

SUMMARY NOTES ZONING BOARD OF ADJUSTMENT

August 24, 2017

7:00 PM

Dr. Mae Jackson

Development Center

401 Franklin Avenue

COMMITTEE MEMBERS PRESENT:

Members present: Josh Borderud, Chair; Austin Closs (Alternate), Ralph Cooper, Stephen Rispoli, and Joe Rodriguez

Absent: E. Easton Allen (Alternate) and Nathan Embry

Others present: John Patterson, Assistant City Attorney; Mary Henley, Planning Services and Marie Jupe, Planning Services

Item No.	Description
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Josh Borderud – Chair, called the Work Session Meeting of the Board of Adjustment to order at 7:00 p.m.

Approval of Summary Notes – July 20, 2017

MOTION: Mr. Cooper to approve the summary notes

SECOND: Mr. Rodriguez

VOTE: Motion approved by a (4, 0) voice vote; Mr. Rispoli **abstained** from vote

Discussion between the Zoning Board of Adjustment and City Council Liaison regarding Zoning Board of Adjustment activities and appointments.

1. **A-17-22**

Applicant:

Robert Stem

Property Description:

Lot 7, Block 9, Bagby Addition

Location:

1825 S. 9th Street

Request:

A variance to Section 28-841(1) of the City of Waco Zoning Ordinance, to allow accessory parking spaces between the façade fronting a public right-of-way and the property line along the public right-of-way and a variance to exceed the 75% maximum coverage to 76% of the maximum coverage of the site by buildings and paved areas, per Section 28-216(a) of the City of Waco Zoning Ordinance, on a lot zoned O-2, Office-Residence located in the College and University Neighborhoods District.

Recommendation:

Staff recommends **APPROVAL** of the requested variances subject to the special conditions based on the following findings:

- a. The application of this chapter to the lot or building would result in unnecessary hardship not applicable to other property in the same zoning district that deprives the owner of the reasonable use of the land or building; **and**
- b. The practical difficulties or unnecessary hardships were not created by the applicant for the variance; **and**
- c. The variance is the minimum necessary to prevent a practical difficulty or an unnecessary hardship; **and**
- d. The variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; **and**
- e. The request is in harmony with the general purposes and intent of this chapter.

Special Conditions:

1. All other requirements of Division 4. Special District- College and University Neighborhoods District must be met.
2. The bicycle parking facility indicated on the site plan must be covered as stated in Sec. 28-841(4)b. of the City of Waco Zoning Ordinance.
3. The pedestrian lighting indicated on the site plan must be installed as stated in Sec. 28-841(4)d. of the City of Waco Zoning Ordinance and meet the approval of the City of Waco Development Team.
4. Privacy screening for the accessory parking space between the façade fronting a public right-of-way and the property line along the public right-of-way as indicated on the site plan must be installed.
5. The applicant shall sign and notarize all the paper work and return to Planning Services to have the decision recorded on the deed of record for which the variance was authorized.

Notices:

17 mailed, 1 returned in opposition

Persons appearing in favor of request:

Robert Stem, 108 Bridge Street, Marlin, TX 76661

Persons appearing in opposition to the request:

None

Disposition by the board:

Motion: Mr. Cooper to **approve** the requested variances subject to the special conditions and based on staff findings.

Second by: Mr. Rispoli

Motion passed by a vote of (5, 0)

2. A-17-24

Applicant: Flores Roofing & Construction LLC
Property Description: Lot 4A and 5, Block 19, Glenwood Addition Addition
Location: 2209 Franklin
Request: A variance to exceed the maximum coverage of the site by buildings and paved area from 90 per cent of the total lot area to 100 per cent of the total lot area, per Sec 28-216(b) and a variance of two trees to the boundary landscaping requirement of one tree for every 50 feet of frontage, per Sec. 28-218(c) of the City of Waco Zoning Ordinance, on a lot zoned C-3, General Commercial.

Recommendation:

Staff recommends **DISAPPROVAL** of the requested variance based on the following findings:

- a. The application of this chapter to the lot would **NOT** result in unnecessary hardship applicable to other property in the same zoning district that deprives the owner of a reasonable use of the land; and
- b. The variance request is **NOT** in harmony with the general purposes and intent of the ordinance.

Notices:

13 mailed, 0 returned

Persons appearing in favor of request:

John Scales, Scales Engineering representing applicant, 5001 Bosque Ridge, Crawford, TX 76638

Persons appearing in opposition to the request:

None

Disposition by the board:

Motion: Mr. Rodriguez to **approve** the requested variance based on the following findings and subject to the special condition: 1) That the application of this chapter to the lot or building would result in unnecessary hardship not applicable to other property in the same zoning district that deprives the owner of the reasonable use of the land or building **and** 2) That the practical difficulties or unnecessary hardships were not created by the applicant for the variance; **and** 3) That the variance is the minimum necessary to prevent a practical difficulty or an unnecessary hardship; **and** 4) That the variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood; **and** 5) That the variance will be in harmony with the general purposes and intent of this chapter.

Special Conditions:

1. The property must be platted meeting all requirements of the City of Waco subdivision ordinance.
2. The area labeled "gravel" and "broken concrete" on sheet SW3.1 shall be utilized for grass/landscape, with the exception of the drive way.
3. The two required boundary trees along the front of the property (Franklin Ave) shall be placed in the rear of the property as indicated on sheet SW3.1.
4. All shrubs indicated on sheet SW3.1 shall be installed.
5. The applicant shall sign and notarize all the paper work and return to Planning Services to have the decision recorded on the deed of record for which the variance was authorized.

Second by: Mr. Cooper

Motion passed by a vote of (5, 0)

3. A-17-25

Applicant: Phillip Stone
Property Description: Lot A1, Block 4, Dean Addition
Location: 2600 Live Oak Avenue
Request: A variance of 2 feet to the required 2 feet side yard setback for the construction of a carport and a variance of 1 foot to the required 5 feet to the principal dwelling, per Sec. 28-906(4) of the City of Waco Zoning Ordinance, on a lot zoned R-1B, Single-Family Residence.

Recommendation:

Staff recommends **DISAPPROVAL** of the requested variance based on the following findings:

- a. The application of this chapter to the lot would **NOT** result in an unnecessary hardship applicable to other property in the same zoning district that deprives the owner of a reasonable use of the land; and
- b. The variance request is **NOT** in harmony with the general purposes and intent of the ordinance.

Notices:

16 mailed, 4 returned; 3 in favor, 1 in opposition

Persons appearing in favor of request:

Phillip Stone, 2600 Live Oak Avenue, Waco, TX 76708 and Betty Lugo, 2604 Live Oak Avenue, Waco, TX 76708

Persons appearing in opposition to the request:

None

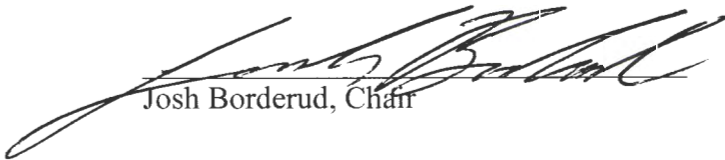
Disposition by the board:

Motion: Mr. Cooper to **continue** the variance request until the next Zoning Board of Adjustment Meeting.

Second by: Mr. Closs

Motion passed by a vote of (5, 0)

There being no further business, the meeting was adjourned at 7:46 p.m.



Josh Borderud, Chair

Approved: Sept. 21, 2017

Prepared by: Gaynell Benson, Staff Assistant

ATTENDANCE REPORT - JUNE 2017 - MAY 2018

ZONING BOARD OF ADJUSTMENT

NAME	June	July	Aug.	Sept.	Sept.	Jan.	Feb.	March	April	May	Present	Absent
Joe Rodriguez	P	P	P	P	O						7	2
J. Austin Closs, Alt.	EX	P	P	EX	EX						4	6
E. Easton Allen, Alt	EX	EX	EX	EX	EX						1	9
Ralph Cooper	P	P	P	P	P						10	0
Josh Borderud; <i>apptd Chair 10/20/16</i>	P	P	P	P	P						10	0
Nathan Embry; <i>apptd Vice Chair 10/20/16</i>	P	P	EX	P	P						9	1
Stephen Rispoli	P	EX	P	P	P						8	2
			A = Absent			RES = Resigned		N= No Meeting				
			P = Present			O = Off Board-Time Expired						
			EX = Excused Absense			Q = No Quorum						
			QP = Present/No Quorum			QA = Absent/No Quorum						
			Blank space denotes member was not yet appointed or qualified to serve									
											Total Meetings	10