



Legislation Details (With Text)

**File #:** 22-4812      **Version:** 1      **Name:** ZBA#22-007: Request for a Special Exception under Section 155.082(E)(7) of the Code of Ordinance to allow a detached accessory dwelling at 919 Spencer Street, Morgan and Janice McBride, owner/applicant

**Type:** Zoning Board Request      **Status:** Passed

**File created:** 7/26/2022      **In control:** Zoning Board of Adjustments

**On agenda:** 8/3/2022      **Final action:** 8/3/2022

**Title:** ZBA#22-007: Request for a Special Exception under Section 155.082(E)(7) of the Code of Ordinance to allow a detached accessory dwelling at 919 Spencer Street, Morgan and Janice McBride, owner/applicant

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Maps and Supporting Documents.pdf, 2. Site Plan and Exhibits.pdf, 3. Section 155.082.(E)(7).pdf

| Date     | Ver. | Action By                   | Action   | Result |
|----------|------|-----------------------------|----------|--------|
| 8/3/2022 | 1    | Zoning Board of Adjustments | Approved | Pass   |

ZBA#22-007: Request for a Special Exception under Section 155.082(E)(7) of the Code of Ordinance to allow a detached accessory dwelling at 919 Spencer Street, Morgan and Janice McBride, owner/applicant

The applicant is requesting a Special Exception to allow a detached accessory dwelling on the property. The Board may grant a Special Exception under Section 155.082(E)(7) if the following criteria are met:

1. Occupancy of an accessory dwelling is limited to domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises. Guests may occupy such dwelling no more than 90 consecutive days in any twelve-month period. The applicant states in the letter of request that the accessory dwelling will be used as living quarters for family members only.
2. An accessory dwelling cannot be rented as an apartment or used as a separate domicile. The accessory dwelling will not be rented as an apartment.
3. No more than one accessory dwelling is allowed on any lot or tract. This will be the only accessory dwelling on this lot.
4. The minimum area of the lot on which a detached accessory dwelling is located must be 20,000 square feet. This lot is 108,846 square feet (2.49 acres) according to plat filed in Ellis County.
5. The habitable floor area of an accessory dwelling cannot exceed fifty (50) percent of the habitable floor area of the main residential building, provided that the combined square footage of the

accessory dwelling and the main residential building does not exceed the maximum lot coverage allowed by the regulations of the zoning district in which the property is located. The habitable floor area of the main dwelling unit is approximately 1,903; the habitable floor area of the accessory dwelling is 665 which is less than 50 percent. The combined square footage of the accessory dwelling and the main residence will not exceed the maximum 45% lot coverage for that zoning district.

6. The maximum height of an accessory dwelling is thirty-five (35) feet and limited to one story with a loft or attic. The applicant's letter states that the accessory dwelling will be less than 22 feet in height and the attached floor plan show it as one story.
7. An accessory dwelling must comply with the same minimum side and rear setback requirements as the main residential building and must be at least seventy-five (75) feet from the front property line or behind the rear façade of the main residential building that is furthest from the street. An accessory dwelling cannot be located forward of the main residential building. The applicant's plot plan indicates that the accessory dwelling will be located 130 feet from the front property line and will meet the required setbacks.
8. No separate driveway approach may be permitted for an accessory dwelling. As shown on the plot plan, the accessory dwelling shares a driveway with the main residence.
9. An accessory dwelling must be constructed of the predominant building and roofing materials used on the main residential building. The applicant has stated in their letter that the accessory dwelling will be constructed of the same building and roofing materials as the main residential building. The applicant has provided a photograph of the main dwelling along with elevations drawings of the proposed accessory dwelling for review.
10. All utilities must be on the same meter as the main residential building. The applicant's letter states that the accessory dwelling will share the same utility meters with the main house.
11. The granting of the special exception does not change the essential character or appearance of the neighborhood, or diminish or impair property values within the neighborhood.

### **Attachments**

Maps and supporting information

Site plan and exhibits

Provisions of Section 155.082(E)(7)