

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

THURSDAY, NOVEMBER 14, 2013



6:30 P.M.

1.0 Call to Order at 6:30 p.m.

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

Board Member Tynes
Board Member Hemby
Alternate Board Member Wolfe
Board Member Lynch

Board Member Ross – Excused Absence

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

2.0 No Public Comments were received.

3.0 No Reports and Announcements were received.

4.0 Motion was made by Board Member Tynes to Approve the Minutes of the Special Board of Adjustments Meeting of July 11, 2013; second by Board Member Hemby.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **BOA Case P13-159:** Request by Nate Robb Construction, on behalf of Kelly Scott & Company, for a Special Exception to the City's Zoning Ordinance for a reduction in the off-street parking requirements established in Section 38.2 ("Use Charts") to allow two off-street parking stalls where the Zoning Ordinance requires six off-street parking stalls for a proposed 1,661 square foot "Professional and General Business Office." The project site is legally described as Lots 21, 22, 23,

and 24, Block 45, Tomball, generally located northerly of Mason Street, between North Poplar and North Magnolia Streets.

The Public Hearing was opened by Chairman Ford at 6:32 p.m.

Rebeca Guerra, City Planner presented the staff report.

Applicant, Nate Robb and Owner, Kelly Scott spoke on behalf of the request.

Elaine Hancock, of 7506 Roburn Lane, Houston, spoke in favor of the request.

Hearing no additional comments, the Public Hearing was closed at 6:45 p.m.

Motion was made by Board Member Tynes; second by Board Member Hemby to approve **BOA Case P13-159** with the following conditions:

1. The property owner shall execute an off-site parking agreement providing for three (3) parking stalls needed for this site before Site Plan approval;
2. All required handicapped-accessible parking and loading stalls shall be provided on-site.
3. The Special Exception shall only apply to the “Professional and General Business” land uses at the subject site.
4. A Certificate of Occupancy for an “Office” use shall be obtained within one (1) calendar year of this approval.

Vote was as follows:

Alternate Board Member Wolfe	<u>Aye</u>
Board Member Hemby	<u>Aye</u>
Board Member Lynch	<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 P13-163:** Request by First America Homes, LTD, on behalf of Maritia, LP, for a Variance from Section 17.4.B.2 of the City of Tomball Zoning Ordinance to allow a 15-foot side setback along an arterial street

where a 25-foot side setback along arterial streets is required. The project site is approximately 0.17 acres, generally located southerly of Theis Lane, westerly of Scotch Pine Street, is zoned Single-Family Residential-6 District, and is legally described as Lot 1, Block 1, Section 1, Pine Meadows.

The Public Hearing was opened by Chairman Ford at 7:02 p.m.

Rebeca Guerra, City Planner presented the staff report.

Owner, Lou Smulders spoke on behalf of the request.

Hearing no additional comments, the Public Hearing was closed at 7:15 p.m.

Motion was made by Board Member Hemby; second by Board Member Lynch to approve **BOA Case P13-163**. Vote was as follows:

Alternate Board Member Wolfe	<u>Aye</u>
Board Member Hemby	<u>Aye</u>
Board Member Lynch	<u>Aye</u>
Board Member Tynes	<u>Aye</u>
Chairman Ford	<u>Aye</u>

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.3 Consideration to approve **BOA Case P13-164**: Request by First America Homes, LTD, on behalf of Maritia, LP, for a Variance from Section 17.4.B.3 of the City of Tomball Zoning Ordinance to allow a 15-foot rear setback along an arterial street where a 25-foot rear setback along arterial streets is required. The project site is approximately 0.22 acres, generally located southerly of Theis Lane, easterly of Scotch Pine Street, is zoned Single-Family Residential-6 District, and is legally described as Lot 13, Block 3, Section 1, Pine Meadows.

The Public Hearing was opened by Chairman Ford at 7:22 p.m.

Rebeca Guerra, City Planner presented the staff report.

Hearing no additional comments, the Public Hearing was closed at 7:23 p.m.

Motion was made by Board Member Hemby; second by Board Member Lynch to approve **BOA Case P13-164**. Vote was as follows:

Alternate Board Member Wolfe	<u>Aye</u>
Board Member Hemby	<u>Aye</u>
Board Member Lynch	<u>Aye</u>
Board Member Tynes	<u>Aye</u>
Chairman Ford	<u>Aye</u>

Motion carried; 5 votes Aye, 0 votes Nay.

- 5.4 Consideration to approve **BOA Case P13-169**: Request by First America Homes, LTD, on behalf of Maritia, LP, for a Variance from Section 17.4.B.3 of the City of Tomball Zoning Ordinance to allow a 15-foot rear setback along an arterial street where a 25-foot rear setback along arterial streets is required. The project site includes eight lots, each approximately 0.14 acres, generally located southerly of Theis Lane, easterly of Scotch Pine Street, is zoned Single-Family Residential-6 District, and is legally described as Lots 14, 15, 20, 21, 22, 23, 24, and 25, Block 3, Section 1, Pine Meadows.

The Public Hearing was opened by Chairman Ford at 7:19 p.m.

Rebeca Guerra, City Planner presented the staff report.

Hearing no additional comments, the Public Hearing was closed at 7:20 p.m.

Motion was made by Board Member Hemby; second by Board Member Lynch to approve **BOA Case P13-169**. Vote was as follows:

Alternate Board Member Wolfe	<u>Aye</u>
Board Member Hemby	<u>Aye</u>
Board Member Lynch	<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 Board Member Lynch.

Motion carried unanimously.

Meeting adjourned at 7:23 p.m.

PASSED AND APPROVED this 12th day of December 2013.

Brandy Pate
Brandy Pate
Secretary of the Board

John Ford
John Ford
Chairman