

MEMORANDUM

TO: Planning & Zoning Commission

FROM: Lauren Cook, Planner I

DATE: December 17, 2024

SUBJECT: **Public Hearing:** Consider a Special Use Permit for Accessory Building/Accessory Structure on 0.0578 Acres, Legally Described as Lot 44, Block A, of Rockbrook Place, Located at 434 Hamilton Street; Zoned Townhouse Two Residential (TH-2) District; as Requested by Zantana Tapia, the Applicant, on Behalf of Iresha Lewis the Property Owner. (Case No. 24-11-19-SUP).

BACKGROUND:

The property owner is wishing to add a detached patio cover to the backyard of her townhome and applied for a building permit on August 16, 2024. A review of the permit found that the patio cover did not meet planning supplemental standards for an accessory structure use and would require a Special Use Permit (SUP).

ANALYSIS:

The patio does not meet the following supplementary standards per Section VII.3.2 of the UDC:

- A. Accessory buildings/accessory structures must be set back a minimum of five (5) feet from side and rear lot lines.
- B. Accessory building/accessory structures greater than 120 square feet in size must be set back a minimum of five feet from the principal building.

The following are the criteria for consideration of an SUP per Section III.9.2 of the UDC.

- A. Compatibility with surrounding uses and community facilities;
The site is zoned Townhouse Two (TH-2) district and is situated in a townhome subdivision. Backyard patio covers are a common addition in the property owner's neighborhood. Many were constructed without obtaining proper permits from the City. Had these property owners applied for these permits, they would have also required an SUP due to the nature of the lots in this neighborhood. Staff does not find an outdoor patio cover to be incompatible with this residential use. The property owner has also obtained permission from the HOA to construct this cover.
- B. Compatibility with the comprehensive plan and any adopted long-range plans addressing the area;

The patio cover is a property improvement, which is consistent with the Lewisville 2025 Plan Thriving Neighborhoods Big Move which encourages property upkeep.

- C. Enhancement or promotion of the welfare of the area;
The addition of the patio will increase the enjoyment of the residence for the homeowner.
- D. Whether the use will be detrimental to the public health, safety, or general welfare; and
There are no expected additional detrimental effects to the public health, safety, or general welfare of the area.
- E. Conformity with all zoning regulations and standards.
The SUP guarantees that the applicant went through the proper channels for approval and construction of this project. The accessory structure supplemental standards were written with single-family detached lots in mind and do not properly account for the conditions and HOA requirements of townhome neighborhoods such as this one. A code amendment could be considered to better account for constraints with townhome patio covers.

CITY STAFF'S RECOMMENDATION:

That the Planning and Zoning Commission recommend approval of the Special Use Permit as set forth in the caption above.