



ZONING BOARD OF ADJUSTMENT & APPEALS

AGENDA REQUEST

AGENDA OF:	07/28/10	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 RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT REAR YARD SETBACK REQUIREMENT – 1710 COUNTRY CLUB BLVD IN SUGAR CREEK SECTION 24
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 30-foot rear yard setback in the Restricted Single-Family Residential (R-1R) District for property located at 1710 Country Club Blvd in *Sugar Creek Section 24*. The property was platted in 1976 and the recorded covenants and restrictions establish a 5-foot rear yard setback. When the property was annexed into the City of Sugar Land in 1984, R-1R zoning was applied to the subdivision, which requires a 30-foot rear yard setback for primary structures. The owner has requested the Special Exception in order to construct a patio cover addition on the rear of the home, which would extend to approximately five feet from the rear property line.

File No. P0012374
CC: diane@kaigler.org

EXHIBITS

STAFF REPORT

Request for a special exception to the Restricted Single-Family Residential (R-1R) district rear yard setback requirement for 1710 Country Club Blvd in Sugar Creek Section 24.

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: 1976

Annexed: 1984

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 established a 5-foot rear yard setback for the home during development. Chapter 2 (Zoning) requires a setback of 30 feet. 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 Special Exception would allow the addition of a covered patio that would be located approximately 5 feet from the rear property line. The Special Exception would not establish a setback that is less restrictive than the approved plat or recorded restrictions (5 feet).

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 – 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. A majority of the homes in the area do not appear to meet the 30 foot rear yard setback (per zoning).

- **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.

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 proposed site were notified and a courtesy sign was placed on site. Staff has received two inquiries regarding this request at the time of writing this report, both of which were informational in nature. Planning staff is not aware of any opposition to the Special Exception at this time.

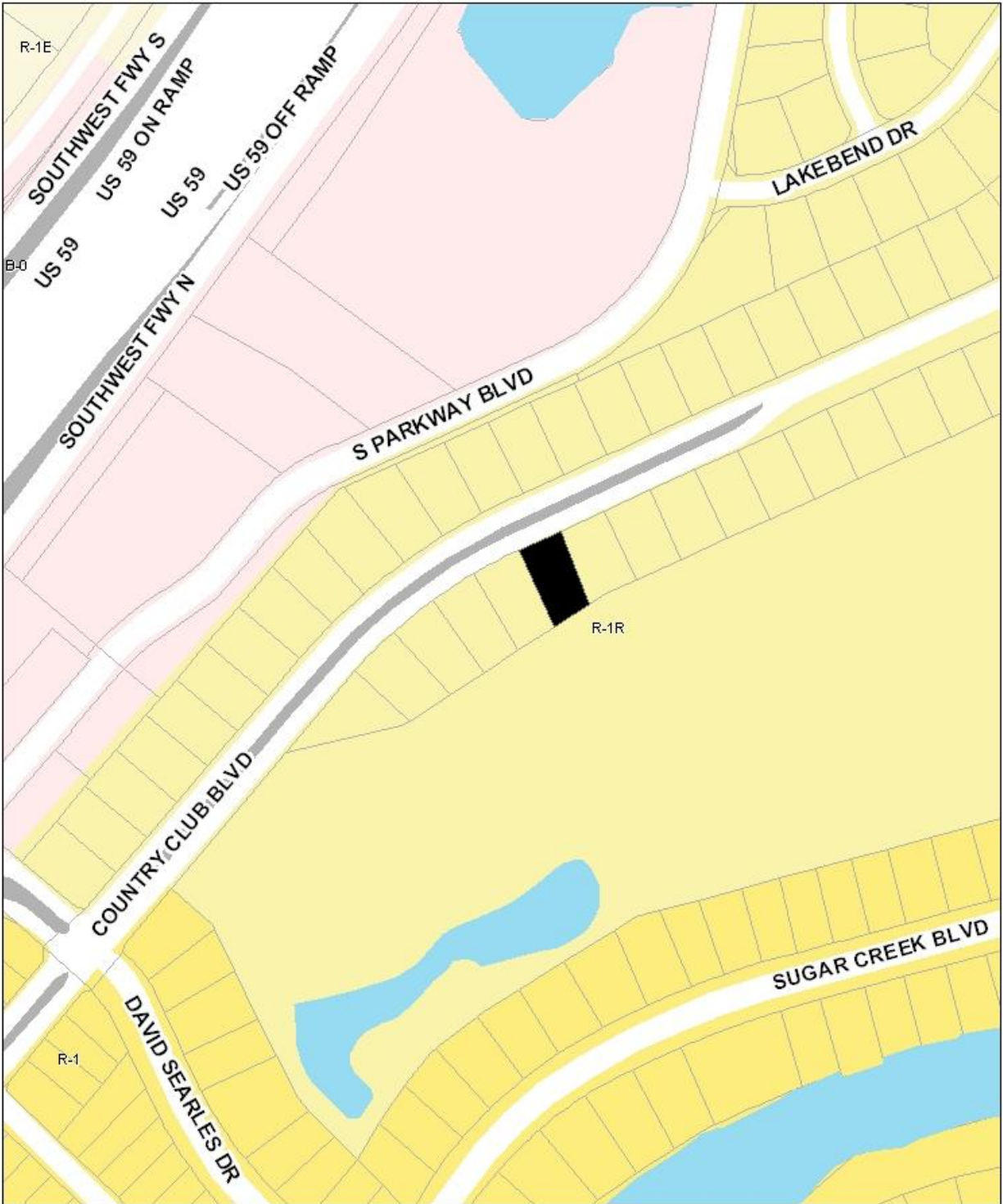
Staff Recommendation

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

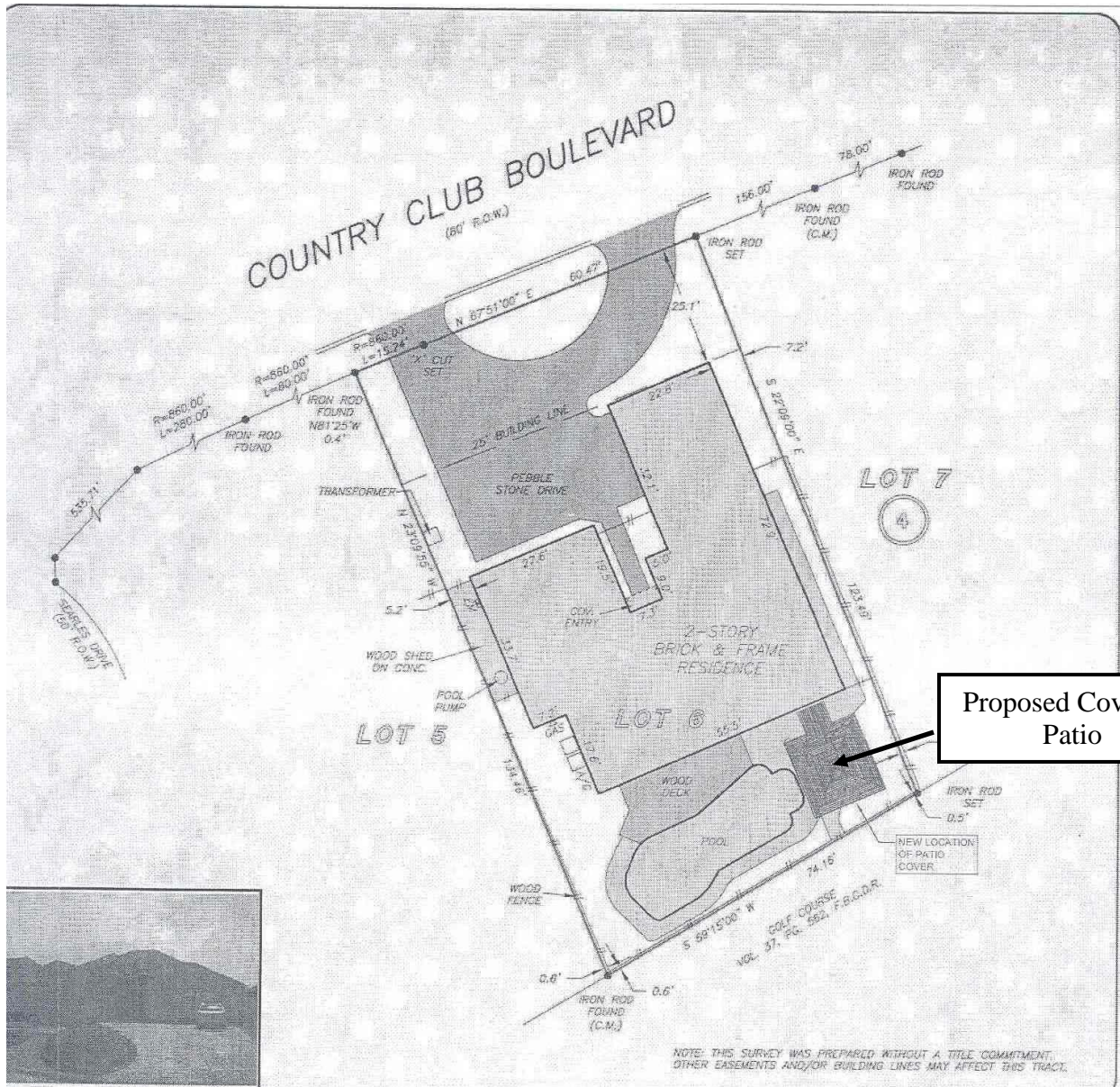
1710 COUNTRY CLUB BLVD



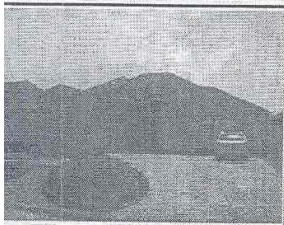
100
Feet



SITE PLAN

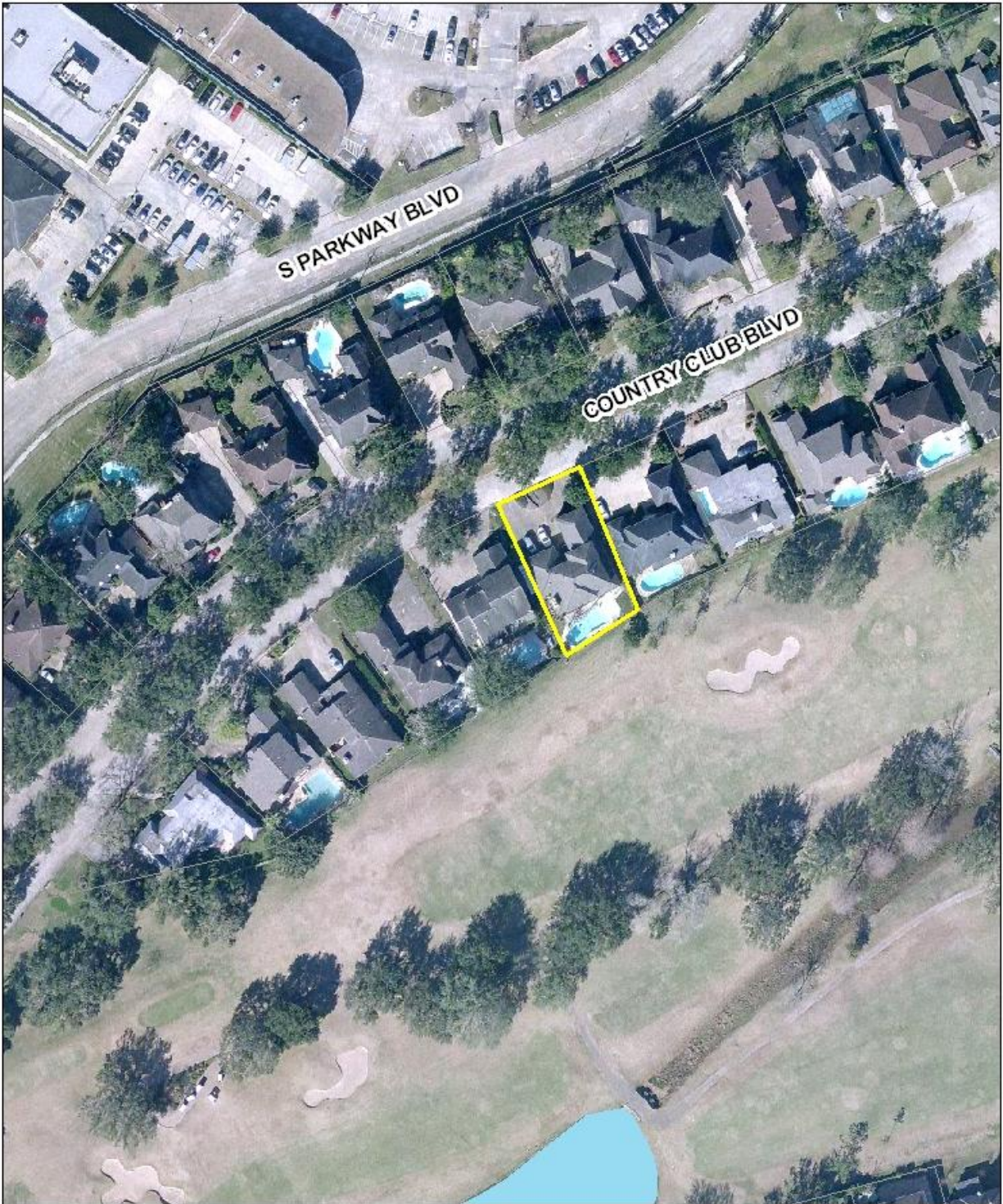


Proposed Covered
Patio



AERIAL

1710 COUNTRY CLUB BLVD



50
[] Feet

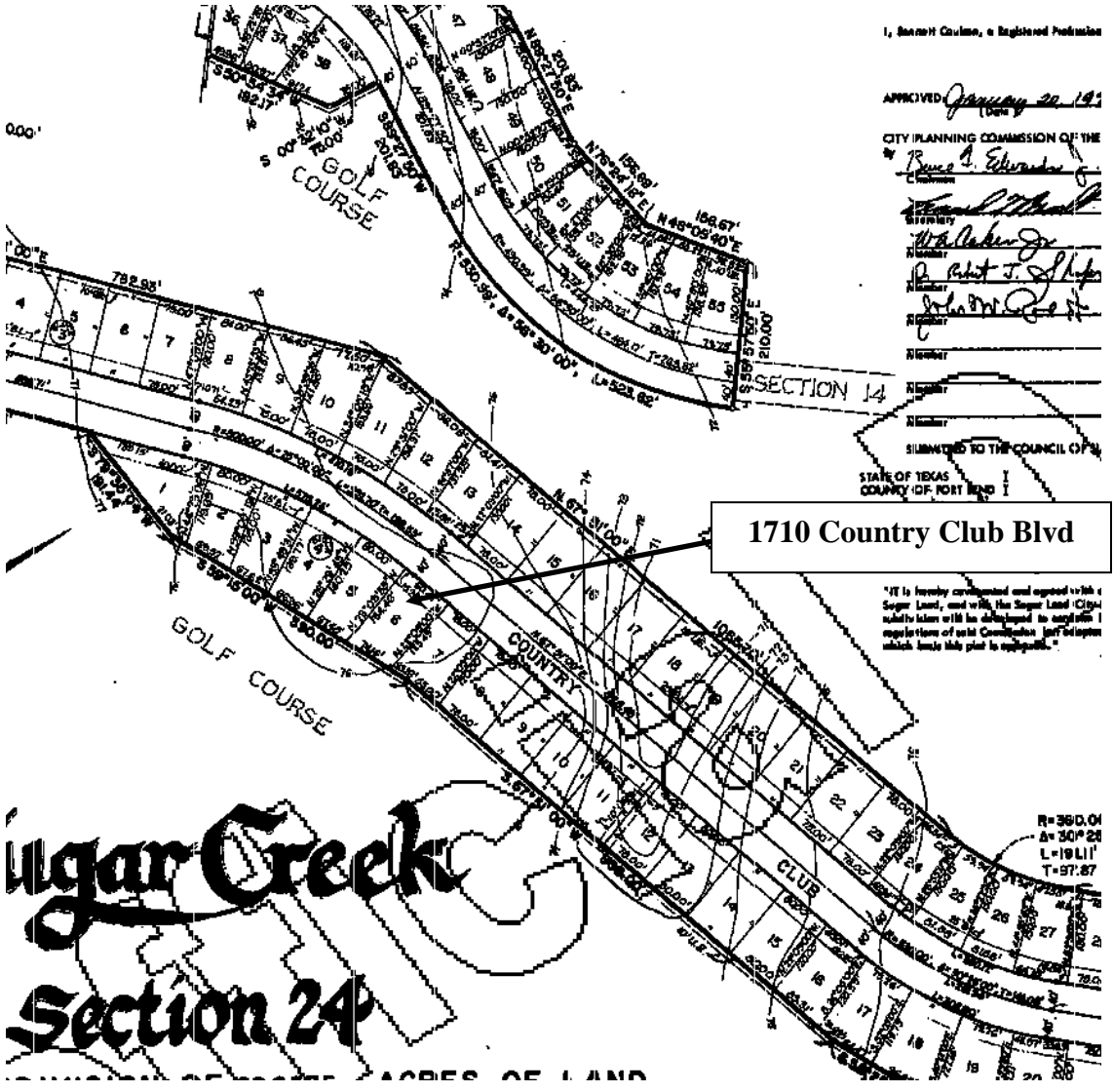


SITE PHOTOS

Front of House:



EXCERPT OF RECORDED PLAT



I, Bernett Cousins, a Registered Professional

APPROVED January 20, 1976
(Date)

CITY PLANNING COMMISSION OF THE

By Bernett Cousins
Chairman

W. A. Luberger
Secretary

R. Albert J. Shipe
Member

John M. Coe
Member

Member

Member

Member

Member

SUBMITTED TO THE COUNCIL OF
STATE OF TEXAS
COUNTY OF FORT BEND

1710 Country Club Blvd

"It is hereby covenanted and agreed with the Sugar Land, and with the Sugar Land City, that no other buildings will be developed in any other regulations of said Commission, in addition to those herein provided for."

Sugar Creek
Section 24
ACRES OF LAND

ADDRESS: 1710 COUNTRY CLUB BLVD

PROPERTY IS PLATTED AS:
LOT 6, BLOCK 4, SUGAR CREEK SECTION 24, IN VOLUME 17, PAGE 14, IN THE FORT BEND COUNTY PLAT RECORDS (RECORDED IN 1976)

APPLICATION

RECEIVED

JUN 28 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: Floyd & Diane Kaigler
Address: 1710 Country Club Blvd., Sugar Land, TX 77478
Company: _____
Phone: 281-277-6889 Fax: _____
Email: diane@kaigler.org

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: Lot 6, Block 4, Sugar Creek, Section 24
Date the property was annexed into the City: 1984 according to Ruth Lohmer

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 Floyd Kaigler
Diane Kaigler Date: 6/25/10
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
1710 COUNTRY CLUB BOULEVARD**

NOTICE OF PUBLIC HEARING ON A REQUEST FOR SPECIAL EXCEPTION TO THE REAR YARD SETBACK REQUIREMENT, 1710 COUNTRY CLUB BOULEVARD, SUGAR CREEK SECTION 24, BLOCK 4, LOT 6 IN THE RESTRICTED SINGLE-FAMILY (R-1R) 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., JULY 28, 2010**

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.