



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

APRIL 12, 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. 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

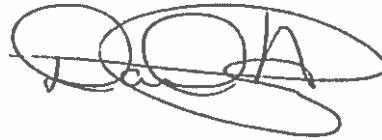
This agenda consists of non-controversial or "housekeeping" items and may be approved with a single motion. A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the minutes of the March 8, 2017, Board of Adjustment meeting.

E. PUBLIC HEARING

2. (BOA17-0003) Hold a public hearing and consider a request from Bernie Thomas for a variance from Section 98-1026 (b) and (e), "Minimum Front Yard Setback," of the Code of Ordinances. The property is generally located south of Meadow Lark Road and west of Deer Path Road, and is locally known as 1804 Rue de Isabelle, Lot 57, Block D of the Enclave at Chateau du Lac 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: April 7, 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.
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THE FLOWER MOUND ZONING BOARD OF ADJUSTMENT MEETING HELD ON THE 8TH DAY OF MARCH, 2017, 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	Chair
Doug Fulmer	Vice-Chair
Kent Johnson	Board Member - Place 3
Sky Jay Schoggins	Board Member - Place 4
Gail Scheepers	Board Member - Place 5
Thomas Moore	Alternate Board Member - Place 6
Jim Engel	Alternate Board Member - Place 7
Joe Musgrave	Alternate Board Member - Place 8

Constituting a quorum with the following members absent:

No members absent.

And the following members of Town Staff present:

Ashley Dierker	Town Attorney
Danny Hartz	Chief Building Official
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. ELECTION OF CHAIRPERSON

Board Member Johnson made a motion to elect Stephen Harris for Chairperson.
Board Member Scheepers seconded the motion.

VOTE ON THE MOTION

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

D. ELECTION OF VICE-CHAIRPERSON

Board Member Schoggins made a motion to elect Doug Fulmer for Vice-Chairperson.
Board Member Johnson seconded the motion.

VOTE ON THE MOTION

AYES: Scheepers, Harris, Schoggins, Johnson, Fulmer
ABSTAIN: None

E. PUBLIC PARTICIPATION

D. CONSENT AGENDA

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

VOTE ON THE MOTION

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

E. PUBLIC HEARING

2. (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.

Staff Presentation

Joelle Hainley Assistant Building Official

Applicant Presentation

Joe Lisanti and Maegan Morgan, 2010 Lakeside Parkway, Suite 100,
Flower Mound, TX.

Public Comment

There was no one present to speak in favor or opposition.

Chairman Harris closed the public hearing at 6:56 p.m.

Board Member Johnson made a motion to grant the request for variance from Section 86-68 (b)(1), "Wall Signs," 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.

- 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 or injury to the use, enjoyment, or value of property in the vicinity.

Board Member Scheepers seconded the motion.

VOTE ON THE MOTION

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

The motion to grant the request for variance was approved with a 5-0 Vote.

- 3. (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.

Staff Presentation

Joelle Hainley Assistant Building Official

Applicant Presentation

Scott and Jennifer Singler, 3220 Brittany Drive, Flower Mound, TX. Mr. Singler advised the Board prior to his presentation that he wished to amend his variance request from 53% lot coverage, 8% more than allowed, to 51% lot coverage, 6% more than allowed, with the patio cover not to exceed 250 sq. ft.

Public Comment

Darrick Todd, 3300 Brittany Dr., Flower Mound, TX, was present to speak in opposition of the original variance request as submitted, however, was in favor of the amended request.

Jessica Heilig, 3216 Brittany Dr., Flower Mound, TX, was present to speak in favor of the variance request.

Chairman Harris closed the public hearing at 7:32 p.m.

Board Member Schoggins made a motion to grant the request for variance, increasing the lot coverage to 51%, or an addition of 250 sq. ft., 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, Phase 1C subdivision.

- 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 Fulmer seconded the motion.

VOTE ON THE MOTION

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

The motion to grant the request for variance was approved with a 5-0 Vote.

G. ADJOURNMENT OF REGULAR SESSION

Chairman Harris adjourned the meeting at 7:38 p.m. and all were in favor.

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

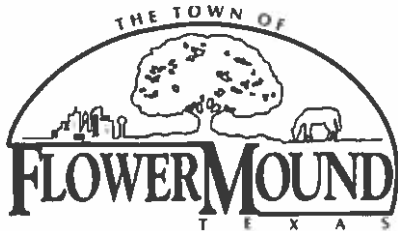
FLOWER MOUND ZONING BOARD OF ADJUSTMENT MEETING OF MARCH 8, 2017 PAGE 5

TOWN OF FLOWER MOUND, TEXAS

Danny Hartz
Chief Building Official

ATTEST:

Kathy Allgood, Administrative Assistant



**BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO:
APRIL 12, 2017**

FROM: Kate Allen, Plans Examiner *KAC*

THROUGH: Danny Hartz, Chief Building Official *DH*

PRESENTER:

APPLICANT: Bernie Thomas

STAFF: Joelle Hainley, Assistant Building Official *JH*

ITEM: (BOA17-0003) Hold a public hearing and consider a request from Bernie Thomas for a variance from Section 98-1026 (b) and (e), "Minimum Front Yard Setback," of the Code of Ordinances. The property is generally located south of Meadow Lark Road and west of Deer Path Road and is locally known as 1804 Rue de Isabelle, Lot 57, Block D of the Enclave at Chateau du Lac Subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: Bernie Thomas
3705 Winding Oaks Drive
Flower Mound, TX 75022

II. LOCATION:

PROPERTY ADDRESS: 1804 Rue de Isabelle
Flower Mound, TX 75022

SUBDIVISION: Lot 57, Block D
Enclave at Chateau du Lac Subdivision

ZONING: SFE

III. STAFF ANALYSIS:

A request has been made to hold a public hearing and consider a request from Bernie Thomas for a variance from Section 98-1026 (b) and (e), "Minimum Front Yard Setback," of the Code of Ordinances

Section 98-1026(b) states, "Permitted obstructions. Every part of a required front yard shall be open and unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other architectural features of the main building, projecting no more than 12 inches into the required front yard. Roof eaves and roof extensions of the main building or a porch without posts or columns may project into the required front yard for a distance of no more than two feet, and subsurface structures, platforms or slabs may project into the front yard to a height no greater than 30 inches above the average grade of the yard." Mr. Thomas is requesting a variance to allow the house to encroach eighteen feet into the required fifty-eight foot front yard.

Section 98-1026(e) states, "Plat building lines. Where a building line has been established by a plat approved by the town or by an ordinance establishing a planned development district, and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat, provided that no such front yard setback shall be less than ten feet." Mr. Thomas is requesting a variance to allow the house to be built over the platted fifty-eight foot front building line.

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 98-1026
- 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**

Attachment 1

DATE: February 28, 2017

BOA17-0003

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 98-305 (d) of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

1804 Rue de Isabelle, Flower Mound, 75022

Street Address: _____

Legal Description: **Lot/Tract 57, Block D, of Subdivision/Abstract The Enclave at Chateau du Lac, J. M. Ruiz Survey, A-1064**

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 seeking approval for a variance from the current 58' setback to a 40' setback for the referenced lot. This will allow for the preservation of a significant number of large diameter oak and elm trees on the lot with no impact to either the Master Plan of the Town of Flower Mound or property owners within 200 feet 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.

Bernie Thomas

Signature of Applicant
3705 Winding Oaks Drive, Flower Mound, Texas 75022

Print Name
(940) 367-6358 (940) 367-6358

Mailing Address

Telephone (Home)

Telephone (Day Number)

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 _____, _____.

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

Attachment 2

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.

BOA Packet Page 1
(Rev. 11/14/12)
(New fees effective 11/12/02)

APPLICATION - REQUEST FOR VARIANCE OR APPEAL

BERNIE THOMAS
3705 WINDING OAKS DRIVE
FLOWER MOUND, TEXAS 75022
(940) 367-6358 • BTHOMASJR59@GMAIL.COM

February 28, 2017

Ms. Joelle Hainley
Town of Flower Mound
Attn: Building Inspections
2121 Cross Timbers Road
Flower Mound, Texas 75028

Re: Request for Variance
Zoning Board of Adjustment
1804 Rue de Isabelle

To Whom It May Concern:

Please find attached the following materials relative to our request for a variance from the terms of Section 98-305(d) of the Town of Flower Mound Zoning Ordinance for the referenced property:

- 1) Variance request
- 2) Check in the amount of \$290 for application fee and public hearing notice
- 3) Presentation describing variance request
- 4) Tree Survey
- 5) Plat illustrating effects of not granting variance
- 6) Plat illustrating effects of granting variance

I look forward to the opportunity to discuss this request in greater detail during a public hearing to be scheduled in April.

In the meantime, please do not hesitate to contact the undersigned with any questions or comments in this regard.

Sincerely,



Bernie Thomas

Setback Variance Request

Section 98-305(d)

Town of Flower Mound Zoning Ordinance

Bernie and Jennifer Thomas

February 28, 2017

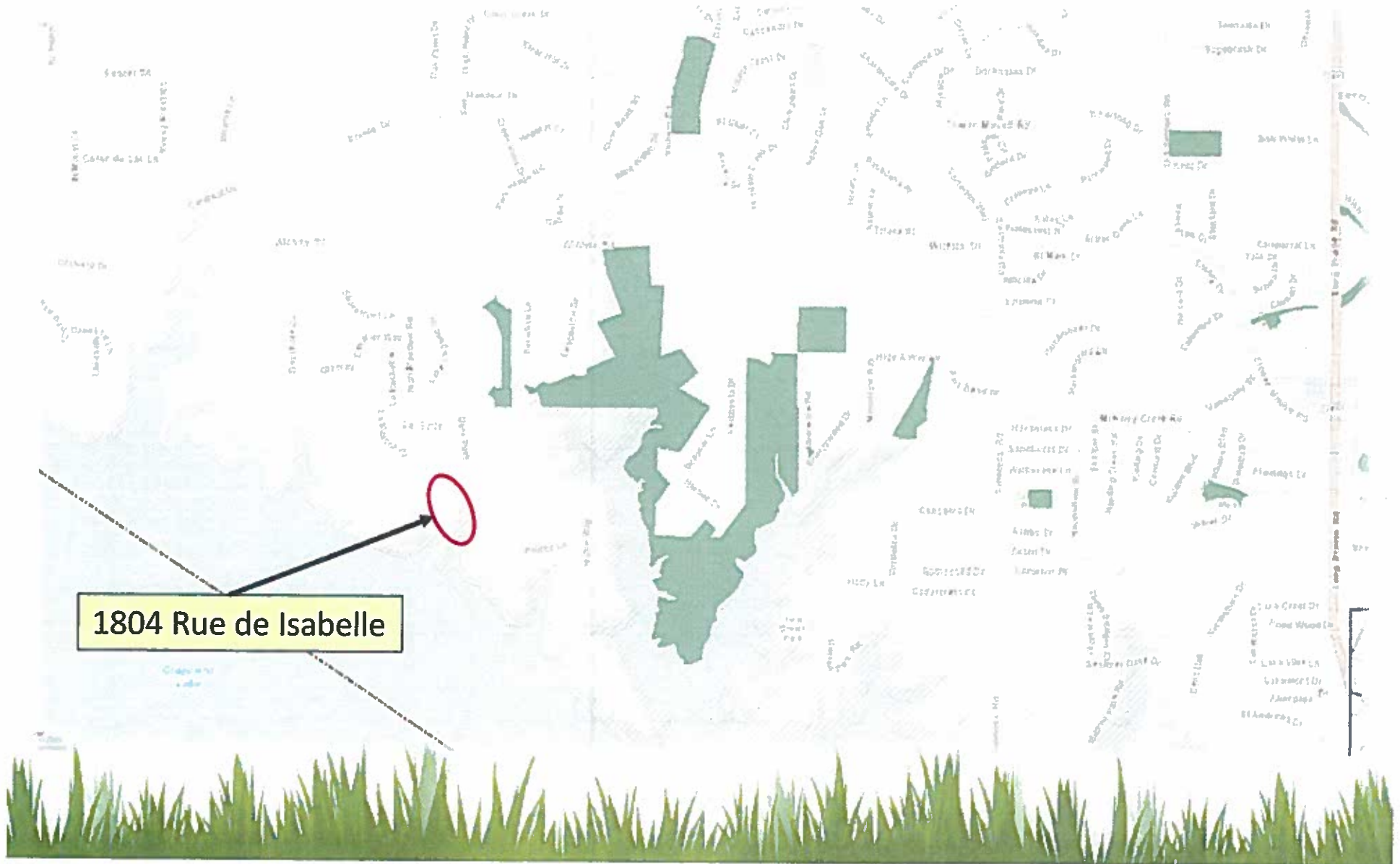
Zoning Board of Adjustment
Request for Setback Variance
1804 Rue de Isabelle

Request for Setback Variance: 1804 Rue de Isabelle

- Requesting variance from provisions of Section 98-305(d) of the Town of Flower Mound Zoning Ordinance
 - Requesting variance to establish build line setback of 40' from street
 - Current build line setback is 58' from street
 - Special circumstances exist on this property relative to the size, shape, area, topography, surrounding conditions and location that are not generally applicable to other property in the same area and zoning district
 - A variance is necessary to permit the same rights in the use of this property that are presently enjoyed under the Ordinance by other properties in the same vicinity and zone but which are not currently available for this property.
 - The majority of lots in development are on 40' setbacks
 - Granting a variance on this 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
 - Granting the variance will not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity
 - Denial of request will require repositioning of home on lot, removal of a significant number of specimen trees and significant dirt work
 - Developer has approved variance from minimum 4,500 SF home to 4,000 SF home in order to achieve maximum usage of lot, eliminate need for removal of specimen trees and maintain unique topography

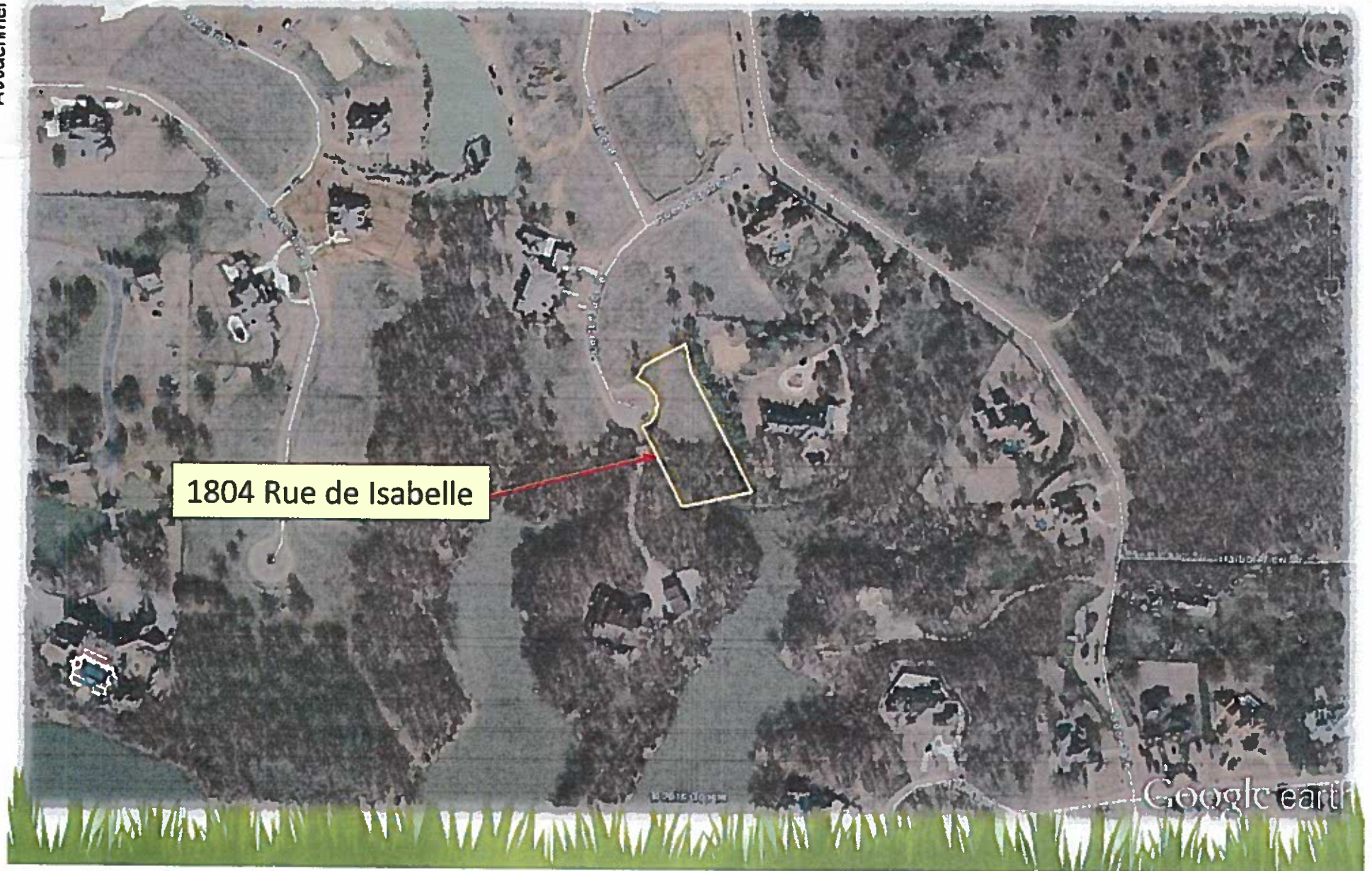


General Location

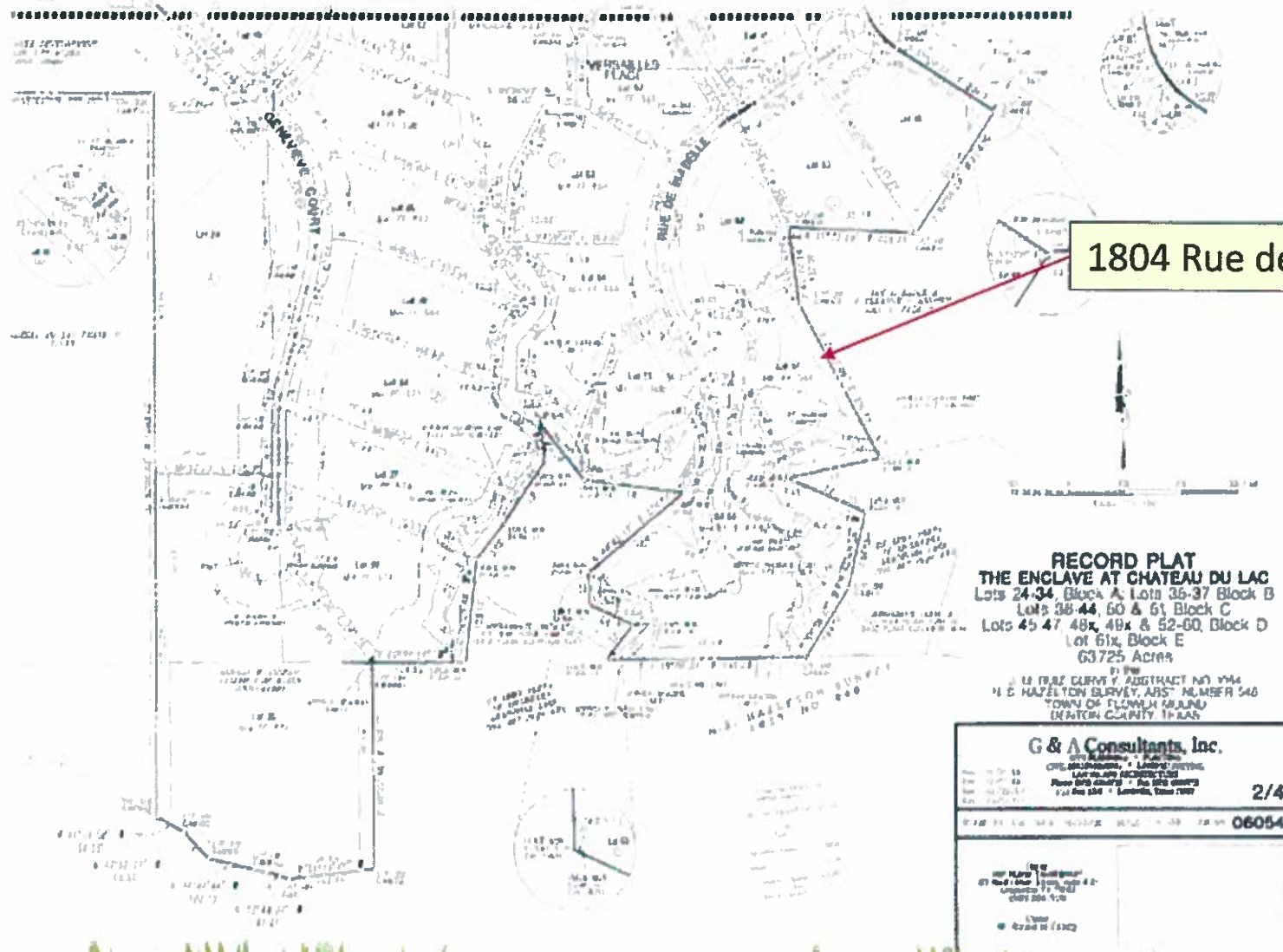


Satellite View

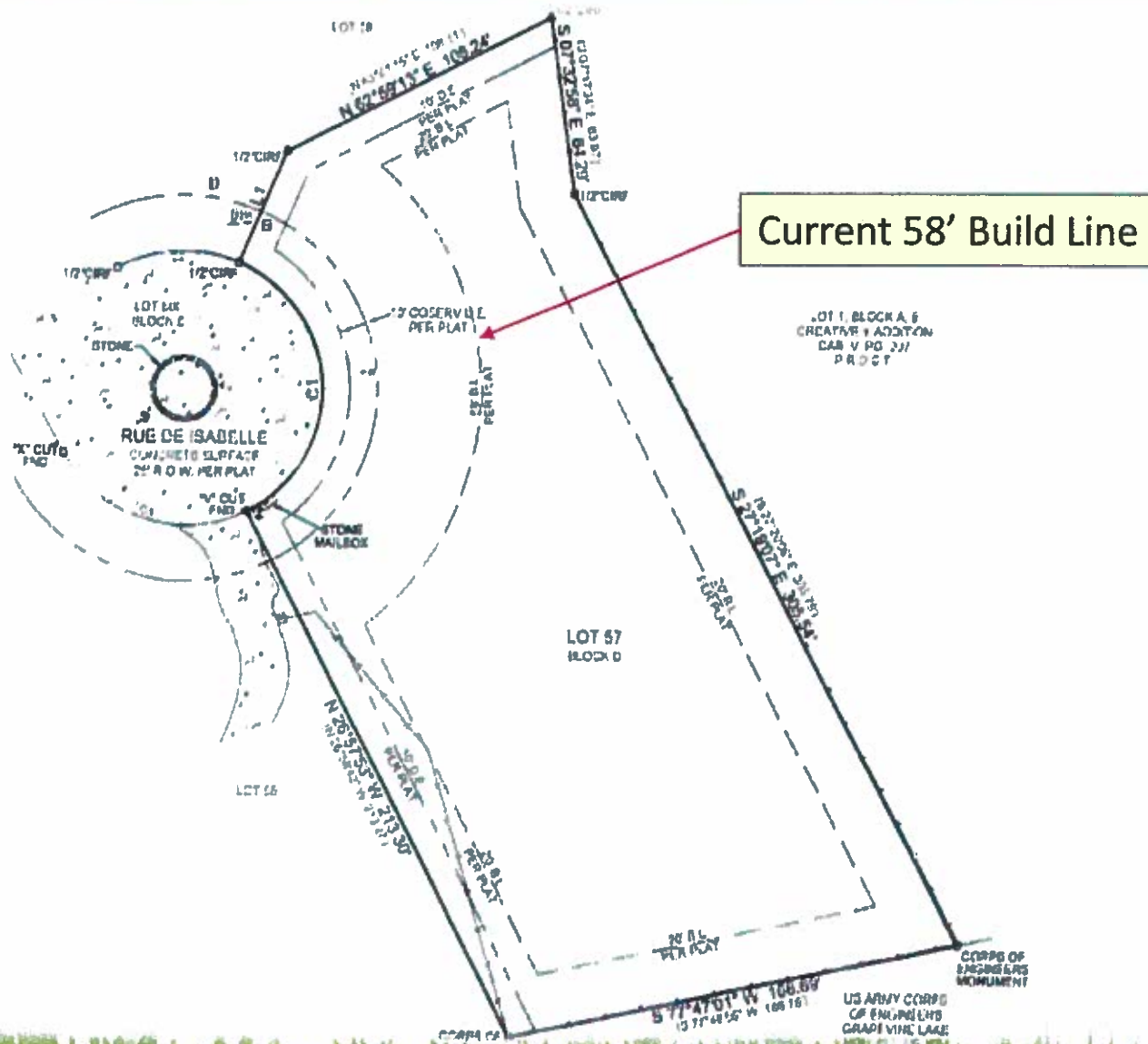
Attachment 2



Record Plat

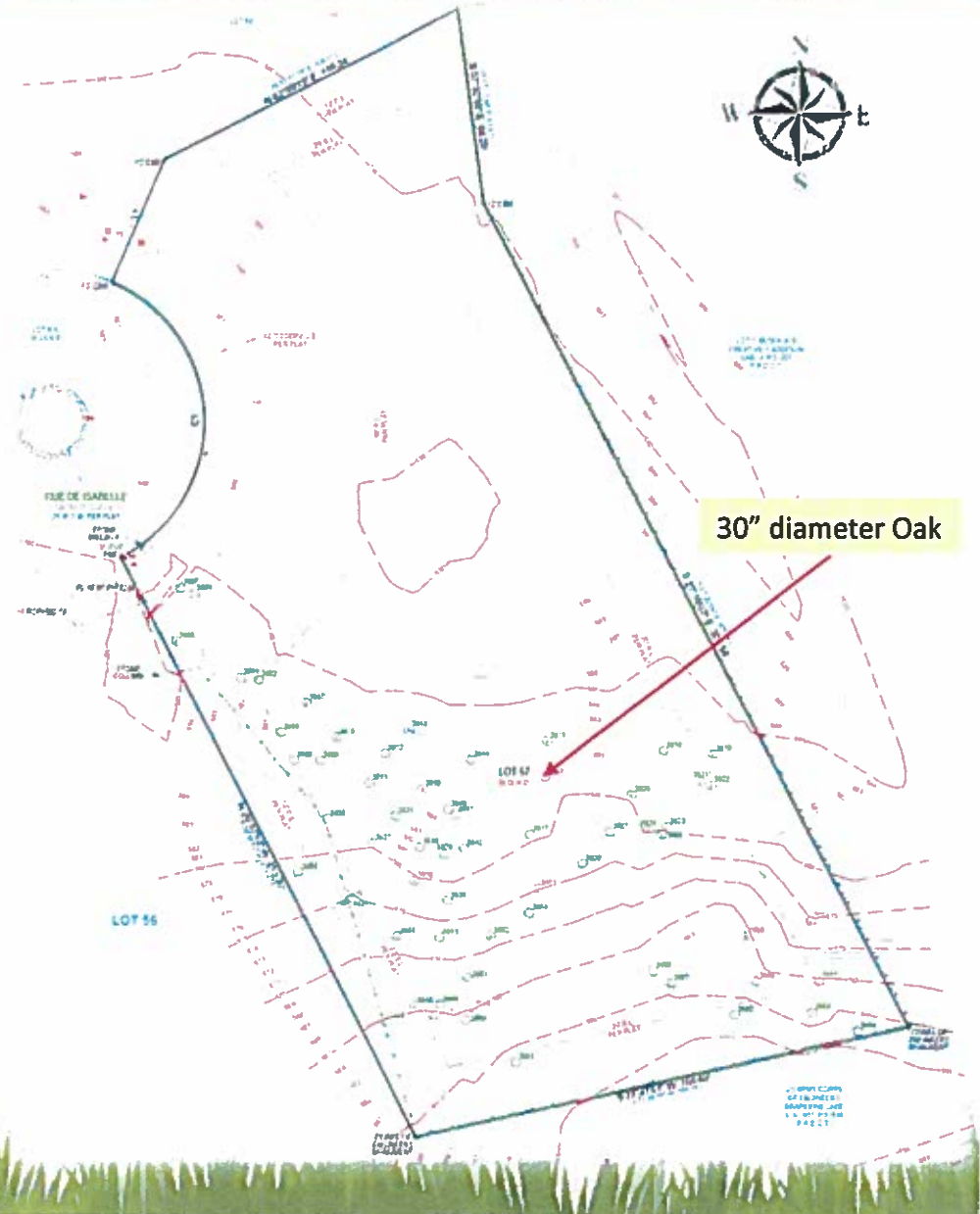


Current Lot Survey



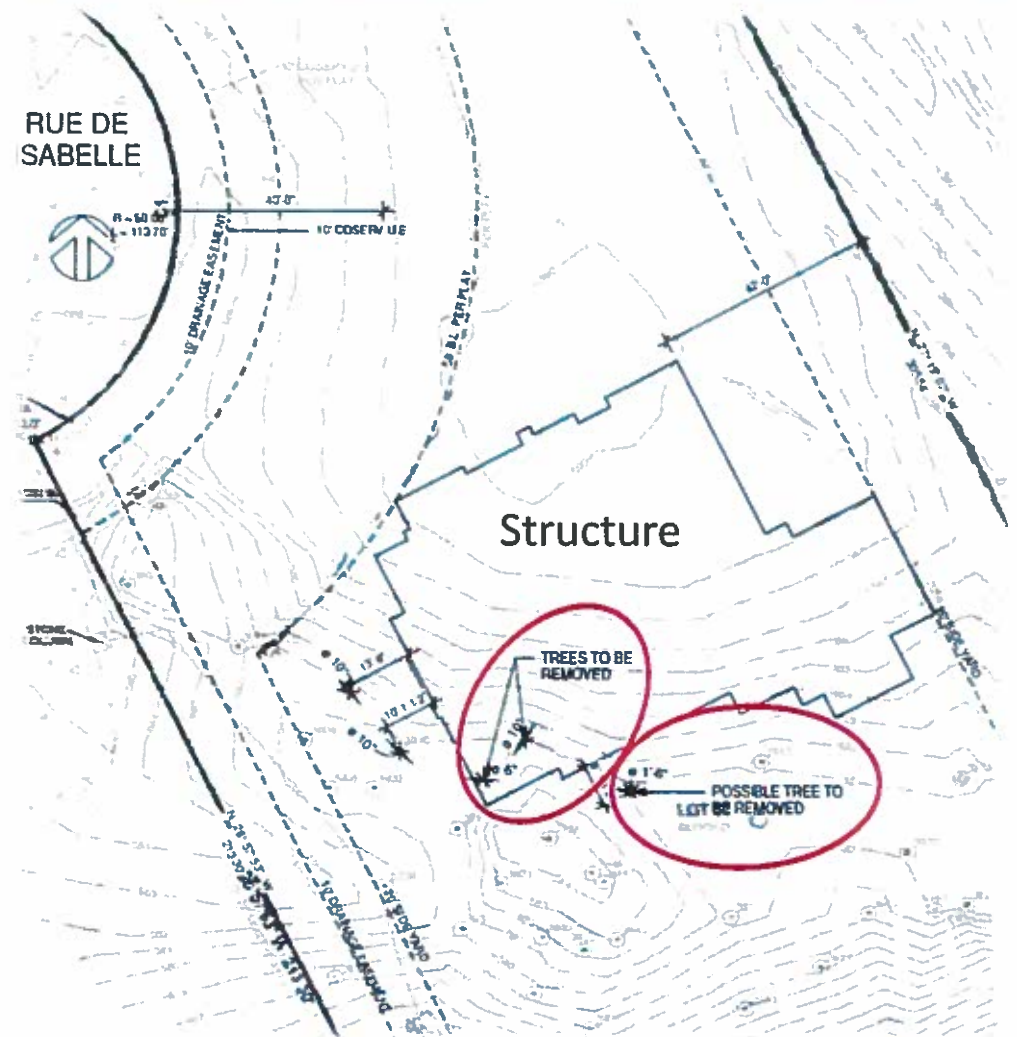
Topo Map and Tree Survey

- Goal is to preserve topography and specimen trees
- Significant elevation change from north side to south side
 - 30' drop mostly occurring south side of lot
- Total of 60 specimen trees mostly located on south side of lot
 - 45 Oak
 - 12 Elm
 - 1 Cedar
 - 1 Locust
- Diameter ranges from 6" to 30"



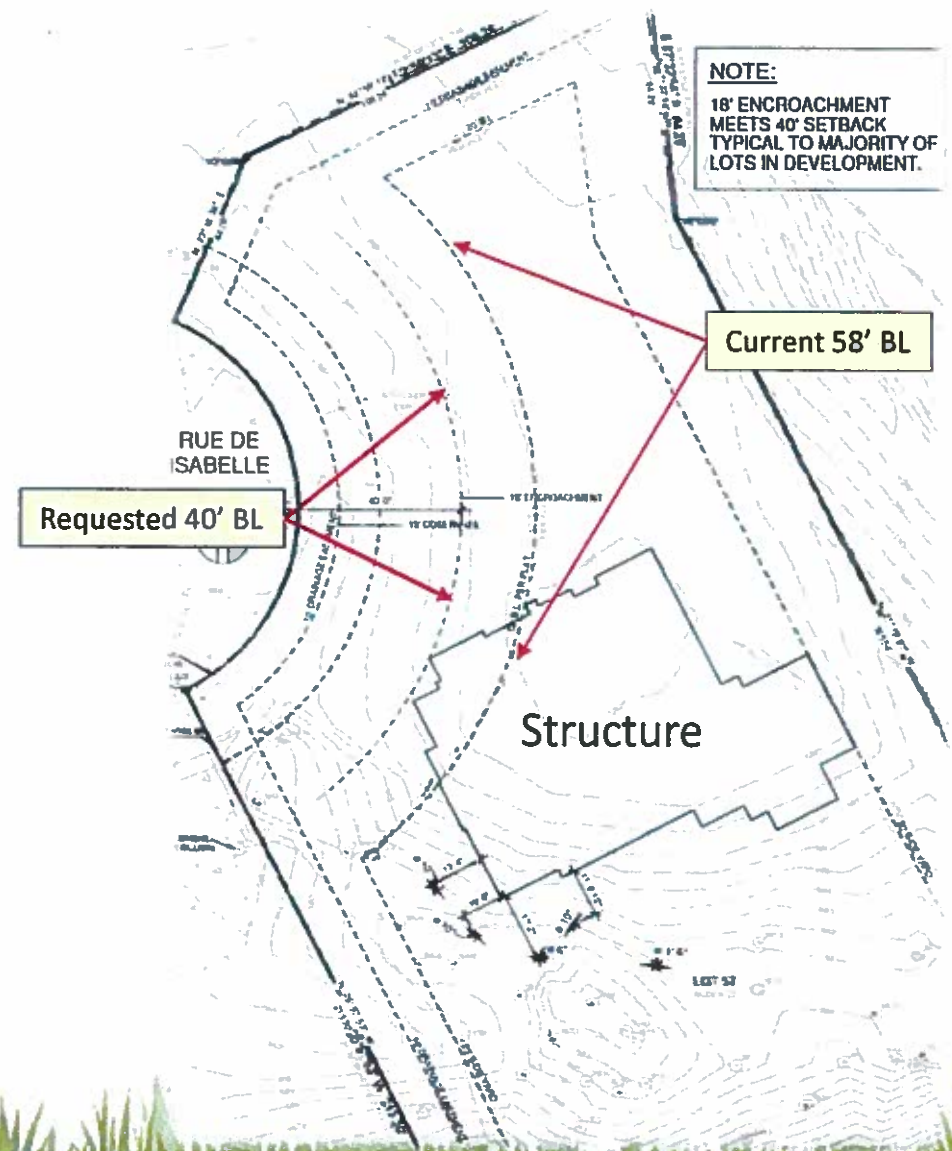
Effects of No Setback Variance

- Home must move farther back on lot
- Will require significant amounts of fill dirt to level lot
 - 30' drop mostly occurring south side of lot
- Will require removal of up to 3 specimen trees
 - 1 - 18" diameter Oak
 - 1 - 10" diameter Oak
 - 1 - 6" diameter Elm



Effects of Approved Setback Variance

- Home can be placed at optimal position on lot
- Negligible amounts of fill dirt required to level lot
 - 30' drop mostly occurring south side of lot
- No removal of trees required
- Preservation of the unique, scenic features of the landscape
 - Topography, trees and views
- Adheres to Town goal of preserving the natural character and aesthetics of the local environment



Summary

- Requesting variance from provisions of Section 98-305(d) of the Town of Flower Mound Zoning Ordinance
 - Requesting variance to establish build line setback of 40' from street
 - Current build line setback is 58' from street
 - Special circumstances exist on this property relative to the size, shape, area, topography, surrounding conditions and location that are not generally applicable to other property in the same area and zoning district
 - A variance is necessary to permit the same rights in the use of this property that are presently enjoyed under the Ordinance by other properties in the same vicinity and zone but which are not currently available for this property.
 - The majority of lots in development are on 40' setbacks
 - Granting a variance on this 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
 - Granting the variance will not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity
 - Denial of request will require repositioning of home on lot, removal of a significant number of specimen trees and significant dirt work
 - Developer has approved variance from minimum 4,500 SF home to 4,000 SF home in order to achieve maximum usage of lot, eliminate need for removal of specimen trees and maintain unique topography



Questions

Thank you for your consideration.
For more information please contact:

Bernie Thomas
(940) 367-6358
bthomasjr59@gmail.com



Sec. 98-1026. - Minimum front yard setback.

(a)

Generally. The location of buildings shall comply with the minimum front yard setback standards contained in the district regulations and summarized in the residential and nonresidential dimensional regulations schedules, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this chapter.

(b)

Permitted obstructions. Every part of a required front yard shall be open and unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other architectural features of the main building, projecting no more than 12 inches into the required front yard. Roof eaves and roof extensions of the main building or a porch without posts or columns may project into the required front yard for a distance of no more than two feet, and subsurface structures, platforms or slabs may project into the front yard to a height no greater than 30 inches above the average grade of the yard.

(c)

Corner lots. For lots with frontage on two intersecting streets, a front yard shall be provided along the shorter of the two street lines; provided, however, that, on key lots in residential districts platted after January 9, 1975, both street exposures shall be treated as front yards.

(d)

Through lots. Where lots have double frontage, frontage on two parallel or approximately parallel streets, a required front yard shall be provided on both streets, unless a building line for accessory buildings has been established along one frontage on the plat or by the ordinance establishing a planned development district, in which event only one required front yard shall be observed.

(e)

Plat building lines. Where a building line has been established by a plat approved by the town or by an ordinance establishing a planned development district, and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat, provided that no such front yard setback shall be less than ten feet.

(f)

Special regulations for residential districts. In all residential zoning districts, including agricultural, the following building setbacks from street lines shall be required:

(1)

On minor arterials, a minimum 35 foot front yard setback shall be required.

(2)

On major arterials, the minimum front yard setback shall be 60 feet.

(3)

Notwithstanding the foregoing, during the platting process, the town council may authorize exception to these special front yard requirements in instances where there exists right-of-way widths in excess of 150 feet, irregular or jogged right-of-way lines, or other such special circumstances.

(g)

Special regulations for nonresidential districts. In the nonresidential districts, the following building setbacks from street lines shall be required:

(1)

On major arterials, a minimum 60-foot front yard shall be required.

(2)

On all other streets and roads, one of the following shall be provided, except that a combination of the two setback options may be allowed if approved by the planning and zoning commission on a site plan:

a.

A minimum 30-foot front yard with no parking allowed in the minimum front yard; or

b.

A 60-foot front yard.

(h)

Gas pump islands. Motor vehicle fuel dispenser islands, including any roof or canopy over such islands, may not be located closer than 25 feet to the front property line.

(i)

Accessory buildings. No accessory building shall be located within the required front yard in any district.

(Code 1989, ch. 12, § 3.06(f))

1804 Rue de Isabelle

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



1804 Rue de Isabelle



200

Feet

200' Property Owner Notification



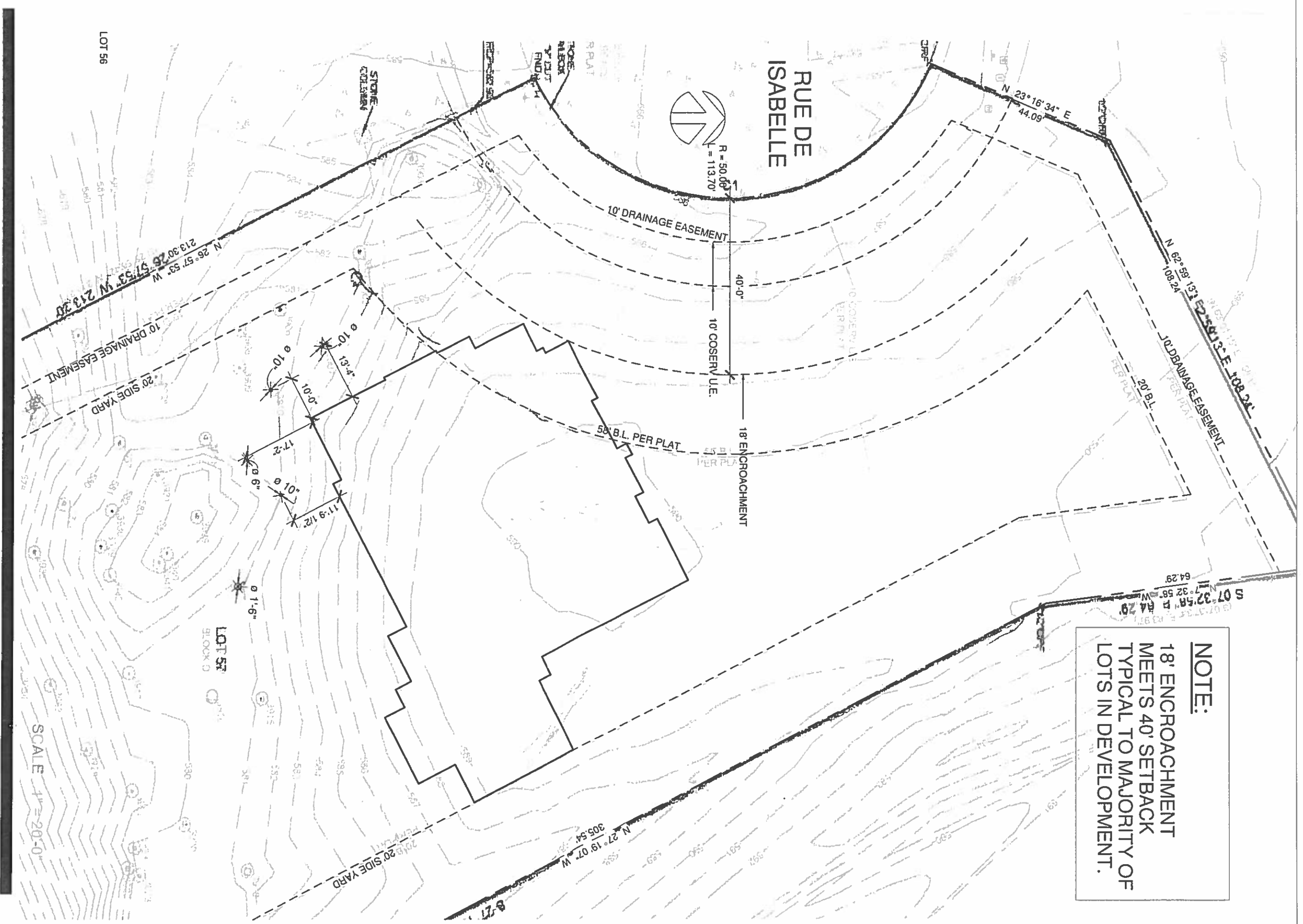
1804 Rue de Isabelle



Aerial Map



NOTE:
**18' ENCROACHMENT
MEETS 40' SETBACK
TYPICAL TO MAJORITY OF
LOTS IN DEVELOPMENT.**



LOT 57
BLOCK D

LOT 56

[illegible]

JOHN LIVELY & ASSOCIATES

STUBBINS
STUBBINS

107181-4565

Attachment 2



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, April 12, 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 Bernie Thomas for a variance from Section 98-1026 (b) and (e), "Minimum Front Yard Setback," of the Code of Ordinances. The property is generally located south of Meadow Lark Road and west of Deer Path Road and is locally known as 1804 Rue de Isabelle, Lot 57, Block D of the Enclave at Chateau du Lac Subdivision.

Kate Allen
Plans Examiner
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, March 31, 2017

Denton Record Chronicle:

FAX: 940-381-9667

Attn: Ann

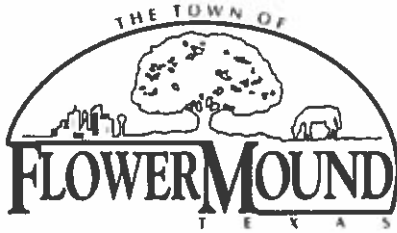
e-mail: classads@dentonrc.com

Attn: Legal Notice Rep

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

(Ref: Case No. BOA17-0003)

Town of Flower Mound Account Number: 100041132



March 28, 2017

Board of Adjustment Case No. BOA17-0003

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

A request has been made from Bernie Thomas for a variance from Section 98-1026 (b) and (e), "Minimum Front Yard Setback," of the Code of Ordinances. The property is generally located south of Meadow Lark Road and west of Deer Path Road and is locally known as 1804 Rue de Isabelle, Lot 57, Block D of the Enclave at Chateau du Lac Subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, April 12, 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 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

1804 Rue de Isabelle
200' Property Owner Notification

Attachment 9

	NAME	ADDRESS	CITY	STATE	ZIP
1	BIRD, LEWIS L III & LINDA P TRS BIRD FAMILY TRUST	1801 DEER PATH	FLOWER MOUND	TX	75022
2	CHANG, HOMER P & TINA Y	3205 VILLAGE CREST CT	FLOWER MOUND	TX	75022
3	JBGL CHATEAU LLC	3131 HARVARD AVE STE 103	DALLAS	TX	75205
4	RIORDAN CAPITAL PROPERTIES LP	23 DIAMANTE BLVD	HOT SPRINGS VILLAGE	AR	71909
5	STOCK, ALAN	4906 SAINT LAWRENCE CT	PARKER	TX	75094