

**Meeting Date** (?) 09/13/2016

**Subject Matter**\* (?) Appeal of P&Z denial of PV16-13: 3723 Ravenwood Dr – carport in side setback  
This must match rolling agenda entry

**Department of Origin**\* DEVELOPMENT SERVICES

**Submitted By**\* Martin Zimmermann

**Type of Meeting**\*  BCD  Special  Regular

**Classification**\*  Public Hearing  Consent  Statutory  Regular

**Ordinance**\*  None  First Read  Second Read  First & Only Read

**Strategic Initiative**\*  Public Safety  Service  
 Economic Development  Infrastructure  
 Quality of Life

**Agenda Item Description**\* Consideration of an appeal of the Planning and Zoning Commission’s decision to deny a request for variance to the Standards of Article IV (Building Setbacks and Lot Standards) of the Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62), specifically a request for a 6.5-foot variance to the minimum 7.5-foot side building setback generally required on properties zoned Residential District – 5000 (RD-5), to allow the proposed installation of a carport to extend within 1 foot from the west side property line on property at 3723 Ravenwood Drive, located approximately 90 feet northeast of the intersection of Knight Drive and Ravenwood Drive, being Lot 2 in Block 22 of the Wheeler Ridge Subdivision – Phase 6 (case no. PV16-13).

**Summary Statement**\* The applicant/property owner, Mr. Jon Gardner on behalf of Gardner Family Trust, is requesting a 6.5-foot variance to the 7.5-foot side building setback requirement for the property located at 3723 Ravenwood Drive, to allow the proposed installation of a carport that is proposed to extend within 1 foot from the west side property line on the subject property. The subject property is located on the east of the intersection of Knight and Ravenwood Drives and has been zoned Residential District-5000 (RD-5) since the City of Bryan adopted zoning regulations in 1989.

The subject property is developed with a detached single-family home with 3 bedrooms that was built in 1986. Mr. Gardner wishes to install a 12-foot by 21-foot open carport, which is proposed to be located to the west of the existing home on this property; however, this would cause the carport structure to encroach 6.5 feet into the minimum required 7.5-foot side setback, within 1 foot of the west side property line.

During the Planning and Zoning Commission’s August 4, 2016, regular meeting, the Commission concurred with staff’s recommendation and unanimously voted to deny the requested variance. While Commissioners agreed that the loss of shade trees on the property due to the recent tornado was unfortunate, they were concerned that granting the variance would disrupt the integrity of the neighborhood.

Mr. Gardner has timely appealed the Commission’s denial of his variance request to the City Council, as provided for by the Land and Site Development Ordinance Section 62-192.

**Staff Analysis & Recommendation\***

During its regular meeting on August 4, 2016, the Planning and Zoning Commission unanimously voted to deny the requested variance, and adopted the written staff report and analysis, as the report, findings and evaluation of the Commission:

- Granting of this variance will not promote the orderly growth and development of properties in the general vicinity.
- No other properties on the same block face as the subject property have carport structures built in the setbacks.
- Granting this variance would allow this one property owner a special privilege not commonly enjoyed by other neighborhood properties.
- Reducing the minimum side building setback to 1 foot is a major departure from establishing building setback standards in the City of Bryan and could have negative effects on properties in the vicinity. All other properties on the same block face as the subject property appear to have observed minimum side building setbacks. None appear to have structures that extend to within 1 foot of the side property line as proposed by the applicant.
- If structures such as this carport were routinely allowed in the City of Bryan, encroachments could lead to overcrowding of land with buildings in Bryan's neighborhoods and could therefore lead to the gradual diminution in the value of neighborhood properties.
- Denying the construction of the carport structure will not deprive the applicant of the reasonable use of the land. Vehicles can continue to park in the semi-circular driveway or in the attached two-car garage on the property without approval of the variance request.

**Options\***

(In Suggested Order of Staff Preference)

1. uphold the P&Z's decision and deny the request; or
2. overturn the P&Z's decision and approve the request, subject to conditions the City Council deems necessary or desirable in the public interest; or
3. overturn the P&Z's decision and approve the request.

**Funding Source\***

N/A

**Attachments**

ATTACHMENTS CAF PV16-13 Appeal Side Setback Variance.docx

4.7MB

Please detail attachments and note attachments available for viewing in City Secretary's Office:

1. location map and aerial photo;
2. excerpt from August 4, 2016 P&Z meeting minutes;
3. staff report to the Planning & Zoning Commission; and
4. letters and emails from nearby property owners; and
5. letter and email from the applicant.

**Dept. Head Signature**



**Deputy City Manager Signature**



**City Manager Signature**



**City Attorney Signature**

