

Board of Adjustment



August 14, 2024
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. Minutes - Consider approval of the minutes from July 10, 2024.

E. REGULAR ITEM(S)

1. BOA24-0004 - (BOA24-0004) Hold a public hearing and consider a request from Betty Gee for a variance from Section 98-395(e) & 98-395(f), "Minimum and Maximum Dimensions" of the Town's Code of Ordinances. The property is generally located West of Timber Creek Rd and North of Kirkpatrick Ln and is locally known as 5620 Baybreeze Dr, Block A, Lot 12, of the Hawthorne Estates subdivision.
2. BOA24-0005 - (BOA24-0005) Hold a public hearing and consider a request from Robert Harris for a variance from Section 98-305(d), "Minimum

Dimensions” of the Town’s Code of Ordinances. The property is generally located West of Simmons Rd and North of Hide-a-way Ln and is locally known as 3901 Simmons Creek Ct, Block A, Lot 3, of the Simmons Creek Estates 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 by the following date and time: August 9, 2024, 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 D.1. CONSENT ITEM(S)

DATE: August 14, 2024
FROM: Emily Chapman
ITEM: Consider approval of the minutes from July 10, 2024.

BACKGROUND: This item is to consider approval of the minutes from July 10, 2024, 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



July 10, 2024
 Town Hall
 2121 Cross Timbers Road
 Flower Mound, TX 75028

6:30 p.m.

DRAFT MINUTES

A. CALL TO ORDER

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

Gregory Jones, Place 3 (Chair)
 Scott Shea, Place 1
 Chuck Freeny, Place 2
 Jodi Sealy, Place 4
 Justin DeFillippo, Alt. Place 6
 Vicky Gunning, Alt. Place 8

with the following member(s) absent:
 Craig Goodhart, Place 5

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

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

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

B. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

C. ELECTION OF VICE CHAIR

Scott Shea was nominated as Vice Chair. The vote was unanimous.

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.

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- 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.

None.

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. Minutes - Consider approval of the minutes from April 10, 2024, regular meeting of the Board of Adjustment.
Board Member Shea noted that the vote in the minutes wasn't showing properly.

Staff noted that the issue would be fixed in the approved minutes.

ACTION:	Charles Freeny moved to approve E.1. as presented in the agenda caption with the error resolved. Timothy Scott Shea seconded the motion.
AYES:	Timothy Scott Shea, Charles Freeny, Gregory Jones, Jodi Sealy, Justin DeFillippo
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

F. REGULAR ITEM(S)

1. BOA24-0003 -
(BOA24-0003) Hold a public hearing and consider a request from Adrian Cano for a variance from Section 98-1032(e), "Accessory Buildings," of the Code of Ordinances. The property is generally located East of Lusk Ln and North of Cross Timbers Rd and is locally known as 4408 Saddlewood Dr, Block B, Lot 22, of the Saddlewood Addn subdivision.
Staff Presentation

Tasha Coates, Plans Review Manager gave the staff presentation with the

following items included:

- Applicant Request
- Sec. 98-1032
- Site Plan
- Elevation
- Aerial Photo
- Property Information

Applicant Presentation

Adrian and Lala Cano (4408 Saddlewood Drive, Flower Mound, TX 75028) answered questions and gave the presentation with the following items included:

- Address
- Site Plan and Topography
- BOA Criteria 1
- BOA Criteria 1 - Supporting Documents
- BOA Criteria 2
- BOA Criteria 2 - Supporting Documents
- BOA Criteria 3
- BOA Criteria 4
- Appendix
- Appendix B - Hosting Building Area
- Appendix C - Homeowner Presentaion Video

PUBLIC COMMENT CLOSED 6:55 PM

ACTION:	Charles Freeny moved to approve F.1. as presented in the agenda caption. Jodi Sealy seconded the motion.
AYES:	Timothy Scott Shea, Charles Freeny, Gregory Jones, Jodi Sealy, Justin DeFillippo
NAYS:	None
ABSTAIN:	None
RESULT:	5 : 0

G. ADJOURN

Chair Jones adjourned the meeting at 6:58 p.m. and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

GREGORY JONES, CHAIR

ATTEST:

EMILY CHAPMAN, ADMINISTRATIVE ASSISTANT



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

DATE: August 14, 2024
FROM: Tasha Coates, Plans Review Manager
ITEM: **(BOA24-0004)** Hold a public hearing and consider a request from Betty Gee for a variance from Section 98-395(e) & 98-395(f), “Minimum and Maximum Dimensions” of the Town’s Code of Ordinances. The property is generally located West of Timber Creek Rd and North of Kirkpatrick Ln and is locally known as 5620 Baybreeze Dr, Block A, Lot 12, of the Hawthorne Estates subdivision.

BACKGROUND:

APPLICANT:

Betty Gee
5620 Baybreeze Dr
Flower Mound, TX, 75028

LOCATION:

PROPERTY ADDRESS: 5620 Baybreeze Dr, Flower Mound, TX, 75028

SUBDIVISION: Hawthorne Estates, Block A, Lot 12

ZONING: SF-10

STAFF ANALYSIS:

A request has been received from Betty Gee for a variance from Sections 98-395(e) & 98-395(f), “Minimum and Maximum Dimensions” of the Town’s Code of Ordinances. The request is to allow an attached accessory building to be located 18’ from the rear property line, which is 7’ less than required by ordinance, and 7’ from the side property line, which is 3’ less than required by ordinance.

Section 98-395e) – Minimum and maximum dimensions – *Minimum side yard.* The minimum side yard in the SF-10 single-family district-10 shall be 10 feet for all uses, subject to section 98-1027.

Section 98-395(f) – Minimum and maximum dimensions – *Minimum rear yard.* The minimum rear yard in the SF-10 single-family district-10 shall be 25 feet, subject to section 98-1028.

Ms. Gee is requesting a variance to allow an attached accessory building to be constructed at 7’ from the side yard, which encroaches the required 10’ side yard setback by 3’. Ms. Gee is also requesting a variance to allow the attached accessory building to be constructed at 18’ from the rear yard, which encroaches the required 25’ rear yard by 7’.

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 - VARIANCE APPLICATION
2. ATTACHMENT 2 - ADDITIONAL INFO FROM APPLICANT
3. ATTACHMENT 3 - ORDINANCE
4. ATTACHMENT 4 - ZONING MAP
5. ATTACHMENT 5 - AERIAL PHOTOGRAPH OF PROPERTY
6. ATTACHMENT 6 - 200' PROPERTY OWNER NOTIFICATION MAP
7. ATTACHMENT 7 - PUBLIC HEARING NOTICE
8. ATTACHMENT 8 - PROPERTY OWNER NOTIFICATION
9. ATTACHMENT 9 - 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: 6/29/24

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 10, ordinance no. 13-24 of the Town of Flower Mound Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 5620 Baybreeze Dr, Flower Mound, Tx 75028

Legal Description: Lot/Tract 12, Block A, of Subdivision/Abstract Amending Plat Hawthorne

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.)

A variance from the 25ft rear yard setback and 10ft sideyard setback in zone SF-10 to build a screened pool enclosure.

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.**

Betty Y. Gee
Signature of Applicant
5620 Baybreeze Dr, Flower Mound, Tx
Mailing Address

Betty Y. Gee
Print Name
978-902-3931
Phone Number

Tasha Coates
Staff Member's Signature

7/1/24
Date

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 _____, _____.

5620 Baybreeze Dr Variance Application Additional Information

I initially built the pool in 2021 for medical health reasons. Please find attached a note from my primary care doctor attesting to the need for me to swim in a non-chlorine pool. Our existing pool meets all building requirements for Flower Mound.

Since 2021, the trees from the schoolyard and open field behind our backyard have grown much taller and bigger and encroach over our back fence with wind blowing/scattering leaves, buds, pollen, etc. on a daily basis disturbing the balance in the pool water chemistry. As a result, this means excessive maintenance and less available swimming time due to the need to constantly rebalance the pool water which can take up to 24+ hours. A screened pool enclosure would mitigate this problem and allow me to more effectively use the pool. However, without a variance, a portion of the enclosure will not meet the building setback rules for zoning district SF-10.

Please find attached the plot plan for 5620 Baybreeze Dr showing the proposed screen enclosure following the concrete deck around the pool. The back right corner would extend beyond the 25ft rear yard setback and the left side would extend 2 ft beyond the 10ft side yard setback. Also attached is the initial screened pool enclosure design proposal including size, height, and materials.

To meet the 4 conditions needed in the Variance application:

- a) Our Lot 12, Block A is one of only 4 lots in Hawthorne Estates that are pie shaped and approximately 50% larger than the other 48 rectangular lots. Due to the unusual shape of the lot, the house is positioned so that the back corner of the house just meets the 25ft rear yard setback and the 10 ft side yard setback leaving a very large triangular shaped backyard and side yard. Most of the 48 rectangular lots in Hawthorne Estates have houses behind their back fences, so the 25ft rear yard setback rule affords neighbors privacy and fair use of their backyards. Our lot abuts the Prairie Trail School playground and the open field of Prairie Trail Park. The one corner where the proposed pool enclosure would be less than the 25ft setback would not be an impact to the properties behind us as there are no buildings or visibility to the proposed enclosure. With our unusual shaped lot, the pool could not be placed exactly centered behind our house due to the angled back fence and 15ft easement. As a result, the concrete deck on one side is 2 feet beyond the 10ft build line which is permissible for the pool but not for an enclosure. I have discussed the proposed enclosure with that neighbor at 1700 Enchantress Ln and he is in agreement that a variance is acceptable to him and justifiable.
- b) All of the rectangular lots in Hawthorne estates are smaller than ours and many have a bigger footprint and square footage than our house. Comparing the 11 houses with our same floorplan of 2786 sq ft on rectangular lots, the houses cover 24.2-27.7% with an average of 26.6% of their lot size sq footage. Our house only covers 17.1% of our lot size. Adding the screened enclosure of just under 1500 sq ft would give us a total building coverage of 25.7% which would allow us equal access to use of our property and pool as all the surrounding properties in the neighborhood. Aesthetically, the extra 9% is screening rather than a solid structure.
- c) As no other property has the same unique characteristics of our lot with the very angled back fence, no residential houses nor buildings behind us within 200ft, and huge trees encroaching, it should not be an impact to any Master Plan for the town.
- d) As the screened enclosure is similar to a window screen and will not block anyone's views, it should not be detrimental to anyone's enjoyment, use, or value of their properties in the vicinity. As mentioned previously, my one neighbor at 1700 Enchantress Ln who is the only neighbor in Hawthorne Estates with visibility to the enclosure is in agreement with a variance being granted. The school yard has no view of my house or backyard due to the 8 ft back fence and trees so should have no visibility to my proposed screened enclosure. My backyard is not visible from the street and neither will the screened enclosure be visible.

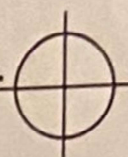
PROPERTY DESCRIPTION

Address: 5620 Baybreeze Drive, Being Lot 12, in Block A, of Amending Plat Hawthorne, an Addition to the Town of Flower Mound, Denton County, Texas, according to the Map or Plat thereof recorded in/under Clerck's File No. 2013-89, Plat Records, of Denton County, Texas.

Roome Land Surveying, Inc.

2000 Avenue G, Suite 810
Plano, Texas 75074

Phone (972) 423-4372 / Fax (972) 423-7523
www.roomesurveying.com



CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	40.78'	60.00'	38°56'33"	N12°12'55"W	40.00'
LINE	BEARING	DISTANCE			
L1	S89°55'16"E	7.58'			

SCALE: 1" = 40'

Stone Hill Farms
Phase III A
Cab. O, Pg. 281

Prairie Trail Elementary
Addition
Cab. X, Pg. 725

LOT 11

LOT 13

Baybreeze Drive
(CM is street center line)

IRF=Iron Rod Found	IRS=Iron Rod Set	Cpd.=Capped	OH=Overhead Line	LP=Light Pole	PP=Power Pole	FH=Fire Hydrant	WM=Water Valve	WM=Water Meter
GM=Gas Meter	BL=Building Line	HH=Handhole	adi.s.=Adjoiner's	Min.F.=Minimum	Top of Form	Finished Floor	F.P.=Finished Pod	MH=Manhole

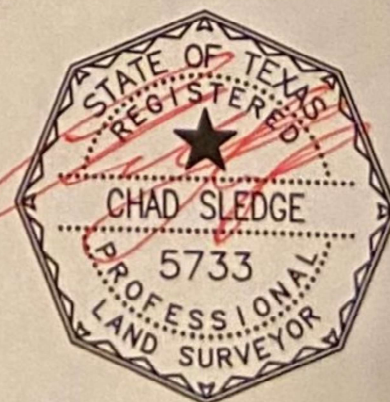
LEGEND

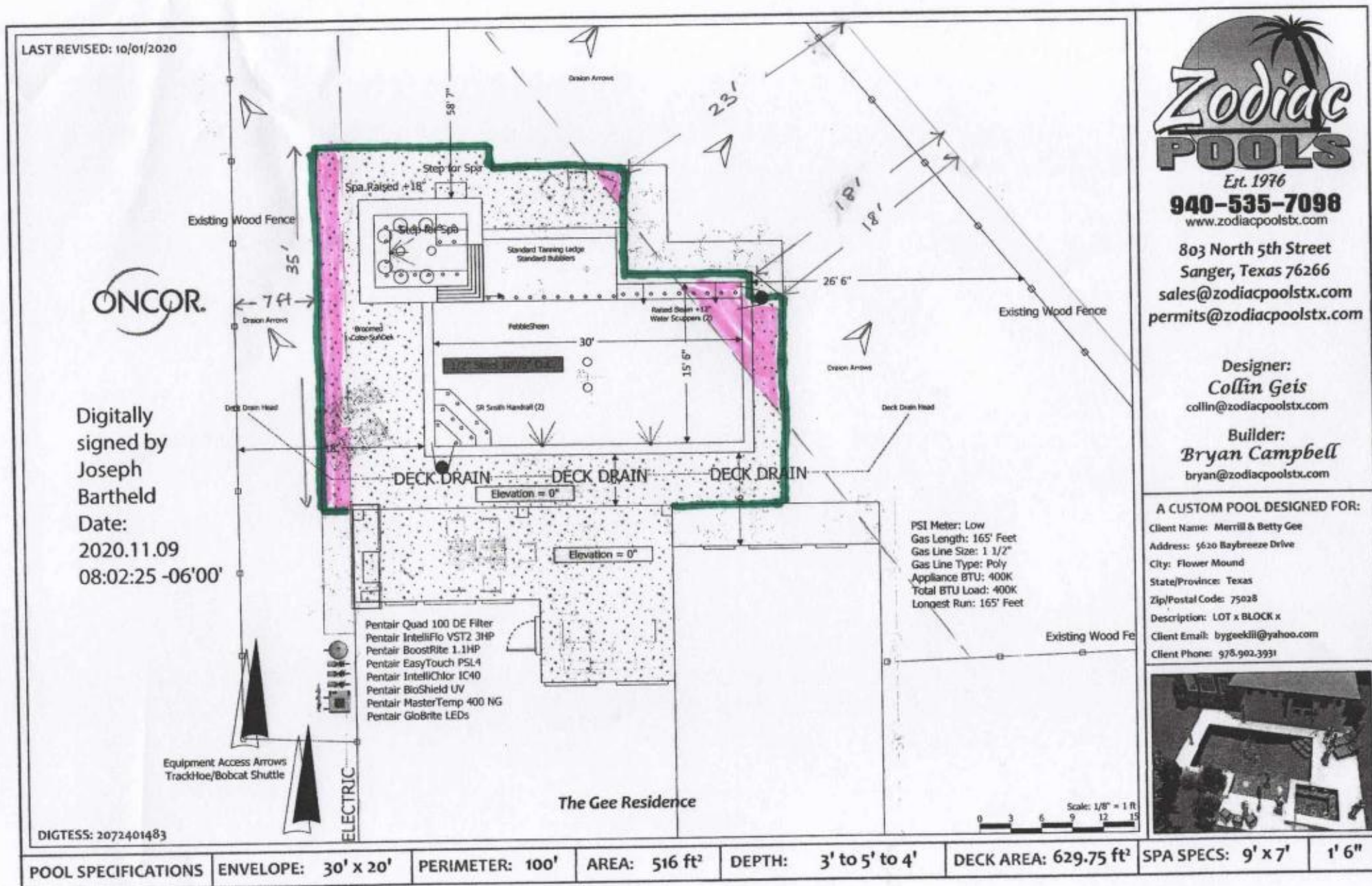
NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) (CM) = Controlling monument. (3) Surveyor's signature will appear in red ink on original copies. (4) All/A/No part of the subject property lies within a Special Flood Hazard Area inundated by 100-year flood per Map Number 48121C 0545G of the F.E.M.A. Flood Insurance Rate Maps for Denton County, Texas & Incorporated Areas dated April 18, 2011. (Zone AE/X). This statement does not imply that the property and/or structures will be free from flooding or flood damage. On occasion, greater floods can & will occur & flood heights may be increased by man-made or natural causes. This flood statement shall not create liability on the part of the surveyor. (5) Final grade assumed finished floor elevations are at the brick ledge. (6) Drainage arrows, if shown, were determined by elevations shown hereon. (7) Subject property is affected by any & all notes, details, easements & other matters, that are shown on or as part of the recorded plat and/or as part of a title commitment/survey request. (8) Property is subject to: (I) Restrictive Covenants recorded County Clerk's File No. 2013-59722; 2013-59723; 2013-89 & 2012-109495. (9) The following does not affect subject property: (I) Easement to Denton County Electric Cooperative, Inc. recorded in Volume 341, Page 540. (II) Easement/Right of Way to Sinclair Refining Company recorded in Volume 342, Page 355. (III) Easement to the Town of Flower Mound recorded in Volume 556, Page 237. (IV) Easement between JBGL Hawthorne, LLC and Oncor Electric Delivery Company LLC. recorded in County Clerk's File No. 2012-147117.

CERTIFICATION

On the basis of my knowledge, information & belief, I certify to Priority Title Company that as a result of a survey made on the ground to the normal standard of care of Registered Professional Land Surveyors practicing in the State of Texas, I find the plat hereon is true, correct & accurate as to the boundaries of the subject property & if shown, location & type of buildings & visible improvements hereon.

Date: 8/11/2014 Revised: _____ Job No. LB113626
Title commitment/Survey Request File No. 01129-1167 dated: 7/22/2014





■ proposed pool enclosure outline

■ portion outside build lines

Zodiac POOLS

Est. 1976

940-535-7098

www.zodiacpoolstx.com

803 North 5th Street
Sanger, Texas 76266
sales@zodiacpoolstx.com
permits@zodiacpoolstx.com

Designer:

Collin Geis

collin@zodiacpoolstx.com

Builder:

Bryan Campbell

bryan@zodiacpoolstx.com

A CUSTOM POOL DESIGNED FOR:

Client Name: Merrill & Betty Gee

Address: 5620 Baybreeze Drive

City: Flower Mound

State/Province: Texas

Zip/Postal Code: 75028

Description: LOT x BLOCK x

Client Email: bygeekli@yahoo.com

Client Phone: 978.902.3931



ADAMS ALUMINUM

Pool & Patio Enclosures

68469 James Street • Mandeville, LA 70471



February 19, 2024

Ms. Betty Gee
5620 Bay Breeze Dr.
Flower Mound, TX 75028
978-902-3831
bygeekiii@yahoo.com

AGREEMENT SPECIFICATIONS

- I. DIMENSIONS:**
 - (A) Pool Enclosure: 35' W x 45' L
 - (B) Eave Height: 9'
 - (C) Ridge Height: 18'
 - II. FOUNDATION:** (A) By Other.
 - III. STRUCTURAL MEMBERS:** Bronze Aluminum (Alloy 6005T5 & 6063)
 - (A) Rafters: 2" x 9" & 2" x 7"
 - (B) Uprights: 2" x 9", 2" x 7" & 2" x 4"
 - (C) Purlins: 2" x 2"
 - (D) Eave Gussets: 1/8" x 9", & 1/8" x 7"
 - Ridge Gussets: 1/8" x 9" x 24" & 1/8" x 7" x 24"
 - (E) End caps: To be placed on all exposed ends.
 - IV. ROOF STYLE:** (A) Gable (see drawing)
 - V. ROOF MATERIAL:** (A) 18 x 14 charcoal fiberglass screen
 - VI. WALLS:** (A) 18 x 14 charcoal fiberglass screen.
 - VII. GABLE ENDS:** (A) 18 x 14 charcoal fiberglass screen
 - VIII. DOORS:** (A) Three (3) 36" French doors.
 - IX. * GUTTERS:**
 - (A) 31' feet of structural gutter along house.
 - (B) Two (2) 4" x 5" downspouts
- * GUTTERS: Adams Aluminum assumes no responsibility for any damage(s) caused by gutters that are not properly cleaned and maintained. Homeowner to determine how often due to their individual leaf and debris situation.
- X. WIND BRACING:** (A) Six (6) stainless steel cable ties.

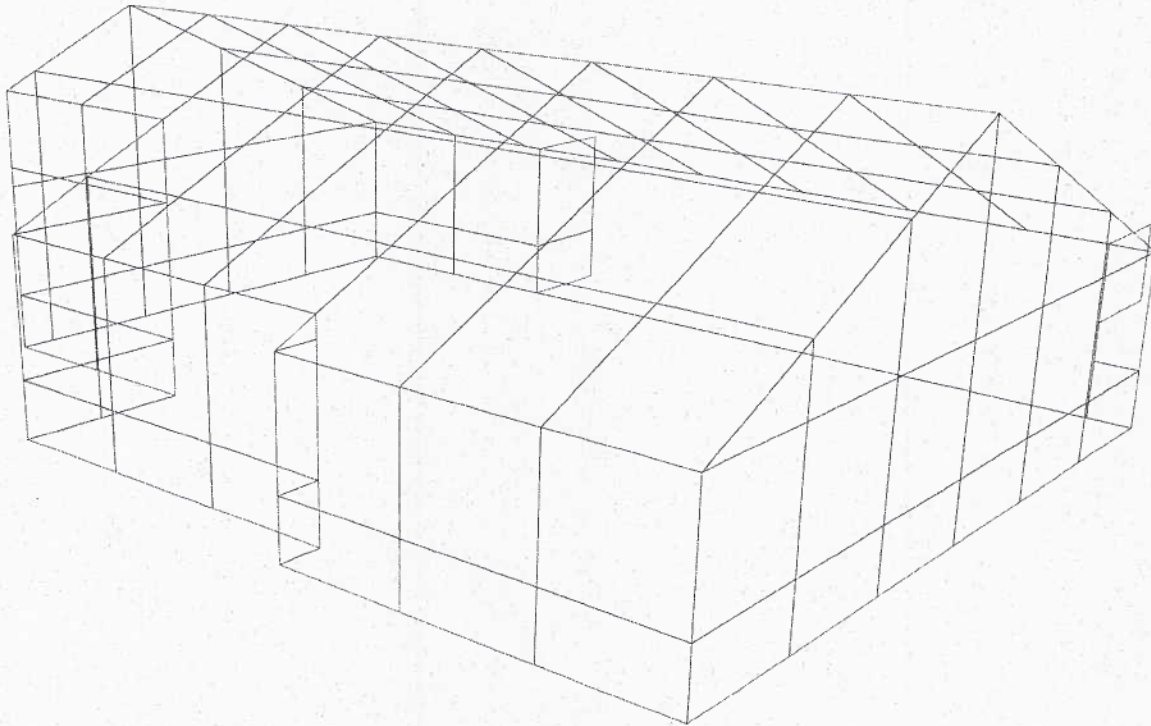
ADAMS ALUMINUM

Pool & Patio Enclosures

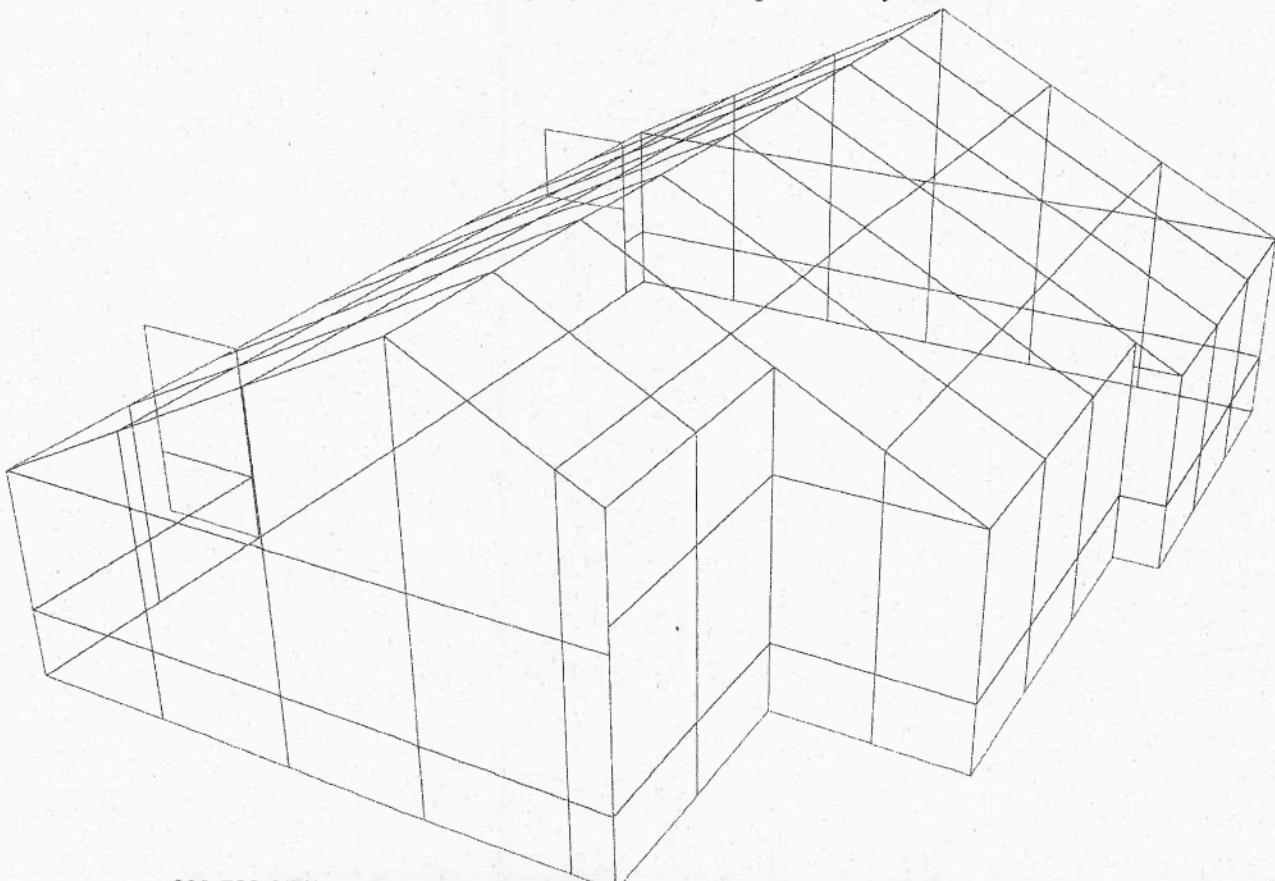
68469 James Street • Mandeville, LA 70471

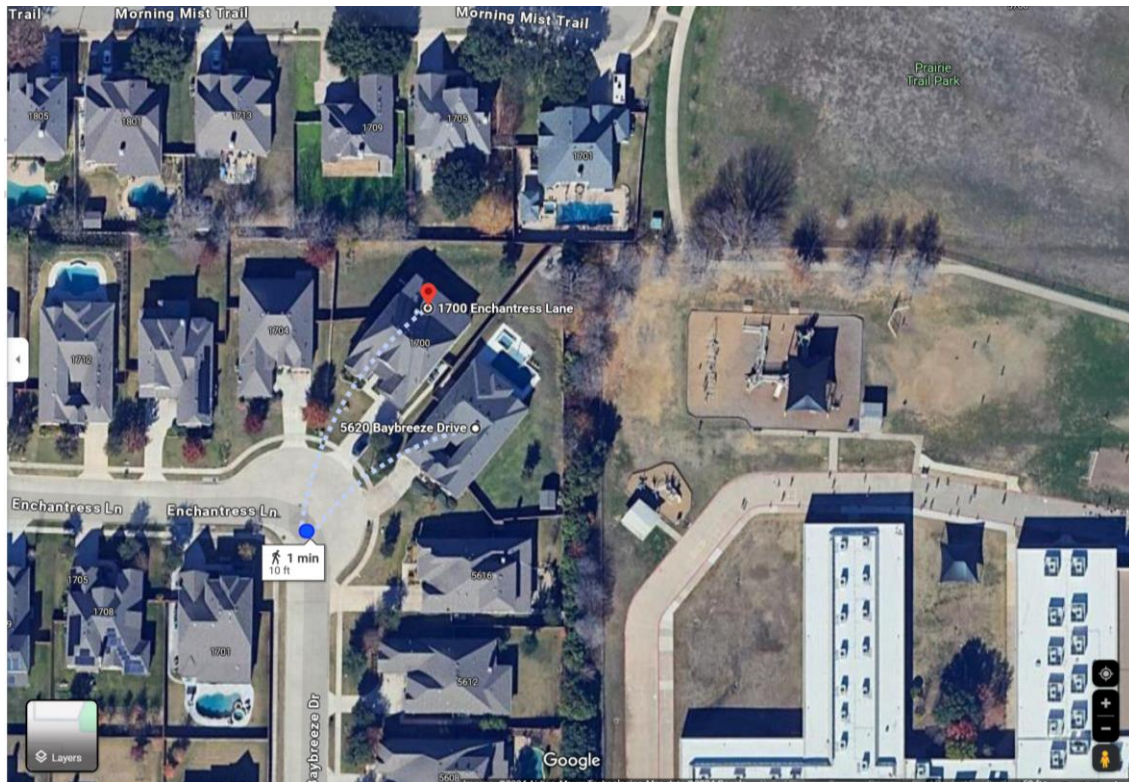


Gee, Betty
Page 3 of 3



Drawing is for Visual Purposes Only











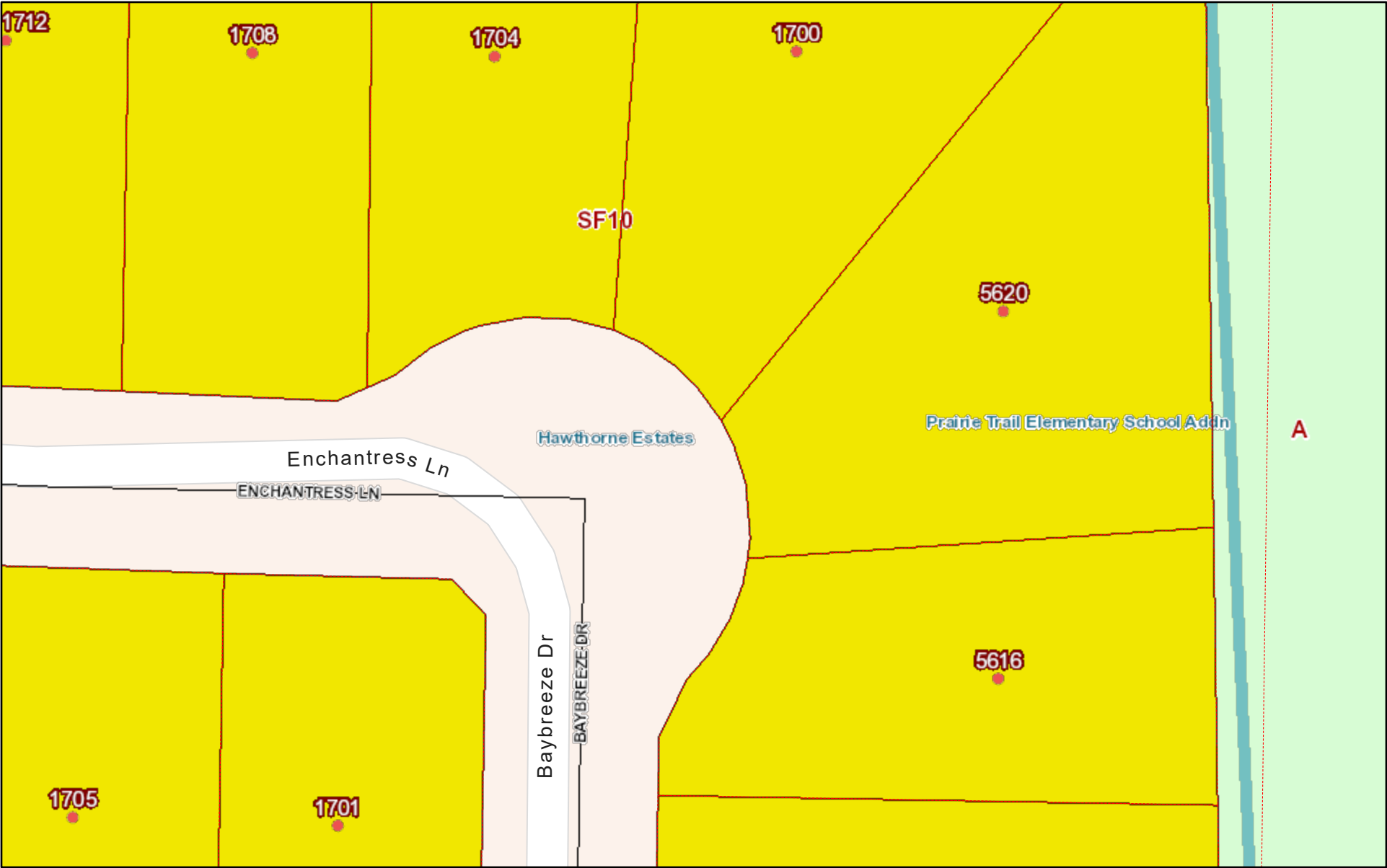


Sec. 98-395. - Minimum and maximum dimensions.

- (a) *Minimum lot area per dwelling.* The minimum lot area per dwelling unit in the SF-10 single-family district-10 shall be 10,000 square feet, subject to section 98-1023.
- (b) *Minimum lot width.* The minimum lot width for residential uses in the SF-10 single-family district-10 shall be 70 feet, subject to section 98-1024.
- (c) *Minimum floor area per unit.* The minimum floor area per dwelling unit in the SF-10 single-family district-10 shall be 1,800 square feet, subject to section 98-1025.
- (d) *Minimum front yard.* The minimum front yard for all uses in the SF-10 single-family district-10 shall be 25 feet, subject to section 98-1026.
- (e) *Minimum side yard.* The minimum side yard in the SF-10 single-family district-10 shall be ten feet for all uses, subject to section 98-1027.
- (f) *Minimum rear yard.* The minimum rear yard in the SF-10 single-family district-10 shall be 25 feet, subject to section 98-1028.
- (g) *Maximum lot coverage.* The maximum lot coverage in the SF-10 single-family district-10 shall be 40 percent for all uses, subject to section 98-1029.
- (h) *Maximum floor area ratio.* There shall be no maximum floor area requirement in the SF-10 single-family district-10.
- (i) *Maximum height.* The maximum height of buildings and structures in the SF-10 single-family district-10 shall be three stories or 35 feet for all uses, subject to section 98-1031.

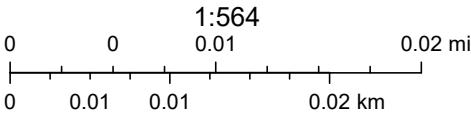
(Code 1989, ch. 12, § 3.12(e)—(m))

ZONING MAP



7/23/2024, 11:55:35 AM

- | | | | | |
|---|---|--|--|---|
| <ul style="list-style-type: none">Town Recognized Lot LinesParcelSubdivisionsTown LimitsAddress Points<ul style="list-style-type: none">Primary AddressAlternate Address | <ul style="list-style-type: none">Key LotZoning<ul style="list-style-type: none">Interim HoldingCombined Uses-See OrdinanceMixed UseCentral Business DistrictAgriculture | <ul style="list-style-type: none">Single Family EstateSingle Family 30 & 1 (obsolete)Single Family 15 & 2 (obsolete)Single Family 10 & 3 (obsolete)Single Family AttachedSFD (obsolete)SFDM (obsolete)SF-5Multi-FamilyMobile HomeOfficeRetail 1 | <ul style="list-style-type: none">Retail 2Commercial 1Commercial 2Campus IndustrialCampus CommercialIndustrial 1Industrial 2Water RecreationRecreationLakeCanyon Falls Open SpaceSpecific Use Permits (SUP's)<ul style="list-style-type: none">Active | <ul style="list-style-type: none">InactivePlanned DevelopmentStreamsStreets<ul style="list-style-type: none">UnknownDG3HIP |
|---|---|--|--|---|



Esri Community Maps Contributors, Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

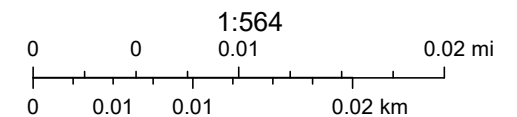
AERIAL PHOTOGRAPH OF PROPERTY

ATTACHMENT 5



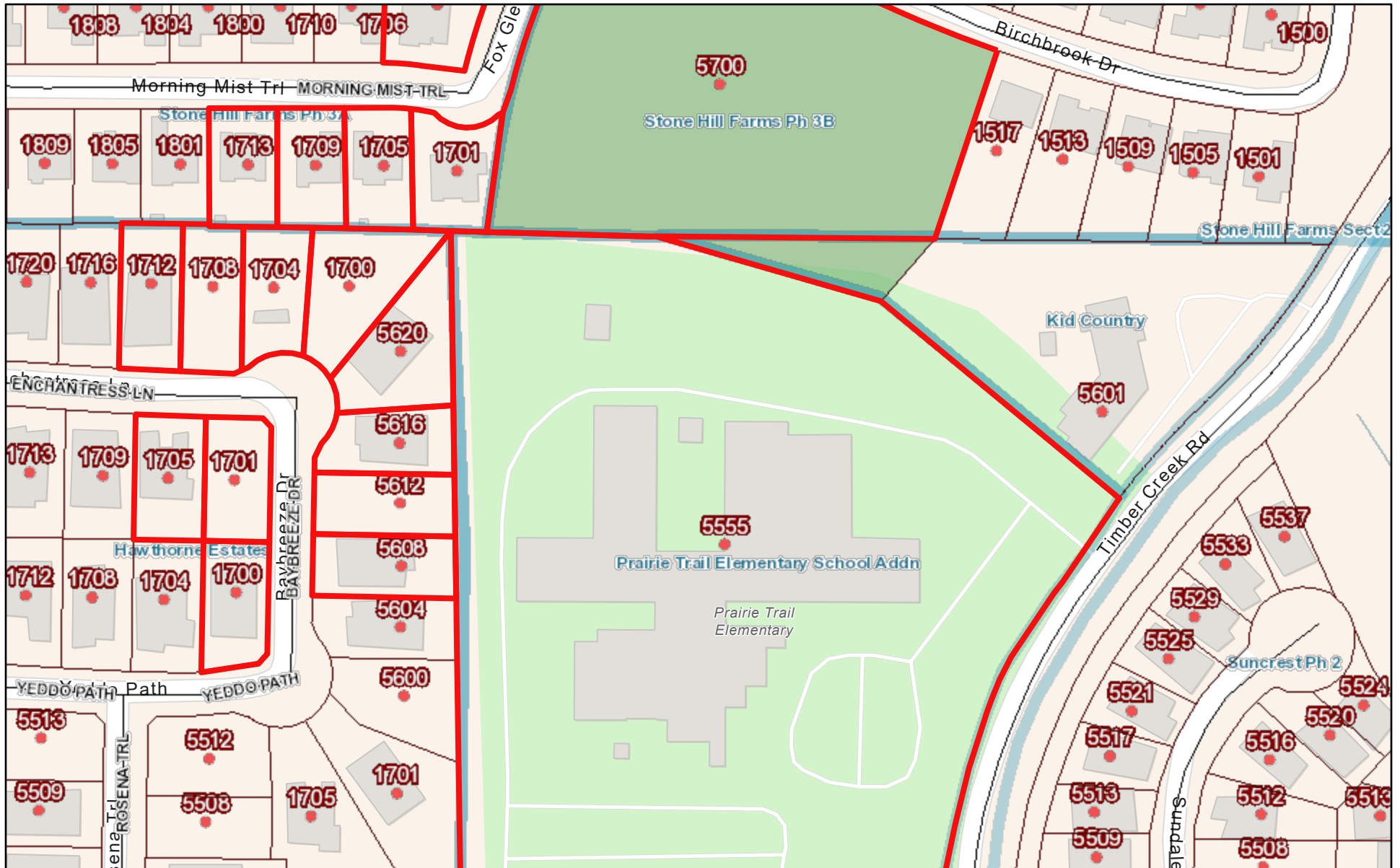
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- | | | | | |
|--|--|--|---|---|
| Town Recognized Lot Lines | Town Limits | ● Key Lot | DG3 | Green: Green |
| Parcel | Address Points | — Streams | HIP | Blue: Blue |
| Subdivisions | ● Primary Address | — Streets | AerialsMosaic2023 | |
| | ● Alternate Address | — Unknown | Red: Red | |



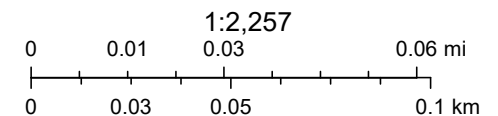
Esri Community Maps Contributors, Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

200' PROPERTY OWNER NOTIFICATION MAP



7/23/2024, 11:53:33 AM

- Buffer (Step 2) _Query result
- Parcel
- Subdivisions
- Town Limits
- Address Points
- Primary Address
- Alternate Address
- Key Lot
- Streams
- Streets
- DG3
- HIP
- Unknown



Esri Community Maps Contributors, Town of Flower Mound, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

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, August 14, 2024 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 Betty Gee for a variance from Section 98-395(E) & 98-395(F), "Minimum and Maximum Dimensions" of the Town's Code of Ordinances. The property is generally located West of Timber Creek Rd and North of Kirkpatrick Ln and is locally known as 5620 Baybreeze Dr, Block A, Lot 12, of the Hawthorne Estates subdivision.

To Run in Denton Record Chronicle: Saturday/Sunday, August 3 & 4, 2024

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. BOA24-0004)

Town of Flower Mound Account Number: 100041132



June 29, 2024

Board of Adjustment Case No. BOA24-0004

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

A request has been received from Betty Gee for a variance from Section 98-395(E) & 98-395(F), "Minimum and Maximum Dimensions" of the Town's Code of Ordinances. The property is generally located West of Timber Creek Rd and North of Kirkpatrick Ln and is locally known as 5620 Baybreeze Dr, Block A, Lot 12, of the Hawthorne Estates subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, August 14, 2024 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
tasha.coates@flower-mound.com

PARCEL	ADDRESS	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP
R176459	1406 Kirkpatrick Ln	LEWISVILLE ISD	PO BOX 217	LEWISVILLE	TX	75067
R191429	5700 Fox Glen Dr	FLOWER MOUND, TOWN OF	2121 CROSS TIMBERS RD	FLOWER MOUND	TX	75028
R201207	1713 Morning Mist Trl	PEACOCK, TODD & GAIL	1713 MORNING MIST TRL	FLOWER MOUND	TX	75028
R201208	1709 Morning Mist Trl	HOPKINS, CLINTON A & MELINDA D	1709 MORNING MIST TRL	FLOWER MOUND	TX	75028
R201209	1705 Morning Mist Trl	SHAIK, SHAKEEL	1705 MORNING MIST TRL	FLOWER MOUND	TX	75028
R201210	1701 Morning Mist Trl	ROURKE, ELIZABETH & RICHARD S	1701 MORNING MIST TRL	FLOWER MOUND	TX	75028
R201243	1702 Morning Mist Trl	STUBBS, DAVID H	1702 MORNING MIST TRL	FLOWER MOUND	TX	75028
R556909	1704 Enchantress Ln	VASHI, DEVANG N & YOGINI D	1704 ENCHANTRESS LN	FLOWER MOUND	TX	75028
R556910	1700 Enchantress Ln	MARANTO, LISMAIDA & MICHAEL R	1700 ENCHANTRESS LN	FLOWER MOUND	TX	75028
R556911	5620 Baybreeze Dr	KOCH, ERNEST M III & GEE, BETTY Y	5620 BAYBREEZE DR	FLOWER MOUND	TX	75028
R556912	5616 Baybreeze Dr	MILLS, JOHN WILLIAM III & NANCY ELIZABETH TAYLOR TRS MILLS FAM TRUST	5616 BAYBREEZE DR	FLOWER MOUND	TX	75028
R556913	5612 Baybreeze Dr	MCGIBONEY, JOANNE	5612 BAYBREEZE DR	FLOWER MOUND	TX	75028
R556914	5608 Baybreeze Dr	YEATTS, RUSSELL REED & MARY ELIZABETH	5608 BAYBREEZE DR	FLOWER MOUND	TX	75028
R556938	1705 Enchantress Ln	BOPARDIKAR, NILESH A & ARUNDHATI N TR BOPARDIKAR FAMILY TRUST	1705 ENCHANTRESS LN	FLOWER MOUND	TX	75028
R556939	1701 Enchantress Ln	WADE, MATTHEW AARON & GUTIERREZ, MILDRED	1701 ENCHANTRESS LN	FLOWER MOUND	TX	75028
R556940	1700 Yeddo Path	KIM, UI JIN & SEON KYOUNG	1700 Yeddo Path	Flower Mound	TX	75028
R667399	1712 Enchantress Ln	LONG, CLIFFORD P & CHELSEA A	1712 ENCHANTRESS LN	FLOWER MOUND	TX	75028
R667400	1708 Enchantress Ln	PENGETNZE, YOLANDE & DJOMO, JEAN CHRISPIN	1708 ENCHANTRESS LN	FLOWER MOUND	TX	75028



BOARD OF ADJUSTMENT AGENDA E.2. REGULAR ITEM(S)

DATE: August 14, 2024
FROM: Tasha Coates, Plans Review Manager
ITEM: **(BOA24-0005) Hold a public hearing and consider a request from Robert Harris for a variance from Section 98-305(d), “Minimum Dimensions” of the Town’s Code of Ordinances. The property is generally located West of Simmons Rd and North of Hide-a-way Ln and is locally known as 3901 Simmons Creek Ct, Block A, Lot 3, of the Simmons Creek Estates subdivision.**

BACKGROUND:

APPLICANT:

Robert Harris
3901 Simmons Creek Ct
Flower Mound, TX, 75022

LOCATION:

PROPERTY ADDRESS: 3901 Simmons Creek Ct, Flower Mound, TX, 75022

SUBDIVISION: Simmons Creek Estates, Block A, Lot 3

ZONING: SFE

STAFF ANALYSIS:

A request has been received from Robert Harris for a variance from Section 98-305(d), “Minimum Dimensions” of the Town’s Code of Ordinances. The request is to allow the attached garage to be located 52’ from the front property line, which is 6’ closer than allowed per ordinance.

Section 98-305(d) – Minimum dimensions – *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..

Section 98-1026(e) – Minimum front yard setback – *Plat building lines.* Where a building line has been established by a plat approved by the town or by an ordinance establishing a planned development district, and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat, provided that no such front yard setback shall be less than ten feet.

This house was constructed in 1993 and the garage encroached the front building line. A variance was not requested at the time. Mr. Harris is requesting a variance to allow the garage that was constructed with the house to remain at 52’ from the front property line, which is 6’ less than required per ordinance in order to bring the property into compliance and allow future projects.

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 - APPLICATION-REQUEST FOR VARIANCE
2. ATTACHMENT 2 - ADDITIONAL INFO FROM APPLICANT
3. ATTACHMENT 3 - ORDINANCE
4. ATTACHMENT 4 - ORDINANCE
5. ATTACHMENT 5 - ZONING MAP
6. ATTACHMENT 6 - AERIAL PHOTOGRAPH OF PROPERTY
7. ATTACHMENT 7 - 200' PROPERTY OWNER NOTICE MAP
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: 5 JULY 24

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 PROPERTYStreet Address: 3901 SIMMONS CREEK CTLegal Description: Lot/Tract 3, Block A, 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.

R.P. Harris
Signature of Applicant

3901 SIMMONS CREEK CT
Mailing Address

Tasha Coates
Staff Member's Signature

ROBERT L HARRIS
Print Name

817/360-0255
Phone Number

7.5.24

Date

R3079552

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 _____.

5 July 2024

Request for Variance Attachment

In process of selling my home at 3901 Simmons Creek ct and portion of the garage is over the 58ft setback. This was brought to my attention in Sep/Oct 1993 time frame by Howard Harrington of Howard Homes and he indicated he would have to get a variance before we could close. We closed! There has never been an issue with this over the past 30+ years but now this has come up via a survey 18 Jun 2024 and the buyer has a concern. To date the city has not been able to locate that variance or any other inspection records for 3901 Simons Creek ct during that time period.

I have included a copy of the surveys from Sept 1993 and June 2024.

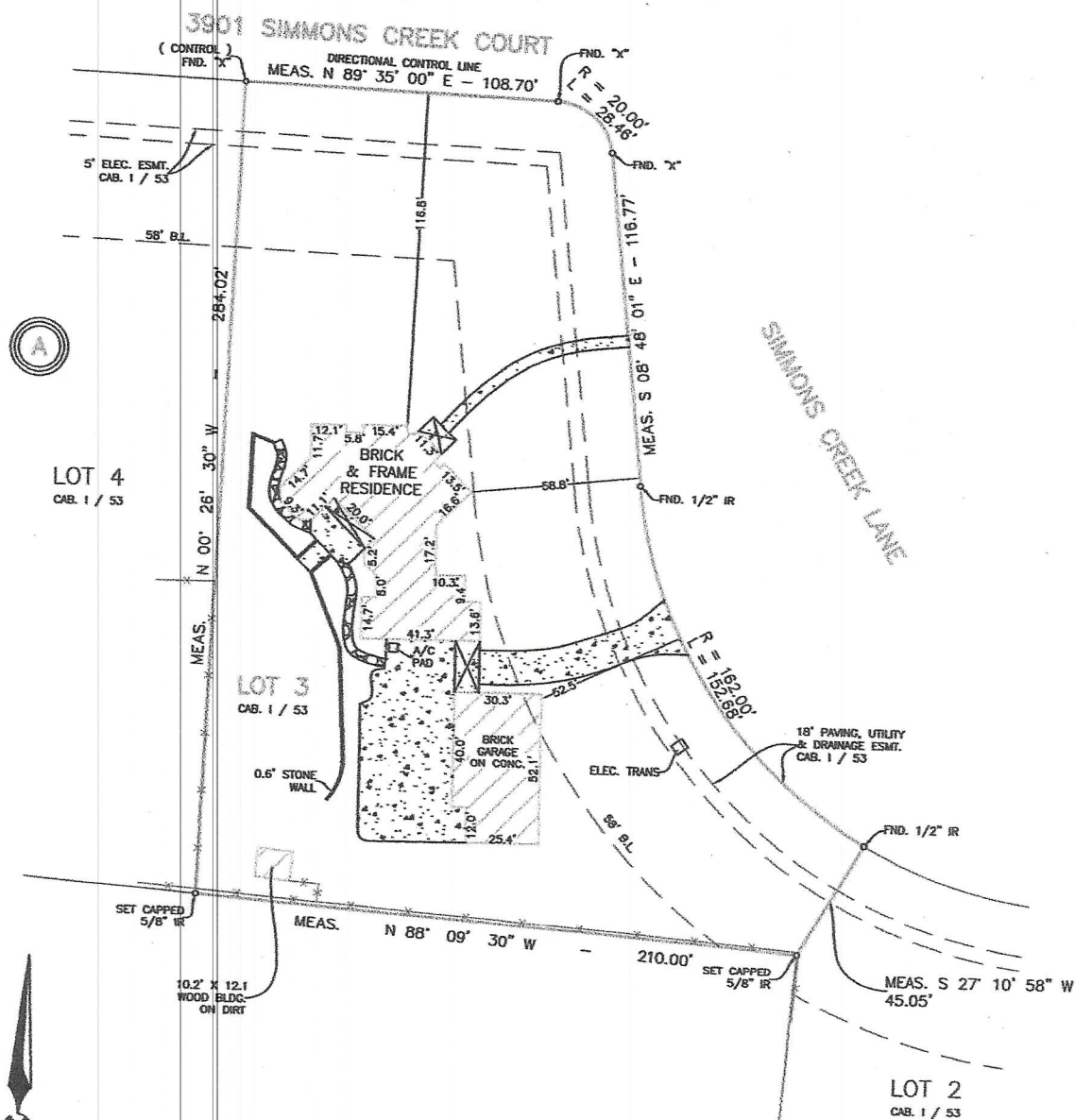
Bob Harris

Reference No: 2406103901 G.F. No: 2420815-SCDF
 Title Co: INDEPENDENCE TITLE
 Purchaser: Karen E. Dorsey and Guy Jones

PROPERTY DESCRIPTION

Lot 3, Block A, SIMMONS CREEK ESTATES, an addition to the Town of Flower Mound, Denton County, Texas, according to the map or plat thereof, recorded in Cabinet I, Page 53, Plat Records, Denton County, Texas.

There is no visible, on the ground evidence of the following easements: 305/309, 355/95, 390/162 and 532/100, DROCT.



SURVEYORS CERTIFICATION

I, WILLIAM H. MOSS, REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND CORRECTLY SHOWS THE BOUNDARY LINE, AND DIMENSIONS OF THE LAND INDICATED THEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY, SAID PROPERTY BEING SUBJECT TO ANY AND ALL EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD, AND THAT ONLY THE EASEMENTS, RESERVATIONS AND RESTRICTIONS THAT MAY BE OF RECORD, AND THOSE OF WHICH THE SURVEYOR DID NOT ABSTRACT THIS PROPERTY, THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR THE TITLE COMPANY AND PURCHASER SHOWN AND IS LICENSED FOR ONE SINGLE USE. THIS SURVEY WILL BE VOID IF USED BY ANY OTHER PERSON OR FOR ANY OTHER PURPOSE. SURVEYOR BEARS NO RESPONSIBILITY FOR SAID USE.

PROLINE
 SURVEYING LTD.
 www.prolinesurveyors.com

Ph# 817-276-1148 info@prolinesurveyors.com

© Proline Surveying, LTD. 2024

SURVEY CAN BE UPDATED FOR DISCOUNTED PRICE



BOUNDARY LINE	—
BUILDING	—
OVERHEAD UTILITIES	—
FENCE	—
BRICK	—
WOOD DECK	—
CONCRETE	—

LEGEND

STATE FIRM REGISTRATION NUMBER 10193797



DRAWN BY: DCM

DATE: 6/18/24

Cullbert Moss

**SIMMONS CREEK COURT
(24' R.O.W.)**

Fnd. X in Conc.

S 89°35'00" W - 108.62

Fnd. X in Conc.

DELTA 81°35'21"
RADIUS 20.00
ARC 28.48

**LOT 3
BLOCK A**

18' Paving, Drainage, & Utility Eamt.

Fnd. X in Conc.

THE FOLLOWING ESMTS. ARE BLANKET
AND DO NOT VISIBLY AFFECT
PROPERTY:

T.P.#L. Vol. 264 Pg. 13
T.P.#L. Vol. 305 Pg. 309
T.P.#L. Vol. 305 Pg. 95
T.P.#L. Vol. 390 Pg. 162
TOWN OF FLOWER MOUND
Vol. 532 Pg. 100

**SIMMONS CREEK LANE
(24' R.O.W.)**

N 08°50'00" W - 116.80

5' Elec. Eamt.

4' Conc. Walk

1/2" S.I.R.

**TWO STORY
BRICK RES.
ON CONC.
SLAB**

Conc.

Steps

58' B.L.

12.0' CONC. DRIVE 52.0'

DELTA 53°59'07"
RADIUS 162.00
ARC 152.64

**THIS CERTIFIES THAT THE
UNDERSIGNED HAVE REVIEWED
A COPY OF THIS SURVEY**

**ONE STORY
BRICK GARAGE
ON CONC.
SLAB**

Conc.

41.2'

1/2" F.I.R.

S 88°07'49" E - 210.00

1/2" F.I.R.

LOT 2

Being Lot 3, Block A of SIMMONS CREEK ESTATES, an addition
to the City of Flower Mound, Denton County, Texas, according
to the Plat thereof recorded in Cab. I, Pg. 53, of the Plat
Records of Denton County, Texas.

The Plat hereon is a true and accurate representation of the property as determined by survey made on the ground, the lines and dimensions of said property being as indicated on the Plat. The size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, except as shown, setback from the property lines is as shown, and the distance from the nearest street or road is as shown on the Plat. There are no visible encroachments, visible protrusions or apparent easements, except as shown on the Plat.

I further certify that the hundred year flood is contained within the drainage easement shown

Kent M. Morley
KENT M. MORLEY

1/2" F.I.R.

S 88°07'49" E - 210.00

1/2" F.I.R.

LOT 2

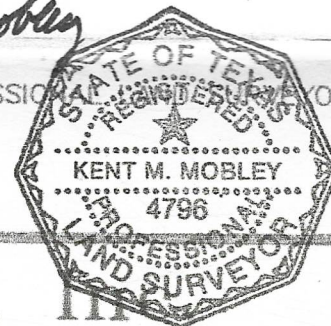
Being Lot 3, Block A of SIMMONS CREEK ESTATES, an addition to the City of Flower Mound, Denton County, Texas, according to the Plat thereof recorded in Cobl. Pg. 53, of the Plat Records of Denton County, Texas.

The Plat hereon is a true and accurate representation of the property as determined by survey made on the ground, the lines and dimensions of said property being as indicated on the Plat. The size, location and type of buildings and improvements are as shown, all improvements being within the boundaries of the property, except as shown, setback from the property lines is as shown, and the distance from the nearest street or road is as shown on the Plat. There are no visible encroachments, visible protrusions or apparent easements, except as shown on the Plat.

I further certify that the hundred year flood is contained within the drainage easement shown hereon according to the flood study performed by G & A Consultants, Inc. February, 1992

Kent M. Mobley

KENT M. MOBLEY
REGISTERED PROFESSIONAL LAND SURVEYOR
NO. 4796



G & A Consultants, Inc.

SITE PLANNING • PLATTING
CIVIL ENGINEERING
LAND SURVEYING

Fidelity National
G.F. #18697-X-24

P.O. Box 1398 • Lewisville, Texas 75067
(214) 436-9712

DRAWN BY: THAD

DATE: 09/28/93

SCALE: 1"=40'

JOB NO.: 93289

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)

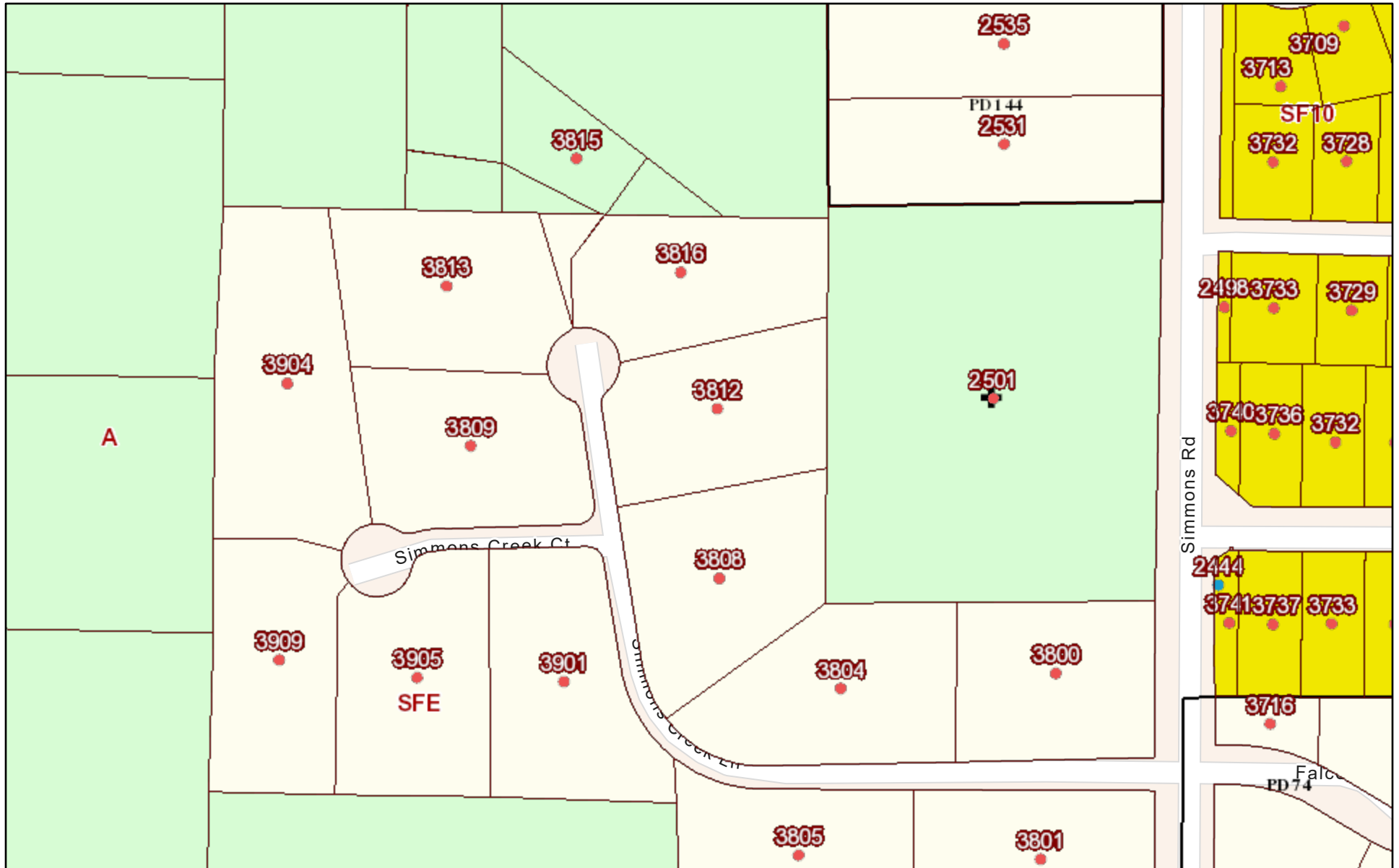
Sec. 98-1026. - Minimum front yard setback.

- (a) *Generally.* The location of buildings shall comply with the minimum front yard setback standards contained in the district regulations and summarized in the residential and nonresidential dimensional regulations schedules, as may be modified by additional provisions in the district regulations, in this section or elsewhere in this chapter.
- (b) *Permitted obstructions.* Every part of a required front yard shall be open and unobstructed, except for the ordinary projections of window sills, belt courses, cornices and other architectural features of the main building, projecting no more than 12 inches into the required front yard. Roof eaves and roof extensions of the main building or a porch without posts or columns may project into the required front yard for a distance of no more than two feet, and subsurface structures, platforms or slabs may project into the front yard to a height no greater than 30 inches above the average grade of the yard.
- (c) *Corner lots.* For lots with frontage on two intersecting streets, a front yard shall be provided along the shorter of the two street lines; provided, however, that, on key lots in residential districts platted after January 9, 1975, both street exposures shall be treated as front yards.
- (d) *Through lots.* Where lots have double frontage, frontage on two parallel or approximately parallel streets, a required front yard shall be provided on both streets, unless a building line for accessory buildings has been established along one frontage on the plat or by the ordinance establishing a planned development district, in which event only one required front yard shall be observed.
- (e) *Plat building lines.* Where a building line has been established by a plat approved by the town or by an ordinance establishing a planned development district, and such line requires a greater or lesser front yard setback than is prescribed by this chapter for the district in which the building line is located, the required front yard shall comply with the building line so established by such ordinance or plat, provided that no such front yard setback shall be less than ten feet.
- (f) *Special regulations for residential districts.* In all residential zoning districts, including agricultural, the following building setbacks from street lines shall be required:
 - (1) On minor arterials, a minimum 35 foot front yard setback shall be required.
 - (2) On major arterials, the minimum front yard setback shall be 60 feet.
 - (3) Notwithstanding the foregoing, during the platting process, the town council may authorize exception to these special front yard requirements in instances where there exists right-of-way widths in excess of 150 feet, irregular or jogged right-of-way lines, or other such special circumstances.
- (g) *Special regulations for nonresidential districts.* In the nonresidential districts, the following building setbacks from street lines shall be required:

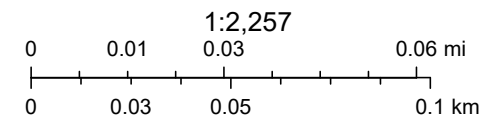
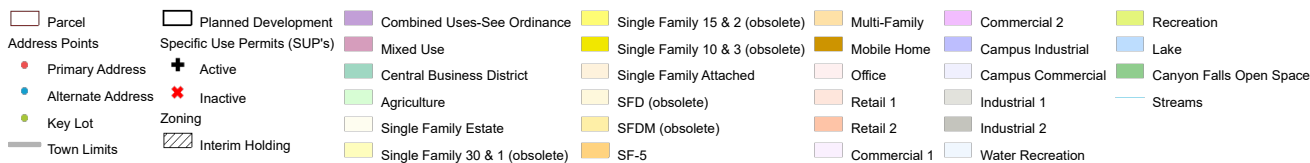
- (1) On major arterials, a minimum 60-foot front yard shall be required.
- (2) On all other streets and roads, one of the following shall be provided, except that a combination of the two setback options may be allowed if approved by the planning and zoning commission on a site plan:
 - a. A minimum 30-foot front yard with no parking allowed in the minimum front yard; or
 - b. A 60-foot front yard.
- (h) *Gas pump islands.* Motor vehicle fuel dispenser islands, including any roof or canopy over such islands, may not be located closer than 25 feet to the front property line.
- (i) *Accessory buildings.* No accessory building shall be located within the required front yard in any district.

(Code 1989, ch. 12, § 3.06(f))

ZONING MAP



7/23/2024, 12:02:44 PM

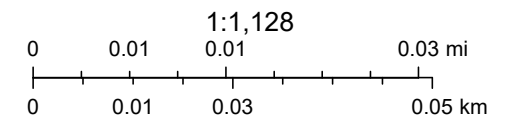
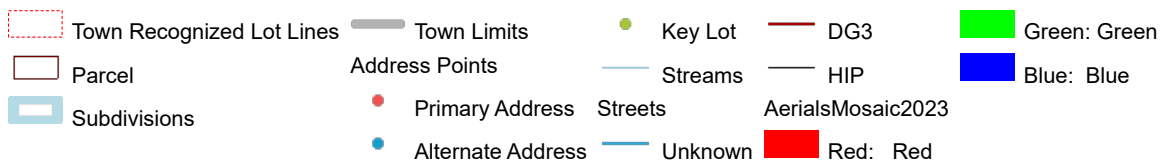


Town of Flower Mound, DCAD, TAD, Esri Community Maps Contributors, City of Fort Worth, Town of Flower Mound, Texas Parks & Wildlife, ©

AERIAL PHOTOGRAPH OF PROPERTY

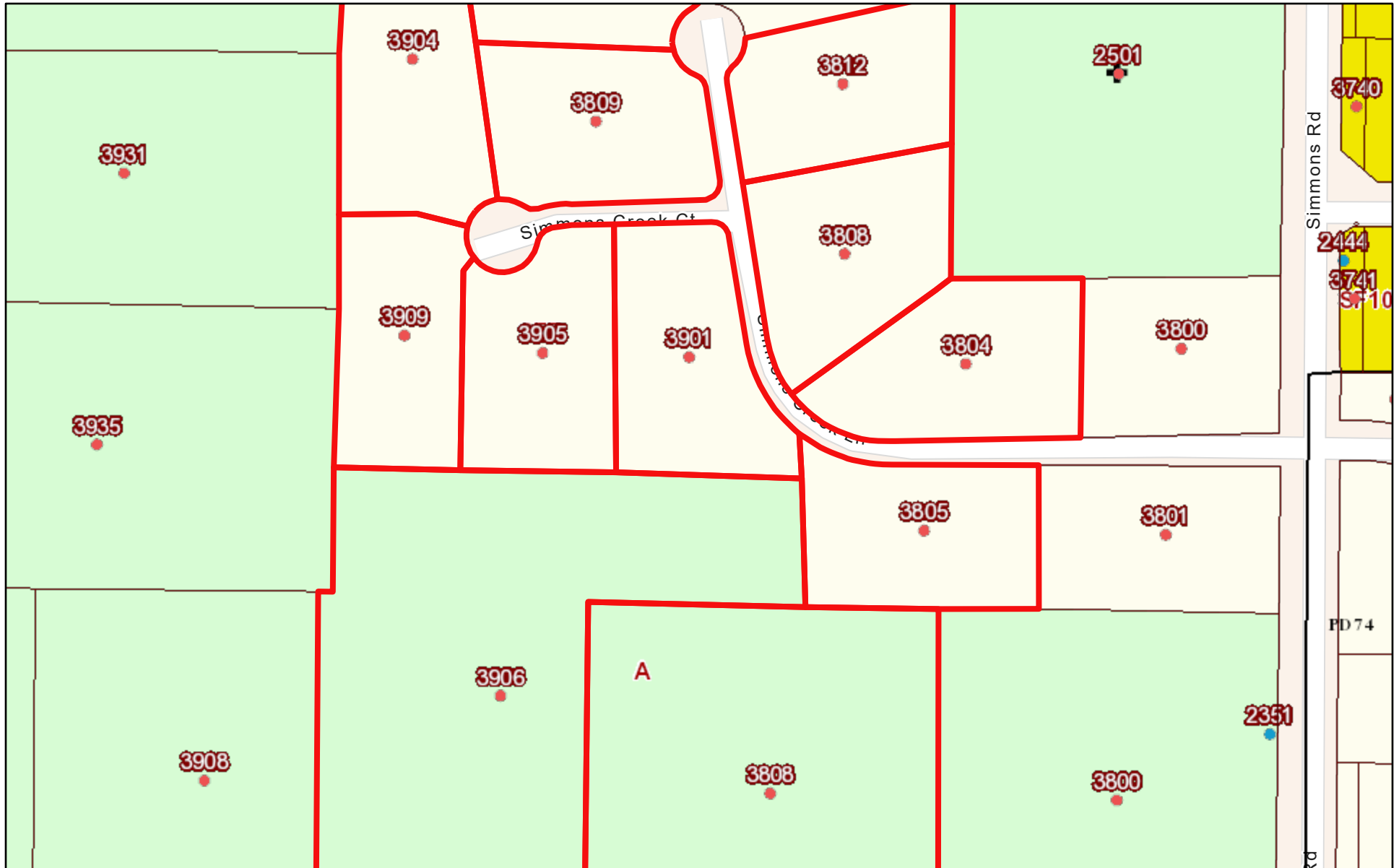


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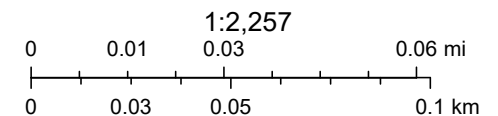
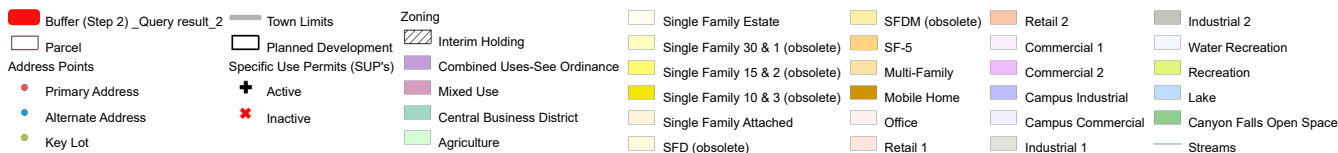


Town of Flower Mound, DCAD, TAD, Esri Community Maps Contributors, City of Fort Worth, Town of Flower Mound, Texas Parks & Wildlife, ©

200' PROPERTY OWNER NOTICE MAP



7/23/2024, 12:06:09 PM



Town of Flower Mound, DCAD, TAD, Esri Community Maps Contributors, City of Fort Worth, Town of Flower Mound, Texas Parks & Wildlife, ©

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, August 14, 2024 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 Robert Harris for a variance from Section 98-305(d), "Minimum Dimensions" of the Town's Code of Ordinances. The property is generally located West of Simmons Rd and North of Hide-a-way Ln and is locally known as 3901 Simmons Creek Ct, Block A, Lot 3, of the Simmons Creek Estates subdivision.

To Run in Denton Record Chronicle: Saturday/Sunday, August 3 & 4, 2024

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. BOA24-0005)

Town of Flower Mound Account Number: 100041132



July 29, 2024

Board of Adjustment Case No. BOA24-0005

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

A request has been received from Robert Harris for a variance from Section 98-305(d), "Minimum Dimensions" of the Town's Code of Ordinances. The property is generally located West of Simmons Rd and North of Hide-a-way Ln and is locally known as 3901 Simmons Creek Ct, Block A, Lot 3, of the Simmons Creek Estates subdivision.

The Board of Adjustment of the Town of Flower Mound, Texas will hold a public hearing on this request on **Wednesday, August 14, 2024 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
tasha.coates@flower-mound.com

PARCEL	ADDRESS	OWNER NAME	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIP
R165618	3805 Simmons Creek Ln	JAJI, SEBNEM & MIEZEJEWSKI, BRIAN	3805 SIMMONS CREEK LN	FLOWER MOUND	TX	75022
R165619	3901 Simmons Creek Ct	HARRIS, ROBERT L	3901 SIMMONS CREEK CT	FLOWER MOUND	TX	75022
R165620	3905 Simmons Creek Ct	OTTS, MATTHEW & GINA	3905 SIMMONS CREEK CT	FLOWER MOUND	TX	75022
R165621	3909 Simmons Creek Ct	LOVEJOY, SCOTT A	3909 SIMMONS CREEK CT	FLOWER MOUND	TX	75022
R165622	3904 Simmons Creek Ct	SILVER, JOSEPH M & JESSICA R	3904 SIMMONS CREEK CT	FLOWER MOUND	TX	75022
R165623	3809 Simmons Creek Ct	GEISS, JOHN	3809 SIMMONS CREEK LN	FLOWER MOUND	TX	75022
R165624	3813 Simmons Creek Ln	MACDONALD, ALDON J	3813 SIMMONS CREEK LN	FLOWER MOUND	TX	75022
R165626	3812 Simmons Creek Ln	CHAHANDE, AUNSHUMALI & PRERNA CHAHANDE	3812 SIMMONS CREEK LN	FLOWER MOUND	TX	75022
R165627	3808 Simmons Creek Ln	GUTIERREZ, GILBERT L	3808 SIMMONS CREEK LN	FLOWER MOUND	TX	75022
R165628	3804 Simmons Creek Ln	SIMMONS, EUGENE C	3804 SIMMONS CREEK LN	FLOWER MOUND	TX	75022
R87592	3906 Hide-A-Way Ln	HOFFMAN, STEVEN A & LEESA C	3906 HIDE A WAY LN	FLOWER MOUND	TX	75022
R90777	3808 Hide-A-Way Ln	HASTY, BYRON E	5804 SANDSTONE CT	FLOWER MOUND	TX	75022