



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington
Thursday, January 09, 2025 at 4:00 PM

AGENDA

CALL TO ORDER

CITIZENS GENERAL DISCUSSION

MINUTES

1. Consider Approval of Minutes from December 12, 2024

REGULAR AGENDA

- 2. Case No.: V2025-001**

Applicant Jason Nitschke, representing Horton Commercial Properties, is requesting a variance from Section 154.05.8.D relating to minimum Lot dimensions for property located at 791 N. Clinton, being Parcel R33319 of S5700 Shapard & Collins, Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas.

3. Public Hearing

Case No.: V2025-001

4. Consider Approval of Variance

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 STAFF REPORT



SUBJECT: Case No.: V2025-001

Applicant Jason Nitschke, representing Horton Commercial Properties, is requesting a variance from Section 154.05.8.D relating to minimum lot dimensions for property located at 791 N. Clinton, being Parcel R33319 of S5700 Shapard & Collins, Block 14, Lots 12 & 13 of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – August 8, 2024

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen

BACKGROUND:

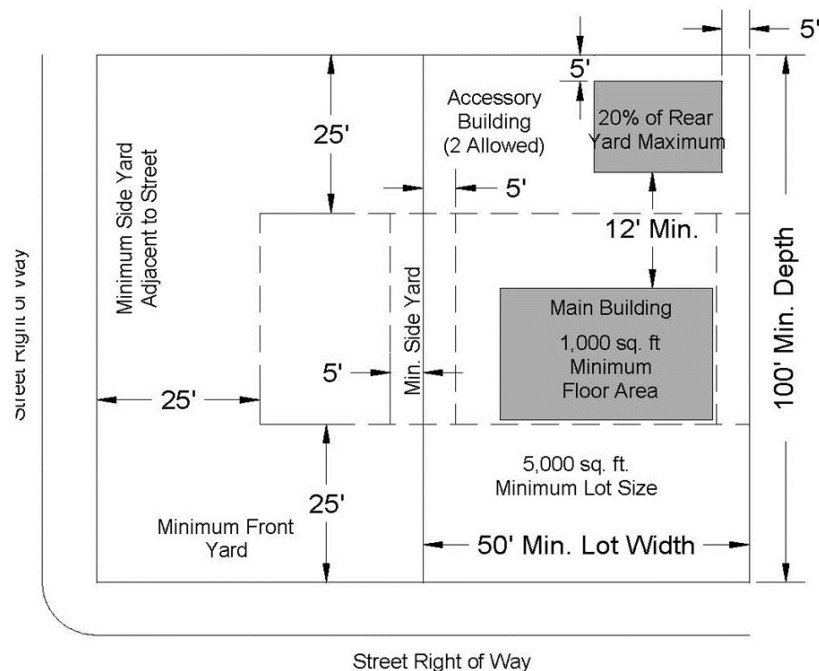
Mr. Nitschke is requesting a variance for lot dept requirements to build townhome structures. His conceptual plan will meet lot width requirements, but, because of the existing configuration of the property, will not meet the depth requirements as the structures will front Shirley Street. Should the variances be granted, Mr. Nitschke will request rezoning from (R-3), Multifamily to (R-2.5), Integrated Housing, which will actually result in lower density of units/acreage.



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

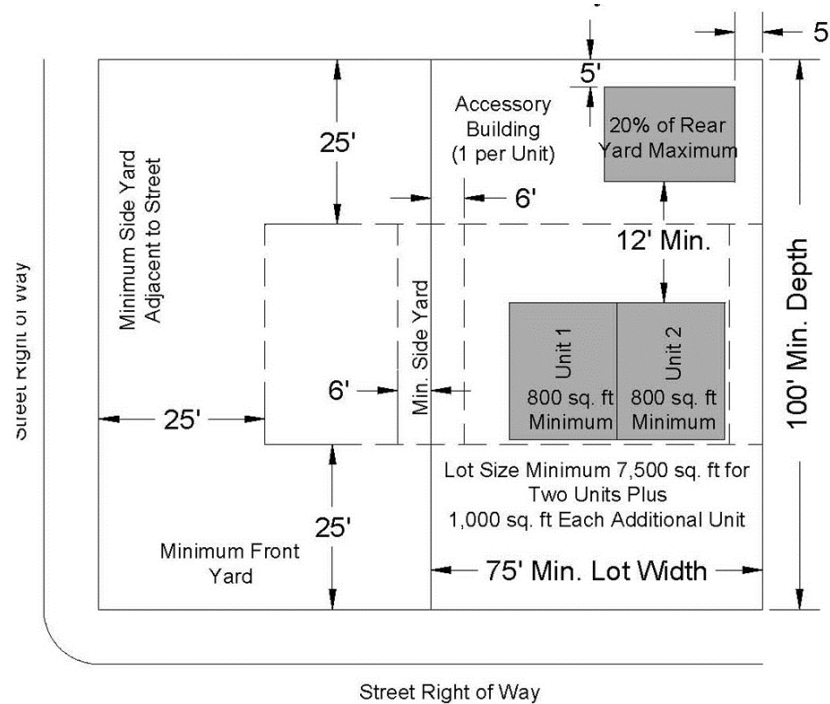
- A. Single family dwelling.
 1. Minimum lot area: 3,000 ft².
 2. Minimum lot width and lot frontage: 50 feet.
 3. Minimum lot depth: 60 feet.
 4. Minimum depth of front setback: 15 feet.
 5. Minimum depth of rear setback: 15 feet.
 6. Minimum width of side setback:

- a. Internal lot: five feet.
- b. Corner lot: 15 feet from intersecting side street.
7. Building size:
 - a. Maximum coverage as a percentage of lot area: 40%.
 - b. Single family dwelling: 1,000 ft².
8. Accessory buildings:
 - a. Maximum accessory buildings coverage of rear yard: 20%.
 - b. Maximum number of accessory buildings: one.
 - c. Minimum depth of side setback: five feet.
 - d. Minimum depth of rear setback: five feet.
 - e. Minimum depth from the edge of the main building: 12 feet.
9. Maximum height of structures: 35 feet.
10. Public, semi-public or public service buildings, hospitals, institutions or schools may not exceed a height of 60 feet. Churches, temples and mosques may not exceed 75 feet, if the building is set back from each yard line at least one foot for each two feet additional height above the height limit in this district.



- 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: 15 feet.
 5. Minimum depth of rear setback: 15 feet.
 6. Minimum width of side setback:
 - a. Internal lot: six feet.
 - b. Corner lot: 15 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:

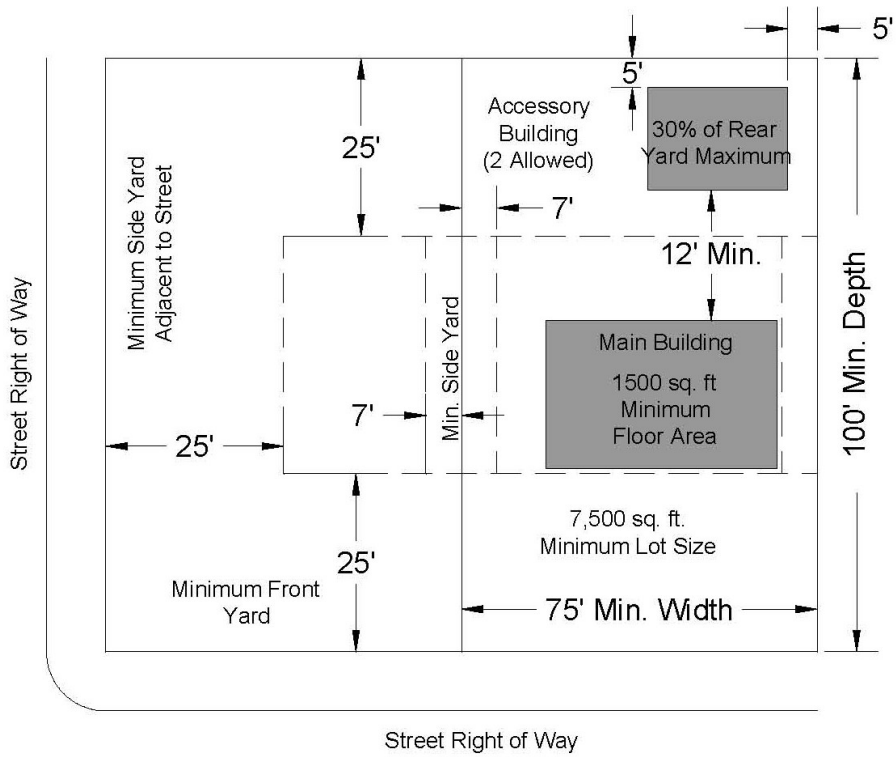
- a. Maximum accessory building coverage of rear yard: 20%.
 - b. Maximum area of each accessory building: 200 ft².
 - c. Maximum number of accessory buildings: one per unit.
 - d. Minimum depth of side setback: five feet.
 - e. Minimum depth of rear setback: five feet.
 - f. Minimum depth from the edge 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.



C. Townhouse/Condominium.

1. Minimum lot area: 3,000 ft² per unit.
2. Minimum average lot width and lot frontage: 30 feet.
3. Minimum lot depth: 100 feet.
4. Minimum depth of front setback: 15 feet.
5. Minimum depth of rear setback: 15 feet.
6. Minimum width of side setback:
 - a. Internal lot: five feet.
 - b. Corner lot: 15 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 ft².
 - c. Minimum area of each Condominium of each dwelling unit: 500 ft² for one bedroom or less, plus 125 ft² 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 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.



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:

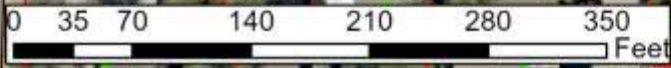
1. Approve the Variance Request
2. Deny the Variance Request

Parcel R33319 200 ft Buffer



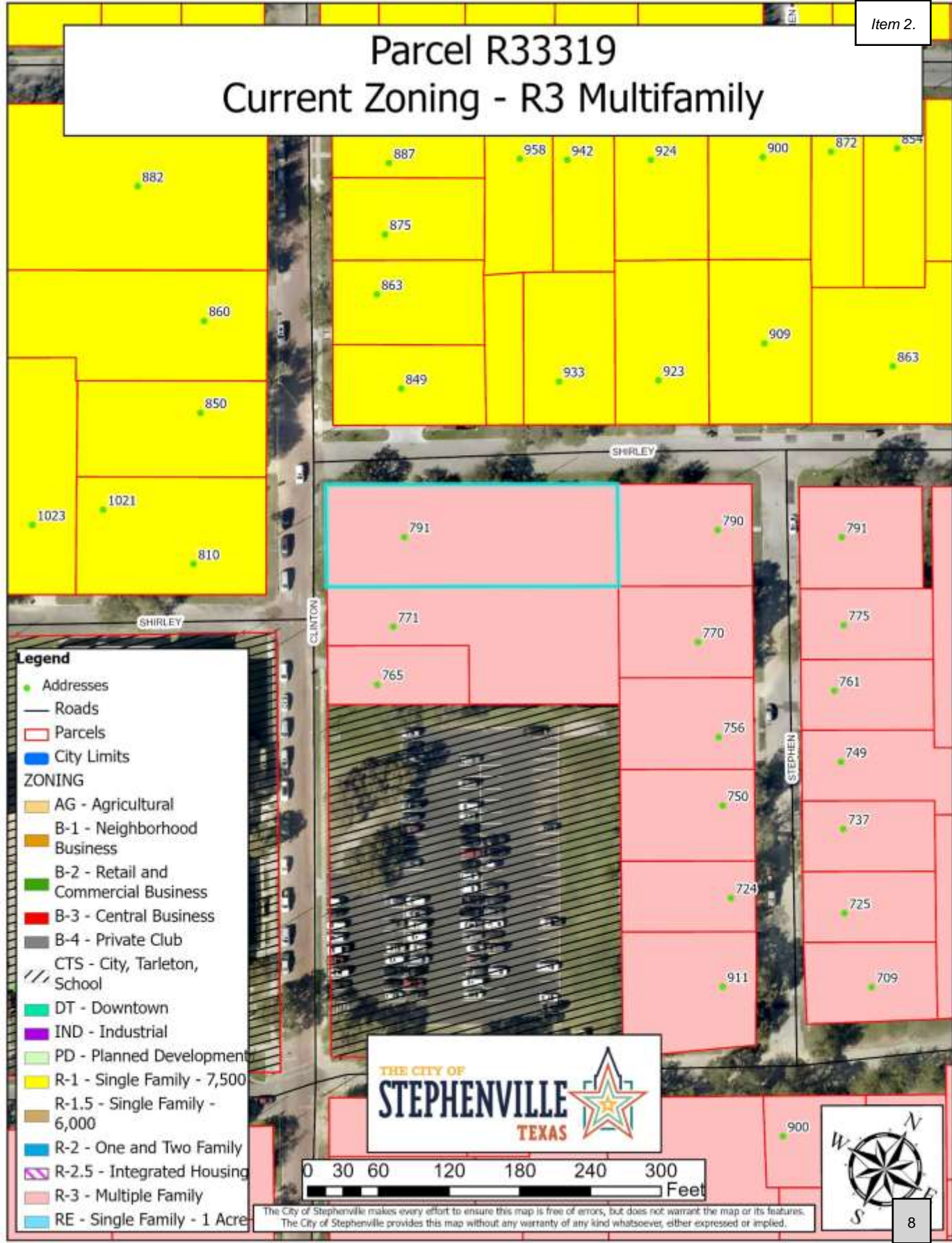
Legend

- Addresses
- Roads
- Parcels
- 200 Ft. Buffer
- City Limits



The City of Stephenville makes every effort to ensure the 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 R33319 Current Zoning - R3 Multifamily

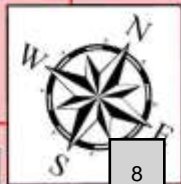
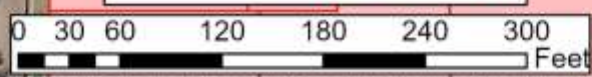


Legend

- Addresses
- Roads
- ▭ Parcels
- ▭ City Limits

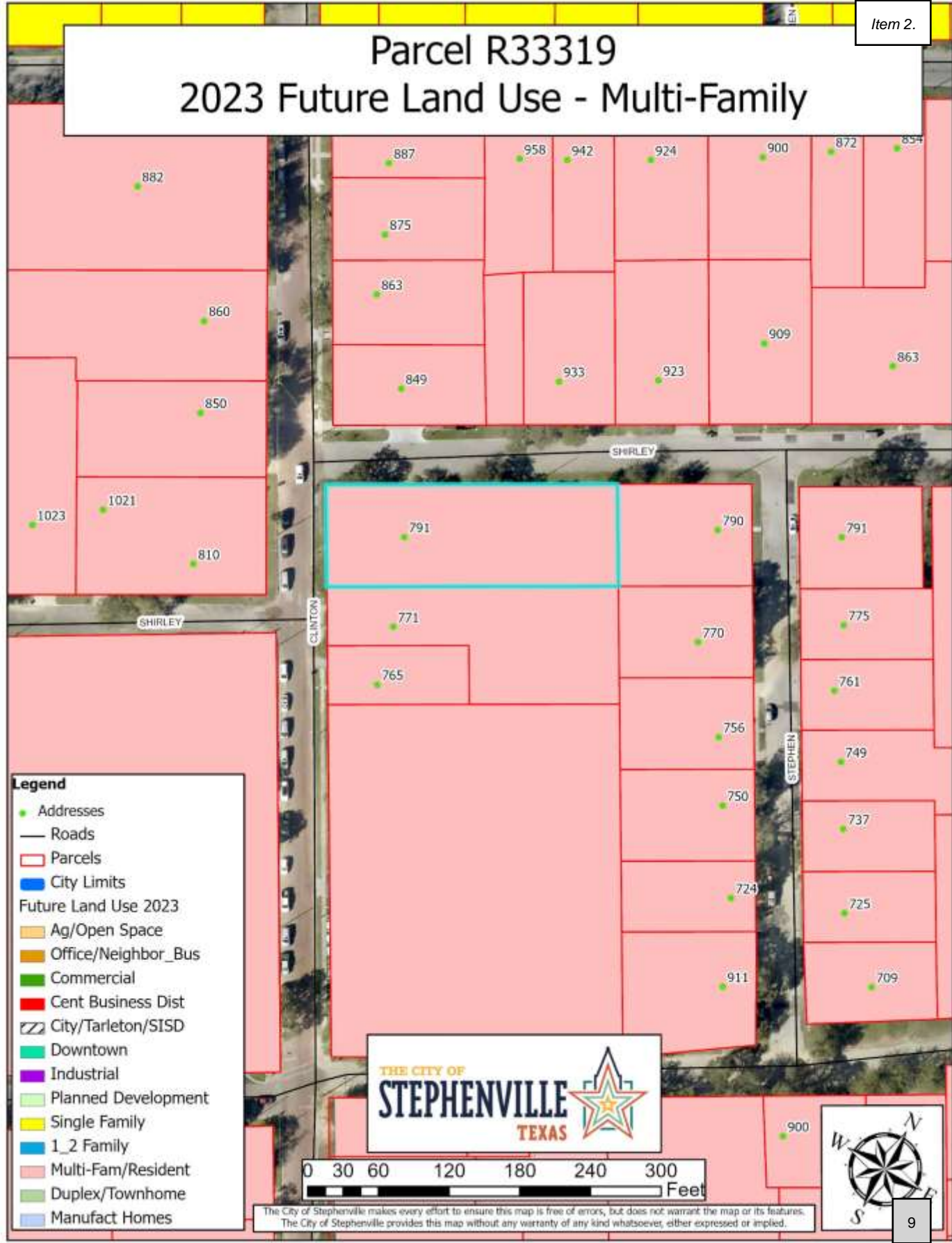
ZONING

- 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

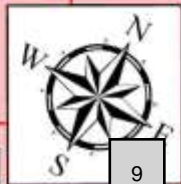
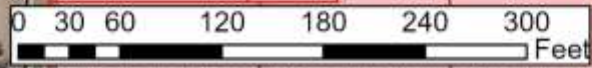


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Parcel R33319 2023 Future Land Use - Multi-Family



- Legend**
- Addresses
 - Roads
 - ▭ Parcels
 - ▭ City Limits
 - Future Land Use 2023**
 - ▭ 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



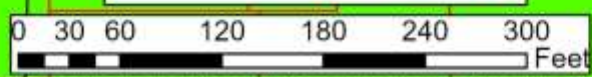
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Parcel R33319 2050 Future Land Use - Community Core



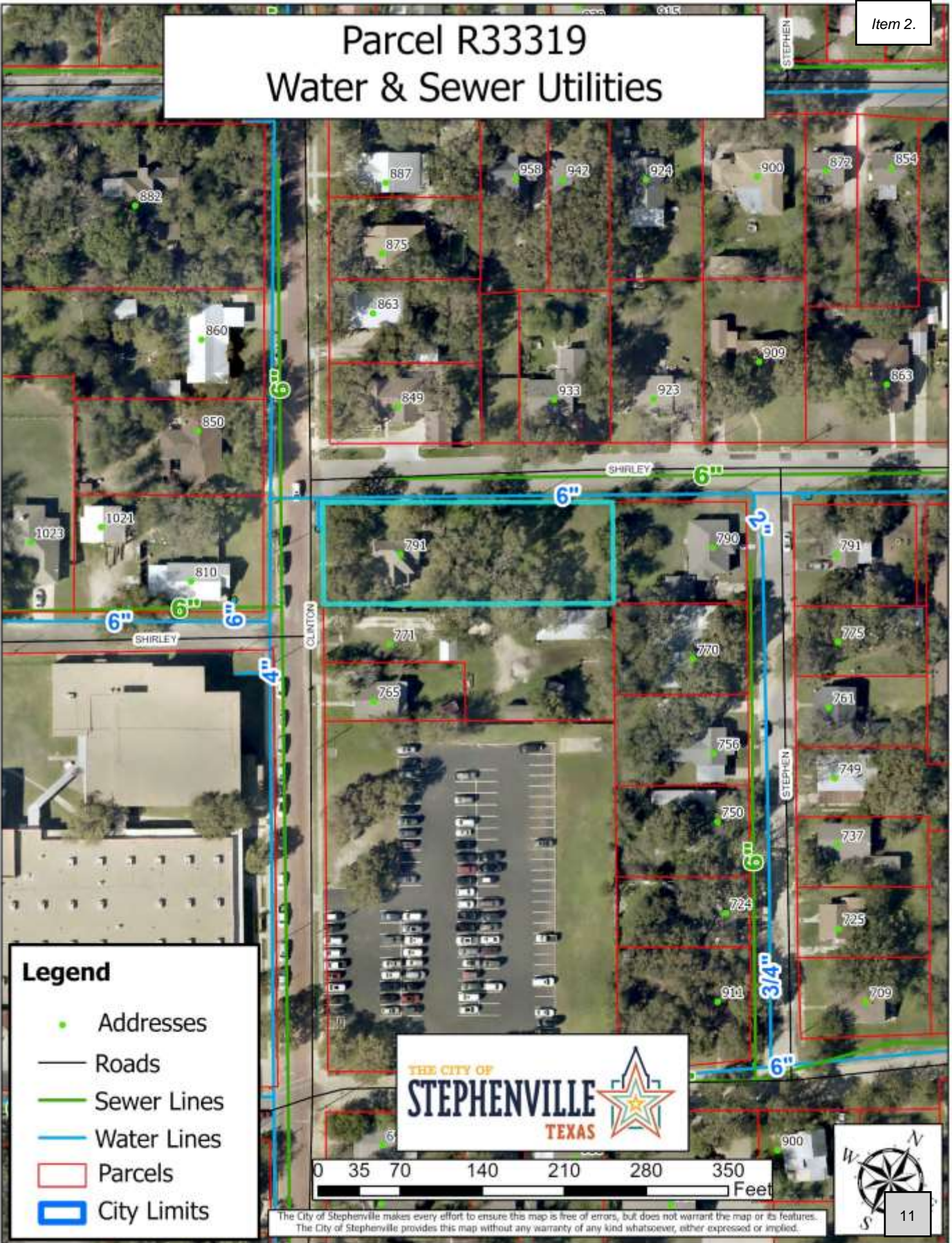
Legend

- Addresses
- Roads
- ▭ Parcels
- ▭ City Limits
- ▭ Future Land Use 2050
- ▭ Community Core
- ▭ Complete Neighborhood
- ▭ Open Space/Hazard
- ▭ Rural
- ▭ Special District
- ▭ Town Center Mixed Use



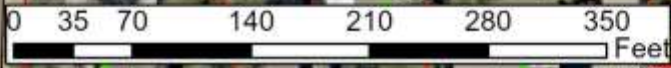
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Parcel R33319 Water & Sewer Utilities



Legend

- Addresses
- Roads
- Sewer Lines
- Water Lines
- Parcels
- City Limits



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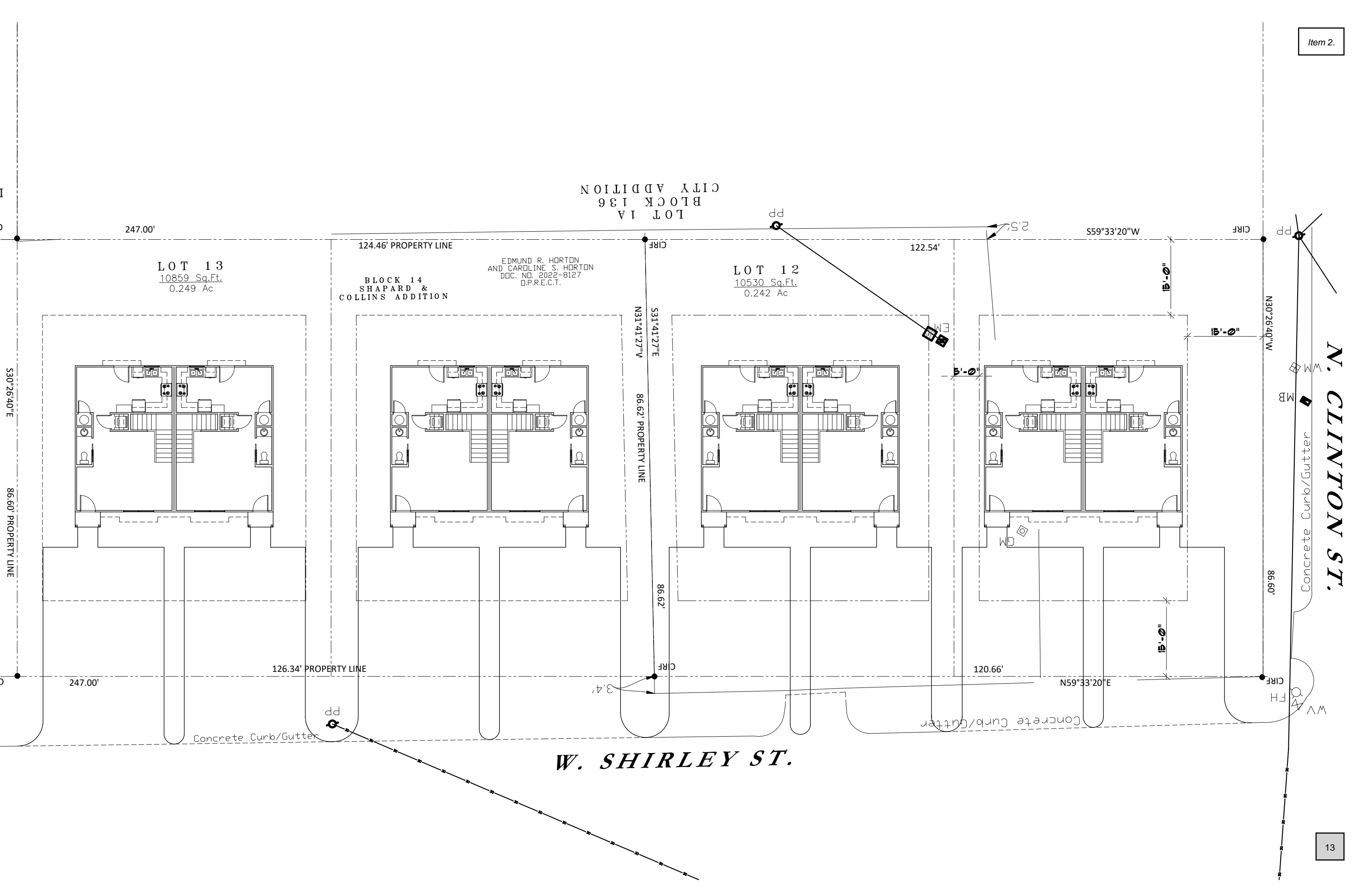
Parcel ID R33319

200 Ft Buffer

Address

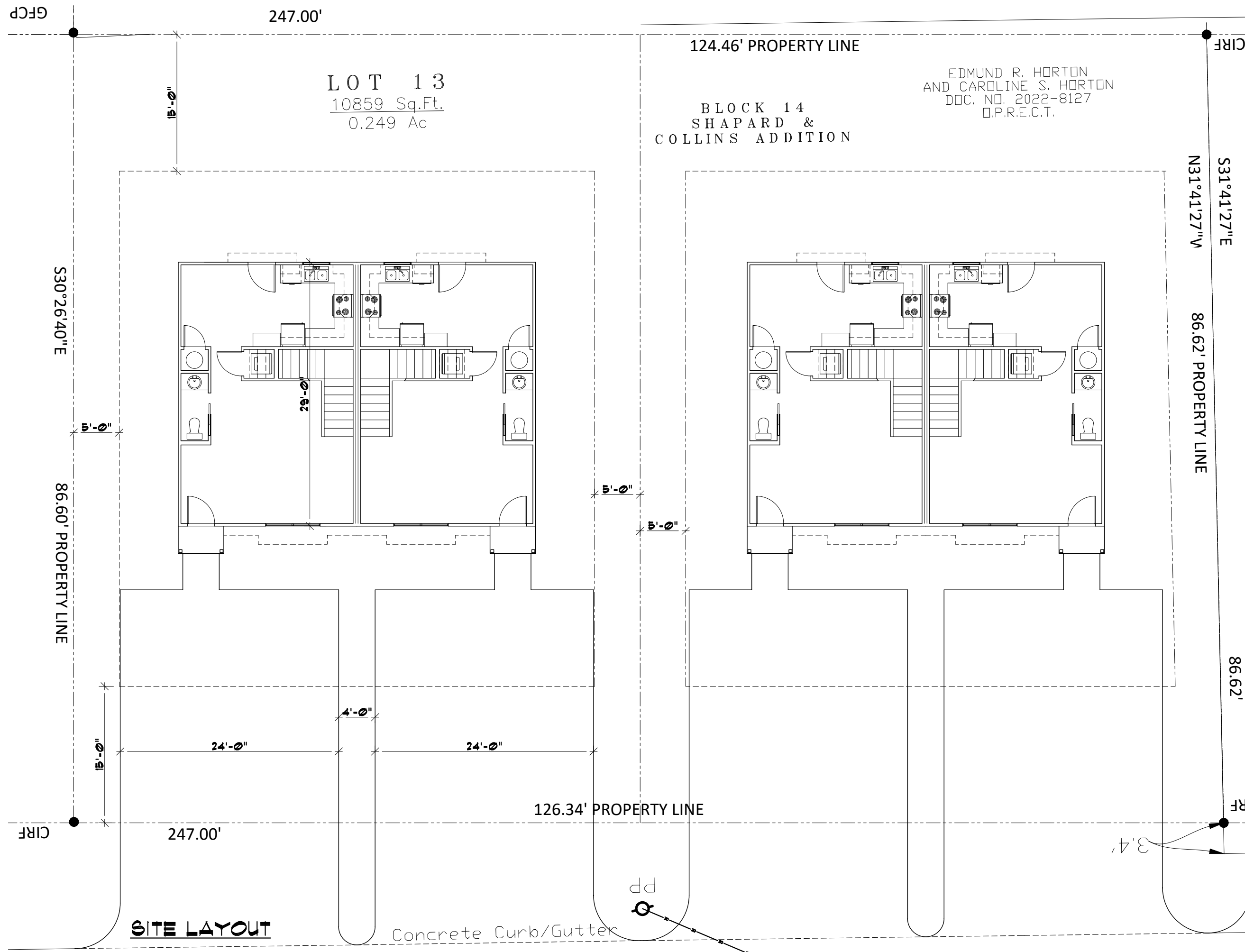
Item 2.

Parcel ID	Parcel Address	Parcel Owner	Owner Address	City	State	Zip Code
R000030306	750 STEPHEN	BALDRIDGE WILLAIM DAVID	750 N STEPHEN AVE	STEPHENVILLE	TX	76401
R000033314	958 FREY	BALL OLIVIA & ASHTON BALL	958 W FREY	STEPHENVILLE	TX	76401
R000033313	942 W FREY	BARRERA ROBERTO ARAMBULA	942 W FREY	STEPHENVILLE	TX	76401
R000061369	860 CLINTON	CARLSON NICHOLAS E & NANCY C LEFFEL CARLSON	860 N CLINTON	STEPHENVILLE	TX	76401
R000030305	756 STEPHEN	CONNALLY BRANDI NICOLE AND BREANN CONNALLY	PO BOX 31	COOLIDGE	TX	76635
R000033317	935 SHIRLEY	COUNCIL ALTON B & DIANA J	933 SHIRLEY	STEPHENVILLE	TX	76401
R000033315	933 SHIRLEY	COUNCIL ALTON BILLIE & DIANA JOHNST	933 W SHIRLEY	STEPHENVILLE	TX	76401-0000
R000030775	810 CLINTON	ENA PG, LLC - 810 CLINTON SERIES	6125 LUTHER LANE #257	DALLAS	TX	75225
R000033320	790 STEPHEN	H&H UNLIMITED LLC	849 N CLINTON	STEPHENVILLE	TX	76401
R000033323	863 CLINTON	HANGIN G LAND & CATTLE CO LLC	PO BOX 39	DUBLIN	TX	76446
R000030304	770 STEPHEN	HOOPER SCOTT & SHELLIE HOOPER	849 N CLINTON ST	STEPHENVILLE	TX	76401
R000033316	849 N CLINTON	HOOPER SCOTT & SHELLIE HOOPER	849 N CLINTON	STEPHENVILLE	TX	76401
R000033319	791 CLINTON	HORTON COMMERCIAL PROPERTIES, LLC	2445 NORTHWEST LOOP	STEPHENVILLE	TX	76401
R000033310	863 W SHIRLEY	JACKSON THOMAS L & WILMA	863 W SHIRLEY	STEPHENVILLE	TX	76401-3140
R000033325	923 SHIRLEY	KITCHENS JOEL	923 W SHIRLEY	STEPHENVILLE	TX	76401
R000030782	850 N CLINTON	LANDEROS LUIS A & SHANNEL J	850 CLINTON	STEPHENVILLE	TX	76401
R000030303	775 STEPHEN	LIDE AARON HENRY & HALYN BAUER LIDE	210 MAURICE LN	CHINA SPRING	TX	76633
R000030302	761 STEPHEN	LIDE AARON HENRY & HALYN BAUER LIDE	210 MAURICE LN	CHINA SPRING	TX	76633
R000033322	875 N CLINTON	MCEACHRAN GINA RENEE	875 N CLINTON	STEPHENVILLE	TX	76401
R000033312	909 SHIRLEY	RENFIELD LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000030296	771 CLINTON	RENFIELD LLC	115 N GRAHAM ST #202	STEPHENVILLE	TX	76401
R000033324	924 FREY	RESENDIZ JONATHAN CHAINE & OTONIEL CHAINE	924 W FREY	STEPHENVILLE	TX	76401
R000030297	765 CLINTON	SALAZAR FIDEL	1076 VANDERBILT	STEPHENVILLE	TX	76401
R000030298	1067 CLINTON	STEPHENVILLE ISD	2655 W OVERHILL DR	STEPHENVILLE	TX	76401-0000
R000030840	1067 W JONES	STEPHENVILLE ISD	2655 W OVERHILL DR	STEPHENVILLE	TX	76401-0000
R000030788	882 CLINTON	SULT GREGORY R & KELLY M	882 N CLINTON	STEPHENVILLE	TX	76401-0000
R000033321	791 N STEPHEN	TACKETT BEN WILLIAM	791 N STEPHEN AVE	STEPHENVILLE	TX	76401
R000033282	749 STEPHEN	WEEMS SHELIA L (LIFE ESTATE)	749 N STEPHENS	STEPHENVILLE	TX	76401



W. SHIRLEY ST.

N. CLINTON ST.



LOT 13
10859 Sq.Ft.
0.249 Ac

124.46' PROPERTY LINE

BLOCK 14
SHAPARD &
COLLINS ADDITION

EDMUND R. HORTON
AND CAROLINE S. HORTON
DOC. NO. 2022-8127
O.P.R.E.C.T.

SITE LAYOUT

Concrete Curb/Gutter

W C I I I