

**ZONING BOARD OF ADJUSTMENT  
Regular Meeting Minutes  
July 28, 2022**

**MEMBERS PRESENT**

Vice Chair Brandon Mund  
Bobby Avary  
Steve Quidley  
Taylor Chafin  
David Lerch

**STAFF PRESENT**

Frank Onion, Assistant City Attorney  
Jean Drew, Assistant Director  
Planning & Development Services  
Stacy Snell, Planning Manager  
Maddison O'Kelley, Planner  
Kaitlyn Buck, Assistant Planner  
Colton Barker, Assistant Planner  
Cherie Graham, Administrative Assistant  
Christopher Greenwell, Planning Intern

**Members Absent**

Chair John Coker  
Cynthia Foster

**1. CALL TO ORDER**

Vice chair Mund called the meeting to order at 6:00 pm.

**2. ROLL CALL**

Roll was called, and a quorum declared.

**3. APPROVAL OF MINUTES**

Motion by Member Avery, seconded by Member Lerch, to approve the minutes of the Zoning Board of Adjustment Regular Meeting of June 23, 2022. Motion carried (5-0-0).

**4. INDIVIDUAL ITEMS FOR CONSIDERATION**

**(A) ZB22-0012 Hold a public hearing and consider a request for two variances to Section 3.8-4(ii)(3): 1) to allow an addition to an existing dwelling and approved carport extension to encroach up to 9 inches into the required 6-foot side setback (north side property line) and 2) to allow an addition to an existing dwelling to encroach up to 6 inches into the required 6-foot side setback (south side property line) in the "SND-1" Special Neighborhood District, addressed at 631 S. Santa Clara Avenue. (Applicant: Paul Dean; Case Manager: Maddison O'Kelley)**

Ms. O'Kelley presented the staff report and stated the ZBA may authorize a variance from the zoning regulations only upon finding the following facts:

- 1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of land;** (The applicant cites the fact that the house predates its current zoning as a special circumstance of the land. The applicant further states that, in order to improve the home, the additions are necessary. Staff acknowledges the age of the house predates the zoning of the property, however, the lot has an adequate, unobstructed buildable area and there is availability to expand the footprint of the home into the buildable area at the rear of the lot. Staff also acknowledges the width of the subject lot is less than the minimum lot width required for interior lots in the "SND-1" district (50 feet vs. 60 feet).) **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant states the variance is necessary to enhance the property and neighborhood. Staff notes the substantial property right to use the property for a residential dwelling is not removed due to the side setback requirement for main structures.) **and**
- 3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;** (The applicant states the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area. Staff acknowledges the impact to the surrounding area is likely minimal.) **and**

- 4) **Granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Chapter;** (The applicant states the variance should not prevent orderly use of other land within the area. Staff notes all neighboring properties are still required to comply with the setback requirements for any new construction.) **and**
- 5) **That an undue hardship exists;** (The applicant states there is not a hardship that affects the land itself. Staff acknowledges the lot's width is approximately 10 feet less than the minimum lot width of 60 feet required in the district and the age of the main structure predates the property's zoning. Staff has not identified an undue hardship of the land itself that affects the buildable area of the lot.) **and**
- 6) **That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant states granting of the variance will be in harmony with the spirit and purpose of the City's regulations. Staff notes the intent for the side building setback requirement is to maintain adequate building spacing between properties and to preserve access to light and open air in residential areas. Staff notes the side building setback in residential districts is typically a minimum of 5 feet and therefore the "SND-1" zoning district is unique in its requirement for a 6-foot interior side setback.)

Vice chair Mund asked if there were any questions for staff.

Discussion followed on the existing footprint of the structure and the need for encroachment.

Vice Chair Mund invited the applicant to speak.

Paul Dean, 932 Rosemary Dr, elaborated on the request, discussed setbacks, the SND-1 zoning lot requirements, that his lot was ten feet smaller than the minimum lot size allowed, preservation of a big pecan tree on his property, and maintaining the existing setbacks.

Vice Chair Mund asked the applicant to identify a hardship.

Mr. Dean elaborated that his lot is smaller than the SND-1 zoning, and that he has a large pecan tree next to the carport that they are trying to save. Dean also stated that this was the reason for his previous approved variance into the front setback.

Vice chair Mund opened the public hearing and asked if anyone would like to speak.

No one spoke.

Vice Chair Mund closed the public hearing.

Vice Chair Mund asked if there was any discussion or a motion.

Motion by Commissioner Quidley, seconded by Commissioner Chafin, to approve the proposed request for two variances to Section 3.8-4(ii)(3): 1) to allow an addition to an existing dwelling and approved carport extension to encroach up to 9 inches into the required 6-foot side setback (north side property line) and 2) to allow an addition to an existing dwelling to encroach up to 6 inches into the required 6-foot side setback (south side property line) in the "SND-1" Special Neighborhood District, addressed at 631 S. Santa Clara Avenue. Motion carried (5-0-0).

## **5. STAFF REPORT**

Stacy Snell introduced Cherie Graham, the new Administrative Assistant for the Planning Division.

## **6. ADJOURNMENT**

Vice chair Mund adjourned the meeting at 6:11 pm.

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**Chair**

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**Date**

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