

# AGENDA

## CITY OF TAYLOR, TEXAS ZONING BOARD OF ADJUSTMENT MEETING

**December 5, 2023, 6:00 P.M.**

City Hall Council Chambers  
400 Porter Street, Taylor, TX 76574

For Citizens Communication and to speak during the public hearings, please contact the Development Services office at 512-365-3863 prior to 5:30 p.m. on Tuesday, September 5, 2023.

The agenda packet is on the website at:

<https://www.ci.taylor.tx.us/Calendar.aspx?EID=4967&month=9&year=2023&day=5&calType=0>

### **I. CALL TO ORDER AND DECLARE A QUORUM**

### **II. CITIZENS COMMUNICATION**

*(The Zoning Board of Adjustment welcomes public comments on items not listed on the Agenda. However, the Commission cannot respond until an item is posted on a future meeting agenda. Registration forms are available at the sign in table.)*

### **III. CONSENT AGENDA**

*(The Consent Agenda includes non-controversial and routine items that the Commission may act on with one single vote. The Chairman or a Commissioner may pull any item from the Consent Agenda in order to discuss and act upon it individually as part of the Regular Agenda.)*

1. Review and approve minutes from the meeting on October 17, 2023.

### **IV. REGULAR AGENDA**

#### *ZONING VARIANCE*

2. **PZ-2023-1899** – Hold a public hearing regarding a request for a zoning variance to allow a six feet (6) high front fence and gate at 210 N. Dolan Street, consisting of approximately 0.14 acres of land, legally described as SS3571- Duffy Sub, Block 1, Lot PT 6 and more particularly described by Williamson Central Appraisal District Parcel R016922, Taylor, Williamson County, Texas.
3. **PZ-2023-1899** – Take action regarding a request for a zoning variance to allow a six feet (6) high front fence and gate at 210 N. Dolan Street, consisting of approximately 014 acres of land, legally described as SS3571- Duffy Sub, Block 1, Lot PT 6 and more particularly described by Williamson Central Appraisal District Parcel R016922, Taylor, Williamson County, Texas.

**V. ADJOURN**

**Next Meeting Date: TBD**

The Board may vote and/or act upon each of the items listed in this Agenda. The Board reserves the right to retire into executive session concerning any of the items listed on this Agenda, whenever it is considered necessary and legally justified under the Open Meetings Act. I certify that the notice of this meeting was posted in the Taylor City Hall Lobby continuously for 72 continuous hours before **September 5, 2023**. I further certify that the following news media was notified of this meeting, Taylor Daily Press.

Posted By: Victoria Winchester Date: 11-30-2023  
Victoria Winchester, Administrative Assistant

**MINUTES**  
**CITY OF TAYLOR, TEXAS**  
**ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING**  
**City Hall Council Chambers**  
**Taylor City Hall, 400 Porter Street**  
**Tuesday, October 17, 2023**  
**6:00 P.M.**

**PRESENT:**

Nancy Talley  
April Young  
Craig Eulenfeld  
Michael Prillaman  
Emily Holmes

**ABSENT:**

**STAFF PRESENT:**

Colin Harrison, Director  
Brenda Joyas, Senior Planner  
Victoria Winchester, Administrative Assistant  
Justin Sauer, Permit Tech

**CALL TO ORDER AND DECLARE A QUORUM**

The meeting was called to order and a quorum declared at 6:03 PM

**CITIZENS COMMUNICATION**

None

**CONSENT AGENDA**

*(The consent agenda includes non-controversial and routine items that the Board may act on with one single vote. The Chair or a Board Member may pull any item from the Consent Agenda in order to discuss and act upon it individually as a part of the Regular Agenda.)*

1. Review and approve minutes from the meeting on September 5<sup>th</sup>, 2023.

***Motion: Commissioner April Young approved minutes. Motion Seconded by Commissioner Emily Holmes. All voted Aye.***

**REGULAR AGEMNDA**

***ZONING VARIANCE***

**PZ-2023-1859** – Hold a Public Hearing regarding a request for a zoning variance on Property generally located at 902 Old Thorndale Road Consisting of approximately 1.033 acres of land, legally described as Block A, Lot 1, Dove Pass Subdivision, and more particularly described as Block, A, Lot 1, Dove Pass Subdivision, and more particularly described by WSILLIAMSON Central appraisal District Parcel R567725, Taylor, Williamson County Texas.

***Speaker Senior Planner, Brenda Joyas made a presentation regarding 902 Old Thorndale. David Downs spoke on behalf of the applicant. Chairman, Nancy Talley closed the hearing at 6:30PM.***

***PZ-2023-1859-*** Take Action regarding a request for a zoning variance on property generally located at 902 Old Thorndale Road, consisting of approximately 1.033 acres of land, legally described as Block A, Lot 1, Dove Pass Subdivision, and more particularly described by Williamson Central Appraisal District Parcel R567725, Taylor, Williamson County, Texas.

***Motion made by Commissioner April Young. Motion was seconded by Commissioner, Michael Prillaman. All voted Aye to approve action being made for zoning variance on property 902 Old Thorndale Road.***

**PZ-2023-1866** - Hold a public hearing regarding a request for a variance to the sign ordinance on property generally located at 203 N. Main Street, consisting of approximately .3788 acres of land, legally described as Block 9, Lots 5, 6, and southern part of lots 1,2,3 and 4, Map of the town of Taylor, and more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County Texas.

***Speaker Senior Planner, Brenda Joyas made a presentation regarding 203. N Main. Mark Nibbelink, the applicant, spoke to the Board. Chairman, Nancy Talley Closed Hearing at 6:39PM***

**PZ-2023-1866-** Take action regarding a request for a variance to the sign ordinance on property generally located at 203 N. Main Street, consisting of approximately .3788 acres of land, legally described as Block 9, Lots 5,6, and southern part to lots 1,2,3, and 4, Map of the Town of Taylor, and more particularly described by Williamson Central Appraisal District Parcel R014956, Taylor, Williamson County, Texas.

***Motion made by Commissioner, Emily Holmes. Motion Seconded by Commissioner, April Young. All voted Aye to approve request of variance to the sign ordinance on property 203 N. Main St.***

**Adjourn**

***Chairman, Nancy Talley Adjourn the meeting at 6:40 PM***

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Victoria Winchester  
Administrative Assistant

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Nancy Talley  
Chair of the Board

**City of Taylor**  
**PZ-2023-1899**  
**Zoning Variance**  
**Staff Report**

**Item Details**

<b>Subject Property:</b>	210 N. Dolan Street
<b>Total Acreage:</b>	Approximately 0.14 acre
<b>Legal Description:</b>	SS3571 – Duffy Sub, Block 1, Lot Pt 6
<b>Property Owner:</b>	Ruby Arreosola
<b>Applicant:</b>	Juan Arreosola
<b>Request:</b>	A request to vary from Appendix B Zoning Ordinance, Section 3.5.2, 12, a _ (for a front fence and front gate across the driveway which exceeds 4 feet in height)
<b>Case History:</b>	This is the first hearing of this request.

**Overview of Applicant’s Request & Background**

The applicant has requested a variance from the zoning ordinance, section 3.5.2, 12, a, which states: “Screening Devices may be erected in any required front, side or rear yard, or along any property line. No Screening Device shall exceed eight (8’) feet in height. No Screening Device located in front of the primary structure shall exceed four (4’) feet in height.” The request is to allow a fence greater than four (4) feet in height in the front yard of the subject property.

In June 2023, a complaint about the front fence was received by Code Enforcement. The front fence and gate at six (6) feet in height exceeded the height requirement in the front yard of the single-family home on the subject property. A letter was sent to the property owner to either reduce the height of the front fence or seek a variance, making them aware of the violation and a means to correct the infraction.

On September 29, 2023, a variance request was submitted.

This variance was submitted prior to adoption of Land Development Code on November 10, 2023. Consequently, this variance request will be assessed against the former Zoning ordinance which was the approved ordinance when this variance request was submitted.

**Location:**

The subject property is located at 210 North Dolan Street.

**Physical and Natural Features:**

The subject property consists of one single-family structure of approximately 1,600 square feet on a 0.14 acre lot. A 6 feet high wooden fence with a 6 feet high entrance gate across the driveway defines the front perimeter of the subject property.

This is the only front fence along the eastern side of North Dolan Street.

**Growth Sector Designations:**

The Growth Sectors Map identifies the areas in Taylor and its Extra-territorial jurisdiction (ETJ) where development and redevelopment are intended, where they should be controlled, and areas where they should be restricted. The subject property is located within the Infill Neighborhood Sector. The Infill Neighborhood Sector consists of areas within the city that are already served by infrastructure. Infill development is encouraged to generally match the character of the existing development while allowing for incremental increases in density.

**Future Land Use and Zoning Designations:**

The adopted Envision Taylor Comprehensive Plan identifies Future Land Use designations to guide growth in Taylor. The subject property was assigned the land use designation, Neighborhood Infill. Neighborhood Infill is anticipated to fill in vacant and underutilized lots to accommodate a slight increase in density and smaller neighborhood-oriented retail and services (p. 76, Envision Taylor Comprehensive Plan).

The subject property is currently zoned R1 (Single - Family Residential District). The purpose of the R1 district is to allow moderate density single family detached development while maintaining the character and protecting the health, safety and general welfare of the community. (Sections 2.7 City of Taylor Zoning Ordinance).

Direction	Zoning District	Future Land Use	Existing Land Use
North	R1	Neighborhood Infill	Single Family Residential
South	R1	Neighborhood Infill	Single Family Residential
East	R1	Neighborhood Infill	Single Family Residential
West	R1	Neighborhood Infill	Single Family Residential

The flood plain is located on the western side of North Dolan Street but does not currently extend to the eastern side of North Dolan Street.

**Utilities**

The subject property is located within the City’s service area for water and wastewater, and there are existing utility lines along North Dolan Street.

## **Public Notification**

As required by the Local Government Code and the City of Taylor Code of Ordinances, all property owners within a 200-foot radius of the subject property were notified of the variance request (12 notices), and a legal notice advertising the public hearing was placed in the Taylor Press on Sunday, November 19, 2023.

## **Staff Analysis**

The request for the subject property is a variance from the zoning code to allow a fence and gates within the front yard which are greater than four (4) feet in height. The front fence and gates are six (6) feet in height.

The Zoning ordinance was revised on March 24, 2011 (Ordinance 2011 -04) to include the 4 feet high front fence requirement. There is evidence that a front fence existed across part of the property before March 2011. The original fence, erected prior to 2011, which appears to be 6 feet in height is considered to be a 'grandfathered fence'. The original fence was screened behind a tree and shrubbery along the road frontage. The tree and shrubbery have recently been removed, exposing the front fence to full public view. The original 6 feet high fence along part of the front property line is not part of this variance given its 'grandfathered' status.

Between January 2021 and May 2022, (see photographs 4 and 6 on attachment 2) a 6 feet high gate across the driveway was added. The gate across the driveway with gate pillars is a new addition and was not part of the 'grandfathered' fence. The 6 feet high front gate requires a variance as it exceeds 4 feet in height along the front property line.

The common purpose of fencing is to establish a visual demarcation of property boundaries and assert an understanding of what is public and what is private property. There are three general reasons for limiting the fence height in front yards to a lower height. One reason is to maintain the aesthetic appeal of a given neighborhood. The front yard typically faces neighborhood level streets and a maximum of four feet helps maintain a sense of community by preventing the visual impact of walled off properties from the adjacent roads and neighborhoods. Secondly, taller fences can create potential traffic hazards. This is the primary reason for shorter front yard fences is not to obstruct or restrict the visibility of pedestrians, cyclists or other vehicles when exiting a driveway.

Lastly, a lower fence height allows law enforcement to see into yards adjacent to the streets they are patrolling. A taller fence reduces visibility of the yard and hinders their ability to notice suspicious activities. In general, emergency personnel can better traverse and gauge properties without visual obstructions in the event of a medical emergency or fire.

The board may authorize a variance when a property owner can show that a strict application of the code relating to the use, construction or alternations of buildings or structures of the use of land will impose upon the property owner unusual and practical difficulties or particular hardship.

The existing 6 feet high front fence and gate is the only front fence along the eastern side of the street (see photograph 7 on attachment 2). Given its height, position, additional width and the removal of the tree and shrubbery it is a prominent feature in the neighborhood. The applicant has constructed a front gate greater than four (4) feet in height without obtaining a building permit. As such, the front gate is now in direct violation of Section 3.5.2 of the Zoning Ordinance.

On the other hand, the front gate matches the height and design of the 'grandfathered' front fence. Given its prominent location a part 4 feet high gate and 6 feet high fence would be an odd relationship and would likely result in more visually unbalanced and disjointed front boundary screening. Given the 'grandfathered' status of part of the fence approval is recommended to the 6 feet high gate across the driveway to the front of this property.

Given this information, staff recommends approval of the zoning variance request.

			Criteria for Approval
Consistent	Inconsistent	Neutral	
	<u>X</u>		<p><b>There are special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the land subject to the variance applicant, such that the strict application of the provisions of the Zoning Ordinance would create an unnecessary hardship or inequity upon or for the applicant, as distinguished from a mere economic impact, an inconvenience, frustration of objections in developing the land, not permitting the highest and best use for the land, or depriving the applicant of the reasonable and beneficial use of the land;</b></p> <p><i>Staff finds there are no special circumstances or conditions arising from the physical surroundings, shape, topography, or other feature affecting the land subject to the variance petition.</i></p>
		<u>X</u>	<p><b>The circumstances causing the hardship do not similarly affect all or most properties in the vicinity of or similarly classified as the applicant's land;</b></p> <p><i>There are no other front fences on the eastern side of N Dolan Street. This property has a partial 6 feet high front fence which is grandfathered across part but not the whole frontage.</i></p>
		<u>X</u>	<p><b>The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;</b></p> <p><i>No other properties on the eastern side of N Dolan Street have front fences to secure their front property boundaries for security, vandalism and unsafe for children reasons.</i></p>
		<u>X</u>	<p><b>Granting the variance application shall not be detrimental to the public health, safety, or welfare, or injurious to other property within the area;</b></p>

			<i>Staff finds that granting the variance could be detrimental to public health and safety as the 6 feet high front fence would restrict visibility of vehicles entering the street and make it harder for emergency services to gain access to the property.</i>
<u>X</u>			<b>Granting the variance application shall not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of the development code, or adversely affect the rights of owners or residents of surrounding property;</b>  <i>Staff finds that the variance would not affect other property owner's use and enjoyment of their property.</i>
	<u>X</u>		<b>The hardship or inequity suffered by the applicant is not caused wholly or in substantial part by the applicant;</b>  <i>Staff finds that a hardship does not exist as the action for a variance is retroactive and the 6 feet gate and gate pillars were constructed without official approval through the permitting process or initial request for a variance prior to construction.</i>
		<u>X</u>	<b>The request for a variance is not based exclusively on the applicant's desire for increased financial gain from the property, or to reduce an existing financial hardship;</b>  <i>Staff finds the request is based on the property owner's desire for security which would not provide for an increase in financial gain from the property or to reduce existing financial hardship but merely for convenience.</i>
		<u>X</u>	<b>The degree of variance requested is the minimum amount necessary to meet the needs of the applicant to satisfy the standards.</b>  <i>Staff finds that the degree of variance is the minimum amount necessary for the gate to match the height of the grandfathered 6 feet high front fence.</i>

**Zoning Board of Adjustment Recommendation**

In addition to the hardship presented, the questions below must also be addressed by the Commission.

No variance shall be granted or imposed unless:

1. 75% of the members of the Board are present to hear the case; and
2. 75% of the Board votes in favor of the request; and
3. The Board finds that the variance meets the requirements of Texas Local Government Code Section 211.009(3) which states:

**Texas Local Government Code, Section 211.009. AUTHORITY OF BOARD.**

*(a) The board of adjustment may:*

*(3) Authorize in specific cases a variance from the terms of a zoning ordinance if 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;*

**City of Taylor Code of Ordinances 7.4.3 Variances**

The Board finds that the variance requests meets or does not meet the requirements of Section 7.4.3 of the Zoning Ordinance which states:

*The Board shall have the power to authorize upon appeal in specific cases such variance from the terms of this Ordinance where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, not solely for financial gain, including the following:*

- 1. Permit a variance in the setback requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.*
- 2. Authorize upon appeal, whenever a property owner can show that a strict application of the terms of this Ordinance relating to the use, construction or alterations of buildings or structures or the use of land will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this Ordinance as are in harmony with its general purpose and intent, but only when the Board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty.*

Such findings of the Zoning Board of Adjustment together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Zoning Board of Adjustment meeting at which such variance is granted or imposed. Variances may be granted or imposed only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship. All variances shall be granted or imposed on a case-by-case basis and no variance shall be construed to serve as a precedence for subsequent variances.

**Attachments:**

1. Letter of Intent from Applicant and Supporting Evidence from Applicant
2. Chronological photographs of 210 N Dolan St since March 2011
3. Location Map
4. Notice Map

## LETTER OF INTENT EXPLAINING

Variance to Section 5.8.5.4 of the Zoning Ordinance which state requires.

To whom it may concern

When Home was purchased in 2011, 6Ft fence was already on property. Fence has been up kept. In 2015 when I pulled permit to pour Drive way I asked Inspector at the time and informed him if I needed to pull a permit to put fence on rollers. City inspector responded that I didn't need to do a permit since fence was already there. Fence has been at this location for over 20 years. When any new changes have ever been made I have always pulled permits. Fence is also a deterrence from criminals and it keeps them out. There has been 1 murder in front of home and another murder 2 blocks away. There has been numerous shootings and cars vandalized and also have had multiple wrecks in front of home. We have seen a increase in homeless and Addicts in area. Fence is also used as barrier to keep my kids out of street and to keep them safe from Addicts and the crime and violence they bring with their addiction. Dolan is a race track and as I mentioned before there has been multiple wrecks from crazy drivers or drunk drivers. There was incident where addict attempted to get into home while wife and kids where home lucky the door was locked. My wife had to call police and lucky he didn't get in or someone could have easily lost their life. At the time fence was left open. When police arrived they said we should keep gate closed because when the Gate is open it seems inviting. Since that day we have kept fence closed. I am not asking for any special privileges, all I'm asking is to leave fence as it is. This fence has been there longer than most people in Taylor. I have been at the residence for over 20 years and for someone to inforce something that was not there at the time is truly wrong. That being said. We can also argue City ordinance says 4 ft. has to be in front of house. The fence where the front door is actually a 4 ft. chain-link fence. The front door has never moved from its location since the home was purchased. The 6ft fence is actually on the side of my home. Please take everything into consideration and please don't take the only safe piece of mind and security my family has from the ongoing crime that Taylor is seeing.

Please reference Chapter 7 of the Zoning Ordinance regarding the Zoning Board of Adjustment (ZBA).

1. What particular physical conditions or characteristics make the property unique compared to others in the same neighborhood or zoning district?

6 ft fence

2. Were the conditions or characteristics listed in Question #1 caused by the property owner or applicant?

No, fence was at location when we purchased home in 2013

3. If the conditions or characteristics were caused by the owner or applicant, could the use of the property be enjoyed in the current zoning district without the requested Variance?

No, Security, Vandalism, Unsafe for kids (also used as barrier for kids,) house is on hill & everything rolls down hill. Also used to keep kids out of street. (cars fly on street.)

4. What difficulty or unnecessary hardship would result (not just an inconvenience) if the Variance were not granted?

Security, Vandalism, Emotional unsurity, lost of life.

5. Is the amount of Variance requested the minimum necessary to meet the needs of the applicant or property owner?

Yes to leave 6 ft fence, fence when purchased home was already here.

6. To what extent is the request for a Variance based upon a desire of the owner, occupant, or applicant for increased financial gain from the property, or to reduce an existing financial hardship?

None

7. What affect, if any, would the Variance have on the rights of owners or occupants of surrounding property, on the supply of light or air to adjacent property, on traffic or parking congestion in the public streets, on public safety, and on property values within the neighborhood?

None the fence has been up longer than 20 years





QUITCLAIM DEED

Agreement set forth this 22 day of APRIL, 2013  
in the county of Williamson in the state of TEXAS

Indenture is made between EVANGELINA BANDA SERVA, of the city and state of  
ZION DOUAN ST. TAYLOR TX 76574 who shall be identified as GRANTOR,  
and

RUDY S ARREOSOLA who is identified as the GRANTEE.  
210 N DOUAN TAYLOR TX 76574

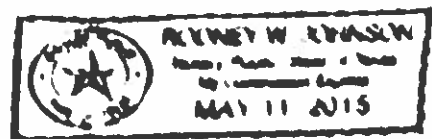
The GRANTOR, on behalf of partners, heirs or successors for and in consideration of the sum of  
\$ 10.00 conveys and quit claims the current possession of the following property that bear

the legal description of: LOT No. (6) in block No. (1) ONE  
OF THE DUFFY ADDITION TO THE CITY OF TAYLOR TX,  
SAID LOT BEING MORE PARTICULARLY DESCRIBED IN A DEED FROM TO  
ET AL, BEARING DATE OF JAN 11, 1909 AND RECORDED IN VOL. 131, P.  
10 THE GRANTEE. OF THE DEED RECORDS OF WM CO, TEXAS

Evangelina Banda Serva Dated this 22 day of April  
GRANTOR'S Signature

I, Rudney W. Johnson Notary Public in and for the state of TEXAS  
do hereby certify that on this 22 day of April, 2013, personally appe-  
are known to be or satisfactorily proven the individual described in and who executed the foregoing

NOTARY PUBLIC in and for the State of Texas  
My commission expires May 11, 2015



210 N Dolan St: Chronological photographic history

PZ 2023 1889

1. March 9, 2011



2. April 2011



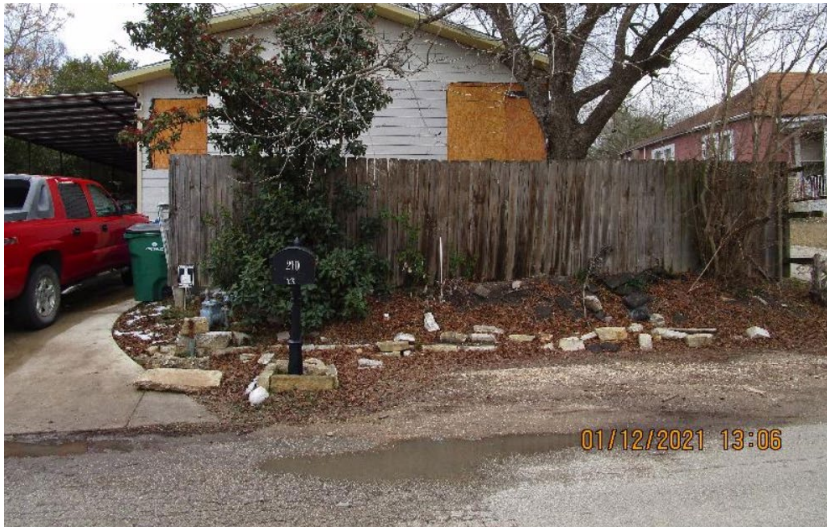
3. June 2013



4. January 12, 2021



5. January 12, 2021



6. May 2022



7. June 13, 2023



8. June 29, 2023



9. June 29, 2023





# PZ-2023-1899

210 N. Dolan Street Zoning  
Variance

Location Map  
Approximately 0.141 acres

- City Limits
- ETJ Boundary
- Parcels
- Subject Property

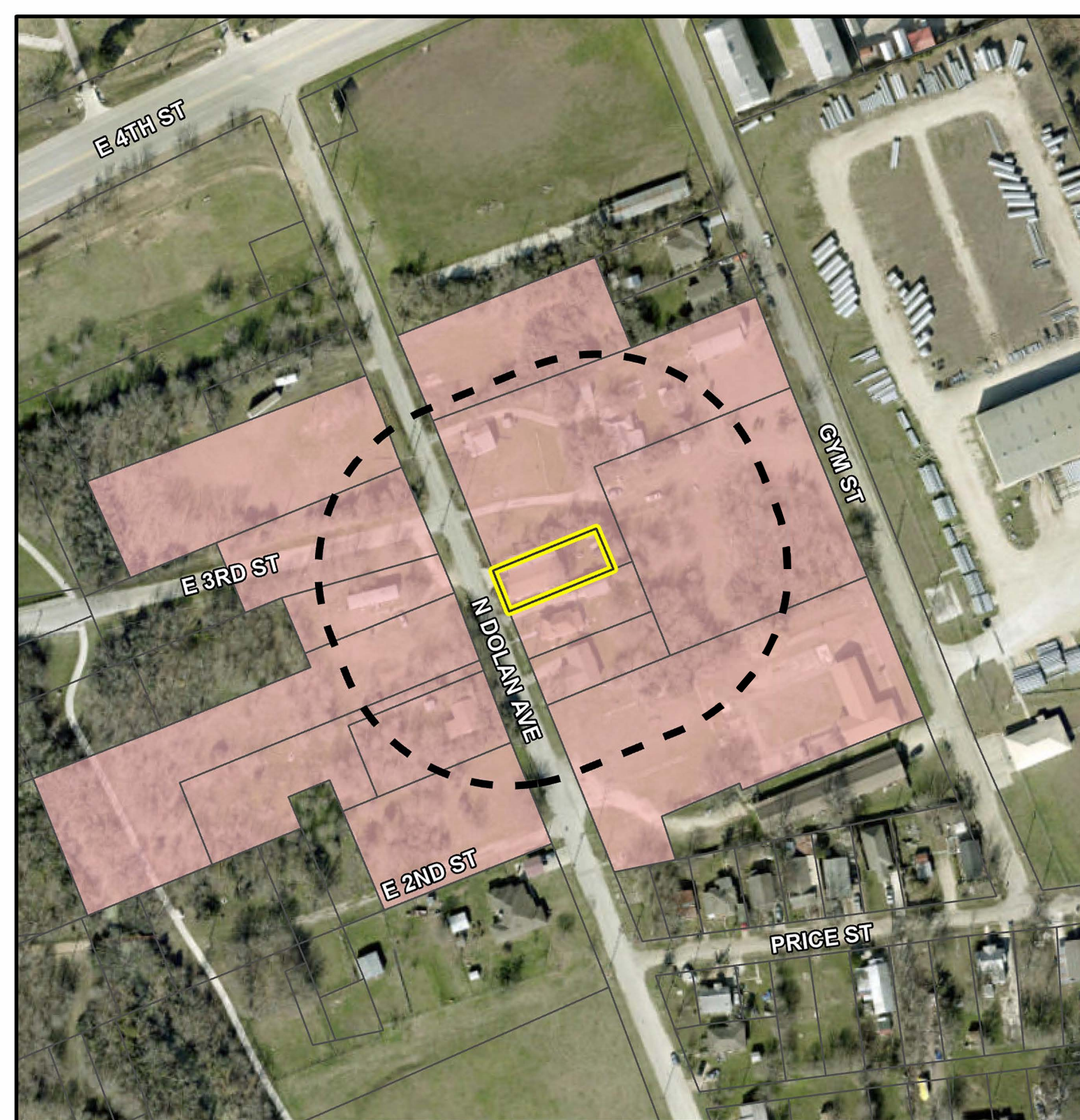




## PZ-2023-1899

210 N. Dolan Street  
Zoning Variance  
Notification Map  
Approximately 0.141 acres

-  Subject Property
-  200 Ft. Buffer
-  Notified Properties
-  Parcels



# City of Taylor Zoning Board of Adjustment

December 5, 2023



**PZ-2023-1899**

210 N. Dolan St.

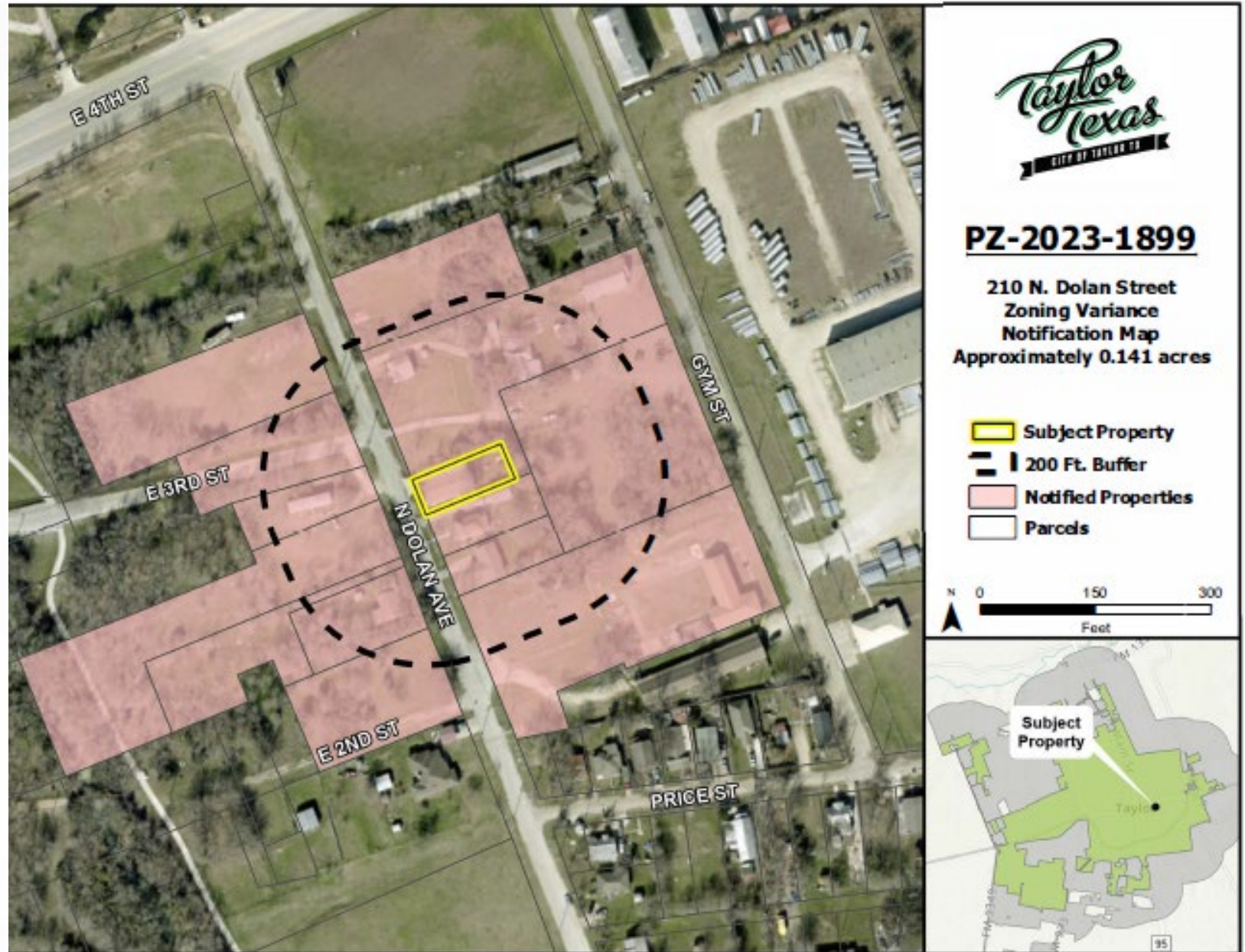
*Zoning Variance- Height of front fence and front gate*

# Location Map



# Notice Map

- 12 notices were sent out to adjacent property owners within 200 ft. of the subject property.
- Staff received zero (0) responses in opposition or support of the request from the notified parties.



# New 6ft front gate added between Jan. 2021 & May 2022



June 2013



June 2023



# Staff Recommendation

Staff recommends approval of the request for a 6 feet high front fence and 6 feet high front gate at 210 N Dolan Street.