



City of Keller

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Legislation Text

File #: 18-333, **Version:** 1

To: Mark R, Hafner, City Manager

From: JP Ducay, Planner

Subject:

PUBLIC HEARING: Consider an ordinance approving a Specific Use Permit (SUP) for an approximately 2,334 square-foot temporary accessory dwelling unit while the existing main structure undergoes renovations on a 1.01-acre lot on the north side of Nightingale Circle, approximately 450 west of the intersection of Greenbriar Drive and Nightingale Circle, being Lot 9, Block 1, Florence Place Addition, zoned SF-36 (Single Family Residential - 36,000 square foot minimum. David Johnson, owner/applicant. (SUP-18-0031).

Background:

The property was originally platted in 1983 as Lot 9, Block 1, Florence Place Addition.

The applicant submitted this SUP application earlier in the year, however, due to flood plain related issues the request was denied. As of today these issues have been resolved through FEMA and documentation has been provided allowing for construction on the subject property (Exhibit A).

The applicant is currently planning to do substantial renovations to the main house, however, no building permits have been submitted. The remodel of the main structure will consist of an addition of approximately 4,718 square feet creating a total of 6,722 square feet under roof. The applicant proposes a stucco finish with Spanish style shingles for the exterior façade of the main structure.

In addition to the main structure expansion, the applicant proposes to build a 2,334 square foot temporary accessory dwelling unit located to the rear of the main structure. The purpose of this structure is to house the applicant while the main structure is being remodeled. After the remodel is complete the applicant intends to utilize the accessory structure for retirement space as well as a workshop to store antique cars and motorcycles.

SUP Request:

The purpose of this Specific Use Permit (SUP) is to consider a proposed 2,334 square foot, twenty two feet (22') high accessory building with a variance to the building material, garage door exposure, maximum height.

Though the applicant is requesting a SUP to allow the accessory dwelling unit to exceed 50% of the main structure keep in mind that if the applicant goes forward with the main house remodel as proposed, the accessory structure will no longer exceed 50% after construction has been completed. The main structure is currently 2,004 square feet, upon the completion of the proposed expansion the main structure will be approximately 6,722 square feet. The accessory structure will shift from being 116.47% to 34.72% of the main structure.

Additionally, the applicant is requesting several variances related to the request. One of these is to allow the exterior of the accessory structure to be constructed of materials that are not reflective of the current main structure. The applicant is proposing to utilize stucco as the exterior material of the accessory structure while the main structure is currently made up of predominately brick. However, the applicant is also proposing to construct the entire exterior of the main structure of the same stucco material during the remodeling process. Furthermore, the applicant intends to do the same with a proposed Spanish tiled roofing design.

The applicant has stated that the proposed uses of the building will be at first utilized for temporary residence while the main structure is under renovation and then as a workshop for retirement and storage purposes such as storing antique cars and motorcycles.

UDC Section 8.03 (C.2.g.2) restricts the maximum square footage of a detached accessory building to exceed 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 accessory structure would total approximately one hundred and sixteen point four seven percent (116.47%).

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 applicant is requesting to construct a taller accessory structure, with the proposed height of the building being twenty two feet (22').

SUP Request:

- 1) The Specific Use Permit request to allow the accessory structure to exceed the maximum twelve hundred (1,200) square-foot floor size and allow two thousand three hundred and thirty four (2,334) square foot floor size.
- 2) The Specific Use Permit request to allow the accessory structure to exceed the maximum size ratio of fifty percent (50%) of the main structure and allow a maximum one hundred and sixteen point four seven percent (116.47%) square foot floor size.
- 3) A Specific Use Permit request to allow the accessory structure to exceed the fifteen feet (15') requirement and allow a total height of twenty two feet (22').

Variance Request:

The applicant is requesting three variances to the UDC for accessory building construction material, garage door exposure, and number of accessory structures.

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.

The applicant is proposing to have the accessory building made of stucco in lieu of complimenting the main structures predominately brick material. This is a temporary variance as the applicant

proposed to convert the main structure façade to stucco as well.

UDC Section 8.07 (C.4) states that the “maximum garage door(s) exposure to the street shall not exceed one hundred forty-four square feet.”

The applicant is not in compliance as the proposed accessory structure garage doors will provide two hundred and sixty four (264) square feet of street exposure as each door is 11’x12’.

UDC Section 8.10 (A.10) states “there shall be no more than two (2) detached accessory buildings per single-family lot.”

The applicant currently has five (5) accessory structures on the property. This includes four (4) storage containers and one (1) agricultural building. The applicant intends to utilize the accessory containers as storage for home furnishings during the remodel process. The applicant proposes to remove all accessory structures upon the completion of the remodel. The applicant can also apply for a temporary structures and uses permit. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days unless otherwise granted extension for a demonstrated cause. This time frame does not accommodate the needs of the applicant therefore it is proposed as a variance.

Variance Request:

- 1) A variance to allow the exterior material of the accessory building to be made of stucco.
- 2) A variance to allow the garage door to be two hundred and sixty four (264) square feet in lieu of the allowed one hundred and forty four (144) square feet of exposure to the street.
- 3) A variance to allow five (5) accessory structures on the subject property.

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 September 28, 2018, the City mailed out sixteen (16) letters of Notifications for a Public Hearing to property owners within three hundred feet (300’) of the 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 "Exhibit A."

As of November 13, 2018, staff has not received any letters of opposition from the public regarding this SUP application.

Professional Opinion:

Staff is in support of the proposed 2,334 square-foot accessory dwelling unit contingent upon assurance by the applicant that renovations to the main structure will be done as proposed.

Staff forwards this Specific Use Permit and the associated variance to the UDC to City Council for consideration with the following conditions:

1. The accessory building shall not exceed 2,334 square-feet;
2. The accessory building shall not exceed (116.47%) of the maximum size ratio of the main structure initially and not more than 34.72% in 24 months;
3. The accessory building shall not exceed 22' height;
4. Exterior stucco construction material shall be specifically as depicted in Exhibit "A".
5. The garage door shall not exceed (264) square-feet of exposure to the street.
6. There shall not be more than (5) accessory structures on the subject property and all accessory structures except the 2,334 square-foot subject accessory structure shall be removed upon the completion of the remodel.

Planning and Zoning Recommendation:

On October 22, 2018 the Planning and Zoning Commission recommended approval of this SUP unanimously by a vote of (5-0)

Alternatives:

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

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