



College Station, TX

Meeting Agenda
Zoning Board of Adjustment
1101 Texas Ave, College Station, TX 77840
Internet: <https://zoom.us/j/84505236526>
Phone: 888 475 4499 and Webinar ID: 84505236526

The City Council may or may not attend this meeting.

May 3, 2022

6:00 PM

City Hall Council Chambers

Notice is hereby given that a quorum of the meeting body will be present in the physical location stated above where citizens may also attend in order to view a member(s) participating by videoconference call as allowed by 551.127, Texas Government Code. The City uses a third-party vendor to host the virtual portion of the meeting; if virtual access is unavailable, meeting access and participation will be in-person only.

1. Call meeting to order and consider absence requests.

2. Agenda Items

2.1. Consideration, discussion, and possible action to approve meeting minutes:

Attachments: 1. February 1, 2022

2.2. Discussion of Approved Administrative Adjustments:

- AWV2022-000004 315 College Main; Exterior Building Materials

Sponsors: Jesse Dimeolo

2.3. Public Hearing, presentation, discussion and possible action regarding a side setback variance to Unified Development Ordinance Section 5.2 'Residential Dimensional Standards' for Pebble Creek Ph 9B Block 38 Lot 1, generally located at 5214 Quaker Ridge Drive. The subject property is zoned GS General Suburban. Case #AWV2022-000003

Sponsors: Robin Macias

Attachments:

1. Staff Report
2. Applicant's supporting information
3. HOA Letters of Approval
4. Site Plan
5. Vicinity Map, Aerial, and Small Area Map

3. Discussion and possible action on future agenda items.

A 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.

4. Adjourn.

Adjournment into Executive Session may occur in order to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website and at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on April 27, 2022 at 5:00 p.m.

City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."



MINUTES
ZONING BOARD OF ADJUSTMENT
Regular Meeting
February 1, 2022 6:00 P.M.
Internet: <https://zoom.us/j/87163600072>
Phone: *888 475 4499 and Meeting ID: 871 6360 0072

MEMBERS PRESENT: Chairperson Fred Dupriest, Rachel Smith, Roger Winkler, Phillip Melton, and Chad Jackson

CITY STAFF PRESENT: Michael Ostrowski, Molly Hitchcock, Robin Macias, Adam Falco, and Crystal Fails

1. Call meeting to order

Chairperson Dupriest called the meeting to order at 6:02 p.m.

2. **Agenda Items**

- 2.1. Consideration, discussion, and possible action to approve meeting minutes:

Board Member Smith motioned to approve the meeting minutes from May 4, 2021; seconded by Board Member Winkler. Motion passed (5-0).

- 2.2. Discussion of Approved Administrative Adjustments:

- AWV2021-000015 Gringos; 4300 State Highway 6 S.; Parking Space Length (JD)
- AWV2021-000011 315 College Main; Parking Space Length (JD)
- AWV2021-000018 Fish Daddy's; 1611 University Dr.E.; Number of Off-Street Parking Spaces (JD)
- AWV2021-000020 201 Gilchrist Ave. & 1209 Foster Ave.; Lot Width (DW)
- AWV2021-000023 5927 Eldora; Side Street Setback (JD)

There was no discussion.

- 2.3. Public Hearing, presentation, discussion and possible action regarding a side setback variance to Unified Development Ordinance (UDO) Section 5.2 'Residential Dimensional Standards' and a height variance to Section 6.5.B.4.b 'Accessory Structures' for the property located at 4107 Pomel Circle. The subject property is zoned GS General Suburban. Case #AWV2021-000022

Robin Macias, Staff Planner, presented the staff report and stated that the applicant is requesting a variance to allow a reduction in the side setback of one (1) foot and to allow

a structure that is nine (9) feet in height, which is taller than the eight feet height limitation.

Staff recommends denial of the request due to the fact that the request does not meet the specified criteria. Specifically:

1. There are no extraordinary conditions affecting the land depriving the owner of its use;
2. The variance is not necessary for the enjoyment of a sustainable property right;
3. The property is not unique compared to other lots;
4. A hardship has only occurred due to the applicant's own actions; and
5. The requirements do not restrict the applicant from utilizing their property.

There was general discussion amongst the Board regarding the variance request and the existing structures.

Chairperson Dupriest opened the public hearing.

Citizen, Kevin Joyner, 4106 Pomel Circle, spoke in favor of the variance request.

Citizen, Charles Carlson, 4108 Pomel Circle, spoke in favor of the variance request.

Chairperson Dupriest closed the public hearing.

There was general discussion amongst the Board regarding the variance request, the existing structures, the character of the property and neighborhood, and the size of the proposed additional accessory structure.

Board Member Smith motioned to deny the variance as it will be contrary to the public interest, due to the lack of any special conditions, and because a strict enforcement of the provisions of the ordinance would not result in unnecessary hardship to the applicant; seconded by Board Member Melton. Motion to deny passed (5-0).

- 2.4. Presentation, discussion, and possible action regarding an update to the Zoning Board of Adjustment Rules and Procedures.

Molly Hitchcock, Assistant Director, presented the board members an update to the rules and procedures of the Zoning Board of Adjustments.

Board Member Smith motioned to approve the rules and updates; seconded by Board Member Winkler. Motion to approved passed (5-0).

3. Discussion and possible action on future agenda items - A 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 discussion.

4. Adjourn.

The meeting adjourned at 6:25 p.m.

Approved:

Attest:

Fred Dupriest, Chairperson

Crystal Fails, Staff Assistant



**VARIANCE REQUEST
FOR
5214 QUAKER RIDGE DRIVE
AWV2021-000022**

REQUEST: A 4-foot reduction to the minimum 7.5-foot side setback as set forth in Section 5.2 'Residential Dimensional Standards'.

LOCATION: 5214 Quaker Ridge Drive
Pebble Creek, PH 9B, Block 38, Lot 1

ZONING: GS General Suburban

PROPERTY OWNER: Katherine Kleemann

APPLICANT: Katherine Kleemann

PROJECT MANAGER: Robin Macias, Staff Planner
rmacias@cstx.gov

BACKGROUND: The applicant is seeking to build an approximately 692 sq ft addition to their 3,264 sq ft home within the 7.5-foot side setback along the property line that abuts the HOA common area. The applicant did provide letters from the HOA showing HOA approval of their request. The proposed addition requires a variance to Section 5.2 'Residential Dimensional Standards' and would be a reduction of approximately 4 feet into the required 7.5-foot side setback, making the side setback between the home and the fence/property line 3.5 feet. It is worth noting that with the proposed addition to the home, it appears the lot would be within the maximum 55% of Impervious Cover allowed by Section 5.2, but additional information would be required to confirm this during the building permit process. If the Impervious Cover requirement is not met, backyard modifications or an additional variance would be required at that time.

**APPLICABLE
ORDINANCE SECTION:** UDO Section 5.2 'Residential Dimensional Standards'

ORDINANCE INTENT: UDO Section 5.2 'Residential Dimensional Standards' sets minimum setback standards that 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.

NOTIFICATIONS

Advertised Board Hearing Date: May 3, 2022

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:

Pebble Creek HOA

Property owner notices mailed: 13
Contacts in support: None at the time of this report
Contacts in opposition: None at the time of this report
Inquiry contacts: One at the time of this report

ADJACENT ZONING AND LAND USES

Direction	Zoning	Land Use
Subject Property	GS General Suburban	Single-Family Home
North	GS General Suburban	Single-Family Home
South	GS General Suburban	HOA Common Area
East	GS General Suburban	Quaker Ridge Drive ROW
West	GS General Suburban	HOA Common Area

PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 91 feet of frontage on Quaker Ridge Drive.
2. **Access:** The subject property takes access from Quaker Ridge Drive.
3. **Topography and vegetation:** The subject property is relatively flat with a few existing trees.
4. **Floodplain:** The subject property is not located within FEMA regulated floodplain.

REVIEW CRITERIA

According to Unified Development Ordinance Section 3.19.E 'Criteria for Approval of Variance', no variance shall be granted unless the Board makes affirmative findings in regard to all nine of the following 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.*

Staff has found no extraordinary or special condition exists that would deprive the applicant a reasonable use of the land. The applicant has stated that the adjacent HOA greenbelt against their small lot are special conditions to be considered. The greenbelt weaves through the neighborhood and is adjacent to many of the lots. While there are larger lots within the subdivision, the lots on the same block face as the subject property are generally the same size.

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 applicant can still build an addition to the home within the existing 7.5 ft side setback and be in compliance with Section 5.2 'Residential Dimensional Standards' of the UDO. If the variance is not granted, the applicant is not being denied a substantial property right of a single-family lot.

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 the 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 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. The surrounding properties are platted lots within the Pebble Creek Subdivision.

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 as the site is already developed and 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.*

The Residential Dimensional Standards apply to all property within the GS General Suburban zoning district and are not unique to this property. There are many other lots that abut the common area and the lots within the same block face as the subject property are generally the same size.

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

A hardship has occurred based upon the applicant's own actions and does not occur due to an extraordinary condition of the land. The applicant is seeking to build 4 feet into the 7.5-foot side setback 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 and with 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 standards to this particular property does not restrict the applicant in the utilization of their property. The applicant is still able to utilize their property as a single family lot and build an addition while still being within the setback.

ALTERNATIVES

The applicant is proposing to add an approximately 692 sq ft addition to the existing home. The applicant could reduce the the square footage of the addition to their home or redesign it so that it could fall within the 7.5-foot side setback line and meet the requirements set forth in Section 5.2 'Residential Dimensional Standards' of the UDO.

STAFF RECOMMENDATION

The applicant is seeking a 4-foot variance to the minimum 7.5-foot side setback as set forth in Section 5.2 'Residential Dimensional Standards'. Due to the lack of meeting all of the required criteria, including having a special condition that has resulted in a hardship on the property, Staff recommends denial of the variance request.

ATTACHMENTS

1. Applicant's Supporting Information
2. HOA Letters of Approval
3. Site Plan
4. Vicinity Map, Aerial, and Small Area Map



APPEAL/WAIVER APPLICATION SUPPORTING INFORMATION

Name of Project: WAIVER OF THE 7.5 FT. VARIANCE ON GREENBELT SIDE OF OUR LOT

Address: 5214 QUAKER RIDGE DR

Legal Description: PEBBLE CREEK PH 9B, BLOCK 38, LOT 1

Applicant: KATHERINE KLEEMANN

Property Owner: KLEEMANN JUSTIN L & KATHERINE

Applicable ordinance section being appealed/seeking waiver from:

Pebble Creek Phase 9B deed restrictions which require a 7.5 f. left side building set-back

The following specific variation to the ordinance is requested:

3 ft. 5 inch left side building set-back which has been already approved by the Pebble Creek Owners Association and the Architectural Control Committee because on the left side of the property is a green belt owned by the Pebble Creek Owners Association.

The following special condition exists:

The size of the property is small but the green belt on the left side allows for the building on this property to expand and not cause any issues to the public interest.

The unnecessary hardship(s) involved by meeting the provisions of the ordinance other than financial hardship is/are:

Based on article 3:19 section Eb: Enjoyment of substantial property right. We are unable to enjoy the fullness of our property. We would like to add on to our house for our growing family. This is the only way to do that on this lot and again we would not be requesting this if we felt it would ADD hardship to anyone.

The following alternatives to the requested variance are possible:

There are none on this size property.

The variance will not be contrary to public interest due to:

Since nothing will be built in the common area (green belt) owned by the Pebble Creek Owners Association, there will be no danger to other structures due to the variance and no increased danger to this proposed structure.



MARCH 9, 2022

JUSTIN & KATHERINE KLEEMANN
5214 QUAKER RIDGE DRIVE
COLLEGE STATION, TX 77845

DEAR MR. AND MRS. KLEEMAN,

ON MARCH 1, 2022, THE ARCHITECTURAL CONTROL COMMITTEE MET AND REVIEWED THE HOME ADDITION PLANS FOR **PEBBLE CREEK PHASE 9B; BLOCK 38; LOT 1**. THE PLANS THAT YOU SUBMITTED WERE **APPROVED** WITH THE REQUESTED VARIANCE. PLEASE SEE THE ENCLOSED VARIANCE LETTER APPROVING THE REQUESTED VARIANCE.

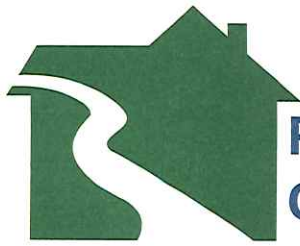
PLEASE NOTE THAT UPON APPROVAL OF PLANS AND SPECIFICATIONS, NO FURTHER APPROVAL IS REQUIRED UNLESS CONSTRUCTION HAS NOT SUBSTANTIALLY COMMENCED WITHIN NINETY (90) DAYS OF THE APPROVAL OR UNLESS THE PLANS AND SPECIFICATIONS ARE MATERIALLY ALTERED OR CHANGED DURING CONSTRUCTION. ONCE CONSTRUCTION HAS COMMENCED, CONSTRUCTION SHALL BE PROSECUTED DILIGENTLY UNTIL COMPLETION, WHICH SHALL OCCUR NOT MORE THAN ONE (1) YEAR FOLLOWING THE COMMENCEMENT OF CONSTRUCTION SUBJECT TO DELAYS ("EXCUSED DELAYS") CAUSED BY EVENTS BEYOND THE REASONABLE CONTROL OF THE OWNER. DURING THE CONSTRUCTION PROCESS, THE OWNER SHALL NOT PERMIT DELAYS, OTHER THAN EXCUSED DELAYS, OF MORE THAN FORTY-FIVE (45) CONSECUTIVE DAYS.

ENCLOSED YOU WILL FIND A SET OF THE APPROVED PLANS FOR YOUR RECORDS. WE CERTAINLY APPRECIATE YOU SUBMITTING THE PLANS FOR REVIEW. PLEASE LET US KNOW IF WE CAN ASSIST YOU IN ANY WAY.

SINCERELY,

Erica Roberts Earp

ASSOCIATION MANAGER
ON BEHALF OF THE ARCHITECTURAL CONTROL COMMITTEE OF PEBBLE CREEK



Pebble Creek Owners Association

March 9, 2022

Justin & Katherine Kleemann
5214 Quaker Ridge Drive
College Station, TX 77845

Dear Mr. and Mrs. Kleeman,

On January 25, 2022, the Pebble Creek Owners Association Board of Directors met and reviewed the home addition plans for your property and recommended that the Architectural Control Committee of Pebble Creek approve the plans and approve a left side setback variance that will allow a 3-foot 5-inch left side setback to accommodate the addition. During the meeting, the board specified that the variance will only be allowed due to your left side property line being shared with common area land owned by the Pebble Creek Owners Association.

Following the board meeting, on March 1, 2022, the Architectural Control Committee of Pebble Creek met and reviewed the home addition plans for your house located on ***Pebble Creek Phase 9B; Block 38; Lot 1***. As previously noted, the plans submitted indicate a 3-foot 5-inch left side building setback.

The committee acknowledged that a 3-foot 5-inch left building setback does not comply with the Pebble Creek Phase 9B deed restrictions, which require a 7-foot 6-inch left side building setback but has agreed to grant a variance for this particular setback. This variance is intended to be perpetually binding upon the Architectural Control Committee of Pebble Creek from this day forward.

If you have any questions, please call and I will be glad to help.

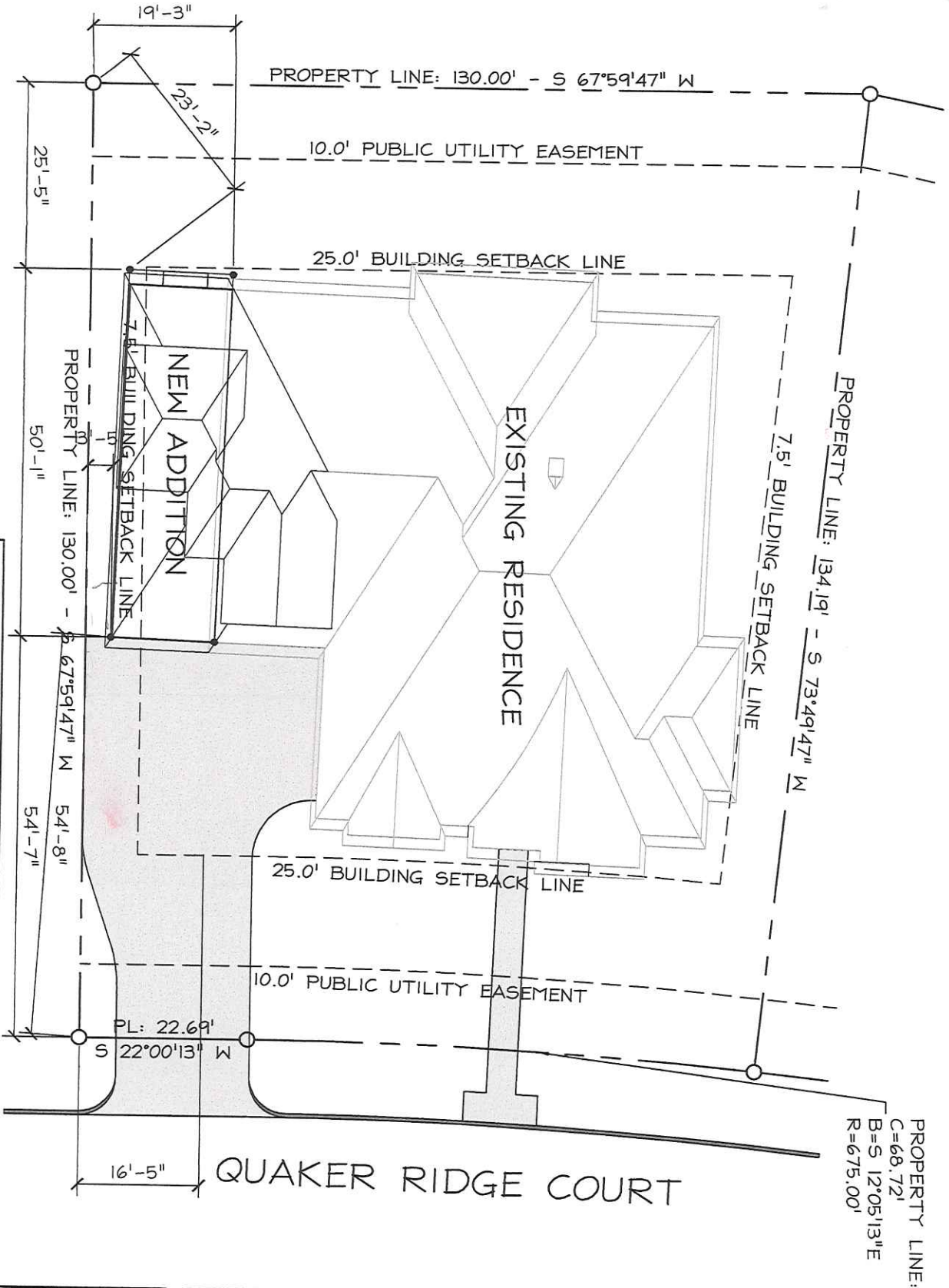
Sincerely,

Davis Young
The Architectural Control Committee of Pebble Creek



SITE PLAN

SCALE: N.T.S.



LOT: 01
BLOCK: 38
SUBDIVISION: PEBBLE CREEK
PHASE 9-B
COLLEGE STATION, TX
BRAZOS COUNTY

Kleemann Family Addition

PROJECT NUMBER

MH-21-249

SQUARE FOOTAGE

HEATED AREA: HEATED SQ. FT
SLAB AREA: SLAB SQ. FT

SHEET TITLE

SITE
PLAN

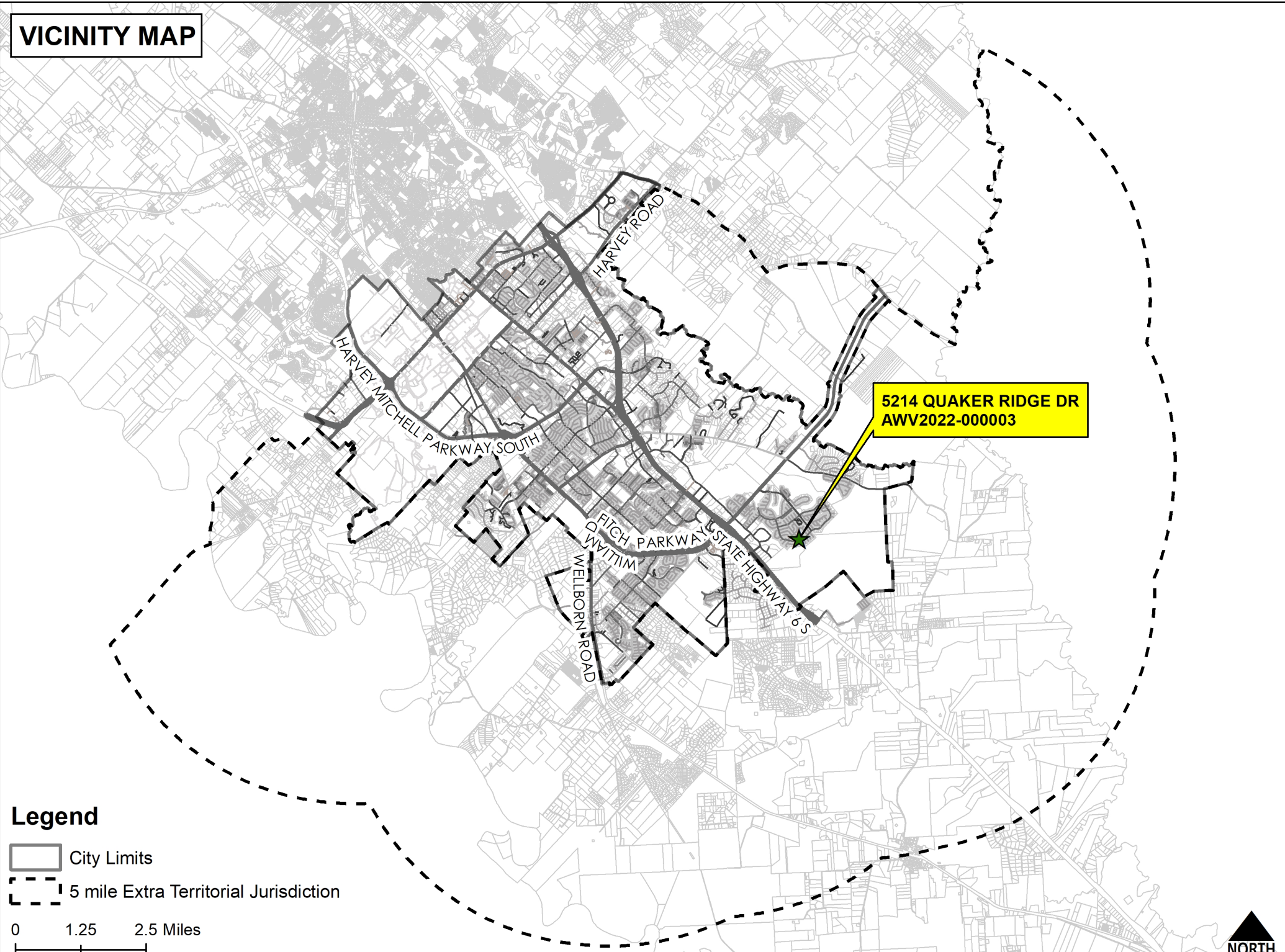
HOME BUILDER

MARIOTT HOMES, INC.



HOA COPY

VICINITY MAP

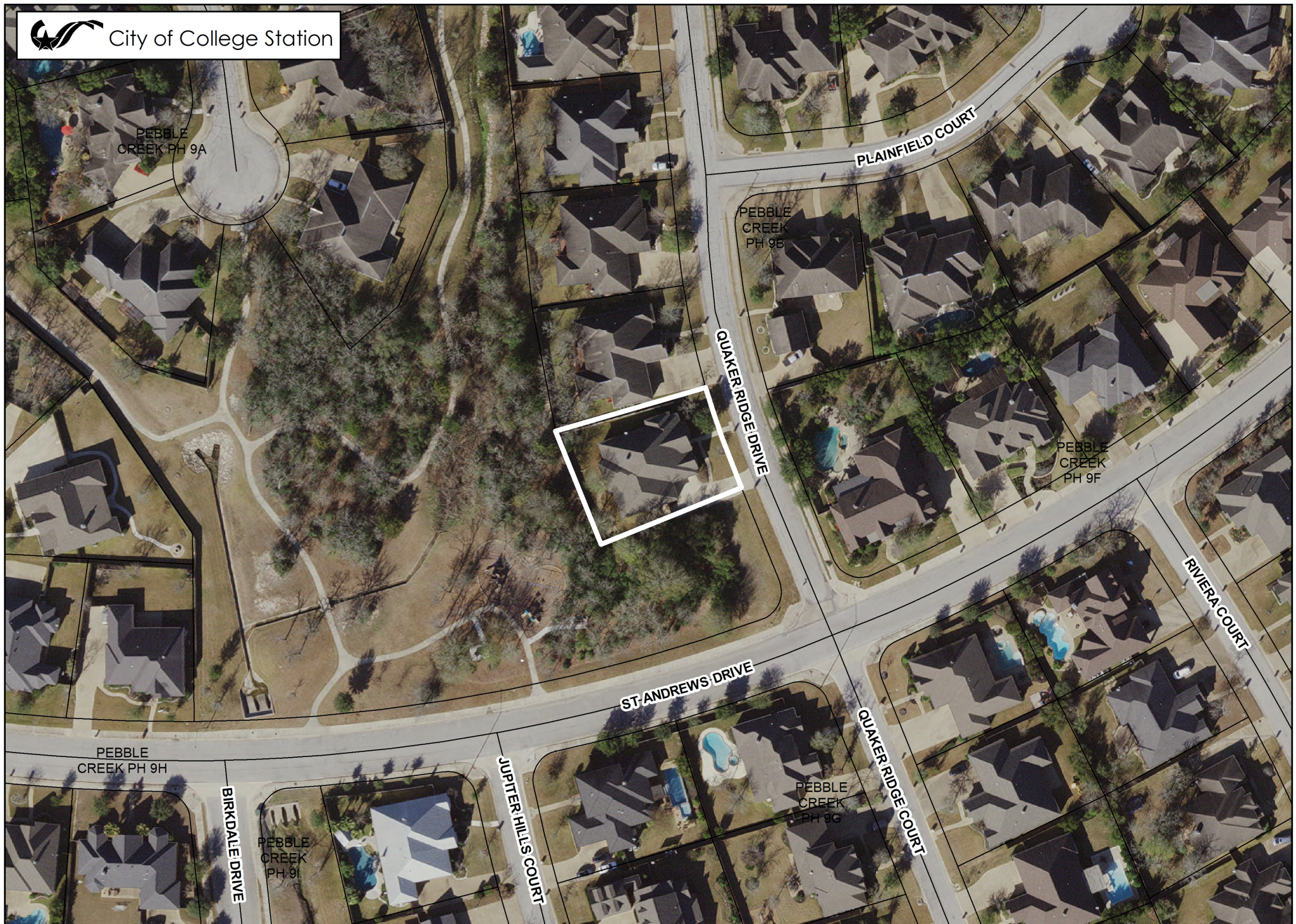


Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction

0 1.25 2.5 Miles



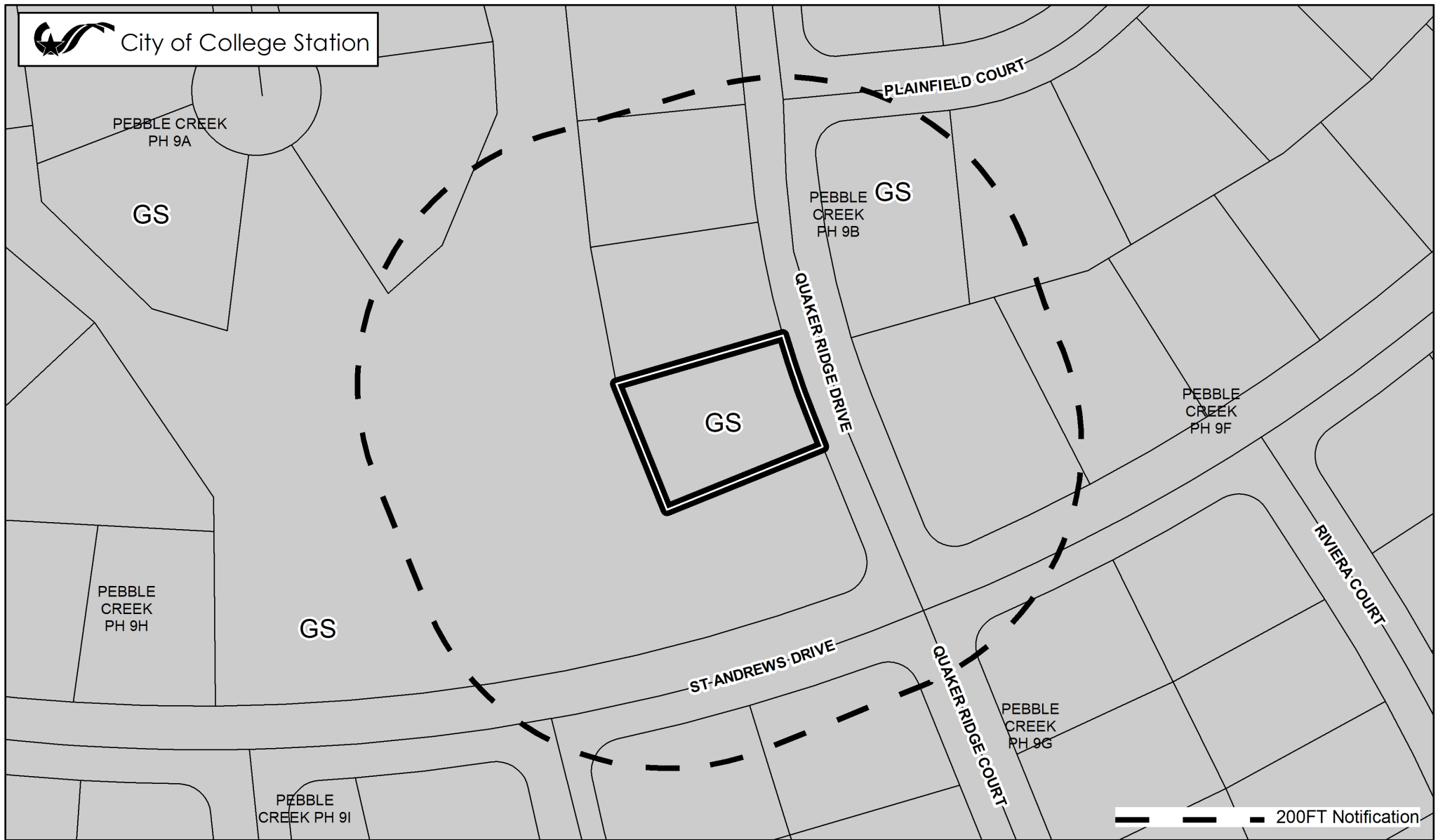


0 105 210 Feet

5214 QUAKER RIDGE DR

Case:
AWV2022-000003

APPEALS WAIVERS
VARIANCES



ZONING DISTRICTS (In Grayscale)

Residential		
R	Rural	MF Multi-Family
WE	Wellborn Estate	MU Mixed-Use
E	Estate	MHP Manufactured Home Pk.
WRS	Wellborn Restricted Suburban	
RS	Restricted Suburban	
GS	General Suburban	
D	Duplex	
T	Townhome	

Non-Residential

NAP	Natural Area Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial
BP	Business Park
BPI	Business Park Industrial
C-U	College and University

Planned Districts

P-MUD	Planned Mixed-Use Dist.
PDD	Planned Develop. Dist.

Design Districts

WPC	Wolf Pen Creek Dev. Cor.
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate

Overlay Districts

OV	Corridor Ovr.
RDD	Redevelopment District
KO	Krenek Tap Ovr.
NPO	Nbrhd. Prevailing Ovr.
NCO	Nbrhd. Conservation Ovr.
HP	Historic Preservation Ovr.

Retired Districts

R-1B	Single Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
RD	Research and Dev.
M-1	Light Industrial
M-2	Heavy Industrial



0 105 210 Feet

5214 QUAKER RIDGE DR

Case:
AWV2022-000003

**APPEALS WAIVERS
VARIANCES**