



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, September 13, 2016

City Council Chambers

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

1. APPROVAL OF MINUTES

August 9, 2016

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 2, Block 2, Turner Addition, located at 1505 Cherry Lane, Case VC16-008

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 10A, Block 1, Westcoat Place Addition, located at 6213 Westcoat Drive, Case VC16-011

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, September 9, 2016 by 5:00 p.m.

Araceli Botello
Planning Technician

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
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Tuesday, August 9, 2016

City Council Chambers

CALL TO ORDER

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by the Board member McNosky on August 9, 2016 at 7:00 p.m.

Roll Call

Present: Board members Jason Elms, Raymond Allee, Wayne Maynard, Dee McNosky, Dee Kamerman (Alternate 1), and Richard Vallario (Alternate 2)

Absent: Judson Orlando

Staff Present: Shane Pace, Ben Bryner, and Araceli Botello

1. APPROVAL OF MINUTES

Board member Maynard made a motion to approve the July 13, 2016 minutes. Board member Kamerman seconded.

The motion to approve the July 13, 2016 minutes carried by the following vote:

Aye: 5 – Kamerman, Elms, Allee, Maynard, and McNosky

2. PUBLIC HEARING AGENDA ITEMS

2a Request for a variance to certain provisions of Section 3.24.G (Schedule of District Regulations) of the Land Development Code on Lot 1R, Block 1, of the O. Martin Subdivision, located at 5601 Montclair Drive, Case VC16-006

Shane pace presented the case and briefed the Board.

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

The applicants, Thomas and Polly McCurry, 5110 Old Oak Lane, came forward and briefed the Board.

The architect, Roger "Skip" Blake, 1202 S. White Chapel Boulevard, Southlake, came forward and briefed the Board.

Janet Suedmeier, 2301 Mulberry Court, came forward and spoke in support of this case conditioned on the preservation of the trees on her property.

The builder, Cary Hy, 3501 Emerald Court came forward and brief the Board.

Board member Vallario questioned the applicant regarding the size of the home in square feet. Mr. Blake replied that the foot print of the home is 8,424 square feet, which includes the garage, porch, and porte-cochere. He added that the actual living foot print is 5,675 on the first level.

Board member Maynard spoke regarding the need to rezone the property to R-30 to address the noncompliant issues. He went on to question the applicant regarding the limits of construction for the proposed home and how it would impact the side yard setbacks. Mr. Blake replied that the McCurry's had not intentions of building to the side yard setback, but that future owners may decide to add an addition to the home should the McCurry's decide to sell the property. Mr. Blake went on to add that granting the variance would provide protection to the neighbors with a 15 foot setback.

Discussion continued regarding the zoning of the property.

Board member McNosky questioned staff regarding the process for the applicant to request a zoning change. Shane Pace replied that the process would consist of submitting an application for a rezoning request followed by a public hearing with the Planning and Zoning Commission and two public hearings with the City Council. He went on to explain that the process typically takes 60-90 days with a standard rezoning request and that he anticipates that this case would take approximately 60 days.

Board member McNosky questioned staff regarding potential road blocks that the applicant may encounter when applying for a rezoning request. Staff replied that he could not predict the potential road blocks, but added that staff is likely to recommended approval of a zoning request based on the consistency and compatibility with the surrounding zoning.

Discussion continued regarding the process for rezoning the property.

There being no one wishing to speak the public hearing was closed at 7:18 p.m.

Board member Maynard made a motion to deny Case VC16-006 due to failing to demonstrate a hardship as defined by the Land Development Code. Board member Kamerman seconded.

Board member Elms questioned staff regarding all of the components that go into the lot coverage on the property. Staff replied that anything under a roof, or the drip line of the homes. He went on to add that outdoor patio space that is covered goes into the lot coverage calculation.

Board member McNosky questioned staff regarding the site plan and whether it meets all other requirements with the exception of the lot coverage. Mr. Pace replied that based on the documentation provided by the applicant the plans appear to meet all other requirements for the R-40 district.

The motion to deny Case VC16-006, carried by the following vote:

Aye: 5 – Kamerman, Allee, Maynard, Elms, and McNosky.

- 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 3R, Block 7, of the Woodbriar Estates West Addition, located at 211 West Greenbriar Lane, Case VC16-007

Shane pace presented the case and briefed the Board.

The public hearing was opened at 7:40 p.m.

The applicants, Patrick and Tamera Allen, 211 W. Greenbriar Lane, came forward and briefed the Board.

Board member McNosky questioned the applicant regarding the previous fence being replaced by a wrought iron fence.

Mr. Allen replied no, they have an existing wood fence in the backyard, it fences the backyard from the driveway. He added he wants a drive way gate like his neighbors, and is proposing to use the existing fence line and extending it to the corner of the house.

Board member McNosky questioned the applicant regarding staff informing applicant that the exiting fence was noncompliant. Mr. Allen replied yes, he was informed that the fence was noncompliant. Board member McNosky questioned applicant regarding staff requesting applicant to remove the entire fence. Applicant replied no, he did not believe staff is requesting the removal of the entire fence.

Staff responded that they could answer any procedural questions.

There being no one wishing to speak the public hearing was closed at 7:48 p.m.

Board member Elms questioned staff regarding the acceptable location permitted by the Land Development Code where the fence can be built, and if the location is at the 30 foot building line. Staff replied yes. Staff added that the existing fence is not required to be removed, but the fence cannot be extended as it is a non-conforming use without an approved variance.

Board member Elms questioned staff regarding whether the fence can be repaired and what percentage would be allowed. Staff replied that yes, the fence can be repaired, but the code does not prescribe a specific percentage.

Board member Maynard made a motion to approve Case VC16-007. Board member Kamerman seconded.

The motion to approved Case VC16-007, carried by the following vote:

Aye: 5 – Kamerman, Allee, Maynard, Elms, and McNosky.

3. ADJOURNMENT

The meeting adjourned at 7:50 p.m.

Minutes were written and prepared by:



Araceli Botello Planning
Technician

The meeting minutes were approved on _____ 2016, 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 09/13/2016	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 2, Block 2, Turner Addition, located at 1505 Cherry Lane, Case VC16-008

Explanation

Larry Stewart, the applicant, is requesting approval of a variance to allow a six-foot wrought iron fence with stone columns constructed on the subject property to encroach approximately 35 feet into the required front yard setback.

Existing Conditions/Background: The subject property is generally located on the south side of Cherry Lane and east of Bluebonnet Drive. It is zoned R-30 Single Family Residential district and is currently platted as Lot 2, Block 2, of the Turner Addition.

The subject property was previously undeveloped and the applicant is in the process of constructing a new single family residence on the subject property. The applicant constructed a wrought iron fence with stone columns along the front property line prior to submitting a fence permit. Upon submittal of a fence permit application, the applicant was informed that the desired location for the fence was not permitted.

Requested Variance: The applicant is requesting a variance to allow the six-foot wrought iron fence with stone columns along the front (north) property line to remain. The current placement encroaches 35 feet into the required front yard setback (see attached Site Plan exhibit).

Ordinance – Chapter 3 (Land Use) of the Land Development Code (LDC) prohibits all fences greater than 30 inches in height from being located within the required front yard setback (Section 3.26.E.1.). Section 3.26.E. also contains a provision allowing for fences to be located within the front yard setback on lots greater than 40,000 square feet, but the subject property is 33,782 square feet:

“Exceptions to front yard requirement: Lots containing a minimum of 40,000 square feet, and subdivisions, shall be allowed to construct a perimeter fence within the front yard setback. Said fencing shall be no greater than eight (8) feet in height and shall have no greater than twenty-five (25) percent solid construction within the front yard. Allowed construction materials shall be the same as paragraph “1.a” above. This exception shall not apply to properties zoned as a PUD district.”

Chapter 1 (General Provisions) of the LDC authorizes the Zoning Board of Adjustment to grant variances to the fence requirements set forth in Chapter 3 (Land Use):

"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."

Analysis – The proposed fence type and location contributes to the rural character of the city, and is aesthetically appealing. However, the applicant has not presented a hardship as defined by the LDC on the subject property. There are no unique topographical features requiring the fence to be placed at the front property line therefore making the current location a self-imposed hardship. Further, the fence was constructed prior to submitting a building permit in a location not permitted by the LDC. In the attached Statement of Planning Objectives the applicant indicated that the fence was very expensive as a basis for the request to allow the fence to remain. Staff recognizes the financial implications of the request; however, the LDC and Texas Local Government Code both explicitly state that financial reasons alone are not grounds for a granting variance.

Surrounding Development: The properties to the north are zoned R-40 Single Family district and developed with single family homes. The properties to the east and west are zoned R-30 Single Family district and are currently undeveloped. The properties to the south are zoned R-20 Single Family district and developed with single family homes.

Public Notification: Staff mailed notices to all property owners within 200 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the LDC. To date, staff has received no correspondence for the request.

Staff Recommendation: The applicant has not presented a hardship as defined by the LDC on the subject property. There are alternative locations for the proposed fence which meet the requirements of the LDC. There is also the option to make the fence less than 30 inches tall which would meet the requirements of the LDC and would allow the proposed placement. Staff recommends denial of the proposed variance.

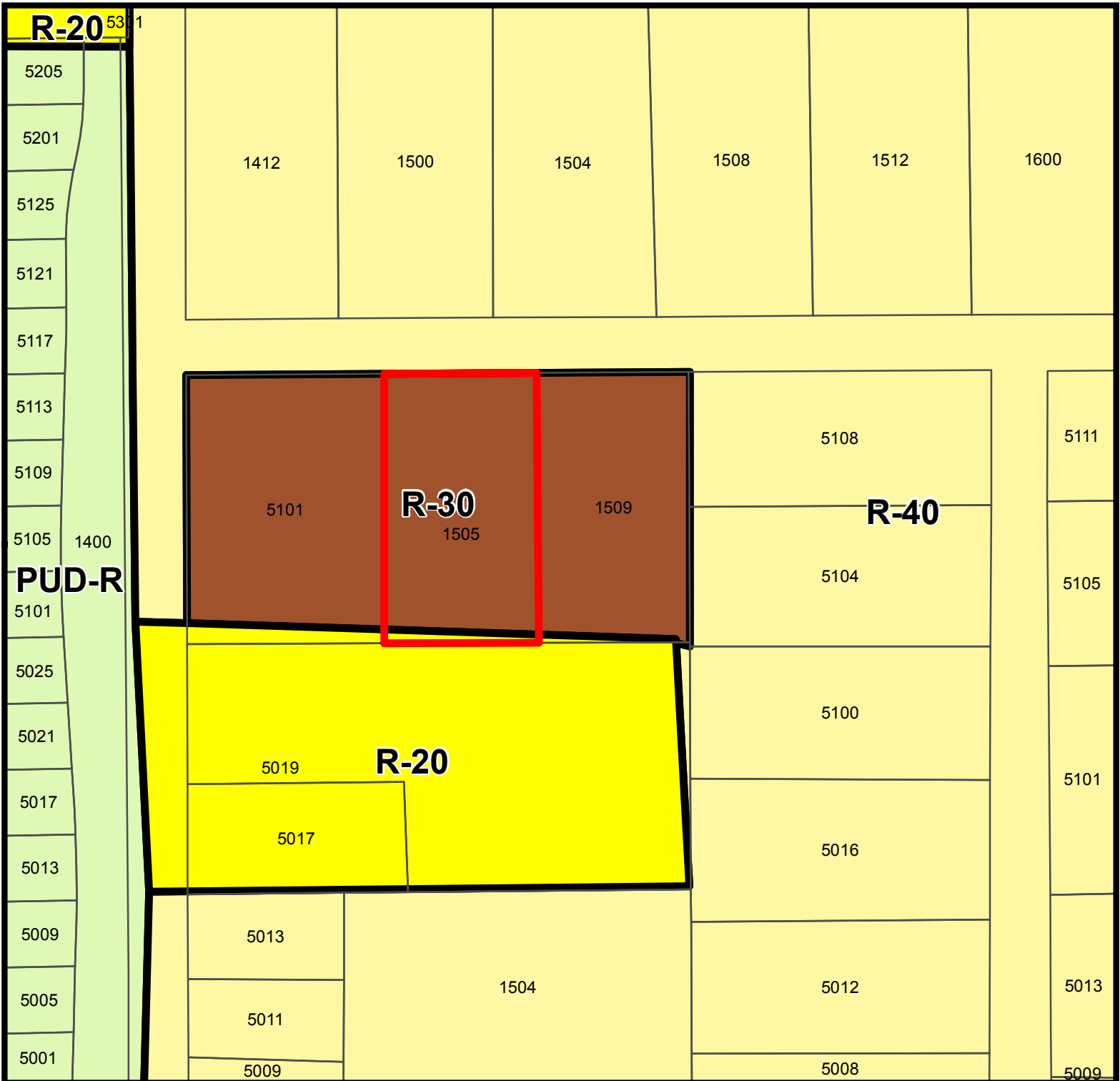
Recommendation

Denial

Attachments

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Statement of Planning Objectives
5. Existing Plat
6. Additional Information Submitted by Applicant
7. Notification Map
8. Notification List

ZONING MAP



VC16-008

1505 CHERRY LANE

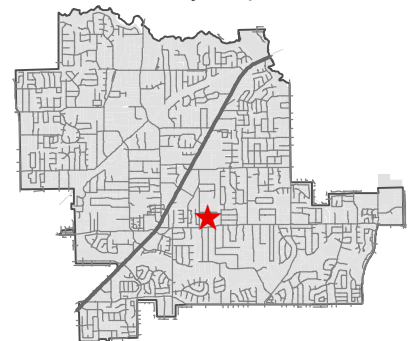
Legend

 Subject Property



1 inch = 125 feet

Vicinity Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

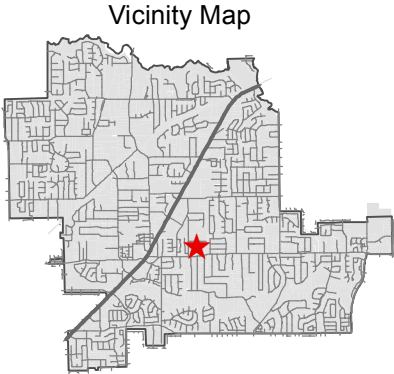
AERIAL MAP



1 inch = 125 feet

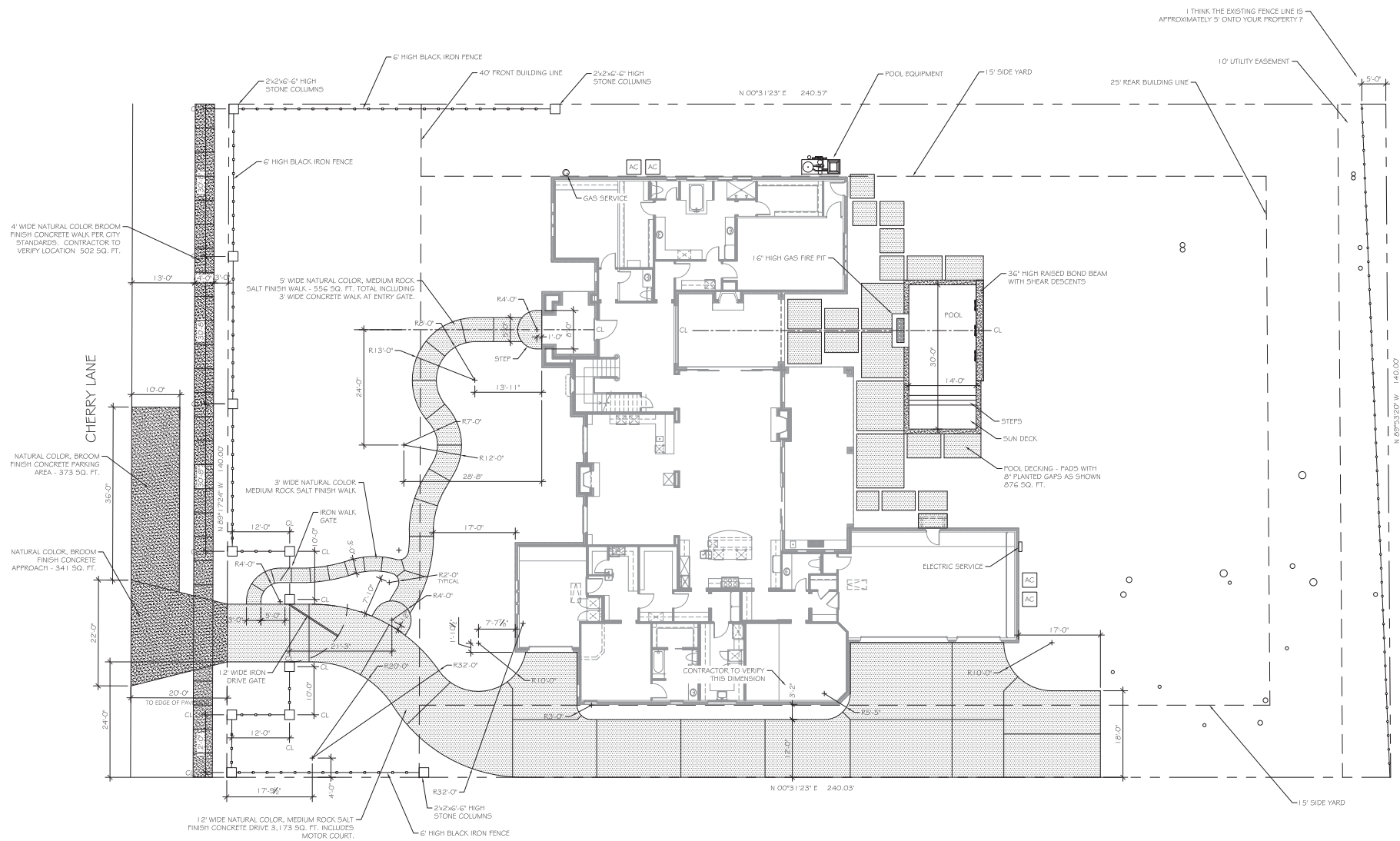
VC16-008
1505 CHERRY LANE

Legend
 Subject Property



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Site Plan



HARDSCAPE LAYOUT PLAN

[illegible]

beebe & associates p.c.
LANDSCAPE ARCHITECTURE

3 Durango Drive
Trophy Club, Texas 75262
(817) 491-0888



ALL IDEAS, DESIGN AND APPROPRIATIONS
CONTAINED ON THESE DRAWINGS ARE THE
PROPERTY OF BEERLE & ASSOCIATES AND
SHALL NOT BE USED IN CONNECTION WITH THE
FIRM'S PROJECTS. THEY ARE NOT TO BE
REPRODUCED FOR CONSTRUCTION, REPRODUCED OR
PRODUCED BY ANY MEANS WITHOUT THE
EXPRESSED WRITTEN PERMISSION OF THE
FIRM'S ARCHITECT.

STEWART RESIDENCE
1505 CHERRY LANE
COLLEYVILLE, TEXAS

DRAWN BY SEB
CHECKED BY SEB
DATE 1-15-2016
SCALE 1/8" = 1'-0"
JOB NUMBER
SHEET NUMBER L-1

Statement of Planning Objectives

City of Colleyville,

Re: 1505 Cherry

Dear Zoning Department,

As I am sure you know we have built custom homes in Colleyville for over 30 years.

When it came time for us to move we didn't hesitate to find our new home lot here. We subdivided 3 lots. The corner an acre and the other two lots are almost 80% of an acre.

We got our building permit and began our new home. We have the home next door sold that is one acre. They are fencing the front and building a beautiful home. If we treat all the entrances alike it will make for a visual continuity that brings Colleyville a very nice plan and visual exterior. We have set our home far back from the street as to make the esthetics pleasing.

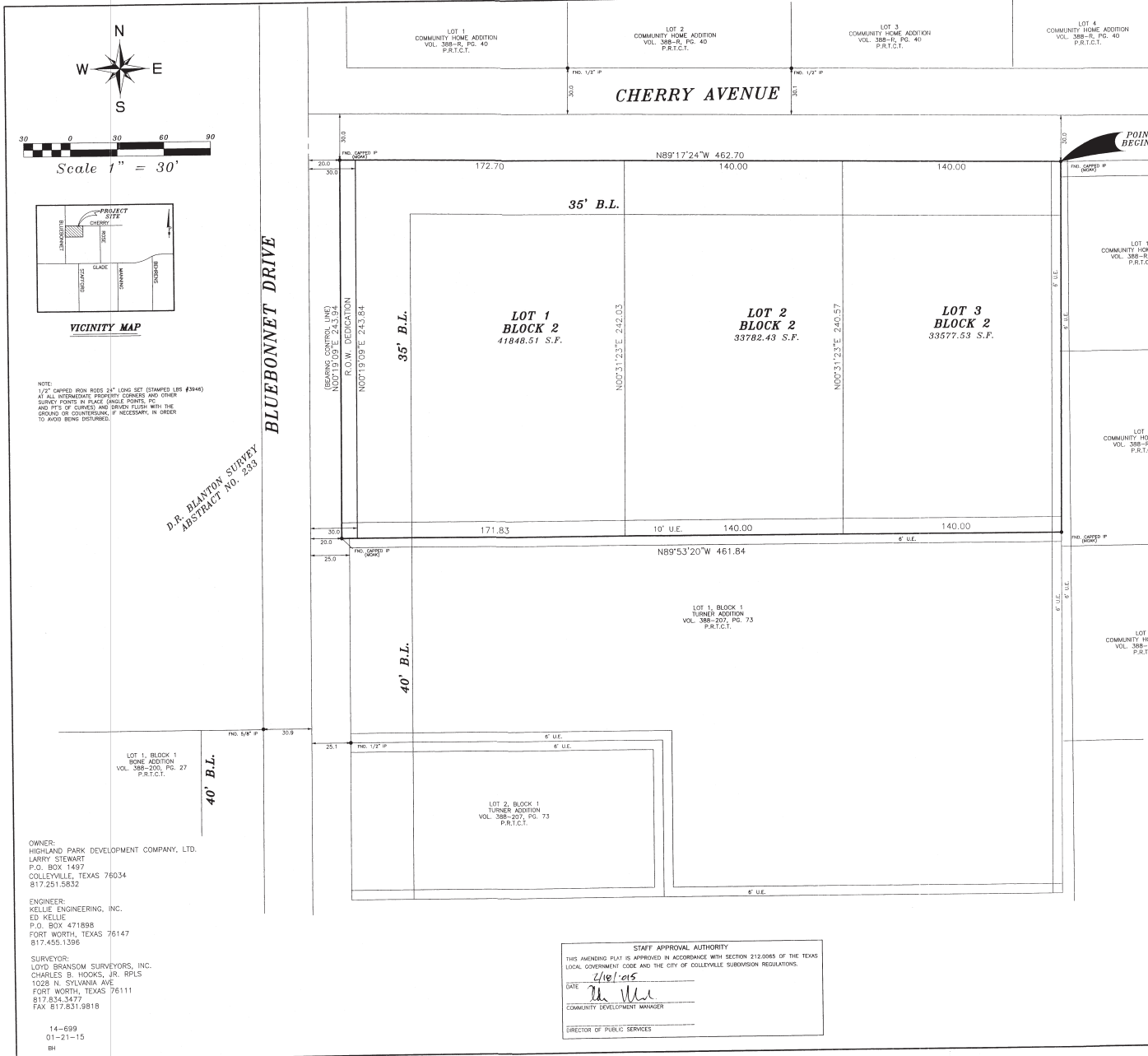
We have our current home on the market and have an interested buyer. We have my 85 year old mother living with us and we don't have anywhere to move if we cannot get into the home.

If there is any way to not tear down the fence as it was very expensive please let us know. Happy to do additional landscape or other things. As the home next door will have the same fence and hook onto ours it will make for a much better look in the end.

Thank you so much for your consideration,

Larry and Connie Stewart

Existing Plat



STATE OF TEXAS
COUNTY OF TARRANT

DEDICATION CERTIFICATE

WHEREAS, HIGHLAND PARK DEVELOPMENT COMPANY, LTD., THE OWNER OF A TRACT OF LAND SITUATED IN THE D.R. BLANTON SURVEY, ABSTRACT NO. 233, TARRANT COUNTY, TEXAS, AND BEING A TRACT OF LAND CONVEYED COUNTY CLERKS NO. D214256440, DEED RECORDS, TARRANT COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT CAPRED IRON PIN (N/A) FOUND IN THE SOUTH R.O.W. LINE OF CHERRY AVENUE FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF LOT 10, COMMUNITY HOME ADDITION, AN ADDITION TO THE CITY OF COLLEEVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-R, PAGE 40, PLAT RECORDS, TARRANT COUNTY, TEXAS, THENCE SOUTH 50 DEGREES 31 MINUTES 23 SECONDS WEST 238.11 FEET ALONG THE WEST LINE OF LOT 10 TO AND TO LOT 11, SAID COMMUNITY HOME ADDITION TO A CAPRED IRON PIN (N/A) FOUND FOR THE SOUTHEAST CORNER OF TRACT BEING DESCRIBED, SAID POINT BEING THE NORTHEAST CORNER OF LOT 1, BLOCK 1, TURNER ADDITION, AN ADDITION TO THE CITY OF COLLEEVILLE, TARRANT COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 388-207, PAGE 73, PLAT RECORDS, TARRANT COUNTY, TEXAS, THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST 461.84 FEET ALONG THE ADJUT LINE OF SAID LOT 1, BLOCK 1, TURNER ADDITION TO A CAPRED IRON PIN (N/A) FOUND IN THE ADJUT LINE OF BLUEBONNET DRIVE FOR THE SOUTHWEST CORNER OF TRACT BEING DESCRIBED, THENCE NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST 171.83 FEET ALONG THE EAST LINE OF SAID BLUEBONNET DRIVE TO A CAPRED IRON PIN (N/A) FOUND IN THE SOUTH R.O.W. LINE OF SAID CHERRY AVENUE FOR THE NORTHEAST CORNER OF TRACT BEING DESCRIBED, THENCE NORTH 89 DEGREES 17 MINUTES 24 SECONDS WEST 462.70 FEET ALONG SAID R.O.W. TO THE POINT OF BEGINNING AND CONTAINING 2.58 ACRES OF LAND, MORE OR LESS.

NOW THEREFORE, KNOW ALL PERSONS, BY THESE PRESENTS:

THAT WE, HIGHLAND PARK DEVELOPMENT COMPANY, LTD., OWNER, DO HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINFORER DESCRIBED PROPERTY AS LOT 1, 2 AND 3, BLOCK 2, TURNER ADDITION, AN ADDITION TO THE CITY OF COLLEEVILLE, TARRANT COUNTY, TEXAS, AND DO HEREBY DEDICATE FREE SIMPLE TO THE PUBLIC USE FOREVER ALL STREETS, RIGHT-OF-WAY, AND ALLEYS SHOWN THEREIN AND DO HEREBY RESERVE THE EASEMENTS SHOWN ON THIS PLAT FOR THE MUTUAL USE AND ACCOMMODATION OF ALL PUBLIC UTILITIES DESIRING TO USE OR USING THE SAME. ANY PUBLIC UTILITY SHALL HAVE THE RIGHT TO REMOVE AND KEEP REMOVED ALL OR PART OF ANY BUILDINGS, FENCES, TREES, SHRUBS OR OTHER IMPROVEMENTS OR GROWTHS IN WHICH ANY WAY ENDANGER OR INTERFERE WITH THE CONSTRUCTION, MAINTENANCE OR EFFICIENCY OF ITS RESPECTIVE SYSTEMS OR ANY OF THESE EASEMENTS. ANY PUBLIC UTILITY SHALL AT ALL TIMES HAVE THE RIGHT OF INGRESS AND EGRESS TO AND FROM AND UPON THE SAID EASEMENT FOR THE PURPOSES OF CONSTRUCTION, RECONSTRUCTION, MAINTENANCE AND PATROLLING WITHOUT THE NECESSITY AT ANY TIME OF PRODUCING THE PERMISSION OF ANYONE. THIS PLAT APPROVED SUBJECT TO ALL PLATTING ORDINANCES, RULES, REGULATIONS, AND RESOLUTIONS OF THE CITY OF COLLEEVILLE, TEXAS.

WITNESS OUR HANDS THIS 23rd DAY OF January, 2015

[Signature]
LARRY STEWART, OWNER

STATE OF TEXAS X
COUNTY OF TARRANT X

BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, ON THIS DAY PERSONALLY APPEARED LARRY STEWART, KNOWN TO ME TO BE THE PERSON WHOSE NAMES IS SUBSCRIBED TO THE FORGING INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FOR THE PURPOSE AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE ON THIS 23rd DAY OF January, 2015.

NOTARY PUBLIC IN AND FOR TARRANT COUNTY
MY PRINTED NAME Janelle Hooks
MY COMMISSION EXPIRES 3-25-15

[Signature]
JANELLE HOOKS
NOTARY PUBLIC
STATE OF TEXAS
COMMISSION EXPIRES 3-25-15

MINOR PLAT
OF
LOTS 1, 2 AND 3, BLOCK 2
TURNER ADDITION
AN ADDITION TO THE CITY OF COLLEEVILLE,
TARRANT COUNTY, TEXAS

BEING A TRACT OF LAND OUT OF THE D.R. BLANTON SURVEY, ABSTRACT NO. 233, TARRANT COUNTY, TEXAS, AND BEING THE SAME TRACT OF LAND AS DESCRIBED IN DEED RECORDED IN COUNTY CLERKS NO. D214256440, DEED RECORDS, TARRANT COUNTY, TEXAS.

THIS IS TO CERTIFY THAT I, CHARLES B. HOOKS, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVING PLATTED THE ABOVE SUBDIVISION FROM A ACTUAL SURVEY ON THE GROUND, AND THAT ALL LOT CORNERS, AND ANGLE POINTS, AND POINTS OF CURVE, SHALL BE PROPERLY MARKED ON THE GROUND, BY MEASURING INSTRUMENTS AND METHODS IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 5 OF THE CITY OF COLLEEVILLE CODE AND "MAPS" AS THAT CHAPTER CORRECTLY REPRESENTS THAT SURVEY MADE BY ME OR UNDER MY DIRECTION AND SUPERVISION.
[Signature] CB-15-14
CHARLES B. HOOKS, JR., RPLS
TEXAS REGISTRATION NO. 3846

THIS PLAT FILED IN INSTRUMENT NO. D215083894, DATE 5/5/15

Turner Addition

Additional Information Submitted by Applicant

VARIANCE REQUEST 1505 CHERRY AVENUE:

BUILD FENCE AND STONE COLUMNS BEYOND THE 35' BUILD LINE AS ALLOWED WITH A 40,000 SQUARE FOOT LOT

LOT 2 SIZE 33,679 SQUARE FEET (EXHIBIT A-1)

BUILDER/DEVELOPER:

LARRY STEWART TO BUILD HOUSES ON EITHER SIDE OF 1505 CHERRY AVENUE (EXHIBIT B-1, B-2)

LOT 1 SIZE 41848 SQUARE FEET; LOT 3 SIZE 33577 (EXHIBIT B-3, B-4)

ALL THREE LOTS TO LOOK SIMILAR WITH COLUMNS AND FENCE ON THE SOUTH SIDE OF CHERRY AVENUE

AESTHETICS:

ENHANCES NEIGHBORHOOD (EXHIBIT C-1, C-2, C-3)

DOES NOT OBSCURE NEIGHBOR'S SIGHT LINE

NOT VISIBLE FROM EITHER END OF THE STREET (EXHIBIT C-4, C-5)

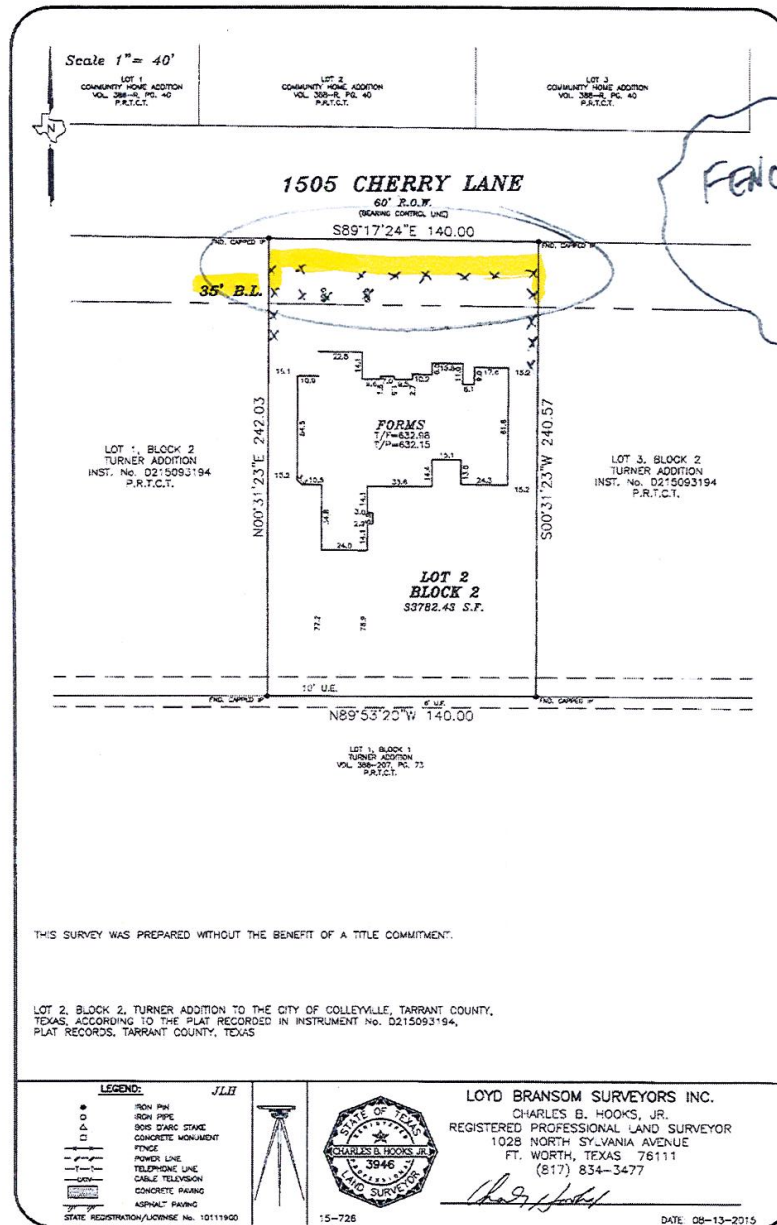
SIMILAR FENCE AND COLUMN LAYOUT ON LARGER LOTS IN THE NEIGHBORHOOD ON ROSE STREET (EXHIBIT C-6)

RECEIVED

AUG 22 2016

Per

Additional Information Submitted by Applicant



FENCE CANNOT EXTEND
INTO 35' FRONT
SETBACK

LOT AREA =
33,679 S.F.

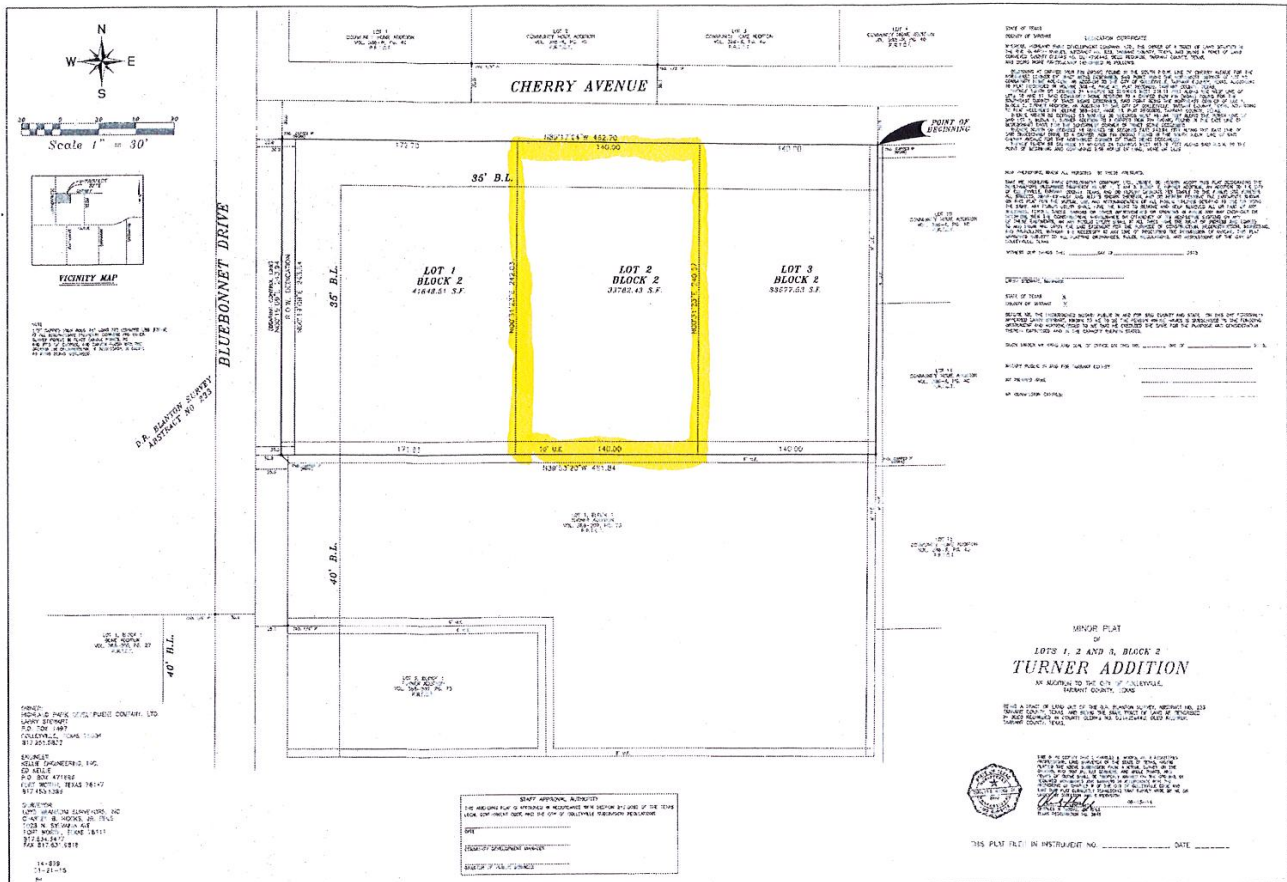
not returned

RECEIVED
AUG 22 2016
Per

EXHIBIT A-1

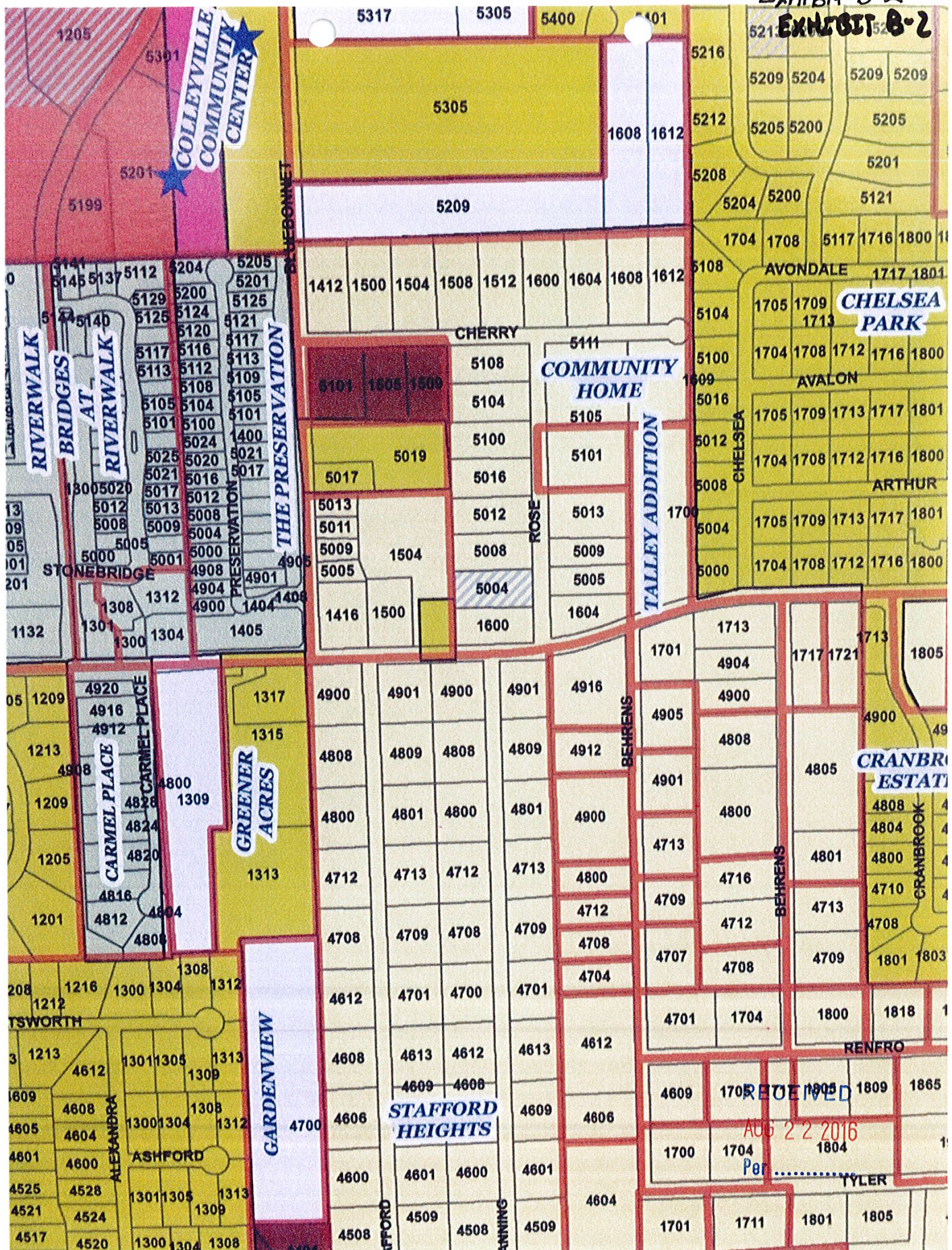
Additional Information Submitted by Applicant

EXHIBIT B-1



RECEIVED
AUG 22 2016
Per

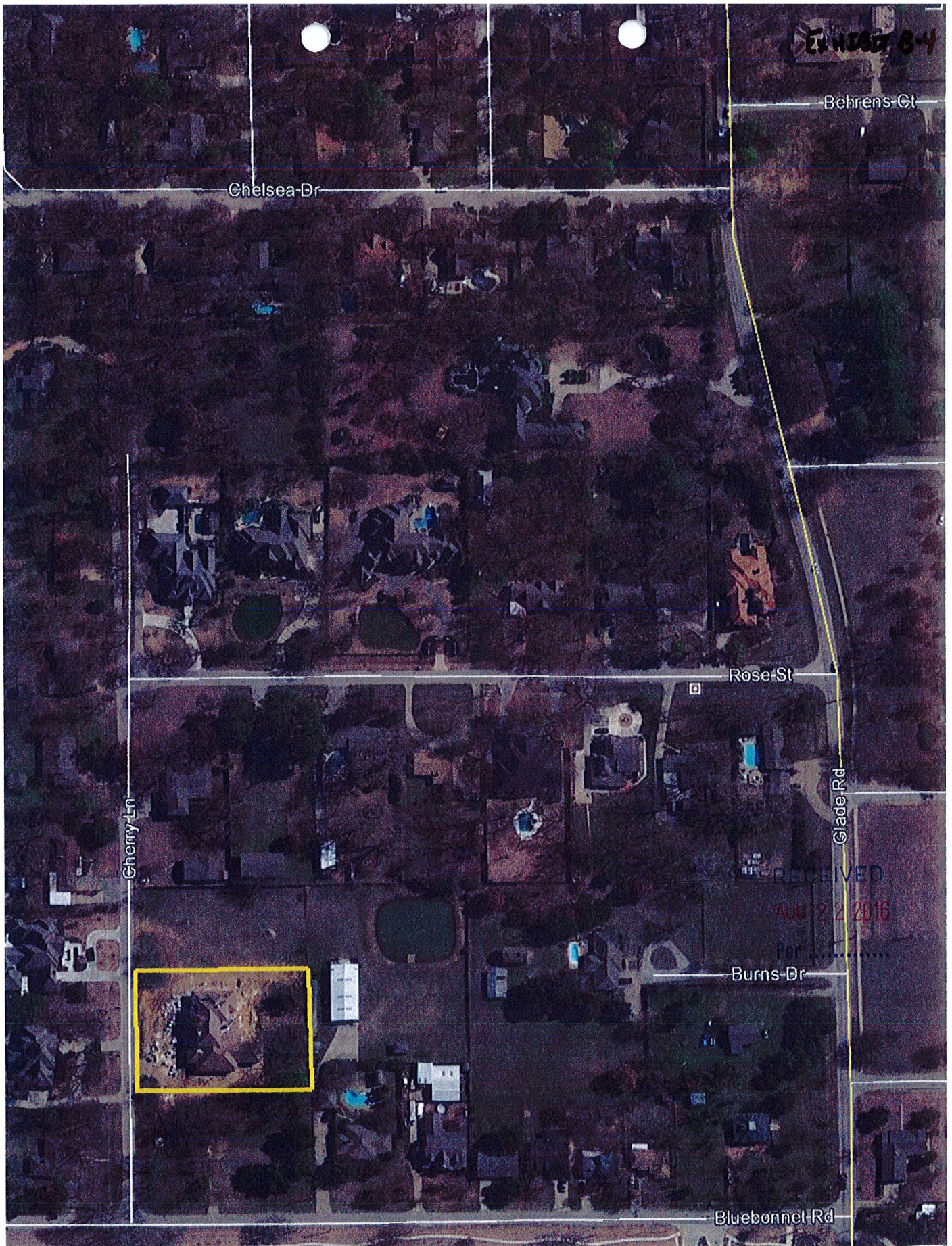
EXHIBIT B-2



Additional Information Submitted by Applicant



Additional Information Submitted by Applicant



Additional Information Submitted by Applicant



EXHIBIT C-1

Additional Information Submitted by Applicant



EXHIBIT C-2

RECEIVED
AUG 22 2016
Per

EXHIBIT C-2

Additional Information Submitted by Applicant



EXHIBIT C-3

EXHIBIT C-3

RECEIVED
AUG 22 2016
Per

Additional Information Submitted by Applicant



RECEIVED
AUG 12 2010
P.O. BOX 10000

EXPORT C-4

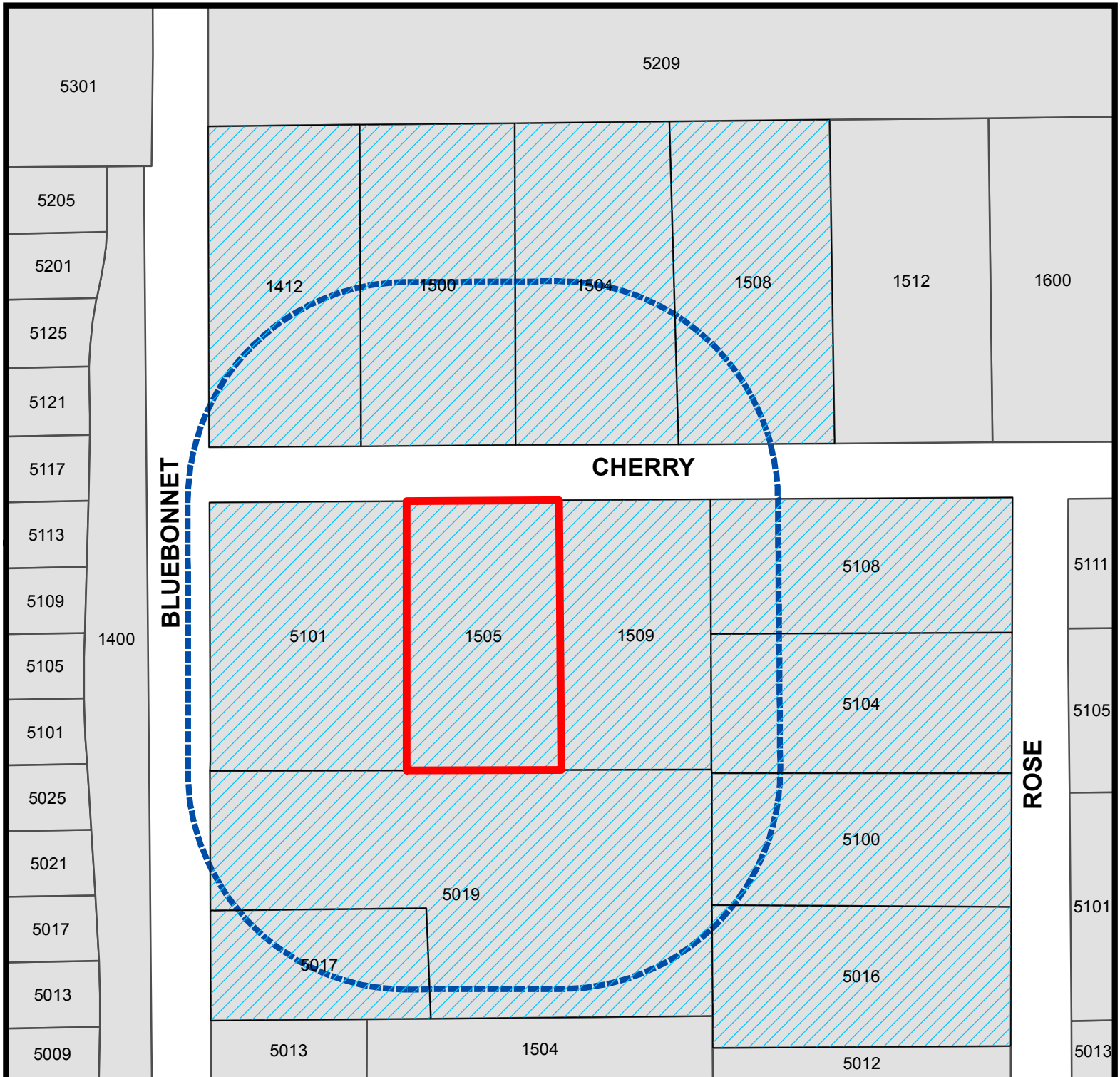
Additional Information Submitted by Applicant



Additional Information Submitted by Applicant



NOTIFICATION MAP



1 inch = 125 feet

VC16-008

1505 CHERRY LANE

-  Subject Property
-  Properties within 200ft
-  200ft Buffer

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
SPEIGHT, MATT	1504 CHERRY LN	COLLEYVILLE, TX	76034	1504 CHERRY LN
COBB, JESSE G	1508 CHERRY LN	COLLEYVILLE, TX	76034	1508 CHERRY LN
PALANZA, DOMINICK	1500 CHERRY LN	COLLEYVILLE, TX	76034	1500 CHERRY LN
DOUGLASS, GEORGE W	1412 CHERRY LN	COLLEYVILLE, TX	76034	1412 CHERRY LN
WILLIAMS, JAMES R	5108 ROSE ST	COLLEYVILLE, TX	76034	5108 ROSE ST
CLARK, HARRY P	5104 ROSE ST	COLLEYVILLE, TX	76034	5104 ROSE ST
CALLAHAN, JAMES M	5019 BLUEBONNET RD	COLLEYVILLE, TX	76034	5019 BLUEBONNET DR
HALLEY, WILLIAM LEE	5100 ROSE ST	COLLEYVILLE, TX	76034	5100 ROSE ST
PHAGAN, QUELL I	5016 ROSE ST	COLLEYVILLE, TX	76034	5016 ROSE ST
GARDNER, DAVID	5017 BLUEBONNET DR	COLLEYVILLE, TX	76034	5017 BLUEBONNET DR
DONEPUDI, SREECHANDRA	113 MILL CROSSING E	COLLEYVILLE, TX	76034	1501 CHERRY LANE
HIGHLAND PARK DEVELOPMENT COMP	PO BOX 1497	COLLEYVILLE, TX	76034	1509 CHERRY LANE
STEWART, LARRY	2601 HIGHLAND PARK CT	COLLEYVILLE, TX	76034	1505 CHERRY LANE
STEWART, LARRY	2601 HIGHLAND PARK CT	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, August 26, 2016 by Araceli
Botello



City of Colleyville Zoning Board of Adjustment Agenda Briefing

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

Agenda Number 2b	Agenda Date 09/13/2016	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 10A, Block 1, Westcoat Place Addition, located at 6213 Westcoat Drive, Case VC16-011

Explanation

Mark Cameron, the applicant, is requesting approval of a variance to allow an eight-foot privacy fence constructed along the north and northeast property lines of the subject property to encroach into the required side yard setback.

Existing Conditions/Background: The subject property is zoned R-40 Single Family Residential district, and is generally located on the southeast corner of Westcoat Drive and White Drive. The subject property is currently developed with one single family residential home.

The subject property is recognized as a legal, nonconforming lot and is therefore exempt from the lot dimension requirements of the R-40 zoning district. The lot measures approximately 142 feet in depth and 100 feet in width and contains approximately 0.33 acres.

The subject property was granted a variance to the side and rear yard setbacks in 2014. The variance to the side yard setback reduced the setback from 40 feet to 15 feet.

Upon completion of the new single family home, the applicant constructed an eight-foot cedar privacy fence prior to submitting a fence permit application. A section of the fence (northeast corner and northern property line) was constructed within the required side yard setback.

Requested Variance: The applicant is requesting a variance to allow the existing eight-foot privacy fence to remain in its current location. The current location of the fence does not meet the requirements of the Land Development Code (LDC). Any fence located within the required side yard setback, adjacent to White Drive, is required to be placed a minimum of 40 feet from the property line. However, the applicant has constructed a portion of the new fence on the north and northeast property lines (see attached Site Plan exhibit).

Ordinance – 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:

...

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..."

Chapter 1 (General Provisions) of the LDC authorizes the Zoning Board of Adjustment to grant variances to the fence requirements set forth in Chapter 3 (Land Use):

"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."

Analysis – The existing home fronts on Westcoat Drive and takes driveway access off of White Drive. The subject property backs to the side of another residential lot to the east (so it falls under letter "c" above). Letter "c" requires a fence located along a street side yard to be located in-line with the front building line of the property to the east. In this case, the fence must be located 40 feet from the northern property line.

As previously described, the subject property was granted a variance to the side yard setback reducing the distance from 40 feet to 15 feet. Based on this variance and the location of the newly constructed home, the applicant cannot meet the standard required by the LDC. If the ordinance provision was strictly adhered to, the fence would be located a minimum of 40 feet from the property line which is 25 feet further inside the side property line than the house currently sits. This is not feasible based on the location of the home.

The LDC permits a fence that is less than 25 percent opaque (i.e. wrought iron) to encroach into the side yard setback. Staff has discussed this alternative option with the applicant in an effort allow this portion of the property to be fenced while meeting the requirements of the LDC. The applicant contends that the high volumes of traffic along White Drive and Westcoat Drive necessitate a privacy fence. White Drive is classified as a Minor Collector and Westcoat Drive is classified as a Major Collector on the City's Master Thoroughfare Plan.

Surrounding Development: The properties to the north are zoned R-20 Single Family Residential district and developed with single family homes. The properties to the east, west, and south are zoned R-40 Single Family Residential district and developed with single family homes.

Public Notification: Staff mailed notices to property owners within 200 feet of the subject property regarding this request. Grapevine-Colleyville ISD, where the subject property is located, was notified per State law. Notice was published in the *Fort Worth Star-Telegram* as required by State law and the Land Development Code. To date, staff has received no correspondence for the request.

Staff Recommendation: The applicant has not sufficiently demonstrated a hardship on the subject property as defined by the LDC. Staff has determined that there are no special conditions or circumstances which are peculiar to the land or structure preventing compliance with the current regulations. Staff recommends denial of the proposed variance due to technical noncompliance.

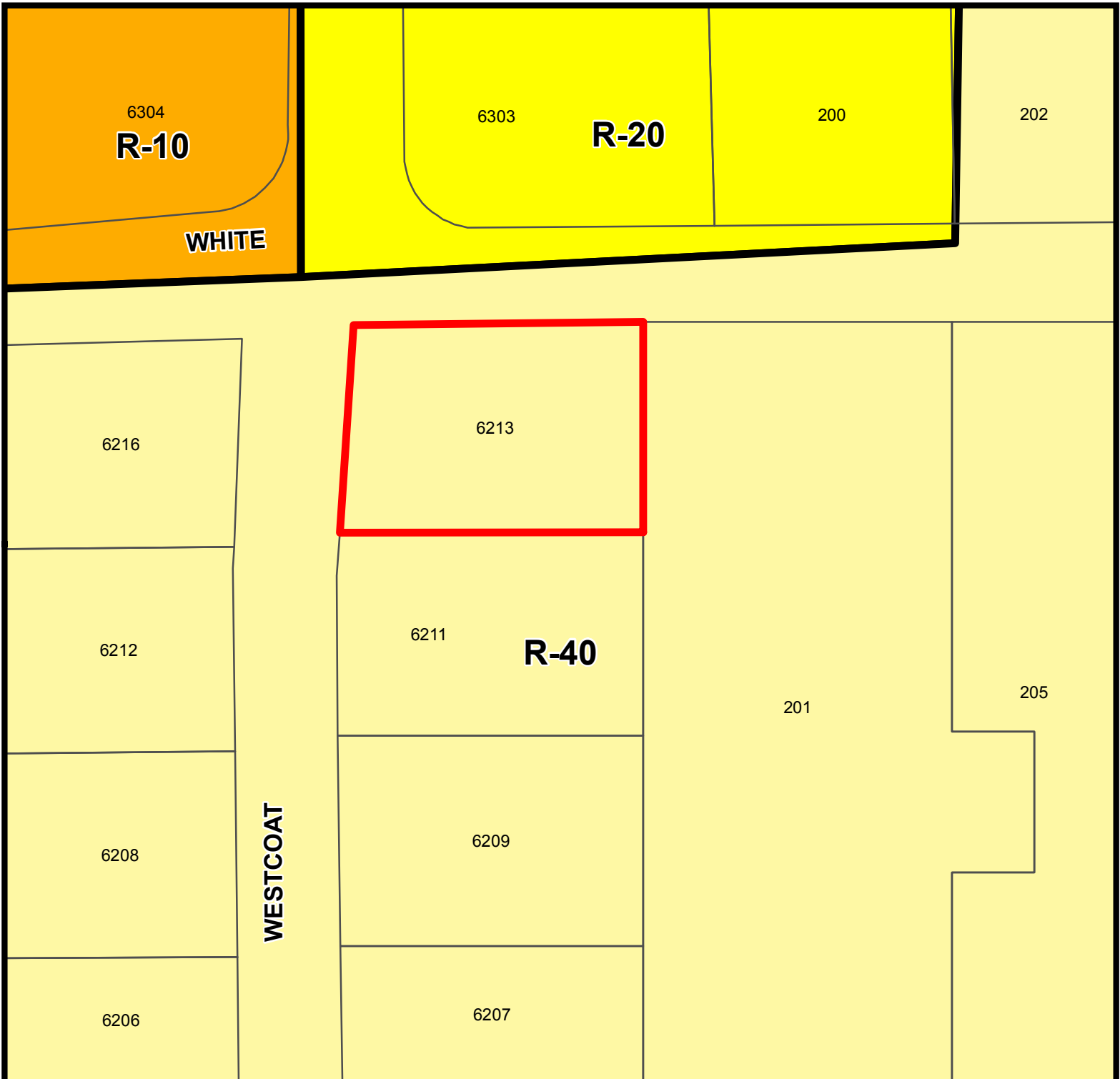
Recommendation

Denial

Attachments

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Statement of Planning Objectives
5. Photos Provided by Applicant
6. Notification Map
7. Notification List

ZONING MAP



VC16-011

6213 WESTCOAT DRIVE

Legend

 Subject Property



1 inch = 67 feet

Vicinity Map



DISCLAIMER: This map and information contained in it were developed exclusively for use by the City of Colleyville. Any use or reliance on this map by anyone else is at that party's risk and without liability to the City of Colleyville, its officials or employees for any discrepancies, errors, or variances which may exist.

AERIAL MAP



VC16-011

6213 WESTCOAT DRIVE

Legend

 Subject Property



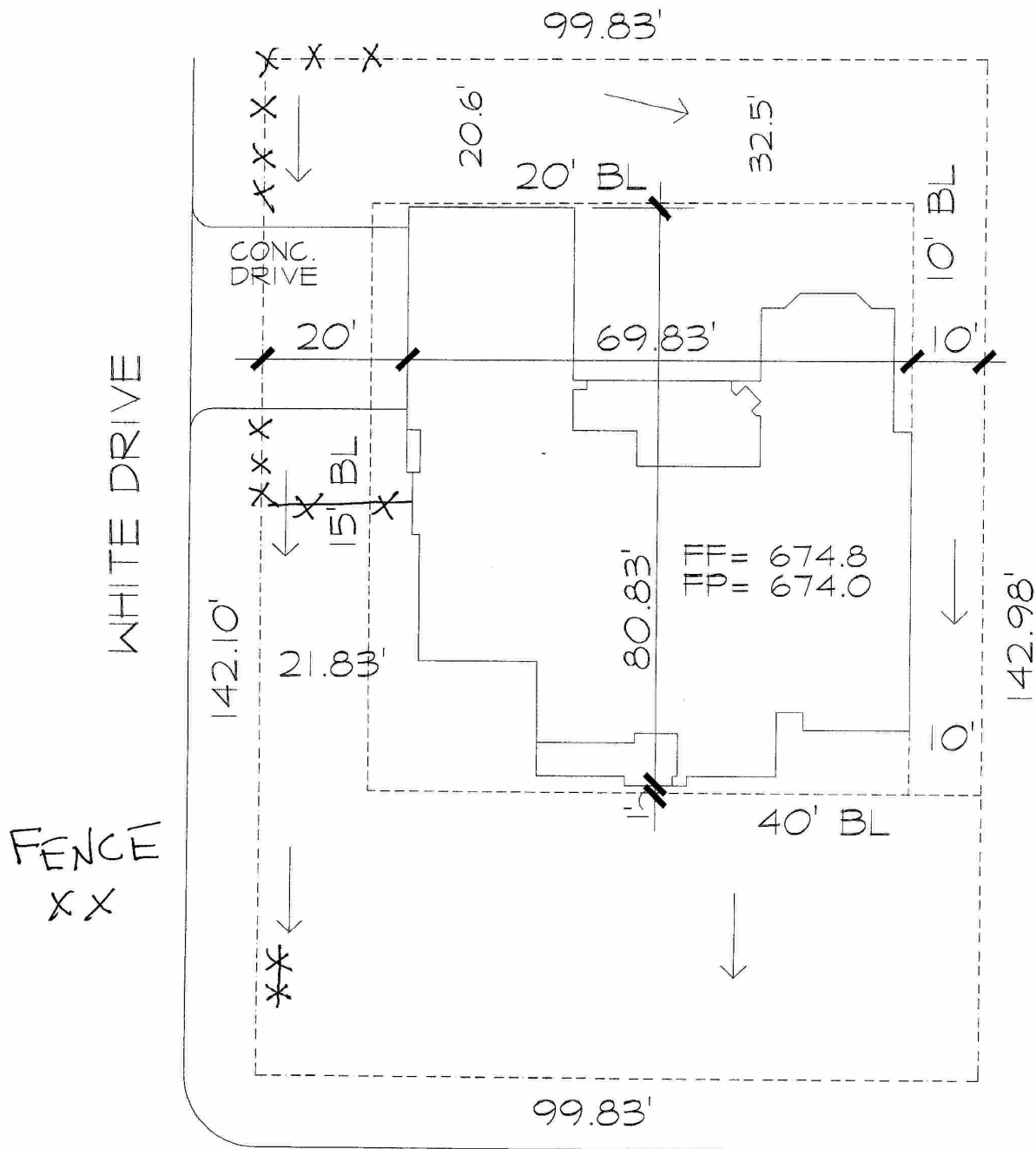
1 inch = 67 feet

Vicinity Map



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Site Plan



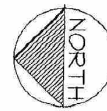
6213 WESTCOAT DRIVE

PLOT PLAN

SC: 1"=20'

LOT 10A BLOCK 1
WESTCOAT PLACE
COLLEYVILLE, TEXAS

14,230 SF LOT AREA
4,147 SF SLAB
29% LOT COVERAGE



Statement of Planning Objectives



Joseph Cameron Inc.
p.o. box 1671
Colleyville, Texas 76034
Tel: (214) 534-4558 Fax: (817) 428-0300

City of Colleyville
Planning and Zoning
100 Main Street
Colleyville, Texas 76034

To whom it may concern:

6213 Westcoat Drive property is unique compared to other properties due to the fact that the garage doors front White Drive. Additionally, unsightly utility boxes sit along the northside (Whites Drive). Also, the side entrance sits on a very busy (high traffic count) corner. Morning and evening rush hours have extremely loud noise pollution. My goal is to provide an aesthetically pleasing landscaped fencing which blends harmoniously with the surroundings.

Likewise it will provide the future homeowners peace of mind.

Sincerely,

Mark J. Cameron
Managing Director

Confidential

Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



Photos Provided by Applicant



NOTIFICATION MAP



VC16-011

6213 WESTCOAT DRIVE



1 inch = 167 feet



Subject Property



200ft Buffer



Properties within 200ft

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
CORBETT, CHRISTOPHER	200 WHITE DR	COLLEYVILLE, TX	76034	200 WHITE DR
DOMINY, CHARLES R	6208 WESTCOAT DR	COLLEYVILLE, TX	76034	6208 WESTCOAT DR
JOSEPH CAMERON HOMES LLC	7213 TUMBLEWEED CT	COLLEYVILLE, TX	76034	6213 WESTCOAT DR
HYDE, R W	202 WHITE DR	COLLEYVILLE, TX	76034	202 WHITE DR
MOSCHEL, JEFFREY	6209 WESTCOAT DR	COLLEYVILLE, TX	76034	6209 WESTCOAT DR
DOSSEY, JAMES A	6211 WESTCOAT DR	COLLEYVILLE, TX	76034	6211 WESTCOAT DR
DOODY, KEVIN J	1109 SOMERSET BLVD	COLLEYVILLE, TX	76034	6212 WESTCOAT DR
GRIDIRON REALTY LLC	1450 POST PADDOCK ST N	GRAND PRAIRIE, TX	75050	6216 WESTCOAT DR
FITZGERALD, MARILYN S	205 WHITE DR	COLLEYVILLE, TX	76034	205 WHITE DR
FITZGERALD, B J	201 WHITE DR	COLLEYVILLE, TX	76034	201 WHITE DR
NORTON, JOHN J	6304 WESTCOAT DR	COLLEYVILLE, TX	76034	6304 WESTCOAT DR
REPP, ED	6303 WESTCOAT DR	COLLEYVILLE, TX	76034	6303 WESTCOAT DR

JOSEPH CAMERON HOMES LLC	7213 TUMBLEWEED CT	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, August 26, 2016 by Araceli
Botello