



# Board of Adjustment Agenda Item Summary Report

<b>Meeting Date:</b> April 22, 2021	<b>Submitted by:</b> P. Morgan
<b>Item Title:</b>	
Hold a public hearing and discuss and consider approval of a parking variance for the Forney ISD Aquatic Center on the northeast side of F.M. 740, west of Ranch Road.	
<b>Consent Item</b> [ <input type="checkbox"/> ] <b>Public Hearing Item</b> [X] <b>Action Item</b> [ <input type="checkbox"/> ]	<b>Documentation Attached:</b> Application Letter Site Plan
<b>Item Summary</b>	
<p>Forney ISD requests approval of a variance to the City of Forney parking regulations. The City of Forney Comprehensive Zoning Ordinance requires a community pool to provide one parking space for each one-hundred square feet of gross water surface and deck area. This would require a total of 140 spaces to be provided for the new Forney ISD aquatic center.</p> <p>The application letter states that the variance request is based on the following:</p> <p>The main function of the facility is for student training use. The students will be transported to the facility by bus from their home Middle School or High School.</p> <p>Due to the nature of the pool use, occupancy will be much lower than a standard community swimming pool. There are seventeen regular parking spaces and five handicap parking spaces proposed at the aquatic center site. There will be 122 parking spaces at the Forney ISD Intermediate School across the street. These spaces can be used on an as needed basis if overflow parking is required. A sidewalk from the overflow parking area to the aquatic center is proposed.</p> <p>Section 9.6 of the Zoning Ordinance provides variance requirements. It states that no variance shall be granted unless the Board of Adjustment finds:</p> <ol style="list-style-type: none"> <li>1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and</li> <li>2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and</li> <li>3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and</li> <li>4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance; and</li> <li>5. That a finding of undue hardship exists (see below).</li> </ol> <p>In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists, using the following criteria:</p> <ol style="list-style-type: none"> <li>1. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property; and</li> <li>2. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and</li> <li>3. That the relief sought will not injure the permitted use of adjacent conforming property and</li> <li>4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.</li> </ol>	