

**AGENDA
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
MONDAY, MARCH 7, 2016
TOWN HALL – 127 N. COLLINS RD.
7:00 P.M.**

CALL MEETING TO ORDER

Chairperson calls the Meeting to order, state the date and time. State Members present and declare a quorum present.

CONSIDER APPROVAL OF THE FOLLOWING MINUTES:

1. REGULAR MEETING OF JANUARY 4, 2016.

PUBLIC HEARINGS

Open or continue public hearing, consider testimony and other information provided, close public hearing, and take necessary action with respect to the following applications:

- 2. APPLICANT: TOMMY SATTERFIELD
AT OR ABOUT: 300 BLK OF LARKIN ROAD (330 S. LARKIN RD)
REQUEST: VARIANCE FROM SECTION 3.7 AREA
STANDARDS FOR DETACHED SINGLE-FAMILY
DWELLINGS, CHART 3.2 AREA STANDARDS FOR
RESIDENTIAL LOTS TO REDUCE THE REQUIRED
LOT WIDTH FROM 250 FEET TO 50 FEET**

ADJOURN

THE SUNNYVALE BOARD OF ADJUSTMENTS RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME DURING THE COURSE OF THIS MEETING TO DISCUSS ANY OF THE MATTERS LISTED ABOVE, AS AUTHORIZED BY TEXAS GOVERNMENT CODE SECTION 551.071 (CONSULTATION WITH ATTORNEY), 551.072 (DELIBERATION ABOUT REAL PROPERTY), 551.073 (DELIBERATIONS ABOUT GIFTS AND DONATIONS), 551.074 (PERSONNEL MATTERS), 551.076 (DELIBERATIONS ABOUT SECURITY DEVICES), AND 551.086 (ECONOMIC DEVELOPMENT).

ALL LOCATIONS IDENTIFIED ARE IN THE TOWN OF SUNNYVALE UNLESS OTHERWISE INDICATED. FOR A DETAILED PROPERTY DESCRIPTION PLEASE CONTACT THE BUILDING OFFICIAL AT TOWN HALL. PLEASE TURN OFF ALL TELEPHONES AND HANDHELD COMMUNICATION DEVICES WHILE IN ATTENDANCE AT THIS MEETING.

THE TOWN OF SUNNYVALE IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA). REASONABLE ACCOMMODATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED TO THOSE WHO PROVIDE NOTICE TO THE DIRECTOR OF COMMUNITY SERVICES AT 972-226-7177 AT LEAST 48 HOURS IN-ADVANCE OF THE MEETING.

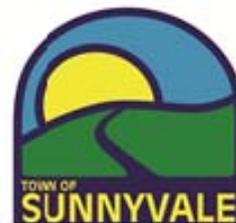
THE FOREGOING NOTICE WAS POSTED IN THE FOLLOWING LOCATIONS:

SUNNYVALE ISD 417 E. TRIPP ROAD
SUNNYVALE LIBRARY AT 402 TOWER PLACE

I HEREBY CERTIFY THAT THE FOREGOING NOTICE WAS POSTED ON MARCH 4, 2016, IN THE FOLLOWING LOCATION AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEEDING THE SCHEDULED TIME OF SAID MEETING:

TOWN HALL AT 127 N. COLLINS ROAD

LESLIE BLACK, TOWN SECRETARY



**MINUTES
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
TOWN HALL CHAMBERS
JANUARY 4, 2016
7:00 P.M.**

CHAIRPERSON	RICKY HOFFMAN
MEMBER	JOHN NOSTER
MEMBER	KATHY KANE
MEMBER	JAMES GOLDER
MEMBER	JIM NEEL
ALTERNATE MEMBER	DIANE TURNER
ALTERNATE MEMBER	AUSTEN IRROBALI - ABSENT

CALL MEETING TO ORDER

Chairperson Hoffman called the meeting to order at 7:00 p.m.

1. CONSIDER APPROVAL OF THE MINUTES FOR THE REGULAR MEETING OF DECEMBER 7, 2015.

Member Kane made a motion, seconded by Member Golder, to approve the minutes. Chairperson Hoffman called for a vote, and with all members voting affirmative, the motion passed unanimously.

**2. APPLICANT: JOSE SERRATO
AT OR ABOUT: 466 STONE CANYON DRIVE, LOT 168
REQUEST: VARIANCE FROM THE REQUIRED 12' SIDE YARD
SETBACK AS NOTED BY STONEY CANYON EAST
PLAT (REDUCE 2.7 FEET)**

Director Jackson presented the request.

The subject property is located at 466 Stone Canyon Drive within the Stone Canyon East Subdivision. The Stone Canyon East plat designates a side yard building line of twelve (12') feet for the subject lot (Lot 168). The applicant would like to reduce the side building line setback approximately 2.7 feet in order to construct a home.

Staff suggested that the applicant revise the design of the rear patio in order to meet the 12' side yard requirement. The applicant noted that the 2.7' area of the patio in question was actually supporting the second floor of the proposed residence (note the column on the patio).

The applicant, Annie Arias (602 South Walker Street, Mesquite, TX)

Chairman Hoffman explained to the applicant the duties of the Board and conditions that would warrant a hardship and variance approval.

Chairman Hoffman asked if there were different floor plan proposals considered with regard to the layout of the home.

Annie Arias stated that they had looked at several proposals from the architect and concluded that the proposed solution would create an odd shaped floor plan.

Member Kane asked if the proposed home was a spec home or a custom home.

Ms. Arias stated that it was somewhat a custom floor plan.

Member Kane asked what was on the second level.

Ms. Arias stated it was the game room.

Chairman Hoffman asked Director Jackson if the platted setback was the normal setback for the subdivision.

Director Jackson stated that the 40' setback was the platted setback for the subdivision and for the particular lot.

Chairman Hoffman proposed a solution to the applicant which would shift a wall within the garage area. The proposal could resolve the applicants request without a variance.

Director Jackson reiterated the proposal but also noted that there could be an engineering issue with the structure if the garage wall was shifted.

Further discussion was had between the applicant and the commission with regard to possible floor plan revisions that might resolve the issue.

Mr. Serrato stated that the shift of the wall would not allow for enough clearance to enter the home from the garage. He continued to state the reasoning behind the request was due to the minimum square footage required by the subdivision regulations. (3000 sq.ft) He noted that his proposed home was approximately 4000 sq. ft.

Member Noster asked if there were lots developed near the subject lot.

Mr. Serrato stated that the neighboring lots were developed.

Member Golder asked if the rear portion of the home could be revised.

Mr. Serrato stated that by removing that portion the entire home would have to be revised.

Member Golder noted that the applicants proposed home would allow for up to 1000 sq. ft. of possible revisions due to the noted 3000 sq. ft. minimum home size.

Chairman Hoffman called for a motion. No motion was made. Request was denied due to lack of a motion.

ADJOURN

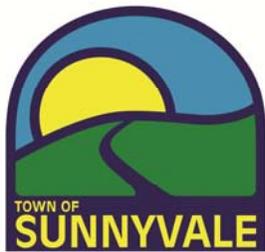
Chairman Hoffman adjourned the meeting at 7:15 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Chairman Ricky Hoffman

ATTEST:

Leslie Black, Town Secretary



Town of Sunnyvale

Board of Adjustments

March 7, 2016

Prepared By: Rashad Jackson, AICP
Director of Development Services

Summary:

Request from Tommy Satterfield for a Variance from Section 3.7 Area Standards for Detached Single Family Dwellings; Chart 3.2 Area Standards for Residential Lots to reduce the lot width requirement from 250' to 50'

Background:

The applicant is the representative for a residential property located at or about 330 S. Larkin Road. The parcel of land is approximately 4.6 acres. The Sunnyvale Zoning Ordinance requires lots 2 acres or more in size to have a minimum lot width of 250'. The applicant proposes to plat the subject lot with a minimum 50' lot width. As it exists now, the lot width for the property is currently constrained by residential property to the north (330 Larkin Road) and to the south (334 Larkin Road).

As noted, the applicant proposes to plat the property in the future. Staff notes that if the property is platted as shown, the proposed lot would subsequently land lock a parcel of land directly southeast of the subject property. Consideration should be made by the applicant in order to resolve this possible issue so that access can be provided to both the subject lot and the abutting lot.

Zoning Ordinance – Variance Standards

Chapter 26 Variance Procedures of the Zoning Ordinance establishes the standards for approval of a variance. The Board of Adjustments shall not approve a variance unless it finds that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. The following factors are to be taken into consideration when reviewing a variance request:

1. That there are special circumstances or conditions applicable to the property referred to in the application which does not prevail on other property in that zone.
The applicant does not have the opportunity to acquire additional lot width from either side. Staff notes that the lot width within the area tends to vary.
2. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.
Strict application of the regulations could necessitate the lot undevelopable. The property could still be used for agricultural purposes but the lot was intended to be developed as a residential property.
3. That the granting of such application will not materially affect the health and safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

The granting of the variance does not appear to affect the health and safety of persons residing in or working in the area nor does it appear to be detrimental to the public welfare. The variance would allow for the platting of the subject parcel for residential development. The lot widths within the area appear to vary as well.

4. That substantial conformity to standards primarily established in the zone may be secured.
The applicant is requesting variances to the lot width for one lot. It would appear that all other standards would be adhered to within this zoning district and on this property.
5. That detriment of injury to the neighborhood will not result from the granting of a variance as applied for.
There does not appear to be detriment of injury to the neighborhood should the variance be granted. The variance would allow for the platting of the property.
6. That substantial conformity to standards previously established in the zone may be secured and that detriment of injury to the neighborhood will not result from the granting of a variance as applied for.
Please see #5 above, as a similar answer would apply in this instance.

Public Notice

Notice was published within the Town's Official Newspaper on Wednesday, February 17th. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Eleven (11) letters were sent out. As of the writing of this staff memo, no letters had been returned either in favor or in opposition of the request.

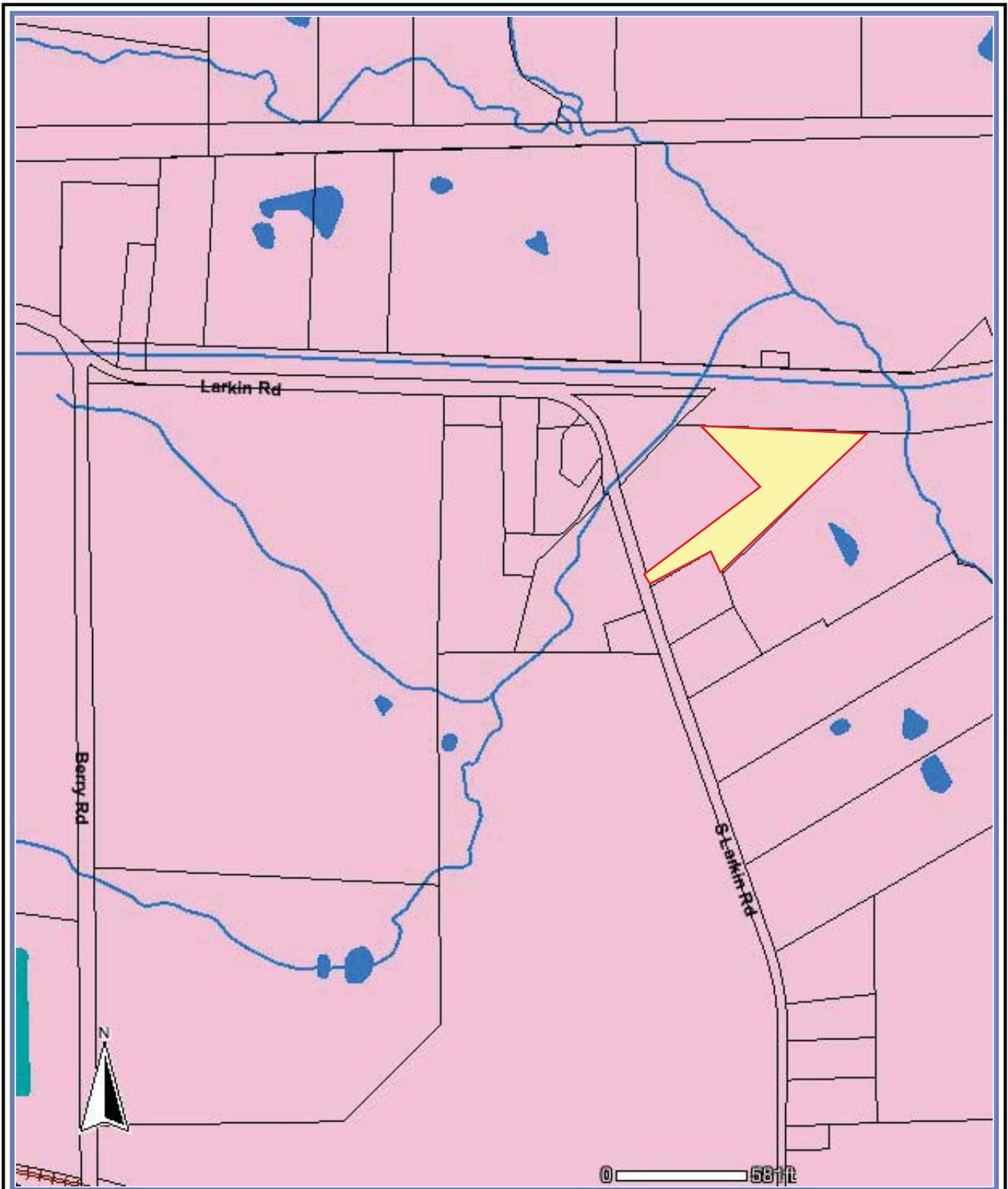
Staff Recommendation

Comments have been provided within underlined italics within the Zoning Ordinance – Variance Standards portion of this memo. Should the Board of Adjustments choose to approve the variance request, the following conditions should be considered:

1. Prior to development, the applicant would need to submit a complete application for the platting of the property to be reviewed through the appropriate Town processes. Applicant should address concerns noted in staff memo with submittal.

Attachments

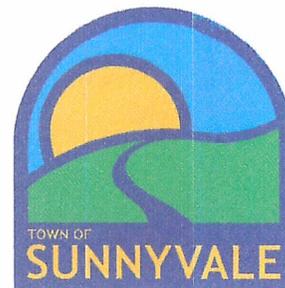
- Location Map
- Application
- Chart 3.2 Area Standards for Residential Lots from the Zoning Ordinance
- Proposed lot configuration



Dallas Central Appraisal District
www.dallascad.org

DISCLAIMER
This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Zoning Board of Adjustments Application



- Variance Request
 Appeal

TOWN OF SUNNYVALE
127 N Collins Road
Sunnyvale, Texas 75182
(972) 203-4188

Anticipated Meeting Date: 3-7-16
@ 7:00 PM.

FILE NO: 1455

PROPERTY INFORMATION

Address/Location: <u>300 Block Larkin Rd</u>	Existing Use: <u>Agriculture</u>
Lot(s): _____ Block: _____	Current Zoning: <u>Single Family</u>
# of Acres: _____ # of Lots: _____	# of Units: _____

APPLICANT INFORMATION

Name: <u>Tommy Satterfield</u>	Company: <u>Parkview Homes</u>
Mailing Address: <u>603 Stavebrick Dr.</u>	
City: <u>Rockwall TX 75087</u>	State: _____ Zip: _____
Phone: <u>972-226-7489</u>	Fax: <u>-</u> Email: <u>parkviewhomes@tx.eynhoa.com</u>

OWNER INFORMATION

Name: <u>Fausto (Tico) Martinez</u>	Company: _____
Mailing Address: <u>601 Parkview Dr.</u>	
City: <u>Mesquite, TX 75149</u>	State: _____ Zip: _____
Phone: _____	Fax: _____ Email: _____

Applications must be complete and have all supporting documents turned in no later than 2:00 pm on submittal day.

REASON FOR REQUEST:

Variance to lot width at road to plot property for
Construction of Single Family Residence

STATUS OF PROJECT: Proposed Under Construction Existing

APPLIED FOR BUILDING PERMIT: Yes No

APPLIATION SUBMITTAL REQUIREMENTS

The applicant shall indicate whether the following documents have been included with the application:

YES NO DESCRIPTION

- 10 copies of proposed plans for the Board of Adjustment that show the following:
 1. Site dimensions including lot setback lines.
 2. Existing features including buildings.
 3. Proposed buildings and parking areas
 4. Proposed variance

- One (1) set of electronic versions of the above documents on a CD in Adobe Acrobat format

Failure to submit the applicable documents described above with the application will result in an automatic staff recommendation for denial of application to the Board of Adjustment. Incomplete applications will not be accepted.

REQUEST INFORMATION

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Completely describe the variance you are requesting. Include justification for request:

Request to lot width of current zoning of 250' frontage to 50' frontage entrance. Property entrance is bound with residential lots on both sides

2. Describe how the unique conditions or circumstances do not result from your actions:

Without variance property cannot be platted to build Single Family Residence as request by owner of property.

APPLICATION FEE

Filing Fee \$250.00 Flat Fee = \$ 250.00

Notices - \$3.00 per property owner within 400 ft. Notices = \$ _____

TOTAL VARIANCE APPLICATION FEE = \$ _____

The above fees are non-refundable and are charged for the processing of the application. Filing of Final Plats, and/or the issuance of Building Permits and Certificates of Occupancy may be withheld until all fees are paid.

I acknowledge that I have read and understand the application and fees.

APPLICANT AUTHORIZATION:

- I will represent the application myself; or
- I authorize Tommy Satterfield (name of applicant) to represent this application on my behalf. The named applicant shall be the principal person for responding to all requests and to attend all meetings.

Owner's Signature: Maria Motuz Date: 2.16.2016

STATE OF TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared _____ the above signed, who, under oath, stated the following: "I hereby certify that I am the owner or authorized corporate representative for the purposes of this application; that all information submitted herein is true and accurate."

Subscribed and sworn to before me this 15 day of February, 2016.



Lyneece Satterfield
Notary Public in and for the State of Texas

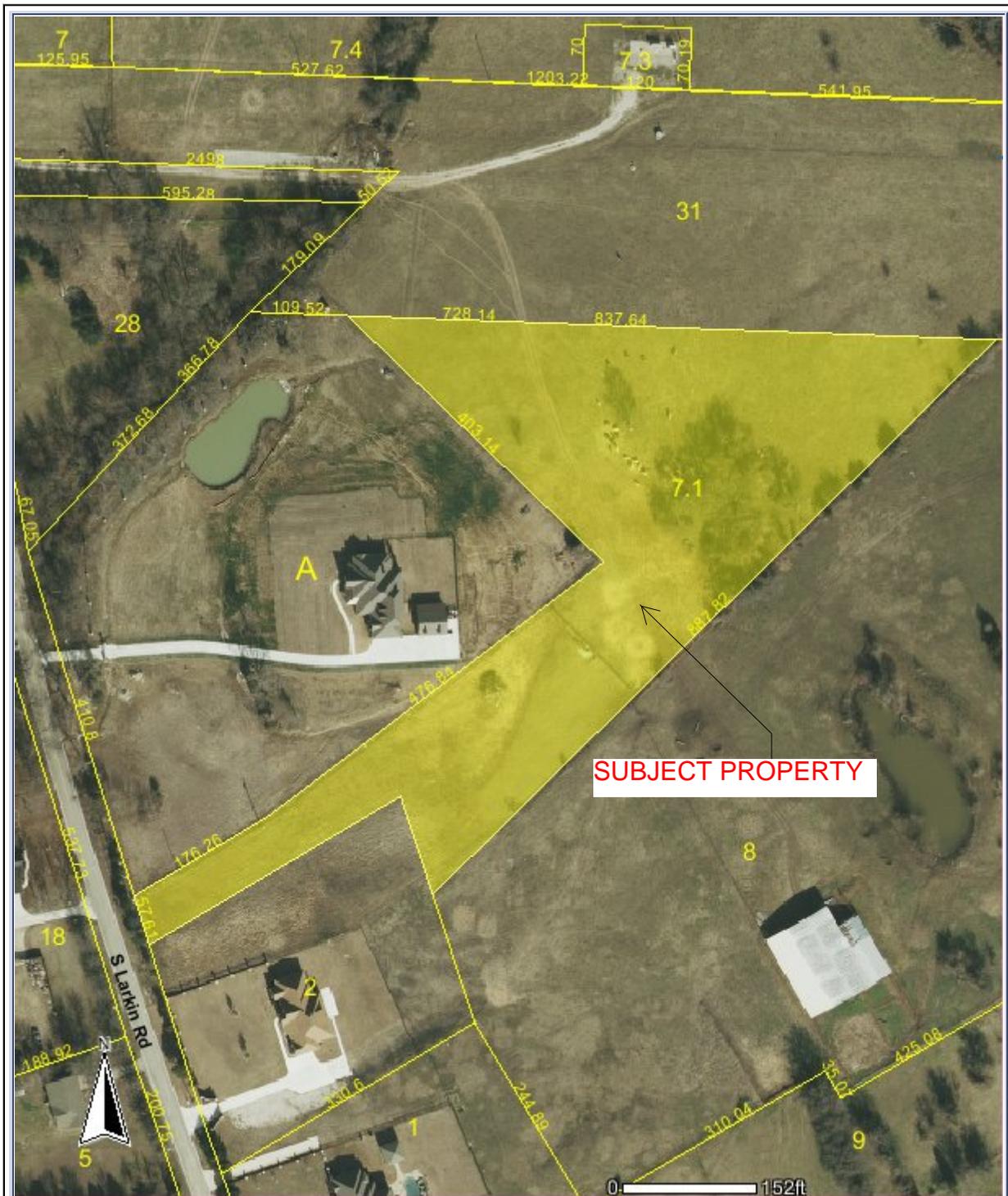
This application is not considered accepted by the Town until the Director of Development Services or his designee has signed below.

TOWN OF SUNNYVALE: Acknowledge By Melinda Diaz Date: 2-16-16

**Chart 3.2
Area Standards for Residential Lots**

Lot Size	Width ¹	Front Yard Setback	Side Yard Setback ²	Rear Yard Setback
2 acres and over	250 feet	80 Feet	50 feet	120 feet
1.5 to 1.99 acres	200 feet	80 feet	40 feet	100 feet
1 acre-1.49 acres	170 feet	70 feet	30 feet	80 feet
35,000-43,559 square feet	150 feet	60 feet	30 feet	60 feet
20,000-34,999 square feet	120 feet	60 feet	20 feet	40 feet
14,000-19,999 square feet	100 feet	50 feet	20 feet	30 feet
12,000-13,999 square feet	100 feet	40 feet	15 feet	30 feet
10,000-11,999 square feet	100 feet	30 feet	15 feet	20 feet
7,000-9,999 square feet	70 feet	25 feet	10 feet	20 feet
4,500-6,999 square feet	50 feet	25 feet	5 feet	20 feet

1. For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line.
2. When adjacent to a side street, the side yard setback of a corner lot shall not be less than the following, whichever is greater: (a) 150 % of the side yard setback shown; or (b) the front yard set back of any adjacent lot located within 20 feet of the rear lot line of the corner lot, where the front yard of the adjacent lot faces in the same general direction as the side yard of the corner lot.



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DISCLAIMER

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