

**MINUTES
FAIRVIEW, TEXAS
PLANNING AND ZONING COMMISSION
THURSDAY, SEPTEMBER 8, 2016**

The Planning and Zoning Commission met in regular session on Thursday, September 8, 2016 at 372 Town Place, Fairview, Texas. Commissioners present were Chairman Sim Israeloff; Vice Chairman Pat Friend; and Commissioners Scott Almy, John Cox and Gregg Custer. Commissioner Ricardo Doi was absent. Staff members present were Planning Manager, Israel Roberts; Chief Financial Officer, Jason Weeks; and Town Secretary, Elizabeth Cappon.

1. Call to order.

Chairman Israeloff called the meeting to order at 7:00 p.m. and declared a quorum was present.

2. Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for an accessory structure. The subject site is located at 560 Kentucky Lane and is zoned for the (PC) Planned Center District. Owner/Applicant: James Newby. (Case No. CUP2016-10)

Mr. Roberts gave a presentation on a request for approval of a Conditional Use Permit (CUP) for an accessory structure located at 560 Kentucky Lane. Mr. Roberts stated that the structure is a pool pump house with watermill, which is less than 200 square feet, however it is the third accessory structure on the property and exceeds the total area allowed for accessory structures on the site by 80 square feet.

Mr. Roberts stated that 74 adjacent property owners were notified within the 500-foot boundary and that the Town received three letters of support. Mr. Roberts added that staff recommends approval of the item.

Chairman Israeloff opened the public hearing.

Chad Dains, Southernwind Pools, 2230 Bush Drive in McKinney, stated that the applicants were out of town and that he was representing them at the meeting. Mr. Dains added that the pool pump house would have a similar architectural design as the existing home.

Chairman Israeloff asked Mr. Dains if there was any usable interior space. Mr. Dains stated there was about three to four feet just due to the shape and design of the building.

Commissioner Custer asked Mr. Roberts if there was any opposition to the project. Mr. Roberts stated he received multiple calls regarding the case but no one stated opposition to him or submitted formal letters of opposition in regards to the project. Mr. Roberts added that the pool pump house should actually lessen any pump noise.

Chairman Israeloff closed the public hearing.

Vice Chairman Friend made a motion to approve a request for approval of a Conditional Use Permit (CUP) for an accessory structure. The subject site is located at 560 Kentucky Lane and is zoned for the (PC) Planned Center District. Owner/Applicant: James Newby. (Case No. CUP2016-10). Commissioner Almy seconded the motion and the motion was unanimously approved.

Mr. Roberts noted that the October Town Council meeting had been moved to Tuesday, October 11, so all the items on this agenda, if approved, would be heard at that time.

3. **Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (guesthouse). The subject site is located at 1020 Young Trail and is zoned for the (PC) Planned Center District. Owner/Applicant: Mike Eaton. (Case No. CUP2016-11)**

Mr. Roberts gave a presentation on a request for approval of a Conditional Use Permit (CUP) for an accessory structure (guesthouse) located at 1020 Young Trail.

Mr. Roberts stated that there is a 900 square foot limit on guesthouses in this district and the design goes over solely due to the square footage of the guesthouse's porch. Mr. Roberts stated that this was the property owner's fourth accessory structure as they already have a shed, wood deck and separate two-car garage. Mr. Roberts added that the total of their accessory square footage would be over the limit by more than 1000 square feet; however, the lot coverage area is still well under the 25 percent limit at 13 percent. Mr. Roberts stated that the design is consistent with the existing structures.

Mr. Roberts stated that 21 adjacent property owners were notified within the 500-foot boundary and the Town received seven letters of support. Mr. Roberts stated that staff recommends approval subject to the builder utilizing the site plan and elevations shown.

Chairman Israeloff opened the public hearing.

The applicant, Mike Eaton, 1020 Young Trail, stated that the structure was a guesthouse for his in-laws to live in.

Chairman Israeloff asked if there was any risk of subdividing the property later. Mr. Roberts stated that the lot is less than one acre so it never can be subdivided.

Chairman Israeloff closed the public hearing.

Commissioner Cox asked about the statements of support that were produced by the homeowner. Mr. Roberts stated that the homeowner preemptively polled his neighbors for feedback on the project but that the Town also sent letters and some of the letters of

support received were in response to the Town. Commissioner Cox stated that some neighbors might have felt pressured to recommend approval because their neighbor asked them directly.

Commissioner Cox asked about the size of the primary dwelling. Mr. Eaton stated it is approximately 2700 square feet. Commissioner Cox expressed concerns about having two separate single-family homes on one property that is smaller than one acre as in the future one could attempt to use the guesthouse as a rental property. Mr. Cox stated that he would not be concerned if the two homes were attached. Mr. Roberts stated that in all residential zoning districts, guesthouses are allowed as long as they are up to 900 square feet, however, they cannot be rented or used for business purposes. Mr. Roberts added that they are allowed to operate separate utilities. Mr. Roberts clarified that the reason the item was in front of the Commission is due to the excess square footage and number of accessory structures.

Vice Chairman Friend stated he had no opposition to this particular application but added that in the past he has objected on principal as he felt the town's accessory structure policy should be rewritten due to the Commission repeatedly receiving requests for overages in the number and size of the structures.

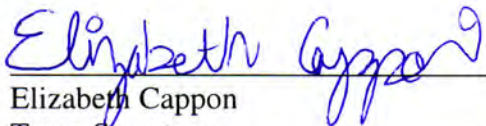
Chairman Israeloff stated he felt the extra square footage of the porch makes the building quainter. Chairman Israeloff stated he agreed with Commissioner Cox that the residents who received the applicant's form of support might have felt some pressure; however, they also received the Town's letter and could have objected separately there. Chairman Israeloff stated he appreciated that the applicant attempted to check with his neighbors in advance of speaking with Town staff.

Vice Chairman Friend made a motion to approve a request for approval of a Conditional Use Permit (CUP) for an accessory structure (guesthouse) with the condition that the subject accessory structure has the elevations and landscaping as shown in the site plan. The subject site is located at 1020 Young Trail and is zoned for the (PC) Planned Center District. Owner/Applicant: Mike Eaton. (Case No. CUP2016-11). Commissioner Almy seconded the motion and the motion was unanimously approved.

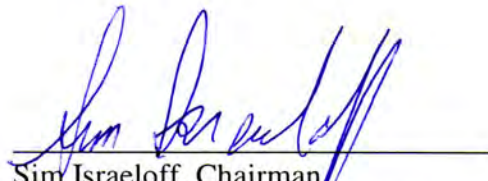
4. Adjourn.

Chairman Israeloff adjourned the commission from the meeting at 7:18 p.m.

Respectfully submitted,


Elizabeth Cappon
Town Secretary




Sim Israeloff, Chairman
Planning and Zoning Commission