



**NOTICE OF A
MEETING OF THE
FAIRVIEW ZONING BOARD OF ADJUSTMENT
TOWN HALL COUNCIL CHAMBERS
372 TOWN PLACE
FAIRVIEW, TEXAS 75069
THURSDAY, SEPTEMBER 2, 2021
6:30 P.M.
AGENDA**

NOTICE IS HEREBY GIVEN the Town of Fairview Zoning Board of Adjustment will conduct a meeting scheduled at 6:30 p.m. on Thursday, September 2, 2021, located at Fairview Town Hall, 372 Town Place, Fairview, TX 75069 in person or by virtual attendance. The use of masks or face coverings is recommended.

This Notice and the Meeting Agenda will be posted online at fairviewtexas.org.

The telephonic/video meeting is hosted through RingCentral. To access the meeting via telephone/video conference click the below link:

<https://webinar.ringcentral.com/j/1465536666>

1. Call to order.
2. Citizen's Comment

At this time, any person may address the Board regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Board regarding an item that is not on this meeting agenda. Each person will have up to three minutes. No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

3. Consider, discuss and take any necessary action on the appointment of the Chairman.
4. Consider, discuss and take any necessary action on the appointment of the Vice-Chairman.
5. Approval of minutes from December 17, 2019
6. Hold a public hearing, consider and discuss a request for approval of a variance to the zoning Ordinance, Section 14.02.354.c(2) Specific Zone Requirements and the Subdivision Ordinance Section 10.02.162(d) Lots of the Town of Fairview Code of

Ordinances to allow reduced lot width and a side lot line at more than a 5-degree angle from the front lot line for two proposed lots within the (RE-1) One-acre Ranch Estate District. The 3.9-acre site is located at 715 and 721 Country Club Drive. Applicant: Bryan Kight representing owner Cliff Kight. (ZBA2021-01)

7. Hold a public hearing, consider and discuss a request for approval of a variance to the zoning Ordinance, Section 14.02.254.c(7) Specific Zone Requirements of the Town of Fairview Code of Ordinances to allow a home, that was destroyed by fire, to be rebuilt at less than the 2,000 square feet minimum, as required by the (RE-2) Two-acre Ranch Estate District. The 2.4-acre site is located at 460 Country Club Drive. Owner/Applicant: Karina Marino. (ZBA2021-02)

8. Adjourn.

I, Tenitrus Bethel, Town Secretary, hereby certify that notice of the above-named meeting was posted on the bulletin board of the Town Hall of the Town of Fairview, Texas, a place readily accessible to the public at all times, on the 27th day of August, 2021 at or before 5:00 p.m. and will remain continuously posted for at least 72 hours immediately preceding said meeting.

Tenitrus Bethel, Town Secretary

NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The Town of Fairview Council Chambers is wheelchair accessible. Access to the building and special parking is available at the primary southwest and northwest entrance into the Town Hall parking lot. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, or readers, are requested to contact the Town Secretary's office at 972-562-0522, ext. 4234 or by fax at 972-886-4203.



Memorandum

September 2, 2021

TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP
Planning Manager

SUBJECT: Chair and Vice Chair appointments

BACKGROUND: At this time, both the Chair and Vice Chair positions are vacant. At this meeting, the board needs to nominate and elect both positions.



Memorandum

September 2, 2021

TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP
Planning Manager

SUBJECT: Public hearing on a variance for reduced lot width and side lot line orientation

BACKGROUND: This is a request for approval of a variance to the Zoning Ordinance, Section 14.02.354.c(2) Specific Zone Requirements and the Subdivision Ordinance Section 10.02.162(d) Lots of the Town of Fairview Code of Ordinances to allow reduced lot width and a side lot line at more than a 5-degree angle from the front lot line for two proposed lots within the (RE-1) One-acre Ranch Estate District. The 3.9-acre site is located at 715 and 721 Country Club Drive. Applicant: Bryan Kight representing owner Cliff Kight. (ZBA2021-01)

STATUS OF ISSUE: In this case, there are two adjacent tracts of land (totaling 3.9-acres) under a common ownership, with two existing homes. The house on the northern parcel was constructed in the 1960s. The house on the southern parcel was constructed in the 1970s. This property was annexed into the Town of Fairview over a number of actions in the 1970s. The (RE-1) One-acre Ranch Estate District wasn't established until 2005. Currently, the tract ownership line that separates these two parcels, bisects the land, and encroaches into the exiting pool area on the back half of the property. To remedy this issue and to establish a formal 1-acre parcel (as required by zoning) for the northern home, the owner desires to subdivide the property in accordance with Town regulations. There is no new construction associated with this request.

Within the (RE-1) One-acre Ranch Estate District, each lot must maintain a minimum of 150 feet of frontage on a street. In order to create 2-lots under the requirements of (RE-1) One-acre Ranch Estate District, a minimum of 300 feet of existing frontage on Country Club would be necessary. In this case, the entirety of the 3.9-acre tract has approximately 245 feet of frontage. Therefore, due to existing conditions and the requirements of the RE-1 District that were established on the property subsequent to its creation, the site cannot meet the minimum lot with regulations. As shown, the proposed lot line that that would separate the two lots, closely aligns

with the existing ownership parcel line, while maintaining the existing driveway to the home in the back, on the corresponding lot.

Section 10.02.162(d) of the Subdivision Ordinance states:

“Side lines of lots shall be approximately at right angles to straight streets and radial to curved street lines for any plat which creates additional lots and is smaller than five (5) acres. For purposes of this provision, “approximately” means within 5 degrees of a right angle to the straight street or radial of a curved street line for the entire length of the line.”

In this case, since the total area is less than 5-acres, any new side lot lines are required to be perpendicular or radial to the front property line. As shown on the exhibit, in order to meet this requirement, a perpendicular line, or a 5 degree line from perpendicular, would cause the home in the back portion of the southern parcel, to be fully cut-off from any street frontage. Thus, this provision of the Subdivision cannot be met.

ATTACHMENTS:

Aerial
Exhibits



Memorandum

September 2, 2021

TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP
Planning Manager

SUBJECT: Public hearing on a variance for reduced home size

BACKGROUND: This is a request for approval of a variance to the zoning Ordinance, Section 14.02.254.c(7) Specific Zone Requirements of the Town of Fairview Code of Ordinances to allow a home, that was destroyed by fire, to be rebuilt at less than the 2,000 square feet minimum, as required by the (RE-2) Two-acre Ranch Estate District. The 2.4-acre site is located at 460 Country Club Drive. Owner/Applicant: Karina Marino. (ZBA2021-02)

STATUS OF ISSUE: In August 2020, a fire destroyed the existing 1,599 square foot home on the subject tract of land. According the appraisal district, the home was constructed in 1983. The RE-2 district, was established sometime in the early 2000s. The RE-2 District requires a minimum home size of 2,000 square feet. Since this home was smaller in size than what is required by the RE-2 district, it was considered a non-conforming structure. Section 14.02.006(g) Nonconforming use states:

“If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of this article. In the case of partial reconstruction of a nonconforming use, not exceeding 50% of its replacement value, reconstruction may be permitted after a building permit has been granted.”

Therefore, in this case, to rebuild under the provisions of this ordinance, a new home must meet the minimum design standards of the RE-2 District (2,000 square feet).

The applicant is requesting that the original size of the home be permitted. Since the original size was less than 2,000 square feet (current requirement), a variance from Section 14.02.254.c(7) Specific Zone Requirements (RE-2) must be secured.

ATTACHMENTS:

Aerial

Exhibits

Correspondence