

AGENDA

CITY OF TAYLOR, TEXAS

ZONING BOARD OF ADJUSTMENT MEETING

February 6, 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 Monday, February 6, 2023.

The agenda packet is on the website at:

<https://www.ci.taylor.tx.us/Calendar.aspx?EID=4960&month=2&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 December 6, 2022.

REGULAR AGENDA

ZONING VARIANCE

2. **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.
3. **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.

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 **February 6, 2023**. I further certify that the following news media was notified of this meeting: Taylor Daily Press.

Posted By: McKenzi Hicks Date: 2/2/2023
McKenzi Hicks on behalf of 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, December 6, 2022
6:00 P.M.

PRESENT:

Nancy Talley
Craig Eulenfeld
Michael Prilliman
April Young
David Paul*

ABSENT:

OTHERS PRESENT:

Tom Yantis, Director of Development Services
McKenzi Hicks, Planning Tech, Development Services
Carrie Orts, Assistant, Development Services
Courtney Peres, Planning Manager
Chelsey Cooper, Planner, HDR

*Mr. Paul was present for the first five minutes of the meeting to tender his resignation

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.

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

REGULAR AGENDA

ZONING VARIANCE

PZ-2022-1588 – Hold a public hearing regarding a request for a zoning variance on property generally located at 308 Pintail Lane, consisting of approximately 0.32 acres of land, legally described as Lot 1, Block A, Dahlberg Estates Section Five and Part of Lot 19, Block H, Dahlberg Estates Section Six, and more particularly described by Williamson Central Appraisal District Parcel R016043, 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 as there are three (3) other existing vehicular access points on the lot, which currently grant the property owners sufficient access to the residence., 2. The request does not meet the intent of the Zoning Ordinance or the City's Comprehensive Plan. The latter explicitly states that parking may be accessed from a rear alley (not applicable in this case) or from a narrow driveway at the street.

Mr. Hall (property owner) and their applicant, Liana Reyes (contractor), were present to answer questions. There was a discussion between the Board, Staff, Mr. Hall, and the applicant. Residents and neighbors, Mr. Frazier (402 Pintail Ln.) and Mr. Carrizales (306 Pintail Ln.) were present to speak in favor of the proposed variance.

The public hearing was closed.

PZ-2022-1588 – Take action regarding a request for a zoning variance on property generally located at 308 Pintail Lane, consisting of approximately 0.32 acres of land, legally described as Lot 1, Block A, Dahlberg Estates Section Five and Part of Lot 19, Block H, Dahlberg Estates Section Six, and more particularly described by Williamson Central Appraisal District Parcel R016043, Taylor, Williamson County, Texas.

Ms. Young made a motion to deny the request for zoning variance on property located at 308 Pintail Lane. 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.

PZ-2022-1589 – Hold a public hearing regarding a request for a zoning variance at 900 Mallard Lane, consisting of approximately 2.55 acres of land, legally described as Lot 1, Block A, Sierra Apartments Subdivision Minor Plat, and more particularly described by Williamson Central Appraisal District Parcel R631752, Taylor, Williamson County, Texas.

The public hearing opened. Ms. Cooper gave a presentation including recommendation for approval of the request to allow for a seven-foot variance to a street side setback at Crystal Circle to allow a building to be built 18-feet from the property line instead of the required 25-feet.

The applicant, Mr. Axberg, was present to answer questions.

The public hearing was closed.

PZ-2022-1589 – Take action regarding a request for a zoning variance at 900 Mallard Lane, consisting of approximately 2.55 acres of land, legally described as Lot 1, Block A, Sierra Apartments Subdivision Minor Plat, and more particularly described by Williamson Central Appraisal District Parcel R631752, Taylor, Williamson County, Texas.

Ms. Young made a motion to approve the request for zoning variance on property located at 900 Mallard Lane. The Board finds that the variance does meet the requirements of Texas Local Government Code Section 211.009(3). The Board further finds that the variance does meet the requirements of Sections 7.4.3(1)(2) of the Zoning Ordinance.

Second by Mr. Eulenfeld. All members voted in favor. Motion carried.

Adjournment

Mr. Prillaman made a motion to adjourn meeting. Second by Ms. Young. The meeting was adjourned at 6:40 PM.

Carrie Orts
Administrative Assistant, Development Services

Nancy Talley
Chair

**City of Taylor
PZ-2022-1602
Zoning Variance
Staff Report**

Item Details

Subject Property:	1003 George Street
Total Acreage:	Approximately 0.17 acres
Legal Description:	Lot 10, Block 12, Leon G. Bohls Third Addition to the City of Taylor
Applicant & Property Owners:	Larry and Eileen Cmerek, Property Owners
Request:	A request to vary from Section 5.4.1, Zoning Ordinance (Appendix B).
Case History:	This is the first hearing of this request, which is associated with permit number 2022-11375, a residential driveway permit application.

Overview of Applicant's Request & Background

The property owner notified staff of their desire to construct a second driveway for the subject property at 1003 George Street. Mr. Cmerek mentioned to staff that the purpose of this additional driveway is to accommodate additional vehicles on his lot, which cannot be parked within the private property currently.

Location:

The subject property is a residential interior lot located near the intersection of George Street and Stasny Street.

Physical and Natural Features:

The subject property currently has an existing single-family residential structure and residential driveway, which leads to the home's existing single-car garage. There are two existing trees in the front yard of the lot, one of which has been identified as a Pecan and the other which has been identified as an Oak. Given the location of the Oak, it may potentially be required to be removed to accommodate the additional driveway.

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 with access to existing streets and utilities. Infill development is encouraged to generally match the character of the existing development while allowing for incremental increases in density (p. 50, Envision Taylor Comprehensive Plan).

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 R-1 (Single-Family Residential). The R-1 zoning designation allows moderate-density single-family detached development while maintaining the character of existing neighborhoods (Sec. 2.7.1, City of Taylor Zoning Ordinance).

Direction	Zoning District	Future Land Use	Existing Land Use
North	R-1	Neighborhood Infill	Single-Family Residential
South	R-1	Neighborhood Infill	Single-Family Residential
East	R-1	Neighborhood Infill	Single-Family Residential
West	R-1	Neighborhood Infill	Single-Family Residential

Utilities

The subject property is located within the City’s service area for water and wastewater. There is an existing 6” water line along George Street and an existing 6” wastewater line that runs continuously from east to west through the rear yards of all lots within the subject property’s block and adjacent blocks.

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 (22 notices) and a legal notice advertising the public hearing was placed in the Taylor Press on Sunday, January 22, 2023.

Staff Analysis

The request for the subject property is a variance from Section 5.4.1 within the Zoning Ordinance, which states, “all uses shall be constructed to be harmonious and architecturally integrated within the existing neighborhood.” There are currently four properties within the subject property’s neighborhood that have two or more driveways. The additional driveways were constructed prior to the adoption of the Envision Taylor Comprehensive Plan in 2021, but there is no evidence that any of the driveways were or were not permitted at the time of construction. However, most properties within the neighborhood have only one driveway. Therefore, the request is not considered harmonious with the character of the existing neighborhood.

Additionally, the Comprehensive Plan describes the characteristics of neighborhood streets as follows:

NEIGHBORHOOD STREETS

Neighborhood Streets are low-speed, low-volume thoroughfares that provide access to serve the abutting land uses. Residential lots will front the neighborhood street. On-street parking is typically permitted on neighborhood streets. These streets include sidewalks for pedestrians. Cyclists share the roadway with vehicular traffic. Parking may be accessed from a rear alley or from a narrow driveway at the street.

This description indicates a single, narrow driveway access for lots to access parking areas.

Staff has determined that the applicant does not have a hardship as the applicant's property currently has an existing driveway that provides the property owners with sufficient access to their home. Also, staff has determined that this request does not meet the requirement within Section 7.4.3(1) of the Zoning Ordinance, which states that a variance request can be permitted if the request is harmonious with the general intent of the Ordinance and if any unusual or practical difficulties will be imposed if not approved. As previously mentioned, it was determined by staff that the request is not harmonious with the general intent of the Ordinance. Also, if the zoning variance is denied, the property owners will still have sufficient access from the existing driveway that serves the property.

Given this information, staff recommends denial of the zoning variance request.

In addition to the hardship presented, the questions below must also be addressed by the Commission.

Zoning Board of Adjustment Recommendation

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:

Tex. Loc. Gov't. Code, Sec. 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;

4. the Board finds that the variance meets the requirements of Section 7.4.3 of the Zoning Ordinance which states:

7.4.3 Variances

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.

Attachments:

1. Letter of Intent from Applicant
2. Location Map
3. Exhibit A Site Plan
4. Exhibit B Aerial Map
5. Notice Area Map

November 8, 2022

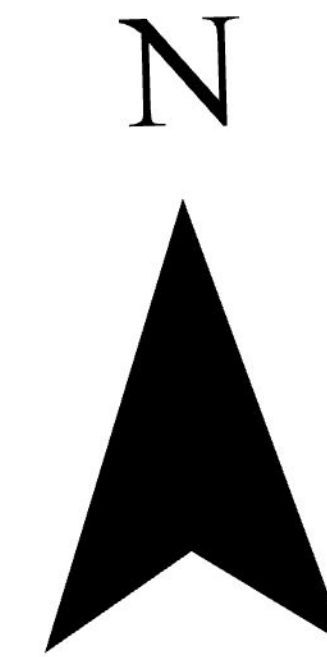
City of Taylor
400 Porter St.
Taylor, TX 76574

To Whom it May Concern:

We wish to add a second approach on the east side of the house at our home located at 1003 George Street to use for parking a second vehicle off the street.

Thank you for your consideration.

Larry and Eileen Cmerek

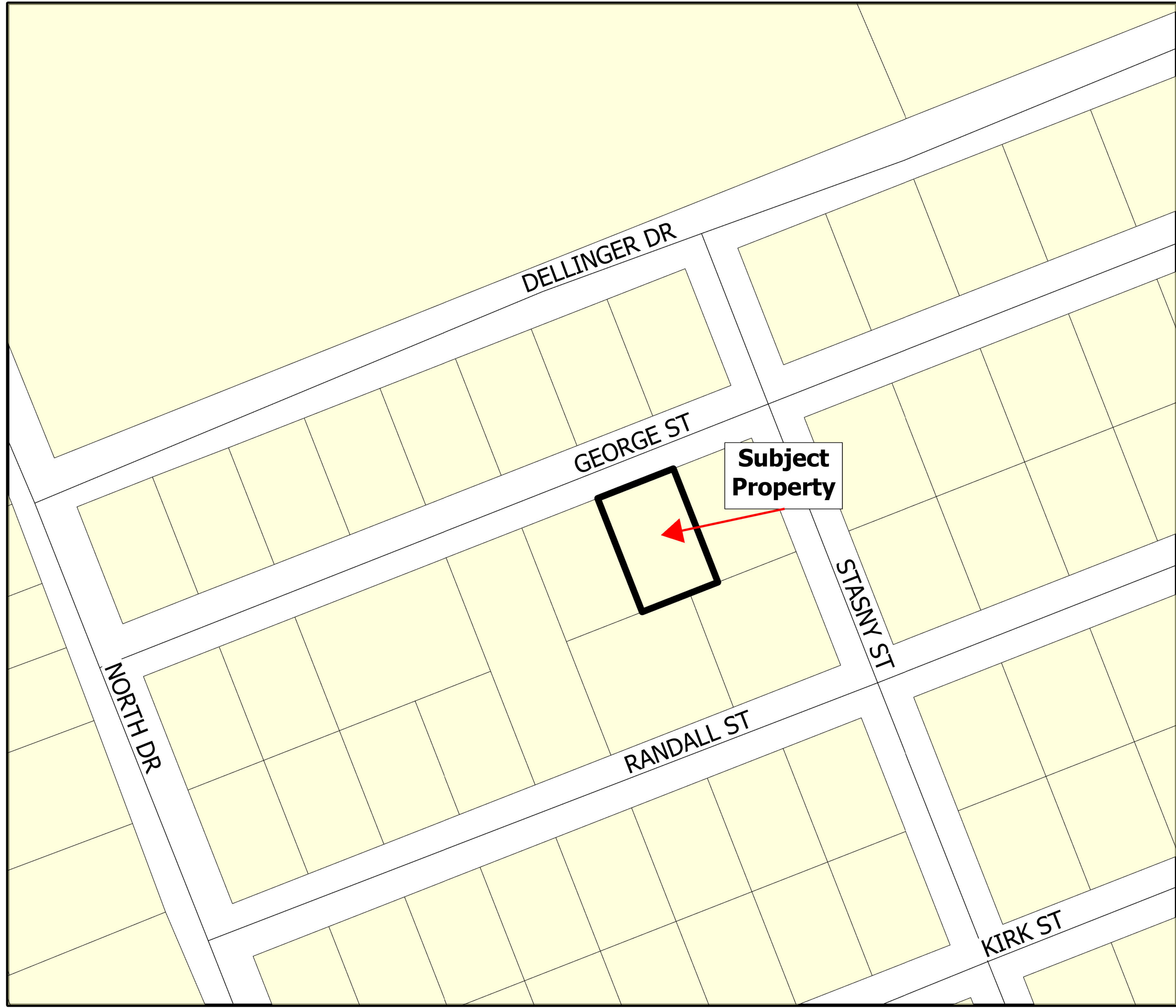
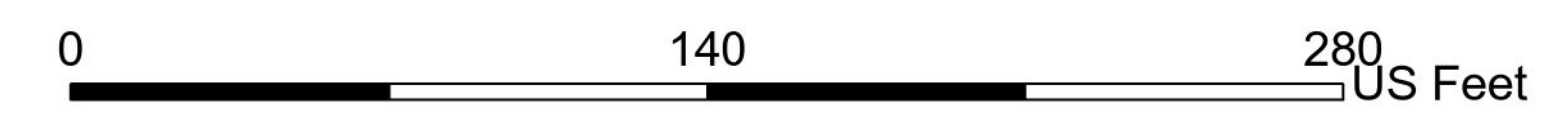
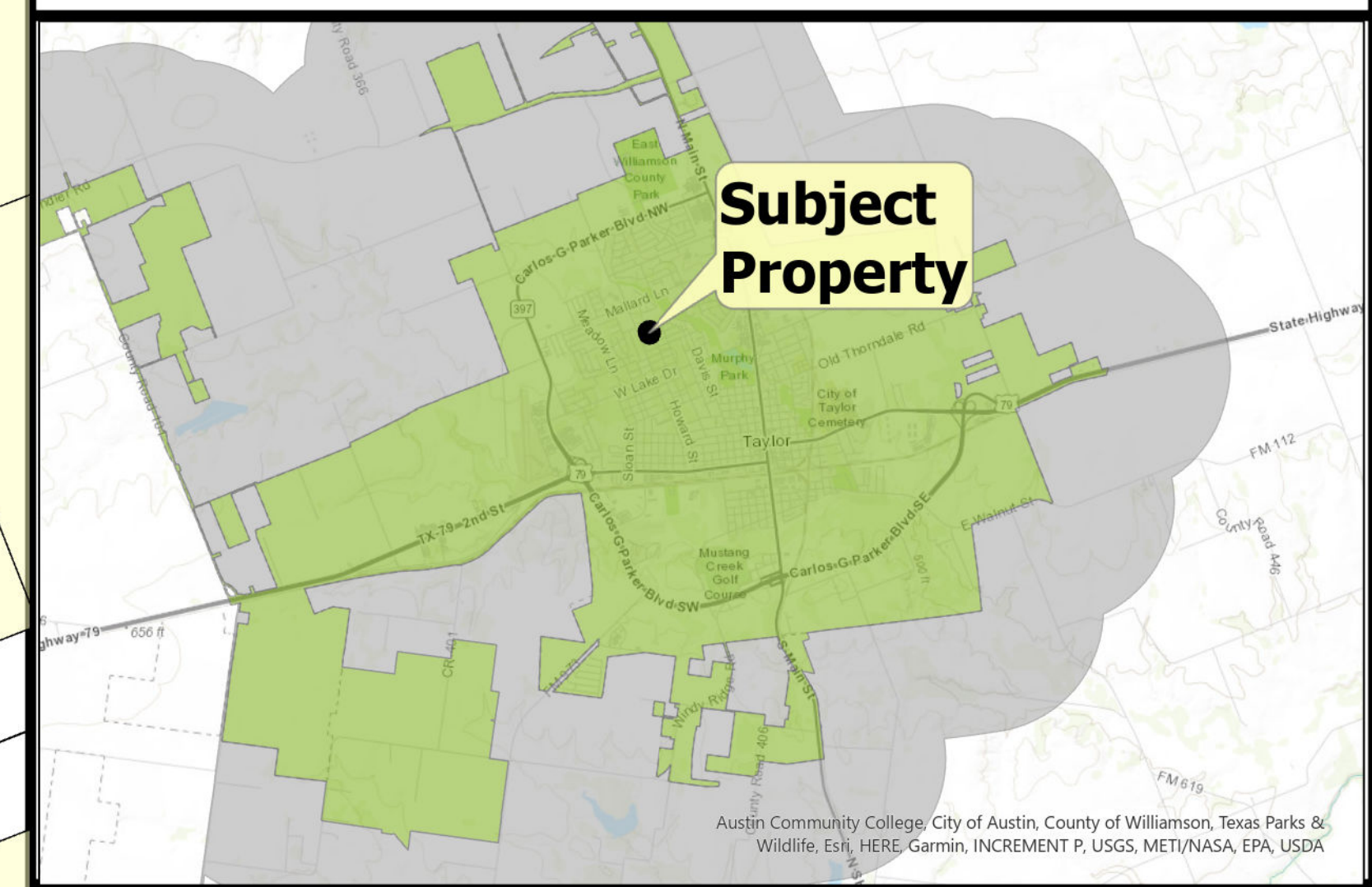


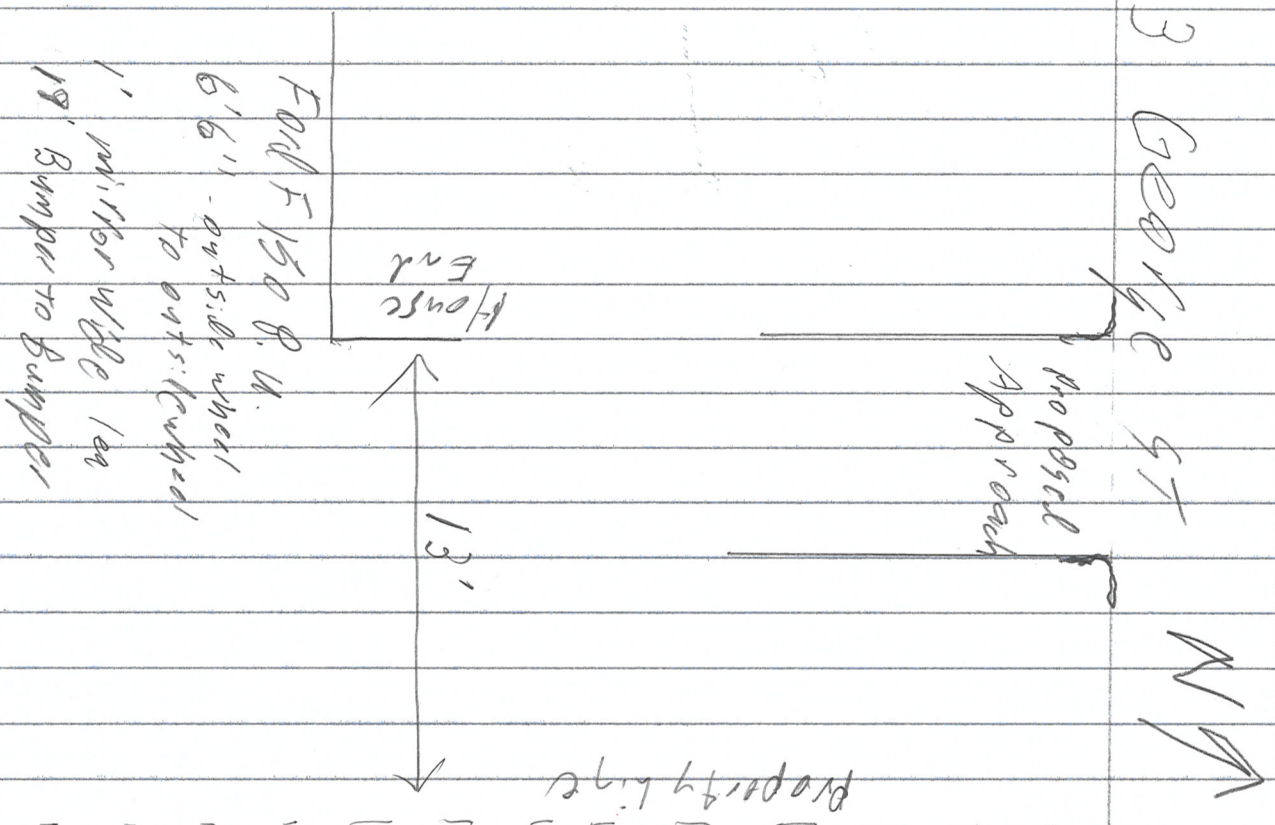
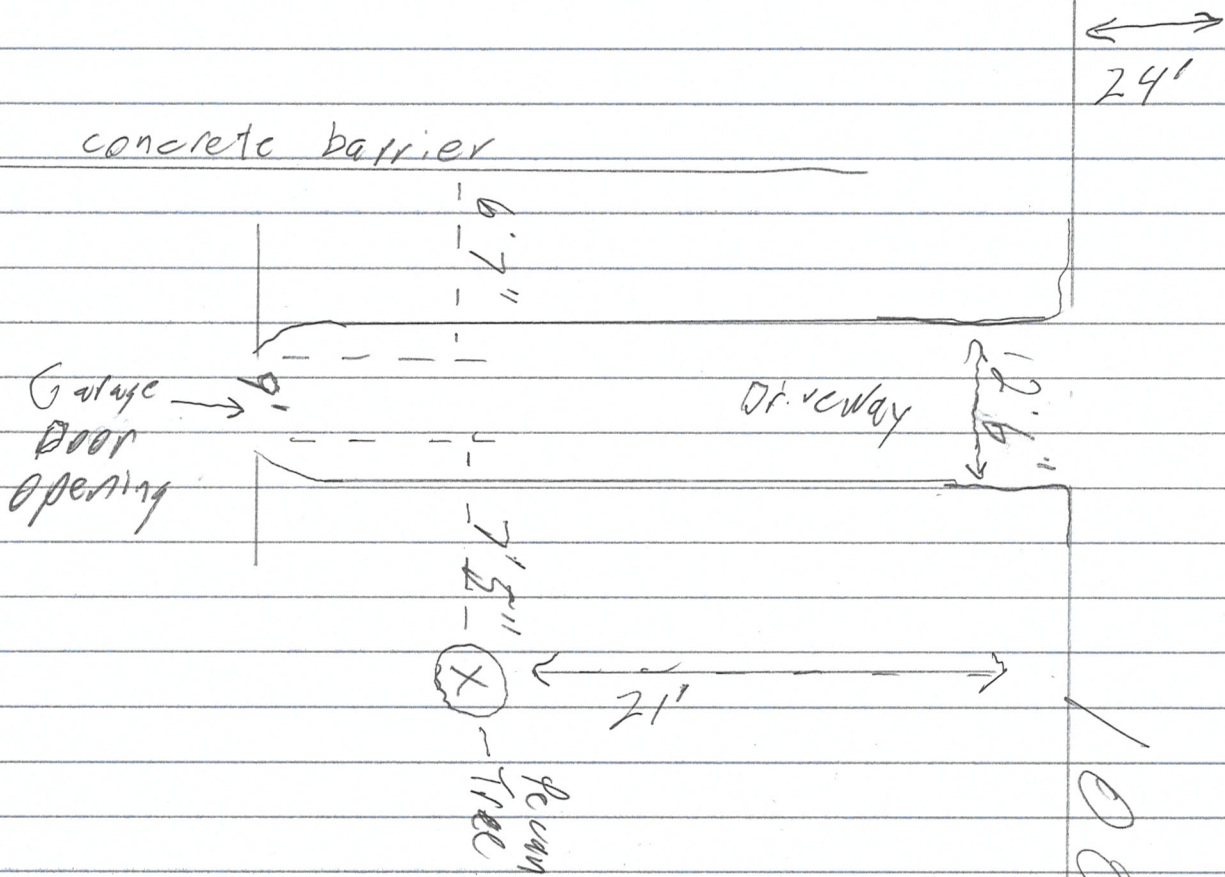
PZ-2022-1602

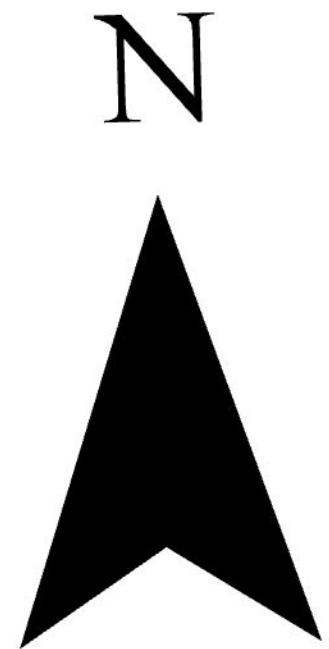
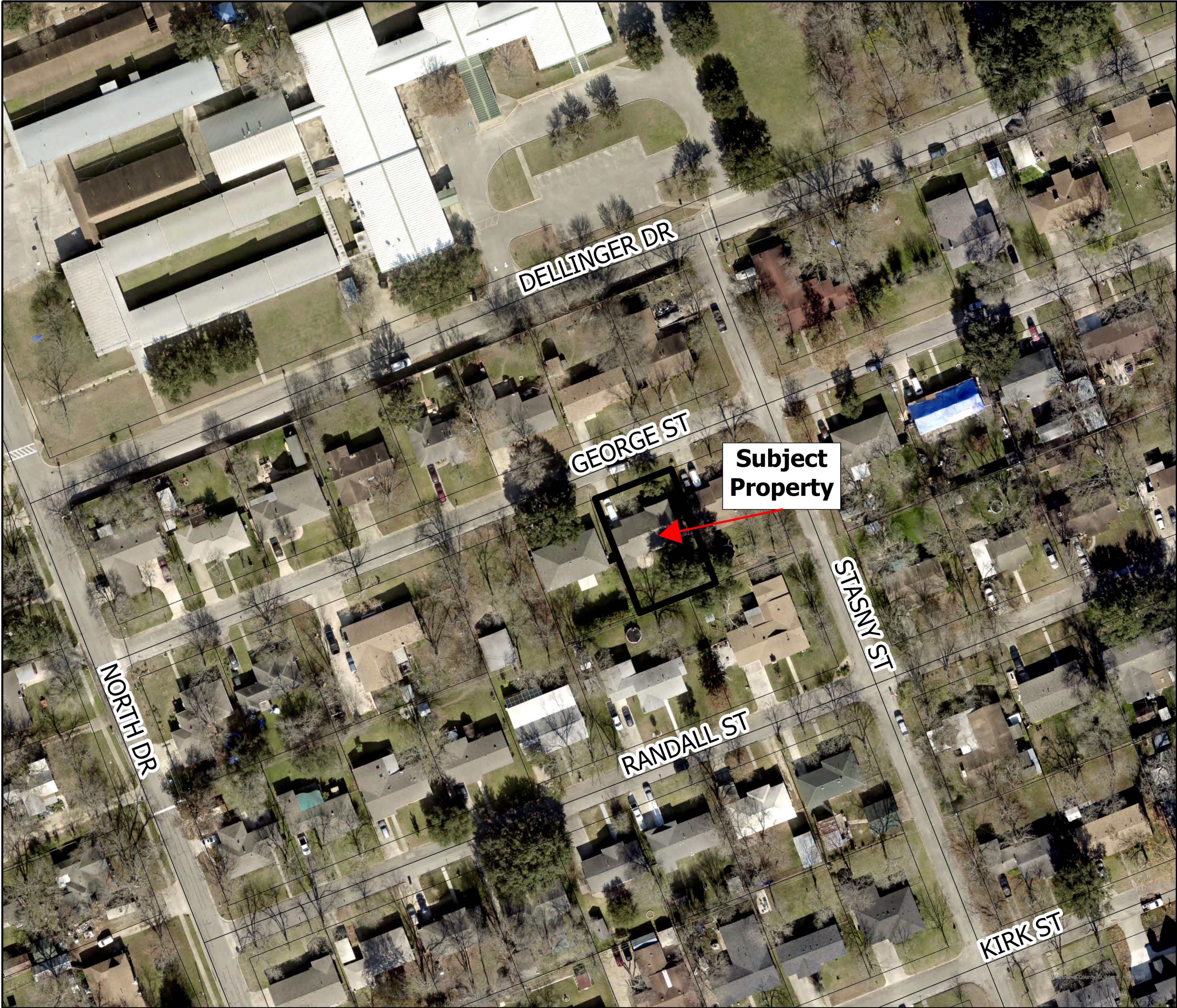
1003 George St. Zoning Variance
Location Map
Approximately 0.17 Acres

Legend

-  Subject Property
-  Parcels
-  Streets
- ZONING**
-  R-1 Single Family





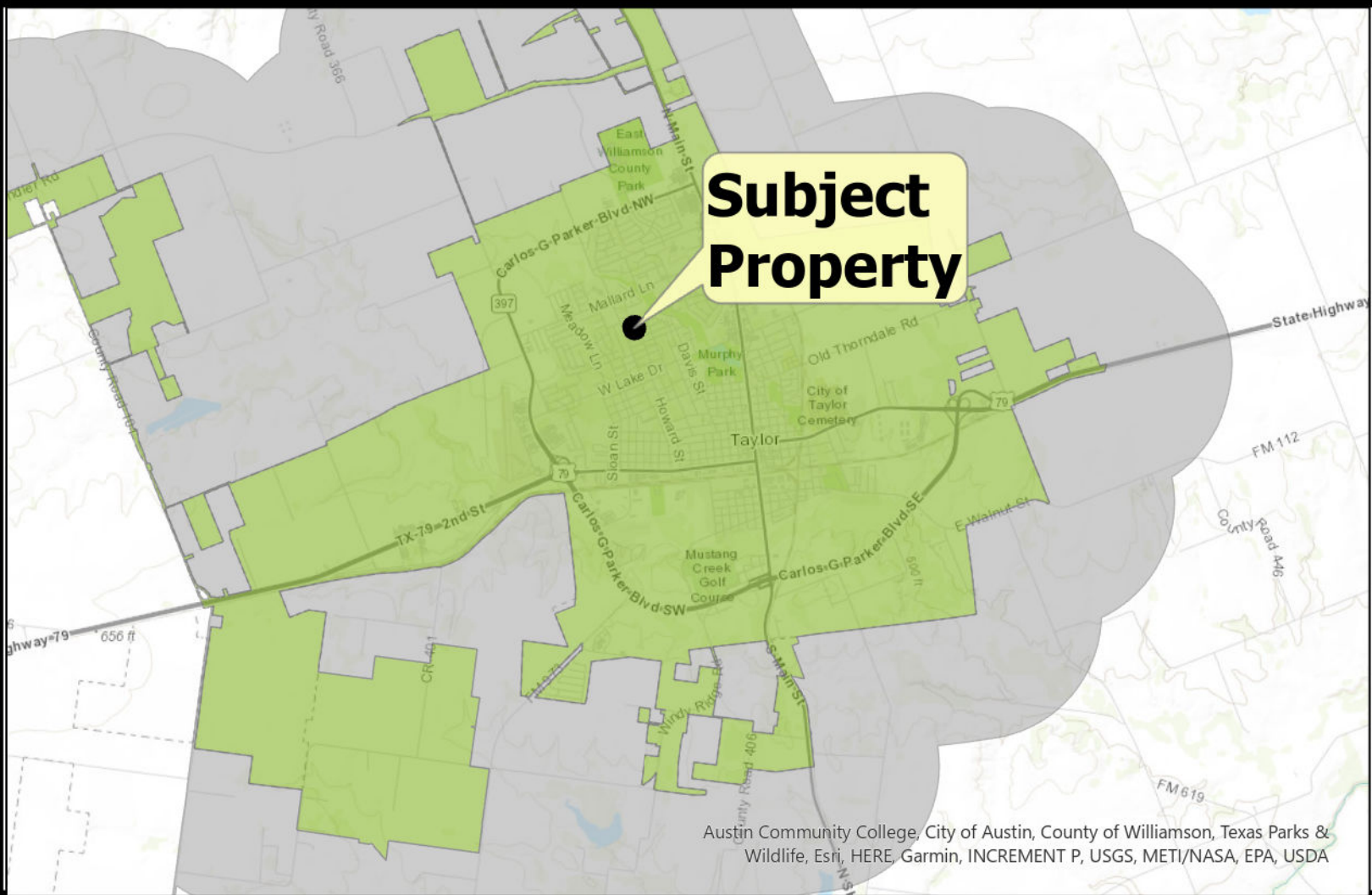


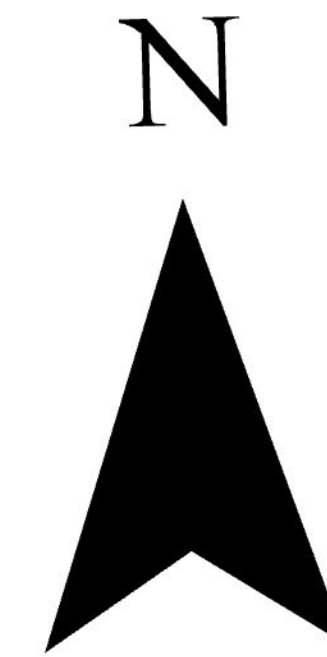
PZ-2022-1602

**1003 George St. Zoning Variance
Aerial Map
Approximately 0.17 Acres**

Legend

-  Subject Property
-  Parcels
-  Streets





PZ-2022-1602

1003 George St. Zoning Variance
Notice Area Map
Approximately 0.17 Acres

Legend

-  Subject Property
-  200 ft. Buffer
-  Parcels
-  Streets

