

MEMORANDUM

TO: Coppell Board of Adjustment Commissioner

FROM: Suzanne Arnold, Chief Building Official

DATE: April 30, 2021

REF: May 6, 2021, Variance Hearing
123 Lodge Rd.
VAR21-04-000493

PUBLIC HEARING:

A public hearing before the Board of Adjustment to consider a variance from Section 9-2-6 (D) of the City of Coppell Fence Ordinance to allow the construction of an approximately 6 foot tall wood fence in the front yard, forward of the platted front yard setback, on the southern portion of the east side of the property located at 123 Lodge Road in Coppell (Carrick, Block A, Lot 2R), as requested by owner Rory Carrick. Approval of this variance would allow the applicant to replace an existing iron fence, approximately 4 feet tall, with an approximately 6 foot tall wood fence along Lodge Road at the front property line, and connecting that fencing to the corner of the residence, within the platted front yard. The proposed fence starts south of the residence and extends southward on Lodge Road to meet the existing or proposed fence at 110 Lodge Road.

EXPLANATION:

ORDINANCE

The proposed fence would be located forward of the platted front setback line, in conflict with the following ordinance. The zoning district is SF-9. The front yard setback is 25 feet.

ARTICLE 9-2. - FENCE REGULATIONS

Sec. 9-2-6. - Location and height regulations.

D. *Front yard.* It shall be unlawful to erect or maintain a fence within the front yard of any lot, from the front building line to the front lot line. The front building line

as that term is used herein shall mean the building line established by the building constructed on the lot if such established building line is a greater distance from the front lot line than that established by law.

PROPERTY DESCRIPTION

The subject property was developed as a residence of approximately 3,000 square feet in 2002. The side yard is landscaped and used continuously with the lot at 110 Lodge Rd. The fence line under consideration is continuous with fencing along the front of 110 Lodge Rd.

The tract of land encompassing 110 and 123 Lodge Rd. has a varied history. The tract was originally oriented to the south with an address of 456 E. Sandy Lake Rd. There was an historic home on the lot, which was donated to the Coppell Historic Society in 2015 and relocated to Heritage Park in Old Town. When the property was redeveloped in or around 2000, it was no longer desirable for the property to front on Sandy Lake, and the frontage was re-oriented to the east. The lots were assigned Lodge Rd. addresses, the original side yard became the front yard. There had been an existing fence along the east property line, which became the front. A fence was allowed to remain in the location, the same or similar to the existing one, which was called “grandfathered” in city records. The existing fence is continuous from 110 to 123 Lodge Rd.

When the subject property was assigned frontage toward Lodge Rd., the resulting depth of the lot was less than the minimum of 100 feet that is required in the SF-9 zoning district. In 2001, the owners applied for a variance from the Board of Adjustment to allow a reduced lot depth. The variance was approved.

The lot is wider than it is deep. As a result, the owners utilize the side yard as one would typically use their back yard. Shortly after the house was constructed, the owners installed a pool in the side yard, immediately south of the house. One is required to fully fence a yard around a pool. As a result, the owners applied for a variance to connect the grandfathered fence along Lodge Rd. to the southeast corner of the house, all within the required front yard. The Board of Adjustment granted a variance to install the proposed fence in the front yard.

The existing fencing forward of the front setback line does not conform with the ordinance but as-is has *nonconforming rights*. The iron fence in the front yard is legally allowed to exist from a combination of grandfathering and a previous variance. Regardless of the outcome of this variance hearing, the existing fence would be allowed to remain as-is. Changing the materials triggers a *loss of the nonconforming rights*, which would require this variance to execute.

VARIANCE REQUEST

The applicant is requesting to construct an approximately 6 foot tall wood fence in the required front yard at 123 Lodge Rd., to be located at or near the east/front property line, including a section connecting to the residence. The fencing would begin at the south end of the residence and extend to 110 Lodge Rd. The fence would replace a grandfathered 4 foot wrought iron fence in the same location.

For the last several years, the iron fence along Lodge Rd. has been supplemented by a mature hedge row approximately 7-8 feet high, forming the visual effect of a solid barrier. The hedge's density has afforded privacy to the owner in their use of the yard. The applicant expressed concern that these shrubs are dying. Their replacement would result in a loss of that screening until the shrubs mature. At the time of staff's visit to the site, several of the shrubs showed signs of browning or thinning.

The applicant states that placing a fence at the 25 foot front yard setback would result in a significant loss of usable yard.

CASE HISTORY

Fair N Square Roofing and Construction applied for a fence permit on behalf of the property owner on March 23, 2021. The application was reviewed on March 30, 2021. Staff informed the applicant by email that the permit had been declined. The owner applied for a similar permit in 2019, which was also declined.

STAFF RECOMMENDATION:

Staff recommends that if this variance is granted, conditions be attached regarding the possibility of 110 Lodge Rd. being developed into a residence in the future.

ATTACHMENTS:

- Exhibit A: Variance request site plan
- Exhibit B: Variance application
- Exhibit C: Current and historic aerial photos
- Exhibit D: Site photos
- Exhibit E: Permit application

VARIANCE REQUEST IS
TO CONSTRUCT A 6 FT
WOOD FENCE ALONG
LODGE RD., REPLACING
THE EXISTING IRON
FENCE, WITHIN THE
REQUIRED FRONT YARD



Existing 4 ft. iron fence
(front yard location
grandfathered - existed
prior to platting)



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: APRIL 1, 2021

I, the undersigned owner or _____ (option-holder, etc.), 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 A-2-G PART D of the City of Coppell Zoning Ordinance. The current zoning of my property is: SF-12.

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: 123 LODGE ROAD

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.)

To replace, and change material of, an existing
grandfathered fence that is not in compliance
with the set-back.

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 in order to receive a variance.

Staff Member's Signature <u>[Signature]</u>	Date <u>RORY N. CARRICK</u>	Receipt Number <u>—</u>
Signature of Applicant <u>123 LODGE ROAD</u>	Print name <u>214 502 2699</u>	
Mailing address	Phone (Home)	Phone (Daytime)

123 LODGE ROAD

1. Is your land or your building different from others around you?

Yes.

The original lot extending from Sandy Lake Road to Cedar Crest Drive was excluded from the Pecan Ridge development in 1992 because the long-time owner, Mrs. Ihnfeldt, would not sell to the developers. The current lot (2R) on the north side is not part of any HOA and faces directly onto Lodge Road. The depth of this lot is 96-feet, which is less than the 110 feet required for SF12. The width is 247-feet, which is different to a typical lot in Coppell where they are deeper than wider.

2. Is your land or building useful for any purpose without the variance requested?

No.

Without the variance approval the side yard will be reduced by a 25-foot setback from Lodge Road resulting in the loss of 3,528 square feet of enclosed yard, which is currently landscaped and has been our enclosed yard for the last 19 years. (See Photos)

3. Is there a property hardship associated with this particular parcel?

Yes.

The parcel is very shallow at 96 feet and difficult to include a back yard. In 2002 we subdivided the original lot into two lots and built on the northern lot (R2). We were unable to face the house north onto Cedar Crest Drive because the easement on Cedar Crest is owned by Pecan Ridge Homeowners Association (See A on survey). So we were required to get a variance approved for the depth of the lot being under the required depth of 110 ft.

Since our house faces Lodge Road, our side yard functions as our back yard and as such needs to be enclosed for the pool. The wrought iron fence along Lodge rd was grandfathered and a small section of fence from the south eastern point of the house to the lodge rd was taken to the Board of adjustments for approval and was approved.

4. Is there any reason that you would be unable to comply with the ordinance provisions if the variance was denied?

Yes.

We would need to erect a fence in the middle of our landscaping that has been in place for 19 years and would lose 3,528 square feet of enclosed yard. The value of our property would be substantially impacted by the denial. (See photos attached.)

5. Does the property around you have different zoning requirements?

Yes.

Pecan Ridge to the west and north are SF-9 and Ridge Crest to the east is PD-254-SF 7.

6. Are there any special conditions where a literal interpretation of the ordinance would result in an unnecessary hardship?

The variance request is to enable us to change the material of an existing 19 year old fence has been grandfathered since 2002 and been in place for 19 years.

EXHIBIT B: VARIANCE APPLICATION

7. Will traffic conditions be affected by the requested change? No.

Ordinance – Section 9-2-6 Part D

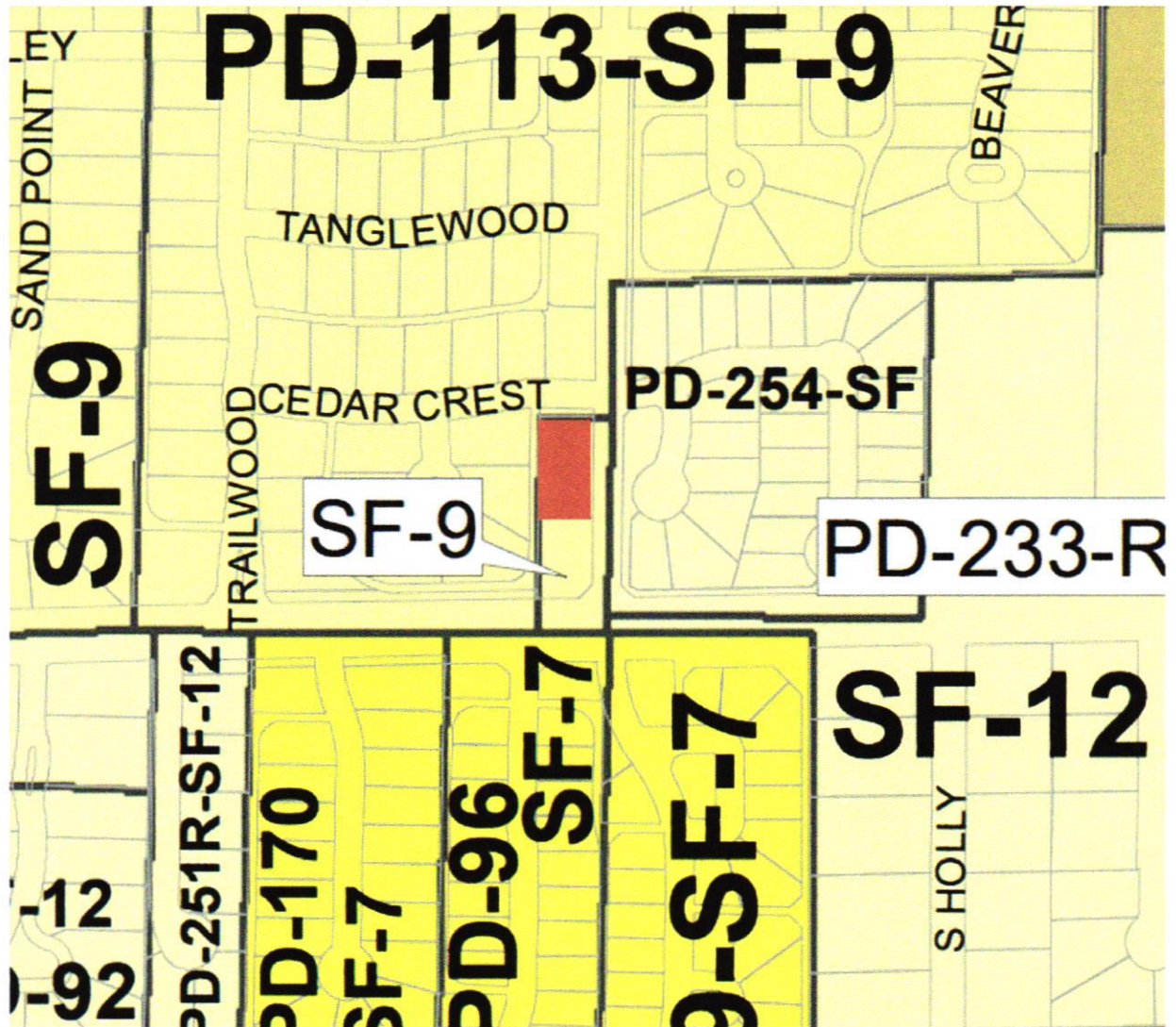


EXHIBIT C: CURRENT AND HISTORIC
AERIAL PHOTOS



CURRENT AERIAL PHOTO
(GOOGLE EARTH)

Residence at 123
Lodge Rd. with side
yard pool and
landscaping

LOT FRONTAGE IS
TO THE EAST ON
LODGE RD.

110 Lodge Rd.
Vacant lot with
landscaping

EXHIBIT C: CURRENT AND HISTORIC
AERIAL PHOTOS



2001 AERIAL PHOTO
(GOOGLE EARTH)

Single lot prior to
replat

Side yard fence

Original historic home
donated to the
Coppell Historic
Society and moved to
Old Town in 2015

ORIGINAL LOT
FRONTAGE WAS TO
THE SOUTH ON
SANDY LAKE,
ADDRESSED AS 456 E.
SANDY LAKE RD.

EXHIBIT D: SITE PHOTOS

Residence at 123
Lodge Rd.

Existing fence
extending from the
corner of the house to
Lodge Rd., approved
by prior variance

Requesting to replace
previously-approved
iron fence with a
wood fence



Fence at 123 Lodge
Rd. is continuous with
fence at 110 Lodge
Rd.



PERMIT DETAILED REPORT (BLDR21-03-020322) FOR THE CITY OF COPPELL TEXAS

Permit Type	Building (Residential)	Project:		App Date:	03/22/2021
Work Class:	Fence	District:	Coppell	Issue Date:	NOT ISSUED
Status:	Comments Sent - Awaiting Re-submission	Square Feet:	1,600.00	Exp Date:	NOT AVAILABLE
Description:	Fence replacement along Lodge Rd, including 123 Lodge Rd and 110 Lodge rd (joined Lots)	Valuation:	\$10,000.00	Final Date:	NOT FINALED

Parcel:	180004000A02R0000	Main	Address:	123 Lodge Rd Coppell,	Main	Zone:	281 (SF-9)	Main
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Applicant	Applicant
Shane Stephens	Rory Carrick
131 Highland Meadow Cir	123 Lodge Rd 123 Lodge Rd
Coppell, TX 75019	Coppell, TX 75019
Home:	Home:
Business: 214-609-4281	Business:
Mobile:	Mobile: 2145022699

EXHIBIT E: BUILDING PERMIT
APPLICATION

PERMIT DETAILED REPORT (BLDR21-03-020322)

Note	Created By	Date and Time Created
1. needs a seperate permit for 110 Lodge Rd-see #020345	Vandana Sayegh	March 23, 2021 7:51 am
2. need homeowner/GC clarification;homestead verified	Vandana Sayegh	March 23, 2021 7:51 am
3. Fair N Square needs to renew:From: rory1@thecarricks.net <rory1@thecarricks.net> Sent: Wednesday, March 24, 2021 6:55 AM To: Inspect <Inspect@coppelltx.gov> Subject: RE: BLDR21-03-020322 HI I have created a second permit application for 110 Lodge Rd. The contractor will be Fair N Square, in Coppell. Thanks Rory Carrick From: Inspect <Inspect@coppelltx.gov> Sent: Tuesday, March 23, 2021 7:55 AM To: rory1@thecarricks.net; Inspect <Inspect@coppelltx.gov> Subject: BLDR21-03-020322 We have received the above permit application. Please note that two (2) addresses cannot be on the same permit. Kindly apply for another fence permit for 110 Lodge Rd with plans. Permit above will be used for 123 Lodge Rd. Kindly clarify if you will be doing the work yourself as the homeowner, or if you will be hiring a general contractor to complete the work. The contractor must be registered with the city prior to permit being issued. Thank you! The City of Coppell Building Inspections division, located at 265 Parkway Blvd., is now open to the public, Monday – Friday, 8am – 5pm. We strongly encourage any homeowner, contractor, or other party who comes into contact with a City of Coppell employee, to wear a mask or face covering. Appointments are required to consult with all Building Inspection employees. Please email inspect@coppelltx.gov to request an appointment. All permits and inspection requests must be processed through the Customer Self Service (CSS) portal online, with the exception of Contractor Registrations. Click here to access CSS and view portal set up videos. Contractor Registration forms can be found by clicking here. Please email your Contractor Registration form and all appropriate documentation to inspect@coppelltx.gov. We offer Virtual Inspections! Click on the link for more information: REMOTE VIDEO INPSECTIONS. You must schedule your inspection on CSS first, then email inspect@coppelltx.gov to set up your appointment time. Building Inspections Department Community Development City of Coppell, TX 972-304-3500 www.coppelltx.gov	Vandana Sayegh	March 24, 2021 8:00 am

EXHIBIT E: BUILDING PERMIT APPLICATION

PERMIT DETAILED REPORT (BLDR21-03-020322)

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

EXHIBIT E: BUILDING PERMIT
APPLICATION

EXHIBIT E: BUILDING PERMIT APPLICATION

