

AGENDA

CITY OF TAYLOR, TEXAS ZONING BOARD OF ADJUSTMENTS AND APPEALS MEETING

Taylor City Hall, 400 Porter Street
City Hall Council Chambers
February 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 January 3, 2017 meeting.

REGULAR AGENDA – REVIEW/DISCUSS & CONSIDER/ACTION:

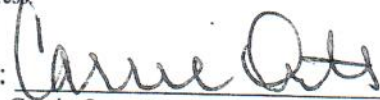
1. Introduce new Board members, administer Oath and elect new officers.
2. **PZ-20161025 - Conduct Hearing** on a request from the property owner for a Variance to the Taylor Zoning Ordinance Section 4.3.2., Measurements and Special Circumstances for Yard Setbacks, which states that setbacks shall be unobstructed from the ground to the sky, to allow an accessory structure (to replace an existing accessory structure in the same location which is legal non-conforming, but at a higher elevation so as to preclude flooding) to be wholly within the side setback in the northeast corner of the lot.
3. **PZ-20161025 – Take Action** on a request from the property owner 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 an accessory structure (to replace an existing accessory structure in the same location which is legal non-conforming, but at a higher elevation so as to preclude flooding) to be wholly within the side setback in the northeast corner of the lot.

ADJOURN

Next Meeting Date: Tuesday, March 7, 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 February 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: 2.3.2017

MINUTES
CITY OF TAYLOR, TEXAS
ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
City Hall Council Chambers
Taylor City Hall, 400 Porter Street
Tuesday, January 3, 2017
6:00 P.M.

PRESENT:

Gayle Collins
Michael Aplin
Nancy Talley

ABSENT:

OTHERS PRESENT:

Ashley Lumpkin, Director, Development Services
Carrie Orts, Admin Assistant, Development Services

CALL TO ORDER AND DECLARE A QUORUM

The meeting was called to order and a quorum declared at 6:05 p.m.

CITIZENS COMMUNICATION

None

Review and approve Minutes from November 15, 2016

Mrs. Talley made a motion to approve the minutes as written for November 15, 2016. Second by Mr. Aplin. All voted Aye.

PZ-20161025 - Conduct Hearing on a request from the City of Taylor for a variance and special exception request on behalf of the property owner to provide relief from the Taylor Zoning Ordinance Chapter 2.7.3 – Single-Family Residential Property Development Standards. The variance requested is to reduce the required setbacks to provide adequate room to build a single-family home with an enclosed garage located at 115 Franklin Street, Taylor, TX.

Hearing opened. Mrs. Lumpkin made a presentation on the request, including the technical recommendation of approval. There was discussion between Mrs. Lumpkin and the Board. There was one speaker present in opposition to the variance and an adjacent owner present to ask questions. Hearing closed.

PZ-20161025 Take Action on a request from the City of Taylor for a variance and special exception request on behalf of the property owner to provide relief from the Taylor Zoning Ordinance Chapter 2.7.3 – Single-Family Residential Property Development Standards. The variance requested is to reduce the required setbacks to provide adequate room to build a single-family home with an enclosed garage located at 115 Franklin Street, Taylor, TX.

Mr. Aplin made a motion to approve the variance and special exception as submitted. Second by Mrs. Talley. All voted Aye.

PZ-20161026– Conduct Hearing on a request from The City of Taylor for a variance on behalf of the property owner to provide relief from the Taylor Zoning Ordinance Chapter 2.7.3 – Single-Family Residential Property Development Standards. The variance requested is to reduce the required setbacks to provide adequate room to build a single-family home with an enclosed garage located at 112 Tennessee Street, Taylor, TX.

Hearing opened. Mrs. Lumpkin made a presentation on the request, including the technical recommendation of approval. There was discussion between Mrs. Lumpkin and the Board. Hearing closed.

PZ-20161026 – Take Action on a request from The City of Taylor for a variance on behalf of the property owner to provide relief from the Taylor Zoning Ordinance Chapter 2.7.3 – Single-Family Residential Property Development Standards. The variance requested is to reduce the required setbacks to provide adequate room to build a single-family home with an enclosed garage located at 112 Tennessee Street, Taylor, TX.

Mrs. Talley made motion to approve the variance. Second by Mr. Aplin. All voted Aye.

Adjourn

Mrs. Aplin made motion to adjourn meeting. Second by Mrs. Talley Meeting adjourned at 6:36 PM

Carrie Orts
Admin Assistant Development Services

Gayle Collins
Chairman of the Board

MEMORANDUM

TO: Taylor Zoning Board of Adjustment
FROM: Ashley Lumpkin, AICP, Development Services Director
RE: Variance Request PZ-20171027
DATE: February 3, 2017

Hearing Date:
February 7, 2017

Property Owner & Applicant:
Rex & Ginger Schneider

Location/Address:
622 West 7th Street



Development Objective and Code Section Request:

Variance from the City of Taylor Zoning Ordinance Section 4.3.2, Measurements and Special Circumstances/Yard Setbacks, to allow an Accessory Structure (a freestanding garage/shed building) wholly within the 5' side minimum yard setback area in the northeast corner of the rear yard area of the lot.

Size of the Site:

The platted lot is 0.22 acre in size.

Current Zoning:

R-1 – Single-Family Residential District

Zoning and Land Use of Surrounding Property:

North: R-1 – Single-Family Residential District (partially developed)
East: R-1 – Single-Family Residential District (Developed)
West: R-1 – Single-Family Residential District (Developed across Kimbro St.)
South: MF-2 – High Density Multi-Family District (Developed across 7th St.)

Current Land Use:

Developed – single-family residence

Physical conditions or characteristics that make this property unique compared to others in the same neighborhood or in the same zoning:

None, but the property is located at a point where regional drainage tends to mass, creating greater than normal levels/heights of flooding, principally in the rear and side yard areas.

Future Land Use Map designation:

Single family

Platting Information:

DOAK ADDITION, BLOCK 23, LOT 10, ACRES .22

Right of Way Issues:

None

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 unfavorable responses to the mailing.

Background:

The lot was created in 1919 (Document # 1919000082) as a replat of Block 23 (which was undivided into individual lots) from the original 1891 Doaks Addition (Document # 189125901DR). The home, and the existing garage/shed in the rear of the yard, was constructed at some point in time after platting. This accessory structure was built at, or on, both the rear and side lot in the northeast corner of the property.

By an act of the City Commission on April 5, 1938, the platted 20' alley that ran at the north of the subject lot was vacated, but reserved for utilities, with 10' of the alley immediately adjacent this lot reverting to the lot. The use of the physical area where this alley historically was remains as a utility corridor and a gravel drive aisle, and provides vehicular access to the rear of the subject lot and the existing accessory structure.

Significant rain events cause a large pooling of stormwater drainage in the vicinity of Kimbro, 8th, and 7th Streets, and the subject property receives several feet of water in the area where the accessory structure stands. Property damage has occurred on numerous occasions, including the structure and contents within. The structure is in need of repairs, principally as a result of flood damages, and the applicant has decided rather than repair in-kind at the same elevation, they wish to completely rebuild the structure at a higher base elevation in the same area of the lot. This would largely prevent water from intruding into the structure, and allow a new structure to mesh directly with existing mature trees, landscaping, and yard features that have grown/been developed around the existing structure footprint. A utility pole with guy wires and service lines to the house would require relocation to accommodate a compliant location of an equal sized accessory structure that could still be served by the drive aisle at the north of the lot.

This photo shows the area, from Kimbro Street. Note the existing accessory structure on the left, the gravel vacated alley area, the mature trees and yard improvements, and the storm drain which attempts to capture and convey stormwater in the area.



Variance Criteria:

The Variance application poses seven (7) questions for consideration of the request. Below are the questions, with the applicants' response, 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: Issues with the property flooding. Current garage floods up to 18 inches high.
 - b. Staff: Significant rain events cause a large pooling and conveyance of stormwater drainage in the vicinity of Kimbro, 8th, and 7th Streets, and the subject property receives several feet of water in the area where the accessory structure stands. Many other properties also receive excessive property flooding, but the confluence of a drainage swale across the properties immediately north, and the street drainage coming south down Kimbro, to an inadequate sized inlet just northeast of the subject property, create a significant volume of water crossing the property.
2. *Were the conditions or characteristics listed in Question #1 caused by the property owner/applicant?*
 - a. Applicant: No, City drainage issues and from Kimbro Street repair required.
 - b. Staff: No, the current accessory structure is legal non-conforming and could remain as is. The reason for the applicant seeking to rebuild, at a higher elevation, is that the structure has been greatly damaged from successive flooding events due to drainage characteristics completely out of the control of the 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?*
- Applicant: Not applicable.
 - Staff: Not applicable, the overall situation is not one derived from the zoning district standards, but rather an excessive flooding situation that will not be positively affected or repaired by this Variance.
4. *What difficulty or unnecessary hardship would result (not just an inconvenience) if the Variance were not granted?*
- Applicant: We would not be able to replace current garage. Current garage is at risk of flooding and damage to contents (tools, lawn equipment, etc.) Trees and fences would require removal, as well as utility pole and wires.
 - Staff: The applicant would continue to suffer an in-equal proportion of property damage due to regional street/property flooding to keep the existing building at the current elevation, or incur significant costs to place a new structure outside the yard setback areas, and lose the use and investments made in their backyard space. The existing hardship of regular and predictable flooding of the property will remain until regional drainage improvements (by others) are accomplished. In lieu of those costs of compliance by the applicant, or improvements by others to eliminate the core cause of the flooding, the applicant seeks to raise their accessory structure above expected flood levels so as to protect their private property, without incurring greater costs and loss of yard area in order to comply with setback regulations rather than continue the existing non-conformities with a higher-elevation structure.
5. *Is the amount of the Variance requested the minimum necessary to meet the needs of the applicant or property owner?*
- Applicant: Yes, pedestal would interfere with entrance at rear.
 - Staff: Due to existing site features, including a utility pole and wires, building a new structure in the existing footprint will maintain the same level of use of the new structure that the applicant currently enjoys. The amount of Variance is the same as the existing condition.
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: No increased financial gain. However, raising floor and replacing structure would eliminate any further property damage.
 - Staff: The request allows the applicant to ward off further flood damage to personal property of contents in the accessory structure, and that of the structure itself, without creating any greater non-conformity (encroachment into setbacks) that currently exist.

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: None. We are a corner lot and own the lot behind our lot. Neighbor to the west has no problem with replacing the existing structure.
- b. Staff: The net effect of the Variance would be that a new structure, to replace the existing structure, in the same location, would be several feet higher. A new structure in the same location would not exacerbate the existing conditions of flooding when it does occur. New investment to a property presumably raises the value of the property, which could only serve as a positive financial influence to surrounding properties.

Analysis:

The vacating of the alley that ran along the north edge of the property approximately 80 years ago has, in essence, enlarged the subject property by 10' to the north. Per the survey provided by the applicant (Exhibit 1), the existing accessory structure sits approximately one foot (1') over the original platted rear property line. However, with the inclusion of the 10' of the vacated alley, it then sits approximately nine feet (9') from the edge of the property that actually conveys with the title of the lot. Zoning Ordinance Section 4.3.2.8 allows accessory structures to encroach into a rear yard setback up to five feet (5') from the rear lot line. Hence, the proposed location relative to the rear yard setback area is compliant.

The need for a Variance then was the desired continued (with a new structure) encroachment into the 5' side yard setback, at the point where the side and rear yard setback areas merge in the northeast corner of the property. Given the existing condition, and that the new structure will be built to be approximately two feet (2') taller, no greater nonconformity would be created by the Variance.

Recommendation:

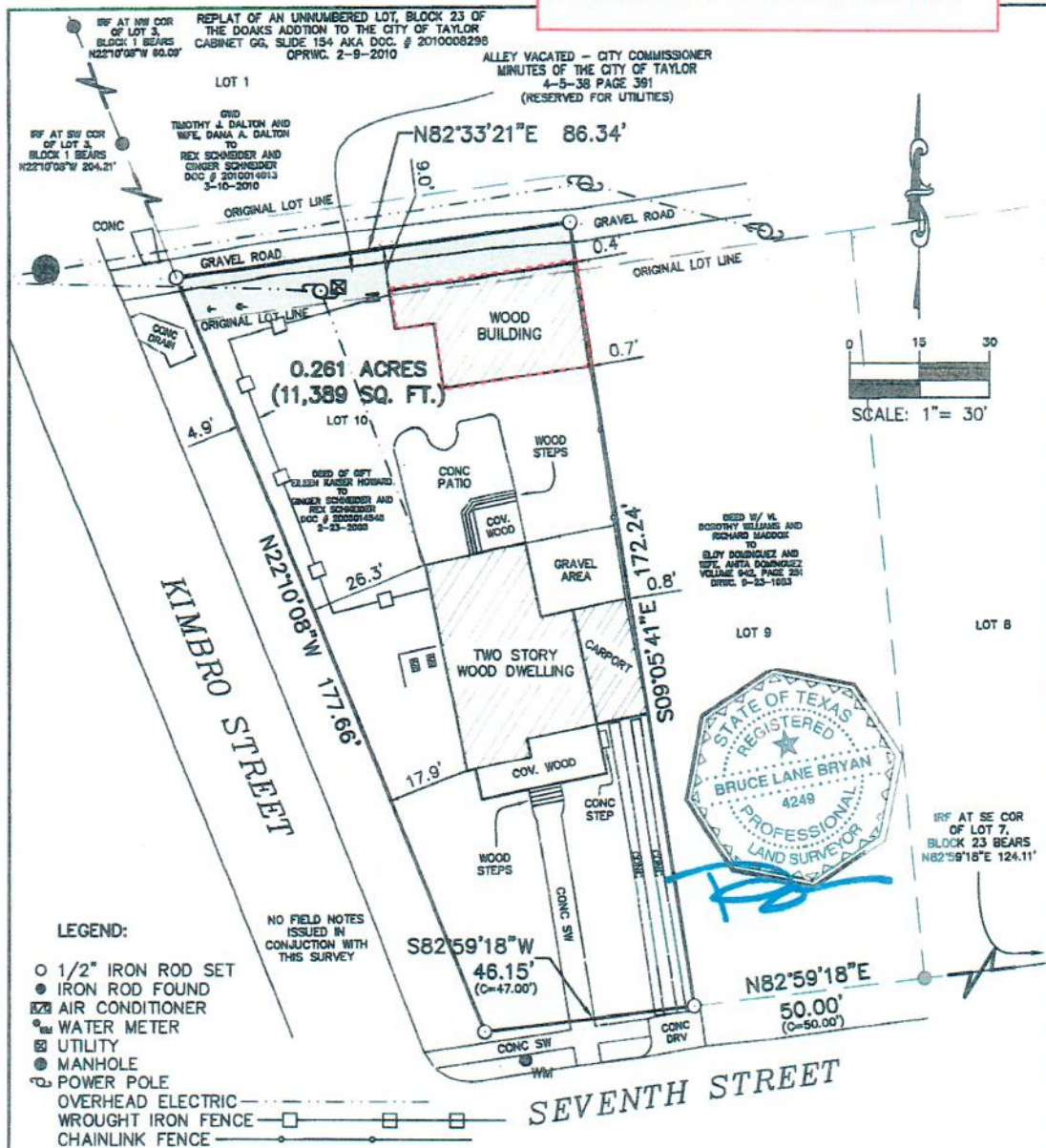
Staff's technical recommendation is approval of this application, as the property does have a demonstrable hardship (recurring heavy flood levels and resultant property damage due to no fault of the property/owner) related to the property that warrants a Variance. Further, the request facilitates the owner to be able to build a replacement, in-kind accessory structure in the same location – which is a legal nonconforming situation today – and not to create a new, or increase the level of, nonconformity relative to the encroachment into the side yard setback area.

If the Variance is granted, the applicant will follow-up with a building permit submittal for an accessory structure to be in the same location as the existing structure.

Attachments:

1. Property Survey	2. Photos of existing structure	3. Photos of flooding.
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ATTACHMENT 1 - PROPERTY SURVEY



NOTE: BEARINGS SHOWN HEREON BASED ON TEXAS STATE PLANE COORDINATE SYSTEM (CENTRAL ZONE) NAD 83, 93 ADJUSTMENT.

THIS IS TO CERTIFY THAT, ON THIS DATE, A TRUE AND ACCURATE SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION OF PROPERTY LOCATED AT 622 W 7TH STREET IN WILLIAMSON COUNTY, TEXAS, DESCRIBED AS FOLLOWS: LOT 10, BLOCK 23, DOAKS ADDITION A SUBDIVISION IN WILLIAMSON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT RECORDED IN CABINET A, SLIDE 90A OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS.

FLOOD NOTE:
THE PROPERTY DEPICTED HEREON IS NOT WITHIN A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY; THE FLOOD AREA BEING IDENTIFIED ON F. I. R. M. PANEL NO. 48491 C0533E EFFECTIVE 9-26-2008 LOCATED IN ZONE "X".

NOTE: THIS TRACT IS SUBJECT TO EASEMENTS, COVENANTS, CONDITIONS, RESTRICTIONS AND RIGHT TO CREATE ADDITIONAL PUBLIC UTILITY EASEMENTS, IF ANY, ACROSS SUBJECT PROPERTY AS SHOWN IN CABINET A, SLIDE 90A PRWC.

TO: GINGER SCHNEIDER
RE: 622 W 7TH STREET, PROJ. NO. 16-665

NOTE: NO TITLE COMMITMENT SUPPLIED OR REVIEWED FOR THIS PROJECT. PARTIES TO THIS TRANSACTION ARE RESPONSIBLE FOR VERIFICATION OF ALL EASEMENTS, COVENANTS AND CONDITIONS WHICH MAY AFFECT THIS TRACT BUT ARE NOT SHOWN HEREON.

SURVEYORS CERTIFICATE

THE PLAT SHOWN HEREON IS A TRUE, CORRECT AND ACCURATE REPRESENTATION OF THE PROPERTY AS DETERMINED BY SURVEY, THE LINES AND DIMENSIONS OF SAID PROPERTY BEING AS INDICATED BY THE PLAT; THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN, ALL IMPROVEMENTS BEING WITHIN THE BOUNDARIES OF THE PROPERTY, SET BACK FROM THE PROPERTY LINES THE DISTANCES INDICATED. THERE ARE NO ENCROACHMENTS, CONFLICTS OR PROTRUSIONS, EXCEPT AS SHOWN HEREON, AND SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY.

DATE: SEPTEMBER 26, 2016

BRYAN TECHNICAL SERVICES, INC.



911 NORTH MAIN
TAYLOR, TX 76774

PHONE: (512) 352-9090
FAX: (512) 352-9091

FIRM NO. 10128500

surveying@austin.tx.com
bryantechnicalsolutions.com

ATTACHMENT 2



Fence is property line



area of vacated alley, still used as vehicle access by multiple properties.



approx. 10' area of vacated alley that reverts to property.



View of structure from inside yard

ATTACHMENT 3 - FLOODING





January 30, 2017

NOTICE OF HEARING FOR
ZBA CASE # 20171027
February 7, 2017
6:00 PM

Dear Property Owner:

You have received this notice because you own property within a 200-foot radius of 622 West 7th Street. The property owner is requesting 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 an accessory structure (to replace an existing accessory structure in the same location which is legal non-conforming, but at a higher elevation so as to preclude flooding) to be wholly within the side setback in the northeast corner of the lot.

The City of Taylor is required to notify property owners within a 200 foot radius of the subject tract. This note serves as formal notice that the Taylor Zoning Board of Adjustment will hold a hearing for this request on:

February 7, 2017
6:00 PM
400 Porter Street, Council Chambers
Taylor, Texas 76574

For more information, please contact Mike Elabarger, Senior Planner, at 512-365-3863. Map is on the reverse side.

WWW.TAYLORTX.GOV

400 PORTER ST. • TAYLOR, TX 76574
512.352.3675



PZ20171027
622 West 7th Street
Request for Variance from the
R-1 (Single-Family) Setbacks

Legend

-  200-ft Notification Buffer
-  Subject Tract
-  Parcels

0 145 290 Feet

