



City of Sachse, Texas

Meeting Agenda

Board of Adjustments

Thursday, June 16, 2016

7:00 PM

First Floor Conference Room

The Zoning Board of Adjustments of the City of Sachse will hold a Regular Meeting on Thursday, June 16, 2016, at 7:00 p.m. at Sachse City Hall, 3815 Sachse Road, Building B, Sachse, Texas to consider the following items of business:

1. Invocation and Pledge of Allegiance to the U.S. and Texas Flags.
2. Consider election of a Chairman and Vice-Chairman.
3. [16-3381](#) Consider approval of the minutes from the October 15, 2015 Board of Adjustments meeting.
 Attachments: [10.15.2015 Minutes](#)
4. [16-3380](#) Conduct a public hearing to consider the application of Juan Padilla requesting a variance to reduce the required lot width at building line from 130 feet to 105 feet and to reduce the minimum lot size from 39,000 square feet to 32,790 on property zoned Residential-1 (R-1).
 Attachments: [Presentation](#)
 [Decision tree](#)
5. Adjournment.

Posted: June 10, 2016; 5:00 p.m.

Michelle Lewis Sirianni, City Secretary

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact Michelle Lewis Sirianni, City Secretary at (972) 495-1212, 48 business hours prior to the scheduled meeting date.



City of Sachse, Texas

Legislation Details (With Text)

File #: 16-3381 **Version:** 1 **Name:** CD - BOA MINUTES October 15, 2015
Type: Agenda Item **Status:** Agenda Ready
File created: 6/10/2016 **In control:** Board of Adjustments
On agenda: 6/16/2016 **Final action:**
Title: Consider approval of the minutes from the October 15, 2015 Board of Adjustments meeting.

Sponsors:

Indexes:

Code sections:

Attachments: [10.15.2015 Minutes](#)

Date	Ver.	Action By	Action	Result
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Title

October 15, 2015 meeting minutes.

Background

Minutes from the October 15, 2015 meeting.

Policy Considerations

None.

Budget Considerations

None.

Staff Recommendations

Approve the minutes from the October 15, 2015 Board of Adjustments meeting.



City of Sachse, Texas
Board of Adjustment
Minutes of the Regular Meeting
Monday, October 15, 2015 – 7:00 pm

Members Present:

Steve Oliver- Chairman
Kevin Quinn
Jeremy Staab
David Darr
David Landis- Alternate

Members Absent:

Jeremy Hallock

Staff Present:

Greg Peters, P.E. - Director of Public Works & Engineering
Dusty McAfee, AICP- Community Development Director
Charlotte Youngblood - Community Development Technician

Chairman Oliver opened the meeting of the Board of Adjustment Commission at 7:00 p.m. and declared a quorum.

1. Invocation and Pledge of the Allegiance to the U.S. and Texas Flags. Chairman Oliver offered the invocation and led the pledges.

Regular Agenda Items:

15-3077 Consider approval of the minutes of the July 16, 2015 Board of Adjustment meeting. With a motion by Quinn and a second by Landis, the Board of Adjustment adopted the July 16, 2015 minutes unanimously.

15-3078 Consider approval of the minutes from the September 17, 2015 Board of Adjustments meeting. With a motion by Staab and a second by Quinn, the Board of Adjustments adopted the September 17, 2015 with corrections noted.

15-3079 Conduct a public hearing and consider the application of Noel Bravo and Clara Mendez requesting a variance to the Ordinance No. 166, Section 6: R-5 Single Family Dwelling Districts, Subsection 6.4 Area Regulations, to reduce the required building setback at the front property line from 25 feet to 13.2 feet and reduce the side yard setback from 25 feet to 6.9 feet, for the renovation of a single-family dwelling located at 6144 Dewitt Street. Staff presented the case as outlined in the staff report, and the public hearing was opened at 7:26 PM. With a motion by Quinn made a motion to close the public hearing and a second by Landis, the public hearing was closed at 7:26 PM after no public comment. With a motion by Quinn and a second by Staab, the Board of Adjustments approved the variance request unanimously, to reduce the required building setback at the front property line from 25 feet to 13.2 feet and reduce the side yard setback from 25 feet to 6.9 feet, for the renovation of a single-family dwelling located at 6144 Dewitt Street.

Adjourn: With a motion by Quinn and a second by Staab, the meeting was adjourned at 7:28 p.m.

Chairperson

Secretary



City of Sachse, Texas

Legislation Details (With Text)

File #: 16-3380 **Version:** 1 **Name:** BOA - 5803 Sachse Road
Type: Agenda Item **Status:** Agenda Ready
File created: 6/9/2016 **In control:** Board of Adjustments
On agenda: 6/16/2016 **Final action:**
Title: Conduct a public hearing to consider the application of Juan Padilla requesting a variance to reduce the required lot width at building line from 130 feet to 105 feet and to reduce the minimum lot size from 39,000 square feet to 32,790 on property zoned Residential-1 (R-1).

Sponsors:

Indexes:

Code sections:

Attachments: [Presentation](#)
[Decision tree](#)

Date	Ver.	Action By	Action	Result
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Title

Conduct a public hearing to consider the application of Juan Padilla requesting a variance to reduce the required lot width at building line from 130 feet to 105 feet and to reduce the minimum lot size from 39,000 square feet to 32,790 on property zoned Residential-1 (R-1).

Background

- The applicant desires to construct a single-family home
- The city cannot issue a building permit to an unplatted property
- The property is not platted
- The city cannot approve a plat that fails to meet the minimum area regulations of its zoning district
- The subject property does not meet 2 of the area regulations of the R-1 zoning district
- To build the applicant’s “dream home”, the applicant must receive a variance, plat the property, and then apply for a building permit

BOA Overview

- Quasi-judicial board (district court for appeals)
- Comprised of at least 5 members; alternates allowed
- 75% constitutes quorum & approval (4 of 5 typically)
- 2 year terms
- Typical duties
 - Appeals of administrative error or decision
 - Variance to zoning ordinance (finding of hardship)
 - Other matters (e.g. substandard structures; signage?)

- Cannot grant use variances (i.e. zoning)
- Board may impose reasonable conditions or restrictions on any variance it decides to grant

Variations & Hardships

“Permission to depart from the literal requirements of a zoning ordinance by virtue of unique hardship due to special circumstances” (Black’s Law Dictionary)

“Authorization for a property to depart from literal requirements of zoning regulations in utilization of property in cases where strict enforcement would cause undue hardship”

An unnecessary hardship is not narrowly defined by State law, but it does not include:

- Self-imposed hardship
- Financial hardship
- Inability to achieve highest & best use
- Frustrated objectives of property owner

Project Information

- The subject property is located at 5803 Sachse Road, within city limits
- Sits near the corner of Sachse Road and Woodbridge Parkway
- Requested variances from R-1:
 - Reduce the required lot width at building line from 130 feet to 105 feet
 - Reduce the minimum lot size from 39,000 sf to 32,790 sf

Guidelines for Review:

➤ City Charter:

“Variance. A modification of the literal provisions of the zoning ordinance granted by the board of adjustment when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.”

➤ Zoning Ordinance:

“To authorize upon appeal in special cases, such variances from the terms of the zoning ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the zoning ordinance will result in unnecessary hardship, and to that the spirit of the zoning ordinance shall be observed and substantial justice done.”

Policy Considerations

- The western adjacent neighbor is a similar sized lot and not platted (constructed in 1992).
- Surrounding properties are not platted, indicating illegal subdivision by metes and bounds in the past (1980s?).

- The FLUP does not support a rezoning request away from R-1.
- The BOA granted a similar variance to the NWC of Sachse Road & Woodbridge Pkwy in 2014.
- The subject property previously had a house on it that was recently demolished.
- The subject property is effectively land-locked.
- The applicant purchased the property in 2015.

Inquiries & Findings:

- Is the condition self-imposed?
- Is the hardship financial or economic in nature?
- Is the request due to a special condition inherent in and unique to the property?
- Will literal enforcement of the zoning ordinance result in an undue hardship?
- Does the hardship prevent any reasonable use whatsoever?
- Would granting the variance be contrary to the public interest?
- Is the request within the spirit of the ordinance and does it further substantial justice?

Staff Recommendation

- Staff recommends approval of the requested variance.



5803 SACHSE ROAD

BOARD OF ADJUSTMENT

JUNE 16, 2016

APPLICANT REQUEST

Conduct a public hearing to consider the application of Juan Padilla requesting a variance to reduce the required lot width at building line from 130 feet to 105 feet and to reduce the minimum lot size from 39,000 square feet to 32,790 on property zoned Residential-1 (R-1).

BACKGROUND

- The applicant desires to construct a single-family home
- The city cannot issue a building permit to an unplatted property
- The property is not platted
- The city cannot approve a plat that fails to meet the minimum area regulations of its zoning district
- The subject property does not meet 2 of the area regulations of the R-1 zoning district
- To build the applicant's "dream home", the applicant must receive a variance, plat the property, and then apply for a building permit

BOA OVERVIEW

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 - Cannot grant use variances (i.e. zoning)
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VARIANCES & HARDSHIPS

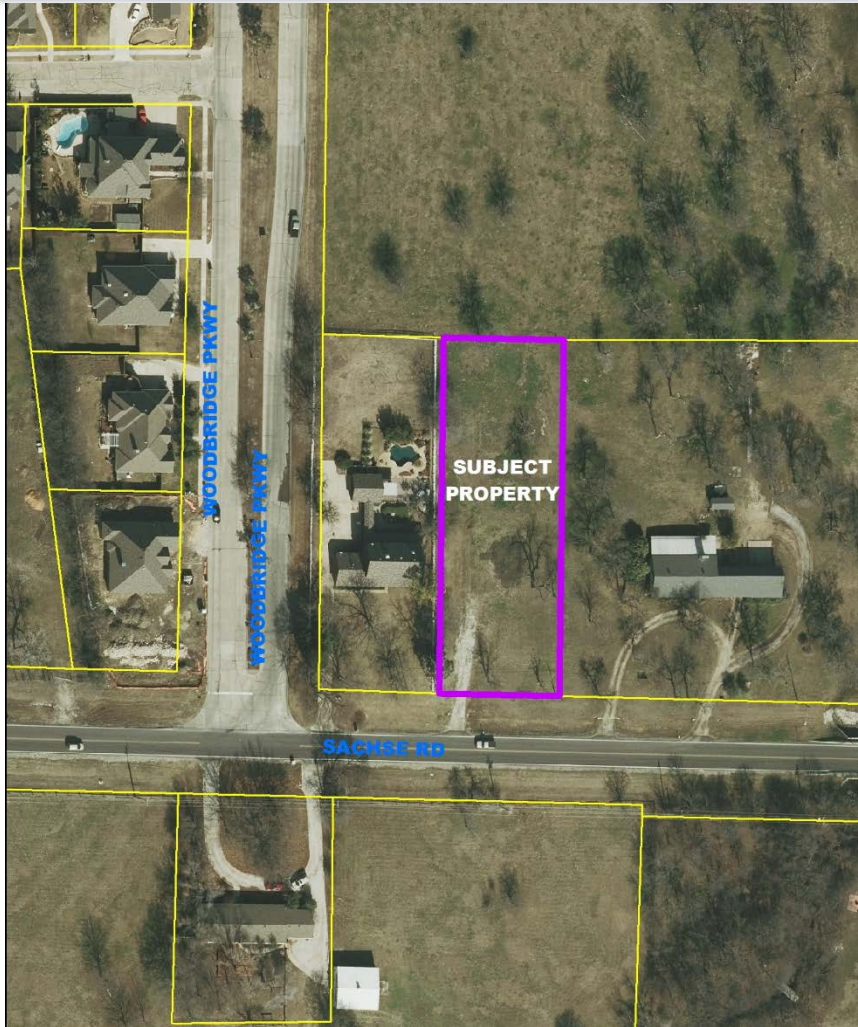
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AERIAL MAP



- The subject property is located at 5803 Sachse Road, within City limits.
- Sits near the corner of Sachse Road & Woodbridge Parkway.

PROJECT INFORMATION

Requested Variances from R-1:

- Reduce the required lot width at building line from 130 feet to 105 feet
- Reduce the minimum lot size from 39,000 sf to 32,790 sf

GUIDELINES FOR REVIEW

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POLICY CONSIDERATIONS

- The western adjacent neighbor is a similar sized lot and not platted (constructed in 1992).
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INQUIRIES & FINDINGS












- Is the condition self-imposed?
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STAFF RECOMMENDATION

√ - Staff recommends approval of the requested variance.

Inquiry

Findings

<p>Is the request for a variance owing to special condition inherent in the property itself? If yes, CONTINUE If no, STOP</p> <p style="text-align: center;"></p>		<p>The property is/has . . . (e.g. odd-shaped, unusual topo, etc.</p>
<p>Is the condition one unique to the property requesting the variance? If yes, CONTINUE If no, STOP</p> <p style="text-align: center;"></p>		<p>The condition is unique to this property.</p>
<p>Is the condition self-imposed or self-created? If yes, STOP If no, PROCEED</p> <p style="text-align: center;"></p>		<p>The condition necessitating the request was not created by the property owner</p>
<p>Will a literal enforcement of the zoning ordinance result in an unnecessary hardship? If yes, CONTINUE If no, STOP</p> <p style="text-align: center;"></p>		<p>Strict enforcement of the zoning ordinance would impose a hardship above that suffered by the general public.</p>
<p>Will the hardship prevent any reasonable use whatsoever? If yes, CONTINUE If no, STOP</p> <p style="text-align: center;"></p>		<p>Without the grant of the requested variance, the property owner would be deprived of the right to use his property. Financial considerations alone cannot satisfy this requirement.</p>
<p>Would the grant of the variance be contrary to public interest? If yes, STOP If no, CONTINUE</p> <p style="text-align: center;"></p>		
<p>Is the request within the spirit of the ordinance and does it further substantial justice? If yes, CONTINUE If no, STOP</p>		