



## BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington  
Wednesday, May 26, 2021 at 4:00 PM

### AGENDA

#### CALL TO ORDER

#### MINUTES

1. Consider Approval of Minutes - 03/11/2021

#### PUBLIC HEARING

Items tabled from May 13, 2021.

2. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to lot width requirements for a townhome project to be constructed at 422 S Lillian, Lot 5, 6, 7, and 8, Block 8 of the South Side Addition, to the City of Stephenville, Erath County, TX
3. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to lot width requirements for a townhome project to be constructed at 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, TX.
4. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to lot width requirements for a townhome project to be constructed at 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, TX
5. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to lot depth requirements for a townhome project to be constructed at 422 S Lillian, Lot 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, TX
6. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from Section 154.05.6 relating to lot depth requirements for a townhome project to be constructed at 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, TX
7. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to lot depth requirements for a townhome project to be constructed at 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, TX
8. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to the minimum lot area requirements for a townhome project to be constructed at 422 S Lillian, Lot 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, TX
9. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to

the minimum lot area requirements for a townhome project to be constructed at 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, TX

10. Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from City of Stephenville Code of Ordinance, Section 154.05.6 *Multiple Family Residential District (R-3)* relating to the minimum lot area requirements for a townhome project to be constructed at 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, TX

#### **ADJOURN**

*Those wishing to address the Board of Adjustment may do so in person. Written correspondence may also be mailed to City Hall or emailed to Steve Killen, Director of Development Services, at [skillen@stephenvilletx.gov](mailto:skillen@stephenvilletx.gov). Written correspondence must be received by 2:00 p.m. on **May 13, 2021**. For alternate arrangements, please contact Steve at least 48 hours prior to the meeting.*

*The meeting is available for viewing via livestream on the City's Facebook Page (City of Stephenville – City Hall).*

***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, Stephenville, Texas 76401  
Thursday, March 11, 2021 at 4:00 PM

### MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, March 11, 2021 at 4:00 PM, in the Council Chambers at City Hall, 298 West Washington Street, for the purpose of a Regular Business 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  
Janette Cochran, Vice Chairperson – Via Videoconference  
Janet Cole – Via Videoconference  
David Baskett  
Darrell Brown

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

### CALL TO ORDER

Dr. Moumin Quazi, called the meeting to order at 4:00 p.m.

### ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON

#### 1. Election of Chairperson

MOTION by David Baskett, second by Janet Cole to elect Moumin Quazi for Chairperson.  
MOTION CARRIED by unanimous vote.

#### 2. Election of Vice-Chairperson

MOTION by Moumin Quazi to elect David Baskett for Vice-Chairperson. MOTION FAILED due to lack of second.

MOTION by Janet Cole, second by David Baskett, to elect Janette Cochran for Vice-Chairperson.  
MOTION CARRIED unanimously.

### MINUTES

#### 1. Consider Approval of Minutes for February 11, 2021.

MOTION by Janet Cole, second by Janette Cochran, to approve the minutes. MOTION CARRIED by unanimous vote.

## OATH OF OFFICE

1. Administer Oath of Office to Board of Adjustment Members

Staci King, City Secretary, administered the Oath of Office to Darrell Brown.

## PUBLIC HEARING

### 3. PUBLIC HEARING CASE NO. V2021-003

**Applicant Brian Gaffin with Gaffin Architects representing Erath County, is requesting a variance from the Parking Requirements, Section 154.11(A)(2)(d), for a project to be constructed at Parcels 29239 and 29240, being Lots 1, 2,3 and 4 of Block 14 of the City Addition to the City of Stephenville, Erath County, Texas. These parcels are known at 235 S. Virginia and 280 College, respectively. The variance under consideration is to allow parking spaces in front of the building.**

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

Applicant Brian Gaffin with Gaffin Architects representing Erath County, is requesting a variance from the Parking Requirements, Section 154.11(A)(2)(d), for a project to be constructed at Parcels 29239 and 29240, being Lots 1, 2,3 and 4 of Block 14 of the City Addition to the City of Stephenville, Erath County, Texas. These parcels are known at 235 S. Virginia and 280 College, respectively. The variance under consideration is to allow parking spaces in front of the building.

Chairperson Quazi opened the public hearing.

Mr. Gaffin shared that the main purpose of the proposed future project is to consolidate the various Erath County offices in order for the county run more efficiently. The proposed building will house the County Clerk's Office, the County Tax Assessor's Office, the AgriLife Office and the County Health Office. Mr. Gaffin stated that one of the reasons that Erath County is seeking the parking variance is so that way the ADA requirements will be met.

Mr. Gaffin concluded his presentation with providing the new address of 222 E College with an additional entrance on McNeil St. Upon completion of project, the new Erath County office building will be a 25,000 square foot single structure. No one came forward to speak in favor of or opposition to the variance request.

Chairperson Quazi closed the public hearing.

MOTION by David Baskett, second by Darrell Brown, to approve **CASE NO. V2021-003**. MOTION CARRIED by unanimous vote.

### 4. PUBLIC HEARING CASE NO. V2021-003

**Applicant Brian Gaffin with Gaffin Architects representing Erath County, is requesting a variance from the Landscape Requirements, Section 154.13(C)(1), for a project to be constructed at Parcels 29239 and 29240, being Lots 1, 2,3 and 4 of Block 14 of the City Addition to the City of Stephenville, Erath County, Texas. These parcels are known at 235 S. Virginia and 280 College, respectively. The variance under consideration is to reduce the landscaping requirements by 5%.**

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

Applicant Brian Gaffin with Architects representing Erath County is requesting a variance from the Landscape Requirements, Section 154.13(C)(1) for a project to be constructed at Parcels 29239 and

29240, being Lots 1, 2,3 and 4 of Block 14 of the City Addition to the City of Stephenville, Erath County, Texas. These parcels are known at 235 S. Virginia and 280 College, respectively.

Mr. Gaffin states the pervious area for landscaping requirements cannot be met under the current site plan. He is therefore requesting a 5% reduction in the landscape requirement. The site, therefore, will have a total landscaping of 10% of the total site in lieu of the required 15%.

Chairperson Quazi opened the public hearing.

Mr. Gaffin shared with the Board that this request is in direct correlation to **CASE NO. V2021-003** with regards to the desires of the county to have the requested parking spaces, sidewalks around the perimeter of the building and to make sure that the safety concerns for the citizens getting out of their vehicles are addressed. Because of these reasons, he feels that Erath County can accommodate the 10% landscaping variance that they are requesting.

Mr. Gaffin stated that he has been challenged by Erath County to contact the local utility companies to ascertain if the utilities can be buried for this project to improve the aesthetics of the city block.

No one came forward to speak in favor of or opposition to the variance request.

Chairperson Quazi closed the public hearing.

MOTION by Janette Cochran, second by Janet Cole, to approve **CASE NO. V2021-004**. MOTION CARRIED by unanimous vote.

**ADJOURN**

The meeting was adjourned at 4:41 p.m.

APPROVED:

ATTEST:

\_\_\_\_\_  
Moumin Quazi, Chair

\_\_\_\_\_  
Tina Cox, Board Secretary

**SUBJECT:** Case Nos.: V2021-005, V2021-006 and V2021-007  
**MEETING:** Board of Adjustment – 13 May 2021  
**DEPARTMENT:** Development Services  
**STAFF CONTACT:** Steve Killen

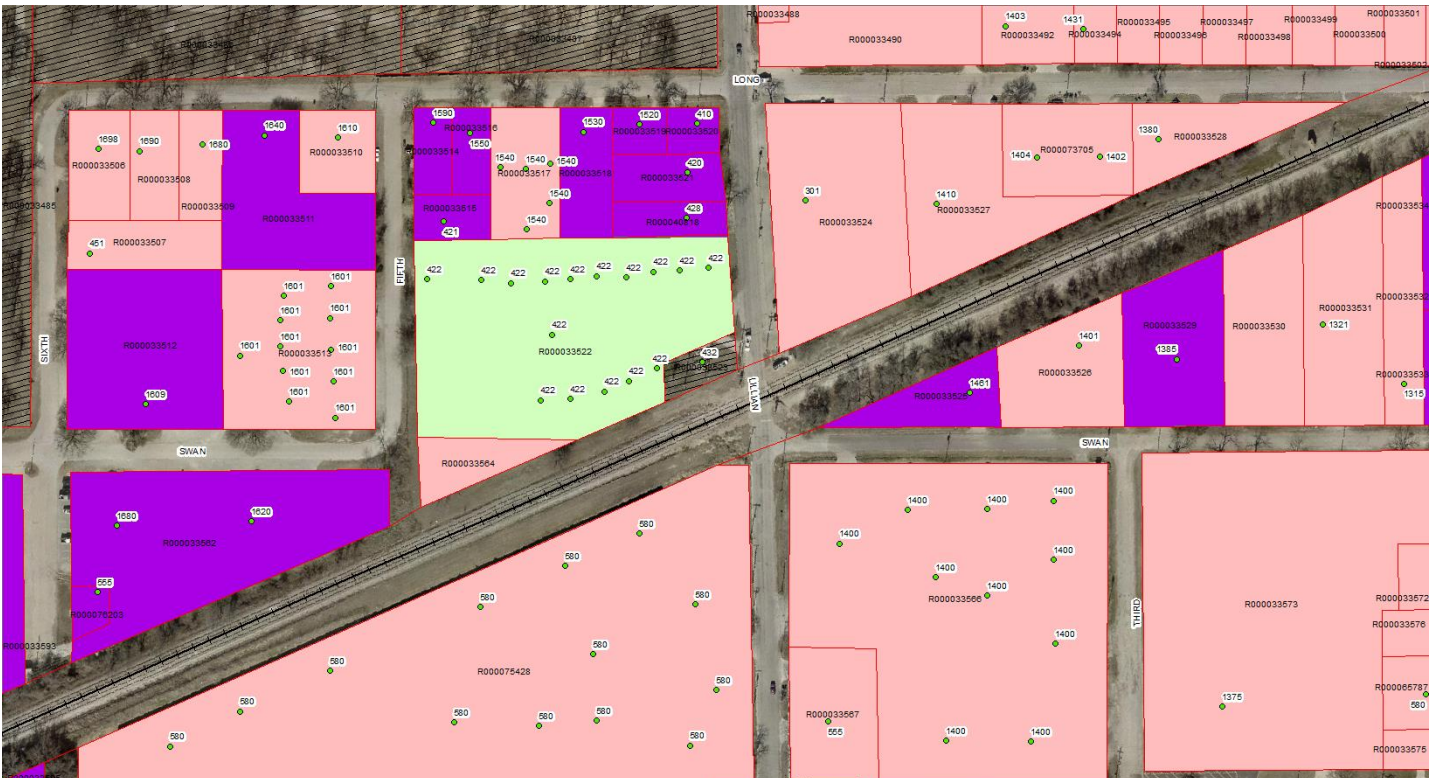
**BACKGROUND:**

Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from Section 154.05.6 relating to lot width requirements for a townhome project to be constructed at the following parcels:

- a) V2021-005: 422 S Lillian, Lot 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, Tx.
- b) V2021-006: 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, Tx.
- c) V2021-007: 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, Tx.

The minimum width requirement is 30 feet. The applicant is requesting a variance for a 12 foot reduction in the width requirement making each dwelling unit lot of the townhome project 18 foot in width. The townhomes are being constructed for individual sale and the lots will be platted accordingly.

**CURRENT ZONING:**

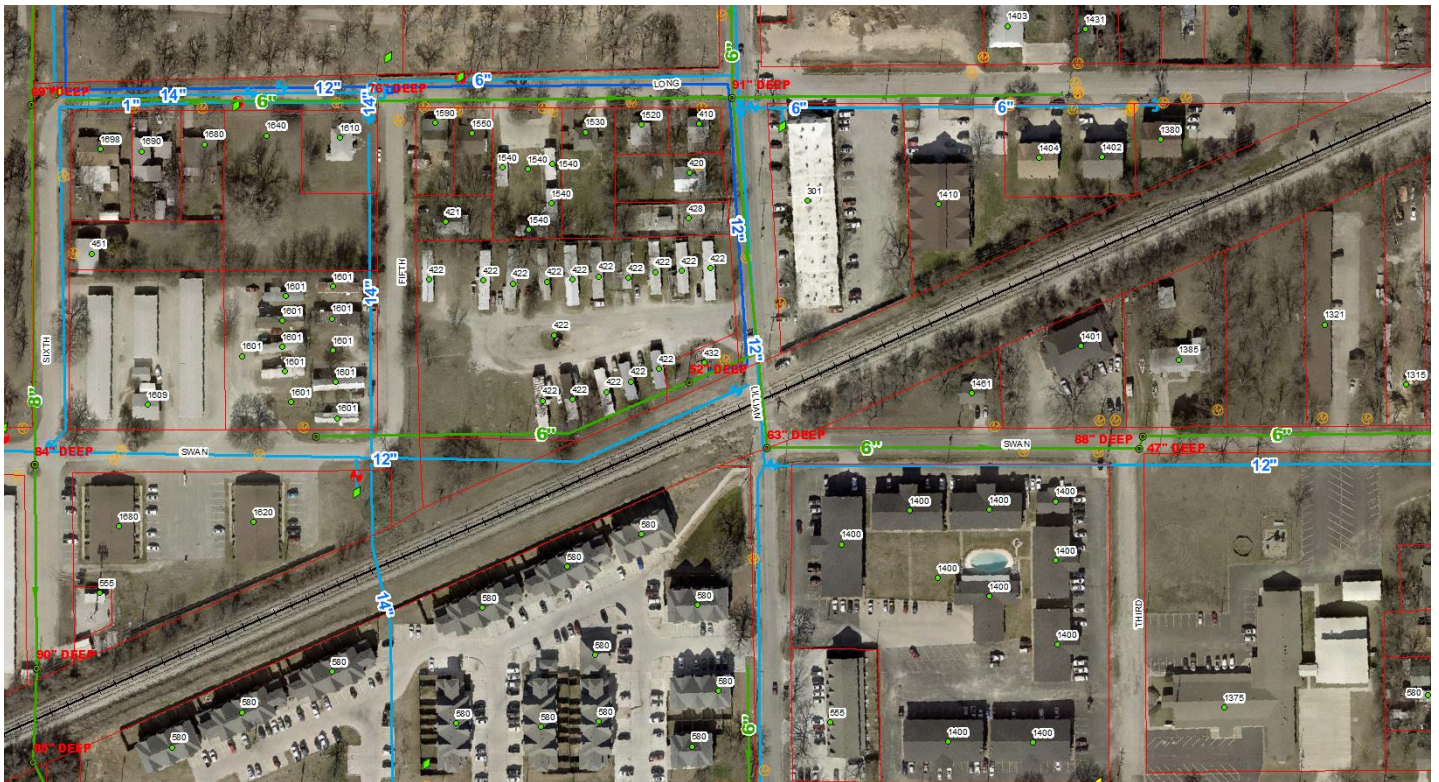


**FUTURE LAND USE:**



**WATER/SEWER:**

The properties are served by city water and sanitary sewer mains as illustrated below:

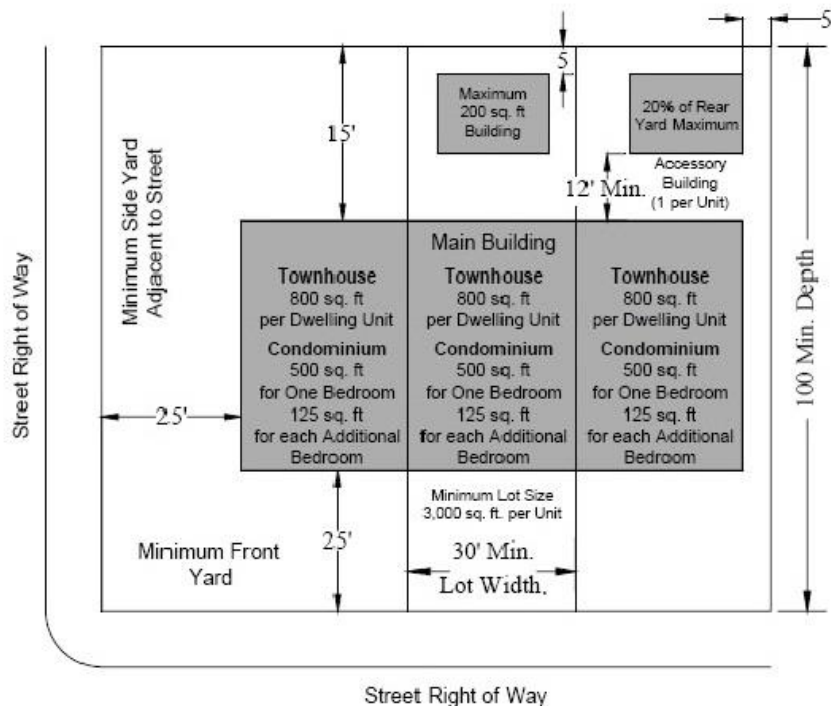


(C) *Townhouse/Condominium.*

- (1) Minimum lot area: 3,000 ft<sup>2</sup> per unit.
- (2) Minimum average lot width and lot frontage: 30 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:

  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.

- (7) Building size:
  - (a) Maximum building coverage as a percentage of lot area: 40%
  - (b) Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.
  - (c) Minimum area of each Condominium of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less, plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
- (8) Accessory buildings:
  - (a) Maximum accessory building coverage of rear yard: 20%.
  - (b) Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - (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.

**Townhouse/Condominium**



A Townhouse/Condominium, R-3 District lot 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 this ordinance, Section 11, Parking Regulations of this Ordinance.

**VARIANCE:**

**21.1.1 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.

Item 2.

**ALTERNATIVES:**

1. Approve the Variance Request.
2. Approve the Variance Request with modifications.
3. Deny the Variance Request.

A photograph showing a grassy field in the foreground, separated from a paved area by a wire fence. In the background, there are several trees and a long, low building. The sky is clear and blue.

*Item 2.*

11





A photograph showing a gravel lot or driveway. In the foreground, the hood and windshield of a green car are visible. The gravel surface is partially covered by shadows from trees. To the right, there is a dense line of green trees. In the background, there is a long, low building with a grey roof, possibly a warehouse or industrial building. Several utility poles are visible against a clear blue sky.

*Item 2.*

14



*Item 2.*



16





*Item 2.*

17



*Item 2.*

18



**SUBJECT:** Case Nos.: V2021-008, V2021-009 and V2021-010  
**MEETING:** Board of Adjustment – 13 May 2021  
**DEPARTMENT:** Development Services  
**STAFF CONTACT:** Steve Killen

**BACKGROUND:**

Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from Section 154.05.6 relating to lot depth requirements for a townhome project to be constructed at the following parcels:

- a) V2021-008: 422 S Lillian, Lot 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, Tx.
- b) V2021-009: 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, Tx.
- c) V2021-010: 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, Tx.

The minimum depth requirement is 100 feet. The applicant is requesting a variance for a 14.7 foot reduction in the depth requirement making each dwelling unit lot of the townhome project 85.3 foot in width. The townhomes are being constructed for individual sale and the lots will be platted accordingly.

**CURRENT ZONING:**



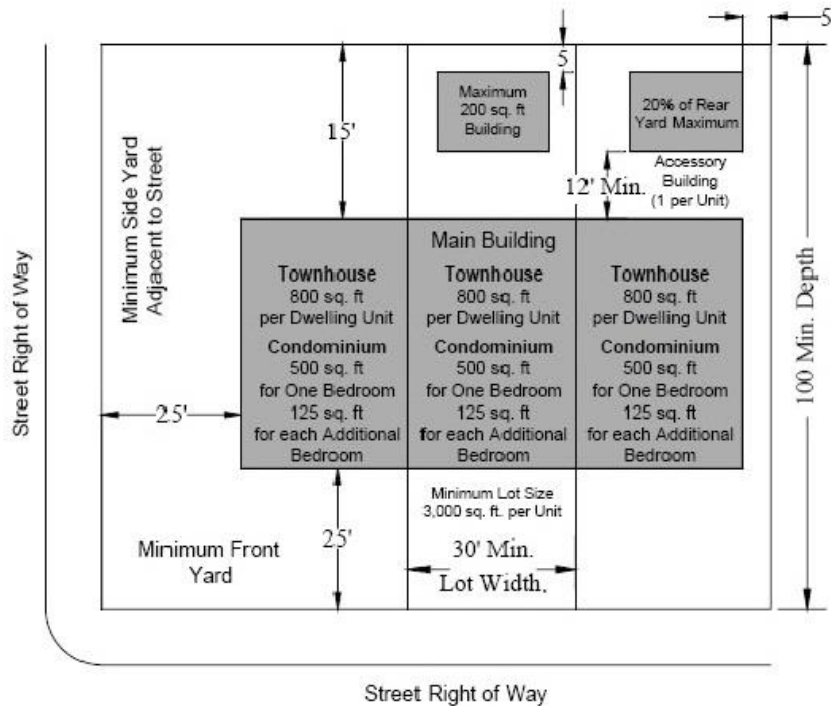


(C) *Townhouse/Condominium.*

- (1) Minimum lot area: 3,000 ft<sup>2</sup> per unit.
- (2) Minimum average lot width and lot frontage: 30 feet.
- (3) Minimum lot depth: 100 feet.
- (4) Minimum depth of front setback: 25 feet.
- (5) Minimum depth of rear setback: 15 feet.
- (6) Minimum width of side setback:

  - (a) Internal lot: five feet.
  - (b) Corner lot: 25 feet from intersecting side street.

- (7) Building size:
  - (a) Maximum building coverage as a percentage of lot area: 40%
  - (b) Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.
  - (c) Minimum area of each Condominium of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less, plus 125 ft<sup>2</sup> of floor area for each additional bedroom.
- (8) Accessory buildings:
  - (a) Maximum accessory building coverage of rear yard: 20%.
  - (b) Maximum area of each accessory building: 200 ft<sup>2</sup>.
  - (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.

**Townhouse/Condominium**

A Townhouse/Condominium, R-3 District lot 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 this ordinance, Section 11, Parking Regulations of this Ordinance.

**VARIANCE:**

**21.1.1 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

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. Approve the Variance Request with modifications.
3. Deny the Variance Request.



**SUBJECT:** Case Nos.: V2021-011, V2021-012 and V2021-013  
**MEETING:** Board of Adjustment – 13 May 2021  
**DEPARTMENT:** Development Services  
**STAFF CONTACT:** Steve Killen

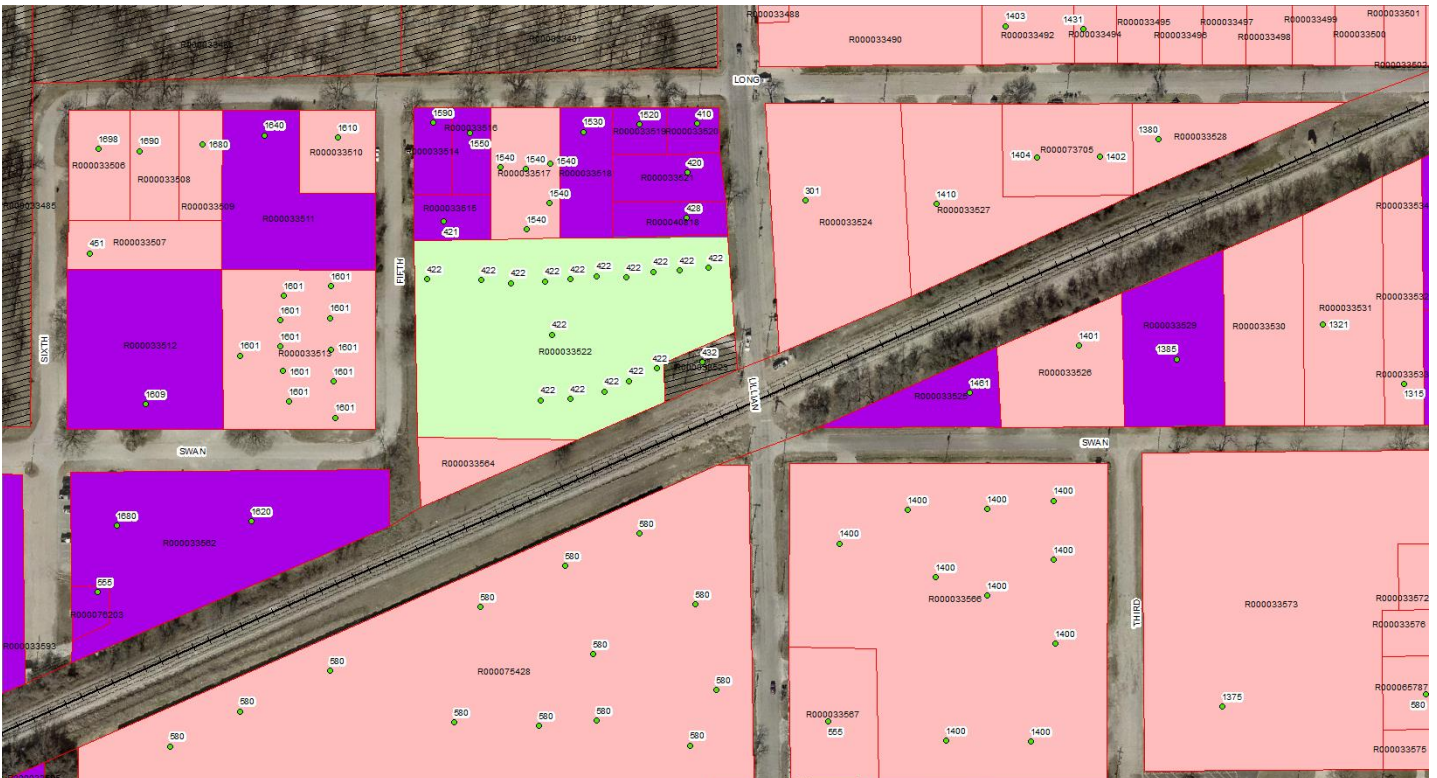
**BACKGROUND:**

Applicant Reece Flanagan with MMA and representing Marc Pace, is requesting a variance from Section 154.05.6 relating to the minimum lot area requirements for a townhome project to be constructed at the following parcels:

- a) V2021-011: 422 S Lillian, Lot 5, 6, 7, and 8, Block 8, of the South Side Addition, to the City of Stephenville, Erath County, Tx.
- b) V2021-012: 1600 W Swan, Part of Lot 5, Block 14, South Side Addition, to the City of Stephenville, Erath County, Tx.
- c) V2021-013: 1601 W Swan, Lot 7 & 8, Block 7, South Side Addition, to the City of Stephenville, Erath County, Tx.

The minimum lot area requirement is 3,000 square feet. The applicant is requesting a variance for a 1,465 foot square foot reduction in the area requirement making each dwelling unit lot of the townhome project 1,535 square foot. The townhomes are being constructed for individual sale and the lots will be platted accordingly.

**CURRENT ZONING:**





(C) *Townhouse/Condominium.*(1) Minimum lot area: 3,000 ft<sup>2</sup> per unit.

(2) Minimum average lot width and lot frontage: 30 feet.

(3) Minimum lot depth: 100 feet.

(4) Minimum depth of front setback: 25 feet.

(5) Minimum depth of rear setback: 15 feet.

(6) Minimum width of side setback:

(a) Internal lot: five feet.

(b) Corner lot: 25 feet from intersecting side street.

(7) Building size:

(a) Maximum building coverage as a percentage of lot area: 40%

(b) Minimum area of each Townhouse dwelling unit: 800 ft<sup>2</sup>.(c) Minimum area of each Condominium of each dwelling unit: 500 ft<sup>2</sup> for one bedroom or less, plus 125 ft<sup>2</sup> of floor area for each additional bedroom.

(8) Accessory buildings:

(a) Maximum accessory building coverage of rear yard: 20%.

(b) Maximum area of each accessory building: 200 ft<sup>2</sup>.

(c) Maximum number of accessory buildings: one per unit.

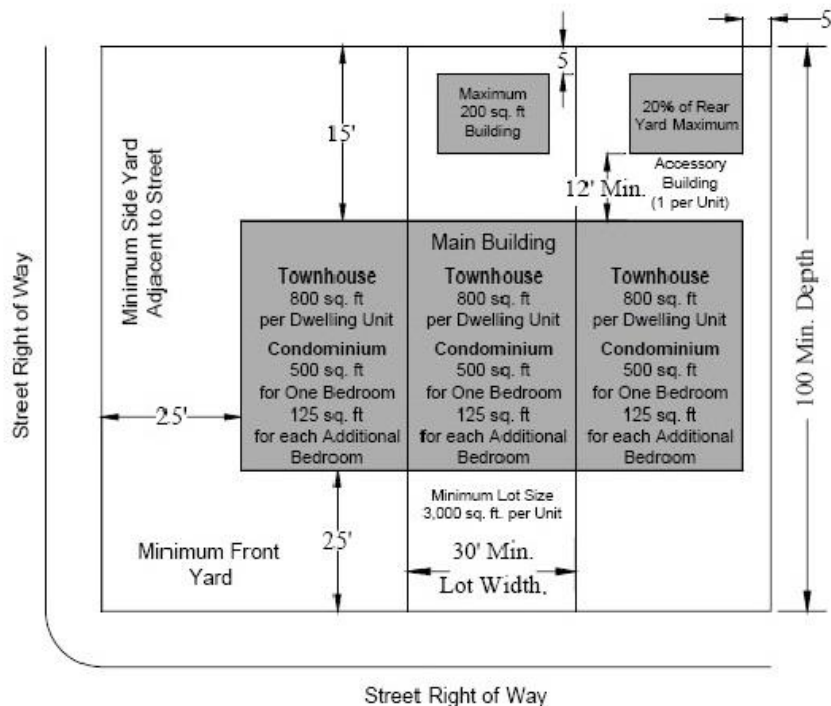
(d) Minimum depth of side setback: five feet.

(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.

**Townhouse/Condominium**

A Townhouse/Condominium, R-3 District lot 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 this ordinance, Section 11, Parking Regulations of this Ordinance.

**VARIANCE:**

**21.1.1 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

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. Approve the Variance Request with modifications.
3. Deny the Variance Request.