

# Board of Adjustment

## STAFF REPORT



**SUBJECT:** Case No.: V2021-002  
**MEETING:** Board of Adjustment – 11 February 2021  
**DEPARTMENT:** Development Services  
**STAFF CONTACT:** Steve Killen

### BACKGROUND:

Applicant Beau Mayo is requesting a Subdivision Waiver from Section 154.06.3.D for a project to be constructed at Parcel 29531, Lot 4A, Block 56, of the City Addition, to the City of Stephenville, Erath County, Texas. This property is also known as 314 Floral.

Mr. Mayo is requesting a variation relating to the width and overall lot size requirements for a two family structure in a B-3 zoned district. The current lot dimensions are 50' x 110' based on GIS data. Therefore, the applicant's request, if granted, will result in a variance of an approximate 25' reduction on the minimum width requirement and an overall reduction of minimum lot size by approximately 2,000 sqft.

### CURRENT ZONING:

(B-3) Central Business

### FUTURE LAND USE:

Central Business

### WATER:

The property is served by a 6" city water main in Floral.

### SEWER:

The property is served by a 8" sanitary sewer main in Floral.

Sec. 154.06.3. - Central business district (B-3).

**6.3.A Description.** The Central Business District is intended to encourage the redevelopment of the downtown business area, which includes the historic courthouse, all types of offices, retail business and residences. The varying land uses included in the Central Business District are compatible with existing uses to preserve the integrity of the Central Business District and deter urban deterioration. This district also facilitates the maintenance of the area and provides for the vibrant interaction between retail, service, residential and citizens citywide.

### **6.3.B Permitted Uses.**

- (1) Accessory building to main use;
- (2) Antique shop/art gallery—sales in building;
- (3) Auto parking lot or building (commercial);
- (4) Bakery and confectionery shop;
- (5) Banks or other financial institutions;
- (6) Bed and breakfast/boarding house;
- (7) Church, temple or mosque;

- (8) Civic or community center;
- (9) Cleaning and pressing—small shop, pickup and delivery;
- (10) College or university;
- (11) Condominium;
- (12) Convenience/grocery store (without pumps);
- (13) Department store;
- (14) Drapery, needlework or weaving shop;
- (15) Farmers market;
- (16) Florist;
- (17) Fraternal organization, lodge or civic club;
- (18) Furniture or appliance store;
- (19) Handcraft shop;
- (20) Health club, weight and aerobic center;
- (21) Home occupation;
- (22) Hotels and motels;
- (23) Household appliance service and repair (no outside storage);
- (24) Kiosk;
- (25) Laboratory (medical);
- (26) Micro brewery;
- (27) Multi-family dwelling (five more units);
- (28) Municipal facilities/state facilities/federal facilities;
- (29) Office—professional and general administration;
- (30) Park, playground, public community recreation center;
- (31) Personal service shop (beauty/barber shop and the like);
- (32) Pet shop—small animals within building (no boarding);
- (33) Railroad or bus passenger station;
- (34) Registered family home (six + six children);
- (35) Restaurant or cafeteria—without drive-in service;
- (36) Retail shops;
- (37) Retirement housing complex;
- (38) Schools—private/parochial;
- (39) Schools—public;
- (40) Single family dwelling;
- (41) Studio for photographer, musician, artist and the like;
- (42) Studio for radio and television;
- (43) Theater—indoor;
- (44) Townhouse; and
- (45) Two-four family dwelling.
- (46) Restaurant with alcoholic beverage service.

**6.3.C Conditional Uses (Special Use Permit required).**

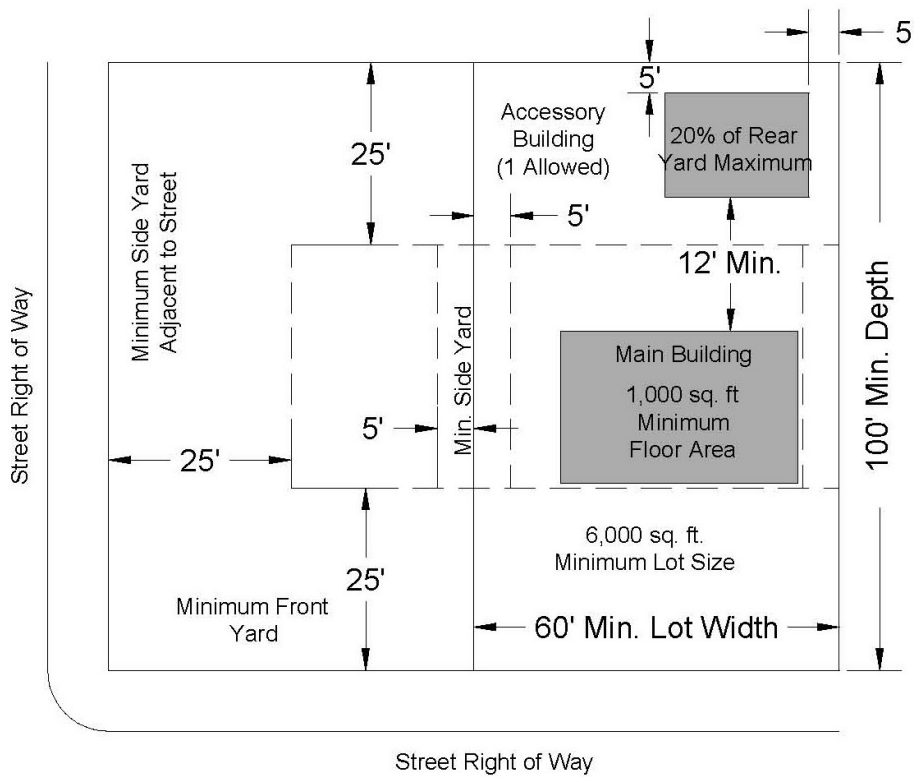
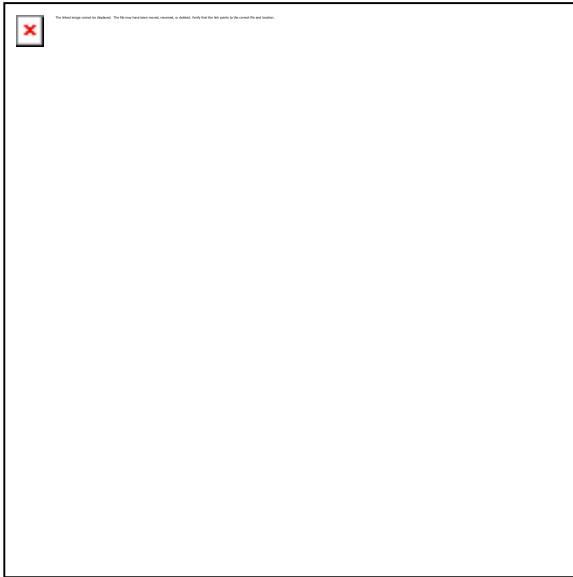
- (1) Assisted living center;

- (2) Auto parts sales;
- (3) Automobile service station and car care center;
- (4) Clinic;
- (5) Day care center (12 or more children);
- (6) Hospital—general acute care (human);
- (7) Printing;
- (8) Plumbing shop;
- (9) Scientific and research laboratories;
- (10) Storage, sale or repair of furniture and appliances (inside building);
- (11) Tobacco shop;
- (12) Tool and equipment rental shop; and
- (13) Trade and commercial schools.

**6.3.D Height, Area, Yard and Lot Coverage Requirements.**

(A) *Single family dwelling.*

- (1) Maximum density: one dwelling unit per lot.
- (2) Minimum lot area: 6,000 ft<sup>2</sup>.
- (3) Minimum lot width and lot frontage: 60 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: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (8) Building size:
  - (a) Maximum coverage as a percentage of lot area: 40%.
  - (b) Minimum area of main building: 1,000 ft<sup>2</sup>.
- (9) Accessory buildings:
  - (a) Maximum accessory building coverage of rear yard: 20%.
  - (b) Maximum number of accessory buildings: one.
  - (c) Minimum depth of side setback: five feet.
  - (d) Minimum depth of rear setback: five feet.
  - (e) Minimum depth from the edge of the main building: 12 feet.
- (10) Maximum height of structures: 35 feet.
- (11) 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.

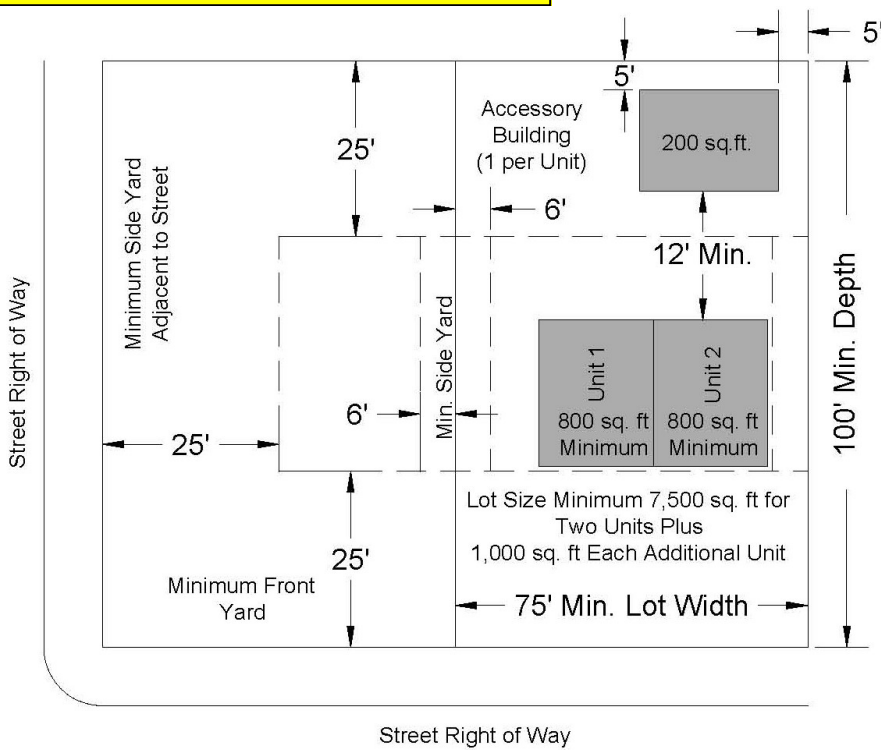
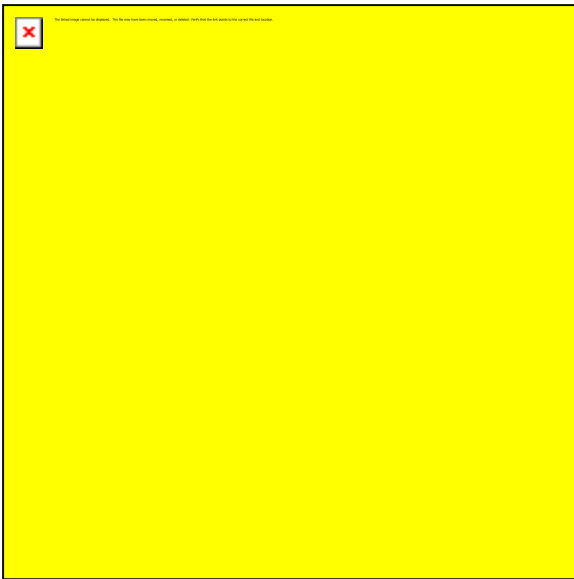


**(B) Two-four family dwelling.**

- (1) Minimum lot area: 7,500 ft for two dwelling units, plus 1,000 ft for each additional dwelling unit.
- (2) Minimum lot width and lot frontage: 75 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 25 feet.
- (6) Minimum width of side setback:
  - (a) Internal lot: six feet.
  - (b) Corner lot: 25 feet from intersecting side street.
- (7) Building size:

- (a) Maximum coverage as a percentage of lot area: 40%. NOTE: (maximum of 2200 sqft for building footprint for this lot)
- (b) Minimum area of each dwelling unit: 800 ft<sup>2</sup>.
- (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.

*Height, Area, Yard and Lot Coverage Requirements  
Two-Four Family Dwellings*



### 6.3.E Parking Regulations.

- (1) A Single-Family, B-3 District lot shall provide a minimum of two vehicle parking spaces, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (2) A Two-Four-Family, B-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (3) A Townhouse/Condominium, B-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (4) A Multiple Family, B-3 District lot shall provide a minimum of two vehicle parking spaces per dwelling unit and meet all the pertinent requirements contained in Section 11 the Parking Regulations of this ordinance.
- (5) All uses permitted in the B-3 District: See Section 11 for Parking Regulations.

(Am. Ord. 2007-24, passed 12-4-2007; Am. Ord. 2008-13, passed 7-1-2008; Am. Ord. 2009-23, passed 12-1-2009; Am. Ord. 2011-26, passed 12-6-2011; Am. Ord. No. [2018-O-25](#), § 1, 8-7-2018)

**VARIANCE:**

Section 154.21.1.1

1. A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the 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 variation 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 aside 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

#### **ALTERNATIVES:**

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

#### **ATTACHMENTS:**