

# 7Board of Adjustment STAFF REPORT



**SUBJECT:** Case No.: V2022-007

Applicant James Benton is requesting a variance from Section 154.05.3.D.(6) relating to minimum depth of rear setback requirements for property located at 150 Elk Cove, being parcel R75360 of Elk Ridge Estates III, Block 5, Lots 8 of the City of Stephenville, Erath County, Texas.

**MEETING:** Board of Adjustment – May 12, 2022

**DEPARTMENT:** Development Services

**STAFF CONTACT:** Steve Killen

## BACKGROUND:

Mr. Benton is requesting a variance to allow for the construction of swimming pool. Based on the site plan, the pool will protrude into the rear setback by approximately seven feet. He is requesting a seven foot variance, reducing the rear setback to 18’.

## 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.

## 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 a

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. Deny the Variance Request