

Board of Adjustment: 1/22/2020
Agenda Item: 2020-8148

Staff Contact: Emily Fesette
E-mail: emilyf@pflugervilletx.gov
Phone: 512-990-6300

SUBJECT: To receive public comment and consider a Variance on a single-family home, zoned Single Family Suburban District (SF-S). The Variance requests include reductions in the minimum interior side setbacks as stated in Subchapter 4.2.4 A General Regulations Table and 4.2.4 D Setback Encroachments, of the Unified Development Code; to be known as the 801 W. Walter Ave Variance. (BOA1912-01)

LOCATION:

The subject property is located along the south side of W. Walter Ave., between S. 10th St. and S. 6th St., and generally located south of W. Pfluger St. The adjacent property lines of the subject properties are single family homes. The north property line is along W. Walter Ave.



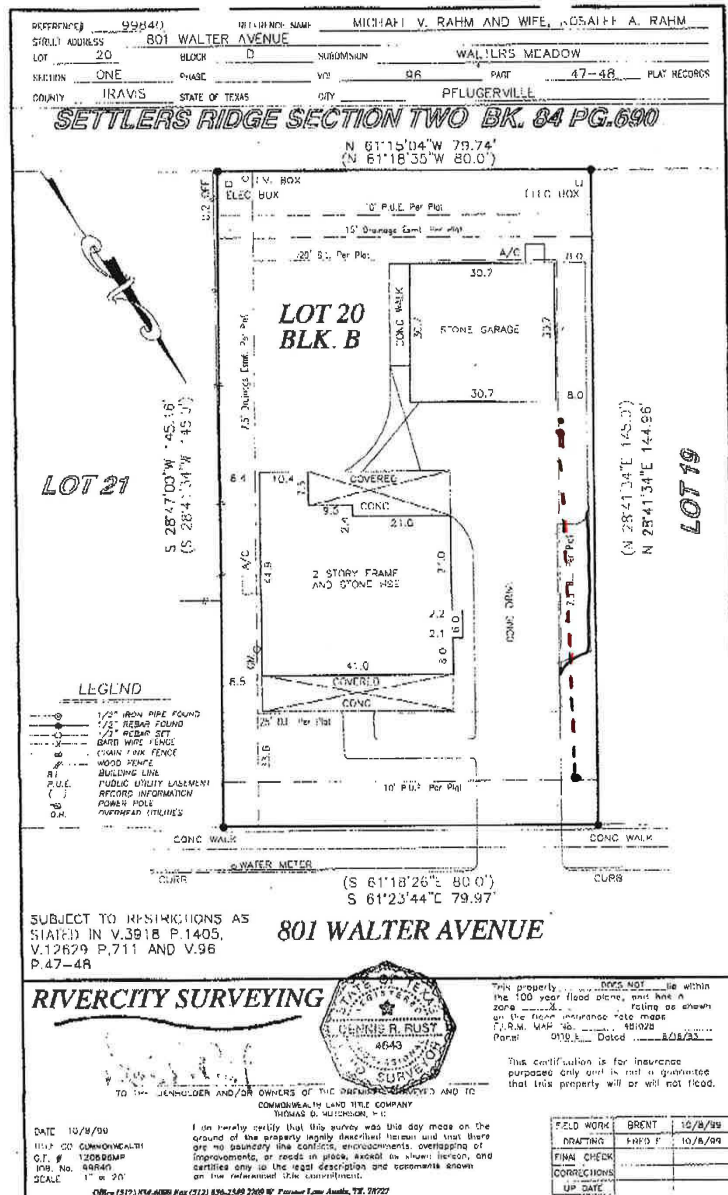
HISTORY:

The subject property is part of the Walters Meadow Section One Subdivision which was platted in 1995. The Walters Meadow Section One Subdivision included all properties located along Walter Avenue between S. 10th St. and S. 6th St.

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The subject property and surrounding area were part of the original tract of land which was annexed in 1983 (ORD 171-83-11-7), and was zoned for residential use at time of annexation. The nomenclature of the zoning districts have changed; however, the zoning has remained consistent for a residential use, including the current zoning, Single Family Suburban Residential (SF-S). The primary structures located on the property were constructed in 1999 in accordance with Chapter 155 A. (ORD 573-00-01-1).

The applicant's water softener is located in the garage and has a sewer line that ties into the primary private sewer line located approximately five to seven feet from the property line along the western extent of the property, this is then tied to the shared wastewater cleanout located at the northwestern corner of the property along West Walter Avenue. (Property Survey featured right; the dashed line is the approximate location of the sewer line).



In the summer of 2019, the applicant inquired about constructing a carport on his property. Carports are subject to Subchapters 4.2.4 and 4.6 of the Unified Development code, which require the structure to be located a minimum 5 feet from the property line. The applicant looked into the various options available including: attaching the carport to the existing home which would require extensive remodeling of the structure to be in compliance with the current Building Codes or excavating, relocating the existing sewer line, and constructing the carport

further into the property, however this option would eliminate the applicant's ability to use the existing garage to its best and highest use.

Variance Request:

The Applicant has proposed one Variance to allow for a reduction in the minimum interior side setback standard and setback encroachments per Subchapter 4.2.4 D from five (5) feet to two feet and 6 inches (2.6).



Current Lot Configuration (2018 aerial) & SF-S Requirements Superimposed (2020)

UNIFIED DEVELOPMENT CODE:

The Single Family Suburban Residential District (SF-S), the subject property's zoning district, is a residential zoning district for low density, single family suburban housing types. Per Subchapter 4.6.2 B, carports are permitted in the SF-S zoning district, permitted they meet the six standards laid out in the Unified Development Code. These standards include the following:



- a. Shall contain a paved surface underneath and leading to the carport structure.
- b. Shall meet all building setbacks applicable to the principal structure.
- c. Pre-fabricated metal carports shall not be permitted.
- d. Subject property shall not have any covenants, conditions, or restrictions prohibiting carports. If such property has such restriction, but allows for exceptions if permitted by the homeowner's association architectural review, the Planning Director may consider such request consistent with the provisions stated herein.
- e. Shall consist of similar architectural theme and constructed of materials consistent with the principal structure, including but not limited to support posts and roofing materials.
- f. The carport shall be generally located to the side or rear of the principal structure. A carport shall not be located between the principal structure and the public right-of-way, unless the carport is architecturally integrated into the overall design of the principal structure, and only when approved by the Planning Director.

The SF-S district establishes the minimum development requirements, including lot dimensions, dwelling unit size, and building setbacks. The minimum interior side setback requirement for the Single Family Suburban Residential District (SF-S) of seven and a half (7.5) feet, however there is a provision in the Code which allows for setback encroachments. The encroachment allowance is specified in Subchapter 4.2.2 D (the table featured below). According to the table, the proposed carport is classified as an accessory structure other than an unattached garage that is 200 square feet or greater and is allowed to encroach up to five (5) feet into the interior side setback.

Table 4.2.4 D. – Accessory Building Setbacks

Primary Use of Lot	Type of Accessory Building	Distance from Boundary			
		Street	Rear	Side - Interior	Side - Exterior
Residential	Unattached Garage	25'	7.5'	5'	15'
Residential	Detached Accessory Dwelling Unit	25'	7.5'	5'	15'
Residential	Other than Unattached Garage including Storage Sheds 200 Square Feet and Greater	25'	5'	5'	15'
Residential	Storage Shed Less Than 200 Square Feet	25'	0'	0'	15'

COMPREHENSIVE PLAN:

The proposed variance does not affect the land use and therefore is determined to be consistent with Pflugerville 2030 Comprehensive Plan.



CRITERIA FOR APPROVAL:

The Board of Adjustment shall consider the following criteria in determining whether a zoning variance request is warranted:

1. Extraordinary Conditions: That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. No Substantial Detriment: That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area or to the City in administering this Code.
3. Other Property: That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
4. Applicant's Actions: That the conditions that create the need for the variance are not the result of the applicant's own actions.
5. Comprehensive Plan: That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.
6. Utilization: That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
7. Insufficient Findings: The following types of possible findings do not constitute sufficient grounds for granting a variance:
 - a. That the property cannot be used for its highest and best use.
 - b. That there is a financial or economic hardship.
 - c. That there is a self-created hardship by the property owner or their agent.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed Variance to provide for reductions from 5 feet to 2.6 feet in the minimum interior side setback depth as stated in Subchapter 4.2.4 of the Unified Development Code (UDC).

The surrounding properties are owned by different land owners and developed as single family residential lots. The applicant has received verbal and written consent from his adjacent neighbor to the west approving the proposal; this neighbor would be the most directly impacted by the Variance. The subject property contains an existing sewer line along the western property line which approximately follows the UDC side interior setback encroachment allotment of five feet off the property line. Due to this existing sewer line, the property is hindered from further development in this area, as would normally be allowed. The sewer line will need to be relocated to allow the property owner to meet the standard.

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The proposed Variance will not impact the public health, safety or welfare of the citizens of Pflugerville. The proposed carport will meet the minimum required standards for an accessory building with the exception of the interior side setback standard. The subject property and all future development will adhere to the required accessory building standards, architectural standards, landscaping standards, and building permit process; therefore, not creating a negative impact to the adjacent neighbor's properties. The single family use of the property is compatible with the surrounding residential properties and Future Land Use Map.

The property was developed to meet the standards in place in 1999, which did not contain the current acceptable building setback requirements. The configuration of the lot to meet the standards of 1999, has limited the location of future site improvements. The property owner has demonstrated an effort to meet the Unified Development Code standards, prior to applying for a Variance. Without approval of the request, the application of the provisions of the Unified Development Code will deprive the Applicant of the reasonable use of their land. Staff recommends approval.

If the Variances are approved:

If the Variance is approved, the subject property will be granted reductions in the following standards: minimum interior side setbacks and interior side setback encroachments. This will grant the Applicant or owner the ability to develop the property in accordance with the Single Family Suburban Residential District (SF-S) zoning district.

If the Variances are denied:

If the request is denied, the applicant will be unable to construct on their property without demolition of pavement, removal and relocation of the existing sewer line, or remodeling the existing home and garage.

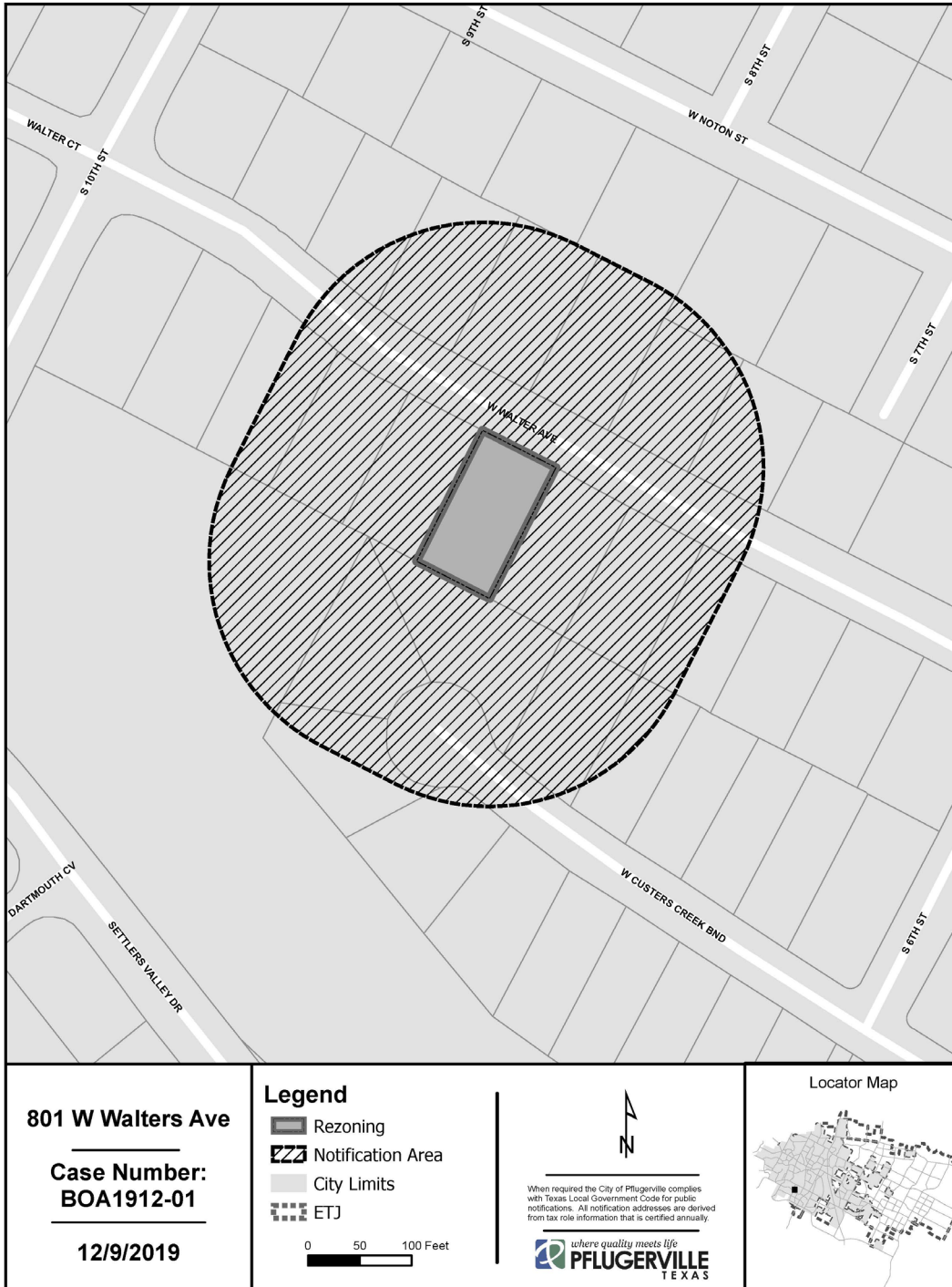
NOTIFICATION:

Notification was provided through publication, mail to property owners within 200-ft of the property, and signage on the property. The City received six calls on the dates of January 8th, 9th, 10th and 13th with general inquiries regarding the sign posted and variance details. No complaints were issued at time of completing this report.

ATTACHMENTS:

- Notification Map
- Letter from Neighbor
- Images

NOTIFICATION MAP:



Letter from Neighbor:

Doug Fletcher
803 W. Walter Ave
Pflugerville, TX 78660
(512) 917-5453

January 15, 2020

City of Pflugerville Planning Department
ATTN: Emily Fesette, Planner II

REF: Variance – Side Setbacks at 801 W. Walter Ave, Pflugerville, TX 78660

Emily,

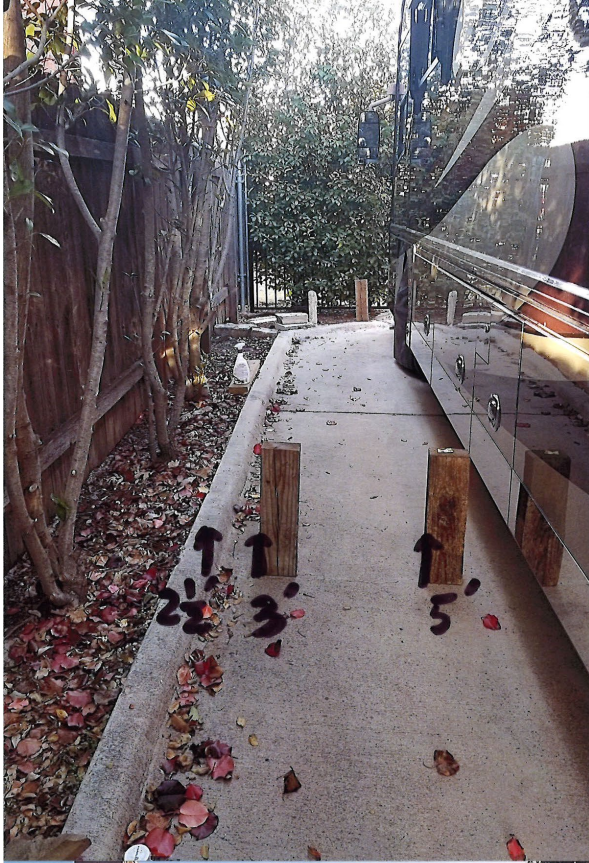
I am located next door to the reference location seeking the variance.
Please accept this letter as my approval to allow Mike Rahm at 801 W. Walter Ave., Pflugerville,
TX 78660 the variance he is seeking.

Thank you,


Doug Fletcher

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IMAGES:



*The Variance Request:
(Top) Examples of where the pillars would
be located if the applicant: 1. followed the
code and 2. If the variance is approved.*



*(Bottom) The proposed location of the
carport in relation to the property and
other property structures*

(801 W. Walter Ave BOA1912-01) (2020)



Location of the vehicle parked along the five foot setback, the location where it would be parked if the variance is approved (801 W. Walter Ave BOA1912-01) (2020)



1999 Photographs Location of the Sewer Line Trench Connecting to the Garage (feat. Above and Below)(801 W. Walter Ave BOA1912-01) (2020)





*Location of the Shared Municipal Wastewater Cleanout (801 W. Walter Ave BOA1912-01)
(2020)*



Public Notice Signage (801 W. Walter Ave BOA1912-01) (2020)