

NOTICE OF BOARD OF ADJUSTMENTS MEETING CITY OF TOMBALL, TEXAS



**Thursday, December 14, 2023
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, December 14, 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 November 9, 2023.
- E. New Business
 - E.1 Conduct a public hearing and consideration to approve **BOA Case BA23-03**: Request by Edon Velu, represented by William Kalkman of KO Design Group for 15-foot variances from Section 50-79 (*Old Town & Mixed-Use District (OT&MU)*), subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), allowing side setbacks of 5-feet from the west & east property boundaries. As well as a 10-foot variance from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) (*Screening of Nonresidential*), removing the requirement of the minimum landscaped open-space buffer yard between nonresidential and residential land uses. Affecting approximately 0.15 acres of land legally described as being Lot 1, Block 1 of Boyce Subdivision. The property is located at 308-A East Main 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 11th day of December 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:December 14, 2023

Topic:

Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of November 9, 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, NOVEMBER 9, 2023



6:00 P.M.

- A. The meeting was called to order by Chairperson Billy Hemby at 6:04 p.m. Other members present were:

Board Member Christine Roquemore
Board Member April Gray
Board Member Jarmon Wolfe
Board Member Cindy Phillips

Others present:

Craig Meyers - Community Development Director
Jared Smith – City Planner
Kim Chandler – Community Development Coordinator
Loren Smith – City Attorney

draft

- B. No Public Comments were received.

- C. Reports and Announcements:

- Craig Meyers, Community Development Director, announced the following:
 - A Regular Board of Adjustments Meeting is scheduled for December 14, 2023.

- D. Motion was made by Board Member Roquemore, second by Board Member Phillips, to approve the Minutes of Regular Board of Adjustments Meeting of April 13, 2023.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion carried unanimously.

- 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.

The Public Hearing was opened by Chair Hemby at 6:07 p.m.

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

Jamiee Olson, applicant (8515 Haven Trail, Tomball, TX 77375) spoke on behalf of the case.

Hector Hernandez, (802 Steam Ridge Lane, Tomball, TX 77375), asked questions and gave concern regarding the Detention.

Willver Rosa, (1006 Oak Branch Lane, Tomball, TX 77375), asked questions and gave concern regarding the setbacks of the proposed green space.

Christopher Brown, (922 Acorn Trail Place, Tomball, TX 77375), asked questions and gave concern to the placement of two-story homes.

Mark Ponce, (1055 Bending Trail Drive, Tomball, TX 77375), spoke in opposition of the case.

Hearing no additional comments, the Public Hearing was closed at 6:30 p.m.

Motion was made by Board Member Wolfe, second by Board Member Roquemore, to approve the Variance request of **BOA 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.

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Vote was as follows:

| | |
|------------------------|------------|
| Chairperson Hemby | <u>Aye</u> |
| Board Member Roquemore | <u>Aye</u> |
| Board Member Gray | <u>Aye</u> |
| Board Member Wolfe | <u>Aye</u> |
| Board Member Phillips | <u>Aye</u> |

Motion APPROVED (Unanimously).

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

Roll call vote was called by Community Development Coordinator – Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:51 p.m.

PASSED AND APPROVED this _____ day of _____ 2023.

Kim Chandler
Community Development Coordinator/
Board Secretary

Billy Hemby
Chairperson

Board of Adjustments Meeting

Agenda Item

Data Sheet

Meeting Date: December 14, 2023

Topic:

Conduct a public hearing and consideration to approve **BOA Case BA23-03**: Request by Edon Velu, represented by William Kalkman of KO Design Group for 15-foot variances from Section 50-79 (*Old Town & Mixed-Use District (OT&MU)*), subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), allowing side setbacks of 5-feet from the west & east property boundaries. As well as a 10-foot variance from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) (*Screening of Nonresidential*), removing the requirement of the minimum landscaped open-space buffer yard between nonresidential and residential land uses. Affecting approximately 0.15 acres of land legally described as being Lot 1, Block 1 of Boyce Subdivision. The property is located at 308-A East Main Street, within the City of Tomball, Harris County, Texas.

Background:

The Request is for a total of four variances. Two of the variances being requested are 15-foot variances from Section 50-79, subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), which establishes a minimum side yard setback of 20-feet for commercial buildings within Old Town & Mixed Use (OT & MU) zoning when adjacent to single-family residential zoning district or uses. If approved as requested, these variances would allow the construction of a commercial building as close as 5-feet to the east and west property lines which separate the subject property from existing single-family residences (within Old Town & Mixed Use (OT&MU)) zoning. The remaining two variances being requested are 10-foot variances from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) which states when a commercial use is established on a building site located adjacent to any residential area, a minimum 10-foot wide landscaped open-space buffer shall be installed, said buffer must also include an minimum 6-foot opaque screening wall/fence along the shared property boundary. If approved as requested, these variances would not require the establishment of a 10-foot-wide open space buffer along the east and west property lines which separate the subject property from the existing single-family residences (within Old Town & Mixed Use (OT&MU)) zoning, however the applicants do intend to construct the required opaque screening wall/fence as required by this section.

Origination: Edon Velu, represented by William Kalkman of KO Design Group

Recommendation:

City Staff has reviewed the request and recommends approval of **BOA Case BA23-03**.

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)**



DECEMBER 14, 2023

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, December 14, 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:

BOA Case BA23-03: Request by Edon Veliu, represented by William Kalkman of KO Design Group for 15-foot variances from Section 50-79 (*Old Town & Mixed-Use District (OT&MU)*), subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), allowing side setbacks of 5-feet from the west & east property boundaries. As well as a 10-foot variance from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) (*Screening of Nonresidential*), removing the requirement of the minimum landscaped open-space buffer yard between nonresidential and residential land uses. Affecting approximately 0.15 acres of land legally described as being Lot 1, Block 1 of Boyce Subdivision. The property is located at 308A East Main Street, within the City of Tomball, Harris County, Texas.

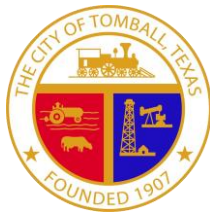
C E R T I F I C A T I O N

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **11th** day of **December 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 BA23-03

11/29/2023

The Board of Adjustments will hold a public hearing on **December 14, 2023 at 6:00 PM**, in City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to consider a request Edon Velu, represented by William Kalkman of KO Design Group for 15-foot variances from Section 50-79 (*Old Town & Mixed-Use District (OT&MU)*), subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), allowing side setbacks of 5-feet from the west & east property boundaries. As well as a 10-foot variance from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) (*Screening of Nonresidential*), removing the requirement of the minimum landscaped open-space buffer yard between nonresidential and residential land uses. Affecting approximately 0.15 acres of land legally described as being Lot 1, Block 1 of Boyce Subdivision. The property is located at 308A East Main 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@tomballtx.gov

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

CASE #: BA23-03

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

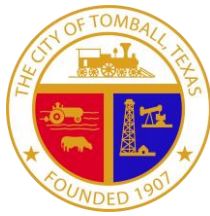
Name:
Parcel I.D.:
Address:

Email: jasmith@tomballtx.gov

I am in favor ☐
Additional Comments:

I am opposed ☐

Signature: _____



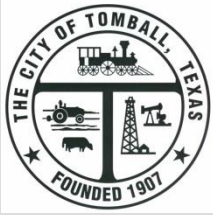
City of Tomball
Community Development Department

BA23-03



Notification Area



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

Board of Adjustments Hearing Date: December 14, 2023

Case: BA23-03
Property Owner(s): Edon Veliu
Applicant(s): KO Design Group
Legal Description: Lot 1, Block 1 of Boyce Subdivision
Location: 308A East Main Street
Lot Area: Approximately 0.15 acres (6673 square feet)
Comp Plan Designation: Old Town (Exhibit "C")
Present Zoning & Use: Old Town & Mixed Use (Exhibit "B") / Vacant Commercial Building (Exhibit "D")

Adjacent Zoning & Land Uses:

North: Single Family Residential - 6 (SF-6)/Residence
South: Old Town & Mixed Use (OT&MU)/Office
West: Old Town & Mixed Use (OT&MU)/Residence
East: Old Town & Mixed Use (OT&MU)/Residence

BACKGROUND

The Request is for a total of four variances. Two of the variances being requested are 15-foot variances from Section 50-79, subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), which establishes a minimum side yard setback of 20-feet for commercial buildings within Old Town & Mixed Use (OT & MU) zoning when adjacent to single-family residential zoning district or uses. If approved as requested, these variances would allow the construction of a commercial building as close as 5-feet to the east and west property lines which separate the subject property from existing single-family residences (within Old Town & Mixed Use (OT&MU)) zoning. The remaining two variances being requested are 10-foot variances from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) which states when a commercial use is established on a building site located adjacent to any residential area, a minimum 10-foot wide landscaped open-space buffer shall be installed, said buffer must also include an minimum 6-foot opaque screening wall/fence along the shared property boundary. If approved as requested, these variances would not require the establishment of a 10-foot-wide open space buffer along the east and west property lines which separate the subject property from the existing single-family residences (within Old Town & Mixed Use (OT&MU)) zoning, however the applicants do intend to construct the required opaque screening wall/fence as required by this section.

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 SETBACK VARIANCES (Exhibit E):
 - i. Yes, the literal enforcement of required 20-foot building setbacks from the east and west property boundaries will result in a “buildable area” that would accommodate a building as wide as approximately 8-feet in width.
 - b. BUFFER YARD VARIANCE (Exhibit F):
 - i. Yes, the literal enforcement of the required 10-foot-wide buffer yard along the east and west property boundaries will squeeze the developable area of the subject property to approximately 19-feet in width at the narrowest point, where a portion of the lot was previously “notched out” during the platting process. While the 10-foot buffer yard creates a developable area of approximately 29-feet in width at the widest portion of the lot. According to the Tomball Code of Ordinance these land use buffer yards must be vegetative and clear parking spaces and/or parking maneuvering areas. These required 10-foot-wide buffer yards result in constricted parking and vehicle maneuvering areas that prevent the development from meeting the minimum parking standards required to accommodate vehicular traffic which would be created by the permitted commercial development of the property. Specifically, the constriction of the vehicle parking & maneuvering areas does not allow the minimum drive aisle width necessary to accommodate two-way traffic (24-feet minimum) and/or the minimum number of required parking spaces for the planned use of the property (Art Gallery = 1 space: 500 sqft). The planned square footage of the proposed art gallery is 1500 square feet which requires a minimum of THREE (3) parking stalls, two measuring 9-feet in width and one being ADA van accessible measuring 11-feet in width for a total parking stalls width of 29-feet.
2. The situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district:
 - a. The hardship is not self-imposed, the difficulty is caused by the irregular shape of the platted lot and the relatively narrow nature of the parcel of land paired with the existing condition of single-family residential homes neighboring the property to the east and west. The literal enforcement of the standards would deprive the owner of the commercial use of the land permitted in the Old Town & Mixed-Use zoning district.
3. The relief sought will not injure the permitted use of adjacent conforming properties:
 - a. City staff does not believe that the relief being sought will injure the permitted uses of the adjacent conforming properties given that all neighboring lots being utilized for residential purposes are within the Old Town & Mixed Use (OT & MU) zoning. A zoning designation was created to promote single-family residential uses alongside commercial uses. Furthermore, the subject property, as well as the neighboring properties’ frontages are located along E. Main Street (FM 2920). Lots located along major arterial streets such as this are routinely considered to be appropriate for commercial activity.

4. The granting of the variance(s) will be in harmony with the spirit and intent of this chapter (Chapter 50 – Zoning):
 - a. The subject property, as well as the neighboring properties being utilized for single-family residential purposes are all located within the Old Town & Mixed-Use (OT&MU) zoning district. This zoning designation is intended to foster a mixture of commercial/retail uses near single-family and multi-family residential uses. The relief sought by the applicant will allow the establishment of commercial uses alongside the existing single-family residential land uses as intended by OT&MU zoning.

RECOMMENDATION

City Staff has reviewed the request and recommends approval of **BOA Case BA23-03**.

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 November 29, 2023. Public responses will be provided in the Board packets or at the meeting.

EXHIBITS

- A. Aerial Location Map
- B. Zoning Map
- C. Future Land Use Map
- D. Site Photo(s)
- E. Setback Exhibit
- F. Buffer Yard Exhibit
- G. Application

Exhibit "A"
Aerial Map

Item E.1



Exhibit "B"
Zoning Map

Item E.1

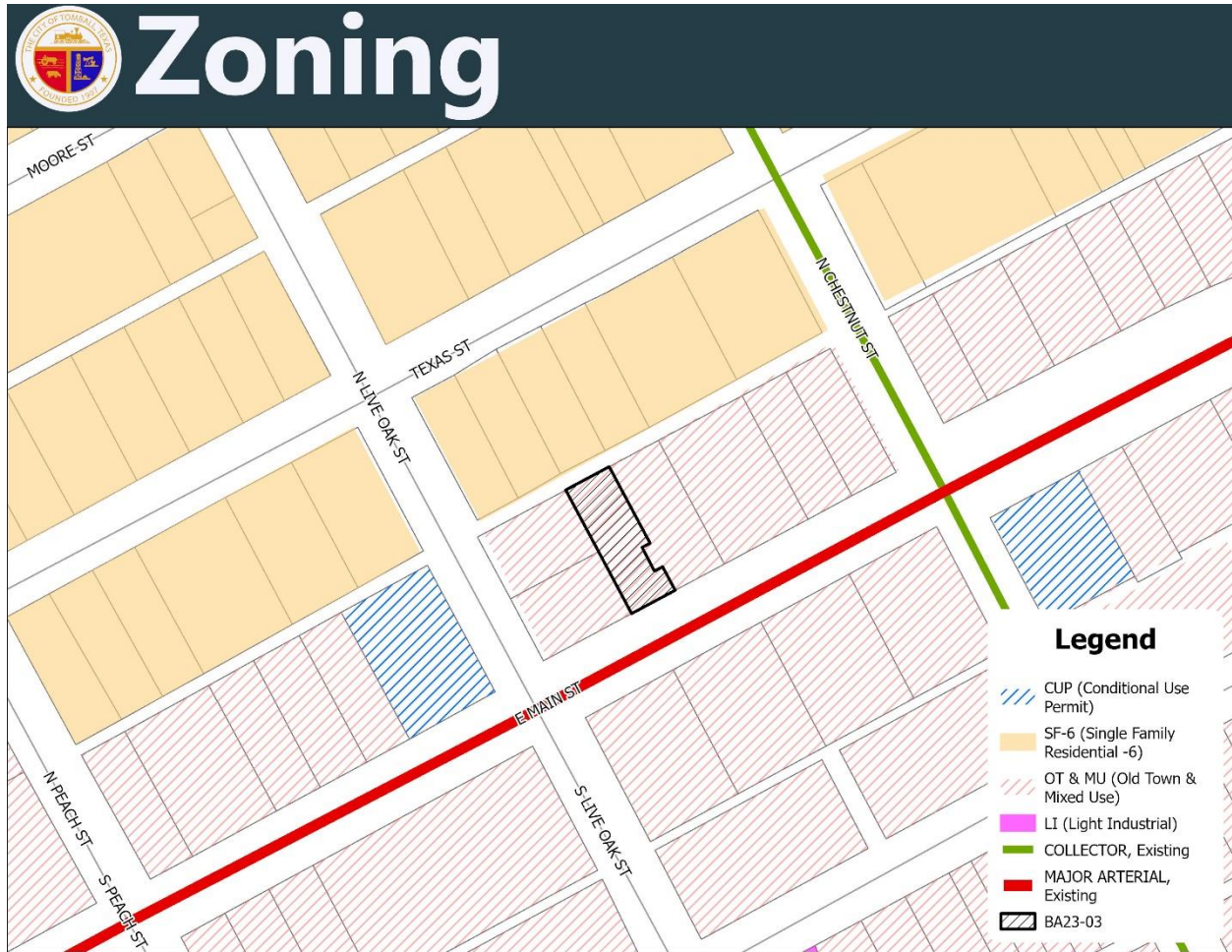


Exhibit “C”
Future Land Use Map



Subject Property



Neighboring Property (East)



Neighboring Property (West)

Item E.1



Neighboring Property (south)



Neighboring Property (North)

Item E.1



Exhibit "E" Setback Exhibit

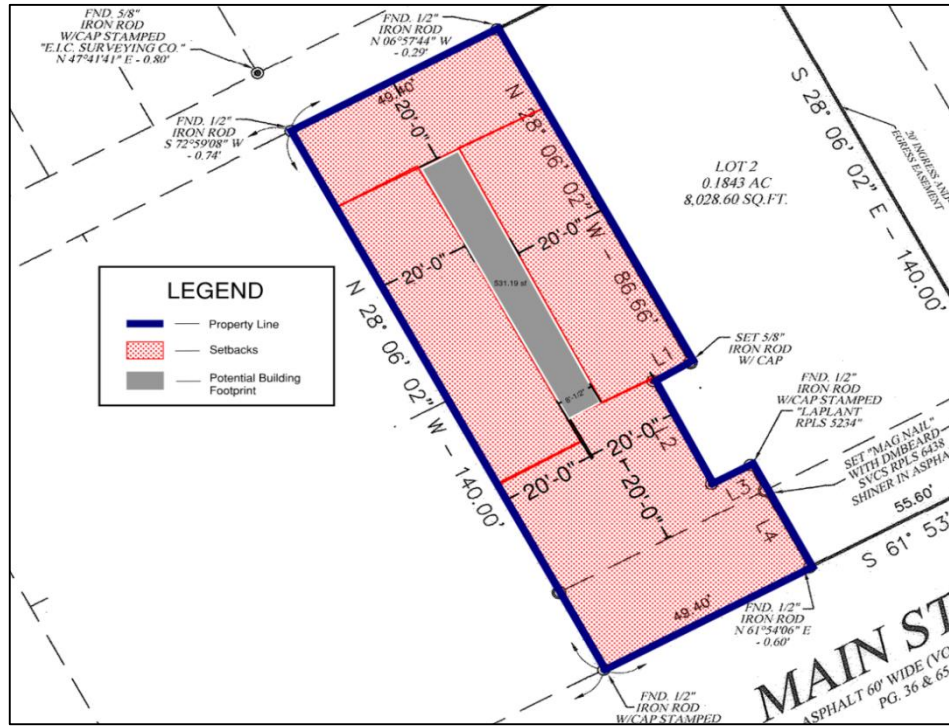


Exhibit "F" Buffer Yard Exhibit

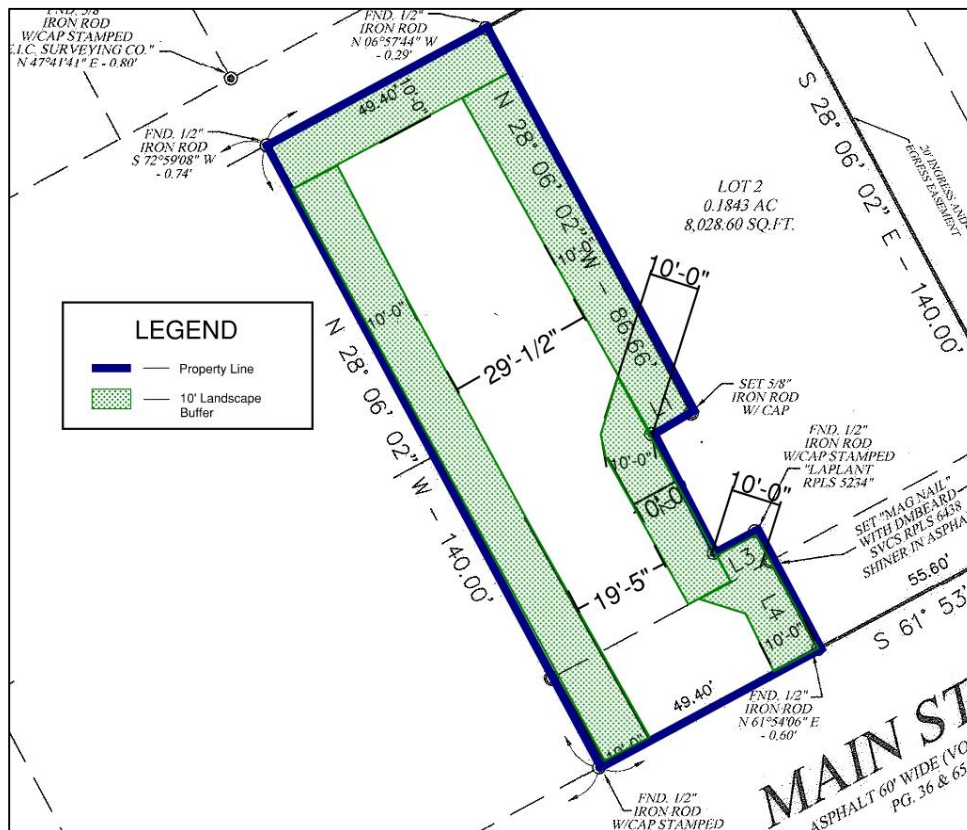
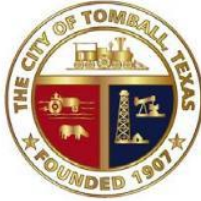


Exhibit "G" Application

Item E.1



RECEIVED (KC)
11/02/2023

Revised 5/19/15

ZONING BOARD OF ADJUSTMENTS (BOA) VARIANCE APPLICATION

Community Development Department
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. Refer to Section 50-33(f) of the Code of Ordinances for additional information. No variance shall be granted for any requirement outside Chapter 50 of the Code of Ordinances.

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: William Kalkman Title: Architect
Mailing Address: PO Box 15831 City: Houston State: TX
Zip: 77220
Phone: (832) 482-1650 Fax: () Email: wk@kodesigngroup

Owner

Name: Edon Velu Title: Owner
Mailing Address: 29 Spurwood Ct City: The Woodlands State: TX
Zip: 77381
Phone: (281) 330-9313 Fax: () Email:

Description of Proposed Project: 308A Main Studio

Physical Location of Property: 308A East Main St
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: Boyce Lt 1 Block 1
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 1501120010001 Acreage: 0.1531

Current Use of Property: Commercial

VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

Sec 50-79 - 20 ft Building setbacks abutting residential uses/district.

Sec 50-115 10 ft wide landscape buffer on east and west sides.



Variance Requested:

Reduction to 5 ft building setbacks on east and west sides.

Removal of the landscape buffer on east and west sides.

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.

| | | |
|-------------------------------------|---|----------|
| <input checked="" type="checkbox"/> |  | 11/01/23 |
| X | Signature of Applicant | Date |
| <input checked="" type="checkbox"/> |  | 11/01/23 |
| X | Signature of Owner | Date |

Submittal Requirements

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

A complete application must include:

- **Application Fee: \$100 Residential (Except Multi-Family); \$250 Non-Residential & Multi-Family**
- **Letter explaining the variance in detail, including Description of Hardship**
- **Metes & Bounds of property**
- **Site Plan, Plot Plan, or Drawing showing the requested variance**
- **Other necessary information (maps, drawings, pictures, etc.) to explain the variance**

Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

In granting special exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

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



November 2, 2023

Board of Adjustments
City of Tomball 501
James St
Tomball, TX 77375

Subject: Request for variance

Dear: Board of Adjustments

The purpose of this letter is to request a variance to redevelop the lot at 308A Main. We are requesting variances for Section 50-79 for building setbacks, and section 50-115 Screening buffers.

The first variance request is to allow for five feet (5') building line setback for the east and west sides of the property in lieu of the twenty (20') building line setback required for a property butting a residential lot. We would like to use the more standard setback for commercial type uses of five feet (5').

The second variance request is to allow for the removal of the landscape buffer requirement for the east and west sides of the property in lieu of the ten (10') landscape buffer required for a property butting a residential lot.

The literal enforcement of the Zoning Ordinance will not allow the development of the site since the allowable building width would be nine (9) feet with the current building setbacks. We intend to provide the privacy fence on the sides but the landscape buffer would reduce the building area and not provide a usable footprint for our proposed building. Our new proposed design is providing a buffer and building setback that is not currently provided with the current building. The new proposed design provides improved life safety for the overall area.

This variance is necessary to redevelop the site and provide a new development along the main street corridor. Our goals it to improve the surrounding community with a new building and business. The project will promote an increase in the economy and will impact the area in a positive way.

Granting this variance will not be detrimental to the public health, safety, or welfare of the communities neighboring. It will not be injurious to other properties, and it would encourage other properties to be develop and bring more activities to the area.

This variance acceptance will be in harmony with local regulations and the layout is created to align with surrounding neighborhoods to make the project fit right in and be part of the community.

If you have any questions, please contact me at 832.482.1650

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'W. Kalkman', is written over a light blue horizontal line.

William Kalkman
Principal

www.KODesigngroup.net

