



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, OCTOBER 30, 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, July 17, 2024.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on a request for a variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family Residential-7.2 Zoning District,.d.2., (Minimum Front Yard Setback) to allow for a carport to be placed in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way. The subject property is located at 304 Farrer St., Angleton, TX 77515.

REGULAR AGENDA

ADJOURNMENT

CERTIFICATION

I, Otis T. 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, October 25, 2024, by 5:30 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/S/ Otis T. Spriggs, AICP

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: July 17, 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, July 17, 2024.

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, July 17, 2024.

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



CITY OF ANGLETON
BOARD OF ADJUSTMENT MEETING MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
WEDNESDAY, JULY 17, 2024 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, JULY 17, 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

Roll Call: Present were: Chair, Danielle Graham, Board member Janie Schwartz-Shaw, Board member Gary Dickey, and Board member Michelle Townsend. Absent was: Board Member Blaine Smith.

1. Discussion and possible action on the Board of Adjustment meeting minutes for May 22, 2024.

A motion was made by Board member Michelle Townsend to approve the minutes as presented; motion was 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 (Continued), discussion, and take possible action on previously platted with approximately 70-ft. deep lots, reducing the minimum front yard setback from 15 ft. to approximately 7-ft., by a variance request of the City of Angleton, Code of Ordinances, Local Gov. Code 211.008 and variance to Sec. 28-50. - SFA—Single-family attached residential district (Townhomes). The subject property is located on Dennis Avenue, also known as Brushy Bayou Townhomes Sect. II, Lots 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, T S Lee Survey, Abstract 318, Brazoria County, Texas; and zoned Single Family Attached, (SFA) District.

Staff:

D.S. Director Otis Spriggs informed the Board, that this hearing began previously in May, in which we heard testimony from the neighbors and the applicant regarding this request and proposal on Dennis Ave. for the proposed townhomes, which were part of a previous development that was previously approved and built on the north side of the road. On the south side of the road are a number of constraints regarding the drainage easement on the

south side of the street, which rendered most of those lots unbuildable with the exception maybe the first two lots that could be consolidated for the purposes of a duplex.

Along the south side, lots 23,24,25,26,27,28,29 and 30 could be considered to be dedicated to the city for parkland purposes or otherwise for additional parking for the residents, if the City does not accept the dedication. Mr. Spriggs showed photographs for further explanation, and the area on the north side of the road, that was never completed as planned originally, could be considered as requested by this developer for townhomes on the northside with the variances up for consideration.

Mr. Spriggs added that any new buildings would be no closer to the road than the existing structures and garages and the developer must satisfy any rear and side yard constraints. Mr. Spriggs described the waterline easement located on the north side of the road, between lots 18 and 19, in which we've gotten confirmation from our Public Works Department that it is a duplication water line that could be removed and that easements could be abandoned through the planning process.

The original park land reserve on the plat would need to be transferred to the south side to accommodate the completion of the townhomes. Mr. Spriggs explained that the May Public Hearing was tabled, because the applicant had not submitted the affidavit of the owner's consent on the application because he had not put the earnest money on the property. Since that time, all of that has been taken care of.

Mr. Spriggs described the requested 7-foot variance or 7-foot front yard setback as outlined in the Agenda Summary.

Board Member Michelle Townsend inquired about the Parkland Dedication requirements; will we still get that amount for the new structures? Mr. Spriggs explained the developer would have to comply with the new standards.

Mr. Spriggs explained that the Board's action would be on the north side of the road, the consideration of the setback variances, and on the South side for Lots 21 and 22, possibly as recommended by staff for a duplex. And then everything else is a part of dedicated open space and easement abandonments.

Motion was made by Board Member Michelle Townsend to close the public hearing; Motion was seconded by Board Member Board member Janie Schwartz-Shaw. Motion passed 4-0. The Public Hearing was closed.

Motion by Board Member Townsend made motion that the Board has established findings of fact and determines that a hardship has been proven for the requested variances to section 28-50 D.2, and hereby grants the variance subject to the condition that the applicant would complete the subdivision platting process to consolidate the lots, addresses their utility easements and the Parkland Reserve abandonment, to be finally approved by the City Council. Motion was seconded by Board Member Gary Dickey.

ROLL CALL VOTE:

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

ADJOURNMENT: 12:17 PM

/S/ Otis Spriggs

Otis Spriggs

Development Services Director



AGENDA ITEM SUMMARY FORM

MEETING DATE: October 30, 2024

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

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on a request for a variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family Residential-7.2 Zoning District,,d.2., (Minimum Front Yard Setback) to allow for a carport to be placed in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way. The subject property is located at 304 Farrer St., Angleton, TX 77515.

AGENDA ITEM SECTION: Public Hearings and Action Items

BUDGETED AMOUNT: N/A **FUNDS REQUESTED:** N/A

FUND: N/A

EXECUTIVE SUMMARY:

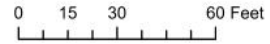
The applicant has filed a variance application on the subject property located at 304 Farrer St., Angleton, TX 77515; situated within the SF-7.2—Single-family Residential Zoning District. The applicant requests a carport replacement approval within a reduced front yard line of 17 feet +/- from the right-of-way, similar to several existing homes having carports on the street. The required minimum front yard setback is 35 feet for this district.

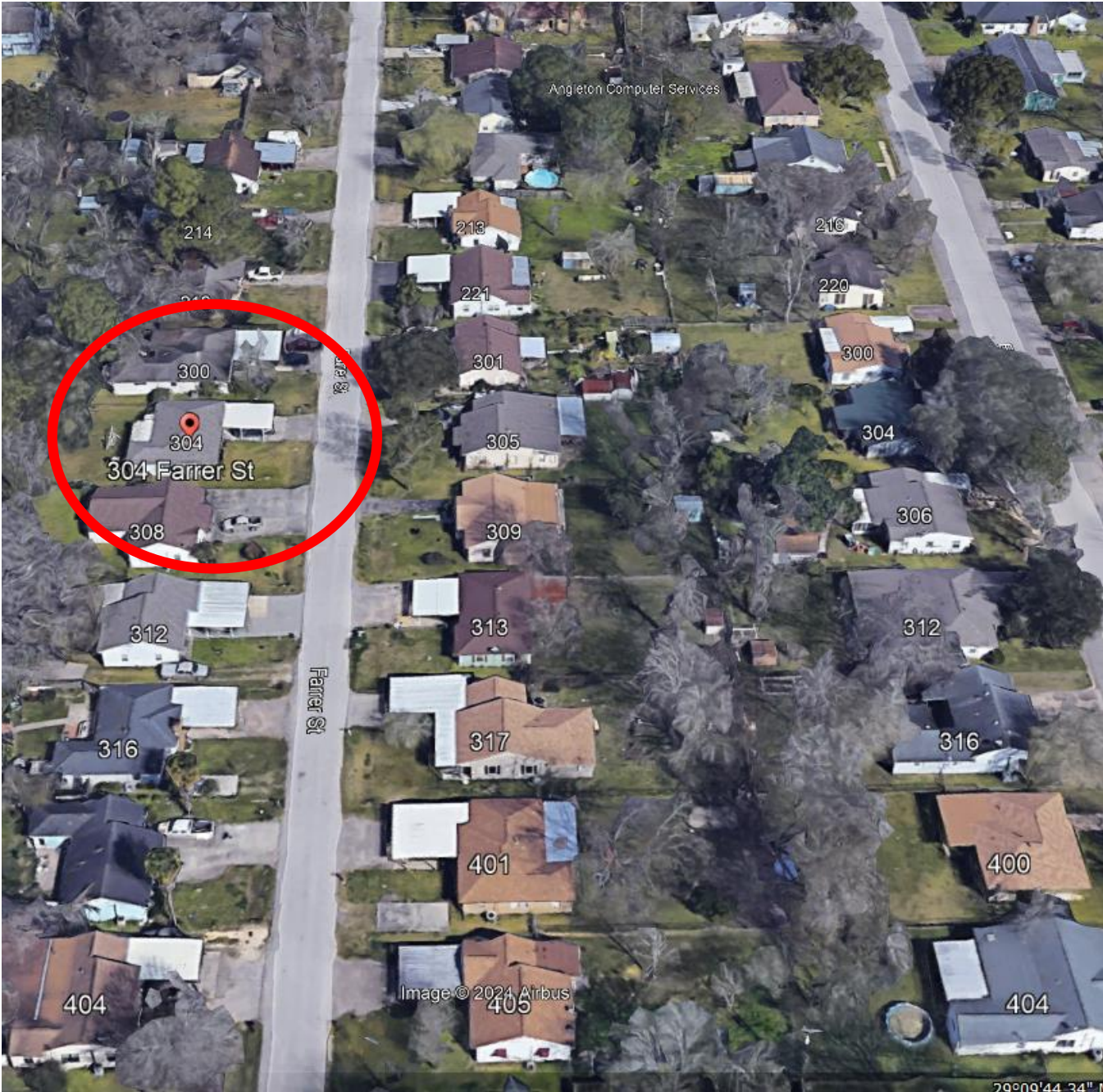
Due to the recent storm event, the home \owner’s carport was damaged as result.

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



Location Map: 304 Farrer St.- Carport Variance





Aerial Map



Earlier GOOGLE photo taken prior to storm disaster



View of other homes on the street having carports



View of other homes on the street having carports



View of other homes on the street having carports

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 hardship is valid in this instance, due to an "Act of God"/storm event. Over 5 homes in the immediate vicinity currently have carports.*
- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; *Applicant seeks relief from the Board to protect their right to repair and use their property similar to the other lots previously developed in the same subdivision, and the applicant noted that handicap accessibility and walking cane assist is an issue at times.*
- 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. Over 5 homes in the immediate vicinity have carports.

- 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 interfere nor prevent the orderly use of other land within the area.

- e. That a finding of undue hardship exists.

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.

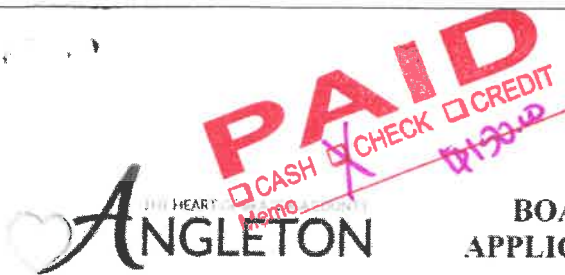
RECOMMENDATION:

Staff recommends that the Board of Zoning Adjustment finds that a hardship exists and grants the variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Minimum Front Yard Setback) to allow for a carport to be placed in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way.

Sample Motion:

1: *The Board of Zoning Adjustments has established findings of fact and determines that a hardship has been proven for the requested variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Minimum Front Yard Setback) to allow for a carport to be replaced in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way.

**Board of Zoning members may vote Nay to DENY the petition due to findings that hardship is not demonstrated or such variance will adversely impact the general planning area.*



**BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE**

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

Applicant: MARY KATHERINE LOW Phone: _____ Cell: _____

Address: 304 S. FARRER ST.

City: Angleton State: TX Zip: 77515

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

Property owner: MARY KATHERINE LOW Phone: _____ Cell: _____

Address: 304 S. FARRER ST.

City: Angleton State: TX Zip: 77515

Applicant Signature _____ Date 10/10/2024 Owner Signature _____ Date 10/10/2024

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: 304 S. FARRER ST.

Legal Description: Gilmer Addition BL 73 Lot 7
(please provide copy of metes and bounds)

Present zoning: SF 7.2 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 No

Have you applied for a building permit? Yes No Date denied: 10/10/24

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

If yes, when: _____

Please provide proof of taxes paid on this property.

Grace

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: CARPORT
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: Set Back, Required By City Ordinance (25' set back from property line)
3. Do similar property conditions exist in your area? Explain: yes 5 homes in AREA have CARPORTS
4. Explain how your need for a variance is unique to those special property-related conditions described above: handicap in wheel chair AT TIMES, on CANE to assist in WALKING
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: CARPORT preexisted prior to storm, rebuilding in same place
carport 20x20.
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: disaster CAUSED HARSHIP
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: Same

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: MKL Date: 10/10/2024

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: _____

Kyle Reynolds

From: Kyle Reynolds
Sent: Thursday, October 10, 2024 11:13 AM
To: Kyle Reynolds
Subject: 304 Farrer



Sent from my iPhone



P. O. BOX 549
CLUTE TX 77531
979-265-7411

**STATE OF TEXAS
COUNTY OF BRAZORIA**

Cindy Comette, being duly sworn, says:

That she is Classifieds Leader of the **The Facts**, a daily newspaper of general circulation, printed and published in **Brazoria County, Texas**; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

10/18/2024

That said newspaper was regularly issued and circulated on those dates.

Cindy Comette

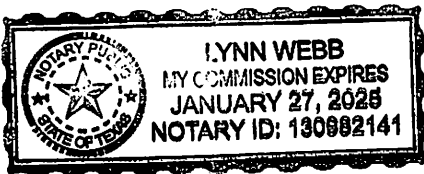
Advertising Director

Subscribed to and sworn to me this **18th day of October, 2024.**

Lynn Webb

Lynn Webb

Notary Public, State of Texas, Brazoria County, Texas
My commission expires January 27, 2025



City Of Angleton
121 S Velasco
Angleton, TX 77515

Acct #15239 Ad #1265422

Affidavit of Publication

**City of Angleton
Notice of Public Hearing**

Notice is hereby given that the Board of Adjustment (BOA) of the City of Angleton, Texas will conduct public hearings at 12:00 pm on Wednesday, October 30, 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 public hearing will be held:

Conduct a public hearing, discussion, and take possible action on a request for a variance to the Code of Ordinances, Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Minimum Front Yard Setback) to allow for a carport to be placed in the front yard, within a reduced front yard line of 17 feet +/- from the right-of-way. The subject property is located at 304 Farrer St., Angleton, TX 77515.

The meeting agenda and agenda packet will be posted online at <https://angleton-tx.municodem meetings.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.