II. subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: Joe Lisanti
2010 Lakeside Pkwy. Suite 100
Flower Mound, Tx 75028

II. LOCATION:

PROPERTY ADDRESS: 2010 Lakeside Pkwy. Suite 100
Flower Mound, TX 75028

SUBDIVISION: DFW Airport North Distribution Center II.
Subdivision
Lot 1 Block A

ZONING: C1

III. STAFF ANALYSIS:

A request has been made by Joe Lisanti for a variance from Section 86-68(b)(1) "Wall Signs," of the Code of Ordinances.

Section 86-68(b)(1) states, "Nonresidential multitenant buildings with exterior access to more than two individual office or business suites may be allowed more than two wall signs for tenant identification, subject to the following: (a.) Each tenant with exterior access shall be permitted one wall sign, with the height and width of such sign based on the lineal footage of the storefront and the standards set forth in subsection (a)(6) of the section. (b.) An end or corner tenant with secondary frontage may place an additional wall sign on this side wall, subject to the standards set forth in subsection (a)(6) of this section. (c.) A tenant in a building that backs up to a street, does not have parking between the building and the street, and does not have an entrance facing the street shall be allowed one additional wall sign on that back elevation, subject to the standards set forth in subsection (a)(6) of this section. (d.) Wall signs authorized in this section are to be allowed in lieu of, and not in addition to, the general limitations on wall signs set forth in subsections (a)(2) and (3) of this section. The building at this address does not meet any of the criteria to have an additional wall sign on the north elevation.

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 86-68
- 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: 1-24-17

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 _____ of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 2010 Lakeside Parkway Flower Mound TX 75028

Legal Description: Lot/Tract _____, Block _____, 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.)

request to put a sign on the North side of the building - to help incoming traffic identify our ware house.

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.

Joe Lianti
Signature of Applicant

Joe Lianti
Print Name

2010 Lakeside Parkway
Mailing Address

Telephone (Home)

Telephone (Day Number)

Joe Lianti
Staff Member's Signature

2/2/17
Date

972.929.8810
R3038859
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 _____, _____.

ILLUMINATION: Principal Bright White L.E.D. light modules to help illuminate letters. Letters mounted on a flat black aluminum oval backplate.

U.L. LISTED CLASS 2 - CONFORMS TO U.L. 48 and NEC 600 CODE

U.L. LISTED CLASS 2 - CONFORMS TO U.L. 48 and NEC 600 CODE

DEDICATED CIRCUITS

1204 - 28 Ave Direct Port 1 (T80)

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND

CUSTOMER TO PROVIDE

File Size / Range: Compressed: 400K to 1MB; Uncompressed: 1MB to 10MB; Backlog: 10MB to 100MB; Access: As required to install, upgrade, customize or to perform core of the application; Storage: 10MB to 100MB; Contact: 10MB to 100MB; The application can be made running construction and prior to each installation.

[illegible]

for the purpose of the present study.

1. Storage is an integral operation of the engine

[illegible]

www.pearsoned.com.cn

PROVIDING AND INSTALLING ALL COMPONENTS REQUIRED TO RUN SECONDARY YOUNG IN CONCORD PER FEDERAL
WEA AND CONTRACTORS, AND AS TO BE DETERMINED BY THE LOCAL PHONE AND SITE CONDITIONS.

ALL STATES TO COMPLY WITH U.S. REQUIREMENTS AND ARTICLE 10 OF THE

R.I., AND ALSO MEET ANY STATE AND LOCAL CODE REQUIREMENTS
TWO TO FIVE HOURS PER WEEK AND MONTH OF THE YEAR

PROVIDING ALL NECESSARY INSTALLATION HARDWARE AS DETERMINED BY LOCAL CODE AND PRACTICE.

SEALING BUILDING PENETRATIONS WITH SILICONE TO PREVENT MOISTURE PENETRATION • EXTERIOR LOCATIONS

SECTION DETAIL - L.E.D. HALO ILLUMINATED WALL LETTERS w/ BACKPLATE



Manufacturing Facilities
 Channahon, CA • Brea, SC • Jacksonville, FL
 Channahon, CA • Dallas, TX
 Channahon, CA • Los Angeles, CA • Memphis, TN
 Dallas, TX • Dallas, TX • Jacksonville, FL • San Antonio, TX
 Houston, TX • Corpus Christi, TX • Indianapolis, IN
 Louisville, KY • Orlando, FL • St. Louis, MO • Tallahassee, FL
 Tuscaloosa, AL • Wichita Falls, Texas, TX
 Waco, TX • Channahon, Illinois, IL • Columbia, SC

10/10/2014

01 0/0/16 JC Add features for letters with highlights w/ spacing Option 02
to have "of long" displayed under space only

02 6/23/16 GH Remove options 1 & 2 for sign A & B

03 9/24/16 GH Remove new sign B

11 10/24/16 GH Remove sign & layout of sign B layout only of sign B

Colors Depicted in This Rendering May Not Match Actual Finished Materials. Refer to Product Samples for Exact Color Match.

Next Approval Date

Landlord Approval/Date:

Account Rep:	DEE WALLACE
Project Manager:	TRACY ROBERT
Drawn By:	J. CARPENTER

U-I Underwriters Laboratories Inc. **E-C** Electrical and Electronic Components and Cable Corp. **E-C** Electrical and Electronic Components and Cable Corp.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 08-01-2001 BY 60322 UCBAW

Project / Location

Lisanti Foodservice
of Texas, Inc.

2018 LAKESIDE PKWY
FLOWER MOUND, TX 75028

23-38727-10

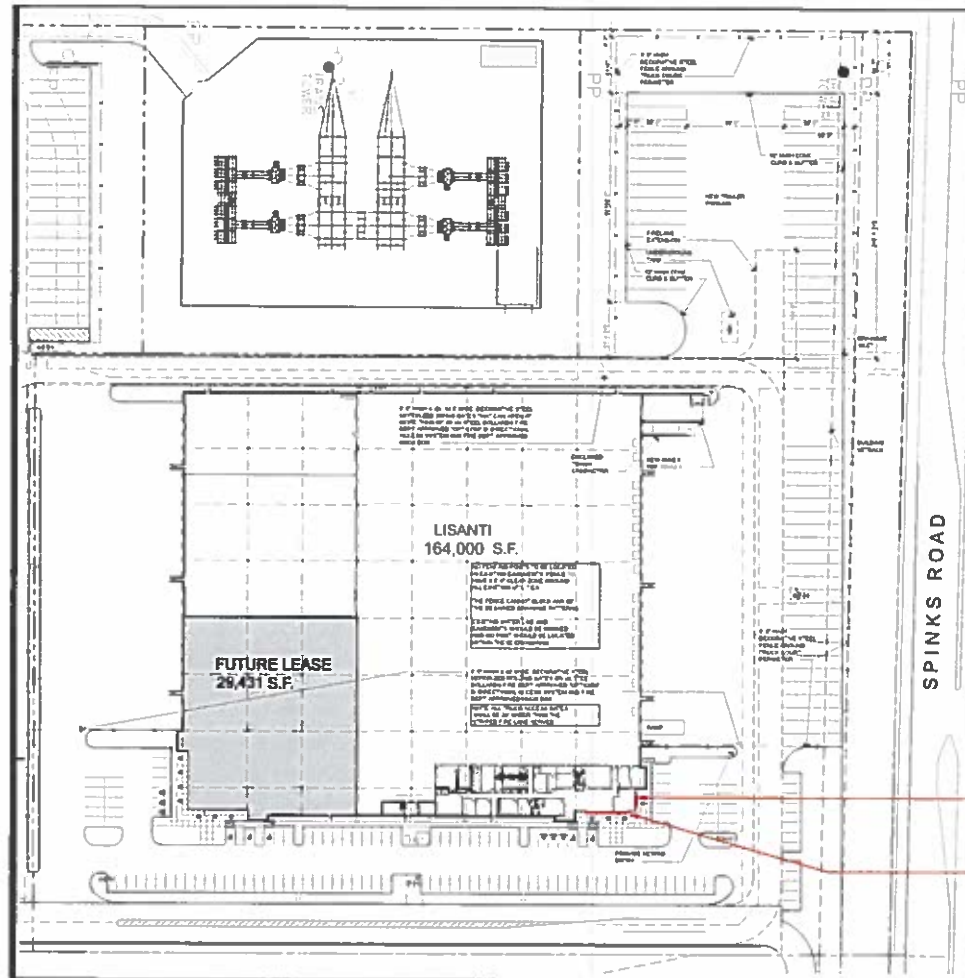
Job Number: 23-30727-10

Date: **AUGUST 08, 2016**

Sheet Number 2 of 3

00 00707 50 P1

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SITE PLAN - NTS

SIGN SCHEDULE

- A** STACKED LETTER SET W/ OVAL BACKPLATE ON NORTH ELEVATION
- B** LINEAR LETTER SET W/ OVAL BACKPLATE ON EAST ELEVATION



VISUAL COMMUNICATIONS
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Houston, TX • Central City, CO • Indianapolis, IN
Louisville, KY • Atlanta, GA • Dallas, TX • Dallas, TX
Tomball, TX • Houston, TX • Dallas, TX
Tampa, FL • Orlando, FL • Chicago, IL

Building Quality Signage Since 1901

Revisions:

01 & 001A: W/ AM updates for letters with inclusion of survey Option B2 to show "off limits" indicated on the map.
02 & 001A: W/ Survey updates 1 & 2 for signs A & B.
03 & 001A: W/ Survey updates 1 & 2 for signs A & B.
04 & 001A: W/ Survey updates 1 & 2 for signs A & B.

Colors Depicted in This Schematic May Not Match Actual Finished Materials. Refer to Product Samples for Exact Color Match.

Client Approval/Date:

Landlord Approval/Date:

Account Rep: DEE WALLACE

Project Manager: TRACY ROBERTS

Drawn By: J. CARPENTER

Underwriters
Laboratories Inc. **IFC**
ALL DRAWINGS SHALL BE IN CONFORMANCE WITH U.S. AND
COUNTRY SPEC OF THE U.S.C. STANDARDS, INCLUDING
THEir REVISIONS AND CHANGES TO ALL SIZES.

Project / Location:

Lisanti Foodservice
of Texas, Inc.

2010 LAKESIDE PKWY
FLOWER MOUND, TX 75028

Job Number: 23-38727-10

Date: AUGUST 08, 2016

Sheet Number: 1 of 3

Design Number: 23-38727-10 R4

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Sec. 86-68. - Wall signs.

(a) *Generally.* All wall signs shall be subject to the following requirements:

- (1) Wall signs shall only be attached to building walls, mansard roofs with slopes of 60 degrees or greater, or subdivision screening walls.
- (2) No wall signs attached to a mansard roof shall extend above the roofline, nor shall wall signs attached to building walls or fences extend above those structures.
- (3) No wall sign shall protrude more than 12 inches from the principal structure to which it is attached (i.e., the depth of the sign shall not exceed 12 inches).
- (4) No wall sign shall exceed 300 square feet of surface area. Wall signs used for identification of residential subdivisions shall not exceed 32 square feet in sign area.
- (5) For tenants with 60 feet or more of lineal frontage of building wall, one primary sign shall be allowed, with up to two secondary signs allowed. The total dimensions for all primary and secondary signs shall not exceed the maximum allowed dimensions shown in subsection (6) of this section.
- (6) The maximum allowable height and width of wall signs shall be as follows:

Lineal Footage of Building Wall	Maximum Sign Width	Maximum Sign Height
Less than 20 feet	80% of lineal footage	36 inches
20 feet up to 25 feet	75% of lineal footage	42 inches
25 feet up to 35 feet	70% of lineal footage	48 inches
35 feet up to 45 feet	65% of lineal footage	54 inches
45 feet up to 60 feet	60% of lineal footage	60 inches
60 feet or more	55% of lineal footage	72 inches

- (7) No wall sign shall be closer than one foot from the edge of the storefront on which the sign can be placed.
- (8) A single-tenant building within a corner development that faces an arterial or collector street and does not have the legal address may place an additional wall sign on this side wall, subject to the standards set forth in subsection (6) of this section.

(b) *Specific signs.* Specific wall signs shall be subject to the following requirements:

- (1) Nonresidential multitenant buildings with exterior access to more than two individual office or business suites may be allowed more than two wall signs for tenant identification, subject to the following:

- a. Each tenant with exterior access shall be permitted one wall sign, with the height and width of such sign based on the lineal footage of the storefront and the standards set forth in subsection (a)(6) of this section.
 - b. An end or corner tenant with secondary frontage may place an additional wall sign on this side wall, subject to the standards set forth in subsection (a)(6) of this section.
 - c. A tenant in a building that backs up to a street, does not have parking between the building and the street, and does not have an entrance facing the street shall be allowed one additional wall sign on that back elevation, subject to the standards set forth in subsection (a)(6) of this section.
 - d. Wall signs authorized in this section are to be allowed in lieu of, and not in addition to, the general limitations on wall signs set forth in subsections (a)(2) and (3) of this section.
- (2) *Nonresidential buildings (multitenant interior access).*
- a. One wall sign shall be permitted per building wall not to exceed two walls to identify a maximum of two tenants.
 - b. One additional wall sign shall be permitted, to be utilized as a "directory" sign to list building tenants, with uniform lettering and oriented so as not to be readable from a public street. Such additional wall sign shall not exceed six feet in height, shall not exceed 18 square feet of sign area, shall not contain lettering exceeding two inches in height, and shall not be visible from any public street.
- (3) *Nonresidential buildings (other).*
- a. One wall sign shall be permitted per tenant, plus one additional wall sign for each end or corner tenant that has secondary frontage.
- (4) *Building identification wall signs.* Building identification wall signs shall be permitted in accordance with section 86-68 et seq., subject to the following:
- a. Building identification wall signs are in addition to wall signs allowed for multitenant buildings.
 - b. Building identification walls must be designed with an architectural focal point to accommodate such wall signs.
 - c. Building identification wall signs must be placed on the designated focal point and must be a minimum of five feet from any other sign located on the same building wall.
 - d. Multi-building complexes shall be allowed only one building identification wall sign.
 - e. Building identification wall signs shall be limited to a maximum of 25 percent of the lineal building wall length with a maximum sign surface area not exceeding 150 square feet.
 - f. The maximum allowable height and width of building identification wall signs shall be as follows:

Lineal Footage of Shell Building Wall	Maximum Sign Width	Maximum Sign Height
Less than 150 feet	25% of lineal footage	18 inches
151 feet up to 300 feet	25% of lineal footage	24 inches
301 feet or more	25% of lineal footage	30 inches

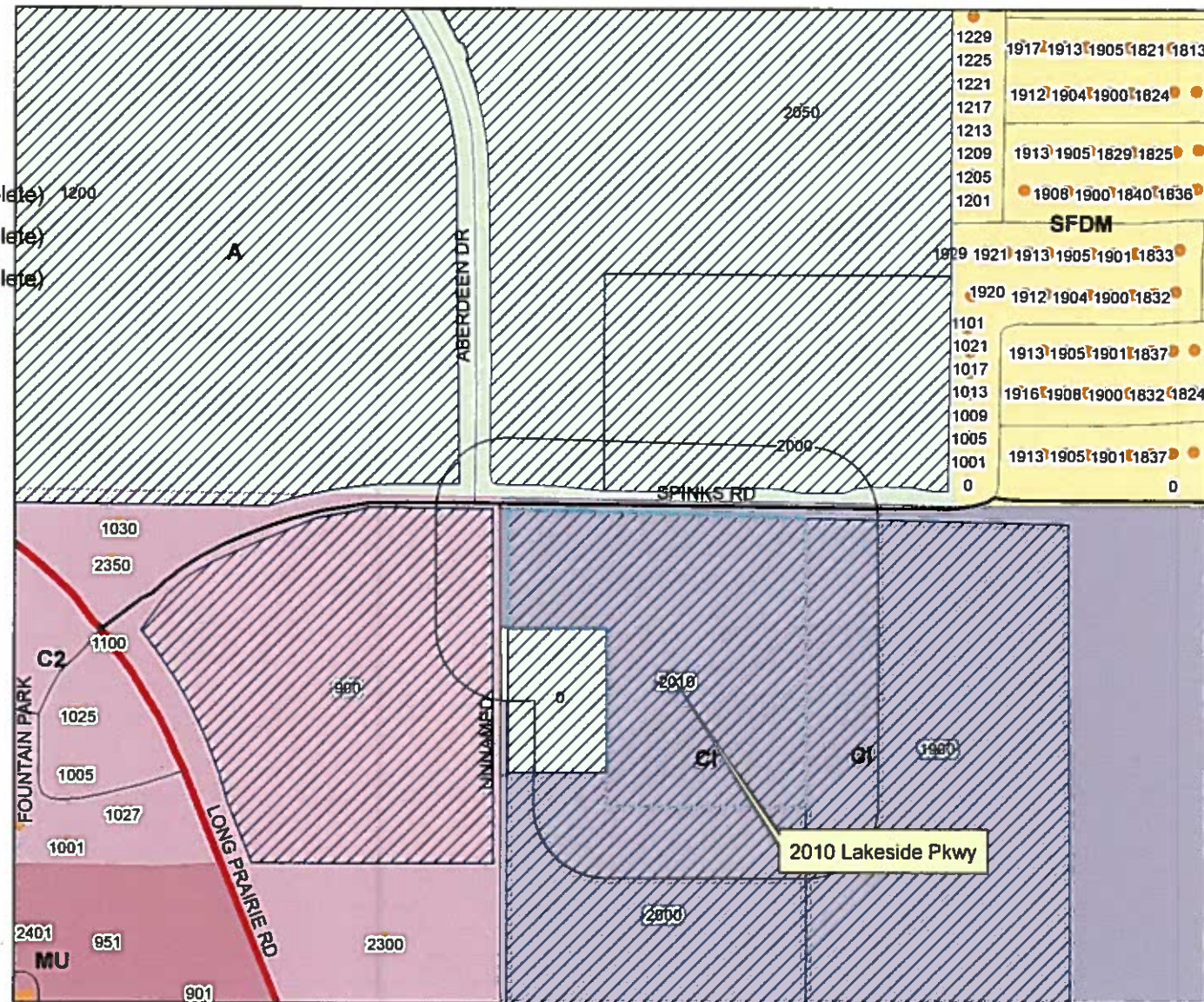
- g. When building identification wall signs are to identify a building/development, the tenant signs for that building must be reduced by 50 percent of the allowed width, height and overall square footage pursuant to subsection (a)(6) of this section.
 - h. Building identification wall signs shall be allowed only on the primary building wall.
 - i. Building identification wall signs shall only be attached to building walls, mansard roofs with slopes of 60 degrees or greater.
 - j. No building identification wall sign attached to a mansard roof or building wall shall extend above the roofline.
 - k. No building identification wall sign shall protrude more than 12 inches from the principal structure to which it is attached (i.e., the depth of the sign shall not exceed 12 inches).
 - l. No building identification sign shall be closer than one foot from the edge of the building wall or mansard roof that it is attached to.
- (5) *Multifamily developments.* Multifamily developments of eight units or more shall be permitted one wall sign for identification of the development for each street frontage.

(Ord. No. 04-11, § 2, 2-7-2011)

Legend

-  Interim Holding
-  *Combined Uses-See Ordinance
-  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

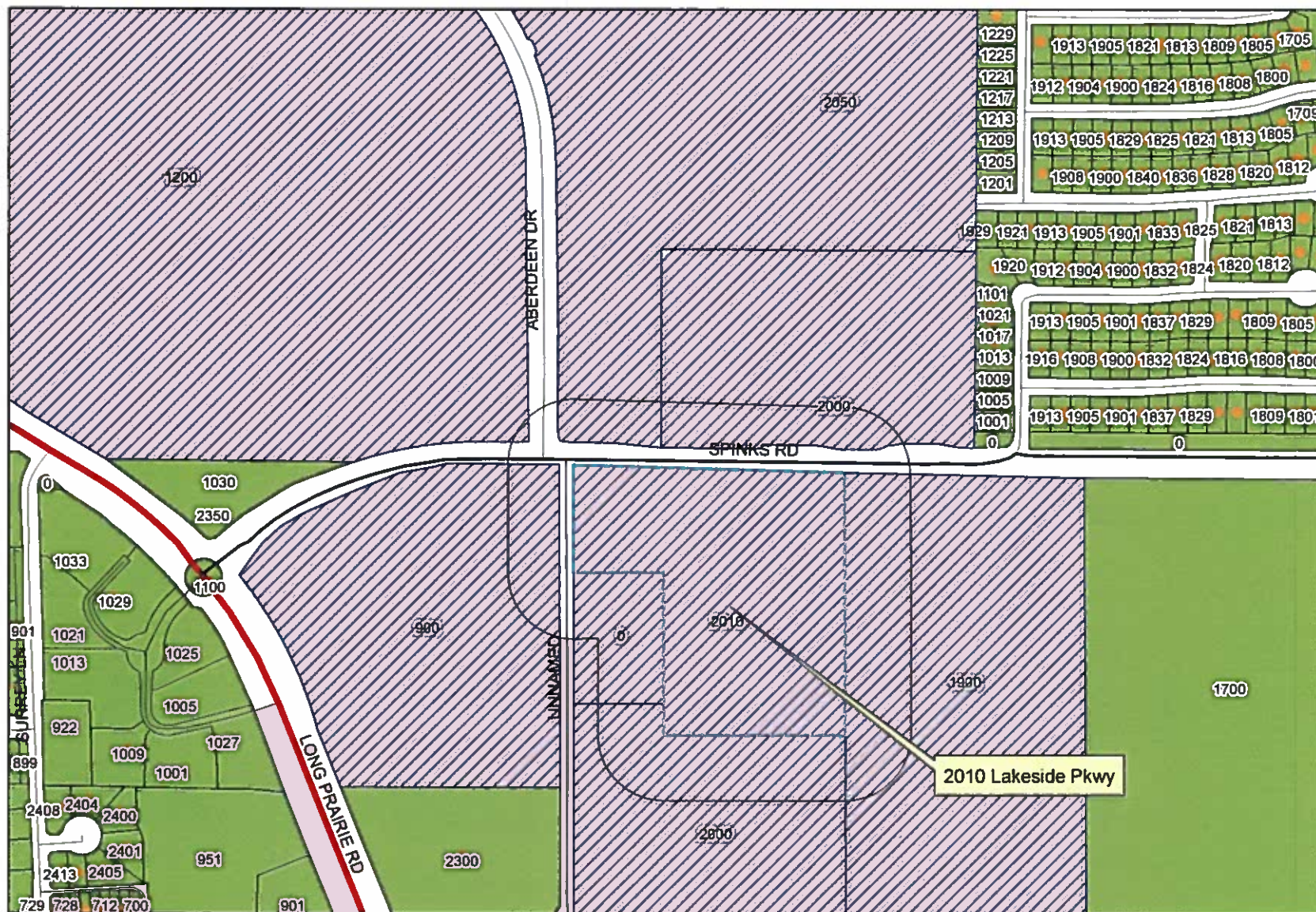
2010 LAKESIDE PARKWAY



Zoning Map



2010 LAKESIDE PARKWAY



200
Feet

200' Property Owner Notification





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, March 8, 2017 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 Joe Lisanti for a variance from Section #86-68(b)(1) "Wall Signs," of the Code of Ordinances. The property is generally located east of Long Prairie Rd. and south of Spinks Rd. and is locally known as 2010 Lakeside Pkwy Suite 100., Lot 1, Block A, of the DFW Airport North Distribution Center II. Subdivision.

Andrea Schricker
Plans Examiner
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, February 24, 2017

To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, February 24, 2017

Denton Record Chronicle:

FAX: 940-381-9667

Attn: Ann

e-mail: classads@dentonrc.com

Attn: Legal Notice Rep

ANY QUESTIONS OR PROBLEMS PLEASE CALL Andrea Schricker at 972-874-6374.

(Ref: Case No. BOA17-0001)

Town of Flower Mound Account Number: 100041132



February 20, 2017

Board of Adjustment Case No. BOA17-0001

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

A request has been made from Joe Lisanti for a variance from Section #86-68(b)(1) "Wall Signs," of the Code of Ordinances. The property is generally located east of Long Prairie Rd. and south of Spinks Rd. and is locally known as 2010 Lakeside Pkwy Suite 100, Lot 1, Block A, of the DFW Airport North Distribution Center II. subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, March 8, 2017, at 6:30 p.m. at the Flower Mound Town Hall, 2121 Cross Timbers Road CFM 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 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 not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

Sincerely,

Andrea Schricker
Plans Examiner

Mailing address:
Town of Flower Mound
Building Inspections
2121 Cross Timbers Road
Flower Mound, TX 75028

2010 LAKESIDE PARKWAY
200' PROPERTY OWNER LISTING

Attachment 9

	NAME	ADDRESS	CITY	STATE	ZIP
1	LAKESIDE PARKWAY DISTRIBUTION CENTER LLC	385 INVERNESS PKWY STE 460	ENGLEWOOD	CO	80112
2	LEWISVILLE ISD	PO BOX 217	LEWISVILLE	TX	75067
3	LRC-2010 LAKESIDE LLC	9020 STERLING ST	IRVING	TX	75063
4	MACH II-HIP DFW NORTH AIRPORT LLC	PO BOX 790830	SAN ANTONIO	TX	78279
5	ONCOR ELECTRIC DELIVERY CO	PO BOX 219071	DALLAS	TX	75221
6	WILDCARD FAMILY LIMITED P/S	15660 DALLAS PKWY STE 1175	DALLAS	TX	75248



BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO:
MARCH 8, 2017

3

FROM: Kim Barnes, Plans Examiner

THROUGH: Danny Hartz, Chief Building Official *DH*

PRESENTER:

APPLICANT: William Scott Singler

STAFF: Joelle Hainley, Assistant Building Official *JH*

ITEM: (BOA17-0002) Hold a public hearing and consider a request from William Scott Singler for a variance from Section 98-1206(h), "Single-family detached (medium density)," of the Code of Ordinances. The property is generally located north of Flower Mound Road and west of Bruton Orand Boulevard and is locally known as 3220 Brittany Drive, Lot 12, Block E, of the Wellington Estates Ph 1C subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: William Scott Singler
3220 Brittany Dr
Flower Mound, TX 75022

II. LOCATION:

PROPERTY ADDRESS: 3220 Brittany Drive
Flower Mound, TX 75022

SUBDIVISION: Lot 12, Block E
Wellington Estates Ph 1C

ZONING: SFDM

III. STAFF ANALYSIS:

A request has been received from William Scott Singler for a variance from Section 98-1206(h), "Single-family detached (medium density)," of the Code of Ordinances.

This request is to allow the maximum lot coverage for this lot to be increased to 53% from the 45% maximum lot coverage allowed for this zoning (Single-family detached (medium density) or SFDM). A building permit application for a solid-roofed patio cover to be attached to this home could not be approved, as the proposed solid-roofed patio cover's square footage, in addition to that of the existing home, would exceed the maximum square footage allowed, based on Section 98-1206(h) of the Code of Ordinances, which states, "The maximum lot coverage for single-family detached (medium density) dwellings shall be 45 percent, subject to section 98-1029."

Per the Denton Central Appraisal District's web site, the home's foundation is approximately 2,783sf (first floor, garage, and porch square footage), and this lot is 6000sf, resulting in approximately 46.38% current lot coverage.

Mr. Singler is requesting a variance to allow a solid-roofed patio cover to be added to the existing home, increasing the lot coverage percentage of this lot to up to 53%, 8% more than allowed for this zoning per the Town ordinance.

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 98-1206
- 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

APPLICATION - REQUEST FOR VARIANCE OR APPEAL
ZONING BOARD OF ADJUSTMENT
TOWN OF FLOWER MOUND

ATTACHMENT 1

BOA17-0002

DATE: 2-3-2017

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 98-1206(h) of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 3220 Brittany Dr 75022

Legal Description: Lot/Tract 12, Block E, of Subdivision/Abstract Willington Estates Phase 1-C

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.)

We are asking for an increase of 8% of the Maximum lot coverage. We need this increase in order to build a covered patio in our back yard. As our house is designed - it currently covers 46% of the lot

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.

William Scott Singler
Signature of Applicant

William Scott Singler
Print Name

3220 Brittany Dr. F.M. TX 75022
Mailing Address

214 677 4501
Telephone (Home)

214 677 8262
Telephone (Day Number)

[Signature]
Staff Member's Signature

2/3/17
Date

R3038904
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 _____, _____

**PROCEDURE - REQUEST FOR VARIANCE OR APPEAL
BOARD OF ADJUSTMENT
TOWN OF FLOWER MOUND**

1. The Board of Adjustment consists of five (5) members and all cases must be heard by at least four (4) members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Flower Mound Zoning Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all four (4) items (a through d) identified on the application **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.
2. The Board also has the authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by any administrative official of the Town in the enforcement of the Land Development Code. Such appeals must be filed within fifteen (15) days of the rendering of the decision by the administrative official.
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the Town.
4. The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
5. The following must also accompany the application packet:
 - A. A \$250.00 application fee plus a \$40.00 legal notice fee.
 - B. A site plan of the lot showing all property lines as well as a depiction of the requested variance. If a variance from building setback requirements is requested, the site plan must be stamped by a licensed surveyor.
6. Application fee, necessary documents, etc. in completed form must be submitted to the Development and Environmental Services Department. You must supply six (6) copies of any supporting documents larger than 8.5 X 11 inches or any colored rendering.
7. After the above items have been completed, the variance request will begin the following process:
 - A. The applicant and all property owners within 200 feet of the property where the variance is requested will be notified of a Public Hearing to be held by the Board of Adjustment by notice deposited in the U.S. mail. Said notices are to be mailed at least 10 days prior to the Public Hearing. The applicant will be charged \$2.50 per property notification, which must be paid prior to the notices being mailed out by the Town.
 - B. The applicant or representative must be present at the Board of Adjustment public hearing. Failure to attend the public hearing will cause the Board to deny the item without prejudice to re-filing. The letter, referenced in 7 A. above, will be your notification of any hearing.
 - C. Persons who are in favor or who oppose the request are allowed to appear before the Board in order to present their views.
8. Any additional information such as renderings, elevations, models or other supporting documents that you wish to submit may be introduced at the meeting.

According to state law, no variance can be granted without the concurring vote of at least four (4) members of the Board.

**APPEALS TO A DECISION RENDERED
BY THE BOARD OF ADJUSTMENT**

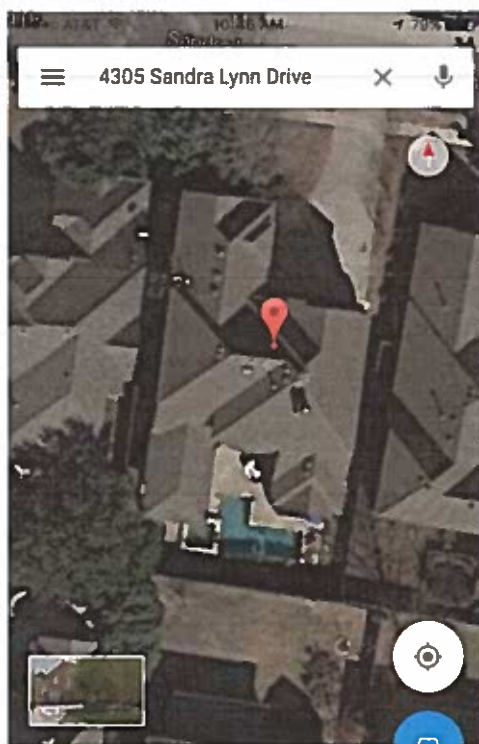
The only appeal to a decision rendered by the Board of Adjustment is to State District Court. The appeal must be filed with the district court within ten (10) days of the Board's decision. State law prohibits the Town Council from hearing an appeal.

3220 Brittany Drive

ATTACHMENT 2

The pictures below are of home located in Wellington Estate who have outdoor covered patios similar to what we would like to build.

4505 Delaina Dr, Flower Mound, TX 75022



4305 Sandra Lynn Dr

4305 Sandra Lynn Dr, Flower Mound, TX 75022 2 min

3220 Brittany Drive

3220 Brittany Drive sits on a 6,000sf lot and the foot print of our house covers 46% of the lot. A 10 foot rock retaining wall encroaches into our backyard reducing the usable area.



Standing on the retaining wall looking down



Standing at the back door looking at the wall



As you can see, our backyard is small. In fact, the rear property line actually sits approximately 36" behind the wood fence on top of the rock wall.

The neighbors to our rear are: Wellington Elementary School and one Residence. As you can see, there is a 7' wood fence on top of the retaining wall that separates them from us. The outdoor covered patio will not be seen from the street and both side neighbors support the project.

When we purchased the house in 2004, we were not made aware of the currently zoning and maximum lot coverage.

Three years ago, we made an investment in our house by renovating and upgrading the interior and now we

3220 Brittany Drive

would like to enjoy our back yard like many of our neighbors do.



This is our neighbor's back yard. As you can see, our house is one level and covers a much greater area of our lot. I believe our lot is one of the smallest lots in Wellington Estates and there are only a few homes whose lot coverage is currently maxed out do to the design of their house.

ATTACHMENT 3

Sec. 98-1206. - Single-family detached (medium density).

- (a) *Generally.* For planned development districts approved prior to the effective date of the ordinance from which this chapter is derived that allowed single-family detached (medium density) dwellings, the standards of this section shall apply to areas designated for such uses, except as otherwise provided in the planned development approval ordinance.
- (b) *Minimum lot area per dwelling.* The minimum lot area per dwelling for single-family detached (medium density) dwellings shall be 3,500 square feet, subject to section 98-1023.
- (c) *Minimum lot width.* The minimum lot width for single-family detached (medium density) dwellings shall be 35 feet, subject to section 98-1024.
- (d) *Minimum floor area per unit.* The minimum floor area per dwelling unit for single-family detached (medium density) dwellings shall be 1,100 square feet, subject to section 98-1025.
- (e) *Minimum front yard.* The minimum front yard for single-family detached (medium density) dwellings shall be as follows, subject to section 98-1026:
 - (1) Where the garage faces the street, a minimum 20-foot front yard shall be provided from the face of the garage to the right-of-way line;
 - (2) Where the side of the garage faces the street, a minimum ten-foot front yard shall be provided from the side of the garage to the right-of-way line; and
 - (3) Where a rear entry garage is provided, the minimum front yard shall be 15 feet from the foundation line to the right-of-way line.
- (f) *Minimum side yard.* The minimum side yard for single-family detached (medium density) dwellings shall be five feet from the foundation line to the side property line, subject to the following and subject to section 98-1027:
 - (1) A side yard may be reduced to zero, provided that no doors, windows or other openings are provided on the wall of the building facing or along the reduced side yard and provided an access and maintenance easement of five feet shall be provided and indicated within the subdivision plat on all contiguous lots to allow the adjacent owner to maintain and repair the side of a structure with a reduced or no yard space.
 - (2) A minimum distance of ten feet from foundation line to foundation line shall be provided between all buildings.
 - (3) Side yards on corner lots shall be no less than ten feet from the foundation line to the street right-of-way line.
- (g) *Minimum rear yard.* The minimum rear yard for single-family detached (medium density) dwellings shall be as follows, subject to section 98-1028:

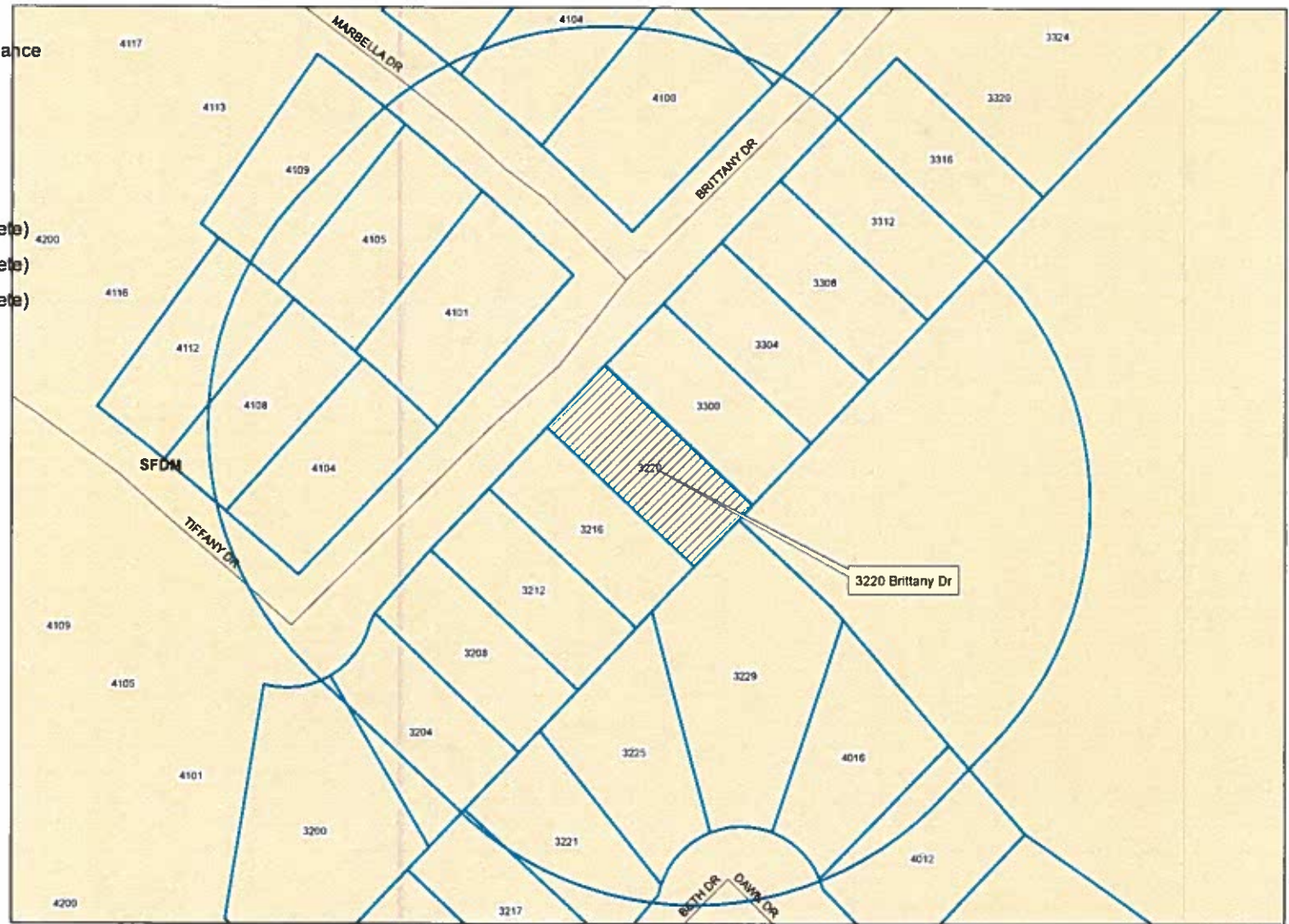
- (1) Ten feet from the foundation line to the rear property line, except that a rear yard may be reduced to zero, provided that no doors, windows or other openings are provided on the wall of the structure facing or adjacent to the rear yard and provided an access and maintenance easement of five feet shall be provided and indicated within the subdivision plat on all contiguous lots to allow the adjacent owner to maintain and repair the side of the structure with a reduced or no yard space.
 - (2) On lots backing up to any other single-family residential district, and not separated by a public street, a minimum rear yard of 20 feet shall be provided where any adjacent structures are two stories in height or more. On lots backing up to any other single-family residential district and not separated by a public street, a minimum rear yard of 15 feet shall be provided where any adjacent structures are less than two stories in height.
 - (3) A minimum distance of ten feet from foundation line to foundation line shall be provided between all buildings.
- (h) *Maximum lot coverage.* The maximum lot coverage for single-family detached (medium density) dwellings shall be 45 percent, subject to section 98-1029.
- (i) *Maximum floor area ratio.* The maximum floor area ratio for single-family detached (medium density) dwellings shall be 1:1, subject to section 98-1030.
- (j) *Maximum height.* The maximum height for single-family detached (medium density) dwellings shall be two stories or 25 feet, subject to section 98-1031.

(Code 1989, ch. 12, § 7.06)

3220 BRITTANY DRIVE

Legend

-  Interim Holding
-  *Combined Uses-See Ordinance
-  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

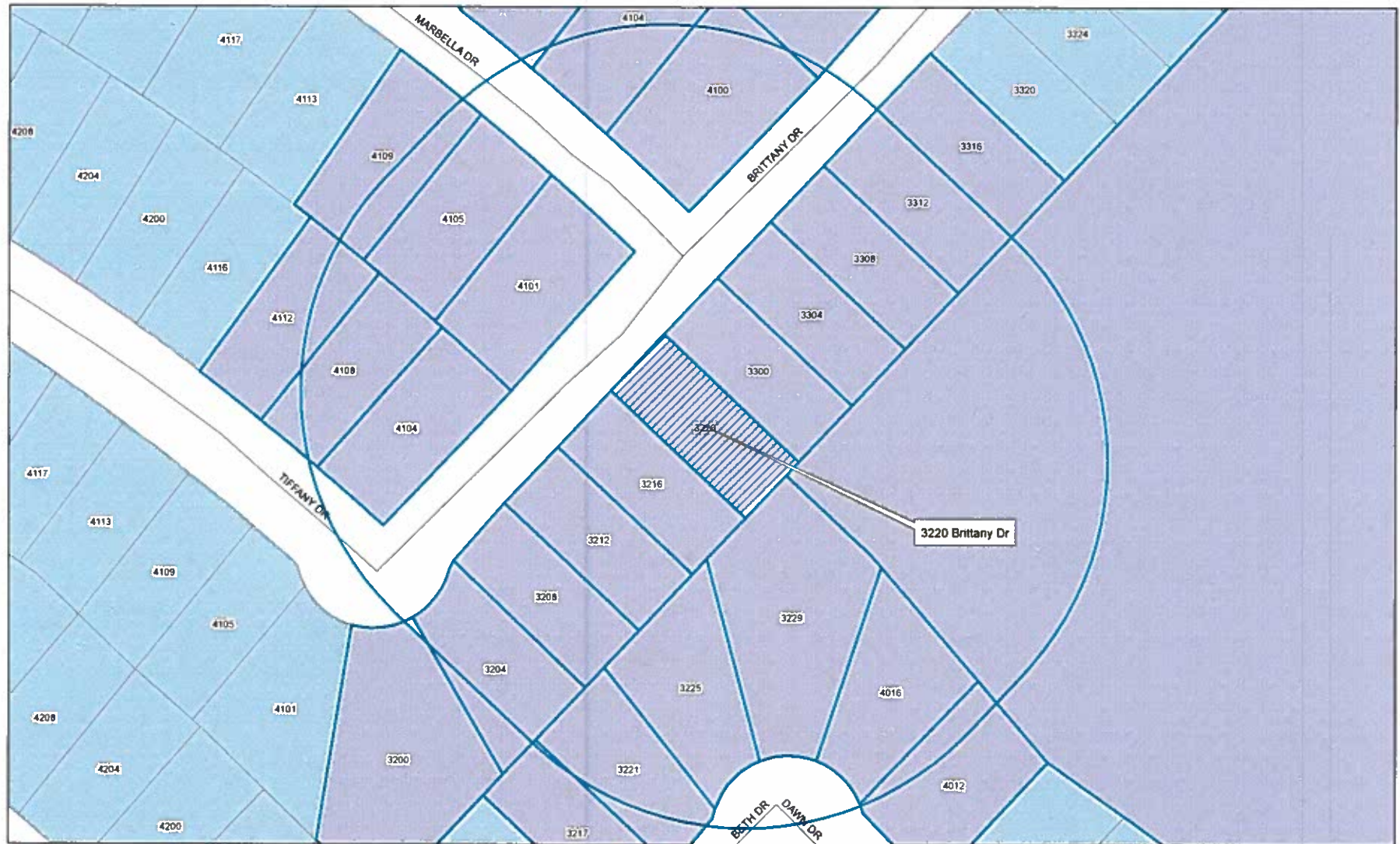


ZONING MAP



3220 BRITTANY DRIVE

Attachment 5



200

Feet

200' PROPERTY OWNER NOTIFICATION



3220 BRITTANY DRIVE

Attachment 6



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, March 8, 2017, 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 William Scott Singler for a variance from Section 98-1206(h), "Single-family detached (medium density)," of the Code of Ordinances. The property is generally located north of Flower Mound Road and west of Bruton Orand Boulevard and is locally known as 3220 Brittany Drive, Lot 12, Block E, of the Wellington Estates Ph 1C subdivision.

Kim Barnes
Plans Examiner
Town of Flower Mound

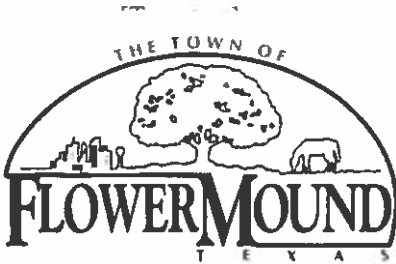
To Run in Denton Record Chronicle: Friday, February 24, 2017
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday,
February 24, 2017

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

ANY QUESTIONS OR PROBLEMS PLEASE CALL Kim Barnes at 972-874-6357.

(Ref: Case No. BOA17-0002)

Town of Flower Mound Account Number: 100041132



February 21, 2017

Board of Adjustment Case No. BOA17-0002

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

A request has been made from William Scott Singler for a variance from Section 98-1206(h), "Single-family detached (medium density)," of the Code of Ordinances. The property is generally located north of Flower Mound Road and west of Bruton Orand Boulevard and is locally known as 3220 Brittany Drive, Lot 12, Block E, of the Wellington Estates Ph 1C subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, March 8, 2017, 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 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 not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

Sincerely,

Kim Barnes
Plans Examiner

Mailing address:
Town of Flower Mound
Building Inspections
2121 Cross Timbers Road
Flower Mound, TX 75028

**3220 BRITTANY DR
200' PROPERTY OWNER NOTIFICATION**

Attachment 9

<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
1 ACEE III, HAPPY & NANCY M	4104 MARBELLA DR	FLOWER MOUND	TX	75022
2 AMERICAN HOMES 4 RENT PROPERTIES TWO LLC	30601 AGOURA RD STE 200	AGOURA HILLS	CA	91301
3 BENNETT, PAUL T & CLARK, VALERIE	3229 BETH DR	FLOWER MOUND	TX	75022
4 BHUIYAN, HABIBULLAH	PO BOX 156127	FORT WORTH	TX	76155
5 DALE, DONALD JACOB	3204 BRITTANY DR	FLOWER MOUND	TX	75022
6 GORDON, GREGORY D & ALISON S	4112 TIFFANY DR	FLOWER MOUND	TX	75022
7 GORMAN, SEAN M & BELLA	3316 BRITTANY DR	FLOWER MOUND	TX	75022
8 GROVES, KYLE	3304 BRITTANY DR	FLOWER MOUND	TX	75022
9 HAN, PHIL S	3505 BURLINGTON DR	FLOWER MOUND	TX	75022
10 HEILIG, CHRIS & JESSICA	3216 BRITTANY DR	FLOWER MOUND	TX	75022
11 KALIDINDI, SRIRAMA R & SAILAJA	4101 MARBELLA DR	FLOWER MOUND	TX	75022
12 KERANEN, KATARINA & LEHTI, JANI E	3225 BETH DR	FLOWER MOUND	TX	75022
13 LEE, JUNY & CHEEHEE KANG	3221 BETH DR	FLOWER MOUND	TX	75022
14 LEWISVILLE ISD	PO BOX 217	LEWISVILLE	TX	75067
15 MARLA, RAJASEKHAR	4101 SANDRA LYNN DR	FLOWER MOUND	TX	75022
16 MCNEESE, ARTHUR S & HOLLY	4100 MARBELLA DR	FLOWER MOUND	TX	75022
17 MUNOZ, IVAN CUADROS & ELSA DEL CARMEN DANIELA ARIAS	4108 MARBELLA DR	FLOWER MOUND	TX	75022
18 MURTHY, SUNDARA & SHANMUGAM, GUHAPRIYA GOPAL	3217 BETH DR	FLOWER MOUND	TX	75022
19 PITTNER, JANO T & CONLEN M TR OF PITTNER REVOC TRUST	3200 BRITTANY DR	FLOWER MOUND	TX	75022
20 RUTTMAN, CHRISTOPHER & STEPHANIE	3212 BRITTANY DR	FLOWER MOUND	TX	75022
21 SEO, CHARLES W	4017 SHARONDALE DR	FLOWER MOUND	TX	75022
22 SHENOY, ARAVINDA K & SHAIJINI	4108 TIFFANY DR	FLOWER MOUND	TX	75022
23 SHETTY, RAJESH GOPAL & DIVYA RAJESH SHETTY	4105 MARBELLA DR	FLOWER MOUND	TX	75022
24 SINGLER, JENNIFER F & WILLIAM F	3220 BRITTANY DR	FLOWER MOUND	TX	75022
25 TODD, DARRICK S & BRIDGET M MULVIHILL	3300 BRITTANY DR	FLOWER MOUND	TX	75022
26 TROUTMAN, ROBERT B & SUSAN R	4012 DAWN DR	FLOWER MOUND	TX	75022
27 VOELKNER, JOEL & MONA	3308 BRITTANY DR	FLOWER MOUND	TX	75022
28 WESTGATE, PAUL D & ASHLEY D	3312 BRITTANY DR	FLOWER MOUND	TX	75022
29 WELLINGTON OF FLOWER MOUND HOA	3520 FURLONG DR E	FLOWER MOUND	TX	75022

