

AGENDA



BOARD OF ADJUSTMENT Wednesday, March 12, 2025 @ 6:00 PM

The Board of Adjustment of the City of Anna will meet on 03/12/2025 at 6:00 PM in the Anna Municipal Complex-Council Chambers, located at 120 W. 7th Street, to consider the following items.

1. **Call to Order, Roll Call, and Establishment of Quorum.**
2. **Invocation and Pledge of Allegiance.**
3. **Neighbor Comments.**
At this time, any person may address the Board of Adjustment regarding an item on this meeting Agenda that is not scheduled for public hearing. Also, at this time, any person may address the Board regarding an item that is not on this meeting Agenda. Each person will be allowed up to three (3) minutes to speak. No discussion or action may be taken at this meeting on items not listed on this Agenda, other than to make statements of specific information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.
4. **Director's Report.**
5. Consider/Discuss/Action to approve minutes from the January 8, 2025, Board of Adjustment meeting.
6. Conduct a public hearing/consider/discuss/action on a for a variance to the 60-foot vegetative buffer and two-story building setback requirements. DHI Anna, Block A, Lot 1. Zoned Planned Development-Multi-Use (PD-MU)/Restricted Commercial/General Commercial/Multiple-Family Residential - High Density/Single-Family Residential SF-60/Single-Family Residential - Zero lot line/Single-Family Townhome (C-1/C-2/MF-2/SF-60/SF-Z/SF-TH) (Ord. No. 881-2020). (V 25-0001)
Owner: DHIC - Lindsey Place LLC
7. **Adjourn.**

This is to certify that I, Lauren Mecke, Planning Manager, posted this Agenda on the City's website (www.annatexas.gov) and at the Anna Municipal Complex bulletin board at or before 5:00 p.m. on 03/07/2025.



Lauren Mecke, Planning Manager



MINUTES

BOARD OF ADJUSTMENT

January 8, 2025

The Board of Adjustment of the City of Anna met January 8, 2025, at 6:00 p.m. at the Council Chambers in the Anna Municipal Center, located at 120 W Seventh Street, to consider the following items.

1. Call to Order, Roll Call and Establishment of Quorum.

The meeting was called to order at 6:01 p.m. by Travis Bates.

Members present:

Place 2 – Elijah Nelms, Place 3 – Jeffrey Petry, Place 4 – Edward Culham, Place 5 – Travis Bates, Place 1A – David Colegrove, Place 2A – Cory Halley

Staff present:

*Stephanie Scott-Sims, Director of Development Services
Lauren Mecke, Planning Manager
Nader Jeri, Building Official
Carrie Land, City Secretary
Bret Wilkinson, Plans Examiner*

2. Invocation and Pledge of Allegiance

Edward Culham gave the invocation. All who were present gave the Pledge of Allegiance.

3. Neighbor Comments

There were no comments.

4. Director's Report.

Mrs. Scott-Sims reported that a volunteer board member recognition ceremony on January 28, 2025 in the lobby of the City Municipal Complex at 120 W 7th Street, Anna, Texas. As well, on the same date at 6:00 p.m., there will be a joint comprehensive plan update with the Planning & Zoning Commission and City Council.

5. Consider/Discuss/Action to approve minutes from the October 23, 2024 Board of Adjustment meeting.

Edward Culham motioned to approve and Jeffrey Petry seconded. The vote passes unanimously.

6. Consider/Discuss/Action to approve minutes from the October 30, 2024 Board of Adjustment meeting.

David Colegrove motioned to approve and Elijah Nelms seconded. The vote passes unanimously.

7. Consider/Discuss/Action to approve minutes from the November 13, 2024 Board of Adjustment meeting.

Cory Halley motioned to approve and Elijah Nelms seconded. The vote passes unanimously.

8. Elect the Board of Adjustment Chairperson.

Elijah Nelms motioned to nominate Edward Culham for chairperson and Jeffrey Petry seconded. The vote passes unanimously.

9. Elect the Board of Adjustment Vice-Chairman.

Edward Culham motioned to nominate Travis Bates for chairperson and Cory Halley seconded. The vote passes unanimously.

10. Adjourn

A motion was made by David Colegrove to adjourn the meeting and seconded by Edward Culham. The vote was unanimous. The Board of Adjustment meeting was adjourned at 6:09 p.m.

Edward Culham
Board of Adjustment Chairman

Attest:

Stephanie Scott-Sims
Director of Development Services



Item No. 5.

Board of Adjustments Agenda
Staff Report

Meeting Date: 3/12/2025
Staff Contact: Everett Johnson

AGENDA ITEM:

Conduct a public hearing/consider/discuss/action on a for a variance to the 60-foot vegetative buffer and two-story building setback requirements.
DHI Anna, Block A, Lot 1. Zoned Planned Development-Multi-Use (PD-MU)/Restricted Commercial/General Commercial/Multiple-Family Residential - High Density/Single-Family Residential SF-60/Single-Family Residential - Zero lot line/Single-Family Townhome (C-1/C-2/MF-2/SF-60/SF-Z/SF-TH) (Ord. No. 881-2020). (V 25-0001)
Owner: DHIC - Lindsey Place LLC

History:

January 4, 2025 – The final plat recorded for The Woods at Lindsey Place, Phase 2B (Instrument No. 2025010000030) (“Woods at Lindsey Final Plat”).

March 15, 2024 – The final plat recorded for DHI Anna, Block A, Lots 1-3 (Instrument No. 2024010000131) (“DHI Final Plat”).

August 22, 2023 – City Council approved Ordinance No. 1068-2023-08, repealing and replacing the City of Anna Zoning Ordinance (Code of Ordinances, Chapter 9, Article 4).

October 27, 2020 – City Council approved Ordinance No. 881-2020, rezoning 275± acres generally located at the northwest corner and southwest corner of future Rosamond Parkway and future Ferguson Parkway from Agricultural District (AG) to Planned Development-C-1 Restricted Commercial/C-2 General Commercial District/MF-2 Multiple-Family Residential – High Density/SF-60 Single-Family Residence District/SF-Z Single-Family Residence District – Zero lot line/TF-Two-Family Residential District (PD-C-1/C-2/MF-2/SF-60/SF-Z/TF).

Remarks:

Zoning Ordinance Section 9.04.053 (Relief Procedures) provides that the Board of Adjustment has the authority to consider a request for a variance from the terms of the Zoning Ordinance where:

- (1) The variance is not contrary to the public interest, and
- (2) Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and
- (3) The spirit (intent) of varied provision is observed and substantial justice is done.

Issue:

DHI Anna, a multi-family development, shares its eastern border with The Woods at Lindsey Place single-family residential subdivision. After the final plats for both

developments were recorded, it was realized that the borders of the plats in the area in question do not match.

The construction of Hunter Lane in The Woods at Lindsey Place resulted in a jag in the street, which effectively shifted the property line of the lots on Hunter Lane, which back onto the DHI Anna property, to shift further back, onto DHI Anna's lot.

The property owners of the developments agree it is in the best interest for the property line to remain as shown on the final plat for The Woods at Lindsey to ensure that the single-family detached lots meet the minimum depth requirement of 120-feet.

However, leaving the lot line as-is creates two issues for the DHI Anna property:

1. An area of the property no longer provides the required 60-foot wide vegetative buffer requirement as required in the Planned Development Zoning Ordinance for the development, and
2. Two multi-family buildings no longer meet the 60-foot setback between two-story multi-family buildings and single-family residential buildings required under the Zoning Ordinance.

Vegetative Buffer

Prior to August 22, 2023, the Zoning Ordinance required multi-family buildings greater than one-story to have a minimum building setback of 60-feet from adjacent single-family zoned property. When the Planned Development Ordinance for DHI Anna was written, City staff and the master developer agreed to make that building setback a vegetative buffer with a sidewalk easement for a public trail. The Substantially Conforming Site Plan (Exhibit A) and the screenshot below (Image 1), illustrates that one duplex-unit building and one garage building would encroach in the Planned Development's 60-foot vegetative buffer.

(Ord. 881-2020 sec. (3)(b)(3)) Vegetative Buffer:

A 60-foot-wide vegetative buffer shall be provided on the east and north sides of the district where adjacent to a single-family residential district. The natural tree line shall be preserved as a buffer and in areas where no trees exist, trees with a 3" minimum caliber shall be planted staggered at 25-foot centers with an undulating berm a minimum of three (3) feet in height up to six (6) feet in height. The 60-foot vegetative buffer shall count as the required "60-foot setback from the adjacent property lines for buildings in excess of one story in height.

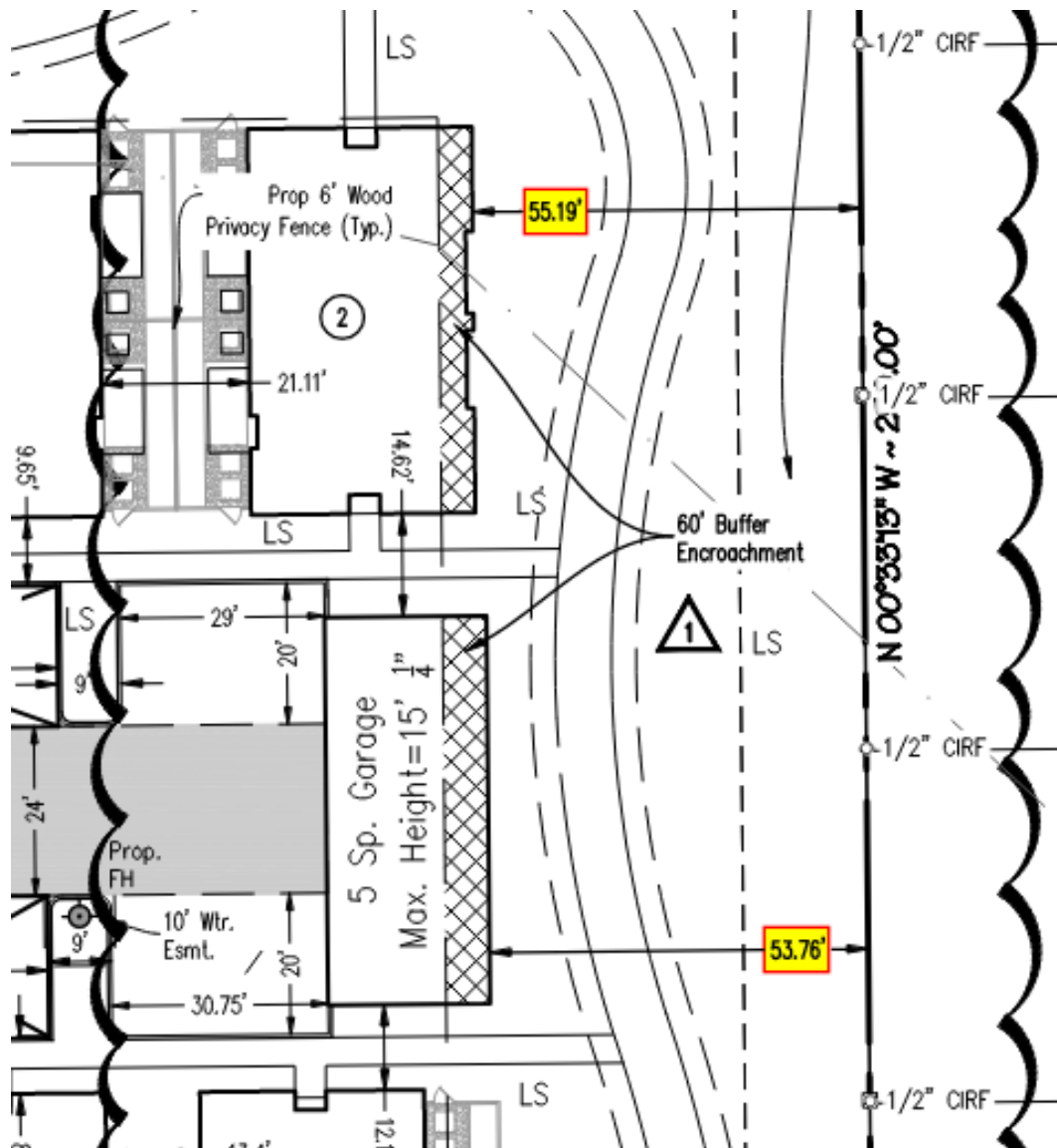


Image 1: Screenshot of the Substantially Conforming Site Plan

Two-Story Multi-Family Building Setback

Prior to August 22, 2023, the Section 9.04.020 of the Zoning Ordinance provided that in property zoned MF-2 Multiple-Family Residential- High Density, where a side yard or rear yard is adjacent to a single-family residential district, there shall be a 60-foot setback from the adjacent property line for buildings in excess of one story in height.

The duplex-unit building shown is a two-story structure has a setback from the adjacent single-family residential zoned property of 55.19 feet, encroaching into the required setback by 4.8 feet,

SUMMARY:

A variance would not be contrary to the public interest and literal enforcement of the ordinance would result in unnecessary hardship. Additionally, if granted the variance it would not seriously affect the adjoining property or the general welfare.

STAFF RECOMMENDATION:

City staff has reviewed the variance request and determined that there would be neither an effect on any adjoining property nor the general welfare. Staff recommends approval of the variance request.

ATTACHMENTS:

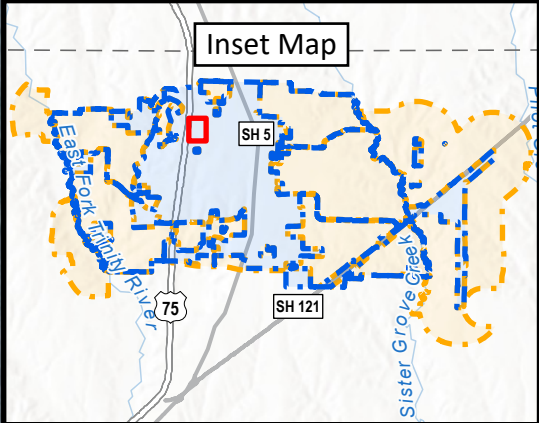
Locator

Application

Exhibit A Substantially Conforming Site Plan (DHI Anna, Block A, Lot 1, V 25-0001)

Exhibit B Applicant Drawing (DHI Anna, Block A, Lot 1, V 25-0001)

DHI Anna, Block A, Lot 1



THE CITY OF
Anna

0 150 300 600 Feet

March 2025

Legend:
Subject Property (Blue cross-hatch)
City Limits (Blue dashed line)
ETJ (Orange dashed line)

North Arrow (N)

APPLICANT/ REPRESENTATIVE INFORMATION

Name of Applicant		Andrew Wiley	
Address of Applicant		1341 Horton Circle, Arlington, TX 76011	Telephone Number (214) 707-8252
Signature of Applicant		Date	
Address of Property 2200 N Buddy Hayes Blvd, Anna, TX			
Lot Lot 1	Block Block A	Subdivision DHI Anna	
Phone (214) 707-8252	Email ajwiley@drhorton.com		
Name of Property Owner (if not applicant)			
Signature of Property Owner (if not applicant)		Date	

TYPE OF VARIANCE

Lot Size Landscaping Other Building Setback & Vegetative Buffer

ZONING INFORMATION

Zoning of Property	The Woods at Lindsey Place - Development Agreement / MF-2	Acres	11.696
Property Location	2200 N Buddy Hayes Blvd, Anna, TX / Northeast of US-75 and Rosamond Pkwy intersection		
Describe Variance Being Requested: <i>(Review Section 9.04.042 Board of Adjustment of the Zoning Ordinance)</i>			
DHI is requesting a variance from the City of Anna so that an updated Building Setback & Vegetative Buffer will not hinder the ability to obtain a Certificate of Occupancy for a two-unit dwelling of the Cottages at Lindsey Place.			
Describe special conditions or circumstances/ reasons and justification for request:			
DHI started construction on this site while working off the filed DHI Anna Lots 1-3 Block A Final Plat. This plat, however, was filed with an outdated property line that the neighboring land owners, The Woods at Lindsey Place, updated without having informed DHI. The updated property line also caused an updated 60' Building Setback & 60' Vegetative Buffer.			
Due to the nature of construction timing & when this issue was discovered, the Cottages building that contains Units 61 and 62 was already constructed making it impossible to change the Site Plan of The Cottages at Lindsey Place to be out of the new, updated Building Setback.			

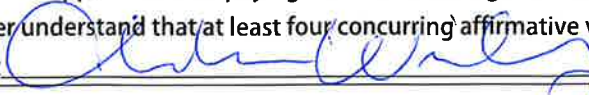
To be included with application:

Fee of \$200 (cash or check)

Legal description

Site plans or drawings

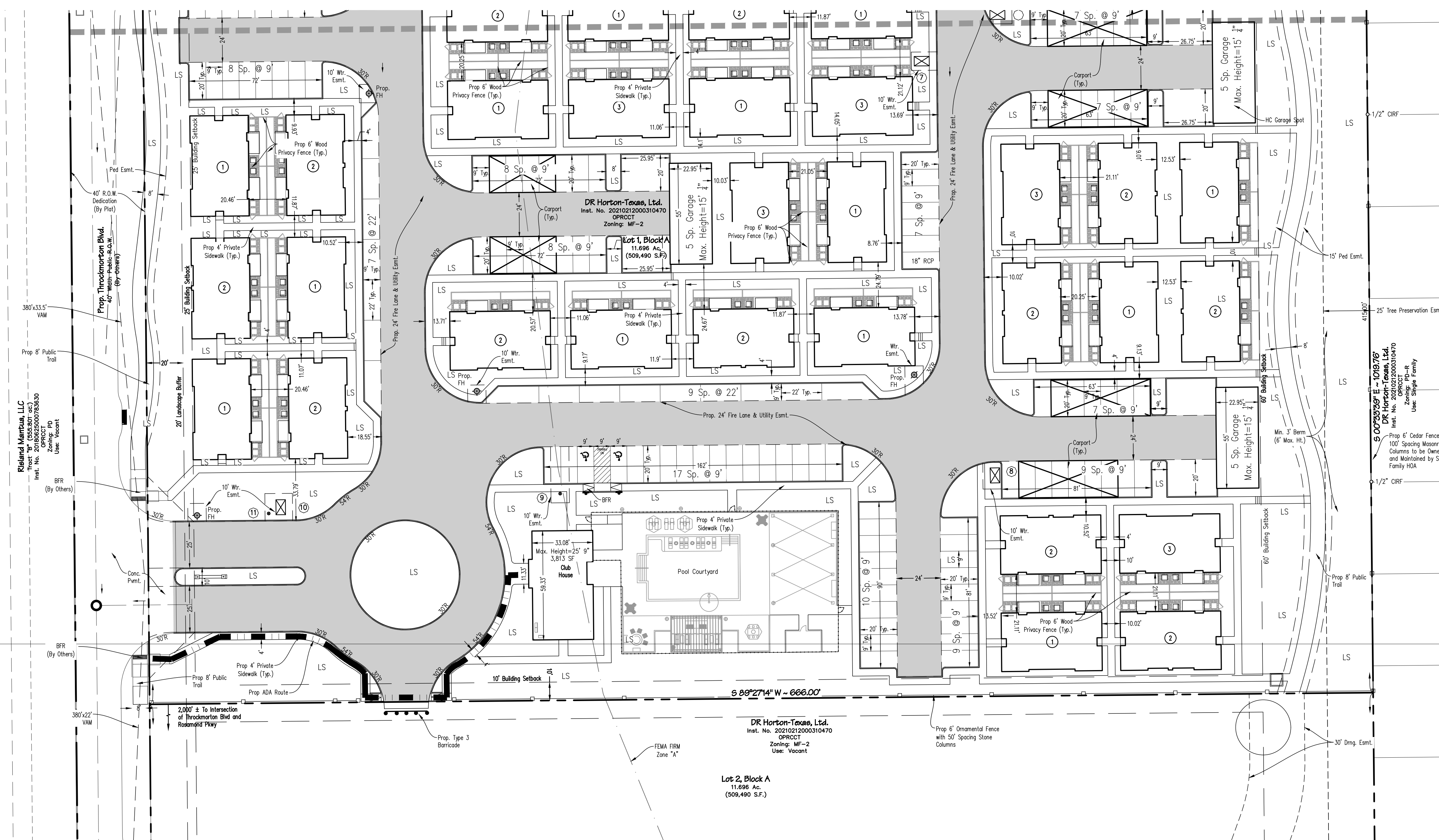
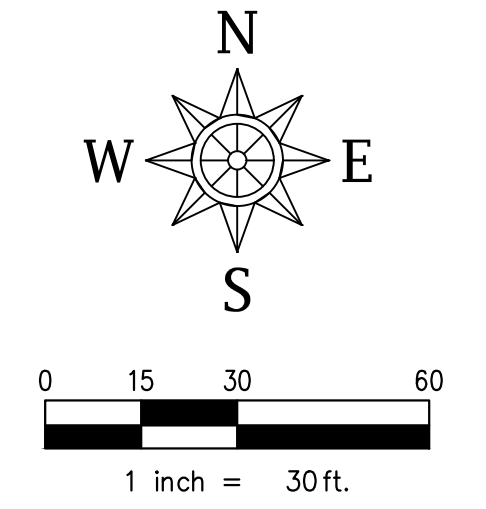
I understand that that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment and/ or City Council. I further understand that at least four concurring affirmative votes must be cast in order to receive a variance.

Signature of Applicant 

Office Use Only Below This Line

Permit Fee:	Received by:	Date:
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MATCHLINE SHT. 1



Item	Lot 1
General Site Data	
Zoning (from zoning map)	MF-2
Land Use (from Zoning Ordinance)	Multiple-family dwellings
Lot Area (square feet & acres)	507,304 SF / 11.646 Ac
Building Footprint Area (square feet)	117,766
Total Building Area (square feet)	138,320
Building Height (# stories)	2 (max)
Lot Coverage (percent-x.xx%)	23.11%
Multifamily Units	
# of Studios / Minimum square feet	-
# of 1 bedrooms / Minimum unit size	58 / 830 SF (Gross)
# of 2 bedrooms / Minimum unit size	54 / 1,171 SF (Gross)
# of 3 bedrooms / Minimum unit size	18 / 1,476 SF (Gross)
Total Unit Count	130
Parking	
Parking Ratio (from Zoning Ordinance)	1.5 Spaces / Unit
Required Parking (# spaces)	195
Provided Parking (# spaces)	214
Accessible Parking Required (# spaces)	2
Accessible Parking Provided (# spaces)	2
Landscape Area (including turf areas)	
Required internal landscape area (square feet - 8 square feet per parking space)	1,888
Additional interior landscape area provided (square feet)	209,698
Total Landscape Area (square feet)	211,586

LEGEND

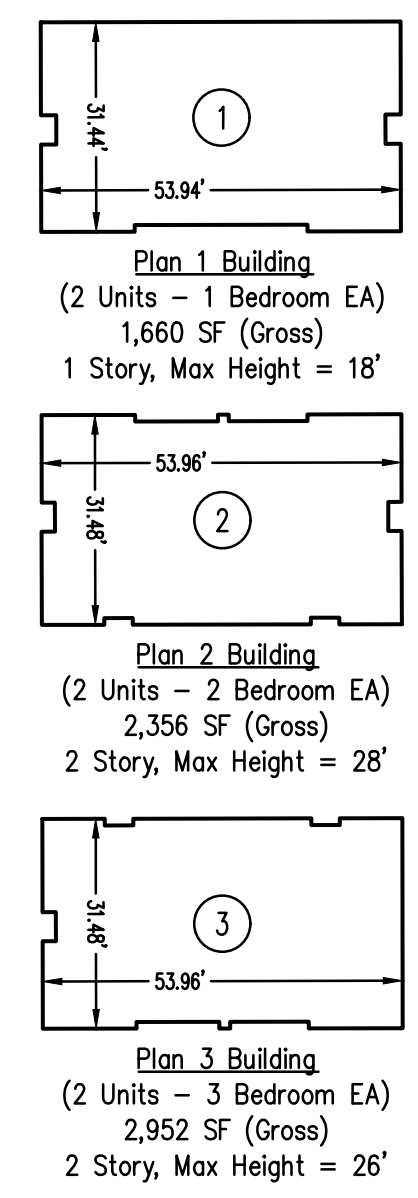
- Proposed Firelane, Access, Drainage & Utility Easement
- Prop. Water Meter & Vault
- Prop. Water Meter & Vault
- Prop. Fire Hydrant w/ 6" Serv.
- Building Plan (Ref. Figures Below)
- Prop. Covered Parking
- Prop. ADA Route

SITE PLAN GENERAL NOTES:

- All proposed paved surfaces will be constructed of concrete.
- No appurtenance between the height of 2.5' and 10' may be placed in the visibility triangles.
- The subject property lies within a 100-year flood plain, Zone A, according to Community Panel No. 48085CD155J, dated 6/2/2009, of the National Flood Insurance Rate Maps for Collin County, Texas.

SCREENING/FENCING NOTES:

- A 60-foot wide vegetative buffer shall be provided on the east and north sides of the district where adjacent to a single-family residential district. The natural tree line shall be preserved as a buffer and in areas where no trees exist, trees with a 3" minimum caliber shall be planted staggered at 25-foot centers with an undulating berm a minimum of three (3) feet in height up to six (6) feet in height. The 60-foot vegetative buffer shall count as the required "60-foot setback from the adjacent property line for buildings in excess of one story in height". (Ordinance No. 881-2020)
- Fencing between single family lots and multi-family development shall consist of a 6' cedar fence with masonry columns at no less than 100-foot intervals. The fence shall be owned and maintained by the single-family development HOA. (Ordinance No. 881-2020)
- Masonry border fence of not less than 6 feet in height or an ornamental metal fence with stone columns at 50-foot intervals with a vegetative screen comprised of minimum 3" caliber trees planted staggered at 25-foot centers is required along any perimeter not abutting a single-family lot. (Ordinance No. 881-2020)



Water Meter Schedule

I.D.	Type	Size	No.	Type
①	Domestic	3"	1	Prop.
②	Domestic	3"	1	Prop.
③	Domestic	3"	1	Prop.
④	Domestic	2"	1	Prop.
⑤	Domestic	3"	1	Prop.
⑥	Domestic	3"	1	Prop.
⑦	Domestic	3"	1	Prop.
⑧	Domestic	3"	1	Prop.
⑨	Domestic	2"	1	Prop.
⑩	Domestic	3"	1	Prop.
⑪	Irrigation	2"	1	Prop.

Substantially Conforming Site Plan
DHI ANNA
 IN THE CITY OF ANNA, COLLIN COUNTY, TEXAS
 E. WITT SURVEY ABSTRACT NO. 997
 LOT 1, BLOCK A
 507,304 Sq. Ft./11.646 Acres

ENGINEER / SURVEYOR / APPLICANT
 Spars Engineering, Inc.
 501 W. President George Bush Hwy, Suite 200
 Richardson, TX 75080
 Telephone: (972) 422-0077
 TBPE No. F-2121
 Contact: Kevin Wier

Owner/Developer
 DHI Communities
 1341 Horton Circle
 Arlington, TX 76011
 Telephone: (214) 707-8252
 Contact: Andrew Wiley

Drawn by: C:\2021\08RS\21-323 DHI Anna\CAD\Site Plan\B0A.dwg - Saved By: Bbaeoon - Save Time: 1/31/2025 8:41:00 AM
 Plotted by: bbaeoon - Plot Date: 1/31/2025 8:41 AM

Recorded Plat boundary

Approximate location of the disputed boundary to be shifted to the west

DHI Anna Addition, Block A, Lot 1

The Woods at Lindsey Place, Phase 3

Two buildings (a duplex building and a garage structure)

