

City of Richwood — TEXAS —

BOARD OF ADJUSTMENTS AGENDA

Monday, September 12, 2022 at 6:00 PM

Richwood City Hall, 1800 Brazosport Blvd. N.

BE IT KNOWN THAT a City of Richwood Board of Adjustments will meet Weekday, Monday, September 12, 2022, 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
- VII. DISCUSSION AND ACTION ITEMS
 - A. Public hearing and action regarding variance request to allow construction of an accessory structure within the side setback in a R-4 Rural Residential District, located at 31434 Bayou Bend.
- 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.

Kirsten Garcia, City Secretary
City of Richwood

INSTRUCTIONS FOR APPLICATION FOR ZONING CHANGE/VARIANCE

Anyone wishing to apply for a variance or specific (conditional) use permit or any other type of zoning change must follow the procedures outlined below.

A variance is a zoning adjustment which permits minor changes of zone district requirements where individual properties are burdened by the strict application of the law. The power to vary is restricted and the degree of variation is limited to the minimum change necessary to overcome the inequality inherent in the property. A variance to the uses permitted on the property is specifically prohibited.

A specific (conditional) use is limited to those specific uses of land or structures or both which are permitted within any "use district" subject to the provisions of Ordinance No. 324 of the City of Richwood.

PROCEDURES:

1. Application for Zoning Change/Variance Request must be completed and submitted, along with all applicable fees and a drawing to start the process.
2. The City will set a public hearing and provide notice to the requestor of date and time.
3. The City will also provide proper notification of neighbors within 200 feet by certified mail, publish a public notice in the newspaper, and post a notice on the City's web site which will contain the drawing as well as the date and time of the public hearing.
4. The City will hold the public hearing on the date and time stated in the notices.
5. The final decision will be made by the City Council/Board of Adjustments in open meeting.

FEEES:

Where the application includes one to ten lots in a subdivision, a plat of which is on file in the office of the County Clerk of Brazoria County, Texas, the fee shall be \$200. Each additional lot will be \$20 per lot.

Where the application includes any parcel of land not covered by the above fee provisions, a fee of \$300.00 for the first acre or fraction thereof and a fee of \$60.00 for each additional acre or fraction thereof.

For each owner of each lot or parcel of land included in any application and for each owner of each lot or parcel of land owned within 200 feet thereof, a fee or charge of \$5.00 for each owner required to be notified pursuant to law.

NOTE: YOU MUST ATTACH ALL APPLICABLE INFORMATION AND DRAWINGS, INCLUDING BUT NOT LIMITED TO: CURRENT PLATS, PLOT PLANS, BUILDING PLANS, OR ANY PERMIT APPLICATIONS ALONG WITH YOUR APPLICATION.

Failure to do so will result in an automatic denial of the application.



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: Michael Durham Date: 8/17/22

Address: 31434 Bayou Bend, Richwood, TX 77515

Home Phone: 832-877-9242 Business Phone: 832-877-9242

SUBJECT PROPERTY:

Address of property in question: 31434 Bayou Bend
Legal Description of property: Oakwood Shores (A0030-A0333) Richwood BLK 1 LOT 21A REPLAT ACRES 2.05
The subject property is currently zoned 2-11-13 AR/CJC

PURPOSE OF THE VARIANCE (be specific): The purpose of this variance is to maximize

the use of our entire property. The city of Richwood states that a homeowner can build

an outbuilding/garage at 25 feet off of the property lines. When the plot survey was

completed, we were informed that the 25' build line would eliminate the view of our

backyard and bastrop bayou from inside our home. We are simply requesting to move

our shop over so that it will be built at 16.7 feet from the property line; which in turn will remove

the issue of obstructing our view from inside the main structure.

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:

Bayou front lots were subdivided more narrowly to maximize profit when selling land. We are at a disadvantage as far as width when it comes to the placement and building of houses/structures on these lots. We are required to be a minimum of 100 feet from the bayou, 60 feet from the street and 25 feet from property lines, which makes it extremely difficult to build a house and shop, while at the same time not obstructing our desired view of the bayou.

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

When taking the widths of the bayou lots into consideration, it makes planning more difficult to place structures within those confined boundaries. We are simply trying to keep from blocking our view of Bastrop Bayou, the very reason why we waited for the opportunity to purchase our lot.

How will the variance improve your use of the property?

The variance will allow us to keep our view of the bayou and will enhance the use of our land, by building our shop at a reasonable location on our narrow lot.

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

Yes, upon research, I have found that a minimum of 10 structures have been built to maximize the use of their property, which lies outside the building setbacks which were set forth by the city of Richwood.

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?

The granting of this variance will most certainly be in harmony with the neighborhood; and it is worth stating that our shop will be built to resemble our home, with the same color scheme, same brick bordering the shop as our house and same garage doors as our home. Our shop building will be very aesthetically pleasing for our neighborhood.

If we had a 3-acre tract similar to the undeveloped lots next door, we would have plenty of room to plan the location of the house and build a shop at the required 25-foot build line to meet the city's rules; however, we do not have that space, therefore we are asking that you grant us the opportunity to maximize the use of our land by allowing us to build at 16.7 feet.

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:

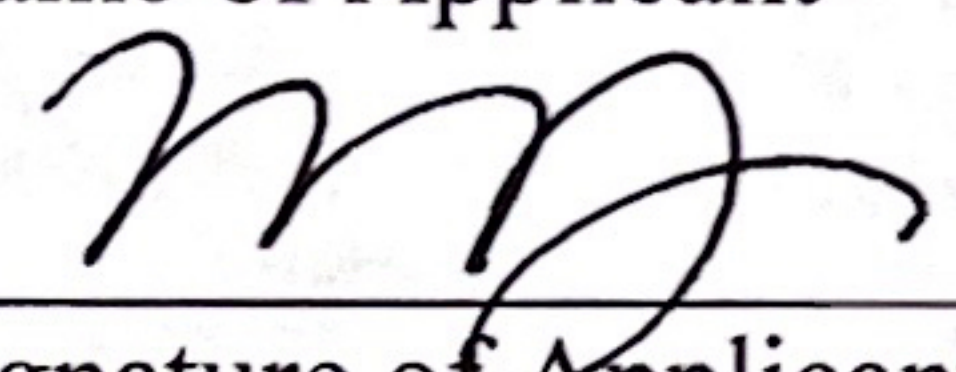
Moving the shop closer to our house will completely block our view of Bastrop Bayou, and will also disrupt the floor plan of our shop. By allowing this variance, we will be able to maximize our already narrow lot to the fullest.

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.

Michael W. Durham

Name of Applicant



Signature of Applicant

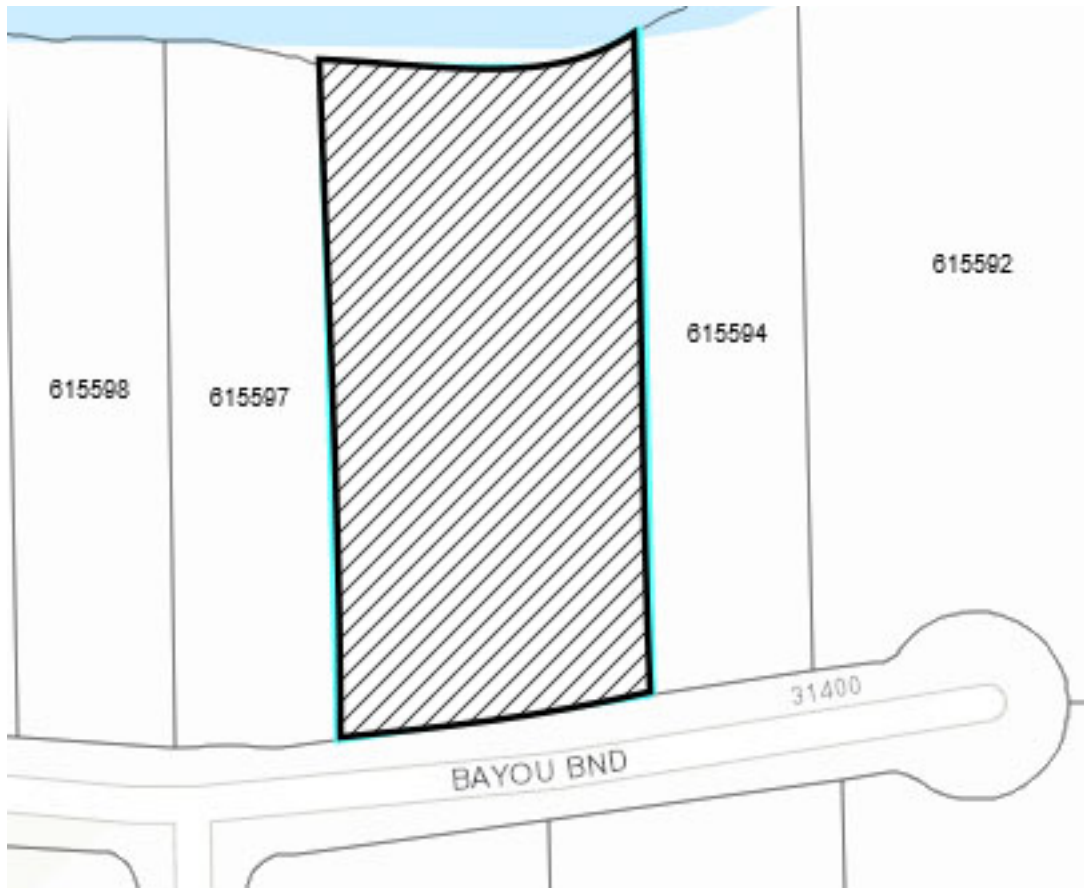
8/17/2022

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.

Public Hearing Notice



The City of Richwood will hold a public hearing before the Board of Adjustments on September 12, 2022, at 6:00 PM to consider a variance request to allow an accessory structure within the side setback in a R-4 Rural Residential District. The current requirement is that no accessory structures be erected within 25 feet of the property line.

June 10, 2022

MERAJI MICHAEL M & ETTA Y
13711 QUEENSBURY LN
HOUSTON, TX 77079-5918

Dear MERAJI MICHAEL M & ETTA Y:

Notice is hereby given that a Public Hearing will be held before the Board of Adjustments and City Council of the City of Richwood for the purpose of considering a variance of property located at 31434 Bayou Bend in the Oakwood Shores Subdivision. The lot in question is currently zoned R-4 Rural Residential. The variance request is to allow an accessory structure within the side setback. The current requirement is that no accessory structures be erected within 25 feet of the property line. This variance is being requested by Michael Durham and the property is shown on the following page.

You are receiving this notice because you are either the property owner of the proposed property or the registered owner of a piece of property within 200 ft.

Anyone seeking to give or receive information on this requested variance should be present at Richwood City Hall (1800 N. Brazosport Boulevard) on Monday, September 12, 2022, at 6:00 p.m. before the Board of Adjustments.

If you have any questions or concerns, please feel free to contact me at 979-265-2082. My email is kgarcia@richwoodtx.gov.

Sincerely,

Kirsten Garcia
City Secretary

(See Public Notice on back)

APPROVE

DISAPPROVE

Comments: AS IT IS UNACCEPTABLE TO BUILD THE HIGH CEILING STRUCTURES CLOSER THAN 25 FT. TO THE PROPERTY LINE. IT IS OBSTRUCTIVE TO THE PEACEFUL WATER VIEW THAT THE LAND WAS PURCHASED AND INTENDED FOR BUILDING OUR DREAM HOUSE. OUR LAND IS THE SMALLEST LOT SIZE, COMPARED TO THE NEIGHBORS DOUBLE LOTS. IT WILL BE INTOLERABLE.

M. Meraji AND ETTA MERAJI
Name (printed /signed) MICHAEL & ETTA MERAJI

SEPTEMBER 7, 2022
Date

TO VIOLATE THIS NECESSARY CITY RESTRICTION FOR THE BARN OR ANY HIGH CEILING STRUCTURES IN A WATERFRONT LAND!

September 2, 2022

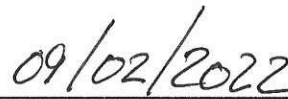
Reference: Oakwood Shores
31418 Bayou Bend Drive
Richwood, TX 77531

Subject: The Board of Adjustments and City Council of the
City of Richwood Variance Consideration Request

Disapproved, as it is unacceptable to build the high ceiling structures closer than 25 ft to the property line! It is obstructive to the peaceful water view that this land was purchased and intended for building our dream house. Our land is the smallest lot size, barely 100 ft across, compared to the two neighbors on either side with the double lots. It will be intolerable to violate this necessary city restrictions for the barn or any high ceiling structure in a waterfront land!



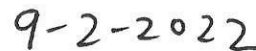
Michael Meraji



Date

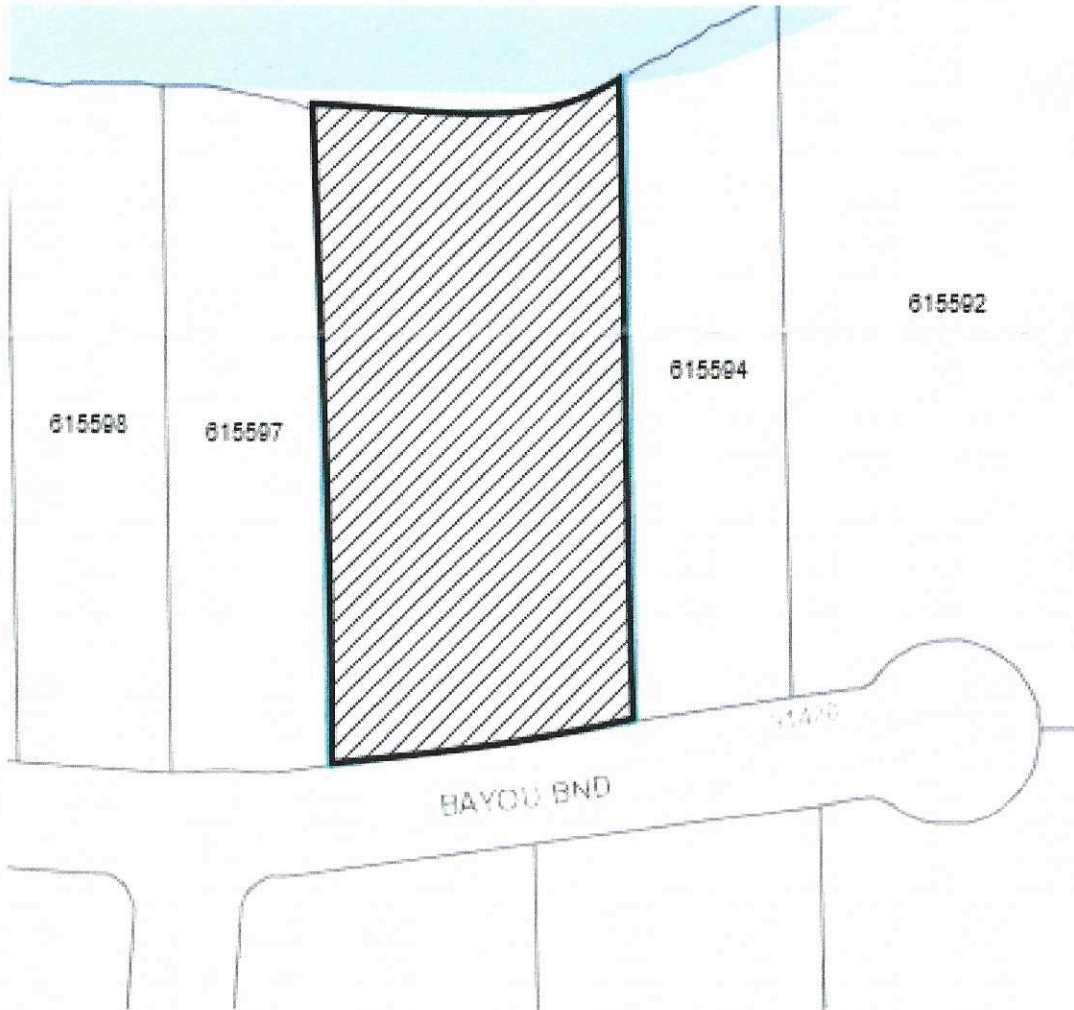


Etta Meraji



Date

Public Hearing Notice



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09/06/2022

City of Richwood City Council:

I am the owner of property next to variance being requested at 31434 Bayou Bend Drive.

You recently sent notification of variance to previous owners on record: Andrew and Gabriella Papenfuss.

We purchased property in August and county tax office has not reflected changes.

We have discussed variance with owner requesting variance and expressed we would not grant variance while we were under contract to buy property.

We made this property investment with the setback of 25ft as consideration. The variance would put the building closer to our property line as opposed to the other neighbor. As the property owners most impacted by the accessory building requesting the variance: WE DO NOT approve of variance being issued.

Irma & Steven Callaway

