

# City of Richwood — TEXAS —

## BOARD OF ADJUSTMENTS AGENDA

Monday, October 09, 2023 at 6:00 PM

*Richwood City Hall, 1800 Brazosport Blvd. N.*

BE IT KNOWN THAT a City of Richwood Board of Adjustments will meet Monday, October 9, 2023, beginning at 6:00 PM at Richwood City Hall, located at 1800 Brazosport Blvd. N., Richwood, Texas 77521 with the following agenda:

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGES OF ALLEGIANCE
- IV. ROLL CALL OF COUNCIL MEMBERS
- V. PUBLIC COMMENTS
- VI. CONSENT AGENDA
  - A. Approval of minutes from meeting held September 11, 2023.
- VII. DISCUSSION AND ACTION ITEMS
  - A. Discuss and consider an application for variance to allow an accessory structure (barn) to be erected prior to the existence of a primary structure (dwelling), as requested by Mark & Jacqueline Rohne.
  - B. Discuss and consider an application for variance to allow an accessory structure (RV carport) to be within the setbacks, 4 feet from the property line, as requested by Howard Fitts.
- VIII. ADJOURNMENT

**The City Council may go into Executive Session on any item listed on the Agenda in accordance with Section 551.071 of the Government Code (attorney-client privilege).**

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (979) 265-2082 or FAX (979) 265-7345 for further information.

I, Kirsten Garcia, to hereby certify that I did, on \_\_\_\_\_ at \_\_\_\_\_ post this notice of meeting on the bulletin board at 1800 N. Brazosport Blvd., Richwood TX, in compliance with the Texas Open Meetings Law.

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Kirsten Garcia, City Secretary  
City of Richwood

# MINUTES

## RICHWOOD BOARD OF ADJUSTMENTS

### Monday, September 11, 2023 at 6:00 PM

BE IT KNOWN THAT a City of Richwood Board of Adjustments will meet Monday, September 11, 2023, beginning at 6:00 PM at Richwood City Hall, located at 1800 Brazosport Blvd. N., Richwood, Texas 77521 with the following agenda:

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m.

II. INVOCATION

Tricia Ditto, Finance Director, led the invocation.

III. PLEDGES OF ALLEGIANCE

Mayor Durham led the pledges.

IV. ROLL CALL OF COUNCIL MEMBERS

Michael Durham, Mayor:	Present
Mike Johnson, Position 1:	Present
Mike Challenger, Position 2:	Present
Amanda Reynolds, Position 3:	Present
Rory Escalante, Position 4:	Present
Jeremy Fountain, Position 5:	Present

Others present: Eric Foerster, City Manager; Kirsten Garcia, City Secretary; Tricia Ditto, Finance Director; Clif Custer, Public Works Director; Stephen Mayer, Chief of Police; Phillip Knop, City Attorney

V. PUBLIC COMMENTS

There was no public comment.

VI. CONSENT AGENDA

A. Approval of minutes from meeting held August 8, 2022

**Motion to approve consent agenda.**

**Motion made by Mike Johnson, Seconded by Amanda Reynolds.**

**Voting Yea: Mike Challenger, Amanda Reynolds, Rory Escalante, Jeremy Fountain**

**Motion carried.**

VII. DISCUSSION AND ACTION ITEMS

A. Discuss and consider an application for variance to allow additional driveway and culverts be installed and an accessory structure be erected within the side setback in a R-1 Residential District, as requested by Stephen Vasek.

Mr. Vasek presented his request.

Clif Custer, Public Works Director, assisted in presentation.

**Motion to approve variance request.**

**Motion made by Amanda Reynolds, Seconded by Mike Johnson.**

**Voting Yea: Mike Challenger, Amanda Reynolds, Rory Escalante, Jeremy Fountain**

**Motion carried.**

VIII. ADJOURNMENT

Being there no further business, the meeting was adjourned at 6:13 p.m.

**These minutes were read and approved on this 09th day of October 2023.**

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

### Public Hearing Notice



The City of Richwood will hold a public hearing on October 9, 2023, at 6:00 PM to consider a variance request to allow an accessory structure (barn) to be erected prior to the existence of a primary structure (dwelling). The current requirement is that an accessory building shall not be erected prior to the establishment or construction of the principal building.



1800 Brazosport Blvd  
Richwood, TX 77531  
(979)265-2082 (979)265-7345 (fax)

**APPLICATION FOR VARIANCE REQUEST**

**PLEASE NOTE:** The following questions must be answered completely. If additional space is needed, attach extra pages to the application. Contact the City of Richwood at (979) 265-2082 for clarification of terms or for specific zone district requirements.

**DATA ON APPLICANT AND OWNER:**

Name: MARK AND JACQUELINE RHONE Date: 9/6/2023  
Address: 7 LONG KEY HITCHCOCK, TX 77563  
Home Phone:                      Business Phone: (979) 864-0247  
(713) 376-3685

**SUBJECT PROPERTY:**

Address of property in question: 3018 OAKWOOD SHORES DR RICHWOOD, TX  
Legal Description of property: LOT 9, BLDG 3, OF FINAL PLAT OF OAKWOOD SHORES  
The subject property is currently zoned RESIDENTIAL

**PURPOSE OF THE VARIANCE** (be specific): We purchased a lot in Oakwood Shores

to build our forever home on in February of 2023. We went through  
all proper channels to obtain HOA approvals for our construction which  
included a barn. HOA approved both and then we went to the city  
of Richwood to obtain permits and we mistakenly assumed the permit  
obtained included the barn since it was also approved. The copy of  
the by-laws that we received upon purchase (attached) stated that the  
barn could be constructed while the main dwelling was being built.

The company that we contracted with for the barn had a much  
earlier delivery than anticipated and work started sooner  
also. Once we realized that the permit for the barn was  
not part of our permit for the home, we immediately went to  
the City of Richwood to obtain said permit. It was at that  
point we were notified of changes in the by-laws that don't  
allow barn construction until after the home is complete.

(2)

We find ourselves in a true predicament. We have the wood frame of the barn up and uncovered to the elements for at least 6-7 more months which may ruin the wood and be very costly to us.

Our ask is to be able to finish the construction of the barn to preserve our investment. We did not expect to have our first interaction with the City in this manner as we intend to call Richwood our home for many years to come. We respectfully ask for our variance to be approved.

Thank you,  
Mark and Jackie Rhone

BEFORE COMPLETING THE FOLLOWING, READ THE NOTICE TO THE ZONING VARIANCE APPLICANTS - PAGE 1

Which exceptional conditions apply to your property that do not generally apply to other properties in your zoning district:

As stated previously, the copy of the by-laws which we received prior to purchasing the property allowed for simultaneously building both structures at the same time. We were unaware of any changes as we were not provided with an updated copy of the by-laws.

How do the above conditions prevent reasonable use of your land under the term of the Zoning Ordinance?

If we are allowed to resume construction of our barn, it will prevent damage to the wood for being exposed and speed up construction which our neighbors in the area will appreciate.

How will the variance improve your use of the property?

It will not necessarily improve it, but it will preserve the wood and our investment from being exposed to the elements for months.

Are there other properties in your area that have a similar type of improvement?

Yes. Many have these structures/barns/workshops

Will the granting of a variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

Yes, we believe it will. Our barn structure has been approved, its simply building it now while the main dwelling is being constructed vs waiting until the main dwelling is complete. This will preserve our investment

as well as completing a concrete pour only once which is wear and tear on the roads.



Application for Zoning Request

**OTHER LAND USE CONSIDERATIONS:**

Is the request the least modification possible of the Zoning Ordinance which are in question?  
No \_\_\_ Yes  If yes, explain why the alternative solutions are not feasible:

*Again, it will prevent damage/exposure to our significant investment in our property.*

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and belief. The work within the request must be carried out within one year of the public hearing or the variance becomes null and void..

I also hereby give permission for the members of the City of Richwood Board of Adjustments and City Staff to access the property in question for the purpose of gathering information to make an informed decision on this variance request.

Mark Rhone

Name of Applicant

Mark Rhone

Signature of Applicant

9-6-2023

Date

**IMPORTANT:**

A drawing, including all dimensions and structures, must be attached along with the applicable fee, to be considered. Failure to include both will result in automatic denial of application.

Section 2.06 Transfer of Reserves to Association. At such time as the Developer has sold and conveyed fifty one (51%) percent of the Lots in the Subdivision, the Developer shall transfer ownership of all Reserves, in the Subdivision to the Association.

(i) The Developer, and upon the Control Transfer Date, the Board of Directors of the Association, shall have the right and authority to amend or modify these Rules and Regulations for the Common areas in the event it deems such amendment or modification to be in the best interest of the subdivision; and common area.

Section 2.07 Maintenance Easements. There is hereby dedicated a thirty (30) foot wide maintenance easement along the rear of all lots on Oakwood Shores detention pond shown on the Plat.

Section 2.08 Landscape Easements. The areas designated on the Plat as Landscape Easements will be maintained by the Developer or after the Control Transfer Date by the Association.

ARTICLE III

USE RESTRICTIONS

Section 3.01 Single Family Residential Construction. No building shall be erected, altered, placed or permitted to remain on any Lot or Building Site other than one single-family Dwelling unit ("Dwelling") per each Lot to be used solely for residential purposes. The term "dwelling" does not include single or double wide manufactured or mobile homes, or any old or used houses to be moved on the Lot. As used herein, the term "residential purposes" shall be construed to prohibit mobile homes, trailers, modular or manufactured homes, or pre-fabricated homes being placed on said Lots for the use of said Lots for duplex houses, churches, condominiums, townhouses, garage apartments, or apartment houses; and no Lot shall be used for business, educational or professional purposes of any kind whatsoever, nor for any commercial or manufacturing purposes. Provided, however, an Owner may maintain a home office in a Dwelling with no advertising signs or regular visits by customer or clients. No log homes shall be allowed to be constructed on any lot except on lots 128 through 168 of Block 1. Minimum square footage requirements on all lots are 2000 square feet. Except on entrance lots which are Lot 1 Block 2, Lot 12 Block 2, Lot 176 Block 1, Lot 206 Block 1, Lot 28 Block 2, Lot 1 Block 1, Lot 111 Block 3, and Lot 116 Block 3 which shall be 3000 square feet.

The exterior including the rear of Dwellings on Entrance lots must be at least fifty percent (50%) masonry (brick, stone, or stucco). Hardy Plank is not considered to be a masonry item.

(a) Guest/Servants House. One guest/servants house may be built provided it matches the same design as the main Dwelling and said guest/servants house must contain a minimum of 500 square feet and a maximum of not more than 50% of the square footage of the main dwelling and be built after or while the main dwelling is being built and be approved in writing by the Architectural Control Committee (ACC) prior to construction.

(b) Work Shops. Workshops may be constructed on the property after or while the main dwelling is being built, so long as they are in harmony with the main Dwelling and are of good construction, kept in good repair and are not used for residential purposes. Any workshops or other outbuildings shall be located to the rear of the main Dwelling. Workshops or outbuildings may be constructed, erected, or placed on Lots with approval of the ACC.

(c) Garages. Every Dwelling must be designed and constructed with a garage. Said garage must be built for at least two (2) vehicles and not more than five (5) vehicles and must be constructed while the main dwelling is being built. Homes constructed on stilts are required to have the ground level poured in concrete equal to or greater than the square footage of the first floor of the home. Every dwelling constructed on a slab foundation must be designed and constructed with a garage.

(d) Minimum Square Foot Requirements. Except as stated above, all dwellings shall have a minimum of 2,000 square feet of living area excluding porches, and be built with new construction materials. Except as follows, there shall be a minimum of 1,500 square feet of living area on the first floor of any multi-story home.

(e) Roof Construction. The roof of any Dwelling shall be constructed of either composition shingles, copper, tile, slate, standing seam metal or other material approved by the Architectural Control Committee and according to the guidelines adopted by the Committee, prior to construction. The use of sheet metal or similar material on the roof or exterior sides of any Dwelling other than as flashing is prohibited.

(f) Regulatory Compliance. When constructing any improvement or performing any site work, a lot owner shall comply with any and all federal, state and local regulations including, but not limited to, those relating to storm water pollution control plans.

(g) Construction Schedule. Any building, structure or improvement commenced on any tract shall be completed as to exterior finish and appearance within twelve (12) months from the setting of forms of the foundation of said building or structure.

Section 3.02 Composite Building Site. Any Owner of one or more adjoining Lots (or portions thereof) may, with prior written approval of the Architectural Control Committee, consolidate such Lots or portions into one building site, with the privilege of placing or constructing improvements on such resulting composite site, in which case the side set-back lines along the common lot lines shall be eliminated and said set-back lines shall thereupon be measured from the resulting side property lines rather than from the center adjacent Lot lines as indicated on the Plat. Further, any utility easements along said common lot lines shall be eliminated and abandoned upon approval of a composite Building Site, provided such easements are not then being used for utility purposes. Any such Composite Building Site must have a front building set-back line of not less than the minimum front building set-back line of all Lots in the same block, and such Composite Building Site will still be considered as individual Lots for purposes of the Maintenance Charge set forth in Article VII hereof.

Section 3.03 Location of the Improvements upon the Lot. No building of any kind shall be located on any Lot nearer to any side or rear property line, or nearer to any public road or waterway than as may be indicated on the Plat; provided, however, as to any Lot, the Architectural Control Committee may waive or alter any such setback line if the Architectural Control Committee, in the exercise of the Architectural Control Committee's sole discretion, deems such waiver or alteration is necessary to permit effective utilization of a Lot. Any such waiver or alteration must be in writing and recorded in the Official Records of Brazoria County, Texas. All dwellings placed on Property must be equipped with public tank or other sewage disposal system meeting all applicable laws, rules, standards and specifications of any State or local governmental authority having jurisdiction, and all such dwellings must be served with water and electricity. The main residential structure on any Lot shall be the front of the Lot towards the street or road, unless a deviation is approved in writing by the Architectural Control Committee. On corner lots, dwellings may face either street or diagonally toward the intersection. The recorded plat will show all building setback lines, and in the event of a conflict with these Restrictions, said plat shall control. The minimum dimensions of any Lot and the building set back lines shall be as

**Oakwood Shores Property Owners Association, Inc.**

**ARCHITECTURAL REVIEW RESPONSE**

2002 W Grand Parkway N, Ste. 100

Katy TX 77449

281-870-0585

modifications@inframark.com

September 06, 2023

Mark J & Jacqueline S Rhone

7 Long Key

Hitchcock TX 77531

RE: Inframark IMS

Architectural Submittal for 3018 Oakwood Shores Dr

**New Home Construction with Barn - CONDITIONAL APPROVAL**

Dear Homeowner,

This letter shall evidence receipt of your application in compliance with the architectural review process for the construction and/or placement of the proposed improvement(s) referenced above.

Your application has been reviewed as to conformity with the architectural restrictions set forth in the Declaration, and guidelines adopted by the Association, and harmony of the external design and location with respect to adjacent structures and the overall community. The Committee's review and conclusions are detailed below:

**CONDITIONAL APPROVAL** is granted for the construction of **New Home Construction with Barn** per your application subject to it complying with the documents of the Association as well as the following condition(s):

**Condition(s): Plans for home & barn approved conditioned upon exterior home masonry percentages as stated on cover sheet submitted 6/21/23.**

This conditional approval is solely granted to the modification specifically requested in the application submitted for New Home Construction with Barn. Should you choose to incorporate additional modifications to your project, you are required to submit an application with all required supporting documentation.

This approval is not in lieu of any other jurisdictional regulations, current or future, which are or may be imposed by any other governmental authority. This is valid for up to six (6) months from the date of this letter.

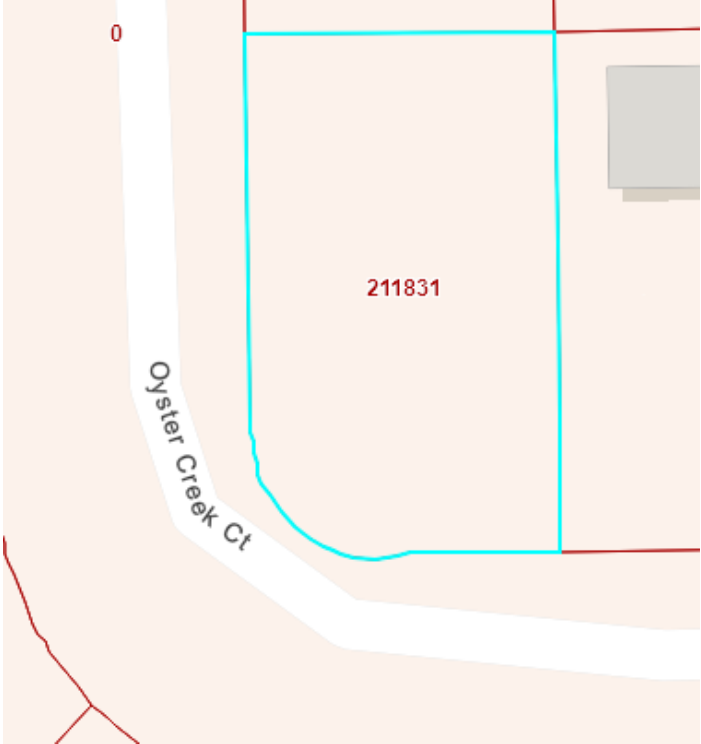
In the event it is determined that improvement(s) are made without compliance to specific standards provided by the Committee or in contrast to the specifications provided within an application that has been approved, those improvements may be subject to reconstruction and/or the request to remove such improvements. All costs related to the enforcement of this shall be the sole expense of the Owner in violation. The Committee recommends that you retain this correspondence and your request form permanently should a need arise to produce documentation of our communications regarding noted improvement(s).

Should you have any questions, please do not hesitate to contact our office. Your community support and cooperation is very much appreciated, as is your cooperation toward maintaining property values within your community.

Best regards,

Oakwood Shores Property Owners Association, Inc.  
ARCHITECTURAL REVIEW COMMITTEE

### Public Hearing Notice



The City of Richwood will hold a public hearing on October 9, 2023, at 6:00 PM to consider a variance request for 452 Oyster Creek Drive. The variance request is to allow an accessory structure (RV carport) to be within the setbacks, 4 feet from the property line. The current requirement is that setbacks for accessory structures are 7.5 feet from the property line.



1800 Brazosport Blvd  
Richwood, TX 77531  
(979)265-2082 (979)265-7345 (fax)

### APPLICATION FOR VARIANCE REQUEST

**PLEASE NOTE:** The following questions must be answered completely. If additional space is needed, attach extra pages to the application. Contact the City of Richwood at (979) 265-2082 for clarification of terms or for specific zone district requirements.

**DATA ON APPLICANT AND OWNER:**

Name: Howard FITTS Date: 8-31-23  
Address: 452 Oyster Creek Court  
Home Phone: 979-824-8495 Business Phone: 979-824-8495

**SUBJECT PROPERTY:**

Address of property in question: 452 Oyster Creek Court  
Legal Description of property: 211831  
The subject property is currently zoned YES

**PURPOSE OF THE VARIANCE** (be specific): BUILD COVER FOR RV.

Cover will be 4 feet from property line between neighbor and against property line on street. The required distance from property line is 7.5 feet.

*BEFORE COMPLETING THE FOLLOWING, READ THE NOTICE TO THE ZONING VARIANCE APPLICANTS - PAGE 1*

Which exceptional conditions apply to your property that do not generally apply to other properties in your zoning district:

Structure placed within 7.5 feet of property line.

How do the above conditions prevent reasonable use of your land under the term of the Zoning Ordinance?

NEEDED Additional space to cover drive in which RV is placed.

How will the variance improve your use of the property?

Clean Centered structure covering RV.

Are there other properties in your area that have a similar type of improvement?

YES

Will the granting of a variance in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance?

YES

Application for Zoning Request

**OTHER LAND USE CONSIDERATIONS:**

Is the request the least modification possible of the Zoning Ordinance which are in question?  
No \_\_\_ Yes  If yes, explain why the alternative solutions are not feasible:

If MOVED 7.5 FEET from property line. the structure will not be centered AND NOT HAVE A Cosmetic Good Look for Neighbor hood. Lack of Real estate in back yard

I (we) certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate to the best of my knowledge and belief. The work within the request must be carried out within one year of the public hearing or the variance becomes null and void..

I also hereby give permission for the members of the City of Richwood Board of Adjustments and City Staff to access the property in question for the purpose of gathering information to make an informed decision on this variance request.

Howard FITTS

Name of Applicant



Signature of Applicant

8-31-23

Date

**IMPORTANT:**

A drawing, including all dimensions and structures, must be attached along with the applicable fee, to be considered. Failure to include both will result in automatic denial of application.

▨ = Concrete







Section VII, Item B.



Property Identification #: 211832

Property Information: 2023

Owner Identification #: 65234

Address: 458 OYSTER CREEK CT RICHWOOD, TX 77531  
Property Type: Real  
Code: A1

Legal Description: GLENWOOD BAYOU (A0066 J E GROCE)(RICHWOOD),  
BLOCK 4, LOT 2-3  
Abstract: 54380  
Neighborhood: GLENWOOD BAYOU  
Appraised Value: \$273,350.00  
Jurisdictions: JBR, CRW, CAD, DR2, NAV, GBC, RDB, SBR

Name: CAMPBELL DONNALYNN  
Exemptions: HS, OTHER  
DBA: Null

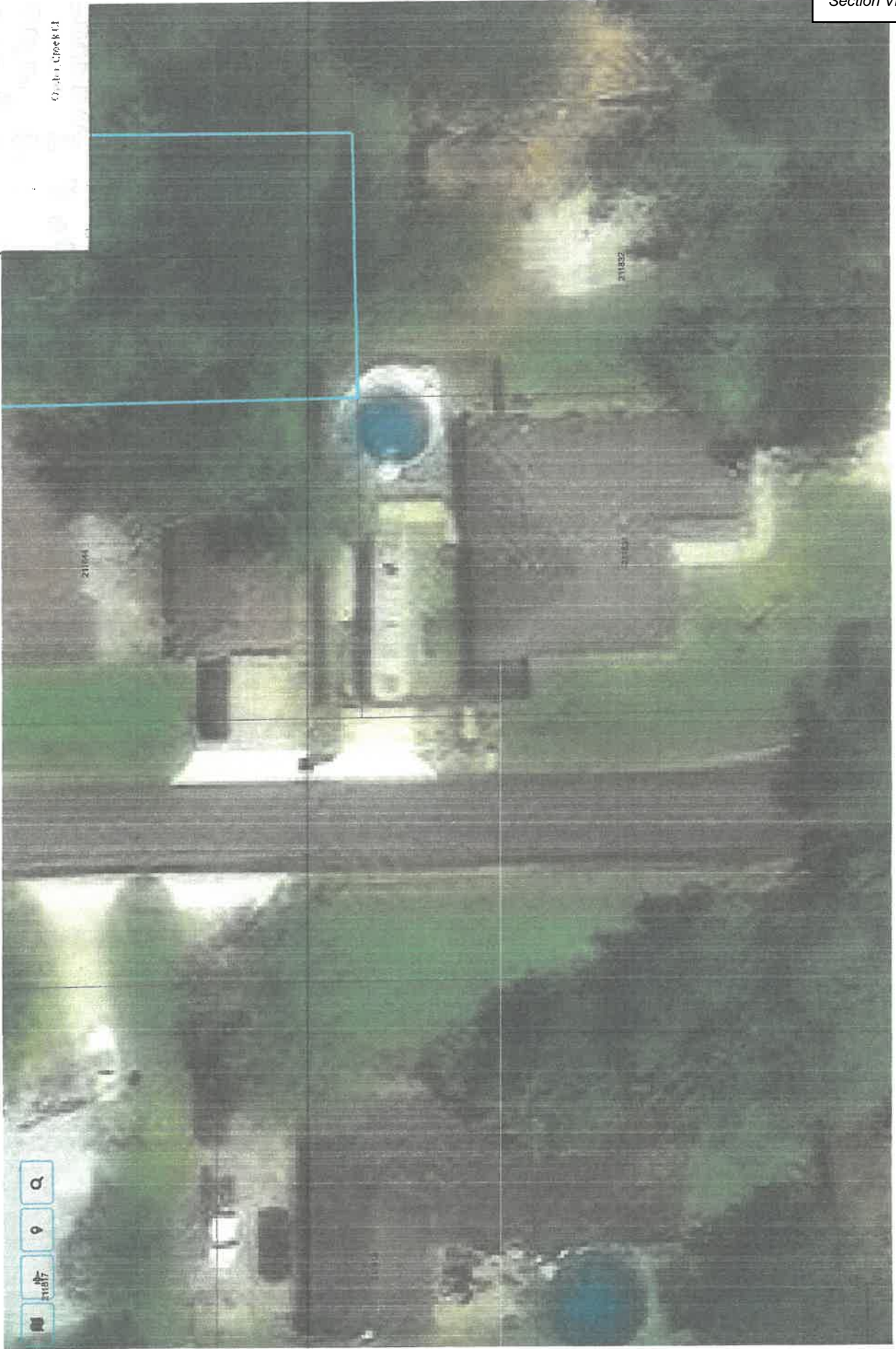


Aerial CAD Map Search

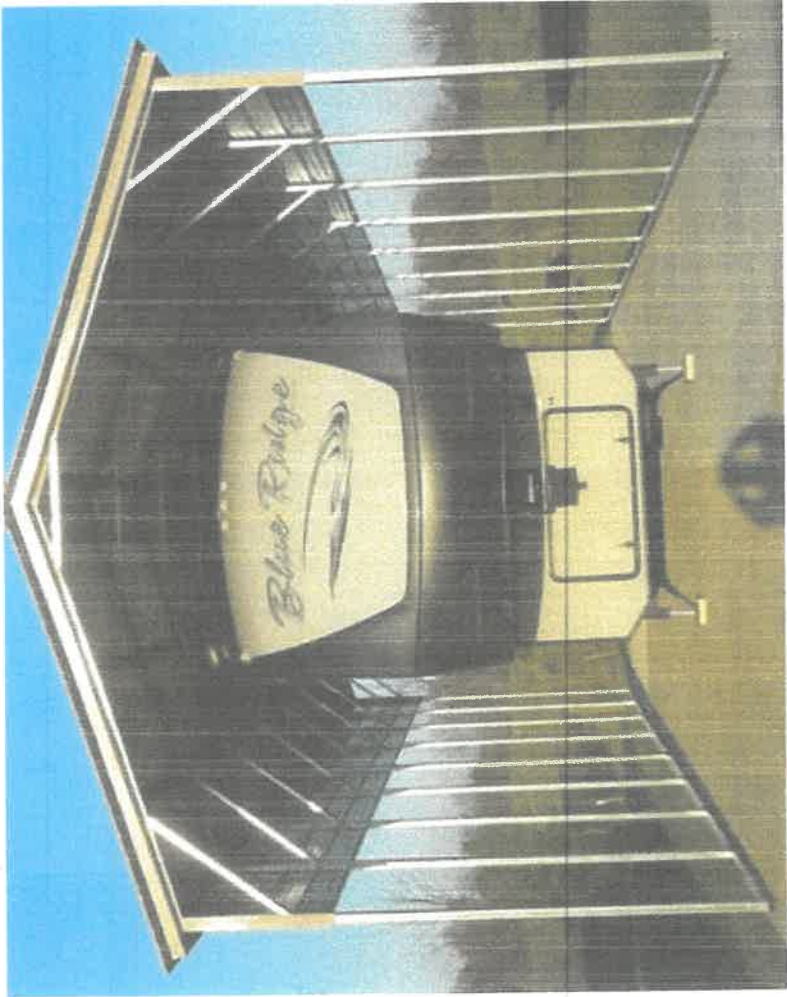
This map is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. The Brazoria County Appraisal District disclaims any and all liability in connection herewith.

Section VII, Item B.

Map search interface showing a search bar with the text "Cypress Creek" and a magnifying glass icon.



Section VII, Item B.





















Section VII, Item B.



City of Richwood  
1800 N Brazosport Blvd  
Richwood, TX 77531  
(979) 265-2082  
www.richwoodtx.gov

XBP Confirmation Number: 153437808

▶ Transaction detail for payment to City of Richwood.		Date: 09/08/2023 - 2:56:45 PM MT	
<b>Transaction Number: 204184671</b> <b>Visa — XXXX-XXXX-XXXX-7935</b> <b>Status: Successful</b>			
Account #	Item	Quantity	Item Amount
452 OYSTER CREEK CT	Miscellaneous 452 OYSTER CREEK CT	1	\$280.00

**TOTAL: \$280.00**

**Billing Information**  
SABRINA FITTS  
, 77531

**Transaction taken by:** Admin pjacobsen