



## AGENDA ITEM SUMMARY FORM

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**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., (Lot Setbacks) to allow for new single family home to be placed on an existing narrow lot with reduced side yards of 4'-7" (3"+/- on each side yard).

The subject property is located at 504 W. Peach St., one lot west-ward of the NW intersection of W. Peach St. and S. Parrish St.

**AGENDA ITEM SECTION:** Public Hearing and Action

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**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 25'-6" x 35'-3" single family home to be built on an existing lot located on property more commonly known as 504 W. Peach St.

Staff has identified a variance on both side yards 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 from 1935 to 2023.

The proposed new residence will be 26 ft. from the front property line and is 63'-9" from the rear property line. Both the required front and rear yard setbacks are 20 ft.

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 (3"+/- on each side yard 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 1946 (V4P140, 1946008754), 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.



Google Earth Time capsule indicates that a previous home was existing on the property. The Brazoria County Appraisal District property map (seen above) appears to illustrate the previous structure that was removed this year. The lot is now vacant awaiting new construction. The proposed new home construction is a grant funded replacement through the Brazoria County Community Development Department Home Reconstruction/Rehabilitation Program. For this reason, the program has a limited selection of standard designs that have been used multiple times throughout the County.

The property is located in the SF- 6.3 Zoning District which specifically calls for residential use. Applicant's residential home will be in compliance with this zoning district and with maintaining the visual appeal of the neighborhood. Due to the narrowness of the lot, a home could not be re-oriented. The proposed construction represents the least intrusive solution possible. The proposed construction is necessary for reasonable use of the property.

The setbacks for the front yard and back yard 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. 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 May 7, 2023 and mailed to all property owners within two-hundred feet of the subject property on May 7, 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.*

*Because this new home construction is a grant funded replacement through the Brazoria County Community Development Department Home Reconstruction/Rehabilitation Program, there is a limited selection of standard design plans available that have been used multiple times throughout the County.*

*The narrowness of the lot combined with grant funded replacement construction are not conditions 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 recently had a home on it. To meet the current setback requirements of this lot, a new home would be limited to 25 feet wide. The Applicant has been awarded grant funding to remove and rebuild the existing home that was in disrepair. Because this new home construction is a grant funded replacement through the Brazoria County Community Development Department Home Reconstruction/Rehabilitation Program, there is a limited selection of standard design plans available that have been used multiple times throughout the County.*

*This home design is 25'-6" and is the closest fit for the narrow lot when chosen out of the limited available design plans offered. 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 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 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. 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 currently satisfy 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 proposed construction would 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 side 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 was platted in 1946. 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 1946 before the current setback conditions. 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**

*Adjacent lots are already being utilized in the same manner. Vacant adjacent lots are unlikely to be developed with the limited selection of plans offered as grant funded replacements through the Brazoria County Community Development Department Home Reconstruction/Rehabilitation Program. 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 side yard by 3"+/- on each side of the proposed home with the condition that the builder preserves the existing sidewalk.

**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



**View north of site showing location and nearest structure to rear**



**View of site showing the existing vacant lot**



**View east of site showing existing structures and nearest intersection**



**View west of site showing closest side lot structure**