



NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON WEDNESDAY, MARCH 20, 2024, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

1. Discussion and possible action on the Board of Adjustment meeting minutes for Wednesday, December 20, 2023.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on a variance request for a proposed 10'-6" high privacy fence, per Local Gov. Code 211.008 and Section 28-23 of the City of Angleton, Code of Ordinances. Section 28-104- Fencing, walls and screening requirements, (c) Fences in residential areas: (1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet in height". The subject property is located at 32 Colony Square, also known as Block 1, Lot 15; and zoned Single Family Residential, (SF 7.2) District.

REGULAR AGENDA

ADJOURNMENT

CERTIFICATION

I, Otis Spriggs, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, March 15, 2024, by 5:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/S/ Otis Spriggs

Otis Spriggs

Development Services Director

Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Angleton ADA Coordinator, Colleen Martin, no later than seventy-two (72) hours prior to the meeting, at (979) 849-4364 ext. 2132, email: cmartin@angleton.tx.us.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 20, 2024

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on the Board of Adjustment meeting minutes for Wednesday, December 20, 2023.

AGENDA ITEM SECTION: Declaration of a Quorum and Call to Order

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Staff requests a discussion and possible action on the Board of Adjustment meeting minutes for Wednesday, December 20, 2023.

RECOMMENDATION: Staff recommends that the Board of Zoning Adjustment approve the minutes with any noted corrections.



**CITY OF ANGLETON
BOARD OF ADJUSTMENT AGENDA
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
WEDNESDAY, DECEMBER 20, 2023, AT 12:00 PM**

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC ON WEDNESDAY, DECEMBER 20, 2023, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

Present: Ms. Danielle Graham, Chair
Ms. Janie Schwartz-Shaw
Ms. Michelle Townsend
Mr. Gary Dickey

Absent: Mr. Blaine Smith
Ms. Ellen Eby

DECLARATION OF A QUORUM AND CALL TO ORDER

1. Discussion and possible action on the minutes for the Board of Zoning Adjustment meeting on September 20, 2023.

Board Action:

A motion was made by Board member Michelle Townsend to approve the minutes as presented; motion seconded by Board member Janie Schwartz-Shaw.

ROLL CALL VOTE:

Chair Danielle Graham - Aye, Board member Janie Schwartz-Shaw - Aye, Board member Michelle Townsend - Aye, Board member Gary Dickey - Aye; **(4-0 vote). The minutes were approved.**

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and possible action on a request for a variance to City of Angleton, Code of Ordinances, Local Gov. Code 211.008 and in accordance with Sec. 28-23 and Sec. 28-60 (d)(1) c., (Minimum Lot Depth) to allow for an existing nonconforming lot to be divided, creating two lots, with a reduction of the minimum lot depth requirement from 100.00 feet to a minimal of 81.75 feet and consideration of existing non-conforming building encroachments. The subject property is located at 2216 S. Hwy 288B, also known as 2216 S. Velasco St., Angleton, Texas, and is Zoned LI, Light Industrial District.

Staff: Kandice Haseloff-Bunker, Development Coordinator gave staff summary comments explaining the basis for the variance resulting from a plat submittal for an existing nonconforming lot, which does not meet the lot minimum depth. The applicant hopes to subdivide the lot for the family. The plat meets all the other city requirements and Zoning. Staff is recommending approval, subject to all future improvements and buildings will conform with the Zoning Ordinance in effect. Photographs were shown.

Ben Nolen, Brazoria County neighbor, Spoke on behalf of self.

Board Deliberation:

Board Action:

A motion was made by Board Member, Janie Schwartz-Shaw to approve the variance, to allow existing nonconforming lot to be divided, conditioned on the following; number one, that the applicant shall, upon this approval, apply for a building permit application for any unpermitted structures to be reviewed for full building code compliance by the Chief Building Official and number two, that no future improvements to the subject property shall occur absent the appropriate building development permit application and with the understanding that existing use is permitted to remain as is, and all future improved structures are required to conform with the zoning Ordinances in effect at that time; motion seconded by Board Member, Gary Dickey.

ROLL CALL VOTE:

Chair Danielle Graham - Aye, Board member Janie Schwartz-Shaw - Aye, Board member Michelle Townsend - Aye, Board member Gary Dickey - Aye; **(4-0 vote). The variance was granted.**

ADJOURNMENT: 12:16 PM

A motion was made by Board Member, Janie Schwartz-Shaw to adjourn; motion seconded by Board Member, Gary Dickey. **Motion carried.**

CITY OF ANGLETON, TEXAS

Chair, Danielle Graham

ATTEST:

Otis T. Spriggs, AICP, Development Services Department Director



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 20, 2024

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on a variance request for a proposed 10'-6" high privacy fence, per Local Gov. Code 211.008 and Section 28-23 of the City of Angleton, Code of Ordinances. Section 28-104- Fencing, walls and screening requirements, (c) Fences in residential areas: (1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet in height". The subject property is located at 32 Colony Square, also known as Block 1, Lot 15; and zoned Single Family Residential, (SF 7.2) District.

AGENDA ITEM SECTION: Public Hearings and Action Items

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

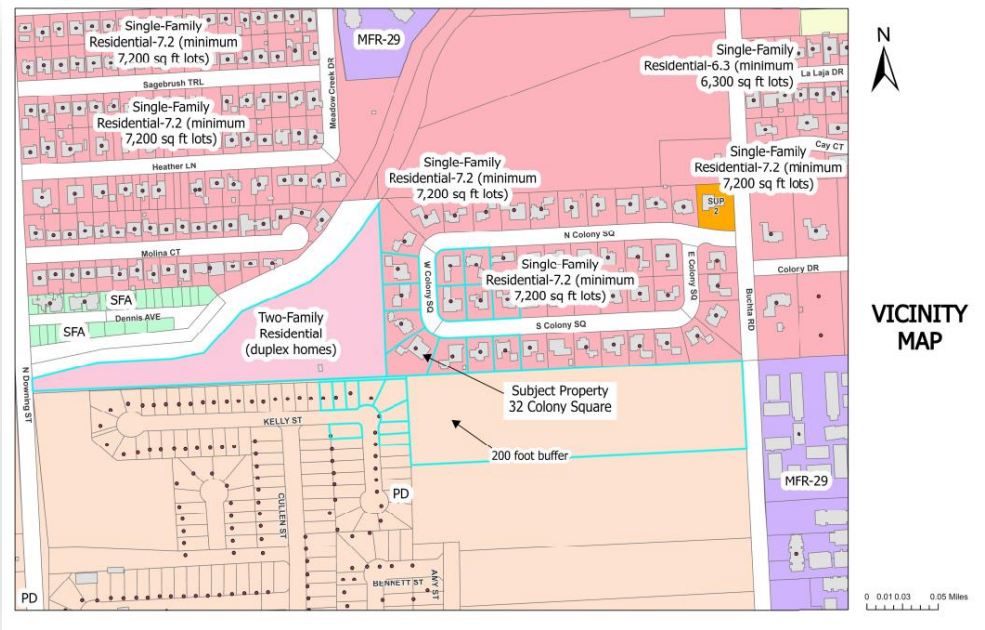
The applicant has filed a variance application on the subject property located at 32 Colony Square, also known as Block 1, Lot 15; and zoned Single Family Residential, (SF 7.2) District for a rear yard privacy fence at a height of 10.5-ft, which will abut the Riverwood Ranch-North Subdivision project which is immediately south of Colony Square Subdivision.

As noted under the City of Angleton Zoning Ordinance, Sec. 28-104- Fencing, walls and screening requirements, (c) Fences in residential areas: (1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet in height.

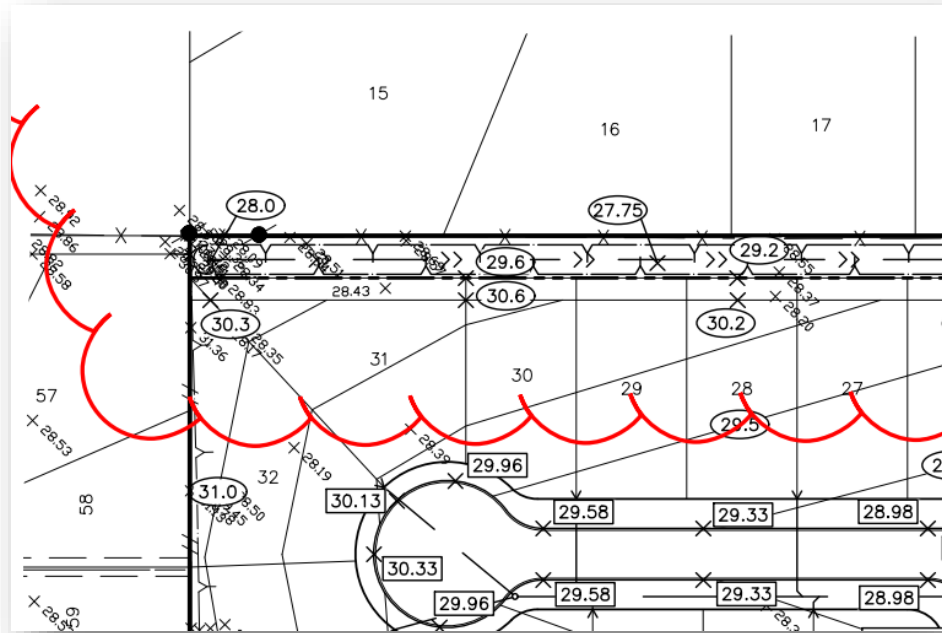
Staff has processed this application and scheduled the public hearing. Property owners within 200 ft. of the property were notified as well as the legal notice was posted in the local newspaper.



Photograph from subject site looking South towards Riverwood Ranch Subdivision.



Vicinity & Zoning MAP



Lot Site Grading Plan at common property line

Zoning Code / Variance Analysis:

Sec. 28-23. Board of adjustment (BOA). F. (2). No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with subsection (h) of this section and unless the board of adjustment finds:

a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land; *Staff confirms that the resulting difference in elevation could cause new homes to be higher in terms of sight line.*

b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; *Applicant seeks relief by the Board to protect their level of privacy in their rear yard.*

c. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;

Staff confirms that the variance will not cause any detriment to public health and safety.

d. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter; and

Staff confirms granting the variance will not prevent the orderly use of other land within the area.

e. **That a finding of undue hardship exists (see subsection (f)(3) below).**

Such findings of the board of adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that public health, safety and welfare may be secured, and that substantial justice may be done.

Staff agrees the findings of undue hardship in granting this variance are properly established.

In order to grant a variance, the board of adjustment must make written findings that an undue hardship exists:

Staff concurs that the difficulty caused is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and the relief sought will not injure the permitted use of adjacent conforming property; and the granting of a variance will be in harmony with the spirit and purpose of these regulations.

RECOMMENDATION:

Staff recommends that the Board of Zoning Adjustment grant the variance to **Sec. 28-104- Fencing**, for a 10.5 ft. high privacy fence in the rear yard at 32 Colony Square for the reason that the abutting new development is establishing a finish floor and ground level, higher than the subject property referenced when built in 1991 and the board finds that a hardship exists.

P.O. Box 549
Clute, TX 77531
979-265-7411

Date: 03/01/24
Account: 15239
Name:
Company: City Of Angleton
Telephone: (979) 849-4364
Email: mbarron@angleton.tx.us

Ad Taken By: ABROWNING
Sales Person: Anicia Browning
Phone: (979) 237-0113
Email: anicia.browning@thefacts.com

Ad ID: 1205424
of Lines: 39
Size: 2 x 5.653
Color:
of Preprints: 0
of Pages: 0
Ad Cost: \$232.56
PO Number:
Publication: The Brazosports Facts, www.
TheFacts.com
Publish Date: 03/06/24

****Please proofread the ad****
For any corrections or changes,
contact your media representative.

We Appreciate Your Business!
Thank You!

Proof
Date: 03/01/24
User: ABROWNING

City of Angleton Notice of Hearing

Notice is hereby given that the Board of Adjustment of the City of Angleton, Texas will conduct a hearing at 12:00 pm on Wednesday, March 20, 2024. The meeting will be held at Angleton City Hall in the City Council Chambers at 120 S. Chenango Street, Angleton, Texas 77515. At the meeting, the following hearing will be held:

Conduct a hearing, discussion, and take possible action on a 2.5-ft. variance request of the City of Angleton, Code of Ordinances, Local Gov. Code 211.008 and in accordance with Sec. 28-104- Fencing, walls and screening requirements, (c) Fences in residential areas:(1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet in height. The subject property is located at 32 Colony Square, also known as Block 1, Lot 15 Single Family Residential, (SF 7.2) District.

The meeting agenda and agenda packet will be posted online at <https://angleton-tx.municodemeeetings.com/>. The public will have the opportunity to offer comments on each agenda item by registering prior to the meeting.

For more information regarding these requests please contact Otis T. Spriggs, AICP, Development Services Director by email at ospriggs@angleton.tx.us or by phone at (979) 849-4364 x-2108 or Kandice Haseloff-Bunker, Development Coordinator by email at kbunker@angleton.tx.us or by phone at (979) 849-4364 x-2131.



PAID
Memo CASH CHECK CREDIT
2/23/24 815265

**BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

City of Angleton
121 S. Velasco
Angleton, TX 77515
979-849-4364

Applicant: STEWART CHRISTENSEN Phone: _____ Cell: _____

Address: _____


City: ANGLETON **State:** TX **Zip:** 77515

Applicant's Status: (check one) Owner Representative Tenant

Property owner: STEWART CHRISTENSEN Phone: _____ Cell: _____

Address: _____

City: ANGLETON **State:** TX **Zip:** 77515


Applicant Signature

2/23/24
Date


Owner Signature

2/23/24
Date

Property Information:

This application must be accompanied by a site plan and any other documents requested, such as plot plans, photographs, topographic contour maps that are necessary to properly review the application.

Street address or location: 32 COLONY SQUARE

Legal Description: COLONY SQUARE (ANGLETON) (318 T S LEE) BLK 1 LOT 15
(please provide copy of metes and bounds)

Present zoning: ANGLETON **Present land use:** RESIDENTIAL

ending on the agenda of the Planning & Zoning Commission or the City
 Yes No

? Yes No Date denied: _____

1 unfavorable ruling on this property within the last six months?

879-843-5665

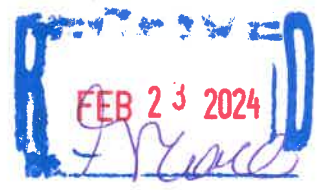
REC#: 02283894 2/23/2024 1:11 PM
OPER: 3G TERM: 105
REF#: 01564c christiansen

this property.

TRAN: 300.1190 ZONING VAR/PLATTING
ZONING/VARIANCE/PLA 150.00CR

TENDERED: 150.00 CREDIT CARD
APPLIED: 150.00-

CHANGE: 0.00





PAID
Memo CASH CHECK CREDIT \$15260
2/23/24

**BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

City of Angleton
121 S. Velasco
Angleton, TX 77515
979-849-4364

Applicant: STEWART CHRISTENSEN Phone: _____ Cell: _____

Address: _____


City: ANGLETON State: TX Zip: 77515

Applicant's Status: (check one) Owner Representative Tenant

Property owner: STEWART CHRISTENSEN Phone: _____ Cell: _____

Address: _____

City: ANGLETON State: TX Zip: 77515


Applicant Signature

2/23/24
Date


Owner Signature

2/23/24
Date

Property Information:

This application must be accompanied by a site plan and any other documents requested, such as plot plans, photographs, topographic contour maps that are necessary to properly review the application.

Street address or location: 32 COLONY SQUARE

Legal Description: COLONY SQUARE (ANGLETON) (318 T S LEE) BLK 1 LOT 15
(please provide copy of metes and bounds)

Present zoning: ANGLETON Present land use: RESIDENTIAL

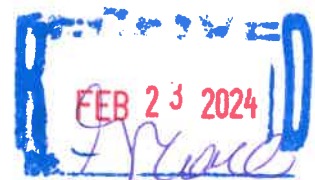
Is a site plan, preliminary or final plat pending on the agenda of the Planning & Zoning Commission or the City Council? Yes X No


Have you applied for a building permit? Yes X No Date denied: _____

Has the Board of Adjustments issued an unfavorable ruling on this property within the last six months?
 Yes X No

If yes, when: _____

Please provide proof of taxes paid on this property.



 **KRISTIN R. BULANEK**
 BRAZORIA COUNTY TAX ASSESSOR-COLLECTOR
 111 E. Locust
 Angleton, TX 77515
 (979) 864-1320

Tax Certificate
 Property Account Number:
28720115000

Statement Date: 02/22/2024
Owner: CHRISTENSEN STEWART & EMMA
Mailing Address:

Property Location: 0000032 COLONY SQ
Legal: COLONY SQUARE (ANGLETON)
 (318T S LEE) BLK 1 LOT 15 0000032
 COLONY SQ
Acres: 0.5627 ACRES

TAX CERTIFICATE FOR ACCOUNT : 28720115000
 AD NUMBER: 197792
 GF NUMBER:
 CERTIFICATE NO : 2740684

FEE : \$10.00
 DATE : 2/22/2024

COLLECTING AGENCY
 Brazoria County
 111 E. Locust
 Angleton TX 77515

CURRENT VALUES 2 023
 APPRAISED VALUE: 425,000
 EXEMPTIONS: General Homestead, Optional Homestead

REQUESTED BY
 STEWART CHRISTENSEN

YEAR TAX UNIT

32 COLONY SQ
 ANGLETON TX 77515

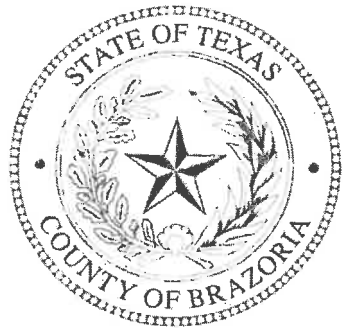
2023	ANGLETON - DANBURY HOSPITAL
2023	ANGLETON DRAINAGE DIST. NO 1
2023	ANGLETON ISD
2023	BRAZORIA COUNTY
2023	CITY OF ANGLETON
2023	PORT FREEPORT
2023	SPECIAL ROAD & BRIDGE

THIS IS TO CERTIFY THAT AFTER A CAREFUL REVIEW OF THE TAX RECORDS, ALL TAXES DUE THE TAX ASSESSOR COLLECTOR OF BRAZORIA COUNTY ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN PAID UP TO AND INCLUDING THE CURRENT YEAR TAXES WITH ANY ABOVE LISTED EXCEPTIONS. THE ABOVE DESCRIBED PROPERTY TAX HAS/IS RECEIVING SPECIAL VALUATION BASED ON ITS USE, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION. SPTB RULE 155.40 (B) PARAGRAPH 6. THE TAXES TO BE IMPOSED FOR 2024 HAVE NOT BEEN CALCULATED.

ACCOUNT NUMBER: 28720115000

CERTIFICATE NO : 2740684

TOTAL CERTIFIED TAX DUE 2/2024 : \$0.00



Jamie Johnson
 Signature of Authorized officer of collection office

2/22/24
 Date

Request Information:

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Describe the variance you are requesting: Requesting to build a 10.5 foot privacy fence in the backyard.

2. Describe the special or unique condition(s) of your property that exist, such as restricted area, shape, topography or physical features that are peculiar to your property: The new development (Riverwood Ranch) adjacent to the property built the land up approximately 4 ft. 10.5 feet is needed to make up for the 4 feet difference in property elevation to provide adequate privacy.

3. Do similar property conditions exist in your area? Explain: All houses in Colony Square adjacent to Riverwood Ranch are approximately 4 ft lower than the houses being built behind them.

4. Explain how your need for a variance is unique to those special property-related conditions described above: In order for my fence to block the line of sight from first story windows behind the property, 10.5 feet is needed since the neighboring houses are built up so much higher.

5. Are there special conditions affecting your property such that the strict application of the provisions of the Zoning Ordinance would deprive you of the reasonable use of your land? Explain: Property elevation is approximately 4 feet lower than the neighbors. Strict application of the zoning ordinance deprives the residents of 32 Colony Sq from having adequate privacy.

6. Explain why the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area: The fence is not close enough to any occupied residence to be injurious.

7. Describe how strict enforcement of the zoning ordinance creates a hardship that is unique to your property, imposing a hardship above that suffered by the general public: Zoning ordinance does not allow for fences higher than 8 feet. Strict enforcement prevents adequate height for privacy.

A completed variance application is due 30 days prior to the next Board of Adjustment meeting. Board of Adjustment meetings are held at noon on the third Wednesday of each month. At this meeting, a public hearing will be held. A public hearing notice must be published in the local newspaper (at least 14 days before the meeting) and a notice must be sent to all property owners within 200' of the property where the variance is being requested (the notice must be sent at least 10 days prior to the meeting).

Acknowledgements

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Board of Adjustments hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss the proposal either at the call of the case or after the hearing, and that such dismissal shall constitute denial.

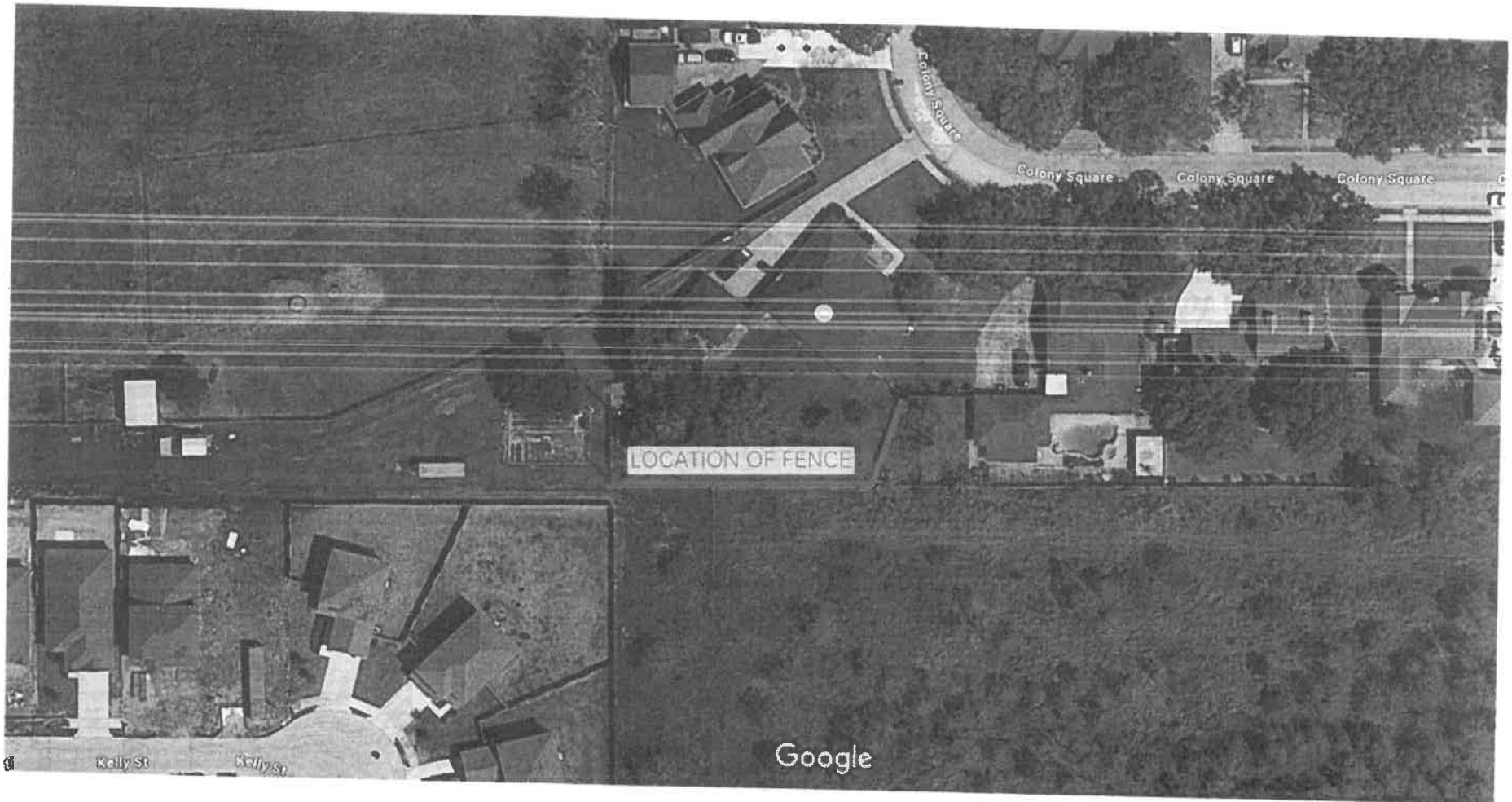
I reserve the right to withdraw this proposal at any time upon written request filed with the City Secretary's office, and such withdraw shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdraw of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property and that the Board of Adjustment action does not constitute the approval of the building permit.

Applicant's Initials: SBC Date: 2/23/24

Office use only	
Date received: _____	Received by: _____
Fee of \$150.00 received: _____	
Proof of taxes paid: _____	date verified: _____
Appointment of agent form attached if required: _____	
BOA Public Hearing date: _____	
Date to send letters to residents: _____	
Letters Mailed: _____	
Date to publish: _____	Date published: _____

Google Maps



Imagery ©2024 CNES / Airbus, Houston-Galveston Area Council, Maxar Technologies, Texas General Land Office, U.S. Geological Survey, Map data ©2024 20 ft