



**NOTICE OF REGULAR MEETING
CITY OF PILOT POINT
BOARD OF ADJUSTMENT AND APPEALS**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF ADJUSTMENT AND APPEALS OF THE CITY OF PILOT POINT, TEXAS, WILL HOLD A REGULAR MEETING ON:

AUGUST 29, 2019

AT 6:00 PM

PILOT POINT CITY HALL
102 E. MAIN STREET, PILOT POINT, TEXAS

AGENDA

- A. ROLL CALL/CALL TO ORDER
- B. Discuss, consider and possible action on the minutes from the July 9, 2019 Board of Adjustment meetings.
- C. Public hearing on variance request of Habitat for Humanity of Denton County on the property described as Tract 229, Abstract 1139A C. Smith. Denton Co. parcel number 41478. Approximate address 512 N. Church Street. The property owner is requesting a variance from the requirement for a garage in the SF-2, Single Family 2 Residential District as set forth in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8).
- D. Discuss, consider and possible action on variance request of Habitat for Humanity of Denton County on the property described as Tract 229, Abstract 1139A C. Smith. Denton Co. parcel number 41478. Approximate address 512 N. Church Street. The property owner is requesting a variance from the requirement for a garage in the SF-2, Single Family 2 Residential District as set forth in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8).
- E. Adjourn

In compliance with the Americans with Disabilities Act, the City of Pilot Point will provide reasonable accommodations for disabled persons attending this meeting. Requests should be received at least 24 hours prior to the scheduled meeting by contacting the City Secretary's office at 940-686-2165.

I the undersigned authority do hereby certify this notice was posted on the official bulletin board for the City of Pilot Point, Texas on **August 15, 2019 by 5:00 p.m.**, and shall remain posted for at least 72 hours preceding the scheduled time of said meeting.



Alice Holloway, City Secretary



Minutes of the July 9th, 2019 Board of Adjustment and Appeals

The Board of Adjustment and Appeals of the City of Pilot Point, Texas met on July 9, 2019 at 6:00 p.m. for a Board of Adjustment special meeting at the Pilot Point City Hall, 102 E. Main Street Pilot Point, Texas 76258. Board of Adjustment members present were John Haughton, Curtis Wilson, Shannon Stephens, Stephanie Fulmer, and Brett Kuhn. City staff members present were John Taylor, Development Services Director.

AGENDA

A. 6:00 PM – ROLL CALL/CALL TO ORDER.

Chairman John Haughton called role, announced a quorum and called the meeting to order at 6:01 p.m.

B. Discuss, consider and possible action on the chairperson and vice-chairperson

Brett Kuhn made a motion to appoint John Haughton as Chairperson; 2nd by Shannon Stephens. Motion was approved unanimously.

Brett Kuhn made motion to appoint Shannon Stephens as Vice Chairperson; 2nd by John Haughton. Motion was approved unanimously.

C. Discuss, consider and possible action the minutes from the May 8, 2018 Board of Adjustment meeting.

Motion was made to approve the May 8, 2018 Board of Adjustments minutes. Motion made by John Haughton; 2nd by Curtis Wilson. Motion was approved unanimously.

D. Overview of Board of Adjustments operating procedures and variance request protocol

John Taylor addressed the Board and reviewed material in the packet on BOA operating procedures and general direction on variances and items to consider on variance requests.

E. Discuss, consider and possible action on an appeal to a staff decision by Stephen LeGrand dealing with what is “construction” and what is a “structure”.

Chairman John Haughton swore in John Taylor and Mr. LeGrand.

John Taylor addressed Board on the staff decision regarding what was a “building” as defined in the Code of Ordinances and what was “construction or structural alteration” as defined in Code of Ordinances.

Mr. LeGrand addressed Board on why he disagreed on the staff opinion and considered the carport as an “equipment cover” and not a building or structure as it does not have walls or a foundation.

Motion was made by Curtis Wilson to sustain the staff decision that this is a structure or building and that construction occurred requiring a building permit; Motion was 2nd by Stephanie Fulmer. Motion was approved by a vote of 4 to 1 with Shannon Stephens voting against the motion.



F. Public hearing on the accessory structure variance requests of Steven LeGrand for variances from the following standards to be able to leave the carport structure built onto cargo containers, without a permit, on the property at 700 N. Jefferson, also described as T & P Addition Lot 3A, Block 8

John Haughton opened the Public Hearing at 6:45 and closed the hearing at 6:45 with no one present to speak.

The Board took testimony on each variance request individually and took separate action on each variance request as follows:

Variance #1: Section 14.02.107 Accessory buildings and use regulations (c) (2) “In nonresidential zoning districts, the maximum size of an accessory structure shall not be more than 50% of the floor area of the main structure.

John Taylor reviewed the variance request with the board.

Mr. LeGrand explained his reason for the variance.

Questions were addressed to both Taylor and LeGrand by the Board.

Motion to deny the request was made by Curtis Wilson; 2nd by Brett Kuhn. Motion passed unanimously.

Variance #2: Sec. 14.02.382 Corridor Design Standards Mandatory provisions d. Masonry requirements. All buildings shall be constructed with a minimum 60% masonry, exclusive of doors and windows. Masonry shall consist of brick, stone, simulated stone and shall be unpainted.

John Taylor reviewed the variance request with the board and explained that recent changes in state legislation makes it so a city cannot enforce masonry coverage requirements. This would make the variance request a moot point.

The Board made no action due to the non-enforcement powers of the city as it relates to this variance.

Variance #3: Sec. 14.02.382 Corridor Design Standards Mandatory provisions (f) Earth toned colors. At least 80% of façade shall be neutral, crème, or deep, rich, nonreflective natural or earth toned colors, and no more than one color can be used for visible roof surfaces. Prohibited colors are black and stark white.

John Taylor reviewed the variance request with the board and indicated that Mr. LeGrand had indicated that he would be willing to paint the structure to meet code.

Mr. LeGrand explained that he was willing to paint the structures if allowed to keep the structure.

Initially the Board made no action but later in the meeting decided it would be cleaner to have an action on each variance. Therefore a motion to deny the request was made by John Haughton; 2nd by Brett Kuhn. Motion passed unanimously.



Variance #4: Sec. 14.02.382 Corridor Design Standards Mandatory provisions (n) Pavement.
All required driveways, fire lanes, and parking spaces shall be paved with either asphalt or concrete. Crushed rock or gravel is not considered a paved surface.

John Taylor reviewed the variance request with the board.

Mr. LeGrand explained his reason for the variance.

Questions were addressed to both Taylor and LeGrand by the Board.

Motion to deny the request was made by John Haughton; 2nd by Curtis Wilson. Motion passed unanimously.

Variance #5: Sec. 14.02.382 Corridor Design Standards Mandatory provisions (p) Landscape buffer requirements

(1) A minimum twenty-five (25) foot wide front yard landscape buffer shall be required of all properties located within the design corridors. The buffer shall be outside of the street right of way extending onto the property from the front property line.

(3) No parking or drive aisles may occur in the required landscape buffer.409 E. White Street, also described as White's Addition Block 39, Lot 2 (W90' of E½).

John Taylor reviewed the variance request with the board.

Mr. LeGrand explained that he was willing to do the landscaping if allowed to keep the structure in place.

John Haughton stated that since Mr. LeGrand was willing to do the landscaping, the variance request was not required. Therefore the motion to deny the request was made by John Haughton; 2nd by Curtis Wilson; Motion passed unanimously.

The chair clarified, for the record, with the applicant that his stated hardship on each variance was financial. Mr. LeGrand stated that this was correct but that also it was his inability to use his property now and in the future.

G. Director's Report

John Taylor told the Board of an upcoming Board training session on Saturday July 20 from 9:00 to 2:00 with lunch provided. He asked the Board members to let him know if they were going to be able to attend.

H. Adjourn

John Haughton made a motion to adjourn the meeting at 7:23; 2nd by Shannon Stephens; Motion passed unanimously.



Chairperson

Secretary



Board of Adjustment Agenda August 29, 2019

Agenda Item: (Public Hearing and Action Item)

Agenda Description:

Hold a public hearing on a variance request of Habitat for Humanity of Denton County. The property is described as Abstract 1139A C. Smith, Tract 229 with the approximate address of 512 N. Church Street. The property owner is requesting a variance from the requirement for a garage in the SF-2, Single Family 2 Residential District as set forth in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8).

Discuss, consider, and possible action on a variance request of Habitat for Humanity of Denton County. The property is described as Abstract 1139A C. Smith, Tract 229 with the approximate address of 512 N. Church Street. The property owner is requesting a variance from the requirement for a garage in the SF-2, Single Family 2 Residential District as set forth in the City of Pilot Point Code of Ordinances, Chapter 14, Section 14.02.203(c)(8).

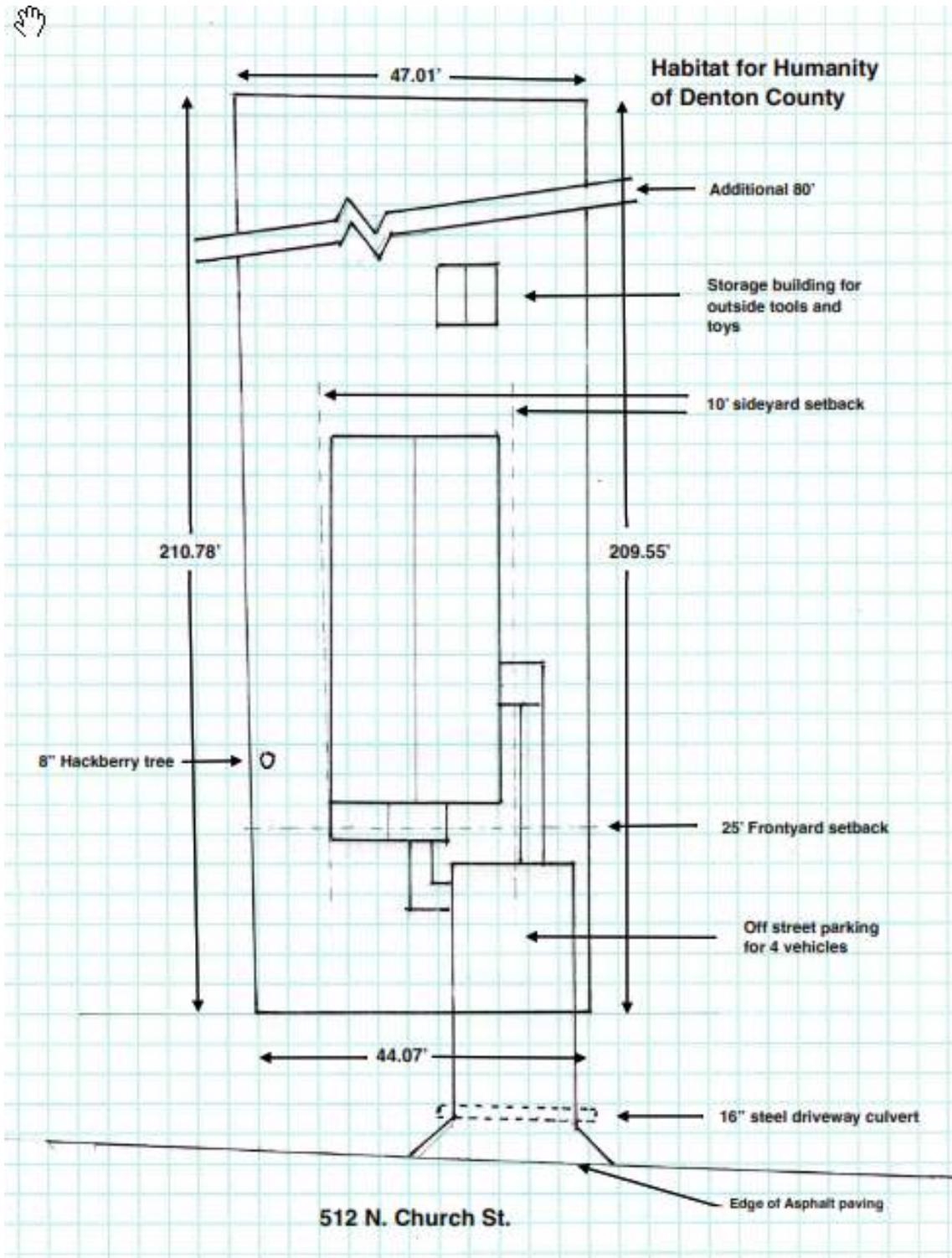


Background Information:

The property is zoned MF-3. However, per ordinance, when a single-family dwelling is constructed on property zoned MF-3 it must meet the SF-2 setbacks. The property owner, Habitat for Humanity, is proposing to build a new single-family house for a local resident on this lot.

However, the width of the front of the lot is 44.07' and the rear property line width is 47.01'. The side yard setbacks are 10' thus leaving approximately 25' of width for the house. Based on this limitation Habitat for Humanity has determined the building of a garage is not practical. (See below site plan.)

233



A similar waiver was granted for a Habitat for Humanity house at 305 E. White Street in 2017.

Attached is the application with the Board of Adjustment Variance Worksheet. In order to make a finding of hardship and to grant a variance the Board should determine that the stated conditions are met.

Financial Information:

NA

City Contact:

John Taylor, Development Services Director

Attachments:

1. Application



Board of Adjustment Application

SITE INFORMATION

Address: 512 N. Church St.

City: Pilot Point State: Texas Zip: 76258

Subdivision: _____ Lot# 229 Block# _____ Zoning: MF1

PROPERTY OWNER

Name: Habitat for Humanity of Denton County

Address: P.O. Box 425 City: Denton State: Tx Zip: 76202

Phone: 940-484-5006 Email: john@hfhdentoncounty.org

If applicant is different from property owner:

The Property Owner does hereby grant the applicant, John Montoya, Executive Director HFHDC (name), authority to represent him/her at the hearing.

[Signature]
Owner Signature

REQUEST

Code Section Requesting Action on: _____

Check One: Appeal Special Exception Variance

Describe Request: Habitat for Humanity of Denton County is requesting a waiver of required 2 -car garage for property located at 512 N. Church St. Pilot Point, TX.

Describe Hardship: Habitat for Humanity of Denton County builds affordable homes for low to moderate income families. Habitat, in conjunction with skilled laboreres, uses volunteer labor to hlep keep building cost low. Additionally, Habitat uses a silent-second mortgage to help match the client's affordability. The second morgage is a subsidy and forgiven over the lifetime of the loan, which makes controlling building costs very important. The limited width of this lot along with setback requirements limites the type of

house and attachmend structures that can be build. A two car attached garage is not possible on this lot and adds financial cost to the project and burdens the future homewoners ability to afford there home.

Board of Adjustment Variance Worksheet

In order to make a finding of hardship and to grant a variance, the Board of Adjustment must determine that the following conditions are met. State how your request meets these conditions.

a) There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions and location that do not apply generally to other property in the same area and the same zoning district.

Due to the narrow width on the property and setback requirements, a two car garage would need to be built in the backyard, detached away from the home. This would not be in the character of the neighborhood and would add considerable cost form construction and access.

b) That granting of the variance will not violate the purpose or intent of the ordinance and will not cause harm to any surrounding property owner.

Habitat for Humanity builds high quality, energy efficient, sustainable homes that are designed to enhance the neighborhood and surrounding properties and property valuations. Habitat also provides support and training for our families to assure they had the requisite knowledge to be successful homeowners.

As an alternative to the garage requirement, Habitat will build a two car concrete pad on the front of the house so that the homeowners will not have to park on the side of the street. Furthermore, the house will be set futher back on the lot than required and further back than adjacent houses so that the four off-street parking space can be provided. Habitat will also provide a storage shed behind the house to provide for lawn maintenace tools and equipment.

The lawn will be sodded and landscaped. A plan showing the house layout, concrete pad and storage shed is attached.

c) The granting of the variance will not merely serve as a convenience to the applicant

The existing lot is too narrow with setbacks to support a two car garage. Habitat is committed to build a home that is compatible with the intent of city zoning and adds value to the neighborhood and the community.

d) The granting of the variance will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the standards and will not be contrary to the public interest.

This lot presents significant challenges due to the lot dimension and setback requirements. Habitat is seeking to transform this challenging lot to provide a home for a low income family, enhance the neighborhood and adjacent properties, and increase the value of the lot on the tax rolls. This will provide for a win for the family, a win for the neighborhood and a win for the City of Pilot Point.

Applicant hereby requests that this case be reviewed by the Board of Adjustment for a decision.

I hereby certify that the above statements are true and correct, that I have read this application form and understand that filing the application and paying the fee does not guarantee an affirmative action by the Board of Adjustment. I further understand that at least four (4) affirmative votes must be cast in order to grant my request.

(applicant's signature) Date: 7/10/19

On this 10 day of July, 2019, before me John Montoya

the undersigned notary public, personally appeared Nancy Rodriguez
proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to this instrument, and acknowledged that he/she executed it.

WITNESS my hand and official seal:

(Seal)

