



City of Colleyville Zoning Board of Adjustment Agenda

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

Tuesday, December 12, 2017

City Council Chambers

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

1. APPROVAL OF MINUTES

November 14, 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 Lots 3, 4, 7, & 8, Block 4, of the Rustic Oaks Addition, located at 5405 Rustic Trail, Case VC17-012

3. ADJOURNMENT

I hereby certify this agenda was posted on City Hall bulletin boards December 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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Tuesday, November 14, 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 November 14, 2017 at 7:00 p.m.

Roll Call

Present: Board members Kimberly Holt, Dee Kamerman, Wayne Maynard, Dee McNosky, and Richard Vallario

Absent: Raymond Allee and Michael Deakin

Staff Present: Ben Bryner, Felix Landry, and Araceli Botello

1. APPROVAL OF MINUTES

Board member Maynard made a motion to approve the September 12, 2017 minutes. Board member Kamerman seconded.

The motion to approve carried by the following vote:

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

2. PUBLIC HEARING AGENDA ITEMS

- 2a** Request for a variance to certain provisions of Section 3.29-Parking Requirements of the Land Development Code, specifically a variance to the drive lane width of 24 feet on a portion of Lot 1R, Block 11, of the Longwood Estates at Ross Downs, located at 7121 (7171) Colleyville Boulevard, Case VC17-011

Felix Landry presented the case and briefed the Board.

The public hearing was opened at 7:06 p.m.

The applicant, Kyle Bennett, 1801 Gateway Boulevard, Richardson, came forward and briefed the board. He explained that a 2nd right-of-way acquisition was missed by those involved with the design of the plan and was not discovered until very recently. The proposal is to

allow a narrow drive lane of 20 feet with an increase width for the parking spaces to 10 feet.

The construction manager, Steve Sharver, 7500 Lomo Alto, Plano, came forward and briefed the board. He indicated that the parking has been installed and showed a video to demonstrate how the now current proposal will function properly.

The owner, Bill Peavy, 1901 N. Akard, Dallas, came forward and briefed the board. He explained that this is the last building in the development and is asking for a favorable decision from the board.

Board member Maynard questioned staff regarding the location of the curb-to-curb 20 foot requirement. The applicant responded that the curb to curb requirement begins at the gutter line to the edge of the parking line.

Board member Kamerman questioned the applicant if the parking spaces are 10 feet wide. The applicant confirmed. Board member Kamerman questioned the applicant regarding additional parking space in the rear of the building. The applicant responded that no parking exists to the rear. The applicant added that the space belongs to another property.

Discussion continued regarding additional parking space.

Board member Maynard questioned the applicant regarding the pickup truck in the video presented by the applicant. The construction manager responded that the pickup truck belonged to him and placed it as an obstacle.

Board member McNosky questioned the applicant regarding additional parking within the property. The applicant referenced the site plan to show the available parking within the property. Staff added that additional parking is located on the right side of the building where the fire lane extends to.

Board member Maynard questioned the applicant if the site plan shows the accurate number of parking spaces. The applicant confirmed that it does.

Board member Maynard questioned staff regarding the required length of a parking space for parallel parking. Staff responded that a dimension of 9 feet by 23 feet is required for parallel parking.

Discussion continued regarding parallel parking

Board member Kamerman requested to see the video and asked the applicant regarding the base of the curb and the pole in the parking lot. The applicant responded that there is a curb height of 6 inches and a drainage channel between the parking lot and the highway.

Discussion continued regarding the curb and pole in the parking lot.

Board member Maynard questioned the applicant regarding the number of offices in the building located on the subject property. The applicant responded that it is a duplex with two doors and that there are multiple office spaces within each unit.

Board member Vallario questioned the applicant the time frame when the driveway was completed. The construction manager responded that the driveway was completed about a month ago. Board member Vallario questioned the construction manager if he knew before he laid the driveway that it would be outside of code. The applicant responded yes. The owner added that he authorized the parking to be completed ahead of the decision due to the fact that the parking is necessary for occupancy of the building. Without a variance he can't use the building.

Discussion continued regarding the driveway.

Board member Vallario questioned staff regarding parallel parking and if it would meet code. Staff responded that the parallel parking could be designed to meet code. Staff added that a parallel parking design would reduce the number of parking spaces and create additional issues.

Discussion continued regarding parking.

Board member Maynard made a notation regarding placing the concrete poles at the curb to protect the pole would reduce the backup space for cars by two feet. The applicant added that his recommendation would be to place the concrete poles behind the curb to avoid that issue.

Board member Holt questioned the applicant regarding further widening the parking spaces. The applicant responded that the request of 10 foot wide parking spaces provides enough maneuverability within a 20 feet wide drive aisle.

Discussion continued regarding wider parking spaces.

There being no one else wishing to speak, the public hearing was closed at 7:45 p.m.

Board member McNosky made an opening statement regarding the best used of the subject property and applicant's due diligence as noted by the options presented before the board. Board member Kamerman added that she agreed with Board member McNosky and noted the limitations of the applicant by the expansion of Highway 26.

Board member Kamerman made a motion to approve Case VC17-011. Board member Holt seconded.

The motion to approve case VC17-011 was carried by the following vote:

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

Nay: 0

3. ADJOURNMENT

The meeting adjourned at 7:47 p.m.

Minutes were written and prepared by:



**Araceli Botello
Planning Technician**

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



City of Colleyville Zoning Board of Adjustment Agenda Briefing

City Hall
100 Main Street
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Agenda Number 2a	Agenda Date 12/12/2017	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 Lots 3, 4, 7, & 8, Block 4, of the Rustic Oaks Addition, located at 5405 Rustic Trail, Case VC17-012

Explanation

James Swanzy, the applicant, and Amy Adams, the owner, request 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 3, 4, 7, & 8, Block 4, of the 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 approval of the previous accompanying variance request for the same type of fence non-conforming fence construction on the adjacent property, 5409 Rustic Trail, staff recommends approval of this variance request.

Recommendation

Approve

Attachments


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

Aerial Map



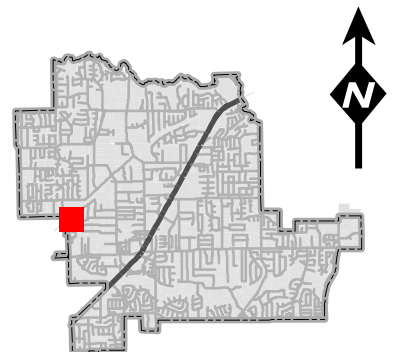
VC17-012

5405 Rustic Trail

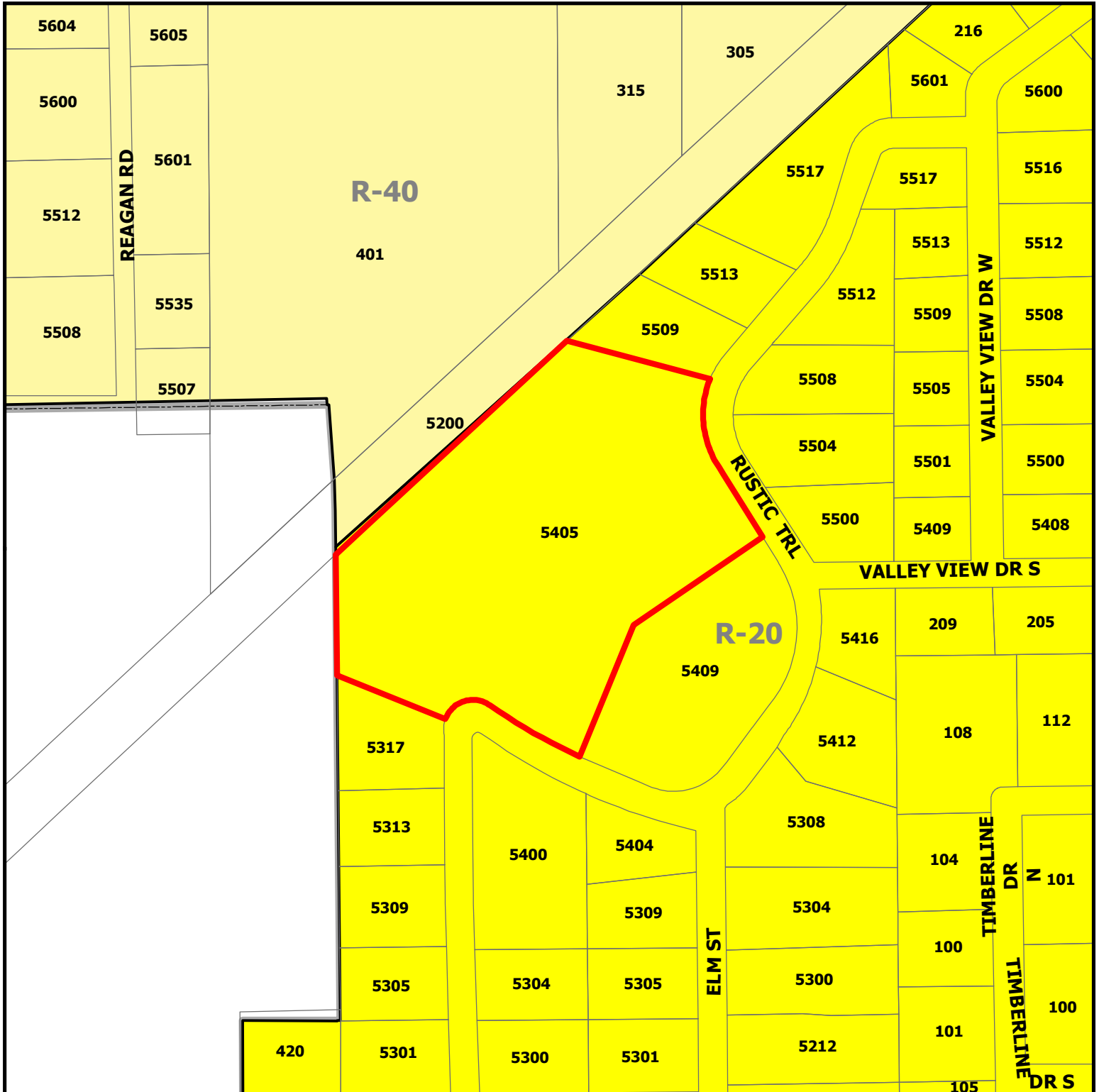
 Subject Property



DISCLAIMER:
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Zoning Map



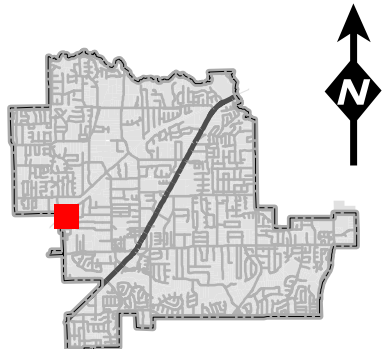
VC17-012

5405 Rustic Trail

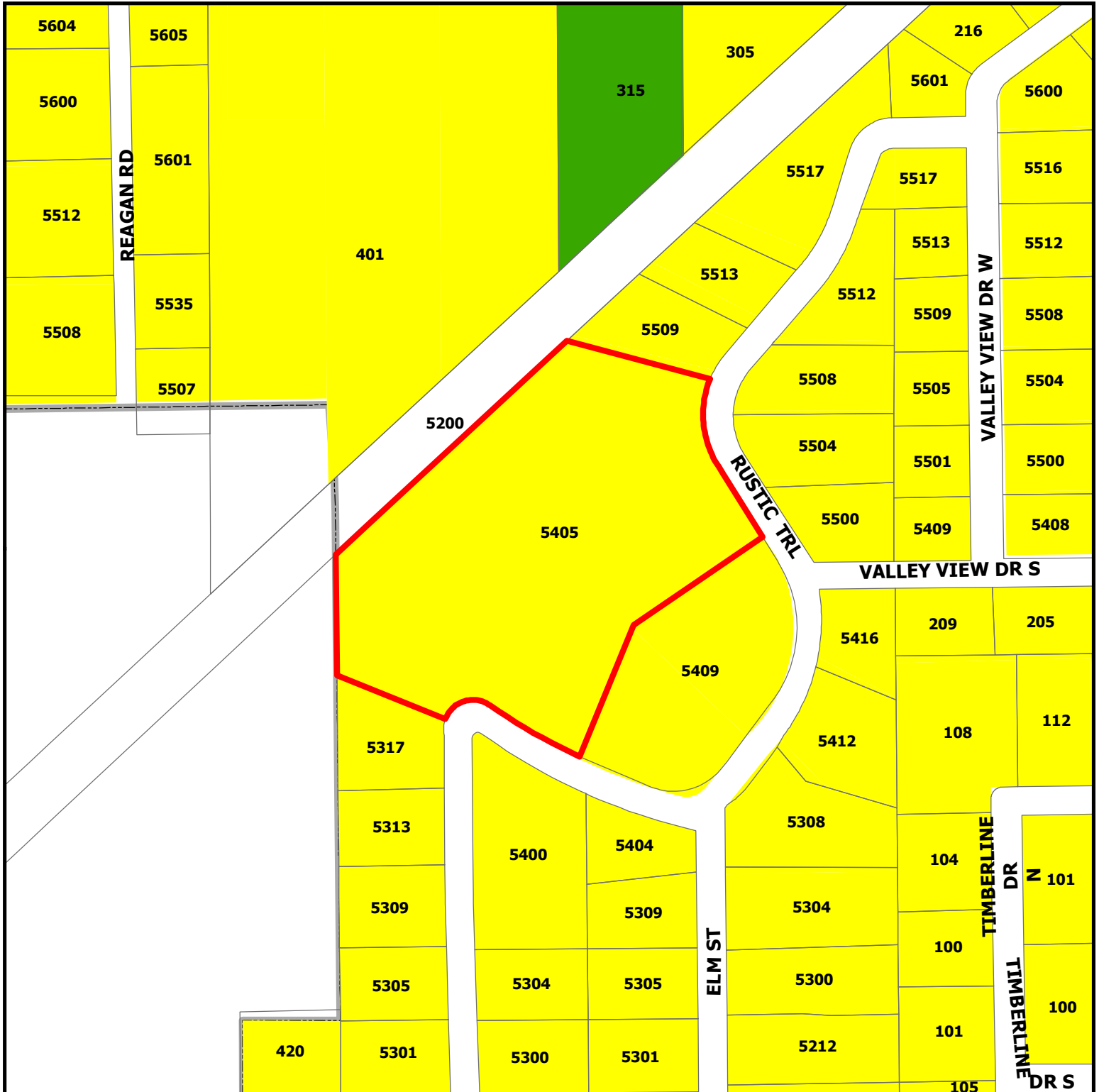
 Subject Property



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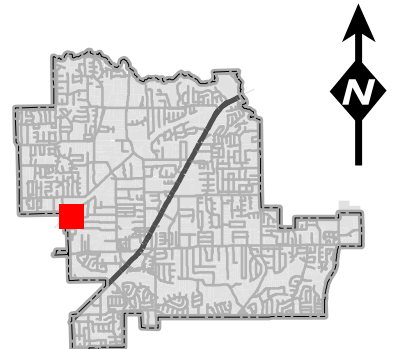
Future Land Use Map



VC17-012

5405 Rustic Trail

-  Subject Property
-  Residential
-  Parks/ Open Space



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Statement of Planning Objectives

Variance Request

5405 Rustic trl

Colleyville TX

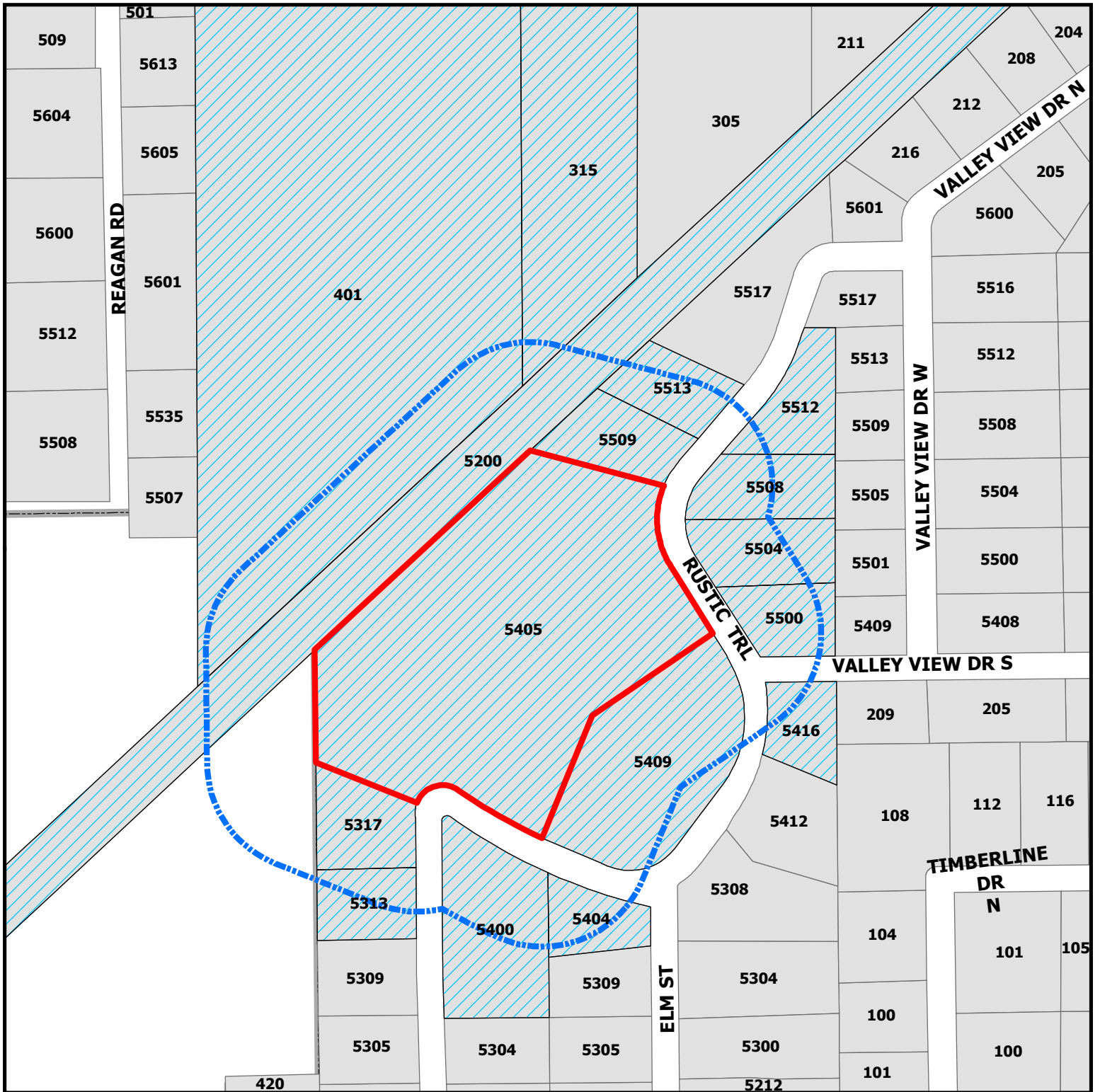
Statement of planning objectives:

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 a portion of the Adams Family Trust estate lot of 8+ acres (connected to corner lot)
- *This is all Road frontge 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

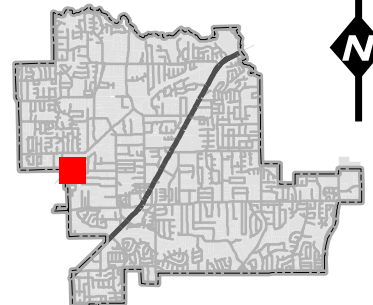
Notification Map



VC17-012

5405 Rustic Trail

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



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Notification List

Owner Name	Owner Address	Owner City	Owner Zip	Situs Address
COLLEYVILLE, CITY OF	100 MAIN ST	COLLEYVILLE, TX	76034	315 W L D LOCKETT RD
DOODY, KEVIN	1109 SOMERSET BLVD	COLLEYVILLE, TX	70634	401 W L D LOCKETT RD
DAVIS, NORMAN DEEN	5404 RUSTIC TR	COLLEYVILLE, TX	76034	5404 RUSTIC TR
AKINS, CHRISTOPHER R	5416 RUSTIC TR	COLLEYVILLE, TX	76034	5416 RUSTIC TR
STOKES FAMILY REV LIVING TRUST	5317 RUSTIC TR	COLLEYVILLE, TX	76034	5317 RUSTIC TR
JOHNSON, DON	5509 RUSTIC TR	COLLEYVILLE, TX	76034	5509 RUSTIC TR
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
HUGHES, PETER	5313 RUSTIC TR	COLLEYVILLE, TX	76034	5313 RUSTIC TR
LIGHT, PHILLIP	5512 RUSTIC TR	COLLEYVILLE, TX	76034	5512 RUSTIC TR
ELLISON, AMY ADAMS	5409 RUSTIC TR	COLLEYVILLE, TX	76034	5409 RUSTIC TR
REGIONAL RAIL ROW CO	PO BOX 660163	DALLAS, TX	75266	5200 LOWRIE RD
THOMAS, BILL D	5513 RUSTIC TR	COLLEYVILLE, TX	76034	5513 RUSTIC TR
LEE, DAVID W	5400 RUSTIC TR	COLLEYVILLE, TX	76034	5400 RUSTIC TR
LASTINGER, JOHN	5508 RUSTIC TRL	COLLEYVILLE, TX	76034	5508 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
 Wednesday, November 22, 2017 by Araceli
 Botello