

# APPLICATION REVIEW

## Z-16-72

HEARING DATE: November 29, 2016

1. CASE # Z-16-72  
PROPERTY ADDRESS: 3019 Maple Avenue  
LEGAL DESCRIPTION: Lot 12, Block 24, Dean Addition

2. APPLICANT: Jennifer S. & John C. Dickey  
MAILING ADDRESS: 3019 Maple Ave. (07)

### 3. REQUEST:

#### **SPECIAL PERMIT FOR TEMPORARY RESIDENTIAL RENTAL UNIT IN AN R-1B DISTRICT**

*Temporary residential rental unit.* A residential dwelling unit where short-term lodging is provided for compensation, the owner does not reside on the property and breakfast provided for overnight guest is optional. Short term lodging shall be considered to be for a period of time under 30 days.

**PLANNING SERVICES REVIEW**

**NEIGHBORHOOD CHARACTER:**

This property is located along the north side of Maple Avenue, between N. 30<sup>th</sup> & N. 31<sup>st</sup> Streets, within the Dean Highland Neighborhood. This is a predominantly single family area and the property is just across Maple Avenue from Highland Baptist Church of Waco. The existing 3-bedroom home sits on a quarter of an acre lot. Property owners propose to live in the home and rent it out occasionally, up to 14 days a year, for short term rental. There is driveway to the left of the home that leads to a detached garage at the rear of the property.

**PLANNING SERVICES RECOMMENDATION:**

Planning Services recommends *APPROVAL* of the special permit subject to the special provisions and conditions and based on the following findings\*:

1. That the proposed use is consistent with the comprehensive plan and the purposes and intent of Chapter 28-Zoning of the Code of Ordinances of the City of Waco.
2. That the proposed use is compatible with the appropriate and orderly development of the area in which it is located.
3. That the proposed use would not be more objectionable to neighboring properties because of traffic congestion, noise, fumes, vibrations or any other characteristics than any use permitted in the zoning district without the grant of a special exception.
4. That available community facilities and services, including the road system providing access to the proposed use, are adequate for the proposed use.

\* These findings are required for the granting of a special permit as per Section 28-122 of the City of Waco Zoning Ordinance.

**NOTICES: 13 mailed; returned**

**TRAFFIC OPERATIONS REVIEW**

1. Description of the adjacent street system:

Classification: Collector                      Number of Lanes: Two

Estimated Capacity (at LOSD) 5,000-7,000 vpd      Avg. Daily Traffic Not available vpd

2. Estimated increase in traffic on adjacent streets at full build out:

Immediate: Negligible      Future: Not available

3. Will the development's impact be of sufficient magnitude to require mitigation for:

- a) Access problems:    no
- b) Increased traffic congestion:    no
- c) Pedestrian traffic:    no
- d) Visibility problems:    no

4. Traffic Department comments and recommendations:

No comment. (RK)

**ENGINEERING SERVICES REVIEW**

1. Street condition: Good     Acceptable     Needs Reconstruction

2. Street width: Existing: ROW 60'    Pavement 26'

Required: ROW 60'    Pavement 36'

3. Curb and Gutter:

Needs to be installed     Exists     Needs Reconstruction

4. Offsite Drainage facilities are adequate to meet additional runoff resulting from the rezoning.

5. Water is available to the property, and it will serve the heaviest uses allowed under the requested zoning.

6. Sewer is available to the property, and it will serve the heaviest uses allowed under the requested zoning?

7. Engineering Department comments and recommendations:

The property is served with both public water and sanitary sewer mains and there have been no drainage issue reported in this immediate area; therefore, Engineering has no comment. (TD)

**INSPECTION SERVICES REVIEW**

**Comments --**

No comment. (GD)

**LEGAL SERVICES REVIEW**

**Comments -- . (JP)**

**FIRE DEPARTMENT REVIEW:**

**ANTICIPATED FIRE RESPONSE TIME: < 6 min**

**IS THE FIRE RESPONSE TIME ADEQUATE?: Y (Y) YES (N) NO**

**Fire Department Comments and Recommendations:**

No comment. (GL)

**HEALTH DEPARTMENT REVIEW**

**INSPECTION/PERMIT REQUIRED N (Y) YES (N) NO**

**DATE OF INSPECTION: N/A**

**Health Department Comments and Recommendations: None. (DL)**

**POLICE DEPARTMENT REVIEW**

**Comments** No significant impact to Police Services. (JW)

**CASE #Z-16-72**

**PROPERTY OWNERS LIST**

**Applicant:** Jennifer S. & John C. Dickey

**Owner:** Jennifer Smyer

**SPECIAL PROVISIONS & CONDITIONS**  
**FOR TEMPORARY RESIDENTIAL RENTAL UNIT**

1. The permit hereby granted is to, Jennifer S. & John C. Dickey, and may not be transferred or assigned.
2. At any time if the permittee(s) ceases to use the permit for the purpose for which it has been granted, this permit shall become null and void, and the lawful use of the property listed as the location for the permit shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
3. This permit is for the specific location designated herein and shall not be transferred to another location.
4. That said temporary residential rental unit shall be operated in accordance with all applicable regulations and the permittee shall obtain all permits or licenses which may be required under the Ordinance of the City of Waco or other agencies of the County, State or Federal government. The property may be inspected by the Departments of Planning, Inspections Services, Fire Services, the Health District or any other responsible departments to ensure the building or premises complies with all applicable codes and special conditions.
5. A Life Safety Inspection for compliance with applicable City codes must be approved by the Inspections Services Department prior to issuance of the Special Permit. This inspection includes, but is not limited to, smoke detectors, at least one operable egress window per bedroom, required safety measures for pools (if applicable), and exterior stairwells (if applicable).
6. This permit may be revoked for failure of the permittee to pay all taxes and/or fees due and owing the State or any political subdivision of the State, or for a violation of this special permit or any ordinance of the City of Waco, or for good and sufficient cause, upon notice to the permittee and after a public hearing.
7. Permittee shall comply with all building, plumbing, electrical and other related construction codes of the City of Waco.
8. The structure and the grounds shall be maintained and shall be kept in good repair and condition.
9. This permit shall be for a period of one year and expire on December 20, 2017. At expiration of said period the permittee shall make an application for renewal of said special permit. If the permit is not renewed, it will be considered abandoned and terminated and the lawful use of the said premises shall conform to the use for which it is zoned under the City of Waco's Zoning Ordinance.
10. The temporary residential rental unit shall be subject to City and State's hotel occupancy taxes.
11. Functions such as meetings, receptions, weddings and other social events provided for compensation are not permitted as part of the temporary residential rental unit special permit.
12. Functions such as meetings, receptions, weddings and other social events are not permitted to be held by the tenants. No outside vendors are permitted on the property.
13. A maximum of 3 temporary residential guest vehicles shall be permitted to park on the property at any time.

14. No on-street parking shall be allowed for temporary residential guest vehicles.
15. The owner or on-site manager shall be present or available at all times the property is being rented as a temporary residential rental unit. Contact information shall be filed with Planning Services Department.

**Zoning Case Z-16-72**  
**3019 Maple Avenue**  
**Urban Residential**  
**Property Location Map**  
**and Surrounding**  
**Land Use 2016**

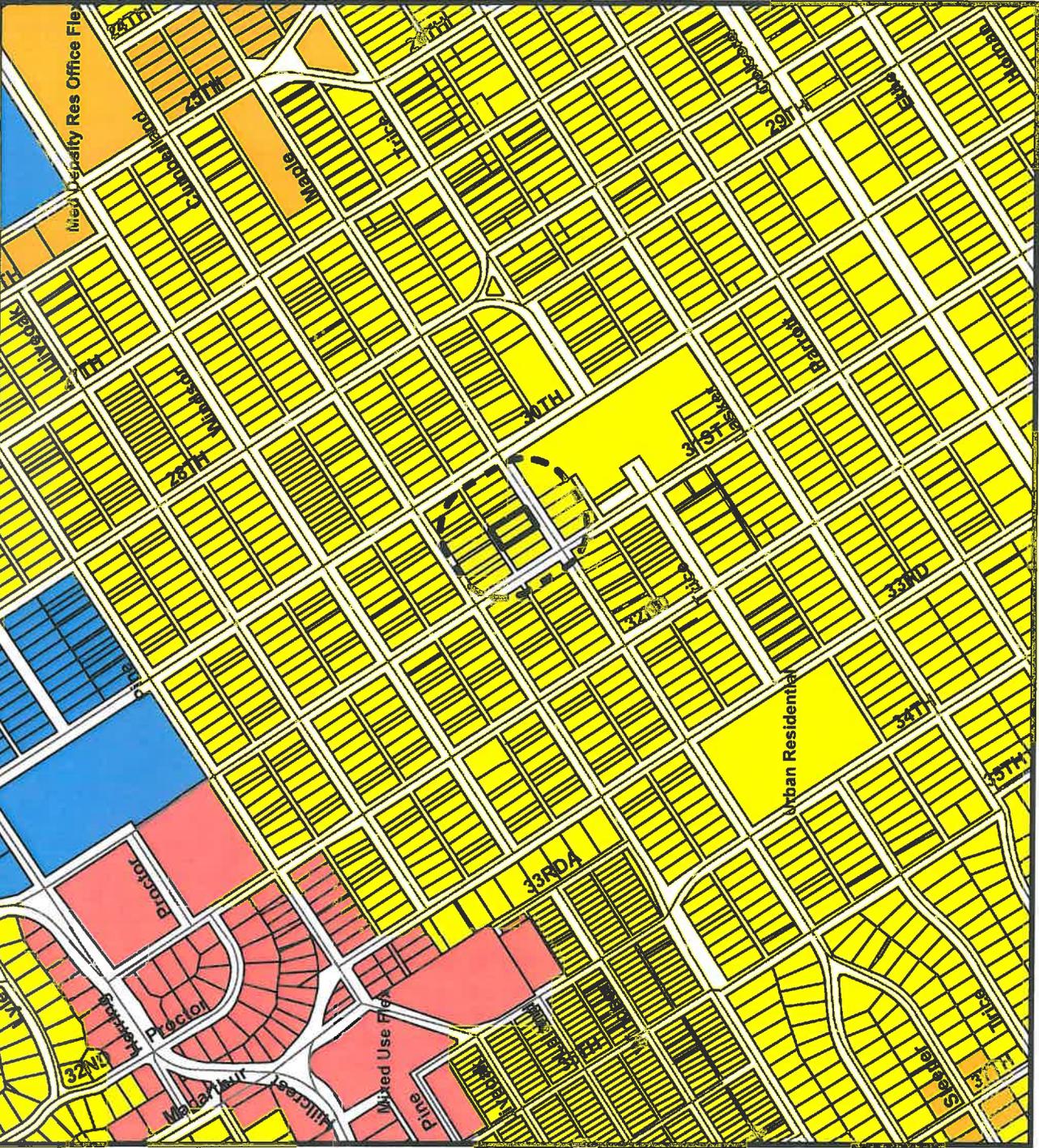
- Case Z-16-72  
 200' Property Notice Buffer
- Land Use 2016**
- Rural Residential
  - Suburban Residential
  - Urban Residential
  - Medium Density Residential Office Flex
  - Office Industrial Flex
  - Mixed Use Flex
  - Mixed Use Core
  - Industrial
  - Institutional
  - Open Space



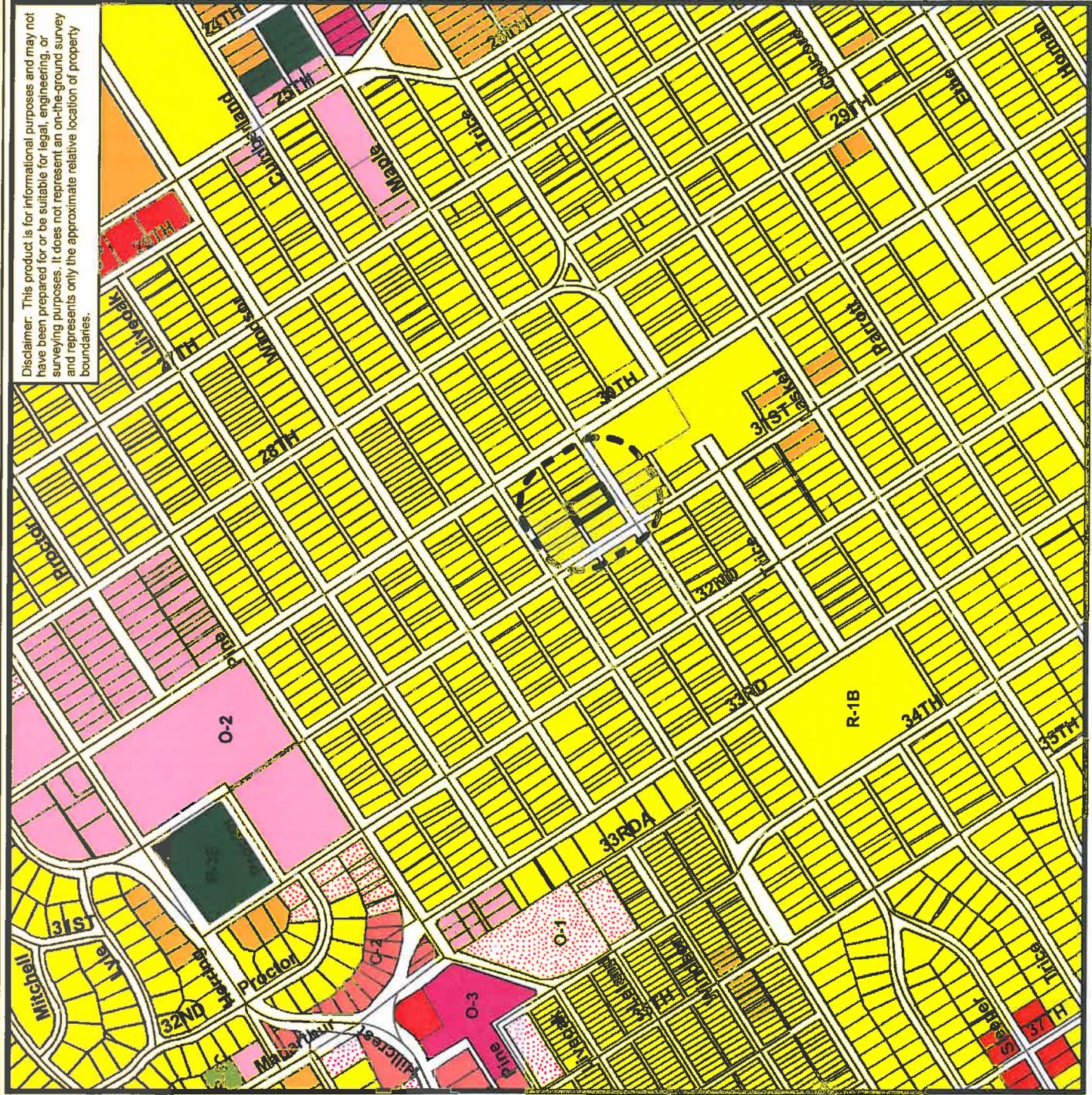
November 2016



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.



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**in R-1B District**  
**Property Location Map**  
**and Surrounding**  
**Zoning Categories**

Case Z-16-72  
 200' Property Notice Buffer

**Zoning Categories**

- R-1A
- R-1B
- R-1C
- R-2
- R-3A
- R-3B
- R-3C
- R-3D
- R-3E
- O-1
- O-2
- O-3
- C-1
- C-2
- C-3
- C-4
- C-5
- M-1
- M-2
- M-3
- PUD



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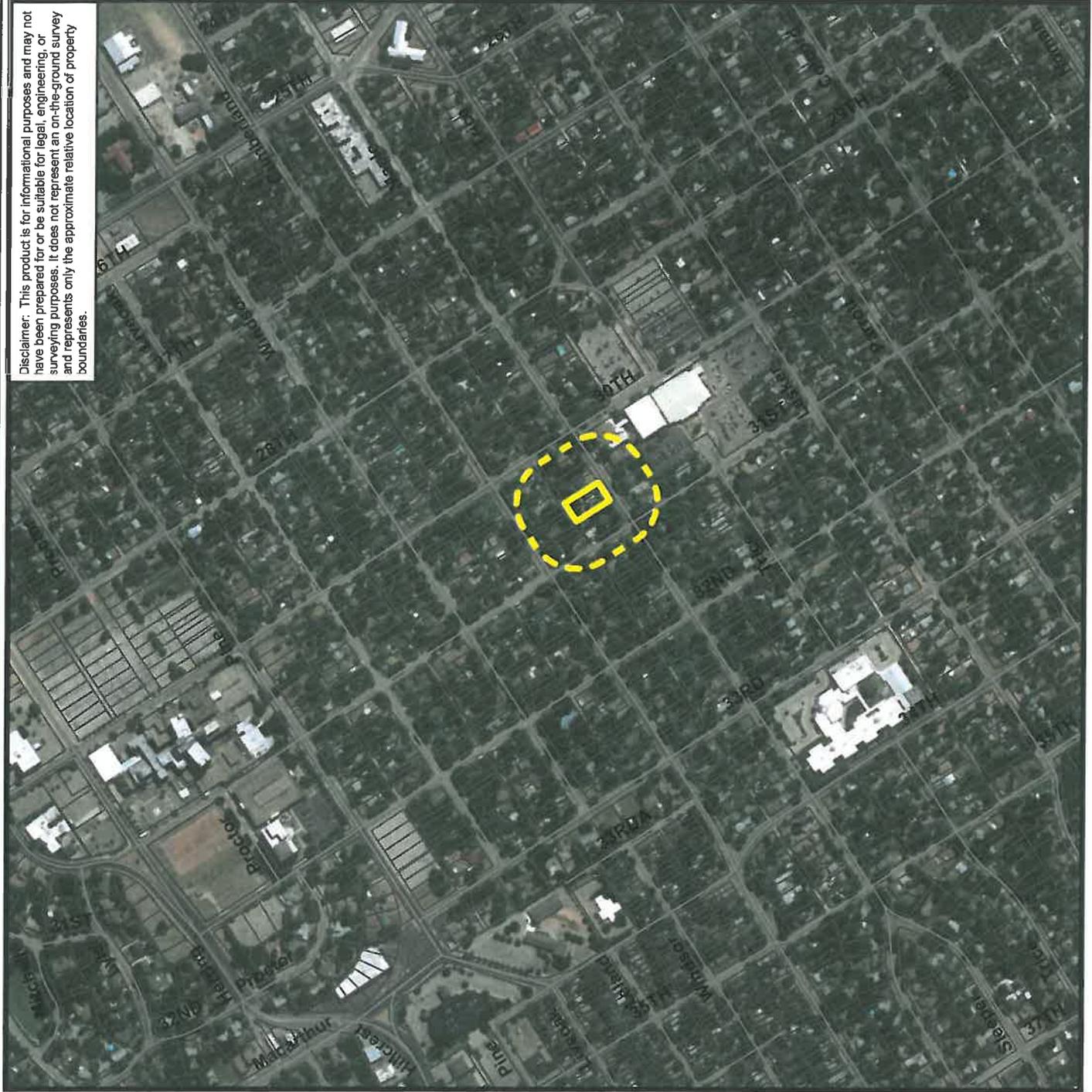
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200' Property Notice Buffer



November 2016



September 19, 2016

To Whom It May Concern,

Our home located at 3019 Maple Avenue Waco, Texas 76707 is our primary residence. My wife and I are owners of the home. We occasionally rent our home as a vacation rental for mainly Baylor affiliated functions such as football games, parents weekend, homecoming, and graduations. Due to state regulations we only rent it for the fourteen days annually allowed before the homestead tax exemption is invalidated. Above are photos of all rooms except bathrooms. The home has three bedrooms and two bathrooms with a two car garage and parking space for a third vehicle to the right (see picture). Attached, please find photos of our home along with the property survey. Our neighbors have all been informed that we are occasionally allowing guests to rent our home for some weekends. We have not received any complaints from our neighbors. We wish to remain compliant with the city of Waco and continue to have our home available to guests visiting this great city in the future.

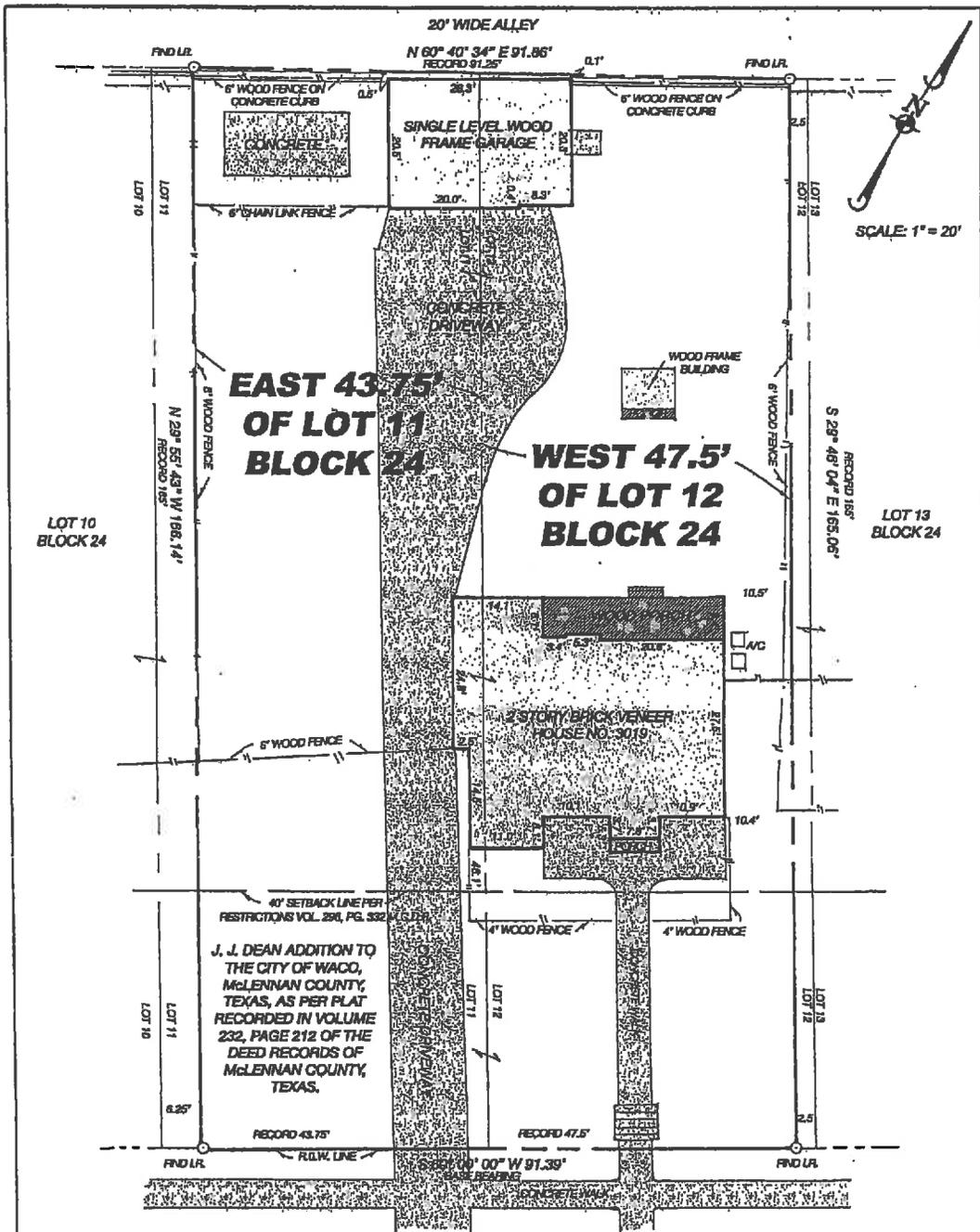
Sincerely,

Chris and Jennifer Dickey

254-717-9496

Residents of 3019 Maple Avenue, Waco Texas.

A handwritten signature in black ink that reads "Chris Dickey". The signature is written in a cursive style with a large, looping "D" and a long horizontal stroke at the end.



**EAST 43.75'  
OF LOT 11  
BLOCK 24**

**WEST 47.5'  
OF LOT 12  
BLOCK 24**

J. J. DEAN ADDITION TO  
THE CITY OF WACO,  
MCLENNAN COUNTY,  
TEXAS, AS PER PLAT  
RECORDED IN VOLUME  
232, PAGE 212 OF THE  
DEED RECORDS OF  
MCLENNAN COUNTY,  
TEXAS.

**3019 MAPLE AVENUE**  
60' WIDE R.O.W.

*X* *Frank Dickey*

THIS IS TO CERTIFY THAT I HAVE THIS DATE MADE A CAREFUL AND ACCURATE SURVEY ON THE GROUND OF THE PROPERTY LOCATED AT POSTAL ADDRESS 3019 MAPLE AVENUE, WACO, TEXAS 76707-1204.

BEING DESCRIBED AS THE EAST 43.75 FEET OF LOT ELEVEN (11) AND THE WEST 47.5 FEET OF LOT TWELVE (12) IN BLOCK TWENTY FOUR (24) OF THE J. J. DEAN ADDITION TO THE CITY OF WACO, MCLENNAN COUNTY, TEXAS, AS PER PLAT RECORDED IN VOLUME 232, PAGE 212 OF THE DEED RECORDS OF MCLENNAN COUNTY, TEXAS.

THIS PROPERTY IS IN ZONE "C" AND IS NOT WITHIN THE LIMITS OF ANY KNOWN FLOOD PLAN OR SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY NO. 480481 PANEL H & H04 DATED NOVEMBER 2, 1977.

TO THE LIEN HOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO ALL PARTIES INTERESTED IN THE TITLE TO THE PREMISES SURVEYED: THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS SURVEY WAS THIS DAY MADE ON THE GROUND OF THE PROPERTY LEGALLY DESCRIBED HEREON AND IS CORRECT, AND THAT THERE ARE NO DISCREPANCIES, CONFLICTS, SHORTAGES IN AREA, BOUNDARY LINE CONFLICTS, ENCROACHMENTS, OVERLAPPING OF IMPROVEMENTS, EASEMENTS OR RIGHTS-OF-WAY, EXCEPT AS SHOWN HEREON, AND THAT SAID PROPERTY HAS ACCESS TO AND FROM A DEDICATED ROADWAY AS SHOWN HEREON.



*Donald W. Bockman*  
DONALD W. BOCKMAN, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 1762  
FEBRUARY 1, 2006

2006-020



3019 Maple Avenue -Home of Chris and Jennifer Dickey