



151 W. Church Street
Lewisville, TX 75057

**City of Lewisville, TX
Agenda
Special Called Meeting of the
Board of Adjustment**

Wednesday July 8, 2020

6:30 P.M.

**Zoom Meeting Will be Held
Links for the Meeting are
Contained Below**

The Special Called Board of Adjustment meeting scheduled for Wednesday, July 8th, will only be open to public via remote access. This is pursuant to Governor Greg Abbott's temporary suspension of various provisions of the Texas Open Meetings Act to allow for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people.

Citizens/Visitors wanting to access the meeting may go to <https://cityoflewisville.zoom.us/j/92244864485> or call 888.475.4499 (Toll Free) or 877.853.5257 (Toll Free) using the following information: Webinar ID: 922 4486 4485. Listeners must sign-in to the event in order to comment. Please use the "raise hand" function to participate in any public hearing process while using the zoom application. If you have called in to the meeting, press *9 to raise your hand and speak. If you have a technical issue connecting to this meeting, or during the meeting, call 817.938.4409 or e-mail planning@cityoflewisville.com.

Comments will be accepted via e-mail until 5 p.m. prior to the meeting. To submit a comment, please e-mail planning@cityoflewisville.com with the agenda date and agenda number in the subject line of the e-mail. Please include your name and physical address for the record.

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

2. APPROVE MINUTES OF THE MARCH 4, 2020, MEETING.

3. PUBLIC HEARINGS:

- A. **Public Hearing:** Consideration of a Request to Allow the Reinstatement of Nonconforming Use Rights and to Allow the Reconstruction of Nonconforming Structures to Rebuild Two Townhomes; Located at 703 and 709 Diane Circle, Legally Described as Lots 7 & 8, Block D, Greenvally Addition 1 and Currently Zoned Multi-Family 2 District (MF2); Requested by Dardan Hoxha on Behalf of Besmir and Rabije Beciri, the Property Owners. (Case No. 20-05-2-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
MARCH 4, 2020

Item 1: Call to Order

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

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

Staff Members Present: Richard Luedke, Planning Director; Michele Berry, Planning Manager

Item 2: Minutes

Approval of the February 12, 2020 minutes was the next item on the agenda. A motion was made by Doug Hicks to approve the minutes, seconded by James Collier. The motion passed unanimously (5-0).

Item 3: Public Hearings

There was one item on the agenda:

- 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).

Staff gave a brief summary and update of the variance requested and recommended denial of the item. Chairman Gallizi asked if there were any plans to abandon the easement affecting the property. Staff clarified the current plans for the Timberbrook neighborhood show abandonment of the utilities in the easement, but that staff couldn't abandon the easement until the utility services were provided elsewhere. Chairman Gallizi then opened the public hearing. The applicant, Erich Klein, came forward and presented his case to the Board providing additional information regarding the reasons for his requested variance and stated his preference to locate the shed in the current easement location. Erich Klein indicated that he would like to revisit the variance request with completion of the public improvements and inquired about tabling until the construction is done. Staff stated we could not table an item indefinitely. The applicant did not wish to withdraw the request. Staff informed the board of potential changes to the regulations on accessory building heights that maybe in place by the time the construction is complete. With no one else coming forward to speak, the public hearing was then closed. A motion was made by James Collier to deny 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, seconded by Doug Hicks. The motion passed unanimously (5-0).

Item 5: Adjournment

A motion was made by Pamela Goodwin to adjourn the meeting, seconded by Doug Hicks. The motion passed unanimously (5-0). The meeting adjourned at 6:50 p.m.

These minutes approved by the Lewisville Zoning Board of Adjustment on July 8, 2020.

Respectfully Submitted,

Approved,

Michele Berry, Planning Manager

Antonio Gallizzi, Chairman

STAFF REPORT

Date: July 2, 2020

To: Board of Adjustment

From: Michele Berry, Planning Manager

Subject: Public Hearing: Consideration of a Request to Allow the Reinstatement of Nonconforming Use Rights and to Allow the Reconstruction of Nonconforming Structures to Rebuild Two Townhomes; Located at 703 and 709 Diane Circle, Legally Described as Lots 7 & 8, Block D, Greenvalley Addition 1 and Currently Zoned Multi-Family 2 District (MF2); Requested by Dardan Hoxha on Behalf of Besmir and Rabije Beciri, the Property Owners. (Case No. 20-05-2-ZBOA).

Meeting Date: July 8, 2020

BACKGROUND:

The subject properties are located within the Greenvalley Addition townhome development, at 703 and 709 Diane Circle. They were developed in 1979. The two townhomes burnt down in a fire in January 1993 according to an article from the Lewisville Leader. The two adjacent lots, 715 and 721 also burnt down but were rebuilt in 1985. The subject homes were not rebuilt and only the original slab remains. The zoning ordinance allowed for townhomes in the multi-family zoning district through 1985. The zoning ordinance has been amended several times and no longer permits townhomes in the multifamily zoning district. Setbacks have also been amended and no current zoning district would permit this use with the original setbacks.

ANALYSIS:

The applicant is proposing to reconstruct the two townhomes using the existing slab. They have confirmed the slab is structural sound and that private utilities are still functional. Their proposed floorplans utilize the existing utilities and the elevations are designed to be compatible with the neighborhood. Neither the use nor the setbacks based on the slab are currently conforming.

Section 17-33 (e) allows the Board of Adjustment to reinstate nonconforming use rights. The applicant must file a request with the Planning Department within ten days of notification the use has been abandoned. The Board must find that the owner did not intend to abandon the non-conforming rights. The two lots in question have been sold multiple times over the years to several parties. The current owners purchased the property in September or 2019 according to Denton County Appraisal District records and would like to reconstruct the townhomes. Staff never provide a written notification the use had been abandoned until this property owner approached staff to rebuild the townhomes. Staff has no objection to the request and does not believe that this or previous owners intended to abandon the use.

Section 17-33 (i) allows the Board of Adjustment to grant a permit for replacement of a nonconforming structure if they find that:

- a. The rebuilding of the non-conforming structure would not adversely impact the surrounding properties;
- b. The structure was not destroyed by the intentional act of the owner or the owner's agent; and

- c. Allowing the rebuilding of the nonconforming structure is consistent with the intent of this section.

Staff does not find that rebuilding these structures would be adversely impact the surrounding properties. The surrounding properties are also townhomes with similar setbacks. It would be beneficial to the neighborhood to have two homes as opposed to vacant lots with concrete slabs. Per the Lewisville Leader the fire was accidental and started in the adjacent townhome at 715 Diane Circle. Allowing the rebuilding of the structure is consistent with the code intent which “*to establish provisions for the continuation and potential alteration of nonconforming uses and structures*”.

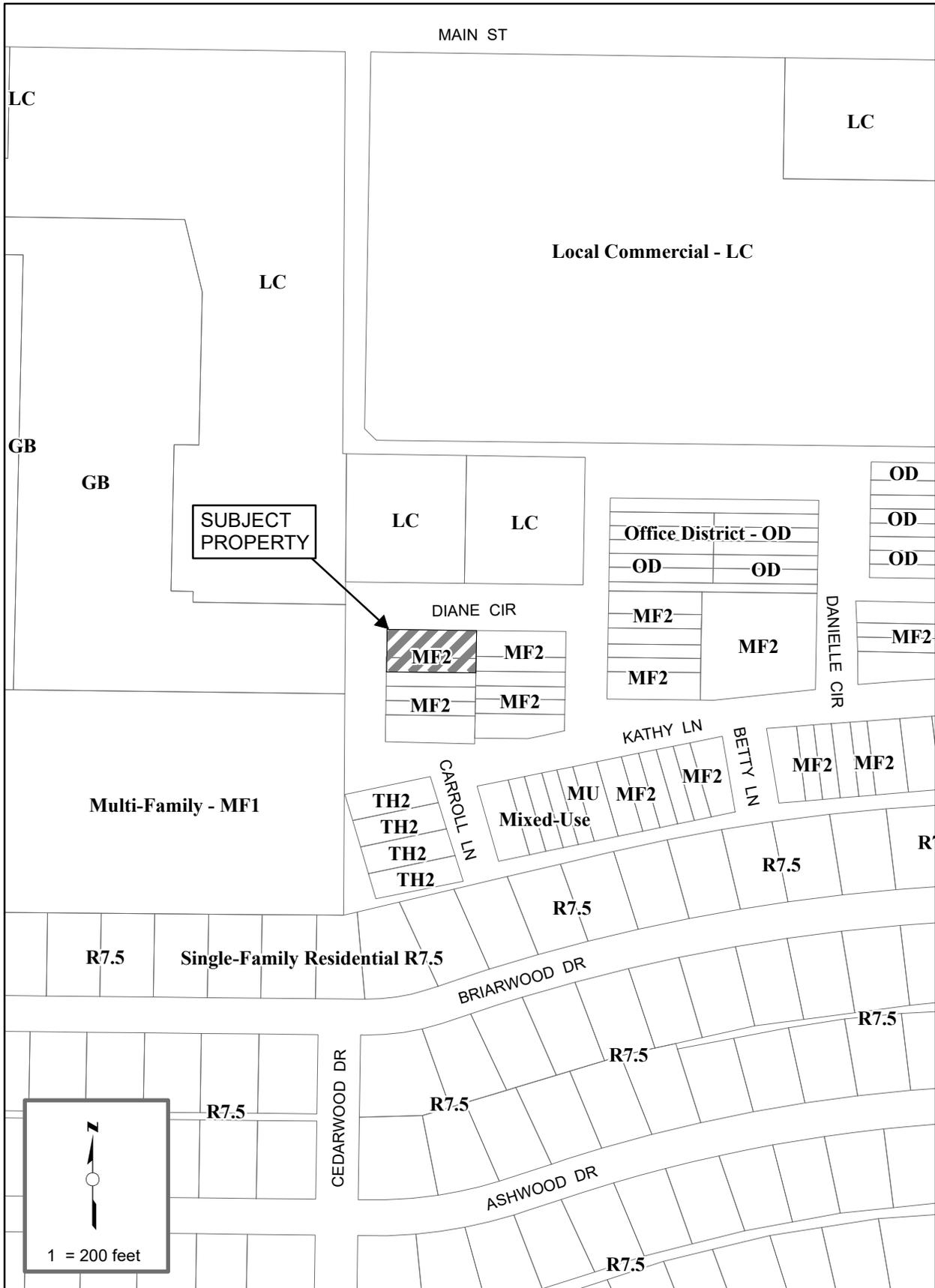
Furthermore Section 17-33 states it is “*the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with regulations of the zoning ordinance and general development ordinance, having due regard for the property rights of the persons affected, the public welfare, and the character of the surrounding area.*” In this case, staff finds it is in the best interest of the persons affected, the public welfare, and character of the surrounding area to allow the reinstatement of the nonconforming use rights and allow rebuilding of the structures using the existing slabs.

RECOMMENDATION: That the Board of Adjustment approve he request to allow a reinstatement of nonconforming use rights and to allow the reconstruction of nonconforming structures in order to rebuild two townhomes.

Aerial Map - 703 Diane Cir



Location Map - 703 & 709 Diane Cir



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: Besmir Begiri
MAILING ADDRESS: 943 Heatherglen CT Beciribes@yahoo.com
PHONE NUMBER: 972-768-3530 FAX NO.: - E-MAIL: BEGIRIBES@yahoo.com
OWNER SIGNATURE: Besmir Begiri DATE: 5-18-2020
PRINTED NAME & TITLE (IF ANY): Besmir Begiri

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): Dardan Hoxha
MAILING ADDRESS: 1020 Taylor Dr. Allen, TX 75013
PHONE NUMBER: 469-463-4845 FAX NO.: _____ E-MAIL: dardan.hoxha-ra@gmail.com
AGENT SIGNATURE: [Signature] DATE: 5-17-2020
PRINTED NAME & TITLE (IF ANY): Dardan Hoxha, Architect

ACRES .13 (6,200sqft) ZONING MF2

PROPERTY IDENTIFICATION - (Address, Sub-Division, Lot, Block)
703 and 709 Diane Circle

DESCRIBE VARIANCE/S BEING REQUESTED:
We are requesting a variance to rebuild the townhomes destroyed by fire.

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

Diane Circle Townhomes Project Narrative

The applicant seeks to (re)build two townhomes located at 703 and 709 Diane circle, respectively lots 7 and 8. It is our understanding that these two townhomes were burned down in 1993, aerial images, an email exchange with the previous homeowner and a newspaper article have been submitted as evidence. We ask this committee to grant the owners of the land a variance to rebuild the townhomes destroyed by the fire.

Based on our analysis of the remaining concrete slab, specifically of plumbing location and traces of framed walls, we have been able to recreate drawings which we believe very closely depict what was previously there. In addition, we have surveyed adjacent properties and concluded that what we are proposing to build is very similar to what was there originally.

The proposed townhouse for lot 8 (709 Diane circle) is a two-story 1,340 SF building with a detached single-story garage. First floor will be dedicated to common functions like living room, kitchen, powder room and washer and dryer. Second floor will have two bedrooms and two bathrooms. The main entry will be off the pedestrian walk on the east side of the property. A two-car garage will be located on the far West side of the property. The 22-ft space between the garage and townhome creates a small private garden. A secondary entry to the townhome is in the back by the kitchen, with direct access to the private yard.

The townhouse proposed for lot 7 (703 Diane Circle) is a single-story 1,010SF building also with a detached garage. Similarly, to the adjacent townhouse, this one will be a two-bedroom two-bath unit. Living, dining and kitchen are set in series connecting from front door on the North side, facing Diane circle, to the service entry on the west side of the property, connecting to the back yard.

The exterior of the townhouses will match the existing fabric of the neighborhood, as show in the attached drawings. Stucco and wood siding will be used throughout both properties.

From: William Thornley
Sent: Friday, May 15, 2020 11:33 PM
To: Dardan Hoxha
Subject: 709 & 703 Diane Circle Townhomes

Dear Mr. Hoxha,

It was a pleasure speaking with you today. Attached is a copy of the Lewisville Leader newspaper article about our townhouses on Diane Circle that were destroyed by fire on 3/28/1993. Destroyed were 703 & 709 Diane Circle & garages. If you need any more help, feel free to contact me again.

Sincerely,
W. Michael Thornley, Home Owner

From: Dardan Hoxha [mailto:dardan.hoxha.ra@gmail.com]
Sent: Friday, May 15, 2020 11:56 AM
To: wmthornley@verizon.net
Subject: Diane Circle Townhomes

Dear Mr. and Mrs. Thornley,

Thank you for taking the time to speak with me today, I enjoyed our conversation and learned a lot about the devastating fire that burned down the two townhouses in question and severely damaged the unit next door.

We would greatly appreciate it if you could confirm that the townhouses at 703 and 709 Diane Circle were in fact destroyed by fire. The city has requested we provide them this documentation in order to get a variance to rebuild what was there before.

If you could just respond to this email, it should be sufficient and hopefully easiest.

God bless you both!

Sincerely,
Dardan

Dardan Hoxha
Architect | Principal

HMA
[1020 Taylor Drive](#)
[Allen, TX 75013](#)

Dardan.hoxha.ra@gmail.com
[469-463-4845](tel:469-463-4845)



Melissa Crawford/Staff photo

...ne Circle in Lewisville destroyed six townhomes Monday. The fire ...n. and investigators suspect the damage was due to faulty electrical ...ne was injured.

LEWISVILLE LEADER 7/2

Fire damages townh...

Firefighters from LV, surrounding cities bat...

By DEANNE FLECKER
Staff writer

A group of Lewisville residents were sent scrambling for their lives early Monday morning as a fire raced through a row of townhomes, causing an estimated \$250,000 in damages.

No one was injured in the three-alarm blaze which utilized firefighters from all four Lewisville stations and off-duty firefighters, as well as support from Flower Mound, Highland Village, Coppell and Carrollton.

The fire was detected at 4:02 a.m. Monday at 715 Diane Circle. It spread quickly to adjoining townhomes and detached garages, damaging six townhomes.

Destroyed were 703, 709, 715 and 721 Diane Circle. The partial damage occurred at 727 Diane Circle, with 733 Diane Circle on the south end of the row of townhomes suffering smoke and water damage. One of the townhomes had been leased recently but was vacant at the time of the fire.

In addition to the structures, four vehicles were destroyed by the blaze, and one suffered minor damage.

Lewisville Arson Investigator Cunningham said the fire appears to have started because of an electrical short at 715 Diane Circle. The resident Dan Hay, who lives at 715, was not at home when the fire started, Cunningham said.

"It was burning we guess about 4:02 a.m. ... judging by some of the charred remains inside," Cunningham said. "When the fire engines arrived, flames were coming out of the roof. Almost immediately after the first alarms, and they (firefighters) started rescue and rescue before taking a short respite."

The fire went to three alarms and a call for mutual aid went out to Flower Mound and Carrollton.

Residents in four of the townhomes were unable to get out before firefighters arrived, thanks to a neighbor, Dan Aman.

Aman, who lived at 721 Diane Circle, was directly next door to the fire, saying he heard loud popping noises and looked out his stairs window to see flames coming out of the neighbor's garage. Aman got out of his home before the fire spread to his.

Turn to B...

Blaze

From 1A

...their home and ran next door to alert his neighbors.

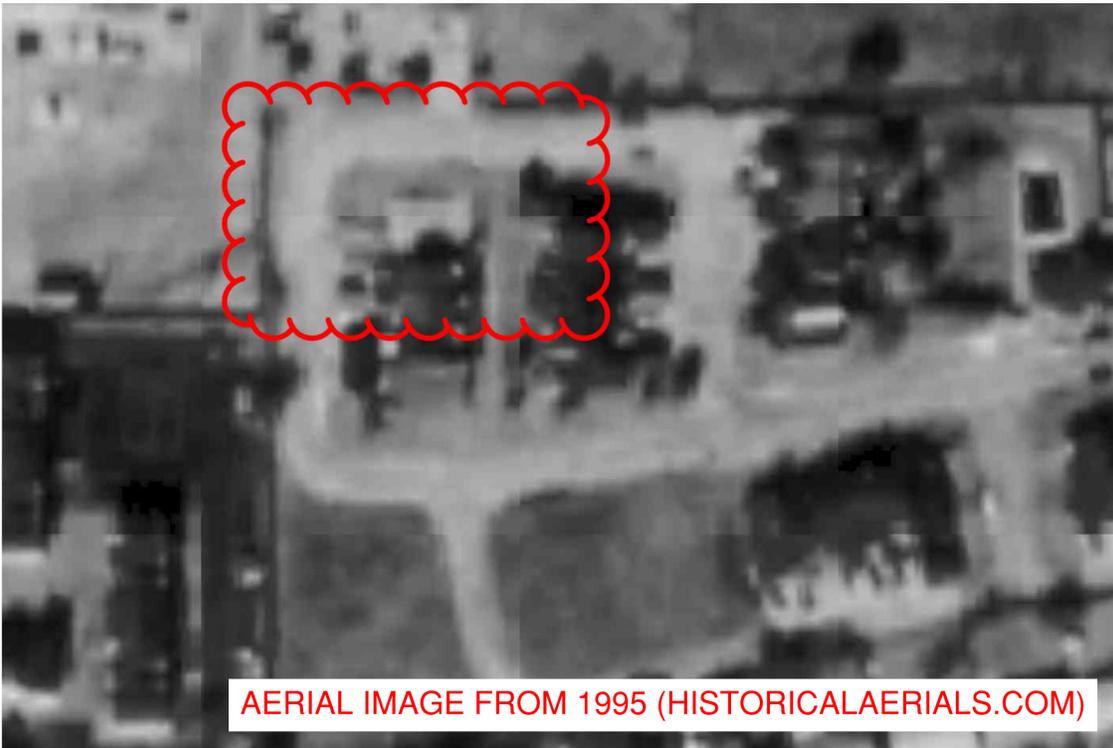
"I thought someone was trying to break in, and when I looked outside I could see flames coming from the overhang of the neighbor's garage,"

Aman said. "By then, I had already smelled the smoke. I ran out and got my neighbor out and he told me where the fire was and I ran to the door. But it got too hot to go in."

Aman said he and his wife were in bed with only the clothes on their backs. A nephew, who was sleeping in the room with them but who was not at home at the time the fire began, also escaped with his belongings.



AERIAL IMAGE FROM 1981 (HISTORICALAERIALS.COM)



AERIAL IMAGE FROM 1995 (HISTORICALAERIALS.COM)

PROPERTY LINE

PROPERTY LINE

FRONT ENTRY
TO ALL
TOWNHOMES
VIA
PEDESTRIAN
GREEN BELT

A501
1

EXISTING
SIDEWALK

PROPERTY LINE

FIRE PLACE

FIRE WALL

FIRE PLACE

ENTRY

FIRE WALL

EXISTING
SIDEWALK

ENTRY

LIVING

LIVING

BEDROOM

DINING

DINING

M. BATH

KITCHEN

M. CLOSET

KITCHEN

PENTRY

MASTER
BEDROOM

PENTRY

BACK
ENTRY
EXISTING
SLAB

BACK
ENTRY
EXISTING
SIDEWALK

A501
2

703 DIANE
CIRLCE

709 DIANE
CIRLCE

WOOD FENCE

DETACHED 2
CAR GARAGE

DETACHED 2
CAR GARAGE

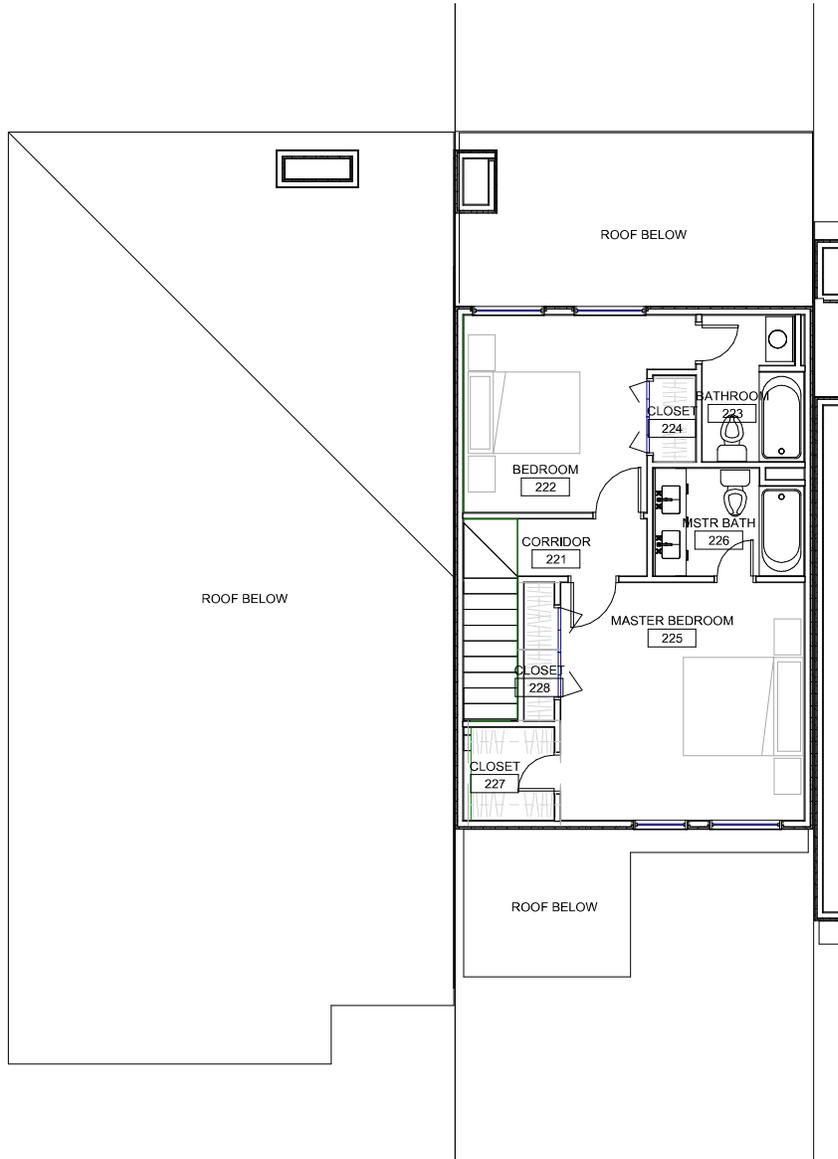
FIRST FLOOR

PROPERTY LINE



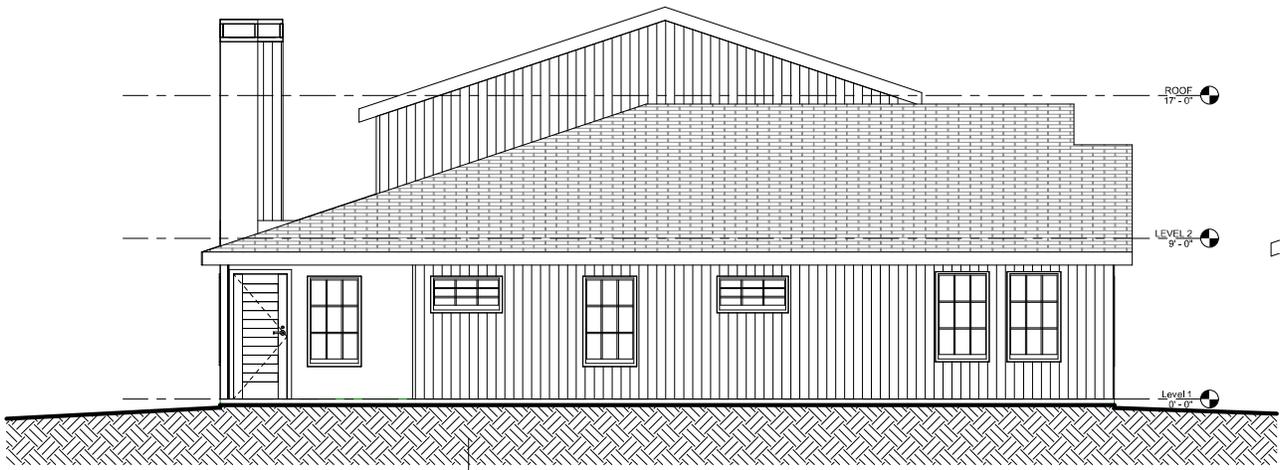
DIANE CIRCLE TOWNHOMES



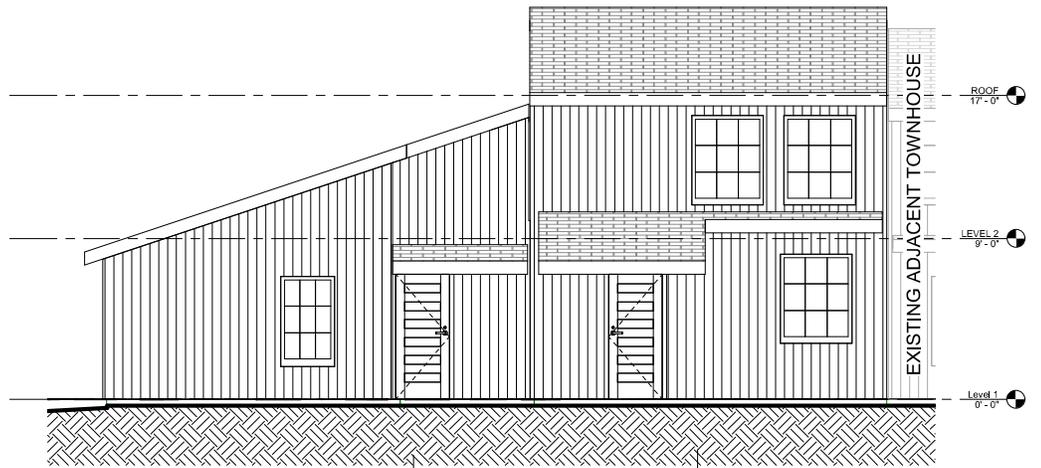


SECOND FLOOR

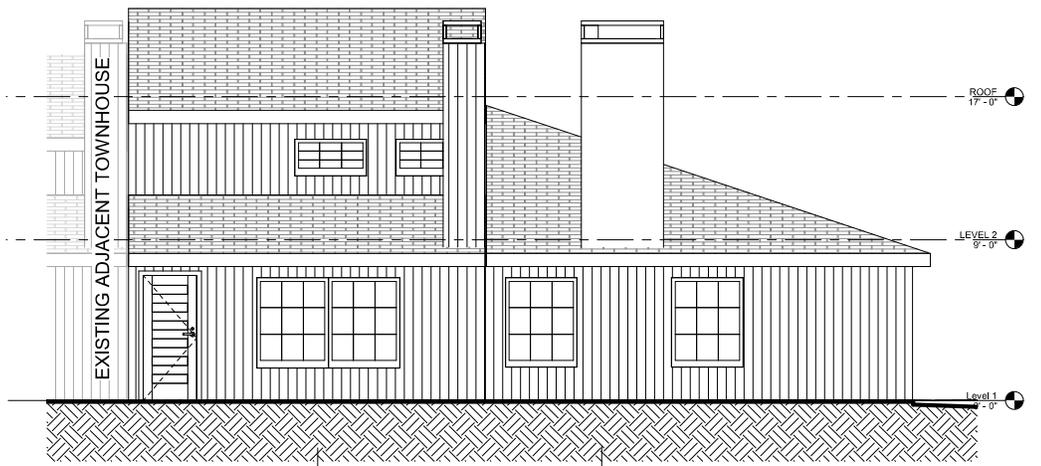




3 NORTH ELEVATION



2 WEST ELEVATION



1 EAST ELEVATION
1/4" = 1'-0"

DIANE CIRCLE TOWNHOMES





115





