



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

Zoning Board of Adjustment
September 2, 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, September 2, 2014 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. Discussion of approved 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**
3. Consideration, possible action and discussion to approve meeting minutes.
 - July 1, 2014
4. Public hearing, presentation, possible action, and discussion to consider a building setback variance for the property located at West Park 2nd Addition, Block A, 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, September 2, 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. 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.



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
July 1, 2014
City Hall Council Chambers
1101 Texas Avenue
6:00 P.M.

MEMBERS PRESENT: Acting Chairman Johnny Burns, Rick Floyd, David Ohendalski, Jim Davis and Alternate Gary Erwin

MEMBERS ABSENT: Chairman Hunter Goodwin

STAFF PRESENT: Staff Assistant Deborah Grace-Rosier, Staff Planner Morgan Hester, Jessica Bullock and Jerry Cuaron, Principal Planner Jason Schubert, Assistant City Attorney John Haislet, Action Center Representative Jeremy Alderete

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

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

AGENDA ITEM NO. 2: Consideration of absence requests.

- Chairman Hunter Goodwin – July 1, 2014

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

AGENDA ITEM NO. 3: Discussion of requested Administrative Adjustments.

- (AA) – 3002, 3006, 3008, 3015 Papa Bear Drive; to allow driveways to be 2 feet wider
- (AA) – 4703 Camargo Court; to remove the rear setback by 2 feet

There was no discussion.

AGENDA ITEM NO. 4: Consideration, possible action and discussion to approve meeting minutes.

- **June 3, 2014 Meeting Minutes**

Board Member Erwin motioned to approve the minutes. Board Member Floyd seconded the motion, which passed (5-0).

AGENDA ITEM NO. 5: Public hearing, presentation, possible action, and discussion to consider a 10-foot rear setback variance for Lot 21, College Hills Woodlands Subdivision, generally located at 1109 Ashburn Avenue which is zoned GS General Suburban. Case # 14-900133

Staff Planner Hester presented the staff report and stated the applicant is requesting a reduction of 10 feet to the 20-foot rear setback. She ended her staff report by stating staff is recommending denial due to no special condition or hardship existing on the lot.

Acting Chairman Burns opened the public hearing.

Susan Droleskey, homeowner, stepped before the Board and was sworn in by Acting Chairman Burns. Ms. Droleskey gave a presentation and spoke in favor of the variance request.

There was general discussions amongst the Board.

Bob Droleskey, homeowner, stepped before the Board and was sworn in by Actin Chairman Burns. Mr. Droleskey spoke in favor of the variance request.

Mary Wells, 1106 Ashburn, stepped before the Board and was sworn in by Acting Chairman Burns. Ms. Wells spoke in favor of the variance request.

Acting Chairman Burns closed the public hearing.

Board Member Davis motioned to deny the variance request due to no special condition or hardship existing on the property. Board Member Erwin seconded the motion.

There was general discussions amongst the Board.

Acting Chairman called for the vote to deny. The Board voted (5-0) to deny the variance request.

AGENDA ITEM NO. 6: Public hearing, presentation, possible action, and discussion to consider a sign variance for the property located at Lot 1, Block V, University Park Phase 2, generally located at 809 University Drive East, Suite 100-A, which is zoned GC General Commercial with OV Corridor Overlay. Case # 14-900150

Staff Planner Hester presented the staff report and stated that the applicant is requesting to allow two roof signs on the building in a building plot where a freestanding sign already exists. She ended her staff report by saying staff was recommending approval as a topographical hardship does exist on the property affecting the site's visibility.

There was general discussion amongst the Board.

Acting Chairman Burns opened the public hearing.

Brian Sowell, 1203 University Oaks Blvd, College Station, TX., representative for the applicant, stepped before the Board and was sworn in by Acting Chairman Burns. Mr. Sowell gave a brief presentation and spoke in favor of the variance request.

Tai Lee, 805 Dove Landing Avenue, College Station, TX., proposed tenant, stepped before the Board and was sworn in by Acting Chairman Burns. Mr. Lee spoke in favor of the variance request.

There was general discussion amongst the Board.

Acting Chairman Burns closed the public hearing

Board Member Ohendalski motioned to approve the sign variance due to the topography of the property: and substantial hardship to the applicant being: inability to see the signage under strict ordinance conditions. Board Member Floyd seconded the motion, which passed (5-0)

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.

There were no items discussed.

AGENDA ITEM NO. 8: Adjourn.

Board Member Davis motioned to adjourn. Board Member Ohendalski seconded the motion, which passed (5-0). The meeting was adjourned at 7:30.

ATTEST:

Deborah Grace-Rosier, Staff Assistant

APPROVED:

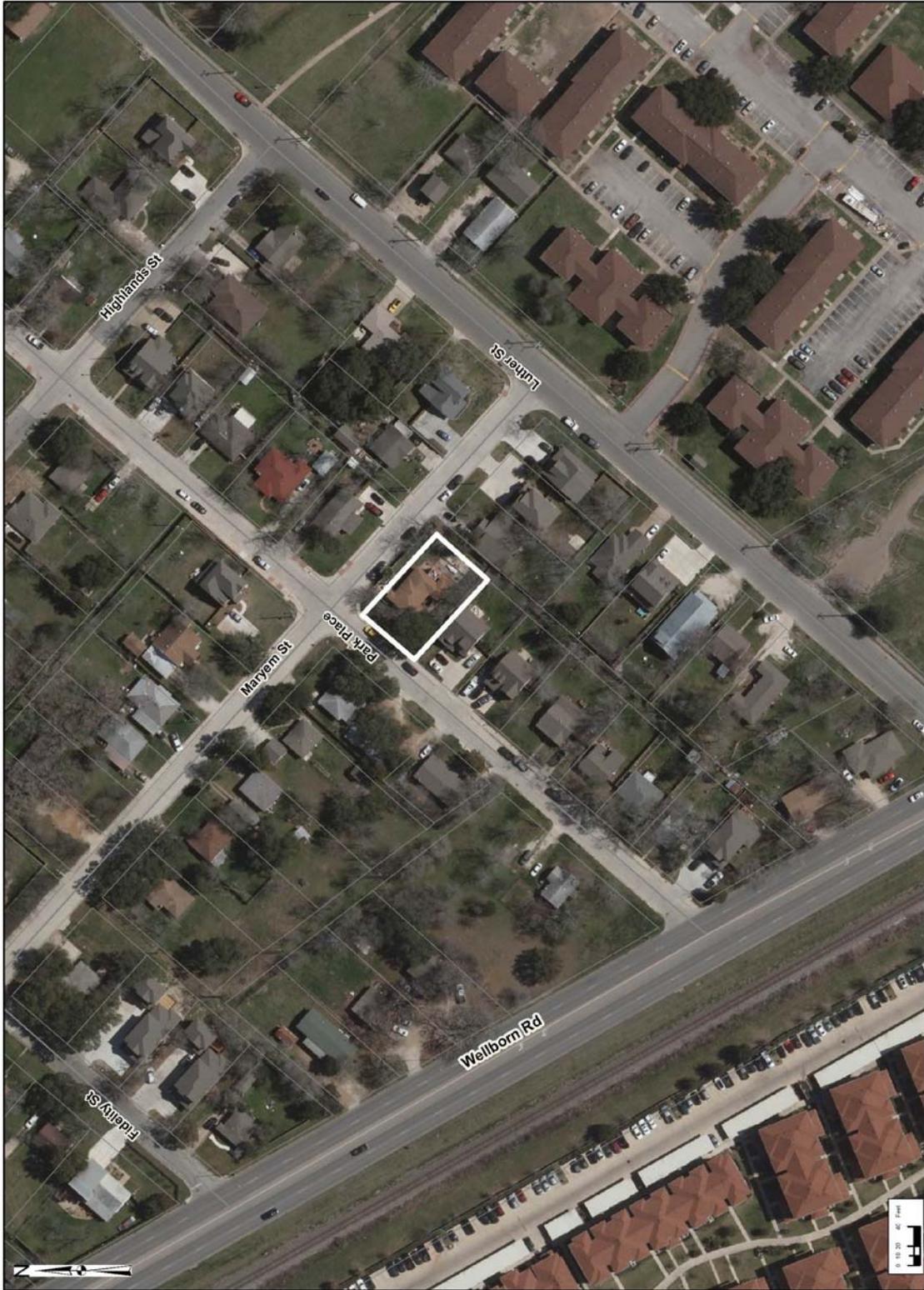
Acting Chairman Johnny Burns



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 2nd Addition, Block A, 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 Second 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.



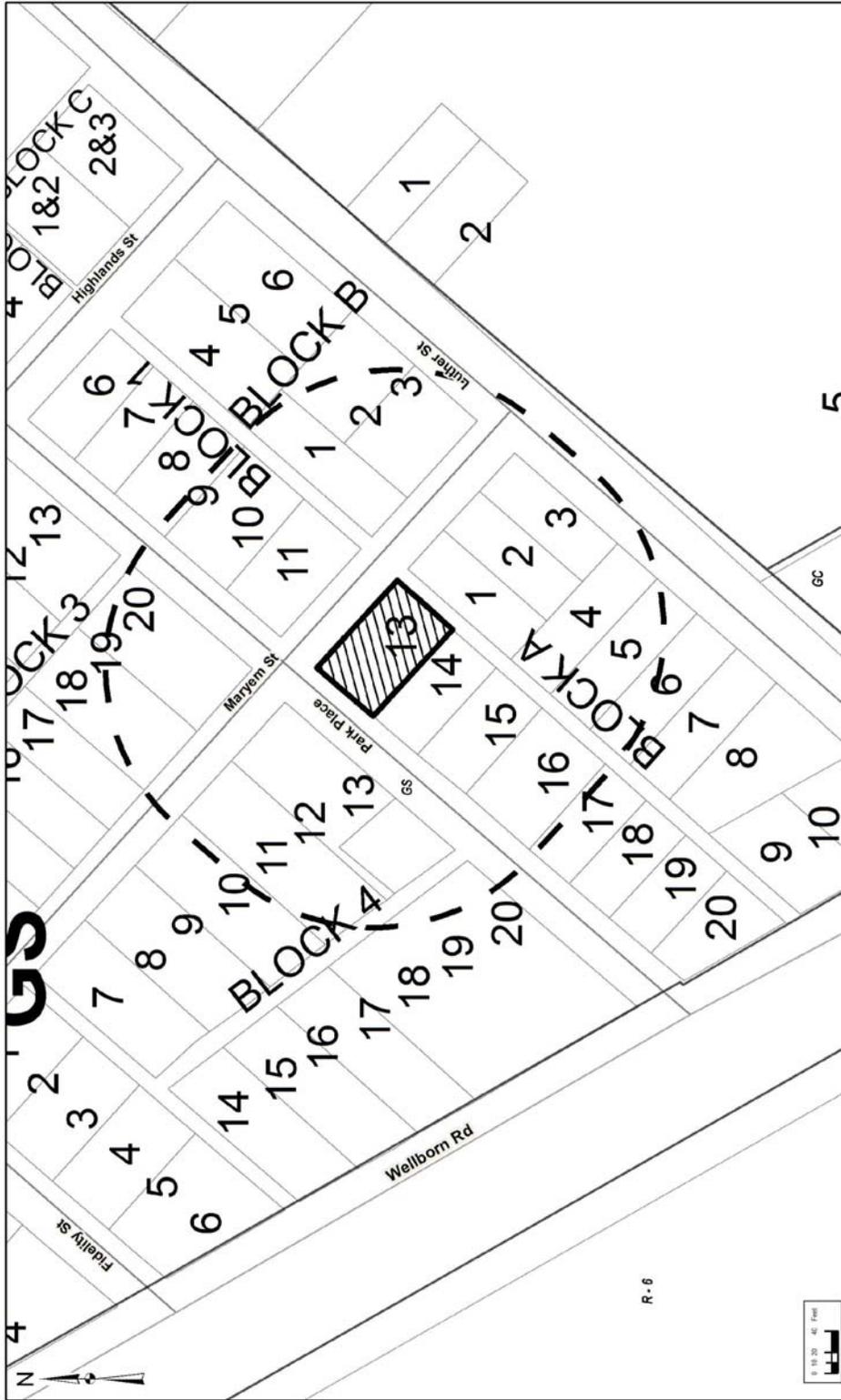
ZBA

Case: 14-190

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-MJD	Planned Mixed-Use Development	KO	Krenek Tap Overlay

	DEVELOPMENT REVIEW	114 PARK PLACE	Case: 14-190	ZBA
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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
Subject Property	GS General Suburban	Single-Family Residence
North (Across Park Place)	GS General Suburban	Single-Family Residence
South	GS General Suburban	Single-Family Residence
East (Across Maryem Street)	GS General Suburban	Single-Family Residence
West	GS General Suburban	Single-Family Residence

PHYSICAL CHARACTERISTICS

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

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 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.

SUPPORTING MATERIALS

1. Application
2. Survey and supporting information



FOR OFFICE USE ONLY	
CASE NO.:	<u>14120</u>
DATE SUBMITTED:	<u>8.6.14</u>
TIME:	<u>4:21</u>
STAFF:	<u>BO</u>

ZONING BOARD OF ADJUSTMENT APPLICATION

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 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 114 PARK PLACE COLLEGE STATION

LEGAL DESCRIPTION (Lot, Block, Subdivision) LOT 13 BLOCK 1 WEST PARK

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

Name TIM KRIVDO E-mail TKrivdo@gmail.com

Street Address 114 PARK PLACE

City COLLEGE STATION State TX Zip Code 77840

Phone Number (979) 571-9999 Fax Number _____

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

Name TIM + AMBER KRIVDO E-mail TKrivdo@gmail.com

Street Address 114 PARK PLACE

City COLLEGE STATION State TX Zip Code 77840

Phone Number (979) 571-9999 Fax Number _____

Current zoning of subject property _____

Action requested (check all that apply):

- | | |
|--|---|
| <input checked="" 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 type="checkbox"/> Other _____ |

Applicable ordinance section to vary from:

12-5.2

GENERAL VARIANCE REQUEST

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

8'-0" on a 20'-0" REAR SET BACK

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.

CORNER LOT. THE FOUNDATION IS EXISTING.
THE FOUNDATION IS WITHIN THE 10'0 RESTRICTION REQUIRES

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 BUILDING AREA OF THE CORNER LOT IS RESTRICTING
EXISTING CONDITIONS HAVE FORCED A VARIANCE OF 8'0"

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

I HAVE NO ALTERNATIVE IN THE PLACEMENT OF THE
BUILDING FOOTPRINT IN REGARD TO GARAGE CONSTRUCTION.

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

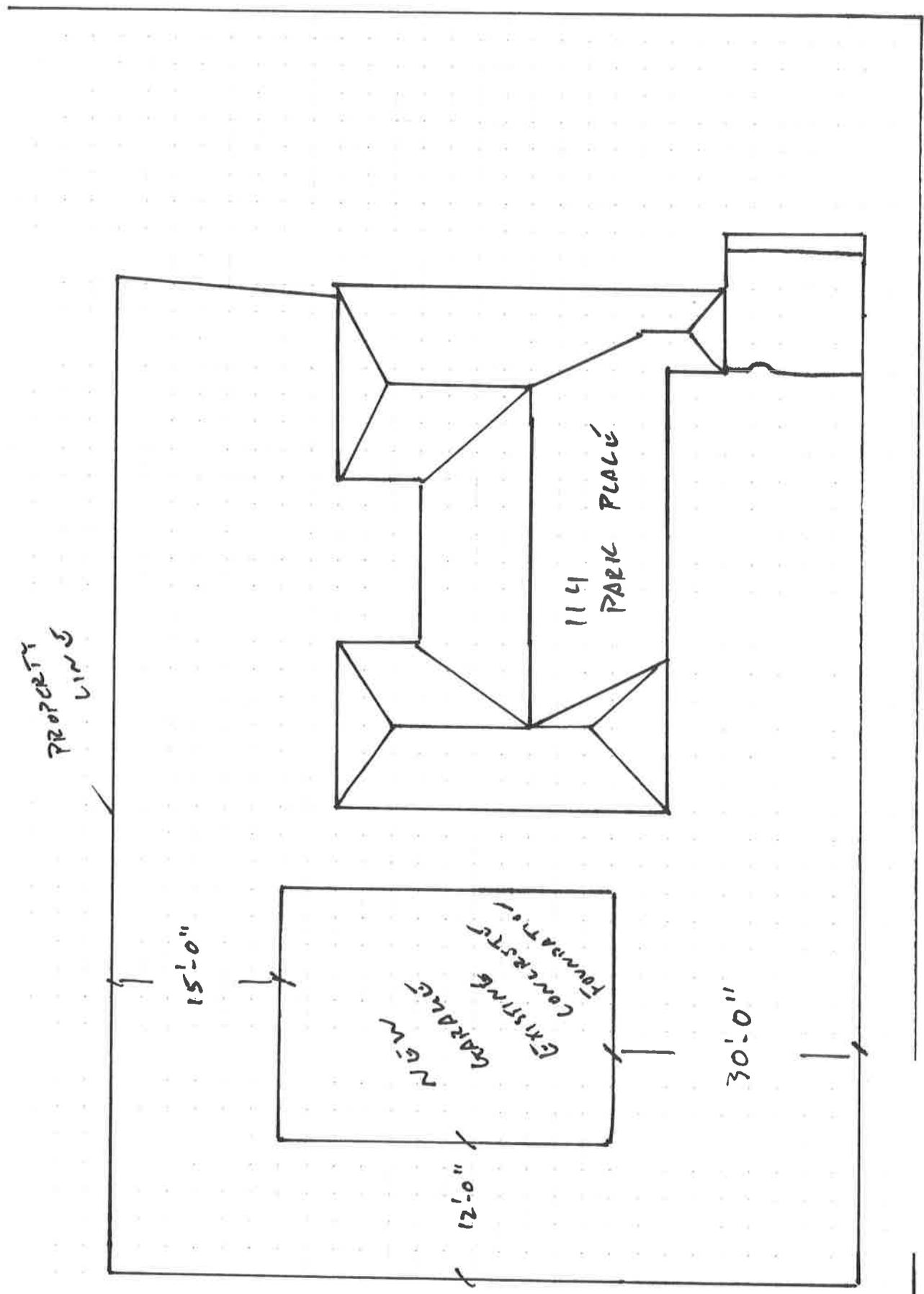
THERE APPEARS TO BE NO PUBLIC INTEREST IN THIS REQUEST

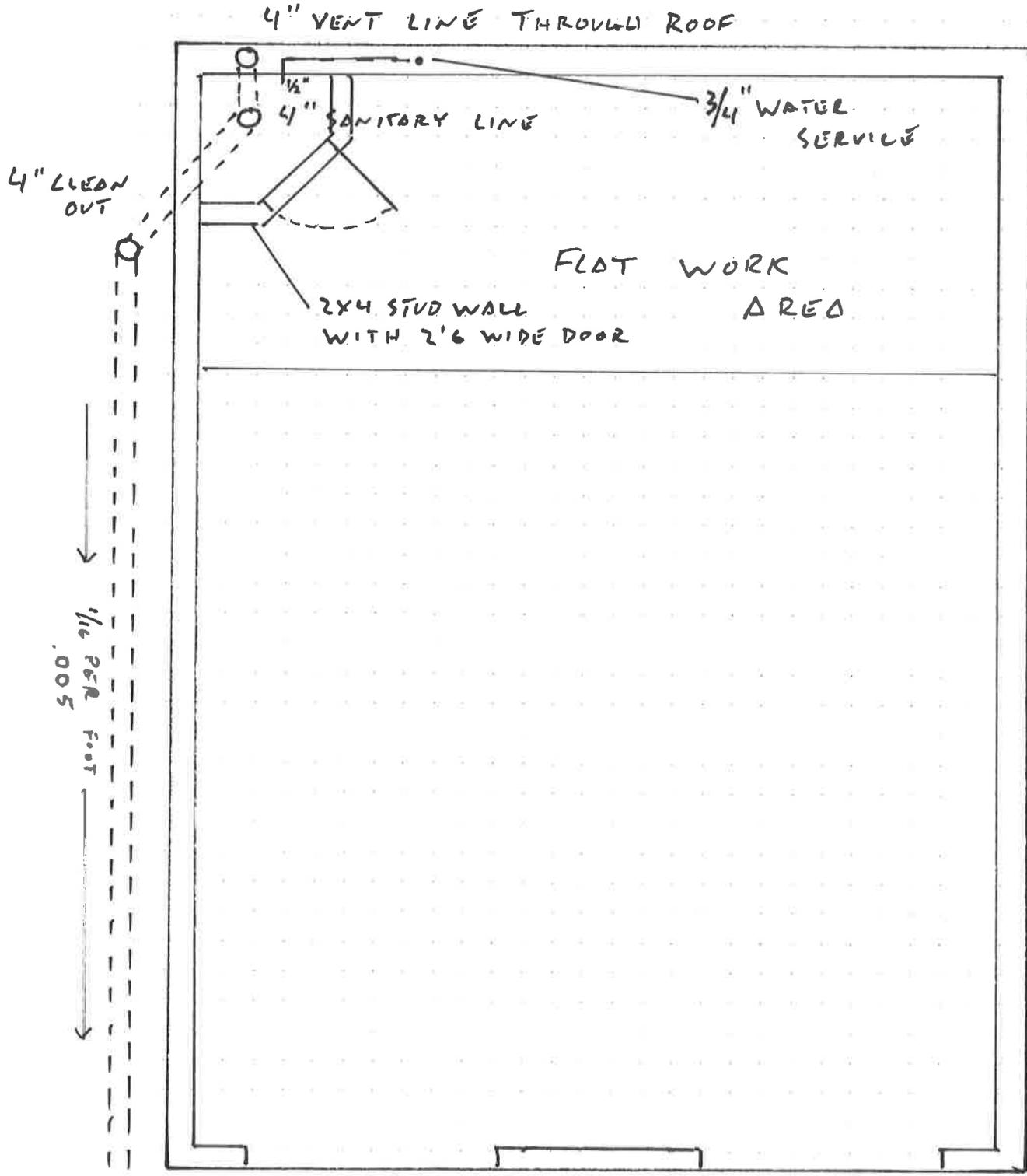
The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true, correct, and complete. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement from 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.

 OWNER
Signature and title

8/6/14
Date

PARK PLACE

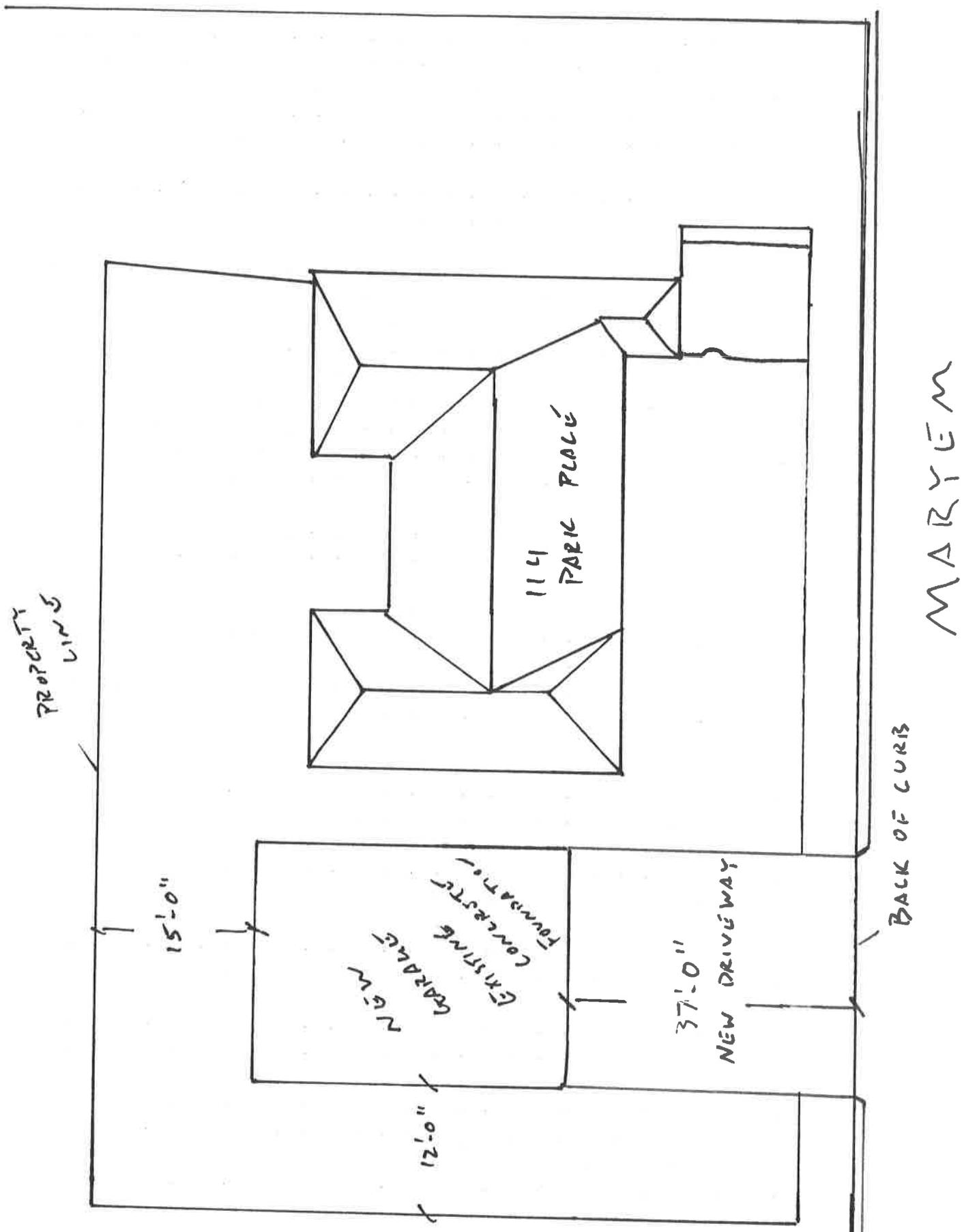


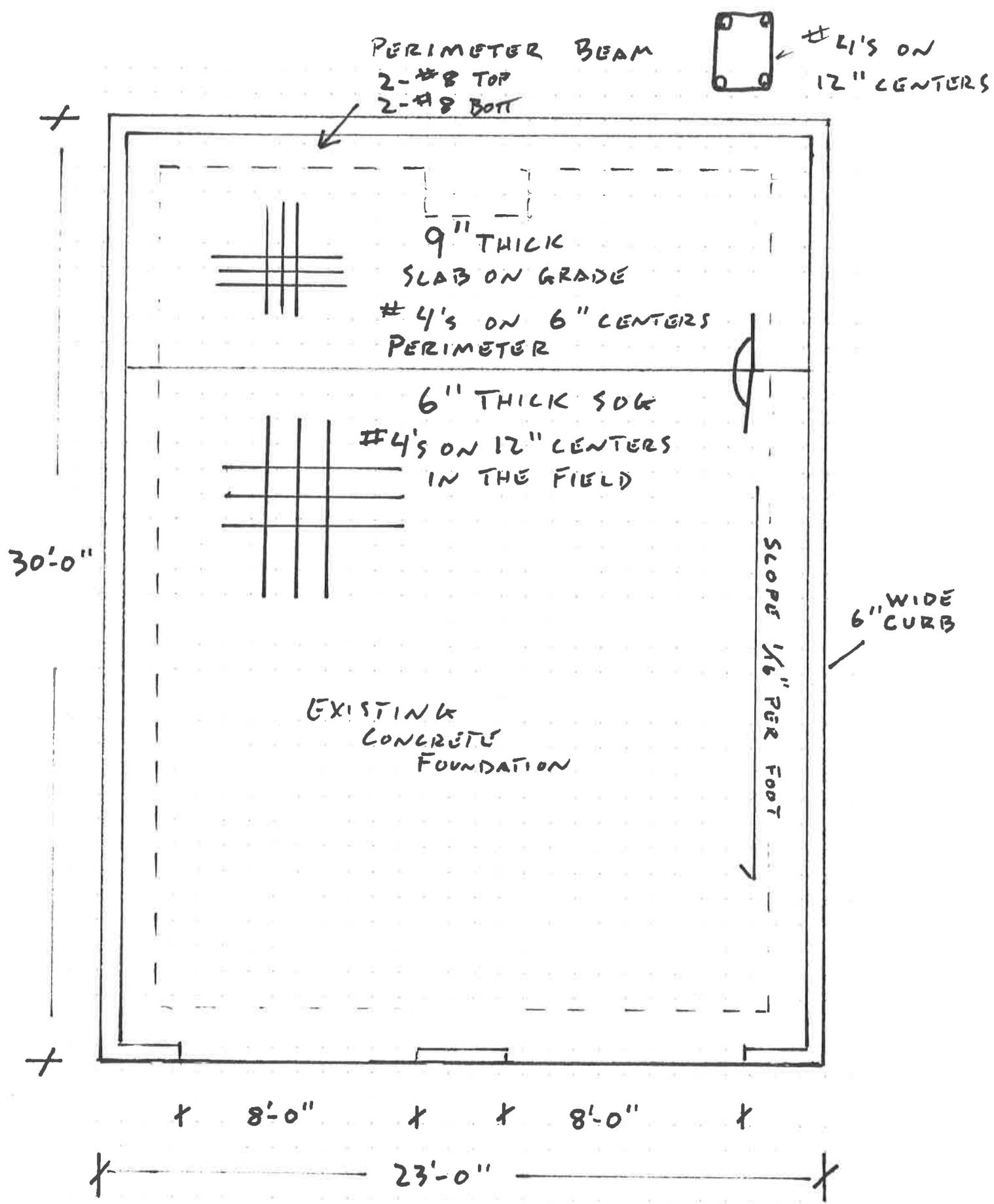


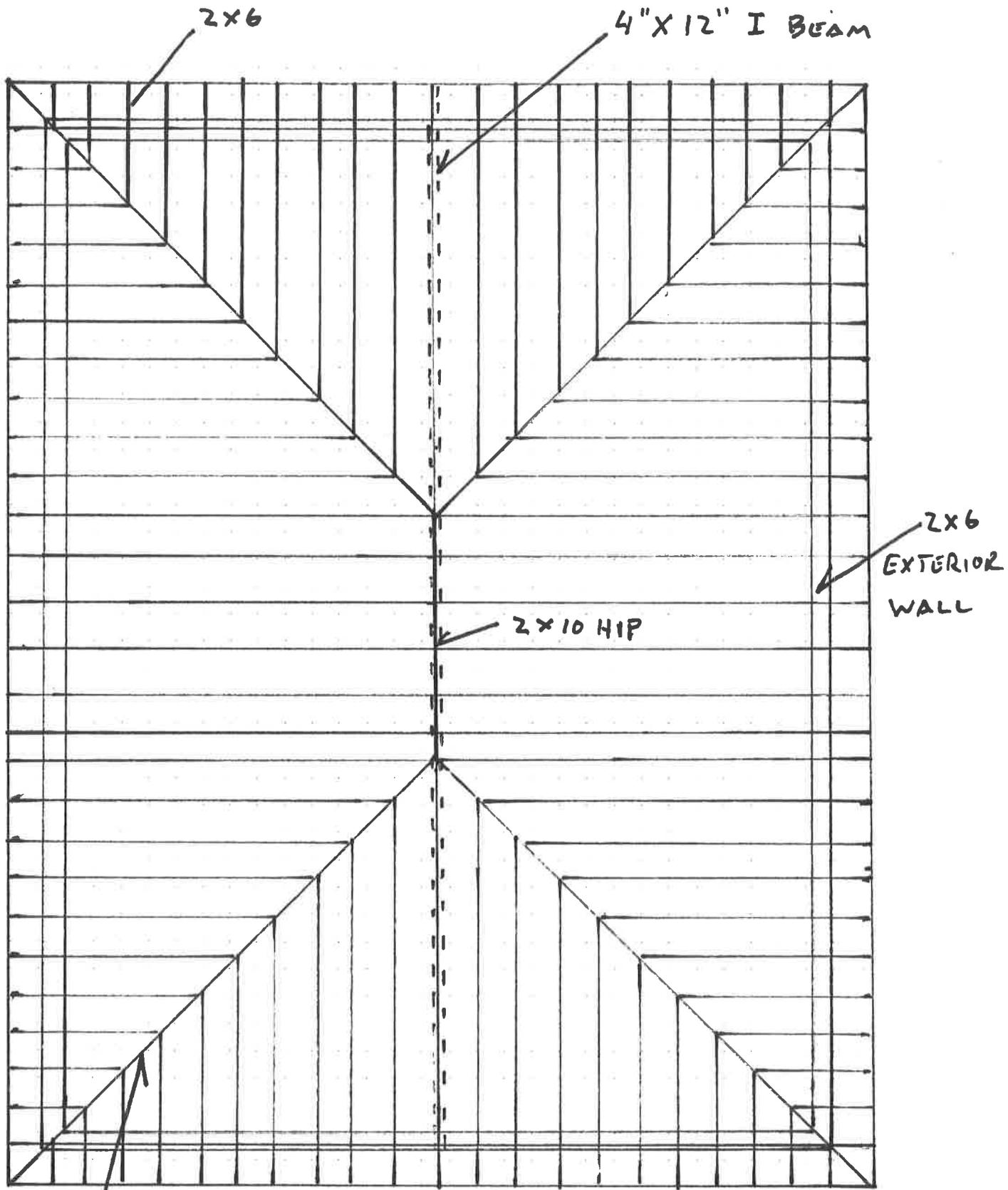
SANITARY SEWER PLAN

TIE INTO MAIN SEWER LINE ON MARYEM

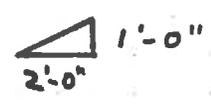
PARK PLACE



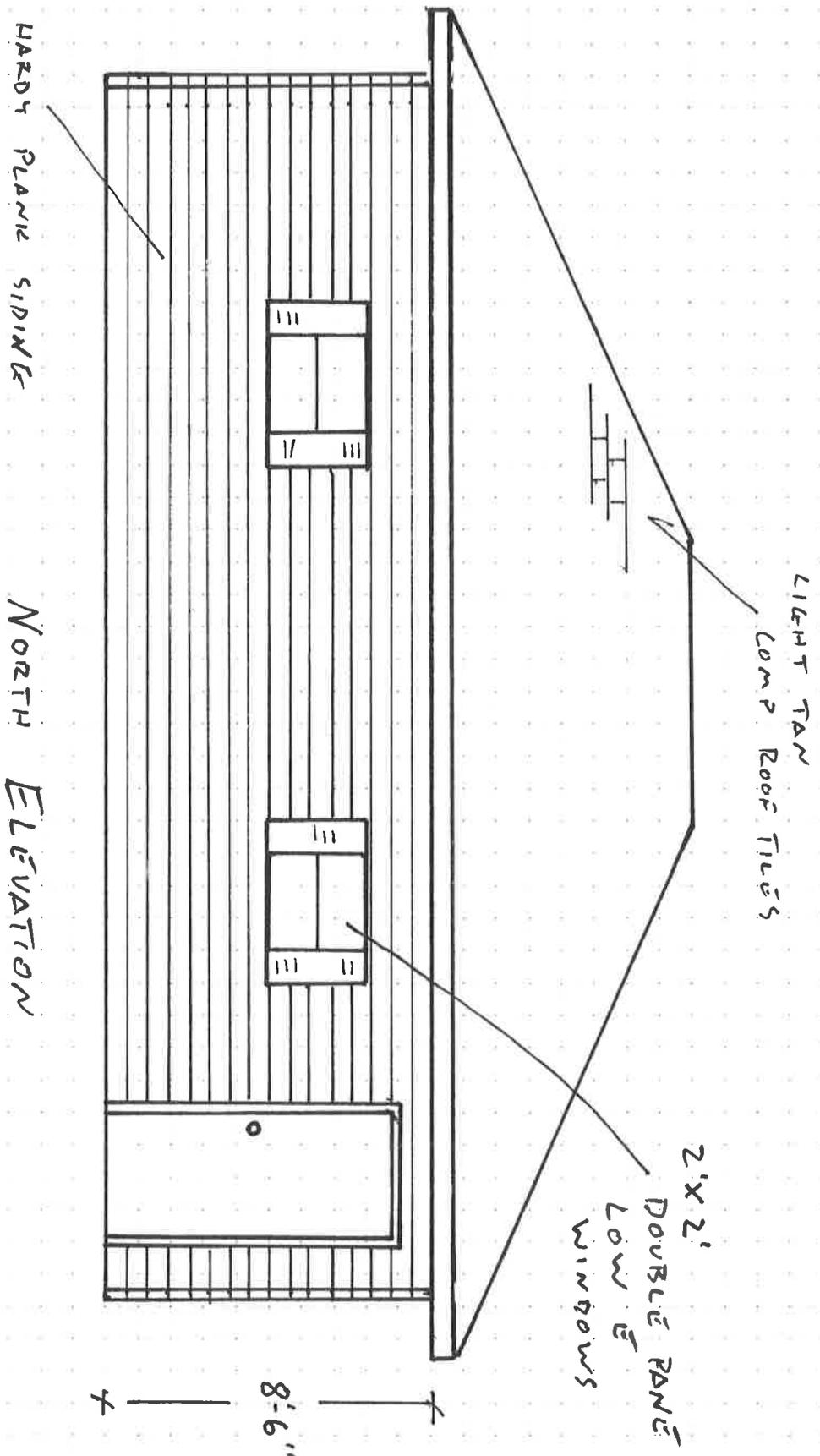


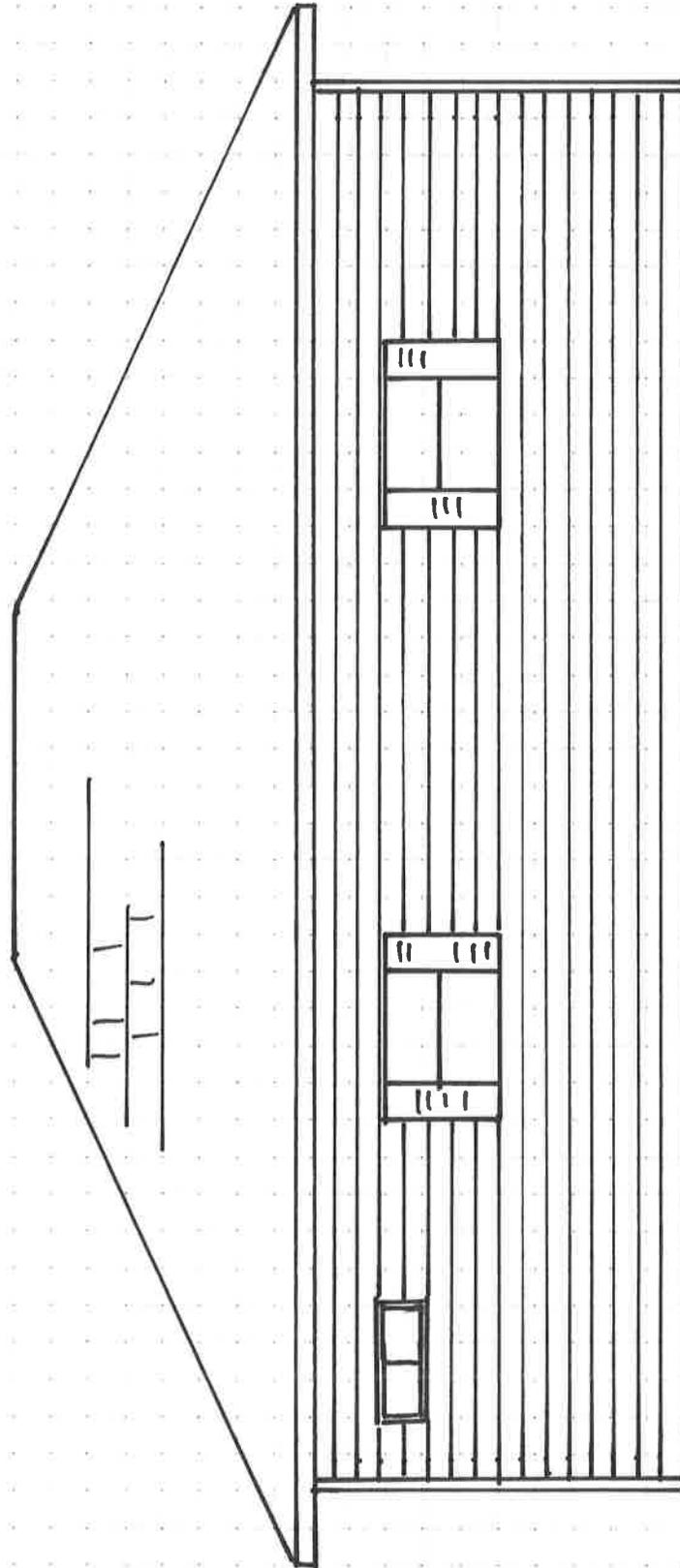


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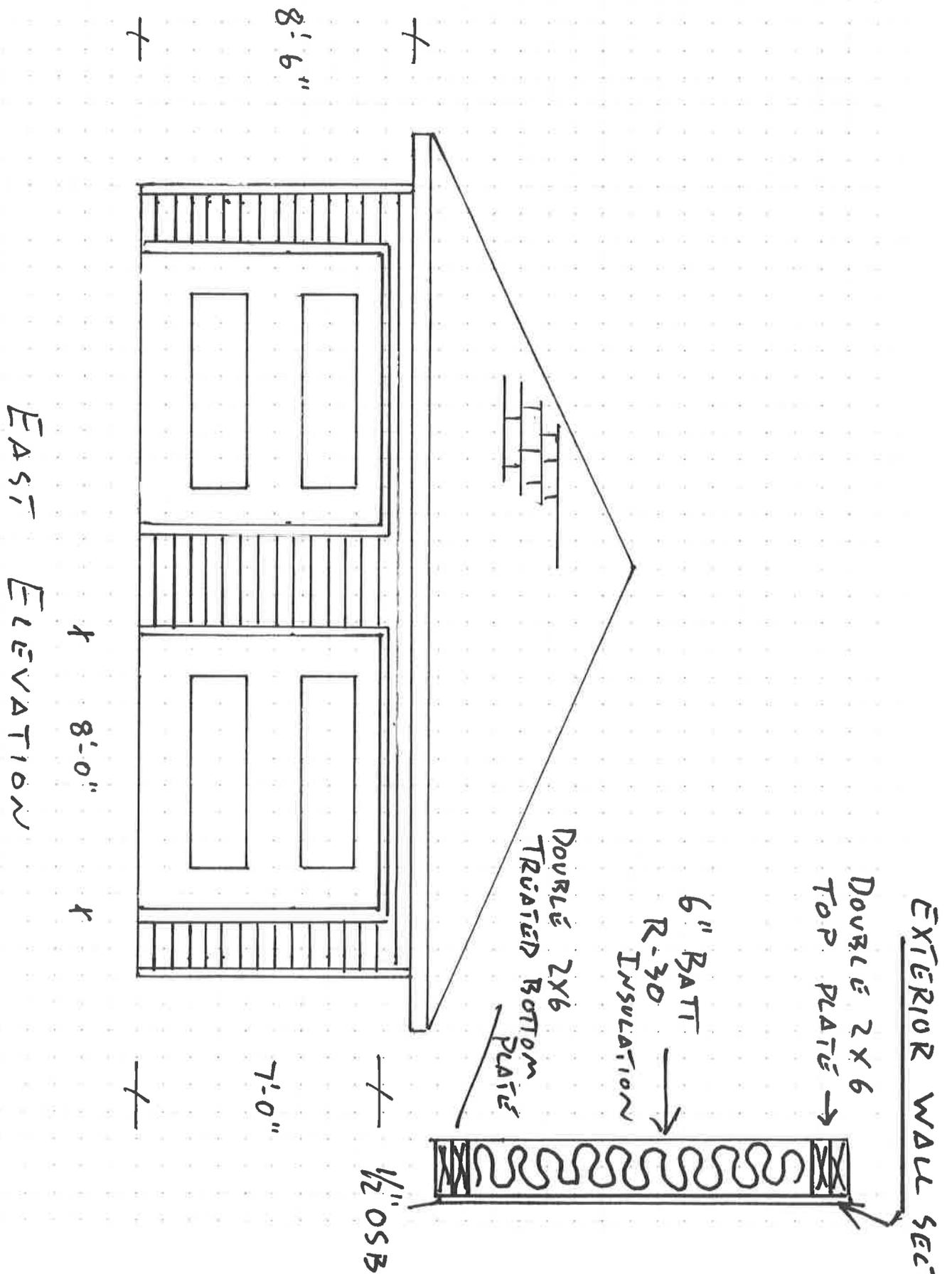


ROOF JOIST LAYOUT

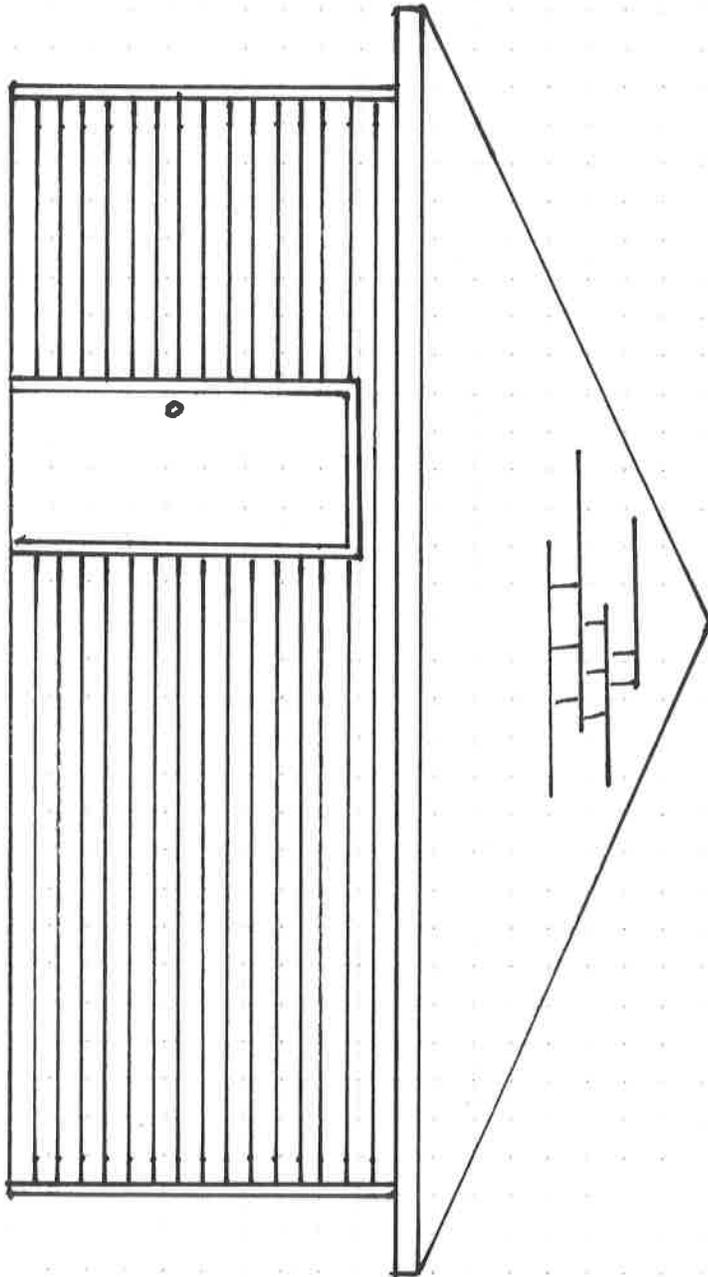




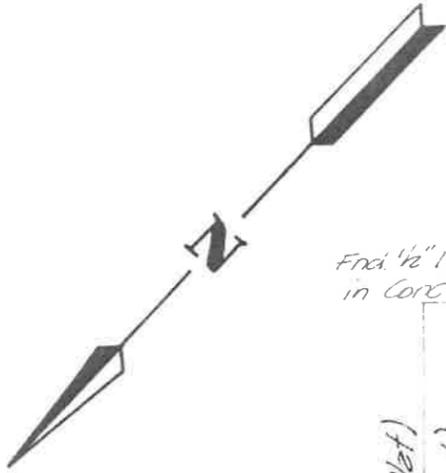
SOUTH ELEVATION



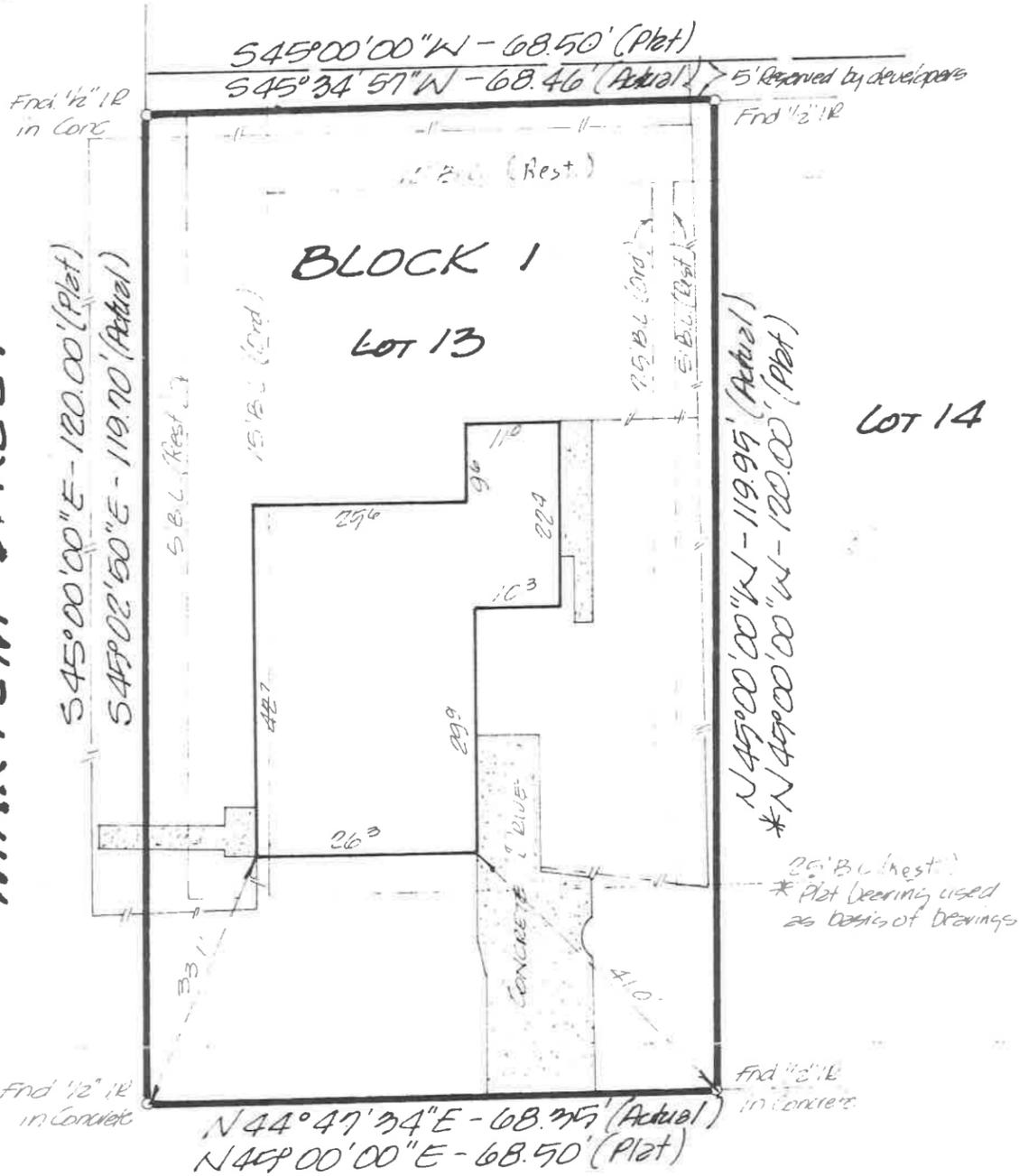
WEST ELEVATION



Scale: 1" = 20'



MARYEM STREET



114 PARK PLACE

Timothy P. Krivdo, et-ux, Adriana

13 Block 1 of the WEST PARK ADDITION
 College Station, Brazos County, Texas according to the plat recorded
 102 Page 198 of the Deed ~~102~~ Records of Brazos County, Texas.
 I, DONALD E. GARRETT, a Licensed Professional Land Surveyor, No. 2072 do hereby certify that the above plat is true
 and correct in all respects with a survey made in the presence of the public surveyor on August 21, 1995
 and that I have no improvements on the property, nor on an adjacent property nor do any improvements on
 the property, nor on an adjacent property, nor on the property, nor on an adjacent property, nor on the property, nor on an adjacent property.
 This property is not in a 100-year flood hazard area.

Donald E. Garrett