



Memorandum

April 10, 2025

FROM: Planning

SUBJECT: Conduct a public hearing, consider and make a recommendation on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (carport). The 0.49-acre site is located at 491 Bluebird and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Cody Hooper.

BACKGROUND: This is a request for approval of a Conditional Use Permit (CUP) for an accessory structure. The 0.49-acre lot is located at 491 Bluebird Lane and is zoned for the (RE-1) One-acre Ranch Estate District.

STATUS OF ISSUE: The applicant is requesting a CUP to accommodate a 510 square foot (SF) carport with a reduced setback. The subject carport has already been constructed and was not issued a permit. The structure features an open design with a metal frame, gravel base and is approximately 9.5 feet tall at the highest point.

Site Analysis

- In the (RE-1) One-acre Ranch Estate District:
 - o Setbacks for accessory structures of this size (over 480 SF) is 30 feet: As shown, the structure is approximately 7 feet from the rear property line. The front position of the structure aligns with the door opening of the existing adjacent garage.
 - o Maximum number of accessory structures is two (2). Including this structure, there are three (3) structures on-site. Existing on site is a garage building built in 2008 and a shed placed on site sometime in the 1990s.
 - o Maximum square footage for all accessory structures on a lot is 900 square feet. The Zoning ordinance allows for a square footage exemption of up to 900sf for a detached three-car garage, as long as it's the primary garage. In this case, the garage structure that was built in 2008 acts as the primary garage; therefore, its area is exempt from the area calculation. As such, the total square footage for

the existing shed, and the subject carport is 590sf, thus meeting the area calculation. *(The house includes a front entry garage door accessible from a driveway onto Bluebird Lane. Most of this original garage area was converted to living space before the current property owner. Currently, there is only a 5-foot deep space for storage remaining behind the garage door. Since this is no longer a functional garage space, staff recognizes that the structure built in 2008 in the back, as the primary garage).*

o Maximum lot coverage is 35%. Including the proposed structure and existing elements on-site, the lot coverage is approximately 28%, meeting the lot coverage requirement.

o Maximum height of an accessory structure is 30 feet. The proposed structure is approximately 9.5 feet tall to the highest point.

Bluebird Lane History

The Dreamland subdivision (Bluebird Lane) was established in 1970, with the current (RE-1) One-acre Ranch Estate zoning being adopted in 1997. Previously, this area was zoned for (HD) High Density Residential (The HD zoning district is no longer active as a separate district). This subdivision has a number of half-acre sized lots with existing structures that preceded the RE-1 adoption. As such, over the years, there have been a number of alternate development regulations granted through variances and/or CUP requests to accommodate home expansions or additional accessory structures.

Year	Type	Details of the approval
1998	Variance	12' setback for an accessory structure (30' required)
2008*	Variance	15' side and rear setback for an accessory structure (30' required)
2016	CUP	Accessory structure (RV cover) <ul style="list-style-type: none"> • The total accessory structure area exceeded zoning regulations by 777sf (1,677 total on-site) • 3rd accessory structure on-site • Side yard setback of 6 feet (30' required)
2023	Variance	Expansion of non-conforming structure Side yard setback of 15-17 feet for home expansion (25' required)

*The 2008 variance was for this subject site/owner for the construction of the existing 900sf workshop

Public Input

The town has notified 63 adjacent property owners within 500 feet of the subject property. To date, we have received one (1) letter of opposition.

BUDGET: N/A

RECOMMENDATION: Since this request involves code enforcement action, staff will not be making a recommendation.

Attachments:

1. Aerial
2. Photos
3. Exhibits
4. Correspondence



subject

Bluebird Ln



Carport



Rear Setback Area

UNDER 35% FOR RE1

CURRENT DRAWING WITH CARPORT AND IMPROVEMENTS

DRAINAGE EASEMENT

7' From Property Line
10' From Fence

Round 1/2" Iron Rod

S 81° 00' 00" E 104.21' Round Iron Rod

15' TO N PROPERTY LINE

156' TO WEST PROPERTY LINE

N 11° 33' 23" E 207.09'

S 11° 33' 23" E 207.09'

POINT OF BEGINNING

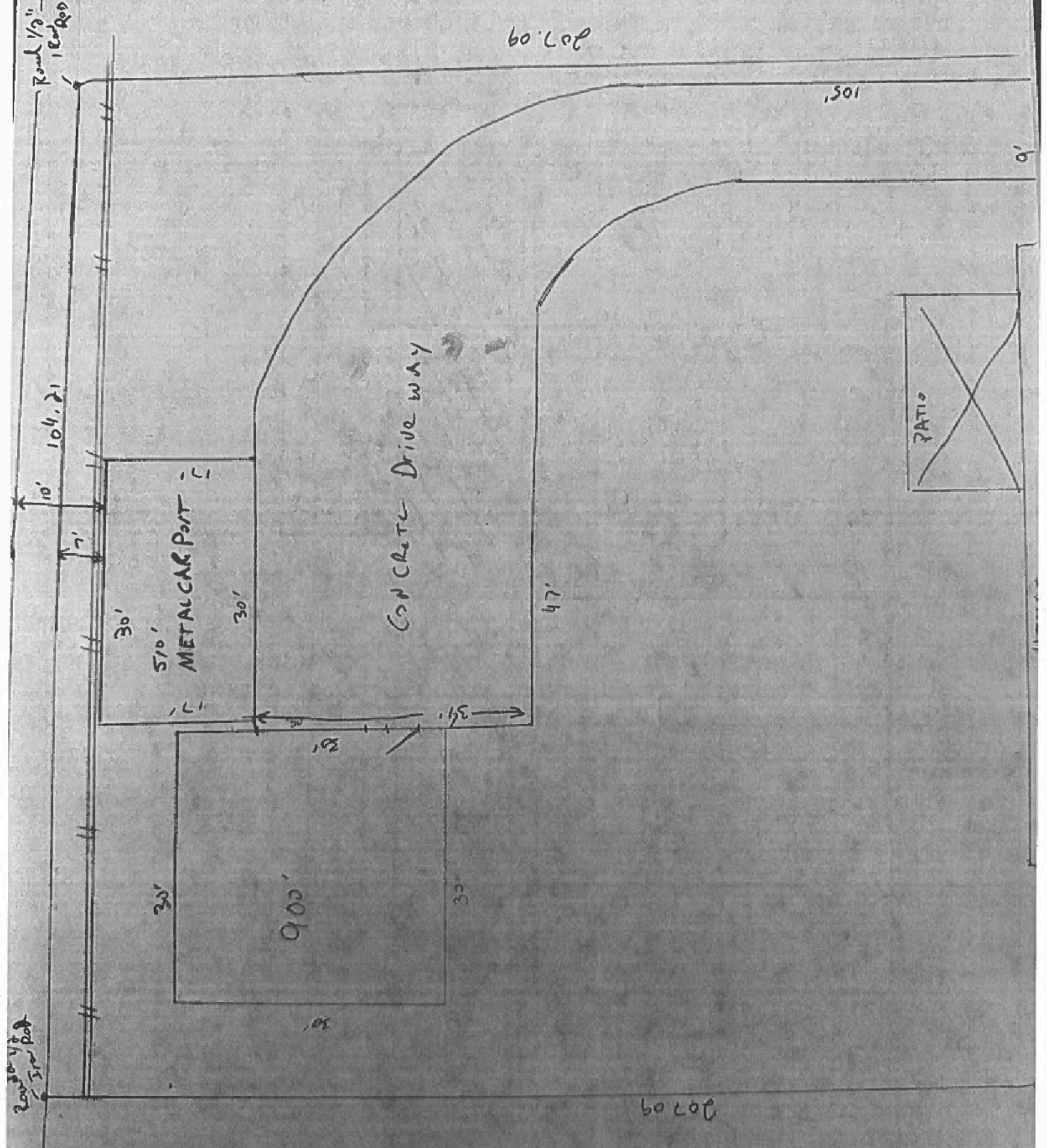
LANE

Round 1/2" Iron Rod

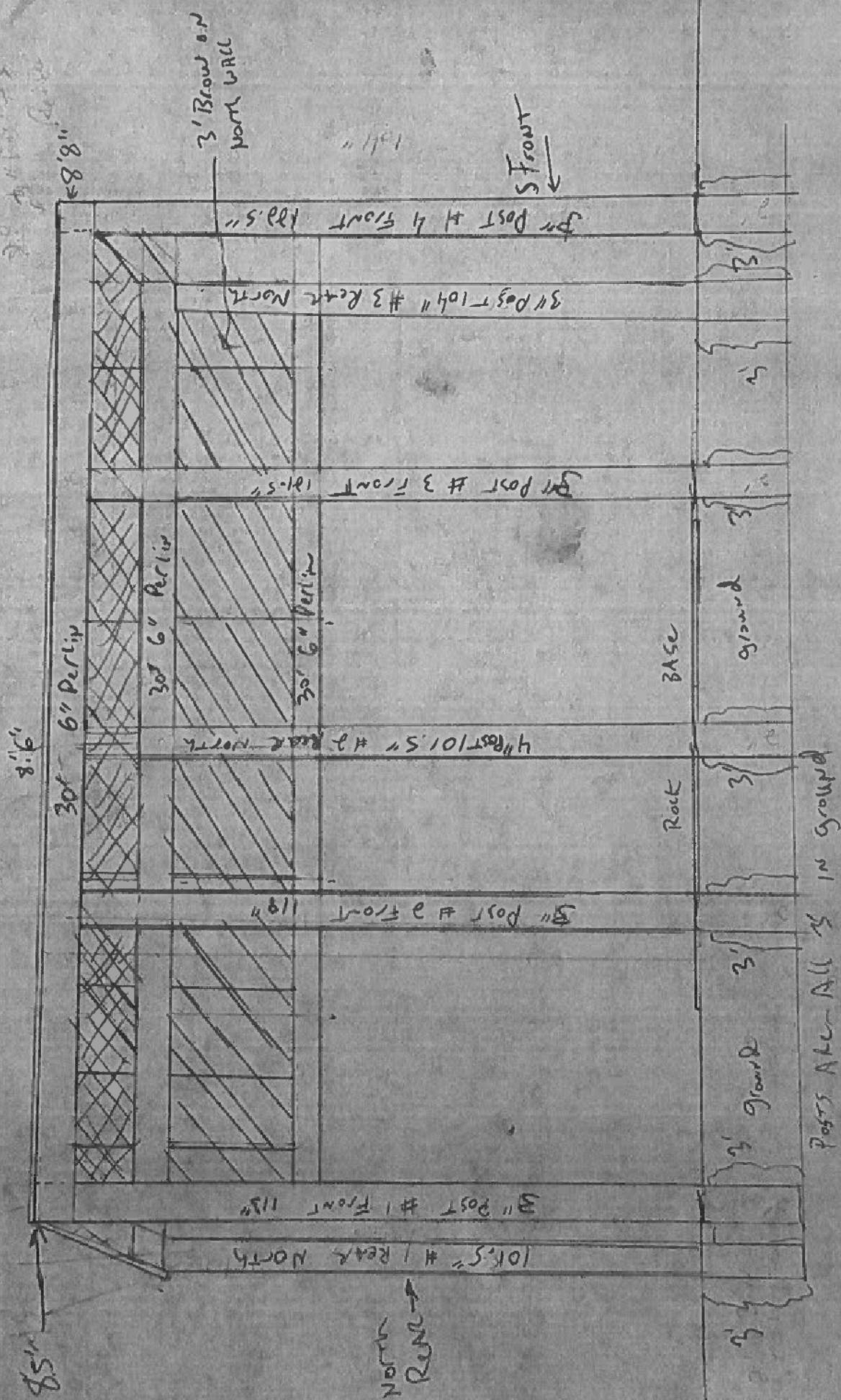
N 81° 00' 00" W 104.21'

491 Blue Bird Ln

LOT 5 CAULDWELLS DREAM LAND ADD
VOLUME 6 PAGE 65 OF THE MAP OF R
COLL'D



4



Key

4" (X1)

3" (X6)

Steel Post

6" Purlin (X7)

26 Gauge Steel

Sheets For Roof (X10)



North
Old Fence

Top view

South



South

10.8' E from Fall of Land

North

8.8' E from Fall of Land

Side View

Driveway

Rock

10' distance

8.5'

Old Fence

Property Line



March 28, 2025

TO WHOM IT MAY CONCERN:

NOTICE IS HEREBY GIVEN the Town of Fairview Planning and Zoning Commission will convene for a public hearing scheduled **Thursday, April 10, 2025, at 7:00 p.m.** located at Fairview Town Hall, 372 Town Place, Fairview, TX 75069.

The Planning and Zoning Commission will consider and discuss the following:

1. Conduct a public hearing, consider and make a recommendation on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (car port). The 0.49-acre site is located at 491 Bluebird and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/applicant: Cody Hooper.

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel B. Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: iroberts@fairviewtexas.org. Citizens may also visit Town Hall, Monday-Friday from 8:30-4:30 PM to obtain more information on this matter prior to the public hearing.

If you wish to communicate your support or opposition for this proposal to the Planning and Zoning Commission and/or the Town Council, please respond to the queries below and return it to Mr. Roberts via mail, email, or hand delivery.

Name: Jill Jones / Thomas Mitchell

Address: 520 Ambrym Drive

☐ Support
☒ Oppose (provide comments below)

Signature: [Signature]
Date: 3-31-25

Comments:

PHOTOS ENCLOSED. THE STRUCTURE LOOKS UNFINISHED FROM MY BACKYARD. IF THE OWNER HAD APPROACHED US BEFORE BUILDING HIS SEVERAL CAR STRUCTURES, I MAY NOT BE CONCERNED HAD HE OFFERED TO PLANT LARGE TREES AT HIS EXPENSE TO COVER THE UNDESIRABLE STRUCTURE. I'M CERTAIN MY NEIGHBORS WOULD REACT THE SAME HAD IT HAPPENED IN THEIR BACK YARDS.

Dear Mr. Israel Roberts,

I am the concerned neighbor whose property backs up 491 Bluebird. I am fully aware that in most cities, people who leave junk and old outside items that neighbors can see, would be given a fine/warning to clean up the exposed unsightly area. This neighbor has had trash gracing my backyard view since I moved in. A couple years ago, after a few dead trees were cleared and his backyard mess was exposed, I asked him if I could clean behind his shed and paint the graffiti to one color on the back side of his small old metal shed. He agreed and told me he meant to get rid of the old rusty bldg but hadn't. He even found a rusty old bike under piles of leaves and a few other surprise (to him) items and asked jokingly if I wanted an old bike then tossed it back on the pile of neglected items. He seemed pleasant and didn't mind me cleaning up behind his shed. Three pieces of a broken bright blue surf board surfaced a few days after some leaves were cleared and I politely asked him if I could remove the bright blue eyesore. He went off on me!!! I apologized and told him he needn't do anything and I would clean it up, just was asking for access to his back area. His angry attitude scared me and I simply covered the broken surfboard with more leaves that I threw over the fence to conceal the eyesore. We never spoke again. I am a peaceful happy person, just wanted a pleasant view to enjoy my backyard. His anger and mood change really scared me.

It appears he is running a business out of his backyard/garage/metal buildings and if he would have discussed his plan to build carport and had he offered to plant some large trees out of consideration of the upcoming backyard view, I most likely would have agreed and been ok with it. The carport appears incomplete and I am forced to look at the ugly backside view every day. Not pretty.

My friends are concerned for my safety and all are suggesting I report the situation to the police since we live in a crazy world.

I know that when I sell my home, the back yard view will be a major issue and greatly reduce the value of my property. FYI. This is what I wrote to a couple of my neighbors..

4 /1/2025



To The neighbors It May Concern:

Last month, a very unsightly structure was built by a neighbor on Bluebird Road whose yard backs up to my yard located 520 Ambrym Drive. I called the city to inquire if there were any building restrictions with building a carport that looks unfinished and also storing unsightly items behind his other 2 metal buildings. The code violation officer claimed if he had a permit that nothing could be done. Obviously there was not a permit and the homeowner is now asking the zoning commission for approval.

If you would help me to voice my concerns and to protect your own future property value and beauty, please sign this request if you have not already received one in the mail from the Town of Fairview.

You can e mail or hand deliver a copy with your signature to:

jroberts@fairviewtexas.org





The VIEW From
my KITCHEN
TABLE



