



# City of Colleyville Zoning Board of Adjustment Agenda

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

---

Tuesday, July 14, 2015

City Council Chambers

---

7:00 PM  
CITY COUNCIL CHAMBERS  
THIRD FLOOR

CALL TO ORDER

PLEDGE OF ALLEGIANCE

**1. APPROVAL OF MINUTES**

April 14, 2015

**2. PUBLIC HEARING AGENDA ITEMS**

**2a** Request for a variance to the lot coverage requirements by buildings in Chapter 3 – Land Use of the Land Development Code on Lot 4, Block 1, of the St. Andrews Estates Addition, located at 5900 St. Andrews Court, Case VC15-003

**2b** 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 1R, Block 2, of the Ratliff Addition, located at 5320 Pleasant Run Road, Case VC15-005

**3. ADJOURNMENT**

*I hereby certify this agenda was posted on City Hall bulletin boards July 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

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

---

Tuesday, April 14, 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 April 14, 2015 at 7:20 p.m.

## Roll Call

**Present:** Board members Jason Elms, Mark Collier, Larry Kainer (Alternate 1), and Dee McNosky

**Absent:** Board members Dee Kamerman (Alternate 2), Judson Orlando, and Mike Leathers

**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 Kainer seconded.**

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

**Aye: 4** – Elms, Collier, Kainer, and McNosky

### 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

Patia Boomsma presented the case and briefed the Board.

The public hearing was opened at 7:25 p.m.

Chris Gruensfelder, the applicant, came forward and briefed the Board.

Board member Elms questioned Mr. Gruensfelder regarding the fence material and height of the fences of the adjacent properties and the neighborhood. Mr. Gruensfelder replied they are mismatched, building material and height.

Board member Elms questioned staff regarding if the requested variance was specifically for the location of the proposed fence. Patia Boomsma replied yes, due to the building setback line.

Board member Elms questioned Mr. Gruensfelder regarding whether the gate would be a swinging gate or a rolling gate. Mr. Gruensfelder replied it would be a 14 foot swinging gate.

Board member McNosky questioned Mr. Gruensfelder regarding whether the stone columns would create a visibility issue. Mr. Gruensfelder replied no.

Mr. Gruensfelder stated the homeowner also has concerns with cars being parked on the road, in front of their home.

Board member McNosky questioned Mr. Gruensfelder if this residence was part of a homeowner's association. Mr. Gruensfelder replied no.

Board member Collier questioned staff regarding whether the property owner would need a variance if they had an additional 10,000 square feet of property. Patia Boomsma replied no, they would just need to apply for a building permit.

Derek Neubauer, the property owner, came forward and briefed the Board.

Board member McNosky questioned Mr. Neubauer regarding if his intent was to tie the proposed fence into the existing stone column at the property line. Mr. Neubauer replied yes.

Board member Collier questioned Mr. Neubauer regarding if other properties in the neighborhood had fences across the front yard. Mr. Neubauer replied yes, several.

Discussion continued regarding fences in the neighborhood.

There being no one else wishing to speak, the public hearing was closed at 7:40 p.m.

Board member Elms stated the fence would not look or feel out of

place given the topography of the property.

**Board member Elms made a motion to approve Case VC15-002. Board member Kainer seconded.**

Board member McNosky stated she concurred with Board member Elms.

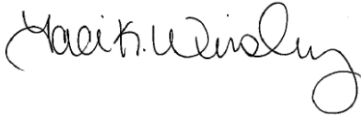
**The motion to approve Case VC15-002 carried by the following vote:**

**Aye: 4** – Elms, Collier, Kainer, and McNosky

### **3. ADJOURNMENT**

The meeting adjourned at 7:42 p.m.

Minutes were written and prepared by:



Taci Wrisley  
Planning and Zoning Assistant

*The meeting minutes were approved on June 9, 2015 by a vote of \_\_\_\_\_.*



# City of Colleyville Zoning Board of Adjustment Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

---

|                                         |                               |               |
|-----------------------------------------|-------------------------------|---------------|
| <b>Agenda Number</b> 2a                 | <b>Agenda Date</b> 07/14/2015 | <b>Number</b> |
| <b>Type</b> Public Hearing Agenda Items |                               |               |
| <b>Department</b> Community Development |                               |               |

---

## Title

Request for a variance to the lot coverage requirements by buildings in Chapter 3 – Land Use of the Land Development Code on Lot 4, Block 1, of the St. Andrews Estates Addition, located at 5900 St. Andrews Court, Case VC15-003

## Explanation

The applicant, Zack Karlovich, is requesting a variance to the lot coverage requirements on Lot 4, Block 1, of the St. Andrews Addition located at 5900 St. Andrews Court. Lot coverage includes the total area of the building footprint (under roof) as a percentage of the total square footage of the property.

**Existing Conditions.** A 4,789 square foot, single story home is currently under construction on the property. Two garages totaling 991 square feet and a covered porch measuring 86 square feet bring the existing lot coverage to 5,866 square feet, or 29.3 percent. The governing zoning district (R20 – Single Family Residential District) stipulates a maximum lot coverage of 30 percent.

**Variance Request.** The applicant is requesting a variance to increase the lot coverage from a maximum of 30 percent to 33 percent to accommodate a covered patio. According to the attached exhibit, the proposed covered area is 6,416 square feet on a 20,034 square foot lot, yielding a lot coverage of 32.03 percent.

**Lot Coverage.** The following are the lot coverage requirements broken down by single family zoning category:

PUDR – 50%

R15 – 30%

R20 – 30%

R30 – 25%

R40 – 20%

RE (Estate) – 20%

AG (Agricultural) – 20%

**Land Development Code.** Chapter 1, Section 1.16.E.10 of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the lot coverage where the literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, and where such variance is necessary to permit 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. A modification of the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district.

**Public Notification.** Staff mailed notices to 19 property owners within 200 feet of the site and notified one homeowner association within 500 feet. As of this writing, staff has received one (1) letter of support.

**Summary.** The subject property does not differ from the other parcels of land in the same district by area, shape or slope. The proposed covered patio also appears to be a self-created or personal hardship. Therefore, staff recommends denial.

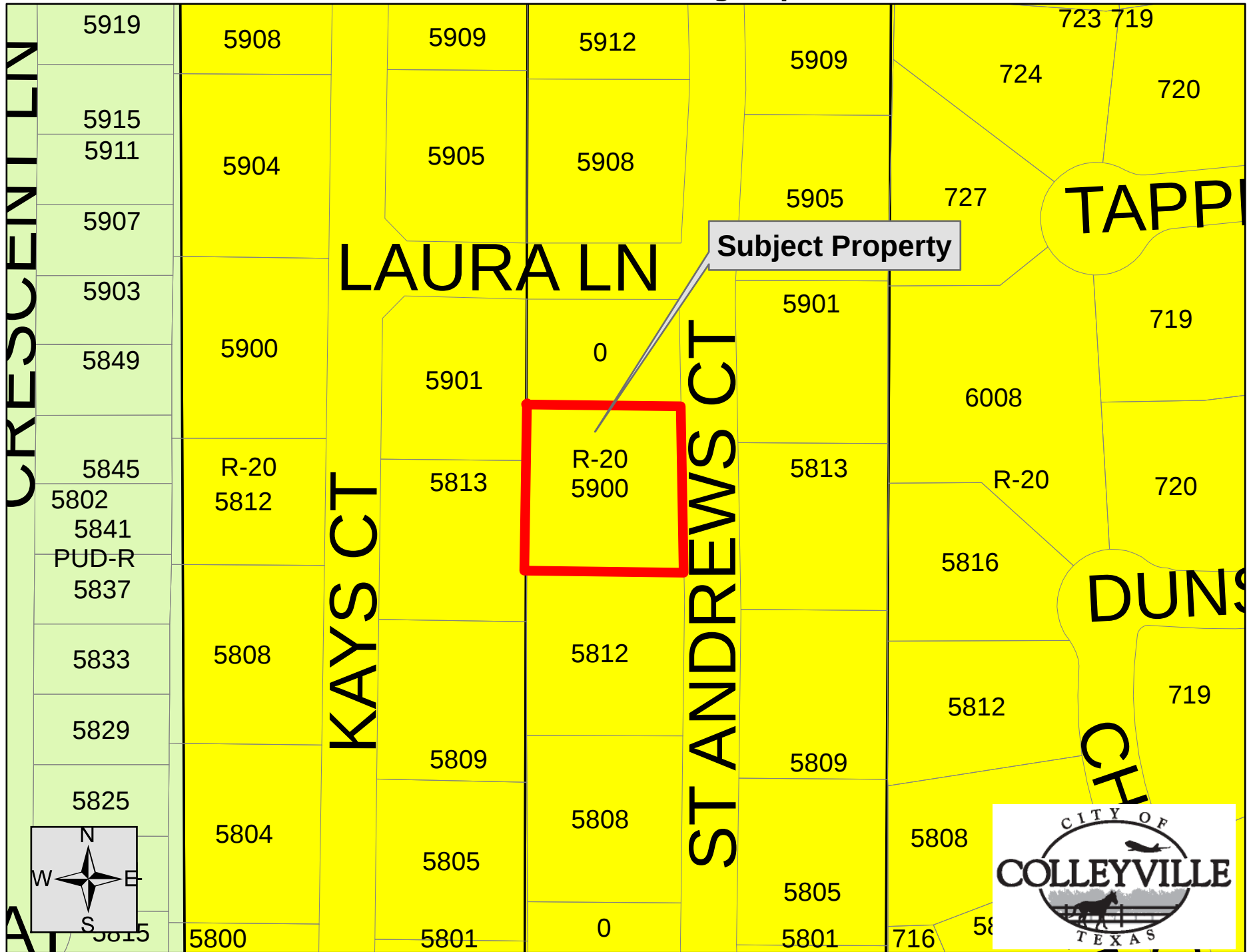
### **Recommendation**

Denial

### **Attachments**

1. Location and Zoning Map
2. Aerial
3. Buffer Map
4. Notification List
5. Letter of Support
6. Lot Coverage Exhibit

# Location and Zoning Map

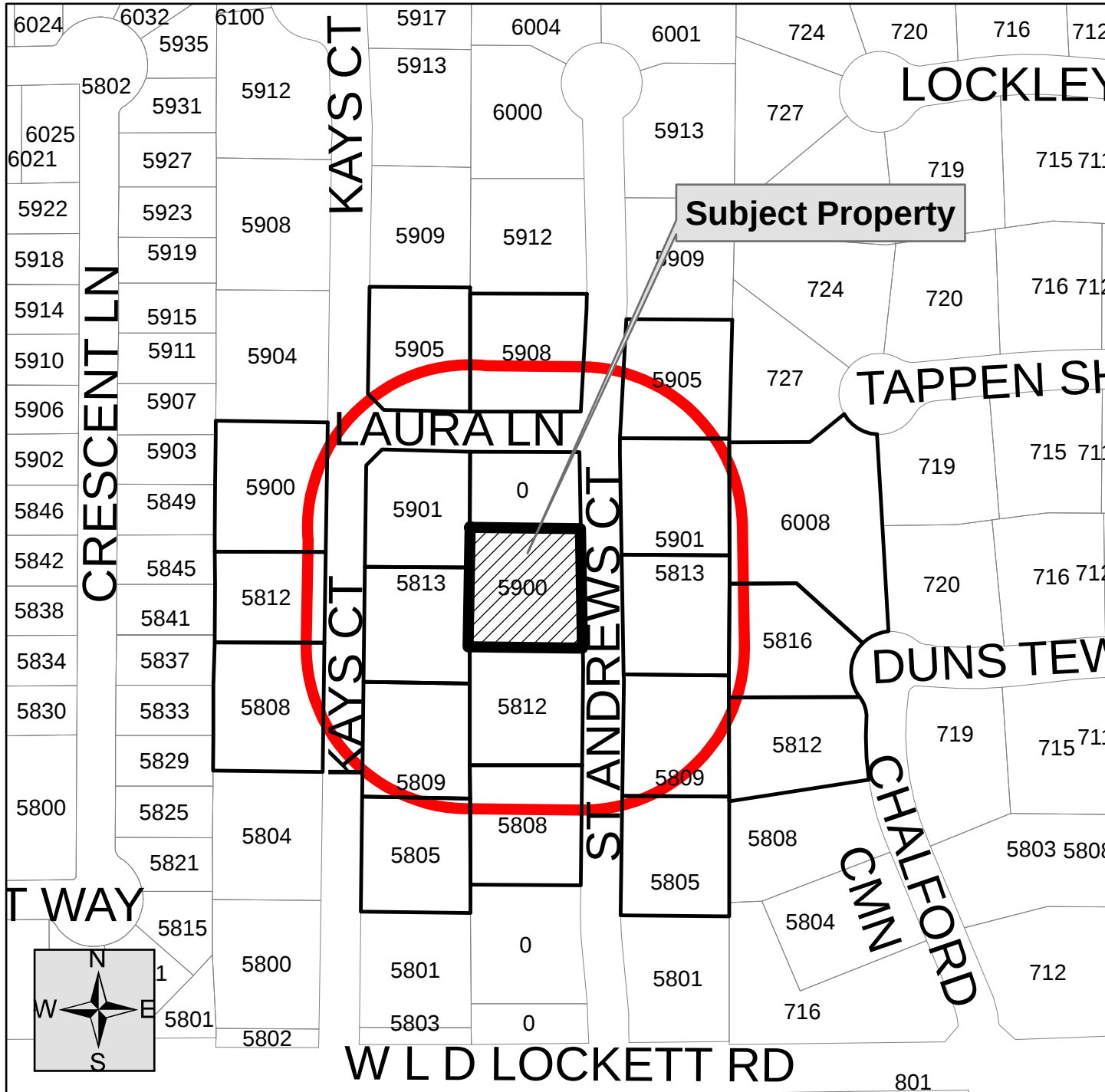


Aerial



# Buffer Map

Case VC15-003  
5900 St Andrews Ct.



## Legend

-  Properties within 200 feet
-  Subject property
-  Parcels



| Owner Name                    | Owner Address             | Owner City  | Owner State | Owner Zip | Situs Address        |
|-------------------------------|---------------------------|-------------|-------------|-----------|----------------------|
| KIME DENNIS JAKE              | 5901 KAYS CT              | COLLEYVILLE | Texas       | 76034     | 5901 KAYS CT         |
| DUSTIN AUSTIN ENTERPRISES INC | 700 W HARWOOD RD STE G2   | HURST       | Texas       | 76054     | 5808 ST ANDREWS CT   |
| DUSTIN AUSTIN ENTERPRISES INC | 700 W HARWOOD RD STE G2   | HURST       | Texas       | 76054     | 5812 ST ANDREWS CT   |
| MCCH INDUSTRIES LLC           | 5900 ST ANDREWS CT        | COLLEYVILLE | Texas       | 76034     | 5900 ST ANDREWS CT   |
| AZER MERVAT N                 | 5805 KAYS CT              | COLLEYVILLE | Texas       | 76034     | 5805 KAYS CT         |
| LINDBLOM SCOTT                | 5809 KAYS CT              | COLLEYVILLE | Texas       | 76034     | 5809 KAYS CT         |
| LAVACA ASSOCIATES LLC         | 5637 SMALLER RD           | JOHNSTOWN   | OH          | 43031     | 5813 KAYS CT         |
| DUSTIN AUSTIN ENTERPRISES INC | 700 W HARWOOD RD STE G2   | HURST       | Texas       | 76054     | 5805 ST ANDREWS CT   |
| JFD ST ANDREWS LTD            | 8333 DOUGLAS AVE STE 1300 | DALLAS      | Texas       | 75225     | 5809 ST ANDREWS CT   |
| JFD ST ANDREWS LTD            | 8333 DOUGLAS AVE STE 1300 | DALLAS      | Texas       | 75225     | 5813 ST ANDREWS CT   |
| JFD ST ANDREWS LTD            | 8333 DOUGLAS AVE STE 1300 | DALLAS      | Texas       | 75225     | 5901 ST ANDREWS CT   |
| JFD ST ANDREWS LTD            | 8333 DOUGLAS AVE STE 1300 | DALLAS      | Texas       | 75225     | 5905 ST ANDREWS CT   |
| CAMPANILE GLENN A             | 5812 CHALFORD CMN         | COLLEYVILLE | Texas       | 76034     | 5812 CHALFORD COMMON |
| HANKINS JEREMY                | 5816 CHALFORD CMN         | COLLEYVILLE | Texas       | 76034     | 5816 CHALFORD COMMON |
| THORNE JENNIFER               | 5808 KAYS CT              | COLLEYVILLE | Texas       | 76034     | 5808 KAYS CT         |
| L T ESTATES HOA INC           | 215 W COLLEGE ST          | GRAPEVINE   | Texas       | 76051     | 5812 KAYS CT         |
| BOOTS BRIAN                   | 5900 KAYS CT              | COLLEYVILLE | Texas       | 76034     | 5900 KAYS CT         |
| ELLISON JOHN                  | 5905 KAYS CT              | COLLEYVILLE | Texas       | 76034     | 5905 KAYS CT         |
| JFD ST ANDREWS LTD            | 8333 DOUGLAS AVE STE 1300 | DALLAS T    | Texas       | 75225     | 5908 ST ANDREWS CT   |
| COVINGTON COLLEYVILLE HOA INC | 1221 N INTERSTATE         | CARROLLTON  | Texas       | 75006     | 6008 CHALFORD COMMON |
| ZACK KARLOVICH                | 550 HWY 5                 | FAIRVIEW    | TEXAS       | 75069     | APPLICANT            |

Public hearing notices were mailed  
Thursday, May 21, 2015 by Taci Wrisley

# Letter of Support

Country Development Department

City of Colleyville

In regards to

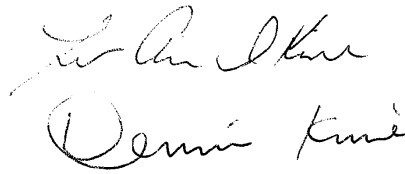
VC15-003 Variance in the lot coverage requirements

We live behind half the lot in question and do not see where it would be a problem at all and in fact would better utilize the cement patio.

Dennis and LuAnn Kime

5901 Kays Ct

Colleyville, TX 76034

Handwritten signatures of LuAnn Kime and Dennis Kime. The first signature is "LuAnn Kime" and the second is "Dennis Kime".



SHEET NO.  
**A1.1**

# PROPOSED



# City of Colleyville Zoning Board of Adjustment Agenda Briefing

City Hall  
100 Main Street  
Colleyville, Texas 76034  
[www.colleyville.com](http://www.colleyville.com)

---

|                                         |                               |               |
|-----------------------------------------|-------------------------------|---------------|
| <b>Agenda Number</b> 2b                 | <b>Agenda Date</b> 07/14/2015 | <b>Number</b> |
| <b>Type</b> Public Hearing Agenda Items |                               |               |
| <b>Department</b> Community Development |                               |               |

---

## Title

Request for avariance to certain provisions of Section 3.26 Fences, Free Standing Walls, and Screening Materials of the Land Development Code on Lot 1R, Block 2, of the Ratliff Addition, located at 5320 Pleasant Run Road, Case VC15-005

## Explanation

The applicant, Gary Belue, is requesting a variance to the screening requirements for commercial properties located adjacent to residential properties on Lot 1R, Block 2 of the Ratliff Addition, located at 5320 Pleasant Run Road.

**Existing Conditions and Zoning.** The subject property is zoned CN – Neighborhood Commercial District and is undeveloped. It is surrounded by commercial zoning districts on all sides except to the north, which is zoned PUD-R – Planned Unit Development – Residential. There is one residential lot adjacent to the property on its north side, and the other adjacent lot to the north has common open space for the residential development. A six-foot tall wood fence currently exists on the property line. A large native pecan tree is located just to the south of the fence on the subject property.

**Proposed Development.** The applicant proposes to develop an office building on the property.

**Land Development Code.** Section 3.26 D(2)a of Chapter 3-Land Use states: "Where a nonresidential use abuts a residential lot, use or district, the side and rear property lines abutting said residential lot, use or district shall be suitably screened, with a decorative masonry wall, by the nonresidential use so as to obscure the view from the residential lot, use or district to the nonresidential use to a height not less than eight (8) feet."

**Requested Variance.** The applicant is requesting to provide an eight-foot wood privacy fence instead of an eight-foot masonry wall as required by the Land Development Code in order to preserve a large pecan tree located on the property line. The applicant stated in the application letter that the proposal would prevent damage to the tree and its root system.. The proposed fence is board-on-board, double-sided, stained cedar with a cap.

**Public Notification.** Staff mailed notices to 19 property owners within 200 feet of the site. A letter has been received from one of the two abutting property owners, located at 805 Regina Court, stating his support of the project subject to the following

stipulations:

1. The existing six-foot fence be removed.
2. The new eight-foot fence will be installed along the existing concrete footer.
3. Landscape plantings and trees on 805 Regina Court will not be damaged. If damage occurs, the plant material will be replaced with comparable materials.

**Summary.** While the screening of commercial uses from residential uses is prioritized in the Land Development Code and the 2004 Master Plan, a high level of importance is also placed on preserving trees. Per Section 1.16.G.6. of the Land Development Code, the Zoning Board of Adjustment may prescribe appropriate conditions and safeguards in granting a variance.

Given that one of the two adjacent property owners (the only property owner with a home on their lot) is in support of the proposed alternative screening if certain conditions are in place, staff recommends approval with the following conditions:

1. The existing six-foot fence be removed.
2. The new eight-foot fence will be installed along the existing concrete footer.
3. Landscape plantings and trees on 805 Regina Court will not be damaged. If damage occurs, the plant material will be replaced with comparable materials.

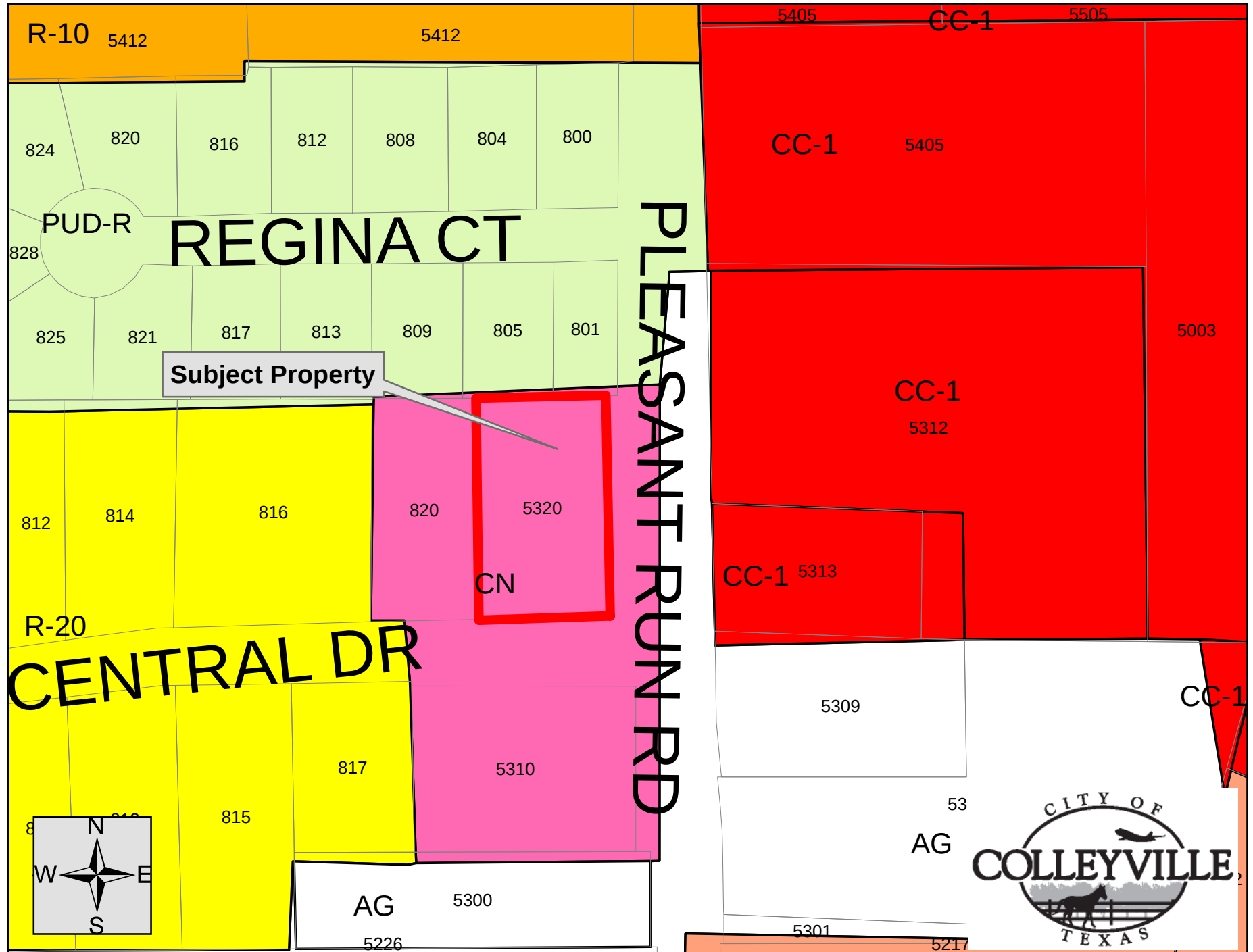
### **Recommendation**

Approve

### **Attachments**

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

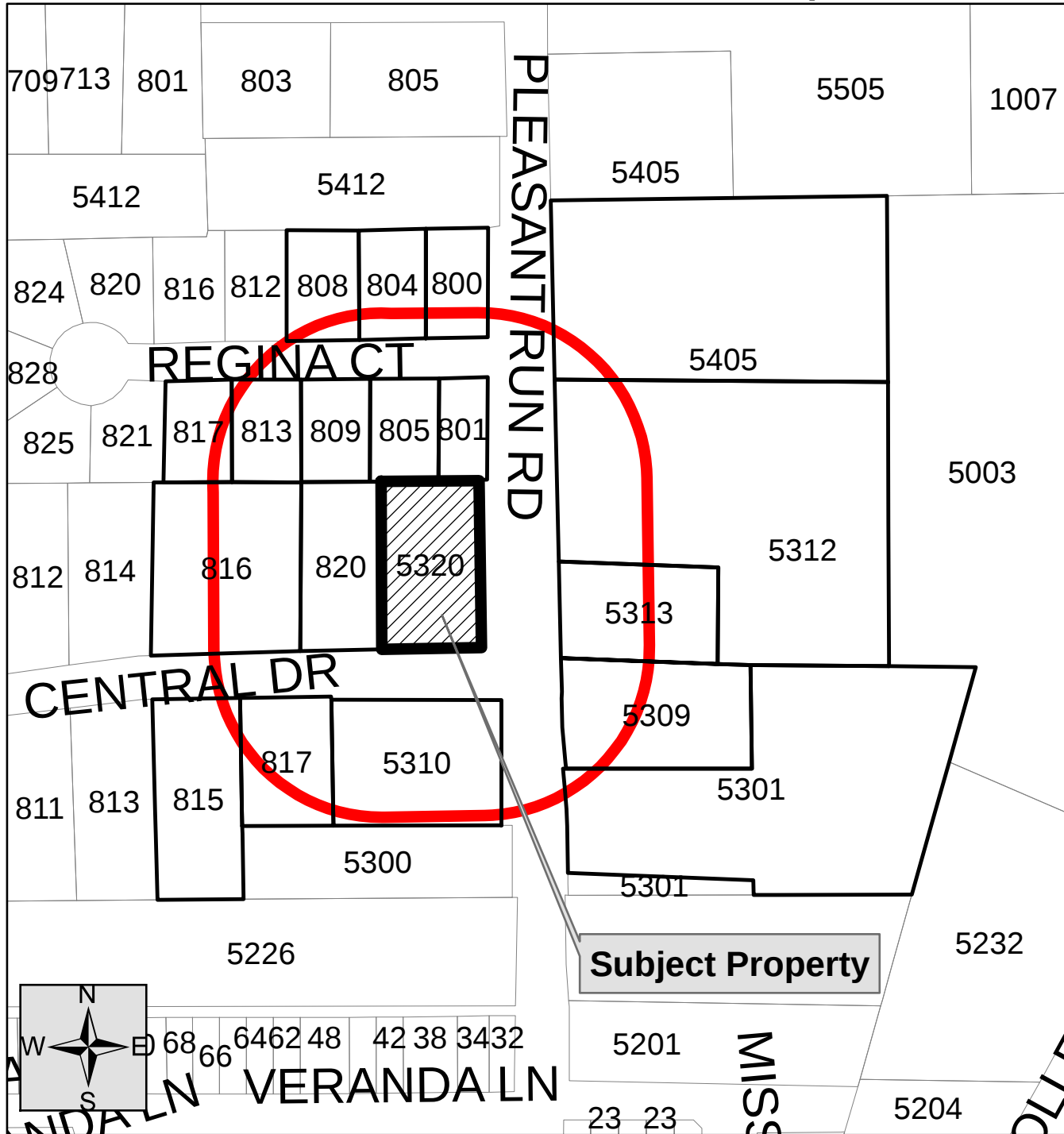
# Location and Zoning Map



# Aerial



# Buffer Map



Case VC15-005  
5320 Pleasant Run Road

## Legend

-  Properties within 200 feet
-  Subject property
-  Parcels



# Notification List

| Owner Name                   | Owner Address        | Owner City           | Owner State | Owner Zip | Situs Address         |
|------------------------------|----------------------|----------------------|-------------|-----------|-----------------------|
| FIRST BAPTIST CH COLLEYVILLE | 5405 PLEASANT RUN RD | COLLEYVILLE          | Texas       | 76034     | 5312 COLLEYVILLE BLVD |
| LALA MARLENE                 | 816 CENTRAL DR       | COLLEYVILLE          | Texas       | 76034     | 816 CENTRAL DR        |
| MITZEL CINDY A               | 800 REGINA CT        | COLLEYVILLE          | Texas       | 76034     | 800 REGINA CT         |
| JPC REALTY LTD               | PO BOX 820502        | NORTH RICHLAND HILLS | Texas       | 76182     | 804 REGINA CT         |
| HUNKINS RALPH H              | 808 REGINA CT        | COLLEYVILLE          | Texas       | 76034     | 808 REGINA CT         |
| CHACKO RAIBU                 | 817 REGINA CT        | COLLEYVILLE          | Texas       | 76034     | 817 REGINA CT         |
| GRIFFIN TIMOTHY S            | 813 REGINA CT        | COLLEYVILLE          | Texas       | 76034     | 813 REGINA CT         |
| BRADLEY MICHAEL              | 809 REGINA CT        | COLLEYVILLE          | Texas       | 76034     | 809 REGINA CT         |
| SIMPLER RUSSELL W            | 805 REGINA CT        | COLLEYVILLE          | Texas       | 76034     | 805 REGINA CT         |
| COLLEYVILLE HEIGHTS LLC      | PO BOX 1132          | COLLEYVILLE          | Texas       | 76034     | 801 REGINA CT         |
| GROFFMAN STEVEN              | 815 CENTRAL DR       | COLLEYVILLE          | Texas       | 76034     | 815 CENTRAL DR        |
| FIRST BAPTIST CH COLLEYVILLE | 5405 PLEASANT RUN RD | COLLEYVILLE          | Texas       | 76034     | 5405 PLEASANT RUN RD  |
| CLARKE PRODUCTS INC          | 820 CENTRAL DR       | COLLEYVILLE          | Texas       | 76034     | 820 CENTRAL DR        |
| DS & RS PROPERTIES LLC       | 2421 ARBOR GATE LN   | COLLEYVILLE          | Texas       | 76034     | 5320 Pleasant Run RD  |
| HOROBEC JOHN                 | 626 S CHURCH ST      | GRAPEVINE            | Texas       | 76051     | 5310 PLEASANT RUN RD  |
| FIGUEROA ROBERT              | 817 CENTRAL DR       | COLLEYVILLE          | Texas       | 76034     | 817 CENTRAL DR        |
| FIRST BAPTIST CH COLLEYVILLE | 5405 PLEASANT RUN RD | COLLEYVILLE          | Texas       | 76034     | 5313 PLEASANT RUN RD  |
| FEGAN DENNIS JOHN II         | 1303 BELLEFONTE LN   | COLLEYVILLE          | Texas       | 76034     | 5309 PLEASANT RUN RD  |
| HART KAY LYNN FOSTER         | 5301 PLEASANT RUN RD | COLLEYVILLE          | Texas       | 76034     | 5301 PLEASANT RUN RD  |
| GARY BELUE                   | 12084 N. OAK COURT   | AZLE                 | TEXAS       | 76020     | APPLICANT             |

Public hearing notices were  
mailed Thursday, May 21, 2015 by  
Taci Wrisley



# DAN LEE SMALLWOOD

*Certified Public Accountants*

1856 Norwood Plaza; Hurst, TX 76054

Phone: (817) 282-1572 Fax: (817) 282-0789

<http://smallwoodcpa.com>

April 13, 2015

To whom it may concern:

Presently we are building an office building for our certified public accounting practice at 5320 Pleasant Run Road, Colleyville, Texas 76034. In order to receive a variance with the city of Colleyville on commercial fence requirements, we are contacting property owners that share our property line. We propose to construct an eight foot double sided, board on board, stained cedar fence with a cap. We are proposing a cedar fence due to the large native pecan tree that sits on the fence line. Constructing a wooden fence around the pecan tree will prevent damage to the tree or the root system.

If you accept this proposal, please sign below and return in the self-addressed, postage paid envelope. If you have any questions, please give Gary Belue, our builder, or myself a call at:

Gary Belue - 817-475-8654

Dan Lee Smallwood - 817-291-6930

Kind Regards,

Dan Lee Smallwood, CPA

SEE ATTACHED LETTER  
FOR APPROVAL

Signature w/address

*"Our success is a result of your success."*

MEMBER: AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS  
TEXAS SOCIETY OF CERTIFIED PUBLIC ACCOUNTANTS



3200 Handley Ederville Rd. • Richland Hills, TX 76118  
817-921-2222 Office • 817-501-6210 Cell

[www.smithlawnandtree.com](http://www.smithlawnandtree.com)

Dan Lee Smallwood  
1856 Norwood Plaza  
Hurst, TX 76054

April 17, 2015

Re: Fence Project

Mr. Smallwood

We are willing to cooperate with the construction of the 8' board on board fence with the cap with the following stipulations.

1. Existing 6 ft. fence will be removed and disposed of (so there will not be fence on fence)
2. New 8' fence will be installed along existing concrete footer (so we do not have fence on fence)
3. Landscape Plantings and trees on 805 Regina Ct. will not be damaged. If damage occurs then the plant material will be replaced to match variety and size

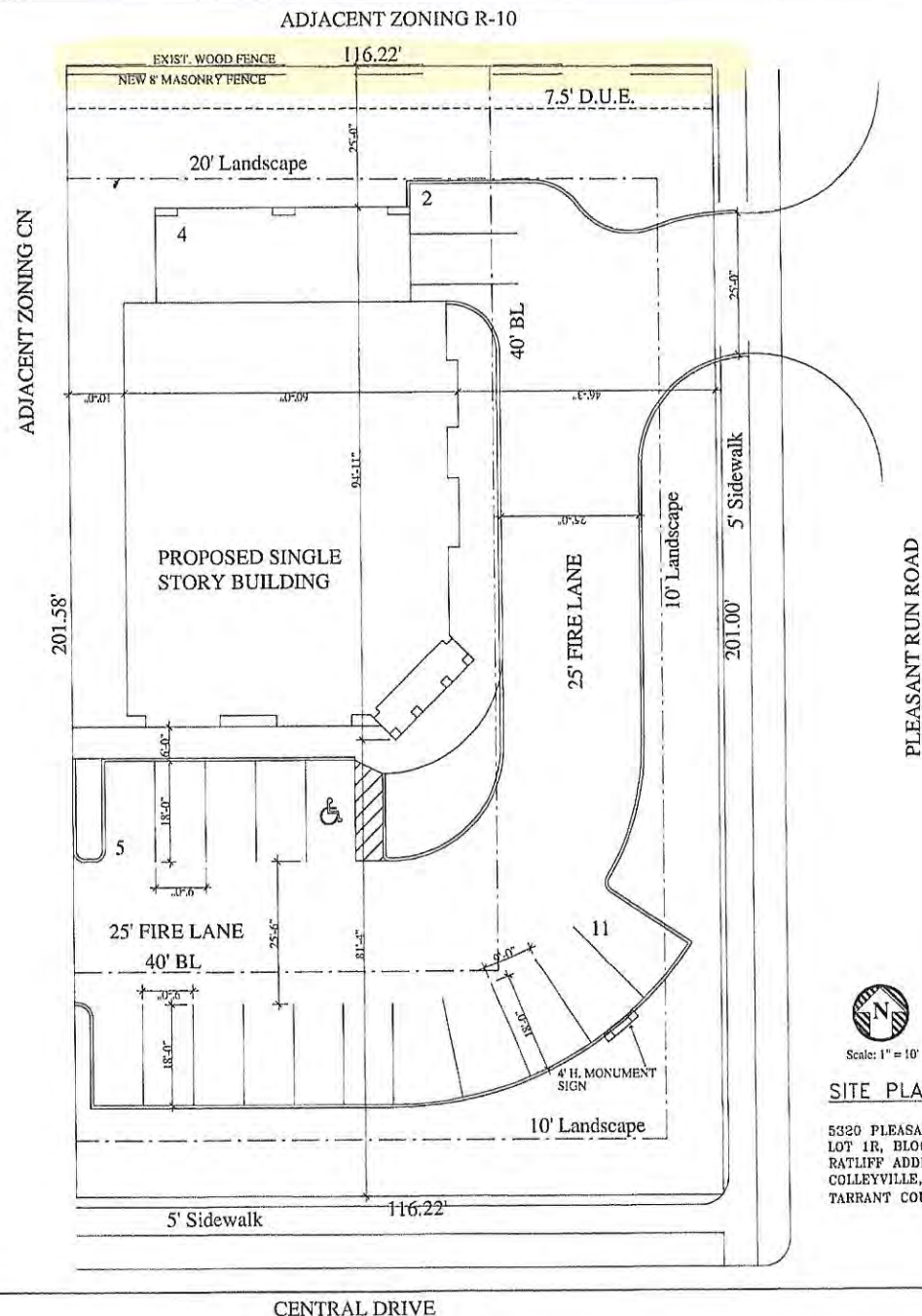
We are also in agreement that this will benefit both parties in preserving the integrity of the root structure on the pecan tree as well as provide a neater fence-line for both parties. This will allow us to have one uniform fence-line versus having our existing 6' wood fence to be backed up by an 8' masonry wall.

Please let me know if you need any additional information, and we look forward to this coming together.

Sincerely,

Russell Simpler  
Managing Partner  
817-501-6210

# Site Plan Exhibit



Scale: 1" = 10'

## SITE PLAN

5320 PLEASANT RUN RD.  
LOT 1R, BLOCK 2  
RATLIFF ADDITION  
COLLEYVILLE, TEXAS 76034  
TARRANT COUNTY

| SITE DATA TABLE           |                              |
|---------------------------|------------------------------|
| LOT AREA                  | • 23316 SF                   |
| BUILDING AREA             | • 5203 SF                    |
| PARKING REQUIRED          | • 18 SPACES                  |
| PARKING PROVIDED          | • 21 SPACES                  |
| ZONING OF PROPERTY        | • CN NEIGHBORHOOD COMMERCIAL |
| PROPOSED LAND USE         | • OFFICE                     |
| CURRENT LAND USE          | • OFFICE                     |
| LANDSCAPE AREA REQUIRED   | • 4,663 SF                   |
| LANDSCAPE AREA PROVIDED   | • 6,803 SF                   |
| BUILDING HEIGHT           | • 21'-10"                    |
| PARKING AND BUILDING AREA | • 10,771 SF                  |
| PERCENT OF LOT COVERAGE   | • 44%                        |



**Robert Johnson Designs**  
2250 FOOL ROAD, SUITE 202  
GRAPEVINE, TEXAS 76031  
(817) 251-4646 P/L (817) 251-9494 FAX

## SMALLWOOD OFFICE

|                 |           |           |
|-----------------|-----------|-----------|
| SCALE: 1" = 10' | PLAN #:   | PAGE:     |
| DATE: 18 AUG 14 | COMM 4270 | SITE PLAN |