



AGENDA ITEM SUMMARY FORM

MEETING DATE: May 17, 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. 28-46. - SF-6.3—Single-family residential-6.3 district, (d).(2).b., (Corner Lot Setbacks) to allow for new single family home to be placed on an existing narrow lot with a reduced corner side yard of 8'-9"+/-.

The subject property is located at 724 W. Ash St. at the NW intersection of North Walker St.

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's Development Services Department for construction of a new 20' x 58' single family home to be built on an existing lot located on property more commonly known as 724 W. Ash St.

Staff has identified a variance to the side yard setbacks as necessary to process the potential building permit application. This variance is to the minimum side yard requirement of the SF-6.3 district. A previous residence existed on the property until 2017.

Applicant is required to satisfy the following:

Sec. 28-46. - SF-6.3—Single-family residential-6.3 district.d.2.

a. Minimum front yard: 20 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 (8'-9"+/- side yard from N. Walker St. right of way 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.)

SITE ANALYSIS:

The narrow lots in this subdivision were created by a plat in 1943(V3P205, 1943009113), prior to the current setback standards. When originally platted, these narrow lots did not have designated setback lines in the plat. Lots were traditionally smaller to allow for the primary mode of transportation, walking. Most neighborhoods laid out during this time have narrow lots and very small setback ranges. As development and transportation methods evolved, newly platted lots have allowed for an increase in setbacks and spacing. The existing problem has not been self-created by the Applicant.

The property is currently vacant and not utilized, however, Google Earth Time capsule indicates that a previous home was existing on the property.



In fact, Brazoria County Appraisal District property map (seen above) appears to illustrate that the previous structure encroached into what is the public right of way (ROW) of N. Walker St.

The property is located in the SF-6.3 Zoning District which specifically calls for residential use. Applicant's three bedroom residential home will be in compliance with this zoning district and with maintaining the visual appeal of the neighborhood. The lot does possess more than 60 feet of combined road frontage but, due to the narrowness of the lot, a home could not be re-oriented to meet the existing setbacks by placing the front yard on N. Walker St. The variance would not be lessened nor prevented. The proposed construction represents the least intrusive solution possible. The proposed construction is necessary for reasonable use of the property.

The applicant has expressed an understanding that although the subject property is a corner lot, the front yard setback is inadequate on the N. Walker St. right of way; additionally, that no driveway will be permitted along N. Walker St.

The setbacks for the primary front yard and rear yard will still follow the minimum requirements. The setbacks for the side yard shared with the neighboring lot will still follow the minimum requirements. Zoning Ordinance requires minimum setbacks in order to allow for proper maintenance of structures, allow adequate circulation of light and air, and to impede the spread of fire and water run-off onto adjacent properties. The minimum separation between buildings will be maintained, per the city's building code. By retaining the property's other setbacks the intended purpose of those setbacks will still remain.

If a financial consideration is present, it is because the hardship is depriving the owner of the land's value 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," and mailed to all property owners 200 ft. the subject property on May 2, 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-6.3 Zoning District front and side yard setbacks. Applicant's intended use is most similar use to the other lots and homes in the neighborhood. However, the Applicant's lot is a corner lot where current zoning requirements call for additional setback spacing from the side road to create a second front yard. This condition is not generally present in the majority of the overall SF-6.3 Zoning District.

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

Applicant owns a lot that in history had a home on it. To meet the current setback requirements of this lot, a home could only be 13'-9" wide, which is not practical. For perspective, a single wide manufactured home is 16 feet wide. The Applicant has been able to find a standard buildable home plan that is 20 feet wide. The strict application of the requirements of this applicable zoning chapter would deprive the existing property owner of rights and privileges previously enjoyed on this site and currently enjoyed by other property owners on W. Ash Street and 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 requested variance will not be detrimental to the area if corner lot visibility is not obstructed. Staff suggests that no large landscaping be allowed to obstruct the triangular visibility area at the intersection. The Applicant expressed understanding that no driveway on the N. Walker St. right of way. This measure will minimize traffic congestion and allow for visibility of queuing of vehicles at the T-intersection. The proposed variance will improve the character of the neighborhood by infilling and making good use of the currently vacant lot that has a zoning designation for residential development. There will be no changes in street sign placement, the existing sight distance and the existing triangular visibility area remains unchanged. The proposed home will be a great opportunity to allow for new residential infill development and will only enhance property values.

- 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 satisfy current code requirements of the SF-6.3 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 new home being built will blend with the other homes in the neighborhood and will be well within the spirit of the street and community. The new home will not alter the essential character of the neighborhood. The proposed building setback variance is within a small range and will be helpful in establishing and signaling neighborhood character. Such a pattern especially helps to create a pleasing small town character and will not interfere with or prevent the orderly use of other land in the area doing the same. The proposed home will be a great opportunity to allow for new residential infill development and will only enhance property values.

- e. **That a finding of undue hardship exists.**

The hardship is imposed only by existing conditions that are outside the property owner's control. Due to the pre-existing shape and narrowness of this lot combined with the current corner lot setbacks, 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.

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-6.3 Zoning District front and side yard setbacks but, this lot is a corner lot where current regulations impose an additional side yard setback space to allow for two front yards. 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, 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 situation causing the hardship is that the existing lot was originally platted in 1943 before the current setback conditions. The hardship is not financial, self-imposed nor generally affecting 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

Adjacent lots are already being utilized in the same manner but, without the corner lot's secondary side yard restrictions. 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:

The Board of Adjustment should grant the requested variance to allow for a corner lot side yard reduction along N. Walker St. to be reduced to 8'-9" +/-, subject to the following conditions of approval:

1. No large landscaping shall be allowed to obstruct the triangular visibility area at the intersection.
2. No driveway access shall be permitted on N. Walker Street due to site visibility and clearance.

SUGGESTED MOTION: I move 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 conditions.

SITE PHOTOGRAPHS



View of site looking north, lot frontage along W Ash St.



View of site looking west, lot side along N Walker St.



View of site showing west of Ash/Walker corner intersection



View showing neighborhood with other existing narrow lot homes



View of site showing north of Ash/Walker corner intersection