



WAIVER / VARIANCE REQUEST APPLICATION

The following items must be received **no later than 3:00 PM on the application submittal date** and all required items shall be submitted at time of application in order to be deemed a complete submittal. Applications will only be accepted on submittal dates and will not be accepted later or earlier than dates per the submittal schedule.

All applications must be submitted electronically to DevServ@burlesontx.com or online at <https://etrakit.burlesontx.com>

ITEMS REQUIRED WITH SUBMITTAL IN ORDER TO ACCEPTED

\$250 fee for each waiver/variance requested
List of waivers/variances with corresponding sections of City Ordinances/code being requested (example on page 2)
Written summary containing justification for the waiver / variance
Applicable exhibits or pictures (i.e., geographic fence location, sign plans, landscape plan, etc.)
A copy of any building or development applications/permits that triggered need for a waiver or variance

Regarding Sign Variances

The written summary/justification shall address ALL of the following:

(b)Approval standards. In granting any variance, city council shall consider the following criteria and shall grant the variance only if:

- (1) Special conditions exist which are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The city may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter; and
- (2) The strict interpretation of the provisions of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of the chapter; and
- (3) The special conditions and circumstances do not result from the actions of the applicant and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences; and
- (4) Granting the variance will meet the objectives of the chapter and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare; and
- (5) The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
- (6) Granting of the variance will be in harmony with the spirit and purpose of this chapter.

I hereby certify that this application is in conformance with the requirements of the City's Subdivision Ordinance, as amended and other ordinances, maps, and codes of the City of Burleson that pertain to this submittal. I further certify that all required documents listed on this application have been provided and if the application is deemed incomplete, understand the case may be rejected. I understand that it is my responsibility to have the Applicant, Owner or other authorized agent present at the Planning and Zoning Commission and City Council meetings. Should an authorized person not be at the meeting to represent the application, I understand that the Commission or Council may continue this item to a future date to allow for questions regarding the case. I further understand that this request will be placed on the appropriate Planning & Zoning Commission and City Council agendas or other appropriate boards in accordance with the City's current ordinances. **I further certify that I have reviewed the applicable zoning district and future land use designation for the subject site as identified within the City of Burleson comprehensive plan:**

<https://www.burlesontx.com/838/Comprehensive-Plan>

APPLICANT / OWNER

Applicant or Authorized Agent	Owner
Name: Brian J. Smith	Name: Brian Jonathan Blessie
Company: Whitaker Chalk Swindle & Schwartz PLLC	Company:
Address:	Address:
301 Commerce Street, Suite 3500, Fort Worth, Texas 76102	1189 Barberry Dr., Burleson, Texas 76028
Telephone: 817.878.0587	Telephone: 316-651-7706
Email: bsmith@whitakerchalk.com	Email: b.blessie1@yahoo.com
Signature: 	Signature: 

SITE INFORMATION

Address:	1189 Barberry Dr., Burleson, Texas 76028
Current Zoning:	Single-Family Residential
Proposed Zoning:	N/A
Proposed Use:	Residential - existing patio cover (accessory structure)
Comprehensive Plan /Future land use designation:	Neighborhoods
Adjoining streets and/or Nearest Intersection:	Barberry Dr. at Litchfield Ln., with Spring Cress Dr. and Monticello Dr. as nearby adjoining streets.

WAIVER/VARIANCE INFO

Waiver / Variance requested	Applicable Section of City Ordinance/Code
(EXAMPLE: Pole Sign height variance)	EXAMPLE: Sign Regulations. Sec. 63-56 Pole Sign, (c)(1)
Rear yard lot coverage variance for existing patio cover	Section 132-115(c)(1), Accessory Building and Structure Yard Regulations

LIST OF WAIVER/VARIANCE WITH CORRESPONDING SECTION OF CITY
ORDINANCE BEING REQUESTED

WAIVER/VARIANCE REQUESTED	APPLICABLE SECTION OF CITY ORDINANCE/CODE
Variance from the 50 percent rear yard lot coverage limitation for accessory structures (existing patio cover)	Appendix B, Section 132-115(c)(1); Accessory Building and Structure Yard Regulations, Rear Yard

August 3, 2026

BLESSIE VARIANCE APPLICATION: SUPPORTING NARRATIVE

List of Waivers/Variances Requested

- Waiver/Variance Requested: Variance from the 50 percent rear yard lot coverage limitation applicable to accessory structures.
- Applicable Section of City Ordinance/Code: Section 132-115(c)(1), Accessory Building and Structure Yard Regulations, Rear Yard, City of Burleson Zoning Ordinance.

Written Summary and Justification

This application seeks a variance from Section 132-115(c)(1) of the City of Burleson Zoning Ordinance, which provides that in residential districts, the main building and all accessory buildings shall not cover more than 50 percent of that portion of the lot lying to the rear of a line joining the midpoint of one side lot line with the midpoint of the opposite side lot line. The property owner, Brian Jonathan Blessie, requests this variance in connection with an existing patio cover located at 1189 Barberry Dr., Burleson, Texas 76028.

Background. Mr. Blessie purchased the property in July 2025. The patio cover was constructed by a contractor who represented to Mr. Blessie that all required permits had been obtained. Mr. Blessie relied on that representation in good faith. Upon learning that no permit had in fact been obtained and that the structure may exceed the applicable lot coverage limitation, Mr. Blessie promptly took steps to remedy the situation, including retaining legal counsel, commissioning certified aerial and drone footage of the surrounding neighborhood, and engaging a licensed contractor and inspector to evaluate the property. Several citations were issued to Mr. Blessie in connection with this matter, and counsel for Mr. Blessie has appeared on his behalf at the associated municipal court proceedings. At a hearing held on July 14, 2026, counsel discussed the matter with the City prosecutor, who indicated an intent to request that the pending citations be reset for approximately 60 days to allow Mr. Blessie the opportunity to pursue this variance application. Counsel for Mr. Blessie, Brian J. Smith, has also been in direct contact with the City Attorney's office regarding this matter. This application is submitted as part of that ongoing, good faith effort to bring the property into compliance in coordination with the City.

The following addresses the criteria set forth in the City ordinance governing the grant of a variance:

1. **Special conditions peculiar to the property.** The patio cover at issue was constructed prior to Mr. Blessie's ownership of the property in its current form and configuration by a contractor engaged to perform the work, who represented that all permitting requirements had been satisfied. Aerial and drone imagery obtained in connection with this matter shows that numerous properties within the immediate vicinity contain similar or comparable accessory structures that meet or exceed the same 50 percent threshold, indicating that the neighborhood as developed reflects conditions not contemplated by a strict, uniform application of the rear yard coverage limitation.
2. **Deprivation of rights enjoyed by other properties in the vicinity.** Strict enforcement of the 50 percent limitation against this property, while comparable or greater non-conformities exist on neighboring properties within the same vicinity, would deprive Mr. Blessie of the same practical enjoyment of his property that is currently afforded to similarly situated neighboring landowners.
3. **Conditions not the result of the applicant's own actions.** The condition giving rise to the need for this variance stems from the actions of a third party contractor who represented that the work was fully permitted and compliant. Mr. Blessie did not knowingly construct the patio cover in violation of the ordinance, did not knowingly forgo the permitting process, and took immediate corrective action upon learning of the deficiency. This is not a matter of pecuniary hardship or mere inconvenience, but a good faith reliance on a contractor's representations that has since proven inaccurate.
4. **No injury to adjoining property owners or the public welfare.** The patio cover is an existing structure that has been in place for an extended period without complaint from adjoining property owners. Granting the variance would not introduce any new structure, alter the existing streetscape, or create any condition materially different from what already exists and is accepted throughout the surrounding neighborhood. The requested variance will not be injurious to adjoining property owners or otherwise detrimental to the public welfare.
5. **Minimum variance necessary.** The request is limited solely to the existing patio cover as constructed and seeks no expansion, enlargement, or additional accessory structure beyond what is already in place. This represents the minimum variance necessary to resolve the existing non-conformity and bring the property into good standing with the City.
6. **Harmony with the spirit and purpose of the ordinance.** The purpose of the rear yard coverage limitation is to preserve adequate open space and prevent overcrowding of

residential lots. Given that comparable coverage levels already exist throughout the immediate vicinity, as reflected in the accompanying aerial imagery, granting this variance is consistent with the character of the neighborhood as it has actually developed and does not undermine the underlying purpose of the ordinance.

For the foregoing reasons, Mr. Blessie respectfully requests that the Planning and Zoning Commission and City Council grant a variance from Section 132-115(c)(1) as applied to the existing patio cover at 1189 Barberry Dr.

Supporting Exhibits

The following exhibits are submitted in support of this application:

- Demand letter dated April 20, 2026 from counsel for Mr. Blessie to Code Compliance Officer Tim Landrum and Plans Examiner Andres Gomez, together with proof of certified mail delivery and signature confirmation
- City of Burleson Citations CC0930, CC0933, and CC090 (please note there are three additional citations, CC0884, CC0888, and CC0891, currently pending on the same underlying violation, all of which arise from the same facts and circumstances described in this application) – Note (This will represent the “A copy of any building or development applications/permits that triggered need for a waiver or variance” section for the Application
- Email correspondence between Mr. Blessie and City of Burleson officials Tim Landrum and Andres Gomez, dated September 2025 through May 2026, reflecting Mr. Blessie's ongoing good faith efforts to resolve the permit and lot coverage issue
- Photographs of the existing patio cover
- Aerial and drone photographs of the subject property and surrounding neighborhood
- Planning and Zoning Commission Agenda and Staff Memo, Case 25-036 (Chick-fil-A, 111 NW John Jones), reflecting a prior variance approved by the City under Section 132-115, Accessory Building and Structure Yard Regulations (there, the front yard setback provision at subsection (a)), demonstrating that the City has previously granted variances under this section of the ordinance where the underlying request was otherwise consistent with the character of the surrounding development.

Sincerely,

/s/ Brian J. Smith

Brian J. Smith



April 20, 2026

Via CMRRR & E-mail

Mr. Tim Landrum, Code Compliance Officer
City of Burleson - Code Compliance
tlandrum@burlesontx.com

Certified Article Number

9314 8699 0430 0148 7709 13

SENDER'S RECORD

Mr. Andres Gomez Jr., Plans Examiner
City of Burleson - Building Permits & Inspections
agomez@burlesontx.com

Certified Article Number

9314 8699 0430 0148 7709 82

SENDER'S RECORD

Re: *Brian Blessie – 1189 Barberry Dr., Burleson, Texas 76028; Patio Cover Permit and Code Compliance*

Dear Mr. Landrum and Mr. Gomez:

This firm represents Brian Blessie in the above matter. We write to address the City's concerns regarding the unpermitted patio cover at our client's property and to request a resolution consistent with how the City enforces its ordinances across the neighborhood.

Background

Mr. Blessie purchased the subject property in July 2025 and hired a contractor who was actively working in the neighborhood to construct the patio cover. The contractor represented that all required permits had been obtained. Mr. Blessie relied on that representation in good faith and had no reason to believe otherwise. Upon learning of the deficiency, he immediately sought to pay the permit fee, retained legal counsel, engaged a licensed contractor and inspector, and commissioned certified drone footage of the surrounding area at his own expense.

Selective Enforcement

The aerial imagery and drone footage obtained in this matter indicate that numerous properties within the same neighborhood contain structures that similarly or more substantially exceed the City's 50% lot coverage threshold. A municipality may not selectively enforce an ordinance against one property owner while disregarding equivalent violations by neighbors. Where enforcement is applied in an arbitrary or inconsistent manner, the ordinance may be rendered unenforceable as applied to the targeted owner.

We also note that the degree of any overage matters. There is a meaningful difference between a structure at 51% and one at 70% or greater. If the City is not pursuing enforcement

against properties that significantly exceed the threshold, it would be inequitable to take action against a structure that may deviate only minimally by comparison.

Requested Resolution

Mr. Blessie respectfully requests that the City:

1. Accept payment of the applicable permit fee and issue an after-the-fact permit;
2. Assess any fine proportionately, reflecting that the violation resulted from contractor misrepresentation rather than intentional non-compliance; and
3. Apply its enforcement standards consistently and afford Mr. Blessie the same treatment as neighboring property owners in similar or greater non-conformity.

We are prepared to provide the City with the aerial imagery and inspection documentation and welcome a call or meeting to discuss a path forward. Please do not hesitate to contact our office.

Sincerely,

/s/ Brian J. Smith

Brian J. Smith



April 24, 2026

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number:
9314 8699 0430 0148 7709 13.

Item Details

Status: Delivered, Left with Individual
Status Date / Time: April 23, 2026, 11:58 a.m.
Location: BURLESON, TX 76028
Postal Product: First-Class Mail®
Extra Services: Certified Mail™
Return Receipt Electronic
Recipient Name: MR TIM LANDRUM CITY OF BURLESON

Shipment Details

Weight: 1.0oz

Destination Delivery Address

Street Address: 141 W RENFRO ST
City, State ZIP Code: BURLESON, TX 76028-4261

Recipient Signature

Signature of Recipient:

TIM OF BUR

Address of Recipient:

141 W Renfro

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Information in this section provided by Covius Document Services, LLC.

Reference Number: 31984.1



April 24, 2026

Dear Covius Document Services:

The following is in response to your request for proof of delivery on your item with the tracking number:
9314 8699 0430 0148 7709 82.

Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	April 23, 2026, 11:58 a.m.
Location:	BURLESON, TX 76028
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	MR ANDRES GOMEZ JR CITY OF BURLESON

Shipment Details

Weight:	1.0oz
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Destination Delivery Address

Street Address:	141 W RENFRO ST
City, State ZIP Code:	BURLESON, TX 76028-4261

Recipient Signature

Signature of Recipient:	
Address of Recipient:	CITY OF BUR 141 W RENFRO

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Information in this section provided by Covius Document Services, LLC.

Reference Number: 31984.1

THE CITY OF BURLESON TEXAS

City of Burleson
Code Compliance
817-426-9600

CC- 0930

Municipal Court
817-426-9220

☒ Johnson County ☐ Tarrant County

DATE OF OFFENSE 4/7/26		TIME OF OFFENSE A.M. (P.M.) 2:25	
LAST NAME Blessie			
FIRST NAME Brian		MIDDLE NAME Jonathan	
RACE	SEX M	DOB 8/24/1975	SSN
ADDRESS 1189 Barberrry Dr.			
CITY Burleson	STATE TX	ZIP CODE 76028	PHONE # 316-651-7706
DL/ID# 24295202		STATE TX	
LOCATION OF OFFENSE 1189 Barberrry Dr. Burleson, TX 76028			
DESCRIPTION/ORDINANCE 2021 IRC adopted ord. no. 5247-10-2023 IRC chap 1 Section R105 Permits R105.1 Required			

Violations:

- | | |
|---|---|
| ☐ High grass/weeds (front, side, rear, alley/easement) | ☐ Solid waste set out improperly |
| ☐ Trash/debris (front, side, rear, alley/easement) | ☐ Lawn/landscape irrigation (water conservation) |
| ☐ Fence (front, side, rear alley/easement) | ☐ Inoperable vehicle: Lic. plate # _____ |
| ☐ Storage building (front, side, rear, alley/easement) | Make & Model _____ |
| ☐ Stormwater | ☒ Other (see remarks) |
| ☐ Improper disposal of yard waste | |

Remarks: No permit for patio cover. Permit required.

I agree to appear as directed on the reverse side of this citation.

Signature: _____

Date: _____

Certified Mail # _____

Note: This is not a plea of guilt, but failure to appear constitutes a separate offense and could result in issuance of a warrant. For more information, please read the reverse side of this citation.

Officer/Badge# _____

Date 4/7/26

Witness/Officer _____

ate _____

WHITE-COURT

YELLOW-D

PINK-OFFICER

THE CITY OF BURLESON TEXAS

City of Burleson
Code Compliance
817-426-9600

CC- 0933

Municipal Court
817-426-9220

☒ Johnson County ☐ Tarrant County

DATE OF OFFENSE 5/14/26		TIME OF OFFENSE A.M. <u>2:17</u> P.M.	
LAST NAME Blessie			
FIRST NAME		MIDDLE NAME Jonathan	
RACE	SEX M	DOB 8/24/1975	SSN
ADDRESS 1189 Barberrry Dr.			
CITY Burleson	STATE TX	ZIP CODE 76028	PHONE # 316-651-7706
DL/ID# 24295202		STATE	
LOCATION OF OFFENSE 1189 Barberrry Dr. Burleson, TX 76028			
DESCRIPTION/ORDINANCE 2021 IRC adopted ordinance no. 5247-10-2023 IRC Chap 1 Section R105 Permits R105.1 Required			

Violations:

- | | |
|---|---|
| ☐ High grass/weeds (front, side, rear, alley/easement) | ☐ Solid waste set out improperly |
| ☐ Trash/debris (front, side, rear, alley/easement) | ☐ Lawn/landscape irrigation (water conservation) |
| ☐ Fence (front, side, rear alley/easement) | ☐ Inoperable vehicle: Lic. plate # _____ |
| ☐ Storage building (front, side, rear, alley/easement) | Make & Model _____ |
| ☐ Stormwater | ☒ Other (see remarks) |
| ☐ Improper disposal of yard waste | |

Remarks: No permit for patio cover. Permit required.

I agree to appear as directed on the reverse side of this citation.

Signature: _____ Date: _____
Certified Mail # _____

Note: This is not a plea of guilt, but failure to appear constitutes a separate offense and could result in issuance of a warrant. For more information, please read the reverse side of this citation.

Officer/Badge# Indra K. Tim Landrum 8719 Date 5/14/26

Witness/Officer _____

WHITE-COURT

YELLOW-DEFENDENT

PINK-OFFICER

IMPORTANT NOTICE: READ ALL INSTRUCTIONS FULLY AND CAREFULLY

The Burleson Municipal Court is located at 1131 SW Wilshire Blvd., Burleson, Texas 76028. The phone number is 817-426-9220. Hours of operation are Monday through Friday 8:00 a.m. to 5:00 p.m.

There are three pleas which may be entered before the Court to the charge which will be filed as a result of the issuance of this Citation/Notice to Appear. They are: Not Guilty, Guilty, or No Contest. Failure to appear at the Court to enter a plea on or before thirty (30) calendar days from the date of this citation may result in a warrant(s) for your arrest being issued and an additional offense may be charged against you.

PAYMENT ARRANGEMENTS

If you need time to pay the fine, you must appear in person at the Court Clerk's Office on or before your twentieth business day to enter a plea of guilty or no contest. There are alternatives, including community service, to the full payment of any fine or cost assessed against you if you are convicted of the offense and are unable to pay that amount.

REQUEST FOR COURT

You must appear in person to request a court date (preliminary hearing) at the Court Clerk's Office on or before your twentieth business day. Please be advised that Preliminary Hearings are not trials and that contested citations will require more than one court appearance.

Please allow 48 hours to pass from the date of offense IF you plan to handle your citation in person at the Court Clerk's Office.

Burleson Municipal Court of Record
1131 SW Wilshire Blvd.
Burleson, Texas 76028
817-426-9220

THE CITY OF BURLESON TEXAS

City of Burleson
Code Compliance
817-426-9600

CC- 0902

Municipal Court
817-426-9220

☒ Johnson County ☐ Tarrant County

DATE OF OFFENSE 6/2/26		TIME OF OFFENSE A.M. P.M. 9:41	
LAST NAME Blessie			
FIRST NAME Brian		MIDDLE NAME Jonathon	
RACE	SEX M	DOB 8/24/1975	SSN
ADDRESS 1189 Barberrry Dr.			
CITY Burleson	STATE TX	ZIP CODE 76028	PHONE # 316 651 7706
DL/ID# 24295202		STATE TX	
LOCATION OF OFFENSE 1189 Barberrry Dr Burleson TX 76028			
DESCRIPTION/ORDINANCE 2021 IRC adopted ord. no 5297-10-2023 IRC Chap 1 Section R105 Permits R105.1 Required			

Violations:

- | | |
|---|--|
| ☐ High grass/weeds (front, side, rear, alley/easement)
☐ Trash/debris (front, side, rear, alley/easement)
☐ Fence (front, side, rear alley/easement)
☐ Storage building (front, side, rear, alley/easement)
☐ Stormwater
☐ Improper disposal of yard waste | ☐ Solid waste set out improperly
☐ Lawn/landscape irrigation (water conservation)
☐ Inoperable vehicle: Lic. plate # _____
Make & Model _____
☒ Other (see remarks) |
|---|--|

Remarks: No permit for patio cover. Permit Required

I agree to appear as directed on the reverse side of this citation.

Signature: _____ Date: _____
 Certified Mail # _____

Note: This is not a plea of guilt, but failure to appear constitutes a separate offense and could result in issuance of a warrant. For more information, please read the reverse side of this citation.

Officer/Badge# Toby Tom Landrum 8319 Date 6/2/26

Witness/Officer _____ Date _____

WHITE-COURT

YELLOW-DEFENDENT

PINK-OFFICER

IMPORTANT NOTICE: READ ALL INSTRUCTIONS FULLY AND CAREFULLY

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Please allow 48 hours to pass from the date of offense IF you plan to handle your citation in person at the Court Clerk's Office.

Burleson Municipal Court of Record
1131 SW Wilshire Blvd.
Burleson, Texas 76028
817-426-9220

Paul Honrales

From: Brian Blessie <b.blessie1@yahoo.com>
Sent: Friday, April 17, 2026 1:50 PM
To: Paul Honrales
Subject: Fw: 1189 barberry

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded Message -----

From: Brian Blessie <b.blessie1@yahoo.com>
To: TIMOTHY LANDRUM <tlandrum@burlesontx.com>
Sent: Friday, September 19, 2025 at 05:48:27 PM CDT
Subject: Fwd: 1189 barberry

Mr. Landrum,

I am out of town but my wife showed me the note on the door. Please see below, this was the last email and message I left

On Sept 9th. I am not trying to be uncompliant . I just want this resolved. My contractor, as I explained said everything was taken care of. I paid the man and that was it. I have reached back out again as Seen below on the 9th and have had nothing in response. Please advise.

Kind Regards.
Brian Blessie

Begin forwarded message:

From: Brian Blessie <b.blessie1@yahoo.com>
Date: September 9, 2025 at 5:52:44 PM CDT
To: Andres Gomez <agomez@burlesontx.com>
Subject: 1189 barberry

Andres,

I have sent you several emails and left a couple of voicemails. I spoke with Timothy landrum about 1189 barberry and he said I need to get/pay for a permit. I will be available to come do this ship I am in town. This work was done by a contractor that said everything was taken care of. Please tell me what I need to do. I am available in and out this week in town.

Regards,
Brian Blessie

Paul Honrales

From: Brian Blessie <b.blessie1@yahoo.com>
Sent: Friday, April 17, 2026 1:49 PM
To: Paul Honrales
Subject: Fw: Meeting

Follow Up Flag: Follow up
Flag Status: Flagged

----- Forwarded Message -----

From: Brian Blessie <b.blessie1@yahoo.com>
To: TIMOTHY LANDRUM <tlandrum@burlesontx.com>
Sent: Wednesday, October 29, 2025 at 11:45:59 AM CDT
Subject: Re: Meeting

Mr. Landrum,
I am currently out of town and looks like I'll be gone again next week until Thursday sometime. I can meet you a week from Friday anytime or Monday the following week preferably before noon. If something opens up sooner I'll let you know.

Thanks.
Brian Blessie

On Oct 29, 2025, at 9:39 AM, TIMOTHY LANDRUM <tlandrum@burlesontx.com> wrote:

Good morning,

I was asked to set up a meeting with you to go over your options regarding the patio cover. We can do this in person or on Microsoft Teams. Can you give me a few times and dates you would be available in the next couple of weeks?

Thanks,

Tim Landrum
Code Compliance
Code Compliance Officer
tlandrum@burlesontx.com
Office: 817.426.9840
burlesontx.com



Let us know how we are doing [Customer Satisfaction Survey](#)

Paul Honrales

From: Paul Honrales
Sent: Monday, May 4, 2026 11:23 AM
To: tlandrum@burlesontx.com; agomez@burlesontx.com
Cc: Brian J. Smith; Brian Blessie; Katina Kilian
Subject: RE: Brian Blessie / 1189 Barberry Dr., Burleson, TX 76028

Good morning Mr. Landrum and Mr. Gomez,

I wanted to follow up on our letter dated April 20, 2026 regarding the above-referenced matter. Please let us know if you have had an opportunity to review it and whether you are available for a call to discuss a path forward. We remain hopeful that a resolution can be reached and appreciate your time and attention.

PAUL HONRALES | Associate
817.878.0520 Direct

From: Katina Kilian <kkilian@whitakerchalk.com>
Sent: Monday, April 20, 2026 10:51 PM
To: tlandrum@burlesontx.com; agomez@burlesontx.com
Cc: Brian J. Smith <BSmith@whitakerchalk.com>; Paul Honrales <phonrales@whitakerchalk.com>
Subject: Brian Blessie / 1189 Barberry Dr., Burleson, TX 76028

Dear Mr. Landrum & Mr. Gomez,

Please see the attached correspondence regarding the above-referenced matter. Should you have any questions, please contact us.

Thank you!

KATINA KILIAN | Legal Assistant
Whitaker Chalk Swindle & Schwartz PLLC

Assistant to Robert Simon, Brian Smith,
John Behan & Paul Honrales

301 Commerce Street, Suite 3500
Fort Worth, Texas 76102-4135
817.878.0584 Direct
817.878.0500 Main
817.878.0501 Fax

kkilian@whitakerchalk.com



Paul Honrales

From: Brian Blessie <b.blessie1@yahoo.com>
Sent: Tuesday, May 12, 2026 9:27 AM
To: Paul Honrales
Subject: Barberry patio photos

Follow Up Flag: Follow up
Flag Status: Flagged













Brian Blessie



























Planning & Zoning Commission Meeting

DEPARTMENT: Development Services
FROM: Lidon Pearce, Principal Planner
MEETING: March 25, 2025

SUBJECT:

Chick-fil-A at 111 NW John Jones (Case 25-036): Consider and take possible action on a resolution for a commercial site plan amendment with a variance to Section 132-115; Accessory building and structure yard regulations; pertaining to drive-thru canopies. (*Staff Contact: Lidon Pearce, Principal Planner*)

SUMMARY:

On October 28, 2024, a commercial site plan amendment with a variance to allow a drive-thru canopy in the front yard setback was submitted by Michelle Kucaba representing Interplan, LLC on behalf of Chick-fil-A, INC. (owners). The request was withdrawn prior to consideration by City Council and was resubmitted on March 3, 2025, as Case 25-036.

Development Overview:

The owners are proposing the construction of a multi-lane canopy over the existing drive-thru pavement adjacent to the building elevation that faces John Jones Drive. The commercial site plan has been attached as part of the proposed resolution, "Exhibit 3". The applicant's request and justification are attached as "Exhibit 4".

The subject property has an existing drive thru along John Jones, which is located in the designated front yard setback for this site. If allowed, the requested canopy would be approximately 3 and ½ feet from the John Jones property line. The zoning code does not allow for the construction of an accessory structure within the front yard setback (20 feet). According to the Zoning Ordinance Sec. 132-115 Accessory, building and structure yard regulations; detached accessory structures shall not be located in the front yard. Of note, gasoline service pump canopies are allowed in the front yard setback but shall be no closer than 10 feet to the property line.

If the variance is not approved by City Council, then the applicant shall submit a revised commercial site plan to staff reflecting the approved or disapproved resolution(s) related to the requested variance. The commercial site plan amendment will not be approved by staff until all conditions relating to all Council approved resolutions have been met.

Site Plan Conformance

<i>Required</i>	<i>Staff's Findings</i>
<u>Lot Size, Coverage and Setbacks</u> Specific lot information as shown on site plan	Complies. Site plan is in compliance with all development regulations with the exception of the canopy request.
<u>Landscaping –</u> 20% of Total Site shall be landscaped: 11,128 S.F.	Complies. Landscaping proposed: 13.923 S.F.
<u>Parking Requirement –</u> 1 space for every 3 seats	Complies. Parking provided: 45 spaces and has an existing parking agreement with HEB

RECOMMENDATION:

Recommend approval to City Council for a resolution for the commercial site plan amendment with a variance to Section 132-115.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

Dec. 3, 2024 – P&Z recommend approval (6-1) of the site plan amendment with a variance for the canopy; the request was withdrawn prior to being considered by City Council.

REFERENCE:

[City of Burleson, TX ZONING DISTRICTS](#)

FISCAL IMPACT:

N/A

STAFF CONTACT:

Lidon Pearce, CNU-A, AICP
Principal Planner
lpearcel@burlesontx.com
817-426-9649

Site Plan – Chick-fil-A

Location:

- 111 NW John Jones Dr

Applicant:

Michelle Kucaba (Interplan) authorized agent on behalf of Chick-fil-A (owner)

Item for approval:

Commercial site plan amendment with a variance for a drive-thru canopy in the front yard setback (Case 25-036).



Site Plan – Chick-fil-A

Site Plan Amendment(s):

- Parking spaces reoriented
- Light poles relocated
- Relocation of trash enclosure
- Relocation of menu order board and canopy
- Drive thru canopy to be removed and new one built to cover 2 meal delivery lanes

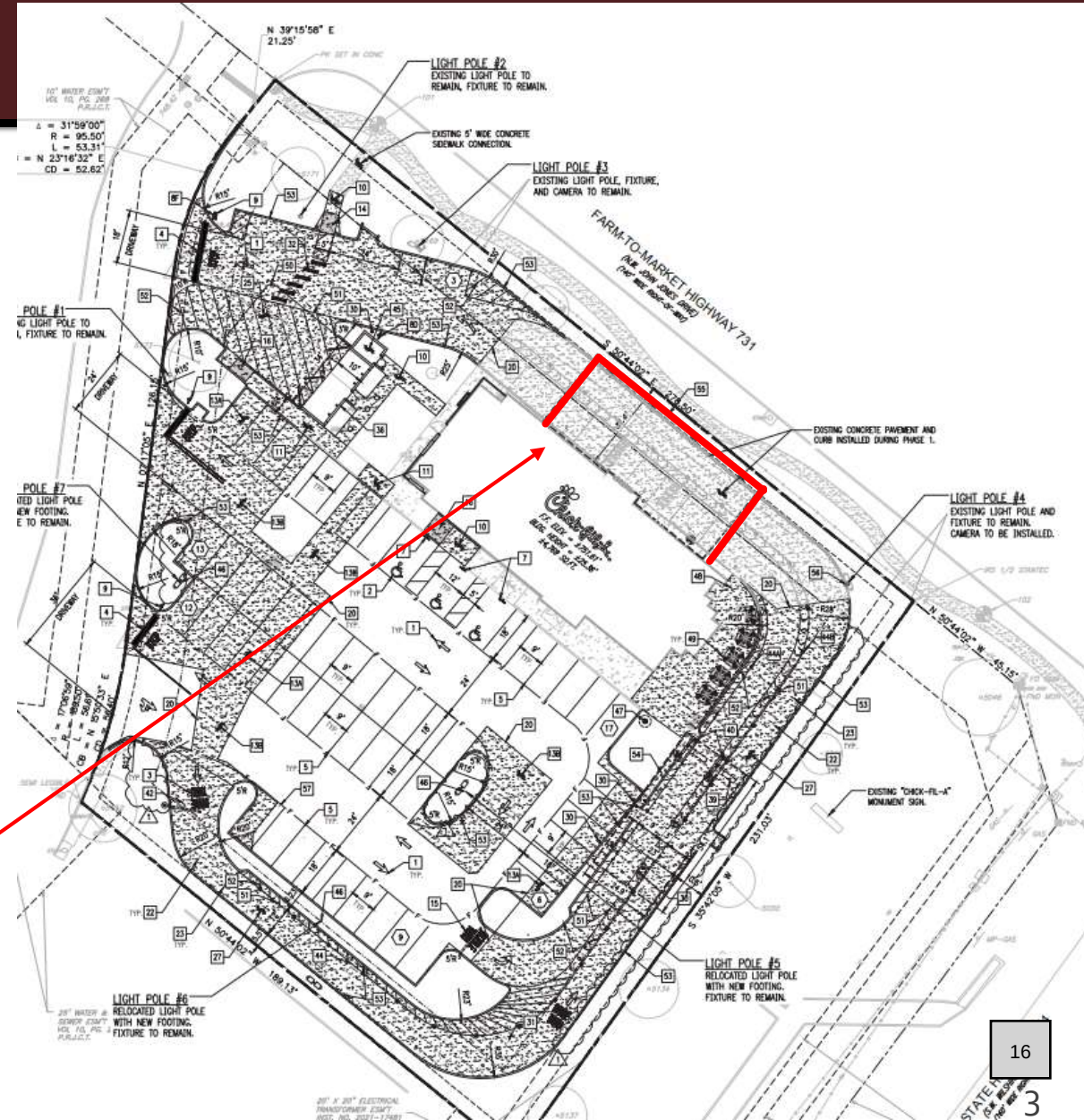


LANDSCAPE REQUIREMENTS

A. STREET TREES			
REQUIRED		Large trees: 50 feet OC	
		Medium trees: 40 feet OC	
		Small trees: 30 feet OC	
	1.	20% of the total lot shall be landscape area	
		55,640 SF x 20%	= 11,128 SF of landscape area
PROVIDED	1.	Landscape area	= 11,347 SF of landscape area provided

Site Plan – Chick-fil-A

Item A.



Requested canopy (variance) shown in red

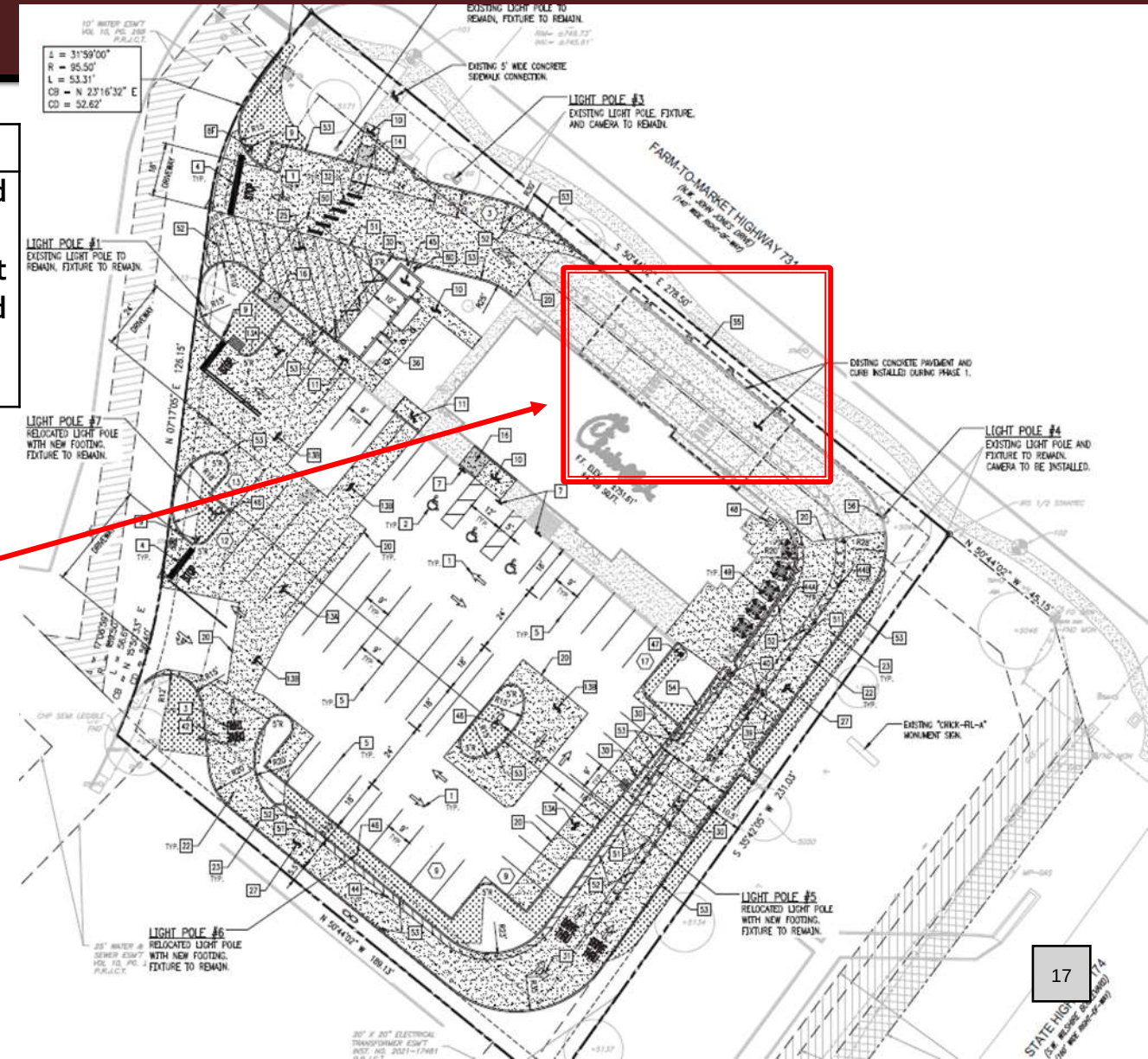
Variance- Chick-fil-A

Item A.

Variance Requested

Appendix B, Section 132-115; Accessory building and structure yard regulations

- Requesting a drive thru canopy along frontage of John Jones Drive that is forward of the main building and within the 20 ft minimum front yard setback



Staff recommends approval of the resolution for the site plan amendment with a variance for a canopy within the front yard setback.

