

CITY OF COLLEGE STATION
Home of Texas A&M University®

Zoning Board of Adjustment
July 19, 2011
6:00 PM

City Hall
Council Chambers
1101 Texas Avenue,
College Station, Texas

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AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, July 19, 2011 at 6:00 PM
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas 77840

1. Call to order – Explanation of functions of the Board.
2. Consideration, discussion and possible action of Absence Requests from meetings.
 - Dick Dabney 7/19/2011
 - Melissa Cunningham 7/19/2011
3. Discussion of requested Administrative Adjustments.
 - 300 Holleman Dr East A - 10% reduction (2 feet) to the 20-foot parking space length requirement. Approved. 11-00500093 (JP)
 - 405 Walton Drive- 6.4% reduction (1.6 feet) to the 25-foot front setback. Approved. Case # 11-00500090 (PAZ)
4. Consideration, discussion and possible action to approve meeting Minutes.
 - June 7, 2011 meeting minutes
5. Public hearing, presentation, possible action, and discussion regarding a request for a variance to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards and Section 6.4.B.4 Accessory Use Standards regarding the minimum rear setback requirements for 1501 Lynx Cove, Block 1, Lot 28 of the Cat Hallow Subdivision. Case# 11-00500083 (MKH)
6. Consideration and possible action on future agenda items – A Zoning Board Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
7. Adjourn.

Consultation with Attorney {Gov't Code Section 551.071; possible action.

The Zoning Board of Adjustments may seek advice from its attorney regarding a pending and contemplated litigation subject or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. If litigation or attorney-client privileged information issues arise as to the posted subject matter of this Zoning Board of Adjustments meeting, an executive session will be held.

Notice is hereby given that a Regular Meeting of the Zoning Board of Adjustment of College Station, Texas will be held on Tuesday, July 19, 2011 at 6:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this the ____ day of _____, 2011 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
David Neeley, City Manager

I, the undersigned, do hereby certify that the above Notice of Regular Meeting of the Zoning Board of Adjustment of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on _____ p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2011.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2011.

Notary Public- Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call 979.764.3517 or (TDD) 800.735.2989. Agendas may be viewed on www.cstx.gov.



CITY OF COLLEGE STATION
Planning & Development Services

**Absence Request Form
For Elected and Appointed Officers**

Name Richard Dabney

Request Submitted on Date: June 15, 2011

I will not be in attendance at the meeting of July 5, 2011
for the reason(s) specified: _____ (Date)

I will be out of town on the date of the Zoning Board of Adjustment meeting.

Dick Dabney



CITY OF COLLEGE STATION
Planning & Development Services

**Absence Request Form
For Elected and Appointed Officers**

Name Melissa Cunningham

Request Submitted on Date: June 30, 2011

I will not be in attendance at the meeting of July 19, 2011
for the reason(s) specified: _____ (Date)

Per phone conversation, Melissa will be in class during this meeting.



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
June 7, 2011
Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Rodney Hill, Josh Benn, Dick Dabney, Melissa Cunningham, Jim Davis.

MEMBERS ABSENT: Hunter Goodwin.

STAFF PRESENT: Staff Assistants Deborah Grace-Rosier and Kristen Hejny, Staff Planner Matthew Hilgemeier, Assistant Director Lance Simms, Assistant City Attorney Karyna Soldatova.

AGENDA ITEM NO. 1: Call to order – Explanation of functions of the Board.

Chairman Hill called the meeting to order at 6:03 p.m.

AGENDA ITEM NO. 2: Consideration, discussion and possible action of Absence Requests from meetings

- Hunter Goodwin ~ June 7, 2011

Mr. Dabney motioned to approve the request. Ms. Cunningham seconded the motion, which passed unopposed (5-0)

AGENDA ITEM NO. 3: Consideration, discussion and possible action to approve meeting minutes.

- May 3, 2011 Workshop & Regular meeting minutes

Ms. Cunningham motioned to approve the minutes. Mr. Dabney seconded the motion, which passed unopposed (5-0).

AGENDA ITEM NO. 4: Public hearing, presentation, possible action, and discussion on a request for a variance to Section 6.4 Accessory Uses of the Unified Development Ordinance,

regarding the allowable area of a proposed accessory structure for the property located at 603 Montclair Avenue, Lots 6 & 7, Block A of the College Park Subdivision. Case # 11-0050073

Staff Planner Matthew Hilgemier presented the staff report and stated that the applicant was requesting a variance to allow an accessory structure to have an area that is greater than 25 percent of the principal structure. Currently the applicant has an active building permit to construct a three-bedroom dwelling unit that will have a total livable area of 1,925 square feet. The applicant is proposing to construct an accessory structure on the property, which will include a small accessory apartment. The accessory apartment will have a total livable area of 788 square feet or 41 percent of the size of the principal structure. Mr. Hilgemier ended by saying staff was recommending denial.

There was general discussion amongst the Board regarding the variance request.

Chairman Hill opened the public hearing for those wanting to speak concerning the variance request.

Jerry Cooper, 602 Bell, College Station, Texas, spoke in opposition of the request and asked the Board to uphold the rules of the Unified Development Ordinance and deny the request.

Jeff Morris, applicant, 2 Coverdell Park Place, The Woodlands, Texas, spoke in favor of the request and gave the Board an overview of the new home. He told the Board that the house will be occupied by his daughter and roommates while the accessory apartment will be used on game days.

All speaking before the Board were sworn in by Chairman Hill.

Chairman Hill closed the public hearing.

Mr. Dabney motioned to deny the variance request. Mr. Davis seconded the motion.

Mr. Benn responded to the motion by stating that there were no special conditions or hardships for the Board to consider.

Chairman Hill called for the vote to deny. The vote was (5-0). The variance was denied.

AGENDA ITEM NO. 5: Presentation, possible action, and discussion regarding motion forms.

Assistant Director Simms discussed with the Board the changes made to the motion forms. The only change the Board had to offer was to have more space added to the Positive Motion for writing out the motion.

AGENDA ITEM NO. 6: Consideration and possible action on future agenda items – A Zoning Board of Adjustment Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no items addressed.

AGENDA ITEM NO. 7 : Adjourn.

The meeting was adjourned at 6:25 PM.

ATTEST:

Deborah Grace-Rosier, Staff Assistant

APPROVED:

Rodney Hill, Chairman



**VARIANCE REQUEST
FOR
1501 Lynx Cove
(11-00500083)**

REQUEST: Reduce the rear setback by 12.5 feet

LOCATION: 1501 Lynx Cove, Cat Hollow Subdivision, Block 1, Lot 28

APPLICANT: Mark Golden, Golden Homes, Inc.

PROPERTY OWNER: Steve Colson

PROJECT MANAGER: Matthew Hilgemeier, Staff Planner
mhilgemeier@cstx.gov

RECOMMENDATION: Approval.

BACKGROUND: In 1995, the subject property was platted as part of the Cat Hollow Subdivision with a single-family structure being built on the lot the following year. The subject property is located at the end of a cul-de-sac street and due to its shape in relation to adjacent properties, it has been determined that the subject property has two rear property lines (the northwest and southwest property lines). Due to the existence of a tributary of Carters Creek that bisects the lot from east to west, a large portion of the subject property is located in areas designated by the Federal Emergency Management Agency (FEMA) as 100-year floodplain.

The owner of the property is proposing to construct a new garage located on the northwest side of the property that would encroach into the 20-foot rear setback by 12.5 feet. **Therefore, the applicant is requesting a variance to the requirements of Section 5.2 and Section 6.4.B.4 of the Unified Development Ordinance to reduce the 20-foot rear setback by 12 feet, 6 inches.**

APPLICABLE ORDINANCE SECTIONS: Unified Development Ordinance (UDO), Section 5.2 Residential Dimensional Standards and Section 6.4.B.4 Accessory Uses Standards for Garages and Carports.

ORDINANCE INTENT: Building setback requirements usually allow for some degree of control over population density, access to light and air, and fire protection. These standards are typically justified on the basis of the protection of property values.

Accessory use standards related to garages and carports allow for adequate sight distance for motor vehicles entering and exiting a driveway and allow for some degree of traffic safety protection. They also provide adequate space for parking on the driveway while remaining out of the right-of-way.



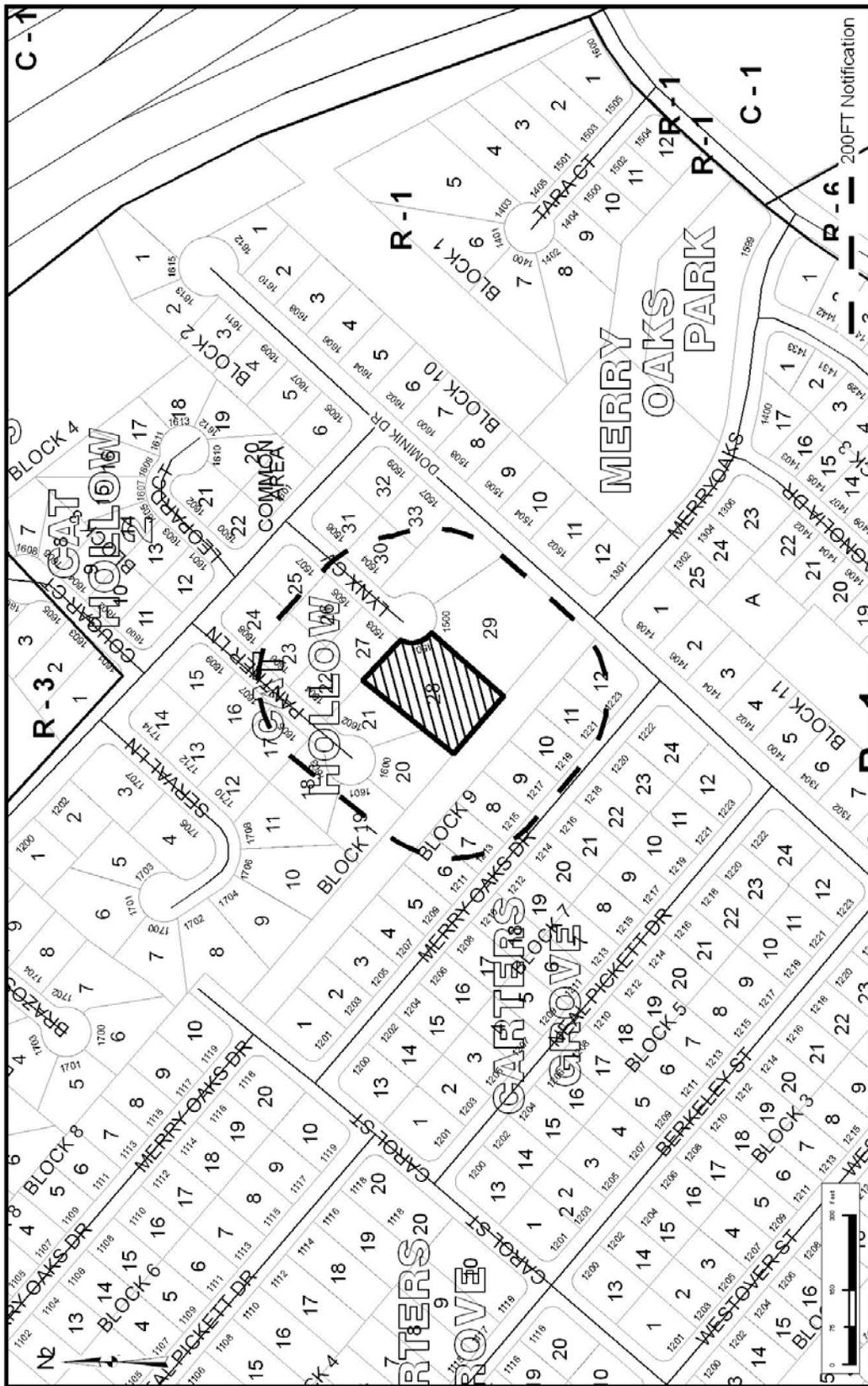
ZBA

Case: 11-083

1501 LYNX COVE

DEVELOPMENT REVIEW





Zoning Districts	
A-O	Agricultural Open
A-OR	Rural Residential Subdivision
R-1	Single Family Residential
R-1B	Single Family Residential
R-2	Duplex Residential
R-3	Townhouse
R-4	Multi-Family
R-6	High Density Multi-Family
R-7	Manufactured Home Park
A-P	Administrative/Professional
C-1	General Commercial
C-2	Commercial-Industrial
C-3	Light Commercial
M-1	Light Industrial
M-2	Heavy Industrial
C-U	College and University
R & D	Research and Development
P-MUD	Planned Mixed-Use Development
PDD	Planned Development District
WPC	Wolf Pen Creek Dev. Corridor
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate
CV	Corridor Overlay
RDD	Redevelopment District
KO	Krenak Tap Overlay

Case: 11-083

1501 LYNX COVE

DEVELOPMENT REVIEW



NOTIFICATIONS

Advertised Board Hearing Date: July 5, 2011

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

Cat Hollow Homeowners Association

Property owner notices mailed: 25
Contacts in support: One contact in support, as of 6/27/11
Contacts in opposition: None at the time of writing this report
Inquiry contacts: Staff has received three general inquiries at the time of writing this report. Neighboring property owners had questions regarding the purpose of the requested variance.

ZONING AND LAND USES

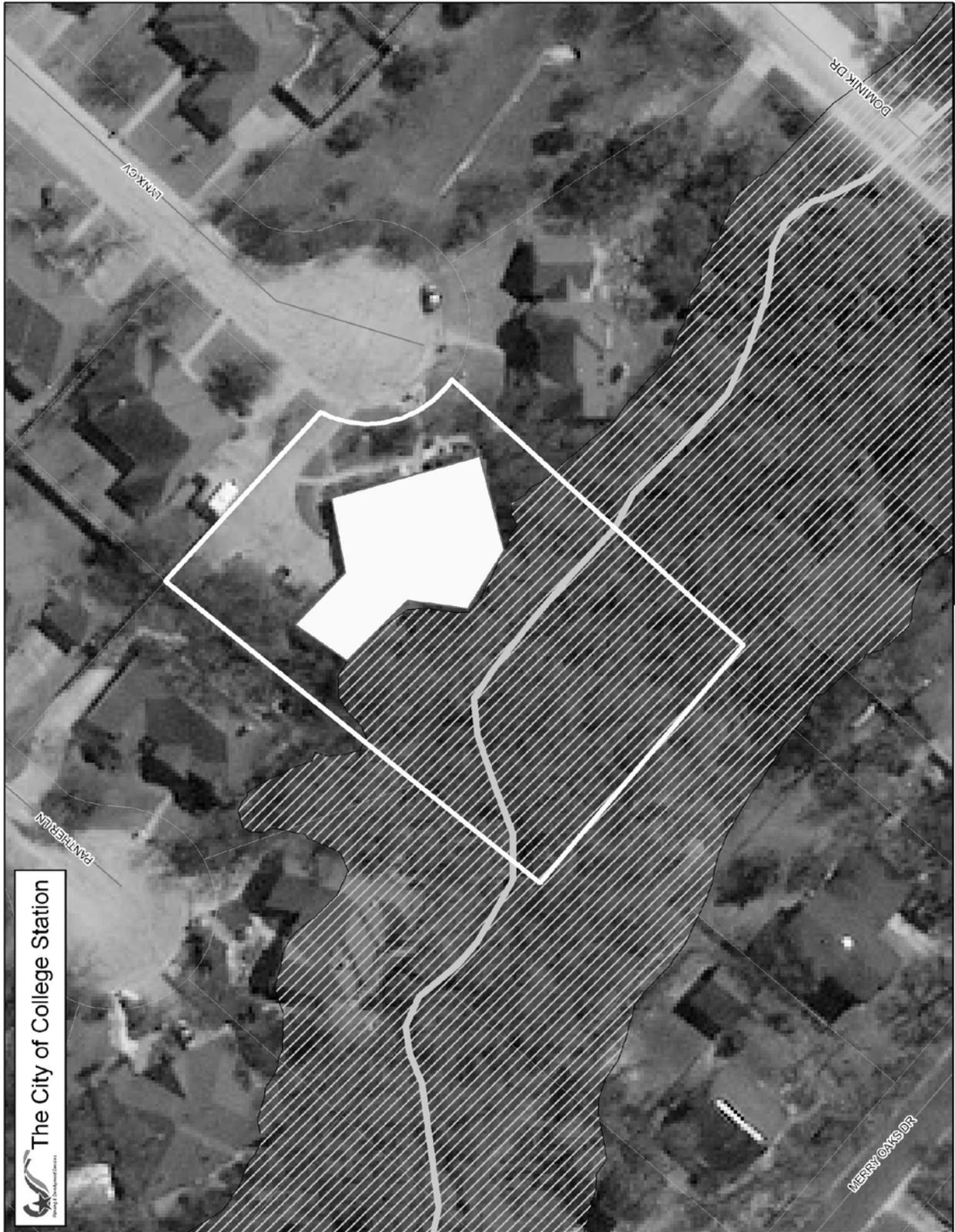
Direction	Zoning	Land Use
Subject Property	R-1 Single Family	Residential
North	R-1 Single Family	Residential
South	R-1 Single Family	Residential
East	R-1 Single Family	Residential
West	R-1 Single Family	Residential

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has 73 feet of frontage along Lynx Cove.
2. **Access:** The subject property is accessed via a residential driveway on Lynx Cove.
3. **Topography and vegetation:** The property has a 6-foot slope running north to south and the rear of the lot is heavily vegetated.
4. **Floodplain:** The rear portion of this property is located within the floodplain. The Carters Creek Tributary 17 bisects the rear of the lot.

REVIEW CRITERIA

1. **Extraordinary conditions:** A special condition exists on the property such that the strict application of the provisions of this UDO deprives the applicant the reasonable use of his property. The buildable area to the rear of the property (southwest portion) is encumbered by areas designated by FEMA as floodplain and is bisected by the Carters Creek Tributary 17 (see graphic below). Due to these two physical characteristics of the property, the area available to construct a structure is reduced without filling floodplain which is discouraged by the City.



2. **Enjoyment of a substantial property right:** This variance is necessary for the preservation and enjoyment of a substantial property right because the amount of buildable area remaining on the property is limited due to the existence of FEMA floodplain covering the southwest portion of the property.
3. **Substantial detriment:** Granting of the requested variance would not be detrimental to the public health, safety, or welfare, or injurious to other property in the area or the City in administering this UDO because it would allow the property owner the option to build the new garage outside of the designated floodplain area. The drainage patterns along the small creek would be altered if the applicant chooses to construct the structure in the area designated as floodplain, which he is allowed to do at this time.
4. **Subdivision:** The granting of this variance will not prevent the orderly subdivision of other land in the area in accordance with the provisions of the UDO.
5. **Flood hazard protection:** The granting of this variance would not have the effect of preventing flood hazard protection in accordance with Article 8 of the UDO. The granting of this variance would allow the property the ability to build the proposed structure in locations that are outside of the floodplain area.
6. **Other property:** The special conditions provide by the property applicant are not unique to the subject property as some of the neighboring properties are also encumbered by areas designated as floodplain.
7. **Hardships:** The hardship created by the special condition is not the result of the applicant's own actions. The existing residential structure located on the property occupies all of the buildable area of this lot. The southwest side of the residential structure abuts the boundaries of the designated floodplain leaving only the northwest portion of the property available for possible improvements without filling the floodplain area. Due to the orientation of the lot this portion of the property is considered a rear property line and is restricted by the 20-foot setback requirements.
8. **Comprehensive Plan:** The granting of this variance would not substantially conflict with the Comprehensive Plan and the provisions of the UDO because the Future Land Use and Character Map designate the portion of the property located in the floodplain as Natural Areas - Reserved. This designation is generally for areas that represent a constraint to development and that should be preserved for their natural functions or open space qualities. Granting of this variance would allow the property owner to construct the proposed structure outside of the area that the Comprehensive Plan designates as an area that should be preserved due to its natural functions.
9. **Utilization:** While the application of the UDO to this particular piece of property does not effectively prohibit the utilization of the property since a residential structure already exists on the property; the existence of floodplain on the property restrict the owner's ability to utilize a majority of their property in a reasonable manner.

ALTERNATIVES

The applicant proposed to relocate the creek as an alternative to granting the requested variance. It is staff's opinion that due to the effects that this option would have on the natural environment, this is not a viable alternative to granting the requested variance.

Staff has identified the following alternative to granting the variance:

1. The applicant could redesign the structure so that it is located where the existing driveway is located.
2. The applicant could place fill in the floodplain and develop the additions behind the house.

STAFF RECOMMENDATION

Staff recommends approval of the applicants request to reduce the 20-foot rear setback along the northwest property line by 12 feet, 6 inches. It is staff's opinion that the applicant has shown that a special condition exists with the property thereby creating a hardship, which limits the applicant the reasonable use of their property. Due to the existence of a creek which bisects the rear of the property from east to west and the large portion of the property which lies within the designated floodplain, the amount of unencumbered buildable area existing on the lot is limited. While construction is not prohibited in areas that are designated as floodplain, it is preferred that this be avoided when possible. The granting of this variance would allow the structure to be located outside of the designated floodplain.

SUPPORTING MATERIALS

1. Application
2. Survey



FOR OFFICE USE ONLY	
CASE NO.:	<u>11-500083</u>
DATE SUBMITTED:	<u>5-16-11</u>
TIME:	<u>2:02</u>
STAFF:	<u>PK</u> <u>MM</u>

ZONING BOARD OF ADJUSTMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:
<input checked="" type="checkbox"/> \$350 Zoning Board of Adjustment Application Fee. <input checked="" type="checkbox"/> Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided. <input checked="" type="checkbox"/> Additional materials may be required of the applicant such as site plans, elevation drawings, sign details, and floor plans. The applicant shall be informed of any extra materials required.

Date of Optional Preapplication Conference _____

ADDRESS 1501 Lynx Cove, College Station, TX 77840

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 28, Block 1, Cat Hollow

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project): CONTRACTOR

Name Mark Golden-Golden Homes, Inc. E-mail _____

Street Address 2912 Cain Rd

City College Station State TX Zip Code 77842

Phone Number 979-694-3600 Fax Number _____

PROPERTY OWNER'S INFORMATION (Please attach an additional sheet for multiple owners):

Name Steve Colson Primary CONTACT E-mail stcolson@suddenlinkmail.com

Street Address 1501 Lynx Cove

City College Station State TX Zip Code 77840

Phone Number 979-260-0178 hm/979-229-1273 cell Fax Number 979-680-9552

Current zoning of subject property _____

Action requested (check all that apply):

- | | |
|--|---|
| <input checked="" type="checkbox"/> Setback variance | <input type="checkbox"/> Appeal of Written Interpretation |
| <input type="checkbox"/> Parking variance | <input type="checkbox"/> Special Exception |
| <input type="checkbox"/> Sign variance | <input type="checkbox"/> Drainage Variance |
| <input type="checkbox"/> Lot dimension variance | <input type="checkbox"/> Other _____ |

Applicable ordinance section to vary from:

<u>Article 6, Section 6.3 Sub Section 4 & Section 5.2 Residential Dimensional Standards</u> <u>6.4.B.4</u>

*Per phone conversation
4/16/11*

GENERAL VARIANCE REQUEST

1. The following specific variation from the ordinance is requested:

a variance of 12.5 feet from the rear setback requirements of Section 6.4.B.4, resulting int a setback of 7.5 feet.

2. This variance is necessary due to the following special conditions:

Special Condition Definition: To justify a variance, the difficulty must be due to unique circumstances involving the particular property. The unique circumstances must be related to a physical characteristic of the property itself, not to the owner's personal situation. This is because regardless of ownership, the variance will run with the land.

Example: A creek bisecting a lot, a smaller buildable area than is seen on surrounding lots, specimen trees.

Note: A cul-de-sac is a standard street layout in College Station. The shape of standard cul-de-sac lots are generally not special conditions.

A creek bisects the lot. The buildable area that falls within the existing setbacks is in the flood plain.

3. The unnecessary hardship(s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Hardship Definition: The inability to make reasonable use of the property in accord with the literal requirements of the law. The hardship must be a direct result of the special condition.

Example: A hardship of a creek bisecting a lot could be the reduction of the buildable area on the lot, when compared to neighboring properties.

A hardship of the creek bisecting the lot and the flood plain reduces the buildable area on the lot.

4. The following alternatives to the requested variance are possible:

Relocate the creek.

5. This variance will not be contrary to the public interest by virtue of the following facts:

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement from the owner. If there is more than one owner, all owners must sign the application or the power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf.

Signature and title

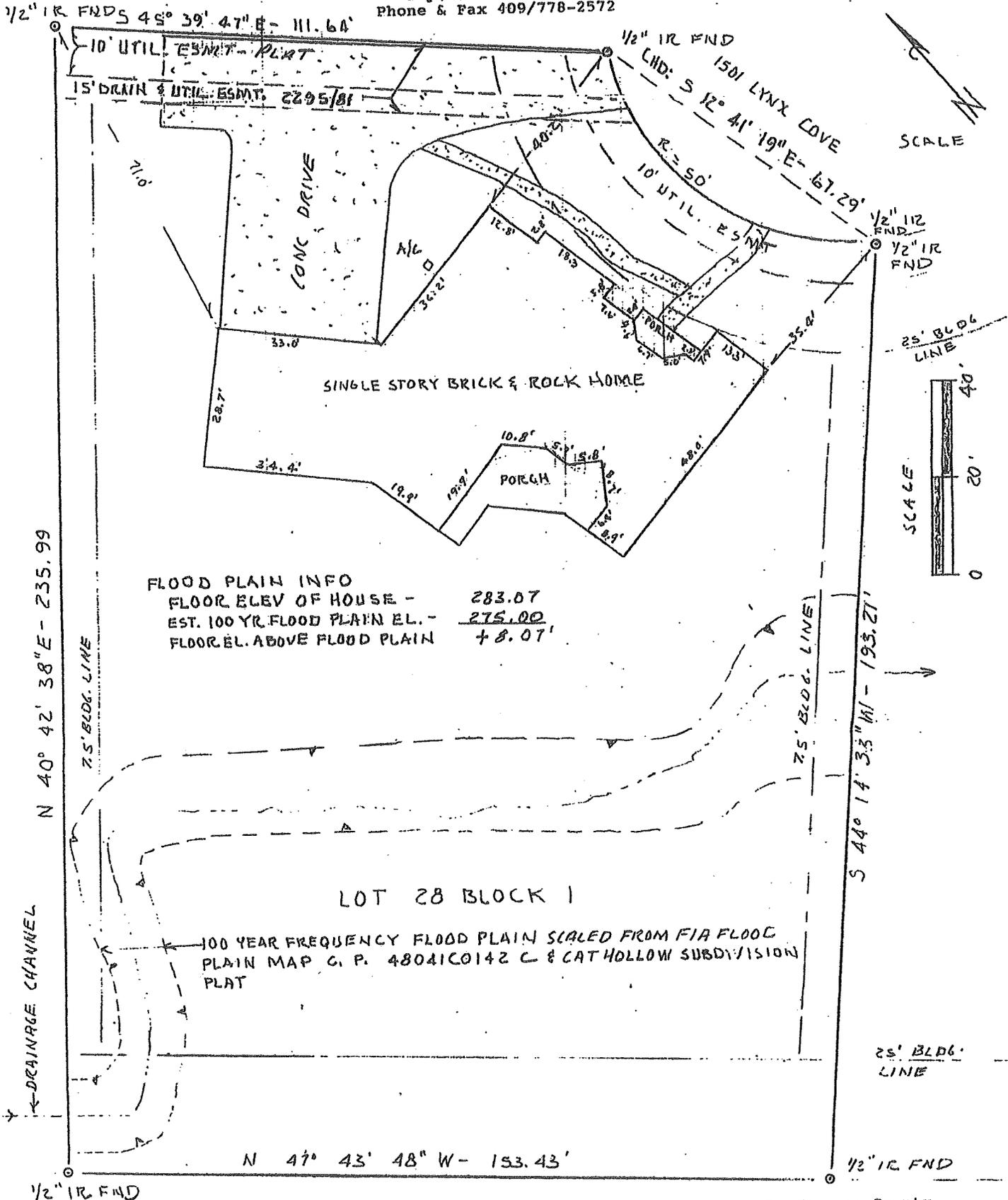
STEVE COLSON
1501 LYNX
College Station, TX
77840

Date

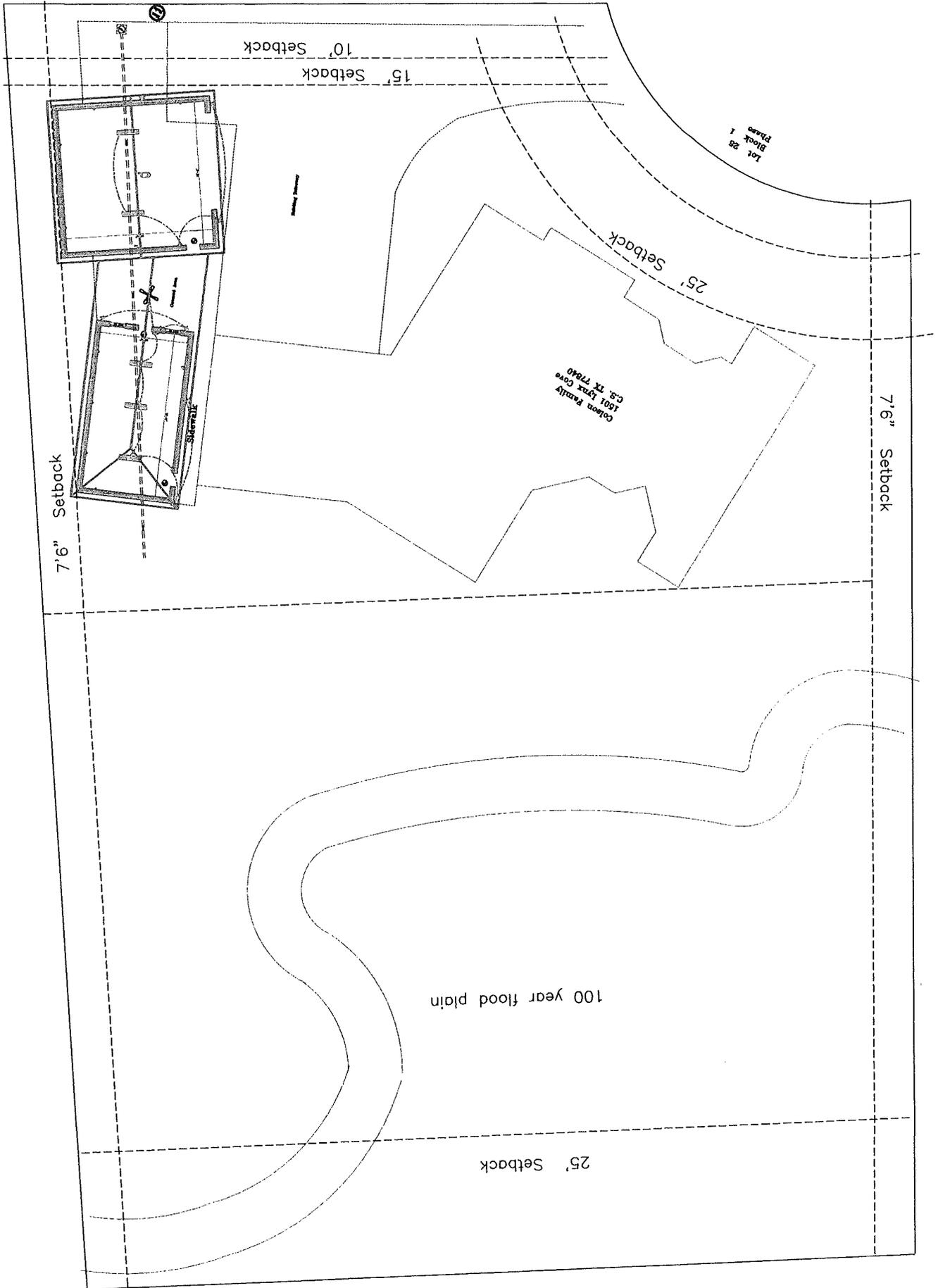
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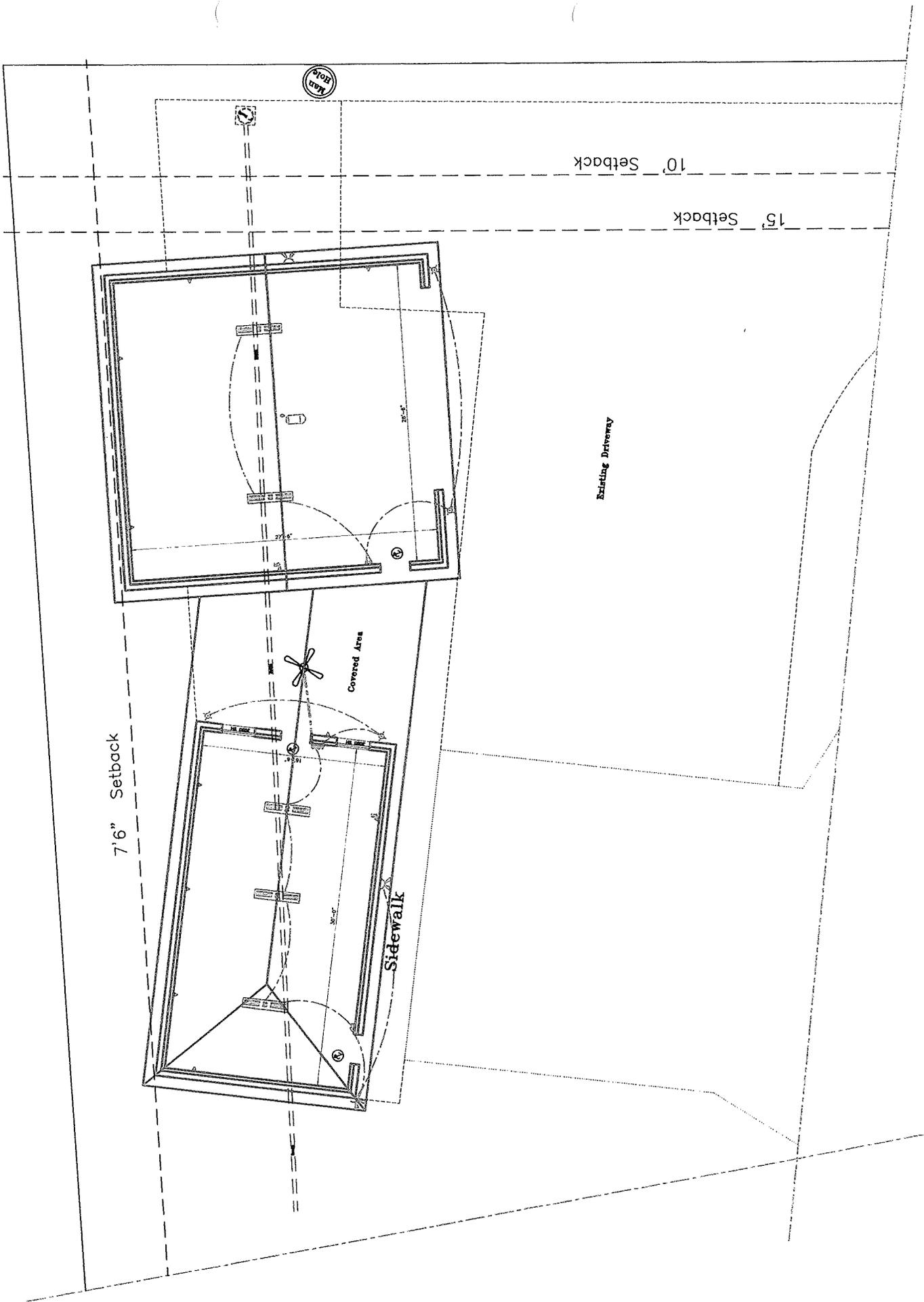
STEVEN C. & TERESA P. COLSON

Denson W. Henry
Reg. Prof. Land Surveyor
2308 Yosemite Drive
Bryan, Texas, 77803
Phone & Fax 409/778-2572



Based on FIA Flood Insurance Rate Map, Community Panel 48041C0142 C for Brazos County, Texas, a part of the following described property is located within a designated 100 Year Frequency Flood Plain. I certify that I have made an on the ground survey of property described as follows: Lot 28 Block 1 of Cat Hollow, an addition to the City of College Station, Texas, according to Plat recorded in Volume 2295, Page 79 Official Records of Brazos County, Texas (ORBCT).





COLSON
1501 LYNXCOVE
CS. TX

