



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington
Thursday, October 14, 2021 at 4:00 PM

AGENDA

CALL TO ORDER

MINUTES

- [1.](#) Consider Approval of Minutes - 05/26/2021

PUBLIC HEARING

- [2.](#) Case No.: V2021-003

Erath County Habitat for Humanity is requesting a Variance from Section 154.13.G.1 of the Stephenville Zoning Ordinance, for property located at 754 W Sloan, Lots 2 & 3, Block 4, of the Park Place 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
Wednesday, May 26, 2021 at 4:00 PM

MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, May 26, 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
David Baskett
Darrell Brown

MEMBERS ABSENT: Janet Cole

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

CALL TO ORDER

MINUTES

- 1. Consider Approval of Minutes – 03/11/2021**
MOTION by Darrel Brown, second by Janette Cochran, to approve the minutes. MOTION CARRIED by unanimous vote.

PUBLIC HEARING

Items tabled from May 13, 2021.

- 2. CASE NO. V2021-005**
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

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

Applicant Reese Flanagan with MMA 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 Parcels R33522, being Lots 5, 6, 7 and 8 of Block 8, of the South Side Addition to the City of Stephenville, Erath County, Texas. This parcel is known as 422 S. Lillian. The variance under consideration is to allow a 12-foot reduction in the width of each unit lot from 30 foot to 18 foot in width. Mr. Killen stated that the townhomes are being

constructed for individual sale and the lots will be platted accordingly. Mr. Killen shared that there are maps of the project for the Board's consideration and there is water and sewer at the properties. Mr. Killen concluded his report by informing the Board that Mr. Pace provided pictures of completed projects as well as current and future structures. Staff supports this request.

Chairperson Quazi opened the public hearing.

While answering questions regarding parking and the motive behind his request for the variance, Mr. Pace gave an overview of the proposed townhomes that are to be constructed on this and adjacent parcels. He stated that the 3-bedroom, 3 bath, 1,400 square foot townhomes will sell for \$200,000 - \$220,000, which in his opinion, made them quite affordable and makes the project lucrative as well.

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. V2021-005. MOTION CARRIED by unanimous vote.

3. CASE NO. V2021-006

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.

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

Applicant Reese Flanagan with MMA 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 Parcel R33564, Part of Lot 5 of Block 14, of the South Side Addition to the City of Stephenville, Erath County, Texas. This parcel is known as 1600 W Swan. The variance under consideration is to allow a 12-foot reduction in the width of each unit lot from 30 foot to 18 foot in width. Mr. Killen stated that the townhomes are being constructed for individual sale and the lots will be platted accordingly. Mr. Killen shared that there are maps of the project for the Board's consideration and there is water and sewer at the properties. Mr. Killen concluded his report by informing the Board that Mr. Pace provided pictures of completed projects as well as current and future structures. Staff supports this request.

Chairperson Quazi opened the public hearing.

Chairperson Quazi closed the public hearing.

MOTION by David Baskett, second by Janette Cochran, to approve CASE NO. V2021-006. MOTION CARRIED by unanimous vote.

4. CASE NO. V2021-007

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

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

Applicant Reese Flanagan with MMA 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 Parcel R33564, Part of Lot 5 of Block 14, of the South Side Addition to the City of Stephenville, Erath County, Texas. This parcel is known as 1601 W Swan. The variance under consideration is to allow a 12-foot reduction in the width of each unit lot from 30 foot to 18 foot in width. Mr. Killen stated that the townhomes are being constructed for individual sale and the lots will be platted accordingly. Mr. Killen shared that there are maps of the project for the Board's consideration and there is water and sewer at the properties. Mr. Killen concluded his report by informing the Board that Mr. Pace provided pictures of completed projects as well as current and future structures. Staff supports this request.

No public hearing was opened.

MOTION by Janette Cochran, second by David Baskett, to approve CASE NO. V2021-007. MOTION CARRIED by unanimous vote.

5. CASE NO. V2021-008

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
This case was combined with **Case Nos V2021-009 and V2021-010.**

6. CASE NO. V2021-009

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
This case was combined with **Case Nos V2021-008 and V2021-010.**

7. CASE NO. V2021-010

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

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

Applicant Reese Flanagan with MMA 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 the following parcels: Parcel R33516, R33564, and R33516 being Lots 7 and 8 of Block 7, Part of Lot 5 of Block 14, and Lots 7 and 8 of Block 7 of the South Side Addition to the City of Stephenville, Erath County, Texas. These parcels are known as 422 S Lillian, 1600 W Swan and 1601 W Swan, respectively. The variance under consideration is to allow a 14.7-foot reduction in the depth of each dwelling unit lot to 85.3 feet in width. Mr. Killen stated that the townhomes are being constructed for individual sale and the lots will be platted accordingly. Mr. Killen shared that there are maps of the project for the Board's consideration and there is water and sewer at the properties. Mr. Killen concluded his report by informing the Board that Mr. Pace provided pictures of completed projects as well as current and future structures. Staff supports this request.

Chairperson Quazi opened the public hearing to hear all cases congruently.

Mr. Killen stated that staff has been working closely with Mr. Pace regarding drainage issues and retention ponds and it was found that those issues will influence the depth of the lots.

Chairperson Quazi closed the public hearing.

MOTION by David Baskett, second by Janette Cochran, to approve **CASE NO. V2021-008, CASE NO. V2021-009, CASE NO. V2021-010** as presented. MOTION CARRIED by unanimous vote.

8. CASE NO. V2021-011

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

This case was combined with **Case Nos V2021-012 and V2021-013.**

9. CASE NO. V2021-012

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

This case was combined with **Case Nos V2021-011 and V2021-013.**

10. CASE NO. V2021-013

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

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

Applicant Reese Flanagan with MMA 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 minimum lot requirements for a townhome project to be constructed at the following parcels: Parcel R33516, R33564, and R33516 being Lots 7 and 8 of Block 7, Part of Lot 5 of Block 14, and Lots 7 and 8 of Block 7 of the South Side Addition to the City of Stephenville, Erath County, Texas. These parcels are known as 422 S Lillian, 1600 W Swan and 1601 W Swan, respectively. The variance under consideration is to allow a 1,465 square foot reduction in the area requirement making each dwelling unit lot of the townhome project to be 1,535 square feet. Mr. Killen stated that the townhomes are being constructed for individual sale and the lots will be platted accordingly. Mr. Killen shared that there are maps of the project for the Board's consideration and there is water and sewer at the properties. Mr. Killen concluded his report by informing the Board that Mr. Pace provided pictures of completed projects as well as current and future structures. Staff supports this request.

Chairperson Quazi opened the public hearing to hear all cases congruently.

Mr. Pace answered the question regarding the size of the townhome in relation to the variance request.

Chairperson Quazi closed the public hearing.

MOTION by David Baskett, second by Janette Cochran, to approve **CASE NO. V2021-011, CASE NO. V2021-012, CASE NO. V2021-013** as presented. MOTION CARRIED by unanimous vote.

ADJOURN

The meeting was adjourned at 4:27 p.m.

APPROVED:

ATTEST:

Moumin Quazi, Chair

Tina Cox, Board Secretary

Board of Adjustment STAFF REPORT



SUBJECT: Case No.: V2021-003
MEETING: Board of Adjustment – 14 October 2021
DEPARTMENT: Development Services
STAFF CONTACT: Steve Killen

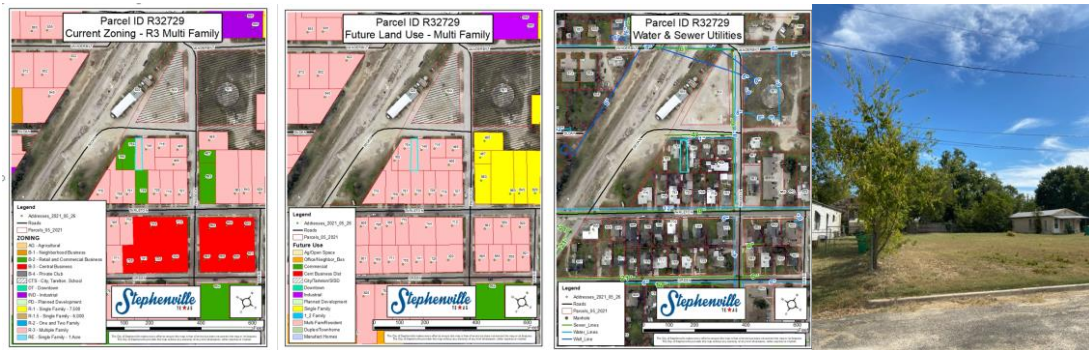
BACKGROUND:

Erath County Habitat for Humanity is requesting a Variance from Section 154.13.G.1 of the Stephenville Zoning Ordinance, for property located at 754 W Sloan, Lots 2 & 3, Block 4, of the Park Place Addition of the City of Stephenville, Erath County, Texas.

By ordinance, the project is subject to a 20' landscape buffer (see excerpt below). The applicant states the 20' foot buffer will not allow the construction of the building as designed, plus, require the removal of some trees that have grown between the properties that serve as a natural buffer. The applicant is requesting a variance from the 20' buffer and has agreed to install a screening fence between the two properties in lieu of the buffer.

13.G Additional Requirements Adjacent to Residential. The following standards shall apply to all multifamily and nonresidential developments. These standards may be met by saving existing trees on the site of six inches caliper or more, measured 12 inches above grade, or by planting new trees from the approved tree list contained in this section. Minimum requirements for development located within the multifamily, business and industrial districts shall be as follows:

- (1) A landscape buffer of 20 feet will be required along any property line abutting a RE, R-HA, R-1, R-1.5, R-2, R-3, and B-3 residential district.



VARIANCE:

Section 154.21.1.1

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