



AGENDA
PLANNING & ZONING COMMISSION REGULAR MEETING
THURSDAY, AUGUST 20, 2020
1371 WEST FM 550 - MCLENDON-CHISHOLM, TEXAS 75032
6:30 PM

Page

- | | |
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| | 1. CALL TO ORDER |
| | 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO U.S. AND TEXAS FLAGS |
| | 3. CITIZEN COMMENTS |
| | 4. INTRODUCTION OF COMMISSIONERS |
| | 5. ELECTION OF NEW CHAIRMAN |
| | 6. APPROVAL OF MINUTES |
| 3 - 6 | 6.1. Approval of February 20, 2020 Regular Meeting Minutes
02.20.20 P.Z Minutes |
| 7 - 17 | 6.2. Approval of March 19, 2020 Planning & Zoning Regular Meeting
03.19.20 P.Z. Minutes |
| | 7. ITEMS FOR DISCUSSION |
| 18 - 25 | 7.1. Discussion and action regarding the request of Leonard Raymond Larsen for approval of a final plat for a two-acre tract of land located at 1625 FM 1139.
Staff recommendation to P&Z on Buis final plat
Staff recommendation to BOA Buiz 1625 FM 1139 |
| | 8. 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 Planning & Zoning Commission of McLendon-Chisholm, Texas was posted on or before 5:00 p.m., August 17, 2020, on the outside bulletin board at City Hall, a place convenient and readily accessible to the public at all times.



**Planning & Zoning Commission
City of McLendon-Chisholm, Texas
Work Session Minutes
Thursday, February 20, 2020**

The Planning & Zoning Commission of the City of McLendon-Chisholm convened in Work Session on Thursday, February 20, 2020 at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Members Present:	Robert Rohde	Chairperson
	Jody Wright	Commissioner
	Daniel Tucker	Commissioner
	Tommy Baugh	Commissioner
	Leslie Schwalje	Vice Chairman
	Shari London	Commissioner (Alternate)

Absent:	Daniela Swindoll	Commissioner (Alternate)
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Staff Present:	Lisa Palomba	City Administrator
	Shelly Green	City Secretary
	Karl Crawley	City Planner (Masterplan)

1. CALL TO ORDER

Chairperson Rohde called the meeting to order at 6:30 p.m.

2. WELCOME NEW P&Z COMMISSIONER ALTERNATE SHARI LONDON

City Administrator Palomba introduced Shari London as the new alternate on the commission.

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

Chairperson Rohde provided the Invocation and led the Pledge of Allegiance to the U.S. and Texas Flags.

4 CITIZEN COMMENTS

None

5. ITEMS FOR CONSIDERATION

5.1. The City Planner will present information related to P&Z Commissioner roles and responsibilities and the development review process including purpose of the Comprehensive Plan as well as the zoning and subdivision process. General discussion and a question/answer session may follow the presentation.

City Planner Crawley gave a presentation covering Planning, Zoning and Development. He included the following items in his presentation:

- USA and TX Zoning Enabling Acts
- Comprehensive Plan
- City Boards
- Planning and Zoning Commission
- Board of Adjustment
- Development Review Process
- Zoning Districts
- Zoning Regulations
- Zoning/Development Requests before P&Z
- Change of Zoning / SUPs
- Planned Development Districts
- Site Plans
- Landscape Plans
- Subdivision of Land/Platting

General discussion followed with Planner Crawley fielding questions.

5.2. Review and discussion only regarding a request by Muhammed Polani on behalf of MSF Group, LLC. requesting a zoning change request form General Business (GB) to Planned Development (PD) for General Business on a 1.5-acre tract in the King Latham Survey, Rockwall CAD Property ID 10132, generally located at the south corner of FM 550 and State Highway 205. No action will be taken. Discussion is in preparation for the zoning change request scheduled for consideration during the regular P&Z Commission Meeting on February 27, 2020.

Chairman Rohde introduced this item and expressed his concerns and questions regarding the proposed project. General discussion followed among the commissioners.

Planner Crawley addressed questions.

4. ADJOURN

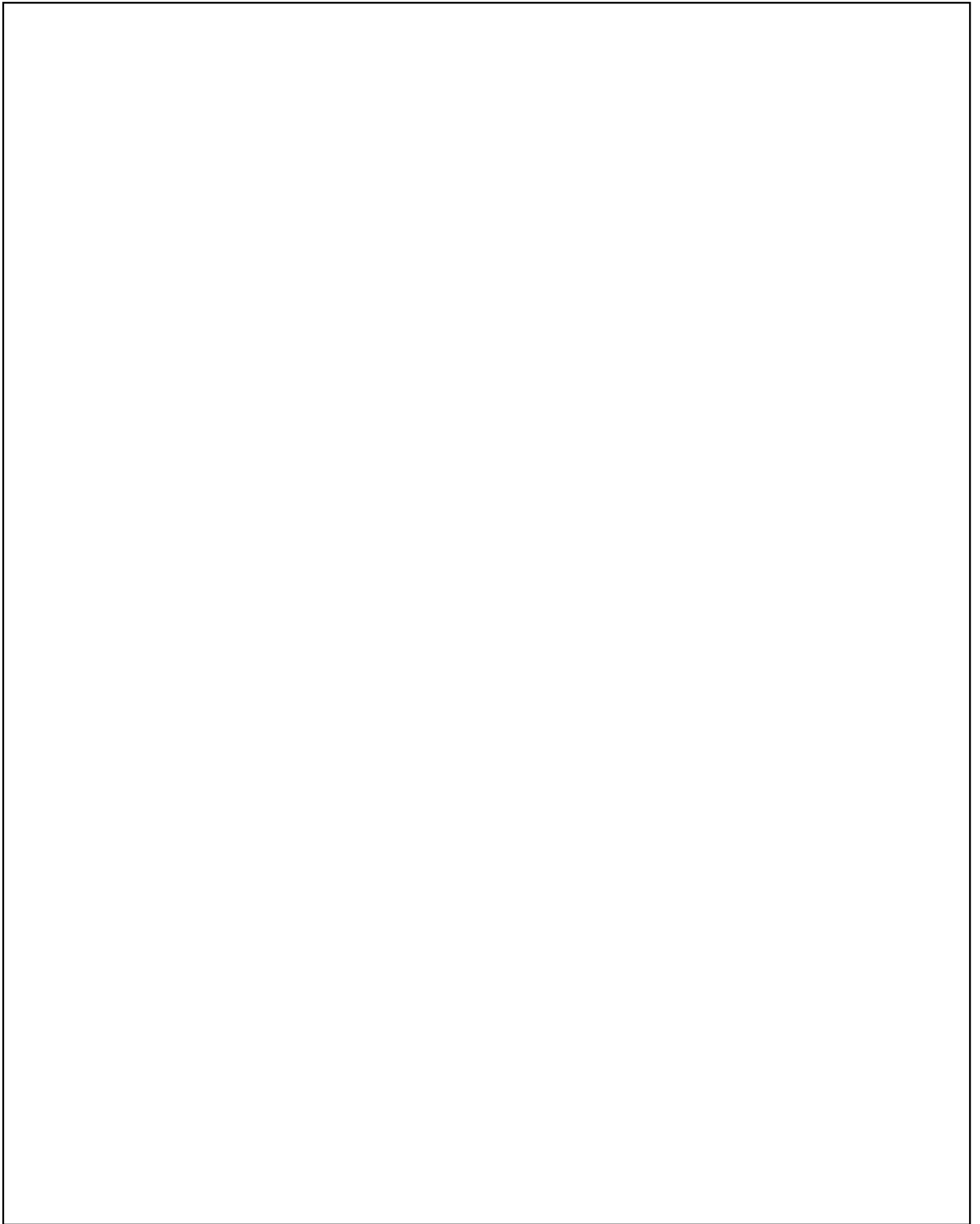
There being no further business to discuss, the meeting was adjourned at 8:55 p.m.

ATTEST:

Shelly Green, City Secretary

APPROVED:

Robert Rohde, Chairman





**Planning & Zoning Commission
City of McLendon-Chisholm, Texas
Regular Meeting Minutes
Thursday, March 19, 2020**

The Planning & Zoning Commission of the City of McLendon-Chisholm convened in Regular Session on Thursday, March 19, 2020 at City Hall, 1371 West FM 550, McLendon-Chisholm, Texas, with the following members present:

Members Present:	Robert Rohde	Chairperson
	Tommy Baugh	Commissioner
	Daniel Tucker	Commissioner
	Brian Lane	Commissioner (Alternate)
	Daniela Swindoll	Commissioner (Alternate)
Absent:	Jody Wright	Commissioner
	Leslie Schwalje	Commissioner
	Shari London	Commissioner (Alternate)
Staff Present:	Lisa Palomba	City Administrator
	Shelly Green	City Secretary
	Karl Crawley	City Planner (Masterplan)

1. CALL TO ORDER

Chairperson Rohde called the meeting to order at 6:30 p.m.

2 CITIZEN COMMENTS

None

3. ITEMS FOR CONSIDERATION

3.1. Discussion and action regarding a request for approval for a combined Preliminary/Final Plat for Wellington Manor, Phase 2, 82.946 acres containing 44 lots, generally located west of Smith Road and south of FM 550 (west of Wellington Manor, Phase 1) in the City's Extraterritorial Jurisdiction (ETJ) and Rockwall County.

City Administrator Palomba presented the staff report for this item.

APPLICANT: Todd Wintters
201 Windco Circle, Suite 200
Wylie, Texas 75098

LOCATION: West of Smith Road, south of FM 550 (west of Phase 1 of Wellington Manor) in the City's Extra Territorial Jurisdiction and Rockwall County.

REQUEST:

The applicant is requesting approval of the preliminary and final plats for Phase 2 of Wellington Manor. The Phase 2 final plat includes 44 single-family lots and is 82.946 acres in size.

PROPERTY OWNER: Oak National Holdings, LLC
5763 South S.H. 205, Suite 100
Rockwall, Texas 75032

REPRESENTATIVE: Todd Wintters

STAFF RECOMMENDATIONS: Approval subject to the conditions contained within this report and any comments or requirements from the City's consulting engineer.

City Staff has reviewed the submitted Final Plat for Phase 2 and find that the lots are the required 1.5 acres net of drainage easements and that the roadways are consistent with the standards established in Phase 1.

Staff recommended conditions:

1. Drainage issues identified by the City and by the County are to be resolved to the satisfaction of the City Engineer and the County Environmental Coordinator prior to commencement of infrastructure construction on Phase 2.
2. No permits for residential construction shall be issued and no residential construction shall commence on Lot 36, Block A or Lots 22 and 23 of Block D until a turnaround satisfying the 2015 International Fire Code for dead ends exceeding 150 feet in length is provided and approved by the City and County Fire Marshals.
3. The property owner or developer shall provide Homeowner's Association documentation for Phase 2 prior to consideration of the final plat by the City Council.

BACKGROUND INFORMATION:

The requested final plat for Phase 2 of the Wellington Manor subdivision is located within the City's Extra Territorial Jurisdiction and within the Rockwall County.

The preliminary plat was approved by the City Council March 13, 2018. The City Subdivision Regulations provide for a maximum time period of one-year for an

approved preliminary plat to remain valid without the submission of an application for a final plat. In this case, the preliminary plat approval has expired and subsequently a resubmission is required. The Subdivision Regulations provides for a combined preliminary plat and final plat as an option for Planning and Zoning Commission consideration. This combined preliminary and final plat are generally consistent with the preliminary plat that was approved by the City Council in 2018.

The subject property is located on the west side of Smith Road approximately 2610 linear feet southwest of FM 550.

The subject property is partially within the McLendon-Chisholm Extra Territorial Jurisdiction and a portion of the subject property is in Rockwall County. The applicant has agreed to the jurisdiction of the McLendon-Chisholm Subdivision Regulations for the entirety of the proposed two-phase development.

The total property is 191.475 acres of land located on the West side of Smith Road just outside the McLendon-Chisholm City Limits. The original request was to provide for the development of 107 residential lots with a minimum lot size of one and one-half acres with on-site sanitary sewerage facilities, paved streets and surface storm drainage facilities in two phases.

Thoroughfares/streets:

Smith Road is a county road maintained by the Road and Bridge Department of Rockwall County. Rockwall County's Thoroughfare Plan identifies Smith Road as a four-lane undivided minor arterial. The minimum right of way width for a four-lane undivided minor arterial is 100 feet. The developer has entered into an agreement with the County for the maintenance of Smith Road from the subdivision entrances to FM 550.

Zoning:

The subject property is located in McLendon-Chisholm's Extra Territorial Jurisdiction or in the county. Zoning regulations do not apply in the ETJ or in the county.

Floodplain:

A review of the Flood Insurance Rate Map for this property reveals that the entirety of the tract is in the X zone, low flood risk.

Interlocal Agreement:

The Interlocal Agreement with the County regarding subdivision applications in the City's ETJ and in the County require submittal to the County for their review and recommendations. The subject application was submitted to Ron Merritt at the County for his review and comment. Mr. Merritt's comments follow:

"I am good with the lot sizes. What I am concerned with is the drainage problems we are having with Phase 1 and now with Phase 2 the problems will only get worse."

Staff recommended condition 1. Has been added to the Staff recommendation to address the County's and City consulting engineer's concerns regarding drainage.

Homeowners Association:

The property owner has adopted conditions and covenants establishing the required homeowner's association for Phase 1 but has not submitted the required homeowner's association documentations for Phase 2. The failure to provide the HOA documentation for Phase 2 does not comply with the County Subdivision Regulations requirements. Staff recommended condition 3. addresses this requirement.

Fire Code:

The County has adopted the 2015 Edition of the International Fire Code, while City has adopted the 2012 Edition of the International Fire Code. In either case, the code requires a qualifying turnaround for dead end streets exceeding 150 feet in length. The southwest extension of Norbury Drive ends in a dead end with no qualifying turn around as required by the Fire Code. The dead end extends to the southwest from the intersection with Colchester Drive. This dead end with no qualifying turnaround establishes the foundation for Staff Recommended conditions.

STAFF RECOMMENDATION: APPROVAL

The final plat meets all technical requirements and complies with all zoning and subdivision regulations. Staff recommends approval subject to the conditions listed below.

CONDITIONS:

1. Final Street names for several streets have not been supplied at the timing of the writing of this report. Street names will be provided to the Commission at the hearing and will be reviewed by staff prior to the hearing.
 2. Engineering/Utility Connection: Prior to the issuance of any authorization for construction of infrastructure, drainage, or structures, the final civil engineering plans be reviewed and approved by the City's Engineer.
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MOTION: APPROVE THE REQUEST FOR APPROVAL OF A PRELIMINARY/FINAL PLAT FOR WELLINGTON MANOR, PHASE 2, 82.946 ACRES CONTAINING 44 LOTS, GENERALLY LOCATED WEST OF SMITH ROAD AND SOUTH OF AM 550 (WEST OF WELLINGTON MANOR, PHASE 1, INCLUDING STAFF RECOMMENDED CONDITIONS, IN THE CITY'S EXTRATERRITORIAL JURISDICTION (ETJ) AND ROCKWALL COUNTY.

MADE BY: Commissioner Tucker
SECONDED BY: Commissioner Baugh
APPROVED: Unanimously by Members Present

3.2. Discussion and action regarding a request for approval for a combined Preliminary/Final Plat for Sonoma Verde, Phase 4A, 33.494 acres, containing 86 single family residential lots and 3 open space lots, including conditions as set forth in the Staff Report, located west of Hwy 205 and FM 550.

City Planner Karl Crawley presented the staff report on this item.

APPLICANT: Stephen Davis, Taylor Duncan Interests, LLC
15441 Knoll Trail, Suite 150
Dallas, Texas 75248

LOCATION: Smith Road & FM 550 / Rockwall County ID# 11452

ZONING: PD for Single Family and other uses (Ord. 2007-20 and 2012-08)

REQUEST:

Approval of a final of a 33.494-acre property to construct a single-family residence on the portion of the property zoned. Sonoma Verde Phase 4A

PROPERTY OWNER: Land Solutions SV, LLC
15441 Knoll Trail, Suite 150
Dallas, Texas 75248

REPRESENTATIVE: Lori Lusk, Kimley Horn

STAFF RECOMMENDATION: APPROVAL, the plat meets all the technical requirements and complies with zoning and subdivision regulations.

CONDITIONS:

Prior to the issuance of any authorization for construction of infrastructure, drainage, or structures, the final civil engineering plans be reviewed and approved by the City's Engineer.

BACKGROUND INFORMATION:

The proposed final plat consists of 86 single family lots and three open spaces. The existing zoning is a portion of a larger PD for a mix of uses and will be the next phase in the overall development. This Phase consists of a variety of lot sizes ranging from 8400 square feet to 20000 square feet. The proposed plat complies with the zoning regulations for this portion of the PD.

STAFF RECOMMENDATION: APPROVAL

The final plat meets all technical requirements and complies with all zoning and subdivision regulations. Staff recommends approval subject to the conditions listed below.

CONDITIONS:

1. Final Street names for several streets have not been supplied at the timing of the writing of this report. Street names will be provided to the Commission at the hearing and will be reviewed by staff prior to the hearing.
 2. Engineering/Utility Connection: Prior to the issuance of any authorization for construction of infrastructure, drainage, or structures, the final civil engineering plans be reviewed and approved by the City's Engineer.
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MOTION: APPROVE THE REQUEST FOR A COMBINED PRELIMINARY/FINAL PLAT FOR SONOMA VERDE, PHASE 4A, 33.494 ACRES, CONTAINING 86 SINGLE FAMILY RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS, INCLUDING CONDITIONS AS SET FORTH IN THE STAFF REPORT, GENERALLY LOCATE EST OF HWY 205 AND FM 550

MADE BY: Commissioner Baugh
SECONDED BY: Commissioner Tucker
APPROVED: Unanimously by Members Present

- 3.3. Discussion and action regarding a request for approval for a combined Preliminary/Final Plat for Sonoma Verde, Phase 4B, 30.269 acres, containing 102 single family residential lots and 3 open space lots, generally located east of Hwy 205 and FM 550.

City Planner Karl Crawley presented the staff report on this item.

APPLICANT: Stephen Davis, Taylor Duncan Interests, LLC
15441 Knoll Trail, Suite 150
Dallas, Texas 75248

LOCATION: Smith Road & FM 550 / Rockwall County ID#11452

ZONING: PD for Single Family and other uses (Ord. 2007-20 and 2012-08)

REQUEST:

Approval of a final plat of a 30.269-acre property to construct a single-family residence on the portion of the property zoned. Sonoma Verde Phase 4B

PROPERTY OWNER: Land Solutions SV, LLC
15441 Knoll Trail, Suite 150
Dallas, Texas 75248

REPRESENTATIVE: Lori Lusk, Kimley Horn

STAFF RECOMMENDATION: APPROVAL, the plat meets all the technical requirements and complies with zoning and subdivision regulations.

CONDITIONS:

Prior to the issuance of any authorization for construction of infrastructure, drainage, or structures, the final civil engineering plans be reviewed and approved by the City's Engineer.

BACKGROUND INFORMATION:

The proposed final plat consists of 102 single family lots and three open spaces. The existing zoning is a portion of a larger PD for a mix of uses and will be the next phase of the overall development. This Phase consists of a variety of lot sizes with the minimum lot size of 7200 square feet. The proposed plat complies with the zoning regulations for this portion of the PD.

STAFF RECOMMENDATION: APPROVAL

The final plat meets all technical requirements and complies with all zoning and subdivision regulations. Staff recommends approval subject to the conditions listed below.

CONDITIONS:

Prior to the issuance of any authorization for construction of infrastructure, drainage, or structures, the final civil engineering plans be reviewed and approved by the City's Engineer.

BACKGROUND INFORMATION:

The proposed final plat consists of 102 single family lots and three open spaces. The existing zoning is a portion of a larger PD for a mix of uses and will be the next phase in the overall development. This Phase consists of a variety of lot sizes with the minimum lot size of 7200 square feet. The proposed plat complies with the zoning regulations for this portion of the PD.

STAFF RECOMMENDATION: APPROVAL

The final plat meets all technical requirements and complies with all zoning and subdivision regulations. Staff recommends approval subject to the conditions listed below.

CONDITIONS:

1. Final Street name for one street has not been supplied at the timing of the writing of this report and one street name will need to be added/changed to comply with the Subdivision Ordinance. Street names will be provided to the Commission at the hearing and will be reviewed by staff prior to the hearing.
 2. Engineering/Utility Connection: Prior to the issuance of any authorization for construction of infrastructure, drainage, or structures, the final civil engineering plans be reviewed and approved by the City's Engineer.
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MOTION: APPROVE THE REQUEST FOR A COMBINED PRELIMINARY/FINAL PLAT FOR SONOMA VERDE, PHASE 4B, 30.269 ACRES, CONTAINING 102 SINGLE FAMILY RESIDENTIAL LOTS AND 3 OPEN SPACE LOTS, INCLUDING CONDITIONS SET FORTH IN THE STAFF REPORT, GENERALLY LOCATED EAST OF HWY 205 AND FM 550.

MADE BY: Commissioner Baugh
SECONDED BY: Commissioner Lane
APPROVED: Unanimously by Members Present

4. Schedule Future Meetings

It was the consensus of the Commission to schedule their next meeting for the regular meeting date of April 16, 2020.

5. ADJOURN

MOTION: ADJOURN THE MEETING

MADE BY: Commissioner Baugh
SECONDED: Commissioner Tucker

APPROVED: Unanimously by Members Present

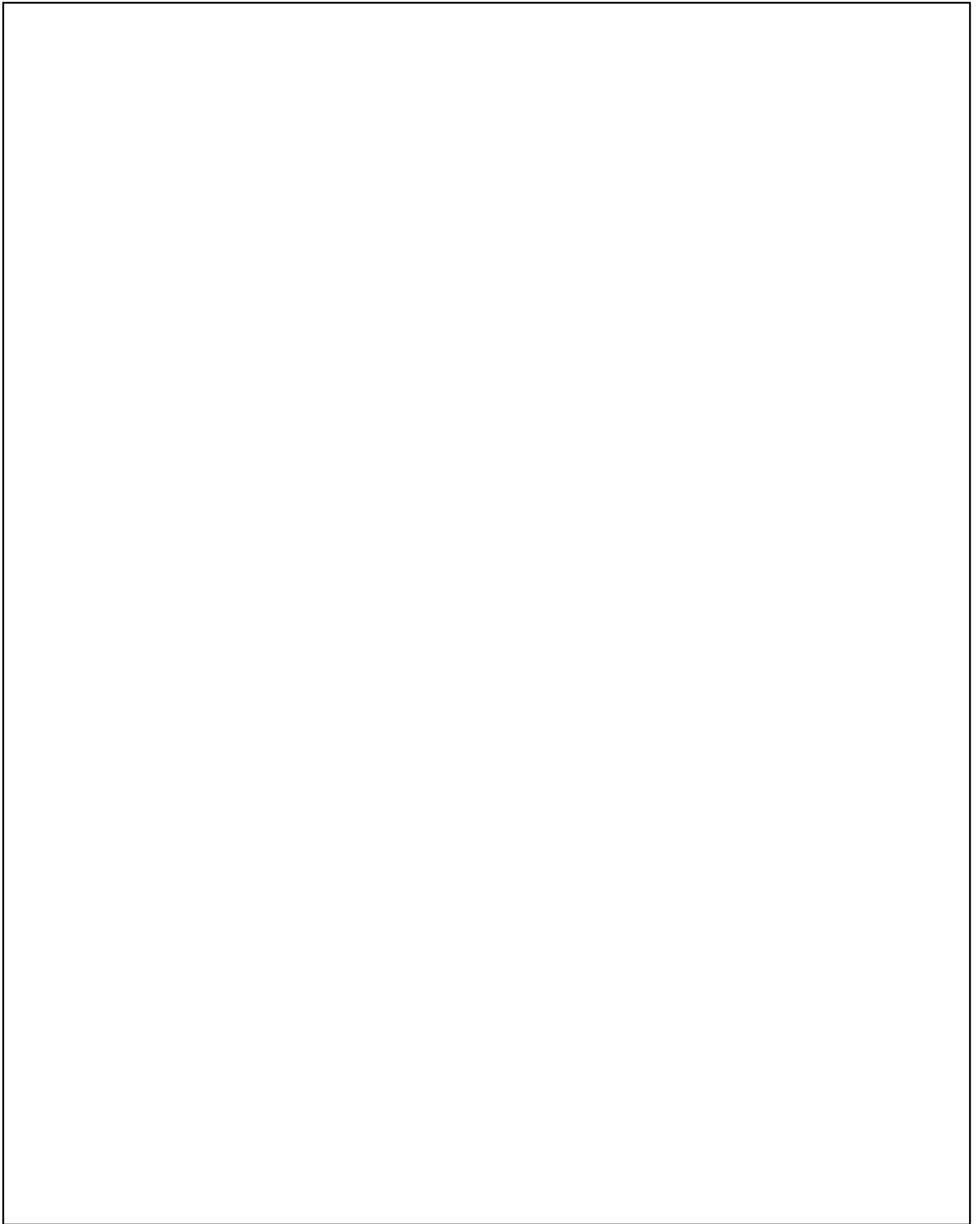
The meeting adjourned at 6:50 p.m.

ATTEST:

APPROVED:

Rochelle Green, City Secretary

Robert Rohde, Chairperson





PLANNING AND ZONING COMMISSION – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: July 31, 2020

APPLICANT: Steve Buis

LOCATION: 1625 FM 1139

PLANNING AND ZONING COMMISSION HEARING DATE: August 20, 2020

REQUEST:

The applicant is requesting approval of a final plat for a two-acre tract of land located at 1625 FM 1139.

PROPERTY OWNER: Leonard Raymond Larsen

REPRESENTATIVE: Steve Buis

STAFF RECOMMENDATION: Approval

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 subject parcel in red].

Earlier this year, Mr. Buis requested that the Board of Adjustment grant him two variances for the subject two acre tract of land. The first request was to reduce the lot size required in the SF 2.5 zoning district from 2.5 acres to 2.0 acres. The Board of Adjustment granted that request.

The second request was to reduce the required frontage adjacent to the public way from 300 feet to 169 feet. The Board of Adjustment granted that request as well.

The singular condition required by the Board was to plat the two acres.

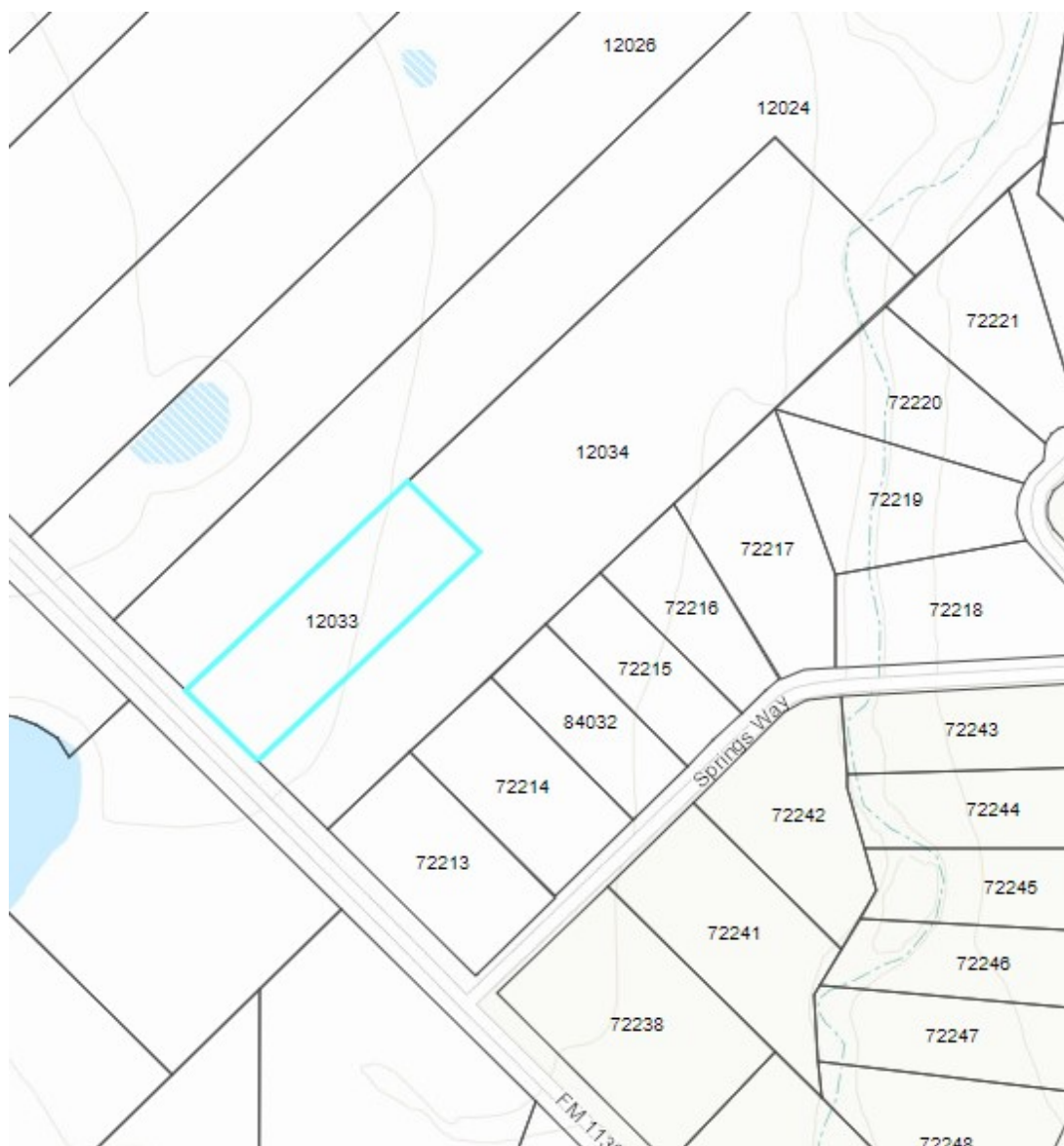
The subject tract of land is identified as Rockwall CAD # 12033 [see following map with CAD number shown]. Adjustment subject to the owner making application to plat the property in order to establish a building site].

The Board of Adjustment Report is attached to this report.

Thoroughfares/streets:

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







BOARD OF ADJUSTMENT – CITY OF MCLENDON-CHISHOLM, TEXAS

DATE: May 26, 2020
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]

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.





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.