



Legislation Details (With Text)

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Title: Consider a resolution approving three variances to Section 8.03 of the Unified Development Code for a Final Plat for Lot 1, Block A, Mitchell Estates, being 0.56-acres located on the west side of Randol Mill Avenue, zoned Single Family 36,000 Square-Foot lots (SF-36) and currently addressed as 1420 Randol Mill Avenue. Distinguished Custom Homes, Applicant; Edward and Shearon Mitchell, Owners. (P-21-0028)
Attachments: 1. Zoning Map, 2. 1420 Randol Mill Plat Application, 3. Exhibit B - Plans.pdf, 4. Exhibit A - Plat.pdf

Table with 5 columns: Date, Ver., Action By, Action, Result. Row 1: 9/28/2021, 1, Planning & Zoning Commission

To: Planning and Zoning Commission

From: Trish Sinel, Senior Planner

Subject:

Consider a resolution approving three variances to Section 8.03 of the Unified Development Code for a Final Plat for Lot 1, Block A, Mitchell Estates, being 0.56-acres located on the west side of Randol Mill Avenue, zoned Single Family 36,000 Square-Foot lots (SF-36) and currently addressed as 1420 Randol Mill Avenue. Distinguished Custom Homes, Applicant; Edward and Shearon Mitchell, Owners. (P-21-0028)

Request:

The Applicant is requesting three (3) variances to the lot size regulations of the SF-36 Zoning district, specified in Section 8.03 of the Unified Development Code (UDC), for a Final Plat.

Why Action is Required:

Section 2.07 of the UDC states a variance or deviation may be granted when special conditions exist that prevent the strict compliance of the Code.

Background:

Prior to 2013, the Texas Department of Transportation (TxDOT) acquired almost half of this tract to the expansion of FM 1938 (Randol Mill Avenue). The existing house was demolished, leaving the tract of land undeveloped.

In 2013, an application for three variances was submitted to and approved by the Zoning Board of Adjustment by a previous land owner. Based on the proposed house plan, the three variances approved were:

- 1. A 7' privacy fence in front of the main structure
2. To reduce the front yard setback to 20'
3. Increase lot coverage to 57% from 50%

However, as a building permit was not applied for, the variances expired.

The Applicant is also requesting three UDC variances due to lot constraints, to accommodate building a different house. These variance will result in a lot and building envelope that more closely meets the zoning requirements than the three variance granted in 2013.

Variance Requests:

The Applicant is requesting the following variances to the lot size regulation of the SF-36 zoning district:

1. A UDC Variance request to the lot depth requirements for a 119.2' lot depth average requirement in lieu of the required 200' requirement.
2. A UDC Variance request for to the area requirements for a 24,393 square-foot lot in lieu of the required 36,000 square-foot lot minimum.
3. A UDC Variance request for 25' setback in lieu of a 60' setback required on thoroughfares.

SF-36) Zoning District Standards:

Size of Lots

1. Minimum Lot Area - Thirty-six thousand (36,000) square-feet. Variance needed for 24,393 square-feet.
2. Minimum Lot Width - One hundred fifty feet (150').
3. Minimum Lot Depth - Two hundred feet (200'). Variance needed for average lot depth of 119.2 feet.

Setbacks

1. Minimum Front Yard - Sixty feet (60'). Variance needed for 25 feet (25').
2. Minimum Side Yard - Exterior, fifteen feet (15'); interior, none; thoroughfare, thirty feet (30').
3. Minimum Rear Yard - Fifteen feet (15').

Proposed Plat Development Standards:

- Lot Area - 24,393 square-feet (variance requested)
- Lot Width - 207.49 feet
- Lot Depth - 105.15 feet' (north end) and 133.25 feet (south end) for an average lot depth of 119.2 feet (variance requested)
- Front Setback (east) - 25 feet (variance requested)
- Side Yard Setback (south) - 15 feet
- Side Yard Setback (north) - 15 feet
- Rear Setback (west)- 15 feet

Citizen Input:

Variances to the UDC do not require a Public Hearing.

Summary:

According to section 2.07 (A)(2) of the Unified Development Code, the Planning and Zoning Commission and City Council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning and Zoning Commission and City Council finds:

- 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.

Alternatives:

The Planning and Zoning Commission has the following options when considering a UDC variances to a final plat:

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

City Council Action:

If the Planning and Zoning Commission takes action and makes a recommendation on this agenda item, this application will be scheduled for City Council action on October 19, 2021.