

AGENDA

CITY OF TAYLOR, TEXAS

ZONING BOARD OF ADJUSTMENT MEETING

May 2, 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, May 2, 2023.

The agenda packet is on the website at:

<https://www.ci.taylor.tx.us/Calendar.aspx?EID=4963&month=5&year=2023&day=2&calType=0>

CALL TO ORDER AND DECLARE A QUORUM

CITIZENS COMMUNICATION

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 February 6, 2023.

REGULAR AGENDA

2. Receive a report on City Council appointment of members and elect officers.

ZONING VARIANCE

3. **PZ-2023-1641** – Hold a public hearing regarding a request for a zoning variance on property addressed as 219 E. 8th Street, consisting of approximately 0.25 acres of land, legally described as Lot 1 and 2, Block 4, of the Bowers Addition, and more particularly describe by Williamson Central Appraisal District Parcel R014706, Taylor, Williamson County, Texas.
4. **PZ-2023-1641** – Take action regarding a request for a zoning variance on property addressed as 219 E. 8th Street, consisting of approximately 0.25 acres of land, legally described as Lot 1 and 2, Block 4, of the Bowers Addition, and more particularly describe by Williamson Central Appraisal District Parcel R014706, Taylor, Williamson County, Texas.

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 **May 2, 2023**. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By: Carrie Orts Date: 4.27.2023
Carrie Orts, Administrative Assistant

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

PRESENT:

Nancy Talley
Craig Eulenfeld
Michael Prilliman
April Young

ABSENT:

OTHERS PRESENT:

Courtney Peres, Planning Manager
McKenzi Hicks, Planning Tech, Development Services
Carrie Orts, 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

CONSENT AGENDA

Review and approve minutes from the meeting on December 6, 2022.

Ms. Young made a motion to approve the meeting minutes for December 6, 2022, as presented. Second by Mr. Eulenfeld all voted in favor. (4-0) Motion carried.

REGULAR AGENDA

ZONING VARIANCE

PZ-2022-1602 – Hold a public hearing regarding a request for a zoning variance on property addressed as 1003 George Street, consisting of approximately 0.17 acres of land, legally described as Lot 10, Block 12, Leon G. Bohls Third Addition to the City of Taylor, and more particularly described by Williamson Central Appraisal District Parcel R014660, Taylor, Williamson County, Texas.

The public hearing opened. Ms. Hicks gave a presentation including recommendations for denial of the proposed zoning variance as, 1. A hardship was not found to be present. 2. The request does not meet the intent of the Zoning Ordinance or the City's Comprehensive Plan.

Mr. Cmerek (property owner) was present to answer questions. There was a discussion between the Board, Staff, Mr. Cmerek, and the applicant.

The public hearing was closed.

PZ-2022-1602 – Take action regarding a request for a zoning variance on property addressed as 1003 George Street, consisting of approximately 0.17 acres of land, legally described as Lot 10, Block 12, Leon G. Bohls Third Addition to the City of Taylor, and more particularly described by Williamson Central Appraisal District Parcel R014660, Taylor, Williamson County, Texas.

Ms. Young made a motion to deny the existing request for zoning variance on property located at 1003 George Street. There are alternatives solutions that will meet the intent of the Comp. Plan. The Board finds that the variance does not meet the requirements of Texas Local Government Code Section 211.009 (a) (3). The Board further finds that the variance doesn't meet the requirements of Sections 7.4.3(1) (2) of the Zoning Ordinance.

Second by Mr. Prillaman. Three voted in favor of the motion to deny (N. Talley, M. Prillaman, & A. Young), one voted in against the motion to deny (C. Eulenfeld). Motion carried.

Adjournment

Mr. Eulenfeld made a motion to adjourn meeting. Second by Ms. Young. The meeting was adjourned at 6:42 PM.

Carrie Orts
Administrative Assistant, Development Services

Nancy Talley
Chair

City of Taylor
PZ-2023-1641
Zoning Variance
Staff Report

Item Details

Subject Property:	219 E. 8 th Street
Total Acreage:	Approximately 0.25 acres
Legal Description:	Lot 1 and 2, Block 4, Bowers Addition
Property Owner:	Michael Kaspar
Applicant:	Peter L'Heureaux
Request:	A request to vary from Appendix B Zoning Ordinance, Section 3.5.2, 12, a
Case History:	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.

On February 9, 2023, Code Enforcement observed a fence that exceeded the height requirement in the front yard of the single-family home on the subject property. An abatement notice for work without a permit was sent to the property owner on February 10, 2023, making them aware of the violation and a means to correct the infraction.

The single-family home is not new construction but has received various levels of modifications over the past several years. The applicant has informed staff that the property operates as a short-term rental and is hosted on various sites for temporary occupancy.

Location:

The subject property is located at 219 E. 8th Street, at the corner of E. 8th Street and Washburn Street.

Physical and Natural Features:

The subject property consists of one single-family structure of approximately 2,140 square feet. Various accessory structures and an in-ground pool exist on the property. A fence made of up a combination of wood and wrought-iron line the perimeter of the subject property.

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 MF-2 (Multi-Family Residential District). The purpose of the MF-2 district is to allow high density development in sectors of the community that will benefit the community by preserving and consolidating neighborhoods for the promotion of general character, safety and welfare (Sections 2.11 City of Taylor Zoning Ordinance).

Direction	Zoning District	Future Land Use	Existing Land Use
North	MF-2	Neighborhood Infill	Multi-Family Housing
South	MF-2	Neighborhood Infill	Multi-Family Housing
East	MF-2	Neighborhood Infill	Multi-Family Housing
West	MF-2	Neighborhood Infill	Demolished Single Family Home – Currently Vacant

Utilities

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

Public Notification

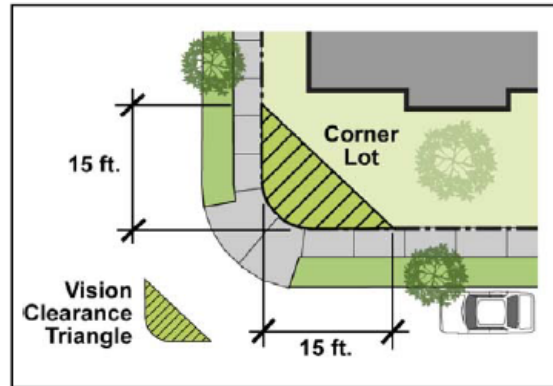
As required by the Local Government Code and the City of Taylor Code of Ordinances, all property owners within a 200-foot radius of the subject property were notified of the variance request (7 notices), and a legal notice advertising the public hearing was placed in the Taylor Press on Sunday, April 16, 2023.

Staff Analysis

The request for the subject property is a variance from the zoning code to allow a fence within the front yard greater than four (4) feet in height. The construction of the fence was done without a permit and therefore placed at a height that does not conform to code. The applicant has provided evidence stating that the fence height is approximately 5-feet, 6-inches.

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. The primary reason for shorter front yard fences is that taller fences may obscure the sight distance of drivers. Drivers exiting a driveway or travelling through an intersection have



a better chance of seeing oncoming traffic, and passerby traffic has a better view of the oncoming traffic. Intersections are most critical and often fences are additionally limited within the intersection sight-distance triangle. The subject property is located on a corner lot and therefore a sight distance triangle should be observed (see image). Sight distance triangles must be kept free of fences that would obstruct the motorist's views of oncoming traffic.

Definition per Chapter 11 of the Zoning Ordinance:

Sight Distance Triangle – The triangular area formed by a diagonal line connecting two (2) points located on intersection street right-of-way lines (or a right-of-way line and the curb or edge of a driveway). A sight triangle minimum of fifteen (15) feet by forty-five (45) feet is required with the longer dimension parallel to the street with greater traffic or speed.

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 subject property is flat and minimal elevation change is observed. There is no perceived hardship to utilize this lot in accordance with the City Code due to topography. The applicant has constructed a fence greater than four (4) feet in height within the front yard of the subject property without obtaining a building permit. As such the property is now in direct violation of Section 3.5.2 of the Zoning Ordinance. This section states that, "No Screening Device located in front of the primary structure shall exceed four (4') feet in height." In addition to the wrought iron and wooden fencing there is shrubbery that is on inside the fence and further creates a visual obstruction on the property at the corner of the intersection of Washburn Street and E. 8th Street, therefore making the sight distance triangle completely obstructed.

The presence of the fence in the front of the property will likely alter the neighborhood character, obstruct the view around the intersection for pedestrians, cyclists, and motorists, and interferes with law enforcement's ability to adequately survey a property to assess safety and general welfare. Given this information, staff recommends denial of the zoning variance request.

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
2. Code Enforcement Abatement Letter sent February 10, 2023
3. Location Map
4. Notice Map

Kaspar House Airbnb request for variance regarding height of fence. (Re Ordinance Sec 3.5.2.12a)

We are requesting to retain the original height of our fence in front of the property at 219 E 8th St. In Taylor Texas, known as the commercial entity Kaspar House Airbnb. The current height is 5' 6" and was built at that height to discourage would be robbers. Kaspar House Airbnb never locks the gates when guests are present as a safety precaution. We do lock the gates to the fence when there is no one staying at the location to discourage theft. 219 E 8th st. is located near several known drug dealers and is surrounded by lower income housing as well as a derelict house next door that is slated for destruction. We are aware of numerous robberies in surrounding areas and it is our duty to protect our property as best possible when guests are either present or the home is vacant. We have had several attempts to scale the fence and break in to the tool shed that have been recorded by our ADT cameras. A fence at the height of 4' allows for minimal protection as it is easily scaled. It has been proven that layered security measures are the most effective way to discourage would be robberies or damage to our property. We therefore request a variance to allow better protection of our commercial property.

Respectfully,
Peter L'Heureux (manager, Kaspar House Airbnb)
For Michael Kaspar (Owner)









219



219



PZ-2023-1641

219 E. 8th Street
Zoning Variance
Location Map
Approximately 0.25 acres

 219 E. 8th St.

 Parcels

 Streets

 City Limits

Zoning

 B-1

 MF-2 Multi-Family

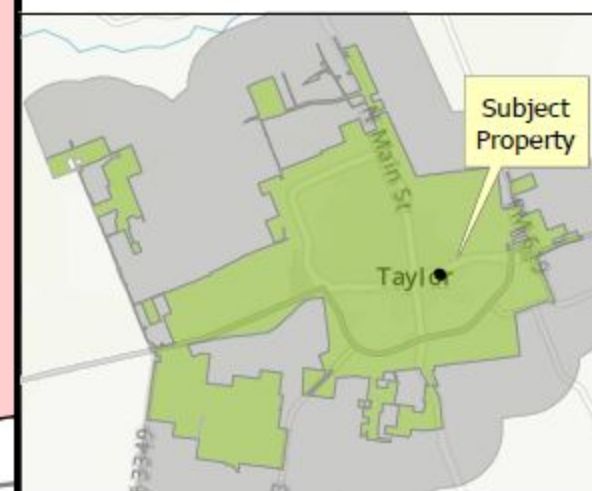




PZ-2023-1641

219 E. 8th Street
Zoning Variance
Location Map
Approximately 0.25 acres

-  219 E. 8th Street
-  200 Ft. Buffer
-  Properties in 200 Ft.
-  Parcels
-  Streets
-  City Limits



0 25 50 100 150
Feet

