

AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

JULY 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

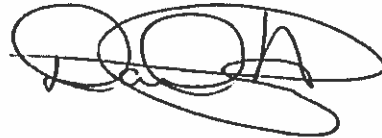
This agenda consists of non-controversial or "housekeeping" items and may be approved with a single motion. A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the minutes of the May 10, 2017, Board of Adjustment meeting.

E. PUBLIC HEARING

2. **(BOA17-0005)** Hold a public hearing and consider a request from Dawn M. Boyd for a variance from Section 98-1032 (2), "Accessory Buildings," of the Code of Ordinances. The property is generally located south of McKamy Creek Road and west of Simmons Road and is locally known as 1401 Simmons Road, Lot 22, of the M. Baker Subdivision.
3. **(BOA17-0006)** Hold a public hearing and consider a request from Albert R. Hughes 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 Cross Timbers Road and west of High Road and is locally known as 7624 Green Meadow, Lot 3, Block 2, of the Green Meadow Estates 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: July 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.

THE FLOWER MOUND ZONING BOARD OF ADJUSTMENT MEETING HELD ON THE 10TH DAY OF MAY, 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	Chairman	
Doug Fulmer	Vice-Chair	
Kent Johnson	Member	Place 3
Sky Jay Schoggins	Member	Place 4
Gail Scheepers	Member	Place 5
Jim Engel	Member	Place 7
Joe Musgrave	Member	Place 8

Constituting a quorum with the following members absent:

Thomas Moore	Member	Place 6
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Constituting a quorum with the following members of the Town Staff participating:

Ashley Dierker	Town Attorney
Joelle Hainley	Assistant Building Official
Kathy Allgood	Administrative Assistant

A. CALL TO ORDER – REGULAR SESSION

Chairman Harris called the meeting to order at 6:30 p.m.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Chairman Harris led the Pledge of Allegiance.

C. PUBLIC PARTICIPATION

None

D. CONSENT AGENDA

1. Consider approval of the minutes of the April 12, 2017, Board of Adjustment meeting.

VOTE ON THE MOTION

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

E. PUBLIC HEARING

1. **(BOA17-0004)** Hold a public hearing and consider a request from Mahesh Gajjala for a variance from Section 86-68(a)(8) "Wall Signs," of the Code of Ordinances. The property is generally located east of Morris Rd. and south of Justin Rd. and is locally known as 1611 Justin Rd., Lot 8-R1A, Block A, of the Stone Hill Farms Retail Addition Subdivision.

Staff Presentation

Joelle Hainley, Assistant Building Official

Applicant Presentation

Mahesh Gajjala, 3801 W. Spring Creek Pkwy, #523, Plano, TX

Public Comment

None

Chairman Harris closed the public hearing at 7:09 p.m.

Board member Scheepers moved to approve the variance from Section 86-68(a)(8) "Wall Signs," of the Code of Ordinances. The property is generally located east of Morris Rd. and south of Justin Rd. and is locally known as 1611 Justin Rd., Lot 8-R1A, Block A, of the Stone Hill Farms Retail Addition 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.

VOTE ON THE MOTION

AYES: Scheepers, Harris, Fulmer, Johnson
NAYS Schoggins

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

G. ADJOURNMENT OF REGULAR SESSION

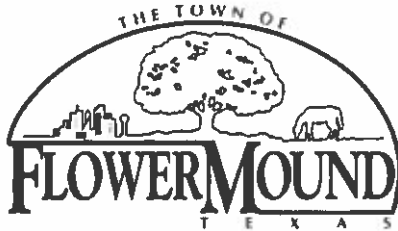
Chairman Harris adjourned the meeting at 7:23 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Danny Hartz
Chief Building Official

ATTEST:

Kathy Allgood, Administrative Assistant



BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO: 2
July 12, 2017

FROM: Kate Allen, Plans Examiner *kie*

THROUGH: Joelle Hainley, Assistant Building Official *JA*

PRESENTER:

APPLICANT: Dawn M. Boyd

STAFF: Joelle Hainley, Assistant Building Official

ITEM: (BOA17-0005) Hold a public hearing and consider a request from Dawn M. Boyd for a variance from Section 98-1032 (2), "Accessory Buildings," of the Code of Ordinances. The property is generally located south of Mckamy Creek Road and west of Simmons Road and is locally known as 1401 Simmons Road, Lot 22, of the M. Baker Subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: Dawn M. Boyd
1401 Simmons Rd
Flower Mound, TX 75022

II. LOCATION:

PROPERTY ADDRESS: 1401 Simmons
Flower Mound, TX 75022

SUBDIVISION: Lot 22
M. Baker Subdivision

ZONING: A

III. STAFF ANALYSIS:

A request has been made to hold a public hearing and consider a request from Dawn M. Boyd for a variance from Section 98-1032 (2), "Accessory Buildings," of the Code of Ordinances.

Section 98-1032 (2) states, "Barns and stables. In SF-E single-family estate and A agricultural zoning districts, barns and/or stables directly associated with the support of a bona fide agricultural use of the property shall be limited in area to that allowed by the building code for their use and construction type, but in no case shall the combined floor area of the primary use and all accessory buildings exceed the maximum percentage of lot coverage allowed for in an A or SF-E zoning district. In SF-E and A zoning districts, barns and/or stables shall be limited to a height of not more than twenty feet to the top of the roof. Such barns and/or stables shall not be located within 50 feet of any property line. Riding or rodeo arenas, whether enclosed, partially enclosed, or open air, shall require a specific use permit as provided in subsection 98-952(c), schedule of use regulations." Mrs. Boyd is requesting a variance to build 28' from the side property line. The request is to encroach into the required 50' side setback by 22'.

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 98-1032
- 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

DATE: 5-26-17

BOA17-0005

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 98-1032 of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 1401 Simmons Rd Flower Mound, TX 75022

Legal Description: Lot/Tract 22, Block _____, of Subdivision/Abstract M. Baker Survey 107

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.)

To build a 30x40 barn 22' from the south property line and 293' from the east property line

A non-refundable application fee of \$250 + \$40 public hearing notice fee are required at the time of application. Fee of \$2.50 per property notice 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 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.

Dawn M Boyd
Signature of Applicant

Dawn M Boyd
Print Name

1401 Simmons Rd Flower Mound, TX 75022
Mailing Address

972-768-0354
Telephone (Home)

[Signature]
Staff Member's Signature

5/30/17
Date

214-587-3618
Telephone (Day Number)

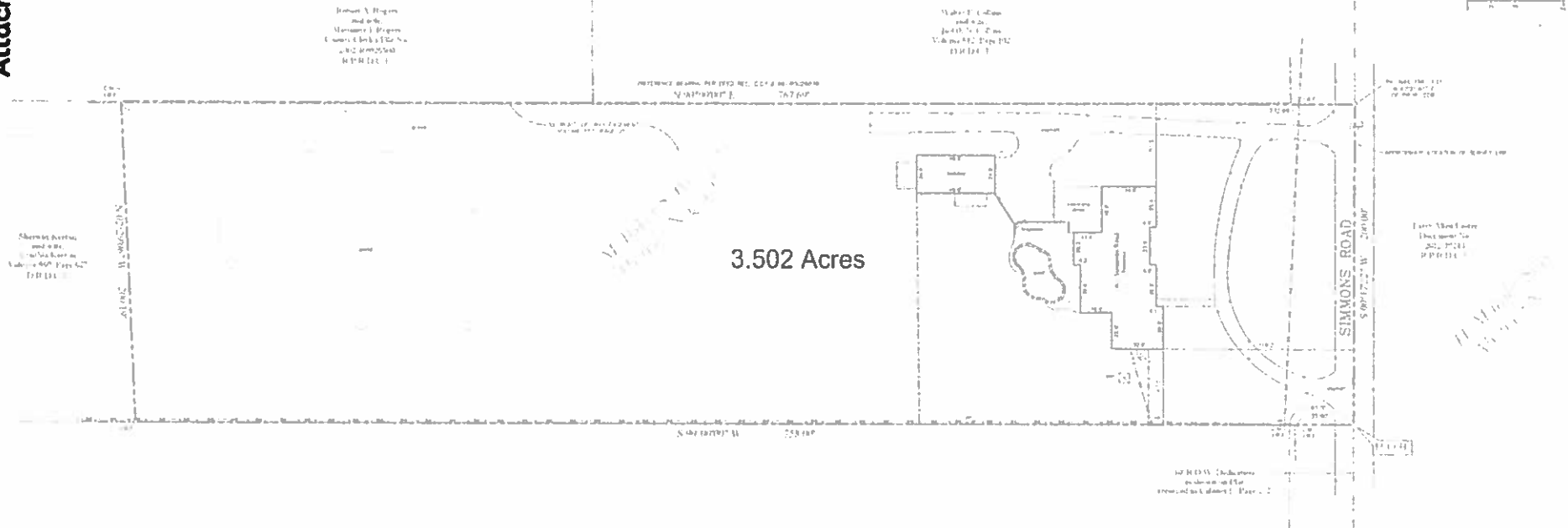
R3043459
Receipt Number

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____



DEEDS TO BE DESCRIBED

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BOUNDARY SURVEY

3.502 acre tract
out of the
M. Baker Survey, Abstract No. 107
Town of Flower Mound, Denton County, Texas

Surveyed and Platted by Arthur Surveying Co., Inc. on 10/1/11

Arthur Surveying Co., Inc.
Professional Land Surveyors



10/1/11
10/1/11
10/1/11

NOTICE TO THE PUBLIC
The undersigned do hereby certify that the survey is true and correct and that the same is in accordance with the laws of the State of Texas and the rules and regulations of the State Board of Land Surveyors.

ARTHUR SURVEYING CO., INC.
10/1/11
10/1/11
10/1/11

M. Baker Survey,
Abstract No. 107

3.502 Acres

Requested
location

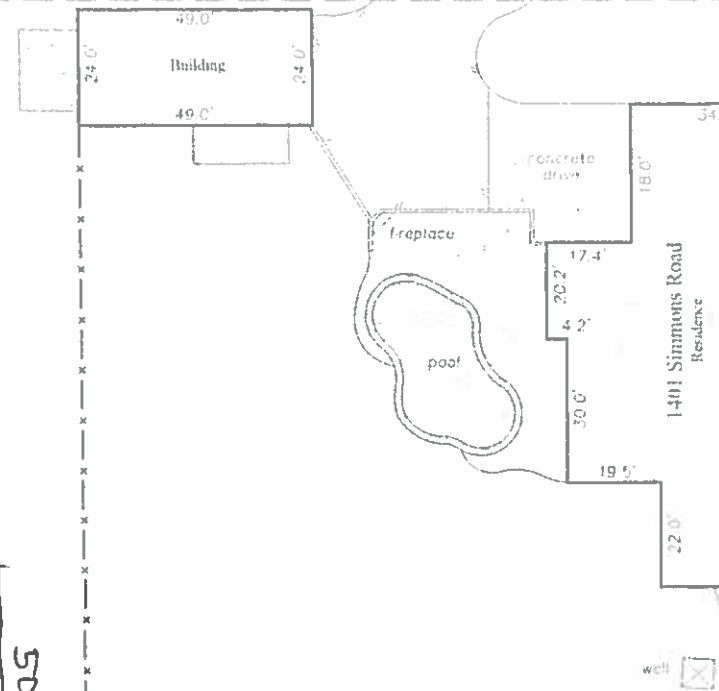


22'

50'

S 90°00'00" W

758.00'



FIELD NOTE DESCRIPTION:

BEING a 3.502 acre tract of land situated in the M. Baker Survey, Abstract No. 107, in the Town of Flower Mound, Denton County, Texas, and being that same tract of land described by deed to Ronald E. Brackett, as recorded under County Clerk's File No. 96-R0026078, of the Real Property Records of Denton County, Texas (R.P.R.D.C.T.), and being more particularly described as follows:

BEGINNING at the northeast corner of a 40 foot wide right-of-way dedication as shown on Plat of A & B Ranch Addition, an addition to the Town of Flower Mound, Denton County, Texas, according to the Town of Flower Mound, according to the Plat thereof recorded in Cabinet L, Page 232, of the Plat Records of Denton County,



Sec. 98-1032. - Accessory buildings.**(a)**

Generally. Attached accessory buildings shall conform to the regulations applicable to the main building to which they are attached.

(1)

Number; area. Except in A agricultural zoning districts, no more than two accessory buildings may be placed on any residential lot. The combined floor area of all accessory buildings shall not exceed 750 square feet or 25 percent of the floor area of the primary structure, whichever is less, except for SF-E single-family estate zoning districts, in which the combined floor area of all accessory buildings shall not exceed 1,500 square feet. In no case shall the combined area of the primary structure and accessory buildings exceed the maximum percentage of lot coverage allowed for the zoning district in which the structures are located. Accessory dwellings are not subject to these regulations and shall be governed by other provisions of this chapter.

(2)

Barns and stables. In SF-E single-family estate and A agricultural zoning districts, barns and/or stables directly associated with the support of a bona fide agricultural use of the property shall be limited in area to that allowed by the building code for their use and construction type, but in no case shall the combined floor area of the primary use and all accessory buildings exceed the maximum percentage of lot coverage allowed for in an A or SF-E zoning district. In SF-E and A zoning districts, barns and/or stables shall be limited to a height of not more than twenty feet to the top of the roof. Such barns and/or stables shall not be located within 50 feet of any property line. Riding or rodeo arenas, whether enclosed, partially enclosed, or open air, shall require a specific use permit as provided in subsection 98-952(c), schedule of use regulations.

(3)

Location. Accessory buildings must be located at least five feet from any other building or structure on the property.

(4)

Walls abutting property line. When accessory buildings are constructed less than five feet from any property line, no windows, doors or other penetrations of the exterior wall shall be allowed in the wall abutting that property line.

(b)

Setback requirements.

(1)

Detached accessory buildings less than 120 square feet shall be subject to the following regulations, in addition to any applicable regulations of this Code.

a.

Generally.

1.

No accessory building shall be located within any easement.

2.

No accessory building may be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of stormwater flows.

b.

Front. Accessory buildings shall not be located closer to the front property line than the primary building or the front yard setback requirement for that zoning district, whichever is greater.

c.

Side. Accessory buildings shall be set back a minimum of three feet from the side property line. When accessory buildings are placed on corner lots adjacent to an exterior side yard setback, the accessory building shall be required to adhere to the exterior side yard setback established for the primary structure.

d.

Rear. There need be no rear setback for accessory buildings where lots abut an alley. Where lots do not abut an alley, the rear setback shall be a minimum of three feet.

e.

Height. Accessory buildings shall be limited to a height of not more than 14 feet to the top of the roof.

f.

Permit. No building permit shall be required.

(2)

Detached accessory buildings 120 square feet or larger shall be subject to the following regulations, in addition to any applicable regulations of this Code.

a.

Generally.

1.

No accessory building shall be located within any easement.

2.

No accessory building may be placed so as to negatively impact drainage on any adjacent lot by diversion or impoundment of stormwater flows.

b.

Front. Accessory buildings shall not be located closer to the front property line than the primary building or the front yard setback requirement for that zoning district, whichever is greater.

c.

Side. Accessory buildings shall be set back a minimum of three feet from an interior side property line. When accessory buildings are placed on corner lots adjacent to an exterior side yard setback, the accessory building shall be required to adhere to the exterior side yard setback established for the primary structure. When accessory buildings are constructed less than five feet from a side property line, no windows, doors or other penetrations of the exterior wall shall be allowed in the wall abutting the side property line. Where a garage or carport is designed to be entered from a side street, the structure shall be set back not less than 20 feet from the exterior side property line.

d.

Rear. There need be no rear setback for accessory buildings where lots abut an alley. Where lots do not abut an alley, the rear setback shall be a minimum of three feet. Where a garage or carport is designed and constructed to be entered from an alley or street at the rear of a lot, such garage or carport shall be set back not less than 20 feet from the rear property line.

(c)

Roof.

(1)

The minimum roof slope shall be 3 to 12.

Exception. Metal carports and engineered metal buildings.

(2)

The color and materials of the roof of the accessory building must closely resemble the color and materials of the roof of the main building.

(d)

Exterior walls.

(1)

Accessory buildings 300 square feet and less in area may use exterior grade wood siding.

(2)

Accessory buildings over 300 feet in area must have exterior walls that are at least the same masonry content required of the main structure. The masonry used on the accessory building shall closely resemble the masonry used on the main building.

(e)

Height. Accessory buildings shall be limited to a height of not more than 14 feet to the top of the roof.

Exception. Accessory building located in SF-E single-family estates and A agricultural shall be no more than 20 feet to the peak of the roof.

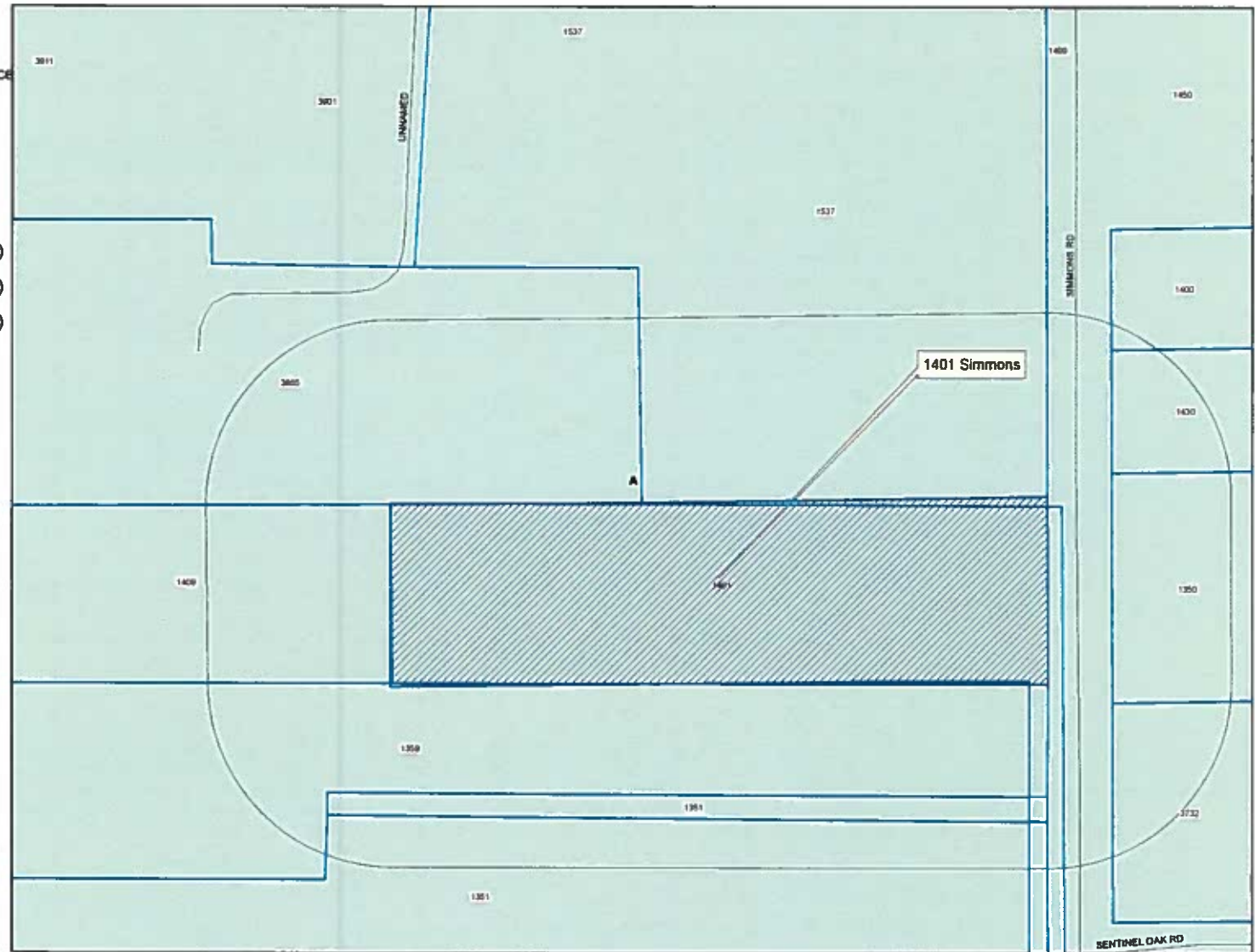
(f)

Permit. A building permit shall be required.

(Ord. No. 19-01, § 1, 3-5-2001)

Zoning Map

	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



1401 SIMMONS RD



200

Feet

200' Property Owner Notification



1401 SIMMONS RD



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, July 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 Dawn M. Boyd for a variance from Section 98-1032 (2), "Accessory Buildings," of the Code of Ordinances. The property is generally located south of Mckamy Creek Road and west of Simmons Road and is locally known as 1401 Simmons Road, Lot 22, of the M. Baker Subdivision.

Kate Allen
Plans Examiner
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, June 30, 2017

Denton Record Chronicle:

FAX: 940-381-9667

Attn: Ann

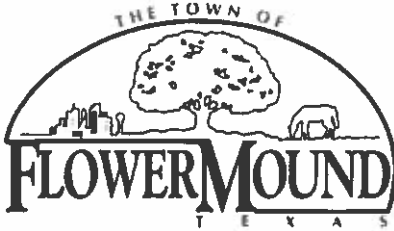
e-mail: classads@dentonrc.com

Attn: Legal Notice Rep

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

(Ref: Case No. BOA17-0005)

Town of Flower Mound Account Number: 100041132



June 26, 2017

Board of Adjustment Case No. BOA17-0005

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

A request has been made from Dawn M. Boyd for a variance from Section 98-1032 (2), "Accessory Buildings," of the Code of Ordinances. The property is generally located south of Mckamy Creek Road and west of Simmons Road and is locally known as 1401 Simmons Road, Lot 22, of the M. Baker Subdivision. The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, July 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

1401 SIMMONS RD
200' Property Owner Notification

Attachment 9

	NAME	ADDRESS	CITY	STATE	ZIP
1	AGUIRRE, JORGE & DORIS C	PO BOX 270639	FLOWER MOUND	TX	75027
2	BOYD, JON S & DAWN M	1401 SIMMONS RD	FLOWER MOUND	TX	75022
3	COLLINS, WALTER F & JUDITH N	1537 SIMMONS RD	FLOWER MOUND	TX	75022
4	GREER, OLETA	3732 SENTINEL OAKS DR	FLOWER MOUND	TX	75022
5	LESTER, LARRY ALLEN	3716 SENTINEL OAKS DR	FLOWER MOUND	TX	75022
6	REMBERT, REGINALD JR	3625 BONANZA LN	FLOWER MOUND	TX	75022
7	ROGERS, ROBERT A & MARIANNE J	3865 CEDARCREST CT	FLOWER MOUND	TX	75022
8	WIEGERS, PHILLIP L & ELIZABETH A	1409 SIMMONS RD	FLOWER MOUND	TX	75022
9	YI, UNG KI & TOK SUN	1351 SIMMONS RD	FLOWER MOUND	TX	75022



BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO: 3
JULY 12, 2017

FROM: Kate Allen, Plans Examiner *Kia*

THROUGH: Joelle Hainley, Assistant Building Official *JH*

PRESENTER:

APPLICANT: Albert R. Hughes

STAFF: Joelle Hainley, Assistant Building Official

ITEM: (BOA17-0006) Hold a public hearing and consider a request from Albert R. Hughes 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 Cross Timbers Road and west of High Road and is locally known as 7624 Green Meadow, Lot 3, Block 2 of the Green Meadow Estates Subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: Albert R. Hughes
7660 Green Meadow
Flower Mound, TX 75022

II. LOCATION:

PROPERTY ADDRESS: 7624 Green Meadow
Flower Mound, TX 75022

SUBDIVISION: Lot 3, Block 2
Green Meadow Estates

ZONING: SFE

III. STAFF ANALYSIS:

A request has been made to hold a public hearing and consider a request from Albert R. Hughes 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. Hughes is requesting a variance to allow the house to encroach twenty feet into the required one-hundred 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 one-hundred 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

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

Attachment 1

DATE: 6/1/17

BOA17-0006

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: 7624 GREEN MEADOW LN

Legal Description: Lot/Tract 3, Block 2, of Subdivision/Abstract GREEN MEADOW ESTATES

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 for variance to move front build line set back from 100' to 80' in order to save multiple mature oak trees, during construction of new home.

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.

Signature of Applicant

Print Name

Mailing Address

Telephone (Home)

Telephone (Day Number)

Staff Member's Signature

Date

Receipt Number

BOARD OF ADJUSTMENT DECISION:

() DENIED

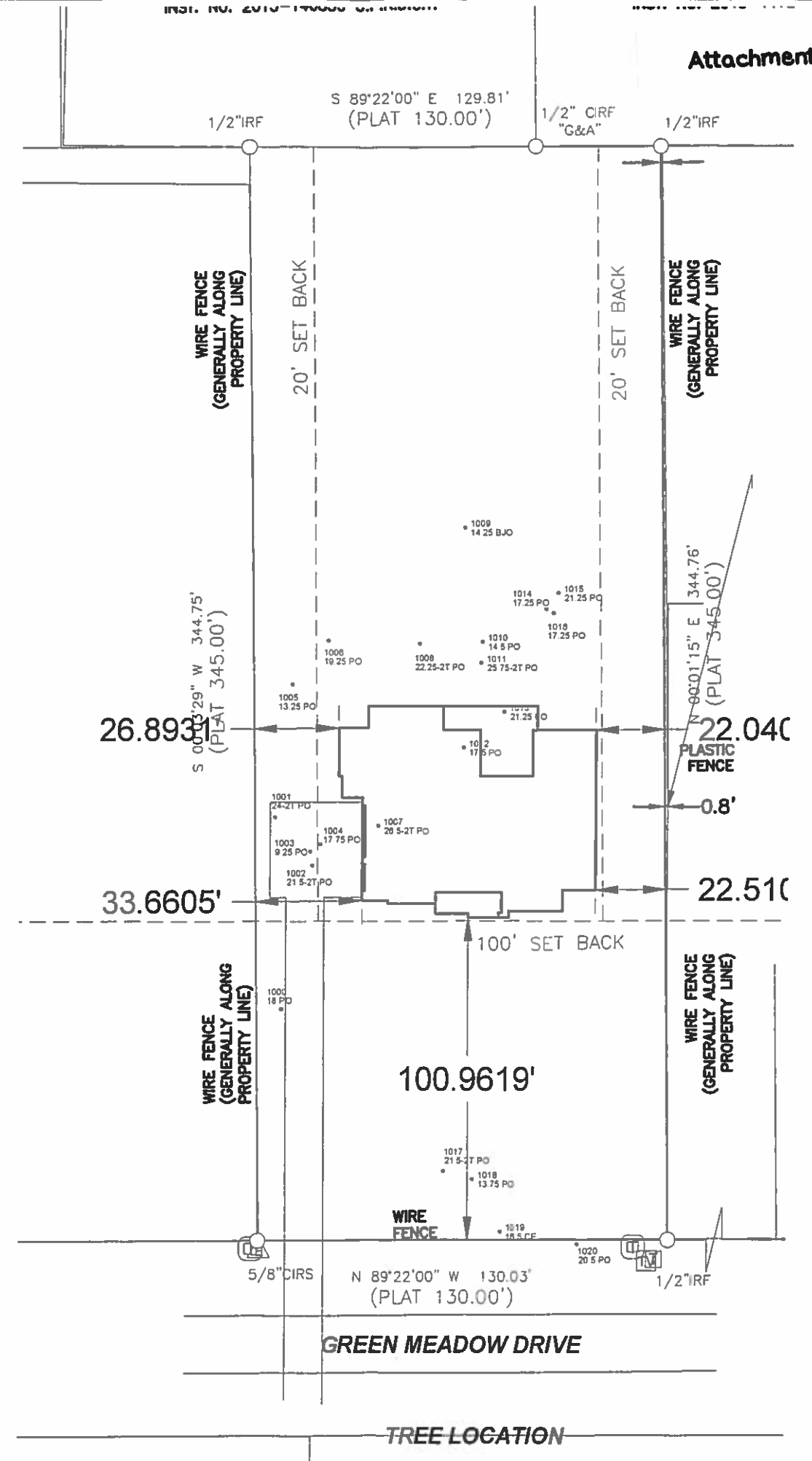
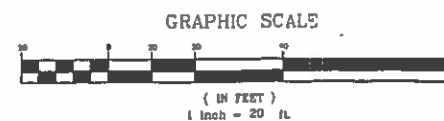
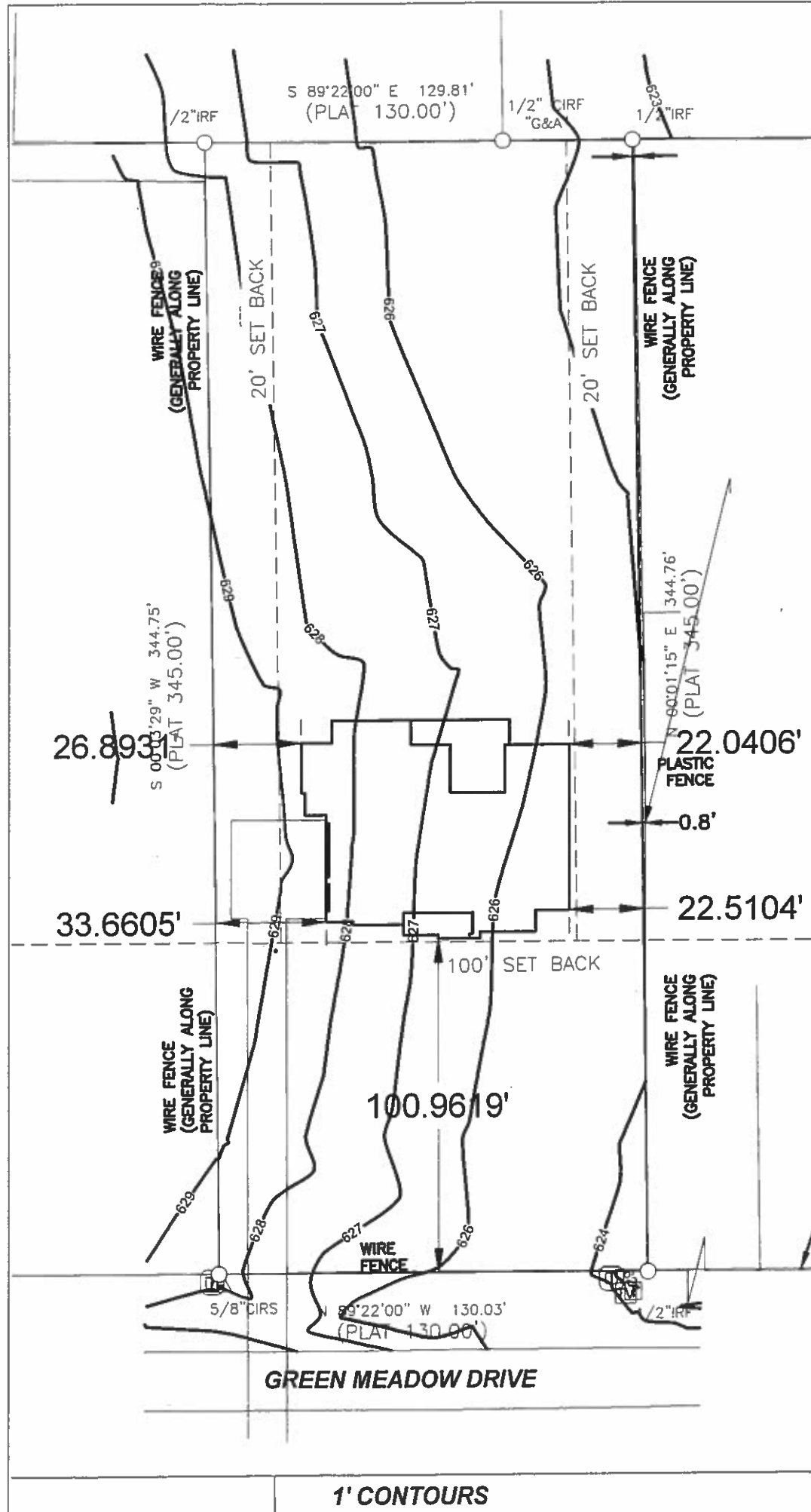
() GRANTED

TERMS AND/OR CONDITIONS:

BOARD OF ADJUSTMENT CHAIRMAN:

DATE:

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



Attachment 2

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)

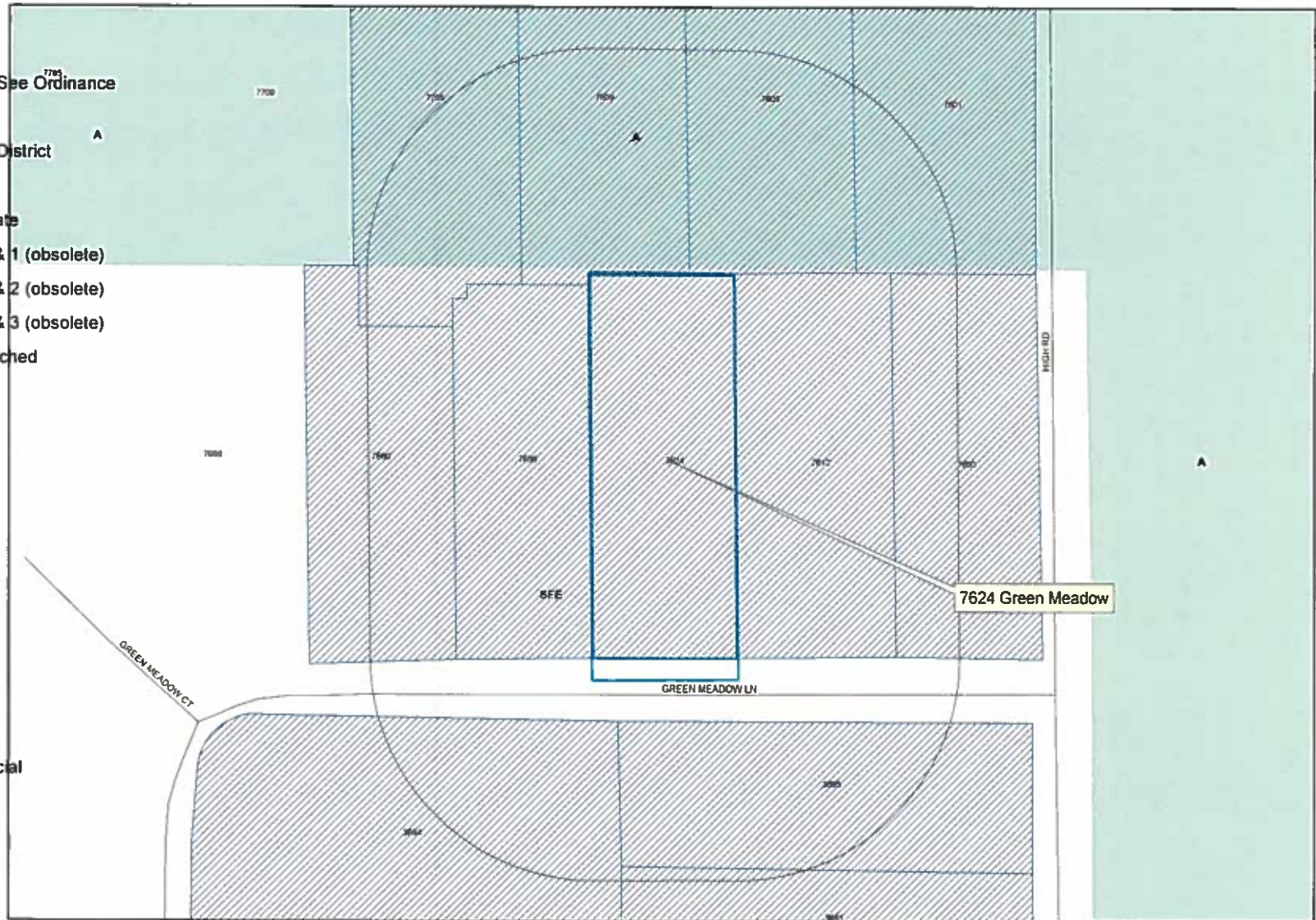
Accessory buildings. No accessory building shall be located within the required front yard in any district.

(Code 1989, ch. 12, § 3.06(f))

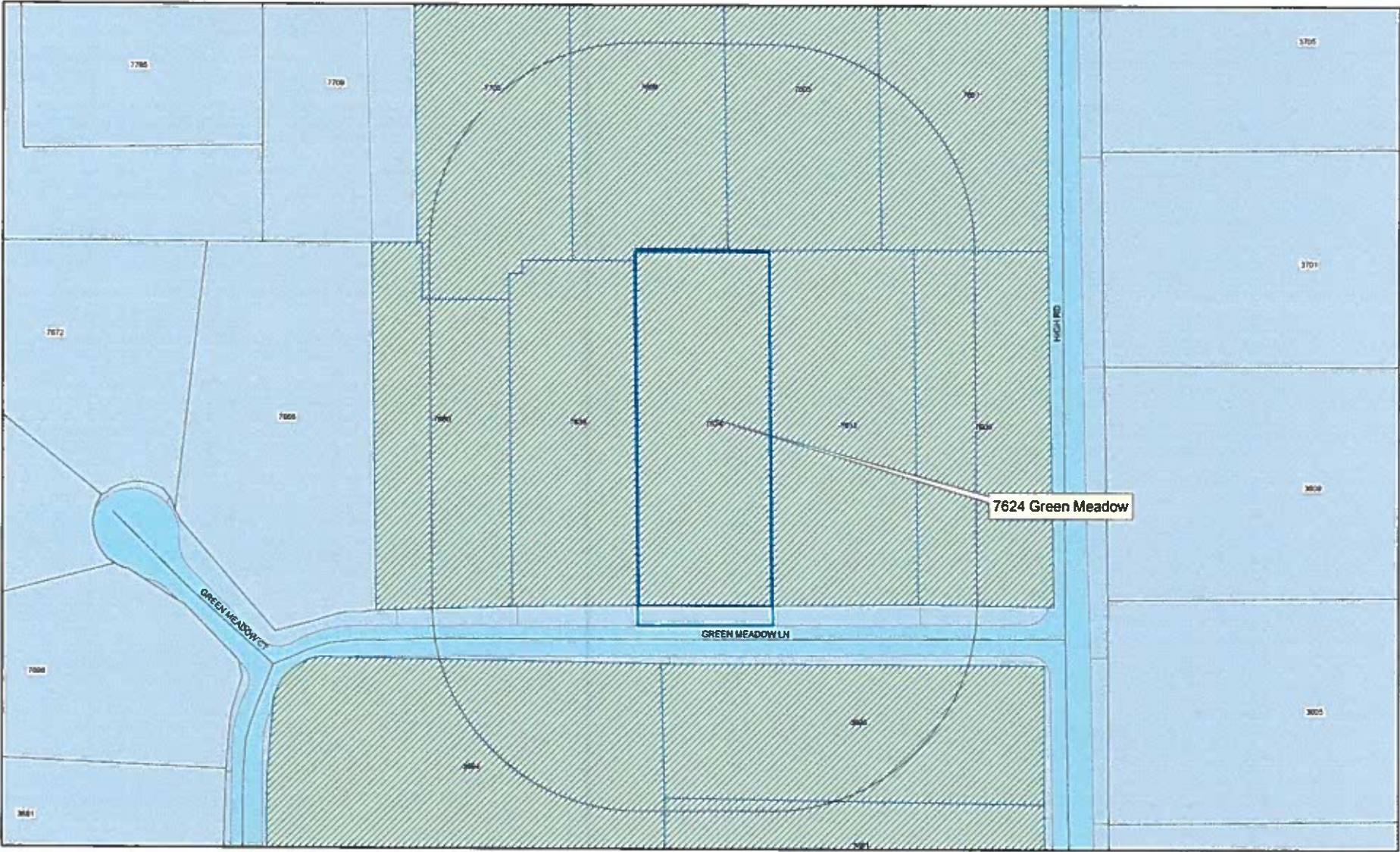
7624 Green Meadow

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



7624 Green Meadow



200 Feet

200' Property Owner Notification



7624 Green Meadow



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, July 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 Albert R. Hughes 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 Cross Timbers Road and west of High Road and is locally known as 7624 Green Meadow, Lot 3, Block 2 of the Green Meadow Estates Subdivision.

Kate Allen
Plans Examiner
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, June 30, 2017

Denton Record Chronicle:

FAX: 940-381-9667

Attn: Ann

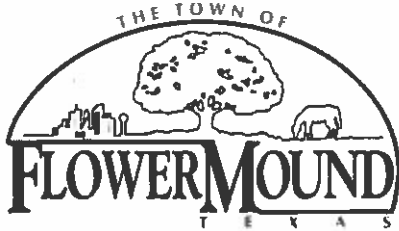
e-mail: classads@dentonrc.com

Attn: Legal Notice Rep

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

(Ref: Case No. BOA17-0006)

Town of Flower Mound Account Number: 100041132



June 26, 2017

Board of Adjustment Case No. BOA17-0006

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

A request has been made from Albert R. Hughes 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 Cross Timbers Road and west of High Road and is locally known as 7624 Green Meadow, Lot 3, Block 2 of the Green Meadow Estates Subdivision.

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

**7624 Green Meadow Lane
200' Property Owner Notification**

Attachment 9

<u>NAME</u>	<u>ADDRESS</u>	<u>CITY</u>	<u>STATE</u>	<u>ZIP</u>
1 DELOZIER, JOHN E & LESLIE M	7612 GREEN MEADOW LN	FLOWER MOUND	TX	75022
2 HARDAGE, ROBERT DALE TR HARDAGE REVOCABLE TRUST	5805 SOUTHERN HILLS DR	FLOWER MOUND	TX	75022
3 HUGHES, ALBERT R	7660 GREEN MEADOW LN	FLOWER MOUND	TX	75022
4 KRANTZ, KELLY LEE & KURTIS MITCHELL	2705 WOODSON CIR	BEDFORD	TX	76021
5 LARSEN, VICTOR D	3694 GREEN MEADOW LN	FLOWER MOUND	TX	75022
6 LEGENDRE, RAYMOND H & LISA A	2317 MOCKINGBIRD LN	FLOWER MOUND	TX	75022
7 OLSON, MARY ANN ETAL	3695 HIGH RD	FLOWER MOUND	TX	75022
8 SCHREIBER, STEVEN M & HOLLY M	10004 TUMBLEWEED CT	FAIRFAX	VA	22032
9 TYRRELL, MARY ANN ETAL	3695 HIGH RD	FLOWER MOUND	TX	75022