



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

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| AGENDA OF: | 04/28/10 | AGENDA REQUEST NO: | III-A |
| INITIATED BY: | HAROLD ELLIS, PLANNER II <i>HE</i> | RESPONSIBLE DEPARTMENT: | PLANNING |
| PRESENTED BY: | HAROLD ELLIS, PLANNER II | ASSISTANT PLANNING DIRECTOR: | DOUGLAS P. SCHOMBURG, AICP <i>D.P.S.</i> |
| | | ADDITIONAL DEPARTMENT HEAD (S): | N/A |

SUBJECT / PROCEEDING: SPECIAL EXCEPTION TO THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT REAR YARD SETBACK REQUIREMENT AT 1807 ROSEWOOD LANE IN THE LAKES SECTION ONE PUBLIC HEARING, CONSIDERATION AND ACTION

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

| CLEARANCES | | APPROVAL | |
|------------|--|----------|--|
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|---------------|------------|---------------------------|---|
| LEGAL: | N/A | PLANNING DIRECTOR: | SABINE SOMERS-KUENZEL, AICP <i>SK</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.

EXECUTIVE SUMMARY

This is a request for a Special Exception to the Standard Single-Family Residential (R-1) district rear yard setback requirement for 1807 Rosewood Lane in *The Lakes Section One*. The property was platted in 1996, and was developed with an eight-foot utility easement serving as the minimum rear yard setback for the portion of the lot in question. When the property was annexed into the City of Sugar Land in 1997, R-1 zoning was applied to the subdivision, which requires a 15-foot rear yard setback.

Per Chapter 2, Article II, Section 2-194 (d) of Sugar Land’s Development Code, accessory structures such as garages may be up to 5 feet from the side and rear property lines as long as a minimum of 10 feet of separation is maintained between the primary and accessory structures. If the 10-foot separation is not met, then the accessory structure (garage in this case) must meet the rear yard setback for the primary structure, as the two structures are then regulated as one structure, under the Development Code.

The applicant has proposed to construct a patio cover attached to the rear of the existing house that would connect to the existing detached garage. Narrowing the distance between the two structures to less than 10' increases the required garage setback from 5' to 15'. Granting the Special Exception would relieve the 15-foot setback for the garage.

Applicant: Pramad Mathur, mathurpc@windstream.net
Steven Schell, steven@texascustompatios.com

File No. 12142

EXHIBITS

STAFF REPORT

Staff Analysis of Requested 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:

Criteria One:

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

Plat recorded: 1996
Annexed: 1997

Criteria 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 plat established a setback of 8 feet via a rear utility easement. Chapter 2 (Zoning) requires a setback of 15 feet. The recorded restrictions for the property are less restrictive than the City of Sugar Land zoning requirements.

Criteria 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 Special Exception would allow a proposed addition within 15 feet of the rear property line, which does not establish a setback that is less restrictive than the approved plat or recorded restrictions, it would be the same.

Criteria 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 do not appear to be any public safety issues associated with this request. Staff has not identified any safety concerns as a result of the proposed 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. One key observation from an analysis of nearby properties is that majority of these residences were largely built in compliance with the plat and recorded restrictions, as opposed to the more restrictive zoning regulations, and therefore would not support a similar addition without also going through the Special Exception process.

Proposal and the Neighborhood – General Architectural & Landscape Context:

If it is of concern to the Board, the proposed addition appears to be architecturally compatible with the neighborhood. The Board may request additional information, such as proposed building elevations, to tie to the granting of the special exception if necessary.

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:

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

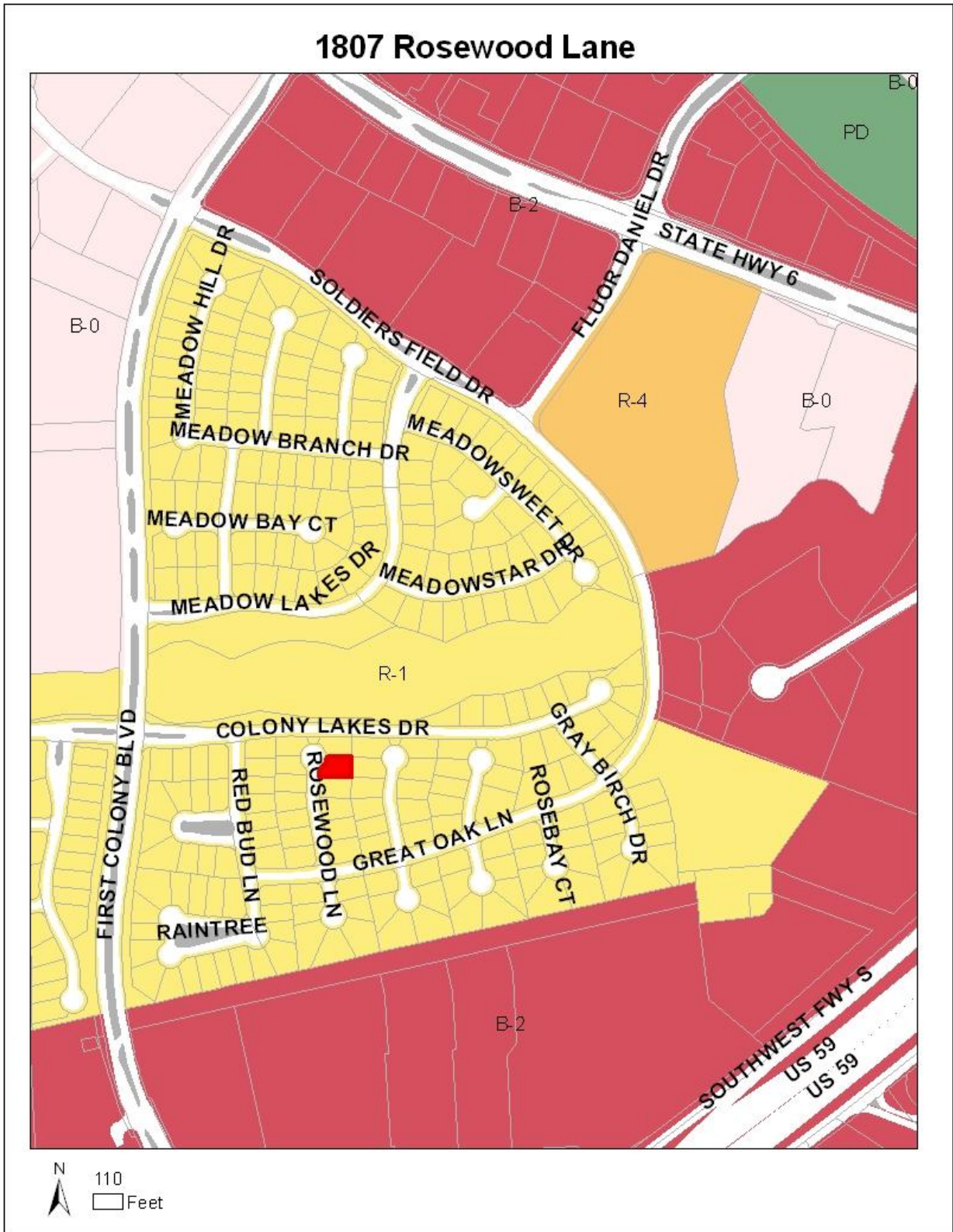
Staff recommends that the Special Exception be approved subject to the following condition:

- Attachment of site plan to Special Exception showing proposal

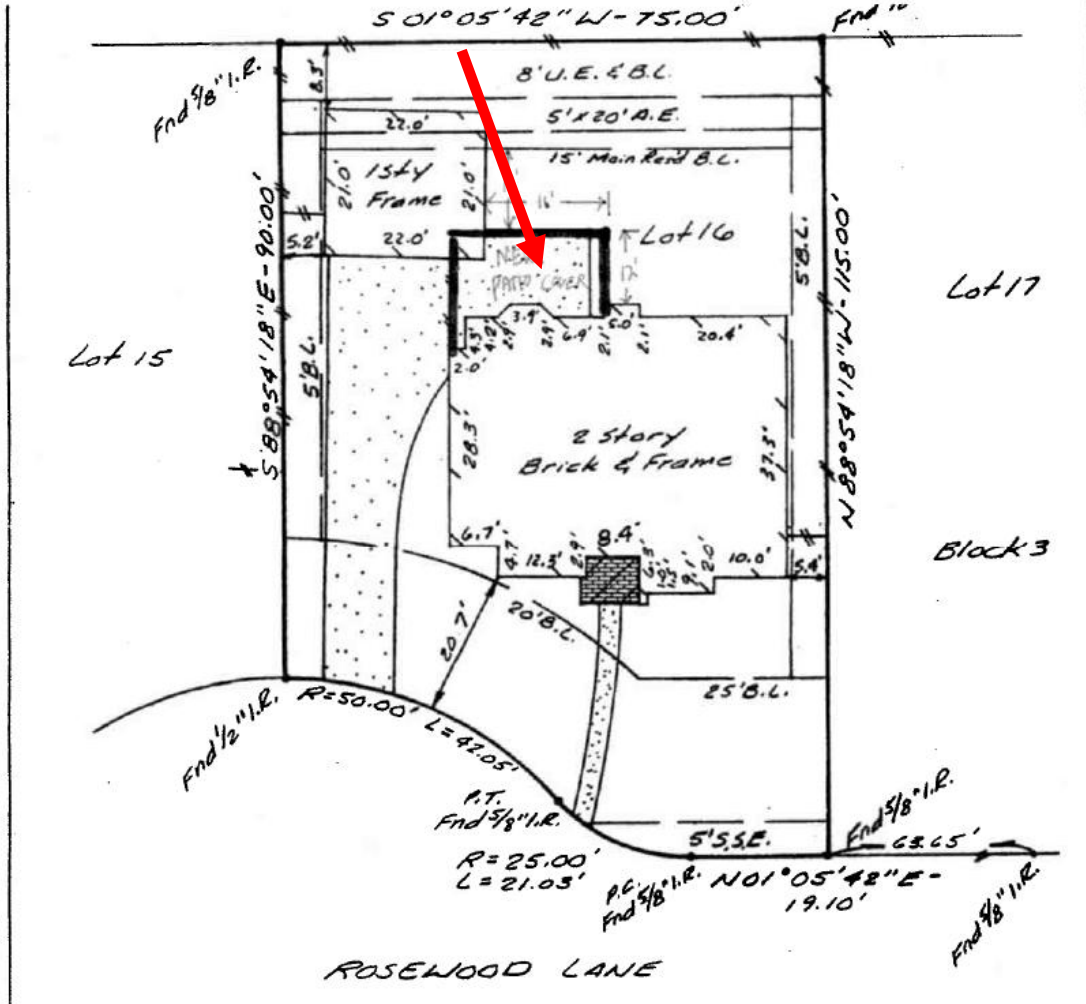
PUBLIC HEARING:

Per Chapter Two, Article I of the Development Code, a notice of this Public Hearing was posted in a newspaper of general circulation and property owners within 200' were notified by mail. In addition, the hearing notice was published on the City of Sugar Land Internet Home Page, and a courtesy notification sign was placed on the property in question. At the time of this report, we have received one inquiry.

Vicinity Map:



Applicant Site Plan:



- Note:
- Basis for Bearings: assumed as platted
 - Distances shown are ground distances
 - All abstracting done by title company
 - CATV Agreement: V.1107, P.869, V.1903, P.1722
 - B.L.'s Recorded in: EN. 9533442

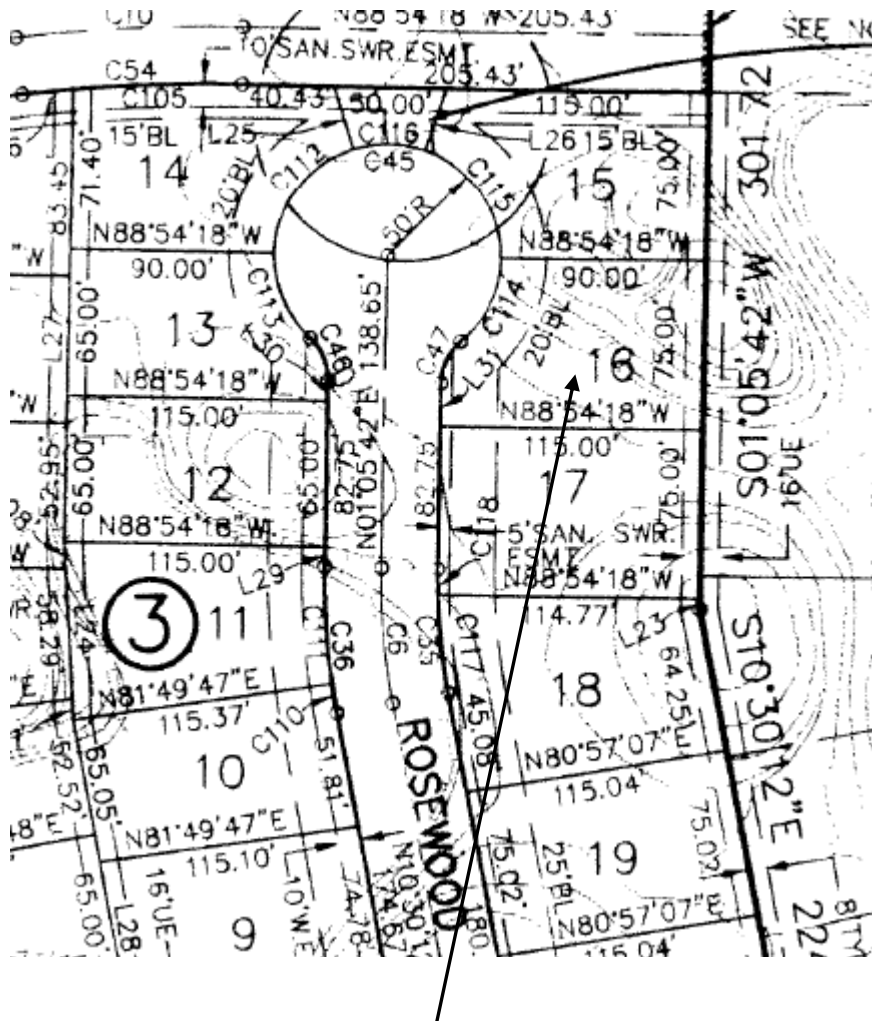
I hereby certify that this survey was made on the ground under my supervision on Jun. 17, 96 and that this plot represents the facts found at the time of the survey.

John F. Sissons
 John F. Sissons R.P.L.S. No. 4930 Date June 26



| | | | |
|---|-----------|------------------------|--------------|
| LOT: 16 | BLOCK: 3 | SUBDIVISION: The Lakes | SECTION: 1 |
| RECORDATION: Slide Nos 1445/A & 1445/B Plat Records | | COUNTY: Ft. Bend | STATE: Texas |
| ADDRESS: 2 11 | CITY: 1 1 | LEADER: [illegible] | |

Excerpt from the Recorded Plat, The Lakes, Sec 1:



ADDRESS: 1807 ROSEWOOD LN

**PROPERTY IS PLATTED AS:
LOT 16, BLOCK 3, THE LAKES SECTION ONE, RECORDED IN SLIDE 1445A,
PLAT RECORDS OF FORT BEND COUNTY, TEXAS
(RECORDED IN 1996)**

Site Photos:

Front of house

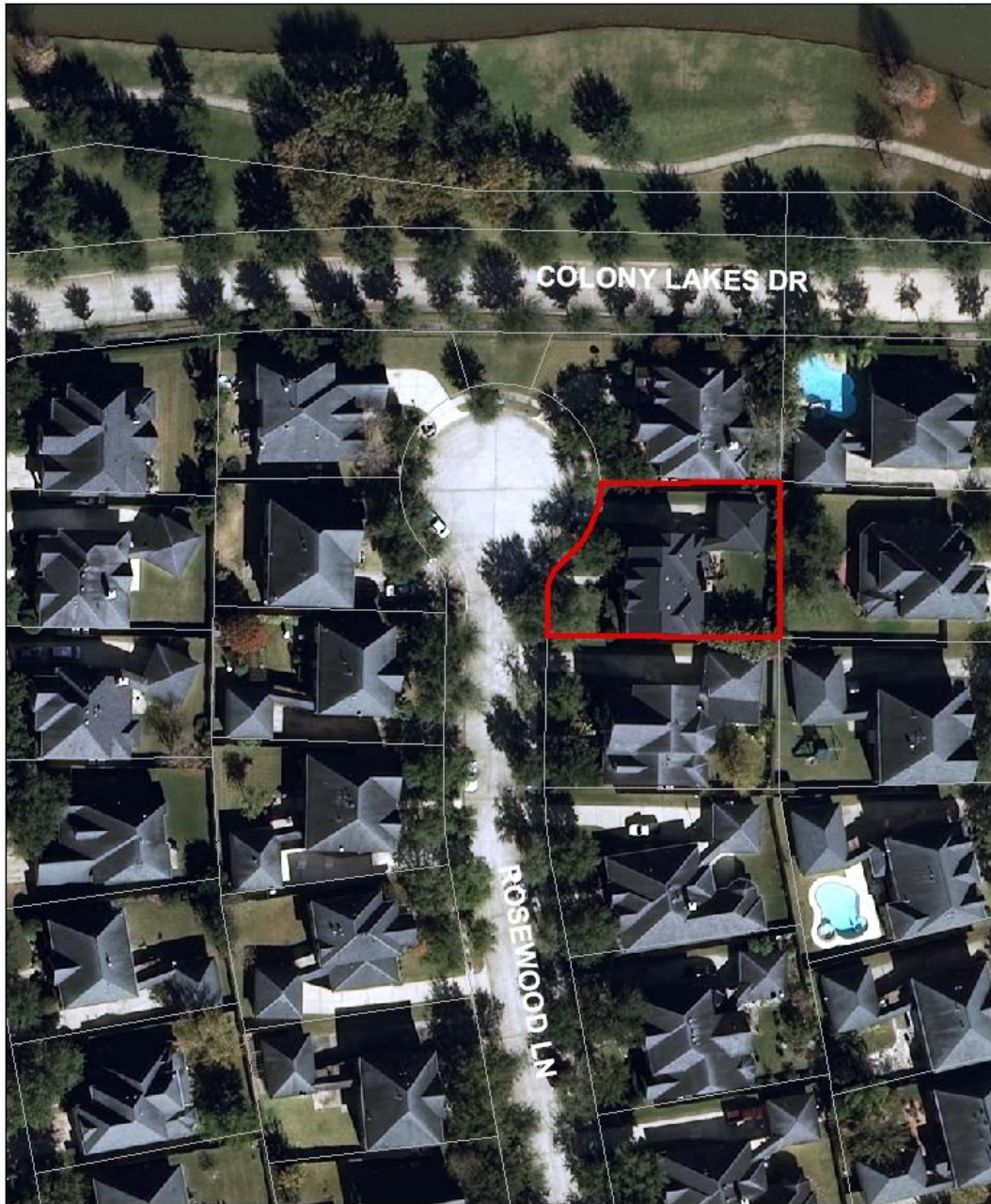


Area of construction



Aerial Photograph:

1807 Rosewood Lane

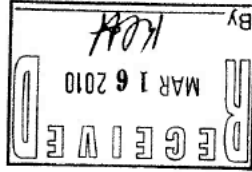


Application:

Mar 10 2010 8:59AM TECHNIP

2812492327

P. 1



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: Pramod Mathur
Address: 1807 Rosewood Lane Sugar Land, TX 77479
Company: _____
Phone: 832-654-2871 Fax: _____
Email: mathur.p@windstream.net

OWNER / AGENT:
Contact / Company: Steven Schell Texas Custom Papers
Address: 1646 Blair Isle # 2300 Richmond, TX 77475
Phone: 281-750-0260 Fax: _____
Email: Steven@texascustompapers.com

Please provide the following additional information as required under the Development Code (Chapter 2, Article 1, Part 6):

Address and legal description of the property: _____

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 [Signature] Date: 03/10/2010
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 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

Public Hearing Notice:

NOTICE OF PUBLIC HEARING

**SPECIAL EXCEPTION
1807 ROSEWOOD LANE
THE LAKES SECTION ONE**

NOTICE OF PUBLIC HEARING ON A REQUEST FOR A SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT IN THE STANDARD SINGLE FAMILY RESIDENTIAL (R-1) DISTRICT, 1807 ROSEWOOD LANE, LOT 16, BLOCK 3, THE LAKES SECTION ONE

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

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

**WHEN: ZONING BOARD OF ADJUSTMENT AND APPEALS MEETING
5:00 P.M., APRIL 28, 2010**

DETAILS OF THE PROPOSED SPECIAL EXCEPTION MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE AT (281) 275-2218 OR BY EMAIL AT 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.