



Memorandum

May 6, 2026

TO: Zoning Board of Adjustment

FROM: Israel B. Roberts, AICP
Planning Manager

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

BACKGROUND: This is a request for approval of a variance to allow for a reduced rear yard setback. The 0.2-acre site is located at 1396 Sagebrook Drive and is zoned for the (PD) Planned Development District. Owner/Applicant: Michael and Mary Vaughn.

STATUS OF ISSUE: In 1999, to accommodate the development of Heritage Ranch, the Town Council approved ordinance No. 1999-021. Within that document, the rear yard setback was established at 12 feet, with ground level decks and patios being permitted to extend into that setback. In a later amendment, swimming pools, saunas and spas were permitted to be located no closer than 5 feet from the rear property line.

With this application, the owners are requesting the reduced setback in order to replace an existing ~240 square foot shade structure with an additional deck with a new 652 square foot covered patio. The existing shade structure and deck were built around 2002 and are offset from the rear property line by approximately 6-inches. The original shade structure was not issued a variance by the Town of Fairview to encroach into the rear yard setback. Combined the existing shade structure and deck are approximately the same size as the proposed covered patio. The proposed new patio and cover would feature wood posts and a composition roof that matches that of the existing house and extends to the same 6-inch offset as the existing deck.

Over the years, in Heritage Ranch, there have been 22 similar requests for a reduced rear yard setback to allow for the installation of a covered patio. 21 of those requests have been approved.

In this case, since the original shade structure from 2002 was not issued a variance by the Town of Fairview, and the new proposed covered patio structure is larger than the original shade structure, a variance is necessary to move forward with the project.

ATTACHMENTS:

Aerial

Applicant's narrative & exhibits



Stacy Rd



Variance Narrative for 1396 Sagebrook Dr, Fairview, TX 75069

Request: Variance to Maintain Existing 6-Inch Rear Yard Offset for Rear Porch Replacement

Applicants: Michael & Mary Vaughan

Project: Rear Porch Addition (Replacing Existing Pergola & Deck)

We are requesting a variance to replace the existing Pergola and Deck (Installed in 2002) with a more aesthetically pleasing composite roof extension. The Heritage Ranch Architectural Committee advised us to seek approval through the Fairview Board of Adjustment, so we are submitting this request accordingly.

1. Purpose of the Request

We are asking for approval to build a new covered rear porch that stays within the same footprint as the current deck and pergola—approximately 6 inches from the rear property line. The new structure will not move any closer to the property line; it simply updates what has been in place for years with a safer and more functional design.

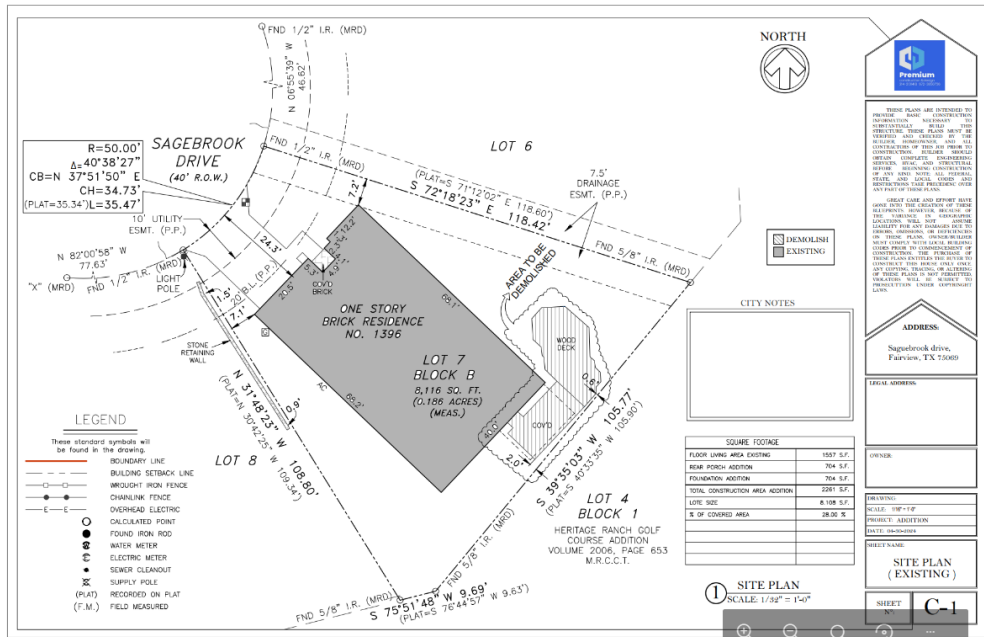
2. Background & Existing Conditions

When we purchased the home in October 2025, the backyard already included a wooden/ aggregate deck and aluminum pergola built by the previous owner. These structures have been in the same location since 2002 and have not caused any issues for neighbors or the golf course. Please see approval to proceed documents dated December 2002 later in this document.

As shown in the attached photos and plans:

- The existing deck and pergola sit roughly 6 inches from the rear property line.**
- This offset was already established when we bought the home.**
- There have been no drainage, access, or privacy concerns related to this layout.**
- The proposed porch follows the same footprint and alignment.**

Existing:



Approvals to Proceed for Existing:

RECEIVED
DEC 11 2012
CMA-ALLEN

HOMEOWNERS ASSOCIATION OF HERITAGE RANCH, INC.
MODIFICATION APPLICATION

RECEIVED
DEC 18 2012
CMA-ALLEN

OWNER (APPLICANT): Mr & Mrs Tolle DATE: 11/9/12
 ADDRESS: 1396 Sage Brook
 BUS TELEPHONE: _____ RES TELEPHONE: (409) 547-0014
 ADDRESS: 1430 Bosque Dr. Garland CONTRACTOR: Beulah Land (CH4) PHONE: (214) 325-9025
 START DATE: ASAP COMPLETION DATE: 7 Days

REQUEST FOR APPROVAL FOR THE FOLLOWING SUBMISSION:
Landscaping & Deck

Detailed plans and specifications (materials, color, height, and a lot site plan showing exact location) must accompany application. Refer to ARCHITECTURAL STANDARDS (Article X of the Declaration of Covenants, Conditions and Restrictions).

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is not to begin until approval has been received from the Architectural Review Committee. Permission is hereby granted to the Architectural Review Committee and its designated representative to enter the property to make inspections, as they deem necessary.

PROPERTY OWNER SIGNATURE: _____ DATE: 11/9/12

(DO NOT WRITE BELOW THIS LINE)

APPLICATION REVIEWED BY ARCH: _____ DATE: _____
 APPLICATION APPROVED BY: [Signature] DATE: 12-14-12

* On site Project Manager has final approval of applications

PROJECT STATUS: APPROVED CONDITIONAL APPROVAL DENIED TABLED

COMMENTS/CONDITIONS:
Approved to proceed as plans indicate.

Landscaping approval conditional upon drainage plan not increasing quantity or velocity of water affecting properties other than submitting property, and upon drainage plan resulting in no accumulation of water or velocity impacting on any existing structures on homeowner's site. Homeowner must be in receipt of all required permits from the Town of Fairview and any government agencies (if applicable) before work commences.

Submit Application To:
The Homeowners Association of Heritage Ranch, Inc.
500 W. Main
Allen, TX 75035
Phone: 972-396-1478 Fax: 972-359-8735
12/11/12

Revised Materials

RECEIVED
DEC 18 2002
CMA - ALLEN

RECEIVED
DEC 11 2002
CMA - ALLEN

ok 12/11/02

OWNER (APPLICANT) Berry Linda Tolle DATE 11 Dec. 2002
LOT, BLOCK, ADDRESS 1376 Sagedeck Dr.
RES. TELEPHONE 972-549-0014 BUS. TELEPHONE _____
CONTRACTOR TerraShade PHONE 972-5099243
ADDRESS 2455 E Hwy 121 Suite 111
START DATE _____ COMPLETION DATE _____

REQUEST FOR APPROVAL FOR THE FOLLOWING SUBMISSION:
Patio shade structure - very similar to the one at 1350 Shadow Creek also done by TerraShade.

Detailed plans and specifications (materials, color, height, and a lot site plan showing exact location must accompany application. Refer to ARCHITECTURAL STANDARDS (Article X of the Declaration of Covenants, Conditions and Restrictions).

I certify that the above information is an accurate representation of the proposed improvements and that the work will conform to applicable codes, covenants and standards. I also certify that the improvements will be completed in accordance with the approved application. I understand that construction is not to begin until approval has been received from the approved Committee. Permission is hereby granted to the Architectural Review Committee and its designated representative to enter the property to make inspection, as they deem necessary.

PROPERTY OWNER SIGNATURE: Berry B. Tolle DATE: Dec. 11, 2002
(DO NOT WRITE BELOW THIS LINE)

APPLICATION RECEIVED: Kris Mang APPLICATION REVIEW DATE: 12-14-02
PROJECT STATUS: APPROVED CONDITIONAL APPROVAL DENIED TABLED
COMMENTS:
ok to proceed as plans indicate
Tolle

100-10207

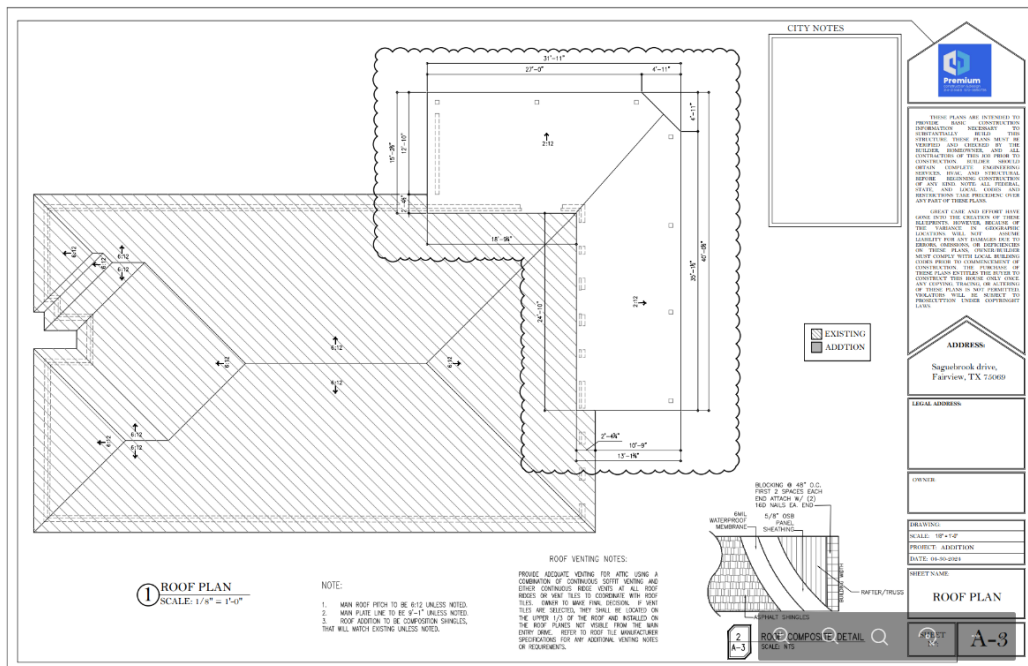
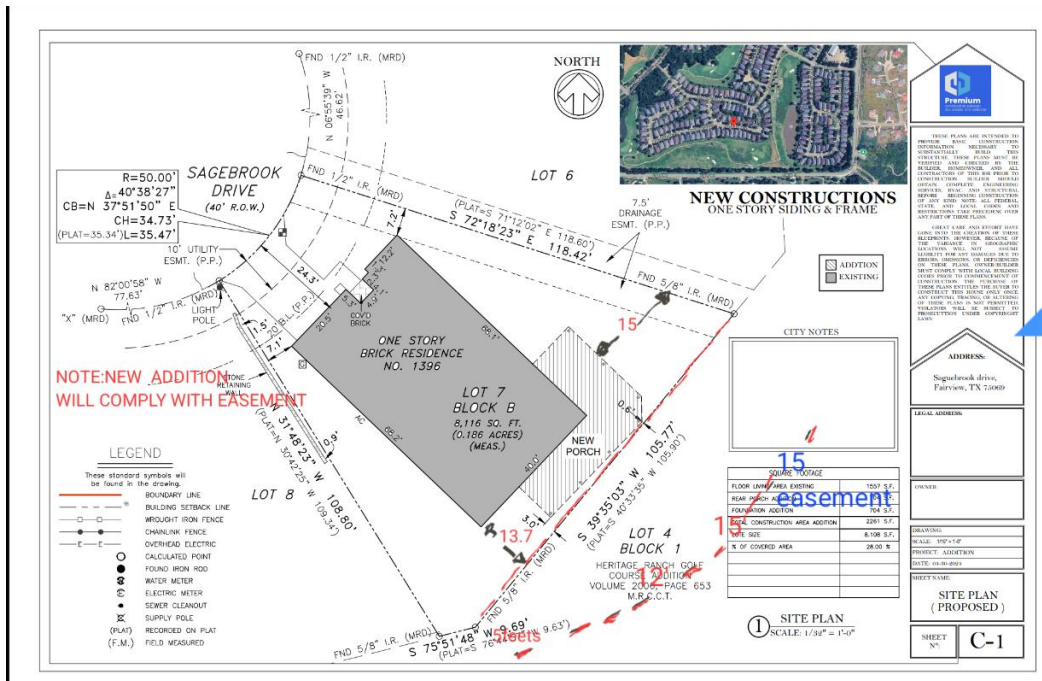
12/14/02

ok 12/14/02





Proposed:



Our goal is simply to replace the aging pergola with a safe, attractive, and code-compliant covered porch while keeping the established layout intact. Additionally, we are correcting a long standing drainage issues by installing new roof guttering connected to a new underground drainage system.

3. Hardship and Justification

The need for a variance stem from the way the property is configured and the fact that the existing Pergola and Deck structure (Approved in 2002) predates our ownership.

A. Existing Structural Footprint- Meeting the full rear setback would require removing the entire deck and rebuilding it several feet inward. Doing so would reduce usable outdoor space, create an awkward layout, require significant regrading, and potentially disrupt existing drainage patterns.

B. Lot Shape and Orientation- The pie shaped lot widens toward the back, and the home sits at a slight angle. Shifting the structure inward would make the porch less practical and more difficult to design effectively.

C. Maintaining Existing Conditions Minimizes Impact- Keeping the updated porch aligned with the current 6-inch offset avoids additional encroachment, maintains existing privacy and visibility conditions, preserves drainage patterns, and keeps the neighborhood's established look and feel. This approach is consistent with the City's guidance that maintaining the existing offset is more appropriate than requesting a zero-setback condition.

4. Stormwater & Drainage Improvements

As part of this project, we are also making meaningful improvements to the property's drainage, which should have been addressed when the property was built.

A. New Underground Drainage System- We are installing a new underground drainage system to better manage stormwater on the side and rear yard. This will help reduce pooling, erosion, and runoff toward neighboring homes.

B. Roof Drainage Integration- The new covered porch will tie directly into the home's existing gutter system. All roof runoffs will be routed into the new underground drainage system for more controlled and effective water management.

C. Improvement Over Existing Conditions- The current pergola has no integrated drainage—water simply falls to the ground. The new system

represents a significant upgrade for both our property and the surrounding area.

5. Consistency With ZBA Criteria

This request aligns with the Town of Fairview's variance standards:

- **Hardship not self-created:** The existing footprint predates our ownership.
- **Minimum variance needed:** We are not requesting any additional encroachment.
- **No adverse impact:** The current offset has not caused issues for neighbors.
- **Ordinance intent preserved:** The structure does not move closer to the property line.
- **Improved drainage:** The new system enhances stormwater management.

6. Benefits to the Community

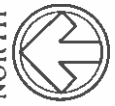
Approving this variance will:

- **Replace an aging structure with a safe, attractive, code-compliant improvement**
- **Enhance property value and neighborhood appearance**
- **Improve stormwater management with a new underground system**
- **Reduce runoff and erosion**
- **Avoid unnecessary demolition and grading**
- **Maintain existing grading patterns**
- **Preserve the established character of the neighborhood**

Conclusion

We respectfully request approval to maintain the existing 6-inch rear yard offset for the new rear porch at 1396 Sagebrook Dr. This approach is reasonable,

consistent with Town criteria, improves drainage, and provides the least disruptive way to enhance the property.



THESE PLANS ARE INTENDED TO PROVIDE BASIC CONSTRUCTION INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ALL OTHER AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ALL OTHER AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL BUILDING DEPARTMENT AND ALL OTHER AGENCIES.

ADDRESS:
Sagebrook Drive,
Fairview, TX 76689

LEGAL ADDRESS:

OWNER:

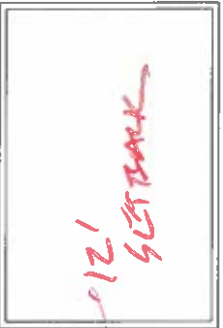
DRAWING:
SCALE: 1/8" = 1'-0"
PROJECT ADDITION:
DATE: 09-20-2024
SHEET NAME:

SITE PLAN
(EXISTING)

SHEET
NO. C-1

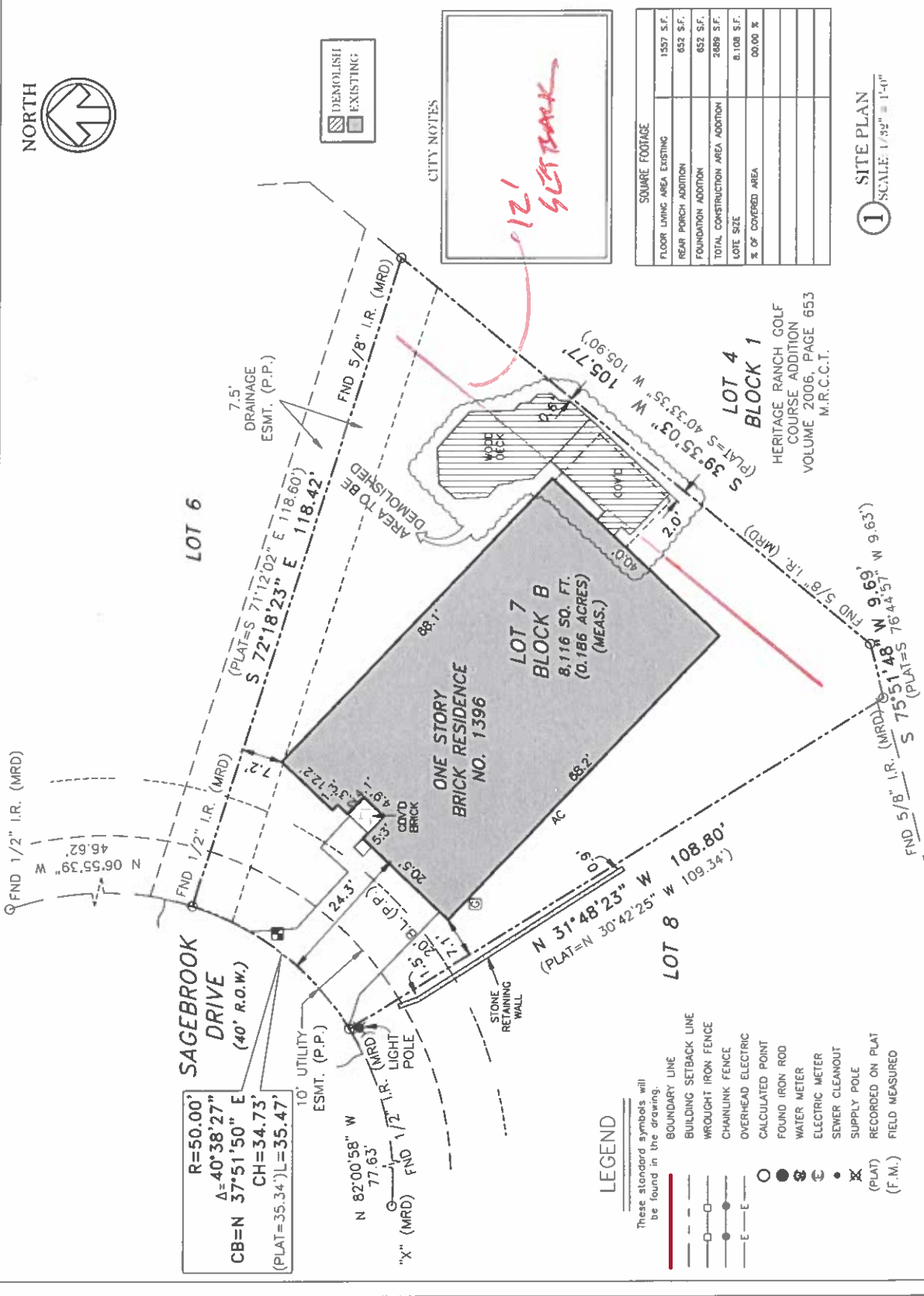
DEMOLISH
EXISTING

CITY NOTES



SQUARE FOOTAGE	
FLOOR LIVING AREA EXISTING	1557 S.F.
REAR PORCH ADDITION	652 S.F.
FOUNDATION ADDITION	652 S.F.
TOTAL CONSTRUCTION AREA ADDITION	2889 S.F.
LOTE SIZE	8,108 S.F.
% OF COVERED AREA	00.00 %

1 SITE PLAN
SCALE: 1/32" = 1'-0"



R=50.00'
Δ=40°38'27"
CB=N 37°51'50" E
CH=34.73'
(PLAT=35.34°)L=35.47'

LEGEND

- These standard symbols will be found in the drawing.
- BOUNDARY LINE
 - BUILDING SETBACK LINE
 - WROUGHT IRON FENCE
 - CHAINLINK FENCE
 - OVERHEAD ELECTRIC
 - FOUND IRON ROD
 - WATER METER
 - ELECTRIC METER
 - SEWER CLEANOUT
 - SUPPLY POLE
 - RECORDED ON PLAT (PLAT)
 - FIELD MEASURED (F.M.)



THESE PLANS ARE INTENDED TO PROVIDE THE BASIC CONSTRUCTION INFORMATION NECESSARY FOR THE SUBSTANTIAL REVIEW OF THIS STRUCTURE. THESE PLANS MUST BE REVIEWED BY THE CITY ENGINEER, ELECTRICAL, MECHANICAL, AND ALL OTHER AGENCIES PRIOR TO CONSTRUCTION OF THIS JOB. PRIOR TO OBTAINING PERMITS, THE ARCHITECTURAL SERVICES DIVISION AND STRUCTURAL SERVICES DIVISION MUST BE ADVISED BY ANY KIND NOTE ALL FEDERAL, STATE AND LOCAL CODES AND REGULATIONS THAT MAY APPLY TO ANY PART OF THESE PLANS.

EXERCISE GREAT CARE AND EFFORT HAVE BEEN MADE TO PREPARE THESE PLANS. HOWEVER, THE ARCHITECT ASSUMES NO LIABILITY FOR ERRORS, OMISSIONS OR DEFICIENCIES ON THESE PLANS. OWNER BEHOLDERS OF THESE PLANS SHALL BE RESPONSIBLE FOR THE PROTECTION OF THESE PLANS FROM DAMAGE OR LOSS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE CODES OR REGULATIONS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE CODES OR REGULATIONS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY VIOLATIONS OF ANY APPLICABLE CODES OR REGULATIONS.

ADDRESS:

Sagebrook drive
Fairview, TX 76069

LEGAL ADDRESS:

OWNER:

DRAWING:

SCALE: 1/8" = 1'-0"

PROJECT: ADDITION

DATE: 04-26-2024

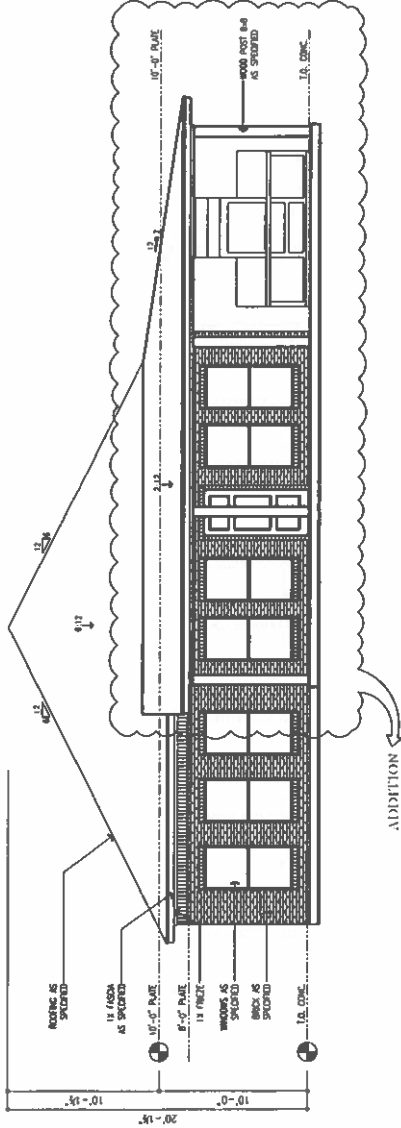
SHEET NAME:

REAR ELEVATION
RIGHT SIDE ELEVATION

SHEET
No.

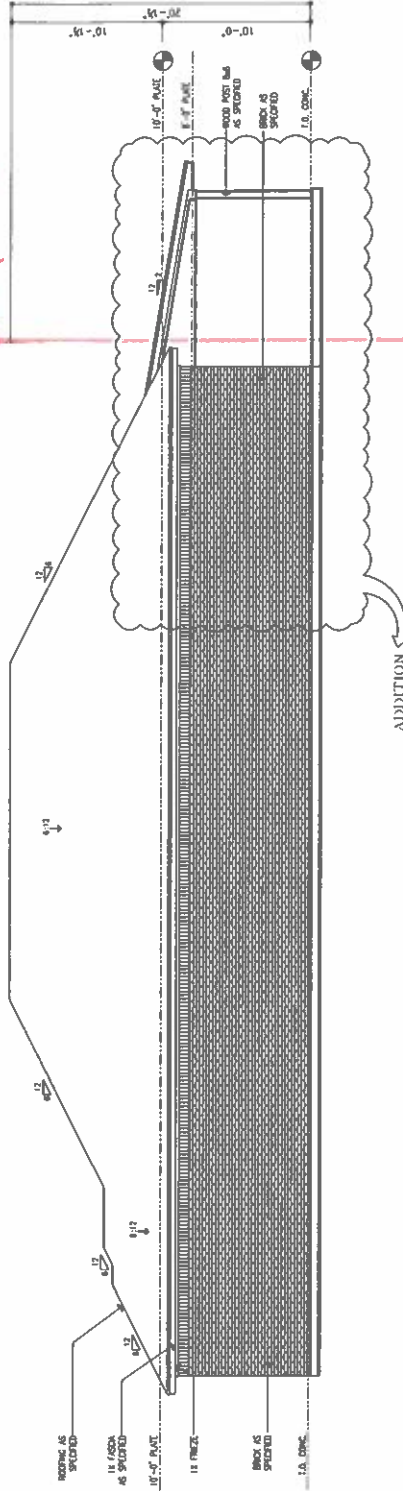
A-4

CITY NOTES:



1 REAR ELEVATION
SCALE: 3/16" = 1'

12' setback



2 RIGHT ELEVATION
SCALE: 3/16" = 1'



April 24, 2026

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 Wednesday, May 6, 2026 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 for a reduced rear yard setback. The 0.2-acre site is located at 1396 Sagebrook Drive and is zoned for the (PD) Planned Development District. Owner/Applicant: Michael and Mary Vaughn.

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. 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: Barbara Berry Address: 1374 Shadow Creek Dr.
 Support Signature: Barbara Berry
 Oppose (provide comments below) Date: 4/30

Comments:

*This is a "planned" community!
Changes, once done will change the whole place
will ask for the variance!*