

## **MEMORANDUM**

**TO:** Coppell Board of Adjustment Commissioner

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

**DATE:** October 18, 2021

**REF:** November 4, 2021 Variance Hearing  
270 Lyndsie Dr.  
VAR21-09-000541

### **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 3, to allow for the construction of a maximum of 9 foot tall wood fence in proximity to the east property line facing Spring Hill Drive, within the subdivision's platted 15-foot fence setback for side property lines facing public streets, on the property located at 270 Lyndsie Drive in Coppell (Vistas of Coppell 3, Block A, Lot 5), as requested by owner Naveen Kumar Govardhan. 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 3, includes a designated 15-foot fence line ("F.L.") setback where a side yard fence abuts a street. The applicant is requesting to place a fence within that 15-foot setback, at or near the side property line.

### **PROPERTY DESCRIPTION**

The subject property is a corner lot with a rear entry garage. The subdivision was developed in the late 1990s, and this house was built in 1999. Records show that the applicant purchased the property in 2020. It is an approximately 3,200 square foot brick residence. There is rear alley access. The front faces south. The rear yard of the subject property faces the side yard of 613 Spring Hill Drive, which faces east. There is an existing 6-foot-

tall wood fence, consistent with the neighborhood, that complies with the 15-foot setback. The 15-foot fence setback requirement affects the east property line. The area is zoned PD-165-SF-7.

## **VARIANCE REQUEST**

The applicant is requesting a variance to be allowed to place a wood fence at or near the east property line facing Spring Hill Drive. If approved, the fence will be made to comply with all other applicable codes and ordinances.

In the application, the owner states that the existing fenced yard is too small for children to play, and that the side yard is unusable without being fenced in. The applicant also stated a belief that the existing fence location contributes to pest problems, and that it creates a maintenance issue in the unfenced portion of the side yard.

## **CASE HISTORY**

On July 13, 2020, the applicant applied for a permit to extend his fence out to the east property line. Staff reviewed the application on July 16, 2020 and informed the applicant by email that his plans were declined. Around the same time, the applicant sought a permit to install patio doors on the side of the house to access the desired side yard space. This permit was approved, but the applicant did not move forward since the yard area was not permitted to be fenced.

The 15-foot fence line setback is not a common regulation among Coppell's residential subdivisions. It is not a part of the City's fence ordinance. This requirement is on the plats for the Vistas of Coppell.

There are five properties with similar fence line variances in another phase of the Vistas of Coppell (1A), four of which abut Bella Vista Drive on the side. In June of this year, the Board of Adjustment granted a variance to the 15-foot platted fence setback at 518 Waterview Drive. In this case, 518 Waterview Drive and all the other houses that were granted variances were oriented north-south with all of their west side yards abutting Bella Vista Drive. The line of sight down Bella Vista Drive is a consistent fence line as a result of the variances.

There is no precedent for fence setback variances in Phase 3 of the Vistas of Coppell. The applicant's property, 270 Lyndsie Drive, faces south. The house immediately north of it, 613 Springhill Drive, faces toward the east. The area of the proposed fence backs up to an alley, then to the front yard of 613 Springhill Drive.

## **STAFF RECOMMENDATION:**

Staff does not recommend approval of this variance request. Staff is concerned that the granting of this request could have an adverse visual effect along Spring Hill Drive.

## **ATTACHMENTS:**

- Exhibit A: Variance request site plan
- Exhibit B: Subdivision plat and detail
- Exhibit C: Variance application
- Exhibit D: Photos of existing site
- Exhibit E: Area map/aerial photo

# EXHIBIT A: VARIANCE REQUEST SITE PLAN

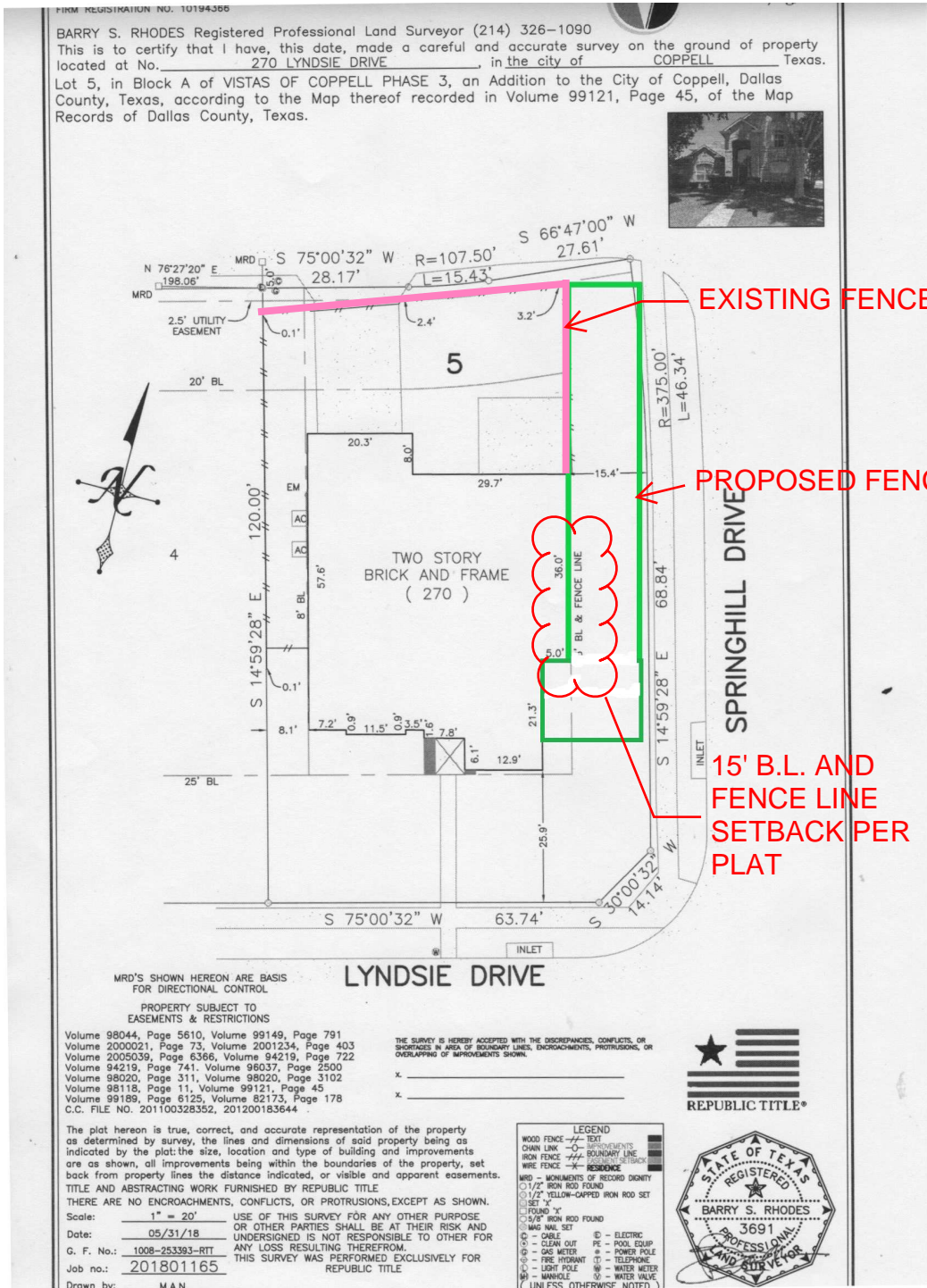
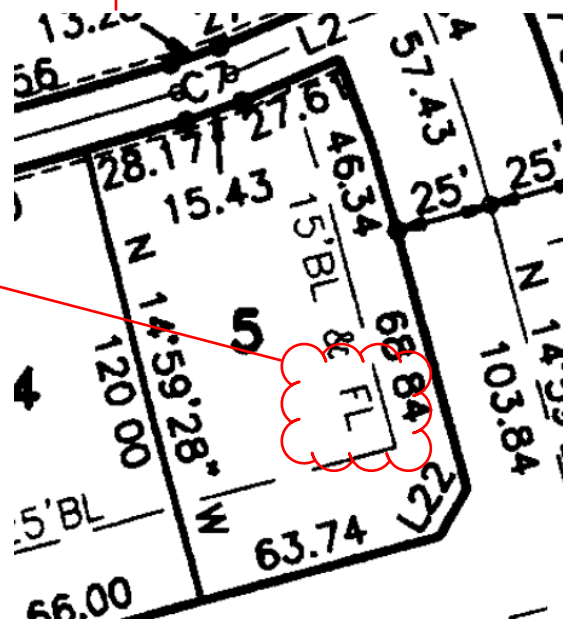


EXHIBIT B: SUBDIVISION PLAT & DETAIL



"F.L." IS FENCE  
LINE SETBACK



## EXHIBIT C: VARIANCE APPLICATION



**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: 09/06/2021

I, the undersigned owner or Naveen Kumar Govardhan (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 plat requirements, vistas of coppell Ph 3 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:** 270 Lyndsie Drive, Coppell, Texas, 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.)

This request is to extend the perimeter of the current fence line on the east side (facing spring hill drive) on our property for the following reasons. 1) Privacy:- Springhill drive and Lyndsie drive are extremely busy during morning and afternoons with parents parking their cars on spring hill drive and then walking their kids to school. We have to keep our windows perpetually closed

2) Growing family:- Our current backyard is miniscule compared to the land we own in total and it does not allow for any play area at all. Extending the fence will allow the kids to play in a safe env

3) Pest /Rodent issue:- The current fence is easy access to rodents to the roof and we have had multiple issues with both squirrels and rats invading our attic with costly repair expenses

4) Pet waste:- With an unmonitored open lawn on the west side, several folks with pets fail to clean up and we end up having to hire people to fix damaged lawn and clean up pet waste

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

*Naveen Govardhan*

Date

Naveen Govardhan

Receipt Number

Signature of Applicant

Print name

270 Lyndsie Drive, Coppell, Texas, 75019

720 579 3526

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 ✓  
If yes, explain how.

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
It is not useful with the current restrictions set

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

\_\_\_\_\_  
Reasons as explained above in the summary. 1) Privacy issues 2) Miniscule yard not enough for kids to play 3) current fence perimeter contribution to pest issue 4)  
Pet issue and lawn maintenance

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

\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
Yes, reasons as explained in the summary above.

7. Will traffic conditions be affected by the requested change? Yes \_\_\_\_\_ 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.

Naveen Govardhan  
Signature

09/06/2021

Date

EXHIBIT D: PHOTOS OF EXISTING SITE



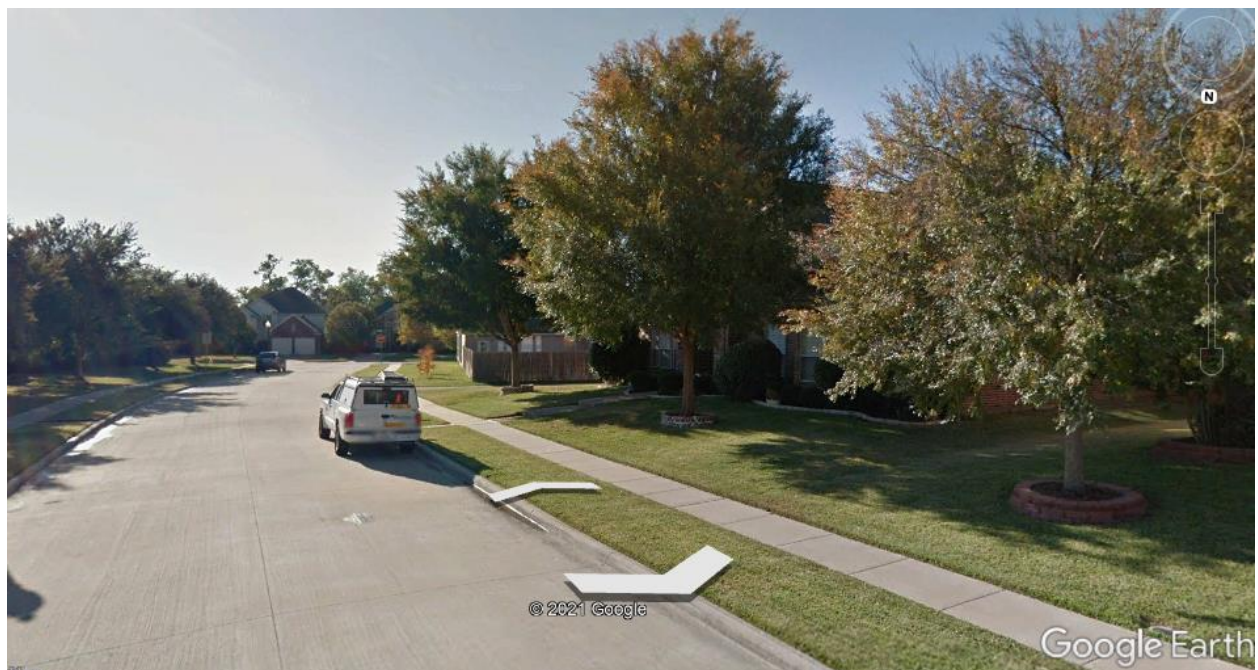
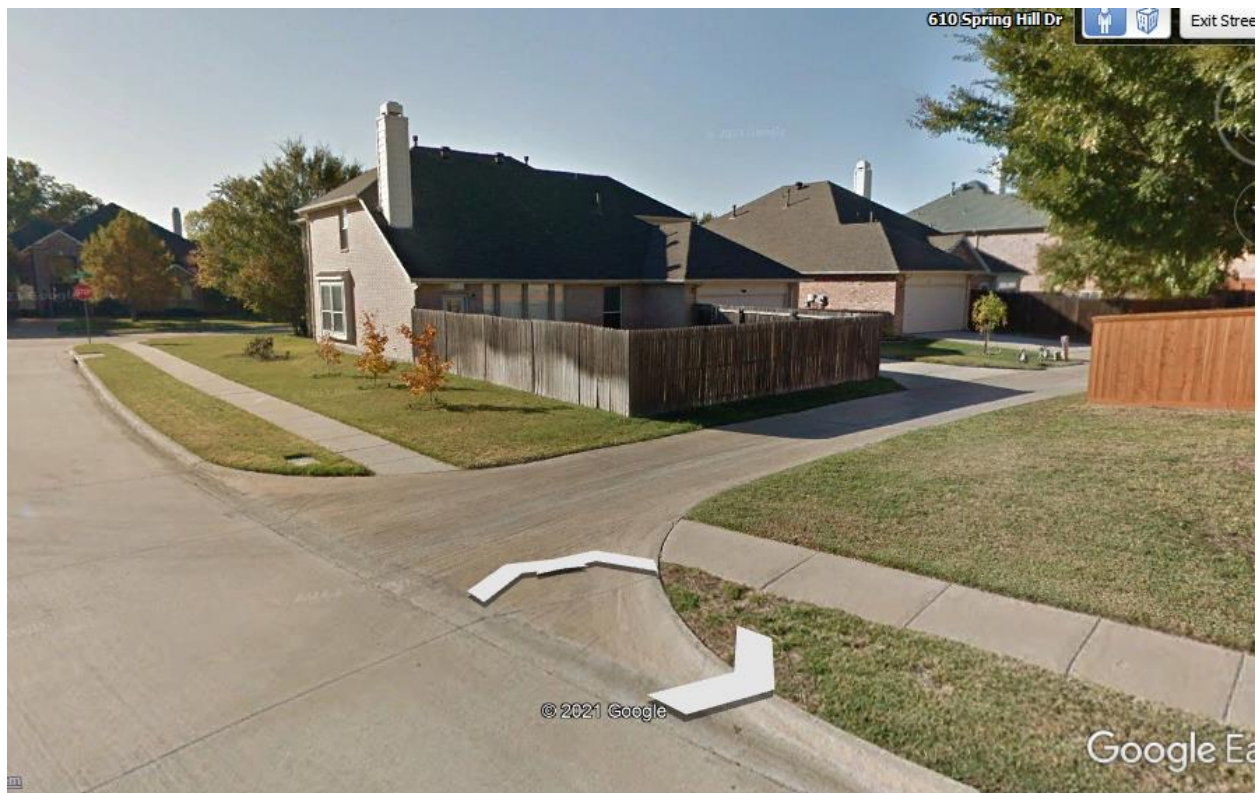


EXHIBIT E: AREA MAP/AERIAL PHOTO

