

AGENDA

CITY OF TAYLOR, TEXAS

ZONING BOARD OF ADJUSTMENTS AND APPEALS

MEETING

Taylor City Hall, 400 Porter Street

City Hall Council Chambers

December 5, 2017 6:00 P.M.

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

CONSENT AGENDA

(The Consent Agenda includes non-controversial and routine items that the Board may act on with one single vote. The Chairman or a Board member 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 for the November 7, 2017 meeting.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

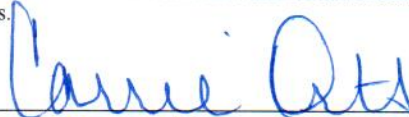
1. **PZ-2017-1075 - Conduct Hearing** on a request from Orlando Cardona, at Lot 14, Block E, Steger Addition, City of Taylor, for a Variance to the Taylor Zoning Ordinance Section 2.8.3.7.b, Single Family Residential (R-1) District, to reduce the required minimum rear yard setback from 10' to 6', located at 502 Lenora Street.
2. **PZ-2017-1075 – Take Action** on a request from Orlando Cardona, at Lot 14, Block E, Steger Addition, City of Taylor, for a Variance to the Taylor Zoning Ordinance Section 2.8.3.7.b, Single Family Residential (R-1) District, to reduce the required minimum rear yard setback from 10' to 6', located at 502 Lenora Street.

ADJOURN

Next Meeting Date: Tuesday, January 2, 2018 - 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 meeting was posted in the **Taylor City Hall Lobby before 6:00 P.M. on December 1, 2017** and remained posted for at least 72 continuous hours before the scheduled time of said meeting. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By:


Carrie Orts, Administrative Assistant Development Services

Date:

12.1.2017

**MINUTES
CITY OF TAYLOR, TEXAS
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
City Hall Council Chambers
Taylor City Hall, 400 Porter Street
Tuesday, November 7, 2017
6:00 P.M.**

PRESENT:

Gayle Collins
Suzanne Bice
Craig Eulenfeld
David Paul

ABSENT:

Michael Prillaman
Gayle Collins

OTHERS PRESENT:

Ashley Lumpkin, Director, Development Services
Michael Elabarger, Senior Planner
Carrie Orts, Administrative Assistant, Development Services

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:00 p.m.

CITIZENS COMMUNICATION

None

Review and approve Minutes from August 1, 2017

Mr. Eulenfeld made a motion to approve the minutes as written for August 1, 2017. Second by Mrs. Bice. All voted Aye.

PZ-2017-1069 - Conduct Hearing on a request from Julie Downs for a Variance to the Taylor Zoning Ordinance Section 2.7.3 R-1 Single Family Residential District/Property Development Standards, to reduce the required lot width, lot depth, and minimum square footage for two proposed lots, for a property described as Lot 22 and West Portion of Lot 21, Block 4, Doak Addition, addressed as 1016 West 7th Street.

Hearing opened. Mr. Elabarger made a presentation on the request, including the technical recommendation of denial as none of the 7 criteria for approval are met. Mrs. Downs was present to answer questions. There was discussion between and the Board. Hearing closed.

PZ-2017-1069 – Take Action on a request from Julie Downs for a Variance to the Taylor Zoning Ordinance Section 2.7.3 R-1 Single Family Residential District/Property Development Standards, to reduce the required lot width, lot depth, and minimum square footage for two proposed lots, for a property described as Lot 22 and West Portion of Lot 21, Block 4, Doak Addition, addressed as 1016 West 7th Street.

Mrs. Bice made motion to approve Staff's recommendation of denial. Second by Mr. Paul.
4 voted in favor of denial (Suzanne Bice, David Paul, and Craig Eulenfeld)
1 voted against denial (Nancy Talley)
Motion passed.

Adjourn

Mr. Eulenfeld made motion to adjourn meeting. Second by Mrs. Bice. Meeting adjourned at 6:55 PM

Carrie Orts
Administrative Assistant, Development Services

Nancy Talley
Vice Chair of the Board

MEMORANDUM

TO: City of Taylor Zoning Board of Adjustment (ZBA)
FROM: Ashley Lumpkin, AICP, Development Services Director
RE: Variance Request PZ-2017-1075
DATE: December 1, 2017

Hearing Date: December 5, 2017
Property Owner/Applicant: Orlando Cardona
Location/Address: 502 Lenora Drive
Size of the Site: The tract is 0.16 acre.
Current Land Use: Vacant lot
Legal Description: Steger Addition, Block E, Lot 14
Current Zoning: MH – Manufactured Housing District
Future Land Use Map designation: Manufactured Home
Right of Way Issues: None; one driveway can be attained

Development Objective and Code Section Request:

The subject platted lot, zoned Manufactured Housing (MH) District, measures 65' wide by 107' deep (6,955 square feet). Per Section 2.8.2.7.b of the Zoning Ordinance, minimum yard setbacks for the MH District are: 25' (Front), 10' (Rear), and 5' (both sides).

The applicant seeks to reduce the rear setback dimension from 10' to 6' so as to allow a Manufactured Home to be placed on the property between the front 25' setback line and the proposed 6' rear setback line.

Section 4.3.2.8 does not allow for primary structures to encroach into this setback at all. See Exhibit A, a graphic depicting the Applicant's requested variance.

Zoning and Land Use of Surrounding Property:

North: MH – Manufactured Housing District (Developed w Duplex)
East: Union Pacific Railroad track/right-of-way
West: MH – Manufactured Housing District (Developed - Single family residence)
South: MH – Manufactured Housing District (Undeveloped)

Appeals Process:

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:

7.4.3.1

Permit a variance in the setback requirements of any district where there are unusual and practical difficulties or unnecessary hardships on 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.

7.4.3.2

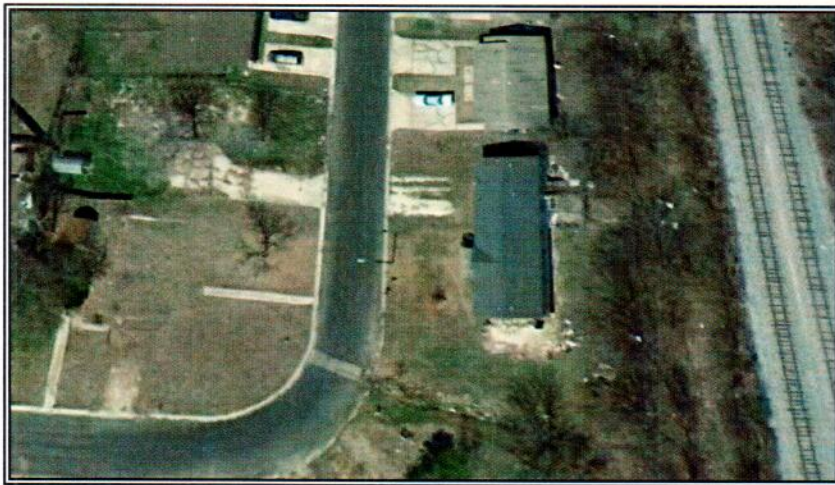
Authorize upon appeal, whenever property owner can show that a strict application of the terms of this Ordinance relating to the use, construction, or alterations of buildings or structures or the use of the land will impose upon him unusual and practical difficulties or particular hardship, such variances 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.

Neighborhood 200' mailing:

Staff has not received any responses to the mailing.

Background:

The Steger Addition subdivision dates to 1978, which is relatively “new” given much of the City was laid out in plats dating from 1891 to pre-World War II. Utility Account records indicate there was an account up through 2010 on this property. Google Earth and Street View indicates that as of spring of 2011, there was a manufactured home on parts of both 502 and 500 Lenora Drive.



Variance Criteria:

The Variance application poses seven (7) questions for consideration of the request. Below are the questions, with the applicants' response (verbatim from their submitted application), followed by the staff position.

1. *What particular physical conditions or characteristics make the property unique compared to others in the same neighborhood or zoning district?*
 - a. Applicant: The conditions that make this particular property unique is how it is zoned, which is currently zoned for manufactured housing. Being the property is zoned for manufactured homes it is fairly common to come across the mobile home size of 76 feet in length by 16 feet in width, intended to be moved on the property, if approval is granted. I do currently own the home intended to be moved to this particular lot.
 - b. Staff: There are no unique physical conditions or characteristics of the property that necessitates the Variance request. The 65' x 107' lot, after incorporating the required setbacks, has a developable envelope of 55' x 72', or 3,960 SF, which is more than adequate for either a Manufactured Home or a stick-built home, both of which are permitted by the zoning.
2. *Were the conditions or characteristics listed in Question #1 caused by the property owner/applicant?*
 - a. Applicant: The conditions in question #1 were caused by the property owner due to the size of the structure intended to be moved on the property being slightly bigger than the setbacks allow, that amount being a very small amount when compared to the entire length of the lot of 107.72 feet.
 - b. Staff: Concur with applicant that the situation for which the Variance request is based is caused by the Applicant, although the reasons for the Variance request do not lie with the property, but rather, the structure the Applicant seeks to place on the property.
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?*
 - a. Applicant: Without the variance, the structure intended to occupy the lot would no longer be able to be moved on to the property. A new structure would have to be located and purchased in order for the property to still be enjoyed for its intended use.
 - b. Staff: There are no unique physical conditions or characteristics of the property that necessitates the Variance request, and the property can be used/enjoyed without this Variance.

4. *What difficulty or unnecessary hardship would result (not just an inconvenience) if the Variance were not granted?*
- Applicant: If the variance were not granted it would just bring difficulty on my end as to what to do with the structure. The structure being used was purchased specifically to occupy this particular lot. Once sold, I would then have to search and locate a new one that is within tolerance without encroaching on the current and existing setbacks.
 - Staff: Any difficulty or hardship is self-created by the Applicant due to the choice of structure which does not fit within the setbacks of the property.
5. *Is the amount of the Variance requested the minimum necessary to meet the needs of the applicant or property owner?*
- Applicant: The amount of variance being requested exceeds the minimum needed by less than a foot. The exact amount needed that would encroach on the rear setback is 3.28 feet. I am exceeding that by .68 of a foot to simplify things and to also allow for a tolerance for when the structure is set on the property.
 - Staff: Concur with Applicant, the amount is the minimum needed to accommodate their choice (Size/length) of structures.
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?*
- Applicant: The structure intended to be placed on the property is to provide living for someone or a family and in return provide some income for myself. The lot is currently sitting vacant, providing a home could be very beneficial to the city of Taylor. If even only one person, let alone a family, occupies the property, that could and would most likely positively impact the city of Taylor and surrounding areas adding a consumer of goods and/or services that didn't exist before.
 - Staff: The property can easily be develop within the required setbacks. Utilizing a structure already owned by the applicant, as opposed to purchasing a structure that fits within the setbacks, could be construed as being to the financial gain of the applicant.
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?*
- Applicant: The variance would have very little to no effect on the owners and occupants surrounding the property. If facing the property, there are only neighbors to the left with a vacant lot currently to the right. Behind the property there are no neighbors, only an active rail road system. The width of the structure being 16 feet would provide even a greater gap between the home and existing neighbor due to how the structure would sit on the property.

- b. Staff: Given that the property abuts (to the rear) the Union Pacific railroad right-of-way, the encroachment into the rear setback would have no impact on that adjacent property. Any impact would be upon the occupant of this property, seeing as the structure would be closer to the rail line than otherwise could be achieved within the setbacks.

Analysis:

From the information presented by the applicant, this request is driven by him already having a structure that is too large (length) for the platted lot. This could be construed as being for financial gain, when compared to acquiring a structure that fits on the lot.

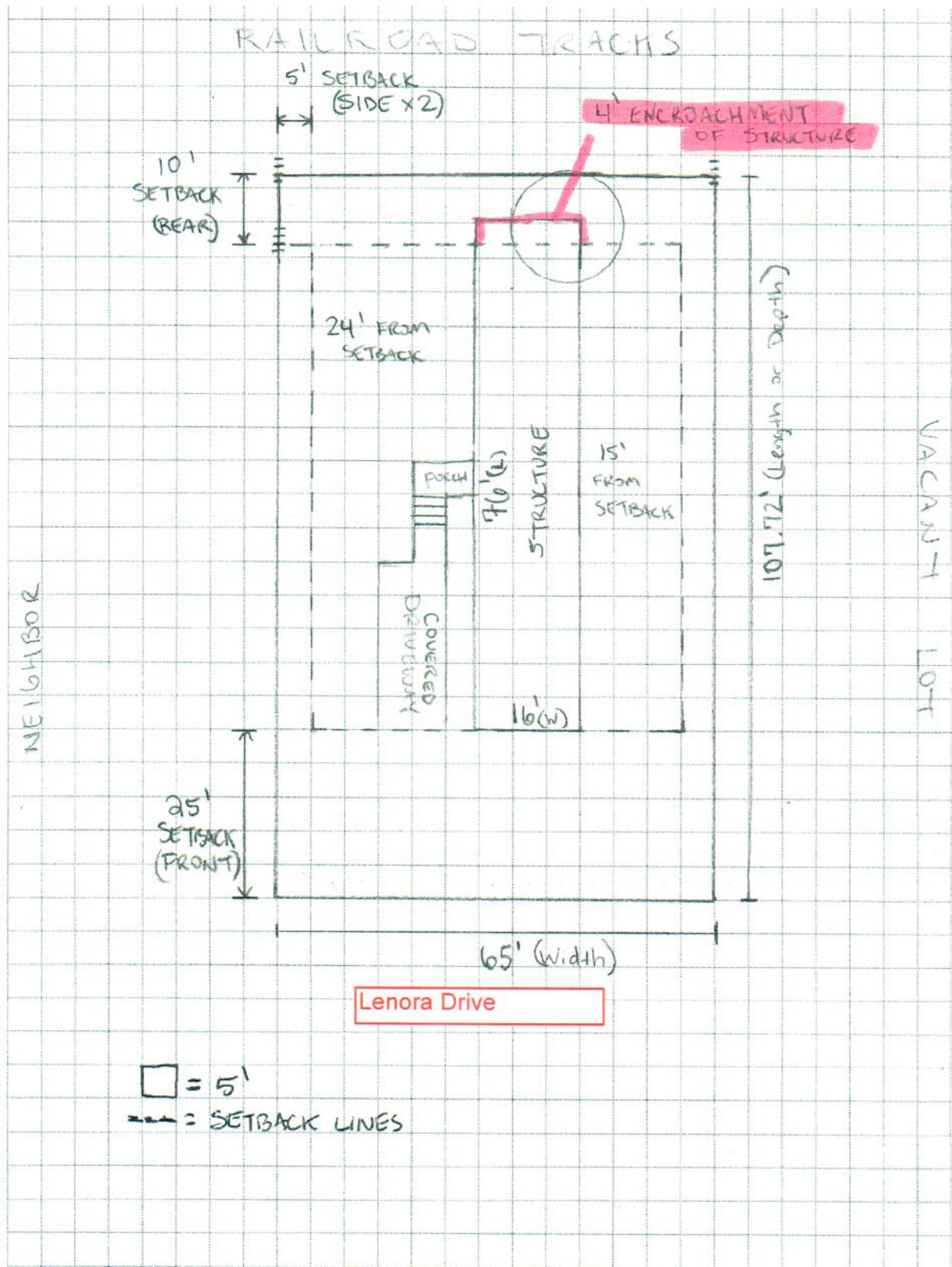
Recommendation:

Staff's technical recommendation is denial of this request, as the lot has a 'buildable envelope' of approximately 55' x 72' which is large enough for a Manufactured Home of less than those dimensions. The Variance is necessary for the applicant to use the Manufactured Home structure he already owns, as opposed to purchasing a Manufactured Home that fits within the setbacks of the lot.

If the Variance is granted, it is expected that the applicant will then submit a Moving and Building Permit for placement of the Manufactured Home on the lot.

ATTACHMENTS:

1. Exhibit A – Lot Layout & Dimensions.
2. Exhibit B – Aerial Location Map
3. Exhibit C – Steger Addition Subdivision Plat



Calendar By: Waterproof Map E. Bright, G. L. M. s Graph Paper Targets

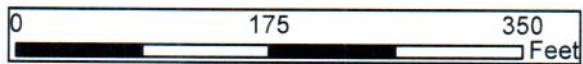
EXHIBIT A - Lot Layout & Dimensions

EXHIBIT B - AERIAL



Subject Property

PZ-2017-1075
502 Lenora Drive
Variance Request

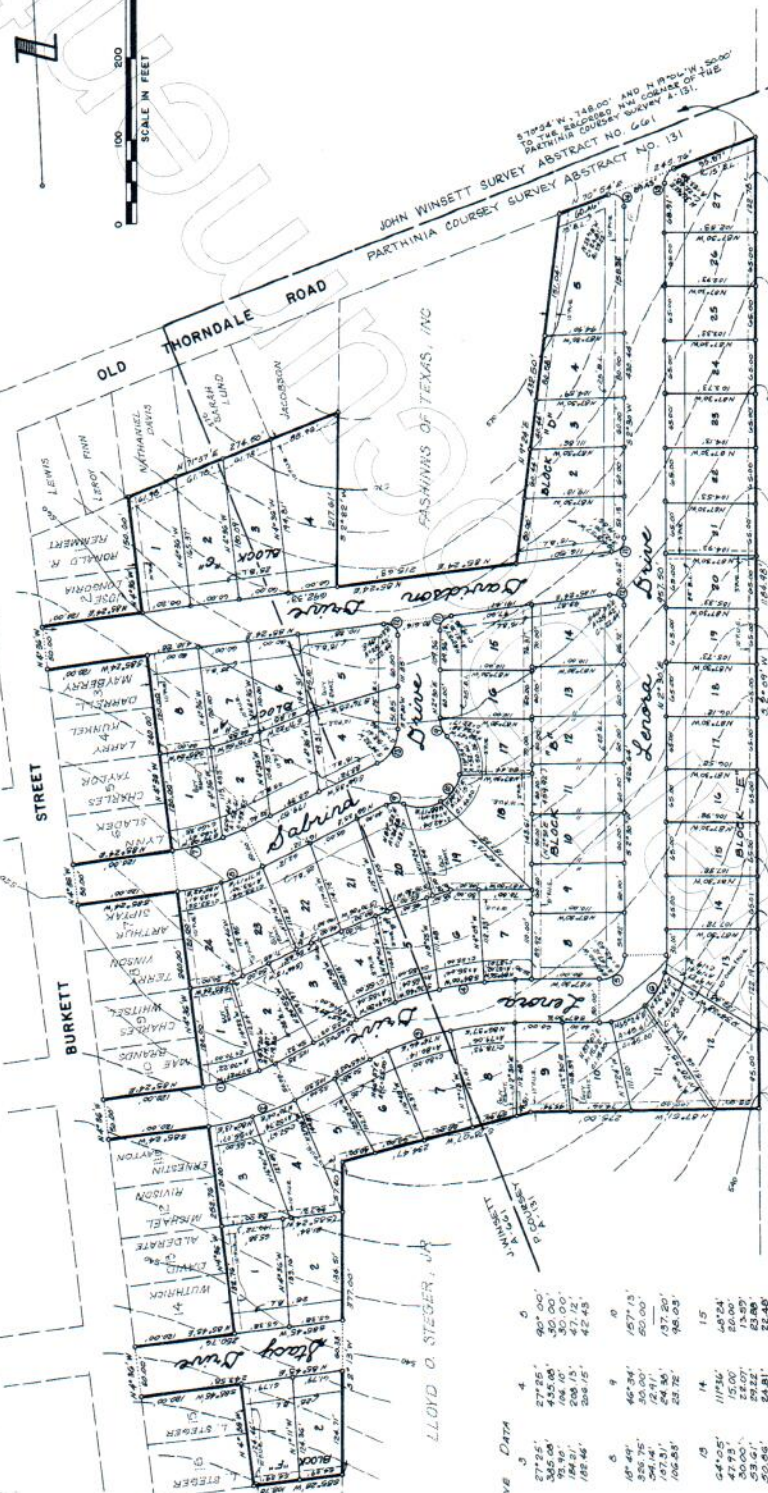
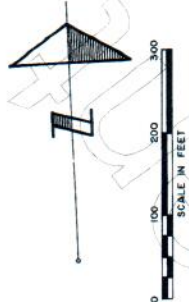


FILED FOR RECORD
2:20 PM
MAY 11 1964

8761271978

DICK CERVENKA
Clerk, County Court, Williamsport, Pa.
The Post-Trade Bureau

Clerk, County Court, Williamsburg, Va.
The District of Columbia



M. K. T. R. R.

STEGER ADDITION

TO THE CITY OF TAYLOR,
WILLIAMSON COUNTY, TEXAS

LLOYD O. STEGER, JR. — OWNER
1702 LAKE DRIVE
TAYLOR, TEXAS 76574

Stegert & Bizzell, Inc.—Consulting Engineers
Georgetown, Texas

100 No. 3508
GUEST 10P2
DATE: 7-12-78

2001 LEADS

Box No. 1500

