

**MINUTES OF
SPECIAL BOARD OF ADJUSTMENTS MEETING
CITY OF TOMBALL, TEXAS**

THURSDAY, APRIL 10, 2014



6:30 P.M.

1.0 Call to Order at 6:32 p.m.

The meeting was called to order by Chairman Ford. Other members present were:

Board Member Tynes
Board Member Wolfe
Alternate Board Member Roquemore
Alternate Board Member Gray

Board Member Hemby – Excused Absence
Board Member Lynch - Absent

Others present:

Community Development Director – Craig Meyers
City Engineer – Lori Lakatos
City Planner – Rebeca Guerra
Assistant City Planner – Rodney Schmidt
City Attorney – Loren Smith
Senior Administrative Assistant – Brandy Pate
City Intern – Rachel Lazo

2.0 No Public Comments were received.

3.0 No Reports or Announcements were received.

4.0 Motion was made by Board Member Tynes to Approve the Minutes of the Special Board of Adjustments Meeting of January 9, 2014; second by Alternate Board Member Gray.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **BOA Case P14-029:** Request by James & Gina Gorman for a Variance from Section 42.4.D of the City of Tomball Zoning Ordinance to allow a gate designed for vehicular access to be set back from the edge of street or pavement 15 feet where a minimum of 25 feet is required. The project site is approximately 0.16 acres, generally located at the northwest corner of Clayton and South Popular Streets, is zoned Single-Family Residential-6 District, and is legally

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described as Lot 1, McCraw Valley 2.

The Public Hearing was opened by Chairman Ford at 6:35 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, James Gorman spoke on behalf of the request.

Hearing no comments, the Public Hearing was closed at 6:40 p.m.

Motion was made by Board Member Tynes to approve **BOA Case P13-186** with a reduced setback of 21 feet (on property line) in lieu of 25 feet; second by Alternate Board Member Roquemore.

Vote was as follows:

Board Member Wolfe	<u>Aye</u>
Alternate Board Member Gray	<u>Aye</u>
Alternate Board Member Roquemore	<u>Aye</u>
Board Member Tynes	<u>Aye</u>
Chairman Ford	<u>Aye</u>

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.2 Consideration to approve **BOA Case P14-030**: Request by BK 249, LTD for one Variance and two Special Exceptions from the City of Tomball Zoning Ordinance related to the development of a retail shopping center at 28602 Tomball Parkway. The two Special Exceptions requested include: (1) to allow the shopping center to provide 32 off-street parking stalls where 40 are required in Section 38.2; and (2) to not require an off-street receiving and loading area where it is required for retail shopping centers in Section 39.4.A. The one Variance requested is to allow a retail building to be built 1-foot from the side property line where Section 30.4.B.2 requires a minimum side building setback of 10 feet. The project site is approximately 0.67 acres, generally located at the northeast corner of FM 2920 and SH 249 Business, is zoned Commercial District, and is legally described as Tract 25Q, Abstract 34, Joseph House Survey.

The Public Hearing was opened by Chairman Ford at 6:45 p.m.

Rebeca Guerra, City Planner presented the staff report.

Architect, William Kalkman spoke on behalf of the request.

Hearing no comments, the Public Hearing was closed at 6:51 p.m.

Motion was made by Board Member Tynes; second by Alternate Board Member Gray to approve **BOA Case P14-030** with the following conditions:

1. No loading or unloading shall be performed at the site during hours of operation. If loading or unloading is performed during hours of operation, the Special Exception regarding the off-street receiving and loading area shall be revoked and an off-street receiving and loading area shall be provided in accordance with the Zoning Ordinance.
2. The site shall be developed and operated in substantial compliance with Exhibit “E” (Proposed Site Layout) of the Board of Adjustments staff report for this case. If the site is not developed in substantial compliance with Exhibit “E,” all the requested Variance and Special Exceptions shall be revoked.
3. The site shall be limited to office and retail land uses. If land uses other than office and retail are established, the Special Exception reducing the off-street parking shall be revoked and the site shall provide off-street parking in accordance with the Zoning Ordinance.

Vote was as follows:

Board Member Wolfe	<u>Aye</u>
Alternate Board Member Gray	<u>Aye</u>
Alternate Board Member Roquemore	<u>Aye</u>
Board Member Tynes	<u>Aye</u>
Chairman Ford	<u>Aye</u>

Motion carried; 5 votes Aye, 0 votes Nay.

6.0 Motion was made by Board Member Tynes to adjourn; second by Alternate Board Member Roquemoire.

Motion carried unanimously.

Meeting adjourned at 6:55 p.m.

PASSED AND APPROVED this _____ day of _____ 2014.

Brandy Harbolt
Secretary of the Board

John Ford
Chairman