

Board of Adjustment



March 8, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

AGENDA

A. CALL TO ORDER

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. PUBLIC COMMENT

The purpose of this item is to allow the public an opportunity to address the Board/Commission regarding any item on this agenda that is not a "Public Hearing." Issues regarding daily operational or administrative matters should first be dealt with by calling Town Hall at 972- 874-6000 during business hours. To speak to the Board/Commission during public comment, please fill out a comment form, which is located in the lobby of Town Hall.

In accordance with the Texas Open Meetings Act, the Board/Commission is restricted from discussing or acting on items not listed on the agenda.

- Speakers are limited to 3 minutes; a tone will sound at 30 seconds left and when time has expired, and times may be adjusted by the Chair depending on the number of speakers.
- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

E. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or "housekeeping" items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Draft Minutes - Consider approval of the minutes from January 11, 2023, regular meeting of the Board of Adjustment.

F. REGULAR ITEM(S)

1. (BOA23-0001) Hold a public hearing and consider a request from Michael Thacker for a variance from Section 98-276(a) – "Minimum dimensions" of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of High Rd and is locally known as 4971 Red Rock Ln, Lot 58 of the MEP & PRR subdivision.

G. ADJOURN

The Board of Adjustment may convene in executive session to conduct a private consultation with its attorney on any legally posted agenda item, when the Board of Adjustment seeks the advice of its attorney about pending or contemplated litigation, a settlement offer, or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the provisions of Chapter 551, including the above referenced items.

I do hereby certify that the Notice of Meeting was posted on the bulletin board at the Town Hall for the Town of Flower Mound, Texas, in a place convenient and readily accessible to the general public at all times and said Notice was also posted on the Town's website in accordance with GC Section 551.056 on the following date and time: March 3, 2023, at 5:00 p.m., at least 72 hours prior to the scheduled time of said meeting.

Emily Chapman, Staff Liaison

The Flower Mound Town Hall and Jody Smith Hall are wheelchair accessible. Requests for accommodation or interpretive services must be made 48 hours prior to this meeting by contacting Town Hall at 972.874.6000. Additional time limits will be provided for members of the public that need to address the Town Council through a translator.



BOARD OF ADJUSTMENT AGENDA E.1. CONSENT ITEM(S)

DATE: March 8, 2023
FROM: Emily Chapman, Administrative Assistant
ITEM: **Consider approval of the minutes from January 11, 2023, regular meeting of the Board of Adjustment.**

BACKGROUND: This agenda item is to consider approval of the minutes from the January 11, 2023, regular meeting of the Board of Adjustment.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES:

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. Draft Minutes 1.11.23

DRAFT MOTION: Move to approve as presented in the agenda caption.



Board of Adjustment

January 11, 2023
Town Hall
2121 Cross Timbers Road
Flower Mound, TX 75028

6:30 p.m.

MINUTES

A. CALL TO ORDER

The Board of Adjustment met in a regular meeting with the following members present:

Place 5, Craig Goodhart
Place 3, Gregory Jones
Place 1, Chair Gregory Schultz
Place 4, Jodi Sealy
Place 2, Vice Chair Ryan Geddie

with the following member(s) absent:

Place 8, Vicky Gunning

constituting a quorum with the following members of the Town Staff participating:

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

Meeting was called to order at 6:30 p.m.

B. INVOCATION

C. PUBLIC COMMENT

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- Speakers must address their comments to the Board/Commission.
- Please state your name and address when speaking.

None.

D. CONSENT ITEM(S)

This part of the agenda consists of non-controversial, or “housekeeping” items required by law. Items may be removed from Consent by any Commissioner by making such request prior to a motion and vote.

1. Consider approval of minutes from the regular meeting of the Board of Adjustment held on November 9, 2022.

ACTION: Board Member Craig Goodhart moved to approve item D.1. as presented in the agenda caption. Vice Chair Gregory Jones seconded the motion.

AYES: Craig Goodhart, Gregory Jones, Gregory Schultz, Jodi Sealy, Ryan Geddie

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

E. REGULAR ITEM(S)

1. (BOA22-0005) Hold a public hearing and consider a request from Bob Smith for a variance from Section 98-1031 – “Maximum Height” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of High Rd and is locally known as 3424 Lakewood Ln, Lot 18R, Block F-2 of the Franklin Hills subdivision. Staff Presentation

Tasha Coates, Plans Review Manager, gave the staff presentation with the following items included:

- Variance Request
- Sec. 98-1031

- Sec. 98-395
- Elevation Plan
- Site Topography
- Aerial Photo
- Property Information
- Variance Request

Applicant Presentation

Bob Smith (3925 Cloud Cover Road, Roanoke, TX 76262) answered questions and gave the presentation with the following items included:

- Overview
- Photos of lot elevation
- Side view of topography
- Aerial view
- Criteria 1
- Criteria 2
- Criteria 3
- Criteria 4
- House Plans

Bill Peck (2829 Edinburg Ln., Flower Mound, TX 75028), with Peck Architect, answered questions regarding the project.

ACTION:	Vice Chair Gregory Jones moved to approve item E.1. as presented in the agenda caption. Board Member Ryan Geddie seconded the motion.
AYES:	Craig Goodhart, Gregory Jones, Gregory Schultz, Jodi Sealy, Ryan Geddie
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

F. ADJOURN

Meeting was adjourned at 6:48 p.m.



BOARD OF ADJUSTMENT AGENDA F.1. REGULAR ITEM(S)

DATE: March 8, 2023
FROM: Tasha Coates, Plans Review Manager
ITEM: (BOA23-0001) Hold a public hearing and consider a request from Michael Thacker for a variance from Section 98-276(a) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of High Rd and is locally known as 4971 Red Rock Ln, Lot 58 of the MEP & PRR subdivision.

BACKGROUND: APPLICANT:

Michael Thacker
4971 Red Rock Ln
Flower Mound, TX 75022

LOCATION:

PROPERTY ADDRESS:

4971 Red Rock Ln
Flower Mound, TX 75022

SUBDIVISION: Lot 58, MEP & PRR

ZONING: A (Agriculture)

STAFF ANALYSIS:

A request has been received from Michael Thacker for a variance from Section 98-276(a) - “Minimum Dimensions” of the Town’s Code of Ordinances. The request is to allow a property to be platted as Agriculture with less than the 2 acres minimum required.

Section 98-276(a) Minimum Dimensions of the Town’s Code of Ordinances states “Minimum lot area per dwelling. The minimum lot area per dwelling unit for residence uses in the A agricultural district shall be two acres or 87,120 square feet, subject to section 98-1023.”

Section 98-1023(a) Minimum lot area per dwelling unit of the Town’s Code of Ordinances states “Generally. Residential uses shall comply with the minimum lot area per dwelling unit standards contained in the district regulations and summarized in the residential dimensional regulations schedule, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this chapter.”

History:

The master plan shows this property to be zoned A (Agriculture). However, a portion of the property was sold by meets and bounds prior to the current ownership and the property was not replatted. The Town does not recognize meets and bounds sales and since the configuration of the lot has changed since January, 1975, this is not considered a lot of

record and the lot must be platted prior to any new permits being issued for the property.

Summary:

Mr. Thacker is requesting to plat the property as A (Agriculture) in line with the Town's Master Plan and surrounding properties, with only 1.73 acres, which is .27 acres less than required per Town Ordinance.

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.

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

LEGAL REVIEW: N/A

ATTACHMENTS:

1. ATTACHMENT 1 - BOA APPLICATION
2. ATTACHMENT 2 - INFO FROM APPLICANT
3. ATTACHMENT 3 - SECTION 98-276
4. ATTACHMENT 4 - SECTION 98-1023
5. ATTACHMENT 5 - ZONING MAP
6. ATTACHMENT 6 - 200' PROPERTY OWNER NOTICE MAP
7. ATTACHMENT 7 - AERIAL PHOTO
8. ATTACHMENT 8 - PUBLIC HEARING NOTICE
9. ATTACHMENT 9 - PROPERTY OWNER NOTIFICATION
10. ATTACHMENT 10 - LIST OF PROPERTY OWNERS WITHIN 200'

DRAFT MOTION: N/A

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

DATE: 2-1-23

I, the undersigned owner or authorized agent of the following described real property located in the Town of Flower Mound, Texas, hereby make application for a request for a variance from the terms of section 98-276 of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 4971 Red Rock Ln, Flower Mound, Texas 75022

Legal Description: Lot/Tract _____, Block _____, of Subdivision/Abstract _____

AD928A, MEP & PRR, TR 58, 1.73 ACRES, OLD DEAD TR# 1B(4)

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.)

Allow variance to the 2 acre minimum. A small portion of the legacy deeded property was sold by meets and bounds prior to current ownership. Owner is willing to plat the 1.73 acre property if variance is approved. Variance needed for accessory building permit.

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 _____, _____.

BOA Packet Page 2
Rev. 10/20/2010)

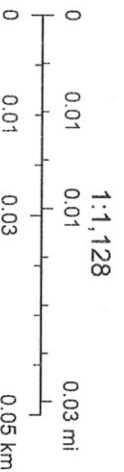
Denton CAD Web Map



2/1/2023, 1:52:39 PM

Parcels

Roads



Denton Central Appraisal District, dentoncad.com

Sec. 98-276. - Minimum dimensions.

- (a) *Minimum lot area per dwelling.* The minimum lot area per dwelling unit for residence uses in the A agricultural district shall be two acres or 87,120 square feet, subject to section 98-1023.
- (b) *Minimum lot width.* The minimum lot width for residential uses in the A agricultural district shall be 200 feet, subject to section 98-1024.
- (c) *Minimum floor area per unit.* The minimum floor area per dwelling unit in the A agricultural district shall be 1,800 square feet, subject to section 98-1025.
- (d) *Minimum front yard.* The minimum front yard for all uses in the A agricultural district shall be 40 feet, subject to section 98-1026.
- (e) *Minimum side yard.* The minimum side yard in the A agricultural district shall be 25 feet for residential uses, and 25 feet for nonresidential uses, subject to section 98-1027.
- (f) *Minimum rear yard.* The minimum rear yard in the A agricultural district shall be 20 feet, subject to section 98-1028.

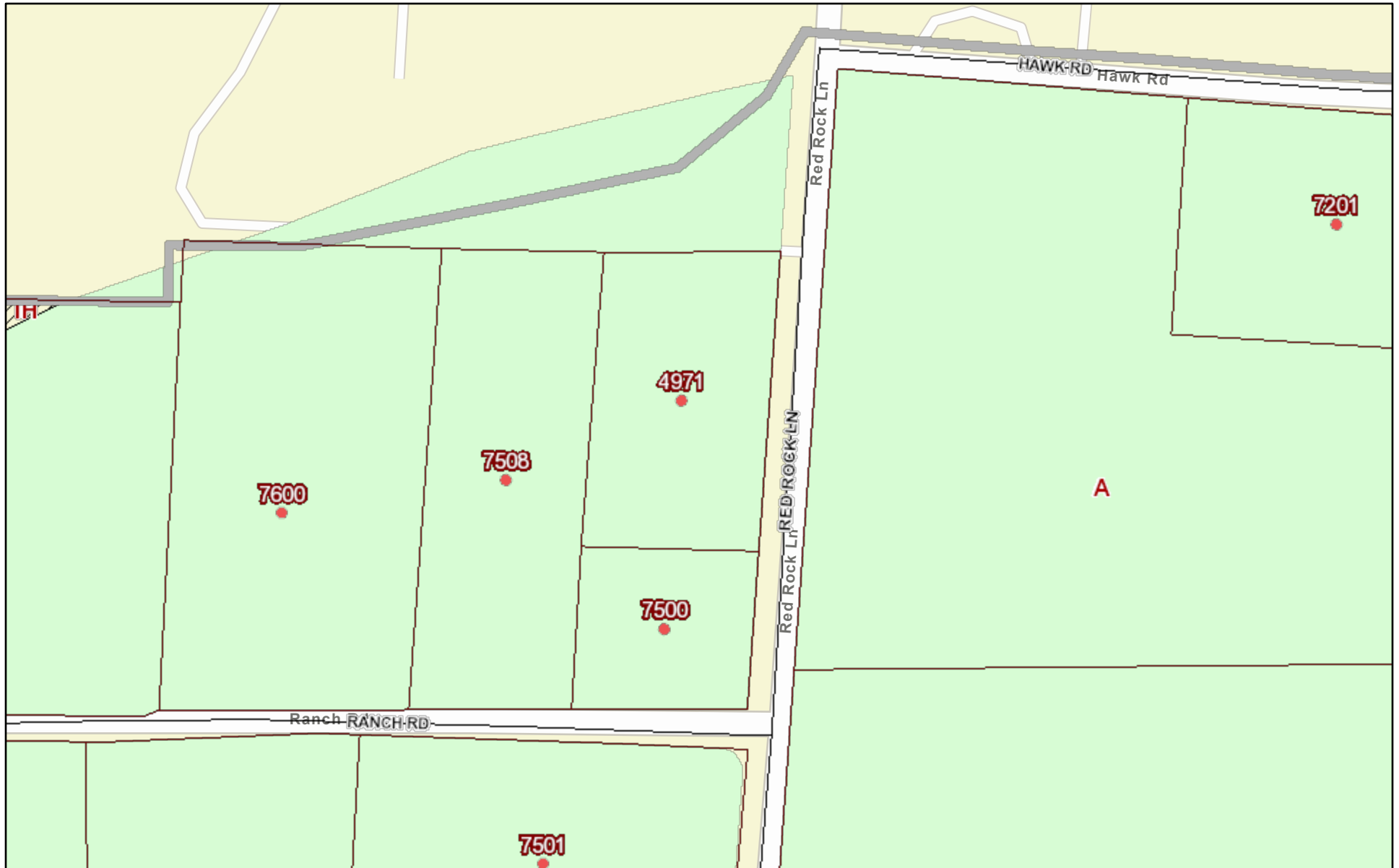
(Code 1989, ch. 12, § 3.08(e)—(j); Ord. No. 11-00, § 2, 2-17-2000)

Sec. 98-1023. - Minimum lot area per dwelling unit.

- (a) *Generally.* Residential uses shall comply with the minimum lot area per dwelling unit standards contained in the district regulations and summarized in the residential dimensional regulations schedule, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this chapter.
- (b) *On-site sewage facilities.* Undeveloped areas master planned or classified as rural density have been so master planned or classified in response to several conditions that affect development in the area:
 - (1) Provision of two acres or larger residential lot sizes, which are considered the minimum necessary for individual septic systems, to avoid the cost burden to the town of maintaining lift stations and force mains;
 - (2) Minimization of increases in surface stormwater runoff into the already strained drainage channels, which are to remain in a natural condition;
 - (3) Minimization of increases in traffic volumes on the existing and planned network of predominantly two-lane roads; and
 - (4) Preservation of the rural, natural aesthetic qualities of the western part of the town, which provide value and amenity for the entire community.
- (c) *Density.* No on-site sewage facilities shall be allowed on tracts of land or lots more than one dwelling unit per two acre density, unless documented extenuating circumstances justify consideration by the town of smaller lot sizes.

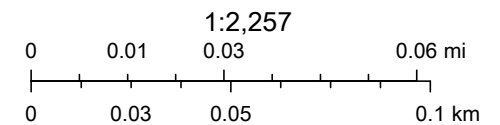
(Code 1989, ch. 12, § 3.06(c))

ZONING MAP



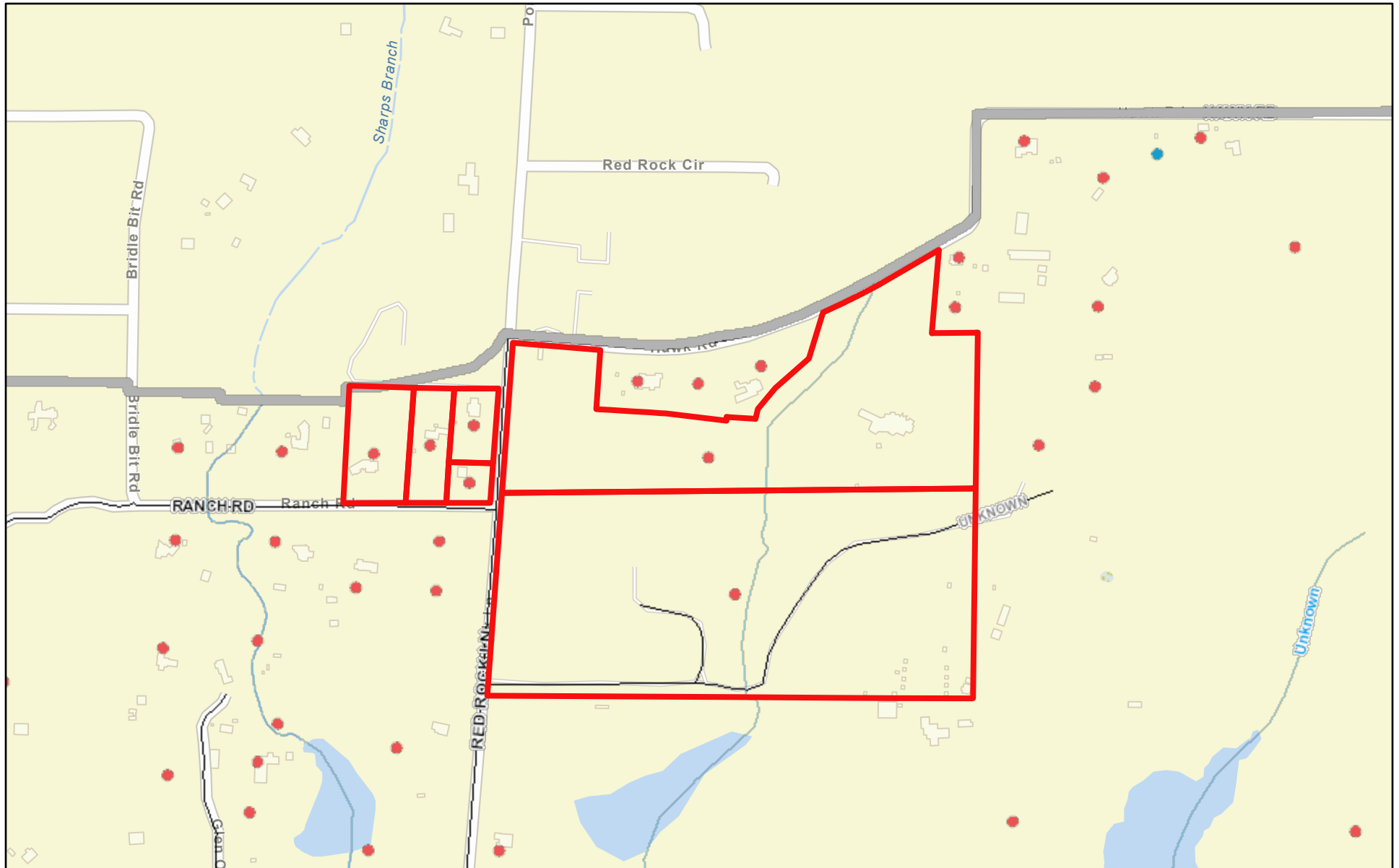
2/13/2023, 9:34:32 AM

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|------------------------------|-------------------|-----------------|-----------------------------|
| Denton County Appraisal Data | Address Points | Key Lot | Combined Uses-See Ordinance |
| Parcel | Primary Address | Zoning | Mixed Use |
| Town Limits | Alternate Address | Interim Holding | Central Business District |



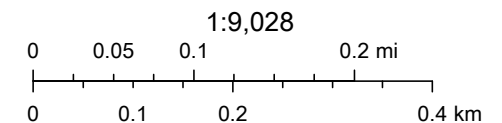
Town of Flower Mound, DCAD, TAD, Esri Community Maps Contributors,
Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft,

200' PROPERTY OWNER NOTICE MAP



2/13/2023, 9:41:10 AM

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|--|---|--|---|
| Buffer (Step 2) _Query result | Address Points | ● Key Lot | Streets |
| Town Limits | ● Primary Address | Park Location | — Unknown |
| | ● Alternate Address | — Streams | — DG3 |



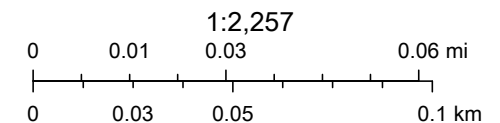
Town of Flower Mound, DCAD, TAD, Esri Community Maps Contributors,
Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft,

AERIAL PHOTO



2/13/2023, 9:36:03 AM

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|------------------------------|-------------------|---------------|---------|
| Denton County Appraisal Data | Address Points | Key Lot | Streets |
| Parcel | Primary Address | Park Location | Unknown |
| Town Limits | Alternate Address | Streams | DG3 |



Town of Flower Mound, DCAD, TAD, Esri Community Maps Contributors,
Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft,

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, March 8, 2023 at 6:30pm. The meeting will be held at the Flower Mound Town Hall, 2121 Cross Timbers Road. The purpose of the hearing is to consider a request from Michael Thacker for a variance from Section 98-276(a) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of High Rd and is locally known as 4971 Red Rock Ln, Lot 58 of the MEP & PRR subdivision.

To Run in Denton Record Chronicle: Saturday/Sunday, February 25th & 26th, 2023

Denton Record Chronicle:

FAX: 940-566-6818

e-mail: classads@dentonrc.com

Attn: Legal Notice Rep

Any questions or issues, please contact:

Tasha Coates

p: 972-874-6367.

e: tasha.coates@flower-mound.com

(Ref: Case No. BOA23-0001)

Town of Flower Mound Account Number: 100041132



February 21, 2023

Board of Adjustment Case No. BOA23-0001

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

A request has been received from Michael Thacker for a variance from Section 98-276(a) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of High Rd and is locally known as 4971 Red Rock Ln, Lot 58 of the MEP & PRR subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, March 8, 2023 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 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

PARCEL ID	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP	ADDRESS
R121657	RODGERS LIVING TRUST	1277 PORTER RD	FLOWER MOUND	TX	75022	7500 Ranch Rd
R36779	OWEN, KENNETH L & SOTEVY	7600 RANCH RD	FLOWER MOUND	TX	75022	7600 Ranch Rd
R36782	GARCIA-PEREZ, NORMA Z	7508 RANCH RD	FLOWER MOUND	TX	75022	7508 Ranch Rd
R36785	PALMER, GARRICK B & KIRSTEN D	4971 RED ROCK LN	FLOWER MOUND	TX	75022	4971 Red Rock Ln
R37812	1309 LLC	PO BOX 292873	LEWISVILLE	TX	75029	4500 Red Rock Ln
R566720	1309 LLC	PO BOX 292873	LEWISVILLE	TX	75029	7007 Hawk Rd