



# City of Keller

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## Legislation Text

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**File #:** 18-113, **Version:** 1

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**To:** Mark R. Hafner, City Manager

**From:** Susan Kenney, Director of Community Development

**Subject:**

**PUBLIC HEARING:** Consider an ordinance for a Specific Use Permit (SUP) for an accessory building, proposed to be a 1,490 square-foot accessory building and workshop, with a variance to the building material, on an approximately 2.21-acre tract of land, located on the south side of Johnson Road, approximately two hundred thirty one feet (231') south of Johnson Road and approximately eight hundred and eighty seven feet (887') west of Pearson Lane North, being Abstract 1153, Tract 1L02, John Martin Survey, at 1906 Johnson Road, and zoned Single-Family Residential-36,000 square-foot lot minimum (SF-36). Tom and Kelly Miller, owners/applicants. (SUP-18-0011).

**Action Requested:**

Conduct a public hearing and consider approval of a Specific Use Permit (SUP) for an approximately 1,490 square-foot accessory building and workshop with a variance to the building material.

**Background:**

According to Tarrant Appraisal District, the land has been a legal lot of record prior to 1980, when the tract of land was owned by William and Edith Ishel.

**Analysis:**

The purpose of this Specific Use Permit (SUP) is to consider a proposed 1,490 square-foot accessory building with a variance to the building material.

The proposed building will be used as a workshop for working on and restoring vintage Harley Davidson Motorcycles.

**Building Size:**

UDC Section 8.03 (C.g.2) restricts the maximum square footage of a detached accessory building to 1,200 square feet unless approved by a specific use permit.

UDC Section 8.10 (A.1) states that the combined area of all accessory buildings shall be less than fifty percent (50%) of the main structure unless approved by a specific use permit.

The proposed building will have approximately 1,490 square feet of internal space. The second floor area of the proposed building will be approximately 210 square feet. The first floor area of the proposed building will be approximately 1,280 square feet. The existing house is approximately 2,781 square feet. A SUP is required for the total building square footage exceeding 1,200 square feet and to permit the proposed building to exceed fifty percent (50%) of the square footage of the main structure, for a total of approximately fifty-three and six-tenths percent (53.6%).

**Building Height:**

UDC Section 8.10 (A.9) states the maximum height of the building shall not exceed fifteen feet (15') unless approved by a specific use permit.

The proposed building measures approximately 22.6 feet from ground level to the peak of the roof. The proposed building will closely match the roof pitch. The first floor plate measures ten feet (10') from the ground level. The average building height is approximately 16.3'.

**Building Exterior:**

The UDC Section 8.10 (A.3) states all accessory buildings will be complimentary to the main structure, constructed of brick or stone, or the same material as the main structure.

**Variance Request:**

The original accessory building was a red barn with white trim, constructed of solid wood and wood siding. The applicants are requesting a variance to keep the style of the accessory building, much like the original style with a barn appearance constructed of solid wood.

**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 Plat Application. The DRC 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. All building plans to be submitted after Plat approval.

**Existing Roadway Access:**

Johnson Road, a two lane street to the north.

**Surrounding Zoning & Land Uses:**

North, South, East, West: Single-Family Residential Homes, zoned Single-Family Residential - 36,000 square foot lot minimum (SF-36).

**Citizen Input/Board Review:**

On April 13, 2018, as required by State law, the City mailed out thirteen (13) letters of Notifications for a Public Hearing to property owners within two hundred feet (200') and, per the City of Keller UDC requirements, three hundred feet (300') of this subject property. Staff also posted a public hearing notice sign on the subject property.

The applicant supplied staff with a petition of support signed by adjacent property owners, included in "Staff Attachments."

**Summary:**

The applicant has met all requirements of the UDC for this specific use permit with the exception of the requested variances and conditions.

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.

**Professional Opinion:**

Staff is in **support** for use of the proposed two story, 1,490 square-foot accessory building. The requested size of the building can be approved by SUP. Upon review of the plans, the building will be located in the same area on the property which would not require any tree removal. Staff is not concerned about the impact of the height of the building to neighboring properties, due to the applicant's amount of acreage. The proposed new accessory building will mimic the low density, agricultural nature of the area and the dimensions of the proposed new building will be similar to the existing accessory building. Because the applicants enjoy their trees, they have transplanted a young Pecan tree and will be moving the proposed accessory building back ten feet (10'), to give more room to an existing Pecan tree to grow. As mentioned previously, the applicant has reached out to neighbors and obtained signatures from the neighbors in support of the proposed building.

Staff is in support of the Specific Use permit request with the conditions stated in the Planning and Zoning Commission recommendation below.

**Planning and Zoning Commission Action:**

The Planning and Zoning Commission, at its April 9, 2018 meeting, recommended approval of the Specific Use Permit with the following conditions:

1. The Specific Use Permit request for the 1,490 square-foot accessory building exceeding fifty percent (50%) of the main structure shall be allowed.
2. The Specific Use Permit request for the 16.3 average building height shall be allowed.
3. The variance request to allow the building materials to be constructed of solid wood instead of being complimentary to the main structure, constructed of brick, or stone, or similar material shall be allowed.

**Alternatives:**

City Council has the following alternatives:

- Approve as submitted
- Approve with changes
- Denial