

**AGENDA
BOARD OF ADJUSTMENT
MARCH 4, 2020**

**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 FEBRUARY 12, 2020, MEETING.**
- 3. PUBLIC HEARINGS:**
 - A. **Continued Public Hearing:** Consideration of a Variance Request to Allow a Residential Accessory Structure 13 Feet and 6 Inches in Height, 3 Feet and 6 Inches Greater than the 10 Feet Height Maximum; Located at 754 Red Wing Drive and Legally Described as Lot 8, Block B, Timberbrook No 4 Addition Phase A; Currently Zoned Single Family Residential District (R-7.5); as Requested by Erich Klein, the Property Owner. (Case No. 19-12-1-ZBOA).
- 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
FEBRUARY 12, 2020

Item 1: Call to Order

The Lewisville Zoning Board of Adjustment was called to order at 6:32 p.m.

Board Members Present: Antonio Gallizzi, James Collier, Douglas Hicks, and Karen Locke

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

Item 2: Minutes

Approval of the January 8, 2020 minutes was the next item on the agenda. *A motion was made by Doug Hicks to approve the minutes, seconded by Karen Locke. The motion passed unanimously (4-0).*

Item 3: Public Hearing

There were two items on the agenda:

- A. **Public Hearing:** Consideration of a Variance Request to Allow an Existing Building to Encroach 18.7 Feet into the Required 25-Foot Front Setback; Located at 187 and 189 Elm Street and Legally Described as a 0.667-Acre Tract of Land out of the J.W. King Survey, Abstract Number 696; Currently Zoned General Business District (GB) with a Requested Zoning of Old Town Mixed Use 2 District (OTMU2); as Requested by Patricia Fant of McAdams, on Behalf of Mike Johnson, the Property Owner (Case No. 20-02-1-ZBOA).

Staff gave a brief presentation of the variance request and recommended approval of the item. Staff corrected that this variance request was regarding the rear setback, not the front setback as mentioned in the caption. Staff clarified that the legal notices contained the correct information. The applicant was also present and available for questions. Chairman Gallizzi then opened the public hearing. With no one else coming forward to speak, the public hearing was then closed. *A motion was made by Doug Hicks to approve the variance request to Allow the Existing Building to Encroach 3.7 Feet into the Required 10-Foot Rear Yard Setback as presented, seconded by Doug Hicks. The motion passed unanimously (4-0).*

- B. **Public Hearing:** Consideration of a Variance Request to Allow a Residential Accessory Structure 13 Feet and 6 Inches in Height, 3 Feet and 6 Inches Greater than the 10 Feet Height Maximum; Located at 754 Red Wing Drive and Legally Described as Lot 8, Block B, Timberbrook No 4 Addition Phase A; Currently Zoned Single Family Residential District (R-7.5); as Requested by Erich Klein, the Property Owner. (Case No. 19-12-1-ZBOA).

Staff gave a brief presentation of the variance request and recommended denial of the item. The applicant, Erich Klein, was also present and presented his case to the Board providing additional information regarding the reasons for his requested variance and suggested a possible location on the drainage and utility easement. The Board had questions regarding comments from neighbors, location options, and the shed height. Chairman Gallizzi then opened the public hearing. With no one else coming forward to speak, the public hearing was then closed. A motion was made by Antonio Gallizzi to table the variance request to Allow a Residential Accessory Structure 13 Feet and 6 Inches in Height, 3 Feet and 6 Inches Greater than the 10 Feet Height Maximum as presented to the March 4th meeting, seconded by Karen Locke. The motion passed unanimously (4-0).

Item 5: Adjournment

A motion was made by James Collier to adjourn the meeting, seconded by Doug Hicks. The motion passed unanimously (5-0). The meeting adjourned at 7:00 p.m.

These minutes approved by the Lewisville Zoning Board of Adjustment on March 4, 2020.

Respectfully Submitted,

Approved,

Michele Berry, Planning Manager

Antonio Gallizzi, Chairman

STAFF REPORT

Date: February 28, 2020

To: Board of Adjustment

From: Michele Berry, Planning Manager

Subject: **Public Hearing:** Consideration of a Variance Request to Allow a Residential Accessory Structure 13 Feet and 6 Inches in Height, 3 Feet and 6 Inches Greater than the 10 Feet Height Maximum; Located at 754 Red Wing Drive and Legally Described as Lot 8, Block B, Timberbrook No 4 Addition Phase A; Currently Zoned Single Family Residential District (R-7.5); as Requested by Erich Klein, the Property Owner. (Case No. 19-12-1-ZBOA).

Meeting Date: March 4, 2020

BACKGROUND:

This request was originally considered at the February 12, 2020 Zoning Board of Adjustment meeting. The public hearing was continued to investigate an alternative potential location on a 14-foot wide drainage and utility easement.

The property is located on the south side of Red Wing Drive, east of Timberbrook Drive and south of Bellaire Boulevard. The applicant is proposing to erect a 10-foot by 12-foot accessory structure in the side yard. No permit is required for an accessory structure of 120 square feet or less. Per Section 17-32.5 of the Zoning Ordinance, the maximum height of an accessory structure 120 square feet or less is 10 feet. The applicant desires to erect a shed that is 120 square feet and 13-feet 6-inches in height. At the February 12, 2020 he stated this additional height is for a loft storage space.

The applicant's property consists of a pool in the rear yard and a fenced side yard. There is a 14-foot-wide drainage easement that runs north and south along the west property line in the side yard. There is no space for a shed in the rear yard due to the pool, easement and driveway off the alley. The applicant has an approximately 19-foot by 21-foot area to place a shed in the side yard, though this is in front of his front door based on the layout of the home.

Location in Easement

At the February 12, 2020 Zoning Board of Adjustment meeting the applicant suggested he place the shed over the existing 14-foot drainage and utility easement. Staff from the Engineering Department, Planning Department and Public Works have looked into that request. There are sewer and drainage services within the easement. Staff cannot support variances to locate any structure within an easement, especially as that easement is in use.

The sewer and drainage services may be abandoned with the completion of the Timberbrook infrastructure improvements current underway and scheduled to be complete in summer of 2021. However, based on the age of the neighborhood there could be conditions discovered during constructions that require changes to the plans. If the drainage and sewer services are abandoned and if letters of support can be obtained from all franchise utility providers, then staff could support abandoning the easement at the completion of the Timberbrook project. Staff cannot support locating the shed in the easement today as there is existing infrastructure and some unknown as to if the services in that location will be abandoned or not.

The applicant has not revised his request to ask for a variance to locate the shed in the easement so that request has not been sent for public hearing notifications and cannot be considered by the board. Staff did reach out to the applicant February 21 to inquire about any changes to the request.

ANALYSIS:

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.

Variance Request

The variance under consideration is to the height of the structure, to allow it to be 13-feet 6-inches tall and have about 1,620 cubic feet of storage area. Per Section 17-32.5 of the Zoning Ordinance, the applicant is permitted one accessory structure not to exceed 250 square feet. If the shed is 120 square feet or less it will require no permit, no side yard setback, no setback from the main structure, and be limited to 10 feet in height. If the shed is over 120 square feet with it will require a permit, a side yard setback of 5-feet, a 5-foot setback from the main structure, be limited to 12 feet in height and have an exterior that is compatible with the primary structure.

Staff does not see that literal enforcement of the code will result in any hardship as there are viable options for the applicant per section 17-32.5 of the Zoning Ordinance.

1. Erect a 10-foot by 12-foot shed with a maximum height of 10 feet, totaling about 1,200 cubic feet of storage
2. Obtain a permit and erect a larger shed with a maximum height of 12 feet. Per the survey provided by the applicant, there is an area slightly larger than 19 feet by 21 feet available in the side yard. With the required setbacks from the home the buildable is slightly larger than 14 by 16. Maximizing this area would allow a 224 square foot shed with a height of 12 feet and approximately 2,688 cubic feet of storage. This allows more storage room than under the current proposal.
3. If the applicant wishes to allow two feet for clearance from the fence the area is 14 feet by 14 feet, allowing a 196 square foot shed with a height of 12 feet and approximately 2,352 cubic feet of storage. This allows more storage room than under the current proposal.

Staff is concerned about the visual impact the shed may have on the neighborhood. This is based on the location of the shed in front of a portion of the home, including the front door of the home. There is an 8-foot-tall solid wood fence in front of the home. Should the variance be approved, the shed would stand 5-feet 6-inches above the fence height.

Board of Adjustment cases are evaluated on a case by case basis. Each case is unique and stands on its own merits. However, as a point of reference, staff has provided some relevant information from past height variances for accessory structures. All were located behind the main structure.

Address	Variance	Location	Size	Notes	Decision
331 Walters Street	15-foot 4-inch tall storage building	unknown	unknown	Built without permits, no hardship found, opportunity to permit shed per code.	Denied 8.14.03
588 Pine Street	16-foot-tall shed	Behind the main	256 square	Shed partially constructed, support petition from neighbors.	Approved 9.24.13

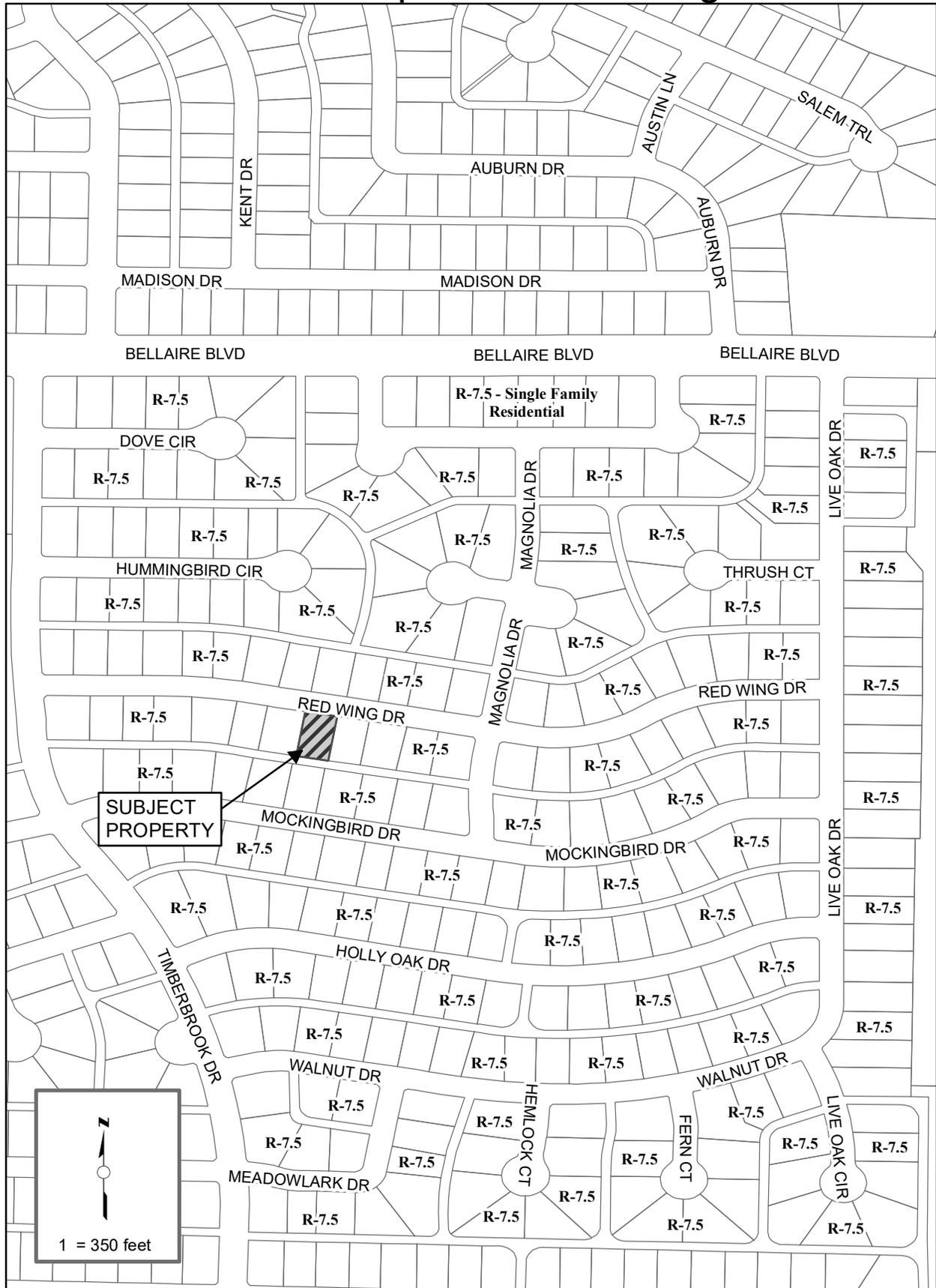
		structure	feet		
1043 Greenwood	22-foot-tall detached garage with second floor	Behind the main structure	1,000 square feet	Second floor partially constructed, several homes in neighborhood with two story detached garages.	Approved 11.15.17
1098 Holly Lane	13-foot 8-inch-tall accessory dwelling unit	Behind the main structure	1,320 square feet	Matched height of existing detached garage into which it was added.	Approved 3.28.18
211 N Edna	18-foot tall detached garage	Behind the main structure	1,440 square feet	Storage of travel trailer and design of structure to fit Old Town guidelines.	Approved 1.2.19

As of February 28, 2020 staff has not received any letters of support or opposition from the neighbors.

RECOMMENDATION: That the Board of Adjustment deny the variance request to allow the accessory structure to exceed the 10-foot height maximum for the following reasons:

- there is no hardship since the applicant has options to erect a shed that meet the code, and
- there is potential for negative impacts to surrounding properties based on the location of the structure.

Location Map - 754 Red Wing Dr.



Aerial Map - 754 Red Wing Dr.



ZBOA Meeting:

Case #



LEWISVILLE

Deep Roots. Broad Wings. Bright Future.

DO NOT WRITE ABOVE THIS LINE

**PLANNING DEPARTMENT
APPLICATION FOR ZONING BOARD OF ADJUSTMENT (ZBOA)**

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

NAME OF PROPERTY OWNER: Erich Klein

MAILING ADDRESS: 754 Red Wing Drive Lewisville, TX 75067

PHONE NUMBER: 940-453-8796 FAX NO.:

E-MAIL: erich.klein@dfwgreenlawn.com

OWNER SIGNATURE:

DATE: 12-04-19

PRINTED NAME & TITLE (IF ANY): Erich Klein

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):

ACRES 0.1815 - 7910sqft

ZONING R-7.5

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

754 Red Wing Drive Lewisville, TX 75067 - Timberbrook 4 PH A BLK B Lot 8

DESCRIBE VARIANCE/S BEING REQUESTED:

Request variance to allow for installation of residential accessory building with a height of 13'6"

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

Planning Department
151 W. Church Street • P.O. Box 2990092 •
Lewisville, Texas 75029-9002
Tel: 972-219-3455 • Fax: 972-219-3698
www.cityoflewisville.com

Erich Klein

01/20/2020

City of Lewisville
Planning Department
151 W. Church Street
Lewisville, Texas 75029

Dear distinguished members of the Board:

I respectfully submit my request for a zoning variance for a residential accessory building.

I currently have a shed on my property located in the rear of my property by the alley. This shed is in a state of disrepair and creates a safety hazard when exiting my driveway as it obstructs the view of oncoming traffic. As such, I would like to replace the shed.

The replacement shed I would like to install is a professionally built barn style Tuff Shed. The shed will have horizontal Lap Siding and will be painted to match my newly installed siding.

As you can see from the attached survey, the current shed is located on an easement; a violation of the Code. Additionally, because of the configuration of my property and the easement, I am extremely limited on space in which I can place a shed and bring my property in to compliance with the Code.

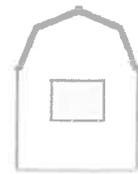
I am requesting a variance allowance to build a shed height of 13.5-14.5 feet (depending on the footprint). This variance will allow me to have a shed with a smaller footprint, accommodate my storage needs, and bring my property in compliance with the Code.

When evaluating this request, please note that the survey submitted is from 2009 and is not a totally accurate representation of my property. Improvements I have made allow for the shed to be mostly hidden from public view. In the survey, you'll notice that there is a concrete pad located in the front of the main building. That pad has been removed. Additionally, I have installed an 8' fence that runs parallel to the front wall of the main building on the west (left side of the house as you view the survey) side of the main building that runs to the property line. The shed would be placed behind the fence and not on the easement.

I hope I have been able to provide a proper description in this letter to allow for the members to have a clear visual of what I am requesting. If you have additional questions, concerns, or need any additional information, please do not hesitate to contact me. I have attached a copy of my survey, the quote for the shed, and specifications for the new shed. Please contact me if you have any questions, concerns, or need any additional information. I look forward to receiving your positive response

Sincerely,

Erich Klein



Customer Information

Erich Klein
 754 Red Wing Dr
 Lewisville, TX 75067
 erich.klein@dfwgreenlawn.com

Shipping Information

Erich Klein
 754 Red Wing Dr
 Lewisville, TX 75067

Description	Qty	List Price	Discount	Ext Net Price
Premier Pro Tall Barn 10 x 12	1/Ea	\$4336.00	\$0.00	\$4336.00
Upgrade - 3' x 6'7" Double Shed Door (6')	1/Ea	\$430.00	\$0.00	\$430.00
Credit for Removal of Default Door	1/Ea	\$-225.00	\$0.00	\$-225.00
4'x3' Insulated Horizontal Sliding Window	2/Ea	\$299.00	50.00%	\$299.00
House Wrap	414/Sq Ft	\$0.40	\$0.00	\$165.60
Horizontal Wood Lap Siding	414/Sq Ft	\$2.50	\$0.00	\$1035.00
Paint - Tundra Frost	414/Ea	\$0.00	\$0.00	\$0.00
Paint - Goblin	1/Ea	\$0.00	\$0.00	\$0.00
Paint 10% of building base price	1/Ea	\$434.00	\$0.00	\$434.00
Shingles TBD - Dimensional	209/Sq Ft	\$0.00	\$0.00	\$0.00
Ridge Vent	13/Lin Ft	\$11.00	50.00%	\$71.50
Shelving - 16" deep	40/Lin Ft	\$4.25	\$0.00	\$170.00
Overhead Loft	112/Sq Ft	\$4.75	\$0.00	\$532.00
16"x8" Wall Vent - White	4/Ea	\$21.00	50.00%	\$42.00
Floor Track Vent	12/Ea	\$2.00	50.00%	\$12.00
Leveling 0"-4"	1/Ea	\$0.00	\$0.00	\$0.00
Delivery Fee	1/Ea	\$95.00	\$0.00	\$95.00
List Price				\$7821.60 USD

Description	Qty	List Price	Discount	Ext Net Price
Discount				\$424.50 USD
Subtotal				\$7397.10 USD

Prices shown in the online Build-A-Quote process are subject to change without notice, do not reflect custom quote selections or any local taxes, and will be verified at time of order. Online customers selecting the Buy Now option will have appropriate local taxes added to their order. While Tuff Shed makes every effort to ensure correct information is included in the online Build-A-Quote process, Tuff Shed is not responsible for technical malfunction of any telephone network, telephone or data lines, computer online systems, servers, internet providers, computer equipment, or software that may result in a pricing error or other discrepancy with the online Build-A-Quote process.

Additional delivery charges and / or sales taxes may apply for out of state customers.

Building price is based on level lot and does not include any engineering fees or building permits unless otherwise indicated on order. Customer is responsible for site preparation. Engineered plans may be required for permit application, and are not included in above prices. Engineering charges are relative to style and size of building. Cancelled orders are subject to a restocking fee.

This saved quote includes any applicable promotional discounts, which have limitations and expiration dates.



Prices based on installation zip code. | [Terms & Conditions](#)

(<https://www.tuffshed.com>)

W x L x H

BASE PRICE

PAINTED PRICE

8' x 8' x 12'6"

8' x 10' x 12'6"

8' x 12' x 12'6"

8' x 14' x 12'6"

8' x 16' x 12'6"

10' x 10' x 13'6"

10' x 12' x 13'6"

10' x 14' x 13'6"

10' x 16' x 13'6"

10' x 20' x 13'6"

12' x 12' x 14'6"

12' x 16' x 14'6"

12' x 20' x 14'6"

12' x 24' x 14'6"

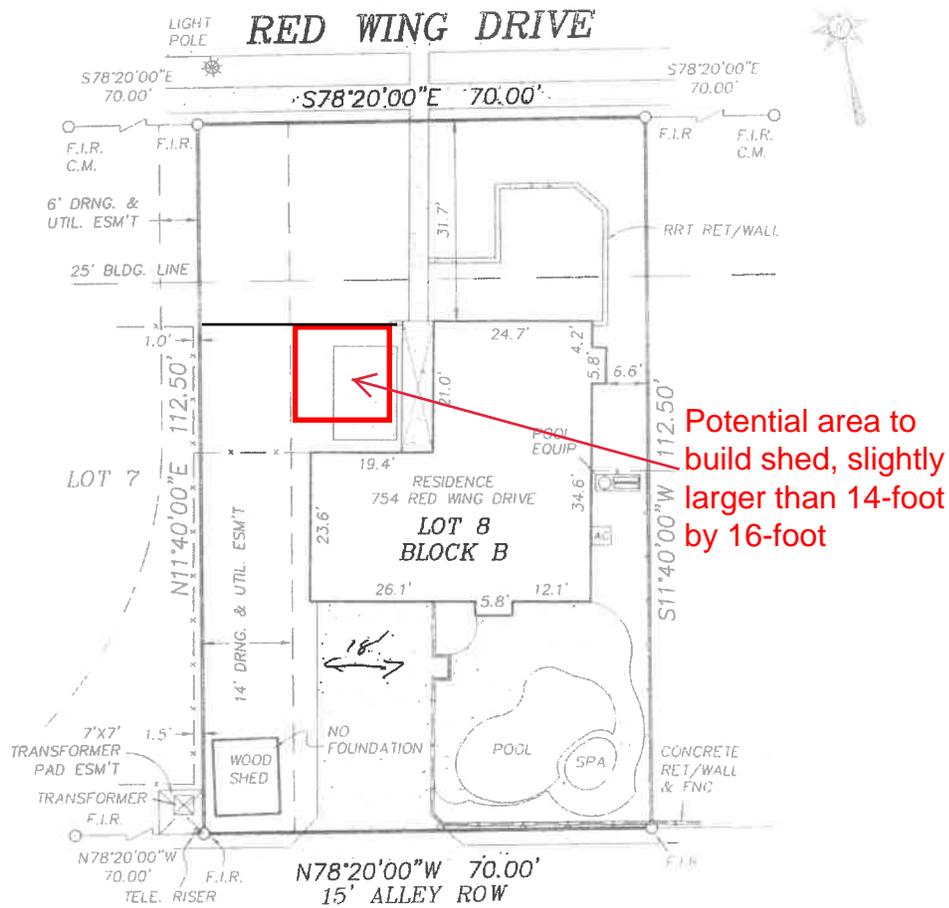
12' x 28' x 14'6"

12' x 32' x 14'6"

12' x 36' x 14'6"

12' x 40' x 14'6"





NOTE: EASEMENT AS RECORDED IN VOL. 969, PG. 718 DOES NOT AFFECT SUBJECT PROPERTY.

SURVEYORS CERTIFICATION: The undersigned does hereby certify to CHICAGO TITLE COMPANY, (G.F. NO. 87309000664) that this survey was this day made on the ground of the property legally described hereon and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. The bearings shown hereon are based on the above referenced recorded map or plat.

FLOOD NOTE: IT IS MY OPINION THAT THE PROPERTY DESCRIBED HEREON IS NOT WITHIN THE 100-YEAR FLOOD ZONE AREA ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NO. 480195 0545 E, PRESENT EFFECTIVE DATE OF MAP APRIL 02, 1997. HEREIN PROPERTY SITUATED WITHIN ZONE "X" (UNSHADED).

LEGEND - C.M. = CONTROLLING MONUMENT; F.I.R. = FOUND IRON ROD; F.I.P. = FOUND IRON PIPE; F.C.P. = FENCE CORNER POST; O.H.E. = OVERHEAD ELECTRIC; S.I.R. = SET IRON RODS 1/2" DIAMETER WITH YELLOW CAP STAMPED "ARTHUR SURVEYING COMPANY" ALL FOUND IRON RODS ARE 1/2" DIAMETER UNLESS OTHERWISE NOTED.



P.O. Box 54 - Lewisville, Texas 75067

DATE: March 09, 2009
 SCALE: 1" = 20'
 ASC. NO. 290322
 DRAWN BY: L.G.

