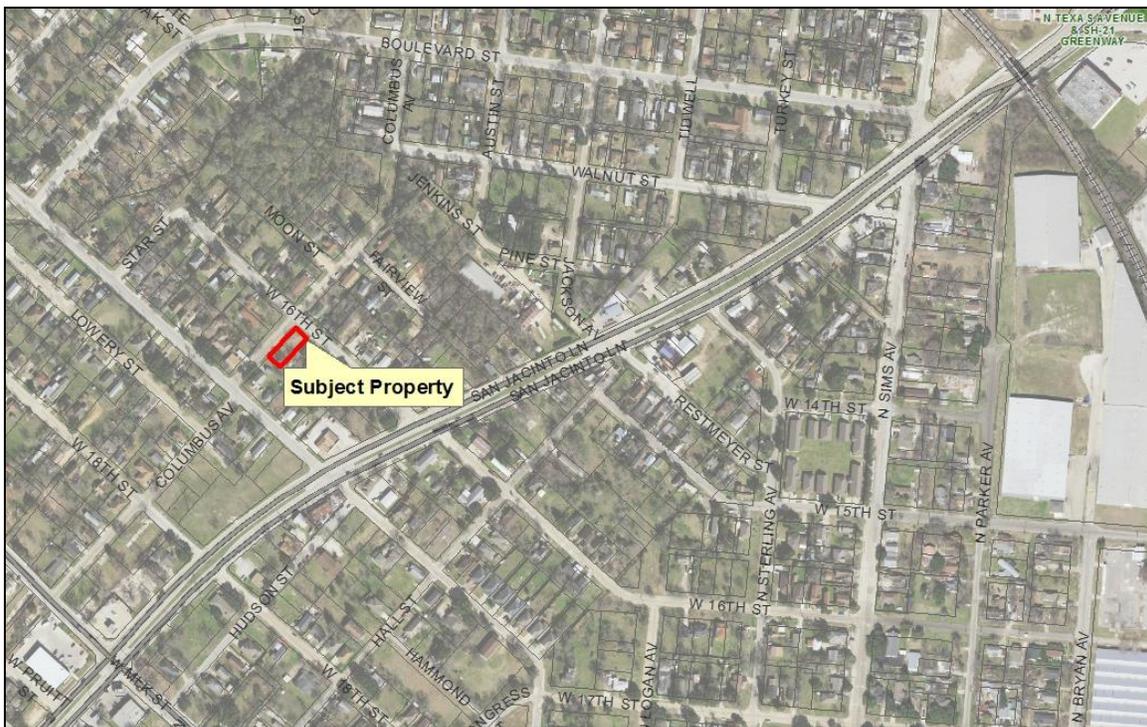


September 17, 2014



**Planning Variance case no. PV 15-09: Prentiss Madison**

- CASE DESCRIPTION:** a 10-foot variance from the minimum 15-foot side building setback generally required on residential lots that adjoin a local street to allow the construction of a new single-family residence which will extend to within 5 feet from the subject property’s northwest side property line along South Ennis Street
- LOCATION:** 1105 Columbus Avenue, south of the intersection of West 16th Street and Columbus Avenue
- LEGAL DESCRIPTION:** Lot 10, Block 2, Sunset Addition, No. 2
- ZONING:** Residential District – 5000 (RD-5)
- EXISTING LAND USE:** vacant
- PROPERTY OWNER:** Paul Madison
- APPLICANT:** Prentiss Madison
- STAFF CONTACT:** Randy Haynes - Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested variance.



## **BACKGROUND:**

The subject property is located in an older residential neighborhood in north central Bryan at the south corner of West 16<sup>th</sup> Street and Columbus Avenue. The applicant has removed an existing residence, a mobile home, and plans to replace it with a site built single-family residence. Both West 16<sup>th</sup> Street and Columbus Avenue are classified as local streets. The subject property is zoned Mixed Use Residential District (MU-1) as are the surrounding properties. On properties with a MU-1 zoning classification, the Land and Site Development ordinance requires that buildings be set back a minimum of 15 feet from side property lines on corner lots where that side property line adjoins a local street. In order to accommodate the desired floor plan, the new residence is proposed to extend to within 10 feet of the subject property's side property line along Columbus Avenue. The applicant is therefore requesting a 10- foot reduction to the 15-foot minimum side street setback requirement.

## **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 Sunset Addition was originally platted in 1938, before adoption of the current standards. From a windshield survey of established street side building lines on corner lots in the area of the subject property, it is clear that a number of the existing houses encroach into the 15-foot required setback area. It is the opinion of staff that the position of the proposed new home on the subject property will not appear out of place in the neighborhood. Staff contends therefore that approving the requested variance will not be detrimental to public health, safety or welfare or the residential character of this older Bryan neighborhood.**

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;

**The property to the rear of the subject tract is addressed as 914 West 17<sup>th</sup> Street. The residence on that lot appears to be less than 10 feet from the right-of-way line of Columbus Avenue. The property sharing the common side property boundary with the subject property is addressed as 911 West 16<sup>th</sup> Street. If the requested variance is approved, the encroachment will occur along the property line opposite the common line between the subject property and 911 West 16<sup>th</sup> Street. In both cases, staff contends that such an arrangement 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.

**Supported by the goals outlined within the comprehensive plan, staff generally encourages redevelopment in older neighborhoods of Bryan. Staff contends 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 construction of a new residence on the subject property to extend within 5 feet from the property's northwest side property line along Columbus Avenue.