

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



**Thursday, May 13, 2021
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, May 13, 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 March 11, 2021.
- E. New Business
 - 2. 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.

Conduct a Public Hearing on **BOA Case P21-170**

- 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 10th day of May 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, MARCH 11, 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 Susan Harris
Board Member April Gray

Others present:

Craig Meyers - Community Development Director
Wesley Stolz – City Engineer
Amelia Lindley - City Planner
Loren Smith – City Attorney

Draft

- 1.1 Board Member Wolfe made a motion, second by Board Member Roquemore, to nominate Billy Hemby for the position of Chairman.

Motion carried unanimously.

Board Member Roquemore made a motion, second by Board Member Gray, to nominate Jarmon Wolfe for the position of Vice Chairman.

Motion carried unanimously.

- 2.0 No Public Comments were received

- 3.0 Craig Meyers, Community Development Director, announced the following:

- There are 3 Alternate Board Member positions open. Forward all inquiries to Craig Meyers, Community Development Director.
- Inquired if Board Members were interested in future meetings to start at 5:30 p.m. Board Members decided for meetings to stay at 6:00 p.m.

- 4.0 Motion was made by Board Member Wolfe, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of January 14, 2021.

Motion carried unanimously.

5.0 New Business:

- 5.1 Consideration to approve **BOA Case P21-058**: Request by Daniel Rodano, for a special exception from Section 50-112 (*Off-street parking and loading requirements*) to allow for no concrete/asphalt and no curb where concrete and curbs are required for a proposed *mini-warehouse/self-storage* facility. The project site is approximately 7.6937 acres, generally located on the north side of East Hufsmith Road at Snook Lane, is zoned Commercial District and legally described as Tracts 6A 12A 18A 24A 30A & 36A (AG-use) Tomball Outlots.

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

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

Harlan Cox, representing the applicant (15727 Cutton Road, Apt. 316, Houston, TX 77070) 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 Wolfe, to approve the Special Exception request of **BOA Case P21-058**.

- Section 50-112 (*Off-street parking and loading requirements*) to allow for no concrete/asphalt and no curb where concrete and curbs are required.

Vote was as follows:

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

Motion carried unanimously.

- 5.2 Consideration to approve **BOA Case P21-059**: Request by Sara Rickelt for a variance from Section 50-72 (*Duplex Residential District*) to allow a lot to be 75 feet in depth where the minimum lot depth required is 100 feet. The site is approximately 0.2410 acres (10,500 square feet), generally located at the northeast corner of Foster Street and Chestnut Street, is zoned Duplex District and legally described as Lot 32 Walicki Tract.

The Public Hearing was opened by Chair Hemby at 6:17 p.m.

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

Sara Rickelt, Applicant (23010 Jane Road, Tomball, TX 77377) spoke on behalf of the case.

Jimmy Riley, (404 Foster Street, Tomball, TX 77375) spoke in opposition of the case.

Amelia Lindley, City Planner, presented the following Public Comments of additional residents in opposition of the case:

- Ismael & Lupe Franco (321 Foster Street, Tomball, TX 77375)
- Cindy Keys & JB Mire (414 N. Chestnut Street, Tomball, TX 77375)
- Jay DeCoste (407 Carrell Street, Tomball, TX 77375)
- Richard L. Herrington (410 N. Chestnut, Tomball, TX 77375)
- Marjorie & Marc Hofrichter (318 Foster Street, Tomball, TX 77375)

Hearing no additional comments, the Public Hearing was closed at 6:28 p.m.

Motion was made by Board Member Gray, second by Board Member Roquemore, to approve the Variance request of **BOA Case P21-059.**

- Section 50-72 (*Duplex Residential District*) to allow a lot to be 75 feet in depth where the minimum lot depth required is 100 feet.

Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

The meeting adjourned at 6:37 p.m.

PASSED AND APPROVED this _____ day of _____ 2021.

 Amelia Lindley
 City Planner/Board Secretary

 Billy Hemby
 Chairman

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



MAY 13, 2021

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, May 13, 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 P21-170: 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.

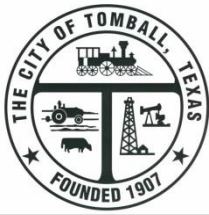
At the public hearing, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public review Monday through Friday, except holidays, at the Public Works Building, 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 **10th** day of **May 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: P21-170

APPLICANT/OWNER: Renee Leslie

LOCATION: Generally located on the north side of East Main Street at 310 E. Main Street, within the City of Tomball, Harris County, Texas

PROPOSAL: 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 and is zoned Old Town & Mixed Use District and legally described as Lot 3 Block 1 Boyce.

CONTACT: Amelia Lindley

PHONE: (281) 290-1410

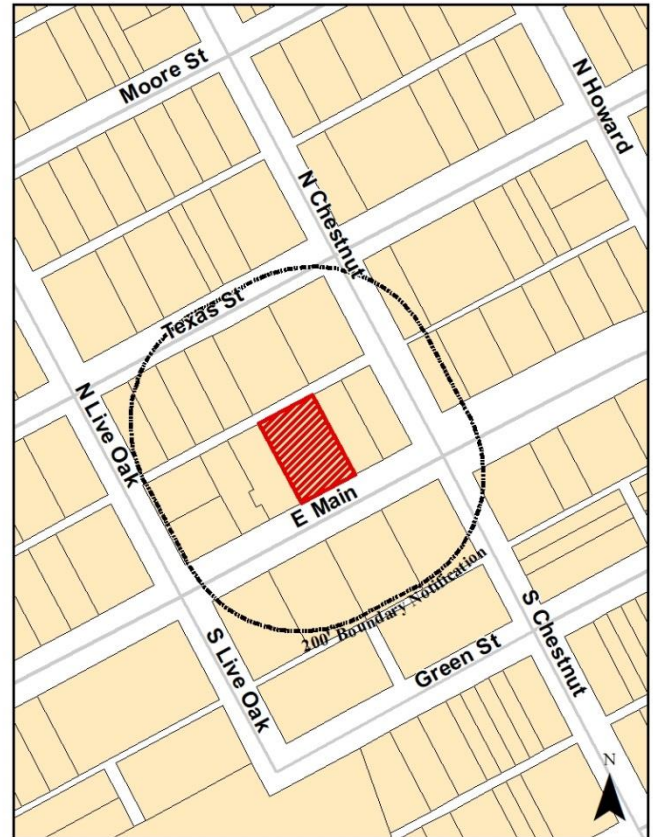
E-MAIL: alindley@tomballtx.gov

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, May 13, 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:

(please print)

Address:

Demis Peterson Mejia

403 E Main (Venezuela Taste)

Tomball TX 77375

Signature:

Date:

Demis Peterson M.

5/10/21

☒

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

☐

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 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.



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:

(please print)

Address:

Signature:

Date:

FAYE BOYCE

308-A EAST MAIN
TOMBALL, TX 77375

Faye Boyce

5-4-21



I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)



I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

We need more small businesses on this side of Main. Hopefully will generate more customers for all of us.

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.



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:

(please print)

Address:

Gabriel Toma

403 E Main (Dracula's Chimney Cakes)
Tomball TX 77375

Signature:

Date:

5/10/21

☒

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

☐

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

Quaity developmt on the East Side of
Main Street

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.

Amelia Lindley

From: Gretchen Fagan <gretchen@gretcheninsure.com>
Sent: Saturday, May 8, 2021 5:30 PM
To: Amelia Lindley
Cc: Craig Meyers; Gretchen Fagan; Michael Fagan
Subject: BOA CaseP21-170

Gretchen Fagan
Owner 403 EATS
403 E Main,
Tobmall, TX 77375

I am writing the FAVOR of BOA Case P21-170.

Reasons...these will be low volume businesses...real estate, art studio and book store. Parking should not be an issue. There have been businesses there for years and there has not been a problem with parking.

In addition, we need more quality development on the east side of Main. This area is now considered part of "Old Town" and is the entrance to our community from the east. The original "Old Town" area had parking requirements waived for a number of years in order to help with development. This has been a great success! The more successful businesses we can bring to Tomball only encourages more quality growth.

Please vote in FAVOR of requested special exception form Section 50-83(b) of the Code of Ordinances to allow 7 parking stalls instead of 20.

Gretchen Fagan Sent from my iPad



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:

(please print)

Address:

Signature:

Date:

X

Lorraine Salverrig
403 E Main (Biscuit Lovers)
Tomball, TX 77375
5/11/21

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

East Main is revitalizing and it's great

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.



Public Comment Form

(Please type or use black ink)

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Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

☒

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

☐

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

Date, Location & Time of Board of Adjustments meeting:

Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

My only concern is that there is an open way to come from this property across the alley and down a private drive onto Texas Street. In the past people and cars have used this for direct access to this business or egress from the business. Could the exception be granted

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.

caveat that the property owner be required to build a fence across the back of the property to stop traffic onto Texas from his business.



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:

(please print)

Address:

Signature:

Date:

Michael Fagan
403 E Main (Dexter Dogs)
Tomball TX 77375
Michael Fagan
5/10/21

X

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 6:00 PM

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

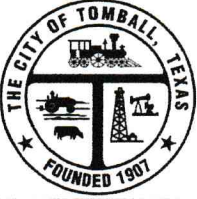
COMMENTS:

We need more quality development on the east side of the tracks.

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.



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:

Miguel Camacho

(please print)

Address:

403 E. Main St

Tomball, TX 77375

Signature:

[Handwritten Signature]

Date:

5/10/21

☒

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

☐

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

Señor Bureto Co fully supports this new development. This community needs more businesses that promote safe, fun, & pleasant family-oriented activities. Being right across from this development, our business would have a great positive impact from residents visiting their business. We love our community & we would like to see culture, art, & literature be the one of the many beautiful things Tomball has to offer.

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.



Public Comment Form

(Please type or use black ink)

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Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

☒

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

☐

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

Everyone hereafter benefits from businesses

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.



Public Comment Form

(Please type or use black ink)

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Please return to:

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

Name:

(please print)

Address:

Signature:

Date:



I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)



I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

Date, Location & Time of Board of Adjustments meeting:

Thursday, May 13, 2021 @ 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.



Public Comment Form

(Please type or use black ink)

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Please return to:

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

Name:

(please print)

Address:

Signature:

Date:

Tracy Savoie
125 S. Chestnut
Tomball, TX 77315
Tracy Savoie
5/10/21

☒

I am **FOR** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

☐

I am **AGAINST** the requested Special Exception as explained on the attached public notice for BOA Case P21-170. (Please state reasons below)

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

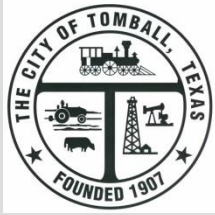
Thursday, May 13, 2021 @ 6:00 PM

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

COMMENTS:

This is in line with the new vision for
"Old Town East".

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: May 13, 2021

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.

Property Owner(s): Tomball Main Street LLC
Applicant(s): Renee Leslie
Location: North side of Main Street at 310 East Main Street (Exhibit “A”)
Lot Area: 0.64 acres
Present Zoning & Use: Old Town & Mixed Use District (Exhibit “B”) / (Exhibit “C”)
Comp Plan Designation: Old Town (Exhibit “D”)
Adjacent Zoning & Land Uses:
 North: Single-Family 6 District / Single-family residence
 South: Old Town & Mixed Use District / Offices and auto repair shop
 West: Old Town & Mixed Use District / Office and retail store
 East: Old Town & Mixed Use District / Retail store (Nana’s Main Street Cottage)

BACKGROUND

In March 2021, a site plan package was submitted to the City for review. The minimum parking requirement was not met and after discussions with the applicant’s architect, a Special Exception application was submitted.

There is an existing business on the property, The Book Attic, that will remain and two buildings that will be demolished for a new office building.

ANALYSIS

A special exception is defined in the Chapter 50 (Zoning) as a type of variance; it does not, however, require a finding of a hardship and it can only apply to certain 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. Chapter 50 (Zoning) grants the BOA the authority to impose conditions on a special exception to ensure the public health, safety, and general welfare.

Section 50-82(b) (*Use charts*) of the Tomball Code of Ordinances outlines the minimum parking ratio requirements for each land use. A “*book/stationery shop (retail only)*” requires a minimum parking ratio of one parking stall per every 200 square feet of building area. An “*office, professional and general business*” requires a parking ratio of one parking stall per every 300 square feet of building area.

Based on the minimum parking ratios, 20 parking stalls are required on the site for both the bookstore and the office building. The existing bookstore is 1,500 square feet, which requires 7.5 parking stalls. The proposed office building is 3,600 square feet, which requires 12 parking stalls. The applicant has proposed seven total parking stalls. Four additional existing parking stalls are located within the right-of-way of FM 2920. These parking stalls cannot be counted toward the total parking requirement, however they can continue to be utilized until the road is widened.

RECOMMENDATION

City staff has reviewed the request and is recommends approval of **BOA Case P21-170**.

- The proposed development will enhance the property and the area by removing unused structures and constructing a new building;
- The applicant’s site plan proposal includes a landscaped courtyard that will not be possible if the minimum parking requirements are met;
- There is a shared access easement between the property and the abutting property, should any additional overflow parking be necessary;
- Four existing parking stalls will be lost due to the future widening of FM 2920.

The Zoning Ordinance grants the BOA the authority to impose conditions on a special exception 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 on April 29, 2021. Notice was published in the Potpourri on April 28, 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

Exhibit "A"
Aerial Photo

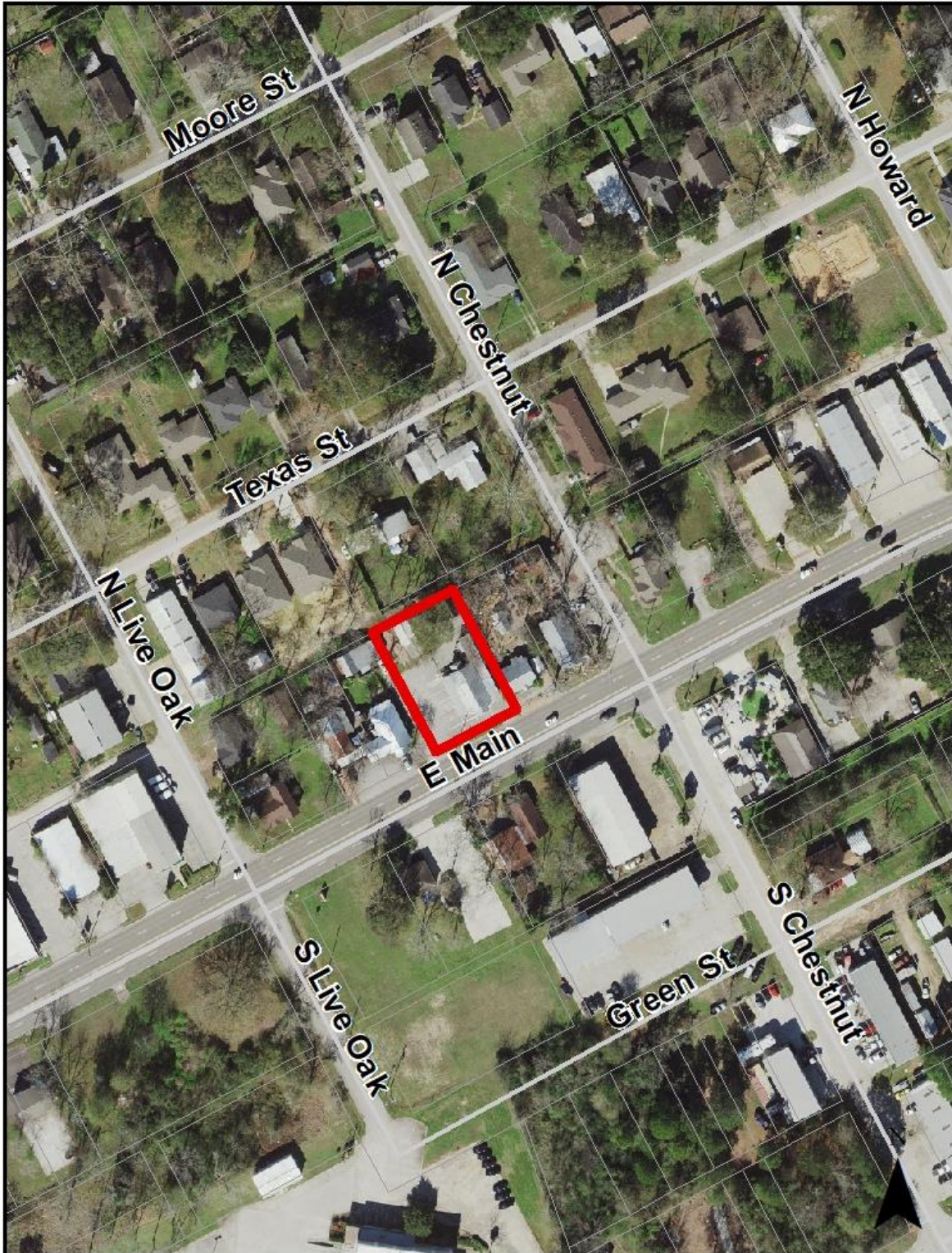
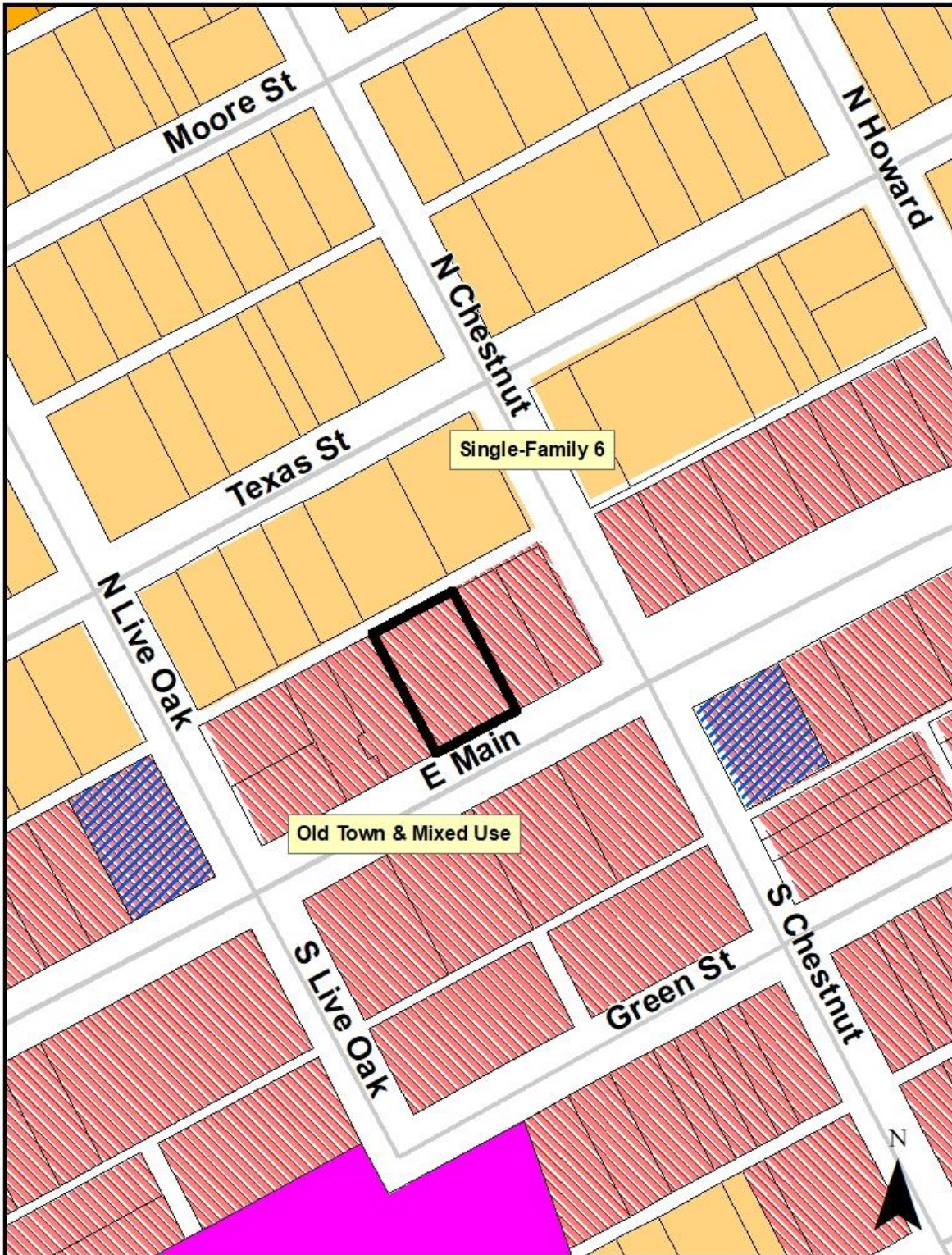


Exhibit "B"
Zoning Map

Item 2.



**Exhibit “C”
Site Photos**

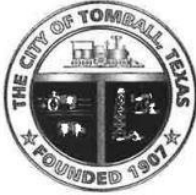


**Exhibit “D”
Comprehensive Plan**



Exhibit "E"

Special Exception Application



RECEIVED (KC)
04/06/2021 1:51:19 PM

Revised 7/23/13
P&Z #P21-170

ZONING BOARD OF ADJUSTMENTS (BOA)

SPECIAL EXCEPTION APPLICATION

Community Development Department

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: Renee Leslie Title: Owner
Mailing Address: 11904 Lucky Meadow City: Tomball State: TX
Zip: 77375
Phone: (281) 439-5982 Fax: () _____ Email: rene@reneebuckhoff.com

Owner
Name: Renee Leslie Title: Owner
Mailing Address: 11904 Lucky Meadow Dr City: Tomball State: TX
Zip: 77375
Phone: (281) 439-5982 Fax: () _____ Email: rene@reneebuckhoff.com

Description of Proposed Project: RE/MAX Center

Physical Location of Property: 310 E. Main St.

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

Legal Description of Property: Lot 3 Block 12 Tomball

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

HCAD Identification Number: 0352730720003 Acreage: _____

Current Use of Property: Front Building is Book Attic; Back 2 structures are not in use.

SPECIAL EXCEPTION(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

Special Exception(s) Requested:

Special variance for parking is requested on the building project for the new RE/MAX office center. Existing parking spaces which are currently located in the right of way and available for the Book Attic cannot be located toward rearward parking court.

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.

☒ *Paula L. L. L.* 3/30/2021
 Signature of Applicant Date
☒ *Paula L. L. L.* 3/30/2021
 Signature of Owner Date

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

DATE : 4/1/2021 2:20 PM
 OPER : TW
 TKBY : TW
 TERM : 5
 REC# : R01258200

130,000 PLANNING AND ZONING 250.00
 Variance request 250.00

Paid By: Variance request
 2-CK 250.00 REF: w 1025

APPLIED	250.00
TENDERED	250.00
CHANGE	0.00





Renee Leslie-Buckhoff
 RE/MAX Elite Properties
 14257 FM 2920, Suite 115
 Tomball, TX 77377

March 30, 2021

To the Zoning Board for the City of Tomball:

About 10 months ago, I purchased the property at 310 E. Main St in Tomball. I am the broker and owner for the RE/MAX office located in Tomball. We are currently located in the Tomball Marketplace. The skyrocketing rent made it necessary for me to seek another location for my office. I was ecstatic to find the property at 310 E. Main St for sale and made a compelling offer to purchase it immediately. The old 1932 structure at the front of the property, which operates as the Book Attic, really charmed me. I envisioned building an office for my RE/MAX brokerage at the back of this property – an office that would not look like an office but would rather be an enhancement to the city I have come to love, and where I live and work.

The agent who represented the property when I made the purchase suggested that I tear down the old house where the Book Attic operates, and the other two smaller buildings at the back of the property which are in extremely poor repair. He thought the best approach would be to build a "strip center" and put my office there. This was NOT my vision at all, as that would not add to the ambiance and attraction of the downtown area. I called the City of Tomball to determine if it would even be possible to build a house/office at the back of the property before I completed the purchase. I asked for advice and direction on that call, given that this is a new area of real estate for me.

After speaking with a few of the people in city government, I decided to hire Janice Waggoner as my architect for this project. She has an excellent reputation for her work and is familiar with the guidelines I would need to adhere to. Janice and I had a pre-planning meeting (via Zoom) with a few city officials. Parking was a concern for me at that time. We discussed the need for all existing parking spaces that are currently in place for the Book Attic to count toward our total needed parking spots. It was our understanding when we left that meeting that the parking would not be an issue.

After submitting my package for site review and subsequent permitting 2 weeks ago, the comments back from the City indicate that the parking spaces which exist currently in the right of way will not be counted toward the required number of parking spaces. This creates a hardship for my plans to move forward, as the space is indeed limited, and every spot is necessary. There is no additional land to add these 5 parking spots without completely revising the building plans, which in turn would reduce the size of the structure and dramatically change the architectural design of the space.



The vision for the design which Janice has so beautifully produced includes a 2-story office structure which looks like an older home, a small working art gallery, and a wraparound porch connecting these two spaces with the existing Book Attic. The idea is to create a welcoming destination spot for Tomball residents and visitors to our city. The current design includes a landscaped courtyard – a green space - with a fire pit in the center to encourage gathering, an asset to our whole community. Without the use of the 5 parking spots located in the right of way, this green space will have to be removed from the plans, and possibly the art gallery as well.

I am requesting a special exception variance to allow for a reduction in required parking spaces. I am able to provide 7 parking spaces (including van accessible), not in the right-of-way, without making sacrifices to the courtyard space or functional space required for my office to run as needed. Currently the Book Attic utilizes 1-3 parking spots at any given time of day on average, which includes the owner's vehicle. The Book Attic operates Tue-Saturday, 10-5. It is my understanding that the Book Attic can continue to utilize the existing parking spaces located in the right-of-way, total of 4 spaces.

The studio space will have unconventional hours. The owner of the studio currently is in town only 2 weeks of each month and anticipates meeting with potential clients by appointment only. The intent is those meetings would occur over the weekends, which is a time that RE/MAX will not be open.

The hours of operation for my RE/MAX office are Mon-Fri, 9-5. I have 3 staff persons, plus myself. Most of my agents work remotely. At any given time, I may have approx. 3 additional agents in the office, but it is extremely rare to have more. The 7 proposed parking spaces would be adequate to handle our day-to-day activities. In the event that I find a need for additional parking I will reach out to neighboring businesses for parking opportunities. Additionally, I am quite willing to work with other neighboring businesses to utilize this parking lot when we are not operational, which would be another asset to the area businesses.

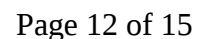
I deeply appreciate your consideration in allowing for the variance so that we can move forward with this project, and offer something of value to our area, and a beautiful spot to further highlight how wonderful it is to live and work in Tomball.

With kind regards,

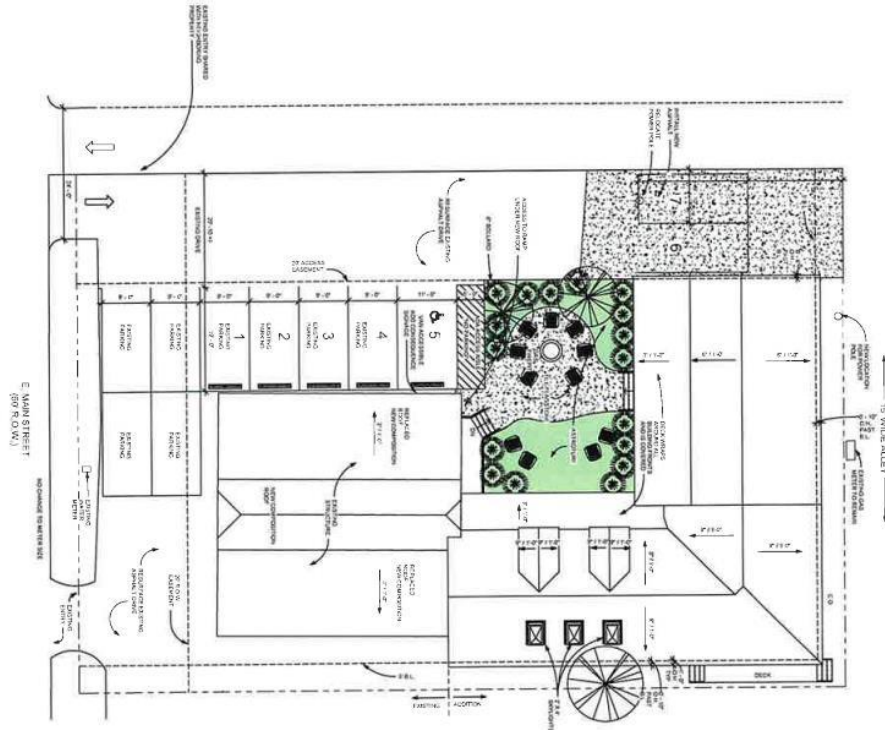
A handwritten signature in black ink that reads "Renee Leslie-Buckhoff".

Renee Leslie-Buckhoff
Broker/Owner
RE/MAX Elite Properties

281-639-5982
Renee@ReneeBuckhoff.com



3/30/2021 4:37:30 PM



SITE PLAN NOTES

1. ALL AREAS SHALL BE CONFORMANT WITH THE CITY OF HOUSTON, TEXAS, SUBDIVISION MAP ACT, CHAPTER 201, TEXAS VEHICULAR CODE, CHAPTER 546, AND THE TEXAS LAND DEVELOPMENT CODE, CHAPTER 53, AS AMENDED.
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PARKING

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REMAX CENTER
310 E. MAIN ST.
TOMBALL, TX 77375

Wagoner Architecture LLC
2218 WREN LANE
HOUSTON, TEXAS 77057
832.571.7177
JANICE@WAGONERARCHITECTURE.COM

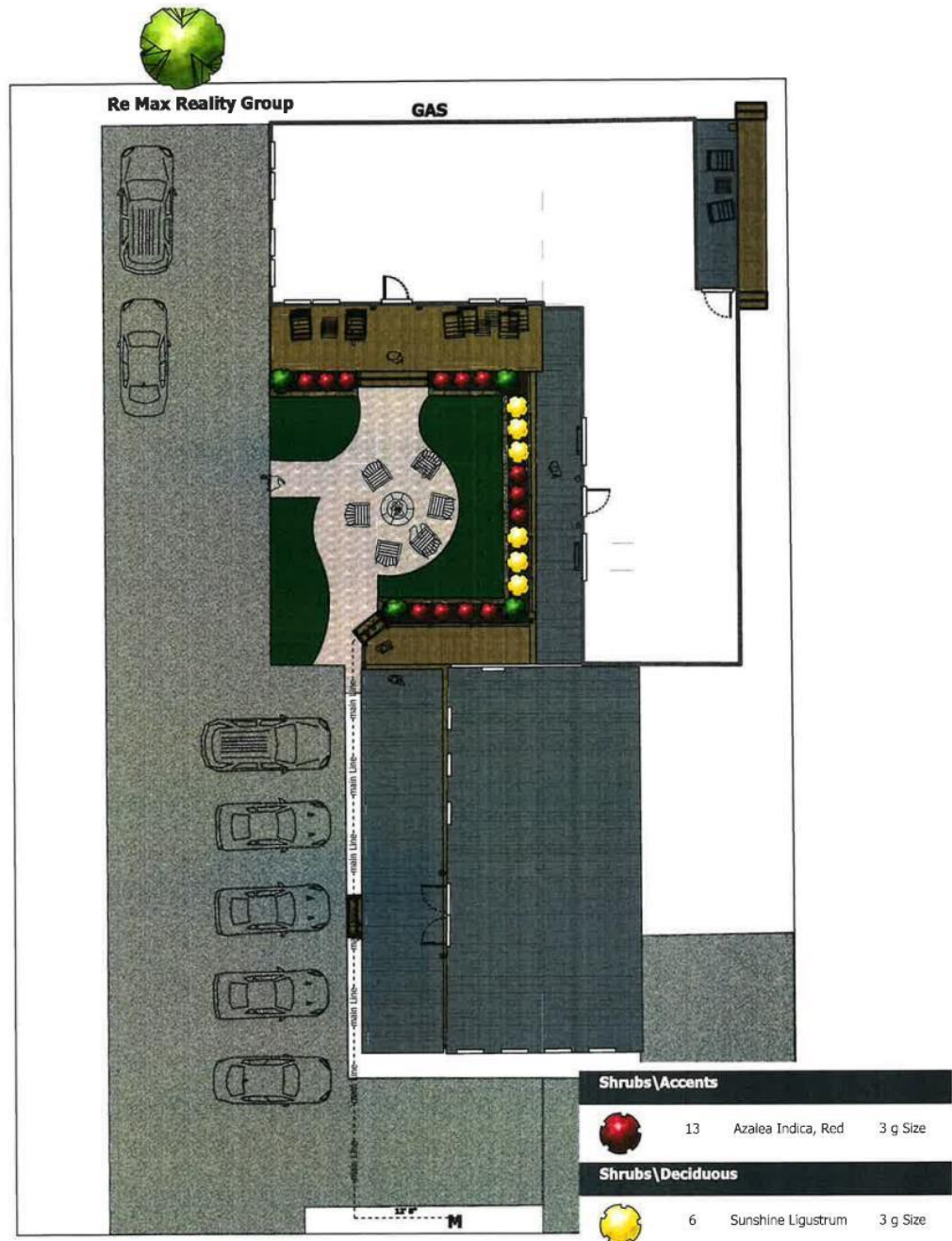
REVIEW
THIS DOCUMENT IS PREPARED FOR REVIEW PURPOSES ONLY. IT IS NOT BE USED FOR FINAL OR CONSTRUCTION PURPOSES.

DRAWING ISSUE SCHEDULE		
NO.	DESCRIPTION	DATE
01	VARIANCE	04/02/2021
	REVIEW	

PROPOSED SITE PLAN
SPECIAL EXCEPTION TO PARKING REQUIREMENTS

A1.00





Brian
Gardens
Landscape
Design &
Irrigation, Inc.

1 Zone Irrigation System For Common Area