



## AGENDA ITEM SUMMARY FORM

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**MEETING DATE:** October 30, 2024

**PREPARED BY:** Otis T. Spriggs, AICP, Development Services Director

**AGENDA CONTENT:** Conduct a public hearing, discussion, and take possible action on a request for a variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family Residential-7.2 Zoning District,,d.2., (Minimum Front Yard Setback) to allow for a carport to be placed in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way. The subject property is located at 304 Farrer St., Angleton, TX 77515.

**AGENDA ITEM SECTION:** Public Hearings and Action Items

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**BUDGETED AMOUNT:** N/A **FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The applicant has filed a variance application on the subject property located at 304 Farrer St., Angleton, TX 77515; situated within the SF-7.2—Single-family Residential Zoning District. The applicant requests a carport replacement approval within a reduced front yard line of 17 feet +/- from the right-of-way, similar to several existing homes having carports on the street. The required minimum front yard setback is 35 feet for this district.

Due to the recent storm event, the home \owner’s carport was damaged as result.

Staff has processed this application and scheduled the public hearing at the request of the applicant. Property owners within 200 ft. of the property were notified and the legal notice was posted in the local newspaper.





Aerial Map



**Earlier GOOGLE photo taken prior to storm disaster**



**View of other homes on the street having carports**



**View of other homes on the street having carports**



View of other homes on the street having carports

**Zoning Code / Variance Analysis:**

**Sec. 28-23. Board of adjustment (BOA). 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; *Staff confirms that the hardship is valid in this instance, due to an "Act of God"/storm event. Over 5 homes in the immediate vicinity currently have carports.*

b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; *Applicant seeks relief from the Board to protect their right to repair and use their property similar to the other lots previously developed in the same subdivision, and the applicant noted that handicap accessibility and walking cane assist is an issue at times.*

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 confirms that the variance will not cause any detriment to public health and safety. Over 5 homes in the immediate vicinity have carports.*

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

*Staff confirms granting the variance will not interfere nor prevent the orderly use of other land within the area.*

e. That a finding of undue hardship exists.

*Such findings of the board of adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that public health, safety and welfare may be secured, and that substantial justice may be done.*

*Staff agrees the findings of undue hardship in granting this variance are properly established.*

**In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists:**

Staff concurs that the difficulty caused is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and the relief sought will not injure the permitted use of adjacent conforming property; and the granting of a variance will be in harmony with the spirit and purpose of these regulations.

**RECOMMENDATION:**

Staff recommends that the Board of Zoning Adjustment finds that a hardship exists and grants the variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Minimum Front Yard Setback) to allow for a carport to be placed in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way.

*Sample Motion:*

1: \*The Board of Zoning Adjustments has established findings of fact and determines that a hardship has been proven for the requested variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Minimum Front Yard Setback) to allow for a carport to be replaced in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way.

*\*Board of Zoning members may vote Nay to DENY the petition due to findings that hardship is not demonstrated or such variance will adversely impact the general planning area.*