

Board of Adjustment STAFF REPORT



SUBJECT: Case No.: V2022-002

Applicant John Scribner is requesting a variance from Section 154.06.6.D.(5) relating to front setback requirements for property located at 2798 W. Washington Street, being parcel R22338 of A0515 Motley William & City, Lot 6 of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – March 10, 2022

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

BACKGROUND:

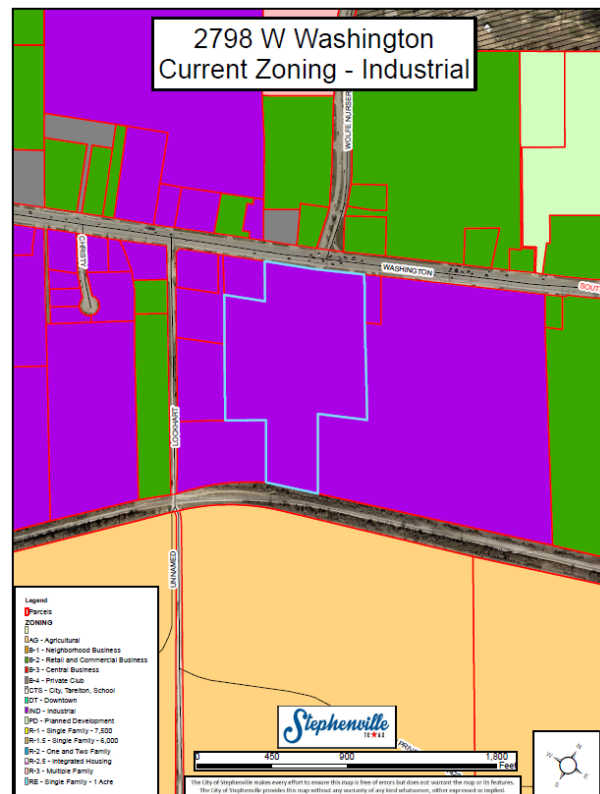
Mr. Scribner is requesting a variance to allow for the construction of a canopy for drive through ordering station within the 20' setback requirement for corner lot. This lot is one of eight lots in a 20-acre development known as The Stables, which is surrounded by industrial, commercial and retail uses.

Per Section 154.21.1.I. 3.a.1.c., a 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 is not applicable as there are no existing buildings that meet this criteria.

If approved, the canopy and 3 posts will encroach the set-back requirement but have no impact on surrounding properties, existing or proposed utilities, or sight triangles.

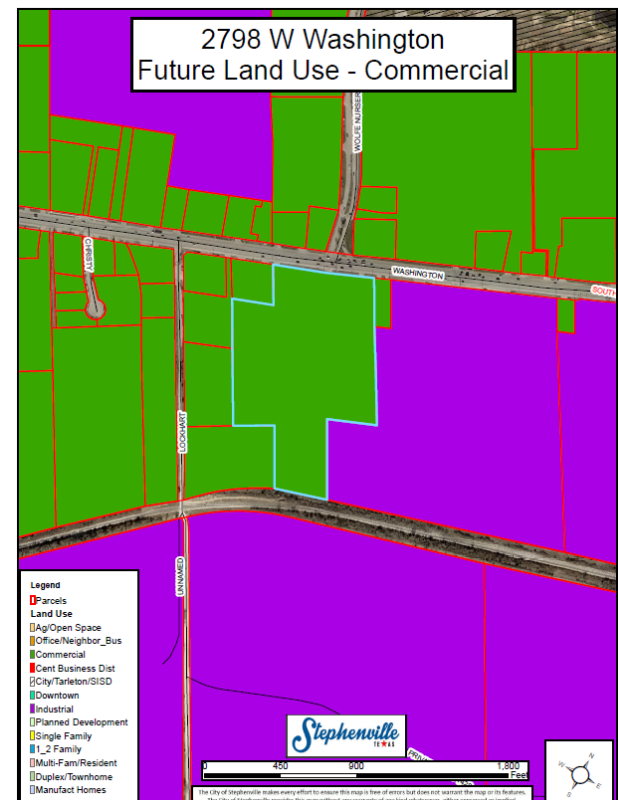
CURRENT ZONING:

(I) Industrial

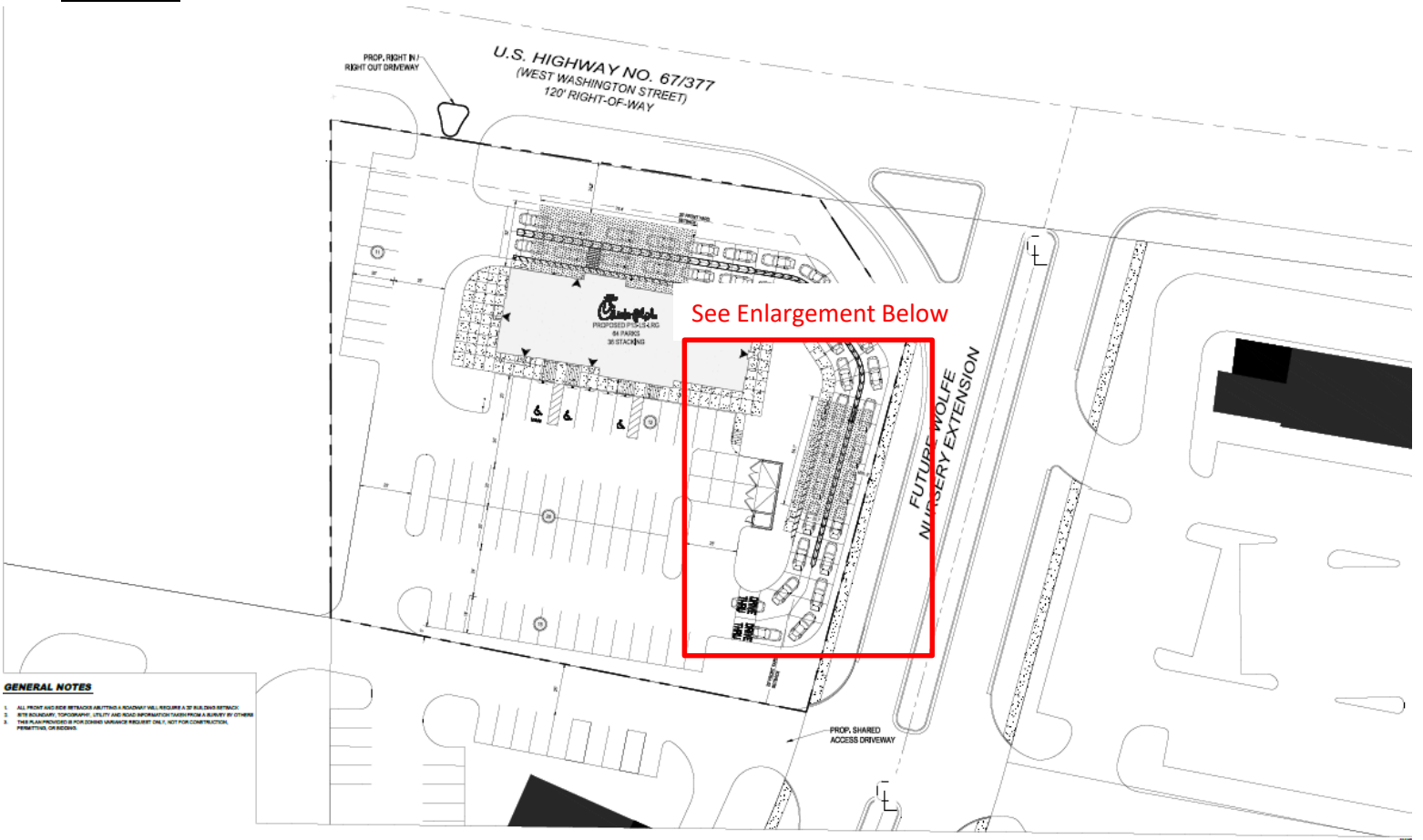


FUTURE LAND USE:

Commercial



SITE PLAN:



GENERAL NOTES

1. ALL PROPT AND RICE BETWEEN ADJUTING A ROADWAY SHALL REQUIRE A 30' BULBDED OFFSET
2. SITE BOUNDARY, TOPOGRAPHY, UTILTY AND ROCK INFORMATION TAKEN FROM A SURVEY BY OTHERS
3. THIS PLAN PREPARED IN ACCORDANCE WITH TEXAS REQUIREMENTS ONLY. NOT FOR CONSTRUCTION, PERMITTING, OR RECORDS.

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LISCIOTTI DEVELOPMENT





ZONING REQUIREMENTS:

6.6.D Height, Area, Yard and Lot Coverage Requirements.

- (1) Maximum density: There is no maximum density requirement.
- (2) Minimum lot area: There is no minimum area requirement.
- (3) Minimum lot width: There is no minimum width requirement.
- (4) Minimum lot depth: There is no minimum depth requirement.
- (5) Minimum depth of front setback: 20 feet minimum.
- (6) Minimum depth of rear setback: There is no minimum rear setback requirement unless the lot abuts upon a Residential District, then a minimum ten feet is required.
- (7) Minimum width of side setback:
 - (a) Internal lot: There is no minimum side setback requirement unless the lot abuts upon a Residential District, then a minimum five feet is required.
 - (b) Corner lot: 20 feet minimum.
- (8) Building size: There are no minimum size regulations
- (9) Maximum height of structures: No building shall exceed 75 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.



Note: All uses, no rear or side yard except when the lot abuts upon a Residential District, then the minimum set back for the rear yard is ten feet and side yard is five feet.

VARIANCE:

Section 154.21.1.I

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 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 demonstrated 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. Deny the Variance Request