

AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT

REGULAR MEETING

December 9, 2020

**FLOWER MOUND TOWN HALL
2121 CROSS TIMBERS ROAD
FLOWER MOUND, TEXAS**

6:30 P.M.

AN AGENDA INFORMATION PACKET IS AVAILABLE ONLINE AT
[HTTPS://TX-FLOWER MOUND.CIVICPLUS.COM/AGENDACENTER](https://tx-flowermound.civicplus.com/agendacenter)

There will be limited seating in Jody Smith Hall to allow for social distancing. Meeting participants may be asked to wait in the lobby until their name is called.

**Comments regarding any item on this agenda can be sent to the Board of Adjustment by
Emailing: tofmboa@flower-mound.com or Calling: 972.874.6005**

A. CALL REGULAR MEETING TO ORDER – 6:30 PM

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. PUBLIC COMMENT

To speak to The Board of Adjustment (BOA) during public comment, please fill out a comment form.

- Turn in form by 6:40 p.m. to Administrative Assistant
- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired
- Please state your name and address when speaking

The purpose of this item is to allow the public an opportunity to address the BOA on issues that are not indicated as a "Public Hearing" on this agenda. Issues regarding daily operational or administrative matters should first be dealt with by calling Building Inspections at 972-874-6355 during business hours.

D. CONSENT AGENDA - CONSENT ITEMS

Board of Adjustment Meeting Agenda

November 11, 2020

Page 2

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 A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda and moved to Regular Agenda for discussion by making such request prior to a motion and vote on the Consent Agenda.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 November 11, 2020.

E. REGULAR ITEMS – PUBLIC HEARING

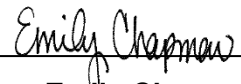
2. **(BOA20-0006)** Hold a public hearing and consider a request from Adam Abushagur for a variance from Section 98-1032 (b)(2)(b), Accessory Buildings, Front, of the Code of Ordinances. The property is generally located South of Wichita Trl., and West of Bayshore Dr. and is locally known as 6204 Shoreview Ct., Lot 21, Block A of The Landing Subdivision.
3. **(BOA20-0007)** Hold a public hearing and consider a request from Adam Abushagur for a variance from Section 98-274 (c), Maximum height, of the Code of Ordinances. The property is generally located South of Wichita Trl., and West of Bayshore Dr. and is locally known as 6204 Shoreview Ct., Lot 21, Block A of The Landing Subdivision.

F. ADJOURNMENT- REGULAR SESSION



Joelle Hainley
Chief Building Official

I do hereby certify that the Notice of Meeting was posted on the bulletin board in Town Hall of the Town of Flower Mound, Texas, a place convenient and readily accessible to the general public at all times and said Notice was posted on the following date and time: December 4, 2020, by 5:00 p.m., at least 72 hours prior to the schedule time of said meeting.



Emily Chapman
Administrative Assistant



BOARD OF ADJUSTMENT AGENDA ITEM NO. 1

CONSENT ITEM

DATE: December 9, 2020

FROM: Emily Chapman, Administrative Assistant

ITEM: **Consider approval of minutes from the regular meeting of the Board of Adjustment held on November 11, 2020.**

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the November 11, 2020, regular meeting of the Board of Adjustment.

CITIZEN FEEDBACK: N/A

ALTERNATIVES/OPTIONS: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

- **ATTACHMENT 1:** A copy of the draft minutes from the November 11, 2020, regular meeting of the Board of Adjustment.

RECOMMENDATION: Move to approve the minutes from the November 11, 2020, regular meeting of the Board of Adjustment.

FLOWER MOUND BOARD OF ADJUSTMENT MEETING OF NOVEMBER 11, 2020

THE FLOWER MOUND BOARD OF ADJUSTMENT MEETING HELD ON THE 11TH DAY OF NOVEMBER 2020, 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	Chair
Denis Toth	Vice Chair
Ryan Geddie	Board Member, Place 3
Sky Jay Schoggins	Board Member, Place 4
Charles Freeny	Board Member, Place 6
Troy Bishop	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

Greg Wilson	Board Member, Place 5
Thomas Stevenson	Board Member, Place 8

And the following members of Town staff present:

James Donovan	Town Attorney
Joelle Hainley	Chief Building Official
Chris Pamplin	Assistant Building Official
Tasha Coates	Plans Review Manager

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 October 14, 2020.

Board Member Schoggins made a motion to approve the October 14, 2020, minutes as presented. Board Member Geddie seconded the motion.

VOTE ON THE MOTION

AYES: Geddie, Toth, Schultz, Schoggins, Freeny
NAYS: None
ABSTAIN: None

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

E. PUBLIC HEARING

2. (BOA20-0005) Hold a public hearing and consider a request from Nancy Bouchard for a variance from Section 98-395(c), Minimum and maximum dimensions, of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Tour 18 Dr and is locally known as 9217 Cherokee Trl., Lot 21, Block GR of the Roanoke Hills Subdivision.

Staff Presentation

Chris Pamplin, Assistant Building Official gave the staff presentation with the following items included:

- Variance Request
- Sec. 98-395(c)
- Sec. 98-1201(5)
- Sec.98-1205
- Aerial Photo
- Site Plan
- Additional Information
- Property Information

Applicant Presentation

Nancy Bouchard (107 Campaign Dr., Mebane, NC 27302) gave the applicant presentation with the following items included:

- Application
- Notification Letter
- Deed
- Request/Site Plan

There were no comments for this request.

Board Member Deliberation

Vice Chair Toth made a motion to approve the request from Nancy Bouchard for a variance from Section 98-395(c), Minimum and maximum dimensions, of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and

West of Tour 18 Dr and is locally known as 9217 Cherokee Trl., Lot 21, Block GR of the Roanoke Hills Subdivision. Board Member Schoggins seconded the motion.

VOTE ON THE MOTION

AYES: Geddie, Toth, Schultz, Schoggins, Freeny
NAYS: None
ABSTAIN: None

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

F. ADJOURNMENT – REGULAR SESSION – 7:03 PM.

TOWN OF FLOWER MOUND, TEXAS

GREGORY SCHULTZ
CHAIR

ATTEST:

EMILY CHAPMAN
ADMINISTRATIVE ASSISTANT



BOARD OF ADJUSTMENT AGENDA ITEM NO. 2

REGULAR ITEM

DATE: December 9, 2020
FROM: Tasha Coates, Plans Review Manager

PRESENTERS:

APPLICANT: Adam Abushagur
STAFF: Tasha Coates, Plans Review Manager

ITEM: **(BOA20-0006)** Hold a public hearing and consider a request from Adam Abushagur for a variance from Section 98-1032 (b)(2)(b), Accessory Buildings, Front, of the Code of Ordinances. The property is generally located South of Wichita Trl., and West of Bayshore Dr. and is locally known as 6204 Shoreview Ct., Lot 21, Block A of The Landing Subdivision.

BACKGROUND INFORMATION:

APPLICANT: Adam Abushagur
2123 Remington Dr.
Irving, TX 75063

LOCATION:

PROPERTY ADDRESS: 6204 Shoreview Ct.
Flower Mound, TX 75022

SUBDIVISION: Lot 21, Block A
The Landing

ZONING: A

STAFF ANALYSIS:

A request has been received from Adam Abushagur for a variance from Section 98-1032(b)(2)(b), Accessory Buildings, Front, of the Code of Ordinances.

This request is to allow an accessory building to be built closer to the front property line than the primary structure.

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.*

Mr. Abushagur is requesting a variance to allow an accessory building to be constructed 94' 11" from the front property line, which is 230' 5 1/4" closer to the front property line than the main structure.

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:

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

BOA 20-0006

TOWN OF FLOWER MOUND

DATE: November 5, 2020

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: 6204 Shoreview Court

Legal Description: Lot/Tract 21, Block A, of Subdivision/Abstract The Landing

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.)

X SEE Attached Note

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

X Adam Abushagur

Print Name

X 2123 Remington Dr Irving, TX 75063

X

X 915-217-8121

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 _____, _____

Variance Request- 6204 Shoreview Ct., The Landing, Flower Mound, Texas

For the accessory building, the variance request is from section 98-1032 (b)(2)(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.

We are requesting a variance to place the main house structure on the back buildable area as opposed to having in the front buildable area. The back area has the largest buildable area above the contour line 572' (no construction below this contour) which is determined by the flowage easement on this property. The front buildable area is approximately a 40'x110' pad = 4,400 sf. The rear buildable pad area is approximately 50'x280' = 14,000 sf, thus offering the required area for the primary luxury home. The front pad area would house an exercise room, office and garage while leaving all the living, entertaining and kitchen areas for the main house building site in our current design.

Building the main house at the front pad would also increase construction cost for the foundation as the sloping areas of the ground will come into play more to build a larger main home than is currently shown there. This building area also would limit yard area adjacent to the building for its use due to small pad and existing extreme slope.

The larger rear pad allows for a larger floor plan without impacting extreme slopes thus a more reasonable foundation cost and will allow a far greater area for yard and outdoor areas adjacent to the house.

The Landing HOA has been contacted on this matter and is in agreement to our request.

The uniqueness of this site helps to determine the main house location with it's size and natural views to be maximized to the fullest at the rear of the site and the owner wishes to use the site to its fullest capacity.



VANGUARD
STUDIO

6601 VAUGHT RANCH RD.
SUITE G-10
AUSTIN TX 78730
512.918.8312

VANGUARDSTUDIO.COM
ARCHITECTURE

Abushagur Residence

11/9/2020 3:04:56 PM

Builder Name
Builder Address

PROJECT NO. 20028

Not for Permit
Regulatory Approval Or
Construction
John Hathaway
Reg# 19870

DATE Issue Date

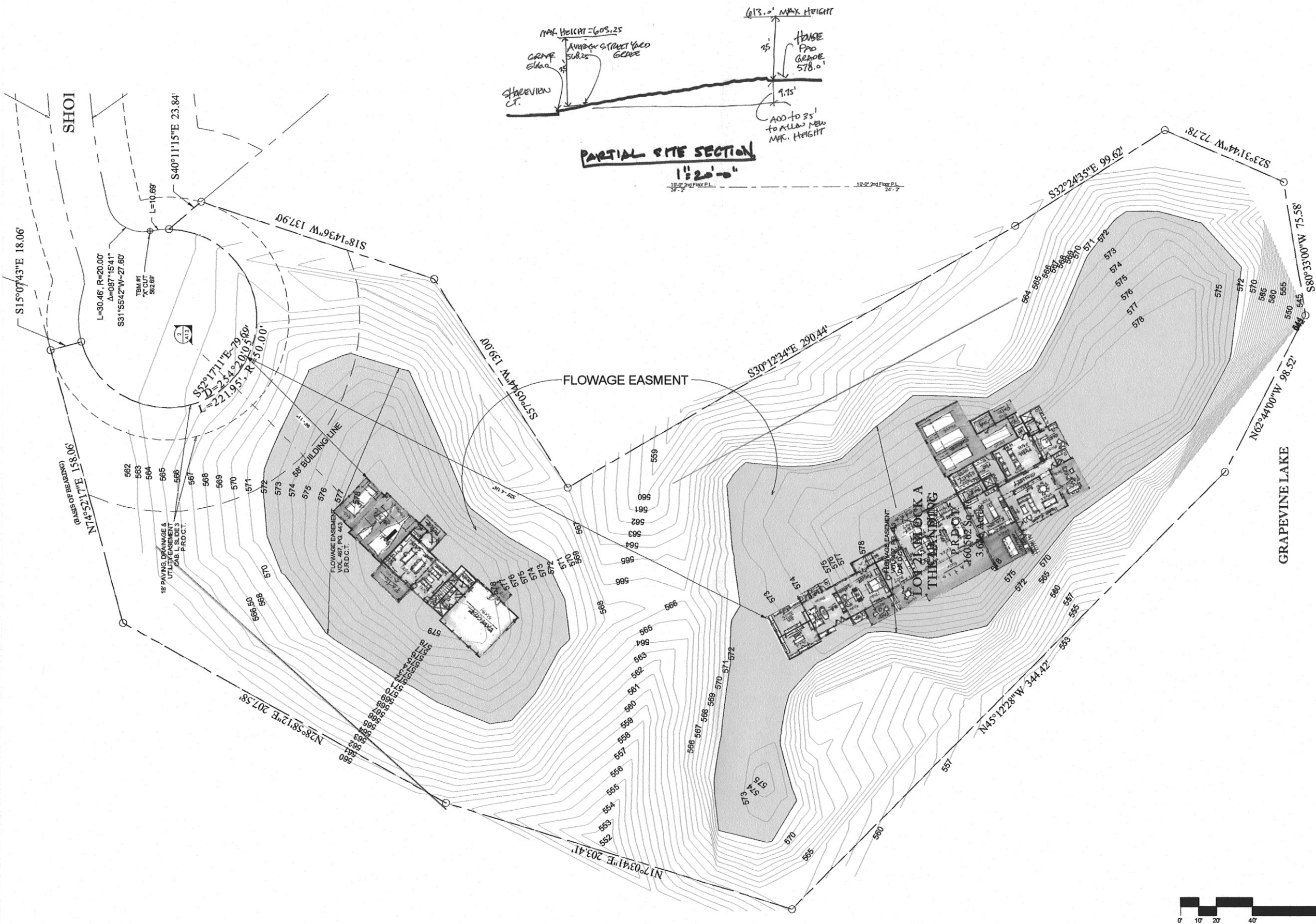
REVISIONS

© 2020 VANGUARD STUDIO

Project Status

A1.2

Site Plan



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)

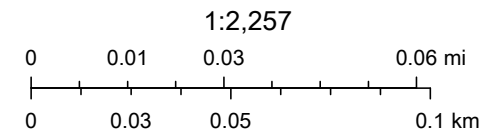
ZONING MAP

ATTACHMENT 4



11/9/2020, 12:51:35 PM

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



Town of Flower Mound, DCAD, TAD, Town of Flower Mound, Esri, HERE,

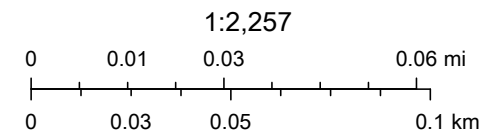
200' PROPERTY OWNER NOTICE MAP

ATTACHMENT 5



11/9/2020, 12:57:23 PM

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



Town of Flower Mound, DCAD, TAD, Town of Flower Mound, Esri, HERE,

AERIAL PHOTOGRAPH

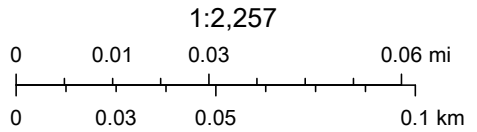


11/9/2020, 12:53:21 PM

2019 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



Town of Flower Mound, DCAD, TAD, Town of Flower Mound, Esri, HERE,

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 9, 2020 at 6:30pm. The meeting will be held at the Flower Mound Town Hall, 2121 Cross Timbers Road, or via Virtual Meeting (Video Conference). If the meeting is held via video conference, login and public access details will be made available on the first page of the meeting agenda posted to the Town's Agenda Center page at <https://www.flower-mound.com/agendacenter>. The purpose of the hearing is to consider a request from Adam Abushagur for a variance from Section 98-1032 (b)(2)(b), Accessory Buidings, Front, of the Code of Ordinances. The property is generally located South of Wichita Trl and West of Bayshore Dr and is locally known as 6204 Shoreview Ct, Lot 21, Block A of The Landing Subdivision.

Tasha Coates
Plans Review Manager
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, November 27, 2020 and Saturday/Sunday (print edition), November 28, 2020 & November 29 , 2020.
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, November 27, 2020

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 972-874-6367.

(Ref: Case No. BOA20-0006)

Town of Flower Mound Account Number: 100041132



November 24, 2020

Board of Adjustment Case No. BOA20-0006

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

A request has been received from Adam Abushagur for a variance from Section 98-1032(b)(2)(b), Accessory Buildings, Front, of the Code of Ordinances. The property is generally located South of Wichita Trl and West of Bayshore Dr and is locally known as 6204 Shoreview Ct, Lot 21, Block A of The Landing Subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, December 9, 2020, at 6:30 p.m. at the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171), or via Virtual Meeting (Video Conference).** **If the meeting is held via video conference, login and public access details will be made available on the first page of the meeting agenda posted to the Town's Agenda Center page at <https://www.flower-mound.com/agendacenter>.** 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 email to BOA@flower-mound.com. Please note that Board members are unable to reply to your message(s) due to Open Meetings regulations. In addition, correspondence received two hours prior to the meeting start time may not be read as Board members are preparing for the meeting. Please note that your correspondence is considered public information; however, your email address, or other information deemed confidential by law, would not be disclosed.

Sincerely,

Tasha Coates
Plans Review Manager

ATTACHMENT 9

PID	SUBNAME	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	ADDRESS_1
R176420	THE LANDING	SCHWALM, ERIC K & LYNN A	2001 BAYSHORE DR	FLOWER MOUND	TX	75022	2001 BAYSHORE
R176421	THE LANDING	KENSINGTON TECHNOLOGIES LLC	5215 N O CONNOR BLVD STE 1950	IRVING	TX	75039	6204 SHOREVIEW
R176422	THE LANDING	BROWN, SEAN WAYNE	720 INDUSTRIAL BLVD STE 400	GRAPEVINE	TX	76051	6201 SHOREVIEW



BOARD OF ADJUSTMENT AGENDA ITEM NO. 3

REGULAR ITEM

DATE: December 9, 2020
FROM: Tasha Coates, Plans Review Manager

PRESENTERS:

APPLICANT: Adam Abushagur
STAFF: Tasha Coates, Plans Review Manager

ITEM: **(BOA20-0007)** Hold a public hearing and consider a request from Adam Abushagur for a variance from Section 98-274 (c), Maximum height, of the Code of Ordinances. The property is generally located South of Wichita Trl., and West of Bayshore Dr. and is locally known as 6204 Shoreview Ct., Lot 21, Block A of The Landing Subdivision.

BACKGROUND INFORMATION:

APPLICANT: Adam Abushagur
2123 Remington Dr.
Irving, TX 75063

LOCATION:

PROPERTY ADDRESS: 6204 Shoreview Ct.
Flower Mound, TX 75022

SUBDIVISION: Lot 21, Block A
The Landing

ZONING: A

STAFF ANALYSIS:

A request has been received from Adam Abushagur for a variance from Section 98-274(c), Maximum Height, of the Code of Ordinances.

This request is to allow a new home to be constructed taller than the maximum height allowed.

Section 98-274(c) of the Code of Ordinances states, *Maximum height. The maximum height of the buildings and the structures in the A agricultural district shall be three stories or 35 feet for all uses, subject to section 98-1031.*

Mr. Abushagur is requesting a variance to allow a new home to be constructed at a measured height of 44 $\frac{3}{4}$ ', which is 9 $\frac{3}{4}$ ' taller than the 35' maximum height allowed in the A (Agriculture) zoning district.

Section 98-1031(b) of the Code of Ordinances states, *Measurement. Height refers to the vertical distance of a building or structure measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher.*

Section 98-1031(b)(1) of the Code of Ordinances, states, *Height, when measured in feet, shall be measured to the highest point of the roof surface if a flat surface, the deck line of mansard roofs or the mean height level between eaves and ridges for hip and gable roofs. If the street grade has not been officially established, the average front yard shall be used for a base level.*

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:

- Attachment 1: Variance application
- Attachment 2: Information from applicant
- Attachment 3: Section 98-1032(b)(2)(b)
- Attachment 4: Section 98-1031(b)
- Attachment 5: Zoning Map
- Attachment 6: 200' property owner notice map
- Attachment 7: Aerial photograph of property
- Attachment 8: Published public hearing notice
- Attachment 9: Property owner notification
- Attachment 10: List of property owners within 200 feet

BOA 20-0007

TOWN OF FLOWER MOUND

DATE: November 5, 2020

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: 6204 Shoreview CourtLegal Description: Lot/Tract 21, Block A, of Subdivision/Abstract The Landing

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.)

X SEE Attached note

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.

<u>X</u> 	<u>X</u> Adam Abushagur
Signature of Applicant	Print Name
<u>X</u> 2123 Remington Dr Irving, TX 75063	<u>X</u> 915-217-8121
Mailing Address	Telephone (Home)
	<u>X</u>
	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 _____, _____.

Variance Request - 6204 Shoreview Ct., The Landing, Flower Mound, Texas

For the house, the variance request is from section 98-274 (c) *Maximum height. The maximum height of the buildings and the structures in the A agricultural district shall be three stories or 35 feet for all uses, subject to section 98-1031.*

We are requesting a variance to the height limitation set at 35' because the situation of this lot being very unusual in that the buildable area of the lot due to the flowage easement is so high compared to the front yard average grade that when the 35' added to the average yard height only allows a height to the roof mean average would be 24.25' as opposed to a 35' height for a normally relatively flat lot. This would limit the house to about 10' tall ceiling on first floor and 9' ceiling on second floor and average roof slope on the house. For the location and size of this lot with it's siting along the waterfront, you will be denying the owner the ability to build a luxury home at this site with higher ceilings that a home of this size would require, as the majority of the other homes in the development are able to achieve.

The Landing HOA has been contacted on this matter and is in agreement to our request and have no issues with it.

We request for this unusual site to have a variance of the building height to 44.75' based on the street yard average grade of 568.25'. this height request is 35' above our buildable area height of 578', this will allow for a comparable height that exist on other properties in the development. We are just asking for the typical height limit of 35' but with an adjustment due to the site.

V

VANGUARD
STUDIO

6601 VAUGHT RANCH RD.
SUITE G-10
AUSTIN TX 78730
512.918.8312

VANGUARDSTUDIO.COM
ARCHITECTURE

Abushagur Residence

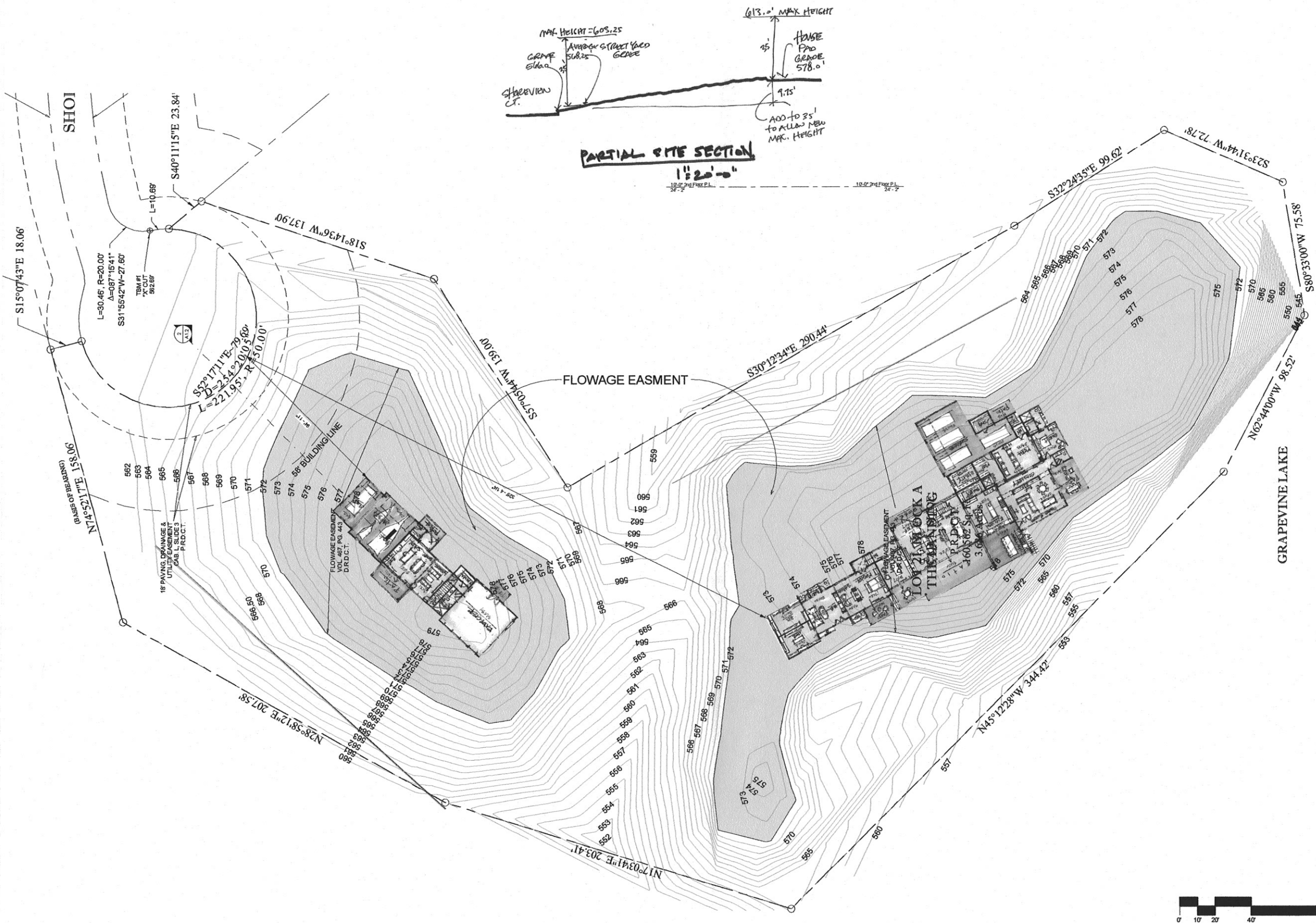
11/9/2020 3:04:56 PM

Builder Name
Builder Address
PROJECT NO. 20028
Not for Permit
Regulatory Approval Or
Construction
John Hathaway
Reg # 19870

DATE Issue Date
REVISIONS

Project Status

A1.2
Site Plan



PARTIAL SITE SECTION

1" = 20'-0"

FLOWAGE EASEMENT

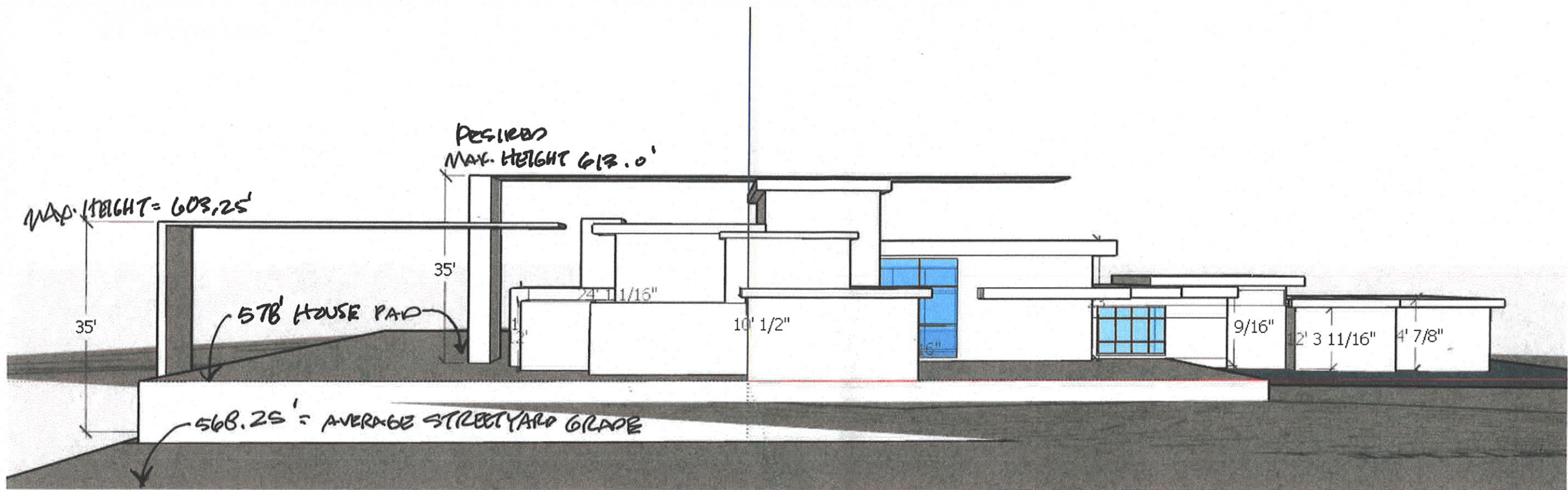
LOFT BLOCK A
THE LOBBY

GRAPEVINE LAKE

SHOI

1" = 20'-0"





MAIN BUILDING

Sec. 98-274. - Maximum dimensions.

- (a) *Maximum lot coverage.* The maximum lot coverage in the A agricultural district shall be 25 percent for all uses, subject to section 98-1029.
- (b) *Maximum floor area ratio.* There shall be no maximum floor area requirement in the A agricultural district.
- (c) *Maximum height.* The maximum height of the buildings and the structures in the A agricultural district shall be three stories or 35 feet for all uses, subject to section 98-1031.

(Code 1989, ch. 12, § 3.08(k)—(m); Ord. No. 11-00, § 2, 2-17-2000)

Sec. 98-1031. - Maximum height.

- (a) *Generally.* The height of buildings and structures shall comply with the maximum height 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) *Measurement.* Height refers to the vertical distance of a building or structure measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher. Height may be measured in either feet or number of stories. Where the district regulations establish height standards in both feet and number of stories, buildings and structures shall comply with both standards as follows:
 - (1) Height, when measured in feet, shall be measured to the highest point of the roof surface if a flat surface, the deck line of mansard roofs or the mean height level between eaves and ridges for hip and gable roofs. If the street grade has not been officially established, the average front yard shall be used for a base level.
 - (2) Height, when measured in stories, shall not include cellars or basements where more than one-half of the height of the story is below average grade.
- (c) *Permitted exceptions.* The calculation of building height shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten feet in height
- (d) *Additional height.* Additional height above that permitted by district regulations may be granted by the planning and zoning commission at the time of site plan approval, and the planning and zoning commission may require that the front, side and rear yards be increased above the minimum requirements to mitigate the impacts of such increased height.
- (e) *Other height restrictions.* In addition to the district regulations, the height of buildings may be further restricted by section 82-303 of this Code, compatibility setback.

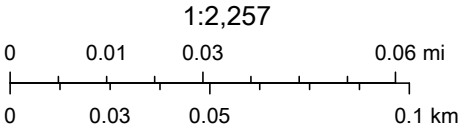
(Code 1989, ch. 12, § 3.06(k))

200' PROPERTY OWNER NOTICE MAP



11/9/2020, 12:57:23 PM

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



Town of Flower Mound, DCAD, TAD, Town of Flower Mound, Esri, HERE,

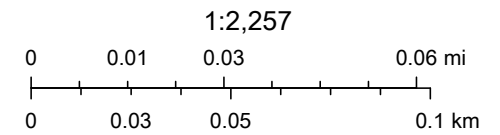
ZONING MAP

ATTACHMENT 6



11/9/2020, 12:51:35 PM

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



Town of Flower Mound, DCAD, TAD, Town of Flower Mound, Esri, HERE,

AERIAL PHOTOGRAPH

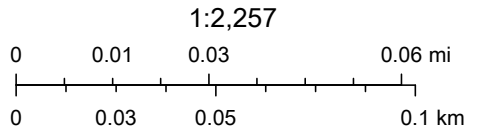


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2019 AERIAL PHOTOGRAPHY

- 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



Town of Flower Mound, DCAD, TAD, Town of Flower Mound, Esri, HERE,

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 9, 2020 at 6:30pm. The meeting will be held at the Flower Mound Town Hall, 2121 Cross Timbers Road, or via Virtual Meeting (Video Conference). If the meeting is held via video conference, login and public access details will be made available on the first page of the meeting agenda posted to the Town's Agenda Center page at <https://www.flower-mound.com/agendacenter>. The purpose of the hearing is to consider a request from Adam Abushagur for a variance from Section 98-274 (c), Maximum height, Front, of the Code of Ordinances. The property is generally located South of Wichita Trl and West of Bayshore Dr and is locally known as 6204 Shoreview Ct, Lot 21, Block A of The Landing Subdivision.

Tasha Coates
Plans Review Manager
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, November 27, 2020 and Saturday/Sunday (print edition), November 28, 2020 & November 29 , 2020.
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, November 27, 2020

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 972-874-6367.

(Ref: Case No. BOA20-0007)

Town of Flower Mound Account Number: 100041132



November 24, 2020

Board of Adjustment Case No. BOA20-0007

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

A request has been received from Adam Abushagur for a variance from Section 98-274 (c), Maximum height, of the Code of Ordinances. The property is generally located South of Wichita Trl and West of Bayshore Dr and is locally known as 6204 Shoreview Ct, Lot 21, Block A of The Landing Subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, December 9, 2020, at 6:30 p.m. at the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171), or via Virtual Meeting (Video Conference).** **If the meeting is held via video conference, login and public access details will be made available on the first page of the meeting agenda posted to the Town's Agenda Center page at <https://www.flower-mound.com/agendacenter>.** 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 email to BOA@flower-mound.com. Please note that Board members are unable to reply to your message(s) due to Open Meetings regulations. In addition, correspondence received two hours prior to the meeting start time may not be read as Board members are preparing for the meeting. Please note that your correspondence is considered public information; however, your email address, or other information deemed confidential by law, would not be disclosed.

Sincerely,

Tasha Coates
Plans Review Manager

ATTACHMENT 10

PID	SUBNAME	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	ADDRESS_1
R176420	THE LANDING	SCHWALM, ERIC K & LYNN A	2001 BAYSHORE DR	FLOWER MOUND	TX	75022	2001 BAYSHORE
R176421	THE LANDING	KENSINGTON TECHNOLOGIES LLC	5215 N O CONNOR BLVD STE 1950	IRVING	TX	75039	6204 SHOREVIEW
R176422	THE LANDING	BROWN, SEAN WAYNE	720 INDUSTRIAL BLVD STE 400	GRAPEVINE	TX	76051	6201 SHOREVIEW