



# CITY OF BAYTOWN

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## NOTICE OF MEETING

**BOARD OF ADJUSTMENT  
TUESDAY, DECEMBER 14, 2021  
4:00 P.M.  
COUNCIL CHAMBER, CITY HALL  
2401 MARKET STREET, BAYTOWN, TEXAS 77520**

## AGENDA

1. **CALL TO ORDER AND ROLL CALL**
2. **MINUTES**
  - a. Consider approving the meeting minutes of the June 8, 2021, Board of Adjustment regular meeting.
3. **VARIANCES**
  - a. Conduct a public hearing concerning a request for variance from the Unified Land Development Code (ULDC) Sec. 3.1 - Property Development Standards to reduce the minimum lot size and the required lot frontage for properties located at 306 East Gulf Avenue.
  - b. Consider granting a variance from the Unified Land Development Code (ULDC) Sec. 3.1- Property Development Standards to reduce the minimum lot size and the minimum lot frontage for property located at 306 East Gulf Avenue.
4. **DIRECTOR'S REPORT**
  - a. Receive a report regarding action taken by City Council on planning and zoning items.
5. **ADJOURN**

**PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.**

**DOCUMENTS PRESENTED TO THE BOARD OF ADJUSTMENT SHALL BE SUBMITTED TO THE BOARD AND SHALL REMAIN AS A PART OF THE PUBLIC RECORD, THEREFORE PLEASE ENSURE THAT THE RECORDS**

**BEING PRESENTED ARE NOT THE ONLY COPY AS THEY WILL NOT BE RETURNED TO THE PRESENTER.**

**THE CITY OF BAYTOWN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY OF BAYTOWN'S PUBLIC FACILITIES ARE WHEEL CHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. REQUESTS MUST BE MADE FORTY-EIGHT (48) HOURS TO THE MEETINGS, SERVICES OR PROGRAMS. TO MAKE A REQUEST, PLEASE CALL 281-420-6522, OR TO FAX 281-420-6518, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TYY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT:**

**[HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM)**

**Approved for posting by:**

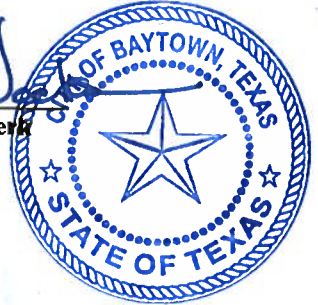


**Christopher Chavis, Assistant Director of Planning and Development Services**

**Posted by:**



**Angela Jackson, City Clerk**  
(SEAL)



**Posted this 10th day of December, 2021, at 5:00 P.M.**



## **BOARD OF ADJUSTMENT**

**2. a.**

**Meeting Date:** 12/14/2021

Minutes - June 8, 2021, Regular Meeting

**Prepared for:** Martin Scribner, Planning and Development Services

**Prepared by:** Nai Mongiello, Planning and Development Services

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### **Information**

#### **ITEM**

Consider approving the meeting minutes of the June 8, 2021, Board of Adjustment regular meeting.

#### **PREFACE**

The minutes of the Board of Adjustment regular meeting held on June 8, 2021, are attached for your review.

#### **RECOMMENDATION**

Staff recommends approval.

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### **Attachments**

Minutes

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# CITY OF BAYTOWN

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## PLANNING AND DEVELOPMENT SERVICES

### MINUTES OF THE BOARD OF ADJUSTMENT MEETING Tuesday, June 8, 2021

The Baytown Board of Adjustment met at 4:00 p.m. on Tuesday, June 8, 2021, in the Baytown Conference Room located at 2401 Market Street, Baytown, Texas.

Members present:	Mike Wilson	Chairman
	Gilbert Santana	Vice Chairman
	Barbara Wooster	Member
	Jesse Cano	Member

Members not present:	Kathie Smith	Member
	David Corder	Member

Staff present:	Martin Scribner	Planning Director
	Nathan Dietrich	Planning Assistant Director
	Karen Horner	City Attorney
	Yvonne Briscoe	Planner II
	Helen Landaverde	Planner I
	Nai Mongiello	Planning Specialist

#### 1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairman Mike Wilson called the Tuesday, June 8, 2021, Board of Adjustment Meeting to order at 4:00 p.m. with a quorum present.

#### 2. MINUTES

- a. **Consider approving the minutes for the Board of Adjustment Meeting held on May 11, 2021.**

Ms. Wooster motioned to approve the minutes, seconded by Mr. Gilbert Santana. Motion **PASSED** unanimously.

Chairman Wilson read the procedures for public hearings.

#### 3. VARIANCES

- a. **Conduct a public hearing and consider the appeal of the variance granted by the Director of Planning and Development Services pursuant to Sec.1.29 (b)(2) of the Unified Land Development Code for the accessory structure on the property located at 1508 Colby Drive.**

Mr. Martin Scribner summarized the item.

Mr. Bill Deans stated that the newly-constructed structure is an invasion of privacy, an eyesore and he does not believe that the stated size of the primary structure is accurate. His concerns include an adverse impact to property values, flooding and parking issues.

Mr. Bill Hatler stated that he is concerned that the structure will be used for a business.

Ms. Rebecca Bradley stated that she is confused about the process.

Mr. Frank Cabrera is concerned about drainage and the soundness of the structure as it was partially constructed without a permit or inspections.

Ms. Melissa Fontenot is frustrated because she recently applied for a permit for storage buildings and was frustrated with the process.

Mr. Luis Velazquez translated for Mr. Jesus Manzaneras who stated he needs the extra room for his family and the plumbing was inspected as the concrete was cut to expose the pipes for inspection. He understands that he was wrong to start construction without a permit but since he has been in contact with the City, he has done everything asked of him.

Mr. Scribner addressed some of the questions that arose in the discussion: he explained the Administrative Variance process; he explained that all requirements were met except the size of the structure; he clarified that construction was started without a permit but all requirements (survey, engineered drawings, etc.) were met; he explained the requirements for accessory dwelling units and accessory structures; he explained how the size of the primary structure was verified using GIS; he explained that property values are subjective; and that drainage was looked at by our Engineering Department.

With no one else desiring to speak, Chairman Wilson closed the public hearing.

Ms. Wooster motioned to uphold the decision of the director, seconded by Mr. Santana. Motion **PASSED** unanimously.

- b. Conduct a public hearing and consider a request for a variance from the Unified Land Development Code (ULDC) Article III, Division 1, Table 3-1 Property development standards to encroach into the required front and side setbacks for the property located at 200 East Republic Street.**

Ms. Helen Landaverde summarized the item adding that staff recommends denial as the request does not meet criteria numbers two, seven and eight.

Ms. Karla Martinez stated that the carports are to protect the vans and children from inclement weather.

Mr. Santana motioned that having not met all ten criteria the variance be denied, seconded by Ms. Wooster. Motion **PASSED** unanimously.

**3. DIRECTOR'S REPORT**

**a. Present a report regarding action taken by City Council.**

Mr. Martin Scribner related the following information:

- Rezoning and PUD – Crossings at Baytown
- Landscape variance for 10404 IH 10

**4. ADJOURN**

Meeting adjourned at 5:35 p.m.



## **BOARD OF ADJUSTMENT**

**3. a.**

**Meeting Date:** 12/14/2021

Public Hearing: Variance from lot size and lot frontage requirements

**Prepared for:** Martin Scribner, Planning and Development Services

**Prepared by:** Nai Mongiello, Planning and Development Services

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### **Information**

#### **ITEM**

Conduct a public hearing concerning a request for variance from the Unified Land Development Code (ULDC) Sec. 3.1 - Property Development Standards to reduce the minimum lot size and the required lot frontage for properties located at 306 East Gulf Avenue.

#### **PREFACE**

The applicant is proposing to replat three (3) lots into two lots. Each lot in this subdivision measures 2,500 square feet and the lot dimensions are 25 feet by 100 feet. The existing home on the subject property is non-conforming and is built over the property line, which has informally consolidated two of the lots on the subject property. One lot remains vacant and undeveloped. The proposed replat creates two lots, and grants each lot approximately 3,750 square feet (37.50 feet by 100 feet) by splitting the center lot. The proposed lots are smaller than the minimum required lot sizes, and narrower than the required lot frontage.

Being an older established neighborhood, many of the properties in this subdivision have developed in a manner that is nonconforming to today's standard by building across property line. These legally non-conforming residential structures, and accessory structures have been built across the property lines of the 25-foot-wide lots, which informally consolidates the lots. This common informal consolidation of lots has created a neighborhood character with lot sizes and lot frontages that generally meet the standards of the SF2 zoning district.

The requested variance is would increase the buildable area of the vacant lot, but would also create two lots that do not meet the SF2 zoning district standards.

#### **RECOMMENDATION**

This is a public hearing.

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### **Attachments**

Application & Supporting Documents

Vicinity Map

Staff Report

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## PLAN SNAPSHOT REPORT ZP21080020 FOR CITY OF BAYTOWN

<b>Plan Type:</b> Zoning	<b>Project:</b>	<b>App Date:</b> 08/17/2021
<b>Work Class:</b> Zoning Variance	<b>District:</b> District 2	<b>Exp Date:</b> NOT AVAILABLE
<b>Status:</b> In Review	<b>Square Feet:</b> 0.00	<b>Completed:</b> NOT COMPLETED
<b>Valuation:</b> \$0.00	<b>Assigned To:</b> Landaverde, Helen	<b>Approval Expire Date:</b>
<b>Description:</b> The specific variance being sought will be for the minimum lot size of 4,840 square feet and the minimum required lot frontage of 50 feet for property zoned for SF2.		

<b>Parcel:</b> 0583120000005	Main	<b>Address:</b> 306 E Gulf Ave Baytown, TX 77520	Main	<b>Zone:</b> SF2(Mixed Residential Low/ Medium Den X - Minimal chance(Flood Zone X - Minim
Applicant CATHY FONTENOT PO BOX 2543 ALVIN, TX 77511 Business: (281) 393-1382	Applicant CATHY FONTENOT PO BOX 2543 ALVIN, TX 77511 Business: (281) 393-1382	Owner Jason Bodie Home: (832) 618-4814 Mobile: (832) 618-4814		

### Plan Custom Fields

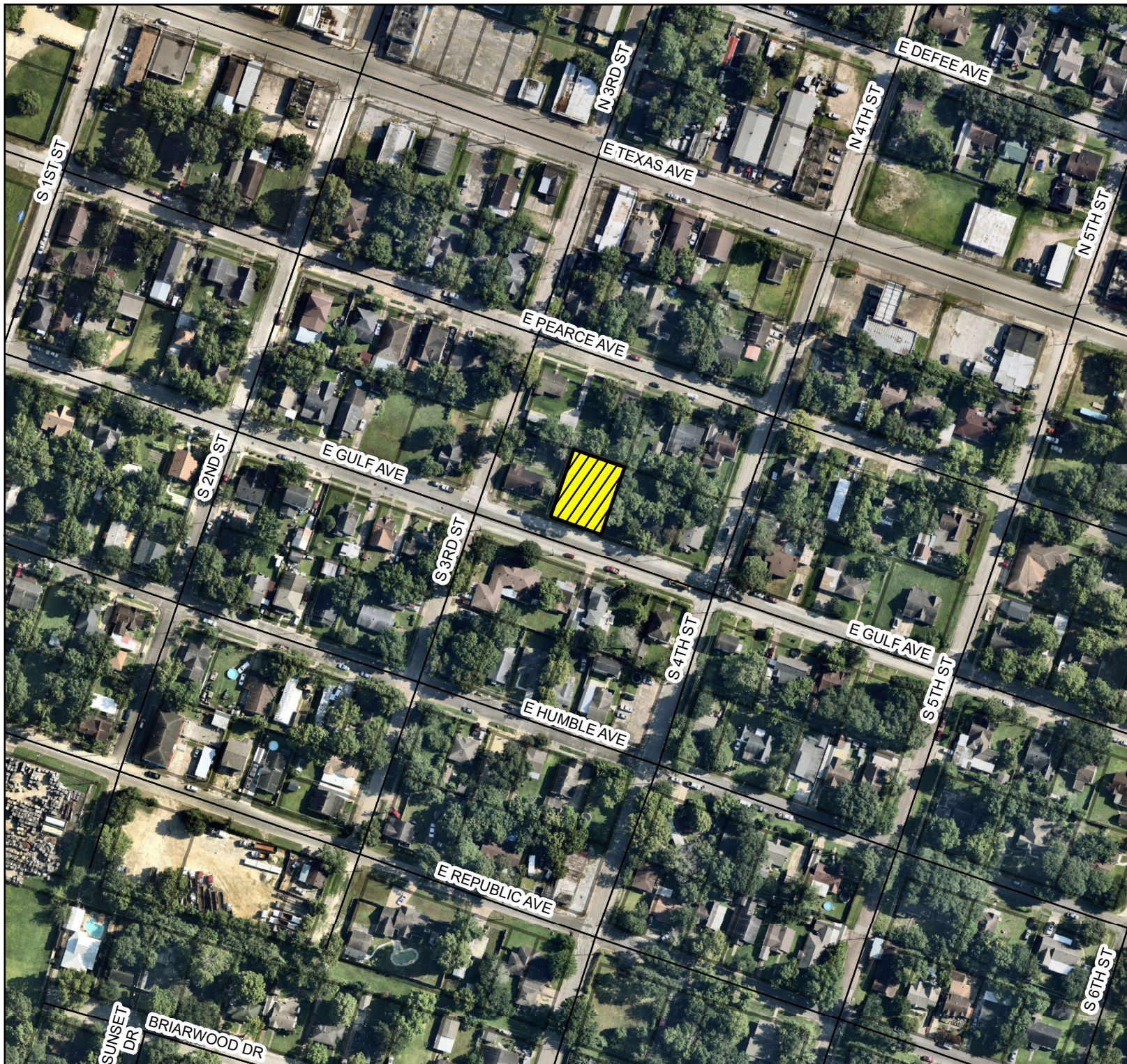
Current Use Type	Residential	Specific Current Use	Single Family Residential	Proposed Use Type	Residential
Specific Proposed Use	Residential	Current Zoning	Mixed residential at low to medium densities (SF2)	Why is a variance needed?	The specific variance being sought will be for the minimum lot size of 4,840 square feet and the minimum required lot frontage of 50 feet for property zoned for SF2.  The proposed lots will be 37.5 feet wide and will have 3,750 square feet of land.
What is the code requirement	ULDC Article III – division 1, table 3-1	What does the code require	minimum lot frontage of 50 feet and minimum lot size for SF2 is 4,840 sq. ft.	What deviation from the code is being requested	the request is to reduce the minimum lot width to 37.5 feet and the minimum lot size to 3,750 sq. ft.
GeneralLevelofLandUse	The lots will not exceed the percent max coverage, nor will the proposed residence exceed the minimum max height as set forth in the ULDC table 3-1. The existing residential structure is a 1,267 sq. ft. single-story frame house that does not exceed the maximum height nor the maximum percentage coverage.	HardshipOwnMaking	Economic hardship is not the sole justification. Creating 2 single family residential lots out of the 3 previously recorded lots is the sole justification for the variance. This is a way to help increase new development, increase the population, and help revitalize a part of "Old Baytown".	AdjacentProperties	The property will follow the architectural design standards set forth in the Unified Land Development Code for residential lots located in the SF2 zoning district. Each lot will have the required setback lines as well as the required depth. This will allow not affect any of the adjacent land uses nor the physical character of the neighborhood. It will help increase the value and the physical features of the neighborhood by allowing for an architecturally correct single family residential structure to be built. adjacent property and will follow the architectural design standards set
AdverseAffect	Granting this variance will still allow for the orderly subdivision of other land		in this area. It will not affect the subdivision ordinances for the		



## PLAN SNAPSHOT REPORT (ZP21080020)

	<p>forth in the Unified Land Development Code for residential lots in the SF2 zoning district. This will allow for an aesthetically pleasing and architecturally sound single family residential home to be built which will help increase the property value of the homes surrounding this property.</p>	<p>Goals</p> <p>Allowing for this variance will give a variety of housing and lot size options to both the older and younger community. Its location will be connected to other neighborhoods as well as other community facilities. This will help bring a diverse and high-quality opportunity of housing to those who are seeking this size and type of lot in this neighborhood.</p>	<p>Consistent</p> <p>The existing home does not exceed the max coverage of 2250 sq. ft. per the requirements based off the ULDC Article III – division 1, table 3-1. The proposed home should not exceed the max coverage either. Each lot will have the required building setback lines and will follow the architectural design standards set forth in the Unified Land Development Code for residential lots in the SF2 zoning district.</p>
SpecialCircumstance	<p>This new development is a way to help revitalize this neighborhood by bring new growth and development to this part of town. It will allow the property owner the ability to depart from otherwise related restrictions concerning the width and size of the property.</p>	<p>UndueHardship</p> <p>Granting the variance will allow the property owner the ability to create future development for this neighborhood. This property in question is bound by residential structures on each side of the proposed plat. The one tract that is located directly to the north of the proposed plat has dimensions of 37.5 feet wide and 100 feet deep. The current residential structure has been remodeled and updated to create a welcoming feel. The proposed new residential structure will be of the same architectural code, or better, as listed in the ULDC.</p>	<p>SubstantialJustice</p> <p>This variance will preserve the spirit of the ULDC by allowing for a variety of housing and lot size options. This will appeal to both the younger and older generation that are seeking single family residential dwellings in the older and more established neighborhoods.</p>
CloserCompliance	<p>The current configuration for each platted lot is 25 feet wide by 100 feet deep, thus making each lot 2,500 sq. ft. The proposed layout will allow for each lot to be 37.5 feet wide with the same depth of 100 feet, giving each lot 3,750 sq. ft. Each lot will have the required setback lines as well as the required depth. According to Section 3.01 of the ULDC for previously platted lots, "no requirement of this section shall prevent the development of a legally platted lot approved by the planning and zoning commission prior to April 13, 2013. This neighborhood was platted</p>	<p>in 1922. The owners of this tract of land are trying to increase the size of the lots for future development as well as create one platted lot for the current residential structure.</p>	





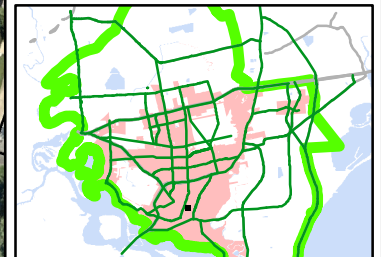
# Zoning Variance

## Vicinity Map

306 East Gulf Avenue

### LEGEND

 Subject Property



The City of Baytown Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 186 feet

Date 2021-10-27



**Staff Report to the Zoning Board of Adjustment  
Meeting of December 14, 2021**

**Request:** The applicant is requesting a variance from the Unified Land Development Code, Article III. Division 1. Table 3-1. Property Development Standards to reduce the minimum lot size from 4,840 square feet to 3,750 square feet and reduce the minimum lot frontage from 50 feet to 37.50 feet.

**Applicant:** Cathy Fontenot, representing Survey1

**Owner:** Jason Bodie, Living the Dream LLC

**Subject Property:** 306 East Gulf Avenue (HCAD 0583120000005)

**Parcel Information:**

Zoning: Mixed residential at low to medium densities (SF2)  
Use: Residential

**Surrounding Properties  
Information:**

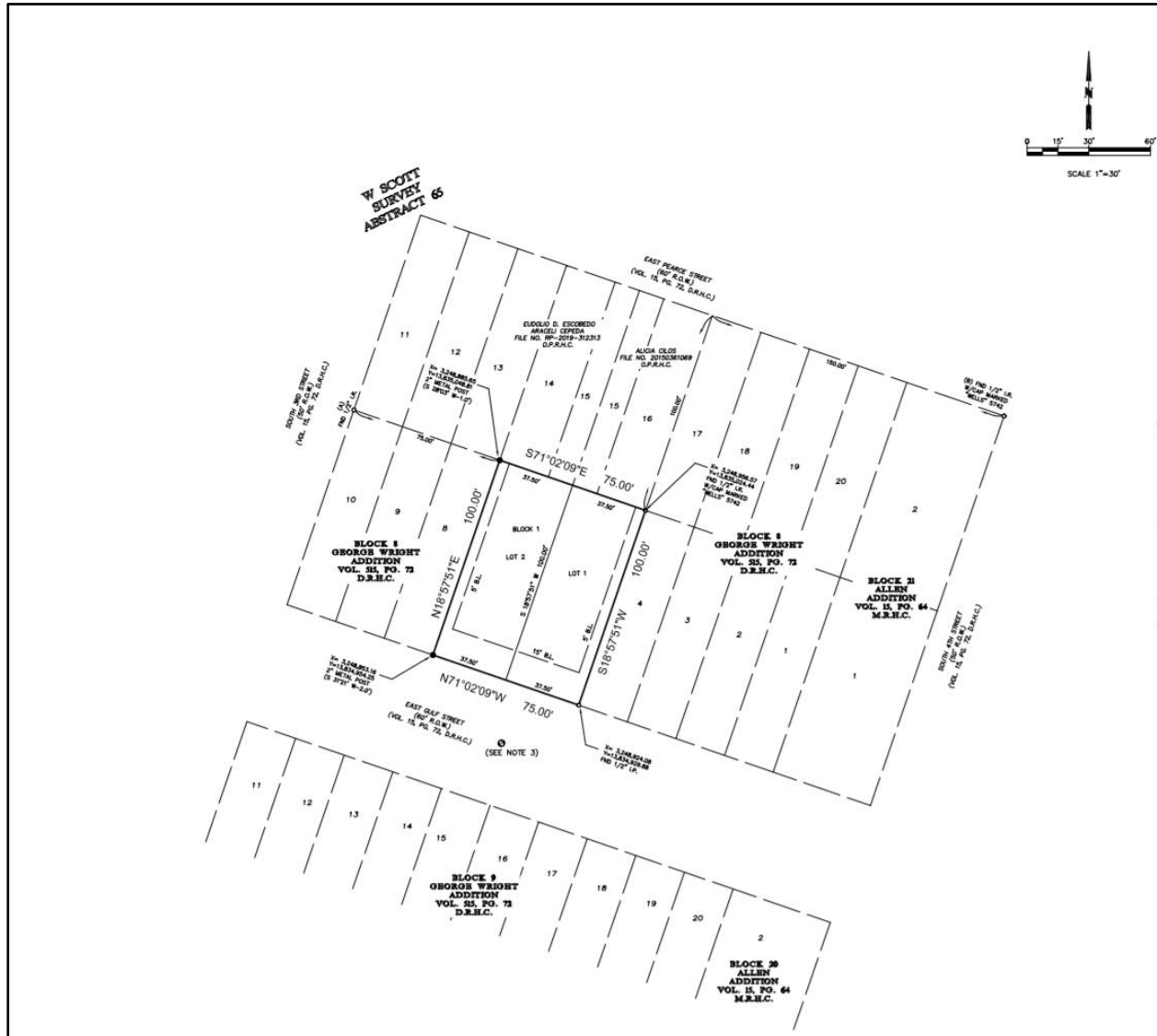
North: Mixed residential at low to medium densities (SF2);  
residential  
West: Mixed residential at low to medium densities (SF2);  
residential  
East: Mixed residential at low to medium densities (SF2);  
residential  
South: Mixed residential at low to medium densities (SF2);  
residential

**Background:**

The applicant is proposing to replat the subject property into two (2) lots to allow for the construction of a new residence (see Figure 1). Each lot will measure approximately 3,750 square feet (37.50 feet by 100 feet = 4,840 square feet) with a lot frontage of 37.50 feet. The minimum required lot size in the SF2 zoning district is 5,000 square feet and the minimum required lot frontage is 50 feet.

The property is in the George Wright Addition (1922), Lots 5, 6, and 7, Block 8. Each lot in this subdivision measures 2,500 square feet and the lot dimensions are 25 feet by 100 feet (see Figure 2). The existing lots in this subdivision pre-date zoning. They are narrow and smaller than the minimum required lot sizes in the SF2 District. This is an older subdivision that has not been replatted; most of the lots are the same size and configuration as when they were plated.

**Figure 1. Proposed replat.**



The lot configuration in this area is smaller than what is typically found in SF2 zoning districts. The strict adherence to the SF2 development standards such as the minimum required setbacks and lot coverage would yield a small building footprint (see Figure 3). The minimum required setbacks from the property lines are:

Front: 15 feet  
Side: 5 feet  
Rear: 10 feet

The maximum allowed lot coverage in the SF2 District is 60 percent.

Figure 2. George Wright Addition (1922).



Being an older established neighborhood, many of the properties in this subdivision have developed in a manner that is nonconforming to today's standard by building across property lines. These legally nonconforming residential structures and accessory structures have been built across the property lines of the 25-foot-wide lots, which informally consolidates the lots. This informal consolidation of lots creates a neighborhood character with lot frontages that generally range from 50 feet to 75 feet wide.

The applicant's variance proposal involves three 25-foot wide lots (Lot 5, 6, and 7). Lots 6 and 7 are occupied by a legally non-conforming house, which crosses the shared property line. This informal consolidation functionally combines the two lots, while Lot 5 remains vacant and undeveloped.

The applicant is proposing to replat the three (3) lots into two (2) lots and is requesting a variance to decrease the minimum required lot size and the minimum required lot frontage. The proposal

seeks to increase the size of Lot 5 by combining it with a part of Lot 6, and affectively allow a larger building footprint on the vacant area. This action would also, formally combine Lot 7 with a part of Lot 6, which will continue to contain the existing house. The applicant has expressed that the proposal will “help increase new development, increase the population, and help revitalize a part of “Old Baytown”.

**Figure. 3. Potential development in the George Wright Addition (1922) in conformance with City Code.**



**Figure 4. Surrounding properties - Residences built across property lines.**

The requested variances support the goals and policies of the Comprehensive Plan such as:

**Quality of Life Goals:**

“An enhanced community image that reflects Baytown’s unique historical, cultural, and natural assets and promotes the community as a desirable place to live, work, and visit.”

**Land Use Goals:**

“Development patterns resulting in the efficient use of land, infrastructure and fiscal resources.”

The Comprehensive Plan encourages infilling vacant lots with residential development that is appropriately integrated with the surrounding uses. The creation of smaller lots, less than the minimum required by the Code, would not be consistent with the current character of the neighborhood where informal lot consolidations have created an average lot frontage of 50 feet to 75 feet wide, and a lot size that is functionally larger than the lot size requirement of the SF2 zoning district.

**Figure 4. Subject property (with existing residence).**





**Figure 5. Subject property (vacant Lot 5).**



**Figure 6. View from the east of the street.**





**Figure 7. View from the west of the street.**



### **Variance Criteria – Section 1.29(c), ULDC**

The board of adjustment may grant a variance when the applicant demonstrates that the variance request will meet all the criteria below:

**1. Ensures the same general level of land use compatibility as the otherwise applicable standards;**

Considering the existing conditions and the applicant's building potential, the proposed variance ensures the same general level of land use. The proposal to reduce lot size and lot frontage requirements does not grant the applicant more building lots than what the existing platted lots would allow. Lot 5 is vacant and undeveloped, which would permit residential development on the 2,500 square foot lot. Thus, the proposal is compatible with allowable residential density as suggested by the existing plat, and would allow the same general land use - residential.

**2. Is not a hardship of the applicant's own making;**

The applicant's request is a hardship of the applicant's own making. The lot configuration (25 ft. x100 ft.) is not unique to the subdivision, and strict adherence to the code would still allow for development of residential uses on the subject properties. There is no hardship unique to this property that is not shared by others in the subdivision.

**3. Does not adversely affect adjacent land uses and the physical character of uses in the neighborhood in which the exception is sought because of inadequate buffering, screening, setbacks and other land use considerations;**

The applicant's request does not adversely affect the adjacent land uses, and the physical character of the uses in the neighborhood. The requested lot sizes and lot frontages would be functionally smaller, but the proposal would allow the existing structure to meet current setbacks. Furthermore, the request would increase the lot width of the 25 foot vacant lot and would better support new residential development with a similar architectural style as existing houses in the neighborhood.

**4. Does not adversely affect property values of adjacent properties in any material way and will improve the property value of the property for which the exception is sought;**

Although the proposed lot sizes and lot frontage is not consistent with the current informal lot configuration in the neighborhood, it is not anticipated that the property values of adjacent properties will be adversely affected by the request. There are nonconforming properties in this area where residential structures have been built across property lines to accommodate for larger single-family homes.

If the variances are approved, it would allow for the construction of a new residential structure which would be a new investment in the neighborhood and would help to maintain or increase values in the area.

5. **Furtheres the goals and vision of the city as set forth in the comprehensive plan, the vision statement, and an applicable neighborhood plan or redevelopment plan adopted by the city council;**

The requested variances could further the Comprehensive Plan's Land Use Goals, Quality of Life Goals and support the City's Vision Statement. Infill development, reinvestment in Old Baytown, efficient use of land can all continue to be pursued if this variance is granted.

6. **Is generally consistent with the purposes and intent of this ULDC;**

The requested variances are partially consistent with the intent of the Code. The applicant is proposing to increase lot size of the vacant lot from 2,500 square feet to 3,750. The increase in size gets closer to, but is still smaller than the minimum lot size required in SF2. Secondly, any development on the proposed lots will meet the current building construction standards, and/or federal and state requirements. The requested lot sizes and frontage variance will not be injurious to the surrounding neighborhood or otherwise detrimental to the public welfare.

7. **Is needed as special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same district and are not merely financial;**

The existing lot sizes are not peculiar to the property. The property is an older subdivision. The lots in this subdivision have not been replatted and officially maintain the original configuration of the lots in size and frontage. Instead, informal lot consolidation has taken place; thereby, creating functionally larger lots in size and frontage.

8. **Is necessary as literal interpretation and enforcement of the terms and provisions of the dimensional standards would deprive the applicant of rights commonly enjoyed by landowners in the same district and would cause an unnecessary and undue hardship;**

The literal interpretation of the code would not deprive the applicant of rights commonly enjoyed by others in the same district. The strict adherence to the code (setbacks) would render a narrow building design, but a residential use of the property can still occur.

9. **Is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this ULDC and would result in substantial justice;**

Granting the variances would not be contrary to the spirit of the ULDC. The lots in this subdivision are smaller than the typical lots in the SF2 District. However, the strict adherence to the code (setbacks) would result in a narrow building design such as a shotgun house or a tiny home. The property owner can develop the subject property in conformity to the ULDC.

10. **Will bring the existing and proposed structure closer into compliance with the zoning regulations of this ULDC, or will otherwise improve or enhance public health, safety or welfare.**

The variance requests do not bring the proposed lots into compliance with the ULDC's lot size and frontage requirements.

**RECOMMENDATION:**

Staff recommends denial of the variance requests to the minimum lot size and lot frontage. The requests do not meet all the Variance Criteria. The current lots sizes for the subject property, including size and configuration, is not unique nor is it a hardship that is not shared by others in this subdivision.

If the Board of Adjustment decides to approve the requested variances, the property must meet all: ULDC requirements, the current building construction standards, and/or federal and state requirements.



## **BOARD OF ADJUSTMENT**

**3. b.**

**Meeting Date:** 12/14/2021

**Consideration:** Variance from lot size and lot frontage requirements

**Prepared for:** Martin Scribner, Planning and Development Services

**Prepared by:** Nai Mongiello, Planning and Development Services

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### **Information**

#### **ITEM**

Consider granting a variance from the Unified Land Development Code (ULDC) Sec. 3.1- Property Development Standards to reduce the minimum lot size and the minimum lot frontage for property located at 306 East Gulf Avenue.

#### **PREFACE**

The applicant is proposing to replat three (3) lots into two lots. Each lot in this subdivision measures 2,500 square feet and the lot dimensions are 25 feet by 100 feet. The existing home on the subject property is non-conforming and is built over the property line, which has informally consolidated two of the lots on the subject property. One lot remains vacant and undeveloped. The proposed replat creates two lots, and grants each lot approximately 3,750 square feet (37.50 feet by 100 feet) by splitting the center lot. The proposed lots are smaller than the minimum required lot sizes, and narrower than the required lot frontage.

Being an older established neighborhood, many of the properties in this subdivision have developed in a manner that is nonconforming to today's standard by building across property line. These legally non-conforming residential structures, and accessory structures have been built across the property lines of the 25-foot-wide lots, which informally consolidates the lots. This common informal consolidation of lots has created a neighborhood character with lot sizes and lot frontages that generally meet the standards of the SF2 zoning district.

The requested variance is would increase the buildable area of the vacant lot, but would also create two lots that do not meet the SF2 zoning district standards.

#### **RECOMMENDATION**

Staff recommends denial of this request.

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## **BOARD OF ADJUSTMENT**

**4. a.**

**Meeting Date:** 12/14/2021

Director's Report

**Prepared for:** Martin Scribner, Planning and Development Services

**Prepared by:** Nai Mongiello, Planning and Development Services

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### **Information**

#### **ITEM**

Receive a report regarding action taken by City Council on planning and zoning items.

#### **PREFACE**

This will be a recurring item to provide a report to the Board of Adjustment on action taken by City Council regarding planning and zoning cases items.

#### **RECOMMENDATION**

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