



AGENDA ITEM SUMMARY FORM

MEETING DATE: August 16, 2023

PREPARED BY: Kandice Haseloff-Bunker, Development Coordinator

AGENDA CONTENT: Conduct a public hearing, discussion, and possible action on a request for a variance to Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Lot Setbacks) to allow for carport to be constructed over existing driveway in front yard with a reduced setback.

The subject property is located at 2829 N. Remington, being the fifth lot north from the NW intersection of S. Remington and E. Remington (East Remington DR in original plat).

AGENDA ITEM SECTION: Public Hearing and Action

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

A variance request has been submitted to the City of Angleton Development Services Department for construction of a new polygon shaped aluminum carport with largest measurement of 28' x 24' to be built on an existing lot of a property more commonly known as 2829 N. Remington.

Staff has identified a variance of the front yard setback as necessary to process the potential building permit application. This variance is to the minimum front setback requirement of the SF-7.2 district. Additional requirements of Sec. 28-103. - Accessory structure and use regulations.e(2) limit carport maximums to 40 feet width and 12 feet depth.

This residence has existed on the property since 1979 according to Brazoria County Tax Appraisal records.

The proposed new carport will be less than 1' from the front property line and 7'+/- from the nearest interior side property line. The carport is proposed to abut the home's existing roof line and be installed to completely shelter the existing (20') concrete drive and walkway. There is no additional concrete flatwork proposed to widen or change the existing driveway and walkway. Additionally, all existing greenspace of the front yard will remain wholly in place.

Applicant is required to satisfy the following:

Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2.

a. Minimum front yard: 25 feet.

b. Minimum side yard: Five feet for interior side yard; 15 feet for a corner lot on a street; 25 feet for a key corner lot. *Variance is required (24' reduction of front yard setback is proposed).*

c. Minimum rear yard: Twenty feet for the main building and any accessory building(s); 25 feet for rear entry garage. (See section 28-103 for accessory building standards.)

Sec. 28-103. - Accessory structure and use regulations.e(2)

Carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley (see Illustration 5), and shall be constructed of materials like the main building(s) on the premises. In single-family and two-family zoning districts, carports shall be a maximum size of 40 feet wide and 12 feet deep. In multifamily and nonresidential zoning districts, carports shall be a maximum size of three bays in width and one bay in depth. ***Applicant's requested variance doubles the 12' maximum depth.***

ANALYSIS:

The proposed new carport is requested to enable the fully sheltered transfer of a medically fragile resident between their residence and a transport vehicle. Said transfer is facilitated by medical equipment and human assistant(s). The medically necessary condition is not a self-created condition and was not present when ownership was initiated 29 years ago. The proposed carport will be reasonable accommodation that will enable the existing residents to continue occupying the home they own. The proposed variance is necessary for the owner's continued use of the property.

The lots in this section of Greenridge North Subdivision were created by plat recorded in 1980 (V16P48, 1980004514). A 25-foot building setback is included in the original plat. Brazoria County Appraisal District indicates that the home was constructed in 1979 and met all requirements at that time. The home is unable to be relocated, the proposed construction represents a less intrusive solution.

The property is in the SF-7.2 Zoning District which specifically calls for residential use. Applicant's residential home remains in compliance with this designated zoning use.

Greenridge North Subdivision platting occurred from late 1978 to early 1982. All 98 original lots have the same setback requirements of a 25 foot front yard setback. The corner lots in this neighborhood were allowed a 15 foot setback on the "secondary" front yard.

The proposed variance will maintain the existing visual appeal of the neighborhood. In fact, in this subdivision, there are 9 existing carports that are being utilized in similar manner. Two of these are in very close proximity; one is located almost directly across the Right-of-Way and the second is joined diagonally with the rear corner of this lot.

There are no proposed changes to the setbacks for the side yards or back yard of this property.

Zoning Ordinance requires minimum setbacks in order to allow for proper maintenance of structures, to allow adequate circulation of light and air, and to impede the spread of fire and water run-off onto adjacent properties. By retaining the property's other setbacks and minimizing the amount of variance, the intended purpose of the setbacks will remain in place.

If a financial consideration is present, it is because the hardship is depriving the owner of the land's value and use in an egregious way, either completely or almost completely.

Pursuant to Chapter 28, Section 28-23(h)(3) of the Code of Ordinances of the City of Angleton (Code), notice was published in the "Facts," on August 02, 2023 and mailed to all property owners within two-hundred feet of the subject property on July 27, 2023.

Pursuant to Section 28-23(h)(4): The board of adjustment shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions of subsection (f) have been satisfied..."

Pursuant to Section 28-23(f)(2): No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with subsection (h) of this section and unless the board of adjustment finds:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;**

The lot was platted according to the regulations during that time. Imposing the current setback regulations will limit, prevent, or significantly impede the development and use of this lot. There are existing residential homes in the area with the same lot sizes and lot challenges to currently satisfy code requirements of the SF-7.2 Zoning District front and side yard setbacks. Applicant's intended use is most similar use to the other lots and homes in the neighborhood. The necessity for fully sheltered, equipment assisted transfer of the medically fragile resident is a unique condition at this specific address.

- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.**

Applicant owns the home that has continuously occupied this lot. The current setback requirements of this lot will not permit any permanent shelter to be constructed over the existing driveway. The proposed carport can not be relocated as it is requested to shelter the driveway and walkway that is pre-existing at the front of this home. The strict application of the requirements of this applicable zoning chapter would deprive the existing property owner of rights and privileges to be enjoyed on this site and currently enjoyed by other property owners in the same zoning district.

- c. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;**

Staff feels that the overall nature of the variance will not be detrimental to the area as long as all other setbacks are adhered to. The variance will not cause changes to the Right-of-Way nor to traffic conditions in the area. Other homes in the same subdivision possess carports that have been placed along street Right-of-Ways with a reduced setback line. The proposed carport will be a reasonable opportunity to enable the existing residents to continue occupying the home they own. Staff cautions that the 24' encroachment into the front yard may be considered excessive by causing and less than 1' setback from the Right-of-Way.

d. That the granting of the variance will not have the effect of preventing the orderly use of the other land within the area in accordance with the provisions of this chapter; and

There are existing residential homes in the area with the same lot sizes and lot challenges to currently satisfy code requirements of the SF- 7.2 Zoning District front and side yard setbacks. The general objective of the zoning is to allow for placement of residential structures in the existing zone. The suitable use of the property will preserve the appearance and ambience of the existing residential neighboring properties. The home will continue to blend with the other homes in the neighborhood and will be well within the spirit of the street and community. The proposed construction would not alter the essential character of the neighborhood. The proposed building setback variance will not interfere with or prevent the orderly use of other land in the area doing the same.

e. That a finding of undue hardship exists.

The hardship is imposed only by conditions that are existing outside the property owner's control. Due to the pre-existing driveway location combined with the current front yard setback, an undue hardship exists pursuant to Section 28-23(f)(3). Granting a variance would allow for the best and most reasonable use of this property. The proposed carport will be reasonable accommodation that will enable the existing residents to continue occupying the home they own.

Pursuant to Section 28-23(f)(3): In order to grant a variance, the board of adjustment must make written findings that an undue hardship exists using the following criteria:

a. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property;

There are existing residential homes in the area with the same lot sizes and lot challenges to currently satisfy code requirements of the SF- 7.2 Zoning District front and side yard setbacks. The existing homes were platted and built according to the regulations in place at that time. Imposing the current setback regulations will limit, prevent, or significantly impede the development and use of this lot, creating an unnecessary hardship in the development of the affected property.

b. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district;

The necessity for fully sheltered equipment assisted transfer of the medically fragile resident is not a condition generally present in the majority of the overall SF-7.2 zoning district. The hardship is not financial, self-imposed nor generally affect all or most properties in the same zoning district.

c. That the relief sought will not injure the permitted use of adjacent conforming property; and

Lots within this subdivision are already utilizing carports in similar manner without injury to the permitted use of adjacent conforming properties. The relief sought will not injure the permitted use of adjacent conforming property.

d. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

Granting of a variance will be in harmony with the spirit and purpose of these regulations.

Pursuant to Section 28-23(f)(4); A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

RECOMMENDATION:

Staff recommends that the Board of Zoning Adjustment grants the variance to allow for a reduction of front yard setback to allow for placement of a carport over the home's existing driveway.

SUGGESTED MOTION: I move we that we find that the criteria of Sections 28-23(f)(2) and the findings of 28-23(f)(3) of the Code of Ordinances are met and that we grant the requested setback variance with the recommended condition.

(Site photograph pages follow)

SITE PHOTOGRAPHS

2829 N. Remington



View of site showing location



View of site showing location facing South



View of site showing road frontage facing North



View of site showing road frontage facing South



View of existing carport on lot across R-O-W



View of existing carport on diagonal rear lot



Other lot with carport in area



Other lot with carport in area



Other lot with carport in area



Other lot with carport in area