

## **MEMORANDUM**

**TO:** Coppell Board of Adjustment Commissioner

**FROM:** Suzanne Arnold, Chief Building Official

**DATE:** April 30, 2021

**REF:** May 6, 2021, Variance Hearing  
518 Waterview Dr.  
VAR21-04-000499

### **PUBLIC HEARING:**

A public hearing before the Board of Adjustment to consider a variance from the platted fence line setback for the Vistas of Coppell, Phase 1A, and PD-149-SF-7 to allow for the construction of a maximum of 9 foot tall wood fence in proximity to the west property line facing Bella Vista Drive, within the subdivision's platted 15-foot fence setback for side property lines facing public streets, on the property located at 518 Waterview Drive in Coppell (Vistas of Coppell 1A, Block N, Lot 33), as requested by owner Dibya Mohapatra. Approval of this variance would allow a fence to be placed at the side property line.

### **EXPLANATION:**

#### **ORDINANCE**

The plat for the Vistas of Coppell, Phase 1A, includes a 15 foot fence line ("F.L.") setback where a side fence abuts a street. The PD for the subdivision, PD-149-SF-7, Section 2 (B), also states "fencing of side yards adjacent to proposed streets shall have a fifteen foot (15') setback."

#### **PROPERTY DESCRIPTION**

The subject property is a corner lot with a rear entry garage. The two-story brick residence is approximately 2,822 square feet and was constructed in 1998. The site is bordered by Waterview Dr. to the south, an alley to the north, a neighbor's house to the east, and Bella Vista Dr. to the west. The 15 foot fence setback requirement affects the west property line.

## **VARIANCE REQUEST**

The applicant is requesting a variance to be allowed to place a 9 foot tall wood fence at or near the west property line facing Bella Vista Dr. If approved, the fence will be made to comply with all other applicable codes and ordinances. Nine feet is the maximum allowed height by ordinance.

At its current location, the side fence creates a narrow, wedge-shaped side yard area. The applicant states that she is seeking more room for her kids to play, and the existing space is not usable. The owner also points out that squirrels and rodents traveling along the fence come into close proximity to the corner of the house, potentially allowing vermin access to the house. She contends that maintaining the side yard between the existing fence and the street has been challenging due to trash and animal waste.

## **CASE HISTORY**

On March 15, 2021, Texas Best Fence, on behalf of the property owner, applied for a fence permit to construct a wood fence in the proposed location in the west side yard facing Bella Vista Dr. On March 16, 2021, reviewed the application and informed the applicant by email that their plans were declined.

The Board of Adjustment has heard multiple cases of variances from this 15 foot side fence setback rule in the Vistas of Coppell subdivision. The 15 foot rule is not a common regulation among Coppell's residential subdivisions. There are four properties that abut Bella Vista Dr. on the side. Of those four, three were granted variances in 2000 (523 & 532 Forest Hill Dr. and 537 Claremont Ct.). The remaining property is 518 Waterview Dr., the subject of this variance request. The line of sight down this side of Bella Vista Dr. is presently dominated by fences at the side property line, with the exception of this applicant's property.

## **STAFF RECOMMENDATION:**

Staff recommends approval of this variance request for consistency with the surroundings.

## **ATTACHMENTS:**

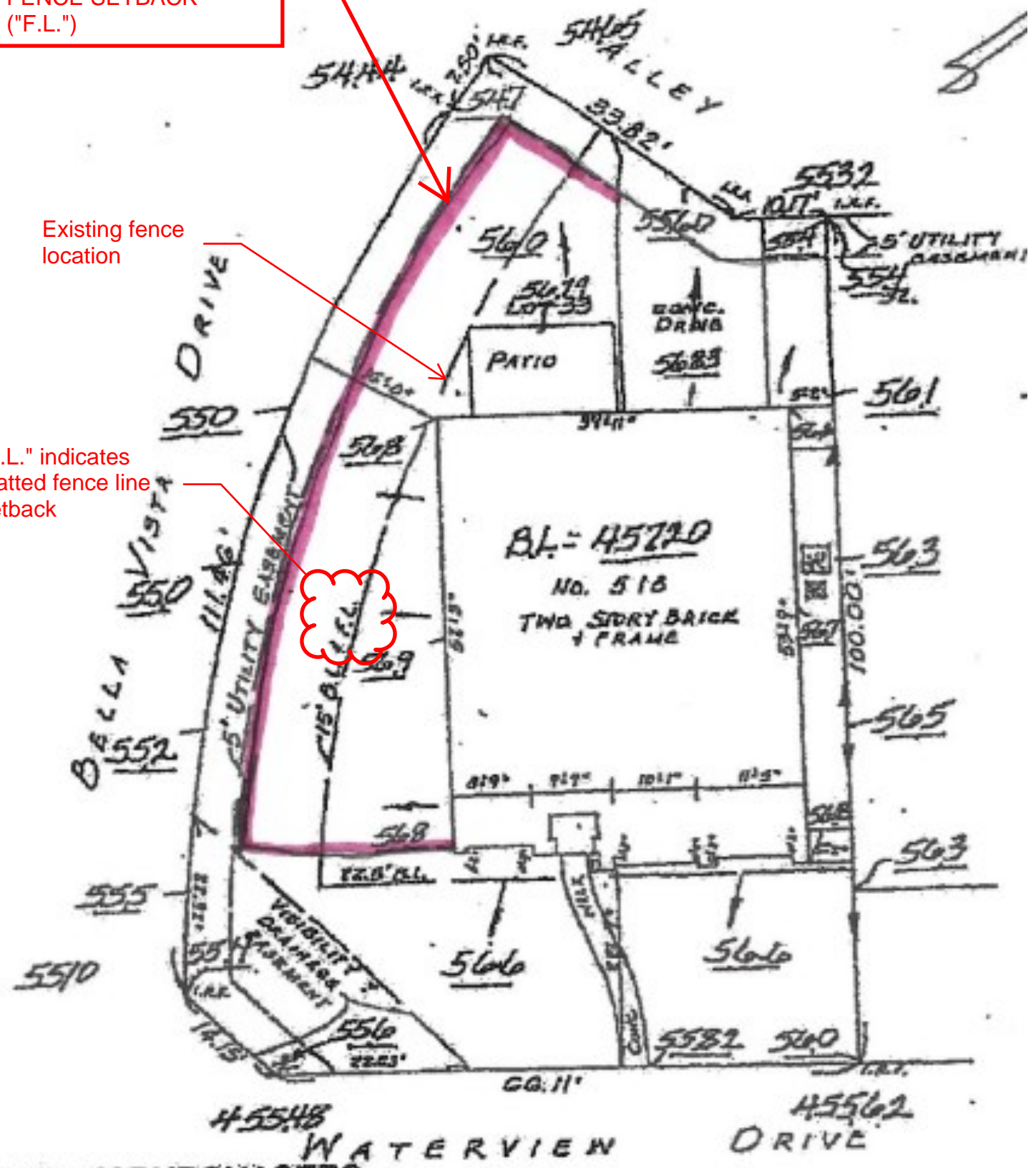
Exhibit A: Variance request site plan  
Exhibit B: Variance application  
Exhibit C: Photos of existing site  
Exhibit D: Area map and photos  
Exhibit E: Permit application

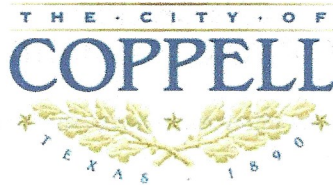
EXHIBIT A: VARIANCE PROPOSAL

PROPOSED FENCE:  
SEEKING VARIANCE TO  
BE CLOSER TO SIDE  
P.L. THAN PLATTED  
FENCE SETBACK  
("F.L.")

Existing fence  
location

"F.L." indicates  
platted fence line  
setback





**City of Coppell**  
**Building Inspections Dept.**  
 265 E. Parkway Blvd  
 Coppell, TX 75019

Phone: (972) 304-3500  
 Fax: (972) 462-5318  
 E-mail: inspect@coppelltx.gov

## APPLICATION REQUEST FOR VARIANCE - BOARD OF ADJUSTMENT

Date: March 23, 2021

I, the undersigned owner DIBYA MOHAPATRA, of the following described real property located in the City of Coppell, Texas, hereby make application for a request for a variance from the terms of Section 'the plat requirements for Vistas of Coppell Phase 1' of the City of Coppell Zoning Ordinance. The current zoning of my property is: TOWN CENTER

**PLEASE NOTE:** The Board of Adjustment is not authorized to consider cases in districts zoned as Planned Development (PD), with the exception of fence variances.

### LOCATION OF PROPERTY

Street Address: 518 WATERVIEW DR, COPPELL

**REQUEST:** (If there is additional information that you feel would be helpful to the Board in making a decision, please include this information in your request.)

We are planning to relocate our Side yard fence (facing Bella Vista Dr). Reasons for relocation:

1. One point of the fence is very close to the house due to which squirrels and rodents have easy access to the roof and are making holes on the roof and attic and eating into the wood trims.
2. We are planning to replace our existing Automatic Driveway Gate from a Swing Arm to a Motorized Sliding gate which needs fence extension.
3. Our young kids will have more play area. Currently we have a very small backyard. The space outside the side yard fence (which is in my property) is unused and we would like to utilize it.
4. People do not clean up after their pets and we have to clean up our side yard regularly which is an additional burden for us.

Also, I would like to let you know that my immediate neighbors on the Forest Hill Dr & Claremont Ct have been granted variance back in 2000 to extend their fence.

Before your application will be considered by the Board, the attached checklist must be completed.

A non-refundable application fee of \$50.00 is required at the time of application. A deposit of \$50 is also required at the time of application. The deposit is charged for the variance sign that will be placed in your yard. You are responsible for returning the sign to the Building Inspections Department, 265 Parkway Boulevard, following the hearing. The deposit will be returned to the applicant if the sign is returned undamaged.

I have read this application form and understand that filing the application and paying the fees does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast to receive a variance.

Staff Member's Signature <u><i>Mohapatra</i></u>	Date	Receipt Number
Signature of Applicant	DIBYA MOHAPATRA	
	Print name	
518 WATERVIEW DR, COPPELL, TX	561 809 4687	561 809 4687
Mailing address	Phone (Home)	Phone (Daytime)



## CHECKLIST REQUEST FOR A VARIANCE - BOARD OF ADJUSTMENT

To assist Board of Adjustment in establishing the information necessary to make a decision regarding the request for a variance, please complete the following checklist:

1. Is your land or your building different from others around you? Yes \_\_\_\_\_ No **No**  
If yes, explain how.
- 

2. Is your land or building useful for any purpose without the variance requested?  
Yes \_\_\_\_\_ No **No** If no, explain why not.

My land is a corner lot and the area outside the side yard fence which is my property is not being used at all.

3. Is there a property hardship associated with this particular parcel? Yes **Yes** No \_\_\_\_\_  
If yes, explain the hardship.

1. One point of the fence is very close to the house due to which squirrels and rodents have easy access to the roof and are making holes on the roof and attic and eating into the wood trims.
2. We are planning to replace our existing Automatic Driveway Gate from a Swing Arm to a Motorized Sliding gate which needs fence extension. Reasons for replacing:
  - a. The Automatic Driveway Gate was installed by the previous owner back in 2004. It's is very old and not functioning properly. The post on which one of the Swing Arm is bolted is made of wood and has started rotting due to which the gate is now sagging.
  - b. The swing arms are not able to withstand high winds and bang against each other and eventually breaks and the gate opens into the alley which is a safety hazard for vehicles.
  - c. The contractors are recommending replacing the Swing Arm gates with a Motorized Sliding gate to permanently resolve the issue. It requires extending the fence.
3. Our young kids will have more play area. Currently we have a very small backyard. The space outside the side yard fence (which is in my property) is unused and we would like to utilize it.
4. People do not clean up after their pets and we have to clean up our side yard regularly which is an additional burden for us.

4. Is there any reason that you would be unable to comply with the Ordinance provisions if the variance was denied?  
Yes \_\_\_\_\_ No **No** If yes, explain why.
- 

1. Does the property surrounding you have different zoning requirements? Yes \_\_\_\_\_ No **No**  
If yes, what are they?
- 

6. Are there any special conditions where a literal interpretation of the Ordinance would result in an unnecessary hardship? Yes **Yes** No \_\_\_\_\_ If yes, what are they?

1. One point of the fence is very close to the house due to which squirrels and rodents have easy access to the roof and are making holes on the roof and attic and eating into the wood trims.
2. We are planning to replace our existing Automatic Driveway Gate from a Swing Arm to a Motorized Sliding gate which needs fence extension. Reasons for replacing:
  - a. The Automatic Driveway Gate was installed by the previous owner back in 2004. It's is very old and not functioning properly. The post on which one of the Swing Arm is bolted is made of wood and has started rotting due to which the gate is now sagging.
  - b. The swing arms are not able to withstand high winds and bang against each other and eventually breaks and the gate opens into the alley which is a safety hazard for vehicles.
  - c. The contractors are recommending replacing the Swing Arm gates with a Motorized Sliding gate to permanently resolve the issue. It requires extending the fence.
3. Our young kids will have more play area. Currently we have a very small backyard. The space outside the side yard fence (which is in my property) is unused and we would like to utilize it.
4. People do not clean up after their pets and we have to clean up our side yard regularly which is an additional burden for us

## EXHIBIT B: VARIANCE APPLICATION

7. Will traffic conditions be affected by the requested change? Yes \_\_\_\_\_ No No  
If yes, how?
- \_\_\_\_\_
- \_\_\_\_\_

In order to be assured of a fair hearing, it is important that the applicant furnish as much information to the Board as possible, in the form of site plans, elevations, photographs, renderings, and any other supporting evidence. Incomplete submittals will result in a recommendation by staff for denial. Economic hardship is insufficient for approval of a variance.

Signature

Mohapatra

Date

04/13/2021











## EXHIBIT C: SITE PHOTOS



Existing side yard fence



Front of property

## EXHIBIT C: SITE PHOTOS



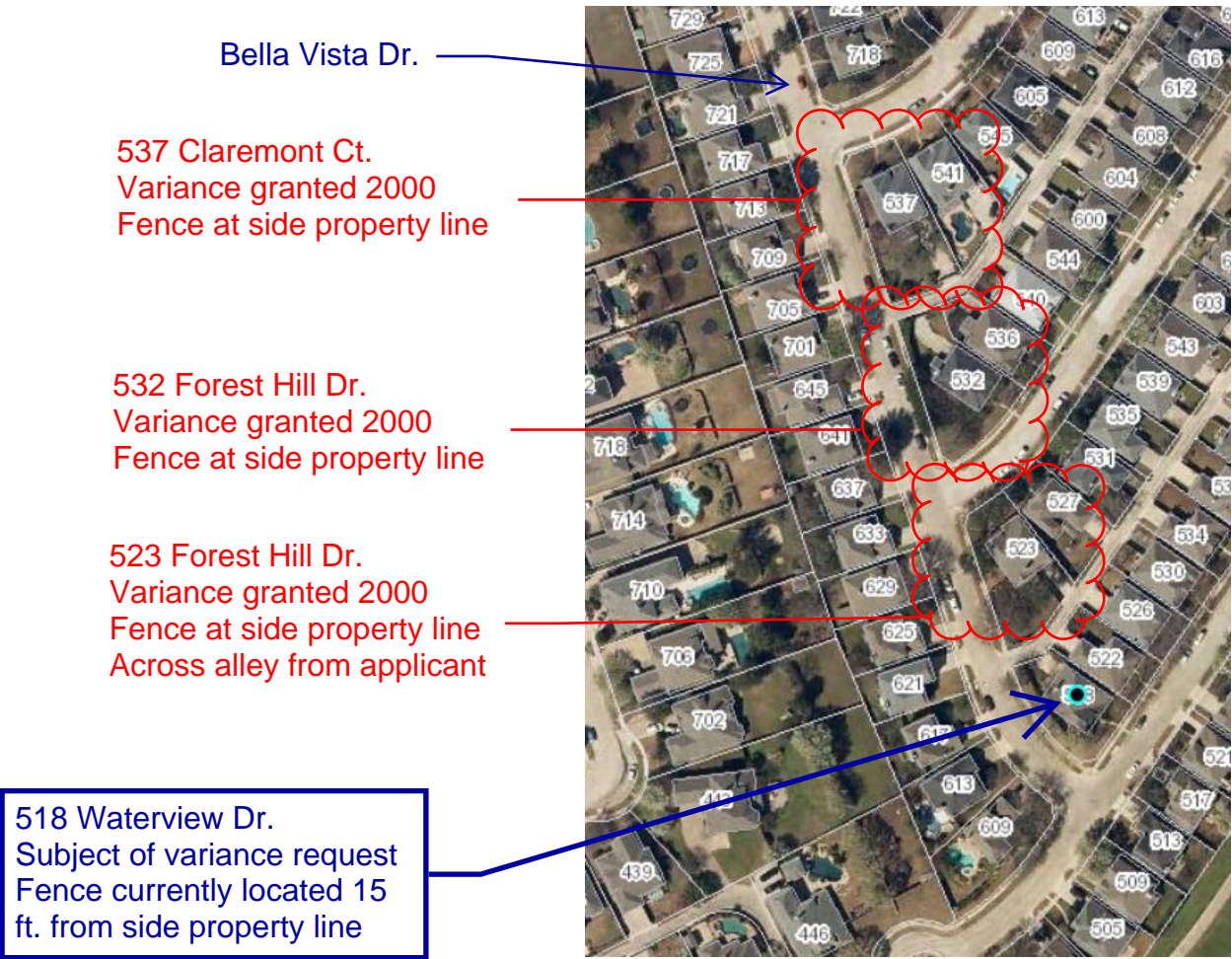
Fence proximity to the corner of the house



View of side yard from rear



EXHIBIT D: AREA VARIANCE HISTORY



Line of sight along  
Bella Vista Dr.

537 Claremont Ct.

532 Forest Hill Dr.

523 Forest Hill Dr.



# PERMIT DETAILED REPORT (BLDR21-03-020251) FOR THE CITY OF COPPELL TEXAS

<b>Permit Type:</b> Building (Residential)	<b>Project:</b>	<b>App Date:</b> 03/15/2021
<b>Work Class:</b> Fence	<b>District:</b> Coppell	<b>Issue Date:</b> NOT ISSUED
<b>Status:</b> Comments Sent - Awaiting Re-submission	<b>Square Feet:</b> 0.00	<b>Exp Date:</b> NOT AVAILABLE
<b>Description:</b> We are planning to extend our Sideyard fence (facing Bella Vista Dr). We are not going to replace it as it is in good condition. Reasons for extension: 1. Our young kids will have more play area. Currently we have a very small backyard. The space outside the sideyard fence (which is in my property) is unused and we would like to use it. 2. One point of the fence is very close to the house due to which squirrels and rodents have easy access to the roof and are making holes on the roof.	<b>Valuation:</b> \$0.00	<b>Final Date:</b> NOT FINALED

## EXHIBIT E: BUILDING PERMIT APPLICATION

Please approve the permit for the extension of the fence.

<b>Parcel:</b> 181060000N0330000	Main	<b>Address:</b> 518 Waterview Dr Coppell,	Main	<b>Zone:</b> 80 (PD-149-SF-7)	Main
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<b>Applicant</b> Colby Coward 426 Southfork Dr Lewisville, TX 75057 Home: Business: 972-245-0640 Mobile: 817-724-3744	<b>Applicant</b> Dibya Mohapatra 518 Waterview Dr Coppell, TX 75019 Home: Business: Mobile:
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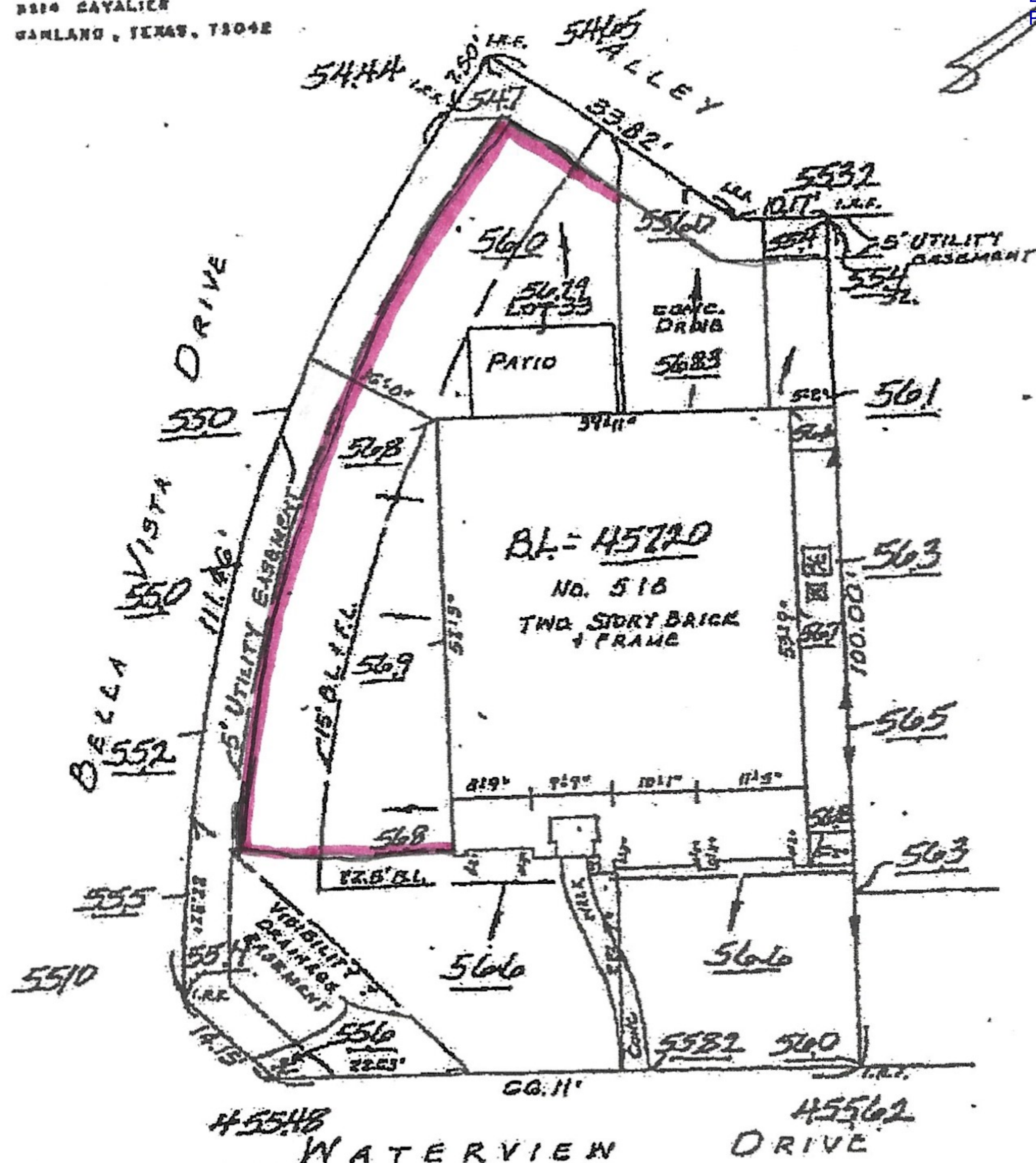
Note	Created By	Date and Time Created
1. need homeowner/gc clarification; homestead verified	Vandana Sayegh	March 15, 2021 1:41 pm
2. Homeowner needs to confirm if Texas best fence will be doing the work on the permit	Vandana Sayegh	March 15, 2021 3:15 pm

Invoice No.	Fee	Fee Amount	Amount Paid
NOT INVOICED	Fence Permit Fee	\$50.00	\$0.00
Total for Invoice NOT INVOICED		\$50.00	\$0.00
Grand Total for Permit		\$50.00	\$0.00



FIELD AID INC.  
2210 CAVALIER  
GARLAND, TEXAS, 75042

EXHIBIT E: BUILDING PERMIT APPLICATION



**SURVEY EXAMINED BY PURCHASERS**

Date:



SEE FLOOD NOTE ATTACHED.

**TO ALL PARTIES INTERESTED IN PREMISES SURVEYED:**

THIS IS TO CERTIFY THAT I HAVE, THIS DATE, MADE A CAREFUL AND ACCURATE SURVEY ON THE GRANT  
OF PROPERTY LOCATED AT NO. 516 WATERVIEW DRIVE IN THE CITY OF COPELL TEXAS  
DESCRIBED AS FOLLOWS: LOT 35 BLOCK N OF VISTAS OF COPELL PHASE 1A

IN ADDITION TO THE CITY OF COOPER, DALLAS COUNTY, TEXAS, ACCORDING TO THE  
MAP OR PLAT  
THEREON RECORDED IN VOLUME 9791, PAGE 2753 OF THE MAP RECORDS OF DALLAS COUNTY, TEXAS

THE FLAT EDITION IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY. THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE FLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS AND IMPROVEMENTS ARE AS SHOWN. ALL IMPROVEMENTS REMAIN WITHIN THE BOUNDARIES OF THE PROPERTY. SET BACK FROM PROPERTY LINES THE DISTANCE INDICATE AND THAT THE DISTANCE FROM THE NEAREST INTERSECTING STREET OR ROAD IS AS SHOWN ON SAID FLAT. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN.

DEC 19 20 1964

DATE 9-21-98

NO FEAR AT ESCAPE AND SUBSEQUENTLY

REGISTERED PROFESSIONAL LAND SURVEYOR, TEXA