

STAFF REPORT

Date: December 3, 2025

To: Zoning Board of Adjustment

From: Jon Beckham, AICP, Senior Planner

Subject: **Public Hearing:** Consideration of a Variance Request to Allow a 40-Foot Height Dwelling Unit, Exceeding the Maximum Height of 35 Feet by Five Feet, Located at 1124 Long Isle Lane, Legally Described as Castle Hills, Phase III, Section C, Block D, Lot 18; Zoned Planned Development-Town Estate (PD-TE), as Requested by Rafael Cachutt, Forward Builder, the Applicant, on Behalf of Madhusudhan Reddy, the Property Owner. (Case No. 25-11-2-ZBOA).

BACKGROUND:

The applicant is seeking to build a new home that exceeds the height requirement of the base zoning district. The property is within the Primary Subdistrict of the Castle Hills Planned Development District, with a base zoning of Towne Estate (TE) District. It is in the Enchanted Hills neighborhood which has much larger lots and houses than other areas of Lewisville. Several other houses were built in this neighborhood with a height over 35 feet, and the adjacent property owners have no issue with this request. In order to proceed with the permitting process as designed, a variance to exceed the height requirement from the Zoning Board of Adjustment (ZBOA) is required.

ANALYSIS:

The ZBOA may approve a variance request for specific cases where granting a variance from the terms of the Zoning Ordinance will not be contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done. The variance requested is:

- a.) to allow a 40-foot height dwelling unit, exceeding the maximum height of 35 feet by 5 feet.

Staff finds the request is consistent with the criteria for approval set forth in Section IV.1.5 of the Unified Development Code as discussed below:

- A. There are special conditions arising from the physical surroundings, shape, topography, or other physical features affecting the land subject to the variance application, and a literal enforcement of this UDC would result in an unnecessary hardship, and a variance would observe the spirit of this UDC and achieve substantial justice.

Other houses in the neighborhood have been built higher than the 35-foot requirement in error since annexation. Many houses in this neighborhood were built pre-annexation above 35-feet.

- B. A literal application of the UDC requirements would result in an unnecessary hardship upon or for the applicant, as distinguished from a mere economic impact, an inconvenience, frustration of objectives in developing the land, not permitting the highest and best use for the land, or

depriving the applicant of the reasonable and beneficial use of the land. In determining if there is an unnecessary hardship for a variance the Board may consider:

1. If the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified by the County;
2. If compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
3. If compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
4. If compliance would result in the unreasonable encroachment on an adjacent property or easement; or
5. If the municipality considers the structure to be a nonconforming structure.

Requiring the 35-foot building height maximum would put more restrictions on this house than were required for other houses in the neighborhood. The applicant has already started grading, changing the building plans at this point would cause financial burden.

- C. The circumstances causing the unnecessary hardship do not similarly affect all or most properties in the vicinity of or similarly classified as the applicant's land;

The houses to the north and south were built with a height of over 35-feet. Allowing this variance ensures the new house will be built to the same standards of their neighbors.

- D. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.

The variance allows the applicant to build a home at the same level of their neighbors.

- E. Granting the variance shall not be detrimental to public health, safety or welfare, or injurious to other property within the vicinity;

Granting the variance will not be detrimental to public health, safety or welfare, or injury to other property within the vicinity. The applicant has received a letter of support from the adjacent property owners to the north and south.

- F. Granting the variance shall not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this UDC, or adversely affect the rights of owners or residents of surrounding property;

Granting the variance will not have the effect of preventing the orderly use and enjoyment of other land within the area in accordance with the provisions of this UDC or adversely affect the rights of owners or residents of surrounding property. The variance is in alignment with how most houses were built.

- G. The unnecessary hardship suffered by the applicant is not caused wholly or in substantial part by the applicant;

The applicant was granted other building permits in error allowing for a house with a height of over 35-feet. Grading has already started for this house, requiring a change at this point in the process would cause a financial burden.

- H. The application for a variance is not based exclusively on the applicant's desire for increased financial gain from the property or to reduce an existing financial hardship;

The variance is not based on increased financial gain or to reduce an existing financial hardship, it's based on the property owners desire to build house that matches the standard of their neighbors.

- I. The degree of variance requested is the minimum amount necessary to alleviate the unnecessary hardship of the applicant; and

The applicant is requesting a 40-foot height and the home has a proposed height of 39-feet, four-inches on their proposed plans. Staff recommends the Zoning Board of Adjustment approve a building height maximum of 40-feet to allow for any imperfections in construction.

- J. The variance does not authorize a use other than those permitted in the zoning district for which the variance is sought.

This variance does not authorize any other use.

RECOMMENDATION: That the Zoning Board of Adjustment approve the requested variance as presented.