



**NOTICE OF REGULAR MEETING AGENDA
ZONING BOARD OF ADJUSTMENT
MUNICIPAL CENTER CITY COUNCIL CHAMBERS
211 N. HENRY STREET, LANCASTER, TEXAS**



Tuesday, April 11, 2017 - 6:30 PM

CALL TO ORDER

CONSENT AGENDA:

Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Boards and Commissions Member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Consider approval of minutes from the Zoning Board of Adjustment Meeting held on November 8, 2016.

PUBLIC HEARING:

2. ZBA17-01 Conduct a public hearing and consider a request for a Variance to reduce the required setbacks on an existing building located at 1557 E. Springcrest Circle.

ADJOURNMENT

ACCESSIBILITY STATEMENT: Meetings of the Lancaster Boards and Commissions are held in municipal facilities are wheelchair-accessible. For sign interpretive services, call the City Secretary's office, 972-218-1311, or TDD 1-800-735-2989, at least 72 hours prior to the meeting. Reasonable accommodation will be made to assist your needs.

PURSUANT TO SECTION 30.06 PENAL CODE (TRESPASS BY HOLDER WITH A CONCEALED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A CONCEALED HANDGUN.

CONFORME A LA SECCION 30.06 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO 411, CODIGO DEL GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO OCULTADA.

PURSUANT TO SECTION 30.07 PENAL CODE (TRESPASS BY HOLDER WITH AN OPENLY CARRIED HANDGUN), A PERSON LICENSED UNDER SUBCHAPTER H, CHAPTER 411, GOVERNMENT CODE (HANDGUN LICENSING LAW), MAY NOT ENTER THIS PROPERTY WITH A HANDGUN THAT IS CARRIED OPENLY.

CONFORME A LA SECCION 30.07 DEL CODIGO PENAL (TRASPASAR PORTANDO ARMAS DE FUEGO AL AIRE LIBRE CON LICENCIA) PERSONAS CON LICENCIA BAJO DEL SUB-CAPITULO H, CAPITULO 411, CODIGO DE GOBIERNO (LEY DE PORTAR ARMAS), NO DEBEN ENTRAR A ESTA PROPIEDAD PORTANDO UN ARMA DE FUEGO AL AIRE LIBRE.

Certificate

I hereby certify the above Notice of Meeting was posted at the Lancaster City Hall on April 7, 2017 @ 5:00 p.m. and copies thereof were provided to the Zoning Board of Adjustment board members.

A handwritten signature in blue ink that reads "Kelley Frazier". The signature is written in a cursive style with a large initial "K".

Kelley Frazier,
Board Secretary

CITY OF LANCASTER'S BOARDS AND COMMISSIONS

Zoning Board of Adjustment

1.

Meeting Date: 04/11/2017

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Healthy, Safe & Vibrant Community
Quality Development

Submitted by: Bester Munyaradzi, Senior Planner

Agenda Caption:

Consider approval of minutes from the Zoning Board of Adjustment Meeting held on November 8, 2016.

Background:

Attached for your review and consideration are minutes from the:

- Zoning Board of Adjustment Meeting held on November 8, 2017.

Attachments

November 8, 2016 Minutes



**MEETING MINUTES
THE ZONING BOARD OF ADJUSTMENT
FOR THE CITY OF LANCASTER, TEXAS
TUESDAY, NOVEMBER 8, 2016**



CALL TO ORDER

Chair Deborah Taylor called the meeting to order at 6:30 p.m. on November 8, 2016.

BOARD MEMBERS

CHAIR – DEBORAH TAYLOR
VICE CHAIR – JACK McCAULEY
MARGARET BROOKS
SHERRI WILLIAMS
SYRINITHNIA MANN

STAFF PRESENT:

TONY FELTS	INTERIM DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES
JIM SCHLACHTER	BUILDING OFFICIAL
KELLEY FRAZIER	DEVELOPMENT COORDINATOR

CONSENT AGENDA: Items listed under the consent agenda are considered routine and are generally enacted in one motion. The exception to this rule is that a Board member may request one or more items to be removed from the consent agenda for separate discussion and action.

1. Approval of the minutes from the Zoning Board of Adjustments held on December 8, 2015 and January 12, 2016.

A MOTION WAS MADE BY BOARD VICE CHAIR McCAULEY TO APPROVE THE MINUTES FROM THE DECEMBER 8, 2015 AND JANUARY 12, 2016 AND SECONDED BY BOARD MEMBER MANN.

**AYES: TAYLOR, McCAULEY, BROOKS, WILLIAMS, MANN
NAYS: NONE**

THE MOTION CARRIED 5-0

PUBLIC HEARING

2. **ZBA16-02** Conduct a Public Hearing and Consider a Request for a Variance to decrease the setback on an existing building located at 913 East Pleasant Run Road.

Tony Felts provided the staff report.

VICE-CHAIR McCAULEY CLOSSES THE PUBLIC HEARING.

A MOTION WAS MADE BY BOARD MEMBER WILLIAMS TO APPROVE THE REQUEST FOR VARIANCE TO DECREASE THE SETBACK ON AN EXISTING

BUILDING LOCATED AT 913 EAST PLEASANT RUN ROAD FROM 25 FEET TO 20.9 FEET AND SECONDED BY VICE-CHAIR JACK McCAULEY.

AYES: TAYLOR, McCAULEY, BROOKS, WILLIAMS, MANN

NAYS: NONE

THE MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

Chair Taylor entertained a motion to adjourn.

A MOTION WAS MADE BY MEMBER BROOK AND SECONDED BY CHAIR TAYLOR TO ADJOURN THE MEETING.

AYES: TAYLOR, McCAULEY, BROOKS, WILLIAMS, MANN

NAYS: NONE

THE MOTION CARRIED UNANIMOUSLY.

THE MEETING WAS ADJOURNED AT 6:37 P.M.

Deborah Taylor, Chair

ATTEST

Kelley Frazier, Development Coordinator

CITY OF LANCASTER'S BOARDS AND COMMISSIONS

Zoning Board of Adjustment

2.

Meeting Date: 04/11/2017

Policy Statement: This request supports the City Council 2016-2017 Policy Agenda

Goal(s): Healthy, Safe & Vibrant Community
Quality Development

Submitted by: Bester Munyaradzi, Senior Planner

Agenda Caption:

ZBA17-01 Conduct a public hearing and consider a request for a Variance to reduce the required setbacks on an existing building located at 1557 E. Springcrest Circle.

Background:

Location and Size: The property is located on the east side of East Springcrest Circle within Spring Valley Subdivision. The total site area is approximately 0.4 acres.

Current Zoning: The property is currently zoned SF-4 Single Family Residential zoning district.

Adjacent Properties:

North: SF-4, Single Family Residential (existing residences)
South: SF-4, Single Family Residential (existing residences)
East: SF-4, Single Family Residential (existing residences)
West: SF-4, Single Family Residential (existing residences)

Comprehensive Plan Compatibility: The Comprehensive plan identifies this site as suitable for low density residential development.

Operational Considerations:

The Spring Valley Subdivision plat has 50 feet front and 10 feet side and rear yard setbacks. The new house built at 1557 E. Springcrest Circle, Spring Valley Subdivision Lot 18, Block A encroaches both the side and front yard setbacks according to the plat of record for this property. As such, the applicant is seeking a variance from the required 50 feet front yard and 10 feet side yard setback requirements.

The site plan submitted for the building permit to the City was accepted and met the 50 feet front yard 10 feet side yard and rear yard plat requirement. The submitted title survey shows a different foot print from the building foot print on the City approved site plan. The house was built incorrectly according to the title survey and is unable to get financing. This does not constitute a hardship. Thus generating this request.

Criteria for Granting Variances

(Article 14.200, Section 14.210, Subsection d)

The Board of Adjustment, pursuant to the powers conferred upon it by State law, the ordinances of the City, and this Article may grant Variances to the provisions of the Lancaster Development Code upon finding that:

1. Due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship.

2. The Variance or request for relief is not a self-created hardship.
3. Such Variance or request for relief will not substantially or permanently injure the appropriate use of adjacent property in the same district; and
4. Such Variance or request for relief will not adversely affect the health, safety, or general welfare of the public; and
5. Such Variance or request for relief will not be contrary to the public interest; and
6. Such Variance or request for relief will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the Variance is sought is located, except as provided in Section 10.3 above; and
7. Such Variance or request for relief will be in harmony with the spirit and purpose of this ordinance; and
8. Such Variance or request for relief will not alter the essential character of the district in which is located the property for which the Variance is sought; and
9. Such Variance or request for relief will not substantially weaken the general purposes of the zoning regulations established for the district in which the property is located; and
10. The plight of the owner of the property for which the Variance or Exception is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

The variance request does not meet any of the above stated criteria for the Board of Adjustment to grant a variance. The applicant acknowledged on the application that he built another house with similar encroachments in the setbacks in the same subdivision. This request is self-imposed in that the applicant/builder did not go by the City approved site plan. The changes in the building footprint from what the City approved and what the builder constructed cannot be justified. As such, staff recommends denial of the request as it does not meet the variance criteria and clearly indicates a high level of intentionality on the applicant/builder's part.

Public Information Considerations:

A notice for this April 11, 2017 public hearing appeared in the Focus Daily Newspaper on March 25, 2017 and notices to property owners that are within 200-feet of the subject site were also mailed on March 24, 2017. We received one returned notification in favor of this application.

Options/Alternatives:

1. Approve the request for a variance.
2. Approve the request for a variance subject to stipulations and state those stipulations.
3. Deny the request for a variance.

Recommendation:

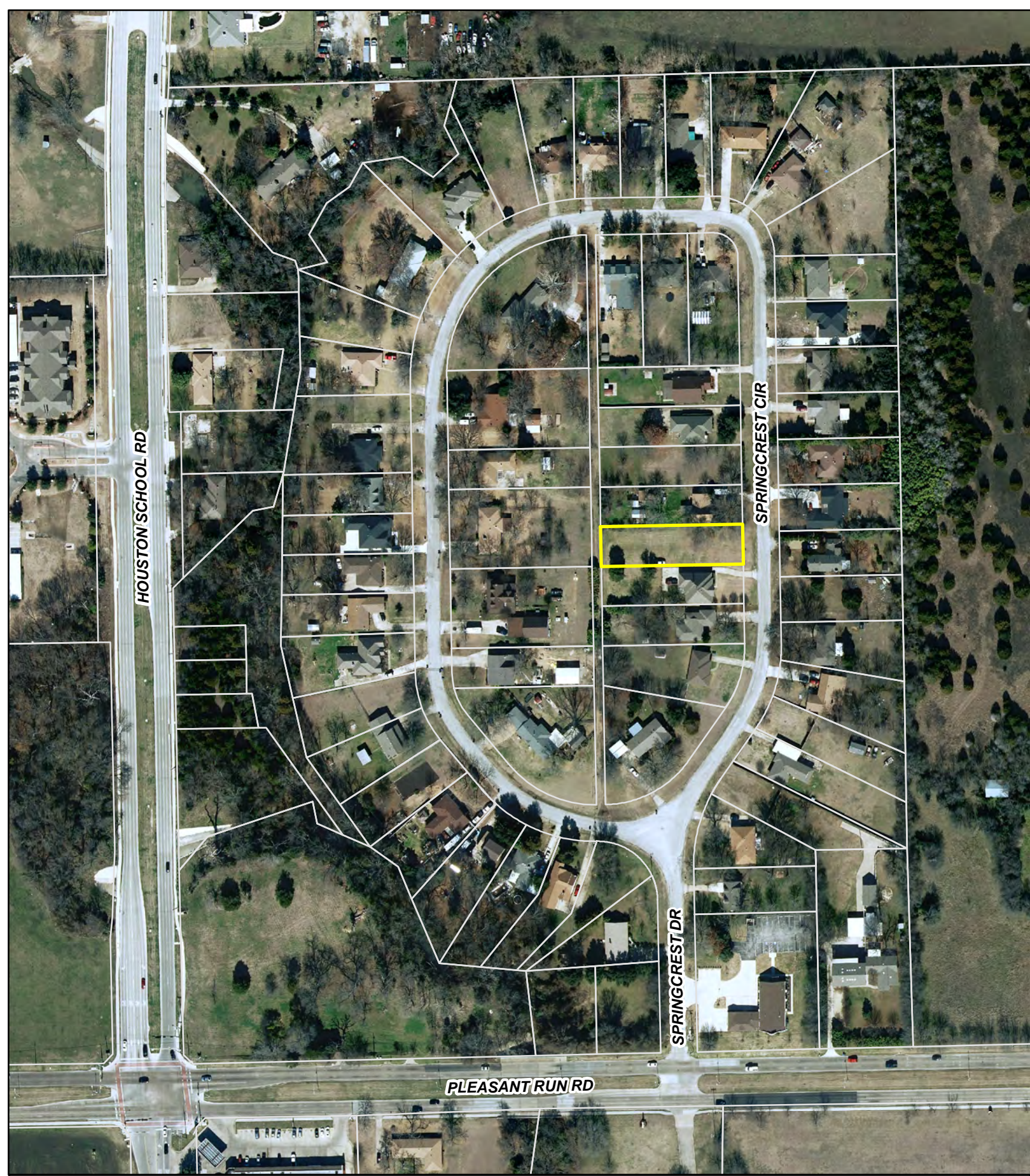
Staff recommends denial of this request.

Attachments



Location Map

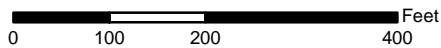
Title Survey and Site Plan

Notifications



Legend

-  City Limits
-  Subject Property

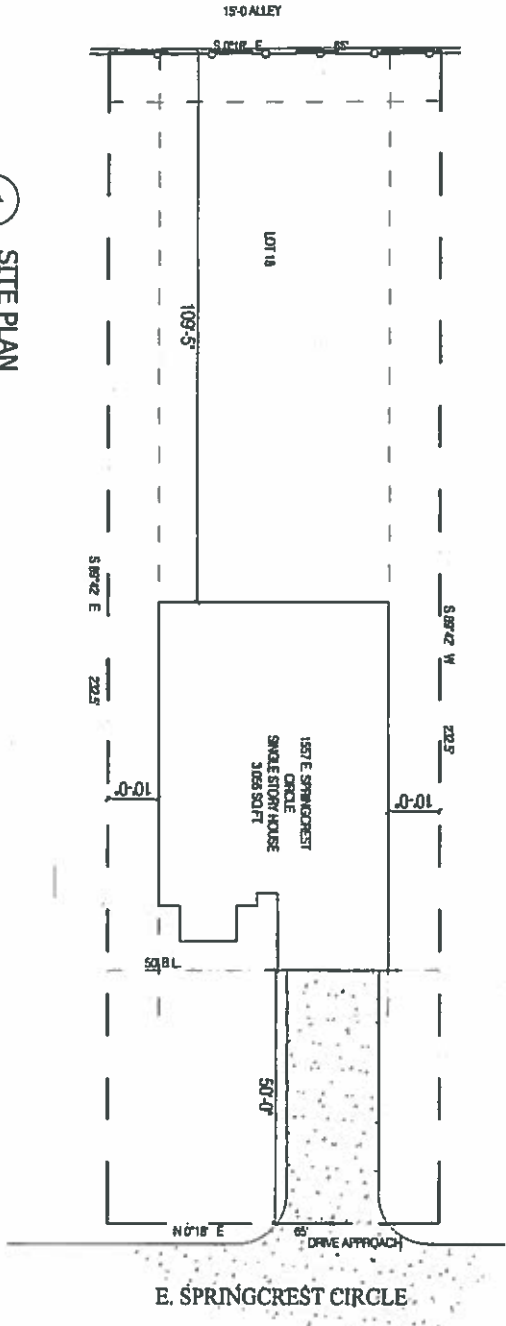


City of Lancaster
1557 Springcrest Cir
Zoned SF-4 (Single Family/Low Density)

montes Jorge 18@gmail.com

4/27/18 0183 Jorge

**ALL INSPECTIONS SUBJECT TO
FIELD INSPECTORS APPROVAL**



1 SITE PLAN
Scale: 1"=20'-0"

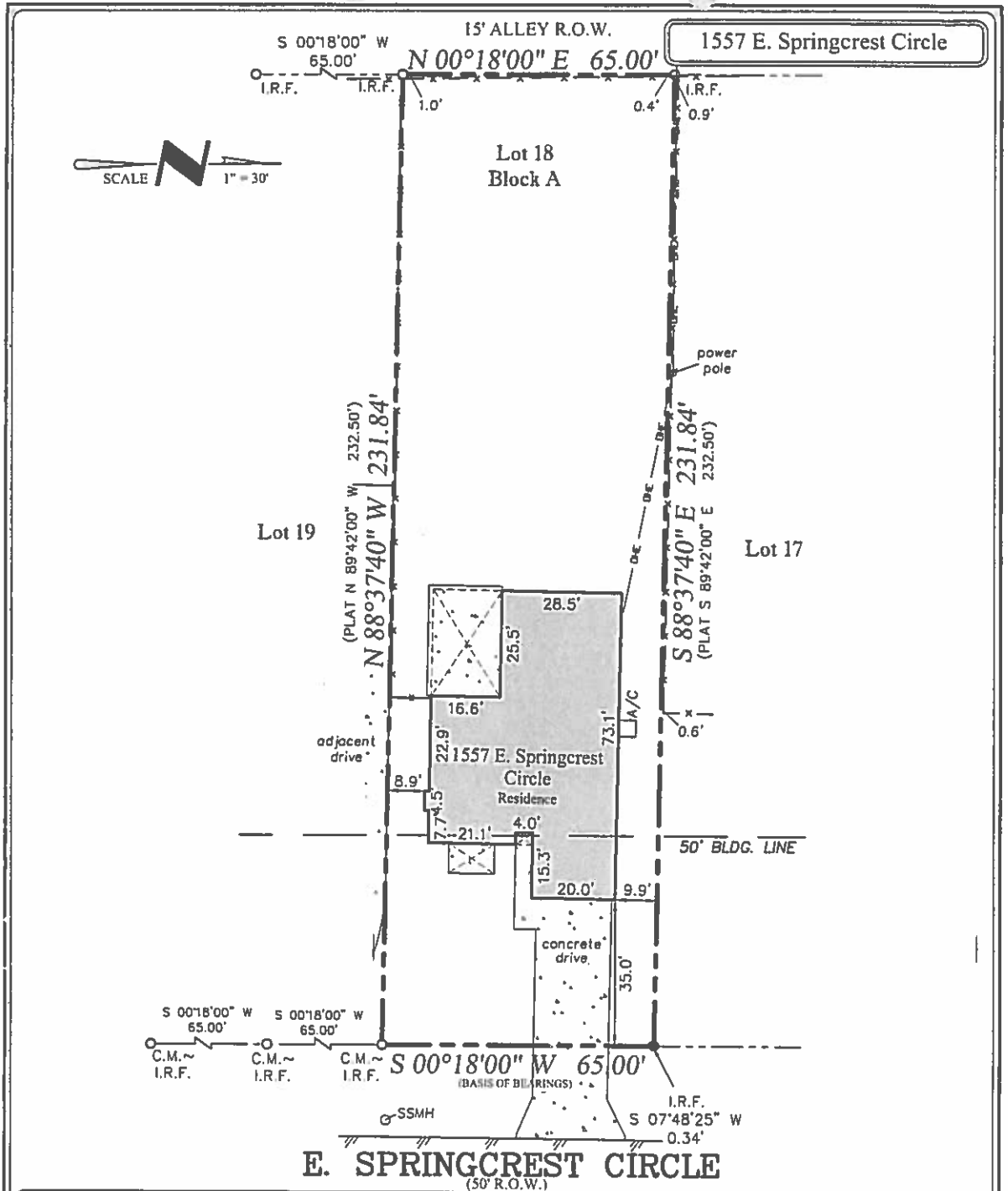
ACCEPTED
 ACCEPTED WITH COMMENTS
 DISAPPROVED
 P. 11-11-18
 INSPECTED BY
 Lancaster
 DATE 5-3-18

SQUARE FOOTAGE	
AC SPACE	2,053 SQ.FT.
PORCHES/GARAGE	1,003 SQ.FT.
TOTAL SLAB	3,056 SQ.FT.
LOT SZ	13,112 SQ.FT.
LOT COVERAGE	23.22 %



LOT 10, BLOCK A SPRING VALLEY ADDITION, AM
ADJACENT TO THE CITY OF LANCASTER, DALLAS
COUNTY TEXAS ACCORDING TO THE PLAT
THEREOF RECORDED IN VOLUME 42, PAGE 209
OF THE MAP RECORDS OF DALLAS COUNTY,
TEXAS

Lancaster TX		1557 EAST SPRINGCREST CIRCLE	
OWNER	DATE	APPROVED BY	APPROVED
ILIAN BLUESTONE	05 / 19 / 16		6



PROPERTY DESCRIPTION: Lot 18, Block A, in Spring Valley Addition, an Addition to the City of Lancaster, Dallas County, Texas, according to the Plat thereof recorded in Volume 42, Page 209, of the Map Records of Dallas County, Texas.

The undersigned have/has received and reviewed a copy of this survey

Date: _____

Date:	2/9/17
ASC No.	1702110
P.C./Tech.	BH/TER
Client	Designated Title
G.F. No.	COL171629

LEGEND - C.M.= Controlling Monument; I.R.F.= Iron Rod Found; I.P.F.= Iron Pipe Found; F.C.P.= Fence Corner Post; O.H.E.=Overhead Electric; I.R.S.= Iron Rod Set 1/2" diameter with yellow cap stamped "Arthur Surveying Company". All found iron rods are 1/2" diameter unless otherwise noted. — X — (fence / §, fence post) — O.H.E. — (overhead power)

FLOOD NOTE: It is my opinion that the property described hereon is not within the 100-year flood zone area according to the Federal Emergency Management Agency Flood Insurance Rate Map Community-Panel No. 480182 0635 K, present effective date of map, July 7, 2014, herein property situated within Zone "X".

SURVEYORS CERTIFICATION:
 The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct, and to the best of my knowledge, there are no visible discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments, overlapping of improvements, easements or rights of way that I have been advised of except as shown hereon. The bearings shown hereon are based on the above referenced recorded map or plat unless otherwise noted.



DESIGNATED TITLE
 210 W. Southlake Blvd., Suite 109
 Southlake, Texas 76092
 Ph: 682-276-1200
 Fax: 682-276-7201



1557 E. Springcrest Circle
 Lancaster, Texas

Arthur Surveying Co.
 Professional Land Surveyors
 220 Elm St., # 200 - Lewisville, TX 75057
 Ph. 972.221.9439 - TFRN# 10063800
 arthursurveying.com Established 1986

J.R. January



City of Lancaster Board of Adjustment



NOTICE OF PUBLIC HEARING

TO: Property Owner
RE: Application to request a variance to reduce the required sides and front yard setbacks
LOCATION: 1557 E. Springcrest Circle
EXPLANATION OF REQUEST: The applicant is seeking to reduce the required yard setbacks from 10 feet side setback yards to 8.9 feet on the west side and 9.9 feet on the east side in addition to reducing the front setback yard from 50 feet to 35 feet. [Case No. - BA 17-01]

- I AM IN FAVOR OF THE REQUEST FOR THE FOLLOWING REASONS:
 I AM OPPOSED TO THE REQUEST FOR THE FOLLOWING REASONS:

COMMENTS:

The side yard setbacks should be north and south rather than east and west. I am on the north side of the mentioned property. I am disappointed to setbacks were not enforced prior to construction but I have no problem with the construction as it now exists

SIGNATURE:

Steph P. Allen

ADDRESS:

*1565 E. Springcrest Cir
Lancaster, Tx 75134*

Your written comments are being solicited in the above case. Additional information is available in the Development Services Department at 211 N. Henry St. The Zoning Board of Adjustments will hold a public hearing and take action on the above case at their meeting on April 11, 2017 at 6:30 pm. Meetings are typically held in the City Council Chambers, City of Lancaster Municipal Center, 211 N. Henry Street, Lancaster, Texas 75146.

Please legibly respond in ink. If the signature and/or address are missing, your comments will not be recorded. Your response must be received in the Development Services Department by 5 pm on Thursday, April 6, for your comments to be included in the Zoning Board of Adjustment's April 11, 2017, packet. Responses received after that time will be forwarded to the board members at the public hearing.

If you have any questions concerning this request, please contact the
 Development Services Department
 Phone 972-218-1315
 FAX 972-275-1862

RETURN BY FAX OR MAIL
 City of Lancaster
 Development Services Department
 211 N Henry St.
 Lancaster, TX 75146