



PLANNING AND ZONING COMMISSION

CITY OF CORINTH, TEXAS

3300 CORINTH PARKWAY, CORINTH, TEXAS

REGULAR SESSION MEETING

MONDAY, MARCH 28, 2016 – 7:00 P.M.





**\* \* \* \* PUBLIC NOTICE \* \* \* \***

**NOTICE OF THE CITY OF CORINTH  
PLANNING AND ZONING COMMISSION REGULAR SESSION  
MONDAY, MARCH 28, 2016 7:00 P.M.  
CITY HALL – 3300 CORINTH PARKWAY**

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**CALL TO ORDER, INVOCATION**

**CONSENT AGENDA**

All matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion. Should the Chairman, Commissioner, or any citizen desire discussion of any Item that Item will be removed from the Consent Agenda and will be considered separately.

1. Consider and act on Minutes from the February 22, 2016 Planning and Zoning Commission Regular Session.

**BUSINESS AGENDA**

2. Consider and act on the Preliminary Plat of Terrace Oaks Addition Phase I, Lots 1-33, Block 1; Lots 1-30, Block 2; Lots 1-16, Block 3; Lots 1-13, Block 4; Lots 1-16, Block 5, being 31.364 acres situated in the W.M. Wilson survey, County Abstract 1383, being tracts 18, 19, 20, 21, 22, 23 and 25; situated in the D.A. Ware survey, County Abstract 1580, being tract 3; situated in the W.M. Garrison survey, county abstract 0508, being tract 10; in the City of Corinth, Denton County, Texas. (This site is located on the east side of the 2100, 2200, and 2300 blocks of Post Oak Drive.)
3. Consider and act on the Final Plat of Terrace Oaks Addition Phase I, Lots 1-33, Block 1; Lots 1-30, Block 2; Lots 1-16, Block 3; Lots 1-13, Block 4; Lots 1-16, Block 5, being 31.364 acres situated in the W.M. Wilson survey, County Abstract 1383, being tracts 18, 19, 20, 21, 22, 23 and 25; situated in the D.A. Ware survey, County Abstract 1580, being tract 3; situated in the W.M. Garrison survey, county abstract 0508, being tract 10; in the City of Corinth, Denton County, Texas. (This site is located on the east side of the 2100, 2200, and 2300 blocks of Post Oak Drive.)

**PUBLIC HEARING / BUSINESS AGENDA ITEM**

4. TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT SOUTH DENTON SELF STORAGE FOR A VARIANCE TO THE UDC (UNIFIED DEVELOPMENT CODE) 4.02.08 GENERAL FENCE REQUIREMENTS D CONSTRUCTION MATERIAL, TO ALLOW A CHAIN LINK AS THE CONSTRUCTION MATERIAL ON PROPERTY LEGALLY DESCRIBED AS YE OLDE LAND COMPANY ADDITION NO. 1 HAVING A PHYSICAL ADDRESS OF 6501 IH 35E IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

**4a.** Consider and act on a request for a variance to the UDC (Unified Development Code) 4.02.08 General Fence Requirements D Construction Material, to allow a chain link as the construction material on property legally described as Ye Olde Land Company Addition No. 1 having a physical address of 6501 IH 35E in the City of Corinth, Denton County, Texas.

**EXECUTIVE SESSION**

As authorized by Section 551.071a(2) of the Texas Government Code, this meeting may be convened into closed session for the purpose of seeking confidential legal advice of the City Attorney on any Agenda Item listed herein.

As a majority of Council Members of the City of Corinth may attend the above described meeting, this notice is given in accordance with Chapter 551 of the Texas Government Code. No official action will be taken by the City Council at this meeting.

**ADJOURN REGULAR SESSION**

Posted this 21<sup>st</sup> day of March 2016 before 5:00 p.m. on the bulletin board at Corinth City Hall.



Nathan Abato  
Planning and Zoning Commission  
Planning and Development Coordinator  
City of Corinth, Texas.

Corinth City Hall is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 940.498-3200 or FAX 940.498-7505 for more information.

**BRaille IS NOT AVAILABLE**



## **CONSENT AGENDA ITEM #1**

### **Planning and Zoning Commission Regular Session Meeting** *March 28, 2016*

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#### **CONSENT AGENDA ITEM**

1. Consider and act on Minutes from the February 22, 2016 Planning and Zoning Commission Regular Session Meeting.

#### **AGENDA ITEM SUMMARY/BACKGROUND**

Consideration of the minutes from the February 22, 2016 Planning and Zoning Regular Session Meeting.

#### **FINANCIAL SUMMARY**

Source of funding:

#### **RECOMMENDATION**

#### **ATTACHMENTS / SUPPORTING DOCUMENTS**

Copy of the minutes.

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Submitted By: Nathan Abato, Planning and Development Department

Finance Review: NA

Legal Review: NA

**STATE OF TEXAS  
COUNTY OF DENTON  
CITY OF CORINTH**

On this February 22, 2016, The Planning and Zoning Commission of the City of Corinth, Texas, met in a Regular Session at Corinth City Hall, located at 3300 Corinth Parkway, Corinth, TX. The meeting date, time, place and purpose as required by Title 5, Subtitle A, Chapter 551, Subchapter C, Section 551.041, Government Code, with the following members, to wit:

**Members Present:**

Brian Rush  
Bruce Hanson  
Marc Powell  
Dwayne Zinn  
Breien Velde  
Bill Morgan

**Members Absent:**

Haven Hendrik

**CALL TO ORDER**

The Regular Session Meeting of the Planning & Zoning Commission of the City of Corinth, Texas, was called to order by Brian Rush at 7:00 p.m.

**INVOCATION**

**Mr. Powell** delivered the invocation.

**CONSENT AGENDA**

1. Consider and act on Minutes from the December 14, 2015 Planning and Zoning Commission Special Session Holiday Schedule.

**MOTION** made by Mr. Hanson to approve the consent agenda.

**SECONDED** by Mr. Powell.

**5-0. All in favor.**

Ayes: Marc Powell, Brian Rush, Dwayne Zinn, Bruce Hanson, Bill Morgan  
Noes: none  
Absent: Haven Hendrik

**MOTION TO APPROVE CARRIES**

2. Consider and act on a request from the applicant, Thomas Fletcher with Kimley-Horn Associates, authorized representative for the property owner, for a Major Waiver to City of Corinth Ordinance No. 13-05-08-20, Unified Development Code (UDC) to allow construction of public improvements prior to approval of the associated preliminary and final plat within a 16' easement provided on property legally described as the remainder 27.648 acres being Tracts 2 and 2c out of the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, County Abstract No. 153 in the City of

Corinth, Denton County, Texas. Consider and act on Lots 3 & 4, Block A of the Parkridge Pass Addition Final Plat being 2.18 acres out of the E. Marsh Survey, Abstract Number 833 in the City of Corinth, Denton County, Texas.

**Ms. Cabbage** presented an overview of the request—in order for sewer service to reach Valencia, it will need to be extended across the commercial lot that is not being platted at this time, needs a Major Subdivision Waiver.

**Mr. Hanson** asked what the expected action is of the Commission. Ms. Cabbage answered that the Planning and Zoning Commission will make a recommendation on the variance/Major Waiver request.

**MOTION** made by Mr. Hanson to recommend approval.

**SECONDED** by Mr. Zinn.

**MOTION** to **AMEND** the **MOTION** made by Mr. Powell to include: approval should be subject to the filing of easement documents.

**SECONDED** by Mr. Zinn.

**5-0. All in favor.**

Ayes: Marc Powell, Brian Rush, Dwayne Zinn, Bruce Hanson, Bill Morgan, Breien Velde  
 Noes: none  
 Absent: Haven Hendrik

**VOTE** on **MOTION** to recommend approval of the major subdivision waiver:

**5-0. All in favor.**

Ayes: Marc Powell, Brian Rush, Dwayne Zinn, Bruce Hanson, Bill Morgan, Breien Velde  
 Noes: none  
 Absent: Haven Hendrik

**MOTION TO APPROVE CARRIES**

3. Consider and act on the Final Plat of Valencia Lots 1-30, Block A; Lots 1-11, Block B; Lots 1-10, Block C; Lots 1-10, Block D; Lots 1-10, Block E; Lots 1-17, Block F being 27.752 acres out of the Buffalo Bayou, Brazos and Colorado Railroad Company Survey, County Abstract 153 in the City of Corinth, Denton County, Texas.

**Ms. Cabbage** presented an overview of the final plat request—86 lots, but does not include the commercial lot—only the residential subdivision. There's only one stipulation—that this is contingent on as long as City Council approves the major subdivision waiver. She would also like to add another stipulation, this be approved contingent on TXDOT's approval of the driveways. There have been a lot of problems with driveways along FM 2181.

**MOTION** made by Mr. Hanson to approve contingent on TXDOT approval of the driveways and City Council approval of the major subdivision waiver.

**SECONDED** by Mr. Zinn.

**5-0. All in favor.**

Ayes: Marc Powell, Brian Rush, Dwayne Zinn, Bruce Hanson, Bill Morgan, Breien Velde  
 Noes: none  
 Absent: Haven Hendrik

**MOTION TO APPROVE CARRIES**

4. TO HEAR PUBLIC OPINION REGARDING A REQUEST FROM THE APPLICANT JIM DEWEY, JR. AUTHORIZED REPRESENTATIVE FOR THE PROPERTY OWNER, SURESH SHRIDHARANI FOR A ZONING CHANGE FROM SF-4, SINGLE FAMILY RESIDENTIAL (DETACHED) TO PLANNED DEVELOPMENT SF-4 ON 14.8722 ACRES OF LAND SITUATED IN THE BROOK BEALL SURVEY, ABSTRACT NO. 58, IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

**PUBLIC HEARING** opened at 7:14 PM.

**Mr. Jim Dewey**, JDJR Engineers, 2500 Texas Dr., Irving, TX—gave an overview of the zoning change request. He said this is a great location for the 51 homes. As far as the PD goes, it's not to increase density or lot sizes. There's a gas line running under the southern end of the property with greenspace planned to go above it. Almost 18% of the site will be open space. They're proposing variances on the setbacks in order to build larger, nicer homes. The current requirements allow for 30% coverage, and we are looking for a little bit more. Also, they are adding more articulation to get away from the boxy look.

**Greg Gatzky**, 1622 Birch, voiced concerns about the development. He spoke about the density of the homes—the variance from 25 foot separating properties to 20 foot. Also, he is concerned about the drainage.

**Fred Bald**, 2702 Warwick, voiced his concern about his backyard fence line, noise control and dust—during the construction process.

**Mr. Hanson** asked about the difference between the public park and the HOA one. Mr. Dewey explained that the gas company preferred an alternate design from their initial design.

**Andy Duffy**, 2607 Clark, voiced his concerns about the drainage. He said since the improvement of Lake Sharon, their properties flood every time it rains.

**Matt Legere**, 2713 Clark, voiced his concern about the 15 foot gap between his fence line and the gas line easement—and the ultimate drainage issues.

**Mr. Dewey** reiterated that the density is not being increased—just asking for flexibility in some of the setbacks. Not every house will be at 20 feet, but this will allow for more architectural options. And, not every home will go back to the rear building line. There be 8-10 different building plans. Regarding drainage, they will abide by all City requirements. He said there is an open ditch that they will need to analyze. As an engineer, he is responsible for the public's safety. This developer is a great guy and will take care of these issues during construction.

**Mr. Zinn** asked about the screening to the north. Mr. Dewey said on the Parkridge side there will be a masonry screening wall. On the north it will be lot-by-lot, usually an 8 foot board on board.

**PUBLIC HEARING** closed at 7:32 PM.

**4a.** Consider and act on a zoning change from SF-4, Single Family Residential (detached) to Planned Development SF-4 on 14.8722 acres of land situated in the Brook Beall Survey, Abstract No. 58, in the City of Corinth, Denton County, Texas. (This property is located on the west side of Parkridge Road, south of Lake Sharon Drive.)

**Ms. Levy** gave an overview of the zoning change request. The public park went before City Council in December and was approved.

**Mr. Hanson** asked about the rear building line setback, 30 feet going to 20 feet. Ms. Levy answered yes.

**Mr. Zinn** asked about the primary purpose of the variance on the rear setback. Ms. Levy said this was for a larger footprint for larger homes—smaller yards and larger living areas are becoming more popular now.

**Mr. Dewey** said this allows the homeowner an *option* to build a larger home—all attached garages.

**Mr. Hanson** asked about the setbacks on corner lots and side entry garages. Ms. Levy said side entry garages will only be accessed on the side if it's an interior lot—not for corner lots—which is accommodating a larger footprint for a larger home. Mr. Hanson asked about the word “except” in the proposed ordinance. Ms. Levy said side entry garages cannot face the side on a corner lot.

**Mr. Morgan** asked about the 8-10 prepackaged plans for the subdivision—how many meet the current requirements? Mr. Dewey said he did not know.

**Mr. Hanson** asked for clarification and a copy of the UDC section regarding the parking regulations.

**Ms. Levy** said the requirement is 15 feet for the house setback—a corner lot with a garage is a 25 foot setback from the side entry. The applicant has asked for the carte blanche 15 feet from the corner. The stipulation was that they can have the 15 foot setback for the corner lot, but that will not include side entry garages.

**Ms. Cabbage** said 2.09.03 does not mention side entry garages. Mr. Hanson said okay.

**MOTION** made by Mr. Zinn to recommend approval of the PD zoning request to the City Council as requested.

**SECONDED** by Mr. Hanson.

**5-0. All in favor.**

Ayes: Marc Powell, Brian Rush, Dwayne Zinn, Bruce Hanson, Bill Morgan, Breien Velde  
 Noes: none  
 Absent: Haven Hendrik

**MOTION TO APPROVE CARRIES**

**ADJOURN**

Meeting adjourned at 8:30 p.m.

MINUTES APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

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Brian Rush, Planning and Zoning Commission Chairman

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Nathan Abato, Planning and Zoning Commission Secretary



## **BUSINESS AGENDA ITEM #2**

### **Planning and Zoning Commission Regular Session**

*March 28, 2016*

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#### **BUSINESS AGENDA ITEM**

2. Consider and act on the Preliminary Plat of Terrace Oaks Addition Phase I, Lots 1-33, Block 1; Lots 1-30, Block 2; Lots 1-16, Block 3; Lots 1-13, Block 4; Lots 1-16, Block 5, being 31.364 acres situated in the W.M. Wilson survey, County Abstract 1383, being tracts 18, 19, 20, 21, 22, 23 and 25; situated in the D.A. Ware survey, County Abstract 1580, being tract 3; situated in the W.M. Garrison survey, county abstract 0508, being tract 10; in the City of Corinth, Denton County, Texas. (This site is located on the east side of the 2100, 2200, and 2300 blocks of Post Oak Drive.)

#### **APPROVAL PROCESS**

The Planning and Zoning Commission shall consider and act on this item. If the plat and the associated construction plans meet the requirements of the City of Corinth, Denton County and State of Texas it should be approved.

#### **STAFF RECOMMENDATION**

At this time the Preliminary Plat included in the Planning and Zoning Commission packet does not meet City of Corinth requirements. Staff does not recommend approval of the Preliminary Plat.

#### **AGENDA ITEM DESCRIPTION**

Terrace Oaks' 62+ acre Master Planned Development Ordinance was approved by City Council in March 2015 and an amendment approval in June 2015. Sometime after the June amendment; Meritage Homes acquired the development project. Meritage took the proposed Parkland Dedication to City Council for approval in August 2015. Preliminary and final plat submittals for Terrace Oaks Phase I were received in October however, the applicant has been working to provide all the necessary information required by the UDC (Unified Development Code) to obtain Staff approval.

The Preliminary Plat shows 108 residential buildable lots in what is proposed as Phase I. These lots range from 5,823 to 18,630 square feet. The Unified Development Code maintains "to insure adequate access to each Subdivision, there should be at least two (2) planned points of ingress and egress..." There is a planned secondary access at the end of Wellington Lane. The Development Review Committee (DRC) with the suggestion from the Deputy Fire Chief requested that there should be at least one temporary emergency access which the applicant has shown on Lot 3, Block 1 of the plat coming off of Post Oak Drive onto Alloway Drive; the separation does comply with the requirement as explained by the Deputy Chief.

Staff is waiting for the preliminary plat to be revised calling out the correct legal description and providing clearer accounting of the total Right-of-Way dedication along Post Oak Drive. As well; Staff is optimistic that the off-site sanitary sewer easement and drainage easement issues will be settled by time the plat makes it before the Commission.

#### **FINANCIAL SUMMARY**

Source of Funding: No funding is required.

Planning and Zoning Commission  
Agenda Item Memo – Terrace Oaks Preliminary Plat  
2016.03.28 Regular Session

**ATTACHMENTS / SUPPORTING DOCUMENTS**  
Terrace Oaks Preliminary Plat

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Submitted By: Barbara Cabbage, Planning and Development Manager, Department: Planning and Development  
Finance Review: NA                      Legal Review: In Process  
Director Review and Approval:





## **BUSINESS AGENDA ITEM #3**

### **Planning and Zoning Commission Regular Session**

*March 28, 2016*

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#### **BUSINESS AGENDA ITEM**

3. Consider and act on the Final Plat of Terrace Oaks Addition Phase I, Lots 1-33, Block 1; Lots 1-30, Block 2; Lots 1-16, Block 3; Lots 1-13, Block 4; Lots 1-16, Block 5, being 31.364 acres situated in the W.M. Wilson survey, County Abstract 1383, being tracts 18, 19, 20, 21, 22, 23 and 25; situated in the D.A. Ware survey, County Abstract 1580, being tract 3; situated in the W.M. Garrison survey, county abstract 0508, being tract 10; in the City of Corinth, Denton County, Texas. (This site is located on the east side of the 2100, 2200, and 2300 blocks of Post Oak Drive.)

#### **APPROVAL PROCESS**

The Planning and Zoning Commission shall consider and act on this item. If the plat and the associated construction plans meet the requirements of the City of Corinth, Denton County and State of Texas it should be approved.

#### **STAFF RECOMMENDATION**

At this time the Final Plat included in the Planning and Zoning Commission packet does not meet City of Corinth requirements. Staff does not recommend approval of the Final Plat.

#### **AGENDA ITEM DESCRIPTION**

Terrace Oaks' 62+ acre Master Planned Development Ordinance was approved by City Council in March 2015 and an amendment approval in June 2015. Sometime after the June amendment; Meritage Homes acquired the development project. Meritage took the proposed Parkland Dedication to City Council for approval in August 2015. Preliminary and final plat submittals for Terrace Oaks Phase I were received in October however, the applicant has been working to provide all the necessary information required by the UDC (Unified Development Code) to obtain Staff approval.

The Final Plat shows 108 residential buildable lots in what is proposed as Phase I. These lots range from 5,823 to 18,630 square feet. The Unified Development Code maintains "to insure adequate access to each Subdivision, there should be at least two (2) planned points of ingress and egress..." There is a planned secondary access at the end of Wellington Lane. The Development Review Committee (DRC) with the suggestion from the Deputy Fire Chief requested that there should be at least one temporary emergency access which the applicant has shown on Lot 3, Block 1 of the plat coming off of Post Oak Drive onto Alloway Drive; the separation does comply with the requirement as explained by the Deputy Chief.

Staff is waiting for the final plat to be revised calling out the correct legal description and providing clearer accounting of the total Right-of-Way dedication along Post Oak Drive. As well; Staff is optimistic that the off-site sanitary sewer easement and drainage easement issues will be settled by time the plat makes it before the Commission.

#### **FINANCIAL SUMMARY**

Source of Funding: No funding is required.

**ATTACHMENTS / SUPPORTING DOCUMENTS**

Terrace Oaks Final Plat

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Submitted By: Barbara Cabbage, Planning and Development Manager, Department: Planning and Development

Finance Review: NA

Legal Review: In Process

Director Review and Approval:





# **PUBLIC HEARING / BUSINESS AGENDA ITEM #4 & 4a**

## **Planning and Zoning Commission Regular Session**

*March 28, 2016*

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### **PUBLIC HEARING / BUSINESS AGENDA ITEM**

**4.** TO HEAR PUBLIC OPINION REGARDING A REQUEST BY THE APPLICANT SOUTH DENTON SELF STORAGE FOR A VARIANCE TO THE UDC (UNIFIED DEVELOPMENT CODE) 4.02.08 GENERAL FENCE REQUIREMENTS D CONSTRUCTION MATERIAL, TO ALLOW A CHAIN LINK AS THE CONSTRUCTION MATERIAL ON PROPERTY LEGALLY DESCRIBED AS YE OLDE LAND COMPANY ADDITION NO. 1 HAVING A PHYSICAL ADDRESS OF 6501 IH 35E IN THE CITY OF CORINTH, DENTON COUNTY, TEXAS.

**4a.** Consider and act on a request for a variance to the UDC (Unified Development Code) 4.02.08 General Fence Requirements D Construction Material, to allow a chain link as the construction material on property legally described as Ye Olde Land Company Addition No. 1 having a physical address of 6501 IH 35E in the City of Corinth, Denton County, Texas.

### **APPROVAL PROCESS**

The Planning and Zoning Commission shall “hold a public hearing” then “consider and act” on this Fence Variance request and their decision will be final.

### **STAFF RECOMMENDATION**

Staff recommends approval.

### **AGENDA ITEM DESCRIPTION**

For whatever reason – after a number of surveys done on this site over the last 17 years; it was determined on the newest survey done in January 2016 that the fence was constructed outside of the property boundaries on approximately 150 linear feet.

Had the applicant / fence contractor obtained a permit prior to relocating the fence they would have been instructed to apply for a variance to continue its legal non-conforming status. However once the fence was relocated it was no longer a legal non-conforming – it was just illegal. Hence the request for a fence variance at this time to allow chain-link which is only allowed in an industrial zoned district.

### **FINANCIAL SUMMARY**

Source of Funding: No funding is required.

### **ATTACHMENTS / SUPPORTING DOCUMENTS**

Application packet

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Submitted By: Barbara Cubbage, Planning and Development Manager, Department: Planning and Development

Finance Review: N/A                      Legal Review: N/A

Director Review and Approval:

February 18, 2016

Darden Interest, Inc.  
15400 Knoll Trail  
Ste. 106, LB 42  
Dallas, Texas, 75148

To: City of Corinth, Denton County, Texas  
Planning and Development  
3300 Corinth Parkway  
Corinth, TX. 76208

**Letter of Intent to Relocate Existing Fence**

This letter of intent is a communication to the City of Corinth from Darden Interest, Inc. representing South Denton Storage at Exit 459, further described as:

Being all of Ye Olde Land Company, LTD. Addition No. 1. An addition to the City of Corinth, Denton County, Texas. Recorded in Cabinet R, page85, Plat Records, Denton County, Texas.

To relocate a fence that has been identified as an encroachment on the adjacent property recorded, Owner is Kamy Real Property Trust & Masoud Sadeghian & Ali Daneshian Sani as noted in the Denton County Property Records.

The Fence to be relocated is described as L1, L2 and L3 as recorded on the Boundary Survey attached.

Should there be any questions or concerns, please contact?

**Bill Conerly**  
**Paul Darden Company**  
Regional-District Manager  
15400 Knoll Trail  
Ste. 106 LB 42  
Dallas, TX. 75248  
Office: 972-755-6464  
Cell: 972-978-2529  
[bill@pauldarden.com](mailto:bill@pauldarden.com)

Thank you,



Bill Conerly  
Regional-District Manager

APPLICATION FOR FENCE VARIANCE

CITY OF CORINTH, TEXAS

SUBMITTAL DATE: February 8, 2016

PROPERTY INFORMATION:

STREET ADDRESS: W501 S IH 35E CORINTH, TX 76210

LOT NO. \_\_\_\_\_ BLOCK NO. \_\_\_\_\_ ADDITION: \_\_\_\_\_

TO THE PLANNING AND ZONING COMMISSION:

SOUTH Denton self storage

(Applicant)

940-448-1000

(Applicant's Phone Number)

W501 IH 35E CORINTH, TX 76210

(Applicant's Address - Street, City & Zip Code)

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Applicant's Phone Number)

\_\_\_\_\_  
(Applicant's Address - Street, City & Zip Code)

PLEASE COMPLETE THE FOLLOWING INFORMATION IF OTHER THAN APPLICANT:

Paul Darden

(Property Owner)

972-896-1170

(Owner's Telephone Number)

15400 Knoll Trail Dr. Ste. 106 LB 42 Dallas, TX 75248

(Owner's Address - Street, City & Zip Code)

\_\_\_\_\_  
(Tenant Name)

\_\_\_\_\_  
(Tenant's Telephone Number)

\_\_\_\_\_  
(Tenant's Address - Street, City & Zip)

In accordance with the provisions of the Fence Ordinance #02-05-02-12, appeal is now made to the Planning and Zoning Commission to grant the following variance request (Cite specific section(s) of the ordinance from which applicant is seeking relief.):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Specifically describe the grounds or reasons upon which the variance or waiver should be granted:

ORIGINAL FENCE LOCATION  
WAS OUTSIDE THE ACTUAL  
PROPERTY SURVEY

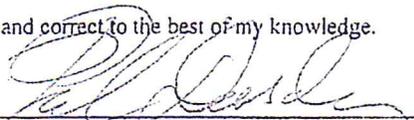
\*\*Applicant shall provide exhibits showing the proposed elevations and materials for the alternative fencing and a copy of the approved plat or property survey showing the fence location.

In order to grant a variance or a waiver, the Planning and Zoning Commission must find that unreasonable hardships or difficulties may result from strict enforcement of these regulations and / or the purposes of these regulations may be served to a greater extent by an alternative proposal.

The Commission may approve variances to the regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations.

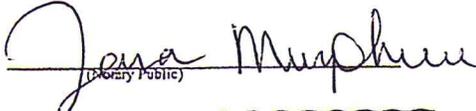
Note that: The Planning and Zoning Commission may require specific items and conditions applicable to the approval of the variance or waiver.

I do hereby certify that the above statements are true and correct to the best of my knowledge.

  
(Applicant's Signature)

STATE OF TEXAS  
COUNTY OF Dallas

Subscribed and sworn to before me this 8 day of February, 2016,  
by Paul Darden, who on his /her oath certifies that the  
above statements are true and correct to the best of his/her knowledge,

  
(Notary Public)



Application for Fence Variance

Page 3

Authorization of Agent

We, the undersigned, being owners of subject real property, do hereby authorize (please print):

NAME: PAUL DARDEN

ADDRESS: 15400 KNIGHT TRAIL DR. STE 104 LB 42 DALLAS, TX 75248

to act as our Agent in the matter of this request. The term agent shall be construed to mean any lessee, developer, option holder, or authorized individual who is authorized to act in behalf of the owner(s) of said property.

(Form to be signed below by all owners of the property.)

Signature

Mailing Address

*Paul Darden*      same as above

Subscribed and sworn to before me on this 8 day of February, 2016.

*Tara Murphree*  
Notary Public in and for the State of Texas

Tara Murphree  
(Printed Name)

April 3, 2017  
(Commission Expires)



SECTION 7.

VARIANCE OR WAIVER

Any applicant for a fence permit whose request is denied by the city staff or City building official for noncompliance with this article, or whose permit is suspended or revoked, may (within ten days from the date of written notification) appeal such decision to the Planning and Zoning Commission. (As amended by Ordinance No. 03-03-20-08)

- A. The Planning and Zoning Commission may grant a variance or waiver from the requirements of this article in accordance with this Section. The Planning and Zoning Commission may grant a variance or waiver following a public hearing by an affirmative vote of a majority of the members of each body present and voting on the matter. (As amended by Ordinance No. 03-03-20-08)
- B. The applicant for a variance or waiver shall file an application that specifically describes the grounds or reasons upon which the variance or waiver request is based and shall provide exhibits showing the proposed elevations and materials for the alternative fencing and a copy of the approved plat or property survey showing the fence location.
- C. At the time the variance or waiver application is filed, the applicant shall pay a fee as set forth in the city's fee ordinance to defray the costs of handling and processing the application. This fee shall not be refundable regardless of the disposition of the application. The applicant shall cause a sign noticing the public hearing to be placed and maintained on the property. The continued maintenance of the sign shall not be a condition precedent to the holding of a public hearing or any other official action concerning such variance.
- D. Notice shall be sent by United States mail, return receipt requested, not less than 10 days before the public hearing, to all property owners (as the ownership appears in the most current tax rolls for the city) whose property abuts any portion of the boundary of the property where a fence is to be erected and for which a variance or waiver has been requested.
- E. In order to grant a variance or waiver, the Planning and Zoning Commission must find that unreasonable hardships or difficulties may result from strict enforcement of these regulations and / or the purposes of these regulations may be served to a greater extent by an alternative proposal. The Commission may approve variances to the regulations so that substantial justice may be done and the public interest secured; provided that the variance shall not have the effect of nullifying the intent and purpose of these regulations. (As amended by Ordinance No. 03-03-20-08)
- F. The Planning and Zoning Commission may require specific terms and conditions applicable to the approval of the variance or waiver. (As amended by Ordinance No. 03-03-20-08)
- G. No other variance or waiver of like kind relating to the same building or proposed building, shall be considered or acted upon by the Commission for a period of six (6) months subsequent to the denial. (As amended by Ordinance No. 03-03-20-08)



