



## *Memorandum*

### *September 12, 2019*

---

TO: Planning and Zoning Commission  
Julie Couch, Town Manager

FROM: Israel Roberts, AICP  
Planning Manager

SUBJECT: **CONDITIONAL USE PERMIT FOR AN ACCESSORY BARN  
(CASE #CUP2019-04)**

---

BACKGROUND: This is a request for approval of a conditional use permit (CUP) to accommodate the construction of an accessory structure (barn). The 3.1-acre site is located at 50 Man O' War Drive and is zoned for the (RE-2) Two-Acre Ranch Estate District. Owners/Applicant: Claude and Nancy Whitehead (Case #CUP2019-04).

#### STATUS OF ISSUE:

The homeowners propose to construct a one-story, 1,152 square foot, storage barn in the rear a lot with an existing home that was constructed in 1991. The design of the proposed barn features 960 SF internal area with a 192 SF of covered patio, metal facade and roof with a wind vane. The storage barn will be used for additional storage of on-site maintenance equipment.

In the (RE-2) Two-Acre Ranch Estate District, lots are restricted to two (2) accessory structures totaling a maximum of 1,800 square feet. In this case, the request for the conditional use permit is necessary since the proposed barn will cause the site to exceed the limitation on the number and area of structures for the lot.

#### Public Input

The town has notified 19 adjacent property owners within 500 feet of the subject property and to date, have received three letters of support.

### Staff Analysis

- In the (RE-2) Two-Acre Ranch Estate District:
  - Setbacks for an accessory structure of this size (over 480 SF) is 40 feet: *The proposed accessory structure is located beyond the 40 foot setback from all property lines, therefore, the proposal meets this requirement.*
  - Maximum height of an accessory structure is 30'. *As shown, the design of the barn reflects a 20-foot height to the top of the roof, thus meeting this requirement.*
  - Maximum number of accessory structures is two (2). This will be the third accessory structure on-site. The lot currently features a detached garage, and a detached covered patio in the backyard adjacent to the pool.
  - Maximum square footage for all accessory structures on a lot is 1,800 square feet. With the detached garage (780 SF), the covered patio (324 SF) and the proposed storage barn (1,152 SF), the total area of accessory structures is 2,256, exceeding the area allowance by 456 SF.
  - Maximum lot coverage is 25%. *Including the proposed storage barn, existing accessory structures and the house, the lot coverage is less than 10% of the site, meeting the lot coverage requirement.*

STAFF RECOMMENDATION: Staff recommends **APPROVAL** of the proposed conditional use permit with the following conditions:

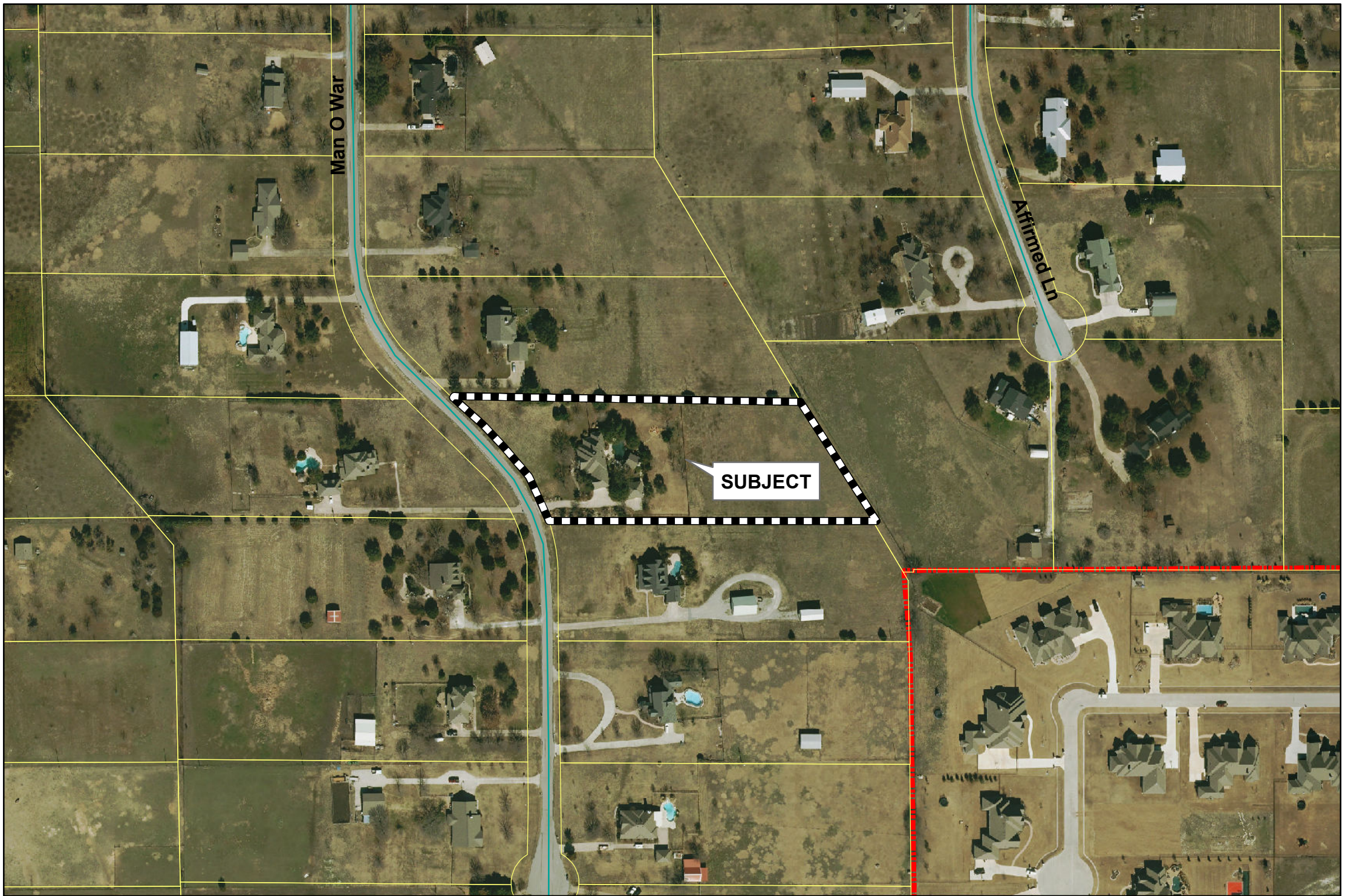
1. Use, location and design of the proposed accessory structure generally conforms with the submitted concept plans.

BUDGET: N/A

### ATTACHMENTS:

- Locator
- Concept Plans





CUP2019-04



**CLAUDE AND NANCY WHITEHEAD**

**50 Man O War Lane  
Fairview, Texas 76069**

**August 12, 2019**

**Town of Fairview  
372 Town Place  
Fairview, Texas 75069**

**Attn: Israel Roberts, Planning Manager**

**Re: CUP Request  
50 Man O War Lane  
Fairview Farms, Fairview**

**Dear Mr. Roberts:**

**My wife and I are the owners of the property located at 50 Man-O-War Lane and have applied for a CUP to construct a custom-built 24" x 40" Morton barn to be located on the eastern portion of our 3.175-acre lot.**


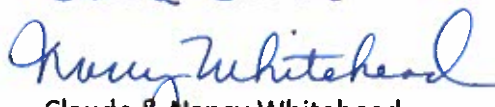
**In addition to our house, we currently have a detached brick garage that matches the brick on the house and a 320 square feet patio cover for a total of 1104 square feet. With the addition of the barn, being 1152 square feet (inclusive of the covered patio attached to the barn), the total square footage for all accessory buildings and structures would be 2256 square feet. Our original application showed the barn to be 30 feet off the property line, which we have resubmitted with a 40- foot setback. Also, the email denying our request stated we have two covered patios. I believe you are counting the covered patio which is a part of our residence. It is under the same roof as the house, built when the house was, and was not an "add-on". I believe this should not be considered as a structure, as it is a part of the main dwelling. The square footage for this patio is shown as 77 square feet. Please let me know if you need further clarification for this patio.**

**We understand that we are restricted to two accessory buildings/structures on our lot for a total of 1800 square feet but respectfully ask for you to take into consideration the size of our lot, which is 3.175 acres. The proposed structure will be located on the eastern side of our property where no other buildings are located (see attached plat). Fairview Farms is a unique neighborhood having more acreage than most lots in Fairview, so these restrictions are much more limiting for us than most neighborhoods in Fairview. If we are limited to the existing structures on our property, we are currently utilizing less than one-half of an acre out of our 3.175 acres and will not have the full use and enjoyment of our property.**

I am attaching letters from our adjoining neighbors on all three sides of our property specifying they have no objections to this barn being built on our property and I am also attaching color drawings of the barn. We respectfully request that you approve this CUP on the basis that there is plenty of room on the property for an additional structure, our adjoining neighbors have no objections, the barn is a custom-built, aesthetically pleasing structure, and with the addition of this structure, we will be able to utilize the full use and enjoyment of our property.

Your approval of this structure will be greatly appreciated by our family. Thank you for your consideration.

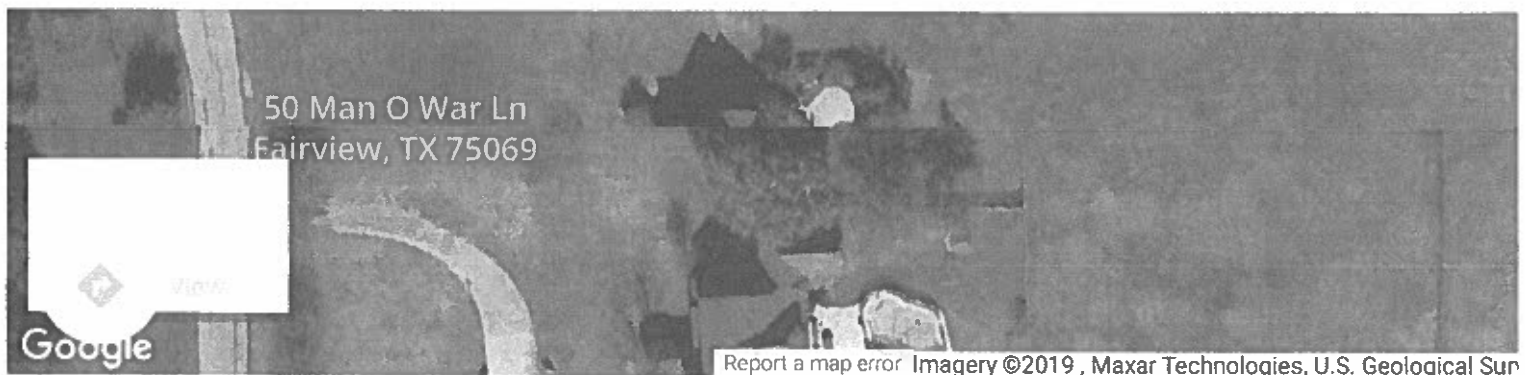
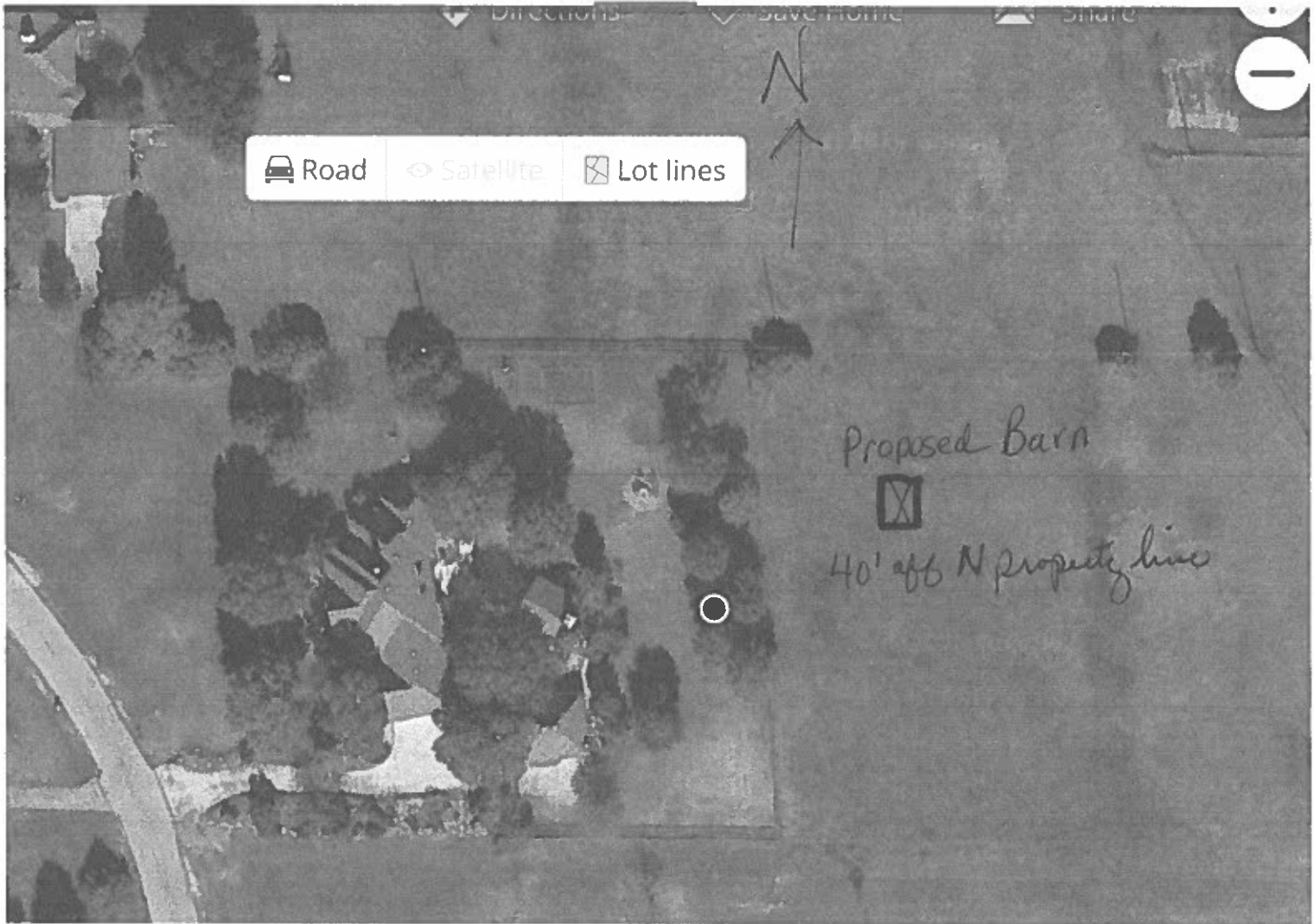
Sincerely,

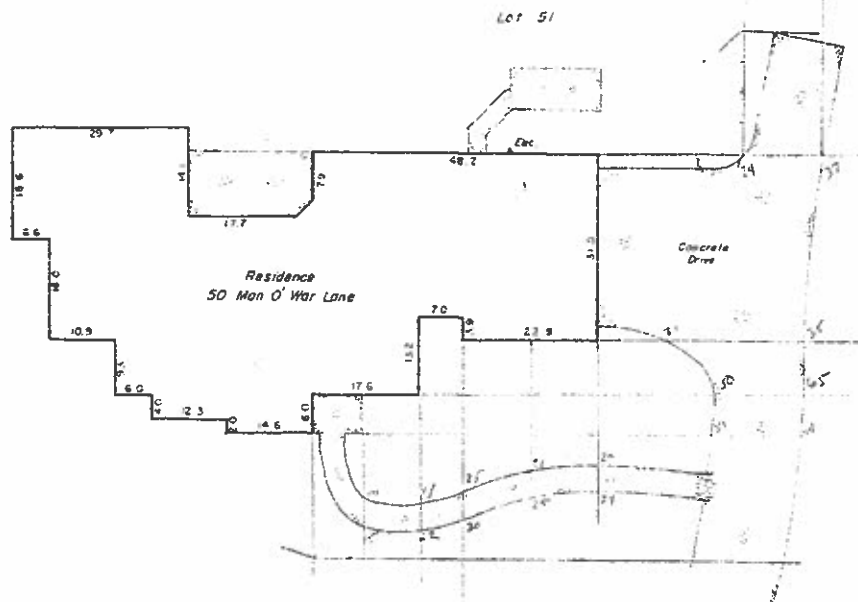
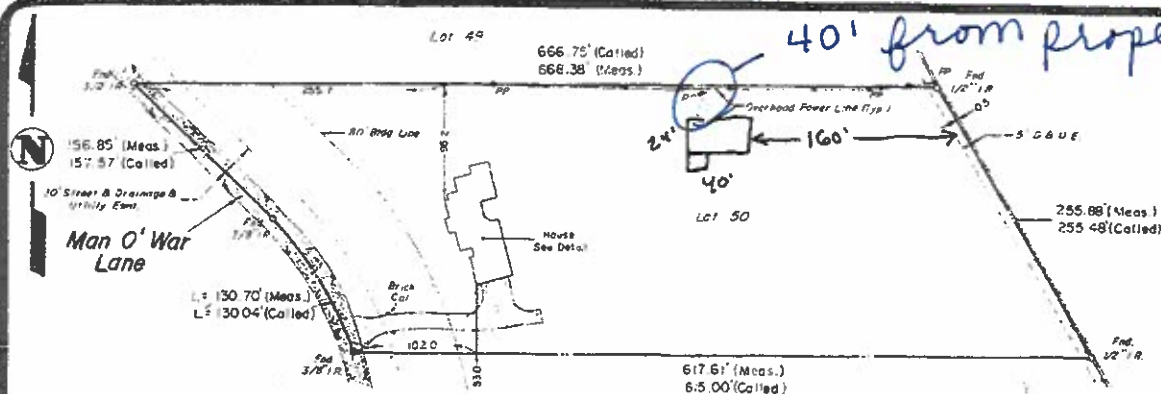
Claude & Nancy Whitehead

Attachments

Map Satellite Lot lines



40' from property line.



**House Detail**  
scale: 1" = 20'

LEGAL DESCRIPTION

Being Lot 50, of FAIRVIEW FARMS, FOURTH SECTION, an Addition to the City of Fairview, Texas, according to the Map thereof recorded in Volume C, Page 123, Map Records, Collin County, Texas.

NOTE: According to current flood maps, Community Panel No. 4801300300B, dated March 16, 1981, this lot lies in Zone C. This lot does not lie within a 100-year flood plain.

I, Todd B. Turner, Registered Professional Land Surveyor, State of Texas, do certify that the plat hereon is a true, correct and accurate representation of the property as determined by survey performed on the ground, the lines and dimensions of said property being indicated by plat, the improvements are within the boundaries of the property, set back from the property lines the distances indicated and there are NO VISIBLE EASEMENTS, ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, except as shown on the above plat.

Jed B. Juma

Todd B. Turner  
R.P.L.S. No. 4859



STOVALL & ASSOCIATES, INC.

SCALE 1" = 20' DATE 6/25/9  
JOB NO. 910345

6210 Campbell Road, Suite 144 • Dallas, Texas 75248 • Phone

SAFE: 91-159958 C







August 9, 2019

Town of Fairview  
372 Town Place  
Fairview, Texas 75069

Attn: Israel Roberts, Planning Manager

Re: CUP Request  
50 Man O War Lane  
Fairview Farms, Fairview

Dear Mr. Roberts:

My name is Brooks Godfrey and I live at 61 Affirmed Lane. My property adjoins the property located at 50 Man-O-War Lane where the Whitehead's are applying for a Conditional Use Permit to build a 24' x 40' custom-built Morton barn. I understand this will be the third structure on their 3.175 acre lot for a total of 2,064 square feet for all accessory buildings and structures, excluding the residence.

I have been furnished with a drawing of the proposed structure, copy attached, and have no objections to this barn being built on the property.

Sincerely,

A handwritten signature in cursive script that reads "Warren Brooks". The signature is written in dark ink and is positioned above a horizontal line.

~~Brooks~~ Godfrey *Warren Brooks*  
61 Affirmed Lane  
Fairview, Texas

August 9, 2019

Town of Fairview  
372 Town Place  
Fairview, Texas 75069

Attn: Israel Roberts, Planning Manager

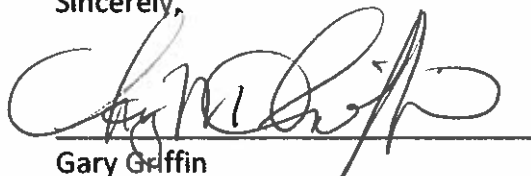
Re: CUP Request  
50 Man O War Lane  
Fairview Farms, Fairview

Dear Mr. Roberts:

Our names are Gary and Becky Griffin and we live at 40 Man-O-War Lane. My property adjoins the property located at 50 Man-O-War Lane where the Whitehead's are applying for a Conditional Use Permit to build a 24' x 40' custom-built Morton barn. I understand this will be the third structure on their 3.175 acre lot for a total of 2,064 square feet for all accessory buildings and structures, excluding the residence.

We have been furnished with a drawing of the proposed structure, copy attached, and have no objections to this barn being built on the property.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gary Griffin", written over a horizontal line.

Gary Griffin

A handwritten signature in dark ink, appearing to read "Becky Griffin", written over a horizontal line.

Becky Griffin

40 Man-O-War Lane  
Fairview, Texas



August 9, 2019

Town of Fairview  
372 Town Place  
Fairview, Texas 75069

Attn: Israel Roberts, Planning Manager

Re: CUP Request  
50 Man O War Lane  
Fairview Farms, Fairview

Dear Mr. Roberts:

My name is Marilyn Coulange and I live at 60 Man-O-War Lane. My property adjoins the property located at 50 Man-O-War Lane where the Whitehead's are applying for a Conditional Use Permit to build a 24' x 40' custom-built Morton barn. I understand this will be the third structure on their 3.175 acre lot for a total of 2,064 square feet for all accessory buildings and structures, excluding the residence.

I have been furnished with a drawing of the proposed structure, copy attached, and have no objections to this barn being built on the property.

Sincerely,

A handwritten signature in cursive script that reads "Marilyn Coulange". The signature is written in dark ink and is positioned above the printed name and address.

Marilyn Coulange  
60 Man-O-War Lane  
Fairview, Texas