ZBA 14-03 – Englewood Drive

Request

A variance to the minimum build-to line requirement (Section 125-82.E.) for properties located within the “CRC” (Commercial Revitalization) overlay district. The CRC overlay district requires that a minimum of 50% of the ground floor of the building shall be built to the sidewalk along the preliminary street frontage.

Applicant/Owner

Niveen Lewis Nicola

Location

Generally located on the east side of Englewood Drive and south of FM 518 with the approximate address of 100 to 120 Englewood Drive

Zoning

“CG-CRC” (General Commercial with a Commercial Revitalization Overlay District)

Citizen Response

62: Notices mailed to property owners within 500 feet
0: Letters of support received
0: Letters of opposition received

Attachments

1. Location map
2. Site photos
3. Conceptual Site Plan
4. Area Site Map
5. Survey map
6. Request letter from applicant
7. Variance Findings Form

Background

The applicant has requested to locate their building further back on the lot to allow for the placement of parking adjacent to Englewood Drive. The variance is being requested in order to accommodate the required circulation, the number of parking spaces, and maximize the potential buffer yard for the site.

Current Condition of Subject Property

The subject property is undeveloped and approximately 6,900 square feet in area with a width of 50 feet, the minimum width for the “CRC” overlay district. Commercial uses border the subject property on the north and east, as well as across Englewood Drive to the west. Single-family residential abuts the property to the south and necessitates a required buffer yard along the southern property line. The required buffer yard precludes any paving, including access drives from being located within it. This limitation would make providing parking to the rear of the building, while still maintaining a buffer yard and required setbacks, nearly impossible.

The Board shall make findings based upon the following tests:

1. Public Interest

Such variance will not be contrary to the public interest.

The intent of the minimum build-to line is to enhance the prevailing built character of the district. Allowing any potential building to be located setback from the sidewalk would not be contrary to the public interest, as numerous commercial properties in the area are already developed in this manner. Attachment 4 from the applicant shows three neighboring properties that are arranged in this configuration.
2. **Authorization of Contrary Use**
   
   Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

   No other uses are being requested than are permitted in this district.

3. **Injury to Conforming Adjacent Property**
   
   Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.

   The proposed variance would not have an effect on the use of the surrounding properties. The adjacent commercial properties in the “CRC” overlay have a similar layout as the proposed variance with parking located along the street and the building located behind the parking.

   Additionally, approval of the variance will allow for the inclusion of a buffer yard between the subject site and the adjacent residentially zoned property to the south. If the applicant is required to place the building adjacent to the sidewalk, it is foreseen that a drive aisle would be required in the buffer yard area.

4. **Essential Character of District**
   
   Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.

   The proposed variance will not alter the essential character of the district because numerous nearby properties in the CRC overlay district have the building located away from the street with parking in front of the building. Disapproval of this variance would alter the existing character of the area.

5. **Harmony with Spirit and Intent of Zoning Ordinance**
   
   Such variance will be in harmony with the spirit and purposes of this Ordinance.

   The requested variance is not contrary to public health, safety, or general welfare. Moreover, the stated purpose of the –CRC overlay district (Section 125-82) is to “preserve the character of an established commercial corridor while providing opportunities for infill development that is consistent with and enhances the prevailing built character.” As mentioned above, the proposed variance actually continues the built character of the nearby –CRC properties.

   Furthermore, denial of this variance would increase the difficulty of developing this site, thusly needing additional variances. One of the purposes of the –CRC overlay district is to facilitate “the development of vacant or underutilized lots.” This lot has been undeveloped without a structure since at least 1990, according to a review of Google Earth imagery.

6. **Plight of the Owner**
   
   The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to, or the result of, general conditions in the district in which the property is located.

   The narrow 50 foot lot combined with the requirement for a buffer yard poses a unique circumstance to the property owner. Because a buffer yard does not permit driveways, circulation for parking placed at the rear of any building becomes impossible. Placing parking in the rear would require a minimum of 14-foot wide one-way lanes on either side of the building for circulation. These lanes would leave a maximum width of the building of 22 feet and place a driveway in the required buffer yard. Permitted parking in the front of the building allows the applicant to maintain a minimal buffer yard between 5 and 15 feet wide.
7. **Integrity of Zoning**  

The variance will not substantially weaken the general purposes of this Ordinance or the regulations herein established for the specific district.

The proposed variance will continue the general character of the commercial properties in the area given the intent of the CRC district as identified above.

8. **Health, Safety and Public Welfare**  

The variance will not adversely affect the health, safety, and welfare of the public.

Staff does not foresee that a variance would adversely affect the health, safety, and welfare of the public.

For additional information, you may contact Ryan Granata, AICP – Senior Planner, at (281) 554-1097 or at ryan.granata@leaguecity.com.
ZBA 14-03: Englewood Drive

Aerial Map

500 Foot Notification Buffer

Subject Parcel
View of the subject parcel from Englewood Drive, facing east.

View from subject parcel, facing north towards West Main (FM 518) and existing Dairy Queen.
View from the subject parcel, facing south towards the adjacent single-family residential.

View from the subject parcel, facing west towards adjacent commercial, note location of parking.
G.F. No. 1416741670 - Buyer: Hany Asaad and Niveen Lewis Nicola

Part of that tract of land known as Reserve "B" on the plat of Pecan Forest, Section 2, a subdivision of 34.228 acres known as the Zelda Smith Tract out of S. F. Austin Subdivision No. 10, Abstract No. 3, Galveston County, Texas, according to the plat of Pecan Forest, Section 2, recorded in Volume 10, Page 53 in the office of the County Clerk of Galveston County, Texas, said part of Reserve "B" being more particularly described by metes and bounds on the attached Exhibit "A".

I hereby certify that this is a plat on the above property indicating improvements thereon which was prepared under my supervision from a survey made on the ground on March 12, 2014.

Subject property DOES NOT lie within the 100 year flood plain. Property lies in Zone X according to Map No. 485466 0010 D.

Job No. 10119

Robert L. Derrick
To: League City Planning Department  
    Zoning Board of Adjustments  
    300 West Walker Street  
    League City, TX 77573

From: AMB Architects  
    on the behalf of Niveen Nicola  
    8 Greenway Plaza, Suite 404  
    Houston, TX 77046

Subject: Commercial Zoning Variance Request for Property located on Englewood Drive

To Whom it Concerns:

AMB Architects would like to request on behalf of the owners, Niveen Nicola, your consideration of a zoning variance for the property located at Englewood Drive. The legal description for this property is as follows: ABST 3 S F Austin Sur PT of Res B (0-4) Pecan Forest Sec 2. The purpose for this request is based on our research of the current zoning ordinances and how they impact the ability to develop this property as well the numerous adjacent commercial properties that are of similar configuration to our proposal.

Article III Zoning Regulations require ground floor buildings to be built to the sidewalk along the primary street frontage. Placing a building along Englewood Drive while maintaining property buffers and providing vehicle access would render an unusable building given the narrow site (50'). Another problem with this arrangement is that the parking lot and vehicular egress would be in the back of the property and would make it impossible to meet the 15% minimum landscape area requirement. AMB Architects would like to propose a variance be granted to allow the building to be placed toward the rear of the property with the parking and vehicular access in the front. This will allow for a viable building while maintaining minimum landscape areas. Refer to S2/Conceptual Site Plan.

AMB Architects would also like to bring to the Zoning Boards attention that there are numerous commercial properties in the area that are arranged with the building located away from the primary street frontage with the parking and vehicular access at the frontage. Refer to S2/Area Site Map. The properties shown on the site map exhibit are 901, 831, and 827 W Main Street. Other examples for reference (but not limited to) are 100 Pecan Dr; 822-826 W Main, 906-920 W Main, 816 W Main, 707 W Main, 622 W Main, 597 W Main, 604 W Main, and 1088 W Main. Additional exhibits and examples will be provided upon request.

Thank you for your time and consideration.

Sincerely,

Alyssia Makarewicz, AIA  
President  
AMB Architects
Members present and voting: [At least 75% of the members (4) must hear the case and is required to reverse any administrative action or to decide in favor of any applicant or grant a variance]. (League City Code of Ordinances § 125-22).

The members voting (not additional nonvoting alternates) are designated by an “x” below:

James R. Christiansen, Chair    Elizabeth Scully
Amy Beasley    Kathleen Benoit
Janet Alleman

VARIANCE FINDINGS PURSUANT TO SECTION 125.47 OF THE LEAGUE CITY CODE

The issuance of a variance may not be granted unless the Zoning Board of Adjustment shall determine that all the following criteria have been met:

(1) Such variance will not be contrary to public interest.

True: ________
False: ________

(2) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

True: ________
False: ________

(3) Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.

True: ________
False: ________

(4) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.

True: ________
False: ________

(5) Such variance will be in harmony with the spirit and purposes of this chapter.

True: ________
False: ________
(6) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to, or the result of, general conditions in the district in which the property is locates.

True: ______
False: ______

(7) The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specific district.

True: ______
False: ______

(8) The variance will not adversely affect the health, safety, and welfare of the public.

True: ______
False: ______

The League City Zoning Board of Adjustment, after reviewing Applicant’s application, and reviewing the evidence presented, has determined in accordance with the League City Code of Ordinances that:

VARIANCE:

______ APPROVED
______ DENIED
______ APPROVED WITH THE FOLLOWING CONDITIONS:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

This variance was determined by a concurrence vote of at least four members of the League City Zoning Board of Adjustment on this the _____ day of __________, 20____, and is filed in the Zoning Board’s office as of this date, as certified by the signature of the Chairman, below, and is not valid without original signature.

________________________________________
James R. Christiansen, Chair
Zoning Board of Adjustment