



## *Memorandum*

### *March 12, 2020*

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TO: Planning and Zoning Commission  
Julie Couch, Town Manager

FROM: Israel Roberts, AICP  
Planning Manager

SUBJECT: **CONDITIONAL USE PERMIT FOR AN ACCESSORY STRUCTURE  
(GUEST SUITE)**

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**BACKGROUND:** This is a request for approval of a conditional use permit (CUP) for an accessory structure to allow an existing 1,238 square foot house to be used as a future guest suite. The 1.16-acre site is located at 900 Old Stacy Road and is zoned for the (RE-1) One-acre Ranch Estate District. Owner/Applicant: Luis Martinez. (Case No. CUP2020-02)

#### STATUS OF ISSUE:

The applicant proposes to use the existing 1,238 square foot home as a future guest suite for a relative. The structure was built in 1942. The property was annexed in 1999, and zoned for the (RE-1) One-acre Ranch Estate District in 2007. Therefore, since the structure preceded the annexation and zoning, it is considered a legal nonconforming use/structure (ie: grand-fathered), which entitles it to remain in its existing use and condition.

The property owners are in the process of constructing a new home on the lot. Once the new home becomes occupied, they want to be able to use the 1942 structure for a guest suite for a relative. Although, the Fairview code does allow for guest suites as an accessory use, they are limited to a total of 900 square feet in size. Since the 1942 structure is larger than 900 square feet, and the use of the structure is proposed to change from a primary home to a guest suite, approval of a Conditional Use Permit for the additional area above 900, is necessary.

Since the proposal is to allow the use of the existing structure as a future guest suite, no new construction is associated with this request.

### Public Input

The town has notified 18 adjacent property owners within 500 feet of the subject property in accordance with Town requirements, and to date, have received one (1) letter of support.

### Staff Analysis

- According to the governing ordinance for the subject site:
  - Guest houses, as accessory uses, are limited to a maximum of 900 square feet. The existing structure is 1,238 square feet. *The existing structure exceeds the maximum area allowed for a guest suite by 338 square feet.*
  - Setback for an accessory structure of this size is 30 feet. The existing structure is approximately 21 feet from the southern property line. However, since this structure was built in 1942, before the site was annexed (1999) and zoned (2007), the location of the structure is considered a legal nonconforming issue (ie: grandfathered) and may stay in its current location.
  - Maximum height for an accessory structure is 30 feet. The existing structure is approximately 19 feet to the roof ridge.
  - Maximum number of accessory structures is two (2). *The proposed guest suite will be the only accessory structure on-site. An existing 480 square foot storage shed/barn will be demolished as part of the issued building permit for the new home which is currently being constructed.*
  - Maximum lot coverage is 35%. *Including the existing structure (proposed guest suite) and the proposed new home that is currently being constructed, the lot coverage is approximately 19.1%, meeting the lot coverage requirement.*

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** of the proposed conditional use permit as presented.

BUDGET: N/A

### ATTACHMENTS:

- Locator
- Site Plan
- Photos
- Correspondence





900 Old Stacy Road  
CUP2020-02



Fairview, Texas 75069

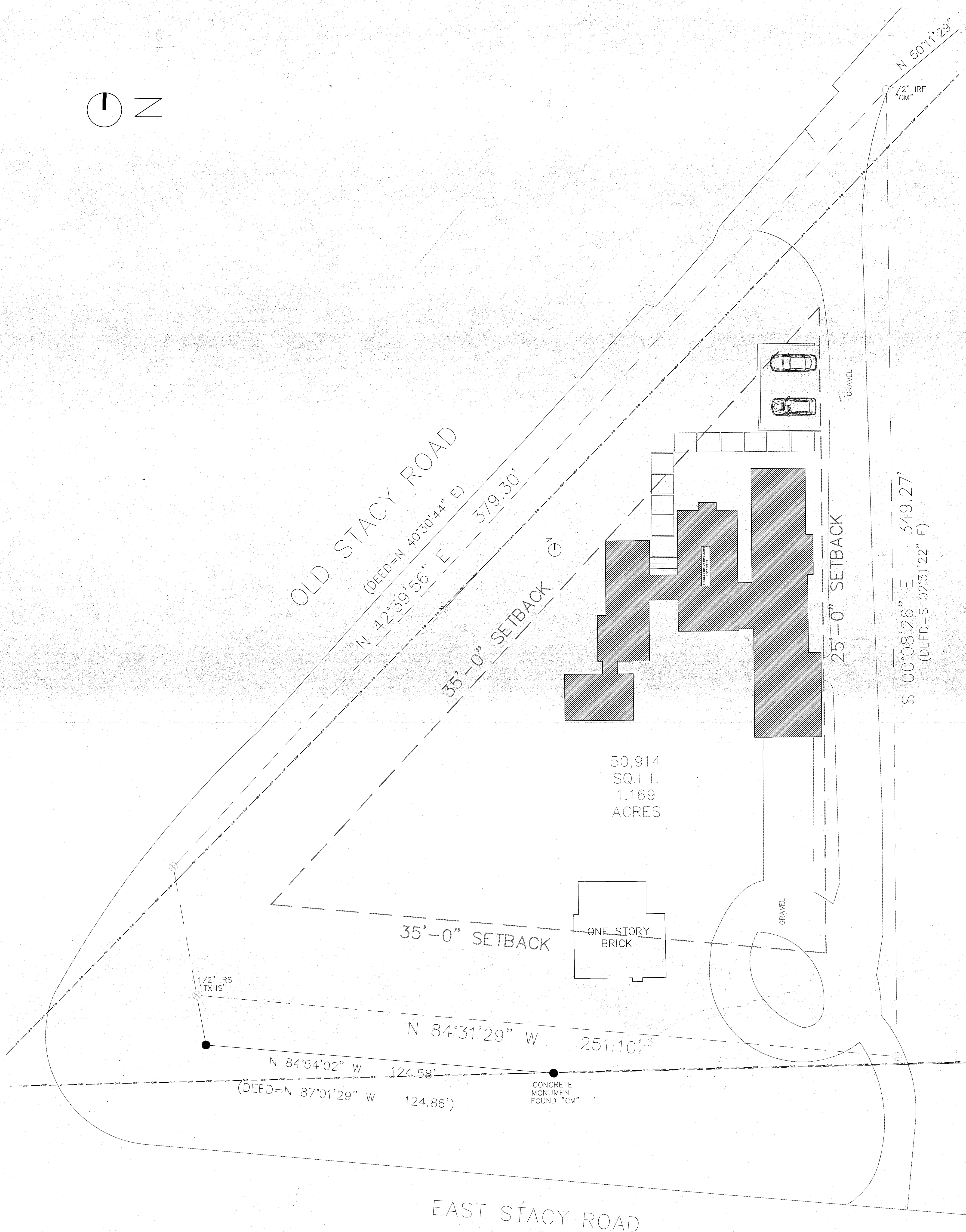
[illegible]

Project  
**18005**

Date  
8/22/2018

Sheet  
NEW  
SITE PLAN  
A0.9

NEW SITE PLAN

















RECEIVED MAR 05 2020

February 28, 2020

TO WHOM IT MAY CONCERN:

Notice is hereby given that the Planning and Zoning Commission for the Town of Fairview, Texas, will convene for a public hearing on Thursday, March 12, 2020 at 7:00 p.m. at Town Hall, 372 Town Place, Fairview, Texas. At such time and place the Commission will hold a public hearing and take appropriate action regarding the following:

- Conduct a public hearing, consider and take necessary action on a request for approval of a Conditional Use Permit (CUP) for the existing home to serve has an accessory structure (guest house). The subject site is located at 900 Old Stacy Road and is zoned for the (RE-1) One-Acre Ranch Estate District. Owner/Applicant: Luis Martinez. (Case No. CUP2020-02)

All interested citizens and property owners are invited to attend and participate in this meeting. For questions and/or comments please contact Israel Roberts, Planning Manager, at 972-562-0522, extension 5094; or via email: [iroberts@fairviewtexas.org](mailto:iroberts@fairviewtexas.org). Citizens may also visit Town Hall, Monday-Friday from 8:30-4:30 PM to obtain more information on this matter prior to the public hearing.

If you wish to communicate your support or opposition for this proposed CUP to the Planning and Zoning Commission and town staff, please respond to the queries below and return it to Mr. Roberts via mail, email, fax or hand delivery.

Name: WALLY Lyssy Address: 291 DOVER COURT

☒ Support

Signature: Wallace A. Lyssy

☐ Oppose

Date: 3/3/2020

Comments: