

CITY OF COLLEGE STATION
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Zoning Board of Adjustment
September 3, 2013
6:00 PM

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



AGENDA
ZONING BOARD OF ADJUSTMENT
Regular Meeting
Tuesday, September 3, 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, discussion and possible action to approve meeting minutes.
 - March, 5, 2013 meeting minutes.
3. Public hearing, presentation, discussion, and possible action to consider a variance to Chapter 12, “Unified Development Ordinance”, Section 7.3.I, “Number of Off-street Parking Spaces Required” for the property located at 1814 Sara Drive which is zoned R-4 Multi-Family. **(MR) Case # 9000166**
4. 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.
5. 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, September 3, 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 _____
Kathy Merrill, Interim 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.



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
March 5, 2013
City Hall ~ Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Acting Chairman Josh Benn, Jim Davis, Marsha Sanford, Dick Dabney, Gary Erwin

MEMBERS ABSENT: Chairman Hunter Goodwin and Scott Simpson

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

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

Acting Chairman Josh Benn called the meeting to order at 6:00 p.m.

AGENDA ITEM NO. 2: **Consideration of absence requests.**

- **Marsha Sanford ~ October 2, 2012**

Board Member Dabney motioned to approve the request. Board Member Erwin seconded the motion, which passed unopposed (5-0)

- **Hunter Goodwin ~ March 5, 2012**

Board Member Sanford motioned to approve the request. Board Member Erwin seconded the motion, which passed unopposed (5-0).

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

- **December 4, 2012 meeting minutes**

Board Member Davis motioned to approve the December 4, 2012 meeting minutes. Board Member Sanford seconded the motion, which passed (5-0).

AGENDA ITEM NO. 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)

Staff Planner Hester presented the staff report and stated that the applicant was requesting a variance to add additional attached signage to the apartment complex in addition to the permitted freestanding signs. She ended by saying staff was recommending denial.

Acting Chairman Benn opened the public hearing for those wanting to speak in favor of the request.

Stepping forward to speak in favor of the request was:

P. Davidson with Oakhurst Signs. Ms. Davidson was sworn in by Acting Chairman Benn.

There was general discussion amongst the Board.

With no one stepping forward to speak in opposition of the request Acting Chairman Benn closed the public hearing.

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

The Board continued to discuss the item.

Acting Chairman Benn called for the vote. Motion to deny passed (5-0).

AGENDA ITEM NO. 5: Public hearing, presentation, discussion, and possible action on a variance request 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)

Staff Planner Rogers presented the staff report and stated that the applicant was requesting a variance of 30 feet to the 100-foot separation between fowl structure and neighboring dwelling units as required by College Station Code of Ordinances.

There were general discussions amongst the Board.

Acting Chairman Benn opened the public hearing for those wanting to speak in favor of the request.

Those stepping forward to speak were:

Brad Metz and Cassie Woodward.

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

With no one stepping forward to speak in opposition of the request Acting Chairman Benn closed the public hearing.

General discussion continued amongst the Board.

Board Member Sanford motioned to deny the variance. Board Member Erwin seconded the motion, which failed (3-2).

The Board continued a general discussion.

Board Member Dabney motioned to approve a 30-foot variance to the 100-foot separation requirement with the condition that only three hens be allowed at the subject property. Jim Davis seconded the motion, which passed unopposed (5-0).

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 was no item submitted.

AGENDA ITEM NO. 7: Adjourn.

The meeting was adjourned at 7:56 p.m.

ATTEST:

APPROVED:

Deborah Grace-Rosier, Staff Assistant

Hunter Goodwin, Chairman



**VARIANCE REQUEST
FOR
1814 SARA DRIVE**

REQUEST: A variance to reduce the number of required off-street parking spaces.

LOCATION: 1814 Sara Drive

APPLICANT: John Rhodes, RAI Designs

PROPERTY OWNER: Hyder Syed

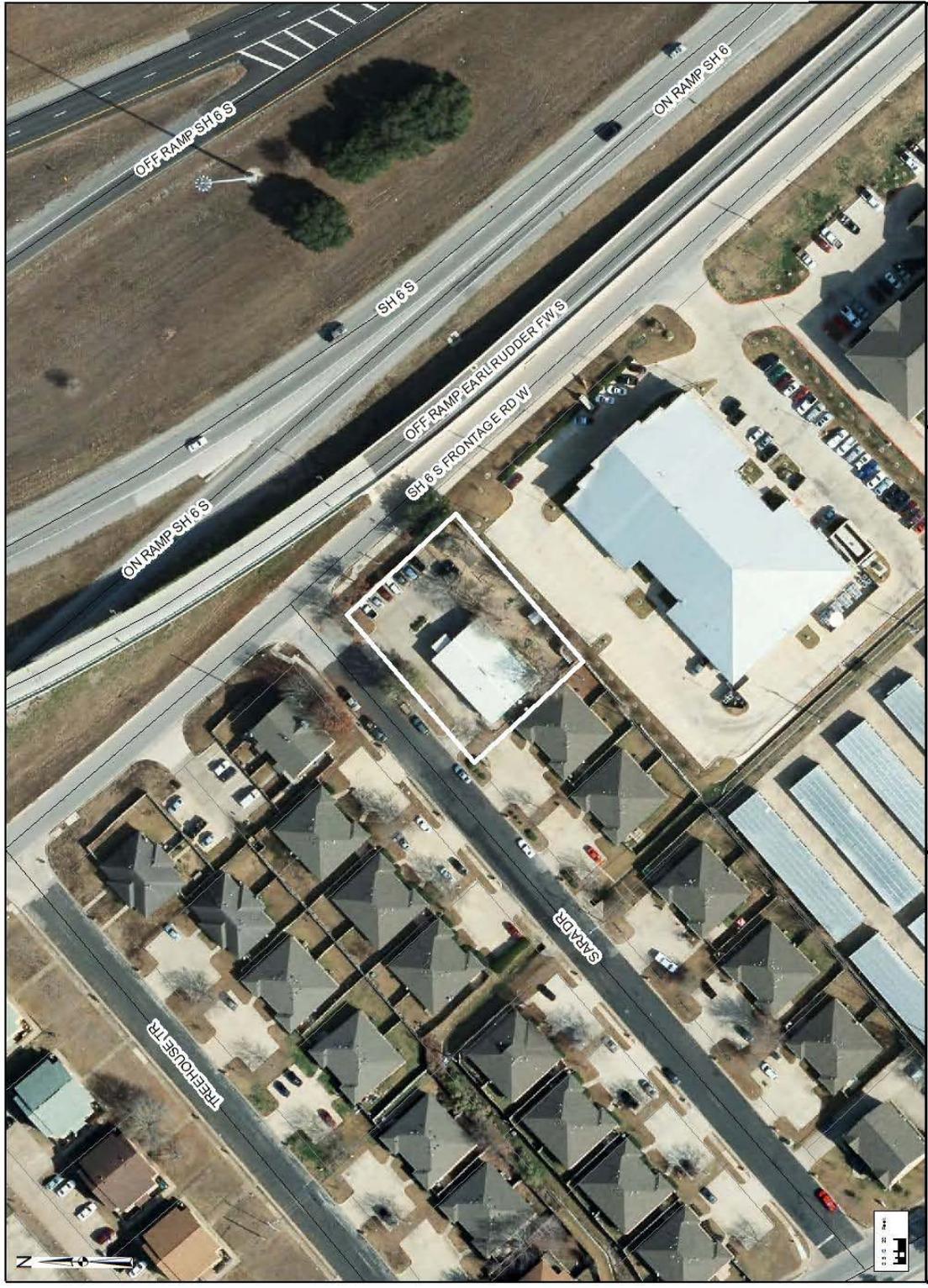
PROJECT MANAGER: Matt Robinson, AICP, Senior Planner
mrobinson@cstx.gov

RECOMMENDATION: Staff recommends denial.

BACKGROUND: The subject property is currently zoned for multi-family uses and is developed as a commercial daycare. Daycares are permitted in R-4 Multi-Family zoning district with a Conditional Use Permit, which this property was granted in 1983. The daycare currently has eight parking spaces, as required at the time of construction. The current UDO parking requirement for the subject property is one space per 250 square feet of building space, or 15 spaces. The property owner is currently planning an expansion of the daycare, which would increase the parking requirements of the site to 17 spaces. When expanding an existing use, the parking requirements of the UDO are required to be complied with. **Therefore, the applicant is requesting a variance of five parking spaces to the required 17 parking spaces for the owner's future development plans for the property located at 1814 Sara Drive.**

APPLICABLE ORDINANCE SECTION: UDO Section 7.3.I "Number of Off-Street Parking Spaces Required:

ORDINANCE INTENT: The purpose of UDO Section 7.3.I, "Number of Off-Street Parking Spaces Required", is to eliminate the occurrence of non-resident on street-parking in adjoining neighborhoods; avoid the traffic congestion and public safety hazards caused by a failure to provide such parking; and expedite the movement of traffic on public thoroughfares in a safe manner, thus increasing the carrying capacity of the streets and reducing the amount of land required for streets, thereby lowering the cost to both the property owner and the City.



Case: 13-166

1814 SARA DRIVE

DEVELOPMENT REVIEW

ZBA



NOTIFICATIONS

Advertised Board Hearing Date: September 3, 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: 10
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	R-4 Multi-Family	Commercial Daycare
North (across Sara Drive)	R-4 Multi-Family	Duplexes
South	GC General Commercial	Offices
East	State Highway 6 Frontage Rd	N/A
West	R-2 Duplex	Duplexes

PHYSICAL CHARACTERISTICS

- Frontage:** The subject property is located at 1814 Sara Drive and has approximately 157 linear feet of frontage along Sara Drive and approximately 120 feet along the State Highway 6 Frontage Road.
- Access:** The property takes access from Sara Drive.
- Topography and vegetation:** The site is relatively flat, with some large mature trees located in and around the playground area.
- Floodplain:** The subject property is not located within FEMA regulated flood plain.

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 stated that the current site layout does not provide adequate traffic flow conditions for parents and neighbors and that the safety of children needs to be improved during peak "drop off" and "pick up" hours. While the parking configuration is permitted to be altered, the proposed building addition is driving the need for more parking spaces. Therefore, staff does not believe that a lack of "adequate traffic flow" constitutes an extraordinary condition in this case.

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 property is already developed and used as a commercial daycare.

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.*

Other property in the area is zoned and developed for multi-family/duplex uses and are meeting the required parking. Additionally, the property to the south is zoned and developed for General Commercial and is meeting the minimum parking requirements for the development.

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

The applicant states that the established facility when it was permitted and built in the 1980's, is now considered to be "under parked" based on current code requirements and that the preservation of old growth trees limits site development. However, the use of the property is allowed to continue as is and the reconfiguration of the parking lot is permitted (with a revised Conditional Use Permit). As stated earlier, it is the proposed building expansion that requires the site to come into compliance with the parking space requirement.

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 parking 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 is utilized as a commercial daycare and is allowed to make changes to the parking configuration. However, any expansion of the building requires that the site come into compliance with the minimum required parking spaces.

ALTERNATIVES

The applicant has provided the following three alternatives:

- 1) not complete the minor addition to the building;
- 2) attempt shared access and parking agreement with the neighbors to the south (this effort failed); or,
- 3) remove established canopy trees from playground for parking.

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 with the land that necessitates the parking variance.

SUPPORTING MATERIALS

1. Application



FOR OFFICE USE ONLY	
CASE NO.:	<u>13-166</u>
DATE SUBMITTED:	<u>8-9-13</u>
TIME:	<u>2:21</u>
STAFF:	<u>PK</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 7-1-11

ADDRESS 1814 Sara Drive, College Station, TX 77845

LEGAL DESCRIPTION (Lot, Block, Subdivision) Lot-4A & 4B, Blk-18B, Treehouse Place Sub., Ph-1

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

Name R.A.I. Designs, Inc, Attn. = John Rhodes E-mail jtrhodes@raidesigns.com

Street Address 4500 Carter Creek #203

City Bryan State Texas Zip Code 77802

Phone Number 979-846-3366 Fax Number 979-846-3365

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

Name Hyder Syed E-mail _____

Street Address 911 Winged Foot Drive

City College Station State Texas Zip Code 77845

Phone Number _____ Fax Number _____

Current zoning of subject property R-4, w/ a existing Conditional Use Permit in place

Action requested (check all that apply):

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

UDO section 7.2.1 Minimum Number of Off-Street Parking Requirements.

GENERAL VARIANCE REQUEST

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

Per the parking calculations required by the UDO 17 spaces are needed for the owners current future development plan. We are requesting that only 12 spaces be allowed.

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.

Current site layout does not provide adequate traffic flow conditions for parents and neighbors. Safety of children needs to be improved during peak "drop off" and "pick up" hours. By not being able to expand, the owners desire to improve the educational development for our communities children is greatly reduced.

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.

The established facility when permitted and built in the early 1980's, is now considered to be "under-parked" based on current code requirements. Preservation of old growth trees limits site development. Neighboring properties would have less traffic congestion.

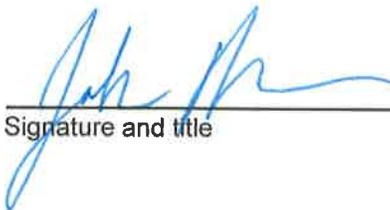
4. The following alternatives to the requested variance are possible:

1. =Not complete the minor addition and only request 12 spaces instead of 15 (more modern facility and benefits for children cannot be completed) 2. =Attempt shared access and parking agreement w/ neighbors (this failed) 3. =Remove established 3'dia 30' canopy trees from playground for parking(not good for environment or kids)

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

It will create better traffic flow in peak hours for the entire neighborhood. It will remove some of the overflow parking in the street. Help prevent the possible accidents including w/ children. Ease's city's solid waist collection.

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

8-9-13

Date