



## **Board of Adjustment Report**

### **August 23, 2016**

To: Planning and Zoning Commission

From: Jessica Steele, Planner

Case Number: BOA 16-003

#### **GENERAL INFORMATION:**

##### **APPLICANT:**

Jeff Gilbert

##### **LOCATION:**

3339 Rankin Street, City of University Park

##### **REQUEST:**

Jeff Gilbert property owner, requests a variance to the Zoning Ordinance due to an appeal of the decision of the Community Development Director under Section 9 of the Zoning Ordinance related to reducing or eliminating the side yard setback to install a patio cover at 3339 Rankin Drive, City of University Park. The subject property is zoned Duplex, D-2 zoning district classification in accordance with the comprehensive Zoning Ordinance.

##### **EXISTING ZONING:**

The subject tract is currently zoned Duplex "D-2" zoning district classification.

##### **SURROUNDING LAND USE:**

North: Duplex "D-2", residential.

South: Duplex "D-2", residential.

East: Single Family "SF-4", residential

West: PD-1-R, Snider Plaza

#### **BACKGROUND:**

The Single Family Attached (SF-A) structure was permitted in August 2013 and finished in February 2014. Jeff Gilbert was the builder and currently lives in the 3339 Rankin side of the structure. On Thursday April 28, 2016 it was noticed that construction was being done at this property without a permit. Building Official Tim Green instructed workers to cease work until a permit was obtained. The following day, Friday April 29, Russell Craig, Code Enforcement

Officer, conducted a property inspection because no permit was obtained. Mr. Craig noticed that the construction of an arbor in the side yard had been completed. On Friday April 29, 2016 Mr. Craig issued a notification of code violation letter to Mr. Gilbert for an illegal structure in the required side yard of the property. The letter indicated that a citation would be issued on May 13, 2016 if the structure was not removed. On May 11, 2016 Mr. Craig had a telephone conversation with Mr. Gilbert about the illegal structure and informed him it had to be removed. Mr. Craig did a property inspection on May 13, 2016, the structure was not removed therefore a citation was sent to Mr. Gilbert that same day. The court date was set for May 25, 2016. At the court hearing Mr. Gilbert pushed the court date back stating he would like to go before the Board of Adjustment. Mr. Gilbert applied for the Board of Adjustment on June 24, 2016. It was noticed that the SF-A is for sale therefore a Stop Work Order was placed on the front window of the 3339 Rankin side of the residence on August 3, 2016. The Stop Work Order was removed and on August 4, 2016 a second one was placed on the property.

#### **NOTIFICATION:**

Notices were mailed to property owners within 200 feet of the subject site and a public hearing notice was published in the Park Cities News on July 28, 2016. At the time of this report, staff has not received any responses. Staff will provide an update at the meeting.

#### **RECOMMENDATION:**

Staff recommends that the Board of Adjustment denies this appeal due to no property hardship being present.

#### **ATTACHMENTS:**

1. BOA Application
2. Drawling's for the arbor
3. Pictures of the property
4. Copy of citation
5. Minutes from the May 24, 2016 BOA meeting