

## Board of Adjustment STAFF REPORT

**Board of Adjustment:** 10/21/2020  
**Agenda Item:** 2020-8729

**Staff Contact:** Emily Draughton  
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**Phone:** 512-990-6306

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**SUBJECT:** To receive public comment and consider variances at 502 S. 6th St, a single-family lot zoned Single Family Suburban District (SF-S). The Variance requests include reductions in the minimum side street setbacks as stated in Subchapter 4.2.4 A General Regulations Table and 4.6.2.B.2 accessory buildings size standards, of the Unified Development Code to be known as the 502 S 6<sup>th</sup> Street Variance. (BOA2009-01)

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**LOCATION:**

The subject property is located at the northwest corner of the W Walter Avenue and S 6<sup>th</sup> Street intersection. Generally located south of W. Pfluger St. The adjacent properties of the subject property are single family homes.



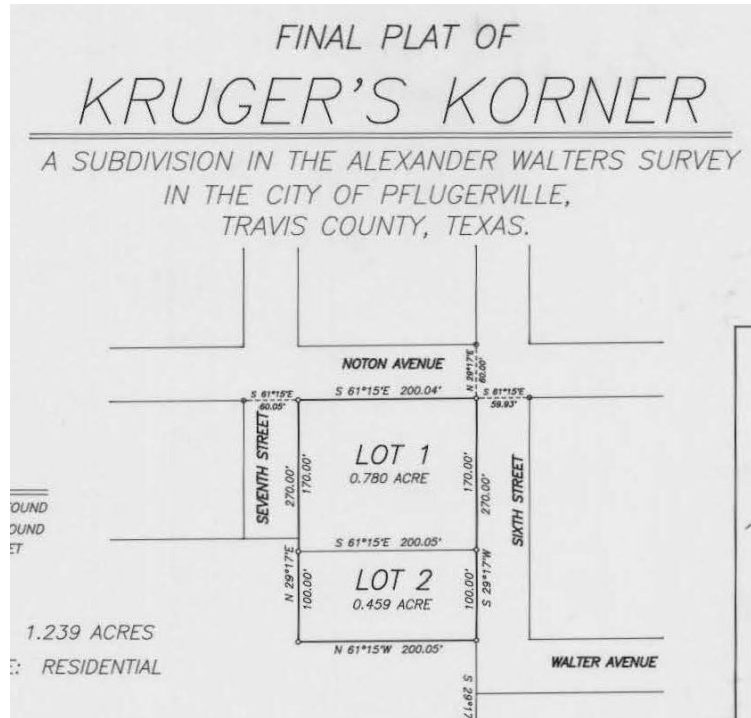
**HISTORY:**

The subject property is Lot 2 of the Kruger's Korner Subdivision which was platted in 1992. The plat includes the adjacent property to the north as Lot 1. There are only two lots in this subdivision. They are separate from the lots to the west of the subject property.

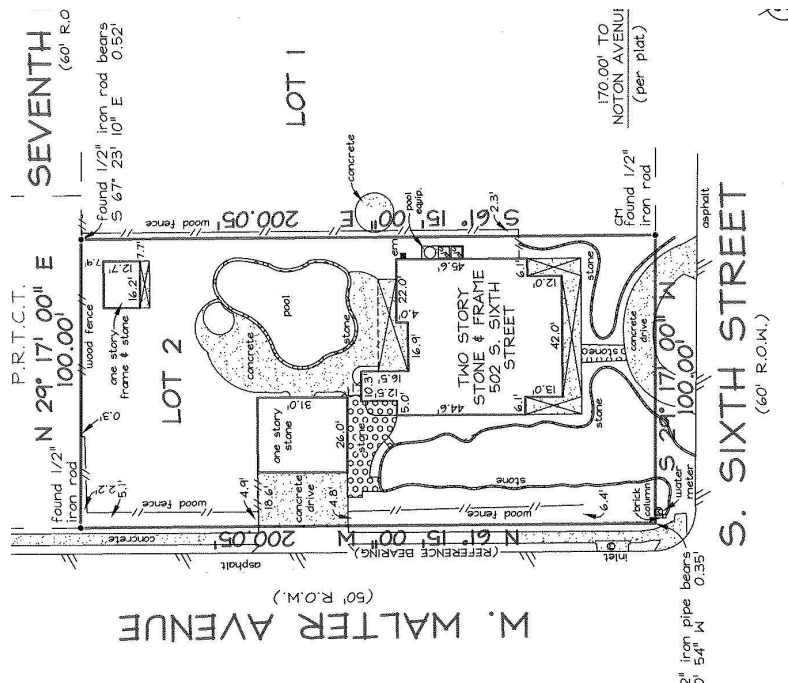
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The subject property was annexed in 1971 (ORD 32-71-01-18) and was zoned for residential use at time of annexation. The nomenclature of the zoning districts has changed; however, the zoning has remained consistent for a residential use, including the current zoning, Single Family Suburban Residential (SF-S). The primary structures, including the home and existing detached garage, were constructed in 1996 in accordance with the Site Development Ordinance at the time (ORD89-10-24). There is also a wood fence surrounding the rear of the property.

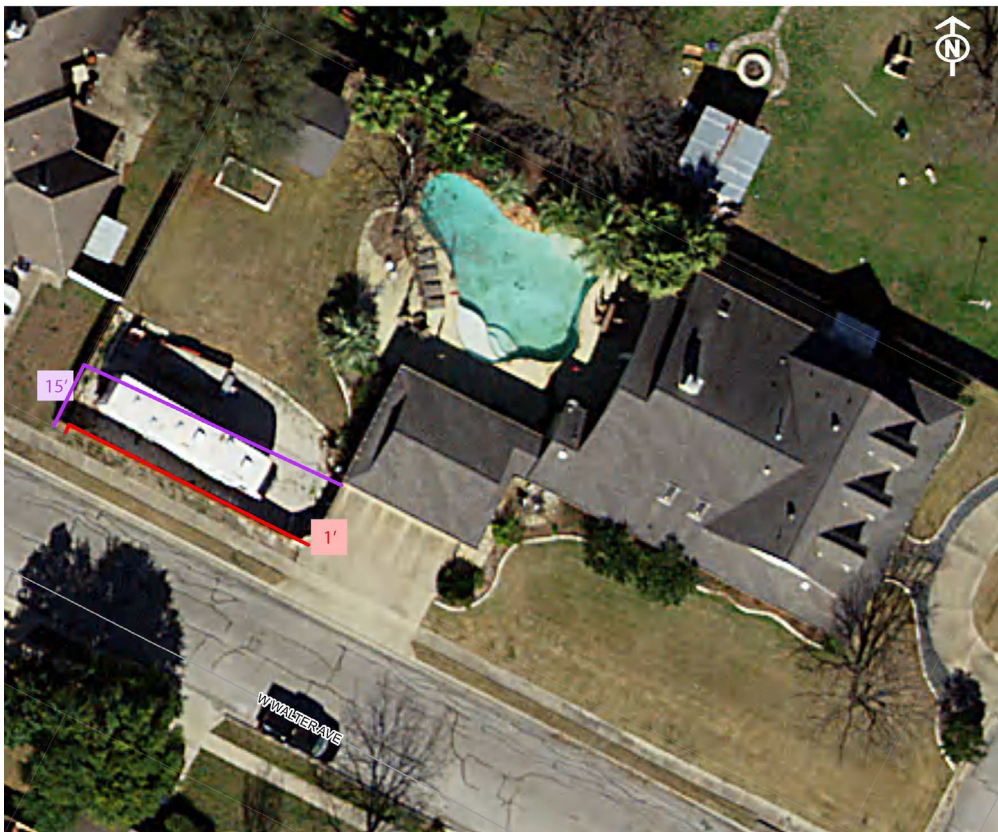


In the summer of 2020, the applicant inquired about constructing an RV garage with an attached shed on his property. Accessory buildings are subject to Subchapters 4.2.4 and 4.6.2 of the Unified Development Code, which require the structure to be located a minimum 15 feet from the property line on the side street and the structure cannot exceed 25% of the first floor area of the principal home. The applicant investigated the various options available that would have met the setback requirement and structure size requirement including constructing the two proposed structures as separate buildings.



**Variance Request:**

The applicant has proposed one Variance to allow for a reduction in the minimum side street setback standard from fifteen (15) feet to one (1) foot. The applicant has also proposed a variance to allow for an increase in the square footage allowed for an accessory structure. Pursuant to the Code, the allowed size for an accessory structure is 726 square feet, the proposed structure will be 1,762 square feet.



*Current Lot Configuration (2018 aerial)  
SF-S 15' Setback Requirements Superimposed in Purple  
Setback Variance Request, 1', in Red (2020)*



*Current Lot Configuration (2018 aerial)  
SF-S Requirements Superimposed in Purple  
Structure Size Variance Request in Red (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. The SF-S district establishes the minimum development requirements, including lot dimensions, dwelling unit size, and building setbacks. Pursuant to Subchapter 4.2.4(A), the minimum side street setback for corner lots is fifteen (15) feet.



Per Subchapter 4.6.2(B), accessory buildings are permitted in the SF-S zoning district, if they meet the standards laid out in the Unified Development Code. One of the standards requires the accessory building to not exceed twenty-five (25%) percent of the gross floor area of the first floor of the principal structure.

**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 denial of the proposed variance to provide for reductions from 15 feet to 1 foot in the minimum street side setback depth as stated in Subchapter 4.2.4 of the Unified Development Code (UDC). Staff recommends denial of the proposed variance to allow for a structure greater than 25% of the first-floor floor area of the primary structure, to be increased from 726 feet to 1,762 feet.

The surrounding properties are owned by different landowners and are developed as single-family residential lots. The subject property fronts onto S 6<sup>th</sup> Street and not W. Walter Avenue therefore the subject property can allow for structures to be 10 feet closer to W. Walter Avenue than the adjacent property to the west. This subject property appears to be narrower than the western property as it relates to the front-to-rear depth from W. Walter Ave. The

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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 Variances.

The primary intent of the street side setback on corner lots, is to maintain a cohesive street view corridor. The existing detached garage on the subject property is built at the 15-foot setback and already impedes in this view corridor and was constructed per the development standards of 1996. Furthermore, even if the future structure is constructed to meet the street side setback standards, the new accessory structure will still impact the view corridor as the lots to the west were built with 25' building setbacks. The applicant intends to install landscaping, Italian Cypress trees, in the remainder area between the existing wood fence and the proposed accessory structure. The landscaping is intended to offset any visual impact that the rear and side facades of the structure may have on the street view corridor.

The proposed structure is intended to conceal and improve the appearance of the existing RV that is currently parked in the proposed location. The proposed variance request to increase the size of the structure is required because the applicant has designed the garage to also have space for an attached shed. All accessory structures, except for a carport, must adhere to the 25% standard.

The proposed Variance will not impact the public health, safety or welfare of the citizens of Pflugerville. The proposed accessory structure will meet the minimum required standards for an accessory building apart from the street side setback standard and the accessory structure building size standard. The single-family use of the property is compatible with the surrounding residential properties and Future Land Use Map.

The property was platted prior to the surrounding subdivision which has created a unique street layout for the area. The property was developed to meet the standards in place in 1996, which did not contain the current acceptable building setback requirements. The property owner has demonstrated an effort to meet the Unified Development Code standards, prior to applying for a variance.

Due to the proximity to the right of way and the further negative impact to the view corridor, as well as the size of the structure, Staff recommends denial.

***If the Variance is approved:***

If the Variance is approved, the subject property will be granted reductions in the following standards: minimum side street setback and minimum accessory structure size.

***If the Variance is denied:***

If the request is denied, the applicant will construct the accessory structure to meet the minimum required setbacks and size limitations, may construct it as a carport and shed pursuant to the Code requirements, or the applicant will not construct anything new at all.

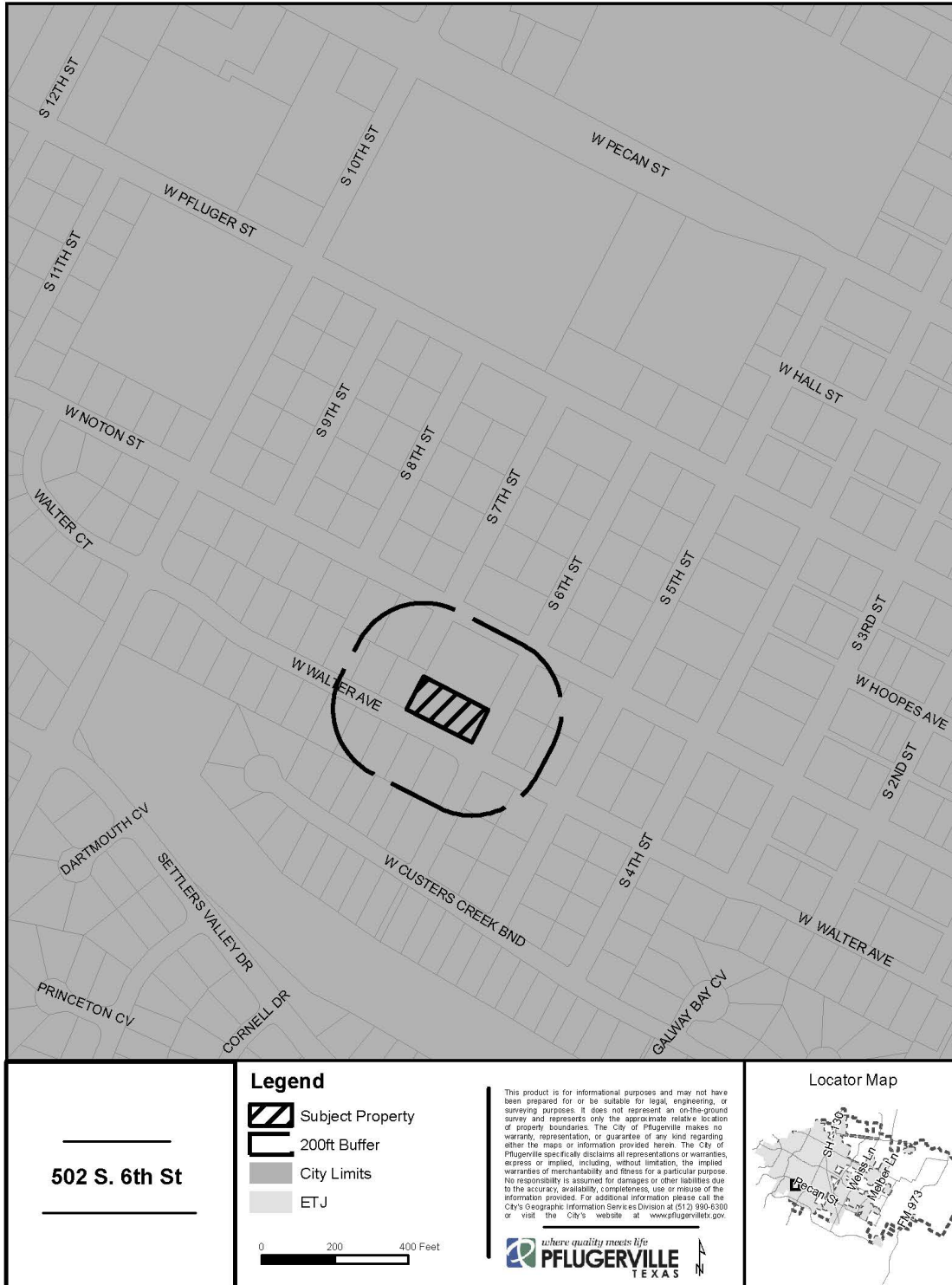
**NOTIFICATION:**

Notification was provided through publication, mail to property owners within 200-ft of the property, and signage on the property. The City received two phone calls on October 8<sup>th</sup> one on October 9<sup>th</sup> and one on October 15<sup>th</sup> and one email October 12<sup>th</sup> with general inquiries regarding the signs posted and requesting variance details. One caller on October 13<sup>th</sup> voiced concern regarding the request. No other complaints have been issued at time of completing this report.

**ATTACHMENTS:**

- Notification Map
- Letter from Neighbor
- Images

**NOTIFICATION MAP:**



## Letter from Neighbor:

October 3, 2020

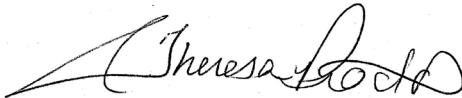
To Whom It May Concern:

We are the neighbors to the west of Michael Worley and share the fence between our properties. He has mentioned he would like to build a carport over his RV that has been parked in his back yard for the past few years. From what we understand, this carport would run the length of his backyard fence line along Walter Avenue and basically be in-line with our driveway in front of our garage. Michael has discussed this structure with us and we understand it will be tall enough to cover his RV and will match the colors of his house. We do not have any issues or reservations with his project being built.

However, in a recent conversation with Michael, he mentioned the possible need to reposition the carport so it would run alongside the fence line that we both share. We are not in support of a building oriented this way due to it blocking a substantial portion of the view from our back yard and kitchen windows.

Because of the pool and landscaping in Michael's back yard, we have come to enjoy the green palm trees and shrubs that are visible from our back yard and kitchen windows and give us views with more depth beyond our fence line. We have even asked him to turn on his waterfall or outdoor speakers when we have guests over simply to add ambiance to our entertaining. If the structure were to run North/South along the fence line, our view would be dramatically less "deep" and very different than what we enjoy today. Because of these things, we are not in support of his carport being built along the fence line that we share.

Sincerely,



Theresa Proctor

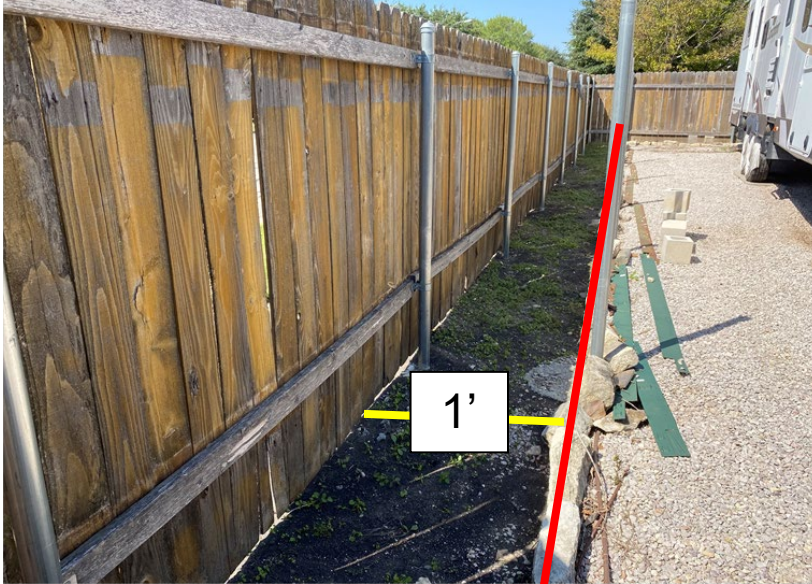


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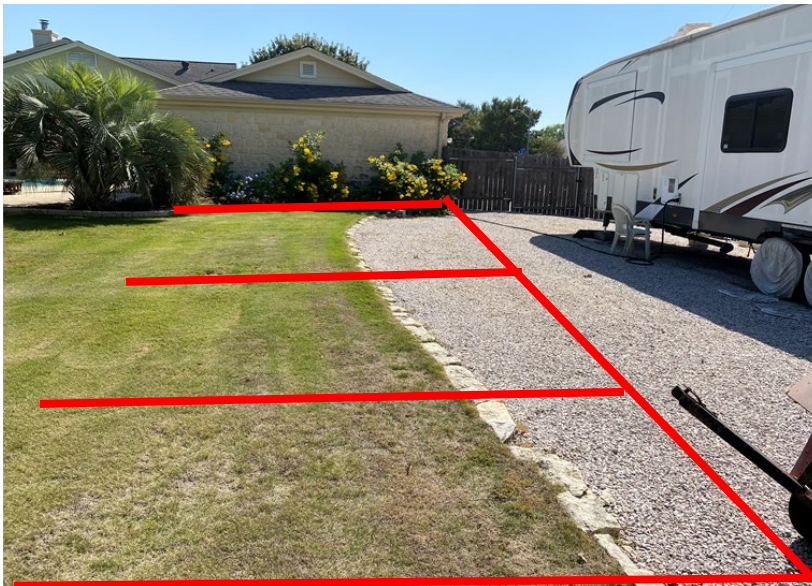
700 W. Walter Ave.  
Pflugerville, TX 78660

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### IMAGES:



*The Variance Request:  
Example of where the walls  
would be located if the  
variance is approved.*



*The Variance Request:  
Vertical red line shows the  
setback as required by the  
Unified Development Code, 15'  
from the property line. The  
structure would start at the  
red line and move into the  
property (the horizontal red  
lines depict this).*

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*Public Notice Signage (502 S 6<sup>th</sup> Street BOA2009-01) (2020)*