



**City Council Agenda
September 19, 2024**

Minutes Resolution

Action Item

Agenda Description:

Public hearing on a request for a conditional use permit regarding approximately .62 acres of land in the E.H. Eddleman Subdivision, County of Johnson, Texas, located at 109 Oak Street, to allow for the construction of an accessory dwelling.

- A. Staff Presentation
- B. Owner's Presentation
- C. Those in Favor
- D. Those Against
- E. Owner's Rebuttal

Background Information:

HISTORY: The property is platted.

ZONING: This property is zoned (R-1) Single Family Residential District.

ANALYSIS: The conditional use permit is to allow for the construction of an accessory dwelling.

Purpose of Conditional Use permit: The purpose of the Conditional Use Permit is to allow for review of uses which would not be appropriate generally without certain restrictions throughout a zoning district, but which if controlled as to number, area, location or relation to the neighborhood would promote the health, safety and welfare of the community. Such uses include colleges and universities, institutions, community facilities, zoos, cemeteries, country clubs, show grounds, drive-in theaters and other land uses as specifically provided for in this ordinance. To provide for the proper handling and location of such conditional uses, provision is made for amending this ordinance to grant a permit for a conditional use in a specific location. This procedure for approval of a Conditional Use permit includes public hearings before the Planning and Zoning Commission and the City Council. The amending ordinance may provide for certain restrictions and standards for operation. The indication that it is possible to grant a Conditional Use Permit as noted elsewhere in this ordinance does not constitute a grant of privilege for such use, nor is there any obligation to approve a Conditional Use Permit unless it is the finding of the Planning and Zoning Commission and City Council that such a conditional use is compatible with adjacent property use and consistent with the character of the neighborhood.

5.6 Accessory Dwellings.

Accessory Dwellings may be maintained within single-family residential zoning districts including the A Agricultural-Rural district and single-family uses within the HP district under the following conditions:

A.

All accessory dwellings shall require an approved Conditional Use Permit

Financial Information:

Only cost associated with the zoning change request is the publication expense and mailing of public hearing notices to property owners within 200 ft. as required by law. Public written notices sent out not less than 10 days before the P&Z public hearing and at least 15 days before the City Council public hearing.

City Contact and Recommendations:

Aaron Maldonado, Development Services Director

Staff Recommends approval. The Planning & Zoning Board recommended approval with the following stipulations at the September 3rd meeting.

Said accessory dwelling unit shall be subject to the following terms and conditions:

1. The accessory dwelling unit must be used by the same person or persons of the immediate family as the main dwelling.
2. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.
3. The accessory dwelling unit may be constructed only with the issuance of a Building Permit and shall be constructed out of the same material as the main dwelling.
4. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling, shall not have a separate electric meter, and shall not be sublet or otherwise utilized as a short-term rental.
5. Setback requirements shall be the same as for the main dwelling.
6. The accessory dwelling unit shall not be permitted without a main or primary dwelling.

Attachments:

- 1) Conditional Use Permit Application
- 2) Vicinity Map
- 3) Building Plans
- 4) Publication Notice