

# Board of Adjustment

## STAFF REPORT



**SUBJECT:** Case No.: V2024-008

Applicant Darris Diaz is requesting a variance from Section 154.21.3.C – Variance for the Construction of a Carport for property, at 1490 W Park, Parcel R34252, being BLOCK 12; LOT 2A of the Tarleton Heights Addition of the City of Stephenville, Erath County, Texas.

**MEETING:** Board of Adjustment – May 9, 2024

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

### BACKGROUND:

Ms. Diaz is requesting a variance for the construction of a carport that will extend into the required rear yard setback for R-3 zoning districts, Multi Family Residential. If approved, the 25 ft. setback requirement will be reduced to 13.5 feet.

### ZONING REQUIREMENTS:

#### 5.3. D Height, Area, Yard and Lot Coverage Requirements.

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 7,500 ft<sup>2</sup>.
- (3) Minimum lot width and lot frontage: 75 feet.
- (4) Minimum lot depth: 100 feet.
- (5) Minimum depth of front setback: 25 feet.
- (6) Minimum depth of rear setback: 25 feet.
- (7) Minimum width of side setback:
  - (a) Internal lot: seven feet.
  - (b) Corner lot: 25 feet from intersecting side street.

#### Section 154.21.3.C

#### Variance for the Construction of a Carport

- (1) Granting a Variance without a Public Hearing:
  - a. Upon receipt of an application to construct a carport, the city manager or his designee shall determine the following:
    - i. The carport is compatible with the existing home and other homes in the neighborhood.
    - ii. The carport is within the minimum setbacks.
    - iii. The carport is no larger than 25 feet in width by 30 feet in length.
  - b. If the above criteria are met, the city manager or his designee will mail notice of the proposed carport to every property owner within 200 feet of the property. The letter must include the procedure and time limits for protest.

- c. Within 14 days from the date of the notification letter, a petition with signatures from 35% of the property owners within the notification area must be returned to the city manager or his designee or the special exception is considered granted without a hearing before the board of adjustment.
- (2) Granting a Variance with a Public Hearing:
- a. If the criteria listed above are not met, or if a petition is filed with the city manager or his designee as described above, a public hearing will be scheduled by the board of adjustment to determine if a variance will be granted.
  - b. Notice of a public hearing to allow the construction of a carport shall be mailed to every property owner within 200 feet of the property for which the special exception is requested at least ten days prior to the meeting date.
  - c. Notice of the public hearing shall be published in the newspaper of record at least ten days prior to the meeting date.
  - d. The concurring vote of 75% of the members of the board will be required to grant the special exception.
- (3) The city manager or his designee shall issue to the applicant appropriate documentation showing the grant of the special exception. Such documentation and grant may contain restrictions, use limitations, building requirements, and other matters determined to be appropriate and/or necessary to meet the terms of this section.

#### ALTERNATIVES:

1. Approve the Variance Request
2. Deny the Variance Request