



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, May 9, 2017

City Council Chambers

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

1. APPROVAL OF MINUTES

April 11, 2017

2. PUBLIC HEARING AGENDA ITEMS

2a Request for a variance to Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically the lot coverage and side yard setback requirements on Lot 26, of the Community Home Addition, located at 1609 Cherry Lane, Case VC17-004

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, May 5, 2017 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, April 11, 2017

City Council Chambers

CALL TO ORDER

The Zoning Board of Adjustment meeting of the City of Colleyville was called to order by Board member McNosky on April 11, 2017 at 7:04 p.m.

Roll Call

Present: Board members Kimberly Holt, Richard Vallario, Dee Kamerman, Dee McNosky, Raymond Allee, Wayne Maynard, and Michael Deakin

Staff Present: Shane Pace, Amy Shelley, Oscar Chavez, Taylor Schauwecker, and Araceli Botello

1. APPROVAL OF MINUTES

Board member Maynard made a motion to approve the February 14, 2017 minutes as corrected. Board member Kamerman seconded.

The motion to approve the February 14, 2017 minutes as corrected carried by the following vote:

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

2. PUBLIC HEARING AGENDA ITEMS

- 4a** Request for a variance to certain provisions of the Section 3.24.G, Schedule of District Regulation of the Land Development Code, specifically a variance to the front yard setback, on Lot 1A, Block 1, of the Mac's Bar and Grill Addition, located at 5122 State Highway 121, Case VC17-003

Shane Pace presented the case and briefed the Board.

The applicant, Julia Barth, 4810 Shadywood Lane, came forward and

briefed the board.

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

Brent Johnson, 5150 Highway 121, came forward and spoke in opposition to the case.

Jon Ayers, 4808 Meandering Way, came forward and spoke in opposition to the case.

Chad Bradford, 5100 Highway 121, came forward and spoke in opposition to the case.

The following people wished to record their support but did not wish to speak:

Opposition:

Jim Bowyer, 5100 Highway 121

Inga Bowyer, 602 Llano Court, Southlake

Wendy Edington, 5100 Highway 121

The applicant, Julia Barth, 4810 Shadywood Lane, came forward for a rebuttal before the board.

Board member Maynard questioned applicant regarding water being redirected around the building for drainage. The applicant redirected the question to the architect.

The architect, Sabrina Bala, 5307 East Mockingbird Lane, Dallas, came forward and briefed the board. The architect responded that the plans will be engineered and adjust the drainage to work around the building. She added that pushing the building against the property line would create less room and that would create more drainage challenges.

Discussion continued regarding drainage.

Board member Maynard questioned the applicant regarding owning the front lot a year from date. The applicant responded she has no plans to sell the lot, but could potentially sell it at any time.

Discussion continued regarding potentially selling of the property and future tenants.

Board member Holt questioned applicant on the number of employees

working in the building. The applicant responded she has 12 employees and may have more, but no more than 20 employees.

There being no one else wishing to speak, the public hearing was closed at 7:51 p.m.

Board member Maynard made a motion to deny Case VC17-003.

In absence of a second motion, the motion died.

Board member Kamerman opened discussion as to the request of the variance in regards to parking spaces for the proposed building. Staff responded the request is proposing the building to encroach 25 feet into the 40 foot front yard setback. Board member Kamerman questioned staff if parking spaces will be reviewed when the applicant submits the site plans. Staff confirmed. Staff added that the site plans will be reviewed for commercial, civil, building permit requirements and address parking, building height, setbacks, drainage, and international building codes.

Board member Maynard questioned staff regarding the ability to relocate the building to a location on the lot that would not require a variance. Staff confirmed. Staff pointed to the exhibit and added if built within the foot print there would not be a variance requirement.

Board member Holt questioned staff regarding the number of parking spaces if the building is set back. Staff pointed to the exhibit and added that it would eliminate parking spaces additional to the number of spaces replaced by the building.

Board member Maynard questioned staff regarding parking spaces being replace in the front if the building is set back. Staff confirmed.

Board member Kamerman made a motion to approve Case VC17-003. Board member Vallario seconded.

The motion to approved Case VC17-003 carried by the following vote:

Aye: 4 – Kamerman, Allee, Vallario, and McNosky

Nay: 1 – Maynard

- 4b** Request for a variance to certain provision of Section 3.29-Parking Requirements of the Land Development Code, specifically a variance to the minimum number of off-street parking spaces, on Lots 2A & 3A, Block 1, of the Thompson Terraces Subdivision, located at 5017 Colleyville Boulevard, Case VC17-005

Shane Pace presented an update on the status of the case to the Board. He stated that the applicant has formally requested to withdraw and close the case, therefore no action needs to be taken by the board at this time. He went on to state that all property owners within 200 feet of the subject property have been notified of case being withdrawn.

5. ADJOURNMENT

The meeting adjourned at 7:57 p.m.

Minutes were written and prepared by:



Araceli Botello
Planning Technician

The meeting minutes were approved on _____ 2017, by a vote of _____.



City of Colleyville Zoning Board of Adjustment Agenda Briefing

City Hall
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Agenda Number 2a	Agenda Date 05/09/2017	Number
Type Public Hearing Agenda Items		
Department Community Development		

Title

Request for a variance to Section 3.24.G, Schedule of District Regulations of the Land Development Code, specifically the lot coverage and side yard setback requirements on Lot 26, of the Community Home Addition, located at 1609 Cherry Lane, Case VC17-004

Explanation

Colin and Janice Travis, the property owners, have submitted a request for a variance to the maximum lot coverage and side yard setback at 1609 Cherry Lane. This request is a result of the homeowners wishing to construct a 6,566 square foot home on an existing platted lot which is less than the required 40,000 square feet for the R-40 district.

Existing Conditions/Background: The subject property is a platted lot of the Community Home Addition and zoned R-40 Single Family Residential District. The subject property is generally located on the south side of Cherry Lane and east of Bluebonnet Drive. The subject property was previously developed with one single family residential home which was recently demolished.

The subject property was platted in 1952 prior to the incorporation of the City of Colleyville. At this time the property was most likely in the City of Grapevine or its Extraterritorial Jurisdiction (ETJ). No zoning regulations were in place at the time the plat was approved. Therefore the creation of a 27 lot subdivision with a majority of the lots being less than 40,000 square feet was not an issue. However, the conditions on the ground today are not consistent with the zoning district in which the subdivision is located. This creates the potential for conflict and variance requests when a homeowner wishes to construct a large home during the redevelopment process.

After review of the original variance request, staff determined that the most appropriate resolution would be to rezone the subject property to the R-20 district which is more closely aligned with the size of the existing platted lot. Rezoning the property would prevent the need for variances and allow the property owners to build a home commensurate to the surrounding homes and development patterns. Staff took the rezoning request to the April 10, 2017 Planning and Zoning Commission meeting where the request was denied by a vote of 4-1. Given the denial of the rezoning request, the only remaining course of action for the applicant is to request a variance from the Board of Adjustment.

Requested Variance:

Request – The applicant is requesting two variances:

1. A variance to the maximum lot coverage for the R-40 district. The applicant has requested to increase the maximum lot coverage from 20 percent to 25 percent.
2. A variance to the side yard setback on the east property line. The applicant is requesting to encroach five feet into the required 15 foot side yard setback.

Ordinance – Section 3.24.G Schedule of District Regulations requires a maximum 20 percent lot coverage and a minimum 15 foot side yard setback for the R-40 Single Family Residential district.

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the minimum lot coverage and setback standards 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 subject property is a legal lot of record, however it does not meet the minimum requirements of the R-40 district. The total area for Lot 26 is 27,566 square feet. Given the limited area and the existing zoning, staff believes the applicant has presented a hardship due to the *“specific parcel of land which differs from other parcels of land in the same district by being of such restricted area”*

The applicant desires to construct a single-story 6,566 square foot home on Lot 26. The maximum lot coverage allowed in the R-40 district is 20 percent, or 5,513 square feet. The proposed 6,566 square foot home would exceed the maximum lot coverage by 1,053 square feet. The total proposed lot coverage is approximately 24 percent. Based on this information the applicant has requested a variance to allow up to a maximum 25 percent lot coverage.

The applicant also requests a variance to the side yard setback on the eastern property line to allow the building to encroach five feet into the required 15 foot side yard setback. The applicant contends the variance is necessary due to the desire to construct a single story home rather than a two story home. Again, staff believes the lot is more closely aligned with an R-20 lot and the applicant has presented a hardship

as defined by the Land Development Code.

Should the variance request be denied, the applicant will be required to comply with all of the zoning regulations for the R-40 district. Essentially, the applicant will be limited to a maximum of 5,513 square feet (footprint, under roof) and also be required to comply with the 15 foot side yard setbacks on the subject property.

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

Public Notification: Staff mailed notices to all property owners within 200 feet as well as any Homeowners Associations within 500 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, no correspondence has been received.

Staff Recommendation: The applicant has presented a hardship on the subject property as defined in the Land Development Code. The subject property “differs from other parcels of land in the same district” due to the limited area of the lot. The requested variance should not adversely impact the surrounding properties, and any future development will be required to comply with all development regulations. Staff recommends approval of the request.

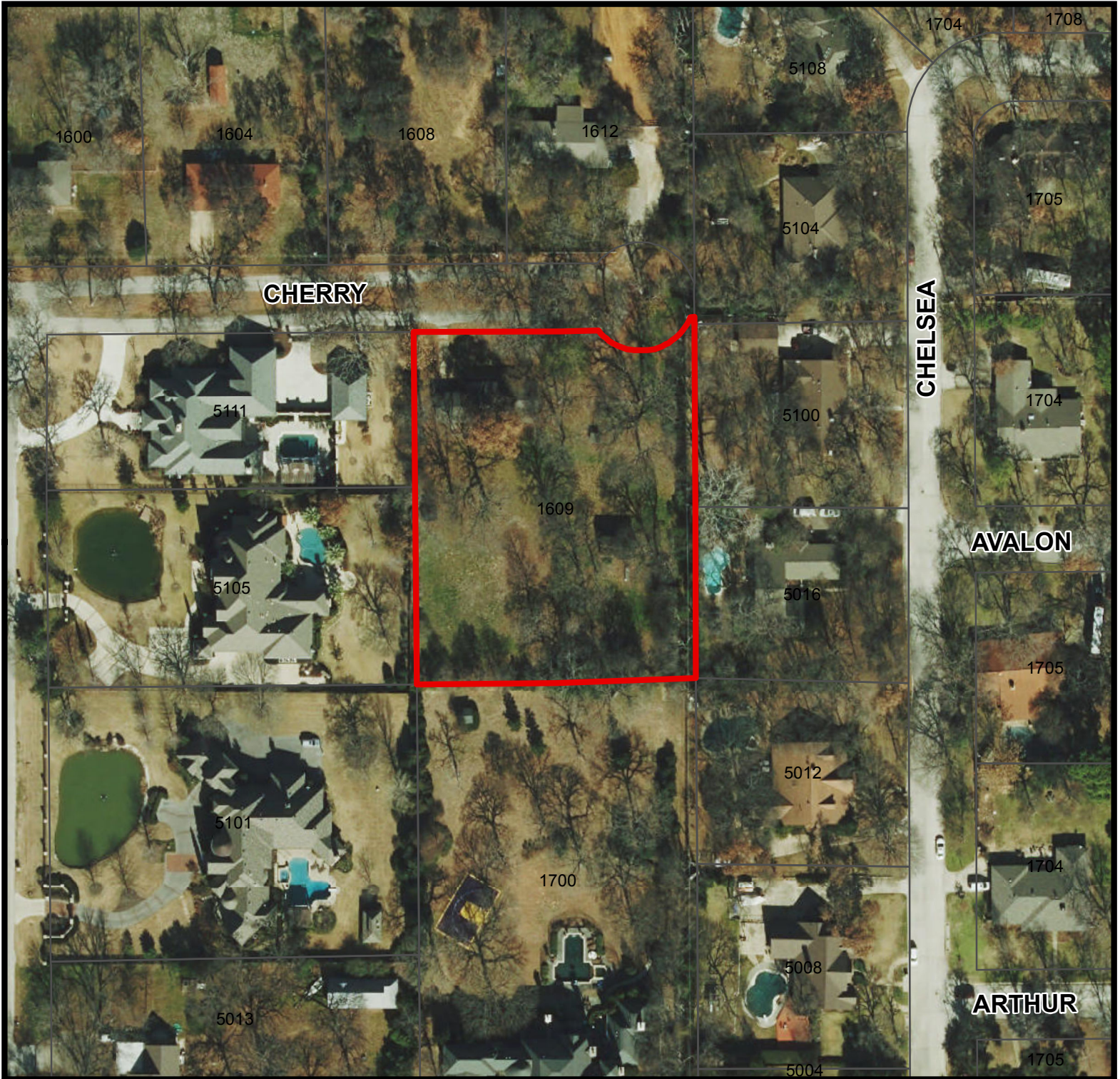
Recommendation

Approve

Attachments


1. Aerial Map
2. Zoning Map
3. Statement of Planning Objectives
4. Plat Exhibit
5. Proposed Site Plan
6. Proposed Building Elevation
7. Surrounding Lot Sizes
8. Notification Map
9. Notification List

AERIAL MAP



VC17-004

1609 CHERRY LANE

 Subject Property



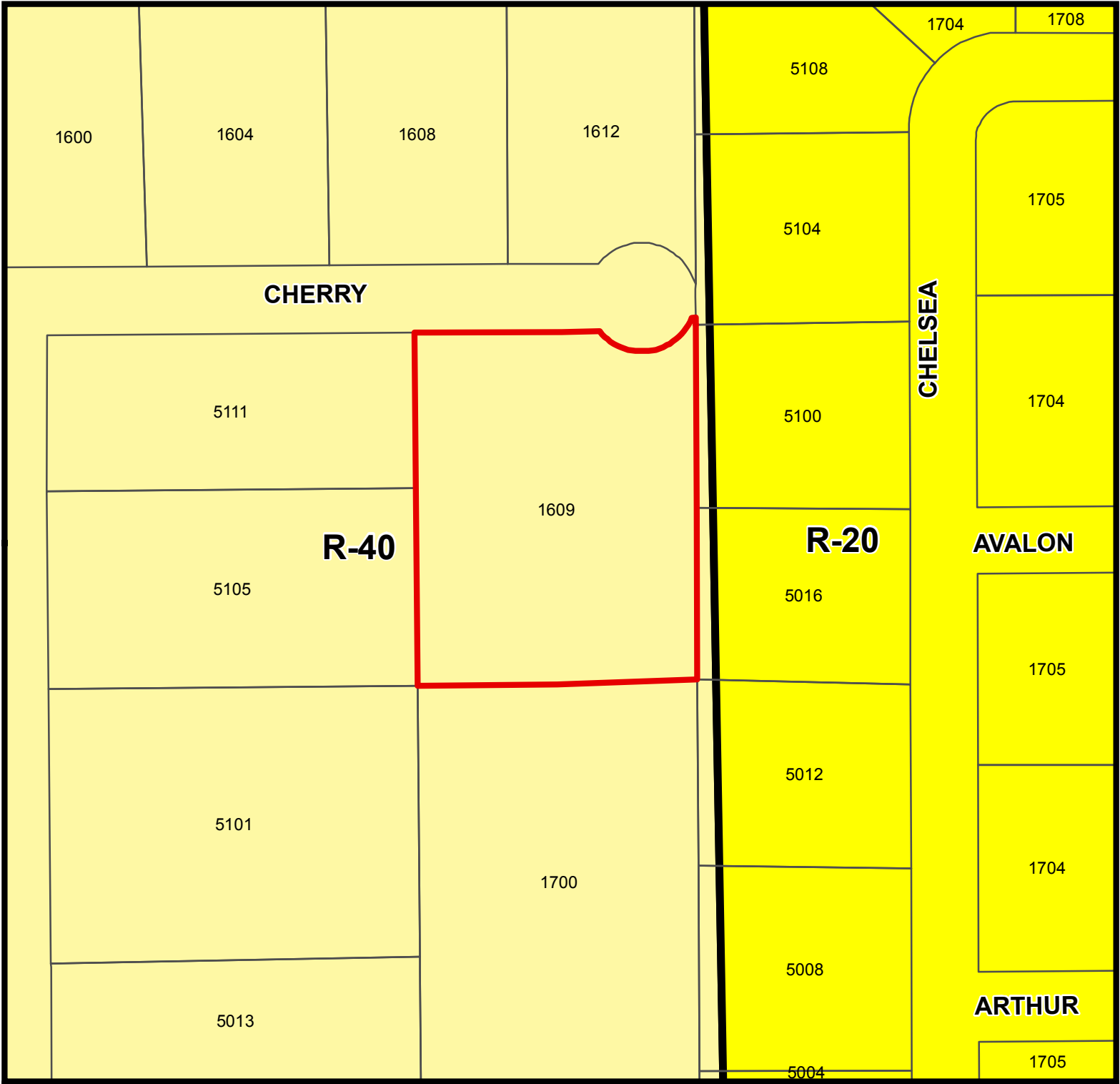
1 inch = 104 feet

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




VC17-004

1609 CHERRY LANE

-  Subject Property
-  R-20 Single Family Residential (20,000 sq. ft. min)
-  R-40 Single Family Residential (40,000 sq. ft. min)

Vicinity Map



 1 inch = 104 feet

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Statement of Planning Objectives

We would like to request the following variances on the property located at 1609 Cherry Lane, Colleyville, Lot 26, Community Home Addition.

Per the City of Colleyville, Lot 26 of Community Home Addition is "A Lot of Record that can be developed".

Lots 10-27 of Community Home Addition shown on the attached are all less square footage than R-40 requires, with the exception of two lots.

Lot 26 is 27,566 sq ft.

We are requesting a variance from the 20% maximum lot coverage, to enable us to build a house in keeping with the adjoining neighbor properties.

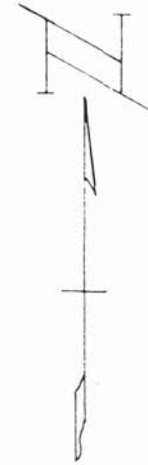
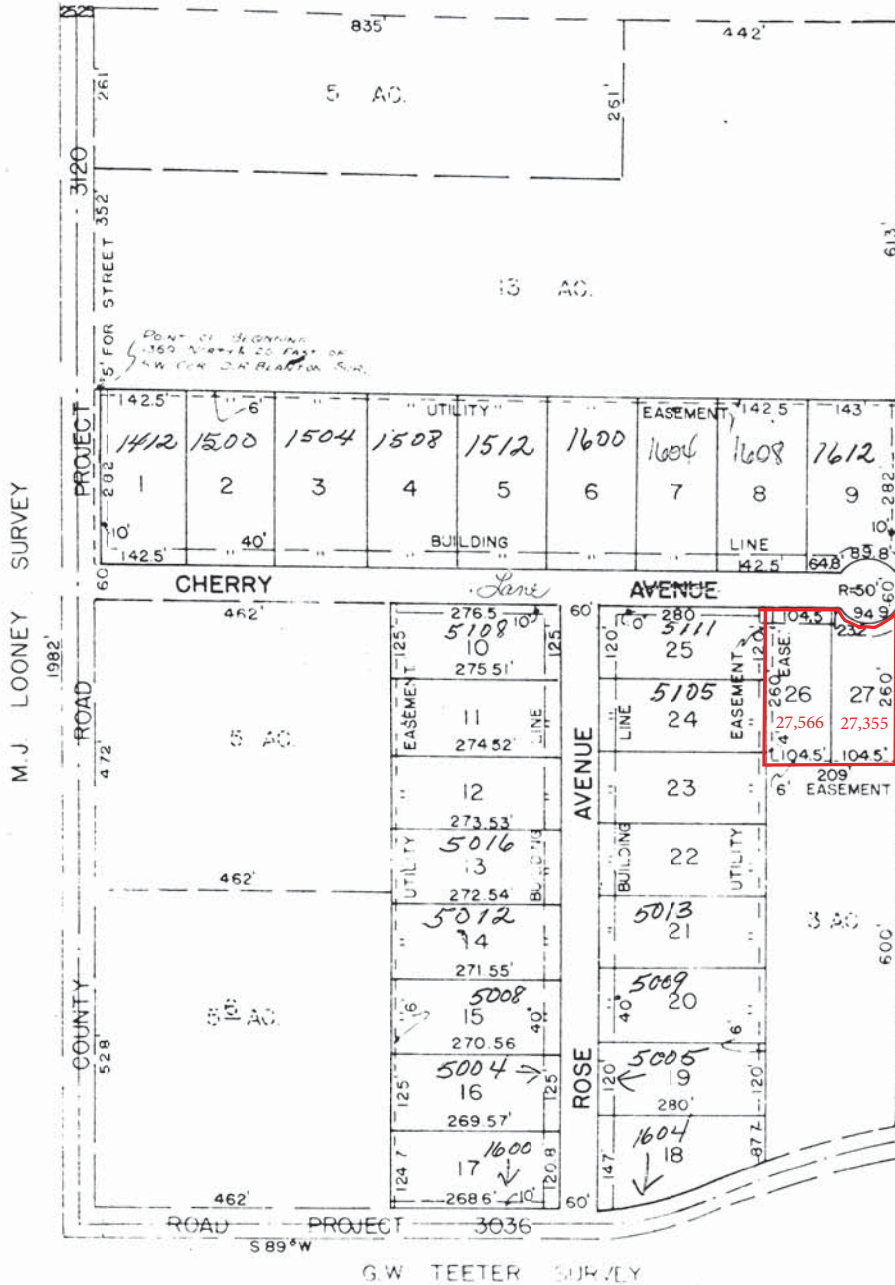
We are requesting a variance from 20% lot coverage to 25% lot coverage.

The total slab of the proposed house is 6566 sq. ft., which is 23.8 % lot coverage of 27,566 sq. ft.

We are requesting a variance from the 15 ft setback on the east side of the property. In order to build a house in keeping with the adjoining neighbors we are requesting a 10 ft set back on the east side of the property.

We are requesting a variance from 15 ft. setback to a 10 ft. setback on the east side of the property.

The present house, which is being demolished, at 1609 Cherry Lane is 10 ft from the eastern property line.



SCALE: 1" = 200'

APPROVED _____ 1952
 GRAPEVINE, TEXAS
 BY Melvin (Mel) Faulk
 MAYOR
 BY _____
 SECRETARY
 AUTHORIZED BY ORDER OF THE
 COMMISSIONERS COURT OF
 TARRANT COUNTY, TEXAS
 THIS 27th DAY OF May 1952
 MELVIN (MEL) FAULK
 COUNTY CLERK
 BY Frank H. Payne
 CLERK OF COMM COURT

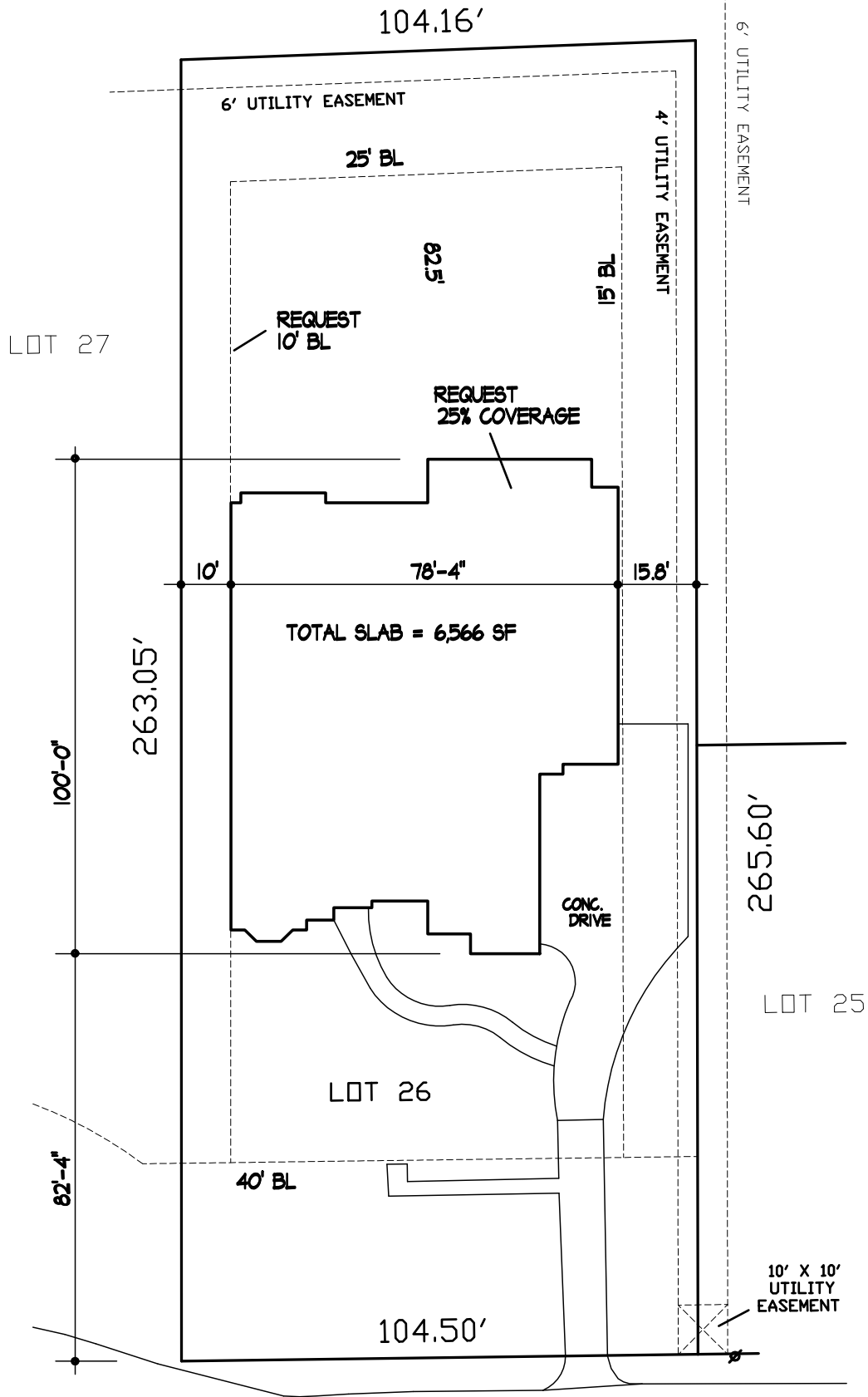
PLAT SHOWING
 LOTS 1-27
 COMMUNITY HOME ADDITION
 TO
 GRAPEVINE, TARRANT COUNTY, TEXAS

SURVEYED APRIL, 1952
 BY
 FRANK H. PAYNE & ASSOC
 CIVIL ENGINEERS



*Plat Record Volume
 373-R
 Page 40
 recorded 1952*

Original Request - Proposed Site Plan



1609 CHERRY LANE

PLOT PLAN

SCALE: 1"=30'

LOT 26
COMMUNITY HOME ADD'N
COLLEYVILLE, TEXAS



Proposed Building Elevation



SURROUNDING LOT SIZES



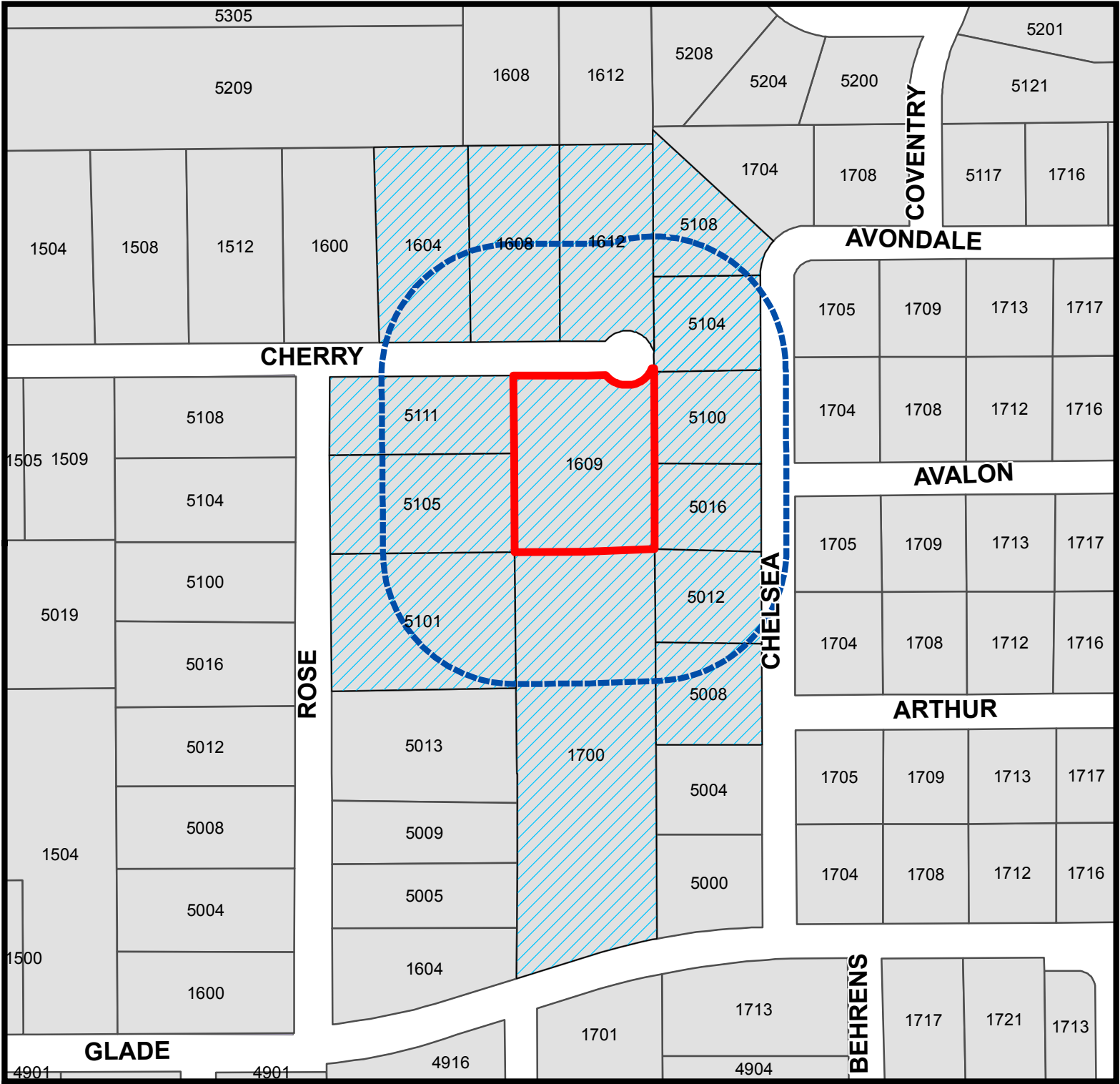
1 inch = 250 feet

Vicinity Map






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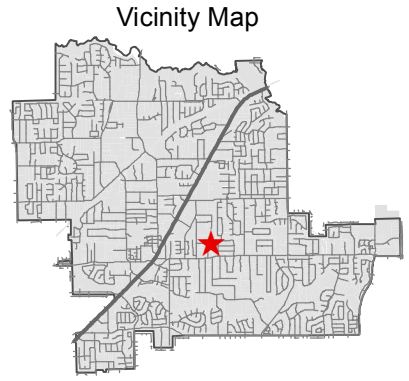
NOTIFICATION MAP




VC17-004

1609 CHERRY LANE

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



 1 inch = 208 feet

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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
HERRON, DAVID	5105 ROSE ST	COLLEYVILLE, TX	76034	5105 ROSE ST
PAYNE, ELEANOR MARIE	6983 COX LN	NORTH RICHLAND HILLS, TX	76182	1609 CHERRY LN
HARRINGTON, D NEAL	5012 CHELSEA DR	COLLEYVILLE, TX	76034	5012 CHELSEA DR
DUCIC, YADRANKO	1700 GLADE RD	COLLEYVILLE, TX	76034	1700 GLADE RD
HICKEY, BRIAN DOUGLAS	5100 CHELSEA DR	COLLEYVILLE, TX	76034	5100 CHELSEA DR
PERRY, STAN	5111 ROSE ST	COLLEYVILLE, TX	76034	5111 ROSE ST
ROGERS, NANCY JO	1612 CHERRY LN	COLLEYVILLE, TX	76034	1612 CHERRY LN
MANGHAM, WEBSTER M	5008 CHELSEA DR	COLLEYVILLE, TX	76034	5008 CHELSEA DR
STROUD, ROBERT G	5101 ROSE ST	COLLEYVILLE, TX	76034	5101 ROSE ST
MILLER, TRACY S	5108 CHELSEA DR	COLLEYVILLE, TX	76034	5108 CHELSEA DR
ROGERS, NANCY	1612 CHERRY LN	COLLEYVILLE, TX	76034	1608 CHERRY LN
PHILLIPS, DEAN F	PO BOX 610411	DALLAS, TX	75261	1604 CHERRY LN
KING, MARY	5016 CHELSEA DR	COLLEYVILLE, TX	76034	5016 CHELSEA DR
BURAL, LYNN	5104 CHELSEA DR	COLLEYVILLE, TX	76034	5104 CHELSEA DR
FIRST ELB LIMITED INC	5104 CHELSEA DR	COLLEYVILLE, TX	76034	5104 CHELSEA DR

CHELSEA PARK HOA	1816 AVONDALE DRIVE	COLLEYVILLE, TX	76034	COURTESY NOTICE
TRAVIS, COLIN AND JANICE	4701 JIM MITCHELL TR. WEST	COLLEYVILLE, TX	76034	APPLICANT
GRAPEVINE-COLLEYVILLE ISD	3051 IRA WOODS AVE E	GRAPEVINE, TX	76051	STATE LAW REQUIRED

Public hearing notices were mailed
Friday, April 21, 2017 by Araceli Botello