



City of Colleyville Zoning Board of Adjustment Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Tuesday, September 10, 2013

City Council Chambers

**7:00 PM
CITY COUNCIL CHAMBERS
THIRD FLOOR**

**CALL TO ORDER
PLEDGE OF ALLEGIANCE**

1. SWEARING IN OF NEWLY APPOINTED MEMBER

Mike Patino, Alternate 2

2. APPROVAL OF MINUTES

August 14, 2013

3. PUBLIC HEARING AGENDA ITEMS

3a Request for a variance to the rear yard setback requirements of the Land Development Code on Lot 55, of the Pecan Park Estates Addition, located at 6201 Ponderosa Street, case VC13-011.

4. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards September 6, 2013 by 5:00 p.m.

Taci Wrisley
Planning and Zoning Assistant

A quorum of the Colleyville City Council may be in attendance at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville Zoning Board of Adjustment Minutes

City Hall
100 Main Street
Colleyville, Texas 76034
817. 503.1000
www.colleyville.com

Wednesday, August 14, 2013

City Council Chambers

Call to Order

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by Board member McNosky on August 14, 2013 at 7:06 p.m.

Roll Call

Present: Board members Jason Elms, Mark Collier, Judson Orlando, and Dee McNosky

Absent: Board member Larry Kainer (Alternate 1), Mike Patino (Alternate 2), and Mike Leathers

Staff Present: Ron Ruthven and Taci Wrisley

1. SWEARING IN OF NEWLY APPOINTED MEMBER

The swearing in of newly appointed member, Mike Patino (Alternate 2), did not take place as Mr. Patino was absent from this meeting.

2. APPROVAL OF MINUTES

Board member Elms moved to approve the May 15, 2013 meeting minutes as written. Board member Collier seconded.

The motion to approve the minutes as written carried by the following vote:

Aye: 4 – Elms, Collier, Orlando, and McNosky

3. PUBLIC HEARING AGENDA ITEMS

3a Consideration of a variance to the rear yard setback requirements of the Land Development Code regarding swimming pools on Lot 15, Block B, of the Cambridge Place Addition, located at 717 Creekview Lane, case VC13-009.

Ron Ruthven presented the case and briefed the Board.

The public hearing was opened at 7:10 p.m.

The applicant was not present for questions.

Board member Orlando questioned staff regarding whether the approval of this variance would set precedent for others. Ron Ruthven replied no. He further explained the Board takes variances on a case-by-case basis.

Discussion occurred amongst the Board and staff regarding whether or not a hardship existed in this case.

There being no one wishing to speak, the public hearing was closed at 7:14 p.m.

Board member Elms made a motion to approve case VC13-009. Board member Collier seconded.

The motion to approve case VC13-009 carried by the following vote:

Aye: 4 – Elms, Collier, Orlando, and McNosky

- 3b** Consideration of a variance to the fence requirements in Section 3.26 in the Land Development Code on Lot 1, Block 1, of the Toth Addition, located at 5001 Montclair Drive, case VC13-010.

Ron Ruthven presented the case and briefed the Board.

The public hearing was opened at 7:19 p.m.

Steve Gumm, the applicant, came forward and briefed the Board.

Tony Seris, 5000 Montclair Drive, came forward and spoke in support of this case.

There being no one else wishing to speak, the public hearing was closed at 7:31 p.m.

Board member Elms questioned Mr. Gumm regarding the specifics of the variance; Was he okay with adjusting the fence for the visibility triangle?; Beyond the 40 foot front building line, was he requesting to leave the fence solid masonry? Mr. Gumm replied correct.

Board member Orlando questioned staff regarding whether the request was for one variance or multiple. Ron Ruthven replied the

Board could make that determination.

Board member Collier questioned staff regarding whether there was a precedent on Montclair Drive or Glade Road for fences such as the one in question. Ron Ruthven replied yes. He further explained there is precedent all over the city.

Board member Orlando questioned staff regarding whether the section of fence along Glade Road from the 40 foot front building line to the rear of the property was part of the variance. Ron Ruthven replied no. He further explained this section of the fence is legal.

Discussion occurred between the Board and staff regarding the 15 foot of fence between the visibility triangle and the 40 foot front building line.

Ron Ruthven explained while there were no renderings of the future widening of Glade Road, the roadway would be closer to the fence and question. He further explained this is why the visibility triangle would be important in this case.

Board member McNosky questioned staff regarding whether the required 15 foot visibility triangle would be enough distance. Ron Ruthven replied yes.

Board member Orlando made a motion to approve the fence height, in the current condition, of three (3) foot for case VC13-010. Board member Elms seconded.

The motion to approve the fence height, in the current condition, of three (3) foot carried by the following vote:

Aye: 4 – Elms, Collier, Orlando, and McNosky

Board member Collier made a motion to approve the variance to the solid fence construction, in the current condition, along Glade Road, subject to the visibility triangle for case VC13-010. Board member Elms seconded.

The motion to approve the variance to the solid fence construction, in the current condition, along Glade Road, subject to the visibility triangle carried by the following vote:

Aye: 4 – Elms, Collier, Orlando, and McNosky

Board member Elms made a motion to deny the variance to the current construction of the fence in the visibility triangle for case VC13-010. Board member Collier seconded.

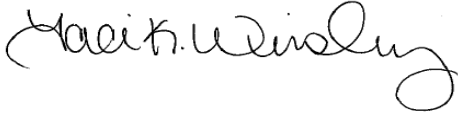
The motion to deny the variance to the current construction of the fence in the visibility triangle carried with the following vote:

Aye: 4 – Elms, Collier, Orlando, and McNosky

4. ADJOURNMENT

The meeting adjourned at 7:35 p.m.

Minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on September 10, 2013 by a vote of _____.



City of Colleyville Zoning Board of Adjustment Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 3a	Agenda Date 09/10/2013	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to the rear yard setback requirements of the Land Development Code on Lot 55, of the Pecan Park Estates Addition, located at 6201 Ponderosa Street, case VC13-011.

Explanation

Brian Claffey, applicant and homeowner, is requesting a variance to construct an addition to the existing home located at 6201 Ponderosa Street.

Variance Request. The applicant is proposing to construct a 200 square foot covered patio addition to the rear of the home. According to the attached site plan, the proposed addition would be located 18 feet, eight inches from the rear property line, which would encroach into the required 25 foot rear yard setback by six feet, four inches. The property is zoned R20-Single Family Residential zoning district. The R20 district requires a minimum 25 foot rear yard setback.

According to the applicant, the request constitutes a hardship given the irregular shape of the lot.

Hardship Determination. The Land Development Code states that the Zoning Board of Adjustment may permit a variance in the case where a specific parcel of land which differs from other parcels of land in the same district by being of such restricted area, shape or slope that it cannot be developed in a manner commensurate with the development permitted upon other parcels of land in the same district. Based on a review of other parcels with R20 zoning in the neighborhood, staff has determined that the applicant's request constitutes a hardship given the irregular shape of the lot. The minimum lot depth allowed for lots in the R20 district is 125 feet. The subject property contains a lot depth of 119 feet at the portion of the lot where the variance is requested. No other lots in the neighborhood contain a non-conforming lot depth similar to the applicant's lot depth.

Public Notification. Staff mailed notices to 16 property owners within 200 feet of the subject property. Notice was published in the Fort Worth Star Telegram as required by state law and the Land Development Code. Staff has received no correspondence regarding this request.

Summary. The situation involved with this variance is unique given the irregular

shape of the lot and the non-conforming nature of the minimum lot depth requirement for R20 lots described above. No other lots in the neighborhood have this issue. Therefore, staff recognizes a hardship with regard to the case given the lot's shape affecting its ability to develop in a manner commensurate with other area parcels in the R20 zoning district.

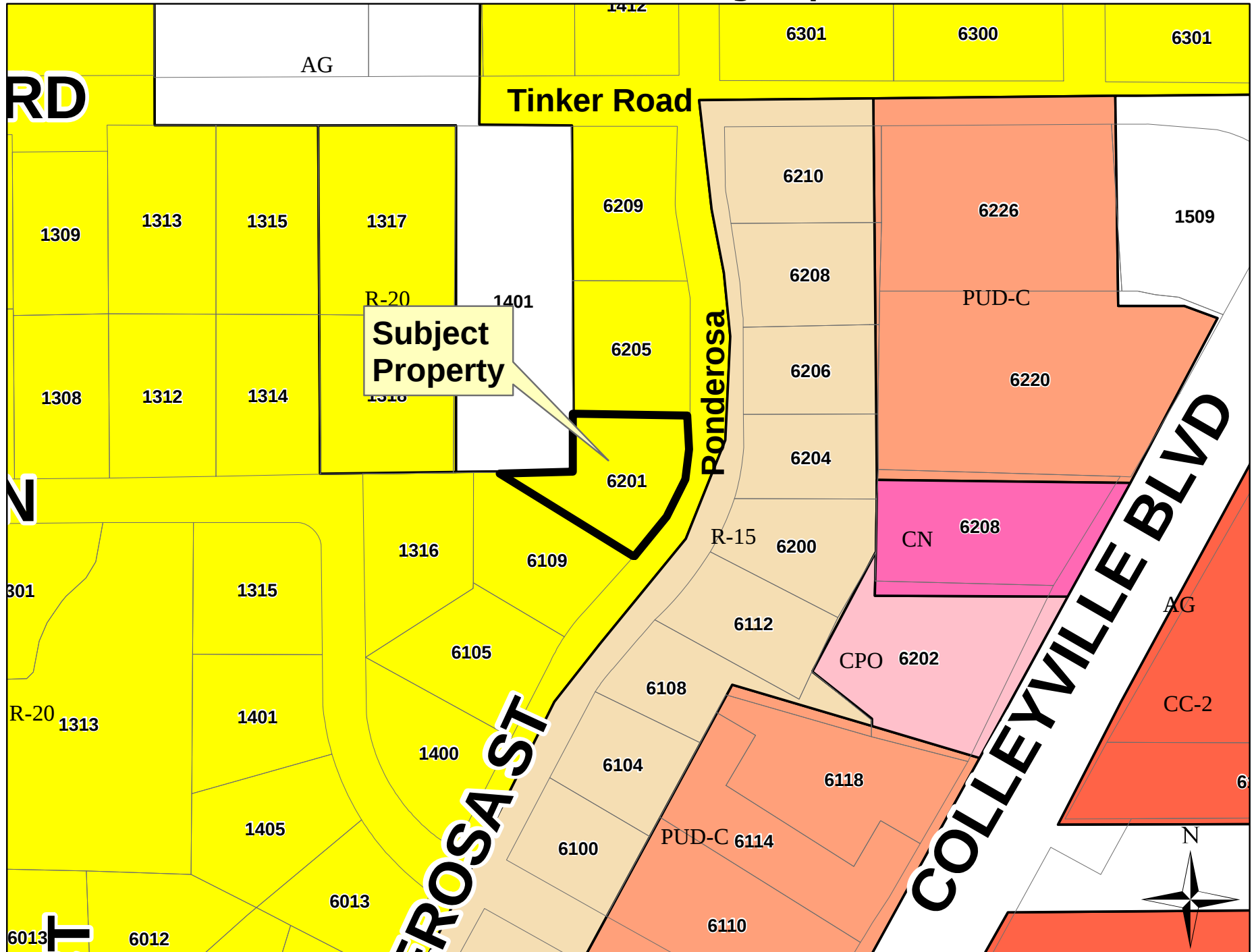
Recommendation

Approve

Attachments

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Application
6. Site Plan

Location and Zoning Map



Aerial



Buffer Map

RD

Tinker Road

Subject Property

Ponderosa

A map of Colleyville Blvd. The street name "COLLEYVILLE BLVD" is written in large, bold, black capital letters, slanted diagonally across the map. To the left of the street, two property lots are labeled with their addresses: "6208" for the upper lot and "6202" for the lower lot. A green shaded area is located to the left of lot 6202. A north arrow is positioned in the bottom right corner, pointing towards the top right of the map. The map is divided into several white rectangular blocks by thin black lines.



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Neff, William A Etux Carol S	6104 Ponderosa St	Colleyville	Texas	76034	6104 Ponderosa St
Casteel, Gary Etux Donna K	6108 Ponderosa St	Colleyville	Texas	76034	6108 Ponderosa St
Van Buskirk Properties Llc	107 Belmont Place Cir	Southlake	Texas	76092	6118 Colleyville Blvd
Richards, Leslie E Jr Etux B L	1401 Tinker Rd	Colleyville	Texas	76034	1401 Tinker Rd
Touchstone, Gary Etux Julie	6208 Ponderosa St	Colleyville	Texas	76034	6208 Ponderosa St
Thomas, Philip H Etux Mildred	6204 Ponderosa St	Colleyville	Texas	76034	6204 Ponderosa St
Tucker, Charles	6206 Ponderosa St	Colleyville	Texas	76034	6206 Ponderosa St
Folkes, James Etux Kimberly	6200 Ponderosa St	Colleyville	Texas	76034	6200 Ponderosa St
Burton, Eugene Etux Karen L	6112 Ponderosa St	Colleyville	Texas	76034	6112 Ponderosa St
Meier, Virgil L	6109 Ponderosa St	Colleyville	Texas	76034	6109 Ponderosa St
Fairlamb, Richard Carl	6209 Ponderosa St	Colleyville	Texas	76034	6209 Ponderosa Ln
Rodriguez, John Etux Wendy	6205 Ponderosa St	Colleyville	Texas	76034	6205 Ponderosa St
Forbes, Warren Dale	12500 Deeds Ct	Azle	Texas	76020	1317 Tinker Rd
Forbes, Annie M	1318 Hardage Ln	Colleyville	Texas	76034	1318 Hardage Ln
Bedwell, Gary Etux Rose Ann	1316 Hardage Ln	Colleyville	Texas	76034	1316 Hardage Ln
Hill, Steven W Etux Rhonda	6105 Ponderosa St	Colleyville	Texas	76034	6105 Ponderosa St
Claffey, Brian P, Applicant	6201 Ponderosa St	Colleyville	Texas	76034	Applicant

Public Hearing Notices were mailed
Fri., Aug., 23, 2013 by Taci Wrisley

Application

Community Development Services Application

City of Colleyville
100 Main Street
Colleyville TX 76034
817.503.1050

APPLICATION TYPE

PLEASE CHECK THE APPROPRIATE BOX BELOW.

- | | | |
|---|---|---|
| ☐ Zoning Change | ☐ Preliminary Plat | ☒ Zoning Variance (ZBA) |
| ☐ Special Use Permit | ☐ Final Plat | ☐ Sign Variance (SBA) |
| ☐ Planned Unit Development | ☐ Minor Plat | ☐ Sidewalk / General Waiver |
| ☐ Site & Landscape Plan | ☐ Amended Plat | ☐ Interpretation Appeal |

PROPERTY INFORMATION

Project Name: BRIAN CLAFFEY (CLAFFEY POOLS)
Project Address (Location): 6201 PONDEROSA ST.
Legal Description: LOT-55/BL. PECAN PARK ESTATES
Proposed Number of Lots: 1 Gross Acres: .75 Neighborhood District: _____
Existing Zoning: RES Proposed Zoning: RES
Existing Use: RESIDENTIAL Proposed Use: RESIDENTIAL

Application Requirements: The applicant is required to submit sufficient information that describes and justifies the proposal.
See appropriate checklist and fee schedule for minimum requirements. Incomplete applications will not be processed.

APPLICANT - OWNER INFORMATION

Applicant: BRIAN CLAFFEY Company: CLAFFEY POOLS
Address: 6201 PONDEROSA ST. Tel: 817-819-5166 Fax: _____
City: COLLEYVILLE State: TX ZIP: 76034 Email: BCLAFFEY@CLAFFEYPOOLS.COM
Applicant's Status: (check one) ☒ Owner ☐ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: SEE ABOVE Company: _____
Address: _____ Tel: _____ Fax: _____
City: _____ State: _____ ZIP: _____ Email: _____
Ownership Status: (check one) ☐ Individual ☐ Trust ☐ Partnership ☐ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

BRIAN CLAFFEY

8-9-13

SIGNATURE: Brian Claffey

Date: _____

SIGNATURE OF PROPERTY OWNER (SIGN AND PRINT OR TYPE NAME)

BRIAN CLAFFEY

SIGNATURE: Brian Claffey

(Letter of authorization required if signature is other than property owner)

The property owner must sign the application or submit a notarized letter of authorization.

For Departmental Use Only

Case #: VC13-011

Total Fee(s): \$125.00

Receipt #: _____

Date Submitted: 8/12/13

Accepted By: T. Winslow

Public Hearing Date: 9/10/13

Rev: 5/10

Application

VARIANCE OR APPEAL APPLICATION

City of Colleyville
100 Main Street
Colleyville TX 76034
817.503.1050

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

Have you applied for a building permit? ☒ Yes

☐ No

Have you filed an appeal or petition on this property before? ☒ No

☐ Yes

1. Completely describe the variance you are requesting. I WOULD LIKE TO BUILD A OUTDOOR

LIVING/PATIO (COVERED) AREA THAT EXTENDS TOWARD MY BACK
PROPERTY LINE. IT IS NOT IN THE EASEMENT (10' DRAINAGE & UTILITY ESMT.)
BUT DOES INCREASE IN THE 25' REAR YARD CODE DUE TO THE UNUSUAL
LOT SHAPE IN BACK. IT IS - 6' 4" IN THE 25' SET BACK.

2. Do similar conditions exist in the area? Explain. I DO NOT KNOW.

3. Describe how the unique conditions or circumstances do not result from your actions.

MY LOT HAS A VERY UNUSUAL REAR AREA - LINES.
MY NEIGHBOR IN BACK OF MY HOUSE HAS A LARGE LOT
AND MY ADDITION SHOULD NOT BE ANY TYPE OF AN
EYESORE. IT SHOULD ENHANCE AND ADD VALUE.

4. Is there any way to do what you want without this request?

NO. IT WOULD CUT
THE SIZE TO NOT BE ADEQUATE OR WORTH
DOING THE SITE REALLY NEEDS TO BE OBSERVED
BY A BOARD MEMBER TO SEE THE ACTUAL SITE.

Acknowledgments

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Zoning Board of Adjustment hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss this proposal either at the call of the case or after the hearing, and that such dismissal shall constitute a denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the Community Development Department, and such withdrawal shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdrawal of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property, and that the Board's action does not constitute the approval of a building permit.

Applicant's Initials

BC

Date

8-10-13

THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY TO SUBSTANTIALLY COMPLETE THIS STRUCTURE. THIS MEANS THESE PLANS MUST BE VERIFIED AND CHECKED COMPLETELY BY THE PERSON IN AUTHORITY FOR THE PROJECT, BEFORE ANY CONSTRUCTION, ERECTION, OR ERECTION OF ANY PART OF THE STRUCTURE. IF ANY DISCREPANCY, ERROR AND/OR OMISSION, IF FOUND, IS TO BE BROUGHT IMMEDIATELY TO THE ATTENTION OF THE BUILDER BEFORE ANY CONSTRUCTION WORK OR PURCHASE OF MATERIALS, OR ANY OTHER ACTIONS OR PURCHASES ARE MADE. NOTE ALL LOCAL CODES, ORDINANCES AND REQUIREMENTS TAKE PRECEDENCE OVER ANY PART OF THESE DRAWINGS. ANY CONFLICT WITH THESE LOCAL ORDINANCES OR REQUIREMENTS SHALL BE AVOIDED TO BEFORE AND AFTER ANY CONSTRUCTION. THESE DRAWINGS ARE NOT TO SCALE. THESE DRAWINGS



SCALE: 1" = 20'-0"

LOT 55 BLOCK
6201 PONDEROSA STREET
PECAN PARK ESTATES
COLLEYVILLE TEXAS

NOTE: 1. FRONT YARD WALKWAY, REAR PATIO, DRIVEWAYS, AND CIRCLE DRIVE WHEN INDICATED REFLECT A CONCEPT FROM DESIGN ONE. EXACT SHAPE AND SIZE TO BE DETERMINED BY BUILDER OR OWNER.

2. RESTRICTIONS OF PRIVATE DEED FILED AT COUNTY OFFICE SHALL BE THE RESPONSIBILITY OF BUILDER OR OWNER

3. ALL SITE DIMENSIONS, BEARINGS, EASEMENTS, SETBACK REQUIREMENTS, AND HOUSE LOCATION TO BE VERIFIED BY REGISTERED PROFESSIONAL SURVEYOR, PRIVATE DEED, AND PER LOCAL CODES PRIOR TO ANY CONSTRUCTION. ANY AND ALL DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF BUILDER AND OR DESIGN ONE.

DESIGN ONE
& ASSOCIATES
PLANNER
DESIGNER
SUITE 225 DALLAS TEXAS 972 248-0251
10000 DALLAS PARKWAY

REVISIONS

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ONE & ASSOC.

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DEPICTED HEREIN ARE THE
SOLE PROPERTY OF DESIGN
ONE AND MAY NOT BE
REPRODUCED IN ANY FORM
WITHOUT WRITTEN PERMISSION

COMP. JOB NO.
13125

JOB NO.

SHEET NO.