

Planning Staff Analysis

V24-/High School Addition

City Council District #2

REQUEST:

Variance from the Residential 3 (R3) District Dimensional Standards, specifically Denton Development Code Table 3.2-D as it relates to the minimum lot width of 60 feet.

SITE DATA:

The 7,500-square foot lot was platted in 1917 as Lot 6, Block 4 of the High School Addition (Exhibit 4). It is a rectangular lot with approximately 49 feet of frontage on Fulton Street. Current development in the general area includes single-family dwellings with detached garages, accessory dwelling units, and multifamily buildings. Although previously undeveloped, a single-family home and an accessory dwelling unit were recently constructed on Lot 6.

The subject site's boundaries to the north and south are fixed, given the adjacent lots are developed and not under common ownership. So while the owner is proposing to replat to extend the lot further to the west and meet the R3 minimum lot area, the owner is unable to modify the lot boundaries in a way that would increase the lot width to the minimum 60 feet.

CONSIDERATIONS:

1. The applicant is requesting a variance from Denton Development Code (DDC) Table 3.2-D to reduce the minimum lot width from 60 feet to 49 feet.
2. Section 2.8.1D states that the Board of Adjustment may grant a variance upon a finding that all of the following exist:
 - a) *Special circumstances or conditions apply to the parcel for which the variance is sought, which circumstances or conditions are peculiar to such parcel and do not apply generally to other parcels in the same district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this DDC would deprive the applicant of the reasonable use of such parcel.*

The subject site was platted in 1917, but the property boundaries were modified by deed shortly after the original plat was filed, resulting in the current lot width of 49 linear feet. Due to the lot's age and deed history, this circumstance does not generally apply to parcels in the R3 District, as Denton's current subdivision regulations prohibit subdivision by deed (DDC Subsection 8.2.1B.3) to discourage property owners from combining lots without platting.

Furthermore, the lot boundaries at the right-of-way (where lot width is measured) are fixed and cannot change. Lot 6, Block 4 is situated between developed properties to the north and south, preventing the property owner from acquiring additional property in order to meet the minimum lot width requirements.

Finally, the purpose of the variance is to replat the property, not redevelop or change the use. Lot 6, Block 4 is currently developed with a single-family residential dwelling and accessory dwelling unit in accordance with all current standards, including setback, building height, and landscaping requirements. The existing structures are intended to remain.

The lot's age and dimensions, combined with current development conditions, create a special circumstance such that the strict application of the minimum lot width requirements prevent the owner from pursuing a replat of the lot, which would prevent the lot from being brought into conformity with the R3 District's minimum lot area standards.

- b) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the district or neighborhood in which the parcel is located.*

Granting of the proposed variance would not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. Currently, the lot is developed with a single-family residential dwelling and accessory dwelling unit. If approved, the variance to reduce the minimum lot width from 60 feet to 49 feet will allow the property owner to replat the property so that the deed boundaries will correspond with the recorded plat.

- c) *The variance granted is the minimum variance that will accomplish this purpose;*

A variance from the minimum lot width would permit the property owner to replat the subject property and adjacent lots as shown in Exhibit 5. As noted above, the adjacent parcels to the north and south are developed, so acquiring additional land to increase the lot width is not feasible. Therefore, the proposed deviation is the minimum necessary to allow the proposed replat to move forward for review.

- d) *The literal enforcement and strict application of the provisions of this DDC will result in an unnecessary hardship inconsistent with the general provisions and intent of this DDC and that in granting such variance, the spirit of the DDC will be preserved and substantial justice done.*

The intent of the 60-foot minimum lot width in R3 District is to correspond with the district's purpose as a transition between large lot residential neighborhoods and medium lot residential neighborhoods. In this instance, strict application of the DDC's minimum lot width is not possible, as the subject property's boundaries have been fixed for 100 years, and the surrounding lots are developed with single-family dwellings. Requiring the applicant to try to acquire additional land area from the neighboring adjacent lots to increase the lot width an additional 11 feet to meet the 60-foot minimum would be an unnecessary hardship. Granting the requested variance will not change the residential nature of the property, maintaining the spirit of the DDC and the R3 District.

- e) *The granting of a variance is not solely for the purpose of mitigating a financial hardship; and*

The proposed variance is not for the purpose of mitigating a financial hardship.

- f) *The condition or feature that creates the need for the variance did not result from the owner's actions.*

The property's boundaries were created by deed in the 1920's and have remained unchanged. This condition was not created by the property owner.