

AGENDA

CITY OF TAYLOR, TEXAS

ZONING BOARD OF ADJUSTMENTS AND APPEALS

MEETING

Taylor City Hall, 400 Porter Street

City Hall Council Chambers

November 7, 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 August 1, 2017 meeting.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

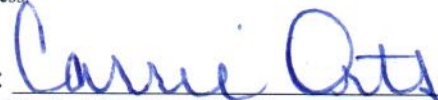
1. **PZ-2017-1069 - Conduct Hearing** on a request from Julie Downs for a Variance to the Taylor Zoning Ordinance Section 2.7.3 R-1 Single Family Residential District/Property Development Standards, to reduce the required lot width, lot depth, and minimum square footage for two proposed lots, for a property described as Lot 22 and West Portion of Lot 21, Block 4, Doak Addition, addressed as 1016 West 7th Street.
2. **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.

ADJOURN

Next Meeting Date: Tuesday, December 5, 2017 - 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 November 3, 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:

11-03-2017

**MINUTES
CITY OF TAYLOR, TEXAS
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
City Hall Council Chambers
Taylor City Hall, 400 Porter Street
Tuesday, August 1, 2017
6:00 P.M.**

PRESENT:

Gayle Collins
Suzanne Bice
Craig Eulenfeld
David Paul
Michael Prillaman

ABSENT:

Nancy Talley

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 April 4, 2017

Mrs. Bice made a motion to approve the minutes as written for April 4, 2017. Second by Mr. Eulenfeld.
All voted Aye.

PZ-2017-1053 - Conduct Hearing on a request from James Morrison, at 2201 Carolyn Drive, being Lot 11, Block G, Section 5, Dahlberg Estates, for a Variance to the Taylor Zoning Ordinance Section 4.3.2.8, Measurements and Special Circumstances/Rear Setbacks, which states that an accessory structure can be no closer than five feet (5') to any rear lot line, to allow a recreational vehicle (RV) carport structure to be located up to one foot four inches (1'4") from the rear lot line, representing an encroachment of approximately three feet, eight inches (3'8").

Hearing opened. Mr. Elabarger made a presentation on the request, including the technical recommendation of denial. Mr. Morrison was present to answer questions. There was discussion between Mr. Morrison and the Board. Hearing closed.

PZ-2017-1053 – Take Action on a request from James Morrison, at 2201 Carolyn Drive, being Lot 11, Block G, Section 5, Dahlberg Estates, for a Variance to the Taylor Zoning Ordinance Section 4.3.2.8, Measurements and Special Circumstances/Rear Setbacks, which states that an accessory structure can be no closer than five feet (5') to any rear lot line, to allow a recreational vehicle (RV) carport structure to be located up to one foot four inches (1'4") from the rear lot line, representing an encroachment of approximately three feet, eight inches (3'8").

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, Michael Prillaman, and Gayle Collins)
1 voted against denial (Craig Eulenfeld)
Motion passed.

Adjourn

Mr. Eulenfeld made motion to adjourn meeting. Second by Mrs. Bice. Meeting adjourned at 6:52 PM

Carrie Orts
Administrative Assistant, Development Services

Gayle Collins
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-2017-1069
DATE: October 31, 2017



Hearing Date: November 7, 2017

Property Owner/Applicant: Julie Downs

Location/Address: 1016 West 7th Street

Size of the Site: The tract is 0.42 acre.

Current Land Use: Single family residential

Legal Description: Doak Addition, Block 4, Lot 21 and part of Lot 22

Current Zoning: R-1 - Single-Family Residential District

Future Land Use Map designation: Single family

Right of Way Issues: None; one existing driveway

Development Objective and Code Section Request:

The applicant seeks to subdivide the property into three (3) lots; the first would be around the existing house and improvements, compliant with the R-1 zoning district standards; the remainder of the undeveloped portion would be divided into 2 lots, both of which would not meet the lot dimensions of the R-1 zoning district. The property is capable of being subdivided into two (2) lots that would meet the R-1 requirements.

The table below captures the subdivision that the applicant could/would develop if the Variance request is granted:

Lot	Lot Width		Lot Depth		Lot Square Footage	
	<i>Minimum</i>	<i>Proposed</i>	<i>Minimum</i>	<i>Proposed</i>	<i>Minimum</i>	<i>Proposed</i>
#1	70'	66.1 (front) 80.65 (Rear)	100'	84.18' (north/Street side) 85.38' (south/interior)	7,000	5564.3
#2	70'	66.2 (front) 65.4 (rear)	100'	85.38' (both)	7,000	5652
#3 *	70'	85.38' (both)	100'	104.01 (both)	7,000	8880.37

**Around existing house on south end of the property.*

The request results in the two “new” lots being approximately 4’ narrower, 15’ shallower, and 1,400 square feet smaller than the R-1 minimum standards.

Zoning and Land Use of Surrounding Property:

North: R-1 – Single-Family Residential District (Developed)
East: R-1 – Single-Family Residential District (Developed)
West: R-1 – Single-Family Residential District (Developed)
South: MF-2– High Density Multifamily (Developed)

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:

Block 4 of the Doak Addition dates to 1891, and is one of the oldest established layouts of property in the City (see clip below). The current description goes back to at least the 1917 deed of the property. Per the original plat, an east-west alley ran to the north of the line of lots fronting on 7th Street (Numbers 22 – 25). When the current property was created via deed, it included the western portion of that alley. The property to the east, which is described as Lot 23 and the eastern half of Lot 21, also included the portion of alley that separated them. No record is known to have officially abandoned these portions of the alley, but no known utilities exist within it, and they only serve to provide access to these two properties.



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 most outstanding physical characteristic in this variance request is that the lot is oversized for a single family home and leaving the property and lot lines as will create an unused vacant property space between two homes. There is an existing alleyway on the property which has not been abandoned, but is no longer in use.

- b. Staff: There are no unique physical conditions of the property that necessitates the Variance request; it is the applicants desire to create one additional lot for financial gain.
- 2. *Were the conditions or characteristics listed in Question #1 caused by the property owner/applicant?*
 - a. Applicant: No, this property was purchased like this.
 - b. Staff: Concur with applicant.
- 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: Yes, however the current alley would always be part of a homeowner's yard and there would be a large unused vacant area which would have to be maintained by the property owners.
 - b. Staff: Given that the property could be subdivided into 2 lots in compliance with the Zoning and Subdivision Ordinances, there are no conditions or characteristics restricting the use of the property as is. Abandonment of the alley is not dependent on nor necessitated by subdivision into smaller parts. The applicant desires 3 lots for financial gain purposes.
- 4. *What difficulty or unnecessary hardship would result (not just an inconvenience) if the Variance were not granted?*
 - a. Applicant: The unnecessary need for buildable property to remain as vacant when there is a high demand for buildable property in the City of Taylor. The possibility of title clouds if the alley way was not properly abandoned. It is being maintained and used at the present time as though it is abandoned.
 - b. Staff: Given that the property could be subdivided into 2 lots in compliance with the Zoning and Subdivision Ordinances, there is no hardship affecting the property that cannot be remedied to function as 2 lots or the current single lot.
- 5. *Is the amount of the Variance requested the minimum necessary to meet the needs of the applicant or property owner?*
 - a. Applicant: Yes.
 - b. Staff: Given that the property could be subdivided into 2 lots in compliance with the Zoning and Subdivision Ordinances, there is no necessity for this Variance request; it is for the financial gain of the applicant.
- 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?*

- a. Applicant: We are requesting the existing .42 acres be divided into three separate lots. Lot one would be the west portion of Lot 21, Block 4, Doak Addition with a total square footage of 5564.3. Lot Two would be the north portion of Lot 22, Block 4, Doak Addition with a total square footage of 5652 and a frontage amount of 66.2 feet. The south portion of Lot 22, Block 4, Doak Addition would be reduced to a total square footage of 8880.37 this is also the location of an existing home. The approval of this variance would create two buildable single family residential lots as displayed in the design.
 - b. Staff: Given that the property could be subdivided into 2 lots in compliance with the Zoning and Subdivision Ordinances, requesting one additional lot via this Variance is for 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?*
- a. Applicant: The variance would not have an adverse effect on the owners or occupants of the surrounding property. Proposed Lot One is a corner lot allowing the possibility of entrance to the property from either the north or west side therefore not impacting traffic. The second lot is south of the corner and will be a great location for the construction of a single family residence. The addition of two new homes would have positive impact on the tax base of the neighborhood as it would be converted from an unused lot to two single-family residences.
 - b. Staff: Given that the property could be subdivided into 2 lots in compliance with the Zoning and Subdivision Ordinances, one additional lot (and house, and impacts of that house) achieved with this Variance would have a small to negligible impact.

Analysis:

From the information presented by the applicant, this request is for the financial gain that another lot would yield from this property. As noted, the property could be subdivided into two (2) lots, both of which would meet the Zoning Ordinance dimensional requirements, with or without an abandonment of the alley. It is noted that there are legal lots within the City that closely match (or are smaller than) the proposed lot dimensions, and thus the 2 “new” lots would not be unprecedented.

Recommendation:

Staff’s technical recommendation is denial of this request, as it is the preference of the applicant, would yield a monetary gain, and the property could be subdivided into 2 lots meeting the zoning and subdivision ordinance minimum requirements.

If the Variance is granted, it is expected that the applicant will then submit a Replat subdivision (requiring a Public Hearing before the Planning & Zoning Commission), and then Building Permits for development of each of the 2 newly created lots.

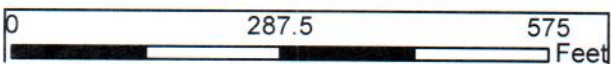
ATTACHMENTS:

1. Exhibit A – Lot Layout & Dimensions.
2. Exhibit B – Aerial Location Map

EXHIBIT B - AERIAL MAP



PZ-2017-1069
1016 w. 7th St.
Variance Request



Legend

-  200-ft Notification Buffer
-  Subject Tract
-  Parcels

EXHIBIT A - PROPOSED LOT LAYOUT WITH VARIANCE

