AGENDA
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
MONDAY, MAY 2, 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 MARCH 7, 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:** **TIMOTHY CRAFT**
   AT OR ABOUT: **323 BARNES BRIDGE ROAD**
   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 184.55 FEET AND TO REDUCE A REQUIRED SIDE YARD SETBACK OF 50 FEET TO 25 FEET CREATING TWO RESIDENTIAL LOTS**

3. **APPLICANT:** **DEBORAH FRANKLIN**
   AT OR ABOUT: **622 & 626 PECAN CREEK DRIVE**
   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 FOR TWO LOTS FROM 250 FEET TO 115 FEET AND FROM 250 FEET TO 147 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 APRIL 29, 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
MARCH 7, 2016
7:00 P.M.

CHAIRPERSON	RICKY HOFFMAN
MEMBER	JOHN NOSTER
MEMBER	KATHY KANE
MEMBER	JAMES GOLDER
MEMBER	JIM NEEL
ALTERNATE MEMBER	DIANE TURNER - ABSENT
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 FEBRUARY 1, 2016.**

Member Kane made a motion, seconded by Member Golder, to approve the minutes with noted changes to those who were in attendance. Chairperson Hoffman called for a vote, and with all members voting affirmative, the motion passed unanimously.

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**

Director Jackson presented the request.

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 and to the south.

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.

Discussion was had amongst the board with regard to the existing property boundaries and access to an abutting lot.

Member Kane asked if when platted, a stipulation could be made that required no buildings be constructed within the narrow section of the proposed lot.

Director Jackson stated that a mutual access easement could be shown in the subject area that would allow for continued access.

The applicant, Tommy Satterfield, spoke on behalf of the request.

Member Golder asked where the house would be located on the property.

Mr. Satterfield noted that the property was 4 acres in size so he would be required to have certain setbacks that would somewhat position the home toward the rear of the property. He also noted he was aware of the access issue if the property were to be platted. He suggested that a mutual access easement should be put in place prior to development.

Discussion was had amongst the board with regard to the proposed placement of a home on the subject property and the existing lot width.

Member Kane noted that at some point in the past someone allowed this lot condition to happen.

Director Jackson stated that she was correct. He noted that when the abutting properties were platted they should have considered this situation.

Member Golder stated that if no variance was approved could a home be constructed on the subject property.

Director Jackson stated that a home could not be built without the lot width variance.

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

ADJOURN

Chairman Hoffman adjourned the meeting at 7:17 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 May 2, 2016

Prepared By: **Rashad Jackson, AICP**
Director of Development Services

Summary:

1. **APPLICANT:** **TIMOTHY CRAFT**
   AT OR ABOUT: **323 BARNES BRIDGE ROAD**
   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 184.55 FEET AND TO REDUCE A REQUIRED SIDE YARD SETBACK OF 50 FEET TO 25 FEET CREATING TWO RESIDENTIAL LOTS**

Background:

The applicant is the representative for a residential property located at 323 Barnes Bridge Road. The parcel of land is approximately 10 acres. The applicant proposes to subdivide the subject lot into two 5 acre lots. Each proposed lot will have a 185' lot width. As it exists now, the un-platted 10 acre property has an existing lot width of 369.1'. The applicant proposes to subdivide the property for the development of a proposed residence.

If approved and subsequently platted, the existing home on the property would not meet the side setback requirements for a lot of 2 acres or more. Lots 2 acres in size and larger are required to have a side setback of 50'. The applicants existing home currently sits 25' from the side property line to the east. A variance would be required from the development standard in order to resolve this possible issue.

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. In looking at some of the developed parcels within the area, the lot width and size tend to vary. Of the developed residential properties in the area, the lot widths range from 115' to 250'.
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 would restrict the applicant from subdividing the property. The property could still be used for agricultural purposes but the proposed lot could not 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 variances 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 variances 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 two lots and a setback variance 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 variances be granted. The variances would allow for the platting of the property for two (2) single family homes and would appear to be in conformance with the surrounding neighborhood.
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, April 13th, 2016. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Eight (8) 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.

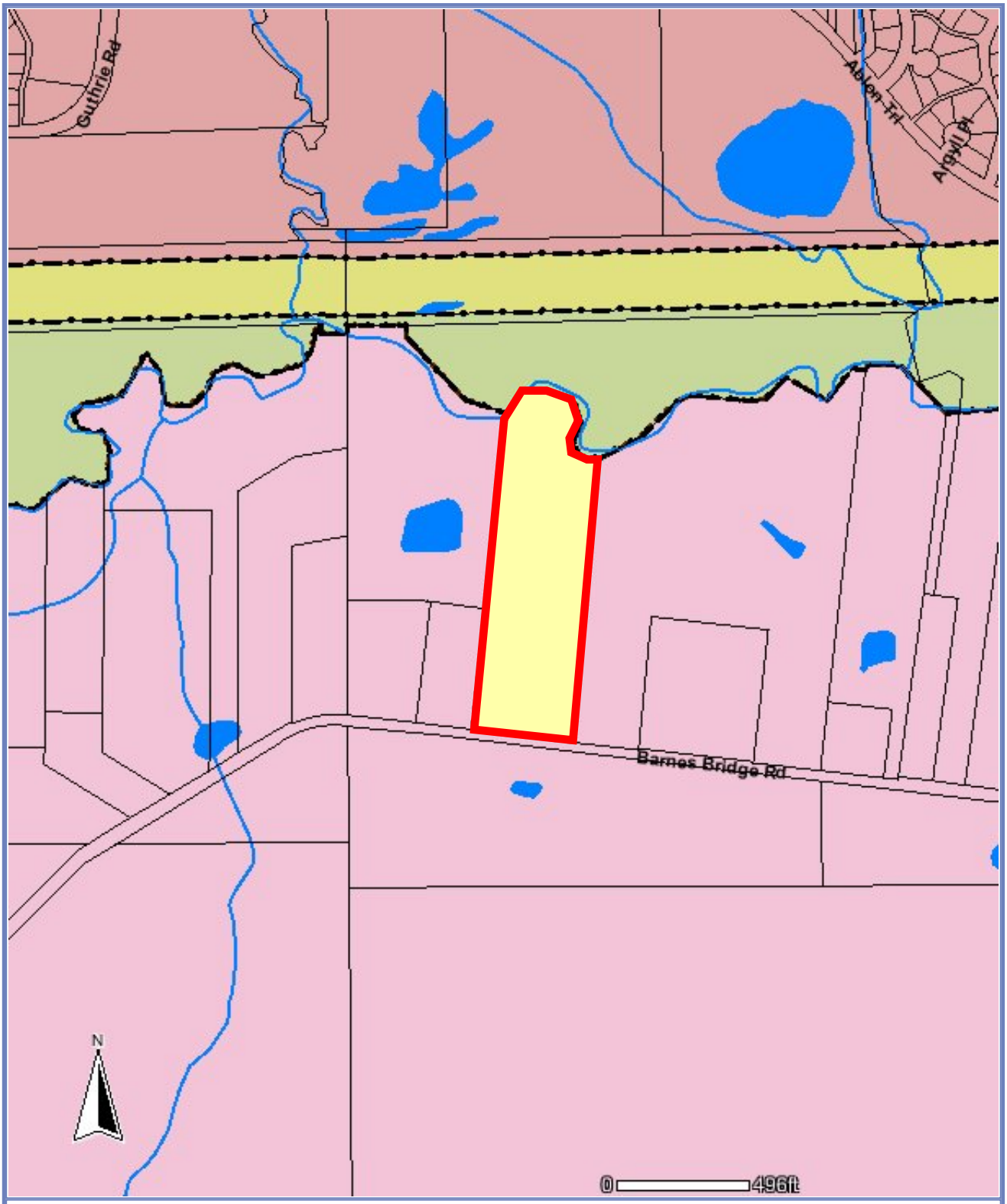
Staff Recommendation

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. Both proposed lots should be included within the proposed plat.

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

Anticipated Meeting Date: 5 · 2 · 16

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

FILE NO: 1470

PROPERTY INFORMATION

Address/Location: 323 Barnes Bridge Rd Existing Use: Single Family
Lot(s): Block: Current Zoning: Residential
# of Acres: 10.337 # of Lots: 1 # of Units: 1

APPLICANT INFORMATION

Name: Timothy Craft Company: n/a
Mailing Address: 323 Barnes Bridge Rd
City: Sunnyvale State: Tx Zip: 75182
Phone: 214·673·2044 Fax: n/a Email: clcraft@aol.com

OWNER INFORMATION

Name: Timothy Craft Company: n/a
Mailing Address: 323 Barnes Bridge Rd
City: Sunnyvale State: Tx Zip: 75182
Phone: 214·673·2044 Fax: Email: clcraft@aol.com

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

REASON FOR REQUEST:

Selling 1/2 of property: existing 10.337ac property to be reduced to 2 parcels both over 5 acres.

We are requesting a variance from the 250 ft road frontage requirement to 184.55 ft on each property.

An additional variance is needed for the opposite side of existing house (eastside) for a ~~shortage between~~ reduction in side yard setback from 50ft to 25 ft.

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:

We are selling 1/2 of our 10.337 acre property. Dividing the property down the middle is the only way to maintain any considerable amount of frontage. There is no way to keep 250 ft of frontage for either parcel when divided. 369.10 ft now. 184.55 ea after split.

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

This property has been in our family for over 40 years. Is deeper than it is wide and with only 369.10 feet of road frontage this is the only way to reduce the amount of property to a managable size.

The side yard setback reduction is a result of a structure built prior to so far requirement being put in place.

APPLICATION FEE

Filing Fee $250.00 Flat Fee = $ 250.00 pd 4-11-16

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 _____ (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: Timothy G Craft Date: 4/11/2016

STATE OF TEXAS

COUNTY OF: ROCKWALL

BEFORE ME, a Notary Public, on this day personally appeared TIMOTHY CRAFT 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 11th day of APRIL, 2016.

SHERRI CRAYNE
My Notary ID # 7715163
Expires February 17, 2020

Notary Public in and for the State of Texas

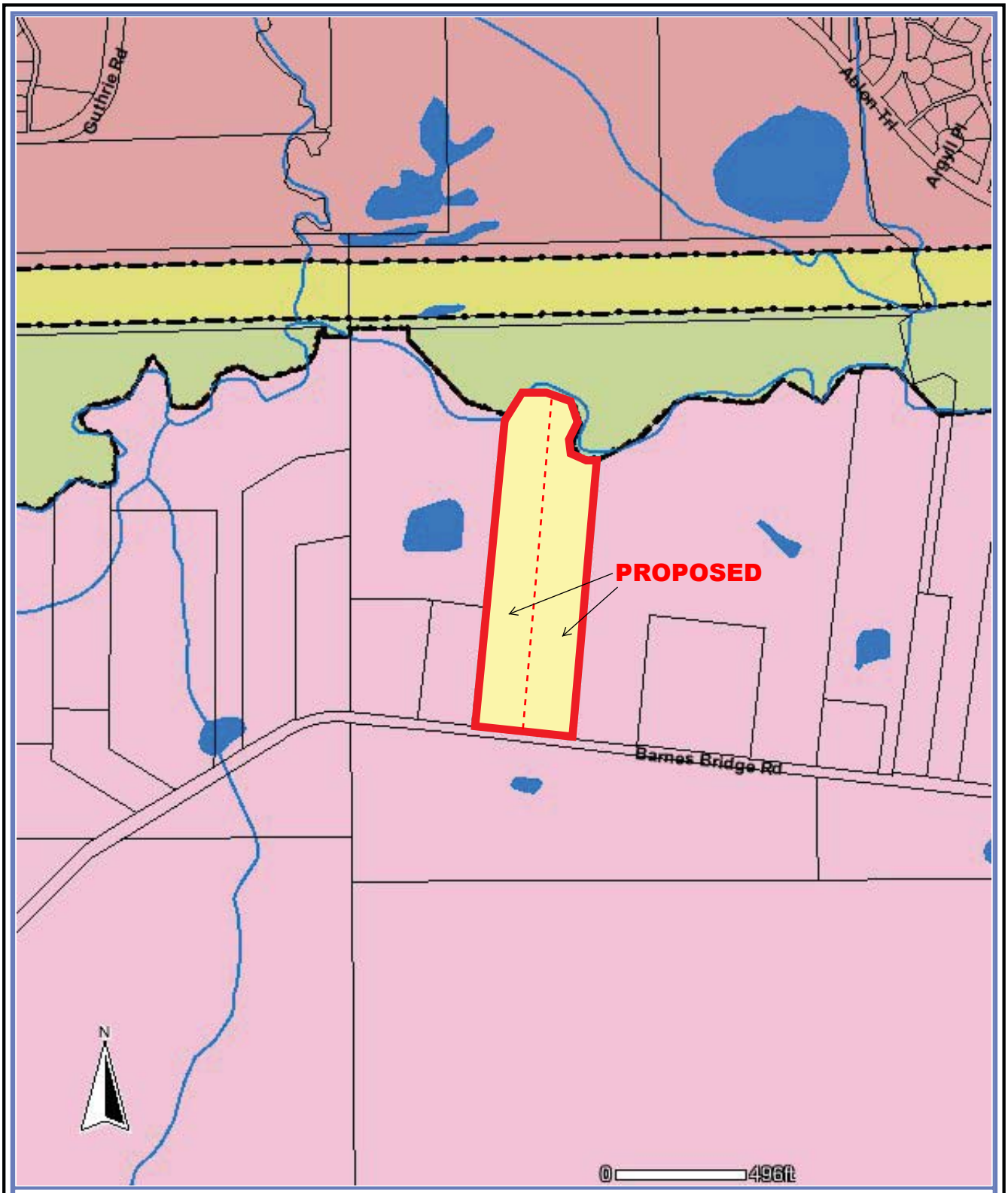
This application is not considered accepted by the Town until the Director of Development Services or his designee has signed below.

TOWN OF SUNNYVALE: Acknowledge By: _____ Date: 4/11/16

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

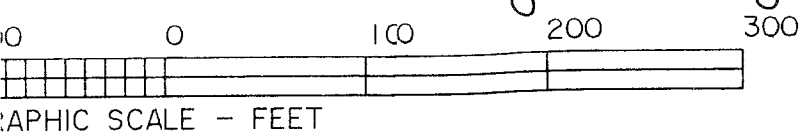
1. For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line.
2. When adjacent to a side street, the side yard setback of a corner lot shall not be less than the following, whichever is greater: (a) 150 % of the side yard setback shown; or (b) the 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.



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.

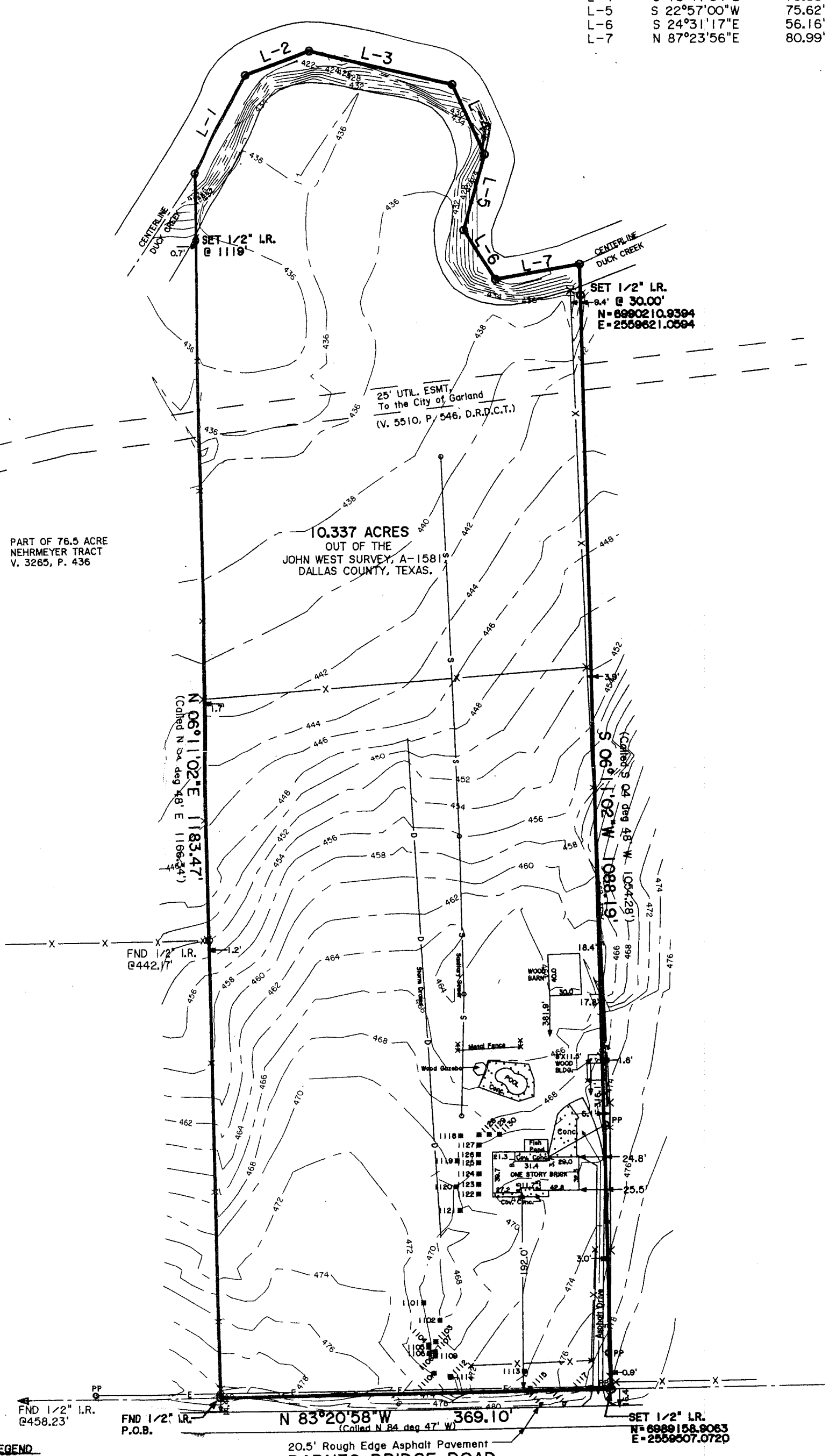
Existing Survey Pg 1 of 3



COURSE	BEARING	DISTANCE
L-1	N 37°30'34"E	108.04'
L-2	N 77°32'03"E	66.26'
L-3	S 69°00'54"E	139.21'
L-4	S 16°41'54"E	73.68'
L-5	S 22°57'00"W	75.62'
L-6	S 24°31'17"E	56.16'
L-7	N 87°23'56"E	80.99'

POINT	TREE SIZE & TYPE
1101	0.75 Oaks
1102	1.15 Oak
1103	1.35 Oak
1104	0.75 Oak
1105	0.65 HB
1106	0.65 Oak
1107	0.40 Oak
1108	0.60 Oak
1109	0.50 Oak
1110	0.85 Oak
1111	0.85 Oak
1112	1.3 Oak
1113	1.3 Oak
1114	1.05 Pecan
1115	1.05 Pecan
1116	1.1 Pecan
1117	1.4 HB
1118	0.9 Oak
1119	0.75 Oak
1120	0.9 Oak
1121	0.75 Oak
1122	0.7 Pear
1123	0.5 Pear
1124	0.6 Pear
1125	0.65 Pear
1126	0.55 Pear
1127	0.6 Pear
1128	0.95 Pear
1129	0.5 Pear
1130	0.5 Pear

DENOTES TREE ■



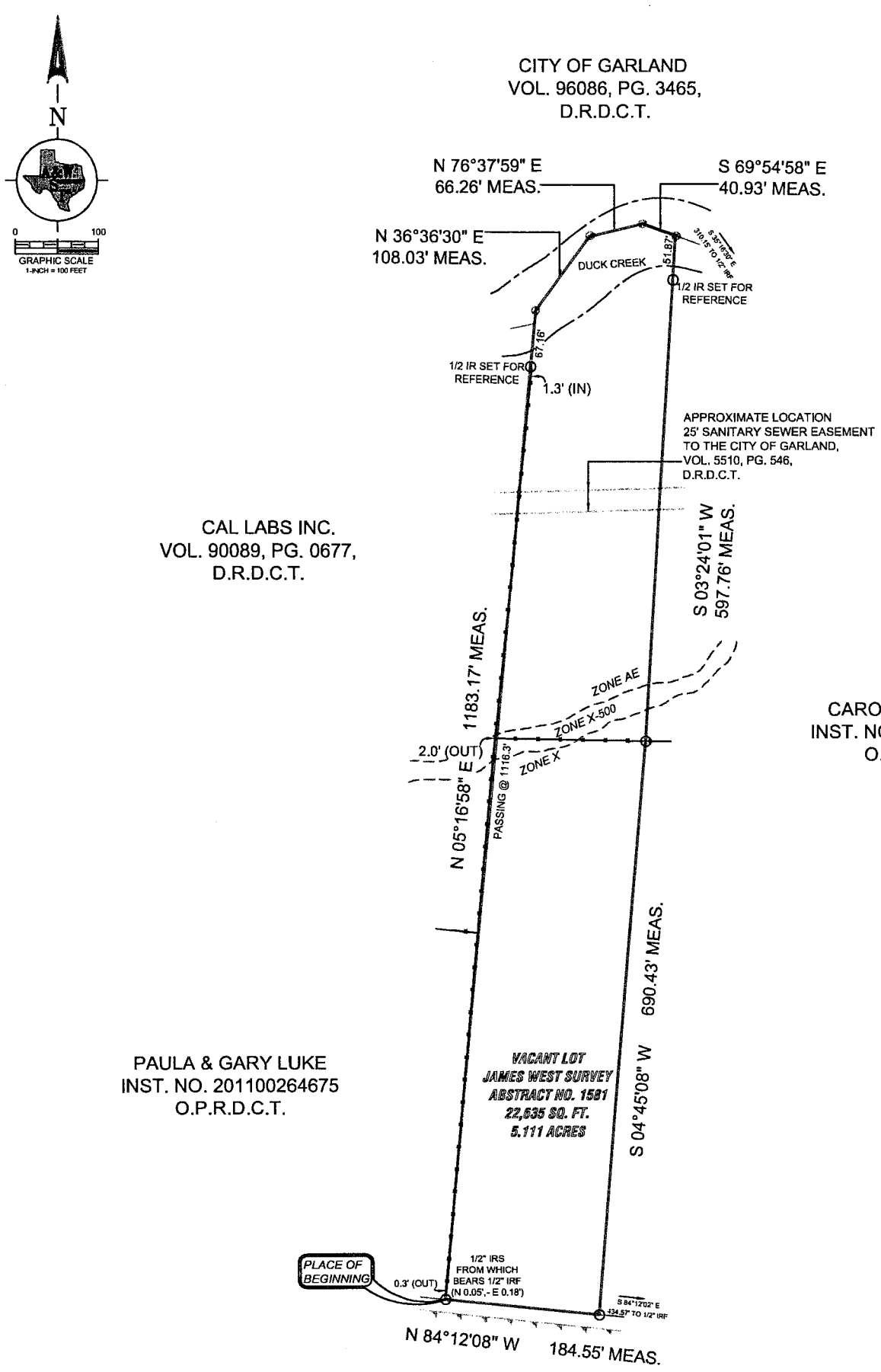
LEGEND

Overhead Electric —E—E—
FENCE —X—X—X—
STORM DRAIN —D—D—D—
SANITARY SEWER —S—S—S—
CONCRETE

Blow up

Proposed Survey of new parcel after Split

SURVEY PLAT: 323 BARNES BRIDGE



LEGAL DESCRIPTION

Being all that certain lot, tract, or parcel of land located in the JAMES WEST SURVEY, Abstract No. 1581, Town of Sunnyvale, Dallas County, Texas, and being part of a tract of land described in deed to Carol Lee Craft, recorded in Instrument No. 201200338232, Official Public Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an 1/2 iron rod found in the North line of Barnes Bridge Road, a variable width right-of-way, at the Southeast corner of a tract of land described in deed to Paula J. and Gary C. Luke, recorded in Instrument No. 201100264675, Official Public Records, Dallas County, Texas, same point being the Southwest corner of said Craft tract;

Thence North 05°16'58" East passing at a distance of 1116.29' a 1/2 iron rod with a yellow plastic cap stamped "RPLS 5310" set or reference on the high bank of Duck Creek, and continuing a total distance of 1183.17' to a point for corner at or near the center of Duck Creek, said point being the Northwest corner of said Craft tract;

Thence along or near the center of said Duck Creek, in an Easterly direction, the following (3) three courses and distances;

(1) Thence North 36°36'30" East, a distance of 108.03' to a point for corner;

(2) Thence North 76°37'59" East, a distance of 66.26' to a point for corner;

(3) Thence South 69°54'58" East, a distance of 40.93' to a point for corner;

Thence South 03°24'19" West passing a distance of 51.87' a 1/2 iron rod with a yellow plastic cap stamped "RPLS 5310" Set for reference on the high bank of said Duck Creek, and continuing a total distance of 597.76' to a 1/2 iron rod with a yellow plastic cap stamped "RPLS 5310" set for corner;

Thence South 04°45'08" West, a distance of 690.43' to a 1/2 iron rod with a yellow plastic cap stamped RPLS 5310" set for corner in the said North line of Barnes Bridge Road;

Thence North 84°12'08" West along said North line a distance of 184.55' to the PLACE OF BEGINNING and containing 22,635 square feet or 5.111 acres of land.

FLOOD

This is to certify that a portion of the subject property shown hereon lies within the 100 Year Flood Hazard Area as shown on the Flood Insurance Rate Map, Community Panel No. 48113C 0380L, dated 07-07-2014. The property is located in Zone "X", Zone "X-500", Zone "A-E".

NOTE: All 1/2 IRS are 1/2-inch iron rods with yellow plastic caps stamped "RPLS 5310".

LEGEND

1/2" IR FOUND	X-FOUND	TELE. BOX	UTILITY POLE	OHU — OVERHEAD UTILITY LINE	BRICK RET. WALL	CONCRETE
1/2" IR SET	X-SET	CABLE BOX	WATER METER	GUY WIRE ANCHOR	STONE RET. WALL	GRAVEL
5/2" IR FOUND	SAN. SEW. MH.	BOLLARD POST	GAS METER	BARBED WIRE FENCE	BUILDING LINE	BRICK
3/8" IR FOUND	IRRIGATION VALVE	BRICK COLUMN	A.C. PAD	IRON FENCE	EASEMENT	STONE
50-D NAIL FOUND	WATER VALVE	STONE COLUMN	TRANS. BOX	CHAINLINK FENCE	BOUNDARY	WOOD DECK
PK NAIL SET	FIRE HYDRANT	STORM DRAIN MH.		WOOD FENCE	HIGH BANK LINE	BUILDING WALL
1/2" IP FOUND	LIGHT POLE	SAN. SEW. CO.	P.E. POOL EQUIP	ASPHALT	FEMA FLOOD LINE	TILE

The plat shown hereon is a correct and accurate representation of the property, lines and dimensions as shown hereon, and EXCEPT AS SHOWN, all improvements are located within the boundaries the distances indicated. EXCEPT AS SHOWN, there are no visible apparent easements, encroachments or protusions on the ground.

This survey was performed exclusively for the parties in connection with the G. F. Number shown hereon and is licensed for a single use. This survey remains the property of the Surveyor. Unauthorized reuse is not permitted without the expressed written permission of the Surveyor. This survey is an original work protected by United States Copyright law and international treaties. All rights reserved. Do not make illegal copies.

John S. Turner
JOHN S. TURNER RPLS 5310

A&W SURVEYORS, INC.
Professional Land Surveyors
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM

JOB# 16-0291	DRAWN BY: 987
DATE: 04-02-2016	G.F. NO. RO16050
CERTIFY TO: JAMES AND ROBIN SNEED	TITLE CO: SOUTHWEST LAND TITLE

"A professional company operating in your best interest"

Notice of Application for Variance
Town of Sunnyvale
Board of Adjustment

The Town of Sunnyvale has received a request from Timothy Craft, for a Variance from Section 3.7 Area Standards for Detached Single-Family Dwellings, Chart 3.2 Area Standard for Residential Lots to reduce the required lot width for two proposed lots for property located at or about 323 Barnes Bridge Road from 250' to 184.55' and to reduce the required side yard setback of 50' to 25'. The request for the variance would allow for the platting of two 5 acre residential lots. The location of the properties is shown on the attached exhibit.

The Board of Adjustment will hear this application on Monday, May 2, 2016. The hearing will be conducted in open session at Town Hall, 127 N Collins Rd at 7:00 p.m. If you have comments regarding this application, you may present them in person at the meeting or may submit written comments at any time on or before this meeting. If you wish to submit a written response, please complete and return this notice as soon as possible.

The Variance Application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact Rashad Jackson, Director of Development Services at (972) 203-4103 or rashad.jackson@townofsunnyvale.org .

☑ I am in favor of granting a variance.

☐ I am opposed to granting a variance.

Explanation: _____

Signature: _____

Printed Name: _____

Address: _____

Date: _____

Town of Sunnyvale

Board of Adjustments May 2, 2016

Prepared By: **Rashad Jackson, AICP**
Director of Development Services

Summary:

2. **APPLICANT:** **DEBORAH FRANKLIN**
   AT OR ABOUT: **622 & 626 PECAN CREEK DRIVE**
   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 FOR TWO LOTS FROM 250 FEET TO 115 FEET AND FROM 250 FEET TO 147 FEET**

Background:

The applicant is the representative for residential property located at 622 & 626 Pecan Creek Drive. The subject area comprises approximately 14 acres. The applicant proposes to plat 2 lots within the subject area. Each proposed lot will require a variance from the 250' lot width requirement.

If approved and subsequently platted, two proposed lots would be created. Both lots would have right of way access via an existing cul-de-sac at the end of Pecan Creek Drive. The proposed subdivision would create one lot of 5 acres and one lot of 9 acres. The proposed 5 acre lot (622 Pecan Drive) would require a lot width variance of 135 feet. The proposed 9 acre lot (626 Pecan Drive) would require a lot width variance of 103 feet. For the proposed lots, the lot width would be measured at the front yard setback line for each lot. The zoning ordinance stipulates….*"for lots on cul-de-sacs or similar circumstances, the minimum width shall apply at the front yard setback line."* The front yard setback is measured 80 feet back from the front property line.

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.
   In looking at some of the developed parcels within the area, the existing lot widths tend to vary. Of the developed residential properties in the area, the lot widths are approx 150'.
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 would restrict the applicant from subdividing the property. The property could still be used for residential purposes but the proposed lot that would be created could not be developed as a separate 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 variances 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 variances would allow for the platting of the subject parcel for residential development.
4. That substantial conformity to standards primarily established in the zone may be secured.
   The applicant is requesting variances to the lot width for two lots. It would appear that all other standards would be adhered to within this zoning district.
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 variances be granted. The variances would allow for the platting of the property for two single family residential lots and would appear to be in conformance with the surrounding neighborhood.
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, April 13th, 2016. Letters were also provided to surrounding properties meeting the distance requirements as provided within the Ordinance. Ten (10) letters were sent out. As of the writing of this staff memo, one (1) letter had been returned either in favor of the request.

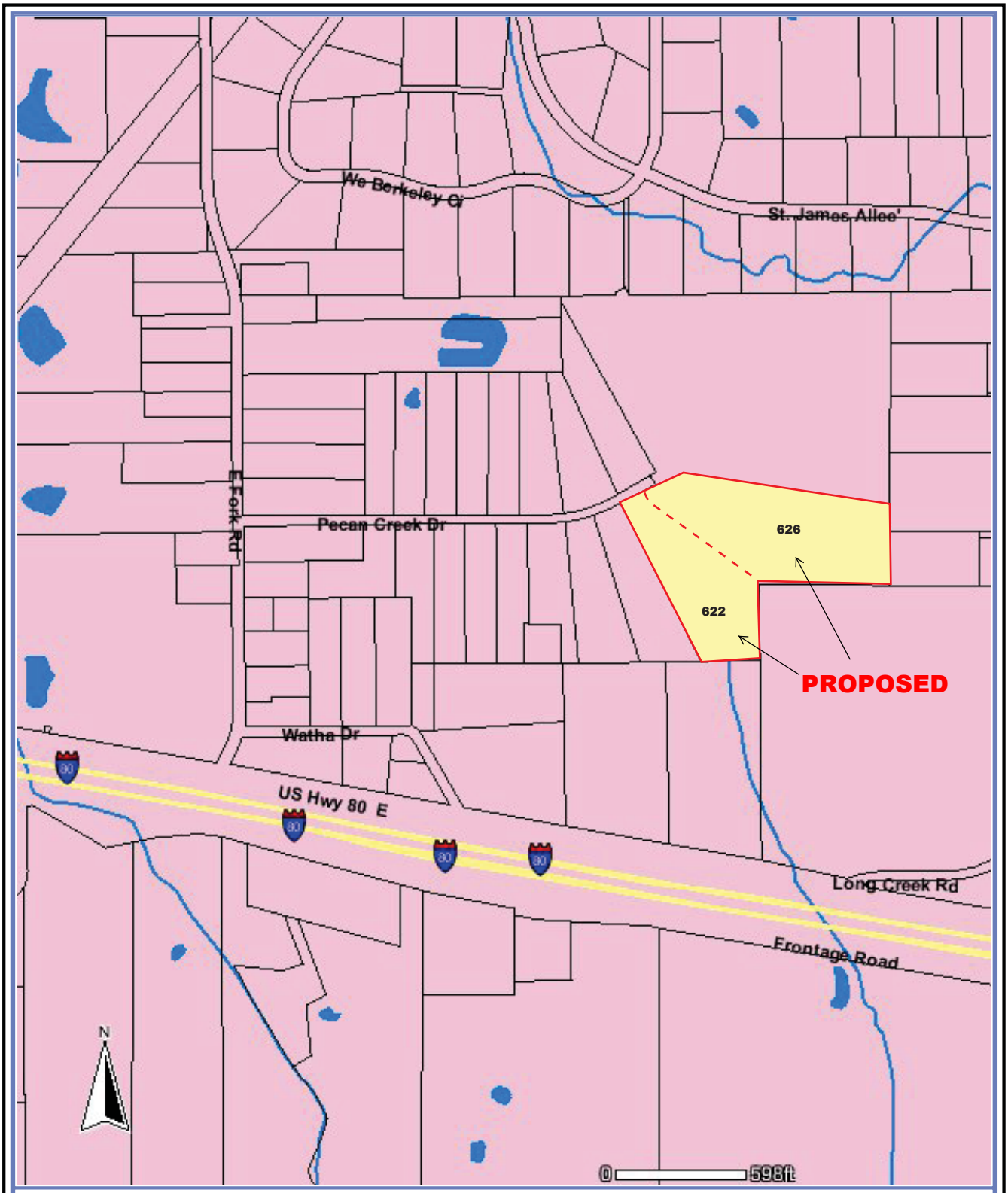
Staff Recommendation

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.

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

Anticipated Meeting Date: May 2, 2016

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

FILE NO: 1471

PROPERTY INFORMATION

Address/Location: 622 & 626 Pecan Creek Drive
Existing Use: Open Space Land Agriculture
Lot(s): 13b & 14b
Block: East Fork Estates #2
Current Zoning: Single Family R-3
# of Acres: 14 Acres
# of Lots: 2
# of Units:

APPLICANT INFORMATION

Name: Deborah Franklin
Company: Sunnyvale Galloway Old Home Place Trust
Mailing Address: 629 Pecan Creek Drive
City: Sunnyvale
State: TX
Zip: 75182
Phone: 972-754-4990
Fax:
Email: teevil@aol.com

OWNER INFORMATION

Name: Sunnyvale Galloway Old Home Place Trust
Company:
Mailing Address: 629 Pecan Creek Drive
City: Sunnyvale
State: TX
Zip: 75182
Phone: 972-754-4990
Fax:
Email: teevil@aol.com

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

REASON FOR REQUEST: Variance on the required lot width

STATUS OF PROJECT: X Proposed ___Under Construction ___Existing

APPLIED FOR BUILDING PERMIT: ___Yes X No

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

YES	NO	DESCRIPTION
[X]	[ ]	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
[X]	[ ]	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:

Owner seeks to create two new private residence lots from within one larger parcel. The single-home parcels will be +/- 9 acres and +/- 5 acres. Each lot contains sufficient road frontage for each lot to have individual driveway turn-ins at the City-required widths. Owner seeks a variance only from the City regulation requiring a 250' lot width at the 80' setback line, as the lod widths of these two lots at the 80' setback mark would be 147'3" and 115', respectively. As requested by the City, Owner plans to plat the proposed lots and dedicate the private portions of the cul-de-sac to the City as public right-of-way (therefore, lot widths are provided from the current road frontage as well). It should be noted that each lot's width continues to widen past the 80' mark.

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

The variance is necessary because each of the lots is located on a cul-de-sac at the end of Pecan Creek Drive. the 250' requirement would create an undue hardship as both of the proposed lots must access the public roadway through the cul-de-sac and there is no way to create these lots that would meet the width requirement at the 80' setback. Note: The proposed use of the lots - for low density, large-acreage homesites - will serve the public welfare and not disturb any neighboring properties.

APPLICATION FEE

Filing Fee $250.00 Flat Fee = $ 250.00 pd 4-12-16

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 Cortland McLeod (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: Deborah L. Franklin Date: April 12, 2016

STATE OF TEXAS

COUNTY OF: DALLAS

BEFORE ME, a Notary Public, on this day personally appeared Deborah Franklin 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 12th day of April, 2016

MELINDA DIAZ
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Expires 11-22-2016

Melinda Diaz
Notary Public in and for the State of Texas

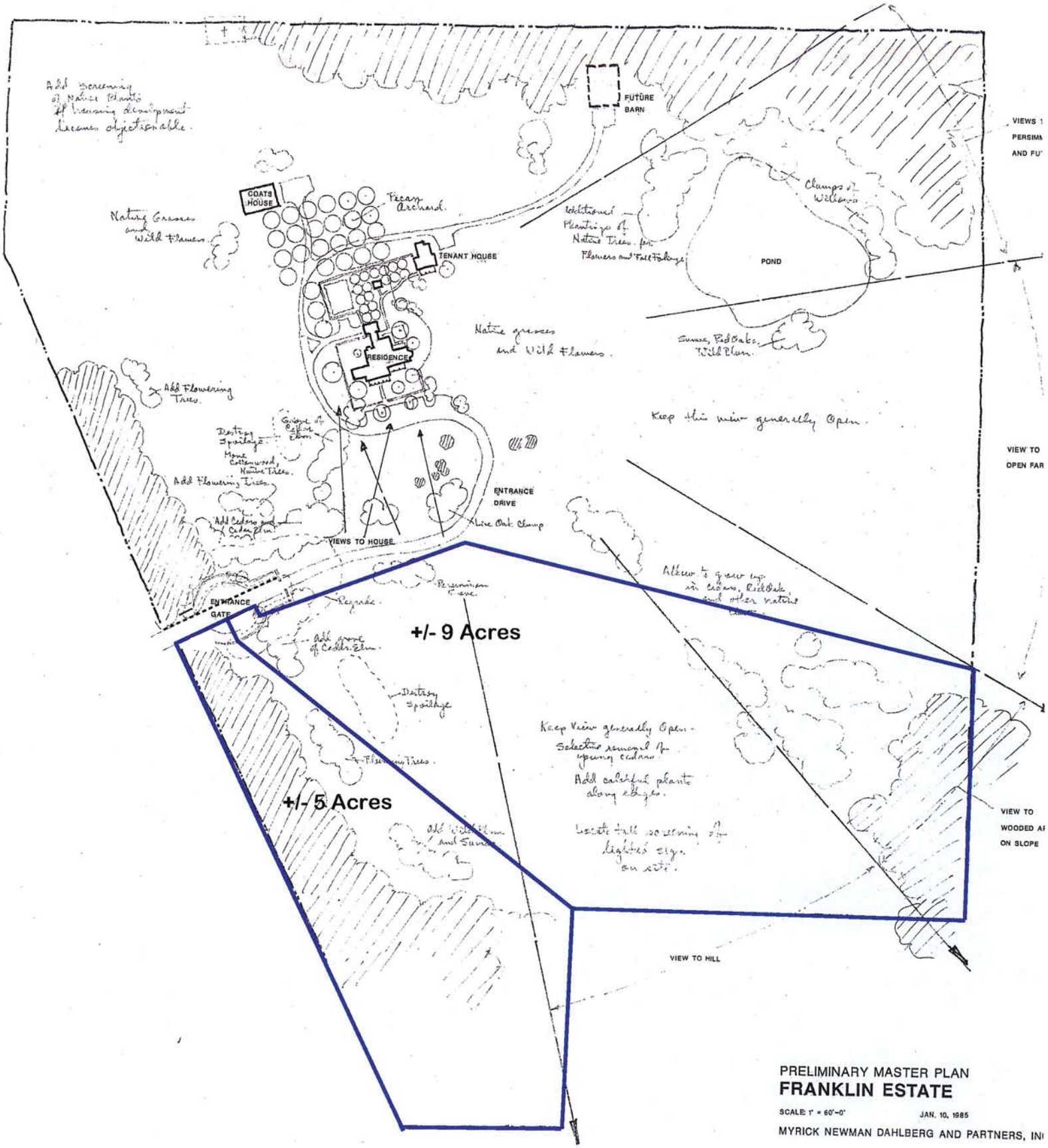
This application is not considered accepted by the Town until the Director of Development Services or his designee has signed below.

TOWN OF SUNNYVALE: Acknowledge By: [signature] Date: 4-12-16

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.

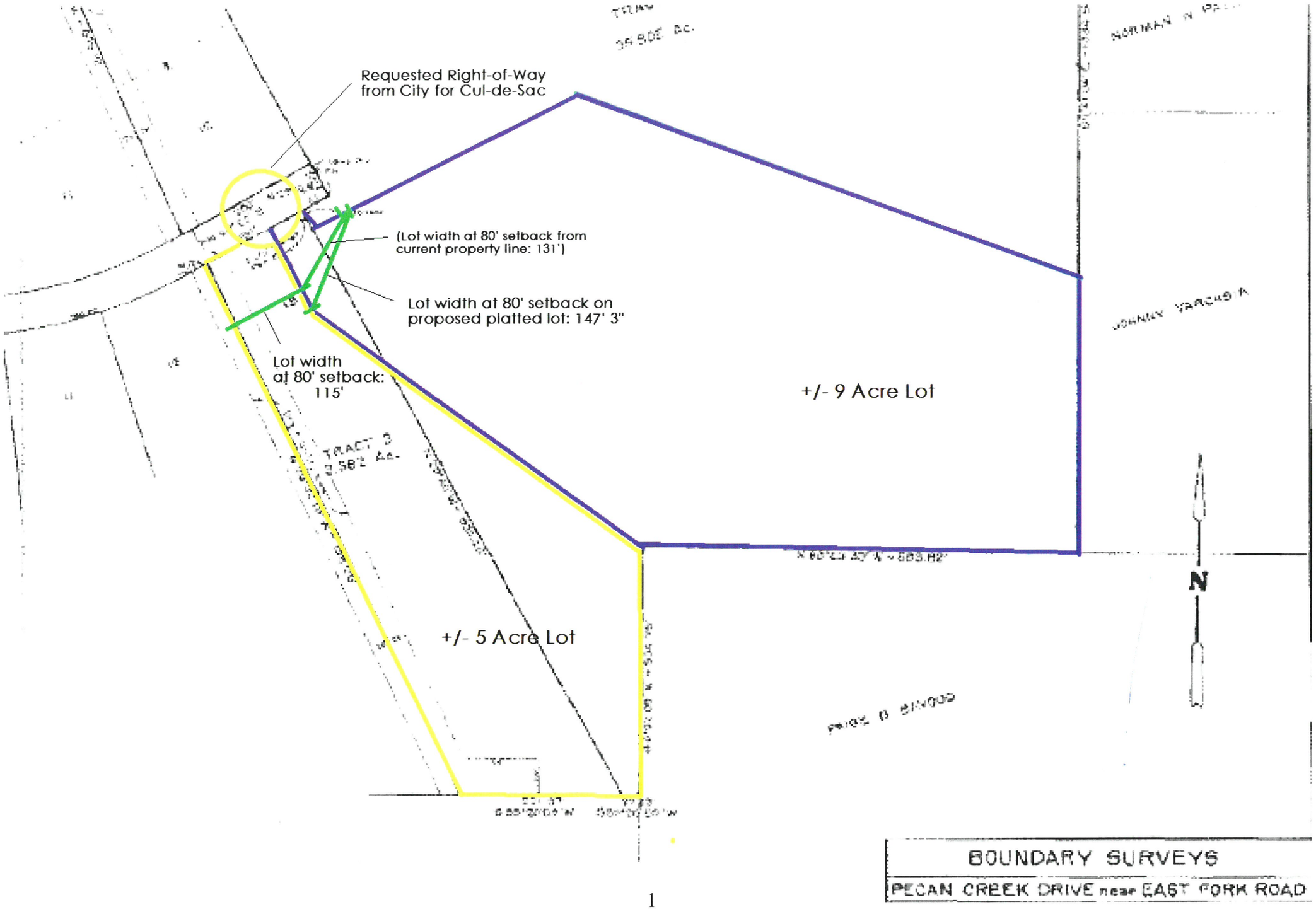


PRELIMINARY MASTER PLAN

FRANKLIN ESTATE

SCALE: 1" = 60'-0" JAN. 10, 1985

MYRICK NEWMAN DAHLBERG AND PARTNERS, INC


Requested Right-of-Way
from City for Cul-de-Sac
(Lot width at 80' setback from
current property line: 131')
Lot width at 80' setback on
proposed platted lot: 147' 3"
Lot width
at 80' setback:
115'
+/- 9 Acre Lot
+/- 5 Acre Lot
N
BOUNDARY SURVEYS
PECAN CREEK DRIVE near EAST FORK ROAD

Notice of Application for Variance
Town of Sunnyvale
Board of Adjustment

The Town of Sunnyvale has received a request from Deborah Franklin, for a Variance from Section 3.7 Area Standards for Detached Single-Family Dwellings, Chart 3.2 Area Standard for Residential Lots to reduce the required lot width for two properties located at or about 622 & 626 Pecan Creek Drive from 250' to 115' and from 250' to 147'. The request for the variance would allow for the replatting of the property. The location of the properties is shown on the attached exhibit.

The Board of Adjustment will hear this application on Monday, May 2, 2016. The hearing will be conducted in open session at Town Hall, 127 N Collins Rd at 7:00 p.m. If you have comments regarding this application, you may present them in person at the meeting or may submit written comments at any time on or before this meeting. If you wish to submit a written response, please complete and return this notice as soon as possible.

The Variance Application and supporting documents are on file at Town Hall and may be examined at no charge. For further information contact Rashad Jackson, Director of Development Services at (972) 203-4103 or rashad.jackson@townofsunnyvale.org .

☑ I am in favor of granting a variance.

☐ I am opposed to granting a variance.

Explanation: _____

Signature: Deborah P. Franklin

Printed Name: DEBORAH P. FRANKLIN

Address: 629 PECAN CREEK DR. SUNNYVALE 75182

Date: 4/26/2016