

Agenda
Town of Copper Canyon
Board of Adjustment Meeting
Monday, May 15, 2023
7:00 p.m.

I. Call to Order

II. Public Input

Citizens can make comments to the Board of Adjustment during this section of the meeting agenda. We ask citizens who wish to speak on agenda items to sign in on the sheet provided on the table at the back of the Council Chambers. There is a 3-minute time limit for each speaker. Pursuant to State Open Meetings law, the Board of Adjustment cannot discuss or take action on items not posted on the agenda.

III. Public Hearing

The Town of Copper Canyon's Board of Adjustment will conduct a Public Hearing for the purpose of hearing any and all comments regarding:

1. The request from Craig Laughlin, owner of real property located at 424 Woodland, Copper Canyon, Texas, described as Woodlands 1 Block C Lot 6, Town of Copper Canyon, Denton County, Texas for a variance from the Town of Copper Canyon General District Zoning Regulations, Article 4 Supplementary Provision, Section 4-104 Accessory Buildings (B)(1). The request is for a variance from the number of accessory structures allowed on a lot less than one acre. The ordinance limits only two (2) accessory structures (one minor and one major); the landowner is requesting to build an additional major accessory structure.

IV. Consent Items

1. Approve the minutes of February 6, 2023, Board of Adjustment Training Workshop.
2. Approve the minutes of February 28, 2023, Board of Adjustment Meeting.

V. Action and Discussion Items

1. Discuss, consider, and take action regarding the request from Craig Laughlin (424 Woodland Drive, Copper Canyon, TX) for a variance from the Town of Copper Canyon General District Zoning Regulations, Article 4 Supplementary Provision, Section 4-104 Accessory Buildings (B)(1). The request is for a variance from the number of accessory structures allowed on a lot less than one acre. The ordinance limits only two (2) accessory structures (one minor and one major); the landowner is requesting to build an additional major accessory structure. The property is legally described as Woodlands 1 Block C Lot 6 Copper Canyon, TX.

VI. Adjourn

Certification

I, the undersigned authority, do hereby certify that this Agenda of Meeting for Monday, May 15, 2023 Board of Adjustment Meeting was posted on the bulletin board, at the Town Hall of Copper Canyon, Texas, 400 Woodland Drive, Copper Canyon, Texas, a place convenient and readily accessible to the general public at all times, and said Agenda was posted on the following date and time: Friday, May 12, 2023 at 1:00 p.m. and remained so posted at least 72 hours before said meeting was convened.

Sheila B. Morales, TRMC
Town Secretary
Town of Copper Canyon

Notice of Assistance at the Public Meetings

The Copper Canyon Town Hall is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Town Secretary's office within 48 hours of the meeting at (940) 241-2677 or by fax (940) 241-2727.

**Minutes
Town of Copper Canyon
Board of Adjustment Training Workshop
Monday, February 6, 2023
7:00 p.m.**

I. Call to Order

Chairman Svatik called the Board of Adjustment meeting to order at 7:00 p.m. on the 6th day of February 2023 in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas.

BOA Members Present and Presiding:

| | |
|------------------|--------------------------|
| Dave Svatik | Chair |
| Aaron Maestas | Vice Chair |
| Nate Lanston | Board Member |
| Mike Sommers | Board Member |
| Catherine Vexler | Board Member |
| Gary Coman | Board Member (alternate) |
| Paul Dietz | Board Member (alternate) |

Staff Present:

| | |
|----------------|----------------|
| Robert Hager | Town Attorney |
| Sheila Morales | Town Secretary |

II. Public Input

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No one spoke.

III. Board of Adjustment Training – Town Attorney Hager

Town Attorney Hager led a training session for the Board of Adjustment members.

IV. Adjourn

Meeting adjourned at 8:24 p.m.

Approved by the Board of Adjustment on the _____ day of _____, 2023.

Approved:

Attest:

Board of Adjustment Chair

Sheila B. Morales, TMRS, Town Secretary

SEAL:

**Minutes
Town of Copper Canyon
Board of Adjustment Meeting
Tuesday, February 28, 2023
7:00 p.m.**

I. Call to Order

Chair Svatik called the Board of Adjustment meeting to order at 7:06 p.m. on the 28th day of February 28, 2023, in the Council Chambers at Copper Canyon Town Hall, 400 Woodland Drive, Copper Canyon, Texas.

BOA Members Present and Presiding:

| | |
|------------------|---------------|
| Dave Svatik | Chairman |
| Aaron Maestes | Vice Chairman |
| Nate Langston | Board Member |
| Catherine Vexler | Board Member |

Staff Present:

Sheila Morales

II. Public Input

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No one spoke.

III. Public Hearing

The Town of Copper Canyon's Board of Adjustment will conduct a Public Hearing for the purpose of hearing any and all comments regarding:

1. The request from Alice Barber for a variance from the Town of Copper Canyon Code of Ordinances, Chapter 14 - Zoning, Article 2, Section 2-102 (4) Minimum Side Yard Setback of 50' to allow a minimum side yard setback ranging from 44' to 37' (due to

angled lot); for 120 Quiet Hill, Copper Canyon, Texas. The property is legally described as Quiet Hill Estates Blk A Lot 3.

The meeting was temporarily paused at 7:07 p.m. while **Town Secretary Morales** attempted to contact board members who were not at the meeting. Meeting resumed at 7:11 p.m.

Chairman Svatik opened the public hearing at 7:11 p.m.

Chairman Svatik confirmed that **Fred Barber** is husband to **Alicie Barber** and that he lives at 120 Copper Hill Circle and is speaking for **Alice Barber**.

Fred Barber (120 Copper Hill Circle) explained the reasons for making a variance request.

Chairman Svatik closed the public hearing at 7:17 p.m.

IV. Action and Discussion Items

1. Discuss, consider, and take action regarding approving the minutes of November 21, 2022, Board of Adjustment meeting.

Vice Chairman Maestes made a motion to approve the minutes of November 21, 2022, Board of Adjustment meeting.

Board Member Langston seconded the motion.

Ayes: **Chair Svatik, Vice Chair Maestes and Board Members Langston and Vexler**

Nays: None

Chair Svatik stated that the motion passed unanimously.

2. Discuss, consider, and take action regarding the request from Alice Barber for a variance from the Town of Copper Canyon Code of Ordinances, Chapter 14 - Zoning, Article 2, Section 2-102 (4) Minimum Side Yard Setback of 50' to allow a minimum side yard setback ranging from 44' to 37' (due to angled lot); for 120 Quiet Hill, Copper Canyon, Texas. The property is legally described as Quiet Hill Estates Blk A Lot 3.

Board Members considered the variance request which included discussions relating to the following.

- Property hardship

- Details of proposed add on
- Use of proposed add on
- Drainage impact of proposed add on
- Alternate options to the proposed add on (detached accessory building)
- HOA and neighbor approvals

Board Member Langston made a motion to approve the requested variance thereby allowing a minimum side yard setback ranging from 44' to 37' (due to angled lot) for 120 Quiet Hill, Copper Canyon, Texas.

Board Member Vexler seconded the motion.

Ayes: **Chairman Svatik, Vice Chairman Maestes and Board Members Langston and Vexler**
 Nays: None

Chairman Svatik stated that the motion passed unanimously.

Variance request to allow a minimum side yard setback ranging from 44' to 37' (due to angled lot) for 120 Quiet Hill Circle, Copper Canyon, Texas.

V. Adjourn

Vice Chair Maestas made a motion to adjourn.

Board Member Vexler seconded the motion.

Ayes: **Chairman Svatik, Vice Chairman Maestas and Board Members Langston and Vexler**
 Nays: None

Meeting adjourned at 7:52 p.m.

Approved by the Board of Adjustment on the _____ day of _____, 2023.

Approved:

Attest:

 Board of Adjustment Chair

 Sheila B. Morales, TMRS, Town Secretary

Seal:

**PROCEDURE - REQUEST FOR VARIANCE OR APPEAL
BOARD OF ADJUSTMENT
TOWN OF COPPER CANYON**

1. The Board of Adjustment consists of five (5) members and all cases must be heard by at least four (4) members. The Board is a quasi-judicial board. It is not a legislative body with the authority to amend ordinances or create new laws. The Board conducts hearings on matters dealing with the Copper Canyon Zoning Ordinance and determines if strict compliance with the ordinance will create a hardship. The Board also considers whether the variance will comply with the spirit and intent of the ordinance. In order for a variance to be granted, all four (4) items (a through d) identified on the application **must** apply. If any of the items do not apply, the Board does not have the ability to grant a variance.
2. The Board also has the authority to hear and decide appeals where it is alleged that there is an error in an order, requirement, decision or determination made by any administrative official of the Town in the enforcement of the Zoning Ordinance. Such appeals must be filed within fifteen (15) days of the rendering of the decision by the administrative official.
3. A pre-filing interview may be held if requested by the applicant or if deemed necessary by the Town.
4. The application must be signed by the property owner. If the applicant is not the owner, a notarized document showing authority to request the variance must accompany the application.
5. The following must also accompany the application packet:
 - A. A \$200.00 application fee.
 - B. A site plan of the lot showing all property lines as well as a depiction of the requested variance.
6. Application fee, necessary documents, etc. in completed form must be submitted to the Town Secretary. You must supply six (6) copies of any supporting documents larger than 8.5 X 11 inches or any colored rendering.
7. After the above items have been completed, the variance request will begin the following process:
 - A. (If applicable, the following will occur.) The applicant and all property owners within 200 feet of the property where the variance is requested will be notified of a Public Hearing to be held by the Board of Adjustment by notice deposited in the U.S. mail. Said notices are to be mailed at least 10 days prior to the Public Hearing.
 - B. The applicant or representative must be present at the Board of Adjustment public hearing. Failure to attend the public hearing will cause the Board to deny the item without prejudice to re-filing.
 - C. Persons who are in favor or who oppose the request are allowed to appear before the Board in order to present their views.
8. Any additional information such as renderings, elevations, models or other supporting documents that you wish to submit may be introduced at the meeting.

According to state law, no variance can be granted without the concurring vote of at least four (4) members of the Board.

**APPEALS TO A DECISION RENDERED
BY THE BOARD OF ADJUSTMENT**

The only appeal to a decision rendered by the Board of Adjustment is to State District Court. The appeal must be filed with the district court within ten (10) days of the Board's decision. State law prohibits the Town Council from hearing an appeal.

**APPLICATION - REQUEST FOR VARIANCE OR APPEAL
ZONING BOARD OF ADJUSTMENT
TOWN OF COPPER CANYON**

DATE: March 29, 2023

I, the undersigned owner or authorized agent of the following described real property located in the Town of Copper Canyon, Texas, hereby make application for a request for a variance from the terms of section S 4-104 Accessory Buildings of the Town of Copper Canyon Zoning Ordinance.

LOCATION OF PROPERTY

Street Address: 424 Woodland Drive, Copper Canyon, TX 75077

Legal Description: Lot/Tract 6, Block C, of Subdivision/Abstract The Woodlands

REQUEST: (If there is additional information which you feel would be helpful to the Board in making a decision, be sure to include this information in your request. If additional space is required to explain your request, please attach the explanation to this application.)

To clarify, the Variance Application is not for a building. It is a request to install ground solar units in the backyard as part of a hybrid solar power installation (which includes rooftop and ground) to allow for a 100% offset of my power usage (See Attachment 1A).

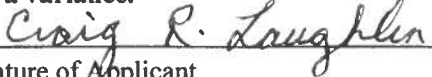
Ground solar structure dimensions are 434sq ft for Dual Array and 476sq ft for Single array (See Attachment 1B).
A copy of the Notification of Rejection Notice for ground solar structures by Copper Canyon is included (See Attachment 1C). (Attachment 1D) displays my home energy usage for the last three years. (Attachment 1E) displays my cost of energy in Kwhr over time. Final (Attachment 1F) lists the Justification for Installing ground solar on my property.

A non-refundable application fee of \$200 required at the time of application.

For a variance to be granted by the Board of Adjustment, the Board **must** determine that **all** of the following conditions apply:

- (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.
- (b) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.
- (c) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Master Land Use Plan and will not adversely affect any other features of the Comprehensive Master Plan of the Town of Copper Canyon.
- (d) That the variance, if granted, will be not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

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 receive a variance.**

| | | |
|---|------------------------------|------------------------|
|  | Craig R Laughlin | |
| Signature of Applicant 424 Woodland Drive, Copper Canyon, TX 75077 | Print Name (972) 824-7775 | N/A |
| Mailing Address | Telephone (Home) | Telephone (Day Number) |
| Staff Member's Signature | Date | Receipt Number |

BOARD OF ADJUSTMENT DECISION: () DENIED () GRANTED

TERMS AND/OR CONDITIONS: _____

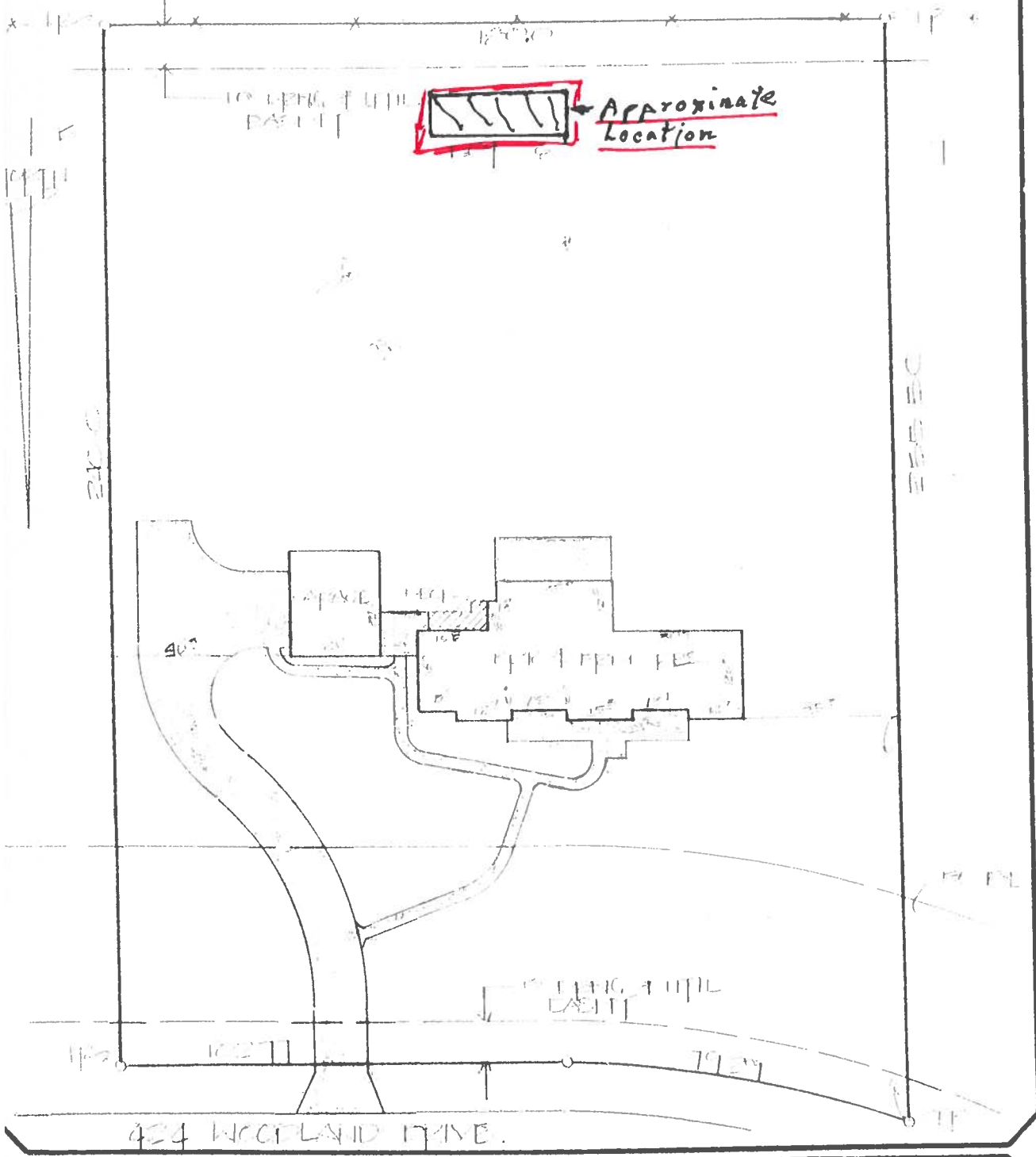
BOARD OF ADJUSTMENT CHAIRMAN: _____ DATE: _____

Filed with office of the Secretary this _____ day of _____, _____.

LEGAL DESCRIPTION

BEING LOT 6 IN BLOCK 'C', OF THE WOODLANDS, AN ADDITION TO THE TOWN OF COPPER CANYON, TEXAS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 14, PAGE 22, PLAT RECORDS OF DENTON COUNTY, TEXAS.

ACCORDING TO THE FIA FLOOD HAZARD BOUNDARY MAP, COBL. NO. 480774-A, PANEL NO. 4-46, DATED MAY 27, 1977, THIS LOT IS NOT IN A DESIGNATED FLOOD HAZARD AREA.



I, JAMES H. DOWDY, HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, AND THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THIS PROFESSIONAL SERVICE CONFORMS TO CURRENT TEXAS SURVEYORS ASSOCIATION STANDARDS AND SPECIFICATIONS FOR CATEGORY 1A (CONDITION II) SURVEY, AND TO THE BEST OF MY KNOWLEDGE THERE ARE NO DISCREPANCIES, OR CONFLICTS,



VARIANCE CONDITIONS AND RESPONSES IN BOLD

- (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.

The primary difference in my house/property is that I have a two-story home that allows for less rooftop available for solar units.

- (b) That a variance is necessary to permit the applicant the same rights in the use of this property that are presently enjoyed under the ordinance by other properties in the vicinity and zone, but which rights are denied to the property on which the application is made.

My neighboring properties could be allowed to install ground solar due to the fact that they are not above the threshold for Accessory Buildings as described in Copper Canyon Ordinance S 4-104 Accessory Buildings. My property has exceeded this ordinance.

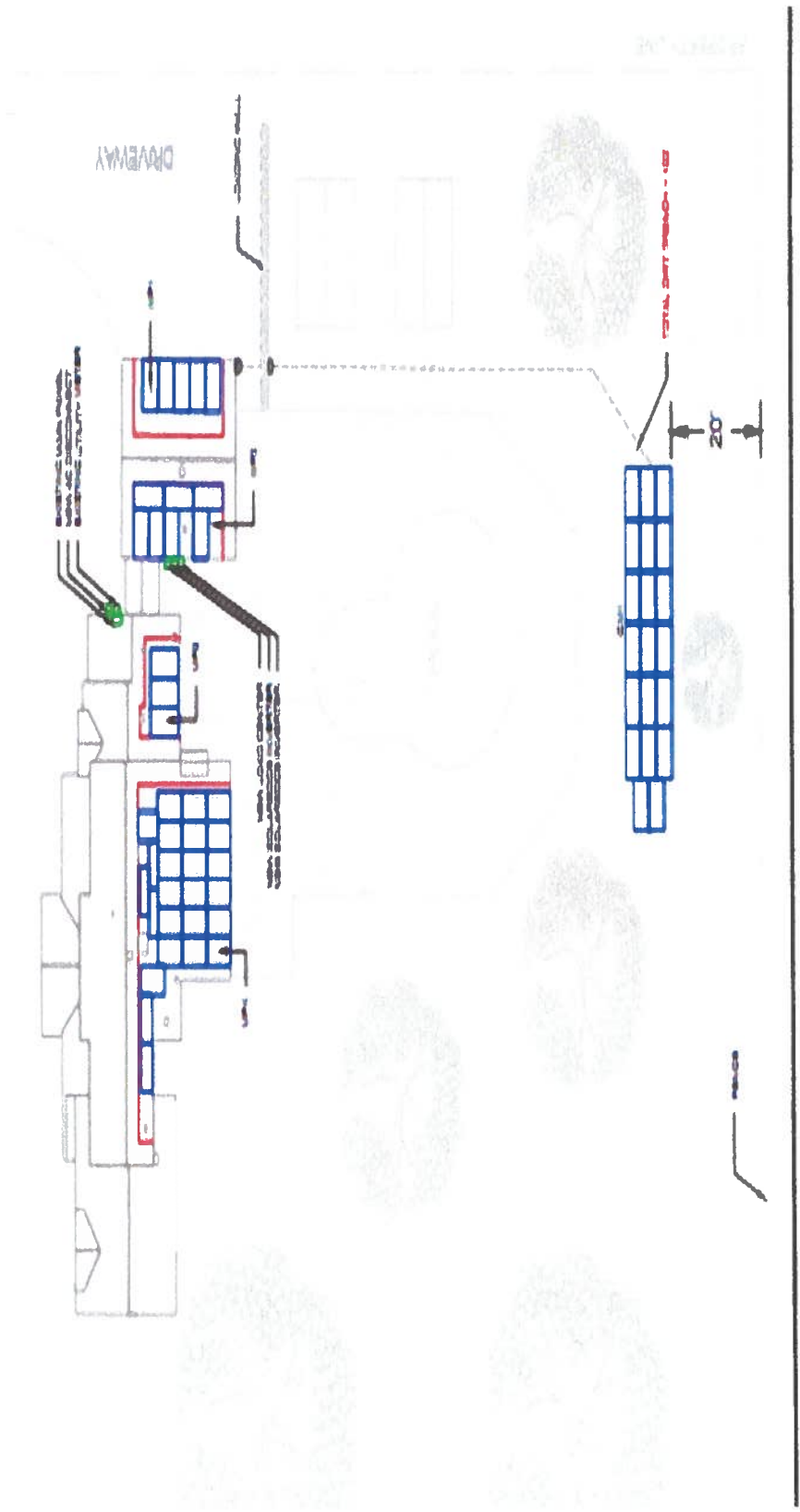
- (b) That the granting of the variance on the specific property will not adversely affect the land use pattern as outlined by the Master Land Use Plan and will not adversely affect any other features of the Comprehensive Master Plan of the Town of Copper Canyon.

From what I have read in the Town Master Plan, the granting of this variance will neither adversely affect the land use nor any other features.

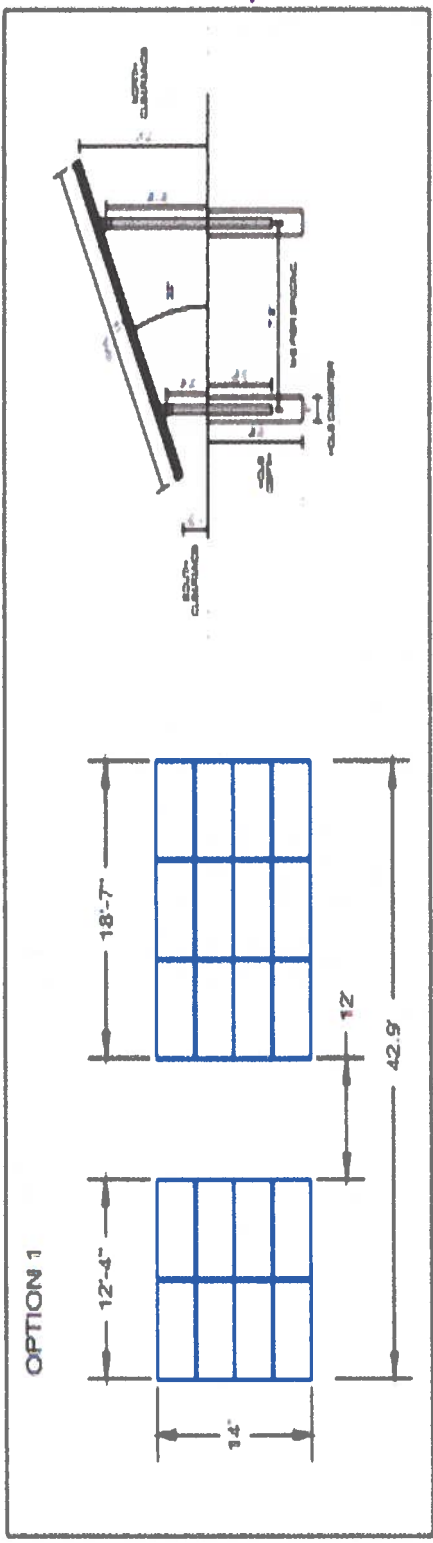
- (c) That the variance, if granted, will not be materially detrimental to the public welfare or injure the use, enjoyment or value of property in the vicinity.

If granted, this structure will not be detrimental to the public welfare or to the use or enjoyment of other properties in the vicinity.

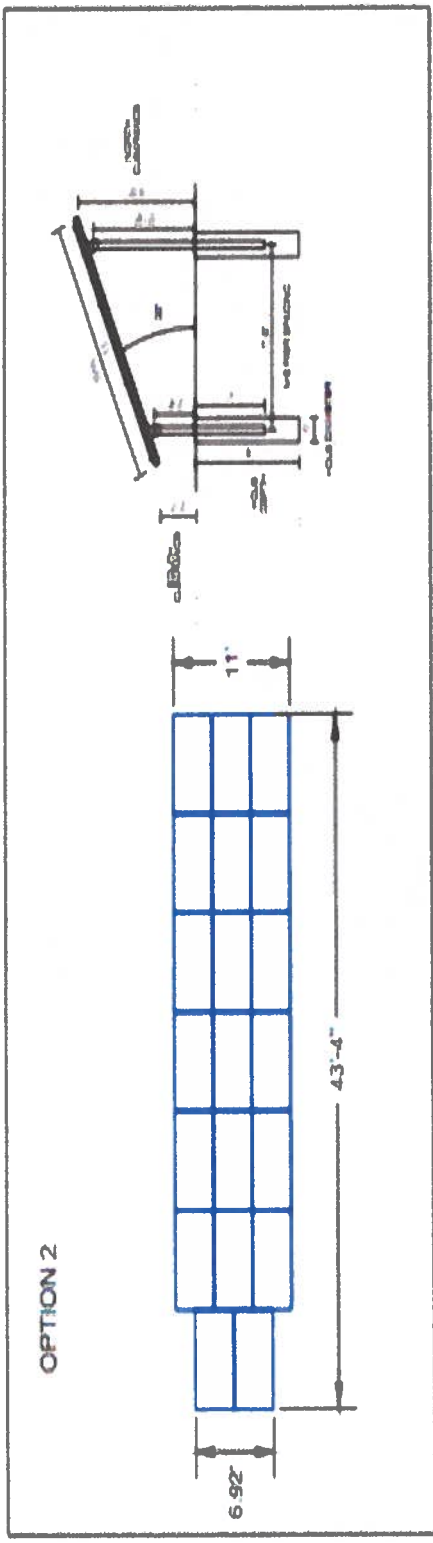
Attachment 1A – Hybrid Solar Layout



Attachment 1B – Ground Solar Layout Options



Height
7"



Height
7"

Attachment 1C - Notification of Ground Solar Rejection by Copper Canyon



Muaath Ali <mali@synapticsolar.com>

[Permit Request] Craig Laughlin - 424 Woodland Drive Copper Canyon TX 75077

Permitting CopperCanyon <Permitting@coppercanyonbx.com>

To: Muaath Ali <mali@synapticsolar.com>

Cc: Permits and Inspections <Permits@synapticsolar.com>

Fri, Jan 6, 2023 at 11:36 AM

Muaath,

Good morning,

Sorry for the delay in getting back to you, this was under review. Copper Canyon town ordinance has a limit of 1 major and 1 minor accessory buildings/structures. The property at 424 Woodland Dr currently has 3 ~~major~~ ^{minor} and 1 ~~minor~~ ^{major} accessory buildings (they are grandfathered in). This limit prohibits an additional ground structure.

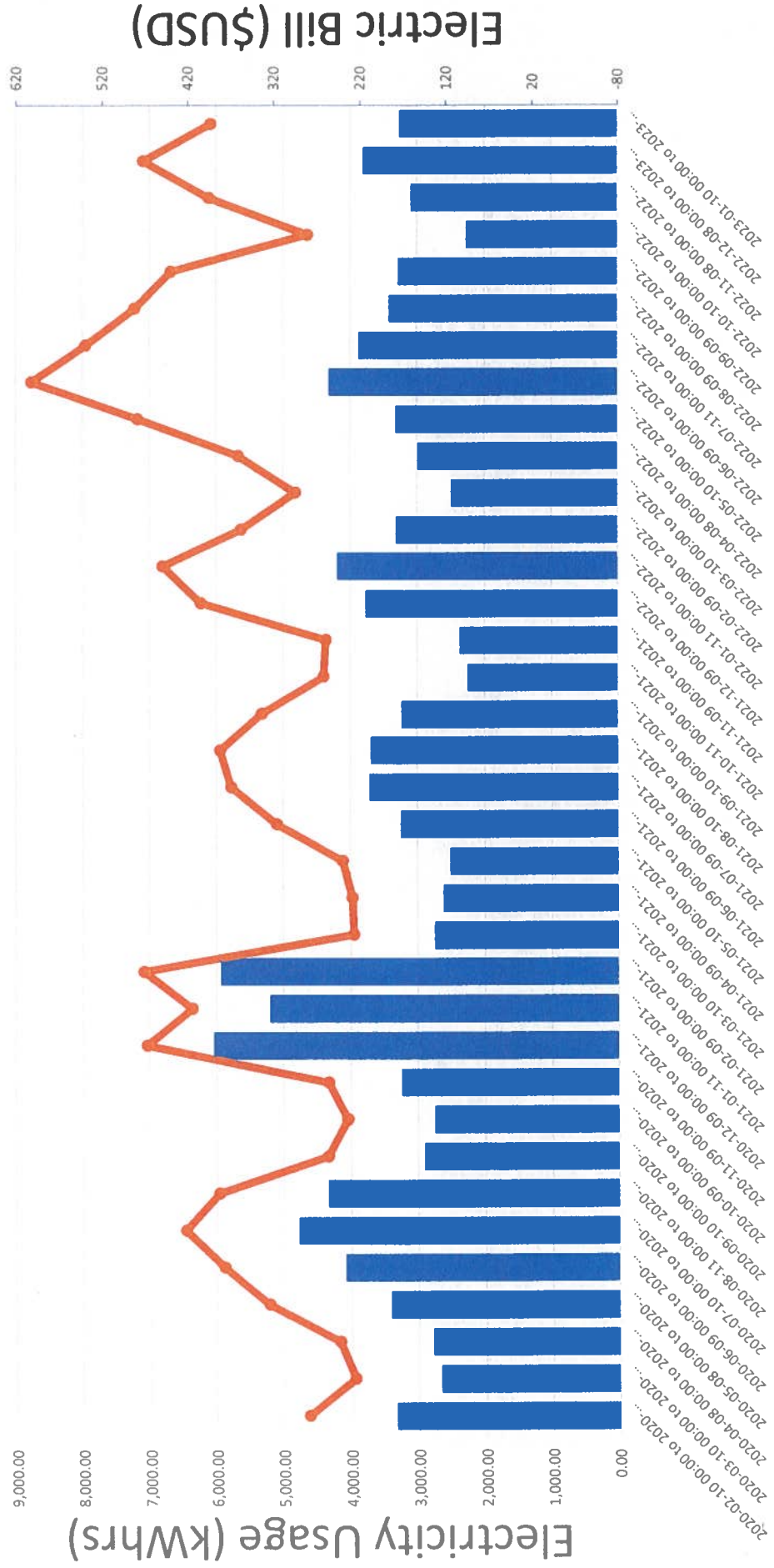
Best regards,

[Quoted text hidden]

*

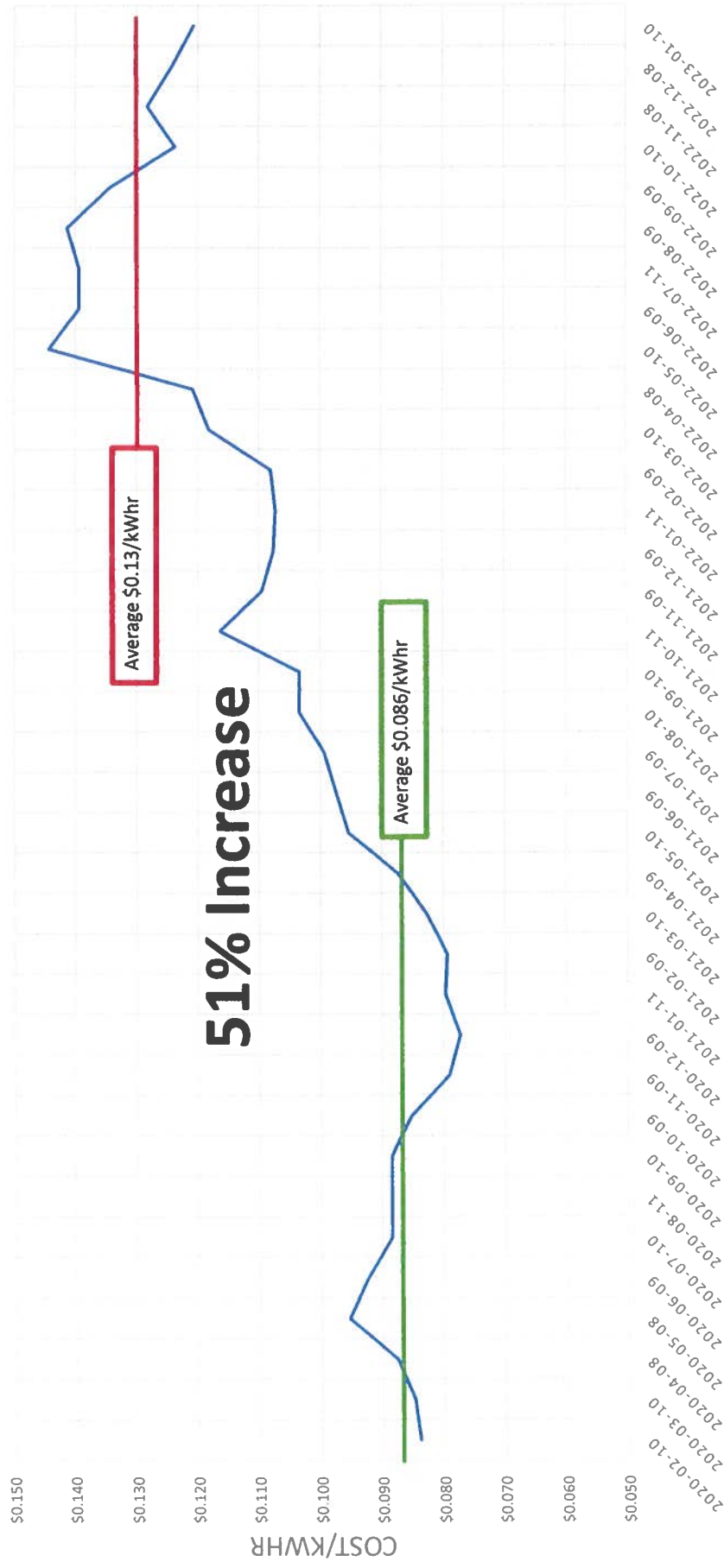
Attachment 1D - Laughlin Energy Use/ Cost Trend 2020 to 2023

Chart Title



Attachment 1E - Laughlin Energy Home Usage/Cost per Kwhr - 2020 to 2023

ELECTRIC COST/KWHR TREND



Attachment 1F - Justification for Requiring Ground Solar

1. My energy costs have risen by 51% over the last three years yet there has been no change in my energy usage over that same time period.
2. I am retired and am living on a fixed income.
3. The future cost projections of CoServ energy are directly tied to the cost of natural gas. Natural gas is projected to have a continuing global demand of 3-5% per year.
4. In December of 2022, my wife passed away which also cost me 36% of my total income.