

**Proposed improvements:**

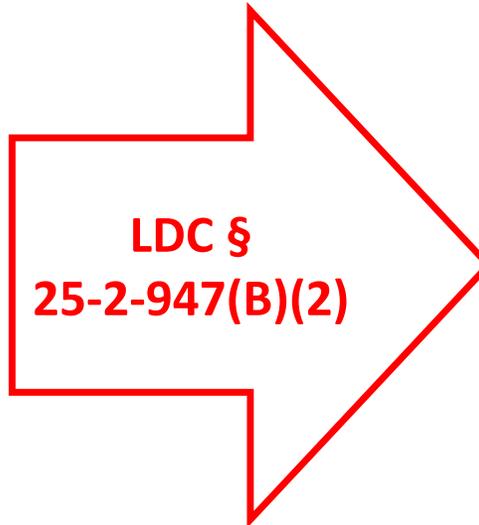
- ✓ Meet FAR, impervious, & bldg. coverage
- ✓ Within all setbacks
- ✓ Do not require additional variances for driveways or the non-complying structure

**BUT  
B/C**

**Officially subdivided in 1960**  
(i.e. after 1946)

**Lot is 5,052 SF**  
(smaller than 5,750 SF)

**Structure Value per TCAD is \$69,983**



**IMPROVEMENTS CAPPED AT**

**\$13,996**

*(20% of value)*

**No additions, no energy efficient windows, no updated siding, no kitchen/ bath renovations**

**=**

**HARDSHIP**

**≠**

**REASONABLE USE**

**§ 25-2-941 - NONCONFORMING USE DEFINED.**

NONCONFORMING USE means a land use that does not conform to current use regulations, but did conform to the use regulations in effect at the time the use was established.

Source: Section 13-2-331; Ord. 990225-70; Ord. 031211-11.

**§ 25-2-942 - USES CONFORMING ON MARCH 1, 1984.**

The use of a building, structure, or property that conformed with the zoning regulations in effect on March 1, 1984 is a conforming use notwithstanding the requirements of this chapter.

Source: Section 13-2-340; Ord. 990225-70; Ord. 031211-11.

**§ 25-2-943 - SUBSTANDARD LOT.**

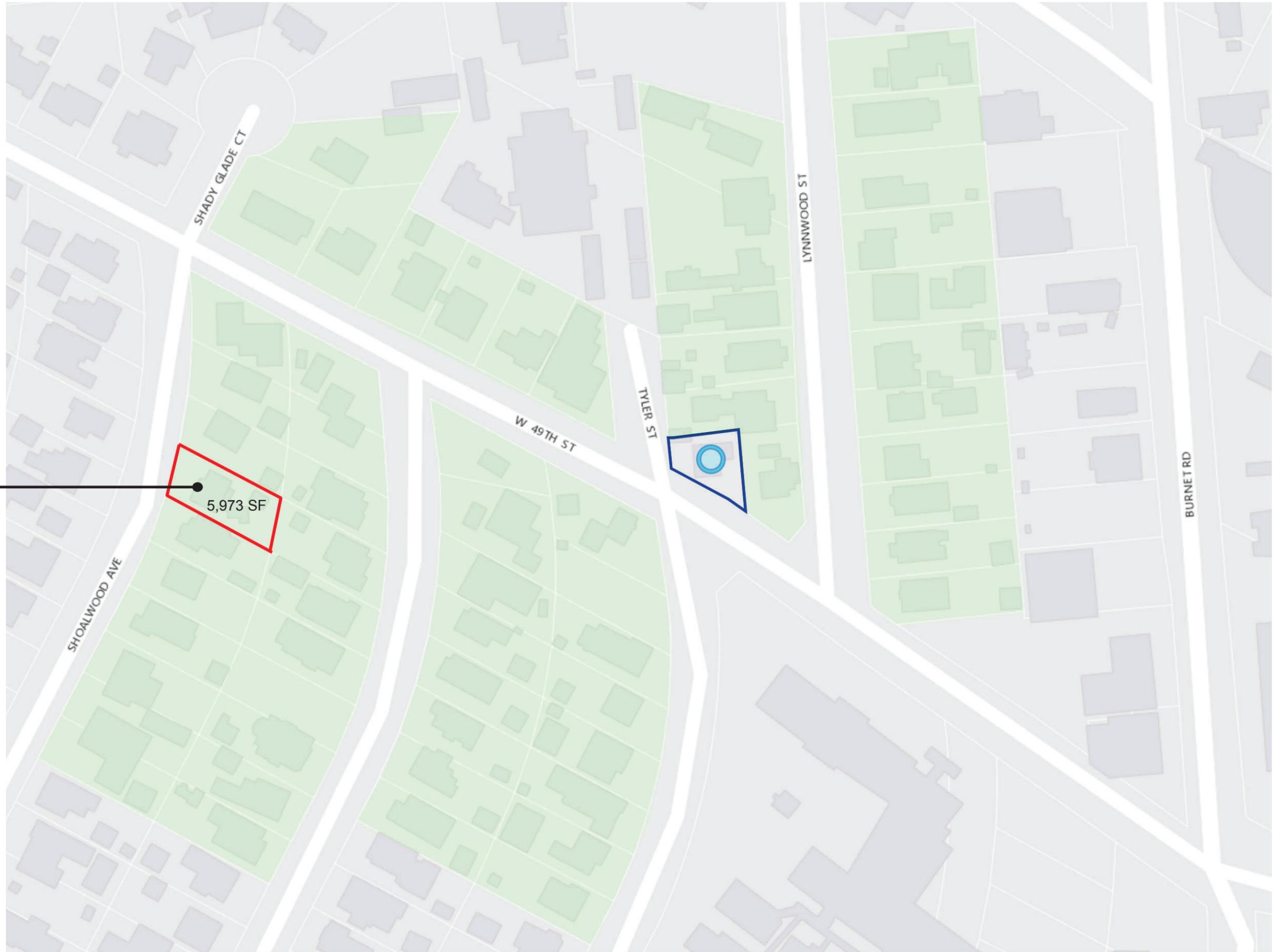
- (A) A substandard lot may be used for a nonresidential use that is permitted in the zoning district in which the lot is located if, except for minimum lot area, the use and development complies with the requirements of this title.
- (B) A substandard lot may be used for a single-family residential use if the use is permitted in the zoning district in which the lot is located and the lot complies with the requirements of this subsection.
  - (1) A substandard lot recorded in the county real property records before March 15, 1946 must:
    - (a) have an area of not less than 4,000 square feet; and
    - (b) be not less than 33 feet wide at the street or at the building line, or have access to a street by an easement that is:
      - (i) not less than ten feet wide if it serves one lot, or not less than 18 feet wide if it serves more than one lot;
      - (ii) not more than 150 feet in length; and
      - (iii) maintained for access by the property owner.
  - (2) A substandard lot recorded in the county real property records after March 14, 1946 must:
    - (a) have an area of not less than 5,750 square feet; and
    - (b) be not less than 50 feet wide at the street or at the building line.
- (C) If a substandard lot is used with one or more contiguous lots for a single use or unified development, the requirements of this chapter apply to the aggregation of lots as if the aggregation were a single lot.
- (D) A substandard lot that is aggregated with other property to form a site may not be disaggregated after August 6, 2007 to form a site that is smaller than the minimum lot area requirement.

Source: Sections 13-2-334, 13-2-335, and 13-2-336; Ord. 990225-70; Ord. 031211-11; Ord. 20070726-131.

**§ 25-2-947 - NONCONFORMING USE REGULATION GROUPS.**

- (A) A Group "A" nonconforming use must comply with the regulations described in this subsection.
- (1) Except as provided in Subsections (B)(1) and (2), a Group "A" nonconforming use must comply with Group "B" nonconforming use regulations.
  - (2) A person shall discontinue a nonconforming use not later than 10 years after the date the use becomes nonconforming, if the use occurs:
    - (a) outside a structure; or
    - (b) in a structure valued at less than \$10,000.
  - (3) Maintenance or improvement of a structure is limited to that required by law to comply with minimum health and safety requirements. The value of an improvement described in this paragraph may not be used in determining the value of a structure.
- (B) A Group "B" nonconforming use must comply with the regulations described in this subsection.
- (1) A person may continue a nonconforming use and maintain an associated structure, except the person may not:
    - (a) increase the floor space or site area of a nonresidential use; or
    - (b) make a change that increases the amount of required off-street parking.
  - (2) A person may improve, enlarge, or structurally alter a structure if the cost does not exceed 20 percent of the value of the structure before the improvement.
  - (3) An improvement required by law to meet minimum health and safety requirements, or an improvement to a portion of a structure used solely for a conforming use may not be used in determining valuations under Subsection (B).
- (C) A Group "C" nonconforming use must comply with the regulations described in this subsection.
- (1) A person may continue a nonconforming use and maintain an associated structure.
  - (2) A person may expand the portion of a structure or site that is used for a nonconforming use, except:
    - (a) an expansion of the portion of the site must be on the same lot and may occur only one time; and
    - (b) an expansion may not increase the required off-street parking to more than 120 percent of that required for the use on the later of March 1, 1984 or the date the use became nonconforming.
  - (3) If a structure is used for a nonconforming conditional use that the Land Use Commission has not approved, a person may annually expend not more than 20 percent of the value of the structure to improve, enlarge, or structurally alter the structure.
- (D) A Group "D" nonconforming use must comply with the regulations described in this subsection.
- (1) A Group "D" nonconforming use must comply with Group "C" nonconforming use regulations.
  - (2) A nonconforming conditional use approved by the Land Use Commission may be replaced by a similar nonconforming conditional use if the Land Use Commission:
    - (a) reviews traffic generation, noise, hours of operation, number of employees, and other appropriate performance measures;
    - (b) determines that the replacement use will not more adversely affect surrounding uses than does the original use; and
    - (c) approves the replacement use.
- (E) Except as provided in Subsections (A)(3) and (B)(3), the value of a structure is the value established by the tax appraisal district.

Source: Sections 13-1-333 and 13-2-344; Ord. 990225-70; Ord. 010607-8; Ord. 031211-11.

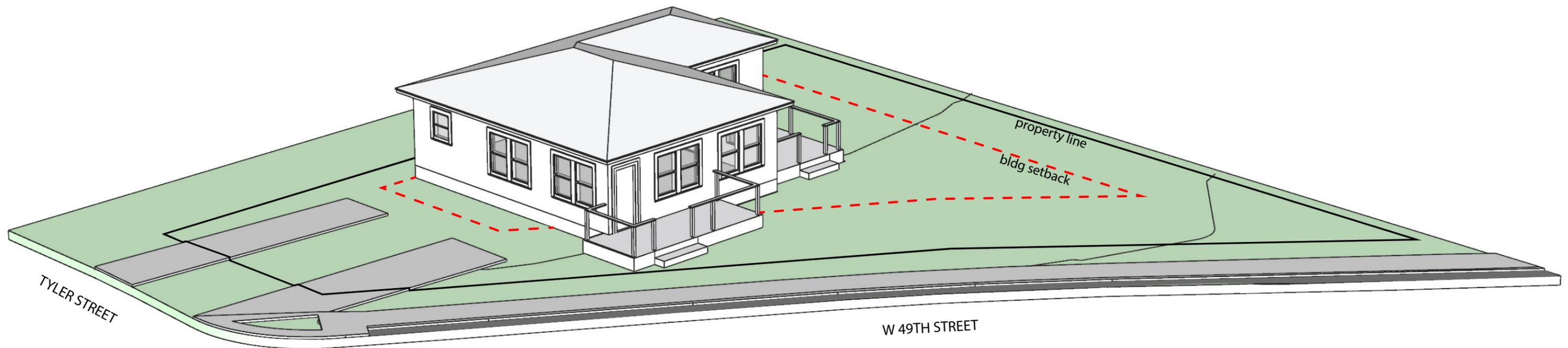


Next smallest SF-3 lot  
within 500 ft of  
2202 W 49th Street

5,973 SF



Not to be used for permitting or construction.

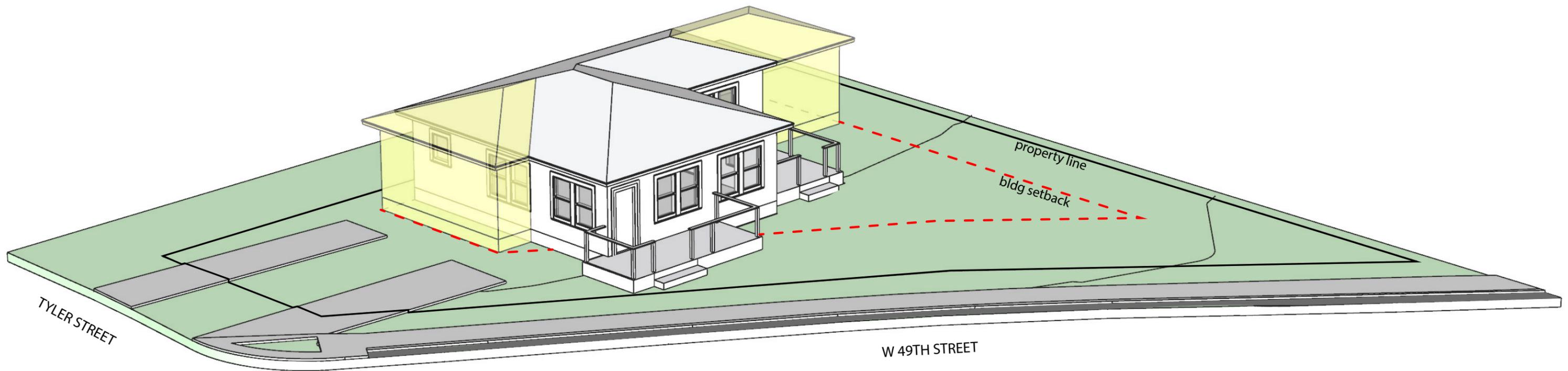


EXISTING

Roof Ridge HT: 13'-0"



Not to be used for permitting or construction.



PROPOSED

Roof Ridge HT: 13'-0"