

PLANNING AND ZONING COMMISSION
STAFF REPORT



June 20, 2013

Planning Variance PV 13-03: D. Rivera Management, LLC

CASE DESCRIPTION: a request for 7.5-foot variance from the minimum 50-foot lot width generally required on lots in Residential District - 5000 (RD-5) zoning districts, to allow the creation of two new lots each proposed to be only 42.5 feet in width

LOCATION: 0.2924 acres of land adjoining the north side of Rose Street between May and June Streets

LEGAL DESCRIPTION: the south half of Lot 3, Block 4 of the Revised Welch Addition

ZONING: Residential District – 5000 (RD-5)

EXISTING LAND USE: David Rivera, of D. Rivera Management, LLC

AGENT: Jason Bailey with Carlomagno Surveying

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY

RECOMMENDATION: Staff recommends **denying** this requested variance.





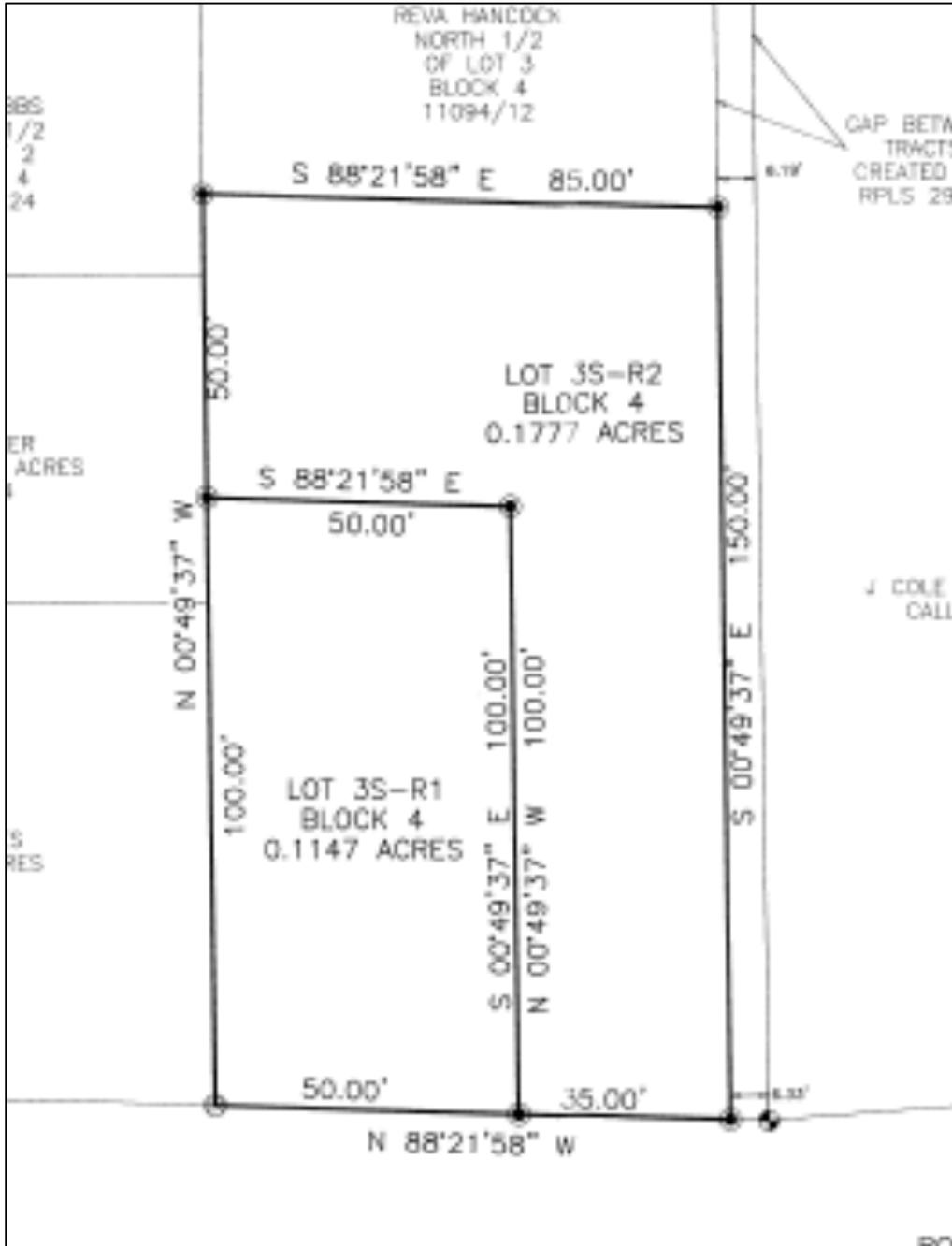
BACKGROUND:

The applicant, Mr. David Rivera, is requesting a 7.5-foot variance from the minimum 50-foot lot width that is generally required for lots zoned Residential District – 5000 (RD-5). The request was made to allow the proposed replat of this 85-foot wide lot into two new lots, each of which is proposed to be 42.5 feet wide and 150 feet deep. That replat request is also scheduled for consideration by the Commission during its meeting on June 20, 2013 (case no. RP13-11). That proposed replat does not meet all applicable standards without prior approval of this variance request.

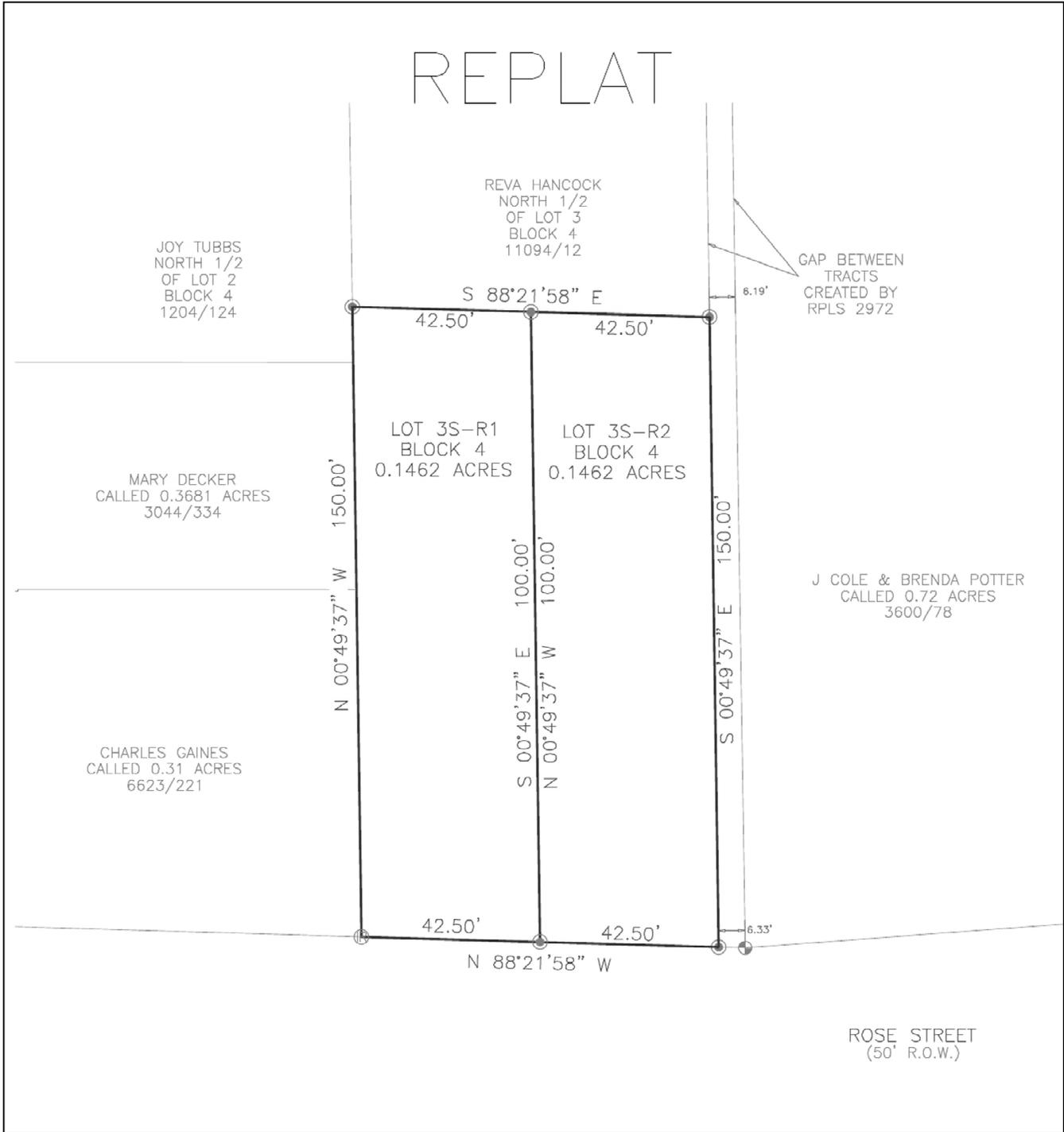
In response to the replat application by Mr. Rivera in early May 2013, staff suggested an alternative lot design for this property in a flag lot-type arrangement which would not require any variance from applicable lot standards. The applicant’s engineer revised the proposal to reflect such a lot arrangement on a revised drawing that was reviewed by the Site Development Review Committee on May 21, 2013 as shown below on the next page of this staff report.

A few days later, staff was advised that the proposal would be changed back to the two 42.5-foot wide lots and a lot width variance request was submitted.

DETAIL OF ALTERNATE LOT ARRANGEMENT:



DETAIL OF REPLAT DRAWING CURRENTLY PROPOSED FOR APPROVAL:



COMPREHENSIVE PLAN:

The City of Bryan adopted the Comprehensive Plan Update in 2009. The plan is the framework for the establishment of zoning and other regulatory tools. The current plan includes policies and recommendations related to the various physical aspects of the community. These aspects are supported by a set of goals and objectives. The Planning and Zoning Commission shall consider the following when making a decision regarding this variance request:

Land Use Issues

- **Maintaining Neighborhoods** – A reoccurring theme was the need to maintain and revitalize Bryan’s neighborhoods. The proposed approaches to this need were varied. Some thought a property maintenance code was in order while others thought a program of incentives could be formulated to assist with reinvestment in targeted areas. All agreed that stable, attractive neighborhoods are vital to Bryan’s future.
- **Housing** – The availability of housing in various markets was a concern for many citizens. The concerns were divided along two lines. The first was for affordable housing for lower income residents. Demand far outstrips supply. The clustering of this type of construction in one or two areas was also viewed as potentially detrimental. The second concern was the lack of middle-market housing. Some fear that this market has been ceded to College Station and that the lack of new construction will have a negative impact on BISD.

Use-Specific Land Use Policies

Low Density Residential land serves to provide housing and living units for a variety of people with a range of incomes and needs. It predominantly consists of detached single family dwellings but may consist of other housing types as long as densities remain low; up to 8 dwelling units per acre. These uses should be located in areas that are: Protected from but accessible to the major roadway network, commercial establishments, work places and entertainment areas;

- Accessible to collector and arterial streets, but directly access only local streets; and
- Not adjacent to major arterials and freeways without adequate buffering and access management.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum lot width standards stipulated in the Land and Site Development Ordinance. No variance shall be granted unless the Planning and Zoning Commission finds that all of the following criteria are met:

1. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area (an area encompassing approximately a 200 foot radius).

Staff contends that this variance will have no direct detrimental effect on the public health, safety or welfare of other properties in the area. The two new lots, however, would be substantially smaller than any other residential home sites in the area.

Approving the requested variance will allow for the creation of two new lots, each of which would only be 42.5 feet wide. The subdivision of this lot into smaller lots will only allow for new

residential structures that can be a total of 27.5 feet wide once the required 7.5-foot side setbacks are applied to the property.

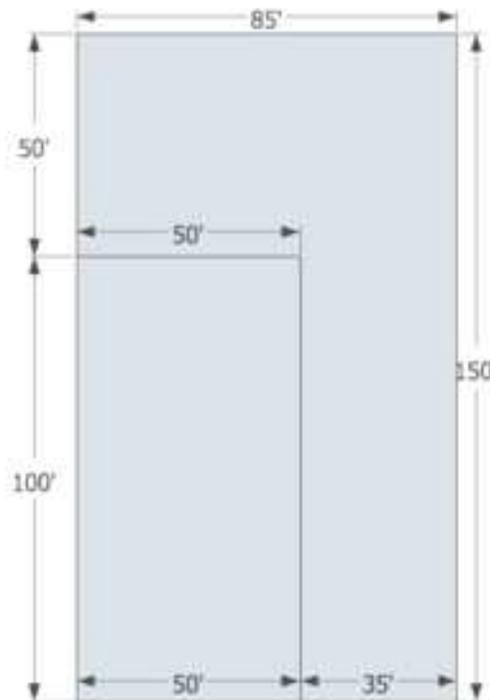
2. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property.

The applicant has requested a variance from the minimum lot width for each new lot in order to develop new residential housing which will not be compatible with the surrounding neighborhood. Minimum lot width and depth requirements are intended to help ensure that all lots created for development are of sufficient size and shape to facilitate development. In this particular case, each new lot is proposed to be 150 feet deep but only 42.5 feet wide (with 6,368 square feet of lot area). The proposed lots will have a total area of 6,368 square feet, which is well below the average lot size for the block in which the subject property is located (about 13,000 square feet of lot area).

3. That the hardships and difficulties imposed upon the owner/applicant are greater than the benefits to be derived by the general public through compliance with the requirements of this chapter;

Staff believes that creation of lots having substandard widths will not allow for reasonable residential infill development, and that the variance is not necessary for the preservation and enjoyment of a substantial property right.

Denying the requested variance would not deprive the applicant the reasonable use of their land because it is possible to subdivide the property into two lots without approval of a variance from minimum lot standards. The property can be subdivided into one standard lot (50ft wide and 100ft deep) with an additional “flag lot”, creating a narrow portion of the lot which fronts Rose Street, but then widens to meet minimum lot standards in the rear, as shown below.



If the requested lot configuration were to be denied, the owners would not be prevented from redeveloping the property in a reasonable manner since they could still subdivide the subject property into two lots without requiring a variance, as mentioned above.

RECOMMENDATION:

Staff recommends **denying** this requested variance. There does not appear to be special circumstances or conditions affecting the land involved such that the strict application of the provisions of the Land and Site Development Ordinance would deprive the applicant of the reasonable use of his land. As mentioned above, it is possible to create two lots using a different configuration which would meet the minimum lot requirements.