

**AGENDA**  
**CITY OF THE COLONY, TEXAS**  
**BOARD OF ADJUSTMENT**  
**Wednesday, September 16, 2015**

After determining that a quorum is present, the Board of Adjustment of the City of The Colony, Texas will convene into Regular Session which will be held on Wednesday, September 16, 2015, at 6:35 PM in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items will be addressed:

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
<b>2.0</b>	<b>ITEM FOR CONSIDERATION</b>
<b>2.1</b>	Consider approval of the minutes of the regular session of the July 15, 2015 Board of Adjustment meeting.
<b>3.0</b>	<b>PUBLIC HEARING ITEM</b>
<b>3.1</b>	<i>BOA15-0003 – Luxury Dog Resort Variance</i> Conduct a public hearing, discuss, and consider a Variance to “Section 13-1385: Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district”. The subject property is located at 5600 N Colony Blvd next to St. Sofia Church.
<b>3.2</b>	<i>BOA15-0004 – Residence at 7533 Westshore Drive Exterior Material Variance</i> Conduct a public hearing, discuss, and consider a Variance to Section 17-106 to allow an alternate exterior finish, cement siding, in lieu of the required brick, stone or EIFS on a proposed single family residential building to be located on 7533 Westshore Drive.

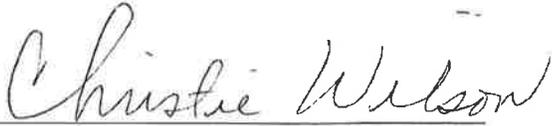
“Pursuant to the Texas Open Meetings Act, Government Code Chapter 551, one or more of the above items may be considered in executive session closed to the public. Any decision held on such matter will be taken or conducted in open session following the conclusion of the executive session.”

Persons with disabilities who plan to attend this meeting who may need auxiliary aids such as interpreters for persons who are deaf or hearing impaired, readers or, large print are requested to contact Christie Wilson, City Secretary, at 972-624-3106 at least two (2) working days prior to the meeting so that appropriate arrangements can be made.

**CERTIFICATION**

I hereby certify that above notice of meeting was posted outside the front door of City Hall by 5:00 PM on the 11<sup>th</sup> day of September 2015.



  
Christie Wilson, City Secretary

**MINUTES  
CITY OF THE COLONY  
BOARD OF ADJUSTMENT  
Wednesday, July 15, 2015**

After determining that a quorum was present, the Board of Adjustment of the City of The Colony, Texas convened into Regular Session which was held on Wednesday, July 15, 2015 at 6:30 p.m. in the City Council Chambers located in City Hall, 6800 Main Street, The Colony, Texas, at which time the following items were addressed:

Board Members Present: Charles Tredo, Gerald Odum, Constance Yahwak, and Casey Truskunas.

Board Members Absent: Joel Ortega

Present from Staff: Mike Joyce, AICP, Planning Director; Surupa Sen, AICP, Senior Planner, Joe Perez, Program Administrator, Iris Browder, Director of Community Image, Danny Dill, Community Image Officer, Jeff Moore, City Attorney.

<b>1.0</b>	<b>CALL REGULAR SESSION TO ORDER</b>
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Vice-Chairman Odum called the meeting to order at 6:32 p.m.

<b>2.0</b>	<b>ITEM FOR CONSIDERATION</b>
<b>2.1</b>	Election of Chair and Vice-Chair for the Board

**Board member Truskunas nominated Gerald Odum for Chairman. Board Member Yahwak seconded that motion. Chairman Tredo nominated himself. Board Member Odum rescinded his nomination. Chairman Tredo was re-elected as Chairman. Motion carried (4-0).**

**Vice Chairman Odum nominated Board Member Yahwak as Vice Chair. Board Member Truskunas seconded. The motion carried (4-0)**

<b>2.0</b>	<b>ITEM FOR CONSIDERATION</b>
<b>2.1</b>	Consider approval of the minutes of the regular session of the June 17, 2015 Board of Adjustment meeting.

**Board Member Yahwak moved to approve the minutes as corrected, seconded by Board Member Rockenbaugh. The motion carried (4-0).**

Being no further discussion, Chairman Tredo adjourned the meeting at 6:38 p.m.

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**Charles Tredo, Chairman**

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**Surupa Sen, AICP, Senior Planner**

## BOARD OF ADJUSTMENT STAFF REPORT

**AGENDA DATE:** September 16, 2015

**DEPARTMENT:** Engineering/Development Services Department

**PLANNER:** Surupa Sen, AICP, Senior Planner, 972-624-3164

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**SUBJECT:** *BOA15-0003 – Luxury Dog Resort Variance*

Conduct a public hearing, discuss, and consider a Variance to “Section 13-1385: Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district”. The subject property is located at 5600 N Colony Blvd next to St. Sofia Church.

**APPLICANT/OWNER:**

Vickie Gil

The Colony, Texas

**BACKGROUND:**

The applicant is proposing a Luxury Dog Resort or a Kennel that will contain outdoor play area. This would be a canine daycare and boarding facility catering to the residents of The Colony who have a desire to provide quality care for their pets while they are at work or on vacation. The applicant believes there is a real market need for this type of use in the community. The building being considered would be approximately 3000 to 4000 sq ft. 2000 sq ft of the building area would be for indoor kennels, and this area will be sound proofed. A 5000 – 8000 sq ft outdoor play area will also be available. This area would be fenced and screened and would include K9 grass. The hours of play time will be from 7:00 am to 7:00 pm.

As per Zoning Ordinance “Section 13-1385: Kennels that include any outdoor area shall be located a minimum of 2,000 feet from any single family property or zoning district”. The subject property is well within the 2000 feet distance from single family subdivision on all four sides. There will be noise issues arising from the outdoor play area. The applicant has not indicated how this noise issue can be mitigated.

**FINDINGS:**

According to Section 21-103 of the Code of Ordinances, The Board of Adjustment may grant a Variance if the following exist:

- 1. The variance is necessary to permit development of a specific parcel of land which differs from other parcels of land because of special circumstances concerning the size, shape, area, topography, conditions and location of the parcel that is the subject of the variance request;**

This parcel is not affected by any special condition. The applicant has not demonstrated how the noise or other adverse effect of this kind of land use could be mitigated being so close to the single family subdivisions.

- 2. The granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the Comprehensive Zoning Plan of the City;**

It is Staff's opinion that the granting of this variance will adversely affect the land use pattern in the vicinity.

**3. The granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.**

It is Staff's opinion that the granting of the variance will be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.

**NOTIFICATION**

Board of Adjustment public hearings require newspaper notification a minimum of ten (10) days prior to the meeting date. A legal notice was published in the *NeighborsGo* on September 4, 2015. No comments either for or against this request were received as of the printing of this packet.

**OPTIONS**

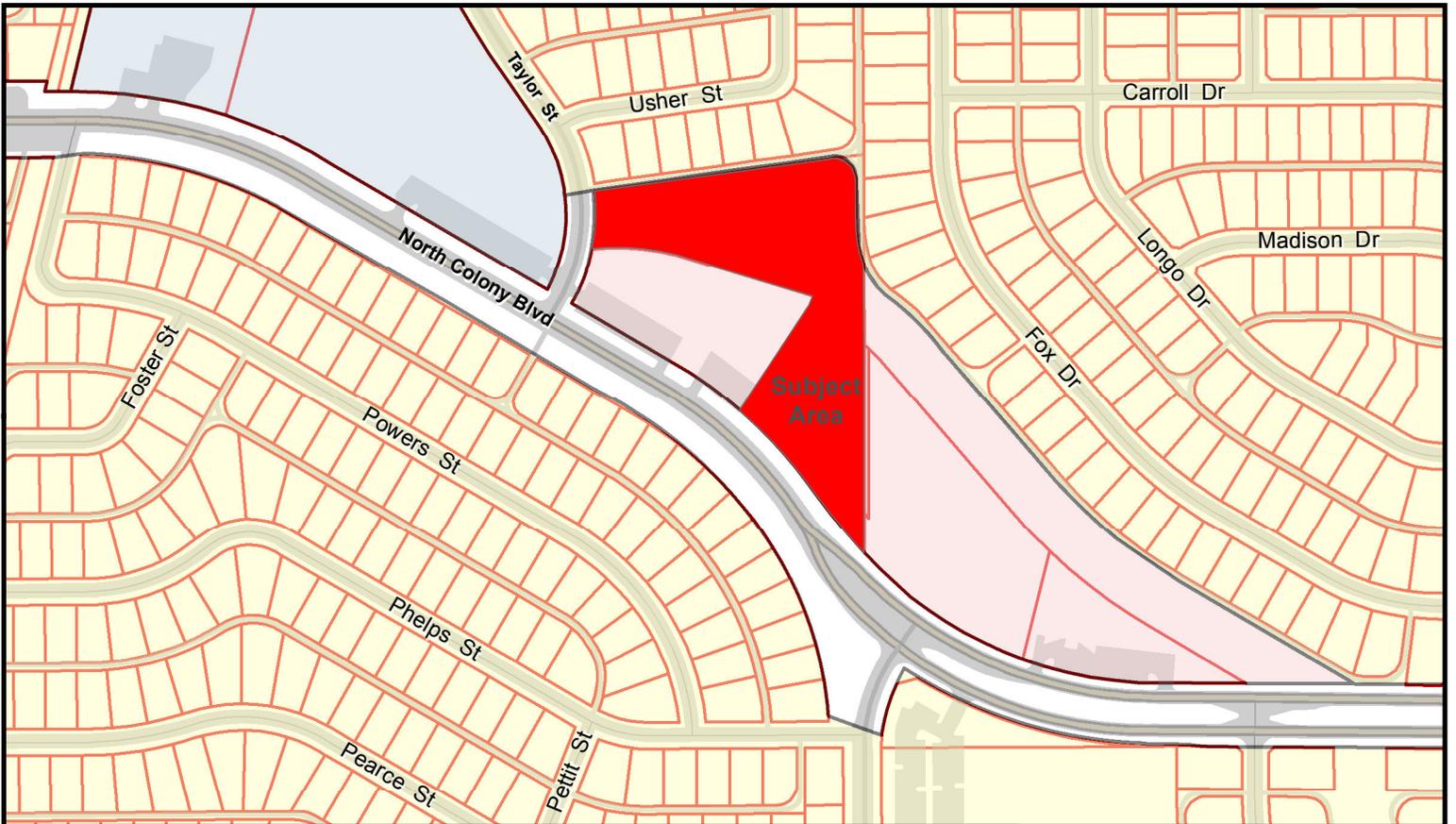
1. Approve as requested
2. Deny
3. Postpone consideration
4. Table item

**RECOMMENDATION**

The staff recommends denial since the outdoor facility is within 2,000 feet of single family homes.

**ATTACHMENTS**

1. Location Map



**Project No. BOA15-0003 - Project Name: Luxury Dog Resort Variance**

- |                   |                          |                  |                      |                        |
|-------------------|--------------------------|------------------|----------------------|------------------------|
| Luxury Dog Resort | Business Park/Industrial | Heavy Commercial | Mobile Home          | Planned Development    |
| Agricultural      | Duplex Dwelling          | Industrial       | Neighborhood Service | Shopping Center        |
| Business Park     | General Retail           | Light Commercial | Office District 1    | Single Family Dwelling |

This map was generated by GIS data provided by The Colony GIS Department. The City of The Colony does not guarantee the correctness or accuracy of any features on this map. These digital products are for illustration purposes only and are not suitable for site-specific decision making.



**BOARD OF ADJUSTMENT STAFF REPORT**

**AGENDA DATE:** September 16, 2015  
**DEPARTMENT:** Engineering/Development Services Department  
**PLANNER:** Surupa Sen, AICP, Senior Planner, 972-624-3164

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**SUBJECT:** *BOA15-0004 – Residence at 7533 West Shore Drive Exterior Material Variance*  
Conduct a public hearing, discuss, and consider a Variance to Section 17-106 to allow an alternate exterior finish, cement siding (Hardie board), in lieu of the required brick, stone or EIFS on a proposed single family residential building to be located on 7533 West Shore Drive.

**APPLICANT/OWNER:**  
Louis Rios McKinney, Texas

**BACKGROUND:**  
A single family residence is proposed to be built on 7533 West Shore Drive. Zoning Ordinance Section 17-106.1 states that all “exterior walls of the main residential structure shall be a minimum of seventy percent (70%) brick, natural stone, or EIFS, ....exclusive of doors and windows.” Cement siding or Hardie board is considered to be a more durable product than EIFS. The subdivision already contains houses with Hardie board. The applicant proposes to use seventy (70) percent Hardie board siding with the remainder thirty (30) percent being brick/stone.

**FINDINGS:**  
According to Section 21-103 of the Code of Ordinances, The Board of Adjustment may grant a Variance if the following exist:

- 1. The variance is necessary to permit development of a specific parcel of land which differs from other parcels of land because of special circumstances concerning the size, shape, area, topography, conditions and location of the parcel that is the subject of the variance request;**  
The house will be similar to the existing houses in the neighborhood that have Hardie board siding on them.
- 2. The granting of the variance will not adversely affect the land use pattern as outlined by the land use plan and will not adversely affect any other feature of the Comprehensive Zoning Plan of the City;**  
It is Staff’s opinion that the granting of this variance will not adversely affect the land use pattern in the vicinity or adversely affect any other feature of the Comprehensive Zoning Plan of the City.
- 3. The granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.**  
It is Staff’s opinion that the granting of the variance will not be materially detrimental to the public welfare or to the use, enjoyment or values of the surrounding properties.

## **NOTIFICATION**

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## **OPTIONS**

1. Approve as requested
2. Deny
3. Postpone consideration
4. Table item

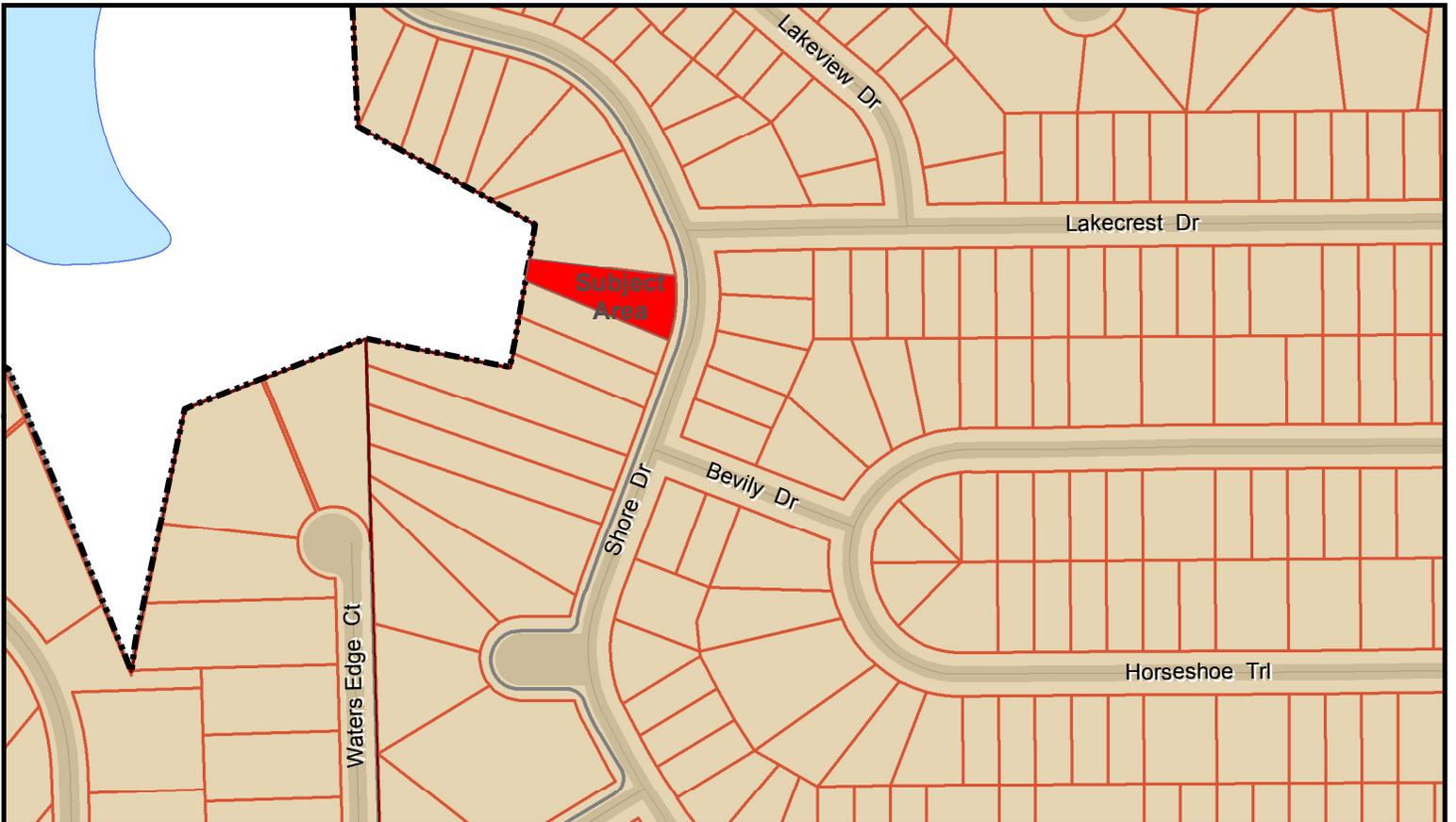
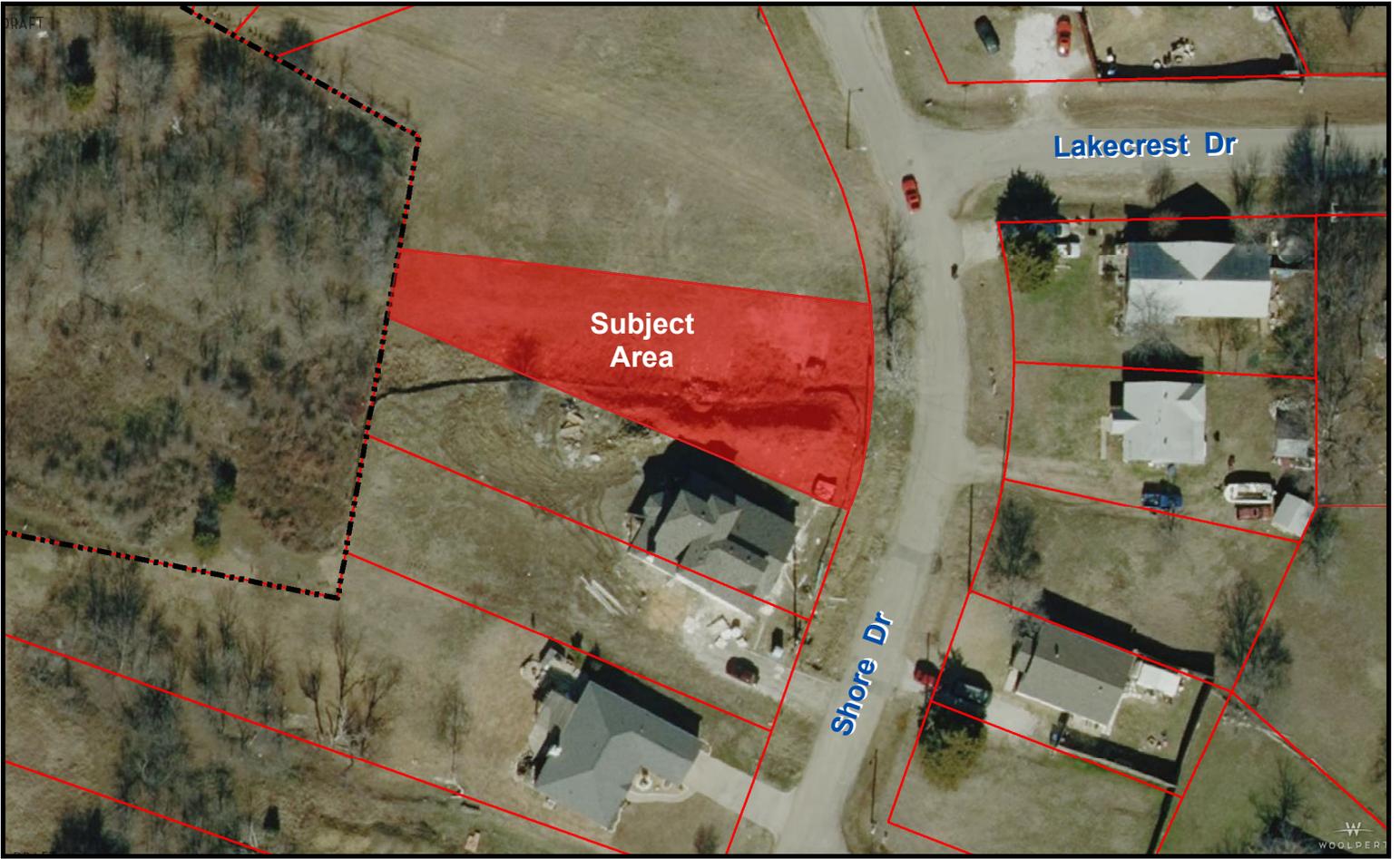
## **RECOMMENDATION**

On the street frontage, the home will have will have a combination brick and stone Hardie board (concrete product) siding. On the other exterior walls, the builder is proposing to use only Hardie board. Existing homes have Hardie board and it is more flame resistant than fiber board or vinyl siding. Additionally, termite infestations do not occur as frequently when homes sided with fiber cement siding.

Since other homes in the Eastvale area were allowed to use Hardie board in the past few years, staff recommends approval of the requested Variance.

## **ATTACHMENTS**

1. Location Map
2. Building Elevation
3. Floor Plan

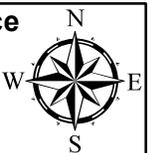


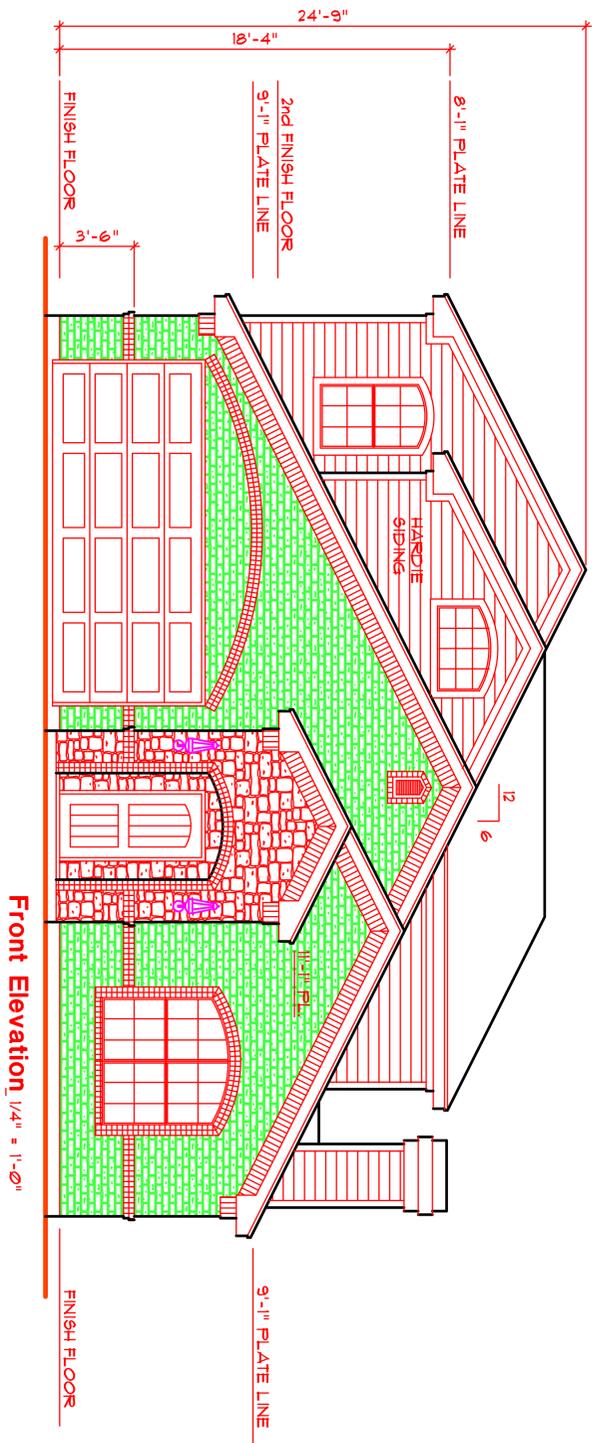
**Project No. BOA15-0004 - Project Name: 7533 W Shore Drive Building Material Variance**



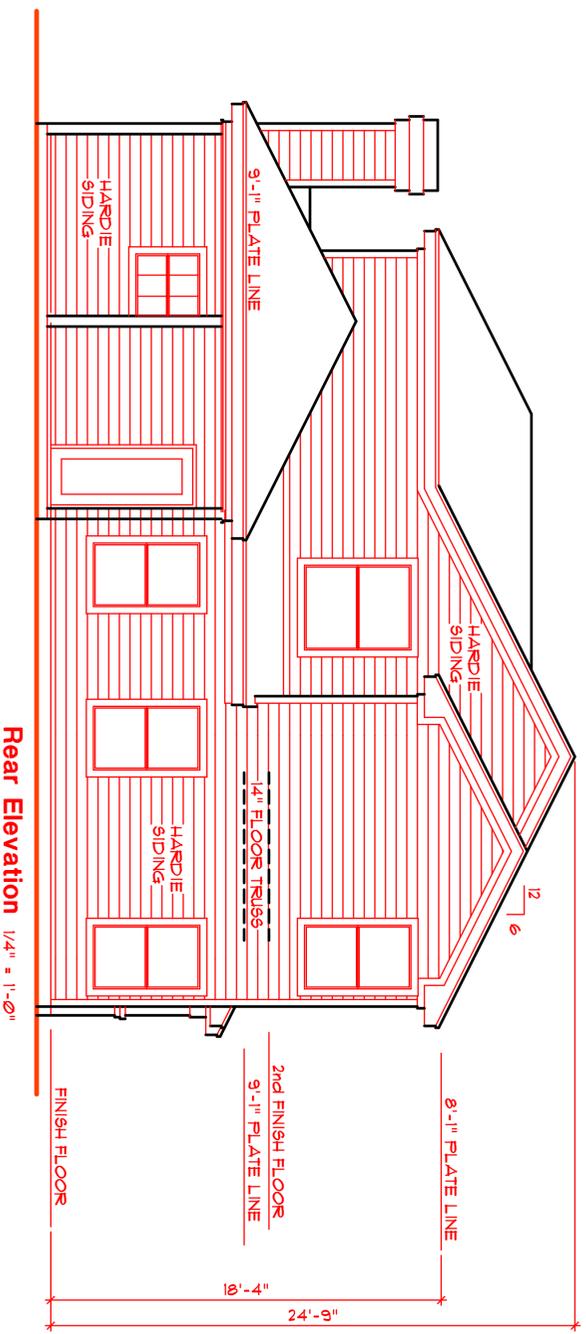
7533 W Shore Drive	Business Park	General Retail	Light Commercial	Office District 1	Single Family Dwelling
Advance Auto Parts	Business Park/Industrial	Heavy Commercial	Mobile Home	Planned Development	
Agricultural	Duplex Dwelling	Industrial	Neighborhood Service	Shopping Center	

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Front Elevation 1/4" = 1'-0"



Rear Elevation 1/4" = 1'-0"

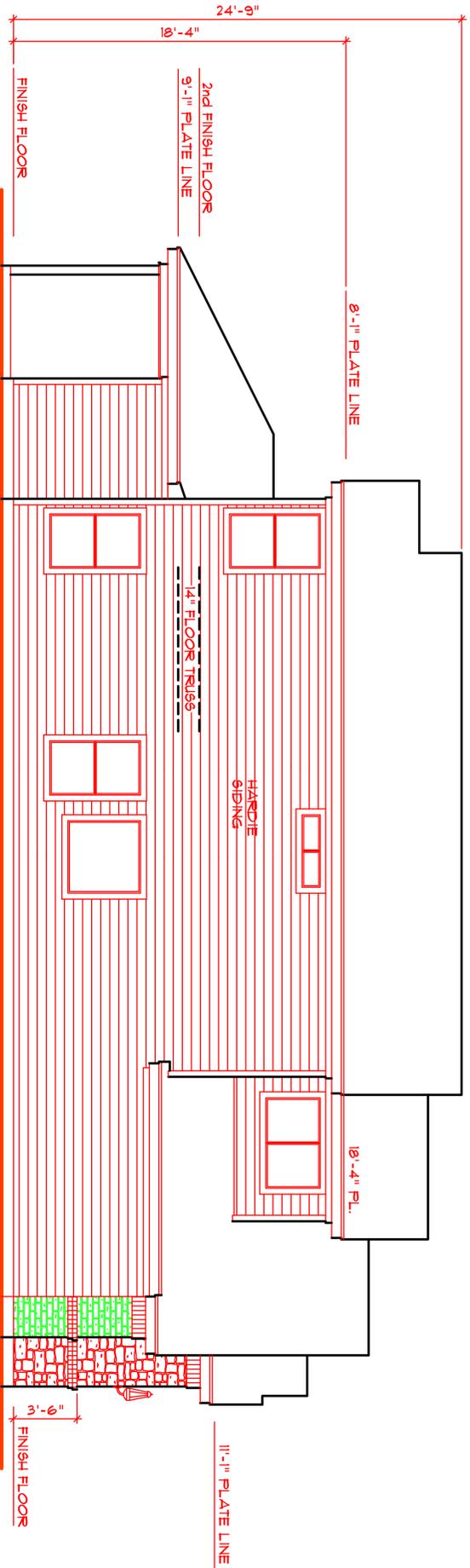
TEXAS R&L  
CUSTOM HOMES  
972-740-6976

PROJECT ADDRESS

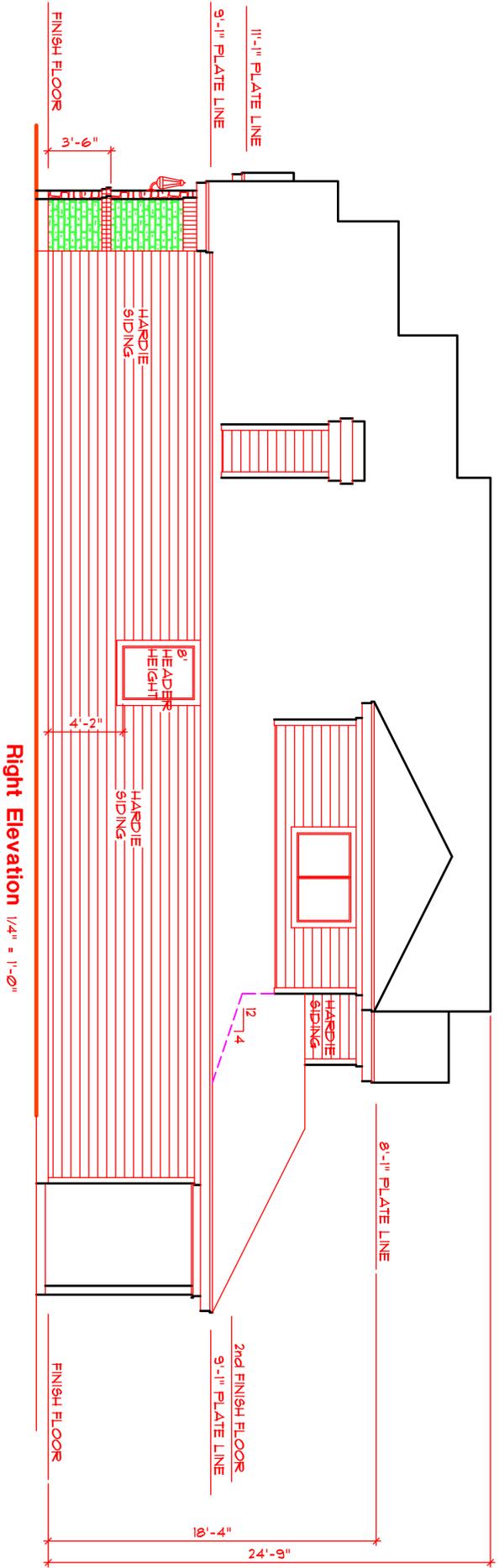
BENCHMARK  
DRAFTING & DESIGN

SCOTT BIBBY  
5 LATIMER CR.  
THE COLONY TX.  
75056  
972-625-3691



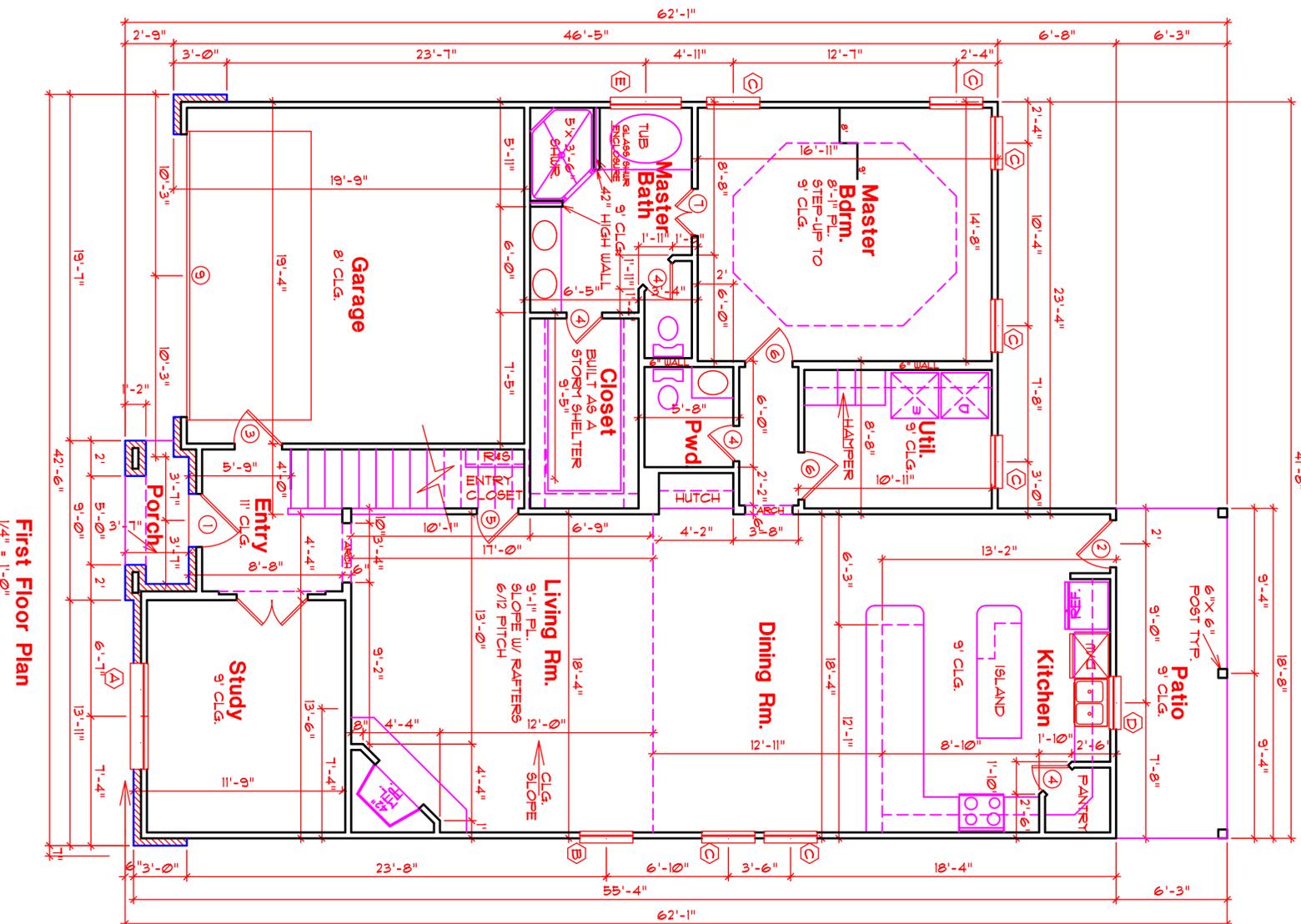
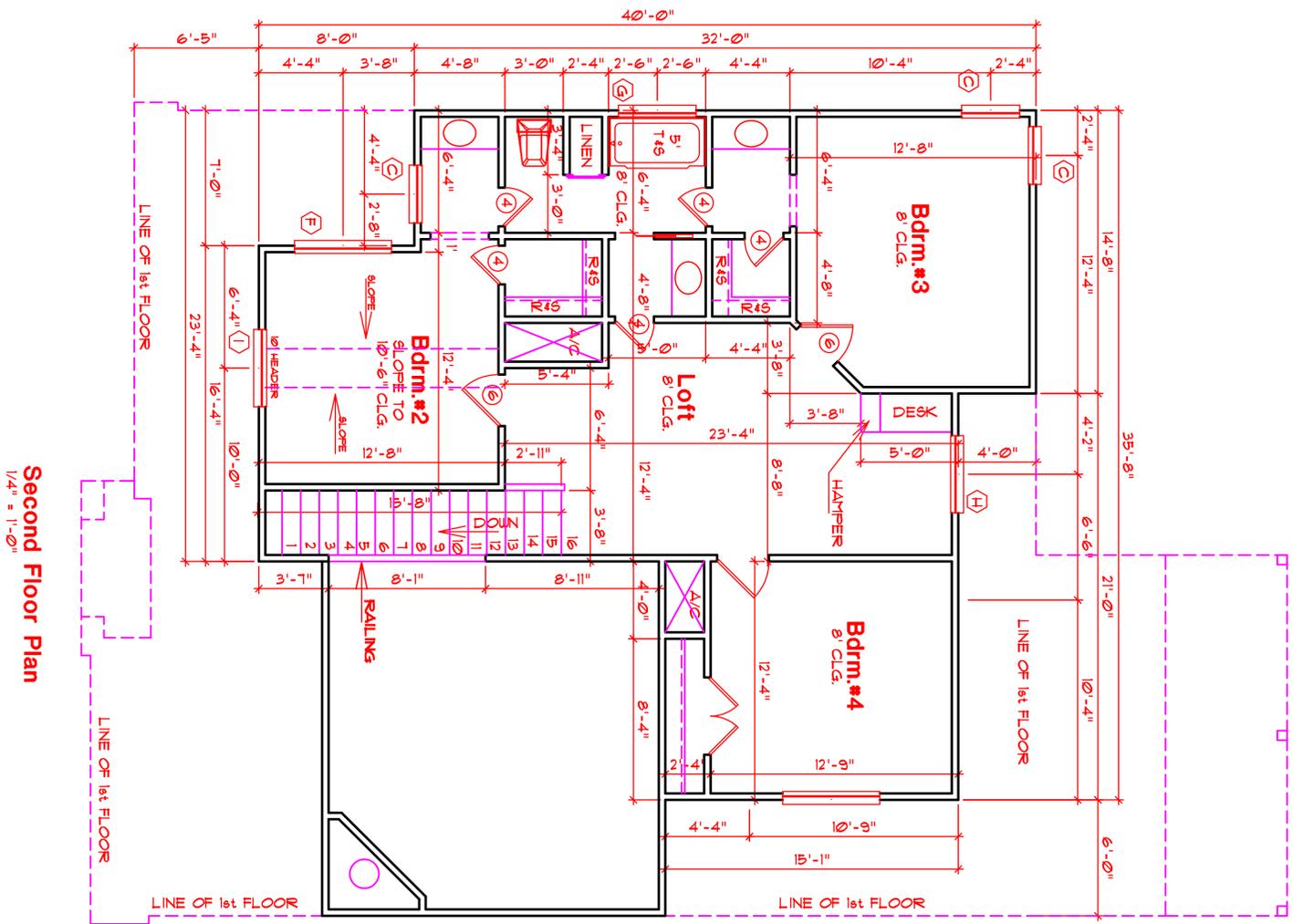


Left Elevation 1/4" = 1'-0"



Right Elevation 1/4" = 1'-0"





MARK SIZE	NOTES	QTY
1	3'-0" X 6'-8"	1
2	2'-8" X 6'-8"	1
3	2'-8" X 6'-8"	1
4	2'-0" X 6'-8"	9
5	2'-4" X 6'-8"	1
6	2'-8" X 6'-8"	4
7	2'-1" X 6'-8"	1
8	16'-0" X 1'-0"	OVERHEAD
9	16'-0" X 1'-0"	OVERHEAD

MARK	SIZE	NOTES
A	2'-3" X 6'-8"	SH. DL. ENTRY
B	3'-0" X 4'-0"	FX
C	3'-0" X 5'-0"	
D	3'-0" X 3'-0"	FX TEMP.
E	4'-0" X 4'-0"	H6
F	5'-0" X 3'-0"	H6
G	4'-0" X 1'-0"	H6
H	4'-0" X 5'-0"	FX DL. ARCH
I	4'-0" X 2'-6"	FX DL. ARCH

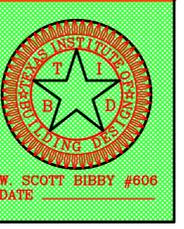
AREAS	SQ. FT.
1st FLOOR	1703
2nd FLOOR	914
TOTAL A/C	2617
GARAGE	390
PORCH	22
PATIO	133
TOTAL AREA	3222

**TEXAS R&L  
CUSTOM HOMES**  
972-740-6976

PROJECT ADDRESS

**BENCHMARK  
DRAFTING & DESIGN**

SCOTT BIBBY  
5 LATIMER CR.  
THE COLONY TX.  
75056  
972-625-3691



5-28-2014



