

October 6, 2016



**Planning Variance case no. PV 16-20: Toby Brewster**

**CASE DESCRIPTION:** request for approval of a 10-foot variance from the minimum 25-foot front building setback, and a 2.5-inch variance to the minimum side building setbacks generally required on properties zoned Residential District – 5000 (RD-5), to allow the proposed construction of a new single-family home within 15 feet from the front property line and within 7 feet and 3.5 inches from side property lines

**LOCATION:** 3105 Broadmoor Drive, adjoining the southwest side of Broadmoor Drive between Janice Trail and Braeburn Street

**LEGAL DESCRIPTION:** Lot 9 in Block 2 of Briarcrest West Subdivision - Phase 1

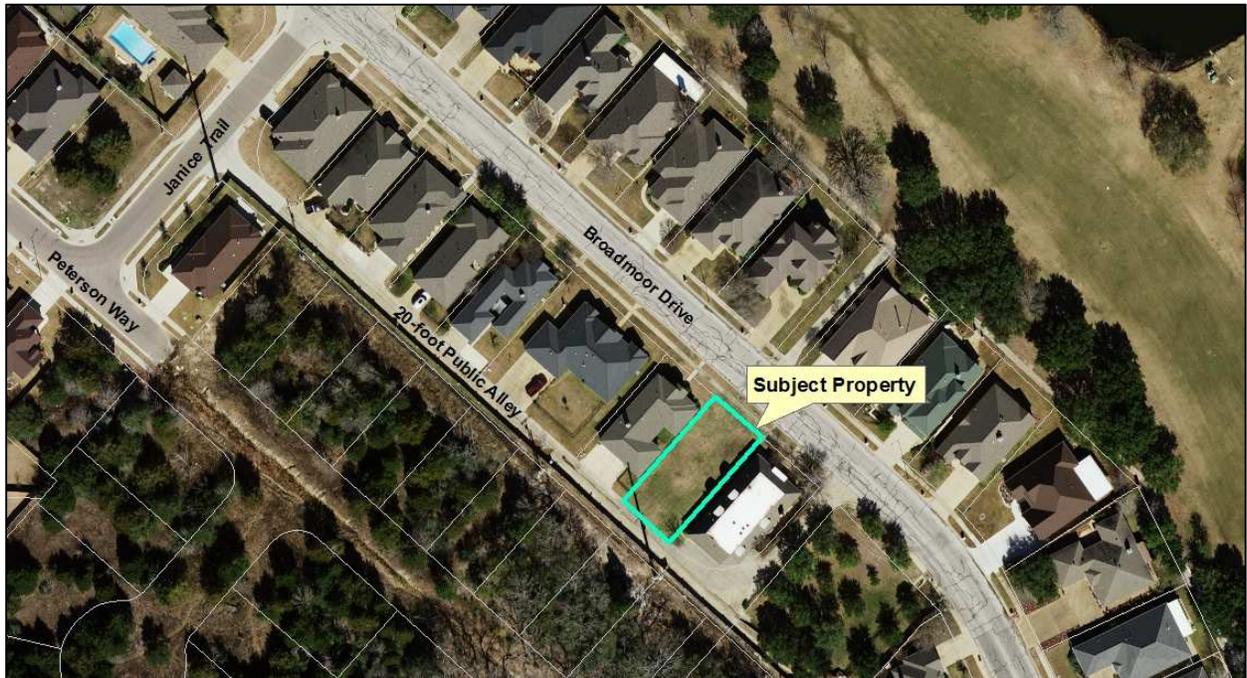
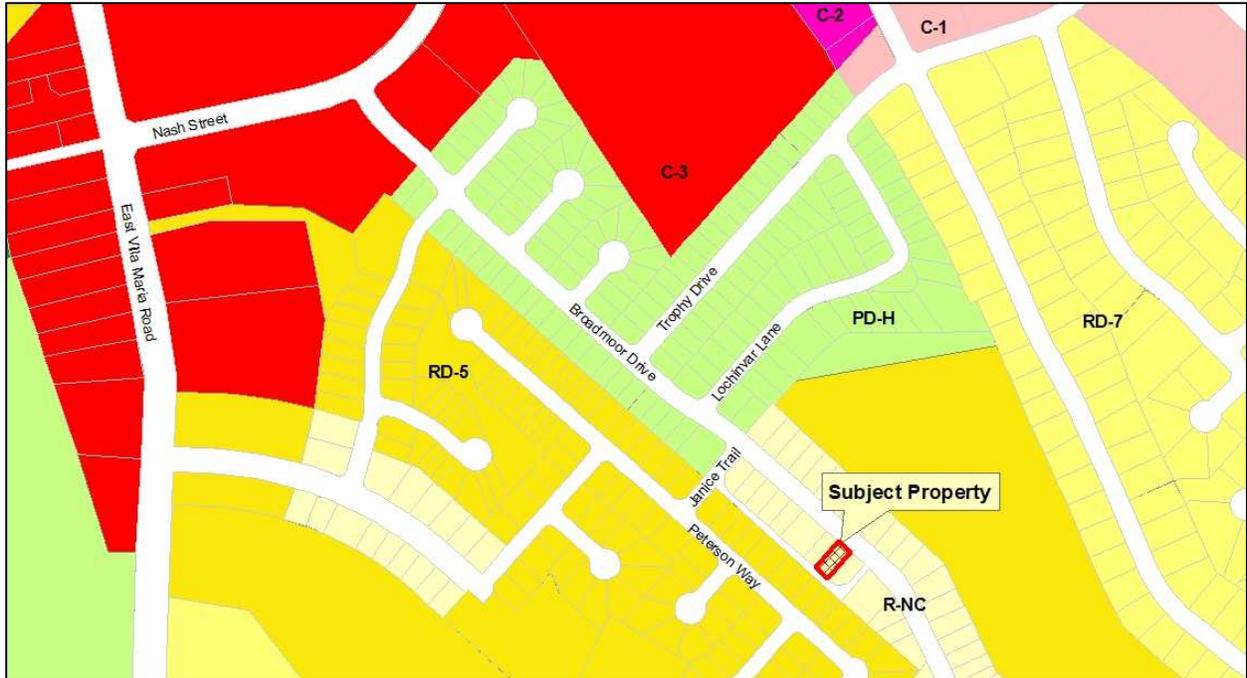
**EXISTING LAND USE:** vacant lot

**ZONING:** Residential - Neighborhood Conservation District (R-NC)

**APPLICANT(S):** Toby Brewster

**STAFF CONTACT:** Lindsay Hackett, Staff Planner

**SUMMARY RECOMMENDATION:** Staff recommends **approval** of these requests for variance.



**BACKGROUND:**

The property owner/applicant, Ms. Toby Brewster, is requesting a variance from minimum building setback requirements. Originally platted in 1989 by W.C. Davis and Dr. R.H. Harrison, Briarcrest West Phase 1, Block Two was designed for patio home construction. In 1991, the developers amended the plat to remove the zero lot line design feature in Block Two. Minimum City side building setbacks applicable at the time were 5 feet. Also in 1991, zoning had only recently been enacted and patio homes were

permitted by right in residential zoning districts. Both the original and amending plat specified a minimum 15-foot front building setback. Between 1989 and now, most of Block Two has been developed; Lot 9 being the only lot remaining vacant. In order to permit construction on Lot 9 of a house similar to those on the rest of the block, the requested variances have been requested.

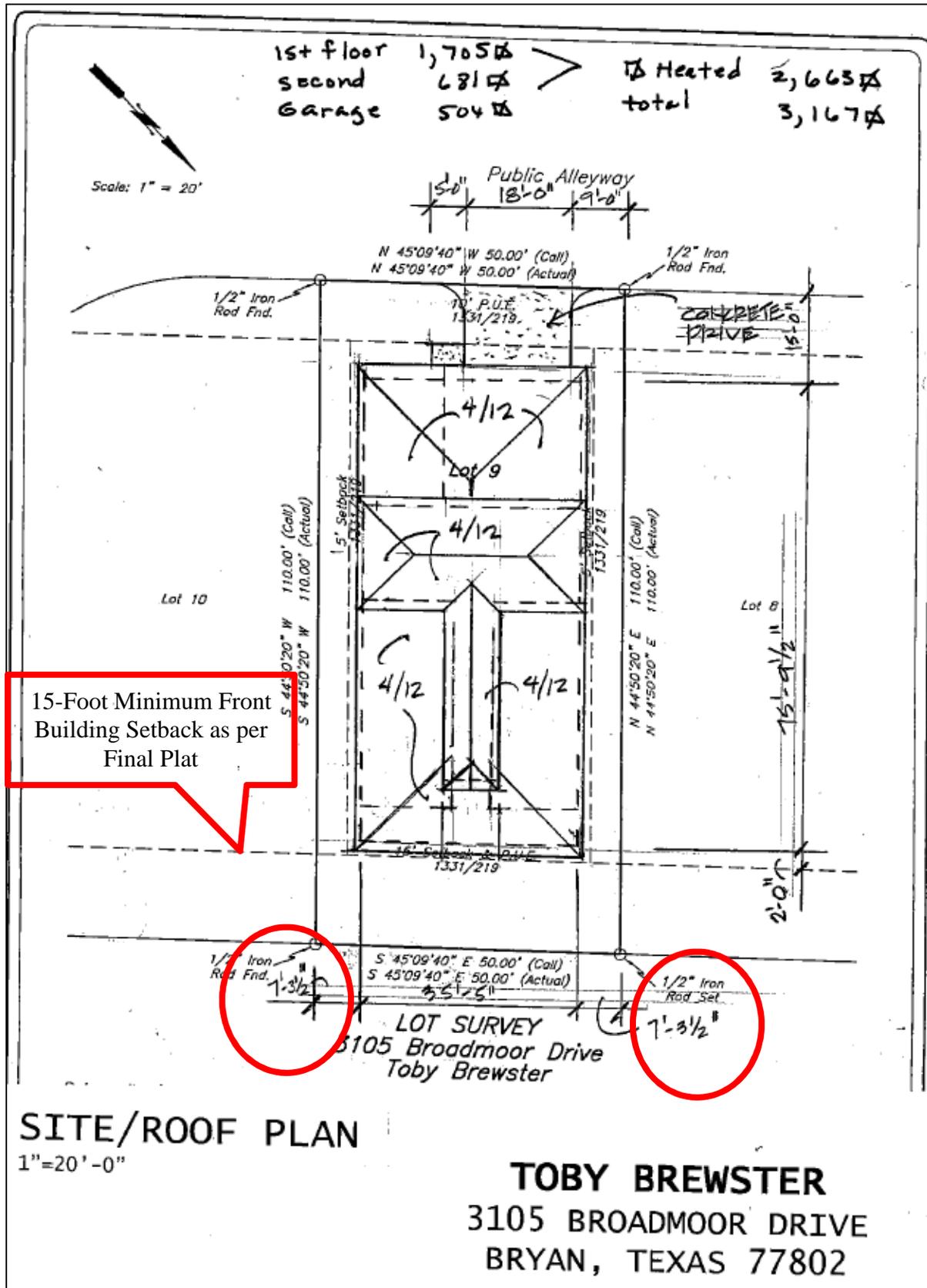
Detail of General Notes - Original Final Plat - Briarcrest West 1 - 1989

- GENERAL NOTES:**
1. **PROPOSED LAND USE:** All lots are Patio Home Lots, save and except, Lot 11, Block One which is a single family residence lot.
  2. This property is not within a 100-Year Flood Hazard Area according to the City of Bryan Flood Insurance Rate Map Community Panel No. 480082 0010B, dated May 19, 1981 and prepared by the Federal Emergency Insurance Agency.
  3. Patio Homes must be constructed at least ten (10) feet from one side lot line (City of Bryan Subdivision Development Ordinance No. 616, October 1, 1986).
  4. The Common Areas shall be owned, maintained and governed by a Property Owner Covenant.
  5. All distances indicated on curves are arc distances unless otherwise noted.

Detail of General Notes - Amended Final Plat - Briarcrest West 1 - 1991

- GENERAL NOTES:**
1. This property is not within a 100-year flood hazard area according to the City of Bryan Flood Insurance Rate Map, Community Panel No. 480082 0010B, dated May 19, 1981 and prepared by the Federal Emergency Insurance Agency.
  2. The Common Areas shall be owned, maintained and governed by a Property Owner Covenant.
  3. All distances indicated on curves are arc distances unless otherwise noted.
  4. Property Owners:
    - (1) R. H. Harrison III, Individually and Trustee, 2721 Osler Blvd., Bryan, Texas.
    - (2) W. C. Davis, 2721 Osler Blvd., Bryan, Texas
    - (3) Mike and Becky Wood, 3100 Broadmoor Drive, Bryan, Texas
    - (4) DAVID PRICE HOMEBUILDERS, INC., 3833 S. Texas Avenue, Bryan, Texas
  5. The minimum side building line for all lots is five (5) feet.

**PROPOSED SITE LAYOUT:**



## 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 variances 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);

**Regarding the request for a 2.5-inch variance to the side setback standard, staff finds that the distance under these circumstances is negligible. Staff also finds that access to the rear of site will be unobstructed due to the fact that the 9 houses in Block 2 are served by a 20-foot wide platted alleyway in the rear of the structures, enhancing access around the buildings. All of the other houses in Briarcrest West – Phase 1 appear to be constructed to within 15 feet of the front property lines. With the existing building line being so established along Broadmoor Drive, staff contends that approving the requested variance to the minimum front setback standard will not be detrimental to public health, safety or welfare or the residential ambience of the neighborhood.**

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

**As stated previously, staff finds that the requested 2.5-inch variance to the side setback standard under these circumstances is negligible. In addition, staff also finds that access to the rear of site will be unobstructed due to 20-foot wide platted alleyway in the rear of the structures. Staff contends that the existing building line along Broadmoor Drive has been long established at around 15 feet from the front property line so approving the requested variance to the minimum front setback standard will not be detrimental to public health, safety or welfare or the residential ambience of the neighborhood.**

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.

**The Comprehensive Plan encourages infill residential development where appropriate. In this case staff maintains that construction on the last vacant lot in Briarcrest West - Phase 1 along this block face should occur under the same standards as the other 20 lots in the subdivision. Denial of the requested variance to the minimum front setback standard will prevent the owner from building a house under conditions similar to others in the block. Staff further finds that the request for a 2.5-inch variance on either side of the new residence will produce no negative (or otherwise noticeable) impact upon properties abutting or in the area. Staff finds that hardship imposed on the applicant by requiring compliance with the existing standards outweigh the benefits derived by the general public through compliance with the requirements of this chapter. In addition, staff cannot identify any significant benefit to the public that compliance with the ordinance would provide in this particular case.**

## RECOMMENDATION:

Based on the above cited considerations, staff recommends **approval** of these requests for variance.