



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, October 11, 2016

City Council Chambers

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

1. APPROVAL OF MINUTES

September 13, 2016

2. PUBLIC HEARING AGENDA ITEMS

2a Request for a variance to Section 3.28.E (Projections of Buildings, Structures, and Appurtenances into Required Yards) of the Land Development Code on Lot 45, Block 1, of the Rosewood Villas Addition, located at 6411 Bordeaux Park, Case VC16-012

2b 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 Coptic Acres Addition, located at 1110 John McCain Road, Case VC16-013

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, October 7, 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

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Tuesday, September 13, 2016

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 September 13, 2016 at 7:00 p.m.

Roll Call

Present: Board members Dee Kamerman, Raymond Allee, Wayne Maynard, Dee McNosky, Jason Elms, and Richard Vallario

Absent: Judson Orlando

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

1. APPROVAL OF MINUTES

Board member Elms made a motion to approve the August 9, 2016 minutes. Board member Allee seconded.

The motion to approve the August 9, 2016 minutes carried by the following vote:

Aye: 5 – Elms, Kamerman, Allee, Maynard, 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 2, Block 2, Turner Addition, located at 1505 Cherry Lane, Case VC16-008

Shane Pace presented the case and briefed the Board.

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

The fence contractor, Chris Gruensfelder, 3858 Candlelite Lane, Fort Worth, came forward and briefed the Board

The applicant, Connie Stewart, 1505 Cherry Lane, came forward and briefed the Board.

The landscape architect, Steve BB, 3 Durango Drive, Trophy Club, came forward and briefed the Board.

Board member Elms questioned the fence contractor regarding his statement that the neighboring lot to the east will also have a fence in the front yard. Mr. Elms asked if the neighboring lot to the east would also require a variance, should the fence variance be approved for 1505 Cherry Lane. The fence contractor replied yes.

Board member Elms questioned the fence contractor regarding whether there is currently a fence on the lot to the west of the property. The fence contractor replied that there is a fence across the back, but no fencing parallel to Cherry Lane.

Discussion continued regarding the fencing of neighboring properties.

Board member Elms questioned the applicant regarding the height of the fence. The fence contractor replied that lowering the height of the fence would compromise the security of the applicant. The applicant added that there will be a lack of continuity in the future fence-line if the variance is not approved.

Board member Kamerman questioned the applicant regarding the lot size for the adjacent properties to the east and west, and whether they are 40,000 square feet. The applicant replied that the lot to the west is greater than 40,000 square feet and the property to the east is less than 40,000 square feet.

Board member Kamerman questioned the applicant regarding the properties across the street. Ms. Kamerman asked if the properties currently have fences along the front property line. The applicant replied, no.

Discussion continued regarding neighboring properties and the potential need to request a fence variance.

Board member Allee questioned the applicant regarding moving the fence closer to the front building line. Board member McNosky added that this location would also require a variance.

Board member Elms questioned the applicant regarding the extension of the fence towards the rear property line. The applicant responded that the fence extends all the way to the rear of the property along the side property line, and transitions to a solid wooden fence near the front building line.

Board member Maynard questioned staff regarding the side yard setbacks of the property to the west of the applicant's property. Staff responded that the property to the west of the applicant's property is a corner lot and these lots are required to have two front yards. He added that if the orientation of the front yard of the home is on Cherry Lane, the side yard would be set back to 15ft along Bluebonnet Street.

Discussion continued regarding side yard setbacks.

There being no one else wishing to speak, the public hearing was closed at 7:27 p.m.

Board member Maynard made a motion to approve Case VC16-008. Board member McNosky seconded.

The motion to approve Case VC16-008 failed by the following vote:

Aye: 2 – Maynard and McNosky

Nay: 3 – Kamerman, Elms, Allee

- 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

Shane Pace presented the case and briefed the Board.

The public hearing was opened at 7:35 p.m.

The applicant, Mark Cameron, 6002 Westcoat Drive, came forward and briefed the Board.

Board member McNosky questioned the applicant to clarify the location where the applicant would like the fence to remain. The applicant stated that he would like for the fence to remain where it is currently located. He added that he was not aware that his fence

contractor had not received the permit when he began the work.

Board member Maynard questioned the applicant about the location of the garage and the fence. Applicant responded that the fence and garage are facing White Street. He added that the fence provides privacy to the side entrance door and on the left side there are large AT&T pedestals.

Applicant stated that he had discussed with staff about being allowed to place a wrought iron fence instead of wood fence.

Board member Maynard questioned the applicant about the size and material of the gate the applicant is proposing to install. The applicant responded that he plans to install a double retractable gate made out of light weight wrought iron.

Board member Kamerman questioned staff regarding whether a wrought iron fence would be permitted in this location on the property. Staff replied yes. Mr. Pace went on to state that a privacy fence is not permitted, which the ordinance defines a fence that is greater than 25 percent opaque.

Discussion continued on the types of fences permitted in side yards.

Board member Maynard questioned the applicant about the pedestal boxes located in the front yard and the fence built near them. The applicant responded that the fence was built for landscape aesthetic purposes and to shield the view of pedestal boxes. Staff added that this fence would also need to be removed if the variance is not approved.

Discussion continued on the type of fencing permitted on the property.

There being no one else wishing to speak, the public hearing was closed at 7:47 p.m.

Board member Maynard made a motion to deny Case VC16-011. Board member Allee seconded.

The motion to deny Case VC16-011 carried by the following vote:

Aye: 2 – Elms, Kamerman, Allee, Maynard, 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
www.colleyville.com

Agenda Number 2a	Agenda Date 10/11/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to Section 3.28.E (Projections of Buildings, Structures, and Appurtenances into Required Yards) of the Land Development Code on Lot 45, Block 1, of the Rosewood Villas Addition, located at 6411 Bordeaux Park, Case VC16-012

Explanation

Jennifer Varley, the applicant, is requesting approval of a variance to allow for the construction of an arbor which will encroach four and one-half (4½) feet into the required five foot side yard setback along the southern property line.

Existing Conditions/Background: The subject property is generally located on the east side of Bordeaux Park, south of McDonwell School Road, and within the Rosewood Villas subdivision. It is zoned PUD-R Planned Unit Development Residential district, (Ordinance O-01-1286) and is currently platted as Lot 45, Block B, of the Emerald Park Addition.

Requested Variance: The applicant is requesting a variance to allow for the construction of a 14-foot by 11-foot cedar arbor on the south side of the property. The proposed arbor will be located in the side yard, above the existing concrete patio, with the upper rafters extending four and one-half (4½) feet into the required five foot side yard setback.

Ordinance – The governing PUD-R Ordinance (O-01-1286) requires a minimum five foot side yard setback, and Chapter 3 (Land Use) of the Land Development Code allows for a canopy (or in this case an arbor) to project into the required side yard provided the structure be placed no closer than five feet from the side lot line.

"A porte-cochere or canopy may project into a required side yard, provided every part of such porte-cochere or canopy is unenclosed except for necessary structural supports, and not less than five (5) feet from any side lot line."

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the accessory building 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 variance request up for consideration fails to demonstrate a hardship as defined by the Land Development Code. 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.

There is approximately 10 feet between the home on the subject property and the neighboring home to the south, providing minimal outdoor space for each lot. Due to the limited space available in both the rear and side yards, the applicant is proposing to construct the arbor adjacent to the southern property line with a six-inch setback from the property line. The open design of the proposed structure does allow for visibility and does not appear to adversely impact any of the surrounding properties.

Surrounding Development: The properties to the north, south, east, and west are zoned PUD-R Planned Unit Development Residential district, (Ordinance O-01-1286) and developed with single family homes.

Public Notification: Staff mailed notices to property owners within 200 feet of the subject property regarding this request. Keller 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: Although the proposed variance does not appear to have any adverse impacts on the surrounding properties, the applicant has not presented a hardship as defined by the Land Development Code. Staff recommends denial of the proposed variance due to technical non-compliance.

Recommendation

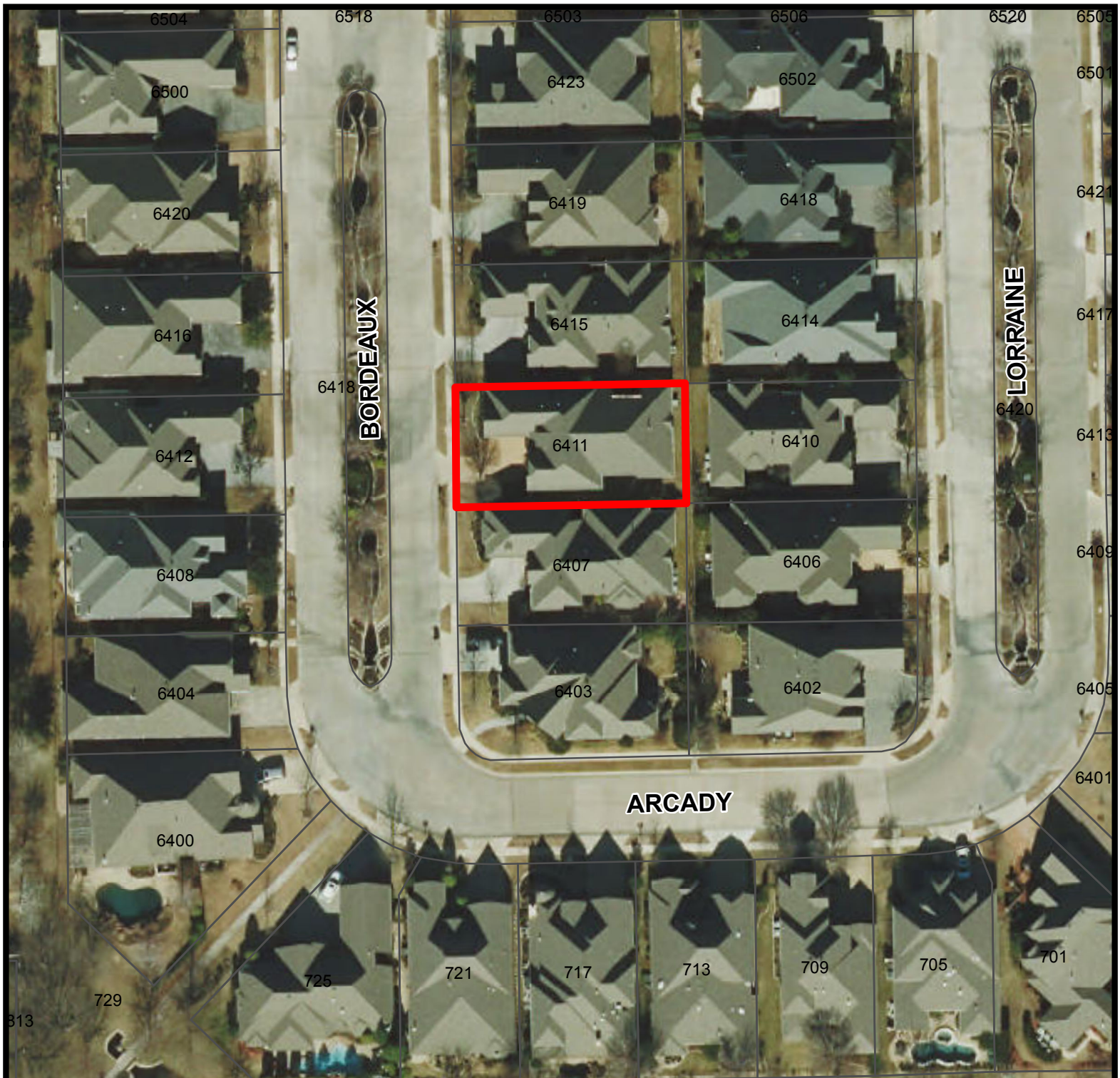
Denial

Attachments

1. Aerial Map
2. Zoning Map
3. Statement of Planning Objectives
4. Site Plan
5. Construction Plans

6. Existing Ordinance
7. Notification Map
8. Notification List

AERIAL MAP



VC16-012

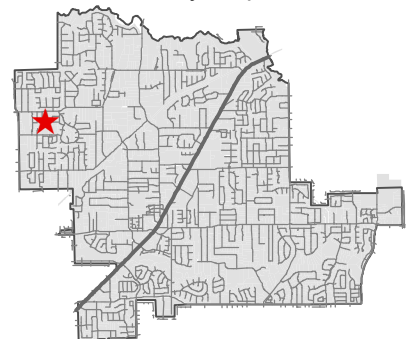
6411 BORDEAUX PARK

 Subject Property



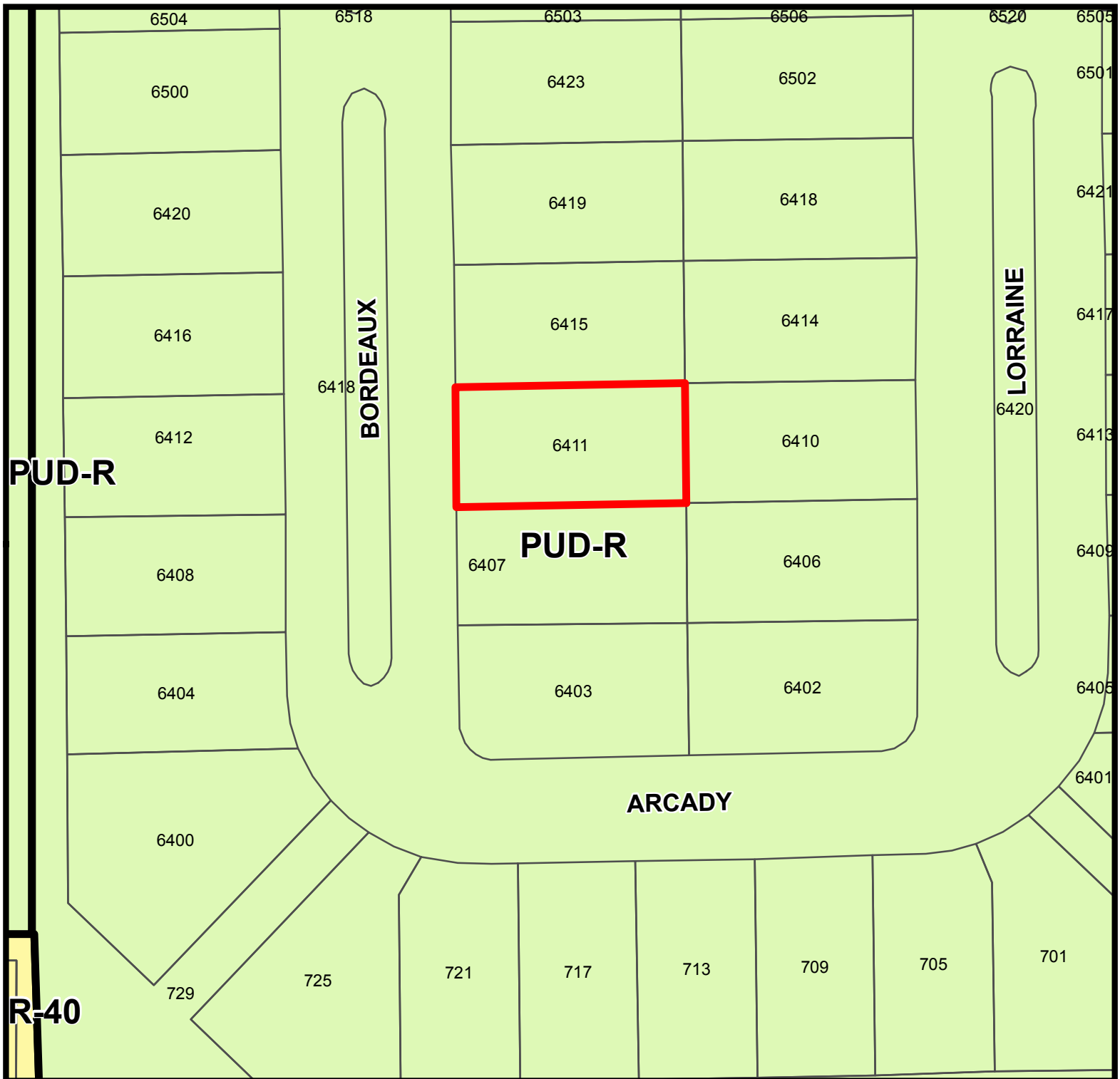
1 inch = 67 feet

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.

ZONING MAP



VC16-012

6411 BORDEAUX PARK

 Subject Property



1 inch = 67 feet

Vicinity Map



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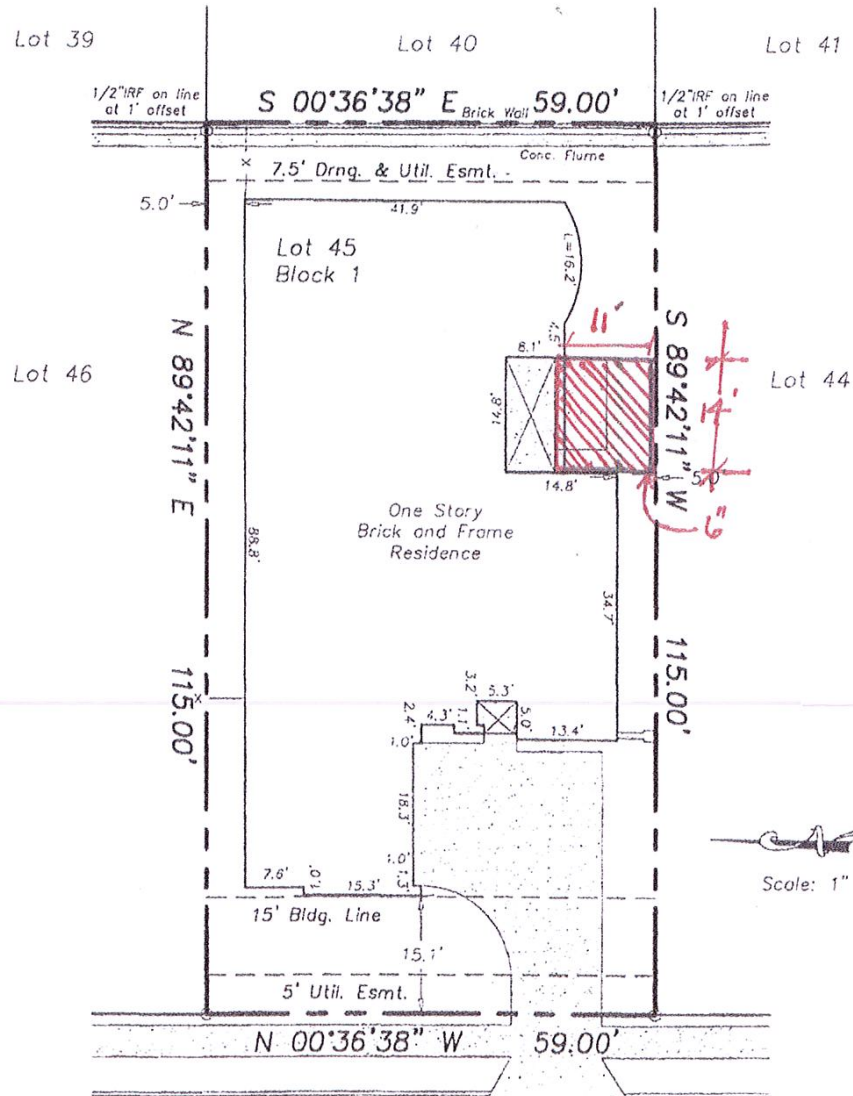
Statement of Planning Objectives

Our intent is to construct a shade arbor , encroaching the 5' side yard build line by 4.5", to provide useable space on the South (easement) side of the residence. Not unlike what others have done in the same neighborhood. The space is currently unusable for most of the year due to the direct sun exposure and lack of shade.

Site Plan

PROPERTY DESCRIPTION

Lot 45, Block 1, of ROSEWOOD VILLAS, an Addition to the City of Colleyville, Tarrant County, Texas, according to the Amended Plat thereof recorded in Cabinet A, Slide 8666, Plat Records, Tarrant County, Texas.



6411 BORDEAUX PARK

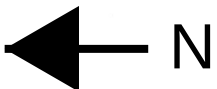
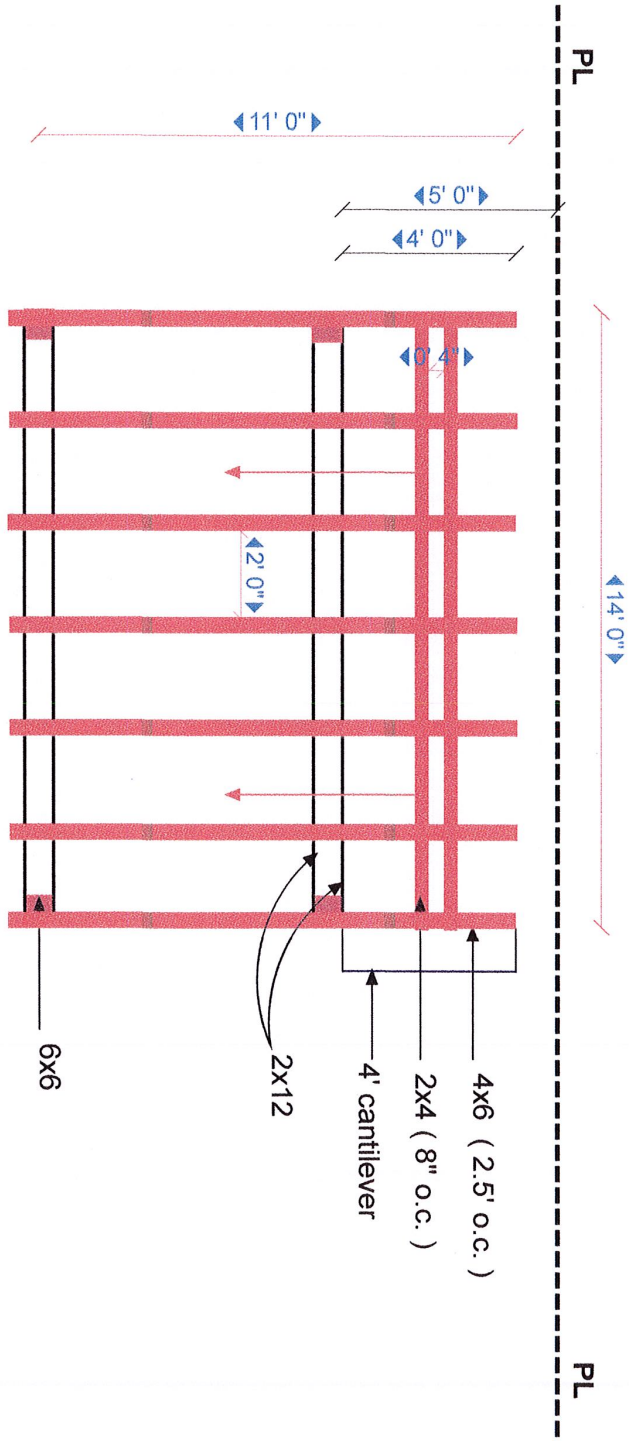
Center line control monumentation found was used for controlling monumentation.

Note: This lot is not in the 100 year flood hazard zone, Zone A, according to the HUD Flood Insurance Rate Map No. 48439C0195 H, dated 8/2/95. This lot is in clear Zone X; local drainage was not investigated.

Construction Plans

Yenndo Construction
Outdoor Living Structures
Client: Hart
Call: 817-692-2512
Email: hart5301@skgphd.net
www.yenddoconstruction.com
Phone: 817-773-3917
Fax: 817-577-0484

Varley
6411 Bordeaux
Colleyville



Existing Ordinance

ORDINANCE O-01-1286

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF COLLEYVILLE, TEXAS, BY AMENDING THE OFFICIAL ZONING MAP AND CHANGING THE ZONING OF APPROXIMATELY 43.891 ACRES OUT OF THE R. N. McEWING SURVEY, A-1154, FROM THE PUD-C PLANNED UNIT DEVELOPMENT-COMMERCIAL DISTRICT TO THE PUD-R PLANNED UNIT DEVELOPMENT-RESIDENTIAL AND THE CC2 SHOPPING CENTER COMMERCIAL DISTRICTS; PROVIDING FOR A PENALTY FOR VIOLATIONS AND AUTHORIZING PUBLICATION.

WHEREAS, an application for a zoning change was filed by Raman Chandler on May 18, 2001, under Case No. Z-01-014; and

WHEREAS, the City of Colleyville has complied with the notification requirements of the Texas Local Government Code and the Colleyville Land Development Code; and

WHEREAS, the Planning and Zoning Commission has held a public hearing and made a recommendation on the proposed zoning amendment; and

WHEREAS, the City Council has determined that the proposed zoning amendment is in the best interests of the City of Colleyville.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1 THAT the Master Plan, the Land Development Code of the City of Colleyville, Texas, and the Official Zoning Map are hereby amended insofar as they relate to certain land located in Colleyville, Texas, as shown on the Zoning Map attached as Exhibit A, and described by metes and bounds, as contained on attached Exhibit B, by changing the zoning of said property from the PUD-C district (for private school use) to the PUD-R district (Planned Unit Development-Residential) and the CC2 Shopping Center Commercial districts and including any other conditions and restrictions imposed and approved by the City Council, which are incorporated herein.

Sec. 2 THAT this PUD-R shall be subject to the following conditions:

1. GENERAL

- a. The purpose of this PUD-R is for single-family residential development, constructed at an approximate density of 3.56 dwelling units per acre.

Existing Ordinance

Ordinance O-01-1286

Page 2 of 5

- b. This property is subject to all the regulations contained in the Colleyville Land Development Code, except where amended by this Ordinance.

2. CONCEPTUAL PLAN AND PLATTING

- a. The subdivision shall be generally consistent with the conceptual site plan attached as Exhibit C, which shall not be considered the preliminary plat. The actual street and lot arrangement may differ from that shown on Exhibit C to accommodate topographic, drainage or other conditions.

3. PERMITTED USES

- a. Single family residences, detached
- b. Parks and open space

4. RESIDENTIAL LOT REQUIREMENTS AND SETBACKS

Residential lot requirements and setbacks shall comply with the following provisions. Building line setbacks established by the conceptual site plan, which is attached as Exhibit C, shall control where such building line setback is different from the following requirements.

a. Minimum Lot Size	6,490 square feet
b. Average Lot Size	6,753 square feet
c. Minimum Lot Width	59 feet
d. Minimum Lot Depth	110 feet
e. Front Building Line	15 feet
f. Front Building Line cul-de-sac	15 feet
g. Side Building Line	5 feet
h. Rear Building Line adj. to greenbelt	5 feet
i. Rear Building Line interior lots	10 feet
j. Maximum Lot Coverage	60%

5. OPEN SPACE

- a. This development shall provide a minimum of 20% common open space, as shown on Exhibit C, which shall be for the leisure and recreational use of the development's residents. The open space shall comply with the provisions contained in the Land Development Code. All open space areas shall be landscaped.

Existing Ordinance

Ordinance O-01-1286

Page 3 of 5

- b. A thirty (30) foot wide greenbelt shall be provided along the common property line with the Remington Park Addition.
- c. Open space may be utilized for storm water detention.
- d. The medians shall be included in the calculations for open space.

6. SCREENING

- a. An eight (8) foot tall masonry fence shall be constructed along the east boundary line of this PUD-R, adjacent to the Remington Park Addition. An eight (8) foot tall masonry fence shall be constructed along the west boundary line of this PUD-R, adjacent to the commercially zoned area. The masonry fence shall be equal in quality and appearance to the Superior Stone fence, as shown in the Superior Concrete Products brochure, attached as Exhibit D – Specifications for Screening Wall.

7. SIDEWALKS

- a. The developer shall construct sidewalks along McDonwell School Road at the same time as other public improvements are constructed in the subdivision.
- b. Sidewalks along lot frontages shall be constructed by each homebuilder. All sidewalks shall be constructed in accordance with the requirements of the Colleyville Land Development Code.

8. PRIVATE STREETS

- a. This development may be developed as a gated community with private streets in accordance with Chapter 10 of the Colleyville Land Development Code.

9. OTHER

- a. Houses constructed on Lots 20 thru 31, as shown on the zoning exhibit, shall be restricted to single-story structures.

Existing Ordinance

Ordinance O-01-1286

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- b. The minimum square footage for all houses constructed in this subdivision shall be two thousand two hundred (2,200) square feet. However, the minimum square footage for the houses constructed on Lots 19 thru 24, shall be two thousand four hundred (2,400) square feet.
- c. The following note shall be added to the final plat of the area zoned PUD-R: This residential subdivision shall serve as a buffer between the Remington Park Addition and the commercial property adjacent to Precinct Line Road.
- d. The following note shall be added to the final plat of the area zoned PUD-R: A north-south 4-lane Major Collector street is proposed on the Master Thoroughfare Plan west of the residential subdivision. The street would be located approximately 1,000 feet east of Precinct Line Road, and be located between McDonwell School Road and L.D. Lockett Road.

Sec. 3. THAT the Master Thoroughfare Plan shall be amended as follows:

- a. The previously deleted portion of the unnamed north/south 4-lane Major Collector located between McDonwell School Road and L.D. Lockett Road shall be reinstated on the Plan between McDonwell School Road and the southern property line of the subject property.
- b. The proposed north-south 4-lane Major Collector street as shown on the Master Thoroughfare Plan will not be required to be dedicated or constructed on this property while the commercial area continues use as a golf course. When the golf course redevelops into a different type of commercial development, dedication and construction of the roadway shall be required at that time.

Sec. 4. THAT any person, firm or corporation violating any of the provisions of this ordinance as read together with any zoning regulation contained in the Land Development Code of the City of Colleyville shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such.

Existing Ordinance

Ordinance O-01-1286

Page 5 of 5

Sec. 5. THAT the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternate method of publication provided by law.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 17th day of July, 2001.

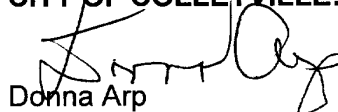
The second reading and public hearing being conducted on the 8th day of August, 2001.

ATTEST:



Cynthia Singleton, TRMC
City Secretary

CITY OF COLLEYVILLE:



Donna Arp
Mayor

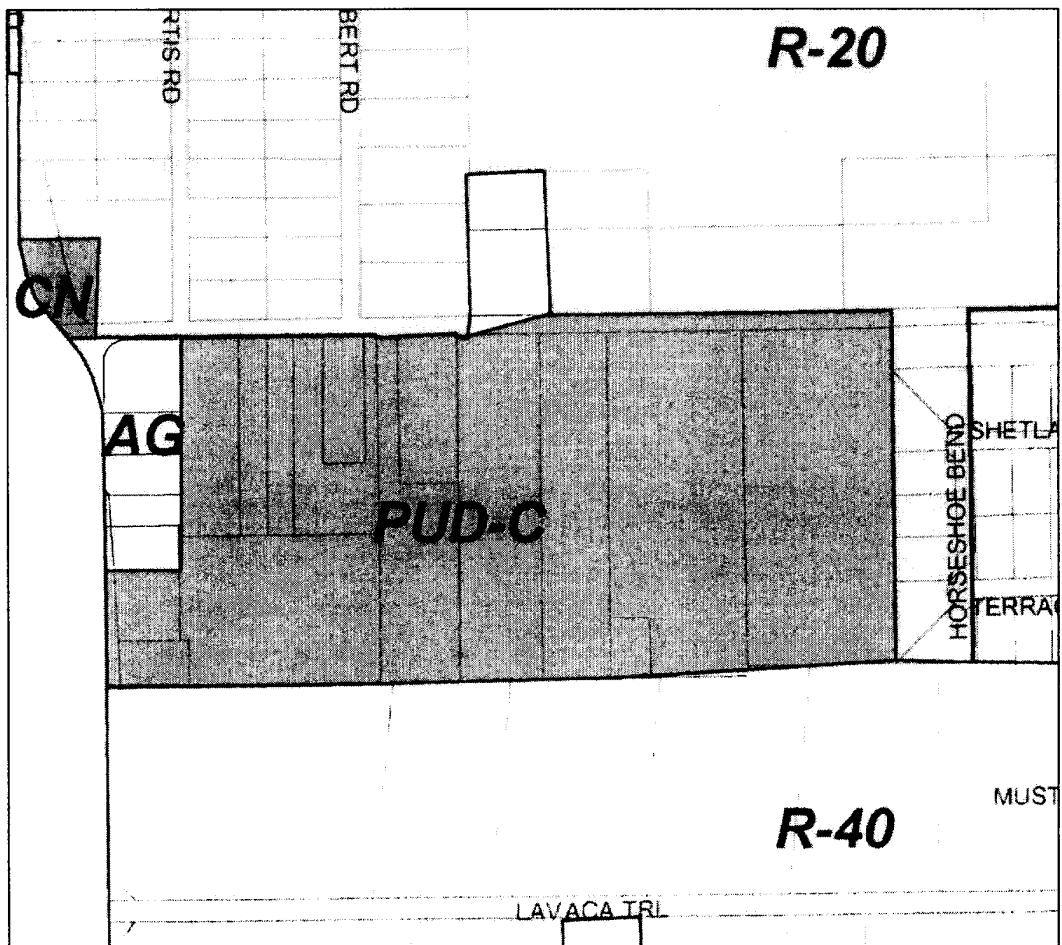
APPROVED AS TO FORM AND LEGALITY:



Ross T. Foster
City Attorney

Existing Ordinance

Exhibit A – Zoning Map



Existing Ordinance

Exhibit B – Metes and Bounds Description

BEING a 43.891 acre tract of land in the R.H. McEwing Survey, Abstract No.1154 situated in the City of Colleyville, Tarrant County, Texas and being that tract conveyed to Howard G. Collins by deed recorded in Volume 6705, Page 947 of the Deed Records of Tarrant County, Texas (DRTCT), that tract conveyed to Howard G. Collins by deed recorded in Volume 6705, Page 950 DRTCT, that tract conveyed to Howard G. Collins by deed recorded in Volume 7225, Page 348 DRTCT, that tract conveyed to H. Collins by deed recorded in Volume 6478, Page 440 DRTCT, that tract conveyed to E.M. Collins by deed recorded in Volume 6968, Page 1501 DRTCT, Reed Subdivision, an addition to the City of Colleyville, Tarrant County, Texas, as recorded in Volume 388-145, Page 68 of the Plat Records of Tarrant County, Texas (PRTCT), that tract conveyed to AD Electric Company, Inc. by deed recorded in Volume 6313, Page 611 DRTCT, that tract conveyed to Bobby Joe Pace by deed recorded in Volume 10257, Page 1779 DRTCT, that tract conveyed to Howard G. Collins by deed recorded in Volume 5318, Page 440 DRTCT and that tract conveyed to H.G. Collins by deed recorded in Volume 5479, Page 496 DRTCT and being more particularly described as follows:

BEGINNING at a point in the approximate center of McDonwell School Road (County Road No. 3105), said point being by deed call 388.6 feet east of the northwest corner of said McEwing Survey;

THENCE South 89 degrees 48 minutes 25 seconds East along the approximate center of said McDonwell School Road, a distance of 555.53 feet to a point also being the original northwest corner of Reed Subdivision, an addition to the City of Colleyville, Tarrant County, Texas as recorded in Volume 388-145, Page 68 of the Plat Records of Tarrant County, Texas (PRTCT);

THENCE South 89 degrees 42 minutes 11 seconds East along the approximate center of McDonwell School Road a distance of 1395.21 feet to a point also being the northeast corner of said H.G. Collins tract as recorded in Volume 5479, Page 496 DRTCT;

THENCE South 00 degrees 36 minutes 38 seconds East along the east line of said H.G. Collins tract and the west line of a tract conveyed to Foxcreek Residential Development, Ltd. by deed recorded in Volume 12575, Page 30 DRTCT, a distance of 938.24 feet to a point also being on the north line of a tract conveyed to Charles R. Lewis deed recorded in Volume 4487, Page 741 DRTCT;

THENCE North 89 degrees 54 minutes 31 seconds West along the south line of said H.G. Collins tract as recorded in Volume 5479, Page 496 DRTCT and the north line of said Lewis tract and the north line of a tract conveyed to Charles R. Lewis by deed recorded in Volume 4552, Page 839 DRTCT, a distance of 412.31 feet to a point also being a re-entrant corner of said Lewis tract as recorded in

Existing Ordinance

Volume 4552, Page 839 DRTCT, and on the east line of said Howard G. Collins tract, as recorded in Volume 5318, Page 440 DRTCT;

THENCE South 00 degrees 36 minutes 18 seconds East along the east line of said Howard G. Collins tract as recorded in Volume 5318, Page 440 DRTCT, a distance of 35.08 feet to a point also being on the north line of said Lewis tract as recorded in Volume 4452, Page 839 DRTCT;

THENCE South 89 degrees 25 minutes 45 seconds West along the south line of said Howard G. Collins tract as recorded in Volume 5318, Page 440 DRTCT and the north line of said Lewis tract as recorded in Volume 4552, Page 839 DRTCT a distance of 240.14 feet to a point also being the northeast corner of a tract conveyed to Doyle McIntosh by deed recorded in Volume 6742, Page 340 DRTCT;

THENCE North 89 degrees 51 minutes 23 seconds West along the south line of said Howard G. Collins tract as recorded in Volume 5318, Page 440 DRTCT and the north line of said McIntosh tract, a distance of 25.99 feet also being the southeast corner of a tract conveyed to Titan Towers L.P. by deed recorded in Volume 13410 Page 307 DRTCT;

THENCE North 00 degrees 06 minutes 30 seconds East along the west line of said Howard G. Collins tract as recorded in Volume 5318, Page 440 DRTCT and the east line of said Titan Towers tract, a distance of 150.00 feet;

THENCE North 89 degrees 51 minutes 23 seconds West along the south line of said Howard G. Collins tract as recorded in Volume 5318, Page 440 DRTCT and the north line of said Titan Towers tract, a distance of 100.00 feet also being on the east line of said Pace tract;

THENCE South 00 degrees 06 minutes 30 seconds West along the west line of said Titan Towers tract and the east line of said Pace tract, a distance of 150.00 also being in the north line of said McIntosh tract;

THENCE North 89 degrees 51 minutes 23 seconds West along the south line of said Pace tract and the south line of said A.D. Electric Inc. tract and the south line of said Reed Subdivision and the south line of said E.M. Collins tract as recorded in Volume 6968, Page 1501 DRTCT and the south line of said Howard G. Collins tract as recorded in Volume 7225, Page 348 DRTCT and the north line of said McIntosh tract and the north line of a tract conveyed to Buddy Shipman by deed recorded in Volume 11885, Page 1661 DRTCT a distance of 1335.98 feet to a point also being on the east right-of-way line of Precinct Line Road (FM 3029), said point also being the point of curvature of a non-tangent circular curve to the left having a radius of 5789.58 feet and a central angle of 03 degrees 10 minutes 29 seconds and being subtended by a chord which bears North 02 degrees 30 minutes 22 seconds West 320.75 feet;

Existing Ordinance

THENCE northerly along said curve to the left and east right-of-way line a distance of 320.79 feet to a point also being on the south line of a tract conveyed to E. Wayne Deaton by deed recorded in Volume 67247 Page 2195 DRTCT;

THENCE South 89 degrees 51 minutes 23 seconds East departing the said east right-of-way line and along the south line of said Deaton tract, a distance of 176.84 feet to a point also being on the west line of said E.M. Collins tract as recorded in Volume 6968, Page 1501 DRTCT;

THENCE North 01 degrees 05 minutes 46 seconds West along the east line of said Deaton tract and the west line of said E.M. Collins tract as recorded in Volume 6968, Page 1501 DRTCT, a distance of 119.08 feet to a point also being on the south line of a tract conveyed to Bettye Jean Deaton by deed recorded in Volume 6254, Page 521 DRTCT;

THENCE South 89 degrees 48 minutes 25 seconds E along the south line of said Bettye Jean Deaton tract a distance of 7.00 feet to a point also being on the west line of said Howard G. Collins tract as recorded in Volume 6705, Page 947 DRTCT;

THENCE North 01 degrees 32 minutes 45 seconds West along the west line of said Howard G. Collins tract as recorded in Volume 6705, Page 947 DRTCT and the east line of said Bettye Jean Deaton tract, the east line of a tract conveyed to Bettye Jean Deaton by deed recorded in Volume 64857 Page 148 DRTCT, the east line of a tract conveyed to E. W. Deaton by deed recorded in Volume 7243, Page 2180 DRTCT and the east line of a tract conveyed to Delma Phillips by deed recorded in Volume 4098, Page 235 DRTCT, a distance of 527.13 feet to the Point of Beginning and containing 43.891 acres of land, more or less.

Exhibit C –Conceptual Site Plan

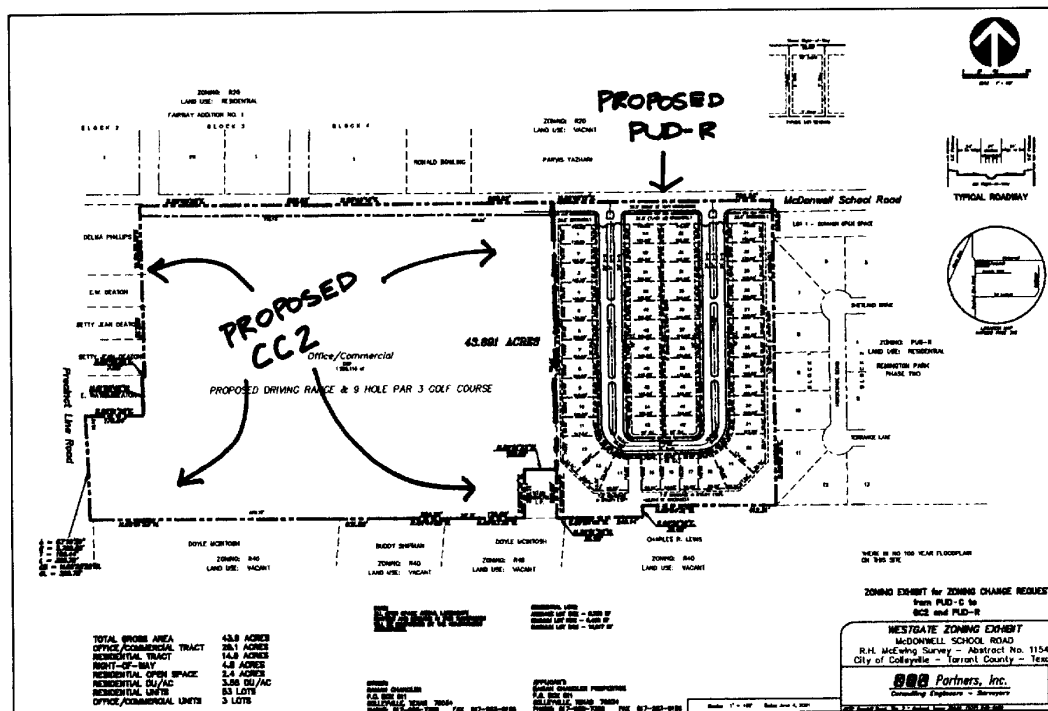
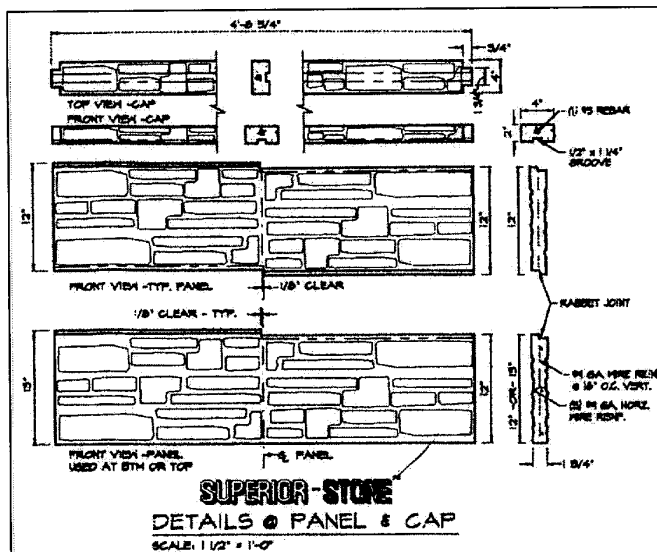


Exhibit D – Specifications for Screening Wall



Manufactured By
SUPERIOR CONCRETE PRODUCTS
PO BOX 201625 ARLINGTON TX 78006
1 (800) 942-9255 (817) 277-9255

NOTIFICATION MAP



VC16-012

6411 BORDEAUX PARK

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



1 inch = 125 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
VARLEY, JENIFFER	6411 BORDEAUX PK	COLLEYVILLE, TX	76034	6411 BORDEAUX PK
BROWN, SHARON E	6407 BORDEAUX PK	COLLEYVILLE, TX	76034	6407 BORDEAUX PK
WILLIAMSON, DAVID	6403 BORDEAUX PK	COLLEYVILLE, TX	76034	6403 BORDEAUX PK
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEYVILLE, TX	76034	6420 LORRAINE PK
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEYVILLE, TX	76034	729 ARCADY LN
DERGANC, CHRISTOPHER	705 ARCADY LN	COLLEYVILLE, TX	76034	705 ARCADY LN
GARRETT, COY E	709 ARCADY LN	COLLEYVILLE, TX	76034	709 ARCADY LN
ROUILLIER, NORMAN	713 ARCADY LN	COLLEYVILLE, TX	76034	713 ARCADY LN
CRAIG, JAMES	717 ARCADY LN	COLLEYVILLE, TX	76034	717 ARCADY LN
KLEIN, DONALD W	721 ARCADY LN	COLLEYVILLE, TX	76034	721 ARCADY LN
DURBIN, RICHARD G	725 ARCADY LN	COLLEYVILLE, TX	76034	725 ARCADY LN
CHOPYAK, ROBERT A	6400 BORDEAUX PK	COLLEYVILLE, TX	76034	6400 BORDEAUX PK
LOZANO, ELSA	6404 BORDEAUX PK	COLLEYVILLE, TX	76034	6404 BORDEAUX PK
GONZALEZ, DOLORES J	PO BOX 92445	SOUTHLAKE, TX	76092	6408 BORDEAUX PK
LANIER, PAULA K	6412 BORDEAUX PK	COLLEYVILLE, TX	76034	6412 BORDEAUX PK
HAGOOD, ROCKY J	6416 BORDEAUX PK	COLLEYVILLE, TX	76034	6416 BORDEAUX PK
LEAVERTON, GWEN M	6420 BORDEAUX PK	COLLEYVILLE, TX	76034	6420 BORDEAUX PK
LARIMORE, BOB	6500 BORDEAUX PK	COLLEYVILLE, TX	76034	6500 BORDEAUX PK
WADE, STEVEN	6504 BORDEUAX PK	COLLEYVILLE, TX	76034	6504 BORDEAUX PK
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEYVILLE, TX	76034	6518 BORDEAUX PK
ROSEWOOD VILLAS HOA INC	PO BOX 463	COLLEYVILLE, TX	76034	6418 BORDEAUX PK
KNIJENBURG, COR	6402 LORRAINE PK	COLLEYVILLE, TX	76034	6402 LORRAINE PK
PALMER, AUBRA W	6406 LORRAINE PK	COLLEYVILLE, TX	76034	6406 LORRAINE PK
FONDREN, WILLIE A	6410 LORRAINE PK	COLLEYVILLE, TX	76034	6410 LORRAINE PK
COURTNEY, LINDA	6414 LORRAINE PK	COLLEYVILLE, TX	76034	6414 LORRAINE PK
SAGE, DESIREE	6418 LORRAINE PK	COLLEYVILLE, TX	76034	6418 LORRAINE PK
RAY, DAVID T	6502 LORRAINE PARK	COLLEYVILLE, TX	76034	6502 LORRAINE PK
EARLY, JOYCE J	6506 LORRAINE PARK	COLLEYVILLE, TX	76034	6506 LORRAINE PK
MCNEELY, PERRY	6503 BORDEAUX PK	COLLEYVILLE, TX	76034	6503 BORDEAUX PK
BOONE, KATHLEEN	6423 BORDEAUX PK	COLLEYVILLE, TX	76034	6423 BORDEAUX PK
SRINIVASAN, ALAGIRY	6419 BORDEAUX PK	COLLEYVILLE, TX	76034	6419 BORDEAUX PK
MULLENS, MELANIE P	6415 BORDEAUX PK	COLLEYVILLE, TX	76034	6415 BORDEAUX PK

ROSEWOOD VILLAS HOA	P.O. BOX 463	COLLEYVILLE, TX	76034	COURTESY NOTICE
VILLAS OF COLLEYVILLE	9001 AIRPORT FREEWAY, SUITE #450	NORTH RICHLAND HILLS	76180	COURTESY NOTICE
VARLEY, JENIFFER	6411 BORDEAUX PK	COLLEYVILLE, TX	76034	APPLICANT
KELLER ISD	350 KELLER PARKWAY	KELLER, TX	76248	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, September 23, 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 10/11/2016	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

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 Coptic Acres Addition, located at 1110 John McCain Road, Case VC16-013

Explanation

St. Mary's Coptic Orthodox Church, the property owner, is requesting approval of a variance to allow a new building to exceed the maximum number of stories allowed. The proposed building will be three stories tall. However, the Land Development Code permits a maximum of 2.5 stories for the subject property.

Existing Conditions/Background: The subject property is generally located on the north side of John McCain Road and east of Holly Lane. It is zoned both R-20 Single Family Residential district and AG-Agricultural district, and is currently platted as Lot 1R, Block 1, of the Coptic Acres Addition.

Requested Variance: The applicant is requesting a variance to allow for the construction of a new building which will exceed the maximum number of stories permitted by the Land Development Code. The current regulations permit a maximum of 2.5 stories and the applicant is requesting a variance to allow the building to be constructed at three stories.

Ordinance – Section 3.24.G – Schedule of District Regulations establishes the Maximum Building Height in both "Feet" and "Stories" for each zoning district, with 2.5 stories and 35 feet being the maximum for all single family residential and agricultural districts.

Chapter 2 of the Land Development Code defines a "Story" as:

"Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is considered a halfstory when the main line of the eaves is not higher than the middle of the interior height of the attic. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level."

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the accessory building 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 – Institutional uses are permitted in all zoning districts and approval of each development is contingent upon compliance with the requirements of the district in which they are located. In the attached Statement of Planning Objectives the applicant contends that the ordinance requirements are targeted at residential buildings. However, the definition of "Story" applies to all structures both commercial and residential. Additionally, the proposal up for consideration clearly meets the definition of a third story which is not permitted in the R-20 zoning district.

The Land Development Code only permits buildings exceeding 2.5 stories in the R-MF-Multifamily Residential district and PUD-Planned Unit Development districts. The maximum number of stories permitted in each of the commercial zoning districts is two. Therefore, the residential zoning district in which the proposed building is located is less restrictive than any of the City's commercial zoning districts.

The proposed building is 33.5 feet tall and meets the maximum height requirement for the R-20 zoning district of 35 feet.

The variance request up for consideration fails to demonstrate a hardship as defined by the Land Development Code. 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.

Surrounding Development: The properties to the north and west are zoned Single Family "Estate" Residential district and developed with large lot, single family homes. The properties to the south are zoned PUD-R Planned Unit Development Residential district and developed with single family homes. The properties to the east are zoned R-20 Single Family Residential district, R-40 Single Family Residential district and AG-Agricultural district and developed with single family homes, as well as some

agricultural uses.

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 proposed variance does not comply with the requirements of the R-20 zoning district and exceeds the maximum number of stories permitted in all residential zoning districts. The variance appears to be self-created and the applicant has not presented a hardship as defined by the Land Development Code. Staff recommends denial of the proposed variance due to technical non-compliance.

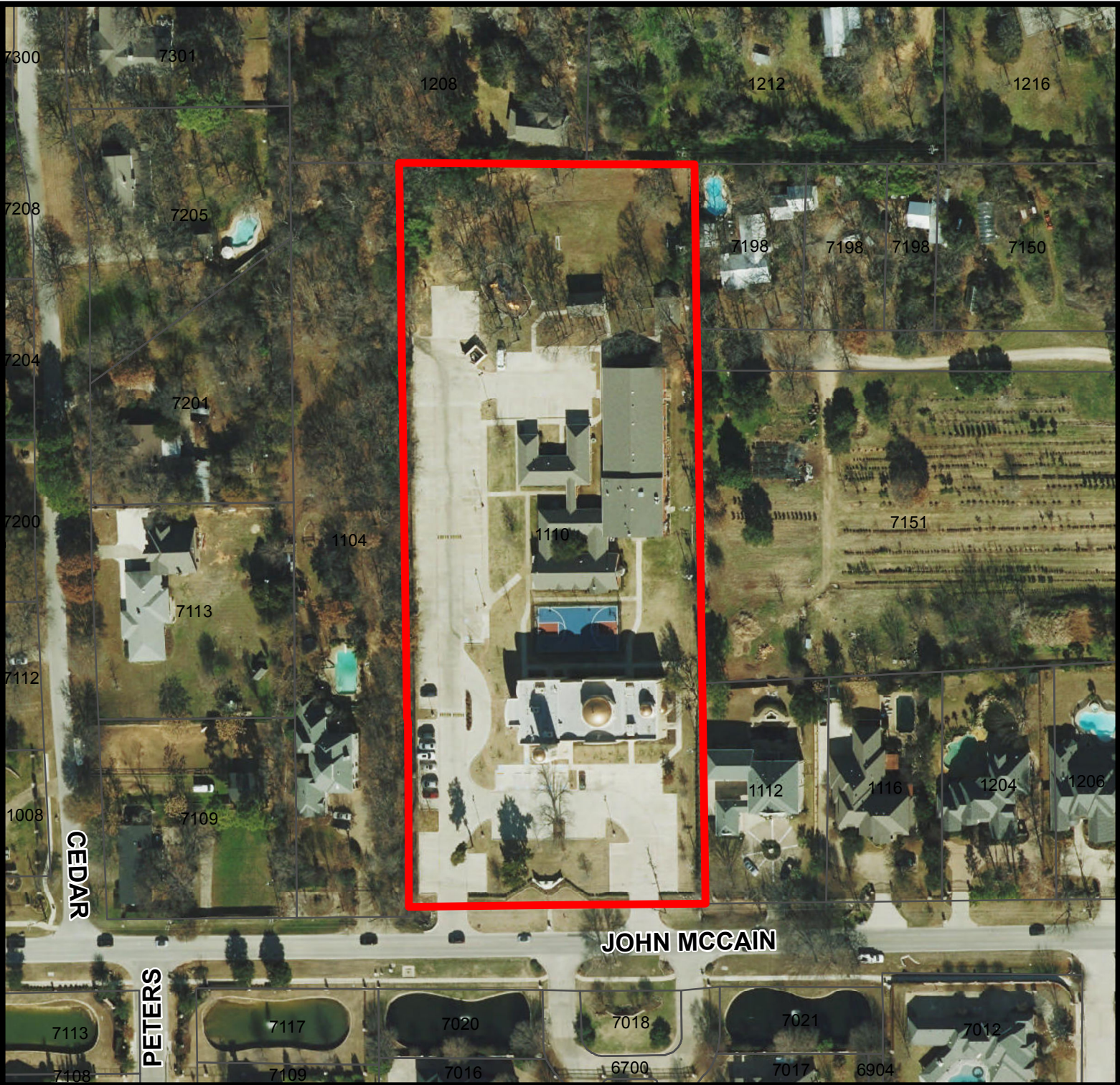
Recommendation

Denial

Attachments

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

AERIAL MAP



VC16-013

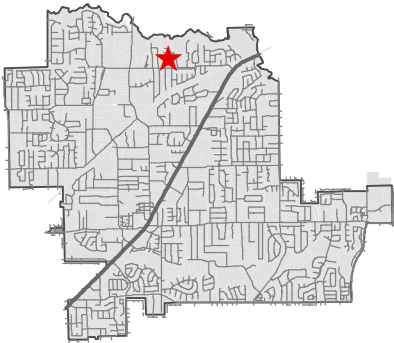
1110 JOHN MCCAIN

 Subject Property



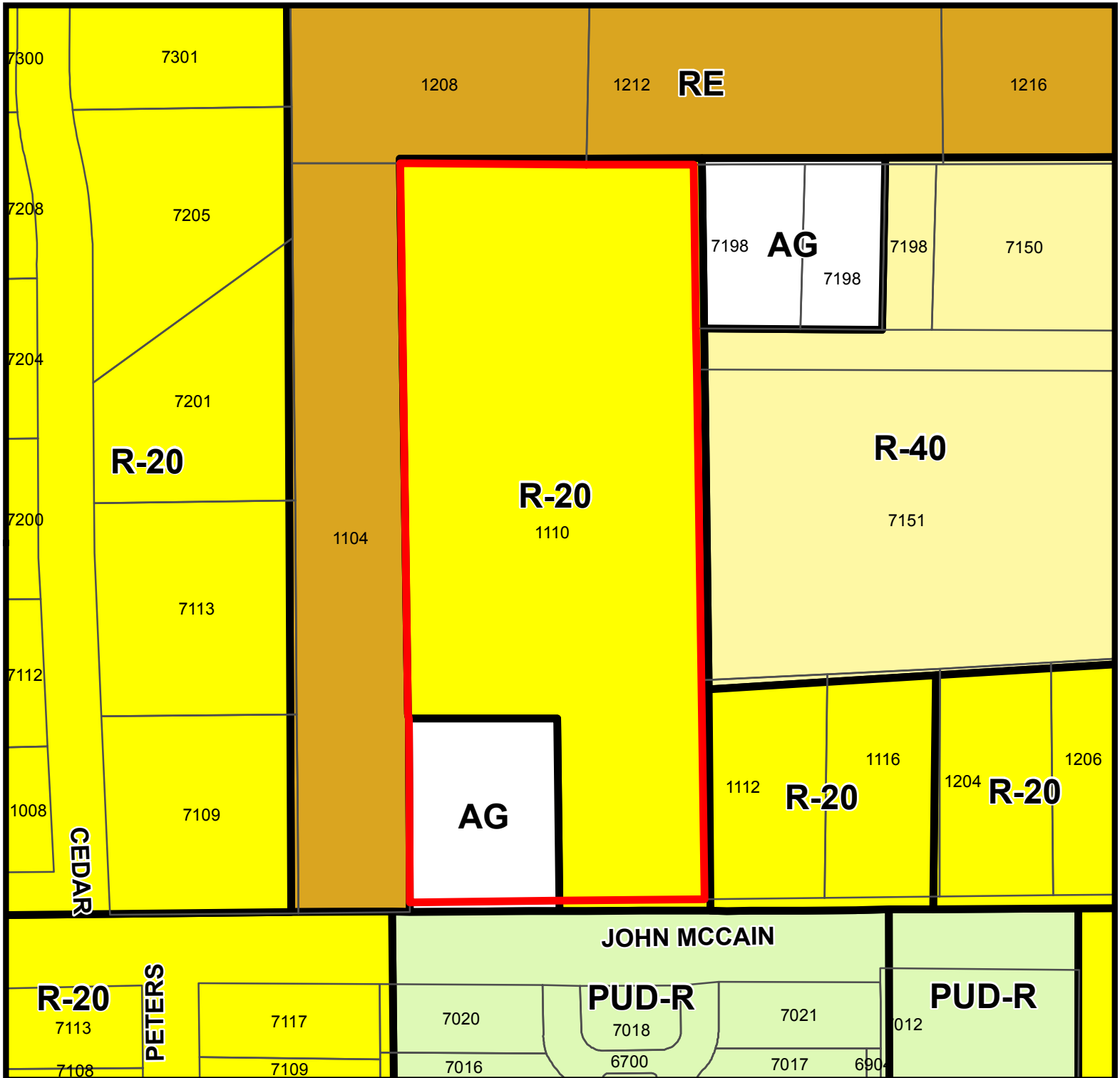
1 inch = 125 feet

Vicinity Map



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ZONING MAP



VC16-013

1110 JOHN MCCAIN

 Subject Property



1 inch = 125 feet

Vicinity Map



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Statement of Planning Objectives

PARADIGM CONSULTING

ARCHITECTURE • PLANNING • INTERIOR DESIGN

1112 John McCain Rd.
Colleyville Texas
76034
817.329.3609
Fax 800.948.0803

August 22, 2016

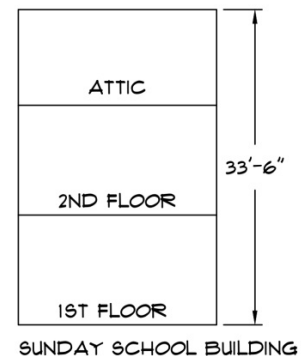
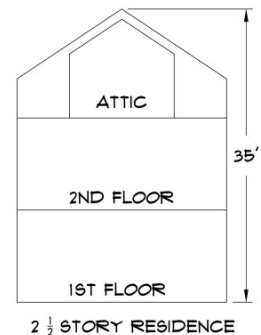
Mr. Shane Pace, Principal Planner
City of Colleyville
100 Main Street
Colleyville, TX 76034

Re: Variance Request for St. Mary Church Sunday School Building Addition, 1110 John McCain Road

Dear Mr. Pace,

I am writing this on behalf of St. Mary Church to request a variance from the applicable City ordinance. The Church is located within R-20 Residential Zoning and thus it is subject to residential zoning. The ordinance allows for 2 ½ story high buildings. It describes the ½ story as "large attic space". The Church is planning a new Sunday School Building addition with a commercial flat roof (shallow slope) and the strict interpretation of the Code is causing the Church a hardship. The following explains the hardship in detail:

1. The ordinance is geared towards residential homes with a pitched roof. The proposed Sunday School building is a commercial building with a shallow slope roof. Thus the attic space is the same width as the building.
2. The height allowed by the ordinance is 35 Feet. The proposed building height is 33.5 feet in height. Thus the new building height blends in with the surrounding homes.
3. St. Mary's Church is land locked and limited in land area and would like to utilize the attic space for youth recreational activity and indoor games. The residential ordinance of 2 1/2 floors is causing the Church a hardship.
4. This building addition is a community project and will benefit the entire community.
5. The proposed building is approximately the same height as the existing church sanctuary, same color and material. It is not visible from the street and it blends in with church campus.



Statement of Planning Objectives

Mr. Shane Pace, City of Colleyville
August 22, 2016

Page 2 of 2

I trust that you will agree with us that the strict application of the code is causing hardship and thus the church is appealing to the zoning board of adjustment for favorable interpretation of the residential zoning ordinance due to the nature of the commercial building design.

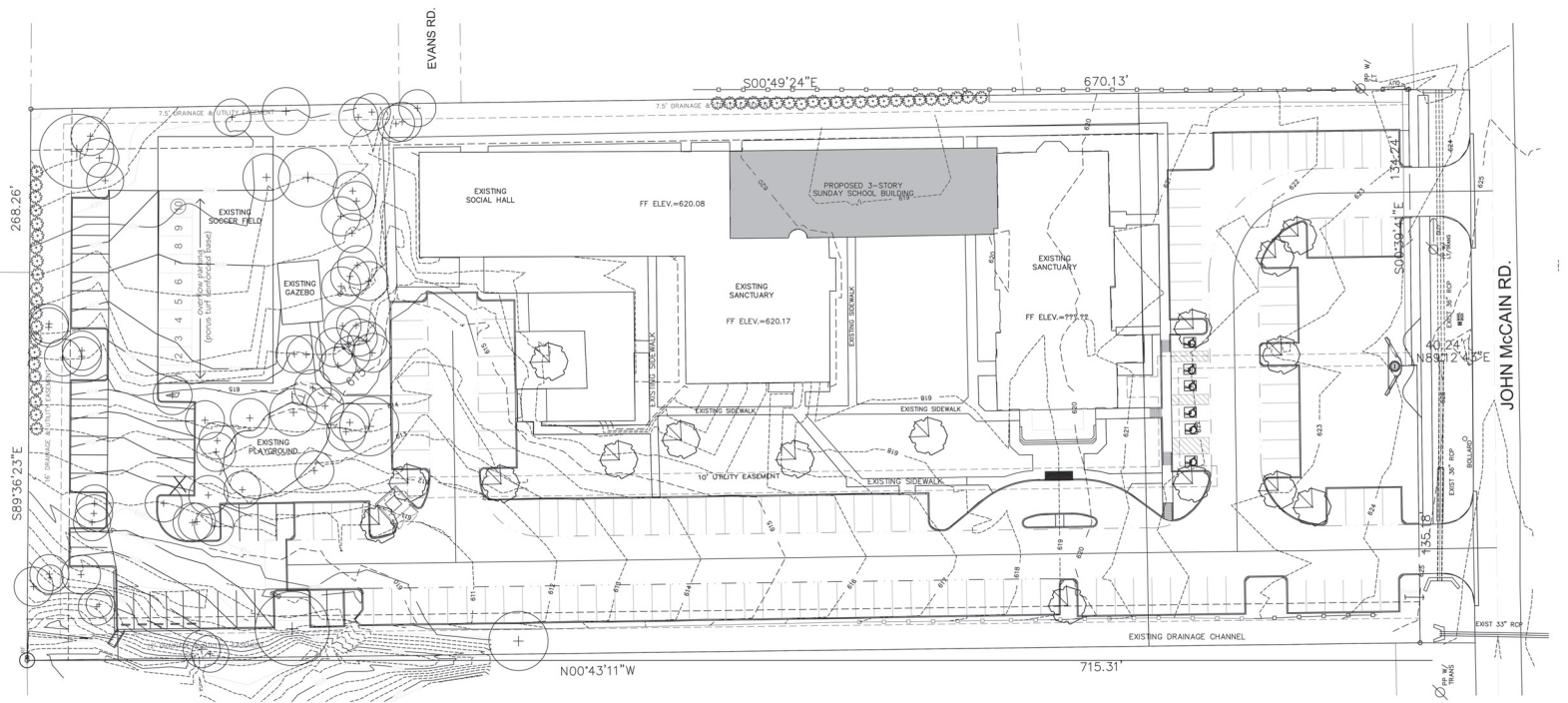
Please do not hesitate to call if you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Awad Eskander". The signature is fluid and cursive, with a long horizontal stroke at the end.

Awad Eskander, AIA

Site Plan



1 GRADING PLAN
SCALE: 1"=30'-0"

SAINT MARY COPTIC ORTHODOX CHURCH
NEW SUNDAY SCHOOL BUILDING
AND PARKING EXPANSION
1110 John McCain Rd., Colleyville, TX 76034

GRADING PLAN

C-2

23 AUGUST 2016

Elevation Exhibit



ARCHITECTURE
PLANNING
INTERIOR DESIGN

1112 JOHN MCCAIN ROAD
COLLEYVILLE TX 76034
PHONE 817-329-3808
FAX 800-946-0803
AWARD@PARADIGM-ARCH.NET
WWW.PARADIGM-ARCH.NET

OWNER:

PROJECT:

ST. MARY COPTIC
ORTHODOX CHURCH

1110 JOHN MCCAIN RD.
COLLEYVILLE, TX 76034

REVISIONS:

**BUILDING
ELEVATIONS**

A401

JOB NO: 2283
DATE: 11 APRIL 2016

COPYRIGHT 2016

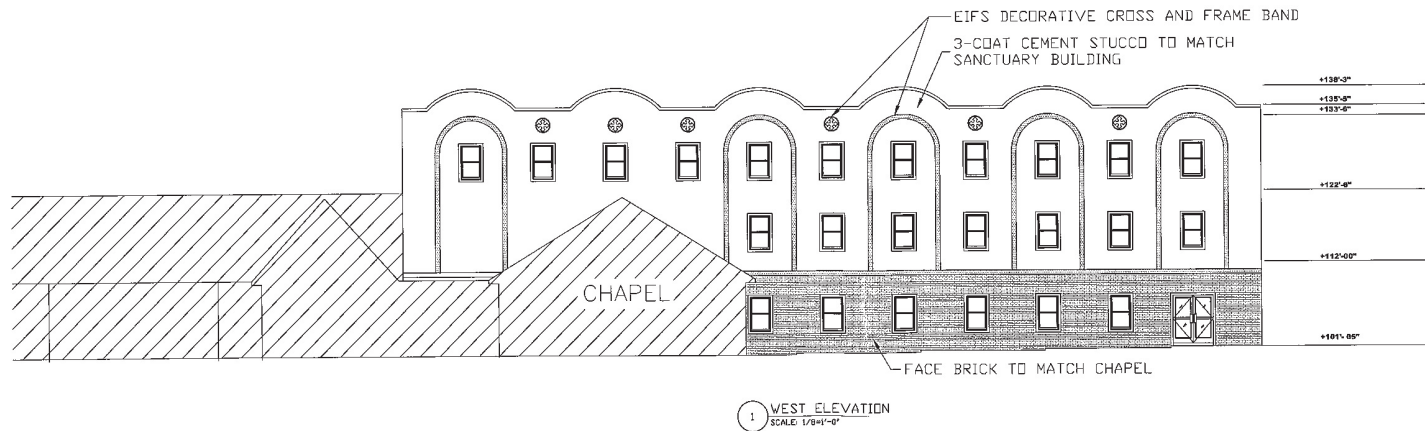
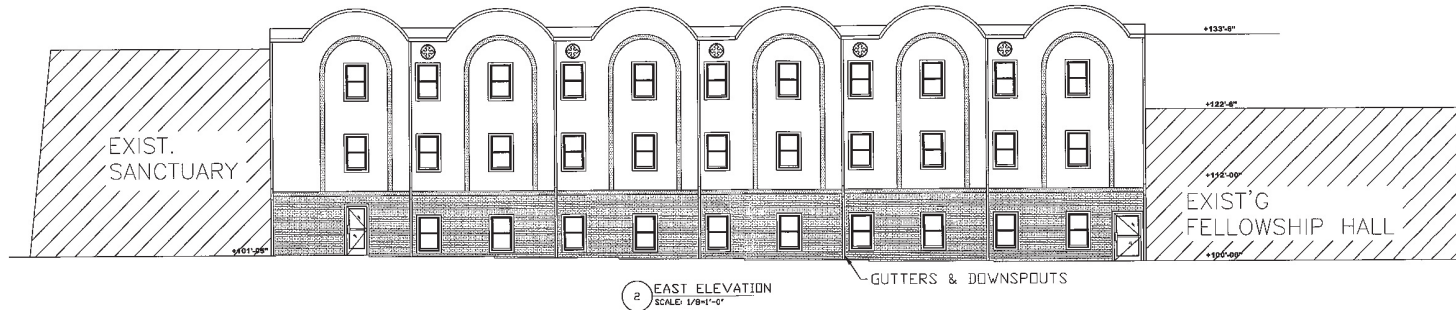


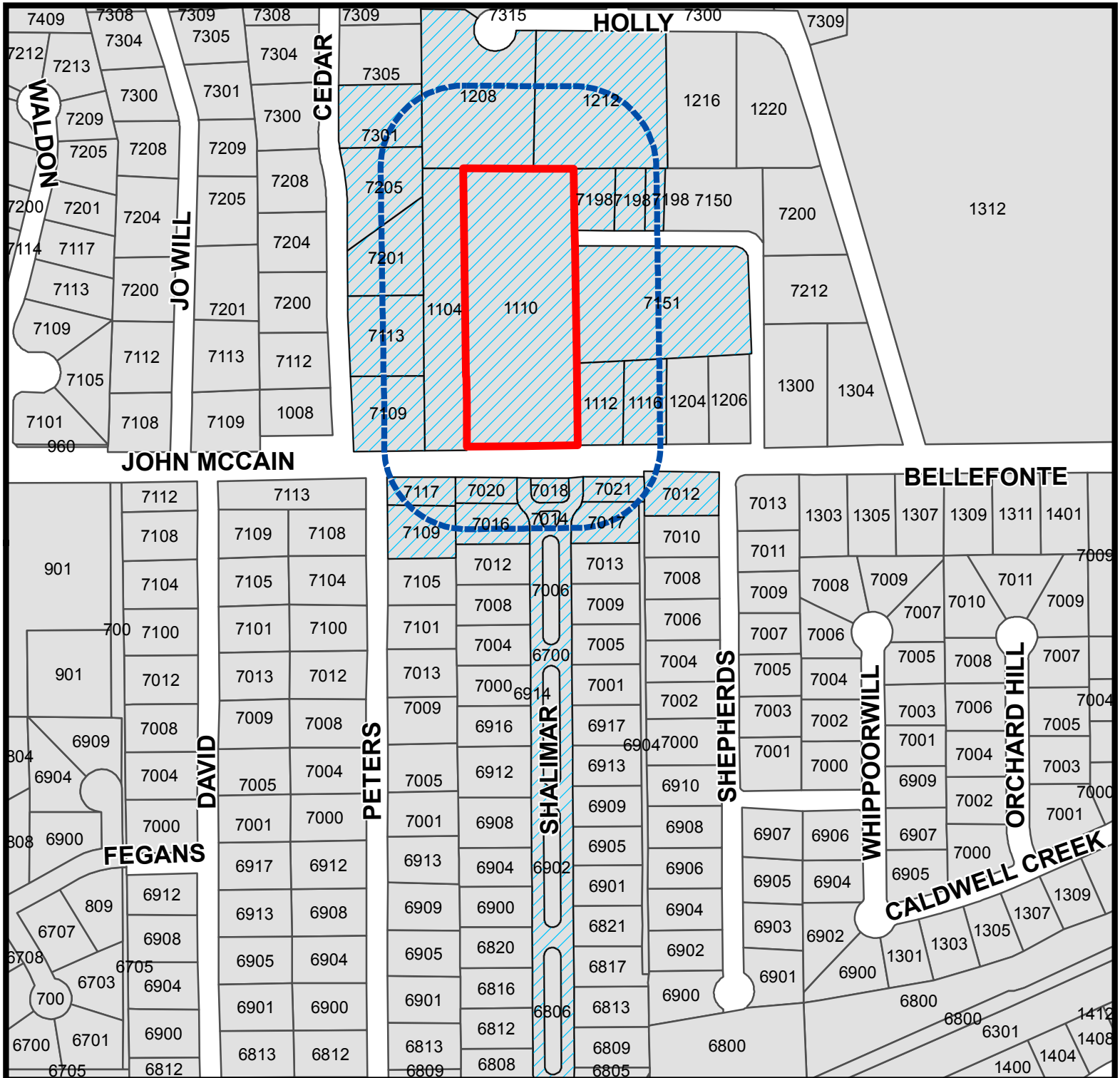
Photo Provided by Applicant



St. Mary Coptic Orthodox Church
Colleyville, Texas

Proposed Sunday School Classrooms
February 9, 2016

NOTIFICATION MAP



VC16-013

1110 JOHN MCCAIN ROAD

-  Subject Property
-  200ft Buffer
-  Parcels within 200ft



1 inch = 332 feet

Vicinity Map



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
SHALIMAR HOMEOWNERS ASSOC	PO BOX 423	COLLEYVILLE, TX	76034	7020 SHALIMAR CT
MOSS, JOSEPH	7016 SHALIMAR CT	COLLEYVILLE, TX	76034	7016 SHALIMAR CT
US-CDN TRUST	7109 PETERS PATH	COLLEYVILLE, TX	76034	7109 PETERS PATH
WARWICK PARC HOA	6707 BRENTWOOD STR RD STE 110	FORT WORTH, TX	76112	7117 PETERS PATH
SHALIMAR HOMEOWNERS ASSOC	PO BOX 423	COLLEYVILLE, TX	76034	7014 SHALIMAR CT
SHALIMAR HOMEOWNERS ASSOC	PO BOX 423	COLLEYVILLE, TX	76034	7018 SHALIMAR CT
WEIR, JOE D	7012 SHEPHERDS GLN	COLLEYVILLE, TX	76034	7012 SHEPHERDS GLEN
ANDUJAR, MARCOS	7017 SHALIMAR CT	COLLEYVILLE, TX	76034	7017 SHALIMAR CT
SHALIMAR HOMEOWNERS ASSOC	PO BOX 423	COLLEYVILLE, TX	76034	7021 SHALIMAR CT
STONES, BLAKE R	7301 CEDAR CT	COLLEYVILLE, TX	76034	7301 CEDAR CT
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7198 EVANS RD
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7198 EVANS RD
LATZER, ANN MARIE	7201 CEDAR CT	COLLEYVILLE, TX	76034	7201 CEDAR CT
STEVENSON, BARBARA J	7109 CEDAR CT	COLLEYVILLE, TX	76034	7109 CEDAR CT
CAMPBELL, RICKY J	7205 CEDAR CT	COLLEYVILLE, TX	76034	7205 CEDAR CT
KAUFFMAN, KURT H	1208 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	7198 EVANS RD
ST MARY'S COPTIC ORTHODOX CH	1110 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1110 JOHN MCCAIN RD
ESKANDER, AWAD	1112 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1112 JOHN MCCAIN RD
CURLEE, JON	1116 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1116 JOHN MCCAIN RD
UNIQUE LANDSCAPING DESIGN &	7111 COLLYVILLE BLVD # TX	COLLEYVILLE, TX	76034	7151 EVANS RD
NEWTON, RICHARD W	1208 HOLLY LN	COLLEYVILLE, TX	76034	1208 HOLLY LN N
KIRKHUFF, JEFFREY K	1212 HOLLY LN	COLLEYVILLE, TX	76034	1212 HOLLY LN N
SARTAIN, MICHAEL K	1124 GLADE RD	COLLEYVILLE, TX	76034	7113 CEDAR CT
GENCO, FRANK R	1104 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	1104 JOHN MCCAIN RD
SHALIMAR HOMEOWNERS ASSOC	PO BOX 423	COLLEYVILLE, TX	76034	6700 SHALIMAR CT
CALDWELL'S CREEK	P.O. BOX 682	COLLEYVILLE, TX	76034	COURTESY NOTICE
SHALIMAR	6919 SHALIMAR CT.	COLLEYVILLE, TX	76034	COURTESY NOTICE
WARWICKPARC	4113 GATEWAY DRIVE, SUITE100	COLLEYVILLE, TX	76034	COURTESY NOTICE
ESKANDER, AWAD	1112 JOHN MCCAIN RD	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, September 23, 2016 by Araceli
Botello