

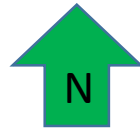
Item H-1

Consider a resolution approving a variance request to 17 lots in the Highland Terrace Mobile Home Park to decrease the minimum front yard setback to 25 feet in lieu of the required 35 feet, located at 1700 Highland Drive West, 1704 Highland Drive West, 1736 Highland Drive West, 1744 Highland Drive West, 1748 Highland Drive West, 1752 Highland Drive West, 1832 Highland Drive East, 1847 Highland Drive East, 1843 Highland Drive East, 1839 Highland Drive East, 1835 Highland Drive East, 1733 Hilltop Lane, 1729 Hilltop Lane, 1725 Hilltop Lane, 1733 Highland Drive West (legally two lots), 1717 Highland Drive West, 1713 Highland Drive West, legally described as Lot 1, 2, 10, 12, 13, 14, 36, 37, 38, 39, 42, 43, 44, 60, 61, 64, 65, Highland Terrace Mobile Home Park and zoned Single-Family 36,000 square-foot lots or greater (SF-36). Double B Texas Ventures, LLC and Olympic Dream Living Trust, Owners. Jeff Avery, Applicant. (UDC-21-0010)

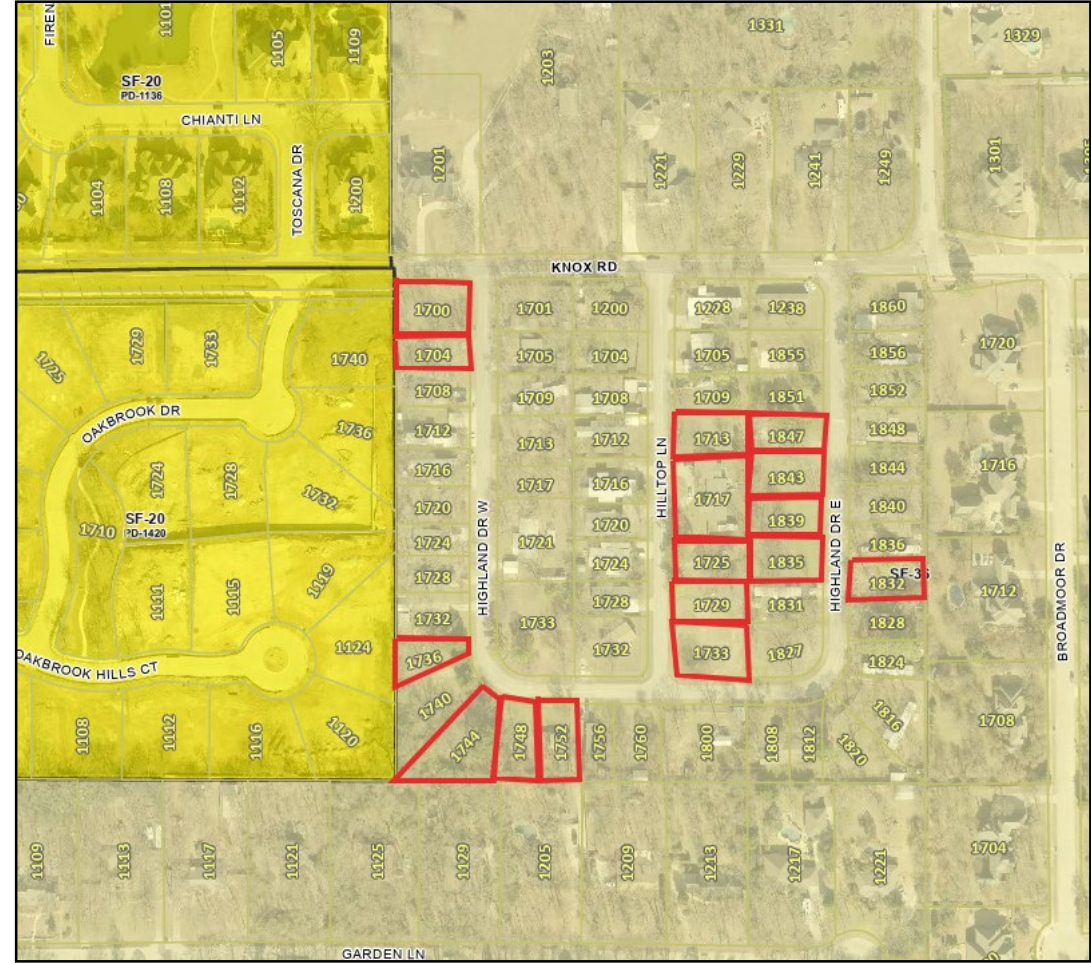
**Item H-1
Aerial Map**



**Zoned:
SF-36**



**Item H-1
Zoning Map**



Item H-1

Background:

Highland Terrace Mobile Home Park was originally platted in 1970 and annexed into Keller in the late 1980s. The City zoned the subdivision at the time of annexation as Single-Family 36,000-square-foot lots (SF-36).

On June 1, 2021, the City Council approved three variances for 21 lots within Highland Terrace Mobile Home Park as follows:

1. Decrease the minimum dwelling size from 2,400 square-feet to 2,000 square-feet
2. Increase the main building lot coverage from 30% to 35%
3. Increase the maximum lot coverage from 50% to 55%

On Dec. 7, 2021, in addition to approving the three variances above, the City Council also granted a different Developer an additional fourth variance to decrease the minimum setback from 35 feet to 25 feet.

Item H-1

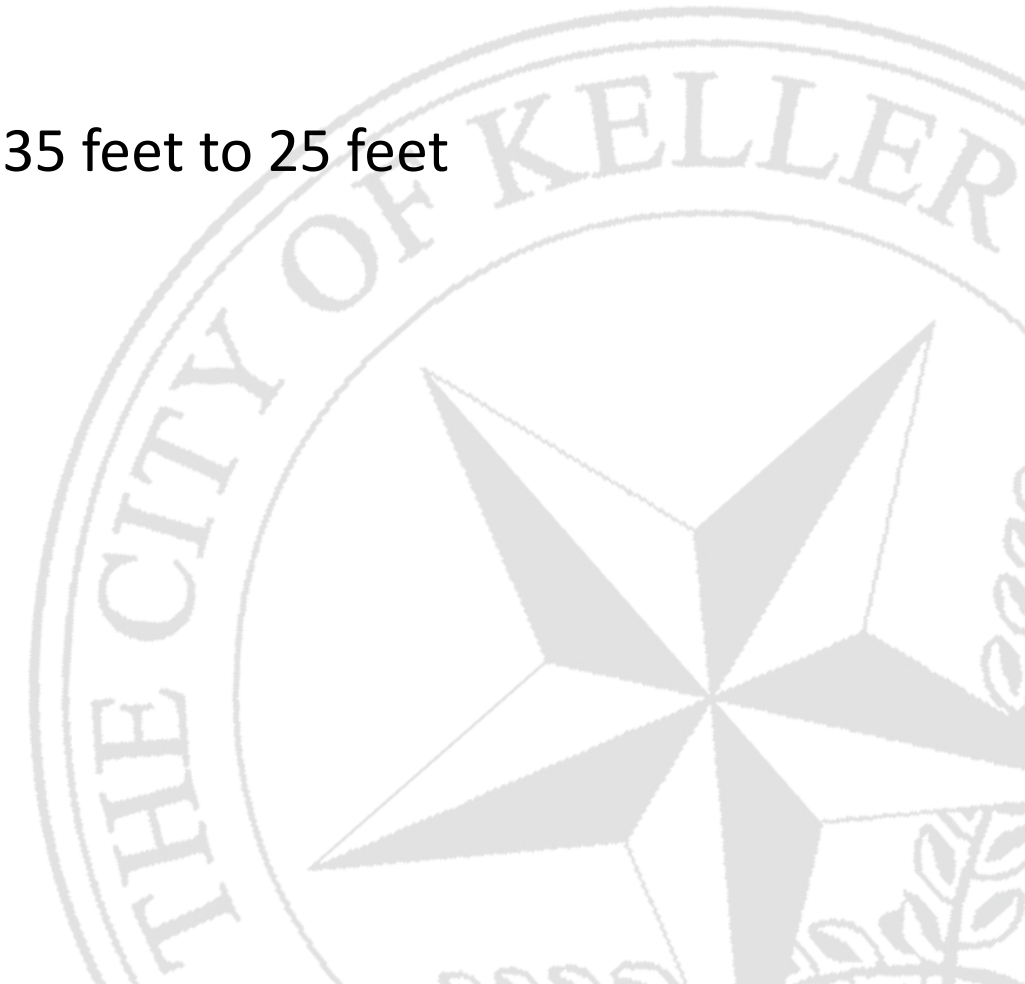
Background:

The Applicant, granted the three original variances for 21 lots, is now also requesting the same fourth variance to the front setback for his remaining 17 lots. (Four of his 21 lots have been sold to other parties since the original three variances were granted.)

Item H-1

Variance Requested:

1. Decrease the minimum front setback from 35 feet to 25 feet



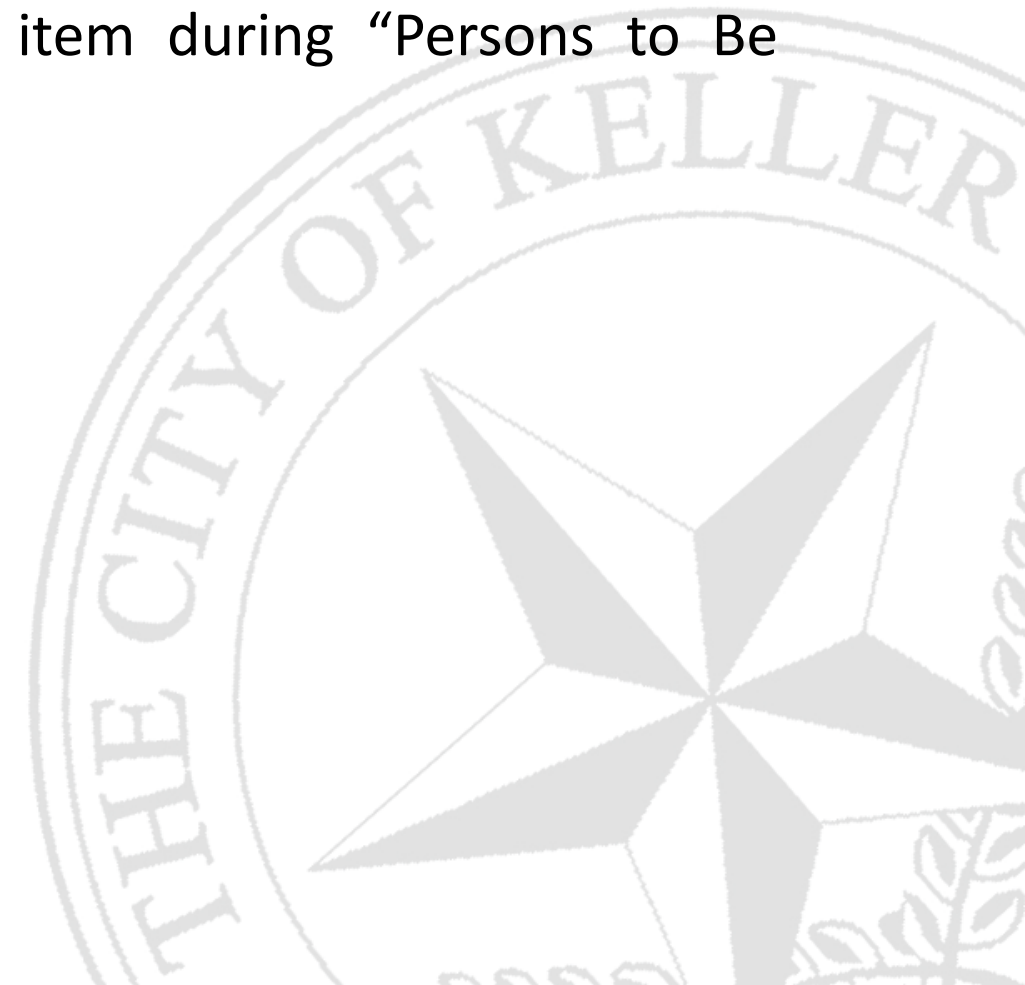
Item H-1

Variance Request	Applicant Request	SF-36	SF-12	SF-10	SF-8.4
Min. Dwelling Size	2,000 sf*	2,400 sf	1,800 sf	1,600 sf	1,400 sf
Minimum Front Yard	25-feet	35-feet	30-feet	25-feet	25-feet
Max. Main Building Coverage	35%*	30%	35%	35%	35%
Max. Lot Coverage	55%*	50%	50%	50%	50%

*Previously approved by City Council on 6/1/2021

Item H-1

A UDC variance application does not require a public hearing. The public will have an opportunity to speak on this agenda item during “Persons to Be Heard.”



Item H-1

On Jan. 11, 2022, the Planning and Zoning Commission recommended to deny the item by a vote of 5-2 (Nays: Osgood, Alvarado) for lack of a requisite basis to grant such a variance.

The Commission also expressed concern with the process regarding the dimensional variances (P&Z recommendation for City Council action), since these variances are typically heard by the Zoning Board of Adjustment (ZBA) and appealed to District Court.

Item H-1

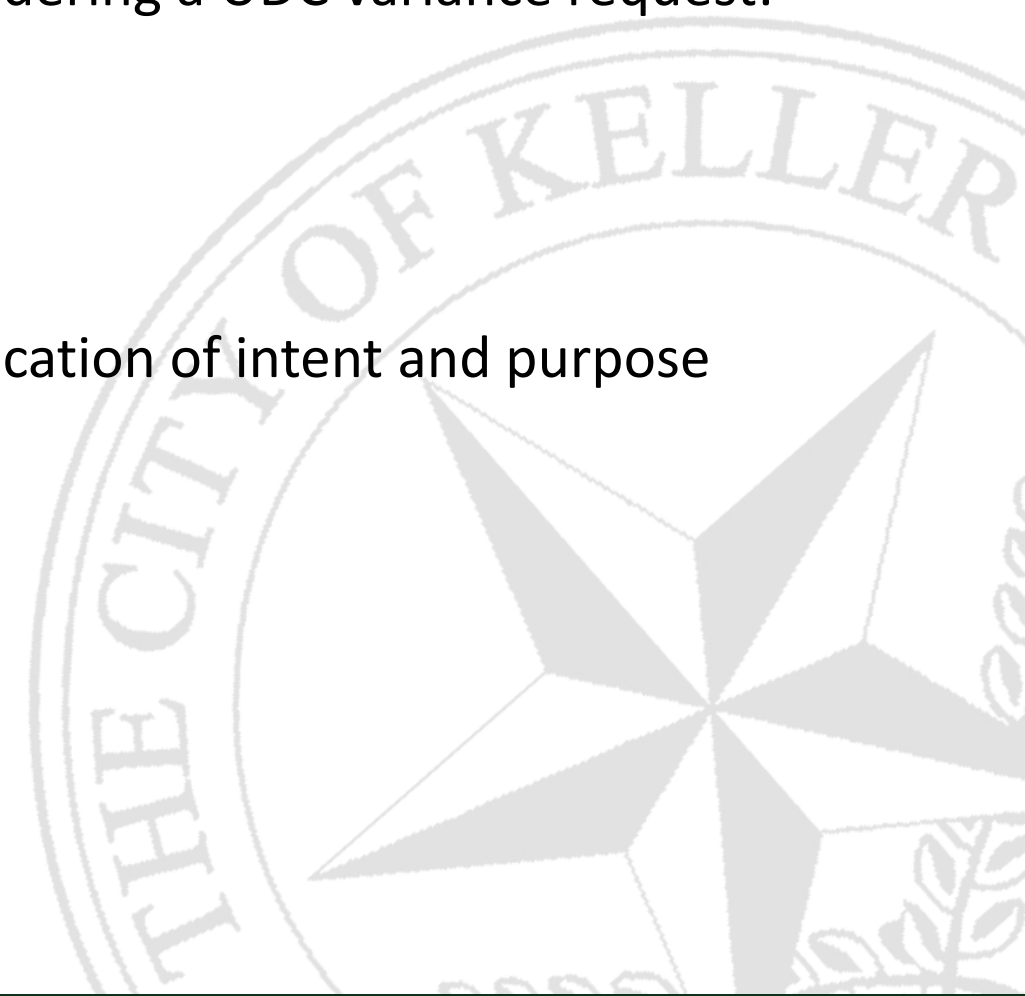
Section 2.07(A)(2) of the UDC lists criteria for approval of a variance, the Planning and Zoning Commission and City Council shall consider the following factors:

- a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of his land.
- b. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other properties in the area.
- c. That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Code.
- d. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.
- e. That strict compliance with the regulations, and/or that the purpose of the regulations will be served to a greater extent by the alternative proposal.

Item H-1

The City Council has the following options when considering a UDC variance request:

- Approve as submitted
- Approve with modified or additional condition(s)
- Table the agenda item to a specific date with clarification of intent and purpose
- Deny





Questions?
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