



BOARD OF ADJUSTMENT MEETING

City Hall Council Chambers, 298 W. Washington
Thursday, February 10, 2022 at 4:00 PM

AGENDA

CALL TO ORDER

OATH OF OFFICE

ELECTION OF OFFICERS

APPROVAL OF MINUTES

1. Approve Minutes from October 14, 2021

PUBLIC HEARING

2. **Case No.: V2022-001** Applicant Elizabeth Phelps is requesting a variance from Section 154.05.3.D.6 relating to rear setback requirements for property located at 838 Mimosa Court, being parcel R74944 of Kaylie Subdivision, Blk 2, Lot 9 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, October 14, 2021 at 4:00 PM

MINUTES

The Board of Adjustment of the City of Stephenville, Texas, convened on Thursday, October 14, 2021 at 4:21 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: Dr. Moumin Quazi, Chairperson
Janet Cole
David Baskett
Darrell Brown

OTHERS ATTENDING: Harold Sandel, Building Official
Tina Cox, Board Secretary

CALL TO ORDER

Dr. Moumin Quazi, called the meeting to order at 4:21 p.m.

MINUTES

- 1. Consider Approval of Minutes – 05/26/2021**
MOTION by David Baskett, second by Darrell Brown, to approve the minutes. MOTION CARRIED by unanimous vote.

PUBLIC HEARING

- 2. CASE NO. V2021-007**
Applicant 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.

Harold Sandel, Building Official, gave the following report:

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. Mr. Sandel stated that staff supports this request.

Chairperson Quazi opened the public hearing.

Ms. Staci Morrison presented the request for the variance with pictures. Ms. Morrison answered questions regarding the amount of green space on the property, where the 6ft privacy fence would be erected and the amount of space that the side yards would have with a 10-foot variance.

Chairperson Quazi closed the public hearing.

MOTION by David Baskett, second by Janet Cole, to approve **CASE NO. V2021-007** with a 10-foot variance modification. MOTION CARRIED by unanimous vote.

ADJOURN

The meeting was adjourned at 4:37 p.m.

APPROVED:

ATTEST:

Moumin Quazi, Chair

Tina Cox, Board Secretary

Board of Adjustment STAFF REPORT



SUBJECT: Case No.: V2022-001

Applicant Elizabeth Phelps is requesting a variance from Section 154.05.3.D.6 relating to rear setback requirements for property located at 838 Mimosa Court, being parcel R74944 of Kaylie Subdivision, Blk 2, Lot 9 of the City of Stephenville, Erath County, Texas.

MEETING: Board of Adjustment – February 10, 2022

DEPARTMENT: Development Services

STAFF CONTACT: Steve Killen, Director of Development Services

BACKGROUND:

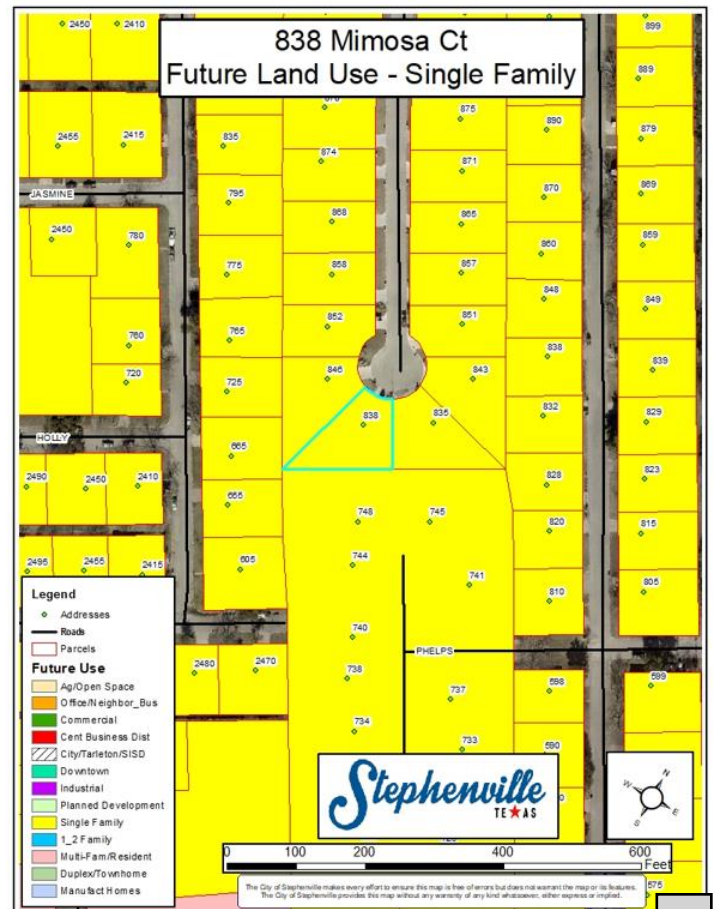
Ms. Phelps is requesting a variance to allow for the construction of a swimming pool in her rear yard. The applicant is requesting a 13' reduction of the 25' rear set-back requirement. If approved, the swimming pool will encroach the set-back requirement but have not impact on the dedicated utility easement.

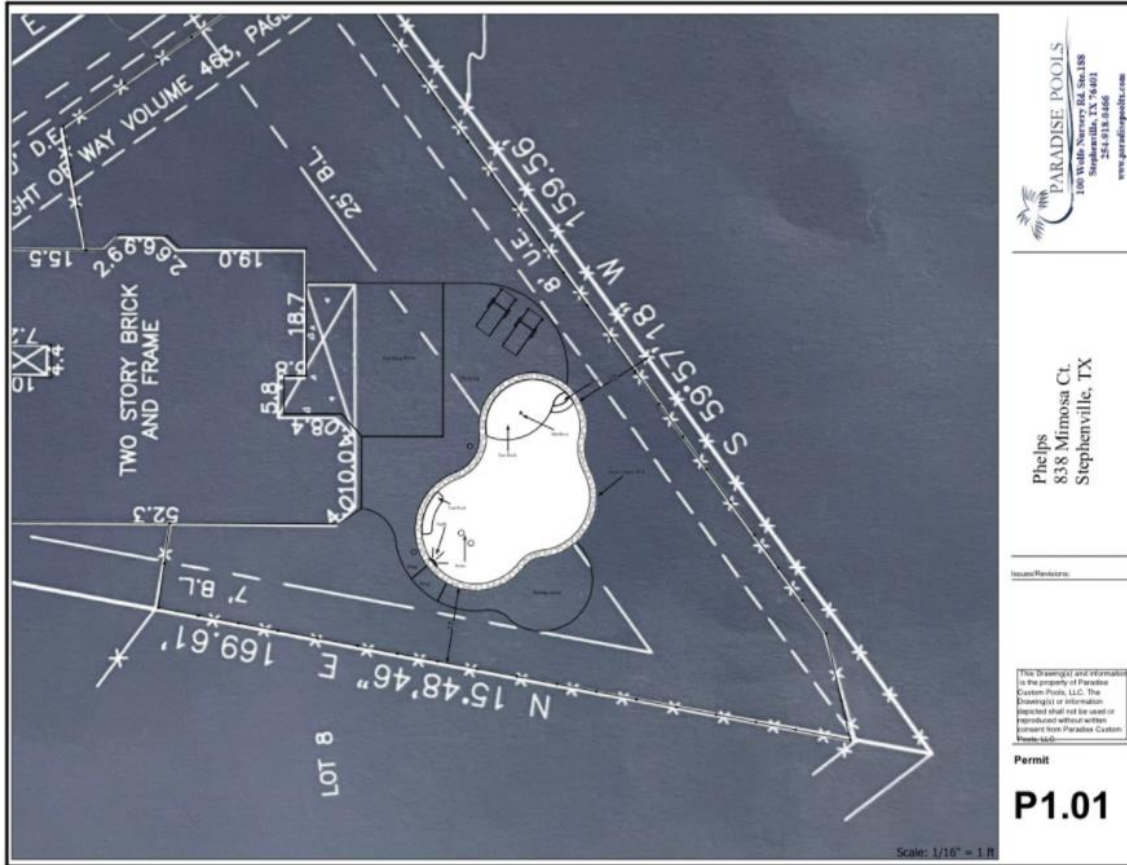
CURRENT ZONING:

(R-1) Single Family

FUTURE LAND USE:

Single-Family





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.

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