

****PUBLIC NOTICE****



BOARD OF ADJUSTMENT

Monday, April 18, 2022 at 6:00 PM

City Hall | 3300 Corinth Parkway

A. CALL TO ORDER

B. PLEDGE OF ALLEGIANCE

C. BUSINESS AGENDA

1. Conduct a public hearing and act upon a request for a Variance to the Unified Development Code, Subsection 2.07.07, to increase the Maximum Square Footage of All Accessory Buildings (Combined Area) and increase the Maximum Number of Accessory Buildings at 2100 Church Drive. (Case No. ZVR22-0001)

D. ADJOURN

The Board reserves the right to recess into executive session at any time during the course of this meeting to discuss any of the matters posted on this agenda, as authorized by the Texas Open Meetings Act, Texas Government Code, Section 551.071, "Consultation with Attorney" for the purpose of receiving legal advice.

Posted on this 14th day of April 2022, at 5:30 P.M., on the bulletin board at Corinth City Hall.

John S Webb

John Webb, AICP
Director of Planning and Development Services
City of Corinth, Texas

April 14, 2022
Date of Notice



CITY OF CORINTH

Staff Report

Meeting Date:	4/18/2022	Title:	ZVR22-0001 – Variance Request: 2100 Church Drive
Ends:	<input checked="" type="checkbox"/> Resident Engagement <input type="checkbox"/> Proactive Government <input type="checkbox"/> Organizational Development <input type="checkbox"/> Health & Safety <input type="checkbox"/> Regional Cooperation <input type="checkbox"/> Attracting Quality Development		
Governance Focus:	<i>Focus:</i> <input checked="" type="checkbox"/> Owner <input checked="" type="checkbox"/> Customer <input checked="" type="checkbox"/> Stakeholder		
	<i>Decision:</i> <input type="checkbox"/> Governance Policy <input checked="" type="checkbox"/> Ministerial Function		

Item/Caption

Conduct a public hearing and act upon a request for a Variance to the Unified Development Code, Subsection 2.07.07, to increase the Maximum Square Footage of All Accessory Buildings (Combined Area) and increase the Maximum Number of Accessory Buildings at 2100 Church Drive. (Case No. ZVR22-0001)

Item Summary/Background/Prior Action

The subject property is located at the southeast corner of Church Drive and Post Oak Drive. The 15.65-acre site contains a single-family residence and three (3) accessory structures. The property is zoned SF-1 Single Family Residential.

Unified Development Code (UDC) Subsection 2.07.07 A.1.a, Residential Accessory Dimensional regulations, limits the maximum square footage of all accessory buildings (combined area) and the maximum number of accessory buildings based on lot size. For lots of 43,456 square feet (1-acre) or greater, the maximum square footage of all accessory buildings (combined area) is limited to 2,000 S.F. and the maximum number of accessory buildings is limited to three (3) per parcel.

The applicant, Mrs. Mary Green, is requesting a variance to build a large barn on the site. The area of the proposed barn is 3,456 square feet. Construction of the barn would result in a total of four (4) accessory buildings with a combined area of 6,456 square feet. Staff cannot authorize a building permit for this structure without a variance granted by the Board of Adjustment as the proposal does not meet the referenced requirements for accessory structures.

Per UDC Subsection 2.11.02, a Zoning Variance is authorized when such cases are shown not be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in an undue hardship and so that the spirit of the ordinance shall be observed and substantial justice done.

Staff Analysis

Staff evaluated the Variance Request in regard to the provisions of Subsection 2.11.02 D, Criteria for Zoning Variance Approval:

- 1. Unique Circumstances. That there are special circumstances or conditions affecting the land involved such that the application of the UDC's provisions would deprive the Applicant of the reasonable use of his/her land.**

The Applicant declares that the application of the UDC provisions will deprive them of the reasonable use of their land. The City of Corinth does not have an Agricultural Zoning District. The property, while agricultural in nature, must abide by Single-Family Residential standards, which limit the number and size of accessory structures. The SF-1 zoning district has a minimum lot size of 1 acre, tying a 15.65 acre property to the same regulations as a 1 acre parcel.

2. Minimum Necessary Relief Required to Alleviate the Undue Hardship. The Zoning Variance, if granted, would be the minimum necessary relief required to alleviate the undue hardship.

The request is for one (1) additional accessory building over the limit of three (3) accessory buildings and increasing the maximum combined area to 6,456 square feet.

3. Preservation of Property Rights. That the Zoning Variance is necessary for the preservation and enjoyment of a substantial property right of the Applicant.

The Applicant declares that the land is not being used to its full potential, and the proposed barn will be used to house more animals on the property.

4. No Substantial Detriment to the Public Good. That the granting of the Zoning Variance will not be detrimental to the public health, safety or welfare, impair the purposes and intent of this UDC and the Comprehensive Plan or be injurious to other property within the area.

The Applicant declares that the new barn will not be seen from Post Oak Drive, and believes the harmony of seeing horses grazing in the fields will add to the serenity of the City, so it will not be detrimental to the public good.

5. Orderly Use of Land. That the granting of the Zoning Variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this UDC.

Staff does not believe that granting the zoning variance will prevent the orderly use of other land within the area.

6. Precedent. The granting of an individual Zoning Variance will not set a precedent.

Staff believes that granting this individual Zoning Variance request will not set a precedent, as these are unique circumstances due to the size of the property in relation to the minimum lot size for a lot zoned SF-1.

7. Finding of Undue Hardship. In order to grant a Zoning Variance, the Board of Adjustment must make findings that an undue hardship exists, using the following criteria:

- a. That literal enforcement of the controls will create an undue hardship or practical difficulty in the development of the affected property; and**

The Applicant declares that the literal enforcement of the UDC provisions will create an undue hardship.

- b. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and**

The situation causing the hardship is not self-imposed nor generally affects all or most properties in the same zoning district due to the size of the subject property in relation to other lots zoned SF-1.

- c. That the relief sought will not injure the permitted use of adjacent conforming property; and**

UDC Subsection 2.07.07 A.1.a requires that Accessory Buildings, the use of which is for the purpose of containing livestock shall be located at least two hundred (200) feet from any existing dwelling located on an adjacent lot or tract.

- d. That the granting of a Zoning Variance will be in harmony with the spirit and purpose of these regulations.**

The Zoning Variance request would grant only one additional accessory building, and all pertinent City regulations would apply.

- e. Financial hardship alone is not an "undue hardship" if the property can be used, meeting the requirements of the zoning district in which the property is located.**

The Applicant is not claiming a financial hardship.

In making the findings within 2.11.02. D Criteria for Zoning Variance Approval, the Board shall take into account:

- a. The nature of the proposed use of the land involved,
- b. Existing uses of land in the vicinity,
- c. The number of persons who will reside or work within the proposed use, and
- d. The probable effect such Zoning Variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

Public Notifications

Notice of the public hearing was published in the April 2, 2022, edition of the Denton Record-Chronicle.

On March 31, 2022, written public notices were mailed to the property owners of 47 properties located within 200 feet of the subject property.

As of the date of this report, Staff has received four (4) letters of support and no letters of opposition from property owners located within 200 feet of the subject property. Copies of the letters are attached.

Attachments

1. Statement of Intent
2. Variance Request
3. Concept Plan
4. Letters Received

STATEMENT OF INTENT

Mary Ellen Green
2100 Church Drive
Corinth, Texas 76210
March 30, 2022

City of Corinth, Planning & Zoning Department
3300 Corinth Parkway
Corinth, Texas 76208

Ladies and Gentlemen,

I am applying for a variance on my property at Greenacres. I have 15.5 acres at the corner of Church Drive and Post Oak Drive. My husband and I bought the property in 1993 and the reason was the jumps in the field for our daughter to train and practice with her horses. At that time, we built a small barn. There were no houses around us and that was not a problem. Now she has more horses and needs a larger barn to accommodate the animals. We have an agricultural exemption on the property and a few cows. Since the land is not being used to its full potential, I am asking for a variance to the Unified Development Code to modify the limit on the number of accessory structures to allow me to build another barn.

Sincerely,

Mary Ellen Green
940-321-6598

DESCRIPTION OF VARIANCE REQUEST

Mary Ellen Green
2100 Church Drive
Corinth, Texas 76210
March 30, 2022

City of Corinth, Planning & Zoning Department
3300 Corinth Parkway
Corinth, Texas 76208

Ladies and Gentlemen,

I am requesting a zoning variance on my property from the regulations of Unified Development Code Subsection 2.07.07 A.1.a, to increase The Maximum Square Footage Of All Accessory Buildings (Combined Area) and increase the Maximum Number Of Accessory Buildings allowed on my property.

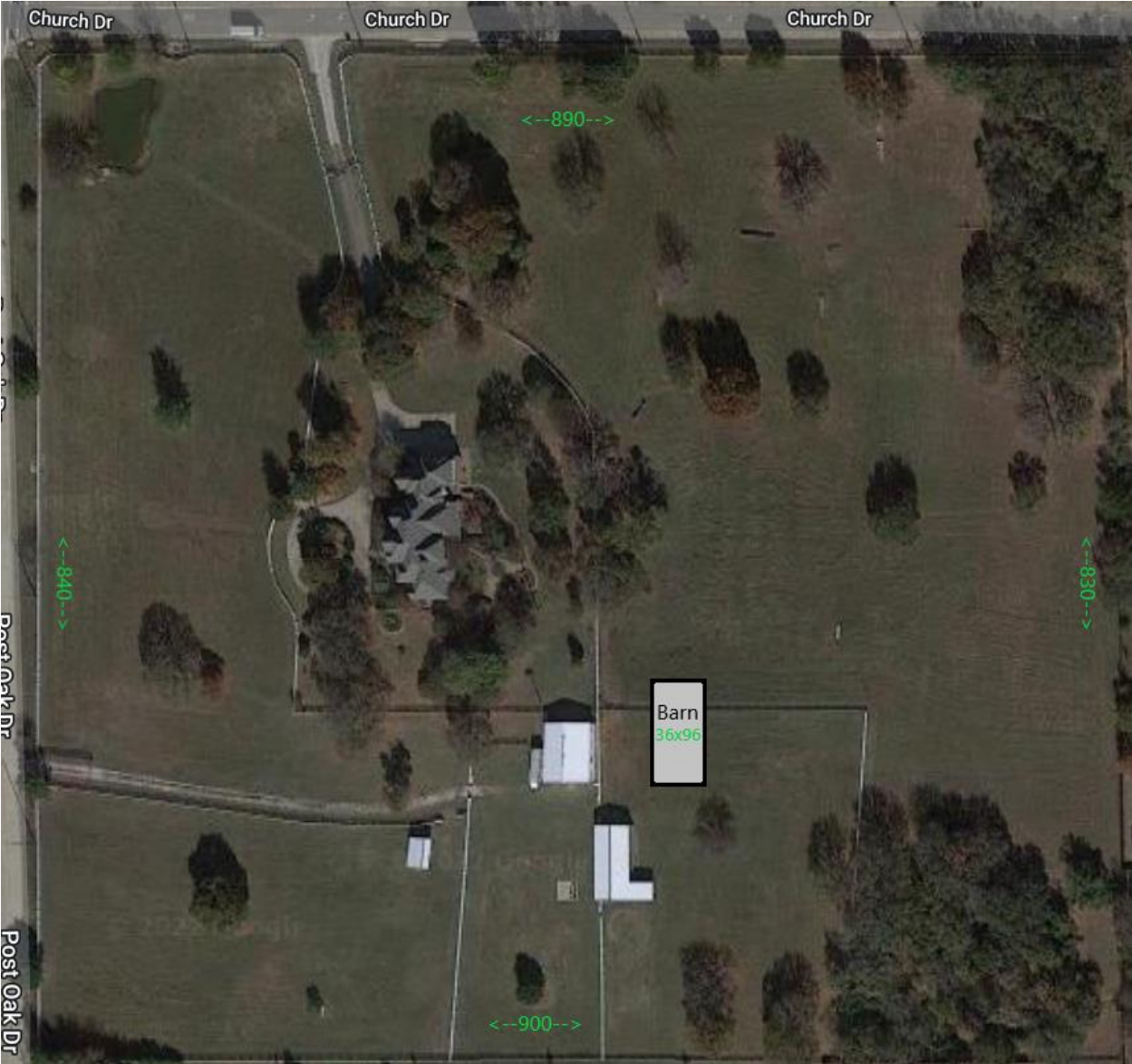
Though my 15.5-acre property is my homestead and has an agricultural exemption, there is no Agricultural Zoning in Corinth, and I am bound to Single-Family Residential standards which do not allow a reasonable use for my land.

The Unified Development Code allows a maximum of three accessory buildings on properties with an area of one acre or larger. As such, my 15.5 acre property can only have three accessory buildings with a combined area coverage of 2,000 square feet. I want to build a larger barn (3456 sq ft) and feel it will not be contrary to the public interest. The new barn would result in a total of 3 accessory buildings in my property with a combined square footage of 6456 square feet. The new barn will not be seen from Post Oak Drive, and I believe the harmony of seeing horses grazing in the fields will add to the serenity of the city, so it will not be detrimental to the public good.

I believe that granting this zoning variance will alleviate this undue hardship and will preserve my right to use and enjoy my property.

Sincerely,

Mary Ellen Green
940-321-6598





BOARD OF ADJUSTMENT

Date: **MONDAY, APRIL 18, 2022 AT 6:00 P.M.**

Section C, Item 1.

Hearing Location: City Hall, 3300 Corinth Parkway, Corinth, TX 76208*

PUBLIC HEARING NOTICE

Dear Property Owner:

On Monday, April 18, 2022, at 6:00 PM, the City of Corinth Board of Adjustment will hold a public hearing and act upon the item listed below:

- A request for a Variance to the Unified Development Code, Subsection 2.07.07, to increase the Maximum Square Footage of All Accessory Buildings (Combined Area) and increase the Maximum Number of Accessory Buildings at **2100 Church Drive**.

For more information about the request, you may visit the City of Corinth's Upcoming Public Hearings page: <https://www.cityofcorinth.com/planning-development/page/upcoming-public-hearings>.

As a property owner within two hundred (200) feet of this property, you are invited to attend this meeting in-person and voice your opinion at the public hearing. You are not required to be present, but all interested parties wanting to be heard should participate through the time and method stated above.

Additionally, your opinion regarding the request on the property described above may be expressed by notation on this form or by letter. You may support or oppose this request; your opposition will be considered a protest. Written comments must be received by the **City of Corinth Planning and Development Department at 3300 Corinth Parkway, Corinth, Texas 76208 (protests must be received 3 days prior to the public hearing)**. Comments may also be sent by email to Miguel Inclan, Planner, at miguel.inclan@cityofcorinth.com. Additionally, if you have any questions regarding the proposed item, you may call 940-498-3263 for assistance.

I am writing in (Check as applicable) **Support:** ☒ **Opposition:** ☐ of the proposal.



We have lived behind The Screens for over 10 years and feel this would be great for them and the community. We fully support and look forward to seeing it and more horses. *Miguel Inclan*

Eduardo & Meredith Morales 1803 Marseilles Lane
Name/Address/City: (Please Print) **(Required)**
CORINTH, TEXAS 76210

*Please note: Effective 9/1/2021, the option to provide Public Comments via remote session is no longer available.



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I am writing in (Check as applicable) Support: ☒ Opposition: ☐ of the proposal.

go ahead

Name/Address/City: (Please Print) (Required)

Bryan + Melissa Covington
2100 Birdwood Circle
Corinth TX 76210

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I am writing in (Check as applicable) Support: ☒ Opposition: ☐ of the proposal.

Name/Address/City: (Please Print) **(Required)**

Rob & Crystal Weakley
2102 Birdwood Cir.
Corinth, TX 76210

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I am writing in (Check as applicable) Support: ☒ Opposition: ☐ of the proposal.

Name/Address/City: (Please Print) (Required)

Tracy Greaber
1901 Durance Court
Corinth

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