

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



**Thursday, September 08, 2022
6:00 PM**

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, September 08, 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 July 14, 2022.
- E. New Business
 - E.1 Conduct a public hearing and consideration to approve **BOA Case P22-286**: Request by D.G. & I Property Management, Inc., represented by Rodolfo Barrera Jr. for a variance from Section 50-71 Single-Family Residential - 6 (SF-6) of the Tomball Code of Ordinances to allow for encroachment into the required building setback(s). The property is legally described as being Lot 56, in Block 68 of the Revised Map of Tomball. Located at the southeast corner of the intersection of Chestnut Street and Holiday Street, within the City of Tomball, Harris County, Texas.

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 2nd day of September 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.

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

THURSDAY, JULY 14, 2022



6:00 P.M.

1.0 The meeting was called to order by Chairman Billy Hemby at 6:00 p.m. Other members present were:

- Board Member Christine Roquemore
- Board Member April Gray
- Alternate Board Member Ellen Warren
- Alternate Board Member Cindy Phillips

Board Member Jarmon Wolf – Excused Absence

Others present:

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

draft

2.0 No Public Comments were received

3.0 Nathan Dietrich, Community Development Director, announced the following:

- Introduced the GIS Interactive Map.
- Dan Dunagin was elected from the Planning & Zoning Commission to City Council.

4.0 Motion was made by Board Member Roquemore, second by Board Member Gray, to approve the Minutes of Regular Board of Adjustments Meeting of March 10, 2022.

Motion carried unanimously.

5.0 New Business:

5.1 Conduct a Public Hearing & Consideration to Approve: **BOA Case P22-206**: Request by Tomball Economic Development Corporation, represented by Robert Banzhaf for a variance from Section 50-78 Light Industrial District (LI) of the Tomball Code of Ordinances to allow for encroachment into the required building setback(s). The property is legally described as being Lot 4-1, in Block 1 of the Tomball Business and Technology Park Lots 4 and 8 Replat. Located at the southwest corner of the intersection of Hufsmith-Kohrville Road and Spell Road, within the City of Tomball, Harris County, Texas.

The Public Hearing was opened by Chair Hemby at 6:06 p.m.

Jared Smith, City Planner, presented the case with Staff Recommendation.

Robert Banzhaf, applicant (4576 Pebble Bay S., Vero Beach, FL 32963) spoke on behalf of the case.

Hearing no comments, the Public Hearing was closed at 6:13 p.m.

Motion was made by Alternate Board Member Phillips, second by Board Member Roquemore, to approve the Variance request of **BOA Case P22-206.**

Vote was as follows:

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

Motion carried unanimously.

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

Motion carried unanimously.

The meeting adjourned at 6:18 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)**



SEPTEMBER 8, 2022

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, September 8, 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 P22-286: Request by D.G. & I Property Management, Inc., represented by Rodolfo Barrera Jr. for a variance from Section 50-71 Single-Family Residential - 6 (SF-6) of the Tomball Code of Ordinances to allow for encroachment into the required building setback(s). The property is legally described as being Lot 56, in Block 68 of the Revised Map of Tomball. Located at the southeast corner of the intersection of Chestnut Street and Holiday Street, within the City of Tomball, Harris County, Texas.

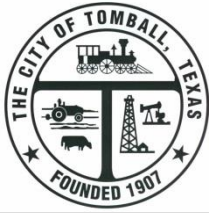
At the public hearing, parties of interest and citizens will have the opportunity to be heard. All citizens of the City of Tomball, and any other interested parties, are invited to attend. Applications are available for public review Monday through Friday, except holidays, at the Public Works Building, 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 **2nd** day of **September 2022** 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.



Community Development Department

Notice of Public Hearing

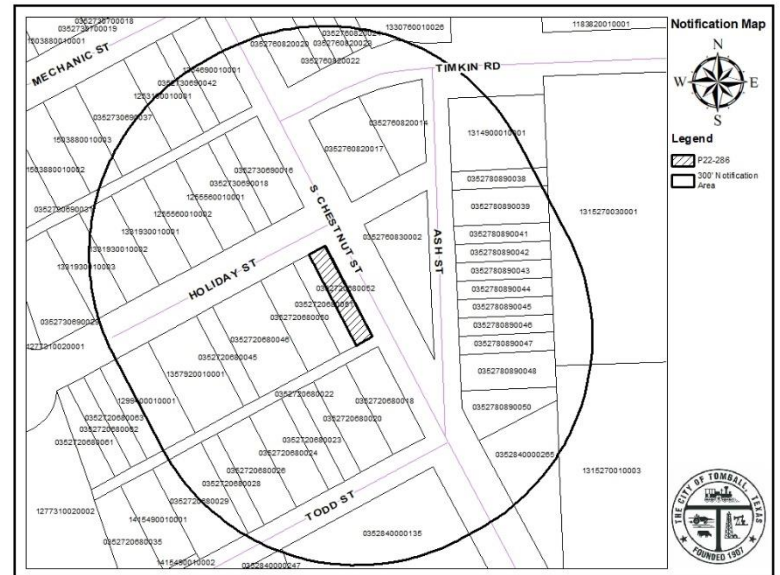
YOU ARE INVITED TO ATTEND a Public Hearing before the **BOARD OF ADJUSTMENTS** of the City of Tomball regarding the following item:

CASE NUMBER: P22-286

APPLICANT/OWNER: D.G. & I Property Management, Inc., represented by Rodolfo Barrera Jr.

LOCATION: Located at the southeast corner of the intersection of Chestnut Street and Holiday Street, within the City of Tomball, Harris County, Texas.

PROPOSAL: Variance from Section 50-71 Single-Family Residential - 6 (SF-6) of the Tomball Code of Ordinances to allow for encroachment into the required building setback(s). The property is legally described as being Lot 56, in Block 68 of the Revised Map of Tomball.



BOARD OF ADJUSTMENTS HEARING

CONTACT: Jared Smith, City Planner
PHONE: (281) 290-1491
E-MAIL: jasmith@tomballtx.gov

City Hall
 401 Market Street
 Tomball, Texas

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.

MEETING DATE: Thursday, September 8, 2022

MEETING TIME: 6:00 p.m.

This notice is being mailed to all owners of real property within 300 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.



Public Comment Form

(Please type or use black ink)

All submitted forms will become a part of the public record.

Please return to:

City of Tomball
Attn: Jared Smith
501 James Street
Tomball, TX 77375

Name: ROGER & NANCY NAFZIGER
(please print)
Address: 4517 COUNTY ROAD 245
NAVASOTA, TX 77868
Signature: Roger Nafziger
Date: 8-27-2022

I am **FOR** the requested Variance as explained on the attached public notice for **BOA Case P22-286**. (Please state reasons below)

I am **AGAINST** the requested Variance as explained on the attached public notice for **BOA Case P22-286**. (Please state reasons below)

Date, Location & Time of **Board of Adjustments** meeting:
Thursday, September 8, 2022 at 6:00 PM
City Council Chambers of the City of Tomball, City Hall
401 Market Street, Tomball, Texas

COMMENTS:
Will not impact any of the neighbors!

You may also comment via email to jasmith@tomballtx.gov.
Please reference the case number in the subject line.
For questions regarding this request please call Jared Smith @ 281-290-1491.

Jared Smith

From: Jerrid Griggs <jerrid@g5autolights.com>
Sent: Tuesday, August 23, 2022 8:18 AM
To: Jared Smith
Subject: p22-286

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

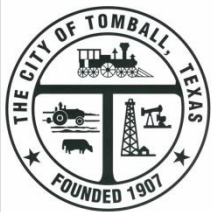
Good morning,

My name is jerrid and I live at 320 holiday st. I received a letter about an investment group wanting to build a home on lot 56 in block 68. I believe this will be a bad idea to approve this. We both know there is not enough room for any type of house to go up on this lot. Its 25 by 140 and it's a corner lot. This would break many ordinance codes that Tomball puts in place for a reason. Not to mention they will build the property level up to shed rain water onto neighboring properties including mine. With the ditches in place there is just not enough room. Same investment group owns 2 lots on the next street over so they are trying to use money and power to buy up lots just to make money. We don't want to see shotgun style 2 story houses in Tomball. We are already getting overly crowded and new neighborhoods are popping up everywhere. Eventually these investment builders will buy up so much property and force people out and the city is gonna turn into a dump. If we break the city codes for these people then we will continue to break them for everyone else so whats the point of having them? Please consider the current residents that have lived here for years when making this decision. I will not be able to make the meeting but I will mail in my vote form today.

Thank You

Jerrid Griggs
G5 Auto Lights
281-982-3428





Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: September 8, 2022

BOA Case P22-286: Request by D.G. & I Property Management, Inc., represented by Rodolfo Barrera Jr. for a variance from Section 50-71 Single-Family Residential - 6 (SF-6) of the Tomball Code of Ordinances to allow for encroachment into the required building setback(s).

- Property Owner(s):** D.G. & I Property Management Inc.
- Applicant(s):** Rodolfo Barrera Jr.
- Legal Description:** Lot 56, in Block 68 of the Revised Map of Tomball
- Location:** The southwest corner of the intersection of S. Chestnut Street and Holiday Street.
- Lot Area:** Approximately 0.08 acres (3,500 square feet)
- Present Zoning & Use:** Single Family Residential (SF-6) (Exhibit “B”) / Vacant (Exhibit “C”)
- Comp Plan Designation:** Transitional Residential (Exhibit “D”)

Adjacent Zoning & Land Uses:

- North:** Single Family Residential - 6 (SF-6)/Vacant
- South:** Single Family Residential - 6 (SF-6)/Residence
- West:** Single Family Residential - 6 (SF-6)/Vacant
- East:** Single Family Residential - 6 (SF-6)/M.L.K, Jr. Park

BACKGROUND

The request is for an 11-foot variance to the ordinarily applicable 15-foot side street setback required in the Single Family Residential – 6 zoning district that the property falls within. This variance request would allow a single-family residence to be constructed as close as 4 feet to the eastern property boundary that runs adjacent to the S. Chestnut Street right-of-way. The subject lot is 25’x140’ and was created in 1912 with the subdivision plat referred to as the Revised Map of Tomball. These 25’x140’ lots are the standard dimension(s) for all lots created by this plat and make up the majority of the lots within the region of Tomball commonly referred to as “Old Town Tomball”. Per Section 40-3 (d.1): “this chapter (Chapter 40: Subdivisions) shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to August 15, 1983”. This section of our code of ordinance suggests that lots that are in existence prior to this date shall be considered buildable lots.

ANALYSIS

According to section 50-71 (subsection d.2.b) (*Single Family Residential - 6*), the minimum side street setback is 15 feet.

The intention of residential street setbacks is to provide minimum open space standards often considered desirable within single-family residential neighborhoods. Given the proximity to Old Town Tomball and existing Old Town & Mixed Use zoning (where street setbacks are less) approximately half a block to the north; the allowance of a structure closer to the street than ordinarily allowed in single-family residential zoning may not appear out of character. Further, the platted lot is 25 feet wide and SF-6 zoning requires a minimum interior side yard setback of 5 feet and a side street setback of 15 feet, these setbacks leave 5 feet of “buildable” width. The literal enforcement of the setback standards on this particular lot creates an unnecessary hardship or practical difficulty in the development of the property. This hardship is not self-imposed, nor is it affecting properties in the same zoning district. The relief provided by granting this variance will not adversely affect permitted uses of adjacent conforming properties. Furthermore, although the street side setback would be reduced by this variance request, according to the site plan submitted by the applicant the proposed building will be setback far enough from the property boundaries so as to not interfere with the required visibility triangle at the intersection of Holiday Street and S. Chestnut Street.

Further, S. Chestnut is identified as being a collector road in the City of Tomball’s major thoroughfare plan. The current right-of-way (ROW) width dedicated to S. Chestnut Street is 60 feet, according to the City of Tomball construction design standards for collector streets, this is the standard right-of-way width. Therefore, any future projects to improve S. Chestnut Street should not require additional dedication of public right-of-way.

Finally, the approval of this variance request will promote infill and redevelopment on an otherwise unbuildable lot within Old Town Tomball.

RECOMMENDATION

City Staff has reviewed the request and recommends approval of **BOA Case P22-286**.

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 August 24, 2022. 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. Plot Plan Setback Exhibit
- E. Site Photo(s)
- F. Application

Exhibit "A" Aerial Map

Item E.1



Exhibit "B" Zoning Map

Item E.1

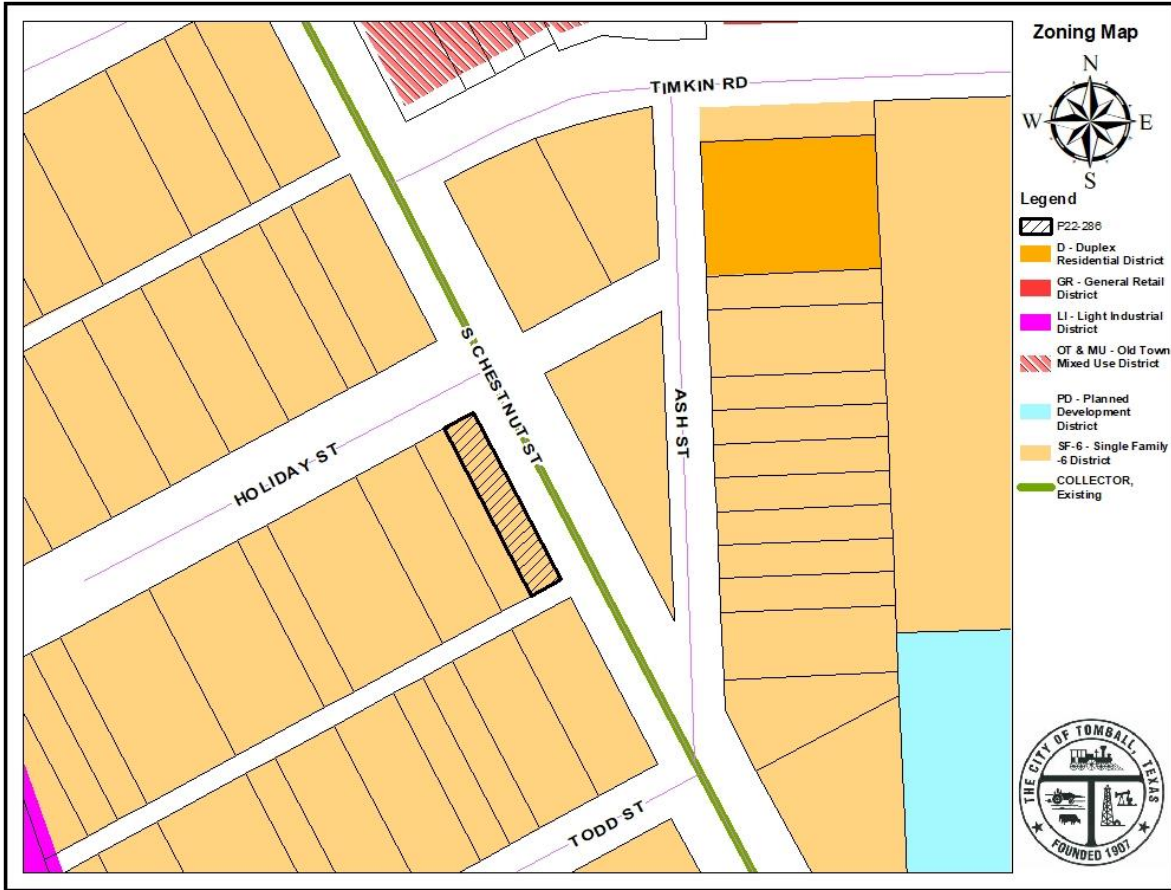
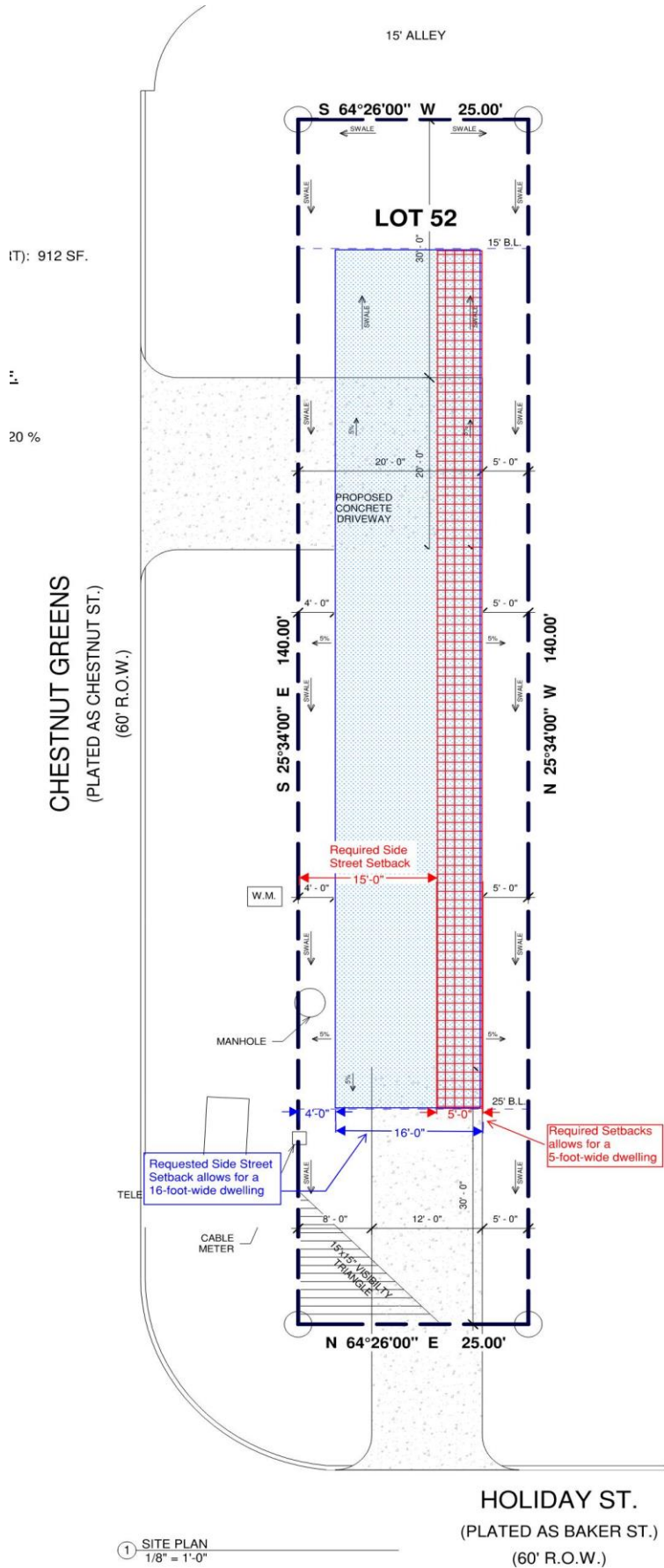


Exhibit "C" Future Land Use Map



Exhibit "D" Plot Plan Setbacks



① SITE PLAN
1/8" = 1'-0"

Exhibit "E"
Site Photo(s)

Subject Property



MLK Jr. Park (east of Chestnut)



Holiday Street

Item E.1



Neighboring Property (south)



Neighboring Property (north of Holiday St.)

Item E.1



Exhibit "F" Application

RECEIVED (KC)
7/29/2022

Revised: 4/29/2020
P&Z #22-286



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 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: Rodolfo Barrera Jr. Title: President / owner
Mailing Address: 23910 SAXON WAY City: Hockley State: TX
Zip: 77447 Contact: Rudy Barrera
Phone: (832) 731-0574 Email: rudyj99@yahoo.com

Owner

Name: D. G. & I Property Mgmt, Inc Title: President
Mailing Address: 23910 SAXON WAY City: Hockley State: TX
Zip: 77447 Contact: Rudy Barrera
Phone: (832) 731-0574 Email: rudyj99@yahoo.com

Description of Proposed Project: Single Family New construction Home

Physical Location of Property: 0 HOLIDAY ST. TOMBALL, TX 77375
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: LT 52 BLK 68
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352720680052 **Acreage:** 0.08034

Current Use of Property: VACANT LOT

Revised: 4/29/2020

VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

SF6. Applicable SET BACK is 15'
Section 50-71 (2.B)

Variance Requested:

Side SetBack Reduction From CHESTNUT ST.
11' VARIANCE

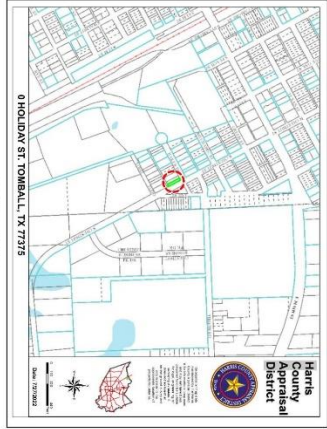
A description of hardship letter *must* be submitted in conjunction with this application. The criteria for a hardship are outlined in the attached document titled "Description of Hardship." In the letter, state variance(s) requested specifically and in detail (identify section and requirement). Please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

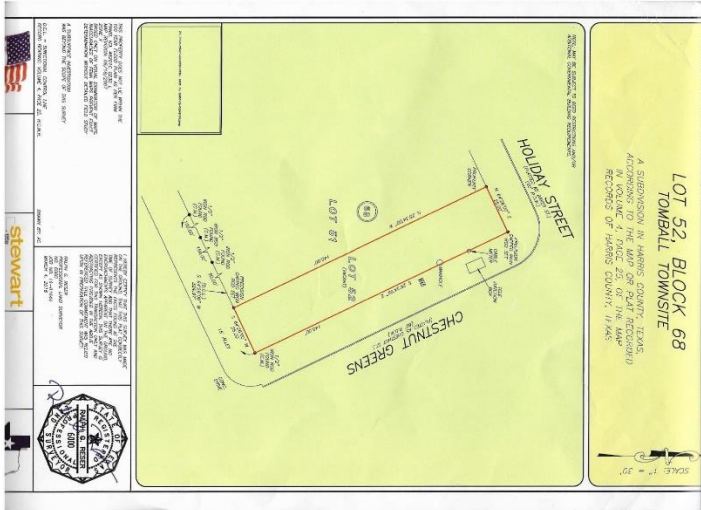
X Roberto Barreira Jr. 7-29-2022
Signature of Applicant Date

X _____
Signature of Owner Date

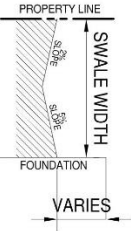
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405



HCAD INFO



PROPERTY SURVEY



SWALE PROFILE & NOTE: DETAIL A.1

- A 2% SLOPE HAS A VERTICAL RISE OF 1" PER FOOT
- FENCING, A/C PADS, AND DOWNSPOUTS SHALL NOT BE PLACED WITHIN THE SWALE
- PROVIDED THE WALL HAS A SLOPE AWAY FROM THE FOUNDATION WALL
- SWALE SHALL BE 24" MINIMUM WIDE
- WHEN THERE ARE FOUNDATION WALLS ON BOTH SIDES OF THE SWALE
- SWALE PROVIDE A 5% SLOPE ON BOTH SIDES OF THE SWALE
- WHEN THE SWALE WIDTH IS GREATER CENTERLINE AT THE MIDPOINT
- SWALE CENTRAL LINE 23.0 (0.87) THE SWALE WITH AWAY FROM THE FOUNDATION WALL ON 24 INCHES (MINIMUM) FROM THE FRONT LINE

LEGAL DESCRIPTION

LOT: 52
 BLOCK: 68
 SIZE OF LOT (AREA): 3,800 SF.

PROPOSED AREA ANALYSIS:

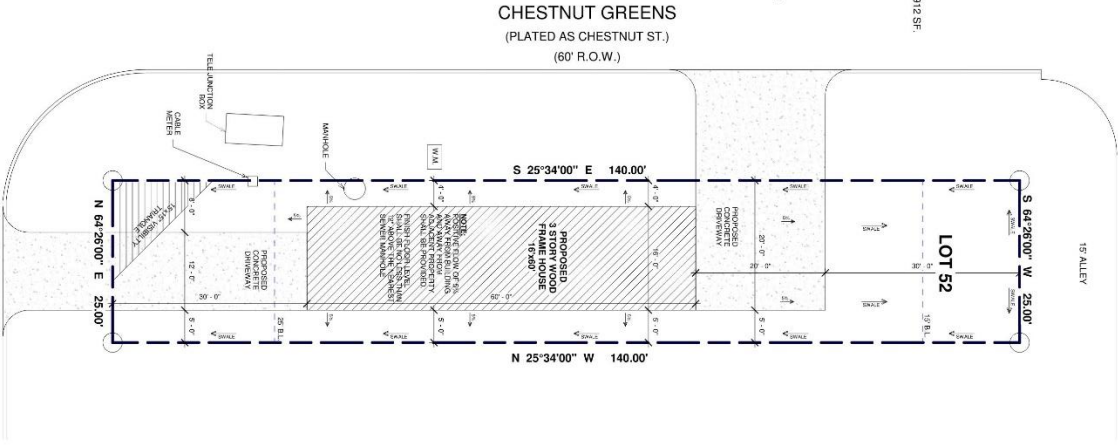
BUILDING (HOUSE GARAGE SHED CARPORT): 912 SF.
 PARKING LOT & DRIVEWAY: 600 SF.
 PROPOSED TOTAL AREA: 1,512 SF.

TOTAL AREA FOOT PRINT ON SITE: 1,512 SF.

PERCENTAGE OF IMPERVIOUS COVER: 43.20 %



PROPOSED DWELLING UNIT
 (PROPOSED ELEVATION)



1 SITE PLAN
 1/8" = 1'-0"

HOLIDAY ST.
 (PLATED AS BAKER ST.)
 (60' R.O.W.)

NEW RESIDENCE PROJECT

0 Holiday St. Tomball, TX 77375



STRUC
 TOTEK
 SOLUTIONS

FIRM # F-13801

REGISTERED ARCHITECT
 PROFESSIONAL SEAL NO. 51929

DATE: 7/26/2022 12:09:48 PM
 DRAWN BY: G.C.
 SHEET TITLE: SITE PLAN
 SCALE: A-0.0
 AS INDICATED

THIS DRAWING IS PART OF THE DESIGN AND CONSTRUCTION DOCUMENTS. IT IS THE PROPERTY OF STRUCTOTEK SOLUTIONS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF STRUCTOTEK SOLUTIONS.

Description of Hardship.

O Holiday St Tomball, TX. 77375
LT 52 BIK 68

To Whom This May Concern:

Hello, I am the owner of this property listed above. I would like to build a single family home for this property, but I am restricted in doing so because of the rigorous set backs that are in place! With the current set backs in place, I would only be left with 5' of buildable area on my property. I am asking for an approved variance to allow my property to be buildable, so we can build a nice single family home in this community!

By approving these variances, there would be no danger/harm towards the community or my neighbors.

Please approve this zero lot line request so we can add great value to this wonderful community.

Thank you.

Rudy Barreft # 832-731-0574