

**SUBJECT:** Case Nos.: V2021-011, V2021-012 and V2021-013  
**MEETING:** Board of Adjustment – 13 May 2021  
**DEPARTMENT:** Development Services  
**STAFF CONTACT:** Steve Killen

#### BACKGROUND:

Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from Section 154.05.6 relating to the minimum lot area requirements for a townhome project to be constructed at the following parcels:

- V2021-011: 422 S Lillian, Lot 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, Tx.
- V2021-012: 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, Tx.
- V2021-013: 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, Tx.

The minimum lot area requirement is 3,000 square feet. The applicant is requesting a variance for a 1,465 foot square foot reduction in the area requirement making each dwelling unit lot of the townhome project 1,535 square foot. The townhomes are being constructed for individual sale and the lots will be platted accordingly.

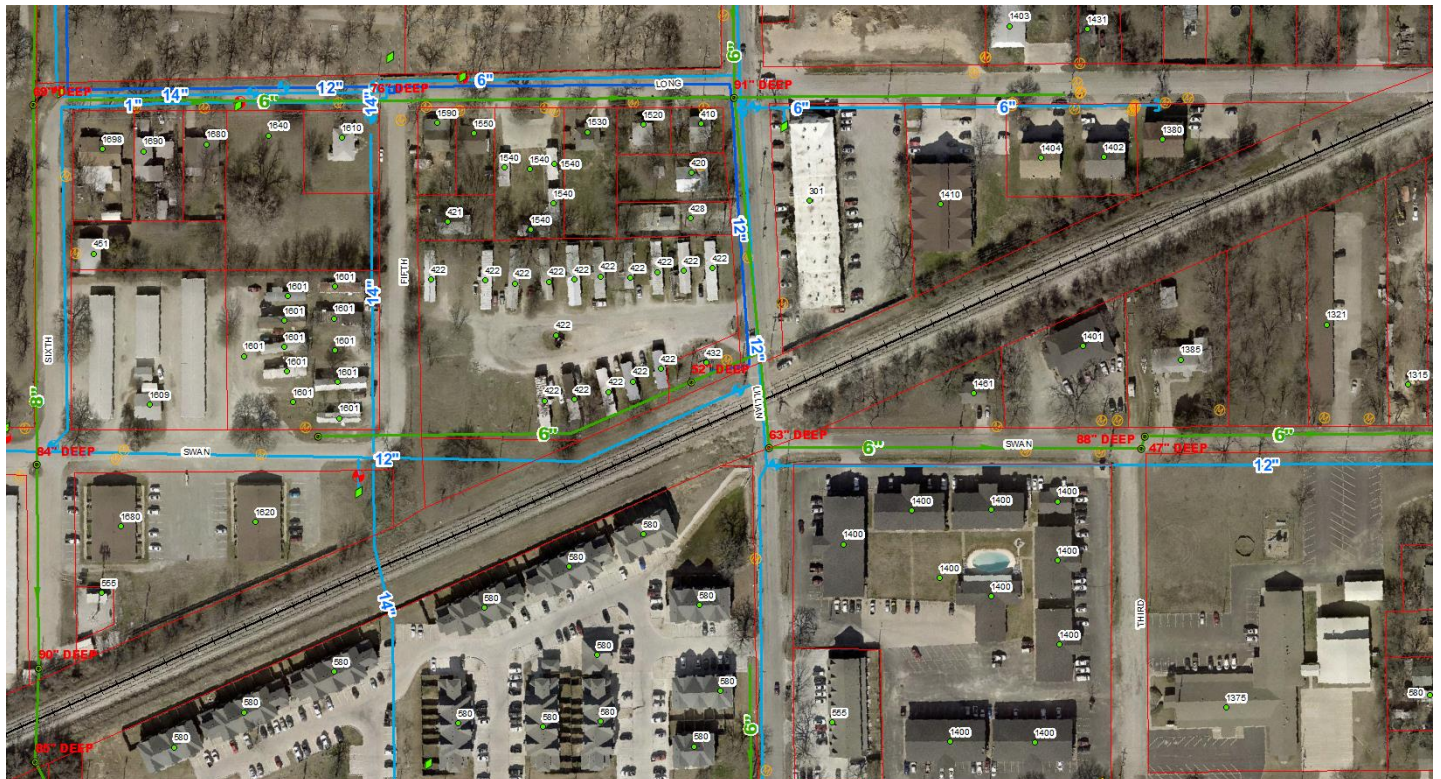
#### CURRENT ZONING:





[illegible]

The properties are served by city water and sanitary sewer mains as illustrated below:



(C) *Townhouse/Condominium.*

(1) Minimum lot area: 3,000 ft<sup>2</sup> per unit.

(2) Minimum average lot width and lot frontage: 30 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum depth of front setback: 25 feet.

(5) Minimum depth of rear setback: 15 feet.

(6) Minimum width of side setback:

(a) Internal lot: five feet.

(b) Corner lot: 25 feet from intersecting side street.

(7) Building size:

(a) Maximum building coverage as a percentage of lot area: 40%

(b) Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.

(c) Minimum area of each Condominium of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less, plus 125 ft<sup>2</sup> of floor area for each additional bedroom.

(8) Accessory buildings:

(a) Maximum accessory building coverage of rear yard: 20%.

(b) Maximum area of each accessory building: 200 ft<sup>2</sup>.

(c) Maximum number of accessory buildings: one per unit.

(d) Minimum depth of side setback: five feet.

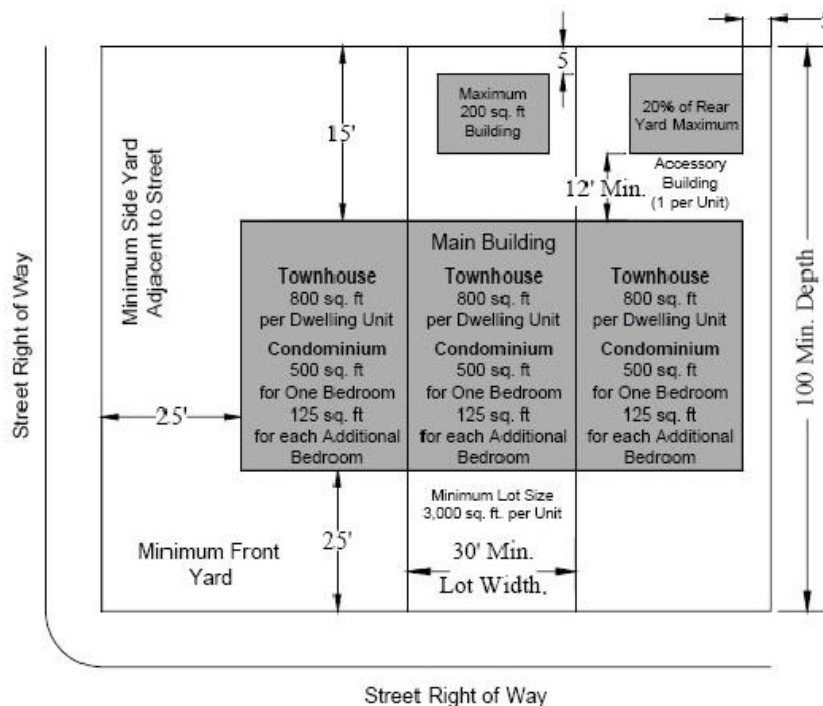
(e) Minimum depth of rear setback: five feet.

(f) Minimum depth from the edge of the main building: 12 feet.

(9) Maximum height of structures: 35 feet.

(10) Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.

**Townhouse/Condominium**



A Townhouse/Condominium, R-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in this ordinance, Section 11, Parking Regulations of this Ordinance.

## **VARIANCE:**

### **21.1.1 Variance.**

- (1) A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of property. Whenever, owing to exceptional and extraordinary conditions, the literal enforcement of the zoning regulations will result in unnecessary hardship in the development of the property, an appeal for a variance may be filed with the Board of Adjustment.
- (2) When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular hardship, the Board may consider and allow variations of the strict application of the terms of this ordinance if the variations are in harmony with the general purpose and intent of this ordinance, and the Board is satisfied, under the evidence heard by it, that a granting of the variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable hardship or difficulty so great as to warrant a variation from the Zoning Regulations.
- (3) The Board may authorize a variance where by reason of exceptional narrowness, shallowness, or shape of specific piece of property of record at the time of the adoption of this ordinance, or by reason of exceptional situation or condition of a specific piece of property, the strict application of a provision of this ordinance would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of the property and amount to a practical confiscation of the property as distinguished from a mere inconvenience to the owner, provided the variation can be granted without substantial detriment to the public good, and without substantially impairing the general purpose and intent of the comprehensive plan as established by the regulations and provisions contained in this ordinance.

(a) *Papers required.* An appeal for a variance shall include:

- (1) A site plan, drawn to scale, showing the location and dimension of the lot and of all existing and proposed improvements:
  - a. When an appeal is based upon hardship resulting from sharp changes in topography or unusual terrain features, the site plan shall include topographic information related to known base points of surveys, and profiles of the particular problem involved, including relationship to topographic features of adjoining properties.
  - b. When an appeal is submitted for variance of side yard or rear yard requirements, the applicant shall provide the same information for the properties adjoining the common lot line as may be applicable to the appealed requirements.
  - c. When an appeal is submitted for a variance from front yard setback, or for side yard setback on a side street, the applicant shall furnish a strip map showing the setback of main walls of all buildings on the same side of the street within a distance of 200 feet of the applicant's property.
- (2) A statement of facts and reasons why the Zoning Regulations should not be applied to the property in question and how the standards governing the Board's action would be satisfied; and
- (3) A statement by the Enforcing Officer citing the reasons for refusing to issue a permit under the plans submitted.

(b) *Basis for action.*

- (1) Before acting on an appeal for variance the Board shall consider:
  - a. The facts filed with the application;
  - b. The testimony presented at the public hearing on the appeal;
  - c. The City Staff's technical report on the appeal; and
  - d. The Board's findings in its field inspection of the property.
- (2) The Board may grant an appeal, subject to such terms and conditions as it may fix, provided the applicant has demonstrate to the satisfaction of the Board that the conditions governing the granting of a variance as set

forth in the Zoning Regulations are satisfied and that the decisions of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations.

#### **ALTERNATIVES:**

1. Approve the Variance Request.
2. Approve the Variance Request with modifications.
3. Deny the Variance Request.