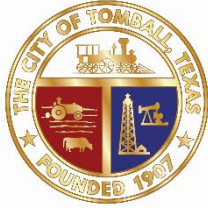


**NOTICE OF BOARD OF ADJUSTMENTS MEETING  
CITY OF TOMBALL, TEXAS**



**THURSDAY, MARCH 10, 2022  
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, March 10, 2022 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 December 9, 2021.
- E. New Business
  - E.1 Consideration to approve **BOA Case P22-047**: Request by James Monzingo for a variance from Section 50-69 Single-Family Estate Residential District (SF-20-E) of the Tomball Code of Ordinances to allow for an encroachment into the building setback. The site is approximately 0.4558 acres (19,000 square feet), located at 31102 Lost Creek Court and is legally described as Lot 10, Block 1 Hunterwood, Section 1 within the City of Tomball, Harris County Texas.

Conduct a Public Hearing on **BOA Case P22-047**

- 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 7th day of March 2022 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](http://www.ci.tomball.tx.us).

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

**THURSDAY, DECEMBER 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  
Alternate Board Member Cindy Phillips

Others present:

Nathan Dietrich – Community Development Coordinator  
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 Phillips, second by Board Member Roquemore, to approve the Minutes of Regular Board of Adjustments Meeting of October 14, 2021.

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

- E. New Business:

- E.1 Consideration to approve **BOA Case P21-467**: Request by Amanda Coolidge on behalf of property owner, Sandy Anderson, for a variance from Section 50-70 *Single-Family Residential District (SF-9)* of the Tomball Code of Ordinances to allow for encroachments into the side and rear setback. The site is approximately 0.2296 acres (10,000 square feet), located at 31126 Antonia Lane and is legally described as Lot 12, Block 2 Tomball Hills within the City of Tomball, Harris County Texas.

The Public Hearing was opened by Chair Hemby at 6:02 p.m.

Nathan Dietrich, Community development Director, presented the case and recommendation of denial.

Amanda Coolidge, Representing the owner (31126 Antonia Lane, Tomball, TX 77375) spoke on behalf of the request.

Hearing no comments, the Public Hearing was closed at 6:25 p.m.

Motion was made by Board Member Gray, second by Board Member Phillips, to approve the Variance request of **BOA Case P21-467**.

- Section 50-70 *Single-Family Residential District (SF-9)* of the Tomball Code of Ordinances to allow for encroachments into the side and rear setback.

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.

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

Roll call vote was called by Board Secretary Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:38 p.m.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Kim Chandler  
Community Development Coordinator/  
Board Secretary

\_\_\_\_\_  
Billy Hemby  
Chairman

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



## MARCH 10, 2022

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, March 10, 2022, 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 P22-047:** Request by James Monzingo for a variance from Section 50-69 Single-Family Estate Residential District (SF-20-E) of the Tomball Code of Ordinances to allow for an encroachment into the building setback. The site is approximately 0.4558 acres (19,000 square feet), located at 31102 Lost Creek Court and is legally described as Lot 10, Block 1 Hunterwood, Section 1 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, [kchandler@tomballtx.gov](mailto:kchandler@tomballtx.gov).

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

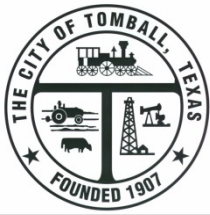
I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **7<sup>th</sup>** day of **March 2021** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding 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](http://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:** P22-047

**APPLICANT/OWNER:** James Monzingo

**LOCATION:** Located at 31102 Lost Creek Court

**PROPOSAL:** Variance from Section 50-69 Single-Family Estate Residential District (SF-20-E) of the Tomball Code of Ordinances to allow for an encroachment into the building setback. The site is approximately 0.4558 acres (19,000 square feet), located at 31102 Lost Creek Court and is legally described as Lot 10, Block 1 Hunterwood, Section 1 within the City of Tomball, Harris County Texas.

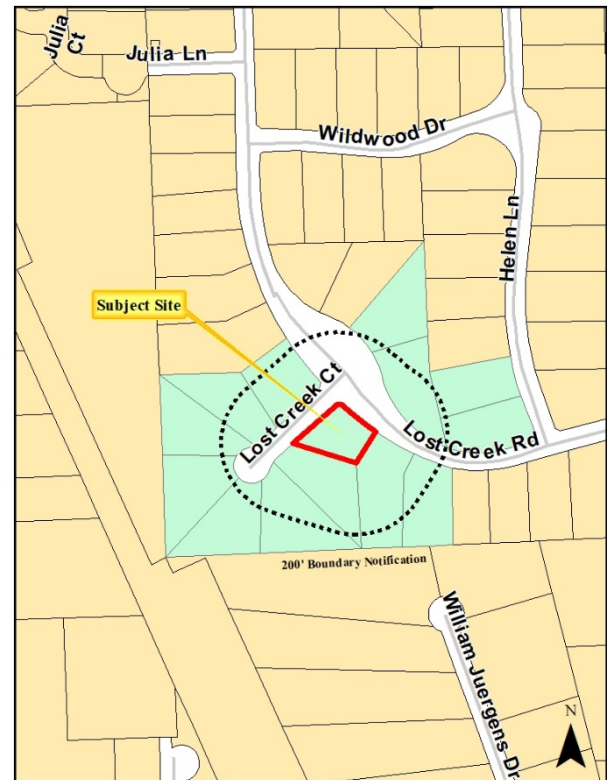
**CONTACT:** Kim Chandler

**PHONE:** (281) 290-1405

**E-MAIL:** [kchandler@tomballtx.gov](mailto: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.

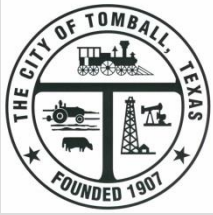


## BOARD OF ADJUSTMENTS HEARING

City Hall  
401 Market Street  
Tomball, Texas

**MEETING DATE:** Thursday, March 10, 2022

**MEETING TIME:** 6:00 p.m.



## Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: March 10, 2022

**BOA Case P22-047:** Request by James Monzingo for a variance from Section 50-69 Single-Family Estate Residential District (SF-20-E) of the Tomball Code of Ordinances to allow for encroachment of 15 feet into the rear 25-foot building setback. The site is approximately 0.4558 acres (19,000 square feet), located at 31102 Lost Creek Court and is legally described as Lot 10, Block 1 Hunterwood, Section 1 within the City of Tomball, Harris County Texas.

**Property Owner(s):** James Monzingo

**Applicant(s):** James Monzingo

**Location:** 31102 Lost Creek Court (Exhibit “A”)

**Lot Area:** 19,000 square feet

**Present Zoning & Use:** Single-Family Estate Residential District (SF-20-E) (Exhibit “B”) / Single-family residence (Exhibit “C”)

**Comp Plan Designation:** Neighborhood Residential (Exhibit “D”)

**Adjacent Zoning & Land Uses:**

<b>North:</b>	Single-Family Estate Residential District (SF-20-E) / Single-family residence
<b>South:</b>	Single-Family Estate Residential District (SF-20-E) / Single-family residence
<b>West:</b>	Single-Family Estate Residential District (SF-20-E) / Single-family residence
<b>East:</b>	Single-Family Estate Residential District (SF-20-E) / Single-family residence

### **BACKGROUND**

The Monzingos are looking to do some upgrades to their property; including interior remodeling, construction of a new accessory structure and dwelling unit (two-story garage), pool /hardscape, and a new wrap-around driveway off Lost Creek Road. This was the applicant’s family home and he is installing improvements for his growing and extended family. Orientation of the home places this improvement in the rear of the property along the common property line between Mr. Monzingo and his neighbor to the southwest 31106 Lost Creek Court. The zoning district of SF-20 states that any detached garage would need to meet a 25-foot rear-building setback.

## **ANALYSIS**

According to Section 50-69 (*Single-Family Residential District – (SF-20)*), the minimum building setback for the front yard is 35 feet, side yard 10 feet and 20 feet for the rear unless constructing a detached garage which requires a 25-foot setback.

As shown in (Exhibit “E”), the homeowner would like to construct a new detached 2-story garage. Ordinance 50-69 states that any detached garage in this zoning district will need to have a min of a 25-foot rear setback. The confusion with this particular address is due to the orientation of the home on the property. Its current orientation faces out to Lost Creek Road citing the southwestern property line as the rear property line. However, the current address (Lost Creek Court) would dictate the same southwestern property line as a side property line. In this situation, staff wants to make sure to interpret consistently and fairly. Common sense says this property line is considered a rear setback due to the home’s orientation. However, the way that the property interacts with its neighbors really would be no different from any of the other properties in the subdivision. Please reference exhibits 7, 8, and 9 showing other homes in the area that have received permits in the recent past for similar projects and only followed the side setback for their projects.

Staff has only received one inquiry regarding the project which was a phone call inquiring about the project but did not seem to be in favor or against the project. The conversation discussed what potential impact it might have? The request by the homeowner is not unreasonable; many similar projects have been constructed in the neighborhood. However, the orientation of the home and this being a corner lot has caused staff to question setbacks and how the location of this structure interacts with the adjacent property owner. The homeowner has also been given approval from the Hunterwood Homeowners Association for these same plans.

## **RECOMMENDATION**

City Staff has reviewed the request and recommends approval of **BOA Case P22-047** with conditions for the following reasons:

1. Staff feels that even though the owner’s orientation logically places the southwestern property line as the property’s rear yard, it still functions as a side yard. The way this structure would interact with the closest neighbor is no different than any other structure internal were built on any interior lot. The 10-foot setback is what the min setback that would be enforced.
2. If the Committee decides to approve the request staff would recommend that the additional conditions be considered:
  - a. *All windows on the second story of the detached garage structure are frosted/visibility obscured to limit visibility to the neighboring tract;*
  - b. *Plant additional shrubbery to create a vegetation buffer of not less than 10 feet for at least 100 feet adjacent to the construction limits of the project and to*



**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 February 23, 2022. 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 E.1

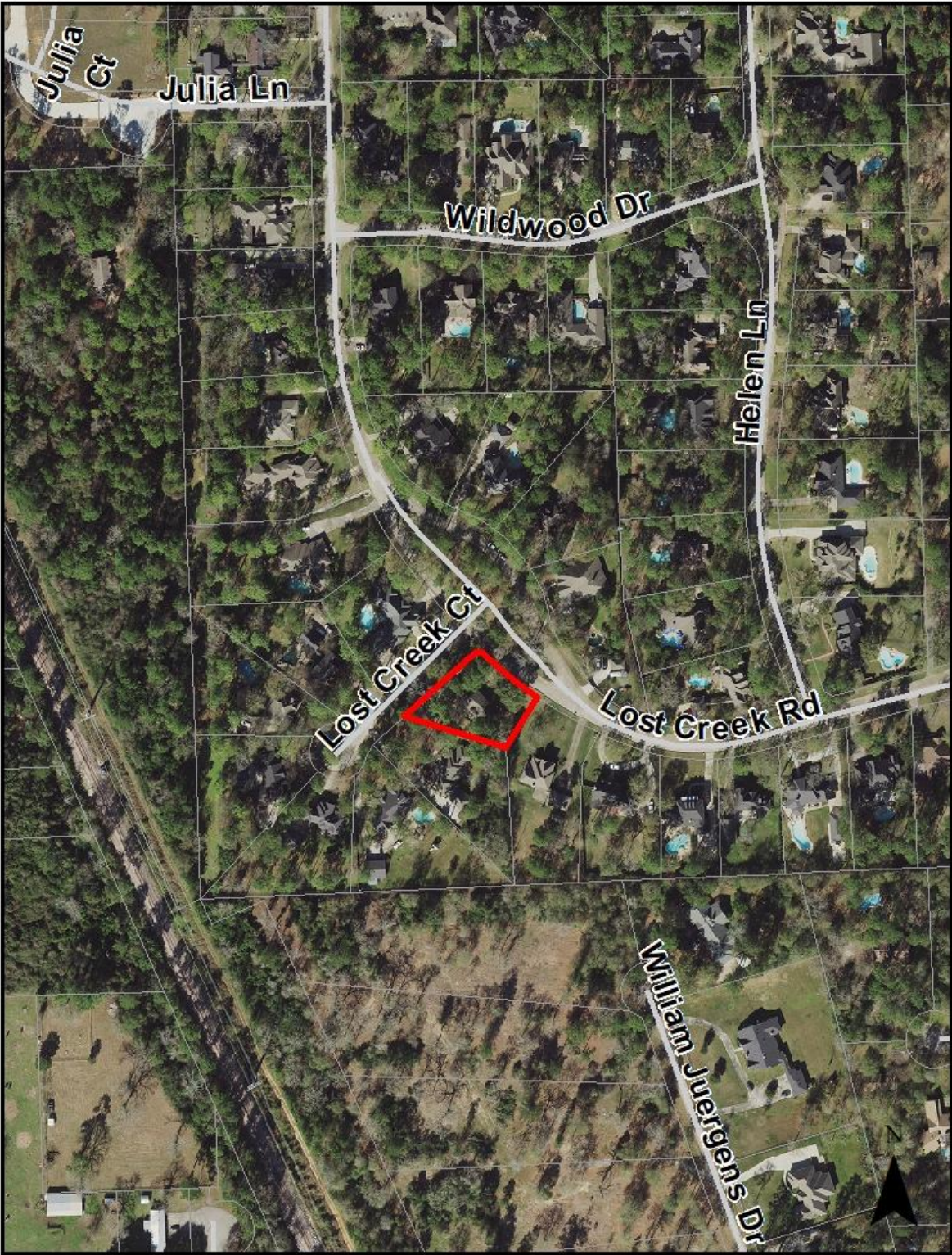
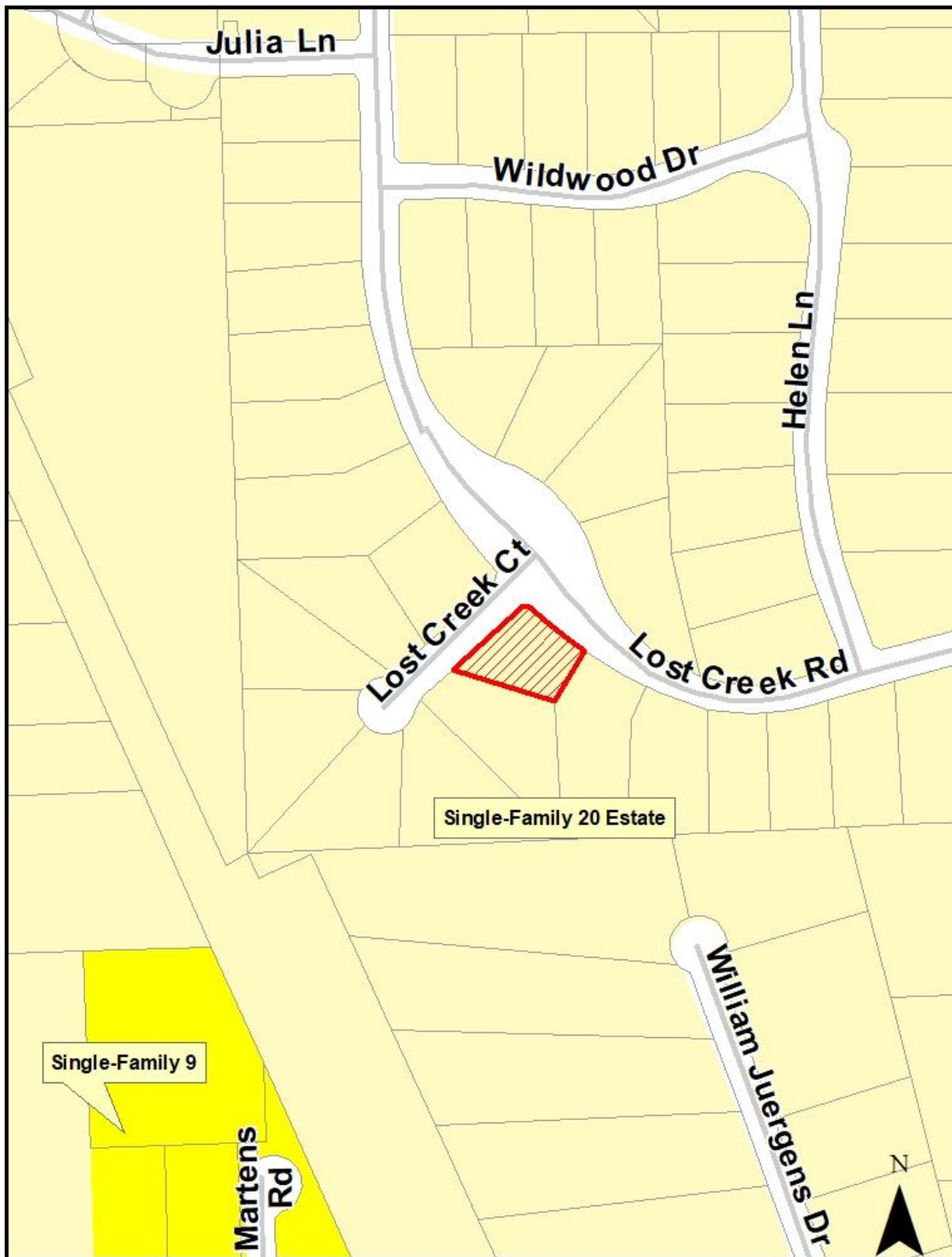






Exhibit "B"  
Zoning Map

Item E.1





**Exhibit “C”  
Site Photos**

































Exhibit "D"  
Comprehensive Plan

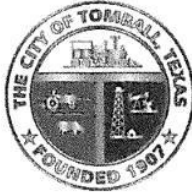
Item E.1



Exhibit "E"

# Application

Item E.1



RECEIVED (KC)  
03/07/2022

Revised 5/19/15  
P&Z #22-047

## 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: James Monzingo Title: Property Owner  
Mailing Address: 31102 Lost Creek Ct City: Tomball State: TX  
Zip: 77375  
Phone: ( 832 ) 585-9028 Fax: (      )                      Email: james.monzingo@gmail.com

### **Owner**

Name: James Monzingo Title: Property Owner  
Mailing Address: 31102 Lost Creek Ct City: Tomball State: TX  
Zip: 77375  
Phone: ( 832 ) 585-9028 Fax: (      )                      Email: james.monzingo@gmail.com

**Description of Proposed Project:** Attached Side Garage with living quarters to current home

Physical Location of Property: 31102 Lost Creek Ct, Tomball, TX, 77375  
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Lt10 BLK 1 HUNTERWOOD SEC 1  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1160120010010 Acreage: 22,075 SF

Current Use of Property: Residential Homestead



## SPECIAL EXCEPTION(S) REQUESTED

**Applicable Zoning Ordinance Requirements and Sections:**

Sec. 50-69. - Single-Family Estate Residential District (SF-20-E)

Minimum side yard: 10 feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.

**Special Exception(s) Requested:**

We are requesting a special exception for the side yard on our lot with the request of a 10 ft side yard for our new attached garage. Currently the new zoning would require a 25 ft setback.

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

2/16/22

Date

☒

Signature of Owner

2/18/22

Date

City of Tomball  
Community Development Department  
501 James Street  
Tomball, TX 77375

Letter of Intent for Zoning Variance For:

James and Julie Monzingo

31102 Lost Creek Ct.

Tomball, TX 77375

Lot Ten (10), in Block One (1), of Final Plat of Hunterwood Sections One & Two, a subdivision in Harris County, Texas, according to the map or plat thereof recorded in Volume 325, Page 36, of the Map Records of Harris County, Texas.

Dear Board Members,

We are requesting a variance for the above address to seek relief of the required side yard setback, for the reasons detailed below, the proposed reduction of the side yard setback would allow us to add an attached garage with living quarters that would be in character with the surrounding homes along 31102 Lost Creek.

1. Due to the shape of the lot and the fact that it currently sits on a corner combined with the required setback of 25 ft, the strict application of the requirements of this applicable zoning chapter would deprive us of rights and privileges currently enjoyed by other property owners in the same zoning district. We are requesting a reduction in the required side setback to 10 ft for the side garage.
2. Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
3. The granting of the variance would have no effect on the adjoining properties. The zoning relief requested will not cause any detriment to the common good, as the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to us no just a casual discretionary inconvenience.
4. I helped build this house with my father and have basically lived here off and on since the age of 10. I purchased this house with plans to expand and update to allow my growing family the enjoyment of growing in an amazing subdivision in the best city in the state. I am only looking to enhance this property and make our subdivision even better. I hope we can move forward with this variance and complete this project as requested.

Thank you for your consideration,

Sincerely,

James Monzingo

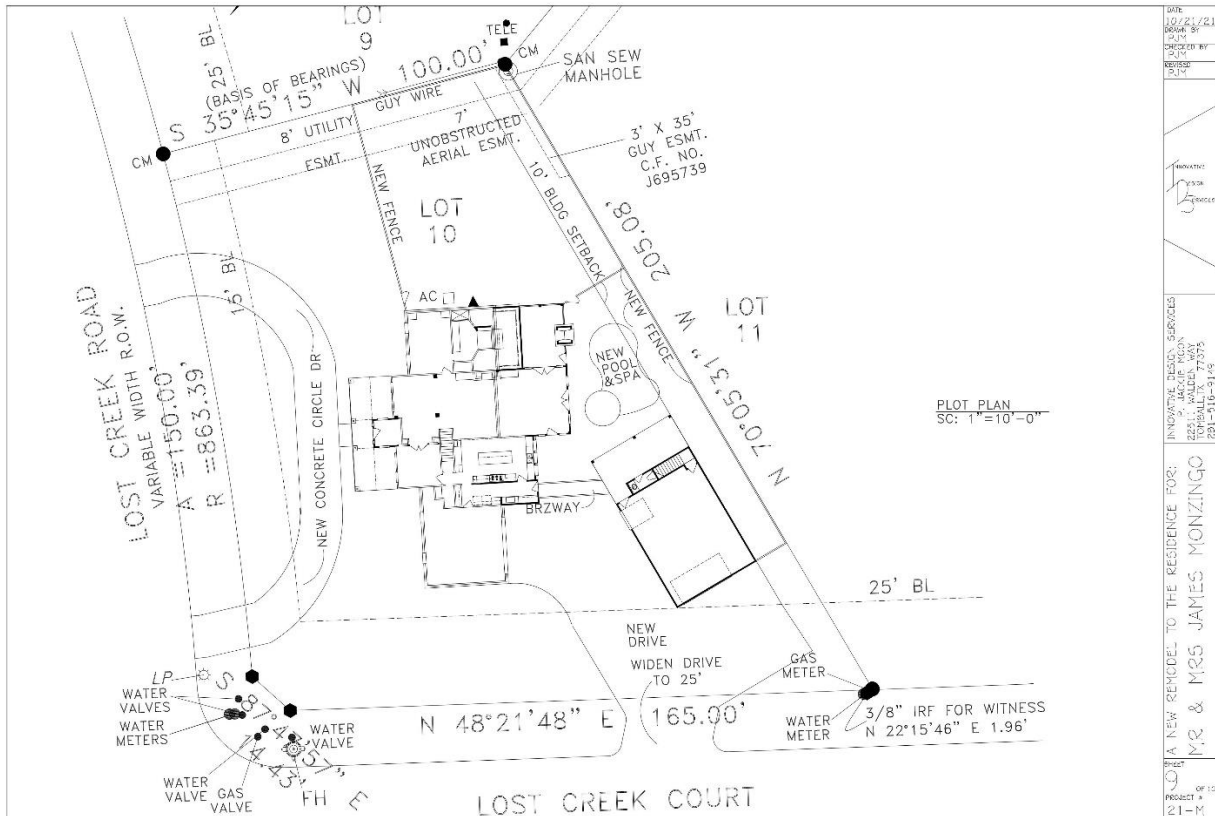










Exhibit "8"





