TEXAS Chandler
City With a Heart

THE CITY OF CHANDLER BOARD OF ADJUSTMENT WILL MEET FOR A SCHEDULED MEETING TUESDAY, SEPTEMBER 15, 2015 IN THE CITY HALL OF CHANDLER, TEXAS AT 6:00PM

AGENDA

A. CALL TO ORDER
B. INVOCATION
C. ROLL CALL AND ANNOUNCE IF A QUORUM IS PRESENT
D. AGENDA CHANGES

E. REGULAR SESSION: Subjects to be discussed or upon which any formal action may be taken are as follows:

1. Consider and act on Resolution NO. R-091515 requesting variance for a Front Yard Setback of less than the required 25 feet for lot 7 and Lot 6 of Block 1 Griffin Estates Phase One.

F. Adjournment

In compliance with the Americans with Disabilities Act, the City of Chandler will provide for reasonable accommodations for persons attending meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Shirley Parmer, City Secretary at 903 849-6853

CERTIFICATION

I certify that a copy of the September 15, 2015, agenda of items to be considered by the Chandler Board of Adjustment was posted on the City Hall bulletin board on September 10, 2015.

_____
Shirley Parmer, City Secretary

I certify that the attached notice and agenda of items to be considered by the Chandler Board of Adjustment was removed by me from the City Hall bulletin board on the _____ day of _____, 20___.

_____
Title

CITY OF CHANDLER

Staff Report

PROJECT:	Variance for reduced Front Yard Setback
DATE:	BOA: 9-15-15
REQUEST:	Consider and act on Resolution # R-091515 requesting variance for a minimum of 14' Front Yard Setback from the required 25' setback for Lot 7 (700 Nells Place) and Lot 6 (702 Nells Place) of Block 1 Griffin Estates Phase One.
PROPERTY OWNER:	Hometown Classic Builders LLC
PROPERTY DESCRIPTION:	Lot 6 and Lot 7 of Block 1 Griffin Estates Phase One
ZONING:	R-2

OVERVIEW:

The houses at 700 and 702 Nells Place were constructed encroaching into the front yard setback by mistake. The site plan submitted with the building plans showed that the houses would comply with all setbacks. However, during construction the building pads were laid out incorrectly being thrown off by the curvature of the road. The mistake was not caught until after the houses were completed and went to closing.

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following conditions are met.

a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.

b) That the granting of the variance will not violate the purpose and intent of the ordinance and will not cause harm to any surrounding property owner.

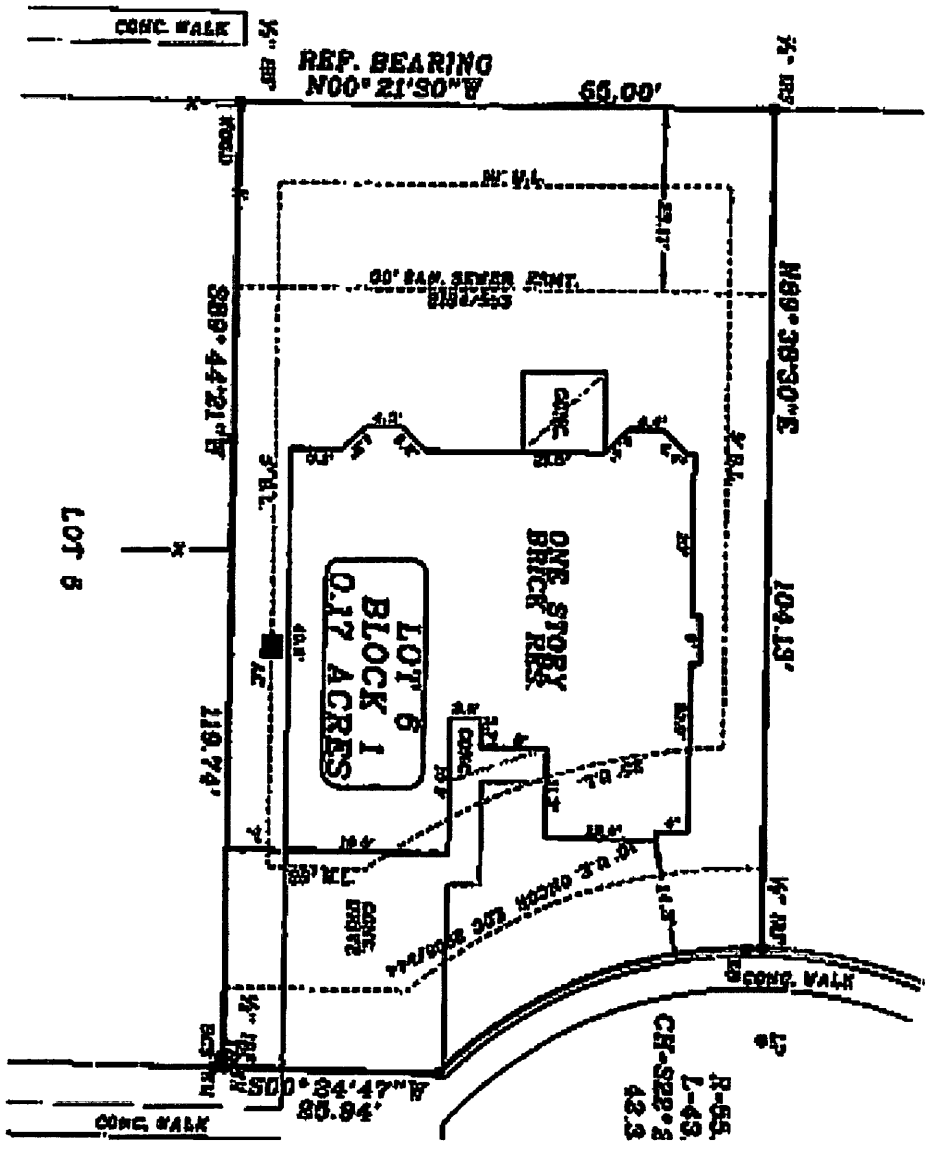
c) The granting of the variance will not merely serve as a convenience to the applicant.

d) The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a

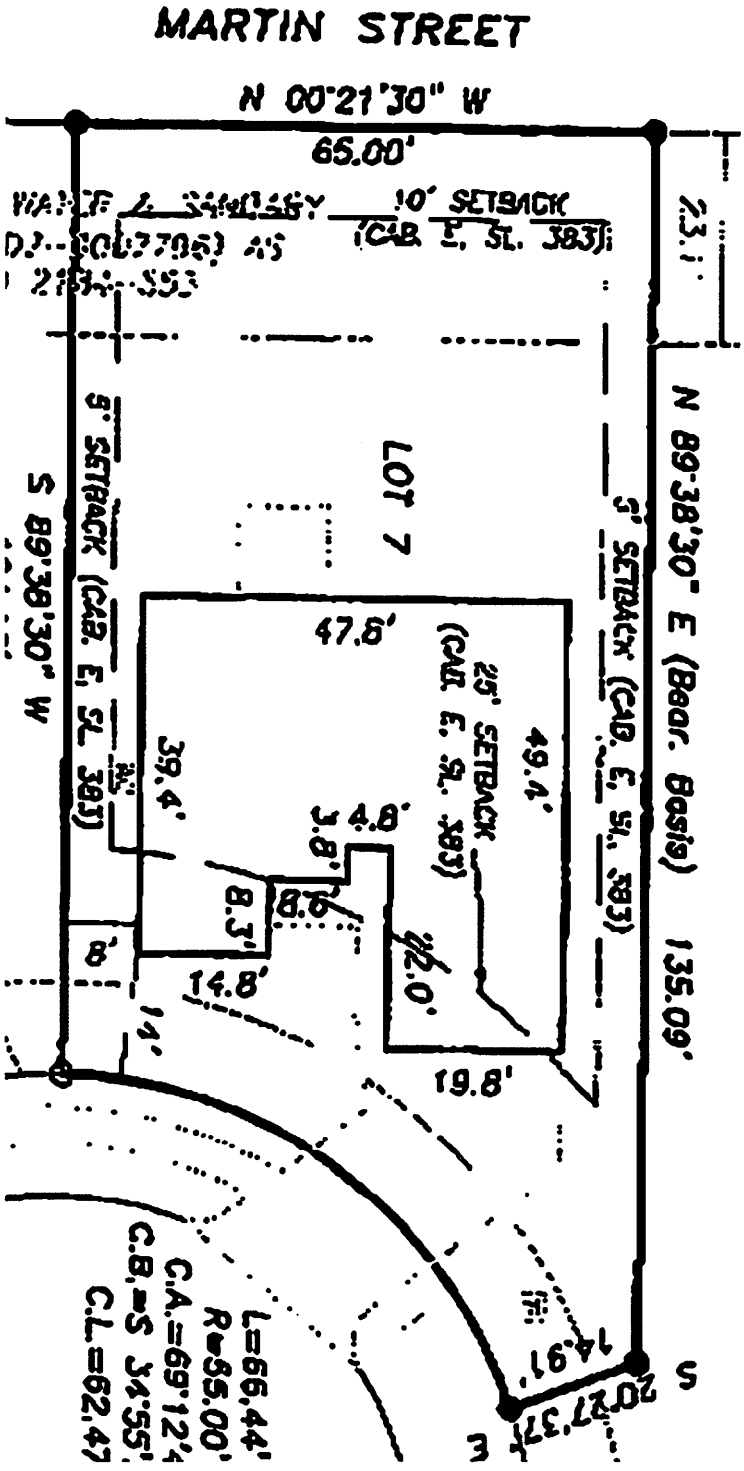
deviation from the standards and will not be contrary to the public interest.

Attached is the applicant's response to these findings.

Lot 6 (702 Nells Place)



Lot 7 (700 Nells Place)



TESTIMONY:	At the Board of Adjustment meeting testimony will be available from Hometown Classic Builders. No recommendation is made by staff in a Variance request. A finding by the Board must be made at the Public Hearing from information presented at the hearing.
CITY CONTACT:	John Taylor, City Administrator

CITY OF CHANDLER

RESOLUTION R-091515

RESOLUTION OF THE CITY OF CHANDLER, TEXAS APPROVING VARIANCE TO THE CHANDLER CODE OF ORDINANCES CHAPTER 14 EXHIBIT A: ZONING ORDINANCE APPENDIX 3A-1 FOR A REDUCTION IN THE FRONT YARD SETBACK FROM 25' TO 14'.

WHEREAS, Hometown Classic Builders LLC are the owners of Lots 6 & 7 Block 1 of Griffin Estates Phase 1 and have submitted a variance request for which has been reviewed by staff;

WHEREAS, the all required notices have been provided to property owners within 200' of the subject property; and

WHEREAS, the Board of Adjustment conducted a hearing on such Variance request.

NOW, THERFORE, BE IT ORDAINED BY THE BOARD OF ADJUSTMENT OF THE CITY OF CHANDLER, TEXAS:

SECTION 1. The minimum front setback for Lot 6, Block 1 of Griffin Estates Phase 1 is 14 feet.

SECTION 2. The minimum front setback for Lot 7, Block 1 of Griffin Estates Phase 1 is 14 feet.

PASSED AND APPROVED by the Board of Adjustments in Chandler, Texas, on this the 15th day of September, 2015.

The City of Chandler, Texas

_____

Libby Fulgham, Mayor

_____

Shirley Parmer, City Secretary

Board of Adjustment Application

City of Chandler

811 Hwy 31 East
Chandler, TX 75758 · 903.849.6853 (phone) · 903.849.4663 (fax)
www.chandlertx.com

Site Information
Address: 700 Wells Place
Subdivision: Griffin Estates Phase 1 Lot #: 7 Block #: 1
Lot Area: _____ Zoning District: _____

Property Owner: Hometown Classic Builders LLC
Address: 3220 Pamplona
City: Grand Prairie State: TX Zip: 75054
Phone: 972-800-7381 Fax: 800-496-9579 Email: James.STOUALL@HometownClassicbuilders.Com

Applicant: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

If applicant is different from property owner:
The Property Owner does hereby grant the applicant, _____(name), authority to represent him/her at the hearing.

_____(property owner)
Signature

On this _____day of _____, 20____, before me _____, the undersigned notary public, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

WITNESS my hand and official seal:

_____[Seal]

Request
Zoning Ordinance, Section: _____
Check One: Appeal _____ Special Exception: _____ Variance: ✓
Describe Request: Subject property was built encroaching the front yard setback by mistake.
Describe Hardship: Home would be rendered worthless if not for variance because would not be able to obtain title insurance. Extreme financial hardship would occur. Could not repay bank or sell property.

08/25/2015 3:56PM FAX 0001/0004

700 Wells Place

Board of Adjustment Variance Worksheet

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following conditions are met. State how your request meets these conditions.

a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.

See Attached

b) That granting of the variance will not violate the purpose or intent of the ordinance and will not cause harm to any surrounding property owner.

See Attached

c) The granting of the variance will not merely serve as a convenience to the applicant.

See Attached

d) The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the standards and will not be contrary to the public interest.

See Attached

Board of Adjustment Variance Worksheet Addendum.

700 Nells Place

A) The subject property is located on the radius of a curved street and sits at the bottom of a small downgrade that draws all the rain run-off from the neighboring homes to the east. It travels through subject property rear yard and into creek located within 10' of lot. Because the street curves inward where subject property sits, the property line is pushed back further thereby pushing the setback further than other homes on the block. This also would create less rear yard space and put home closer to path of water run-off from the neighboring homes on the block.

B) The purpose of this ordinance is to create an aesthetically pleasing view from street in conjunction with other homes next to it and to create a buffer between building and automobile traffic. The homes as they sit are very aesthetically pleasing as they appear to flow with the radius of the street. We have interest from a variety of people who like a slightly smaller front yard to upkeep. This is evidenced by the fact that this home is currently under contract. There is a very good buffer from automobile traffic because there is no pass through traffic in front of home. Again it sits on a curve much like a cul-de-sac home would sit. Granting of this variance would not have any effect on surrounding property owners.

C) The granting of the variance will not merely serve as a convenience but will create more space for drainage in the rear yard. The recent rain event this past winter and spring shows us why moving the homes up created more space to do proper grading to the rear and create more buffer from the flood control creek.

D) The granting of the variance will alleviate the demonstrable and unusual hardship by allowing more space to create drainage, create more rear yard space, and create more buffer from flood control creek, and lastly not be pushed back further than other homes on the street. This will in no way be contrary to the public interest. This home is currently built and sitting on lot.

Applicant hereby requests that this case be reviewed by the Board of Adjustment for a decision.

I hereby certify that the above statements are true and correct, that I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to grant my request.

_____(applicant's signature) Date: 8-25-2015

On this 25 day of August, 20 15, before me Angie Dinh, the undersigned notary public, personally appeared James Stovall, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

WITNESS my hand and official seal:

_____[Seal]

NOTARY PUBLIC STATE OF TEXAS

ANGIE DINH
My Commission Expires
March 1, 2016

City Staff Only:

Fee Paid: _____ Receipt #: _____

BOA meeting date: _____

Board Decision: ( ) Denied ( ) Granted

Terms and/or Conditions: _____

Board Chair: _____

Filed with the office of the City Secretary this _____ day of _____, 20____.

08/25/2015 3:57PM FAX 0003/0004

Vannoy & Assoc., Inc.

SURVEY PLAT

STATE OF TEXAS
COUNTY OF HENDERSON

Plat showing all of Lot 7, Block 1, Griffin Estates, an addition to the City of Chandler, Henderson County, Texas, as per plat recorded in Cabinet E, Slide 383, Plat Records of Henderson County, Texas.

NOTES CORRESPONDING TO SCHEDULE B:

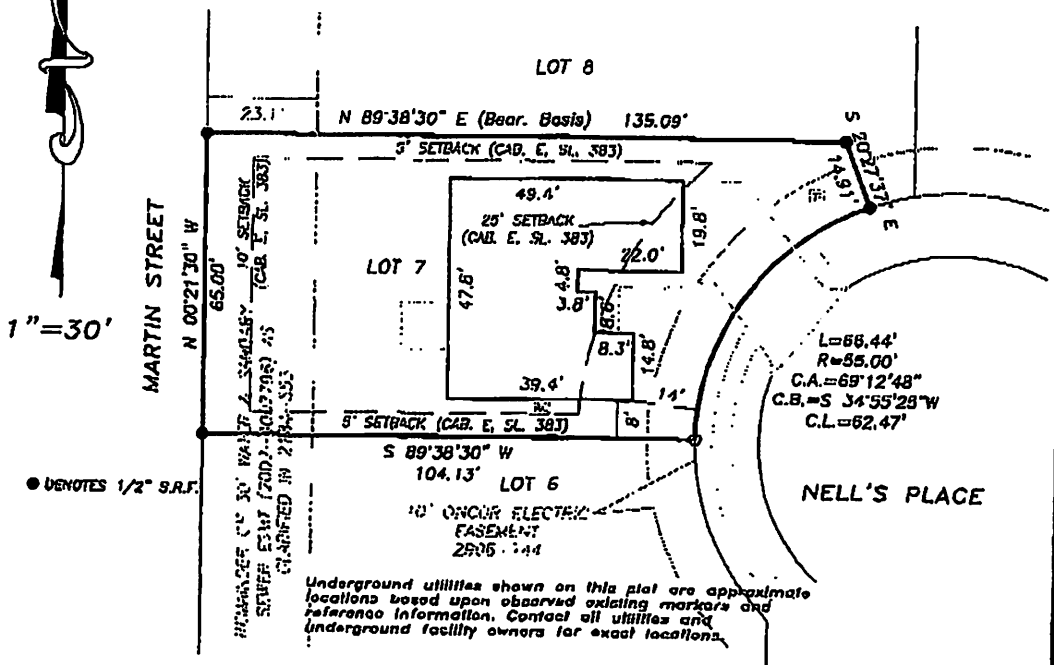
1. Restrictions and plottable elements shown in Cabinet E, Slide 383 are shown hereon.

   Restrictions recorded in 2010-4823 and 2010-11264 contain no plottable elements.

10.a) Water & Sanitary Sewer Easement shown in 2002-0007796 is shown hereon.

10.b) Storm Sewer Easement shown in 2006-0012949

10.c) Right-of-way to Oncor Electric in 2906-744 is shown hereon.



1"=30'

The plat as shown hereon was prepared from an on-the-ground survey performed by me on July 30, 2015; there are no visible easements, encroachments or protrusions except as shown hereon. Subject property shown hereon appears to be located outside of the flood hazard area per F.I.R.M. panel number 48213C0225E, effective date 4-5-2010. This surveyor makes no guarantees as to the accuracy of the above flood zone information. The local F.E.M.A. agent should be contacted for verification.

July 31, 2015

PRELIMINARY
FOR REVIEW ONLY

Ray L. Vannoy
R.P.L.S. No. 1988

GF. No. 15071094

0' 30' 60' 90' 120'

3323 Teakwood, Tyler, TX 75701 903.574.1918 Firm No. 10116600

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VANNOY & ASSOC., INC. surveyors planners www.vannoyinc.com

Board of Adjustment Application

City of Chandler

811 Hwy 31 East
Chandler, TX 75758 · 903.849.6853 (phone) · 903.849.4663 (fax)
www.chandlertx.com

Site Information
Address: 702 Nells Place
Subdivision: Griffin Estates Phase 1 Lot #: 6 Block #: 1
Lot Area: _____ Zoning District: _____

Property Owner: Hometown Classic Builders LLC
Address: 3220 Pamplona
City: Grand Prairie State: TX Zip: 75054
Phone: 972-800-7381 Fax: 800-496-9579 Email: James.STOVALL@HometownClassicBuilders.Com

Applicant: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____ Email: _____

If applicant is different from property owner:
The Property Owner does hereby grant the applicant, _____ (name), authority to represent him/her at the hearing.

_____ (property owner)
Signature

On this _____ day of _____, 20____, before me _____, the undersigned notary public, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

WITNESS my hand and official seal:

_____ [Seal]

Request
Zoning Ordinance, Section: _____
Check One: Appeal _____ Special Exception: _____ Variance: ✓
Describe Request: Subject property was built encroaching the Front yard setback by mistake
Describe Hardship: Home would be rendered worthless and we would suffer extreme Financial Hardship because we could not sell home or repay construction lenders as no title company would insure it.

08/25/2015 3:54PM FAX 0001/0004

Board of Adjustment Variance Worksheet

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following conditions are met. State how your request meets these conditions.

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See Attached

d) The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the standards and will not be contrary to the public interest.

See Attached

Board of Adjustment Variance Worksheet Addendum.

~~700~~ Nells Place
701

A) The subject property is located on the radius of a curved street and sits at the end of street with a small downslope that draws all the rain run-off from neighboring homes through subject property rear yard and into creek located within 10' of subject property lot. Because the street curves inward where subject property sits, the property line is pushed back further thereby pushing the setback further than other homes on the block. This also would create less rear yard space and put home closer to path of water run-off from the neighboring homes on the block.

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_____(applicant's signature) Date: 8-25-2015

On this 25 day of August, 2015, before me Angie Dinh, the undersigned notary public, personally appeared James Stovall, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

WITNESS ~~my hand and official~~ seal:

_____[Seal]

ANGIE DINH
My Commission Expires
March 1, 2016

City Staff Only:

Fee Paid: _____ Receipt #: _____

BOA meeting date: _____

Board Decision: ( ) Denied ( ) Granted

Terms and/or Conditions: _____

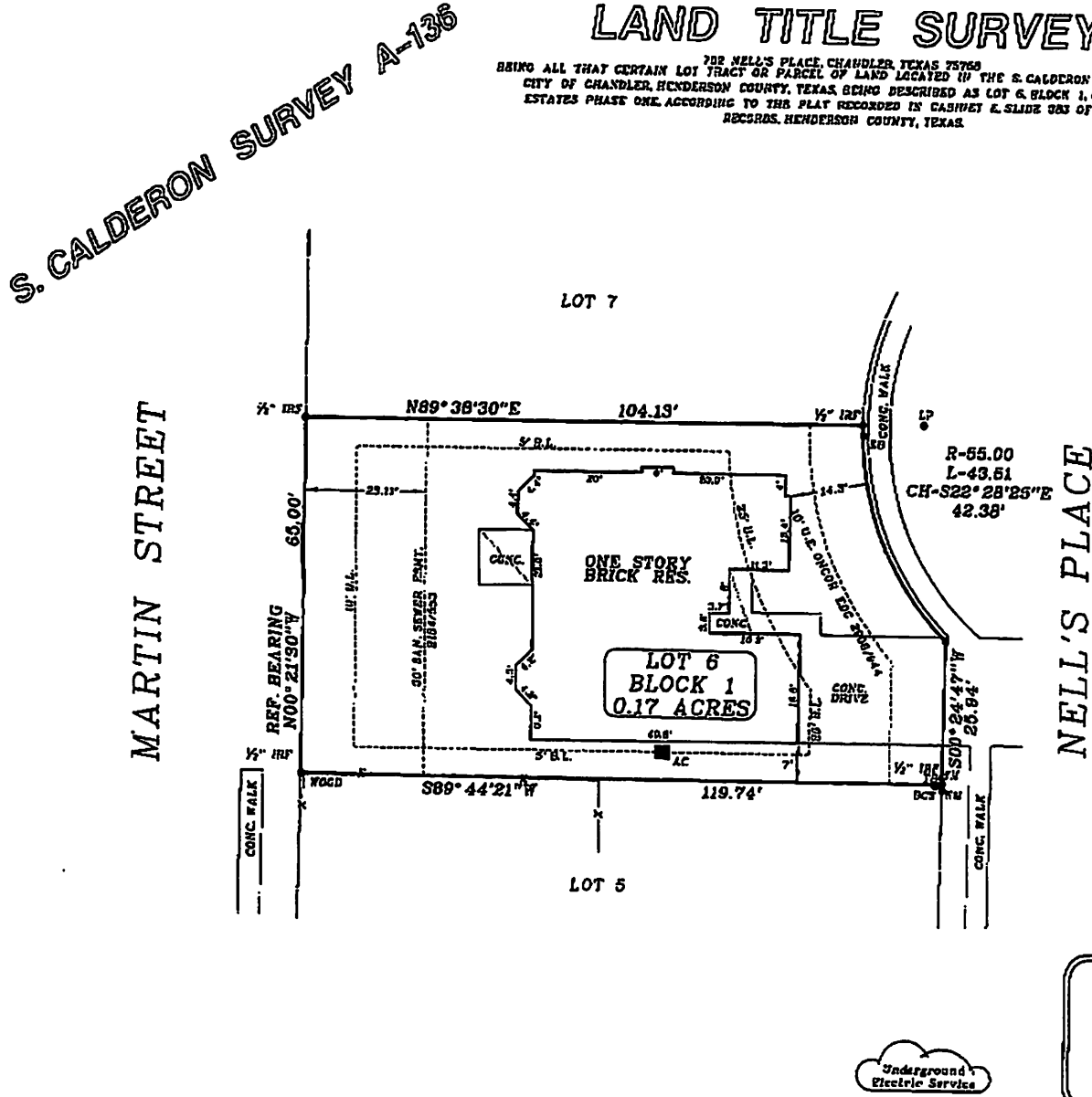
Board Chair: _____

Filed with the office of the City Secretary this _____ day of _____, 20_____.

08/25/2015 3:55PM FAX 0003/0004

LAND TITLE SURVEY

702 NELL'S PLACE, CHANDLER, TEXAS 75768
BEING ALL THAT CERTAIN LOT TRACT OR PARCEL OF LAND LOCATED IN THE S. CALDERON SURVEY, A-136, CITY OF CHANDLER, HENDERSON COUNTY, TEXAS, BEING DESCRIBED AS LOT 6, BLOCK 1, OF GRIFFIN ESTATES PHASE ONE, ACCORDING TO THE PLAT RECORDED IN CABINET E, SLIDE 383 OF THE PLAT RECORDS, HENDERSON COUNTY, TEXAS.



LEGEND

TELEPHONE LINE
CABLE LINE
FENCE
POWER LINE

CONC. - CONCRETE
PP - POWER POLE
WH - WATER METER
IRF - IRON ROD FOUND
IRS - IRON ROD SET
IPF - IRON PIPE FOUND
FC - FENCE CORNER FOUND
TB - TELEPHONE BOX
LP - LIGHT POLE
BCS - BURIED CABLE SIGN
GM - GAS METER
EB - ELECTRICAL BOX
PT - PROPANE TANK
SP - SERVICE POLE
FH - FIRE HYDRANT

BASIS OF BEARINGS:
RECORDED PLAT

SURVEYORS NOTES

HOUSE ADDED AUGUST 22, 2015

THE ADDRESS SHOWN WAS PROVIDED BY OTHERS. HARDIN SURVEYING MAKES NO CLAIM TO ITS ACCURACY.

THIS SURVEY WAS PREPARED IN CONNECTION WITH THE TRANSACTION DESCRIBED IN GF NO. LT-18134-1013(00268-GP OF LAWYERS TITLE COMPANY.

USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR OWN RISK AND THE UNDERSIGNED SURVEYOR IS NOT RESPONSIBLE FOR ANY LOSS THEREFROM.

THIS IS A SURFACE OR ABOVE GROUND SURVEY. NO ATTEMPT TO LOCATE UNDERGROUND UTILITIES OR STRUCTURES OF ANY KIND HAS BEEN MADE.

THIS PROPERTY IS SUBJECT TO THE RULES, REGULATION, AND ZONING ORDINANCES IMPOSED BY THE CITY OF CHANDLER.

RESTRICTIONS DOC.- 2010-00011264 & 2010-00004523

THERE IS NO VISIBLE EVIDENCE THAT THE FOLLOWING AFFECT THIS TRACT: VOL. 104, PG. 558; VOL. 404, PG. 540; VOL. 2072, PG. 654

THERE IS NO VISIBLE EVIDENCE OF AN OIL OR GAS PIPELINE ON THIS TRACT

I GARY L. HARDIN R.P.L.S. - 4207, DO HEREBY CERTIFY THAT THE SURVEY SHOWN REPRESENTS THE RESULTS OF AN ON THE GROUND SURVEY MADE UNDER MY DIRECTION AND SUPERVISION DURING THE MONTH OF AUGUST 2015, AND ALL CORNERS ARE SHOWN HEREON AND THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS, CONFLICTS OR PROTRUSIONS OTHER THAN SHOWN.

GARY L. HARDIN R.P.L.S. - 4207
SIGNATURE VOID IF NOT SIGNED IN BLUE INK

© 2015 ALL RIGHTS RESERVED

FIRM REGISTRATION NO. 10214700

HARDIN SURVEYING
PO BOX 587
MABANK, TEXAS 75147
(903) 887-5674 LOCAL
(877) 329-6475 TOLL FREE
(903) 887-0421 FAX

DATE PERFORMED: SEPTEMBER 4, 2014
HOUSE ADDED: AUGUST 22, 2015
SCALE: 1" = 20 FEET
WORK ORDER - 1409993 DRAWN BY: BH
FIELDED BY: JP CHECKED BY: LP
THIS SURVEY WAS PERFORMED FOR: HOMETOWN CLASSIC BUILDERS, LLC

Underground Electric Service