

**THE FLOWER MOUND ZONING BOARD OF ADJUSTMENT MEETING HELD ON THE 12TH DAY OF SEPTEMBER, 2018, IN THE FLOWER MOUND TOWN HALL, LOCATED AT 2121 CROSS TIMBERS ROAD IN THE TOWN OF FLOWER MOUND, COUNTY OF DENTON, TEXAS, AT 6:30 P.M.**

The Zoning Board of Adjustment met in a regular session with the following members present:

Stephen Harris	Chairman	
Greg Schultz	Member	Place 1
Sky Jay Schoggins	Member	Place 4
David Moraine	Member	Place 5
Brad Painter	Alternate	Place 8

Constituting a quorum with the following members absent:

Kent Johnson	Vice-Chair
Thomas Moore	Member Place 6

Constituting a quorum with the following members of the Town Staff participating:

James Donovan	Town Attorney
Joelle Hainley	Building Official
Chris Pamplin	Assistant Building Official
Kathy Allgood	Administrative Assistant

**A. CALL TO ORDER – REGULAR SESSION**

Chairman Harris called the meeting to order at 6:30 p.m.

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Chairman Harris led the Pledge of Allegiance.

**C. PUBLIC COMMENT**

None

**D. CONSENT AGENDA**

1. Consider approval of the minutes of the June 13, 2018, Board of Adjustment meeting.

The minutes from the June 13, 2018, Board of Adjustment meeting were approved as written.

**E. PUBLIC HEARING**

2. **(BOA18-0004)** Hold a public hearing and consider a request from Jay Chamberlain for a variance from Section 98-1032(a)(1) and Section 98-1032(e), "Accessory Buildings," of the Code of Ordinances. The property is generally located North of Wichita Trail and West of Skillern Road and is locally known as 4905 N. Creek Crossing, Lot 38R, Block F, of the River Oaks Estates Subdivision.

**Staff Presentation**

Chris Pamplin, Assistant Building Official

**Applicant Presentation**

Jay Chamberlain, 4905 N Creek Crossing, Flower Mound, TX.

**Public Comment**

None.

Board Member Moraine made a motion to approve the variance from Section 98-1032(a)(1) and Section 98-1032(e), "Accessory Buildings," of the Code of Ordinances. The property is generally located North of Wichita Trail and West of Skillern Road and is locally known as 4905 N. Creek Crossing, Lot 38R, Block F, of the River Oaks Estates Subdivision.

- 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 generally apply to other property in the same area and under the same zoning districts.
- B. A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- C. The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive master Plan of the Town of Flower Mound.
- D. The variance, if granted, will be no material detriment to the public welfare of injury to the use, enjoyment, or value of property in the vicinity.

Board Member Schultz seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Schultz, Harris, Schoggins, Moraine, Painter  
**NAYS:** None

**Motion Passed with a 5-0 vote.**

3. (BOA18-0005) Hold a public hearing and consider a request from The Town of Flower Mound for a variance from Sec. 98-1026, "Minimum front yard setback" and Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located west of Skillern Road and north of Wichita Trail, Lot 40, Block F, and is locally known as 2777 Skillern Road of the River Oaks Estates Subdivision.

#### **Staff Presentation**

Chris Pamplin, Assistant Building Official

#### **Applicant Presentation**

Carol Kessler, BRW Architects, 3535 Travis, Suite 205, Dallas, TX.

#### **Public Comment**

David Bauer, Town of Flower Mound Construction Manager, addressed the Board as to any HOA concerns regarding the fire station design.

Al Sanchez, 4805 Dominion Ct, Flower Mound addressed the Board in opposition of the variance.

Gary Jones, 4817 Dominion Ct, Flower Mound address the Board in opposition of the variance

Jeff Kinney, Town of Flower Mound Assistant Fire Chief, addressed the Board as to the size of the fire station.

Chairman Harris closed the public hearing at 7:17 p.m.

Board Member Schultz made a motion to grant the variance with a request that the Town of Flower Mound perform its due diligence in determining an alternative that would be feasible and also meet the concerns of the residents without affecting the functionality of the fire station. The variance requested is from Sec. 98-1026, "Minimum front yard setback" and Section 98-1142, "Front Yard Fence Height and Visibility," of the Code of Ordinances. The property is generally located west of Skillern Road and north of Wichita Trail, Lot 40, Block F, and is locally known as 2777 Skillern Road of the River Oaks Estates Subdivision.

- 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 generally apply to other property in the same area and under the same zoning districts.

- B. A variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- C. The granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Land Use Plan and will not adversely affect any other feature of the Comprehensive master Plan of the Town of Flower Mound.
- D. The variance, if granted, will be no material detriment to the public welfare of injury to the use, enjoyment, or value of property in the vicinity.

Board Member Schoggins seconded the motion.

**VOTE ON THE MOTION**

**AYES:** Painter, Moraine, Schoggins, Harris, Schultz  
**NAYS:** None

**Motion passed with a 5-0 vote.**

**G. ADJOURNMENT OF REGULAR SESSION**

Chairman Harris adjourned the meeting at 7:33 p.m. and all were in favor.

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Stephen Harris, Chairman

ATTEST:

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Kathy Allgood, Administrative Assistant