



**NOTICE OF REGULAR MEETING
CITY OF PILOT POINT
BOARD OF ADJUSTMENT AND APPEALS**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF PILOT POINT, TEXAS, WILL HOLD A REGULAR MEETING ON:

FEBRUARY 27, 2020

AT 6:00 PM

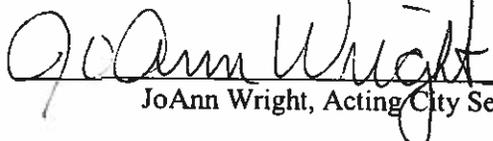
PILOT POINT CITY HALL
102 E. MAIN STREET, PILOT POINT, TEXAS

AGENDA

- A. ROLL CALL/CALL TO ORDER
- B. Discuss, consider and possible action on the minutes from the August 29, 2020 Board of Adjustment meetings.
- C. Hold a public hearing on a variance request of Chris Aquinaldo on the property described as White Addition block 15, lot 4 with the approximate address of 228 S. Hill Street. The property owner is requesting a variance from the requirement of a 25' side yard setback to a 15' side yard setback on Division St. to be able to build an attached garage to the existing house.
- D. Discuss, consider, and possible action on a variance request of Chris Aquinaldo on the property described as White Addition block 15, lot 4 with the approximate address of 228 S. Hill Street. The property owner is requesting a variance from the requirement of a 25' side yard setback to a 15' side yard setback on Division St. to be able to build an attached garage to the existing house.
- E. Adjourn

In compliance with the Americans with Disabilities Act, the City of Pilot Point will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 940-686-2165.

I the undersigned authority do hereby certify this notice was posted on the official bulletin board for the City of Pilot Point, Texas on **February 20, 2020 by 5:00 p.m.**, and shall remain posted for at least 72 hours preceding the scheduled time of said meeting.


JoAnn Wright, Acting City Secretary



**Minutes of the August 29th, 2019
Board of Adjustment and Appeals**

The Board of Adjustment and Appeals of the City of Pilot Point, Texas met on August 29, 2019 at 6:00 p.m. for a Board of Adjustment regular meeting at the Pilot Point City Hall, 102 E. Main Street Pilot Point, Texas 76258. Board of Adjustment members present were John Haughton, Curtis Wilson, Shannon Stephens, and Brett Kuhn. Members absent were Stephanie Fulmer. City staff members present were John Taylor, Development Services Director.

AGENDA

A. ROLL CALL/CALL TO ORDER

Chairman John Haughton called role, announced a quorum and called the meeting to order at 6:09 p.m.

B. Discuss, consider and possible action on the minutes from the July 9, 2019 Board of Adjustment meetings.

Motion was made to approve the July 9, 2019 Board of Adjustments minutes. Motion made by Brett Kuhn; 2nd by Shannon Stephens. Motion was approved unanimously.

C. Public hearing on variance request of Habitat for Humanity of Denton County on the property described as Tract 229, Abstract 1139A C. Smith. Denton Co. parcel number 41478. Approximate address 512 N. Church Street. The property owner is requesting a variance from the requirement for a garage in the SF-2, Single Family 2 Residential District as set forth in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8).

John Haughton swore in John Taylor, John Montoya, Jerry Morgan, Conrad Boerner, and Charlotte Redfearn Doss.

Public Hearing was opened.

John Taylor briefed the Board on the variance request and read a letter of opposition that was received from Tom Kam that was also given to the Board.

John Montoya, CEO Habitat for Humanity, 1721 N. Carroll, Denton, TX spoke. He thanked the Board for their service and discussed the limitations of the lot which made building a garage difficult. He talked about the future owner of the house being a single mom with kids that currently lives in Pilot Point. He talked about how Habitat homes had to be affordable and that a garage costs \$20,000. He also mentioned the previous variances in 2017 and in 2016 on White Street. He said the property was purchased at a Sheriff's sale in March of 2017. He also said a 10 x 10 shed will be constructed in the back yard and the property would be landscaped property line to property line. Mr. Haughton asked him if the project would increase the value of the properties in the neighborhood. Mr. Montoya explained why it would.

Jerry Morgan, Habitat volunteer, 5046 Oak Bend Circle, Denton, TX, had prepared the site plan. He explained the site plan to the Board and stated that Habitat did not know the exact lot dimensions when it was bought. He was asked by the Board if the house could be moved back on the lot and the garage be built in front and he said that it could, but it would not be desirable. Mr. Haughton asked if there were other hardships other than cost. Mr. Morgan stated the lot width was limited and they did not want the entire lot frontage to be garage.

John Montoya showed the Board a picture of a similar house they had built.

Conrad Boerner, 620 N. Church, addressed the Board. He stated that he was not necessarily opposed to the Habitat project but had several questions to the Habitat people. He asked if they had built a Habitat house on Burks and they were not sure if they had. He also wanted to know how the taxes are paid and what happens if the owner stops paying the mortgage. Also, he wanted to know how the recipients are selected.

John Montoya responded to Mr. Boerner's questions: Taxes are paid by the owner and are escrowed in the mortgage. He said that Habitat holds the mortgage and has a 10-year first right of refusal to buy the house back. He also said that they provide tools and training in how to maintain the yard and house and will come back to help the resident if need be. He outlined the selection process which includes looking at needs, ability to pay, willingness to partner, no criminal history and good credit.

Charlotte Redfearn Doss, 9690 Vail Eton Dr. Pilot Point, TX, stated that as a resident of Pilot Point, she asked the Board to support the variance.

Conrad Boerner stated that he was not trying to stop Habitat.

Curtis Wilson said that Habitat builds very nice houses.

Brett Kuhn stated that the problem the Board runs into is that they can not give variances solely on financial issues. However, in this case the hardship is the minimum lot width.

Shannon Stephens asked if they could build a one car garage and John Taylor said that if they did, they would still need a variance as the ordinance requires a two car garage in this case.

John Haughton stated that the decision must be based on a hardship that is not financial.

Brett Kuhn stated that the hardship was lot width.

John Haughton swore in Tom Rufer, 202 Moonlight Path Dr. Shady Shores, TX who addressed the Board about land acquisition by Habitat.

Public Hearing was closed at 7:19

- D. Discuss, consider and possible action on variance request of Habitat for Humanity of Denton County on the property described as Tract 229, Abstract 1139A C. Smith. Denton Co. parcel number 41478. Approximate address 512 N. Church Street. The property owner is requesting a variance from the requirement for a garage in the SF-2, Single Family 2 Residential District as set forth in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8).**

Curtis Wilson made a motion to approve the variance as requested to not build a garage. Motion was seconded by Bret Kuhn. Motion passed unanimously with 4 affirmative votes.

E. Adjourn -

John Haughton adjourned the meeting at 7:21

Chairperson

Secretary



Board of Adjustment Agenda February 27, 2020

Agenda Item: (Public Hearing and Action Item)

Agenda Description:

Hold a public hearing on a variance request of Chris Aquinaldo on the property described as White Addition block 15, lot 4 with the approximate address of 228 S. Hill Street. The property owner is requesting a variance from the requirement of a 25' side yard setback to a 15' side yard setback on Division St. to be able to build an attached garage to the existing house.

Discuss, consider, and possible action on a variance request of Chris Aquinaldo on the property described as White Addition block 15, lot 4 with the approximate address of 228 S. Hill Street. The property owner is requesting a variance from the requirement of a 25' side yard setback to a 15' side yard setback on Division St. to be able to build an attached garage to the existing house.

Background Information:

The property is zoned SF-2 and is located on the corner of S. Hill Street and Division Street. The required side yard setback in SF-2 is 10' with an added 15' if the side fronts on a street, making the required setback on Division Street 25'.

The property originally had a carriage house on the property but in a different location, as the lot configuration has changed over the years. The house does not currently have a garage. The proposed layout of the attached garage is shown on the attached site plan and meets all the required setbacks except for the 25' side setback on Division which can not be met due to the location of the existing house. The garage will be 15' off Division Street rather than 25'.

This is a corner lot which requires a 25' setback on both streets. The internal lot side setback is 10'. The construction of a garage would bring the property into compliance with the requirement for a garage.

Attached is the application for the variance with the Variance Worksheet. This worksheet lays out the four criteria that the Board must determine are met in order to make a finding of hardship and grant the variance.

Financial Information:

NA

City Contact:

John Taylor, Development Services Director

Attachments:

1. Application w/ site plan and floor plan
2. Location map
3. Public Hearing Notice letter
4. Legal notice



Board of Adjustment Application

SITE INFORMATION

Address: 228 S Hill St.

City: Pilot Point State TX Zip 76258

Subdivision: _____ Lot# _____ Block# _____ Zoning: _____

PROPERTY OWNER

Name: Chris Aquinaldo

Address: 228 S Hill St. City: Pilot Point State: TX Zip: 76258

Phone: 469-323-2603 Email: Chris@pineapplehomecreations.com

If applicant is different from property owner:

The Property Owner does hereby grant the applicant, _____ (name), authority to represent him/her at the hearing.

Owner Signature

REQUEST

Code Section Requesting Action on: Attached Garage

Check One: Appeal Special Exception Variance

Describe Request: We want to recreate a garage similar in design as the original carriage house on our property. Given ~~or~~ our original lot was subdivided years ago and the size of the proposed structure, we would like to attach the garage to the house.

Describe Hardship: Original carriage house was further back on the original lot, which is no longer part of our property. The current lot has the house set to the back of the property limiting the placement of a new garage. We would like to apply for a variance to place the garage 15' from the side property line instead of the code of 25'.

Board of Adjustment Variance Worksheet

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following conditions are met. State how your request meets these conditions.

a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.

Original property was entire block at S Hill & Division. The carriage house was originally right on the road on Division, further back on the property. The house is in its original location and cannot be moved on the property to make more room for the required setback. We have opted to turn the structure 90° in order to maximize the setback for the structure and still keep proper distances from the house.

b) That granting of the variance will not violate the purpose or intent of the ordinance and will not cause harm to any surrounding property owner.

Recreating the carriage house, even in a different location and turned, will increase the historic relevance of our structure which will increase the value of not only our property but also the surrounding properties. The construction and look/finishings will match the existing house and create a more authentic & cohesive look for a property of great significance to Pilot Point making the area around it more attractive to current & prospective homeowners.

c) The granting of the variance will not merely serve as a convenience to the applicant

The effort to restore the property is also part of the effort to preserve history and eventually register the home on the National Historic Register. Beautifying the few remaining historic homes ~~serve~~ serves the entire community of Pilot Point.

d) The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the standards and will not be contrary to the public interest.

Constructing the garage will beautify the property. A paved driveway will eliminate any accidental driving on grass or creating muddy conditions. Vehicles will be parked in the garage and trailers will be hidden from plain ~~eye~~ sight. It will allow for the property to really be clean and beautiful as well as provide for a controlled area to continue the restoration of this property.

Applicant hereby requests that this case be reviewed by the Board of Adjustment for a decision.

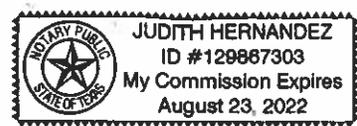
I hereby certify that the above statements are true and correct, that I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to grant my request.

[Signature] (applicant's signature) Date: 01-22-2020

On this 22 day of January, 2020 before me Judith Hernandez, Notary

the undersigned notary public, personally appeared Christiano Aquinaldo proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

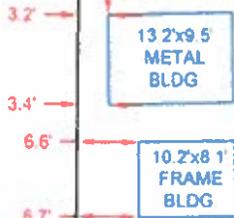
WITNESS my hand and official seal:
[Signature] (Seal)



A TRACT OF LAND DESCRIBED IN A DEED TO
EMANUEL HELLUMS AND TERESA HELLUMS
VOL 2376 PG 513, D.R.D.C.T.

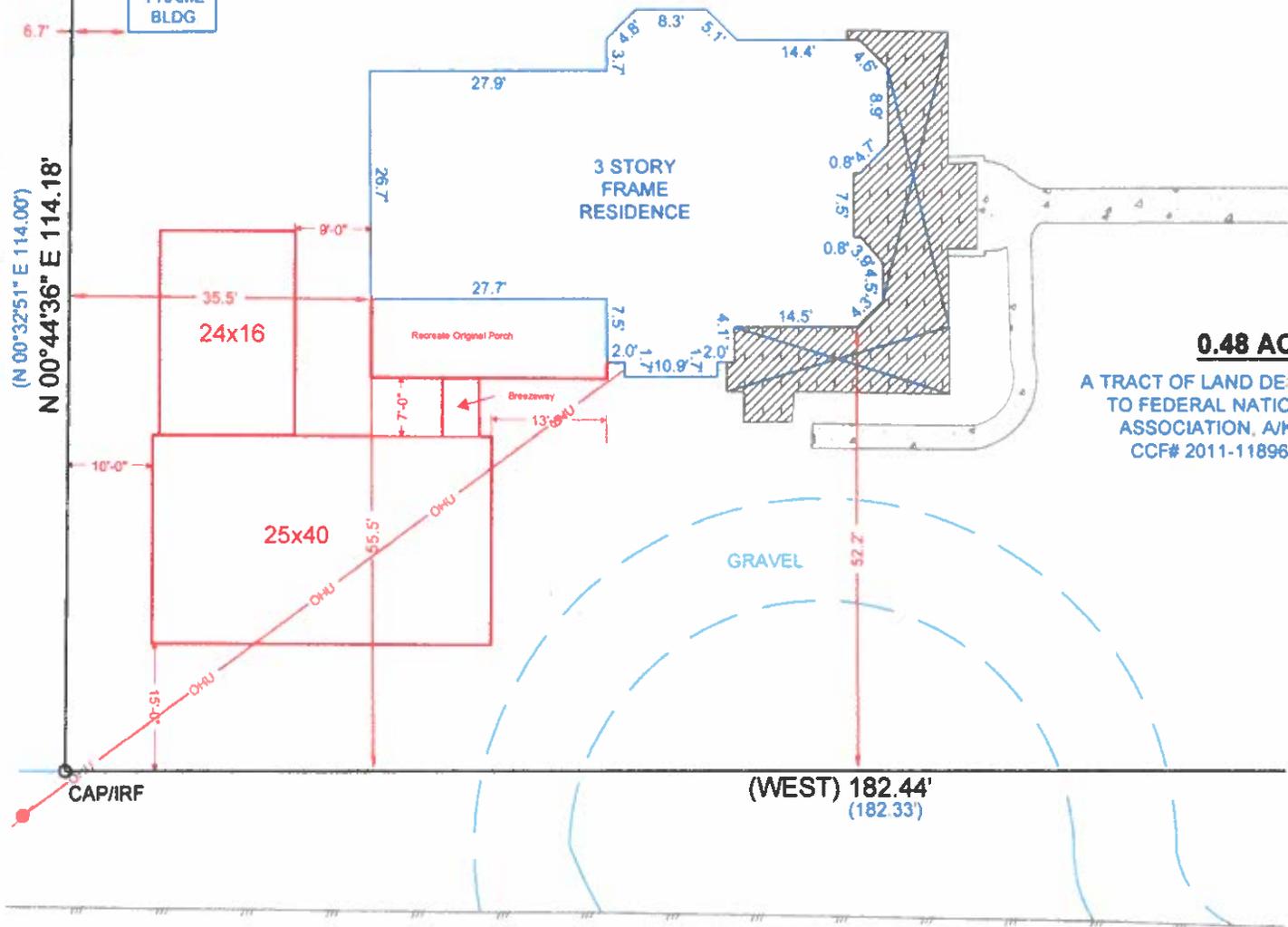
(EAST 182 33')
S 89°56'31" E 182.13'

5/8" IRF



A TRACT OF LAND DESCRIBED IN A DEED TO
GERONIMO R. TAVERA AND ALEJANDRA G. TAVERA
CCF# 2005-53734, R.P.R.D.C.T.

(N 00°32'51" E 114.00')
N 00°44'36" E 114.18'



0.48 AC

A TRACT OF LAND DE
TO FEDERAL NATIC
ASSOCIATION, A/
CCF# 2011-11896

(WEST) 182.44'
(182 33')

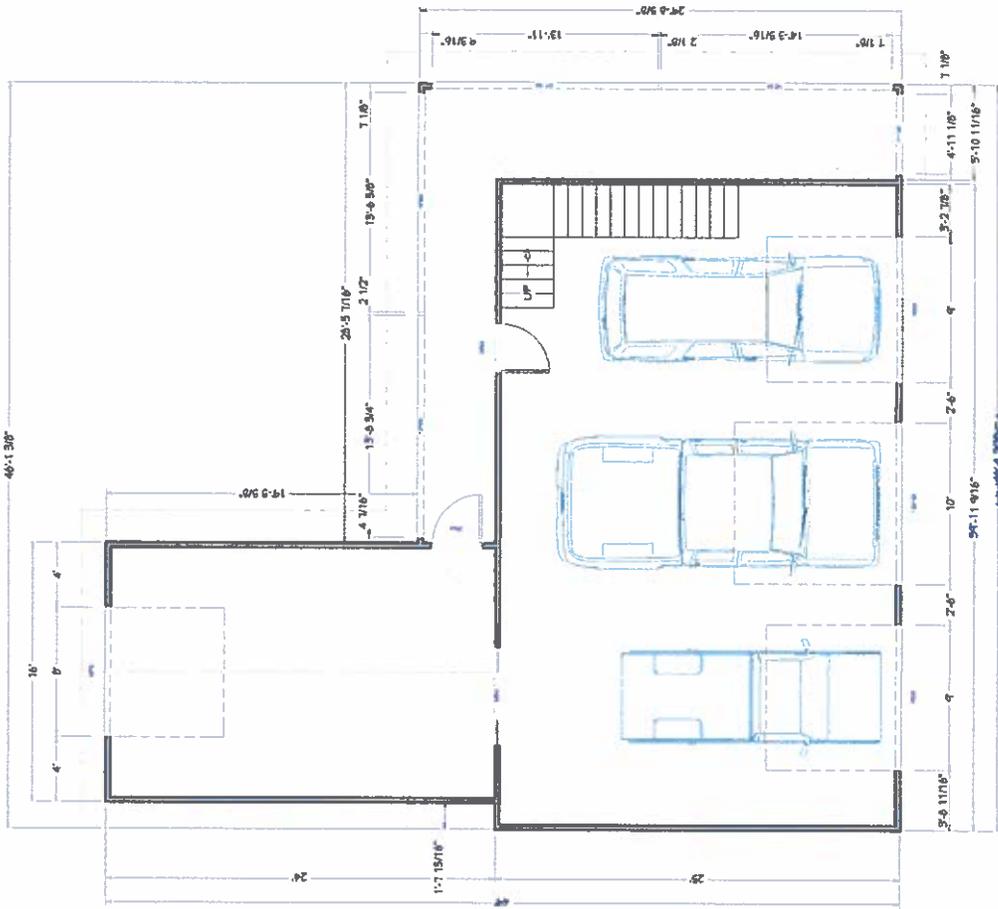
WEST DIVISION STREET
17' ASPHALT

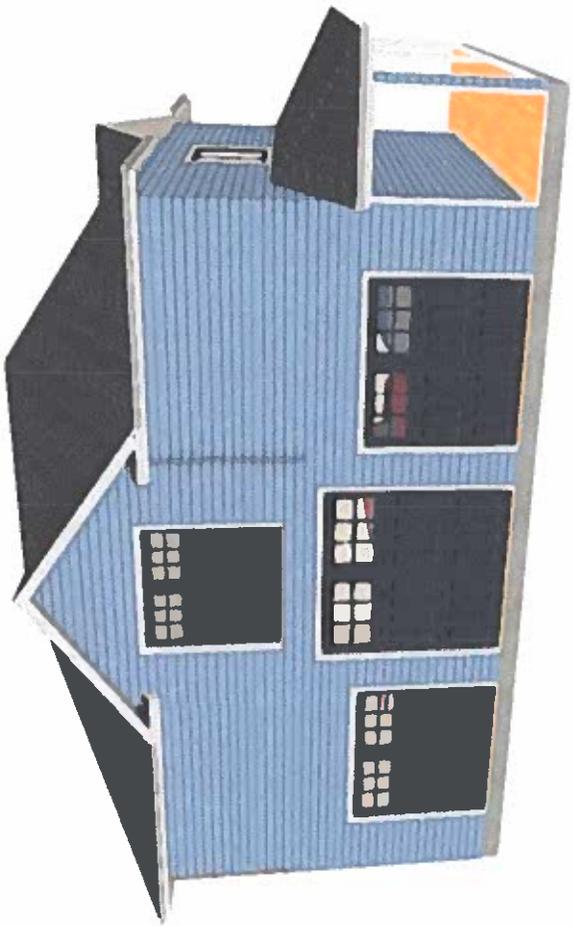
FLOOD STATEMENT: I have reviewed the F.E.M.A. Flood Insurance Rate Map for the City of Pilot Point, Community Number 480783 effective date 4-18-2011 and that map indicates as scaled, that this property is within "Non-Shaded Zone X" defined as "Areas determined to be outside the 500 year flood" as shown on Panel 115 G of said map.

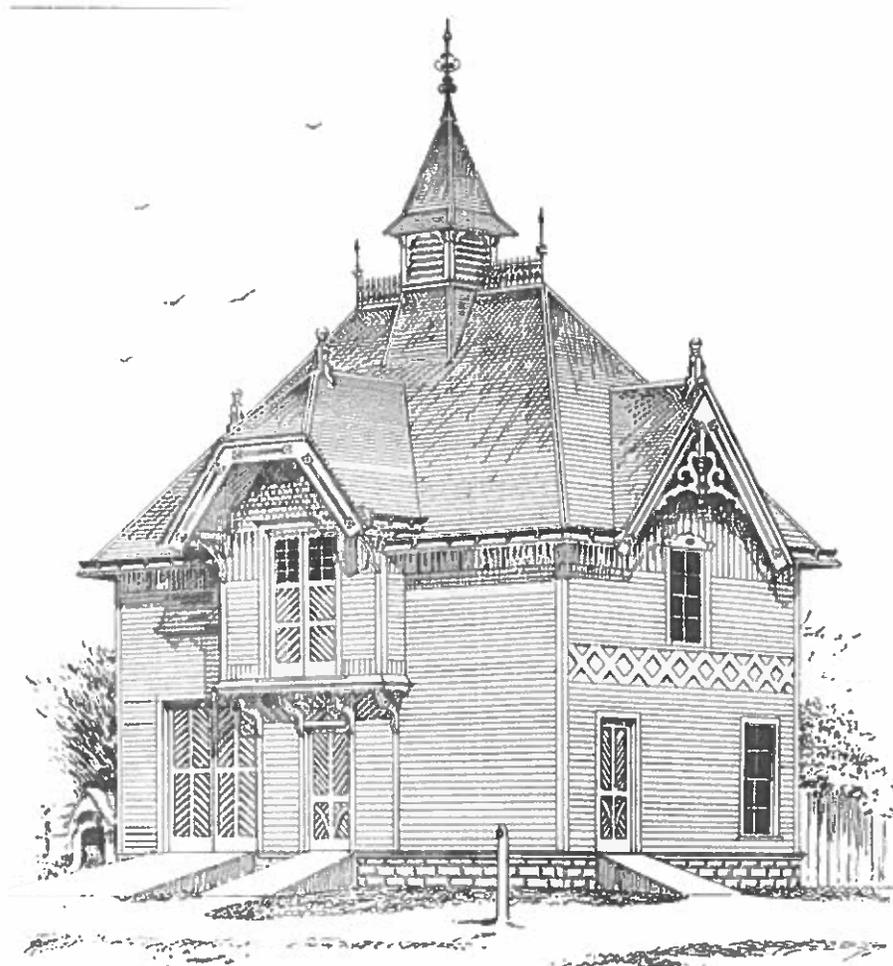
This survey is certified to Salli O'Neal. This survey correctly represents the results of an on-the-ground survey made under my direction and supervision on 4-12-2012. There are no visible or apparent intrusions or protrusions except as shown hereon.

- ⊙ = BENCHMARK
- ⊞ = BURIED VERIZON BOX
- ⊞ = CABLE RISER
- ⊞ = ELECTRIC RISER
- ⊞ = ELECTRIC TRANSFORM
- ⊞ = FIRE HYDRANT









PERSPECTIVE VIEW.

VILLAGE BARN.

SIZE.

Over all, 22x32 feet
6 inches.
Carriage room, 12x
21 feet.
Height of first story,
9 feet, second story,
8 feet.

**OUTSIDE MATE-
RIALS.**

Body of building
weatherboarded,
gables and roof shing-
led. Foundation of
brick. Painting,
three-coat work.

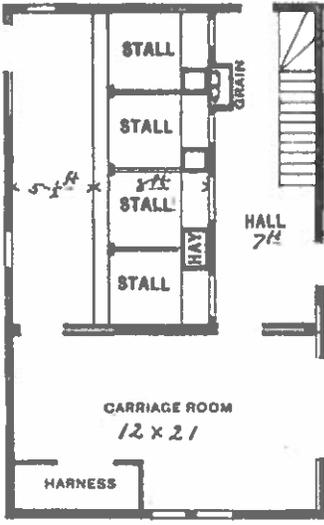
DESIGN No. 62.

Cost to build, as per description, \$650.

NOTES.

In this plan we present a design for a convenient and tasty barn. Proportion, more than ornamentation, has been the aim in the exterior appearance. The interior has four good stalls, to be used as desired, on first floor, and the second story can be used for hay and grain and a man's room can be partitioned off if wanted, and have plenty of room left. Chutes are arranged to carry hay and grain from above.

Any desired changes can be made in this plan.
(See page 10.)



FLOOR PLAN.

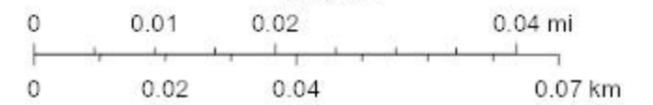
228 S. Hill St. Variance Request



February 12, 2020

 Parcels

1:1,128



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



February 12, 2020

On February 27, 2020, at 6 p.m., the Board of Adjustment will hold a public hearing on a variance request of Mr. Chris Aquinaldo on the property described as White Addition block 15 Lot 4 (South 114' of East 182') Denton Co. parcel number 39615. Approximate address 228 S. Hill Street as shown on the map on the back of this letter.

The property owner is requesting a variance from the requirement of a 25' side yard setback to a 15' side yard setback on Division St. to be able to build an attached garage to the existing house. The property is zoned SF-2, Single Family 2 Residential District. At this hearing the Board will hear from all parties wishing to make comment on the request.

You are receiving notice of this hearing as you are a property owner within 200 feet of the variance request. If you have any questions, please feel free to contact me at 940-324-5026.

Sincerely,

John Taylor
Development Services Director

NOTICE OF PUBLIC HEARING

Notice is hereby given that the **Board of Adjustment** for the City of Pilot Point, Texas will conduct a Public Hearing to consider the below listed request(s) on **February 27, 2020** at 6:00 p.m. at the City Hall, 102 E. Main Street, Pilot Point, Texas.

Public Hearing – Variance Request:

Variance request of Chris Aquinaldo on the property described as White Addition block 15 Lot 4 (South 114' of East 182') Denton Co. parcel number 39615. Approximate address 228 S. Hill Street. The property owner is requesting a variance from the requirement of a 25' side yard setback to a 15' side yard setback on Division St. to be able to build an attached garage to the existing house. The property is zoned SF-2, Single Family 2 Residential District. At this hearing the Board will hear from all parties wishing to make comment on the request.

All interested parties are encouraged to provide written comments prior to commencement of the meeting or speak at public hearing.