



**NOTICE OF REGULAR MEETING
CITY OF PILOT POINT
BOARD OF ADJUSTMENT AND APPEALS**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF PILOT POINT, TEXAS, WILL HOLD A REGULAR MEETING ON:

JANUARY 24, 2022

AT 6:00 PM

PILOT POINT CITY HALL
102 E. MAIN STREET, PILOT POINT, TEXAS

AGENDA

- A. ROLL CALL/CALL TO ORDER
- B. Discuss, consider and possible action on the minutes from the September 13, 2021, Board of Adjustment meeting.
- C. Discuss consider and possible action on variance requests of Mr. Velan Marimuthu for property on the south side of Scott Lane, west of Dallas St., with the approx. address of **407 Scott Lane**. The property owner is requesting two variances for setbacks to allow a house constructed in violation of setbacks to remain as erected. Including:
 1. A variance to the 20' front setback to 17'7" (a reduction of 2' 5")
 2. A variance to the 5' east side setback to 4' 9" (a reduction of 3")
 - a. Staff report and presentation
 - b. Applicant presentation.
 - c. Public Hearing.
 - d. Discuss, consider, and take any necessary action.
- D. Adjourn

In compliance with the Americans with Disabilities Act, the City of Pilot Point will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 940-686-2165.

I the undersigned authority do hereby certify this notice was posted on the official bulletin board for the City of Pilot Point, Texas on **January 21, 2022 by 5:00 p.m.**, and shall remain posted for at least 72 hours preceding the scheduled time of said meeting.

Lenette Cox, Acting City Secretary

**City of Pilot Point
Minutes of the September 13, 2021
Board of Adjustments and Appeals**

The Board of Adjustments and Appeals of the City of Pilot Point, Texas met on September 13, 2021, at 6:00 p.m. for a Board of Adjustment regular meeting at Pilot Point City Hall. Board of Adjustment members present were John Haughton, Shannon Stephens, Curtis Wilson, and Brett Kuhn. Absent was Stephanie Fulmer. City Staff members present were John Taylor, Development Services Director and JoAnn Wright Development Services Administrative Assistant.

A. ROLL CALL/CALL TO ORDER

Chairman John Haughton called role, announced a quorum, and called the meeting to order at 6:03 p.m.

B. Discuss, consider and possible action on the minutes from the March 8, 2021, Board of Adjustment meeting.

Chairman Haughton made the motion to approve the March 8, 2021, Board of Adjustments minutes. Member Stephens second the motion. Motion was approved unanimously.

C. Discuss consider and possible action on two variance requests of Mr. Aaron Rocha on property at the north-west corner of Maverick Lane and Bronco Dr. with the approx. address of 130 Maverick Lane.

Chairman Haughton swore in John Taylor, Aaron Rocha and Tray Gruenwald.

a. Staff report and presentation.

Development Services Director Taylor stated the property is zoned PD 002, the required front yard setback is 20 feet, and the required side yard setback is 15 feet. The fence in question was constructed without a building permit and if a permit had been requested it would not have been approved where it was built.

The builder of the house at 130 Maverick Lane, after being notified the fence would have to be moved, stated that he would move the fence. Before the fence could be moved the buyer of the house requested a variance. The builder was then told to wait until after the Board of Adjustments meeting to get the Board's decision.

The owner is requesting two variances on this fence. One for the front yard and the other is for the side yard.

This lot is unique in that it is a "Reverse frontage corner lot". This happens when a properties rear lot line is adjacent to a side lot line of an abutting lot or across an alley from such side lot line.

The reasons for the additional fence setback on a reverse frontage corner lot are to

prevent the blocking of the line of visibility of the front yards of the adjacent houses thus preserving the street view corridor. (Aesthetics), and visibility of the oncoming traffic from pulling out of the adjacent driveway. (Safety)

The second request has to do with the front yard. The ordinance says that fences are not aloud in the front yard unless your lot is an acre and a half and then the fence can not be taller than four feet and no more than 50 percent coverage. None of this applies to any of the homes in Mustang Creek because the lots are all too small. So, you cannot have a fence in the front yard.

Development Services Director stated it is the opinion of the city staff and the city attorney that the Board of Adjustment should not grant the requested variance as the following aspects of an “unnecessary hardship” are not shown.

1. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence.
2. That the alleged hardship relating to the property in question is unique and does not apply to a substantial portion of the district or neighborhood.
3. That the alleged hardship has not been self-created.

b. Applicant presentation.

Property Owner Aaron Rocha stated that he feels the property is unique in that the property is not square, and he does not agree with the front yard lines because the house is not squared on the property. Mr. Rocha has talked to his neighbors, and they have agreed that they do not see a problem with the fence. Also, with the front of the property, because the house sets at an odd angle, the front of the house is not really the front of the property. Mr. Rocha stated that if he had known that the fence could not be left where it is, he would have chosen another lot.

Chairman Haughton asked Mr. Rocha what the hardship was, and Mr. Rocha stated that there was no hardship.

c. Public Hearing.

Chairman Haughton opened the public hearing at 6:15 p.m.

Builder Tray Gruenwald with TGC custom homes stated that he did not know about the problems with the fence until the sale was in process. If you are standing at the front of the house you have a good visual of the house in question. We will move the fence, if need be, but if the fence is moved there will only be four feet from the corner of the house. We feel that the lot is safe with the fence where it is. Mr. Rocha paid more for his lot to have a big back yard and if he has to move the fence the usable part of the back yard will be greatly smaller.

With no other comments Chairman Haughton closed at 6:25 p.m.

d. Discuss, consider, and take any necessary action.

- i. To allow a screening fence in the 20' required front yard up to the property line.**
- ii. To allow a screening fence in the 15' side setback up to the property line on a reverse frontage corner lot.**

Chairman Haughton stated there must be a hardship in order to make a judgement on this case and there is just not one. The Board of Adjustments Board does not have the authority to decide on this without the hardship. Even though the house is setting not square on the property, the front and side setbacks are determined when the preliminary plat is submitted.

Member Wilson made the motion to not approve the variance. Member Kuhn seconded the motion. The motion carried unanimously based on their not being a unnecessary hardship proven by the applicant.

Adjourn

Chairman Haughton made the motion to adjourn. Member Kuhn seconded the motion. The meeting adjourned at 6:35 p.m.

ATTEST:

John Haughton, Chair

JoAnn Wright, Development
Services Administrative Assistant



Board of Adjustment Agenda January 24, 2022

Agenda Item: (Public Hearing and Action Item)

Agenda Description:

Discuss consider and possible action on variance requests of Mr. Velan Marimuthu for property on the south side of Scott Lane, west of Dallas St., with the approx. address of **407 Scott Lane**. The property owner is requesting two variances for setbacks to allow a house constructed in violation of setbacks to remain as erected. Including:

1. A variance to the 20' front setback to 17'7" (a reduction of 2' 5")
2. A variance to the 5' east side setback to 4' 9" (a reduction of 3")
 - a. Staff report and presentation
 - b. Applicant presentation.
 - c. Public Hearing.
 - d. Discuss, consider, and take any necessary action.

Background Information:

The property is zoned SF-3, the required front yard setback is 20' and the required side yard setback is 5'.

The builder of the house at 407 Scott Lane applied for the building permit with the attached site plan showing all the required setbacks would be met. The inspection process includes a requirement for a "form board survey" to be completed by a surveyor once the foundation form boards are set. This is to ensure that all setbacks are going to be correct once the foundation is poured. The applicant submitted a survey for review but instead of



showing the form boards it showed the required setbacks. This survey went to the 3rd party plans review and was approved by mistake.

The house moved forward through the building process and ultimately passed a final inspection. As a part of closing on the sale of the house a new survey (attached) showed that the house was over the front and the side setback.



Attached is the application for the variance with the Variance Worksheet. This worksheet lays out the four criteria that the Board must determine are met in order to make a finding of hardship and grant the variance.

The Board of Adjustment may grant a variance to the regulations of the ordinance, after a public hearing when, in its judgment: (staff notes in red.)

1. the public convenience and welfare will be substantially served
Without the variances this house will not be able to be sold and will sit vacant which will be a negative blight on the neighborhood.
2. the appropriate use of the neighboring property will not be substantially injured
The side setback variance is only 3 inches and will not be significant. The front setback variance is 2 ½ feet but Scott Lane has significant ROW so there is more than 20 feet to the pavement
3. variance is required to permit reasonable development and improvement of property where the literal enforcement of the regulations would result in an unnecessary hardship
Without the variances the property and structure may not be used.
4. it is found that the variance is within the general purpose and intent of the ordinance.
The purpose and intent of the setbacks is still being met.

City Contact and Recommendation:

John Taylor, Development Services Director

It is the recommendation of the city staff that the Board of Adjustment should grant the requested variances as the aspects of an “unnecessary hardship” are shown.

Attachments:

1. Application
2. Site plan from house plans
3. Passed from board survey
4. Survey from closing documents that show the structure being built over setback lines.



Board of Adjustment Application

SITE INFORMATION

Address: 407 Scott lane

City: Pilot Point State TX Zip 76258

Subdivision: _____ Lot# _____ Block# _____ Zoning: SINGLE FAMILY HOMES

PROPERTY OWNER

17R AMENDING OF TEXAS 7 PACIFIC RAILWAY CO. ADDITION

Name: VELAN MARIMUTHU

Address: 541 W ROYAL LANE City: IRVING State: TX Zip: 75039

Phone: 615-557-5710 Email: Velan@vmrpropertiesgroup.com

If applicant is different from property owner:

The Property Owner does hereby grant the applicant, _____ (name), authority to represent him/her at the hearing.

Owner Signature

REQUEST

Code Section Requesting Action on: _____

Check One: Appeal Special Exception Variance

Describe Request: Respectfully requesting, 1. variance change to the front set back of 20' to 17'.7" (a reduction of 2'.5")

2. A variance to the 5' east setback to 4'.9' (a reduction of 3")

Describe Hardship: Unfortunatley a mistake was made when setting the forms, and the home was buliit 2'.5" close to the street and 4'.9" close to the east side, This was not discovered until completion. The renders the home unsalable .

Board of Adjustment Variance Worksheet

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following conditions are met. State how your request meets these conditions.

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 apply generally to other property in the same area and the same zoning district.

- There are no special circumstances

b) That granting of the variance will not violate the purpose or intent of the ordinance and will not cause harm to any surrounding property owner.

- No Sir/Ma'am it will not.

c) The granting of the variance will not merely serve as a convenience to the applicant

- This egregious error is not a mere inconvenience it is a potential disaster

d) The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the standards and will not be contrary to the public interest.

- This is the reason for my request. I humbly admit that this is my mistake due to my inexperience. I did my best to construct a beautiful home that is an asset to the neighborhood. I have spoken with all of my neighbors and will have their signatures. They are all in agreement that granting this slight variance will be more beneficial to the neighborhood than a house that can't be sold and could potentially sit vacant and fall into decay or vandalism.

I plead you to help me out of this dire, self-imposed, hardship by granting this after-the-fact variance request

Applicant hereby requests that this case be reviewed by the Board of Adjustment for a decision.

I hereby certify that the above statements are true and correct, that I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to grant my request.

[Signature] (applicant's signature) Date: 12-29-21 tsp
29th tsp
20th

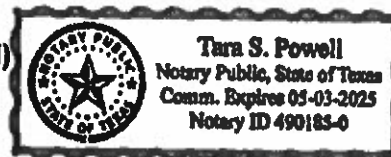
On this 20th day of DECEMBER, 2021, before me Tara Powell

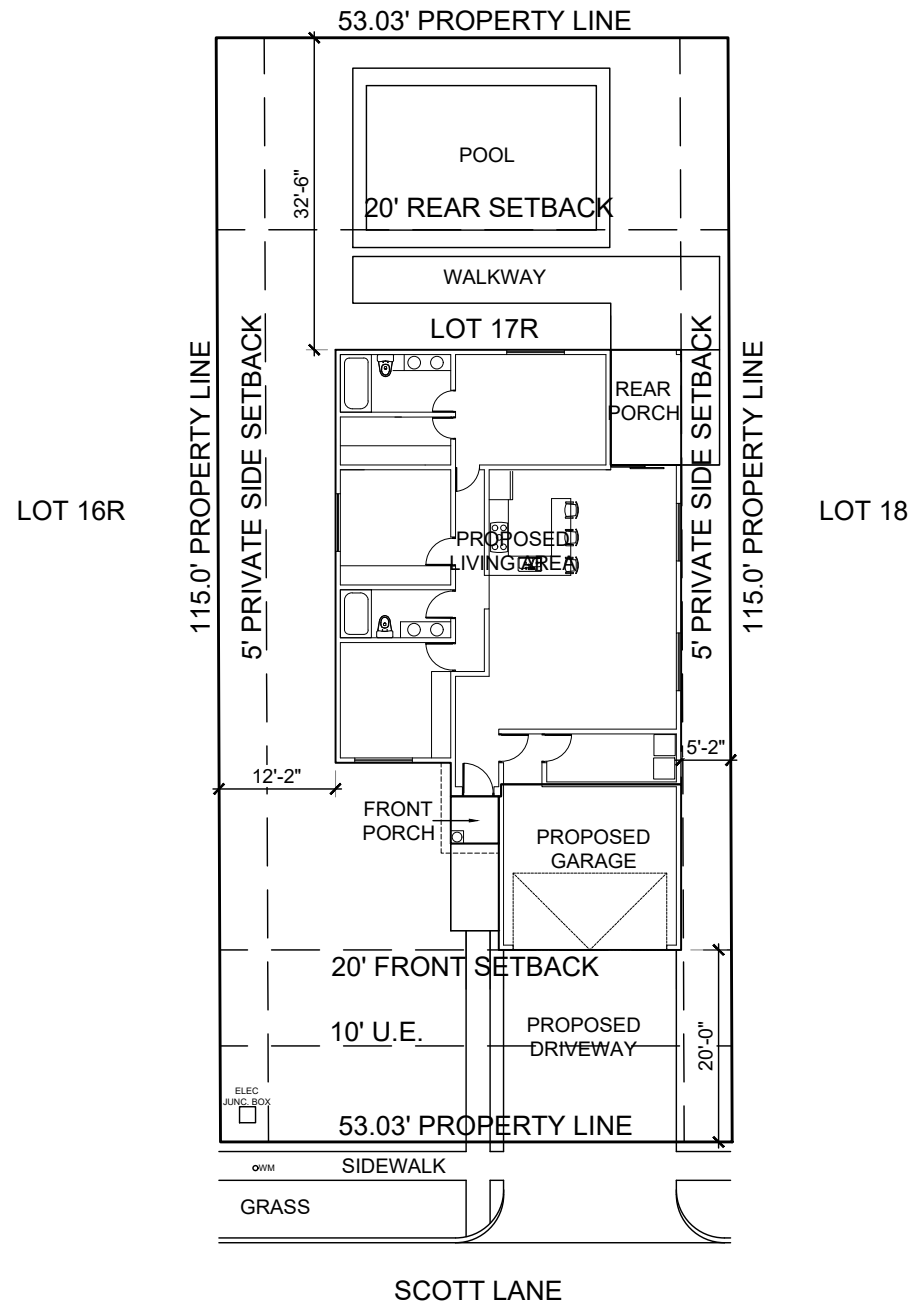
the undersigned notary public, personally appeared Velan Mari Muthu
proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

WITNESS my hand and official seal:

[Signature]

(Seal)





SITE PLAN
 SCALE: 1 TO 50

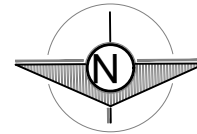
REFERENCE MAP

LEGAL DESCRIPTION:

LOT 17R AMENDING OF TEXAS & PACIFIC RAILWAY CO.
 ADDITION

SQUARE FOOTAGE

FLOOR PROPOSED LIVING AREA	1,521 SQ FT
FRONT PORCH	25 SQ FT
PROPOSED GARAGE	327 SQ FT
REAR PORCH	88 SQ FT
TOTAL COVERAGE	1,961 SQ FT
LOT SIZE	6,129.5 SQ FT
MAX COVERAGE	45%
TOTAL COVERAGE	32%



ADDRESS: **401 Scott Ln**
Pilot Point, TX 76258
 SCOPE OF WORK: NEW CONSTRUCTION

DUE TO THE VARIANCE IN GEOGRAPHIC LOCATIONS, DESIGNER WILL NOT ASSUME LIABILITY FOR ANY DAMAGES DUE TO ERRORS, OMISSIONS, OR DEFICIENCIES ON THESE PLANS. OWNER/BUILDER MUST COMPLY WITH LOCAL BUILDING CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION. BUYER IS ENTITLED TO RENOVATE/REPLACE THE MEP DESIGN IF DESIRED. ANY COPYING, TRACING, OR ALTERING OF THESE PLANS IS NOT PERMITTED. VIOLATORS WILL BE SUBJECT TO PROSECUTION UNDER COPYRIGHT LAWS. CREATIVO DESIGNS USA IS A COMPANY OF LCHICO ENTERPRISES, LLC Copyright 2021

Ida Orlds

From: no-reply@communitycore.com
Sent: Wednesday, June 30, 2021 11:27 AM
Subject: Inspection Result for 21-000208-407 SCOTT LANE Plumbing Rough Partial Passed



Please find below the results of your recent building permit inspection(s):

21-000208-407SCOTTLANE

Permit type: New Single Family Residential

Inspection Performed: 6/30/2021

Inspection performed by: Johnny Williamson, (469) 261-7073

Property Address

407 Scott Lane,

Pilot Point, TX 76258

Property Owner:

Applicant: DC Construction Group, (817) 727-7790

Subdivision:

Contractors:

Primary: Pilot Point, permits@cityofpilotpoint.org,

Result: Passed

Inspection: Form Board Survey

Description:

Inspection Notes:

Inspection Photos/Files:

File	Notes
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IMG_1625070424780.jpg	
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The above link(s) will expire in 1 year.

Result: Partial Pass

Inspection: Rough Plumbing

Description:

Inspection Notes:

- Building sewer tap will require inspection
City has not provided tap yet
Building sanitary sewer inside the form boards and 4" to tap has been tested

Inspection Photos/Files:

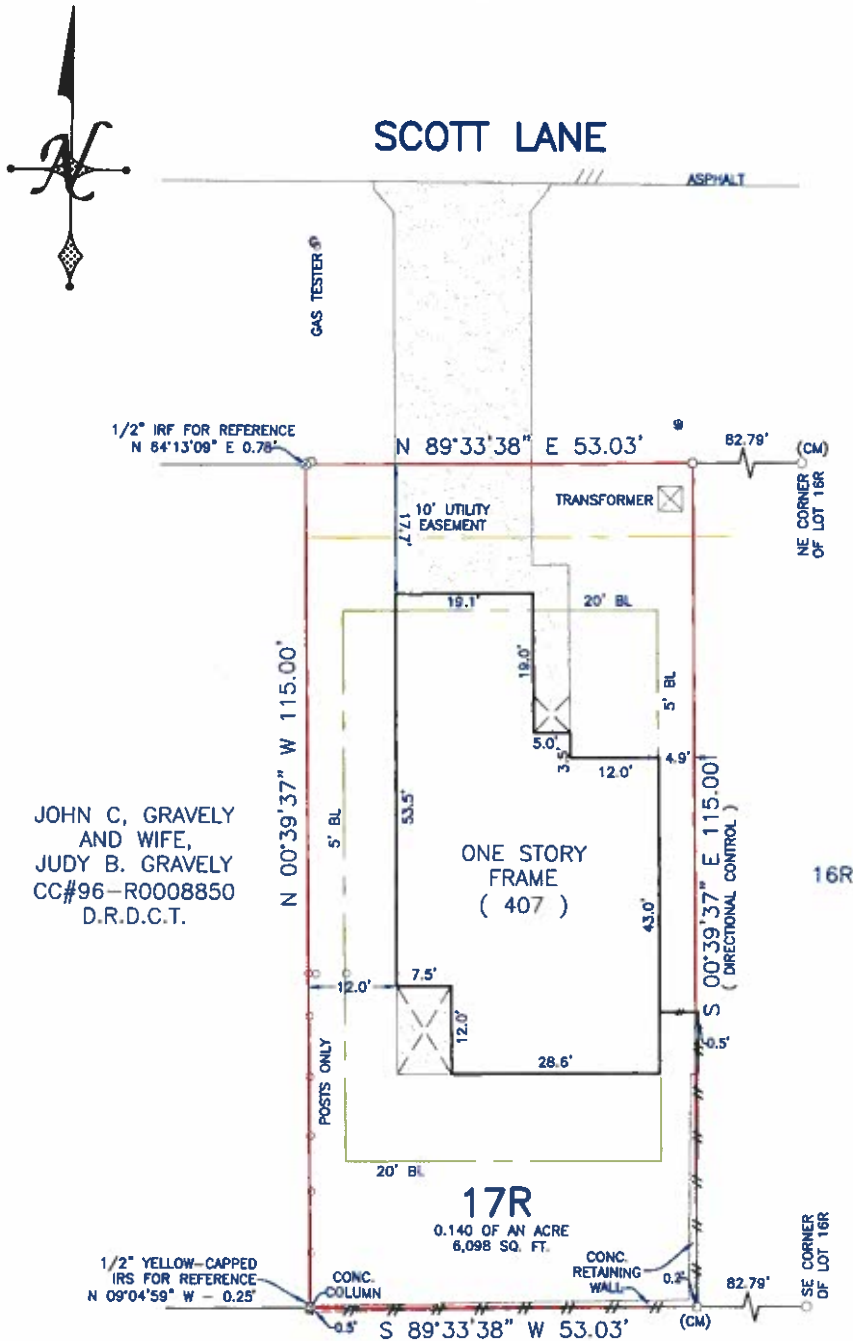
File	Notes
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7509 PENNRIDGE CIRCLE
ROWLETT, TX 75088
FIRM REGISTRATION NO. 10194388

SURVEY PLAT



BARRY S. RHODES Registered Professional Land Surveyor (214) 326-1090
This is to certify that I have, this date, made a careful and accurate survey on the ground of property located at No. 407 Scott Lane, in the City of Pilot Point, Texas.
Being Lot 17R, in Block 31, Amending Plat of Lots 16-17 and the East 36' of Lot 18, Block 31, Texas & Pacific Railway CO. Addition, an Addition in Denton County, Texas, according to the Plat thereof recorded in/under Clerk's File No. 2020-5 of the Plat Records of Denton County, Texas.



JOHN C. GRAVELY
AND WIFE,
JUDY B. GRAVELY
CC#96-R0008850
D.R.D.C.T.

ACCEPTED BY: _____

CM'S SHOWN HEREON ARE BASIS
FOR DIRECTIONAL CONTROL

THE PLAT HEREON IS TRUE, CORRECT, AND ACCURATE REPRESENTATION OF THE
PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY
BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDING AND
IMPROVEMENTS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF
THE PROPERTY, SET BACK FROM PROPERTY LINES THE DISTANCE INDICATED, OR VISIBLE
AND APPARENT EASEMENTS.
TITLE AND ABSTRACTING WORK FURNISHED BY ALLEGIANCE TITLE
THERE ARE NO ENCROACHMENTS, CONFLICTS, OR PROTRUSIONS, EXCEPT AS SHOWN.

Scale: 1" = 20'
Date: 11/09/2021
G. F. No.: 2112892R-ALAL
Job no.: 202110628
Drawn by: AL

USE OF THIS SURVEY FOR ANY OTHER PURPOSE
OR OTHER PARTIES SHALL BE AT THEIR RISK
AND UNDERSIGNED IS NOT RESPONSIBLE TO
OTHER FOR ANY LOSS RESULTING THEREFROM.
THIS SURVEY WAS PERFORMED EXCLUSIVELY FOR
ALLEGIANCE TITLE

LEGEND	
WOOD FENCE	- - -
CHAIN LINK	- - -
BRICK FENCE	- - -
WIRE FENCE	- - -
CM	- CONCRETE MOUND
MB	- MEMBERSHIP OF RECORD QUARTY
1/2" IRB RED POND	-
1/2" YELLOW-CAPPED IRB RED SET	-
POUND 'Y'	-
POUND 'X'	-
6/8" BOW RED POND	-
1/4" BOW POND	-
ORILE	-
ORILE	-
CLEN OUT	-
6/8" BOW	-
THE METER	-
LINE POLE	-
WHOLE	-
(UNLESS OTHERWISE NOTED)	

