

October 15, 2015

Planning Variance case no. PV 15-13: Brazos Trace, LLC.

CASE DESCRIPTION: a 5-foot variance from the minimum 7.5-foot side building setback generally required on properties zoned Residential District – 5000 (RD-5), to allow the construction of two new detached single-family homes

LOCATION: approximately 0.25 acres of land out of John Austin League, A-2, adjoining the northeast side of a proposed extension of Peterson Way, which is currently under construction, approximately 555 feet to 655 feet southeast from its intersection with Janice Trail (proposed Lots 26 and 27 in Block 2 of Briar Meadows Creek Subdivision – Phase 5)

ZONING: Residential District – 5000 (RD-5)

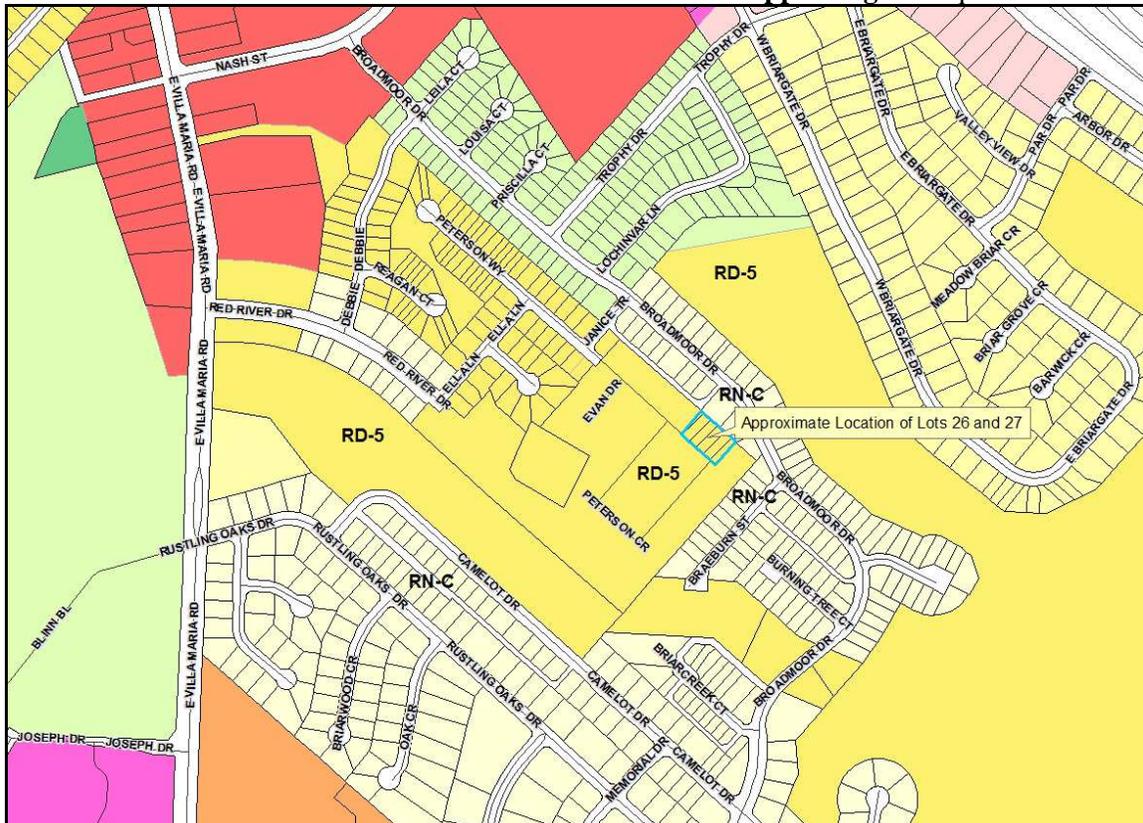
EXISTING LAND USE: vacant Land

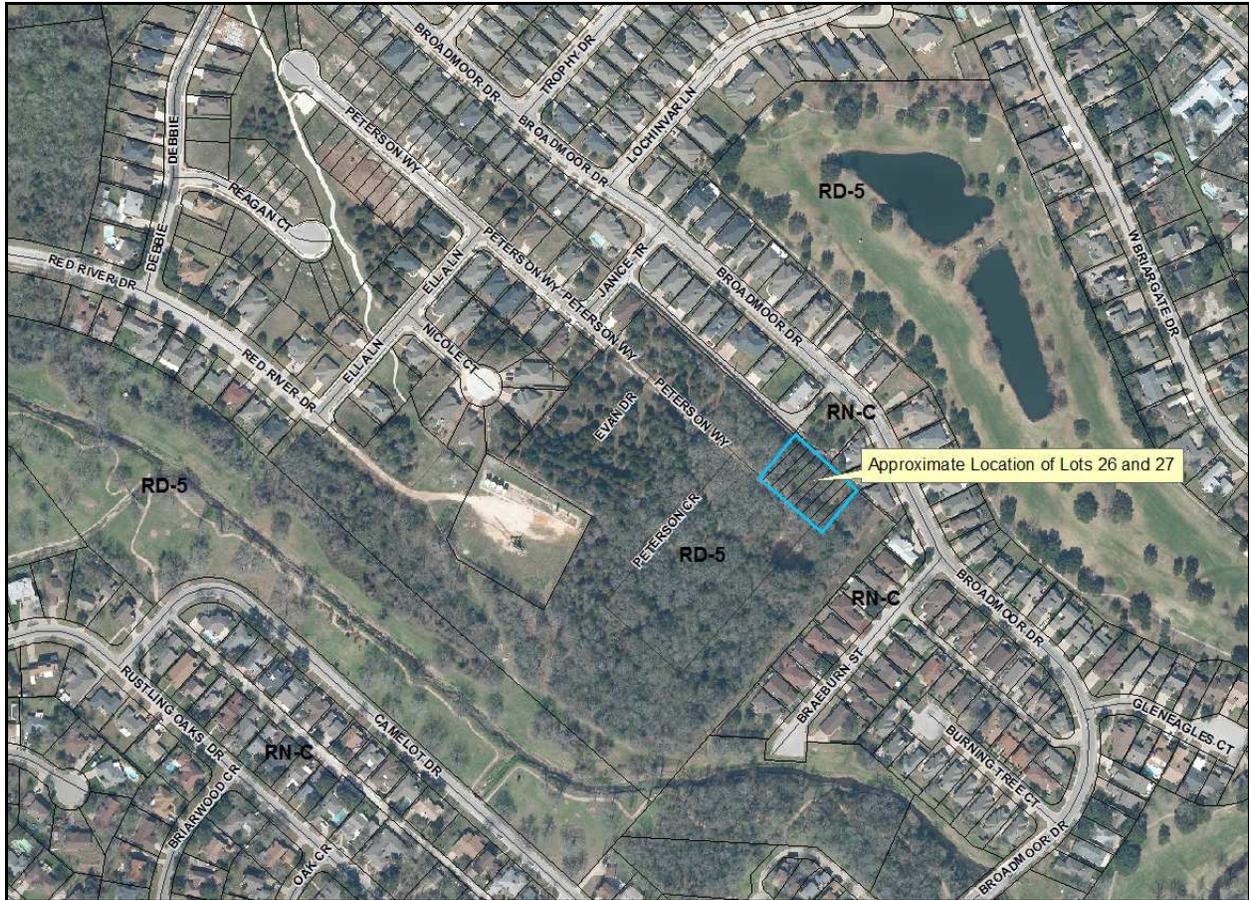
PROPERTY OWNER: 7 Oaks Development

APPLICANT: Brazos Trace, LLC

STAFF CONTACT: Stephanie Doland, Staff Planner

SUMMARY RECOMMENDATION: Staff recommends **approving** the requested variance.

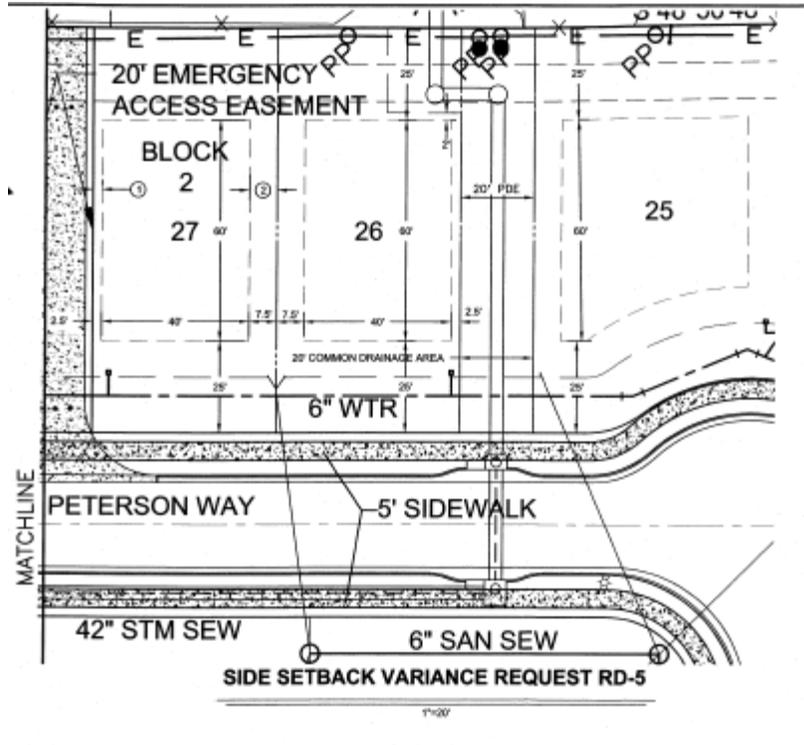




BACKGROUND:

The applicants, Brazos Trace LLC, are requesting a 5-foot variance to the minimum 7.5-foot side setback requirement for proposed Lots 26 and 27 in Block 2 of Briar Meadows Creek Subdivision – Phase 5. The subject property is currently zoned Residential District-5000 (RD-5) and located on the northeast side of a proposed extension of Peterson Way (currently under construction). The subject property currently is undeveloped land.

Properties zoned RD-5 are required by the Bryan Code of Ordinances to maintain a 7.5-foot setback from each side property line to allow for 15 feet between homes. The applicant is seeking this variance request because the subject lots (26 and 27) lie adjacent to a 20-foot wide emergency access easement and a 20-foot wide common area, respectively. The requested variance is for a reduction to the minimum 7.5-foot side building setback that lies adjacent to either the access easement or the common areas. Therefore, if this request were approved, the proposed distance between the buildable areas on these two lots will still be 15 feet, while the distance from the buildable area to the common/emergency access areas will be reduced to 2.5 feet. (See image below – buildable area depicted in dashed lines)



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);

Granting this variance request will allow the buildable areas of these two lots to be larger in size without reducing the distance between homes because of the two 20-foot wide open areas adjacent to these two lots. Because the lots border common area, distance between homes will not be compromised if the variance were granted. The common area that borders Lot 26 is dedicated as common area for drainage and will not be built on. Similarly, the common area bordering Lot 27 is established as an emergency access common area and will not be built upon. Staff believes granting this variance request will not be detrimental to the public health, safety or welfare of the general vicinity.

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;

Given the same reasons stated above, staff contends that if granted, a 5-foot encroachment into the 7.5-foot side setback on one side of each of the proposed lots would not be detrimental to the

public health, safety or welfare, or materially injurious to properties or improvements 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.

Allowing the requested reduction to the side building setback, in this particular case, will allow the buildable area on two single-family residential lots to be greater, without compromising building safety or otherwise affecting the surrounding residential properties.

RECOMMENDATION:

Based on all of these considerations, staff recommends **approving** the requested variance.