

September 3, 2015

Conditional Use Permit Case no. CU15-11: Fred and Carol Anderson

CASE DESCRIPTION: request for approval of a Conditional Use Permit, to allow the combined square footage of two detached accessory structures to be up to 2,384 square feet on property in a Residential –Neighborhood Conservation District (R-NC)

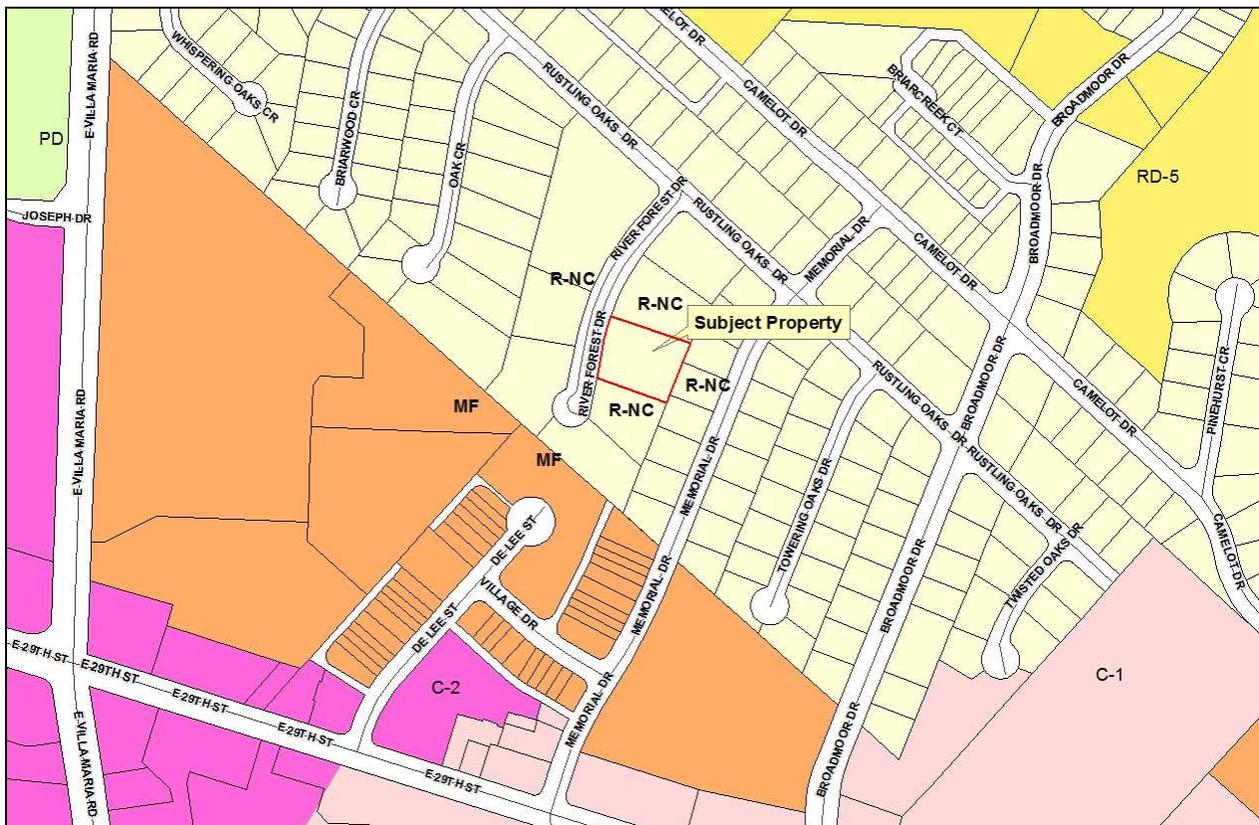
LOCATION: 2504 River Forest Drive, being Lot 11 in Block 7 of The Memorial Forest Subdivision – Phase 3 on 0.7954 acres of land adjoining the east side of River Forest Drive, south from its intersection with Rustling Oaks Drive

EXISTING LAND USE: single-family home site

APPLICANT(S): Fred and Carol Anderson, property owners

STAFF CONTACT: Matthew Hilgemeier, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** this Conditional Use Permit request, **subject to a condition**. Please see page 8 of this staff report.



AERIAL PHOTOGRAPH 2015:

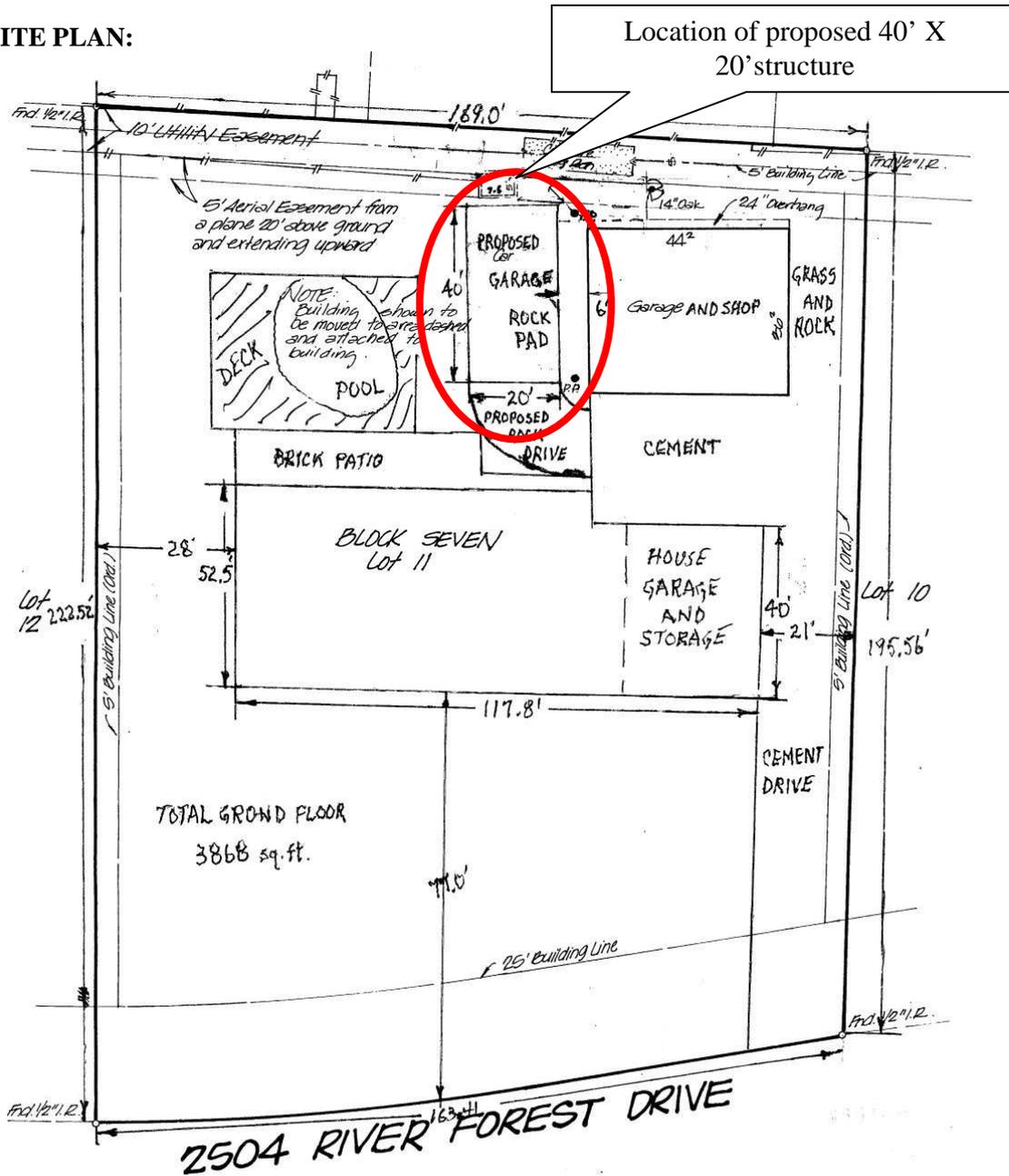


3D AERIAL LOOKING SOUTH



Location of the proposed 800 square foot structure. This picture shows two previously permitted unenclosed carports that have been removed.

SITE PLAN:



BACKGROUND:

The owner of the property located at 2504 River Forest Drive, Dr. Fred Anderson, is requesting approval of a Conditional Use Permit, to allow the combined square footage of two detached accessory structures to be up to 2,384 square feet on his property. Dr. Anderson currently has one existing detached accessory structure totaling 1,584 square feet in floor area on the subject property. This structure is used by Dr. Anderson as a personal hobby shop to repair and restore antique/classic automobiles for personal use. Dr. Anderson would like to construct an additional garage, measuring 40 feet by 20 feet (800 square feet) to store and protect four previously restored automobiles so that he can use the 1,584 garage to work on additional vehicles and for storage.

Dr. and Ms. Anderson have owned the subject property since 1974, and the first accessory structure was constructed sometime in the 1980s, prior to the City of Bryan adopting regulations limiting accessory structure floor area on a single property. In May 1996, Dr. Anderson was granted a building permit to build two, non-enclosed carports (408 square feet and 154 square feet in size, respectively) on the subject property that he has used for storing vehicles and that were located in the same location as the new proposed 800 square foot structure. However, due to the value of the restored automobiles, these two open, unenclosed carports are not providing the amount of protection from the elements and vandals as he would like. Therefore, Dr. Anderson would like to construct an 800 square foot, enclosed accessory structure to protect his vehicles and his investments. Both of the open carports have already been removed from his property.

In cases where the combined square footage of accessory structures exceeds 1,500 square feet on a single property, Bryan's Zoning Ordinance requires the Planning and Zoning Commission's approval of a Conditional Use Permit (Bryan Code of Ordinances, Section 130-34(a)(4)d.). The purpose of the Conditional Use Permit process is to identify those uses which might be appropriate within a zoning district but, due to either their location, function, or operation, could have a potentially harmful impact on adjacent properties or the surrounding area; and to provide for a procedure whereby such uses might be permitted by further restricting or conditioning them so as to mitigate or eliminate such adverse impacts.

ANALYSIS:

Approval of a Conditional Use Permit by the Planning and Zoning Commission shall be based upon the following criteria.

1. Whether the proposed conditional use conforms to applicable regulations and standards established by the Zoning Ordinance.

Section 130-34(a)(5) of the Zoning Ordinance requires that "accessory structures must be designed and constructed so that they are in keeping with the general architecture of the main structure, and may not exceed the height of the main structure." In this particular case, the main structure on this lot is a 4,516 square foot, two-story home constructed of brick and siding. There also exists the 1,584 square foot accessory garage previously mentioned above. The proposed new 800 square foot accessory structure is planned to be constructed of similar material and will not exceed the height of the main structure.

Staff believes that the proposed 800 square foot accessory structure conforms to applicable regulations and standards established by the Zoning Ordinance.

2. Whether the proposed conditional use is compatible with existing or permitted uses on abutting sites, in terms of use, building height, bulk and scale, setbacks and open spaces, landscaping, drainage, or access and circulation features.

Building height, building setback and limitations on accessory building size are important tools that help prevent overcrowding of land with buildings and provide for general amenity in the development of urban land. These regulations ensure that each lot has adequate access to light and air. In residential environments, in particular, these standards encourage open space which homeowners generally expect and desire. The purpose of accessory building size limitations is also to help maintain the fundamental character of residential districts by not having accessory buildings overwhelm the size and appearance of residences. This limitation also helps prevent the emergence of buildings inherently more suitable for commercial use, in residential districts.

The subject property is 1.24 acres in size. Zoning regulations allow up to 1,500 square feet of floor area in detached accessory structures on a single property on lots that are more than 1 acre in size. The combined total of all existing accessory structures and the proposed 800 square foot structure totals 2,384 square feet, which exceeds the 1,500 square foot limit by 37%. The proposed 800 square foot accessory structure will be located directly adjacent to the existing detached garage. Both structures are, and will be, located outside of the required 7.5-foot rear and side building setbacks. A 10-foot wide public utility easement is located along the rear of the subject property; both structures are, and will be, located outside of this easement.

Staff believes that, in this particular case, the addition of the proposed accessory structure would not negatively impact the appearance of, access to or circulation around, the subject property. Staff also finds the proposed arrangement of buildings will be compatible with the existing residential use at this location, and other nearby lots that have similar characteristics (e.g., lot and home sizes). The new structure must still comply with applicable building setbacks in this Residential – Neighborhood Conservation District and must be located outside of the existing 10-foot wide utility easement located at the rear of the subject property.

3. Whether and the extent to which the proposed conditional use potentially creates greater unfavorable effect or impacts on other existing or permitted uses on abutting sites than those which reasonably may result from the use of the site by a permitted use.

As mentioned above, the proposed 800 square foot structure will be located in the same location where the pervious permitted, unenclosed carports structures were located. These structures were located on the subject property for 19-years with no apparent negative effects or impacts to neighboring properties. Staff contends that the due to the size and location of the proposed structure, that one can reasonably assume that the structure will not create any unfavorable effects or impacts on other existing permitted uses on abutting sites since this structure will be located in the same location as pervious structures.

The subject property is located in a Residential– Neighborhood Conservation zoning district, which was created primarily for residential uses and does not easily lend itself to other types of nonresidential uses or rental property. In the past with similar requests for additional accessory structures on other properties in the City, neighboring property owners were not generally concerned with an applicant’s proposed immediate use of a large accessory structure, but were concerned with the potential future use of these structures being converted into accessory dwellings and then used as a rental property. While the lots sizes and characteristics of homes located along River Forest Drive do not lend themselves as being property typically used for rental purposes, staff recommends that as a condition for approval of this request that the proposed 800 square foot accessory may not be converted into an accessory dwelling unit in the future.

4. Whether and the extent to which the proposed conditional use affects the safety and convenience of vehicular and pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area.

Staff contends that the proposed 800 square foot residential accessory structure at this location will not have any adverse effects on vehicular and pedestrian traffic in this vicinity, so long as it is lawfully used for residential purposes, for example, as personal workshop, as proposed by the applicant.

5. Whether and the extent to which the proposed conditional use would reasonably protect persons and property from erosion, flood or water damage, fire, noise, glare, and similar hazards or impacts.

Any new development on this property, including an 800 square foot accessory structure, will be required to meet City regulations concerning erosion, flood, fire and other hazards and impacts. All of these issues will be addressed during the building permitting process for the new structure.

6. Whether and the extent to which the proposed conditional use adversely affects traffic control or adjacent properties by inappropriate location, lighting, or types of signs.

Approval of this Conditional Use Permit request would in no way increase the amount of allowable signage on this property. For example, if a permissible home occupation were to be conducted on this property, for which no accessory structures could be used as per existing zoning regulations, then such a home occupation could be advertised only by a 1 square foot sign mounted to the front of the main home on this property. The addition of the proposed accessory structure would not change this limitation.

7. Whether and the extent to which the proposed conditional use provides adequate and convenient off-street parking and loading facilities.

Bryan's Code of Ordinances does not ordinarily require additional off-street parking spaces to be provided in conjunction with the construction of detached accessory structures. However, due to the nature of the requested use as a garage for the applicants restored automobiles, 4 additional parking spaces will be added to the property.

8. Whether the proposed conditional use conforms to the objectives and the purpose of the zoning district in which the development is proposed.

As stated above Residential – Neighborhood Conservation zoning districts were created primarily for residential uses and do not easily lend themselves to other types of nonresidential uses or rental property. Staff believes that with the recommended condition that the proposed 800 square foot structure may not be converted into an accessory dwelling unit, the proposed use conforms to the objectives and purpose of the zoning district in which the development is proposed.

9. Whether the proposed conditional use will be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

Staff believes continued single-family residential use of this property will have no ill effects on properties or improvements in the vicinity.

10. Whether the premises or structures are suitable for the proposed conditional use.

The subject property has been in single-family residential use since before the City of Bryan adopted zoning regulations in 1989. Staff believes that due to its location in the middle of this residential neighborhood, the subject property's use for residential purposes is most desirable use in this particular case.

RECOMMENDATION:

Based on all of the aforementioned considerations, **staff recommends approving** the requested Conditional Use Permit, to allow the combined square footage for detached accessory structures on this property to be up to 2,384 square feet (800 square feet new and 1,584 square feet existing), **subject to** the following condition:

- 1. That the new 800 square foot accessory structure may not be used as accessory dwelling unit.**