

ZONING BOARD OF ADJUSTMENT

MEETING AGENDA

JULY 10, 2023, 7:00 PM



ZONING BOARD OF ADJUSTMENT REGULAR MEETING

HISTORIC CHURCH BUILDING - 403 N 7TH STREET, SANGER, TEXAS

CALL THE REGULAR MEETING TO ORDER AND ESTABLISH A QUORUM

INVOCATION AND PLEDGE

CITIZENS COMMENTS

This is an opportunity for citizens to address the Board on any matter. Comments related to public hearings will be heard when the specific hearing begins. Citizens are allowed 3 minutes to speak. Each speaker must complete the Speaker's Form and include the topic(s) to be presented. Citizens who wish to address the Board with regard to matters on the agenda will be received at the time the item is considered. The Board is not allowed to converse, deliberate or take action on any matter presented during citizen input.

CONSENT AGENDA

All items on the Consent Agenda will be acted upon by one vote without being discussed separately unless requested by a Board member to remove the item(s) for additional discussion. Any items removed from the Consent Agenda will be taken up for individual consideration.

1. Consideration and possible action of the minutes from June 12, 2023, meeting.

PUBLIC HEARING ITEMS

2. Conduct a Public Hearing on a request for a variance from Chapter 14, Section 52.2.A.2 to allow a variance from the minimum side yard setback of 8 feet and to allow for a minimum side yard setback of 7 feet for a new residential structure to be constructed at 4825 Enclave Drive.
3. Conduct a Public Hearing on a request for a variance from Chapter 14, Section 23.3.1.b to allow a variance from the minimum side yard setback of 25 feet and to allow for a minimum side yard setback of 20 feet for a new commercial structure to be constructed at 902 N. Stemmons Frwy.

ACTION ITEMS

- [4.](#) Consideration and possible action on a request for a variance from Chapter 14, Section 52.2.A.2 to allow a variance from the minimum side yard setback of 8 feet and to allow for a minimum side yard setback of 7 feet for a new residential structure to be constructed at 4825 Enclave Drive.
- [5.](#) Consideration and possible action on a request for a variance from Chapter 14, Section 23.3.1.b to allow a variance from the minimum side yard setback of 25 feet and to allow for a minimum side yard setback of 20 feet for a new commercial structure to be constructed at 902 N. Stemmons Frwy.

ADJOURN

NOTE: The Board reserves the right to adjourn into Executive Session as authorized by Texas Government Code, Section 551.001, et seq. (The Texas Open Meetings Act) on any item on its open meeting agenda in accordance with the Texas Open Meetings Act, including, without limitation Sections 551.071-551.087 of the Texas Open Meetings Act.

CERTIFICATION

I certify that a copy of this meeting notice was posted on the bulletin board at City Hall that is readily accessible to the general public at all times and was posted on the City of Sanger website on July 6, 2022, at 3:00 PM.

/S/Ramie Hammonds
Ramie Hammonds, Director

The Historical Church is wheelchair accessible. Request for additional accommodations or sign interpretation or other special assistance for disabled attendees must be requested 48 hours prior to the meeting by contacting the City Secretary's Office at 940.458.7930.



ZONING BOARD OF ADJUSTMENT COMMUNICATION

DATE: July 10, 2023

FROM: Stefani Dodson, Secretary

AGENDA ITEM: Consideration and possible action of the minutes from June 12, 2023, meeting.

SUMMARY:

N/A

FISCAL INFORMATION:

Budgeted: N/A

Amount: N/A

GL Account: N/A

RECOMMENDED MOTION OR ACTION:

N/A

ATTACHMENTS:

Minutes from June 12, 2023.

ZONING BOARD OF ADJUSTMENT

MEETING MINUTES

JUNE 12, 2023, 7:00 PM



ZONING BOARD OF ADJUSTMENT REGULAR MEETING

HISTORIC CHURCH BUILDING - 403 N 7TH STREET, SANGER, TEXAS

CALL THE REGULAR MEETING TO ORDER AND ESTABLISH A QUORUM

There being a quorum Matt Fuller called the Planning and Zoning meeting to order at 7:00 P.M.

BOARD MEMBERS PRESENT

Commissioner, Place 1	Shane Stone
Commissioner, Place 2	Sally Amendola
Commissioner, Place 3	Jackie Turner
Commissioner, Place 4	Allen McAlister
Commissioner, Place 6	Jason Miller
Commissioner, Place 5	Matt Fuller

BOARD MEMBERS ABSENT

Commissioner, Place 7	Phillip Surles
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STAFF MEMBERS PRESENT:

Director of Development Services Ramie Hammonds, and Secretary Stefani Dodson

CITIZENS COMMENTS

No citizens came forward.

CONSENT AGENDA

1. Consideration and possible action of the minutes from May 17, 2023, meeting.

Commissioner Miller makes a motion to approve the consent agenda
Commissioner Stone seconded the motion.

Voting Yea: Commissioner Fuller, Commissioner Amendola, Commissioner McAlister,
Commissioner Turner. The motion passes unanimously.

PUBLIC HEARING ITEMS

2. Conduct a Public Hearing on a request for a variance from Chapter 14, Section 52.2.B the minimum lot size of 6500 square feet and the minimum lot depth of 100 feet and allowing for a lot size of 5460 square feet and lot depth of 75 feet, a variance from Chapter 14, Section 52.2.A a minimum front yard setback of 25 feet and allowing for a front yard setback of 21 feet, and a variance from the rear yard setback of 25 feet and allowing for a rear yard setback of 18 feet for a new residential home to be constructed at 102 Sims Street, and generally located approximately 97 feet north of the intersection of Kirkland Street and Sims Street.

Commissioner Fuller opens the public hearing at 7:01 PM

Director Hammonds explains that this is a lot that has sat vacant for a long time. The neighborhood has been developing quickly and doesn't have many vacant lots left. She states that without the variances this lot is not able to be developed because of its size. She goes over the home Habitat is proposing, which is a little over 1800 square foot home that does meet all the City's exterior façade requirements.

Lora Blakeslee – Habitat for Humanity- goes over the home they are proposing. She let the board know they would love to be able to build in this community.

Commissioner Fuller closes the public hearing at 7:05 PM

ACTION ITEMS

3. Consideration and possible action on a request for a variance from Chapter 14, Section 52.2.B the minimum lot size of 6500 square feet and the minimum lot depth of 100 feet and allowing for a lot size of 5460 square feet and lot depth of 75 feet, a variance from Chapter 14, Section 52.2.A, a minimum front yard setback of 25 feet and allowing for a front yard setback of 21 feet, and a variance from the rear yard setback of 25 feet and allowing for a rear yard setback of 18 feet for a new residential home to be constructed at 102 Sims Street, and generally located approximately 97 feet north of the intersection of Kirkland Street and Sims Street.

Commissioner McAlister makes a motion to approve the variances as presented. Commissioner Miller seconded the motion.

Voting Yea: Commissioner Fuller, Commissioner Amendola, Commissioner Stone, Commissioner Turner. The motion passes unanimously.

FUTURE AGENDA ITEMS

No items were discussed.

INFORMATIONAL ITEMS

No items were discussed.

ADJOURN

There being no further items Commissioner Fuller adjourns the meeting at 7:09 P.M.



ZONING BOARD OF ADJUSTMENT COMMUNICATION

DATE: July 10, 2023

FROM: Ramie Hammonds, Director of Development Services

AGENDA ITEM: Conduct a Public Hearing on a request for a variance from Chapter 14, Section 52.2.A.2 to allow a variance from the minimum side yard setback of 8 feet and to allow for a minimum side yard setback of 7 feet for a new residential structure to be constructed at 4825 Enclave Drive.

SUMMARY:

- The property is zoned "SF-10" Single Family Homes.
- The applicant is seeking a variance from the required 8-foot side yard setback to a 7-foot setback.
- The property is located at 4825 Enclave Drive in subdivision Sanger Circle Phase 6.
- The applicant is proposing to build a new residential home on the site.
- Staff mailed out 8 public hearing notices to owners of properties within 200 feet of the subject property. At the time of this report, staff had received three responses two in favor and one opposed.

FISCAL INFORMATION:

Budgeted: N/A Amount: N/A GL Account: N/A

RECOMMENDED MOTION OR ACTION:

Staff recommends APPROVAL.

ATTACHMENTS:

Location Map

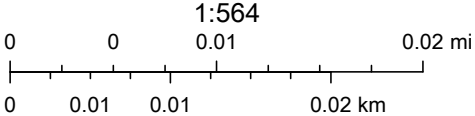
Denton CAD Web Map

Item 2.



6/22/2023, 11:46:20 AM

- Parcels
- Roads





ZONING BOARD OF ADJUSTMENT COMMUNICATION

DATE: July 10, 2023

FROM: Ramie Hammonds, Director of Development Services

AGENDA ITEM: Conduct a Public Hearing on a request for a variance from Chapter 14, Section 23.3.1.b to allow a variance from the minimum side yard setback of 25 feet and to allow for a minimum side yard setback of 20 feet for a new commercial structure to be constructed at 902 N. Stemmons Frwy.

SUMMARY:

- The property is zoned "B-2" Business -2.
- The applicant is seeking a variance from the required 25-foot side yard setback to a 20-foot setback.
- The property is located at 902 N Stemmons Frwy.
- The applicant is proposing to build a drive-thru coffee shop on the site.
- Staff mailed out 8 public hearing notices to owners of properties within 200 feet of the subject property and at the time of this meeting has received no responses.

FISCAL INFORMATION:

Budgeted: N/A Amount: N/A GL Account: N/A

RECOMMENDED MOTION OR ACTION:

Staff recommends approval

ATTACHMENTS:

Location Map

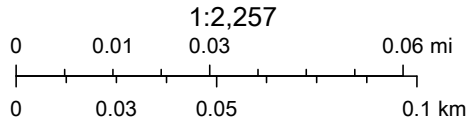
Denton CAD Web Map

Item 3.



6/22/2023, 11:34:26 AM

-  Parcels
-  Roads





ZONING BOARD OF ADJUSTMENT COMMUNICATION

DATE: July 10, 2023

FROM: Ramie Hammonds, Director of Development Services

AGENDA ITEM: Consideration and possible action on a request for a variance from Chapter 14, Section 52.2.A.2 to allow a variance from the minimum side yard setback of 8 feet and to allow for a minimum side yard setback of 7 feet for a new residential structure to be constructed at 4825 Enclave Drive.

SUMMARY:

- The property is zoned "SF-10" Single Family Homes.
- The applicant is seeking a variance from the required 8-foot side yard setback to a 7-foot setback.
- The property is located at 4825 Enclave Drive in subdivision Sanger Circle Phase 6.
- The applicant is proposing to build a new residential home on the site.
- Staff mailed out 8 public hearing notices to owners of properties within 200 feet of the subject property. At the time of this report, staff had received three responses two in favor and one opposed.

FISCAL INFORMATION:

Budgeted: N/A Amount: N/A GL Account: N/A

RECOMMENDED MOTION OR ACTION:

Staff recommends APPROVAL.

ATTACHMENTS:

Applications
Location Map
Site Plan
Elevation and Layout
Letter of Intent
Response Form 1 – In Favor
Response Form 2 – In Favor
Response Form – Opposed

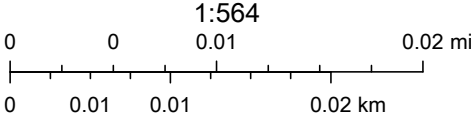
Denton CAD Web Map

Item 4.



6/22/2023, 11:46:20 AM

-  Parcels
-  Roads







201 Bolivar Street/PO Box 1729 * Sanger, TX 76266
940-458-2059(office)*940-458-4072(fax)*www.sangertexas.org

VARIANCE APPLICATION

Applicant	Owner (if different from applicant)
Name: <u>Tommy Cantrell</u>	Name: <u>"</u>
Company: <u>The Custom Homes</u>	Company:
Address: <u>1640 W. Commander A #300</u>	Address:
City, State, Zip: <u>Sanger TX 76266</u>	City, State, Zip
Phone: <u>469-406-2490</u>	Phone:
Fax:	Fax:
Email: <u>Tommy@TheCustomHomes.com</u>	Email:

Submittal Checklist

<input checked="" type="checkbox"/>	Site Plan
<input checked="" type="checkbox"/>	Letter of Intent
<input checked="" type="checkbox"/>	\$200.00 Application Fee (Check Payable to City of Sanger)

Describe the subject property (address, location, size, etc.):

4825 Enclave Dr Sanger

Describe the proposed variance (how much, where on the property, for what purpose):

1' VARIANCE ON EACH OF THE SIDE YARDS

Owner Signature

6-15-23

Date

Office Use

	Fee
	Date



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VARIANCE REQUEST

A variance is permission to vary from the terms of the Zoning Ordinance, permission to construct something the Zoning Ordinance would otherwise prohibit because of unusual circumstances. Variance requests are considered by the Zoning Board of Adjustment following a public hearing. Variances are granted to relieve an unnecessary hardship or practical difficulty. A financial hardship is not justification for a variance.

A variance request must include the contents listed below. The City of Sanger will act on the request through the process described herein.

SUBMITTAL REQUIREMENTS:

- Letter of Intent
- Site Plan
- Application form signed by the owner and describing the property
- Application Fee

APPLICATION FEES: \$200.00

- The application fee covers part of the cost for the city to review and act on the rezoning request, including providing notice of the public hearings as required by law.
- The application fee is non-refundable.

MEETING DATES: The Zoning Board of Adjustment is scheduled to meet on the second Monday of each month, if there is business to be conducted. Meetings with no business are not held. Public hearings require both published and mailed notices to be made prior to the meeting. Application should be submitted about one (1) month prior to the meeting. Consult with City Staff prior to submitting your application for detailed scheduling information.



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VARIANCE REQUEST PROCESS

The process for considering and acting on a request for a Variance to the Zoning Ordinance involves the following steps:

1. Pre-Application Consultation: A pre-application consultation with the city staff is recommended for all proposed variances. Staff can describe the request process and the criteria used by the Board of Adjustment.
2. Application: The completed application, letter of intent, site plan, and application fee should be submitted to the Department of Development Services on or before the deadline.
3. Public Notification: State law and the Zoning Ordinance require the public to be notified of the public hearing to consider the variance. Notice of the public hearing must be published in the newspaper at least fifteen (15) days prior. Notification of the public hearing is also mailed to the owners of the property within 200 feet of the subject property at least ten (10) days prior.
4. Zoning Board of Adjustment: The Zoning Board of Adjustment (BOA) will hold at least one (1) public hearing on the proposed variance. The applicant is expected to address the Board to describe the proposed variance and answer questions. During the public hearing, anyone in attendance may address the Board with comments and questions. City Staff will prepare a report for the Board and possibly make a recommendation to the Board.

After the public hearing, the Board can grant a variance by majority vote of the Board Members. The Board can grant a variance up to the amount noted in the public notifications, but not more than that.

VARIANCE REQUEST CRITERIA

The Zoning Ordinances sets the following criteria for the granting of variances from its strict terms.

In making its determination, the Board of Adjustment shall consider the following factors:

1. that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
5. no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Financial hardship shall not be considered grounds for the issuance of a variance.



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GUIDELINES FOR LETTER OF INTENT

All variance applications should include a Letter of Intent. The Letter of Intent is the applicant's opportunity to describe and justify the proposed variance to the City Staff, the Board of Adjustment, and the public at large. The Board will receive copies of the letter prior to the public hearings.

Recommended content for a Letter of Intent:

- Describe the location of the subject property. The description can include any or all of the following:
 - Physical address
 - Legal description, such as a tract and abstract, or a lot, block, and subdivision
 - Location (southwest corner of This Street and That Road, across the street from Landmark).
- Describe the requested variance, such as a reduction in the minimum required rear yard from 25 feet to 20 feet.
- Describe how the request matches the criteria required for a variance.
- Contact information for the applicant or representative. This can be the owner, the prospective buyer, or someone else designated as point of contact.

GUIDELINES FOR SITE PLAN

All variance applications should include a Site Plan. The Site Plan is the applicant's opportunity to graphically describe the proposed variance to the City Staff, the Board of Adjustment, and the public at large. The Board will receive copies of the site plan prior to the public hearings:

Recommended content for a Site Plan:

- | | |
|---|--|
| <ul style="list-style-type: none"> • property lines with dimensions • existing building and structures, with distances from property lines and other structures labeled | <ul style="list-style-type: none"> • proposed structures with dimensions and distances labeled • required setback lines • proposed variance with dimensions labeled |
|---|--|

Applicants are also encouraged to submit pictures of the property, pictures of the existing buildings, and/or pictures or drawings of the proposed structures.

TGC Custom Homes

1640 W. Chapman Rd. #300

Sanger, TX 76266

To whom it may concern,

This letter is being written on behalf of TGC Custom Homes. It is in reference to the property located at 4825 Enclave Dr. or lot 16 block L of Sanger Circle phase 6.

I'm writing today to request your help in applying for a variance for this lot as it is a very unique and odd shaped lot. I have found a house plan that will fit depth wise but not width wise. I would like to ask for your help in granting me a 1' variance on both sides of the setback for side yards. The side yard set back is currently 8' on each side, I'm asking for it to be changed to a 7' side yard on both sides in order to fit the one plan we have that comes close to fitting on this unique lot.

We would be greatly appreciative of any and all help in this matter.

I have attached a site plan with the home that we would like to build on this lot for reference.

Thanks in advance for consideration,



6-15-23

Tommy Crutcher

TGC Custom Homes

Managing Member





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Phone: <u>469-406-2490</u>	Phone:
Fax:	Fax:
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Submittal Checklist

<input checked="" type="checkbox"/>	Site Plan
<input checked="" type="checkbox"/>	Letter of Intent
<input checked="" type="checkbox"/>	\$200.00 Application Fee (Check Payable to City of Sanger)

Describe the subject property (address, location, size, etc.):

4825 Enclave Dr Sanger

Describe the proposed variance (how much, where on the property, for what purpose):

1' VARIANCE ON EACH OF THE SIDE YARDS

Owner Signature

6-15-23

Date

Office Use

	Fee
	Date



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- Application Fee

APPLICATION FEES: \$200.00

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2. that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
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6-15-23

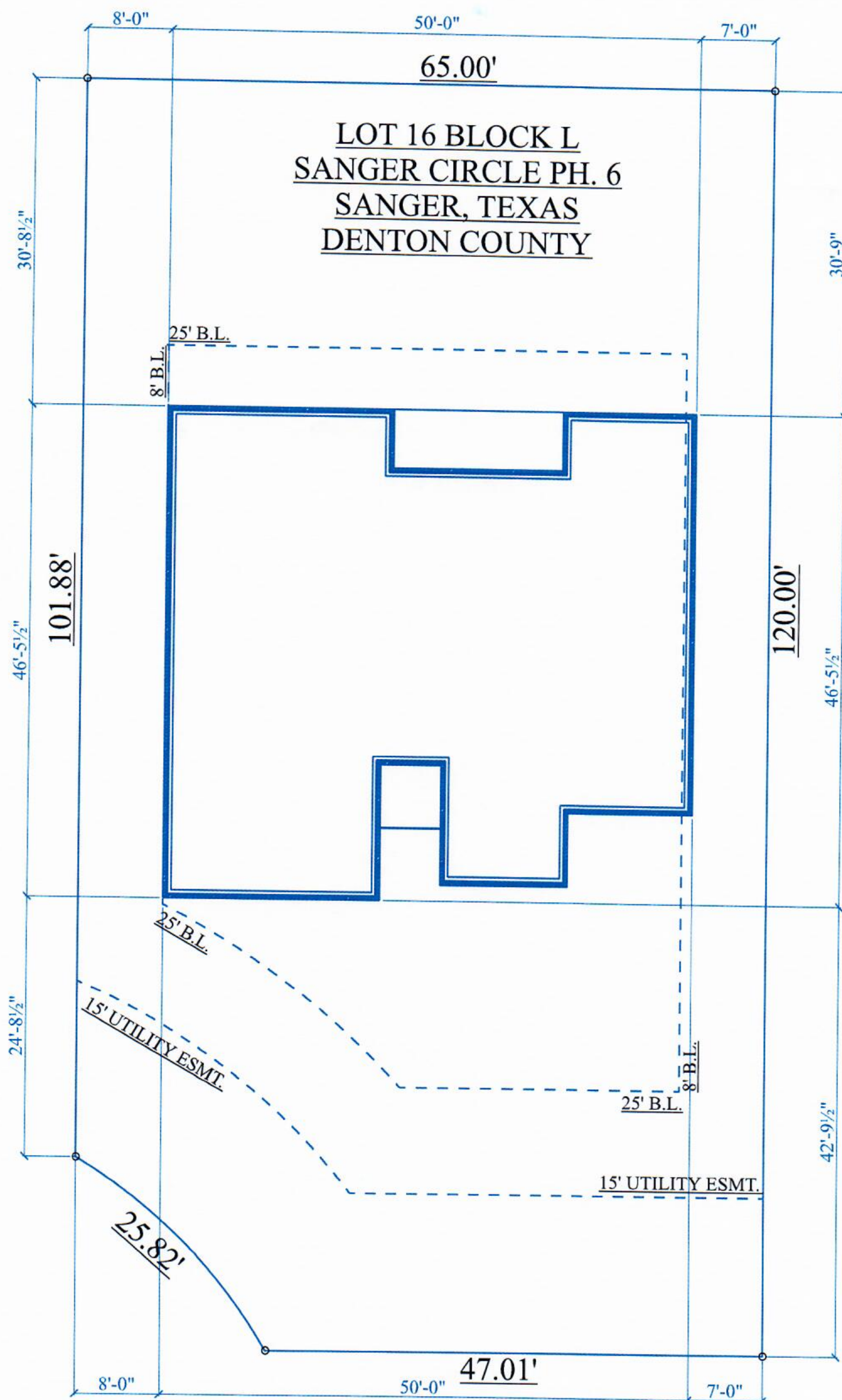
Tommy Crutcher

TGC Custom Homes

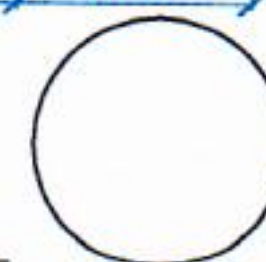
Managing Member

NEED 1' VARIANCE ON EACH OF THE SIDE YARDS

Item 4.



T.B.D. ENCLAVE DRIVE



SITE PLAN
SCALE: 1" = 10'-0"



130 CHIEFTAIN DRIVE
SUITE 101
WAXAHACHIE, TX 75165
OFFICE# (972) 935-9710
WWW.PLAN-MASTER.COM



MAY 24th, 2023
A NEW SINGLE FAMILY HOME
TO BE LOCATED @
T.B.D. ENCLAVE DRIVE
LOT 16 BLOCK L - SANGER CIRCLE PH. 6
SANGER, TEXAS - DENTON COUNTY





201 Bolivar Street/PO Box 1729 * Sanger, TX 76266
940-458-2059(office)*940-458-4072(fax)*www.sangertexas.org

VARIANCE APPLICATION

Applicant	Owner (if different from applicant)
Name: <u>Tommy Cantrell</u>	Name: <u>"</u>
Company: <u>The Custom Homes</u>	Company:
Address: <u>1640 W. Commander A #300</u>	Address:
City, State, Zip: <u>Sanger TX 76266</u>	City, State, Zip
Phone: <u>469-406-2490</u>	Phone:
Fax:	Fax:
Email: <u>Tommy@TheCustomHomes.com</u>	Email:

Submittal Checklist

<input checked="" type="checkbox"/>	Site Plan
<input checked="" type="checkbox"/>	Letter of Intent
<input checked="" type="checkbox"/>	\$200.00 Application Fee (Check Payable to City of Sanger)

Describe the subject property (address, location, size, etc.):

4825 Enclave Dr Sanger

Describe the proposed variance (how much, where on the property, for what purpose):

1' VARIANCE ON EACH OF THE SIDE YARDS

Owner Signature

6-15-23

Date

Office Use

	Fee
	Date



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VARIANCE REQUEST

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SUBMITTAL REQUIREMENTS:

- Letter of Intent
- Site Plan
- Application form signed by the owner and describing the property
- Application Fee

APPLICATION FEES: \$200.00

- The application fee covers part of the cost for the city to review and act on the rezoning request, including providing notice of the public hearings as required by law.
- The application fee is non-refundable.

MEETING DATES: The Zoning Board of Adjustment is scheduled to meet on the second Monday of each month, if there is business to be conducted. Meetings with no business are not held. Public hearings require both published and mailed notices to be made prior to the meeting. Application should be submitted about one (1) month prior to the meeting. Consult with City Staff prior to submitting your application for detailed scheduling information.



201 Bolivar Street/PO Box 1729 * Sanger, TX 76266
940-458-2059(office)*940-458-4072(fax)*www.sangertexas.org

VARIANCE REQUEST PROCESS

The process for considering and acting on a request for a Variance to the Zoning Ordinance involves the following steps:

1. Pre-Application Consultation: A pre-application consultation with the city staff is recommended for all proposed variances. Staff can describe the request process and the criteria used by the Board of Adjustment.
2. Application: The completed application, letter of intent, site plan, and application fee should be submitted to the Department of Development Services on or before the deadline.
3. Public Notification: State law and the Zoning Ordinance require the public to be notified of the public hearing to consider the variance. Notice of the public hearing must be published in the newspaper at least fifteen (15) days prior. Notification of the public hearing is also mailed to the owners of the property within 200 feet of the subject property at least ten (10) days prior.
4. Zoning Board of Adjustment: The Zoning Board of Adjustment (BOA) will hold at least one (1) public hearing on the proposed variance. The applicant is expected to address the Board to describe the proposed variance and answer questions. During the public hearing, anyone in attendance may address the Board with comments and questions. City Staff will prepare a report for the Board and possibly make a recommendation to the Board.

After the public hearing, the Board can grant a variance by majority vote of the Board Members. The Board can grant a variance up to the amount noted in the public notifications, but not more than that.

VARIANCE REQUEST CRITERIA

The Zoning Ordinances sets the following criteria for the granting of variances from its strict terms.

In making its determination, the Board of Adjustment shall consider the following factors:

1. that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
2. that literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
3. that the special conditions and circumstances do not result from the actions of the applicant;
4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
5. no non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Financial hardship shall not be considered grounds for the issuance of a variance.



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GUIDELINES FOR LETTER OF INTENT

All variance applications should include a Letter of Intent. The Letter of Intent is the applicant's opportunity to describe and justify the proposed variance to the City Staff, the Board of Adjustment, and the public at large. The Board will receive copies of the letter prior to the public hearings.

Recommended content for a Letter of Intent:

- Describe the location of the subject property. The description can include any or all of the following:
 - Physical address
 - Legal description, such as a tract and abstract, or a lot, block, and subdivision
 - Location (southwest corner of This Street and That Road, across the street from Landmark).
- Describe the requested variance, such as a reduction in the minimum required rear yard from 25 feet to 20 feet.
- Describe how the request matches the criteria required for a variance.
- Contact information for the applicant or representative. This can be the owner, the prospective buyer, or someone else designated as point of contact.

GUIDELINES FOR SITE PLAN

All variance applications should include a Site Plan. The Site Plan is the applicant's opportunity to graphically describe the proposed variance to the City Staff, the Board of Adjustment, and the public at large. The Board will receive copies of the site plan prior to the public hearings:

Recommended content for a Site Plan:

- | | |
|---|--|
| <ul style="list-style-type: none"> • property lines with dimensions • existing building and structures, with distances from property lines and other structures labeled | <ul style="list-style-type: none"> • proposed structures with dimensions and distances labeled • required setback lines • proposed variance with dimensions labeled |
|---|--|

Applicants are also encouraged to submit pictures of the property, pictures of the existing buildings, and/or pictures or drawings of the proposed structures.

Response Form

Item 4.

23SANZON-0029

4825 Enclave Dr, Variance Side Yard Setback

In order for your opinion to be counted, please complete and mail this form to:

Development Services Department

Attn: Ramie Hammonds

P.O. Box 1729

Sanger, TX 76266

You may also email a copy to:

Email: rhammonds@sangertexas.org

Project No: 23SANZON-0029/ Variance Side Yard Setback

Please circle one: In favor of request

Opposed to request

Comments:

Signature

Printed Name

Mailing Address

City, State, Zip

Phone Number

Email Address

Physical Address of Property within 200 feet

Response Form

23SANZON-0029

4825 Enclave Dr, Variance Side Yard Setback

In order for your opinion to be counted, please complete and mail this form to:

Development Services Department

Attn: Ramie Hammonds

P.O. Box 1729

Sanger, TX 76266

You may also email a copy to:

Email: rhammonds@sangertexas.org

Project No: 23SANZON-0029/ Variance Side Yard Setback

Please circle one: ☒ In favor of request ☐ Opposed to request

Comments:

Signature

Printed Name

Jon Anderson

Mailing Address

1401 Industrial Rd.

City, State, Zip

Mt. Pleasant

Phone Number

903-563-2122

Email Address

Jon@presidentialland.com

Physical Address of Property within 200 feet

Lois Rd E Sanger, TX 76266

Property ID: 59829

Response Form

Item 4.

23SANZON-0029

4825 Enclave Dr, Variance Side Yard Setback

In order for your opinion to be counted, please complete and mail this form to:

Development Services Department

Attn: Ramie Hammonds

P.O. Box 1729

Sanger, TX 76266

You may also email a copy to:

Email: rhammonds@sangertexas.org

Project No: 23SANZON-0029/ Variance Side Yard Setback

Please circle one: In favor of request

Opposed to request

Comments:

The property value of 4823 Enclave may be negatively affected with 2 structures in close proximity. T. Suprenak

Signature

Printed Name

Theodore Suprenak

Mailing Address

9800 Georgia Ave

City, State, Zip

Denton, TX 76207

Phone Number

972-691-8970

Email Address

mtm1a3@gmail.com

Physical Address of Property within 200 feet

4823 Enclave Dr.

Sanger



ZONING BOARD OF ADJUSTMENT COMMUNICATION

DATE: July 10, 2023

FROM: Ramie Hammonds, Director of Development Services

AGENDA ITEM: Consideration and possible action on a request for a variance from Chapter 14, Section 23.3.1.b to allow a variance from the minimum side yard setback of 25 feet and to allow for a minimum side yard setback of 20 feet for a new commercial structure to be constructed at 902 N. Stemmons Frwy.

SUMMARY:

- The property is zoned "B-2" Business -2.
- The applicant is seeking a variance from the required 25-foot side yard setback to a 20-foot setback.
- The property is located at 902 N Stemmons Frwy.
- The applicant is proposing to build a drive-thru coffee shop on the site.
- Staff mailed out 8 public hearing notices to owners of properties within 200 feet of the subject property and at the time of this meeting has received no responses.

FISCAL INFORMATION:

Budgeted: N/A Amount: N/A GL Account: N/A

RECOMMENDED MOTION OR ACTION:

Staff recommends approval

ATTACHMENTS:

Applications
Location Map
Site Plan
Elevation and Layout
Letter of Intent

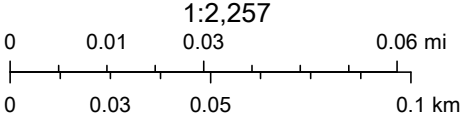
Denton CAD Web Map

Item 5.



6/22/2023, 11:34:26 AM

-  Parcels
-  Roads





201 Bolivar Street/PO Box 1729 * Sanger, TX 76266
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VARIANCE APPLICATION

Applicant	Owner (if different from applicant)
Name: TOSIN & LAURET ODESANYA	Name: THOMAS MUIR
Company: EEKOOYEE,LLC DBA SCOOTER'S COFFEE	Company:
Address: PO BOX 458	Address: 421 E. HICKORY ST. SUITE 103
City, State, Zip FRISCO, TEXAS 75034	City, State, Zip DENTON, TEXAS 76201
Phone: 404-293-7622	Phone: 940-390-1002
Fax:	Fax:
Email: EEKOOYEE@GMAIL.COM	Email: THOMAS@CULTIVARCAPITAL.COM

Submittal Checklist

<input type="checkbox"/>	Site Plan
<input type="checkbox"/>	Letter of Intent
<input type="checkbox"/>	\$200.00 Application Fee (Check Payable to City of Sanger)

Describe the subject property (address, location, size, etc.):

Property located at Northwest Corner of W. Chapman Drive and 10th Street, Sanger, TX

Describe the proposed variance (how much, where on the property, for what purpose):

Variance of Waiver for 25' Building Setback and change to 20' Building setback on the side of the property.

Dedicating 25 feet of building setback will significantly impact the proposed design of the Restaurant with Drive-thru service.

Therefore, we kindly like to request that the city accepts the Variance waiver and exempts us from dedicating 25' building setback instead allow us to dedicate 20' building setback on the side of the property.

Thomas E. Muir
Owner Signature

5/24/2023
Date

Office Use

<input type="checkbox"/>	Fee
<input type="checkbox"/>	Date



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VARIANCE REQUEST

A variance is permission to vary from the terms of the Zoning Ordinance, permission to construct something the Zoning Ordinance would otherwise prohibit because of unusual circumstances. Variance requests are considered by the Zoning Board of Adjustment following a public hearing. Variances are granted to relieve an unnecessary hardship or practical difficulty. A financial hardship is not justification for a variance.

A variance request must include the contents listed below. The City of Sanger will act on the request through the process described herein.

SUBMITTAL REQUIREMENTS:

- Letter of Intent
- Site Plan
- Application form signed by the owner and describing the property
- Application Fee

APPLICATION FEES: \$200.00

- The application fee covers part of the cost for the city to review and act on the rezoning request, including providing notice of the public hearings as required by law.
- The application fee is non-refundable.

MEETING DATES: The Zoning Board of Adjustment is scheduled to meet on the second Monday of each month, if there is business to be conducted. Meetings with no business are not held. Public hearings require both published and mailed notices to be made prior to the meeting. Application should be submitted about one (1) month prior to the meeting. Consult with City Staff prior to submitting your application for detailed scheduling information.



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4. that granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
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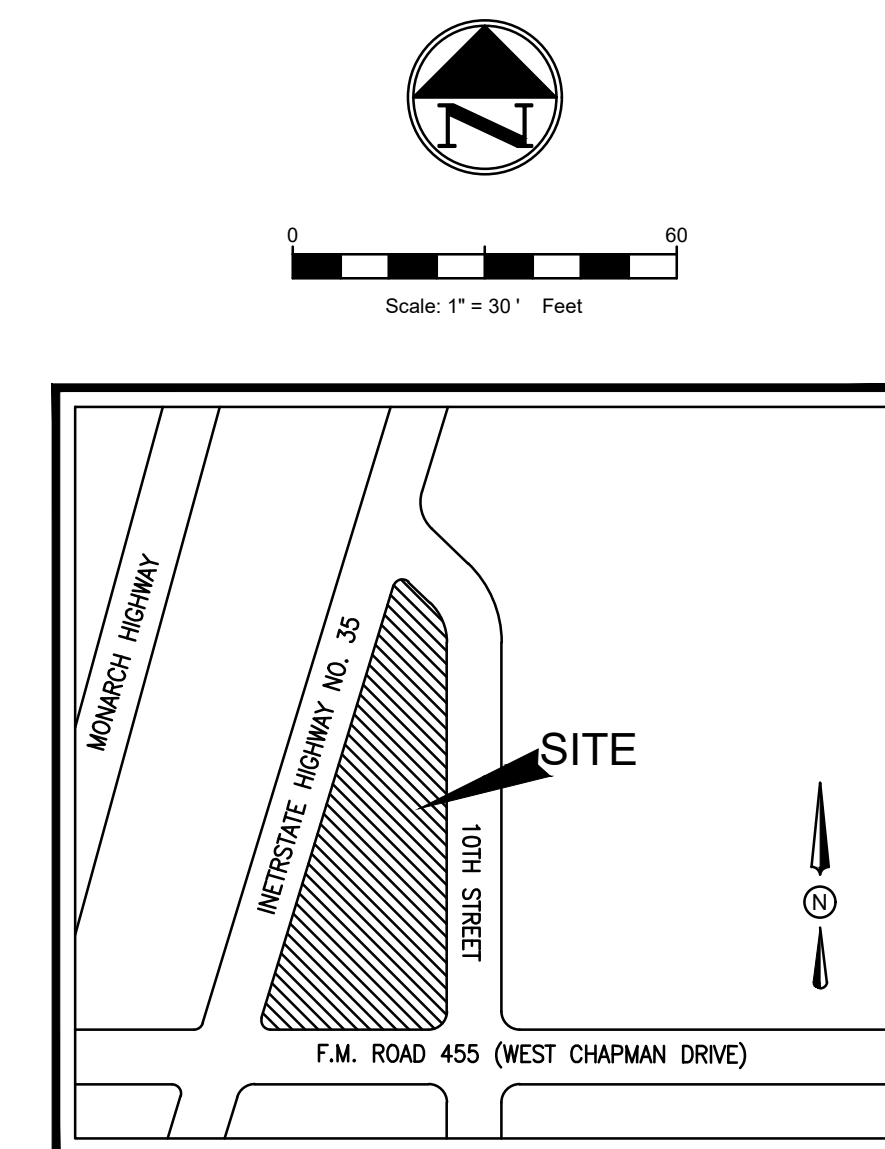
Recommended content for a Site Plan:

- | | |
|---|---|
| • property lines with dimensions | • proposed structures with dimensions and distances labeled |
| • existing building and structures, with distances from property lines and other structures labeled | • required setback lines |
| | • proposed variance with dimensions labeled |

Applicants are also encouraged to submit pictures of the property, pictures of the existing buildings, and/or pictures or drawings of the proposed structures.



EXISTING LEGEND		
● 1/2" IR FOUND	◇ IRRIGATION VALVE	▨ NO PARKING
○ 1/2" IR SET	⊕ WATER VALVE	▩ CONCRETE
● 5/8" IR FOUND	⊕ FIRE HYDRANT	▩ GRAVEL
● 3/8" IR FOUND	◇ IR VALVE	▩ BRICK
● 60-D NAIL FOUND	◇ UTILITY POLE	▩ STONE
● PK NAIL SET	◇ WATER METER	▩ WOOD DECK
● 1/2" IP FOUND	◇ GAS METER	▩ BUILDING WALL
● X-FOUND	◇ A.C. PAD	▩ TILE
● X-SET	⊗ TRANS. BOX	---
● 1" IR FOUND	⊗ GAS MARKER	---
● 1" IP FOUND	⊗ OVERHEAD UTILITY LINE	---
○ POINT FOR CORNER	⊗ GUY WIRE ANCHOR	---
■ CON. MONUMENT	⊗ BARBED WIRE FENCE	---
○ 3/4" IP FOUND	⊗ IRON FENCE	---
▣ TELE. BOX	⊗ CHAINLINK FENCE	---
▣ CABLE BOX	⊗ WOOD FENCE	---
▣ ELECTRIC BOX	⊗ PIPE RAIL FENCE	---
▣ BRICK COLUMN	⊗ COVERED AREA	---
▣ STORM DRAIN MH	⊗ ASPHALT	---
⊗ SAN. SEW. CO.	⊗ FIRE LANE STRIPE	---
⊗ BOLLARD POST	⊗ BRICK RET. WALL	---
⊗ LIGHT POLE	⊗ STONE RET. WALL	---
⊗ SAN. SEW. MH	⊗ CON. RET. WALL	---
		⊗ HANDICAP SPACE



SITE DATA SUMMARY TABLE	
SITE ACREAGE:	0.779 ACRES 33,921 S.F.
EXISTING ZONING:	ZONE I-1 & B-2
PROPOSED ZONING:	ZONE B-2
PROPOSED USE:	DRIVE THRU SCOOTER'S COFFEE
BUILDING AREA:	664 S.F.
NUMBER OF STORIES:	1
BUILDING HEIGHT:	19'
BUILDING COVERAGE:	1.96 %
FLOOR AREA RATIO:	0.0196
REGULAR PARKING REQUIRED:	7 SPACES
1 SP PER 100 S.F.	
REGULAR PARKING PROVIDED:	6 SPACES
HANDICAP PARKING REQUIRED:	1 SPACE
HANDICAP PARKING PROVIDED:	1 SPACE
TOTAL PARKING PROVIDED:	7 SPACES

SITE GENERAL NOTES

- ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE CITY OR LOCAL JURISDICTION STANDARDS.
- THE LOCATION OF UNDERGROUND UTILITIES INDICATED ON THE PLANS IS TAKEN FROM AS-BUILTS, UTILITY PLANS OR SURVEY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE ARRANGEMENTS WITH THE OWNERS OF SUCH UNDERGROUND UTILITIES PRIOR TO WORKING IN THE AREA TO CONFIRM THEIR EXACT LOCATION AND TO DETERMINE WHETHER ANY ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL UNDERGROUND UTILITIES. IF EXISTING UNDERGROUND UTILITIES ARE DAMAGED, THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF REPAIRING THE UTILITY.
- WHERE EXISTING UTILITIES OR SERVICE LINES ARE CUT, BROKEN OR DAMAGED, THE CONTRACTOR SHALL REPLACE OR REPAIR THE UTILITIES OR SERVICE LINES WITH THE SAME TYPE OF ORIGINAL MATERIAL AND CONSTRUCTION, OR BETTER, UNLESS OTHERWISE SHOWN OR NOTED ON THE PLANS, AT HIS OWN COST AND EXPENSE. THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE ENGINEER AT ONCE OF ANY CONFLICTS WITH UTILITIES.
- ALL EXCAVATIONS, TRENCHING AND SHORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE U. S. DEPARTMENT OF LABOR, OSHA, CONSTRUCTION SAFETY AND HEALTH REGULATIONS AND ANY AMENDMENTS THERETO.
- THE CONTRACTOR SHALL RESTORE ALL AREAS DISTURBED BY CONSTRUCTION TO ORIGINAL CONDITION OR BETTER. RESTORED AREAS INCLUDE, BUT ARE NOT LIMITED TO TRENCH BACKFILL, SIDE SLOPES, FENCES, DRAINAGE DITCHES, DRIVEWAYS, PRIVATE YARDS AND ROADWAYS.
- ANY CHANGES NEEDED AFTER CONSTRUCTION PLANS HAVE BEEN RELEASED, SHALL BE APPROVED BY THE CITY ENGINEER. THESE CHANGES MUST BE RECEIVED IN WRITING.
- THE CONTRACTOR SHALL PROVIDE "RED LINED" MARKED PRINTS TO THE ENGINEER PRIOR TO FINAL INSPECTION INDICATING ALL CONSTRUCTION WHICH DEVIATED FROM THE PLANS OR WAS CONSTRUCTED IN ADDITION TO THAT INDICATED ON THE PLANS.
- ALL CURB RADIUS TO BE 10' OR 2' UNLESS OTHERWISE NOTED ON THE SITE PLAN.


NOTES:

- CONTRACTOR SHALL PROVIDE TRAFFIC CONTROL DEVICES FOR PROPOSED ACCESS DRIVEWAY PER TXDOT.
- STANDARD DETAIL TCP (1-1C) - 12 DURING CONSTRUCTION ALONG THE I-35 FRONTAGE ROAD RIGHT OF WAY.
- STANDARD DETAIL TCP(1-2)- 18 DURING CONSTRUCTION AT 10TH STREET RIGHT OF WAY .

SITE LEGEND	
CONCRETE CURB	---
SAW-CUT LINE	---
FENCE	--- x ---
FIRE LANE	---
STRIPING	▨
PARKING SPACES	⊗
MONUMENT/PYLON SIGN	⊗
WHEEL STOPS	⊗
HANDICAP LOGO	⊗
HANDICAP SIGN	⊗
RAMP	⊗
BOLLARD	⊗
TRAFFIC ARROW	⊗
DUMPSTER	⊗
SANITARY SEWER MANHOLE	⊗
SANITARY SEWER CLEANOUT	⊗
SANITARY SEWER DOUBLE CLEANOUT	⊗
GREASE TRAP	⊗
DOMESTIC WATER METER	⊗
IRRIGATION METER	⊗



NO.	DATE	DESCRIPTION	BY
1	03/29/23	1ST CITY SUBMITTAL	AY
2	05/02/23	2ND CITY SUBMITTAL	AY
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<div> <div>SITE PLAN</div> <div>SCOOTER'S COFFEE</div> <div>902 N STEMMONS ST</div> <div>CITY OF SANGER</div> <div>DENTON COUNTY, TEXAS 76266</div> <div>LOT 1, BLOCK 1, COFFEE BISTRO 1187</div> <div>  </div> <div> T: 469.331.8566 F: 469.213.7145 E: info@triangle-engr.com W: triangle-engr.com O: 1782 W. McDermott Drive, Allen, TX 75013 </div> </div>					
Planning Civil Engineering Construction Management					
P.E.	DES.	DATE	SCALE	PROJECT NO.	SHEET NO.
AY	DK	02/22/2023	SEE SCALE BAR	017-23	C-3.0
TX. P.E. FIRM #11525					



T: 469.331.8566 | Firm: 11525 | W: triangle-engr.com | O: 1782 W McDermott Drive Allen, TX 75013

LETTER OF INTENT

May 24, 2023

ATTN: Ramie Hammonds
Development Service Department- City of Sanger
201 Boliver Street
PO Box 1729
Sanger, TX 76266

Subject: Letter of Intent to request a Variance of waiver for 25' Building setback and change to 20' Building setback.

Dear Madam,

This letter serves as a formal request for a Variance of waiver for 25' building setback on side(south side)of the property in the City of Sanger. The subject property is a vacant lot located at the Northwest corner of W. Chapman Drive and 10th Street in Sanger, TX, covering an area of approximately 0.779 acres. As per the current zoning regulations, the property is designated as B-2 (Business District), allowing the use of the property for a restaurant with Drive-Thru service.

However, dedicating 25 feet of building setback will significantly impact the proposed site design of the Restaurant with Drive-thru service. Therefore, we kindly request that the city accepts the Variance waiver and exempts us from dedicating 25' building setback and allow us to dedicate 20' building setback instead on the side of property.

Please find attached the site plan for your reference.

Should you require any further information or clarification, please do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink that reads "Andrew Yeoh".

Triangle Engineering
TX PE FIRM #11525
Andrew Yeoh, P.E.
Vice president
469-213-2804
ayeoh@triangle-engr.com