



City of Keller

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Legislation Text

File #: 16-339, **Version:** 1

To: Mark Hafner, City Manager

From: David Hawkins, Planning Manager

Subject:

Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.10, Accessory Buildings, for an accessory building to be located in front of the main structure, for Lot 1R-2R-1, Block A, Lord Addition, located on a total of 4.18-acres of land, on the east side of Whitley Road, approximately 1,150 feet south of Rapp Road, at 1455 Whitley Road, and zoned SF-36 (Single Family Residential-36,000 square-foot minimum). John and Mary Lord, owners/applicants. (UDC-17-0009)

Action Requested:

Consider a resolution approving a variance to the City of Keller Unified Development Code, Article 8, Zoning/Development Standards, Tree Preservation, Section 8.10, Accessory Buildings, for an accessory building to be located in front of the main structure.

Background:

The zoning for the subject properties was established in 1992 as part of the city wide rezoning effort.

The Lord property does contain split zoning between SF-8.4 and SF-36, however the SF-8.4 area only encompasses the twenty-five foot wide strip of land used for access to Whitley Road. The majority of the lot is zoned as SF-36. The property was originally platted in July 2003 for the purposes of constructing a single-family dwelling. The property was then replatted in December 2011 which subdivided the property leaving the existing home on Lot 1R-1 and creating a vacant Lot 1R-2. The 2011 replat also established a significant drainage easement along the eastern portion of Lot 1R-2 (now Lot 1R-R2-1).

A replat was approved on May 9, 2016 by the Planning and Zoning Commission to subdividing the subject lot into its current configuration, Lot 1R-2R-1, Lord Addition, being 4.18-acres and Lot 2, Underwood Addition, being 1.59-acres.

There is an existing metal barn on Lot 1R-2R-1. The barn was approved to be constructed without a primary structure by Ordinance No. 1153. No other structures are located on the subject property.

Analysis:

The purpose of this variance request is to allow a house to be built behind the existing accessory building.

UDC Section 8.10 (A.5) prohibits accessory buildings from being built in front of the primary structure.

The existing barn is approximately fifty feet (50') from the front property line.

Variance Request:

Any home built on this property would have to be placed behind the existing barn. The applicant has indicated that they are attempting to sell the property and would like to present the property with all entitlements necessary to allow a purchase to build immediately.

Surrounding Zoning & Land Uses:

North: Single Family Residences, zoned SF-36.

South: Calais Estates, a single family residential subdivision zoned SF-36.

East: Single Family Residences, zoned SF-36.

West: Single Family Residences, zoned SF-8.4

Variances Requested:

The applicant is requesting one (1) variance to the UDC with this application:

1. A variance is requested to allow an accessory building to be located in front of the main structure.

Summary:

UDC variances require consideration by the P & Z Commission and City Council. The applicant is requesting one (1) variance to be considered. If this UDC variance request were to be approved by the City, then the applicant would be allowed to move forward with a building permit for the proposed new single-family residence.

Section 2.07(A.2) of the UDC, lists criteria for approval of a variance. Staff's comments are added in bold italics.

- 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.

The barn is an existing condition. Two options are available to build a single family house on this property.

- 1. The existing barn must be demolished or moved.***
- 2. A variance is required to allow the accessory building to remain and a single family residence to be constructed behind it.***

A strict application of the code would require the applicant/home builder to remove the existing structure prior to constructing a house on the property.

- 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.

The barn is approximately six hundred feet (600') from the Whitley Road and is not visible from the street. The properties that would be most impacted by this request would be the Calais Estates to the south and the single family residences to the north. No house plans have been provided to evaluate the layout of the property. No other variances are being

requested and staff does not anticipate that the approval of this variance would be detrimental to public health, safety, physically injurious to adjacent properties.

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.

Most properties surrounding the subject property is already developed. This will not affect the orderly subdivision of the land.

d. That the granting of the variance will not constitute a violation of any other valid ordinance of the City of Keller.

This 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.

The intent of the code is to require that the primary structure serves as the basis for the aesthetic properties of a residential lot. Per the UDC, the accessory building exterior and roof must match the house, and the accessory building to be located on the side or rear of the property and not in front of the primary structure. Accessory buildings are meant to be supportive or incidental to primary structures with sharing the uses allowed by the zoning code. The exception is for accessory buildings used for agricultural purposed on tracts of land without a primary structure.

Strict compliance would result in the City requiring the accessory building (which was approved by SUP) to be demolished prior to any home construction.

Citizen Input:

A UDC variance application does not require a public hearing, so no public hearing notifications were sent out to the surrounding property owners for this request. There has been no response from the public to this application. The public will have an opportunity to speak on this agenda item at the "Persons To Be Heard".

Professional Opinion:

Staff's professional opinion is to support this variance request. The existing barn and use as an agricultural structure was permitted by the zoning district. The lot will retain the current entitlements of allowing agricultural uses and also permitting a single-family residence. The existing barn is not visible from the street. The variance will only apply towards the existing structure. If the existing structure is removed, this variance will not apply to a new building.

1. A variance for the existing accessory building only to be located in front of the main structure.

Board Review:

The Planning and Zoning Commission considered this item on May 22, 2017 and provided a recommendation to approve with a vote of 7-0 with the following condition:

1. A variance for the existing accessory building only to be located in front of the main structure shall

be allowed.

City Council Action:

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

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