

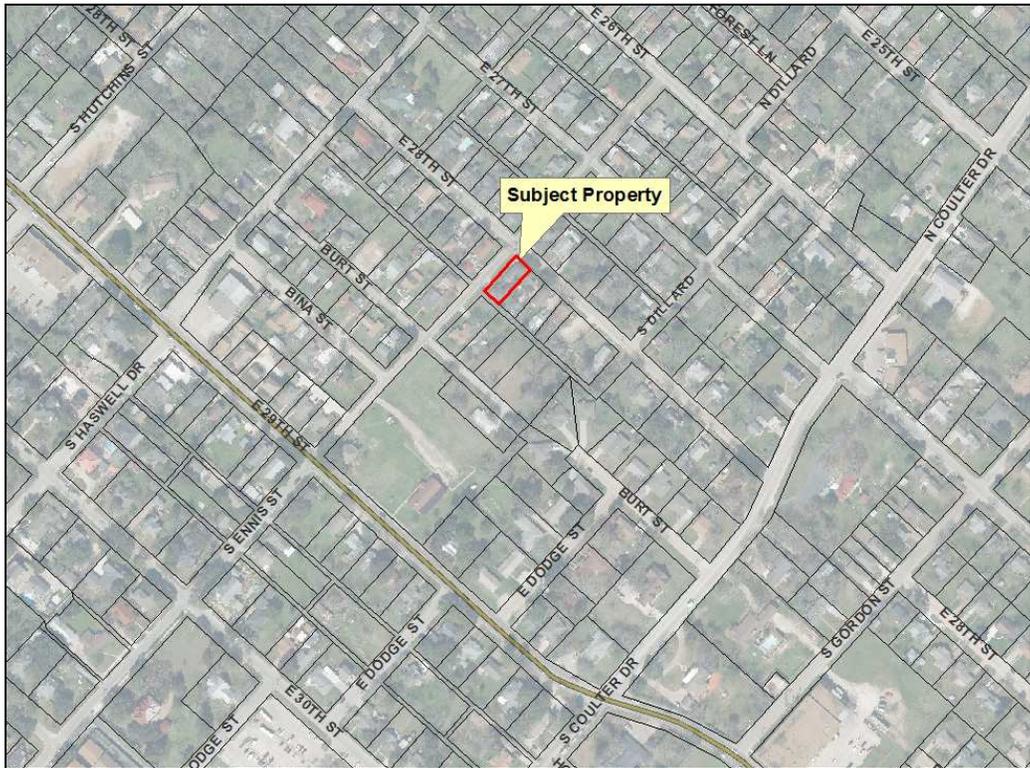
**PLANNING AND ZONING COMMISSION
STAFF REPORT**



July 17, 2014

Planning Variance case no. PV 14-05: Eva Guardiola

- CASE DESCRIPTION:** a 3-foot variance from the minimum 15-foot side building setback generally required on residential lots adjoining a local street to allow the construction of a new single-family residence to extend within 12 feet from the subject property’s northwest side property line along South Ennis Street
- LOCATION:** 1101 East 28th Street, at the south corner of East 28th and South Ennis Streets
- LEGAL DESCRIPTION:** Lot 7 in Block 5 of the Revised Buchanan Addition
- ZONING:** Residential District – 5000 (RD-5)
- EXISTING LAND USE:** residential
- PROPERTY OWNER:** Eva Guardiola
- APPLICANT:** City of Bryan – Community Development Services Department
- STAFF CONTACT:** Randy Haynes - Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested variance.



BACKGROUND:

The subject property is located in the middle of an older residential neighborhood Bryan at the south corner of East 28th and South Ennis Streets. The applicants propose to remove the existing residence, built in 1945 according to the Brazos County Appraisal District, and replacing it with a new house that is proposed to extend 3 feet into the required 15-foot side building setback along South Ennis Street, as shown on the attached drawing.

Both East 28th and South Ennis Streets are classified as local streets. The subject property is zoned Residential District – 5000 (RD-5) as are surrounding properties for a distance of over 1,000 feet in every direction. RD-5 zoning requires buildings to be set back a minimum of 15 feet from side property lines on corner lots where that side property line adjoins a local street. In order to incorporate handicap accessible features with the new home construction, the new residence is proposed to extend to within 12 feet of the subject property's side property line along South Ennis Street.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from minimum building setback 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);

The Buchanan Addition was originally platted in 1912, before adoption of the current standards. The established building line along the 1,250-foot section of South Ennis Street between East 29th Street and East 26th Street is composed entirely of the sides of residences, a number of which appearing to encroach into the 15-foot required setback area. The proposed new home will not extend prominently in front of other buildings which face this segment of South Ennis Street. Staff contends therefore that approving the requested variance will not be detrimental to public health, safety or welfare or the residential ambience of this older Bryan neighborhood.

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;

There is only one property directly abutting or sharing a common property line with the subject property, that being 1103 East 28th Street. If the requested variance is approved, the encroachment will occur along the property line opposite the line abutting 1103 East 28th Street, and thus will produce no measurable effect that could be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property.

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 generally encourages redevelopment in older neighborhoods of Bryan. The hardships and difficulties upon the owner to comply with the ordinance at this time will be greater than the benefits derived by the public were the ordinance strictly enforced. In this particular case, staff believes approving the requested variance is believed to have the most likely long-range benefit, balancing both public and private purposes.

RECOMMENDATION:

Staff recommends **approving** the requested variance to allow the construction of a new residence on the subject property to extend within 12 feet from the property's northwest side property line along South Ennis Street.