



## College Station, TX

### Meeting Agenda Zoning Board of Adjustment 1101 Texas Ave, College Station, TX 77840

The City Council may or may not attend this meeting.

---

March 3, 2020

6:00 PM

Administrative Conference Room

---

**1. Call meeting to order and consider absence requests.**

**2. Hear Visitors.**

At this time, the Chairperson will open the floor to citizens wishing to address the Board on issues not already scheduled on today's agenda. The citizen presentations will be limited to three minutes in order to accommodate everyone who wishes to address the Board and to allow adequate time for completion of the agenda items. The Board will receive the information, ask city staff to look into the matter, or will place the matter on a future agenda for discussion. A recording is made of the meeting; please give your name and address for the record.

**3. Agenda Items**

**3.1. Presentation, discussion, and possible action regarding meeting minutes.**

**Attachments:** 1. December 03, 2019

**3.2. Discussion of approved Administrative Adjustments.**

- AWW2019-000012 14015 Renee Lane; Administrative Adjustment - Lot Depth
- AWW2019-000018 700 University Drive East 202 B; Administrative Adjustment - Attached Sign Area

**Sponsors:** Rachel Lazo

**3.3. Public Hearing, presentation, discussion, and possible action regarding a side setback variance to the Unified Development Ordinance Section 5.2, 'Residential Dimensional Standards' for the West Park 2nd Addition, Block A, Lot 1 located at 700 Maryem Street, which is zoned GS General Suburban. Case #AWV2020-000001**

**Sponsors:** Treston Rodriguez

**Attachments:**

1. Staff Report
2. Applicant's Supporting Information
3. Vicinity Map, Aerial, and Small Area Map
4. Variance Exhibit - Proposed Site Plan

**3.4. Presentation and discussion regarding HB 2497 passed by the 86th Texas Legislature.**

**Sponsors:** Molly Hitchcock

**4. 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.

**5. Adjourn.**

The Board or Commission may adjourn into Executive Session 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 at College Station Hall, 1101 Texas Avenue, College Station, Texas, on February 26, 2020 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](mailto: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  
December 03, 2019  
Council Chambers  
College Station City Hall  
1101 Texas Avenue  
6:00 P.M.**

**MEMBERS PRESENT:** Chairperson Roberts, Randall Allison, Mark Smith, Jim Sharp, and Howard Mayne.

**STAFF PRESENT:** Molly Hitchcock, Leslie Whitten, Crystal Derkowski, Jade Broadnax, and Justin Constantino

**AGENDA ITEM NO. 1: Call to Order.**

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

**AGENDA ITEM NO. 2: Presentation, possible action, and discussion regarding the minutes from October 01, 2019.**

Board Member Mayne motioned to approve the October 01, 2019 meeting minutes. Board Member Allison seconded the motion, which passed (5-0).

**AGENDA ITEM NO. 3: Presentation, possible action, and discussion regarding an absence request for the December 03, 2019 meeting.**

- **Sherri Echols**

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

**AGENDA ITEM NO. 4: Discussion of approved Administrative Adjustments.**

\*AWV2019-000010 1205 Winding Road; Administrative Adjustment – Rear Setback.

\*AWV2019-0000133902 Eskew Drive; Administrative Adjustment – Rear Setback.

\* AWV2019-000017 AOPi Parking Lot; 1401 Athens Drive; Administrative Adjustments – Parking

There was no discussion.

**AGENDA ITEM NO. 5: Public Hearing, presentation, discussion, and possible action regarding a variance to the Unified Development Ordinance Section 7.2.H.3 ‘Slope Requirement’ for the Luepnitz Subdivision, Block 1, Lot 1 generally located at 3201 Rock Prairie Road, which is zoned C-3 Light Commercial. Case #AWV2019-000016.**

Jade Broadnax, Staff Planner, presented the staff report and stated that the applicant is requesting a reduction of the 1:2 slope that limits a non-residential building’s height next to a single family property line.

There was general discussion amongst the Board regarding the variance request.

Chairperson Roberts opened the public hearing.

No one spoke.

Chairperson Roberts closed the public hearing.

There was a general discussion amongst the Board.

Board Member Mayne motioned to approve the variance as it will not be contrary to the public interest, due to the special condition of enjoyment of substantial property right. Board Member Sharp seconded the motion.

Chairperson Roberts called for the vote. Motion to approve passed (5-0).

Board Member Mayne recused himself at 6:12 p.m.

**AGENDA ITEM NO. 6: Public Hearing, presentation, discussion, and possible action regarding a sign variance to the Unified Development Ordinance Section 7.5.I ‘Attached Signs’, for property generally located at 700 University Drive East, Suite 202B and 700 University Drive East, Suite B, which is zoned GC General Commercial and OV Corridor Overlay. Case #AWV2019-000015.**



Justin Constantino, Staff Planner, presented the staff report and stated that the applicant is requesting an increase in attached building signage and additional attached signage to be placed on the neighboring building.

There was general discussion amongst the Board regarding the variance request.

Chairperson Roberts opened the public hearing.

Applicant, Anand Agarwala, spoke in favor of the variance request.

John Clark, 3828 South College Avenue, Bryan Texas, spoke in favor of the variance request.

Chairperson Roberts closed the public hearing.

There was a general discussion amongst the Board.

Chairperson Roberts motioned to approve the variance as it will not be contrary to the public interest due to special conditions such as the enjoyment of substantial property right. Board Member Allison seconded the motion.

Chairperson Roberts called for the vote. Motion to approve failed (3-1) with Board Member Smith voting in opposition.

**AGENDA ITEM NO. 7:**     **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.

**AGENDA ITEM NO. 8:**     **Adjourn**

The meeting was adjourned at 6:53 p.m.

**ATTEST:**

**APPROVED:**

---

**Crystal Derkowski, Staff Assistant**

---

**Keith Roberts, Chairman**



**VARIANCE REQUEST  
FOR  
700 Maryem Street  
AWV2020-000001**

|                                          |                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>REQUEST:</b>                          | A 2.5-foot reduction to the minimum 7.5-foot side setback as set forth in Section 5.2 'Residential Dimensional Standards'                                                                                                                                                                                                                                                              |
| <b>LOCATION:</b>                         | 700 Maryem<br>West Park 2 <sup>nd</sup> Addition, Block A, Lot 1                                                                                                                                                                                                                                                                                                                       |
| <b>ZONING:</b>                           | GS General Suburban                                                                                                                                                                                                                                                                                                                                                                    |
| <b>PROPERTY OWNER:</b>                   | Lala Vida LLC Series 1                                                                                                                                                                                                                                                                                                                                                                 |
| <b>APPLICANT:</b>                        | Scott Hancock, Hancock Custom Homes LLC                                                                                                                                                                                                                                                                                                                                                |
| <b>PROJECT MANAGER:</b>                  | Treston Rodriguez, Staff Planner<br>trodriguez@cstx.gov                                                                                                                                                                                                                                                                                                                                |
| <b>BACKGROUND:</b>                       | The applicant has an existing structure located on the subject property that falls underneath overhead powerlines. In an attempt to redevelop the property, the applicant is requesting a 2.5-foot reduction to the minimum 7.5-foot side setback as set forth in Section 5.2 'Residential Dimensional Standards' to shift the buildable area of the property away from the powerline. |
| <b>APPLICABLE<br/>ORDINANCE SECTION:</b> | UDO Section 5.2 'Residential Dimensional Standards'                                                                                                                                                                                                                                                                                                                                    |
| <b>ORDINANCE INTENT:</b>                 | UDO Section 5.2 'Residential Dimensional Standards' sets minimum setback standards 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.                                                                                     |
| <b>RECOMMENDATION:</b>                   | Staff recommends approval of the variance.                                                                                                                                                                                                                                                                                                                                             |

## NOTIFICATIONS

Advertised Board Hearing Date: March 3, 2020

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:

None

Property owner notices mailed: 24  
Contacts in support: None at the time of this report  
Contacts in opposition: None at the time of this report  
Inquiry contacts: 1

## ZONING AND LAND USES

| Direction               | Zoning              | Land Use                                                 |
|-------------------------|---------------------|----------------------------------------------------------|
| <b>Subject Property</b> | GS General Suburban | Single-Family Home                                       |
| <b>North</b>            | GS General Suburban | Single family across the adjacent alley/utility corridor |
| <b>South</b>            | GS General Suburban | Single-Family Home                                       |
| <b>East</b>             | GS General Suburban | Single-Family Home                                       |
| <b>West</b>             | GS General Suburban | Single-Family Home                                       |

## PHYSICAL CHARACTERISTICS

1. **Frontage:** The subject property has approximately 50 feet of frontage on Maryem Street.
2. **Access:** The subject property takes access from Maryem Street.
3. **Topography and vegetation:** The subject property is relatively flat with some 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.*

Special conditions exist that deprive the applicant a reasonable use of their land. This property has a prescriptive easement that runs along the Northern property line, covering an overhead electric distribution

line that is currently located over the existing structure. Due to electrical safety concerns, any new construction on this property will be required to stay at least 10 feet from the overhead line. The location of the line is cutting into the property's buildable area, which is a special condition on the property.

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 necessary for the preservation and enjoyment of the substantial property right of the applicant. Without the variance, the encroachment of the line restricts the buildable area that the applicant should be able to utilize. According to College Station Utilities, no building can be within a 10-foot radius of the existing powerline.

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. The variance will not be contrary to public interest because new construction in a safer location will eliminate the safety issue which currently exists in which the overhead power line passes directly over the top of the existing structure.

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 West Park 2<sup>nd</sup> Addition 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.*

A review of the FEMA Federal Insurance Rate Map Panel 0310 indicates that the subject property is not located within, or directly adjacent to, FEMA-designated flood areas. If approved, the proposed variance would not affect the FEMA-designated flood areas.

6. **Other property:** *That these conditions do not generally apply to other property in the vicinity.*

Existing electrical infrastructure can be seen throughout Maryem Street; however, there is a line located directly over the existing single family home on the subject property.

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

The hardship is not a result of the applicant's own actions, and has been existing in its current configuration for some time. The overhead power line creates a hardship by reducing the buildable area on the lot compared to neighboring properties.

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 restricts the applicant in the utilization of their property. The location of the existing electrical infrastructure line creates a hardship by reducing the buildable area on the lot compared to neighboring properties.

## **ALTERNATIVES**

Other alternatives include the applicant burying the line; however, College Station Utilities has estimated that the cost of burying one line is unreasonable. They can construct a home that is long and skinny so that the new home would be the proper distance away from the line; however, in doing so, the product would be a home shape that is out of character with the other homes in the neighborhood. Another alternative is for the applicant to continue with the existing structure in its unsafe condition. The applicant has also stated that he could ask for other variances that would allow him to push the home back.

## **STAFF RECOMMENDATION**

The applicant is seeking a 2.5-foot reduction to the minimum 7.5-foot side setback as set forth in Section 5.2 'Residential Dimensional Standards'. Due to the special condition of an electric line in a location on the property that results in a reduced buildable area that puts the property owner at a disadvantage compared to surrounding properties, and safety concerns that currently exist as the electrical infrastructure is over the existing structure, Staff recommends approval of the variance request.

## **ATTACHMENTS**

1. Applicant's Supporting Information
2. Vicinity Map, Aerial, and Small Area Map
3. Variance Exhibit – Proposed Site Plan



## APPEAL/WAIVER APPLICATION SUPPORTING INFORMATION

**Name of Project:** Setback Variance

**Address:** 700 MARYEM ST

**Legal Description:** WEST PARK (CS) PH 2, BLOCK A, LOT 1

**Applicant:** HANCOCK CUSTOM HOMES LLC

**Property Owner:** LALA VIDA LLC SERIES 1

**Applicable ordinance section being appealed/seeking waiver from:**

7.5ft side setback required

**The following specific variation to the ordinance is requested:**

Reduction in the side setback on the right side of the property from 7.5 ft to 5 ft. (Total reduction of 2.5ft)

**The following special condition exists:**

The overhead power line bisecting the lot reduces the buildable area and increases side setback to 16ft because of the required 10ft separation between the house and the power line.

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

Overhead power line creates unnecessary hardship by reducing buildable area on the lot compared to neighboring properties

**The following alternatives to the requested variance are possible:**

- (1) CSU has been unable to provide a plan to relocate the line because the lack of existing easements and the size and configuration of the overhead set-up.
- (2) A more extensive variance to move the house further back beyond the front contextual setback and front

parking variance for more than 50% coverage would also solve the problem.

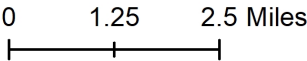
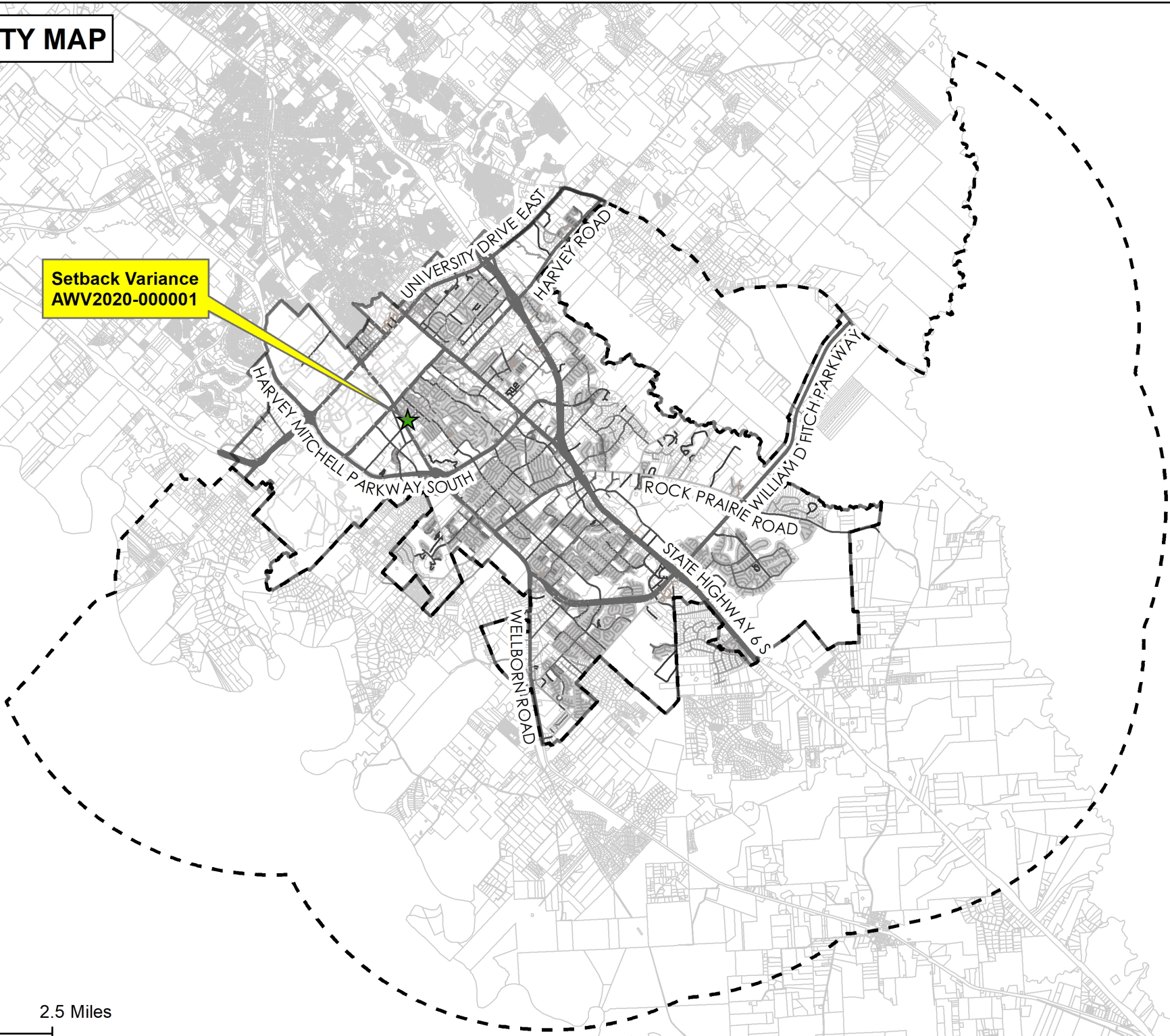
**The variance will not be contrary to public interest due to:**

Variance will not be contrary to public interest because it will eliminate the safety issue which currently exists in which the overhead power line passes directly over the top of the existing structure.

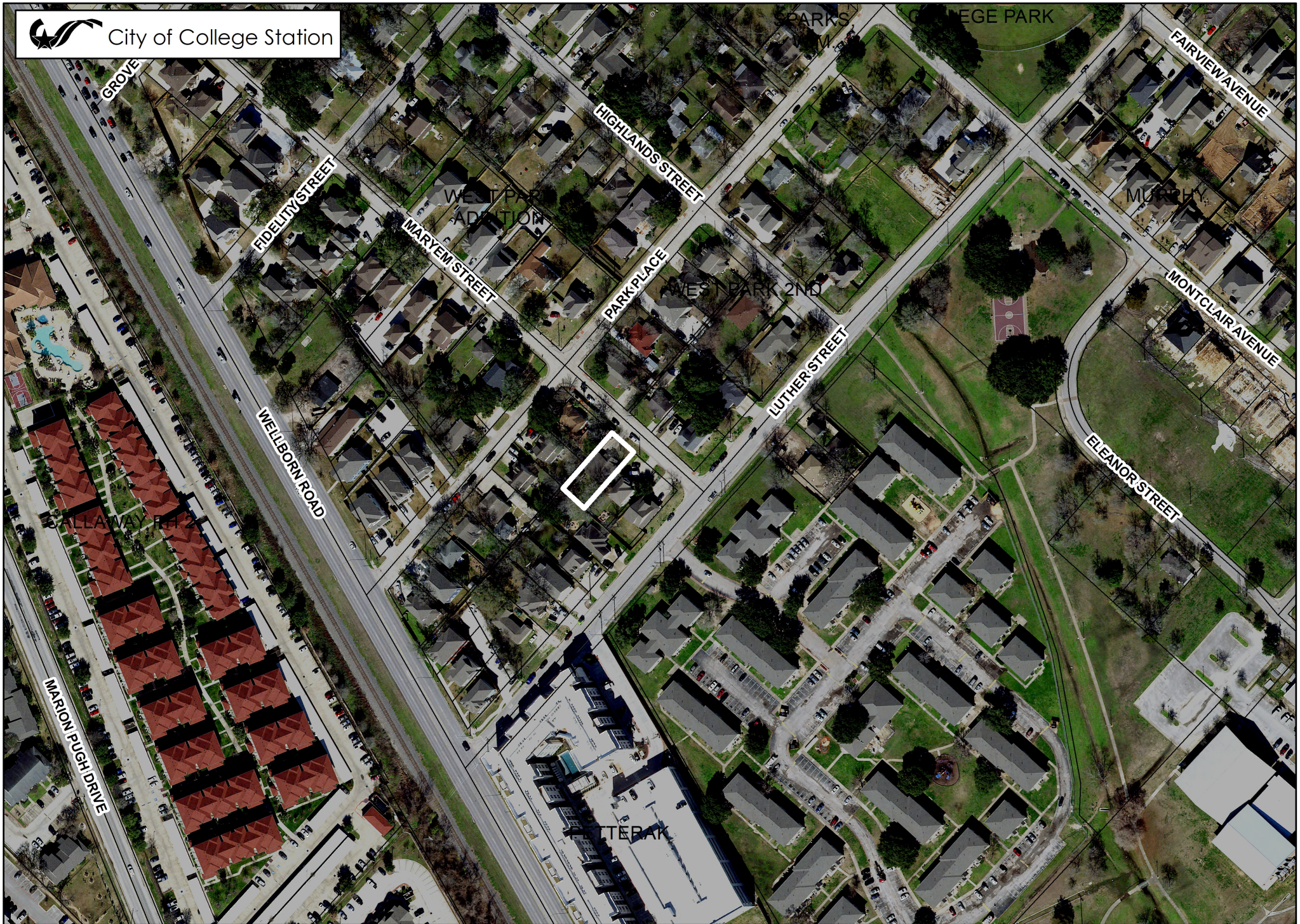
VICINITY MAP



Setback Variance  
AWV2020-000001







0 212.5 425 Feet

Setback Variance

Case:  
AWV2020-000001

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          |



0 300 600 Feet

**Setback Variance**

Case:  
AWV2020-000001

**APPEALS WAIVERS  
VARIANCES**

# PROPOSED SITE PLAN

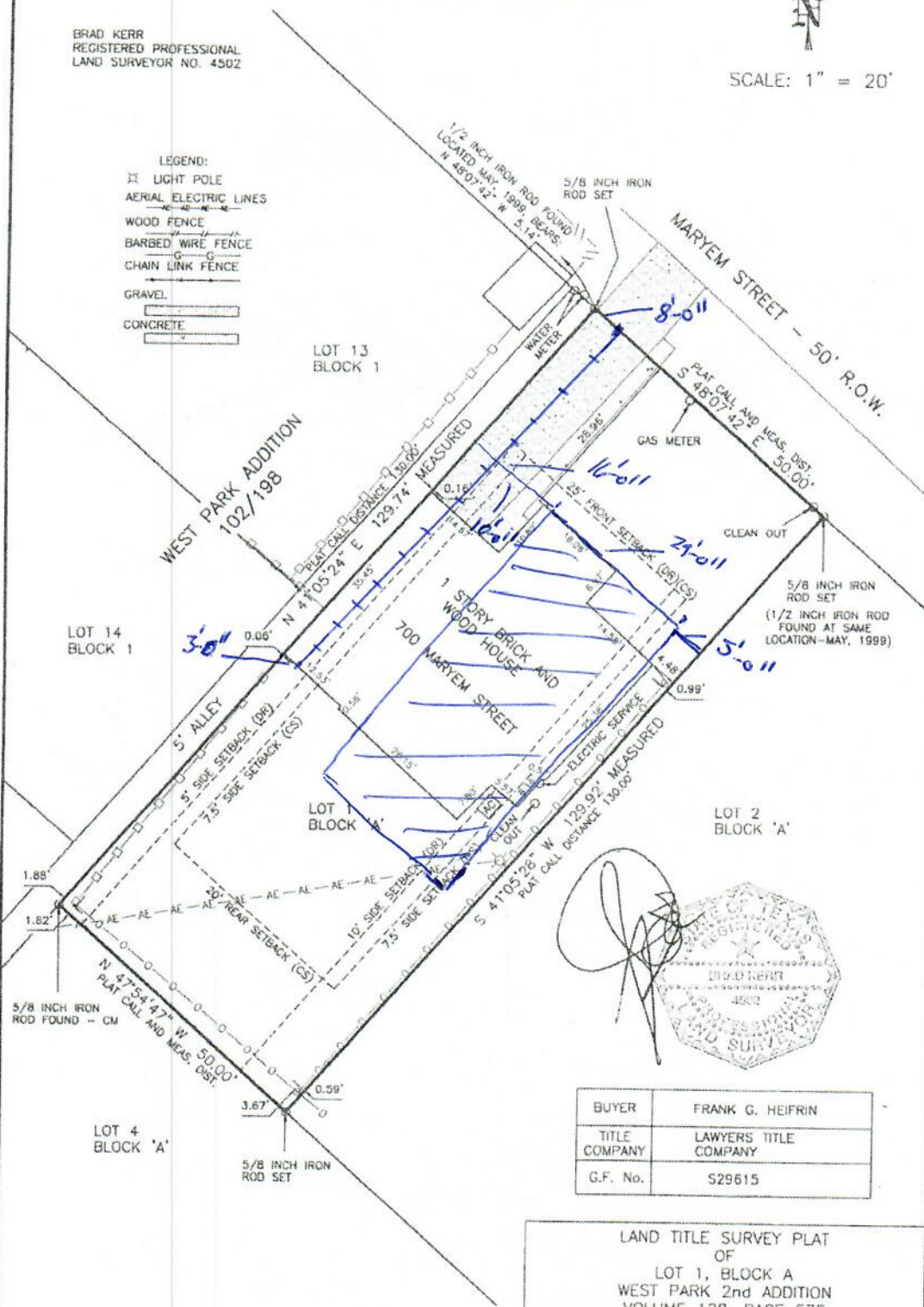
## SURVEYOR'S CERTIFICATE

I, BRAD KERR, R.P.L.S. NO. 4502, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THIS PLAT IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND THAT THERE ARE NO VISIBLE ENCROACHMENTS ON THIS TRACT EXCEPT AS SHOWN HEREON. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.J.R.M. MAPS, COMMUNITY PANEL NO. 48041C0144 C, EFFECTIVE DATE: 07-02-1992.

BRAD KERR  
REGISTERED PROFESSIONAL  
LAND SURVEYOR NO. 4502

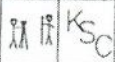
SCALE: 1" = 20'

LEGEND:  
 LIGHT POLE  
 AERIAL ELECTRIC LINES  
 WOOD FENCE  
 BARBED WIRE FENCE  
 CHAIN LINK FENCE  
 GRAVEL  
 CONCRETE



|          |                  |
|----------|------------------|
| BUYER    | FRANK G. HEIFRIN |
| TITLE    | LAWYERS TITLE    |
| COMPANY  | COMPANY          |
| G.F. No. | 529615           |

LAND TITLE SURVEY PLAT  
OF  
LOT 1, BLOCK A  
WEST PARK 2nd ADDITION  
VOLUME 128, PAGE 575  
COLLEGE STATION, BRAZOS COUNTY, TEXAS



SCALE: 1 INCH = 20 FEET  
 SURVEY DATE: 02-19-07  
 PLAT DATE: 02-27-07  
 JOB NUMBER: 07-123  
 CAD NAME: 07-123  
 CR5 FILE: WESTPARK (cont), 07-123 (job)  
 PREPARED BY: KERR SURVEYING, LLC  
 503 CHURCH STREET, P.O. BOX 269  
 COLLEGE STATION, TEXAS 77841  
 PHONE (979) 268-3195

BUILDING SETBACK LINES PER CITY OF BRYAN ORDINANCE (CB), AND DEED RESTRICTIONS, 128/575 (DR).

CM - CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY LINES.

BEARING SYSTEM SHOWN HEREON IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.