

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

November 19, 2015



Planning Variance case no. PV 15-15: Bluestone Partners

CASE DESCRIPTION: a 5-foot variance from the minimum 15-foot front building setback generally required on residential lots in the South College Residential (SC-R) zoning district to allow the construction of a new single-family residence which will extend to within 10 feet from the subject property's front property line along Lynn Drive

LOCATION: 106 Lynn Drive, between South College Avenue and Alani Drive

LEGAL DESCRIPTION: Munnerlyn Village, Block D, Lot 6 (4,900 square feet)

ZONING: South College - Residential District (SC-R)

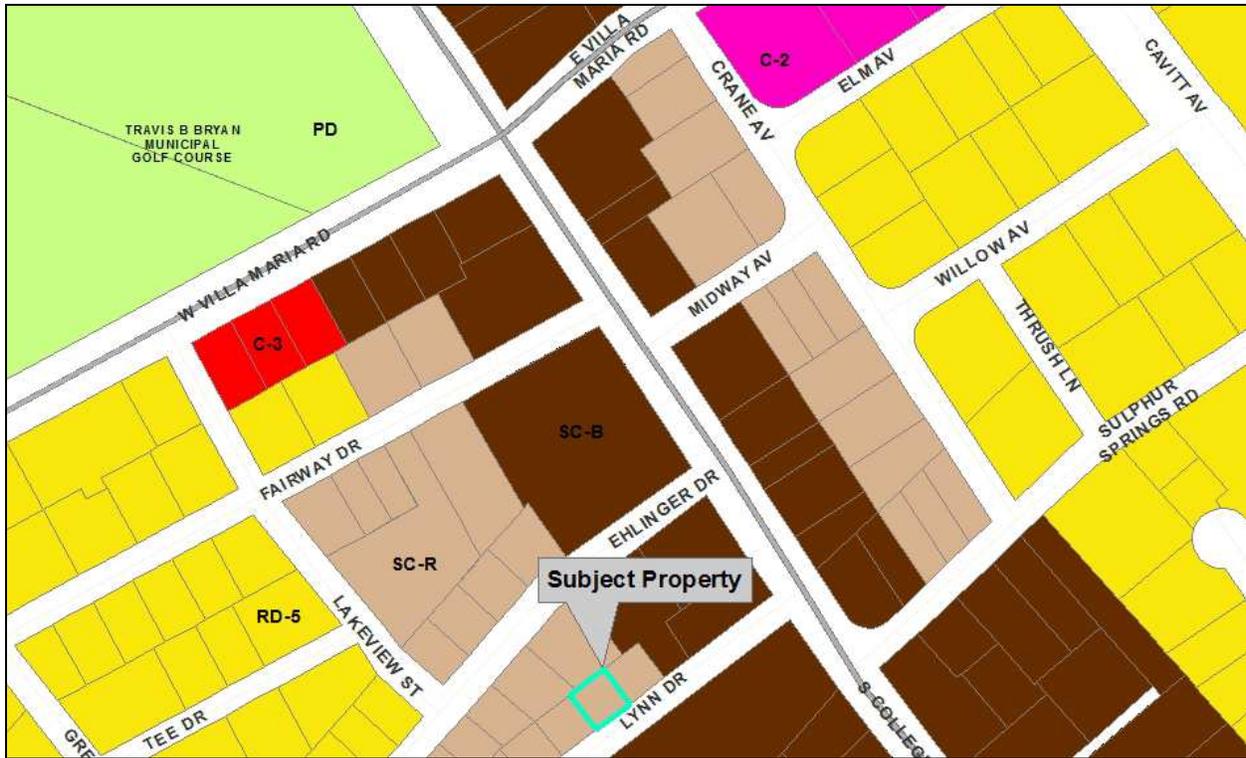
EXISTING LAND USE: vacant lot

PROPERTY OWNER: Sapphire Group, LLC

APPLICANT: Bluestone Partners – Katie Neeson

STAFF CONTACT: Randy Haynes, AICP, Senior Planner

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



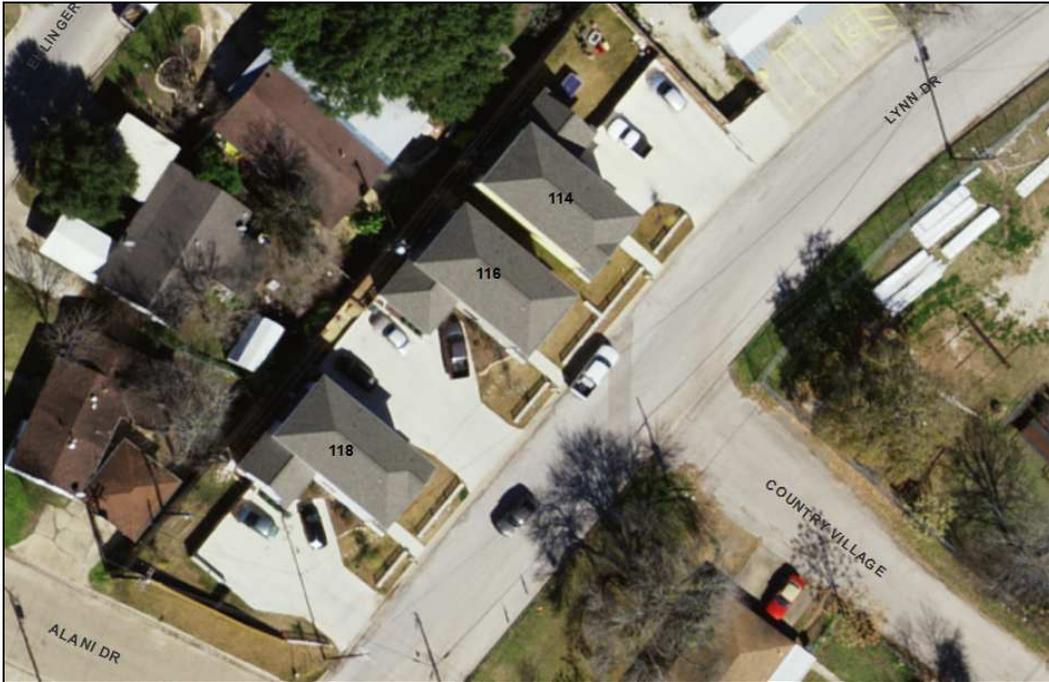


BACKGROUND:

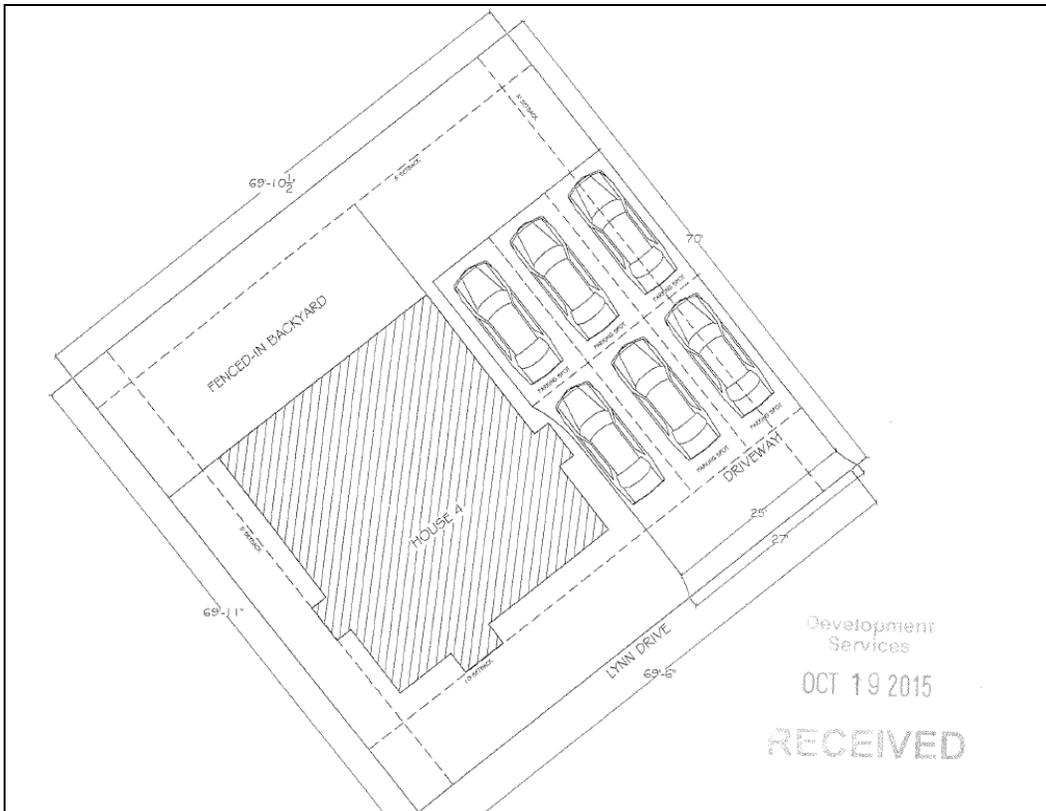
Munnerlyn Village is an older residential neighborhood in south central Bryan that, according to The Bryan Daily Eagle of April 9th, 1946, was “developed for the primary purpose of furnishing comfortable and stable housing for returned veterans who are attending A&M College and their families.” The subject property is located in on the north side of Lynn Drive between South College Avenue and Alani Drive. The applicant plans to construct a new single-family residence on the 4,900-square foot subject property. Lynn Drive is classified as a local street on Bryan’s Thoroughfare Plan.

The subject property is zoned South College - Residential District (SC-R) as are the surrounding properties. The City’s Land and Site Development Ordinance requires that buildings be set back a minimum of 15 feet from the front property line on properties with a SC-R zoning classification. In order to arrange a proposed new house on the lot so that space in the back yard is maximized, the new residence is planned to extend within 10 feet of the subject property’s front property line along Lynn Drive. The applicant is therefore requesting a 5-foot reduction to the 15-foot minimum front building setback requirement.

EXAMPLE: 114 – 118 LYNN DRIVE WITH 8-FOOT WIDE BACKYARDS:



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:

We are seeking a 10 ft front setback versus the 15 ft setback allowed for this zoning. The lot demensions are
approximately 70 feet x 70 feet. In order to construct a reasonable house on this particular lot and meet the 15 ft
front setback requirement would result in a small rear yard affording minimal utility and privacy.

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:

This property is zoned for residential development in a neighborhood that is seeing significant redevelopment of smaller
single story residential houses to larger two story house targeted at students due to its close proximity to the university.

The result is increased parking along the streets. Allowing a 10 ft setback will enable use to create a usable backyard and
allow room along side the house for 6 parking spaces to help improve undesirable on street parking improving safety and welfare.

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:

Increasing the front setback will create a usable backyard resulting in more privacy to the rear neighbors, a generally
desirable characteristic. Currently the lot is being used as a backyard to the SFR facing Ehlinger. As a result it has a
privacy fence along Lynn drive that is less than 6' from the ROW. So while the requested 10' setback is less than
currently allowed by zoning it is more than the existing structure. Removing the privacy fence and building a house will
open up the area and increase visibility being more complimentary of the neighboring properties.

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:

While it is possible to construct the house with a 15' ft setback it would provide for virtually no useable backyard, which
would require us to put the yard on the side and eliminate the additional parking we are proposing to help reduce on
street parking.

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);

Munnerlyn Village Subdivision was originally platted in 1946, before adoption of the current lot size standards. As originally laid out, the first 6 residential lots along Lynn Drive have a depth of only 70 feet. Most of these lots are also 70 feet wide. Since 2013, 3 new residences in the same block as the subject property have been constructed in compliance with the standards of the ordinance.

The short segment of Lynn Drive between South College Avenue and Alani Drive has an essentially commercial feel due the existence of the plumbing supply company across the street to the southeast and other commercial uses, including Pepe Taco, on the same side of the street as the subject property. Staff observes that the plumbing business storage yard and security fence, the Pepe Taco drive-thru window and the existence of head-in parking in front of the two non-conforming commercial uses that flank the subject property, create conditions that act to visually constrict the appearance of the block face along this segment of Lynn Drive.

Although there are no other structures as close as 10 feet from the front property line, it is the opinion of staff that the position of the proposed new home on the subject property, five feet closer to Lynn Drive, 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 new home on the subject property, five feet closer to Lynn Drive, 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.

Supported by the goals outlined within the Comprehensive Plan, staff generally encourages redevelopment in older neighborhoods of Bryan. Staff finds that there are special conditions created by the shallow lot depth that will make it difficult to develop a home with what could reasonably be considered as a usable back yard. Staff contends that such a condition create circumstances such 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. Staff is of the opinion that the aforementioned three new residences built since 2013 under similar circumstances, in compliance with the standards, are lacking the rear living space that most would consider desirable when considering a detached residence rather than a multi-family arrangement. 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 10 feet from the property's northwest side property line along Lynn Drive.