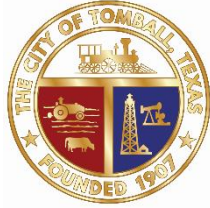


**NOTICE OF BOARD OF ADJUSTMENTS MEETING
CITY OF TOMBALL, TEXAS**



**Thursday, June 10, 2021
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, June 10, 2021 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Board of Adjustments reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; *[At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]*
- C. Reports and Announcements
- D. Approval of Minutes
 - 1. Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of May 13, 2021.
- E. New Business
 - 2. Consideration to approve **BOA Case P21-233**: Request by JB Mire, with MireKeys Corp, for a variance from Section 50-71 (*Single-Family Residential District SF-6*) to allow for a 10 foot corner side yard setback where the required minimum corner side yard setback is 15 feet. The site is approximately 0.76 acres (33,308.124 square feet), generally located at the northeast corner of McPhail Street and Pine Street, is zoned Single-Family 6 District and legally described as Lot 29 Block 1 Bonnett Corners.

Conduct a Public Hearing on **BOA Case P21-233**

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 7th day of June 2021 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler
Community Development Coordinator

F. Adjournment

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 (281) 290-1002 or FAX (281) 351-6256 for further information.

AGENDAS MAY BE VIEWED ONLINE AT www.ci.tomball.tx.us.

**MINUTES OF
REGULAR BOARD OF ADJUSTMENTS MEETING
CITY OF TOMBALL, TEXAS**

THURSDAY, MAY 13, 2021



6:00 P.M.

- 1.0 The meeting was called to order by Chairman Billy Hemby at 6:00 p.m. Other members present were:

Board Member Jarmon Wolfe
Board Member Christine Roquemore
Board Member April Gray
Alternate Board Member Cindy Phillips

Board Member Susan Harris – Excused Absence

Others present:

Amelia Lindley - City Planner
Loren Smith – City Attorney
Kim Chandler – Community Development Coordinator

Draft

- 2.0 No Public Comments were received.
- 3.0 No Reports and Announcements were heard.
- 4.0 Motion was made by Alternate Board Member Phillips, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of April 8, 2021.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

- 5.0 New Business:

- 5.1 Consideration to approve **BOA Case P21-170**: Request by Renee Leslie for a special exception from Section 50-82(b) of the Code of Ordinances to allow 7 parking stalls where 20 parking stalls are required. The project site is approximately 0.64 acres, generally located on the north side of East Main Street at 310 E. Main Street, within the City of Tomball, Harris County, Texas, is zoned Old Town & Mixed Use District and legally described as Lot 3 Block 1 Boyce.

The Public Hearing was opened by Chair Hemby at 6:03 p.m.

Amelia Lindley, City Planner, presented the case and recommendation.

Renee Leslie, Applicant (310 E. Main Street, Tomball, TX 77375) spoke on behalf of the case.

Hearing no comments, the Public Hearing was closed at 6:10 p.m.

Motion was made by Board Member Gray, second by Alternate Board Member Phillips, to approve the Special Exception request of **BOA Case P21-170.**

- Section 50-82(b) (Code of Ordinances) to allow for 7 parking stalls where 20 parking stalls are required.

Roll call vote was called by Board Secretary Kim Chandler.

Vote was as follows:

Chairman Hemby	<u>Aye</u>
Board Member Wolfe	<u>Aye</u>
Board Member Roquemore	<u>Aye</u>
Board Member Gray	<u>Aye</u>
Alternate Board Member Phillips	<u>Aye</u>

Motion carried unanimously.

6.0 Motion was made by Board Member Roquemore, second by Board Member Wolfe, to adjourn.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:20 p.m.

PASSED AND APPROVED this _____ day of _____ 2021.

 Kim Chandler
 Community Development Coordinator/
 Board Secretary

 Billy Hemby
 Chairman

**NOTICE OF PUBLIC HEARING
CITY OF TOMBALL
BOARD OF ADJUSTMENTS (BOA)**



JUNE 10, 2021

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, June 10, 2021, at 6:00 P.M.** at a Regular Meeting, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such date, the BOA will consider the following:

BOA Case P21-233: Request by JB Mire, with MireKeys Corp, for a variance from Section 50-71 (*Single-Family Residential District SF-6*) to allow for a 10 foot corner side yard setback where the required minimum corner side yard setback is 15 feet. The site is approximately 0.76 acres (33,308.124 square feet), generally located at the northeast corner of McPhail Street and Pine Street, is zoned Single-Family 6 District and legally described as Lot 29 Block 1 Bonnett Corners.

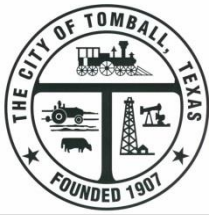
At the public hearing, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public review Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Amelia Lindley, at (281) 290-1410, alindley@tomballtx.gov.

C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **7th** day of **June 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Amelia Lindley
Amelia Lindley
City Planner

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 feel free to contact the City Secretary's office at (281) 290-1002 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



Community Development Department

Notice of Public Hearing

YOU ARE INVITED TO ATTEND a Public Hearing before the **BOARD OF ADJUSTMENTS** of the City of Tomball regarding the following item:

CASE NUMBER: P21-233

APPLICANT/OWNER: JB Mire, with MireKeys Corp.

LOCATION: Generally located at the northeast corner of McPhail Street and Pine Street

PROPOSAL: Variance from Section 50-71 (*Single-Family Residential District SF-6*) to allow for a 10 foot corner side yard setback where the required minimum corner side yard setback is 15 feet. The site is approximately 0.76 acres (33,308.124 square feet), is zoned Single-Family 6 District and legally described as Lot 29 Block 1 Bonnett Corners.

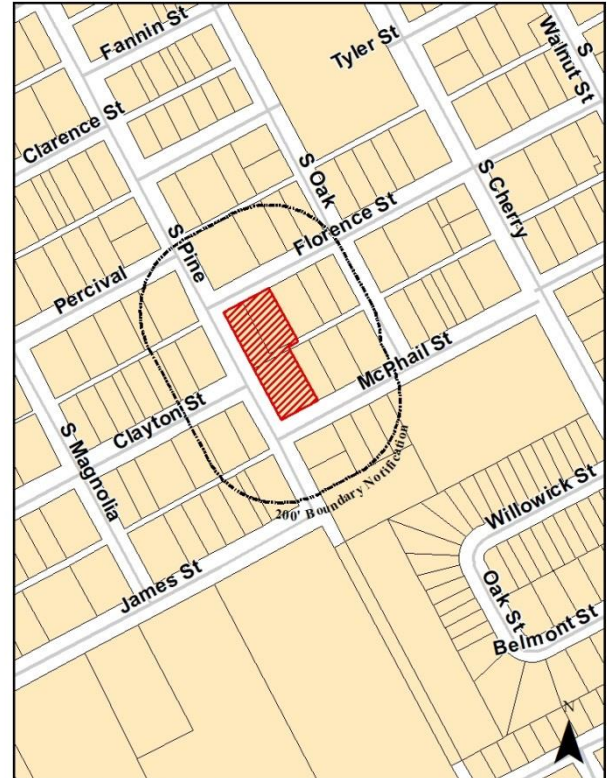
CONTACT: Amelia Lindley

PHONE: (281) 290-1410

E-MAIL: alindley@tomballtx.gov

Interested parties may contact the City of Tomball between 8:00 a.m. and 5:00 p.m. Monday through Friday for further information. The application is available for public review Monday through Friday, except holidays, between the hours of 8:00 a.m. and 5:00 p.m. in the Community Development Department office, located at 501 James Street, Tomball, TX 77375. The staff report will be available no later than 4:00 p.m. on the Friday preceding the meeting.

This notice is being mailed to all owners of real property within 200 feet of the request as such ownership appears on the last approved Harris County Appraisal District tax roll. Interested parties may appear and speak on the project or the staff recommendation at the meeting. Written comments may also be submitted for consideration.



BOARD OF ADJUSTMENTS HEARING

City Hall
401 Market Street
Tomball, Texas

MEETING DATE: Thursday, June 10, 2021

MEETING TIME: 6:00 p.m.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Amelia Lindley
501 James Street
Tomball, TX 77375

Name:

Bonnie Collins

(please print)

Address:

401 Florence St

Tomball TX 77375

Signature:

B Collins

Date:

6/4/21

I am **FOR** the requested Variance as explained on the attached public notice for **BOA Case P21-233**. (Please state reasons below)

☒

I am **AGAINST** the requested Variance as explained on the attached public notice for **BOA Case P21-233**. (Please state reasons below)

Date, Location & Time of **Board of Adjustments** meeting:

Thursday, June 10, 2021 at 6:00 PM

City Council Chambers of the City of Tomball, City Hall

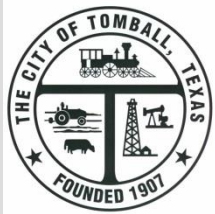
401 Market Street, Tomball, Texas

COMMENTS:

You may also comment via email to alindley@tomballtx.gov

Please reference the case number in the subject line.

For questions regarding this request please call 281-290-1410.



Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: June 10, 2021

BOA Case P21-233: Request by JB Mire, with MireKeys Corp, for a variance from Section 50-71 (*Single-Family Residential District SF-6*) to allow for a 10 foot corner side yard setback where the required minimum corner side yard setback is 15 feet. The site is approximately 0.76 acres (33,308.124 square feet), generally located at the northeast corner of McPhail Street and Pine Street, is zoned Single-Family 6 District and legally described as Lot 29 Block 1 Bonnett Corners.

Property Owner(s): Rusty & Lisa Bonnett
Applicant(s): JB Mire – MireKeys Corp.
Location: Northeast corner of McPhail Street and Pine Street (Exhibit “A”)
Lot Area: Approximately 0.76 acres (33,308.124 square feet)
Present Zoning & Use: Single-Family 6 District (Exhibit “B”) / Single-family residence (Exhibit “C”)
Comp Plan Designation: Old Town (Exhibit “D”)
Adjacent Zoning & Land Uses:
North: Single-Family 6 District / Single-family residence
South: Single-Family 6 District / Single-family residence
West: Single-Family 6 District / Single-family residence
East: Single-Family 6 District / Single-family residences

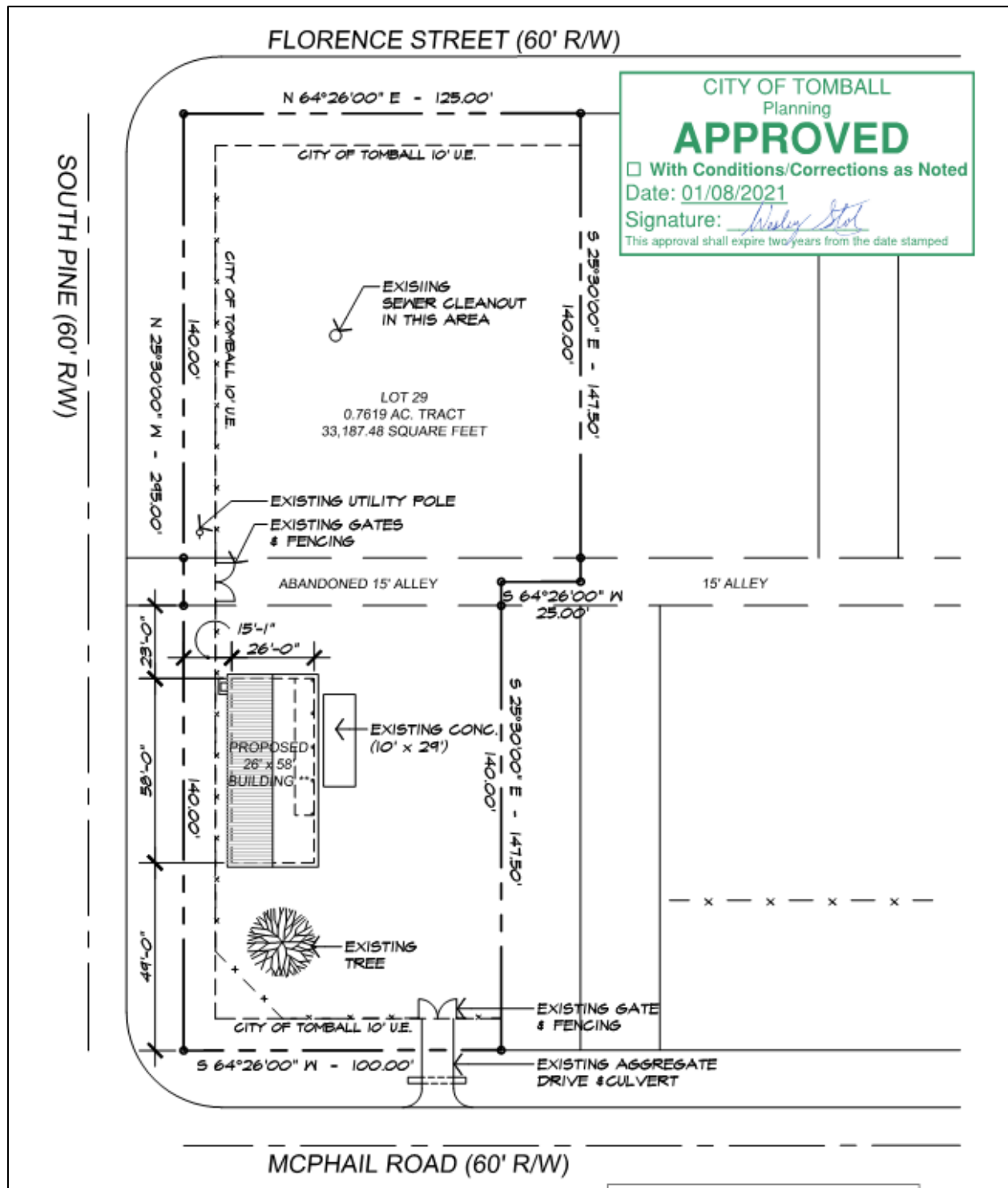
BACKGROUND

In December 2020, City Staff received a Single-Family Site Plan Application for a proposed outdoor kitchen at the subject site. After the initial review, comments were issued by City staff. When resubmitted, the plans were reviewed and approved on January 8, 2021 with all zoning regulations met. During an inspection of the project, it was determined the structure was being constructed within the 15-foot building line.

ANALYSIS

According to Section 50-71 (*Single-Family Residential District – SF6*) the minimum building setback for main and accessory structures shall not be less than 15 feet on a corner lot adjacent to a street. The applicant is requesting a 10-foot building line.

The lot fronts onto Florence Street and includes an abandoned 15' alley as well as additional property along McPhail Road. In the approved site plan, the proposed building is shown 15'-1" from the property line.



RECOMMENDATION

City Staff has reviewed the request and is unable to recommend approval of **BOA Case P21-233**:

- There does not appear to be a hardship associated with the variance request;
- The site plan was previously approved with a 15 foot building line.

The Zoning Ordinance grants the Board of Adjustments the authority to impose conditions of approval on a variance to ensure the public health, safety, and general welfare.

PUBLIC COMMENTS

Property owners within 200 feet of the project site were mailed notification of this proposal and a notice of public hearing was published in the Potpourri on May 26, 2021. Public responses will be provided in the Board packets or at the meeting.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photo
- D. Comprehensive Plan
- E. Application

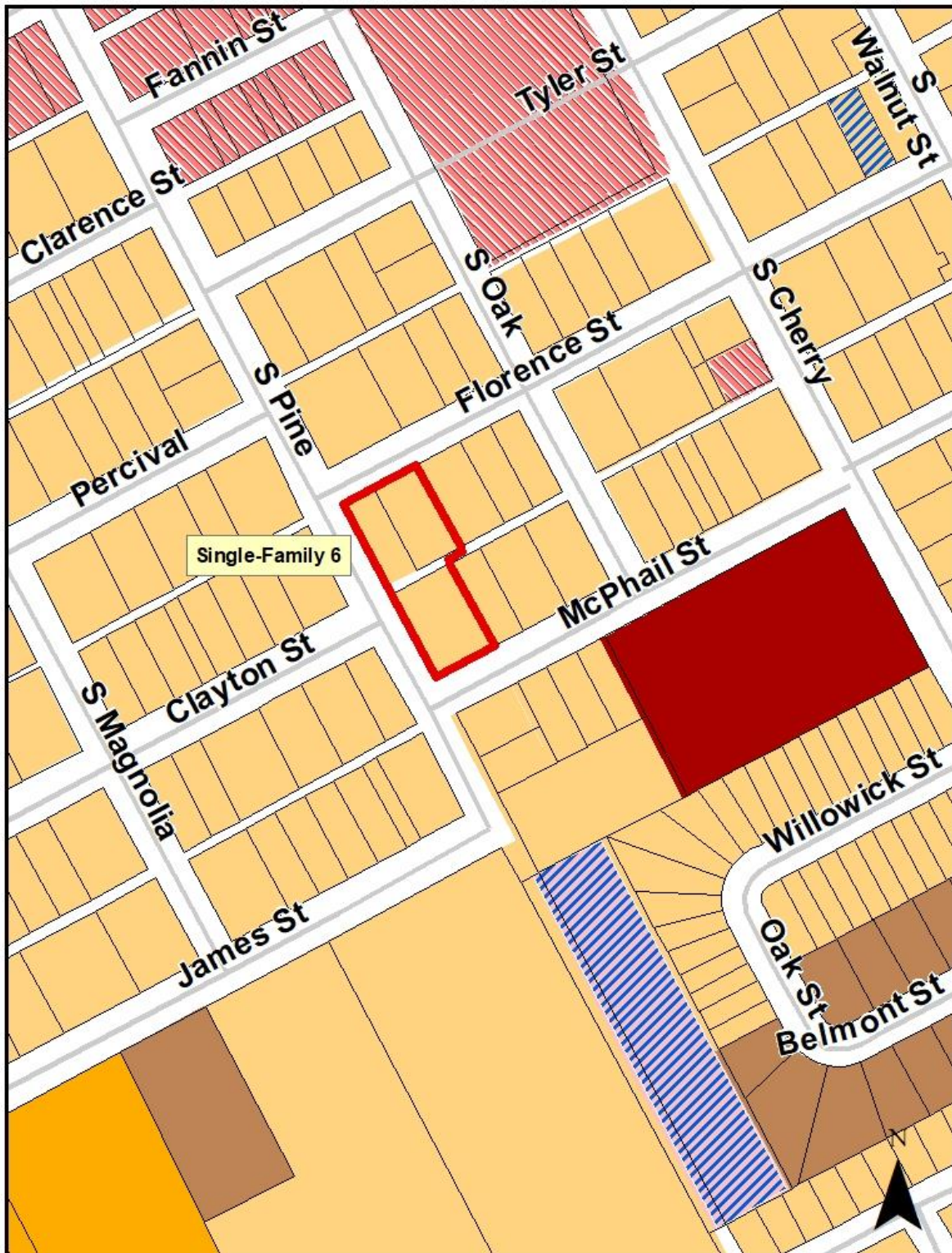
Exhibit "A"
Aerial Photo

Item 2.



Exhibit "B"
Zoning Map

Item 2.



**Exhibit “C”
Site Photo**



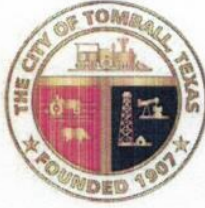
View from South Pine Street, corner lot

Exhibit "D"
Comprehensive Plan



Exhibit "E"
Application

Item 2.



RECEIVED (KC)
04/30/2021 3:22:10 PM

Revised 5/19/15
BOA #P21-233

ZONING BOARD OF ADJUSTMENTS (BOA)
VARIANCE APPLICATION

Community Development Department
Planning Division

Variance(s) Defined: A variance is the authority to depart from the application of areas, side yards, setback, height, and similar regulations to prevent unnecessary hardships. Refer to Section 50-33(f) of the Code of Ordinances for additional information. No variance shall be granted for any requirement outside Chapter 50 of the Code of Ordinances.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: JB Mire - MireKeys Corp Title: Manager
Mailing Address: 414 N Chestnut St City: Tomball State: TX
Zip: 77375
Phone: 832 946 7924 *JB Fax: () Email: mirekeys@gmail.com
713 979 8078 - Cindy

Owner

Name: Rusty & Lisa Bonnett Title: _____
Mailing Address: 409 Florence City: Tomball State: TX
Zip: 77375
Phone: () Fax: () Email: _____

Description of Proposed Project: _____

Physical Location of Property: 409 Florence St.
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: _____
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1397040010001 Acreage: _____

Current Use of Property: Res SFG

VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

Variance Requested:

Currently side yard set back is 15'. Requesting
10' side yard set back - For ADU & Shop.

A description of hardship letter must be submitted in conjunction with this application. The criteria for a hardship are outlined in the attached document titled "Description of Hardship." In the letter, state variance(s) requested specifically and in detail (identify section and requirement). Please attach separate sheets(s) as necessary.

This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X MireKeys Corp - Cindy Keys 4/30/21
Signature of Applicant Date

X MireKeys Corp 4/30/21
Signature of Owner Date

