

Legislation Details (With Text)

File #:	24-525	Name:	
Type:	Report	Status:	Passed
File created:	4/9/2024	In control:	Board of Adjustment
On agenda:	4/25/2024	Final action:	4/25/2024
Title:	ZB24-0006 Hold a public hearing and consider a request for a variance to Section 144-3.3-2(b)(1)(v) to allow for a second story addition to encroach 18 feet into the 20-foot rear setback required in the “R-2” Single-family and Two-family District to keep the existing foundation, addressed at 315 W. Edgewater Terrace.		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Site Plan, 3. Property Photos, 4. Notification Map, List, & Responses

Date	Ver.	Action By	Action	Result
4/25/2024	1	Board of Adjustment	approved	

PRESENTER:

Applicant: Tami Monroe

Owner: Tami and Mark Monroe

SUBJECT:

ZB24-0006 Hold a public hearing and consider a request for a variance to Section 144-3.3-2(b)(1)(v) to allow for a second story addition to encroach 18 feet into the 20-foot rear setback required in the “R-2” Single-family and Two-family District to keep the existing foundation, addressed at 315 W. Edgewater Terrace.

BACKGROUND RATIONAL:

Case #: ZB24-0006

Applicant: Tami Monroe
315 W Edgewater Terrace
New Braunfels, TX 78130
214-724-2385|tami.monroe2@gmail.com

Staff Contact: Dana Moses, Planner
(830) 221-4054 | dmoses@newbraunfels.gov

The subject property is located on the southwest corner of W. Edgewater Terrace and North Liberty Avenue in City Block 7, Lots 14 and 15 in the Landa Park Estates Subdivision, recorded in 1933.

The subject property is approximately 6,250 square feet in area with a depth of 125 feet and a width of 50 feet. The property is zoned “R-2” single-family and two-family district. There is one 1,988-square-foot single-family home with an attached porch of 144 square feet. The applicant is proposing to demolish the existing garage and rebuild it with a second story and a new foundation.

Built in 1933, the home does not conform to the current building setbacks within the R-2 zoning district.

The applicant is requesting a variance to allow for a second-story addition to encroach 18 feet into the 20-foot rear building setback to keep the current building foundation.

- 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 that 315 Edgewater Terrace sits on a lot approximately 125 feet by 50 feet, totaling 6,250 square feet. The existing structure, erected in 1933 and expanded in the 1970s, spans roughly 2538 square feet. We intend to preserve the existing footprint of the structure, necessitating a variance request to accommodate the R-2 zoning regulations implemented after the house's construction. Given the lot's size, expanding the home's square footage without encroaching further on R-2 setback requirements is unfeasible. Our proposed solution involves a second-story addition, maintaining a footprint. This will provide improved livability of the home without significantly altering its outward appearance or negatively impacting neighboring properties). Staff acknowledges that the lot area is smaller than the current lot size in the R-2 zoning district and does not meet the R-2 zoning district standards. **and**
- 2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;** (The applicant cites that the current footprint will be maintained that currently exists on Lots 14 & 15 to have a safe and inhabitable living space. There is a need for remediation to meet codes and standards such as electrical, foundation, etc). Staff recognizes the benefits of maintaining the existing building foundation with the proposed improvements. **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 explains that the current footprint of the foundation will bring the home to current building standards). **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 No) **and**
- 5) That an undue hardship exists;** (The applicant states the lot configuration is 6,250 square feet and the current R-2 standard for a corner lot is 7000 square feet. They have attached a drawing of the current footprint of the home with the R-2 setbacks which are marked in Red to show how much of the house would be affected under the current R-2 setback regulations. All proposed plans will meet the 2-foot minimum as well as utilize fire-rated materials as well as no windows or doors). **and**
- 6) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.** (The applicant cites Section 144-3.3.2 stating that as their property currently sits, it does not meet code 144-3.3-2. The property is in excess of 50 years old and in need of rehabilitation of the structure. While the code intends to ensure health, safety and general welfare of the neighborhood, if we apply this zoning to the structure, we would have to raze the structure. By building to the current code the new structure would not fit in with the existing overall neighborhood appearance. The intent is for a single-family residence. We aim to honor the neighborhood's character). Staff acknowledges the intent to preserve the neighborhood's character.

Per Section 2.2-3 of the Zoning Ordinance, a variance shall not be granted to relieve a self-created or personal hardship, nor based solely on economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by Chapter 144 to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

GENERAL INFORMATION:

Size:

Lot area: 6,250 square feet

Lot depth: 125 feet

Lot width: 50 feet

Variance Request Due to Notice of Violation:

No

Surrounding Zoning and Land Use:

Across Street (Southeast) - R-2, Single-family residence

North - Single-family residence

South - R-2, Single-family residence

East - R-2, Single-family residence

West - R-2, Single-family residence

Notification

Public hearing notices were sent to 29 owners of property within 200 feet of the subject property.