



AGENDA ITEM SUMMARY FORM

MEETING DATE: December 21, 2022

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

AGENDA CONTENT: Conduct a public hearing, discussion, and possible action on a request for a variance to Sec. 23-15. – Drainage and utilities requirements to allow for the placement of utilities in the front yards of a Manufactured Home Community/ Angleton Park Place Subdivision (Sections 1 & 2, 71 lots)/in accordance with section 23-133, as required by TNMP. The subject property is located on East Philips Road near Gifford Rd.

AGENDA ITEM SECTION: Public Hearing and Action

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

While TNMP, Texas New Mexico Power is aware of the City of Angleton's ordinance requiring back lot distribution, the developer is being forced to meet both the requirements for the City of Angleton and TNMP. TNWP will not install rear lot distribution where it is unsafe and in accessible, or creates operational issues, such as within 100 year flood plain, zero lot line developments, or subdivisions with lot widths 50 feet or less. *(See attached email correspondence from Texas New Mexico Power review).*

Pursuant to Chapter 28, Section 28-23(h)(3) of the Code of Ordinances of the City of Angleton (Code), notice was publishing in the "Facts," and mailed to all property owners within two-hundred feet of the subject property on December 6, 2022.

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;**

TNWP will not install rear lot distribution where it is unsafe and in accessible, or creates operational issues, such as within 100 year flood plain, zero lot line developments, or subdivisions with lot widths 50 feet or less.

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

As noted, TNWP will not install rear lot distribution where it is unsafe and in accessible, or creates operational issues, such as within 100 year flood plain, zero lot line developments, or subdivisions with lot widths 50 feet or less. The variance is necessary for the preservation and enjoyment of a substantial property right.

- 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;**

Granting the variance will not be detrimental to the public health, safety or welfare as the proposed utilities are being located in a mobile home community. Granting of the variance will not be injurious to other property within the area.

- 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**

Granting the utility variance will not prevent the orderly use of other land within the area.

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

An undue hardship exists pursuant to Section 28-23(f)(3).

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;**

- b.** *As noted, TNWP will not install rear lot distribution where it is unsafe and in accessible, or creates operational issues, such as within 100 year flood plain, zero lot line developments, or subdivisions with lot widths 50 feet or less. Such controls will create an unnecessary hardship in the development of the affected property*

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

TNWP will not install rear lot distribution where it is unsafe and in accessible, or creates operational issues. The hardship is not financial, self-imposed nor generally affecting all or most properties in the same zoning district.

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

The relief sought will not injure the permitted use of adjacent conforming property.

- e. 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.

SITE PHOTOGRAPHS



View from Gifford Rd. Looking South towards the Intersection of Phillips Rd. (Site on SW quadrant)



View from Phillips Rd. Looking South towards Site



View from Phillips Rd. Looking SouthWest towards Site on Left



View from Phillips Rd. Looking SouthWest towards Site on Left



View from Phillips Rd. Looking Southwest towards Site on Left

Staff Recommendation: Staff recommends approval of the variance to allow a variance to Sec. 23-15. – Drainage and utilities requirements to allow for the placement of utilities in the front yards, for Angleton Park Place, Sections 1 & 2, on 71 lots.

Suggested Motion: I move we find that the criteria of Section 28-23(f) of the Code of Ordinances of the City of Angleton are met and grant a variance to Sec. 23-15. – Drainage and utilities requirements to allow for the placement of utilities in the front yards of a Manufactured Home Community/Subdivision (Angleton Park Place, Sections 1 & 2, 71 lots)/in accordance with section 23-133, as required by TNMP, as presented.