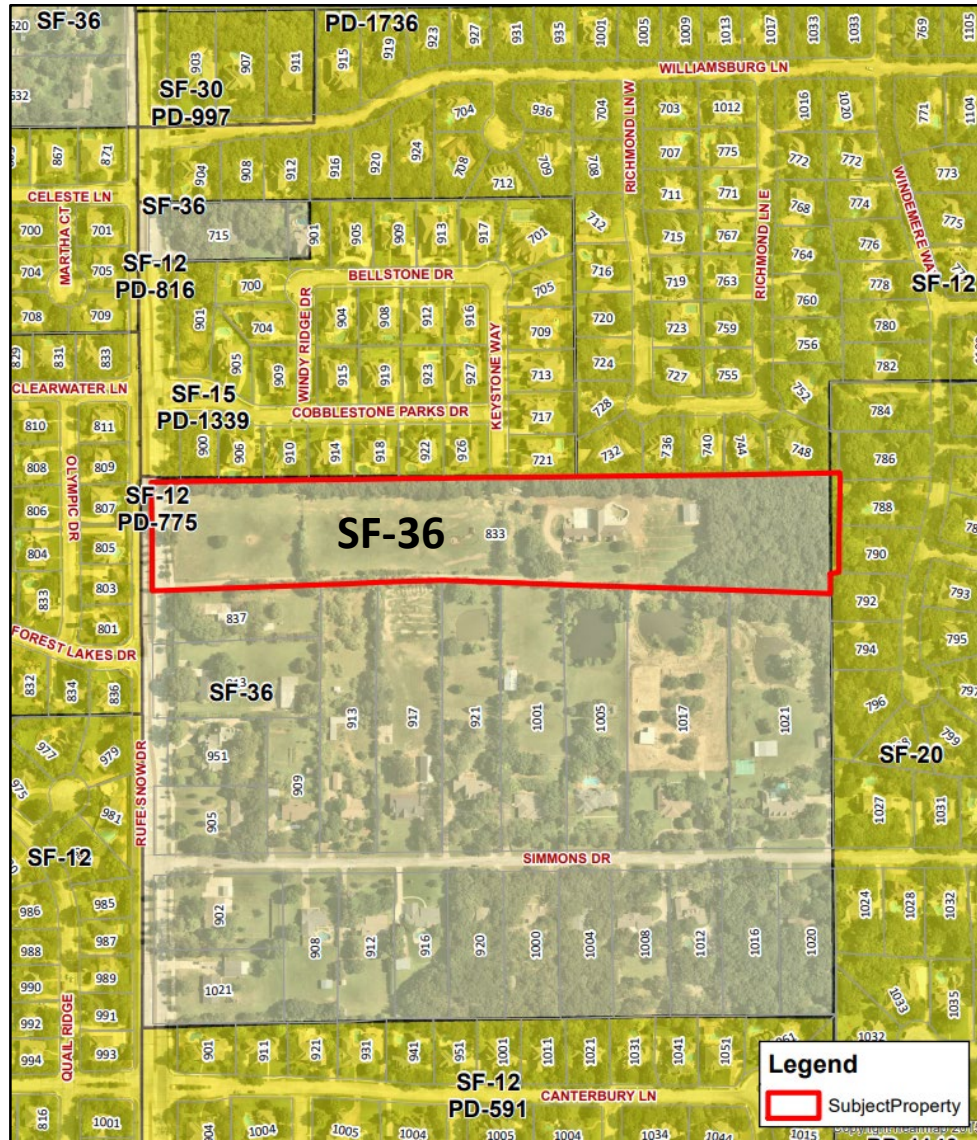


## Item G-1

Consider an ordinance approving a Specific Use Permit (SUP) for the 800 square-foot expansion of an existing 1200 square-foot accessory structure on property legally described as Lot 1A, Block 1, of the William Slaughter Addition, being 9.83-acres located approximately 200 feet southeast of the intersection of Rufe Snow Drive and Cobblestone Parks Drive, zoned Single-Family Residential - 36,000 Square-Foot Lots (SF-36), addressed as 833 Rufe Snow Drive. Jeffrey and Loren Abate, Applicants/Owners. (SUP-21-0028)

# Item G-1 Zoning Map



Zoned:  
SF-36

# Item G-1 Aerial View



## Item G-1

### **Request:**

The applicant is requesting a Specific Use Permit (SUP) to allow the use of a 2,000-square-foot accessory structure in the SF-36 zoning district by expanding the existing 1,200-square-foot barn by 800 square feet (300 square feet enclosed addition and a 500-square-foot lean-to).

### **Why Action is Required:**

According to Section 4.03(D) of the UDC, SUPs may be approved by City Council after a recommendation by the Planning and Zoning Commission for specific uses with certain conditions and development restrictions in order to be considered compatible in a district where they are not allowed by right. An SUP is required for accessory structures greater than 1,200 square feet in the SF-36 zoning district.

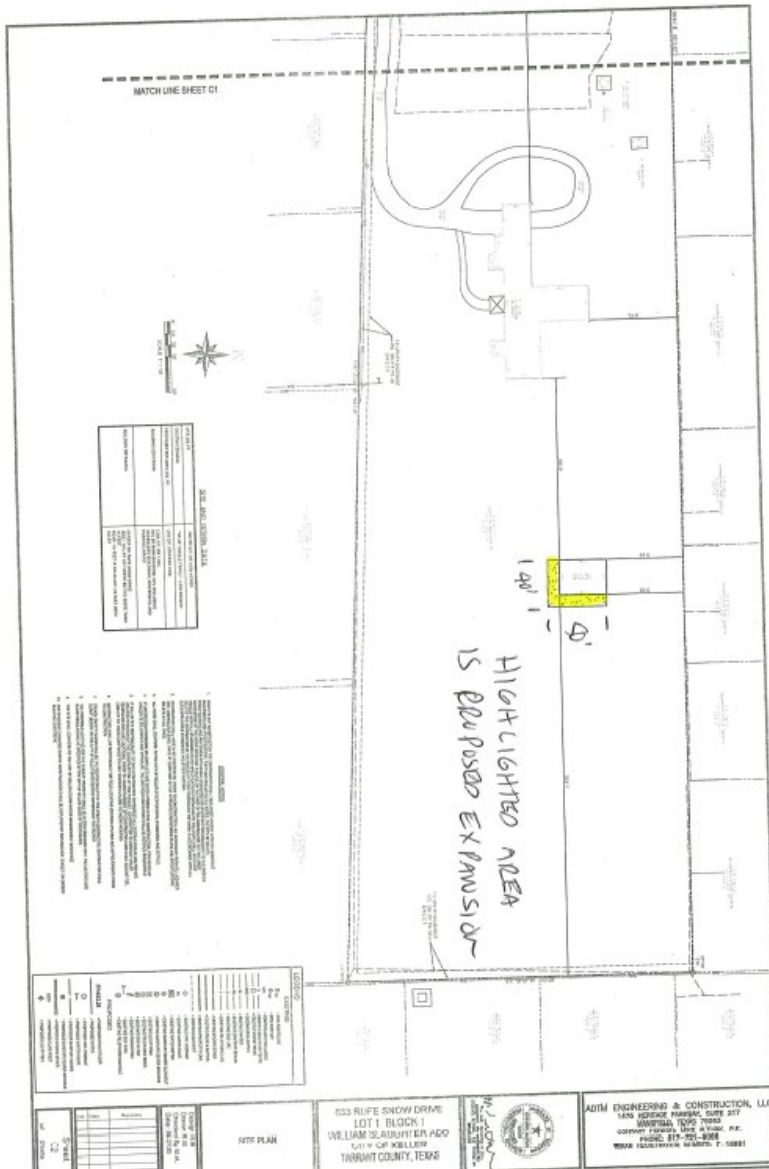
## Item G-1

### **Background:**

The applicants brought forward a request to the Planning and Zoning Commission on Oct. 27, 2020 for a 2,000-square-foot barn. Primarily because the structure had already been built without a permit (and there were other outstanding issues related to the home remodel), the Commission recommended Council deny by a vote of 7-0. After the Commission's meeting, the applicants withdrew the request and demolished part of the structure so that it was 1,200 square feet enclosed. On Dec. 9, 2020, the applicants obtained the building permit for the structure bringing it into compliance.

The applicants would now like to expand the size of the structure (barn) for agricultural purposes – feed, supplies, and other things necessary to raise the family's livestock (longhorns, horses, donkeys and goats).

## Item G-1



- The existing 1,200-square-foot structure is 64.8' away from the north (side-yard setback) property line, the closest property line to the structure. The UDC requires a 15-foot side-yard setback.
- The combined area of all accessory structures on the lot is 45% of the main structure's size, meeting the 50% maximum requirement.
- With the addition to the barn, the total lot coverage would be 7,388 square feet or 1.73% (all accessory buildings, driveways, and the main building) which would comply with the current zoning district's 50% lot coverage maximum.

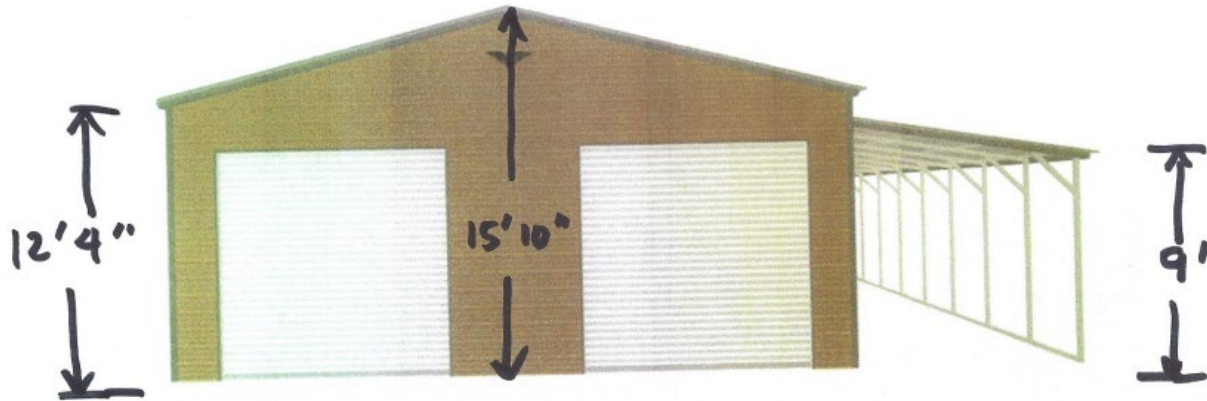
# Item G-1 Existing Structure



# Item G-1

## PROPOSED BARN EXPANSION

NO CHANGES TO CURRENT ROOF LINE



BARN EXPANSION:

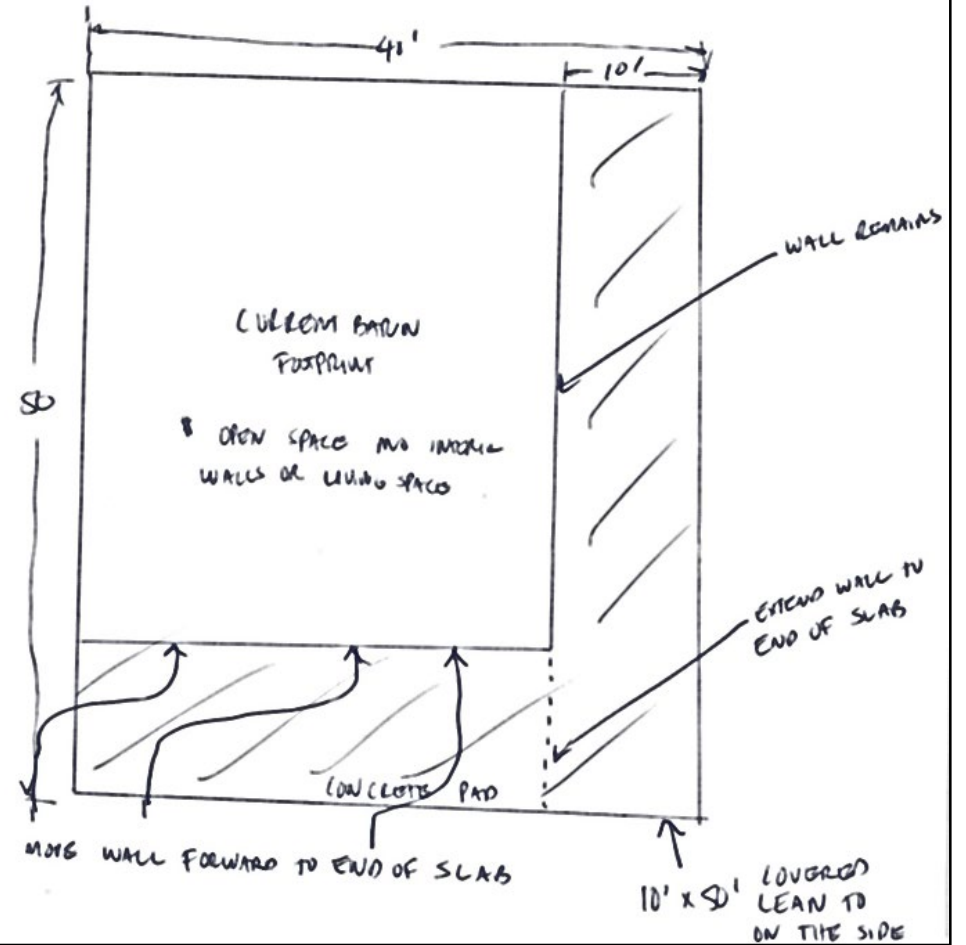
10' x 30' =  
300 SQ FT

LEAN TO:

10' x 50' =  
500 SQ FT

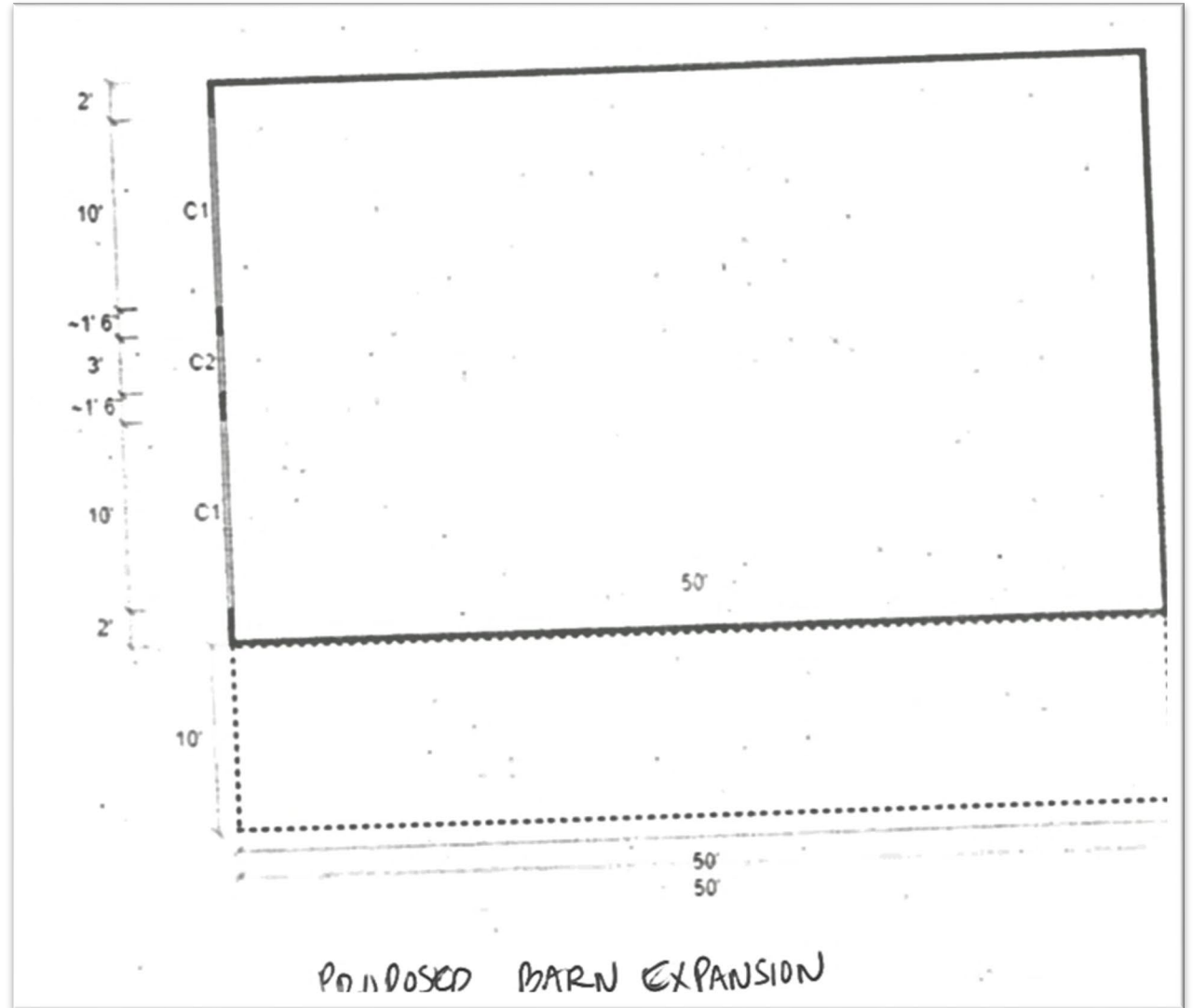
800 SQ FT TOTAL EXPANSION

## CURRENT BARN + PROPOSED BARN EXPANSION



# Item G-1

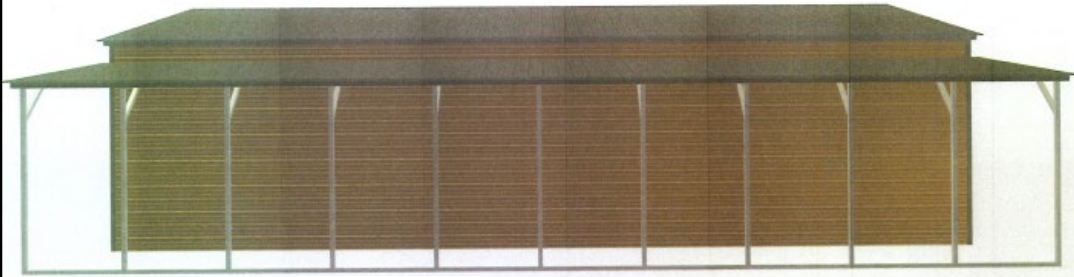
## Proposed Floor Plan



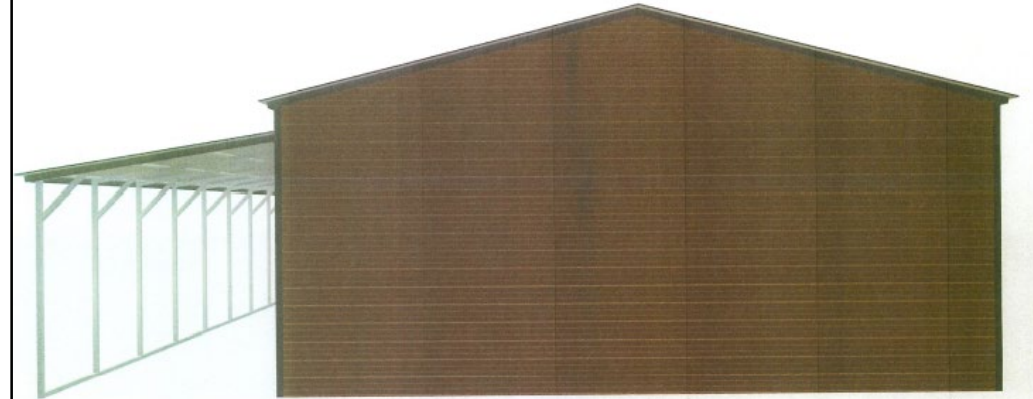


# Item G-1

East



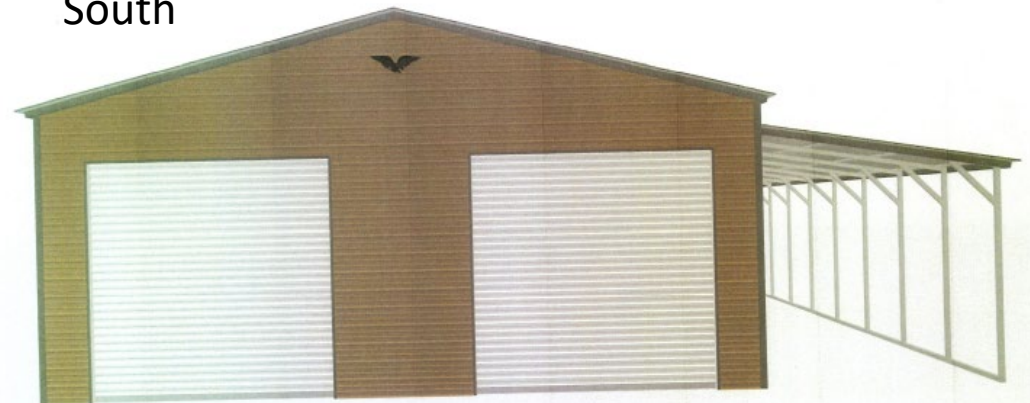
North



West

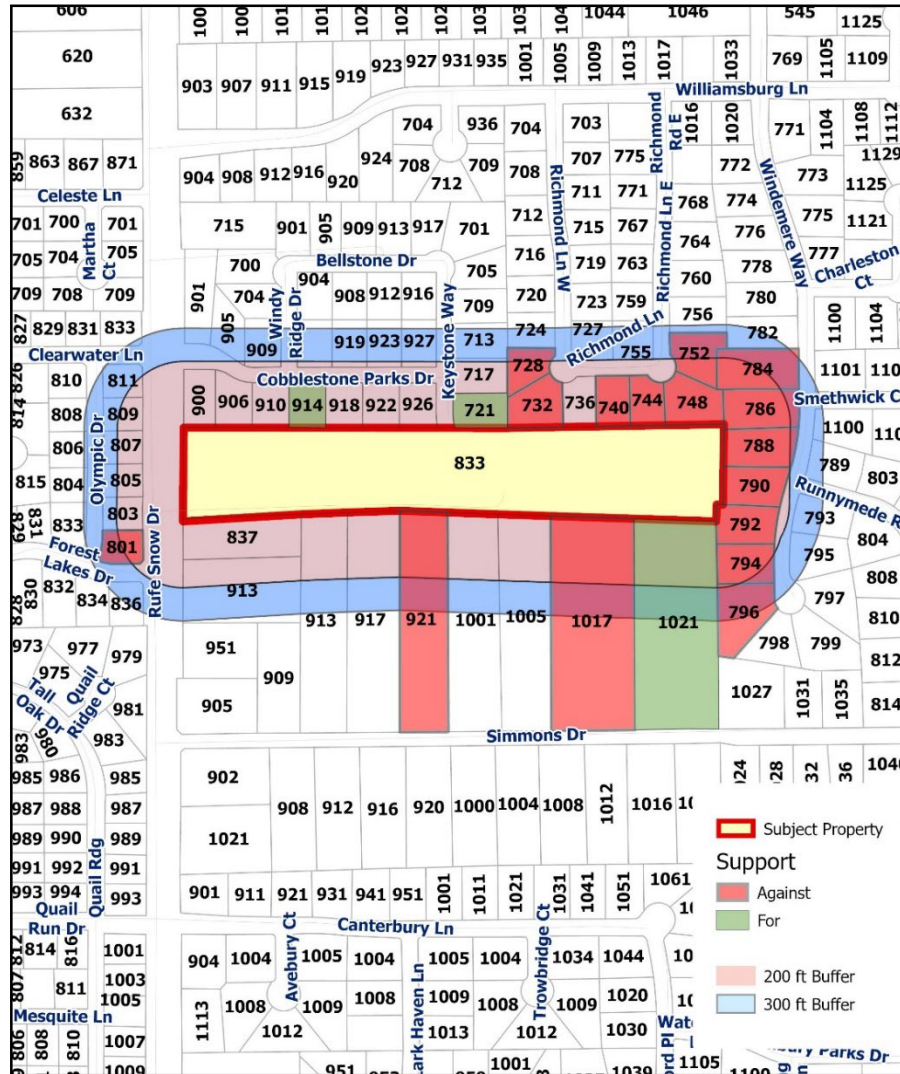


South



Proposed Elevations

# Item G-1



- On Sept. 17, 2021, the City mailed 63 Letters of Notification for this public hearing to all property owners within three-hundred feet (300') of the subject site. A public hearing notice sign was also posted on the site on Sept. 17, 2021.
- As of Oct. 12, 2021, staff had received 3 letters of support (representing 3 lots) and 28 signatures in opposition (representing 16 lots) with 6.84 acres inside the 200' buffer area. With an opposition rate of 33.1%, super majority was invoked.

# Item G-1

## Planning and Zoning Recommendation:

On Sept. 28, 2021, the Planning and Zoning Commission unanimously recommended approval by a vote of 5-0 for the SUP request. The Commission recognized applicants' extensive efforts to bring the property into compliance and also noted the proposed metal structure was consistent with other structures in the neighborhood.

The Commission was concerned with the lack of neighborhood support but stated issues between neighbors were a civil matter and strongly urged the applicants to work with their neighbors. As a result, several emails were exchanged regarding planting trees between the barn and the north property line.

## Item G-1

### **Planning and Zoning Recommendation, cont.:**

The Commission was of the opinion that had the Applicant applied for an SUP in 2020 instead of constructing the original accessory structure without a permit, the Commission would have recommended approval of the SUP request. The Commission also expressed their appreciation to the Applicant for bringing all issues related to his property in compliance and recognized the expense of doing so.

The applicants were present. No person spoke in favor and two persons spoke in opposition.

## Item G-1

### **Council Action:**

On Oct. 19, 2021, the City Council tabled the item to October 2022 to be able to confirm the Owner established trees to screen the barn from the neighbor's view. At that time, Council did not specify species and/or caliper inches of trees to be planted for screening purposes.

On Nov. 1, 2021, Jeff Abate (Owner) sent staff photos showing nine trees placed around the barn and requested the SUP request be removed from the table and considered.

On Nov. 16, 2021, the City Council moved to remove the SUP request from the table and consider the item at its Dec. 7, 2021 meeting.

# Item G-1

## Council Action cont'd:

As of Nov. 23, 2021, the Owner planted a total of 12 trees around the barn. Trees include:

Side of barn (facing Owner's home):

- 4 - 1.5 caliper-inch Cleveland Select Flowering Pear (15 gallon)

Rear of barn (screen from neighbor):

- 2 - 1.5 caliper-inch Live Oak (15 gallon) - evergreen
- 2 - 3 caliper-inch Shumard Oak (30 gallon)
- 1 - 5 caliper-inch Bald Cypress (45 gallon)
- 3 - 4.5 caliper-inch Leyland Cypress (45 gallon) - evergreen

# Item G-1

Rear of barn (screen from neighbor)



## Item G-1



**Side of barn (facing Owner's home)**



## Item G-1

**Section 8.02 (F)(2)(a) of the UDC states that when considering a SUP request, the Planning and Zoning Commission and 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) Any additional conditions specified ensure that the intent of the district purposes are being upheld.

## Item G-1

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

- 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?  
Julie Smith  
817-743-4130**