

## **MEMORANDUM**

**TO:** Coppell Board of Adjustment Commissioner

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

**DATE:** April 30, 2021

**REF:** May 6, 2021, Variance Hearing  
310 Martel Ln.  
VAR21-04-000491

### **PUBLIC HEARING:**

A public hearing before the Board of Adjustment to consider a variance from Section 12-35-2 (B)(2)(b)(ii) of the City of Coppell Zoning Ordinance to allow the construction of a covered patio that encroaches approximately 10 feet into the 15-foot required side yard setback, by ordinance and by plat, on the property located at 310 Martel Drive in Coppell (Copperstone, Block E, Lot 9), as requested by owner Joshua Floren. Approval of this zoning setback variance would allow the construction of an accessory building (attached covered patio) in the side yard of the subject property within 5 feet of the side property line abutting the cul-de-sac at the east end of Martel Ln.

### **EXPLANATION:**

#### **ORDINANCE**

Because of the way that the subject lot is configured adjacent to the cul-de-sac end of Martel Ln., the property abuts Martel Ln. on both the south (front) and east sides. The adjacency to the radius of the cul-de-sac on the side triggers the street-facing side setback requirement of 15 feet for the principal and accessory structures. The 15 foot building setback line is also reflected on the survey and plat. The accessory building ordinance is as follows:

Sec. 12-35-2. - Single-family and two-family residential uses.

Buildings and structures accessory to single-family and two-family residential uses... the regulations detailed in paragraphs A., B. and C. below shall govern *buildings and structures accessory to single-family* and two-family residential uses,

including both those *attached* to and those detached from the main building....

B. Accessory buildings that are 150 square feet in area, or more, shall observe the following regulations...

2. Minimum setbacks:...

(b) *Side:...*

ii. *Fifteen feet from a side property line that is adjacent to a side street.*

## **PROPERTY DESCRIPTION**

The subject property is a corner lot with an alley entry garage. The two-story brick residence is approximately 3,954 square feet and was constructed in 1998. A pool was added in 2000. The site is bordered by the straight portion of Martel Ln. to the south (front), West Parkway Blvd. to the north (rear), an alley to the west side, and the cul-de-sac end of Martel Ln. to the east. The zoning district is SF-9.

The subdivision's brick screening wall and a utility easement encroach 10 feet into the north side of the property. There is a 15 foot building setback line and a 10 foot utility easement on the east side wrapping the curved side property line along the cul-de-sac. There is an additional utility easement along the west property line. The front building setback is 25 feet. The resulting lot shape is irregular, with constraints on all four sides.

## **VARIANCE REQUEST**

The applicant is requesting a variance to be allowed to construct an attached covered patio on the east side of the house, that he is proposing to encroach into the 15 foot minimum setback by approximately 10 feet, resulting in a 5 foot side setback at the patio's closest point. Construction would be required to comply with all other codes, ordinances, and easements.

The easements, setback lines, contour of the east property line, and existing structures create an irregularly-shaped buildable area. The applicant contends that strict adherence to the ordinance and platting as written would create a hardship by limiting the usability of his property for an outdoor living space, presenting challenges to locating such a space for his household's use and enjoyment.

The applicant points out that due to the fact that the property is bordered by streets on three sides and an alley on the other, there are no immediately-adjacent neighbors that would be adversely affected by the variance. The applicant obtained signatures of support from the surrounding homeowners (Exhibit C). The proposed style and materials are aesthetically consistent with the existing residence and surrounding properties. The proposed structure would be reviewed and inspected for compliance with all other regulations.

## **CASE HISTORY**

Texas Custom Patios, on behalf of the owner, applied for a permit to construct the proposed patio on March 15, 2021. The permit application was reviewed by staff on or about March 17, 2021. Staff notified the applicant by email that the submittal had been declined.

## **STAFF RECOMMENDATION:**

Staff does not recommend approval of this request. If the Board does approve the request, staff recommends that stipulations be added such that the proposed construction does not encroach into the 10 foot utility easement that is within the building setback on the east side.

## **ATTACHMENTS:**

Exhibit A: Variance request site plan and rendering

Exhibit B: Variance application

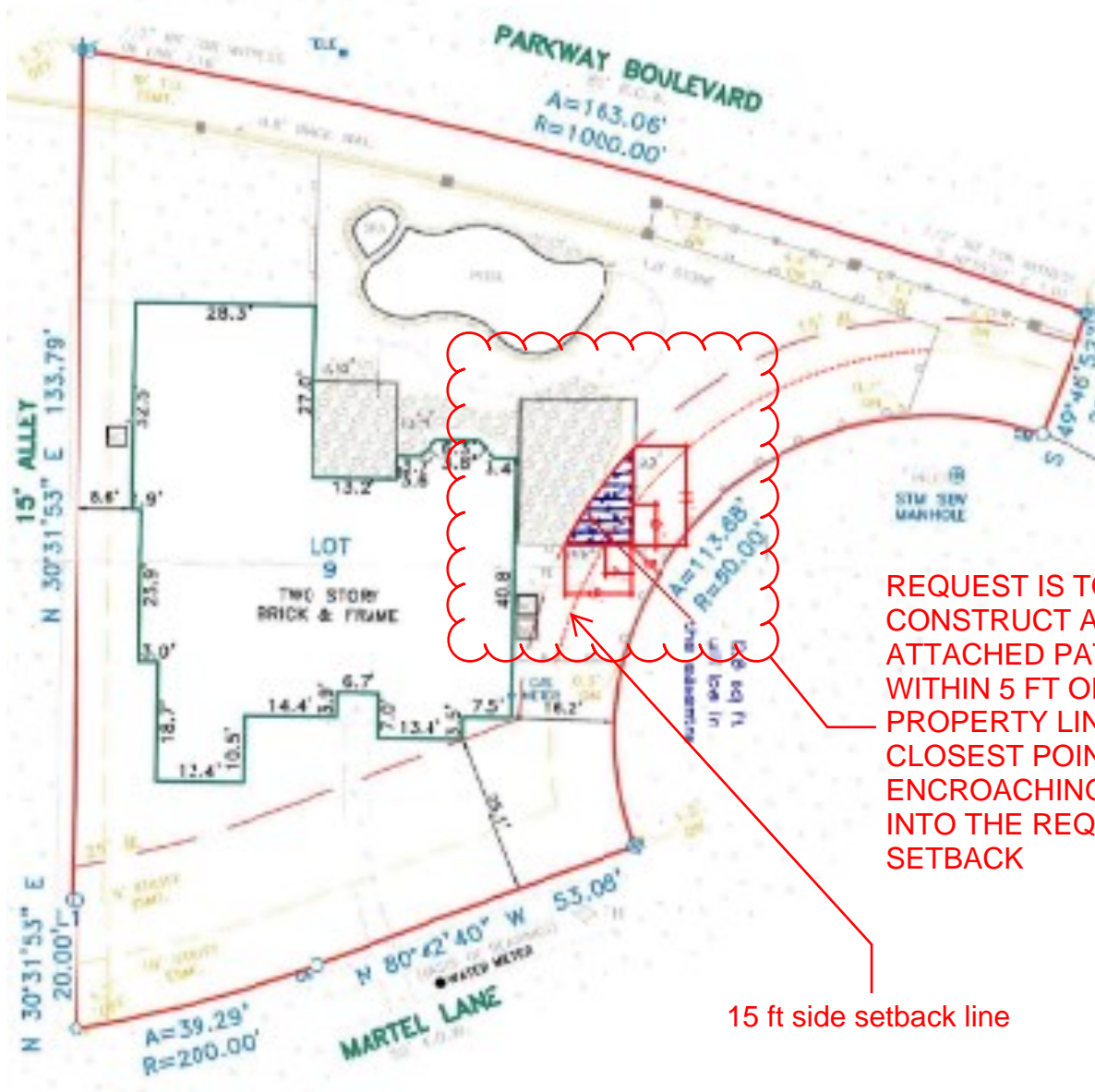
Exhibit C: Signatures of support

Exhibit D: Aerial photo

Exhibit E: Photos of existing site

Exhibit F: Permit application

## EXHIBIT A: VARIANCE REQUEST



REQUEST IS TO  
CONSTRUCT AN  
ATTACHED PATIO COVER  
WITHIN 5 FT OF THE SIDE  
- PROPERTY LINE AT THE  
CLOSEST POINT,  
ENCROACHING 10 FT  
INTO THE REQUIRED  
SETBACK

15 ft side setback line

- Area of variance





**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:** 30-March-2021

I, the undersigned owner or Joshua Floren (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 12-35-2 of the City of Coppell Zoning Ordinance. The current zoning of my property is: Single Family.

**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:** 310 Martel Lane Coppell, TX. 75019

**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.)

Please see attachment for more explanation

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>Joshua Floren</u>	Date <u>Joshua Floren</u>	Receipt Number
Signature of Applicant <u>310 Martel Ln., Coppell</u>	Print name <u>214-277-9078</u>	
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   x   No         
If yes, explain how.

There are no other lots similar to ours in our neighborhood

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

Due to how the property lines are set there is no way to use our property unless we get a variance

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

Because of how the house is oriented to the property lines there is no way to make our backyard useful creating a hardship for our property

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

5. Does the property surrounding you have different zoning requirements? Yes        No   x    
If yes, what are they?

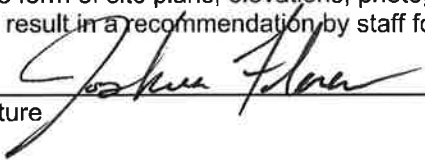
6. Are there any special conditions where a literal interpretation of the Ordinance would result in an unnecessary hardship? Yes   x   No        If yes, what are they?

Because of how the BL easement and UL easement run along the fence line there is no option to build an outdoor living space at this property

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



Date

3/30/2021

## EXHIBIT B: VARIANCE APPLICATION

We are requesting a variance or waiver of a setback that we have in our back yard in order to build a covered patio to further enjoy the use of our backyard space and improve our home. The reason we are requesting this variance is because our lot layout is very different than most houses that are located on a cul-de-sac. Most houses in our community face the cul-de-sac with the front of their house. Our house's back yard/side yard runs along the side of the cul-de-sac and as a result the utility easement and build line set back runs through the length of our back yard which creates a hardship and prevents us from using any of the back yard to build a covered patio. As you can see in the attached plat we have no neighbors on any side of our property. We have a cul-de-sac on the east side, an alley on the west side and Parkway road directly behind our property so no neighbors are impacted by granting this waiver. We are not requesting to entirely waive the setbacks on the cul-de-sac side of our property as we understand the importance of maintaining standards. We are simply asking for small waiver for a portion of the set back that is located on the southeast corner of the proposed structure. As you can see by the unique layout of our property this is really the best and only location that would work to provide adequate space for a patio in our backyard. We also hope that you would appreciate that the drawings included show that the design and materials will be very aesthetically pleasing and dramatically improve the usability of the backyard space.

In no way will the granting of this waiver be detrimental to the public safety, health or welfare and as mentioned above we have no property owners abutting our property that will be impacted. Likewise, we feel that our property is very unique and quite different in shape and layout compared to all other properties in our subdivision therefore this request for a small waiver would not be generally applicable to other properties.

EXHIBIT C: NEIGHBOR'S SIGNATURES

Suzanne Arnold  
Chief Building Official  
City of Coppell

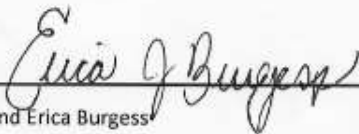
We have reviewed the Floren's backyard project at 310 Martel Ln. in Coppell and fully support their project and have no concerns with how it will reflect on the community standard in the Copperstone HOA. We live across the cul-de-sac from the 310 Martel property and have reviewed their projected addition to their property and feel that it will improve the property without causing any concern to the value of our property. We all support the approval of their request for a variance to allow the construction of their backyard project.



Arlin and Marla Gaffner  
303 Martel Ln.



David and Kim Dudley  
307 Martel Ln.



Robert and Erica Burgess  
311 Martel Ln.



EXHIBIT C: NEIGHBOR'S SIGNATURES

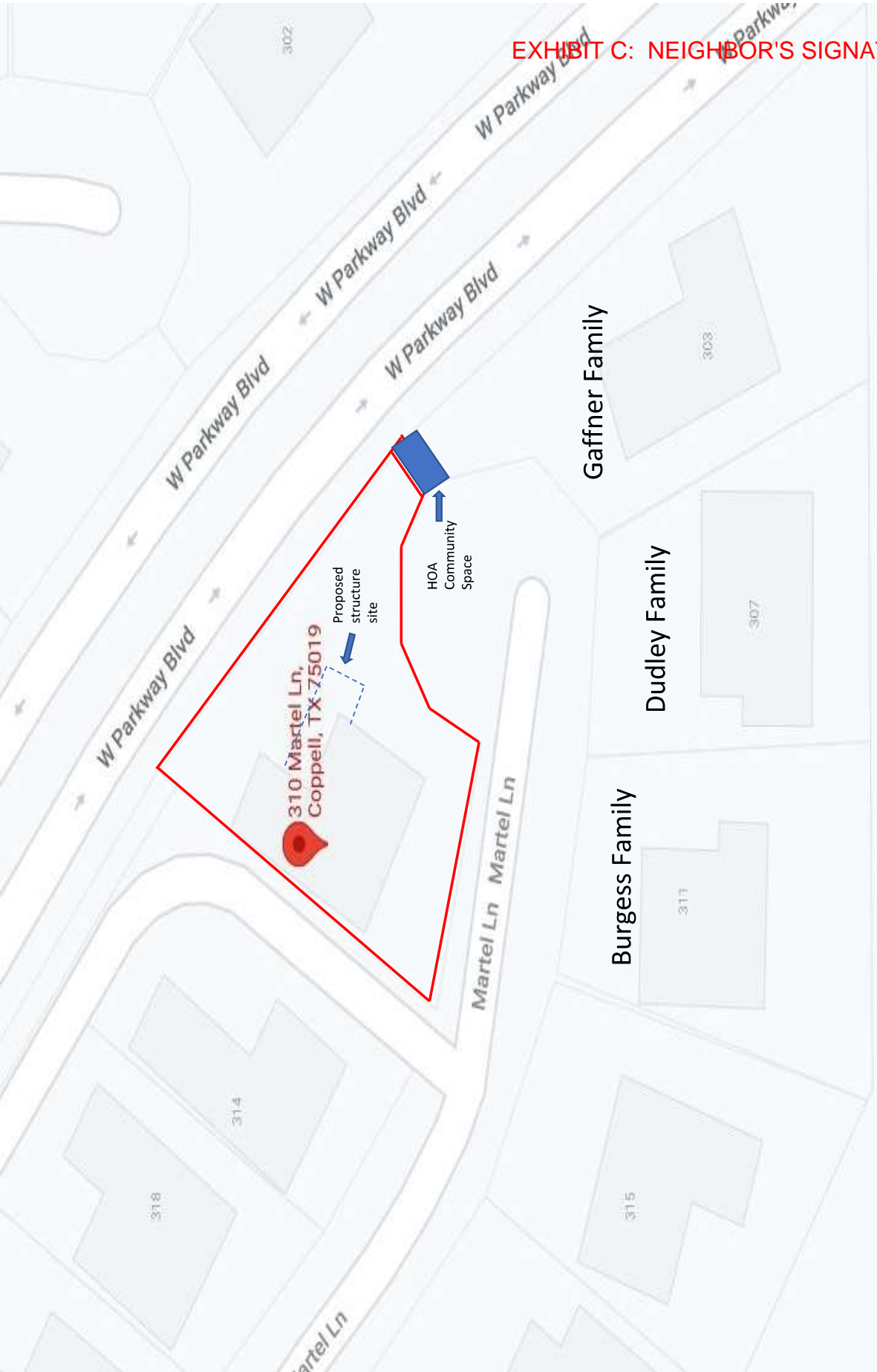


EXHIBIT D: AERIAL PHOTO



## EXHIBIT E: SITE PHOTOS

Side yard where patio cover is proposed to be located



## PERMIT DETAILED REPORT (BLDR21-03-020256) 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>	Addition	<b>District:</b>	Coppell	<b>Issue Date:</b>	NOT ISSUED
<b>Status:</b>	Comments Sent - Awaiting Re-submission	<b>Square Feet:</b>	922.00	<b>Exp Date:</b>	NOT AVAILABLE
<b>Description:</b>	ADDING AN ADDITION PATIO	<b>Valuation:</b>	\$12,775.00	<b>Final Date:</b>	NOT FINALED

<b>Parcel:</b>	180014300E0090000	Main	<b>Address:</b>	310 Martel Ln	Main	<b>Zone:</b>	281 (SF-9)	Main
				Coppell,				

**Applicant**

Carla Moreno  
415 Lansing St  
Dallas, TX 75216  
Home:  
Business:  
Mobile:

**Contractor**

Collin Jarrell  
8412 N Sterling St.  
Irving, TX 75063  
Home:  
Business: 214-542-7206  
Mobile: 214-542-7206

EXHIBIT F: BUILDING PERMIT APPLICATION

## PERMIT DETAILED REPORT (BLDR21-03-020256)

**Note**

1. need GC info. applicant is not homeowner

**Created By**

Vandana Sayegh

**Date and Time Created**

March 16, 2021 8:29 am

### EXHIBIT F: BUILDING PERMIT APPLICATION



## PERMIT DETAILED REPORT (BLDR21-03-020256)

2. GC info: From: Carla Moreno <morenocarla327@gmail.com>  
Sent: Tuesday, March 16, 2021 10:26 AM  
To: Inspect <Inspect@coppelltx.gov>  
Subject: Re: BLDR21-03-020256

Vandana Sayegh

March 16, 2021 10:30 am

### EXHIBIT F: BUILDING PERMIT APPLICATION

texas custom patios  
Justin M Meyers  
Sent from my iPhone

On Mar 16, 2021, at 9:20 AM, Inspect <Inspect@coppelltx.gov> wrote:

Please provide the name of your company as we get multiple contractor registrations per day.

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.

<image001.jpg>

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

From: Carla Moreno <morenocarla327@gmail.com>  
Sent: Tuesday, March 16, 2021 8:53 AM  
To: Inspect <Inspect@coppelltx.gov>  
Subject: Re: BLDR21-03-020256

i sent the contractor registration  
Sent from my iPhone

On Mar 16, 2021, at 8:31 AM, Inspect <Inspect@coppelltx.gov> wrote:

We have received the above permit application. Kindly provide the



## PERMIT DETAILED REPORT (BLDR21-03-020256)

contractor information. Please note that the Contractor will need to be registered with the city prior to being added to the permit.

Thank you.

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<image001.jpg>

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

Invoice No.	Fee	Fee Amount	Amount Paid
NOT INVOICED	AddAltRepAcc Permit Fee	\$461.00	\$0.00
Total for Invoice NOT INVOICED		\$461.00	\$0.00
Grand Total for Permit		\$461.00	\$0.00







All dimensions are approximate. In the event of a difference between the drawn and written dimensions, the written dimension shall prevail. Due to local differences in building codes and regulations, and specific site conditions, these drawings may need to be modified by the builder to comply with such local codes and regulations, or site conditions.

EXHIBIT F: BUILDING PERMIT APPLICATION



TEXAS  
Custom  
PATIOS

PROJECT PROPOSAL

Plan View

SCALE = 1/8"

Approved By:

Purchaser

Rep

Prepared by  
DSJ GROUP  
TEXAS CUSTOM PATIOS  
7750 N. MACARTHUR BLVD STE 120-373  
IRVING, TX 75063  
214-480-5934

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is prohibited

20-December-2020

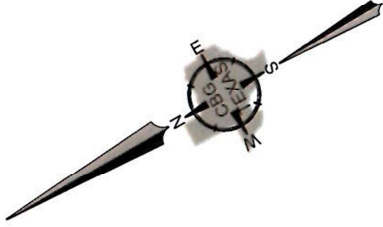
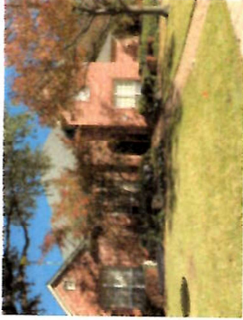
Floren Project  
310 Martel Lane  
Coppell, TX. 75019





310 Martel Lane

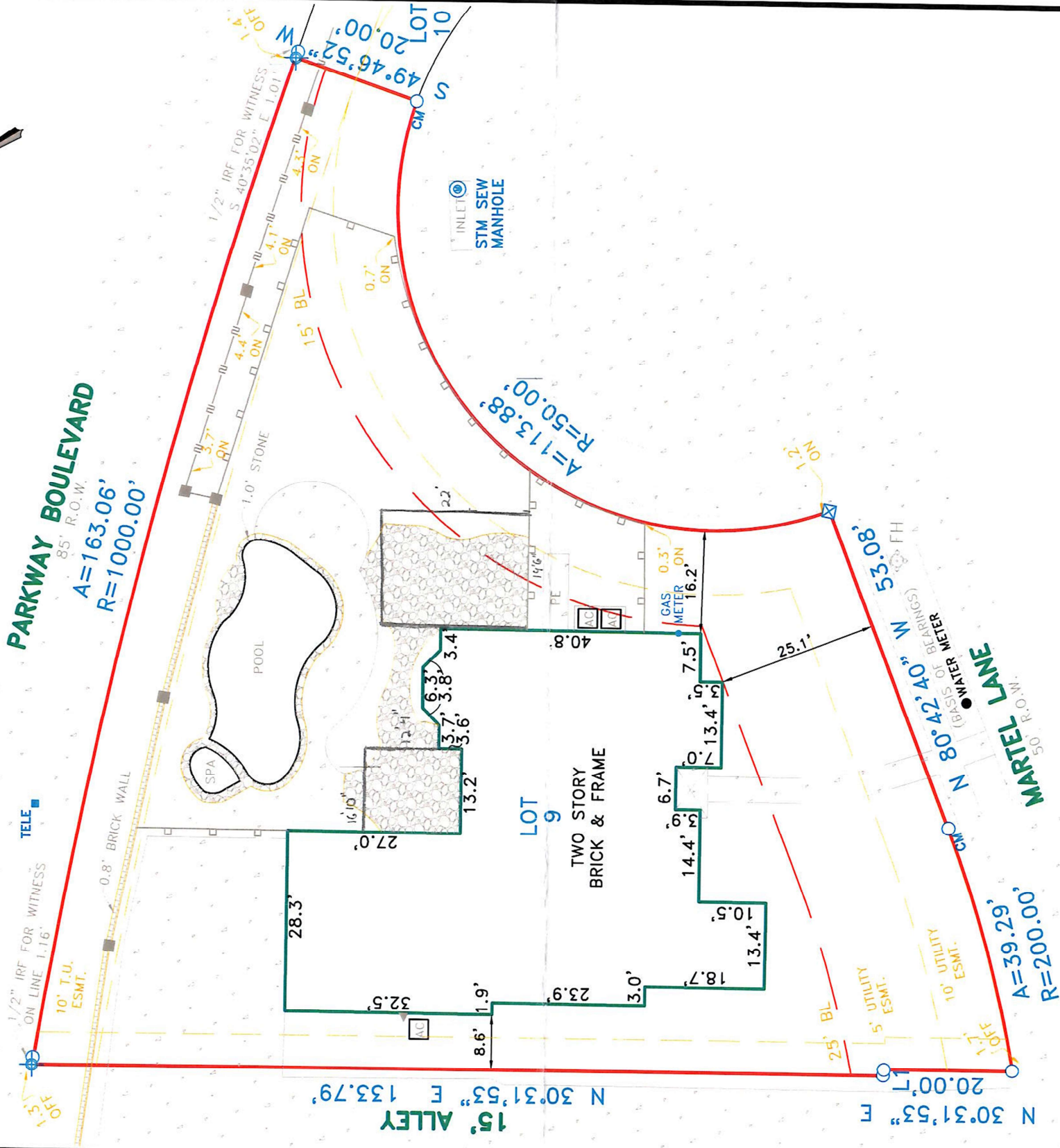
Lot 9, Block E of COPPERSTONE, an addition to the City of Coppel, Dallas County, Texas, according to the plat thereof recorded in Volume 96013, Page 87, Map Records, Dallas County, Texas.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N 59°28'07" W	1.01

LEGEND

- 1/2" ROD FOUND
- 1/2" ROD SET
- 1" PIPE FOUND
- X" FOUND/SET
- 5/8" ROD FOUND
- POINT FOR CORNER
- FENCE POST FOR CORNER
- CM MONUMENT
- AC AIR CONDITIONER
- PE POOL EQUIPMENT
- TE TRANSFORMER
- TE PAD
- COLUMN
- POWER POLE
- UNDERGROUND ELECTRIC
- OVERHEAD ELECTRIC
- OHP OVERHEAD ELECTRIC POWER
- OES OVERHEAD ELECTRIC SERVICE
- CHAIN LINK
- WOOD FENCE 0.5' WIDE TYPICAL
- IRON FENCE
- BARBED WIRE
- DOUBLE SIDED WOOD FENCE
- EDGE OF ASPHALT
- EDGE OF GRAVEL
- CONCRETE
- COVERED AREA
- BRICK
- STONE



EXCEPTIONS:

NOTE: This survey is made in conjunction with the information provided by the client. CBG Surveying Texas, LLC has not researched the land title records for the existence of easements, restrictive covenants or other encumbrances.

NOTES:

NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD NOTE: According to the F.I.R.M. No. 48113CO155K, this property does lie in Zone X and DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by The Client. Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. This is to certify that I have on this date made a careful and accurate survey on the ground of the subject property. The plat hereon is a correct and accurate representation of the property lines and dimensions as are indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

Drawn By: BVM/JLM

Scale: 1" = 20'

Date: 11/30/2020

Accepted by: Purchaser

Date:

Purchaser

Job No. 2022610



12025 Shiloh Road, Ste. 240  
Dallas, TX 75228  
P 214.349.9485  
F 214.349.2216  
Firm No. 10168800  
www.cbgtxllc.com



## EXHIBIT F: BUILDING PERMIT APPLICATION

Architectural drawing showing a concrete slab layout with dimensions and rebar placement. The drawing includes an "Existing Structure" area on the right.

**Dimensions:**

- Overall width: 19'-6"
- Overall height: 26'-2"
- Top section width: 6'-9" (PB), 6'-0" (FF), 6'-9" (PB)
- Left section height: 12'-0" (PB), 2'-0" (F), 2'-0" (F), 3'-0" (F)
- Bottom section width: 3'-6" (PB), 2'-0" (F), 8'-6" (FF), 2'-0" (F), 2'-10 1/2" (FF), 2'-0" (F)
- Right section width: 13'-0" (FF), 15'-0" (FF)
- Overall width including existing structure: 50'-3 1/4"

**Rebar Placement:**

- Top section: PB (Perimeter Bar)
- Bottom section: F (Rebar)
- Right section: F (Rebar)
- Rebar spacing: #3 Rebar 18" on center

**Existing Structure:**

- Area on the right side of the drawing, labeled "Existing Structure".
- Area containing a door and a window.

**Notes:**

- 922 sq ft of new concrete
- #3 Rebar 18" on center

**TEXAS** *Custom* **PATIOS**

Rep

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Floren Project  
310 Martel Lane  
Coppell, TX. 75019



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EXHIBIT F: BUILDING PERMIT APPLICATION



PROJECT PROPOSAL

Plan View

SCALE = 1/8"

Approved By:

Purchaser

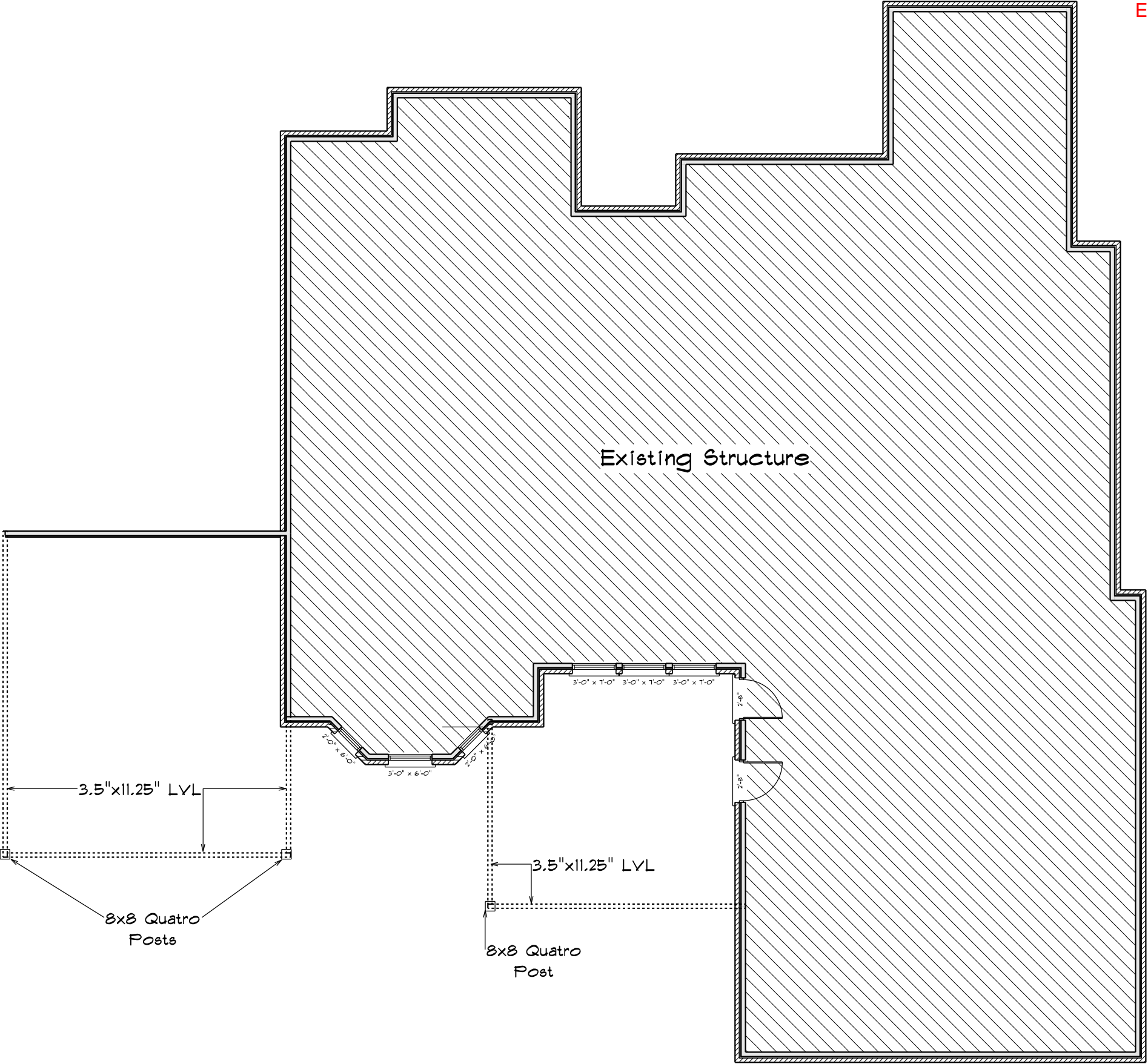
Rep

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Plan View

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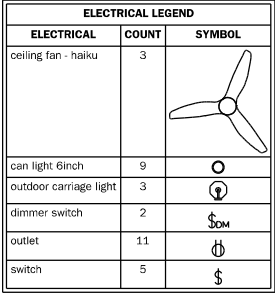
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