

AGENDA – ZONING BOARD OF ADJUSTMENT

NOTICE OF MEETING

Notice is hereby given that the Zoning Board of Adjustment will meet at 4:00 p.m. on Monday, October 24, 2016, at City Hall, 301 16th Street, in the Commission Chambers, Second Floor. Agenda items will be as follows:

- (1) Call to Order.
- (2) Approve Minutes of the March 23, 2016 Meeting.
- (3) Consider and Take Appropriate Action on a Variance Request to Build a Swimming Pool, Auxiliary Equipment, Fence, and Associated Landscaping in the Front Yard Setback at 31 Fairway Drive.
- (4) Adjourn.

I certify that the above Notice of Meeting was posted on the bulletin board of the Civic Complex of the City of Canyon, Texas on the 21st day of October, 2016.

Gretchen Mercer

City Clerk

ZONING BOARD OF ADJUSTMENT

Zoning Board of Adjustment Meeting
Minutes – March 23, 2016

The Zoning Board of Adjustment met in the City Commission Chambers of City Hall at 4:00 p.m. on March 23, 2016, with the following members in attendance: Chair Joan Van Doren, James Hartman, Charles Robinson, Rich Hopson and Mary Ellen Brandt. Board members Pat Williams and Wiley Harp were unable to attend.

The following City Staff were present: City Manager Randy Criswell, Assistant City Manager Chris Sharp, Assistant City Manager Jon Behrens and Director of Code Enforcement Danny Cornelius.

Item 1: Call to Order.

Chair Joan Van Doren called the meeting to order at 4:05 pm.

Item 2: Approval of the Minutes of the March 3, 2016 Meeting.

Charles Robinson moved, duly seconded by Mary Ellen Brandt, to approve the minutes as presented. Motion carried unanimously.

Item 3: Consider and Take Appropriate Action on a Variance Request to Place the Required Landscaping in the City of Canyon Right-of-Way for a New Building at 800 23rd Street.

Director of Code Enforcement Danny Cornelius presented the request. Allsup's Convenience Stores submitted a variance request to place the required landscaping in the City of Canyon right-of-way at 8th Avenue for a proposed Allsup's Store at 800 23rd Street. The City of Canyon Zoning Ordinance requires that the property have 5 trees, at least 6 feet tall, planted in the front yard and on the property. City Manager Randy Criswell explained that the property and several others along 23rd Street south of 3rd Avenue were developed as 150 feet or "half" blocks between 22nd and 23rd Streets. These "half" blocks have restricted new business development in these areas and every possible concession should be considered in order to allow commercial development along 23rd Street. Charles Robinson suggested that the landscaping be moved 5 feet to the west in order to ensure visibility for traffic at the intersection of 8th Avenue and 23rd Street. James Steward with Steward Builders, representing the property owner, agreed to the suggestion.

After discussion, Charles Robinson moved, duly seconded by Mary Ellen Brandt, to approve request with the provision that the landscaping be moved 5 feet to the west. The motion passed unanimously.

Item 4: Adjourn

There being no further business, the meeting was adjourned at 4:20 pm.

Joan Van Doren, Chair

ATTEST:

Gretchen Mercer, City Secretary

AGENDA

To: Zoning Board of Adjustment
From: Danny Cornelius, Director of Code Enforcement
Date: October 17, 2016
Re: Consider and Take Appropriate Action on a Variance Request to Build a Swimming Pool, Auxiliary Equipment, Fence, and Associated Landscaping in the Front Yard Setback at 31 Fairway Drive.

We have received a request from Jason and Lisa Avent to build a swimming pool and fence in the front yard setback at 31 Fairway Drive. The front yard setback for this property is 25' from the front property line.

The City of Canyon Zoning Ordinance prohibits any structures in the front yard setback such as fences, walls, platforms, or slabs that project more than 40 inches above the average grade of the yard. The fence around the pool is proposed to be located at the front property line and will exceed 40 inches.

Letters were sent to 22 property owners within 200' of the property. We received 12 responses with 7 supporting, 3 opposing, 1 opposing the rod iron fence beside the drive way, and 1 owner requesting more information. The owner was contacted and provided with more information. No opinion was given.

**CITY OF CANYON
APPLICATION FOR VARIANCE**

CITY OF CANYON, TEXAS

APPLICATION FEE: \$100.00

DATE 9/12/2016

PLEASE TYPE OR PRINT USING BLACK INK

DATA RELATIVE TO VARIANCE REQUEST:

PROPERTY INFORMATION

Street Address: 31 Fairway Drive Zoning District: SF-S

Lot Number: 5 Block Number: 26 Addition: Unit No. 2

TO THE HONORABLE ZONING BOARD OF ADJUSTMENT:

APPLICANT INFORMATION

<u>Jason & Lisa Avent</u>	<u>806-679-3473</u>	<u>almspraying@gmail.com</u>	
Applicant	Phone Number	E-Mail	
<u>31 Fairway Drive</u>	<u>Canyon</u>	<u>TX</u>	<u>79015</u>
Applicant's Street Address	City	State	Zip Code

PLEASE COMPLETE THE FOLLOWING INFORMATION IF OTHER THAN APPLICANT:

<u>Property Owner (Please Print)</u>	<u>Phone Number</u>	<u>E-mail</u>	
<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>
<u>Tenant Name (Please Print)</u>	<u>Phone Number</u>	<u>E-mail</u>	
<u>Street Address</u>	<u>City</u>	<u>State</u>	<u>Zip Code</u>

I do hereby certify that these statements are true and correct to the best of my knowledge.

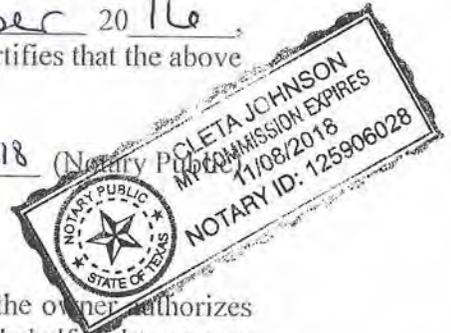
[Signature]
(Applicant)

9/12/16
(Date)

STATE OF TEXAS
COUNTY OF Potter

Subscribed and sworn to before me this 12 day of September 2016,
by Jason Avent, who, on his/her oath certifies that the above
statements are true and correct to the best of his/her knowledge.

[Signature] My commission expires: 11-8-2018



If the owner of the subject property is not the applicant, by signing below, the owner authorizes the applicant or his authorized representative to make this application on its behalf and to appear before the Board.

(Owner) (Date)

STATE OF TEXAS
COUNTY OF Potter

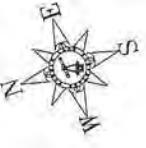
Subscribed and sworn to before me this _____ day of _____ 20____,
by _____, who, on his/her oath certifies that the above
statements are true and correct to the best of his/her knowledge.

_____ My commission expires: _____ (Notary Public)

2000 CENSUS TRACT # 217.01

SCALE: 1" = 30'
LEGEND:

- ① 1" IN CONCRETE FND
- ② 1/2" IRON ROD W/CAP FND
- ③ 3/8" IRON ROD FND
- ④ 1/2" IRON ROD FND
- ⑤ CONCRETE
- ⑥ BASKETBALL GOAL
- ⑦ MANHOLE
- ⑧ GAS METER
- ⑨ WATER METER
- ⑩ TRANSFORMER
- ⑪ UTILITY PEDESTAL



31 FAIRWAY DRIVE
CANYON, TEXAS

P 283.92'
N 44° 20' 53" E, MEAS.
R=100.00', W 279.07'

(MEAS. S 61° 02' 17" E
200.00')



P 120.00'
MEAS. N 26° 57' 44" E
120.00'

P 43.98'
LOT 9
N 61° 00' 16" W
43.98'

P 227.86'
LOT 7
MEAS. N 71° 11' 56" W 227.86'

(MEAS. S 19° 52' 08" W 118.61')

(MEAS. S 71° 12' 00" E 100.00')
BUNKER PASS

(MEAS. S 71° 12' 00" E
81.08')

NOTES

- Original seal and signature of the surveyor must be present on each page for survey to be valid.
- This plat is the property of Furman Land Surveyors Inc. Furman Land Surveyors Inc. accepts no responsibility for the use of this plat for any purpose other than its original intended use. The intended use being the consummation of the original transaction between the parties listed in the certificate hereon and issuance of title insurance for the property surveyed. Reproduction of this plat for any purpose other than its original intended use is expressly forbidden without the written consent of an authorized agent of Furman Land Surveyors Inc. Copyright 2016.
- No investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose have been made by this Surveyor.

DESCRIPTION

Lot 5, Block 26, Hunsley Hills Unit No. 2, an addition to the City of Canyon in Randall County, Texas, according to the map or plat attached, recorded in Volume 567, Page 331 of the Deed Records of Randall County, Texas.

INACCESSIBLE AT TIME OF SURVEY.
LOCATION OF 1/2" IRON ROD WITH
CAP FOUND BY THIS FIRM ON
4/9/2007.

INACCESSIBLE AT TIME OF SURVEY.
LOCATION OF 1/2" IRON ROD FOUND
BY THIS FIRM ON 4/8/2007.

CORNER FALLS
BETWEEN FENCES
INACCESSIBLE AT
TIME OF SURVEY

INACCESSIBLE AT TIME
OF SURVEY.
LOCATION OF 3/8" IRON ROD
FOUND BY THIS FIRM ON
09/24/2010.

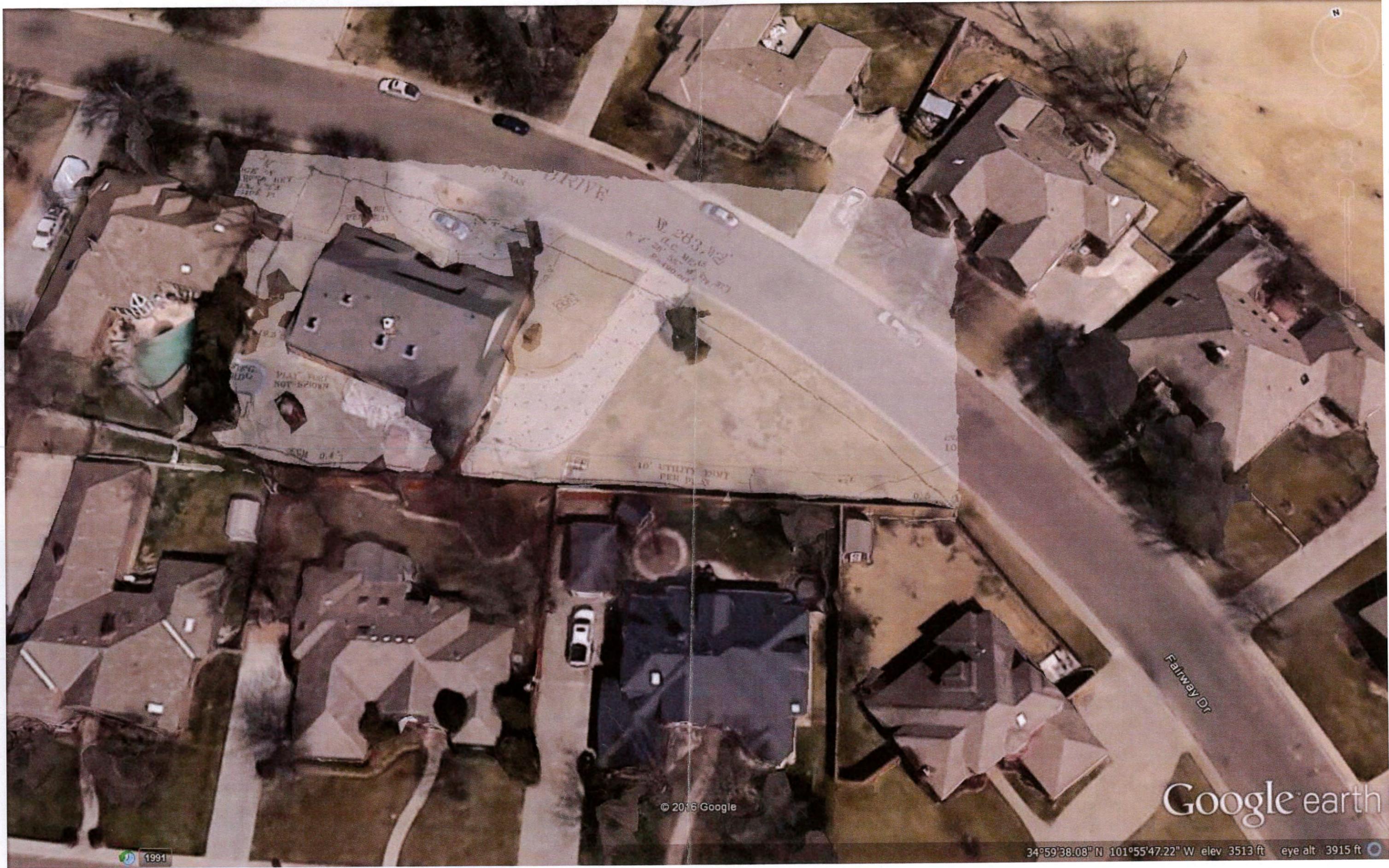
SURVEY FOR:
JASON AVENT
SURVEYED:
7/19/2010



Heather Lynn Lemons
Heather Lynn Lemons
RPLS 5712

FURMAN LAND SURVEYORS, INC.
SURVEYING · MAPPING · CONSULTING
TEXAS · OKLAHOMA · NEW MEXICO
KANSAS · COLORADO

DARYL R. FURMAN, RPLS · DONALD B. FURMAN, RPLS
JASON AVENT, RPLS · JAMES W. DODD, RPLS
CASEY J. HANSON, RPLS · JAMES W. DODD, RPLS
HEATHER LYNN LEMONS, RPLS · NOAH C. HUNTINGTON, RPLS
M.K. MCGENTIRE, RPLS · KYLE L. BRADY, ST
TEXAS FIRM #19072400 & 10992501
P.O. BOX 1116, ANABELLO, TEXAS 79015 · (806) 321-1246 · FAX (806) 321-1248
P.O. BOX 661, DOMAS, TEXAS 79025 · (806) 934-1305 · FAX (806) 934-1302
PROJECT NO. 1619004 FILE NO. 1-26\1619004
DRAWING NO. DWG\DWG 16\ RANDALL\1-26\1619004



Fairway Dr

Google earth

© 2016 Google

34°59'38.08" N 101°55'47.22" W elev 3513 ft eye alt 3915 ft

1991



© 2016 Google

Google earth

1991

34°59'37.94" N 101°55'47.22" W elev 3513 ft eye alt 3944 ft



pool S



pool S



pool S



NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

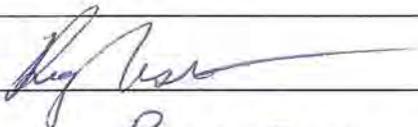
Re: Variance request to build a swimming pool, auxiliary equipment, fence and associated landscaping within the front yard setback of the property at **31 Fairway Drive**. The City of Canyon Zoning Ordinance requires a 25' front yard setback in which subsurface structures, fences, walls, platforms, or slabs may not project into the front yard to a height greater than 40 inches above the average grade of the yard. The property is also described as Lot 5, Block 26, Hunsley Hills Unit No. 2, Randall County, Canyon, Texas.

As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

(1) Appears as though it would be attractive +
Should not hurt property values.

(2) _____

(3) _____

Signed: 

Print Name: Randy Crasler

Address: 1 Broken Pass Canyon

Date: 9-26-16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

- (1) I know the Avents have put quality products into their house and I have seen the plans for this project. It is well-designed and will be well-built.
- (2) We believe the project will bring value to the neighborhood. Again, there will be quality added to their property which enhances the neighborhood.
- (3) We support the Avent's use of this space. Our house faces their property and we have no problem with this project. It will be an asset to the neighborhood.

Signed: Tim Gilliland

Print Name: Tim Gilliland

Address: 26 Fairway Dr.

Date: 9/26/16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

(1) _____

We have no objection to this request for variance

(2) _____

(3) _____

Signed: *Kathryn Cornett*

Print Name: *Kathryn Cornett*

Address: *22 Fairway Canyon*

Date: *9-26-16*

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

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CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

(1) _____

(2) _____

(3) _____

Signed: Don Lee Kathi Lee
Print Name: DON LEE Kathi Lee
Address: 18 FAIRWAY
Date: 9/28/16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

(1) _____

(2) _____

(3) _____

Signed: _____

Jean K Winings

Print Name: _____

Jean K Winings

Address: _____

20 Fairway Dr

Date: _____

9/28/16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (~~oppose~~) the request for the Variance as represented at the above address for the following reasons:

(1) _____

(2) _____

(3) _____

Signed: E. Jay Hail

Print Name: E. JAY HAIL

Address: 37 FAIRWAY DR

Date: 10-5-16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

(1) We support it as long as the high privacy fence would be around it.

(2)

(3)

Signed: 

Print Name: Bill Steigh

Address: 10 Bunker Pass

Date: Sept Oct 3, 2016

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

Re: Variance request to build a swimming pool, auxiliary equipment, fence and associated landscaping within the front yard setback of the property at **31 Fairway Drive**. The City of Canyon Zoning Ordinance requires a 25' front yard setback in which subsurface structures, fences, walls, platforms, or slabs may not project into the front yard to a height greater than 40 inches above the average grade of the yard. The property is also described as Lot 5, Block 26, Hunsley Hills Unit No. 2, Randall County, Canyon, Texas.

As an interested property owner, I ~~support~~ oppose the request for the Variance as represented at the above address for the following reasons:

- (1) The owner has ample room in the back yard for a pool and a fence close to the street will be unattractive.
- (2) If you allow this variance, then you will have to grant the same variance to others that may want to do the same.
- (3) The city will need to monitor the height of the fence along the street if this variance is allowed. He has a fence in his back yard that is over 8'ft in height.

Signed: JR Clark

Print Name: JR Clark

Address: 8 Bunker Pass

Date: 10.12.16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

- (1) I oppose allowing a swimming pool at 31 Fairway because -
① very close to my back yard -
- (2) In the future upkeep could create problems for neighbors
- (3) Noise - Their dogs are already a problem!

Signed: Jo Anne Davidchik

Print Name: Jo Anne Davidchik

Address: 60 Bunker Pass

Date: 10-5-2016

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) [✓] (oppose) the request for the Variance as represented at the above address for the following reasons:

- (1) OPPOSE - When we bought the property directly behind ^(over) the proposed changes we understood the limits and desired the privacy that the ^(setback) variance allowed. We did not want anything to be developed directly behind our house and still feel the same way. Please consider denying the requested variance. We understood the zoning requirements would leave the property without structures and remain property.
- (2) _____
- (3) _____

Signed: Mike Wares

Print Name: MIKE WARES

Address: 4 BUNKER PASS CANYON, TX 79015

Date: 9-26-16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

NOTICE OF REQUEST FOR VARIANCE
CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

- (1) As plans revealed by Danny Cornelius per our phone conversation (Plans show - 10' front fence around swimming pool or guy non privacy fence would be
 - (2) Unacceptable - would recommend only a 8 foot fence (privacy) like their immediate neighbor or corner to the east - continue that type or
 - (3) equal to or above quality around swimming pool according to city's 10 or 11 foot set back from curb (fence along Fairway & driveway) - even matching neighbor's fence color (stain) - also landscaping throughout outside of fence facing Fairway (set back area)
- Signed: Dwight Colville
Print Name: Dwight Colville
Address: 30 Fairway Dr
Date: 10-4-16
- 40" inch fence if required by city without ordinance variance would be unacceptable - guy type of 40" fence
- Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015

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CITY OF CANYON, TEXAS

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As an interested property owner, I (support) (oppose) the request for the Variance as represented at the above address for the following reasons:

- (1) I do not have an opinion yet. I would like to get more details as to where the pool, equipment, and fence will be.
- (2) I would like to know what this is going to look like from my back yard and from the street. Would like to know
- (3) what the homeowner believes this could do for his property values as well as his neighbors. Potentially I need more information.

Signed: W. Ashley Allen

Print Name: W. Ashley Allen

Address: 2 Bunker Pass, Canyon

Date: 10-10-16

Please return responses to our office by October 14, 2016.

Mail to: Danny Cornelius
Director of Code Enforcement
City of Canyon
301 16th Street
Canyon, TX 79015