

**City of Angleton, Texas  
Board of Adjustments  
Called meeting  
12:00 p.m., Thursday, October 14, 2010**

The City of Angleton, Board of Adjustments conducted a called meeting at 12:00 p.m. on Thursday, October 14, 2010 in the Council Chambers, 120 S. Chenango, Angleton, Texas with the following in attendance:

Members Present:

Roger Collins – Chairman  
JD Shaw  
Marian Goff  
Weldon Gilliam - Alternate

Members Absent:

Fred Oberhelman – Vice Chairman  
Tim Charlson

Others in Attendance:

Melissa B. Vossmer, City Manager  
Mary Kay Fischer, City Attorney  
Laurie Rodriguez, Asst. City Secretary  
Robert Owens, Building Official

1. Declaration of quorum and call to order.
2. Discussion and possible action on approving the September 9, 2010 meeting minutes

*Motion by J.D. Shaw to approve the minutes as written  
Second by Marian Goff*

*Motion passes 4 for, 0 against and 2 absent*

3. Public Hearing on a request for a front yard building line variance located at 805 W. Live Oak

*Motion by J.D. Shaw to open the Public Hearing  
Second by Marian Goff*

*Motion passes 4 for, 0 against and 2 absent*

Gladys Stewart (applicant) – I have requested to put a top over my driveway. It is the same as the carport the person before me requested, a metal carport. The reason I am putting it there is because my essential lines run on the same side diagonal to the city hookup. Therefore I cannot cover that up because if anything should happen under there I would have to break it all up so I can't put a slab there. Therefore, I want to put a cover over the slab that is presently in place and I am sure that you realize that house has been there 30 years and when they constructed that house and put that driveway there, they had no idea that there would be an ordinance put in place saying that you can't put a cover or building structure that extends out from the house. I feel that I should not be penalized for that.

*Motion by Marian Goff to close the Public Hearing  
Second by J.D. Shaw*

*Motion passes 4 for, 0 against and 2 absent*

4. Discussion and possible action on a request for a front yard building line variance located at 805 W. Live Oak.

Chairman Collins – we have some very distinct requirements for granting a variance. The conditions for granting a variance are under section 9.6 of our zoning ordinance

Chairman Collins read those requirements (attached)

Why don't we discuss section C, since C is required to grant, lets move to that first.

Chairman Collins – Ms. Stewart what did you say is beside your property? Is that where your sewer lines are?

Gladys Stewart – yes, right next to the house

The board reviewed at the map submitted by Ms. Stewart

J. D. Shaw – Ms. Stewart on your application you mentioned some health issues that you have. Can you go over those for us?

Gladys Stewart – I have high blood pressure and I have Rheumatoid Arthritis and I am diabetic.

J.D. Shaw- the question that I have and I may be reading this wrong. In your application for your carport you are saying you want it to be 20 feet wide?

Gladys Stewart – no, it is 20 feet long, because before I go into the City's easement I have 25 feet but I am just going to have it 20 feet long.

J.D. Shaw – Okay, so how wide is it going to be?

Gladys Stewart – 8 foot that is the size of the driveway

J.D. Shaw – Ms. Stewart on our drawing you say there is 15 feet from the edge of your house to the property line?

Gladys Stewart – yes, I have 15 feet on that side

J.D. Shaw – I'm not understanding something here, if there is 15 feet from the side of the house to your property line, is that slab where you are planning to put the carport, is that even with the side of your house?

Gladys Stewart – it is

J.D. Shaw – if the carport is intended to be 8 feet wide, then that would leave basically 7 feet to the property line. If my math is correct here. So the question that I have is, what was the denial for, for the building request, if there is seven feet to the side property line.

Laurie Rodriguez – the variance is for a front yard building line variance so it doesn't affect the side building line as far as I know.

The Board reviewed the map with the Robert Owens and Ms. Stewart.

J.D. Shaw – the question that I have for you Robert is why was it turned down?

Robert Owens – it is the 25ft front building line; nothing should go past that line.

Chairman Collins – would the board like to just work our way down section C. finding of undue hardship?

- 1. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property

Chairman Collins – any discussion or opinions on that?

J.D. Shaw – unnecessary hardship is defined by us, basically the enforcement so as that the carport cannot go out closer to the street from the front of the house would create unnecessary hardship in the development of the affected property. Your sewer and water line and everything are coming up the right hand side of the slab. Exactly how close is the water line to that slab.

Gladys Stewart – from my house diagonal, I can't cover that

J.D. Shaw – the point I am trying to get at is, if you are looking at the front of your house and you have the slab on the right front corner. Basically if you put an 8 foot carport over the top, ok, if this is your slab and your water lines come out from there, how close do they run to the street on that side of the slab.

Gladys Stewart – they run all the way down to the easement.

J.D. Shaw – what I am concerned about is, are the water lines butted up against that slab or are they over a few feet?

Gladys Stewart – I cant tell you if they are up against it but it is running right diagonal to it.

J.D. Shaw – the concern I have is if that water line is right up against that slab and then you anchor your carport down which you will have to do, no mater how close you butt that carport up next to your slab, if that water line is still there you could end up loosing your carport again.

Chairman Collins – I see what you are saying; I don't see that it is a relevant point for this board to be concerned with. The question for us is a carport going to be there not whether it is going to interfere with her underground plumbing or utilities.

Marian Goff – Ms. Stewart, how does the heat effect your blood pressure, arthritis and your various ailments?

Gladys Stewart – with the medication I take I cant be exposed to the sun, of course I have to go out doors but if I could go outside and my car was not stifling hot that would be better.

J.D. Shaw – I have to say I have driven down the street several times to look at this and Ms. Stewart is correct in saying that there are carports to the front of several houses on that street. We have to make that noted.

Chairman Collins – that would be a yes to C-3. That the relief sought will not injure the permitted use of adjacent conforming property

J.D. Shaw – correct because some already have that, Ok lets get back to C-1. I'm sorry I threw us off on a little tail spin. My concerns over the water line were what I was talking about for number 1, but again it is not our concern, that would be the builders concern to make sure that they didn't rupture Ms. Stewart's water line. Along with saying yes to C-3 if you already have some in the neighborhood to that affect its not going to be creating an unnecessary hardship. So we would have to say yes to number 1.

Chairman Collins – so you are saying that the literal enforcement of the controls will create an unnecessary hardship in the development of the affected property, - so if we literally enforce this and deny the request it would create unnecessary hardship in the development of the affected property, that is what we are saying?

Do we have a consensus? The board agreed

-1.That the situation causing the hardship of difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district

Chairman Collins – most of the houses in your area are on about the same lot size aren't they?

Ms. Stewart – yes they are small

Chairman Collins – the same hardship affects most of the houses over there, but the situation causing the hardship here is a health issue.

J.D. Shaw – you didn't pour that slab did you?

Ms. Stewart – no it was poured when the house was built

J.D. Shaw – that knocks out it being self imposed, it's not financial in nature and majority of the homes and lots have the same effect to them.

Chairman Collins – is the situation causing the hardship the health or is it the driveway?

Gladys Stewart – well it would be both I think, because if I tried to put the carport on the side I would have to have the water and sewer re routed and that would be extremely expensive and be to much.

J.D. Shaw – Mary Kay I am having a little trouble exactly understanding number 2, can you help us out with that. It say's that the situation causing the hardship is not financial in nature, as Ms. Stewart just said it would cost her a lot of money to have to re route the sewer and water line. Is that what that is saying there?

Mary Kay Fischer – Well the way I would look at this is sometimes people do things before they come and ask if they can do it and they put money in to it assuming that it is going to be approved. Therefore it would be considered both financial in nature and self imposed. I guess the key is what is the situation, is the situation that's causing the hardship the health, and as a result of that health issue in light of her home and the location of the concrete driveway, does it make sense to go with the flow instead of changing It which would cause an additional hardship. So, I just think you have to look at both of them to make that determination.

J.D. Shaw – Okay, I just wanted to make sure that I was understood the wording of the neither financial in nature and it is much clearer now.

Roger Collins – the situation is the health

J.D. Shaw – it is

Roger Collins – so that is not financial, self imposed or general effecting most property in the same zoning, so, I think we have addressed number 2 and have met that requirement.

J.D. Shaw – we have already answered number 3.

Chairman Collins – lets look at number 4

- 4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

J.D. Shaw – and purpose of these regulations, is that talking about 9.6, or the regulations of the whole zoning ordinance?

Mary Kay Fischer – I would go back and look at B at this time, because that is the whole picture there. So, if is consistent with the whole package then it would be in harmony.

Chairman Collins – lets look at B again

Chairman Collins read 1-5 of B and the Board agreed that they have established all of those items.

Chairman Collins – I will entertain a motion

*Motion by J.D. Shaw that the request for a variance at 805 W. Live Oak be granted*

*Second by Marian Goff*

*Motion passes 4 for, 0 against and 2 absent*

- 5. Update on staff work plan for the upcoming year.

Melissa Vossmer – I just wanted to share with the board what we have developed and Council has approved the staff work plan for the coming fiscal year which started October 1 and we will be sending you an electronic file of that so that you will have that document to look at. It gives you an idea of where staff will be focusing its time and energy in the coming year. On a quarterly basis we will be giving updates to council on we are doing in terms of accomplishments, not only the tasks, but meeting the timelines we set for ourselves. If you would like I would be more than happy to share them with this board as well. It gives you an idea of what we are doing at the city.

6. Adjournment 12:40 pm

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Roger Collins, Chair

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Laurie Rodriguez, Asst. City Secretary