

## Item H-4

**PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) with a variance to encroach the setback requirement for an approximately 4,608 square-foot accessory structure, on an approximately 5.09 acre lot, located approximately 2,000 feet south of the intersection of Bear Creek Parkway and Berkshire Hill Drive, legally described as Lot 3, Block A of the Hive Riot Honey Addition, zoned Single-Family Residential - 36,000 square-foot lots (SF-36), and addressed 8910 Indian Knoll Trail. Matthew Burton, Applicant. Hive Riot Honey Company LLC, Owner. (SUP-2411-0016)

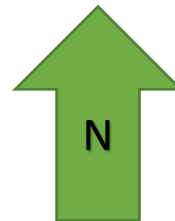
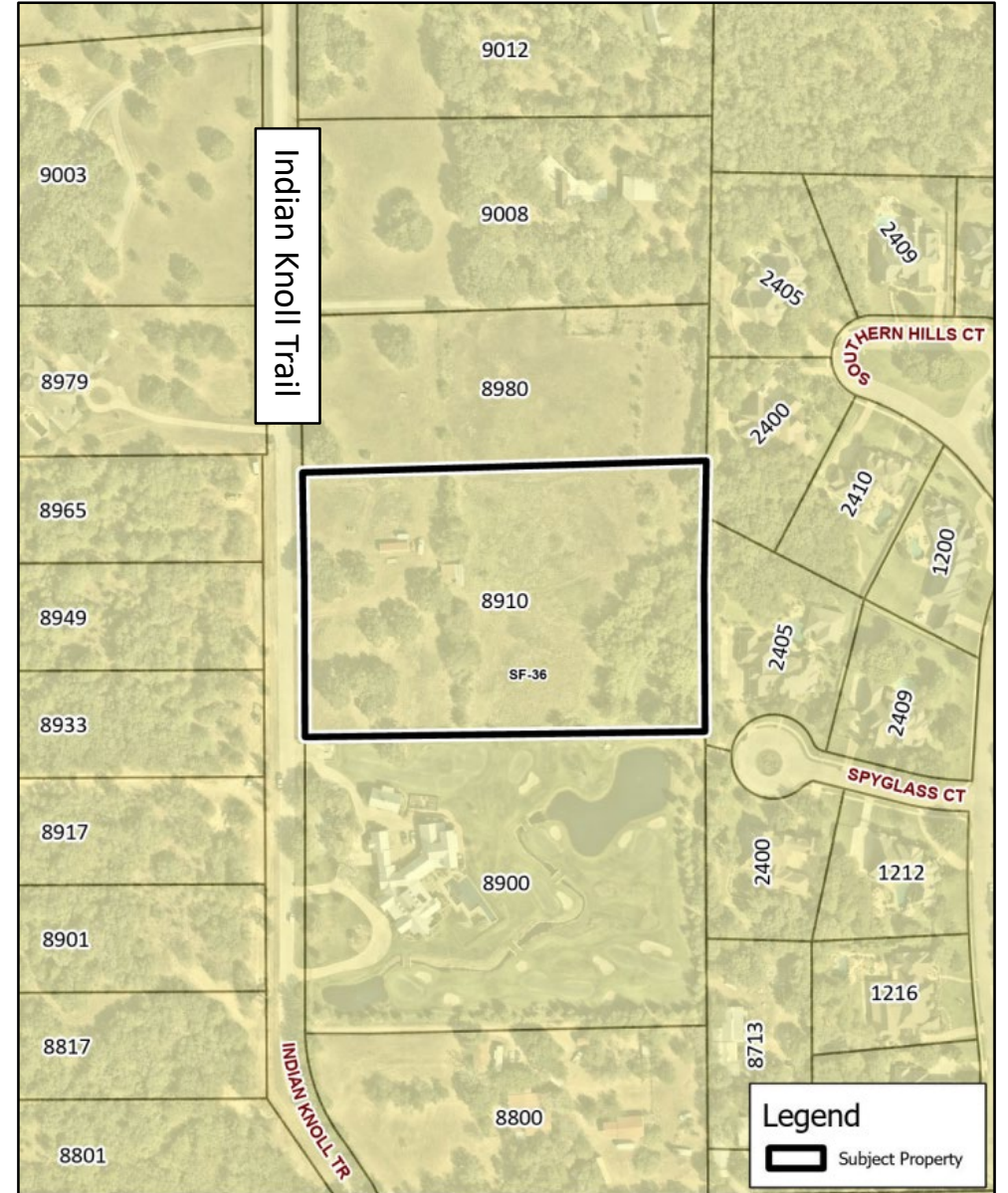


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## Aerial Map



## Zoning Map



Zoned:  
SF - 36



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## Background:

In April 2022, City Council approved a Specific Use Permit (SUP) for the Applicant to construct a 5,107 square-foot accessory structure on the property, which has since expired.

No building permit was ever submitted for the structure following SUP approval.



 Subject property



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### **Request:**

The Applicant has submitted a new SUP request for a similar accessory structure with a variance to encroach the required 100' front setback.

The current request shows the proposed structure at the front of the property instead of the back, a reduction in total square-footage of the structure from 5,107 to 4,608, and an increase in average height from 23' 2" to approximately 26' 5".

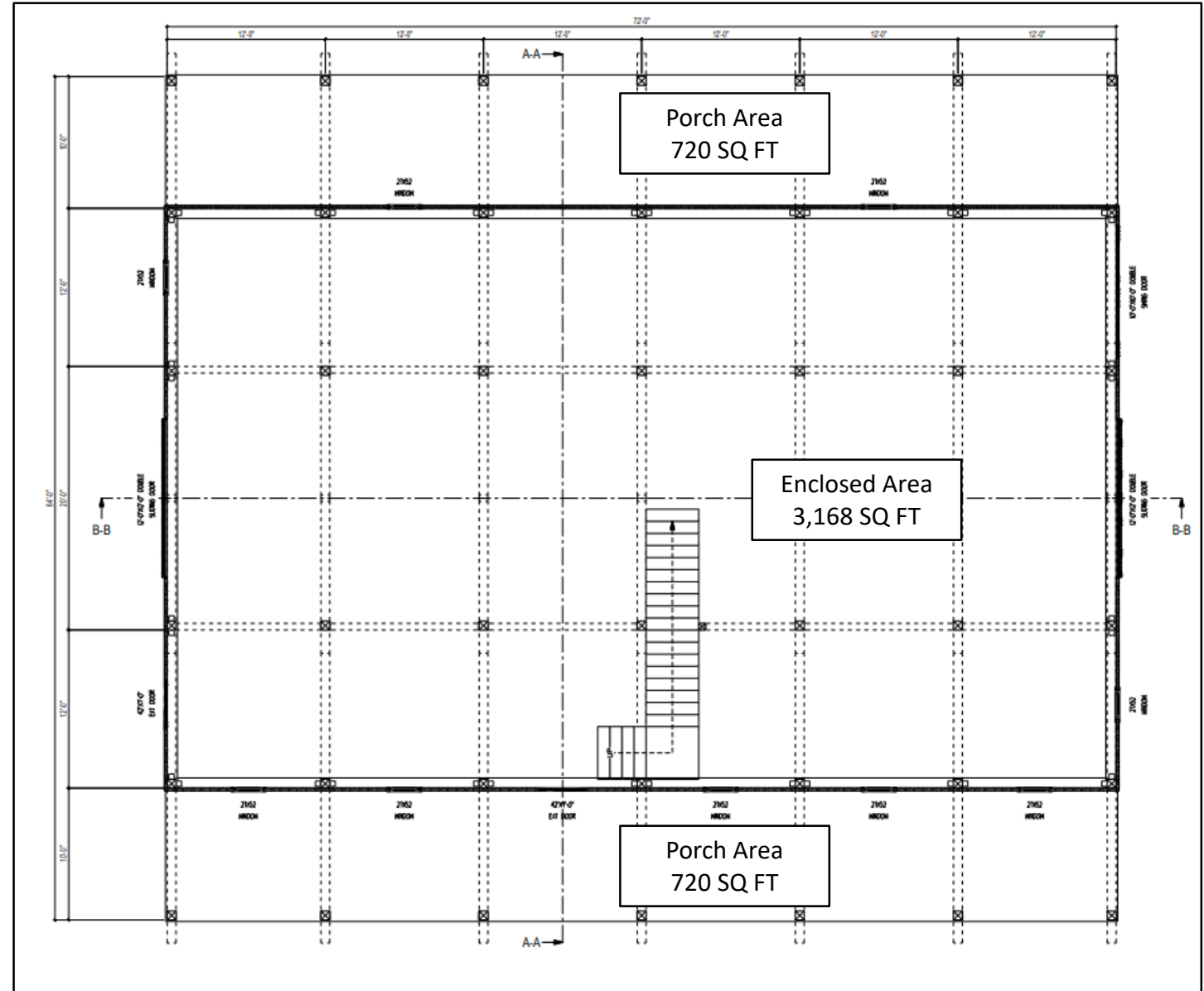
The structure will be used as a barn for an existing honey farm on the property, and will be used for agricultural purposes only.

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## Building Size:

The Applicant is proposing a 4,608-square-foot accessory structure (3,168 square feet enclosed and 1,440 square feet for covered porch area).

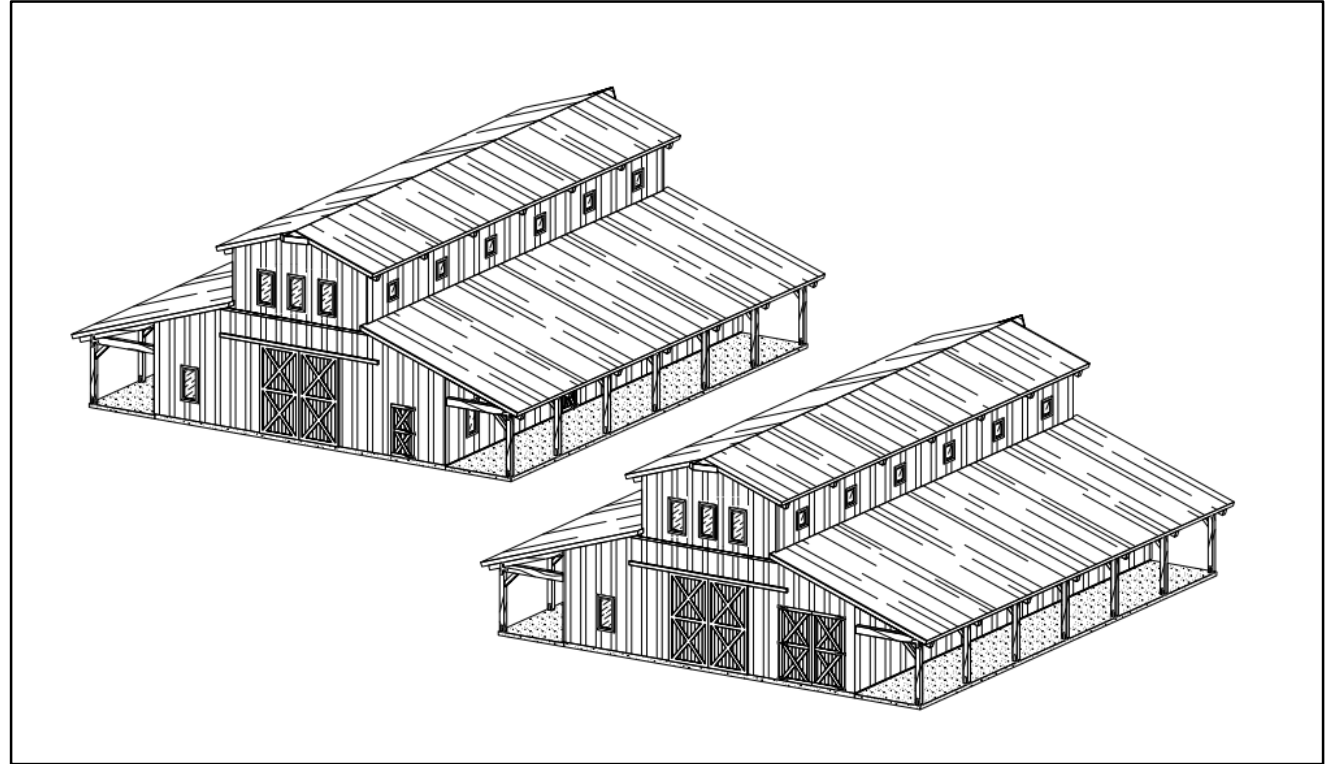
An SUP is required for accessory structures greater than 1,200 square feet.



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### Elevations:

The applicant is proposing a two-story structure with an average height of approximately 26 feet, 5 inches.



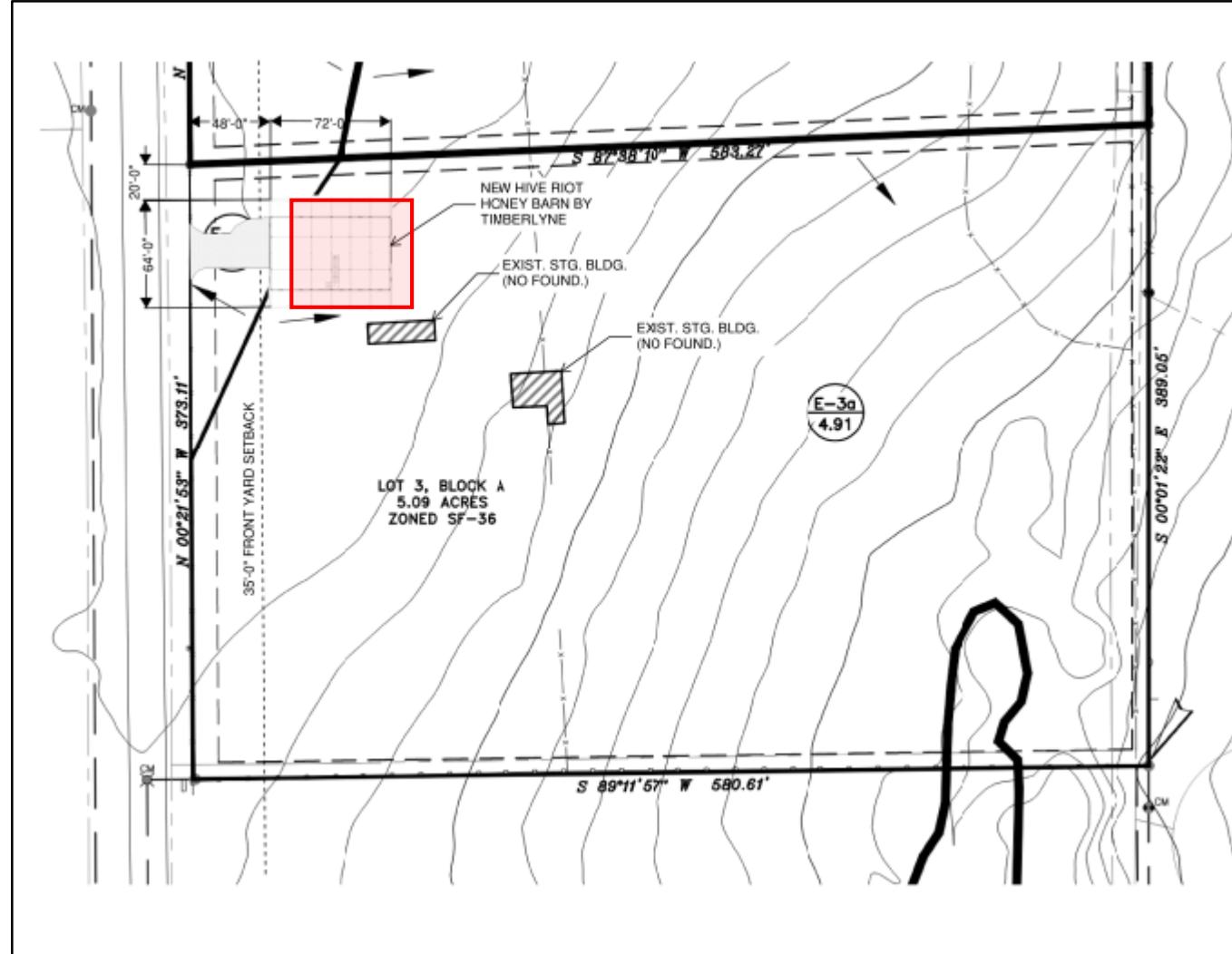


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## Building Location:

Section 9.06 (A.8) of the UDC states that a one hundred foot (100') front building setback is required for accessory buildings used solely for agricultural purposes without a main structure.

The Applicant is requesting a variance to allow the proposed structure to be set back 48 feet from the front property line.



 Proposed structure

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## Surrounding Land Uses:

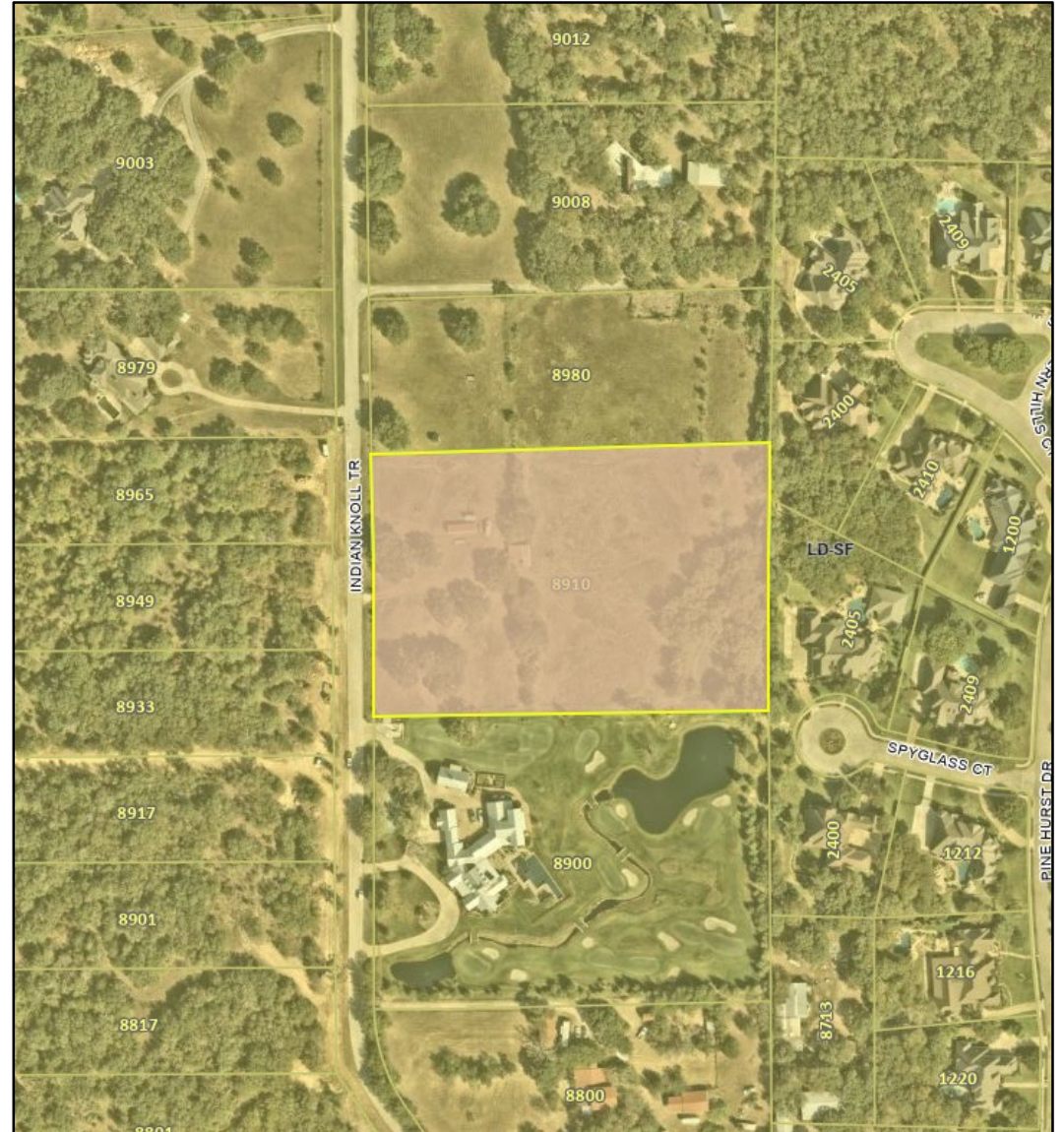
The subject property is zoned SF-36 and designated Low-Density Single Family (LD-SF) on the city's Future Land Use Plan (FLUP).

North: Low-Density Single Family (LD-SF)

East: Low-Density Single Family (LD-SF)

South: Low-Density Single Family (LD-SF)

West: Low-Density Single Family (LD-SF)

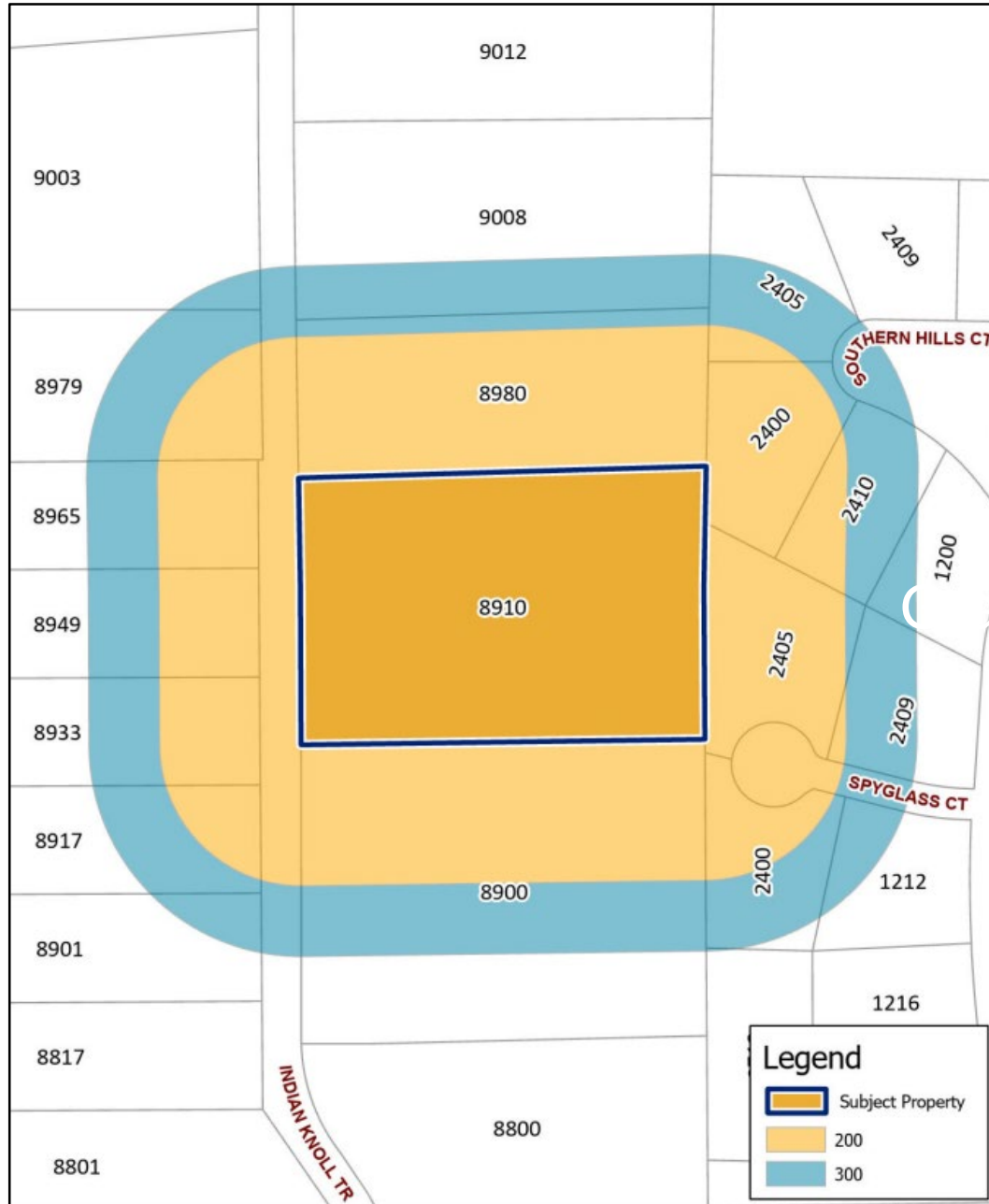


 Subject Property





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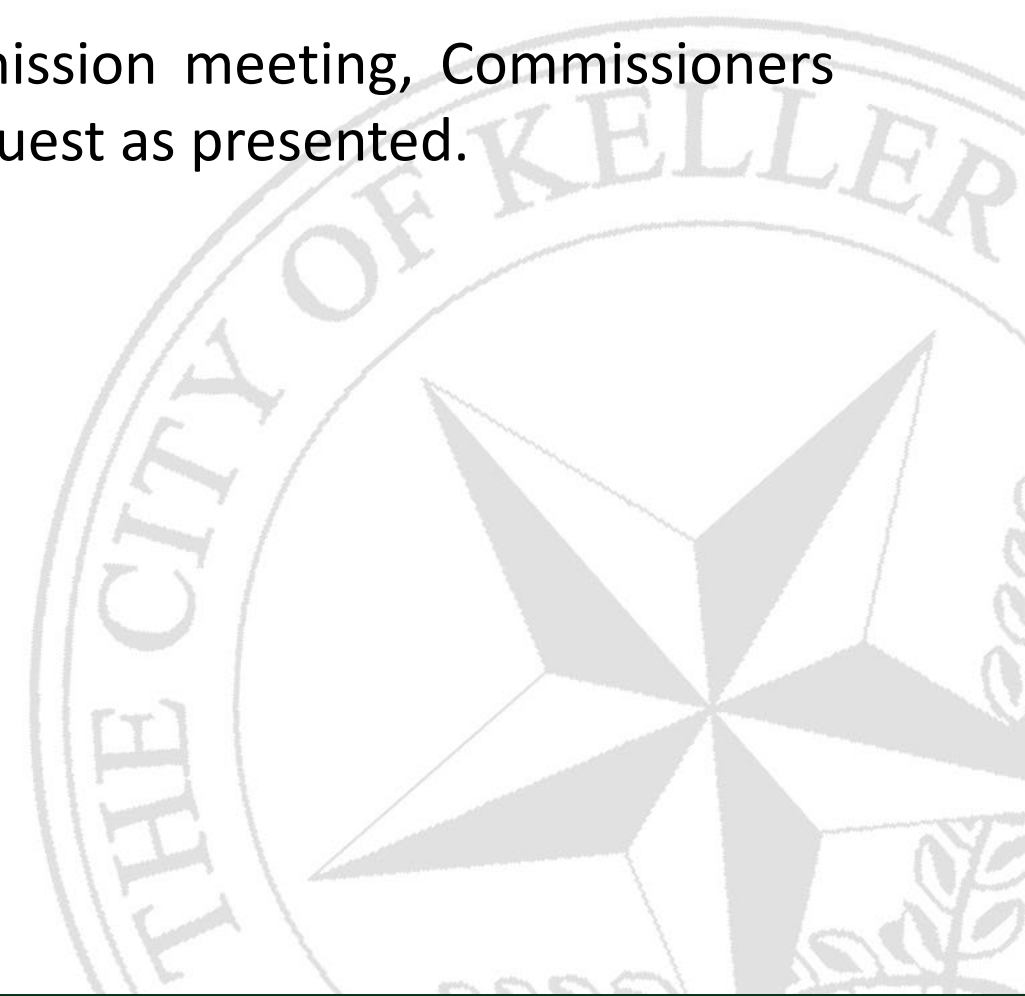


- On Nov. 26, 2024, the City mailed 17 letters of notification to all property owners within 300' of the property. A public hearing notice sign was also placed on the property.
- Staff has received 1 written letter of support for this request.

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### **Planning and Zoning Commission Recommendation:**

At the Dec. 10, 2024, Planning and Zoning Commission meeting, Commissioners voted 6-1 to recommended approval of the SUP request as presented.





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Section 8.02 (F)(2)(a) of the UDC states that when considering an SUP request, the City Council shall consider the following factors:

- 1) The use is harmonious and compatible with surrounding existing uses or proposed uses;
- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;
- 3) The nature of the use is reasonable and appropriate in the immediate area;
- 4) Any negative impact on the surrounding area has been mitigated; and
- 5) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

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### **SUP Request:**

1. An SUP for a 4,608-square-foot accessory structure to exceed 1,200 square feet in the SF-36 zoning district.
2. An SUP for the height of the structure to exceed an average of 15 feet tall. The proposed height is an average of 26 feet, 4.53 inches, with a peak of 28 feet, 4.44 inches.



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### **Variance Request:**

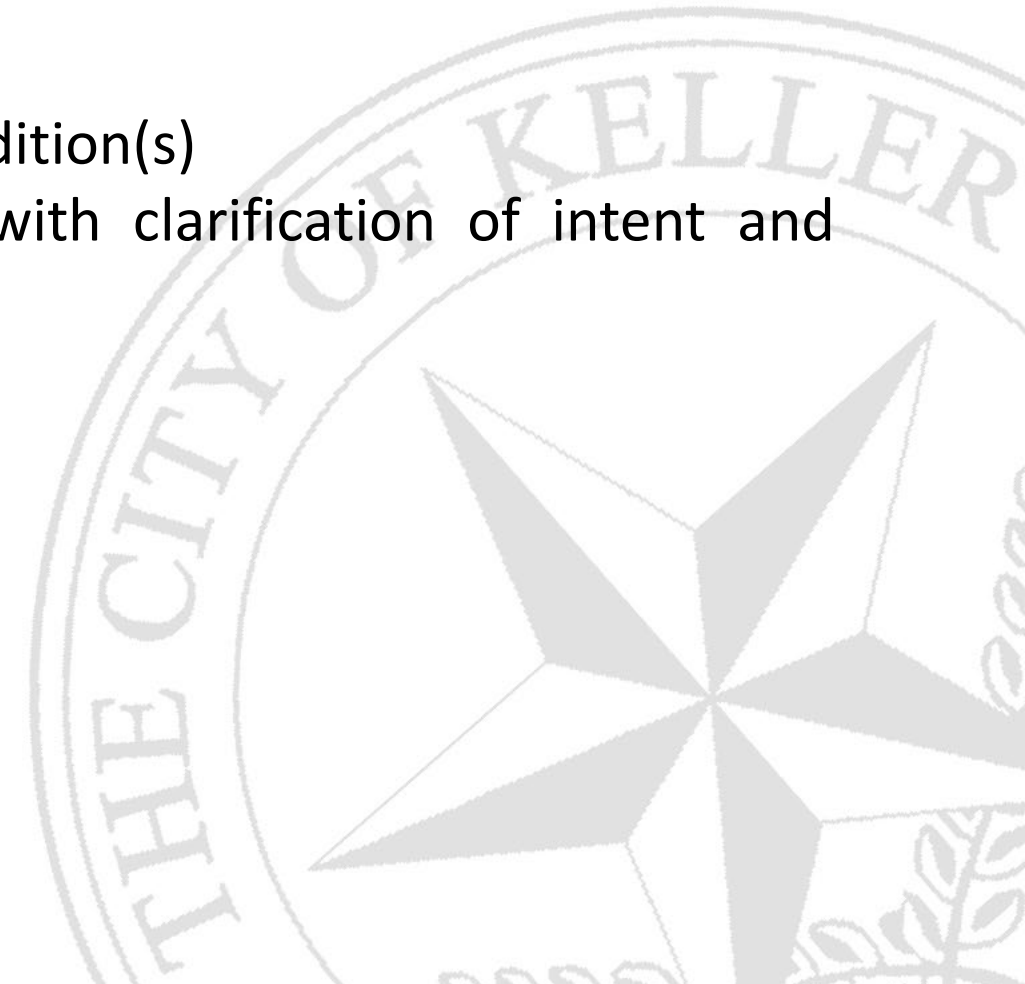
A variance to encroach the 100' setback requirement for agricultural accessory structures without a main structure.



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The City Council has the following options when considering an SUP request:

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







**Questions?**  
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**817-743-4130**