AGENDA

Board of Adjustment

Monday, July 6, 2026
6:00 pm Board of Adjustment
Town Hall
127 N Collins Rd.
Sunnyvale, TX 75182

A. Regular Meeting

B. Call Meeting to Order

C. Public Forum Regarding Items Not on the Agenda

The Board of Adjustment invites citizens to address the Board on any matter, except items on the agenda and public hearings that are included on the agenda. Comments related to items on the agenda and public hearings will be heard when the specific item/hearing starts. Citizen comments are limited to three (3) minutes, unless otherwise required by law. To address the Board, please fill out a Public Comment Card and submit it to a staff member prior to the Public Comment section on the agenda. The Board is not permitted to take any action or discuss any item not listed on the agenda. The Board may choose to place the item on a future agenda.

D. Consent Agenda Items

1. Consider and act upon the May 4, 2026, meeting minutes
   Meeting Minutes May 4, 2026

E. Public Hearing Items

1. Hold a public hearing, discuss, consider, and act upon a request for s variance to Section 3.05.03, Residential Zoning District Dimensional Regulations Chart of the Unified Development Ordinance (UDO) to allow for variance related to the minimum required front yard setback on a property located at 361 Michael Lane which is zoned Single Family 3 Residential (SF-3) zoning district. **Case 1880-ZBA/361 Michael Ln Front Yard Setback**

   Site Plan
   Minor Plat
   UDO Excerpt - Section 3.04.06 Nonconformities

F. Adjourn

The Town of Sunnyvale is committed to compliance with the Americans with Disabilities

Act (ADA). This facility is wheelchair accessible and accessible parking spaces are available. Request for reasonable accommodations and equal access to communications must be made 48 hours prior to this meeting. Please contact the Town Secretary at 972-226–7177 for further information.

NOTE: The Board of Adjustment reserves the right to meet in Executive Session closed to the public at any time in the course of this meeting to discuss matters listed on the agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Chapter 551, including §551.071 (private consultation with the attorney for the Town); §551.072 (purchase, exchange, lease or value of real property); §551.074 (personnel or to hear complaints against personnel); §551.076 (deployment, or specific occasions for implementation of security personnel or devices); and §551.087 (economic development negotiations). Any decision held on such matters will be taken or conducted in Open Session following the conclusion of the Executive Session.

The public is encouraged to attend the meeting and all individuals wishing to speak during the meeting must submit a speaker card to the Senior Planner prior to the start of the meeting. Individuals may also email comments to levans@sunnyvaletx.gov by 3 p.m. the day of the meeting.

I, Rachel Ramsey, Town Secretary for the Town of Sunnyvale, Texas, do hereby certify that this agenda notice was posted at Town Hall, 127 N. Collins Rd., Sunnyvale, in a place readily accessible to the general public, on the 29th day of June 2026 at 5 p.m. and remained so posted continuously for at least three (3) business days preceding the scheduled date of said meeting.

Rachel Ramsey

Rachel Ramsey, MPA

Director of Administration/Town Secretary

Date Posted: June 29, 2026

MINUTES

Board of Adjustment

Monday, May 4, 2026
6:00 pm Board of Adjustment
Town Hall
127 N Collins Rd.
Sunnyvale, TX 75182

A. Regular Meeting

B. Call Meeting to Order

Chairman Jim Wade called the meeting to order at 6:00 p.m. with the following Members and Staff present: Chair Jim Wade, Vice Chair Jordan Lewis, Member Ryan McCaig, Member Ancy Samuel, Alternate Robin Raju, Director of Planning and Development Surupa Sen, Senior Planner Laura Evans, and Town Attorney Aliceson Cotton.

Member Jeba Pandian and Alternate Cody Quinney were absent.

C. Public Comment

Chair Wade opened the floor to public comments.

With no one coming forward, he closed the floor to public comments.

D. Consent Agenda Items

1. Consider and act upon the September 2, 2025, meeting minutes.

Vice Chair Jordan Lewis made a motion to approve, Member Ancy Samuel seconded the motion.

Ayes: Chair Jim Wade, Vice Chair Jordan Lewis, Member Ryan McCaig, Member Ancy Samuel, and Alternate Member Robin Raju
Absent: Member Jeba Pandian, and Alternate Member Cody Quinney
Motion Passed Unanimously 5- 0 on a recorded vote

E. Public Hearing Items

1. Hold a public hearing, discuss, consider, and act upon a request for variances to Section 3.04.04, Subsection A. Accessory Buildings of the Unified Development Ordinance (UDO) to allow for variances related to the minimum side yard setback and the maximum wall height for an accessory building on the property located at 212 Deer Creek Ln

which is zoned Deer Creek Planned Development (PRO-SF-2).**Case 1873-ZBA/212 Deer Creek Accessory Structure Setback and Wall Height**

Laura Evans, Senior Planner, gave a presentation and was available for questions.

Chris Fowler, applicant, 212 Deer Creek Ln, Sunnyvale, was available for questions.

Chairman Wade opened the public hearing at 6:14 p.m.

Oscar Mejia, 512 Llano Ln, Sunnyvale, spoke in support of the request.

Chairman Wade closed the public hearing at 6:15 p.m.

Vice Chair Jordan Lewis made a motion to approve the 48' setback variance, Member Ryan McCaig seconded the motion.

Ayes: Chair Jim Wade, Vice Chair Jordan Lewis, Member Ryan McCaig, Member Ancy Samuel, and Alternate Member Robin Raju
Absent: Member Jeba Pandian, and Alternate Member Cody Quinney
Motion Passed Unanimously 5- 0 on a recorded vote

Chair Jim Wade made a motion to approve the 14' wall height variance, Member Ancy Samuel seconded the motion.

Ayes: Chair Jim Wade, Vice Chair Jordan Lewis, Member Ryan McCaig, Member Ancy Samuel, and Alternate Member Robin Raju
Absent: Member Jeba Pandian, and Alternate Member Cody Quinney
Motion Passed Unanimously 5- 0 on a recorded vote

F. Adjourn

Chair Jim Wade made a motion to adjourn the meeting at 6:37 pm, Vice Chair Jordan Lewis seconded the motion.

Ayes: Chair Jim Wade, Vice Chair Jordan Lewis, Member Ryan McCaig, Member Ancy Samuel, and Alternate Member Robin Raju
Absent: Member Jeba Pandian, and Alternate Member Cody Quinney
Motion Passed Unanimously 5- 0 on a recorded vote

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

_____
Jim Wade, Chair

Attest:

_____
Surupa Sen, Director of Planning and Development

Board of Adjustment

AGENDA ITEM REPORT

E.1

To:	Board of Adjustment
Subject:	Hold a public hearing, discuss, consider, and act upon a request for s variance to Section 3.05.03, Residential Zoning District Dimensional Regulations Chart of the Unified Development Ordinance (UDO) to allow for variance related to the minimum required front yard setback on a property located at 361 Michael Lane which is zoned Single Family 3 Residential (SF-3) zoning district. **Case 1880-ZBA/361 Michael Ln Front Yard Setback**
Meeting:	Board of Adjustment - July 6, 2026
Department:	Development Services
Staff Contact:	Laura Evans

SUGGESTED ACTION:

For the reasons explained in the background memo, Staff recommends denial of the minimum front yard variance request.

BACKGROUND INFORMATION:

The property subject to this variance request is located at 361 Michael Lane. The property is zoned Single-Family Residential-3 (SF-3) and is currently unplatted. The property contains an existing single-family residence and accessory structures and is served by two driveways with access from Michael Lane. The applicant proposes to partially demolish the existing residence and reconstruct a home addition in substantially the same location. The UDO requires any property to be platted before a building permit can be issued. As a result, the applicant submitted a Minor Plat application for this tract of land. The property at 361 Michael Lane is approximately 1.32 acres in size.

The property at 361 Michael Lane is legal nonconforming property as it does not meet the applicable standards of the UDO SF-3 zoning district in its current configuration. The UDO contains provisions for certain nonconforming lots that allow reduced setback requirements for vacant properties. The side setbacks are calculated at 10% of the lot width while the front and rear setbacks are calculated at 20% of the lot depth. While this lot is not vacant, the lot will be reconstructed with a new home after this variance and the minor plat applications are approved.

The following is an excerpt from the Residential Lot Exemptions from Section 3.04.06.F Nonconforming Lots, “Front & Rear Setbacks: The front and rear setbacks shall be set in accordance with the minimum distance required by the underlying zoning district. In instances where the required front or rear setback noted would make it non feasible to build the minimum square footage sized home, front and rear setbacks shall be allowed to be a minimum of 20% of the existing lot depth for the parcel.”

Due to the proposed lot configuration, the minimum required front yard setback for this property is 38 feet based on the lot depth. The applicant is requesting a variance to allow a minimum front yard setback of 22 feet, which is consistent with the existing setback of the current residence.

UDO Regulations	**SF-3**	**Residential Lot Exemptions**	**Reduced Regulations**
Front Yard Setback	70’	20% of the lot depth	38’
Side Yard Setback	30’	10% of the lot width	20’
Rear Yard Setback	80’	20% of the lot depth	38’
Lot Width	170’	Can remain as preexisting nonconforming	N/A
Lot Area	1 acre	Can remain as preexisting nonconforming	N/A

The applicant is requesting a variance from the minimum front yard setback requirement for 361 Michael Lane. In evaluating this request, staff reviewed the variance criteria as they apply to the existing conditions of the property and considered whether unique circumstances exist that would justify relief from the requirements of the UDO.

To comply with the UDO, all tracts must be included in the proposed Minor Plat as the property is currently unplatted and the tract configuration is being modified. The proposed configuration allows the lot to comply with the UDO's nonconforming lot regulations, apart from the variance being requested. Additionally, the applicant has discussed removing existing open storage areas, accessory structures, and a partial fence currently located on the property which brings the property into substantive conformance with the Code of Ordinances. Staff has coordinated with the property owners, who have agreed to correct these nuisance conditions prior to recording the Minor Plat.

The UDO states that the Zoning Board of Adjustment may authorize a variance from zoning ordinance requirements when, due to special conditions, an undue hardship will result from requiring literal application of the zoning regulation. The following are listed criteria for zoning variance approval:

1. *Unique Circumstances* - That there are special circumstances or conditions affecting the land involved such that the application of the typical zoning regulations would deprive the applicant of the reasonable use of their land.
2. *Minimum Necessary Relief Required to Alleviate the Undue Hardship* - That the zoning variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.
3. *Preservation of Property Rights* - That the zoning variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.
4. *No Substantial Detriment to the Public Good* - That the granting of the zoning variance will not be detrimental to the public health, safety, or welfare, impair the purposes and intent of the typical zoning regulations and the Comprehensive Plan or be injurious to other properties within the area.
5. *Orderly Use of Land* - That granting will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the zoning regulations.
6. *Precedent* - That the granting of an individual zoning variance will not set a precedent.
7. *Finding of Undue Hardship* - That an undue hardship exists, using the following criteria:
    a. That literal enforcement of the controls will create an undue hardship or practical difficulty in development of the affected property; and
    b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
    c. That the relief sought will not injure the permitted use of adjacent conforming property; and
    d. That the granting of a zoning variance will be in harmony with the spirit and purpose of these regulations.
    e. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.
    f. Under any circumstances, if the property can reasonably be developed or used meeting the requirements of the zoning district in which the property is located, the ZBA shall not grant a variance.

Regarding the request for a reduced front yard setback at 361 Michael Lane, staff finds that the hardship is created by the fact that the applicant does not want to move the proposed house addition further back to comply with the new setback rather than by a unique characteristic of the property itself. As such, the hardship is considered self-imposed. Therefore, staff is of the opinion that the variance request for the reduced front yard setback does not satisfy the required variance criteria and should not be approved.

PUBLIC NOTICE:

Fifteen letters were sent to neighboring property owners within 200 feet of the subject property. The Town has not received any responses for the variance requests.

ATTACHMENTS:

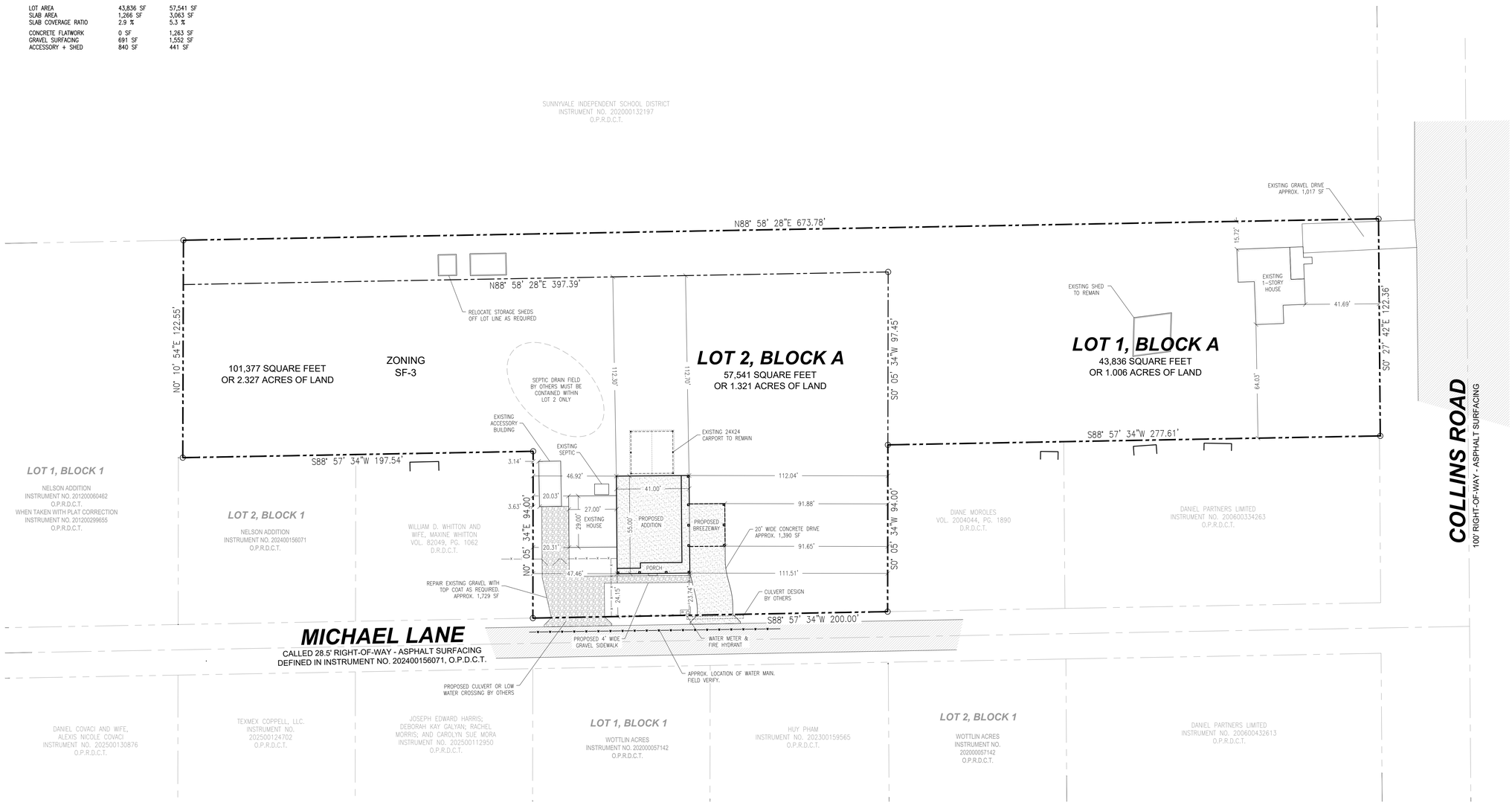
Site Plan
Minor Plat
UDO Excerpt - Section 3.04.06 Nonconformities

GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED BUILDING FOOTPRINT AS DEFINED BY BOTH THE METES & BOUNDS OF THE WORKING MINOR PLAT AND THE CLIENT-PROVIDED FLOOR PLAN & SURVEY DATA.
2. DIMENSIONS, SETBACKS, EASEMENTS, PLAN SELECTION, AND ANY OTHER INFORMATION SHOWN HEREIN SHALL BE VERIFIED AT PERMITTING AND PRIOR TO CONSTRUCTION FOR ACCURACY AND COMPLIANCE WITH ALL APPLICABLE CODES AND ORDINANCES. REFER TO TOWN PLANNER FOR MINIMUM BUILDING SETBACK REQUIREMENTS.
3. BUILDER IS SOLELY RESPONSIBLE FOR ENSURING THAT THE FOOTPRINT IS CONTAINED WITHIN THE PREPARED BUILDING PAD. THE BUILDING PAD SHALL BE SET HIGH ENOUGH TO ALLOW FOR ADEQUATE DRAINAGE. DRAINAGE PLAN BY OTHERS.
4. ALL CALCULATIONS ARE APPROXIMATE. THEY MUST BE VERIFIED PRIOR TO PERMITTING, PURCHASING, AND/OR CONSTRUCTION. GRAVEL & CONCRETE PORTIONS IN THE RIGHT-OF-WAY ARE NOT INCLUDED IN FLATWORK CALCULATIONS.
5. A FORM SURVEY IS REQUIRED FOR VERIFICATION OF FORM PLACEMENT PRIOR TO CONCRETE POUR. CORNERSTONE ENGINEERING & SURVEYING (CES) ACCEPTS NO LIABILITY WHERE A FORM SURVEY IS NOT PROVIDED.

LOT COVERAGE CALCULATIONS

	LOT 1	LOT 2
LOT AREA	43,836 SF	57,541 SF
SLAB AREA	1,266 SF	3,063 SF
SLAB COVERAGE RATIO	2.9 %	5.3 %
CONCRETE FLATWORK	0 SF	1,263 SF
GRAVEL SURFACING	691 SF	1,552 SF
ACCESSORY + SHED	840 SF	441 SF



LEGEND

— x — x — x —	PROPOSED FENCE
— x — x — x —	EXISTING FENCE
	PROPERTY LINE
	BUILDING LINE (B.L.)
	UTILITY EASEMENT (U.E.)
	DRAINAGE EASEMENT (D.E.)

PREPARED FOR:

DONNA KELLEY

GRADING NOTES:
1. REMOVE AND DISCARD ALL VEGETATION WHERE GRADING IS PROPOSED
2. SITE DRAINAGE MUST BE WELL DEVELOPED AND DIRECTED AWAY FROM THE FOUNDATION. GRADE SHALL FALL A MINIMUM OF 6 INCHES WITHIN THE FIRST 10 FEET. FLOWLINE SLOPES OF SWALES AND SIDE YARDS SHALL NOT BE LESS THAN 2.0%. NO PONDING OF SURFACE WATER SHALL BE ALLOWED NEAR THE STRUCTURE.
3. BACKFILL AROUND THE FOUNDATION SHALL BE WITH COHESIVE SOIL.
4. ROOF DOWNSPOUTS AND DRAINS SHALL BE EXTENDED AND DRAIN AWAY FROM FOUNDATION.
5. PAVING AND STRUCTURAL DESIGN BY OTHERS.
6. ALL ELEVATIONS ARE BASED ON SURVEY DATA PROVIDED BY THE OWNER AND/OR SURVEYOR. DESIGN ENGINEER ASSUMES NO RESPONSIBILITY FOR DISCREPANCIES RESULTING FROM SURVEY DATA.

N
W E
S

0' 30' 60'
SCALE: 1"=30'

811 Know what's below. Call before you dig.

361 MICHAEL LANE & 223 COLLINS ROAD
TOWN OF SUNNYVALE, DALLAS COUNTY, TX

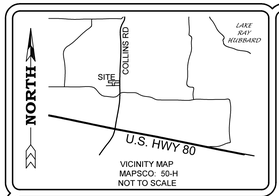
SITE PLAN

CORNERSTONE
ENGINEERING & SURVEYING
P.O. BOX 1439, MANSFIELD, TX 76063
ENGINEER FIRM NO. 24969
SURVEY NO. 10194747
OFFICE: (817)940-6027

DESIGNED	DRAWN	CHECKED
TJG	TJG	JL

SCALE (H): 1"=30'
SCALE (V): N/A
DATE: 6/22/2026
PROJECT NO. CES-26043
DWG. NAME P:\CES-26043-SP-R3
SHEET NO. 1 OF 1 SHEET

CASE NO.: TBD



VICINITY MAP
MAPSCO: 50-H
NOT TO SCALE

N

0 50
GRAPHIC SCALE
1-INCH = 50 FEET

OWNER'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS, Billy Kelley and Donna Kelley, are the sole owners of all that tract of land situated in the Adam C. Haught Survey, Abstract No. 593, Sunnyvale, Dallas County, Texas, being the same tract of land described in deed to Billy Kelley and Donna Kelley, recorded in Volume 85249, Page 1217, Deed Records of Dallas County, Texas, and being all that tract of land described in deed to Billy Kelley and Donna Kelley, recorded in Instrument No. 202300206807, Official Public Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found in the West line of Collins Road, a 100' right-of-way, at the Northeast corner of a tract of land described in deed to Daniel Partners Limited, recorded in Instrument No. 200600334263, Official Public Records, Dallas County, Texas;

THENCE South 88°57'34" West, a distance of 277.61' to a 1/2" iron rod found at the Northwest corner of a tract of land described in deed to Diane Moroles, recorded in Volume 2004044, Page 1890, Deed Records, Dallas County, Texas;

THENCE South 00°05'34" West, a distance of 94.00' to a 1/2" yellow-cap iron rod set for corner stamped "RPLS 5310" in the North line of Michael Lane, a 28.5' right-of-way, at the Southwest corner of said Moroles tract;

THENCE South 88°57'34" West, along said North line, a distance of 200.00 feet to a 1/2" yellow-capped iron rod set for corner stamped "RPLS 5310" at the Southeast corner of a tract of land described in deed to William D. Whitton and wife, Maxine Whitton, recorded in Volume 82049, Page 1062, Deed Records, Dallas County, Texas;

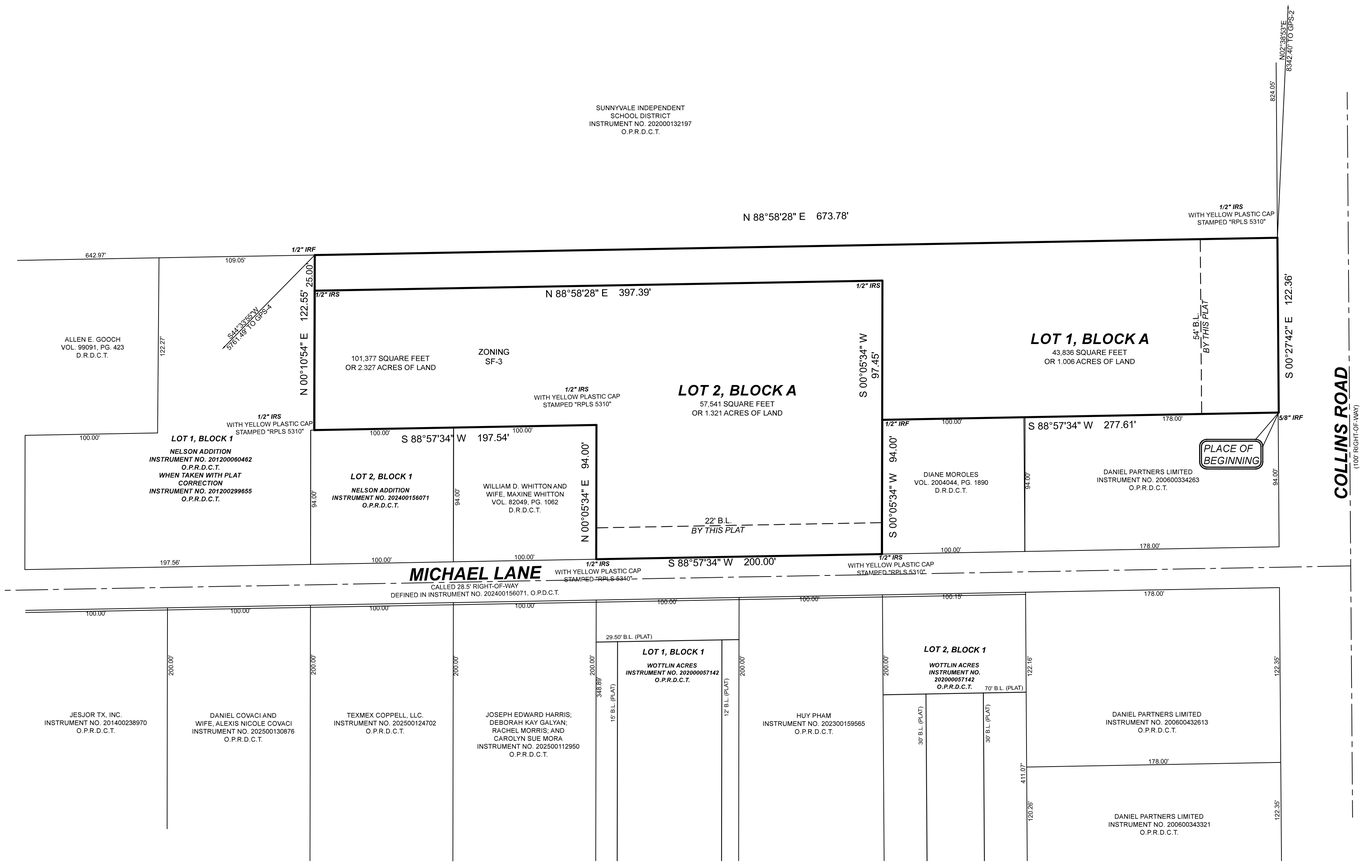
THENCE North 00°05'34" East, a distance of 94.00' to a 1/2" yellow-capped iron rod set for corner stamped "RPLS 5310" at the Northeast corner of said Whitton tract;

THENCE South 88°57'34" West, a distance of 197.54' to a 1/2" yellow-capped iron rod set for corner stamped "RPLS 5310" in the North line of Lot 2, Block 1, Nelson Addition, an addition to the Town of Sunnyvale, recorded in Instrument No. 202400156071, Official Public Records of Dallas County, Texas, said point being in the East line of Lot 1, Block 1, Nelson Addition, an addition to the Town of Sunnyvale, recorded in Instrument No. 201200060462, Official Public Records, Dallas County, Texas, and taken with Plat Correction filed in Instrument No. 201200299655, Official Public Records, Dallas County, Texas;

THENCE North 00°10'54" East, a distance of 122.55' to a 1/2" iron rod found in the South line of a tract of land described in deed to Sunnyvale Independent School District, recorded in Instrument No. 202000132197, Official Public Records, Dallas County, Texas, at the Northeast corner of said Lot 1, Block 1;

THENCE North 88°58'28" East, a distance of 673.78' to a 1/2" yellow-capped iron rod set for corner stamped "RPLS 5310" in the West line of said Collins Road, at the Southeast corner of said Sunnyvale Independent School District Tract;

THENCE South 00°27'42" East, along said West line, a distance of 122.36' to the PLACE OF BEGINNING and containing 101,377 square feet or 2.327 acres of land.



OWNER'S DEDICATION

NOW THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

That we, Billy Kelley and Donna Kelley, do hereby adopt this plat, designating the herein above described property as KELLEY ADDITION, an addition to the Town of Sunnyvale, Dallas County, Texas, and does hereby dedicate and convey, in fee simple, to public use forever, the streets and alleys as shown hereon. The easements shown thereon are hereby reserved for the purposes indicated. The easements and fire lanes shall be open to the public, fire and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. The maintenance of paving on the utility easements and fire lanes is the responsibility of the property owner. No buildings, fences, trees, shrubs, or other improvements, obstructions, or growths shall be constructed; reconstructed or placed upon, over or across the easements and fire lanes as shown. Said easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. The Town of Sunnyvale shell have the right to remove and keep removed from fire lanes, all or parts of any buildings, fences, trees, shrubs, or other improvements, obstructions, or growths which in any way may endanger or interfere with access of fire units to fire protection facilities or equipment. All and any public utility shall have the right to remove and keep removed all or parts of any building, fences, trees, shrubs, or other improvements or growths which in any way may endanger or interfere with the construction, maintenance or efficiency of its respective system on the easements, and all public utilities shall at all times have the full right of ingress and egress to or from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. (Any public utility shall have the right of ingress and egress to private property for the purpose of reading meters and any maintenance or service required or ordinarily performed by that utility)

Owner hereby grants and conveys to the Town of Sunnyvale and the general public use forever an access easement for ingress, egress, park and recreation use in, on and under all Open Space shown hereon. Owner hereby grants and conveys to the Town of Sunnyvale and the general public a drainage easement in , on and under all Open Space shown hereon. There Town of Sunnyvale shall have the right but not the obligation to maintain drainage facilities, public trails and landscaped areas within all said easements.

Owner hereby grants the Town of Sunnyvale the irrevocable option which option is couple with an interest, runs with the land and which option shall expire twenty (20) years from the date of this plat, to receive by dedication in fee simple for park recreation and drainage purposes all Open Space shown hereon, landscaped buffers and trail improvements associated therewith at no cost to the Town of Sunnyvale. This option may be exercised by notice from the Town to Owner or its successors or assigns.

The easements, rights, and privileges granted by this conveyance are exclusive, and Owner covenants not to convey any other easement or conflicting rights in the area covered by this grant. The easement shown hereon shall be perpetual. Owner's heirs, personal representatives, successors, and assigns are and shall be bound to warrant and forever defend the easement and rights conveyed in this instrument against every person lawfully claiming or to claim all or any part of the interest in this property.

Water main and wastewater easement shall also include addition area of working space for construction and maintenance of the systems. Additional easement area is also conveyed for installation and maintenance of manholes, cleanouts, fire hydrants, water services and wastewater services from the main to the curb or pavement line, and description of such additional easements herein granted shall be determined by their location as installed.

This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the Town of Sunnyvale, Texas.

WITNESS, my hand at Dallas, Texas, this the _____ day of _____, 2026.

_____

By: Billy Kelley - Owner

_____

By: Donna Kelley – Owner

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared, Billy Kelley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the _____ day of _____, 2026.

_____

Notary Public in and for The State of Texas

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, the undersigned, a Notary Public in and for the said County and State, on this day personally appeared, Donna Kelley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE,
this the _____ day of _____, 2026.

_____

Notary Public in and for The State of Texas

SURVEYOR'S CERTIFICATE

STATE OF TEXAS
COUNTY OF DALLAS

That I, John S. Turner, Registered Professional Land Surveyor, do hereby certify that this plat was prepared from an actual and accurate survey of the land made on the ground and that the corner monuments shown thereon were properly placed under my personal supervision in accordance with the platting rules and regulations of the Town of Sunnyvale, Texas.

PRELIMINARY, RELEASED FOR REVIEW 01/28/2026
THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE.

_____
John S. Turner
Registered Professional Land Surveyor
RPLS No. 5310

STATE OF TEXAS
COUNTY OF DALLAS

Before me, _____, a Notary Public in and for Dallas County, Texas, on this day personally appeared John S. Turner known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.
Given under my hand and seal of office this____day of_____, A.D. 2026.

_____
Notary Public in and for Dallas County, Texas
My commission expires:

RECOMMENDED FOR APPROVAL BY THE PLANNING AND ZONING COMMISSION OF SUNNYVALE, TEXAS, ON THE _____DAY OF _____ 2026.

_____ _____
CHAIRMAN DATE

APPROVED BY THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SUNNYVALE, TEXAS, ON THE _____ DAY OF _____ 2026.

_____ _____
MAYOR DATE

_____ _____
ATTEST: TOWN SECRETARY DATE

LEGEND

IRS	IRON ROD SET
IPF	IRON PIPE FOUND
IRF	IRON ROD FOUND
B.L.	BUILDING LINE
VOL./PG.	VOLUME/PAGE
D.R.D.C.T.	DEED RECORDS, DALLAS COUNTY, TEXAS
O.P.R.D.C.T.	OFFICIAL PUBLIC RECORDS, DALLAS COUNTY, TEXAS

SURVEYOR'S NOTES

1. ALL BEARINGS ARE BASED ON TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202, NORTH AMERICAN DATUM OF 1983. (2011)
2. NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF TOWN SUBDIVISION ORDINANCE AND STATE PLATTING STATUTES AND IS SUBJECT TO FINES WITHHOLDING OF UTILITIES AND BUILDING CERTIFICATES.
3. ALL DISTANCE ARE SURFACE DISTANCES.
4. THE PURPOSE OF THIS PLAT IS TO CREATE TWO PLATTED LOT FROM PREVIOUSLY UNPLATTED TRACTS OF LAND.
5. ALL 1/2" IRS HAVE YELLOW PLASTIC CAP STAMPED "RPLS 5310"
6. DEVELOPMENT STANDARDS OF THIS PLAT SHALL COMPLY WITH PLATTING REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE.

A&W SURVEYORS, INC.
Professional Land Surveyors
TEXAS REGISTRATION NO. 100174-00
P.O. BOX 870029, MESQUITE, TX. 75187
PHONE: (972) 681-4975 FAX: (972) 681-4954
WWW.AWSURVEY.COM

~ PROPERTY ADDRESS: 361 Michael Lane & 223 Collins Road, Sunnyvale, TX 75182 ~

Owner: Billy and Donna Kelley
~ 361 Michael Ln. & 223 Collins Rd., Sunnyvale, TX 75182 ~
~ 469-348-4885 ~

Job No. 25-1530	Drawn by: KW	Date: 1/28/2026	Revised:

"A professional company operating in your best interest"

MINOR PLAT
LOT 1 & LOT 2, BLOCK A
KELLEY ADDITION

THIS IS A PLAT FOR DEVELOPING 2 PLATTED LOTS FROM PREVIOUSLY UNPLATTED TRACTS OF LAND

BEING 2.327 ACRES OF LAND OUT OF THE ADAM C. HAUGHT SURVEY, ABSTRACT 593

TOWN OF SUNNYVALE, DALLAS COUNTY, TEXAS
DEVELOPING TWO LOTS TO SF-3 STANDARDS

DATE OF PREPERATION: 1/28/2026
TOWN PROJECT NO. _____

3.04.06. Nonconformities

A. Intent of Provisions

1. A nonconformity describes a use, structure, or lot that does not conform to the current standards of the **Section 3 Zoning Regulations**, but that was legally commenced and in conformance with the standards in place at the time of its inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

2. The **Town Council** has determined that it is in the best interest of the **Town** for **Nonconformities** to be brought into conformance with the **Zoning Regulations** at the earliest reasonable time. The purpose of this Section **3.04.06. Nonconformities** is to establish provisions for the allowance and potential alteration of uses, structures and lots that do not conform to currently applicable zoning standards or regulations.

B. Definitions of Nonconformities Categories

Nonconformities occur in four (4) general categories, or combination thereof.

1. **Nonconforming Uses**

   A nonconforming use can occur when an existing use is no longer allowed in a zoning district.

2. **Nonconforming Structures**

   A nonconforming structure can have a lesser setback, height or development requirement (such as required building materials) than required by the **Zoning Regulations**.

3. **Nonconforming Lots**

   A nonconforming lot can be nonconforming as to lot area or dimension requirement.

4. **Nonconforming Site Features**

   A nonconforming site feature is an element required to be built or constructed on the site or property per the **Zoning Regulations** (**Section 3**) such as lighting, parking spaces, driveways, and landscaping that is required based upon the use, structure, or lot.

C. Establishment of Nonconformities

1. Establishment

   a. Those uses, structures, or lots that in whole or part do not conform to current zoning standards, but were legally established prior to the effective date of the **Zoning Regulations**, at which time they were in conformance with applicable standards shall be considered "**Nonconformities**."

   b. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this Section **3.04.06. Nonconformities**.

2. Illegal Uses, Structures or Lots

   a. Those uses, structures, or lots, other than residential accessory buildings, that in whole or part are not in conformance with current zoning standards and were not lawfully commenced shall be considered illegal, and shall be subject to penalties and other remedies available to the Town to cause the removal or discontinuance thereof.

D. Nonconforming Uses

1. Previously conforming single-family residential uses approved prior to the **Zoning Regulations** effective date, which may now be nonconforming due to stricter standards, shall be deemed lawful and may be enlarged, repaired, or replaced.

2. Changing Uses

   a. **Nonconforming Use** to Conforming Use

      i. Any nonconforming use may be changed to a conforming use, and once a change is made, the use shall not be changed back to a nonconforming use.

   b. **Nonconforming Use** to Another Nonconforming Use

      i. A nonconforming use shall not be changed to another nonconforming use.

   c. Conforming Use in a **Nonconforming Structure**

      i. Where a conforming use is located in a **Nonconforming Structure**, the use may be changed to another conforming use.

3. Expansion of a Nonconforming Use

   An expansion of a **Nonconforming Use** is allowed in accordance with the following.

   a. Prohibited Expansion or Reoccupation

      A **Nonconforming Use** shall not be expanded or reoccupied with another **Nonconforming Use**, or increased as of the effective date of the **Zoning Regulations**, except as provided below.

   b. **Nonconforming Use** Expansion in Existing Building

      A **Nonconforming Use** may be enlarged, increased, or extended within an existing building provided:

      i. No structural alteration may be made on or in the existing building except those required by law to preserve the building in a structurally sound condition.

      ii. Work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding 50 percent of the current replacement value of the building.

      iii. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time the use became a nonconforming use.

   c. **Nonconforming Use** Prohibited from Expansion beyond Existing Building

      A **Nonconforming Use** located within any building shall not be extended to occupy any land outside the building.

4. Abandonment of Nonconforming Uses

   a. Once a **Nonconforming Use** has been abandoned, the **Nonconforming Use** shall not be allowed to be reintroduced within the applicable zoning district. This prohibition of the reoccupation or reintroduction of an abandoned **Nonconforming Use** shall be enforced by the denial of **Building Permit** or certificate of occupancy applications.

   b. A **Nonconforming Use** shall be deemed abandoned and surrendered, forfeited, and lost when evidence presented to the **Director of Development Services** indicates that a structure designed or arranged for a **Nonconforming Use** has ceased to be used in a bona fide manner as a **Nonconforming Use**. Failure to use a nonconforming structure or continue a nonconforming use for a one (1) year period, creates a rebuttable presumption of abandonment. Upon an

administrative determination of abandonment, the owner of the propery may provide evidence of their intent to continue the nonconforming use or structure. The administrative determination of abandonment may be appealed to the Board of Adjustment as provided in Section _____.

c. A **Nonconforming Use**, when abandoned, shall not be resumed and any further use shall be in conformity with the provisions of the **Zoning Regulations**.

d. Any **Nonconforming Use** that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.

e. Any **Nonconforming Use** that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.

f. Unless the nonconforming use status is reinstated pursuant to **3.04.06. D.5 Loss of and Reinstatement of Nonconforming Use Status**, an abandoned use shall not be instituted on that parcel or other parcel in any district that does not permit the abandoned use.

5. Loss of Nonconforming Use Status

a. Loss of Nonconforming Use Status

If the **Director of Development Services** determines that a **Nonconforming Use** has met the definition of abandonment and has lost its nonconforming use status, the use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.

6. Nonconforming Use Created by Acquisition of Right-of-Way

a. Lawful Conforming Structure

Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of **Right-of-Way** by eminent domain proceedings, dedication, or purchase by the **Town**, the county, the state, or a federal agency creates a **Nonconforming Structure**, lot, or setback, the structure shall be deemed a lawful conforming structure, to the extent the nonconformity results from the acquisition of the **Right-of-Way**.

b. Cases in which the Owner Receives Compensation for Screening or Landscaping

In the event the owner of an interest in real property receives compensation for screening or landscaping in the form of curative measures or damages to the remainder in a **Right-of-Way** acquisition, the owner shall relocate required fencing or landscaping originally located on the acquired property to the remainder of the tract as closely as practicable to the required setback.

c. Cases in which the Owner Receives Compensation for Demolition

A **Certificate of Occupancy** shall not be issued for any structure for which compensation has been paid for the demolition of the structure or for other curative measures until such time that the structure meets all applicable ordinances or the curative measures for which the compensation was paid have been completed. For purposes of this subsection, "curative measures" are those actions, corrections, repairs or improvements identified in an appraisal or similar valuation analysis prepared in the context of considering damages to the remainder suffered as a result of the acquisition of a portion of property.

E. Nonconforming Structures

A **Nonconforming Structure** shall not be expanded, reoccupied with another **Nonconforming Use**, or increased as of the effective date of the **Zoning Regulations**, except as provided below.

a. Nonresidential **Nonconforming Structures** with Conforming Uses

i. Nonresidential buildings or structures that do not conform to the area regulations or development standards in the **Zoning Regulations** but where the uses are deemed conforming

shall not increase the gross floor area greater than 20 percent from the date when the building or structure became nonconforming.

ii. If the gross floor area of a building or structure is increased greater than 20 percent (which includes the combined area of all buildings on the property), then the area regulations and development standards shall apply to the entire site/property. For example, new buildings or building expansions greater than 20 percent shall require the site/property to meet all parking and paving requirements.

2. Restoration of Nonconforming Structures

a. Partial Destruction

i. If a **Nonconforming Structure** is destroyed by fire, the elements, or other natural catastrophic event, and the cost of repair does not exceed 50 percent of the value of the structure, excluding the land value, it may be rebuilt, but the existing square footage or function of the **Nonconforming Structure** cannot be expanded. The construction must comply with all current building codes, and zoning regulations in effect at the time the structure received its **Building Permit**. The construction must commence within 12 months of the date of destruction. The failure of the owner to start such reconstruction within 12 months shall forfeit the owner's right to restore or reconstruct the structure except in conformance with the **Zoning Regulations**. If the regulations cannot be determined or if the regulations are disputed for the time the structure received its Building Permit, then the **Zoning Board of Adjustment** shall hold a hearing and shall take evidence, such as previously adopted ordinances, photographs, and tax records, to determine the standards that apply.

ii. If the owner of a **Nonconforming Structure** has a **Nonconforming Use** and fails to begin reconstruction of the partially destroyed structure within 12 months of the date of destruction, then the **Nonconforming Structure** and **Nonconforming Use** shall be deemed to be discontinued or abandoned.

b. Total Distruction

i. If a **Nonconforming Structure** is destroyed by fire, the elements, or other natural catastrophic event, and the cost of repair exceeds 50 percent of the value of the structure, excluding the land value, the structure may not be repaired and thereafter, any structure constructed must comply with all zoning and development regulations then in place.

3. Movement of Nonconforming Structure

A **Nonconforming Structure** may be relocated within the same platted lot, and shall comply with all setback and screening requirements.

4. Completion of Structures

Nothing in the **Zoning Regulations** shall require any change in the plans, construction, or designated use of the following:

a. Approved Building Permit

A building or structure for which a **Building Permit** has been issued or a **Site Plan** approved prior to the effective date, provided that the permit or **Site Plan** shall expire in accordance with the time periods set forth in the Zoning Regulations.

b. Building in the Approval Process

A building or structure for which a complete **Application** for a **Building Permit** was accepted by the **Director of Development Services** on or before the effective date, provided however, that such **Building Permit** shall comply with all applicable ordinances in effect on the date such application was filed.

c. Even though such structure may be complete it shall be considered nonconforming.

F. Nonconforming Lots

1. Existing Platted Lots Are Conforming Lots

   Any existing vacant lot platted prior to the effective date of the **Zoning Regulations** that was legally conforming shall be deemed lawful. For residential lots, vacant platted lots shall adhere to the current setback requirements in effect unless said lot was approved with specific development dimensional criteria when platted. For lots unable to adhere to the current dimensional criteria, see exemptions noted in Section 3.04.06.F.2.

2. Residential Lot Exemptions

   For vacant lots unable to adhere to the current dimensional criteria or in the instance that dimensional regulations are not available for a vacant residential non-conforming lot, the requirements below shall be used to determine the appropriate building dimensional regulations. A building permit shall not be issued without an approved plat for the subject lot in accordance with the requirements below.

   i. Lot Width: For undeveloped nonconforming lots, the lot width shall be allowed to remain as is if the lot is an unplatted remnant parcel or a lot platted prior to the current zoning requirements and there are no other means to acquire additional lot width from abutting properties. A flog lot is not allowed to be developed without a variance.

   ii. Side Setbacks: For undeveloped nonconforming lots that can not meet the current residential dimensional regulations, setbacks shall be determined by a percentage of the existing lot width. Setbacks shall be a minimum of ten percent (10%) of the linear lot width length at the right-of-way.

   iii. Front & Rear Setbacks: The front and rear setbacks shall be set in accordance with the minimum distance required by the underlying zoning district. In instances where the required front or rear setback noted would make it non feasible to build the minimum square footage sized home, front and rear setbacks shall be allowed to be a minimum of 20% of the existing lot depth for the parcel.

   iv. Lot Area: The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than required by the Zoning Regulations that were existing prior to the effective date may be used for a signle-family dwelling.

G. Nonconforming Site Features

If a nonconforming site feature is increased greater than 20 percent, then the area regulations and development standards for the subject site feature shall apply to the entire site/property. For example, parking lot expansions greater than 20 percent shall require the site/property to meet all parking and paving requirements.