



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington
Thursday, May 09, 2024 at 4:00 PM

AGENDA

CALL TO ORDER

CITIZENS GENERAL DISCUSSION

MINUTES

- [1.](#) Consider Approval of February 15, 2024 Minutes

PUBLIC HEARING

- [2.](#) Case No.: V2024-008

Applicant Darris Diaz is requesting a hearing pursuant to Section 154.21.3.C – Variance for the Construction of a Carport for property located at 1490 W Park, Parcel R34252, being BLOCK 12; LOT 2A of the Tarleton Heights Addition, City of Stephenville, Erath County, Texas.

- [3.](#) Case No.: V2024-009

Applicant Rock Creek Property No1, LLC, is requesting a variance from Section 154.05.6.B(3) Student Housing Occupancy Requirements for property located at 0 W Cedar Rd, Stephenville, Texas, being R78345, being A0342 HUDSON H C of the City of Stephenville, Erath County, Texas.

- [4.](#) Case No.: V2024-010

Applicant Rock Creek Property No1, LLC, is requesting a variance from Section 154.05.6.E Student Housing Parking Requirements for property located at 0 W Cedar Rd, Stephenville, Texas, being R78345, being A0342 HUDSON H C of the City of Stephenville, Erath County, Texas.

- [5.](#) Case No.: V2024-011

Applicant Rock Creek Property No1, LLC, is requesting a variance from Section 154.05.6.D(D)(7) Maximum Height of Structures for property located at 0 W Cedar Rd, Stephenville, Texas, being R78345, being A0342 HUDSON H C of the City of Stephenville, Erath County, Texas.

- [6.](#) Case No.: V2024-012

Applicant Renee White is requesting a hearing pursuant to Section 154.21.3.C – Variance for the Construction of a Carport for property located at 898 Charlotte, Parcel R32011, being BLOCK 4; LOT 58 of the S3900 Groesbeck Addition, City of Stephenville, Erath County, Texas.

- [7.](#) Case No.: V2024-013

Applicant Colby Pack, representing Solid Ace Holdings, LLC, is requesting a variance from Section 154.05.6.D(B)(2) Minimum Lot Width for property located at 485 First, being Parcel R33557, being BLOCK 12; LOT 5A;6A of the South Side Addition 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, February 8, 2024 at 4:00 PM

MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, February 8, 2024 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
Dean Parr
Robert Nimmo
Mary Beach-McGuire

MEMBERS ABSENT: JJ Conway, Vice-Chairperson

OTHERS ATTENDING: Steve Killen, Director of Development Services
Tina Cox, Board Secretary

CALL TO ORDER

Chairman Quazi called the meeting to order at 4:10 p.m.

MINUTES

1. Consider Approval of January 11, 2024 Minutes

MOTION by Robert Nimmo, second by Mary Beach-McGuire, to approve minutes as presented. MOTION CARRIED by unanimous vote of Board Members who were present at the January 11, 2024 meeting.

PUBLIC HEARING

2. Case No.: V2024-003

Applicant Wayne Wooley, representing JDW Consulting Company & Triple W Remodels, is requesting a variance from Section 154.05.6.D.(B)(4) Minimum Depth of Front Setback for property located at 1390 Paddock, being Parcel R31152, being BLOCK 11; LOT 1B & 2A of the S3200 CROW STYLES ADDITION of the City of Stephenville, Erath County, Texas.

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

Mr. Wooley is requesting a 1'10" variance relating to the front setback of 25' in order to build a duplex. Setbacks of existing properties along Paddock range from 17-25 feet, with the average being approximately 17 feet. This structure, if the variance is approved, will have a front setback of 23'2".

Chairman Quazi opened the public hearing at 4:13 PM.

Applicant Paxton Wooley spoke in favor of the request and informed the Board that he is requesting the setbacks in order to complete the project.

No one came forward to speak for or against the variance request.

Chairman Quazi closed the public hearing at 4:14 PM

MOTION by Dean Parr, second by Robert Nimmo, to approve Case No. V2024-003 as presented.

Member Mary Beach McGuire asked if the variance request would affect the sidewalks to which Development Services Director responded that the sidewalk would be in the city right-of-way and those are separate from this case.

MOTION PASSED with a unanimous vote.

3. Case No.: V2024-004

Applicant Wayne Wooley, representing JDW Consulting Company & Triple W Remodels, is requesting a variance from Section 154.05.6.D(B)(6)(b) Minimum Width of Side Setback for a Corner Lot for property located at 1390 Paddock, being Parcel R31152, being BLOCK 11; LOT 1B & 2A of the S3200 CROW STYLES ADDITION of the City of Stephenville, Erath County, Texas.

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

Mr. Wooley is requesting a 2’6” variance relating to the corner lot width side setback of 25’ in order to build a two-unit duplex. Setbacks of existing properties along Oak range from 8-18 feet, with the average being approximately 13 feet. This structure, if the variance is approved, will have a side setback of 22’6”.

Chairman Quazi opened the public hearing at 4:16 PM.

Applicant Paxton Wooley spoke in favor of the request and had no additional information to present to the Board.

No one came forward to speak for or against the variance request.

Chairman Quazi closed the public hearing at 4:16 PM

MOTION by Dean Parr, second by Mary Beach-McGuire, to approve Case No. V2024-004 as presented.

MOTION PASSED with a unanimous vote.

ADJOURN

The meeting was adjourned at 4:17 p.m.

APPROVED:

ATTEST:

Moumin Quazi, Chair

Tina Cox, Board Secretary

Board of Adjustment STAFF REPORT



Item 2.

SUBJECT: Case No.: V2024-008

Applicant Darris Diaz is requesting a variance from Section 154.21.3.C – Variance for the Construction of a Carport for property, at 1490 W Park, Parcel R34252, being BLOCK 12; LOT 2A of the Tarleton Heights Addition of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – May 9, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

Ms. Diaz is requesting a variance for the construction of a carport that will extend into the required rear yard setback for R-3 zoning districts, Multi Family Residential. If approved, the 25 ft. setback requirement will be reduced to 13.5 feet.

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 ft².
- (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.

Section 154.21.3.C

Variance for the Construction of a Carport

- (1) Granting a Variance without a Public Hearing:
 - a. Upon receipt of an application to construct a carport, the city manager or his designee shall determine the following:
 - i. The carport is compatible with the existing home and other homes in the neighborhood.
 - ii. The carport is within the minimum setbacks.
 - iii. The carport is no larger than 25 feet in width by 30 feet in length.
 - b. If the above criteria are met, the city manager or his designee will mail notice of the proposed carport to every property owner within 200 feet of the property. The letter must include the procedure and time limits for protest.

- c. Within 14 days from the date of the notification letter, a petition with signatures from 35% of the property owners within the notification area must be returned to the city manager or his designee or the special exception is considered granted without a hearing before the board of adjustment.
- (2) Granting a Variance with a Public Hearing:
- a. If the criteria listed above are not met, or if a petition is filed with the city manager or his designee as described above, a public hearing will be scheduled by the board of adjustment to determine if a variance will be granted.
 - b. Notice of a public hearing to allow the construction of a carport shall be mailed to every property owner within 200 feet of the property for which the special exception is requested at least ten days prior to the meeting date.
 - c. Notice of the public hearing shall be published in the newspaper of record at least ten days prior to the meeting date.
 - d. The concurring vote of 75% of the members of the board will be required to grant the special exception.
- (3) The city manager or his designee shall issue to the applicant appropriate documentation showing the grant of the special exception. Such documentation and grant may contain restrictions, use limitations, building requirements, and other matters determined to be appropriate and/or necessary to meet the terms of this section.

ALTERNATIVES:

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

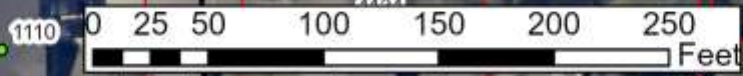
Parcel ID R34252 200 Ft Buffer

Item 2.



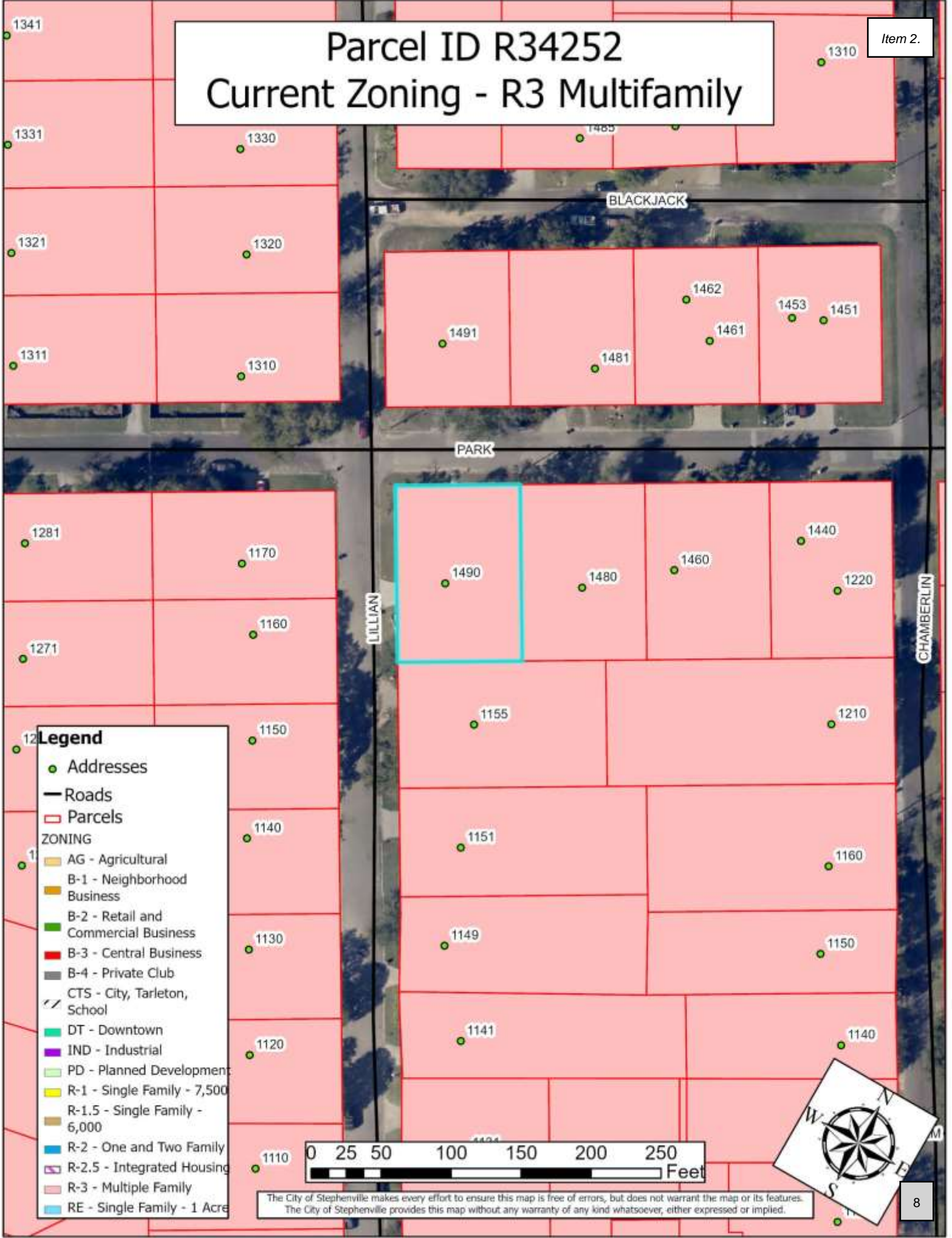
Legend

- Addresses
- Roads
- ▭ Parcels
- 200 Ft Buffer

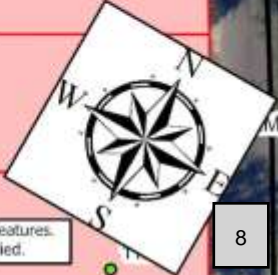
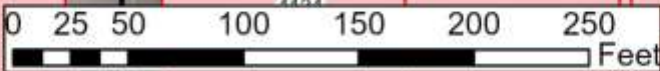


The City of Stephenville makes every effort to ensure this map is free of errors, but does not warrant the map or its features. The City of Stephenville provides this map without any warranty of any kind whatsoever, either expressed or implied.

Parcel ID R34252 Current Zoning - R3 Multifamily

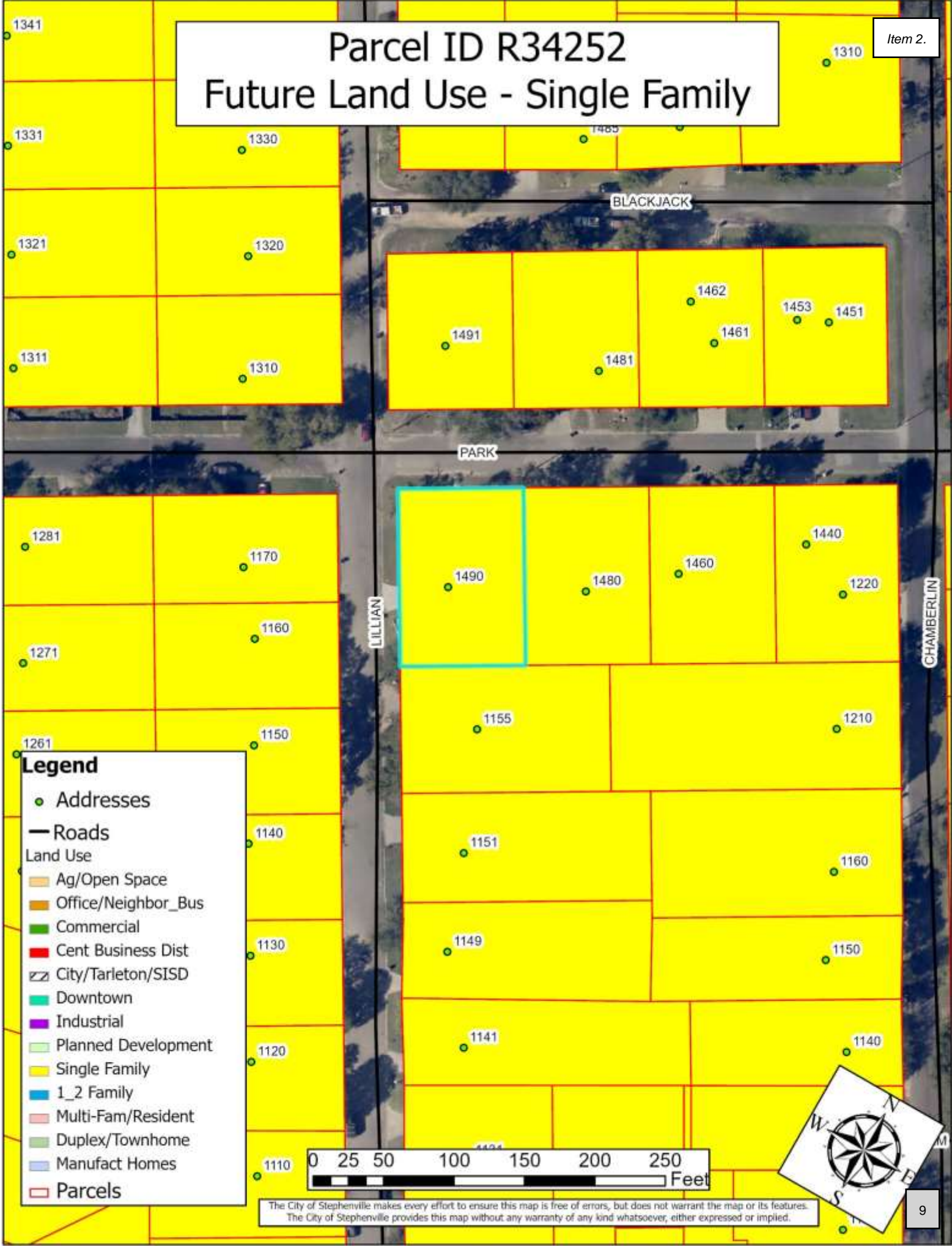


- Legend**
- Addresses
 - Roads
 - ▭ Parcels
- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



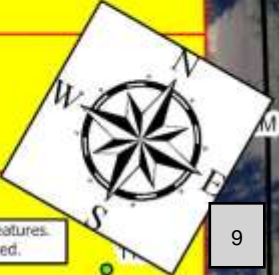
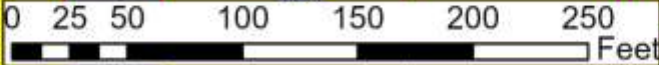
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Parcel ID R34252 Future Land Use - Single Family



Legend

- Addresses
- Roads
- Land Use
 - Ag/Open Space
 - Office/Neighbor_Bus
 - Commercial
 - Cent Business Dist
 - City/Tarleton/SISD
 - Downtown
 - Industrial
 - Planned Development
 - Single Family
 - 1_2 Family
 - Multi-Fam/Resident
 - Duplex/Townhome
 - Manufact Homes
 - Parcels



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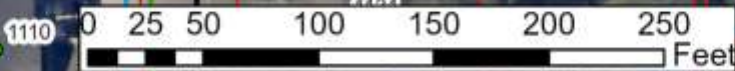
Parcel ID R34252 Water & Sewer Utilities

Item 2.

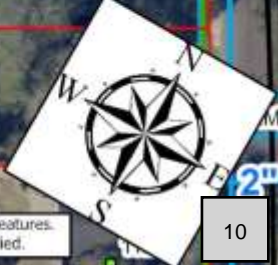


Legend

- Addresses
- Roads
- Sewer Lines
- Water Lines
- Parcels



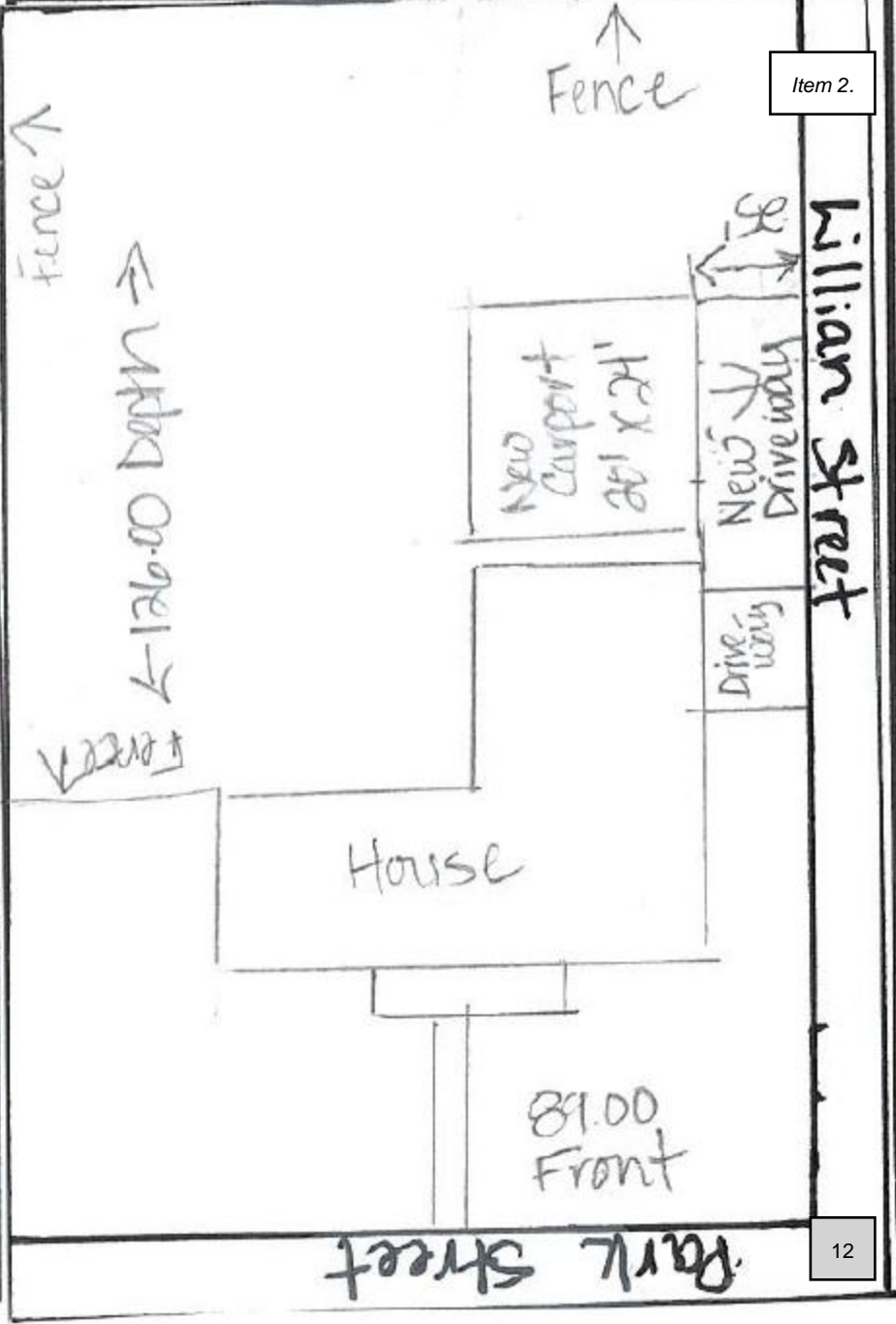
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Parcel R000034252
200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000034254	1460 PARK STREET	ARPIN KIMISE	1460 W PARK	STEPHENVILLE	TX	76401
R000034250	1210 CHAMBERLIN	BRAZEAL JOE PAUL & JODI BRAZEAL	PO BOX 312	LITTLE RIVER	TX	76554
R000034255	1440 PARK STREET	CHICK SHAWN R AND BRAXTON C THOMAS	801 15TH ST S APT 223	ARLINGTON	VA	22202-
R000029108	1261 GARFIELD	CORNETT JERRY F	1261 GARFIELD	STEPHENVILLE	TX	76401-0000
R000029129	1320 LILLIAN	FERGASON CAMERON W	1320 N LILLIAN	STEPHENVILLE	TX	76401
R000034253	1480 PARK STREET	FRANKLIN AARON	1480 PARK ST	STEPHENVILLE	TX	76401
R000029115	1130 LILLIAN	GAZAWAY MARJORIE	1130 N LILLIAN	STEPHENVILLE	TX	76401
R000034257	1481 W PARK STREET	HATTOX GARY & KIMBERLY	2568 CR163	STEPHENVILLE	TX	76401
R000029109	1271 GARFIELD	HERNANDEZ JOSE E REYNOSA & VIVIANA GARCIA OLVERA	1271 N GARFIELD	STEPHENVILLE	TX	76401
R000034259	1451 PARK STREET	HOLLAND SUSAN	3700 MCKINNEY AVE APT 1603	DALLAS	TX	75204
R000029113	1150 N LILLIAN	HUFFMAN JOHNNIE RAY (TRANSFER ON DEATH)	1150 N LILLIAN	STEPHENVILLE	TX	76401-0000
R000029112	1160 LILLIAN	JAMES JEROD & TAWNYA	1160 N LILLIAN ST	STEPHENVILLE	TX	76401
R000029119	1311 GARFIELD	JUAREZ SAUL & MARTHA ELENA VAZQUEZ	1311 N GARFIELD AVE	STEPHENVILLE	TX	76401-2315
R000029111	1170 LILLIAN	LIPPE DARRELL G & AUDRY R	2946 PLEASANT RUN ROAD	MCGREGOR	TX	76657
R000029114	1140 LILLIAN	MERIDIAN CAR WASH LLC	PO BOX 695	MERIDIAN	TX	76665
R000034258	1461 PARK STREET	MK WEST FAMILY TRUST	15032 LITTLE RON ROAD	CHICO	CA	95973
R000034268	1149 LILLIAN	MOORE MOZELLE	1149 LILLIAN	STEPHENVILLE	TX	76401-0000
R000034267	1151 LILLIAN	NOLEN COLTON	1151 N LILLIAN	STEPHENVILLE	TX	76401
R000034256	1491 PARK STREET	ROCK HOUSE RESIDENTIAL PROPERTIES LTD	PO BOX 953	STEPHENVILLE	TX	76401
R000034252	1490 W PARK STREET	SPRUILL DARRIS	1490 W PARK ST	STEPHENVILLE	TX	76401
R000034266	1160 CHAMBERLIN	TXW HOLDINGS LLC	PO BOX 386	BUELLTON	CA	93427
R000029130	1310 LILLIAN	WARD PAMELA GAYLE & DAVID TODD WARD	1310 N LILLIAN	STEPHENVILLE	TX	76401
R000034251	1155 N LILLIAN	WELCH JACOB RYAN AND LINDSAY E WELCH	1155 N LILLIAN ST	STEPHENVILLE	TX	76401

Item 2.



Board of Adjustment STAFF REPORT



Item 3.

SUBJECT: Case No.: V2024-009
Applicant Rock Creek Property No.1, LLC, is requesting a variance from Section 154.05.6.B(3) Student Living Occupancy Requirements for property located at 0 W Cedar St, being Parcel R78345, A0342 HUDSON H C of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – May 9, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

The applicant is requesting a variance from occupancy requirements for student living apartments. The variances will be necessary for the development to move forward. If approved, the applicant will be requesting a rezone of the property.

APPLICABLE LAND USE REGULATION:

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes platted as one parcel and sole source management. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well-being of the intended district environment.

5.6.B Permitted Uses.

- (1) Single-family detached dwelling, limited to occupancy by a family having no more than three individuals who are unrelated by blood, legal adoption, marriage or conservatorship. The owner and any agent of the owner shall be legally responsible for directly or indirectly allowing, permitting, causing, or failing to prohibit residential use of a dwelling in this district by more than three unrelated individuals;
- (2) Two-to-four family dwellings, with each family limited as in division (1) above;
- (3) Multiple family dwellings, with each family limited as in division (1) above; Student living complexes will be subject to a variance request for units designed to occupy more than three unrelated students per unit;

VARIANCE:

Sec. 154.21.1. Board of adjustment—Appeals.

21.1.A Creation. A Board of Adjustment is hereby established as provided in Chapter 211 of the Local Government Code.

21.1.B Appeals.

- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the enforcing officer. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with

the Board of Adjustment a notice of specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
- (3) No appeal shall be taken to the Board until and unless the Enforcing Officer has first refused a permit for plans submitted or has rendered an interpretation of the Zoning Ordinance.
- (4) Every appeal shall be filled on application forms provided by the city, shall be accompanied by the prescribed fee, and shall be complete in all respects before being accepted for filing. The application shall bear the signature of the owner of the property under appeal or shall be accompanied by a letter from the owner acknowledging taking of the appeal. An incomplete application or a communication purporting to be an application and not made in the form prescribed shall be regarded only as a notice of intent to appeal, and shall not be considered or acted upon by the Board.
- (5) Every appeal shall be prepared by the applicant and shall be considered by the Board according to the guidelines contained in this ordinance for the type of appeal under consideration. Where two or more different types of appeals are included in the same application, each set of guidelines shall apply to the consideration of the appeals.
- (6) An appeal shall be filed with the Board within ten days after the date of decision of the Enforcing Officer. Every appeal shall be filed with the Executive Secretary of the Board not later than 15 days prior to the regular meeting date of the Board. Appeals filed after the deadline shall be scheduled for the next regular meeting. When the filing deadline falls on a city holiday the following workday shall be observed as the filing deadline.

21.1.C Notices.

- (1) Public notice of any appeal affecting a specific property shall be given as prescribed in the Zoning Ordinance by means of a written notice deposited in the United States Mail, postage prepaid, not less than ten days prior to the date of hearing. The notice shall identify the applicant, the location of the property in question, the nature of the request and the applicable Zoning Ordinance requirements.
- (2) Public notice of any appeal seeking an interpretation of Zoning Ordinance regulations which would apply throughout the city, shall be given by means of a legal advertisement appearing in the official newspaper of the city not less than ten days prior to the date of hearing. Written notice shall also be given to the applicant and his or her agent as provided in division (A) above. The notices shall identify the applicant, the nature of the question involved, and the affected provisions of the Zoning Ordinance.
- (3) Notice of any appeal seeking a special use or variance affecting a specific property shall be given to all persons within 200 feet of the property in question by means of a written notice deposited in the United States Mail, postage prepaid, not less than ten days prior to the date of the hearing.

21.1.D Withdrawal of Appeal. Any appeal may be withdrawn upon written notice to the Executive Secretary; but no appeal shall be withdrawn after giving of public notice and prior to Board action thereon without formal consent of the Board.

21.1.E Appeal After Board Denial. No appeal that has been denied shall be further considered in a new appeal resulting from the filing of new plans and the obtaining of a new decision from the Enforcing Officer, unless the new plans materially change the nature of the case.

21.1.F Expiration of Granted Appeal. Approval of any appeal shall expire 90 days after the Board's decision unless authorized construction or occupancy permits have been obtained or unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one extension of an additional 90 days on written request filed with the Board before expiration of the original approval. The time limit for every granted appeal shall commence on the first day of the month succeeding the month in which the Board renders its decision.

21.1.G Interpretation. The Board of Adjustment shall have the following powers:

- (1) For interpretation of the meaning or intent of the Zoning Ordinance. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
 - (a) *Papers required.* An appeal shall include:

- (1) A statement by the applicant describing the way it is alleged the regulation should be interpreted, together with diagrams and charts illustrating the erroneous and the proper application of the may or text provisions.
 - (2) A statement by the Enforcing Officer giving his or her reasons for his interpretation of the Zoning Regulations.
- (b) *Basis for action.*
- (1) Before acting on an appeal for interpretation the Board shall consider:
 - a. The facts and statements filed in the application;
 - b. The testimony presented at the public hearing;
 - c. The city staff's technical report on the appeal; and
 - d. The Board's independent investigation of the language of the ordinance and of related ordinance bearing thereon.
 - (2) The Board shall make such interpretation as should be made provided the applicant has demonstrated to the satisfaction of the Board that one or more of the following conditions exist and that the decision of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations:
 - a. That there is reasonable doubt of difference of interpretation as to the specific intent of the regulations or map;
 - b. That an appeal of use provisions would clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question; and
 - c. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

21.1.H Special Exceptions.

- (1) Expansion of a nonconforming use within an existing structure a maximum of 20% provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (2) Expansion of the gross floor area of a nonconforming structure, a maximum of 20%.
- (3) Change from one nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned only upon finding that the failure to grant the special exception deprives the property owner of substantial use or economic value of the land.
- (4) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.

21.1.I Variance.

- (1) A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of 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 variations 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.*

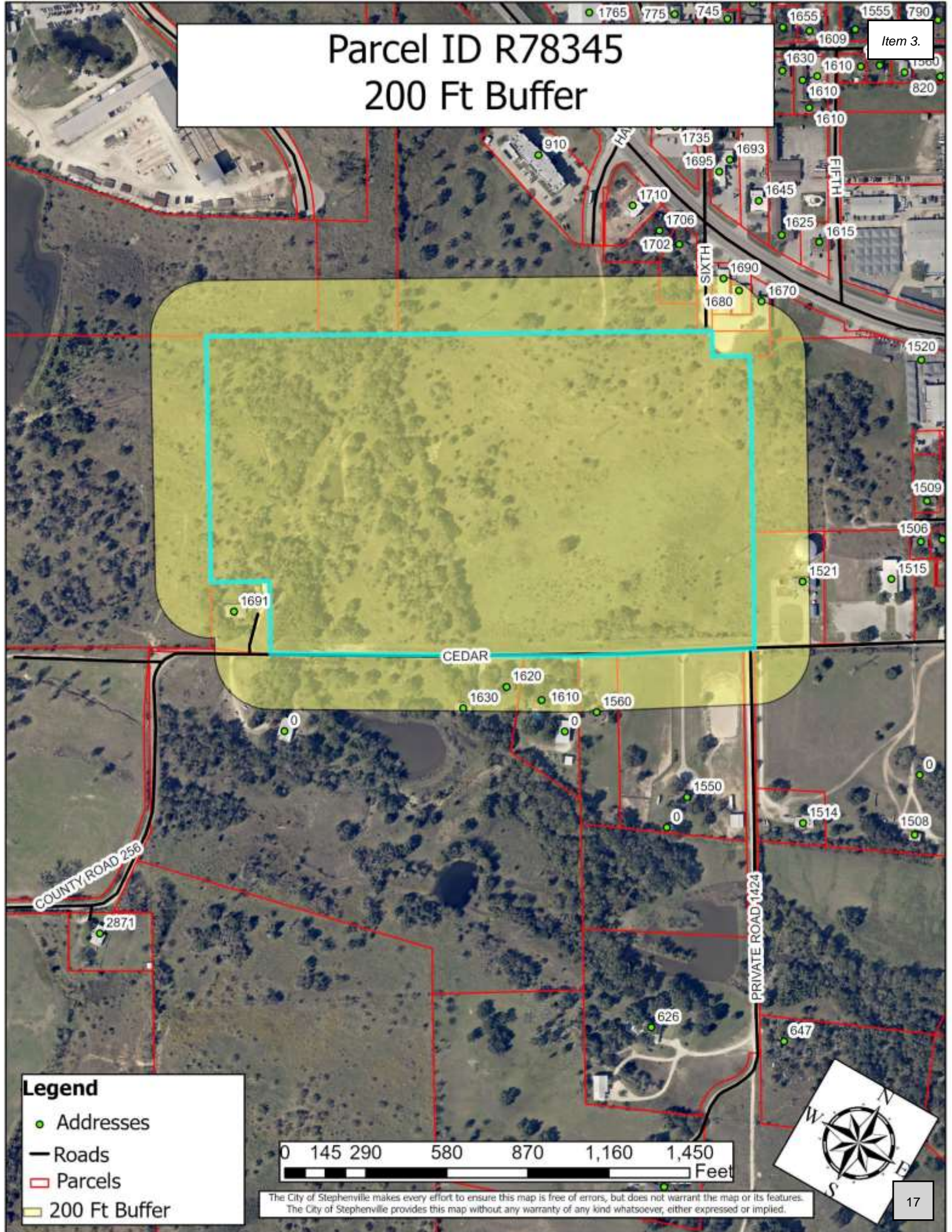
- (1) Before acting on an appeal for variance the Board shall consider:
 - a. The facts filed with the application;
 - b. The testimony presented at the public hearing on the appeal;
 - c. The City Staff's technical report on the appeal; and
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ALTERNATIVES:

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

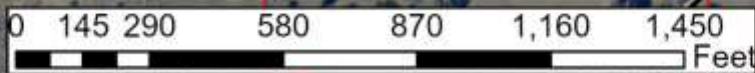
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Item 3.

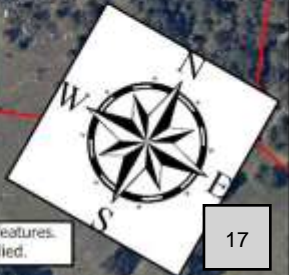


Legend

- Addresses
- Roads
- ▭ Parcels
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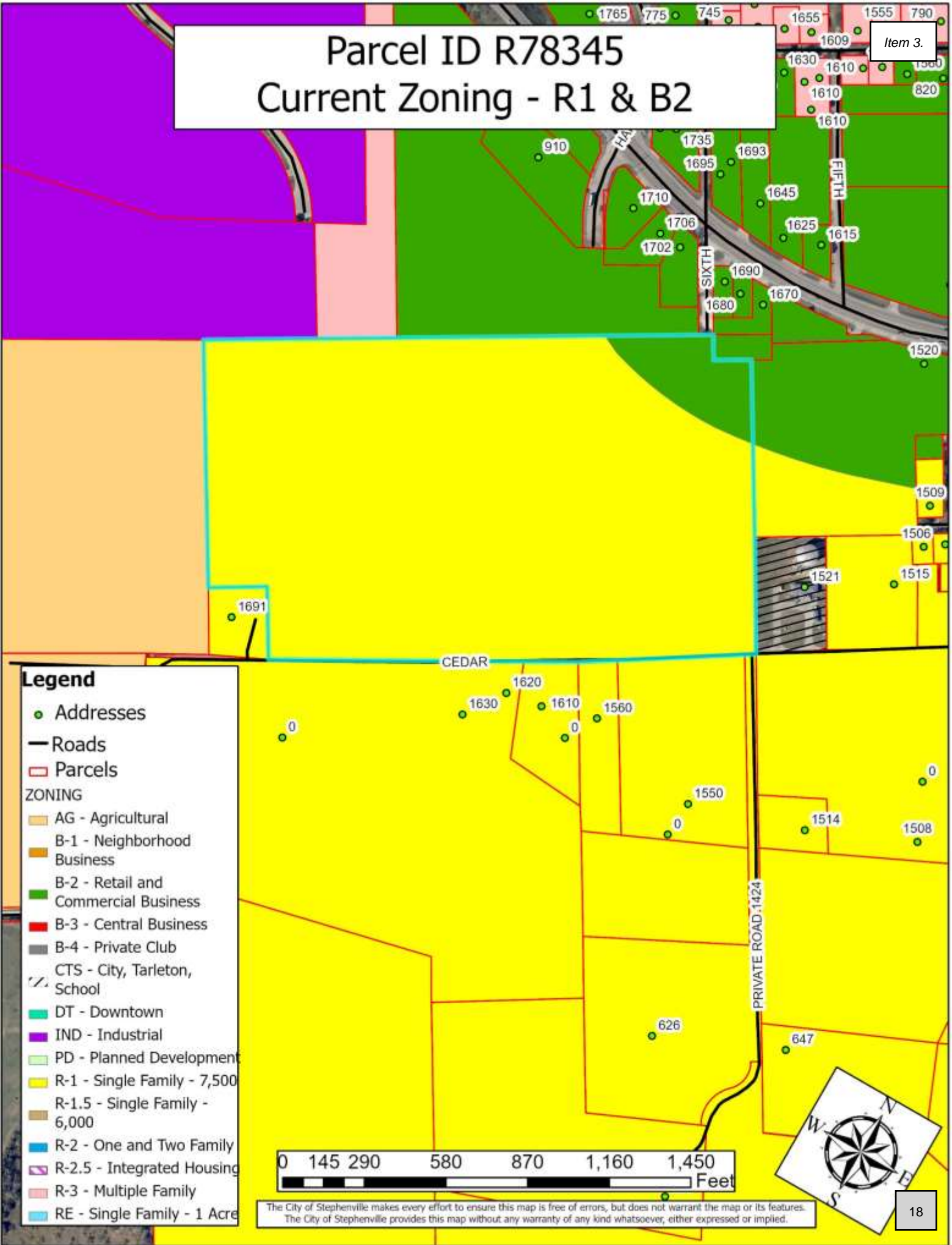
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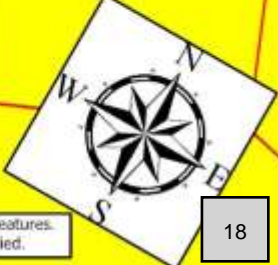
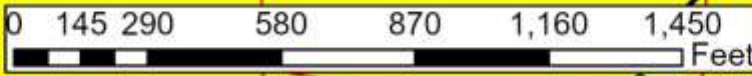
Current Zoning - R1 & B2

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Legend

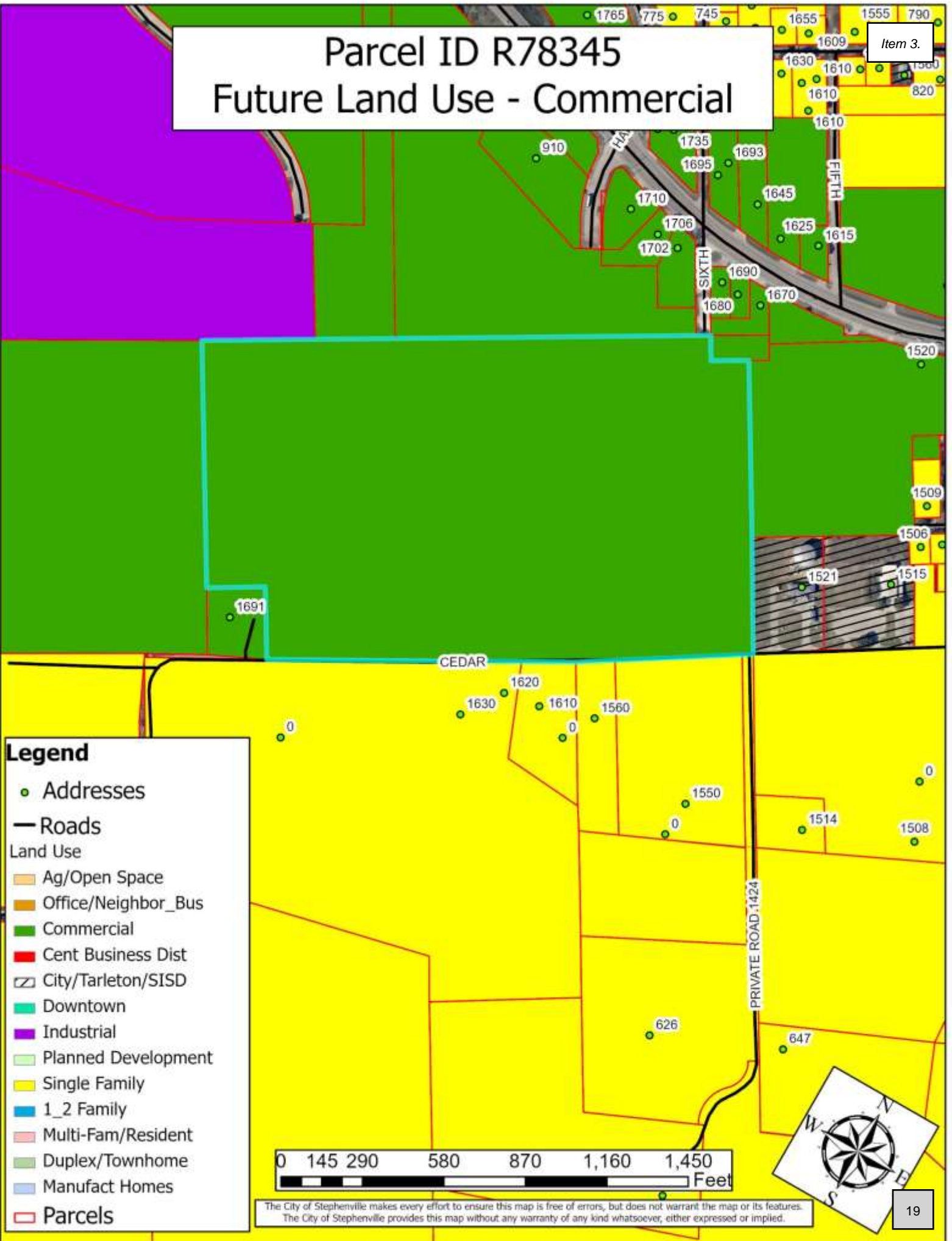
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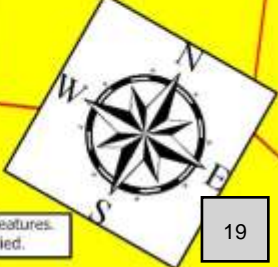
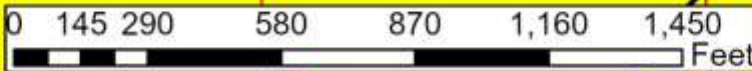
Parcel ID R78345 Future Land Use - Commercial

Item 3.



Legend

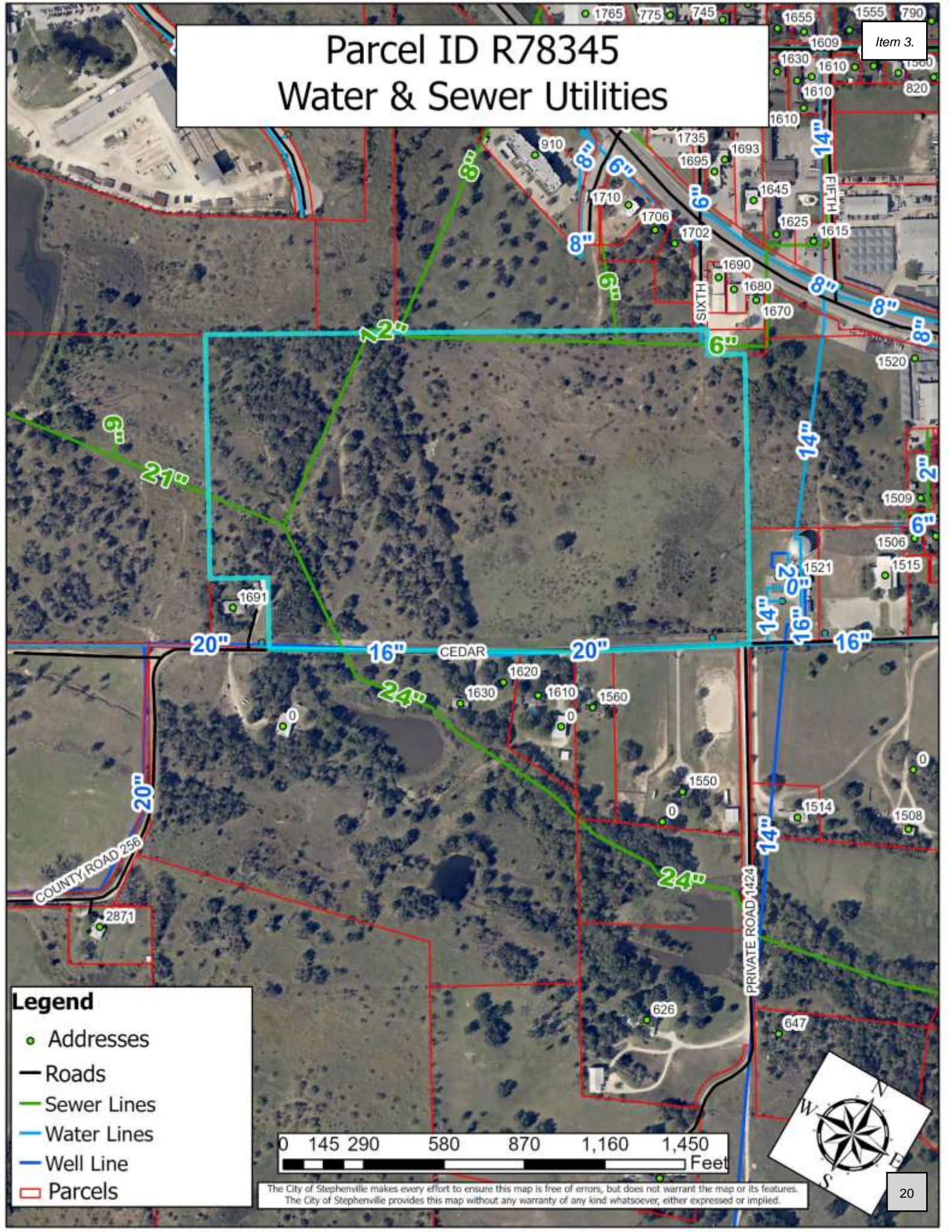
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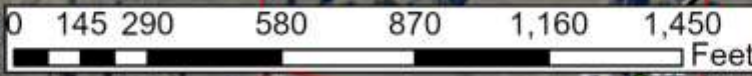
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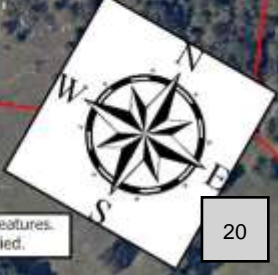
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Parcel R000078345
200 ft Buffer Addresses

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R000019819	1560 W CEDAR ST	WIGGINS WANDA J (LIFE ESTATE)	1610 W CEDAR	STEPHENVILLE	TX	76401

Board of Adjustment STAFF REPORT



Item 4.

SUBJECT: Case No.: V2024-010
Applicant Rock Creek Property No.1, LLC, is requesting a variance from Section 154.05.6.E, related to student living parking requirements, for property located at 0 W Cedar St, being Parcel R78345, A0342 HUDSON H C of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – May 9, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

The applicant is requesting a variance to reduce parking requirements from 1.5 spaces per bed to 1.1 spaces per bed. Based on the projected number of 700 beds that will be provided, this variance would reduce the parking requirement by 280 spaces. The variances will be necessary for the development to move forward. If approved, the applicant will be requesting a rezone of the property.

APPLICABLE LAND USE REGULATION:

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes platted as one parcel and sole source management. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well-being of the intended district environment.

5.6.E Parking Regulations. Lots in this District shall provide a minimum of two vehicle parking spaces per dwelling unit, with a driveway connecting the parking spaces with a street or alley, and meet all the pertinent requirements contained in Section 154.11 *Parking spaces for vehicles* of this ordinance. **Student housing whereby individual rooms are leased by unit must require 1.5 spaces per rented bed.**

VARIANCE:

Sec. 154.21.1. Board of adjustment—Appeals.

21.1.A Creation. A Board of Adjustment is hereby established as provided in Chapter 211 of the Local Government Code.

21.1.B Appeals.

- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the enforcing officer. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason

of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

- (3) No appeal shall be taken to the Board until and unless the Enforcing Officer has first refused a permit for plans submitted or has rendered an interpretation of the Zoning Ordinance.
- (4) Every appeal shall be filled on application forms provided by the city, shall be accompanied by the prescribed fee, and shall be complete in all respects before being accepted for filing. The application shall bear the signature of the owner of the property under appeal or shall be accompanied by a letter from the owner acknowledging taking of the appeal. An incomplete application or a communication purporting to be an application and not made in the form prescribed shall be regarded only as a notice of intent to appeal, and shall not be considered or acted upon by the Board.
- (5) Every appeal shall be prepared by the applicant and shall be considered by the Board according to the guidelines contained in this ordinance for the type of appeal under consideration. Where two or more different types of appeals are included in the same application, each set of guidelines shall apply to the consideration of the appeals.
- (6) An appeal shall be filed with the Board within ten days after the date of decision of the Enforcing Officer. Every appeal shall be filed with the Executive Secretary of the Board not later than 15 days prior to the regular meeting date of the Board. Appeals filed after the deadline shall be scheduled for the next regular meeting. When the filing deadline falls on a city holiday the following workday shall be observed as the filing deadline.

21.1.C Notices.

- (1) Public notice of any appeal affecting a specific property shall be given as prescribed in the Zoning Ordinance by means of a written notice deposited in the United States Mail, postage prepaid, not less than ten days prior to the date of hearing. The notice shall identify the applicant, the location of the property in question, the nature of the request and the applicable Zoning Ordinance requirements.
- (2) Public notice of any appeal seeking an interpretation of Zoning Ordinance regulations which would apply throughout the city, shall be given by means of a legal advertisement appearing in the official newspaper of the city not less than ten days prior to the date of hearing. Written notice shall also be given to the applicant and his or her agent as provided in division (A) above. The notices shall identify the applicant, the nature of the question involved, and the affected provisions of the Zoning Ordinance.
- (3) Notice of any appeal seeking a special use or variance affecting a specific property shall be given to all persons within 200 feet of the property in question by means of a written notice deposited in the United States Mail, postage prepaid, not less than ten days prior to the date of the hearing.

21.1.D Withdrawal of Appeal. Any appeal may be withdrawn upon written notice to the Executive Secretary; but no appeal shall be withdrawn after giving of public notice and prior to Board action thereon without formal consent of the Board.

21.1.E Appeal After Board Denial. No appeal that has been denied shall be further considered in a new appeal resulting from the filing of new plans and the obtaining of a new decision from the Enforcing Officer, unless the new plans materially change the nature of the case.

21.1.F Expiration of Granted Appeal. Approval of any appeal shall expire 90 days after the Board's decision unless authorized construction or occupancy permits have been obtained or unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one extension of an additional 90 days on written request filed with the Board before expiration of the original approval. The time limit for every granted appeal shall commence on the first day of the month succeeding the month in which the Board renders its decision.

21.1.G Interpretation. The Board of Adjustment shall have the following powers:

- (1) For interpretation of the meaning or intent of the Zoning Ordinance. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
 - (a) *Papers required.* An appeal shall include:
 - (1) A statement by the applicant describing the way it is alleged the regulation should be interpreted, together with diagrams and charts illustrating the erroneous and the proper application of the may or text provisions.
 - (2) A statement by the Enforcing Officer giving his or her reasons for his interpretation of the Zoning Regulations.

(b) *Basis for action.*

- (1) Before acting on an appeal for interpretation the Board shall consider:
 - a. The facts and statements filed in the application;
 - b. The testimony presented at the public hearing;
 - c. The city staff's technical report on the appeal; and
 - d. The Board's independent investigation of the language of the ordinance and of related ordinance bearing thereon.
- (2) The Board shall make such interpretation as should be made provided the applicant has demonstrated to the satisfaction of the Board that one or more of the following conditions exist and that the decision of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations:
 - a. That there is reasonable doubt of difference of interpretation as to the specific intent of the regulations or map;
 - b. That an appeal of use provisions would clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question; and
 - c. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

21.1.H Special Exceptions.

- (1) Expansion of a nonconforming use within an existing structure a maximum of 20% provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (2) Expansion of the gross floor area of a nonconforming structure, a maximum of 20%.
- (3) Change from one nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned only upon finding that the failure to grant the special exception deprives the property owner of substantial use or economic value of the land.
- (4) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.

21.1.I Variance.

- (1) A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of 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 variations 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:

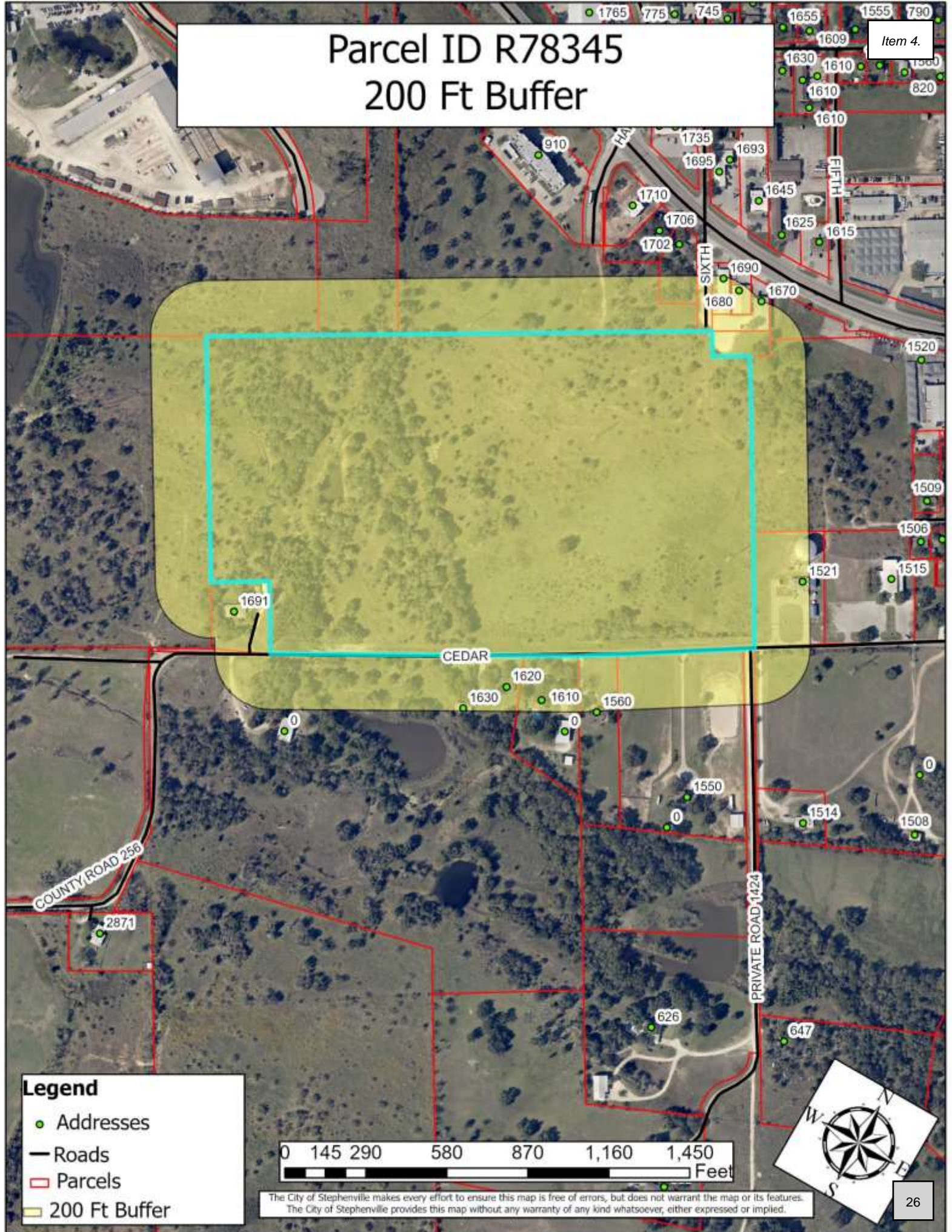
- a. When an appeal is based upon hardship resulting from sharp changes in topography or unusual terrain features, the site plan shall include topographic information related to known base points of surveys, and profiles of the particular problem involved, including relationship to topographic features 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;
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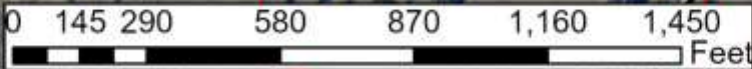
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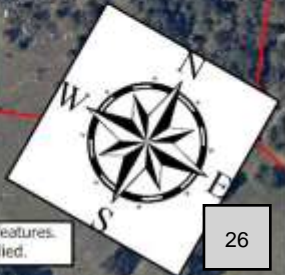


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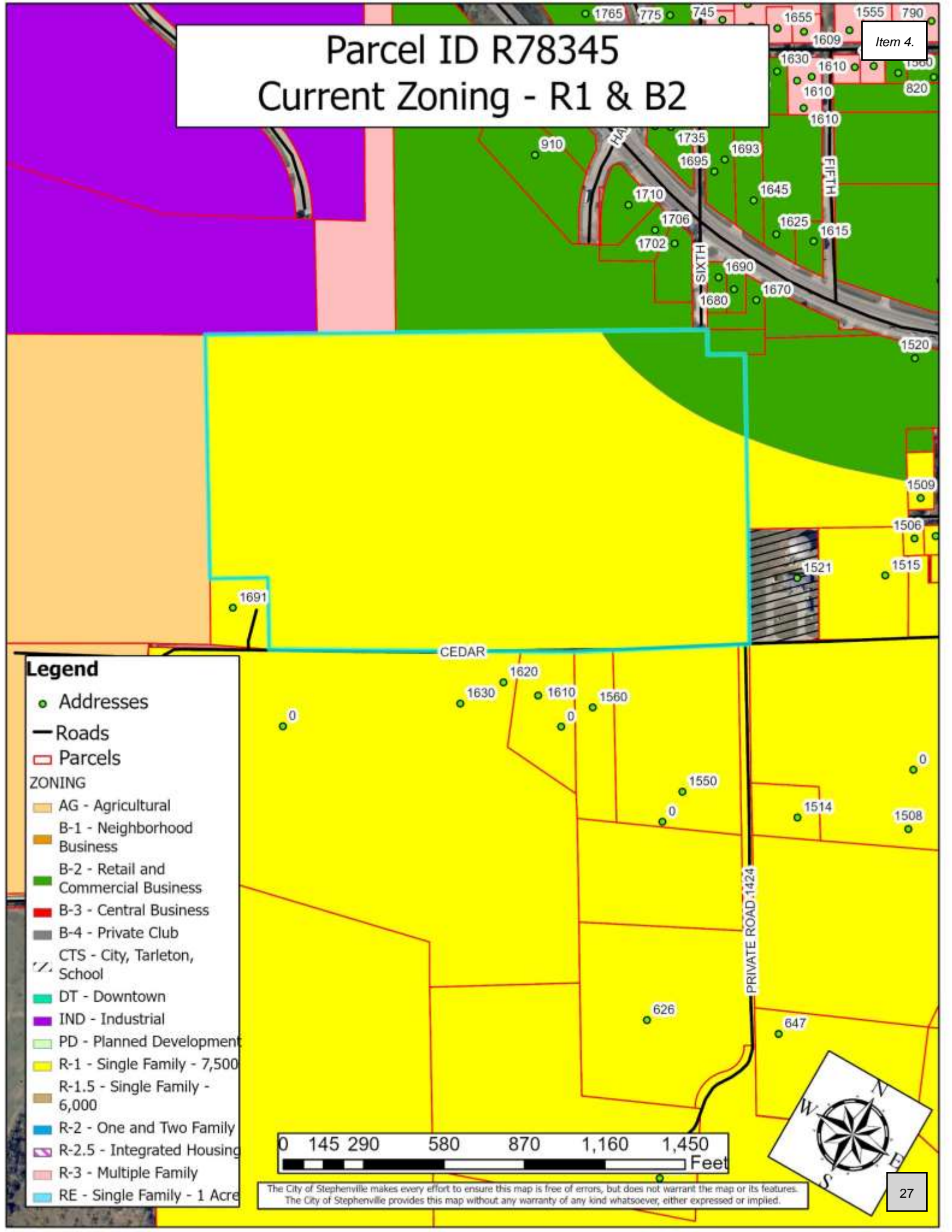
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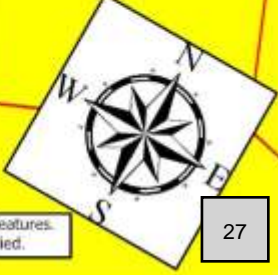
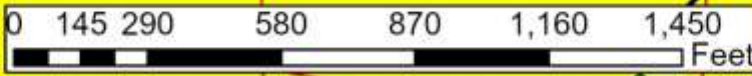
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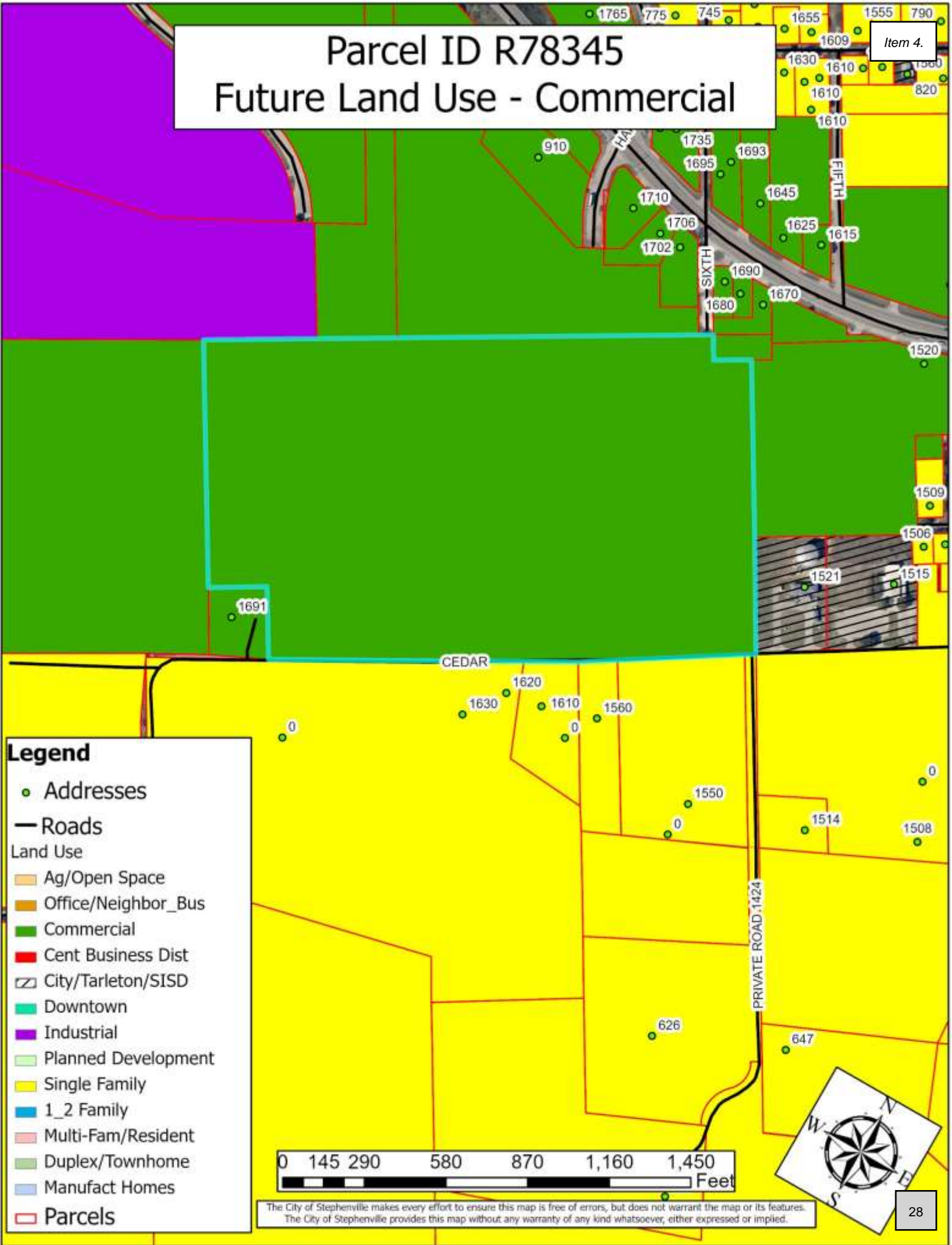
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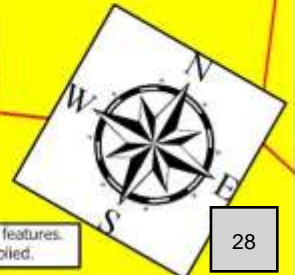
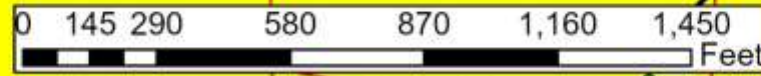
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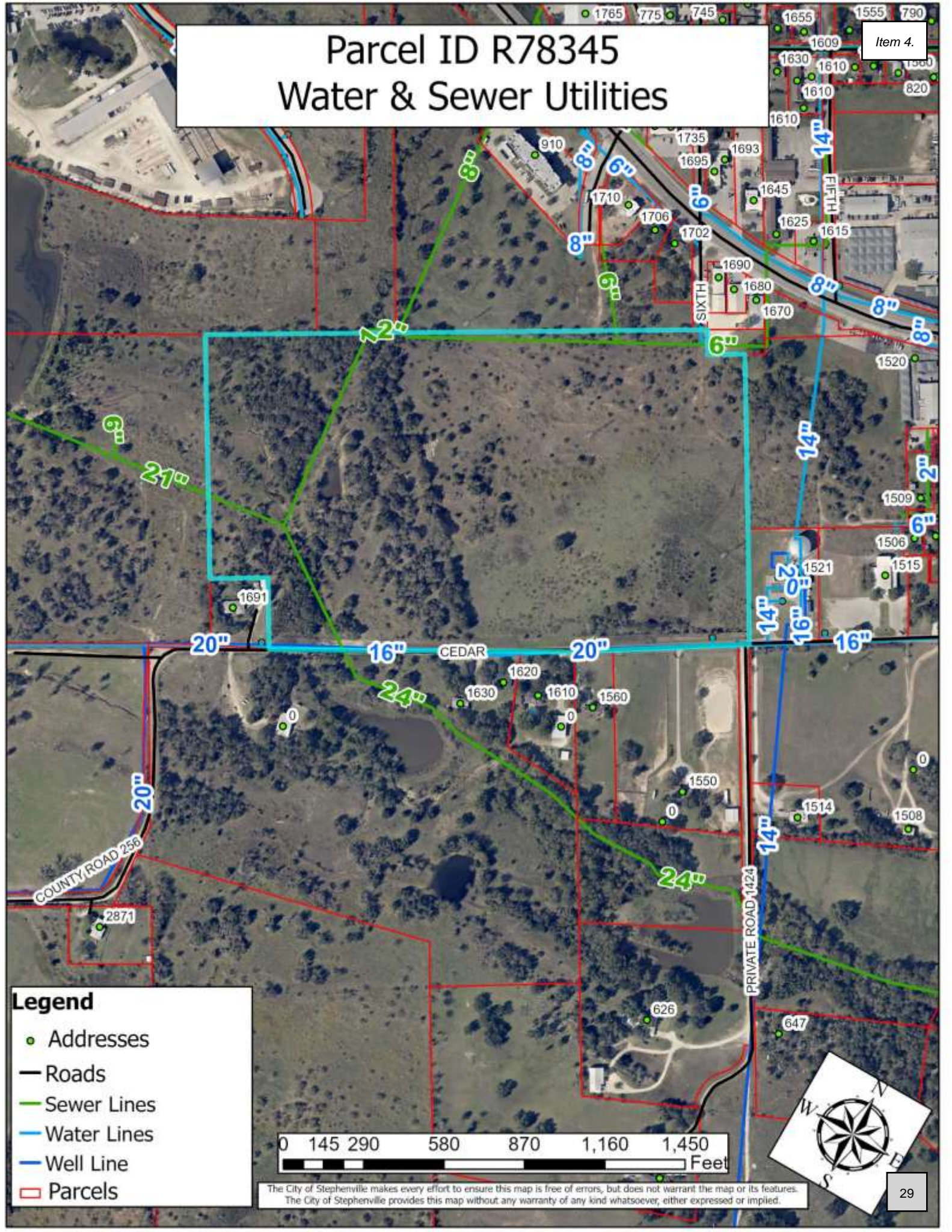
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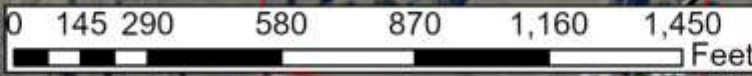
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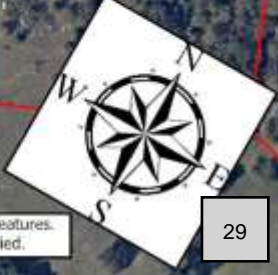


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R000033774	1680 W SOUTH LOOP	SMOLA JAMES	1680 S LOOP	STEPHENVILLE	TX	76401-0000
R000071065	1900 GROESBECK	V84 HOLDINGS LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000019819	1560 W CEDAR ST	WIGGINS WANDA J (LIFE ESTATE)	1610 W CEDAR	STEPHENVILLE	TX	76401

Board of Adjustment STAFF REPORT



Item 5.

SUBJECT: Case No.: V2024-011
Applicant Rock Creek Property No.1, LLC, is requesting a variance from Section 154.05.6.D.D.7 related to the maximum height of structures for property located at 0 W Cedar St, being Parcel R78345, A0342 HUDSON H C of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – May 9, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

The applicant is requesting a variance from the 35' height limitation to allow for the construction of multifamily buildings to a height of 40'. The variances will be necessary for the development to move forward. If approved, the applicant will be requesting a rezone of the property.

APPLICABLE LAND USE REGULATION:

Sec. 154.05.6. Multiple family residential district (R-3).

5.6.A Description. This residential district provides for medium to high-density city neighborhood development. The primary land use allows for single-family dwellings, two-to-four family dwelling units, and multiple family housing buildings and complexes platted as one parcel and sole source management. All R-3 zoning will be appropriate to a city-style neighborhood. Recreational, religious and educational uses are also permitted so as to contribute to the natural elements of a convenient, balanced and attractive neighborhood. Development within this district is intended to be protected from the encroachment of land activities that do not contribute to the esthetic and functional well-being of the intended district environment.

(D) *Multiple family dwellings.*

- (1) Minimum lot area: maximum density of 24 dwelling units per acre, which includes parking, access and all other area improvements.
- (2) Minimum lot depth: 100 feet.
- (3) Minimum depth of front setback: 25 feet.
- (4) Minimum depth of rear setback: 20 feet.
- (5) Minimum width of side setback:
 - (a) Internal lot: ten feet.
 - (b) Corner lot: 25 feet from intersecting side street.
- (6) Building size: Minimum area of each dwelling unit: 500 ft² for one bedroom or less plus 125 ft² of floor area for each additional bedroom.
- (7) **Maximum height of structures: 35 feet.**
- (8) 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:**Sec. 154.21.1. Board of adjustment—Appeals.**

21.1.A Creation. A Board of Adjustment is hereby established as provided in Chapter 211 of the Local Government Code.

21.1.B Appeals.

- (1) Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the enforcing officer. The appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
- (3) No appeal shall be taken to the Board until and unless the Enforcing Officer has first refused a permit for plans submitted or has rendered an interpretation of the Zoning Ordinance.
- (4) Every appeal shall be filled on application forms provided by the city, shall be accompanied by the prescribed fee, and shall be complete in all respects before being accepted for filing. The application shall bear the signature of the owner of the property under appeal or shall be accompanied by a letter from the owner acknowledging taking of the appeal. An incomplete application or a communication purporting to be an application and not made in the form prescribed shall be regarded only as a notice of intent to appeal, and shall not be considered or acted upon by the Board.
- (5) Every appeal shall be prepared by the applicant and shall be considered by the Board according to the guidelines contained in this ordinance for the type of appeal under consideration. Where two or more different types of appeals are included in the same application, each set of guidelines shall apply to the consideration of the appeals.
- (6) An appeal shall be filed with the Board within ten days after the date of decision of the Enforcing Officer. Every appeal shall be filed with the Executive Secretary of the Board not later than 15 days prior to the regular meeting date of the Board. Appeals filed after the deadline shall be scheduled for the next regular meeting. When the filing deadline falls on a city holiday the following workday shall be observed as the filing deadline.

21.1.C Notices.

- (1) Public notice of any appeal affecting a specific property shall be given as prescribed in the Zoning Ordinance by means of a written notice deposited in the United States Mail, postage prepaid, not less than ten days prior to the date of hearing. The notice shall identify the applicant, the location of the property in question, the nature of the request and the applicable Zoning Ordinance requirements.
- (2) Public notice of any appeal seeking an interpretation of Zoning Ordinance regulations which would apply throughout the city, shall be given by means of a legal advertisement appearing in the official newspaper of the city not less than ten days prior to the date of hearing. Written notice shall also be given to the applicant and his or her agent as provided in division (A) above. The notices shall identify the applicant, the nature of the question involved, and the affected provisions of the Zoning Ordinance.
- (3) Notice of any appeal seeking a special use or variance affecting a specific property shall be given to all persons within 200 feet of the property in question by means of a written notice deposited in the United States Mail, postage prepaid, not less than ten days prior to the date of the hearing.

21.1.D Withdrawal of Appeal. Any appeal may be withdrawn upon written notice to the Executive Secretary; but no appeal shall be withdrawn after giving of public notice and prior to Board action thereon without formal consent of the Board.

21.1.E Appeal After Board Denial. No appeal that has been denied shall be further considered in a new appeal resulting from the filing of new plans and the obtaining of a new decision from the Enforcing Officer, unless the new plans materially change the nature of the case.

21.1.F Expiration of Granted Appeal. Approval of any appeal shall expire 90 days after the Board's decision unless authorized construction or occupancy permits have been obtained or unless a greater time is requested in the application and is authorized by the Board. Any approval may be granted one extension of an additional 90 days on written request filed with the Board before expiration of the original approval. The time limit for every granted appeal shall commence on the first day of the month succeeding the month in which the Board renders its decision.

21.1.G Interpretation. The Board of Adjustment shall have the following powers:

- (1) For interpretation of the meaning or intent of the Zoning Ordinance. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance.
 - (a) *Papers required.* An appeal shall include:
 - (1) A statement by the applicant describing the way it is alleged the regulation should be interpreted, together with diagrams and charts illustrating the erroneous and the proper application of the may or text provisions.
 - (2) A statement by the Enforcing Officer giving his or her reasons for his interpretation of the Zoning Regulations.
 - (b) *Basis for action.*
 - (1) Before acting on an appeal for interpretation the Board shall consider:
 - a. The facts and statements filed in the application;
 - b. The testimony presented at the public hearing;
 - c. The city staff's technical report on the appeal; and
 - d. The Board's independent investigation of the language of the ordinance and of related ordinance bearing thereon.
 - (2) The Board shall make such interpretation as should be made provided the applicant has demonstrated to the satisfaction of the Board that one or more of the following conditions exist and that the decision of the Board would be in the interest of the community and would carry out the spirit and intent of the Zoning Regulations:
 - a. That there is reasonable doubt of difference of interpretation as to the specific intent of the regulations or map;
 - b. That an appeal of use provisions would clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question; and
 - c. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

21.1.H Special Exceptions.

- (1) Expansion of a nonconforming use within an existing structure a maximum of 20% provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number existing when the use first became nonconforming.
- (2) Expansion of the gross floor area of a nonconforming structure, a maximum of 20%.
- (3) Change from one nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned only upon finding that the failure to grant the special exception deprives the property owner of substantial use or economic value of the land.
- (4) In granting special exceptions under this section, the Board of Adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.

21.1.I Variance.

- (1) A variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of 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.

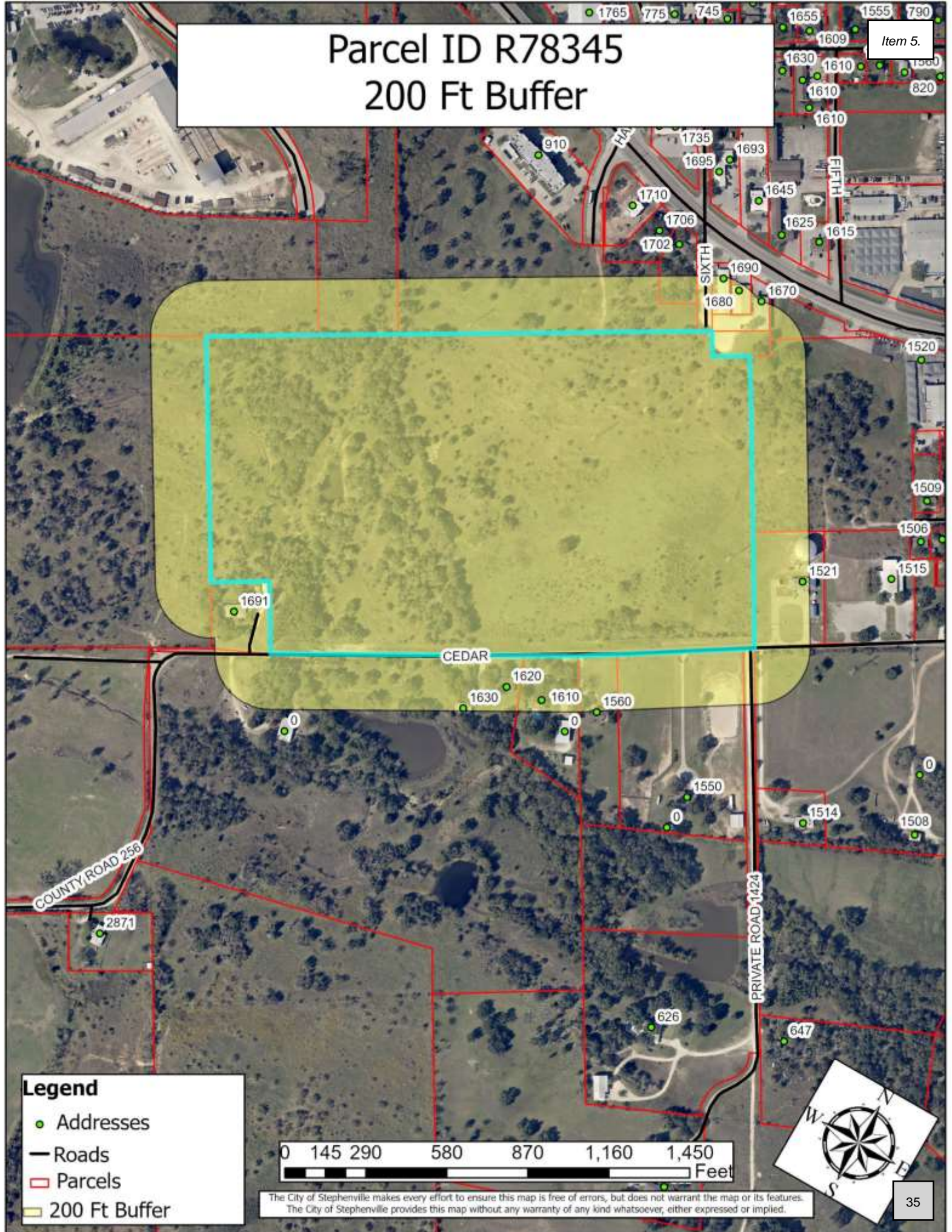
- (2) When a property owner can show that a strict application of the terms of this ordinance relating to the use, construction or alteration of buildings or structures or the use of land will impose upon him or her practical difficulties or particular hardship, the Board may consider and allow variations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

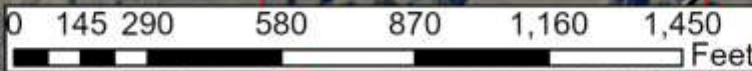
Parcel ID R78345 200 Ft Buffer

Item 5.



Legend

- Addresses
- Roads
- ▭ Parcels
- 200 Ft Buffer

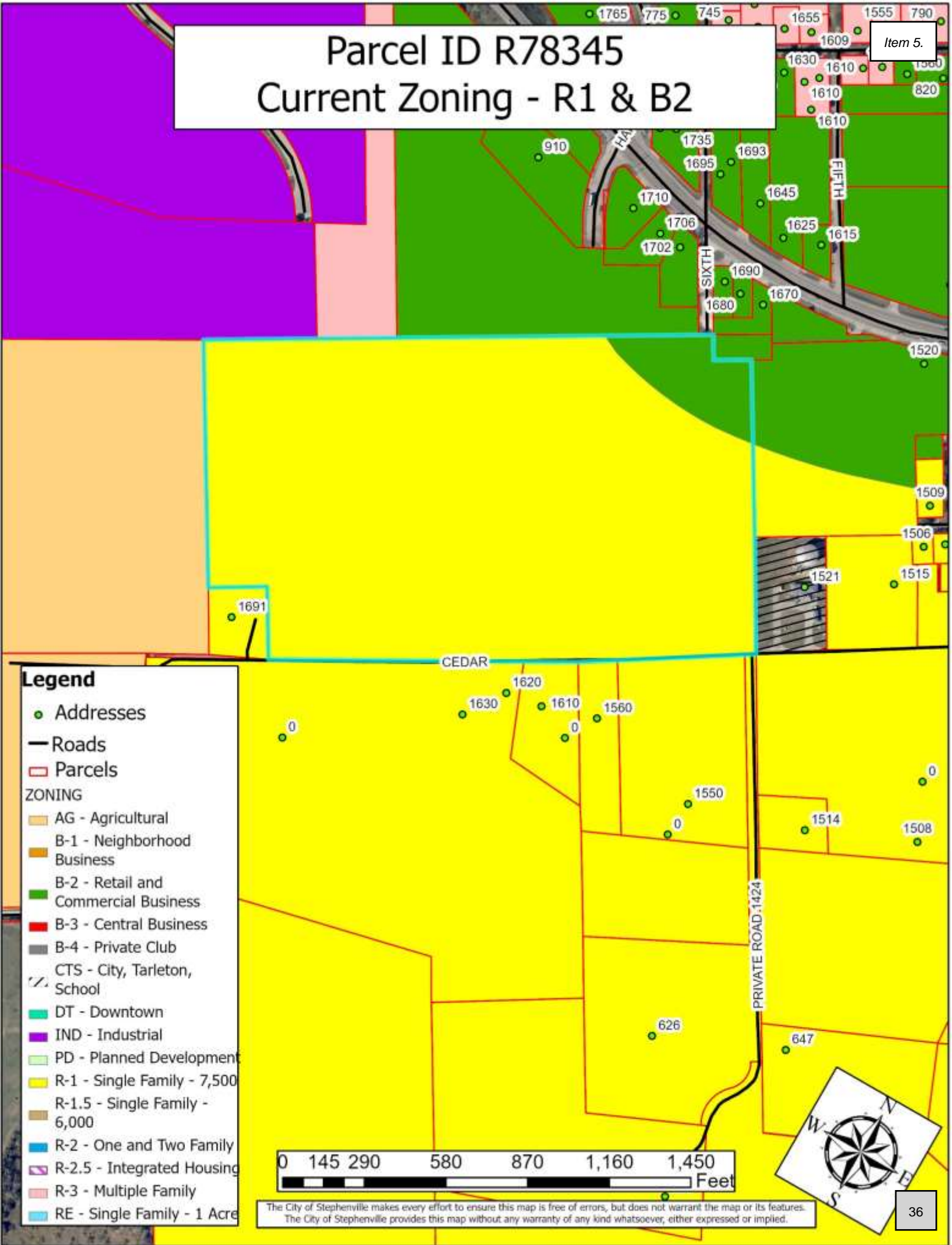


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Parcel ID R78345

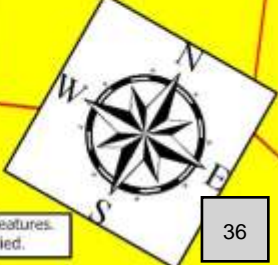
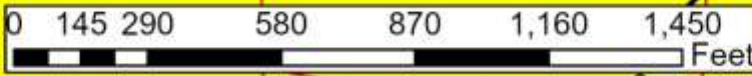
Current Zoning - R1 & B2

Item 5.



Legend

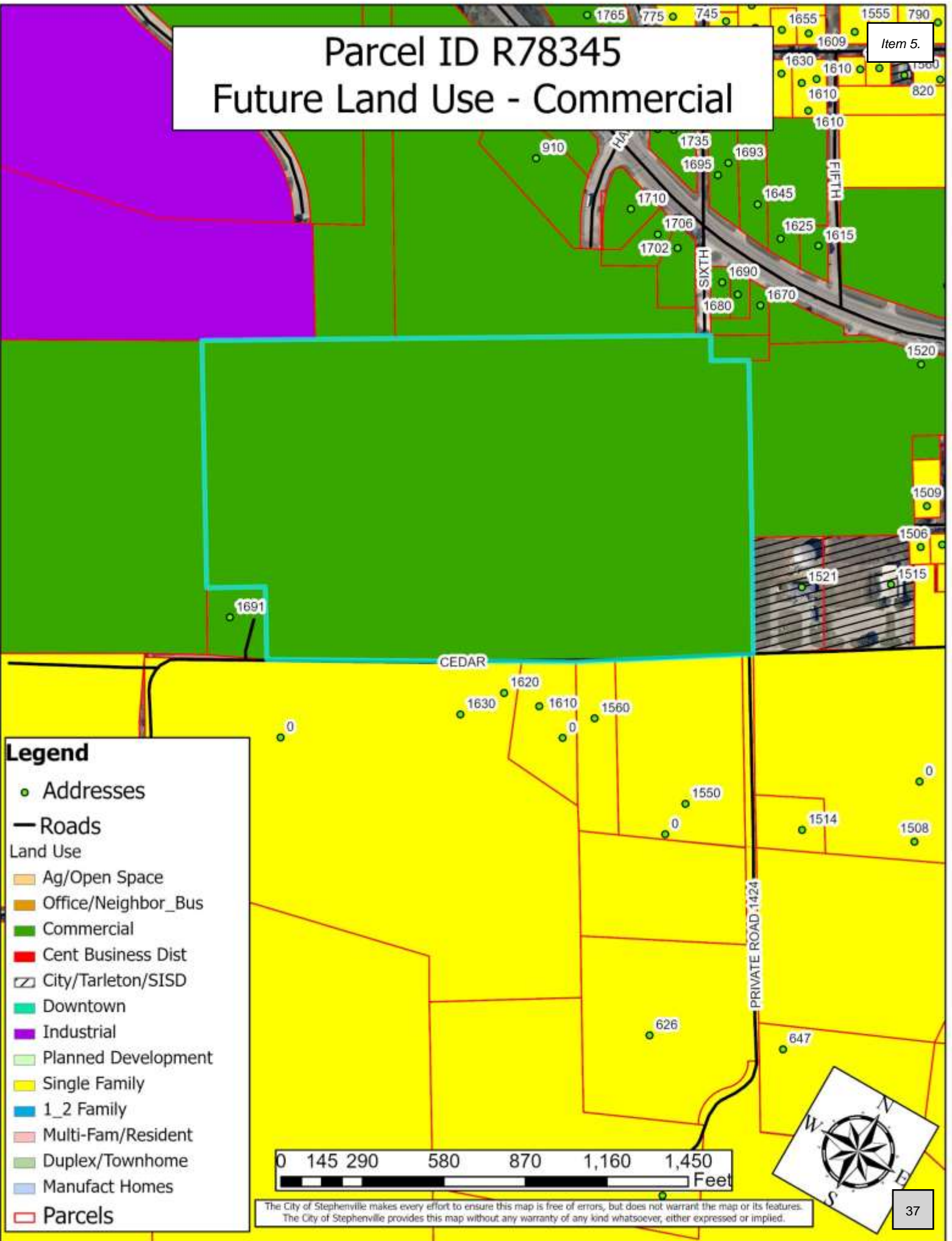
- Addresses
 - Roads
 - ▭ Parcels
- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



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Parcel ID R78345 Future Land Use - Commercial

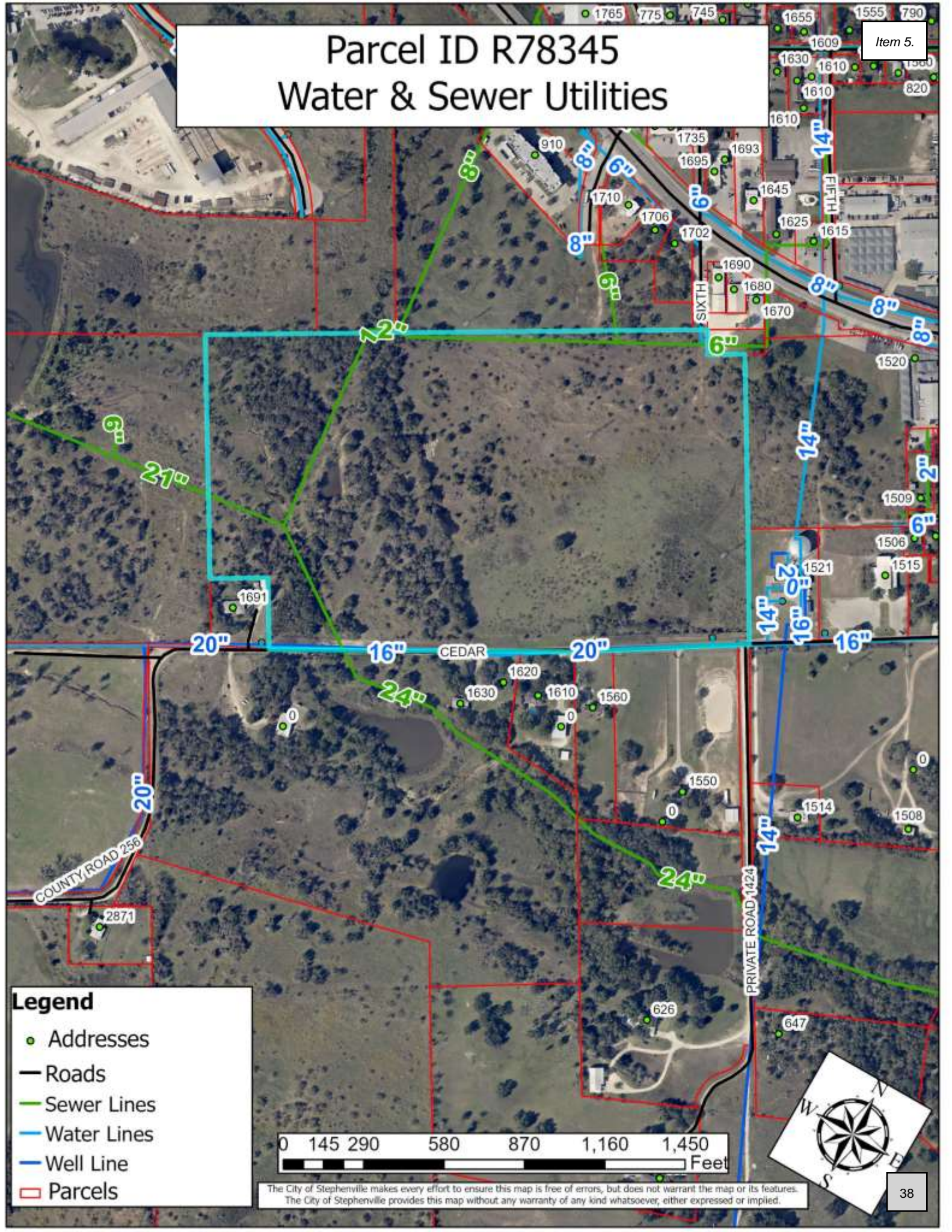
Item 5.



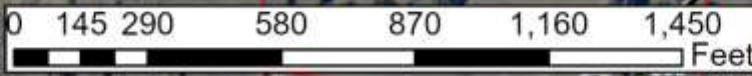
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Parcel ID R78345 Water & Sewer Utilities

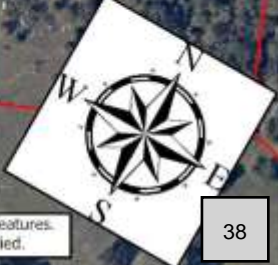
Item 5.



- Legend**
- Addresses
 - Roads
 - Sewer Lines
 - Water Lines
 - Well Line
 - Parcels



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Parcel R000078345
200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000033775	1520 W SOUTH LOOP	2012 GBAT BMI PROPERTIES, LLC	128 GREENBRIAR	STEPHENVILLE	TX	76401
R000019805	1520 W SOUTH LOOP	2012 GBAT BMI PROPERTIES, LLC	128 GREENBRIAR	STEPHENVILLE	TX	76401
R000033760	0 GROESBECK	ALLEN REAL PROPERTIES LTD	PO BOX 953	STEPHENVILLE	TX	76401
R000019809	626 PR1424 OFF CR256	CAGLE ERIC BRANDT	624 PR1424	STEPHENVILLE	TX	76401
R000067061	1521 W CEDAR ST	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000019793	1620 W CEDAR ST	COLLIER NATHAN & KRISTIN	997 N LYDIA	STEPHENVILLE	TX	76401
R000033753	1702 W SOUTH LOOP	HAMPTON BARBARA REVOCABLE LIFE ESTATE	1702 W SOUTH LOOP	STEPHENVILLE	TX	76401
R000062473	1610 W CEDAR ST	HOWELL KENNETH & DERECE	1610 W CEDAR ST	STEPHENVILLE	TX	76401
R000072198	0 SOUTH LOOP (OFF)	KARNES DANNY	1670 SOUTH LOOP	STEPHENVILLE	TX	76401-0000
R000033772	1670 W SOUTH LOOP	KARNES DANNY	1670 SOUTH LOOP	STEPHENVILLE	TX	76401-0000
R000033773	1690 W SOUTH LOOP	KARNES DANNY & JANA	1670 S LOOP	STEPHENVILLE	TX	76401
R000019789	0 CR256	LEE J RALPH & LINDA	PO BOX 24	HAMILTON	TX	76531
R000071064	0 CR256	LEE J RALPH & LINDA	PO BOX 24	HAMILTON	TX	76531
R000019817	1550 W CEDAR ST	MICK KEVIN	22210 CLAIBOURNE LANE	SANTA CLARITA	CA	91350
R000064287	1691 W CEDAR ST	PEEK CAROLYN J	1691 W CEDAR	STEPHENVILLE	TX	76401
R000078345	0 W CEDAR ST	ROCK CREEK PROPERTY NO 1, LLC	6110 N FM219	DUBLIN	TX	76446
R000019806	1508 W CEDAR ST	SHUFFIELD JEANNE W TRUST	1469 MELISSA	STEPHENVILLE	TX	76401-0000
R000033774	1680 W SOUTH LOOP	SMOLA JAMES	1680 S LOOP	STEPHENVILLE	TX	76401-0000
R000071065	1900 GROESBECK	V84 HOLDINGS LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000019819	1560 W CEDAR ST	WIGGINS WANDA J (LIFE ESTATE)	1610 W CEDAR	STEPHENVILLE	TX	76401

Board of Adjustment STAFF REPORT



Item 6.

SUBJECT: Case No.: V2024-012

Applicant Renee White is requesting a variance from Section 154.21.3.C – Variance for the Construction of a Carport for property, at 898 Charlotte, Parcel R32011, being BLOCK 4; LOT 58 of the S3900 Groesbeck Addition of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – May 9, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

Ms. White is requesting a variance for the construction of a carport that will encroach into the 12' minimum depth from the edge of the main building that is a R-1 zoning districts, Single Family Residential requirement. If approved, the 12 ft. requirement will be reduced to 1 foot in order for the applicant to have maintenance access between buildings. The structure will be at the rear of home; however, since this structure is considered an accessory, the 25' rear setback will not apply.

ZONING REQUIREMENTS:

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

- (9) Accessory buildings:
 - (a) Maximum accessory buildings coverage of rear yard: 30%.
 - (b) Maximum number of accessory buildings: two.
 - (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.

Section 154.21.3.C

Variance for the Construction of a Carport

- (1) Granting a Variance without a Public Hearing:
 - a. Upon receipt of an application to construct a carport, the city manager or his designee shall determine the following:
 - i. The carport is compatible with the existing home and other homes in the neighborhood.
 - ii. The carport is within the minimum setbacks.
 - iii. The carport is no larger than 25 feet in width by 30 feet in length.
 - b. If the above criteria are met, the city manager or his designee will mail notice of the proposed carport to every property owner within 200 feet of the property. The letter must include the procedure and time limits for protest.
 - c. Within 14 days from the date of the notification letter, a petition with signatures from 35% of the property owners within the notification area must be returned to the city manager or his designee or the special exception is considered granted without a hearing before the board of adjustment.

(2) Granting a Variance with a Public Hearing:

- a. If the criteria listed above are not met, or if a petition is filed with the city manager or his designee as described above, a public hearing will be scheduled by the board of adjustment to determine if a variance will be granted.
- b. Notice of a public hearing to allow the construction of a carport shall be mailed to every property owner within 200 feet of the property for which the special exception is requested at least ten days prior to the meeting date.
- c. Notice of the public hearing shall be published in the newspaper of record at least ten days prior to the meeting date.

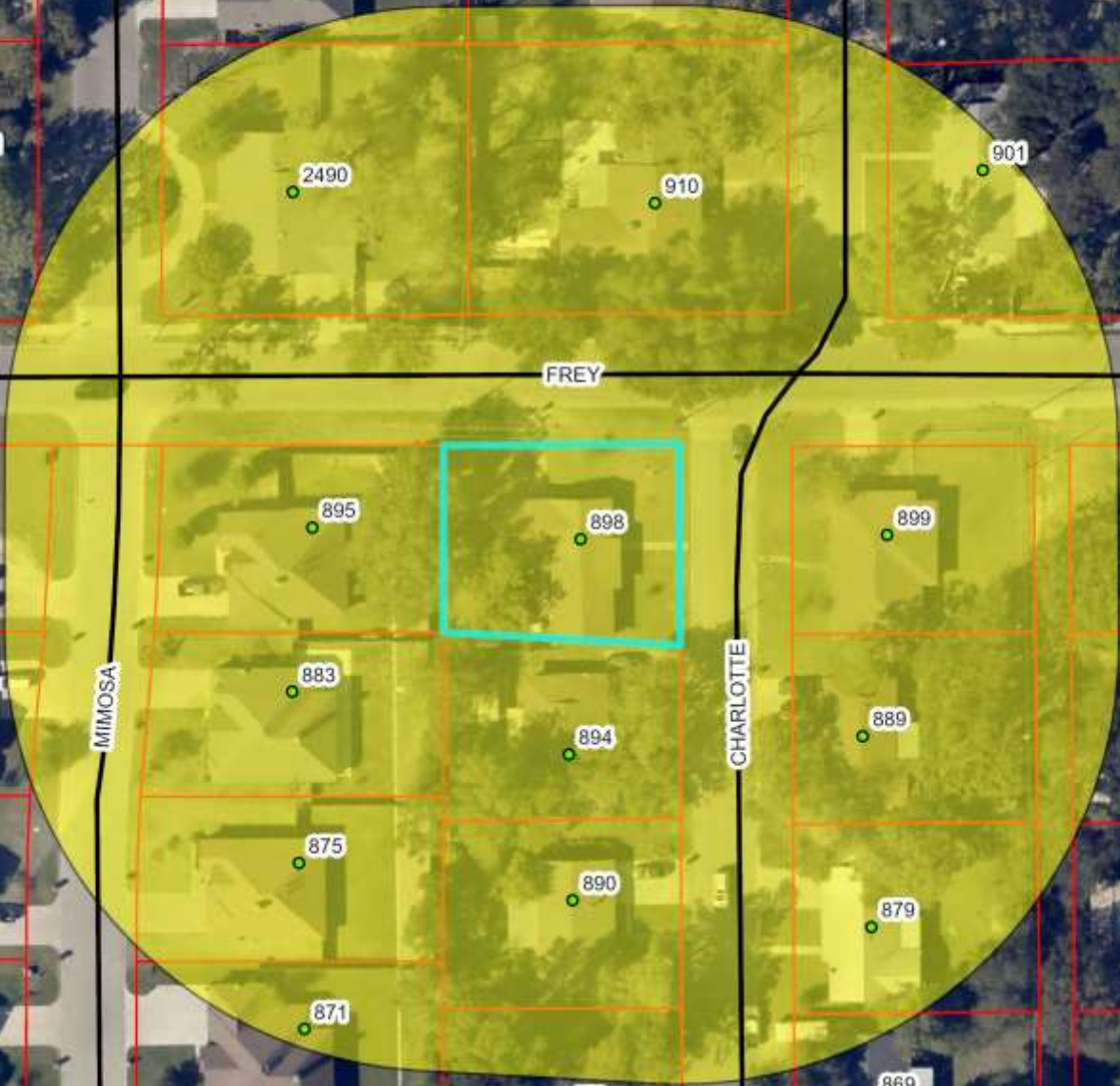
d. The concurring vote of 75% of the members of the board will be required to grant the special exception.

- (3) The city manager or his designee shall issue to the applicant appropriate documentation showing the grant of the special exception. Such documentation and grant may contain restrictions, use limitations, building requirements, and other matters determined to be appropriate and/or necessary to meet the terms of this section.

ALTERNATIVES:

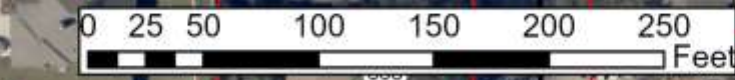
1. Approve the Variance Request
2. Deny the Variance Request

Parcel ID R32011 200 Ft Buffer



Legend

- Addresses
- Roads
- ▭ Parcels
- 200 Ft Buffer



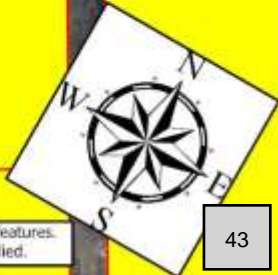
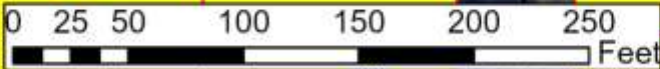
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Parcel ID R32011 Current Zoning - R1 Single Family



Legend

- Addresses
- Roads
- ▭ Parcels
- ZONING
- AG - Agricultural
- B-1 - Neighborhood Business
- B-2 - Retail and Commercial Business
- B-3 - Central Business
- B-4 - Private Club
- CTS - City, Tarleton, School
- DT - Downtown
- IND - Industrial
- PD - Planned Development
- R-1 - Single Family - 7,500
- R-1.5 - Single Family - 6,000
- R-2 - One and Two Family
- R-2.5 - Integrated Housing
- R-3 - Multiple Family
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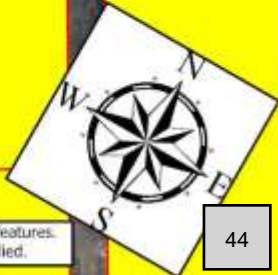
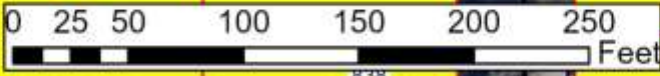
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Parcel ID R32011 Future Land Use - Single Family



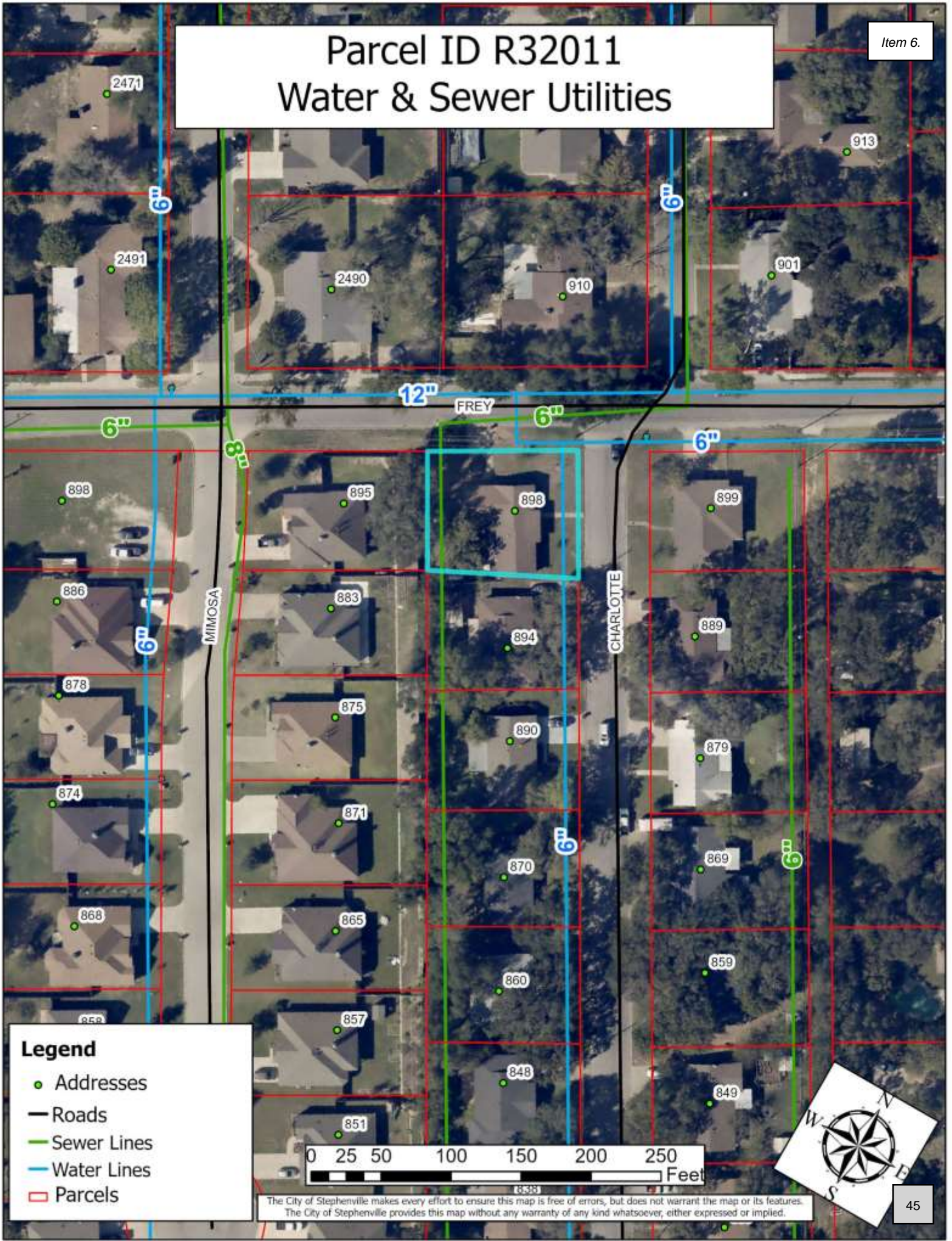
Legend

- Addresses
- Roads
- Land Use
 - Ag/Open Space
 - Office/Neighbor_Bus
 - Commercial
 - Cent Business Dist
 - City/Tarleton/SISD
 - Downtown
 - Industrial
 - Planned Development
 - Single Family
 - 1_2 Family
 - Multi-Fam/Resident
 - Duplex/Townhome
 - Manufact Homes
- ▭ Parcels



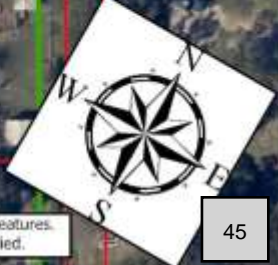
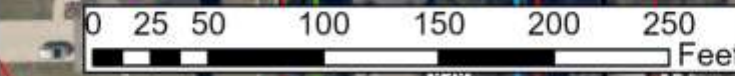
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Parcel ID R32011 Water & Sewer Utilities



Legend

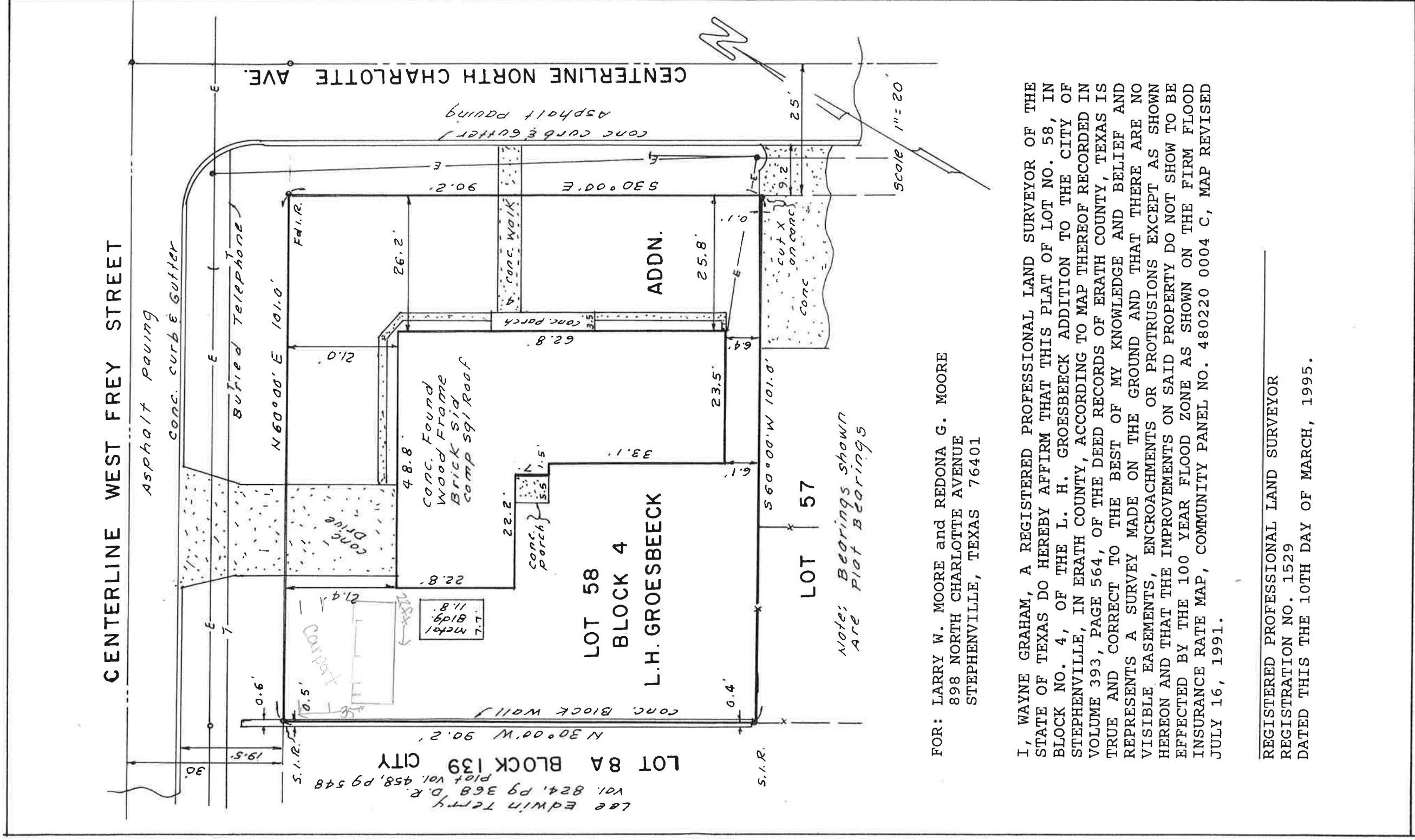
- Addresses
- Roads
- Sewer Lines
- Water Lines
- Parcels



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Parcel R32011
200 ft Buffer Addresses

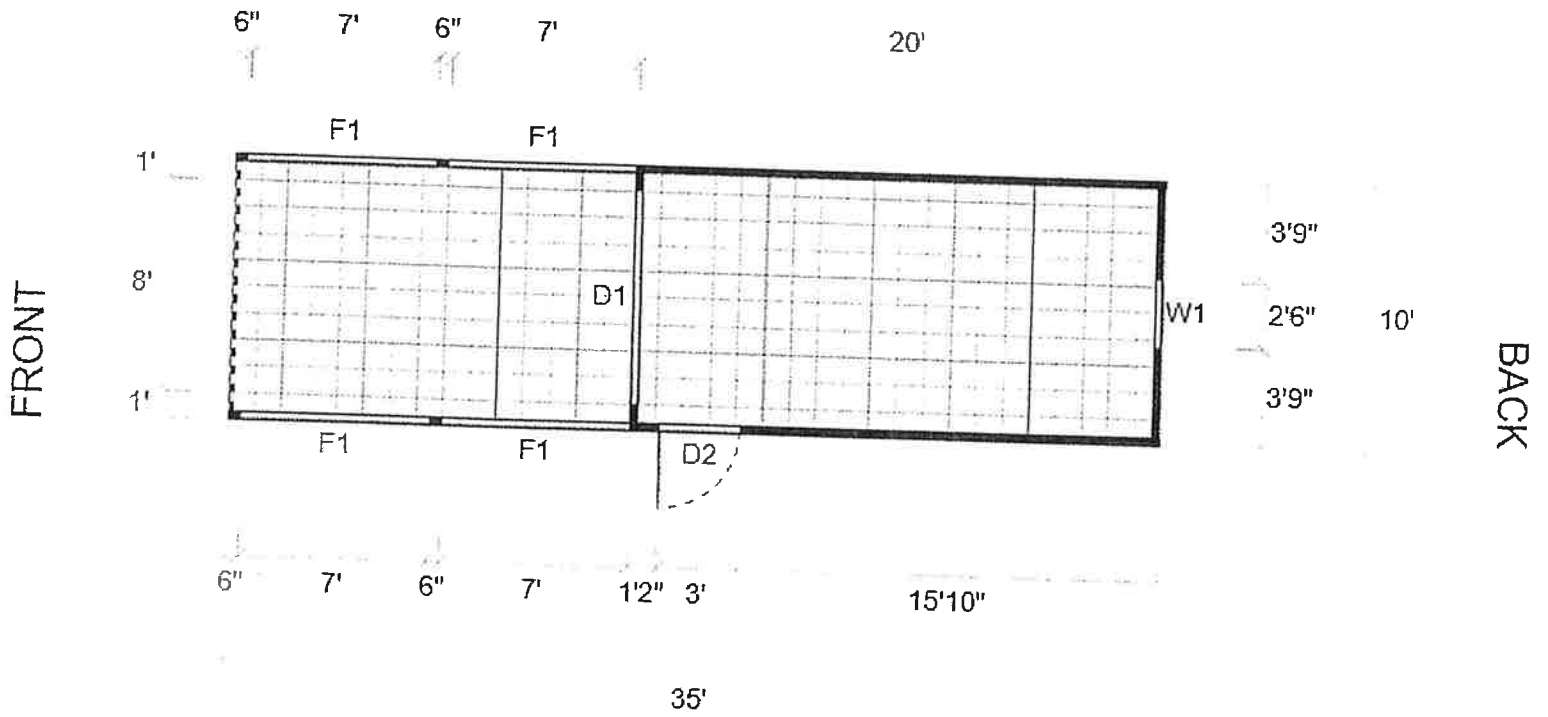
Parcel ID	Parcel Address	Parcel Owner	owner Address	City	State	Zip Code
R000031997	869 CHARLOTTE	ADKISON DARREL G & YOLANDA	869 CHARLOTTE	STEPHENVILLE	TX	76401
R000074936	898 MIMOSA CT	AMBER HOMES	886 MIMOSA CT	STEPHENVILLE	TX	76401
R000074937	886 MIMOSA CT	AMBER HOMES	886 MIMOSA CT	STEPHENVILLE	TX	76401
R000032009	890 CHARLOTTE	BLACKBURN JAMES K	890 N CHARLOTTE	STEPHENVILLE	TX	76401-0000
R000030335	0 MIMOSA CT	CITY OF STEPHENVILLE	298 W WASHINGTON	STEPHENVILLE	TX	76401-4257
R000034587	2490 MIMOSA	DAHL JEFF & SHELLY	2381 MIMOSA	STEPHENVILLE	TX	76401
R000032000	899 N CHARLOTTE	FICK LAWRENCE EDWARD & REBECCA ANN	899 N CHARLOTTE	STEPHENVILLE	TX	76401
R000034605	2491 MIMOSA	FINNEY JIMMY KEITH & KAREN DENISE FINNEY	2491 MIMOSA	STEPHENVILLE	TX	76401
R000031998	879 CHARLOTTE	HARGROVE ERIC & NATASHA	14777 N US281	STEPHENVILLE	TX	76401
R000034588	2470 MIMOSA	HARRISON MICHAEL DOUGLAS & RUTH ESTHER HARRISON	2470 W MIMOSA LN	STEPHENVILLE	TX	76401
R000074929	875 MIMOSA CT	HAYES PHILLIP S & ISABEL JIMENEZ PEREA	875 MIMOSA CT	STEPHENVILLE	TX	76401
R000031981	888 LYDIA	MARTINEZ EFRAIN DIAZ & VICTORIANO & MARIA DIAZ	888 LYDIA ST	STEPHENVILLE	TX	76401
R000034586	910 CHARLOTTE	MEZA OMAR JORGE & CAROLINA	910 CHARLOTTE	STEPHENVILLE	TX	76401-2004
R000074930	871 MIMOSA CT	OLVERA FERNANDO	871 MIMOSA CT	STEPHENVILLE	TX	76401
R000034585	920 CHARLOTTE	SLIGER ROY CLAREN & STACEY RENEE SLIGER	920 N CHARLOTTE	STEPHENVILLE	TX	76401
R000074927	895 MIMOSA CT	STODGHILL ANITA L	895 MIMOSA CT	STEPHENVILLE	TX	76401
R000031980	898 LYDIA	STORM WATER VENTURES LLC	3225 MCLEOD DR, SUITE 101	LAS VEGAS	NV	89121
R000074928	883 MIMOSA CT	VO LOI	883 MIMOSA CT	STEPHENVILLE	TX	76401
R000031999	889 CHARLOTTE	WALKER MIKE	PO BOX 147	STEPHENVILLE	TX	76401-0000
R000032010	894 CHARLOTTE	WALTON SHERRY ALLEN	1413 HIGHLAND VIEW RD	STEPHENVILLE	TX	76401-9665
R000032008	870 N CHARLOTTE	WATSON JAYMIN	870 N CHARLOTTE	STEPHENVILLE	TX	76401
R000034577	913 CHARLOTTE	WEBB CHRISTINA	913 CHARLOTTE	STEPHENVILLE	TX	76401
R000032011	898 CHARLOTTE	WHITE BRUCE & RENEE	898 N CHARLOTTE	STEPHENVILLE	TX	76401
R000034578	901 CHARLOTTE	WOOD GABRIEL THOMAS & JACEY KAY GILL WOOD	901 N CHARLOTTE	STEPHENVILLE	TX	76401



FOR: LARRY W. MOORE and REDONA G. MOORE
898 NORTH CHARLOTTE AVENUE
STEPHENVILLE, TEXAS 76401

I, WAYNE GRAHAM, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS DO HEREBY AFFIRM THAT THIS PLAT OF LOT NO. 58, IN BLOCK NO. 4, OF THE L. H. GROESBEECK ADDITION TO THE CITY OF STEPHENVILLE, IN ERATH COUNTY, ACCORDING TO MAP THEREOF RECORDED IN VOLUME 393, PAGE 564, OF THE DEED RECORDS OF ERATH COUNTY, TEXAS IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND REPRESENTS A SURVEY MADE ON THE GROUND AND THAT THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN HEREON AND THAT THE IMPROVEMENTS ON SAID PROPERTY DO NOT SHOW TO BE EFFECTED BY THE 100 YEAR FLOOD ZONE AS SHOWN ON THE FIRM FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 480220 0004 C, MAP REVISED JULY 16, 1991.

REGISTERED PROFESSIONAL LAND SURVEYOR
REGISTRATION NO. 1529
DATED THIS THE 10TH DAY OF MARCH, 1995.

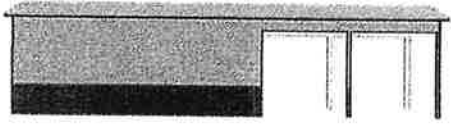


1" = 1ft

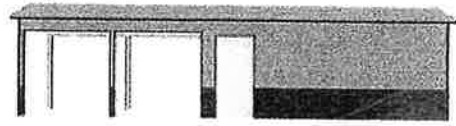
RIGHT SIDE

SYMBOL LEGEND	
	D1 8' x 7' Rollup Door
	F1 Sidewall - Custom Size
	Closed Wall
	W1 30W x 30H Plain
	D2 Walk-in Door (36" x 80")
	Open Wall

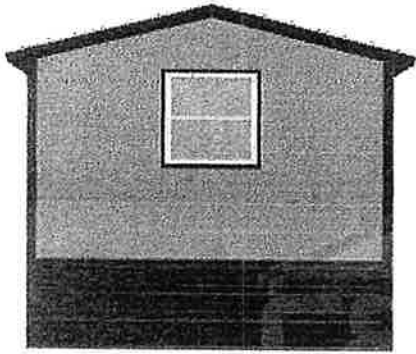
710345846542746



Left Side



Right Side



Back

Board of Adjustment STAFF REPORT



Item 7.

SUBJECT: Case No.: V2024-0013
Colby Pack representing Solid Ace Holdings, LLC, is requesting a variance from Section 154.05.6.D(B)(2) "Minimum Lot Width" for property located at 485 First, being Parcel R33557 of South Side Addition, Block 12, Lot 5A;6A of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – May 9, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

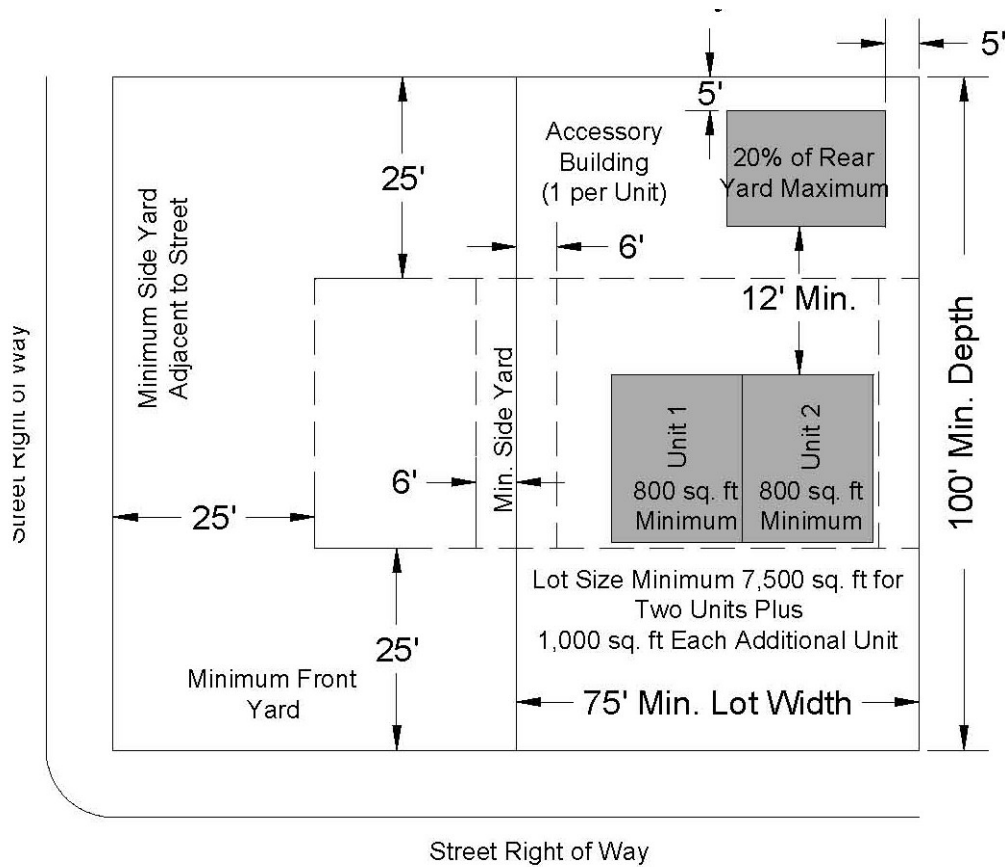
BACKGROUND:

Mr. Pack is requesting a 12' variance relating to the lot width of 75' in order to build a two-unit residential structure. The property is platted at approximately 63' of frontage along First. The current land use regulation requires 75' of frontage. Multiple parcels in the area do not meet the 75' requirement.

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

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

- (1) Minimum lot area: 7,500 ft² for two dwelling units, plus 1,000 ft² 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%.
 - (b) Minimum area of each dwelling unit: 800 ft².
- (8) Accessory buildings:
 - (a) Maximum accessory building coverage of rear yard: 20%.
 - (b) Maximum area of each accessory building: 200 ft².
 - (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.



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 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.

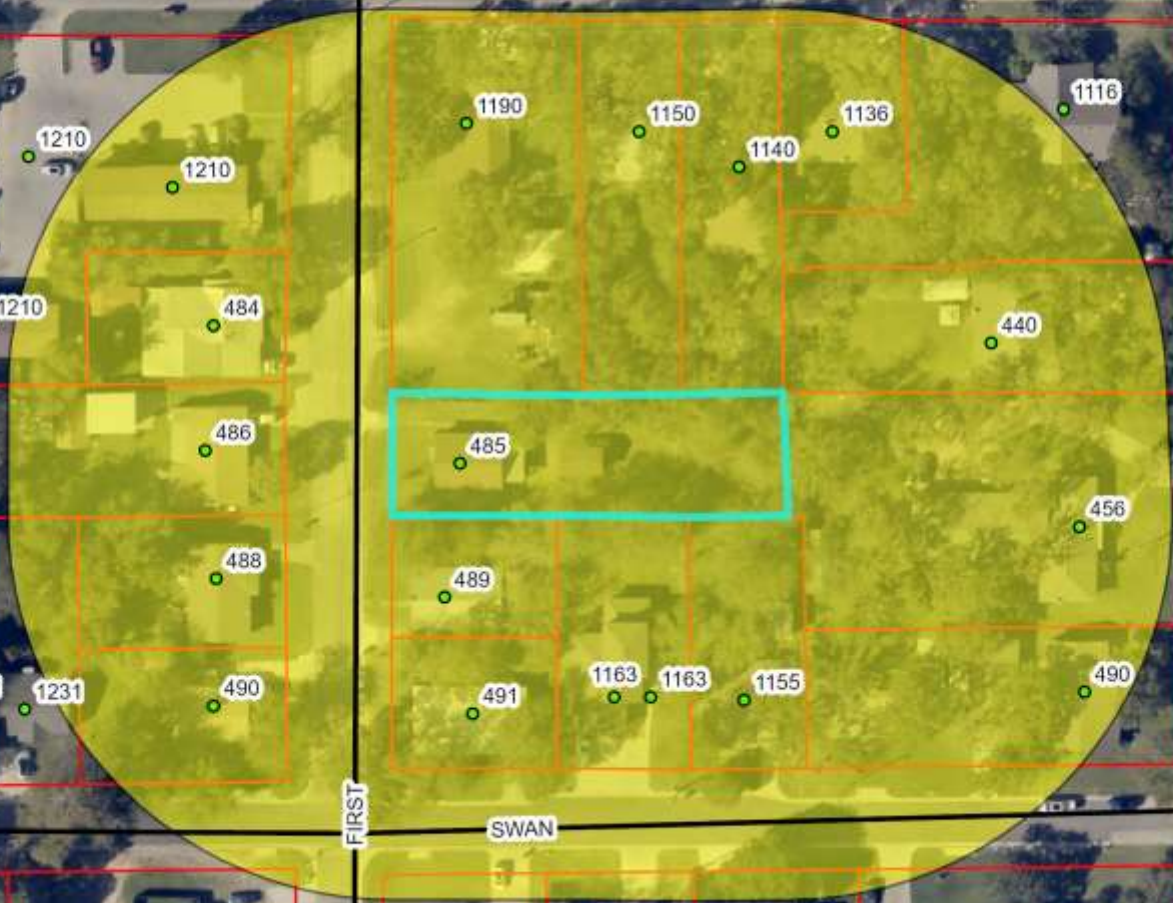
(2) The Board may grant an appeal, subject to such terms and conditions as it may fix, provided

ALTERNATIVES:

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

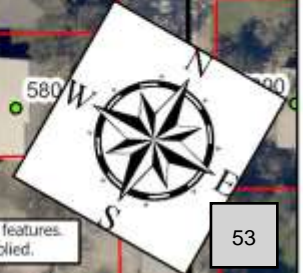
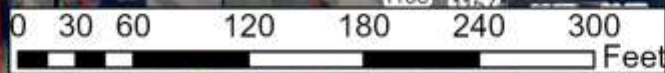
Parcel ID R33557 200 Ft Buffer

Item 7.



Legend

- Addresses
- Roads
- ▭ Parcels
- 200 Ft Buffer

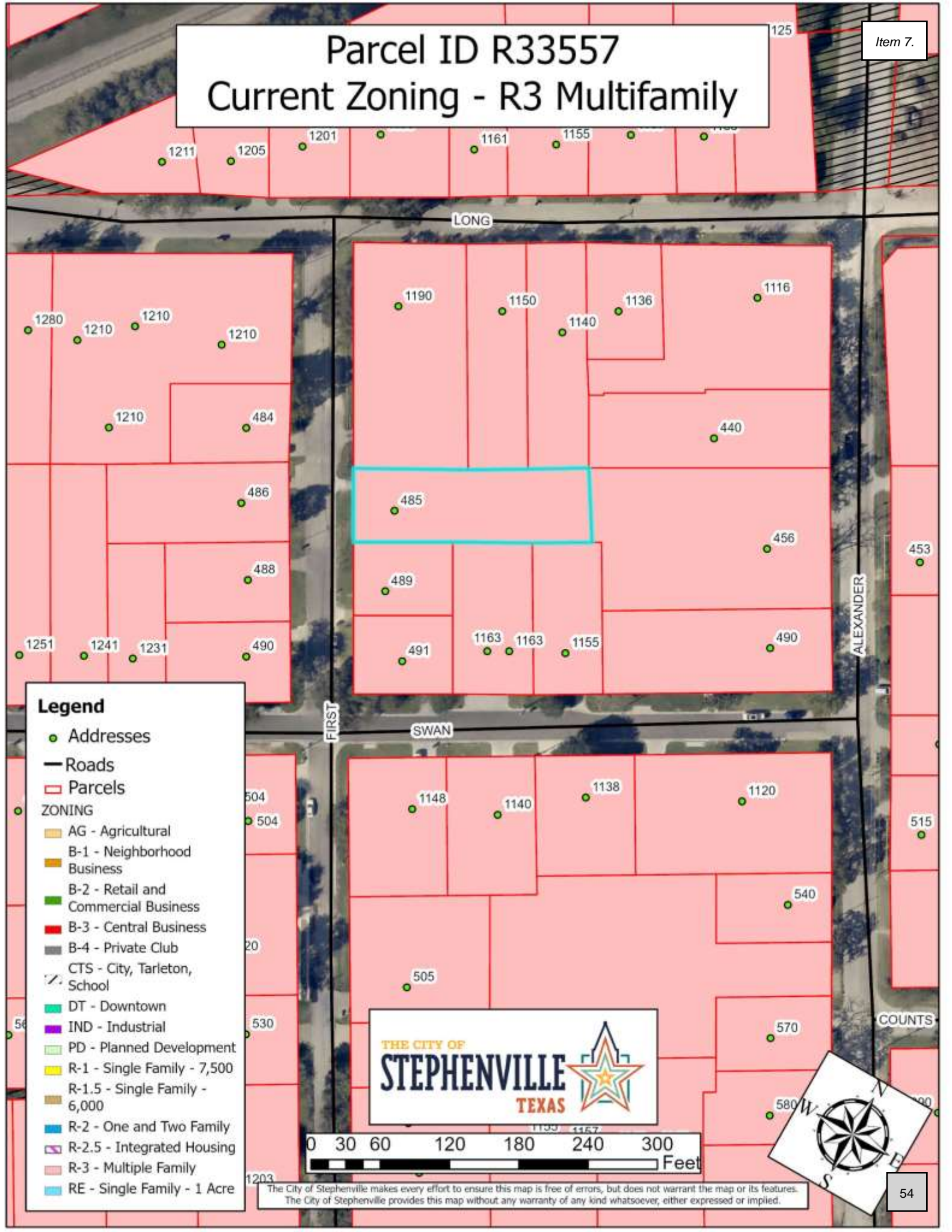


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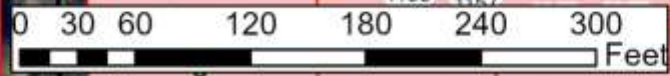
Parcel ID R33557

Current Zoning - R3 Multifamily

Item 7.



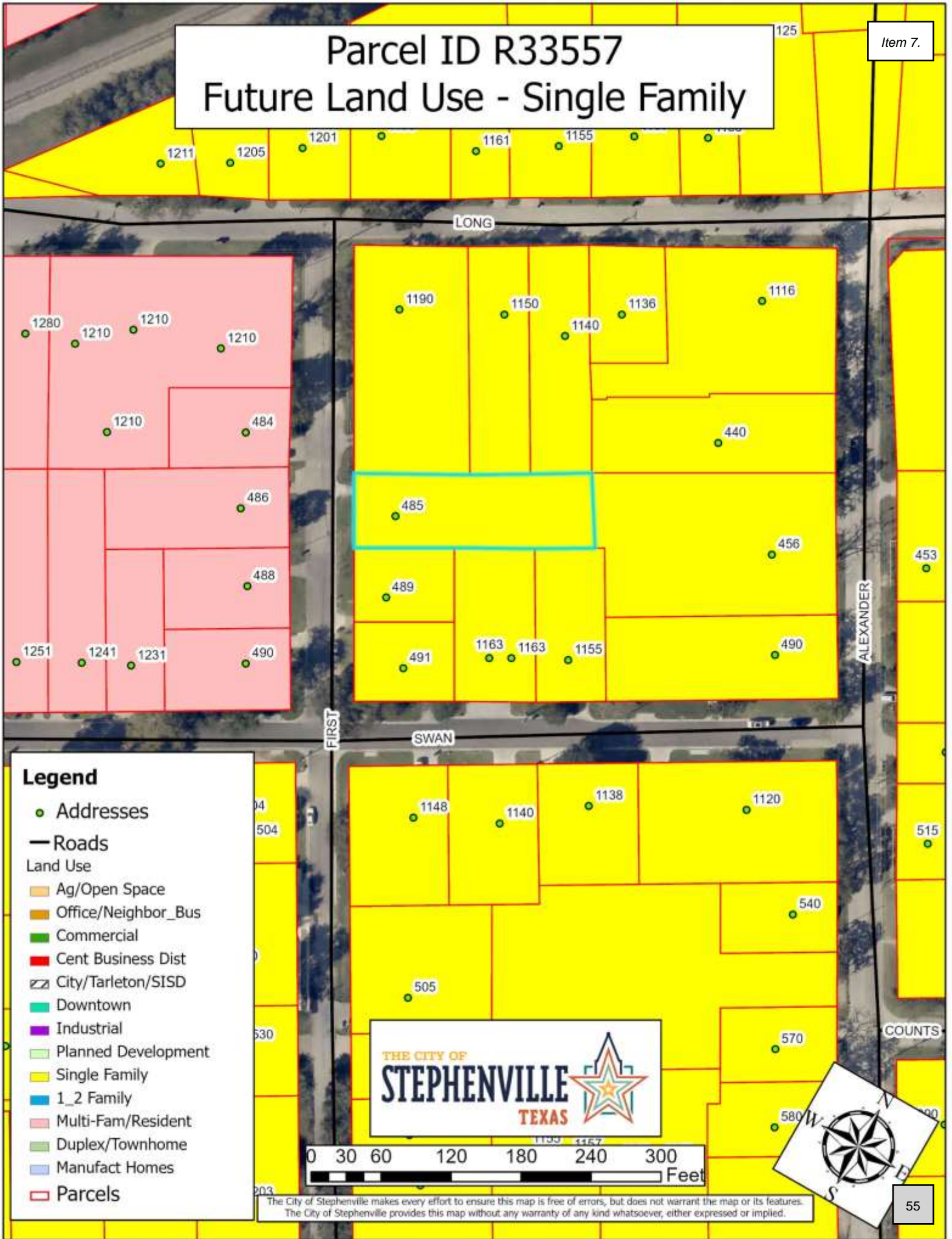
- Legend**
- Addresses
 - Roads
 - ▭ Parcels
- ZONING**
- AG - Agricultural
 - B-1 - Neighborhood Business
 - B-2 - Retail and Commercial Business
 - B-3 - Central Business
 - B-4 - Private Club
 - CTS - City, Tarleton, School
 - DT - Downtown
 - IND - Industrial
 - PD - Planned Development
 - R-1 - Single Family - 7,500
 - R-1.5 - Single Family - 6,000
 - R-2 - One and Two Family
 - R-2.5 - Integrated Housing
 - R-3 - Multiple Family
 - RE - Single Family - 1 Acre



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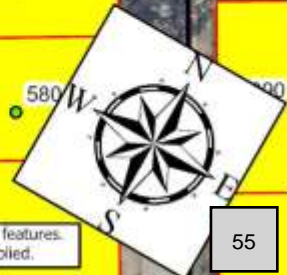
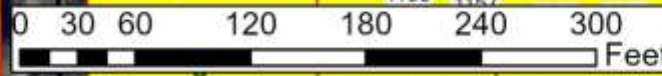
Parcel ID R33557 Future Land Use - Single Family

Item 7.



Legend

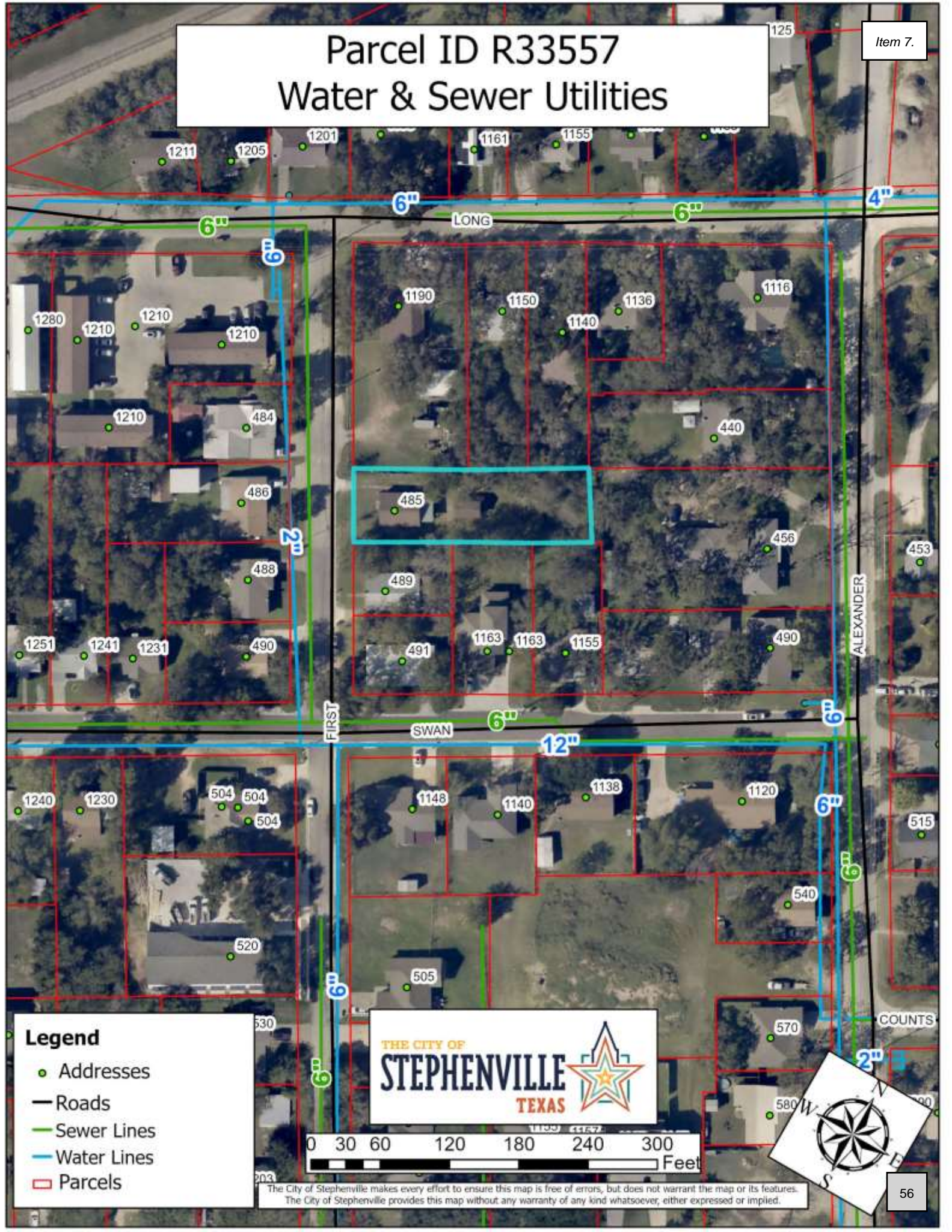
- Addresses
- Roads
- Land Use
- Ag/Open Space
- Office/Neighbor_Bus
- Commercial
- Cent Business Dist
- City/Tarleton/SISD
- Downtown
- Industrial
- Planned Development
- Single Family
- 1_2 Family
- Multi-Fam/Resident
- Duplex/Townhome
- Manufact Homes
- Parcels



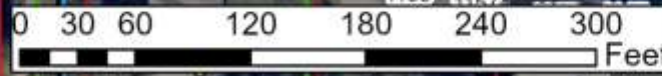
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Parcel ID R33557 Water & Sewer Utilities

Item 7.



- Legend**
- Addresses
 - Roads
 - Sewer Lines
 - Water Lines
 - Parcels



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Parcel R33557
200 ft Buffer Addresses

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000033543	486 FIRST	ABLES FAMILY LIVING TRUST	486 S FIRST AVE	STEPHENVILLE	TX	76401
R000062467	1140 SWAN	BAKER ROBERT G (ESTATE)	475 LENNOX	STEPHENVILLE	TX	76401
R000033558	1163 SWAN ST	BRAUN NICHOLAS & TAMARA BRAUN	PO BOX 2498	STEPHENVILLE	TX	76401
R000033552	1136 LONG	COUSINS GINGER & BRIAN	1136 W LONG	STEPHENVILLE	TX	76401
R000033538	484 FIRST	CW HOMES LLC	484 S FIRST	STEPHENVILLE	TX	76401
R000033591	1138 SWAN	D&C GRIFFINCO, LLC	PO BOX 2408	STEPHENVILLE	TX	76401
R000033549	1190 LONG	DE LOS SANTOS RANDY & ELIZABETH	1190 W LONG	STEPHENVILLE	TX	76401
R000033560	456 ALEXANDER RD	DICK NINA	456 ALEXANDER RD	STEPHENVILLE	TX	76401
R000033555	491 FIRST	DIMAS STEPHEN M	5607 FLAGSTICK DR	GRANBURY	TX	76049
R000033581	504 FIRST	ENA PG, LLC - 504 S FIRST AVENUE SERIES	6125 LUTHER LANE #257	DALLAS	TX	75225
R000033551	1140 LONG	FLORES JOSE LUIS	1140 LONG	STEPHENVILLE	TX	76401
R000033542	490 FIRST	HAMPTON 17X ENTERPRISES, LLC	2291 NOTHWEST LOOP	STEPHENVILLE	TX	76401
R000033557	485 FIRST	HEINTZELMAN JAMES EDWARD AND	4350 STERLING LANE	BEAUMONT	TX	77706
R000033561	490 ALEXANDER RD	HOWELL ANDREA LEE	PO BOX 850825	YUKON	OK	73085
R000033592	1120 SWAN	KENNEDY CINDY	1120 SWAN	STEPHENVILLE	TX	76401
R000033541	1231 SWAN	LEWIS GERALD D	820 HWY16	DESDEMONA	TX	76445
R000033550	1150 LONG	MULBARGER TODD	153 VALLEY OAK PLACE	WOODBIDGE	CA	95258
R000033553	440 ALEXANDER RD	RENFIELD LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000062466	1148 SWAN	SALAZAR PAOLA LIZBETH LOPEZ	1148 W SWAN	STEPHENVILLE	TX	76401
R000033544	488 FIRST	SCOTT RHEANNON N	488 S FIRST AVE	STEPHENVILLE	TX	76401
R000033556	489 S FIRST	SERENITY CONSTRUCTION LLC	PO BOX 1829	GRANBURY	TX	76048
R000033554	1116 LONG	STURMER CARL H & RUBY N	1116 W LONG ST	STEPHENVILLE	TX	76401-0000
R000033537	1210 W LONG	V84 HOLDINGS LLC	PO BOX 1827	STEPHENVILLE	TX	76401
R000033559	1155 SWAN	WAGNER DONNA R	1505 GLENWOOD DR	STEPHENVILLE	TX	76401