



ZONING BOARD OF ADJUSTMENT AND APPEALS

AGENDA REQUEST

AGENDA OF:	05-16-12	AGENDA REQUEST NO:	III-B
INITIATED BY:	JESSICA L. DUET, PLANNER II <i>JLD</i>	RESPONSIBLE DEPARTMENT:	PLANNING & ENVIRONMENTAL SERVICES
PRESENTED BY:	JESSICA L. DUET, PLANNER II	DIRECTOR:	N/A
		ADDITIONAL APPROVAL (S):	RUTH LOHMER, AICP, PRINCIPAL PLANNER <i>RL</i>

SUBJECT / PROCEEDING: **SPECIAL EXCEPTION TO THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT REAR YARD SETBACK REQUIREMENT – 61 QUEEN MARY COURT IN SWEETWATER SECTION ONE**
PUBLIC HEARING, CONSIDERATION AND ACTION

EXHIBITS: **STAFF REPORT, VICINITY MAP, SITE PLAN, ELEVATION, AERIAL MAP, SITE PHOTOS, PLAT EXCERPT, APPLICATION, PUBLIC HEARING NOTICE**

CLEARANCES	APPROVAL
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LEGAL:	N/A	DIRECTOR OF PLANNING & ENVIRONMENTAL SERVICES:	DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i>
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RECOMMENDED ACTION

Approval of the requested Special Exception to allow the proposed addition in accordance with the attached site plan and elevation.

EXECUTIVE SUMMARY

This is a request for a Special Exception from the required 30-foot rear yard setback in the Restricted Single-Family Residential (R-1R) District for property located at 61 Queen Mary Court. The property was platted in 1981 in the *Sweetwater Section One* subdivision. When the property was annexed into the City of Sugar Land in 1997, R-1R zoning was applied to the property, which requires a 30-foot rear yard setback for primary structures. The recorded covenants and restrictions for this property indicate that improvements “cannot encroach into the sixteen foot (16’) utility easement on the rear property.” The plat recorded a 16-foot utility easement on the rear of this lot. The applicant has proposed to construct a patio cover on the rear of the home which would extend to approximately 16-feet from the rear property line. The existing home is located outside of the recorded 16-foot utility easement.

CC: Robert Aaron, Robert@racoconstruction.com

File No. 14579 Case No. 12 00000109

EXHIBITS

STAFF REPORT

Request for a Special Exception to the Restricted Single-Family Residential (R-1R) District rear yard setback requirement for 61 Queen Mary Court in Sweetwater Section One.

Analysis of Special Exception – Four Development Code Criteria:

After the public hearing, the Board may, by concurrence of 75 percent of its members, grant a Special Exception to a residential setback required by Chapter 2 if the Board finds that:

Criterion One:

The latest recorded plat of the property was approved prior to being annexed into the City;

Plat recorded: 1981

Annexed: 1997

Criterion Two:

The latest recorded plat of the property establishes a setback or other recorded restriction that results in a setback that is less restrictive than the setback required by the City of Sugar Land Development Code (Chapter 2)

The recorded covenants and restrictions for this property indicated that improvements “cannot encroach into the sixteen foot (16’) utility easement on the rear property.” The plat recorded a 16-foot utility easement on the rear of this lot. The proposed patio cover would meet the recorded restrictions because the patio cover is not located closer than 16-feet from the rear property line. Chapter 2 (Zoning) requires a setback of 30-feet to the rear side. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

Criterion Three:

Granting the Special Exception will not establish a setback that is less restrictive than the setback established by the latest approved plat or other recorded restriction; and

The recorded covenants and restrictions establish a 16-foot rear side setback for the property. The Special Exception would permit the primary structure to be located 16-feet from the rear side property line. The Special Exception would not grant a setback that is less restrictive than that established in the recorded restrictions.

Criterion Four:

Granting the Special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located.

Staff has examined the proposed Special Exception for key aspects:

- **Public Safety Review:** There does not appear to be public safety issues associated with this request. Staff has not identified safety concerns as a result of the proposed patio cover.
- **Proposal and the Neighborhood – Rear Setback Comparison:** The proposed patio cover addition appears to be generally compatible with the neighborhood based on an analysis of the proposed use of the site and an examination of the surrounding area. The homes adjacent to this property on Queen Mary Court also appear to not meet the 30-foot rear yard setback defined by the zoning. However, other homes in the neighborhood on the south side of Inverary Lane and the south side of Queen

Mary Court that abut the golf course do appear to meet the 30-foot rear yard setback.

- **Proposal and the Neighborhood – General Architectural & Landscape Context:** If it is of concern to the Board, the proposed patio cover addition appears to be architecturally compatible with the neighborhood.

Conditions:

To ensure that the granting of a special Exception will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located, the Board may, as part of its decision to grant a Special Exception:

- *Impose reasonable conditions or restriction; and*
- *Grant a setback between the setback requested and the setback currently established in the residential zoning district.*

Public Hearing Notice

The Notice of Public Hearing was published in a newspaper of general circulation and on the City of Sugar Land's Internet Home Page. All property owners within 200-feet of the proposed site were notified and a courtesy sign was placed on site. Staff has received one informational inquiry regarding this request at the time of writing this report and is not aware of opposition to the Special Exception.

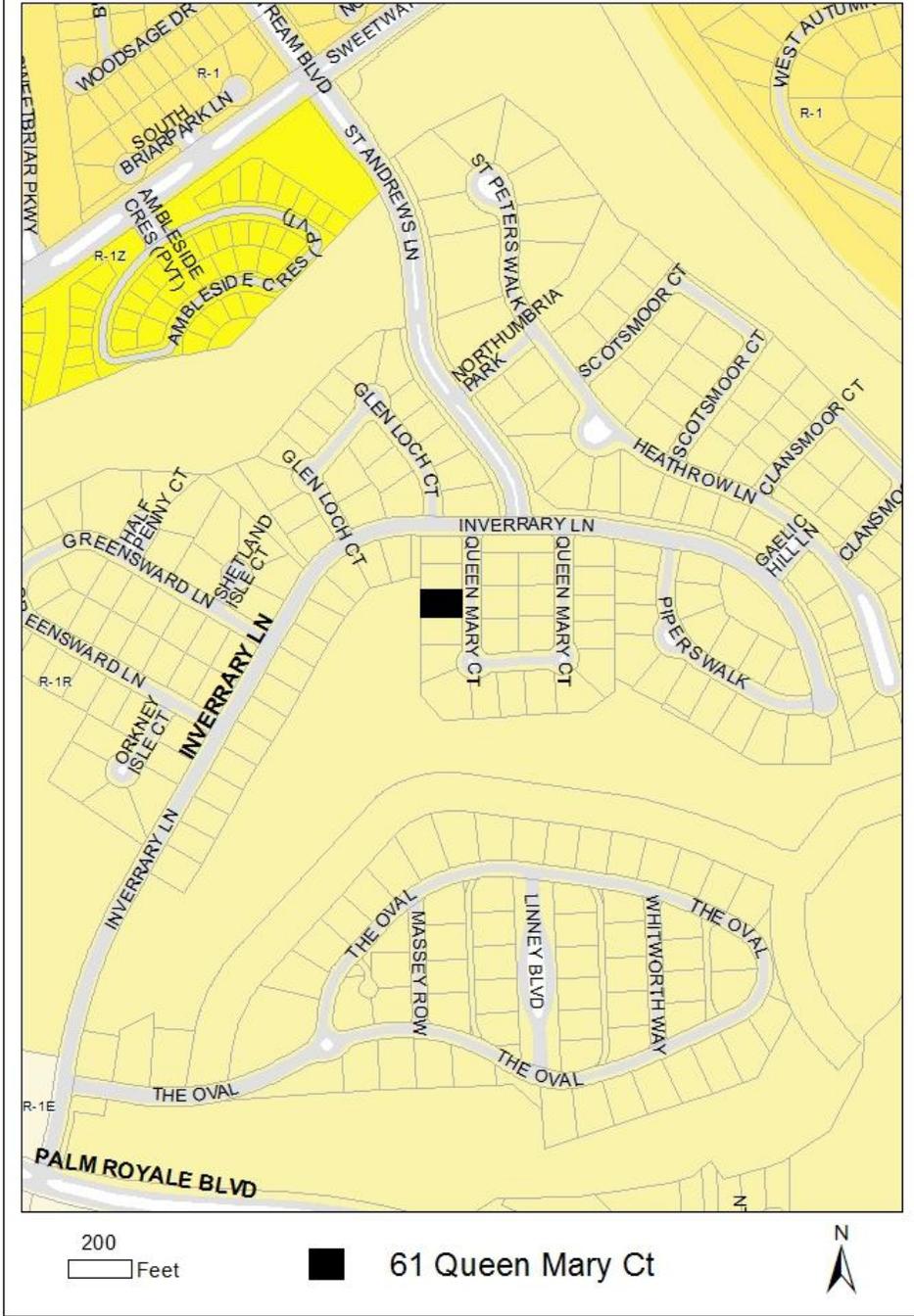
Staff Recommendation

Staff recommends that the Special Exception be approved subject to the following conditions:

- Addition will be constructed in accordance with the attached site plan
- Addition will be constructed in accordance with the attached elevation

VICINITY MAP

61 Queen Mary Court



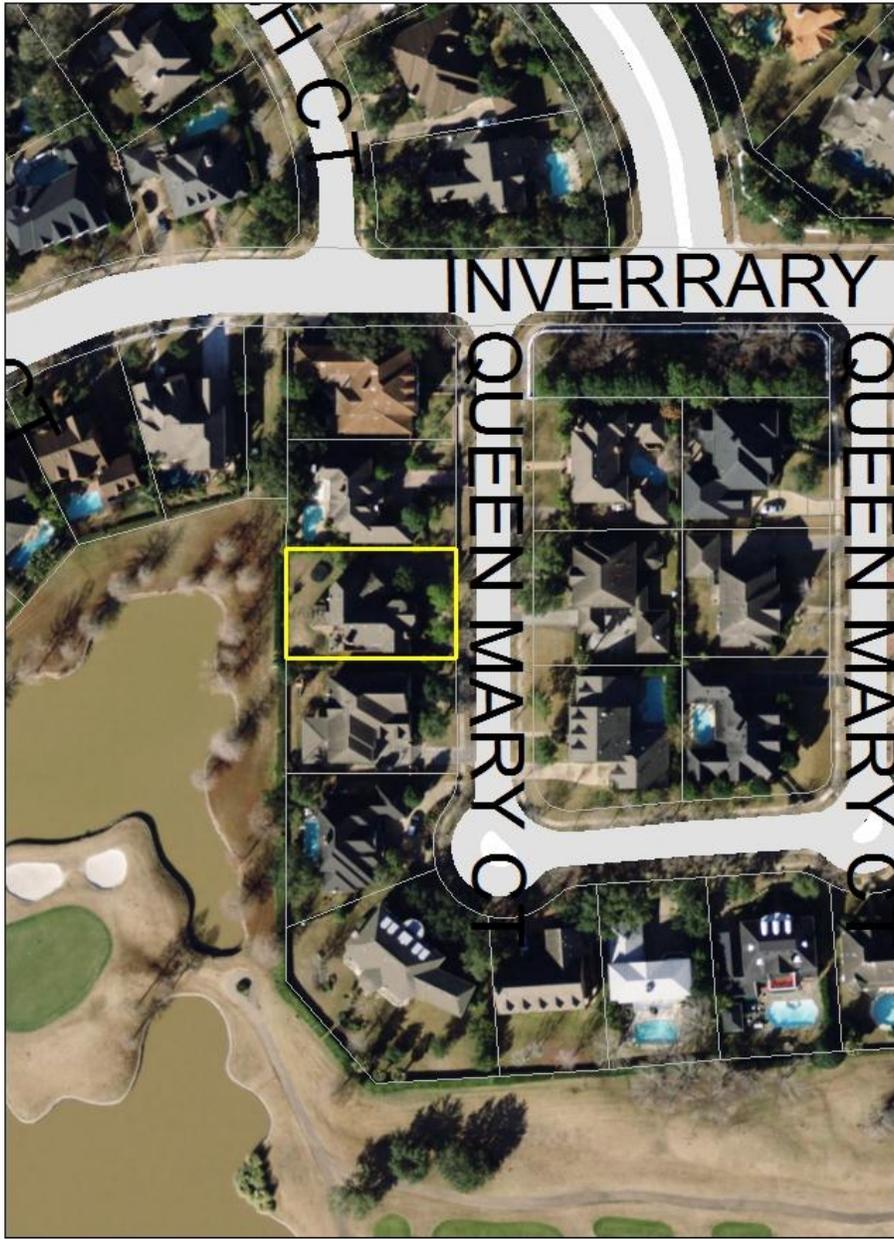
ELEVATION

Proposed Patio
Cover



AERIAL MAP

61 Queen Mary Court



50
Feet

61 Queen Mary Ct



SITE PHOTOS



Front of the House

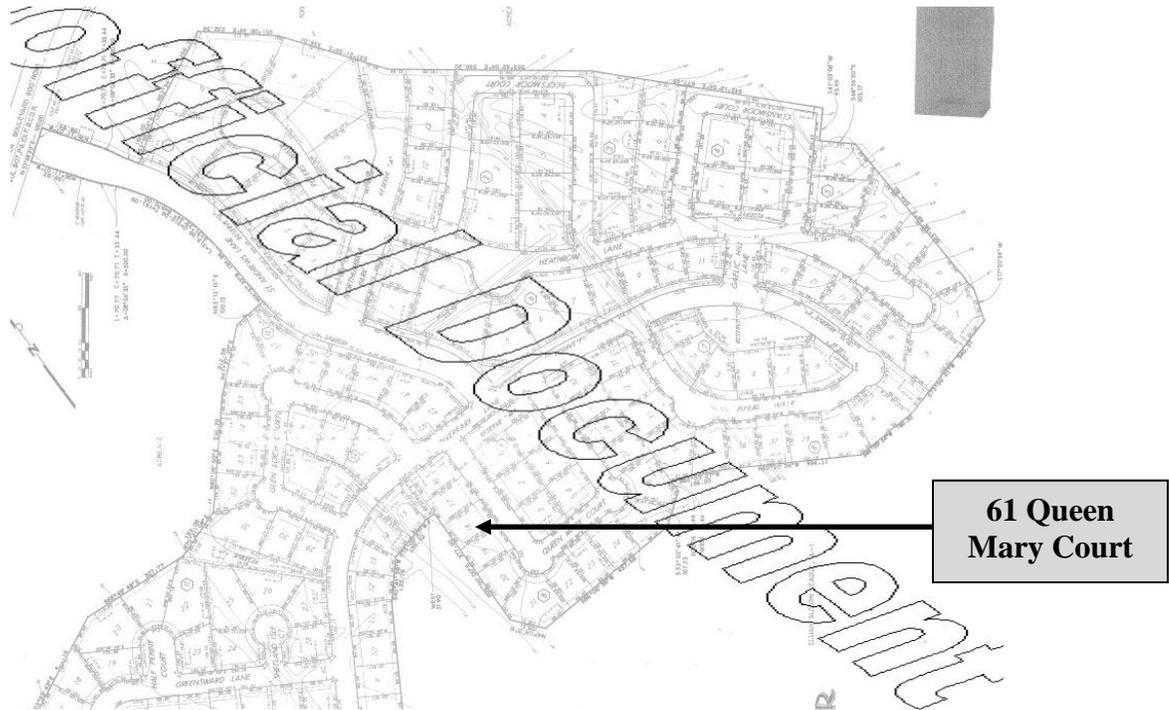


Area of Addition from the Rear



Area of Addition from the Side (facing north)

EXCERPT OF RECORDED PLAT



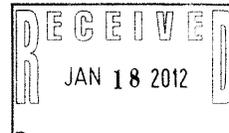
ADDRESS: 61 QUEEN MARY COURT

PROPERTY IS PLATTED AS:

LOT 18, BLOCK 8, SWEETWATER SECTION ONE, RECORDED IN BOOK 28, PAGE 15, F.B.C.P.R.

(RECORDED IN 1981)

APPLICATION



By: FOR OFFICE USE

Accounting Code: ZC
\$537.25

**CITY OF SUGAR LAND
PLANNING DEPARTMENT**

**SPECIAL EXCEPTION REQUEST APPLICATION
ZONING BOARD OF ADJUSTMENT**

Please fill out the following information & return your submittal to the Planning Department

APPLICANT: Robert Aaron
Address: 20818 Oak Forest Rd Damon, TX 77430
Company: Raco Construction Services, LLC
Phone: 713-822-3204 Fax: _____
Email: Robert@Racoconstruction.com

OWNER / AGENT:
Contact / Company: Ann Marie Sepulka
Address: 61 Queen Mary Ct
Phone: 832-886-5115 Fax: _____
Email: _____

Please provide the following additional information as required under the Development Code (Chapter 2, Article I, Part 6):
Address and legal description of the property: 61 Queen Mary Ct Lot 18 - Block 8 Sweetwater Sec 1
Date the property was annexed into the City: 1997

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application. (Must be signed by property owner)

X Robert Aaron Date: 1-16-12
Signature of Applicant

SUBMITTAL REQUIREMENTS:

- TWO (2) copies of Application
- Submittal Fee: \$537.25 per Ord. 1701 (non-refundable)
- Two (2) copies of site plan / plot plan (scaled/dimensioned showing location of proposed building) at 11"x17" (8 1/2" x 11" is acceptable if drawing is legible)
- Copy of the recorded plat of the property
- Copy of the recorded covenants and restrictions for the property

Oper: ANACEK	Type: OC	Drawer: 1
Date: 1/18/12 01	Receipt no: 79343	
ZC 10 ZONING & C 1	\$537.25	
CA CREDIT CARD	\$537.25	
Total payment	\$537.25	
Trans date: 1/17/12	Time: 15:50:57	

NOTICE OF PUBLIC HEARING

SPECIAL EXCEPTION 61 QUEEN MARY COURT

NOTICE OF PUBLIC HEARING ON A REQUEST FOR SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT, 61 QUEEN MARY COURT, LOT 18, BLOCK 8, SWEETWATER SECTION ONE (RECORDED IN BOOK 28, PAGE 15, F.B.C.P.R.), IN THE RESTRICTED SINGLE FAMILY RESIDENTIAL (R-1R) DISTRICT

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED SPECIAL EXCEPTION SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: ZONING BOARD OF ADJUSTMENT
5:00 P.M., MAY 16, 2012**

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE, TELEPHONE (281) 275-2218 OR EMAIL PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.

VICINITY MAP:

