PLANNING AND ZONING COMMISSION
STAFF REPORT

April 16, 2015

CITY OF BRYAN

Planning Variance case no. PV15-02: Billy Joe Holyfield

CASE DESCRIPTION: a request for approval of a 10-foot variance from the maximum 25-foot residential driveway connection width allowed for lots in single-family residential use, to legitimize previous construction of a 35-foot wide driveway connection

LOCATION: 3000 Archer Circle at the northeast corner of Thornberry Drive and Archer Circle, being Lot 41 in Block 3 of Austin's Colony Subdivision – Phase 13

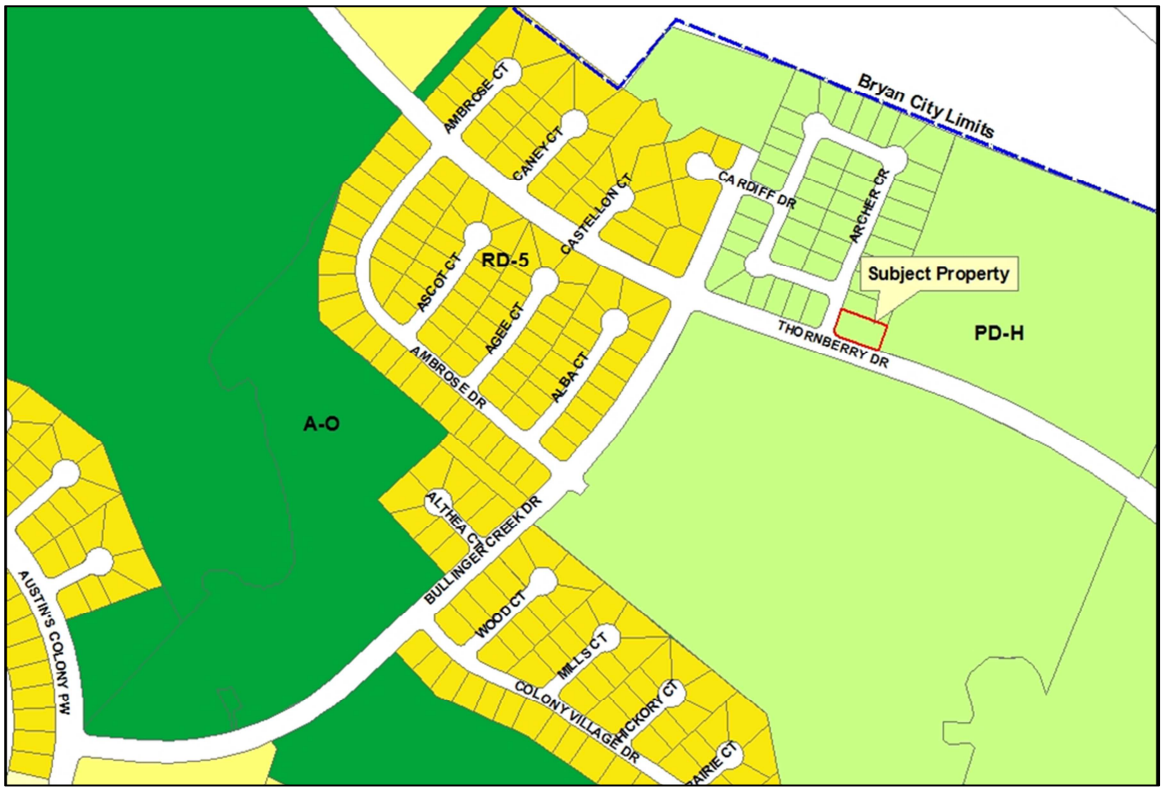
ZONING: Planned Development – Housing District (PD-H)

EXISTING LAND USE: single-family dwelling

APPLICANT(S): Billy Joe Holyfield

STAFF CONTACT: Randy Haynes, Senior Planner

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



EXCERPT FROM VARIANCE APPLICATION:

Variance
Supplement B

CITY OF BRYAN
The Good Life, Texas Style.

The following page should be completed for all variance requests EXCEPT setback variances. Please proceed to the last page if this request is for a setback variance.

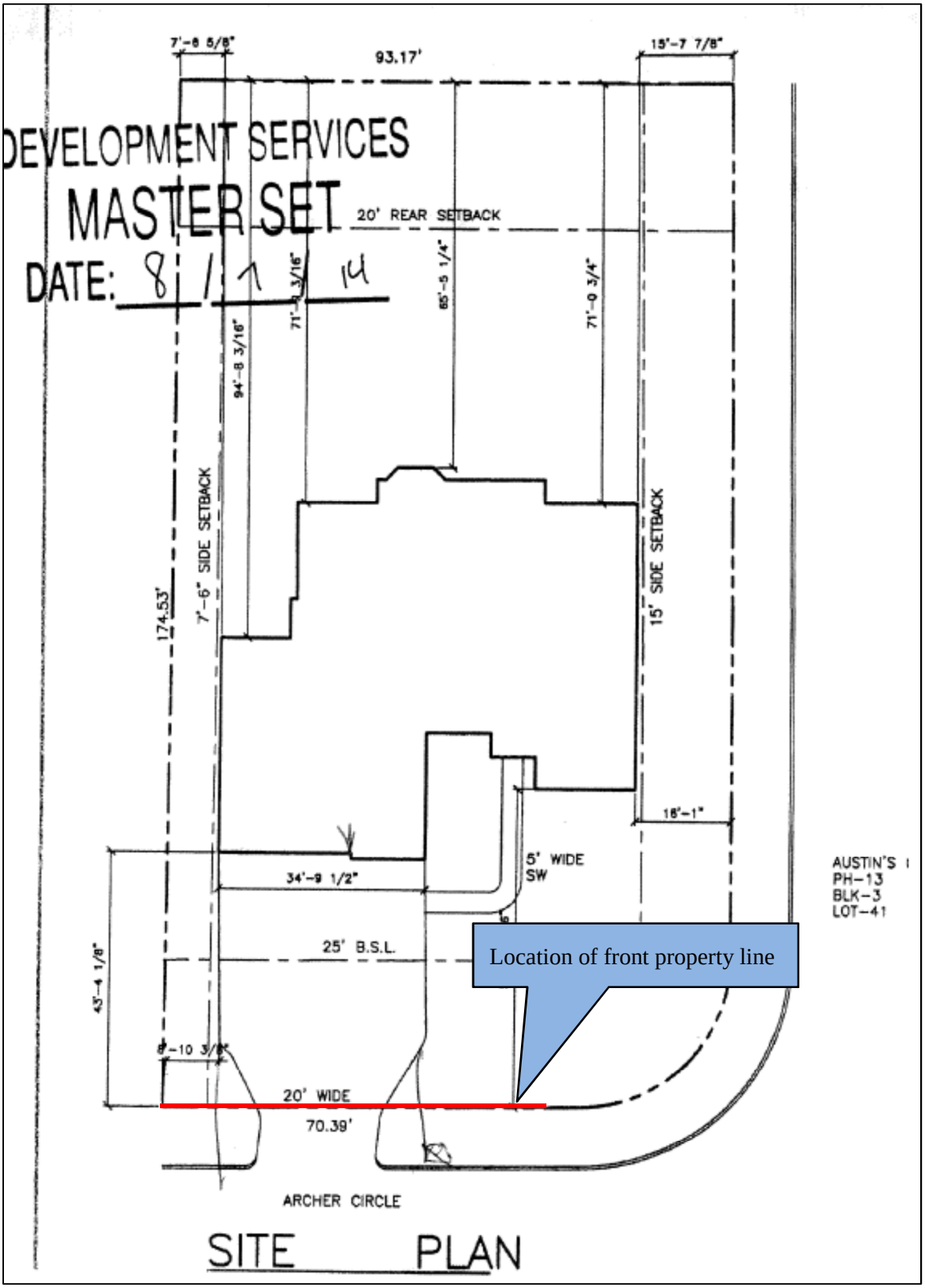
Please describe the type of variance being requested:
10 foot variance to allow a 35 foot driveway on property zoned RD-5.

Are there special circumstances or conditions affecting the land involved such that the strict application of the ordinance would deprive you reasonable use of the land:
Not that I'm aware of

Is the variance necessary for the preservation and enjoyment of substantial property rights:
YES. AS A RESULT OF WIFE'S STROKE IN JUNE 2014, SHE HAS DIFFICULTY WITH TURNING RADIUS OF THE MORE NARROW DRIVEWAY. I AM 100% DISABLED FROM VA AND THIS MAKES IT EASIER FOR ME AND TO ENTER/EXIT DRIVEWAY.

State how the granting of the variance would not be detrimental to the public health, safety, or welfare or injurious to other property in the area:
REQUEST FOR VARIANCE OF 10' WIDTH WOULD NOT BE A SAFETY HAZARD.

State how this variance will not affect the orderly development of the subject property and/or land in the vicinity in accordance with City of Bryan Ordinances:
VARIANCE OF 10' WILL NOT AFFECT ORDERLY DEVELOPMENT OF NEIGHBORING PROPERTY, BECAUSE DRIVEWAY IS AT LEAST 8' AWAY FROM NEIGHBORING PROP LINE.

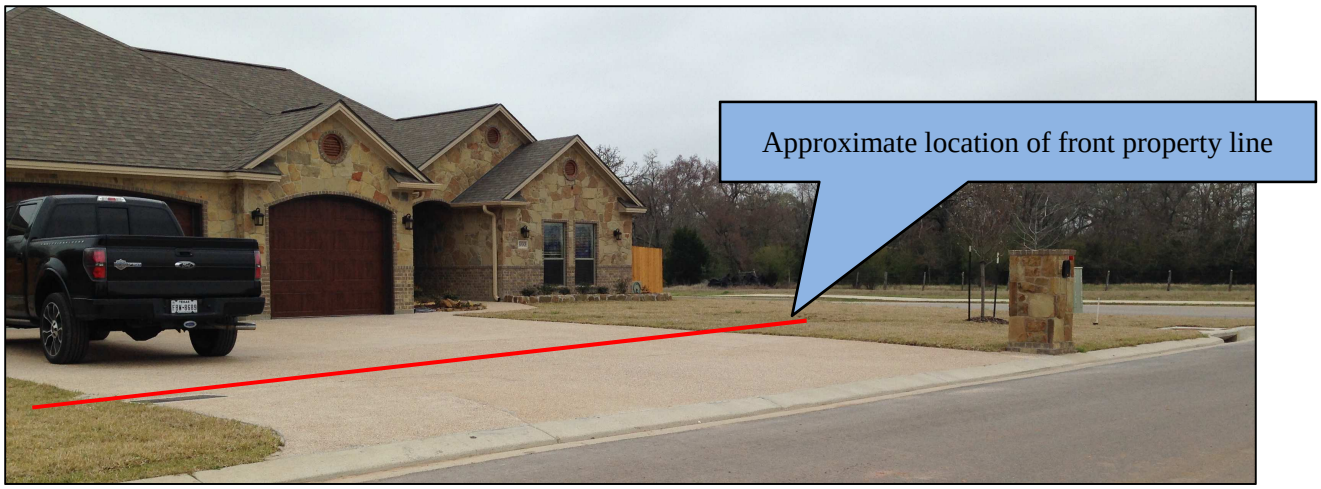

DEVELOPMENT SERVICES
MASTER SET
DATE: 8 / 1 / 14
7'-6 5/8"
93.17'
15'-7 7/8"
20' REAR SETBACK
94'-8 3/16"
71'-0 3/16"
65'-5 1/4"
71'-0 3/4"
7'-6" SIDE SETBACK
15' SIDE SETBACK
174.53'
18'-1"
5' WIDE
SW
34'-9 1/2"
25' B.S.L.
43'-4 1/8"
8'-10 3/8"
20' WIDE
70.39'
ARCHER CIRCLE
AUSTIN'S
PH-13
BLK-3
LOT-41
Location of front property line
SITE PLAN

BACKGROUND:

In February 2015, City staff received a complaint about an unpermitted driveway curb cut expansion on the subject property where a new home had been constructed within the last year. A site inspection revealed that the driveway on the subject property had recently been expanded in width to 35 feet. As originally constructed, the driveway curb-cut serving the subject property was 20 feet wide as shown on the attached drawing from the building permit application for the home on this property. Chapter 62 of the Bryan Code of Ordinances (Land and Site Development) regulates access of private properties to public rights-of-way. Land and Site Development Ordinance Subsection 62-296(d)(1) limits the maximum width of a single-family residential driveway to 25 feet.

The property owner/applicant, Mr. Billy Joe Holyfield, is requesting a 10-foot variance from the maximum 25-foot residential driveway connection width allowed for lots in single-family residential use, to legitimize previous construction of the 35-foot wide driveway connection.

SUBJECT PROPERTY:



ADDED CONCRETE, LEFT SIDE:

EXAMPLE, CONFORMING DRIVEWAY:

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from regulations 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 there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his or her land;

   Staff contends that there are no special circumstances of conditions affecting the subject property such that strict application of the ordinance would deprive the applicant the reasonable use of his property. The property in question in fact belongs to the public and is that area between the applicant's private property and the paved portion of Archer Circle. What is at issue is the applicant's request to increase the amount of space used to connect his private property to the street by 10 feet which is a 40% increase over the maximum width currently allowed by City ordinance.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

   Staff submits that the applicant will enjoy full, unfettered property rights without enlarging the width of the access apron onto Archer Circle to 35 feet. As built, ultimate width of the driveway/parking surface on the subject property is 34 feet 9 ½ inches. The size of the paved area on the applicant's private property is generally unregulated and is not at issue in this case.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

   A driveway is an access typically constructed partially within a public right-of-way, connecting a public roadway to an adjacent property. Such a structure is intended to provide vehicular access to that property in a manner that will not cause the blocking of any other public facility, whether a sidewalk, curbside or drainage path. Standards regulating maximum driveway width exist for a number of reasons. The Land and Site Development Ordinance specifies that such standards are to ensure that facilities are located and designed with respect to both the public street and the on-site circulation to provide maximum safety and to minimize interference with street traffic (Sec. 62-296(2)). Staff contends that granting a variance to increase the driveway access width to a street beyond what is specified by the ordinance, particularly in cases where backing of vehicles is involved, is inherently detrimental to public safety.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this article.

   Staff contends that granting the requested variance without clearly defined special circumstances or conditions affecting the land could have the effect of impairing orderly development of other land in the immediate vicinity or in other areas of Bryan. Such an approval may make it difficult for this or future Planning and Zoning Commissions to deny similar requests, which could then produce detrimental impacts (i.e. very wide driveway curb cuts) in all of Bryan's neighborhoods.

RECOMMENDATION:

Staff recommends **denying** this requested variance.