



VAR Case 26-015

PRESENTED TO ZBOA– 10.20.26

DEVELOPMENT SERVICES

VAR – 1189 Barberry Drive

Location: 1189 Barberry Drive

Applicant: Brian Blessie

Request:

Variance request to allow a rear yard patio cover to exceed the 50% lot coverage limitation.



Case History

- **10/4/2024:** Staff receives email from a neighboring property expressing concern regarding patio cover.
- **10/14/2024:** Mr. Blessie submits accessory structure permit.
- **10/15/2024:** Review comments sent.
- **10/16/2024:** Mr. Blessie responds with questions and staff responds.
- **5/2/2025:** Code Enforcement notified that patio cover constructed without approved permit.
- **6/4/2025:** Staff again followed up with Mr. Blessie.



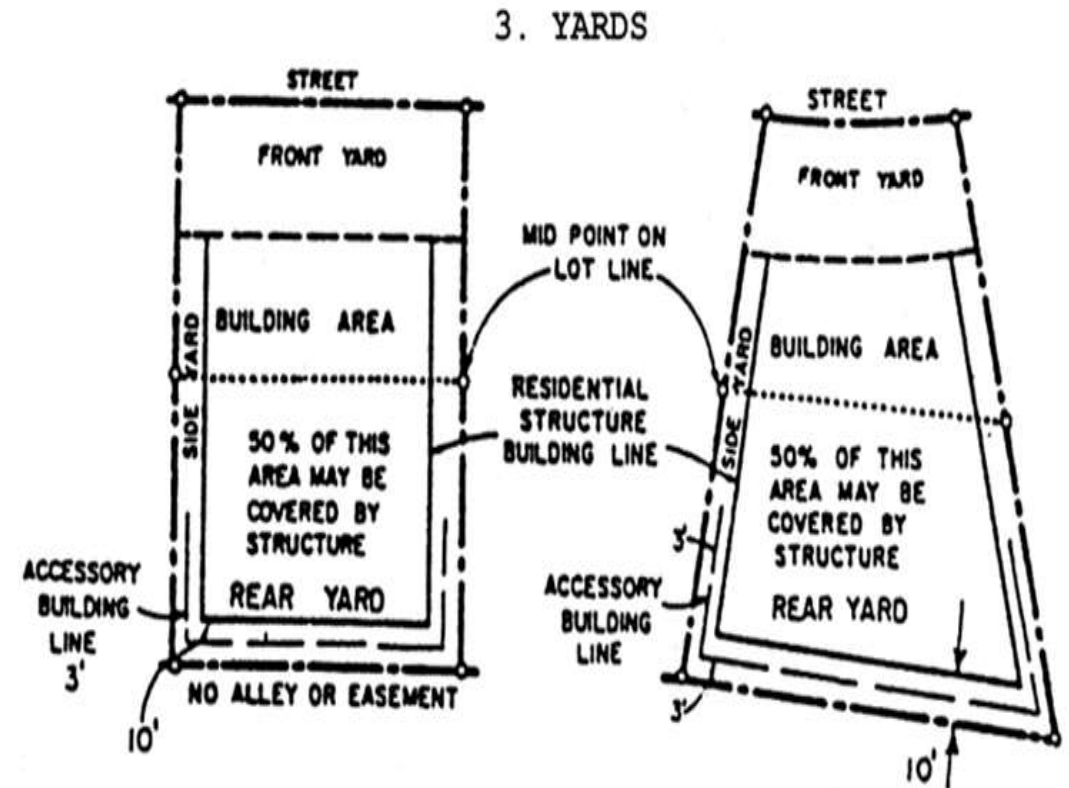
Case History (cont.)

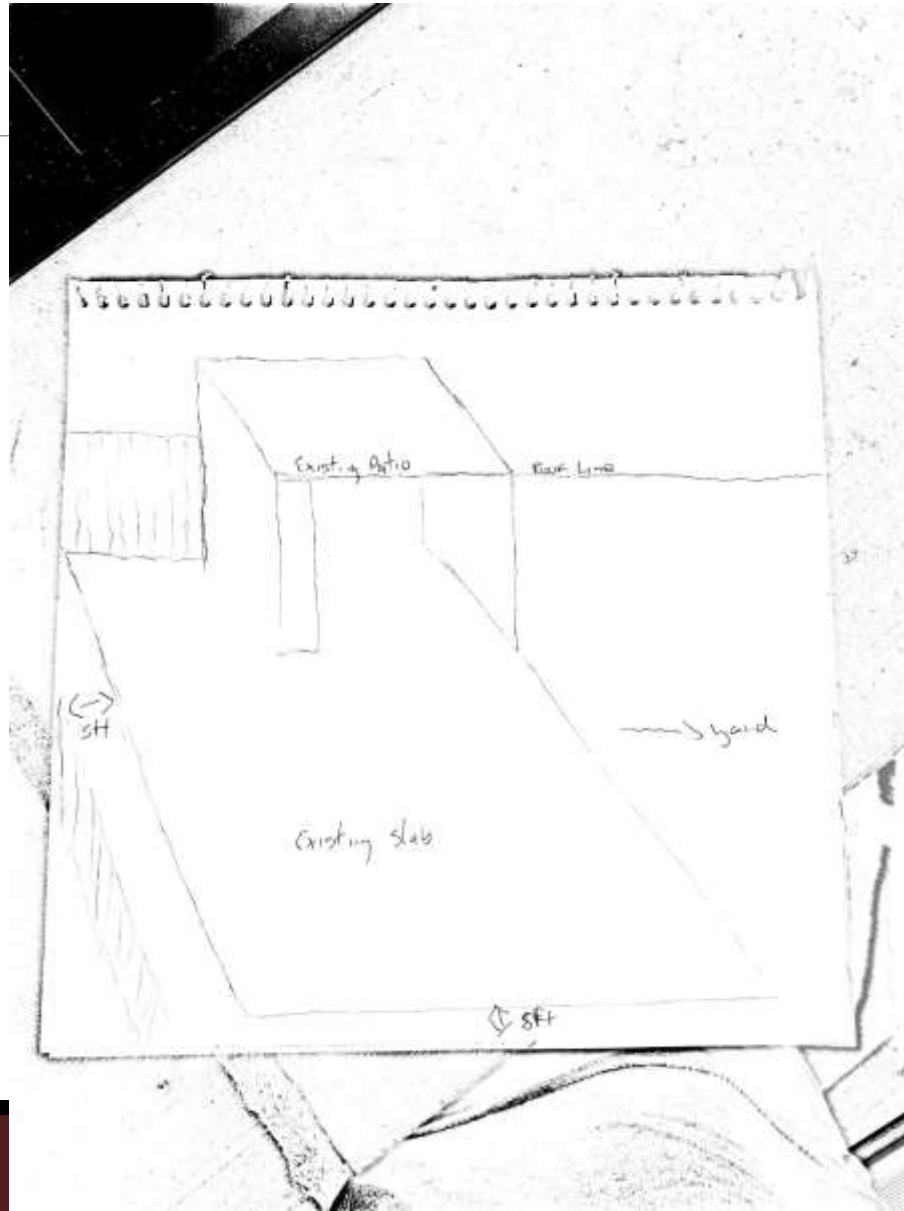
- **6/25/2025:** Staff informs Mr. Blessie of continued enforcement action unless situation remedied.
- **9/26/2025:** Mr. Blessie agrees to pay enforcement fine.
- **10/15/2025 – 4/20/26:** Further enforcement action taken against Mr. Blessing due to inaction.
- **4/20/2026:** Staff receives email from Mr. Blessie's attorney.
- **8/3/2026:** Mr. Blessie applies for variance.



Staff Findings

- Per Appendix B, Section 132-115(c)(1) of the Code: Accessory Structures permitted a maximum 50% rear yard lot coverage.
- Per same section: Accessory Structures required to maintain minimum 3-foot side and side and rear yard setbacks.
- Rear Yard: Yard extending across the rear lot between side lot lines, having depth between the building and rear lot line as specified in the district in which lot is situated.
- Side Yard: Open, unoccupied space on a lot, which is located between the setback line and the side lot line.
- Rear yard lot coverage of patio cover calculated as 2,243 square feet, exceeding the 2,132 square feet coverage permitted per the code.





Nearmap Aerial: June 5, 2024



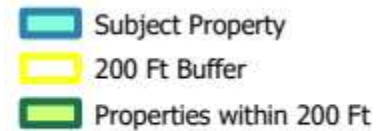
Nearmap Aerial: May 9, 2026



VAR – 1189 Barberry Drive

Public Hearing Notice:

- Public notices were mailed to property owners (based on current JCAD records) within 200 feet of subject property.



Option
1

Deny the request,
which would mean
the building
permit would not
be issued.

Option
2

Authorize variance from the
terms of a zoning ordinance
if determined that the
variance is not contrary to
the public interest and,
due to special conditions,
a literal enforcement of
the ordinance would result
in unnecessary hardship,
and so that the spirit of
the ordinance is observed
and substantial justice is
done. The permit would be
issued

Option
3

Approval the
request as
proposed by
the applicant
and find that
the structure
is not
nonconforming
and that a
permit would
be issued as
requested.

Questions / Comments

Brian Campbell

Senior Planner

brcampbell@burlesontx.com

817.426.9649