

John Mounce, Mayor Pro Tem
Tomas Mendoza, Councilmember
Chrissa Hartle, Councilmember



James Clark, Councilmember

Elizabeth Woodall, Mayor

**CITY OF JUSTIN
ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING
TUESDAY APRIL 11, 2023
415 N. COLLEGE AVE.
6:00pm**

CALL TO ORDER

PUBLIC HEARING

1. Public Hearing to consider a variance to Chapter 52 of the Code of Ordinances relating to the side-yard setback for the property addressed as 500 Boss Range Road.
 - a. Open public hearing
 - b. Close public hearing
 - c. Consider and take appropriate action

ADJOURN

I, the undersigned authority, do hereby certify that the above notice of the meeting of the City Council of the City of Justin, Texas, is a true and correct copy of the said notice that I posted on the official bulletin board at Justin Municipal Complex, 415 North College Street, Justin, Texas, a place of convenience and readily accessible to the general public at all times, and said notice posted this 6th day of April, 2023 by 5:00 p.m., at least 72 hours preceding the scheduled meeting time.

Brittany Andrews

Brittany Andrews, City Secretary

Zoning Board of Adjustment Meeting

April 11, 2023

Justin City Hall, 415 North College Street

Board of Adjustment Cover Sheet

Agenda Item: #1 (Public Hearing)

Title: Public Hearing to consider a variance to Chapter 52 of the Code of Ordinances relating to the side-yard setback for the property addressed as 500 Boss Range Road.

Department: Development Services

Contact: Development Services, Matthew Cyr

Applicant: Eric Howe

Criteria for Consideration:

According to Sec. 52-370 (d) (1) of the Code of Ordinances the Board may “Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.”

According to Sec. 52-370 (d) (2) of the Code of Ordinances the Board can “Authorize upon appeal, whenever a property owner can show that strict application of the terms of this chapter relating to the construction or alternations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship. Such variances from the strict applications of the terms of this chapter must be in harmony with its general purpose and intent, and only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter. At the same time, the surrounding property must be properly protected.”

Background:

The Applicant is requesting a variance to the side-yard setback of 36.5 feet to mirror their neighbors’ side-yard setback of 17.5 feet. The property has floodplain that traverses through. In the aerial image the subject property is parcel #984766.

Code of Ordinance:

The property is zoned SF-1 and therefore the side-yard setback is 10% of the lot width according to Section 52-118.

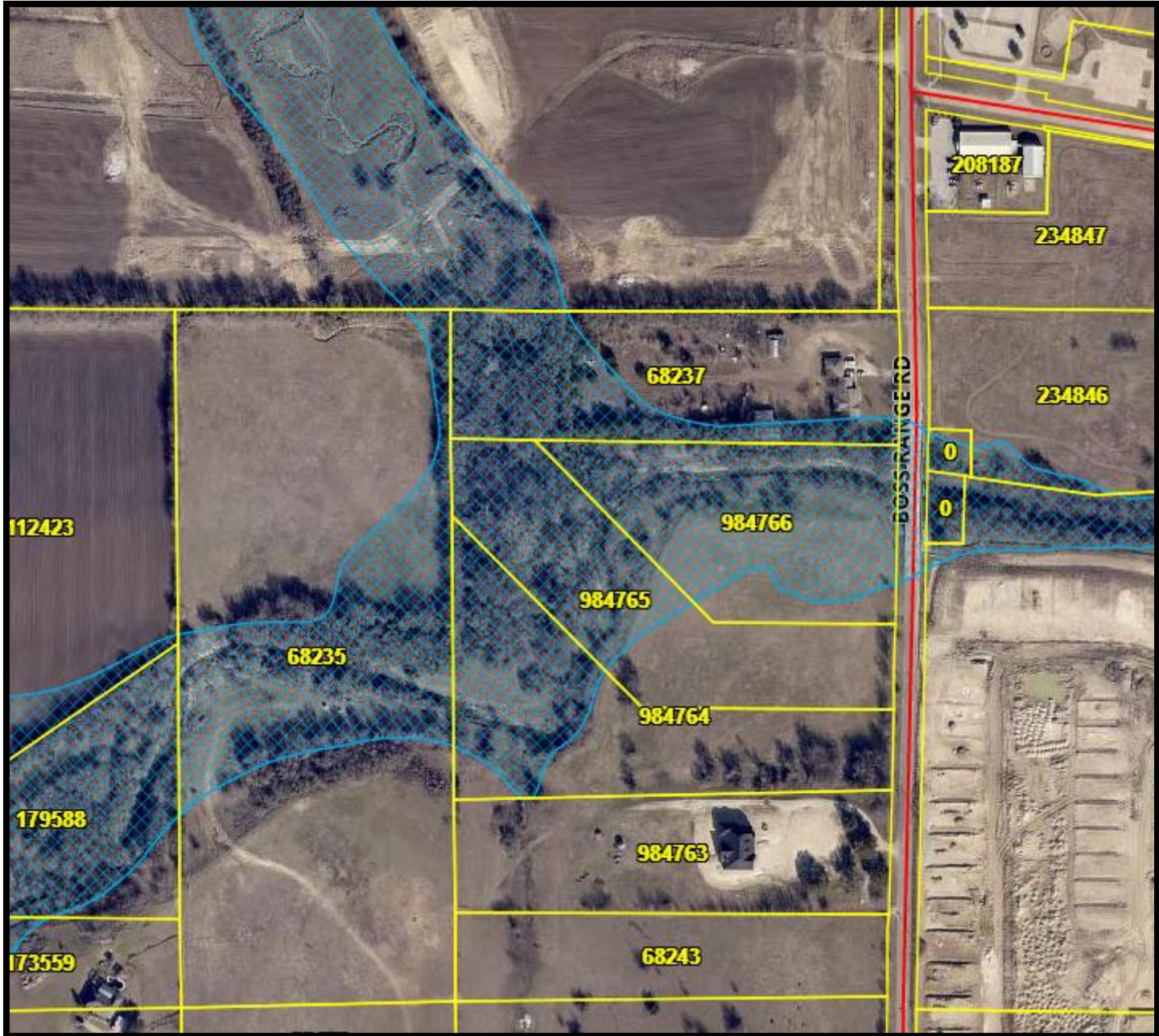
Recommendation:

Staff recommends approval based on the topographical and floodplain challenges associated with the land. Based on this information there is an inherent hardship and justification for the variance request. The Zoning Board of Adjustment will need at least 4 votes to approve the variance request.

City Attorney Review: N/A

Attachments:

- (A) Aerial Map
- (B) Application and Supporting Documentation
- (C) Code of Ordinances



112423

179588

173559

68235

68237

984766

984765

984764

984763

68243

208187

234847

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BOSSWANGER RD

Sec. 52-370. Powers and duties of board.

- (a) *Subpoena witnesses, etc.* The board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.
- (b) *Appeals based on error.* The board shall have the power to bear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the building inspector in the enforcement of this chapter.
- (c) *Special exceptions.* The board shall have the power to hear and decide special exceptions to the terms of this chapter upon which the board is required by pass as follows or elsewhere in this chapter:
 - (1) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
 - (2) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of the ordinance from which this chapter is derived.
 - (3) Permit the reconstruction of a nonconforming building that has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value. The board must find some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.
 - (4) Waive or reduce the parking and loading requirements in any of the districts, whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.
 - (5) To determine in cases of uncertainty the classification of any use not specifically named in this chapter.
- (d) *Variations.* The board shall have the power to authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of this chapter shall be observed and substantial justice done, including the following:
 - (1) Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
 - (2) Authorize upon appeal, whenever a property owner can show that strict application of the terms of this chapter relating to the construction or alternations of buildings or structures will impose upon him unusual and practical difficulties or particular hardship. Such variances from the strict applications of the terms of this chapter must be in harmony with its general purpose and intent, and only when the board is satisfied that a granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this chapter. At the same time, the surrounding property must be properly protected.

(e) *Changes.* The board shall have no authority to change any provisions of this chapter and its jurisdiction is limited to hardship and borderline cases which may arise from time to time. The board may not change the district designation of any land either to a more restrictive or less restrictive zone.

(Code 1994, § 12.1553; Ord. No. 268, § 1, 4-12-1999)

Sec. 52-118. Schedule of areas, widths and heights.

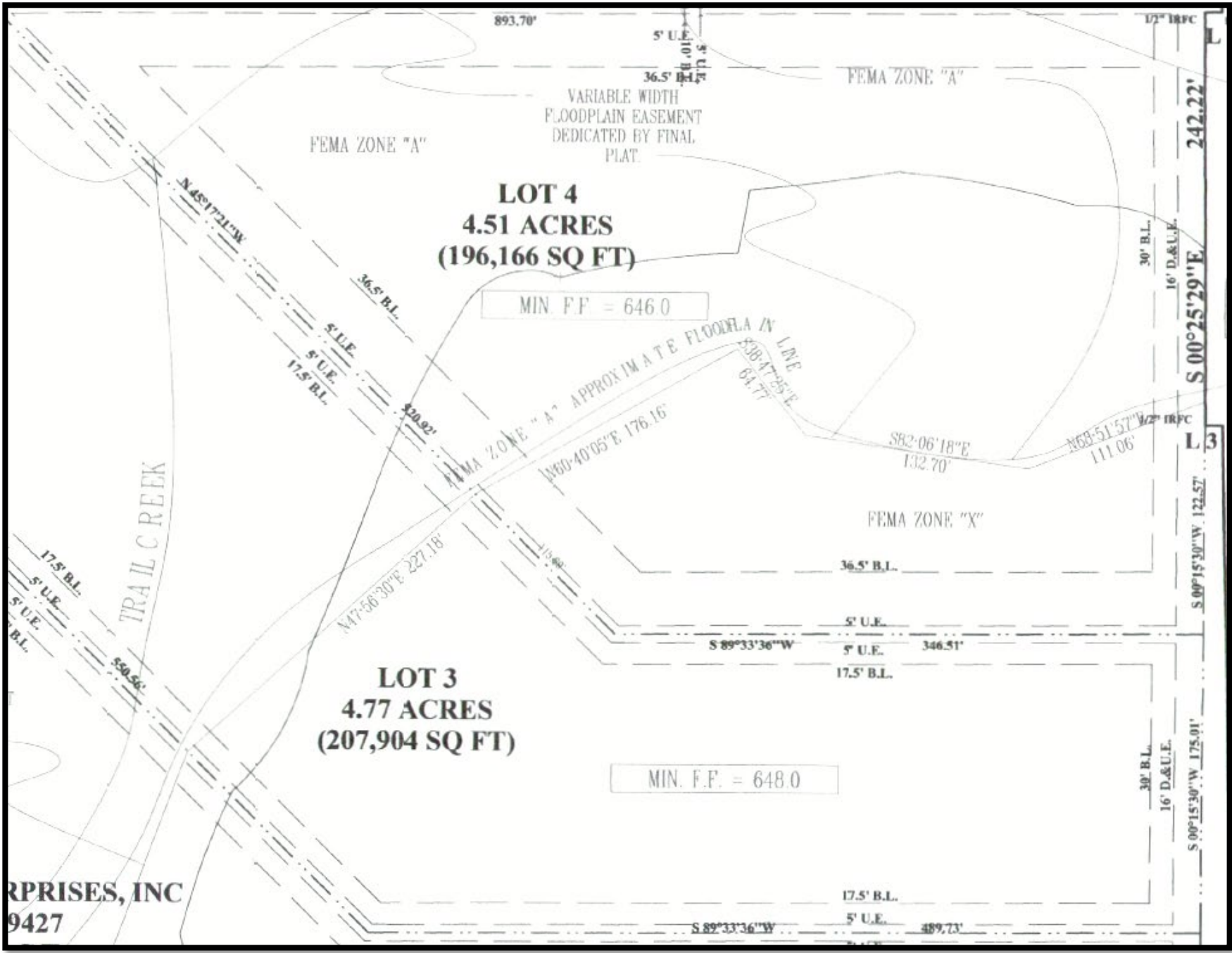
The schedules of heights, yards, lot areas, and lot coverages as given below, together with all notations, references and other information shown thereto, shall be as much a part of this article as any specific requirements or regulations as are fully set forth and described therein and shall be as binding and carry the full force and effect of this article.

Lot Area, Width and Height Regulations

	SF-LL	SF-1	SF-1A	SF-2	SF-OT	2F	MF	LR	GB	LI	MH
Minimum Building Site Area					6,000 sq. ft.						
Minimum Building Site Width					50 ft.						
Minimum Building Site Depth					100 ft.						
Minimum Lot Area (SF)	43,560	12,500	10,000	8,400		7,500	10,000	7,500	7,500		7,500
Minimum Dwelling Floor Area (square feet)	1,500	1,500	1,250	1,000	1,000	800	700, plus 200 SF for each additional bedroom	1,000	1,000		1,000
Minimum Lot Width (ft)	100	100	80	70		60	100	50	50		60
Minimum Front Yard	35	25	25	25	20	25	25	20	20		25

Setback (ft)											
Minimum Side Yard Setback (ft.)	15	10% of width	10% of width	10% of width		10% of width	5	15	15		10% of width
Minimum Side Yard Setback from Street					15 ft.						
Minimum Interior Side Yard Setback					5 ft.			5 ft.	5 ft.		
Minimum Rear Yard Setback (ft)	20	20	15	10		10	10				10
Minimum Rear Yard Setback for Main Structure					10 ft.			10 ft.	10 ft.		
Maximum Height (ft)	35	35	35	35		35	35	35	35	45	35
Maximum Building Height					35 ft.			35 ft.	35 ft.		

(Code 1994, § 12.900; Ord. No. 717-22 , Exh. A, 1-19-2022)



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