



CITY OF WACO

**PUBLIC NOTICE  
A MEETING OF THE ZONING BOARD OF ADJUSTMENT**

**WILL BE HELD ON  
THURSDAY, SEPTEMBER 7, 2017**

**6:00 P.M.  
DR. MAE JACKSON DEVELOPMENT CENTER  
MAIN CONFERENCE ROOM  
401 FRANKLIN AVENUE**

**AGENDA**

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

**PUBLIC HEARINGS**

**A. Zoning Board of Adjustment Applications**

1. A-17-26 Lawrence Allen – Lot 9, Block 5, Country Club Estates Addition, also known as 7116 Edmond Avenue.

A variance of 10 feet to the required front yard setback of 30 feet, per Sec. 28-301(1) of the City of Waco Zoning Ordinance, on a lot zoned R-1A, Single-Family Residence.

**MOTION**

**BOARD REPORT**

- \* Board's requests for information.
- \* Board's requests for scheduling agenda items.
- \* Board and Staff Announcements.
- \* Scheduling of future meetings.




Clint Peters, Director of Planning Services

It is the opinion of the City Attorney's Office that this agenda complies with the requirements of Chapter 551 of the Texas Government Code.



Jennifer Richie, City Attorney

I hereby certify that this notice was posted at Waco City Hall on the 31 of August, 2017, at 8:30 am/pm



Esmeralda Hudson, TRMC  
City Secretary

Note: Persons with disabilities who plan to attend this meeting and who may need auxiliary aides or services should contact Esmeralda Hudson, City Secretary, at (254) 750-5750 at least twenty-four (24) hours before this meeting so that appropriate arrangements can be made.

**SPECIAL MEETING  
ZONING BOARD OF  
ADJUSTMENT MEETING**

**September 7, 2017**



**Planning Services**  
Post Office Box 2570  
Waco, Texas 76702-2570  
254 / 750-5650  
Fax: 254 / 750-1605  
[www.waco-texas.com](http://www.waco-texas.com)

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August 30, 2017

Zoning Board of Adjustment  
City of Waco  
Waco, Texas

Dear Members:

The special meeting of the Zoning Board of Adjustment is scheduled for **Thursday, September 7, 2017 at 6:00 P.M.** in the main conference room on the 1<sup>st</sup> floor of the Dr. Mae Jackson Development Center located at 401 Franklin Avenue.

The agenda for this meeting consist of one (1) variance case for public hearing.

Yours respectfully,

Clint Peters  
Director of Planning Services

Attachments

**APPLICATION**  
**A-17- 26**

**BOARD OF ADJUSTMENT APPLICATION**

1. Case A- 17 - 26 Applicant LAWRENCE ALLEN
2. Property Address 7116 Edmond Way
3. Legal Description: (Submit certified field notes, if not subdivided with lot and block description)  
 Lot(s) 9 Block 5 Addition Country Club Est
4. Present Use: Vacant Lot 5. Present Special Permits: \_\_\_\_\_
6. Present Zoning: R-1A 7. Present Land Use Plan Designation: LDR
8. Reason for Application (choose among options A through E):  
 A. If you are applying for a VARIANCE, then state your request:

To change the setback from 30' to 20' front

Describe the difficulty or hardship: The property sloped down in the back

To be granted, the following criteria must be met: 1) The application of the zoning ordinance to the property would create a practical difficulty because the property is subject to exceptional physical conditions (ie, extreme variations in topography or unusual shape of lot) unique to it, or would result in an unnecessary hardship not applicable to other property in the same zoning district that deprives the owner of the reasonable use of the property. 2) The practical difficulties or unnecessary hardship were not created by the applicant; 3) The variance is the minimum needed to prevent a practical difficulty or an unnecessary hardship; 4) 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) The variance will be in harmony with the general purposes and intent of the zoning ordinance.

B. If you are seeking to REBUILD OR EXPAND A NON-CONFORMING USE, then the following criteria must be met: 1) That expansion will not exceed 50% of the ground area of the existing building; 2) The construction will not prevent the long term return of the building to a conforming use; and 3) Side yard requirements can be met.

C. If you are seeking permission to CHANGE FROM ONE NON-CONFORMING USE TO ANOTHER non-conforming use, then the following criteria must be met: 1) The proposed use will be more compatible with surrounding neighborhood & less intrusive than the existing use; 2) The change will not prevent the long term return of the building to a conforming use; and 3) The property may not return to the former non-conforming use.

D. If you are APPEALING A DECISION OF THE BUILDING OFFICIAL, then attach a letter stating the nature of the appeal.

E. If you are FILING A PLAN FOR AMORTIZATION OF A NON-CONFORMING USE, then attach a copy of your plan to this application.

9. Site Plan included? Yes All applications must be accompanied by a development plan/map that includes elements like site plan, parking, utilities, topographic, building plans, and other information that describe the need for the variance. See reverse side of this application for details.
10. Have any of these requests been made before? \_\_\_\_\_ Dates? \_\_\_\_\_
11. Fee to be paid: \$225.00. (Make check payable to the City of Waco)
12. The next filing deadline is 5 p.m. on 9-7-17 to be heard at the Board of Adjustment meeting on \_\_\_\_\_

13. Certification: I, as applicant/owner, hereby certify that a) I have examined the abstract of title and/or the county deed records to determine that no deed restrictions apply to this property that would prohibit this request; and b) the information included in this application is true to the best of my knowledge; and

[Signature] 8/10/17 Lawrence Allen 7016 Country Club Rd Waco

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_ Name (PRINTED) \_\_\_\_\_ Address+Zip \_\_\_\_\_ Telephone \_\_\_\_\_

same \_\_\_\_\_ 254 749-7358

Present Owner's Signature \_\_\_\_\_ Date \_\_\_\_\_ Name (PRINTED) \_\_\_\_\_ Address+Zip \_\_\_\_\_ Telephone \_\_\_\_\_

Buyer's Signature, if under contract \_\_\_\_\_ Date \_\_\_\_\_ Name (PRINTED) \_\_\_\_\_ Address+Zip \_\_\_\_\_ Telephone \_\_\_\_\_

14. List names of all partners, board members, and officers of companies involved in this case, in order for the Board of Adjustment to determine conflicts of interest they might have in individual cases. Failure to do so may result in delaying action on the case until the following month.

15. **IT IS IMPERATIVE THAT SOMEONE REPRESENT THE APPLICANT AT THE PUBLIC HEARING TO ANSWER ANY QUESTIONS WHICH THE BOARD OF ADJUSTMENT OR PUBLIC MAY HAVE!**

16. **Mail this application to: City of Waco, Planning Services, P.O. Box 2570, Waco, TX 76702-2570 or deliver to the City of Waco Dr. Mae Jackson Development Center at 401 Franklin Avenue. If you need more information, please call 254/750-5650.**

**STAFF RECOMMENDATION**  
**A-17- 26**

## BOARD OF ADJUSTMENT APPLICATION REVIEW

- |  |   |
|--|---|
| 1. CASE# <u>A-17-26</u>  | 2. HEARING DATE: <u>September 7, 2017</u> |
| 3. APPLICANT: <u>Lawrence Allen</u>  | 4. ADDRESS: <u>7116 Edmond Avenue</u>     |
| 5. LEGAL DESCRIPTION: <u>Lot 9, Block 5, Country Club Estates Addition</u> |   |

- |   |
|---|
| 6. VARIANCE REQUESTED: <u>A variance of 10 feet to the required front yard setback of 30 feet, per Sec. 28-301(1) of the city of Waco Zoning Ordinance, on a lot zoned R-1A, Single-Family Residence.</u> |
|---|

- |  |
|--|
| 7. PRESENT ZONE: <u>R-1A, Single-Family Residence.</u>   |
| 8. THE PRESENT USE: <u>Vacant lot</u>  |
| 9. THE CHARACTER (CONDITION AND APPEARANCE) OF THE NEIGHBORHOOD:<br><u>The area is made up of single family residential homes.</u> |

### RECOMMENDATION:

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

- The application of this chapter to the lot would create practical difficulties because the lot is exceptionally irregular and steep. The subject lot has exceptional physical conditions unique to it and not to other lots in the same zoning district;
- The practical difficulties or unnecessary hardships were not created by the applicant;
- The variance is the minimum necessary to prevent a practical difficulty or an unnecessary hardship;
- 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
- The request is in harmony with the general purposes and intent of the ordinance.

### SPECIAL CONDITIONS:

- The applicant shall sign and notarize all the paper work and return to Planning Services to have the variance decision recorded on the deed of record for which it was authorized.



**CASE NO. A-17-26**

**TRAFFIC DEPARTMENT REVIEW**

1. Will there be an impact on traffic flow, safety, or quality of service if this variance is granted? No
2. Description of the adjacent street system:  
Classification: Local      Number of Lanes: Two  
Existing Capacity 6,000 vpd      Avg. Daily Traffic Not Available vpd
3. Estimated increase in traffic on adjacent streets:  
Immediate: Negligible      Future: Negligible
4. Will the impact of the granting of this variance be of sufficient magnitude to require mitigation for:  
a) Access problems:    no  
b) Increased traffic congestion:    no  
c) Pedestrian traffic:    no  
d) Visibility problems:    no
5. Traffic Department comments and recommendations:  
  
No comment. (RK)

**ENGINEERING DEPARTMENT REVIEW**

1. Street condition: Good\_\_\_ Acceptable\_\_\_ Needs Reconstruction
2. Street width: Existing: ROW\_\_\_ Pavement\_\_\_  
Required: ROW'\_\_\_ Pavement'\_
3. Curb and Gutter:  
Needs to be installed\_\_\_ Exists\_\_\_ Needs Reconstruction
4. Offsite Drainage facilities are adequate to meet additional runoff resulting from the rezoning.
5. Water is available to the property, and it will serve the heaviest uses allowed under the requested zoning.
6. Sewer is available to the property, and it will serve the heaviest uses allowed under the requested zoning?
7. Engineering Department comments and recommendations:

CASE NO. A-17-26

**INSPECTION SERVICES:**

No objections from Inspection Services.

Randy

**LEGAL SERVICES REVIEW**

**Comments**

**FIRE DEPARTMENT REVIEW:**

ANTICIPATED FIRE RESPONSE TIME: Less than 6 minute response time.

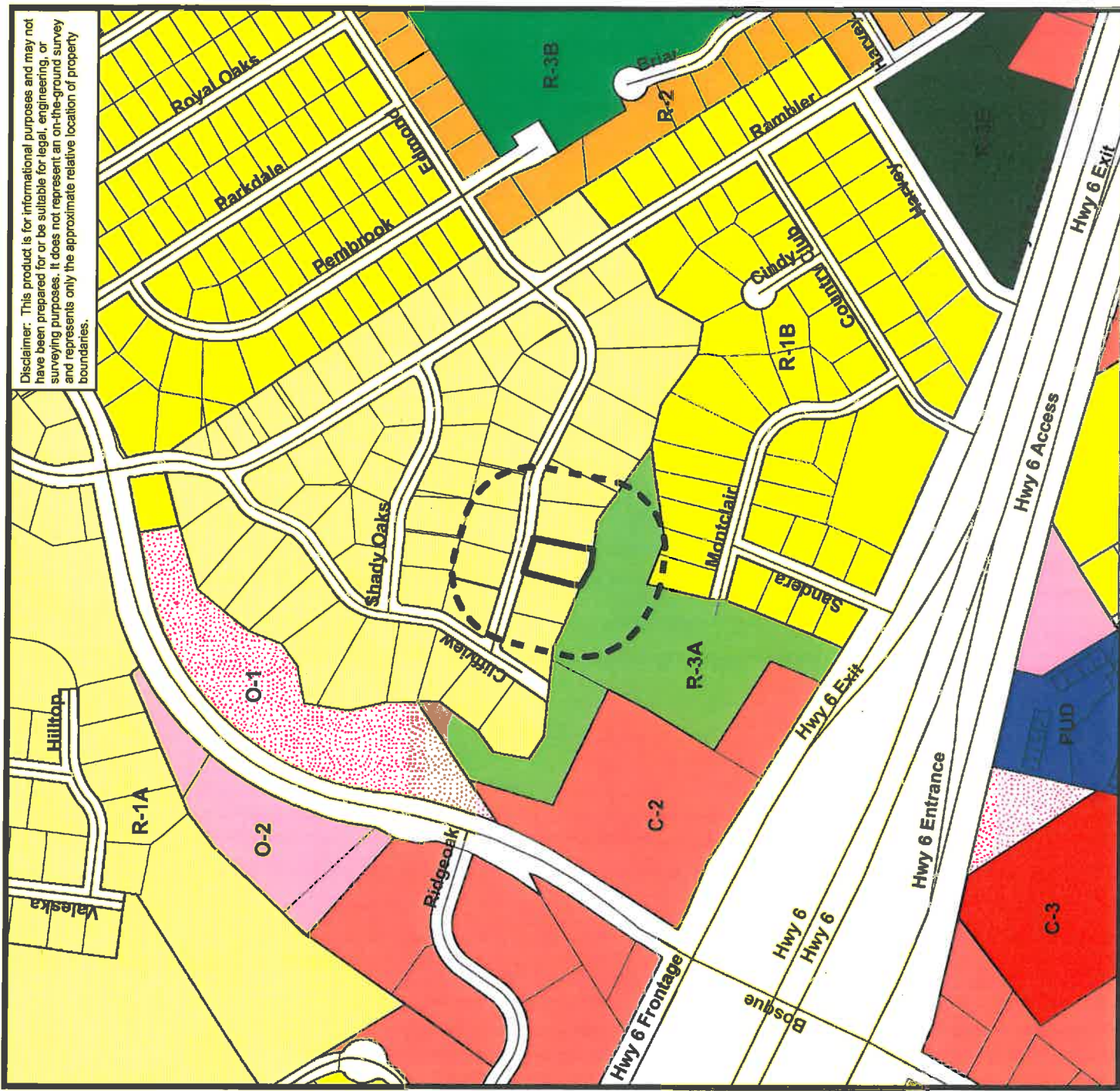
IS THE FIRE RESPONSE TIME ADEQUATE?: (Y) Yes N) NO

Fire Department Comments and Recommendations:

Less than 6 minute response time to this location which is acceptable.

Captain Gary Lee

Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



Zoning Board of Adjustment  
 Case A-17-26  
 7116 Edmond Avenue  
 Property Location Map  
 and Surrounding  
 Zoning Categories

Case No. A-17-26  
 200' Property Notice Buffer

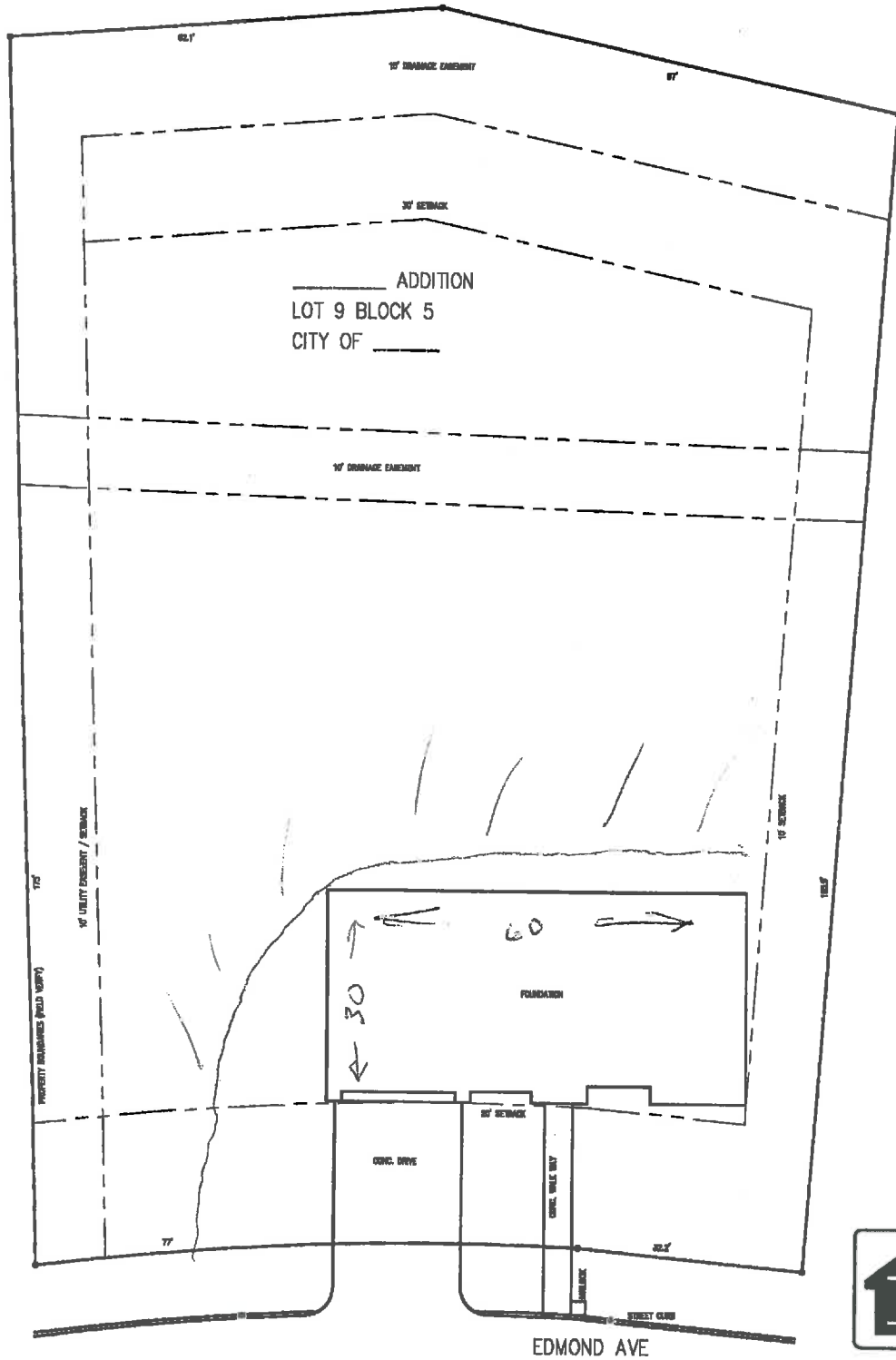
Zoning Categories

- R-1A
- R-1B
- R-1C
- R-2
- R-3A
- R-3B
- R-3C
- R-3D
- R-3E
- O-1
- O-2
- O-3
- C-1
- C-2
- C-3
- C-4
- C-5
- M-1
- M-2
- M-3
- PUD



September 7, 2017







**Case: A-17-26**

**15 Notices mailed**

0 Returned

Received 3 phone calls Tuesday, August 29, 2017 from property owners within the 200' radius notice area.

1 No objection to request

1 Object to request

1 No comment ~ wanted to get an understanding of request