



# City of Keller

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## Legislation Text

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**File #:** 19-209, **Version:** 1

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

**From:** Scott Bradburn, Planner I

**Subject:**

**PUBLIC HEARING:** Consider an ordinance approving a Specific Use Permit (SUP) of a proposed 1,872 square-foot accessory structure on a 1.94-acre-lot on the east side of Castleman Court, approximately 466 feet northeast from the intersection of Johnson Road and Castleman Court, being Moreland Manor Addition, Block 1, Tract 3, Volume 371-388, Pages 679-680, at 608 Castleman Court (Account # 01812688) zoned (SF-36) Single- Family Residential - 36,000 square-foot lot minimum, Peter and Jennifer Phoenix, owner/applicant. (SUP-19-0006)

**Background:**

The property was platted in 1973, and recorded with Tarrant County, and zoned (SF-LD) Single-Family Low Density.

On July 7, 2015, the Unified Development Code (the Code) was updated and the applicant's property was zoned (SF-36) - Single-Family Residential - 36,000 minimum square-foot lot.

Peter and Jennifer Phoenix (Owners) propose to construct a 1,872 square-foot accessory structure for storing a Recreational Vehicle (RV) and other automobiles and miscellaneous items. (See attachment A and B). The structure will have an average height of 18.75 feet.

**Analysis:**

A Specific Use Permit (SUP) is required to consider an accessory structure greater than 1200 square-feet and/or greater than 50% of the size of the main structure (in this case 3,686 square-feet). An SUP is also required if the average height exceeds 15 feet.

The Owners are also requesting two variances:

- (1) A metal roof, because it does not match the asphalt shingles on the primary structure as required by Code.
- (2) The Owners are proposing three front-facing garage doors totaling 416 square-feet. This exceeds the Code restriction of 144 square-feet by 272 square-feet.

**UDC Requirements:**

UDC Section 8.03 (C.2.g.2) restricts the maximum square footage of a detached accessory building to 1,200 square-feet unless approved by an SUP. Section 8.10 (A.1) states the accessory building shall not exceed 50% of the size of the main structure unless approved by an SUP. In addition, UDC Section 8.10 (A.9) states the maximum height of the building shall not exceed fifteen feet (15') unless approved by an SUP.

**Variance Request:**

UDC Section 8.10 (A.3) states all accessory buildings will be complementary to the main structure, constructed of brick or stone, or the same material as the main structure. In addition, the UDC Section 8.07 (C.4) states that the maximum garage door(s) exposure to the street shall not exceed 144 square-feet.

**Citizen Input:**

On March 29, 2019, as required by State law, the City mailed out 16 letters of notifications for a Public Hearing to all property owners within 300 feet of the subject property. Staff also posted a Public Hearing Notice sign on the subject property.

The Owners supplied staff with a petition of support signed by adjacent property owners. (See Attachment C.)

As of May 1, 2019, Staff has not received any letters of opposition from the public regarding this SUP application.

**Staff Analysis:**

But for the roof, the proposed accessory building will be comparable to the main structure and meets all setback requirements. However, it exceeds both the maximum size permitted for the structure as well as for the garage doors. The applicant has obtained eight signatures of support from surrounding neighbors; seven of these neighbors reside within the two- hundred-foot buffer.

**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.

**Board Action:**

On April 8, 2019, The Planning and Zoning Commission took action on this agenda item and unanimously recommended approval.

**City Council Action:**

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

- Approve as submitted.
- Approve with modifications or additional condition(s).
- Table the agenda item to a specific date with clarification of intent and purpose.
- Deny.