

AGENDA

CITY OF TAYLOR, TEXAS

ZONING BOARD OF ADJUSTMENTS AND APPEALS

MEETING

Taylor City Hall, 400 Porter Street

City Hall Council Chambers

August 1, 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 April 4, 2017 meeting.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

1. **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").
2. **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").

ADJOURN

Next Meeting Date: Tuesday, September 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 July 28, 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:

7.27.17

**MINUTES
CITY OF TAYLOR, TEXAS
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
City Hall Council Chambers
Taylor City Hall, 400 Porter Street
Tuesday, April 4, 2017
6:00 P.M.**

PRESENT:

David Paul
Suzanne Bice
Craig Eulenfeld

ABSENT:

Gayle Collins
Nancy Talley

OTHERS PRESENT:

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

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:30 p.m.

CITIZENS COMMUNICATION

None

Review and approve Minutes from February 7, 2017

Mrs. Bice made a motion to approve the minutes as written for February 7, 2017. Second by Mr. Paul. All voted Aye.

PZ-20171039 - Conduct Hearing on a request from Brian Gruis/Envision Companies, LLC, at 2806 Bull Run, being Creekside Addition, Block G, Lot4, for a Variance to the Taylor Zoning Ordinance Section 4.3.2., Measurements and Special Circumstances for Yard Setbacks, which states that setbacks shall be unobstructed from the ground to the sky, to allow required parking spaces to be located within the front yard setback area.

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

PZ-20171039 - Take Action on a request from Brian Gruis/Envision Companies, LLC, at 2806 Bull Run, being Creekside Addition, Block G, Lot4, for a Variance to the Taylor Zoning Ordinance Section 4.3.2., Measurements and Special Circumstances for Yard Setbacks, which states that setbacks shall be unobstructed from the ground to the sky, to allow required parking spaces to be located within the front yard setback area.

Mrs. Bice made motion to approve the request as noted in PZ-20171039. Second by Mr. Paul. All voted aye. Motion passed.

Adjourn

Mrs. Bice made motion to adjourn meeting. Second by Mr. Paulo Meeting adjourned at 6:34 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-2017-1053
DATE: July 28, 2017

Hearing Date:
August 1, 2017

**Property Owner
/Applicant:**
James Morrison

Location/Address:
2201 Carolyn Drive

Size of the Site:
The platted lot is 0.30 acre.

Current Land Use:
Single family residential

Legal Description:
Dalhberg Estates, Section 5,
Block G, Lot 11

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

**Future Land Use
Map designation:**
Single family

Right of Way Issues:
None; driveways are existing



Development Objective and Code Section Request:

The applicant seeks to install a metal cover structure – measuring 18' tall, 12' wide, and 39' long – for a recreational vehicle (RV) on an existing concrete slab that would be accessed via an existing gate in the fence along Velma Drive in the southeast corner of the property. See Exhibit A for photo of area with approximate dimensions added. Per the Applicant, the existing concrete slab begins approximately 1'4" from the rear

property line. Zoning Ordinance Section 4.3.2.8.a, Measurements and Special Circumstances/Yard Setbacks, allows for an Accessory structure/building to be within a rear setback, but no closer than five feet (5') from a rear lot line. Therefore, the applicant seeks a Variance to encroach approximately 3'8" into the 5' setback area precluded by this Section of the Ordinance, by placing the structure completely over the existing concrete pad. The request constitutes a 75% encroachment into the rear setback. The applicant states that they have been storing their RV in this exact space, albeit uncovered, since 2012.

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: R-1 – Single-Family Residential District (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:

The lot was created in 1977 (Document # 1977006904) as an initial plat of 7.35 acres in the W.J. Baker Survey that created 19 residential lots. All of the lots in the subdivision are generally of the same size and there are no discerning physical features of this lot or the subdivision as a whole.



The photo above exemplifies how the Applicant currently locates the RV on the property. A driveway exists that provides access, through a gate in the fence, to the rear yard of the property from Velma Drive. The request is to erect a large canopy structure over the pictured, a portion of which would be encroaching 3'8" into the rear setback area where accessory structures are prohibited.

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: Corner lot property, Front (Carolyn Drive) side is higher elevation than rear of property. Installed French drain located around total perimeter of residence to aid in drainage with discharge locations on Velma Drive side front 25' setback and 2' residence side of concrete drive - slab at rear of property.

- b. Staff: There are no unique physical conditions of the property that necessitates the Variance request; it is the applicants desire to place a cover structure over an RV in this particular location, rather than create a parking area that complies with the setback regulations. The Variance request has no relation to any stormwater drainage issues described by applicant.
- 2. *Were the conditions or characteristics listed in Question #1 caused by the property owner/applicant?*
 - a. Applicant: No, all were built by original owner-home builder per conversation I had with his son. Additional French drain was added in front patio stone walk way by current owner-applicant to increase storm water drainage to existing French drain system avoiding flooding of storm water at front of residence protecting piers at front of residence.
 - b. Staff: All the existing accessory structures and concrete flat-work were created by the applicant and/or prior property owners. The drainage issues described are what they are; the proposed cover would not add to the existing drainage situation, as it would be covering existing impervious cover. None of this creates a physical demand on the property that requires the Variance.
- 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: Moving access & slab out of 5 ft. setback would cover rear French drain discharge, not allowing my property to drain properly, thus damage to the 28 slab foundation support piers will result causing structure damage to my residence that I had installed to correct previous damage.
 - b. Staff: The described situation(s) of existing development/features on the property were created by the applicant or prior property owners; none of that is justification for not complying with the Ordinance and approving the requested Variance.
- 4. *What difficulty or unnecessary hardship would result (not just an inconvenience) if the Variance were not granted?*
 - a. Applicant: Cover is necessary to protect my RV from damage from the weather element and my neighbor's backyard live oak trees leaves & pollen pods which are causing damage. Also due to my physical disabilities my ability to keep my RV contents loaded and protected storing on my property is necessary, physically & financially.
 - b. Staff: There is no unnecessary hardship if the Variance is not granted; the Applicant's justification is a preference, which is not to minimize or marginalize the impact from natural elements (be it sun, rain, hail, or tree droppings) on the Applicant and their personal property (RV). The

Applicant has chosen to locate the RV in the current location to date. An Applicant's personal physical condition (disability) is not a criteria for Zoning Variance consideration. The applicant could build the cover for the RV by moving the cover 3'8" and not encroaching into the 5' rear setback, or on another part of the property.

5. *Is the amount of the Variance requested the minimum necessary to meet the needs of the applicant or property owner?*
 - a. Applicant: Yes, space into variance is necessary for clearance required for rear French drain maintenance and required space needed to back RV into space using width of Velma drive. Cooperation with neighbors on Velma drive moving vehicles allows for this minimum requested.
 - b. Staff: The amount of Variance is the amount necessary to match the existing concrete pad used by the Applicant to park the RV on, which is the desire of the applicant. Lessening it would have almost negligible impact on the level of encroachment.
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: Covered protection is necessary to preserve my RV and avoid damages that are more costly than protecting it with a cover. My fixed income status requires preserving investment avoiding unnecessary damages, financially and physically.
 - b. Staff: The request is based on the desire of the applicant to cover the RV in the same location that it has been stored (uncovered) for approximately five years. Locating the accessory structure in the requested location would alleviate the applicant from the expense and effort to expand the concrete parking pad in an area where the applicant made underground drainage improvements. The Variance would thus alleviate the applicant from incurring financial expenses in order to comply with the Ordinance and accomplish the goal of the accessory structure (RV cover).
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: NA / none.
 - b. Staff: The Variance would locate the proposed accessory structure 3'8" closer to the rear property line of one neighboring property than could be done in accordance with the Ordinance. The neighboring property, or others, would not be greatly impacted if the Variance were granted.

Analysis:

From the information presented by the applicant, this request is a locational desire by the applicant, rather than a physical limitation of the lot or creation of an undue hardship upon the Applicant. There are viable options for the Applicant to comply with the setback restrictions in place that would allow a RV carport accessory structure in the general vicinity of the rear yard of this property. It is acknowledged and understood by staff that the concrete parking pad that the applicant's RV has sat on to-date is where it is, and un-covered, it is a permitted site feature on the property. When the applicant seeks to place a cover over that parking area, the cover constitutes an Accessory Structure, and structures are only permitted to be within a required rear setback up to 5' from the property line.

Recommendation:

Staff's technical recommendation is denial of this request, as the property could be utilized for the applicant's stated purpose while respecting the rear setback as set forth in Section 4.3.2.8.a of the Zoning Ordinance.

If the Variance is granted, the applicant will follow-up with a Building Permit submittal for the described RV carport Accessory Structure.

ATTACHMENTS:

1. Exhibit A – Photo of Area with Approximate dimensions added.

THIS IS NOT TO SCALE - FOR VISUAL IMAGERY PURPOSES ONLY

Proposed canopy to cover RV in approximately this location - see approximate dimensions to demonstrate the requested Variance



Approximately 1'4" from
Rear Property Line

Approximately 5' from rear property line

Rear Property Line