

Board of Adjustment



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

6:30 p.m.

AGENDA

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

C. 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.

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

E. REGULAR ITEM(S)

1. BOA23-0005 - (BOA23-0005) Hold a public hearing and consider a request from Nicholas Holmans for a variance from Section 98-305(b) – "Minimum dimensions" of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Long Prairie Rd and is locally known as 2849 Sagebrush Dr, Lot 59 of the J.STEWART subdivision.

F. 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: November 3, 2023, at 4:30 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 D.1. CONSENT ITEM(S)

DATE: November 8, 2023

FROM: Emily Chapman

ITEM: **Consider approval of the minutes from October 11, 2023, regular meeting of the Board of Adjustment.**

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

BOARD REVIEW/CITIZEN FEEDBACK: N/A

ALTERNATIVES: N/A

FISCAL IMPACT: N/A

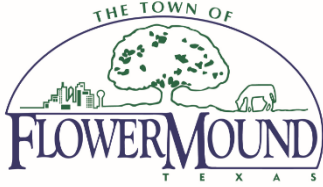
LEGAL REVIEW: N/A

ATTACHMENTS:

1. Draft Minutes

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

Board of Adjustment



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

6:30 p.m.

DRAFT MINUTES

A. CALL TO ORDER

Board Member Jones called the regular meeting to order at 6:30 pm.

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

Scott Shea, Place 1
Ryan Geddie, Place 2
Gregory Jones, Place 3
Jodi Sealy, Place 4
Craig Goodhart, Place 5
Chuck Freeny, Alt. Place 6
Justin DeFillippo, Alt. Place 7
Vicky Gunning, Alt. Place 8

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

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

B. INVOCATION

C. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

D. ELECTION OF CHAIR AND VICE CHAIR

Greg Jones was elected Chair and Ryan Geddie was elected Vice Chair. The vote for both positions was unanimous.

E. 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.

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

None.

F. 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 May 10, 2023, regular meeting of the Board of Adjustment.

ACTION: Board Member Sealy moved to approve as presented in the agenda caption. Board Member Goodhart seconded the motion.

AYES: Craig Goodhart, Gregory Jones, Ryan Geddie, Timothy Scott Shea, Jodi Sealy

NAYS: None

ABSTAIN: None

RESULT: 5 : 0

G. REGULAR ITEM(S)

1. (BOA23-0004) - (BOA23-0004) **Hold a public hearing and consider a request from Troy Ray Wood for a variance from Sections 98-1032(a)(1) & 98-1032(e) – "Accessory Buildings" of the Code of Ordinances. The property is generally located South of Flower Mound Rd and West of Duncan Ln and is locally known as 112 Cherokee Path, Lot 17 of the M.BAKER subdivision.**
Staff Presentation

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

- Applicant Request

- Sec. 98-1032
- Sec. 98-1032
- Additional Info
- Aerial Photo
- Site Plan
- Property Information

Applicant Presentation

Jeff Bennett with Bennett Design Services (200 Cherokee Path, Flower Mound, TX 75028) answered questions and gave the presentation with the following items included:

- Zoning Map
- Zoning Map- Cherokee Path
- SF-15 Zoning Acreage Exhibit
- Aerial Map
- Cherokee Path Map
- 112 Cherokee Path
- Cherokee Path Neighboring Lots
- Denton CAD Records
- Survey of Neighboring Property
- Denton CAD Records
- Wood Residence Photo
- Wood Residence Site Plan

Comments

No Comments.

PUBLIC COMMENTS CLOSED- 7:10

The item failed due to a lack of motion and is Denied.

2. (BOA23-0005) - **(BOA23-0005) Hold a public hearing and consider a request from Nicholas Holmans for a variance from Section 98-305(b) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Long Prairie Rd and is locally known as 2849 Sagebrush Dr, Lot 59 of the J.STEWART subdivision.**

Applicant did not show. The item was tabled to November 8, 2023, at 6:30 pm.

ACTION: Vice Chair Ryan Geddie moved to table item G.2. (BOA23-0005) to November 8, 2023, at 6:30 pm. Board Member Timothy Scott Shea seconded the motion.

AYES: Craig Goodhart, Gregory Jones, Ryan Geddie, Timothy
Scott Shea, Jodi Sealy
NAYS: None
ABSTAIN: None
RESULT: 5 : 0

H. ADJOURN

Chair Jones adjourned the meeting at 7:20 p.m. on Wednesday, October 11, 2023, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

GREGORY SCHULTZ, CHAIR

ATTEST:

EMILY CHAPMAN, ADMINISTRATIVE ASSISTANT



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

DATE: November 8, 2023
FROM: Tasha Coates, Plans Review Manager
ITEM: (BOA23-0005) Hold a public hearing and consider a request from Nicholas Holmans for a variance from Section 98-305(b) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Long Prairie Rd and is locally known as 2849 Sagebrush Dr, Lot 59 of the J.STEWART subdivision.

BACKGROUND: BACKGROUND INFORMATION:

APPLICANT: Nicholas Holmans
2849 Sagebrush Dr
Flower Mound, TX 75022

LOCATION:

PROPERTY ADDRESS: 2849 Sagebrush Dr
Flower Mound, TX 75022

SUBDIVISION: Lot 59
J.STEWART

ZONING: Single Family Estate (SF-E)

STAFF ANALYSIS:

A request has been received from Nicholas Holmans for a variance from Section 98-305(b) - “Minimum Dimensions” of the Town’s Code of Ordinances. The request is to allow a property to be platted in the SF-E (Single-Family Estate) zoning with less than the required 150’ lot width.

Section 98-305(b) Minimum Dimensions of the Town’s Code of Ordinances states “*Minimum lot width*. The minimum lot width for residential uses in the SF-E, single-family estate district shall be 150 feet, subject to section 98-1024.”

Section 98-1024(a) Minimum lot width of the Town’s Code of Ordinances states “*Generally*. Lots used for residential uses shall comply with the minimum lot width standards contained in the district regulations and summarized in the residential dimensional regulations scheduled, 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 SF-E (Single-Family Estate), however a portion of the property was sold by metes and bounds prior to the current ownership and the property was not

replatted. The Town does not recognize metes and bounds sales and since the configuration of the lot has changed since January, 1974, this is not considered a lot of record and the lot must be platted prior to any new permits being issued for the property.

Section 74-3 – Definitions of the Town’s Code of Ordinances states “Lot of record, unplatted, means a parcel of land, the deed for which is recorded in the office of the county clerk prior to the adoption of the town’s zoning ordinance on January 9, 1975.”

Summary:

Mr. Holmans is requesting to plat the property as SF-E (Single-Family Estate) in line with the Town’s Master Plan and surrounding properties, with only 116.22’ of lot width, which is 33.78’ less than the 150’ 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:

1. 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.
2. 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.
3. 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.
4. 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 - ADDITIONAL INFO FROM APPLICANT
3. ATTACHMENT 3 - SECTION 98-305
4. ATTACHMENT 4 - SECTION 98-1024
5. ATTACHMENT 5 - ZONING MAP
6. ATTACHMENT 6 - 200' PROPERTY OWNER NOTICE MAP
7. ATTACHMENT 7 - AERIAL PHOTOGRAPH OF PROPERTY
8. ATTACHMENT 8 - PUBLIC HEARING NOTICE
9. ATTACHMENT 9 - PROPERTY OWNER NOTIFICATION
10. ATTACHMENT 10 - LIST OF PROPERTY OWNERS WITHIN 200'

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

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

DATE: 09/08/23

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 98-305 of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 2849 SAGEBRUSH DR. FLOWER MOUND, TX 75022
 A 1.03 ACRE LOT SITUATED IN THE JP STEWART SURVEY ABSTRACT # 1161
 Legal Description: Lot/Tract _____, Block _____, of Subdivision/Abstract _____

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.)

SEE ATTACHED

A non-refundable application fee of \$665 + \$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 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

2849 SAGEBRUSH DR. FM, TX 75022

Mailing Address

[Signature]
Staff Member's Signature

Nicholas I. Blum
Print Name

NICK@DISCOUNTRIDING LLC.COM

214-064-6631

Phone Number

9/8/23
Date

23078317
Receipt Number

BOARD OF ADJUSTMENT DECISION (circle one): DENIED GRANTED GRANTED WITH CONDITIONS

TERMS AND/OR CONDITIONS: _____

BOARD OF ADJUSTMENT CHAIR: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.

Thursday, September 7, 2023
2849 Sagebrush Road
Town of Flower Mound, Denton County, Texas
Page 1 of 1

To Whom It May Concern:

The property located at 2849 Sagebrush Road is located within the Town limits of Flower Mound, Texas. Being 1.03 acres situated in the J. Stewart Survey Abstract No. 1161. Town of Flower Mound, Denton County. Texas.

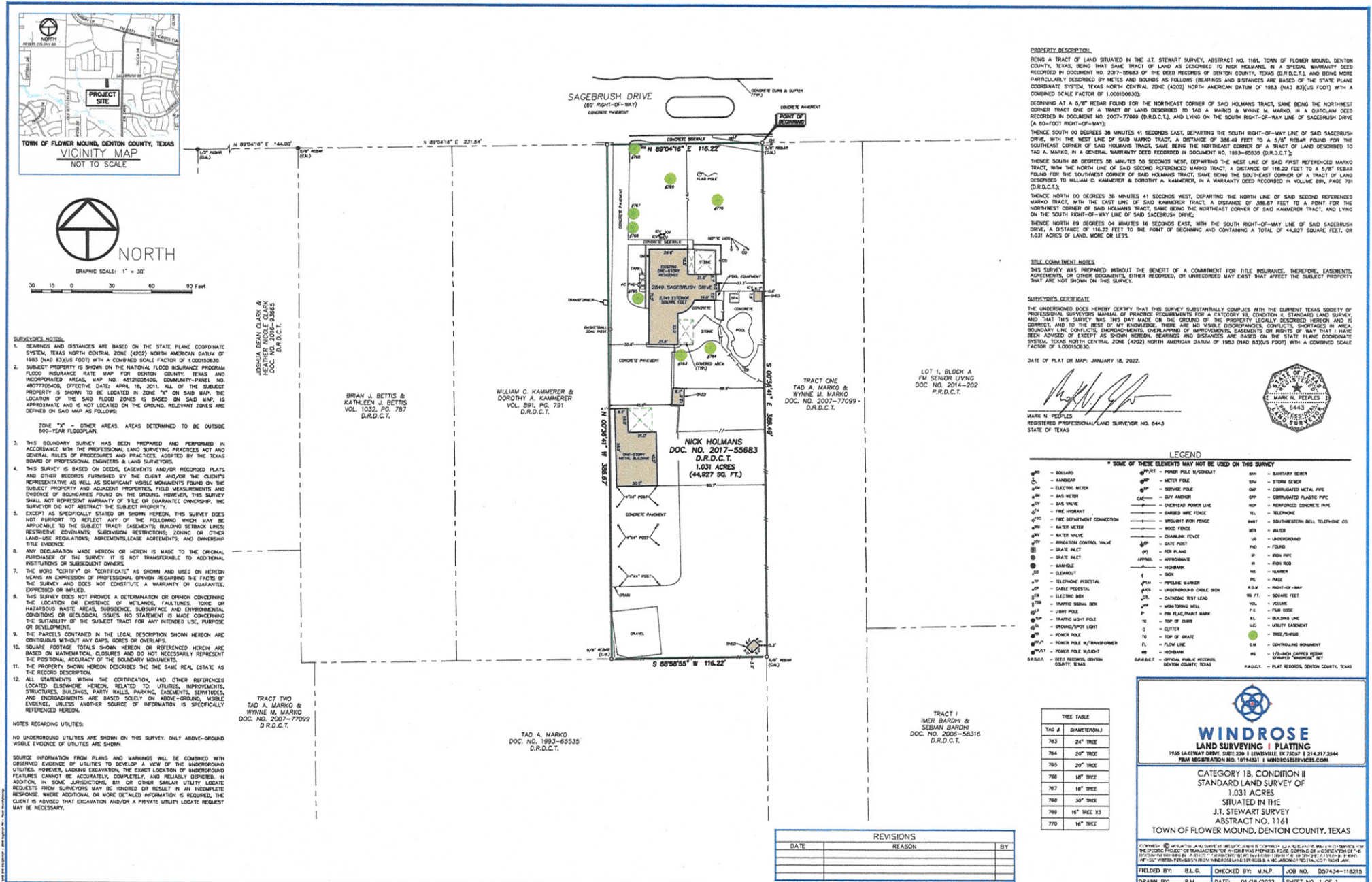
The property is currently zoned SFE which has a minimum lot width of 150 feet. The current state of the lot has a width of 116.22 feet which does not meet the current standards for zone SFE. The land surrounding the subject property is owned and/or developed in the same zone.

The purpose of this variance request is to obtain approval for the current lot dimensions to be able to plat the property.

Please accept this formal request to take this variance request submission.

Please feel free to reach out to me, Nick Holmans, with any further questions, comments or concerns.

Thank you,



Thursday, September 7, 2023
2849 Sagebrush Drive
Town of Flower Mound, Denton County, TX
Page 1 of 1

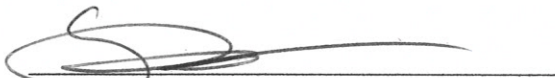
Letter of Consent:

To Whom it May Concern:

This is a portion of land located in the J.T. Stewart Survey Abstract No. 1161. I understand that we are requesting a variance for the length of the existing lot line of 116'.

Emily Alvidrez are/is helping me complete this request and I understand they will be submitting documents as my agent. I am the owner of the above-described property.

Thank you,


Signature
Nick Holmans

Nick Holmans
Printed Name

09/08/2023
Date

Sec. 98-305. - Minimum dimensions.

- (a) *Minimum lot area per dwelling.* The minimum lot area per dwelling unit in the SF-E, single-family estate district shall be one acre or 43,560 square feet, subject to section 98-1023.
- (b) *Minimum lot width.* The minimum lot width for residential uses in the SF-E, single-family estate district shall be 150 feet, subject to section 98-1024.
- (c) *Minimum floor area per unit.* The minimum floor area per dwelling unit in the SF-E, single-family estate district shall be 2,400 square feet, subject to section 98-1025.
- (d) *Minimum front yard.* The minimum front yard for all uses in the SF-E, single-family estate district shall be 40 feet, subject to section 98-1026.
- (e) *Minimum side yard.* The minimum side yard in the SF-E, single-family estate district shall be twenty feet (20') for all uses, subject to section 98-1027.
- (f) *Minimum rear yard.* The minimum rear yard in the SF-E, single-family estate district shall be 20 feet, subject to section 98-1027.

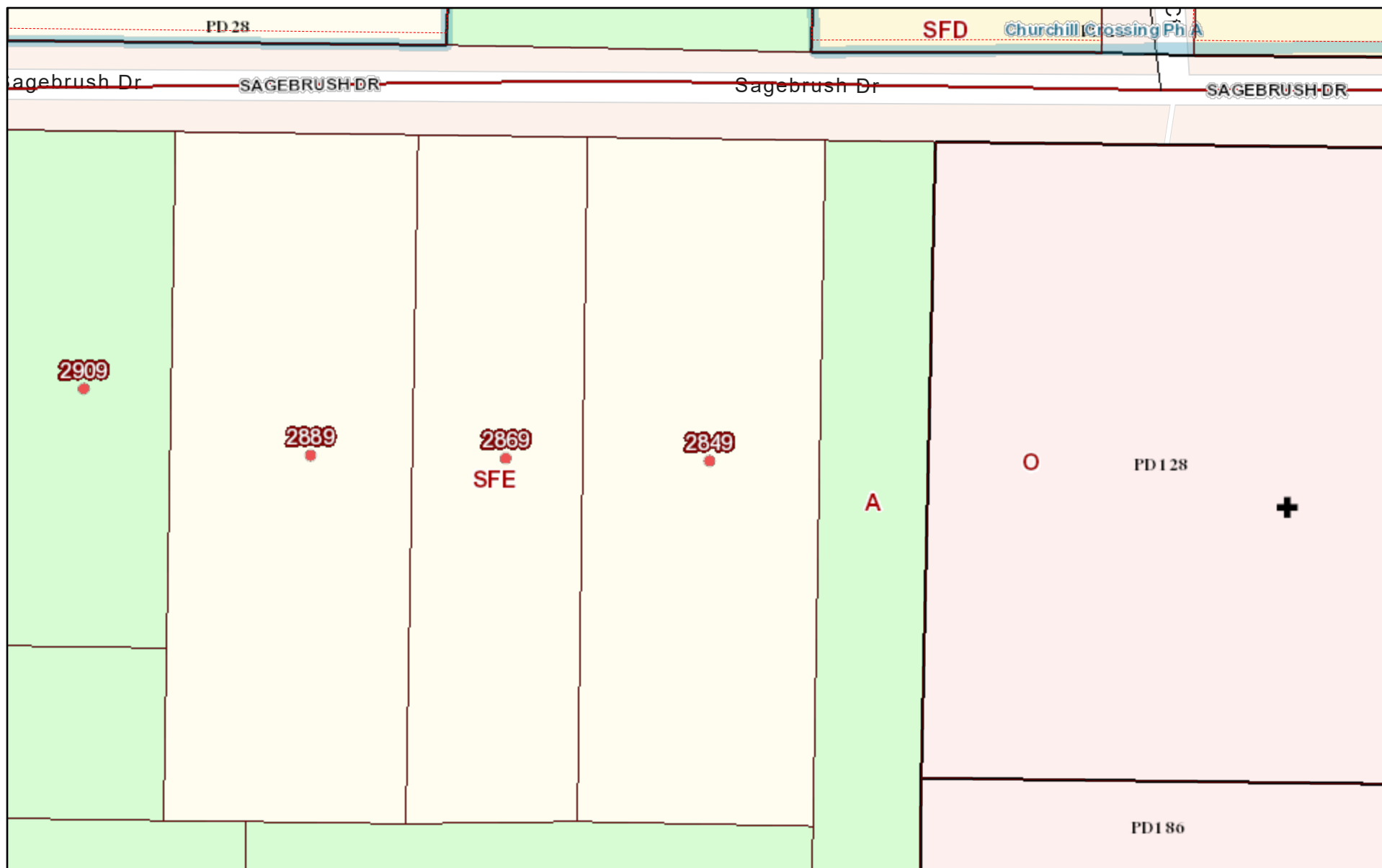
(Ord. No. 39-02, § 2(3.09(e)—(j)), 7-15-2002)

Sec. 98-1024. - Minimum lot width.

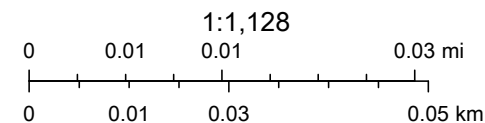
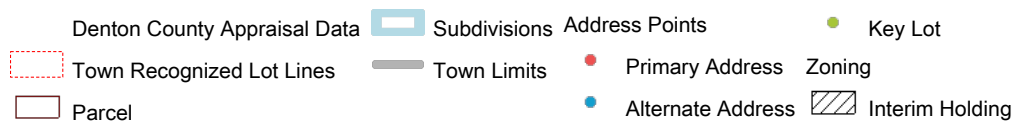
- (a) *Generally.* Lots used for residential uses shall comply with the minimum lot width standards contained in the district regulations and summarized in the residential dimensional regulations schedule, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this chapter.
- (b) *Measurement.* Lot width shall be measured as the distance between the side lot lines measured along the front building line. In the case of a lot having more than one required front yard, the lot width shall be measured along the building line associated with the shortest front lot line.
- (c) *Cul-de-sacs.* Notwithstanding any other provisions of this chapter, lots fronting on a cul-de-sac shall have a minimum front street line of 40 feet and a minimum lot width of 75 feet at the building line, provided that this subsection shall not apply in the PD planned development district, and that in the SF-10 single-family district-10, lots fronting on a cul-de-sac shall have a minimum front street line of 40 feet and a minimum lot width of 70 feet at the building line.

(Code 1989, ch. 12, § 3.06(d))

ZONING MAP

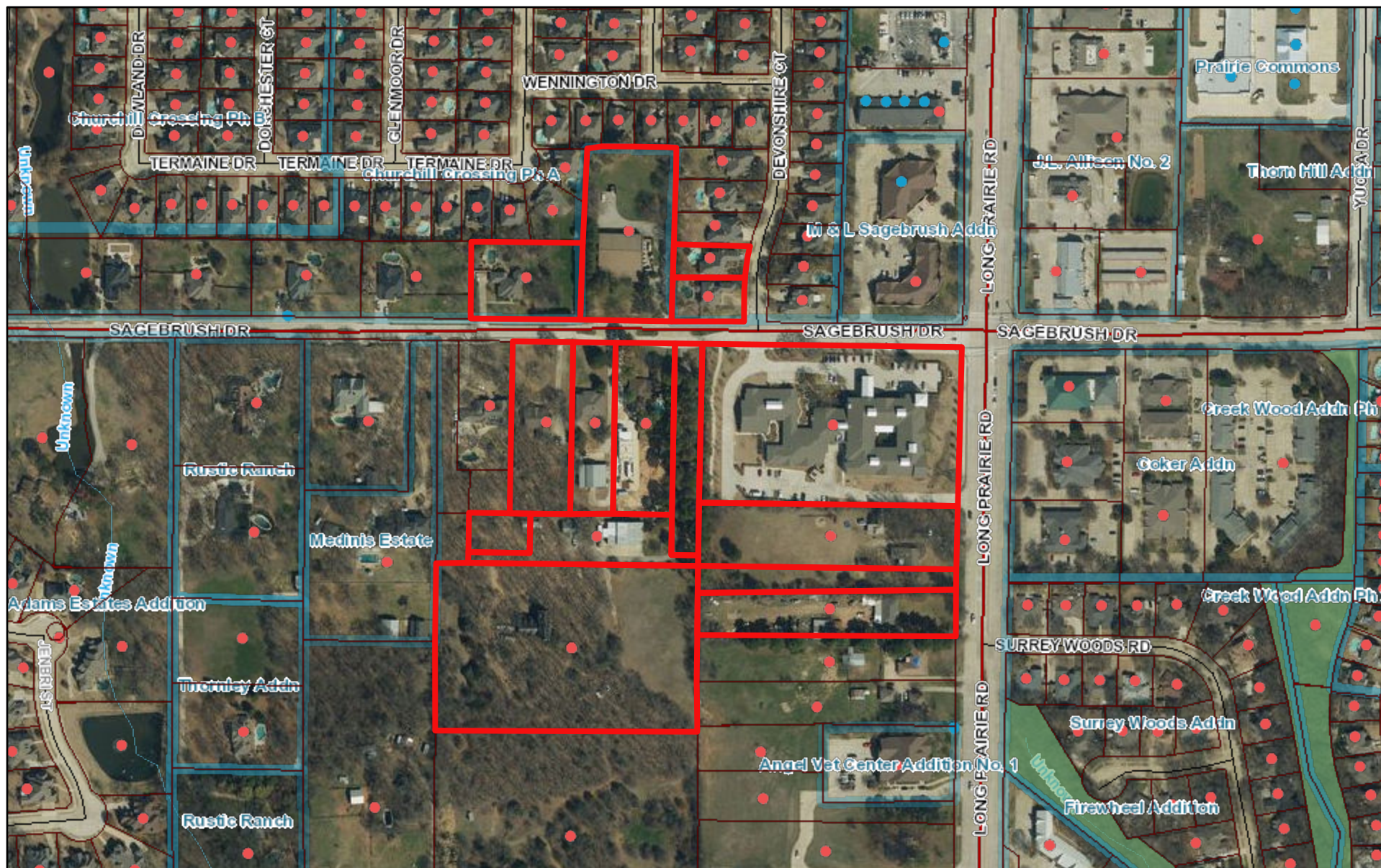


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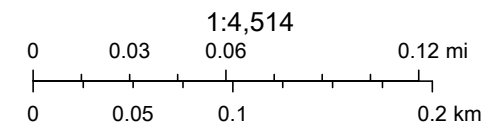
Esri Community Maps Contributors, City of Fort Worth, Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, HERE,

200' PROPERTY OWNER NOTICE MAP

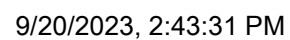


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- Buffer (Step 2) _Query result
 Subdivisions
 ● Address Points
 ● Key Lot
- Denton County Appraisal Data
 Town Limits
 ● Primary Address
 ■ Park Location
- Parcel
 ● Alternate Address
 — Streams



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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, October 11, 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 Nicholas Holmans for a variance from Section 98-305(b) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Long Prairie Rd and is locally known as 2849 Sagebrush Dr, Lot 59 of the J.STEWART subdivision.

To Run in Denton Record Chronicle: Saturday/Sunday, September 30 & October 1, 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. BOA23-0005)

Town of Flower Mound Account Number: 100041132



September 26, 2023

Board of Adjustment Case No. BOA23-0005

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

A request has been received from Nicholas Holmans for a variance from Section 98-305(b) – “Minimum dimensions” of the Code of Ordinances. The property is generally located South of Cross Timbers Rd and West of Long Prairie Rd and is locally known as 2849 Sagebrush Dr, Lot 59 of the J.STEWART subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, October 11, 2023 at 6:30 p.m. at the Flower Mound Town Hall, 2121 Cross Timbers Road (FM 1171).** The agenda and packet will be posted on the Town’s agenda center (<https://www.flower-mound.com/986/Agendas-and-Minutes>) the Friday prior to the scheduled meeting. 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	ADDRESS	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP
R136317	0 Long Prairie Rd	BARDHI, IMER & SEBIAN	14486 BANDERA AVE	FRISCO	TX	75035
R157976	0 Sagebrush Dr	MARKO, TAD A	2829 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R157977	0 Sagebrush Dr	MARKO, TAD A	2829 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R176755	3305 Devonshire Ct	GRIFFITH, ROBERT	3305 DEVONSHIRE CT	FLOWER MOUND	TX	75022
R176756	3301 Devonshire Ct	VAN VUREN, SCOTT A	3301 DEVONSHIRE CT	FLOWER MOUND	TX	75022
R176763	2900 Sagebrush Dr	HOWARD, WILLIAM D & CHRISTINE	2900 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R17720	3201 Long Prairie Rd	BARDHI, IMER & SEBIAN	14486 BANDERA AVE	FRISCO	TX	75035
R17727	2849 Sagebrush Dr	HOLMANS, NICK	2849 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R17730	2869 Sagebrush Dr	KAMMERER, WILLIAM C & DOROTHY A	2869 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R17731	2829 Sagebrush Dr	MARKO, TAD A	2829 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R17754	2889 Sagebrush Dr	BETTIS, BRIAN	2889 SAGEBRUSH DR	FLOWER MOUND	TX	75022
R17764	2850 Sagebrush Dr	GENERAL TELEPHONE CO	PO BOX 152206	IRVING	TX	75015
R18357	3131 Long Prairie Rd	BARDHI, IMER & SEBIAN	14486 BANDERA AVE	FRISCO	TX	75035
R18394	2929 Sagebrush Dr	LINVILLE, STEPHEN L	PO BOX 404	SHAW ISLAND	WA	98286
R647857	3281 Long Prairie Rd	CSH FLOWER MOUND LLC	1275 PENNSYLVANIA AVE NW FL 2	WASHINGTON	DC	20004