

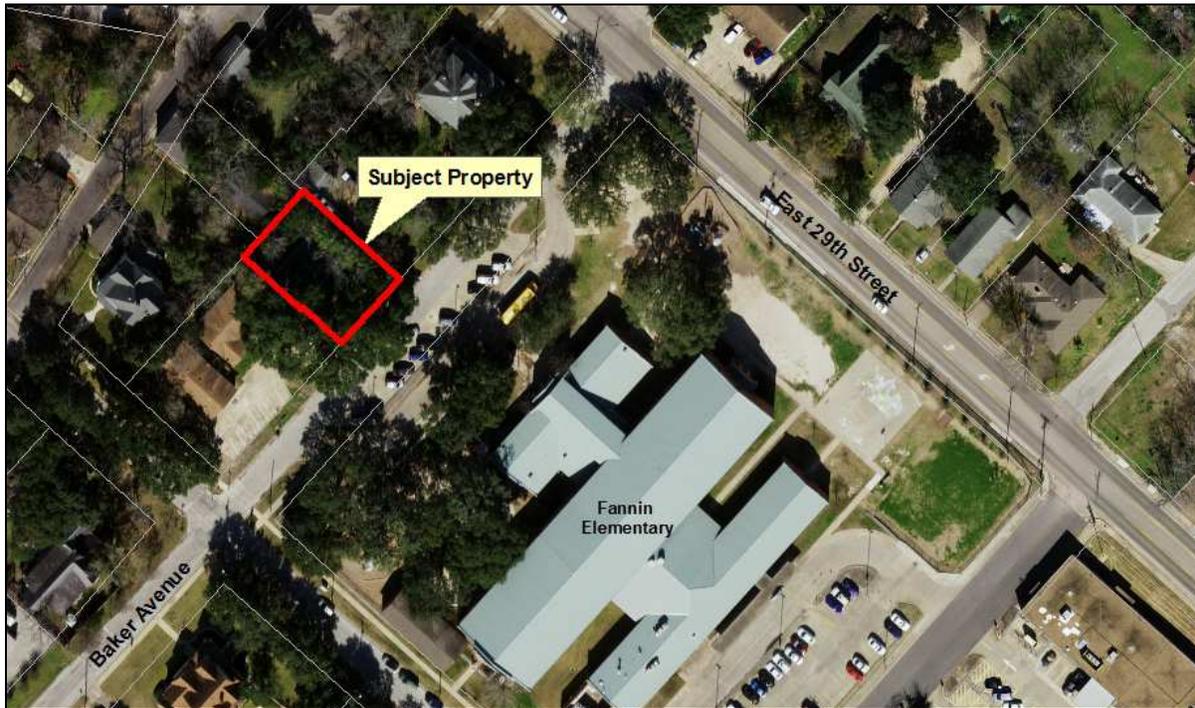
October 6, 2016

**Planning Variance case no. PV 16-21: Harriet G. Turner**

- CASE DESCRIPTION:** request for approval of a 15-foot variance from the minimum 25-foot front building setback generally required on properties zoned Residential District – 5000 (RD-5), to allow the proposed expansion of a front porch of an existing residence to extend within 10 feet from the front property line
- LOCATION:** 1209 Baker Street, adjoining the northwest side of Baker Street between East 29<sup>th</sup> and East 30<sup>th</sup> Streets
- LEGAL DESCRIPTION:** Lot 5R in Block 13 of the Philips Addition
- ZONING:** Residential District – 5000 (RD-5)
- EXISTING LAND USE:** single-family home
- PROPERTY OWNER:** Harriet G. Turner
- AGENT:** Sendero Group, Mike Lane
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approval** of the requested variance.



**AERIAL PHOTOGRAPH, 2015:**



**BACKGROUND:**

The property owner, Harriet G. Turner, is requesting approval of a 15-foot variance from the minimum 25-foot front building setback generally required on properties zoned Residential District – 5000 (RD-5), to allow the proposed expansion of a front porch of an existing residence to extend within 10 feet from the front property line on property at 1209 Baker Avenue. Chapter 62 of the Bryan Code of Ordinances, Land and Site Development, establishes minimum building setback standards. Land and Site Development Ordinance Subsection 62-161 establishes the minimum building setback from a front property line in an RD-5 District to 25 feet. In the case of the subject property, the front of the residence, originally constructed in the late 1920's, lies 10 feet from the front property line. The applicant wishes to extend the sides of the front porch across the full width of the front façade, but no closer to the front property line than already existing conditions.

The subject property lies within the Eastside Historic Preservation Overlay District and the house on the subject property is identified as a contributing structure in the U.S. Department of Interior's Eastside National Register District, being so designated upon its 1986 entry into the National Register of Historic Places. Due to the fact that the property lies within a City of Bryan Historic Preservation Overlay Zoning District, any alteration to the exterior appearance of the building must obtain prior approval of a Certificate of Appropriateness by the Bryan Historic Landmark Commission. During its regular meeting on September 28, 2016, the City's Historic Landmark Commission granted the applicant's request regarding the proposed exterior changes.

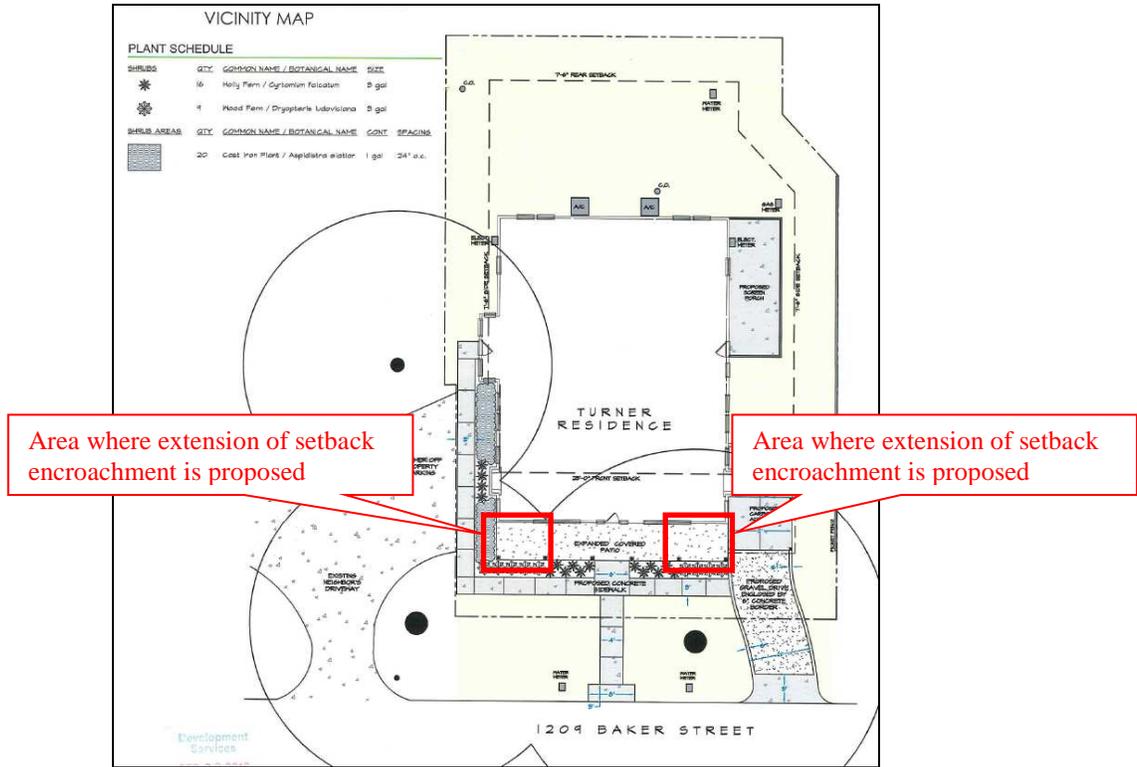
**EXISTING CONDITIONS:**



**PROPOSED FRONT ELEVATION:**



**SITE PLAN DETAIL:**



**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);

**The subject property lies within the Philips Addition. Most of the residences in close proximity to the subject property generally date from 1890 to 1925 and were built long before establishment of minimum front building setback standards. The house on the subject property was built between 1925 and 1929. As originally constructed, the front of the residence on the subject property was placed approximately 10 feet from the front property line along Baker Avenue.**

**The applicant is requesting approval to extend the width of the front porch structure across the façade of the building, but not encroach further into the minimum setback area than current conditions.**

**Baker Avenue serves as a local street and along most of its length is constructed with a pavement width of approximately 22 feet, which is less than the currently required 27 feet pavement width for local streets. Although exhibiting a narrower pavement section that current**

standards, staff contends that it is unlikely that the current configuration would ever be widened, and if it ever were, the increase would only produce a 3-foot impact on each side.

Development adjacent to the 4,000-foot length of Baker Avenue between East 23<sup>rd</sup> Street and Texas Avenue is composed primarily of residential structures, an informal survey of which suggests that over 70% of the buildings lie closer than 25 feet from the Baker Avenue right-of-way.

With the existing building line and pavement width being so established on the subject property as well as along Baker Avenue, staff contends 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 variances will not be detrimental to the public health, safety or welfare, or materially injurious to properties abutting the subject property;

Staff submits that the request for a variance of 15 feet in this specific location, given the identified special circumstances, particularly when placed in balance against the limited benefit that would be derived by the public by strict observance of the standard, is necessary for the property owner to enjoy reasonable property rights. Staff contends that approval of the requested variance to allow the expansion of the width of the existing front porch 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. Staff believes that 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 will have the most likely long-range benefit, balancing both public and private purposes.

#### **RECOMMENDATION:**

Staff recommends **approving** the requested variance to allow the expansion of the width of the front porch of the residence on the subject property to extend within 10 feet from the property's southeast side property line along Baker Avenue.