



AGENDA

TOWN OF FLOWER MOUND BOARD OF ADJUSTMENT

REGULAR MEETING

September 14, 2022

**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)

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, and times may be adjusted by the chair
- Additional time limits will be provided to members of the public that need to address the board through a translator
- 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

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 A member of the Board of Adjustment may request an item(s) be withdrawn from the Consent Agenda and moved to Regular Agenda for discussion by making such request prior to a motion and vote on the Consent Agenda.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 March 9, 2022.

E. REGULAR ITEMS – PUBLIC HEARING

2. **(BOA22-0002)** Hold a public hearing and consider a request from David Hauk, Mirage Custom Pools, to appeal the Building Official's decision to suspend the contractor registration for Mirage Custom Pools, pursuant to Section 18-33 – Appeal of suspension by building official of the Town's Code of Ordinances.

Pursuant to Section 551.071 of the Texas Government Code, the Board of Adjustment reserves the right to consult in closed session with its attorney and to receive legal advice regarding any item listed on this agenda.

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: September 9, 2022, 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: September 14, 2022

FROM: Emily Chapman, Administrative Assistant

ITEM: **Consider approval of minutes from the regular meeting of the Board of Adjustment held on March 9, 2022.**

BACKGROUND INFORMATION: This agenda item is to consider approval of the minutes from the March 9, 2022, 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 March 9, 2022, regular meeting of the Board of Adjustment.

RECOMMENDATION: Move to approve the minutes from the March 9, 2022, regular meeting of the Board of Adjustment.

THE FLOWER MOUND BOARD OF ADJUSTMENT MEETING HELD ON THE 9TH DAY OF MARCH 2022, 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
Ryan Geddie	Vice Chair
Greg Jones	Board Member, Place 3
Sky Jay Schoggins	Board Member, Place 4
Craig Goodhart	Board Member, Place 5
Chuck Freeny	Board Member, Place 6
Len Chavez	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.)

Thomas Stevenson	Board Member, Place 8
------------------	-----------------------

And the following members of Town staff present:

James Donovan	Town Attorney
Emily Chapman	Administrative Assistant
Joelle Hainley	Building Official
Chris Pamplin	Asst. 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 February 9, 2022.

Board Member Schoggins made a motion to approve the February 9, 2022, minutes as presented. Board Member Jones seconded the motion.

VOTE ON THE MOTION

AYES: Jones, Geddie, Schultz, Schoggins, Goodhart

NAYS: None

ABSTAIN: None

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

E. PUBLIC HEARING

2. (BOA21-0009) Hold a public hearing and consider a request from Andre & Charise Champagne for a variance from Section 98-1032(b)(2)(b) and Section 98-1032(a)(2), "Accessory Buildings," of the Code of Ordinances. The property is generally located North of Cross Timbers Rd and West of Red Rock Ln and is locally known as 4433 Glen Oaks Dr, Lot 66, of MEP & PRR.

Staff Presentation

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

- Variance Request
- Sec. 98-1032(b)(2)(b)
- Sec. 98-1032(a)(2)
- Site Plan
- Site Plan
- Aerial Photo
- Property Information
- Variance Request

Applicant Presentation

Charise and Andre Champagne (4433 Glen Oaks Dr., Flower Mound) answered questions and gave a presentation with the following items included:

- Variance Request
- Criteria A
- Aerial Photo
- Criteria B
- Criteria C
- Criteria D
- Aerial Photo
- Photos
- Photos

Comments

No Comments.

PUBLIC COMMENTS CLOSED- 6:54 PM

Board Member Deliberation

Board Member Goodhart made a motion to approve the request from Andre & Charise Champagne for a variance from Section 98-1032(b)(2)(b) and Section 98-1032(a)(2), "Accessory Buildings," of the Code of Ordinances. The property is generally located North of Cross Timbers Rd and West of Red Rock Ln and is locally known as 4433 Glen Oaks Dr, Lot 66, of MEP & PRR. Board Member Schoggins seconded the motion.

VOTE ON THE MOTION

AYES: Geddie, Schultz, Schoggins, Goodhart, Freeney
NAYS: None
ABSTAIN: Jones

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

F. ADJOURNMENT – REGULAR SESSION – 6:58 PM.

TOWN OF FLOWER MOUND, TEXAS

GREGORY SCHULTZ
CHAIR

ATTEST:

EMILY CHAPMAN
ADMINISTRATIVE ASSISTANT



BOARD OF ADJUSTMENT MEETING AGENDA ITEM NO. 2

REGULAR ITEM

DATE: September 14, 2022
FROM: Tasha Coates, Plans Review Manager
THROUGH: Joelle Hainley, Chief Building Official
PRESENTER:
APPLICANT: David Hauk, Owner, Mirage Custom Pools
STAFF: Chris Pamplin, Assistant Building Official

ITEM: (BOA22-0002) Hold a public hearing and consider a request from David Hauk, Mirage Custom Pools, to appeal the Building Official's decision to suspend the contractor registration for Mirage Custom Pools, pursuant to Section 18-33 – Appeal of suspension by building official of the Town's Code of Ordinances.

BACKGROUND INFORMATION:

APPLICANT: David Hauk/Mirage Custom Pools
545 N Cowan Ave
Lewisville, TX 75057

STAFF ANALYSIS & HISTORY:

The contractor registration for Mirage Custom Pools was suspended on 8/29/22 due to failure to obtain a final inspection for permit UMB21-05622 at 6405 Meadowcrest Ln prior to the permit expiration. Mirage Custom Pools has been registered with the Town since 2005 and has 77 total permits. Mirage Custom Pools has been placed on restriction 4 times for failure to final a permit and they have followed the instructions to obtain a new permit and final inspection in order to have the restriction removed for all permits, with the exception of 6405 Meadowcrest Ln (UMB21-05622). The contractor registration was then suspended, per Town Ordinance.

Sec. 86-6 – Revocation of registration of the Town's Code of Ordinances states "Any contractor registration regulated by this code may be placed on hold or suspended by the building official thereby preventing any additional permits being issued to such contractor, if it is determined by the building official that corrective action is needed for compliance with the requirements of section 18-32 of this Code. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II of this Code shall apply. Any registration placed on hold more than 3 times in a calendar year may be subject to suspension by the building official.

Section 18-32 (1) – Suspension of registration of the Town’s Code of Ordinances states “A contractor’s registration may be suspended by the building official for any of the following reasons:

1. The contractor fails to request and obtain a final inspection prior to the expiration of the permit

Section 18-33 – Appeal of suspension by building official of the Town’s Code of Ordinances states “A contractor whose registration has been suspended may appeal the action to the building code appeals board. In the case of an appeal to the building code appeals board, the action of the building official shall stand until the final determination of the appeal is made by the building code appeals board. The appeal must be filed within ten business days of the suspension of the contractor’s registration. After hearing the case, the building code appeals board may take the following action:

1. Affirm the suspension;
2. Overrule the suspension and reinstate the registration of the contractor;
3. Affirm the suspension, but waive any or all of the reinstatement requirements set forth in section 18-43; or
4. Affirm the suspension and require conditions for reinstatement in addition to those set forth in section 18-34 including, but not limited to, prohibiting reinstatement for up to six months.

Section 18-34 – Reinstatement of registration of the Town’s Code of Ordinances states “A contractor whose registration has been suspended may reapply for registration if:

1. All circumstances leading to the suspension have been corrected;
2. The contractor reapplies for registration;
3. The registration fee is paid; and
4. Any additional conditions set by the building code appeals board pursuant to section 18-33(4) have been met.

Summary:

Mr. Hauk is appealing the suspension of the contractor registration for Mirage Custom Pools and requests that his registration be reinstated so that he may be allowed to obtain new permits within the Town of Flower Mound.

ATTACHMENTS:

1. Application
2. Information from applicant
3. Section 86-6
4. Section 18-32(1)
5. Sections 18-33 & 18-44
6. Published public hearing notice

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

DATE: 8/30/2022

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: 6405 Meadowcrest Lane

Legal Description: Lot/Tract 11, Block E, of Subdivision/Abstract Hidden Valley Country Estates

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.)

Contract Signed on 5/24/2021. Engineered required for Shingled roof structure per Flower Mound. Mr. Santschi was working with Blake Wilson on Engineering letter until completed on 7/21/2021. MCP sent out new Blake Wilson Engineered plan for updated costs including materials and labor on 7/22. MCP presented Mr Santschi new costs and he refused to pay the additional costs that are outlined in Pool agreement. After several attempts to reach an agreement Mr. Santschi went on vacation and MCP was instructed by Mrs Santschi to not proceed with project until his return. Since then we are in litigation and MCP has NO opportunity to access property due to Legal Notice. we are asking that we be removed from restriction due to the circumstances of this homeowner in ability to work with several contractors since 8/21. They now are on 3rd active permit since 8/2021 and NO aspects of this job are complete as of 8/2022.

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

545 N. Cowan Ave. / Lewisville, TX 75057

(972) 814-4101

david@miragedfw.com

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 _____, _____.

Mirage Custom Pools

Flower Mound Appeal for 6405 Meadowcrest Lane

Contract Signed on 5/24/2021. Engineered required for Shingled roof structure per Flower Mound. Mr. Santchsi was working with Blake Wilson on Engineering letter until completed on 7/21/2021. MCP sent out new Blake Wilson Engineered plan for updated costs including materials and labor on 7/22. MCP presented Mr. Santschi new costs and he refused to pay the additional costs that are outlined in Pool agreement. After several attempts to reach an agreement Mr. Santschi went on vacation and MCP was instructed by Mrs. Santschi to not proceed with project until his return. Since then we are in litigation and MCP has NO opportunity to access property due to Legal Notice. we are asking that we be removed from restriction due to the circumstances of this homeowner in ability to work with several contractors since 8/21. They now are on 3rd active permit since 8/2021 and NO aspects of this job are complete as of 8/2022.

Sec. 86-6. - Revocation of registration.

Any contractor registration regulated by this code may be placed on hold or suspended by the building official thereby preventing any additional permits being issued to such contractor, if it is determined by the building official that corrective action is needed for compliance with the requirements of section 18-32 of this Code. If any contractor registration regulated by this code is suspended, the procedures outlined in Chapter 18, Article II of this Code shall apply. Any registration placed on hold more than three times in a calendar year may be subject to suspension by the building official.

(Ord. No. 04-11, § 2, 2-7-2011)

Sec. 18-32. - Suspension of registration.

A contractor's registration may be suspended by the building official for any of the following reasons:

- (1) The contractor fails to request and obtain a final inspection prior to the expiration of the permit;
- (2) The contractor allows use or occupancy of the structure for which a permit was obtained without first obtaining the required authorization from the town;
- (3) The contractor has been found by the building official to have been grossly negligent in the performance of his work; or
- (4) The expiration, suspension or revocation of any license required by section 18.31.

(Ord. No. 67-98, § 1(16.02), 12-7-1998)

Sec. 18-33. - Appeal of suspension by building official.

A contractor whose registration has been suspended may appeal the action to the building code appeals board. In the case of an appeal to the building code appeals board, the action of the building official shall stand until the final determination of the appeal is made by the building code appeals board. The appeal must be filed within ten business days of the suspension of the contractor's registration. After hearing the case, the building code appeals board may take the following action:

- (1) Affirm the suspension;
- (2) Overrule the suspension and reinstate the registration of the contractor;
- (3) Affirm the suspension, but waive any or all of the reinstatement requirements set forth in section 18-34; or
- (4) Affirm the suspension and require conditions for reinstatement in addition to those set forth in section 18-34 including, but not limited to, prohibiting reinstatement for up to six months.

(Ord. No. 67-98, § 1(16.03), 12-7-1998)

Sec. 18-34. - Reinstatement of registration.

A contractor whose registration has been suspended may reapply for registration if:

- (1) All circumstances leading to the suspension have been corrected;
- (2) The contractor reapplies for registration;
- (3) The registration fee is paid; and
- (4) Any additional conditions set by the building code appeals board pursuant to section 18-33(4) have been met.

(Ord. No. 67-98, § 1(16.04), 12-7-1998)

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, September 14, 2022 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 David Hauk, Mirage Custom Pools, to appeal the Building Official's decision to suspend the contractor registration for Mirage Custom Pools, pursuant to Section 18-33 – Appeal of suspension by building official of the Town's Code of Ordinances.

Tasha Coates
Plans Review Manager
Town of Flower Mound

To Run in Denton Record Chronicle: Friday, September 2nd, 2022 and Saturday/Sunday (print edition), September 3rd, 2022 and September 4th, 2022.
To Run in Lewisville/Flower Mound/Highland Village Neighbors: Friday, September 2nd, 2022.

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. BOA22-0002)

Town of Flower Mound Account Number: 100041132