

**AGENDA
BOARD OF ADJUSTMENT
MAY 2, 2018**

**Council Chambers
151 West Church Street
Lewisville, Texas
6:30 P.M.**

1. CALL TO ORDER AND ANNOUNCE THAT A QUORUM IS PRESENT.

2. APPROVE MINUTES OF THE MARCH 28, 2018, MEETING.

3. PUBLIC HEARINGS:

A. **Public Hearing:** Consideration of a Variance Request to Allow an Approximately 9.5-Foot Encroachment into the Required 19-Foot Side Yard Setback. The Subject Site is Located at 461 and 471 Crockett Drive and Legally Described as a Portion of Lot 17 and all of Lot 18, Block 2 of the James Degan Subdivision; Zoned Single Family Residential District (R-7.5); as Requested by Voncille Noyes, the Property Owner. (Case No. BA-2018-03-02).

4. ADJOURNMENT.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS

The City will provide appropriate auxiliary aids and services, including sign language interpreters and assisted listening devices, whenever necessary to ensure effective communication with members of the public who have hearing, sight or speech impairments, unless doing so would result in a fundamental alteration of its programs or an undue financial burden. A person who requires an accommodation or auxiliary aid or service to participate in a City program, service or activity, should contact the sponsoring Department, or the Human Resource Department at 972-219-3450 or by Fax at 972-219-5005 as far in advance as possible but no later than 48 hours before the scheduled event.

MINUTES
ZONING BOARD OF ADJUSTMENT
MARCH 28, 2018

The Lewisville Zoning Board of Adjustment was called to order at 6:30 p.m.

Board Members Present: Tom Jensen (Chairman), Antonio Gallizzi (Vice-Chair), James Collier, Douglas Hicks, Mary Ellen Miksa and Alternate Winston Edmondson. Alternate Audra Smolinski was absent.

Staff Members Present: Michele Berry, Planning Manager; Jonathan Beckham, Planner.

Item 2: Minutes

Approval of the November 15, 2017 minutes was the next item on the agenda. *A motion was made by Douglas Hicks to approve the minutes, seconded by James Collier. The motion passed unanimously (5-0).*

Item 3: Public Hearing

There were two items on the agenda:

- A. **Public Hearing:** Consideration of a Variance Request to Allow a Residential Accessory Dwelling Unit to Exceed the 12-Foot Height Maximum Specified in Section 17-32.5 of the Zoning Ordinance by Allowing a Height of 13 feet, 8 inches; Located at 1098 Holly Lane and Legally Described as Lot 6, Block A, Holly Lane Addition; Zoned Single-Family Residential District (R-12); as Requested by Andrew J. and Sue E. Spyhalski, the Property Owners. (Case No. BA-2018-03-01).

Staff gave a brief presentation of the variance request and recommended approval of the item. The public hearing was then opened, and with no one coming forward to speak, the public hearing was then closed. *A motion was made by James Collier to approve the variance request as presented, seconded by MaryEllen Miksa. The motion passed unanimously (5-0).*

- B. **Public Hearing:** Consideration of a Variance Request to Allow an Approximately 9.5-Foot Encroachment into the Required 19-Foot Side Yard Setback. The Subject Site is Located at 461 and 471 Crockett Drive and Legally Described as Lot 17, Block 2 and all of Lot 18, Block 2 of the James Degan Subdivision; Zoned Single Family Residential District (R-7.5); as Requested by the Voncille Noyes, the Property Owner. (Case No. BA-2018-03-02).

Staff indicated that action could not be made on this item at this time. This item would be re-noticed with correct encroachment for the May 2, 2018 Zoning Board of Adjustment meeting.

Zoning Board of Adjustment
Minutes of March 28, 2018 Meeting
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There being no other business before the Board, the meeting adjourned at 6:34 p.m.

These minutes approved by the Lewisville Zoning Board of Adjustment on May 2, 2018

Respectfully Submitted,

Approved,

Michele Berry, Planning Manager

Tom Jensen, Chairman

STAFF REPORT

Date: May 2, 2018

To: Board of Adjustment

From: June Sin, Planner

Subject: Public Hearing: Consideration of a Variance Request to Allow an Approximately 9.5-Foot Encroachment into the Required 19-Foot Side Yard Setback. The Subject Site is Located at 461 and 471 Crockett Drive and Legally Described as a Portion of Lot 17 and all of Lot 18, Block 2 of the James Degan Subdivision; Zoned Single Family Residential District (R-7.5); as Requested by Voncille Noyes, the Property Owner. (Case No. BA-2018-03-02).

Meeting Date: May 2, 2018

BACKGROUND:

The properties are located to the north of Crockett Drive, approximately 280 feet west of the South Stemmons Freeway (IH-35E) east frontage road. The residence once located at 461 Crockett Drive was demolished after the front portion of the property was taken as part of the IH-35E expansion acquisition. The applicant purchased the remaining portion of land in 2017 to extend her existing yard area. A replat joining the 2 properties cannot be approved until encroachment variances are approved for the existing structures on these properties.

ANALYSIS:

The Single Family Residential District (R-7.5) requires a side yard not less than 10% of the lot width. The existing house, located approximately 9.5 feet away from the east property line, meets the requirement. Joining the 2 properties will increase the width of the required side yard from 9.5 feet to 19 feet. The applicant is requesting a variance to allow 9.5-foot encroachment to keep the existing house as-is.

The Board may approve a variance request for specific cases where granting a variance from the terms of the Zoning Ordinance will not be contrary to the public interest; where, owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship.

RECOMMENDATION: That the Board of Adjustment approve the variance request to allow an approximately 9.5-foot encroachment into the 19-foot side yard setback.

ZBOA Meeting:

Case #



LEWISVILLE
Deep Roots. Broad Wings. Bright Future.

DO NOT WRITE ABOVE THIS LINE

ECONOMIC DEVELOPMENT & PLANNING DIVISION
APPLICATION FOR ZONING BOARD OF ADJUSTMENT REVIEW (ZBOA)

OWNER/APPLICANT/AGENT INFORMATION SECTION (OWNER(S) MUST SIGN OR SUBMIT LETTER(S) OF AUTHORIZATION)

NAME OF PROPERTY OWNER: Voncille Noyes
MAILING ADDRESS: 461 Crockett
PHONE NUMBER: 214-282-3775 FAX NO.: _____ E-MAIL: _____
OWNER SIGNATURE: Voncille Noyes DATE: 3-7-18
PRINTED NAME & TITLE (IF ANY): _____

NAME OF APPLICANT (FILL IN ONLY IF OTHER THAN OWNER): _____
MAILING ADDRESS: _____
PHONE NUMBER: _____ FAX NO.: _____ E-MAIL: _____
APPLICANT SIGNATURE: _____ DATE: _____
PRINTED NAME & TITLE (IF ANY): _____

NAME OF REPRESENTING AGENT (IF ANY): _____
MAILING ADDRESS: _____
PHONE NUMBER: _____ FAX NO.: _____ E-MAIL: _____
AGENT SIGNATURE: _____ DATE: _____
PRINTED NAME & TITLE (IF ANY): _____

(MUST BE COMPLETELY FILLED OUT BEFORE SUBMITTAL)

RES ZONING R-7.5

PROPERTY IDENTIFICATION - (Address, Sub-Division, Lot, Block):

461-471 Crockett

DESCRIBE VARIANCE/S BEING REQUESTED:

To allow the existing home to encroach approximately 3 ft into the required 19 ft. sideyard setback.

APPLICATION FEE: \$100 (cash/check/credit card)

Economic Development & Planning
151 W. Church Street • P.O. Box 299009 •
Lewisville, Texas 75029-9002
Tel: 972-219-3455 • Fax: 972-219-3698
www.cityoflewisville.com

March 21, 2018

To whom it may concern:

I, Voncille Noyes, own the property at 461 Crockett In Lewisville, TX 75057. I recently purchased the property at 471 Crockett from my neighbor to plant a garden for my home.

By the way, people tell me I have the most beautiful yard. During the platting process, it was discovered that my existing home will encroach into the new required side yard setback.

The house was built in 1955 and met all development requirements at that time. The house at 461 Crockett sits approximately 9 1/2 feet from the east property line. Combining these two lots into one resulted in an increased

side yard setback; the House encroaches approximately 9 1/2 feet into the new 19-foot side setback.

I would like to request that the Zoning Board of Adjustment consider granting a variance to allow the existing home to encroach approximately 9 1/2 feet into the required 19-foot side yard setback.

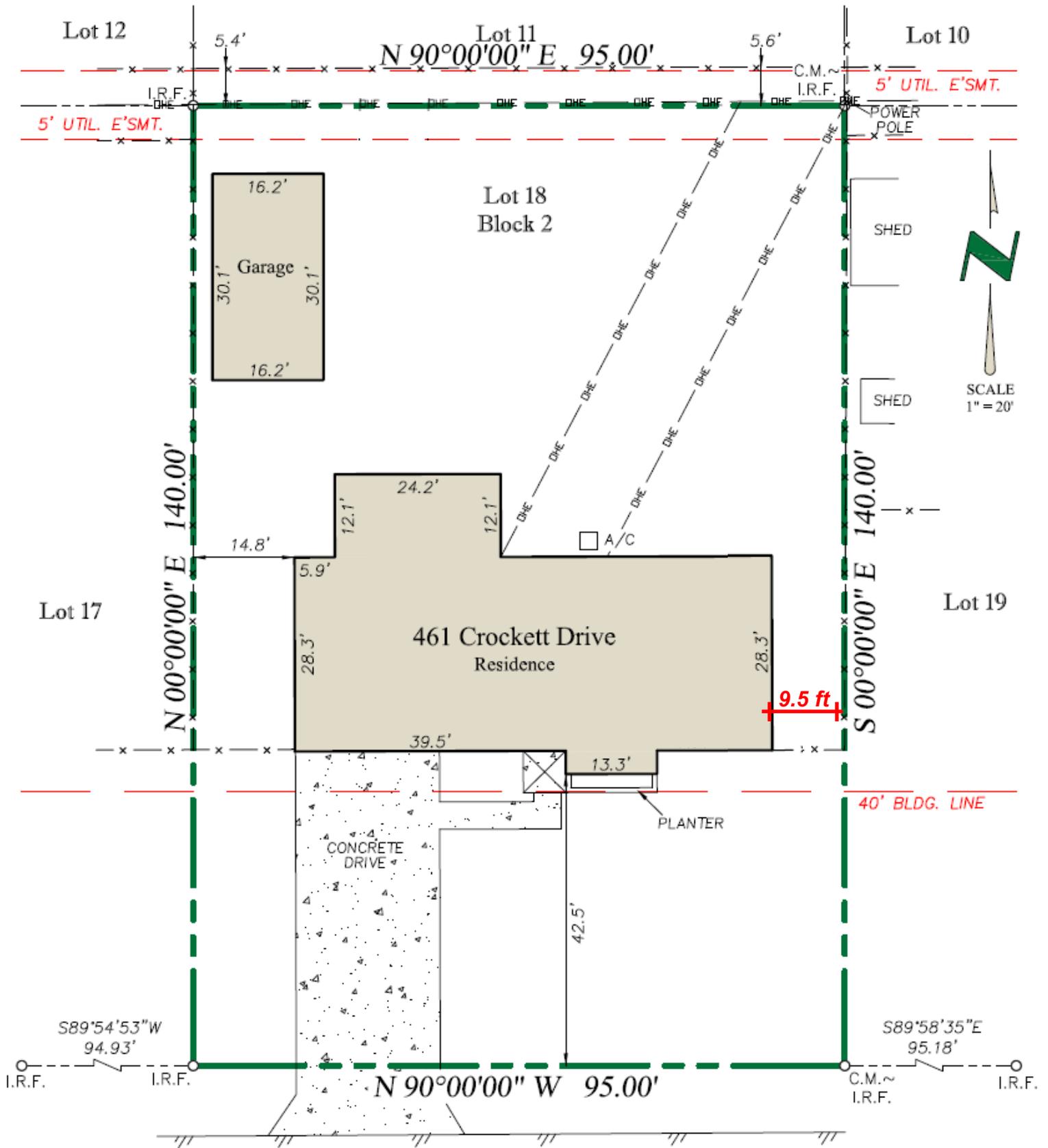
Sincerely,

Voncille Noyes

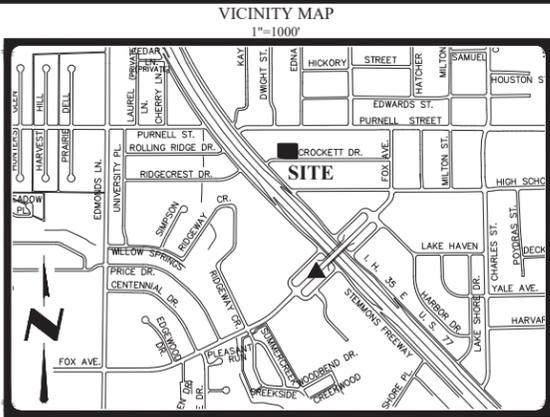
Voncille Noyes

March 21, 2018

Date



CROCKETT DRIVE



SURVEYOR'S NOTES:

- Bearings and distances are based on the South line of that same tract of land described to the State of Texas as "TXDOT Parcel No. 103" by deed recorded in Document No. 2014-31021 of the Deed Records of Denton County, Texas. (North 89°51'46" West)
- The subject property does not lie within a 100 year flood plain according to Community Panel No. 48121C0420 G, dated April 18, 2011, of the National Flood Insurance rate Maps for Denton County, TX.
- Notice: Selling a portion of this addition by metes and bounds is a violation of Town ordinance and state law and is subject to fines and withholding of utilities and building permits.
- Minimum finish floor elevations are at least 2 feet above the 100 year flood plain.
- The purpose of this replat is to combine two previously platted lots into one platted lot.

STATE OF TEXAS §

COUNTY OF DENTON §

This is to certify that I, Mark N. Peebles, a Registered Professional Land Surveyor of the State of Texas, have platted the subdivision from an actual survey on the ground, and that this plat correctly represents that survey made by me or under my direction and supervision.

PRELIMINARY

THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE VIEWED OR RELIED UPON AS A FINAL SURVEY DOCUMENT DATED 4/20/2018

Mark N. Peebles, R.P.L.S.
No. 6443

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Mark N. Peebles, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

STATE OF TEXAS §

COUNTY OF DENTON §

WHEREAS, Voncille Noyes is the owner of a 0.598 acre tract of land situated in the City of Lewisville, Denton County, Texas, being a portion of Lot 17 and all of Lot 18, Block 2 of James Degan Subdivision, an addition to the City of Lewisville, Denton County, Texas, according to the Plat thereof recorded in Volume 398, Page 65 of the Plat Records of Denton County, Texas, being all of that same tract of land described to Voncille Noyes, by recorded in Document No. 2017-134555, and being all of that same tract of land described to Voncille Noyes by deed recorded in Document No. 2003-31104 of the Deed Records of Denton County, Texas, and being more particularly described by metes and bounds as follows (Bearings and distances are based on the South line of that same tract of land described to the State of Texas as "TXDOT Parcel No. 103" by deed recorded in Document No. 2014-31021 of the Deed Records of Denton County, Texas. (North 89°51'46" West):

BEGINNING at a point at the Southwest corner of Lot 19, Block 2 of said James Degan Subdivision, same being the Southeast corner of said Lot 18 and lying on the North right-of-way line of Crockett Street (50 foot right-of-way) from which a 1/2 inch rebar found for reference bears North 17 degrees 19 minutes East, 0.4';

THENCE South 89 Degrees 51 Minutes 46 Seconds West, with the North right-of-way line of said Crockett Street, a distance of 95.72 feet to a 3/8 inch rebar found for the Southeast corner of a tract of land described to The State of Texas "TXDOT Parcel No. 103" by deed recorded in Document No. 2014-31021 of the Deed Records of Denton County, Texas;

THENCE North 83 Degrees 32 Minutes 34 Seconds West, departing the North right-of-way line of said Crockett Street, over, across and through said Lot 17, and with the North line of said Parcel No. 103, a distance of 70.13 feet to a TXDOT Monument found for corner;

THENCE North 69 Degrees 42 Minutes 39 Seconds West, continuing with the North line of said Parcel No. 103, and through said Lot 17, a distance of 26.37 feet to a TXDOT Monument found for the Northwest corner of said Parcel No. 103, and lying on the West line of said Lot 17 and on the East line of Lot 16, Block 2 of said James Degan Subdivision;

THENCE North 00 Degrees 08 Minutes 14 Seconds West, with the East line of said Lot 16 and the West line of said Lot 17, a distance of 122.86 feet to a point for the Northeast corner of said Lot 16 and the Northwest corner of said Lot 17, same being the Southwest corner of Lot 12, Block 2 of said James Degan Subdivision, from which a 3/8 inch rebar found for reference bears South 06 degrees 40 minutes East, 0.9';

THENCE North 89 Degrees 51 Minutes 46 Seconds East, with the North line of said Lot 16 and Lot 17, a distance of 190.10 feet to a 1/2 inch rebar with a cap stamped "Windrose" set for the Southeast corner of said Lot 11 and the Northeast corner of said Lot 18, same being the Northwest corner of said Lot 19;

THENCE South 00 Degrees 08 Minutes 14 Seconds East, with the West line of said Lot 19 and the East line of said Lot 18, a distance of 140.12 feet to the **POINT OF BEGINNING** and containing 26,043 square feet or 0.598 acres of land, more or less.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS

That **Voncille Noyes**, does hereby adopt this plat designation the herein above described property as **JAMES DEGAN**, an addition to the City of Lewisville, Denton County, Texas, and does hereby dedicate to he public's use forever all streets, rights-of-way, alleys and easements shown thereon. The Town or any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growths in which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems on any of these easements, and the Town or any public utility shall at all times have the right of ingress and egress to and from and upon said easement for the purpose of constructing, reconstructing, inspecting and patrolling without the necessity at any time procuring the permission of anyone.

This plat approved subject to all platting ordinances, rules, regulations and resolutions of the City of Lewisville, Texas.

WITNESS my hand this the _____ day of _____, 20____.

By: _____

Voncille Noyes, Owner

STATE OF TEXAS §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Voncille Noyes, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this _____ day of _____, 20____.

Notary Public in and for the State of Texas

All variances (if any) from the General Development Ordinance approved by City Council.

Kristin Green, Chairman
Planning & Zoning Commission
City of Lewisville, Texas

Date _____

The undersigned, City Secretary of the City of Lewisville, Texas, hereby certifies that the foregoing final plat of **JAMES DEGAN**, an addition to the City of Lewisville was submitted to the appropriate Planning & Zoning Commission or City Council as required by the ordinances of the City of Lewisville on the _____ day of _____, 20____, and such body by formal action, then and there accepted the dedication of streets, alleys, parks, easements, public places and water and sewer lines, as shown and set forth in and upon said plat, and said body further authorized the acceptance thereof by signing as hereinabove subscribed in the capacity stated.

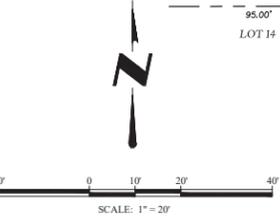
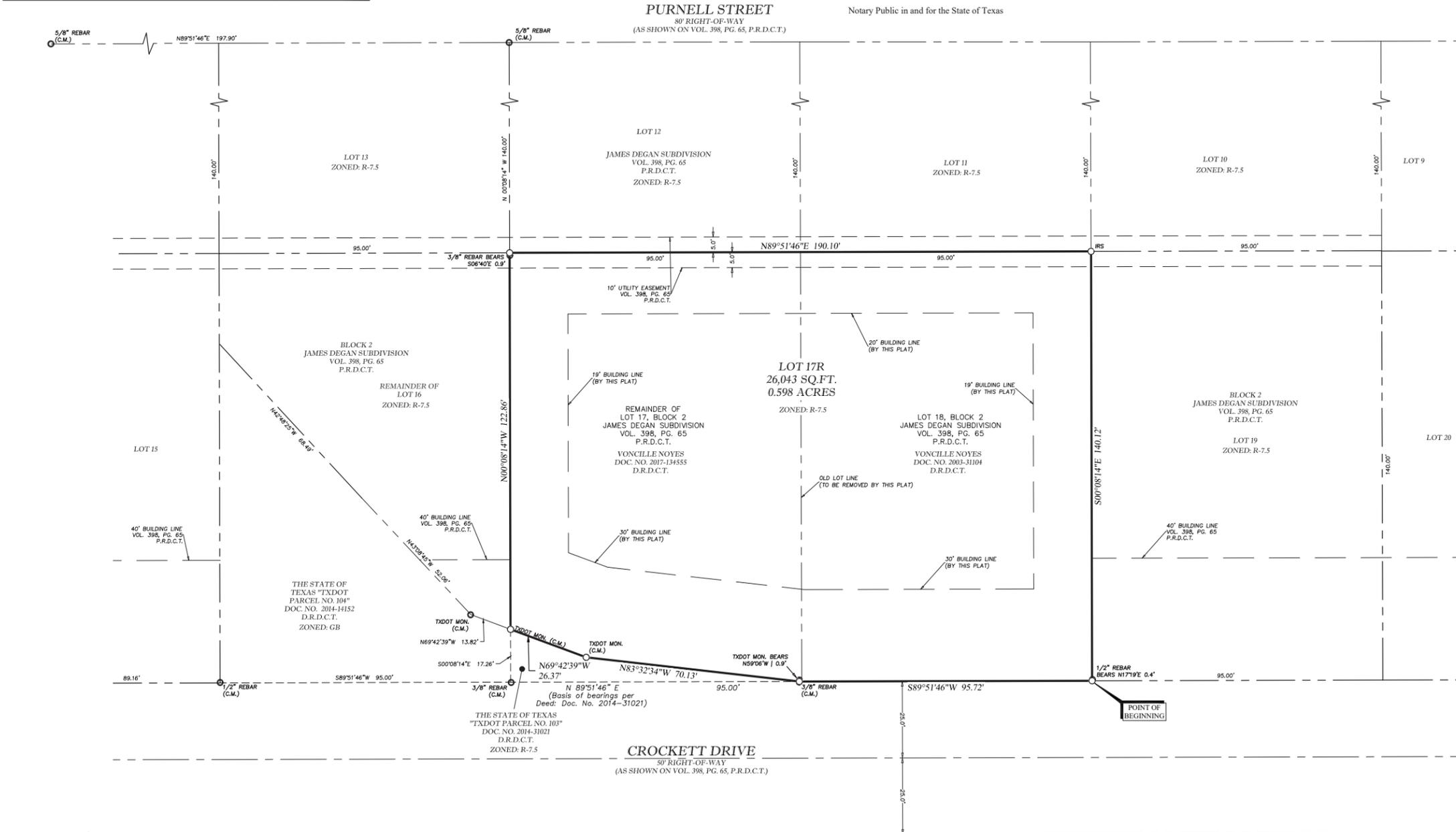
Witness my hand this _____ day of _____, 20____.

Julie Worster, City Secretary
City of Lewisville, Texas

FINAL PLAT
JAMES DEGAN
LOT 17R, BLOCK 2
0.598 ACRES
ZONED: R-7.5
BEING A REPLAT OF
JAMES DEGAN SUBDIVISION
PART OF LOT 17
AND ALL OF LOT 18, BLOCK 2
VOLUME 398, PAGE 65, P.R.D.C.T.
J. SUTTON SURVEY, ABSTRACT NO. 1155
CITY OF LEWISVILLE,
DENTON COUNTY, TEXAS

-- MARCH, 2018 --
PAGE 1 OF 1

FOR DENTON COUNTY USE ONLY
FOR DENTON COUNTY USE ONLY
FOR DENTON COUNTY USE ONLY



LEGEND OF ABBREVIATIONS

D.R.D.C.T.	DEED RECORDS, DENTON COUNTY, TEXAS
P.R.D.C.T.	PLAT RECORDS, DENTON COUNTY, TEXAS
R.O.W.	RIGHT OF WAY
C.M.	CONTROLLING MONUMENT
IRS	1/2" REBAR WITH CAP STAMPED "WINDROSE" SET

Variance approved by Zoning Board of Adjustment on _____
a) To allow an approximately 9.5 foot encroachment into the required 19-foot side yard setback.

OWNER/DEVELOPER
VONCILLE NOYES
461 CROCKETT
LEWISVILLE, TX, 75057

WINDROSE
LAND SURVEYING | PLATTING
220 ELM STREET, SUITE 200 | LEWISVILLE, TX 75057 | 214.217.2544
FIRM REGISTRATION NO. 10194331 | WINDROSESERVICES.COM

ARTHUR
LAND SURVEYING
220 Elm St., # 200 - Lewisville, TX 75057
Ph. 972.221.9439 - TFRNF 10063800
arthurssurveying.com Established 1986