

The Board of Adjustment of the City of Anna will hold a meeting at 7:00 p.m. on Wednesday, February 10, 2021, at the Anna City Hall located at 111 North Powell Parkway, to consider the following items.

1. **Call to Order and Establishment of Quorum**
2. **Invocation and Pledge of Allegiance**
3. **Neighbor Comments:** At this time, any person may address the Board of Adjustment regarding an item on this meeting agenda that is not scheduled for public hearing. Also, at this time any person may address the Commission regarding an item that is not on this meeting agenda. Each person will be allowed up to 3 minutes to speak. We are encouraging neighbors who wish to have their comments included, e-mail Nader Jeri, Building Official (NJERI@annatexas.gov) by February 10, 2021, no later than 5:00 PM so it may be read into the record.

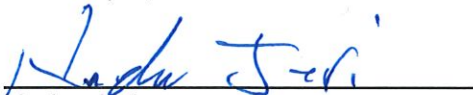
No discussion or action may be taken at this meeting on items not listed on this agenda, other than to make statements of specific factual information in response to a citizen's inquiry or to recite existing policy in response to the inquiry.

Items for Individual Consideration

4. Conduct a public hearing/Consider/Discuss/Action on a request at 320 Elam Drive (Northpointe Crossing, Phase 1 North, Block G, Lot 4) for a variance of 7' of encroachment to an addition (attached covered porch) with the depth of 15', being built within the rear setback of 25'.

Adjourn

This is to certify that I, Nader Jeri, Building Official, verify that this agenda was posted at a place readily accessible to the public at the Anna City Hall and on the City Hall bulletin board at or before 7:00 p.m. February 5, 2021.



Nader Jeri
Building Official

Persons with a disability who want to attend this meeting who may need assistance should contact the City Secretary, at 972-924-3325 two working days prior to the meeting so that appropriate arrangements can be made.

CITY OF ANNA
BOARD OF ADJUSTMENT

FEBRUARY 10, 2021

Public Hearing- Variance: 320 Elam Dr. The addition being built within the rear setback

Applicant: Mrs. Jennifer Garza, Property Owner

AGENDA ITEM:

Conduct a public hearing/Consider/Discuss/Action on a request at 320 Elam Drive (Northpoint Crossing, Phase 1 North Block G, Lot 4) for a variance of 7' of encroachment to an addition (attached covered porch) with the depth of 15', being built within the rear setback of 25'.

SUMMARY:

In May of 2020, the property owner was cited by the HOA for constructing a covered porch without prior approval and a building permit.

The City of Anna Development Department was notified regarding an addition being built without a permit by HOA on May 24th, 2020. The addition was already completed when the building inspector issued a notice for not having a proper permit. In June of 2020, the property owner obtained a building permit. At a later date, it was determined that the addition was constructed in violation of the zoning ordinance within the rear setback.

In July of 2020, the Planning and Development department consulted with the City Attorney regarding interpretation of the zoning ordinance associated with the patio covers. The homeowner was provided **Sec. 9.04.042** Zoning Ordinance section pertaining to Variances.

RECOMMENDATION:

The Board of Adjustment will make the final determination on this case regarding the request for a variance.

Attachments:

- 1- Locator
- 2- Exhibit
- 3- Sec. 9.04.042 Board of Adjustment
- 4- Applicant's letter of request for a variance

Proposed Variance- 320 Elam Dr

BELFORD STREET SOUTH

VERNON ST

AXTON AVE

MCKINNEY ST

FOSTER LN

DUMAS DR

ELAM DR

THE CITY OF
Anna

N

Parcels City Limits
Streets ETJ

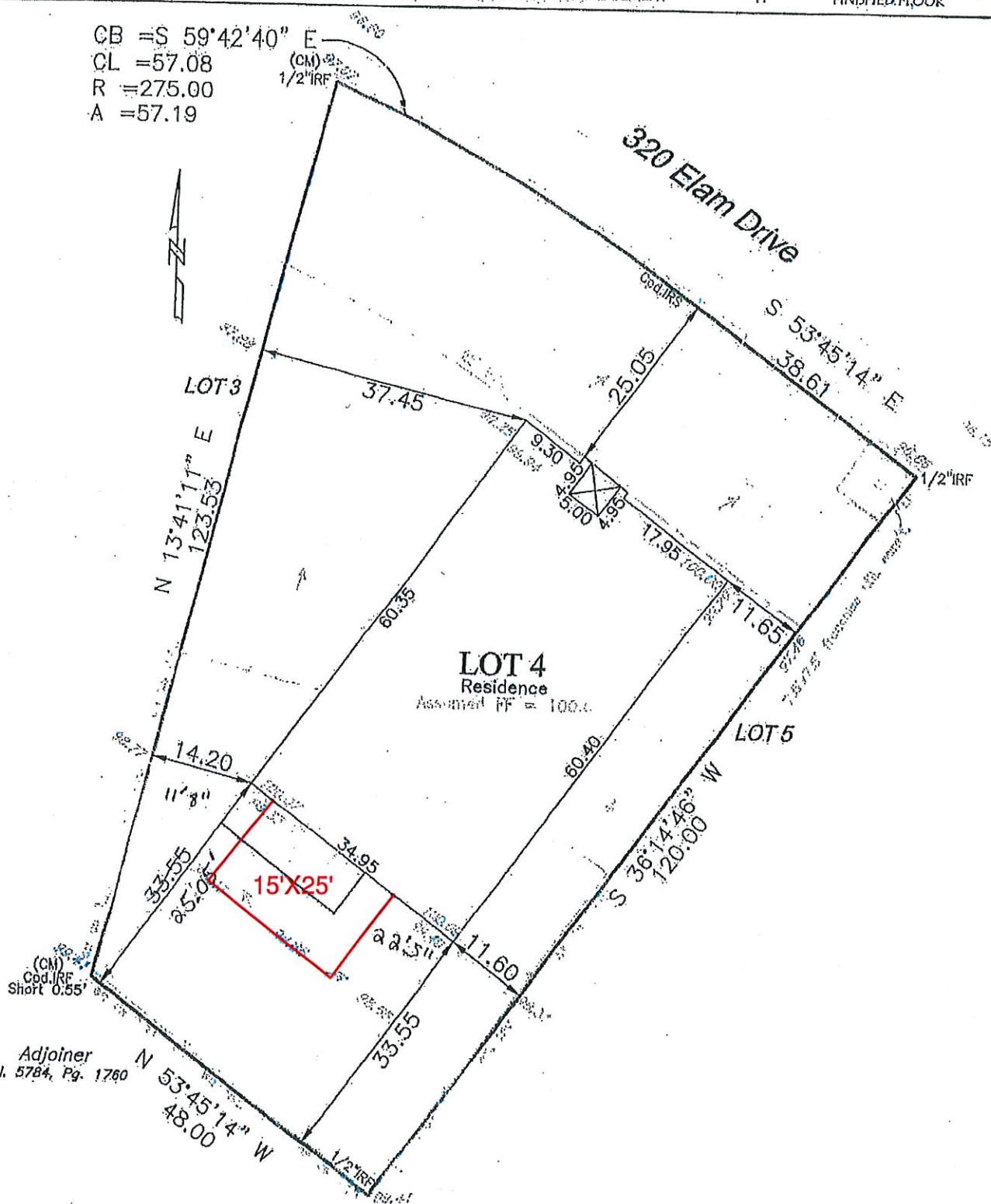
0 50 100 200 Feet

February 2021

LEGEND OF ABBREVIATIONS AND SYMBOLS

o	PROPERTY CORNER	IRF	IRON ROD FOUND	Cpd. IRS	CAPPED IRON ROD SET
B/L	BUILDING LINE	(CM)	CONTROL MONUMENT	-X-	FENCE LINE
□	UTILITY BOX	m.h.	MAN HOLE	f.h.	FIRE HYDRANT
l.p.	LIGHT POLE	T.O.F.	TOP OF FORMS	B.O.C.	BACK OF CURB
→	SURFACE WATER FLOW DIRECTION	T.P.E.	TRANSFORMER PAD EASEMENT	FF	FINISHED FLOOR

CB = S 59°42'40" E
CL = 57.08
R = 275.00
A = 57.19



ADDRESS: 320 Elam Drive

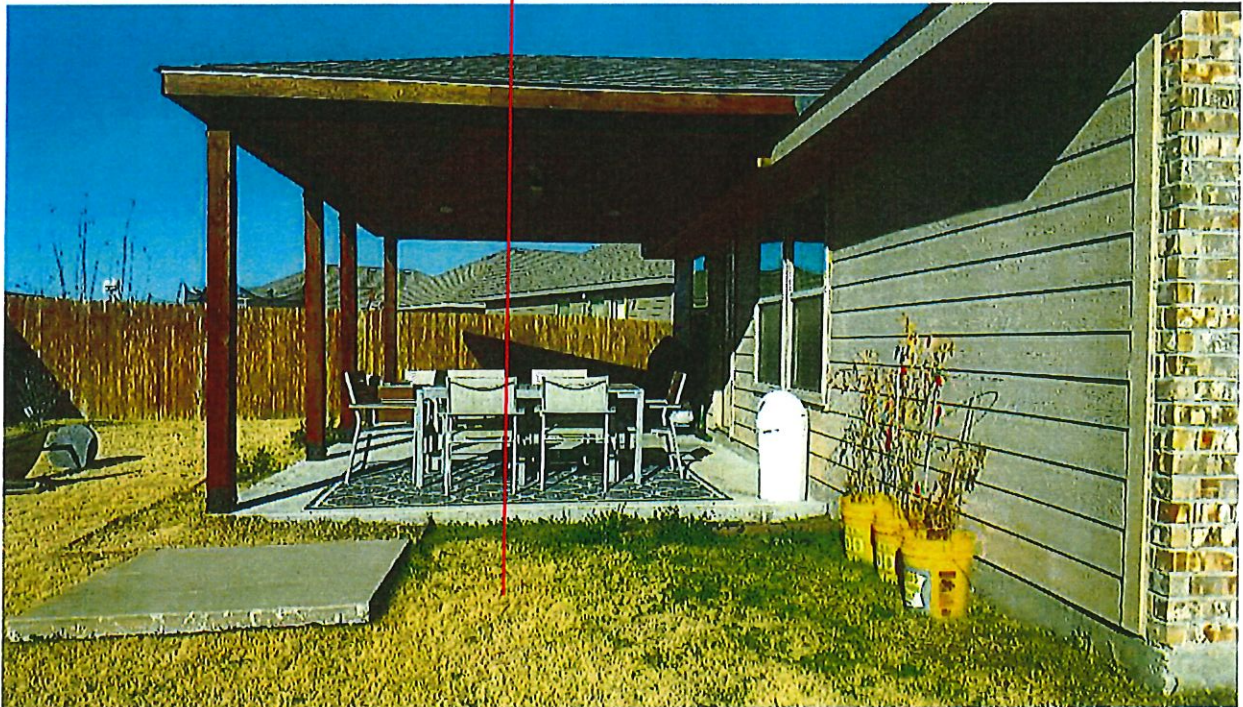
LEGAL DESCRIPTION

Lot 4, Block G, Northpointe Crossing, Phase 1 North an addition to the City of Anna, Collin County, Texas, according to the Final plat thereof recorded in Volume 2006, Page 819, of the Map Records of Collin County, Texas.

NOTES: (1) Source bearing is based on recorded plat unless otherwise noted. (2) Drainage arrows, if shown, were determined by elevations shown hereon. (3)



7' Encroachment within 25' Rear setback



Sec. 9.04.042 Board of Adjustment

(f) Variances. The board of adjustment shall have the power to authorize upon appeal in specific cases such variance from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will result in unnecessary hardship and so that the spirit of this article 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 article relating to the construction or alterations 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 article 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 article and at the same time, the surrounding property will be properly protected.

(3) The board of adjustment 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 building inspector in the enforcement of this article. 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 article.

(D) To permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 90% of its fair market value, where the council 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 city council shall not waive or reduce such requirements merely for the purpose of granting an advantage or a convenience.

(4) 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:

(A) 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;

(B) That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this article;

(C) That the special conditions and circumstances do not result from the actions of the applicant;

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

(E) No nonconforming 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.

To Whom It May Concern,

I'm writing this variance in reference to the back porch we built at 320 Elam Dr. in Northpointe Crossing. We kindly ask that you consider approving this request.

Our property is one of the few houses in the neighborhood who's lot is an irregular pie shape where the front yard is wider than the back and who's lot sits on the outside of a curve. The 25' set back rules for our neighborhood imposes on well over half of our 33' backyard. Currently our 14' porch we built is 19' away from the fence line, to meet the rear yard setback we would have to tear down some of our porch not giving us any privacy from our neighbors.

We believe that having to cut our porch size down hinders the enjoyment of our patio and leaves us with little privacy from the homes being built around us. Should the variance not be approved we would be faced with the significant out-of-pocket costs of the demolition, cost of rebuilding the porch, along with getting additional permits for the new build.

Other properties in the neighborhood have similar attached structures to their homes that do not meet the required rear yard setback as well as the side yard setback.

Approval of this variance would have a positive effect on our property as well as the surrounding properties, in both aesthetic improvements and value as an appealing addition to our home and neighborhood. In addition to improving property value the porch we built has added much enjoyment and mental relief during this pandemic.

We sincerely appreciate all your time and hope that you kindly consider our request in keeping our porch as is, it truly has been a great place to unwind after a rough year.

Sincerely,
Cruz and Jennifer Garza
320 Elam Dr., Anna TX 75409



Please circle one:

In favor of request

Neutral to request

Opposed to request

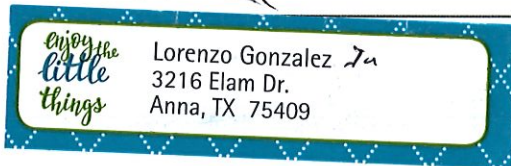
Comments:

None

By signing this letter, I declare I am the owner or authorized agent of the property at the address written below.

Lorenzo Gonzalez Jr

Name (Please Print)



2-1-2021

Date

Please return form to:

USPS Mail:

City of Anna
Planning and Development Department
P.O. Box 776
Anna, TX 75409

Hand Delivery:

Planning and Development Department
Public Works Building
3223 N. Powell Parkway
Anna, TX 75409

Or by e-mail to LMECKE@annatexas.gov

Subject: BOA response