



**AGENDA ITEM REQUEST FORM
CITY OF JOHNSON CITY, TEXAS
BOARD OF ADJUSTMENT**

ITEM NO. 4

MEETING DATE: **October 5, 2021**

AGENDA PLACEMENT:

- Ceremonial
- Consent
- Individual
- Closed Session

CAPTION:

Discussion of and action on a Board of Adjustment Application from Mr. John Plemmons for a variance to Chapter 14 *Zoning*, Article 3 *Zoning Districts*, Section 3.3 *Single Family Residential* requesting that the minimum front yard setback be reduced from fifteen feet (15') to ten feet (10') for 203 N. Ave. J, Johnson City, Texas 78636, more particularly described as BCAD Property ID No. 19989. (Applicant)

STRATEGIC WORK PLAN:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Goal 5: Improve Fire Safety |
| <input type="checkbox"/> Goal 1: Increase Housing Diversity | <input type="checkbox"/> Goal 6: Improve Streets |
| <input type="checkbox"/> Goal 2: Expand Quality Lodging | <input type="checkbox"/> Goal 7: Increase Publicity &
Promotion of the Community |
| <input type="checkbox"/> Goal 3: Improve Code Enforcement | <input type="checkbox"/> Goal 8: Increase Economic
Development Activities |
| <input type="checkbox"/> Goal 4: Improve Streetscaping &
Signage | |

EXECUTIVE SUMMARY:

Mr. John Plemmons, owner of 203 N. Ave. J, desires to plat an existing single-family residential parcel into four (4) single-family residential lots. The front yard of a home on the existing lot would naturally face N. Ave. J; however, in this scenario, the property owner desires to subdivide the property into four (4) lots whereby the front yard of each home faces JCISD property.

Based upon the property owner's initial site plan, the front yards cannot be relocated to another portion of each lot due to the placement of garages on the individual lots. A garage, or other accessory building, cannot be located in front of the "front building line" of a structure.

Pertinent Zoning Regulations:

Sec. 3-3. Single-Family Residential (SF).

Maximum dwelling units	Five dwelling units per acre
Minimum lot width (street frontage)	50 feet
Minimum lot size (area)	7,500 square feet
Minimum front yard	15 feet
Minimum side yard	10 feet
Minimum side yard, adjacent to street	10 feet
Minimum rear yard	10 feet
Minimum dwelling unit size	1,000 square feet
Maximum lot coverage (all)	50 percent (50%)
Maximum structure height (stories)	2 stories
Maximum structure height (feet)	35 feet

Sec. 2-8. Accessory uses and structures.

- (d) No accessory structure shall be located in a front yard, except fences and walls.
- (g) Accessory buildings which are not a part of the principal structure (including those structures that are connected to the principal building by an open breezeway), may be constructed in a rear yard, provided such accessory building does not occupy more than 20 percent (20%) of the area of the required rear yard and provided it is not located closer than five feet to any lot line.

Sec. 1-3. Definitions.

Accessory building or structure means a structure on the same lots with, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; freestanding greenhouses, pool houses, tennis courts; gazebos and workshops.

Garage means an accessory building or a portion of a main building for storage of motor vehicles or parking as may be required in connection with the permitted use of the main building.

Setback means the minimum distance between by which any building or structure must be separated from a street right-of-way or lot line.

Yard, front, means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front building line.

Yard, rear, means an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the rear building.

Yard, side, means an open space extending from the required front yard to the required rear yard, the width of which is the minimum horizontal distance between the side lot line and the side building line.

FINANCIAL: N/a

ATTACHMENTS: Application and Site Plan

SUGGESTED ACTION:

The concurring vote of at least 75 percent (75%, or 4 of 5) of the full BOA is necessary to:

- (1) Reverse an order, requirement, decision or determination of an administrative official;
- (2) Decide in favor of an applicant on a matter on which the board is required to review under this zoning ordinance; or
- (3) Authorize a special exception-variance from the terms of this ordinance.

No special exception shall be granted unless the BOA finds that:

- (1) There are special circumstances or conditions affecting the land involved such that the literal enforcement of the provisions of this ordinance would deprive the applicant of the reasonable use of the land; and
- (2) The special exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) The granting of the special exception will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
- (4) The granting of the special exception constitutes a minimal departure from this ordinance; and
- (5) The subject circumstances or conditions giving rise to the alleged hardship are not self-imposed, are not based solely on economic gain or loss, and do not generally affect most properties in the vicinity of the property; and
- (6) Granting the special exception is in harmony with the spirit, general purpose, and intent of this ordinance so that:
 - (A) The public health, safety and welfare may be secured; and
 - (B) That substantial justice may be done.

City Staff recommends approval of a Board of Adjustment Application from Mr. John Plemmons for a variance to Chapter 14 Zoning, Article 3 Zoning Districts, Section 3.3 Single Family Residential requesting that the minimum front yard setback be reduced from fifteen feet (15') to ten feet (10') for 203 N. Ave. J, Johnson City, Texas 78636, more particularly described as BCAD Property ID No. 19989.

PREPARED BY: City Staff

DATE SUBMITTED: 9/30/21



Development Services
 P.O. Box 369 (Mailing)
 303 E. Pecan St. (Physical)
 Johnson City, Texas 78636
 (830) 868-7111, Ext. 4
 (830) 868-7718 (Fax)

Application Date: 8/27/21 4

APPLICATION TO BOARD OF ADJUSTMENT
Chapter 14

NAME OF APPLICANT: John Plemmons
 MAILING ADDRESS: 1706 Westover Rd AUSTIN, TX 78703
 PHONE NUMBER: 512-417-7253
 STATUS OF APPLICANT: OWNER:
 AGENT: _____ (IF AGENT, ATTACH LETTER OF AUTHORIZATION)

PROPERTY DESCRIPTION

PHYSICAL ADDRESS: 203 N. Avenue J Johnson City, TX 78636
 LEGAL DESCRIPTION: ABS A0193 Survey 171 J. Fentress, Acres .84
 CURRENT ZONING: SFR PROPOSED ZONING: SFR
 EXISTING USE: Residential PROPOSED USE: Residential
 ACRES/SQ. FT.: .84 DOES OWNER OWN ADJACENT PROPERTIES? Yes No
 REQUESTED BOARD ACTION SPECIAL EXCEPTION _____ VARIANCE
 PURPOSE OF REQUEST: Requesting front setback be reduced from 15' to 10'. (Highlighted)

I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND THE ATTACHED INSTRUCTION SHEET AND KNOW THE INFORMATION I HAVE PROVIDED TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS APPLICATION WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A VARIANCE OR SPECIAL EXCEPTION DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING THE USE OF PROPERTY.

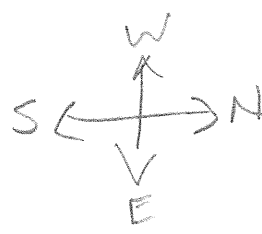
[Signature]
 APPLICANT'S SIGNATURE

8/25/2021
 DATE

Office Use Only
378.00
Ad Ct # 053

10' Utility Easement

10'



Lot #4

Front →

garage

Lot #3

Front →

garage

Lot #2

Front →

garage

Lot #1

Front →

garage

Johnson City FSD Property

10' setback

20' Driveway Easement

10' Utility Easement (sewer)

10' Parking Easement

20' Setback

Avenue J

10' Utility Easement for water