

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

**Zoning Board of Adjustment**  
**October 7, 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, October 7, 2014 at 6:00 PM**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas 77840**

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1. Call to order – Explanation of functions of the Board.
2. Discussion of approved Administrative Adjustments.
  - 14-00900210 thru 14-00900231 – 400 - 421 Hayes Ln; Increase 25-foot wide driveways to 27 feet
  - 14-00900246 - 2609 Goodrich Ct; Reduce 20-foot rear setback by 17 inches
3. Consideration, possible action and discussion to approve meeting minutes.
  - September 2, 2014
4. Presentation, possible action, and discussion to authorize a rehearing of a building setback variance for the property located at West Park Addition, Block 1, Lot 13, generally located at 114 Park Place which is zoned GS General Suburban. **Case # 14-00900190 (J. Cuarón)**
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, October 7, 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](http://www.cstx.gov). The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on \_\_\_\_\_ p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 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](http://www.cstx.gov).



**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**Regular Meeting**  
**September 2, 2014**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**6:00 P.M.**

**MEMBERS PRESENT:** Chairman Hunter Goodwin, Johnny Burns, Jim Davis, Alternates Scott Simpson and Patrick Fogarty

**MEMBERS ABSENT:** David Ohendalski

**STAFF PRESENT:** Staff Assistant Deborah Grace-Rosier, Staff Planners Jessica Bullock, Jerry Cuarón, and Mark Bombek, Planning Technician Rachel Lazo, Principal Planner Jason Schubert, Assistant Director of Planning & Development Services Molly Hitchcock, 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 6:00 p.m.

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

- 14-00900173 - 2613 Cartington Ct.; Reduce Side Setback by 9 inches
- 14-00900188 - 8103 Raintree Dr.; Reduce Side Street Setback by 1.5 feet
- 14-00900196 - 1007 Harrington Ave.; Reduce Front Setback by 2.5 feet

There was no discussion.

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

- July 1, 2014

Board Member Burns motioned to approve the meeting minutes. Board Member Davis seconded the motion which passed unopposed (5-0).

**AGENDA ITEM NO. 4: Public hearing, presentation, possible action, and discussion to consider a building setback variance for the property located at West Park 2<sup>nd</sup> Addition, Block A, Lot 13, generally located at 114 Park Place which is zoned GS General Suburban. Case # 14-00900190 (J. Cuarón)**

Staff Planner Cuarón presented the staff report and stated that the applicant is requesting a variance to allow for a reduction of 8 feet to the 20-foot rear setback. He ended his staff report by stating staff is recommending denial due to no special condition or hardship existing on the lot.

There was general discussions amongst the Board.

Chairman Goodwin opened the public hearing.

Tim Krivdo, 114 Park Place, College Station, Texas, was sworn in by Chairman Goodwin. Mr. Krivdo presented pictures to the Board to explain the proposed garage addition and answered questions from the Board.

There was a discussion amongst the Board concerning the alley and/or easement shown running at the rear of the property. Principal Planner Schubert stated that according the plat and the Appraisal District it is an alley owned by the City of College Station.

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

There was general discussions amongst the Board.

Chairman Goodwin called for the vote to deny. Board voted (3-2). Variance request was denied. Chairman Goodwin and Scott Simpson voting against the denial.

**AGENDA ITEM NO. 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.**

There were no items discussed.

**AGENDA ITEM NO. 6: Adjourn.**

Board Member Burns motioned to adjourn. Board Member Davis seconded the motion, which passed (5-0). The meeting was adjourned at 6:44.

**ATTEST:**

\_\_\_\_\_  
**Staff Assistant, Deborah Grace-Rosier**

**APPROVED:**

\_\_\_\_\_  
**Chairman, Hunter Goodwin**

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**MEMORANDUM**

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October 7, 2014

TO: Members of the Zoning Board of Adjustment (ZBA)

FROM: Jerry Cuarón, Staff Planner

SUBJECT: **114 PARK PLACE (ZBA)**

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**Item:**

Presentation, possible action, and discussion to authorize a rehearing of a building setback variance for the property located at West Park Addition, Block 1, Lot 13, generally located at 114 Park Place which is zoned GS General Suburban.

**Summary:**

At the September 2, 2014 meeting, the ZBA voted (3-2) to deny the variance to allow for a reduction of 8 feet to the 20-foot rear setback for the above-referenced case. There was a discussion amongst the Board concerning the alley and/or easement shown running at the rear of the property. Principal Planner Schubert stated that according to the parcel data from the Appraisal District it is an alley owned by the City of College Station.

The applicant has submitted new information that was previously not available to the Board. These plats and a picture are attached. The applicant has requested for the Board to allow this item to be reheard at a future meeting. The Board will not be able to approve or deny the request at this meeting but will decide whether the new information warrants a rehearing of the variance at the November 4, 2014 meeting.

**Supporting Materials:**

1. Plats and picture provided by the applicant
2. September 2, 2014 Staff Report

pc: Case file #14-00900190

A & M COLLEGE

# PARK ADDITION

G. Bush

COLLEGE STATION, TEXAS

BURGESS & RUSSELL DEVELOPERS

CIVIL ENGINEER & SURVEYOR  
SCALE 1" = 100'  
1940

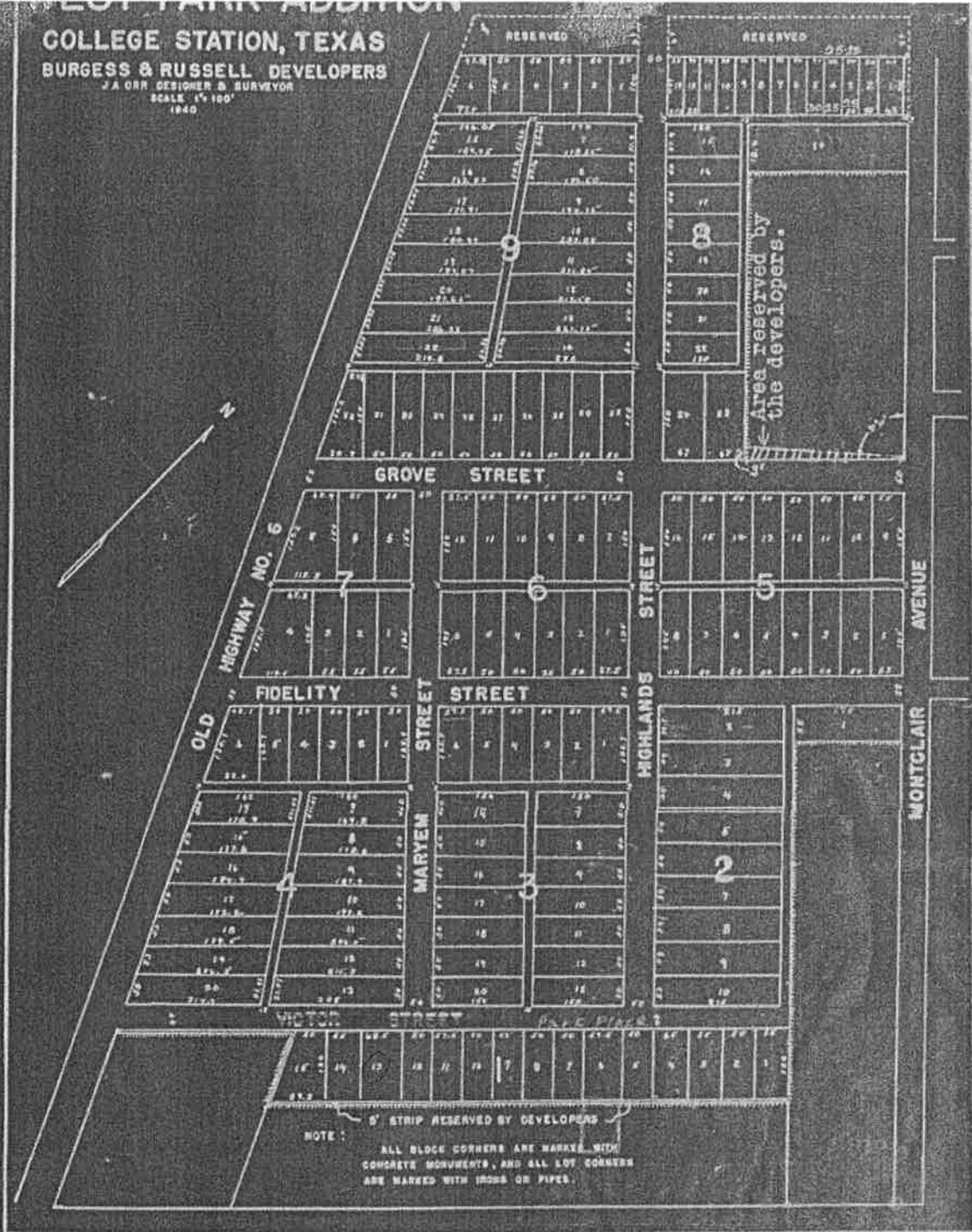


The above is a small photostatic reproduction of original plat which was filed for record in this

*Frank Warrham* County (

AS I KNOW ALL MEN BY THESE PRESENTS: That West Park Realty Company, a partnership of H. E. Burgess and Daniel Russell, of Brazos County, Texas, do hereby declare the subdivision of a 35 acres tract of land in the J. E. Scott League, Abstract 100, Brazos County, Texas, the same to be known as WEST PARK ADDITION to the City of

WEST PARK ADDITION  
**COLLEGE STATION, TEXAS**  
**BURGESS & RUSSELL DEVELOPERS**  
 J. A. ORR DESIGNER & SURVEYOR  
 SCALE: 1" = 100'  
 1940



The above is a small photostatic reproduction of the original plat which was filed for record in this office

*Frank Warburton* County Clerk.

THE STATE OF TEXAS |

COUNTY OF BRAZOS | KNOW ALL MEN BY THESE PRESENTS: That West Park Realty Company, a partner-

ship composed of H. E. Burgess and Daniel Russell, of Brazos County, Texas, do hereby declare

the same by our submission of a 35 acres tract of land in the J. E. Scott League, Abstract

No. 50, Brazos County, Texas, the same to be known as WEST PARK ADDITION to the City of

College Station, Texas, and being the 35 acre tract of land conveyed to West Park Realty

Company, a partnership composed of H. E. Burgess and Daniel Russell by Ludvika Sana, by deed

dated October 18, 1939, and recorded in Volume 101, page 367, of the Brazos County Deed Re-

ords, and we hereby dedicate to the use of the public for road, street and alley purposes

all interest we have in the streets and alleys shown on said map.



# WEST PARK 2ND ADDITION

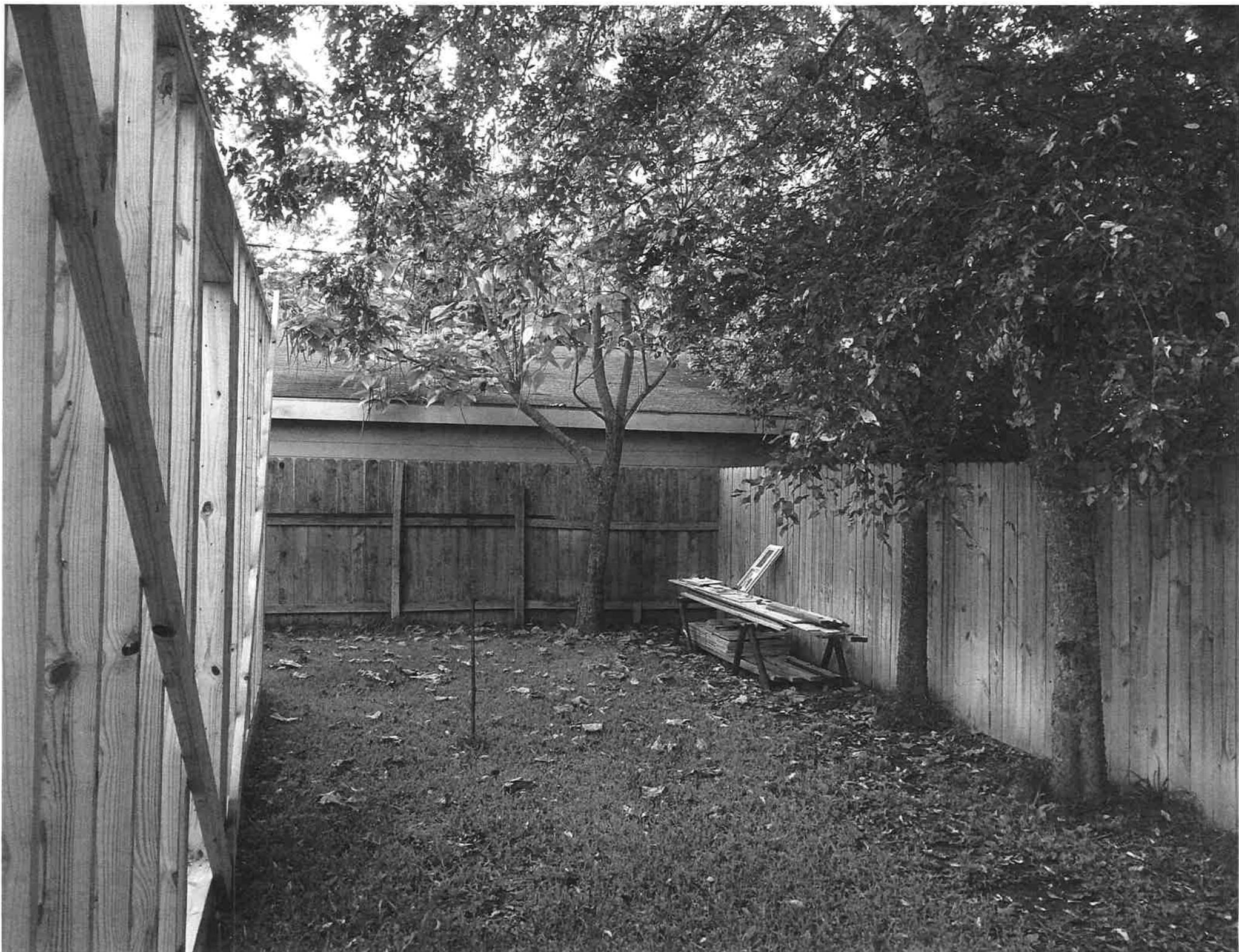
COLLEGE STATION, TEXAS

BURGESS & RUSSELL DEVELOPERS

J. A. ORR SURVEYOR

SCALE 1" = 100'

1946

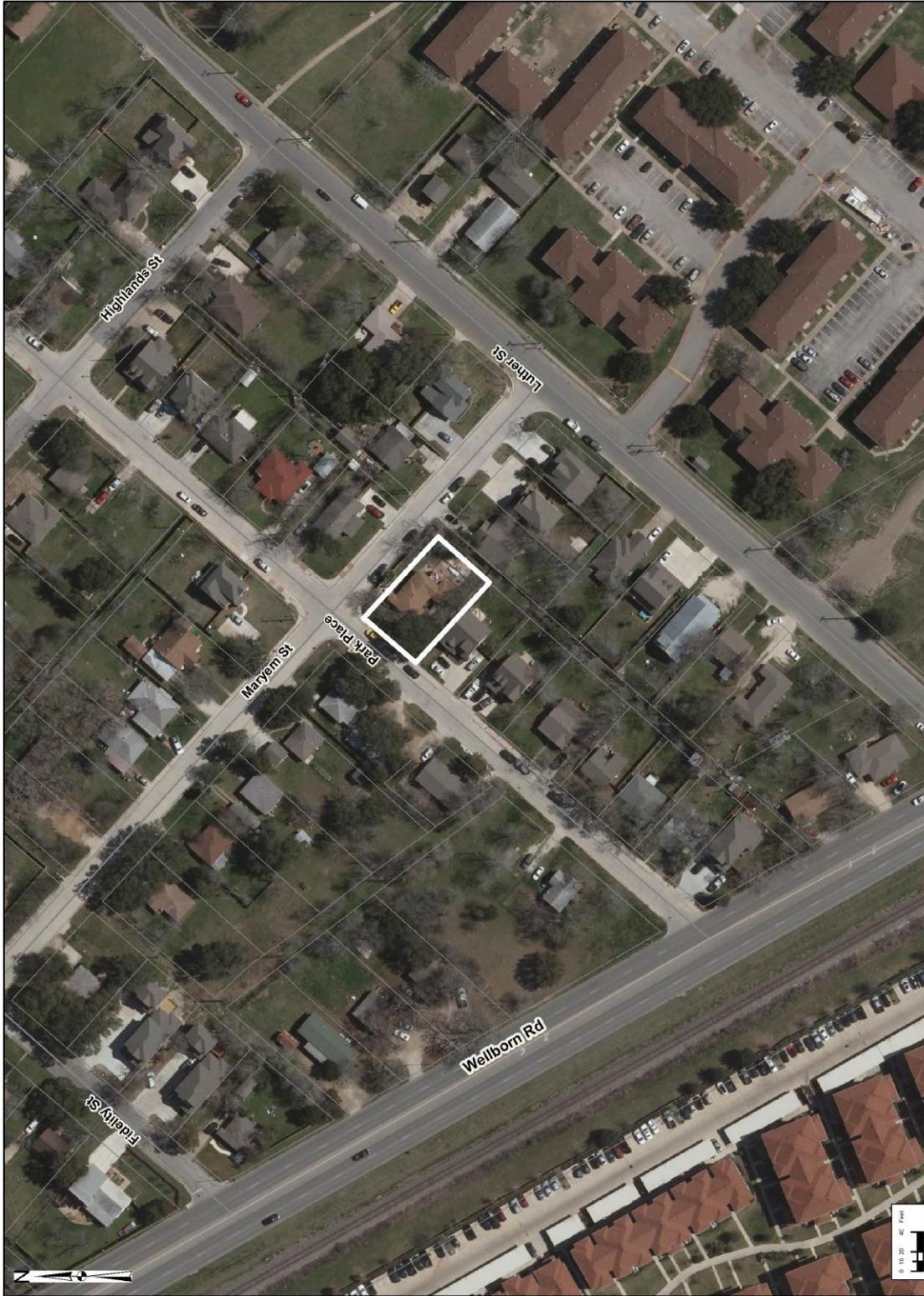




CITY OF COLLEGE STATION

**VARIANCE REQUEST  
FOR  
114 Park Place  
14-00900190**

- REQUEST:** A variance to Unified Development Ordinance Section 12-5.2 'Residential Dimensional Standards', to allow for an 8-foot variance to the required rear setback of 20-feet.
- LOCATION:** 114 Park Place  
West Park Addition, Block 1, Lot 13
- APPLICANT:** Tim & Amber Krivdo, Property Owners
- PROJECT MANAGER:** Jerry Cuarón, Staff Planner  
gcuaron@cstx.gov
- BACKGROUND:** The subject property is located in the West Park Addition Subdivision and is zoned GS General Suburban, which allows for single-family residential uses. The property was originally platted in 1946 and is designated Urban and Redevelopment on the Comprehensive Future Land Use and Character Map. The applicant's concrete foundation currently encroaches into the 20-foot rear setback eight (8) feet and this location is grandfathered. The applicant is proposing to construct a garage on the existing foundation. **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 8 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 appear to exist in this case.

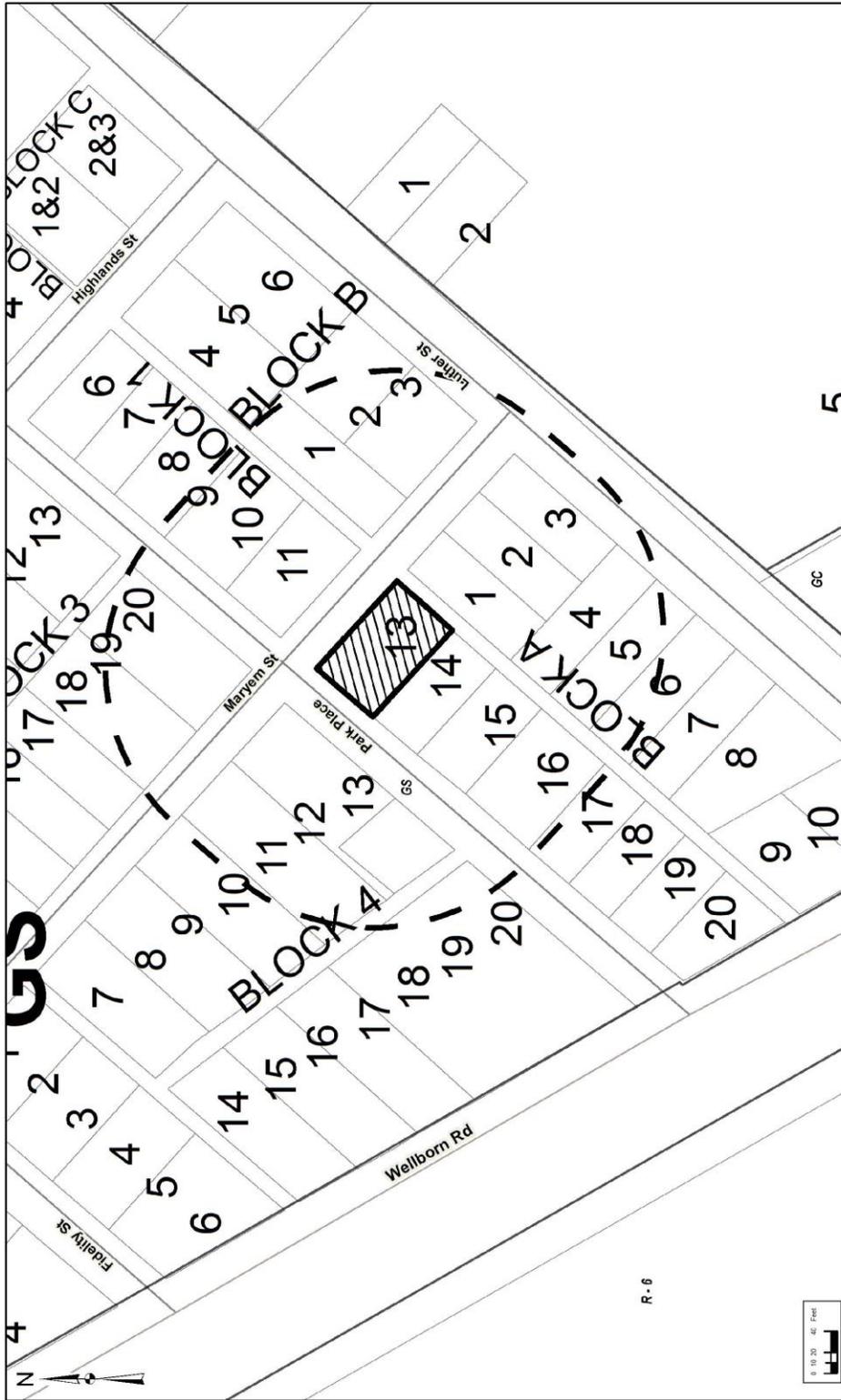


Case: 14-190  
ZBA

114 PARK PLACE

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	WPC	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

	<b>DEVELOPMENT REVIEW</b>	<b>114 PARK PLACE</b>	Case: <b>14-190</b>	<b>ZBA</b>
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## NOTIFICATIONS

Advertised Board Hearing Date: September 2, 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:

Property owner notices mailed: Twenty-two (22)  
Contacts in support: None 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
<b>Subject Property</b>	GS General Suburban	Single-Family Residence
<b>North (Across Park Place)</b>	GS General Suburban	Single-Family Residence
<b>South</b>	GS General Suburban	Single-Family Residence
<b>East (Across Maryem Street)</b>	GS General Suburban	Single-Family Residence
<b>West</b>	GS General Suburban	Single-Family Residence

## PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 70.5 feet of frontage on Park Place.
2. **Access:** The subject property is accessed from Park Place.
3. **Topography and vegetation:** The subject property is relatively flat with some mature vegetation.
4. **Floodplain:** The subject property is not located within FEMA regulated floodplain.

## 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 states that due to the subject property being located on a corner lot, 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 the surrounding properties are subject to the same rear setback. A strict application of the UDO would not deprive the applicant of the reasonable use of the property.

This property is located in the West Park Neighborhood and as designated on the Comprehensive Plan as Urban and Redevelopment.

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 as detrimental to the public health, safety, or welfare, or injurious to other property in the area, or to the City in administering this UDO as the rear of this property is adjacent to an alley which separates it from the adjacent property.

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 on an existing foundation. The request to encroach eight 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 structures on single-family properties.

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. New structures can be built within required building setbacks.

#### **ALTERNATIVES**

The applicant has not provided any alternative solutions to the location of their garage outside of the rear building setback.

#### **STAFF RECOMMENDATION**

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