



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, October 13, 2015

City Council Chambers

**7:00 PM
CITY COUNCIL CHAMBERS
THIRD FLOOR
CALL TO ORDER
PLEDGE OF ALLEGIANCE**

1. PUBLIC HEARING AGENDA ITEMS

- 1a** 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 3, Block 2, of the Glenhope Addition, located at 6613 Glenhope Circle North, Case VC15-007

2. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, October 9, 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 Agenda Briefing

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

Agenda Number 1a	Agenda Date 10/13/2015	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 3, Block 2, of the Glenhope Addition, located at 6613 Glenhope Circle North, Case VC15-007

Explanation

Update. At the September 8, 2015 Zoning Board of Adjustment (ZBA) meeting, board members directed the applicant to resubmit application materials to clarify the variance request. Specifically, the location of the proposed fence, along with details for any future plans to reconstruct the retaining wall. The applicant has submitted additional photographs and a revised site plan (attached) with the fence located approximately 12.5 feet from the property line. In addition to the revised site plan, the applicant submitted a narrative summary (attached) outlining the request for a variance.

Staff is still recommending that the fence be placed along the retaining wall where it is within the required 30-foot building line but would find it acceptable to provide the fence five feet from the retaining wall to allow for future retaining wall improvements. The applicant has not selected a proposed fence placement that is consistent with staff's recommendation.

The applicant, Paul Carrocci, is requesting a variance to the requirements for fences in the Land Development Code, located at 6613 Glenhope Circle North.

Existing Conditions and Zoning. The subject property is zoned "R20" – Single Family Residential District and has an existing single family home. It is surrounded by R20 zoning to the north, west, and south, and to the east is the City of Grapevine, and all surrounding properties are developed with single family residential homes. There is currently no fence on the subject property. The owner states that the house was constructed in 1984, and the previous owner never installed a fence.

Proposed Development. The applicant is proposing to install a fence on the subject property to enclose the residential yard. The applicant is requesting a variance because the proposed fence location does not meet the requirements of the Land Development Code.

Land Development Code. Section 3.26 E(2) states:
"E. Fence and Free Standing Wall Setback Requirements

...

2. Corner Side Yards: Except where allowed elsewhere in this chapter, fences and walls within a required side yard adjacent to a street right of way shall meet the following setback standards:

A privacy fence or wall (which shall be defined as any fence or wall greater than thirty inches (30") in height or greater than 25 percent opaque construction) within a required street side yard shall be subject to whichever of the following provisions a) through d) shall yield the greatest setback:

- a. If the subject lot has a street side yard which faces a dwelling front or lot front across the side street, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the property line, except on any lot having either a required side yard less than fifteen (15') feet or an existing primary structure setback less than fifteen (15') feet, then the fence or wall may be constructed with the same setback as the primary structure; or
- b. If the subject lot backs to the rear of another residential lot, the side yard privacy fence or wall shall be located not less than fifteen feet (15') from the side property line; or
- c. If the subject lot backs to the side of another residential lot, the side yard privacy fence or wall shall be located not closer to the side property line than the required front setback of the adjoining lot; or..."

The existing home fronts on Pool Road but takes access off of Glenhope Circle North, and the subject lot backs to the side of another residential lot to the west (so it falls under letter "c" above). The proposed fence is proposed to be up to six feet tall. The applicant has stated that it will either be wrought iron or wrought iron with wood paneling. The applicant is not requesting a variance to the proposed materials so it would need to be wrought iron, of those two options.

The proposed fence would be considered a privacy fence or wall under the above stated provisions and would therefore be required to be set back a minimum of 30 feet from Glenhope Circle North, which is the front yard setback minimum in the governing zoning district.

Requested Variance. The applicant is requesting to install the proposed fence approximately 12.5 feet from the northern property line versus the required fence setback in this instance of 30 feet.

Public Notification. Staff mailed notices to 11 property owners within 200 feet of the site, in addition to courtesy notices to the applicant, Grapevine-Colleyville ISD, and the

City of Grapevine (to the east of the subject property), and no responses have been received as of the time of this writing.

Summary. Staff recognizes that the subject property has unique characteristics, in terms of fronting on Pool Road and taking access off of Glenhope Circle North, in addition to the presence of an existing retaining wall. Due to the established streetscape along Glenhope Circle North (see Photo Exhibit provided by applicant, attached) and the adjacent established residential home to the west that has no fence within the front yard, Staff has suggested a more appropriate location for the fence. This location meets the intent of the ordinance, preserves the character of the neighborhood, and allows the applicant to utilize his property as desired.

Staff recommends the proposed fence be placed approximately five feet to the north of the existing retaining wall where it is within the required 30-foot setback along Glenhope Circle. It is recommended the fence follow the general path of the retaining wall to the 30-foot setback line where the fence will then continue west. This location will allow for any future maintenance or improvements to the wall and more closely meets the intent of the ordinance. The applicant has noted the presence of trees within the recommended five-foot setback.

Staff recognizes the need to preserve existing mature trees on site and proposes allowing the fence to meander as necessary while remaining generally five feet from the wall to the 30-foot setback line. This compromise approach would still require a variance to the same requirement, but the fence would be set back farther, would correlate to the existing unique site features, and would preserve the existing mature tree line on the property. Staff recommends denial of the proposed variance as proposed by the applicant.

Recommendation

Denial

Attachments

1. Location and Zoning Map
2. Aerial Map
3. Public Notification Map
4. Public Notification Mailing List
5. Application (3 Pages)
6. Applicant Variance Narrative
7. Site Plan by Applicant
8. Photo Exhibit by Applicant (20 Pages)
9. Additional Photos by Applicant
10. Staff Recommendation Exhibit

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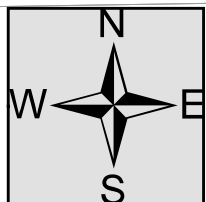
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City of
Grapevine

Subject Property





GLENHOPE CIR N

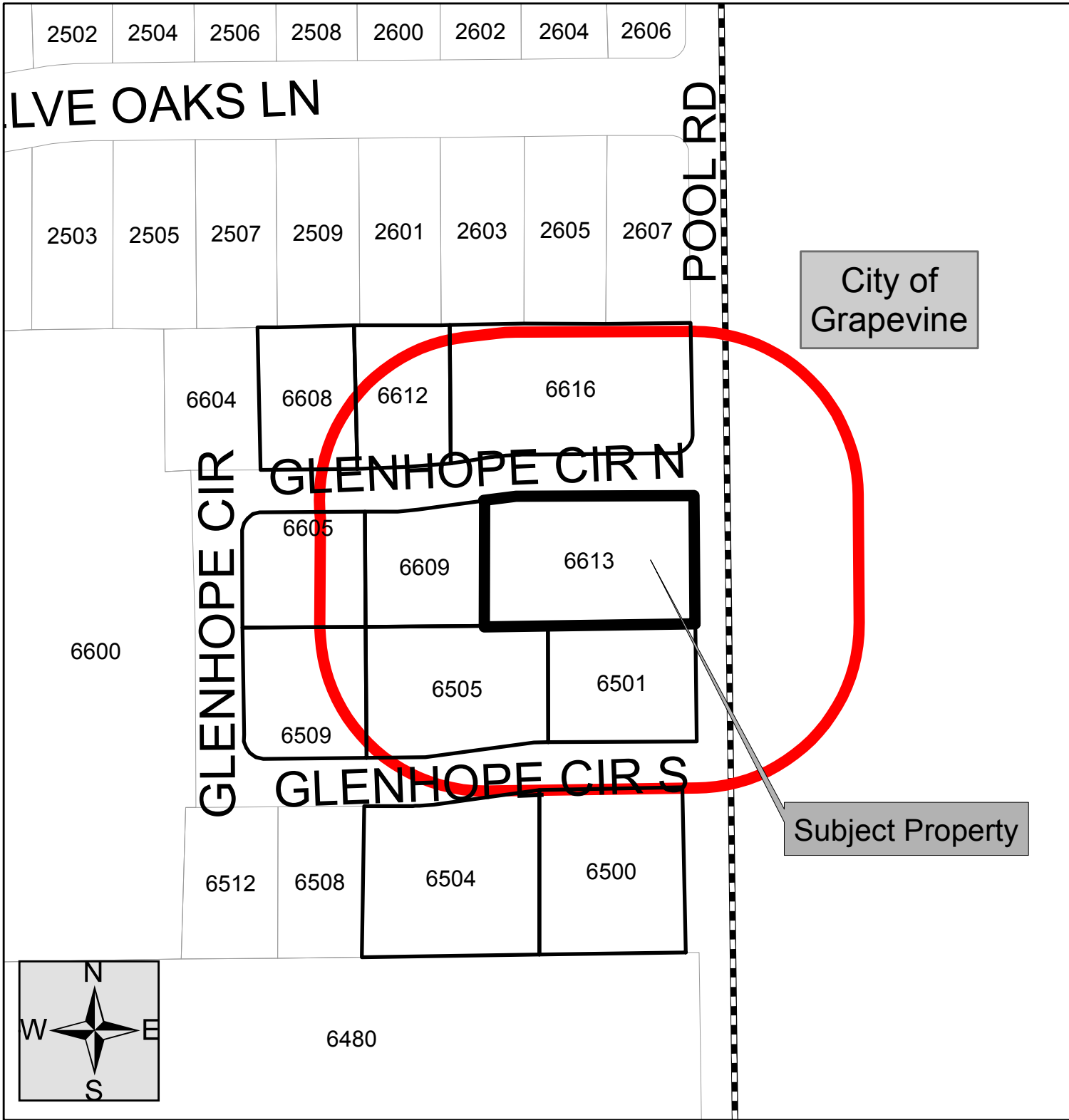
POOL RD

GLENHOPE CIR S

City of
Grapevine

Subject Property





Case VC15-007
6613 Glenhope Circle North

City of
Grapevine

Legend

-  Subject Property
-  Properties within 200 feet
-  Parcels
-  City Limit

Subject Property



Owner Name	Owner Address	Owner City	Owner State	Owner Zip	Situs Address
MORRIS, MELINDA WRIGHT	6616 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	6613 GLENHOPE CIR N
STARK, SHAUN	6608 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	6608 GLENHOPE CIR N
CLENDINNING, BEN	6505 GLENHOPE CIR S	COLLEYVILLE	TEXAS	76034	6505 GLENHOPE CIR S
MORRIS, MELINDA WRIGHT	6616 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	6616 GLENHOPE CIR N
RAWLINGS, RICHARD L	6509 GLENHOPE CIR S	COLLEYVILLE	TEXAS	76034	6509 GLENHOPE CIR S
SEAWRIGHT, HAROLD K	6609 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	6609 GLENHOPE CIR N
MEGELLAS, JAMES ARTHUR	6612 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	6612 GLENHOPE CIR N
HAMILTON, ARTHUR L	6500 GLENHOPE CIR S	COLLEYVILLE	TEXAS	76034	6500 GLENHOPE CIR S
MCMELLON, J'ANNA	6605 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	6605 GLENHOPE CIR N
SHELTON, B KEITH	6504 GLENHOPE CIR S	COLLEYVILLE	TEXAS	76034	6504 GLENHOPE CIR S
ZUREIKAT, AIMAN	6501 GLENHOPE CIR S	COLLEYVILLE	TEXAS	76034	6501 GLENHOPE CIR S
CITY OF GRAPEVINE, PLANNING DEPT	PO BOX 95104	GRAPEVINE	TEXAS	76099	COURTESY NOTICE
GRAPEVINE-COLLEYVILLE ISD	3051 IRA E WOODS AVE	GRAPEVINE	TEXAS	76051	STATE LAW
PAUL CARROCCI	6613 GLENHOPE CIR N	COLLEYVILLE	TEXAS	76034	APPLICANT

Public hearing notices were mailed Friday,
August 21, 2015 by Taci Wrisley

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: _____

Project Address (Location): _____

Legal Description: _____

Proposed Number of Lots: _____ Gross Acres: _____ Neighborhood District: _____

Existing Zoning: _____ Proposed Zoning: _____

Existing Use: _____ Proposed Use: _____

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: Paul Carrocci Company: _____

Address: 1613 Glenhope Circle N Tel: 817-851-4844 Fax: _____

City: Colleyville State: TX ZIP: 76034 Email: _____

Applicant's Status: (check one) ☒ Owner ☐ Representative ☐ Tenant ☐ Prospective Buyer

Property Owner: Paul Carrocci Company: _____

Address: 1613 Glenhope Circle N Tel: 817-851-4844 Fax: _____

City: Colleyville State: TX ZIP: 76034 Email: _____

Ownership Status: (check one) ☒ Individual ☐ Trust ☐ Partnership ☐ Corporation

SIGNATURE OF APPLICANT (SIGN AND PRINT OR TYPE NAME)

SIGNATURE: Paul Carrocci Date: 06/29/15

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

SIGNATURE: [Signature]
(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 #: VC15-007

Total Fee(s): \$175.00

Receipt #: R19371

Date Submitted: 7/2/2015

Accepted By: T. Winsley

Public Hearing Date: 8/11/15

RECEIVED

JUL 02 2015

Per

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. See attach

2. Do similar conditions exist in the area? Explain. See attach

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

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

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 JE Date 6-29-15

RECEIVED

JUL 02 2015

Per

1. Completely describe the variance that you are requesting.
 - a. My house located at 6613 Glenhope Circle N is in need of a fence to enclose the property. With my current build lines facing the north side of the property, the fence will need a variance of seven feet from the sidewalk, so I can enclose a four foot retaining wall for safety and security.
2. Do similar conditions exist in the area? Explain.
 - a. Yes, similar conditions exists at a minimum of three homes in the Glenhope community. When you look at two of the corner houses in our neighborhood, there are two houses that have built their fence less than two feet from the sidewalk. There is a third home in the neighborhood has their pool equipment and fence within the thirty feet build line.
3. Describe how the unique conditions or circumstances do not result from your actions.
 - a. This house was built in 1984. The other houses in this neighborhood were built in the late 1990's. There was never a fence put up from the previous owner. We do not know why. If we were to build the fence to code, it would leave an abundance of open and unusable area of land.
4. Is there any way to do what you want without this request?
 - a. We would be able to build a fence without this request, however it would not be pleasing to the eye, which would make the neighborhood look ununiformed. Our home is sits at a lower level ground compared to all other houses in the neighborhood. Being able to build this fence would provide a safe environment for our future kids, our dog, and our community. If we were only approved to build a thirty inch fence, one could just jump the retaining wall into our home or just step over the fence at any given time.

RECEIVED

JUL 02 2015

Per

October 2, 2015

Paul and Lardy Carrocci

6613 Glenhope Circle North

Colleyville, TX 76034

Dear Zoning Board of Appeals,

This proposal letter is to request and substantiate the grant of a variance for the residence at 6613 Glenhope Circle North in Colleyville, Texas. I am writing to seek a fence variance to build within the 30 foot build line that is on the north side of the property. We are requesting this in order to build a fence around our property to enclose the back portion of the property. The reason we are seeking the variance to enclose our property is for the safety and protection of ourselves and others. For example, the fence would help to keep our future children and neighborhood children in/out of the yard depending on the situation and would allow for our Jack Russell Terrier, J.R. to run freely in our yard within the fence. We want to be able to use the property to the fullest extent, while staying in line with the existing neighborhood and their landscaping.

I would like to address the concerns that were brought up by me at the last meeting. At the last meeting I mention that I would be replacing the existing retaining wall. As of right now there are no immediate plans to replace the existing retaining wall with stone. Sometime in the distant future the wall will be replaced but the date has yet to be determined. I would like to let the Zoning Board of Adjustment know that I have deviated from my original plan. The first plan

was to build the fence 7 ft. from the sidewalk and after revisiting the plan I have moved the fence back to over 12 feet from the side walk.

There are also several hardships of why we need the variance to be approved. Building the fence where Colleyville would like us to build would create a practical difficulty and unnecessary hardship. The proposed fence shouldn't be built within the 5ft. of the retaining wall; this wouldn't allow enough room to work and maintain the yard safely. A possible falling hazard could exist and mowing would be extremely difficult within the area due to lack of space. The tree line that runs along the path of the 5 ft. set back that staff recommends would involve me to remove some of the mature landscape growth. I would have to move the fence towards the south of the property and thus lose more space. If the board would consider letting me move the fence out to where I marked the time around, it would be a fair compromise for both the city and us. I also believe the way that the house sits is vastly different from the other houses in the neighborhood; that is an additional hardship. My home is on a corner lot and my front door faces east while the rest of the neighborhood's doors face north or south. There is only one existing home where the front door faces east. The fact that our front door faces east makes it more difficult to stay within the aesthetics of the current neighborhood.

The petitioner requests a variance allowing a fence to be built around the residential property, generally following the property line, but one area is extended slightly so as to encroach into the City's right of way. This encroachment would occur in primarily one area on the north side of the property on Glenhope Circle North. The proposed fence is requested in order to provide for increased home security. It is the absolute intent of the petitioner for his own personal architectural preferences as well as the needs of the Zoning Board of Adjustment to

create a fence that specifically blends in with not only the existing landscape and vegetation, but is also in complete harmony with the neighboring fence types and appearances:

- The fence shall not incorporate any “standout” features such as concrete pillars or visually attention-getting decorative protrusions
- The proposed fence is desired, intended, and shall be built specifically to be unobtrusive and “low key”, blending in with the neighborhood

I understand that I want to build within the 30 foot build line. As stated there is one other house in the Glenhope that has built within the build line. I also know that if the city needs to use the land for future development, the fence can be taken down and moved towards the south of the property for the city. There are at least two other houses on Glenhope Circle which have requested variances and were granted them. As such, granting this variance would not represent any unique or special privileges for the petitioner.

Additionally, the proposed fence that this variance is being requested for doesn't encroach or infringe on any neighboring residential properties or create hardship on any neighbors. The fence wouldn't be a hardship on any of the people who live, work, or pass by. It would help to make it safer for all parties concerned.

Respectfully submitted,

Paul and Lardy Carrocci

Paul and Lardy Carrocci

817-851-4844 or Plainolesoccer@yahoo.com



Looking west, showing the
retaining wall we are trying
to get fenced in.



Facing East showing
the retaining wall to
be fenced in



Facing East at
South border of
property showing
existing fencing



Existing conditions of
a variance within a
30 foot buildline



~~SHADAN~~
~~SHADAN~~

Sidewalk view of where
we would like to
build fence



Front door facing West



Looking south down the
back of the property



Looking North at the back
of the property



Looking West at
the South border
of the property



Looking west at
the South border
of the property:
alternate angle





5' 5'



1033 Glenhope Circle N # Colleyville TX 76034

Blue highlight is the proposed fence.

(Staff Recommendation in Red, Applicant Proposal in Teal, Existing Retaining Wall in Blue)