



AGENDA ITEM SUMMARY- Revised

12/20/2023

MEETING DATE: December 20, 2023

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

AGENDA CONTENT: Discussion, and possible action on the Orozco Villas Plat request for variance of the City of Angleton, Code of Ordinances, Local Gov. Code 211.008 and in accordance with Sec. 28-23 and Sec. 28-60 (d)(1) c., for an existing lot to be divided, creating two lots, with a reduction of the minimum lot depth requirement from 100.00 feet to a minimal of 81.75 feet and consideration of existing non-conforming building encroachments. The subject property is located at 2216 S. Hwy 288B, also known as 2216 S. Velasco St., Angleton, Texas, and is Zoned LI, Light Industrial District.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY: An application was submitted to the City on November 1, 2023, for approval of a minor plat dividing 0.627 acres. The subject property is located at 2216 S. Hwy 288B, also known as 2216 S. Velasco St., Angleton, Texas, legally described as a 0.627-acre lot, Block 4, Tract 18A of the Subdivision of the East ½ of the Edwin Waller League, Abstract No. 134, of Brazoria County, Texas and is oriented south of Phillips Rd. and on the western side of South State Highway No. 288B.

The City Engineer has reviewed the submitted plat and offered comments that need to be addressed including the need for variance approval by the City.

The property is zoned as Light Industrial (LI) and is regulated at a lot depth minimum of 100 feet. This existing lot has an angled lot line appearing as a result from TxDOT Hwy 288B, right-of-way, bisecting the original Lot 18. This lot is the majority of the remaining west portion and was left with a variable depth range from 81.79' to 128'. The circumstance of inadequate lot depth is pre-existing and is not self-created by this proposed division.

Criteria for Granting Variances, Section 23-102- Land Development Code Variance:

B. Variance approval standards. Variances may be granted when:

- 1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties, such as, but not limited to, its shape, or topography;** *(Due to the irregular configuration of the TxDOT right of way in this immediate area, there are few lots existing with angled lot shapes that do not meet the minimum lot depth. This lot is one of two nonconforming lots that are comprised of the remaining west portion of original Lot 18 resulting from Hwy 288B bisecting the original lot.)*
- 2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties;** *(The applicant has been made aware that the approval of this subject plat does not waive any future zoning variances or permit non-compliance of any improvements to either of the two subject lots.)*
- 3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications;** *(Any other future applications have to be weighed on its individual merit.)*
- 4. The hardship was not created by the applicant;** *(Staff has concluded that the issue of lot depth predates the owner and is not self-created.)*
- 5. A variance would not be detrimental to any adjacent properties or to public health and safety.** *(No adverse impact or detriment would be attributed towards adjacent properties or public safety.)*

The applicant wishes to subdivide to create 2 lots of same acreage, with north having less than the standard depth. The proposed adjustment will meet all other zoning regulation standards.

REVISED RECOMMENDATION: Staff recommends that the Board of Zoning Adjustment approve the Orozco Villa Minor Subdivision requested variance to Section Sec. 28-23 and Sec. 28-60 (d)(1) c., recognizing the existing non-conforming status, conditioned on the following:

- 1. That the applicant shall upon this approval, apply for a Building Permit Application for any unpermitted structures to be reviewed for full building code compliance by the Chief Building Official.**
- 2. That no future improvements to the subject property shall occur absent the appropriate building development permit application, and with the understanding that existing use is permitted to remain as-is, and all future improved structures are required to conform with the zoning ordinances in effect at that time.**

SUGGESTED MOTION:

I move that we accept staff's recommendation as noted and findings of fact and conditionally approve plat variance to Section Sec. 28-23 and Sec. 28-60 (d)(1) c. to allow for division of an existing non-conforming lot with a reduced depth, subject to final Engineering approval.