



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, September 12, 2017

City Council Chambers

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

1. APPROVAL OF MINUTES

August 9, 2017

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to certain provisions of Section 3.26, Fences, Free Standing Walls, and Screening Materials on Lot 9, Block 2, of the Brighton Oaks Addition, located at 3005 Sherwood Lane, Case VC17-009
- 2b** Request for a variance to certain provisions of Section 3.26, Fences, Free Standing Walls, and Screening Materials on Lot 5R, Block 4, of the Rustic Oaks Addition, located at 5409 Rustic Trail, Case VC17-010

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards Friday, September 8, 2017 by 5:00 p.m.

Araceli Botello
Planning Technician

A quorum of the Colleyville City Council or any other Board, Commission, or Committee 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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100 Main Street
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Wednesday, August 9, 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 August 9, 2017 at 7:01 p.m.

Roll Call

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

Staff Present: Ben Bryner and Araceli Botello

1. APPROVAL OF MINUTES

Board member Allee made a motion to approve the July 12, 2017 minutes. Board member Maynard seconded.

The motion to approve carried by the following vote:

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

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 an encroachment into the rear yard setback, on Lot 13R, Block C, of the Heron Pond Addition, Located at 5605 Heron Pond East, Case VC17-008

Ben Bryner presented the case and briefed the Board.

The public hearing was opened at 7:11 p.m.

The architect, Kevin Armstrong, 14 Norwood Court, Burleson, TX, came forward and briefed the board.

The owner, Joe Atkins, 5605 Heron Drive East, came forward and

briefed the board.

The architect, Kevin Armstrong, 14 Norwood Court, Burleson, came forward for a rebuttal before the board.

Board member Allee questioned staff regarding the distance for the proposed roof structure to be detached from the main structure. Staff responded that a roof structure is considered detached where the sky is visible which can be a physical separation as little as one inch from the main structure.

Board member Kamerman questioned staff regarding the City Council making amendments to the ordinance and the impact of the amendments to the applicant's request in the future. Staff responded that if the Board denies the applicant's request, the applicant can detach the proposed roof structure from the main structure or await for possible amendments to the ordinance by the City Council.

Discussion continued regarding amendments to the ordinance.

Board member Kamerman questioned the applicant if they looked at other alternative locations for the proposed roof structure. The applicant responded that they did but determined that their desire is to attach the proposed roof structure to the main structure.

Discussion continued regarding the request of attaching the proposed roof structure to the main structure.

Board member Maynard questioned the applicant if the request to attach the proposed roof structure to main structure is to protect from inclement weather. The applicant responded affirmatively that the attachment of the proposed roof structure to the main structure is to protect from the elements.

Discussion continued regarding the attachment of the structure to protect from the elements.

Board member Kamerman opened discussion regarding proposing the necessary amendments for attached structures before the City Council. Board member McNosky added that the regulations set by the Land Development Code were passed by previous Council members and going counter to the regulations can set a precedent to go against the regulations again for other properties.

Discussion continued regarding the regulations set by the Land Development Code.

The owner, Joe Atkins, 5605 Heron Drive East, came forward for a rebuttal before the board.

Board member Maynard questioned the owner regarding whether his neighbor has an attached roof structure to the main structure. The owner replied no.

Discussion continued regarding other neighboring properties having attached structures.

Board member McNosky questioned the applicant regarding potentially building the structure as detached and attaching it in the future. The applicant responded that it would not be worth it to build the proposed roofing structure detached and then attempt to re-attach it later.

Discussion continued regarding attaching the proposed roof structure at a later time.

There being no one else wishing to speak, the public hearing was closed at 7:33 p.m.

Board member Vallario opened discussion in regards to staff presenting the proposed amendments to the Land Development Code before the City Council.

Board member McNosky questioned staff if the request by the applicant could be tabled until the proposed amendments to the ordinance could be presented before the City Council. Staff responded they would need to consult with the City Manager to determine when they could present the proposed amendments to the ordinance before the City Council.

Discussion continued regarding the proposed amendments to be presented before the City Council.

Board member McNosky opened discussion regarding the request made by the applicant.

Board member Maynard made a motion to deny Case VC17-008. Board member Vallario seconded.

The motion to deny case VC17-006 carried by the following vote:

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

3. ADJOURNMENT

The meeting adjourned at 7:42 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
100 Main Street
Colleyville, Texas 76034
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Agenda Number 2a	Agenda Date 09/12/2017	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 on Lot 9, Block 2, of the Brighton Oaks Addition, located at 3005 Sherwood Lane, Case VC17-009

Explanation

Tracy Cutrona, the owner and applicant, requests approval of a variance to the fence setback requirements described in Section 3.26(E) of the Land Development Code. The proposed fencing exceeds the maximum height of 30 inches and the maximum 25% solid construction allowed within the 30 foot setback along the northern frontage of Sherwood Lane. The Land Development code allows fences in the front yard setback but only fences with a maximum height of 30 inches and 25% solid construction.

Existing Conditions/Background: The subject property resides in the bend of the 3000 block of Sherwood Lane on the south side of the street. This lot, described as Lot 9, Block 2, of the Brighton Oaks Addition, has an existing single family residence with the R-20 Single Family Residential zoning designation.

Requested Variance: The applicant requests a variance to allow a chain-link fence greater than 30 inches tall, a solid construction seating wall, and an Ironite brick screening wall greater than 30 inches tall within the required 30 foot front yard setback. The applicant states that privacy concerns for their pool area, as well as the master bedroom, have motivated the additions which also include extensive landscape improvements.

Ordinance – Section 3.26.E Schedule of District Regulations requires a maximum height of 30 inches and a maximum of 25% solid construction for any fence within a front yard setback.

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the minimum 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 applicant purchased the subject property in 2013 and constructed the residence in 2014. The architect designed the home to sit near the rear of the property with most of the amenities, such as the yard and pool, situated between the house and the public right of way along Sherwood Lane. Traditional homes will typically use the front of the home and privacy fences along the sides and rear of the lot to facilitate privacy. However, the unique layout of the subject property requires some creativity to achieve the privacy sought by the applicant.

The subject property has room between the front of the structure and front yard setback lines to construct extensive privacy fencing which is allowed by right. However, the location of the pool on the site prevents privacy fencing for a small portion of that frontage. The site has an expansive and well landscaped front yard, which the applicant plans to also improve along with the proposed fencing.

Should the variance request be approved, the applicant will be required to submit appropriate plans for review prior to issuance of a building permit for the wall and fence. The plan review will verify compliance with all Land Development Code requirements related to such construction.

Surrounding Development: The subject property resides in a large, developed residential neighborhood with predominately R-20 zoning designation. All the adjacent properties have the R-20 zoning classification.

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: Staff does not recommend approval based on the following findings:

1. The property has no inherent, unalterable features which create a hardship.
2. The hardship described by the applicant results from site improvements.
3. Alternative solutions exist which could meet the desired outcomes of the applicant without acquiring a variance.

4. This variance, if granted, provides a development privilege not available to similar properties in the city.

Recommendation

Denial

Attachments

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


Aerial Map

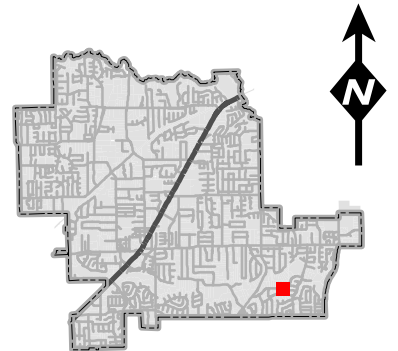


VC17-009

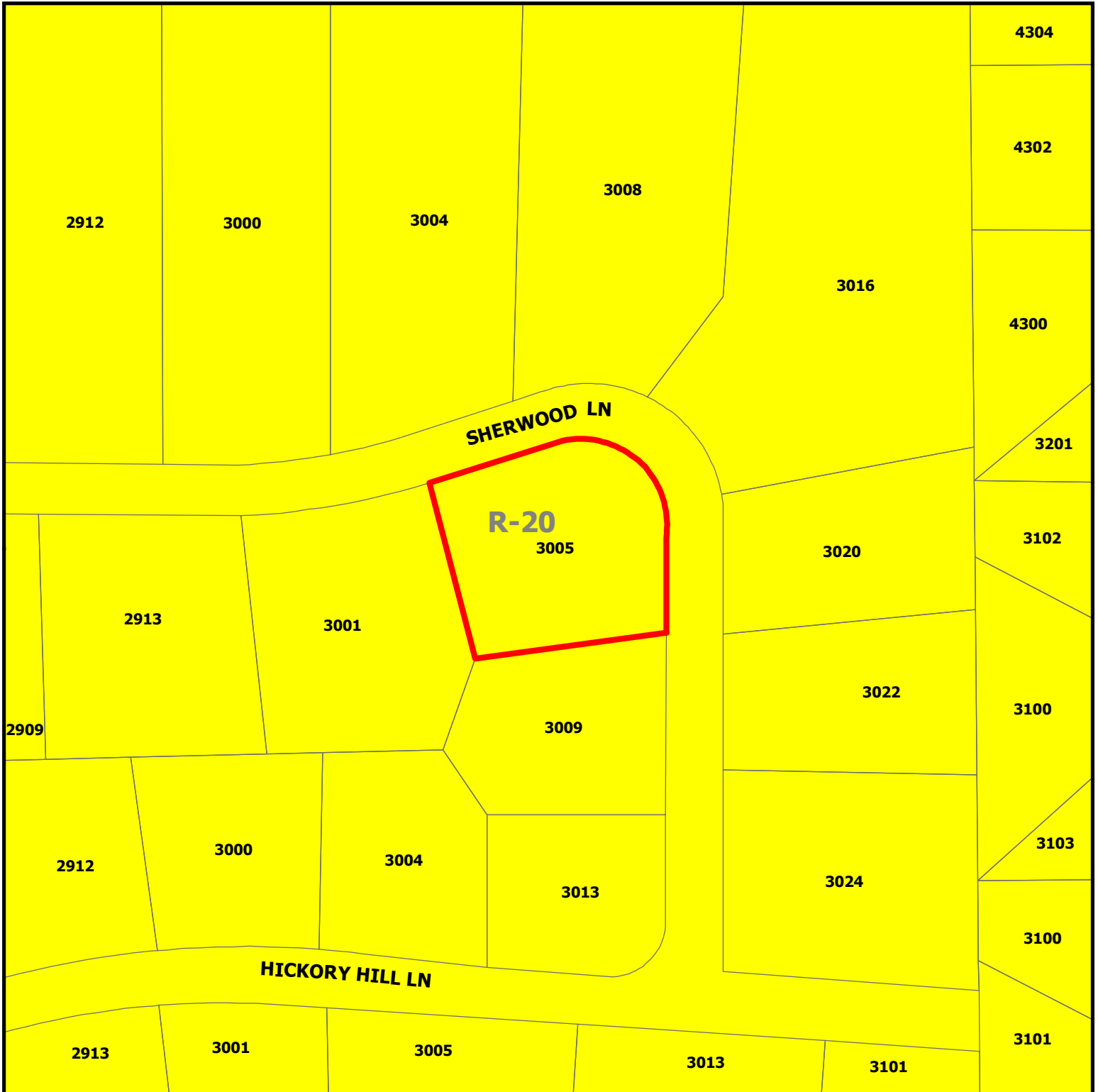
3005 Sherwood Lane

DISCLAIMER:
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 Subject Property




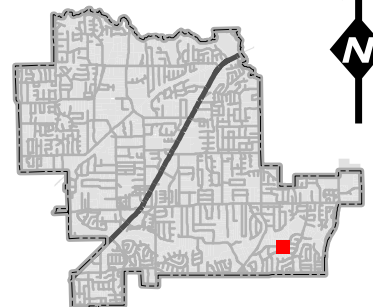
Zoning Map



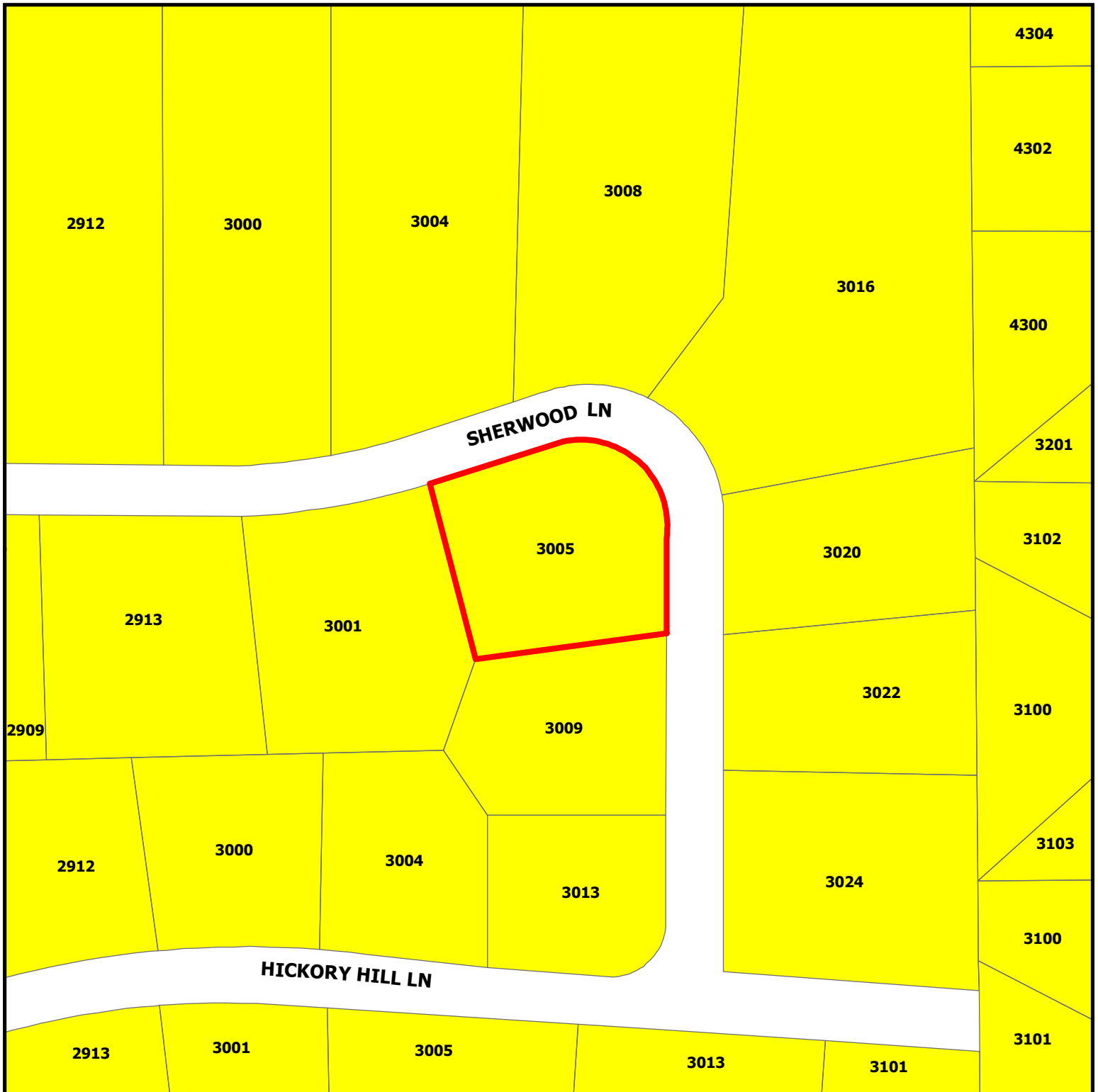
VC17-009
3005 Sherwood Lane

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 Subject Property




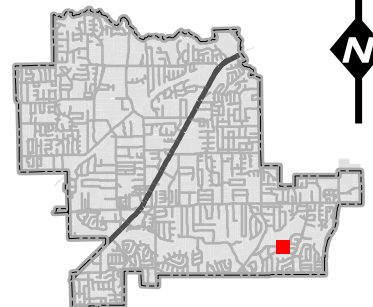
Future Land Use Map



VC17-009
3005 Sherwood Lane

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 Subject Property



Statement of Planning Objectives

To Whom It May Concern:

The property at 3005 Sherwood Lane, Colleyville is the location for which we are requesting a "variance to encroach into the 30 foot setback."

The Special conditions which are peculiar to the land;

1. Corner Lot with 30" Set back on 2 sides;
2. Heavily sloped topography;
3. Boggy terrain.

When we purchased the lot in 2013, we hired Michael Malone Architects (President of the Texas Society of Architects) out of Dallas to design our home. We wanted a modern and efficient home that made every usable space, highly functional. This was to include the outdoors as well. In order to make best use of the land, we opted to back the house all the way into the back of the property and place the outdoor space in the front yard. We built the pool in the front (of which we received approval for). This allowed us to have the perception of more yard but staying within the "usable" area of the property.

In maximizing use of our lot, a lack of privacy has presented itself not only from the area of the pool but almost as important, from our Master Bedroom. We are not able to open our shade to our bedroom because of zero privacy from the street. We have hired a top notch Landscape Architect Firm, Studio Outside, to provide us with drawings to not only address privacy issues but also enhance the home, land and neighborhood. Some of their more recent notable projects include, Parkland Hospital, The Dallas Museum of Arts and Dealey Plaza. The firm has presented the attached plans which help us meet our needs with the least amount of variance request possible. The area requiring consideration encroaches into the 30' setback of which includes the "End of the Brick wall, the "end of the seating wall" and a portion of the chain link fence to be moved outward a provide a smoother transition from materials. All of the areas falling in the "30' setback area" would be heavily landscaped and minimally distinguishable. This brick wall would also provide much needed privacy for our bedroom, which faces the street.

Our plan also includes planting over 100 high quality trees, an area to provide vegetation and food for the abundant birds we have in our neighborhood, including Finches, Hawks, Mississippi Kites, Hummingbirds, Owls, Blue Birds, Doves, etc. and hardscaping. All of the grasses that will be planted with be native grasses, requiring minimal mowing and water.

Our plan would add significant value to our home and the surrounding area.

As for our neighbors, we have spoken with them and they like the plans. It provides more vegetation and a softening of our modern house from their prospective. The chain link fence and wall set within the 30" setback will not obstruct any views nor will it be a hindrance to drivers and pedestrians.

We are eager to start this project and look forward to addressing any concerns you may have. My cell is 214-707-6123.

Regards
Tracy Cutrona

Conceptual Site Plan

Area of encroachment



① We would like to bump out existing fence to provide smooth transition:

② In doing so, fence is less obvious from street

Photos Provided by Applicant



View of Street from master bedroom

Pull fence down hill. will hide better + look better as well

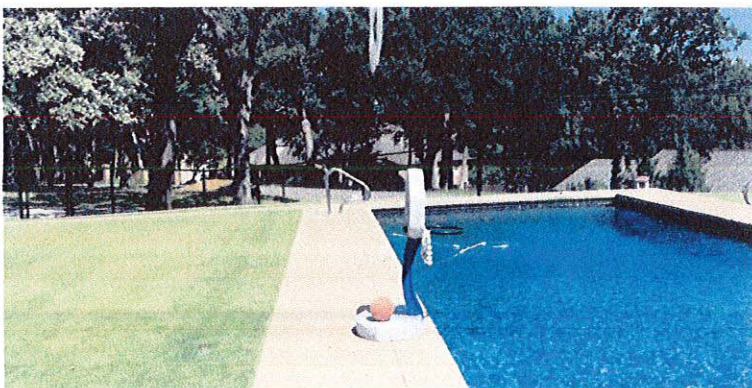


Sloped topography

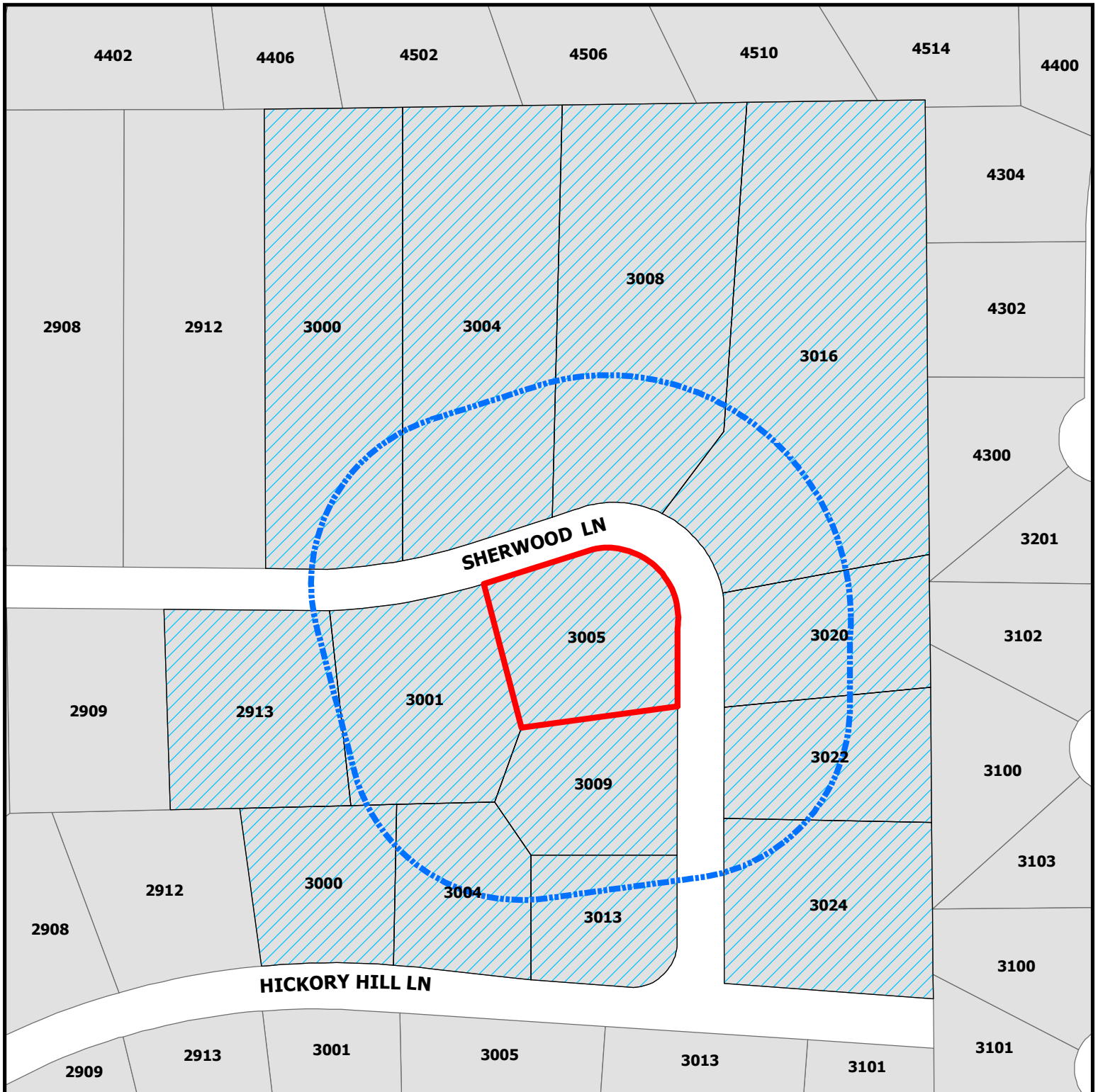


← master bedroom

View of houses + street from pool.






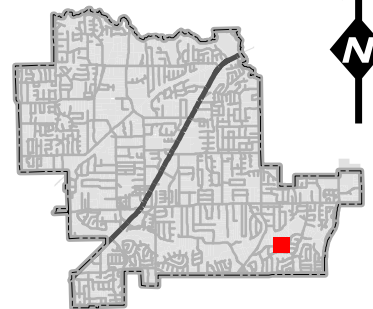
Notification Map



VC17-009

3005 Sherwood Lane

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



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
DORSHORST, RANDALL L	3000 HICKORY HILL LN	COLLEYVILLE, TX	76034	3000 HICKORY HILL LN
KOZAKIS, GREGORY A	3004 SHERWOOD LN	COLLEYVILLE, TX	76034	3004 SHERWOOD LN
MOORE, NELSON	3020 SHERWOOD LN	COLLEYVILLE, TX	76034	3020 SHERWOOD LN
ROSS, PAUL	3004 HICKORY HILL LN	COLLEYVILLE, TX	76034	3004 HICKORY HILL LN
GALLAGHER, GERALD R	3024 SHERWOOD LN	COLLEYVILLE, TX	76034	3024 SHERWOOD LN
MILLWEARD, THOMAS	3000 SHERWOOD LN	COLLEYVILLE, TX	76034	3000 SHERWOOD LN
RENFROW, MARK	3016 SHERWOOD LN	COLLEYVILLE, TX	76034	3016 SHERWOOD LN
RUCK, HERBERT	2913 SHERWOOD LN	COLLEYVILLE, TX	76034	2913 SHERWOOD LN
SMITH, JAMES K	3001 SHERWOOD LN	COLLEYVILLE, TX	76034	3001 SHERWOOD LN
CUTRONA, JOSEPH A	3005 SHERWOOD LN	COLLEYVILLE, TX	76034	3005 SHERWOOD LN
WARD, FRED A DAVIS	3009 SHERWOOD LN	COLLEYVILLE, TX	76034	3009 SHERWOOD LN
ALLEN, CAROLYN VIRGINIA	3022 SHERWOOD LN	COLLEYVILLE, TX	76034	3022 SHERWOOD LN
LANDRUM, GALE E	3008 SHERWOOD LN	COLLEYVILLE, TX	76034	3008 SHERWOOD LN
BOLLINE, THAD M	3013 SHERWOOD LN	COLLEYVILLE, TX	76034	3013 SHERWOOD LN

WOODLAND HILLS (COLLEYVILLE)	4100 OXFORD COURT	COLLEYVILLE, TX	76034	COURTESY NOTICE
CUTRONA, TRACY	3005 SHERWOOD LANE	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 25, 2017 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 09/12/2017	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 on Lot 5R, Block 4, of the Rustic Oaks Addition, located at 5409 Rustic Trail, Case VC17-010

Explanation

Amy Ellison, the owner and applicant, requests approval of a variance to the fence setback requirements described in Section 3.26(E) of the Land Development Code. The proposed fencing exceeds the maximum height of 30 inches, and the maximum 25% solid construction allowed within the 15 foot setback along the Rustic Trail frontage between Elm Street and Valley View Drive South. The Land Development code allows fences in the side yard setback on corner lots, but only fences with a maximum height of 30 inches and 25% solid construction.

Existing Conditions/Background: The subject property resides in the bend of the 5000 block of Rustic Trail on the west side of the street. This lot, described as Lot 5R, Block 4, of the Brighton Rustic Oaks Addition, has an existing single family residence with the R-20 Single Family Residential zoning designation.

Requested Variance: The applicant requests a variance to allow an 8 foot tall pre-stained cedar fence with a 2"x6" top cap and 1"x4" trim board along the Rustic Trail frontage of their property between Elm Street and Valley View Drive South. This property contains a portion of a large pond. The property owner has concerns about the visual and physical accessibility to the pond by the public. The property owner would like to construct the proposed fence to eliminate visibility and prohibit access to the pond by the public. Currently, an existing, non-conforming 6 foot tall, unstained pine fence serves as a visual and physical barrier to the pond.

Ordinance – Section 3.26.E.2 Schedule of District Regulations requires a maximum height of 30 inches and a maximum solid construction of 25% for any fence within a street facing side yard setback on a corner lot.

Chapter 1 (General Provisions) of the Land Development Code authorizes the Zoning Board of Adjustment to grant variances to the minimum 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 has some unique characteristics, primarily access to a large pond and an unusual length and arrangement of street frontage. Due to this arrangement, anyone driving down Rustic Trail might think the pond is a publicly accessible feature if they could see it from the public right-of-way. Unrestricted access to the pond might cause some liability of the property owner should anything unfortunate happen. Currently, a 6 foot wood fence screens the pond from public view. However, current regulations do not allow a privacy fence within the 15 foot side yard setback. Any fence within that 15 foot side yard setback must not exceed 30 inches in height or 25% solid construction.

The property owner could achieve the desired privacy with the proposed fence setback a distance of 15 feet from the property line. Or, within the 15 foot setback installation of landscaping or a combination of landscaping and a smaller fence could also achieve the desired level of privacy.

If the Zoning Board of Adjustment approves the requested variance, the applicant shall submit appropriate plans for review prior to issuance of a building permit. The plan review will verify compliance with all Land Development Code requirements related to such projects.

Surrounding Development: The subject property resides in a large developed residential neighborhood just south of the rail road. This neighborhood has predominately R-20 zoning. All the adjacent properties have the R-20 zoning classification. The neighborhood just to the north of the Rail Road has predominately R-40 zoning.

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: Based on the existing regulations staff does not recommend approval based on the following findings:

1. The property has no inherent, unalterable features which create a hardship.
2. Alternative solutions exist which could meet the desired outcomes of the applicant without acquiring a variance.
3. This variance if granted, provides a development privilege not available to similar properties in the city.

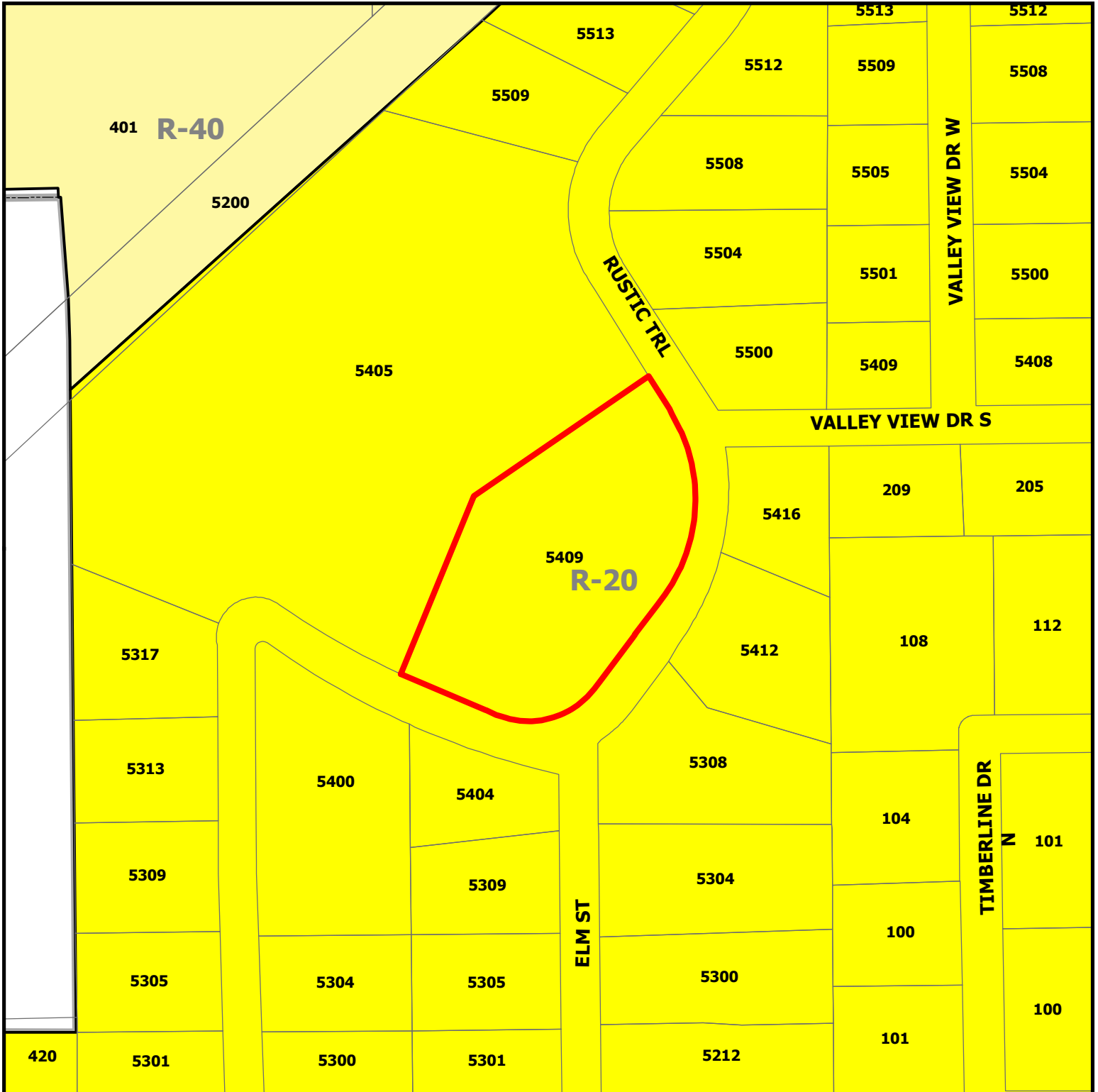
Recommendation

Denial


Attachments

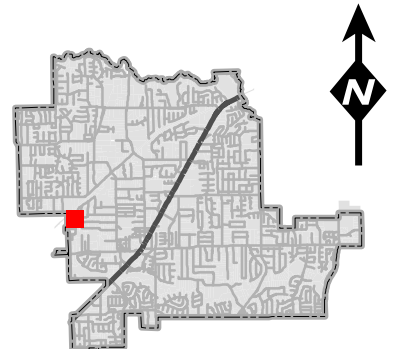
1. Aerial Map
2. Zoning Map
3. Future Land Use Map
4. Statement of Planning Objectives
5. Conceptual Site Plan
6. Notification Map
7. Notification List

Zoning Map



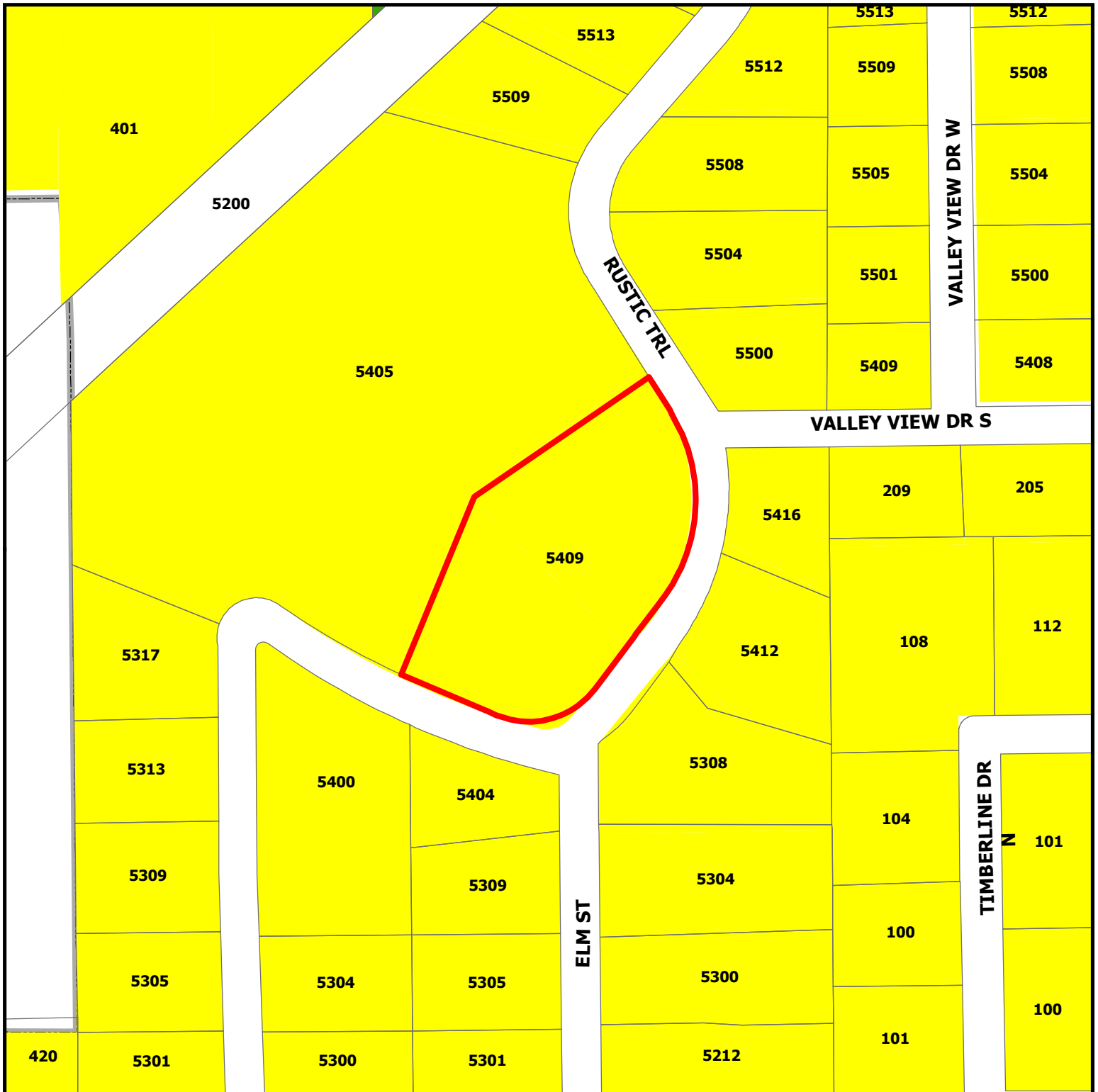
VC17-010
5409 Rustic Trail

 Subject Property



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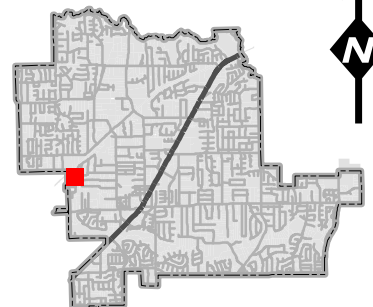
Future Land Use Map



VC17-010

5409 Rustic Trail

- Subject Property
- Residential
- Parks/ Open Space



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Statement of Planning Objectives

Variance Request

5409 Rustic trl

Colleyville TX

Statement of planning objectives:

The Homeowner (Amy Ellison) is requesting a variance to replace her existing 16 year 6' tall wood (unstained pine) with an 8' tall pre stained cedar fence with 2x6 top cap and 1x4 trim board.

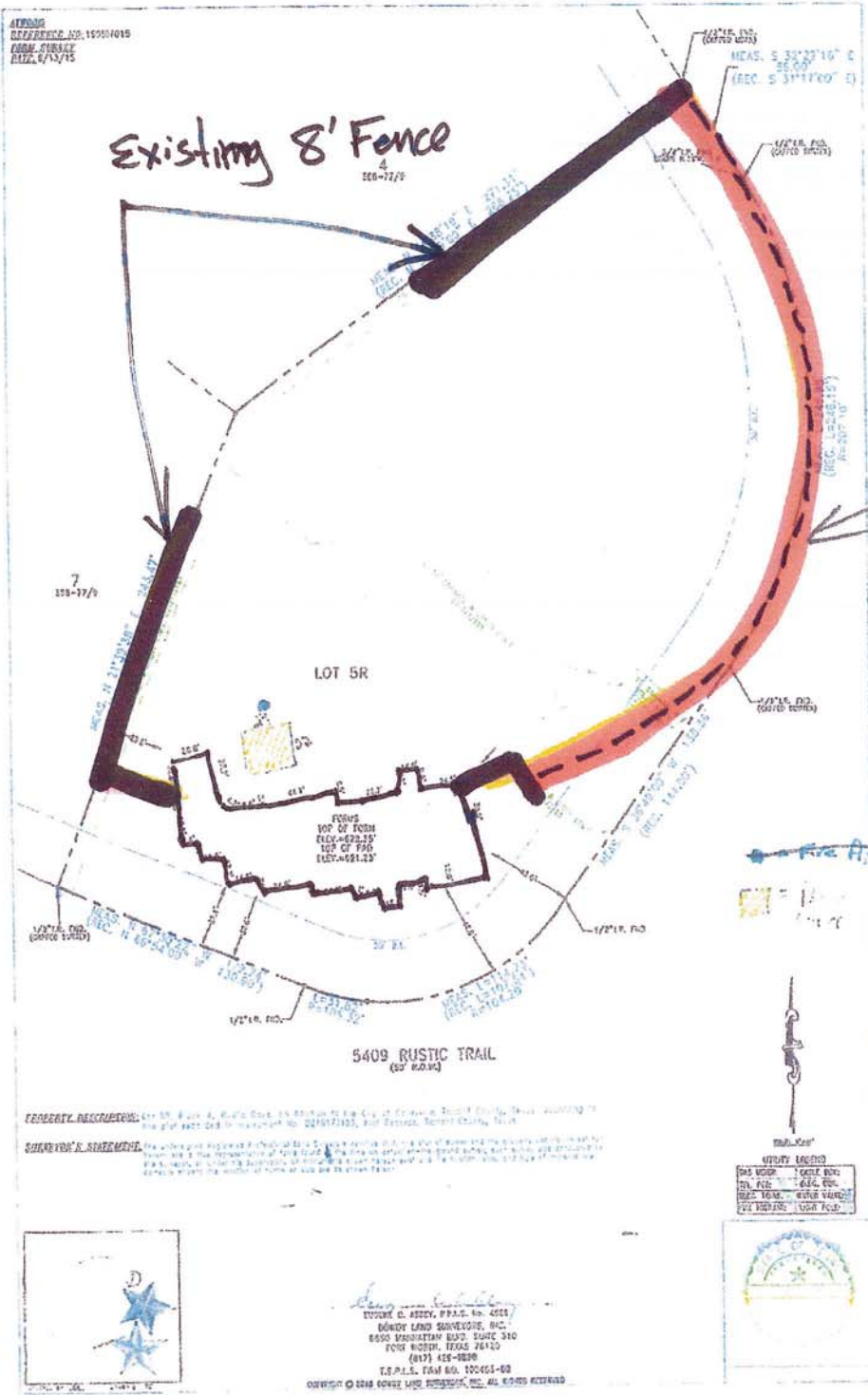
Special Circumstances:

*This is an estate lot 8+ acres (a corner lot)

*This is all Road frontgae for the Back yard not the front yard

*There is a large pond on the property and an 8' fence will help keep the property secure from Trespassers trying to fish the pond

Conceptual Site Plan



Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
BACHHUBER, ENC P	PO BOX 1513	COLLEYVILLE, TX	76034	5409 VALLEY VIEW DR W
VICK, ROY	5304 ELM ST	COLLEYVILLE, TX	76034	5304 ELM ST
DAVIS, NORMAN DEEN	5404 RUSTIC TR	COLLEYVILLE, TX	76034	5404 RUSTIC TR
AKINS, CHRISTOPHER R	5416 RUSTIC TR	COLLEYVILLE, TX	76034	5416 RUSTIC TR
LEE, MIKE LEE	5308 ELM ST	COLLEYVILLE, TX	76034	5308 ELM ST
ALVARADO, RAMON	5504 RUSTIC TR	COLLEYVILLE, TX	76034	5504 RUSTIC TR
TRETTER, ANGELA	5500 RUSTIC TR	COLLEYVILLE, TX	76034	5500 RUSTIC TR
ADAMS, WANDA	5405 RUSTIC TRL	COLLEYVILLE, TX	76034	5405 RUSTIC TR
RIVERA, RAYMOND	209 VALLEY VIEW DR S	COLLEYVILLE, TX	76034	209 VALLEY VIEW DR S
ELLISON, AMY ADAMS	5409 RUSTIC TR	COLLEYVILLE, TX	76034	5409 RUSTIC TR
DICKMAN, KEVIN	108 TIMBERLINE DR N	COLLEYVILLE, TX	76034	108 TIMBERLINE DR N
LEE, DAVID W	5400 RUSTIC TR	COLLEYVILLE, TX	76034	5400 RUSTIC TR
SUTTON, JOHN	5309 ELM ST	COLLEYVILLE, TX	76034	5309 ELM ST
BARNARD, COLLEEN B	5412 RUSTIC TR	COLLEYVILLE, TX	76034	5412 RUSTIC TR
SWANZY, JAMES	1401 BRIAR MEADOW DRIVE	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 25, 2017 by Araceli Botello