

January 7, 2016

**Planning Variance case no. PV15-18: Crystalyn and Aaron Hull**

- CASE DESCRIPTION:** a request for approval of a 5-foot variance from the minimum 25-foot front building setback that is generally required from front property lines on residential home sites, to allow the proposed construction of an addition to an existing single-family home, which is planned to extend within 20 feet from the front property line along Warwick Lane
- LOCATION:** 4104 Warwick Lane, adjoining the west side of Warwick Lane between Brompton and Knightsbridge Lanes
- LEGAL DESCRIPTION:** Lot 19 in Block 3 of Copperfield Subdivision – Section 1
- ZONING:** Planned Development District – Mixed Use (PD-M)
- PROPERTY OWNER:** Crystalyn and Aaron Hull
- APPLICANT:** Same as property owner
- STAFF CONTACT:** Stephanie Doland, Staff Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested variance.





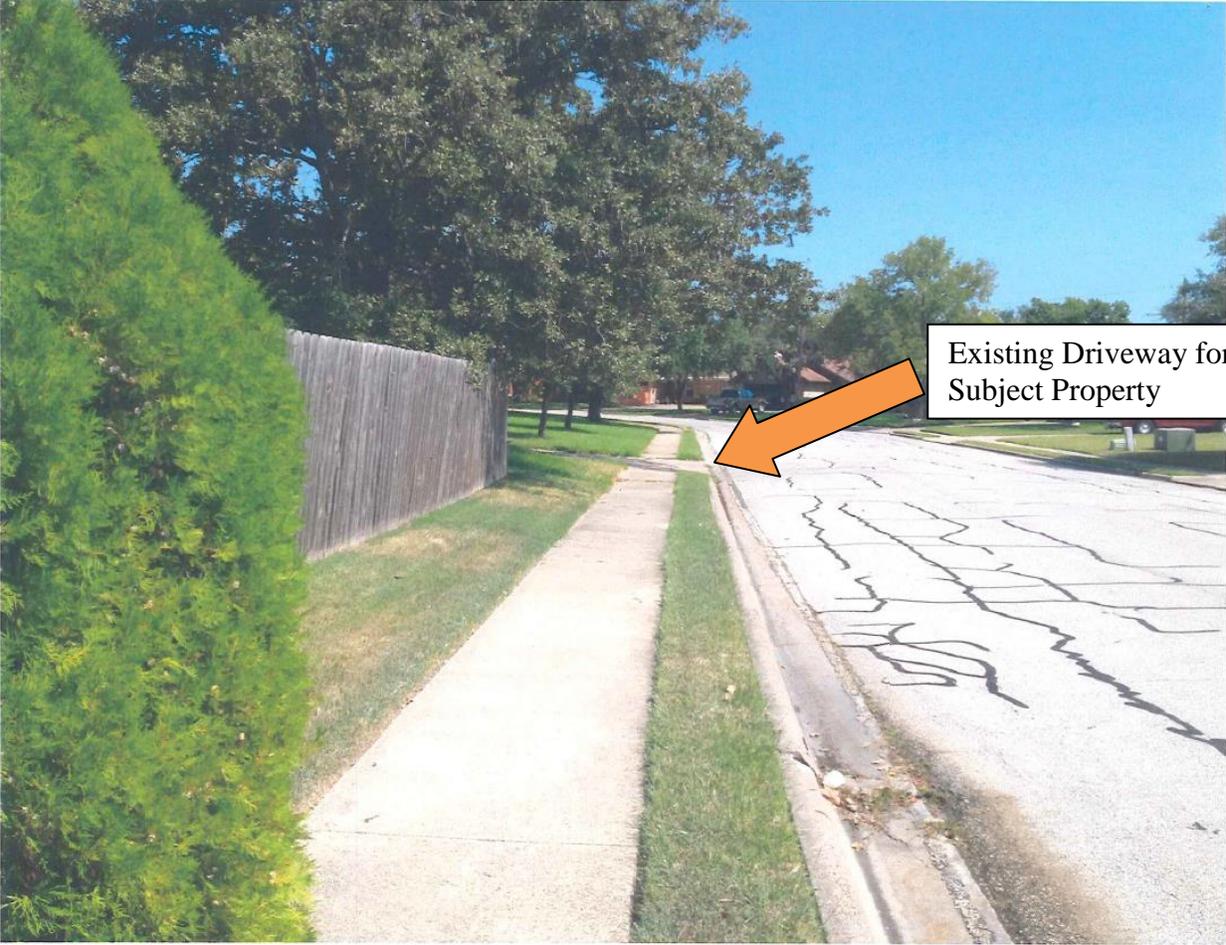
**BACKGROUND:**

The applicants/property owners, Crystalyn and Aaron Hull, are requesting a 5-foot variance to the 25-foot minimum front building setback generally required of residential properties. The subject property is located in Section 1 of the Copperfield Subdivision and is addressed as 4104 Warwick Lane. If granted the variance request will allow the construction of an addition to the existing single-family home on the property. The proposed addition would be located 20-feet from the subject property’s front property line.

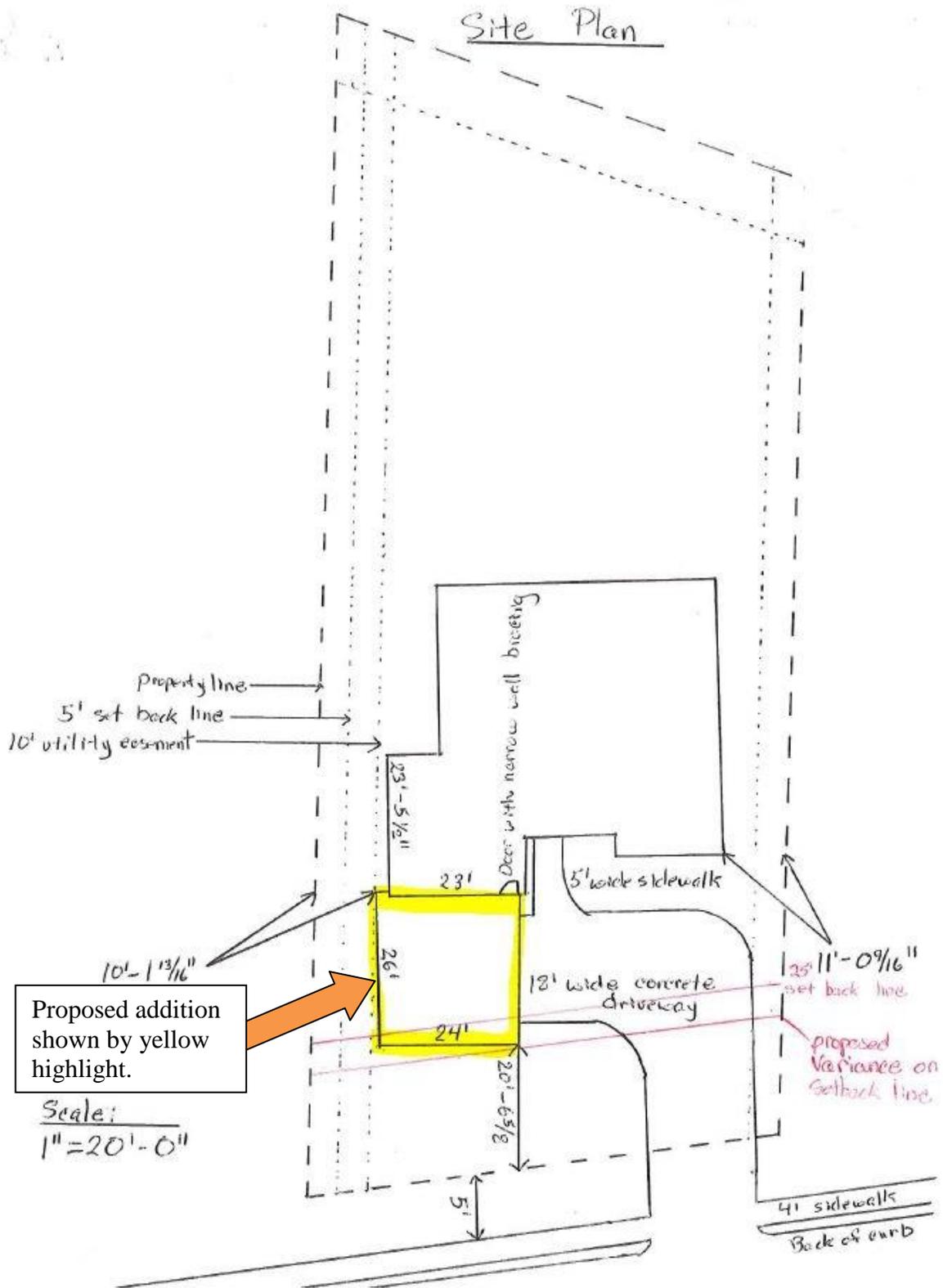
The subject property adjoins the west side of Warwick lane between Brompton and Knightsbridge Lanes. The adjacent property located to the north of the subject property also fronts the west side of Warwick Lane and has a 25-foot front building setback along Warwick Lane. The adjacent property located to the south of the subject property faces Brompton Lane and has a side yard facing Warwick lane. Because this adjacent property faces Brompton Lane they do not have a front setback along Warwick lane, but instead are required to observe a minimum 15-foot side setback along the local street (Warwick Lane).

Crystalyn and Aaron Hull wish to construct a bedroom to accommodate an additional family member by adding on to the existing two-car garage. The additional living space would be 26-feet by 24-feet and would extend at the front of the home, 20-feet from the subject property’s front property line.

**VIEW ALONG WARWICK LANE LOOKING NORTH:**



**PROPOSED SITE PLAN:**



**EXCERPT FROM APPLICATION:**

## Setback Variance Request

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

Please describe the type of variance being requested:

Five feet more from the setback line.  
I have a 25' front setback line and I would like only a 20'. The neighbor's side yard is to my right and neighbors front yard is to my left.

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:

The public's health, safety or welfare will continue to be ~~at~~ my best interest. <sup>to</sup> That is why we want to keep the two front yards together and build to my other neighbor's side. To have enjoyable play space.

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:

Again, ~~at~~ my intent is to do what is the neighborhood best interest and match the feel of this great street. So we will match side yards with one side and turn front even more to the other neighbor. matching the front.

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:

1. We have an irregularly shaped lot. The front lot line is not perpendicular to the side lot lines
2. Home is not typical corner lot. The street bends between our home and our neighbor's home. Between the two of us the street takes a hard turn in a different direction. We are the only two houses on the street that face the street. We want to keep our front yard together, so it's best to build on the side we are asking for the variance on.

## 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 applicant wishes to construct a 624 square foot addition to the existing residential structure so that the edge of the addition is located 20-feet from the front property line along Warwick Lane. Staff contends that in this particular case granting the proposed encroachment of 5-feet into the minimum 25-foot front building setback would not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the area.**

**The subject property and the adjacent property to the north are the only two single-family homes that face the west side of Warwick Lane. The adjacent property to the south faces Brompton Lane and is required to observe a minimum side setback of 15-feet along the west side of Warwick Lane. With the approval of this variance request the proposed addition on the subject property will not extend any closer to Warwick Lane than the adjacent property to the south. It is the opinion of staff that the position of the proposed addition on the subject property, five feet closer to Warwick Lane, will not appear out of place in this part of 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;

**For the reasons stated above, it is the opinion of staff that the position of the proposed addition to the existing single-family home on the subject property, five feet closer to Warwick Lane, will not appear out of place in the neighborhood. 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.

**Staff generally encourages property improvements in older neighborhoods of Bryan. Staff contends that compliance with the ordinance will be a greater hardship to the owner 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, and will cause no harm or difficulties upon adjacent properties or properties in the general vicinity.**

## RECOMMENDATION:

Staff recommends **approving** the requested variance to allow the additional living space to be added on to the existing single-family home to extend 20-feet from the front property line along Warwick Lane.