

NOTICE OF BOARD OF ADJUSTMENTS MEETING CITY OF TOMBALL, TEXAS



**Thursday, November 09, 2023
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, November 09, 2023 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 April 13, 2023.
- E. New Business
 - [E.1](#) Conduct a public hearing and consideration to approve **Case BA23-02**: Request by 722 Carrell LLC., represented by Jason & Jamiee Olson, for variances from the minimum building separation requirements found in Section 50-73 (subsections f.1 & f.2) allowing a minimum building separation of 6-feet between structures. As well as a variance to allow windows on the second floor of buildings located within a multi-family development complex where said arrangement is otherwise prohibited by Section 50-73 (subsection (d)(2)e). Affecting approximately 2.78 acres of land legally described as being portions of Lots 83, 85, & 96 of the Tomball Outlots. The property is located at 722 Carrell Street, within the City of Tomball, Harris County, Texas.

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 6th day of November 2023 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.

Board of Adjustments Meeting

Agenda Item

Data Sheet

Meeting Date:November 9, 2023

Topic:

Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of April 13, 2023.

Background:

Origination: Community Development

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Kim Chandler, Community Development Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: #

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
 Staff Member Date City Manager Date

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

THURSDAY, APRIL 13, 2023



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 April Gray
Board Member Jarmon Wolfe
Board Member Cindy Phillips
Alternate Board Member Ellen Warren

Board Member Christine Roquemore – Excused Absence

Others present:

Nathan Dietrich - Community Development Director
Jared Smith – City Planner
Loren Smith – City Attorney

- B. No Public Comments were received.

- C. Reports and Announcements:

- Nathan Dietrich, Community Development Director, announced the following:
 - There will be a Boards and Commissions Training with Olson & Olson scheduled at the next Regular Board of Adjustments Meeting.

- D. Motion was made by Board Member Phillips, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of December 8, 2022.

Roll call vote was called by Community Development Director – Nathan Dietrich.

Motion carried unanimously.

E. New Business:

- E.1 Conduct a Public Hearing and Consideration to approve **Case BA23-01**: Request by Clay Cashatt represented by Caitlin Munch for a Special Exception to Section 50-112(c)(4) (*Off-street parking and loading requirements*), in the City of Tomball Code of Ordinance. Allowing the use of “TRUEGRID” as an alternative pervious paving material for required parking surfaces. The property is legally described as being Lot 4, Block 1 of Persimmon Flats. Located at 321 S. Persimmon Street, within the City of Tomball, Harris County, Texas.

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

Jared Smith, City Planner, presented the case with staff recommendation of approval.

Caitlin Munch, applicant (321 S. Persimmon Street, Tomball, TX 77375) spoke on behalf of the case.

Latrell Shannon, (823 Lizzie Lane, Tomball, TX 77375) spoke in opposition of the case.

Samuel Shannon, (823 Lizzie Lane, Tomball, TX 77375) spoke in opposition of the case.

Hearing no additional comments, the Public Hearing was closed at 6:14 p.m.

Motion was made by Board Member Wolfe, second by Board Member Gray, to approve the Variance request of **Case BA23-01**.

Vote was as follows:

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

Roll call vote was called by Community Development Director – Nathan Dietrich.

Motion CARRIED (Unanimously).

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

Roll call vote was called by Community Development Director – Nathan Dietrich.

Motion carried unanimously.

The meeting adjourned at 6:20 p.m.

PASSED AND APPROVED this _____ day of _____ 2023.

 Jared Smith
 City Planner

 Billy Hemby
 Chairman

Board of Adjustments Meeting

Agenda Item

Data Sheet

Meeting Date: November 9, 2023

Topic:

Conduct a public hearing and consideration to approve **Case BA23-02**: Request by 722 Carrell LLC., represented by Jason & Jamiee Olson, for variances from the minimum building separation requirements found in Section 50-73 (subsections f.1 & f.2) allowing a minimum building separation of 6-feet between structures. As well as a variance to allow windows on the second floor of buildings located within a multi-family development complex where said arrangement is otherwise prohibited by Section 50-73 (subsection (d)(2)e). Affecting approximately 2.78 acres of land legally described as being portions of Lots 83, 85, & 96 of the Tomball Outlots. The property is located at 722 Carrell Street, within the City of Tomball, Harris County, Texas.

Background:

City staff met with the applicant(s) earlier this year to discuss the establishment of a “pocket neighborhood” on the subject property. This community would be comprised of multiple detached single family dwelling units all located on a single lot. Such an arrangement is considered a multi-family development due to the nature of having multiple families (3 or more) all living on the same parcel of land. This style of development is permissible within the Multi-Family Residential (MF) zoning district that the property falls within. Because this development is considered a “multi-family” development, and the subject property is located within MF zoning all standards outlined within Section 50-73 are applicable. These standards include Section 50-73(d)(2)(f.1) and (d)(2)(f.2) which define minimum building separation requirements. Specifically, d.f.1 states, one story buildings must be 15-feet apart if the building is without openings and 20-feet apart if the building is with openings. While d.f.2 states, two story buildings (or two-story buildings adjacent to one story buildings) must be a minimum of 20-feet apart if the building is without openings and 35-feet apart if the building is with openings. The applicants are requesting variances from each of these standards to permit buildings as close as 6-feet apart regardless of height and/or openings. The variance from Section 50-73 (d)(2)(f.1) would be a 9-foot variance from the ordinarily required 15-foot separation for one story buildings without openings and a 14-foot variance from the ordinarily required 20-foot separation for one story buildings with openings. The variance from Section 50-73 (d)(2)(f.2) would be a 14-foot variance from the ordinarily required 20-foot separation for two story buildings without openings and a 29-foot variance from the ordinarily required 35-foot separation for two story buildings with openings. Lastly, the applicants are seeking a third variance from Section 50-73 (d)(2)(e) to allow multiple-story buildings within the multifamily development complex to be constructed with windows above the first floor on any sides regardless of whether or not the building(s) are within 100-feet of property zoned for single-family uses, existing residential platted lots or existing single-family residences. According to the concept plan provided by the applicant this variance would apply to ONE of the proposed FOUR two-story structures within this multi-family complex. The specific variance would be a 10-foot variance from the required 100-foot setback, which would allow ONE of the two-story structures as close as 90-feet to the existing single-family residential zoning district west of the subject property.

Origination: 722 Carrell LLC., represented by Jason & Jamiee Olson

Recommendation:

City Staff recommends approval of **Case BA23-02** with the following conditions:

- Development of the site must be in strict compliance with the concept plans provided by the applicant.
- No more than one dwelling unit is permitted per structure.
- No structure may exceed two (2) stories in height.

Party(ies) responsible for placing this item on agenda: Jared Smith, City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____ If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: # _____

Signed: _____ **Approved by:** _____
 Staff Member Date City Manager Date

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



NOVEMBER 9, 2023

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, November 9, 2023 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:

Case BA23-02: Request by 722 Carrell LLC., represented by Jason & Jamiee Olson, for variances from the minimum building separation requirements found in Section 50-73 (subsections f.1 & f.2) allowing a minimum building separation of 6-feet between structures. As well as a variance to allow windows on the second floor of buildings located within a multi-family development complex where said arrangement is otherwise prohibited by Section 50-73 (subsection (d)(2)e). Affecting approximately 2.78 acres of land legally described as being portions of Lots 83, 85, & 96 of the Tomball Outlots. The property is located at 722 Carrell Street, within the City of Tomball, Harris County, Texas.

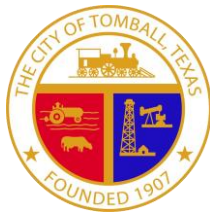
At the public hearing, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public review Monday through Friday, except holidays, at the Public Works Building, located at 501 James Street, Tomball, TX 77375. Further information may be obtained by contacting the City Planner, Jared Smith, at (281) 290-1491 or at jasmith@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 **6th** day of **November 2023** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Jared Smith
Jared Smith
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.



City of Tomball
Community Development Department

NOTICE OF PUBLIC HEARING

RE: Case Number BA23-02

10/26/2023

The Board of Adjustments will hold a public hearing on **November 9, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to consider a request by 722 Carrell LLC., represented by Jason & Jamiee Olson, for variances from the minimum building separation requirements found in Section 50-73 (subsections f.1 & f.2) allowing a minimum building separation of 6-feet between structures on site. As well as a variance to allow windows on the second floor of buildings located within a multi-family development complex where said arrangement is otherwise prohibited by Section 50-73 (subsection e). Affecting approximately 2.78 acres of land legally described as being portions of Lots 83 , 85 & 96 of the Tomball Outlots. The property is located at 722 Carrell Street, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only that area which is bounded by the cross-hatched line on the map is being considered for **variances**. The solid boundary line around the subject area is only a notification area. All owners of property within 300-feet of the subject property are required to be notified.

If you have any questions, please contact Jared Smith, City Planner at telephone 281-290-1491 or by email address jasmith@tomballtxgov

For the BOARD OF ADJUSTMENTS
Please call (281) 290-1491 if you have any questions about this notice.

CASE #: BA23-02

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department
501 James St., Tomball TX 77375

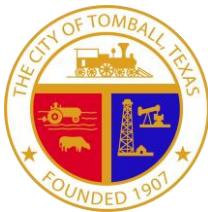
Name:
Parcel I.D.:
Address:

Email: jasmith@tomballtx.gov

I am in favor ☐
Additional Comments:

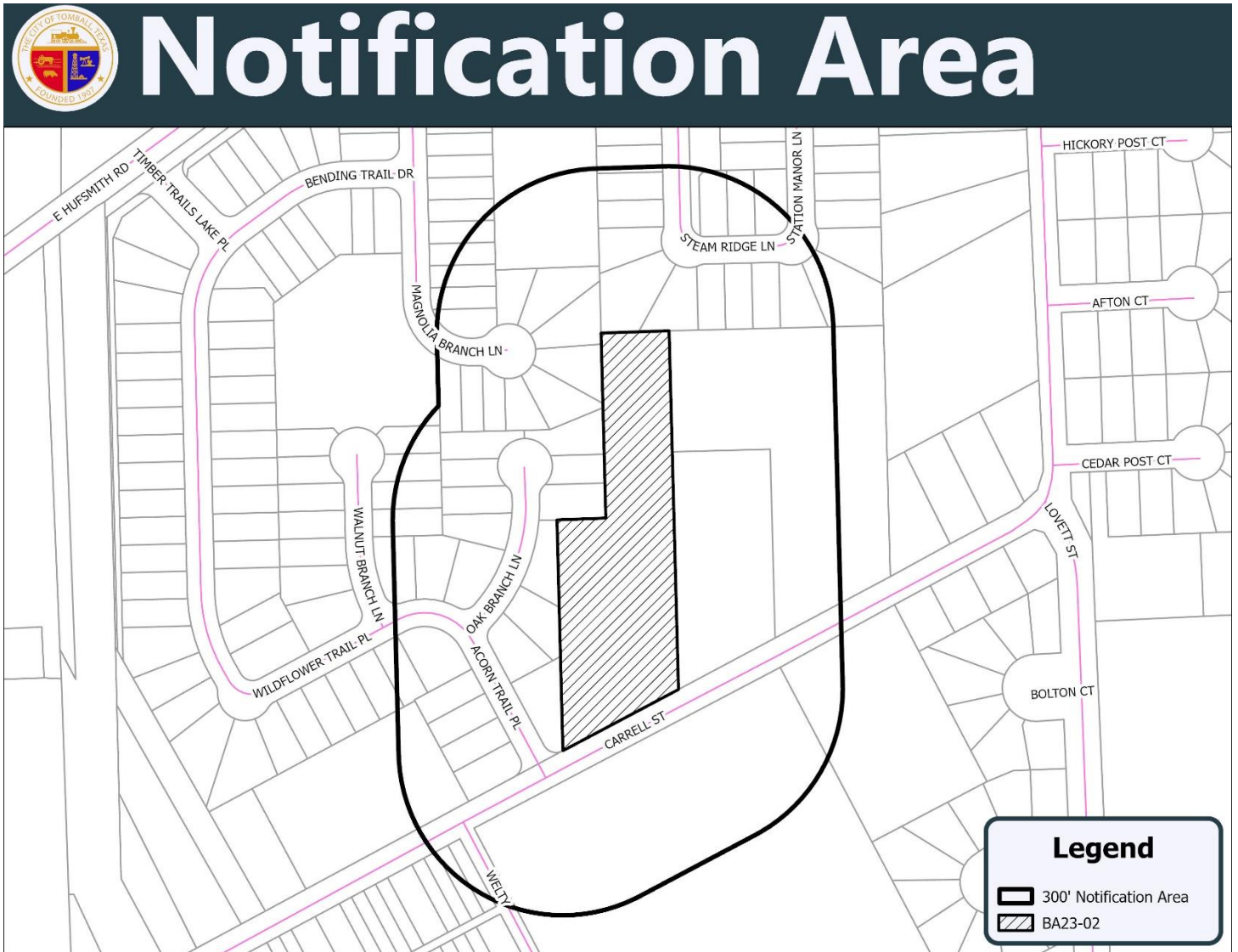
I am opposed ☐

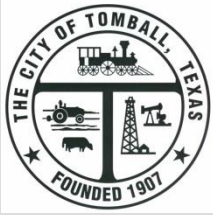
Signature: _____



City of Tomball
Community Development Department

BA23-02



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

Board of Adjustments Hearing Date: November 9, 2023

Case BA23-02: Request by 722 Carrell LLC., represented by Jason & Jamiee Olson for variances from Section 50-73 (subsection (d)(2) f.1 & f.2) to reduce the minimum building separation requirement ordinarily required within Multi-Family (MF) zoning. As well as a variance from Section 50-73 (subsection (d)(2)(e)) to allow windows on the second floor of buildings located within a multi-family development complex.

Property Owner(s): 722 Carrell LLC.
Applicant(s): Jason & Jamiee Olson
Legal Description: 2.78 acres, being a portion of Lots 83, 85, & 96 of Tomball Outlots
Location: 722 Carrell Street
Lot Area: Approximately 2.78 acres
Present Zoning & Use: Multi-Family (MF) (Exhibit "B") / Single Family Residence (Exhibit "D")
Comp Plan Designation: Neighborhood Residential (Exhibit "C")

Adjacent Zoning & Land Uses:

North: Single Family Residential - 6 (SF-6)/Residential Neighborhood
South: Single Family Residential - 9 (SF-9)/Church
West: Planned Development District (PD#11)/Residential Neighborhood
East: Multi-Family Residential (MF)/Multi-Family Apartment Complex

BACKGROUND

City staff met with the applicant(s) earlier this year to discuss the establishment of a "pocket neighborhood" on the subject property. This community would be comprised of multiple detached single family dwelling units all located on a single lot. Such an arrangement is considered a multi-family development due to the nature of having multiple families (3 or more) all living on the same parcel of land. This style of development is permissible within the Multi-Family Residential (MF) zoning district that the property falls within. Because this development is considered a "multi-family" development, and the subject property is located within MF zoning all standards outlined within Section 50-73 are applicable. These standards include Section 50-73(d)(2)(f.1) and (d)(2)(f.2) which define minimum building separation requirements. Specifically, d.f.1 states, one story buildings must be 15-feet apart if the building is without openings and 20-feet apart if the building is with openings. While d.f.2 states, two story buildings (or two-story buildings adjacent to one story buildings) must be a minimum of 20-feet apart if the building is without openings and 35-feet apart if the building is with openings. The applicants are requesting variances from each of these standards to permit buildings as close as 6-feet apart regardless of height and/or openings.

The variance from Section 50-73 (d)(2)(f.1) would be a 9-foot variance from the ordinarily required 15-foot separation for one story buildings without openings and a 14-foot variance from the ordinarily required 20-foot separation for one story buildings with openings. The variance from Section 50-73 (d)(2)(f.2) would be a 14-foot variance from the ordinarily required 20-foot separation for two story buildings without openings and a 29-foot variance from the ordinarily required 35-foot separation for two story buildings with openings. Lastly, the applicants are seeking a third variance from Section 50-73 (d)(2)(e) to allow multiple-story buildings within the multifamily development complex to be constructed with windows above the first floor on any sides regardless of whether or not the building(s) are within 100-feet of property zoned for single-family uses, existing residential platted lots or existing single-family residences. According to the concept plan provided by the applicant this variance would apply to ONE of the proposed FOUR two-story structures within this multi-family complex. The specific variance would be a 10-foot variance from the required 100-foot setback, which would allow ONE of the two-story structures as close as 90-feet to the existing single-family residential zoning district west of the subject property.

ANALYSIS

Section 50-33 (f.4) defines certain criteria for the Board of Adjustment to consider when making decisions to grant a variance request. City staff has reviewed the requests as well as the criteria for approval and have determined the following:

1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property.
 - a. **BUILDING SEPARATION VARIANCES:**
 - i. The literal enforcement of the building separation standards does not create an unnecessary hardship or practical difficulty in the development of the property.
 - b. **WINDOWS ABOVE THE FIRST FLOOR VARIANCE**
 - i. The applicants intend on developing a multi-family complex comprised of single-family detached dwelling units, which function much like traditional single-family homes. These dwelling styles are similar to what currently exists north and west of the site within the existing traditional single family residential neighborhoods. In typical single family residential neighborhoods, it is not uncommon to find two-story single-family residential dwellings (with windows above the first floor) neighboring other single-family residential dwellings. It could be viewed that there is no difference between these existing arrangements and the intended development of the subject property with two story single-family detached dwelling units adjacent to the homes found within these existing neighborhoods. The enforcement of this standard could be viewed as depriving the applicants reasonable use of their property which is presently zoned for Multi-Family residential. Further, it is worth noting that the requested variance would apply to only ONE of the FOUR planned two-story structures. This variance would allow this one structure as close as 90-feet to the existing single-family residential zoning district. City staff believes that this 10-foot reduction in setback to allow windows above the first floor on this single structure is negligible and will meet the intent of the Code of Ordinance.
2. That the granting of a variance will be in harmony with the spirit and purpose of this chapter (Chapter 50).
 - a. **BUILDING SEPARATION VARIANCES:**

- i. City staff believe that the requested variances from the building separation standards would be in harmony with the spirit and purpose of Chapter 50. It is believed that the building separation standards defined within Chapter 50 is to provide additional governance over the density of dwellings within Multi-Family developments and assist in the establishment of minimum open space standards. However, it is worth noting that density standards governing the total number of units allowed on site are established within the multi-family zoning district standards elsewhere. Specifically, Section 50-72 (a) defines the number of units per acre allowed within Multi-Family zoning as either 20 units per acre if no carports and/or garages are provided OR 26 units per acre if carports or garages are provided. Additionally, the minimum open space standards required for Multi-Family is required within Section 50-72 (d.5), which states a minimum of 50% of the gross platted area must be reserved for green space. Lastly, the adopted International Building Code (IBC) which governs the construction of buildings within the City of Tomball does not prohibit the construction of these structures with the requested 6-foot building separation. Instead, the IBC establishes minimum construction standards for how the buildings themselves must be constructed, said standards are as follows:
 1. One (1) hour fire wall must be incorporated into the design of the buildings.
 2. No more than ten (10) percent of the walls adjacent to neighboring buildings may be comprised of openings, twenty-five (25) percent if the buildings are provided with fire suppression systems.
 3. The structure cannot exceed 2-stories in height.
 - b. WINDOWS ABOVE THE FIRST FLOOR VARIANCE
 - i. City staff believes the intent of the standard which prohibits windows on any floor above the first floor in multi-family residential complexes (when adjacent to single family uses) is intended to preserve the privacy of single-family residential uses when a property is being developed with traditional multi-family apartment buildings. However, the intended development will function as if it were a traditional single family residential subdivision, in that these structures will be single-family detached dwelling units and thus could be viewed as similar to existing circumstances found in traditional single-family neighborhoods where two-story dwellings are permitted with windows on the second floor by right. As stated previously, according to the concept plan provided by the applicant the requested variance would allow ONE two-story structure as close as 90-feet to the existing single-family residential zoning district. City staff believes that this 10-foot reduction in setback to allow windows above the first floor on this single structure is negligible, and the overall development continues to meet the intent of the Code of Ordinance.
 3. That the relief sought will not injure the permitted uses of adjacent conforming properties.
 - a. BUILDING SEPARATION VARIANCES:
 - i. The requested deviation from the required building separation standards presents no adverse effects to the permitted use of adjacent properties.
 - b. WINDOWS ABOVE THE FIRST FLOOR VARIANCE
 - i. The request to allow windows on the second floor of the proposed dwelling units will not present adverse effects to the permitted use of adjacent properties. The overall development will function similarly to a single-family neighborhood in the sense that each structure will be comprised of a

single dwelling unit. The arrangement of two-story single-family dwellings with windows located on the second floor is routinely permitted within traditional single family neighborhoods.

RECOMMENDATION

City Staff has reviewed the request and recommends approval of **Case BA23-02** with the following conditions:

- Development of the site must be in strict compliance with the concept plan provided by the applicant, which illustrates no more than FOUR two-story structures centrally located within the multi-family complex.
- No more than one dwelling unit is permitted per structure.
- No structure may exceed two (2) stories in height.

PUBLIC COMMENTS

Property owners within 300 feet of the project site were mailed notification of this proposal and a notice of public hearing was published in the Potpourri on October 26, 2023. Public responses will be provided in the Board packets or at the meeting.

EXHIBITS

- A. Aerial Location Map
- B. Current Zoning Map
- C. Future Land Use Map
- D. Site Photo(s)
- E. Application

Exhibit "A"
Aerial Location Map

Item E.1

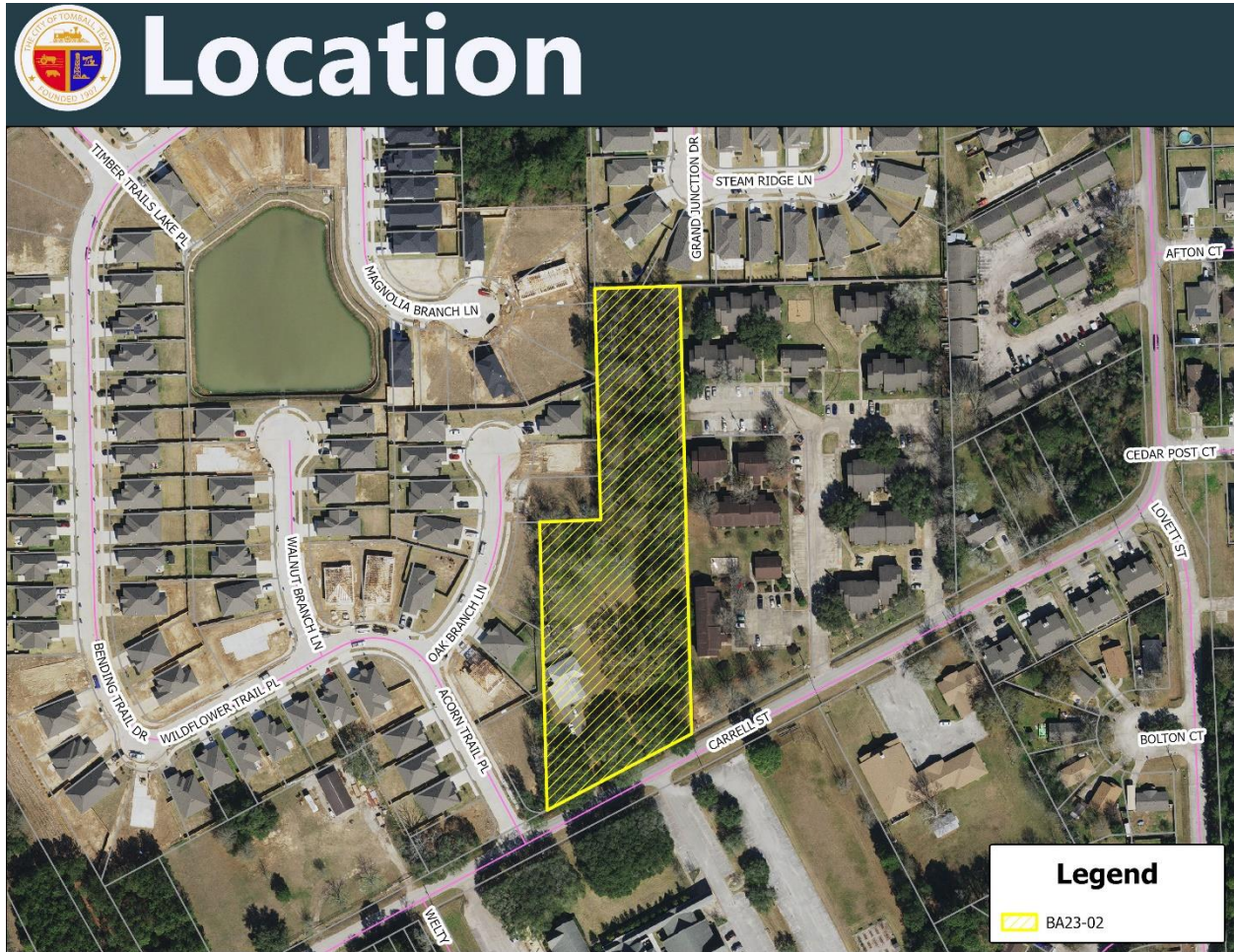


Exhibit "B"
Zoning Map

Item E.1

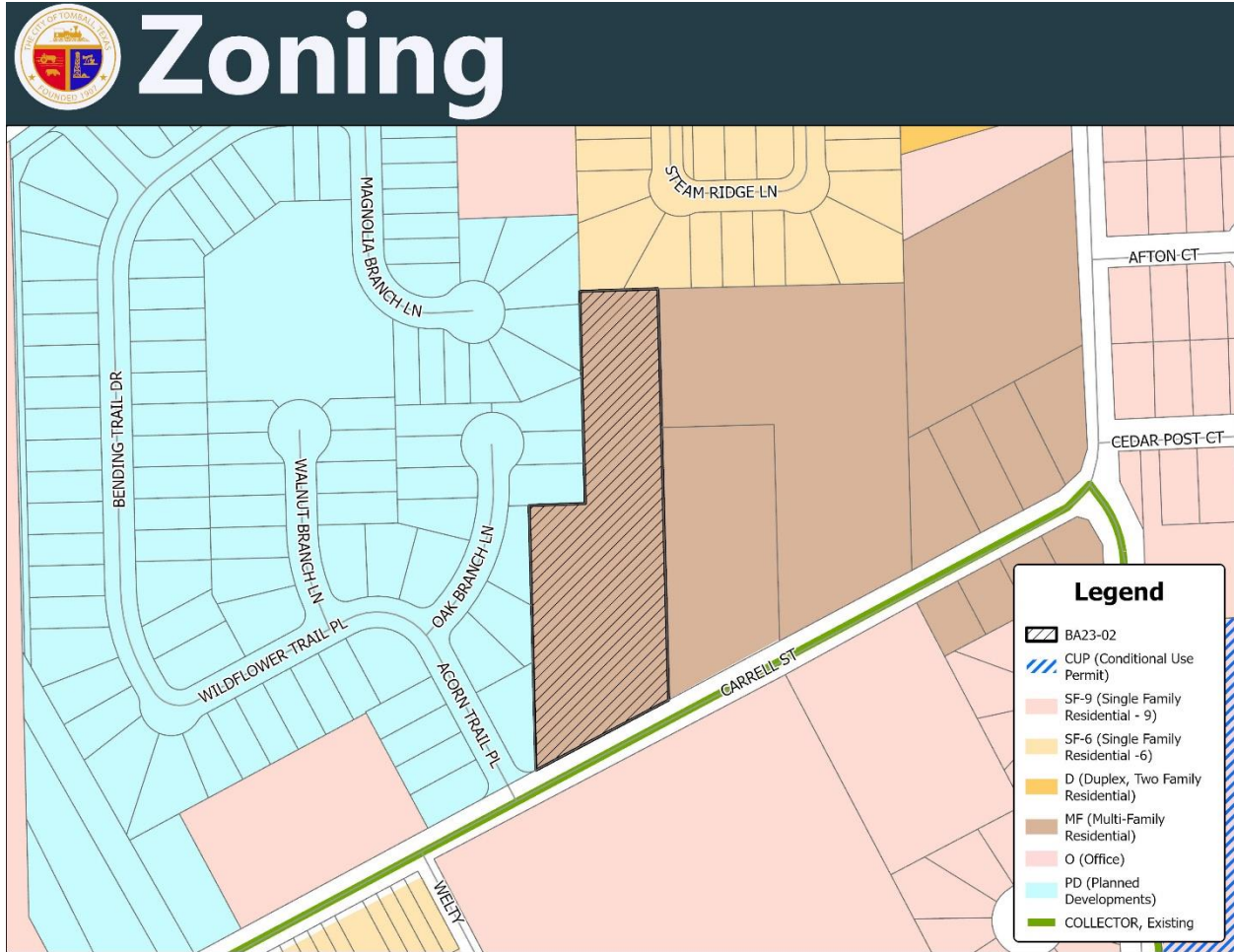
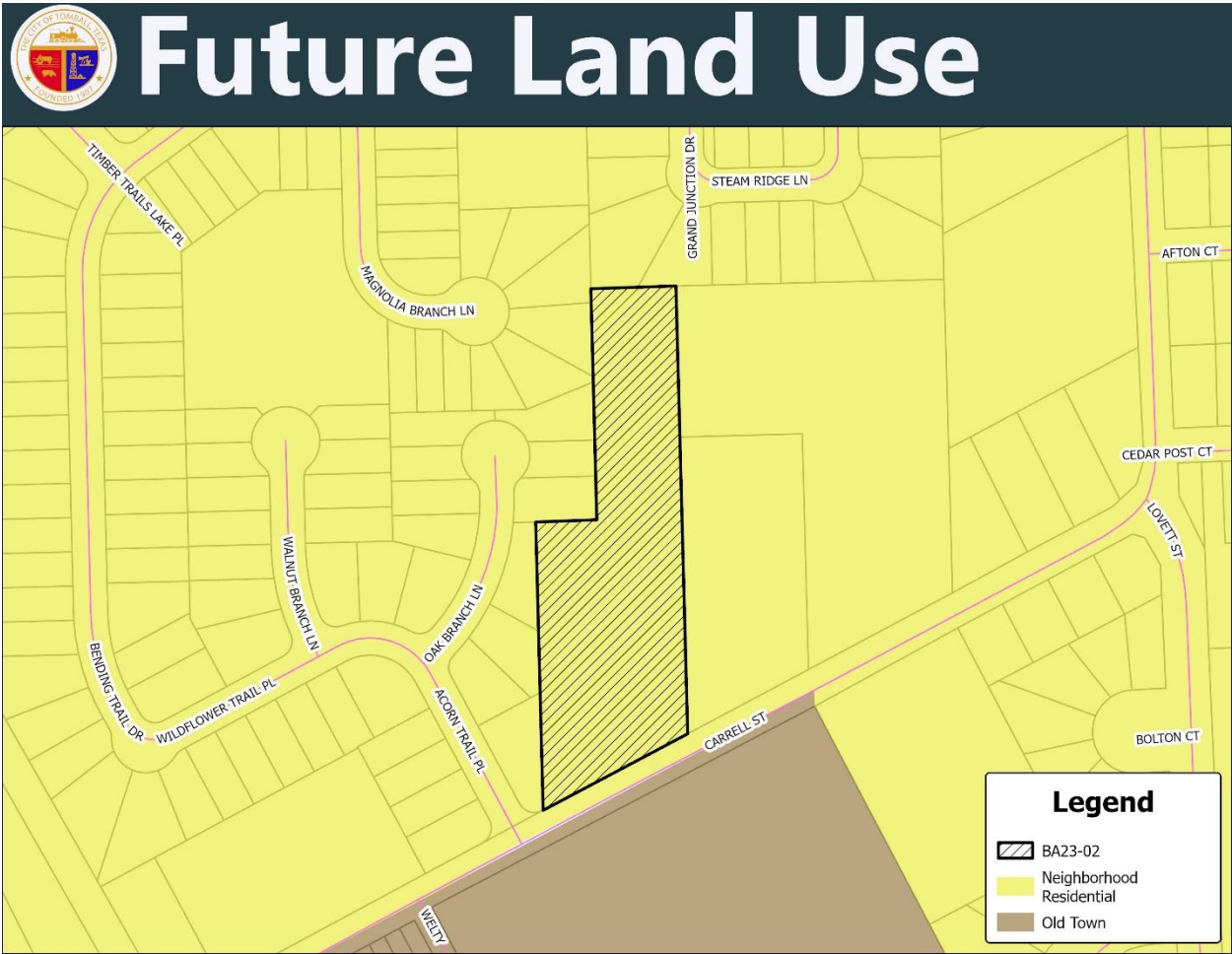


Exhibit “C”
Future Land Use Map



Subject Property



Neighboring Property (East)



Neighboring Property (West)

Item E.1



Neighboring Property (West)



Neighboring Property (North)



Neighboring Property (South)

Item E.1



Exhibit "E"
Application

Item E.1

Revised: 10/1/2022



ZONING BOARD OF ADJUSTMENTS (BOA)
VARIANCE APPLICATION
Planning Division

Variance(s) Defined: A variance is the authority to depart from the application of areas, side yards, setback, height, and similar regulations to prevent unnecessary hardships.

APPLICATION REQUIREMENTS: 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.

There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL PLAN SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN A SINGLE PDF BY FOLLOWING THE WEBSITE BELOW:

WEBSITE: tomballtx.gov/securesend
USERNAME: tomballdd
PASSWORD: Tomball

Applicant

Name: Jason and Jaimee Olson Title: 722 Carrell LLC
Mailing Address: 8515 Haven Trail City: Tomball State: TX
Zip: 77375 Contact: Jaimee Olson
Phone: (713) 542-9179 Email: jecodd@gmail.com

Owner

Name: Jason and Jaimee Olson Title: 722 Carrell LLC
Mailing Address: 8515 Haven Trail City: Tomball State: TX
Zip: 77375 Contact: Jaimee Olson
Phone: (713) 542-9179 Email: jecodd@gmail.com

Description of Proposed Project: Small Pocket Neighborhood

Physical Location of Property: 722 Carrell - vacant lot across from Good Shepherd
[General Location - approximate distance to nearest existing street corner] Episcopal Church

Legal Description of Property: TRS 83E, 85B & 96C Tomball outlots
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352830000096 **Acreage:** 2.775 acres

Current Use of Property: vacant lot zoned multifamily

VARIANCE(S) REQUESTED**Applicable Zoning Ordinance Requirements and Sections:****2 (f). Minimum building separation requirements:**

1. One-story buildings: 15 feet for buildings without openings; 20 feet for buildings with openings

2. Two-story buildings (or a two-story building adjacent to a one-story building): 20 feet for buildings without openings; 35 feet for buildings with openings

2 (e) Windows: all multiple-story buildings within a multifamily development complex shall be constructed so that there shall be no windows above the first floor on any sides which are within 100 feet of property zoned for single-family uses, existing residential platted lots, or existing single-family residences.

Variance Requested:**2 (f). Minimum building separation requirements:**

1. One-story buildings: 15 feet for buildings without openings; 20 feet for buildings with openings, **with the exception of a single-family home in a "pocket neighborhood", 6 feet between homes regardless of openings. Although 6 feet is strongly preferred, if the committee is unable to approve that variance, we respectfully request a 10-foot minimum separation requirement.**

2. Two-story buildings (or a two-story building adjacent to a one-story building): 20 feet for buildings without openings; 35 feet for buildings with openings, **with the exception of a single-family home in a "pocket neighborhood", 6 feet between homes regardless of openings. Although 6 feet is strongly preferred, if the committee is unable to approve that variance, we respectfully request a 10-foot minimum separation requirement.**

2 (e) Windows: all multiple-story buildings within a multifamily development complex shall be constructed so that there shall be no windows above the first floor on any sides which are within 100 feet of property zoned for single-family uses, existing residential platted lots or existing single-family residences, **with the exception of a single-family home limited to 2 stories.**

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

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

X *Jaime Olson*
Signature of Applicant

Jaime Olson Sept 27, 2023
Date

X *Jaime Olson*
Signature of Owner

27 Sept. 2023
Date

Description of Hardship

Please provide a letter explaining the hardship, demonstrating the following (address each variance requested):

1. That literal enforcement of the provisions of the Zoning Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property.
2. That there are special circumstances or conditions affecting the land involved such that the application of the provisions of the Zoning Ordinance would deprive the owner/applicant of the reasonable use of his/her land.
3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the owner/applicant.
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance.
5. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
6. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.
7. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
8. That the granting of an individual variance will not set a precedent.

*Financial hardship shall not be considered grounds for the issuance of a variance.

September 27, 2023

Dear Sir or Madam,

When we initially met with the Tomball planning committee last Spring, we proposed our idea of creating an inviting “pocket-style” community on 722 Carrell Street instead of building the typical concrete-centered street of houses or institutional-looking small apartments. Since the committee was receptive to our idea, we have been hard at work designing our small pocket neighborhood, a concept which uses purposeful design to maximize common areas and encourage interaction between neighbors. The homes will be arranged around a large rectangular courtyard area with community gardens, a shared gathering space, landscaped walkways, and a playground area. We want the neighborhood to have a vibrant feel with welcoming spaces and thoughtfully-designed gathering areas that will complement Tomball’s small town, intimate charm. (Please see the attached images of existing pocket communities as examples of the style of neighborhood we plan to emulate.)

722 Carrell is one of the few remaining vacant lots in Tomball zoned for multifamily use. It is sandwiched in between a traditional single-family neighborhood and an aging apartment complex. We believe that our community will provide the perfect transition between these existing developments, while adding to the beauty of the area by preserving the property’s old trees and creating a peaceful central green area for residents. Our key priorities in developing the site plan are protection of the trees, privacy of the residents, maximizing shared green space for families, and providing a safe, inviting community.

Since our neighborhood has a unique style, it does not align well with the current multifamily building codes. With its 14 small bungalows, it is more similar to a single-family neighborhood than the standard apartment or four-plex designs. Because a pocket-style development is not contemplated in the current commercial building codes, compliance with a select few multi-family setback rules, when interpreted strictly, significantly impairs our ability to create the welcoming community we envision for the space.

In order for our pocket community design to be successful, we respectfully request the following variances:

1. We request that a variance be provided so that the homes can be built with only six feet of space between them instead of the twenty feet required for multi-family construction (i.e. apartment complexes). First, we want to emphasize that this change is not requested so we can squeeze more homes onto the lot. In a pocket neighborhood, homes are purposefully clumped together to maximize shared outdoor spaces instead of segregating the green spaces into fenced yards.

(Please see the attached site plans showing how the central green space is greatly expanded when the homes are spaced 6 feet apart instead of according to multi-family codes.) Following the 6-foot spacing would also make it possible to allow more root space around the property's large oaks, helping preserve the health of the trees. In other words, the tighter spacing between homes allows for flexibility to adjust and rotate the structures to maximize protection of the existing trees and give ample space for the root structures to thrive.

We strongly prefer a 6-foot spacing between homes as described above. However, if the committee is unable to grant this request, we respectfully ask for a variance to allow for a ten-foot spacing between homes instead of the 20 prescribed for standard multi-family projects. Compliance with a 10-foot spacing would infringe upon the central courtyard more than is ideal, but it would not be as significant a hardship as the 20-foot distance requirement.

2. Similar to our spacing request, we are also seeking a variance so the two-story homes in the neighborhood (we are currently targeting 4 two-story homes to vary the rooflines and make the neighborhood less "cookie-cutter") have the same setback requirements as a residential community instead of the multi-family 100-foot setback utilized for multi-story apartment complex buildings. The 100-foot requirement does make sense if the goal is to prevent large, densely populated apartment buildings from encroaching on the privacy space of single-family homes. However, our small community of single-family homes facing inwards toward a community green will not have any impact on the privacy of homeowners in neighboring communities. There is currently only one area where our site plan shows two-story homes within 100 feet of residentially zoned land, and this is near the front of the property bordering Carrell Street. The residentially zoned land impacted is vacant space that was set aside by the single-family neighborhood to meet their green space requirements. It is our understanding that because of this designation, these strips of land cannot be built upon in the future, so a 100-foot setback makes no practical sense in our unique situation.

Because of our distinct site plan, two of the multi-family setback rules constitute significant hardships and practical difficulties as we work to maximize the beauty and community green spaces of our small pocket community. We believe that not only is a pocket community a reasonable use of the land, but it is a use that will better serve our community than the multi-family structures envisioned by the building codes.

If our variances are granted, we do not believe that the city will be setting a negative precedent for future developments. A pocket community, although wonderful for the town at large, is not a direction that most developers would choose, since it does not maximize potential profit. The variances we are seeking are in harmony with the spirit and purpose of the regulations, as we are not imposing any burdens or harming neighboring developments in any way. In fact, the property values of surrounding lots

should increase once our pocket neighborhood is complete. If instead a multi-family development was built on 722 Carrell that sought to squeeze as many doors as possible on the land, the neighbors would face significantly more negative effects than they would with our pocket community. (Please see attached site plan showing what a development on the lot could look like if a multi-family developer sought to maximize occupancy by building 3 three-story buildings for a total of 36 units.) We are confident that once surrounding property owners understand our vision for the space, they will see the benefits and welcome our new community.

We love Tomball and want our property to add to the vibrancy and charm of the town. We appreciate your time and consideration.

Sincerely,

 27 Sept. 2023

Jason Olson

Manager, 722 Carrell LLC

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POCKET
NEIGHBORHOOD
EXAMPLE
PHOTOS



Homes arranged around
a community green
space.





Appartment Complex site Plan

- 36 units
- more concrete
- mostly clear cut
-



Example of 3 large
oaks at front of
neighborhood.

