



## Legislation Details (With Text)

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<b>Type:</b>	New Business	<b>Status:</b>	Approved
<b>File created:</b>	12/6/2018	<b>In control:</b>	City Council
<b>On agenda:</b>	12/18/2018	<b>Final action:</b>	12/18/2018
<b>Title:</b>	Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow an existing 17.92 foot street width frontage and to extend into the lot for approximately 385 feet, located on a 4.75 acre tract of land, being Lot 8A of the Estes Farm Tracts, located on the south side of Shady Grove Road, approximately 440 feet southwest of the intersection of Keller Smithfield Road and Shady Grove Road, at 7224 Shady Grove Road, and zoned Single Family Residential - 36,000 square-foot lot size minimum (SF-36). Richard Holmes, applicant. Tina Pizarro, Pizarro Properties, owner. (UDC-18-0023)		
<b>Attachments:</b>	1. 121818_ShadyGrove-UDCVariance_ProposedResolution, 2. 121818_ShadyGrove-UDCVariance_ExhibitA_Application, 3. 121818_ShadyGrove-UDCVariance_Maps, 4. 121818_ShadyGrove-UDCVariance_StaffAttachment, 5. H-4 Presentation		

Date	Ver.	Action By	Action	Result
12/18/2018	1	City Council	approve	

**To:** Mark Hafner, City Manager

**From:** Katasha Smithers, Planner I

### Subject:

Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 5, Subdivision Design and Improvement Requirements, Section 5.13, Lots, to allow an existing 17.92 foot street width frontage and to extend into the lot for approximately 385 feet, located on a 4.75 acre tract of land, being Lot 8A of the Estes Farm Tracts, located on the south side of Shady Grove Road, approximately 440 feet southwest of the intersection of Keller Smithfield Road and Shady Grove Road, at 7224 Shady Grove Road, and zoned Single Family Residential - 36,000 square-foot lot size minimum (SF-36). Richard Holmes, applicant. Tina Pizarro, Pizarro Properties, owner. (UDC-18-0023)

### Background:

- The property was first platted in 1949 as Estes Farm Tracts.
- According to City of Keller's Annexation map, this property was annexed in 1969.
- According to the Tarrant Appraisal District, the house was built in 1973 for Tract 8A.
- According to Tarrant County Records, the property was subdivided and sold by metes and bounds in September 1991 and 1993. At this time, the property should have been replatted before being sold.
- In 1991, 1996, and 2002, 7220 Shady Grove Road was sold by metes and bounds and

recorded with Tarrant County several times without the city's knowledge.

- In 1993, 1994, 1995, 2005, 2006, 2011 and 2014, 7224 Shady Grove Road was sold by metes and bounds and recorded with Tarrant County several times without the city's knowledge.
- In 2002, an SUP was approved by City Council for a commercial stable business per Ordinance number 1099.
- In 2004, an SUP was approved by City Council for the continuance of the commercial stable business per Ordinance number 1244.
- On May 1, 2018, City Council approved an amendment to the UDC effecting changes regarding flag type lots and the subsequent requirements to either conform to a fifty foot (50') right of way or a sixty foot (60') access easement.
- In July 2018, staff met with the owner for the adjacent property, being 7220 Shady Grove Road regarding the process to obtain a building permit to construct a new home. During the meeting, staff noted that Lot 8 was not ever replatted into two (2) lots and would need to come in compliance.

#### **Lot Standards:**

Section 5.13 (B) of the UDC states:

*Each residential lot shall front on a dedicated public/private street right-of-way or an approved recorded paved public/private access easement (see Section 5.04 Private Street Developments). Each lot shall meet the minimum required lot width at the front building setback line and for the entire depth of the property from the front property line to the rear property line. The minimum width of access easements for all platted/replatted lots, from the date of the adoption of this Code shall be sixty feet (60'). All access easements shall be listed as a public/private access/public drainage/utility easement. The paving standards for the access easements shall be in accordance with the Design Standards and Technical Construction Standards of this UDC (Section 5.23). Fire Department access shall be provided to all lots as required per the adopted Fire Code. The minimum width of pavement for an access easement shall be twenty-four feet (24'). Access easements that serve more than three (3) lots shall comply with the requirements established in Section 5.04 - Private Street Developments. Access easements shall be owned and maintained by the homeowners, PID or Home Owners Association (HOA) when applicable."*

#### **Variance Request:**

1. To allow a 17.92 foot access easement in lieu of the required sixty foot (60') access easement.
2. To allow a 17.92 foot street width frontage into the lot for approximately 385 feet.

#### **Summary:**

UDC variances require consideration by the Planning & Zoning Commission and City Council. If this UDC variance request was to be approved by the City, then the applicant would be allowed to move forward with the platting process.

Section 2.07(A.2) of the UDC, lists criteria for approval of a variance.

- 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.

### **Professional Analysis and Opinion:**

Staff's professional analysis and opinion is **supportive** of this unique request. The reasoning behind this support is due to historical factors such as both properties have been in existence for over 25 years, staff feels as if this is not a self-created hardship to the current property owners.

For both properties to come into compliance, a UDC Variance is required for the existing flag type lot, located at 7224 Shady Grove Road. In order for either of the properties to be sold, both properties would need to be included in a replat.

Staff forwards this UDC variance request for City Council consideration with the following conditions:

1. To allow a 17.92 foot access easement in lieu of the required sixty foot (60') access easement.
2. To allow a 17.92 foot street width frontage into the lot for approximately 385 feet.

### **Board Opinion:**

On December 10, 2018, Planning and Zoning Commission recommended to approve by a vote of 7-0.

### **Alternatives:**

The City Council has the following options when considering a UDC variance request application:

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