



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

NOVEMBER 13, 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. ELECTION OF CHAIR AND VICE-CHAIR**
- D. 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.”

- E. CONSENT AGENDA**

This agenda consists of non-controversial or “housekeeping” items and may be approved with a single motion. A member of the Board of Adjustment may request an

Board of Adjustment Meeting Agenda

November 13, 2019

Page 2

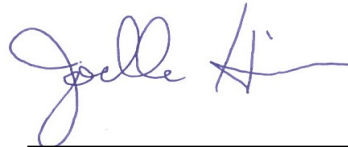
item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.

1. Consider approval of the minutes of the August 14, 2019, Board of Adjustment meeting.

F. PUBLIC HEARING

(BOA19-0011) Hold a public hearing and consider a request from Oluwafemi Ibrahim for a special exception in accordance with Section 78-86, "Special Exceptions," 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 3916 Mohawk Drive, Lot 23, Block C, of the Roanoke Hills subdivision.

G. ADJOURNMENT



Joelle Hainley
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: November 8, 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: November 13, 2019

FROM: Kathy Allgood, Administrative Assistant

ITEM: Consider approval of minutes from the regular meeting of the Zoning Board of Adjustment held on August 14, 2019.

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the August 14, 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 August 14, 2019, regular meeting of the Zoning Board of Adjustment.

RECOMMENDATION: Move to approve the minutes from the August 14, 2019, regular meeting of the Zoning Board of Adjustment.

THE FLOWER MOUND BOARD OF ADJUSTMENT MEETING HELD ON THE 10TH DAY OF JULY 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:

Gregory Schultz	Vice Chair
Skye Jay Schoggins	Board Member, Place 4
David Moraine	Board Member, Place 5
Brad Painter	Alternate Board Member, Place 6
Denis Toth	Alternate Board Member, Place 7
Greg Wilson	Alternate Board Member, Place 8

(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:

Stephen Harris	Chair
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And the following members of Town staff present:

James Donavon	Town Attorney
Chris Pamplin	Assistant Building Official
Tasha Coates	Plans Review Manager
Kathy Allgood	Administrative Assistant

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

None

D. PRESENTATION AND DISCUSSION ON THE NEW PUBLIC COMMUNICATION PROCESS FOR BOARDS AND COMMISSIONS.

Theresa Scott, Town Secretary, Town of Flower Mound, gave the presentation.

E. 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 July 10, 2019.

Motion was made and seconded to approve the July 10, 2019, minutes as presented.

VOTE ON THE MOTION

AYES: Schoggins, Moraine, Schultz, Painter, Toth
NAYS: None
ABSTAIN: None

The motion passed with a vote of 5-0-0

F. PUBLIC HEARING

(BOA19-0010) Hold a public hearing and consider a request from Praneeth Reddy Katangur for a variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located East of Gerault Rd. and South of Flower Mound Rd. and is locally known as 1845 Edgewood Dr., Lot 2R, Block B, of the Edgewood Subdivision.

Staff Presentation

Tasha Coates, Town of Flower Mound Plans Review Manager, gave the staff presentation.

Applicant Presentation

Praneeth Reddy Katangur, 2311 W. Grapevine Mills Circle, #4407, Grapevine, TX, gave the applicant presentation.

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
Sharma Abhishek 1829 Edgewood Dr. Flower Mound, TX	None	None
Amy Swanson Ashton Woods Homes		
Deane Cole 1825 Edgewood Dr. Flower Mound, TX		

Board Member Discussion.

Board Member Painter made a motion to approve the request for variance from Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located East of Gerault Rd. and South of Flower Mound Rd. and is locally known as 1845 Edgewood Dr., Lot 2R, Block B, of the Edgewood 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 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.

Board Member Schoggins seconded the motion.

VOTE ON THE MOTION

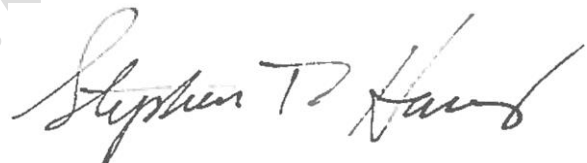
AYES: Toth, Painter, Schultz, Moraine, Schoggins
NAYS: None
ABSTAIN: None

The motion to approve passed with a vote of 5-0-0.

ADJOURNMENT

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

TOWN OF FLOWER MOUND, TEXAS



STEPHEN HARRIS
CHAIR

ATTEST:



KATHY ALLGOOD
ADMINISTRATIVE ASSISTANT



**BOARD OF ADJUSTMENT MEETING
AGENDA ITEM NO:
NOVEMBER 13, 2019**

FROM: Kim Barnes, Plans Examiner

THROUGH: Joelle Hainley, Chief Building Official

PRESENTER:

APPLICANT: Oluwafemi Ibrahim

STAFF: Tasha Coates, Plans Review Manager

ITEM: (BOA19-0011) Hold a public hearing and consider a request from Oluwafemi Ibrahim for a special exception in accordance with Section 78-86, "Special Exceptions," 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 3916 Mohawk Drive, Lot 23, Block C, of the Roanoke Hills subdivision.

I. BACKGROUND INFORMATION:

APPLICANT: Oluwafemi Ibrahim
4350 Trinity Mills Rd, #12207
Dallas, TX 75287

II. LOCATION:

PROPERTY ADDRESS: 3916 Mohawk Drive
Flower Mound, TX 75022

SUBDIVISION: Lot 23, Block C
Roanoke Hills

ZONING: SF-3

III. STAFF ANALYSIS:

A request has been received from Oluwafemi Ibrahim for a special exception in accordance with Section 78-86, Special Exceptions,” of the Code of Ordinances.

The following items are non-conforming for this zoning district (SF-3):

- a) Per a site plan of this property, the home is currently located .1’ from the side property line, which is 7.9’ less than the required side yard setback for SF-3 zoning.
- b) The home is currently located 19.2’ from the front property line, which is 5.8’ less than the required 25’ front yard setback for SF-3 zoning.
- c) An attached shade structure or carport appears to encroach across the property line into the neighboring property.
- d) The existing gravel driveway appears to encroach across the property line into the neighboring property.
- e) The home has no garage. A minimum of two (2) 9’-wide by 20’-long enclosed parking spaces are required.
- f) Per the Denton Central Appraisal District’s web site, this home is approximately 1,240sf, while the required minimum square footage for this zoning is 1,450.

Section 78-231(e) of the Code of Ordinances states, “*Destruction.* If a nonconforming structure is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of subpart B of this Code. In the case of partial destruction, where the cost of repairing or replacing the structure does not exceed 60 percent of its most recent appraised property tax value, reconstruction may be permitted after a hearing and favorable action by the board of adjustment, provided that the repaired or new structure shall not exceed the original structure in lot coverage, gross floor area or height and shall not increase the degree of any nonconformity.”

Section 78-86(1) of the Code of Ordinances states, “Reconstruction of nonconforming building. The board of adjustment shall be authorized to permit the reconstruction of a nonconforming building pursuant to section 78-321(e), nonconforming uses and structures, destruction.”

This home has been deconstructed at least partially down to the studs, and insulation has been removed. Please see attachment 3 for pictures taken by Code Enforcement staff. Per the contractor, when removing existing flooring, wall covering materials, etc., damage to the existing structure was uncovered, and the need for repair work was identified. The currently submitted scope of work includes existing walls’ being repaired/reframed, insulation’s being installed in exterior walls being reconstructed, and electrical work. Additional work may be needed, as well. Per the Denton Central Appraisal web site, the 2019 improvement value for this property is \$38,236.

Under Texas law, a “Special Exception” may authorize a use or activity that is permitted in the Zoning Ordinance, but only after review by the Board of Adjustment and a determination that the activity or use will not adversely affect the public and neighborhood interests. If the Board is inclined to approve a Special Exception, it may attach reasonable conditions to ensure that the activity meets these standards. However, the Board may not permit a use or activity that goes beyond the scope of the Council-approved authority within the underlying Zoning ordinance (in this case §78-231(e)). For example, in the present case, if the Board concludes, based on testimony and evidence supplied at the hearing, that repair or replacement cost of the structure exceeds “60 percent of its most recent appraised property tax value,” the Board has no authority to approve the Special Exception. A vote to approve a Special Exception requires the concurring vote of 75% of the members of the Board. A Special Exception is not a variance, and therefore, the Board is not required to find that a land-based hardship exists in order to approve.

IV. ATTACHMENTS:

- Attachment 1: Variance application
- Attachment 2: Information from applicant
- Attachment 3: Code Enforcement photos
- Attachment 4: DCAD appraisal
- Attachment 5: Section 78-86
- Attachment 6: Section 78-231
- Attachment 7: Zoning Map
- Attachment 8: 200' property owner notice map
- Attachment 9: Aerial photograph of property
- Attachment 10: Published public hearing notice
- Attachment 11: Property owner notification
- Attachment 12: List of property owners within 200 feet

BoA19-0011

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

DATE: 10/04/2019

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 _____ of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTYStreet Address: 3916 Mohawk DriveLegal Description: Lot/Tract 23, Block C, of Subdivision/Abstract ROANOKE HILLS

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.)

Application to request exception to be permitted to renovate a house in a non-conforming state.

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

Oluwafemi Ibrahim

Print Name

4350 Trinity Mills Rd, #12207, Dallas, TX, 75287

Mailing Address

716 391 3239

Telephone (Home)

716 391 3239

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 _____, _____.

Ibrahimini@yahoo.com



SURVEY PLAT



RHODES

Surveying

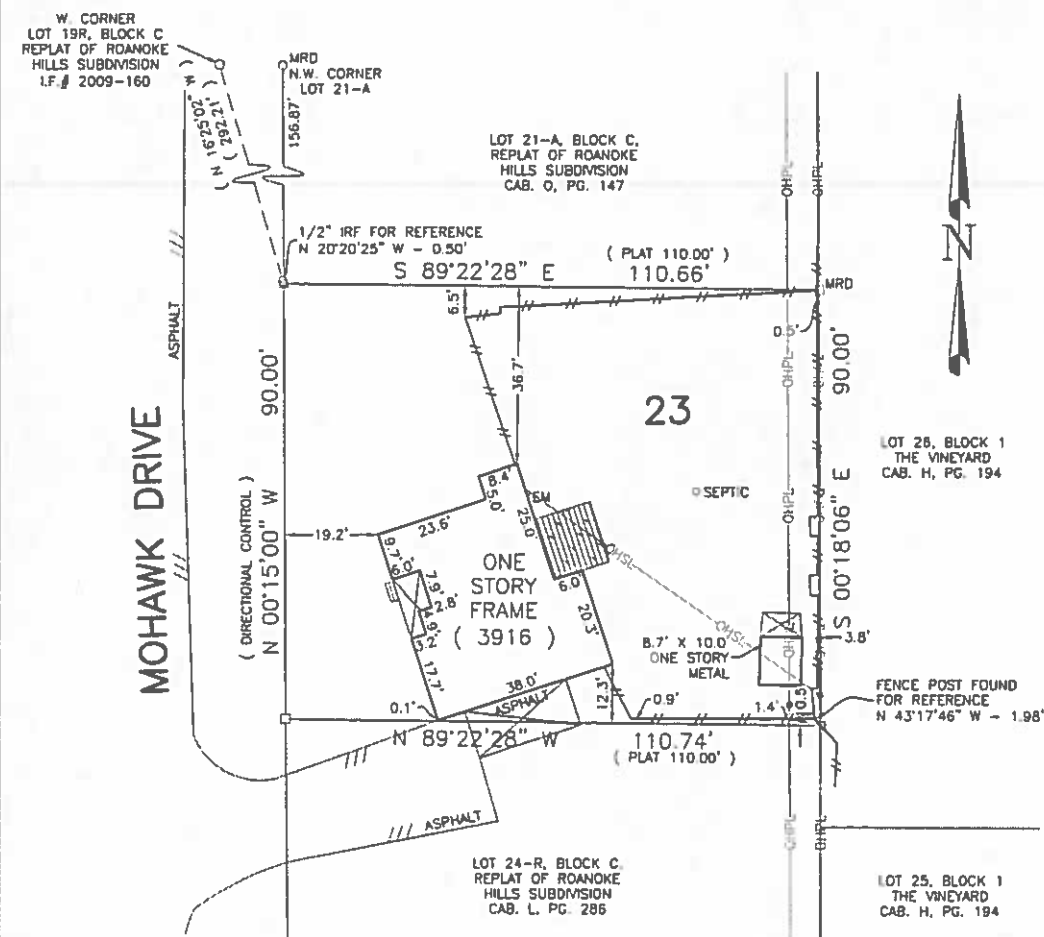
WWW.RHODESSURVEYING.COM

**Know what's below.
Call before you dig.**

BRIAN S. RHODES Registered Professional Land Surveyor (972) 475-8940

This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 3916 MOHAWK DRIVE, in the city of FLOWER MOUND Texas.

Lot No. 23, Block No. C
of ROANOKE HILLS SUBDIVISION, an addition in the city of
FLOWER MOUND, DENTON COUNTY Texas according to the PLAT RECORDED
in VOLUME 2 at PAGE 145 of the PLAT records of DENTON COUNTY, TEXAS.



THIS CERTIFICATION DOES NOT
TAKE INTO CONSIDERATION
ADDITIONAL FACTS THAT AN
ACCURATE TITLE SEARCH AND OR
EXAMINATION MIGHT DISCLOSE.

THIS BOUNDARY IS PER
EVIDENCE FOUND ON SITE

1529 E. 1-30, STE. 108 - GARLAND, TX 75043 - FIRM REGISTRATION NO. 10194052
The plat hereon is true, correct, and accurate representation of the property
as determined by survey, the lines and dimensions of said property being as
indicated by the plat; the size, location and type of building and improvements
are as shown, all improvements being within the boundaries of the property, set
back from property lines the distance indicated, or visible and apparent easements.
TITLE AND ABSTRACTING WORK FURNISHED BY C&C RESIDENTIAL PROPERTIES
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 30' USE OF THIS SURVEY FOR ANY OTHER PURPOSE
OR OTHER PARTIES SHALL BE AT THEIR RISK AND
Date: 04/15/2019 UNDERSIGNED IS NOT RESPONSIBLE TO OTHER FOR
G. F. No.: ANY LOSS RESULTING THEREFROM.
Job no.: 103875 THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
C&C RESIDENTIAL PROPERTIES
Drawn by: JB

LEGEND

WOOD FENCE	—	TEXT
CHAIN LINK	—	IMPROVEMENTS
IRON FENCE	—	BOUNDARY LINE
WIRE FENCE	—	PROPERTY
WHD	—	RESIDENCE/PAVING
1/2"	—	IMPROVEMENTS OF RECORD DIGNITY
1/2"	—	IRON ROD FOUND
1/2"	—	YELLOW-CAPPED IRON ROD SET
1/2"	—	SET
1/2"	—	YELLOW-CAPPED FROM IRON FOUND
1/2"	—	IRON ROD FOUND
PE	—	IRON FOUND
⊕	—	CABLE
⊕	—	CLEAN OUT
⊕	—	GAS METER
⊕	—	FIRE HYDRANT
⊕	—	LIGHT POLE
⊕	—	MANHOLE
⊕	—	ELECTRIC
⊕	—	POOL DECK
⊕	—	POWER POLE
⊕	—	TELEPHONE
⊕	—	WATER METER
⊕	—	WATER VALVE

() UNLESS OTHERWISE NOTED









Details for Property 69197

Values are 2019 Certified ▼

General Information

3916 MOHAWK 75022-7026

\$87,506.00

Owner	IBRAHIM, OLUWAFEMI ^Q - 100%
Owner ID	1028603
Owner Mailing Address	6100 W PIONEER PKWY ARLINGTON, TX 76013-2859
Property Type	Real Property
Area	1,028ft ²
Class	2
Legal Description	ROANOKE HILLS BLK C LOT 23
Geographic ID	SJ0034A-00000C-0000-0023-0000
Subdivision	ROANOKE HILLS - SJ0034A ^Q
Neighborhood	ROANOKE HILLS - DC07263 ^Q
Taxing Jurisdictions	C07 (FLOWER MOUND TOWN OF) G01 (DENTON COUNTY) S11 (NORTHWEST ISD)

[Direct Link to this property](#)[View on map](#)[View plat](#)[Download Appraisal Notice](#)

2019 Values ▼

Total Improvement Value	\$38,236.00
Land Homesite Value	\$49,270.00
Land Non-Homesite Value	\$0.00
Agricultural Market Value	\$0.00
Timber Market Value	\$0.00
Total Market Value	\$87,506.00
Agricultural Use Reduction	\$0.00
Timber Use Reduction	\$0.00
Homestead Cap	\$0.00
Appraised Value	\$87,506.00
Assessed Value	\$87,506.00

[Value History Export](#)

Improvements

Class	Description	Square Feet	Number Of Units	Effective Year Built	Year Built	2019 Improvement Value
2	MAIN AREA	1028		1975	1966	
2	OPEN PORCH	132		1975	1966	
2	STORAGE AREA	80		1975	1966	
Improvement Total		1240	N/A			\$38,236.00

Land Segments

Type	Acres	Area
1 - HOMESITE	0.2272	9900 ft ²



Subdivision Stats for ROANOKE HILLS

Minimum Market	\$11,354.00
Median Market	\$133,992.00
Maximum Market	\$620,000.00
Median Living Area	1,386 ft ²
Median Square Footage	1,860 ft ²

This Property

Percent Difference From Median Market	-41.97% (rounded)
Percent Difference From Median Living Area	-29.66% (rounded)

Stats Per Class for ROANOKE HILLS

3

Property Count	31
Median Market	\$127,031.00
Median Living Area	1,239
Median Square Footage	1,744

2

Property Count	29
Median Market	\$92,829.00
Median Living Area	1,080
Median Square Footage	1,511

6

Property Count	16
Median Market	\$137,960.00
Median Living Area	1,345
Median Square Footage	1,795



2019 Estimated Taxes

Entity	Tax Rate Per \$100	Taxable Value	Estimated Taxes	Tax Ceiling Amount
FLOWER MOUND TOWN OF - C07	0.4365%	\$87,506	\$381.96	n/a
DENTON COUNTY - G01	0.225278%	\$87,506	\$197.13	n/a
NORTHWEST ISD - S11	1.42%	\$87,506	\$1,242.59	n/a
Estimated Total Taxes				\$1,821.68

DO NOT PAY BASED ON THESE ESTIMATED TAXES. You will receive an official tax bill from the appropriate agency when they are prepared. Taxes are collected by the agency sending you the official tax bill. To see a listing of agencies that collect taxes for your property, [click here](#)

The estimated taxes are provided as a courtesy and should not be relied upon in making financial or other decisions. The Denton Central Appraisal District (DCAD) does not control the tax rate nor the amount of the taxes, as that is the responsibility of each Taxing Jurisdiction. Questions about your taxes should be directed to the appropriate taxing jurisdiction. These tax estimates are calculated by using the taxable value as of 6:00AM multiplied by the most current tax rate. It does not take into account other special or unique tax scenarios.

[Prior Taxing Rates](#)



Deed History

Date	Type	Seller	Buyer	Deed Number	Sale Price
2019-06-13	GENERAL WD	C & C RESIDENTIAL PROPERTIES INC	HEB HOMES LLC	2019-70094	Unavailable
2019-06-13	SPECIAL WD WITH VENDOR'S LIEN	HEB HOMES LLC	IBRAHIM, OLUWAFEMI	2019-71616	Unavailable
2019-01-31	GENERAL WD	FARRELL, PAMELA S	C & C RESIDENTIAL PROPERTIES INC	2019-9810	\$80,000.00
2018-12-04	EXECR DEED	FARRELL, PAMELA INDEPENDENT EXECUTOR	FARRELL, PAMELA S	2018-141207	Unavailable
2018-08-06	LETTERS OF TESTAMENTARY	SHANNON, MARY LEE	FARRELL, PAMELA INDEPENDENT EXECUTOR	2018-00562-PR	Unavailable
2000-06-21	CERTIFICATE OF DEATH	SHANNON, LEE R	SHANNON, MARY LEE	10-076-00	Unavailable
1987-01-29	CONVERSION	FARRELL, PAMELA L	SHANNON, LEE R		Unavailable
1986-09-23	CONVERSION	SHANNON, LEE R	FARRELL, PAMELA L		Unavailable
	CONVERSION	JOHNSON, LLOYD N	SHANNON, LEE R		Unavailable
	CONVERSION	SHANNON, RICKY L.	JOHNSON, LLOYD N		Unavailable

Real Estate Sales

By Neighborhood: ROANOKE HILLS

Sales within ▾

By Abstract/Subdivision: SJ0034A

Sales within ▾

By City: FLOWER MOUND TOWN OF

Sales within ▾

By School: NORTHWEST ISD

Sales within ▾

Select Language ▾



Sec. 78-86. - Special exceptions.

The board of adjustment shall have the power to hear and decide the following special exceptions to the terms of subpart B of this Code:

- (1) *Reconstruction of nonconforming building.* The board of adjustment shall be authorized to permit the reconstruction of a nonconforming building pursuant to section 78-231(e), nonconforming uses and structures, destruction.
- (2) *Expansion of nonconforming building.* The board shall be authorized to permit the addition of off-street parking or off-street loading to a nonconforming use pursuant to section 78-231(b), nonconforming uses and structures, expansion.
- (3) *Discontinuance of nonconforming use.* The board shall be authorized to require the discontinuance of nonconforming uses of land or structures under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity of all property to conform to the regulations of subpart B of this Code. All actions to discontinue a nonconforming use of land or structure shall be taken with due regard to the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of the property.
- (4) *Status of nonconforming uses.* The board shall, from time to time, on its own motion or upon cause presented by interested property owners or on request of the town council or planning and zoning commission inquire into the existence, continuation or maintenance of any nonconforming use within the town.

(Code 1989, ch. 12, § 6.13)

Sec. 78-231. - Nonconforming uses and structures.

- (a) *Nonconforming status.* The use of land, use of a structure, or a structure itself shall be deemed to have nonconforming status when each of the following conditions exist:
- (1) The use or structure that does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully constructed, located and operating prior to, and at the time of, the event or action that made such use or structure nonconforming.
 - (2) The event or action that made such use or structure nonconforming was one of the following: annexation into the town, adoption of subpart B of this Code or a previous zoning ordinance, or amendment of subpart B of this Code or a previous zoning ordinance.
 - (3) The nonconforming use has been operating since the time that the use first became nonconforming without abandonment, as abandonment is defined in subsection (d) of this section.
- (b) *Expansion.*
- (1) No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of subpart B of this Code, except to provide off-street loading or off-street parking space upon approval of the board of adjustment.
 - (2) No structure, occupied by a nonconforming use shall be altered so as to increase the gross floor area.
 - (3) No nonconforming structure shall be altered or expanded so as to increase the degree of nonconformity.
- (c) *Change of use.*
- (1) Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
 - (2) Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a certificate of occupancy.
- (d) *Abandonment.* Whenever a nonconforming use is abandoned, all nonconforming rights shall cease, and the use of the premises shall henceforth be in conformance to subpart B of this Code. Abandonment shall involve the intent of the user or

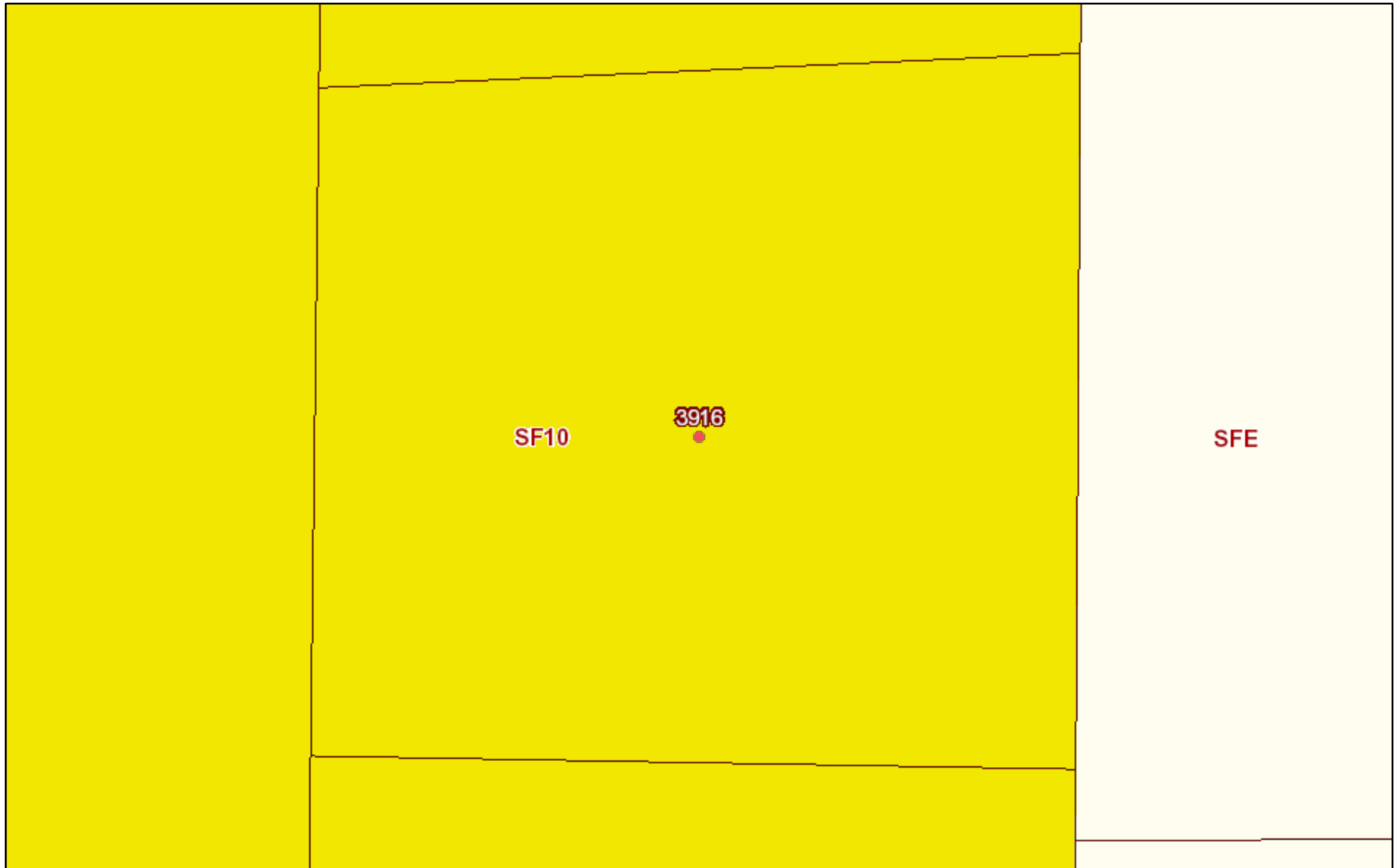
owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use that is discontinued, or that remains vacant for a period of six months, shall be considered to have been abandoned. Any nonconforming use that is moved from the premises shall be considered to have been abandoned.

- (e) *Destruction.* If a nonconforming structure is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of subpart B of this Code. In the case of partial destruction, where the cost of repairing or replacing the structure does not exceed 60 percent of its most recent appraised property tax value, reconstruction may be permitted after a hearing and favorable action by the board of adjustment, provided that the repaired or new structure shall not exceed the original structure in lot coverage, gross floor area or height and shall not increase the degree of any nonconformity.

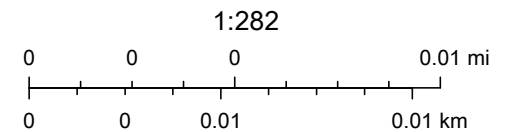
(Code 1989, ch. 12, § 1.05(a))

ZONING MAP

ATTACHMENT 7



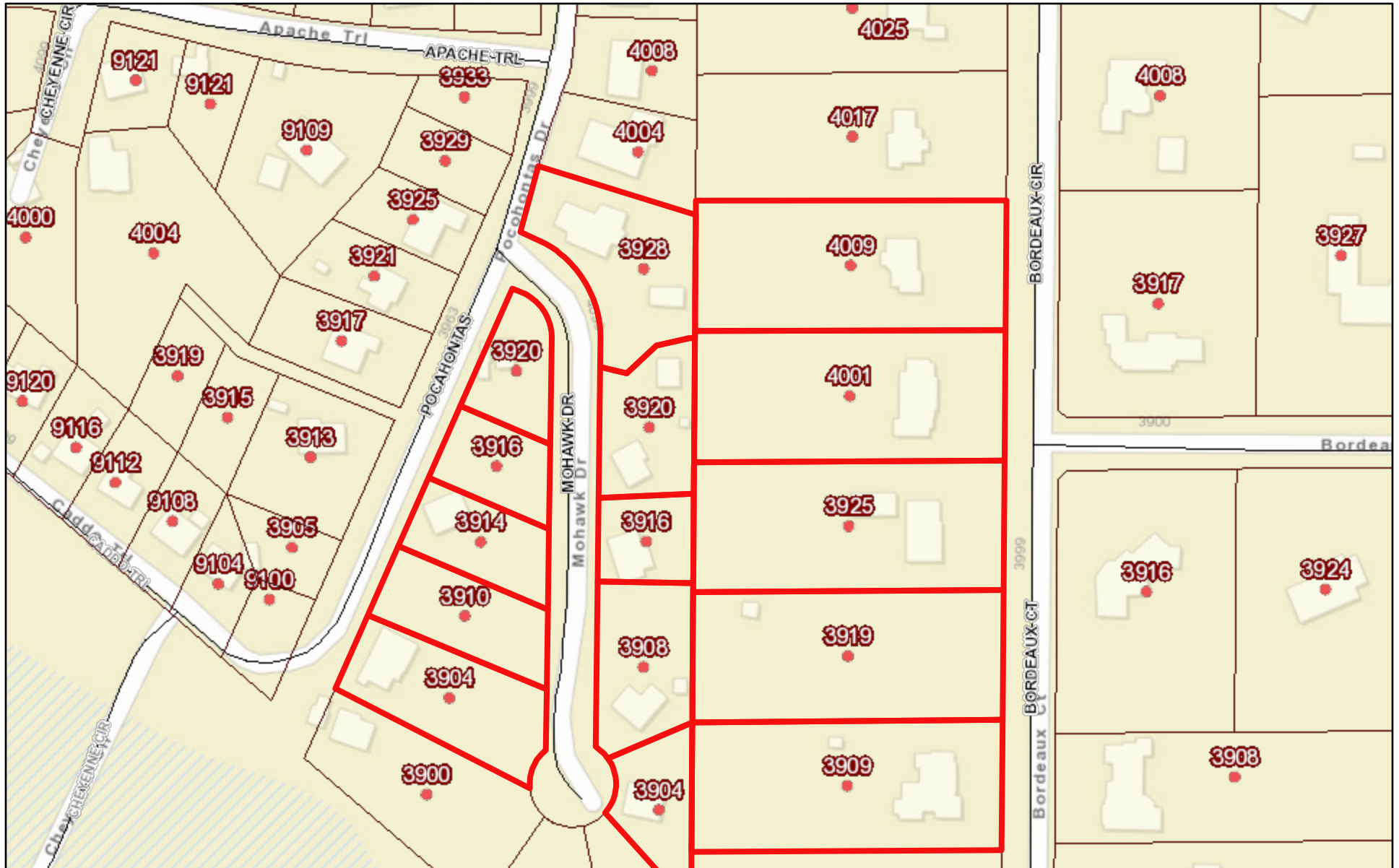
10/22/2019 10:35:40 AM



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

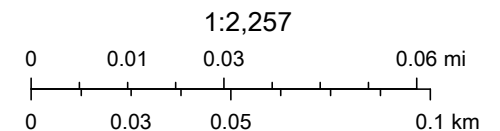
200' PROPERTY OWNER NOTICE MAP

ATTACHMENT 8



10/22/2019 10:56:02 AM

- Buffer (Step 2) _Query result
- Town Limits
- Alternate Address
- Streams
- Parcel
- Address Points
- Key Lot
- Streets
- County Line
- Primary Address
- Park Location
- Unknown



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

AERIAL PHOTOGRAPH



10/22/2019 10:49:05 AM

2017 AERIAL PHOTOGRAPHY

Red: Band_1

Green: Band_2

Blue: Band_3

Parcel

County Line

Town Limits

Address Points

Primary Address

Alternate Address

Key Lot

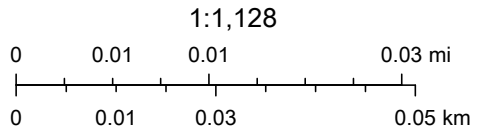
Park Location

Streams

Streets

Unknown

DG3



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan,

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, November 13, 2019, 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 Oluwafemi Ibrahim for a special exception in accordance with Section 78-86, "Special Exceptions," 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 3916 Mohawk Drive, Lot 23, Block C, of the Roanoke Hills subdivision.

Kim Barnes
Plans Examiner
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, November 1, 2019
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday,
November 1, 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 Kim Barnes at 972-874-6357.

(Ref: Case No. BOA19-0011)

Town of Flower Mound Account Number: 100041132



October 29, 2019

Board of Adjustment Case No. BOA19-0011

**NOTICE OF APPLICATION
FOR A SPECIAL EXCEPTION TO THE CODE OF ORDINANCES
FOR THE TOWN OF FLOWER MOUND, TEXAS**

A request has been made from Oluwafemi Ibrahim for a special exception in accordance with Section 78-86, "Special Exceptions," 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 3916 Mohawk Drive, Lot 23, Block C, of the Roanoke Hills subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, November 13, 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 by mail to the address listed below to my attention or in person to the office of Development Services.

Sincerely,

Kim Barnes
Plans Examiner

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

PID	Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Site Address
R100191	CAMP, CHAZ ALLEN	3920 POCAHONTAS	FLOWER MOUND	TX	75022	3920 Pocahontas Dr
R159337	BARSAM, MAYRAM KOHAR LIVING TRUST	3909 BORDEAUX CT	FLOWER MOUND	TX	75022	3909 Bordeaux Ct
R159338	FIGUEREDO, HERBERT & BARBARA	3919 BORDEAUX CT	FLOWER MOUND	TX	75022	3919 Bordeaux Ct
R159339	DURETTE, RAYMOND C & FRANCINE	3925 BORDEAUX CT	FLOWER MOUND	TX	75022	3925 Bordeaux Ct
R159340	LAUDO, FRANK MICHAEL JR	4001 BORDEAUX CIR	FLOWER MOUND	TX	75022	4001 Bordeaux Cir
R159341	MORTON, LARRY C	4009 BORDEAUX CIR	FLOWER MOUND	TX	75022	4009 Bordeaux Cir
R182342	KENNEDY, DENNIS RAY	3908 MOHAWK	FLOWER MOUND	TX	75022	3908 Mohawk Dr
R207106	SIEVERT, RODNEY L	21 ROBINS NEST DR	LAKE DALLAS	TX	75065	3920 Mohawk Dr
R330536	HARWELL, WESS & JERI ANN	3936 MOHAWK	FLOWER MOUND	TX	75022	3928 Mohawk Dr
R69197	IBRAHIM, OLUWAFEMI	4350 TRINITY MILLS RD, #12207	DALLAS	TX	75287	3916 Mohawk Dr
R69203	WENZIG, PAUL D	3904 MOHAWK	FLOWER MOUND	TX	75022	3904 Mohawk Dr
R69210	FALLS, MARY CATHERINE TR THE FALLS FAMILY TRUST	1810 HUNTERS RIDGE DR	GRAPEVINE	TX	76051	3904 Pocahontas Dr
R69213	SANDERS, CHRISTOPHER & LISA	3910 POCAHONTAS	FLOWER MOUND	TX	75022	3910 Pocahontas Dr
R69216	FOMBY, RAYMOND B	1490 BART LN	LEWISVILLE	TX	75067	3914 Pochantas Dr
R69218	CAMP, CHAZ ALLEN	3920 POCAHONTAS	FLOWER MOUND	TX	75022	3916 Pocahontas Dr