



**City of Baytown
Board of Adjustment
Variance Staff Report**

July 11, 2023

File number: ZP23060032

Request: A variance from the Unified Land Development Code (ULDC), Article III. Division 1. Table 3-1 “Property Development Standards” to allow a manufactured home to encroach 4 feet into the required rear yard setback.

Applicant: Cecilia Alvarado

Owner: Cecilia Alvarado

Subject Property: 120 Bowie Street

Parcel Information:

Zoning: Urban Neighborhood (UN)
Use: Manufactured home dwelling

Surrounding Properties Information:

North: Urban Neighborhood (UN);
West: Urban Neighborhood (UN);
East: Urban Neighborhood (UN);
South: Urban Neighborhood (UN).

Background:

The applicant is requesting a variance to allow a newly placed manufactured home to encroach 4 feet into the required rear yard setback on the subject property. This would reduce the rear yard setback from 9 feet (an administrative variance of one foot was previously approved that reduced the rear yard setback from 10 feet to 9 feet) to 5 feet, or a total reduction of the setback by 50%. The property was previously vacant and the placement of the manufactured home previously received an approved building permit through the City of Baytown for a structure measuring 76 feet in length. The actual structure on site measured 80 feet in length, meaning that a total of 5 feet is needed to follow the city’s property development standards. According to *ULDC, Article III, Division 1, Table 3-1. Property Development Standards*, a minimum rear yard setback of 10 feet is required in the UN zoning district from the wall of the dwelling to the property line.

The subject property is located within the Jones subdivision and is predominantly surrounded by single-family dwellings (both built structures and manufactured homes) as well as vacant lots. The subject property is located at the northeast corner of Allman St. and Bowie St. with a lot area of 0.11 acres.



Figure 1. Vicinity Map



Figure 2. Site Photo 1: Home as it sits on site now



Figure 3. Site Photo 2: Distance to rear property line

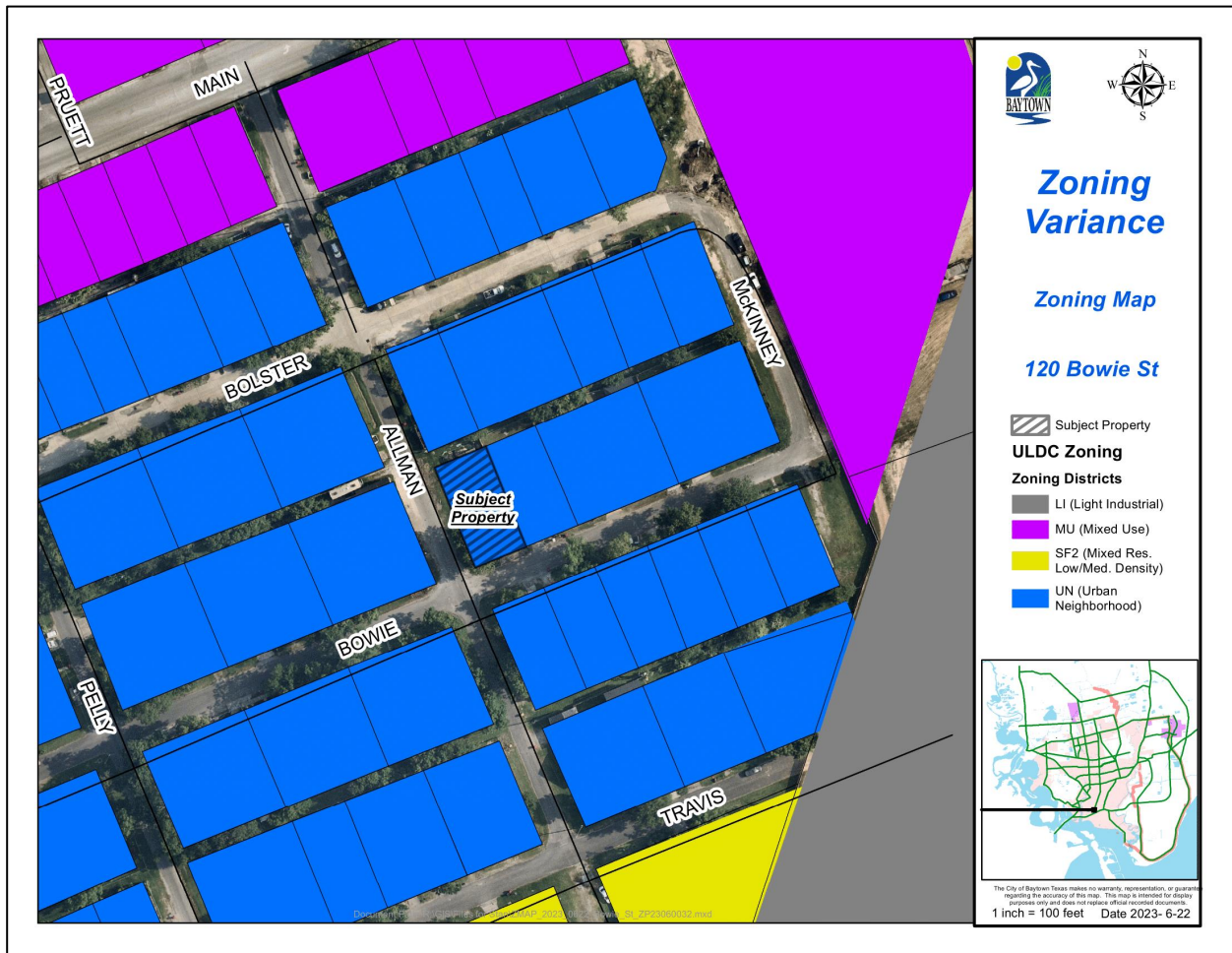


Figure 4. Current Zoning Map

Variance Criteria – Section 1.29(b), ULDC

The board of adjustment may grant a variance when the applicant demonstrates that the variance request will meet all the criteria below:

1. Ensures the same general level of land use compatibility as the otherwise applicable standards;

The requested variance to reduce the minimum required rear yard setback by 5 feet to bring the setback size from 10 feet to 5 feet will not affect the general level of land use compatibility. The subject property is located in the UN zoning district and a manufactured home is a permitted use.

2. Is not a hardship of the applicant's own making;

The applicant received a building permit to place a 76-foot-long manufactured home on the subject property. This was allowed given the 10 foot rear yard setback and a 15 foot front yard setback (the one foot administrative variance making up the difference). After being placed on the site, however, it was discovered that the actual structure measured 80 feet long. Given that a 76-foot-long manufactured home would be allowed on this same property it is a hardship of the applicant's own making by placing a structure that is larger than allowed.

3. **Does not adversely affect adjacent land uses and the physical character of uses in the neighborhood in which the exception is sought because of inadequate buffering, screening, setbacks and other land use considerations;**

A manufactured home is common in this area given the UN zoning district designation. A review of nearby properties shows smaller manufactured homes that fit within the setback requirements of the district, unlike the one located on the subject property. While this unit does represent a noticeable difference in size and visual impact compared to the rest of the neighborhood, it does not provide enough of an impact to adversely affect adjacent land uses or the character of the established neighborhood.

4. **Does not adversely affect property values of adjacent properties in any material way and will improve the property value of the property for which the exception is sought;**

It is not anticipated that property values of adjacent properties will be adversely affected by the requested variance. This encroachment into the rear yard setback would place the structure beyond what is allowed and normally seen throughout the neighborhood, but would not have any major material effect.

5. **Furtheres the goals and vision of the city as set forth in the comprehensive plan, the vision statement, and any applicable neighborhood plan or redevelopment plan adopted by the city council;**

The 2040 Comprehensive Plan's strategies allow, promote, and incentivize a variety of housing types for both infill development and new development. However, the housing and neighborhood goals in the Comprehensive Plan do not suggest or support this type of encroachment on setbacks considering the availability of smaller units that would readily fit on this subject property appropriately.

6. **Is generally consistent with the purposes and intent of this ULDC;**

The ULDC is adopted for the purpose of promoting the public health, safety and general welfare by promoting safe, orderly and economically sustainable development. A zoning variance request for residential dwellings in older subdivisions shall be considered on a case by case basis. Criteria such as character compatibility, economic viability of the requested variance, available subsidized programs that fit the scale of requested variance, and applicable alternate options, etc. shall be analyzed and considered.

While this may be just one variance request, if additional similar requests are made in this neighborhood, there is a potential to alter the character of the overall subdivision. Given that this variance would equate to an overall 50% (40% from this variance and 10% already approved through the administrative variance) decrease in the total rear yard setback size it is appropriate to say this variance request is not consistent with the intent of the setback standards.

7. **Is needed as special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same district and are not merely financial;**

The subject property, 50 by 100 feet, is a standard lot size within this neighborhood and the design of the lot does not impose any special circumstances to development on this site. The administrative variance was approved due to the standard lot size, the typical manufactured home size, and setback sizes making it necessary to place them on most properties zoned for

their use. In this instance, the applicant has the option to utilize a smaller model manufactured home to fit within the established setbacks for this zoning district.

8. **Is necessary as literal interpretation and enforcement of the terms and provisions of the dimensional standards would deprive the applicant of rights commonly enjoyed by landowners in the same district and would cause an unnecessary and undue hardship;**

Any property owner looking to place a manufactured home on land within the UN district would be subject to the same property development standards. The literal interpretation of the code's setback requirements for this district would require a structure no longer than 75 feet (76 feet is allowed due to the issuance of the administrative variance) in order to comply. The applicant is not deprived of commonly enjoyed rights, and is actually granted additional privileges beyond commonly enjoyed rights via the administrative variance.

9. **Is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this ULDC and would result in substantial justice;**

The minimum action to accomplish the property owner's goal of placing a manufactured home on the subject property to occupy would be to place one that fits within the setbacks required for this zoning district. This would carry out the intent of the property development standards and would ensure that the structure meets the standards of the UN district.

10. **Will bring the existing and proposed structure closer into compliance with the zoning regulations of this ULDC, or will otherwise improve or enhance public health, safety or welfare.**

The variance request will not bring the proposed dwelling closer into compliance with the ULDC's development standards. The requested variance will bring the rear wall of the structure 5 feet closer to the rear property line than allowed by the code, and reduce the overall distance between this structure and the adjacent property.

Recommendation:

The requested zoning variance did not meet the majority of the variance criteria; therefore, **staff recommends denial.**