

February 18, 2016

Planning Variance case no. PV16-01: Tamara Jackson

CASE DESCRIPTION: a request for approval of a 2.5-foot variance from the minimum 15-foot side building setback that is generally required from property lines adjacent to local streets on residential home sites, to allow the proposed construction of a new single-family home planned to extend within 12 feet from the southwest side property line on the subject property

LOCATION: approximately 0.132 acres of land at the north corner of the intersection of Pecan and Hazel Streets, being Lot 5 in Block 5 of the Woodlawn Subdivision and currently addressed as 1508 Pecan Street

ZONING: Mixed Use Residential District (MU-1)

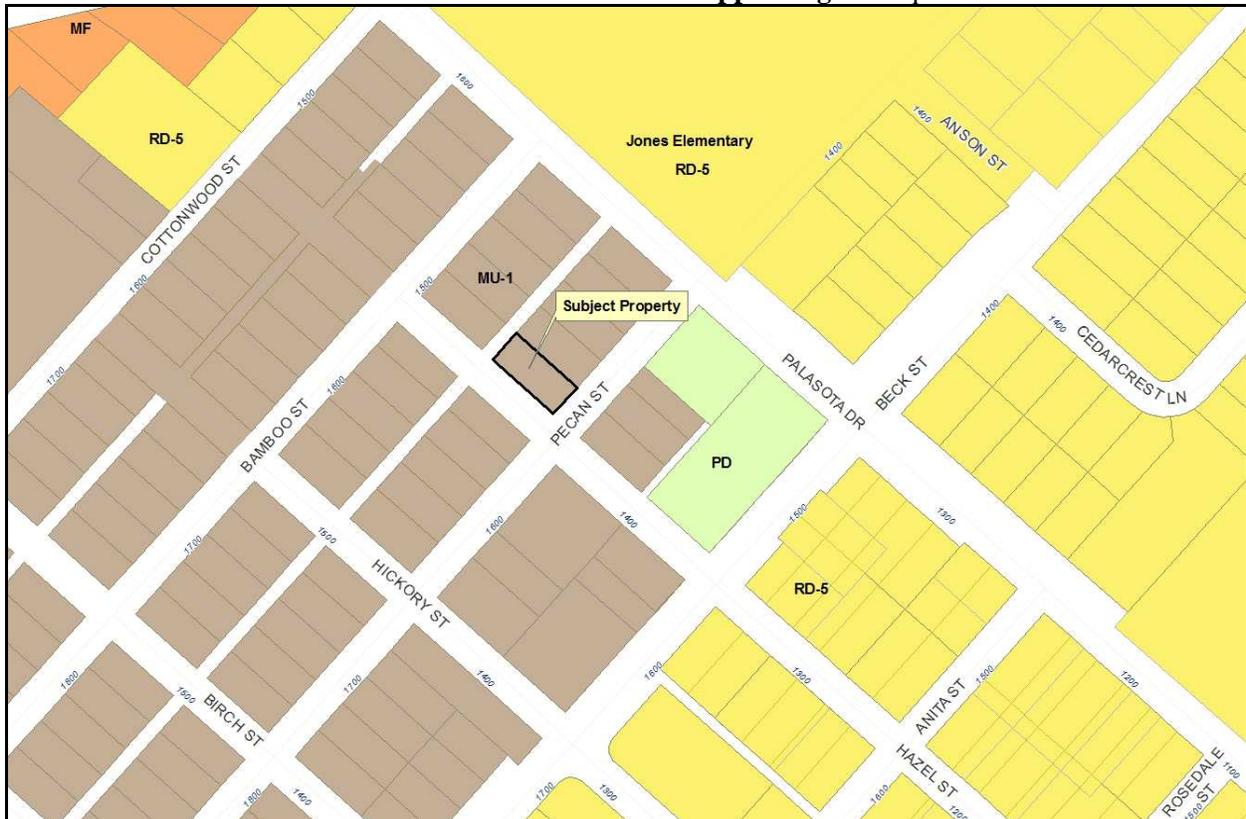
EXISTING LAND USE: vacant lot

PROPERTY OWNER: Tamara Jackson

APPLICANT: Darius McCoy

STAFF CONTACT: Stephanie Doland, Staff Planner

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



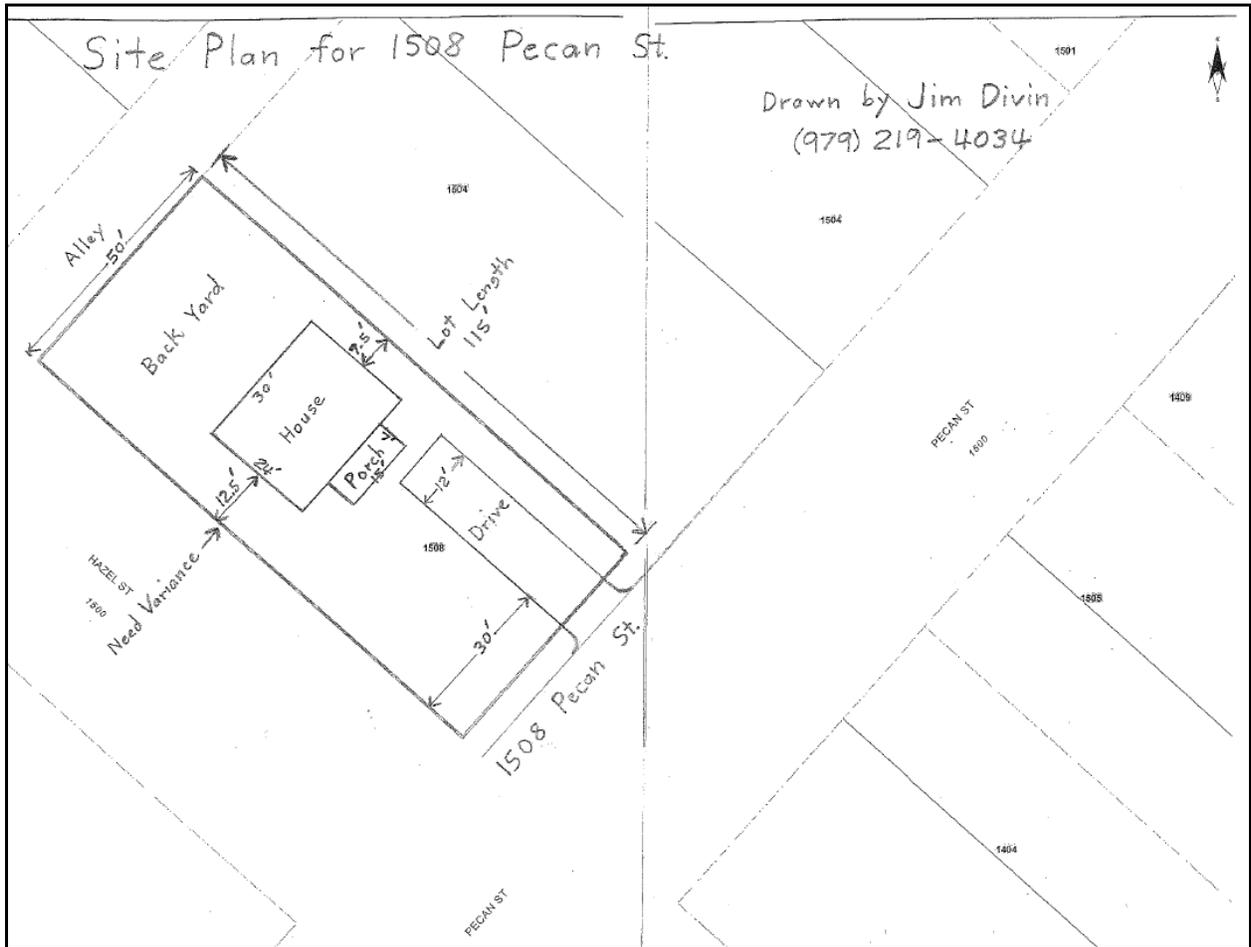


BACKGROUND:

The applicant, Ms. Tamara Jackson, is requesting a 2.5-foot variance to the minimum 15-foot side building setback standard required along one side property line on corner lots. The subject property is zoned Mixed-Use Residential (MU-1) and located on the north side of the intersection of Pecan and Hazel Streets. The subject property currently is undeveloped land and Ms. Jackson desires to construct a new single-family home here.

For properties zoned MU-1 District, the Bryan Code of Ordinances requires a 15-foot side building setback from side property lines that adjoin local streets. The applicant is seeking this variance request because the proposed single family-home is planned to extend 12.5 feet from the side property line along Hazel Street. Therefore, if this request were approved, the proposed distance between the edge of the property line along Hazel Street and the edge of the home will be 12.5 feet, as shown on the site plan included in this staff report below.

SITE PLAN:



APPLICANT REQUEST:

Setback Variance Request

The following page should be completed **ONLY** for setback variance requests.

Please describe the type of variance being requested:

2 ft on right hand facing next to alley

State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties in the area:

Because there is a alley next to Variance requested

State how the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties directly abutting the subject property:

Because there is a 5 feet Variance there

State how the hardships and difficulties imposed upon the owner are greater than the benefits to be derived by the general public through compliance with the requirements of the ordinance:

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);

The requested variance, if approved would allow the proposed new home be to be located 2.5 feet closer to Hazel Street than what is allowed by current development standards. The adjacent segment of Hazel Street is a 50-foot wide right-of way that is improved with 27feet of pavement, which is the typical pavement width for local streets.

If the requested variance were approved, then the new home would still be set back approximately, at least 21.5-feet from the edge of pavement on Hazel Street. It appears unlikely that traffic in this vicinity will necessitate the widening of this segment of Hazel Street in the near future (if ever).Staff therefore contends that the requested variance from the minimum required local street side building setback, in this particular case, would not have any noticeable effect on neighboring properties in the area and will not be detrimental to public health, safety or welfare or the residential ambience of this older Bryan neighborhood. A manufactured home on property to the northwest also appears to extend closer than 15 feet from that property's property line along Hazel Street.

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, the requested 2.5-foot encroachment into the 15-foot side building setback adjacent to Hazel Street 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. Compliance with the minimum street side building setback requirement, in this particular case, does not appear to produce any measurable public benefit in light of the fact that the adjacent local street is fully improved to modern standards and that other properties in the area appear to enjoy a condition (reduced street side building setbacks) for which the applicant is requesting a variance.

RECOMMENDATION:

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