

STAFF REPORT

Agenda Date: Planning and Zoning Meeting Date: October 3, 2023
Agenda Item: Variance Request for 8315 County Road 79

Project Description: Variance to Subdivision Ordinance
Zoning Designation: Single Family Residential

Building Official: Albert Cantu
City Engineer: Dinh V. Ho, P.E.

SUMMARY

On or about September 15, 2023, Noel and Crystal Pratts submitted a variance application for the property located at 8315 County Road 79. The property is on CR 79, approximately 550' north of County Road 78. The Pratts are requesting a variance to Subdivision Ordinance Section 8.A., to allow for construction of a second single-family dwelling on a lot that is zoned within the Single-Family Residential District. The second dwelling would be occupied by her mother-in-law.

SUBDIVISION ORDINANCE AFFECTED BY THE VARIANCE REQUEST:

Subdivision Ordinance: Section 8.A; Offenses

STAFF REVIEW FINDINGS

Below are city staff findings based on the variance application and supporting documentation provided.

1. Subdivision Ordinance 8.A. states that it is unlawful to construction two (2) single family dwellings which shall be on a continual basis on a single lot, parcel or tract of land.

STAFF RECOMMENDATION

City staff recommend the variance to be denied based on the following:

1. The proposed construction of a second single family residential dwelling is prohibited under Section 8.A of the Subdivision Ordinance.
2. Granting the addition of a second single-family dwelling would also constitute a violation of the Zoning Ordinance, which does not allow for multiple single-family dwellings within the Single-Family Residential Zoning District.
3. Staff recommends the denial of the variance of the proposed second single-family dwelling. The second dwelling could materially affect the well-being of the neighborhood in which the subject property is located.

ARTICLE VII ZONING DISTRICT REGULATIONS

Sec. 70 District SFR (Single-Family Residential Dwelling District)

District SFR is a low density single-family residential dwelling district and is subject to the City's most restrictive regulations in order to prevent the encroachment of incompatible uses. No building or land shall be used and no building or structure shall be erected, constructed, reconstructed, converted, enlarged, or structurally altered within District SFR except in accordance with the provisions of this Section.

- (a) **Permitted uses:**
- Single-family dwellings;
 - Accessory residential uses;
 - Governmental facilities;
 - Home occupations;
 - Private recreational facilities owned and operated for or on behalf of a residential subdivision;
 - Public primary and secondary educational facilities;
 - Servants' or caretakers' quarters;
 - Construction offices relating to developments of permitted structures during such construction;
 - Sales offices and model homes related to single-family residential subdivision development.
 - Agricultural uses
 - Public and private parks

However, HUD-code manufactured homes, manufactured homes, and mobile homes, are prohibited in District SFR.

- (b) **Specific uses.** The following uses are permitted with District SFR subject to the granting of a specific use permit as prescribed in Article VIII of this Ordinance;

Churches or other places of religious worship;

Private or public educational institutions, including:
Accredited elementary and secondary schools;
Kindergartens and nursery schools; and
Religious institutions.

- (c) **Lot size requirements:**

- (1) Minimum lot area: One (1) acre
- (2) Minimum lot width: As would be required by the Subdivision Ordinance, if the property were being subdivided, regardless whether the property actually is being subdivided.



APPLICATION FOR VARIANCE REQUEST or APPEAL

12003 IOWA COLONY BLVD., IOWA COLONY, TEXAS 77583 | PHONE: 281-369-2471 | FAX: 281-369-0005 | WWW.CITYOFIOWACOLONY.COM

Please use this application to request a variance/appeal within the Subdivision Ordinance, Zoning Ordinance, Unified Development Code (UDC) and Sign Ordinance. An Application for Variance Request/Appeal shall be considered by Planning Commission and Planning Commission shall make a recommendation to City Council, who has the authority to grant or deny variance requests. Considerations are made at the monthly Planning Commission and City Council meetings. Refer to the www.cityofiowacolony.com for Planning Commission and City Council scheduled meeting dates and all ordinances and development guidelines affecting the City. Provide hard copies and digital files (cd or flash drive) of application and any supporting documentation to the City Secretary. This application may be used for several requests but only one property or one section of a subdivision. The application fee for Variance Requests/Appeal is \$1,000, due at the time of submission and is non-refundable. Applications received without the required fee shall be considered incomplete.

TYPE OF VARIANCE REQUEST (SELECT ONE): ZONING UDC SUBDIVISION ORDINANCE SIGN ORDINANCE APPEAL

APPLICANT INFORMATION:

Name of Applicant: Noel and Crystal Pratts
Address of Applicant: 8315 County Road 79 Phone: 713-819-7060 + 713-922-1850
Email: _____
Name of Owner: same as above
Address of Owner: _____ Phone: _____
Email: _____

PROPERTY INFORMATION:

Address Of Subject Property: 8315 County Road 79
Legal Description Of Subject Property: A0517 HT + BRR TRACT 3A B Acres 3.0
Brazoria County Tax No(s): 1138121
Current Zoning: Single Family Residential Water and Sanitary Served by: Well / Aerobic Septic
Street Frontage Type (Circle One): Private or Public FIRM Map Panel Number: 48039C0110K

VARIANCE REQUEST/APPEAL INFORMATION: Requestor must identify specific Chapter and Section of the Subdivision Ordinance, Zoning Ordinance, Unified Development Code or Sign Ordinance that the Variance Request applies to. If additional space is needed, please attach to this application.

List Ordinance or Code: Subdivision Ordinance
Request and reason: see attached

List Ordinance or Code: _____
Request and reason: _____

List of supplemental documentation provided: _____

Planning Commission Date Requested: 10/3/2023 City Council Date Requested: 10/16/2023

Requestor Signature or Owner and Date: [Signature] - Crystal Pratts - Pratts 9/15/2023

FOR CITY USE ONLY: Application Received By: _____
Planning Commission Date: _____
City Council Date: _____
Date Approved or Denied: _____

Date Received: 9/15/23 [Signature]
Fee Received: 9/15/23 [Signature]
Notifications Required: Published Notice Public Hearing
 Posting on Property (applicant responsibility) Personal Notice
 Written Notice of Decision

I would like to request a variance to the subdivision Ordinance in Iowa Colony, Texas. I am requesting permission to have two liveable spaces on my property. One would be the primary home for my husband/self. The other would be for my mom. She would have a liveable space next to a shop. My mother moved here from Tennessee and essentially knows no one here in Texas. I am the only child and her sole care giver.

Providing a comfortable living space for her would allow me to offer her essential care and support, promoting her well-being and quality of life. It would enable her to age in place, while maintaining her independence and staying within a familiar community and environment. Living close to family will have a positive effect on her emotional and mental health, reduce feelings of isolation and loneliness. I will be better suited in taking care of and monitoring her healthcare needs by having her on the property.

Thank you for your consideration,

Crystal Pratts