



**MINUTES
TOWN OF SUNNYVALE
BOARD OF ADJUSTMENT
TOWN HALL CHAMBERS
MARCH 5, 2018
7:00 P.M.**

CHAIRPERSON	JAMES GOLDER
MEMBER	NICK SLOAN
MEMBER	JEAN HOLT
MEMBER	JACK KIRKLAND
MEMBER	DEE BLACKWOOD
ALTERNATE MEMBER	LYNDON JAMES
ALTERNATE MEMBER	KEVIN CLARK

CALL MEETING TO ORDER

Chairman Golder called the meeting to order at 7:00 p.m.

1. CONSIDER APPROVAL OF THE MINUTES FOR THE MEETING OF NOVEMBER 6, 2017.

Director Jackson stated that there was a correction to last month's minutes Ms. Blackwood's name was incorrectly noted as Ms. Becker. Member Kirkland made a motion to approve the minutes, seconded by Member Blackwood. Chairman Golder called for a vote, and with all members voting affirmative, the motion passed unanimously.

**2. APPLICANT: DAN A. ROPER
AT OR ABOUT: 111 BARNES BRIDGE ROAD
REQUEST: VARIANCE FROM SECTION 3.7 AREA STANDARDS FOR DETACHED SINGLE-FAMILY DWELLINGS, CHART 3.2 AREA STANDARDS FOR RESIDENTIAL LOTS TO REDUCE THE REQUIRED LOT WIDTH FOR A NON CONFORMING RESIDENTIAL LOT**

Director Jackson presented the request.

The applicant is the representative for a residential property located at 111 Barnes Bridge Road. The property resides within a single family 3 residential zoning district. The SF-3 district requirement for minimum lot size is 1 acre. If approved and subsequently platted, the parcel of land will be approximately 1.404 acres (61,166 sq.ft.) in size. Chart 3.2 of the zoning ordinance requires a lot of this size to have a minimum lot width of 170'. As it exists now, the un-platted property has an existing lot width of 139.65'.

The applicant would like to develop the property to build a new home. Our subdivision ordinance requires a property to be platted prior to development. In order to move forward with development and plat, the applicant must receive a variance for the proposed lot width for the legally non-conforming lot.

Director Jackson stated that staff received one notice in favor and four notices in opposition and that two of them were received today. Based on the criteria for a hardship, he noted that the application would appear to adhere to the criteria for a variance.

Director Jackson stated that staff recommends approval of the application for a variance but that the property must be platted prior to development of a home.

Chairman Golder said he noted that the property became a legally nonconforming lot

Director Jackson stated that a non conforming lot (in this situation) happens when properties develop around a parcel leaving a remnant parcel leftover. Nobody really considered the lot width at the time or the regulation didn't exist at the time. It doesn't mean the property can't be developed, it is still residentially zoned. This is some of the reasoning or criteria for hardship.

Director Jackson affirmed that under our current regulation you cannot build a home on this lot without the variance.

Chairmen Golder asked if the board members have any questions.

Member Holt asked Mr. Jackson if it would appear that the applicant is only going to build one house and not anymore.

Director Jackson responded that based on the ordinance he can only legally build one house. He can't subdivide since each lot would have to have access to the right-of-way. The only way it can be done is the way it's shown on the site plan.

Member James stated that one of the opposition replies addressed a drainage issue that is present on the west side and asked his opinion on it.

Director Jackson explained that the driveway, if it is constructed the way it is displayed on the site plan, would be five feet away from the property line and the neighbor is concerned about the drainage that would be coming off of the driveway. He also said that the neighbor is present to speak during the public hearing.

Member Clark asked if anything else can be constructed on the property.

Director Jackson replied that only a home could be constructed on the property and only by receiving the variance.

Chairman Golder stated that the board has witnessed several legal nonconforming cases come forth and that he has not seen one where a residentially zoned lot in a neighborhood cannot have a house built on it. He stated that it seemed like a proper request for the board to grant a variance.

Dan Roeper, Architect, 2025 Burkdale Lane, Rockwall, Texas spoke on behalf of his request. He provided background on the request. He addressed the neighboring resident concerns regarding drainage.

Chairman Golder asked when the property was originally surveyed.

Mr. Roeper stated it was surveyed in the 1960s

Chairman Golder asked the applicant to explain the proposed right of way dedication for the lot.

Mr. Roeper explained how the boundary was originally drawn for the property. He noted the new boundary would require a right of way dedication.

Chairman Golder asked if this was typical for most lots.

Director Jackson stated at one point most of the lots in the area probably included the right way within their original boundary until they were officially platted.

Member Kirkland asked how long the applicant owned the property.

Mr. Roeper explained how the property was purchased and noted who owned it.

Member James asked if the house could be moved to address some of the noted crowding concerns noted by abutting residents.

Mr. Roeper stated he was not opposed to moving the home over slightly.

Chairman Golder verified with the applicant the required lot width distance and existing lot width distance. He noted many of the lots surrounding the subject property were narrower than the requested variance.

Public Hearing – Open

Melvin Hadaway, 108 Barnes Bridge, Sunnyvale, spoke. He was opposed to the request.

Louise Kucera, 109 Barnes Bridge, Sunnyvale, spoke. She was opposed to the request. She noted her concerns were regarding crowding and drainage.

Member Clark asked that Ms. Kucera and the applicant work together to try to address some of her concerns.

Public Hearing – Closed

Member Kirkland asked if there were any other alternatives for the proposal.

Director Jackson stated that the applicant wasn't asking for more than what was needed to develop the property. He noted if anyone wanted to develop the property they would need a lot width variance.

Discussion was had amongst the Board in regards to redesigning the site and revising the request.

Member Holt noted she believed the request met the hardship requirements for a variance.

Member Blackwood made a motion to approve the request for variance, seconded by Member James, Chairman Golder called for a vote, the motion passed 5 / 0.

ADJOURN

Chairman Golder adjourned the meeting at 7:29 p.m.

The undersigned presiding officer certifies that this is a true and correct record of the proceedings.

Chairman James Golder

ATTEST:

Rachel Ramsey, Town Secretary