



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, April 14, 2015

City Council Chambers

7:00 PM
CITY COUNCIL CHAMBERS
THIRD FLOOR

CALL TO ORDER

PLEDGE OF ALLEGIANCE

1. APPROVAL OF MINUTES

February 24, 2015

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to certain provisions of Section 3.26 Fences, Free Standing Walls, and Screening Materials of the Land Development Code on Lot 7R2, Block 1, of the Tillman Acres Addition, located at 7504 John McCain Road, Case VC15-002

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards April 10, 2015 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

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Tuesday, February 24, 2015

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 February 24, 2015 at 7:00 p.m.

Roll Call

Present: Board members Jason Elms, Dee Kamerman (Alternate 2), Mark Collier, Judson Orlando, Larry Kainer (Alternate 1), Mike Leathers, and Dee McNosky

Staff Present: Patia Boomsma and Taci Wrisley

1. APPROVAL OF MINUTES

Board member Elms made a motion to approve the minutes as written. Board member Collier seconded.

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

Aye: 7 – Elms, Kamerman, Collier, Orlando, Kainer, Leathers, and McNosky

2. PUBLIC HEARING AGENDA ITEMS

2a Request for a variance allowing encroachment into the required front yard setback on Lot 8, Block 3, of the Highland Acres Addition, located at 205 Timberline Drive South, Case VC15-001

Patia Boomsma presented the case and briefed the Board.

The public hearing was opened at 7:05 p.m.

David Swaim, the property owner and applicant, came forward and briefed the Board.

Board member Elms questioned Mr. Swaim regarding the purpose of the proposed addition. Mr. Swaim explained the front door no longer

opened properly and was a safety issue.

Board member Leathers questioned Mr. Swaim regarding the total distance from the front of the house. Mr. Swaim replied five feet (5').

Board member Kamerman questioned Mr. Swaim regarding if the structure would look any different than how it currently looks if you were to drive by and look at it. Mr. Swaim replied no, the structure is almost complete and will not be any larger than what it is currently. He further explained construction had already begun on the structure due to a miscommunication with his contractor.

Floyd Swaim, Sr., 204 Timberline Drive South, came forward and spoke in support of the case.

Mark Singletary, 209 Timberline Drive South, came forward and spoke in support of the case.

Rhonda Hunt, 208 Timberline Drive South, came forward and spoke in support of the case.

Board member Kainer questioned staff regarding whether there were any other issues other than the front setback that would prevent the applicant from constructing the proposed addition. Patia Boomsma replied other than needing a permit, no.

Board member Collier questioned staff regarding the difference in setbacks for properties along the same street. Patia Boomsma explained the properties were platted at different times.

Board member Orlando questioned staff regarding why there was a ten foot (10') setback from the street. Patia Boomsma replied that is where the property line starts due to city right-of-way.

Connie Singletary, 209 Timberline Drive South, wished to record her support but did not wish to speak.

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

The public hearing was reopened at 7:16 p.m.

Ron Burton, 129 Timberline Drive South, came forward and spoke in support of the case.

There being no one else wishing to speak, the public hearing was closed at 7:17 p.m.

Discussion occurred regarding the variation in front setbacks along Timberline Drive South.

Board member Kainer made a motion to approve Case VC15-001. Board member Leathers seconded.

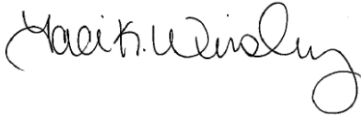
The motion to approve Case VC15-001 carried by the following vote:

Aye: 7 – Elms, Kamerman, Collier, Orlando, Kainer, Leathers, and McNosky

3. ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Minutes were written and prepared by:



Taci Wrisley
Planning and Zoning Assistant

The meeting minutes were approved on April 14, 2015 by a vote of _____.



City of Colleyville Zoning Board of Adjustment Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
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Agenda Number 2a	Agenda Date 04/14/2015	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to certain provisions of Section 3.26 Fences, Free Standing Walls, and Screening Materials of the Land Development Code on Lot 7R2, Block 1, of the Tillman Acres Addition, located at 7504 John McCain Road, Case VC15-002

Explanation

Chris Gruensfelder, representing property owner Derek Neubauer, is requesting a variance on Lot 7R2, Block 1, of the Tillman Acres Addition located at 7504 John McCain Road. The applicant is requesting a variance to the fence requirements contained in Chapter 3-Land Use in the Land Development Code.

Existing Conditions. The subject property is currently zoned R20 – Single Family Residential district. The property is developed as a single family detached home.

Variance Request. The applicant is requesting a variance to Section 3.26(E)1 in the Land Development Code in order to construct a six (6) foot tall ornamental iron fence with masonry columns along roughly 133 feet of the subject property's frontage on John McCain Road and fifteen (15) feet on either side of the lot to the front building line. The property has a circular drive, and gates are proposed for each entry point.

The applicant has cited a desire for increased security and safety as well as improved functionality of access as rationale for providing the fence within the front building setback, as outlined in the attached Statement of Planning Objectives.

Section 3.26(E)1 states: "*Front Yards:* No fence or free standing wall greater than thirty (30) inches in height and no greater than twenty-five (25) percent solid construction shall extend into the required yard on which the primary structure faces."

Section 3.26(E)1d allows exceptions to the height restriction noted above for lots that are larger than 40,000 square feet and lots that are contained within a single lot subdivision.

The subject property is 30,100 square feet in size and therefore does not meet the minimum lot size exception. The proposed location of the fence is approximately fifteen feet (15') behind the front property line, encroaching fifteen feet (15') into the front building setback.

Public Notification. Staff mailed notices to 14 property owners within 200 feet of the site. As of this writing, staff has received no correspondence.

Summary. The applicant is requesting a variance to construct a six foot (6') tall ornamental iron fence with masonry columns within the required thirty foot (30') front setback along John McCain Road and both side yards. Several lots along John McCain Road in this area of Colleyville are zoned R20 – Single Family Residential district, and have areas of less than an acre. Therefore, this condition is not unique to the subject property and does not constitute a hardship.

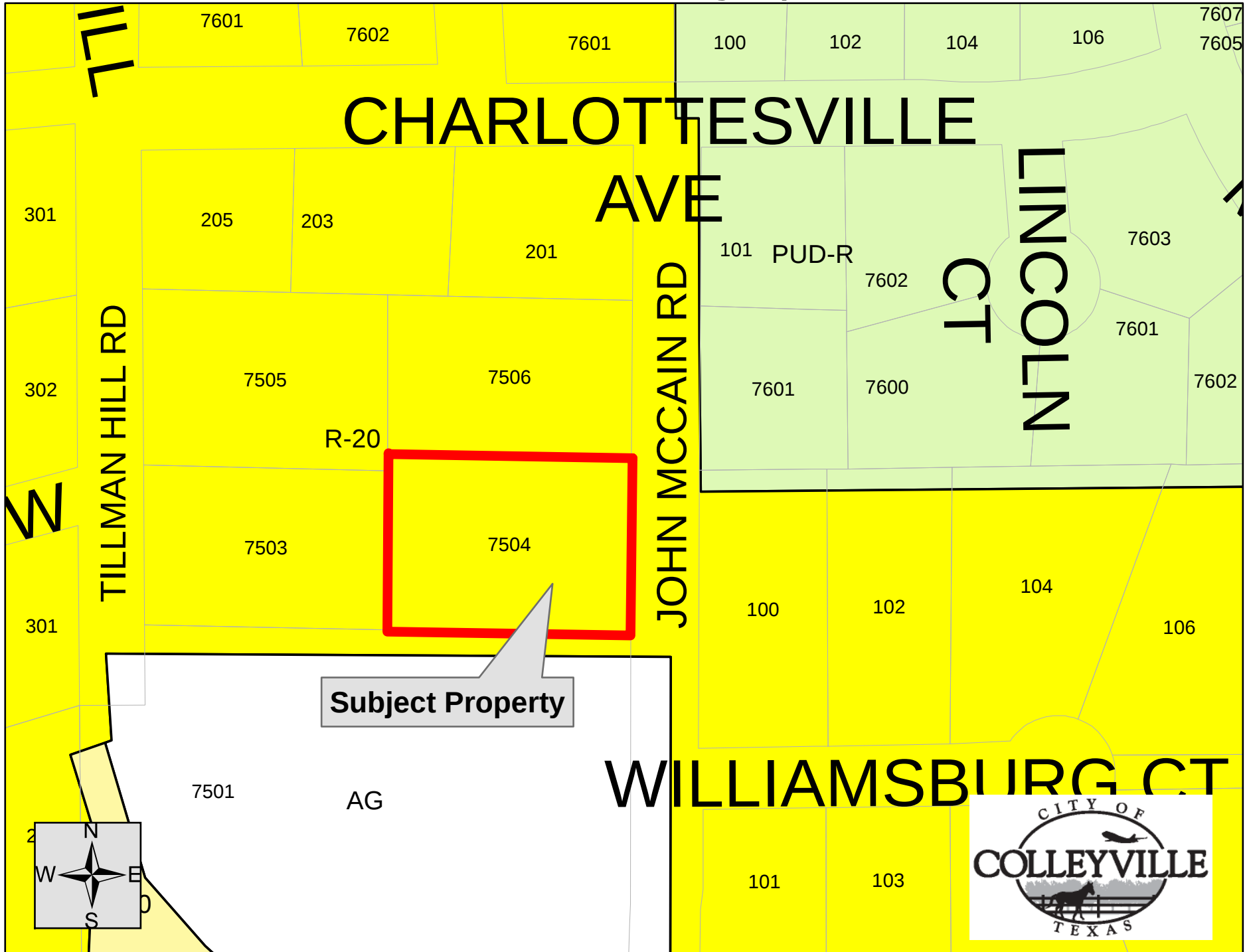
Recommendation

Denial

Attachments

1. Location and Zoning Map
2. Aerial
3. Notification List
4. Buffer Map
5. Statement of Planning Objectives
6. Site Plan
7. Exhibits

Location and Zoning Map



Aerial



Notification List

Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
Travis, Rodney Etux Ana	7600 Lincoln Ct	Colleyville	Texas	76034	007600 Lincoln Ct
Trimmer, Christi	7601 John McCain Rd	Colleyville	Texas	76034	007601 John McCain Rd
Nix, Barry Etux Robyn	102 Williamsburg Ct	Colleyville	Texas	76034	000102 Williamsburg Ct
Bono, Dana C Etux Gabriel	100 Williamsburg Ct	Colleyville	Texas	76034	000100 Williamsburg Ct
Catalano, David Etux Angela	201 W Charlottesville Ave	Colleyville	Texas	76034	000201 Charlottesville Ave W
Guenther, James M	101 Charlottesville Ave	Colleyville	Texas	76034	000101 Charlottesville Ave
Brown, William O Etux Donna L	203 W Charlottesville Ave	Colleyville	Texas	76034	000203 Charlottesville Ave W
Kavanaugh, Jeffrey L	205 W Charlottesville Ave	Colleyville	Texas	76034	000205 Charlottesville Ave W
Gutowski, Christine M	101 Williamsburg Ct	Colleyville	Texas	76034	000101 Williamsburg Ct
Dreiling, John R Etux Sonja K	7505 Tillman Hill Rd	Colleyville	Texas	76034	007505 Tillman Hill Rd
Bryan, Sean A	7506 John McCain Rd	Colleyville	Texas	76034	007506 John McCain Rd
Bratz, Michael L Etux Marsha B	7503 Tillman Hill Rd	Colleyville	Texas	76034	007503 Tillman Hill Rd
Neubauer, Derek K	7504 John McCain Rd	Colleyville	Texas	76034	007504 John McCain Rd
Hbj Revocable Trust	7501 Tillman Hill Rd	Colleyville	Texas	76034	007501 Tillman Hill Rd
Chris Gruensfelder	4201 Hahn Blvd	Haltom City	Texas	76117	Applicant

Public Hearing Notices were
 mailed Friday, March 27, 2015 by
 Taci Wrisley

The map displays a residential area with the following streets and features:

- Streets:** TILLMAN HILL RD, CHARLOTTESVILLE AVE, JOHN MCCAIN ROAD, WILLIAMSBURG CT, LINCOLN CT, MONTICELLO RD, and GTON WAY W.
- Subject Property:** A black rectangle highlights the property at 7504, which is also indicated by a red circle and a label 'Subject Property' with a pointer.
- Lot Numbers:** Various lot numbers are visible, including 7609, 7605, 7606, 7607, 7603, 7604, 7601, 7602, 7600, 7505, 7506, 7503, 7504, 7501, 7404, 7400, 7316, 7321, 205, 200, 7315, 100, 102, 104, 106, 101, 103, 105, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 84

7504 John McCain Road

 Properties Within 200 Feet
 Subject Property
 Parcels



*EXHIBIT E***From:** Derek**To:** Chris Gruensfelder**Subject:** 7504 John McCain Rd**Date:** Wed, Mar 4, 2015 11:24 am

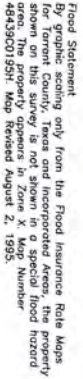
Chris,

In answer to the question of why we are requesting the variance...

I've lived in Colleyville for nearly ten years. I married for the first time on June 22, 2014. Shortly thereafter (in September 2014), a woman was violently murdered at a home in Colleyville approximately four blocks from our residence. This event, coupled with other brewing hostilities of our times, have made us, and especially my wife, very concerned with security. My wife is an immigrant from Ukraine, and though she didn't drive a car until she came to America, she does drive now, and is only comfortable parking in the circular part of our driveway due to visibility issues getting in and out of our garage. Many times she leaves for work early in the mornings before sunrise, and occasionally she doesn't get home until after dark. She and I both are concerned for her safety, and we would like to install a decorative wrought iron fence with gates and openers on each side of our driveway to satisfy a greater level of security. We also want the fence and gates to add an additional layer of security to our home, therefore installing the gates at each driveway entrance is the only way to provide a classy, estate-style entrance while enhancing our security. The fence and gates will be of good taste, similar to the better wrought iron fences in this area, and it will include several stone columns that match the stone on our house and mailbox. The only place we can install the fence and gates to secure the circular part of our driveway and the front entrance to our home is to install them beyond the building line, just inside the aprons of each driveway entrance. On John McCain Road you would find this setup far from uncommon, as many wrought iron fences are built even closer to the road than what we are proposing.

Derek Neubauer
7504 John McCain
Rd
Colleyville, TX 76034

S:\SURVEYS\HAWKINS\TILLMAN\ASBUILT\17R2FNL.DWG 4/11/06 9:20am



SCALE 1"=10'	DATE 4/11/06
DRAWN BY MDL	
CHECKED BY MDL	
ACAD FILE L232PFL.DWG	
VIEW NAME N/A	
PROJECT NO. 06-7596	

CLIENT: CHRIS HAWKINS

Registered Professional Land Surveyor No. 4508

[illegible]

TO: Derek K. Neubauer, SWBC Mortgage Corporation, Chris Hawkins and Land America Title Company.

CERTIFICATION OF SURVEY

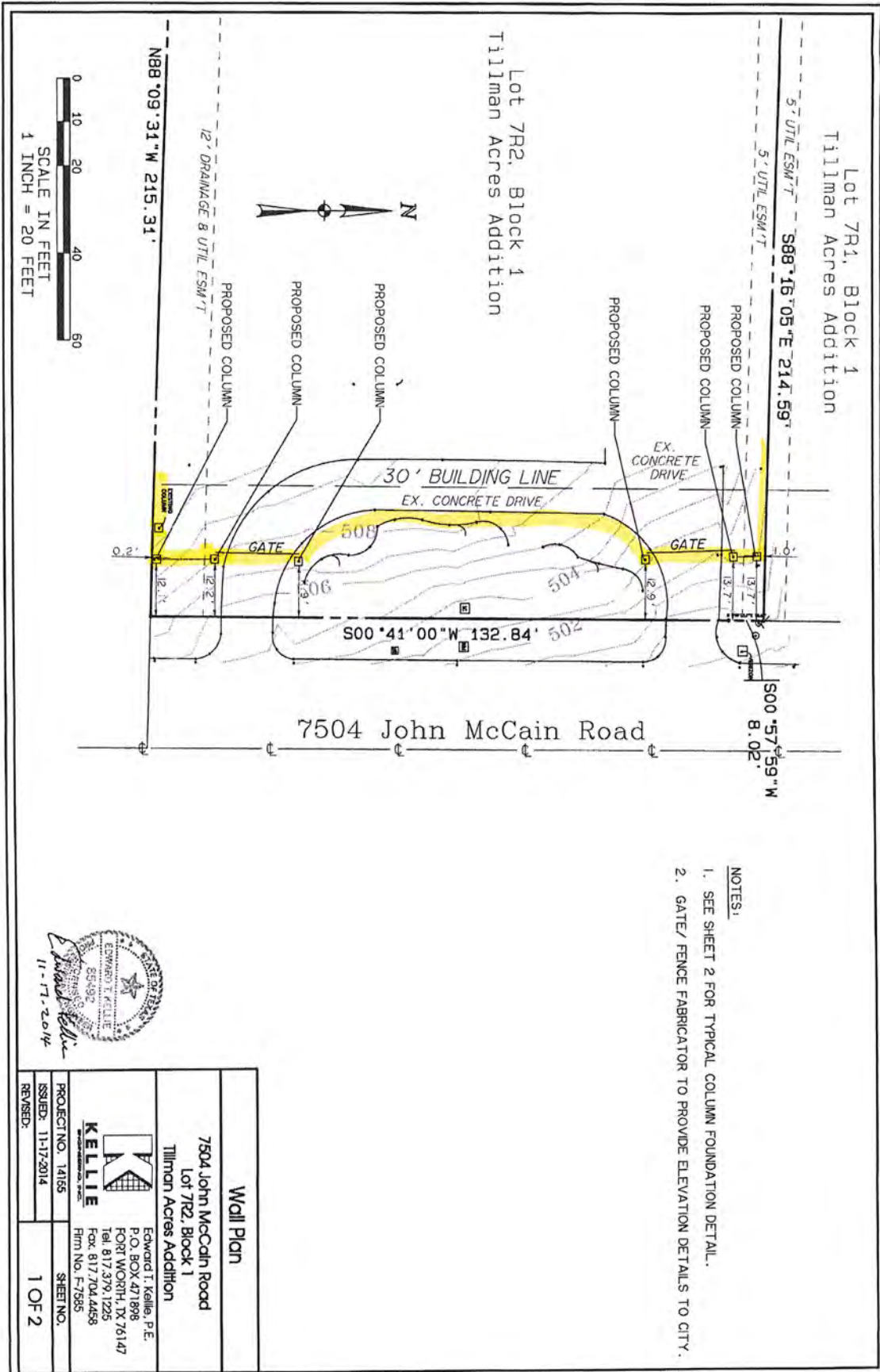
- 1) This survey was prepared with the use and/or benefit of the commitment for this insurance issued by Land America American Title Company in connection with the purchase of the property by the Defendant, effective date: March 21, 2006, issued: April 3, 2006.
- 2) CD- indicates controlling instrument.
- 3) The basis of bearings for this survey is the plat of the Survey of the City of Canyon, California, as shown on the plat recorded in Cabinet B, of Slide 322 of the Plat Records of Tarrant County, Texas.
- 4) The assessment to the City of Canyonville as recorded in Volume 9816, of Page 1222 of the Deed Records of Tarrant County, Texas, does not affect this property. (Schedule B, item 10b).
- 5) The assessment to the City of Canyon as recorded in Volume 9816, of Page 1222 of the Deed Records of Tarrant County, Texas, does not affect this property. (Schedule B, item 10c).
- 6) This property is not affected by the abandonment of easements as recorded in Volume 13822 at Page 624 of the Deed Records of Tarrant County, Texas. (Schedule B, item 10d).

Notes:

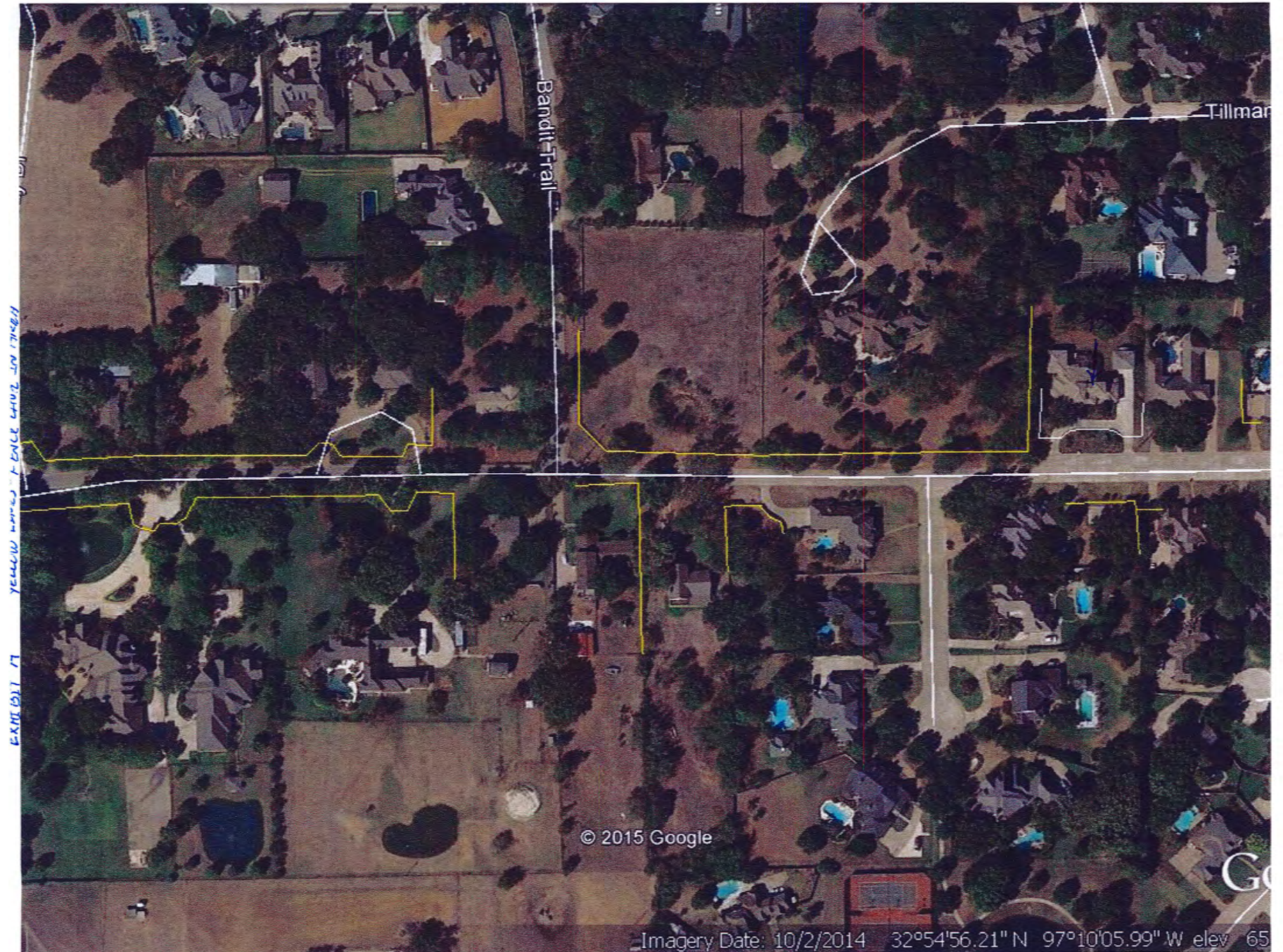
PROPERTY DESCRIPTION
BEING all of LOT 7R2, in Block 1, of TILMAN ACRES
ADDITION, an addition to the City of Coleville, Tarrant
County, Texas as shown on the Plat recorded in Cabinet B,
at Slide 322, of the Plat Records of Tarrant County, Texas.

PROPERTY DESCRIPTION

Site Plan



Exhibits



Exhibits



Exhibits

EXHIBIT D

March 5, 2015

Security/Safety

Recent crime in area (murder)

Secure front door (SEE EXHIBIT D-1)

Functionality

Driveway accessibility to garage is limited; drop off after curb (SEE EXHIBIT D-2)

Width and layout of driveway behind building line limit drive gate options

Neighborhood

Common to the neighborhood

Proposed drive gate and fencing enhance the neighborhood

Lot is slightly less (30,000 square feet) than the 40,000 square foot requirement

Exhibits

EXHIBIT D-1



Exhibits

EXHIBIT D-2

