



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	05/26/10	AGENDA REQUEST NO:	III-A
INITIATED BY:	RUTH LOHMER, AICP, SENIOR PLANNER <i>RL</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	RUTH LOHMER, AICP, SENIOR PLANNER	ASSISTANT PLANNING DIRECTOR:	N/A
		ADDITIONAL DEPARTMENT HEAD (S):	N/A

SUBJECT / PROCEEDING: SPECIAL EXCEPTION TO THE STANDARD SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT REAR YARD SETBACK REQUIREMENT – 4815 CAMBRIDGE STREET IN SUTTON FOREST SECTION 1 PUBLIC HEARING, CONSIDERATION AND ACTION

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

CLEARANCES	APPROVAL
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LEGAL: N/A	INTERIM PLANNING DIRECTOR: DOUGLAS SCHOMBURG, AICP <i>D.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 elevations.

EXECUTIVE SUMMARY

This is a request for a Special Exception from the required 15’ rear yard setback in the Standard Single-Family Residential (R-1) District for property located at 4815 Cambridge St. The homeowners are proposing to construct a patio cover on the rear of the home that would connect the detached garage to the home. The property was platted in 1991 in the *Partial Replat of Sutton Forest Section One* subdivision. 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 for primary structures. The recorded Architectural Control Guidelines for Commonwealth Civic Association, which includes Sutton Forest Section One, indicate that where a garage is attached to a single family residence, the “living area shall not be nearer than fifteen (15) feet to the rear property line and the rear wall of such attached garage shall not encroach upon any easement located on the lot” (emphasis added). The plat recorded an 8-foot utility easement at the rear of the lot. The patio cover would meet the recorded restriction because the living area is not closer than fifteen feet from the rear property line and the garage does not encroach into the 8-foot 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 10-foot separation is maintained between the primary and accessory buildings. 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. The applicant has proposed to construct a patio cover attached to the rear of the house that would not meet the 10-foot separation from the detached accessory structure (the garage), essentially converting the two structures into one primary structure which would not meet the rear yard setback. Since the garage extends into the primary structure rear setback, the connection of the two buildings would make the home a non-conforming structure. Granting the Special Exception would relieve the 15-foot setback for the primary structure (which in this case would include the garage) so that the patio cover could be constructed as proposed.

File No. 12256

CC: Camille Shannon, cshannon@cisco.com

EXHIBITS

STAFF REPORT

Request for a special exception to the Standard Single-Family Residential (R-1) district rear yard setback requirement for 4815 Cambridge St in the Sutton Forest Section 1 subdivision.

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 Architectural Control Guidelines for Commonwealth Civic Association, which includes Sutton Forest Section One indicate that where a garage is attached to a single family residence, the "living area shall not be nearer than fifteen (15) feet to the rear lot line, and the rear wall of the garage shall not encroach upon any easement" (emphasis added). The plat recorded an 8-foot utility easement at the rear of the lot. The patio cover would meet the recorded restriction because the living area is not closer than fifteen feet from the rear property line and the garage does not encroach into the 8-foot utility easement. Chapter 2 (Zoning) requires a setback of 15 feet for the garage when it is less than 10 feet from the house. 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

The Covenants and Restrictions establish a 15-foot setback for the living area of the home and an 8-foot setback (the utility easement) for the garage. The Special Exception would permit the primary structure (house and garage) to be located less than 15 feet from the rear property line, with the garage maintaining its location outside of the 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 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:** 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. Some of the homes do not appear to meet the required rear yard setback as they exist today, while others would not meet the setback if a patio were added, as is being requested by the applicant. The proposed 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:

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.*

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 site were notified and a courtesy sign was placed on site. Staff has been contacted by two interested parties regarding the special exception: one was in favor of the special exception and the other request was informational in nature. At present, staff is not aware of any opposition to the proposed special exception.

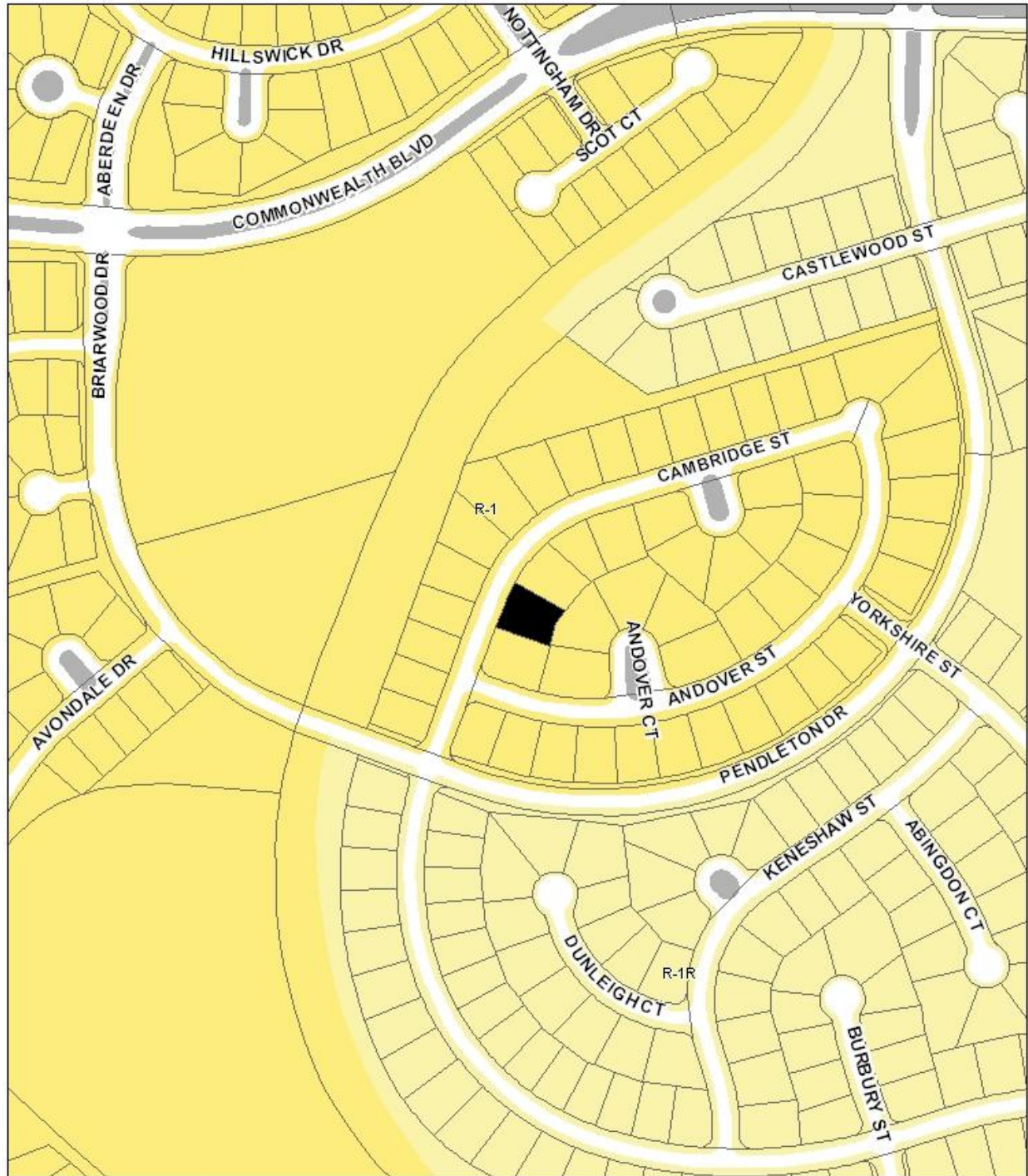
Staff Recommendation

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 elevations

VICINITY MAP

4815 CAMBRIDGE ST



100
□ Feet



SITE PLAN

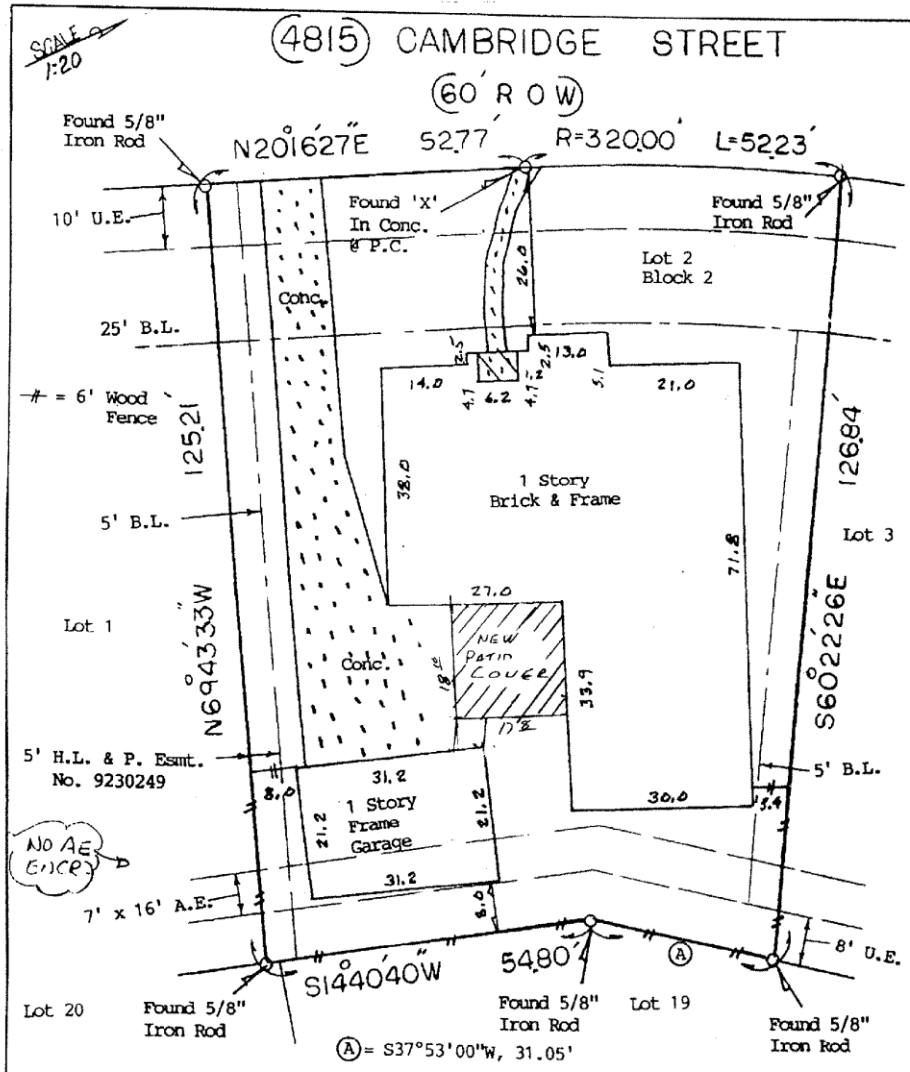
Hug 23 07 07:53a

Camille Shannon

281-265-1352

P-1

To: Roland Fax 281-261-4872



Note: Restrictive covenants as recorded in Slide No(s) 1171/B, 1172/A FBCPR; V-1938, P-340, V-2184, P-1489, V-2410, P-1789 FBCOR; FBCCF# 9312895, 1999109195, 2002130690.

Note: Agreement with H&AP as recorded in V-2396, P-1702 FBCOR.

BUYER Camille G. Shannon and David C. Shannon 4815 Cambridge Street

DESCRIBED PROPERTY Lot 2, in Block 2, of a Partial Replat of SUTTON FOREST, SECTION 1, a subdivision in Fort Bend County, Texas, according to the map or plat thereof, recorded on Slide No(s) 1171/B and 1172/A, of the Plat. Records of Fort Bend County, Texas.

APR 20 2010

WESTAR LAND SURVEYORS, INC.

P. O. BOX 689 • ALVIN, TX 77512-0689

(281) 388-1159 • (888) 339-1159

G.F. 03030289

Date: 4-4-03

Inv.#: 14863

JOB# 14863



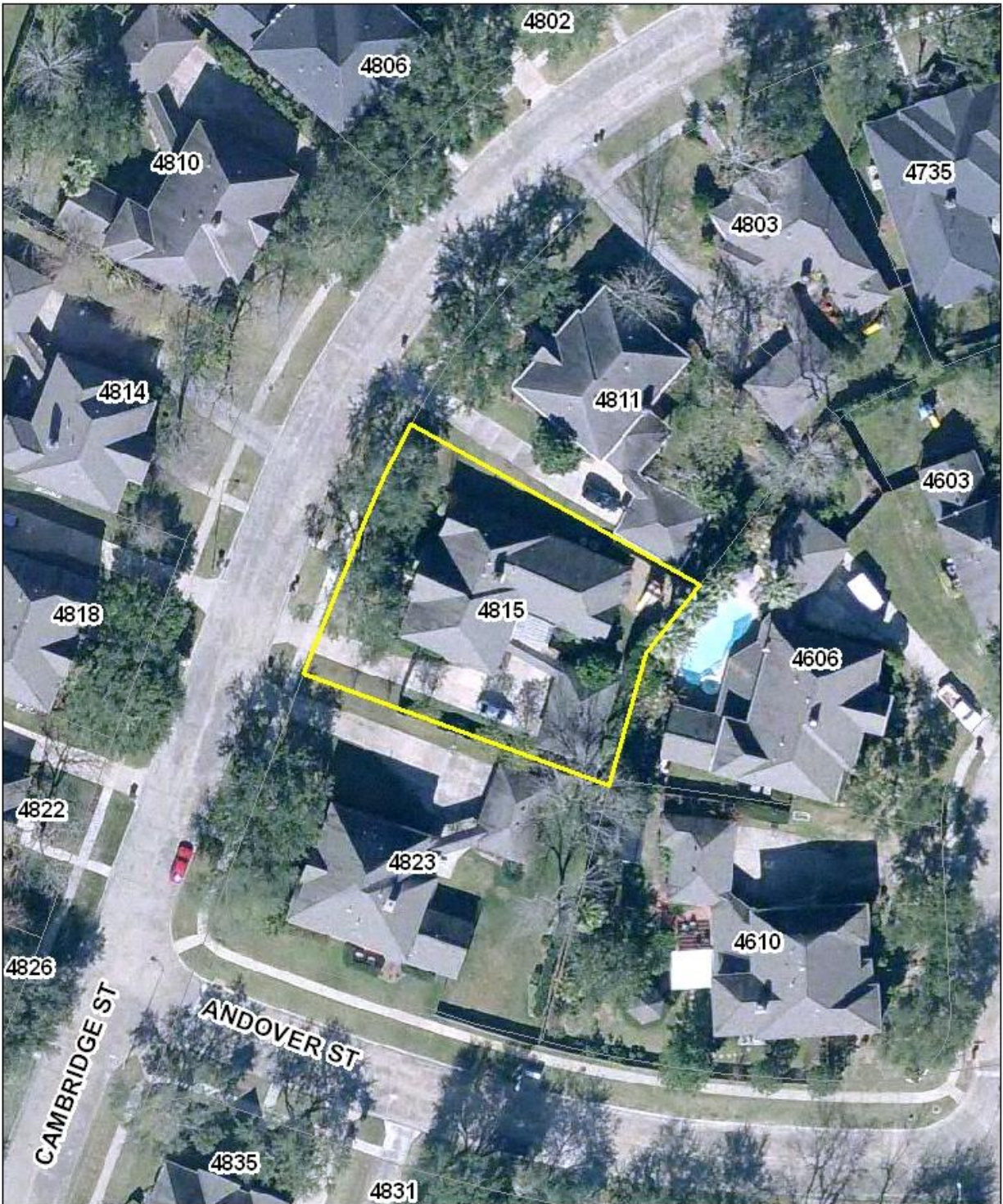
I do hereby certify that this survey was this day made on the ground of the property legally described hereon, (or on the attached sheet), and is correct, and there are no encroachments unless shown, and was done by me or under my supervision, and conforms to or exceeds the current standards as adopted by the Texas Board of Professional Land Surveying.

Note: There are no natural drainage courses on this property.
Note: This property does not lie in a flood hazard zone according to F.U.D./F.I.A.
480228 0265 J 1-3-97 - Zone X



AERIAL

4815 CAMBRIDGE ST



20
Feet



SITE PHOTOS

Front of House:



View of Area of Addition from Rear:



View of Area of Addition from Left:

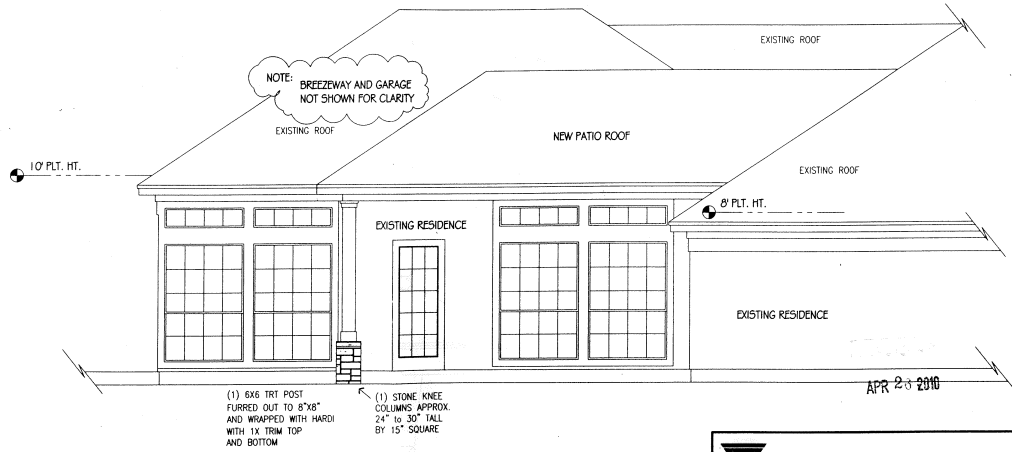


View of Area of Addition from Left:



ELEVATIONS

NOTE: ALL MEASUREMENTS ARE
AND ARE TO BE FIELD VERIFIED
NOTE: ALL LIKE MATERIALS AND PAINT COLORS



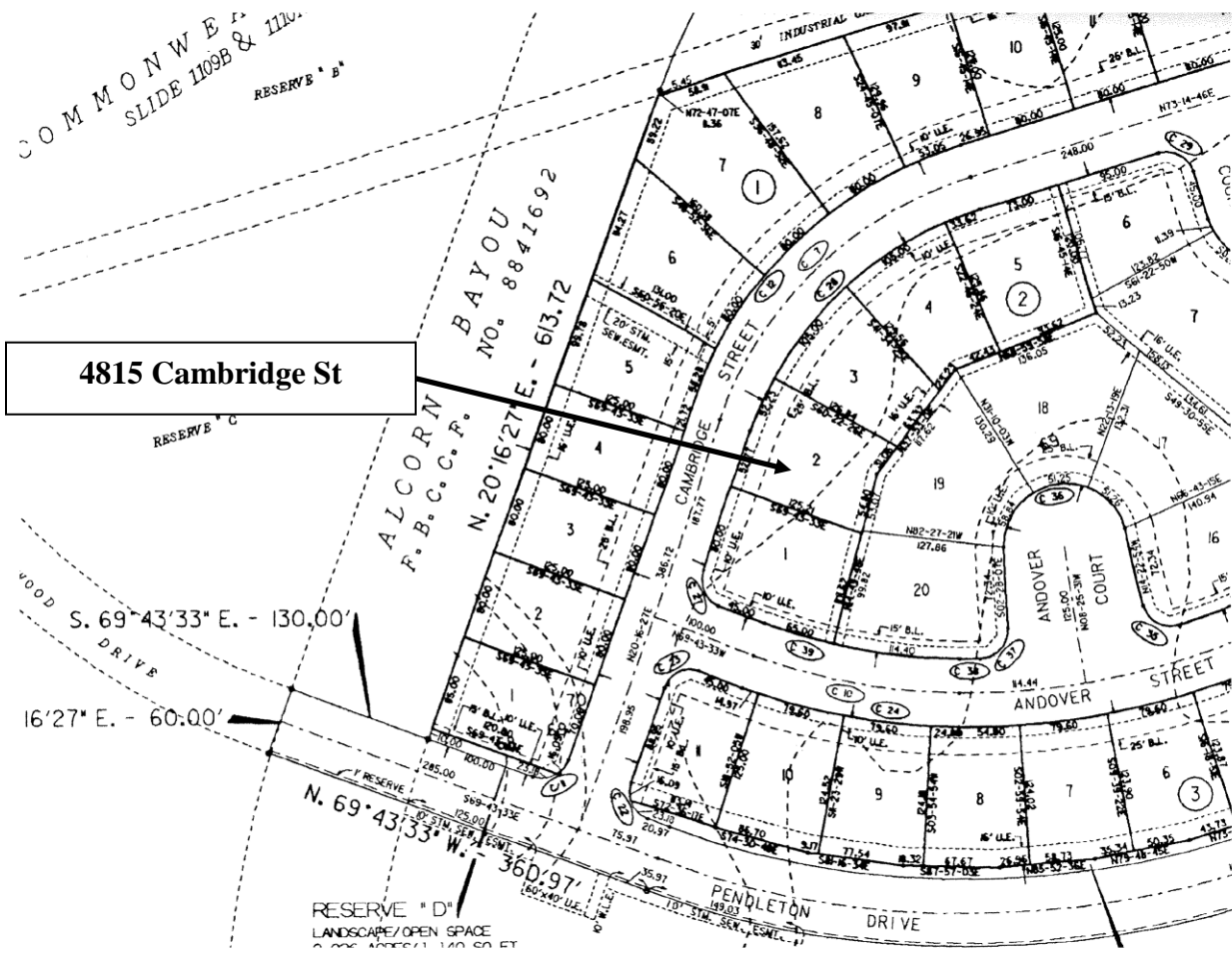
REAR ELEVATION

DATE: 4/5/10	DAVID & CAMILLE SHANNON
SCALE: 1/4" = 1'-0"	4815 CAMBRIDGE ST.
DWG. No. 001 A-2	SUGAR LAND, TEXAS 77479
RFV/DATE:	PROJECT No. 1007311



LIVING IMPROVEMENTS
HOMES, RENOVATIONS, PATIOS
2719 FIFTH ST., SUITE A
STAFFORD, TEXAS 77477
(281) 499-7000

PLAT EXCERPT



ADDRESS: 4815 CAMBRIDGE ST

**PROPERTY IS PLATTED AS:
LOT 2, BLOCK 2, PARTIAL REPLAT OF SUTTON FOREST SECTION ONE, IN SLIDE NO.
1171B AND 1172A, IN THE FORT BEND COUNTY PLAT RECORDS
(RECORDED IN 1991)**

APPLICATION



APR 26 2010

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: Camille Shannon
Address: 4815 Cambridge St., Sugar Land, TX 77479
Company: _____
Phone: 281.265.2590 Fax: 281.265.2590
Email: cshannon@cisco.com

OWNER / AGENT:
Contact / Company: Same As Above
Address: _____
Phone: _____ 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: Sutton Forest Subdivision, Lot 2, Block 2

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 Camille G. Shannon Date: 4-16-10
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

**NOTICE OF PUBLIC HEARING
SPECIAL EXCEPTION
4815 CAMBRIDGE ST**

NOTICE OF PUBLIC HEARING ON A REQUEST FOR SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT, 4815 CAMBRIDGE ST, PARTIAL REPLAT OF SUTTON FOREST SECTION ONE, BLOCK 2, LOT 2 IN THE STANDARD SINGLE-FAMILY (R-1) RESIDENTIAL DISTRICT

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

**WHEN: ZONING BOARD OF ADJUSTMENT
5:00 P.M., MAY 26, 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 AT 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.