

**NOTICE OF REGULAR MEETING ZONING BOARD OF ADJUSTMENTS MEETING AND
AGENDA
THE CITY OF PRINCETON, TEXAS
August 23, 2021**

The Zoning Board of Adjustments of the City of Princeton will meet in Regular Meeting Session on August 23, 2021 at 6:00 PM 123 W. Princeton Dr. Princeton, Texas 75407 to discuss the following

CALL TO ORDER

ROLL CALL

Brianna Chacon ____

Steven Deffibaugh ____

David Kleiber ____

Mike Robertson ____

Bryan Washington ____

Keven Underwood ____

CITIZEN APPEARANCE

CONSENT AGENDA

REGULAR AGENDA

Appeal (412 Mable Ave.)

Discussion and possible action regarding a request from Jerry P. Totin 412 Mable Ave., Princeton, Texas for an appeal of the Development Directors interpretation of the City of Princeton Zoning regulations as it relates to front yard setbacks and the placement of an accessory structure in the front yard of the property.

[ZBA 08-23-21 \(DOCUMENTS\).pdf](#)

[412 Mable Staff Report.pdf](#)

ADJOURNMENT

CERTIFICATE

I hereby certify the above Notice of Meeting was posted at the Princeton City Hall @ _____ and copies thereof were delivered to the Mayor, Mayor Pro-Tempore and Councilmembers.

Amber Anderson, Acting City Secretary

STATEMENT FOR ADA COMPLIANCE

The City of Princeton acknowledges its responsibility to comply with the Americans with Disabilities Act of 1990. Thus, in order to assist individuals with disabilities who require special services (i.e., sign interpretation services, alternative audio/visual devices, and amanuenses) for participation in or access to the City of Princeton sponsored public programs, services and/or meetings, the City requests the individuals make requests for these services forty-eight (48) hours ahead of the scheduled program, service and/or meeting. To make arrangements, contact Amber Anderson, Acting City Secretary, or other designated official at 972- 734-2416. The Zoning Board of Adjustments reserves the right to consult in executive session with its attorney and to receive legal advice regarding any item listed on this agenda pursuant to Section 551.071(b).



VARIANCE/APPEAL APPLICATION

City of Princeton, Texas
development-info@princeton.tx.us

Office Use Only:

Date Received:

ZC. #:



DATE OF PRE-APPLICATION CONFERENCE (required):

REQUIRED

Name of Subdivision or Project: Hardin Wright Survey

Application Type

☐ Variance
☒ Appeal

\$250.00

N/C

Physical Location of Property: 412 mable Ave. Princeton Tx 75407
[Address and General Location -- approximate distance to nearest existing street corner]

Brief Legal Description of Property (must also attach accurate metes and bounds description):

[Survey/Abstract No. and Tracts or platted Subdivision Name with Lots/Block]

Acreage: -.290 Zoning: _____

OWNER'S NAME: Jerry P. Totin Phone Number: 254-251-7365

Applicant/Contact Person: Jerry P. Totin Title: _____

Company Name: _____

Street/Mailing Address: 412 mable Ave City: Princeton State: TX Zip: 75407

Phone: (254) 251-7365 Fax: () Email Address: jertotin@aim.com

DESCRIPTION OF VARIANCE REQUESTED:

(attach sheet if preferred)

The city will not Issue a building permit to me to replace a garage that was destroyed in a storm a couple of months ago. The previous garage was there for 60 years

****READ BEFORE SIGNING BELOW:** Jerry P. Totin

By signing this application, staff is granted access to your property to perform work related to your case.

I waive the statutory time limits in accordance
With Section 212 of the Texas Local Government Code.

SIGNATURE: _____

(Letter of authorization required if signature is other than property owner)

Print or Type Name: _____

Known to me to be the person whose name is subscribed to the above and foregoing instrument, and
Acknowledged to me that they executed the same for the purposes and consideration expressed and in the
Capacity therein stated. Given under my hand and seal of office on this _____ day of _____ 20____

SUBSCRIBED AND SWORN TO before me, this the _____ day of _____, _____

Notary Public in and for the State of Texas: _____

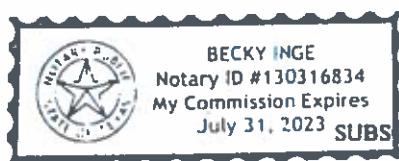
****READ BEFORE SIGNING BELOW:**

Page 2 of 2

If there should be more than one property owner complete a separate sheet with the same wording as below. The City requires all Original Signatures. If applicant is other than the property owner a "Power of Attorney" with original, notarized signatures are required. (Notaries are available upon submittal)

STATE OF TEXAS)(
COUNTY OF COLLIN)(

BEFORE ME, a Notary Public, on this day personally appeared Jerry P. Totin the undersigned applicant, who, under oath, stated the following: "I hereby certify that I am the owner, or duly authorized agent of the owner, (proof attached) for the purposes of this application; that all information submitted herein is true and correct. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial."



Jerry P. Totin

****Owner / Agent (circle one)**

SUBSCRIBED AND SWORN TO before me, this the 21 day of July 2021

Notary Public in and for the State of Texas: Becky Inge


Applicant Initial Below	Submittal Check List	City Use Initial Below
	Application: Signed & Notarized Application with Original Signatures of all property owners and applicant	
	Written Verification such as: Notarized statement or "Power of Attorney" from real property owner authorizing an agent to act on his/her behalf.	
	Proof of Ownership (e.g. General warranty deed; Special warranty deed; Title police; or document approved by the City Planner)	
	Required Exhibits	
	Metes and Bounds Description	

Property Search


Property ID: 1193684 - Tax Year:

2021

General Information

Property ID	1193684
Property Status	Active
Geographic ID	R-6957-006-1360-1
Property Type	Real
Property Address	412 E Mabel Ave Princeton, TX 75407
Total Land Area	0.2900 acres
Total Improvement Main Area	1,124 sq. ft.
Abstract/Subdivision	 Hardin Wright Survey
Primary State Code	A (Residential Single-family)
Legal Description	ABS A0957 HARDIN WRIGHT SURVEY, SHEET 6, TRACT 136, .29 ACRES

Owner Information

Owner ID	1107523
Owner Name(s)	 Totin Jerry P & Tena Bass
Exemptions	HS (General Homestead)
Percent Ownership	100.00%
Mailing Address	412 Mabel Ave Princeton, TX 75407-9162

2021 Value Information

Improvement Homesite Value	\$97,380
Improvement Non-Homesite Value	\$0
Total Improvement Market Value	\$97,380

Land Homesite Value	\$75,000
Land Non-Homesite Value	\$0
Land Agricultural Market Value	\$0
Total Land Market Value	\$75,000

Total Market Value	\$172,380
Agricultural Use Loss	\$0
Total Appraised Value	\$172,380
Homestead Cap Loss	(-) \$27,240
Total Assessed Value	\$145,140

Entities

Taxing Entity	Tax Rate	Collected By
CPN (Princeton City)	0.651215 (2020 Rate)	Collin County Tax Office
GCN (Collin County)	0.172531 (2020 Rate)	Collin County Tax Office

1. Original Garage, built in 1960 on the back side of the house. This is the parking area for the house. Garage was destroyed by a tree that fell on it.

2. Garden shed next to the garage, built in 1960.

3. back of the house. To the right side is where the original garage was located. This faces Maple Ave.

4. Location of original Garage. It was there for over 60 years.

5. original Location of Garage.

6. Front of house faces parking lot of the first Baptist church, and another property.

7. First Baptist church parking lot. Front of House

8. my front yard and the neighbors yard

9. There was an asphalt road that goes through my front yard all the way to 4th st.

10. view from 4th st. into my front yard where the asphalt road goes through my front yard.

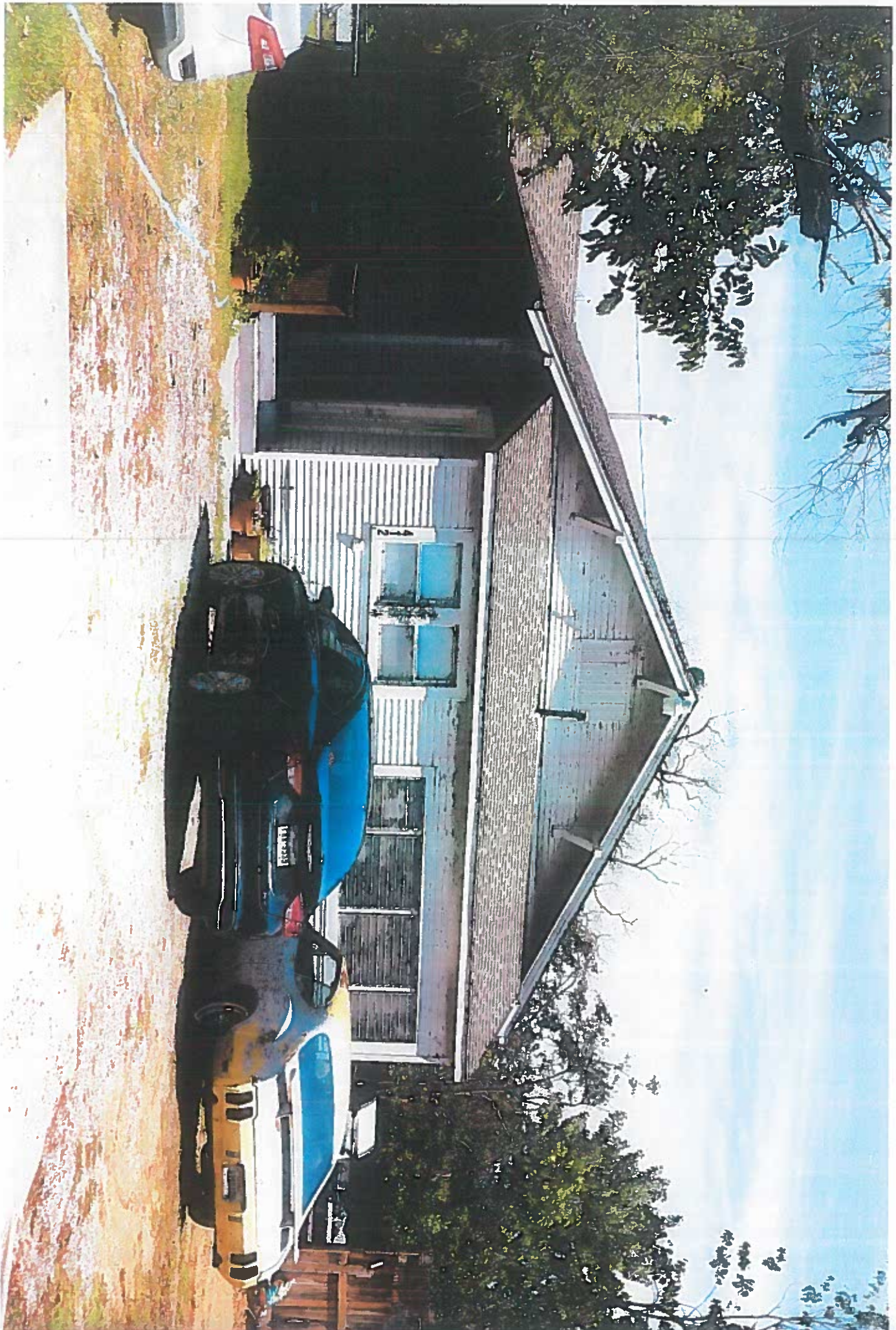
11. Residence facing my front yard that faces the asphalt road that goes through my front yard.

12. + 13. New Garage that I want to put in the location of the original Garage





3.

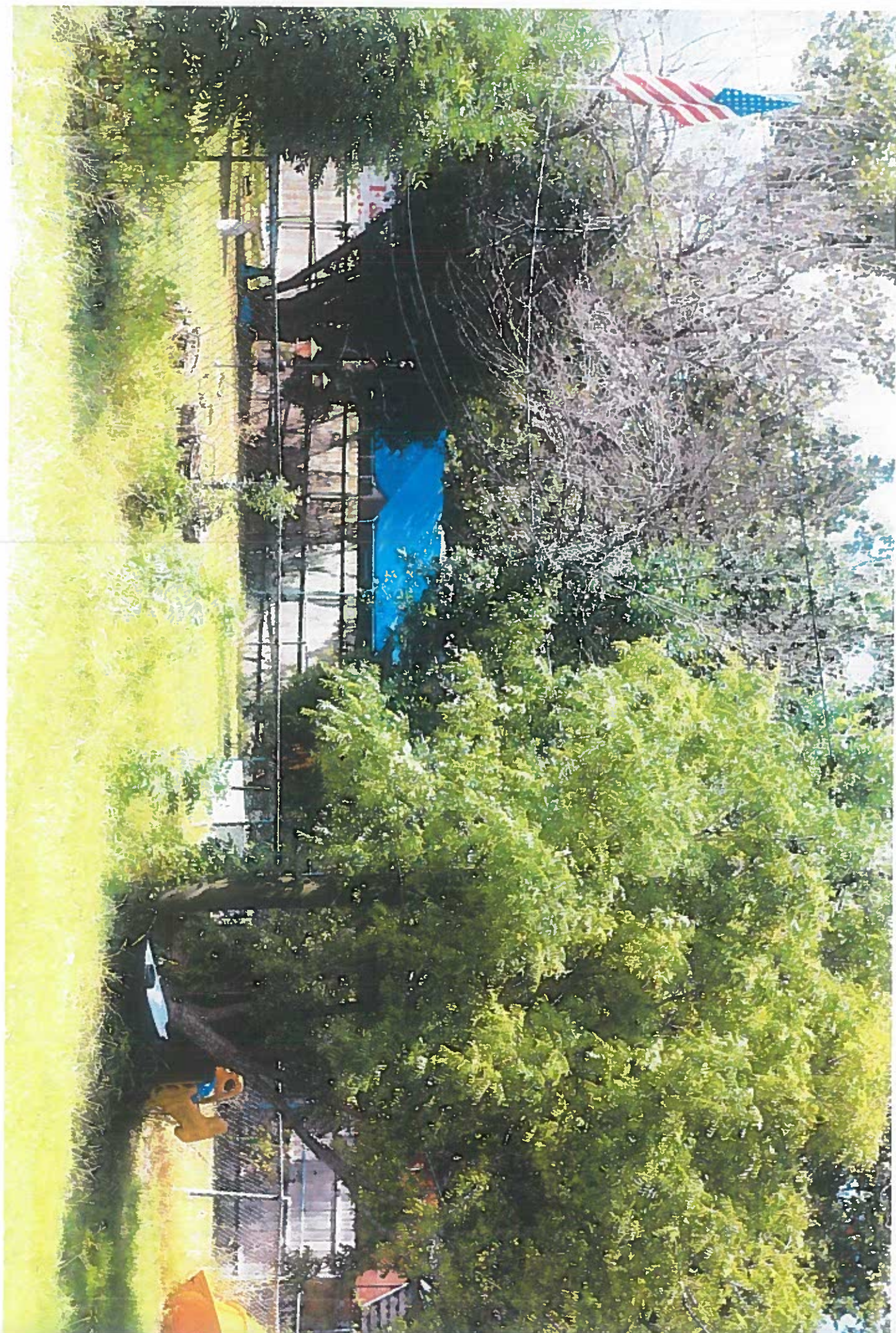








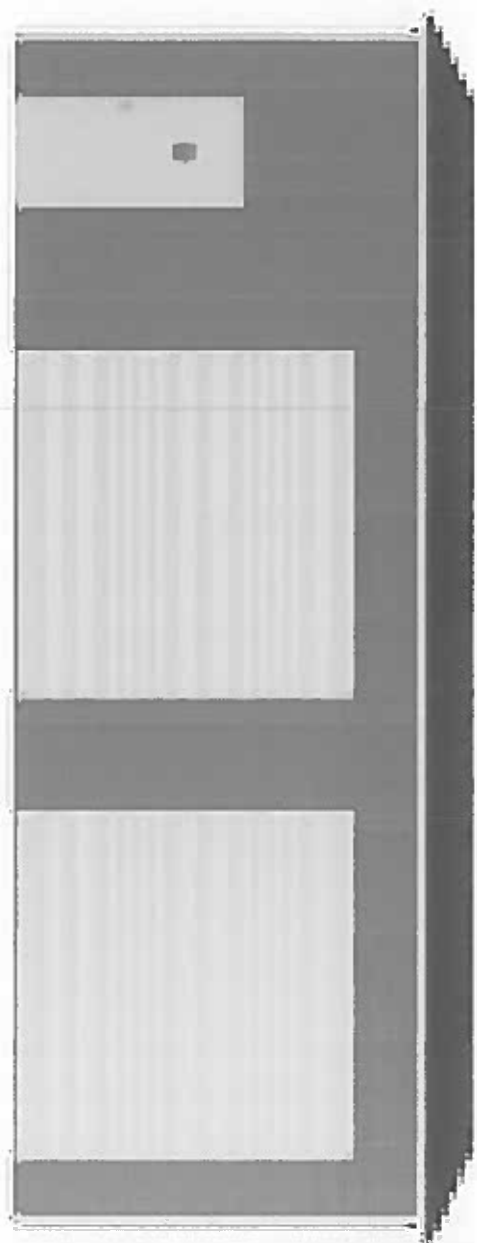




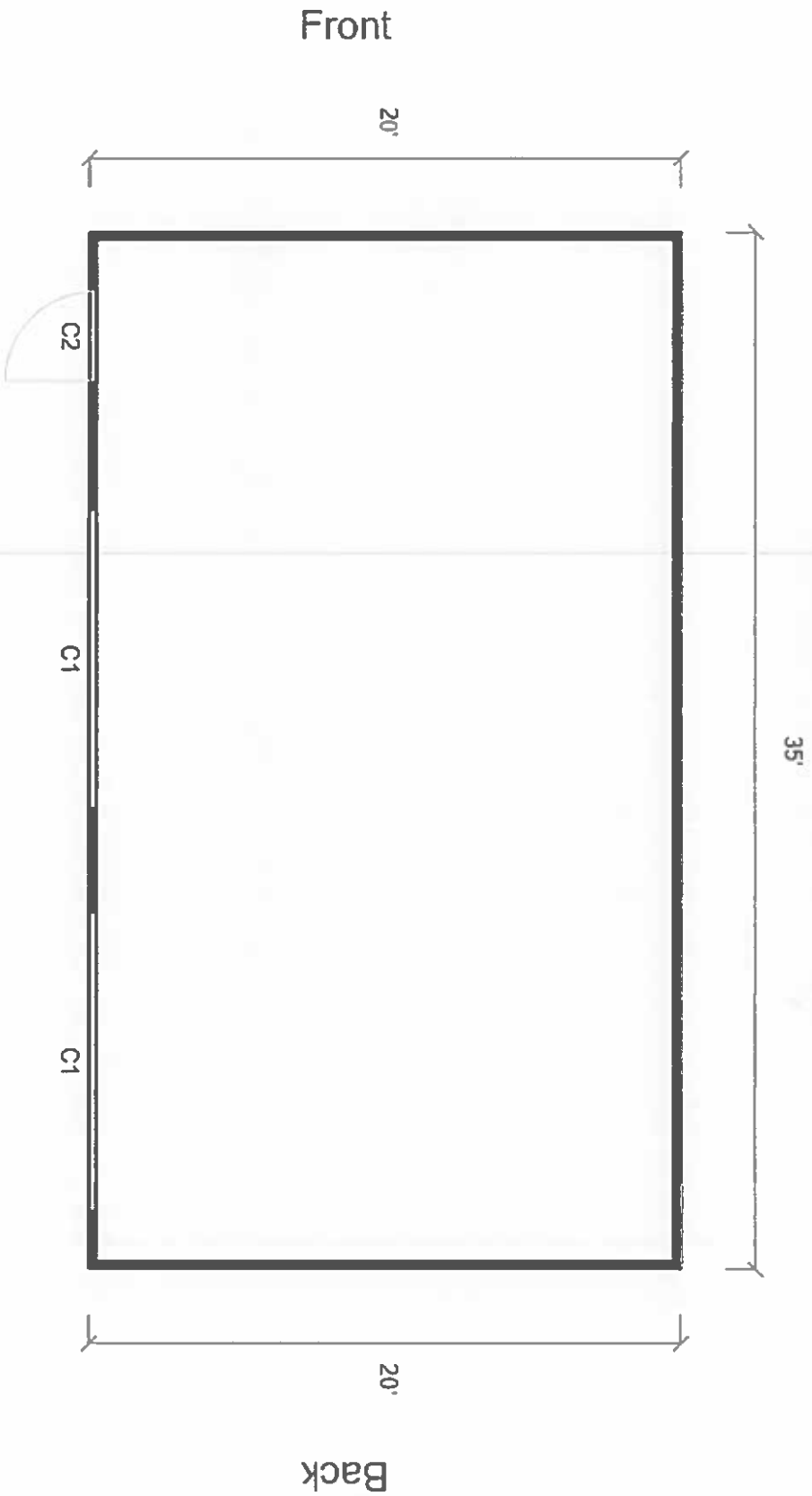
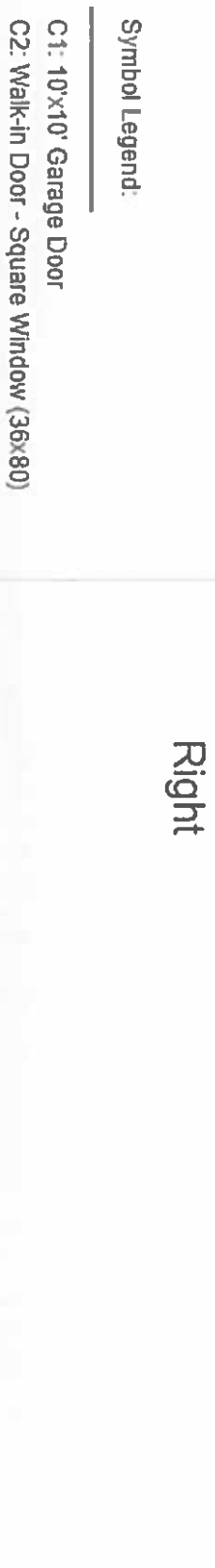








1. The first part of the paper is a review of the literature on the effects of the 1997 Asian financial crisis on the Asian economies.



Elementary School

BACK
YARD

DRIVE WAY

house

CAR-PAZ

Hosts





City of Princeton Zoning Board of Adjustments Staff Report

Appeal – 412 Mable Ave.

STAFF REPORT

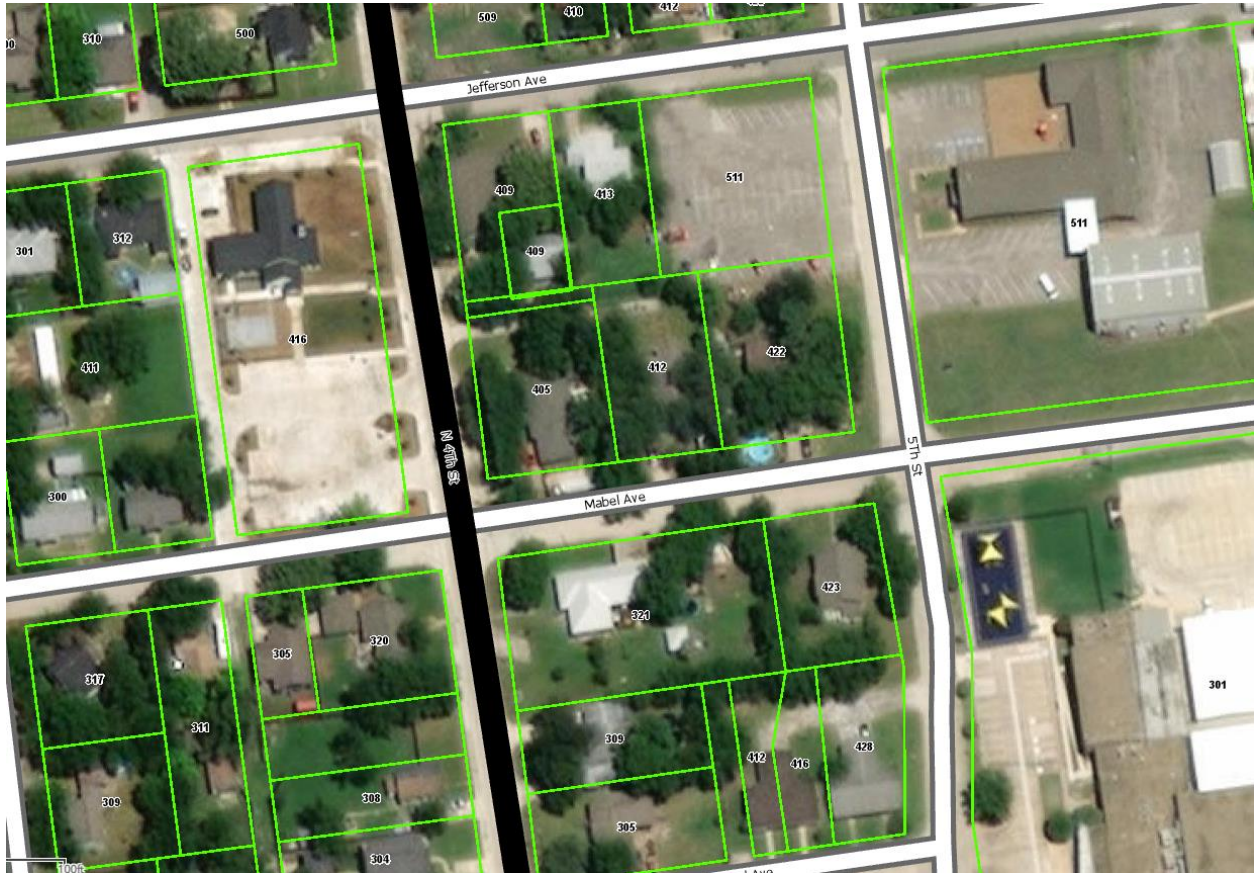
I. Applicable Sections of Municipal Ordinance

Sec. 82-39. - Nonconforming uses and structures.



- (a) *Uses in existence at time of adoption of ordinance.* A nonconforming status shall exist when a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to the adoption of the zoning ordinance.
 - (b) *Expansion of nonconforming use prohibited.* No nonconforming use or structure may be expanded or increased beyond the lot or tract upon which such non-conforming use is located as of the effective date if this chapter expect to provide off-street loading or off-street parking space upon approval of the city council.
 - (c) *Repairs/normal maintenance on nonconforming uses permitted.* Repairs and normal maintenance may be made to a non-conforming building provided that no structural alterations or extensions shall be made except those required by law or ordinance, unless the building is changed to a conforming use.
 - (d) *Change of nonconforming to conforming use.* Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a nonconforming use.
 - (e) *Abandonment/discontinuation of nonconforming use.* Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall thenceforth be in conformity with this chapter. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Discontinuance of a business or the vacancy of a building or premises occupied by a nonconforming use for a period of 90 days shall be construed as conclusive proof of intent to abandon the nonconforming use. Any nonconforming use not involving a permanent type of structure which is moved from the premises shall be considered to have been abandoned.
 - (f) *Accidental destruction of nonconforming use.* If a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire, the elements, or otherwise, it may not be reconstructed or rebuilt except to conform with the provisions of the Princeton Zoning Ordinance unless the destruction amounts to less than 50 percent of its fair market value at the time of destruction. In the case of partial destruction of a nonconforming use not exceeding 60 percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the board of adjustment, but the size and function of the non-conforming use shall not be expanded.
- (b) *Area regulations for accessory buildings or structures in Residential and Multifamily districts.*
- (1) Front yard: Attached accessory buildings or structures, including garages and carports, shall have a front yard not less than the main building, or as specified in the particular district. Detached accessory buildings or structures shall be located in the area defined as the side yard or rear yard.
 - (2) Side yard: There shall be a side yard not less than eight feet from any side lot line, alley line or easement line, except that adjacent to a side street, the side yard shall never be less than 20 feet.
 - (3) Rear yard: There shall be a rear yard not less than ten feet from any lot line, alley line or easement line. Carports, garages or other necessary buildings located within the rear portion of a lot, as heretofore described, shall not be located closer than 15 feet to the main building nor nearer than eight feet to any side lot line.

Yard, front means an open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line, with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located.



REQUEST

Applicant requests approval of placements of an accessory structure in the front yard of the property.

II. PROCESS

The process for an appeal are as follows:

- (a) *Whenever it is alleged that there is an error by the zoning administrator in any determination or enforcement of the requirements of the zoning ordinance, an appeal for interpretation of the regulations or map designations may be filed with the development services department.*
- (b) *An application for appeal of administration decision by the zoning board of adjustment shall be in writing using forms provided by the city and shall be accompanied by a fee pursuant to the adopted fee schedule. The application shall include:*
 - (1) *A statement by the applicant describing the way it is alleged the ordinance should be interpreted or enforced, together with diagrams and charts illustrating the error and the proper application of the map or text provisions of the ordinance; and*
 - (2) *A statement by the zoning administrator giving the reasons for his interpretation or enforcement of the zoning ordinance.*
- (c) *The zoning board of adjustment shall hold a public hearing no later than 45 days after the date the application for action is filed. Notice of a public hearing shall be published in the city's official website ten days prior to the public hearing.*

- (d) *Before action on an appeal, the board shall consider:*
 - (1) *The facts and statements filed in the application;*
 - (2) *The testimony presented at the public hearing;*
 - (3) *The staff's report on the appeal;*
 - (4) *The board's independent investigation of the language of the ordinance and of related ordinances bearing thereon.*
- (e) *The board shall make such interpretation as ought to be made provided the applicant has demonstrated to the satisfaction of the board that one or more of the following conditions exist and that the decision of the board would be in the interest of the community and would carry out the spirit and intent of the zoning ordinance:*
 - (1) *That there is reasonable doubt or difference of interpretation as to the specific intent of the regulations or map;*
 - (2) *That an appeal of use provisions would clearly permit a use which is in character with the uses enumerated for the various zones and with the objectives of the zone in question; and*
 - (3) *That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or use similarly situated.*
 - (4) *In reaching its decision the board shall establish firm guidelines for future administrative actions on like matters.*
- (f) *The board shall render an interpretation of those provisions of the zoning ordinance where it is alleged that there is an error in any order, requirements, decision or determination made by an official in the administration of such provisions. In reaching its decision, the board shall establish firm guidelines for future administrative actions on like matters.*
 - (1) *The facts filed with the application;*
 - (2) *The testimony presented at the public hearing;*
 - (3) *The staff's technical report on the application; and*
 - (4) *The board's own knowledge of the facts and conditions relative to the application.*

Council Action

The Board has the following options:

1. Approval the request.
2. Deny the request.

III. STAFF RECOMMENDATION

Denial of appeal request is not in conformance with the adopted zoning ordinance.



Shawn Fort, Director of Development Services