



September 21, 2023

Notice is hereby given of a Regular Meeting of the Zoning Board of Adjustments to be held on September 21, 2023, at 4:00 p.m., via videoconference, with the opportunity to appear in person in the **Council Chambers, Room 119 of City Hall, 202 E. Pilar Street, Nacogdoches, Texas**, for the purpose of considering the following agenda items. All agenda items are subject to action.

The City of Nacogdoches Zoning Board of Adjustment meeting will be deemed as being conducted via teleconference or videoconference. However, some board members may attend virtually, while others may be present in the above-stated physical location. Regardless, the meeting will be streamed live at www.nactx.us. There will be an opportunity for the public to comment on agenda items either by teleconference or in person in Council Chambers.

Members of the public who wish to submit comments by telephone on a listed agenda item must contact the Planning and Zoning office by email at pz@nactx.us or by calling 936-559-2574 and providing their name, telephone number, and relevant agenda item upon which they wish to speak. All requests to make comments via telephone must be received by 12:00 p.m. on September 21, 2023. For all timely requests received, staff will call the submitted phone numbers directly during the meeting when the corresponding item comes up for comment. NOTE: The incoming phone call from City staff will be an unfamiliar number.

**PLEASE LIMIT PRESENTATIONS TO THREE MINUTES
(UNLESS PRIOR APPROVAL IS OBTAINED)**

1. CALL TO ORDER.

2. PLEDGE OF ALLEGIANCE.

3. **CONSENT AGENDA**

A. Approval of Minutes: Consider approval of minutes from the August 24, 2023, Zoning Board of Adjustment meeting.

4. **REGULAR AGENDA**

A. **Public Hearing:** Consider a request for a variance to the Zoning Ordinance Section 118-427. (a), for a reduction in the required front yard setback in a B-2, General Business District, for Lot(s) 5&6, Block 4, of the Pecan Orchard Subdivision, located at 2216 North Street. This request has been submitted by Kay Noroozian. Case File ZBA2023-08.

B. **Public Hearing:** Consider a request for a variance to the Zoning Ordinance Section 118-427.(a), for a reduction in the required minimum lot size in an A, Agriculture District from 2 acres to approximately 0.5 acres for Lot 64-C, City Block 54, located on the west side of North East Stallings Drive, approximately a quarter mile north of Old Shady Grove Road. This request has been submitted by Tangela Caldwell. Case File ZBA2023-09.

City of Nacogdoches Planning Department
202 E. Pilar – PO Box 635030 – Nacogdoches, TX 75963
936-559-2574 □ Fax 936-559-2912 □ www.nactx.us
Home of Stephen F. Austin State University □ www.sfasu.edu



5. ADJOURN.

Aimee Cloutier, Office Assistant III

The City Council Chambers is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Planning Department at (936) 559-2574 or FAX (936) 559-2910 for further information.

This agenda is posted as required under G. C. Section 551.041. For more information or a copy of the Open Meetings Act, please contact Attorney General of Texas at 1-800-252-8011; City Secretary at 936-559-2506 or visit City of Nacogdoches web site at www.nactx.us.

CERTIFICATION

I certify the notice of the meeting was posted in the directory outside of City Hall, 202 E. Pilar Street, Nacogdoches, Texas on September 15, 2023, at 3 p.m. and remained posted until the meeting convened.

Aimee Cloutier, Office Assistant III



**MINUTES TO THE
ZONING BOARD OF ADJUSTMENT
August 24, 2023, 4:00 p.m. Hybrid Meeting**

All Present: Rhonda Ward; Mary Ann Bentley; Olivia Kiritsy; David Shofner; Larry King

Members Absent: None

Staff Present: Planning Technician, Juan Pollette; Office Assistant, Aimee Cloutier; City Engineer, Steve Bartlett;

Guests: Applicant, Charles Pool; Alternate Zoning Board of Adjustment Member, John Sloane; Phillip Blackburn;

Call to Order: Chairwoman Olivia Kiritsy called the meeting to order at 4:00 p.m.

Pledge of Allegiance: Chairwoman Kiritsy led the pledge of allegiance.

Administer Statement of Officer and Oath of Office for newly appointed Zoning Board of Adjustment members.

Office Assistant, Aimee Cloutier administered the Oath of Office and Statement of Officer to the newly appointed members David Shofner, John Sloane, and Larry King.

Consent Agenda: Approval of the Minutes: July 6, 2023, Special Meeting.

Chairwoman Kiritsy called for a motion to approve the minutes as written. Board Member Bentley made a motion to approve which Board Member Ward seconded. The minutes were approved as presented unanimously (5-0).

Regular Agenda:

A. Public Hearing: Consider a request for a variance to the Zoning Ordinance Section 118-427. (a), for a reduction in the minimum lot dimension requirements for a proposed subdivision of Lot 7, Block 1 of the C.S. Jones Subdivision, located at the southeast corner of Pearl Street and West Lakewood Street. This request has been submitted by Charles E. Pool Jr. Case File ZBA2023-07.

Planning Technician (PT), Juan Pollette addressed the Board and presented the agenda item stating the applicant is requesting a variance for a reduction in lot depth for a proposed subdivision. PT Pollette stated the zoning ordinance requires a lot in the R-4, Multi-Family zoning district to be a minimum of 100 feet deep and 50 feet wide. PT Pollette stated the three lots the applicant is requesting a variance on are short the required amount by 2.5 feet to 7.4 feet with proposed Lot 1-R being 97.5 feet deep, Lot 2-R being 95 feet deep, and Lot 3-R being 92.6 feet deep. PT Pollette expressed the applicant stated he would like to construct three, 1,500 sq ft affordable single-family homes on the proposed individual lots. PT Pollette stated eight (8) notices were sent to property owners within 200' of the property requesting a variance and has not received any written responses in favor or opposition of the request.

Chairwoman Kiritsy opened the meeting up for discussion.

There was discussion amongst the board and staff regarding how many variances were being requested and what the ordinance states about non-conforming lots.

Board Member King asked if the variance was granted, would the variance go with the property, and if there was a guarantee that only single-family homes would be built on the lots.

PT Pollette stated there would not be a guarantee that single-family homes would be built and the variance goes with the property.

Board Member King stated he did not understand why the applicant didn't request a zone change and his concern is that if a variance is granted, there is not a guarantee that single-family homes would be built if the applicant decided to sell the property.

Applicant, Charles Pool addressed the Board and expressed that the property has been in his family since the early 1940s and has never been developed. Mr. Pool stated he intends to build three, single-family homes and rent them to families. Mr. Pool discussed that the property was included in the present subdivision before the adoption of the zoning ordinance and would like the freedom to have each house on its lot, therefore he is requesting the variance.

Chairwoman Kiritsy asked the applicant which direction the houses would be facing in which the applicant stated they would be facing Pearl Street.

Board member King asked the applicant why he was asking for a variance if he could already build three houses on the current lot since it was zoned R-4, multi-family.

Applicant Pool explained he would like each house to sit on an individual lot in case he wanted to sell them in the future. Mr. Pool stated the variance is not going to prevent him from building the houses. He will either build the homes on each lot or three houses on the current lot.

Board member King asked staff if what the applicant was stating was correct and if he could build the houses as the lot stands now.

PT Pollette replied that Mr. Pool was correct and that due to the current zoning of the existing lot, R-4, multi-family allows for three single-family homes to be built without a variance.

There was discussion amongst the board and applicant regarding the size of the proposed houses as well as how many bedrooms and bathrooms.

Chairwoman Kiritsy opened the meeting for public comment.

Phillip Blackburn who resides on Logansport Street addressed the board stating he would like reassurance regarding the applicant's proposition with the lot. Mr. Blackburn stated he was concerned because this type of request has been granted before and there were concerns. Mr. Blackburn expressed that a good solution would be to downzone the property to R-2 and that would ensure single-family homes would be built.

After there were no more comments from the public, Chairwoman Kiritsy closed the public hearing and opened up the meeting for discussion from the board.

There was discussion amongst the board and staff regarding lot dimensions for a lot zoned R-2.

Chairwoman Kiritsy asked staff what the maximum unit density would be if the applicant built two-story duplexes or multi-family apartments.

Staff replied stating four (4) duplexes totaling eight (8) units or 13 apartment units would fit on the property.

There was discussion amongst the board and staff regarding the procedures of getting the lot rezoned from R-4, multi-family to R-2, Single-family.

Chairwoman Kiritsy called for a motion.

Board member Bently made a motion to approve the variance with Board member King seconding the motion so the board could discuss the variance further.

Chairwoman Kiritsy opened the meeting up for discussion amongst the board.

There was discussion regarding the possibility of conditioning the variance in regards to a zone change from R-4, Multi-Family to R-2, Single Family.

PT Pollette addressed the board for clarification purposes stating that if the board mandates a zone change to R-2, Single-Family, it would be considered spot zoning due to there not being any other R-2 zoning in the near area.

Chairwoman Kiritsy expressed that adding three, single-family homes is adding to the continuity of the neighborhood, duplexes would mirror the properties diagonally across the street from the property being discussed, and multi-family housing would be co-hesive to the existing apartment homes nearby. Chairwoman Kiritsy also added that there are few developable lots to build on and stated a variance by nature is a case-by-case basis.

There was clarification amongst the board and City Engineer (CE), Steve Bartlett regarding how lot depth is measured and how it affects the proposed lot in question.

There was discussion amongst the board regarding how the board makes decisions and whether it is based on the actual plat or measurements from a surveyor.

CE, Steve Bartlett addressed the board asking if he could clarify.

CE Bartlett clarified that the most accurate information is the survey and the lot on the survey is zoned R-4, Multi-Family and multiple R-4 structures could be built on the lot as it sits currently as it is a conforming lot would be a true statement. CE Bartlett explained that the proposed subdivision causes the three lots to face Pearl Street.

There was discussion amongst the board regarding the different ways Lot 7, Block 1 of the C.S. Jones Subdivision could be divided.

Chairwoman Kiritsy called for a vote for the approval of the variance reminding the board that a motion and a second was in play.

The motion to approve the variance as presented was approved (4-1), with Board Member King voting against it.

Adjourn: Chairwoman Kiritsy adjourned the meeting at 4:54 p.m.

_____ Chairwoman, Olivia Kiritsy

_____ Attest: Aimee Cloutier, Planning Department

PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Public Hearing: Consider a request for a variance to the Zoning Ordinance Section 118-427. (a), for a reduction in the required front yard setback in a B-2, General Business District, for Lot(s) 5&6, Block 4, of the Pecan Orchard Subdivision, located at 2216 North Street. This request has been submitted by Kay Noroozian. Case File ZBA2023-08.

TYPE OF REQUEST: Variance from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of the property.

BACKGROUND INFORMATION:

The property is approximately 0.2 acres and developed with a 1,680-square-foot service station constructed in 1950. The applicant is proposing to convert the existing building into two general office spaces and add 1,190 square feet to the front of the existing building, making the total square footage 2,870.

Adjacent Land Use & Zoning

The subject property is zoned B-2, General Business, and is developed as a *Service Station*. The surrounding zoning and land uses are as follows:

Direction	Zoning	Existing Land Use
North	B-2, General Business	Commercial
South	B-2, General Business	Commercial
East	B-2, General Business	Commercial
West (across North Street)	B-2, General Business	Commercial

Physical Characteristics

1. Frontage: The property has 85 feet of frontage on North Street.
2. Access: The property takes direct access from North Street and Hayter Street.
3. Topography and vegetation: The property has a 2-foot elevation variation, making the property relatively flat.
4. Floodplain: The subject property is not located within the FEMA-regulated floodplain.

REVIEW CRITERIA & REQUIRED FINDINGS (STAFF COMMENTS UNDERLINED):

Per Section 118.99 of the Nacogdoches Zoning Ordinance, the applicant must demonstrate to the

satisfaction of the board that the decisions of the board will be in the best interest of the community and would carry out the spirit and intent of the zoning regulations. The board of adjustment may grant variances and exceptions upon finding that the following conditions have been met:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and zoning ordinance.

The general purpose of the comprehensive plan and zoning ordinance is to promote the health, safety, and welfare of Nacogdoches through orderly and efficient development. More specifically, the purpose of building setbacks is to safeguard and enhance property values and to protect public and private investment by preventing landowners from overcrowding the property of others, allowing for adequate spacing between buildings for emergency access, and providing adequate ventilation and lighting around structures.

Staff finds that although the request does not meet the intent and purpose of the zoning ordinance regarding the current B-2, General Business building setbacks, the proposed addition will not project past the existing front canopy.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.

All of the surrounding properties along North Street are developed for commercial use. Granting this variance would not affect the appropriate use of the adjacent properties.

3. Such variance will not adversely affect the health, safety, or general welfare of the public.

Although the proposed addition does not meet the front yard setbacks, it is set back a few feet further than the adjacent buildings to the south and the proposed addition will meet the current building codes for a commercial zoning district. For reference, the proposed addition of the subject property will be approximately 7 feet from the front property line, the SFA Theater, which is the adjacent building to the south, is approximately 5 feet from the front property line and the SFA Theater Administration building is approximately less than 1 foot from the front property line. Also, the new addition is not within the visibility triangle on the corner of Hayter St. and North St. Therefore, Staff believes that granting the variance will not adversely affect the health, safety, or general welfare of the public.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance sought is located.

The variance will not authorize a use other than those permitted under the current B-2, General Business zoning district.

5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape, or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located.

Staff believes that the unique circumstance is that the properties fronting the east side of North Street between E. College Street and Blount Street were constructed before the adoption of the zoning ordinance and development code. Therefore, all the properties in this area have deficient front yard setbacks.

6. The variance itself is not a self-created hardship.

A self-created hardship is created by the owner or his or her predecessor in interest, rather than the nature of the property itself, and thus implies an intent to create a hardship. The current owner

knowingly plans on constructing an addition to the building and creating a lot that does not meet the minimum front yard setbacks of the current zoning district; therefore the variance itself is a self-created hardship.

STAFF RECOMMENDATION:

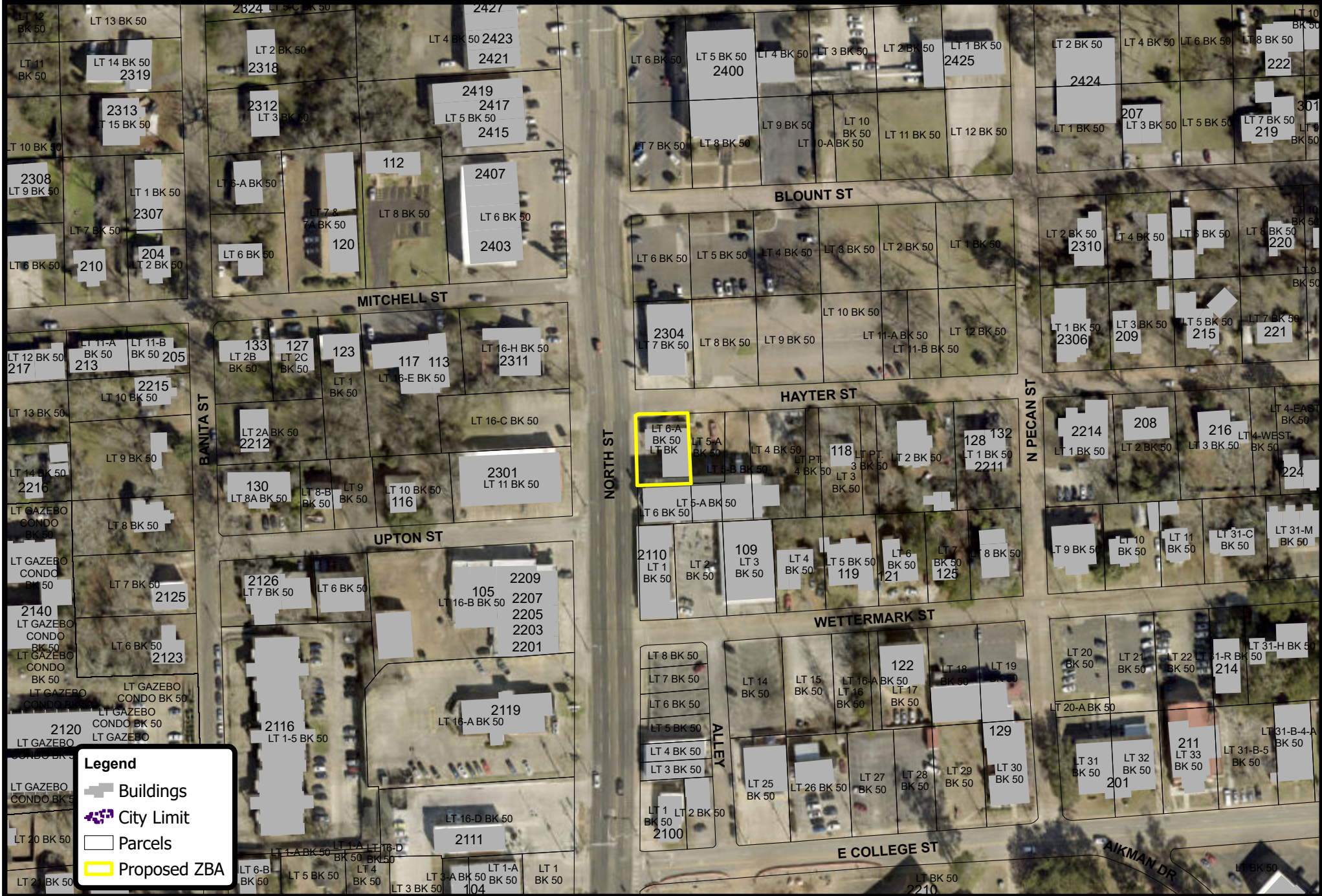
Although the variance itself is a self-created hardship, the request would not adversely impact the adjacent properties, and should not significantly impact the overall density of the area.

NOTICES:

Staff sent out ten (10) notices to property owners within the 200-foot notification area. At the time of this report, Staff has received no responses.

- ATTACHMENTS:**
1. Aerial Map
 2. Zoning Map
 3. Future Land Use Map
 4. Location Map
 5. Notification Map
 6. Survey
 7. ZBA Exhibit
 8. Site Photos

Aerial Map ZBA 2023-08



Legend

- Buildings
- City Limit
- Parcels
- Proposed ZBA



0 60 120 180 240 Feet

Date Created: 08/08/23 15:20 | Document Generated Automatically

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Zoning Map ZBA 2023-08

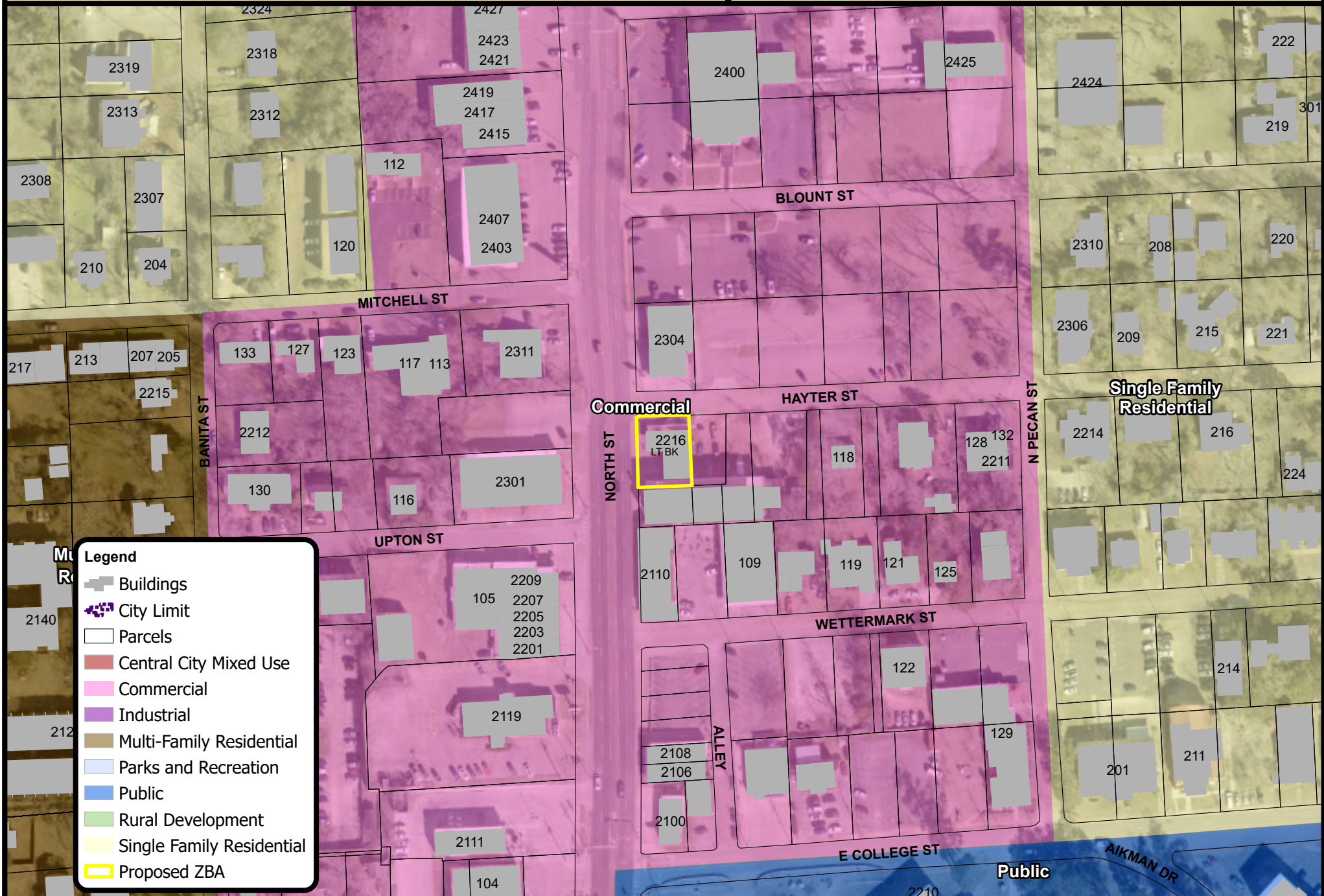


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Future Land Use Map ZBA 2023-08

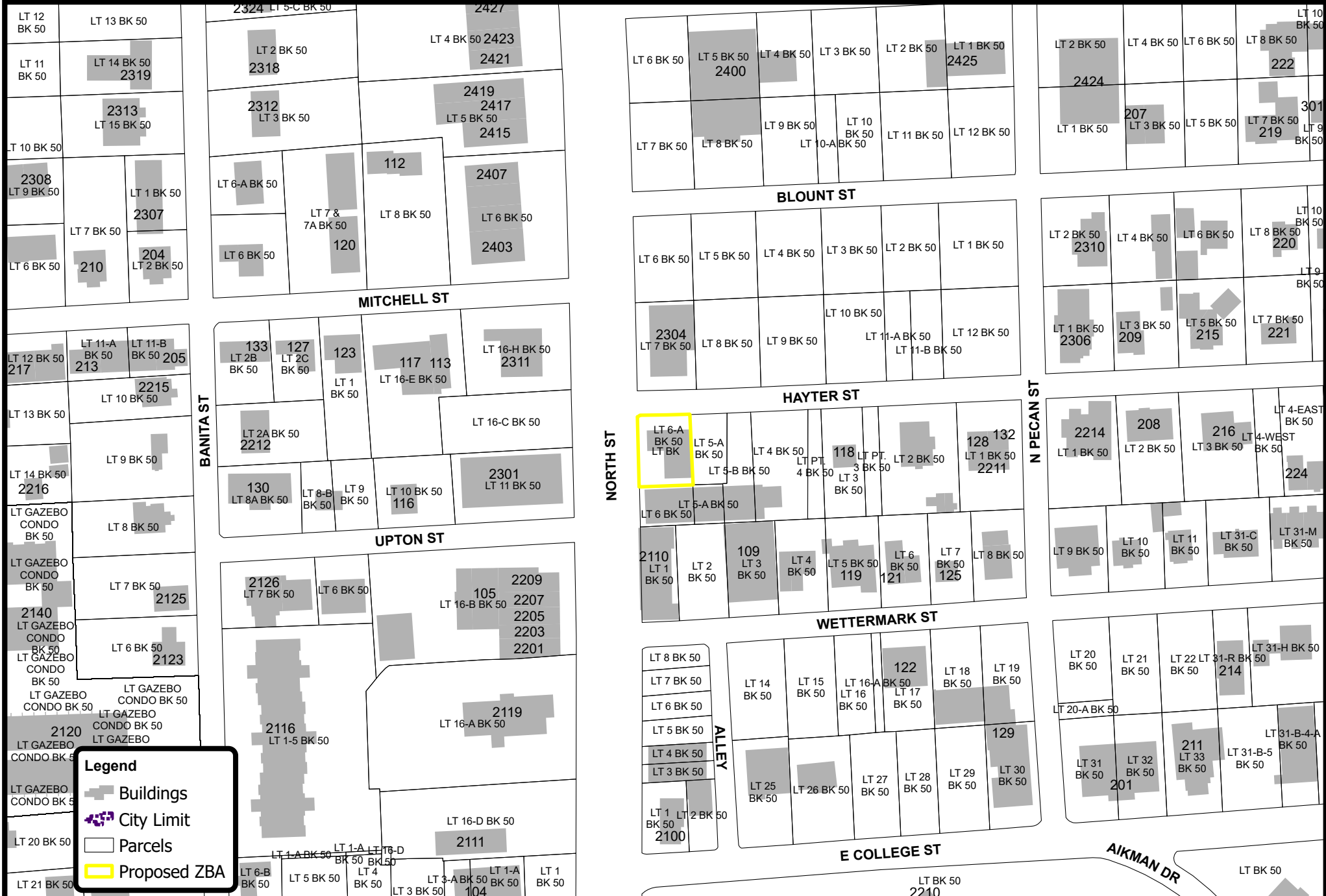


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ZBA Location Map 2023-08



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Date Created: 08/08/23 15:20 | Document Generated Automatically

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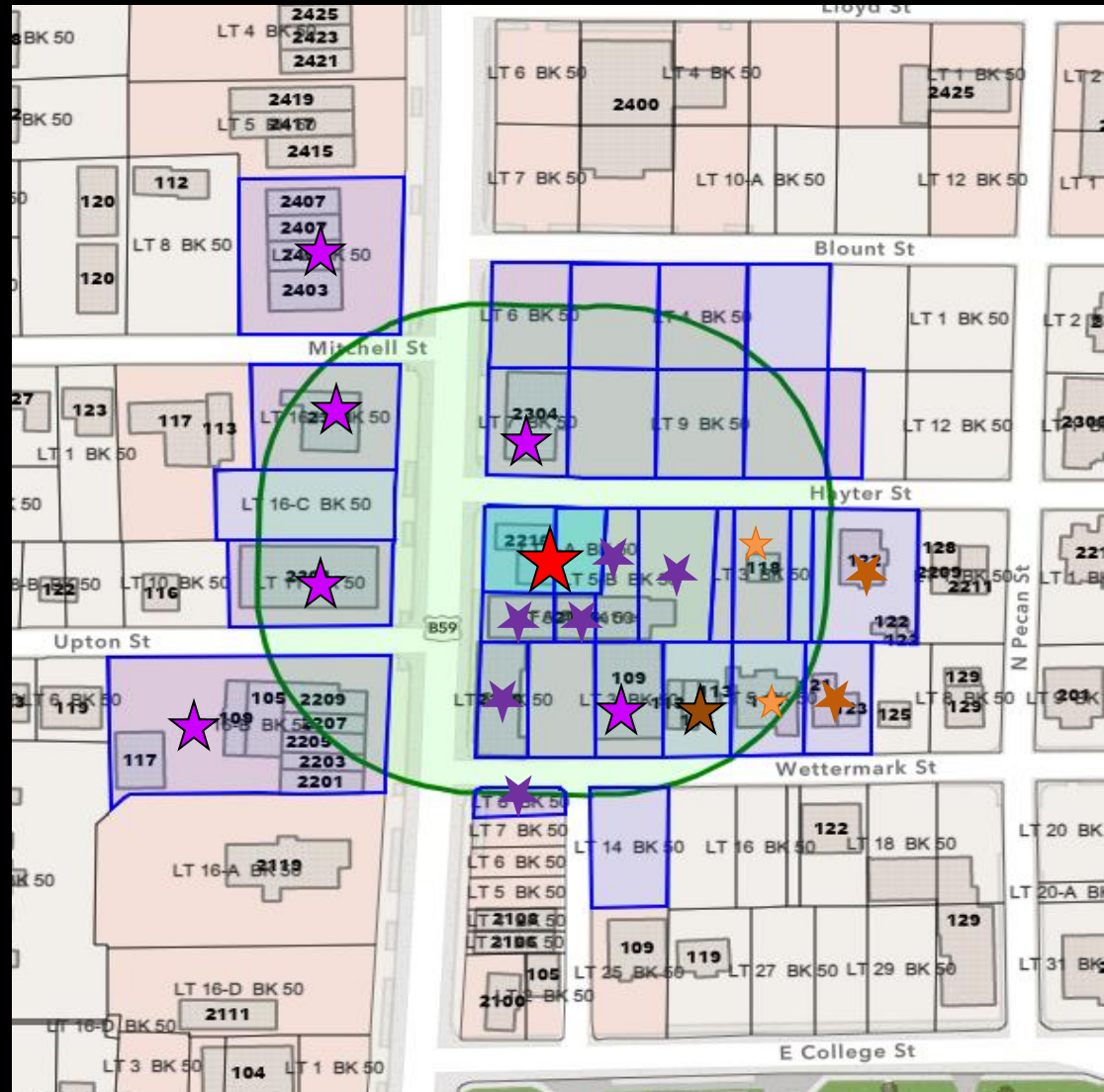
Nacogdoches
Engineering Department
GIS Division

200 Foot Notification Map

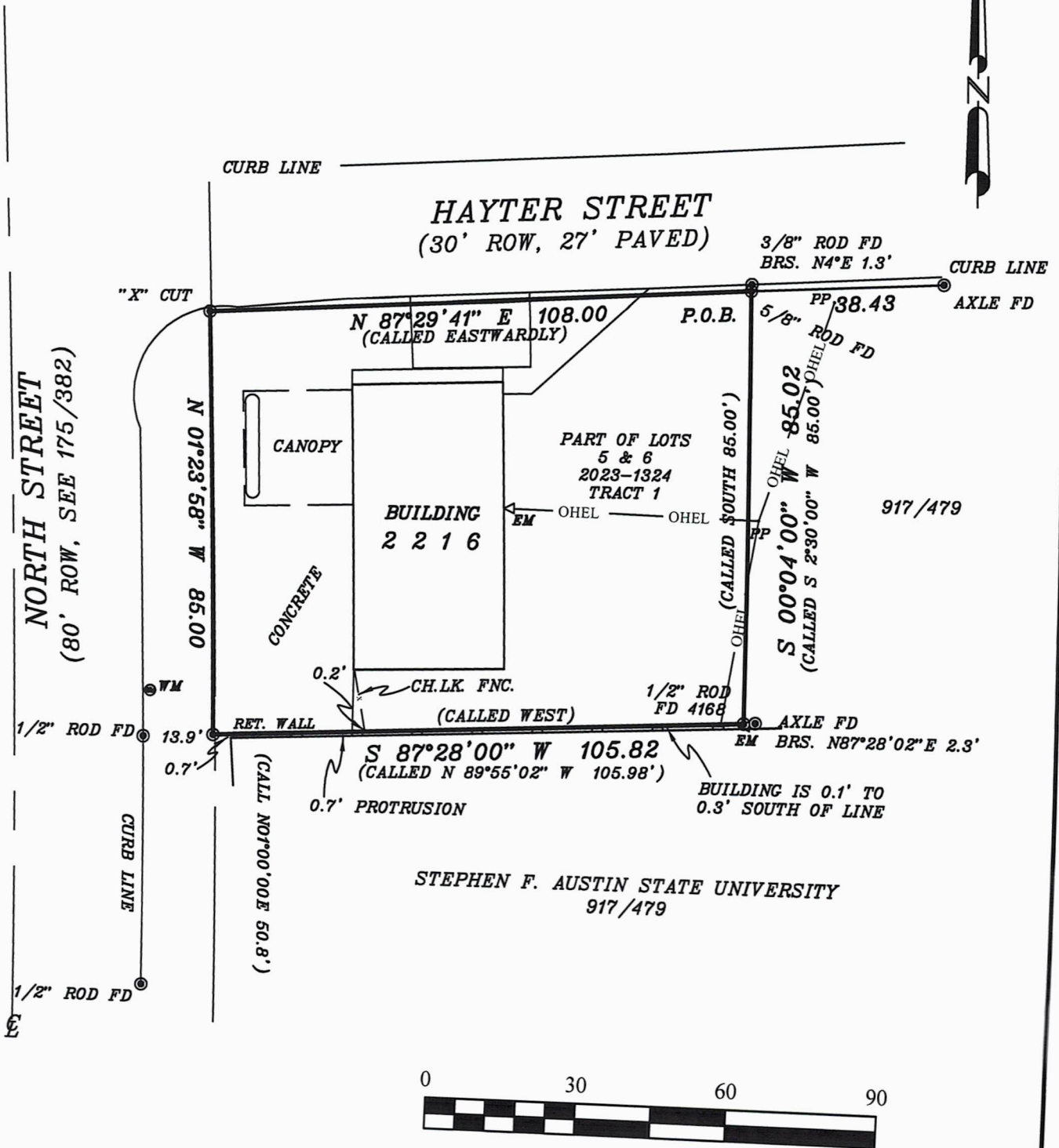
Legend

-  200 Foot Buffer
-  Proposed Variance
-  Commercial
-  Single Family- Rental
-  Apartments
-  Duplex Rental

ZBA2023-08: 2216 North Street

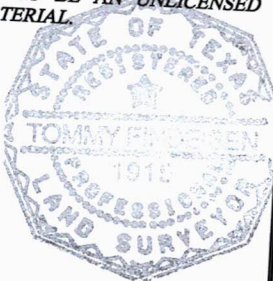


SURVEYOR DID NOT ABSTRACT FOR EASEMENTS OWNERSHIP.
STEWART TITLE COMMITMENT GF NO.:23132, DATED 3/2/2023 USED TO PREPARE THIS SURVEY.
BEARINGS ARE REFERRED TO THE TEXAS COORDINATE SYSTEM OF 1983, TEXAS CENTRAL ZONE.
PECAN ORCHARD SUBDIVISION RECORDED IN VOLUME 116, PAGE 362.
SEE FIELD NOTES OF THIS DATE.



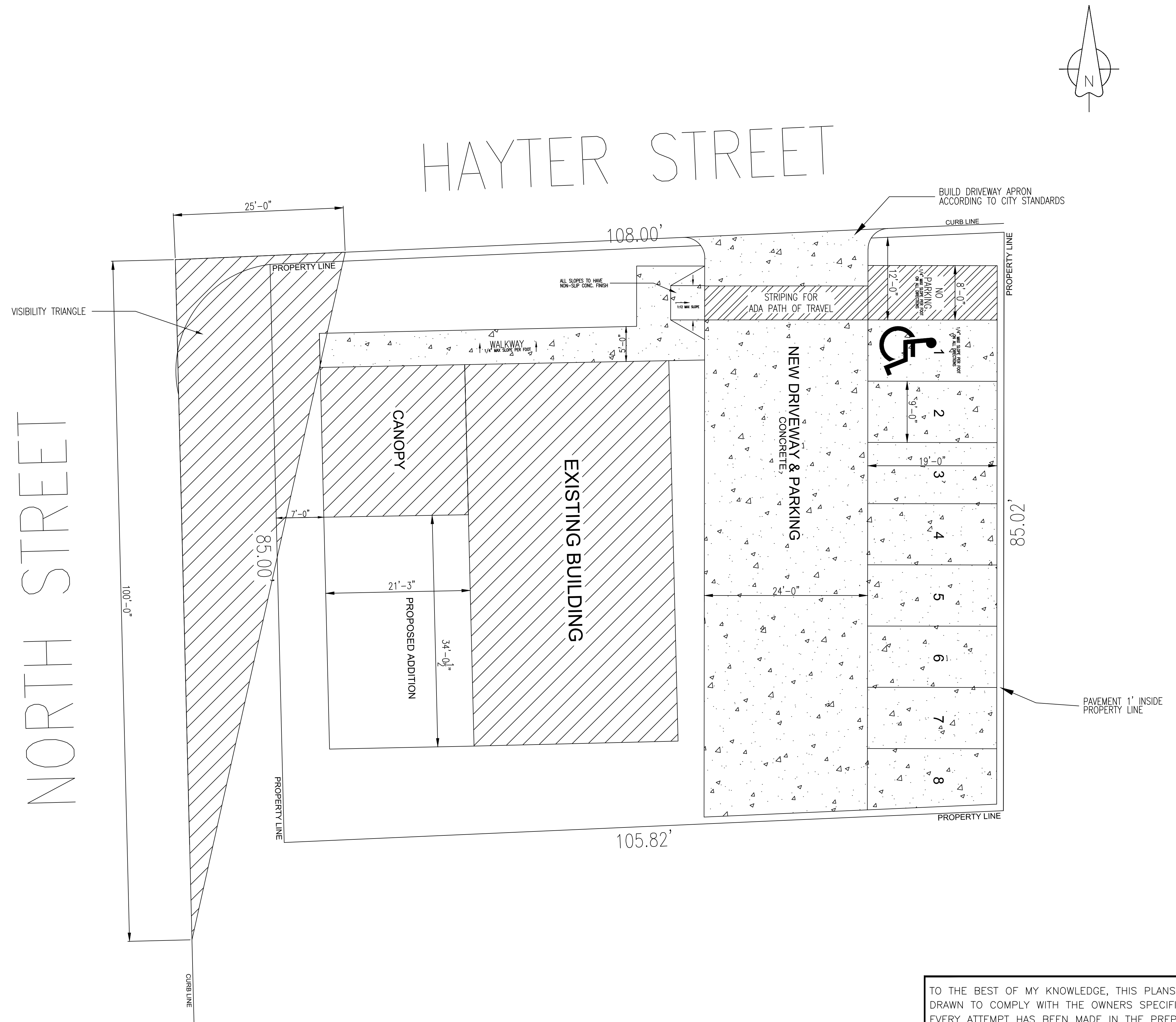
I, Tommy Findeisen, a duly Registered Professional Land Surveyor for the State of Texas, do hereby state that the above plat was prepared from a survey made by me on the ground the 13th day of April, 2023. USE OF THIS SURVEY FOR ANY OTHER PURPOSE OR BY OTHER PARTIES SHALL BE AT THEIR RISK AND THE UNDERSIGNED IS NOT RESPONSIBLE TO OTHERS FOR ANY LOSS RESULTING THEREFROM. IF THIS COPY IS NOT SIGNED IN RED INK IT SHOULD BE ASSUMED TO BE AN UNLICENSED COPY AND CONTAIN UNAUTHORIZED MATERIAL.

Tommy Findeisen
Tommy Findeisen, RPLS No. 1915

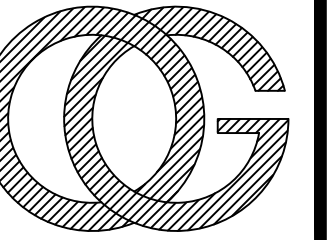


SURVEYED FOR		
JAY & KAY NOROOZIAN FAMILY TRUST		
N. T. SAMSON & ASSOCIATES		
FIRM NUMBER 1008 1200		
1001 PARK STREET		
NACOGDOCHES, TEXAS 75961		
PHONE (936) 564-6402	FAX (936) 564-7992	
PT. LOTS 5 & 6, BLK 4, PECAN		
ORCHARD SUB. NACOGDOCHES, TEX.		
REVISIONS		
NO.	DATE	REMARKS
		DATE: 4/13/2023
		SCALE: 1" = 30'
		JOB NO: 519/158
		SHEET NO. 1 OF 1

2216 NORTH ST.
NACOGDOCHES, TX 75961



TO THE BEST OF MY KNOWLEDGE, THIS PLANS ARE
DRAWN TO COMPLY WITH THE OWNERS SPECIFICATIONS.
EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION
OF DRAWINGS AND SPEC'S TO AVOID MISTAKES.
CONTRACTOR AND OR OWNERS SHALL VERIFY ALL
DIMENSIONS, DETAILS AND SPEC'S.
DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR
AFTER CONSTRUCTION IS STARTED.



DESIGN

DESIGNED BY:
OCTAVIO GARCIA

2216 NORTH ST. SITE PLAN

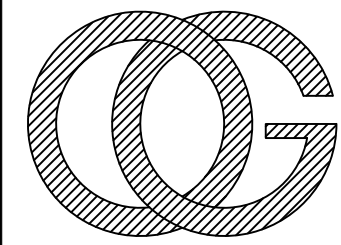
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REVISIONS:

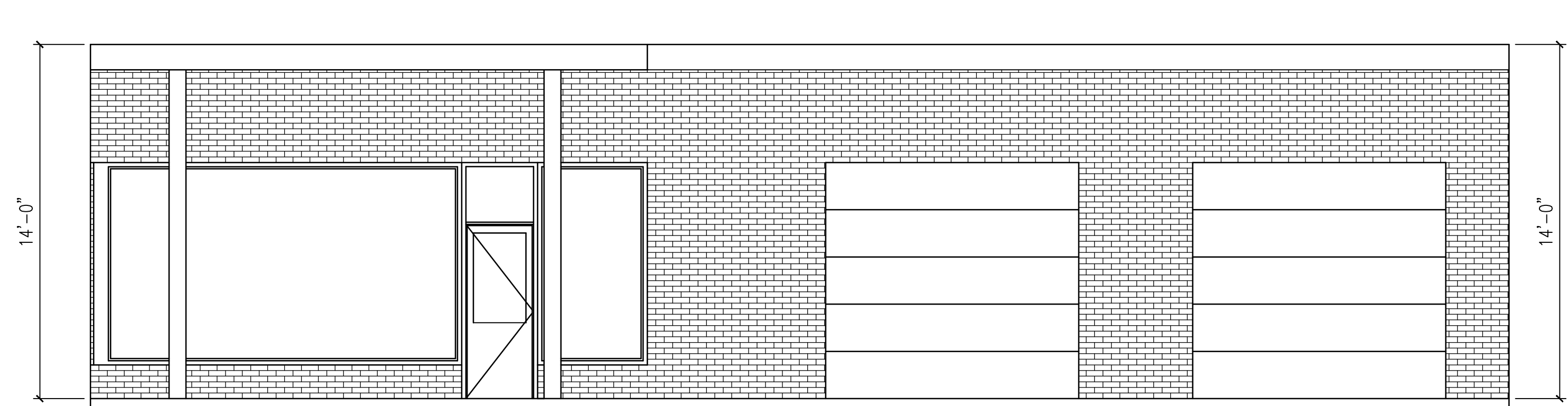
S1

2216 NORTH ST.
NACOGDOCHES, TX 75961

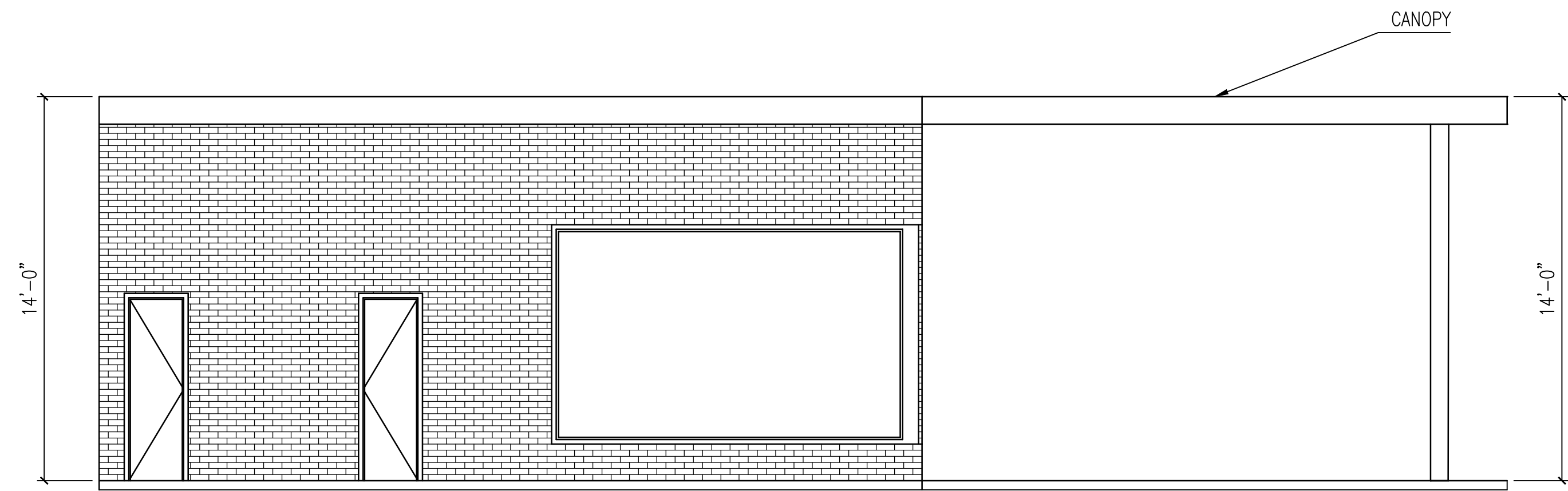


DESIGN

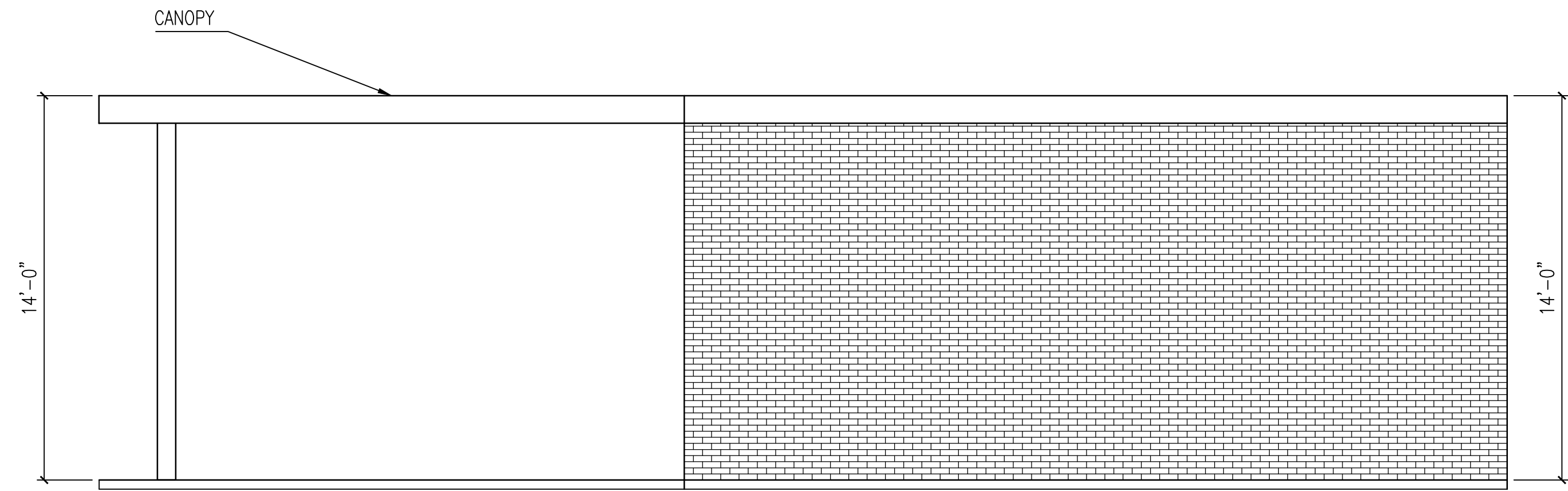
DESIGNED BY:
OCTAVIO GARCIA



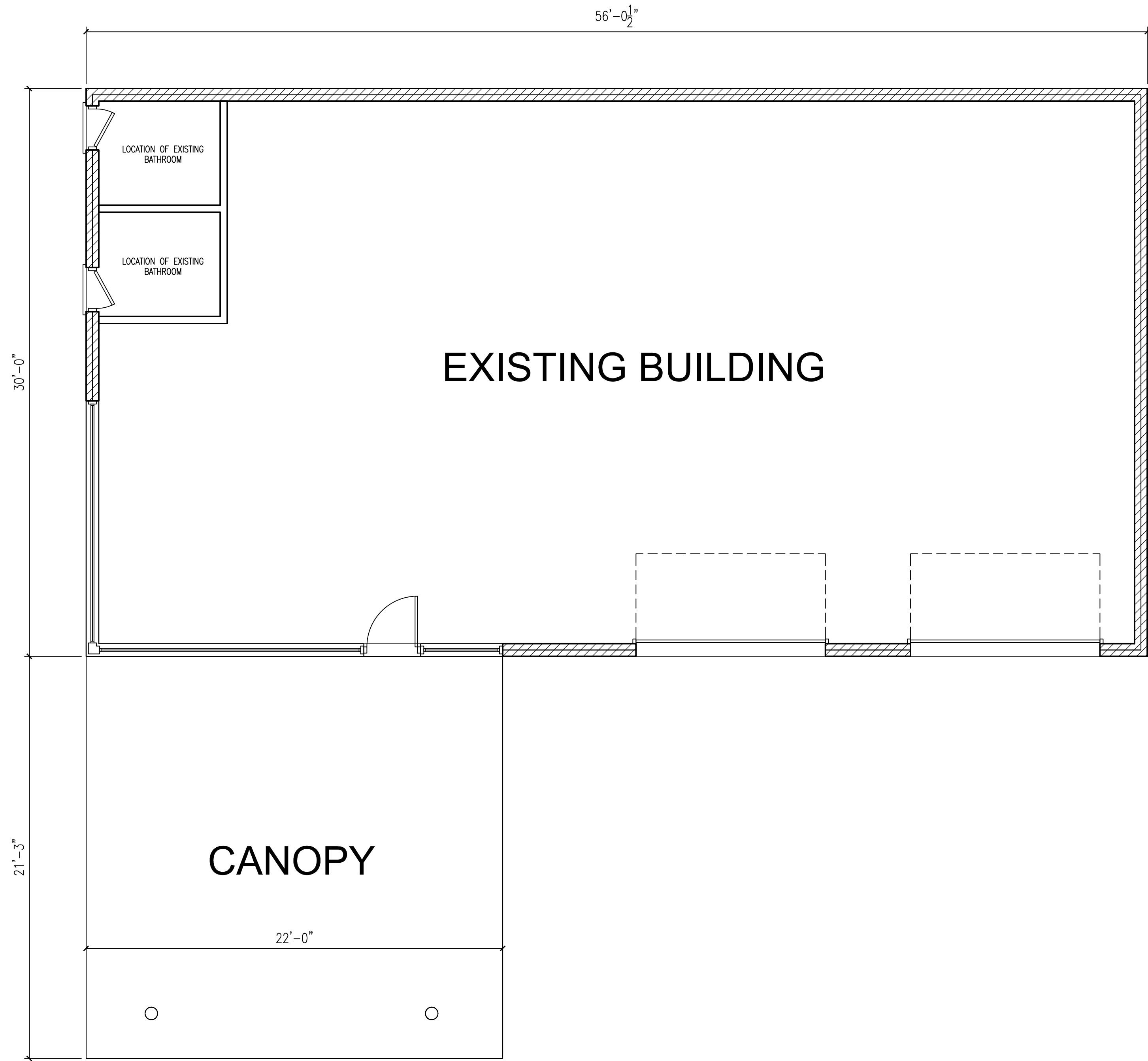
EXISTING FRONT ELEVATION



EXISTING LEFT ELEVATION



EXISTING RIGHT ELEVATION



EXISTING BUILDING

EXISTING BUILDING LAYOUT

DATE:

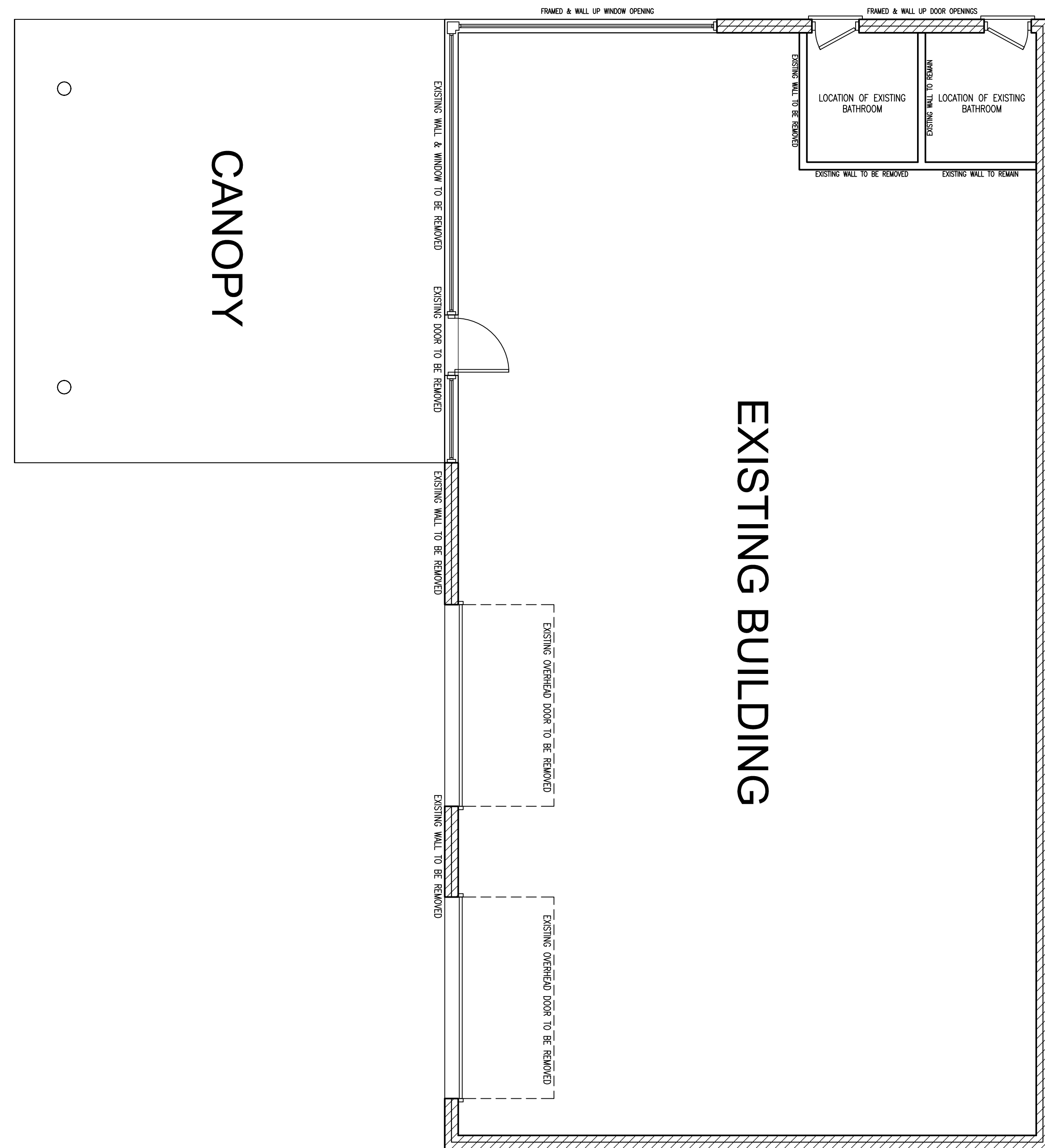
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REVISIONS:

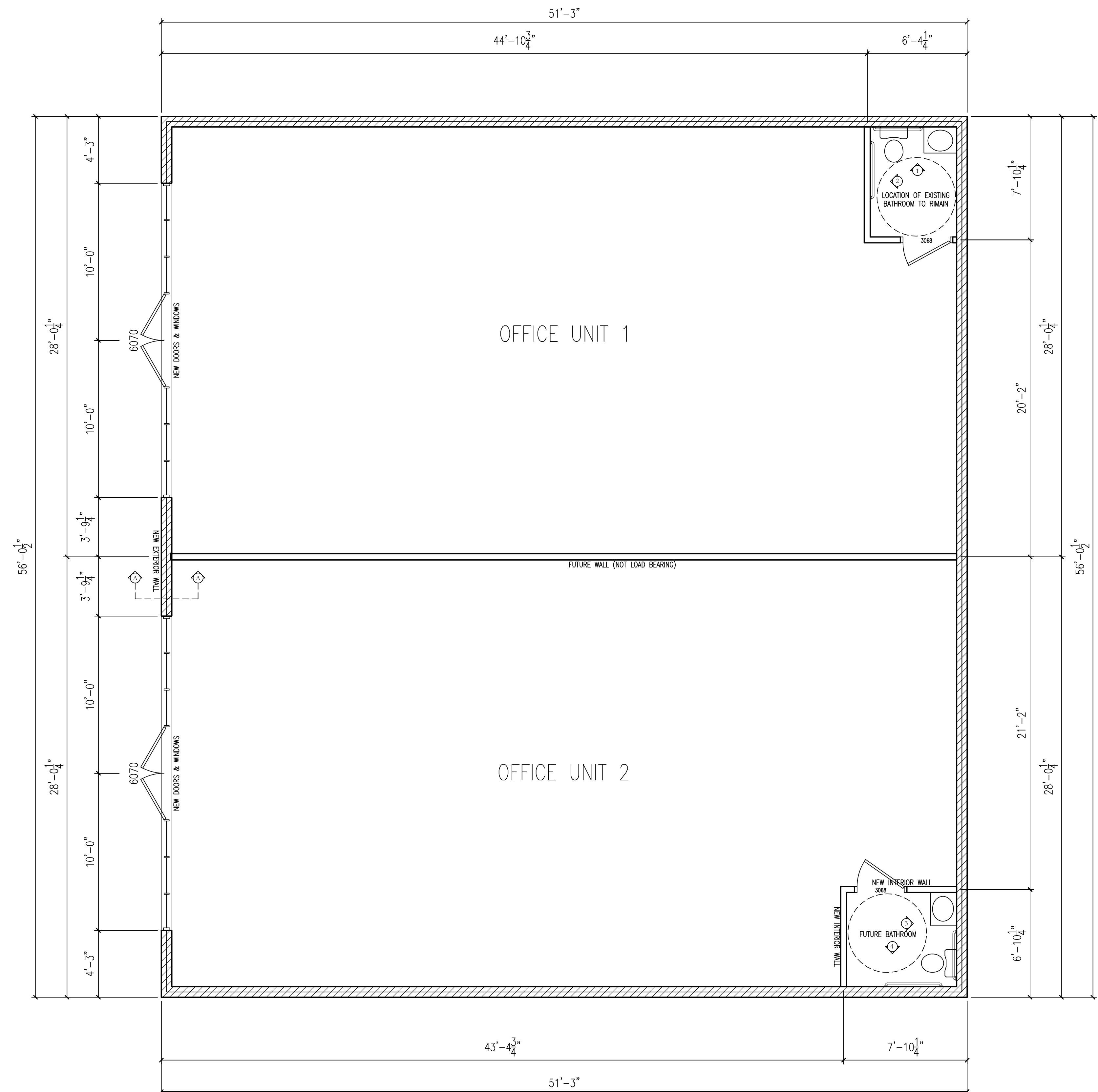
TO THE BEST OF MY KNOWLEDGE, THIS PLANS ARE
DRAWN TO COMPLY WITH THE OWNERS SPECIFICATIONS.
EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION
OF DRAWINGS AND SPEC'S TO AVOID MISTAKES.
CONTRACTOR AND OR OWNERS SHALL VERIFY ALL
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DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR
AFTER CONSTRUCTION IS STARTED.

A1

2216 NORTH ST.
NACOGDOCHES, TX 75961



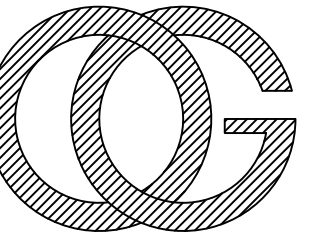
DEMOLITION PLAN



RENOVATION PLAN

WALL FRAMING NOTE:
ALL WALLS TO BE 2X4 @ 16" O.C
UNLESS NOTED OTHERWISE.

TO THE BEST OF MY KNOWLEDGE, THIS PLANS ARE
DRAWN TO COMPLY WITH THE OWNERS SPECIFICATIONS.
EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION
OF DRAWINGS AND SPEC'S TO AVOID MISTAKES.
CONTRACTOR AND OR OWNERS SHALL VERIFY ALL
DIMENSIONS, DETAILS AND SPEC'S.
DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR
AFTER CONSTRUCTION IS STARTED.



DESIGN

DESIGNED BY:
OCTAVIO GARCIA

RENOVATION & DEMOLITION PLAN

DATE:

SCALE:
1/4"=1'-0"

REVISIONS:

A2

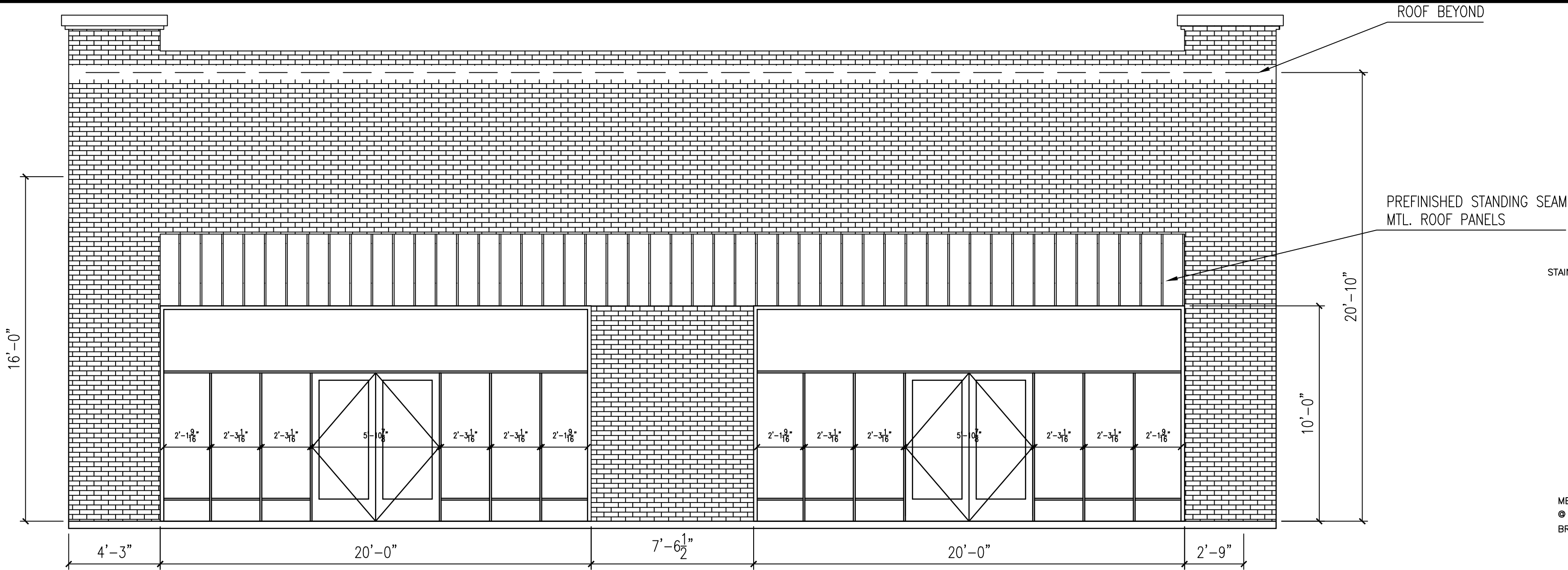
PROPOSED
ELEVATION PLAN

DATE:

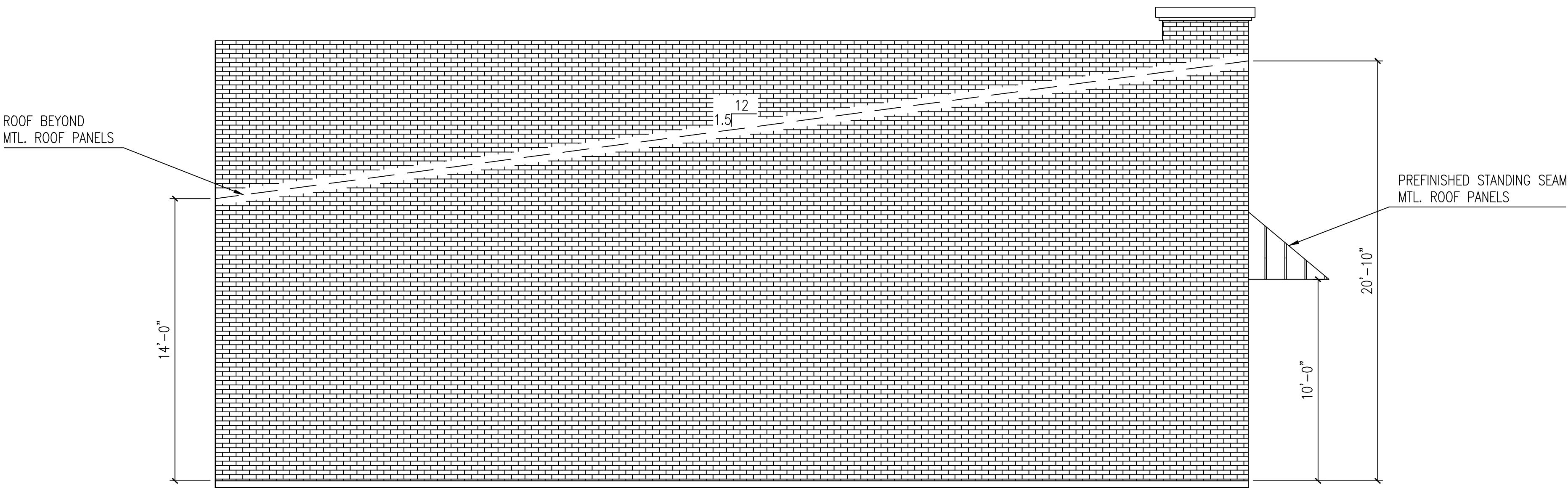
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REVISIONS:

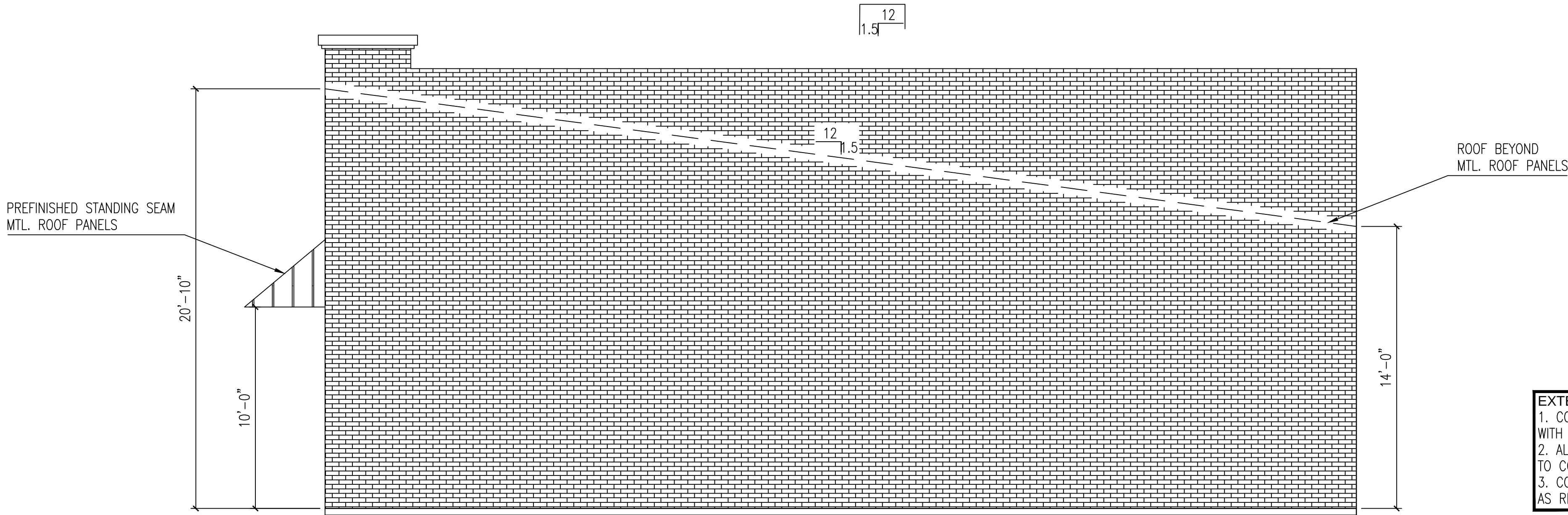
A3



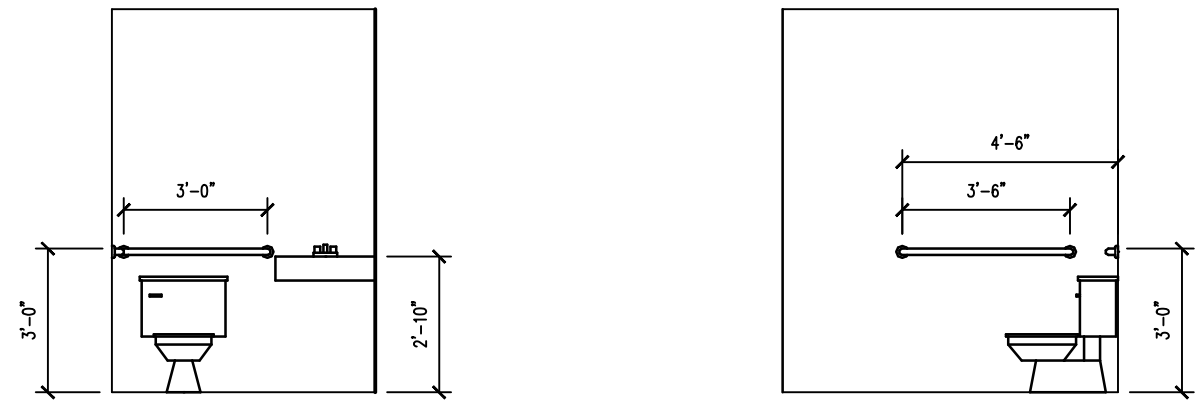
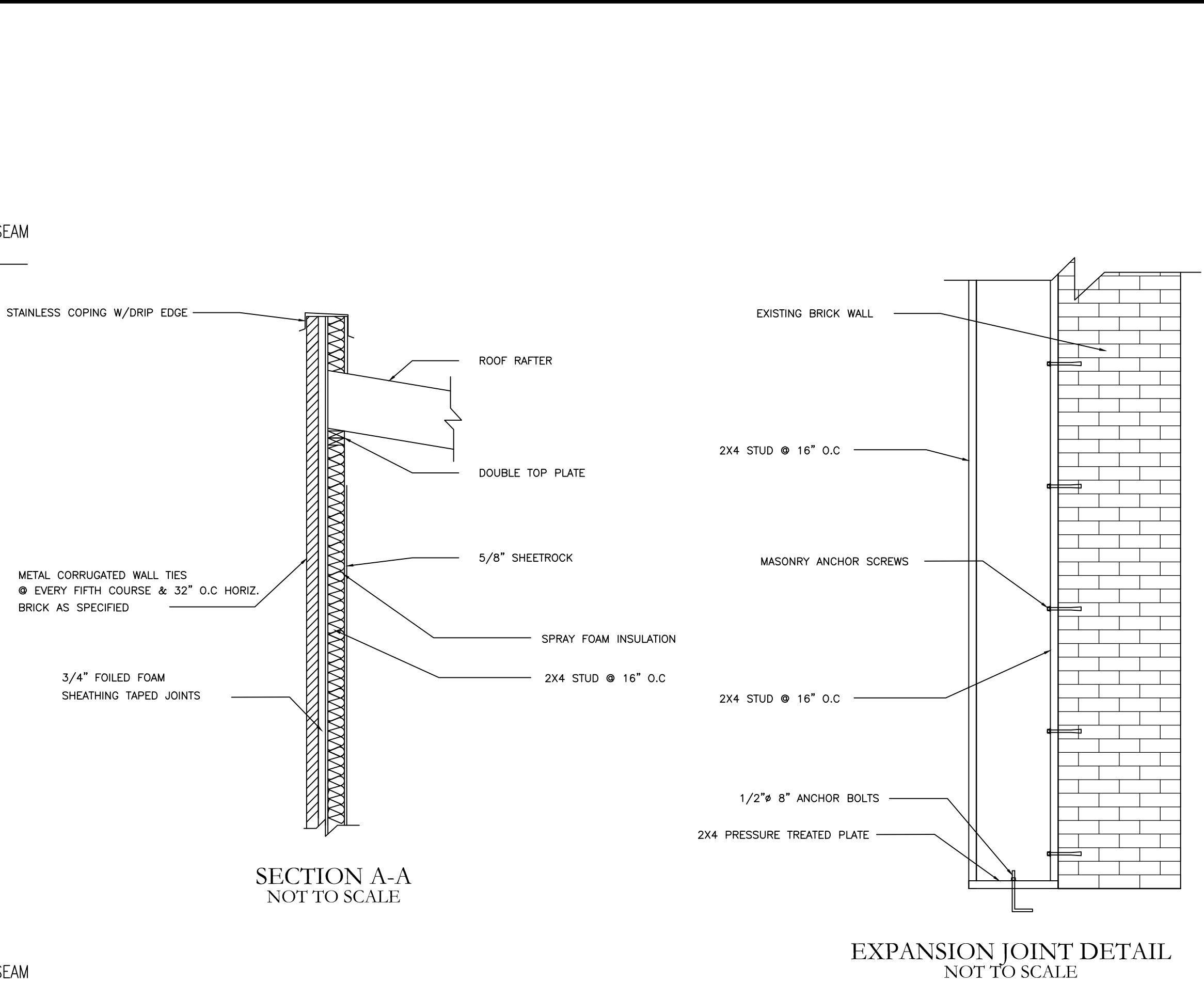
PROPOSED FRONT ELEVATION



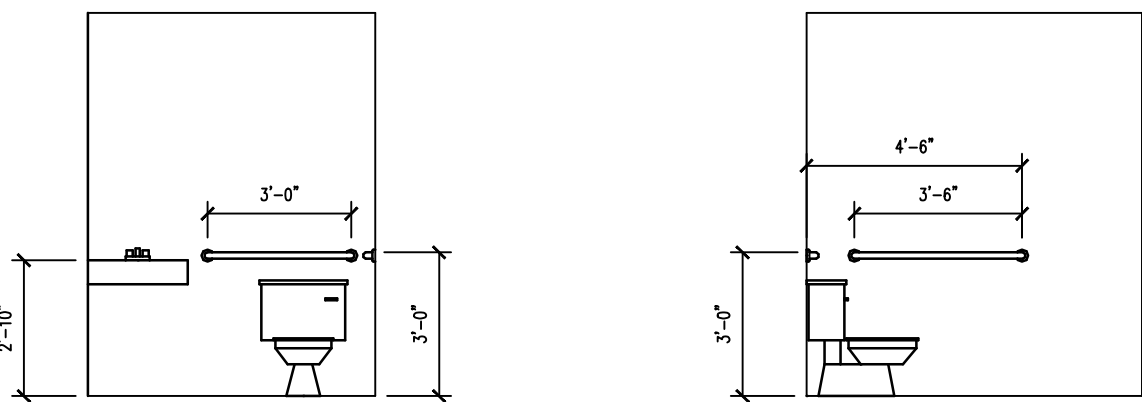
PROPOSED LEFT ELEVATION



PROPOSED RIGHT ELEVATION



1 H/C BATHROOM ELEVATIONS 2



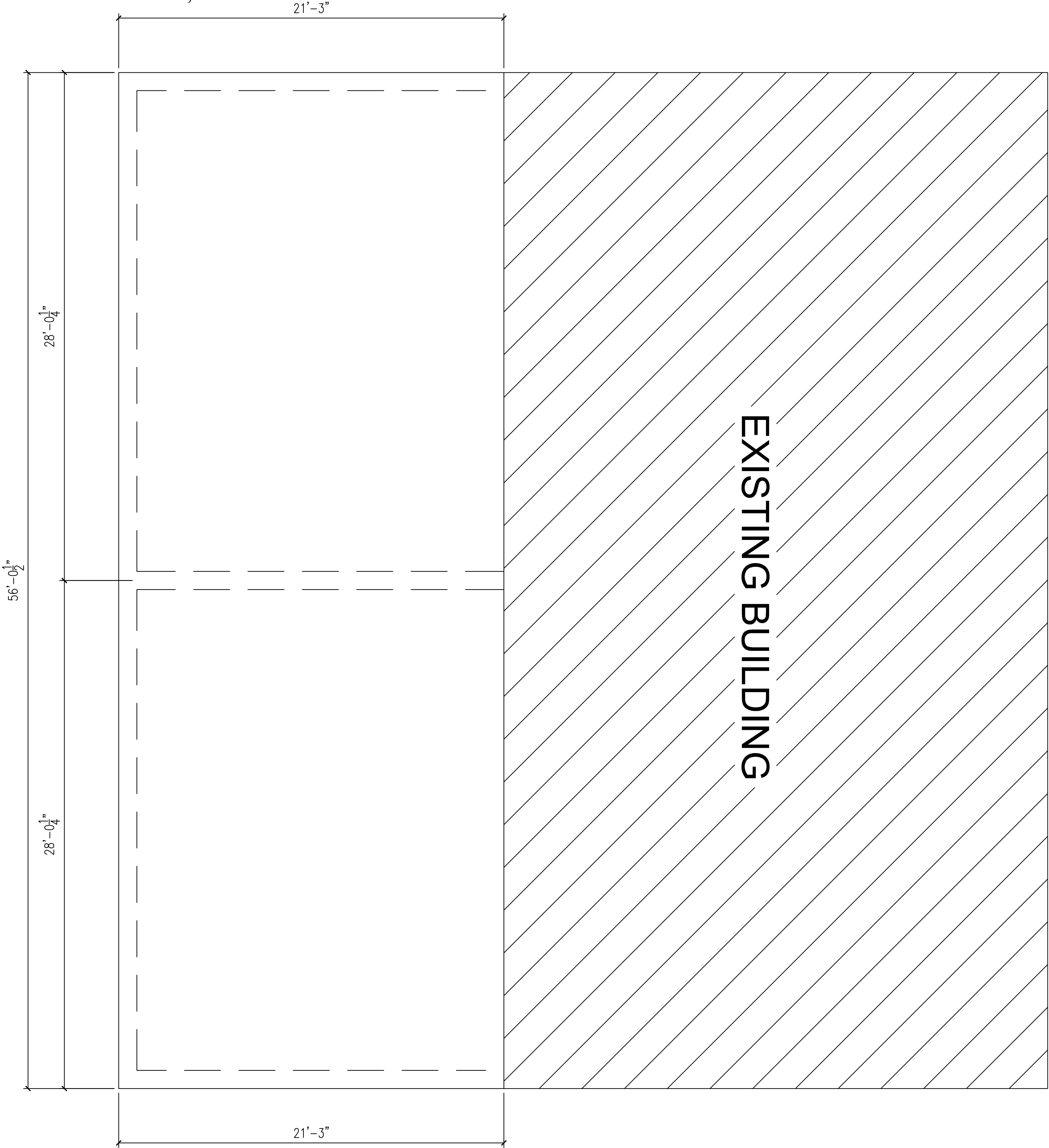
3 H/C BATHROOM ELEVATIONS 4

EXTERIOR ELEVATION NOTE:
1. CONTRACTOR TO VERIFY ALL DOORS AND WINDOW STYLES WITH OWNER PRIOR TO CONSTRUCTION.
2. ALL FINISH MATERIALS TO BE VERIFIED WITH OWNER PRIOR TO CONSTRUCTION.
3. CONTRACTOR TO PROVIDE ADEQUATE ROOF VENTILATION AS REQUIRED BY CURRENT CODES.

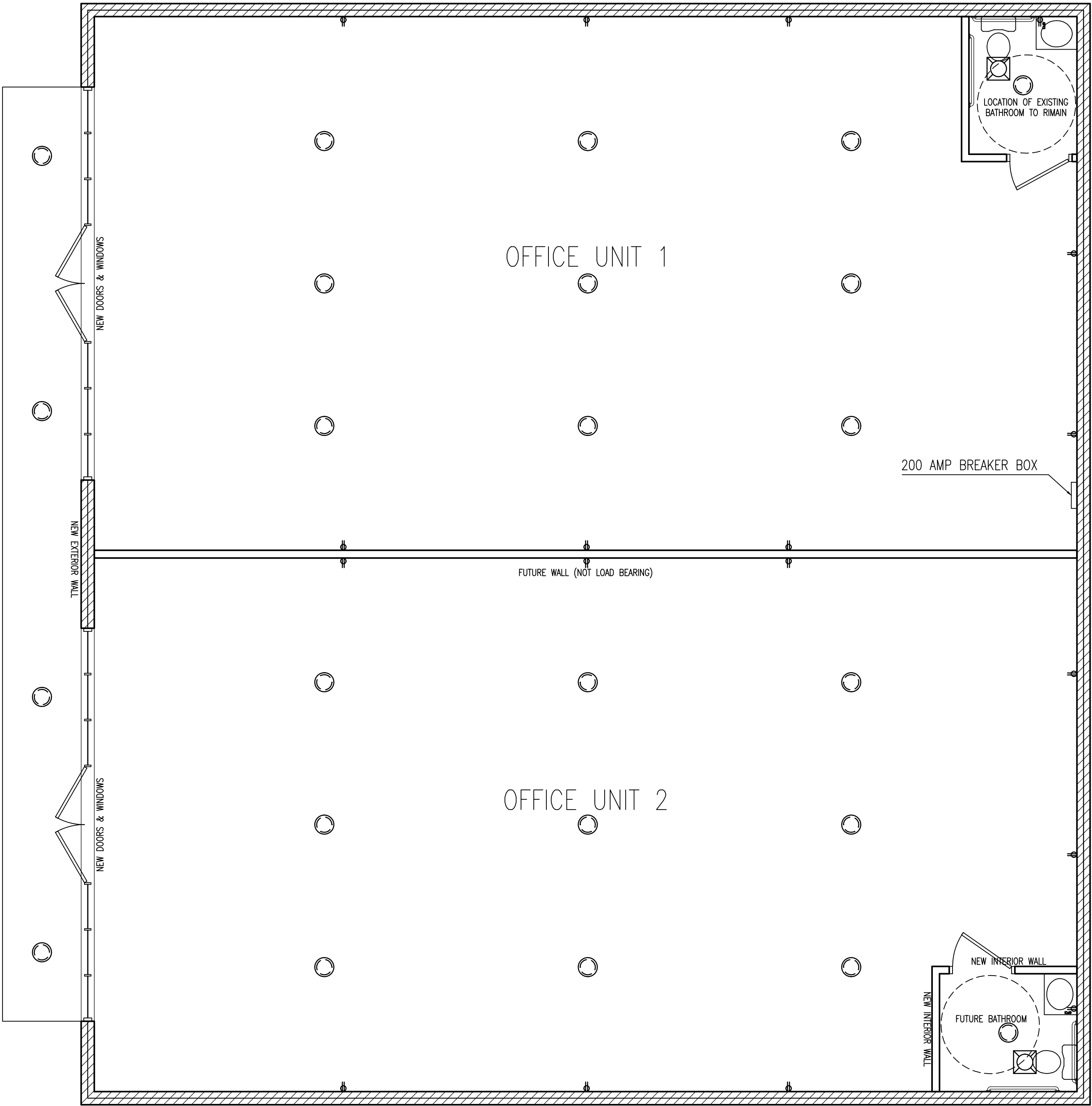
WALL FRAMING NOTE:
ALL WALLS TO BE 2X4 @ 16" O.C. UNLESS NOTED OTHERWISE.

TO THE BEST OF MY KNOWLEDGE, THIS PLANS ARE DRAWN TO COMPLY WITH THE OWNERS SPECIFICATIONS. EVERY ATTEMPT HAS BEEN MADE IN THE PREPARATION OF DRAWINGS AND SPEC'S TO AVOID MISTAKES. CONTRACTOR AND OR OWNERS SHALL VERIFY ALL DIMENSIONS, DETAILS AND SPEC'S. DESIGNER WILL NOT BE LIABLE FOR HUMAN ERROR AFTER CONSTRUCTION IS STARTED.

2216 NORTH ST.
NACOGDOCHES, TX 75961



FOUNDATION PLAN



ELECTRICAL PLAN

LEGEND

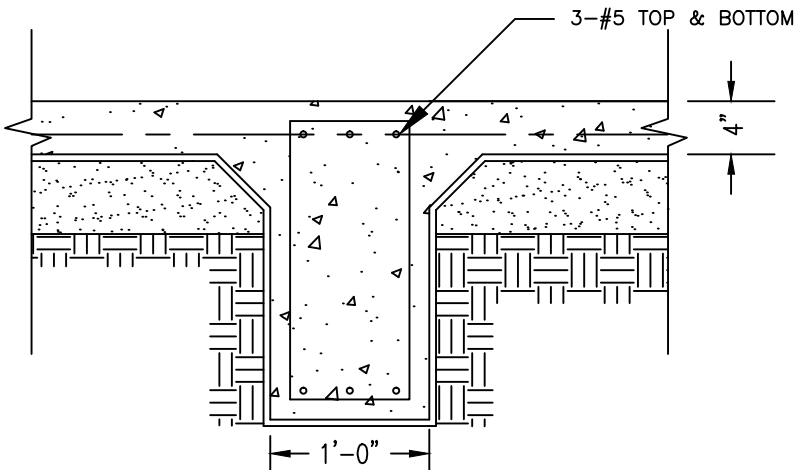
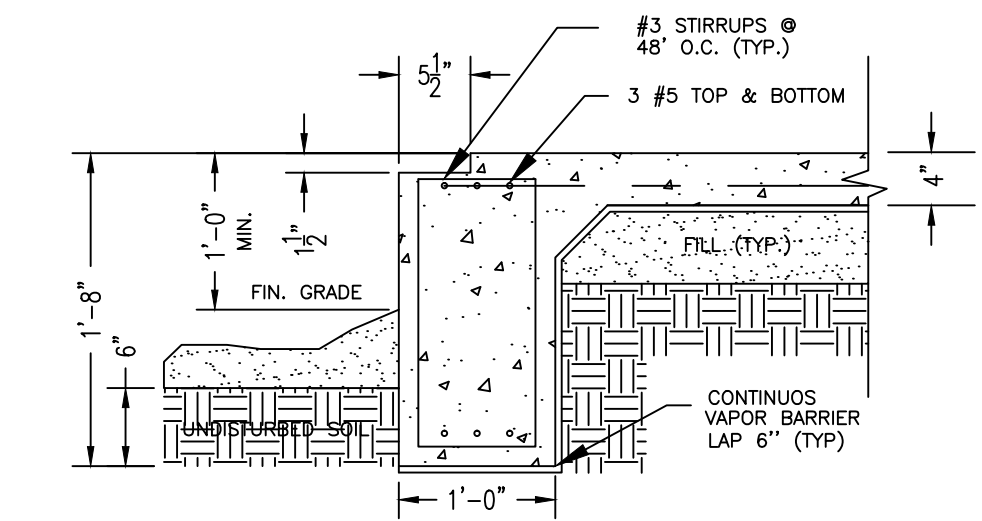
SYMBOL	DESCRIPTION
	110v DUPLEX OUTLET
	110v DUPLEX OUTLET FLOOR MOUNTED
	110v DUPLEX OUTLET GROUND FAULT CIRCUIT INTERRUPTER
	110v DUPLEX OUTLET GROUND FAULT CIRCUIT INTERRUPTER/ WEATHER PROOF
	220v APPLIANCE OUTLET
	WALL MOUNTED LIGHT
	SMOKE DETECTOR
	CEILING LIGHT
	RECESSED CEILING LIGHT
	HEAT/LIGHT BATH FAN
	CEILING FAN
	SINGLE POLE SWITCH
	THREE-WAY SWITCH
	FOUR-WAY SWITCH
	12X48 FLUORESCENT LIGHT
	TELEPHONE JACK
	TELEVISION CONNECTION

GENERAL NOTES:

1. USE SAND FILL EXCEPT IN AREAS WHERE HIGH WATER TABLE IS ENCOUNTERED, USE GRAVEL, CRUSHED STONE OR COMPARABLE MATERIAL.
2. BOTTOMS OF ALL BEAMS SHALL EXTEND 6" MIN. INTO UNDISTURBED SOIL.
3. ALL CONCRETE SHALL HAVE A 28 DAY ULTIMATE COMPRESSIVE STRENGTH OF 3000 PSI.
4. NO DEAD END BEAMS ALLOWED.
5. ALL BEAM AND SLAB REINFORCING SHALL EXTEND TO WITHIN 1 1/2" OF EXTERIOR FORMS.
6. BEAM REINFORCING SHALL BE TIED AND SUPPORTED EVERY 4'-0" MIN.
7. LAP ALL REINFORCING BARS 40 DIAMETERS.
8. PROVIDE CHAIRS OR OTHER SUITABLE SUPPORTS FOR SLAB AND BEAM REINFORCING.
9. BEAMS WITH LENGTHS OF 40 FEET OR LESS CAN USE 2-#5 BARS TOP AND BOTTOM.
10. 4" CONCRETE SLAB WITH #3 @ 12" O.C. EA. WAY IN CENTER OF SLAB REINFORCING BARS TO START MIN. 6" FROM EDGE, OR 6X6-6 MATT

NOTE:
SWITCHES AND ELECTRICAL CONNECTIONS ARE NOT SHOWN. OWNER TO LOCATE THESE ITEMS DURING ELECTRICAL WALK-THROUGH WITH ELECTRICAL CONTRACTOR AT SITE.

- NOTES:
1. ALL OUTLETS IN THE KITCHEN TO BE G.F.C.I. TYPE AS PER LOCAL CODES.
 2. ALL OUTLETS ARE LOCATED 42 INCHES A.F.F. UNLESS OTHERWISE NOTED.
 3. ALL SWITCHES ARE LOCATED 42 INCHES A.F.F. UNLESS OTHERWISE NOTED.
 4. THIS IS A SCHEMATIC PLAN, EXACT LOCATIONS ARE TO BE DETERMINED BY ELECTRICAL CONTRACTOR/OWNER OR AS CODE REQUIRES, UNLESS SPECIFIC LOCATION IS NOTED.
 5. MECHANICAL/ELECTRICAL CONTRACTOR TO VERIFY ELECTRICAL REQUIREMENTS FOR ALL MECHANICAL EQUIPMENT, ELECTRICAL APPLIANCES ETC.
 6. COORDINATE ALL WORK WITH BUILDING CONTRACTOR.



FOUNDATION & ELECTRICAL PLAN
SCALE: 1/4"=1'-0"

FOUNDATION & ELECTRICAL
PLAN

DATE:
SCALE:
1/4"=1'-0"

REVISIONS:

A4

Site Photos ZBA2023-08

Subject Property





View of subject
property from
Hayter St.





Commercial
Property to the
north

Commercial
Property to the
south





Zoning Board of Adjustments

Date: September 21, 2023

Case No: ZBA2023-09

PRESENTER: Juan Pollette, Planning Tech

ITEM/SUBJECT: Public Hearing: Consider a request for a variance to the Zoning Ordinance Section 118-427.(a), for a reduction in the required minimum lot size in an A, Agriculture District from 2 acres to approximately 0.5 acres for Lot 64-C, City Block 54, located on the west side of North East Stallings Drive, approximately a quarter mile north of Old Shady Grove Road. This request has been submitted by Tangela Caldwell. Case File ZBA2023-09.

TYPE OF REQUEST: Variance from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of the property.

The ZBA rules and procedures state this type of variance may be requested “whenever, owing, to exceptional and extraordinary conditions, the literal enforcement of the provisions of the zoning regulations will result in unnecessary hardship in the development of the property.”

The applicant is requesting a variance to the Zoning Ordinance **Section 118-427 (a) - District Development Standards** to reduce the minimum lot size for A, Agricultural from 2 acres to 0.5 acres.

BACKGROUND INFORMATION:

The property is approximately 0.5 acres and is currently undeveloped. The applicant is proposing to construct a single-family structure on the property. The surrounding properties to the north, south, and east fronting N.E. Stallings Dr. are developed as single-family and are all under 2 acres.

Adjacent Land Use & Zoning

The subject property is zoned A, Agriculture, and is currently undeveloped. The surrounding zoning and land uses are as follows:

Direction	Zoning	Existing Land Use
North	A, Agriculture	Single-Family
South	A, Agriculture	Single-Family
East	A, Agriculture	Single-Family
West	A, Agriculture	Undeveloped

Physical Characteristics

1. Frontage: The property has approximately 122 feet of frontage on NE Stallings.
2. Access: The property takes direct access from NE Stallings.
3. Topography and vegetation: The property has a 2-foot elevation variation, making the

property relatively flat and densely wooded.

4. Floodplain: The subject property is not located within the FEMA-regulated floodplain.

REVIEW CRITERIA & REQUIRED FINDINGS (STAFF COMMENTS UNDERLINED):

Per Section 118.99 of the Nacogdoches Zoning Ordinance, the applicant must demonstrate to the satisfaction of the board that the decisions of the board will be in the best interest of the community and would carry out the spirit and intent of the zoning regulations. The board of adjustment may grant variances and exceptions upon finding that the following conditions have been met:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and zoning ordinance.

The general purpose of the comprehensive plan and zoning ordinance is to promote the health, safety, and welfare of Nacogdoches through orderly and efficient development. More specifically, the purpose of minimum lot dimensions is to safeguard and enhance property values and to protect public and private investment by preventing landowners from overcrowding the property of others, allowing for adequate spacing between buildings for emergency access, and providing adequate ventilation and lighting around structures. Staff finds that although the request does not meet the intent and purpose of the zoning ordinance regarding the current A, Agriculture minimum lot dimensions for the construction of a single-family home, it does meet R-1, Single Family minimum lot dimensions and complements the character of the existing single-family structures along this section of NE Stallings Dr that are also zoned A, Agricultural and constructed on similarly sized lots.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district.All of the other surrounding properties along NE Stallings are developed with single-family residences. Granting this variance would not injure the appropriate use of the adjacent property.

3. Such variance will not adversely affect the health, safety, or general welfare of the public.The proposed addition will meet the current building codes and building setbacks for a residential zoning district. Therefore, the Staff believes that granting the variance will not adversely affect the health, safety, or general welfare of the public.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance sought is located.The variance will not authorize a use other than those permitted under the current A, Agricultural zoning district.

5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape, or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located. The 0.5-acre lot was created prior to the City adopting a zoning map and development code. The adoption of a zoning map and subsequent change of the property to an A, Agricultural zoning district transformed the lot into a nonconforming lot. The character of the development along this section of N.E. Stallings Dr. is mostly single-family on lots zoned Agricultural and under 2 acres. The A, Agricultural zoning district does not allow single-family residences on a lot less than 2 acres as a permitted use.

6. The variance itself is not a self-created hardship.

A self-created hardship is one that is created by the owner or his or her predecessor in interest, rather than the nature of the property itself, and thus implies an intent to create a hardship.), Staff believes that this is not a self-created hardship because the lot was created before the zoning ordinance.

STAFF RECOMMENDATION:

Staff believes the variance request is in harmony with the intent and purpose of the comprehensive plan, by preserving the character of existing neighborhoods.

NOTICES:

Staff sent out nine (8) notices to property owners within the 200-foot notification area. At the time of this report, Staff has received no responses.

- ATTACHMENTS:**
1. Variance Application
 2. Aerial Map
 3. Zoning Map
 4. Location Map
 5. Notification Map
 6. Site Photos

Parcel ID # 24900

APPLICATION FOR VARIANCE OR SPECIAL EXCEPTION

PROPERTY INFORMATION:

Address: 0 NE Stallings

Legal Description: Lot(s) 64-C in Block 54 of the _____ Subdivision in City Block _____

OWNER INFORMATION:

Owner Name Irma Colston (Deceased) Daytime Phone _____ Signature _____

Mailing Address _____ City _____ State _____ Zip Code _____

APPLICANT INFORMATION:

Applicant Name Tangela Caldwell Daytime Phone 409-323-0789 Email Address tcald4192@sbcglobal.net Signature Tangela Caldwell

Mailing Address 1200 Estate Lane City Desoto State TX Zip Code 75961

PLEASE SELECT ONE TYPE OF APPEAL (Per Texas Local Government Code § 211):

- ☐ 1. Interpretation of the meaning or intent of the zoning ordinance
- ☐ 2. Special exception for use or development of property
- ☒ 3. Variance from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property

REQUIRED ATTACHMENTS (Per ZBA Rules & Procedures 602, 702 & 802)

1. For an appeal requesting **interpretation** of the meaning or intent of the zoning ordinance, attach:

- ☐ A statement by the applicant describing the way it is alleged the regulation should be interpreted,
- ☐ Diagrams and charts illustrating the erroneous and the proper application of the map or text provisions.

2. For an appeal requesting a **special exception** for use or development of property, attach:

- ☐ A site plan, drawn to scale, showing all lot dimensions, and the location and dimensions of all existing and proposed lot improvements
- ☐ A statement by the applicant describing the way in which all conditions prescribed by zoning regulations will be or have been met.

3. For an appeal requesting a **variance** from the literal enforcement of the zoning ordinance in order to achieve a reasonable development of property, attach:

- ☐ A site plan, drawn to scale, showing the location and dimension of the lot and all existing and proposed improvements;
- ☒ Statement of facts and reasons why the zoning regulations should not be applied to the property in question and how standards governing the board's actions would be satisfied

NECESSARY FINDINGS (per City of Nacogdoches Code of Ordinances § 118-99):

The board of adjustment, pursuant to the powers conferred upon it by state law, the city ordinances, and this article, may grant variances and exceptions to the sections of this chapter upon the findings listed below. Please **explain** in your own words, how the request meets each of the findings listed below:

1. Such variance is in harmony with the intent and purpose of the comprehensive plan and this chapter

The request to change zoning from agricultural to family is in line with other lots in the area.

2. Such variance will not substantially or permanently injure the appropriate use of adjacent property in the same district;

The surrounding lots have been developed residential and house have been constructed on it.

3. Such variance will not adversely affect the health, safety or general welfare of the public

Single-Family residents have been constructed on both sides of the lot.

4. Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located;

operation will be for single-family dwelling

5. The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, including but not limited to the area, shape or slope; and that the unique circumstances were not created by the owner of the property, and are not merely financial, and are not due to or the result of general conditions in the district in which the property is located

The lot is surrounded by single family homes. Therefore, the lot would be for that purpose.

6. The variance is not a self-created hardship.

The request change in zoning will be the same as surrounding lots

NOTE: This application will not be processed unless it is filled out in its entirety and accompanied by required attachments and filing fee of \$350.00.

☒ Completed Application Form

☐ Required Attachments

☐ Application Fee

☐ Copy of current deed

PAID
ALC

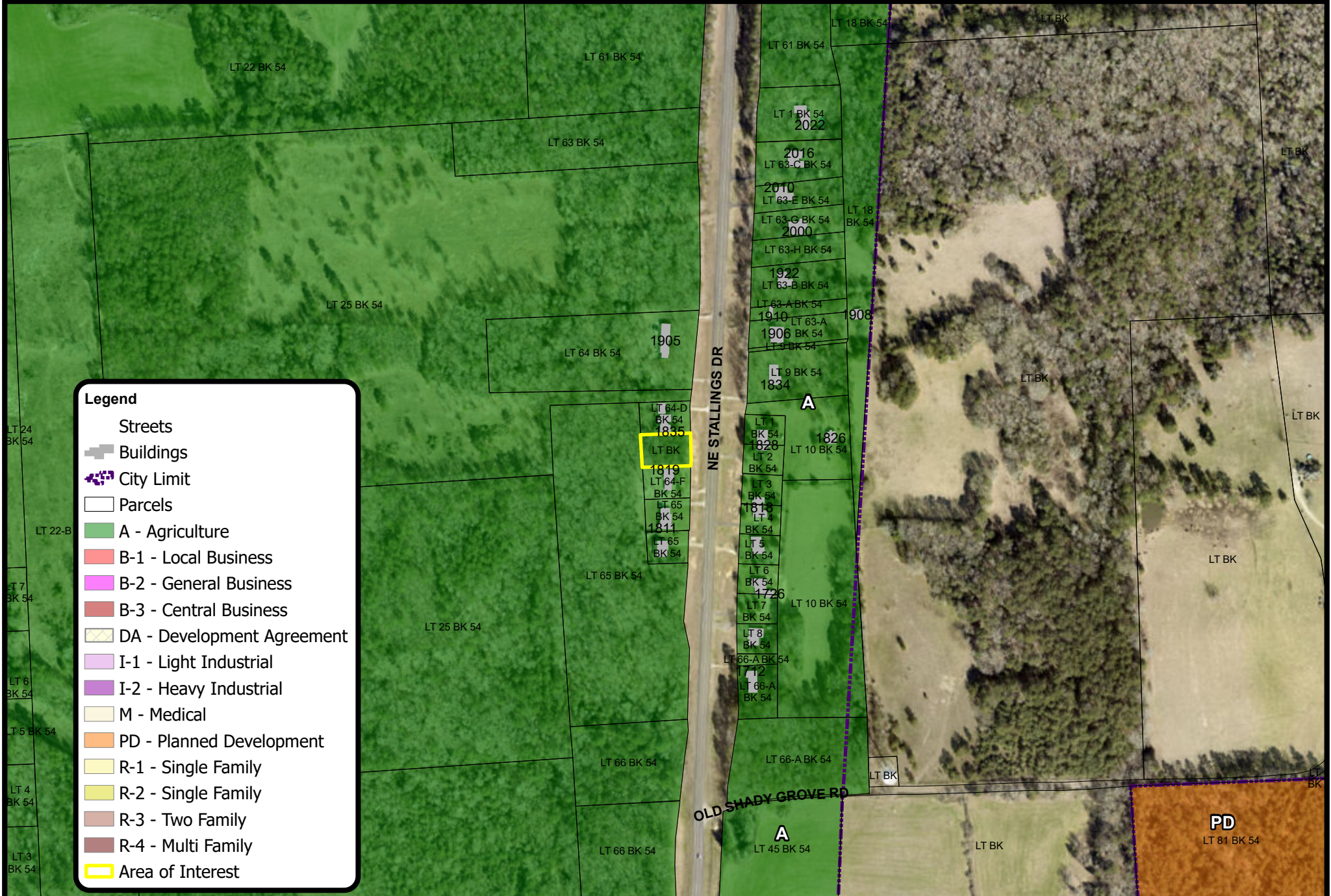
- cash
\$350.00

Date Filed: 8/30/2023 Case Number: ZBA2023-09 Accepted By: ALC Tentative ZBA Date: 9/21/2023

ZBA2023-09 Aerial Map



ZBA2023-09 Zoning Map

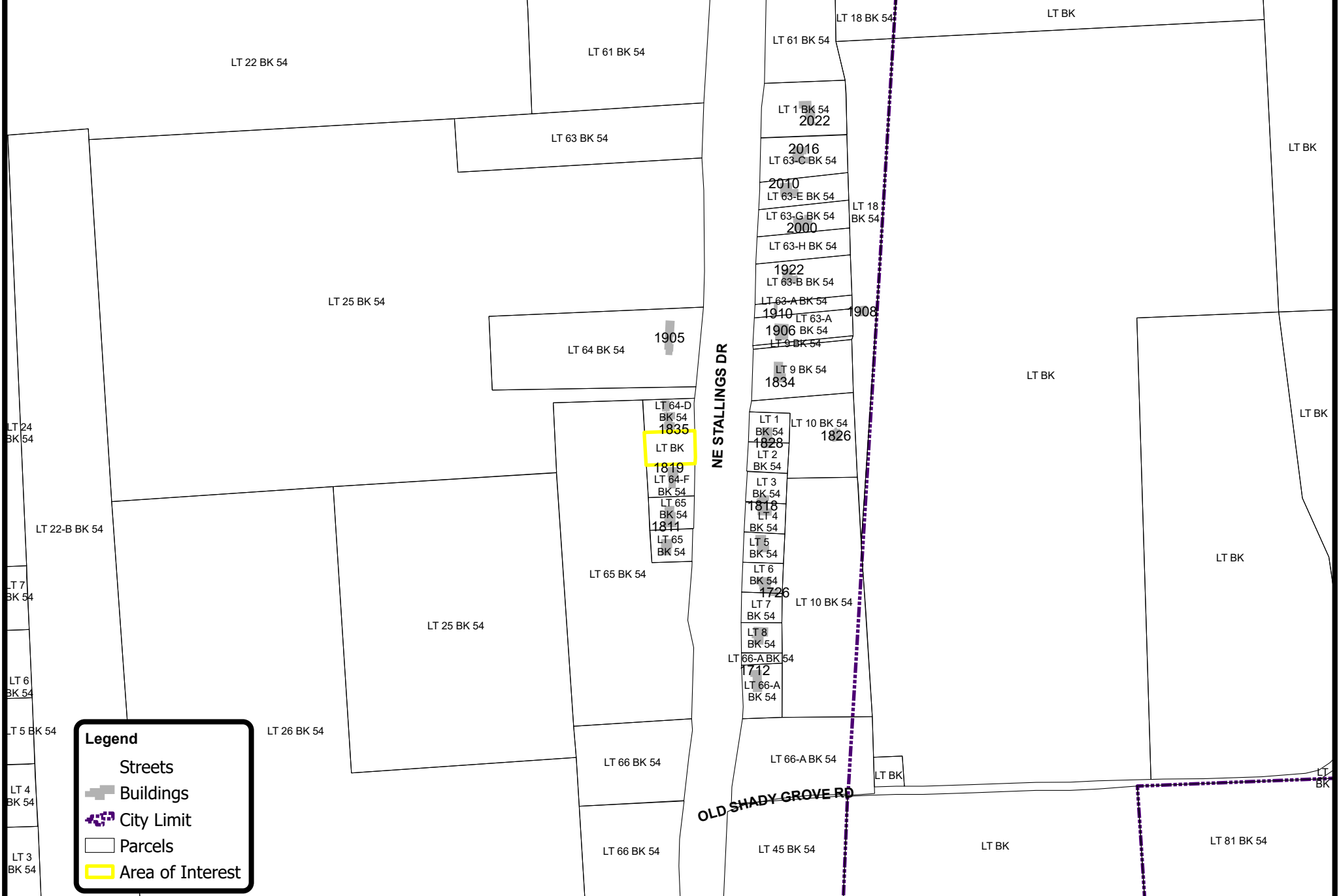


A horizontal number line with a light blue background. It has major tick marks at 0, 200, 400, 600, and 800. The labels are in black text below the line.

Date Created: 09/05/23 09:16 | Document Generated Automatically

Notice: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

ZBA2023-09 Location Map

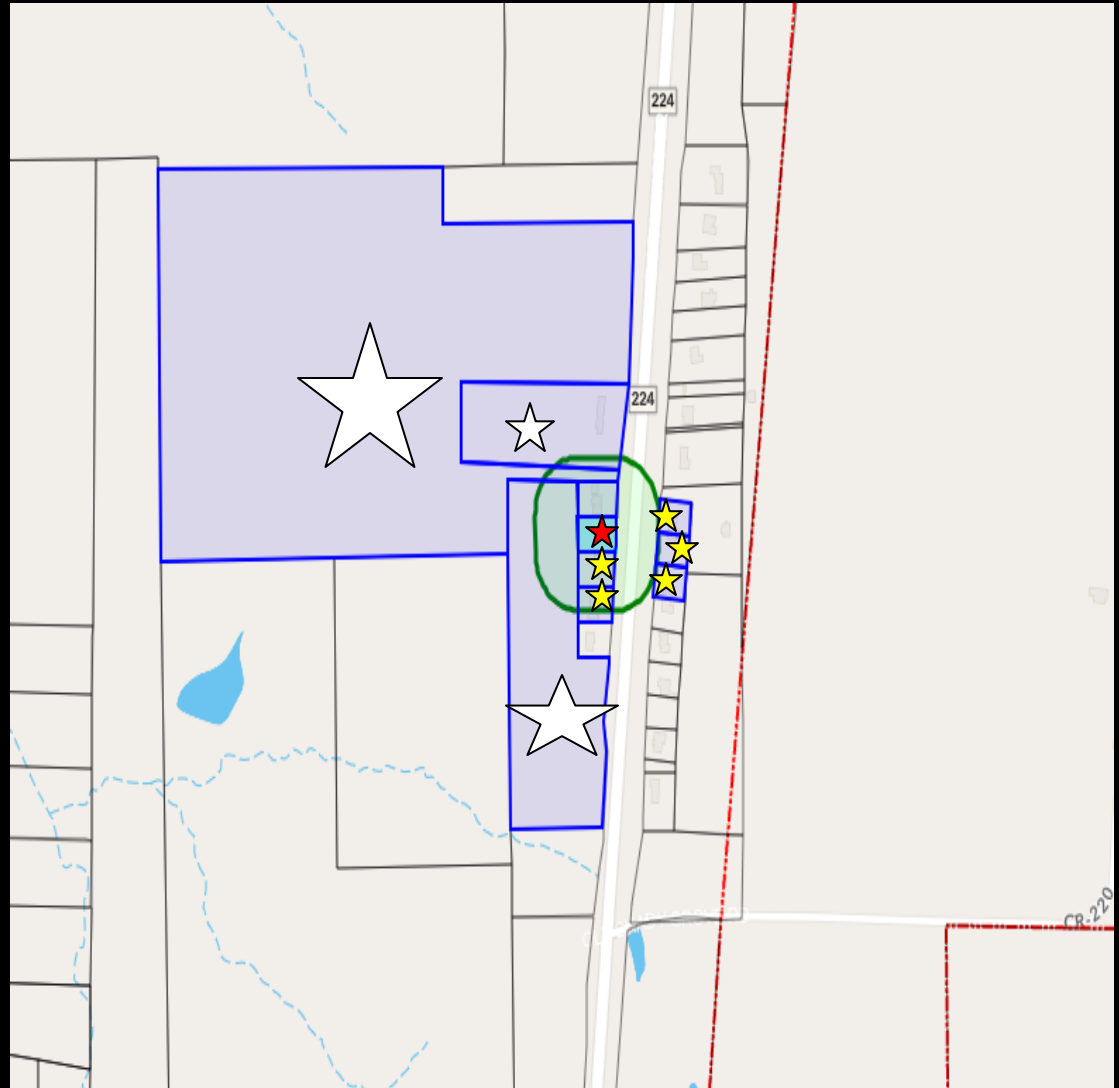


200 Foot Notification Map

Legend

-  200 Foot Buffer
-  Proposed Variance
-  Single Family-Owner Occupied
-  Undeveloped

ZBA2023-09: N.E. STALLINGS DR.



Site Photos ZBA2023-09



View of subject
property from the
N.E. Stallings Dr.

Looking north along
N.E. Stallings Dr. from
subject property





Residential homes
across N.W.
Stallings Dr.





Adjacent Residential
Properties to the south

Adjacent Residential
Property to the north

