

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

**Zoning Board of Adjustment  
December 6, 2011  
6:00 P.M.  
Regular Meeting**

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



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

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1. Call to order – Explanation of functions of the Board.
2. Discussion of requested Administrative Adjustments.
  - 11-115 (AA – Off-Street Parking) Campus Village Ph. 1B; 1711 Harvey Mitchell Pkwy. (JS)
  - 11-123 (AA – Off-street Parking) Plazas at Rock Prairie; 3975 SH 6 S. (MTH)
  - 11-141 (AA – Side Setback) Summit Crossing Ph. 1; 3814 Blackhawk (Paz)
3. Consideration, discussion and possible action to approve meeting minutes.
  - July 19, 2011 meeting minutes
4. Public hearing, presentation, possible action, and discussion on a request for variances to the Unified Development Ordinance, Section 5.2 Residential Dimensional Standards regarding minimum rear and front setback requirements for 806 & 808 Nimitz Street. Case# 11-00500159 (MR)
5. 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.
6. 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, December 6, 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](http://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](http://www.cstx.gov).



CITY OF COLLEGE STATION  
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**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**July 19, 2011**  
**Council Chambers**  
**1101 Texas Avenue**  
**6:00 P.M.**

**MEMBERS PRESENT:** Chairman Rodney Hill, Josh Benn, Hunter Goodwin, Jim Davis.

**MEMBERS ABSENT:** Melissa Cunningham, Dick Dabney

**STAFF PRESENT:** Staff Assistant Kristen Hejny, Staff Planner Matthew Hilgemeier, Assistant Director Lance Simms, Staff Planner Morgan Hester, City Attorney Adam Falco.

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

Chairman Hill called the meeting to order at 6:08 p.m.

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

- **Melissa Cunningham 7/19/2011**
- **Dick Dabney 7/19/2011**

**Mr. Benn motioned to approve the requests. Mr. Goodwin seconded the motion, which passed unopposed (4-0)**

**AGENDA ITEM NO. 3:** **Discussion of requested Administrative Adjustments.**

- **405 Walton Drive- 6.4% reduction (1.6 feet) to the 25-foot front setback. Approved. Case # 11-00500090 (PAZ)**
- **300 Holleman Dr. East A- 10% reduction (2 feet) to the 20-foot parking space length requirement. Approved. Case # 11-00500093 (JP)**

There were no questions for staff.

**AGENDA ITEM NO. 4: Consideration, discussion and possible action to approve meeting minutes.**

- June 7, 2011 Regular meeting minutes

Mr. Davis motioned to approve the minutes. Mr. Goodwin seconded the motion, which passed unopposed (4-0).

**AGENDA ITEM NO. 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 Hollow Subdivision. Case # 11-0050083 (MKH).**

Staff Planner Matthew Hilgemier presented the staff report and stated that the applicant was 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 to allow the construction of a new garage and workshop on the northwest side of the subject property. Mr. Hilgemier ended by saying staff was recommending approval due to the special condition of an existing 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.

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

Steve Colson, property owner, 1501 Lynx Cove, College Station, Texas, was sworn in by Chairman Hill. Mr. Colson spoke in favor of the request.

Chairman Hill closed the public hearing.

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

**Mr. Benn motioned to approve the variance request due to the special condition of an existing 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. Mr. Goodwin seconded the motion, which passed unopposed (4-0).**

**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 6:22 PM.

**ATTEST:**

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**Kristen Hejny, Staff Assistant**

**APPROVED:**

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**Rodney Hill, Chairman**



**VARIANCE REQUEST  
FOR  
806 & 808 Nimitz Street  
(11-00500159)**

**REQUEST:** Reduction of front and rear setbacks

**LOCATION:** 806 & 808 Nimitz Street

**APPLICANT:** John T. Rhodes

**PROPERTY OWNER:** Lawrence F. Guseman, III

**PROJECT MANAGER:** Matt Robinson, AICP, Senior Planner  
mrobinson@cstx.gov

**RECOMMENDATION:** Approval

**BACKGROUND:** The subject properties were originally platted around the time the City incorporated and were included as a single lot, lot 6 of the D.A. Smith Subdivision. In the 1940's, lot 6 was subdivided into 13 smaller lots that averaged 50' X 65' (3,250 SF) each. Over time, 10 of the 13 lots were granted similar variances due to the physical constraint of the lots as a result of the historical development of the neighborhood. Additionally, Nimitz Street was built outside of the dedicated right-of-way with an average encroachment of 12 feet into the front yard of the subject lots. Subsequent plats have dedicated this encroachment as right-of-way, which has further reduced the lot size. **Therefore, the applicant is requesting a variance to the Unified Development Ordinance (UDO) Section 5.2, Residential Dimensional Standards to allow for a reduction of 10 feet to the 15 foot front setback, and a reduction of 12-feet 6-inches to the 20 foot rear setback.**

**APPLICABLE ORDINANCE SECTION:** UDO Section 5.2, Residential Dimensional Standards

**ORDINANCE INTENT:** Residential dimensional design standard 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.



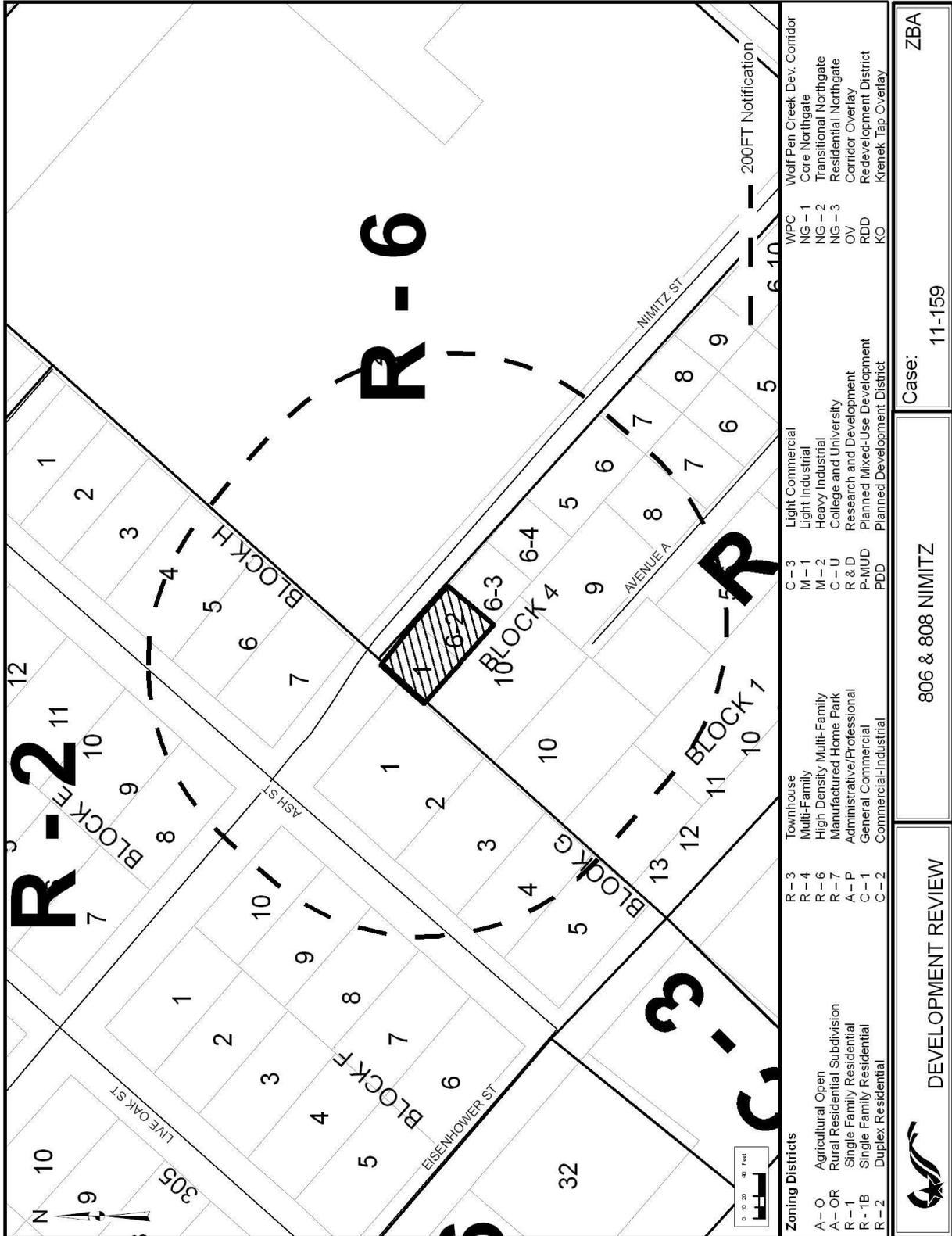
ZBA

Case: 11-159

806 & 808 NIMITZ

DEVELOPMENT REVIEW





| Zoning Districts | WPC  | Wolf Pen Creek Dev. Corridor |
|------------------|------|------------------------------|
| A-O              | NG-1 | Core Northgate               |
| A-OR             | NG-2 | Transitional Northgate       |
| R-1              | NG-3 | Residential Northgate        |
| R-1B             | OV   | Corridor Overlay             |
| R-2              | RDD  | Redevelopment District       |
|                  | KO   | Krenek Tap Overlay           |

| Zoning Districts | C-3   | Light Commercial              |
|------------------|-------|-------------------------------|
| R-3              | M-1   | Light Industrial              |
| R-4              | M-2   | Heavy Industrial              |
| R-6              | C-U   | College and University        |
| R-7              | R & D | Research and Development      |
| A-P              | P-MUD | Planned Mixed-Use Development |
| C-1              | PDD   | Planned Development District  |
| C-2              |       | Commercial-Industrial         |

| Zoning Districts | Townhouse                   |
|------------------|-----------------------------|
| R-3              | Multi-Family                |
| R-4              | High Density Multi-Family   |
| R-6              | Manufactured Home Park      |
| R-7              | Administrative/Professional |
| A-P              | General Commercial          |
| C-1              | Commercial-Industrial       |
| C-2              |                             |

|                           |                  |              |
|---------------------------|------------------|--------------|
| <b>DEVELOPMENT REVIEW</b> | 806 & 808 NIMITZ | Case: 11-159 |
| <b>DEVELOPMENT REVIEW</b> | 806 & 808 NIMITZ | Case: 11-159 |
| <b>DEVELOPMENT REVIEW</b> |                  | ZBA          |

## NOTIFICATIONS

Advertised Board Hearing Date: December 6, 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:

College Hills Neighborhood Association

Property owner notices mailed: 27  
Contacts in support: None at the time of writing the staff report.  
Contacts in opposition: None at the time of writing the staff report.  
Inquiry contacts: None at the time of writing the staff report.

## ZONING AND LAND USES

| Direction                 | Zoning                         | Land Use                                |
|---------------------------|--------------------------------|---|
| <b>Subject Properties</b> | R -1 Single-Family Residential | Single-family residence                 |
| <b>North</b>              | R-6 High Density Multi-Family  | Apartment Complex (Lincoln Square Apts) |
| <b>South</b>              | R -1 Single-Family Residential | Single-family residence                 |
| <b>East</b>               | R -1 Single-Family Residential | Single-family residence                 |
| <b>West</b>               | R -1 Single-Family Residential | Single-family residence                 |

## PHYSICAL CHARACTERISTICS

- Frontage:** 806 Nimitz has 50 feet of frontage on Nimitz Street and 808 Nimitz has approximately 44 feet of frontage on Nimitz Street.
- Access:** Access is taken via driveways onto Nimitz Street.
- Topography and vegetation:** 808 Nimitz has a moderate amount of vegetation and 806 Nimitz has little to no vegetation as a house currently exists on the property.
- Floodplain:** The subject properties are not located within FEMA designated floodplain.

## REVIEW CRITERIA

- Extraordinary conditions:** A special condition exists with the subject properties due to the fact that they were created prior to the City enforcing minimum lot dimensional standards. In addition, a portion of Nimitz Street was originally constructed on the properties, which reduced the allowed buildable area. Subsequent plats have dedicated the portion of right-of-way that encroached onto the lots, thus reducing the actual size and setbacks of the lots.
- Enjoyment of a substantial property right:** Due to the pavement of Nimitz Street being constructed across the original lot lines of the subject properties and have and the lot dimensions, applying the standard setback requirements would result in an unreasonable buildable area, depriving the property owner of any reasonable use of the property.
- Substantial detriment:** The granting of these variances would not be detrimental to the public health, safety or welfare, or injurious to other property in the area or to the City in

administering this UDO due to the fact that similar variances have been approved for the majority of the lots on this existing block.

4. **Subdivision:** The granting of these variances will not prevent the orderly subdivision of the other land in the area surrounding this property because the majority of the lots on this block have similar lot dimensions and were granted similar variances.
5. **Flood hazard protection:** Granting these variances will not have the effect of preventing flood hazard protection because this property is not located in a FEMA recognized floodplain area.
6. **Other property:** These conditions do generally apply to other properties in the vicinity due to the historical pattern of development in this neighborhood. Adjacent properties to the North and South have been granted similar variances.
7. **Hardships:** The subject properties were created prior to the City enforcing dimensional standards for residential lots and as such they do not meet the current residential lot size standard for residentially zoned properties. Additionally, a portion of Nimitz Street was built on the subject properties and reduced lot size even further. Subsequent plats have dedicated the right-of-way to the City, however, when the current setback standards are applied to each property, the buildable area of the lot is greatly reduced.
8. **Comprehensive Plan:** The Future Land Use and Character Map of the Comprehensive Plan designate the subject properties as Urban and Redevelopment. Urban areas are intended for intense levels of development. While detached single-family residences are not envisioned for Urban Redevelopment areas, it is allowed by right by virtue of the property's current R-1 Single-Family zoning.
9. **Utilization:** Strict application of the current residential dimensional standards would reduce the buildable area and unreasonably restrict the utilization of the property.

#### **ALTERNATIVES**

The applicant has not proposed any alternatives to the granting of the variance requests. Staff could not identify any alternatives to the granting of the variance requests.

#### **STAFF RECOMMENDATION**

Staff recommends approval of the variance requests. In staff's opinion, due to the location of Nimitz Street and the pattern of property development of the neighborhood, a special condition does exist such that the strict application of the provisions of the UDO would deprive the applicant reasonable use of his land. Additionally, based on the surrounding lot sizes and history of approval of similar variances for the surrounding properties, staff feels that approval of the variances to residential dimensional standards for the subject property would not be detrimental to the neighborhood or future redevelopment of this area.

#### **SUPPORTING MATERIALS**

1. Application
2. Proposed site plan



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FOR OFFICE USE ONLY

CASE NO.: \_\_\_\_\_  
DATE SUBMITTED: \_\_\_\_\_  
TIME: \_\_\_\_\_  
STAFF: \_\_\_\_\_

## ZONING BOARD OF ADJUSTMENT APPLICATION

**MINIMUM SUBMITTAL REQUIREMENTS:**

- \$350 Zoning Board of Adjustment Application Fee.
- 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.
- 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 N/A

ADDRESS 808 Nimitz & 806 Nimitz

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 6-1 & 6-2, D.A. Smith Subdivision

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

Name John T. Rhodes E-mail jtrhodes@raidesigns.com

Street Address 4500 Carter Creek Suite 203

City Bryan State Texas Zip Code 77802

Phone Number 979-219-2172 Fax Number 979-846-3365

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

Name Lawrence F. Guseman, III E-mail lguseman@gmail.com

Street Address 3131 Briarcrest Dr. Ste. 111

City Bryan State Tx Zip Code 77802

Phone Number 979-574-3040 Fax Number \_\_\_\_\_

Current zoning of subject property Residential

**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:**

Residential dimensional standards Section 5.2 in the U.D.O.

GENERAL VARIANCE REQUEST

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

- 1). Front setback change from 15'-0" to 5'-0". A difference of minus 10'-0".
- 2). Rear Setback change from 20'-0" to 7'-6". A Difference of minus 12'-6".

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.

- 1). The existing Nimitz street runs through this lots buildable area.

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.

- 1). Cannot build on lot due to size of lot and current minimum lot and setback requirements.
- 2). Existing utilities run through the current setbacks.

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

- 1). None are known at this time.

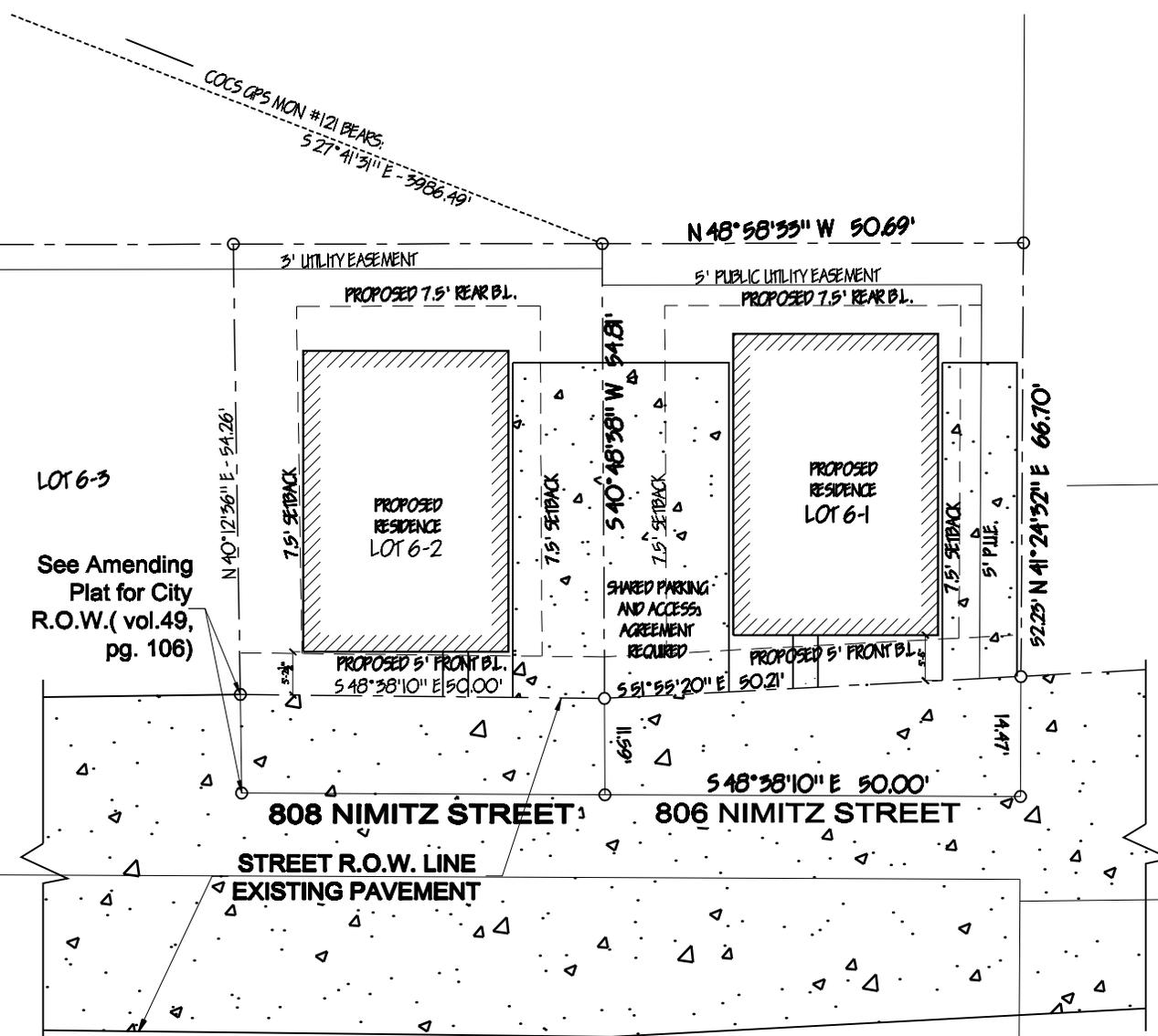
5. This variance will not be contrary to the public interest by virtue of the following facts:

*This same similar variance request has been granted on numerous other lots on the same street.*

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  
owner

11-23-11  
Date



**NOTE: ANY CURRENT STRUCTURES ON EITHER LOT WILL BE REMOVED.**



**D.A. SMITH  
 SUBDIVISION  
 LOTS - 6-1 & 6-2**

**1 SITE PLAN**  
 SCALE: 1" = 20'-0"

**JOB# 11-013**

**DATE: 11-23-11**

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**PROJECT SITE INFO:**  
 806 & 808 Nimitz Street Projects  
 College Station, Tx



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 (2233)**  
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 Bryan, TX 77802  
 www.raidesigns.com