



# City of Keller

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## Legislation Text

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**File #:** 16-527, **Version:** 1

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**To:** Mark Hafner, City Manager

**From:** Michele Berry, Senior Planner

**Subject:**

**PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) for a 4,272 square foot detached accessory dwelling unit before constructing a new home, located on approximately 3.57-acres, on the north side of Simmons Drive, one thousand four hundred feet (1,400') east of the Simmons Drive and Rufe Snow Drive intersection, at 1021 Simmons Drive, being Lot 13R, Block 1, Rolling Oaks Estates, and zoned SF-36 (Single Family Residential - 36,000 square foot minimum). Trent and Mary Petty, owners. Greg Wright, Providential Land Development, LP, applicant. (SUP-17-0020)

**Action Requested:**

Conduct a public hearing and consider an ordinance approving a Specific Use Permit (SUP) for an approximately 4,272 square foot detached accessory dwelling unit before constructing a new home.

**Zoning:**

SF-36 (Single Family Residential - 36,000 square foot minimum)

**Future Land Use Plan:**

LD-SF (Low Density - Single Family)

**Background:**

The zoning on this property was established with the City-wide rezoning in 1992. The subject property was platted in 1979. The existing house was built in 1985 according to the Tarrant County Appraisal District. Permit records show a pool permit approved on December 17, 2014. There are two (2) existing accessory buildings (an approximately 640 square foot structure, and a 2,000 square foot metal barn).

**Analysis:**

The purpose of this Specific Use Permit is to request the approval of an accessory dwelling unit greater than one thousand two hundred (1,200) square feet in size and for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the main structure, with the following variances:

1. Allow the building to be greater than fifteen feet (15') in height.
2. Allow the building to have less than eighty percent (80%) brick, stone, or stucco,
3. Allow the garage door exposure facing the street to exceed one hundred forty-four (144) square feet.

4. Allow the roof to be a different material than proposed on the main structure.

The use of the building will be an accessory dwelling unit and a barn with three stables and storage of feed and equipment. The proposed building will be a total of 4,272 square feet in area. This includes the area of two (2) attached overhanging sheds and interior stables. The peak of the roof will be approximately twenty-six feet (26') high.

The applicants intend to construct the proposed building prior to the demolition of the existing house so they can remain onsite and manage their property while a new home is constructed. The applicant would submit a building permit for the accessory dwelling unit and construct it first. The existing house would then be demolished. The applicant would then submit a building permit for the new house.

### **Building Size:**

Section 8.06 (C.2.g.2) of the UDC states that all accessory buildings greater than 1,200 square feet will require a SUP.

The applicant is proposing a 4,272 square-foot accessory dwelling unit. Due to the size of the building, a SUP is required per the SF-36 Zoning requirements.

Section 8.10 (A.1) states that the combined area of all accessory buildings on a lot shall be less than fifty percent (50%) of the main structure, unless approved by a SUP.

The proposed new house will be 9,484 square feet. The existing 2,000 square-foot barn will be demolished. The 640 square-foot structure, located on the east side of the property will remain. The combined square footage of the proposed 4,272 square-foot accessory dwelling unit and the 640 square-foot structure will exceed fifty percent (50%) of the proposed house (51.79%).

### **Building Height:**

UDC Section 8.10 (A.9) states that the average maximum height for an accessory building is fifteen feet (15') unless approved by a Specific Use Permit.

The peak height of the roof is twenty-six feet (26'). The primary roof plate is fourteen feet (14') in height. The average building height will be twenty feet (20').

### **Variance Requested:**

A variance to allow the building height to exceed fifteen feet (15').

### **Building Exterior:**

Section 8.10 (A.3) of the UDC states that accessory buildings shall be complementary to the main structure, constructed of brick or stone or of the same material as the main structure.

The building will have three (3) front facing garage doors, and one (1) additional garage door on the west elevation to access a garage next to the stables. The front exterior will be stone, the sides and rear will be comprised of a three foot (3') brick base with the remainder being a fibrous cement siding (Hardi-Plank).

The proposed building will have a mixture of stone, brick and fibrous cement siding, but will not meet the eighty percent (80%) masonry requirement. One hundred percent (100%) of the south building elevation will be stone with a brick trim. The sides and rear elevations will have a three-foot (3') high brick base with the remainder of the exterior being a fibrous cement siding.

**Variance Requested:**

A variance to waive the eighty percent (80%) masonry requirement as shown in "Exhibit A."

The applicant is proposing to utilize a metal seamed roof, which is a different material than what is being proposed on the new main structure.

**Variance Requested:**

A variance to allow the roof material to be metal.

Section 8.07 (C.4) states that the maximum allowed front facing garage door exposure for a detached garage is one hundred forty-four (144) square feet.

The proposed building has three (3) seventy-two (72) square-foot garage doors, totaling two hundred sixteen (216) square feet facing the street. A fourth garage door is located on the eastern elevation and will not face a street.

**Variance Requested:**

A variance to allow the front facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet.

**Drainage & Utilities:**

The applicant intends to meet the requirements of the UDC at time of building permit application. The grading and drainage plans will be submitted with the building permit. The permit review will determine that the proposed structure will have no adverse effect concerning the drainage to or from neighboring properties. Utility plans will also be included with the building permit.

**Existing Roadway Access:**

Simmons Drive, a two lane rural street, to the south.

**Surrounding Zoning & Land Uses:**

North: Single Family Residential Homes, zoned SF-36 and Williamsburg Estates, a single family residential development, zoned SF-12.

South: Single Family Residential Homes, zoned SF-36.

East: The Keys Addition, a single family residential development, zoned SF-20.

West: Single Family Residential Homes, zoned SF-36.

**Request:**

The applicant is requesting an SUP for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit, for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure, with four variances:

1. A variance is requested to allow the accessory dwelling unit to exceed fifteen feet (15') in height.

2. A variance is requested to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A."

3. A variance is requested to allow a metal roof.

4. A variance is requested to allow the front-facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet.

#### **Public Input:**

On September 29, 2017, as required by State law, the City mailed out thirty-two (32) letters of Notifications for a 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. As of October 3, 2017 staff has not received any responses from the public. Notice of the public hearing was published in the local newspaper fifteen (15) days prior to this meeting.

The applicant sent a copy of the narrative letter, included in "Exhibit A," to adjacent property owners using the same address list generated for the public hearing notices.

#### **Summary:**

The applicant has met all requirements of the UDC for this specific use permit with the exception of the requested variances. A building permit for the accessory dwelling unit, including a grading and drainage plan will need to be reviewed and approved by staff prior to construction. Any variances approved for the accessory dwelling unit do not apply to the main structure.

Section 8.04 (B.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;

***The subject property is adjacent to single family residential developments. To the south and west are residential lots zoned SF-36. The Keys is a single family development zoned SF-20 and to the north is Williamsburg Estates, zoned SF-15. The use proposed is harmonious with the adjacent single family developments. Accessory dwelling units are permitted, with the approval of an SUP in single family residential zoning, provided the property is one-and-a-half (1.5) acres.***

- 2) The activities requested by the applicant are normally associated with the permitted uses in the base district;

***Accessory dwelling units are permitted by SUP in the SF-36 zoning district. The subject property is approximately 3.5-acres and meets the minimum one-and-a-half (1.5)-acre requirement necessary to allow an accessory dwelling unit.***

***The proposed use of the building is for residential uses. Both during and after construction of the primary dwelling unit, the use of the accessory dwelling unit would be permitted (pending approval of the proposed SUP).***

- 3) The nature of the use is reasonable and appropriate in the immediate area;

***The use of the building and property will be residential and appropriate for the immediate area. The building contains a stable and garage equaling 1,831 square feet, overhanging sheds equaling 1,099 square feet, and living area equaling 1,342 square feet. The property is approximate 3.5-acres and a 2,000 square foot metal building will be demolished to make room for the proposed building.***

- 4) Any negative impact on the surrounding area has been mitigated; and

***Staff does not anticipate the proposed building having a negative impact on the surrounding area.***

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

***Staff believes that the intent of the UDC to require an accessory building to match the primary building in material and design is being met by the proposed building.***

***The concern in allowing the accessory dwelling unit to be constructed before the primary building lies with the timing of construction. It is unknown how long the accessory dwelling unit will remain in use as the primary residence. The applicant will need to demolish the existing house and submit permits for the main house.***

#### **Professional Opinion:**

Staff is in **support** of the proposed square footage of the building. It is also the opinion of staff that the proposed building meets the intent of the UDC by sharing design elements of the main structure. The following variances addressing the design are **supported** by staff:

1. A variance is requested to allow the accessory dwelling unit to exceed fifteen feet (15') in height.
2. A variance is requested to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A."
3. A variance is requested to allow a metal roof.
4. A variance is requested to allow the front-facing garage door exposure to exceed one hundred forty-four square feet, up to two hundred sixteen (216) square feet.

The timing of the main house construction remains a concern. In order to address the timing of construction and mitigate the risk of the proposed accessory building left on the property without a main building staff is recommending the following additional conditions:

1. The building permit for the main structure and the accessory structure shall be submitted at the same time.
2. The construction on the main structure shall begin within one (1) year of issuing the building permit, or the SUP will be expired.

Staff is forwarding this Specific Use Permit for consideration by City Council with the following conditions and variances:

1. A condition for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit to be considered.
2. A condition for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure to be considered.
3. A variance for the accessory dwelling unit to exceed fifteen feet (15') in height to be considered.
4. A variance to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit to be considered.
5. A variance for the accessory dwelling unit to use a metal roof to be considered.
6. A variance for the front-facing garage door exposure to exceed one hundred forty-four square feet, up to two hundred sixteen (216) square feet to be considered.

**Board Review:**

The Planning and Zoning Commission considered this item on October 9, 2017 and provided a recommendation to approve with the following conditions:

1. A condition for a 4,272 square-foot accessory dwelling unit to be constructed prior to the construction of the primary dwelling unit to be considered.
2. A condition for the combined square footage of all accessory buildings to exceed fifty percent (50%) of the square footage of the primary structure to be considered.
3. A variance for the accessory dwelling unit to exceed fifteen feet (15') in height shall be allowed.
4. A variance to waive the eight percent (80%) masonry requirement on the exterior of the accessory dwelling unit as shown in "Exhibit A" shall be allowed.
5. A variance for the accessory dwelling unit to have a metal roof shall be allowed.
6. A variance for the front-facing garage door exposure to exceed one hundred forty-four (144) square feet, up to two hundred sixteen (216) square feet shall be allowed.
7. The building permit for the main structure and the accessory dwelling structure shall be submitted at the same time.
8. The construction on the main structure shall begin within one (1) year of issuing the building

permit, or the SUP will be expired.

**City Council Action:**

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

- Approve as submitted (with requested conditions and variances)
- Approve with modifications or additional condition(s) (including the two (2) additional conditions recommended by staff and the Planning and Zoning Commission)
- Tabling the agenda item to a specific date with clarification of intent and purpose
- Deny