

City of Angleton, Texas
Board of Adjustments
Called meeting
12:00 p.m., Thursday, September 9, 2010

The City of Angleton, Board of Adjustments conducted a called meeting at 12:00 p.m. on Thursday, September 9, 2010 in the Council Chambers, 120 S. Chenango, Angleton, Texas with the following in attendance:

Members Present:

Fred Oberhelman
JD Shaw
Marian Goff
Tim Charlson

Members Absent:

Roger Collins

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.

Fred Oberhelman acted as temporary chairman

2. Introduction of new Board Members

J.D. Shaw - Personal Trainer at the Angleton Recreation Center & a retired Naval Officer, Tim Charlson – member of the Angleton Volunteer Fire Department & Marian Goff - retired paramedic and still work with AAEMC.

3. Discussion and possible action on the selection of a Chairman and Vice Chairman of the Board.

Motion by J.D. Shaw to nominate Roger Collins as Chairman of the Board.

Second by Marian Goff

Motion by J.D. Shaw to nominate Fred Oberhelman as Vice Chairman of the Board.

Second by Marian Goff

Motions pass 4 for, 0 against and 1 absent

4. Public Hearing on a request for a side yard building line variance at 614 N. Columbia.

Motion by Tim Charlson to open the public hearing

Second by J.D. Shaw

Motion passes 4 for, 0 against and 1 absent

Patty Chavez, Mrs Chavez's daughter spoke on her behalf.

Gladys Stewart -I don't have any opposition to the variance. I am petitioning the same thing but there is a little different situation.

I was just wondering why are they here? Please explain the variance.

Fred Oberhelman – their request is because the code concerning the building of a carport extends over the building line.

J.D. Shaw – you have to have five feet from your property line and any structure, a carport is considered a structure. Her carport would only leave about 2 ft 8 in.

Fred Oberhelman asked Building Official Robert Owens to give his information on the proposed structure.

Robert Owens – the purpose of the side building line is to have at least ten feet between your structures in order to prevent any type of conflagration with a fire.

Marian Goff – so in essence she will only have about 7 ½ between her carport and the house next door.

Robert Owens – if the house next door is set at the five foot.

Marian Goff – it seems to be, I went by there and took a picture.

Tim Charlson – Robert, do you have any issues with the carport if a variance was issued.

Robert Owens – if it was a non combustible carport I wouldn't

Motion by Tim Charlson to close the public hearing.

Second by Marian Goff

Motion passes 4 for, 0 against and 1 absent

5. Discussion and possible action on approving a request for a side yard building line variance for 614 N. Columbia.

J.D. Shaw – she has an existing driveway that extends almost to the property line. To install a carport over this driveway it will have to break the building code. Understanding what Robert Owens is saying as far as the type of structure. Also knowing that Mrs. Chavez has asthma, as is written in her request for the variance. The only question I have is how much does a carport reduce the heat inside of a car?

Robert Owens – it actually reduces it quite a bit.

Tim Charlson – what type of carport will it be?

Laurie Rodriguez – passed around a copy of the building plans submitted to the building department for permit.

J.D. Shaw – the biggest thing that I see and that is why I asked the question to Robert how much it would reduce the heat level in the car, I know Mrs. Chavez has asthma and that is a huge issue. You get into a really hot car it can key it up really quick.

Mary Kay Fischer - I wanted to point out that there are specific requirements that the Zoning Ordinance requires you to make

certain findings and if you look on page 15 under 9.6b – Conditions Required for a Variance it talks about your requirement to have public notice and that you need to make certain findings. If you would go ahead and review number 1-5 the law requires that you make those findings on the record. One of the findings is if undue hardship exists, which could very well be your discussion regarding the asthma. Therefore, it further requires you to make written finding that an undue hardship exists using the following criteria under C 1-4, so I would like for you to review those and when you make your decision and your motion to put on the record that these findings have been met.

The Board took a few minutes to review the ordinance.

Mary Kay Fischer – as far as your order of action it might be best for you to go ahead and make the finding of undue hardship, since that is one of the things that you have to find.

Marian Goff - I would like to move that failing to grant this variance to Mrs. Chavez may ultimately cause an undue hardship due to her health conditions. It appears that it is necessary or it would at least be beneficial for her car to be cooler, therefore the variance could be passed under hardship conditions.

Second by Tim Charlson

J.D. Shaw – the only question I have is looking at how the lots are laid out, would there ever be a need for you to try to pull a fire truck between this lots in the event of a fire?

Robert Owens – No, there is access from roadside

Motion passes 4 for, 0 against and 1 absent

Motion by Marian Goff with the finding of section 9.6 1-5 of the Zoning Ordinance.

Second by J.D. Shaw

Motion passes 4 for, 0 against and 1 absent

6. Staff Reports & updates.

None

7. Adjournment 12:30 pm

J. C. Andrews, Chair

Shelly Deisher, City Secretary