



# TOWN OF FAIRVIEW, TEXAS

## Agenda

### Zoning Board of Adjustment Regular Meeting

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April 8, 2025

6:30 PM

Town Hall Council Chambers  
372 Town Place  
Fairview, Texas

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1. **Call to Order**

2. **Citizen's Comments**

*At this time, any person may address the Board regarding an item on this meeting agenda or on matters not on this meeting agenda. Each person will have up to three (3) minutes. The Chair may reduce the speaker time limit uniformly to accommodate the number of speakers or improve meeting efficiency.*

*Pursuant to Section 551.007 of the Texas Government Code, any person wishing to address the Board for items listed as Public Hearings will be recognized when the Public Hearing is opened.*

*No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.*

3. **Action/Discussion Items**

- a. Approve the minutes of the December 19, 2023, regular meeting of the Zoning Board of Adjustment

4. **Public Hearings**

- a. Hold a public hearing, consider and take action on a request for approval of a variance to allow a reduced rear yard setback of 13 feet, in lieu of 35 feet to accommodate a proposed detached covered patio with an outdoor kitchen. The 0.24-acre site is located at 410 Lilac Lane. Applicant: Jason Mohl, PG Outdoor Kitchens representing owner Debbie Galloway. (ZBA2025-01)
- b. Hold a public hearing, consider and take action on a request for approval of a

variance to allow for a reduced rear yard setback of 20 feet, in lieu of 35 feet for an accessory structure. The site is located at 1020 Timber Lane. Applicant: Jeremy Jay with Contractors-4U, representing owner Jeff Garrett. (ZBA2025-02)

## 5. **Adjourn**

I, Joshua Stevenson, Town Secretary, hereby certify that this notice was posted in accordance with Texas Government Code, Chapter 551, on or before the 4th day of April 2025 at 5:00 p.m.

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Joshua Stevenson, Town Secretary

### NOTICE OF ASSISTANCE AT THE PUBLIC MEETINGS:

The Town of Fairview Council Chambers is wheelchair accessible. Access to the building and special parking is available at the primary southwest and northwest entrance into the Town Hall parking lot. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, or large print, are requested to contact the Town Secretary's office at least 48-hours prior to the meeting. Please e-mail your request to [townsecretary@fairviewtexas.org](mailto:townsecretary@fairviewtexas.org) or call at 972-886-4234. BRAILLE IS NOT AVAILABLE.

**TOWN OF FAIRVIEW  
ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES  
December 19, 2023**

The Fairview Zoning Board of Adjustment met on Tuesday, December 19, 2023. Present were members Chris Lee, Donna Pekarek, Debbie Malafsky, Renee Powell, Mary Price and Bill Basom. Staff present was Planning Manager, Israel Roberts.

1. Call to Order:  
Chairman Chris Lee called the meeting to order at 6:30 p.m.
2. Citizen Comments  
No one came forward to speak.
3. Approval of minutes from September 2, 2021
  - a. A motion was made by Renee Powell, seconded by Debbie Malafsky to approve the minutes from the followings listed below. That motion was approved 5-0.
    - i. June 27, 2023
    - ii. August 23, 2022
    - iii. October 19, 2021
    - iv. September 27, 2021
4. Consider and discuss a request for approval of a variance to Ordinance No. 1999-021 of the Town of Fairview Code of Ordinances in order to allow for a reduced rear yard setback of 5 feet, in lieu of 12 feet. The 0.25-acre site is located at 422 Saddleback Dr. Applicant: Jonathan Celli of Johnson Custom Construction representing owners Reid and Paula Ward. (ZBA2023-02)
  - a. A motion was made by Mary Price to approved the requested variance; seconded by Renee Powell. The motion was approved by a vote of 5-0.
5. Mr. Lee adjourned the meeting at 6:53 p.m.

APPROVED:

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Chairman Chris Lee

ATTEST:

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Israel B. Roberts, Planning Manager



## *Memorandum*

### *April 8, 2025*

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TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP  
Planning Manager

SUBJECT: Public hearing on a variance for a reduced rear yard setback

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**BACKGROUND:** This is a request for approval of a variance to in order to allow for a reduced rear yard setback of 13 feet, in lieu of 35 feet to accommodate a proposed detached covered patio with an outdoor kitchen. The 0.24-acre site is located at 410 Lilac Lane. Applicant: Jason Mohl, PG Outdoor Kitchens representing owner Debbie Galloway. (ZBA2025-01)

**STATUS OF ISSUE:** In 2015, in accordance with the newest version of the Commercial Planned Development District (CPDD), that Town Council approved an ordinance to accommodate the development of the Wooded Creek Villas. That neighborhood consists of a mixture of townhomes and traditional detached single-family homes, called Manor Homes. The adopted ordinance provided development regulations for each of these home types.

For Manor Homes, a 35-foot rear year setback was established. This setback corresponds with the standard 35-foot buffer setback for any residential home type that is directly adjacent to any Ranch Estate zoning district. The Hawkswood and the Dreamland Additions, directly to the east, are both zoned for the (RE-1) Ranch Estate District. Furthermore, Section 3.7.4(f) Architectural Standards of the CPDD states, "Portable and other accessory structures may not be located in areas required for buffering adjacent to low density residentially zoned properties."

With this application, the owners are requesting a reduced rear-yard setback of 13-feet to accommodate the installation of a detached covered patio with an outdoor kitchen.

**ATTACHMENTS:**

- Aerial
- Applicant's Statement
- Exhibits
- Correspondence



FEBRUARY 24, 2025

FAIRVIEW PERMITTING DEPARTMENT,

I am writing to request a variance review for a permit submission sent in by my contractor, Jason Mohl, from PG Outdoor Kitchens that was recently denied. The plans examiner found a 35' rear setback for my property that is not showing on my home survey or neighborhood plat that is preventing me from building a free-standing patio cover out by my pool in my backyard. The patio cover is set back 13' from the rear property line as planned, and the only easement noted on my survey is a 10' drainage easement along the rear property line. The neighboring lot behind me is completely blocked by trees, photos included of the canopy in the variance application, so this structure would not be visible from the rear property. The neighbor behind me and to the North also has a very large red barn constructed that is built in the property line, where they also have the same 35' rear setback. I have included photos of this visible obstruction for consideration. In addition, my next-door neighbor to the North built an attached patio cover in their backyard that finishes approximately 22' feet from their rear property line, 12' from their rear fence only, and the structure was fully approved by the Town of Fairview. This patio cover is fully visible from my backyard, and significantly exceeds the finished height planned for my patio cover.

The hardship I am claiming for the variance request is my specific lot restrictions and visibility to the surrounding lots. The purpose of the structure is to provide shade for my family by my pool, and to provide privacy from my neighbor's patio due to their structure encroaching my backyard view with it extended in the 35' city setback. In addition, the property to the northeast has a large red barn sitting on the property line and their house that is only set back 5' from their property line that is an eyesore to my backyard. I am unable to go out into the backyard at all without seeing the visibility of an old 1960's style 30' tall red barn. My swimming pool was fully approved and permitted and aligns with the same 13' the proposed structure is setback from the property line. My patio cover design is only 144 sq. ft. post to post dimensions, with a beam height of 8', so only approximately 4' of the structure would be visible above the fence to the side neighbors only, given the pitch and design of the patio cover. The East section of my lot is fully blocked by trees and a large mature canopy, and there is no visibility to my property or backyard from the neighbor directly East of my lot. The Northeast neighbor's home is set back well over 100' from their property line, and with the obstructing canopy present, there is no visibility into my backyard from any rear lot. The proposed structure is also located almost 8' away from my home, and is intended simply for weather and sun protection, in addition to privacy from the invasive structures visible from the North lots while using my swimming pool. I would ask the board to review these facts, provided photos and



measurements of the approved structures previously built on connected properties to rule in my favor to allow my contractor to build the patio cover we planned. Thank you for your consideration.

Warm regards,

DEBBIE GALLOWAY





410 Lilac Lane

Lot 19, Block A, WOODED CREEK VILLAS, an addition to the Town of Fairview, Collin County, Texas, according to the plat thereof recorded in Volume 2016, Page 928, Plat Records of Collin County, Texas.

PLATINUM  
TITLE  
PARTNERS

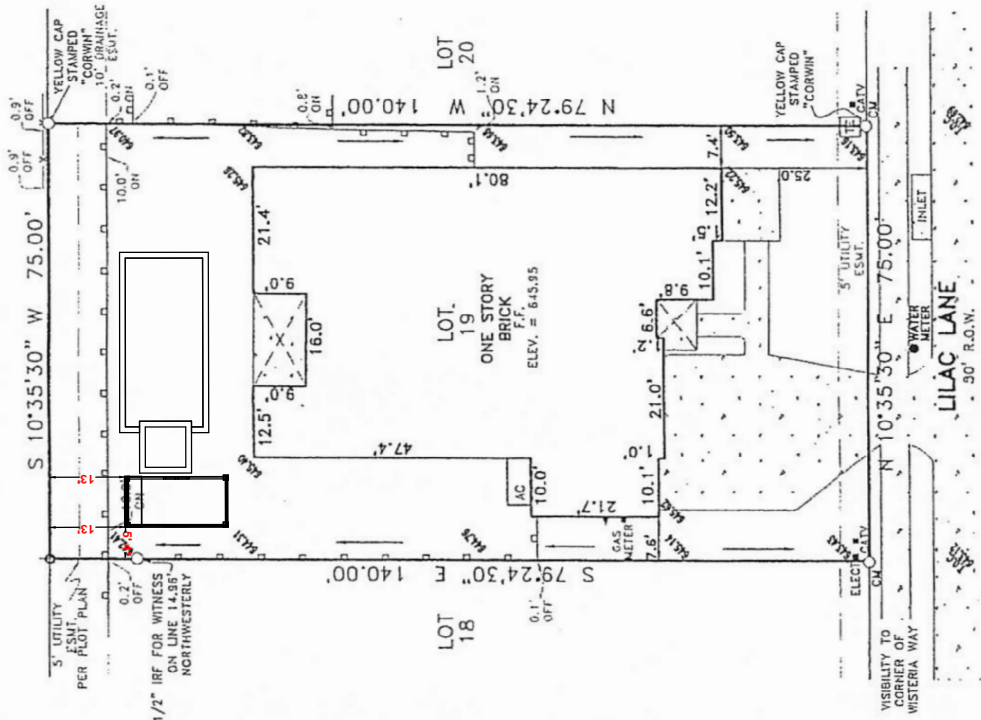


**LEGEND**

- 1/2" ROD FOUND
- ⊗ 1/2" ROD SET
- 1" PIPE FOUND
- ⊗ 1" PIPE FOUND
- ⊗ 3/8" ROD FOUND
- ⊗ 3/8" ROD FOUND
- ⊕ POINT FOR
- ⊕ FENCE POST
- FOR CORNER
- FOR CORNER
- CONTROLLING MONUMENT
- AC CONDITIONER
- PE EQUIPMENT
- TE TRANSFORMER
- COLUMN
- POWER POLE
- ▲ UNDERGROUND ELECTRIC
- ▲ OVERHEAD ELECTRIC
- ▲ OVERHEAD ELECTRIC
- OH— OVERHEAD ELECTRIC POWER
- OIS— OVERHEAD ELECTRIC SERVICE
- O— CHAIN LINK
- U— WOOD FENCE 0.5" WIDE TYPICAL
- I— IRON FENCE
- X— BARBED WIRE
- S— DOUBLE STOOD WOOD FENCE
- A— EDGE OF ASPHALT
- G— EDGE OF GRAVEL
- C— CONCRETE
- S— COVERED AREA
- B— BRICK
- S— STONE



HAWKS WOOD  
CAB. P. SLIDE 228



**EXCEPTIONS:**

NOTES: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENTS RECORDED IN VOL. 2016, PG. 928, CCF#S 20180328000375200, 20181227001569160

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

FLOOD NOTE: According to the F.I.R.M. No. 48085CD270K, this property does lie in Zone X and is DOES NOT lie within the 100 year flood zone.

This survey is made in conjunction with the information provided by Platinum Title Partners, L.L.C. 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 representation of the property lines and dimensions as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or preclusions on the ground.

Drawn By: RYR

Scale: 1" = 20'

Date: 04/13/2021

GF No.: 021-50994-43

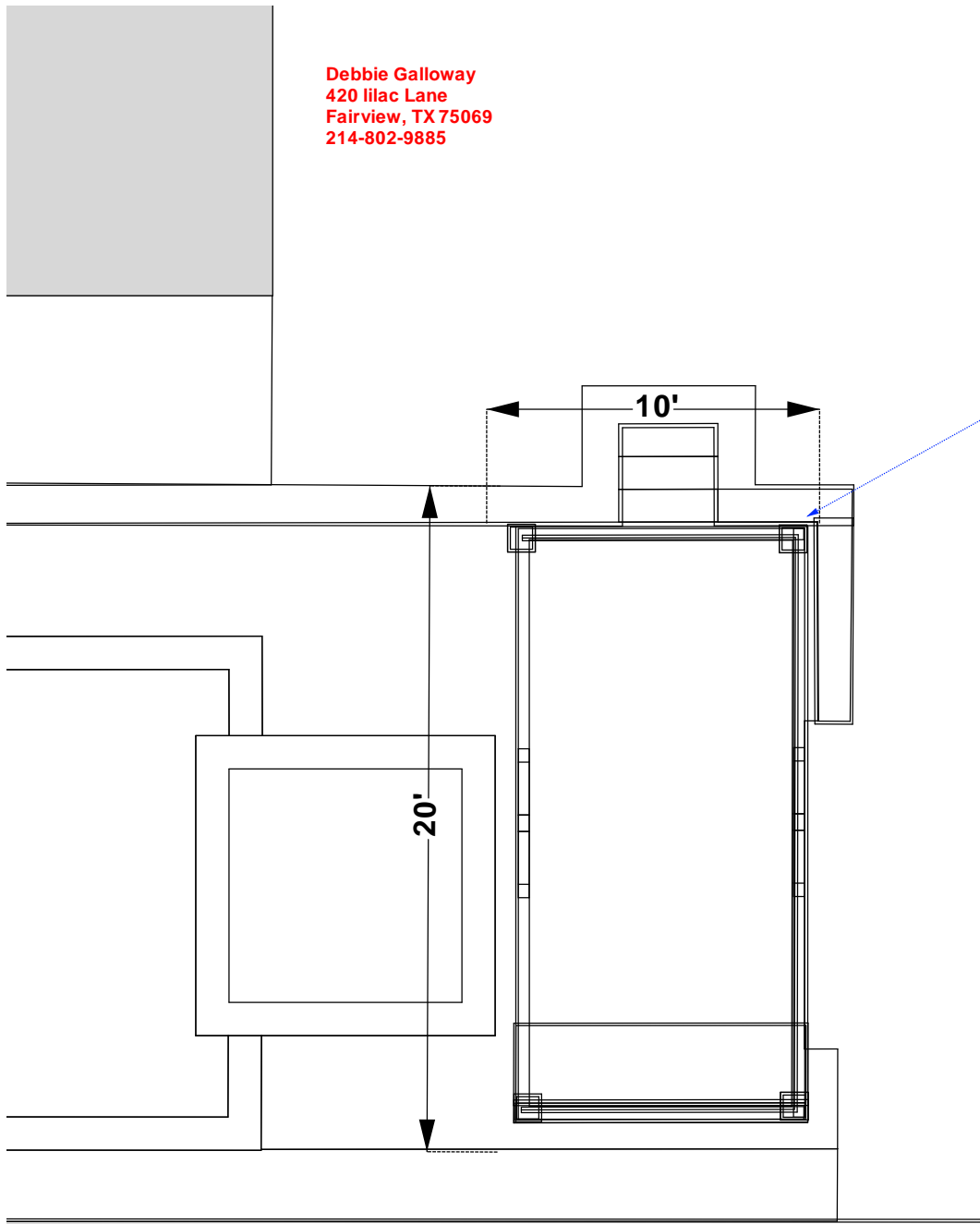
Date: \_\_\_\_\_ Purchaser: \_\_\_\_\_

Accepted by: \_\_\_\_\_

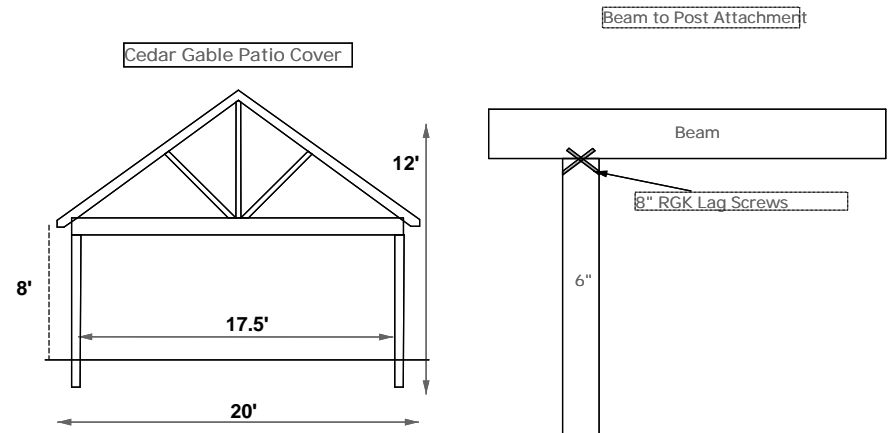
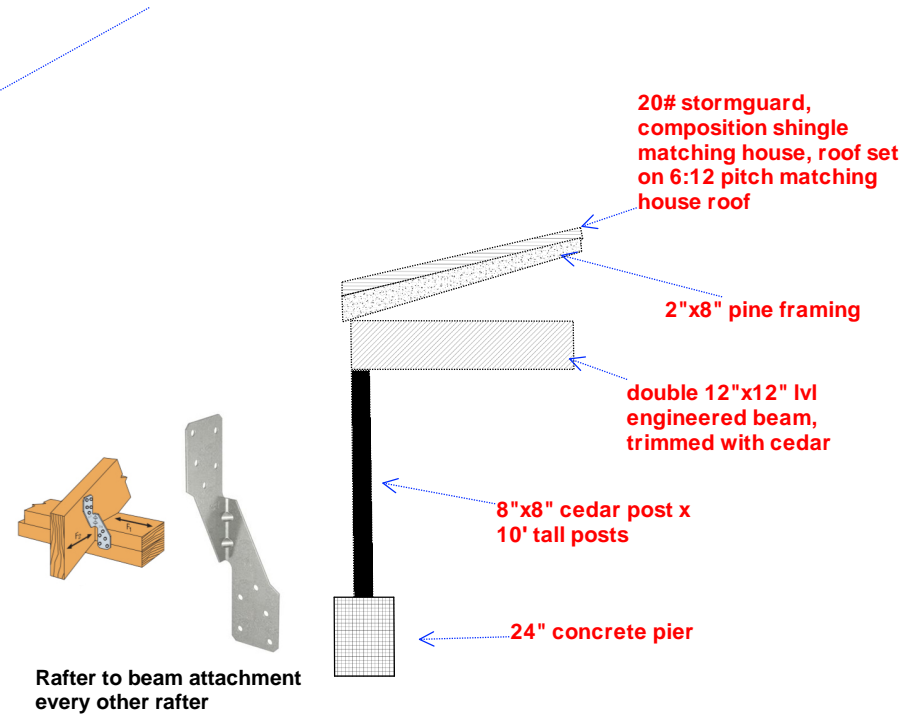


12025 Shiloh Road, Ste. 240  
Bellaire, TX 77408  
P 214.349.2445  
F 214.349.2216  
Firm No. 10168600

Debbie Galloway  
 420 lilac Lane  
 Fairview, TX 75069  
 214-802-9885



20'x10' free standing gable patio cover, supported by four 8"x8" cedar posts, set in 24" deep concrete piers, 4"x12" cedar beams, 2"x8" pine rafters, osb, stormguard and composition shingle matching house, ceiling finished with 1"x6" tongue and groove cedar, all cedar stained with Ready Seal Pecan stain matching existing fence, patio cover detail below...



## Israel Roberts

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**From:** Jim Schumacher <coachshoe42@gmail.com>  
**Sent:** Monday, March 31, 2025 6:43 PM  
**To:** Israel Roberts  
**Subject:** 410 Lilac Ln. Variance Approval

[You don't often get email from coachshoe42@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification> ]

I support this variance. It will enable improved lifestyle and will have no negative consequences to the neighborhood.

James Schumacher  
479 Primrose Place  
Fairview  
214 385-3899

Sent from my iPad

## Israel Roberts

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**From:** Cody Hooper <trinicomm@sbcglobal.net>  
**Sent:** Monday, March 31, 2025 1:18 PM  
**To:** Israel Roberts  
**Subject:** ZBA2025-01

Variance letter for Debbie Galloway at 410 Lilac Lane. I am in support of this effort of an outdoor kitchen with a covered area and wanted to send this in before the hearing on April 8th.

Cody Hooper  
Sent from my Atari 2600

## Israel Roberts

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**From:** No Reply <noreply@civicplus.com>  
**Sent:** Thursday, April 3, 2025 10:37 AM  
**To:** Israel Roberts  
**Subject:** Sharon Boruff has shared this agenda with you.

An Agenda File was shared with you <https://fairviewtx.portal.civicclerk.com/event/921/overview> If you are having trouble viewing the URL above, cut and paste the string into your browser window. I'm emailing you in SUPPORT of Outdoor Kitchen located at 410 Lilac Lane. Applicant is Jason Mohl for owner Debbie Galloway. (ZBA2025-01)

## Israel Roberts

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**From:** Neal G Clark <neal6642@sbcglobal.net>  
**Sent:** Tuesday, April 1, 2025 11:18 AM  
**To:** Israel Roberts  
**Subject:** Jason Mohl, PG Outdoor Kitchens representing owner Debbie Galloway. (ZBA2025-01)

You don't often get email from neal6642@sbcglobal.net. [Learn why this is important](#)

I, Neal G. Clark, 473 Primrose Place Fairview Texas, support the Zoning Board of Adjustment approval of request referenced above for 410 Lilac Lane, Fairview, Tx.

April 1, 2025



March 27, 2025

To Whom It May Concern:

Notice is hereby given that the Zoning Board of Adjustment of the Town of Fairview, Texas, will convene for a public hearing on Tuesday, April 8 at 6:30 p.m., at Fairview Town Hall, 372 Town Place, Fairview, Texas. At such time and place, the Board will hold a public hearing and take action regarding the following:

- Hold a public hearing, consider and discuss a request for approval of a variance to allow a reduced rear yard setback of 13 feet, in lieu of 35 feet to accommodate a proposed detached covered patio with an outdoor kitchen. The 0.24-acre site is located at 410 Lilac Lane. Applicant: Jason Mohl, PG Outdoor Kitchens representing owner Debbie Galloway. (ZBA2025-01)

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: [iroberts@fairviewtexas.org](mailto:iroberts@fairviewtexas.org). Citizens may also visit Town Hall, Monday-Friday from 8:30-4:30 PM to obtain more information on this matter prior to the public hearing.

If you wish to communicate your support or opposition for this variance request to the Zoning Board of Adjustment, please respond to the queries below and return it to Mr. Roberts via mail, email, or hand delivery.

Name: DAVID H. CRAWFORD

Address: 395 STATE HWY 5 FAIRVIEW

Support

Signature: [Handwritten Signature]

Oppose (provide comments below)

Date: 3/31/2025

Comments:



## *Memorandum*

### *April 8, 2025*

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TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP  
Planning Manager

SUBJECT: Public hearing on a variance for a reduced rear yard setback

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**BACKGROUND:** This is a request for approval of a variance to allow for a reduced rear yard setback of 20 feet, in lieu of 35 feet for an accessory structure. The site is located at 1020 Timber Lane and is zoned for a (PC) Planned Center District. Applicant: Jeremy Jay with Contractors-4U, representing owner Jeff Garrett. (ZBA2025-02)

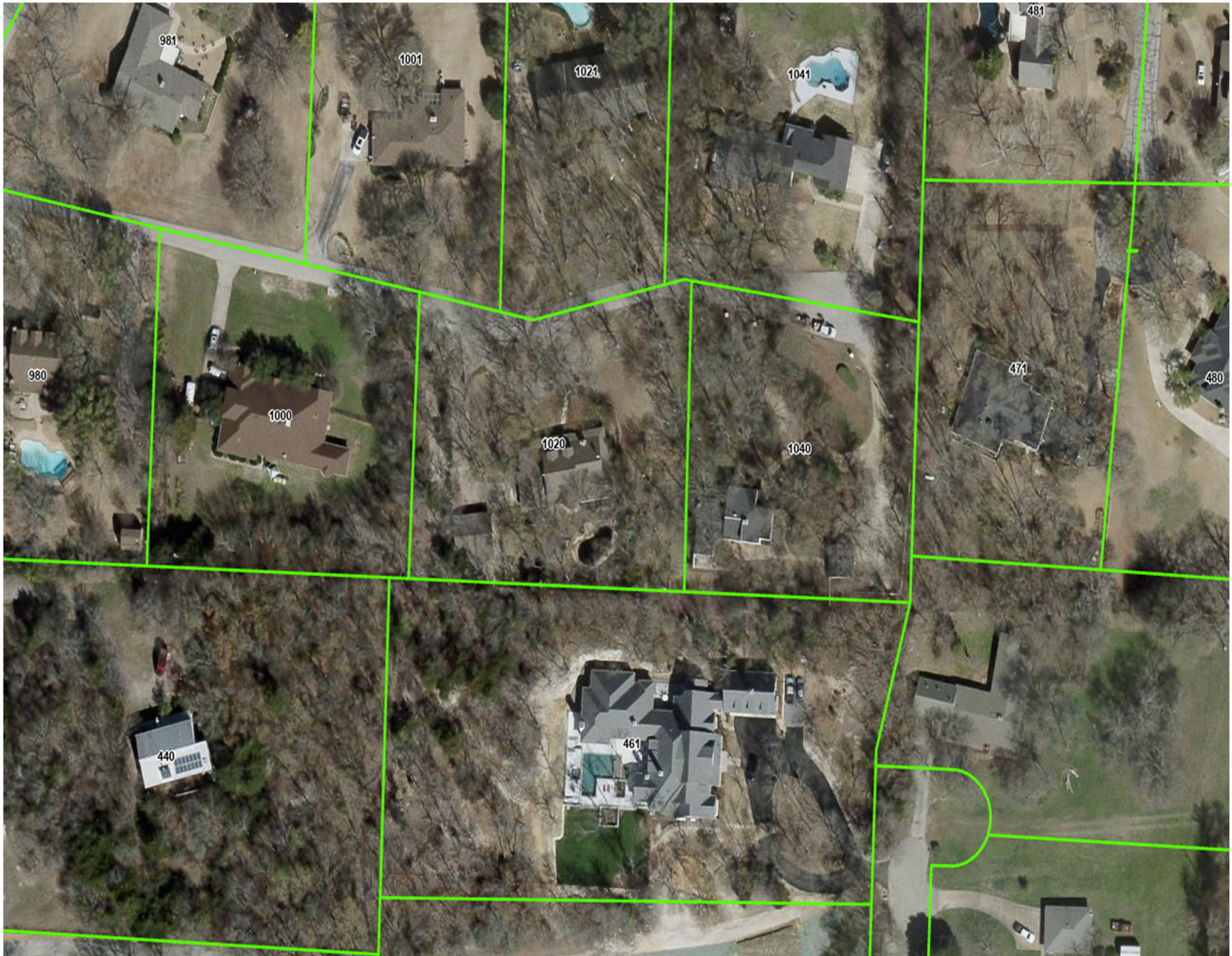
**STATUS OF ISSUE:** This PC is governed by Ordinance 2013-6-4D that was adopted in 2013. This ordinance requires that use and development of the property follow the (RE-1.5) One-and-one-half Acre Ranch Estate Zone with a few modifications to setbacks for a house. This ordinance does not provide relief for accessory structures, therefore, any new accessory structure must follow the standard requirements for a property zoned for the RE-1.5 District.

The proposed 1,000 square feet (SF) detached garage, replaces an older garage (900sf) that has already been demolished and removed from the site. The original garage was constructed in 1998, approximately 20 feet from the rear property line and was built before the original (2010) and current zoning ordinances (2013) were adopted. Since construction of the original garage preceded these ordinances, it became legal-non conforming. Legal non-confronting status of a structure allows the owner to keep, maintain and repair the original structure, however, any new construction must comply with current requirements. Therefore, since the original structure has already been removed from the site, the new proposed structure must comply with current regulations. In this case a 1,000 SF accessory structure requires a 35' setback.

With this application, the applicant is requesting a reduced rear-yard setback of 20-feet to accommodate the new detached garage at the same 20-foot setback as the original garage that was built in 1998.

ATTACHMENTS:

Aerial  
Applicant's Statement  
Exhibits



1020 Timber Ln,

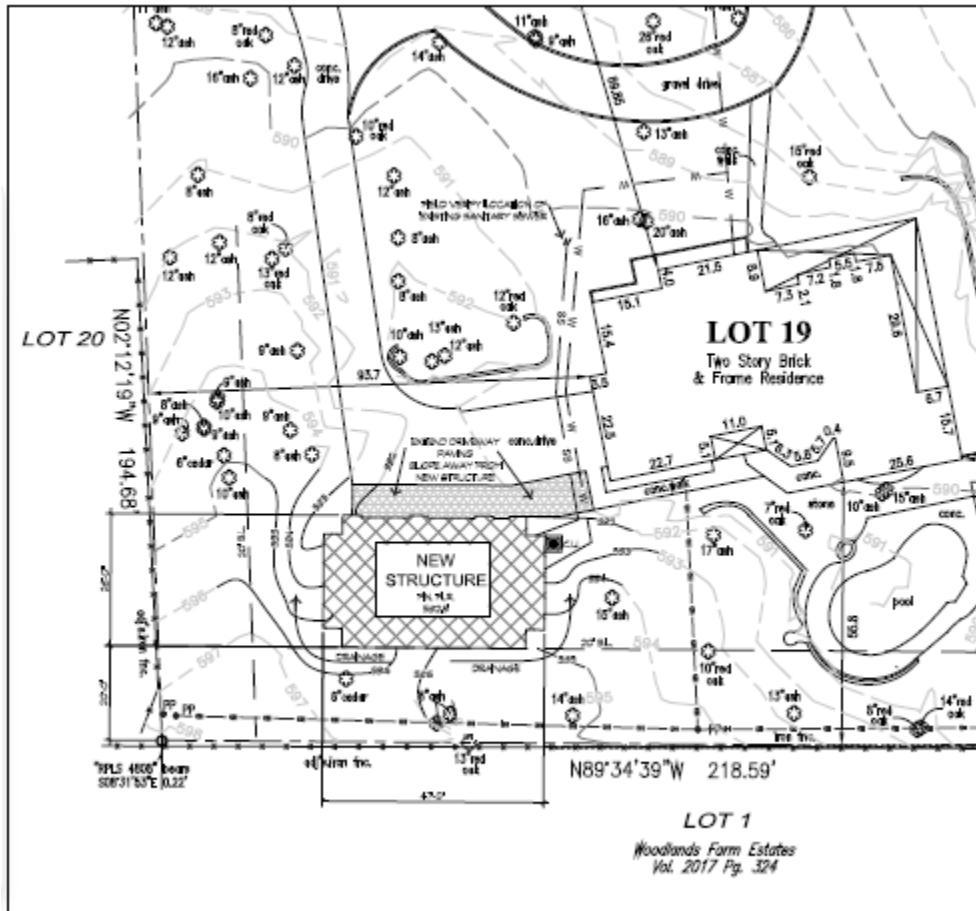
We have determined that the property located at 1020 Timber Ln falls under a hardship and is requiring a variance for the following reasons.

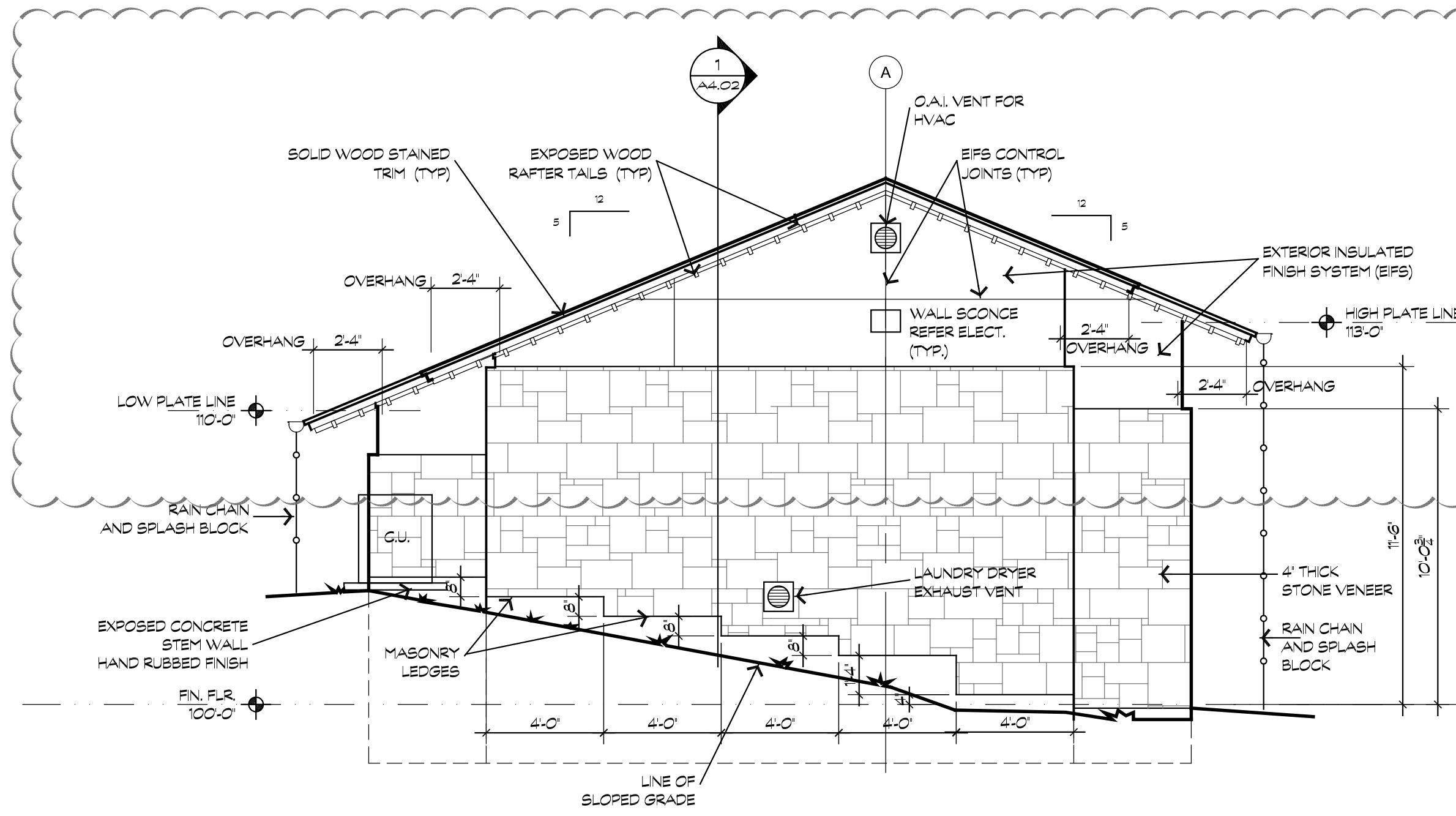
The property is subject to an ordinance that was created after the original accessory building was constructed. The new building will be installed in the same spot as the previous structure and will be the same size but no longer meets the setback requirements. Because the structure was in the location previously, we feel as though the original requirement should still apply.

Other houses within the same neighborhood have current structures that will not meet the current ordinance of a setback.

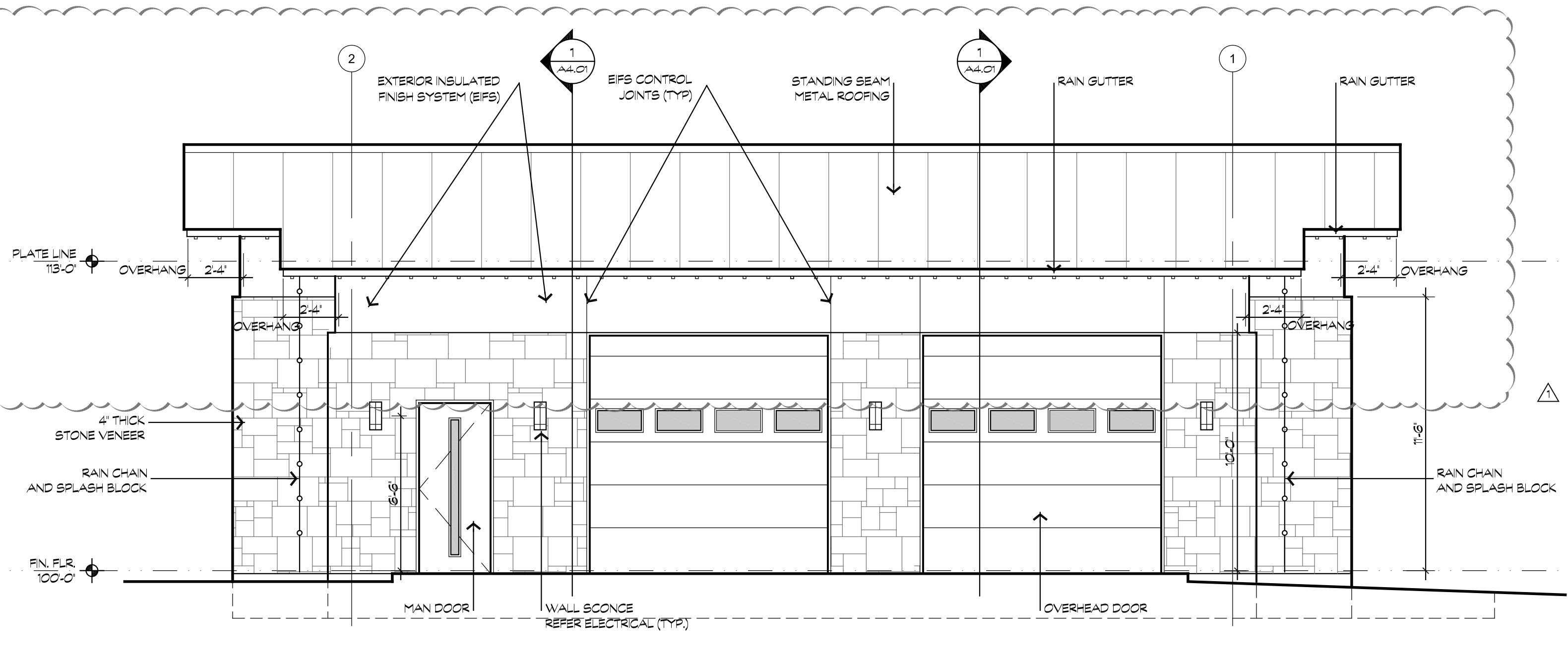
There is no financial reason for the hardship as the cost to construct the structure is the same at any location on the property. This specific location is selected because it is the largest area with the best setbacks from the house, the western property line and the rear property line for the new structure to be built.

The hardship does not simply preclude the development of the land for its highest and best use on the grounds that this is a functional storage dwelling that is not used for profit.

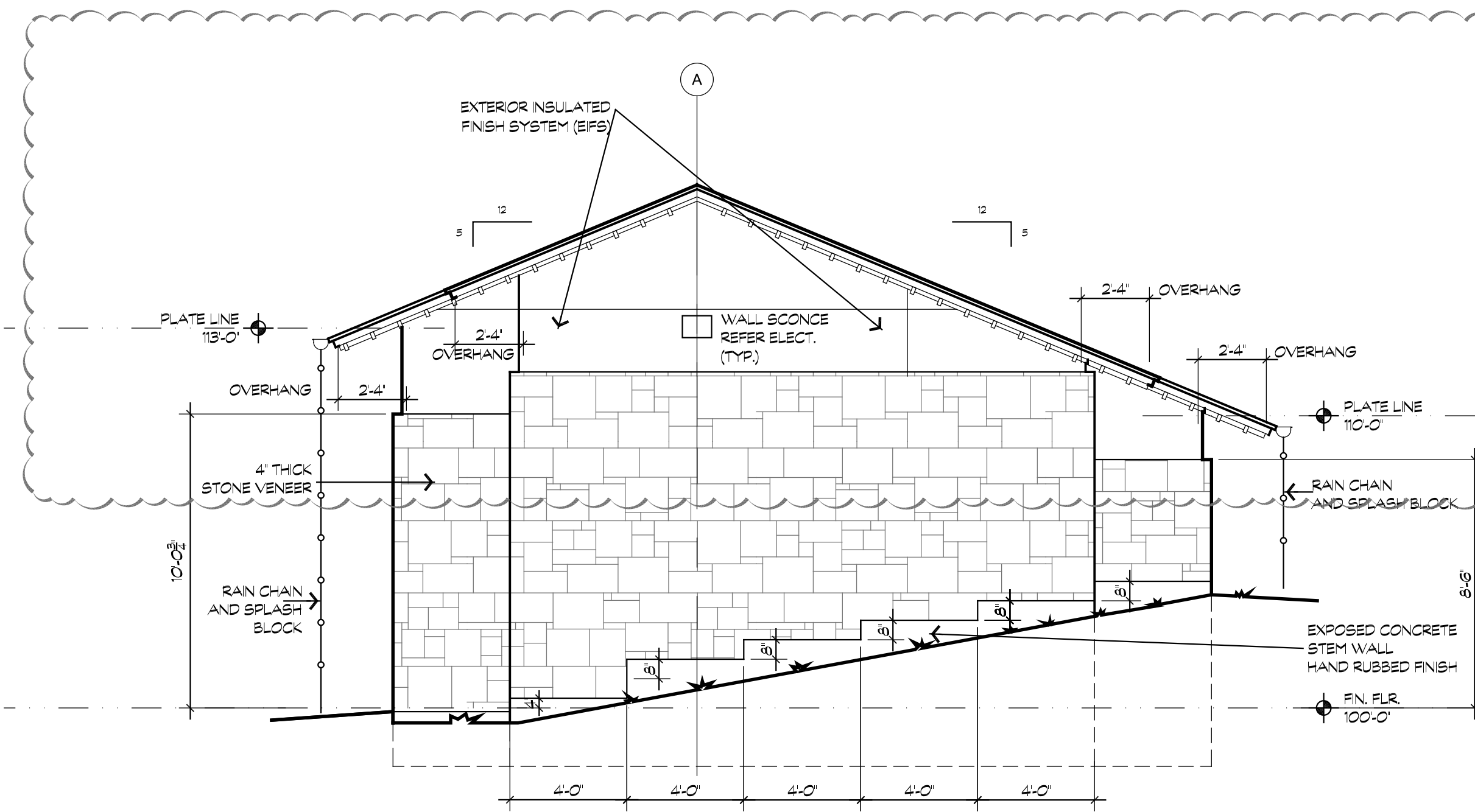




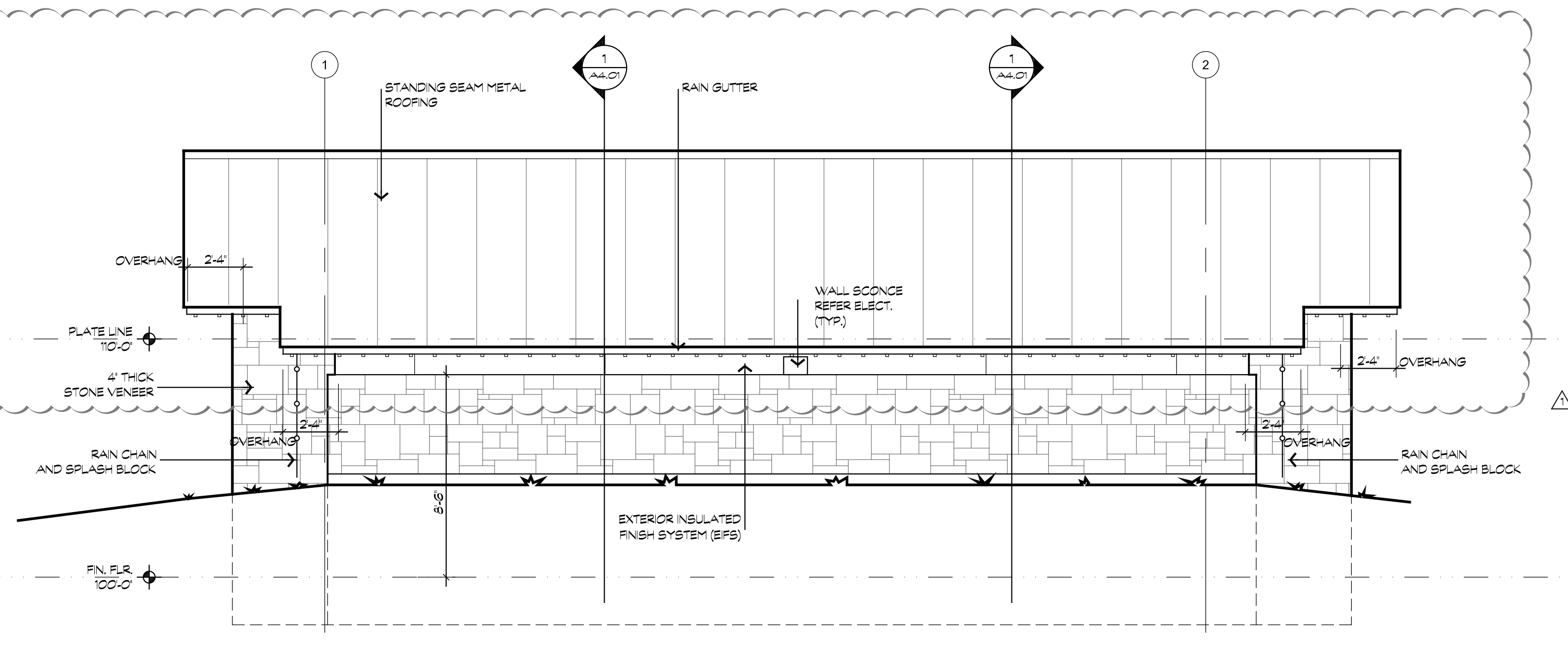
**1 East Elevation**  
Scale: 1/4" = 1'-0"



**2 North Elevation**  
Scale: 1/4" = 1'-0"



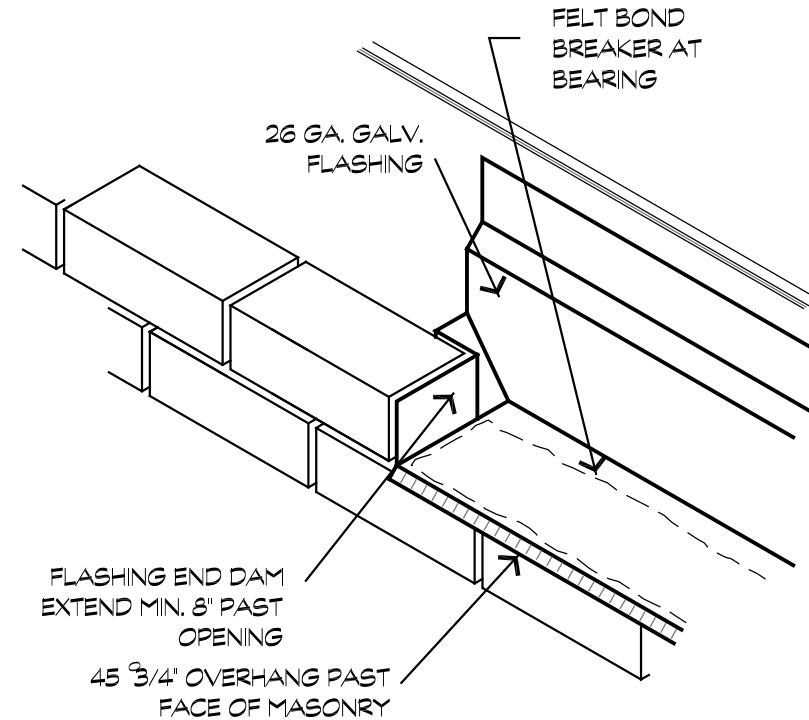
**3 West Elevation**  
Scale: 1/4" = 1'-0"



**4 South Elevation**  
Scale: 1/4" = 1'-0"

Steel Lintel Schedule		
CLEAR SPAN	SIZE	MIN. BEARING LENGTH
UP TO 4'-0"	L 3 1/2" X 3 1/2" X 1/4"	5"
TO 6'-0"	L 4" X 3 1/2" X 1/4"	5"
TO 8'-0"	L 4" X 3 1/2" X 5/16"	5"
TO 8'-0"	L 5" X 3 1/2" X 5/16"	5"
TO 12'-0"	W 8 X 10	5"

STEEL LINTEL NOTES:  
1. PLACE ANGLES WITH LONG LEG VERTICAL



**5 Typ. Masonry Head Flashing**  
Scale: 1 1/2" = 1'-0"

**Exterior Finishes**

- STONE VENEER
  - 4" THK VENEER: SAW CUT VERTICAL COURSING SIZES OF 2", 4" AND 8" X RANDOM LENGTHS, HORIZONTAL COURSING 1/4" RAKED JOINTS
  - SUPPLIER: TBD
  - COLOR: TBD
  - MORTAR: CUSTOM BUILDING PRODUCTS; MATCH #370 DOVE GRAY
- EXTERIOR INSULATED FINISH SYSTEM (EIFS)
  - DRYVIT SYSTEMS, INC.
  - DRYVIT INSULATION
  - TEXTURE: LIMESTONE
  - COLOR: TBD
- STANDING BEAM ROOFING
  - 24 GA. 1" X 16" STANDING BEAM METAL CONCEALED FASTENING SYSTEM
  - MOI: LOCKSEAM
  - COLOR: TBD
- SOLID WOOD STAINED TRIM
  - 1" THICK BOARD, #2 DOUGLAS FIR OR BETTER
  - STAIN TO MATCH OWNERS WOOD SAMPLE TBD

NOTE: ROOFING SUBCONTRACTOR SHALL BE CERTIFIED BY THE MANUFACTURERS WHO'S PRODUCT IS INSTALLED. NO EXCEPTIONS ALLOWED.