

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

THURSDAY, MARCH 18, 2010



6:30 P.M.

1.0 Call to Order at 6:31 p.m.

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

Board Member Lynch
Board Member Tomlinson
Board Member Tynes
Alternate Board Member Hemby

Alternate Board Member Tague
Alternate Board Member Chervenak

Board Member Ross – Excused Absence

Others present:

Director of Engineering & Planning – Mark McClure
City Planner / Community Development Coordinator – Kelly Violette
Engineering & Planning Senior Administrative Assistant – Brandy Pate
Assistant City Planner – Rodney Schmidt
City Attorney – Scott Bounds
Fire Inspector – Tommy Nicholson

1.1 Election of Chairman:
Board Member Tynes nominated John Ford as Chairman; second by Board Member Tomlinson.

Motion carried unanimously.

Election of Vice Chairman:
Board Member Tomlinson nominated Brett Tynes as Vice Chairman; second by Board Member Lynch.

Motion carried unanimously.

- 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 February 18, 2010; second by Board Member Tomlinson.

Motion carried unanimously.

5.0 New Business

- 5.1 Consideration and Possible Action Regarding **BOA Case P10-195:** Request by Kevin Butts for a variance from Sections 15.4.B.2 and 41.2 (2) of the City of Tomball Comprehensive Zoning Ordinance to allow a 15 foot side yard building setback for an accessory structure, where a minimum 25 foot building setback is required in the SF-20-E Single-Family Estate Residential-20 District. The project site is an approximately 9.2931 acre lot located at 31242 Quinn Road, Tomball, TX, 77375.

The Public Hearing regarding **BOA Case P10-195** was opened at 6:34 p.m.

Kelly Violette, City Planner provided staff report.

Owner / Applicant, Kevin Butts spoke on behalf of the request.

Richard Matthews, resident of 11115 Quinn Rd. spoke in favor of the request.

The Public Hearing was closed at 7:01 p.m.

Board Member Tynes made a motion to Approve **BOA Case P10-195;** second by Board Member Hemby.

The vote was as follows:

BOARD MEMBER HEMBY	<u>AYE</u>
BOARD MEMBER TOMLINSON	<u>NAY</u>
BOARD MEMBER LYNCH	<u>AYE</u>
BOARD MEMBER TYNES	<u>AYE</u>
BOARD MEMBER FORD	<u>NAY</u>

Motion FAILED due to lack of a concurring vote of at least four (4) members.

- 5.2 Consideration and Possible Action Regarding **BOA Case P10-197:** Request by BNC Construction, LP (BNC) for two special exceptions from the City of Tomball Comprehensive Zoning Ordinance. BNC requests special exceptions to permit: 1)

one off-street parking space per 400 square feet of building area where Section 38.2 requires one space per 100 square feet of building area for a “Dance/Drama/Music School”; and 2) streets & driveways without 2 foot candle minimum intensity illumination where Section 39.3.B requires such lighting for night use of off-street parking/loading facilities. The project site is an approximately 4.518 acres lot located at 701 South Persimmon Street, Tomball, TX, 77375.

The Public Hearing regarding **BOA Case P10-197** was opened at 7:05 p.m.

Rodney Schmidt, Assistant City Planner provided staff report.

Applicant, Josh Rendon of BNC Construction spoke on behalf of the request.

Peter Goldsten of PDGL Partners spoke on behalf of the request.

No public comments were received.

The Public Hearing was closed at 7:27 p.m.

Board Member Tomlinson made a motion to Approve **BOA Case P10-195**, with stipulation of staff recommendation; second by Board Member Tynes.

The vote was as follows:

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

Motion carried unanimously.

- 5.3 Consideration and Possible Action Regarding **BOA Case P10-205**: Request by Jeff Williams, on behalf of Professional Welding Supply and Williams Properties, for variances from Sections 27.4(B.2.c) and 43.4(B.3.d) of the City of Tomball Comprehensive Zoning Ordinance to allow: 1) a 12 foot 6 inch street side yard building setback for an accessory structure (previously constructed) where a minimum 15 foot building setback is required; and 2) a 4 foot street side yard setback for an outside storage area where a minimum 15 foot setback is required. The project site is an approximately 0.5019 acre lot located at 503 East Main Street, Tomball, Texas, 77375 within the GR-General Retail District.

The Public Hearing regarding **BOA Case P10-205** was opened at 7:29 p.m.

Kelly Violette, City Planner provided staff report.

Owner / Applicant, Jeff Williams of Professional Welding Supply located at 503 E. Main St. spoke on behalf of the request.

Barbara Tague, resident of 503 Inwood expressed her concern regarding the request.

A five (5) minute recess was taken and the meeting reconvened at 8:44 p.m.

The Public Hearing was closed at 8:49 p.m.

Board Member Tynes made a motion to Approve **BOA Case P10-195**, with stipulation to Howard Street ROW improvement; second by Board Member Hemby.

The vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

Meeting adjourned at 8:51 p.m.

PASSED AND APPROVED this 15th day of April 2010.

Kelly Violette
Kelly Violette
City Planner /
Community Development Coordinator

John Ford
John Ford
Chairman