



ZONING BOARD OF ADJUSTMENT AND APPEALS

AGENDA REQUEST

AGENDA OF:	10-17-12	AGENDA REQUEST NO:	IV-A
INITIATED BY:	JESSICA L. DUET <i>JLD</i> PLANNER II	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 STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT REAR YARD SETBACK REQUIREMENT – 3807 HOGAN COURT IN FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 5 PARCEL ‘T’ PUBLIC HEARING, CONSIDERATION AND ACTION**

EXHIBITS: **STAFF REPORT, VICINITY MAP, SITE PLAN, SITE DETAILS, 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 SCHOMBURG, AICP <i>D.S.</i>
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RECOMMENDED ACTION

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

EXECUTIVE SUMMARY

This is a request for a Special Exception from the required 15-foot rear yard setback in the Standard Single-Family Residential (R-1) District for property located at 3807 Hogan Court. The property was platted in 1991 in the *First Colony Municipal Utility District No. 5 Parcel ‘T’* subdivision. When the property was annexed into the City of Sugar Land in 1997, R-1 zoning was applied to the property, which requires a 15-foot rear yard setback for primary structures. The recorded covenants and restrictions indicate:

“no residence or structure shall be located on any lot nearer than fifteen feet (15’) to the rear property line of such lot, except where a garage is attached to the main structure of the residence in which case the rear wall of the living area of the residence shall not be nearer than fifteen feet (15’) to the rear property line and the rear wall of such attached garage shall not encroach upon any easement located on the lot.”

The plat recorded an 8-foot utility easement at the rear of the lot. If the Special Exception is approved, it would permit the living area of the structure to be within 15-feet of the rear yard property line and the attached garage to be outside of the 8-foot rear utility easement.

Per Chapter 2, Article II, Section 2-194 (d) of Sugar Land’s Development Code, accessory structures, such as garages, may be located up to 5-feet from the side and rear property lines, as long as a minimum of 10-foot separation is maintained between the primary and accessory structures. If the 10-foot separation is not met, then the accessory structure (detached garage) must meet the rear yard setback for the primary structure. The existing detached garage is located approximately 12-feet from the rear property line, thus not meeting the rear yard setback. The applicant has proposed to construct a patio cover attached to the rear of the dwelling which would connect the detached accessory structure (the garage) to the primary structure (the dwelling), essentially converting the two structures into one primary structure which would not meet the required 15-foot rear yard setback. Since the detached garage extends into the primary structure’s rear yard setback, the connection of the two buildings would make the dwelling a non-conforming structure. Granting the Special Exception would relieve the 15-foot rear yard setback for the primary structure, for this specific construction, so that the patio cover could be constructed as proposed.

CC: ABear Pool Innovations, Jeremy@abearpool.com

Document No. 15094 Planning Case No. 12 00000117

EXHIBITS

STAFF REPORT

Request for a Special Exception to the Standard Single-Family Residential (R-1) District rear yard setback requirement for 3807 Hogan Court in First Colony Municipal District No. 5 Parcel ‘I’.

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: 1991

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 indicate that “no residence or structure shall be located on any lot nearer than fifteen feet (15’) to the rear property line of such lot, except where a garage is attached to the main structure of the residence in which case the rear wall of the living area of the residence shall not be nearer than fifteen feet (15’) to the rear property line and the rear wall of such attached garage shall not encroach upon any easement located on the lot.” The plat recorded an 8-foot utility easement at the rear of the lot. The new construction would meet the recorded restriction because the attached garage is not closer than 8-feet from the rear property line and the living area is not closer than 15 feet from the rear property line. Chapter 2 (Zoning) requires a setback of 15-feet for primary structures (including the garage). 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 Covenants and Restrictions establish a 15-foot setback for the rear wall of the living area and the 8-foot utility easement as the rear yard setback for the rear wall of an attached garage. The Special Exception would permit the living area to be located less than 15-feet from the rear property line, with the attached garage maintaining its location outside of the 8-foot utility easement. 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 addition.
- **Proposal and the Neighborhood – Rear Setback Comparison:** The proposed 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. It appears that many of the homes in the area would not meet the 15-foot rear yard setback (per zoning) if a similar addition were to be constructed.
- **Proposal and the Neighborhood – General Architectural & Landscape Context:** The proposed patio cover 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 (1) informational inquiry regarding this request at the time of writing this report and is not aware of opposition to the Special Exception.

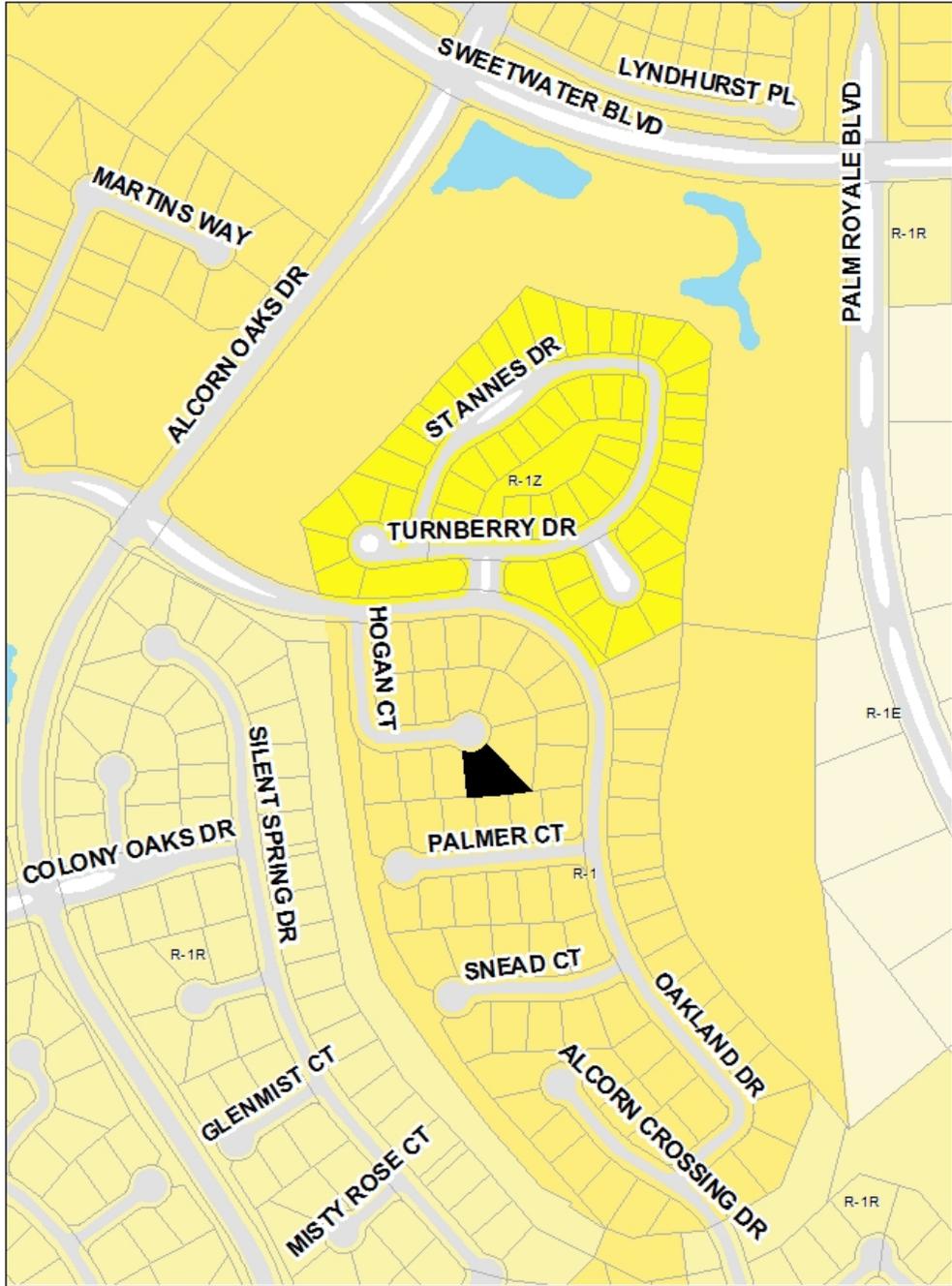
Staff Recommendation

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 site details

VICINITY MAP

3807 Hogan Court



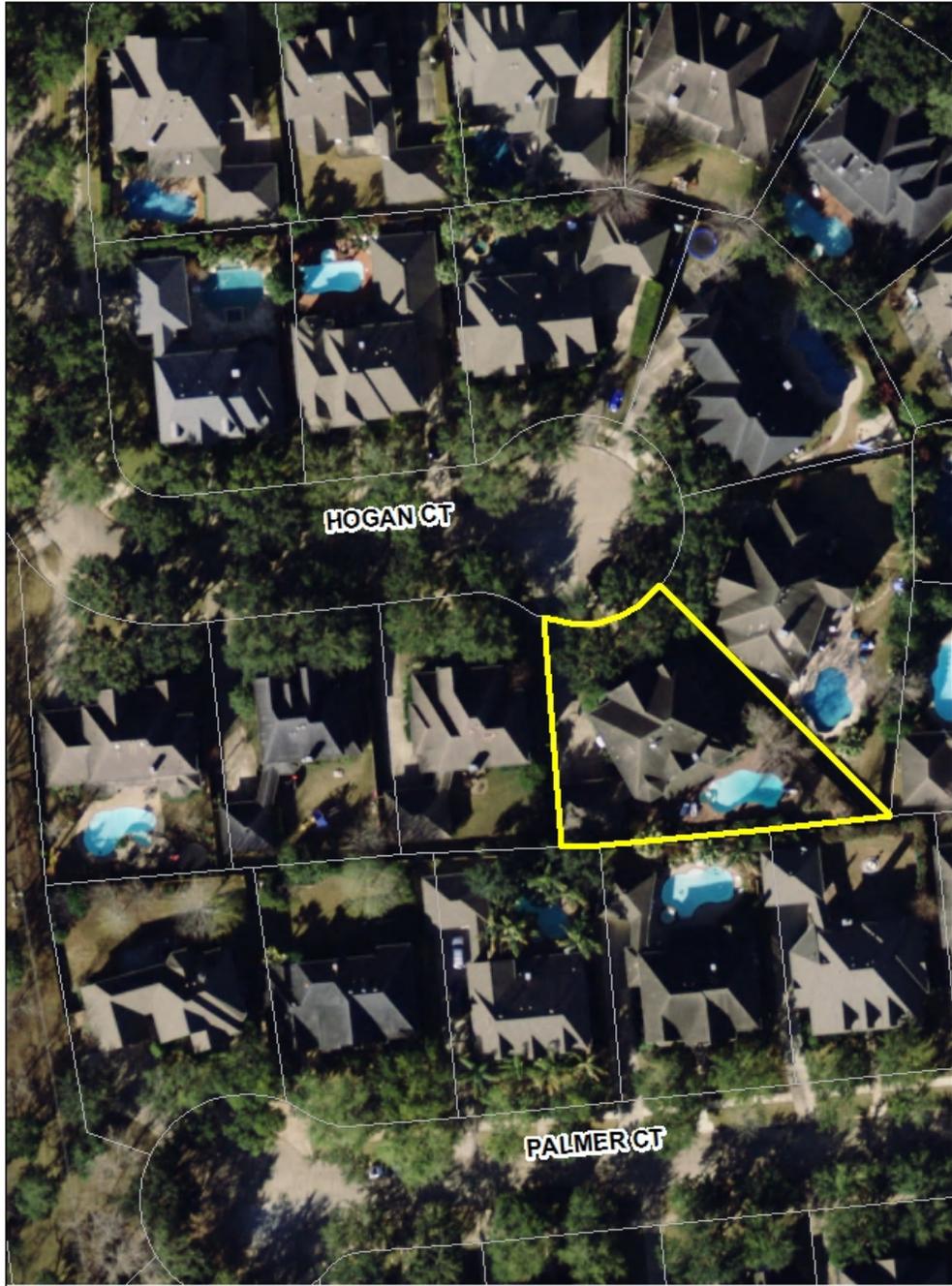
200
Feet

3807 Hogan Ct



AERIAL MAP

3807 Hogan Court



50 Feet

3807 Hogan Ct



SITE PHOTOS



Front of Residence



Area between House and Detached Garage

SITE PHOTOS



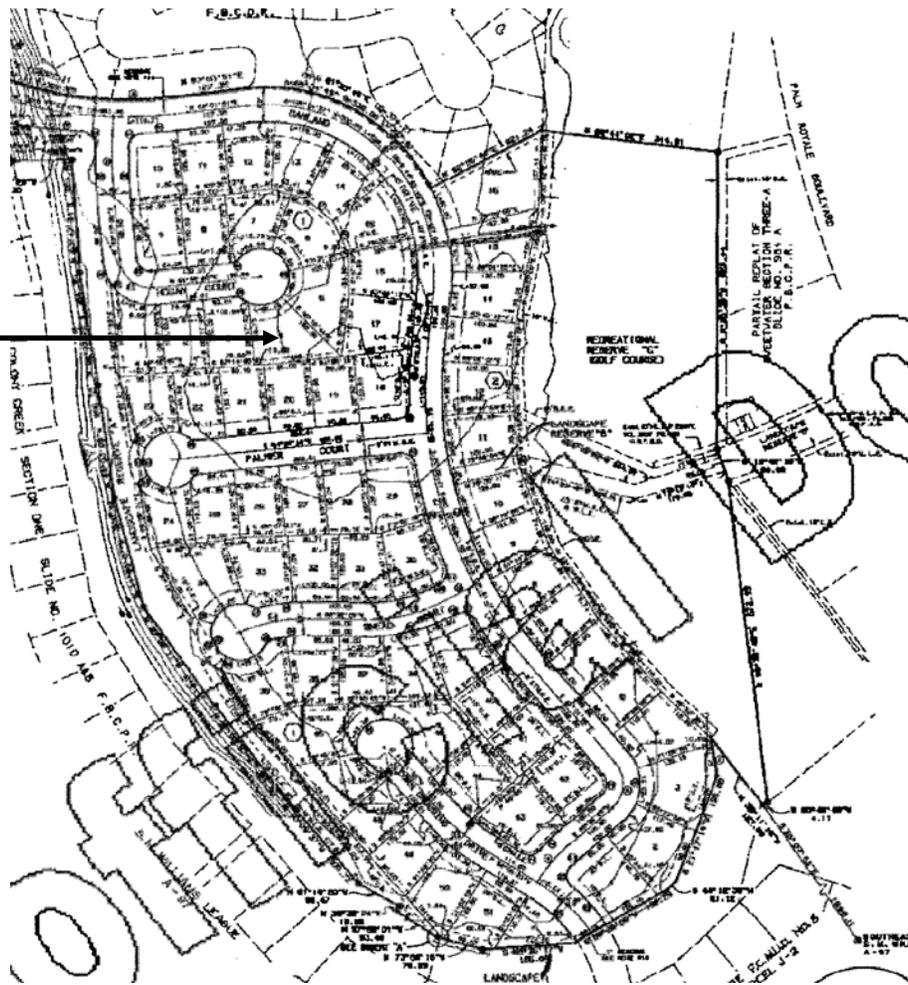
General Area of Patio Cover



Area of Patio Cover near Detached Garage

EXCERPT OF RECORDED PLAT

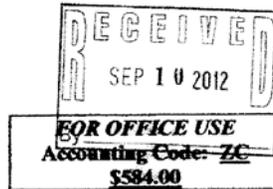
3807 Hogan Court



ADDRESS: 3807 HOGAN COURT

**PROPERTY IS PLATTED AS:
LOT 4, BLOCK 1, FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 5 PARCEL
'T' IN INSTRUMENT NUMBER 1172811, F.B.C.P.R.
(RECORDED IN 1991)**

APPLICATION



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: Andrea and Don Gawick
Address: 3807 Hogan Court
Company: ABear Pool INNOVATIONS
Phone: 281-823-2629 Fax: 281-240-3505
Email: Jeremy@abearpool.com

OWNER / AGENT:
Contact / Company: ABear Pool INNOVATIONS
Address: 5822 New Territory Blvd, Sugarland TX 77479
Phone: 281-240-7946 Fax: 281-240-3505
Email: Jeremy@abearpool.com

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: Lot 4 Block I First Colony Mnd #5 Parcel I
3807 Hogan Court, Sugarland TX 77479
Date the property was annexed into the City: June 18th 1982

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)

[Signature]
Signature of Applicant Date: 9-6-2012

SUBMITTAL REQUIREMENTS:

- TWO (2) copies of Application
- Submittal Fee: \$584.00 per Ord. 1828 (non-refundable)
- Two (2) copies of site plan / plot plan (scale/dimensioned drawing 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

App. Revised Jan 2012 per Ord. 1828

NOTICE OF PUBLIC HEARING

SPECIAL EXCEPTION 3807 HOGAN COURT

REQUEST FOR SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT, 3807 HOGAN COURT, LOT 4, BLOCK 1, FIRST COLONY MUNICIPAL UTILITY DISTRICT NO. 5 PARCEL 'I' IN THE STANDARD SINGLE FAMILY RESIDENTIAL (R-1) 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., OCTOBER 17, 2012**

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

Vicinity Map:

