

## Item H-5

Consider a resolution approving three variance requests to 21 lots in the Highland Terrace Mobile Home Park to decrease the Minimum Dwelling Size to 2000 square feet in lieu of the 2400 square-foot requirement, increase the main building lot coverage to 35 percent in lieu of the 30 percent requirement, increase the maximum lot coverage to 55 percent in lieu of the 50 percent requirement, located at 1700 Highland Drive West, 1704 Highland Drive West, 1736 Highland Drive West, 1740 Highland Drive West, 1744 Highland Drive West, 1748 Highland Drive West, 1752 Highland Drive West, 1832 Highland Drive East, 1844 Highland Drive East, 1852 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, 11, 12, 13, 14, 25, 28, 30, 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 Patricia McCoy owners. Jeff Avery, applicant. (UDC-21-0003)

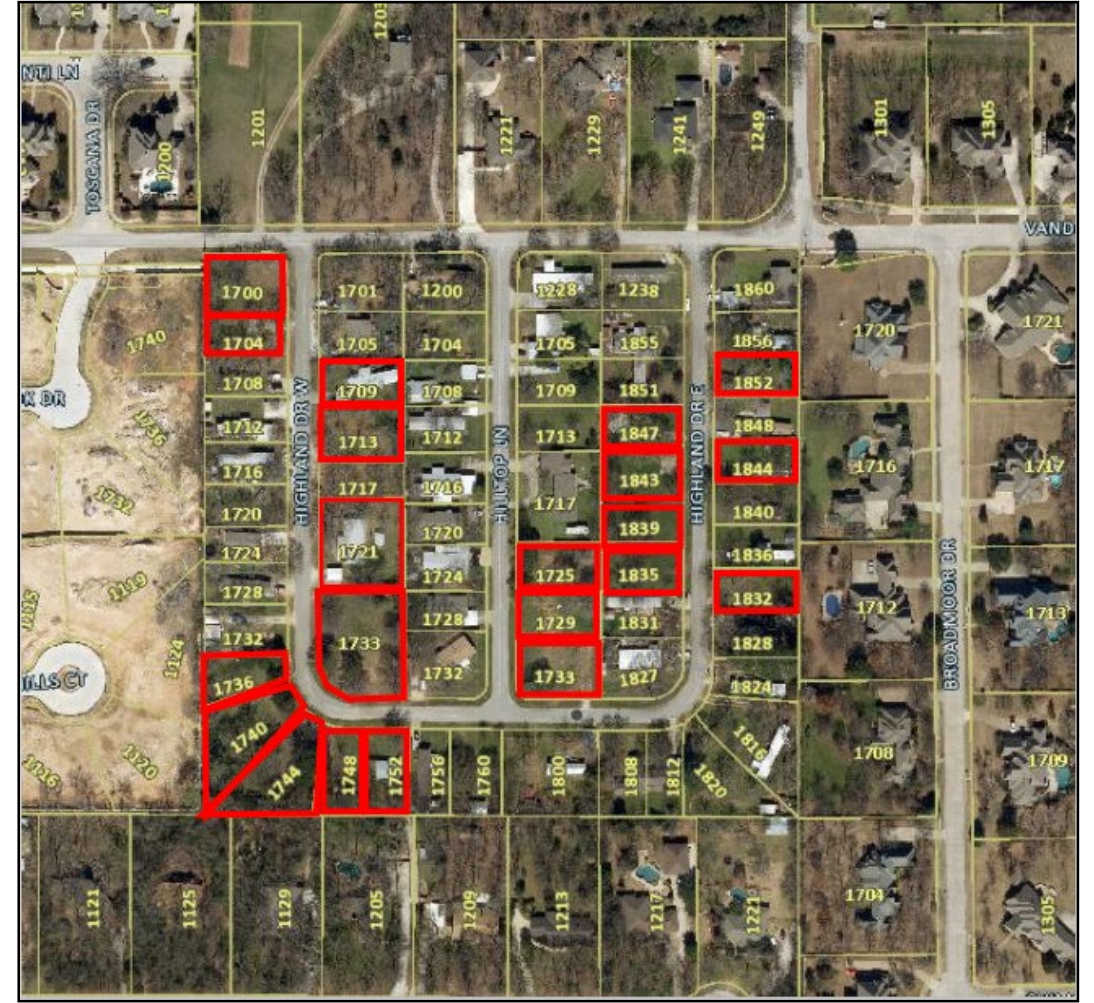
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## Zoning Map



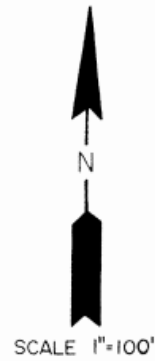
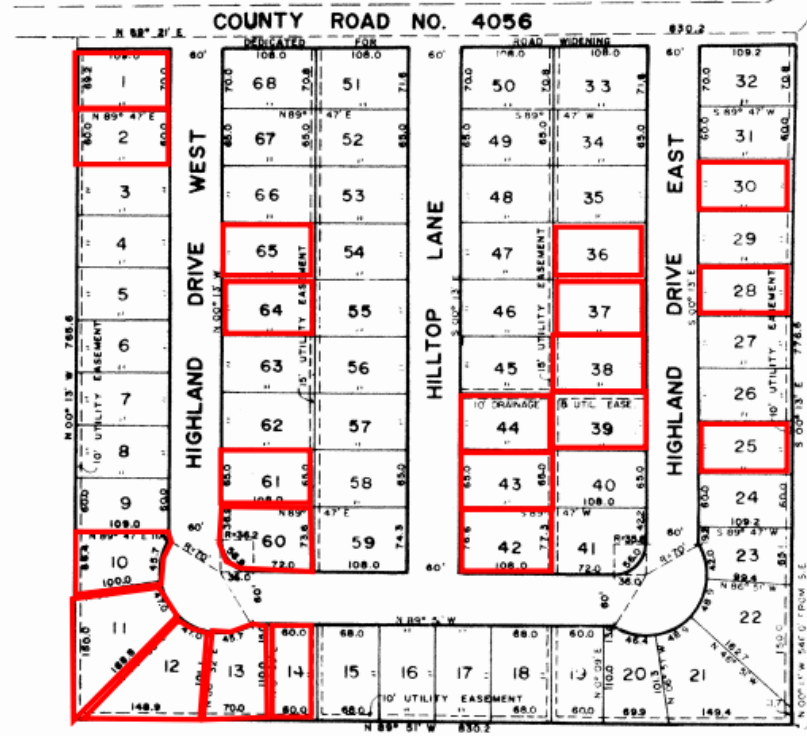
Zoned:  
SF-36

## Aerial View



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- Highland Terrace Mobile Home Park was originally platted in 1970. This portion of the city was annexed into Keller in the late 1980s and zoned Single-Family 36,000-square-foot lots (SF-36).
- The Applicant purchased 21 of the 68 lots in the subdivision and applied for a variance request to setbacks for three lots before the Zoning Board of Adjustment. These variances would have allowed smaller (less than 2,400 square-feet), one-story homes than permitted in the SF-36 zoning district. The ZBA denied the request on December 7, 2020, due to the lack of a legal basis (hardship).
- The Applicant is now requesting a variance to 21 out of 68 lots in the subdivision to increase lot coverage requirements and decrease home size in order to build smaller, one-story structures.



PLAT SHOWING  
**HIGHLAND TERRACE**  
**MOBILE HOME PARK**  
 (OUT OF THE W. Y. ALLEN SURVEY)  
 TARRANT COUNTY, TEXAS

APPROVED M. J. 12, 1970  
 CITY OF KELLER, TEXAS  
 BY Billy R. Johnson  
 City Clerk

BY  
**AREA SURVEYING COMPANY**  
 5300 FOREST HILL DRIVE  
 FORT WORTH, TEXAS

APPROVED April 6, 1970  
 TARRANT COUNTY, TEXAS  
 COMMISSIONER'S COURT  
 BY M. J. 12  
 County Clerk

FILED  
 JUL 1 9 16 AM '70  
 TARRANT COUNTY, TEXAS

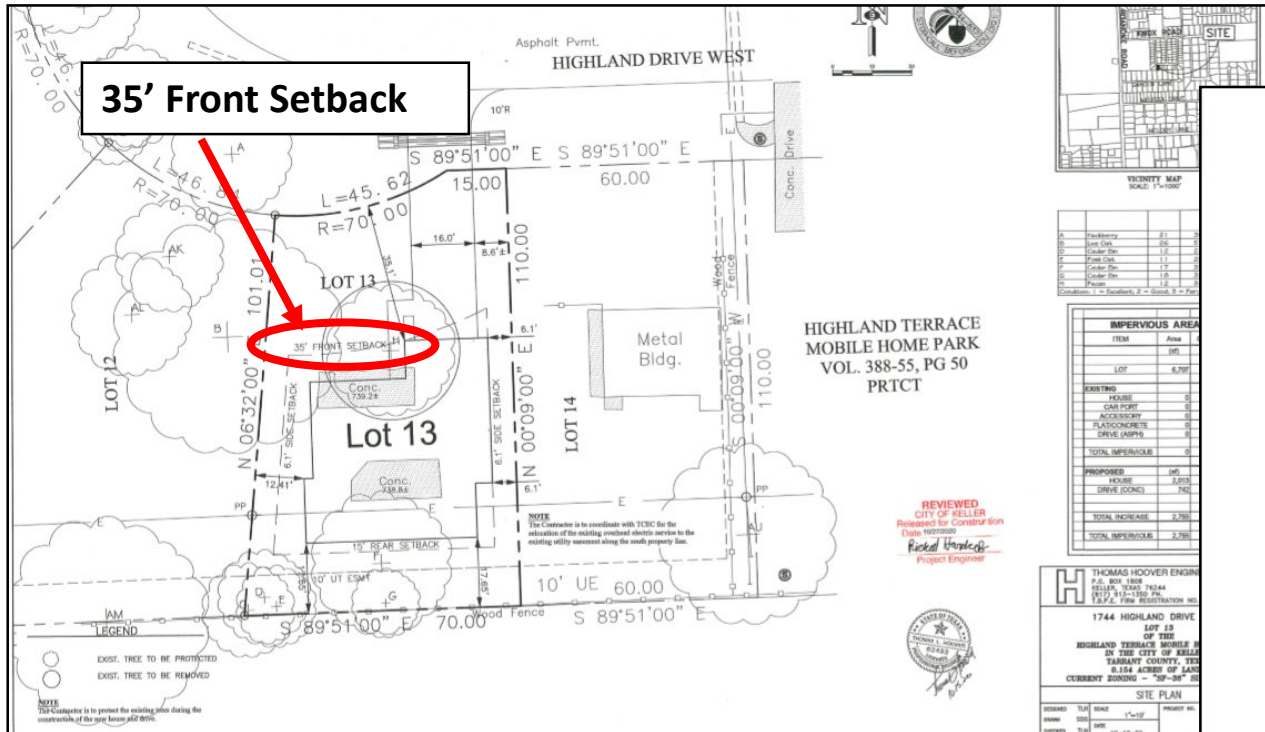
SURVEYED ON THE GROUND  
 JULY, 1969

Clarence W. Post



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**(NEW) RESIDENTIAL BUILDING PERMIT APPLICATION**

**BUILDING SERVICES FORM #1402**

DATE 9-23-20 PERMIT NO. B20-0063

**LEGAL DESCRIPTION OF PROPERTY**  
STREET ADDRESS 1748 Highland Dr W  
LOT 13 BLOCK \_\_\_\_\_ SUBDIVISION Highland Terrace Mobile Home Park PHASE \_\_\_\_\_

**DESCRIPTION OF PROJECT**  
CONSTRUCTION VALUE \$306,000.00 FIRE SUPPRESSION INSTALLATION YES  X  NO  
(A fire sprinkler system is required for 6,000 square feet or more of air-conditioned space.)  
TOTAL SQUARE FEET 3188 TOTAL SQUARE FEET OF AIR-CONDITIONED 2718  
WATER METER SIZE 3/4" CITY SEWER AVAILABLE  X  YES  NO

**SUBCONTRACTORS**  
REQUIRED TO BE REGISTERED WITH CITY PRIOR TO ISSUANCE OF PERMIT

Electrical Contractor: Arjay Electrical  
 Plumbing Contractor: Beaverwood Plumbing  
 Mechanical Contractor: Performance Heating and Air

**ELECTRIC UTILITY PROVIDER**  
 Oncor Electric  
 X Tri-County Electric

**PERMIT APPLICANT INFORMATION**  
Contractor B R Avery Homes E-Mail Address Brian@BRAveryHomes.com  
Address 1300 Worthington St Phone / Cell # 817-480-5808  
City/State/Zip Grapevine, TX 76051 Fax # n/a  
Homeowner Brandon Avery Phone 214-686-6495 Email Address bma0012@gmail.com  
Signature of Permit Applicant Brian Avery Please Print Name Brian Avery

Building Permit Fee \$ _____	Electrical Fee \$ _____	Water Impact Fee \$ _____
Plan Review Fee \$ _____	Mechanical Fee \$ _____	Sewer Impact Fee \$ _____
Contractor Registration \$ _____	Plumbing Fee \$ _____	Roadway Impact Fee \$ _____
		Sanitary Sewer Camera Fee \$ _____

Released for Construction \_\_\_\_\_ Date OCT 28 2020  
CITY OF KELLER BUILDING SERVICES SUBJECT TO FIELD INSPECTION

1100 Bear Creek Pkwy. KELLER TEXAS 76248 P. O. Box 770 KELLER TEXAS 76244 building@cityofkeller.com www.cityofkeller.com TELEPHONE: 817-743-4110 FAX: 817-743-4123

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### Variance Requests:

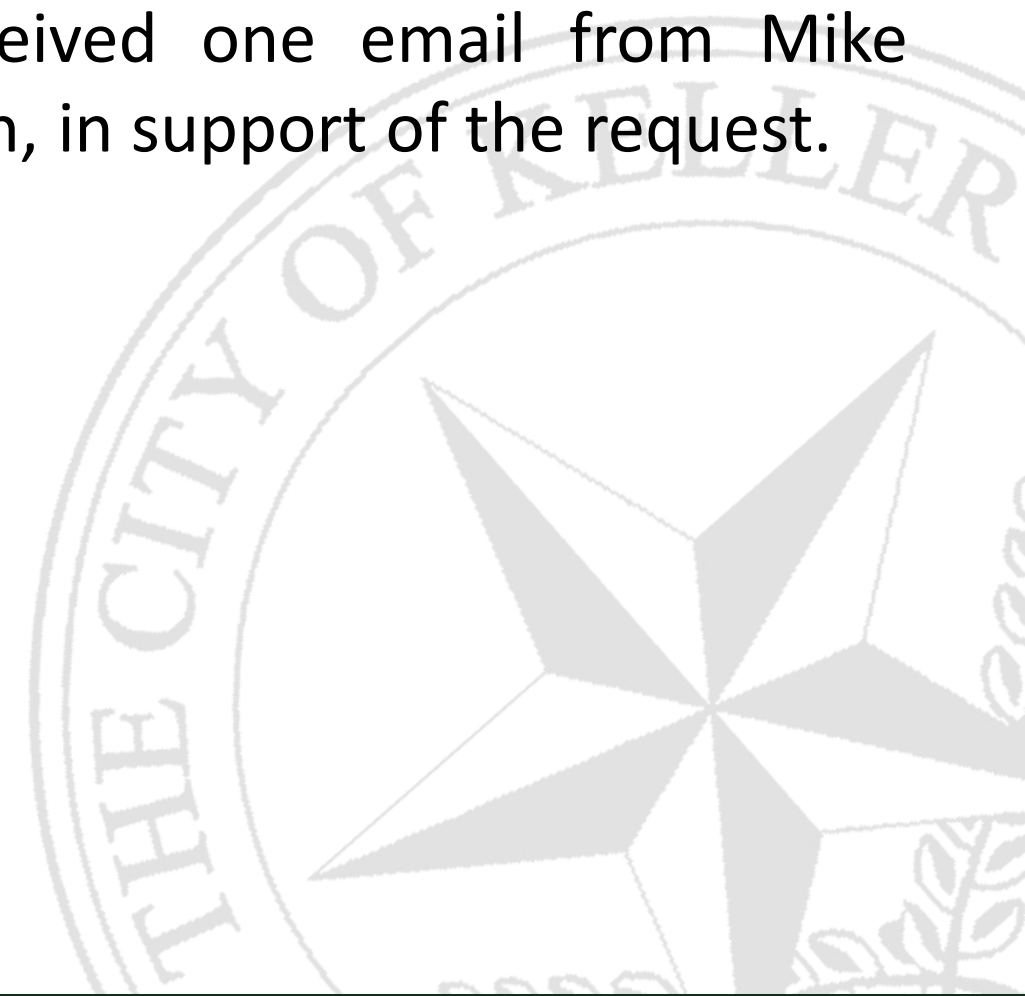
1. Decrease the Minimum Dwelling Size to 2,000 square feet in lieu of the 2,400-square-foot requirement. (A minimum dwelling size of 2,000 square feet is equal to the SF-15 zoning district.)
2. Increase the main building lot coverage to 35 percent in lieu of the 30 percent requirement in the SF-36 zoning district. (Thirty-five percent is permitted in SF-8.4 through SF-15.)
3. Increase the maximum lot coverage to 55 percent in lieu of the 50 percent requirement of all UDC residential zoning districts. (The 50 percent lot coverage including accessory buildings, driveways, and parking areas is uniform throughout the UDC.)

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Variance Request	Applicant Request	SF-36	SF-20	SF-15	SF-10	SF-8.4
Min. Dwelling Size	2,000 sf	2,400 sf	2,200 sf	2,000 sf	1,600 sf	1,400 sf
Max. Lot Coverage	35%	30%	30%	35%	35%	35%
Max. Main Building Coverage	55%	50%	50%	50%	50%	50%

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Variance requests do not require any public hearings per the Unified Development Code. However, staff has received one email from Mike Garabedian, owner of one lot in the subdivision, in support of the request.





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On April 13, 2021, the Planning and Zoning Commission voted 7-0 to recommend denial.

They referred to the Variance Decision Chart provided by the City Attorney. The first consideration of the Chart requires a “special condition inherent to the property.” The Commission found there was no such inherent condition on any of the 21 lots and therefore could not support the request.

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Section 2.07 (A)(2) of the UDC states that when considering a variance request, 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.

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The City Council has the following options when considering a Variance 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 as recommended by the Planning and Zoning Commission



**Questions?**  
**Julie Smith**  
**817-743-4125**

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