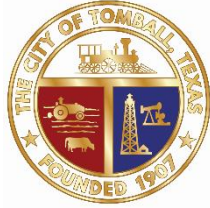


**NOTICE OF BOARD OF ADJUSTMENTS MEETING
CITY OF TOMBALL, TEXAS**



**Thursday, October 14, 2021
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, October 14, 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. Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of September 9, 2021.
 - [D.1](#) Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of September 9, 2021.
- E. New Business
 - [E.1](#) Consideration to approve **BOA Case P21-370**: Request by Rehab Garage LLC., for a special exception from Section 50-31 (*Nonconforming uses and structures*) to allow for the expansion of a nonconforming use by constructing a new structure for storage of vehicles. The project site is approximately 4.95 acres, located at 723 S. Cherry Street, is zoned SF-6 - Single-Family 6 District and legally described as LT 128 Tomball Outlots, within the City of Tomball, Harris County, Texas.

Conduct a Public Hearing on **BOA Case P21-370**

F. Adjournment

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 11th day of October 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, SEPTEMBER 9, 2021



6:00 P.M.

- A. 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
Board Member Susan Harris

Others present:

Wesley Stolz - City Engineer
Loren Smith – City Attorney
Kim Chandler – Community Development Coordinator

draft

- B. No Public Comments were received.
- C. No Reports and Announcements were heard.
- D. Motion was made by Board Member Roquemore, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of August 12, 2021.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

- E. New Business:

- E.1 Consideration to approve **BOA Case P21-344**: 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.

The Public Hearing was opened by Chair Hemby at 6:01 p.m.

Wesley Stolz, City Engineer, presented the case and recommendation.

Michael and Gretchen Fagan of GREVIS Properties (1314 Pinebrook, Tomball, TX 77375) spoke on behalf of the case.

Hearing no comments, the Public Hearing was closed at 6:07 p.m.

Motion was made by Board Member Harris, second by Board Member Wolf, to approve the Special Exception request of **BOA Case P21-344**.

- 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.

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 Harris	<u>Aye</u>

Motion carried unanimously.

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

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:14 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)**



OCTOBER 14, 2021

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, October 14, 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 P21-370: Request by Rehab Garage LLC., for a special exception from Section 50-31 (*Nonconforming uses and structures*) to allow for the expansion of a nonconforming use by constructing a new structure for storage of vehicles. The project site is approximately 4.95 acres, located at 723 S. Cherry Street, is zoned SF-6 - Single-Family 6 District and legally described as LT 128 Tomball Outlots, within the City of Tomball, Harris County, Texas.

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 Community Development Coordinator, Kim Chandler, at (281) 290-1405 or at kchandler@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 **11th** day of **October 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.





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:

Lino Romero Garcia

(please print)

Address:

305 Willowick Street

Tomball TX 77375

Signature:

Lino Romero Garcia

Date:

10/03/2021

☒ I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-370. (Please state reasons below)

☐ I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-370. (Please state reasons below)

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

Thursday, October 14, 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 kchandler@tomballtx.gov

Please reference the case number in the subject line.

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



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:

(please print)

Address:

Martha Viera
303 Willowick Street, Tomball
TX, 77375

Signature:

Date:

Martha Viera
October 31, 2021



I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-370. (Please state reasons below)

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-370. (Please state reasons below)

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

Thursday, October 14, 2021 at 6:00 PM

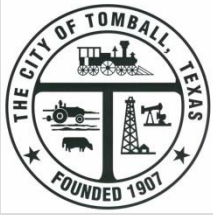
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:

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

Please reference the case number in the subject line.

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

**Board of Adjustments (BOA) Staff Report**

Board of Adjustments Hearing Date: October 14, 2021

BOA Case P21-370: Request by Rehab Garage LLC., for a Special Exception from Section 50-31 (Nonconforming uses and structures) to allow for the expansion of a nonconforming use by constructing a new structure for storage of vehicles. The project site is approximately 4.95 acres, located at 723 S. Cherry Street, is zoned SF-6 - Single-Family 6 District and legally described as LT 128 Tomball Outlots, within the City of Tomball, Harris County, Texas.

Property Owner(s): Rob Mckee
Applicant(s): Rehab Garage LLC.
Location: 723 S. Cherry Street (Exhibit “A”)
Lot Area: Approximately 4.95 acres
Present Zoning & Use: SF-6 - Single-Family 6 District (Exhibit “B”) / Auto restoration service - Rehab Garage LLC (Exhibit “C”)
Comp Plan Designation: Transitional Residential (Exhibit “D”)

Adjacent Zoning & Land Uses:

North: Single-Family 6 District / Single-family residences
South: Single-Family 6 District / Single-family residences
West: Single-Family 6 District / Single-family residences
East: LI - Light Industrial District / Vacant; Railroad track

BACKGROUND

Rehab Garage, a car restoration business, is located on this property and includes 27,000 square foot, one-story metal building. The use includes classic car restoration, detailing and storage. The applicant is proposing to add a 60’ X 120’ (approximately) building.

The subject property is zoned Single-Family 6 District and the use “classic car restoration and storage” is not permitted in this district. According to the applicant, the current use was established in 1960, prior to the adoption of zoning regulation, and therefore is deemed nonconforming. The applicant is proposing an expansion of the existing nonconforming use by constructing a new structure for storage of vehicles, that will be located on the north side of the existing facility and will be visible from S. Cherry Street. In August 2021, City staff received a site plan application for the proposed expansion. Approval of this Special Exception will allow the site plan to be approved for the proposed addition.

ANALYSIS

The applicant has requested a Special Exception from Section 50-31 (Nonconforming uses and structures) to allow for the expansion of a nonconforming use by constructing a new structure for storage of vehicles. As per Section 50-31(g) (2), the Board of Adjustments may grant a Special Exception to the provisions of Section 50-31 upon written request of the property owner.

RECOMMENDATION

City Staff has reviewed the request and recommends approval of **BOA Case P21-370** for the following reasons:

1. The proposed building is at the rear of the existing facility and is compatible with the adjacent railroad tracks and the vacant land zoned Light Industrial.
2. This addition will allow the existing non-conforming site to be brought into to conformance with the current standards with regards to landscaping, parking, screening, and other site requirements.

The Zoning Ordinance grants the Board of Adjustments the authority to impose conditions on a Special Exception to ensure the public health, safety, and general welfare. Staff recommends that these conditions be considered:

1. A ten-foot wide landscaped open-space buffer will be installed and maintained between the subject property and the adjacent residential area on the north to provide screening and mitigate any negative impact.
2. Masonry materials be considered for the facade facing S. Cherry Street, similar to the facades of recently constructed retail and commercial buildings.

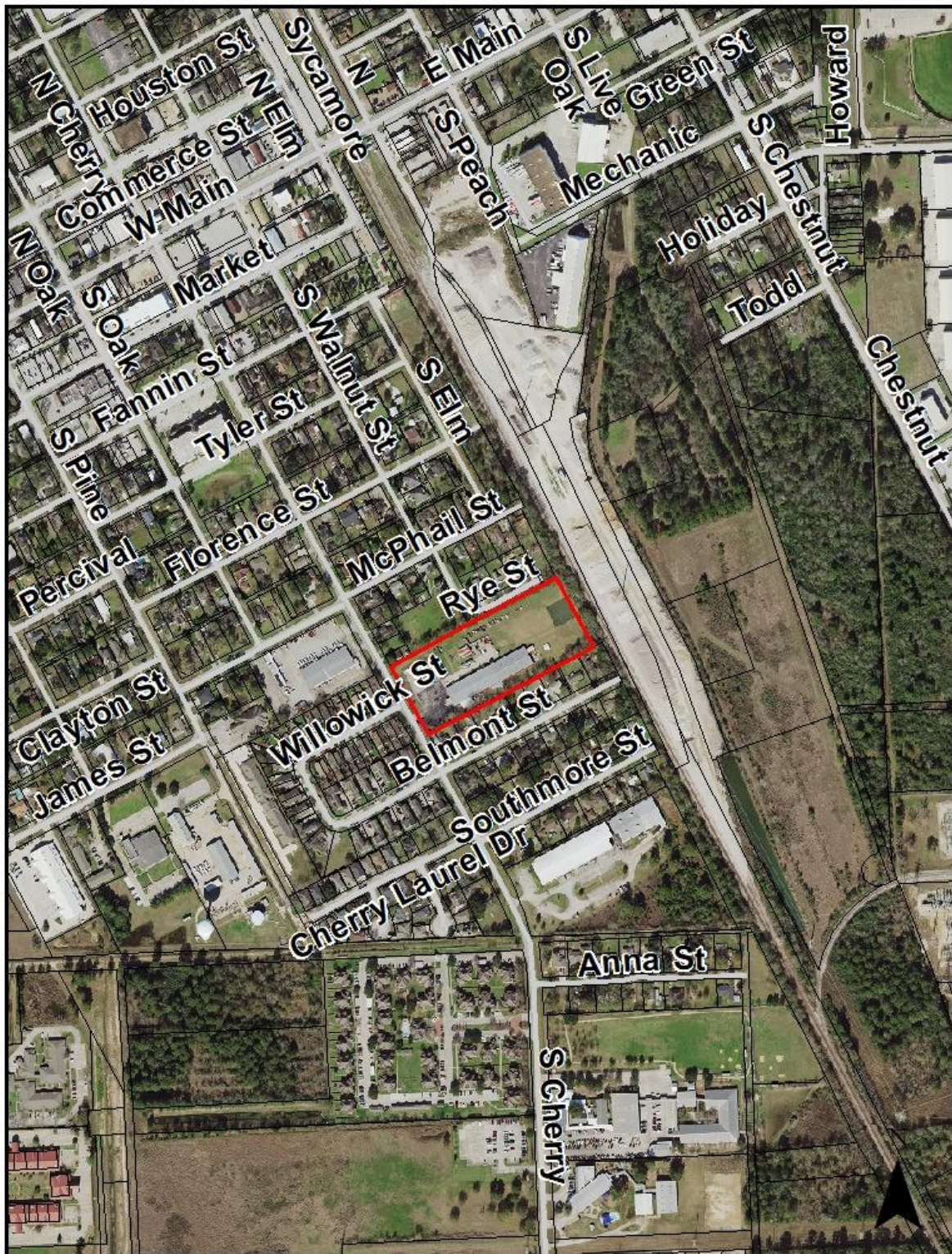
PUBLIC COMMENTS

A Notice of Public Hearing was published in the paper on September 29, 2021 and property owners within 200 feet of the project site were mailed notification of this proposal on September 30, 2021. Public responses will be provided in the Board of Adjustments packet or during the public hearing.

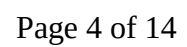
EXHIBITS

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

Exhibit "A"
Aerial Photo



Item E.1



**Exhibit “C”
Site Photo**



Exhibit "D"
Comprehensive Plan

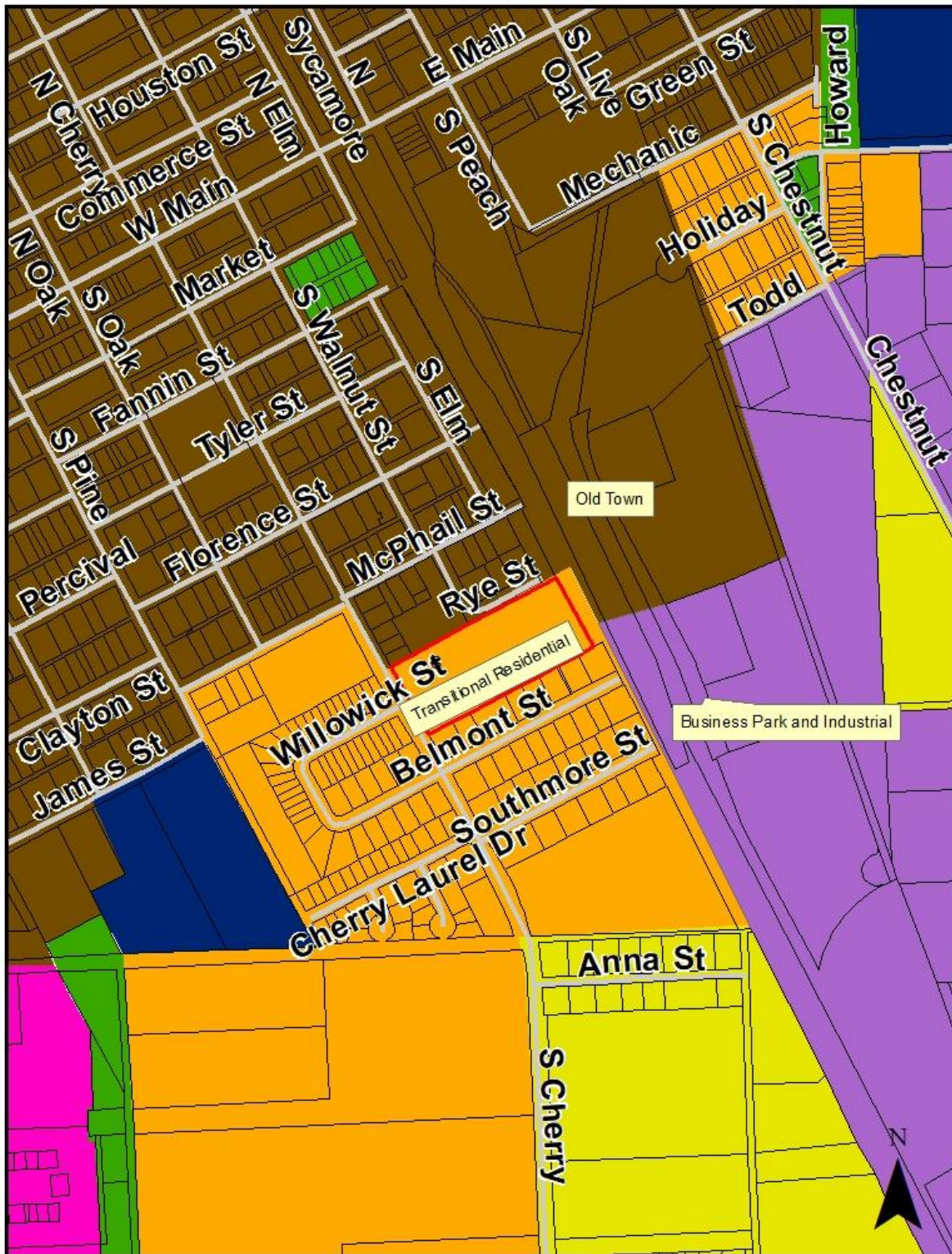


Exhibit "E"

Special Exception Application



RECEIVED (KC)
09/01/2021

Revised 5/19/15
P&Z #21-370
\$250.00

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: Rehab Garage LLC Title: _____
Mailing Address: 723 S. Cherry St City: Tomball State: Tx
Zip: 77375
Phone: (832) 534-1965 Fax: (____) _____ Email: rob_mckee@rocketmail.com

Owner

Name: Rob McKee Title: Owner
Mailing Address: 723 S Cherry St City: Tomball State: Tx
Zip: 77375
Phone: (832) 534-1965 Fax: (____) _____ Email: rob_mckee@rocketmail.com

Description of Proposed Project: 60x100 ft Metal storage (no utilities)

Physical Location of Property: 723 S. Cherry St. LT 128 TOMBALL OUTLOTS

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

Legal Description of Property: LT 128 TOMBALL OUTLOTS

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

HCAD Identification Number: 0352840000128 **Acreage:** 4.95

Current Use of Property: Classic Car Restoration Facility and storage

SPECIAL EXCEPTION(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

Section 50-31 of the Tomball Code of Ordinances, a nonconforming use cannot be structural altered,
use cannot be structural altered, except those required by law or ordinance.

Special Exception(s) Requested:

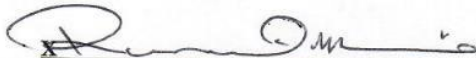
We requested an exception to the Section 50-31 listed above.

A letter describing the requested special exception(s) *must* be submitted in conjunction with this application. Please attach separate sheets(s) as necessary.

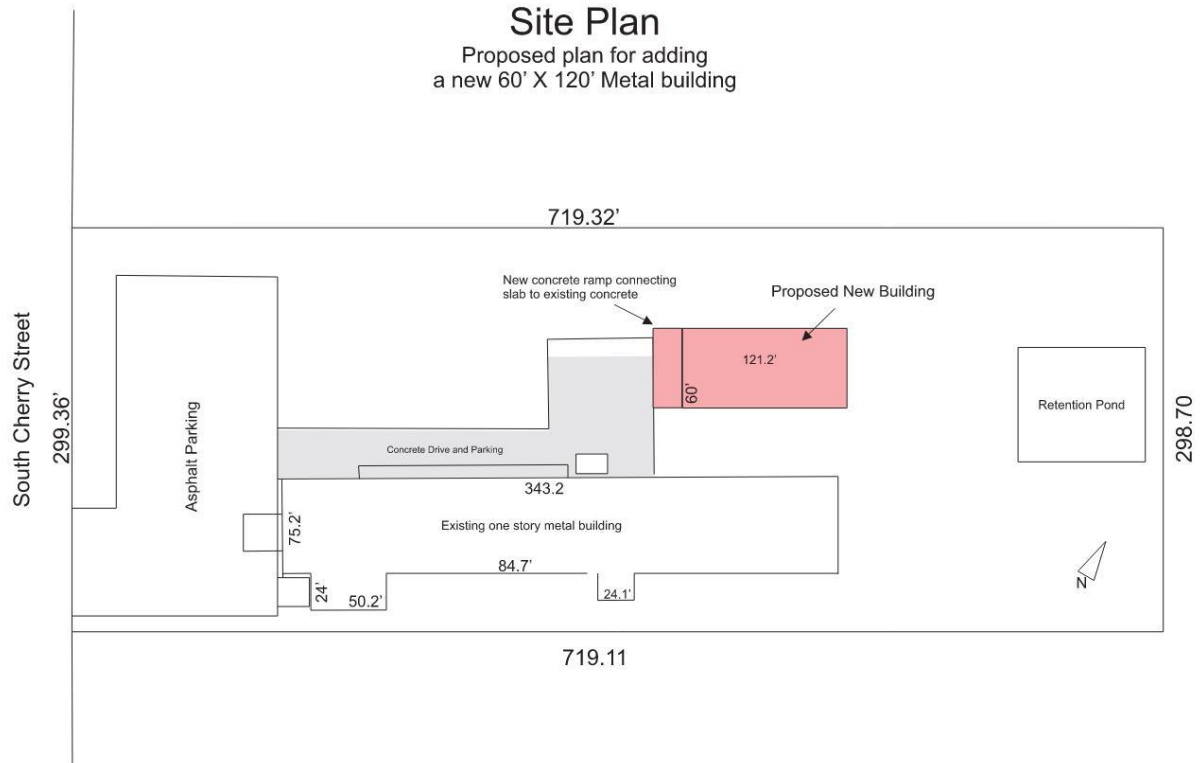
This is to certify that the information on this form is **COMPLETE, TRUE, and CORRECT** and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial. I also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


Signature of Applicant

9/1/2021
Date


Signature of Owner

9/1/2021
Date



Owner:
Rehab Garage LLC
PapaMikeHotel LLC

Address:
723 S. Cherry St.
Tomball Tx, 77375

HCAD # 0352840000128

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

A complete application must include:

- Application Fee: \$100 residential (except multi-family); \$250 non-residential & multi-family
- Letter explaining the special exception(s) in detail
- Metes & bounds of property
- Site plan, plot plan, or drawing showing the requested special exception(s)
- Other necessary information (maps, drawings, pictures, etc.) to explain the special exception(s)

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

City of Tomball, Texas
501 James Street,
Tomball TX 77375

31 Aug 2021

Dear: Zoning Board of Adjustments (BOA),

Respectfully, my business partner (Will Patterson) and I (Rob McKee) are submitting this letter as a formal request for a special exception to Section 50-31 of the Tomball Code of Ordinances which seems to apply to our business property at 723 S. Cherry St., Tomball TX 77375. We have submitted a permit to build a 60' x 120' free standing warehouse building positioned on the property toward the back, specifically for expanded storage of vehicles for growing business. As you may already know, this 4.95-acre tract of land

that backs up to the train tracks, just south of downtown Tomball, has been a business since 1960, and as we understand has housed business such as Graco Awards company which manufactured military medals, as well as a Skating



Rink, and Bowling Alley. HCAD records show that the original 15,500 sqft building was built in 1960 and an 11,625 sqft addition was added in 2002, making the total facility just over 27,000 sqft of Shell, Industrial space. Since March 2017, Rehab Garage, our business, has been leasing this property, and Just two months ago we purchased it from Rett LP., the property's previous long-time owner, with the intention of expanding the building and growing the business locally. We chose this property because of its proximity to historic downtown Tomball, which fits well with our primary business, restoring classic cars. It is important to note that we are a very quiet business with about 15 staff members currently and we have a very good relationship with our neighbors, which we intend to maintain.



Although we are a classic car restoration business, we also store and detail classic cars for our clients who do not want to keep and maintain their vehicles at their homes. Based on this rapidly growing business, our intent is to build an open concept warehouse and expand our indoor storage capability, which will diversify our

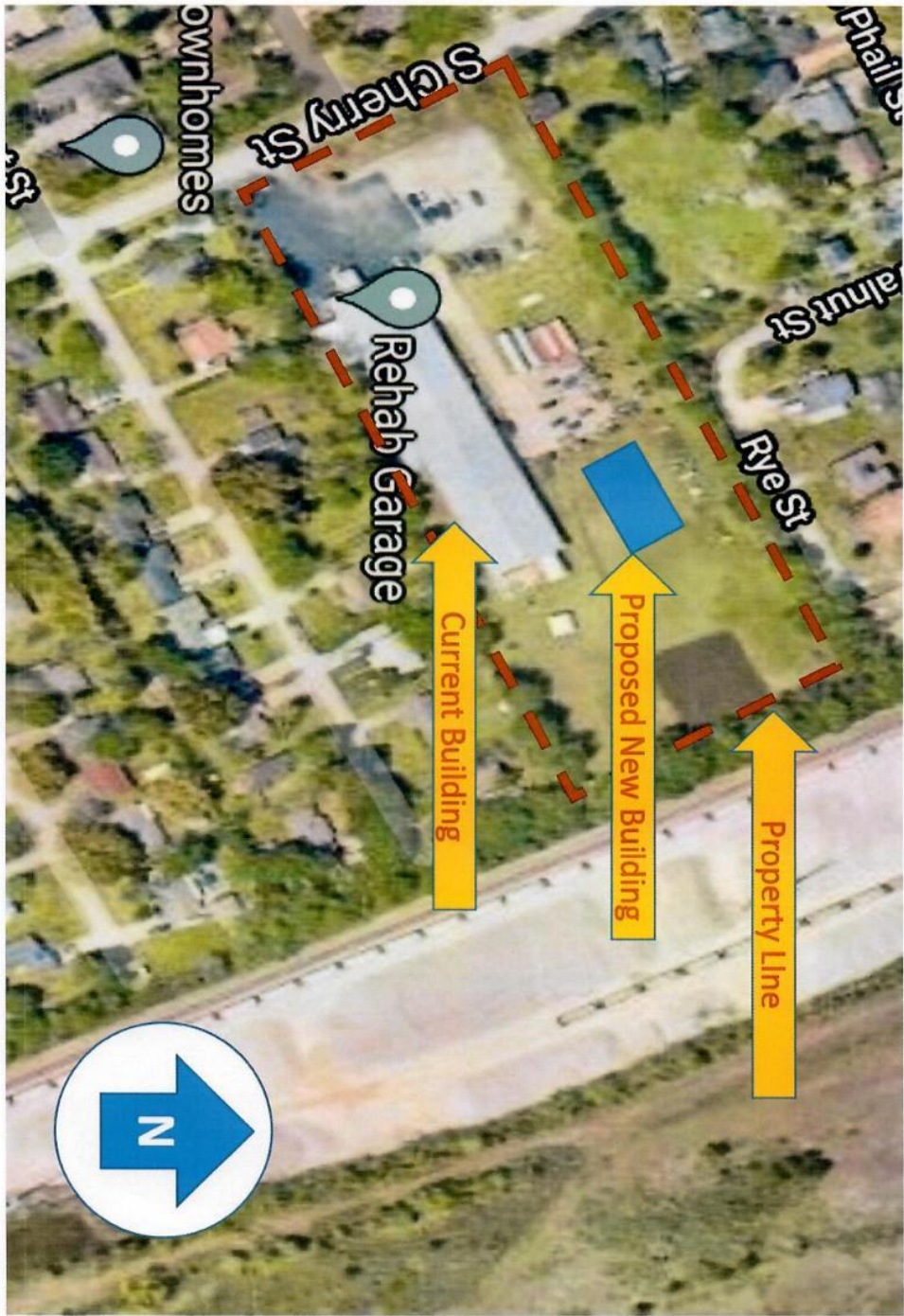
revenue portfolio to against issues such as COVID, threatening the health and longevity of the company and our overall income.

Attached, you will find the site plan showing the intended building footprint that we would like to build. We respectfully and urgently request your attention to this request for special exception to Section 50-31, and look forward to hearing back quickly.

Sincerely,

Rob McKee
Cell: 281-723-9648
723 S. Cherry St.

REHAB GARAGE PROPERTY LAYOUT



OTHER SURROUNDING BUSINESSES



Tomball TX 77375

OWNER NAME SEARCH						
Tax Year	Last Name and First Initial (no comma)					
2021	rett		Search			

Tax Year: 2021

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0352840000128

Print E-mail

File & Protect Similar Owner Name Nearby Addresses Same Street Name Rained Map 4771D

Ownership History | Fiduciary Information

Owner and Property Information

Owner Name & Mailing Address: **RETT LP**
723 S CHERRY ST
TOHALL TX 77375-6620

Legal Description: **LT 138**
TOHALL OUTLOTS
723 S CHERRY ST
TOHALL TX 77375

Property Address: **723 S CHERRY ST**
TOHALL TX 77375

State Class Code	Land Use Code	Building Class	Total Units
P1 -- Real Commercial	6002 -- Land Neighborhood Section 3	E	0

Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Parcel	Key Map
215.622 SF	27,125	0	9928.02	6024 -- Tomball	4771D	2884

Value Status Information

Value Status: **Noticed**

Notice Date: **04/02/2021**

Shared CAD: **No**

Exemptions and Jurisdictions

4399 -- Warehouse-Metallic

Building	Year Built	Type	Style	Quality	Interior Sq Ft	Building Details
1	1960	Warehouse - Metallic	6454 -- Shell Industrial	Average	15,500	Displayed
2	2002	Warehouse - Metallic	6454 -- Shell Industrial	Average	11,625	View

Building Details (x)

Building Data		Building Areas	
Element	Details	Description	Area
Cooling Type	Central / Forced		3,000
Functional Utility	Avg/Normal	BASE AREA PRI	14,250
Heating Type	Hot Air	UTILITY BLDG - METAL	405
Partition Type	Normal	CANOPY ONLY - C	625
Physical Condition	Fair		1,575
Roofing Type	Adequate	BASE AREA PRI	1,250
Roofing Type	None	CANOPY ROOF W/ SLAB - C	280
Roofing Type	Heavy Light		
Economic Obsolescence	Normal		
Market Index Adjustment	115% Market Index Adjustment		

Element		Units
Wall Height	14	
Office Warehouse Ratio	0.18	
On Down Wood / Mid	1	
Interior Finish Percent	100	

Valuations

Value as of January 1, 2020		Value as of January 1, 2021	
Market	Appraised	Market	Appraised
Land	425,217	425,217	
Improvement	674,357	767,818	
Total	1,101,574	1,193,035	1,193,035

5-Year Value History

Line	Description	Quality	Condition	Units	Year Built
1	Enclosure, Office	Average	Average	1,875	1960
2	CANOPY ROOF AND SLAB	Average	Average	280	1960
3	CANOPY ONLY	Average	Average	625	1960
4	UTILITY BLDG - METAL	Average	Average	360	1960
5	CANOPY ROOF AND SLAB	Average	Average	150	2002
6	Paving - Asphalt	Average	Average	6,400	1995
7	Paving - Heavy Concrete	Average	Average	5,000	2002
8	Enclosure, Office	Average	Average	3,000	1995