

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

THURSDAY, JUNE 13, 2013



6:30 P.M.

1.0 Call to Order at 6:39 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 – Arrived late

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 Reports and Announcements:

- Craig Meyers, Community Development Director announced an upcoming meeting scheduled for July 11, 2013 and the Zoning Ordinance Update Discussion to solicit comments from the Board.

4.0 Motion was made by Board Member Tynes to Approve the Minutes of the Special Board of Adjustments Meeting of March 14, 2013; second by Board Member Hemby.

Motion carried unanimously.

5.0 New Business:

Prior to the Board of Adjustments meeting being called to order, City Attorney, Loren Smith, advised that City Staff had withdrawn the requests for Decision modification for BOA Case P13-011 and P13-012, and directed that Items 5.1 and 5.2 would not be discussed during the meeting and the public hearings would not be held.

- 5.1 Request for Decision modification to include City staff's recommended condition; "If the parking lot is 90% full for two (2) hours a day during ten (10) days in any particular month, the Special Exception will be terminated upon notice to the property owner(s)." for **BOA Case P13-011**: Request by Hector Landin, on behalf of Falcon Commercial Properties, LLC, for a Special Exception to the City of Tomball Comprehensive Zoning Ordinance for a reduction in the off-street parking requirements established in Section 38.2 ("Use Charts") to allow 122 off-street parking stalls where the Zoning Ordinance requires 156 off-street parking stalls. The project site is legally described as Reserve C, Block 1, Falcon, generally located southerly of Michel Road, easterly of State Highway 249 Business in the Commercial District.

- Conduct a Public Hearing on **BOA Case P13-011**

No action taken regarding BOA Case P13-011; no public hearing held.

- 5.2 Request for Decision modification to include City staff's recommended conditions; "(1) The site shall be developed in substantial compliance with Exhibits 'E' and 'F'. (2) The Special Exception shall only apply to 'Bakery (Wholesale)' land uses at the subject site. (3) If the parking lot is 90% full for two (2) hours a day during ten (10) days in any particular month, the Special Exception will be terminated upon notice to the property owner(s)." for **BOA Case P13-012**: Request by Mike Treadway, on behalf of JABA, Inc., for a Special Exception to the City of Tomball Comprehensive Zoning Ordinance for a reduction in the off-street parking requirements established in Section 38.2 ("Use Charts") to allow 36 off-street parking stalls where the Zoning Ordinance requires 71 off-street parking stalls for a 35,328 square foot "Bakery (Wholesale)." The project site is legally described as Tract 4F-1, Abstract 311, C. Goodrich Survey, generally located southerly of F.M. 2920, between Tomball Cemetery Road and Park Road in the Commercial District.

- Conduct a Public Hearing on **BOA Case P13-012**

No action taken regarding BOA Case P13-012; no public hearing held.

- 5.3 Consideration to approve **BOA Case P13-051**: Request by John and Eric Dale for a Special Exception to the City of Tomball Comprehensive Zoning Ordinance to allow a driveway and storage area to be unpaved where Section 39.3.D of the Zoning

Ordinance requires all off-street parking, driveways, maneuvering, and loading areas to be paved with a concrete or asphalt surface and be curbed. The project site is approximately 4.41 acres, generally located westerly of Hufsmith-Kohrville Road, southerly of Mahaffey Road at 22425 Hufsmith-Kohrville Road, is zoned Commercial district, and is legally described as Tract 345A, Tomball Outlots Amending Plat.

The Public Hearing regarding **BOA Case P13-051** was opened at 6:42 p.m.

Rebeca Guerra, City Planner, presented a staff report.

Applicant, John Dale spoke on behalf of the request.

Resident, Mike Ott, spoke in favor of the request with staff's condition of the request being granted for a maximum of one (1) year beginning on the eleventh calendar day after the date the Board's decision is filed in the office of the Secretary to the Board.

The Public Hearing was closed at 6:48 p.m.

Board Member Hemby made a motion to approve **BOA Case P13-051**; with three conditions; second by Board Member Tynes.

The vote was as follows:

BOARD MEMBER WOLFE	<u>AYE</u>
BOARD MEMBER HEMBY	<u>AYE</u>
BOARD MEMBER LYNCH	<u>AYE</u>
BOARD MEMBER TYNES	<u>AYE</u>
BOARD MEMBER FORD	<u>AYE</u>

Motion carried, 5-0.

- 5.4 Consideration to approve **BOA Case P13-067**: Request by Ken Kinard, on behalf of Alan and Barbara Griffin, for three Variances from the City of Tomball Comprehensive Zoning Ordinance to allow for the expansion of an existing house and garage. The Variances requested include: (1) to allow a garage addition to have a 7.5 foot street side building setback where Section 15.4.B.2 of the Zoning Ordinance requires a 25-foot setback in the SF-20-E district; (2) to allow a garage addition to have a 5-foot interior side building setback where Section 15.4.B.2 of the Zoning Ordinance requires a 25-foot setback in the SF-20-E district; and (3) to allow a home addition to have a 16-foot street side building setback where Section 15.4.B.2 of the Zoning Ordinance requires a 25-foot setback in the SF-20-E district. The project site is approximately 0.72 acres, generally located on the westerly side of Lost Creek Road, northerly of Julia Lane at 13603 Lost Creek Road, is zoned SF-20-E district, and is legally described as Lot 19, Block 1, Hunterwood Section 2.

The Public Hearing regarding **BOA Case P13-067** was opened at 6:53 p.m.

Rebeca Guerra, City Planner, presented a staff report.

Applicant, Ken Kinard spoke on behalf of the request.

Owner, Alan Griffin spoke on behalf of the request.

Jeff Presnal spoke on behalf of the request.

Hunterwood residents Stephen Hohl, Stephen Peltier, and Steven Vaughn spoke in favor of the request.

The Public Hearing was closed at 7:20 p.m.

Board Member Tynes made a motion to approve **BOA Case P13-067**; second by Board Member Lynch.

Board Member Tynes amended the motion to approve **BOA Case P13-067**, second by Board Member Lynch, with the following variances and conditions:

- (2) to allow a garage addition to have a 5-foot interior side building setback where Section 15.4.B.2 of the Zoning Ordinance requires a 25-foot setback in the SF-20-E district (a 20-foot variance); and
- (3) to allow a home addition, on the southeasterly portion only, to have a 16-foot street side building setback where Section 15.4.B.2 of the Zoning Ordinance requires a 25-foot setback in the SF-20-E district (a 9-foot variance).

Condition: a resubmittal of the single-family site plan to be approved by City staff.

The vote was as follows:

BOARD MEMBER WOLFE	<u>AYE</u>
BOARD MEMBER HEMBY	<u>AYE</u>
BOARD MEMBER LYNCH	<u>AYE</u>
BOARD MEMBER TYNES	<u>AYE</u>
BOARD MEMBER FORD	<u>AYE</u>

Motion carried, 5-0.

- 5.5 Consideration to approve **BOA Case P13-068**: Request by Steve Crews, on behalf of Ernest Grandinetti, for two Variances from the City of Tomball Comprehensive Zoning Ordinance to allow for the subdivision of one residential lot into two lots.

The Variances requested include: (1) to allow the proposed lots to be 50 feet wide where Section 16.4.A.2 of the Zoning Ordinance requires a minimum lot width of 75 feet in the SF-9 district; and (2) to allow the proposed lots to be 7,000 square feet in area where Section 16.4.A.1 of the Zoning Ordinance requires a minimum lot area of 9,000 square feet in the SF-9 district. The project site is approximately 0.33 acres, generally located on the easterly side of Hospital Road, southerly of East Hufsmith Road at 719 Hospital Road, is zoned SF-9 district, and is legally described as Tract 81D, Tomball Outlots.

The Public Hearing regarding **BOA Case P13-068** was opened at 7:43 p.m.

Rebeca Guerra, City Planner, presented a staff report.

Applicant, Steve Crews spoke on behalf of the request.

No Public comments were received.

The Public Hearing was closed at 7:48 p.m.

Board Member Hemby made a motion to approve **BOA Case P13-068**; with three conditions; second by Board Member Tynes.

The vote was as follows:

BOARD MEMBER WOLFE	<u>AYE</u>
BOARD MEMBER HEMBY	<u>AYE</u>
BOARD MEMBER LYNCH	<u>AYE</u>
BOARD MEMBER TYNES	<u>AYE</u>
BOARD MEMBER FORD	<u>AYE</u>

Motion carried, 5-0.

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

Motion carried unanimously.

Meeting adjourned at 7:50 p.m.

PASSED AND APPROVED this 11th day of July 2013.

Rebeca Guerra
Rebeca Guerra
City Planner

John Ford
John Ford
Chairman