

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 current lot frontage requirements of the Angleton LDC, Land Development Code Section 23-5, E 3., will can not be satisfied with certain lots of records which create grand-fathered statuses.

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

This will allow an existing condition of homes already in place to be subdivided from a financial standpoint.

- 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;**

The granting of the variance should not be detrimental to the public health, safety or welfare of surrounding in this area of the City's ETJ.

- 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**
Again, it is hard to imagine how the proposed lot split will p[revent the orderly use of other land within the area.

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

An undue hardship is founded.

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;**

The current lot frontage requirements of the Angleton LDC, Land Development Code Section 23-5, E 3., will can not be satisfied with certain lots of records which create grand-fathered statuses.

- b. **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;**

Situation causing the hardship is that the lot is already developed with two homes. The hardship is not financial, self-imposed nor generally affecting all or most properties in the same area.

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

The relief sought will not injure residential use of adjacent conforming property within the ETJ.

- 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 City regulations.

SITE PHOTOGRAPHS



View of site near entry from Fig Lane



View of site looking at western side property line/neighbor



View of site looking at rear of front home towards rear home structure



View of site looking at rear home structure



View of site looking at rear line and along western property line/neighbor fencing



View looking along driveway toward rear and neighboring fence

Staff Recommendation: Staff recommends approval of the variance to allow for the lot split of the property located at 1581 CR 597/1583 Fig Lane for lot frontage variance on a lot split.

Suggested Motion: I move that 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 Angleton LDC, Land Development Code Section 23-5, E 3 as it relates to property frontage for 1581 CR 597/1583 Fig Lane.