

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



**THURSDAY, SEPTEMBER 9, 2021
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, September 9, 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
 - D.1 Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of August 12, 2021.
- E. New Business
 - E.1 Consideration to approve **BOA Case P21-344**: Request by GREVIS Properties for a Special Exception from Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances to allow for the use of crushed asphalt for parking areas. The project site is approximately 0.50 acres of land, generally located at the northwest corner of South Howard Street and Green Street, is zoned Old Town & Mixed Use District and legally described as Lots 13, 14, 15 & 16 Block 80 Revised Map of Tomball.

Conduct a Public Hearing on **BOA Case P21-344**
- F. Adjournment

CERTIFICATION

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 3rd day of September 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

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, AUGUST 12, 2021



6:00 P.M.

- A. The meeting was called to order by Chairman Billy Hemby at 6:01 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

- B. No Public Comments were received
- C. Amelia Lindley, City Planner, announced the following:
- David Esquivel has been appointed as City Manager.
 - Craig Meyers left the City of Tomball for another opportunity.
 - She is leaving the City of Tomball for another opportunity and thanked everyone for their support along with expressing her gratitude and pleasure in serving the Board.
- D. Motion was made by Board Member Phillips, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of June 10, 2021.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

E. New Business:

- E.1 Consideration to approve **BOA Case P21-317**: Request by Shannon and Denise Lauve for a variance from Section 50-69 (*Single-Family Estate Residential District*) of the Tomball Code of Ordinances to allow for a 10 foot rear side yard setback where a 20 foot rear yard setback is required. The site is approximately 0.50 acres (21,723 square feet), generally located at the northeast corner of Zion Road and Quinn Road, is zoned Single-Family 20 Estate District and legally described as Tract 14G-1 Abstract 34 J House.

The Public Hearing was opened by Chair Hemby at 6:04 p.m.

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

Denise Lauve, Applicant (PO Box 7, Tomball, TX 77377) spoke on behalf of the case.

Lisa Sterle (30511 Country Meadows, Tomball, TX 77375) spoke in concern of the request.

Hearing no additional comments, the Public Hearing was closed at 6:12 p.m.

Motion was made by Board Member Phillips, second by Board Member Roquemore, to approve the Variance request of **BOA Case P21-317**.

- Section 50-69 (*Single-Family Estate Residential District*) of the Tomball Code of Ordinances to allow for a 10 foot rear side yard setback where a 20 foot rear yard setback is 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>
Board Member Phillips	<u>Aye</u>

Motion carried unanimously.

- E.2 Consideration to approve **BOA Case P21-319**: Request by Identity Architects for a special exception from Section 50-113 (*Landscape requirements*) of the Tomball Code of Ordinances to allow for a reduction in the minimum tree size. The project site is approximately 9.809 acres of land, generally located on the west side of Hufsmith-Kohrville Road, across from Country Club Greens subdivision, is zoned Light Industrial District and legally described as Lot 1 Block 1 Tomball South Commercial No. 2.

The Public Hearing was opened by Chair Hemby at 6:15 p.m.

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

William Kalkman, Representing Identity Architects (111 Travis Street, Houston, TX 77002) spoke on behalf of the case.

Hearing no comments, the Public Hearing was closed at 6:18 p.m.

Motion was made by Board Member Gray, second by Board Member Roquemore, to approve the Variance request of **BOA Case P21-319**, with the following conditions:

- Additional trees shall be planted along Hufsmith-Kohrville Road.
- Additional landscaping, such as shrubs, shall be added along Hufsmith-Kohrville Road.

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>
Board Member Phillips	<u>Aye</u>

Motion carried unanimously.

F. Motion was made by Board Member Roquemore, second by Board Member Phillips, to adjourn.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:24 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)**



SEPTEMBER 9, 2021

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, September 9, 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 P21-344: Request by GREVIS Properties for a Special Exception from Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances to allow for the use of crushed asphalt for parking areas. The project site is approximately 0.50 acres of land, generally located at the northwest corner of South Howard Street and Green Street, is zoned Old Town & Mixed Use District and legally described as Lots 13, 14, 15 & 16 Block 80 Revised Map of Tomball.

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

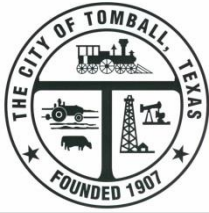
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **3rd** day of **September 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kim Chandler

Kim Chandler

Community Development Coordinator

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: P21-344

APPLICANT/OWNER: GREVIS Properties

LOCATION: Generally located at the northwest corner of South Howard Street and Green Street

PROPOSAL: A special exception from Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances to allow for the use of crushed asphalt for parking areas. The project site is approximately 0.50 acres of land, is zoned Old Town & Mixed Use District and legally described as Lots 13, 14, 15 & 16 Block 80 Revised Map of Tomball.

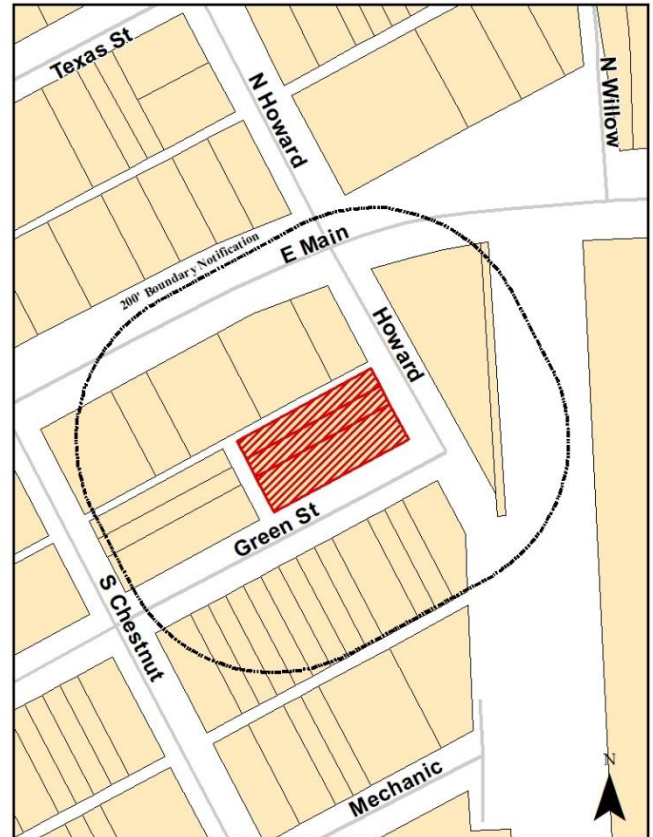
CONTACT: Kim Chandler

PHONE: (281) 290-1405

E-MAIL: kchandler@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, September 9, 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: Kim Chandler
501 James Street
Tomball, TX 77375

Name:

THOMAS HERNANDEZ, JR.

(please print)

Address:

20219 OLD HIGHWAY 105
CLEVELAND, TEXAS 77328

Signature:

[Handwritten Signature]

Date:

AUGUST 30, 2021

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-344. (Please state reasons below)

☒

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-344. (Please state reasons below)

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

Thursday, September 9, 2021 @ 6:00 PM

City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

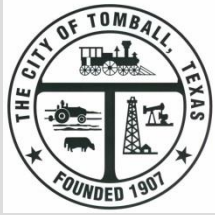
COMMENTS:

I AM AGAINST THIS CASE, THE CITY NEEDS TO COMPLETE GREEN STREET BEFORE ANY DEVELOPMENT SUCH AS A PARKING LOT IS ALLOWED TO BE CONSTRUCTED.

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

Please reference the case number in the subject line.

For questions regarding this request please call Kim Chandler @ 281-290-1405.



Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: September 9, 2021

BOA Case P21-344: Request by GREVIS Properties for a Special Exception from Section 50-112 (*Off-street parking and loading requirements*) of the Tomball Code of Ordinances to allow for the use of crushed asphalt for parking areas. The project site is approximately 0.50 acres of land, generally located at the northwest corner of South Howard Street and Green Street, is zoned Old Town & Mixed Use District and legally described as Lots 13, 14, 15 & 16 Block 80 Revised Map of Tomball.

Property Owner(s): Gretchen and Michael Fagan
Applicant(s): GREVIS Properties
Location: Northwest corner of South Howard Street and Green Street (Exhibit “A”)
Lot Area: 0.50 acres approximately
Present Zoning & Use: Old Town & Mixed Use District (Exhibit “B”) / (Exhibit “C”)
Comp Plan Designation: Old Town (Exhibit “D”)
Adjacent Zoning & Land Uses:
North: Old Town & Mixed Use District / Farmer’s Insurance, single-family residence, Edmond’s Rooter-Man Plumbers
South: Old Town & Mixed Use District / Green Street right-of-way, undeveloped property
West: Old Town & Mixed Use District / Undeveloped, single-family residence
East: Old Town & Mixed Use District / S. Howard Street right-of-way, welding supply company

BACKGROUND

The applicant owns and operates 403 EATS, a food truck park and music venue located on 403 E. Main Street. 403 EATS has indoor & outdoor seating and offers live music, bingo and karaoke in addition to six gourmet food trucks that serve food and beverages.

The applicant had purchased adjacent land (subject property) and intends to use it for additional parking for this facility. The applicant is proposing to pave the lot with 3” thick crushed concrete base and a 2.5” thick surface made of recycled crushed asphalt millings. The materials proposed to be used are 100% recycled and permeable. The lot has access from S. Howard Street.

ZONING SUMMARY

A special exception is defined in Section 50-33 of the Tomball Code of Ordinances as a type of variance; but is differentiated by the following:

- a. A special exception does not require a finding of a hardship.
- b. Approval of a special exception by the board of adjustments is specifically provided for and defined in this chapter.
- c. A special exception applies to nonconforming uses and structures, off-street parking requirements and landscaping requirements.

Special exceptions are granted on a case-by-case basis under particular circumstances when it is determined that the granting of the exception will not adversely impact adjacent property owners, or pose health and safety issues for the community. Section 50-33 of the zoning ordinance grants the BOA the authority to impose conditions on a special exception to ensure the public health, safety, and general welfare.

Section 50-33 (g) of the Tomball Code of Ordinances permits variations from the off-street parking requirements and landscaping requirements by a special exception.

The purpose of this special exception is to waive the requirement that all off-street parking, driveways, maneuvering, and loading areas to be paved with a concrete or asphalt surface and curbed, as per Section 50-112 (c) of the Tomball Code of Ordinances.

STAFF ANALYSIS

City staff has reviewed the request and it is staff's opinion that granting this special exception will not adversely impact the surrounding properties or be detrimental to the health and safety of the community. The additional parking will benefit the patrons and the venue. The special exception will encourage reuse and recycling of concrete that is environmentally beneficial. At the time of building permit, all other requirements pertaining to site development, drainage, detention, and circulation will be reviewed for conformance to City standards.

If the BOA has any concerns regarding the impacts of this request, the Zoning Ordinance grants the BOA the authority to impose conditions on a special exception to mitigate any adverse impacts on public health, safety, and general welfare.

PUBLIC COMMENTS

Property owners within 200 feet of the project site were mailed notification of this proposal on April 26, 2021. Notice was published in the Potpourri on August 25, 2021. Any public comments received from the public will be presented to the Board members at the meeting.

EXHIBITS

- A. Aerial Photo
- B. Zoning Map
- C. Site Photos

- D. Comprehensive Plan
- E. Special Exception Application

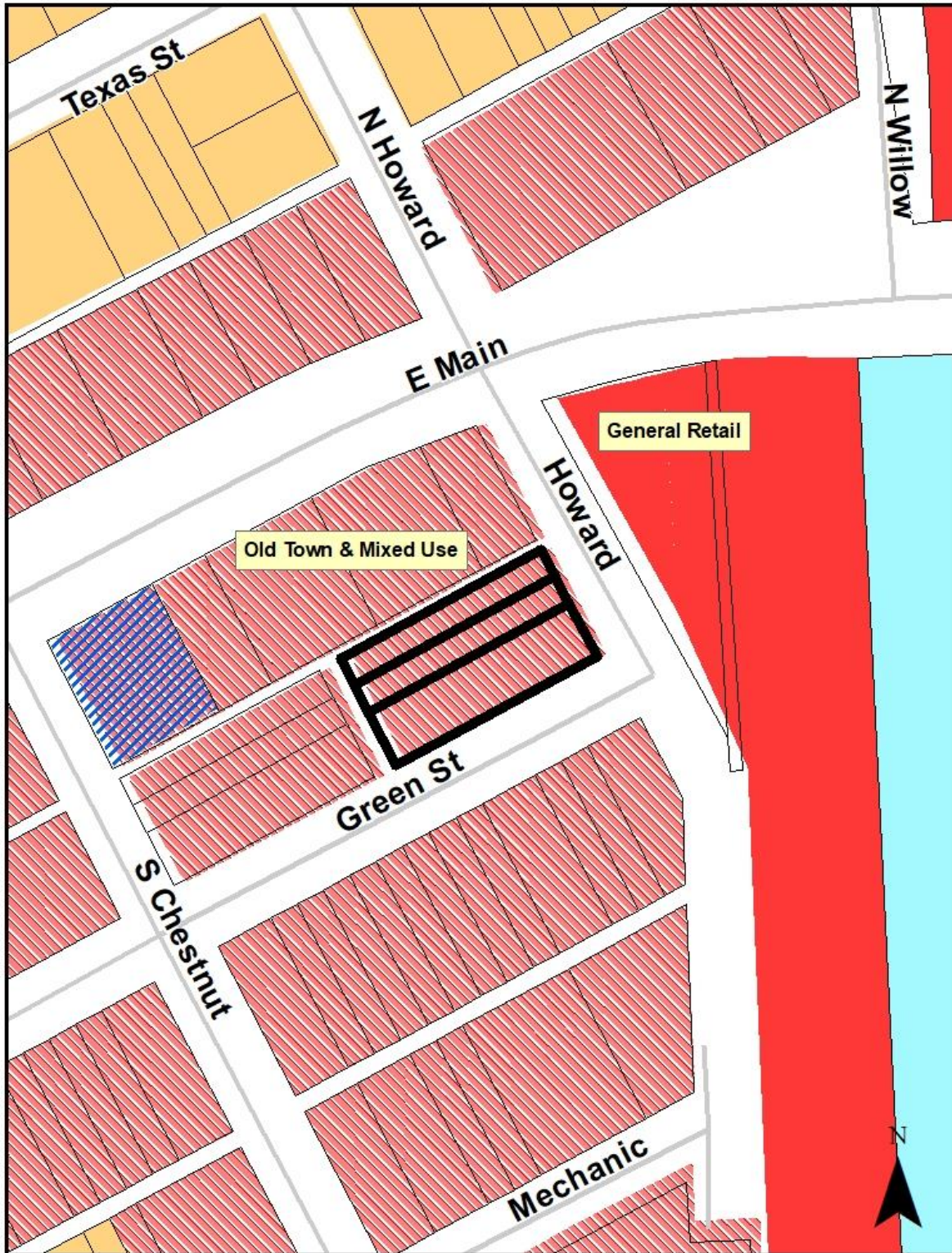
Item 2.

Exhibit "A"
Aerial Photo



Exhibit "B"
Zoning Map

Item 2.



**Exhibit “C”
Site Photos**

Item 2.



Proposed Parking Area



Existing Facility

**Exhibit “D”
Comprehensive Plan**



Exhibit "E"

Special Exception Application



RECEIVED (KC)
07/30/2021

Revised 5/19/15
BOA Case #21-344

ZONING BOARD OF ADJUSTMENTS (BOA) SPECIAL EXCEPTION APPLICATION

Community Development Department
Planning Division

Special Exception Defined: A special exception is a type of variance, but is differentiated from a variance in that a special exception does not require a finding of a hardship and applies only to nonconforming uses and structures, off-street parking requirements and landscaping requirements.

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: GREVIS Properties Title: _____
 Mailing Address: 407 E Main City: Tomball State: TX
 Zip: 77375
 Phone: (281) 330-7828 Fax: (281) 357-4477 Email: gretchen@gretcheininsure.com

Owner

Name: Gretchen and Michael Fagan Title: President
 Mailing Address: 407 E Main City: Tomball State: _____
 Zip: 77375
 Phone: (281) 330-4538 Fax: (281) 357-4477 Email: gretchen@gretcheininsure.com

Description of Proposed Project: Additional parking for 403 EATS

Physical Location of Property: Current vacant land behind 407, 409 & 411 E Main

[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lots 13, 14, 15 & 16 Block 80, Revised Map of Tomball

[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352750800013-00352750800016 Acreage: .5

Current Use of Property: Vacant

SPECIAL EXCEPTION(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

Special Exception(s) Requested:

Use of crushed asphalt for parking

A letter describing the requested special exception(s) must be submitted in conjunction with this application. 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. I also understand that in granting a special exception, the Board of Adjustments may impose conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare.

<u>X</u>  Signature of Applicant	<u>7/30/01</u> Date
<u>X</u>  Signature of Owner	<u>7/31/01</u> Date

401 Market Street
 401 Market Street
 Tomball, TX 77375
 (281) 351-5484

 DATE : 7/30/2021 3:49 PM
 OPER : RP
 TKBY : rp
 TERM : 2
 REC# : R01274581

130.0000 PLANNING AND ZONING 250.00
 403 eats grevis properties 250.00

Paid By:403 eats grevis properties
 2-CK 250.00 REF:w 2529

 APPLIED 250.00
 TENDERED 250.00

 CHANGE 0.00

July 30, 2021

City of Tomball Board of Adjustments

**RE: Crushed Asphalt for Parking
Lots 13 – 16, Block 80 Revised Map of Tomball**

We are requesting an exception to use crushed asphalt for parking.

403 EATS opened in June of 2017 and supports eight different business:

403 EATS

Dexter Dogs

This Bird's Cooked

Biscuit Lovers

Venezuelan Taste

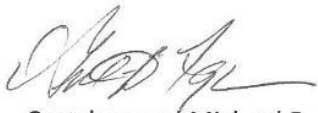
Senor Burrito

El Bitute Peruvian

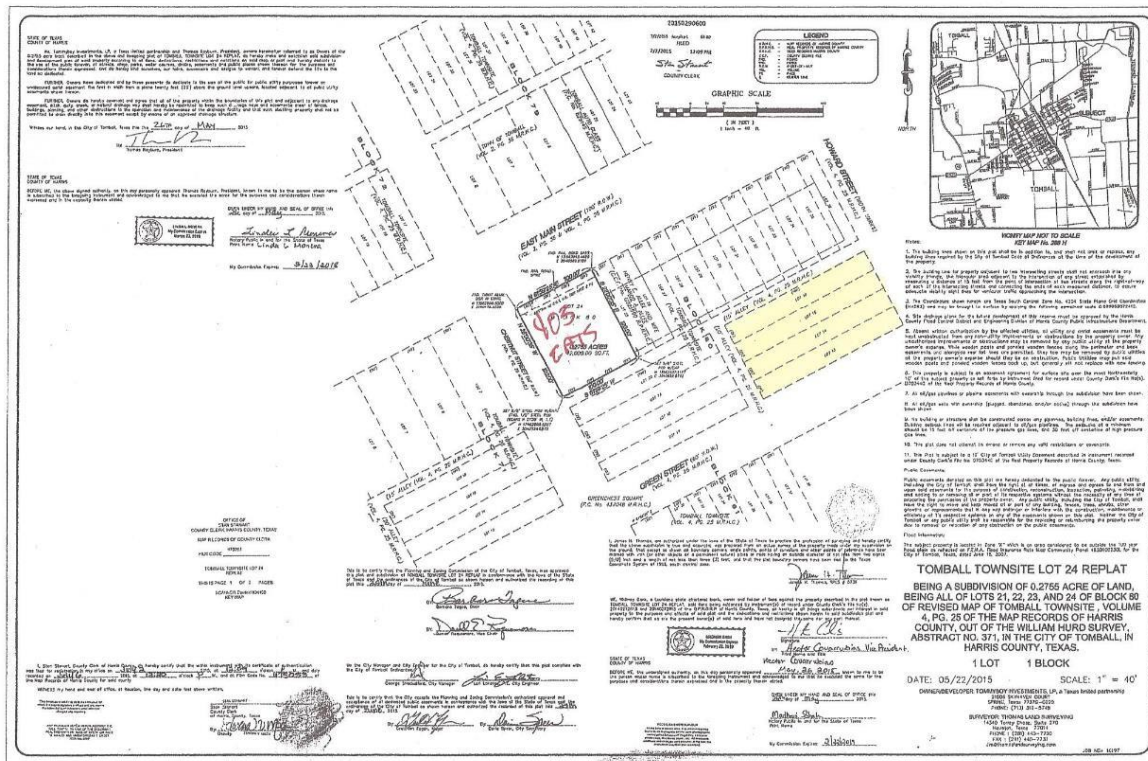
Dracula's Chimney Cakes

We need additional parking. We have purchased all the land behind 403, 405, 407, 409 and 411 E Main and will utilize the area behind 407 - 411 as parking.

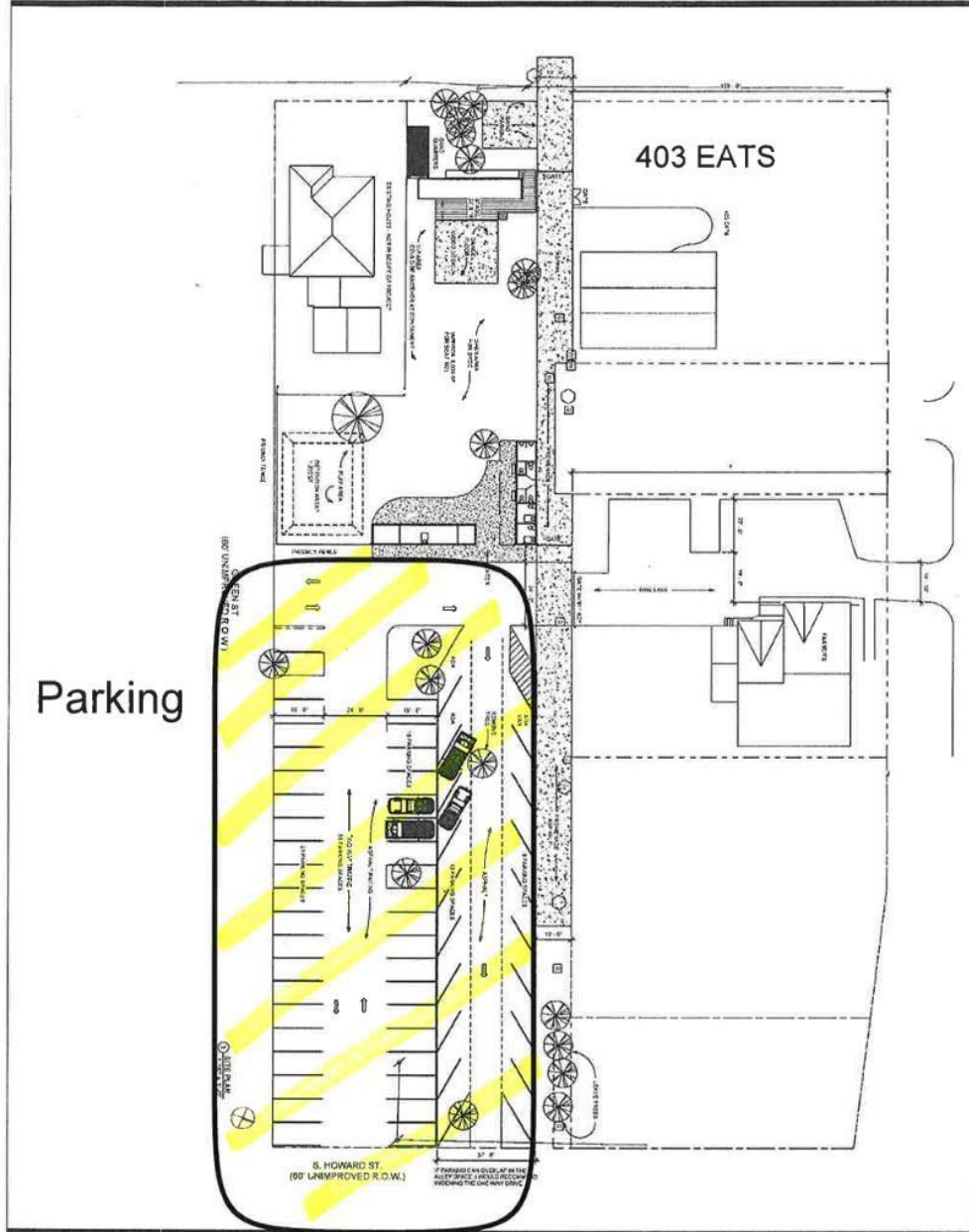
Base will be 3" thick made of crushed concrete. Surface will be 2.5" of recycled crushed asphalt millings installed by paving machine. The base and surface are 100% recycled and permeable, making this our best option.



Gretchen and Michael Fagan
403 EATS



4/28/2021 3:23:23 PM



A0.50

SITE PLAN

DRAWING ISSUE SCHEDULE	
NO.	DATE
01	PROJECT 01/08/21
02	PLAN REVIEW 5/4/2021

403 EATS MUSIC
VENUE
403 E. MAIN ST.
TOMBALL, TX 77375

THIS DOCUMENT IS RELEASED
ONLY IF IT IS NOT BE USED FOR
REUSE OR CONSTRUCTION
PURPOSES

REVIEW

28713 WISN LANE
TOMBALL, TX 77377
833.577.1277
AMERICANARCHITECTURE.COM

AMERICAN ARCHITECTURE LLC



GREVIS SERVICES LP
GRETCHEN & MICHAEL FAGAN
407 E MAIN
TOMBALL, TX 77375

2529
35-8467/3130-16

7/30/01 Date

Pay to the Order of City of Tomball \$ 250 -

Two Hundred fifty 00/100 Dollars

 **FIRST**
COMMUNITY
CALISTO UNION

P.O. Box 840129, Houston, TX 77284-0129

For B&A request [Signature]  Photo Safe Deposit®
Don't let it lock

⑆313084674⑆ 0019737202102529

Harford Clarke