



**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 12/13/2016

TO: Mr. Dana L. Schoening, Director of Planning and Development Services

FROM: Mr. Zack Rainbow, Planning Services Manager

BA-2016-45

SUBJECT: A public hearing to consider a request from Robert and Hope Sandoval for a Special Exception to locate a carport in the front yard building setback in MD (Medium Density Residential) zoning. Legal description being O T ABILENE, BLOCK 83, LOT WEST 70 FEET OF LOTS 7 AND 8. Located at 1342 S. 5th Street.

GENERAL INFORMATION

LAND USES:

This property and many of the surrounding properties are developed with single and multiple-family homes. The properties to the east are developed with commercial uses located in the Central Business zoning district.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:

There are no other front carports built extending into the front building setback located within the surrounding area. However, there are multiple buildings in the surrounding area that do extend to within as little as a few feet from the front property lines.

2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:

Staff anticipates no negative effects on public facilities from a carport at this location.

3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:

The intent of this regulation is to allow carports in front yards only in areas where such structures already exist. This provides for uniform and consistent development in areas with no front carports while providing an opportunity for property owners in areas with carports to make similar improvement to their properties. Since this proposed carport is in an area without any front carports, from a strict interpretation, the proposal is not consistent with the intent of the regulation.

REQUEST ANALYSIS:

The applicant constructed a 21' x 18' front carport extending from the garage. The carport would be 3' from the side property line and 27' from the curb on S. 5th Street. The parkway width on S. 5th Street is 22'. The

Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 27' from the face of the curb.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

Denial. From a strict interpretation, the request does not meet the criteria necessary to approve a special exception.

BOARD OR COMMISSION RECOMMENDATION

The Board of Adjustment will hear this request on December 13, 2016.

ATTACHMENTS:

Description	Type
☐ BA-2016-45 Staff Report	Backup Material



BA-2016-45

OWNER: Robert and Hope Sandoval

AGENT: None

LOCATION: 1342 S. 5th St.

REQUEST: Special Exception to locate a carport in the front yard setback.

ZONING: Parcel: MD (Medium Density Residential) East: CB
North: MD West: MD
South: MD

LAND USES:

This property and many of the surrounding properties are developed with single and multiple-family homes. The properties to the east are developed with commercial uses located in the Central Business zoning district.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST:

1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:

There are no other front carports built extending into the front building setback located within the surrounding area. However, there are multiple buildings in the surrounding area that do extend to within as little as a few feet from the front property lines.

2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:

Staff anticipates no negative effects on public facilities from a carport at this location.

3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:

The intent of this regulation is to allow carports in front yards only in areas where such structures already exist. This provides for uniform and consistent development in areas with no front carports while providing an opportunity for property owners in areas with carports to make similar improvement to their properties. Since this proposed carport is in an area without any front carports, from a strict interpretation, the proposal is not consistent with the intent of the regulation.

REQUEST ANALYSIS:

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STAFF RECOMMENDATION:

Denial. From a strict interpretation, the request does not meet the criteria necessary to approve a special exception.

BA-2016-45



OWNER	SITUS	RESPONSE
BIG COUNTRY AIDS SUPPORT GROUP	426 BUTTERNUT ST	
BIG COUNTRY AIDS SUPPORT GROUP	402 BUTTERNUT ST	
BRIGHT DAWN L	1343 S 4TH ST	
BROWN JIMMIE G & NORMA	466 BUTTERNUT ST	
COOK ALEX & TAMMY L	426 B POPLAR ST	
COOK ALEX & TAMMY L	426 A POPLAR ST	
COOK ALEX & TAMMY L	426 C POPLAR ST	
CORPIAN GARY L & MARILU	509 POPLAR ST	
GARCIA TRINIDAD & ALEGANDRA	1334 S 5TH ST	
GARCIA TRINIDAD & ALEGANDRA	1334 S 5TH ST	
GARCIA TRINIDAD & ALEGANDRA	1334 S 5TH ST	
GONZALES SEBASTIAN	418 POPLAR ST	
GUERRA ARNULFO SR & DOROTHY	1342 S 5TH ST	
HERRERA MARIA FRANCISCA	417 POPLAR ST	
KENNEDY RICHARD & TRACY	442 A POPLAR ST	
KENNEDY RICHARD & TRACY	442 POPLAR ST	
LOPEZ ANTONIO V & ADELIA	1417 S 4TH ST	
MALDONADO ROMONA	434 BUTTERNUT ST	
MORRIS LETHA	402 POPLAR ST	
MORRIS LETHA	1407 N 4TH ST	
OGLESBY LINDA C	1331 S 4TH ST	
PARIS JOEL M	502 1/2 POPLAR ST	
PARIS JOEL M	502 POPLAR ST	
PATTERSON ARCHIE T	518 BUTTERNUT ST	
RAINWATER HOUSING LLC	419 POPLAR ST	
RAINWATER HOUSING LLC	419 1/2 POPLAR ST	
SERRANO PEDRO & JOSEFINA	502 BUTTERNUT ST	
SERRANO PEDRO & JOSEFINA	510 BUTTERNUT ST	
VG PARTNERS LTD	525 POPLAR ST	
VG PARTNERS LTD	523 POPLAR ST	







**Board of Adjustment
Agenda Memo**

Board of Adjustment Meeting Date: 12/13/2016

TO: Mr. Dana L. Schoening, Director of Planning and Development Services

FROM: Mr. Zack Rainbow, Planning Services Manager

BA-2016-44

**A public hearing to consider a request from Evan Tyler Tindall for a Special Exception to locate a carport in the front yard building setback and a 2'9" variance to the required
SUBJECT: 3' interior side building setback in RS6 (Residential Single-Family) zoning. Legal description being ELMWOOD WEST SEC 7, BLOCK 13, LOT 12. Located at 941 S. Jefferson Street.**

GENERAL INFORMATION

LAND USES:

This property and most of the nearby properties are developed with single-family homes.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST FOR A SPECIAL EXCEPTION:

1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:

There are other front carports located in the surrounding area that appear to be within the front building setback.

2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:

Staff anticipates no negative effects on public facilities from a carport at this location.

3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:

The intent of this regulation is to allow carports in front yards only in areas where such structures already exist. This provides for uniform and consistent development in areas with no front carports while providing an opportunity for property owners in areas with carports to make similar improvement to their properties. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

SECTION AND REQUIREMENT OF ZONING ORDINANCE BEING VARIED:

Section 2.4.4.1(B)(3): Interior side setback for a carport/patio cover = 3'

CONDITIONS PECULIAR TO THE LAND:

Staff was unable to determine a peculiarity to the subject property.

HARDSHIP FROM STRICT INTERPRETATION:

Staff could not find a non-financial hardship in this case.

EFFECTS ON PUBLIC HEALTH, SAFETY, AND WELFARE:

Staff foresees no negative effects on public health, safety, or welfare from a variance at this location.

REQUEST ANALYSIS:

(1) Special Exception: The applicant is requesting a Special Exception to allow for a 19’2” x 21’1” carport extending from the garage. The carport would be 20’ from the curb on S. Jefferson St. The parkway width on S. Jefferson St. is 15’. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5’ from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 20’ from the curb.

(2) Variance: The proposed carport would sit over the driveway and be setback 9” feet from the side property line. The applicant is requesting a 2’9” variance to the 3’ interior side setback in order to maintain the desired width.

The applicant states that the reason for the request to locate the carport in the location is the best option to improve the aesthetics, and blend in with the structure of the house. He also states that it provides the best visibility and access to the vehicles.

SPECIAL CONSIDERATIONS

FUNDING/FISCAL IMPACT

STAFF RECOMMENDATION

STAFF RECOMMENDATION:

(1) Approval of the carport, the request meets the criteria necessary to approve a Special Exception. With the condition that the carport must be over an improved surface.

(2) Staff recommends denial on the variance for the interior side setback. Staff was unable to determine the peculiarity or a non-financial hardship in this case. However, if the Board is inclined to approve the variance, that the condition be made that the applicant mitigates any potential drainage issues from the neighboring property.

BOARD OR COMMISSION RECOMMENDATION

The Board of Adjustment will hear this request on Tuesday, December 13, 2016.

ATTACHMENTS:

Description

Type

▣ Staff Report

Backup Material



BA-2016-44

OWNER: Evan Tyler Tindall

AGENT: None

LOCATION: 941 S. Jefferson St.

REQUEST: (1) **Special Exception** to locate a carport in the front yard setback
(2) **2'9" Variance** to the required 3' interior side building setback

ZONING: Parcel: RS-6 (Residential Single Family) East: RS-6
North: RS-6 West: RS-6
South: RS-6

LAND USES:

This property and most of the nearby properties are developed with single-family homes.

THE FOLLOWING 3 CRITERIA MUST BE FOUND IN THE AFFIRMATIVE TO APPROVE THIS REQUEST FOR A SPECIAL EXCEPTION:

1. THE PROPOSED USE IS COMPATIBLE WITH THE AREA:

There are other front carports located in the surrounding area that appear to be within the front building setback.

2. THERE WOULD BE NO SIGNIFICANT NEGATIVE EFFECT ON PUBLIC FACILITIES:

Staff anticipates no negative effects on public facilities from a carport at this location.

3. THE REQUEST IS IN HARMONY WITH THE INTENT OF THE REGULATIONS:

The intent of this regulation is to allow carports in front yards only in areas where such structures already exist. This provides for uniform and consistent development in areas with no front carports while providing an opportunity for property owners in areas with carports to make similar improvement to their properties. Since this proposed carport is in an area with similar front carports, the proposal is consistent with the intent of the regulation.

SECTION AND REQUIREMENT OF ZONING ORDINANCE BEING VARIED:

Section 2.4.4.1(B)(3): Interior side setback for a carport/patio cover = 3'

CONDITIONS PECULIAR TO THE LAND:

Staff was unable to determine a peculiarity to the subject property.

HARDSHIP FROM STRICT INTERPRETATION:

Staff could not find a non-financial hardship in this case.

EFFECTS ON PUBLIC HEALTH, SAFETY, AND WELFARE:

Staff foresees no negative effects on public health, safety, or welfare from a variance at this location.

REQUEST ANALYSIS:

(1) **Special Exception:** The applicant is requesting a Special Exception to allow for a 19'2" x 21'1" carport extending from the garage. The carport would be 20' from the curb on S. Jefferson St. The parkway width on S. Jefferson St. is 15'. The Board of Adjustment has the authority to grant a special exception for a front carport up to 5' from the front property line. Therefore, if the special exception is granted the carport must be a minimum of 20' from the curb.

(2) **Variance:** The proposed carport would sit over the driveway and be setback 9' feet from the side property line. The applicant is requesting a 2'9" variance to the 3' interior side setback in order to maintain the desired width.

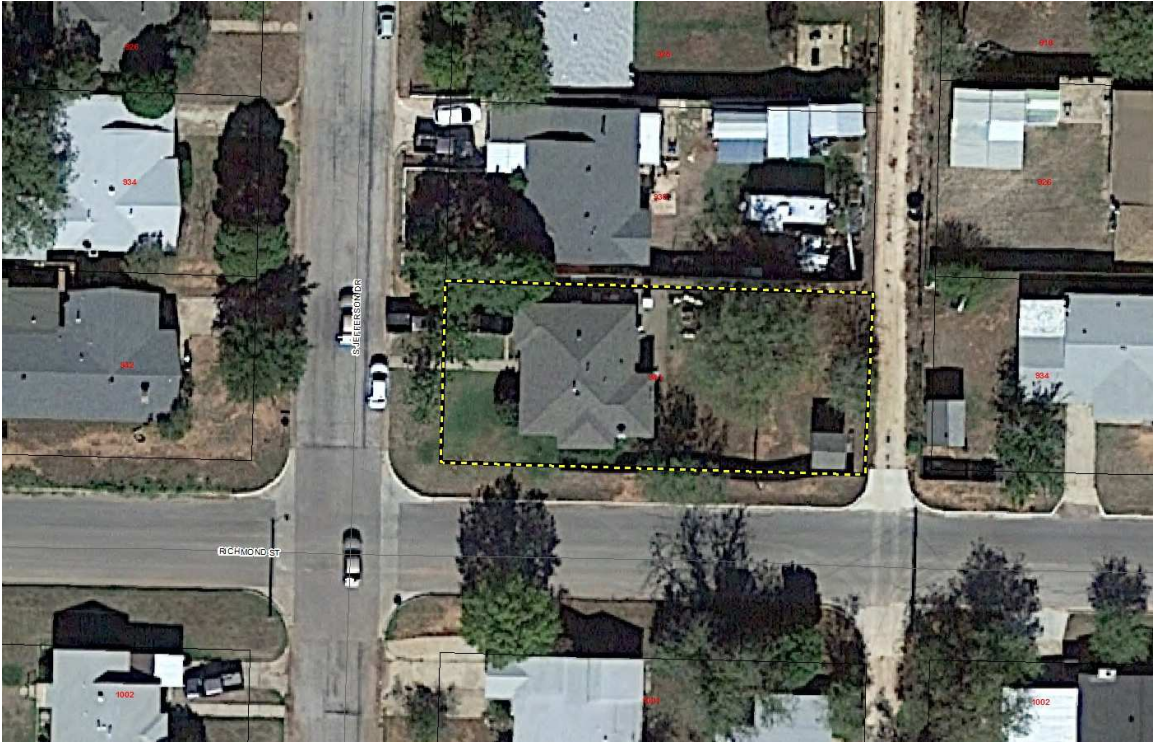
The applicant states that the reason for the request to locate the carport in the location is the best option to improve the aesthetics, and blend in with the structure of the house. He also states that it provides the best visibility and access to the vehicles.

STAFF RECOMMENDATION:

(1) Approval of the carport, the request meets the criteria necessary to approve a Special Exception. With the condition that the carport must be over an improved surface.

(2) Staff recommends denial on the variance for the interior side setback. Staff was unable to determine the peculiarity or a non-financial hardship in this case. However, if the Board is inclined to approve the variance, that the condition be made that the applicant mitigates any potential drainage issues from the neighboring property.

BA-2016-44



OWNER	SITUS	RESPONSE
BUNSELMEYER LARRY & KELLY	934 S PIONEER DR	
CHAPPELL JOHN & CAROL	918 S JEFFERSON DR	
COLLAZO PLASIDO	1010 S JEFFERSON DR	
CONDY ALLISON	1018 S JEFFERSON DR	
CURRY THOMAS LEWIS	934 S JEFFERSON DR	
DELOSSANTOS GWENDOLYN LAVONNE	942 S JEFFERSON DR	
FISHER GWENDOLYN D	917 S JEFFERSON DR	
GAMEZ JOE	926 S PIONEER DR	
GIRDNER HAROLD A	1001 S JEFFERSON DR	
LOPEZ JOEL & ANGELA	1002 S JEFFERSON DR	
MATTHEWS MICHAEL A	910 S PIONEER DR	
MESECHER TANYA M	918 S PIONEER DR	
MUNDY MELISSA R	1009 S JEFFERSON DR	
NOHL ROBERT K SR & CYNTHIA K	925 S JEFFERSON DR	
OGLESBY LINDA C	909 S JEFFERSON DR	
R & D WEBB REAL ESTATE LLC	1018 S PIONEER DR	
REAL PROPERTY INCOME LLC	926 S JEFFERSON DR	
REYES CARLOS R	1010 S PIONEER DR	
SCHROEDER WAYLAND DALE &	1002 S PIONEER DR	
SLUDER BILLY ALLEN	933 S JEFFERSON DR	
TERRY WESLEY TODD &	902 S PIONEER DR	
TINDALL EVAN T	941 S JEFFERSON DR	
VIDAURRI ASHLLIE	1017 S JEFFERSON DR	
WADE SHIRLEY EADES	910 S JEFFERSON DR	