



## Legislation Details (With Text)

**File #:** 21-466      **Version:** 1

**Type:** New Business      **Status:** Agenda Ready

**File created:** 7/21/2021      **In control:** City Council

**On agenda:** 8/3/2021      **Final action:**

**Title:** PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a 600 square-foot carport situated on a .67-acre tract of land, located on the north side of Lazy Lane, approximately 425 feet northeast from the intersection of Lazy Lane and N Pearson Lane, legally described as Lot 22, Block 3 Hickory Hollow Estates, zoned Single Family - 20,000 square-foot lot (SF-20), located at 2009 Lazy Lane. Marc Clemons, Owner/Applicant. (SUP-21-0015)

**Attachments:** The Applicant has requested to table this item to the August 17, 2021 Regular City Council Meeting.

1. 080321\_Carport SUP\_Proposed Ordinance, 2. 080321\_Carport SUP\_Aerial and Zoning Maps, 3. 080321\_Carport SUP\_Staff Attachment A- Application and Plans, 4. 080321\_Carport SUP\_Staff Attachment B- Opposition Letters, 5. 080321\_Carport SUP\_Staff Attachment C- Opposition Map, 6. 080321\_Carport SUP\_Staff Attachment D- Pictures, 7. 080321\_Carport SUP\_Staff Attachment E- Email Requesting to Table, 8. Item H-4 Carport SUP Presentation

Date	Ver.	Action By	Action	Result
8/3/2021	1	City Council	continue	Pass

**To:** Mark Hafner, City Manager

**From:** Julie Smith, Community Development

### Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for a 600 square-foot carport situated on a .67-acre tract of land, located on the north side of Lazy Lane, approximately 425 feet northeast from the intersection of Lazy Lane and N Pearson Lane, legally described as Lot 22, Block 3 Hickory Hollow Estates, zoned Single Family - 20,000 square-foot lot (SF-20), located at 2009 Lazy Lane. Marc Clemons, Owner/Applicant. (SUP-21-0015)

**The Applicant has requested to table this item to August 17, 2021.**

### Background:

- Staff received a complaint on February 22, 2021, regarding a carport that was built. Upon investigation, Staff found there was no Building Permit or SUP obtained for the carport.
- Staff sent a courtesy notice to the property owner on February 25, 2021, informing the owner of the current violations. Staff informed the Owner of the correct procedure to permit his carport over the next month. Due to a lack of following through by the applicant with the requisite permits, Staff sent another warning letter on March 23, 2021.
- The Owner submitted his SUP Application on April 19, 2021. The application lacked several items and required an inspection before moving forward to P&Z.

- Staff worked with the Owner over the next six weeks to gather the correct documentation. Once the correct documentation was gathered, the Owner scheduled an inspection with Staff on May 18, 2021. Staff confirmed the plans submitted for the SUP matched the structure that was built.
- The primary use of the 600 square-foot carport is currently utilized to cover the Owner's boat.

**SUP Requests:**

1. An SUP to allow the use of a carport. (A carport requires an SUP in all residential zoning districts.)

**Building Size:**

The Applicant has built a 600 square-foot carport to cover the Owner's boat.

**Building Location:**

UDC Section 8.06 (A.) (f) states that all detached carport must shall be located in the rear of the property. The location of the carport is in compliance with the UDC.

**Building Exterior:**

The UDC Section 8.06 (A.) (f) states that columns and roof structure must be compatible both in design and materials with the main structure.

The building is 100% metal and the columns/roof structure would not be the same materials as the existing structure, which is 100% brick.

**Building Height:**

UDC Section 8.10 (A) (9) states the maximum height of the building shall not exceed an average of 15 feet unless approved by a SUP.

The structure has an average height of 13' 6" feet.

**Zoning Regulations:**

The lot setbacks are determined by SF-36 zoning district standards in UDC Section 8.03 (C) (4) The minimum front yard building setback is 60 feet for a SF-36 lot on a thoroughfare. The side-yard setback is to be ten percent of the lot width but no more than 15 feet. The minimum rear-yard setback is 15 feet. The structure is proposed to be 18 feet away from the east (side-yard setback) property line.

The structure currently meets all the setback requirements.

**Lot Coverage:**

The lot size is 29,410 square-feet. The total lot coverage is 4,928 square-feet. The total lot coverage would be 16.75% (all accessory buildings, driveways, and the main building) which complies with the current zoning district's 50% lot coverage maximum.

**Summary:**

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) That any additional conditions specified ensure that the intent of the district purposes are being upheld.

**Citizen Input:**

On July 2, 2021, the City mailed out 20 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 July 2, 2021.

As of July 26, 2021, Staff has received six letters of opposition. All six letters are from property owners within the 200' buffer accounting for 49.84% of the land in opposition. Consequently, a supermajority will be required at City Council as of July 8, 2021.

**Planning and Zoning Recommendation:**

On July 13, 2021, the Planning and Zoning Commission unanimously recommended denial of the item.

**Alternatives:**

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

- Approve.
- Approve with modified 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

**Supporting Documents:**

- Aerial and Zoning Maps
- Staff Attachment A- Application
- Staff Attachment B- Opposition Letters
- Staff Attachment C- Opposition Map
- Staff Attachment D- Pictures

