

## **MEMORANDUM**

**TO:** Coppell Board of Adjustment Commissioner

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

**DATE:** April 30, 2021

**REF:** May 6, 2021, Variance Hearing  
110 Lodge Rd.  
VAR21-04-000494

### **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 to 8 foot tall wood fence in the front yard, forward of the platted front yard setback, on the east side of the property located at 110 Lodge Road in Coppell (Carrick, Block A, Lot 1R), 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 to the east, transitioning to an 8 foot tall wood fence along E. Sandy Lake Road to the south. The proposed fence would be at or near the front property line, within the platted front yard.

### **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 is a vacant lot. It is under the same ownership and use as the residence next door at 123 Lodge Rd. The lot at 110 Lodge Rd. is landscaped and used continuously with the residence's side yard. The fence line under consideration is continuous with a section of fencing at 123 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.

The existing fencing at the front property 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 6-8 foot wood fence in the required front yard at 110 Lodge Rd., to be located at or near the east/front property line. The fence would replace a grandfathered 4 foot wrought iron fence in the same location. The request includes a section of wood fencing on the south side along E. Sandy Lake Rd., also located forward of the front building line.

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 the loss of approximately 2,000 square feet of usable yard. He provided photos of the yard with the variance application (Exhibit B), with lines added to illustrate where the fence would be located if it complied with the setback. The photos also show the owners' landscaping of the lot.

## **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.

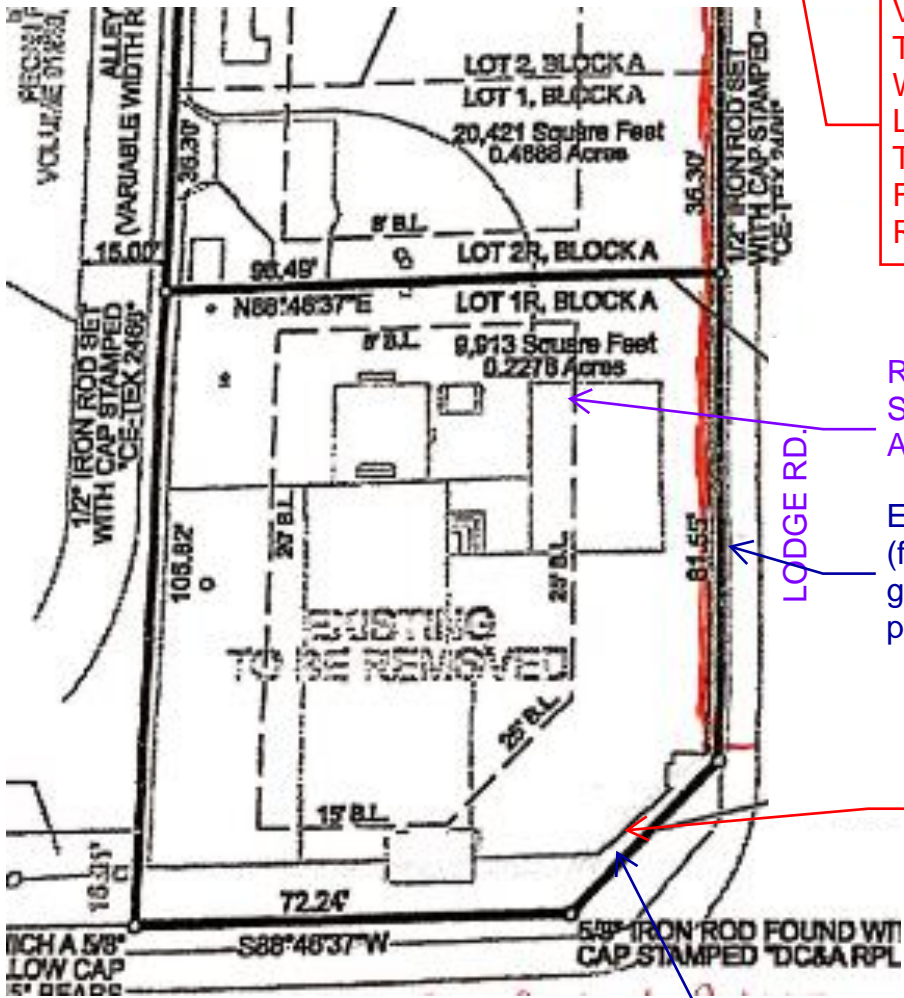
## **STAFF RECOMMENDATION:**

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

EXHIBIT A - VARIANCE REQUEST



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

REQUIRED FRONT YARD SETBACK FOR BUILDINGS AND FENCES

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

VARIANCE REQUEST INCLUDES CONSTRUCTING AN 8 FT WOOD FENCE ALONG E. SANDY LAKE RD., PARTIALLY WITHIN THE REQUIRED FRONT YARD

E. SANDY LAKE RD.

Existing wood fence



**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 9-2-G PART D of the City of Coppell Zoning Ordinance. The current zoning of my property is: SF-9.

**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: 110 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  
grand-fathered fence that is not in compliance  
with the setback.

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>ROBY N. CARRICK</u>	Receipt Number _____
Signature of Applicant <u>123 LODGE ROAD</u>	Print name <u>214 502 2699</u>	
Mailing address	Phone (Home)	Phone (Daytime)



**110 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 (1R) on the south side is not part of any HOA and faces directly onto Lodge Road. The open lot serves as additional landscaped yard for the 123 Lodge Road property.

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

No

Without the variance approval, the lot would be reduced by a fence on the 25-foot setback from Lodge Road resulting in the loss of 2,120 square feet of enclosed yard, which is currently landscaped and has been our enclosed yard for the last 19 years.

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

Yes

In 2015 we donated the house on lot 1R to the Coppell Historic Society and moved it to Heritage Park in Old Town Coppell. We have been unable to sell this lot since then because it is so close to the Corner of Sandy lake rd and Lodge, and it is dangerous for traffic to stop outside the property if you were to build on it. So the open lot has become an extension of the lot of 123 Lodge rd where our house is located.

**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 many years and would lose 2,120 square feet of enclosed yard. The market value of the combined properties would be substantially impacted by the denial.

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

Yes

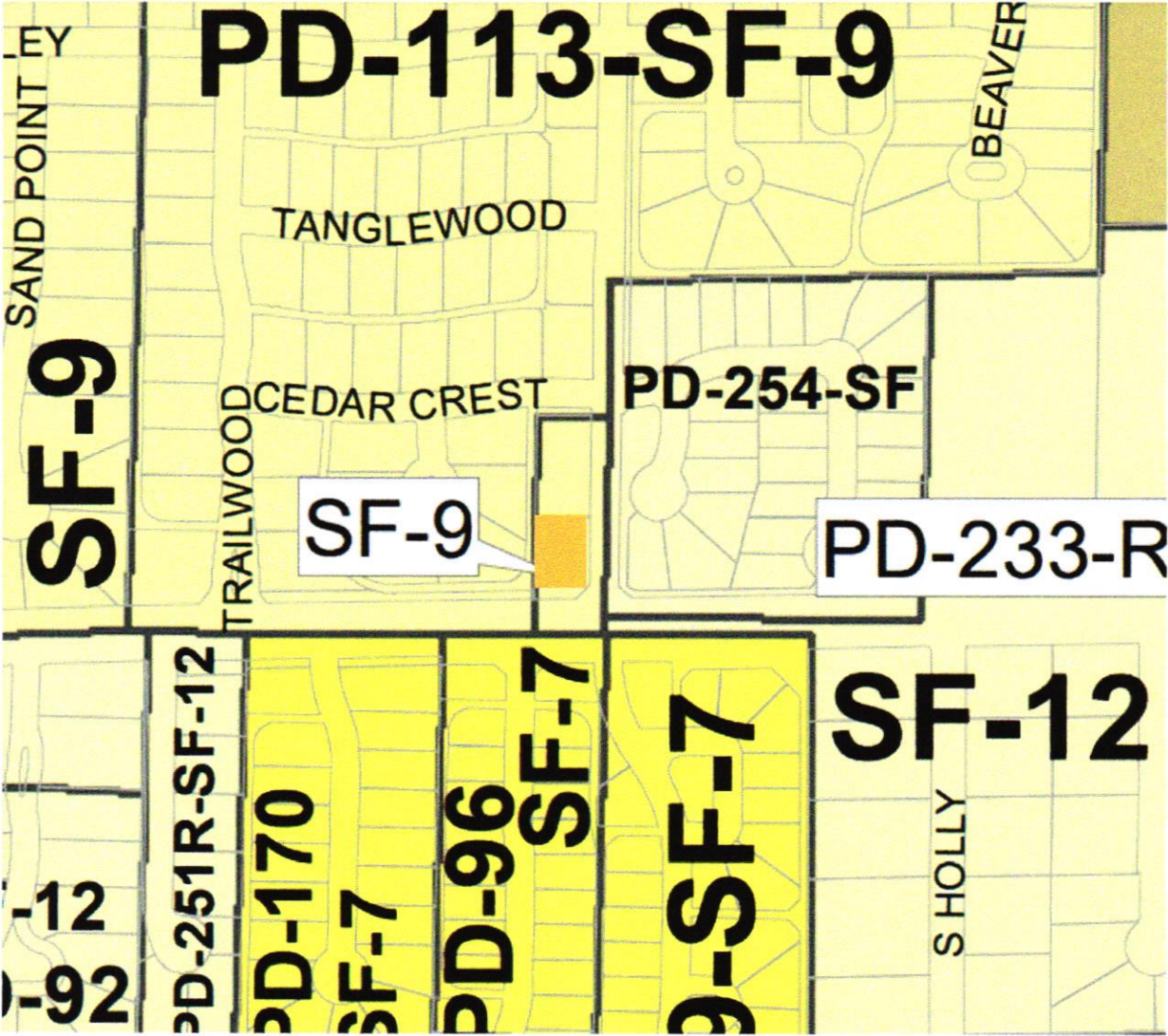
Pecan Ridge to the west and north are SF-9 and Ridge Crest to the east is PD-254-SF 7.

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

Yes

The variance request has been prompted by the need to change the material of an existing fence that has been in place since 2002.

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





**SURVEY**  
**The Civ**  
**Survey**

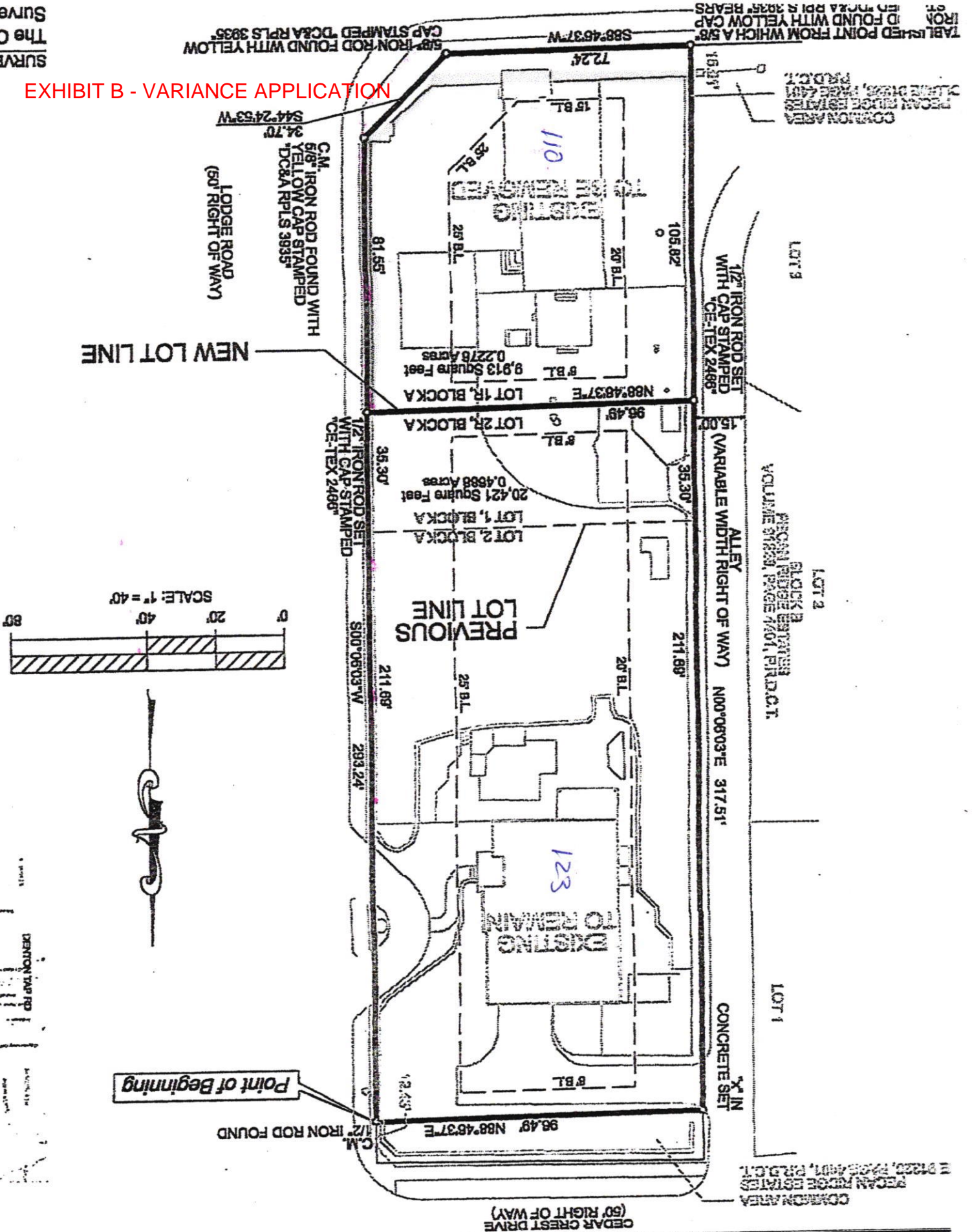




EXHIBIT B - VARIANCE APPLICATION

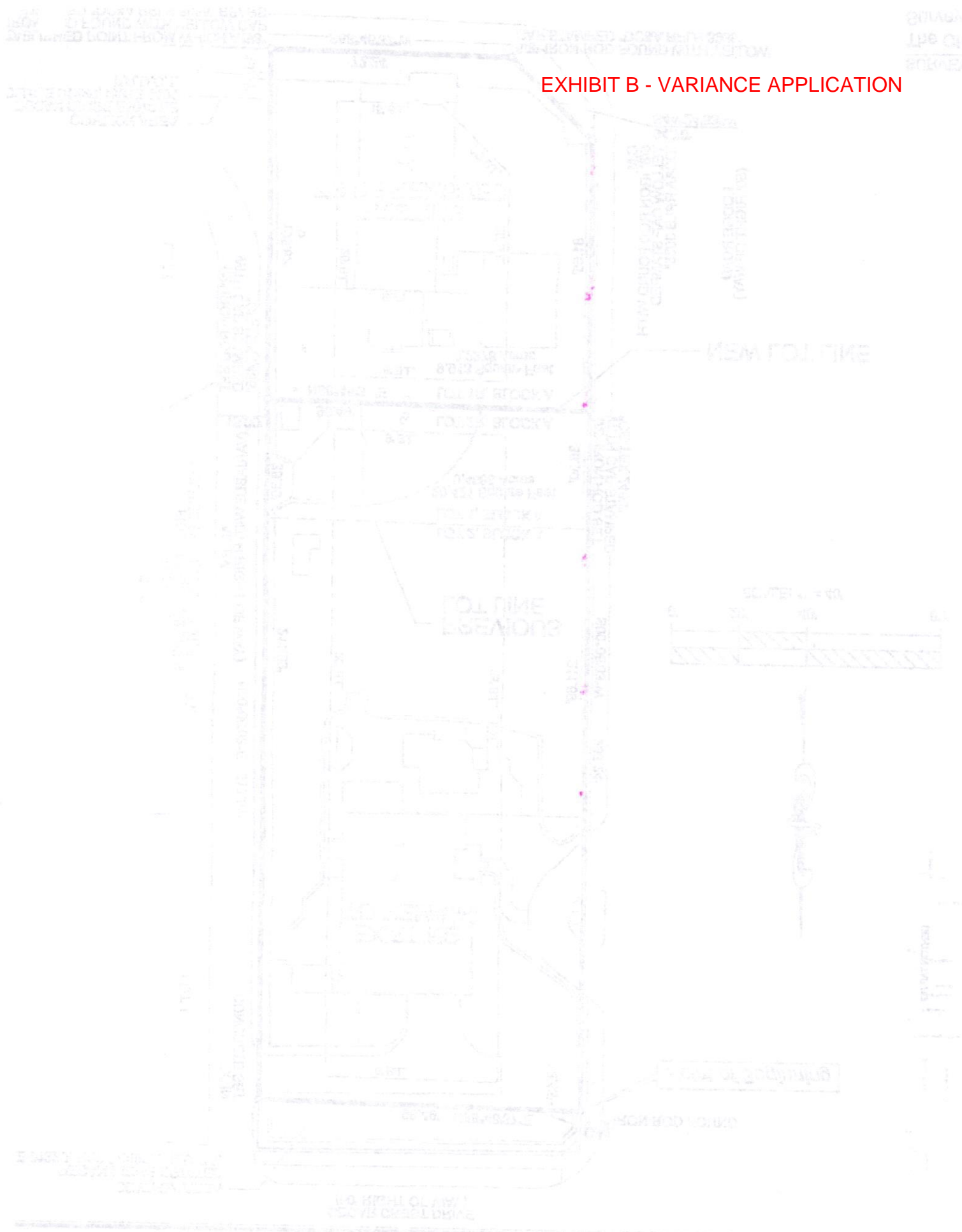
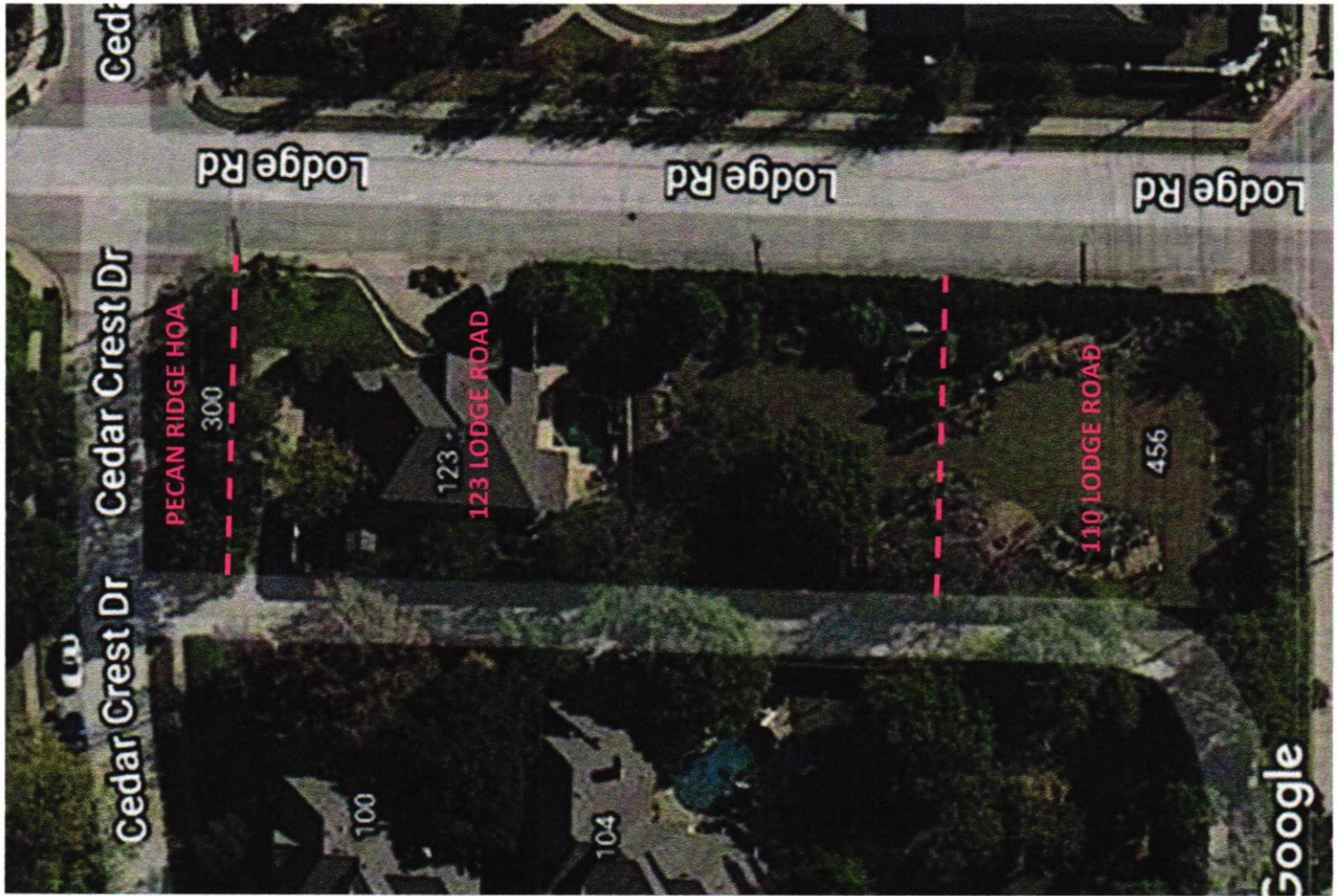


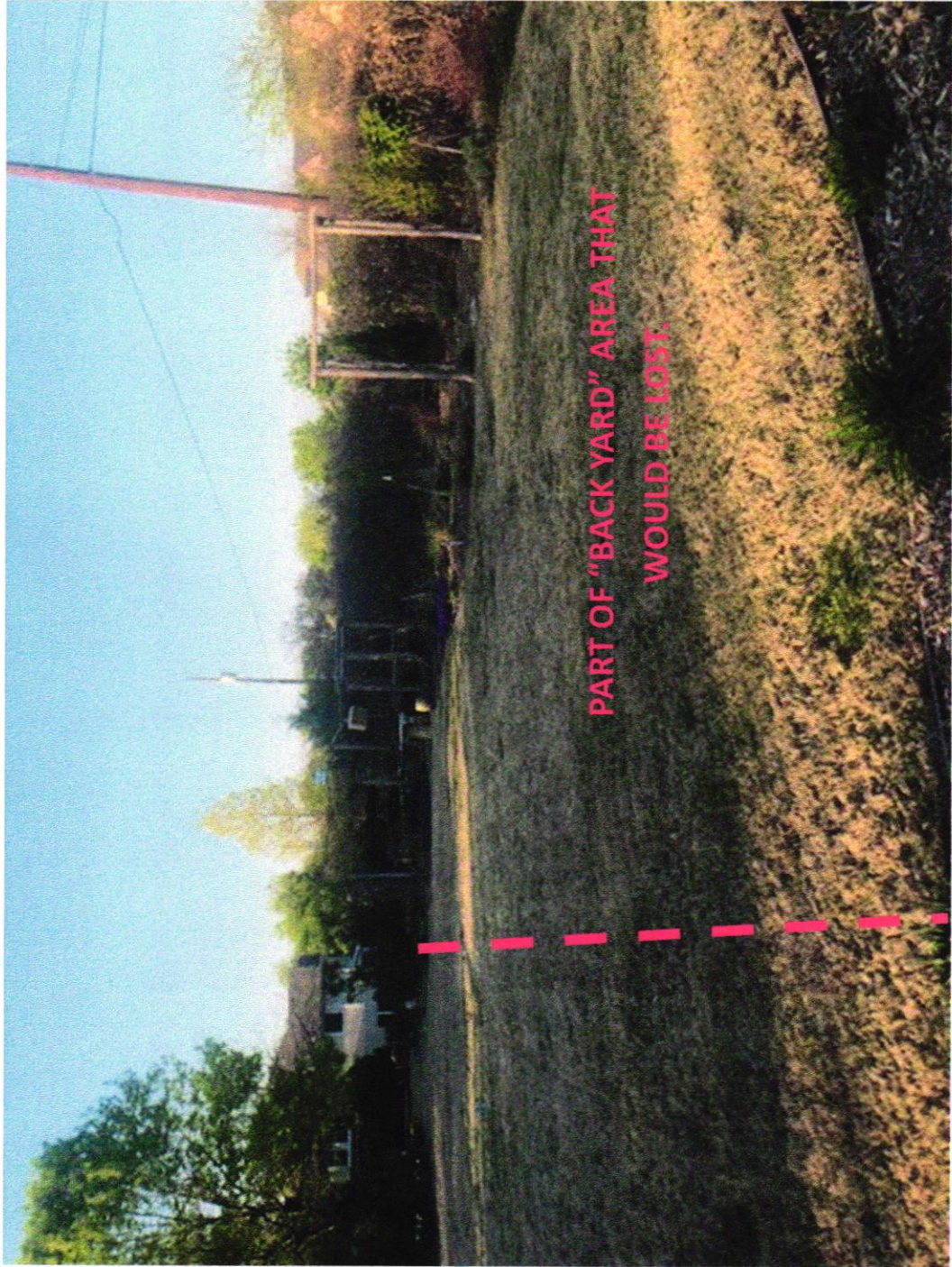
EXHIBIT B - VARIANCE APPLICATION





**View of 123 Lodge Road, facing north.**

Red dashed line indicates location of set-back from Lodge Road on the right.





**View of 110 Lodge Road, facing south.**

Red dashed line indicates set-back from Lodge Road on the left.





**Style of proposed fence.**

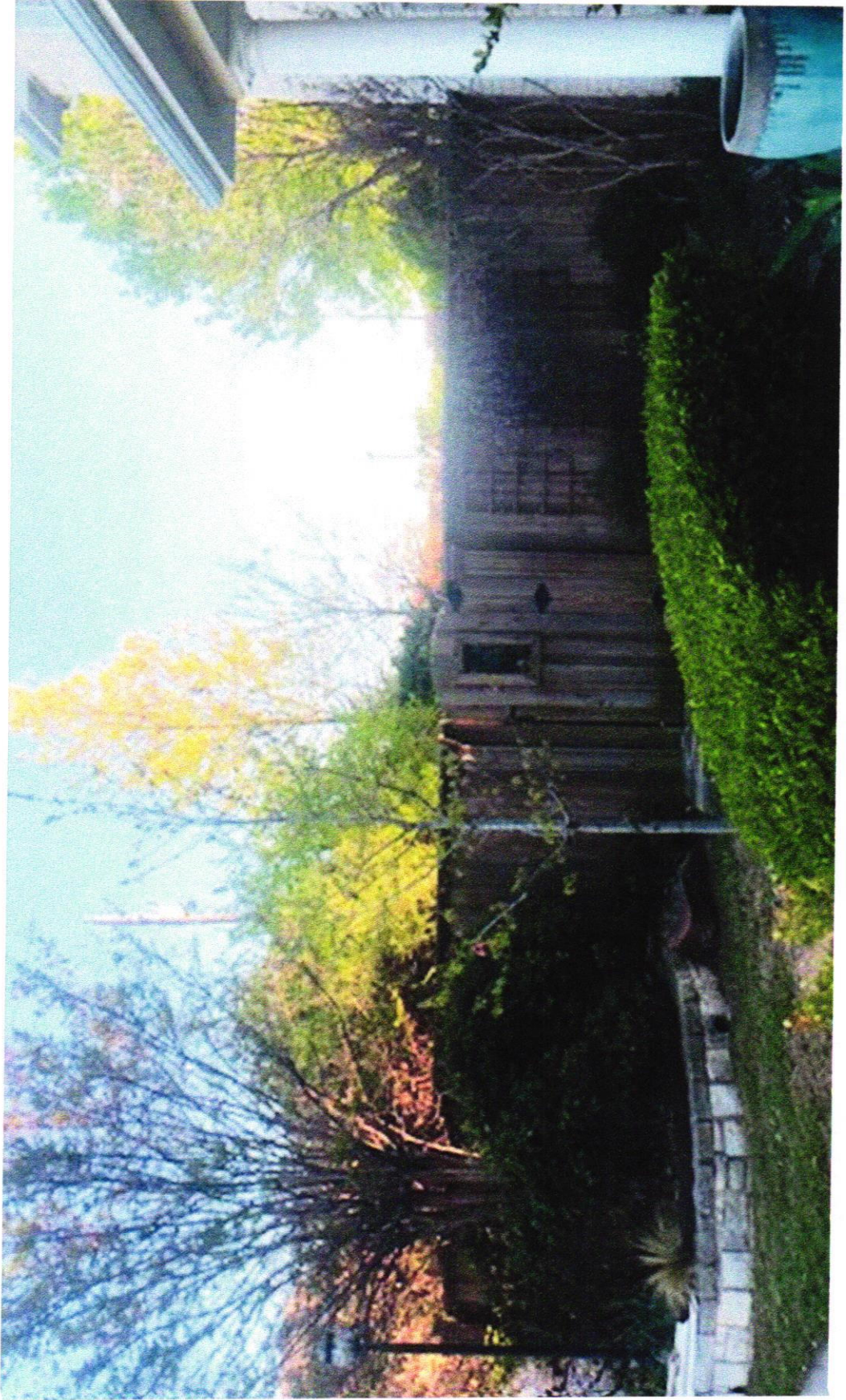
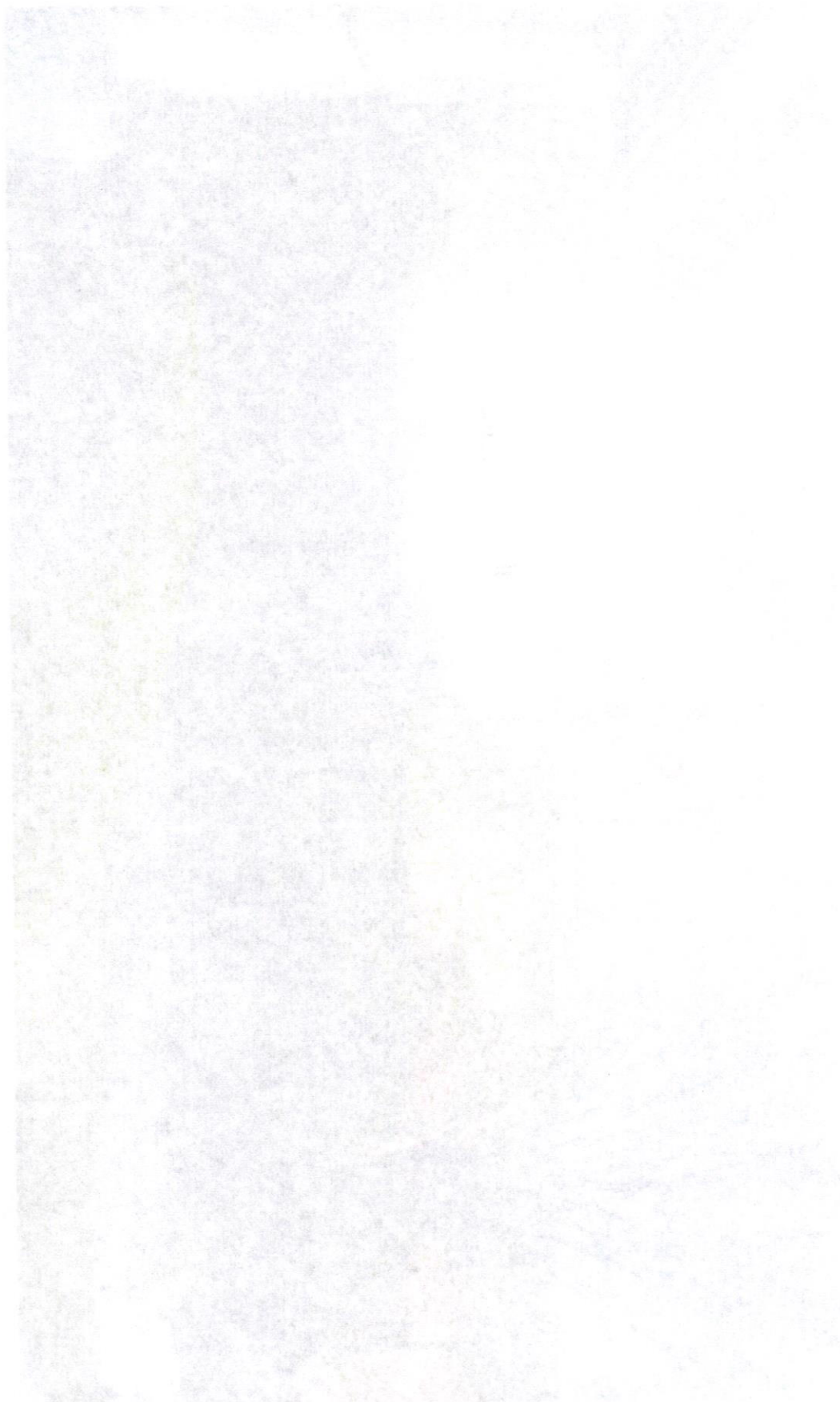




EXHIBIT B - VARIANCE APPLICATION



2019 04 10 09:00:00



EXHIBIT B - VARIANCE APPLICATION



EXHIBIT C - CURRENT AND  
HISTORICAL 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  
HISTORICAL AERIAL PHOTOS



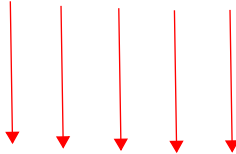
2001 AERIAL PHOTO  
(GOOGLE EARTH)

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

View along Lodge Rd.  
from north end of  
110/123 Lodge Rd.

Existing approved 4  
ft. iron fence and  
hedges



View along Lodge Rd.  
from south end  
(corner of E. Sandy  
Lake Rd. and Lodge  
Rd.)

Proposing to replace  
existing iron fence with  
a wood fence



## PERMIT DETAILED REPORT (BLDR21-03-020345) FOR THE CITY OF COPPELL TEXAS

<b>Permit Type</b>	Building (Residential)	<b>Project:</b>		<b>App Date:</b>	03/23/2021
<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>	652.00	<b>Exp Date:</b>	NOT AVAILABLE
<b>Description:</b>	Wood Fence along Lodge Rd to replace a wrought iron fence and dead bushes.	<b>Valuation:</b>	\$3,000.00	<b>Final Date:</b>	NOT FINALED

<b>Address:</b>	110 Lodge Rd Coppell, TX 75019	Main
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<b>Applicant</b>	<b>Applicant</b>
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 (BLDR21-03-020345)

### Note

### Created By

Vandana Sayegh

### Date and Time Created

March 24, 2021 7:58 am

1. 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](mailto: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](mailto:inspect@coppelltx.gov).

We offer Virtual Inspections! Click on the link for more information: REMOTE VIDEO INSPECTIONS. You must schedule your inspection on CSS first, then email [inspect@coppelltx.gov](mailto:inspect@coppelltx.gov) to set up your appointment time.

Building Inspections Department  
Community Development  
City of Coppell, TX  
972-304-3500  
[www.coppelltx.gov](http://www.coppelltx.gov)

## EXHIBIT E - BUILDING PERMIT APPLICATION

2. See #020322 for 123 Lodge Rd

Vandana Sayegh

March 24, 2021 8:02 am



## PERMIT DETAILED REPORT (BLDR21-03-020345)

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

