

**PLANNING AND ZONING COMMISSION
STAFF REPORT**

April 7, 2016



Planning Variance case no. PV16-05: David A. Mingus

CASE DESCRIPTION: request for approval of a 4-foot variance from the minimum 25-foot front building setback that is generally required on residential home sites, to legitimize previous installation of a manufactured home which extends within 21 feet from the front property line

LOCATION: 1513 Hooper Street, located approximately 150 feet southwest from its intersection with State Highway 21 East, being Lot 14 in Block 12 of the Castle Heights Subdivision

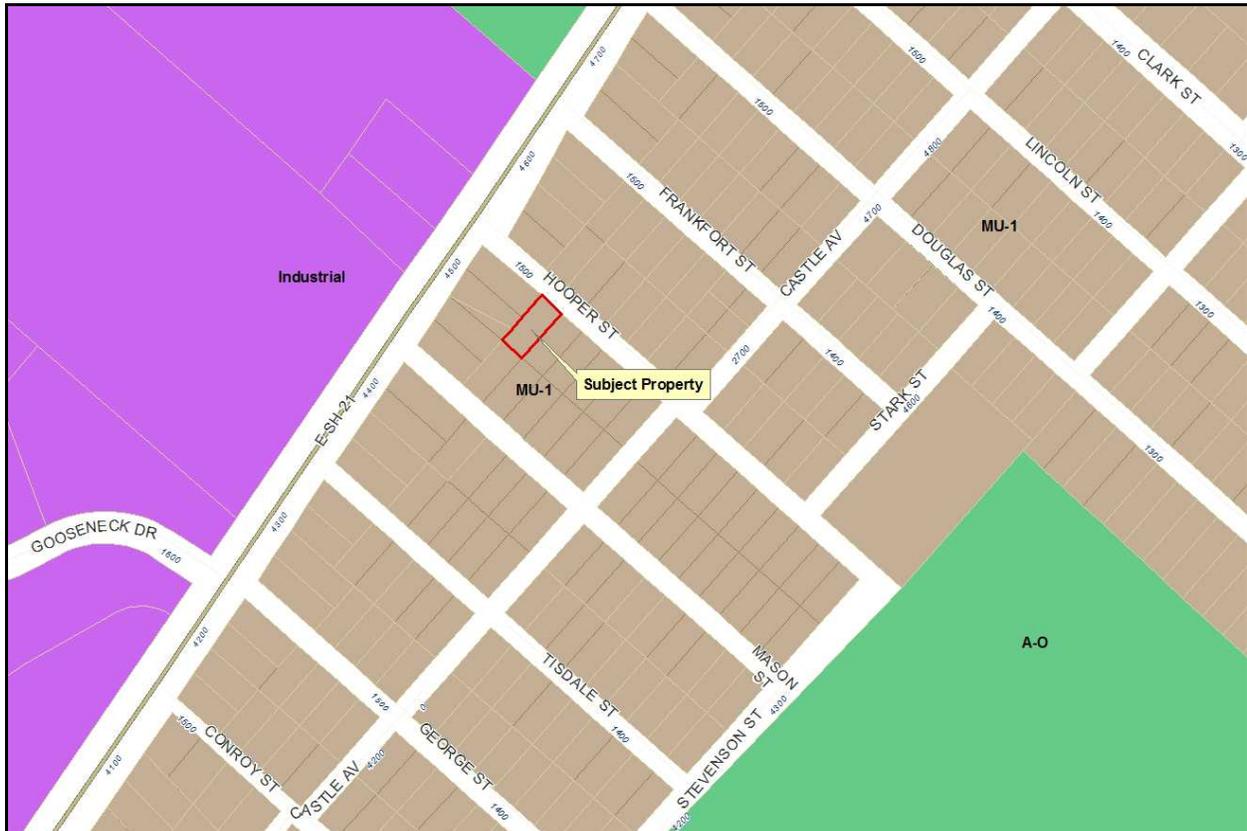
ZONING: Mixed Use Residential District (MU-1)

EXISTING LAND USE: Manufactured Home

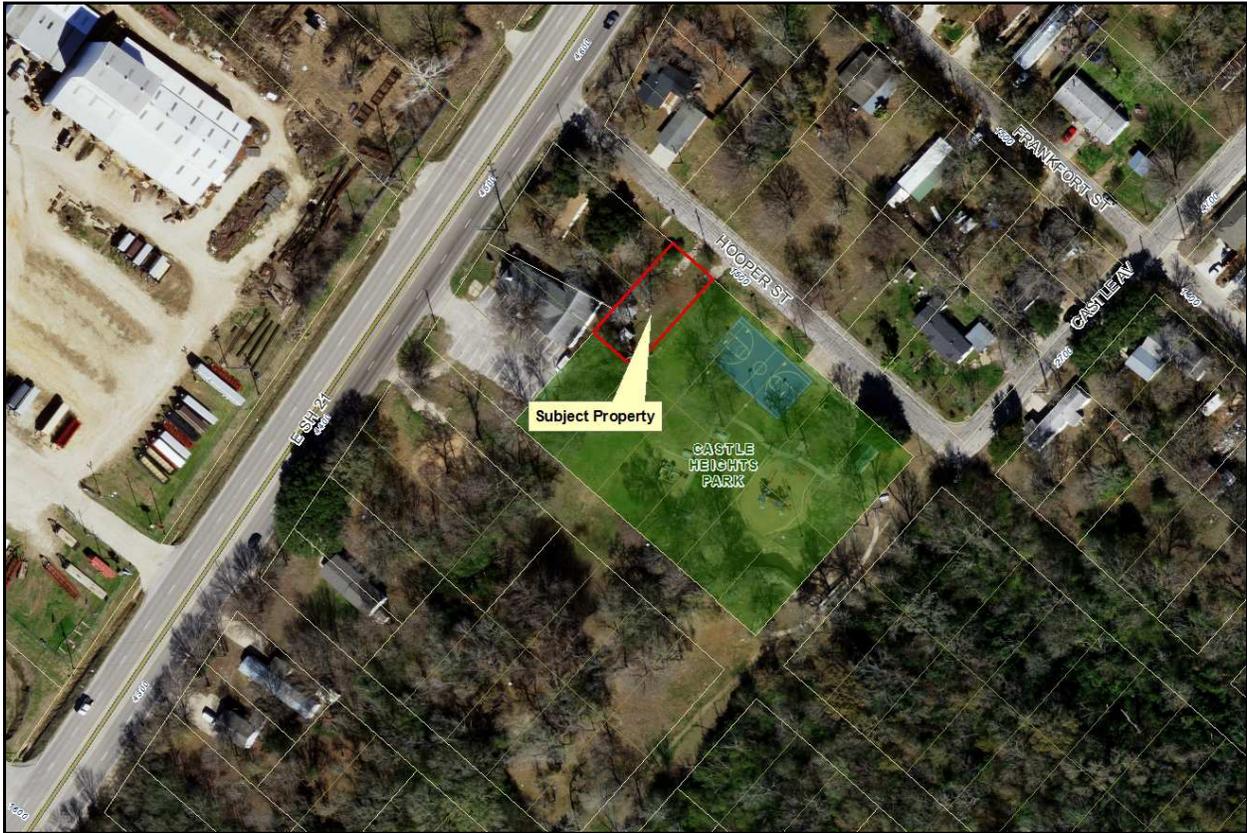
PROPERTY OWNER: David A Mingus, Regional Home Sales

STAFF CONTACT: Stephanie Doland, Staff Planner

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



2015 AERIAL:



BACKGROUND:

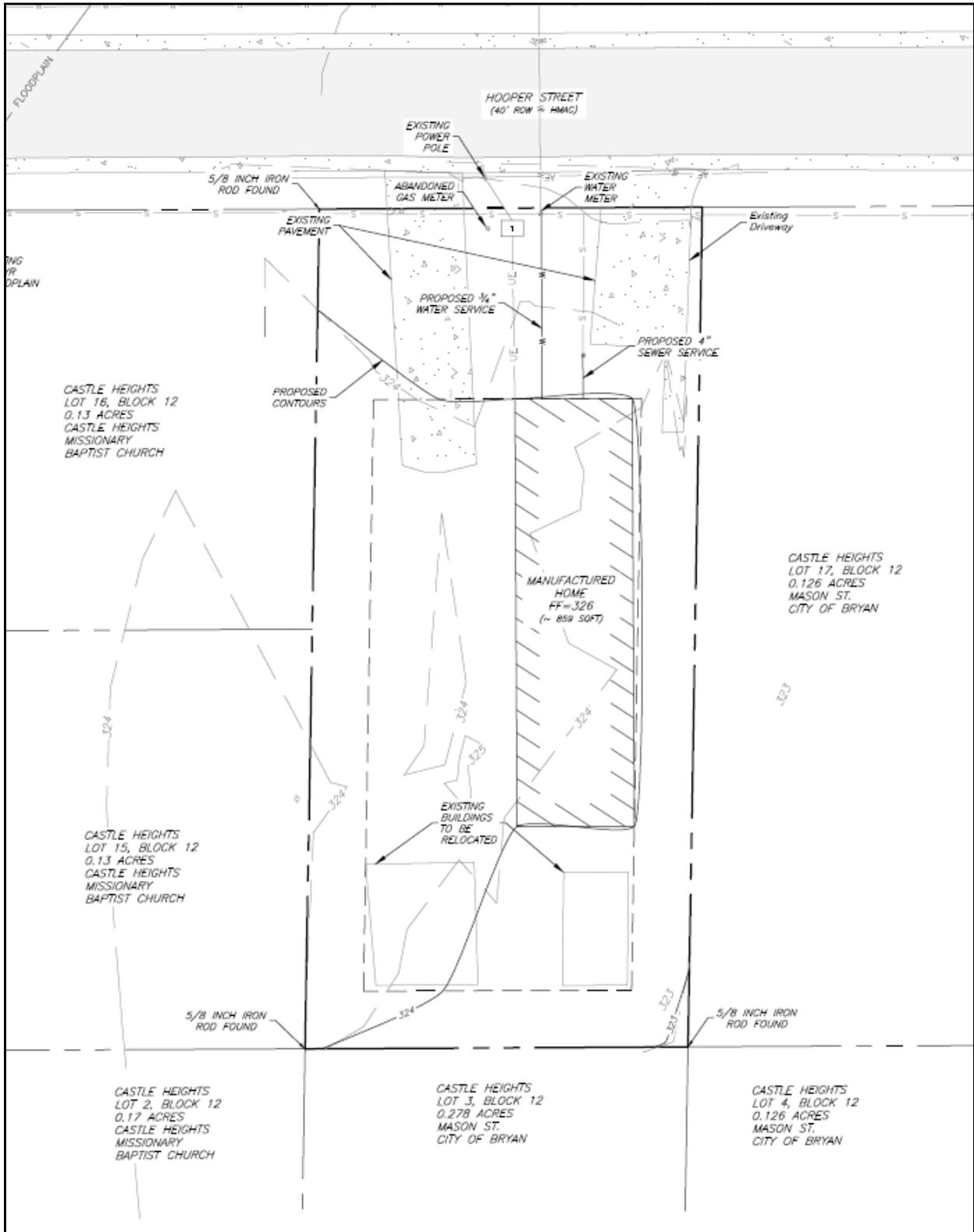
The subject property is a lot that was created with the recording of Castle Heights Subdivision in May 1948. The subject property is 50 feet wide, 109.95 feet deep, approximately 5,450 square feet in size, and is adjoined by a vacant lot to the north, City of Bryan Parkland (Castle Heights Park) to the east and south, and single-family homes to the west.

Construction of a 960 square foot, manufactured home on the subject property was permitted by the City of Bryan on February 3, 2016. The site plan accompanying the building permit application showed the structure was proposed to be constructed in accordance with the City of Bryan Code of Ordinances, including the minimum 25-foot front building setback which is generally required on properties zoned Mixed Use Residential (MU-1) District.

During the process of installing the home, markers were misplaced and the required 25-foot front building setback was incorrectly measured from the edge of Hooper Street rather than from the edge of the property line. The home was consequently installed within only 21 feet from the front property line. The encroachment into required front building setbacks was discovered when the property owner contacted the City of Bryan for inspections for a Certificate of Occupancy, after the manufactured home was completely installed and secured on the subject property.

The applicant/property owner, David Mingus, is requesting approval of 4-foot variance from the minimum 25-foot front building setback that is generally required from front property lines on residential home sites in Bryan, to legitimize the recent construction of this new single-family home.

SITE PLAN SHOWING 25-FOOT SETBACK observed:



Southeast Side View:



Northwest View:



APPLICANT REQUEST:

Setback Variance Request

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

Please describe the type of variance being requested:

4' encroachment on 25' setback @ 1513
Hooper. Home placement was measured 25' from
the curb instead of 25' from the property line.

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:

Granting this will not be detrimental to the public
health, safety or welfare or materially injurious
to properties in the area.

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:

Granting this variance will not be detrimental
to the public health, safety or welfare or materially
injurious to properties directly abutting the subject property.

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:

The hardships and difficulties imposed upon the
owner are greater than the benefits to be derived
by the general public through compliance with the req. 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);

By limiting the locations of buildings on a lot, minimum building setback regulations help reduce the danger of conflagration, ensure that there is adequate room for emergency apparatus between and around the properties, and provide access to utilities. Building setback requirements also help provide a minimum degree of open space for light and air circulation, landscaping, recreational use, privacy (e.g., distance between neighbors to mitigate noise and odors) and space for maintenance on a home.

If the requested variance were approved, then the new home would still be set back approximately, at least 27-feet from the edge of pavement on Hooper Street. Hooper Street is a dedicated 40-foot right-of-way with current pavement width of 28 feet. It appears unlikely that traffic in this vicinity will necessitate the widening of Hooper Street in the near future (if ever).

Staff contends that the requested variance from the minimum required front 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. Adjacent property to the west is developed with a single-family home built in the late 1940 and is located about the same distance from Hooper Street as the recently installed manufactured home on the subject property. Lastly, adjacent property to the east is owned and maintained by the City of Bryan as Castle Heights Park, and will not be developed with a single-family home.

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 same reasons stated above, staff believes that, in this circumstance, granting the requested variances to reduce the front building setback on this lot by 4 feet, will not have any noticeable effect on abutting properties in the area and will not be detrimental to public health, safety or welfare.

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.

The only alternative to granting the requested variances would be to make significant changes to the manufactured home already secured to the subject property. More specifically, if the variance request were to be denied the property owner would be required to relocate the manufactured home at their expense. While maintaining minimum building setbacks in residential subdivisions remains important, strict enforcement of said standards in this particular case would appear to pose a significant hardship upon the owner/applicant without producing a significantly measurable public benefit.

RECOMMENDATION:

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