



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

Zoning Board of Adjustment
July 1, 2014
6:00 P.M.
Regular Meeting

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



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, July 1, 2014 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 of absence requests.
 - Chairman Hunter Goodwin, July 1, 2014
3. Discussion of approved Administrative Adjustments.
 - (AA) – 3002, 3006, 3008, 3015 Papa Bear Drive; to allow driveways to be 2 feet wider
 - (AA) – 4703 Camargo Court; to remove the rear setback by 2 feet
4. Consideration, possible action and discussion to approve meeting minutes.
 - June 3, 2014
5. Public hearing, presentation, possible action, and discussion to consider a 10-foot rear setback variance for Lot 21, College Hills Woodlands Subdivision, generally located at 1109 Ashburn Avenue which is zoned GS General Suburban. Case # 14-900133
6. Public hearing, presentation, possible action, and discussion to consider a sign variance for the property located at Lot 1, Block V, University Park Phase 2, generally located at 809 University Drive East, Suite 100-A, which is zoned GC General Commercial with OV Corridor Overlay. Case # 14-900150
7. 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.
8. 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 1, 2014 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 _____, 2014 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
Kelly Templin, 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 _____, 2014.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2014.

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 Hunter Goodwin

Request Submitted on June 9, 2014

I will not be in attendance at the meeting of July 1, 2014

for the reason(s) specified: _____ (Date)

On Vacation.

Via e-mail DGR



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
June 3, 2014
City Hall Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Hunter Goodwin, Johnny Burns, Rick Floyd, David Ohendalski, and Alternate John O'Neill

MEMBERS ABSENT: Jim Davis

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Staff Planner Jenifer Paz, Principal Planner Jason Schubert, Assistant City Attorney John Haislet, Action Center Representative Jeremy Alderete

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

Chairman Goodwin called the meeting to order at 6:02 p.m.

AGENDA ITEM NO. 2: Consideration of absence requests.

- Jim Davis ~ June 3, 2014

Board Member Floyd motioned to approve the absence request. Board Member Burns seconded the motion, which passed (5-0).

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

- 14-86 (AA) Aloft Hotel; 1150 University Dr. E.; Reduction of parking spaces (KMS)
- 14-87 through 14-100 (AA) 3012, 3013, 3014, 3015, 3016, 3017, 3018, 3019, 3020, 3021, 3023, 3101, 3107, and 3109 Papa Bear Dr.; Increase of driveway width (PAZ)
- 14-101 (AA) 511 University Dr. E.; Reduction of parking spaces (KMS)
- 14-104 (AA) Southwest Crossing Retail Center; 1301 Wellborn Rd.; Reduction of parking spaces (KMS)

Board Member Floyd had general questions concerning Administrative Adjustments. Staff Planner Paz addressed his questions. There was general discussions amongst the Board.

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

- April 1, 2014

Board Member Burns motioned to approve the minutes. Board Member Floyd seconded the motion, which passed (5-0).

AGENDA ITEM NO. 5: Public hearing, presentation, possible action, and discussion to consider a building setback variance for Lot 15 & the adjacent Northwest ½ of Lot 16, Block 3, Oakwood Addition, generally located at 127 Lee Avenue which is zoned GS – General Suburban. Case # 14-900070 (PAZ)

Staff Planner Paz presented the staff report and stated that the applicant is requesting a 7.25-foot variance to the required contextual front setback of 45 feet. She ended her presentation by stating staff is recommending approval of the request to reduce the required front contextual setback to 37.75 feet due to the lot size.

There was general discussions amongst the Board.

Chairman Goodwin opened the public hearing.

William Griffin, 6400 Windcrest # 823, Plano, TX, stepped before the Board and was sworn in by Chairman Goodwin. Mr. Griffin, applicant, gave a brief overview of the property and he spoke in favor of the request.

There was general discussions amongst the Board.

Chairman Goodwin closed the public hearing.

Board Member Floyd motioned to deny for discussion purposes only. Board Member Burns seconded the motion.

There was general discussions amongst the Board.

Board Member Floyd amended his motion for approval of the variance request due to the hardship to the applicant being: the narrow nature of the existing lot negatively affected the front setback of this property and the adjacent lots in the Neighborhood Conservation Area: with the limitation of a 30-foot front setback. Board Member O’Neill seconded the motion, which passed (4-1). Board Member Ohendalski voting against.

AGENDA ITEM NO.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.

There were no items discussed.

AGENDA ITEM NO. 7: Adjourn.

Board Member O’Neill motioned to adjourn. Board Member Floyd seconded the motion. The meeting was adjourned at 6:35.

ATTEST:

Deborah Grace-Rosier, Staff Assistant

APPROVED:

Hunter Goodwin, Chairman



CITY OF COLLEGE STATION

**VARIANCE REQUEST
FOR
1109 Ashburn
14-00900137**

- REQUEST:** A variance to Unified Development Ordinance Section 12-5.2 'Residential Dimensional Standards', to allow for a 10-foot variance to the required rear setback of 20-feet.
- LOCATION:** 1109 Ashburn Avenue
College Hills Woodlands, Lot 21
- APPLICANT:** Robert & Suzanne Droleskey, Property Owners
- PROPERTY OWNERS:** Robert & Suzanne Droleskey
- PROJECT MANAGER:** Morgan Hester, Staff Planner
mhester@cstx.gov
- BACKGROUND:** The subject property is located in the College Hills Woodlands Subdivision and is zoned GS General Suburban, which allows for single-family residential uses. The property was originally platted in 1939 and is designated Neighborhood Conservation on the Comprehensive Land Use Plan. The applicant's garage currently encroaches into the 20-foot rear setback ten (10) feet and this location is grandfathered. The applicant is proposing to demolish their home and garage and wish to place their new garage in the same location as it sits today. **Therefore, the applicant is requesting a variance to the Unified Development Ordinance (UDO) Section 12-5.2, 'Residential Dimensional Standards' to allow for a reduction of 10-feet to the 20-foot rear setback.**
- APPLICABLE ORDINANCE SECTION:** UDO Section 12-5.2 'Residential Dimensional Standards'
- ORDINANCE INTENT:** UDO Section 12-5.2, 'Residential Dimensional Standards' sets design standard requirements that 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.
- RECOMMENDATION:** Staff recommends denial of the variance request as a hardship or special condition does not exist in this case.

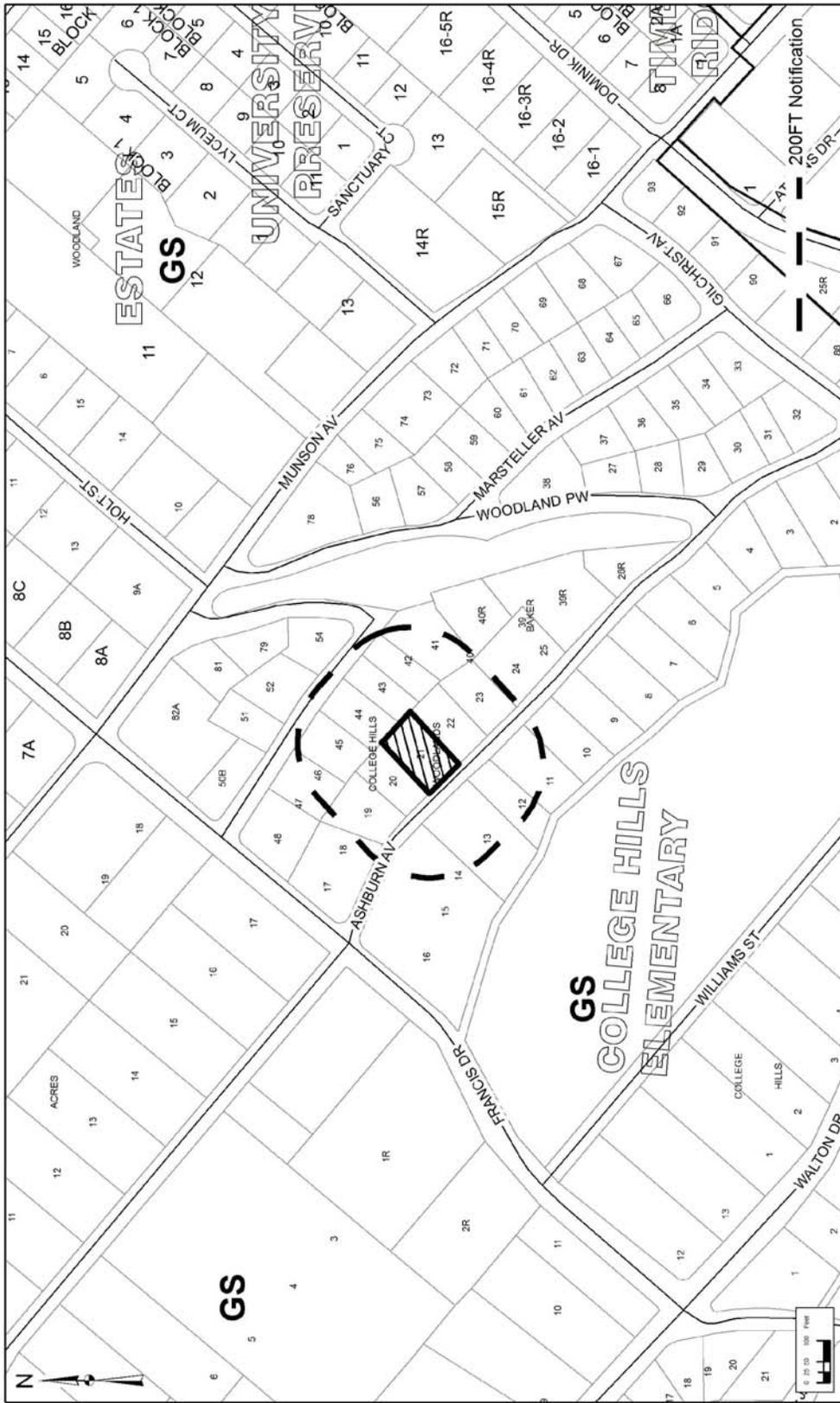


Case: 14-137
ZBA VARIANCE

1109 ASHBURN AVE

DEVELOPMENT REVIEW





Zoning Districts	
R	Rural Estate
RS	Restricted Suburban
GS	General Suburban
R-1B	Single Family Residential
D	Duplex
T	Townhouse
R-4	Multi-Family
R-6	High Density Multi-Family
MHP	Manufactured Home Park
O	Office
SC	Suburban Commercial
GC	General Commercial
CI	Commercial-Industrial
BP	Business Park
BPI	Business Park Industrial
NAP	Natural Areas Protected
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
OV	Corridor Overlay
RDD	Redevelopment District
KO	Krenek Tap Overlay

DEVELOPMENT REVIEW

1109 ASHBURN AVE

Case: 14-137

ZBA VARIANCE

NOTIFICATIONS

Advertised Board Hearing Date: July 1, 2014

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 Woodlands

Property owner notices mailed: Nineteen (19)
Contacts in support: Two (2) at the time of this report.
Contacts in opposition: None at the time of this report.
Inquiry contacts: One (1) at the time of this report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	GS General Suburban	Neighborhood Conservation
North	GS General Suburban	Neighborhood Conservation
South	GS General Suburban	Neighborhood Conservation
East	GS General Suburban	Neighborhood Conservation
West (across Ashburn Avenue)	GS General Suburban	Neighborhood Conservation

PHYSICAL CHARACTERISTICS

- Frontage:** The subject property has approximately 98.7 feet of frontage on Ashburn Avenue.
- Access:** The subject property is accessed from Ashburn Avenue.
- Topography and vegetation:** The subject property is relatively flat with some mature vegetation.
- Floodplain:** The subject property is not located within FEMA regulated floodplain.

REVIEW CRITERIA

- Extraordinary conditions:** *That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the UDO will deprive the applicant of the reasonable use of his land.*

The applicant states that due to on-site flooding in the back portion of their property, they will not be able to comply with the current rear building setback of 20-feet for the construction of their new garage. Staff does not believe that an extraordinary or special condition exists in this case as drainage issues can be resolved through other means. Further, a strict application of the UDO would not deprive the applicant of the reasonable use of the property.

This property is located in the Eastgate Area Neighborhood and as designated on the Comprehensive Plan is Neighborhood Conservation. The intent of this land use designation

is to maintain the neighborhood's character and the applicant states that granting the variance will allow for continuation of the area's character; however, this does not allow for not complying with minimum building setback requirements.

2. **Enjoyment of a substantial property right:** *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

The variance is not necessary for the preservation and enjoyment of the substantial property right of the applicant. If the proposed variance is not granted, the garage will have to be built to meet the 20-foot rear setback in compliance with the UDO. The current use of the property as a single-family residence in an older subdivision is grandfathered to its current setback encroachment. If the proposed variance request is not granted, the applicant will still be allowed to use the property as a non-conforming structure; therefore, they are not being denied a substantial property right.

3. **Substantial detriment:** *That the granting of the variance will 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.*

Granting the variance 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.

4. **Subdivision:** *That the granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.*

The granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of the UDO because the subject and surrounding properties cannot be further subdivided unless they comply with the subdivision regulations.

5. **Flood hazard protection:** *That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.*

The granting of this variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements due to no portion of this property being located within floodplain.

6. **Other property:** *That these conditions do not generally apply to other property in the vicinity.*

For new construction, the same setback requirements apply to all properties zoned GS General Suburban and are not unique to this property.

7. **Hardships:** *That the hardship is not the result of the applicant's own actions.*

A hardship does not exist on the subject property. The applicant has proposed locating the new garage in the current grandfathered location of the existing garage built in 1951. The request to encroach ten feet into the 20-foot rear setback is a result of the applicant's own actions and is not the result of a special condition of the property.

8. **Comprehensive Plan:** *That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.*

The granting of this variance does not substantially conflict with the Comprehensive Plan but does conflict with the provisions of this UDO in that it does not comply with current building setback requirements that are applicable to all new single-family homes.

9. **Utilization:** *That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The application of the UDO standards to this particular property does not prohibit the applicant in the utilization of their property. The setback does not restrict the applicant from utilizing a large portion of the property. The new structure can be built within required building setbacks.

ALTERNATIVES

The applicant has provided five alternative solutions to the location of their garage outside of the rear building setback, but feel like they will not meet their vision for the property.

STAFF RECOMMENDATION

Staff recommends denial of the variance request as a hardship or special condition does not exist in this case.

SUPPORTING MATERIALS

1. Application
2. Supporting information



FOR OFFICE USE ONLY	
CASE NO.:	<u>14-137</u>
DATE SUBMITTED:	<u>05/29/14</u>
TIME:	<u>10:30</u>
STAFF:	<u>AJ</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 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 May 15, 2014, with Jason Schubert

ADDRESS 1109 Ashburn Ave., College Station, TX 77840

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot 21, Block --, College Hills Woodlands

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

Name Robert and Suzanne Droleskey E-mail sdroleskey@tamu.edu

Street Address 1109 Ashburn Ave.

City College Station State TX Zip Code 77840

Phone Number 979-693-1869 (H); 979-324-2345 (Cell) Fax Number n/a

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

Name Robert E. Droleskey et ux E-mail sdroleskey@tamu.edu

Street Address 1109 Ashburn Ave.

City College Station State TX Zip Code 77840

Phone Number 979-693-1869 (H), 979-324-2345 (Cell) Fax Number n/a

Current zoning of subject property R-1

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:

Unified Development Code section 5.2 – Residential Dimensional Standards, Minimum Rear Setback for R-1 is 20 feet. For the remainder of this request, see complete responses in General Variance Attachment Expanded Responses.

GENERAL VARIANCE REQUEST

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

Construct a new garage 10 feet from the rear property line instead of the newer requirement of 20 feet. Existing garage was built in 1951 on land platted in 1940 and is 10 feet from the rear property line (see expanded response)

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.

See expanded response related to the following: 1) placement of new structures on property because of front setback leaves few options; 2) drainage issues impact new house and garage placement; and neighborhood integrity related to historic look and feel of the neighborhood as expressed in Eastgate Neighborhood Plan.

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.

Unified Development Code, Section 3.18.E.b. says the Board must determine "that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant." So, we will address both "the substantial property right" and "reasonable use of the property" (see expanded response related to each of these)

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

Five other design concepts for garage placement were considered prior to asking for a variance. All were rejected for reasons related to special conditions of the property not of our making, reasonable use of the property, and enjoyment of a substantial property right. (see expanded response related to these).

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

1. There is no change requested to the existing garage location, 2) Easy access to existing utilities will remain, 3) Compliance with the Eastgate Neighborhood Plan will be achieved. (see expanded response related to these)

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.

Robert Delich
Signature and title

5/22/14
Date

Variance Application – Droleskey

List of Attachments:

1. Expanded Responses to Zoning Board of Adjustment Application – these responses did not fit into the blanks on the form.
2. Background of New House Project at 1109 Ashburn – The reasons for the variance request relate to the new construction planned for the property. This document contains photos and diagrams that will be helpful in understanding the issues.
3. MacArthur Surveys Document – Copy of the 1109 Ashburn survey done at time of purchase of the property by current property owners
4. Existing Garage Elevation – Copy of elevations shot of existing garage which revealed the enormity of the drainage situation in relation to the proposed garage options.
5. Site Concept Drawing – Architect’s conceptual drawing of the desired new garage option, located 10 feet from the rear property line, on the footprint of the existing garage.
6. Neighbor letter – letter of support from property owner for Lot 20, which borders the northeast property line where drainage issues are most severe. All neighbors contacted to date are supportive of the variance request.
7. Realtor letter – letter documenting the original intent to secure property with specific characteristics that the 1109 property has.

Expanded Responses to Zoning Board of Adjustment Application Droleskey, 1109 Ashburn Ave.

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

Construct a new garage 10 feet from the rear property line instead of the newer requirement of 20 feet. The existing garage was built in 1951 on land platted in 1940 and is 10 feet from the rear property line (see attached property survey from time of home purchase, Diagrams 2 and 3 on attached background material). We would like to build a new, slightly larger, and more modern garage on the site of the existing garage (see site concept drawing attached). This garage would be 24 feet deep and 42 feet wide, will include two garage bays, storage area and a workshop. The other part of the new construction involves building a new home on this property and is explained in more detail on the attached documents, since the building project overall impacts issues related to the placement of the garage.

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

1. Placement of the new house on the property – The front setback requirements for the College Hills Woodlands neighborhood, platted in 1940, are outlined in Article 7.1.D.1.e of the Unified Development Ordinance (UDO): “Where an existing block was created by an approved plat prior to July 15, 1970, a new (infill) single-family dwelling unit shall use the adjacent lots to determine the appropriate front yard setback. The new dwelling unit shall be set no closer to the street or farther back from the street than the nearest neighboring units.” To comply with this front setback requirement, the new house is designed to be wider and deeper toward the back of the property than the existing home (see Diagram 1, showing new house superimposed on the old in architectural drawing). This also complies with the desire in the Eastgate Neighborhood Plan (p. 1-9) “to meet maximum lot coverage requirements that [are] complimentary to the existing developed character.” This required placement of the house leaves few workable options for placement of the new garage (explained in more detail on the attached background document).
2. Drainage Issues – The property along the northwest side of Ashburn Ave. slopes from the north to the south, toward the creek between Ashburn Ave. and Williams St. (see Diagram 3 on attached background document). The property at 1109 Ashburn collects water from the properties to the north and east. The worst drainage problem on the 1109 Ashburn property is along the side of the existing garage and side of the gravel driveway. Water pools in this area after rainstorms, creating areas of 1-3 inch deep standing water and marshy soil along the length of the property (see background document for photos; video is also available). To control this better, a drainage solution is planned along the northeast property line, coordinating with the neighboring property owner. Garage placement and design are impacted by these drainage issues, explained in more detail on the attached documents.
3. Neighborhood Integrity – Our neighborhood has raised strong concerns in the past ten years about maintaining the look and feel of the neighborhood, culminating in the development of the Eastgate Neighborhood Plan in 2011 and numerous neighborhood actions to enforce compliance with it since then. The new house and garage design will echo the original structures built on this property, maintaining the look of the historic neighborhood.

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

According to the Unified Development Code, Section 3.18.E.b., the Board must determine “that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.” The Unified Development Code does not mention “unnecessary hardships” as explained above. Indeed,

the only reference to "hardship" is in 3.18.E.g. where it states that the board should ensure "that the hardship is not the result of the applicant's own actions." Therefore, since it is unclear what standard needs to be met in the application, we will address both issues.

Reasonable Use of the Property

1. On this property, setback rules guiding modern development compete with setback rules preserving the historic character of the neighborhood. The result constricts the amount of usable land to build our new home and garage. For the rear setback, we are held to a modern setback standard for new development of 20 feet. On the front setback, we are held to a standard based on the placement of our nearest neighboring house at 1107 Ashburn in order to preserve the historic look of the neighborhood. This front setback is 18 feet more than the modern setback standard of 25 feet, placing the front of the new house 58 feet from the street. To comply with the Eastgate Neighborhood Plan's goal to preserve the historic look of the neighborhood, we are not asking for a front setback variance. We are only asking for a 10 foot variance for the rear setback so that our new garage can sit on the footprint of the existing garage.

Enjoyment of a Substantial Property right

1. Angle of approach to the garage should allow a car to park in it safely – the existing driveway and placement of the garage, overlapping the house, requires an angled approach to the right garage bay with little margin of error. The left bay also requires an angled approach because the original driveway layout was designed around a tree that no longer exists (see attached property survey, Diagram 3). The new garage and driveway design will remove this problem, creating a safe, straight approach path for both vehicles.
2. Garage size should be sufficient to allow two typical vehicles to park in it – the existing garage houses a workshop because only one bay is useable for a small sedan. The bays are each 10 feet wide and 20 feet deep, with 8 foot wide doors. It is almost impossible to park a modern truck or SUV in either bay. The new garage design will have wider, longer parking bays that are more standard in modern garage construction and 9 foot doors. It will also have additional space for a workshop and storage.
3. Continued use of the property for one of the primary reasons it was purchased in 1989 – ample space for boat parking was a directive to the realtor (see letter from realtor). The long straight driveway with the setback garage is ideal for the purpose of parking boat trailers safely both in the driveway and along the side yard between the driveway and the neighboring fence. Approximately 64 feet are required to park the boats currently occupying the driveway (see detailed explanation in attached background document).
4. Preservation of as much of the usable backyard as possible -- Initially, the plan was to renovate the existing house and garage, but after discussions with a structural engineer and an architect, such renovations were deemed more costly than they were worth. Therefore, we are building a new home on the lot. The major goal of the renovation, and now the new home, is to modernize the kitchen and create an adjoining sunroom with walls of windows to overlook the backyard. Currently, the backyard is not visible from the existing house except through the French door in the kitchen (see attached photo 2). Therefore, it is important to preserve as much of the backyard as possible to attain the original design objective.

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

Five other design concepts for garage placement were considered prior to asking for a variance. All were rejected for reasons related to special conditions of the property not of our making, reasonable use of the property, and enjoyment of a substantial property right. For more details, photos, and diagrams, see the attached background document.

1. Adjoining the garage to the house, configuration #1 – This changes the historic look of the property and causes some new drainage concerns. It also reduces the existing boat storage area and doesn't eliminate the angle of approach problem.

2. Adjoining the garage to the house, configuration #2 – This changes the historic look of the property and causes some new drainage concerns. It also causes significant encroachment of the garage structure into the backyard. Finally, it doesn't resolve the problem of boat storage.
3. Pulling the garage forward 20 feet to comply with the 20 foot setback – This will eliminate easy access to the power pole in the back yard, cause some new drainage concerns, and reduce the usable size of the backyard. Furthermore, the driveway becomes too short to allow simultaneously 1) straight line access to the garage bays by both vehicles and, 2) sufficient space to park boats easily.
4. Creating a hybrid using part of the old garage adding new garage bays to the front of the structure – This would essentially grandfather the use of the 10 foot setback. While this design resolves most of the issues, it creates a new drainage concern. Because the existing garage is at grade level, it will make contouring for proper drainage difficult at the point where the new and old garages join on the northeast side. This juncture of new and old structures is the site of the worst drainage problem on the property now. Furthermore, with the aging condition of the 60 year old structure and the complexity of tying a new and old foundation together, this is not a practical solution. This is the configuration depicted on the current site plan.
5. Leaving the existing structure intact – Drainage issues would be resolved with a drainage solution along the driveway and access to the power pole would remain, but the approach to the right bay and difficulty parking anything other than a small car would still exist. Furthermore, the existing garage is not in good physical condition, and the cracked foundation is nearly at grade level.

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

1. There is no change requested to garage location. The existing garage is already ten feet from the back property line and has been in that location since it was originally constructed in 1951. Granting the variance will allow a modern, safe structure to replace an aging, poorly constructed one that is located in the same place on the property. Landowners who occupy the adjoining property closest to the garage are supportive and one has written a letter supporting the continued placement of the garage in this location (see attached).
2. Easy access to existing utilities will remain. A pole supporting a transformer and power lines for the houses in this block is currently located in the center of the 1109 Ashburn back yard, along the property line, and is easily accessible by utilities contractors because there is no structure blocking access to the backyard (see attached photos) owing to the current location of the house and garage. Providing the variance will continue to facilitate easy access to the existing power pole, which will be in the public interest, since this is the primary way utility workers have accessed the pole over the time we have owned the property. Situating the new garage 20 feet from the back property line will reduce the accessible space between the new house and garage to a 7.5 - 8 foot opening (taking into account roof eaves and gable rake). Attaching the garage to the house would eliminate access completely. The sewer line runs through the south side yard and the water line runs through the front yard of the property to Ashburn Ave. So other utilities remain accessible regardless of the new house or garage location.
3. Compliance with the Eastgate Neighborhood Comprehensive Plan will be Accomplished -- Not requesting a variance on the front setback will comply with the desire of the Eastgate Neighborhood Plan (p. 1-9) "to meet maximum lot coverage requirements that [are] complimentary to the existing developed character." Placing the new garage in the historic location for the garage also complies with this caveat. In addition, rather than covering more land with an enlarged one story home, the new house will be two stories. Finally, Conservation Area elements as outlined in the Eastgate Neighborhood Plan (p. 4-7) are taken into consideration with management of storm water runoff by limiting additional rooftop area through building a second story and addressing the historic concentration of water along the northeast property line with an additional drainage solution.

Background of New House Project at 1109 Ashburn:

The goal is to build a new home and garage on our property. The architectural site plan is shown below in Diagram 1. The design shows the new home superimposed on the existing home. The garage is one of the six designs we have considered, which has subsequently been rejected. The existing house and garage were built in 1951 on land platted in 1940 and so is subject to special rules related to front setbacks.

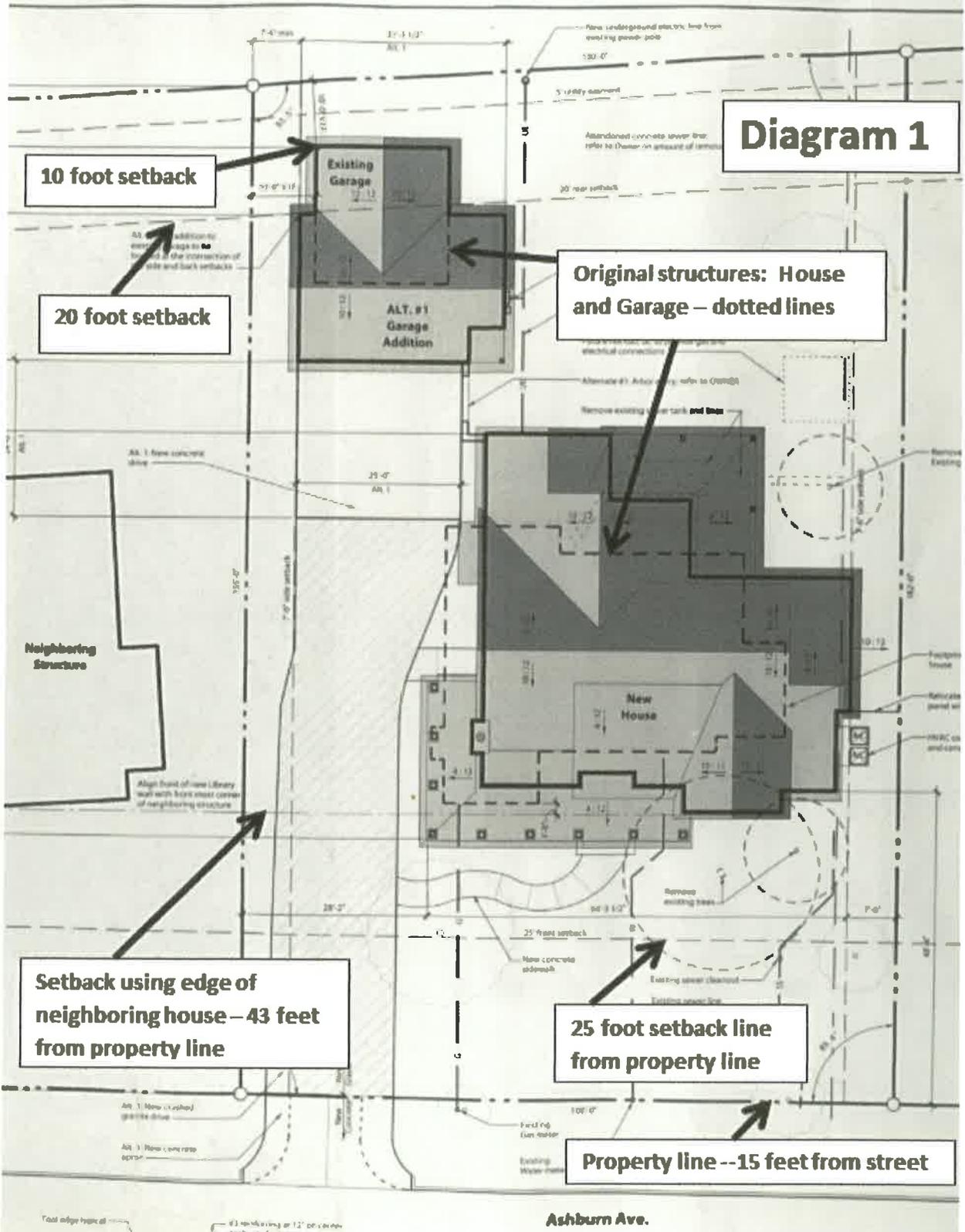
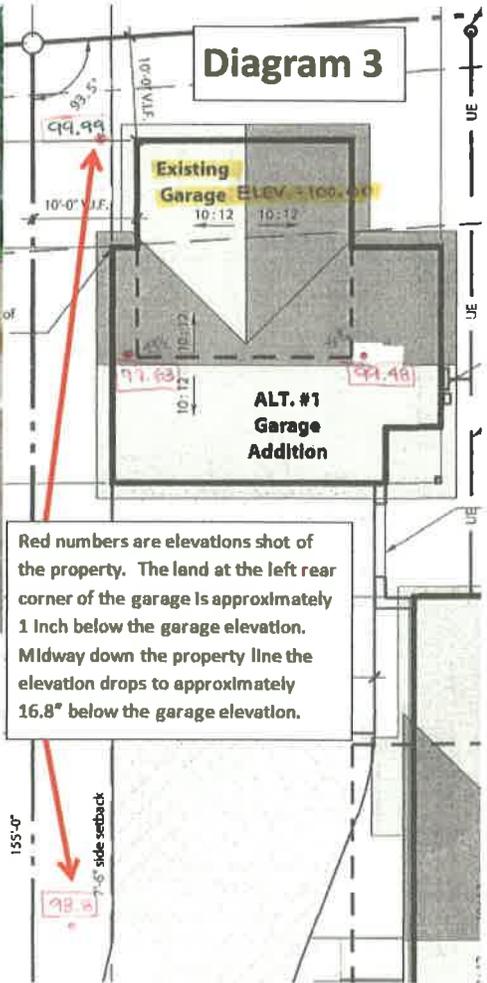


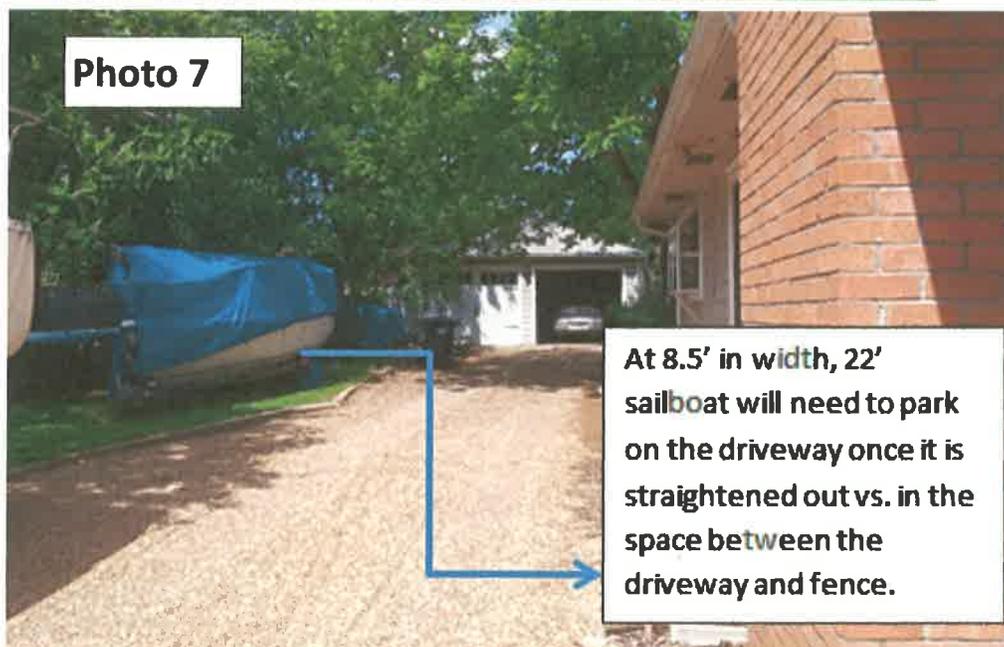
Diagram 1

tion of an underground drain or swale will help to resolve this problem, directing water away from the foundations of both the house and the garage. Collage photo 3 shows the water pooling in the area between the garage and the neighbor's fence. The tan flower pot is the same in each photo. From this location, water flows toward the street along the property line, creating marshy soil along the entire length of the driveway (Photo 4). Water then runs across the concrete edging and into the gravel driveway behind where the truck currently parks (Photo 5). Video confirming the depth of water, pooling of water at various points, and the marshy conditions is available.



Elevations shot of the property (See Diagram 3) indicate that the garage foundation is about 1" above grade at the northwest corner of the property. Along the southeast property line (not shown in this diagram), the land at the front of the existing house is 34.2" below the garage elevation. The top of the curb along the street at the southwest property line is 58.44" below the garage elevation, confirming the drainage slope noted in Diagram 2. The architect, builder, and a soil engineer have counselled various drainage solutions. Several of the six considered garage designs address the drainage concerns better than others. These are explained in the segment on garage designs.

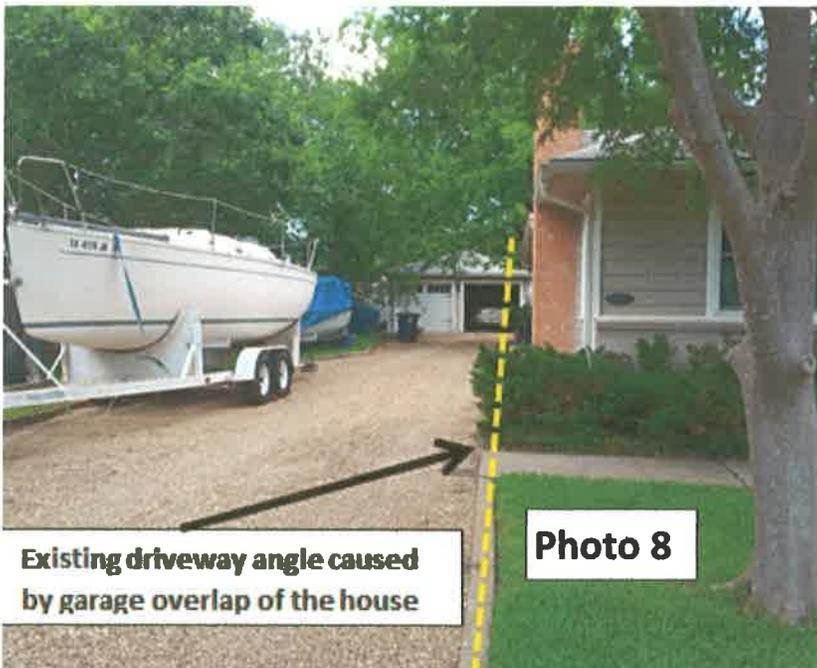
3. Allow for continued boat storage — One of the main reasons the property was originally purchased was to provide on site boat storage (see letter from realtor). Two large sailboats on trailers are parked along the northwest property line, one in the driveway and one on the land between the driveway and the neighbor's fence (See Photos 6 and 7). Both boats are also visible in the aerial view in Photo 9. Allowing for a minimum 10 feet of space between them to maneuver a truck, they require approximately 64 feet in length and 8.5 feet in width of storage space. Another smaller, more maneuverable, 12 foot trailer is behind these for two day sailers (visible in Photo 9 near the garage. Because of garage design challenges, the two large boats will both have to be completely, or partially, in the driveway since they are wider than the planned 7.5 feet between the neighboring fence and the edge of the new driveway as depicted in Diagram 1. Accommodating this amount of space on the left side of the driveway impacts the angle of approach to the left garage bay, which is another problem that the new design must address. This is discussed in more detail in element #4.



4. Allow for easy access into a larger, more modern garage — As depicted in the survey conducted for the purchase of the property in September 1988 (See Diagram 4) the existing garage is a 20'3" square. This garage is located in a corner of the property, 10 feet from each property line. The garage construction includes the following: studs vary from 24' to 26' on center; roof rafters are 2x4s set 24" on center; ceiling joists were 2x4s set 24" on center and 20' long (these were strengthened 20 years ago); the slab, of unknown thickness and only slightly above grade, is cracked and out of level. There are two garage bays, each 10 feet wide, with 8 foot doors, too small for easy parking of modern vehicles. Photo 8 and a Google Earth image (Photo 9) show that the garage overlaps the house by several feet, making a straight approach to the right bay impossible. The left bay approach is also angled because of the narrowing of the driveway (Diagram 3). To maintain the character of the historic garage, the new garage design shows two garage doors, 9 feet wide each.



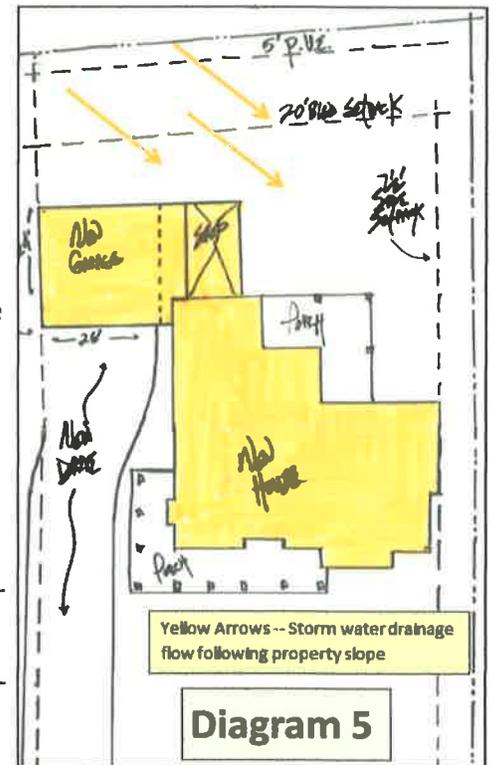
As depicted in the survey conducted for the purchase of the property in September 1988 (See Diagram 4) the existing garage is a 20'3" square. This garage is located in a corner of the property, 10 feet from each property line. The garage construction includes the following: studs vary from 24' to 26' on center; roof rafters are 2x4s set 24" on center; ceiling joists were 2x4s set 24" on center and 20' long (these were strengthened 20 years ago); the slab, of unknown thickness and only slightly above grade, is cracked and out of level. There are two garage bays, each 10 feet wide, with 8 foot doors, too small for easy parking of modern vehicles. Photo 8 and a Google Earth image (Photo 9) show that the garage overlaps the house by several feet, making a straight approach to the right bay impossible. The left bay approach is also angled because of the narrowing of the driveway (Diagram 3). To maintain the character of the historic garage, the new garage design shows two garage doors, 9 feet wide each.



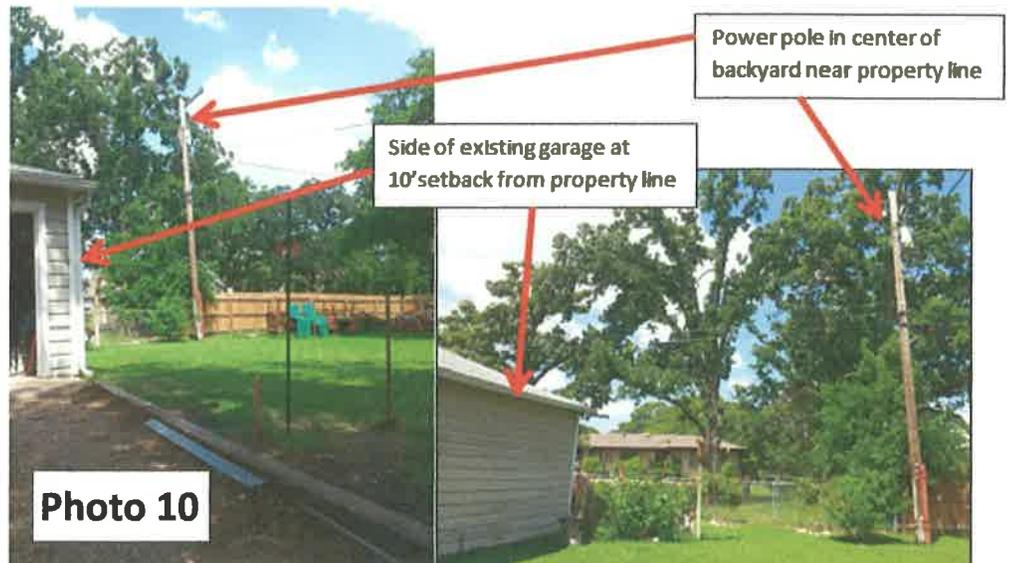
Garage Designs Considered

After working with an architect to design a new garage with two 9 foot garage openings and a workshop, we have run into several issues that have caused us to consider and reject five of six designs:

- 1) Joining the garage to the house Configuration #1 – In this design (See Diagram 5), if the parking bays face the street, the driveway becomes too short to allow simultaneously 1) straight line access to the garage bays by both vehicles and, 2) sufficient space to park boats easily. The former is a problem with both bays now because of the offset placement of the existing garage (See Photos 8 & 9 , previous page) and the odd shape of the driveway (See Diagram 3, previous page). The latter, having sufficient space for boat parking, is one of the main reasons we purchased the property in 1989 (See attached letter from realtor). In addition, with the garage moved forward, the natural slope of the property will channel more storm water runoff toward the southeast side of the property instead of into the contained area where it has naturally gravitated over the last 60 years. While this at first seems desirable to help reduce the amount of storm water on the north-east side of the property, the new house foundation will be raised, causing additional



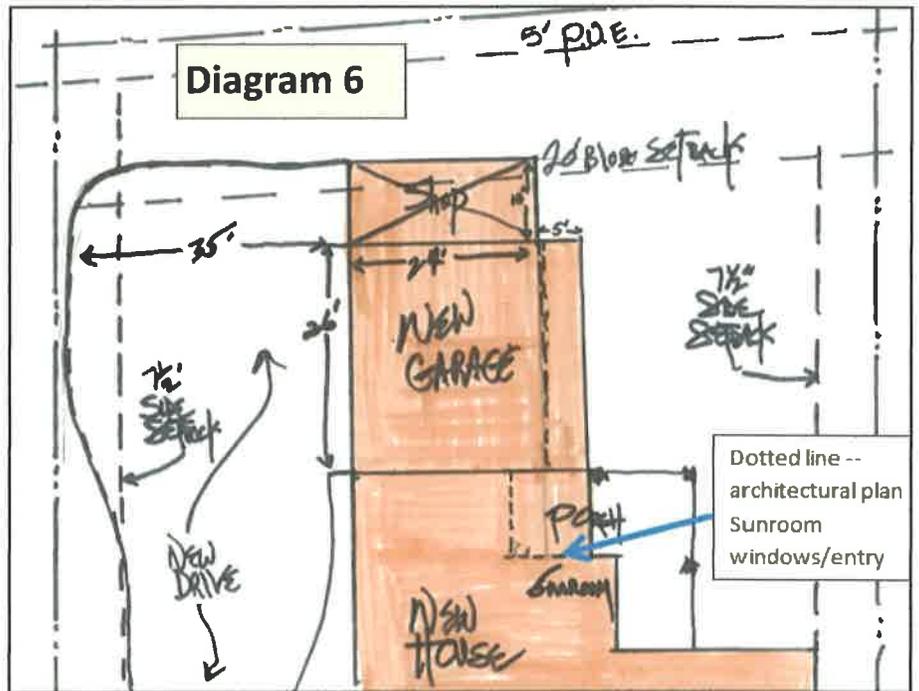
water to run across the back property line creating an unknown new drainage pattern along the southeast side of the property. Essentially, this will propel additional storm water onto the neighboring property. This is also not desirable because there are several large established trees in this area, on both prop-



erties, and their root systems may not be able to handle additional water saturation. In addition, easy access to the existing power pole in the center of the backyard is eliminated with this design (Photo collage 10). Finally, the house floor plan was complicated by odd room layouts and entry patterns that would not have been workable.

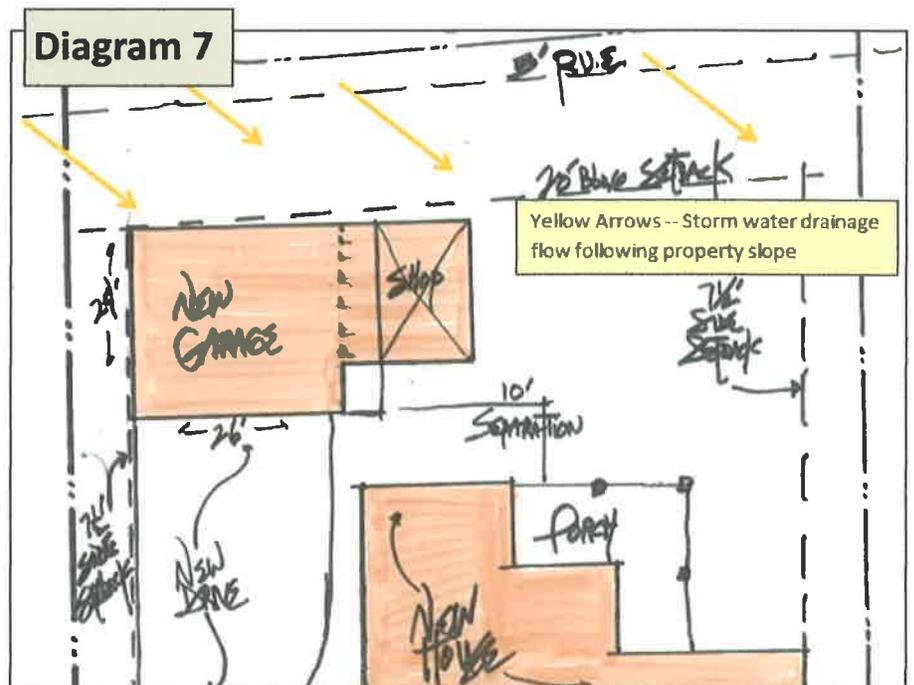
- 2) Joining the garage to the house Configuration #2 -- If the parking bays face the northwest, an adjoining garage must be pushed significantly into the back yard to allow sufficient turning radius for vehicles to have a straight angle approach into the garage bays (See Diagram 6). New homes in the city

with this type of garage configuration measure 35' from the edge of the driveway to the front of the garage. At a minimum, this would put the back of the garage 64 feet from the property line if the parking pad started at the property line. In this case, the workshop would need to be on the side of the garage toward rear property line. Note that even reducing the size of the workshop to 10 feet, the structure would still cross the 20 foot setback line by 2.5 feet. Such positioning would negatively impact the main design feature desired in the new home: showcasing the backyard from the new sunroom. In addition, there would be insufficient storage area for boats, as already explained. Drainage concerns similar to those already described in Design #1 would still exist. Furthermore, there is significantly less permeable surface to absorb storm water.

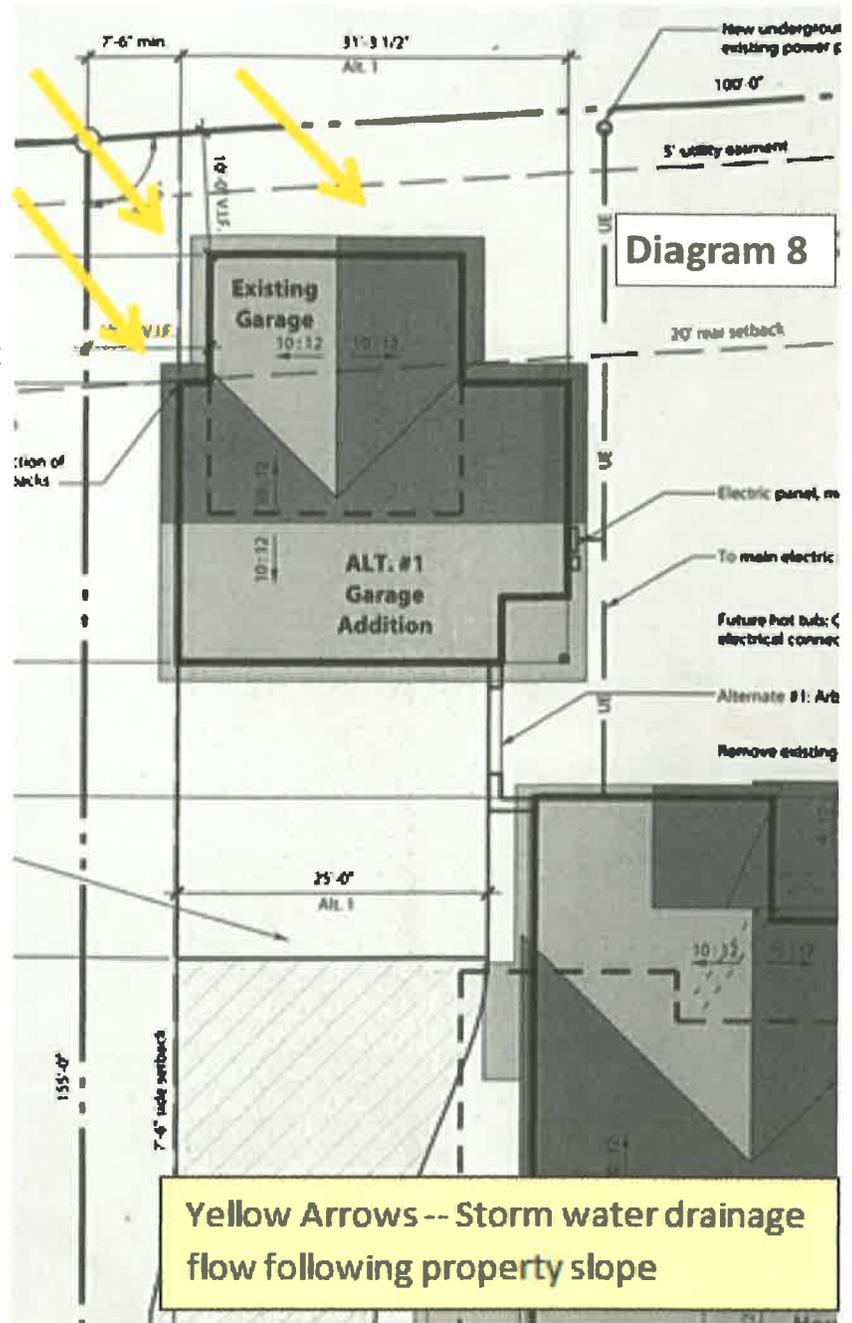


- 3) Pulling the garage forward 10 feet to create the 20' setback – In this case, the garage would be 10' from the back of the new house (See Diagram 7). With 1.5 foot eaves on both structures and the 1 foot rake on the gable at the back of the house, the open space between the two structures would be 7.5' - 8' wide. Therefore, this design prevents easy access to the existing power pole. In addition, the workshop would need to be added to the southwest side of the garage. While this configuration will not obstruct the views from the sunroom, it reduces the usable size of the backyard by creating a

large green space behind the garage where it is not visible from the house at all. Even moving the garage so it is 2.5 feet closer to the side property line does not eliminate the problems noted in Garage Design #1: the driveway becomes too short to allow simultaneously 1) straight line access to the garage bays by both vehicles and, 2) sufficient space to park boats easily. Drainage concerns similar to those already described in Design #1 would still exist.



4) Leaving the back of the garage where it is and building a new front on it – This is allowable under the regulations and is the concept on the current architectural site plan (See Diagram 8). However, in addition to the poor structural framing of the existing garage, the existing foundation is cracked and not level. Therefore, it will be difficult to tie the old structure to the new structure and ensure stability. Further, In an attempt to resolve the parking difficulties (slightly enlarge the bays and straighten the approach to them) the architectural plan places the new part of the garage 7.5" from the northwest side property line. While this adjoining of new and old structures keeps the main body of the garage from impinging on the backyard, discussions with the architect, builder, and an engineering firm about drainage issues have raised concerns about the wisdom of creating the corner where the new and old garages join. Not only is the old garage foundation almost at grade level, the corner created by adjoining the new and old structures aligns with the primary water drainage problem area on the property. Creating this corner invites potential water retention and incursion at the joint where the two structures meet, even though the majority of the water would be directed into a new drainage solution along the side of the garage.

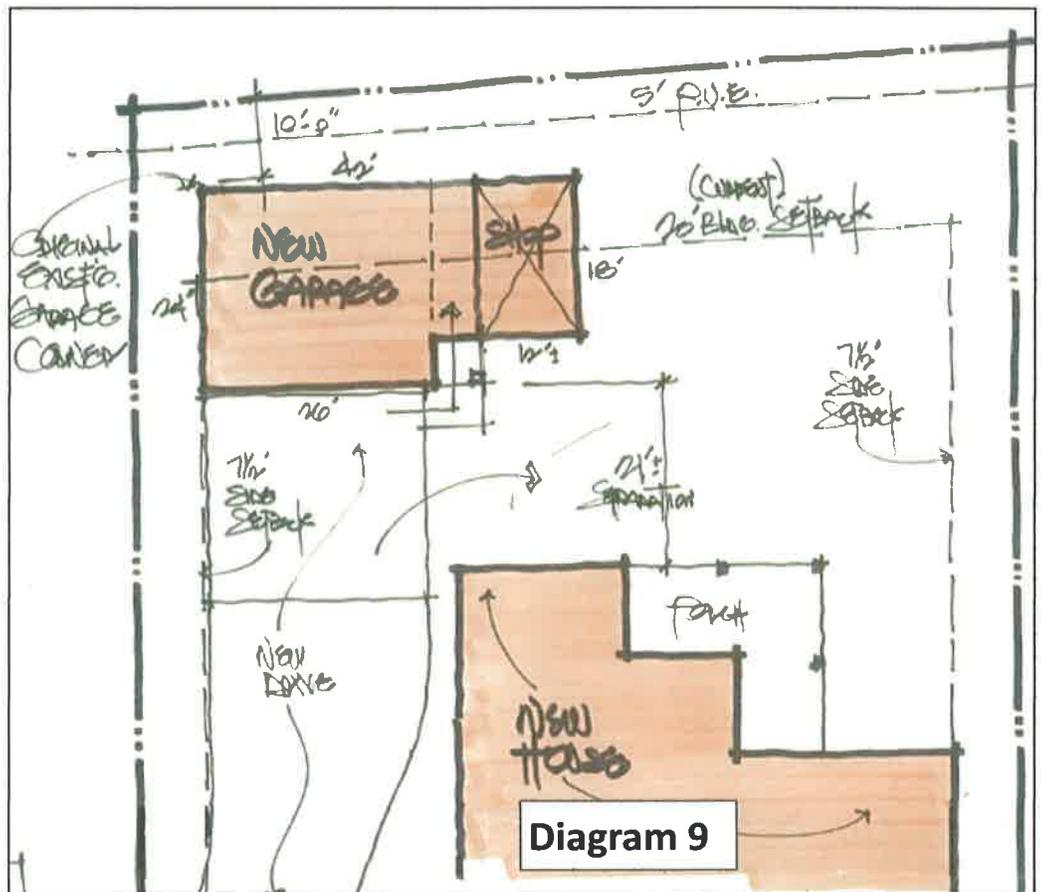


5) Leaving the existing garage structure as it is -- While the driveway could be straightened on the northwest side, the garage structure reinforced, and a new gable roof put onto the existing garage to tie it better into the new home, this design concept prevents us from gaining a true workshop area, freeing up the second garage bay to accommodate our truck, and the approach to the right bay will remain difficult to navigate. As we age, we feel the need for 9' openings to facilitate easier parking and the option to buy a different type of vehicle rather than being concerned about purchasing something that will "fit in the garage". Furthermore, as already noted, the existing structure is not well con-

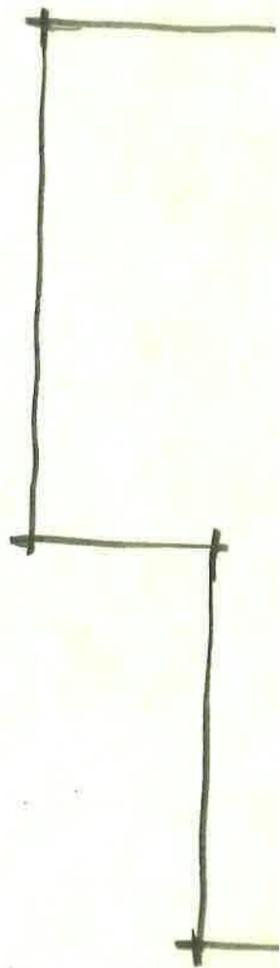
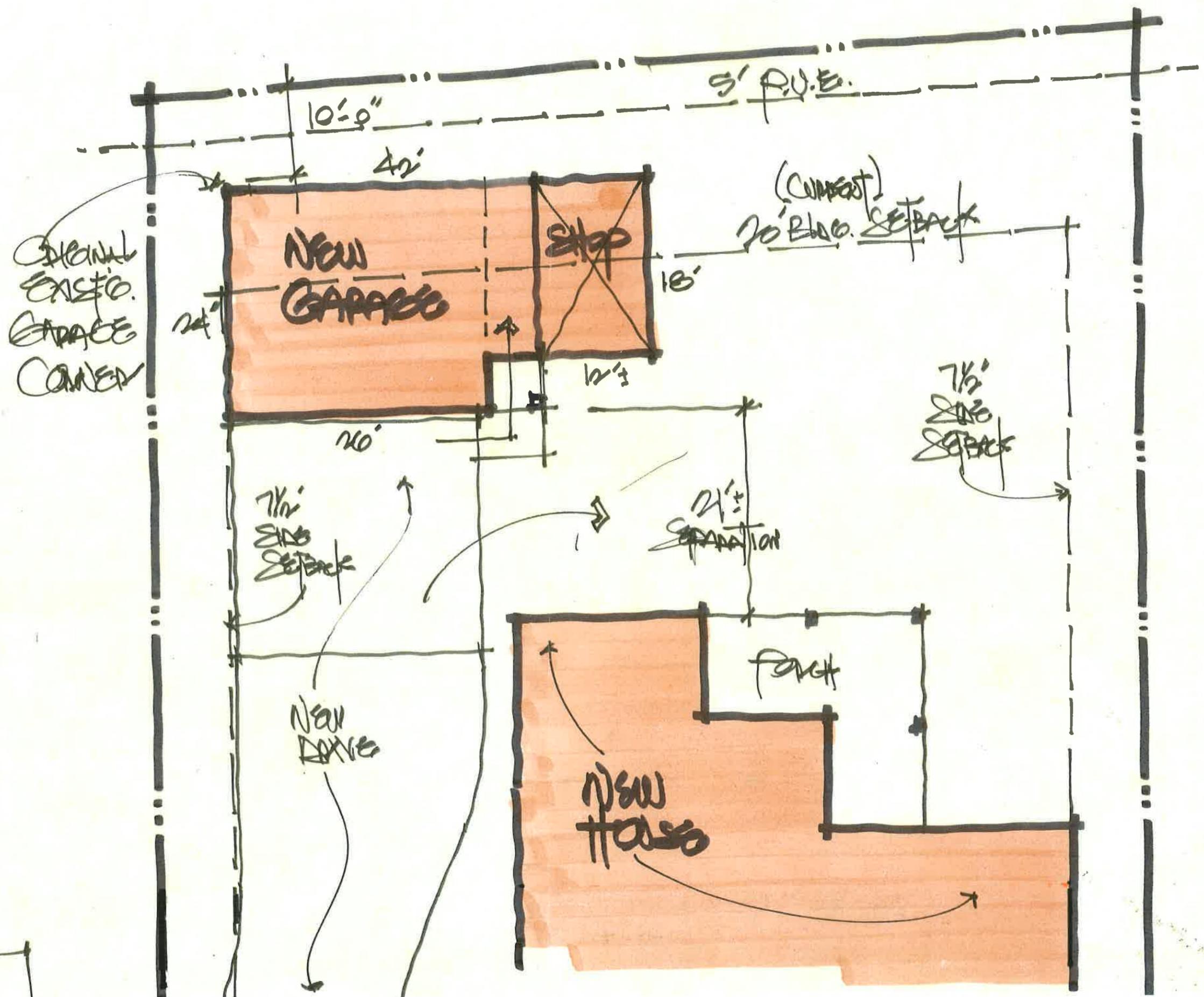
structed and the garage foundation, which is nearly at grade, is cracked and not level.

6) Build the new garage on the same site as the existing garage, 7.5' from the northwest property line and 10' from the rear property line – Providing a variance to allow the new garage to be 10' from the back property line eliminates the problems associated with the other designs (see Diagram 9). A full size copy of Diagram 9 is included with the packet. This is the desired design concept for which we are seeking approval for a variance. Dimensions are shown on the diagram as 24 feet deep and 42 feet wide.

- Allows for sufficient driveway length to accommodate boats, a feature for which we purchased the property, and simultaneously allows a straight approach into both of the garage bays.
- Allows for widening the garage bay openings from 8 feet to 9 feet to accommodate more easily two modern size vehicles.
- Allows for a side workshop added to the garage that, while extending into the backyard, is far enough from the house to be screened by landscaping that enhances the views of the back yard from the sunroom.
- Allows for garage and workshop placement that doesn't create a large, unusable green space behind the garage that cannot be seen from the sunroom.
- Allows for a drainage solution designed for the 60+ year storm water flow pattern instead of directing more storm water toward the older, established trees on the southeast property line.
- Eliminates the problems associated with adjoining a new and old garage foundation.
- Creates a better constructed, safer structure that can be raised slightly higher than the existing foundation so it is more than 1 inch above grade level.
- Allows easy access to the power pole in the backyard by utility contractors.
- Allows the garage to retain its historic appearance by sitting at the back of the property.



Site
Concept
5/14



May 11, 2014

Members of the Variance Board of Adjustment,

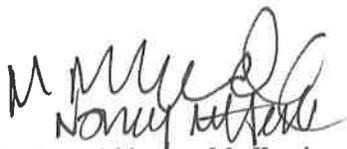
Bob and Sue Droleskey have let us know that they are planning to tear down their existing home at 1109 Ashburn Ave. They plan to build a new home there and would like to build a new garage in the same location as the existing garage.

We have seen their plans and discussed this with them, and have no objections to them building the new garage in the same location as the existing garage, 7.5 feet from our property line and 10 feet from their back property line. Essentially, they will be putting the new structure in the same location as the old one, with some improvements including enlarging the parking bays and adding space for Bob's workshop. We understand that in order to build the new garage in the same location as the old one, they require a variance from the city.

We have also discussed the drainage problems along our shared property line with the Droleskeys and agree that a swale will help to direct water away from the property at that point.

We are in favor of granting the variance they are requesting. As property owners in this neighborhood for over 25 years, we appreciate their reinvestment in the neighborhood using the conceptual footprint of the old home to maintain the character and integrity of the neighborhood.

Please contact us if you have any questions.



Matt and Nancy Mefferd
1107 Ashburn Ave.
College Station, TX 77840



May 15, 2014

To Whom It May Concern,

In 1989, I worked with Bob and Suzanne Droleskey to identify property for their first home. Throughout the approximately six months we worked to narrow down options, they made it clear that a major feature their new property must have was sufficient space to park boats. At the time, they had a 22' McGregor sailboat that they trailered various lakes. They wanted to live in the city, but also have space to store the boat and to park it easily.

The Droleskeys rejected numerous properties and neighborhoods after driving by them because there wasn't "enough room to park the boat". They didn't even want to tour the home if this primary feature wasn't there. I knew when the 1109 Ashburn property came up for sale that this would be a perfect fit for them. Not only did it have the interior space they wanted, it met that ever present major criteria: plenty of space in the long driveway, in front of the setback garage, to easily park the sailboat and store boat equipment.

Over the years, the property has worked very well for them because the Droleskeys have acquired additional boats, and all are stored on the 1109 Ashburn property. They consulted with me about nine months ago, after deciding to construct a new home on the property. I looked at plan mockups for them, and, from the beginning, a feature preserved in the plans was the setback garage and long straight driveway. I knew exactly why that was maintained since this was their primary instruction to me all those years ago. I also know they were disappointed when they realized they would have to seek a variance to rebuild the garage in its original location and preserve their ability to park the boats where they have been parking since the Droleskeys moved into their home.

This letter is written to document the Droleskeys' statement in their variance application that one of the major reasons they purchased the land at 1109 Ashburn is because it had the property feature of a long straight driveway and setback garage.

Sincerely,

Juanita Carrier

James and Kimel Baker
1119 Ashburn Avenue
College Station, Texas 77840
jameskimelbaker@gmail.com
(979) 694-2801
June 14, 2014

Morgan Hester
Project Manager
City of College Station
Planning and Development Services
P.O. Box 9960
College Station, Texas 77842

Re: Request for a ZBA Variance for 1109 Ashburn Avenue by Robert Droleskey

Dear Morgan Hester,

As the property owners of lot 40R which falls within the 200 foot radius of 1109 Ashburn, we are writing you in regards to the request for a variance to the rear set-back rules for 1109 Ashburn Avenue submitted by Robert Drolesky. We would like to state that we have no objection to the requested variance and would like to urge the ZBA to approve Mr. Robert Drolesky's petition for a variance. Robert and Suzanne Drolesky have been longtime residents of 1109 Ashburn Avenue and have been excellent neighbors throughout that time. We are certain that they will maintain the highest standards and only enhance the neighborhood with their project.

Thank you for your time and attention.

Sincerely,

James + Kimel Baker
James and Kimel Baker

cc, Mr. & Mrs. Robert Drolesky



CITY OF COLLEGE STATION

VARIANCE REQUEST

FOR

809 Univeristy Drive East, Suite 100

14-00900150

REQUEST: A variance to Unified Development Ordinance Section 12-7.5.F 'Sign Standards' to allow for two roof signs on one building in a building plot where a freestanding sign already exists.

LOCATION: 809 University Drive East, Suite 100

APPLICANT: Rene Lawrence, Laurel House Studio

PROPERTY OWNER: Donald Ball

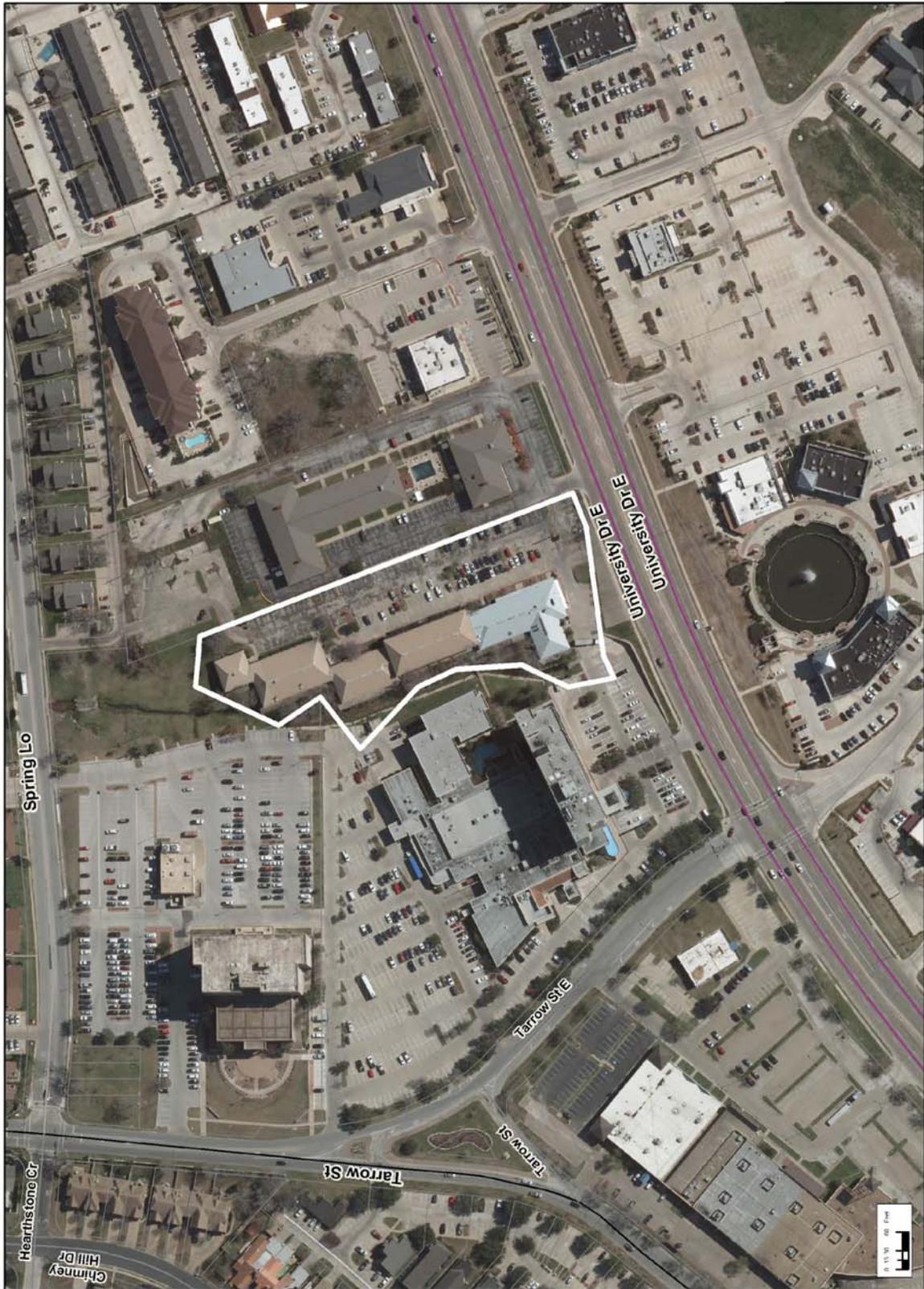
PROJECT MANAGER: Morgan Hester, Staff Planner
mhester@cstx.gov

BACKGROUND: The subject property is located adjacent to the Hilton Hotel at 809 University Drive East. This property has a significant grade change, sitting approximately sixteen (16) feet below University Drive East. Due to this topography, attached signage is difficult to see from the road. The applicant has requested two roof signs instead of attached signs on their building. Based on the ordinance, a building plot may either have a roof sign or a freestanding sign. In this case, the building plot already has a freestanding sign. The area of the roof signs is equivalent to what would be allowed as attached signage. **Therefore, the applicant is requesting a variance to the Unified Development Ordinance (UDO) Section 12-7.5.F, 'Sign Standards' to allow for two roof signs on one building in a building plot where a freestanding sign already exists.**

APPLICABLE ORDINANCE SECTION: UDO Section 12-7.5.F 'Sign Standards'

ORDINANCE INTENT: The purpose of UDO Section 12-7.5, 'Signs', is to establish clear and unambiguous regulations pertaining to signs in the City of College Station and to promote an attractive community, foster traffic safety, and enhance the effective communication and exchange of ideas and commercial information. Signs are recognized as being necessary for visual communication for public convenience. Furthermore, it is recognized that businesses and other activities have the right to identify themselves by using signs that are incidental to the use on the premises where the signs are located. The UDO seeks to provide a reasonable balance between the right of a person to identify his or her business or activity and the rights of the public to be protected against visual discord and safety hazards that result from the unrestricted proliferation, location, and construction of signs.

RECOMMENDATION: Staff recommends approval of the variance request as a topographical hardship does exist on the property affecting the site's visibility.



ZBA

Case: 14-150

809 UNIVERSITY DR E STE 100A

DEVELOPMENT REVIEW





Zoning Districts	R - Rural	R - 4	Multi-Family	BPI	Business Park Industrial	PDD	Planned Development District
E - Estate	R - 6	High Density Multi-Family	NAP	Natural Areas Protected	WFC	Wolf Pen Creek Dev. Corridor	
RS - Restricted Suburban	MHP	Manufactured Home Park	C - 3	Light Commercial	NG - 1	Core Northgate	
GS - General Suburban	O	Office	M - 1	Light Industrial	NG - 2	Transitional Northgate	
R - 1B - Single Family Residential	SC	Suburban Commercial	M - 2	Heavy Industrial	NG - 3	Residential Northgate	
D - Duplex	GC	General Commercial	C - U	College and University	OV	Corridor Overlay	
T - Townhouse	CI	Commercial-Industrial	R & D	Research and Development	RDD	Redevelopment District	
	BP	Business Park	P-MUD	Planned Mixed-Use Development	KO	Krenek Tap Overlay	

DEVELOPMENT REVIEW

809 UNIVERSITY DR E STE 100A

Case: 14-150

ZBA

NOTIFICATIONS

Advertised Board Hearing Date: July 1, 2014

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:

N/A

Property owner notices mailed: Twenty-one (21)
Contacts in support: None at the time of this report.
Contacts in opposition: None at the time of this report.
Inquiry contacts: None at the time of this report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	GC General Commercial and OV Corridor Overlay	Natural Areas – Reserved and General Commercial
North	GC General Commercial	Natural Areas – Reserved and General Commercial
South (across University Drive East)	GC General Commercial and OV Corridor Overlay	Natural Areas – Reserved and General Commercial
East	GC General Commercial and OV Corridor Overlay	General Commercial
West	GC General Commercial and OV Corridor Overlay	General Commercial

PHYSICAL CHARACTERISTICS

- Frontage:** The subject property has approximately 309 feet of frontage on University Drive East.
- Access:** The subject property is accessed from University Drive East.
- Topography and vegetation:** The property has approximately sixteen (16) feet of difference in grade from University Drive East to the lowest point on the subject site.
- Floodplain:** A tributary of Burton Creek and a FEMA regulated floodplain surrounding the floodway is located on the western portion of the subject property.

REVIEW CRITERIA

- Extraordinary conditions:** *That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of the UDO will deprive the applicant of the reasonable use of his land.*

Due to the topography of the site being much lower than University Drive East's elevation, attached signage would be difficult to see from the road. Roof signs have been proposed so that potential customers from east- and west-bound traffic can see the business' signage.

Based on the linear footage of the entry façade of the building, 100 square feet of attached signage would be allowed for this site. Rather than using attached signs for this business, the applicant has proposed to have two roof signs at the allowable attached sign square footage. A strict application of the UDO would deprive the applicant of the reasonable use of the property.

2. **Enjoyment of a substantial property right:** *That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

The current sign regulations in the UDO were most likely not created with the thought of differing topography of sites being at a lower elevation than the roadway. Based on the ordinance, this property would be limited to attached signage which will not have the same effect as other businesses along University Drive East. In this specific case, the ordinance does limit the applicant's enjoyment of a substantial property right.

3. **Substantial detriment:** *That the granting of the variance will 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.*

Granting the variance 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.

4. **Subdivision:** *That the granting of the variance will not have the effect of preventing the orderly subdivision of land in the area in accordance with the provisions of this UDO.*

The granting of this variance would not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this UDO.

5. **Flood hazard protection:** *That the granting of the variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements.*

The granting of this variance will not have the effect of preventing flood hazard protection in accordance with Article 8, Subdivision Design and Improvements because it will not interfere with the portion of the property in the floodway and FEMA regulated floodplain.

6. **Other property:** *That these conditions do not generally apply to other property in the vicinity.*

The same topographical conditions apply to all businesses in this building plot. All businesses in College Station are subject to the same sign regulations.

7. **Hardships:** *That the hardship is not the result of the applicant's own actions.*

The hardship is not the result of the applicant's own actions but due to the site's unique topography.

8. **Comprehensive Plan:** *That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this UDO.*

The granting of this variance does not substantially conflict with the Comprehensive Plan but does conflict with the provisions of this UDO; however, due to the site's topography, signage regulations are difficult to apply as attached signage would not be visible from University Drive East.

9. **Utilization:** *That because of these conditions, the application of the UDO to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.*

The application of the UDO sign standards to this particular piece of property does not prohibit or unreasonably restrict the applicant in the utilization of the property.

ALTERNATIVES

Although the applicant has not stated alternatives to this variance, they are aware that they are able to utilize the existing roof sign that faces University Drive East as its size and location are currently grandfathered from current sign regulations.

STAFF RECOMMENDATION: Staff recommends approval of the variance request as a topographical hardship does exist on the property affecting the site's visibility.

SUPPORTING MATERIALS

1. Application
2. Proposed signage graphics



FOR OFFICE USE ONLY	
CASE NO.:	<u>A.150</u>
DATE SUBMITTED:	<u>10.11.17</u>
TIME:	<u>1:50</u>
STAFF:	<u>[Signature]</u>

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 _____

ADDRESS 809 UNIVERSITY DRIVE EAST, SUITE # 100-A

LEGAL DESCRIPTION (Lot, Block, Subdivision) UNIVERSITY PARK PH2, BLOCK V, LOT 1 REPLAT

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

Name RENE LAWRENCE E-mail RENE@LAURELHOUSESTUDIO.COM

Street Address 72A BANKS AVE.

City BRYAN State TEXAS Zip Code 77803

Phone Number 979-314-7363 Fax Number _____

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

Name DONALD BALL E-mail _____

Street Address 1713 BROADMOOR DR. STE. 208

City BRYAN State TEXAS Zip Code 77802

Phone Number 979-204-9932 Fax Number _____

Current zoning of subject property GENERAL COMMERCIAL

Action requested (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Setback variance | <input type="checkbox"/> Appeal of Written Interpretation |
| <input type="checkbox"/> Parking variance | <input type="checkbox"/> Special Exception |
| <input checked="" 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:

UNIFIED DEVELOPMENT ORDINANCE, 7.4.T.1 AND/OR 7.4.F

GENERAL VARIANCE REQUEST

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

REQUEST TO REGULATE ROOF SIGNAGE AS ATTACHED SIGNAGE.

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.

THE PROPERTY IS SIGNIFICANTLY BELOW STREET LEVEL. STANDARD ATTACHED SIGNAGE WOULD NOT BE VISIBLE FROM STREET LEVEL AND THEREFORE WOULD NOT BE COMPARABLE TO OTHER COMMERCIAL PROPERTIES ALONG UNIVERSITY DR.

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.

DUE TO SIGNIFICANT GRADE LEVEL CHANGE BETWEEN THE STREET AND THIS PROPERTY, FOLLOWING ATTACHED SIGNAGE LAW IN ACCORDANCE TO 7.4.F WOULD SIGNIFICANTLY REDUCE VISIBILITY COMPARED TO NEIGHBORING PROPERTIES. BY INSTEAD HAVING ROOF SIGNAGE AT THE SAME SQUARE FOOTAGE AS ATTACHED SIGNAGE, WE WOULD BE AT COMPARABLE ELEVATION & VISIBILITY.

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

WE HAVE NO OTHER ALTERNATIVES TO THIS VARIANCE EXCEPT TO UTILIZE THE EXISTING ROOF SIGN, WHICH IS OUT DATED, UNATTRACTIVE, SMALL AND INCOMPARABLE IN SIZE AND VISIBILITY TO OTHER COMMERCIAL PROPERTIES ALONG UNIVERSITY DRIVE.

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

THIS IS A UNIQUE CIRCUMSTANCE. NO OTHER PROPERTY IN CS SHARES THESE SAME CONDITIONS AND THEREFORE THIS VARIANCE WILL NOT SET A PRECEDENT FOR UNATTRACTIVE OR UNNECESSARY ROOF SIGNAGE

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.

Donald A. Beal

Owner

OWNER

06/11/14

Signature and title

Date

UPDATED, WELL-LIT, CHANNEL LETTER SIGNAGE USING OUR PROFESSIONALLY-DESIGNED ATTRACTIVE LOGO WILL IMPROVE THE AESTHETIC OF THE PROPERTY FROM STREET-VIEW AND THEREFORE WILL ADD TO THE ATTRACTIVE COMMERCIAL CORRIDOR ALONG UNIVERSITY DRIVE, WHEREAS THE CURRENT SIGNAGE OR ATTACHED SIGNAGE WOULD/DOES NOT.



ZONING BOARD OF ADJUSTMENT RULES AND PROCEDURES

The Zoning Board of Adjustment hears requests for variances and special exceptions, appeals of the Administrator's decisions, Airport Zoning Board Adjustments, floodplain and drainage ordinance variance requests, and PITY ordinance special exceptions. The ZBA is a fact-finding body, and to grant variances it must determine the existence of special conditions other than solely financial, which create an undue hardship for applicants. Positive action requires an affirmative vote by at least four (4) of the five (5) members. Recourse from ZBA decisions is to a Court of Law and appeals must be made within ten (10) days of the decision, which become final at Thursday noon after the meeting.

The ZBA shall develop and adopt rules in accordance with State law and City ordinance to govern the ZBA and its meetings.

APPLICATION

- * Any variance request, special exception, appeal of a decision of the Administrator or floodplain ordinance variance request shall be preceded by the applicant submitting to the Administrator a completed:
 - 1) Application
 - 2) Request Form
- * Applications and request forms are available from the Planning & Development Services Department or online at www.cstx.gov/applications.
- * The Administrator shall assist the applicant in determining the zoning of the tract and in identifying the applicable ordinance section for the application.
- * The applicant shall attach an additional sheet(s) if he cannot fully explain his request in the space provided on the request form.
- * Additional materials may be required of the applicant such as site plans, elevation drawings, and floor plans. The Administrator shall inform the applicant of any extra materials required.
- * An applicant shall submit the non-refundable application fee, payable to the City of College Station, to defray notification costs. The fee is required at time of application submittal.

APPEAL OF THE PLANNING ADMINISTRATOR DECISION

- * Appeals of Administrator's decisions shall be filed within thirty (30) days of the decision.
- * The ZBA shall hear the appeal within sixty (60) days after a complete application is received by the Administrator.
- * The ZBA shall decide the appeal within a reasonable time. The ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, or decision, of the Administrator by a concurring vote of at least four (4) of the five (5) members.
- * The completed application and request form must be received by the the Planning & Development Services Department by 10:00 AM on the designated deadline date, which is indicated on the attached Deadline/Meeting Date Information schedule.
- * When the application and request form are received the item will be placed on the next available ZBA Meeting agenda. All required notices will be published.
- * The applicant has the responsibility to verify his item has been placed on a ZBA meeting agenda.

NOTICE

- * The Secretary to the Board shall notify the applicant of the ZBA meeting by certified mail not less than one (1) week prior to the meeting.
- * The Secretary to the Board shall notify property owners within 200 feet of the property for which a request is pending of the ZBA meeting by certified mail not less than (1) week prior to the meeting.
 - ≈ Such owners shall be determined by the Secretary to the Board. When deciding which property is within 200 feet, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the property for which a request is pending to the nearest portion of other properties.
 - ≈ Notice by certified mail to such owners shall correspond to the owner's names and address as shown on certified taxroles even if the tax rolls are incorrect or outdated.
- * At the applicant's request, the Secretary to the Board shall notify any interested person of the ZBA meeting by regular mail not less than one (1) week before the meeting.
- * The Secretary to the Board shall place a notice of the ZBA meeting in THE EAGLE two (2) weeks prior to the meeting.

MEETING

- * Robert's Rule of Order, newly revised, shall be followed.
- * Meetings shall be held the first Tuesday of each month at 6:00 PM.
- * Packets for ZBA Members shall be mailed by the Secretary of the Board the Friday before the meeting.
- * Each item before the ZBA must be heard by at least four (4) members.
- * The ZBA may act on any request with or without the applicant's presence at the meeting.
- * When hearing requests, this procedural format shall be followed:
 - ≈ Staff Report
 - ≈ ZBA Members ask questions
 - ≈ Public Hearing
 - ≈ ZBA discussion and action

MINUTES

- * The Secretary to the Board shall tape record all meetings. Tape recordings of meetings shall be kept for three (3) years.
- * Minutes of the meeting shall be typed by the Secretary to the Board in paraphrased form to reflect pertinent points of discussion (in the Secretary's judgement). No transcription will be made.
- * Minutes shall be signed by the Chairman after they are approved by the ZBA.

PUBLIC HEARING

- * Witnesses shall be placed under oath by the Chairman using this statement: "Do you swear or affirm to tell the truth in this proceeding under penalties of perjury?"
- * Witnesses include the applicant and interested persons.

MOTIONS

- * Motions shall be made on the Motion Format Form and be positive or negative.
- * Negative motions (motions to deny a request) should be made when the ZBA finds no special conditions, no undue hardship, or that the spirit of the ordinance will not be preserved.
- * Negative motions which fail do not imply the request is granted.
- * Requests are only granted when a positive motion is passed by at least four (4) ZBA Members. Requests are denied when a negative motion is passed by a majority of members present.

REHEARING

- * Applicants must have the ZBA's approval to present the same or a similar request regarding the same property after denial of such request by the ZBA.
- * When a request is denied, within ten days of the denial, the applicant may request that the ZBA rehear the request at a future date. To make this request, the applicant must submit to the Administrator new information that was previously not available to the Board.

- * Within the ten days, the Administrator will put the request to rehear on the next available ZBA meeting agenda.
- * To decide to rehear a request, the ZBA must determine the information provided by the applicant is new and relevant to their decision point of a hardship(s) as a result of a property's special condition(s). ZBA approval to rehear a request requires a motion to rehear, a second to that motion, and passage by a majority of members present.
- * The determination that information previously not available is relevant to a request's hardship and special condition does not necessarily indicate the eventual approval of a request.
- * If the ZBA approves a request to rehear, the applicant must pay a new fee by an established deadline to be scheduled for a future meeting.

APPEAL DECISION

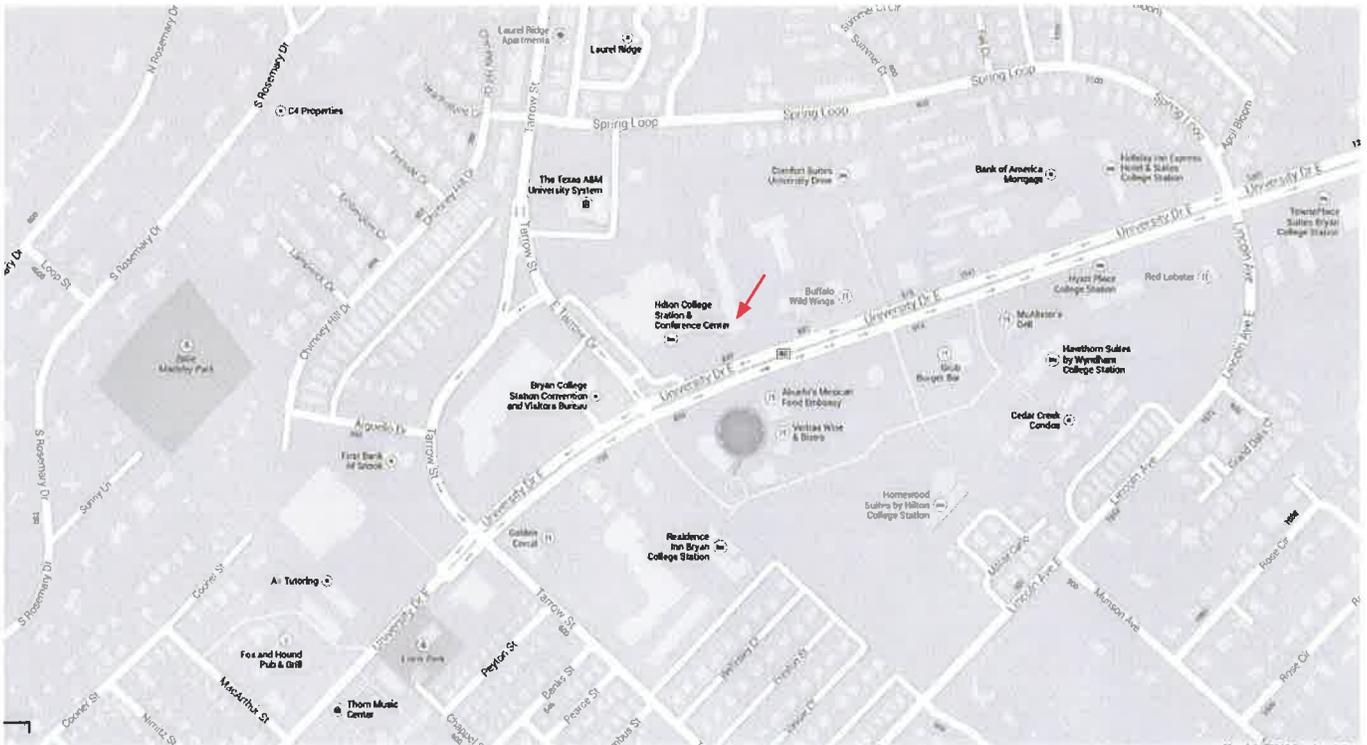
- * If an applicant wishes to appeal a ZBA decision, he must file a petition with a court of record within ten (10) days after the date the decision is filed in the Planning & Development Services Department.

the
laurelhouse

S T U D I O

Sign Variance Request

Paolo's Italian Kitchen 809 East University Drive #100



Rene Lawrence

712-A Banks Ave. Bryan, TX 77803

(979)-314-7363

Rene@laurelhousestudio.com



Current Condition



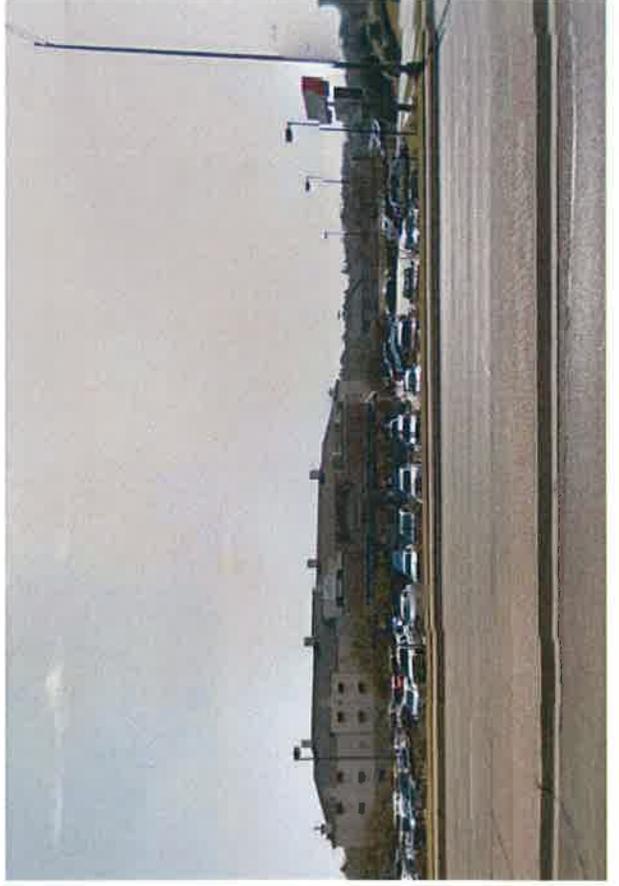
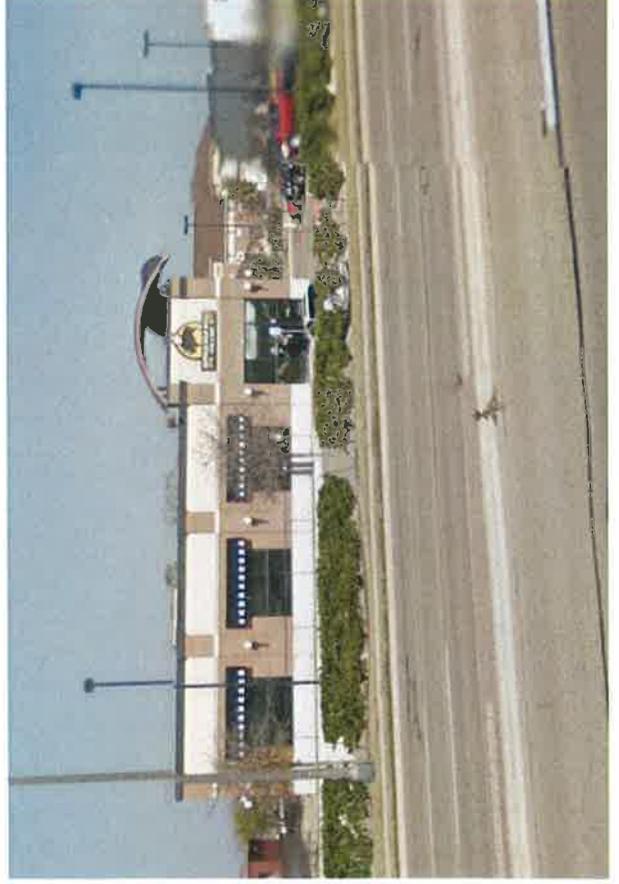
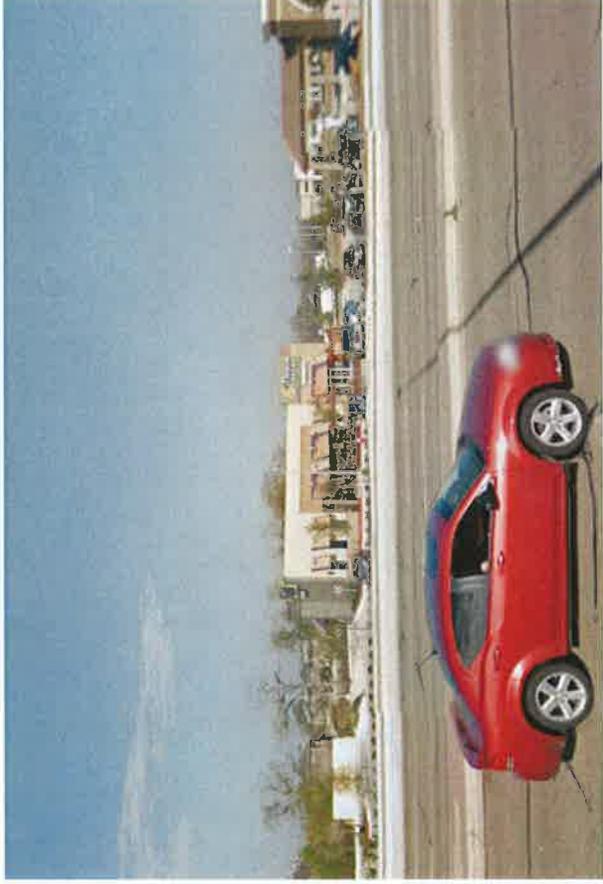
Proposed

Paolo's Italian Kitchen
Tenant Finish-Out & Remodel
809 East University Drive #100

Visibility Across the Street



Visibility Across the Street of
Comparable Properties





McAlister's



Buffalo Wild Wings



Blue Baker



Panera Bread



**Paolo's Italian Kitchen
Tenant Finish-Out & Remodel**

809 East University Drive #100
Proposed Exterior Rendering

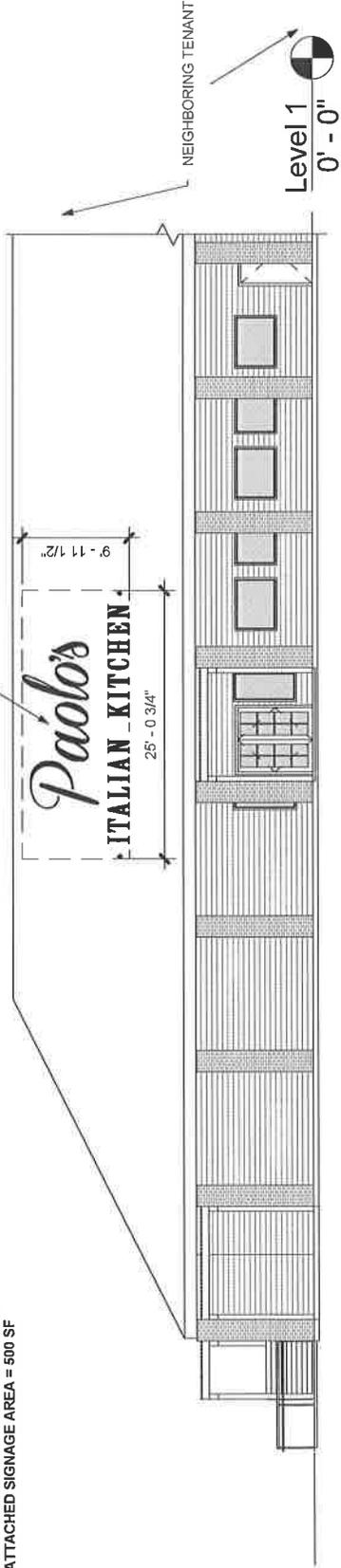
ALLOWED ATTACHED SIGNAGE AREA (UDO 7.4.1):

PUBLIC ENTRY FACADES = 205'
205 X 2.5 SF = 512.5 SF (7.4.1.2)

MAXIMUM 500 SF ALLOWED PER TENANT

ALLOWED ATTACHED SIGNAGE AREA = 500 SF
TOTAL ATTACHED SIGNAGE AREA = 500 SF

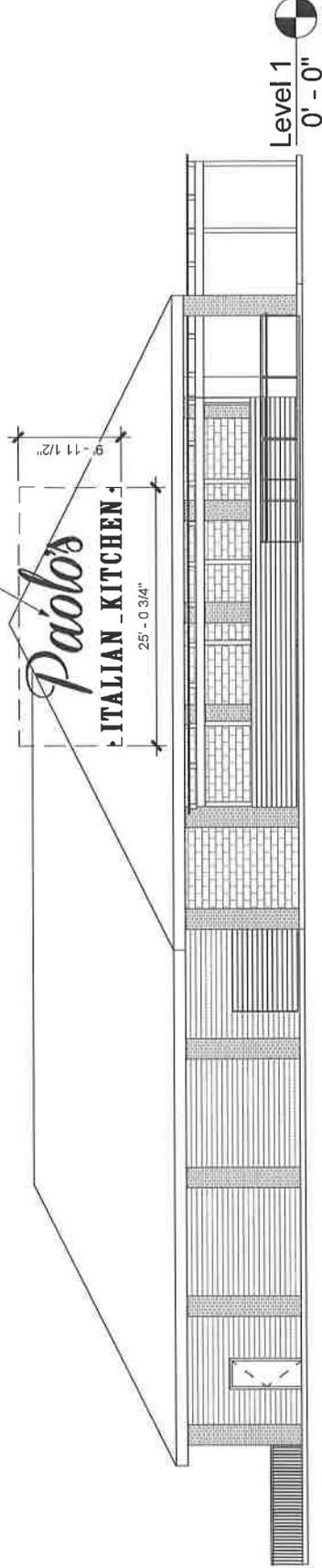
BACK-LIT CHANNEL LETTER
SIGNAGE MOUNTED TO ROOF
AREA = 250 SF



1 EAST ELEVATION SIGNAGE

1/16" = 1'-0"

BACK-LIT CHANNEL LETTER SIGNAGE
MOUNTED TO ROOF
AREA = 250 SF



2 SOUTH ELEVATION SIGNAGE

1/16" = 1'-0"