

BOARD OF ADJUSTMENT

City Hall Council Chambers, 298 W. Washington Thursday, September 14, 2023 at 4:00 PM

AGENDA

CALL TO ORDER

MINUTES

1. Consider Approval of July 13, 2023 Minutes

PUBLIC HEARING

2. Case No.: V2023-012

Applicant Ryan Young is requesting a variance from Section 154.05.6.D(A)(6)(b) - Minimum width of side setback - Corner lot: 25 feet from intersecting side street for property located at 707 W Tarleton, being parcel R32735 of S5400 PARK PLACE ADDITION; BLOCK 4; LOT 12 of the City of Stephenville, Erath County, Texas.

3. Case No.: V2023-013

Applicant Ryan Young is requesting a variance from *Section 154.05.6.D(A)(7)(a) - Building Size - Maximum coverage as a percentage of lot area: 40%* for property located at 707 W Tarleton, being parcel R32735 of S5400 PARK PLACE ADDITION; BLOCK 4; LOT 12 of the City of Stephenville, Erath County, Texas.

Case No: V2023-014

Applicant Niraj Patel, representing DNJ Investment, LLC, is requesting a variance from *Section* 154.06.2.D(9) Height, Area, Yard and Lot Coverage Requirements - Maximum height of structures:35 feet for property located at 3015 Northwest Loop, being parcel R63719 of S4400 KIGHT ADDITION; BLOCK 161; LOT 1 of the City of Stephenville, Erath County, Texas.

ADJOURN

In accordance with the Americans with Disabilities Act, persons who need accommodation to attend or participate in this meeting should contact City Hall at 254-918-1287 within 48 hours prior to the meeting to request such assistance.



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington Thursday, July 13, 2023 at 4:00 PM

MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, July 13, 2023 at 4:00 PM, in the City Hall Council Chambers, 298 W. Washington, for the purpose of a Board of Adjustment Meeting, with the meeting being open to the public and notice of said meeting, giving the date, time, place and subject thereof, having been posted as prescribed by Chapter 551, Government Code, Vernon's Texas Codes Annotated, with the following members present, to wit:

MEMBERS PRESENT: Moumin Quazi, Chairperson

Alan Nix, Vice-Chairperson

Dean Parr Ben Tackett

JJ Conway, Alternate 1

MEMBERS ABSENT: None

OTHERS ATTENDING: Steve Killen, Director of Development Services

Tina Cox, Board Secretary

CALL TO ORDER

Chairman Quazi called the meeting to order at 4:00 p.m.

MINUTES

1. Consider Approval of June 8, 2023 Minutes

MOTION by Alan Nix, second by Dean Parr, to approve minutes as presented. MOTION CARRIED by unanimous vote.

PUBLIC HEARING

2. Case No.: V2023-010

Applicant Rhyne Gailey, representing First 6 Investments, LLC, is requesting a variance from Section 154.13.L(1) Installation and Maintenance of Landscaping—General for property located at 1285 Frey, being parcel R32279 of S4400 KIGHT ADDITION; BLOCK 9; LOT 14 of the City of Stephenville, Erath County, Texas.

Steve Killen, Director of Development Services, gave the following report:

Mr. Gailey is requesting a variance relating to the requirement for the installation of an irrigation system and he intends to xeriscape the property to complement the request with drought-tolerant plants. Mr. Killen concluded his presentation to the Board that staff had no objections to the variance request.

Alan Nix questioned the watering of the plants presented and if other more drought resistant plants could be used instead.

Applicant Rhyne Gailey was present to answer questions and give insight into his request. Mr. Gailey explained to the Board that due to the costs involved in irrigating landscape and installation of RPZ's, he is requesting a variance from the irrigation portion of the landscaping ordinance. Mr. Gailey informed the Board that he estimates to have the project completed in the spring of 2024 and will make sure that the trees and shrubs will be watered.

Chairman Quazi opened the public hearing at 4:11 PM.

A letter of approval was received by Reeves Burdick of 873 Cain.

No one came forward to speak against the variance.

Chairman Quazi closed the public hearing at 4:14

MOTION by Chairman Quazi, second by Ben Tackett, to approve Case No. V2023-005 as presented.

Mr. Nix voiced his concerns regarding the proposed plants and watering requirements.

Dean Parr and Chairman Quazi spoke in support of the plants and the watering schedule that was presented to the Board.

MOTION PASSED with a unanimous vote.

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The meeting was adjourned at 4:18 p.m.	
APPROVED:	ATTEST:
Moumin Quazi, Chair	Tina Cox, Board Secretary

Board of Adjustment

STAFF REPORT



SUBJECT: Case No.: V2023-012

Applicant Ryan Young is requesting a variance from Section 154.05.6.D(A)(6)(b) Minimum Width of Side Setback for a Corner Lot for property located at 707 W Tarleton, being parcel R32735 of S5400 PARK PLACE ADDITION; BLOCK 4; LOT 12 of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – September 14, 2023

DEPARTMENT: Development Services

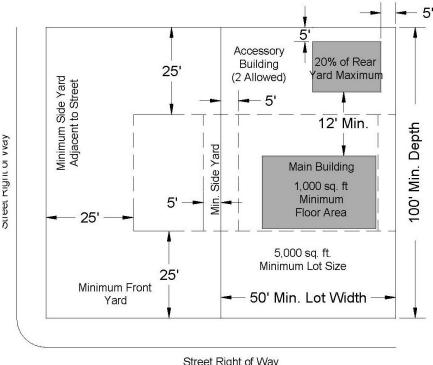
STAFF CONTACT: Steve Killen

BACKGROUND:

Mr. Young is requesting a variance relating to the requirement of a 25' Corner Lot Side Setback for an addition to an existing single-family home.

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

- (A) Single family dwelling.
 - (1) Minimum lot area: 5,000 ft².
 - (2) Minimum lot width and lot frontage: 50 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: five feet.
 - (b) Corner lot: 25 feet from intersecting side street.
 - (7) Building size:
 - (a) Maximum coverage as a percentage of lot area: 40%.
 - (b) Single family dwelling: 1,000 ft².
 - (8) Accessory buildings:
 - (a) Maximum accessory buildings 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.
 - (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.



Street Right of Way

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 owning 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 a 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

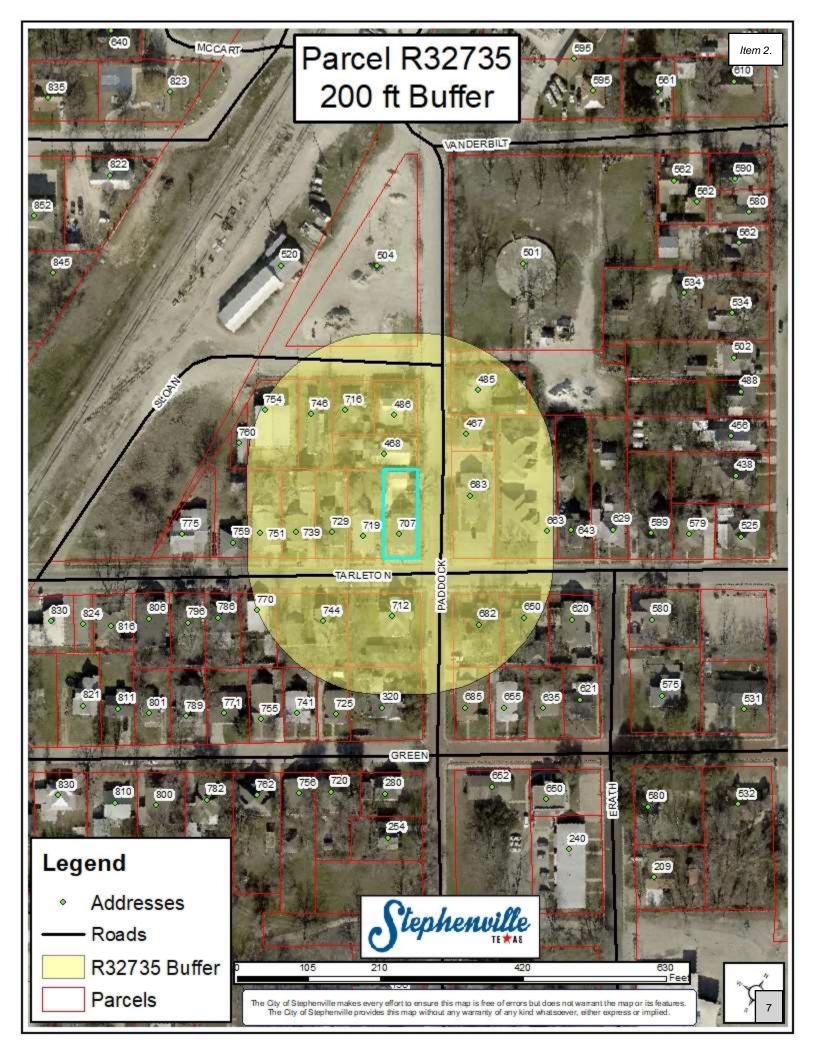
Item 2.

surveys, and profiles of the particular problem involved, including relationship to topographic feat 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



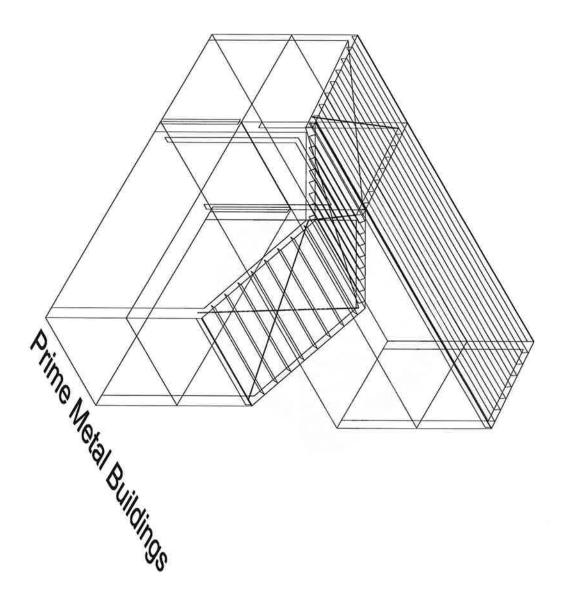


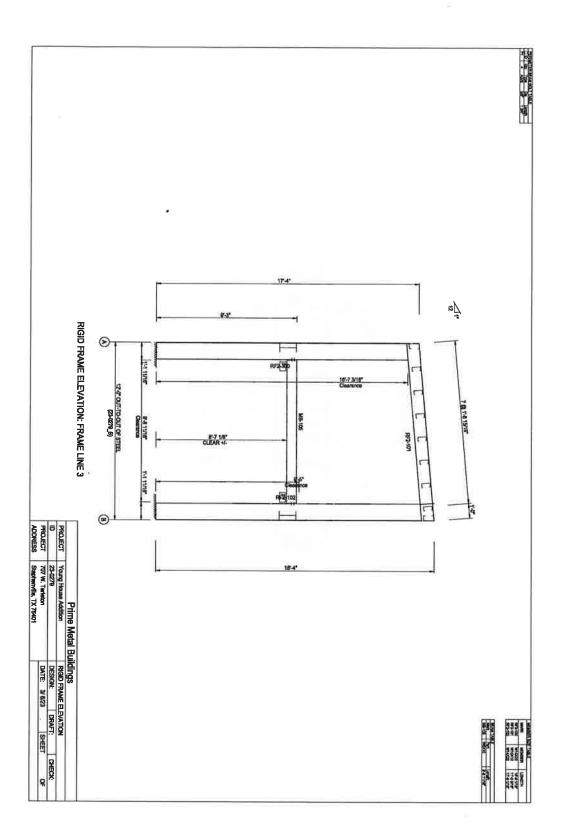


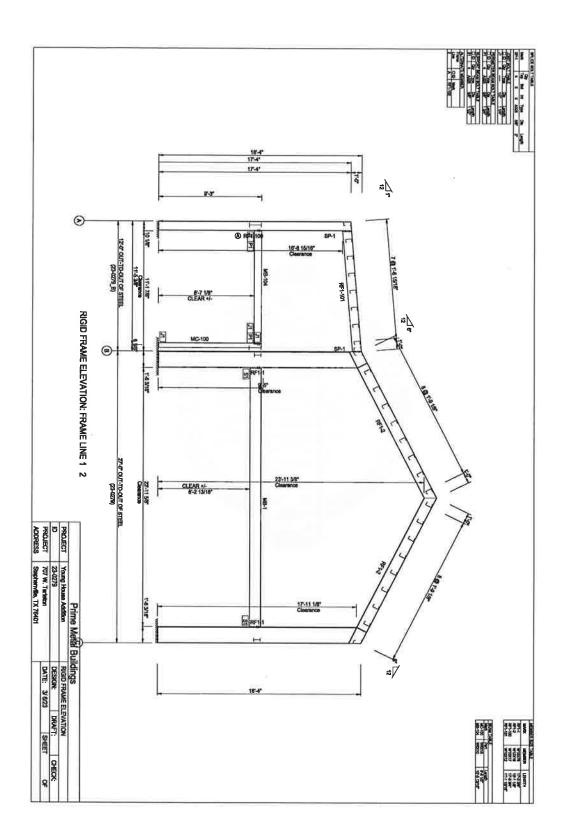


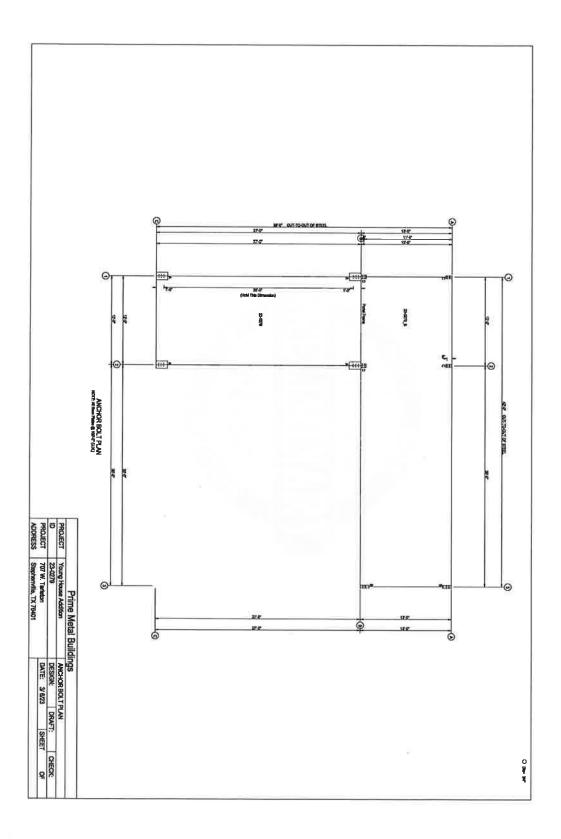
Parcel R32735 200 ft Buffer Addresses

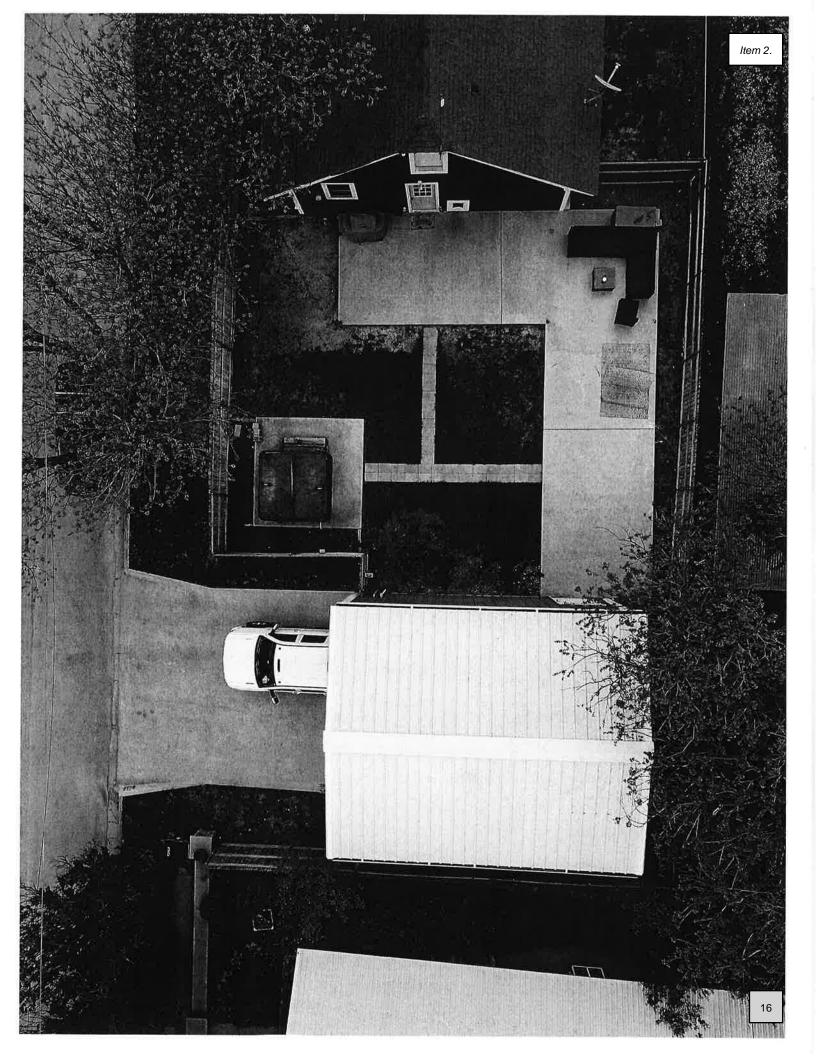
Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000029572	712 TARLETON	6 + 6 HOUSING CORPORATION	PO BOX 15173	SAN ANTONIO	TX	78212
R000029576	725 GREEN	9K PROPERTIES LLC	118 CR102	CISCO	TX	76437
R000032724	485 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000032722	501 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000032741	500 N PADDOCK	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000030181	770 TARLETON	CLARK WILLIAM & MONICA	623 CR2635	WALNUT SPRINGS	TX	76690
R000029569	655 GREEN	CROW KELLY WAYNE & MARY SHALA CROW	7775 FM 1827	MCKINNEY	TX	75071
R000032732	486 PADDOCK	DAVIS CALE	486 N PADDOCK	STEPHENVILLE	TX	76401
R000032733	716 SLOAN	DAVIS CALE & BARBARA TOUCHON	486 N PADDOCK	STEPHENVILLE	TX	76401
R000032728	754 W SLOAN	ERATH COUNTY HABITAT FOR HUMANITY	PO BOX 505	STEPHENVILLE	TX	76401
R000029564	682 TARLETON	GEISENHOFF MARGO ANN ROBERTSON	682 W TARLETON ST	STEPHENVILLE	TX	76401-3344
R000029573	320 PADDOCK	GIEBLER WALTER S	11750 FM2303	STEPHENVILLE	TX	76401
R000032736	719 TARLETON	GODWIN LEONOR ELENA	412 E FIRST ST	HICO	TX	76457
R000032727	760 SLOAN	HERNANDEZ HECTOR SR	6118 FM2214	DESDEMONA	TX	76445
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Board of Adjustment

STAFF REPORT



SUBJECT: Case No.: V2023-013

Applicant Ryan Young is requesting a variance from Section 154.05.6.D(7)(a) - Maximum Coverage as a Percentage of Lot Area – 40% for property located at 707 W Tarleton, being parcel R32735 of S5400 PARK PLACE ADDITION; BLOCK 4; LOT 12 of the City of Stephenville, Erath

County, Texas.

MEETING: Board of Adjustment – September 14, 2023

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

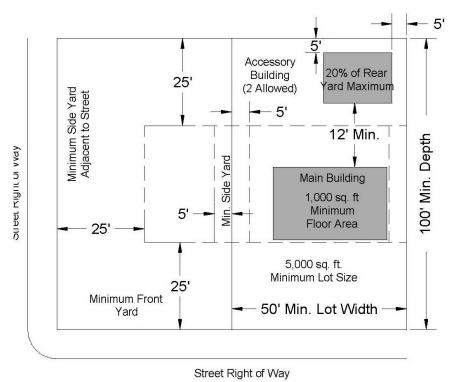
Mr. Young is requesting a variance relating to the requirement of the 40% maximum coverage of lot area to build an addition to an existing single-family home. The lot dimensions are 50x100. Existing structures currently meet the 40% limitation with the main structure alone estimated at 33% coverage).

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

- (A) Single family dwelling.
 - (1) Minimum lot area: 5,000 ft².
 - (2) Minimum lot width and lot frontage: 50 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: five feet.
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(7) Building size:

- (a) Maximum coverage as a percentage of lot area: 40%.
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VARIANCE:

Section 154.21.1.I

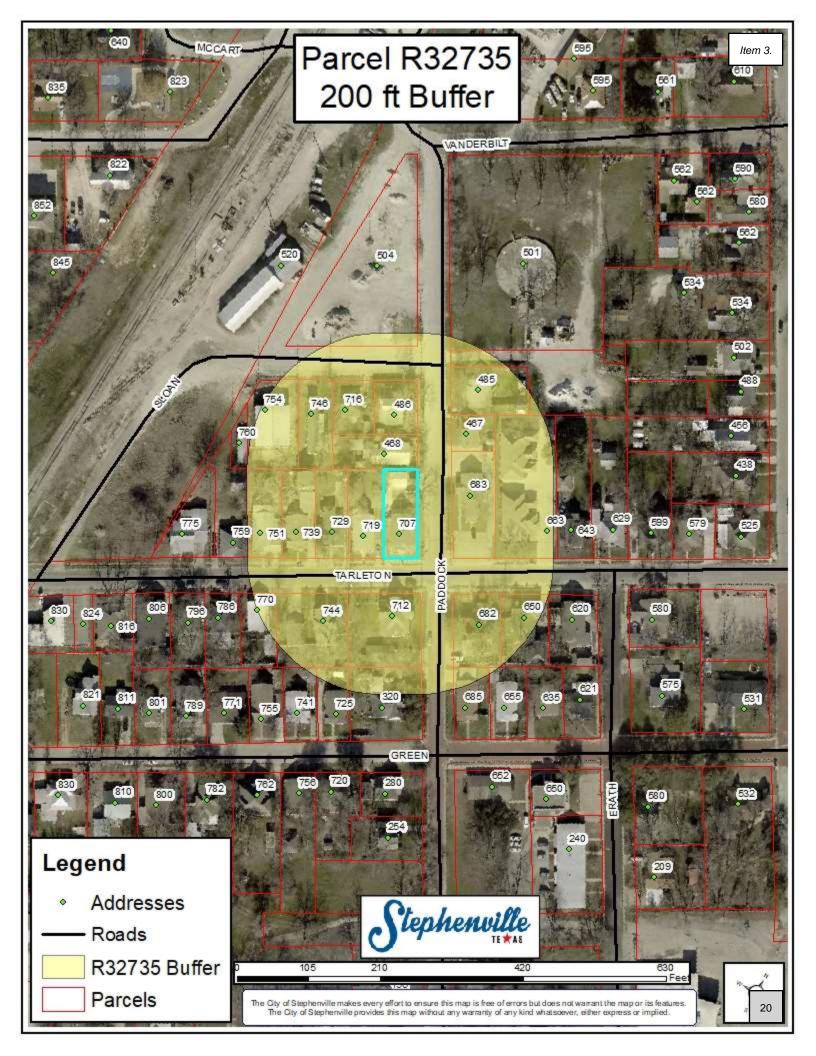
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- 2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular 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 a 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.
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 - 1. A site plan, drawn to scale, showing the location and dimension of the lot and of all existing and proposed improvements:

Item 3.

- 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.
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ALTERNATIVES:

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- 2. Deny the Variance Request



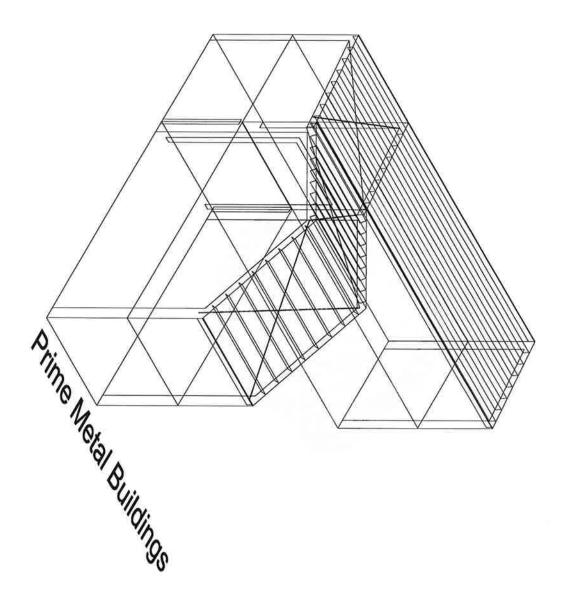


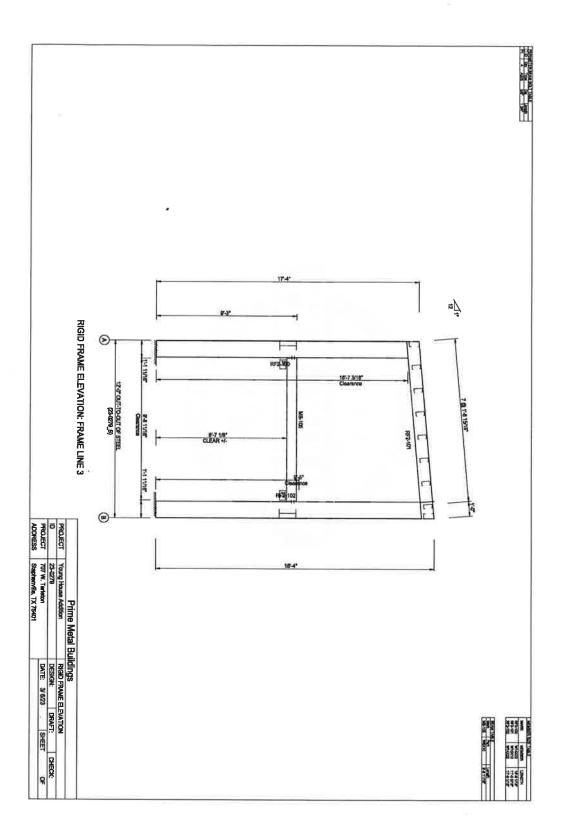


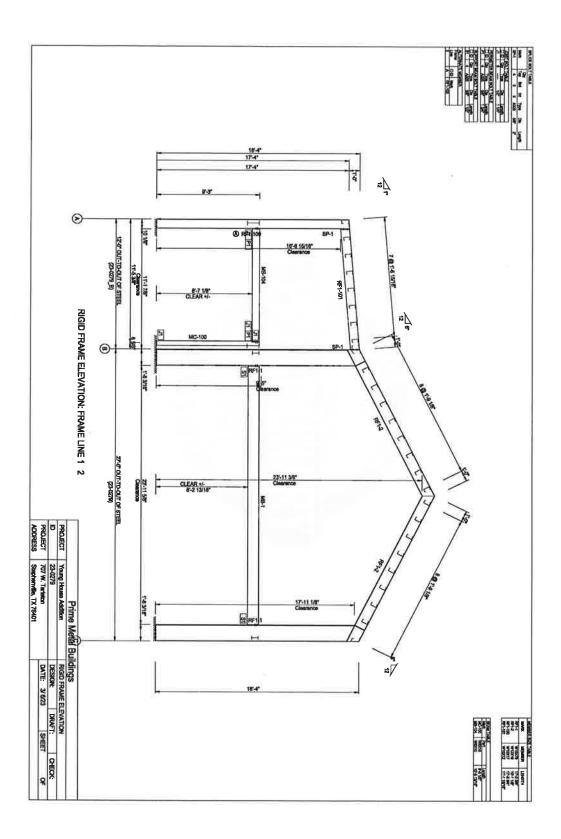


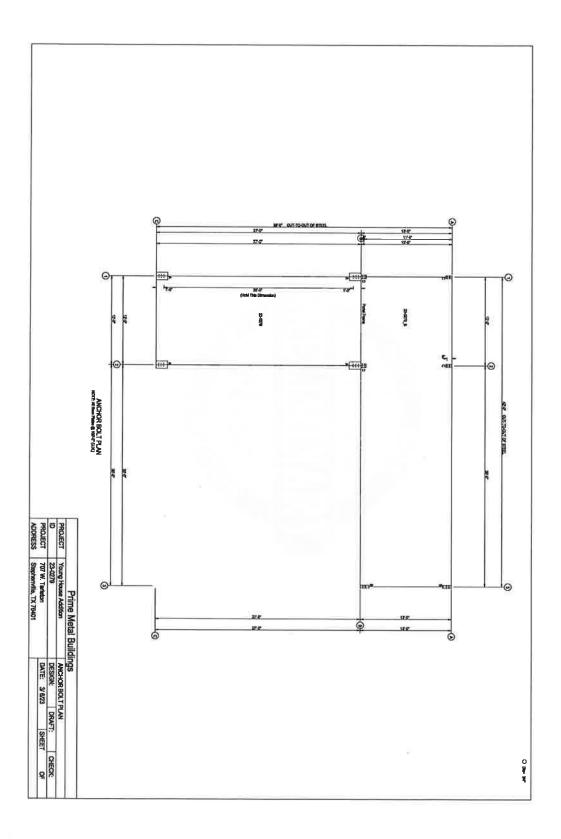
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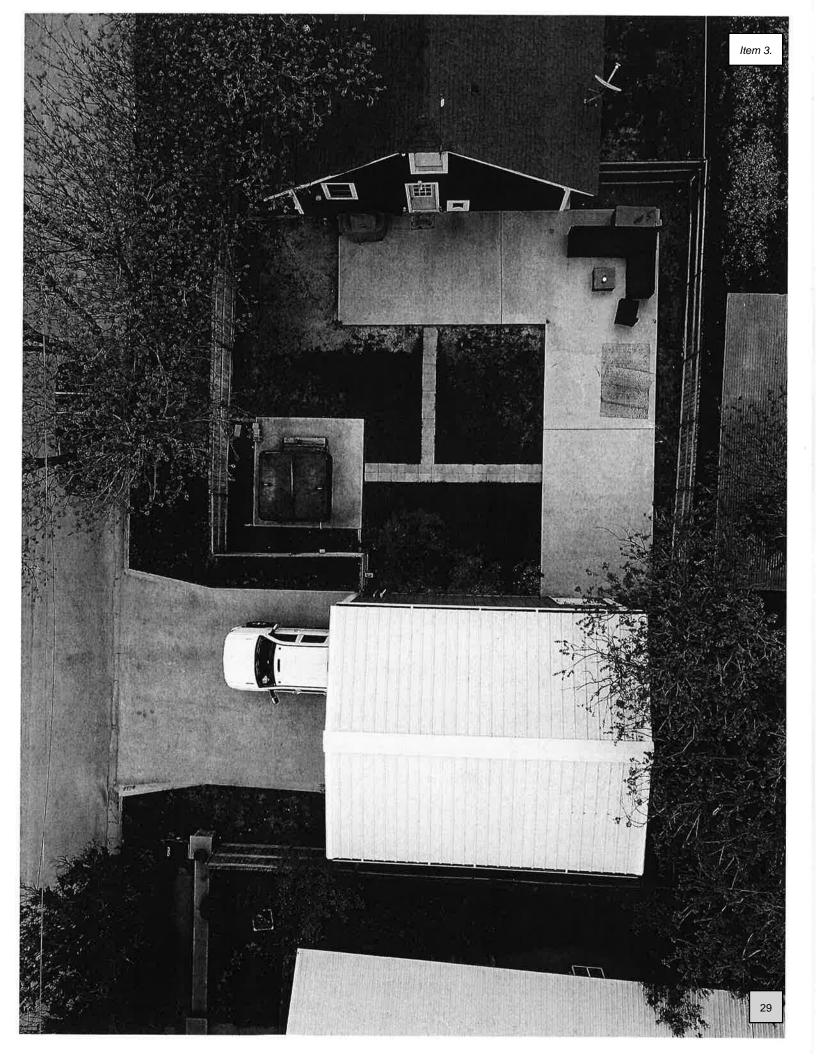
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Board of Adjustment

STAFF REPORT



SUBJECT: Case No.: V2023-014

Applicant Niraj Patel, representing DNJ Investment, LLC is requesting a variance from Section 154.06.2.D(9) Height, Area, Yard and Lot Coverage Requirements — Maximum height of structures: 35 feet for property located at 3015 Northwest Loop, being parcel R63719 of S2600

CITY ADDITION; BLOCK 161; LOT 1 of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – September 14, 2023

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

Mr. Pital is requesting a variance relating to the building height requirement of 35'. Mr. Patel would like to build a four-story hotel with an overall height of 46'-3" and an entry height of 54'-2".

6.2.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.
- (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.
- (8) Building size: There are no minimum size regulations.
- (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.

VARIANCE:

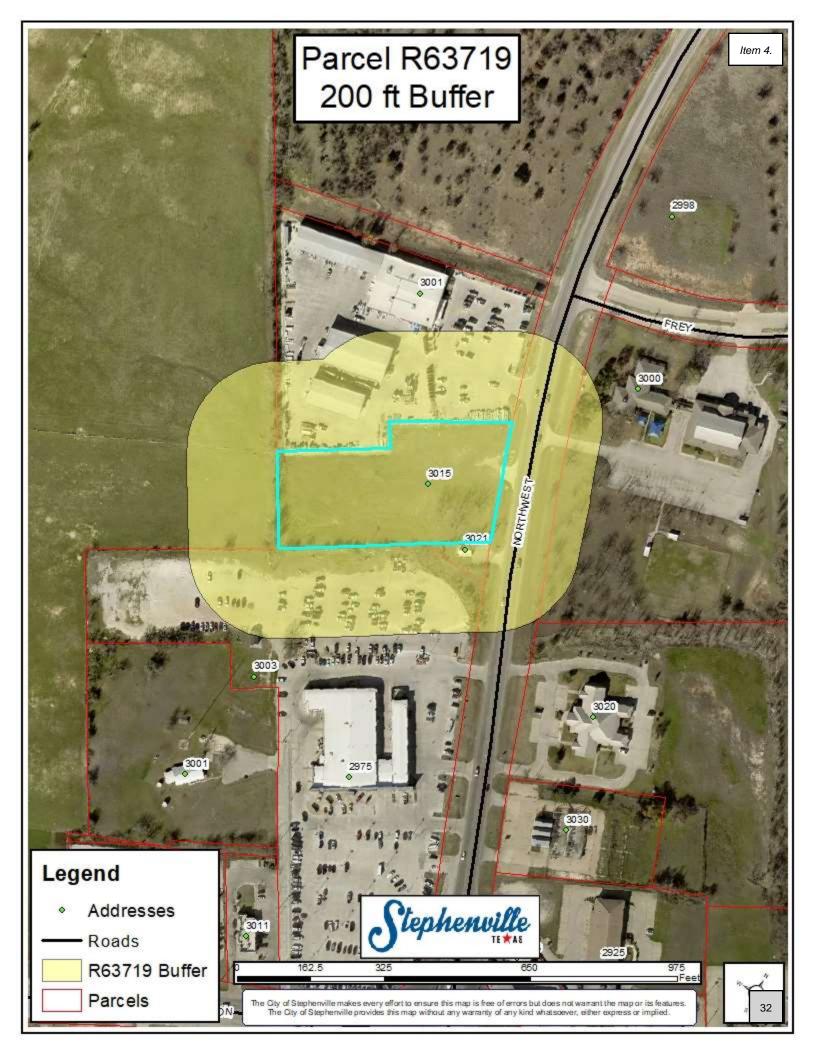
Section 154.21.1.I

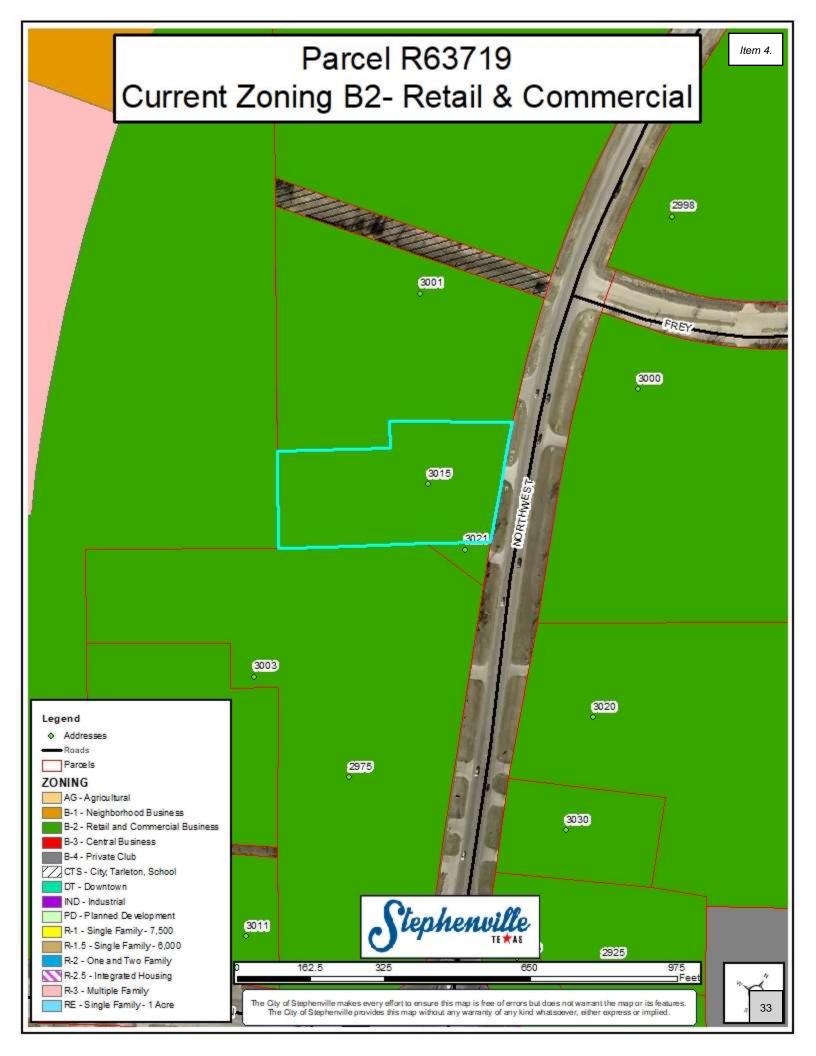
1. A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property. Whenever owning to exceptional and extraordinary conditions, the literal enforcement of the zoning regulations will result in unnecessary hardship in the development of the property, an appeal for a variance may be filed with the Board of Adjustment.

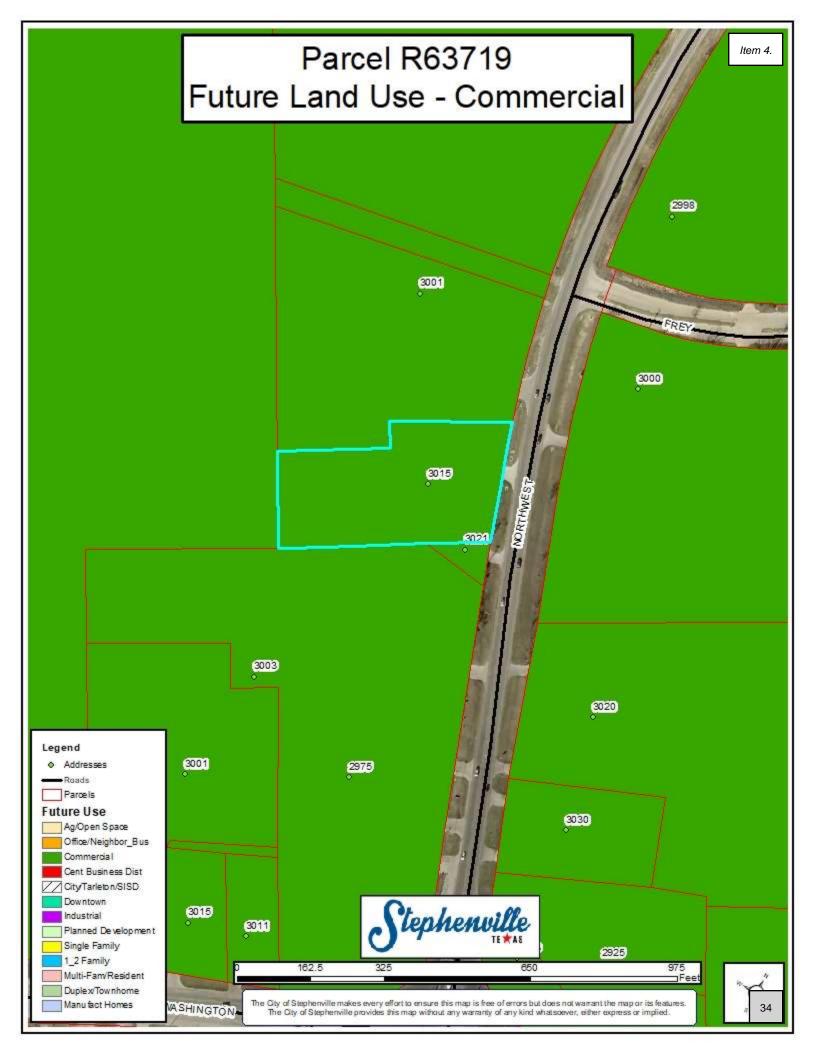
- 2. When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular hardship, the Board may consider and allow variations 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 a 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

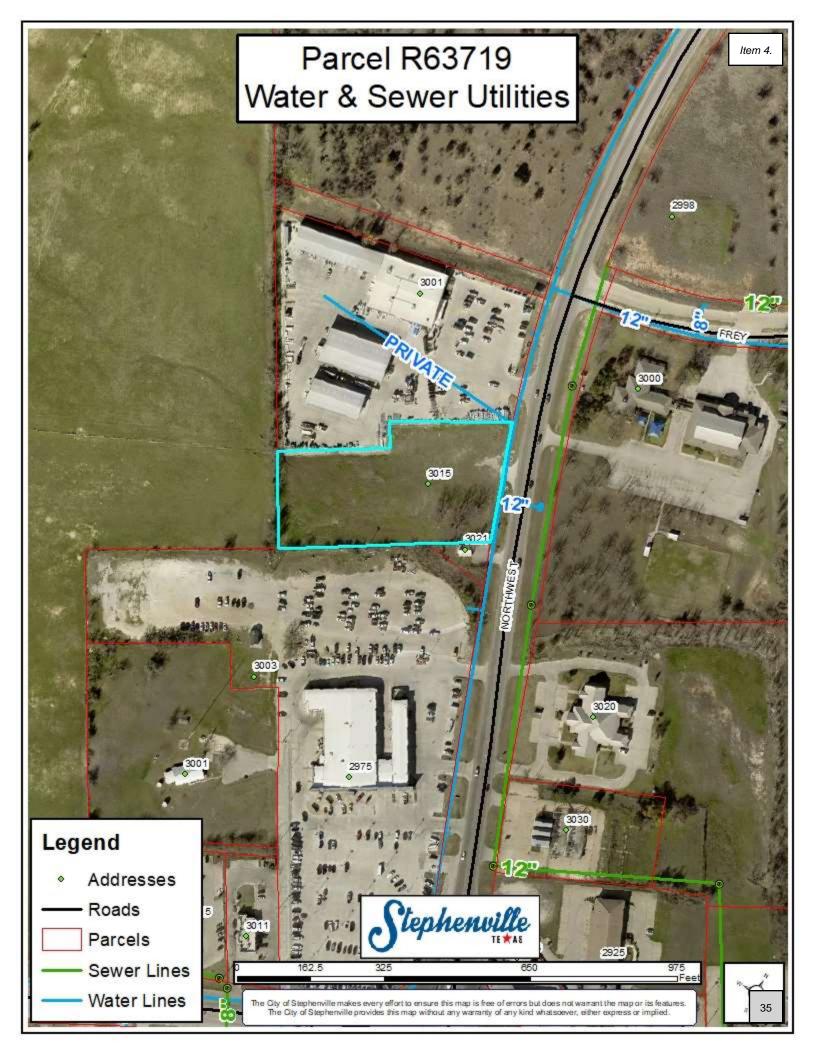
ALTERNATIVES:

- 1. Approve the Variance Request
- 2. Deny the Variance Request



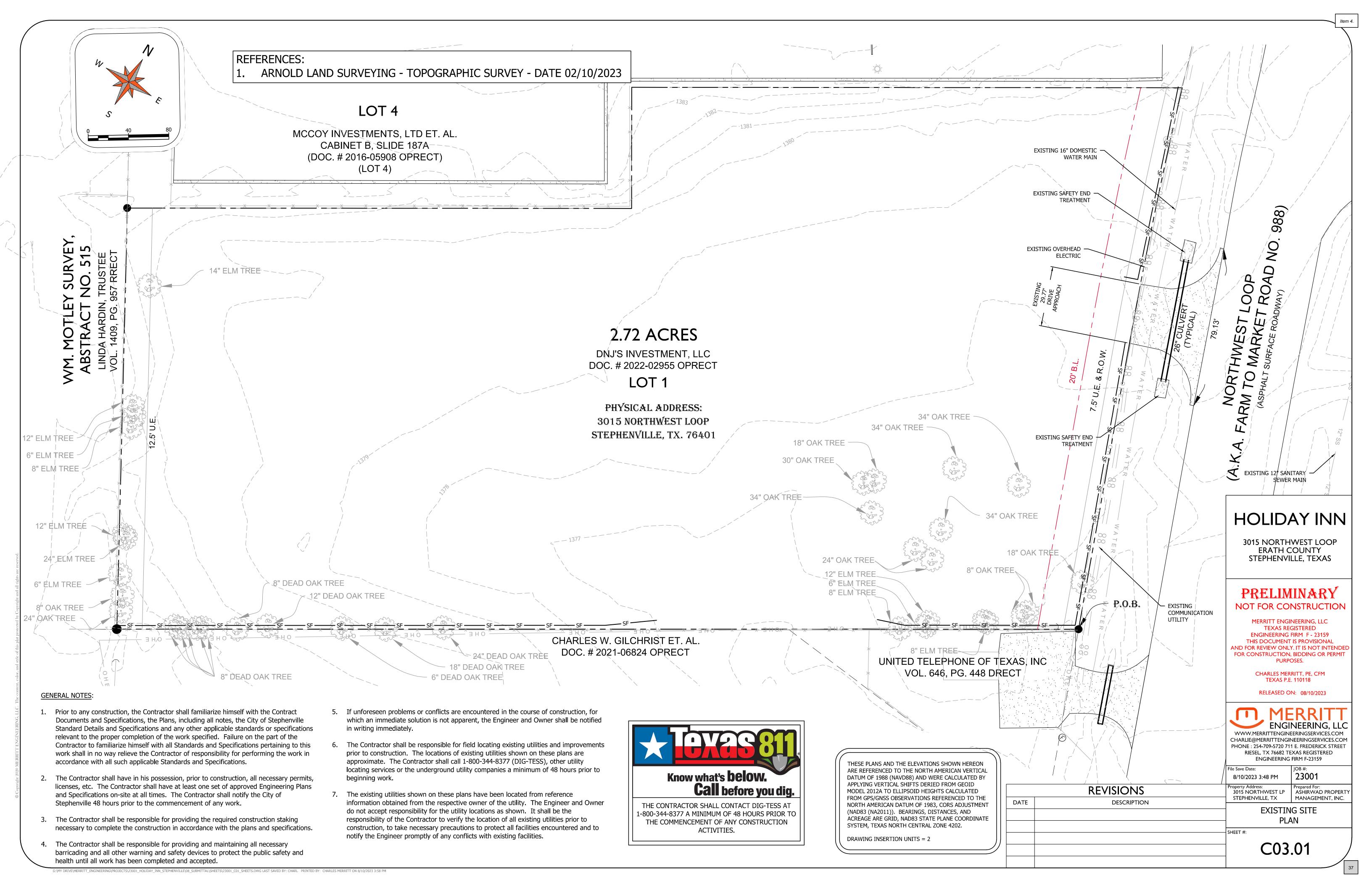


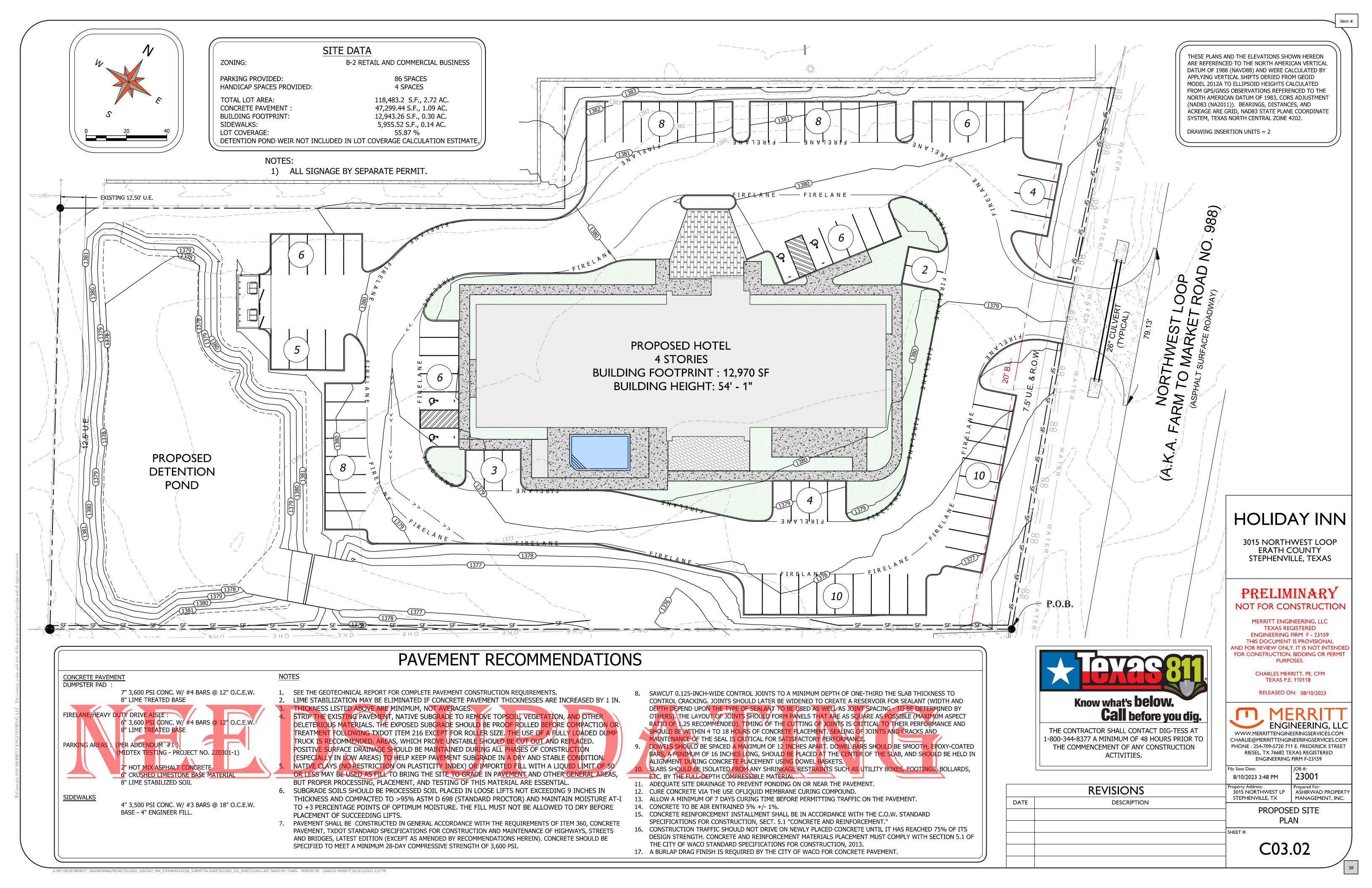


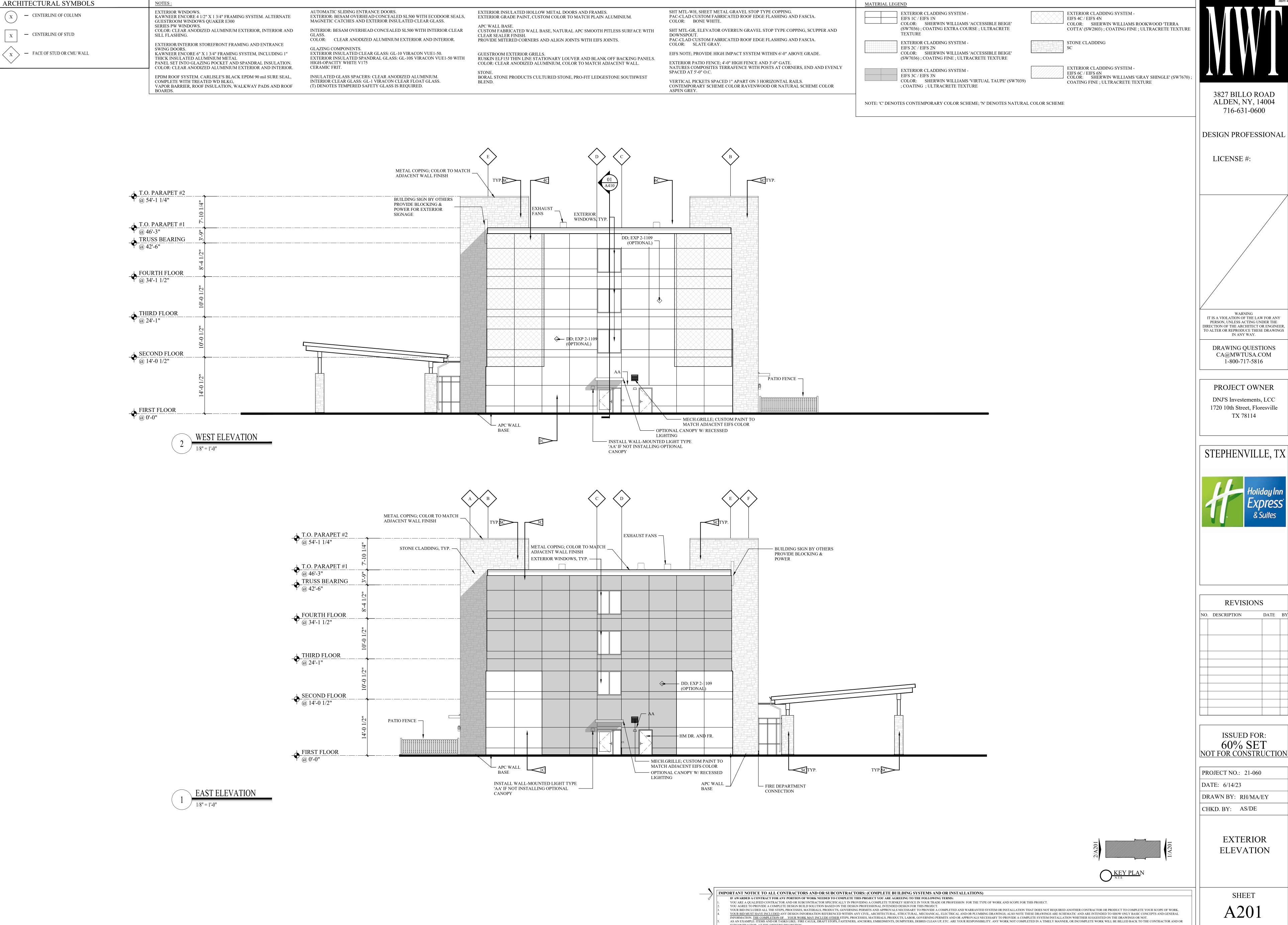


Parcel R63719 200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000063719	3015 NORTHWEST LOOP	DNJ INVESTMENT, LLC	1720 10TH ST	FLORESVILLE	TX	78114-2764
R000062656	3000 NORTHWEST LOOP	FAITH LUTHERAN CHURCH OF S VILLE	3000 N W LOOP	STEPHENVILLE	TX	76401-0000
R000040121	2975 W WASHINGTON	GILCHRIST CHARLES W AND	3000 FORT WORTH HWY	HUDSON OAKS	TX	76087
R000063721	3001 NORTHWEST LOOP	MCCOY INVESTMENTS	PO BOX 1028	SAN MARCOS	TX	78667-1028
R000040118	3021 NORTHWEST LOOP	UNITED TELEPHONE OF TEXAS INC	5454 WEST 100TH ST	OVERLAND PARK	KS	66211
R000067066	0 W WASHINGTON	WHITEFIELD DONNA & LINDA HARDIN LIVING TRUST	23002 RED RIVER DR	KATY	TX	77450









DATE BY

M21-060 A200-A201 Exterior Elevation.dwg

