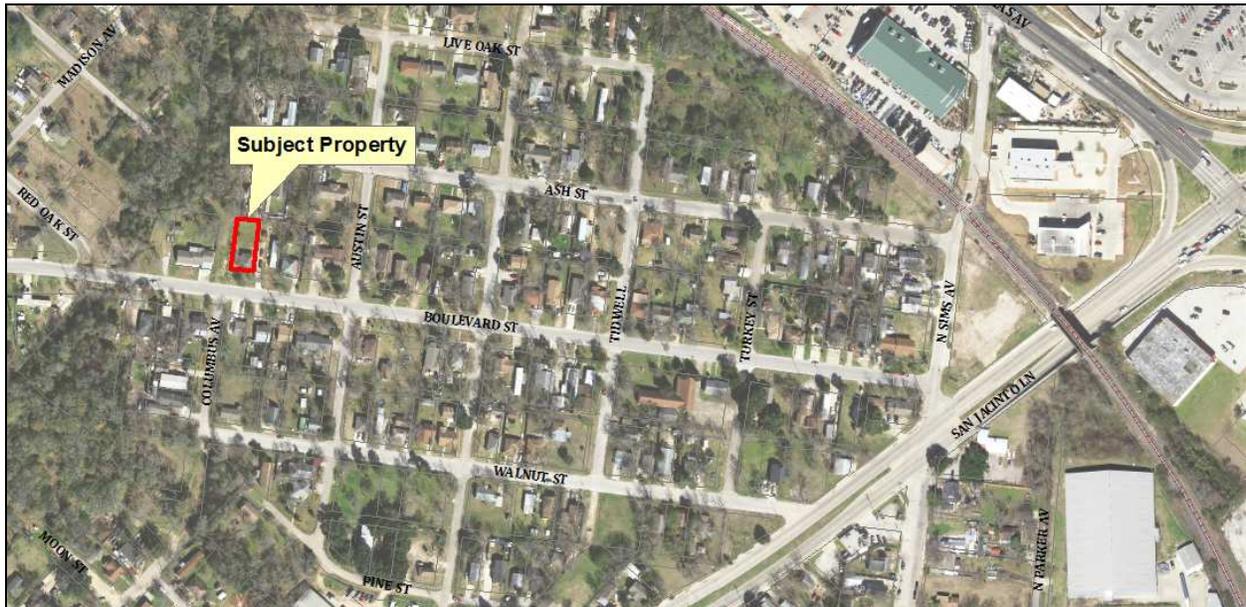


April 7, 2016

Planning Variance case no. PV16-06: Diane Garcia and Bill Zamora

- CASE DESCRIPTION:** 5-foot variance from the minimum 15-foot side building setback that is generally required from side property lines on residential home sites located adjacent to collector or local streets, to allow the construction of an addition to a single-family home which will extend within 10 feet of the west side property line adjacent to an unimproved segment of Columbus Avenue right-of-way
- LOCATION:** 808 Boulevard Street, approximately 200 feet west of its intersection with Austin Street
- LEGAL DESCRIPTION:** Block 28, Lot 6 in the Oak Grove Park Addition to the City of Bryan
- ZONING:** Mixed Use Residential District (MU-1)
- EXISTING LAND USE:** single-family residence
- PROPERTY OWNERS:** Diane Garcia and Bill Zamora
- APPLICANTS:** Diane Garcia and Bill Zamora
- STAFF CONTACT:** Randy Haynes, AICP, Senior Planner
- SUMMARY RECOMMENDATION:** Staff recommends **approving** the requested variance.



BACKGROUND:

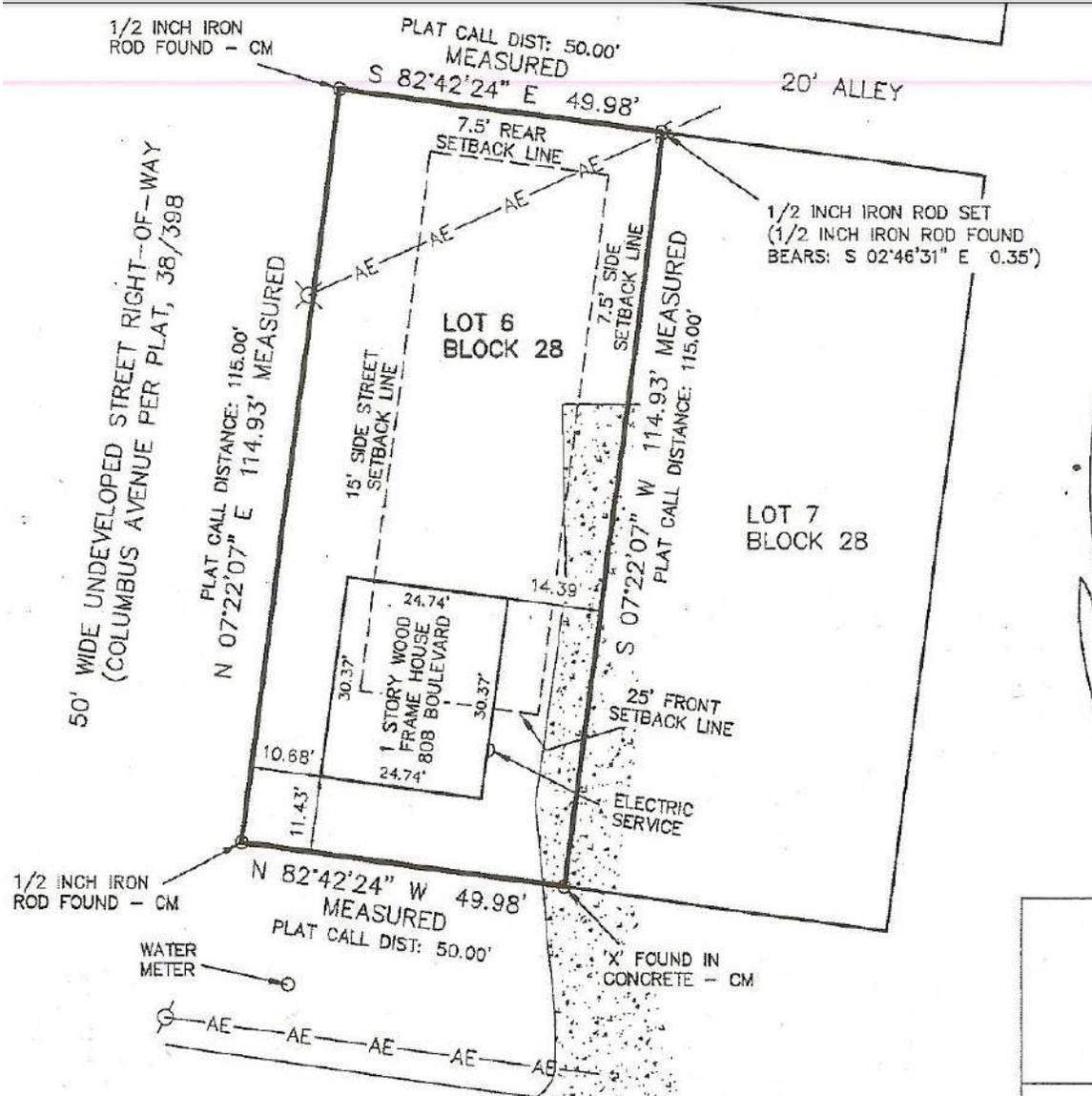
Oak Grove Park is an older residential neighborhood in north central Bryan, the final plat having been recorded in 1913. The subject property is located in on the north side of Boulevard Street between Austin Street and Red Oak Street. An unimproved 50-foot-wide section of public right-of-way for Columbus Avenue lies adjacent and immediately west of the subject property. The applicant wishes to construct an addition to the existing single-family residence on subject property.

The subject property is zoned Mixed Use Residential District (MU-1) 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 side property lines on residential home sites located adjacent to collector or local streets. In order to efficiently add on to the rear of the existing structure, the applicants wish to extend the west wall of the existing house toward the rear of the lot. The existing residence was built before the current side setback standards were in effect, and lies, according to the survey below, 10 feet, 8 inches from the property’s west side property line, which is adjacent to an unimproved 50-foot wide section of public right-of-way for Columbus Avenue. The new building addition is also planned to extend within 10 feet, 8 inches of the same line. The applicant is therefore requesting a 5-foot reduction to the 15-foot minimum side building setback requirement in order to allow construction of the addition.

The public streets in the Oak Grove Park Addition remained mostly un-paved between 1913 and 1975, at which time most of the street rights of way within that addition actually in use were paved and the adjacent property owners assessed a portion of the expense. Since no houses fronted on Columbus Avenue between Ash Street and Boulevard Street, nor had it been used as a travel path, that section of right-of-way was never improved or paved. In addition, in 1970, several years before the paving project, the City of Bryan had installed a 27” raw water line from the well site 2.5 miles north of the subject property through the adjacent segment of unimproved Columbus Avenue right of way to the storage facilities on Tabor Avenue.



PROPERTY SURVEY:



EXCERPT FROM APPLICATION:

**Variance
Supplement B**



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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:

We are requesting 5 feet to an existing home that was grandfather on the property. We are wanting to add the bedrooms with bath towards the back of the house. So we need a variance of 5 feet to be able to continue.

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:

No we will not bother anyone or anything due to vacant land that belongs to the city of Bryan

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

yes because I want to add addition to the home to be able to live there

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:

the vacant property has not been used for 60 years plus

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 existing residence on the subject property was constructed around 1950, well before adoption of the current side building setback standards. The short unimproved segment of Columbus Avenue between Ash Street and Boulevard Street, although dedicated to the City of Bryan as street right of way in 1913, has never been improved with a driving surface or otherwise served as a public roadway. In addition to the evident lack of need for this section of roadway to be improved, the sub-surface presence of the 27" raw waterline, a major component of public infrastructure, will likely preclude any future development of this segment of right-of-way.

It is the opinion of staff that the position of the proposed addition to the existing home on the subject property, 5 feet closer to the unimproved right-of-way for Columbus Avenue, will not appear out of place in this part of the neighborhood, as it will align with the west wall of the existing home and extend no closer to the unimproved right-of-way than the existing home. 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 rear of the home on the subject property, 5 feet closer to unimproved right-of-way for Columbus Avenue, 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 historical pattern of use and development in this particular section of the Oak Grove Park Addition that will prevent the adjacent segment of unimproved right of way for Columbus Avenue from being paved or otherwise placed in use as part of the public transportation system. Staff contends that such a condition creates a circumstance 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 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 an addition to the existing residence on the subject property to extend within 10 feet from the property's west side property line along the unimproved right-of-way for Columbus Avenue.