

**PLANNING AND ZONING COMMISSION
STAFF REPORT**



January 7, 2016

Planning Variance case no. PV 15-15: Raven Homes

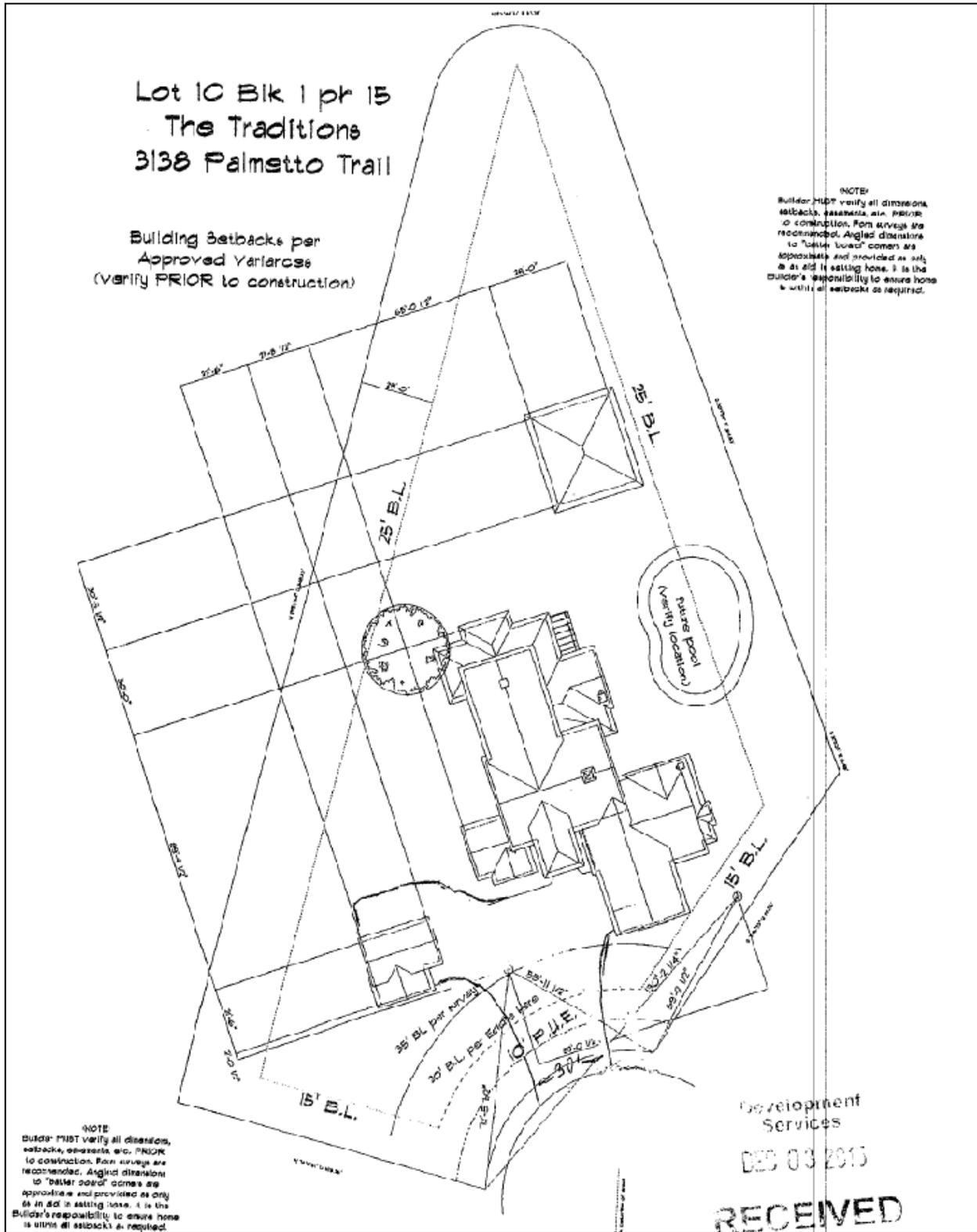
- CASE DESCRIPTION:** A request for approval of a 5-foot variance from the maximum 25-foot driveway street access width that is generally allowed on residential home sites; to allow for the proposed construction of a 30-foot wide driveway curb cut on property at 3138 Palmetto Trail
- LOCATION:** 3138 Palmetto Trail, adjoining the northern terminus of Palmetto Trail, 1200 feet northwest of the intersection of Palmetto Trail and North Traditions Drive
- LEGAL DESCRIPTION:** Lot 10 in Block 1 of The Traditions – Phase 15
- ZONING:** Planned Development – Mixed Use (PD-M)
- EXISTING LAND USE:** residential
- PROPERTY OWNER:** Jon and Lee Anne White
- APPLICANT:** Raven Homes, Mary Watson
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested variance.



AERIAL PHOTOGRAPH, 2015:



PROPOSED SITE PLAN:



EXCERPT FROM APPLICATION:

Variance Supplement B



The following page should be completed for all variance requests EXCEPT setback variances. Please proceed to the last page if this request is for a setback variance.

Please describe the type of variance being requested:

Widen entrance of driveway to 30 feet wide

Are there special circumstances or conditions affecting the land involved such that the strict application of the ordinance would deprive you reasonable use of the land:

For turning purpose into the garages

Is the variance necessary for the preservation and enjoyment of substantial property rights:

Yes to make it safer and easier for the turning purpose into the garages

State how the granting of the variance would not be detrimental to the public health, safety, or welfare or injurious to other property in the area:

No the varianca will make it safer for the property owners

BACKGROUND:

On behalf of the property owners, Jon and Lea Anne White, Mary Watson of Raven Homes is requesting approval of a 5-foot variance from the maximum 25-foot driveway street access width that is generally allowed on residential home sites; to allow for the proposed construction of a 30-foot wide driveway curb cut to access the public right-of-way at 3138 Palmetto Trail. Chapter 62 of the Bryan Code of Ordinances (Land and Site Development) regulates access of private properties to public rights-of-way. Land and Site Development Ordinance Subsection 62-296(d)(1) limits the maximum width of a single-family residential driveway to 25 feet.

The applicant wishes to create conditions where departing motorists will be able to drive forward into Palmetto Trail and not be required to back into the street. To accomplish this with only one curb cut, the driver must make a three-point turn within the limits of the driveway. Since the configuration of the lot, deed restrictions and location on a cul-de-sac combine to limit design options; a five-foot variance to the 25-foot maximum width standard is being requested to allow improved on-site maneuvering.

ANALYSIS:

The Planning and Zoning Commission may authorize a variance from regulations 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 there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his or her land;

The subject property is generally triangular in shape and configured in such a manner that the Traditions Club Golf Course abuts over 650 feet of its 950-foot perimeter. The Traditions deed restrictions prevent any development within 25 feet of the golf course; consequently the buildable area of the lot is reduced by over 30%. The relatively narrow street frontage of the lot, approximately 75 feet, further limits design options that would achieve the goal of eliminating vehicles backing into Palmetto Trail.

Staff contends that the aforementioned conditions affect the subject property, combining to create a special circumstance such that strict observance of the standard limiting residential driveway access width to 25 feet would serve to deprive the owner of the property the reasonable use of their land.

2. That the variance is necessary for the preservation and enjoyment of substantial property rights of the applicant;

Staff submits that the request for a variance of five feet in this specific location, given the identified special circumstances, particularly when placed in balance against the 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.

3. That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property or public facilities in the area;

As defined by the ordinance, a driveway is an access typically constructed partially within a public right-of-way, connecting a public roadway to an adjacent property. Such a structure

is intended to provide vehicular access to that property in a manner that will not cause the blocking of any other public facility, whether a sidewalk, curbside or drainage path. Standards regulating maximum driveway width exist for a number of reasons. The Land and Site Development Ordinance specifies that such standards are to ensure that facilities are located and designed with respect to both the public street and the on-site circulation to provide maximum safety and to minimize interference with street traffic (Sec. 62-296(2)).

Staff contends that in this particular case, given the subject property's location at the end of a cul-de-sac that serves only one lot at the end of streets configured in a loop, (Palmetto Trail and Palmetto Lane), granting a variance to increase the driveway access width, especially in this particular case where backing of vehicles is eliminated, will not be detrimental to public safety.

4. That the granting of the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this article.

Staff contends that granting the requested variance, accompanied by findings of a clearly defined special circumstances and conditions affecting the land will not have the effect of impairing orderly development of other land in the immediate vicinity or in other areas of Bryan. Staff further contends that such an approval, supported by such findings will preserve the opportunity for this or future Planning and Zoning Commissions to deny similar requests, which could then produce detrimental impacts (i.e. very wide driveway curb cuts) in all of Bryan's neighborhoods.

RECOMMENDATION:

Staff recommends **approving** the requested five-foot variance to allow the construction of a 30-foot wide driveway access to the subject property.