



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT REGULAR MEETING

DECEMBER 11, 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 the 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 A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda by making such request prior to a motion and vote on the Consent Agenda.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

December 11, 2019

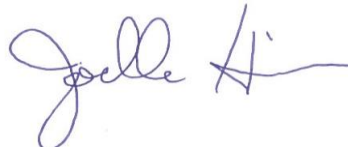
Page 2

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

E. PUBLIC HEARING

(BOA19-0013) Hold a public hearing and consider a request from Monique Goodhart for a variance from Section 98-1028 (b), "Minimum Rear Yard Setback," of the Code of Ordinances. The property is generally located East of Long Prairie Rd. and South of Flower Mound Rd. and is locally known as 2200 Malick Dr., Block A, Lot 48, of Oakbridge at Flower Mound Phase One.

F. 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: December 6, 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: December 11, 2019

FROM: Kathy Allgood, Administrative Assistant

ITEM: Consider approval of minutes from the regular meeting of the Zoning Board of Adjustment held on November 13, 2019.

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

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

THE FLOWER MOUND BOARD OF ADJUSTMENT MEETING HELD ON THE 13TH DAY OF NOVEMBER 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
Denis Toth	Board Member, Place 3
Sky Jay Schoggins	Board Member, Place 4
Greg Wilson	Board Member, Place 5
Ryan Geddie	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:

Brad Painter	Board Member, Place 6
Lance Kloefkorn	Board Member, Place 8

And the following members of Town staff present:

Fritz Quast	Town Attorney
Joelle Hainley	Building Official
Kathy Allgood	Administrative Assistant
Tasha Coates	Plans Review Manager
Chris Pamplin	Assistant Building Official

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

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. ELECTION OF CHAIR AND VICE CHAIR

Steven Harris was appointed Chair by a vote of 3-2. Greg Schultz was appointed Vice-Chair by a vote of 5-0.

D. PUBLIC COMMENT

None

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 August 14, 2019.

Vice Chair Schultz made a motion to approve the August 14, 2019, minutes as presented. Board Member Schoggins seconded the motion.

VOTE ON THE MOTION

AYES: Schultz, Toth, Harris, Schoggins, Wilson
NAYS: None
ABSTAIN: None

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

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.

Staff Presentation

Tasha Coates, Plans Review Manager gave the staff presentation.

Applicant Presentation

Oluwafemi Ibrahim (4350 Trinity Mills Rd., #12207, Dallas, 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
Raymond Durette 3925 Bordeaux Ct.	Jeri and Wes Harwell 3936 Mohawk	Dennis Kennedy 3908 Mohawk

Chair Harris closed the Public Hearing at 7:09 PM.

Board Member Deliberation

Vice Chair Schultz made a motion to deny the 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.

VOTE ON THE MOTION

AYES: Schultz, Toth, Harris, Schoggins, Wilson
NAYS: None
ABSTAIN: None

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

G. ADJOURNMENT – REGULAR SESSION 7:17 PM

TOWN OF FLOWER MOUND, TEXAS

STEPHEN HARRIS
CHAIR

ATTEST:

KATHY ALLGOOD
ADMINISTRATIVE ASSISTANT



BOARD OF ADJUSTMENT MEETING AGENDA ITEM NO.

REGULAR ITEM

DATE: December 11, 2019
FROM: Matthew Alexander, Plans Examiner
THROUGH: Joelle Hainley, Chief Building Official
PRESENTER:

APPLICANT: Monique Goodhart

STAFF: Chris Pamplin, Assistant Building Official

ITEM: (BOA19-0013) Hold a public hearing and consider a request from Monique Goodhart for a variance from Section 98-1028 (b), "Minimum Rear Yard Setback," of the Code of Ordinances. The property is generally located East of Long Prairie Rd and South of Flower Mound Rd and is locally known as 2200 Malick Dr, Block A, Lot 48, of Oakbridge at Flower Mound Phase One.

BACKGROUND INFORMATION:

APPLICANT: Monique Goodhart
2200 Malick Dr
Flower Mound, TX 75028

LOCATION:

PROPERTY ADDRESS: 2200 Malick Dr
Flower Mound, TX 75028

SUBDIVISION: Block A, Lot 48
Oakbridge at Flower Mound Phase One

ZONING: SF-10

STAFF ANALYSIS:

A request has been received from Monique Goodhart for a variance from Section 98-1028 (b) "Minimum Rear Yard Setback" of the Code of Ordinances.

- The request is to allow a patio cover to be constructed 10.9' from the rear property line.
- The request could not be approved as the proposed patio cover encroaches the required 25' rear setback for the SF10 zoning on this property. Section 98-1028 (b) states "Permitted Obstructions. Every part of a required rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features of the main building projecting no more than two feet into the required rear yard"

Ms. Goodhart is requesting a variance to allow a patio cover to be constructed 10.9' from the rear property line, which is 14.1' less than required per Section 98-1028(b) of the Code of Ordinances.

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

APPLICATION - REQUEST FOR VARIANCE OR APPEAL

ZONING BOARD OF ADJUSTMENT

TOWN OF FLOWER MOUND

BOA19-0013

DATE: 11/8/19

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 _____ of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 2200 Malick DrLegal Description: Lot/Tract 18, Block A, of Subdivision/Abstract Dakridge at FM

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

We are requesting a variance to build an attached patio structure to our home. At present, a structure would fall within the 25 foot setback. See attached note.

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

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 _____.

Craig and Monique Goodhart

2200 Malick Drive

Flower Mound, TX 75028

Attachment to Application for Variance

We believe that this property qualifies for a variance based on the following items:

1. This lot possesses unique characteristics that impact the homes' resultant positioning.

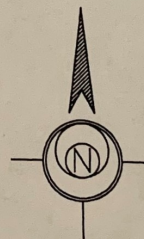
The lot is pie shaped; it is bordered along the rear by an irregularly-shaped, large retaining wall that weaves along swallowing up much of the land that is protected by the US Waterways; it is bordered on the east by a 20' drainage easement resulting in a singular, available house placement that with a 25' setback, leave us with an available 8' to extend the patio. The entire rear lot line is bordered by a natural, protected area. No rear neighbors are affected.

The unique shape and restrictions resulted in an extremely small rear area when the setback is figured in. See attached lot survey.

2. A newly constructed home two lots over has an attached porch that at its shortest side is only 15' from the rear lot line; this is not in keeping with the determined neighborhood 25' rear building line. See attached pictures. If the rear building line was violated so that that home's attached patio could be constructed, we too should receive an exception.
3. The neighborhood's HOA is currently still controlled by the builder, Toll Brothers, and it appears that they are willing to relax the rear building line restriction in some cases as in the above case.



CURVE C1
 $L = 58.15'$
 $R = 50.00'$
 $D = 66^{\circ}37'52''$



(IN FEET)

1 inch = 20 ft.

STATE OF TEXAS
REGISTERED
★
MYRON ALBERT TAZELAAR II
6592
PROFESSIONAL
LAND SURVEYOR

R.P.L.S NO. 6592

DESIGNED:	DRAWN: CDB	CHECKED: MAT
SCALE: 1" = 20'	DATE: 29 OCT., 2018	DWG.: 3499-LOT 33-FINAL







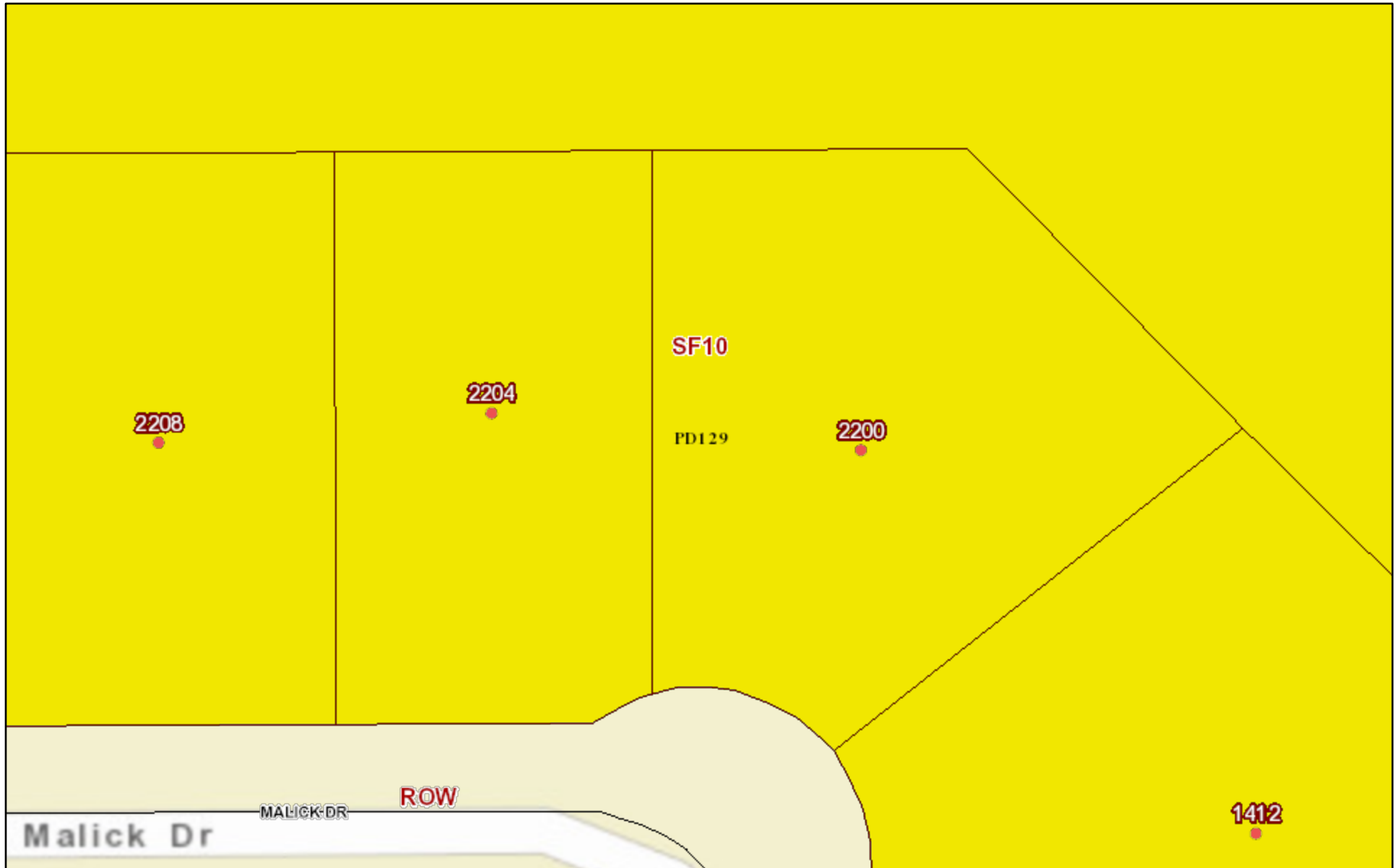
Sec. 98-1028. - Minimum rear yard setback.

- (a) *Generally.* The location of buildings shall comply with the minimum rear 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 rear yard shall be open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features of the main building projecting no more than two feet into the required rear yard.
- (c) *Nonresidential buildings.* No rear yard shall be required for nonresidential buildings if an alley is located adjacent to the rear lot line. In the I or in a PD-I district where rail lines exist at the rear of lots or tracts occupied by industrial or commercial buildings, the buildings may be located for direct service by rail transportation.
- (d) *Accessory buildings.* Detached accessory buildings may be located within a required rear yard, subject to section 98-1032, accessory buildings.
- (e) *Garage or carport.* Where a garage or carport is designed and constructed to be entered from an alley, such garage or carport shall be set back from the alley a minimum distance of 20 feet so as not to interfere with the use of the alley by other vehicles or persons.
- (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 rear yard setback.
 - (2) On major arterials, a minimum 60-foot rear yard setback.
 - (3) Notwithstanding the foregoing, during the platting process, the town council may authorize exceptions to these special rear yard requirements in instances where there exists irregular or jogged right-of-way lines, or other such special circumstances.

(Code 1989, ch. 12, § 3.06(h))

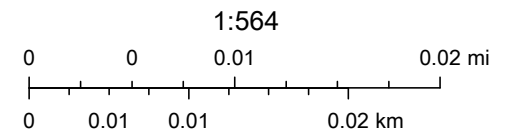
ZONING MAP

ATTACHMENT 4



11/19/2019, 3:02:18 PM

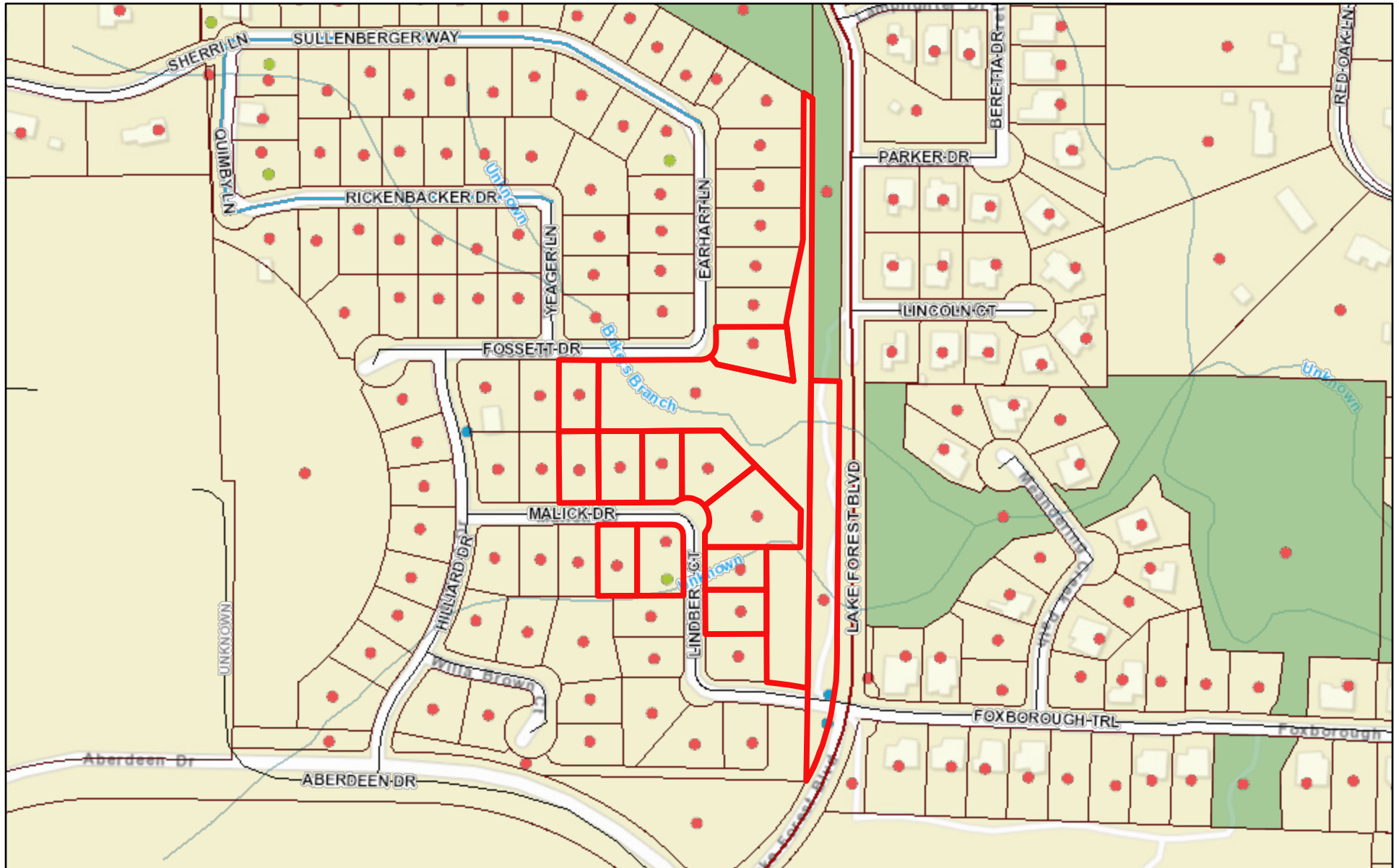
- | | | | | |
|-------------|-------------------|-----------------|-----------------------------|----------------------|
| Parcel | Address Points | Key Lot | Combined Uses-See Ordinance | Agriculture |
| County Line | Primary Address | Zoning | Mixed Use | Single Family Estate |
| Town Limits | Alternate Address | Interim Holding | Central Business District | |



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

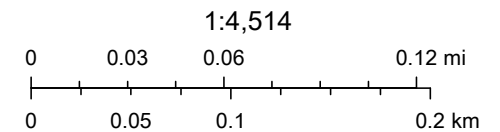
200' PROPERTY OWNER NOTICE MAP

ATTACHMENT 5



11/19/2019, 3:06:55 PM

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



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

AERIAL PHOTOGRAPH OF PROPERTY



11/19/2019, 3:17:58 PM

1:1,128

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

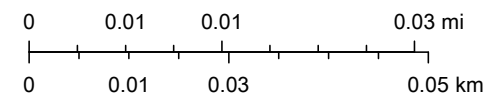
Park Location

Streams

Streets

Unknown

DG3



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

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 |

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, December 11th, 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 Monique Goodhart for a variance from Section 98-1028 (b), "Minimum Rear Yard Setback," of the Code of Ordinances. The property is generally located East of Long Prairie Rd and South of Flower Mound Rd and is locally known as 2200 Malick Dr, Block A, Lot 48, of Oakbridge at Flower Mound Phase One.

Matthew Alexander
Plans Examiner
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, November 29th, 2019
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, November 29th, 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 Matthew Alexander at 972-874-6368.

(Ref: Case No. BOA19-0013)

Town of Flower Mound Account Number: 100041132



November 26, 2019

Board of Adjustment Case No. BOA19-0013

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

A request has been made from Monique Goodhart for a variance from Section 98-1028 (b), "Minimum Rear Yard Setback," of the Code of Ordinances. The property is generally located East of Long Prairie Rd and South of Flower Mound Rd and is locally known as 2200 Malick Dr, Block A, Lot 48, of Oakbridge at Flower Mound Phase One.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, December 11, 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,

Matthew Alexander
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
R496375	WHISPER CREEK PARTNERS LTD	1013 LONG PRAIRIE RD STE 100	FLOWER MOUND	TX	75022	
R722540	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	2247 Fossett Dr
R722543	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	2201 Fossett Dr
R722551	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	1600 Earhart Ln
R722555	NGUYEN, JOSEPH KHANH & AMY PHOUNG HOANG	2212 MALICK DR	FLOWER MOUND	TX	75028	2212 Malick Dr
R722556	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	2208 Malick Dr
R722557	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	2204 Malick Dr
R722558	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	2200 Malick Dr
R722559	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	1412 Lindberg Ct
R722560	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	1408 Lindberg Ct
R722561	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	1404 Lindberg Ct
R722569	TOLL DALLAS TX LLC	2557 SW GRAPEVINE PKWY STE 100	GRAPEVINE	TX	76051	2201 Malick Dr
R722570	WALKER, KYLE	2205 MALICK DR	FLOWER MOUND	TX	75028	2205 Malick Dr