

**Meeting Date** (?) 11/21/2016

**Subject Matter**\* (?) Appeal of P&Z denial of lot width variance PV16-16 (Julie Davis)  
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  Economic Development  Service  Quality of Life  Infrastructure

**Agenda Item Description**\* 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 approval of variances from the minimum 150-foot lot width generally required of lots zoned Agricultural - Open District (A-O), to allow the creation of two new lots proposed to have lot widths of 109 feet and 98 feet, respectively, on 8.4 acres of currently vacant, unsubdivided acreage in the John Austin League, A-2, located approximately 250 feet northwest of the intersection of Oak Forest Drive and Wood Oaks Drive in Bryan, Brazos County, Texas (case no. PV16-16).

**Summary Statement**\* The applicant, Julie Davis, is requesting a variance to Article IV, Section 62-161 of the Land and Site Development Ordinance (Bryan Code of Ordinances Chapter 62), which requires a minimum lot width of 150 feet for lots zoned Agricultural – Open District (A-O). The request is being made in order to allow for the proposed subdivision of approximately 8.488 acres of vacant land located approximately 250 feet northwest of the intersection of Oak Forest Drive and Wood Oaks Drive. If granted, the variance to the minimum lot width will allow the proposed subdivision of this acreage into 3 new lots, proposed to front a new cul-de-sac street.

Bryan's Subdivision Ordinance defines lot width as "the shortest distance between side lot lines measured at their intersection with the front setback line" (Section 110-4). As proposed, two of the three lots in this new subdivision are planned to be less than the minimum required 150 feet in width. Specifically, the width of the proposed 1.75-acre Lot 2 is shown to be 98.82', which would necessitate a 51.18' variance to allow approval; and the width of the proposed 1.33-acre Lot 3 is shown to be 109.91', which would necessitate a 40.09' variance to allow approval.

During the Planning and Zoning Commission meeting October 20, 2016, staff recommended approval of the lot width variance, offering the following findings:

- In this circumstance, the proposed substandard lot width is offset by the two new proposed lots' extraordinary depth (292+ feet) and resulting overall area.
- The proposed configuration of each lot will provide ample room for development of three new single-family homes.
- The overall effect of reduced lot widths on proposed Lots 2 and 3 will be negligible, if at all noticeable, given the properties' extraordinary lot depth and area in excess of 1.3 acres.
- Granting the proposed request will still allow for development of single-family homes of similar size to those now located on adjacent properties in the Oak Forest Estates Subdivision.
- The proposed lot configuration provides lots that are larger than properties in the adjacent Oak Forest Estates Subdivision and are in keeping with the development pattern in the general vicinity.

During the October 20th Planning and Zoning Commission meeting, several citizens spoke in opposition of the variance; their reasons are noted in the attached excerpt from the meeting minutes. Additionally, attached are emails from citizens who oppose the variance.

**Staff Analysis & Recommendation\***

During its regular meeting on October 20, 2016, the Planning and Zoning Commission voted to deny the requested variance by a vote of 6 to 3, finding the following:

- The Commission requires additional information regarding the potential impact to surrounding properties and any ongoing legal dispute.
- There were questions that have not been addressed regarding the ultimate development of the property including management of stormwater.

On October 24, 2016, Ms. Davis timely appealed the Commission's denial of this variance request to the City Council, as provided for by the Land and Site Development Ordinance Section 62-192.

**Options\***

(In Suggested Order of Staff Preference)

1. Uphold the P&Z's denial of the request; or
2. Uphold the P&Z denial of the request with instructions that the Planning and Zoning Commission revisit the matter during a future regular meeting to obtain additional information that may have been previously lacking; or
3. Reverse the P&Z's denial and approve the request for variance to lot width standards; or,
4. Reverse the P&Z's denial and approve the request for variance to lot width standards, subject to conditions the City Council deems necessary or desirable in the public interest. (This option may require consideration at a future City Council meeting.)

**Funding Source\***

N/A

**Attachments**

ATTACHMENTS CAF PV16-16, Lot Width Variance.docx

5.04MB

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

1. location map and aerial photo;
2. excerpt from October 20, 2016 P&Z meeting minutes;
3. staff report to the Planning & Zoning Commission;
4. letters and emails from nearby property owners; and
5. letter and email from the applicant.

**Dept. Head Signature**



*Kevin Russell*

**Deputy City Manager Signature**



*[Signature]*

**City Manager Signature**



*[Signature]*

**City Attorney Signature**



*Janis K. Hampton*