

**City of Angleton, Texas
Board of Adjustments
Called meeting
12:00 p.m., Wednesday, April 20, 2011**

The City of Angleton, Board of Adjustments will conduct a called meeting at 12:00 p.m. on Wednesday, April 20, 2011, Located at 120 S. Chenango in the Council Chambers, Angleton, Texas with the following in attendance:

Members Present:

Roger Collins – Chairman
Fred Oberhelman – Vice Chairman
JD Shaw
Marian Goff
Tim Charlson

Others in Attendance:

Mary Kay Fischer – City Attorney
Laurie Rodriguez – Asst. City Secretary
Tom Burson, PE – City Engineer

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

*Motion by Marian Goff to approve the minutes as written
Second by Tim Charlson*

Motion passes, 5 for, 0 against

3. Public Hearing on a request for a variance to build a home at 312 W. Magnolia, whose lot size does not meet the City of Angleton's minimum lot size requirements.

Roger Collins – we are going to combine agenda item 3 and 5, those are the Public Hearings for the request to grant a variance to build a home at 312 & 310 W. Magnolia. Since it is the same family that owns both lots and they are next door to each other.

PH open 12:02 pm

Justin Johnson – I am with Tegrity Homes and we are working with the Houston Galveston Area Council for disaster recovery for Hurricane Ike. Mr. DeLeon, Sr. and Mr. DeLeon, Jr. would like to request a variance to build on their lot.

PH closed 12:03 pm

4. Discussion and possible action on a request for a variance to build a home at 312 W. Magnolia, whose lot size does not meet the City of Angleton's minimum lot size requirements.

Roger Collins read the conditions of section 9.6B and asked the Board on 1-4 if it was agreed or disagreed that the request met the requirements laid out in that section.

- 1) agreed
- 2) agreed
- 3) agreed
- 4) agreed

9.6C

- 1) agreed
- 2) agreed
- 3) agreed
- 4) agreed

*Motion by Tim Charlson to grant the variance
Second by JD Shaw*

Motion passes, 5 for, 0 against

5. Public Hearing on a request for a variance to build a home at 310 W. Magnolia, whose lot size does not meet the City of Angleton's minimum lot size requirements.

Public Hearing was combined with the Public Hearing for agenda item 3.

6. Discussion and possible action on a request for a variance to build a home at 310 W. Magnolia, whose lot size does not meet the minimum lot size requirements.

Mary Kay Fischer- as I watched you go through the process for the previous item, if you believe this next agenda item is consistent with the one you just reviewed, you need to vote separately on it but if the commissioners believe all of the elements have been met under the ordinance you can have a general motion. Basically Mr. Chairman you can ask if all members believe that section blank numbers through whatever have been satisfied under the hardship as well as the variance, if you want to save some time I think that would be fine.

Roger Collins – great, thank you.

Roger Collins – This is more or less the same situation as agenda item 4 it is just next door. Does the Board of Adjustments feel that the requirements of 9.6 B & C have been met in this instance also.

Board of Adjustments – agreed

*Motion to approve the variance for 310 W. Magnolia
Second by Tim Charlson*

Motion passes, 5 for, 0 against

7. Public Hearing on a request for a variance to build a building at 405 E. Magnolia, with a sidewall height that exceeds the maximum height allowed by the City of Angleton Zoning Ordinance.

PH open at 12:10 pm

Elo Bueger – I am the homeowner, the purpose is to put a structure next to my three car garage, I have an acre between E. Locust and E. Magnolia. I wanted to put a building up to put a recreational vehicle inside of and fix it so when I get older I will be able to just drive through. So I can enter and leave through either direction. It needs to be the height we are asking for in order to accommodate a motor home. That is what I am asking for.

John Niles – I live at 313 N. Morgan it is on the same block, I also own the lot right beside where he lives and wants to do the work. He needs to be able to go ahead if possible and build it. He has plenty of property.

Tom Burson – I am the City Engineer and am over Code Enforcement. We have had a similar situation to this one. Both projects, the previous one and this one were submitted within a couple of weeks of each other. Different eyes reviewed them and the previous one was approved to do exactly what this gentleman would like to do. Another set of eyes looked at this one and said it does not meet requirements which are 12 feet and he wants to put in a taller one. My first inclination was to let him do this without coming to this board but two wrongs don't make a right. Therefore, my office and the City Manager would be in favor of granting this variance. We feel that would be fair.

Public Hearing closed 12:15 pm

8. Discussion and possible action on a request for a variance to build a building at 405 E. Magnolia, with a sidewall height that exceeds the maximum height allowed by the City of Angleton Zoning Ordinance.

Section 9.6 B

- 1) agreed
- 2) agreed
- 3) agreed
- 4) agreed

9.6 C

- 1) agreed
- 2) agreed
- 3) agreed
- 4) agreed

*Motion by Tim Charlson to approve the variance
Second by Fred Oberhelman*

Motion passes, 5 for, 0 against

9. Public Hearing on a variance request to install emergency travel trailer water / sewer connections at the new Farm Bureau location at 2620 E. Mulberry.

Public Hearing open 12:19 pm

Robert James, Farm Bureau - On our original plans that I took to the surveyor it had the 5 spaces shown on there. It is used only

in the event of a hurricane or catastrophic event. We have units we bring in across the state to enable the claims department to settle the claims. That is what we are asking for. I can show you on the originals. They are drawn in but they are not labeled. This is a regional claims catastrophic center. We would like the ability to have the hook ups in the event that they bring the cat trailers in to serve the public. Our building is also built in accordance to a category 4 storm.

Public Hearing closed 12:21 pm

10. Discussion and possible action on a variance request to install emergency travel trailer water / sewer connections at the new Farm Bureau location at 2620 E. Mulberry.

JD Shaw – on the original drawings that were submitted, did you guys see or not see that they wanted to put these in?

Tom Burson – that was before my time, I'm sorry. The whole reason this is coming up is the zoning does not allow that use. It is not a problem with what they are doing or service they are providing. One of the concerns we guard against is what happens down the road if they move out and sell the property. I'm not saying they are going to but that is one of the things we try to guard against.

Roger Collins – Mary Kay correct me if I am wrong. I am not sure that a variance is the right thing. Wouldn't they need a re-zone? We can't grant a variance for a use.

Mary Kay Fischer – I believe you have the authority to..... I am looking it up.

As I am looking at your authority, and I have to say I am the one that made this call, but as I am looking at it, it says make interpretations on zoning district boundaries. The only other authority you have is to appeal the decision of a building official.

What is the decision of the building official?

Tom Burson – the zoning does not allow that use

Roger Collins – do we have a zone that allows temporary hook ups for a situation like they are in?

Mary Kay Fischer – I don't know for certain, but I would doubt it. My concern was when we were discussing this issue, when you re-zone something it is re-zoned.

Roger Collins – and when we grant the variance it is to them and not to any subsequent owner...is that correct?

Mary Kay Fischer – Well if it is a variance to zoning it is a zoning issue and zoning runs with the land, not the owner.

Roger Collins - I know what they want to do and I think its great but I'm not sure how we can legally get there from here.

Mary Kay Fischer – now that you say that I think you are right, I made a mistake.

Roger Collins – so what do we do? I know they need to be able to bring there people in, I don't know how we can help them.

JD Shaw – this is zoned commercial general. Is there a specific zone grouping that would allow this?

Mary Kay Fischer – you are a mixed use, you are an office building and you want the ability to have temporary hook ups.

Robert James, Farm Bureau – the way this came about is we have another regional office in Corpus and after a few of the storms hit down there, they built a catastrophic building like we are building here. We have about five units that travel to the area when they have a catastrophic claim. I hope we never have to see them, but in the event it would be convenient for them to come in and set up.

Roger Collins – I appreciate what you want and I am not against it, I just don't know if we have the authority to grant a variance or if a variance is what needs to be done here.

JD Shaw – looking at the commercial general district as written under the general purpose and description – Commercial General district is intended to reflect existing and future areas of larger

scaled pedestrian and auto-oriented commercial development located on the City's major arterial roads, and to include wide variety of community-serving uses include retail, services, office, auto-related businesses, eating and drinking...so on and so forth. That's under commercial general and that is what they are zoned now. The word that sticks out to me is services. Then if you looked at commercial mixed use which Mary Kay mentioned this district is established to provide for areas of large-scale pedestrian and auto-oriented, region-serving, mixed-use development that includes a mix of retail formats, office and business services, commercial lodging, office-oriented research and development, recreation and entertainment.

I don't even know if they re-zoned to commercial mixed would it fit under that.

Mary Kay Fischer – the other issue is as I scanned through the use table, there is a travel trailer/RV short term stay but then the issue is where is the office building and where are the hook ups and would you have to divide your property to have two different zones. That is the other issue.

Roger Collins- Mary Kay can we table this and give you a week, and we can come back next week.

Mary Kay Fischer – yes that is what I would recommend

Robert James, Farm Bureau – I have a deal here I would like to show you. Mr. James showed the board the original drawing and there was discussion between the board Farm Bureau and Mary Kay Fischer.

*Motion by Fred Oberhelman to table this item
Second by Marian Goff*

Motion passes, 5 for, 0 against

Roger Collins – so it is tabled until Mary Kay can figure out what to do to get you where you want to be legally.

11. Adjourn at 12:40

Motion by JD Shaw to re-open the meeting

Second by Tim Charlson

Motion passes, 5 for, 0 against

Roger Collins – what do we need to say Mary Kay so that we can do all of this?

Mary Kay Fischer – I think if the commissioners would advise the audience, they are the ones that would have read the public notice in the paper regarding the public hearing today and advise them that this public hearing will be continued at a meeting of a specific date at whatever time so that they are aware that they can come back to the public hearing at that date and time.

Roger Collins - so we will have to have another public hearing at our next meeting?

JD Shaw – it is just the continuation

Mary Kay Fischer – It will be a continuation.

Roger Collins – well actually we had closed the public hearing and we were on the discussion agenda item.

Mary Kay Fischer – I think it will still be okay if the people here where here for the public hearing and they know that we are going to have it again.

JD Shaw – so we are more or less saying that we are going to continue the discussion and possible action on this instead of the public hearing.

Mary Kay Fischer – well we will but I would still say that the public hearing even though it is closed will be re-open prior to discussion.

Roger Collins – we need that in the form of a motion - you can say so moved.

A motion has been made to re-open the public hearing right now.

*Motion by Tim Charlson to re-open the public hearing right now
Second by Fred Oberhelman*

Motion passes, 5 for, 0 against

Roger Collins -now that the public hearing is open we can get a motion...what do we need to do? Do we just table the public hearing until whatever day we decide we are going to meet?

Mary Kay Fischer – what you can do is advise the audience the public that is here to speak about this issue, that this public hearing will be continued at a certain date and time. So, we will need to establish today the date of the next meeting.

Roger Collins – to everybody present this public hearing regarding the request for a variance to install emergency travel trailer water / sewer connections at the new Farm Bureau location at 2620 E. Mulberry will be continued at the next Board of Adjustments meeting on April 28, 2011 at noon.

Public hearing is now closed until we re-open on April 28th.

Meeting adjourned at 12:50 pm.

Roger Collins
Chairman

Laurie Rodriguez
Assistant City Secretary