



Legislation Details (With Text)

File #: 24-328 Version: 1
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On agenda: 7/16/2024 Final action: 7/16/2024

Title: PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a 1,250 square-foot detached garage with an average height of approximately 17 feet, with a variance to allow the structure to be located in front of the home, on 1.77 acres of land, 500 feet southeast of the Bourland Road and Lavena Street intersection, legally described as Lot 1, Block 1 of the Diemand-Mueller Addition, zoned Single-Family 36,000 minimum square-foot lots (SF-36), and addressed 569 LaVena Street. Lisa Diemand and Robert Mueller, Owners. Pentavia Custom Homes, Applicant. (SUP-24-0018)

Attachments: 1. 071624\_569 Lavena Ordinance, 2. 071624\_569 Lavena SUP\_MAPS, 3. 071624\_569 Lavena SUP\_Application-Letter-Elevations, 4. H-1 569 Lavena SUP Presentation

Table with 5 columns: Date, Ver., Action By, Action, Result. Rows show actions taken on 7/16/2024 by City Council, including 'close the public hearing' and 'approve', both resulting in 'Pass'.

To: Aaron Rector, Interim City Manager

From: Sarah Hensley, Director of Community Development

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a 1,250 square-foot detached garage with an average height of approximately 17 feet, with a variance to allow the structure to be located in front of the home, on 1.77 acres of land, 500 feet southeast of the Bourland Road and Lavena Street intersection, legally described as Lot 1, Block 1 of the Diemand-Mueller Addition, zoned Single-Family 36,000 minimum square-foot lots (SF-36), and addressed 569 LaVena Street. Lisa Diemand and Robert Mueller, Owners. Pentavia Custom Homes, Applicant. (SUP-24-0018)

Background:

The Applicant recently subdivided the property at 569 LaVena Street into two residential lots and has already submitted a building permit for the home planned for the western-most lot. The home includes a two-car garage, and the Applicant wishes to construct an additional 1,250 square-foot detached garage in front of the home. The Applicant selected the location in front of the home to minimize the number of trees removed on the property for construction.

There are two SUP triggers for the proposed structure:

- 1. An SUP for exceeding 1,200 square-feet for any accessory structure in the SF-36 zoning district. (UDC Section 8.04 (2)(g)(2) restricts the maximum square footage of a detached accessory building in SF-36 to 1,200 square feet unless approved by a SUP.)
2. An SUP to allow the maximum height of the accessory structure to exceed an average of 15 feet. (UDC Section 9.06(9) restricts the height of accessory buildings to 15' unless approved by SUP.

### **Site Design:**

The new proposed home is 6,757 square-feet with the front façade facing west towards a circle drive. The detached garage will be located southwest of the home with access off the same circle drive. Unified Development Code (UDC) Section 9.06(A)(5) states that “Detached accessory buildings shall be prohibited in front of the main building.” The Applicant seeks a variance as part of this SUP request to allow the detached garage to be positioned in front of the home.

The Applicant intends to meet all other UDC guidelines and setbacks for the SF-36 zoning district.

### **Elevations:**

The new home and detached structure will be constructed of the same materials, primarily stone with wood accents and composite shingle roofs. Elevations of both structures are included in the agenda packet.

### **Summary:**

Section 8.02 (F)(2) of the UDC states that when considering a 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.

### **Citizen Input:**

On June 13, 2024, the City mailed out 18 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 posted on the site.

Staff has received no letters of support or opposition in response to this SUP request.

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

At the June 25, 2024 Planning and Zoning Commission meeting, Commissioners unanimously recommended approval of the SUP request as presented.

### **Alternatives:**

The City Council has the following options when considering a Specific Use Permit:

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

