ORDINANCE NO. <u>0728-25-SUP</u>

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING THE ZONING ORDINANCE BY GRANTING A SPECIAL USE PERMIT FOR AN ACCESSORY STRUCTURE SET BACK LESS THAN FIVE FEET FROM THE SIDE LOT LINE ON APPROXIMATELY 0.0578 ACRES, LEGALLY DESCRIBED AS LOT 44, BLOCK A, ROCKBROOK PLACE, LOCATED AT 434 HAMILTON STREET, AND ZONED TOWNHOUSE TWO RESIDENTIAL (TH-2) DISTRICT; PROVIDING FOR A SAVINGS CLAUSE, A REPEALER, SEVERABILITY, PENALTY, AND AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, a Special Use Permit for an Accessory Structure is required by the Unified Development Code in this instance based on the supplemental use regulations for Accessory Buildings/Accessory Structures in Section VII.3.2, specifically having an accessory structure which is set back less than five feet from the side lot line; and

WHEREAS, applications were made requesting approval of a Special Use Permit to allow an accessory structure to be set back less than five feet from the side lot line by making applications for same with the Planning and Zoning Commission of the City of Lewisville, Texas, as required by state statutes and the Zoning Ordinances of the City of Lewisville, Texas; and said Planning and Zoning Commission has recommended that the Special Use Permit on the approximately 0.0578-acre tract, as described in the attached Exhibit "A" (the "Property"), be approved; and

WHEREAS, this application for a Special Use Permit comes before the City Council of the City of Lewisville, Texas (the "City Council") after all legal notices, requirements, conditions and prerequisites have been met; and

WHEREAS, the City Council at a public hearing has determined that the proposed use, subject to the condition(s) stated herein: (1) is compatible with the surrounding uses and community

facilities; (2) is compatible with the comprehensive plan and any adopted long-range plans addressing the area; (3) enhances or promotes the welfare of the area; (4) is not detrimental to the public health, safety, or general welfare; and (5) conforms with all zoning regulations and standards; and

WHEREAS, the City Council has determined that establishing the conditions outlined in this Special Use Permit is in the interest of the public welfare and will minimize the impact of the proposed use on the surrounding properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:

SECTION 1. FINDINGS INCORPORATED. The findings set forth above are incorporated into the body of this ordinance as if fully set forth herein.

SECTION 2. SPECIAL USE PERMIT GRANTED. Subject to the conditions provided for herein, applicant is granted a Special Use Permit to allow an accessory structure to be set back less than five feet from the side lot line of the Property, which is zoned Townhouse Two Residential (TH-2) District.

SECTION 3. CONDITIONS OF SPECIAL USE PERMIT. The Property shall be developed and maintained:

- 1. in compliance with the zoning plan attached hereto as Exhibit "B"; and
- 2. in accordance with all federal, state, and local laws and regulations.

SECTION 4. CORRECTING OFFICIAL ZONING MAP. The Planning Director, or his designee, is hereby directed to correct the official zoning map of the City of Lewisville, Texas, to reflect this Special Use Permit.

SECTION 5. COMPLIANCE WITH ALL OTHER MUNICIPAL REGULATIONS.

The Property shall comply with all applicable municipal ordinances, as amended. The granting of this Special Use Permit has no effect on uses permitted by right and does not waive the regulations of the underlying zoning district. In no way shall this Special Use Permit be interpreted to be a variance to any municipal ordinance.

SECTION 6. TERMINATION. This Special Use Permit shall automatically terminate if the use of the Property requiring the Special Use Permit is ceased for a period of ninety (90) days or longer.

SECTION 7. REPEAL. If the approved conditions outlined herein are not being met, the City Council may call a public hearing, on its own motion, to consider repealing this ordinance.

SECTION 8. SAVINGS CLAUSE. Nothing in this ordinance shall be constructed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or prior ordinance; nor shall any legal right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 9. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are here by repealed.

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SECTION 10. SEVERABILITY. If any section, sentence, clause, or phrase of this

ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of

the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in

effect.

SECTION 11. PENALTY. Any person, firm or corporation who violates any provisions

of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the

Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each

and every day such offense is continued shall constitute a new and separate offense.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect and be in full force

and effect from and after the date of its passage and publication as required by law.

SECTION 13. EMERGENCY. It being for the public welfare that this Ordinance be

passed creates an emergency and public necessity and the rule requiring this Ordinance be read on

three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full

force and effect from and after its passage and approval and publication, as the law in such cases

provides.

JANUARY, 2025.

APPROVED:

TJ Offmore MAYOR

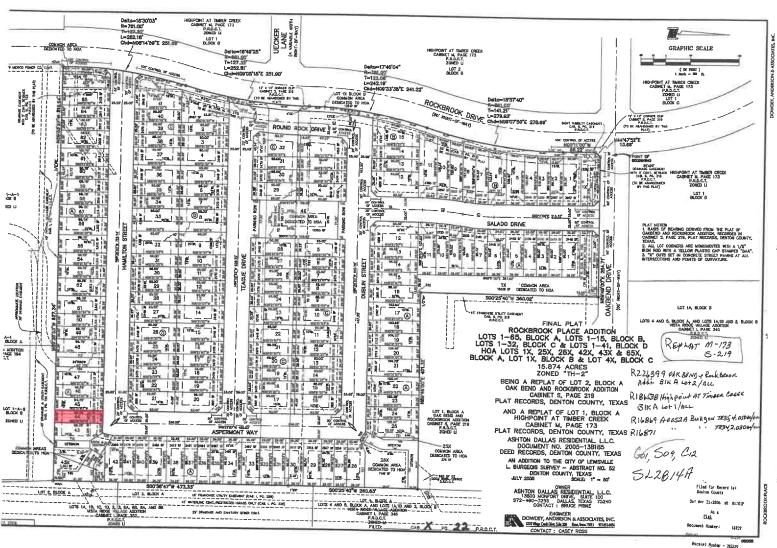
ATTEST:

Thomas Harris III, CITY SECRETARY
Jennifer Malone, Acting City Secretary

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

Exhibit A Property Description



Receipt Humber - 283339 Judy Smith

Attachment to Ordinance No. 0728-25-SUP Exhibit "A" Page 1 of 1

Exhibit B Zoning Plan To whom it may concern.

I have been in touch with Mrs. Lewis and she has let me know y'all are trying to help us to get this project approved for her as she is already so invested and it's not out of the ordinary for her neighborhood. We really appreciate any assistance that may be offered in helping to get this approved.

Here is the:

- Updated Diagram that represents the overhang will NOT exceed into the neighbor's property, as well as have a gutter for an extra security barrier for overflow water. I have also attached a few supporting documents and photos including:
- Photo example of one of Iresha Lewis's neighbors with a very similar project. The difference is that the picture presented is a Fully Gabled Patio (which would allow for more chances of rain to run off into the neighbor's yard). Iresha's Patio Cover would be a Shed Style that would not slope towards the neighbor's yard.
- Hoa Approval Letter.
- -Requested Survey with clearly stated setbacks.

Thank you for all your help, please let me know of anything else I can get you that would move the approval process along.

Have a blessed day- Regards,



Zantana Tapia
Project Manager
972-881-4242 - Office
469-309-9100 - Cell
www.texasbackyardliving.com

Financing options are available. Click here for more information.

Connect with us!

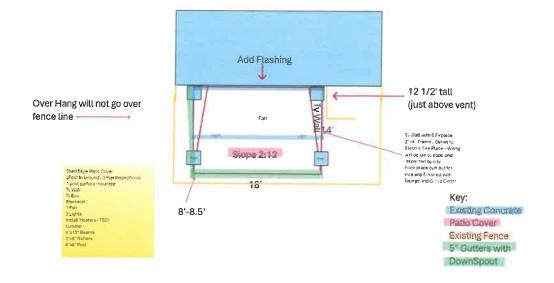


















Hoa Approval Letter.zip

Rockbrook Place Townhomes Association, Inc.

August 21, 2024

Iresha R Lewis 434 Hamilton Street Lewisville, TX 75067

Property: 434 Hamilton Street

Ref #: XN13294824

Dear Iresha R Lewis:

Your request for an architectural modification on your property at 434 Hamilton Street has been approved by the Architectural Control Committee (ACC) of Rockbrook Place Townhomes Association, Inc.. Specifically, you have approval to proceed with the following request as submitted: **Patio Cover.**

Patio- stain concrete & patio cover

Thank you for adhering to the architectural guidelines of the community. We appreciate your patience while this information was being reviewed.

A copy of your application is saved in your online account. **Login to your online account here:**https://owner.sbbmanagement.com.
This will appear on your "My Items" page under the reference number XN13294824. You can also click "reply" on this page should you have any additional questions.

This approval is given without any representations or warranties, including but not limited to, representations and/or warranties regarding fitness, design, structural integrity, fitness for intended purpose, adequacy of the proposed construction, or compliance with any applicable county, state or federal statutes, codes and/or regulations. The ACC specifically disclaims any representations or warranties; the approval granted here is expressly limited to those matters enumerated in the Deed Restrictions governing the Association. This approval also does not eliminate the need to obtain a permit from the county or city (if applicable to your project).

Sincerely,

Rockbrook Place Townhomes Association, Inc.

Professionally managed by SBB Community Management

Attachment to Ordinance No. 0728-25-SUP SURVEY Exhibit "B" This is to certify that I have, this date, made a careful and accurate survey on the ground of property located Page 5 of 5 434 HAMILTON STREET at No. in the city of LEWISVILLE Lot No. 44 _Block No._ ROCKBROOK PLACE ADDITION to the City of_ LEWISVILLE, DENTON COUNTY Texas, according to the MAP OR PLAT THEREOF CABINET X at SLIDE 777-779 of the PLAT Records of DENTON County, Texas. recorded in __ NOTE: PROPERTY SUBJECT TO TERMS, CONDITIONS, AND EASEMENTS CONTAINED IN INSTRUMENT RECORDED IN DOC.# 2006-46904, 2007-50987, CAB. X, SL. 777-779 LOT 1-A-2, BLOCK B WEATHERFORD ADDITION CAB. I, PG. 194 New Cedar Patio Cover : SHED STYLE (Detached) -18'x14' WITH POSTS IN GROUND N89*38'53"W 26.00' 🔊 🖟 SETBACKS 15' BL 101 AC. 197.98 26.0 œ TWO STORY BRICK AND TWO STORY TWO STORY 96. BRICK AND BRICK AND Ö, STONE STONE STONE ,7 ō LOT LOT LOT 5 43 44 07 45 m 0.2 197.22 19195 ON 25' BL 20.9 OFF 31 UTBIT 10' UTILITY 10,60 ESMT. S89°38'53"E СМ 26.00 HAMILTON STREET 50' R.O.W. BENCHMARK REFERENCE:
SQUARE CUT IN SOUTHWEST CORNER OF 10' RECESSED
INLET ON EAST SIDE OF ROCKBROOK DRIVE. APPROX. 112'
SOUTH OF CENTERLINE INTERSECTION OF ROCKBROOK DRIVE
AND OAKBEND DRIVE. ELEVATION—489.55
NOTE: BEARINGS, EASEMENTS AND BUILDING LINES ARE BY RECORDED PLAT UNLESS OTHERWISE NOTED.

• title guerant
NOTE: According to the F.I.R.M. No. 48121C0565G ,this property does lie in Zone and DOES NOT lie within the 100 year flood zone.
This survey is made in conjunction with the information provided by STEWART TITLE GUARANTY COMPANY in connection with the transaction described in G.F. 11111436 . Use of this survey by any other pa title guaranty company in connection with the transaction described in G.F. 1111436 . Use of this survey by any other parties and/or for other purposes shall be at user's own risk and any loss resulting from other use shall not be the responsibility of the undersigned. The plat hereon is a correct and accurate representation of the property lines and dimensions are as indicated; location and type of buildings are as shown; and EXCEPT AS SHOWN, there are no visible and apparent encroachments or protrusions on the ground.

This survey is hereby accepted with the discrepancies. This survey is hereby accepted with the discrepancies, conflicts, or shortages in area or boundary lines, encroachments, protrusions, or overlapping of improvements shown.

> CM CONTROLLING MONUMENT LEGEND Drawn By: MC BRICK COLUMN --- EDGE OF GRAVEL --- EDGE OF ASPHALT POWER POLE Scale: 1"=20' O 1/2" IRON ROD FOUND 8 1/2" IRON ROD SET 0 1" IRON PIPE FOUND -O -CHAIN LINK _WOOD FENCE 0.5' WIDE TYPICAL Date: 9-28-11 X" FOUND/SET BARBED WIRE ▲ UNDERGROUND ELEC. Borrower: - пъ -IRON FENCE -OVERHEAD POWER △ OVERHEAD ELECTRIC -OHP-**LEWIS** FENCE POST FOR CORNER -OES OVERHEAD ELEC. Job No.<u>1101531-7</u> CONCRETE COVERED AREA

C.B.G. Surveying, Inc.
12025 Shiloh Rd. Suite 230
Dallas, Texas 75228
P 214-349-9485 F 214-349-2216

Www.cbgdfw.com

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