

Barbara Jordan
Dr. Zac Leslie
Mike Davis, Chairman



Christie Scroggins
Brick Parsons

NOTICE OF REGULAR MEETING
ZONING BOARD OF ADJUSTMENT AND APPEALS AGENDA
Tuesday, January 24, 2017 @ 5:30 PM
City Council Chambers
504 N. Queen Street, Palestine, Texas

CALL TO ORDER

ROLL CALL

APPROVAL OF THE MINUTES

1. Consider the minutes of the November 28, 2016 special meeting.

PUBLIC HEARINGS / ITEMS FOR CONSIDERATION

1. Consider a variance to allow an accessory structure (carport) to be located 2-feet and 6-inches from the front yard property line at 602 Gay Avenue. Case ZBA-17-01. Applicant Jose Aviles.

COMMISSION COMMENTS AND FUTURE AGENDA ITEMS

The Commission may discuss and receive input from staff concerning the status of current and proposed development projects, zoning and development code items, and other relevant information.

ADJOURN

NOTE: Pursuant to Section 551.071 of the Texas Local Government Code, the Zoning Board of Adjustment and Appeals reserves the right to adjourn into a closed meeting at any time regarding any item on the agenda for which it is legally permissible.

with The City of Palestine City Council Chambers is accessible in accordance with the Americans Disabilities Act. Reasonable accommodations will be provided for persons attending this meeting. Requests for accommodations or interpretive services must be made 48 hours prior to the meetings. Please contact the City Secretary at (903) 731-8414 for further information.

CERTIFICATION

I, the undersigned authority, do hereby certify that this Notice of Meeting was posted on the outside bulletin board at the main entrance to City Hall, 504 North Queen Street, Palestine, Texas, on the following date and time:

Thursday, January 19, 2017 at 2:00 p.m.



Jeffrey Lyons
Development Services Director



**ZONING BOARD OF ADJUSTMENT AND APPEALS
MEETING MINUTES
November 28, 2016**

The Zoning Board of Adjustment and Appeals of the City of Palestine, Texas convened in a Special Meeting on Tuesday, November 28, 2016 in the City Hall Council Chambers, 504 N. Queen Street, Palestine, Texas.

CALL TO ORDER – REGULAR MEETING

Chairman Mike Davis called the meeting to order at 12:00 p.m.

ROLL CALL

Present for roll call were Chairman Mike Davis, Board members Brick Parsons, Christie Scroggins, and Barbara Jordan.

Other individuals present were Director of Development Services Jeffrey Lyons.

APPROVAL OF THE MINUTES

Board member Parsons motioned to approve the minutes of the November 22, 2016 regular meeting as submitted. The motion was seconded by Board member Jordan. Upon vote, the motion carried unanimously.

REGULAR AGENDA

Item #1. Case ZBA-16-06. Applicant Brad Hicks. (Cont. from November 22, 2016)
Consider a request for variance to allow an accessory structure (carport) to have a zero setback from the side yard where the minimum required setback is 3-feet from the side yard property line at 123 Wynnwood Drive.

Board member Parsons made a motion to approve the variance as submitted, seconded by Board member Scroggins. Upon vote, the motion carried unanimously.

ADJOURN

With no other business, the meeting was adjourned at 12:05 p.m.

Mike Davis, Chairman

Attest:

Jeffrey Lyons, Development Services Director



APPLICATION TO THE ZONING BOARD OF ADJUSTMENT AND APPEALS

OWNER AND APPLICANT INFORMATION: (Location where variance is being requested)			
Property Address:	602 GAY Ave.		
	Subdivision:	Block:	Lot:
Legal Description:	Appraisal District Tract and Block (if not part of a recorded subdivision):		
	Current Use of the Property:		
Land Use and Zoning:	Zoning:	Acreage:	
	Name: Jose Aviles		
Property Owner Info:	Address:	602 GAY Ave.	
	Phone:	903-729-5166	Email: brisaleeaviles@gmail.com
	Name: Same as owner		
Applicant Info:	Address:		
	Phone:	Email:	

VARIANCE REQUEST INFORMATION:

Reason for Requesting a Variance: 26 by 18
Because we builded a carporch

ZONING AND DEVELOPMENT CODE REQUIREMENTS:

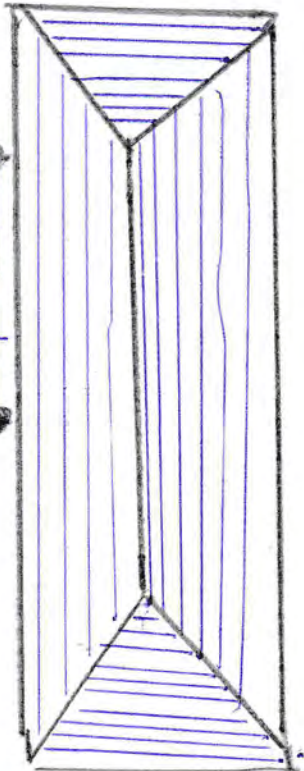
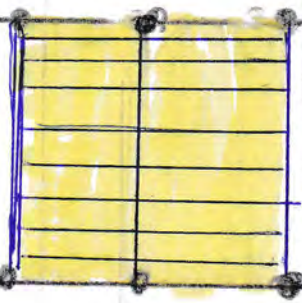
Indicate which codes you are requesting to vary from:

602
Gay Avenue

26 X 18

16 F

CARPORTS
→



To whom It may concern

From the main road to the house we have 28 feet.

The carport is 18 by 26 we still have 10 feet off the main road.

The reason we build the carport was because when it rains the water comes in to our house.



ZONING BOARD OF ADJUSTMENT AND APPEALS

Regular Meeting / January 24, 2017

Case ZBA-17-01 Staff Report

Request: A variance to allow an accessory structure (carport) to be located 2-feet and 6-inches from the front yard property line at 602 Gay Avenue.

Location: 602 Gay Avenue

Applicant: Jose Aviles

Attachments: 1. Variance application and site plan
2. Pictures of existing carport

Applicable Codes: Appendix A, Zoning, Article 5, Section 5.1 (3) Required setbacks for accessory structures

Property Zoning: R-1, Single Family Detached, Low Density District

Overlay Zones: N/A

Prepared By: Jeffrey Lyons, Development Services Director

Variance Explanation

The owner of property at 602 Gay Avenue has submitted an application requesting a variance to allow a carport constructed of wood posts and a metal roof to be located in front of the existing residence facing Gay Avenue. The carport has already been constructed without an approved variance or building permits. Upon discovery by the Building Official, the owner filed an application seeking a variance to allow the carport to remain in its current location prior to removing the structure. According to the site plan, the carport measures 18-feet deep by 26-feet wide. The edge of the carport closest to Gay Avenue is 2-feet and six inches from the property line.

Property Information, Zoning, and Setback Restrictions

The property is zoned R-1, single family detached, low density district and has frontage on both Gay Avenue and Meadow Drive. The front of the house faces Gay Avenue which designates this portion of the property as the front yard. Currently, there is an existing single family residence on the property including the front carport. According to the zoning ordinance, accessory structures such as carports cannot be located closer to a front property line than the existing residence without a variance.

There are several existing carports in the immediate area, however, they are attached to the side of the residences and are not located in the front yard.



ZONING BOARD OF ADJUSTMENT AND APPEALS

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Case ZBA-17-01 Staff Report

Public Notification

Twenty notices were mailed to property owners within 200-feet of the property requesting the variance. None have been returned in favor or opposition of the request.

Site Pictures 602 Gay Avenue





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Case ZBA-17-01 Staff Report



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Case ZBA-17-01 Staff Report





ZONING BOARD OF ADJUSTMENT AND APPEALS

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Case ZBA-17-01 Staff Report

Criteria for Approval

The Board may, in specific cases, authorize a variance from the terms of the zoning ordinance, if the variance is not contrary to the public interest, and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so the spirit of the ordinance is observed and substantial justice is done. Approval of the variance must receive the concurring vote of 75% of the members of the Board.

Staff Recommendation

The Board can approve the variance if the applicant can demonstrate that the variance meets the criteria stated above. If the variance is denied, the applicant will be required to completely remove the carport from its current location.