



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

APRIL 10, 2019

**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 COMMENT**

To address the Board of Adjustment, please fill out a comment form.

- Turn in form by 6:30 p.m. to Administrative Assistant
- Speakers are limited to 3 minutes, however this can be adjusted by the Chair
- Please state your name and address when speaking

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” on this agenda. 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 A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

Board of Adjustment Meeting Agenda

April 10, 2019

Page 2

1. Consider approval of the minutes of the March 13, 2019, Board of Adjustment meeting.

E. PUBLIC HEARING

(BOA19-0003) Hold a public hearing and consider a request from Kim Frenette 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 South of Lakeside Pkwy and is locally known as 629 Sandy Ln, Lot 9, Block H, of the Lakeside Phase II Subdivision.

(BOA19-0005) Hold a public hearing and consider a request from Holly Royer for a variance from Section 98-1032(b)(2)(b), "Accessory Buildings" of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Shiloh Rd and is locally known as 6901 Hidden Valley Rd, Lot 6, of the MEP & P Subdivision.

F. ADJOURNMENT

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 5, 2019, 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.



ZONING BOARD OF ADJUSTMENT AGENDA ITEM NO. 1

CONSENT ITEM

DATE: April 10, 2019
FROM: Kathy Allgood, Administrative Assistant
ITEM: Consider approval of minutes from the regular meeting of the Zoning Board of Adjustment held on March 13, 2019.

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the March 13, 2019, regular meeting of the Zoning Board of Adjustment.

CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. A copy of the draft minutes from the March 13, 2019, regular meeting of the Zoning Board of Adjustment.

RECOMMENDATION: Move to approve the minutes from the March 13, 2019, regular meeting of the Zoning Board of Adjustment.

THE FLOWER MOUND BOARD OF ADJUSTMENT MEETING HELD ON THE 13TH DAY OF MARCH 2019, 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 PM.

[Click here](#) for meeting video link.

The Board of Adjustment met in regular session, with the following members present constituting a quorum:

Stephen Harris	Chair
Gregory Schultz	Vice Chair
Brad Painter	Board Member, Place 6
Denis Toth	Board Member, Place 7

Places 6, 7, and 8 of the Board do not vote on items unless they sit in place of one of the regular members, Places 1-5.)

Constituting a quorum with the following members absent:

Vacant	Board Member, Place 3
Sky Jay Schoggins	Board Member, Place 4
David Moraine	Board Member, Place 5
Greg Wilson	Board Member, Place 8
David Moraine	Board Member, Place 5

And the following members of Town staff present:

James Donavon	Town Attorney
Joelle Hainley	Building Official
Kathy Allgood	Administrative Assistant

A. CALL TO ORDER - REGULAR SESSION: 6:30 PM

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

None

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 minutes from the regular meeting of the Board of Adjustment held on February 13, 2019.

Motion was made and seconded to approve the February 13, 2019, minutes as presented.

VOTE ON THE MOTION

AYES: Schultz, Harris, Painter, Toth
NAYS: None
ABSTAIN: None

The motion passed with a vote of 4-0-0

E. PUBLIC HEARING

1. (BOA19-0004) Hold a public hearing and consider a request from Kier & Heather Johnson for a variance from Section 98-1028 (b), "Minimum Rear Yard Setback," of the Code of Ordinances. The property is generally located East of Gerault Rd and South of Big Canyon Dr. and is locally known as 1301 Paprika Dr., Block D, Lot 8, of Bakers Branch Estates.

Chair Harris opened the Public Hearing for item 1.

Staff Presentation

Joelle Hainley, Town of Flower Mound Building Official, gave the staff presentation.

Applicant Presentation

Blaine Johnson (2200 Moonlight Bay, Flower Mound, TX), spoke on behalf of the applicants, Kier & Heather Johnson, regarding item 1.

The following individuals either spoke in support or opposition or had questions / comments related to the item(s): Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

Support: Comments/Questions	Opposition: Comments/Questions	Question(s)/ Comments Only
None	None	None

Chair Harris closed the Public Hearing at 6:54 PM.

Board Member Deliberation

Board Member Schultz made a motion to deny the request for variance from Section 98-1028 (b), "Minimum Rear Yard Setback," of the Code of Ordinances. The property is generally located East of Gerault Rd and South of Big Canyon Dr. and is locally known as 1301 Paprika Dr., Block D, Lot 8, of Bakers Branch states.

Board Member Toth seconded the motion.

VOTE ON THE MOTION

AYES: Toth, Painter, Harris, Schultz
NAYS: None
ABSTAIN: None

The motion to deny passed with a vote of 4-0-0.

F. ADJOURNMENT – REGULAR SESSION 7:00 PM.

TOWN OF FLOWER MOUND, TEXAS

STEPHEN HARRIS
CHAIR

ATTEST:

KATHY ALLGOOD
ADMINISTRATIVE ASSISTANT



BOARD OF ADJUSTMENT MEETING AGENDA ITEM NO.

REGULAR ITEM

DATE: April 10, 2019
FROM: Mylinda Taylor, Permit Technician
THROUGH: Joelle Hainley, Chief Building Official
PRESENTER:

APPLICANT: Kim Frenette

STAFF: Chris Pamplin, Assistant Building Official

ITEM: **(BOA19-0003)** Hold a public hearing and consider a request from Kim Frenette 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 South of Lakeside Pkwy and is locally known as 629 Sandy Ln, Lot 9, Block H, of the Lakeside PH II Subdivision.

BACKGROUND INFORMATION:

APPLICANT: Kim Frenette
629 Sandy Ln
Flower Mound, TX 75022

LOCATION:

PROPERTY ADDRESS: 629 Sandy Ln
Flower Mound, TX 75022

SUBDIVISION: Lot 9, Block H
Lakeside Ph II

ZONING: MU

STAFF ANALYSIS:

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

- The request is to allow a maximum 8' fence to be located within the 20' required front yard.
- A residential fence permit application could not be approved as the proposed fence is located within the required front yard. Section 98-1142 of the Code of Ordinances states "Except in A, agricultural district no fence or wall within a required front yard shall exceed four feet in height above the adjacent grade." This lot is a key lot, platted with two front yards adjacent to Sandy Ln and Sedona St.

Ms. Frenette is requesting a variance to be allowed a maximum 8' fence in front of the front building line in the front yard adjacent to Sedona St.

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.

ATTACHMENTS:

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

ZONING BOARD OF ADJUSTMENT TOWN OF FLOWER MOUND

DATE: 1/27/2019

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

LOCATION OF PROPERTY

BOA19-0003

Street Address: 629 Sandy Lane, Flower Mound, TX 75022Legal Description: Lot/Tract 9, Block H, of Subdivision/Abstract :Lakeside Phase 2

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.)

Our variance request is to maintain the height of our existing 6ft fence with the option to increase the height, not to exceed 8 feet, allowed by the ordinance for a side yard. We would also like the option to extend the footprint an additional 12ft from the existing fence so that the kitchen window is behind the fence line.

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

Kim Frenette

Print Name

629 Sandy Lane, Flower Mound, TX 75022
Mailing Address

Kim Frenette 469-995-0069, Greg Buzanis 469-688-6800
Telephone (Home) Telephone (Day Number)

Staff Member's Signature

Date

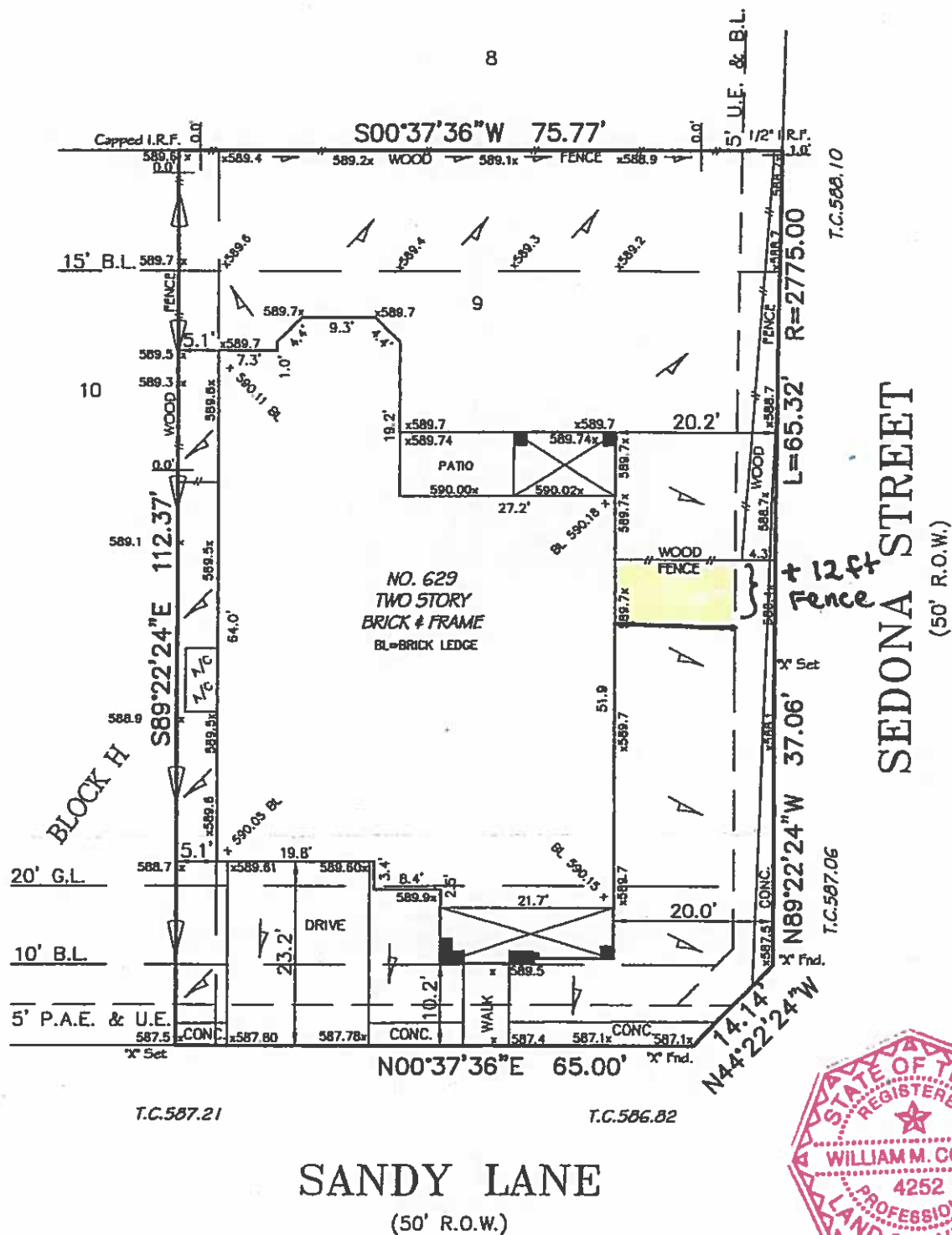
Receipt Number

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

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



FLOOD NOTE: THE F.I.R.M. REPORT FOR THE TOWN OF FLOWER MOUND, DENTON COUNTY, TEXAS, COMMUNITY PANEL NO. 48121CD68DG DATE: APRIL 18, 2011, INDICATES ALL OF THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE X CLEAR, WHICH BY F.I.R.M. DEFINITION MEANS "AREA DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN".

TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:

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

- (a) Except in A, agricultural district no fence or wall within a required front yard shall exceed four feet in height above the adjacent grade.
- (b) In the A, agricultural district no solid fence or wall within a required front yard shall exceed four feet in height above the adjacent grade; however, notwithstanding the foregoing, barbed wire or metal/wire livestock fencing not exceeding five feet in height above the adjacent grade shall be permitted within a required front yard.
- (c) No fence or wall erected within a required side or rear yard shall exceed eight feet in height above the adjacent grade.
- (d) Fences and walls shall be erected in accordance with the requirements of section 82-161 of this Code, corner visibility.

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

Sec. 74-3. - Definitions.

The following words, terms and phrases, when used in subpart B of this Code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Lot, key, means a corner lot abutting two or more noncorner (interior or through) lots.

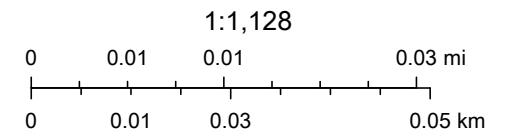
zoning map

ATTACHMENT 5



2/6/2019 9:31:15 AM

- | | | | |
|--------------------|-----------------|-----------------------------|---------------------------------|
| Parcel | Address Points | Combined Uses-See Ordinance | Agriculture |
| County Line Zoning | Mixed Use | Single Family Estate | |
| Town Limits | Interim Holding | Central Business District | Single Family 30 & 1 (obsolete) |



Town of Flower Mound, DCAD, TAD, Sources: Esri, HERE, Garmin, USGS,

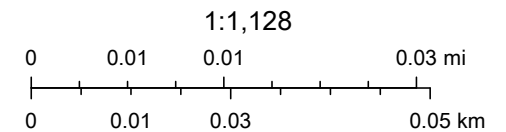
200' PROPERTY OWNER MAP

ATTACHMENT 6



2/6/2019 9:35:48 AM

- Buffer (Step 2) _Query result
- Parcel
- County Line
- Town Limits
- Streams
- Address Points
- Park Location



Town of Flower Mound, DCAD, TAD, Sources: Esri, HERE, Garmin, USGS,

Town of Flower Mound, Esri, HERE, Garmin, INCREMENT P, NGA, USGS | NCTCOG | NCTCOG, Town of Flower Mound | Town of Flower Mound | Town of Flower Mound & FEMA | Town of Flower Mound & NCTCOG | Town of Flower Mound, DCAD, TAD |

AERIAL PHOTOGRAPH



2/6/2019 9:38:09 AM

2017 AERIAL PHOTOGRAPHY

Red: Band_1

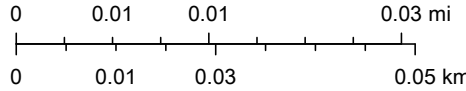
Green: Band_2

Blue: Band_3
Parcel
County Line

Town Limits
Address Points
Park Location

Streams

1:1,128



Town of Flower Mound, DCAD, TAD, Sources: Esri, HERE, Garmin, USGS,

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 10th, at 6:30pm at the Flower Mound Town Hall, 2121 Cross Timbers Rd (FM1171). The purpose of the hearing is to consider a request from Kim Frenette 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 South of Lakeside Pkwy and is locally known as 629 Sandy Ln, Lot 9, Block H, of the Lakeside Ph II subdivision.

Myllinda Taylor
Permit Technician
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, March 29, 2019
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday,
March 29, 2019

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

ANY QUESTIONS OR PROBLEMS PLEASE CALL Myllinda Taylor at 972-874-6316.

(Ref: Case No. BOA19-0003)

Town of Flower Mound Account Number: 100041132



March 26, 2019

Board of Adjustment Case No. BOA19-0003

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

A request has been made from Kim Frenette 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 Rd and South of Lakeside Pkwy and is locally known as 629 Sandy Ln, Lot 9, Block H, of the Lakeside Ph II Subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, April 10, 2019, 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 in writing by mail to the address listed below to my attention or dropping off 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,

My linda Taylor
Permit Technician

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

Owner Name	Owner Address	Owner City	Owner State	Owner Zip
KOPPISETTY, SRINIVAS	613 SANDY LN	FLOWER MOUND	TX	75022
STEDKE, TREVOR J & SCHELLI J	609 SANDY LN	FLOWER MOUND	TX	75022
WENNER, ERIC W & CAROLL E TRUST	605 SANDY LN	FLOWER MOUND	TX	75022
ASLIN, JEREMIAH & SHARON	601 SANDY LN	FLOWER MOUND	TX	75022
BOYNTON, MICHAEL & IRENE	679 SANDY LN	FLOWER MOUND	TX	75022
KUMARASINGHE, DINETH, ETUX, RAVINDYA SAMARAKOON	683 SANDY LN	FLOWER MOUND	TX	75022
HUDSON, AARON L & AMANDA L	687 SANDY LN	FLOWER MOUND	TX	75022
LAKESIDE DFW ASSOCIATION INC	909 LAKE CAROLYN PKWY STE 150	IRVING	TX	75039
MARTINEZ, JOSE HUMBERTO & NANINE LENORE TRUSTEES MARTINEZ FAM TRUST	2600 SEDONA ST	FLOWER MOUND	TX	75022
DORSEY, CLARENCE L & MANDY A	2604 SEDONA ST	FLOWER MOUND	TX	75022
TSAI, YING-WEI & SHIH, PEI-SHIN	7535 LARCHMONT DR	DALLAS	TX	75252
CASTRO-ANDRES, GRACE	2612 SEDONA ST	FLOWER MOUND	TX	75022
BUZANIS, GREG JAMES & FRENETTE, KIM LISA FAMILY LIVING TRUST	629 SANDY LN	FLOWER MOUND	TX	75022
SUN, YULEI & ZHANG, YUN	625 SANDY LN	FLOWER MOUND	TX	75022
KIM, CHANG BUM & SOOK HWA	621 SANDY LN	FLOWER MOUND	TX	75022
SANJEEV, PRADEEP & HARITHA	617 SANDY LN	FLOWER MOUND	TX	75022
LUDWIG, LEONARD CARL & SANDRA MARIE TRS LUDWIG FAMILY TRUST	2621 SEDONA ST	FLOWER MOUND	TX	75022
GAJAVELLY, SUMAN KUMAR & SHIRISHA	2617 SEDONA ST	FLOWER MOUND	TX	75022
BHATTER, TRIPTI & SHWETANK BHATTER	2613 SEDONA ST	FLOWER MOUND	TX	75022
PHAM, PAUL L & NGUYEN, THUGIANG	2609 SEDONA ST	FLOWER MOUND	TX	75022
MALEY, SWAPNA & BOGGARAPU, VENKATESH K	2605 SEDONA ST	FLOWER MOUND	TX	75022
LAKESIDE DFW ASSOCIATION INC	909 LAKE CAROLYN PKWY STE 150	IRVING	TX	75039
PETERSON, KEVIN	2612 SANTA MONICA ST	FLOWER MOUND	TX	75022
BOYER, GARY A JR & CHERYL M	2616 SANTA MONICA ST	FLOWER MOUND	TX	75022
KIM, SHIN & JEON, EUN	2620 SANTA MONICA ST	FLOWER MOUND	TX	75022
MCDANIEL, AARON & LINDSEY	2624 SANTA MONICA ST	FLOWER MOUND	TX	75022



BOARD OF ADJUSTMENT MEETING AGENDA ITEM NO.

REGULAR ITEM

DATE: April 10, 2019
FROM: Tasha Tripp, Plans Review Manager
THROUGH: Joelle Hainley, Chief Building Official
PRESENTER:

APPLICANT: Holly Royer

STAFF: Chris Pamplin, Assistant Building Official

ITEM: (BOA19-0005) Hold a public hearing and consider a request from Holly Royer for a variance from Section 98-1032(b)(2)(b), "Accessory Buildings" of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Shiloh Rd and is locally known as 6901 Hidden Valley Rd, Lot 6, of the MEP & P Subdivision.

BACKGROUND INFORMATION:

APPLICANT: Holly Royer
6901 Hidden Valley Rd
Flower Mound, TX 75022

LOCATION:

PROPERTY ADDRESS: 6901 Hidden Valley Rd
Flower Mound, TX 75022

SUBDIVISION: Lot 6
MEP & P

ZONING: A

STAFF ANALYSIS:

A request has been received from Holly Royer for a variance from Section 98-1032(b)(1)(b.) "Accessory Buildings" of the Code of Ordinances.

- The request is to allow an accessory building to be placed closer to the front property line than the primary residence
- An accessory building permit could not be approved as the proposed building was located closer to the front property line than the primary residence. Section 98-1032(b)(2)(b) of the Code of Ordinances states "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."

Mrs. Royer is requesting a variance to allow the the accessory building to be placed 65' from the front property line, which is 28.7' closer to the front property line than the primary residence.

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.

ATTACHMENTS:

1. Application
2. Information from applicant
3. Section 98-1032
4. Zoning Map
5. 200' property owner notice map
6. Aerial photograph of property
7. Published public hearing notice
8. Property owner notification
9. List of property owners within 200 feet

BOA19-0005

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

DATE: 3/5/19

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: 6901 Hidden Valley Rd Flower Mound Tx 75022Legal Description: Lot/Tract 11, Block _____, of Subdivision/Abstract 929

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.)

Due to the configuration, size and location of our property, we are requesting a variance to this ordinance. We will provide pictures and details during our presentation at the meeting.

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 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

Holly Royer

H: Print Name

Mailing Address: 6901 Hidden Valley Rd Flower Mound Tx 75022

Telephone (Home)

Telephone (Day Number)

Staff Member's Signature

Date

Receipt Number

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

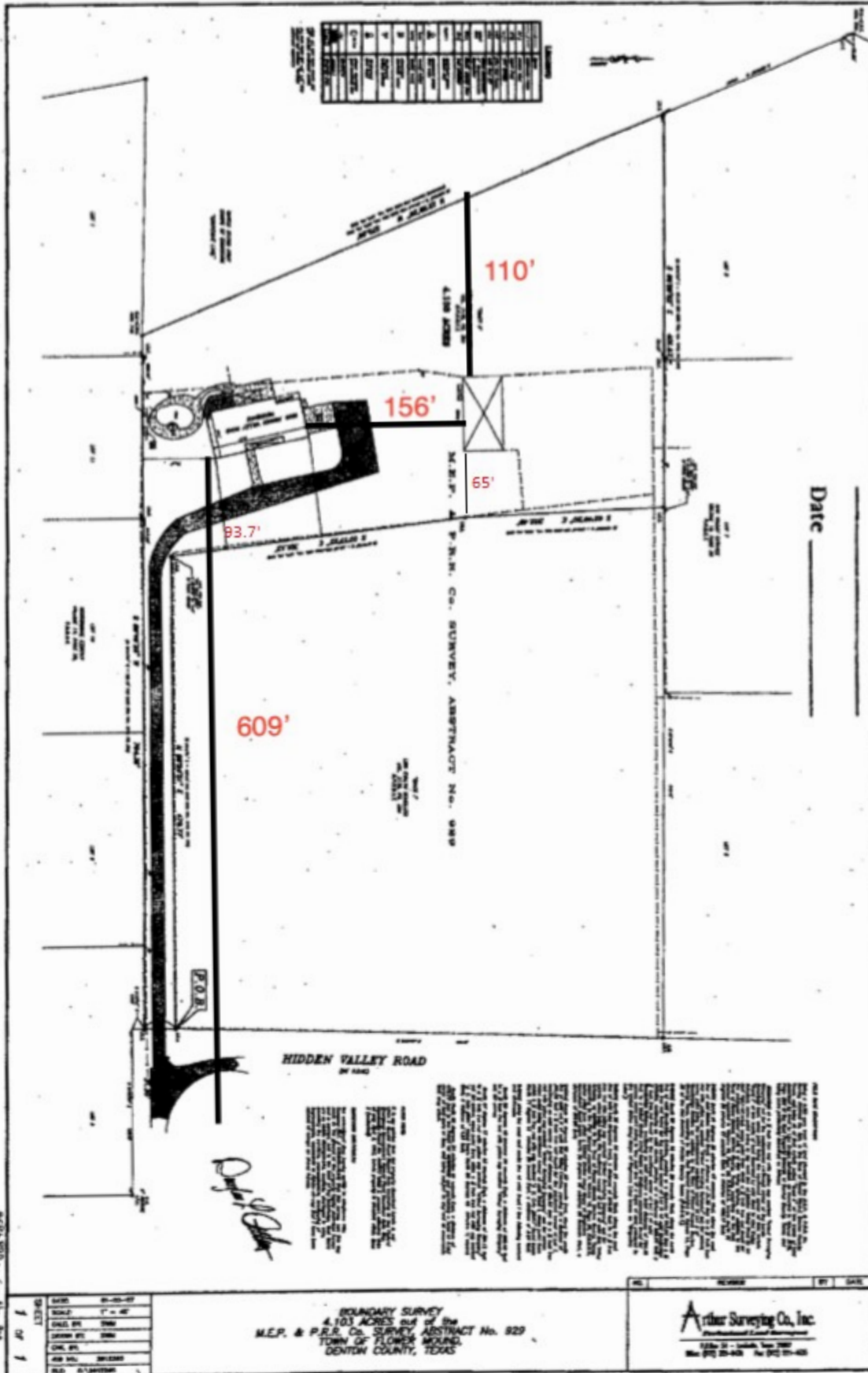
TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

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

The undersigned have
received and reviewed
a copy of this survey

Date _____



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.

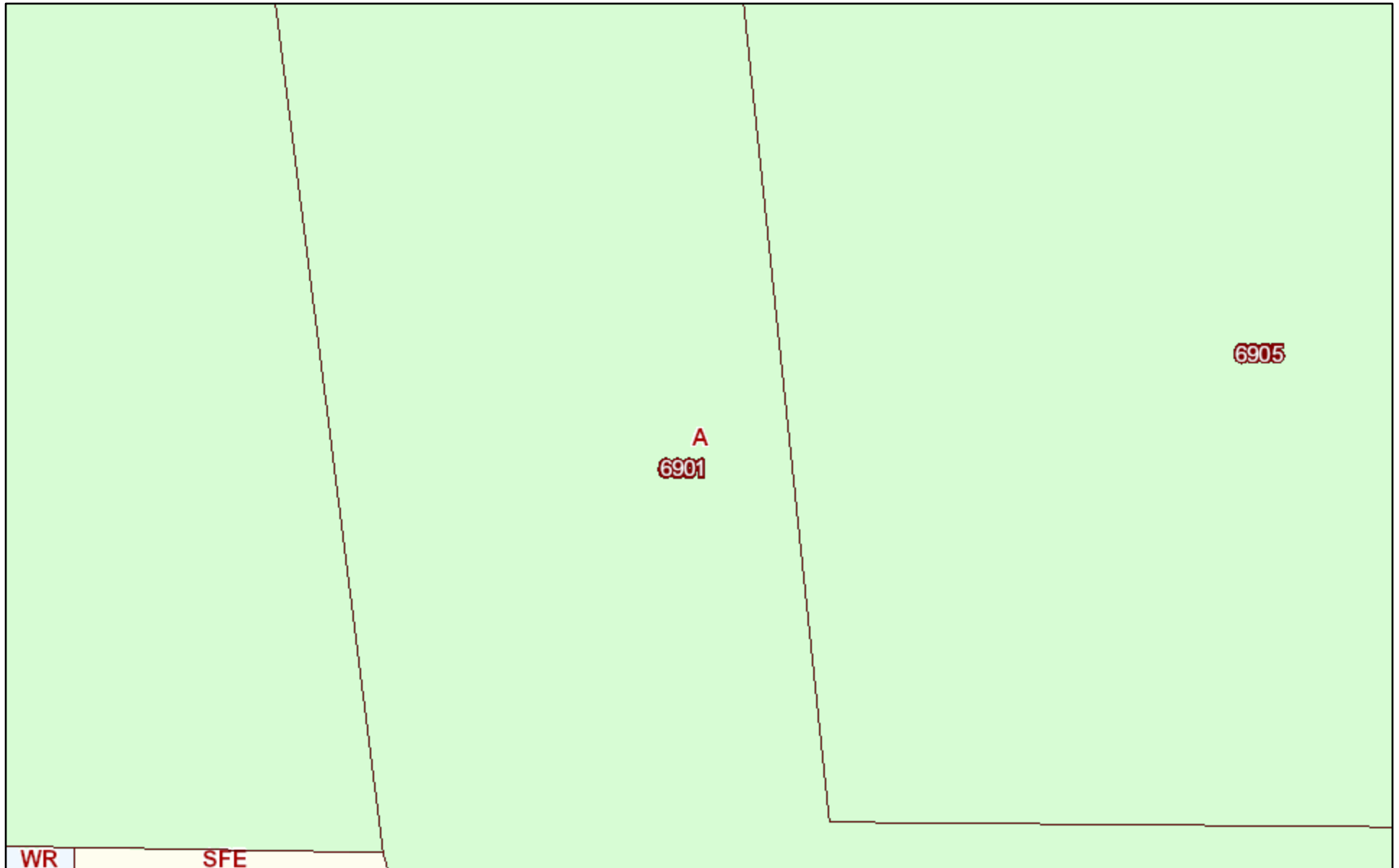
Exception. Accessory building located in SF-E single-family estates and A agricultural shall be no more than 20 feet to the peak of the roof.

- (f) *Permit.* A building permit shall be required.

(Ord. No. 19-01, § 1, 3-5-2001)

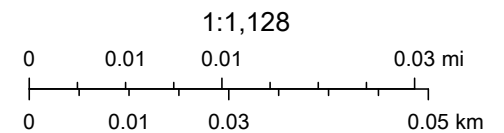
ZONING MAP

ATTACHMENT 4



4/2/2019 11:08:16 AM

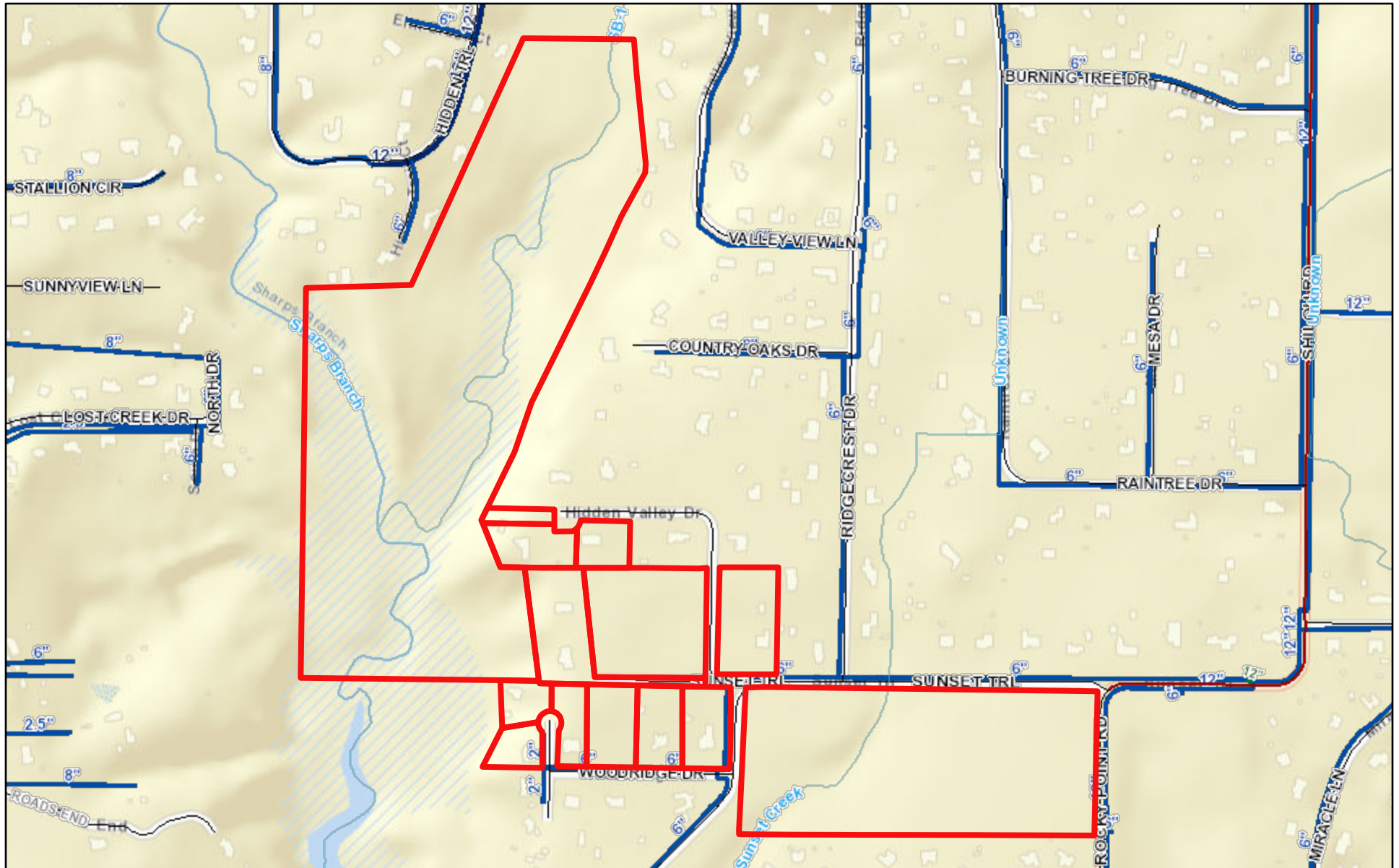
- | | | | |
|-------------|-----------------|-----------------------------|---------------------------------|
| Parcel | Address Points | Combined Uses-See Ordinance | Agriculture |
| County Line | Zoning | Mixed Use | Single Family Estate |
| Town Limits | Interim Holding | Central Business District | Single Family 30 & 1 (obsolete) |



Town of Flower Mound, DCAD, TAD, Sources: Esri, HERE, Garmin, USGS,

200' PROPERTY OWNER NOTICE MAP

ATTACHMENT 5



4/2/2019 11:18:25 AM

1:9,028



Town of Flower Mound, DCAD, TAD, Sources: Esri, HERE, Garmin, USGS,

AERIAL PHOTOGRAPH



4/2/2019 11:09:26 AM

2017 AERIAL PHOTOGRAPHY

Blue: Band_3

Red: Band_1

Green: Band_2

Parcel

County Line

Town Limits

Address Points

Park Location

Streams

Streets

Unknown

DG3

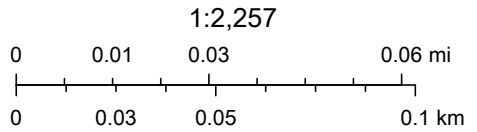
HIP

Fire Gates

Reuse Water Main

ACTIVE

PROPOSED



Town of Flower Mound, DCAD, TAD, Sources: Esri, HERE, Garmin, USGS,

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 10, 2019 at 6:30pm at the Flower Mound Town Hall, 2121 Cross Timbers Rd (FM1171). The purpose of the hearing is to consider a request from Holly Royer for a variance from Section 98-1032(b)(2)(b), "Accessory Buildings" of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Shiloh Rd and is locally known as 6901 Hidden Valley Rd, Lot 6, of the MEP & P Subdivision.

Tasha Coates
Plans Review Manager
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, March 29, 2019

To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, March 29, 2019

Denton Record Chronicle:

FAX: 940-381-9667

Attn: Ann

e-mail: classads@dentonrc.com

Attn: Legal Notice Rep

ANY QUESTIONS OR PROBLEMS PLEASE CALL Tasha Coates at 972-874-6368.

(Ref: Case No. BOA19-0005)

Town of Flower Mound Account Number: 100041132



March 26, 2019

Board of Adjustment Case No. BOA19-0005

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

A request has been made from Holly Royer for a variance from Section 98-1032(b)(2)(b), "Accessory Buildings" of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Shiloh Rd and is locally known as 6901 Hidden Valley Rd, Lot 6, of the MEP & P Subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, April 10, 2019, 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 in writing by mail to the address listed below to my attention or dropping off 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,

Tasha Coates
Plans Review Manager

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

ATTACHMENT 9

PID	Owner Name	Owner Address	Owner City	Owner Sta	Owner Zip	Site Address
R06557	KRIMM, JOSEPH G & LINDA L	6949 HIDDEN VALLEY RD	FLOWER MOUND	TX	75022	6949 Hidden Valley Rd
R06558	WARNER, TERRY O	6931 HIDDEN VALLEY RD	FLOWER MOUND	TX	75028	6931 Hidden Valley Rd
R06561	BELL, BARBARA KAY	6900 SUNSET TRL	FLOWER MOUND	TX	75022	6900 Sunset Trl
R152912	KRIMM, JOSEPH G & LINDA L	6949 HIDDEN VALLEY RD	FLOWER MOUND	TX	75022	6949 Hidden Valley Rd
R19552	CONFIDENTIAL					6901 Hidden Valley Rd
R19556	LAVU, UMASHANKAR & ANDREA L	2106 OLD YORK DR	KELLER	TX	76248	6905 Hidden Valley Rd
R20067	SANDERS, REX & W E JOHNSON	2800 SURVEYORS LN	FLOWER MOUND	TX	75022	0 Sunset Trl
R91409	MOSS, CHRISTOPHER	7014 WOODRIDGE DR	FLOWER MOUND	TX	75022	7014 Woodridge Dr
R91415	FRAZIER, BRANDON & COURTNEY	7016 WOODRIDGE DR	FLOWER MOUND	TX	75022	7016 Woodridge Dr
R91448	BLAIR, MARCIA H & JOHN O	7000 WOODRIDGE DR	FLOWER MOUND	TX	75022	7000 Woodridge Dr
R91454	DUPRIE, TERRY L	7004 WOODRIDGE DR	FLOWER MOUND	TX	75022	7004 Woodridge Dr
R91458	MENDRYGAL, NIKOLAS & DANA MARIE	7008 WOODRIDGE DR	FLOWER MOUND	TX	75022	7008 Woodridge Dr
R91464	GABAY, STEVEN H	7012 WOODRIDGE DR	FLOWER MOUND	TX	75022	7012 Woodridge Dr
R98093	USA CORP OF ENGINEERS	1012 FINCHER TRL	ARGYLE	TX	76226	