

## MEMORANDUM

**TO:** Claire Powell, City Manager

**FROM:** Richard E. Luedke, AICP, Planning Director

**DATE:** January 6, 2025

**SUBJECT:** **Public Hearing: Consideration of an Ordinance Granting a Special Use Permit for an Accessory Building/Accessory Structure on 0.0578 Acres Legally Described as Lot 44, Block A, Rockbrook Place, Located at 434 Hamilton Street, Zoned Townhouse Two Residential District (TH-2); 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 plans 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 the Unified Development Code (UDC) Supplemental Use Regulations for an accessory buildings/accessory structure and would require approval of a special use permit (SUP). Approximately 21 townhomes in this neighborhood contain similar detached patio covers. Staff conducted a search of permitting history, which did not reveal any permits issued for any of these patio covers. Representatives from the homeowner's association (HOA) confirmed with staff that they mistakenly assumed that building permits from the City were not needed since the HOA approved the designs for the patio covers. Staff is currently evaluating options to address these structures, including potential UDC amendments that would bring these types of structures into compliance with setbacks. The Planning and Zoning Commission recommended unanimous approval (5-0) of the SUP on December 17, 2024.

### **ANALYSIS:**

The proposed patio cover does not meet the following Supplemental Use Regulations 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 Residential District (TH-2) 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 Big Move of Thriving Neighborhoods outlined in the Lewisville 2025 Vision Plan 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 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 use regulations 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. A code amendment could be considered to better account for constraints with townhome patio covers.*

**CITY STAFF'S RECOMMENDATION:**

That the City Council approve the ordinance as set forth in the caption above.