



Legislation Text

File #: 21-4373, **Version:** 1

ZBA#21-010: Request for a variance to Section 155.095(C)(1) of the Code of Ordinances to allow a reduction of the minimum set back of 52.5 feet to approximately 20 feet on the southern property line of 2201 FM 157.; Costa Mazidji, applicant, on behalf of Roy English, owner

The property owners are seeking to build a veterinarian office on the 1.14 acre property. The property is bordered by single-family residential zoning on the west and south property lines. The property to the north is zoned C-2, Community Business District.

Section 155.095(C)(1) of the Code of Ordinances, "Zoning", requires the following setback when a commercial property is developed next to existing residential properties:

- Section 155.095(C)(1)(b): A minimum 52.5-foot building setback must be provided along the residential property lines that abut the boundary of the non-residentially zoned property.

To accommodate the proposed veterinarian office, the applicant is requesting a variance to allow a reduction of the minimum set back of 52.5 feet to approximately 20 feet on the southern property line of 2201 FM 157.

The purpose of a variance is to relieve hardship, not to confer benefits that are not enjoyed by neighboring properties. According to Section 155.113 of the Code of Ordinances, the Board may grant a variance if the following conditions are met:

- a. That the granting of the variance will not be contrary to the public interest; and
- b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and
- c. That by granting the variance, the spirit of the Zoning Ordinance will be observed and substantial justice will be done

Attachments

Maps and supporting information

Site plan and exhibits

Provisions of Section 155.095(C)(1)