

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

Zoning Board of Adjustment
March 5, 2013
6:00 P.M.
Regular Meeting

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



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, March 5, 2013 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.

Marsha Sanford ~ October 2, 2012

Hunter Goodwin ~ March 5, 2013

3. Consideration, discussion and possible action to approve meeting minutes.

December 4, 2012 meeting minutes.

4. Public hearing, presentation, discussion, and possible action on a sign variance request to the Unified Development Ordinance, Section 7.5.H., Apartment / Condominium / Manufactured Home Park Identification signs, for Campus View Apartments, located at 401 Harvey Road and 600 University Oaks which are zoned R-6 High Density Multi-Family. **Case # 12-00500251 (M. Hester)**

5. Public hearing, presentation, discussion, and possible action on a variance to the College Station Code of Ordinances, Chapter 2 – Animal Control, Section 2.3.B.3, setback between poultry structures and dwellings for the property located at 1217 Remington Court which is zoned R-1 Single-Family. **Case # 13-00900040 (T. Rogers)**

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, March 5, 2013 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 _____, 2013 at ____ p.m.

CITY OF COLLEGE STATION, TEXAS

By _____
Sherry Mashburn, City Secretary

By _____
Frank Simpson, 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 _____, 2013.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2013.

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 Marsha Sanford

Request Submitted on 10-2-12

I will not be in attendance at the meeting of 10-2-12

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

Sick. _____

Per e-mail DGR



CITY OF COLLEGE STATION
Planning & Development Services

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

Name Hunter Goodwin

Request Submitted on 1/24/13

I will not be in attendance at the meeting of 3/5/2013

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

Will be out of town working.



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
December 4, 2012
Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Chairman Hunter Goodwin, Josh Benn, Jim Davis, Marsha Sanford, Dick Dabney, Scott Simpson, Gary Erwin

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Staff Planners Morgan Hester and Teresa Rogers, Assistant Director Lance Simms, Senior Assistant City Attorney Adam Falco, Action Center Representative Mandi Luedecke

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

Chairman Goodwin called the meeting to order at 6:00 p.m.

AGENDA ITEM NO. 2: Discussion of requested Administrative Adjustments.

- Case # 12-239 ~ 201 Holleman Drive East ~ Off-Street Parking
- Case # 12-240 ~ 4207 Norwich ~ Residential Dimensional Standards

There were no discussions regarding Administrative Adjustments.

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

- October 2, 2012 meeting minutes

Board Member Benn motioned to approve the October 2, 2012 meeting minutes. Board Member Dabney seconded the motion, which passed (5-0).

AGENDA ITEM NO. 4: Public hearing, presentation, discussion and possible action on a variance request to the Unified Development Ordinance, Section 7.5.N, Freestanding Commercial Signs, to allow a freestanding sign to be located at 1150 University Drive East. Case # 12-00500206 (TR)

Chairman Goodwin and Board Member Benn abstained from discussion and voting on Agenda Item No. 4. Board Member Dick Dabney assumed position as Acting Chairman. Alternate Board Members Gary Erwin and Scott Simpson also stepped in to serve during Agenda Item No. 4.

Staff Planner Rogers presented the staff report and stated that the applicant was requesting a variance to allow an additional freestanding sign on the building plot. Ms. Rogers made a correction to the staff report and asked the Board to disregard staff's response to item # 3, Substantial Detriment. She ended her staff report by telling the Board that staff was recommending denial.

Acting Chairman Dabney opened the public hearing.

Stepping forward to speak in favor of the request was:

Chris Peterson, Ronald Towery, and Chris Scotti.

Stepping forward to speak in opposition of the request was:

Veronica Morgan, Roger Copas, and Buck Paoline.

All stepping forward to speak were sworn in by Acting Chairman Dabney.

Acting Chairman Dabney closed the public hearing.

There was general discussion amongst the Board.

Board Member Davis motioned to deny the variance. Board Member Simpson seconded the motion.

The Board continued to discuss the item.

Acting Chairman Dabney called for the vote. Motion to deny passed (4-1). Board Member Sanford voting against.

Chairman Goodwin and Board Member Benn assumed their positions; Alternate Board Members Erwin and Simpson stepped down.

AGENDA ITEM NO. 5: Public hearing, presentation, discussion and possible action on a sign variance request to the Unified Development Ordinance, Section 7.5.N, Freestanding Commercial Signs, to allow a reduced setback for a freestanding sign at 12850 Old Wellborn Road # 300. Case # 12-00500210 (MTH)

Staff Planner Hester presented the staff report and stated that the applicant was requesting a variance of 20 feet to the 70-foot freestanding sign setback. She ended her staff report and stated that staff was recommending denial because staff believes that alternatives to the location of the sign could be based on moving the proposed driveway or putting the sign closer to the building in the grass area adjacent to the parking lot.

There were general discussions amongst the Board.

Chairman Goodwin opened the public hearing.

Stepping forward to speak in favor of the request was:

Chris Pletcher and Chuck Moreau.

All stepping forward were sworn in by Chairman Goodwin.

With no one stepping forward to speak in opposition, Chairman Goodwin closed the public hearing.

Board Member Benn motioned to authorize a variance to the sign variance due to the special condition of: the railroad easement being adjacent to the property; and a hardship due to the fact of lack of signage to major a thoroughfare. Mr. Davis seconded the motion.

There were general discussions amongst the Board on the special conditions of the property.

Mr. Benn amended the motion to add: the unique special condition not generally found within the city; the condition and use of Old Wellborn Road.

Chairman Goodwin called for the vote. Motion to approve the variance passed (5-0).

AGENDA ITEM NO. 6: Public hearing, presentation, discussion and possible action on a sign variance request to the Unified Development Ordinance, Section 7.5.Y, Signs for Permitted Non-Residential Uses in Residential or Agricultural Districts, to allow a height and area increase for a sign at 2541 Earl Rudder Freeway South. Case # 12-00500219 (TR)

Staff Planner Rogers presented the staff report and stated that the applicant was requesting a variance of 30 feet to the allowable low profile sign height and a 225 square-foot variance to the allowable low profile sign area. She ended her staff report and stated that staff was recommending denial.

Chairman Goodwin opened the public hearing.

Stepping forward to speak in favor of the request was:

Ron Gay, Ron Walker, Jeff McDougal, and Deanne Swiertz.

All stepping forward were sworn in by Chairman Goodwin.

With no one stepping forward to speak in opposition, Chairman Goodwin closed the public hearing.

Board Member Dabney motioned to deny the variance request. Board Member Davis seconded the motion.

There was discussion amongst the Board concerning the motion.

Mr. Dabney withdrew his motion. Board Member Sanford seconded the motion to withdraw.

Chairman Goodwin motioned to approve the sign variance request due to the special conditions of: the low elevation of the property and the additional trees which create challenge of visibility from the highway; and subject to the following limitations of: maximum height of the sign being 15 feet, maximum size of 300 square feet, setback set as according to the freestanding sign requirements in the Unified Development Ordinance, the electronic reader board being a maximum of 30% and the message rotation change once every 24 hours. Mr. Benn seconded the motion. Motion to approve failed (2-3).

AGENDA ITEM NO. 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.

Board Member Benn asked staff to review the variance request application in regards to special conditions and hardships, especially as they relate to sign variances.

AGENDA ITEM NO. 8: Adjourn.

Board Member Benn motioned to adjourn. Board Member Sanford seconded the motion, which passed unopposed (5-0). The meeting was adjourned at 8:35 p.m.

ATTEST:

APPROVED:

Deborah Grace-Rosier, Staff Assistant

Hunter Goodwin, Chairman



**VARIANCE REQUEST
FOR
401 Harvey Road & 600 University Oaks Boulevard**

REQUEST: A variance to add additional attached signage to the apartment complex in addition to the permitted freestanding signs.

LOCATION: 401 Harvey Road & 600 University Oaks Boulevard

APPLICANT: Erin Lamb, Oak Hurst Signs

PROPERTY OWNER: Vesper Campus View, LLC

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

RECOMMENDATION: Staff recommends denial.

BACKGROUND: The subject properties are two of the three properties within Campus View Apartments generally located at the intersection of Harvey Road and George Bush Drive. The applicant has stated that due to rebranding, they would like to update their attached signage within their properties located at 401 Harvey Road and 600 University Oaks Boulevard. The existing signs at the apartment complex are grandfathered and they currently have both freestanding signs and attached signage. If either are altered or removed, the requirements of the current UDO must be complied with. **Therefore, the applicant is requesting a variance to add a total of 96 square feet of additional attached signage - 64 square feet for the property located at 401 Harvey Road and 32 square feet for the property located at 600 University Oaks Boulevard.**

APPLICABLE ORDINANCE SECTION: UDO Section 7.5.H
'Apartment/Condominium/Manufactured Home Park Identification Signs'

ORDINANCE INTENT: The purpose of UDO Section 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.



ZBA

Case: 12-251

401 HARVEY RD AND
600 UNIVERSITY OAKS BLVD

DEVELOPMENT REVIEW



NOTIFICATIONS

Advertised Board Hearing Date: March 5, 2013

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: 23
 Contacts in support: N/A
 Contacts in opposition: N/A
 Inquiry contacts: None at the time of this report.

ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	R-6 High Density Multi-Family	Campus View Apartments
North (Across University Oaks Blvd)	R-6 High Density Multi-Family	The Cambridge
South (Across Harvey Road)	WPC Wolf Pen Creek	(401 Harvey Rd): Fazoli's, Vacant retail space. (600 University Oaks Blvd): Diamond Shamrock, Fed-Star Credit Loan
East	R-6 High Density Multi-Family, C-3 Light Commercial	(401 Harvey Rd): Campus View Apartments, Diamond Shamrock, Fed-Star Credit Loan. (600 University Oaks Blvd): Oak's Park – City Park
West (Across George Bush Drive for 401 Harvey Road)	GC General Commercial, R-6 Multi-Family	(401 Harvey Rd): Fuddrucker's, Commercial strip center. (600 University Oaks Blvd): Campus View Apartments

PHYSICAL CHARACTERISTICS

- Frontage:** The subject property located at 401 Harvey Road has approximately 280 linear feet of frontage along Harvey Road and while the property located at 600 University Oaks Boulevard has approximately 640 feet of frontage along University Oaks Boulevard; however, Campus View consists of three properties bounded by George Bush Drive East, Harvey Road, Stallings Drive, and University Oaks Boulevard.
- Access:** The property at 401 Harvey Road has access from Harvey Road and George Bush Drive East, while the property at 600 University Oaks Boulevard has access from Stallings Drive and University Oaks Boulevard.
- Topography and vegetation:** The site is relatively flat and has little to no vegetation.
- Floodplain:** The subject property is not located within FEMA regulated flood plain.

REVIEW CRITERIA

1. **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 has stated that because they have rebranded, they would like to update their signage and provide unity amongst their properties. However, a simple rebranding does not constitute an extraordinary condition as defined above.

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.*

This variance is not necessary for the preservation and enjoyment of the property as the subject properties currently have multiple freestanding signs on site. They also have several attached signs that are currently "grandfathered" by the UDO.

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 no portion of this property is located within the floodplain.

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

All apartments, condominiums, and manufactured home parks are required to abide by the same standards outlined in UDO Section 7.5.H 'Apartment/Condominiums/Manufactured Home Park Identification Signs'. There are several other apartment complexes along Harvey Road that comply with the sign provisions of the UDO.

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

The applicant states that the complex consists of several building over a vast area and therefore, they need additional attached signage to identify the property as one. However, the consolidation of properties was a result of the owner's own action; therefore, Staff does not believe a hardship exists in this case.

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 and the purposes of the UDO.

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. As previously stated, the property currently has several free-standing signs and attached signage that is grandfathered by the UDO.

ALTERNATIVES

The applicant has suggested allowing property logos rather than amenities and logos; however, the ordinance specifically defines signage to include logos. Therefore, this is not a viable alternative.

STAFF RECOMMENDATION

Staff recommends denial of the variance request. In Staff's opinion, the applicant has failed to demonstrate that a special condition or hardship exists in this case.

SUPPORTING MATERIALS

1. Application



FOR OFFICE USE ONLY	
CASE NO.:	_____
DATE SUBMITTED:	<u>2.18.13</u>
TIME:	<u>10:00</u>
STAFF:	<u>MTH</u>

ZONING BOARD OF ADJUSTMENT APPLICATION

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

Date of Optional Preapplication Conference _____

ADDRESS 401 Haney Road & 600 University Oaks

LEGAL DESCRIPTION (Lot, Block, Subdivision) 401: Ph 2, Block 2, Lot 1 & 6, Acres 5.5106 & Associated BPP. 600: Lot 1R, Acres 7.95 & Associated BPP

APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):
 Name Erin Lamb E-mail erin@cakhurstsigns.com

Street Address 14020 Roosevelt Blvd., Ste 801

City Cleander State FL Zip Code 33762

Phone Number 727.532.8255 Fax Number 727.532.4334

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

Name Veeper Campus View LLC E-mail _____

Street Address 20 E. 46th St., Ste 1200

City New York State NY Zip Code 10017

Phone Number 727.532.8255 Fax Number 727.532.4334

Current zoning of subject property _____

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:

Per section 7.5.H Apt/Condo/ Main Home Park ID Signs

The following specific variation from the ordinance is requested:

Subdivision Name: Campus View Apartments

1. Campus view is requesting to be allowed to replace the old signs they have had on their buildings for years with their logo and amenity information on them with new signs with their updated logo and amenity information. The types of signs are Amenity signs: *Volleyball Court, Free Wi-fi, etc.* Each sign is 48" x 48" circles. The signs are aluminum with digital print. Please see attached artwork marked II.

The request is for 96 square feet of additional attached signage. 64 square feet on the 401 Harvey property and the remaining 32 square feet on the 600 University Oaks property.

This variance is necessary due to the following conditions:

2. Campus View has had signage on their buildings for years. Since the property has been rebranded, the site would like to keep the same amount of signage it previously had. The new signage is due to a branding change. The number and size of signs will remain the same, to preserve the integrity of the buildings and overall look and feel of the property, as well as keeping this large spread out community unified with their brand.

The unnecessary hardships involved by meeting provisions of the ordinance (other than financial)

3. The property will endure numerous repairs to the building including substantial repainting due to weathering and fading over a long period of time. In addition to repairs, the property is spread out over a vast area. The new signage will help continue to unify the property as one property, spread over a large plat. As it stands now, several of the buildings have different looks/appearances; the new signage will be instrumental in identifying the property as one.

The following alternatives to the requested variance are possible:

4. Allow the property to install signage in these locations, but with just the property logos on them vs. amenities and logos.

The variance will not be contrary to the public interest or virtue of the following facts

5. The new signage will add to the unity of the property. It helps guests, residents and the public, identify the large property as one inclusive site.



**VARIANCE REQUEST
FOR
1217 Remington Court**

REQUEST: Deviation to Chapter 2, Section 3.B.3 of the College Station Code of Ordinances regarding the required minimum distance between a fowl structure and neighboring dwelling units.

LOCATION: 1217 Remington Court

APPLICANT: Brad Metz

PROPERTY OWNER: Brad Metz

PROJECT MANAGER: Teresa Rogers, Staff Planner
trogers@cstx.gov

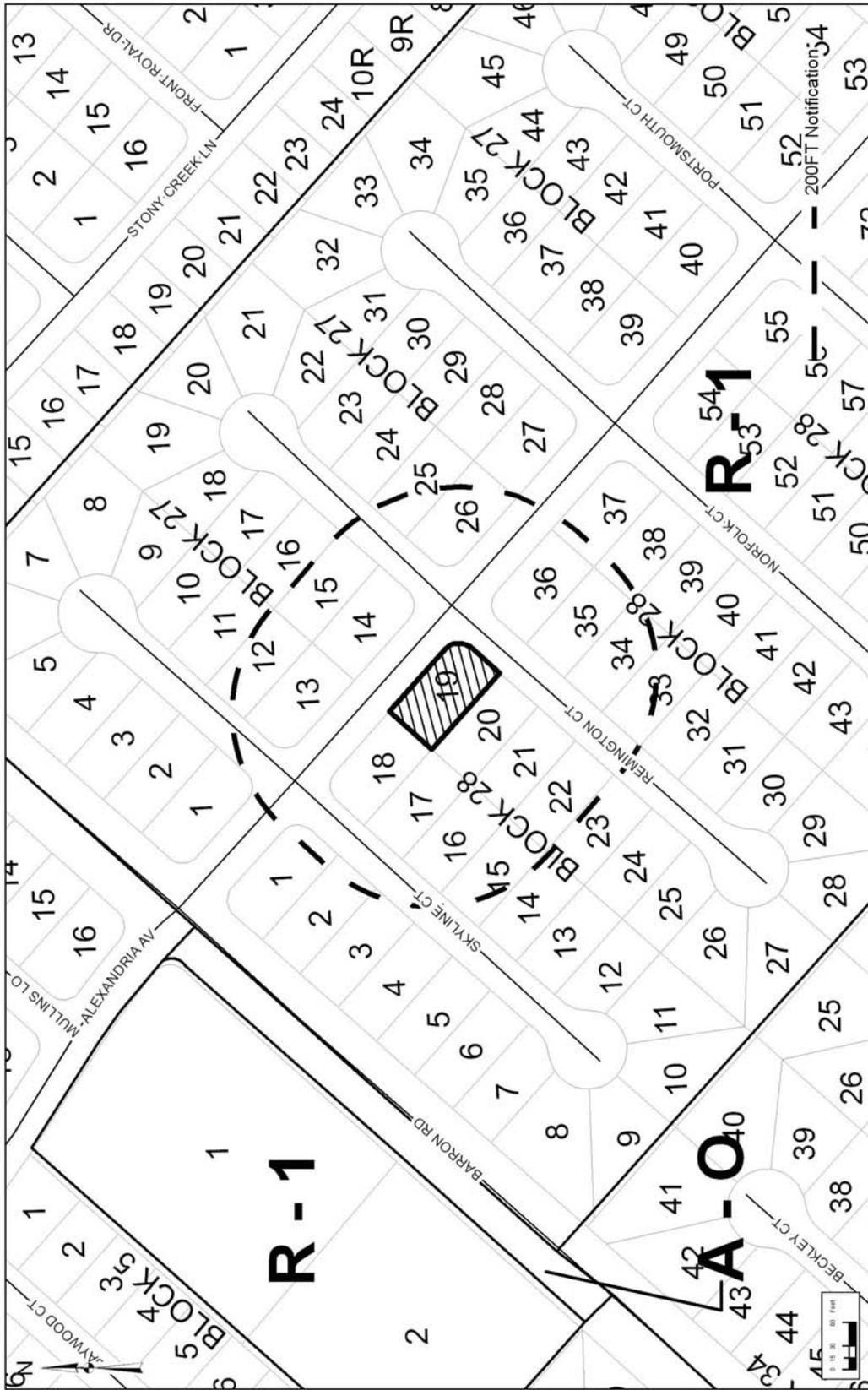
BACKGROUND: The applicant is requesting a deviation to the minimum distance required between a structure housing fowl (chicken coop) and the neighboring residential structures. While on patrol, an Animal Control Officer observed the structure was not in compliance with the City Code and requested the applicant remove the fowl from the property or file an application to seek a deviation from minimum distance requirements.

The Code of Ordinances allows for fowl to be kept in residential areas as long as it is kept within a structure or enclosure in such a manner that the fowl cannot go upon public streets, highways, alleys, rights of way or parkways of the City, or upon the private property of others. The ordinance also requires that the fowl housing be located at least one hundred feet (100') from any neighboring dwelling unit, other than that which is occupied by the owner of the fowl.

Therefore, the applicant is requesting a deviation of thirty feet (30') to the one-hundred foot (100') separation between fowl structure and neighboring dwelling units as required by Chapter 2, Section 3.B.3, of the College Station Code of Ordinances.

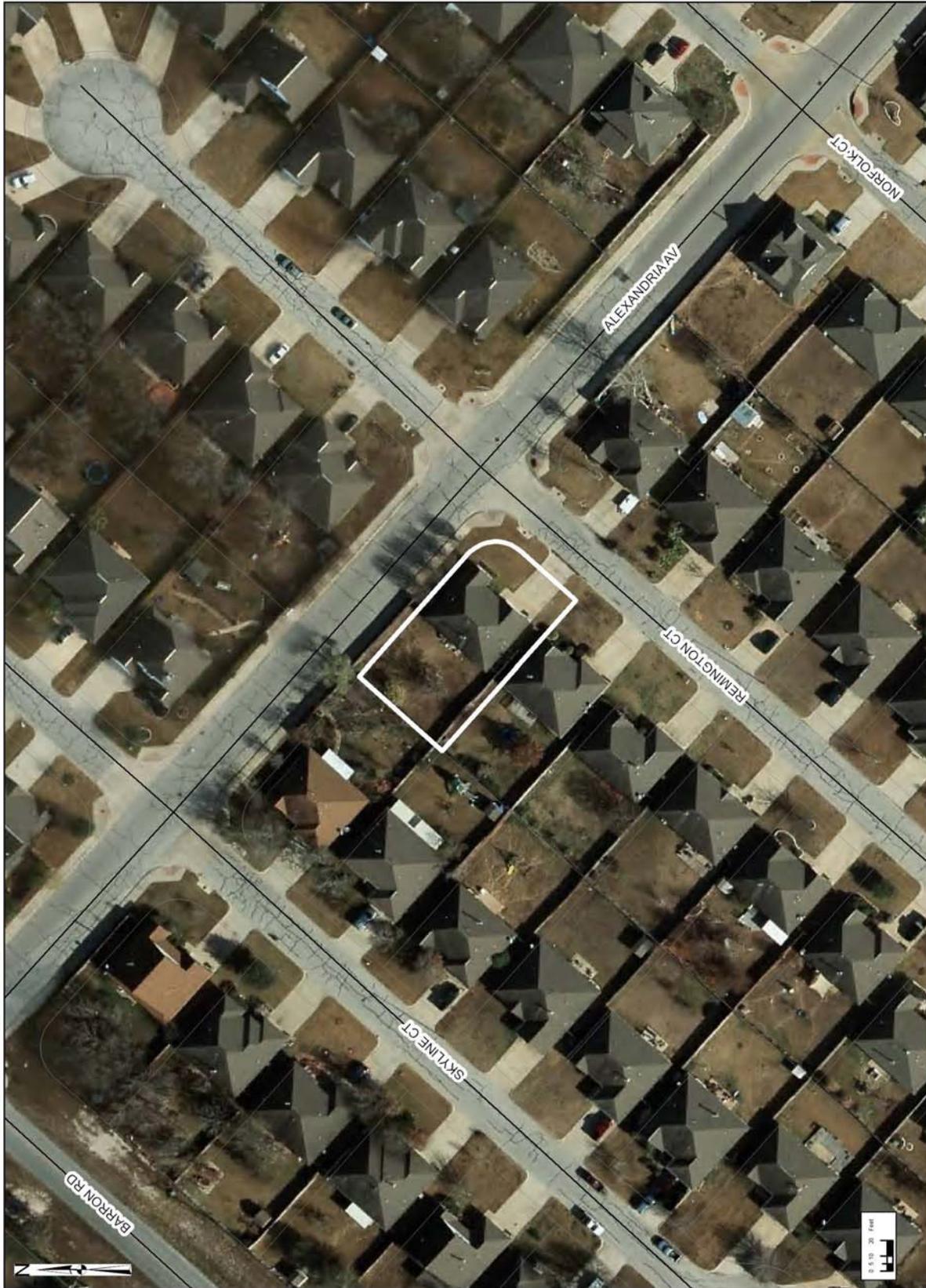
APPLICABLE ORDINANCE SECTION: Chapter 2, Section 3.B.3 of the City Code regarding Animal Control

ORDINANCE INTENT: To regulate the keeping and raising of poultry within the city limits and to protect the neighboring properties from effects of such activities.



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

DEVELOPMENT REVIEW	1217 REMINGTON COURT	Case: 13-040
ZBA		



ZBA

Case: 13-040

1217 REMINGTON COURT

DEVELOPMENT REVIEW



NOTIFICATIONS

Advertised Board Hearing Date: March 5, 2013

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:

Shenandoah Neighborhood Association

Property owner notices mailed: 31
Contacts in support: None
Contacts in opposition: 2
Inquiry contacts: None

ZONING AND LAND USES

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

PHYSICAL CHARACTERISTICS

1. **Frontage:** approximately 70 feet along Remington Court and 120 feet along Alexandria Avenue
2. **Access:** The subject property has access from a driveway along Remington Court.
3. **Topography and vegetation:** The property is relatively level and has a moderate amount of vegetation.
4. **Floodplain:** The property is not located in a floodplain.

SUPPORTING MATERIALS

1. Application
2. Site - Distance Photos



FOR OFFICE USE ONLY	
CASE NO.:	13-40
DATE SUBMITTED:	2-7-13
TIME:	12:45
STAFF:	Mayoral

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 1217 Remington Ct

LEGAL DESCRIPTION (Lot, Block, Subdivision) Shenandoah phase 6: Blk 28: Lot 19

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

Name Brad Metz E-mail bradley.nmetz@gmail.com
 Street Address 1217 Remington Ct
 City College Station State TX Zip Code 77845
 Phone Number 217-778-8022 Fax Number N/A

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

Name As above E-mail _____
 Street Address _____
 City _____ State _____ Zip Code _____
 Phone Number _____ Fax Number _____

Current zoning of subject property Single Family residential

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 type="checkbox"/> Sign variance | <input type="checkbox"/> Drainage Variance |
| <input type="checkbox"/> Lot dimension variance | <input checked="" type="checkbox"/> Other <u>Chicken coop setback</u> |

Applicable ordinance section to vary from:

2010-3237 Ch. 2 B

GENERAL VARIANCE REQUEST

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

Reduction of minimum distance from neighboring dwellings to 70 ft.

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.

Lot is small relative to ordinance and no legal placement is available on the lot.

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.

I am not allowed to keep chickens at all under current statutes, by virtue of location. This activity would be permitted to other CS residents.

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

Some setback is necessary to allow me to keep chickens. Alternative adjustments of distances are possible, or I will not be able to keep them.

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

The permitted # of chickens do not present significant noise ~~and~~ different from domestic pets, are not a disease risk if cared for, and provide good and pest control.

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: Dr. Bruce Metz

Date: 2-7-13

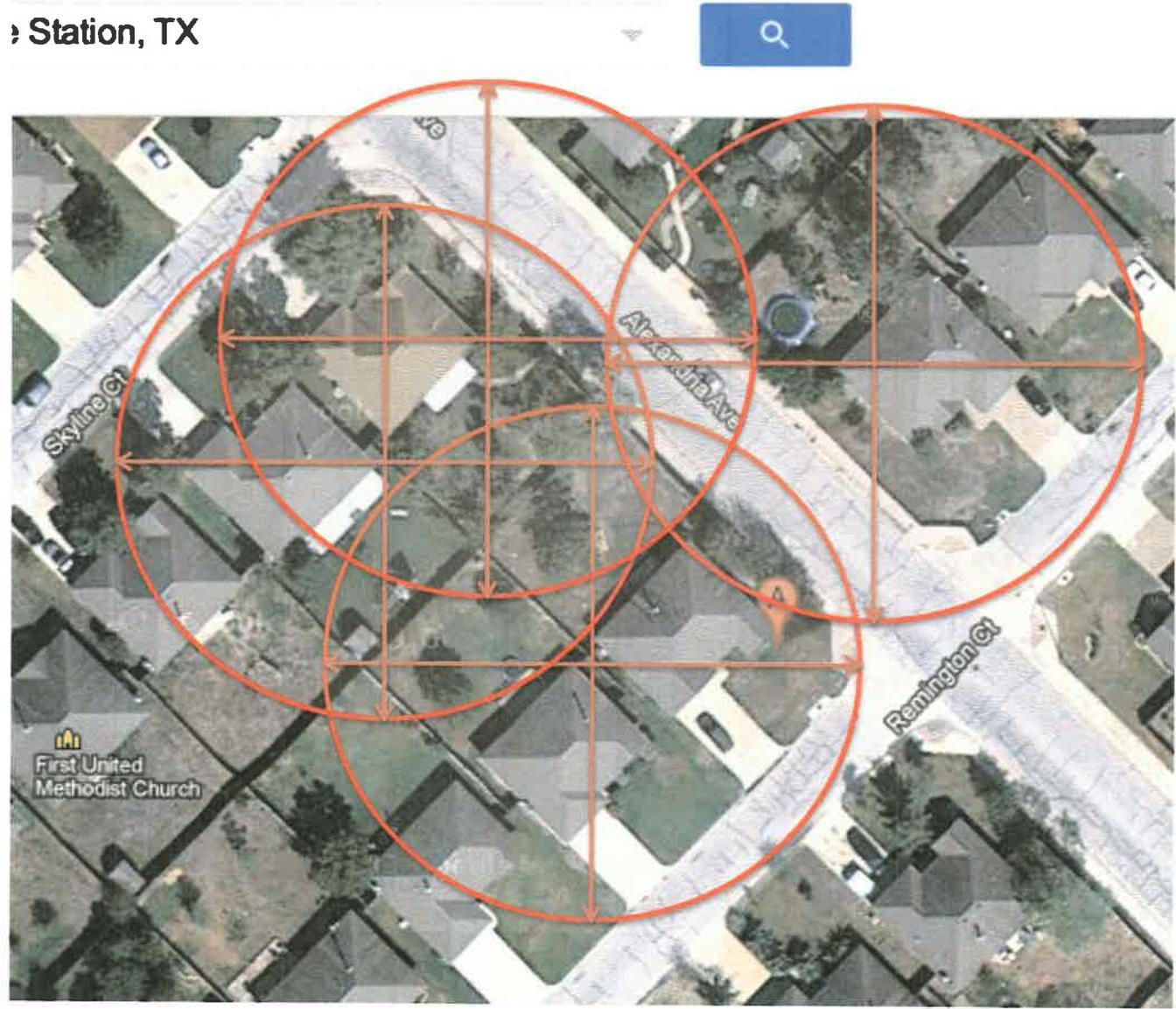
B. Fowl.

- (1) Keeping allowed without permit. Keeping of fowl is allowed in accordance with the zoning land use regulations of the City set forth for an AO-Agricultural Open zone and an A-OR/ Rural Residential Subdivision zone as same may from time to time be amended and by meeting the regulations in this chapter.
- (2) Keeping allowed with permit. Keeping of fowl is allowed in all single-family residential zones consistent with the land use regulations therein for such zone as same may from time to time be amended, and upon issuance of a permit and by meeting other applicable regulations as set forth herein.
 - (a) Permit requirements. The following is required to be issued a permit for keeping of fowl in a single-family residential zone:
 - (i) An application must be completely and accurately filled out and submitted to the City identifying the location, contact information for the owner of the property and the owner of the fowl, type and number of fowl, type of enclosure, distance from adjacent residences other than applicant's, and other pertinent information; and
 - (ii) Payment of a fee as may be imposed by the City Council.
 - (b) Additional requirements. A person with a lawfully issued permit may keep, harbor, own, or maintain up to 10 chicken or turkey hens except more may be allowed if the person is lawfully involved in an Agricultural Youth Project under the supervision of a county extension agent, interest group leader or agriculture teacher employed by the independent school district and:
 - (i) Chickens are kept no longer than 75 days and turkeys are kept no longer than 190 days; and
 - (ii) Chickens and turkeys are housed in a sanitary manner so that they are not a nuisance to others.
- (3) Keeping fowl in enclosures. It shall be the duty of the owner of fowl to keep same enclosed in such manner that the fowl cannot go upon public streets, highways, alleys, rights of ways or parkways of the City, or upon the private property of others. Any enclosure that houses fowl must be at least one hundred (100) feet from any dwelling other than the dwelling occupied by the owner of the fowl. A deviation from this distance may be considered upon the owner making proper application before the Zoning Board of Adjustment.
- (4) Roosters prohibited. It is unlawful to own, keep, harbor, or to maintain or to possess a rooster within the City limits.

C. Birds.

It shall be the duty of the person owning, or having within his management or control, any birds including fowl, including but not limited to fowl, pheasants, quail, peacocks, doves, parrots, tropical birds and similarly feathered animals, to keep same enclosed upon his own premises in such manner that such birds cannot go upon the public streets, highways, alleys, rights of ways, or parkways of the City, or upon the private property of others.

This is the lot with circles approximating the 100 ft regulation; showing that the lot size is too small to meet the current requirements.



If the variance is to meet 70 ft, there are several potential locations on the street side of the property.

Station, TX

