



**AGENDA
BOARD OF ADJUSTMENT
MONDAY, AUGUST 31, 2020
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
7:00 PM**

Page

- | | |
|---------|--|
| | 1. CALL TO ORDER |
| | 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS |
| | 3. CITIZEN COMMENTS |
| | 4. ADMINISTER OATHS OF OFFICE TO NEWLY APPOINTED MEMBERS |
| | 5. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN |
| | 6. APPROVAL OF MINUTES |
| 3 - 15 | 6.1. June 1, 2020 Board of Adjustments Meeting Minutes
20.06.01 BOA Meeting Minutes |
| | 7. PUBLIC HEARING |
| | 7.1. A public hearing to consider the application of Stuart & Eva Maberry requesting a variance to the side yard minimum of 25' to 18' for the purpose of building a detached garage. The property is located at 21 Fireside Dr. |
| | 8. ITEMS FOR DISCUSSION |
| 16 - 24 | 8.1. Consider the approval of the application of Stuart & Eva Maberry requesting a variance to the side yard minimum of 25' to 18' for the purpose of building a detached garage. The property is located at 21 |

Fireside Dr.
[Staff Recommendation](#)

9. ADJOURN

As authorized by Section 551.071 of the Texas Government Code, this meeting may be convened into closed Executive Session in order to seek confidential legal advice from the City Attorney on any agenda item herein.

I, Rochelle Green, do hereby certify that the above Notice of Meeting of the City Council of McLendon-Chisholm, Texas was posted or before 5:00 p.m., August 28, 2020 on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



MINUTES
McLENDON-CHISHOLM, TEXAS
BOARD OF ADJUSTMENT
June 1, 2020

Members Present:

Herb Harker
Gary Nickel
David Cross
Valerie Bodart

Beverly Stibbens, Chairman

Board Member
Board Member
Board Member (Alternate)
Board Member (Alternate)

Members Absent:

Melody Osorio Board Member

Staff Present:

Lisa Palomba City Administrator
Shelly Green City Secretary
Mike Coker City Planner

1. CALL TO ORDER

Chairman Stibbens called the meeting to order at 7:10 p.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS

Chairman Stibbens called the meeting to order at 7:10 p.m.

3. CITIZEN COMMENTS

No Comments

4. APPROVAL OF MINUTES

- 4.1. July 10, 2019 Board of Adjustments Meeting Minutes
- 4.2. July 22, 2019 Board of Adjustments Meeting Minutes

MOTION: **Approve the minutes of July 10, 2019 and July 22, 2019 as presented.**

MADE BY: **Board Member Harker**
SECONDED BY: **Board Member Nickel**
APPROVAL: **Unanimous**

5. Public Hearing

The Board will receive comments regarding the request of Steve Buis, requesting variances to Zoning Ordinance Chapter 14, Section 4-2(c) Area Requirements 1) to reduce the lot size from 2.5 acres in a Single-Family 2.5 Acre Residential Zoning District to 2.0 acres; and 2) to reduce the minimum lot width from 300' to 169 feet in order to sell the property with an existing home.

Chairman Stibbens stated they have two public hearings tonight, but they will do both of them as one.

Public Hearings were opened at 7:12 p.m. with Chairman Stibbens reading the items.

Steve Buis, 1625 FM 1139. Explained he bought a piece of property on 1139, 10.7 acres. When the property was bought, it had two property IDs. In error, he called the County, thinking the property was in the county, and asked if he would be able to sell those individually. The surveying company did two acres and then the 8.7 acres. After applying for the address next door and then I had two addresses and I put it up for sale. Then we found out it was in the City. We pulled a remodel on the house and was later told it did not have the property width. I had already sold the land by the time I found this out. That's basically where we're at and how I got to this point.

There were no further comments and the public hearing was closed at 7:17.

6. Discussion and Action Regarding the Request of Steve Buis, requesting variances to Zoning Ordinance Chapter 14, Section 4-2(c) Area Requirements, 1) to reduce the lot size from 2.5 acres in a single-family 2.5 acre residential zoning district to 2.0 acres; and 2) to reduce the minimum lot width from 300' to 169' in order to sell the property with an existing home.

City Planner Coker presented the following report:

APPLICANT: Steve Buis

LOCATION: 1625 FM 1139

REQUEST:

The applicant is requesting two variances to section 4-3 of the City of McLendon-Chisholm Zoning Ordinance. This section requires a lot frontage of 300 feet adjacent to the public way and a minimum lot size of 2.5 acres of land. The request is to reduce the required 300 feet of frontage to 169 feet and to reduce the required lot size from 2.5 acres to 2 acres.

PROPERTY OWNER: Steve Buis

REPRESENTATIVE: Steve Buis [property owner]

June 1, 2020 - Board of Adjustment Minutes

STAFF RECOMMENDATION: Approval subject to the following condition:

The owner shall plat the property in order to create a building site.

BACKGROUND INFORMATION:

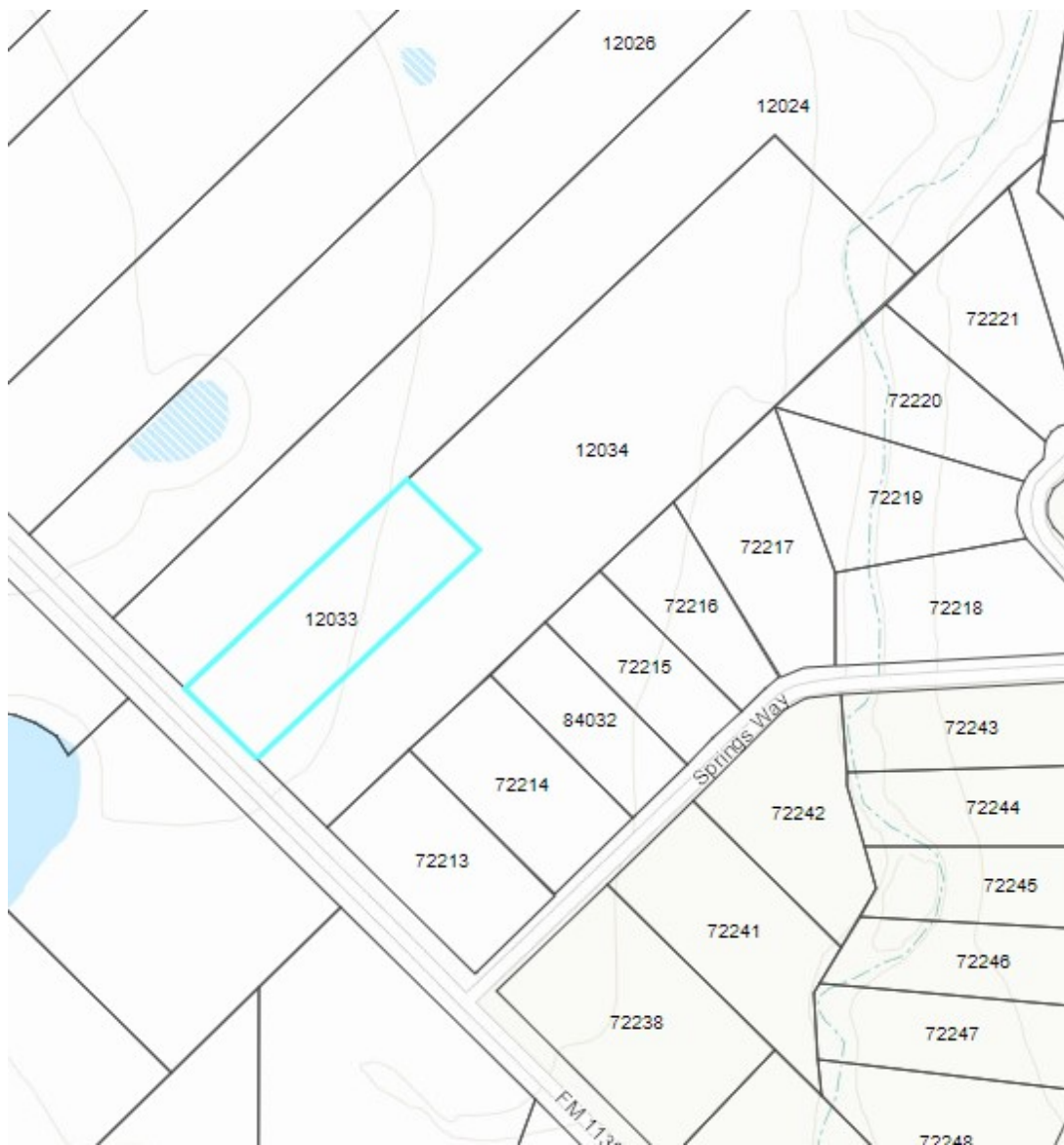
The subject property is a two Acre tract of land located at 1625 FM 1139. [Rockwall CAD No. 12033]. The zoning district for the subject property is SF 2.5. The SF 2.5 zoning district requires a minimum lot size of 2.5 acres of land and minimum lot frontage of 300 feet adjacent to the street right of way. [the current zoning map shows the larger parcel in red].

The subject property is a two-acre part of a 10.7-acre tract of land located on the northeast side of FM 1139 north of FM 550. [See the attached Rockwall CAD map with the subject property outlined in blue].

The former property owner [Steve Buis] sold the adjacent 8.7 acres to the Alexander's under the incorrect belief that the property was located in the extra territorial jurisdiction of the City. Mr. Buis retained the two acres with the intent to build a new home on the property subject to approval of the requested reduction in the required street frontage along FM 1139 and the reduction in the required lot size.

Thoroughfares/streets:

FM 1139 is shown as a two-lane undivided collector roadway.



June 1, 2020 - Board of Adjustment Minutes



Note: The City Subdivision Regulations do not require platting of residential property in excess of five acres of land when the intended use is for an agricultural or residential use, however for lot size five acres or less, platting is required to establish a legal building site.

Powers of the Board:

G. Variances. The board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances

from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this ordinance and at the same time, the surrounding property will be properly protected.

3. The board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the mayor or his/her designee in the enforcement of this ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

- (a) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
- (b) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- (c) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
- (d) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use.
- (e) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- (f) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
- (g) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (h) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;

- (i) That the special conditions and circumstances do not result from the actions of the applicant;
- (j) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
- (k) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Chairman Stibbens asked a question about the side setbacks. With this size property, will the setbacks be possible.

City Planner Coker stated the width of the property will go all the way back, so there will be adequate room for the required setbacks on both of these tracts of land. When this property is platted, he will have to meet all the requirements. When the Alexander's come in they will not have to plat but they will have to meet all the requirements of the setbacks.

Board Member Nickel ask a question on the two-and-one-half acre stipulation, is there any precedent for accepting that as it is, or do we need to have better justification why a variance could apply for that one. In other cases, we that we've heard on setbacks and whatnot, if you can get around it you can fix it. Although the property has been sold it looks like this could be resurveyed and re-dimensioned to two and a half acres and avoid the problem altogether. Is that off the table because it's already been sold.

Mr. Coker replied yes. The property was sold by metes and bounds and I've attached a copy of the survey instrument and it's pretty specific. Mr. Coker further stated the he didn't think that's a solvable solution here because the availability of additional land is not there.

Board Member Nickel further asked that the fact that it was sold without realization that it was a violation, might they have a change of heart.

Mr. Coker stated if there was anything such as an innocent mistake, I think this is as close to that as you're going to get. You do have the right to deny this.

Board Member Harker asked why the Alexanders weren't in attendance for this meeting.

Mr. Coker stated he did talk to the Alexanders and I have a notarized authorizing him to act in their behalf.

Chairman Stibbens asked Mr. Buis where he currently residents. Mr. Buis replied he lives in McLendon-Chisholm in Kentwood. Ms. Stibbens ask why he would think that this property on 1139 was in the extraterritorial jurisdiction. Mr. Buis replied he did not check the facts, but he got wrong information and didn't follow up on it.

MOTION: APPROVE THE REQUEST REGARDING THE REQUEST OF STEVE BUIS, REQUESTING VARIANCES TO ONING ORDINANCE CHAPTER 14, SECTION 4-2(c) AREA REQUIREMENTS, 1) TO REDUCE THE LOT SIZE FROM 2.5 ACRES IN A SINGLE-FAMILY 2.5 ACRE RESIDENTIAL ZONING DISTRICT TO 2.0 ACRES; AND 2) TO REDUCE THE MINIMUM WIDTH LOT FROM 300' TO 169' IN ORER TO SELL THE PROPERTY WITH AN EXISTING HOME.

MADE BY: Board Member Nickel

SECONDED BY: Board Member Harker

APPROVAL: Approved by a vote of 4-1 (Chairman Stibbens voting No)

7. Public Hearing

The Board will consider the application of Steve Buis requesting a variance to Zoning Ordinance Chapter 14, Section 4-2(c) Area Requirements to reduce the lot width to 169' in a single-Family 5 (SF5) acre residential zoning district requiring 300' minimum lot width for a future single-family home building permit.

This public hearing was held in conjunction with Item No. 6.

8. Discussion and action regarding the application of Steve Buis requesting a variance to zoning ordinance Chapter 14, Section 4-2(c) area requirements to reduce the lot width to 169' in a single-family 5 (SF5) acre residential zoning district requiring 300' minimum lot width for a future single-family home building permit.

Mr. Nickel asked Mr. Coker if there is any restriction on where the larger residence could be built it. Mr. Coker replied they would have to comply with all the setbacks, irrespective of where they decided to put the home.

Mr. Coker referenced his report and the fact that he recommends approval.

APPLICANT: Steve Buis

LOCATION: 1567 FM 1139

REQUEST:

The applicant is requesting a variance to section 4-3 of the City of McLendon-Chisholm Zoning Ordinance that requires a lot frontage requirement of 300 feet adjacent to the public way. The request is to reduce the required 300 feet of frontage to 169 feet.

PROPERTY OWNER: Robert and Sonja Alexander
309 Partridge Drive
Rockwall, Texas 75032

June 1, 2020 - Board of Adjustment Minutes

REPRESENTATIVE: Steve Buis [authorized by the property owner]

STAFF RECOMMENDATION: Approval subject compliance with the attached survey.

BACKGROUND INFORMATION:

The subject property is an 8.7 Acre tract of land located at 1567 FM 1139. [Rockwall CAD No. 12034]. The zoning district for the subject property is SF 2.5. The SF 2.5 zoning district requires a minimum lot size of 2.5 acres of land and minimum lot frontage of 300 feet adjacent to the street right of way. [the current zoning map shows the larger parcel in red].

The subject property is a larger part of a 10.7-acre tract of land located on the northeast side of FM 1139 north of FM 550. [See the attached Rockwall CAD map with the subject property outlined in blue].

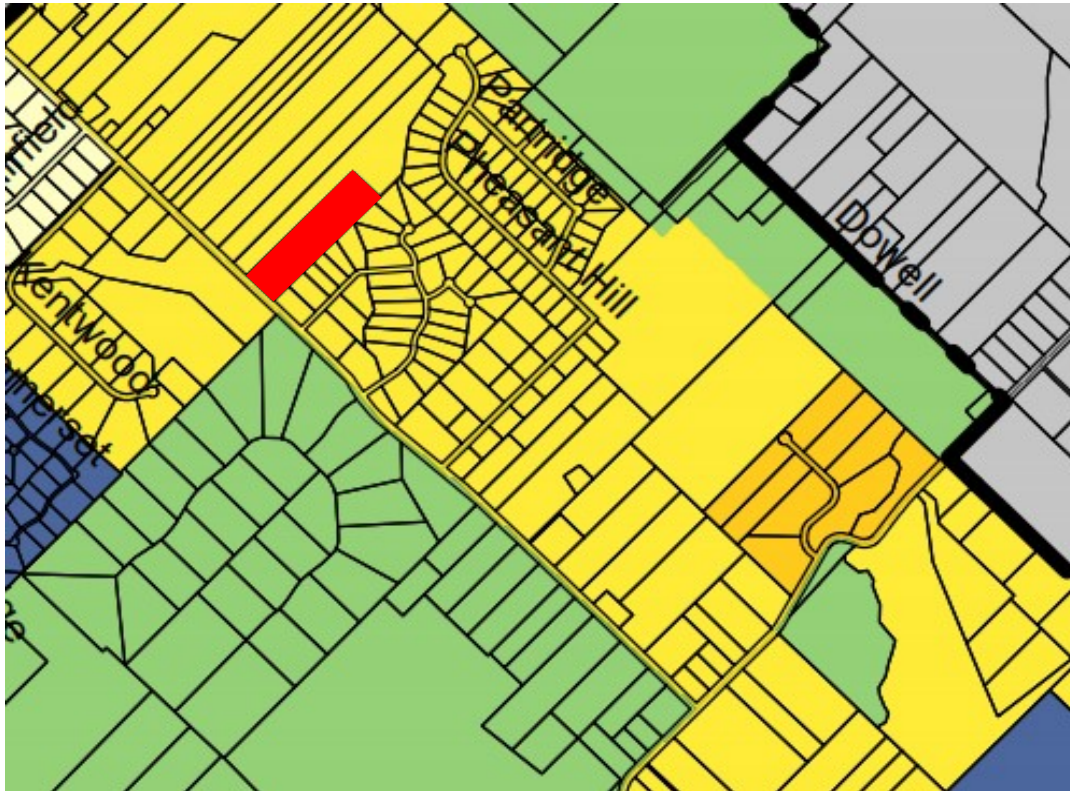
The former property owner [Steve Buis] sold the subject property to the Alexander's under the incorrect belief that the property was located in the extra territorial jurisdiction of the City. The Alexanders intend to build a new home on the subject property subject to approval of the requested reduction in the required street frontage along FM 1139.

Thoroughfares/streets:

FM 1139 is shown as a two-lane undivided collector roadway.



June 1, 2020 - Board of Adjustment Minutes



Note: The City Subdivision Regulations do not require platting of residential property in excess of five acres of land when the intended use is for an agricultural or residential use.

Powers of the Board:

G. Variances. The board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.
2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation

June 1, 2020 - Board of Adjustment Minutes

will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this ordinance and at the same time, the surrounding property will be properly protected.

3. The board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the mayor or his/her designee in the enforcement of this ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

- (a) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.
- (b) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.
- (c) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.
- (d) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use.
- (e) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.
- (f) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:
- (g) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
- (h) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (i) That the special conditions and circumstances do not result from the actions of the applicant;

(j) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and

(k) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

MOTION: Approve the request of Steve Buis requesting a variance to Zoning Ordinance Chapter 14, Section 4-2(c) area requirements to reduce the lot width to 169' in a single-family 5 (SF5) acre residential zoning district requiring 300' minimum lot width for a future single-family home building permit.

MADE BY: Board Member Nickel
SECONDED BY: Board Member Bodart
APPROVAL: Approved by a vote of 4-1 (Chairman Stibbens voting No)

9. ADJOURN

MOTION: Move to adjourn the meeting.

MADE BY: Board Member Harker
SECONDED BY: Board Member Bodart
APPROVAL: Unanimous

The meeting adjourned at 7:32 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Beverly Stibbens, Chairman



BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: August 26, 2020
APPLICANT: Stuart and Eva Maberry
LOCATION: 21 Fireside Drive, McLendon-Chisholm, Texas
BOARD HEARING DATE: August 31, 2020

REQUEST:

The applicants are requesting a variance to the required side yard setback of 25 feet by reducing the required 25 foot side yard setback to 18 feet in order to place a portion of a new proposed garage in the required setback.

PROPERTY OWNER: Stuart and Eva Maberry

REPRESENTATIVE: Stuart Maberry

STAFF RECOMMENDATION: Approval subject to the following condition:

The applicant is required to construct the garage as shown on the attached graphic [at end of report]
The applicant is required to construct the garage in the location shown on the attached site plan [at end of report]
The applicant is required to obtain a building permit if the Board of Adjustment approves the requested variance of the side yard setback.

BACKGROUND INFORMATION:

The property located at 21 Fireside Drive is located in the Chisholm Crossing community. The zoning district for this property is SF 1.5 requiring a minimum lot size of 1.5 acres. The SF 1.5 zoning district requires a minimum interior side yard setback of 25 feet from the property line. The area between the adjacent property line and the required setback is supposed to be clear and unobstructed with the exception of a fence that may be located in the setback.

The Applicants application letter is attached:

City of McLendon-Chisholm,

I respectfully request an easement waiver from 25' to 18' on the southwest side of my property at 21 Fireside Drive to build a detached garage. Our house footprint is wide and the waiver will allow for a 20' x 30' detached garage to store my boat, trailer, and other items. The Chisholm Crossing HOA has approved our request. Moreover, the 25' side boundary easement did not exist when we purchased the property.

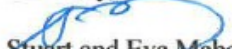
As a 100% disabled veteran, this garage will allow much easier access to my property without the physical demands required to store offsite. Additionally, the garage will alleviate the need to rent storage space at \$400 per month.

We evaluated alternative building sites such as building a garage on the Northwest side of the home which would be much more expensive and would still require a waiver. A new driveway would be required and the entire irrigation system on the front and side of the yard would need to be reworked. This would be completely out of character for Chisholm Crossing as every detached garage in the neighborhood is located on the existing driveway side.

There is no other suitable location for the garage. Due to the placement of the four air conditioner units next to the current garage on the Southwest side of the lot, plus the standby generator and electrical/telephone utility boxes mounted on the external wall, we cannot attach the new garage to the existing one.

As noted above, our original easement at the time of purchase in 2009 was 10' and we, along with other neighbors, were not aware of the City's change in easement. We feel the waiver would be a fair compromise and in line with other recently built garages in Chisholm Crossing, which boasts over 30 detached garages — including one at 3 Winter Hawk Drive for which the City Council granted an exception in July 2019.

Sincerely,


Stuart and Eva Maberry
21 Fireside Drive
(H) (972) 722-0544
(C) (214) 546-9676

Chisholm Crossing Homeowners
c/o Associa Principal Management Group of North Texas
9001 Airport Freeway, Suite 450, North Richland Hills, TX 76180
Telephone: 214-368-4030
Email: ntxcustomer@associa.us
Website: www.associaonline.com

Date: 6/4/2020 4:41:00 PM

Project Ref: [73840968] 21 Fireside Dr

Stuart Maberry
21 Fireside Drive
Rockwall TX 75032

Dear Stuart Maberry,

I am pleased to inform you that the **Chisholm Crossing Homeowners Architectural Review Committee** has approved your application for the following project item(s):

Detached Garage

The approval is contingent upon compliance with the specifications set forth in the approved application. If your change or addition requires a county, city or state permit, it must be obtained before construction.

Please retain this letter in your files. If you have any questions regarding this matter, please do not hesitate to contact us.

Sincerely,

Architectural Committee
Chisholm Crossing Homeowners

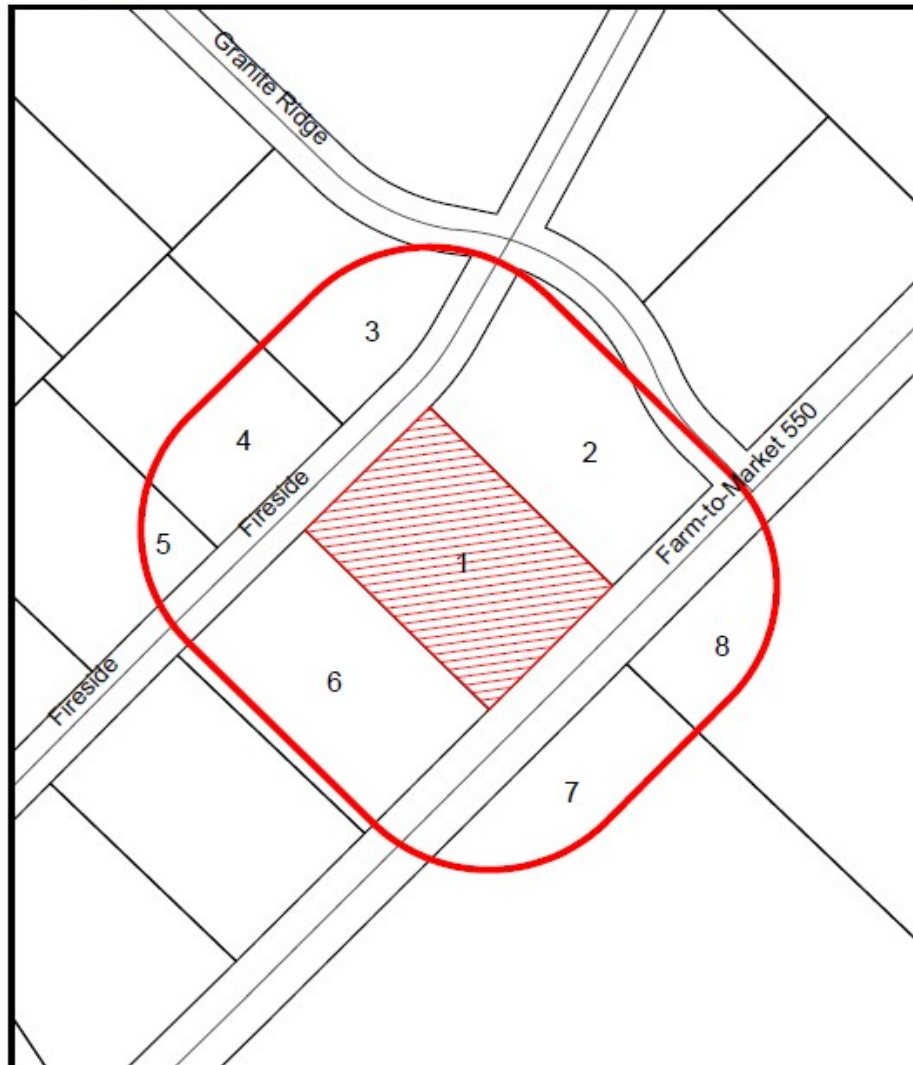
Thoroughfares/streets:

Fireside Drive is a local street serving a residential subdivision identified as Chisholm Crossing.

The City sent notices to property owners within 200 feet of the subject property and have not received any responses in support of the request nor any responses in opposition to the request.



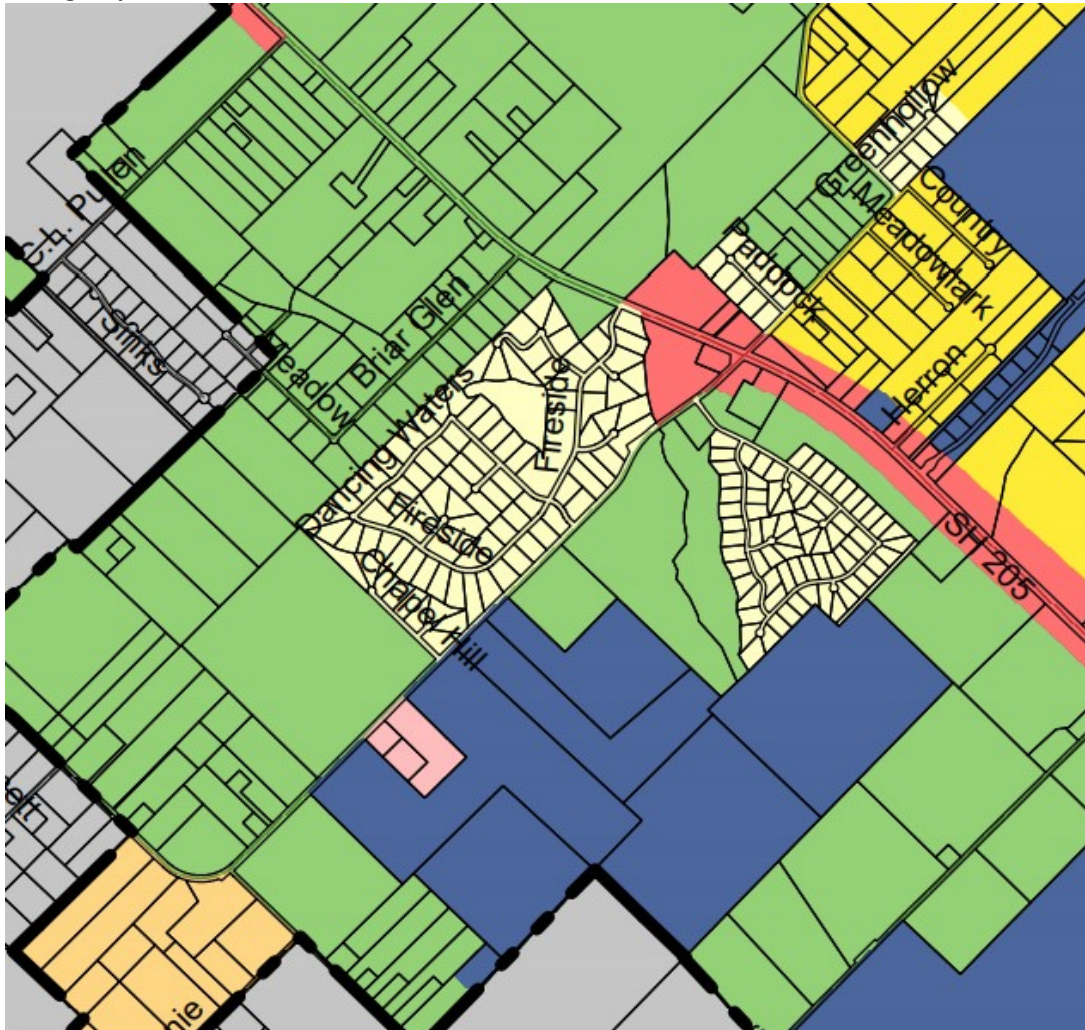
**City of McLendon-Chisholm
Board of Adjustment
200' Notification Map**



**21 Fireside Drive
Rockwall, Texas 75032**



Zoning Map



Powers of the Board:

G. Variances. The board shall have the power to authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done, including the following:

1. Permit a variance in the yard requirements of any district where there are unusual and practical difficulties or unnecessary hardships in the carrying out of the provisions due to an

irregular shape of the lot or topographical or other conditions, provided such variance will not seriously affect any adjoining property or the general welfare.

2. Authorize, upon appeal, whenever a property owner can show that a strict application of the terms of this ordinance relating to the construction or alteration of buildings or structures will impose upon him unusual and practical difficulties or particular hardship, such variances from the strict application of the terms of this ordinance as are in harmony with its own general purpose and intent, but only when the board is satisfied that granting of such variation will not merely serve as a convenience to the applicant, but will alleviate some demonstrable and unusual hardship or difficulty so great as to warrant a variance from the comprehensive plan as established by this ordinance and at the same time, the surrounding property will be properly protected.

3. The board shall have the power to hear and decide appeals where it is alleged there is error of law in any order, requirements, decision or determination made by the mayor or his/her designee in the enforcement of this ordinance. Except as otherwise provided herein, the board shall have, in addition, the following specific powers:

(a) To permit the erection and use of a building or the use of premises for railroads if such uses are in general conformance with the master plan and present no conflict or nuisance to adjacent properties.

(b) To permit a public utility or public service or structure in any district, or a public utility or public service building of a ground area and of a height at variance with those provided for in the district in which such public utility or public service building is permitted to be located, when found reasonably necessary for the public health, convenience, safety, or general welfare.

(c) To grant a permit for the extension of a use, height or area regulation into an adjoining district, where the boundary line of the district divides a lot in a single ownership on the effective date of this ordinance.

(d) To permit the reconstruction of a non-conforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 50 percent of its fair market value, where the board finds some compelling necessity requiring a continuance of the nonconforming use.

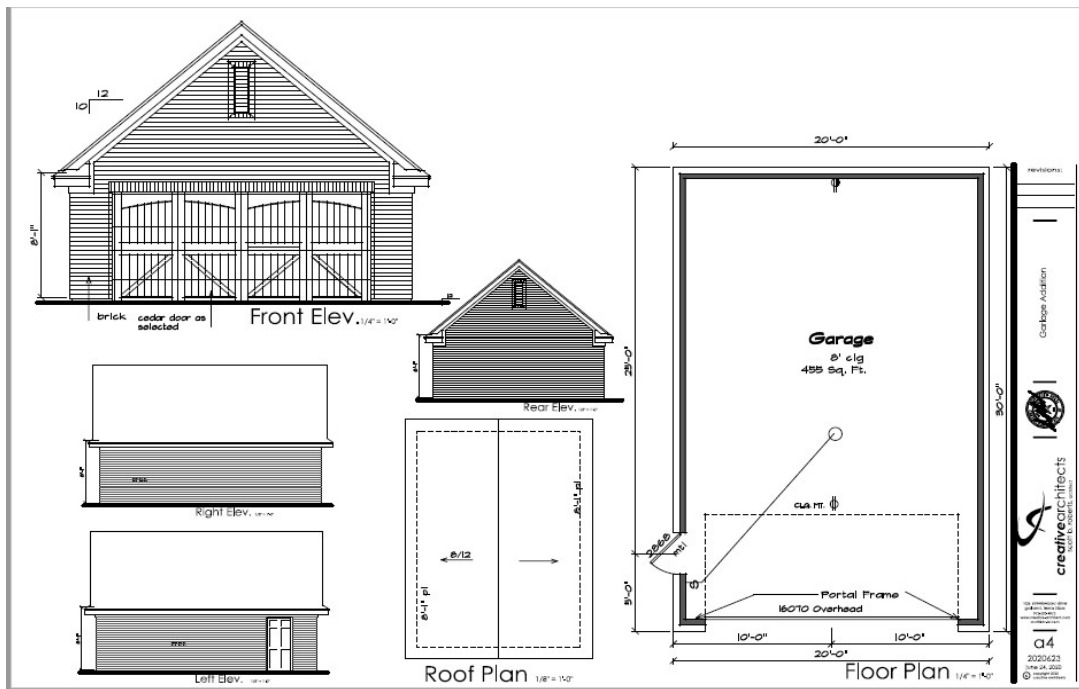
(e) To waive or reduce the parking and loading requirements in any of the districts, when (i) the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities; or (ii) when such regulations would impose an unreasonable hardship upon the use of the lot. The board shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(f) A written application for variance shall be submitted together with the required fee, accompanied by an accurate legal description, maps, site plans, drawings and any necessary data, demonstrating:

(g) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;

- (h) That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
- (i) That the special conditions and circumstances do not result from the actions of the applicant;
- (j) That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district; and
- (k) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Maberry proposed garage



STORY
& STONE
WIDE DRIVE

concrete

underground propane tank

concrete drive

10' ENCOR ELECTRIC EASEMENT
(per plat.)

electric vault

water meter

50' 14" E 215.73'

electric vault

set iron

N 45° 00' 00" W 302''

