CITY OF ANGLETON, TEXAS

BOARD OF ADJUSTMENT

Meeting @ 12 p.m., Wednesday, November 16, 2016
Located at 120 S. Chenango in the Council Chambers,
Angleton, Texas 77515

1.) Declaration of Quorum and Call to Order.

2.) Discussion and Possible Action on approving the August 17, 2016 meeting minutes.

3.) Public Hearing on a request for two separate variances to the screening requirements for Commercial properties adjacent to Residential Districts: 1) A variance to the screening requirements along the adjoining property line of 99 Meadowview Lane; and 2) A variance to the screening requirements along the easterly bank of Brushy Bayou; in order to operate a Used Car Lot at 2371 East Mulberry Street, with a legal description of: A 1.200 Acre Tract of Land out of the Reserve Commercial Tract, in the Bayou Meadows Subdivision, being a Subdivision of 23 Acres in the T.S. Lee Survey, Abstract 318, Brazoria County, Texas.

4.) Discussion and Possible Action on a request for two separate variances to the screening requirements for Commercial properties adjacent to Residential Districts: 1) A variance to the screening requirements along the adjoining property line of 99 Meadowview Lane; and 2) A variance to the screening requirements along the easterly bank of Brushy Bayou; in order to operate a Used Car Lot at 2371 East Mulberry Street, with a legal description of: A 1.200 Acre Tract of Land out of the Reserve Commercial Tract, in the Bayou Meadows Subdivision, being a Subdivision of 23 Acres in the T.S. Lee Survey, Abstract 318, Brazoria County, Texas.

5.) Public Hearing on a request for a fifteen foot variance to the twenty-five foot side yard setback requirement on the south portion of Lot 31, with a legal description of Exline & Kiber (A0134 E Waller)(Angleton), Lots 29to31, Acres 1.500; in the City of Angleton, Texas.

6.) Discussion and Possible Action on a request for a fifteen foot variance to the twenty-five foot side yard setback requirement on the south portion of Lot 31, with a legal description of Exline & Kiber (A0134 E Waller)(Angleton), Lots 29to31, Acres 1.500; in the City of Angleton, Texas.

7.) Adjourn.

In compliance with the Americans with Disabilities Act, the City of Angleton will provide reasonable accommodations for persons attending Board of Adjustment Meetings. To better serve you, requests should be received 24 hours prior to the meeting. Please contact Shelly Deisher, City Secretary, at 979-849-4364, extension 2115.

CERTIFICATION

I certify that copies of this agenda of items to be considered by the Board of Adjustment were posted in the following locations:

City Hall Bulletin Board: Date: _____ Time: _____

City of Angleton Website: Date: _____ Time: _____

_____
Alyssa Deaton, Assistant City Secretary

Board of Adjustment

City of Angleton, Texas
Meeting Minutes
Wednesday, August 17, 2016

MEMBERS, STAFF & GUESTS

Marian Goff - Chairperson
Tim Charlson - Vice-Chairperson (Absent)
Danielle Graham
Belinda Gaines
Bonnie Church

Mary Kay Fischer - City Attorney
Karen Barclay – Building Services Dept. Director
Shelly Deisher - City Secretary
Alyssa Deaton - Assistant City Secretary

Those listed on the registry

AGENDA

1. Declaration of Quorum and Call to Order at **12:10 pm**.

2. Discussion and Possible Action on approving the May 18, 2016 meeting minutes.

   Motion by Bonnie Church to approve the minutes;
   Second by Belinda Gaines.

   Motion carries 4 for; 0 against; 1 absent (Tim Charlson)

3. Public Hearing on a request for a 19.7 foot variance to the required 25 foot front yard setback and an 8 foot variance to the maximum allowable depth of 12 feet in order to build a carport (accessory structure) at 128 La Laja Drive, in the City of Angleton, Texas being Lot 40, of Molina Subdivision in Brazoria County, Texas according to the plat thereof recorded in Volume 15, Page 139 of the Plat Records of Brazoria County, Texas.

   Motion by Bonnie Church to open the Public Hearing;
   Second by Danielle Graham.

   Motion carries 4 for; 0 against; 1 absent (Tim Charlson)

No one wished to speak.

Motion by Belinda Gaines to close the Public Hearing;
Second by Bonnie Church.

Motion carries 4 for; 0 against; 1 absent (Tim Charlson)

4. Discussion and Possible Action on a request for a 19.7 foot variance to the required 25 foot front yard setback and an 8 foot variance to the maximum allowable depth of 12 feet in order to build a carport (accessory structure) at 128 La Laja Drive, in the City of Angleton, Texas being Lot 40, of Molina Subdivision in Brazoria County, Texas according to the plat thereof recorded in Volume 15, Page 139 of the Plat Records of Brazoria County, Texas.

The Board Members discuss the variance, the setbacks and the size of the carport extensively.

Mary Kay Fischer, City Attorney suggested that the Board Members go over the questions to see if the applicant will qualify for a variance.

No variance shall be granted unless the Board of Adjustment finds:

a. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;

All Board Members disagreed.

Motion by Bonnie Church to deny the variance based on the conclusion that the request does not meet section 28-23, (f)(2)a.;
Second by Belinda Gaines.

Motion carries to deny the variance with 4 for; 0 against; 1 absent (Tim Charlson)

5. Adjourn.

Motion by Danielle Graham to adjourn;
Second by Bonnie Church.
Motion carries 4 for; 0 against; 1 absent (Tim Charlson)

Adjourned at 12:32 pm.

CERTIFICATION

Marian Goff, Chairperson

Alyssa Deaton, Asst. City Secretary

BOARD OF ADJUSTMENTS AGENDA ITEM
Meeting Date:
November 16, 2016 @ 12PM

SUBJECT: Public Hearing on a request for two separate variances to the screening requirements for Commercial properties adjacent to Residential Districts: 1) A variance to the screening requirements along the adjoining property line of 99 Meadowview Lane; and 2) A variance to the screening requirements along the easterly bank of Brushy Bayou; in order to operate a Used Car Lot at 2371 East Mulberry Street, with a legal description of: A 1.200 Acre Tract of Land out of the Reserve Commercial Tract, in the Bayou Meadows Subdivision, being a Subdivision of 23 Acres in the T.S. Lee Survey, Abstract 318, Brazoria County, Texas.

__ Consent item __ Discussion item
__ Discussion and possible action _X_ Public Hearing

REQUESTED BY: Mosley Momie, Property Owner

Attachments: (Attachment description)
Public Hearing Notice for The Facts Newspaper and for property owners within 200 ft.

Executive Summary:

Recommendation:

_Alyssa Deaton_____ **10/4/16_____**
Name **Date**

Public Hearing Notice:

The City of Angleton has received a request for two separate variances to the screening requirements for Commercial properties adjacent to Residential Districts: 1) A variance to the screening requirements along the adjoining property line of 99 Meadowview Lane; and 2) A variance to the screening requirements along the easterly bank of Brushy Bayou; in order to operate a Used Car Lot at 2371 East Mulberry Street, with a legal description of: A 1.200 Acre Tract of Land out of the Reserve Commercial Tract, in the Bayou Meadows Subdivision, being a Subdivision of 23 Acres in the T.S. Lee Survey, Abstract 318, Brazoria County, Texas. The Board of Adjustment Commission will conduct a public hearing on this request on Wednesday, November 16, 2016 at 12:00 pm. The Public Hearing will be held in the Council Chambers at City Hall, 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearing is to receive comments from residents and property owners on this variance request. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this variance, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: 10-4-16

To: The Facts – Public Hearing

From: City of Angleton

To be published in the Legal Notice Section once on: Sunday, October 30, 2016

Please provide publisher's affidavit and total amount to be billed.

If you have any questions, please contact Alyssa Deaton, 979-849-4364 ext. 2114.

BOARD OF ADJUSTMENTS AGENDA ITEM
Meeting Date:
November 16, 2016 @ 12PM

SUBJECT: Discussion and Possible Action on a request for two separate variances to the screening requirements for Commercial properties adjacent to Residential Districts: 1) A variance to the screening requirements along the adjoining property line of 99 Meadowview Lane; and 2) A variance to the screening requirements along the easterly bank of Brushy Bayou; in order to operate a Used Car Lot at 2371 East Mulberry Street, with a legal description of: A 1.200 Acre Tract of Land out of the Reserve Commercial Tract, in the Bayou Meadows Subdivision, being a Subdivision of 23 Acres in the T.S. Lee Survey, Abstract 318, Brazoria County, Texas.

__ Consent item __ Discussion item
_x_ Discussion and possible action __ Public Hearing

REQUESTED BY: Mosley Momie, Property Owner

Attachments: (Attachment description)
Application, GIS map, site plan

Executive Summary:
Mr. Momie purchased this property with the intent of starting a used car sales business. He will have a modular sales building on site. Current screening requirements would require Mr. Momie to completely fence around all adjacent single family zones. The Angleton Drainage District does not want a fence on the rear portion of the property because it would cause difficulty or impossibility in mowing and getting service vehicles to Brushy Bayou.

Recommendation:
Staff recommends approval.

_Alyssa Deaton_____ **10/4/16_____**
Name **Date**

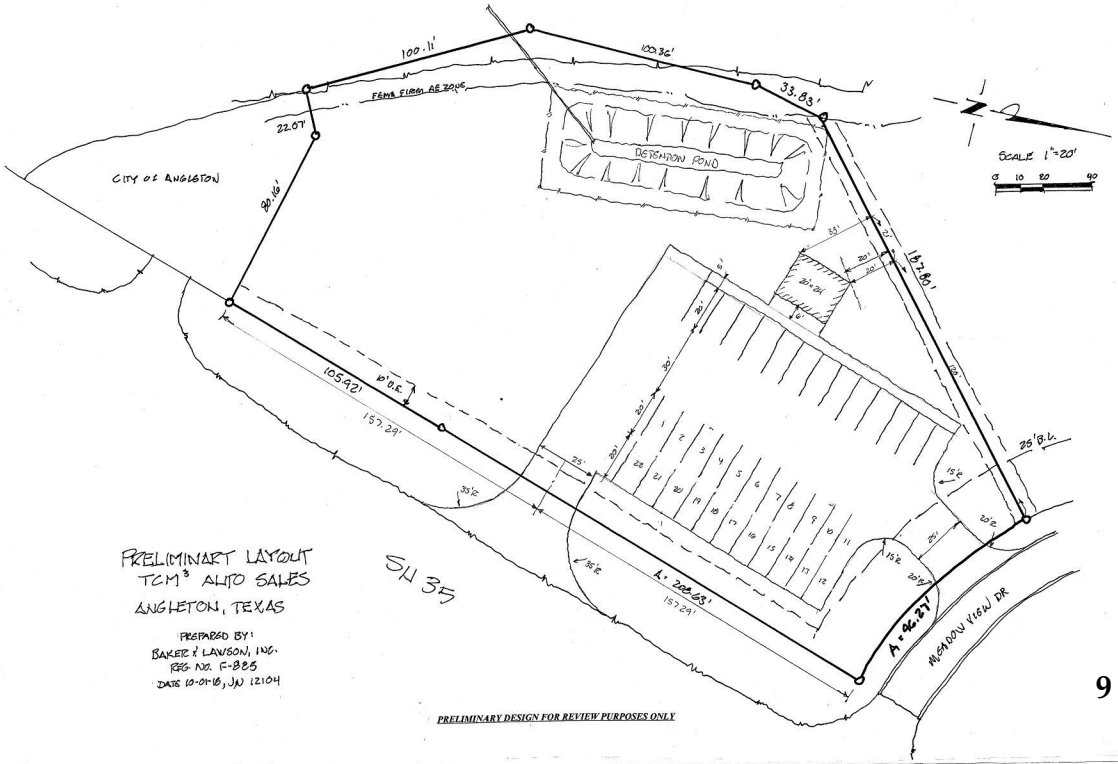
Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of Angleton makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of Angleton from any damage, loss, or liability arising from such use.

City of Angleton

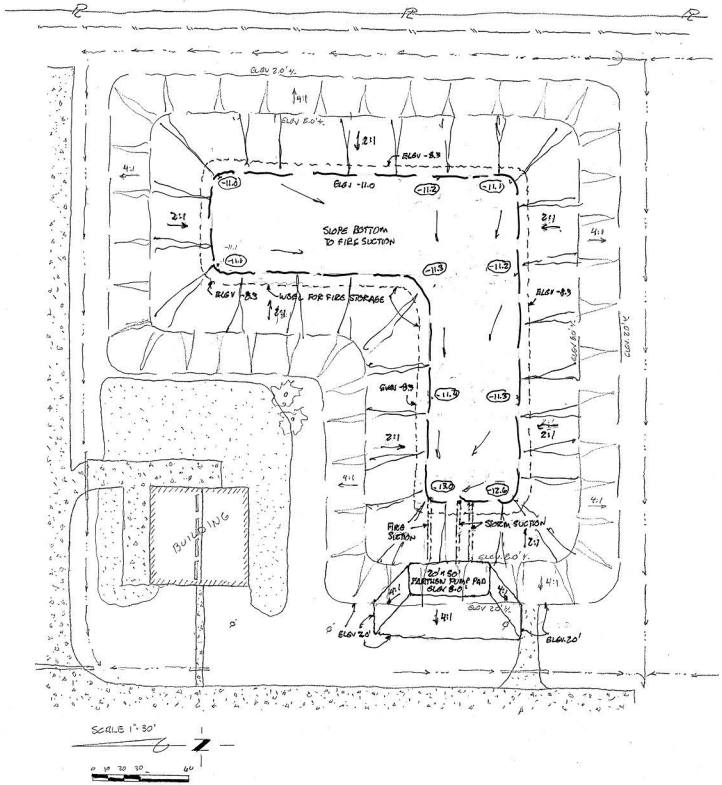
Operated by:
City of Angleton
121 S. Velasco St.
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 155 '



PRELIMINARY DESIGN FOR REVIEW PURPOSES ONLY



DETENTION DESIGN SUMMARY

VOLUME REQUIRED = 698,250 C.F.

FIRE VOLUME = 100,267 C.F. (750,000 GAL.)
STORM VOLUME = 599,373 C.F. (4,483,310 GAL.)

VOLUME PROVIDED = 704,197 C.F.

ELEV. 8.0' TOP AREA = 54,625 S.F.
ELEV -11.0' BOTTOM AREA = 19,500 S.F.
AVG. AREA = 37,063 S.F.
DEPTH = 19.0'

FIRE WATER STORAGE BETWEEN ELEV. -8.3' AND ELEV. -11.0' = 100,627 C.F.
SLOPE POND BOTTOM TOWARDS THE PIMP SUCTION AT 1.0% +/-.
EXCAVATE TO -13.0' AT PUMP SUCTION TO ENSURE COVERAGE OF ANTICIPATED 18" SUCTION LINE.

EXPECT TO ENCOUNTER GROUNDWATER AT ELEV. -4.0'. THIS WILL REQUIRE DEWATERING WHILE EXCAVATING POND TO DESIGN ELEVATIONS. AFTER CONSTRUCTION, STATIC WATER AT GROUNDWATER ELEVATION (-4.0' +/-) IS ACCEPTABLE. BUT, THIS WILL NEED TO BE PUMPED DOWN TO ELEV. -8.3 PRIOR TO ANTICIPATED STORMS ARRIVALS.

VOLUME FROM -4.0' TO -8.3' = 116,517 C.F. (871,548 GAL.)

PRELIMINARY DESIGN FOR REVIEW PURPOSES ONLY

SOLVAY PHASE 2 FIRE AND STORM DETENTION POND DESIGN

(OCT. 1, 2016)
(BAKER & LAWSON, INC. [illegible]2051)
(REG. NO. F-82[illegible])

ANGLETON
Where the Heart is

BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

City of Angleton
121 S. Velasco
Angleton, TX 77515
979-849-4364

Applicant: Mosley Momie / TCM Auto Sales Phone:

Address: 2371 E Mulberry

City: Angleton State: Tx Zip: 77515

Applicant's Status: (check one) ☑ Owner ☐ Representative ☐ Tenant

Property owner: Mosley Momie Phone:

Address: Ln

City: Houston State: Tx Zip: 77089

Mosley Momie 11/2/2016 Mosley Momie 11/2/2016
Applicant Signature Date Owner Signature Date

Property Information:

This application must be accompanied by a site plan and any other documents requested, such as plot plans, photographs, topographic contour maps that are necessary to properly review the application.

Street address or location: 2371 E Mulberry, Angleton Tx, 77515

Legal Description:
(please provide copy of metes and bounds)

Present zoning: Unrestricted / Commercial Present land use: Commercial

Is a site plan, preliminary or final plat pending on the agenda of the Planning & Zoning Commission or the City Council? ✓ Yes ____ No

Have you applied for a building permit? ____ Yes ✓ No Date denied: ____

Has the Board of Adjustments issued an unfavorable ruling on this property within the last six months?
____ Yes ✓ No

If yes, when: ____

Please provide proof of taxes paid on this property.

Request Information:
Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Describe the variance you are requesting: Variance is being requested regarding privacy fence for neighboring residence

2. Describe the special or unique condition(s) of your property that exist, such as restricted area, shape, topography or physical features that are peculiar to your property: A privacy fence would limit the view of homeowner as he/she exit their driveway to the N West of property line

3. Do similar property conditions exist in your area? Explain: Unknown

4. Explain how your need for a variance is unique to those special property-related conditions described above: Unknown

5. Are there special conditions affecting your property such that the strict application of the provisions of the Zoning Ordinance would deprive you of the reasonable use of your land? Explain: No - only creates a risk for neighbor & is the reasoning for a variance

6. Explain why the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area: Granting a variance will mitigate the risks of the neighbors view when exiting Driveway near NW side of property, Also, Bushy Bayou provide separation on Southside of property

7. Describe how strict enforcement of the zoning ordinance creates a hardship that is unique to your property, imposing a hardship above that suffered by the general public: As a small business & size of property places a hardship on start up businesses, but welcome to revised again at a later time if needed

A completed variance application is due 30 days prior to the next Board of Adjustment meeting. Board of Adjustment meetings are held at noon on the third Wednesday of each month. At this meeting, a public hearing will be held. A public hearing notice must be published in the local newspaper (at least 14 days before the meeting) and a notice must be sent to all property owners within 200' of the property where the variance is being requested (the notice must be sent at least 10 days prior to the meeting).

Acknowledgements

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Board of Adjustments hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss the proposal either at the call of the case or after the hearing, and that such dismissal shall constitute denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the City Secretary's office, and such withdraw shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdraw of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property and that the Board of Adjustment action does not constitute the approval of the building permit.

Applicant's Initials: _____ Date: 11/2/2016

Office use only

Date received: _____ Received by: _____

Fee of $150.00 received: _____

Proof of taxes paid: _____ date verified: _____

Appointment of agent form attached if required: _____

BOA Public Hearing date: _____

Date to send letters to residents: _____

Letters Mailed: _____

Date to publish: _____ Date published: _____

BOARD OF ADJUSTMENTS AGENDA ITEM
Meeting Date:
November 16, 2016 @ 12PM

SUBJECT: Public Hearing on a request for a fifteen foot variance to the twenty-five foot side yard setback requirement on the south portion of Lot 31, with a legal description of Exline & Kiber (A0134 E Waller)(Angleton), Lots 29to31, Acres 1.500; in the City of Angleton, Texas.

__ Consent item __ Discussion item
__ Discussion and possible action _X_ Public Hearing

REQUESTED BY: Dane Dupuis, Property Owner

Attachments: (Attachment description)
Public Hearing Notice for The Facts Newspaper and for property owners within 200 ft.

Executive Summary:

Recommendation:

_Alyssa Deaton_____ **10/19/16_____**
Name **Date**

Public Hearing Notice:

The City of Angleton has received a request for a fifteen foot variance to the twenty-five foot side yard setback requirement on the south portion of Lot 31, with a legal description of Exline & Kiber (A0134 E Waller)(Angleton), Lots 29to31, Acres 1.500; in the City of Angleton, Texas. The Board of Adjustment Commission will conduct a public hearing on this request on Wednesday, November 16, 2016 at 12:00 pm. The Public Hearing will be held in the Council Chambers at City Hall, 120 South Chenango, Angleton, Texas 77515. The purpose of the public hearing is to receive comments from residents and property owners on this variance request. If you are unable to attend the public hearing, comments may be sent to:

City of Angleton
121 South Velasco
Angleton, Texas 77515
Attn: Shelly Deisher, City Secretary

For additional information concerning this variance, please contact Alyssa Deaton at (979) 849-4364 ext. 2114.

Date: 10-4-16

To: The Facts – Public Hearing

From: City of Angleton

To be published in the Legal Notice Section once on: Sunday, October 30, 2016

Please provide publisher's affidavit and total amount to be billed.

If you have any questions, please contact Alyssa Deaton, 979-849-4364 ext. 2114.

BOARD OF ADJUSTMENTS AGENDA ITEM
Meeting Date:
November 16, 2016 @ 12PM

SUBJECT: Discussion and Possible Action on a request for a fifteen foot variance to the twenty-five foot side yard setback requirement on the south portion of Lot 31, with a legal description of Exline & Kiber (A0134 E Waller)(Angleton), Lots 29to31, Acres 1.500; in the City of Angleton, Texas.

__ Consent item __ Discussion item
_x_ Discussion and possible action __ Public Hearing

REQUESTED BY: Dane Dupuis, Property Owner

Attachments: (Attachment description)
Application, GIS map, site plan

Executive Summary:
Mr. Dupuis purchased this property with the intent of putting two metal buildings for a small industrial park. He was originally going to place three buildings on the property, but with parking requirements he had to cut it back to two. There is a roadway, Southridge Drive, that was never developed – but since it is there, the sideyard setback becomes 25 feet versus 10 feet. This will hinder Mr. Dupuis from putting the size of buildings that he needs on the property in order to run a successful business.

Recommendation:
Staff recommends approval.

_Alyssa Deaton_____ **10/19/16_____**
Name **Date**

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City of Angleton

Operated by:
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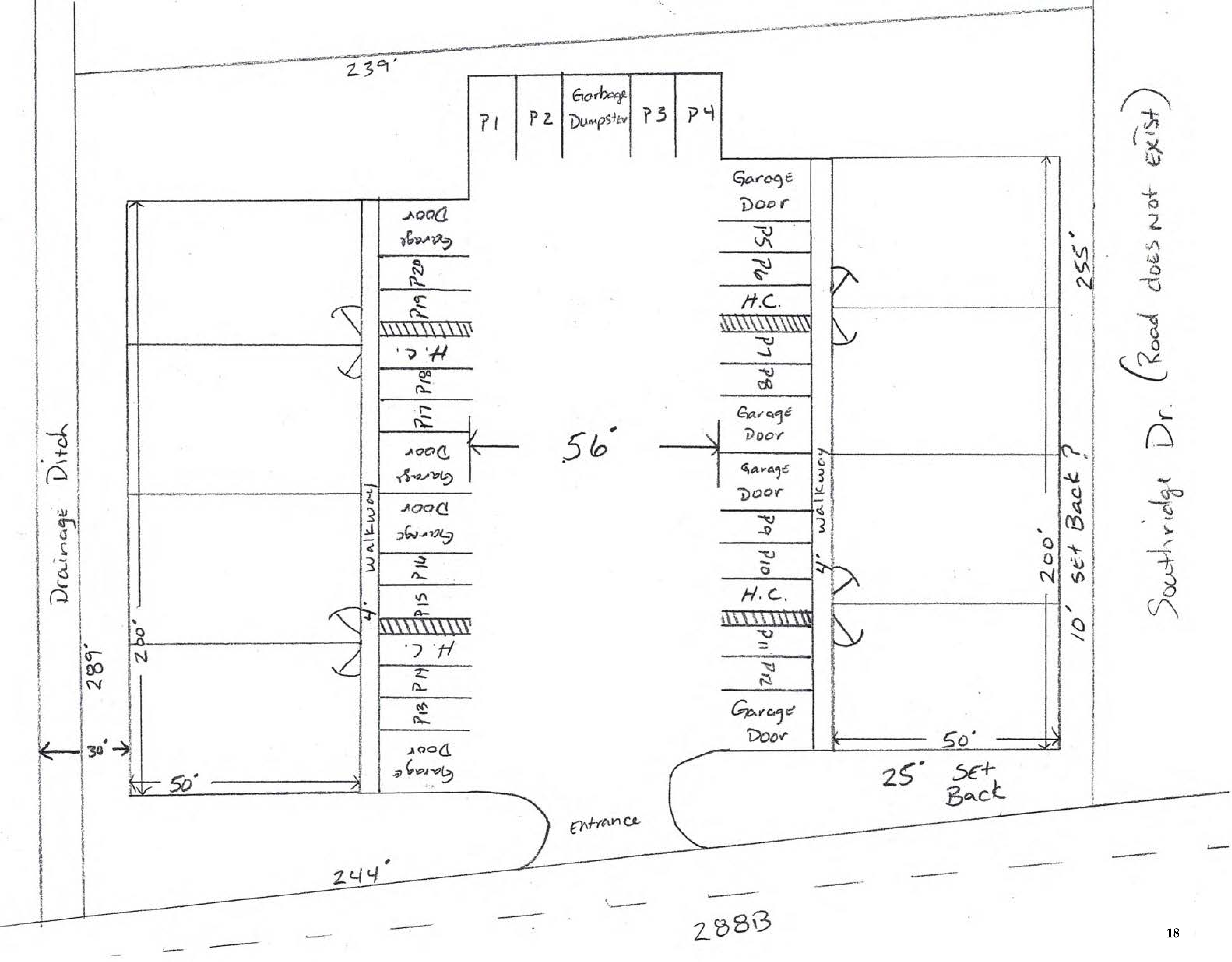
Angleton, TX 77515
979-849-4364

City of Angleton GIS Mapping

1 " = 311 '



239'
P1
P2
Garbage Dumpster
P3
P4
Garage Door
P5
P6
H.C.
P7
P8
Garage Door
Garage Door
P9
P10
H.C.
P11
P12
Garage Door
Garage Door
P20
P19
H.C.
P18
P17
Garage Door
Garage Door
P14
P15
H.C.
P14
P13
Garage Door
56'
4' walkway
4' walkway
255'
200'
10' set Back ?
Southridge Dr. (Road does not exist)
Drainage Ditch
289'
280'
30'
50'
50'
25' Set Back
Entrance
244'
288B

City of Angleton
121 S. Velasco
Angleton, TX 77515
979-849-4364

BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

Applicant: Dane Dupuis Phone: _____ Cell: _____

Address: _____

City: Angleton State: TX Zip: 77515

Applicant's Status: (check one) ☑ Owner ☐ Representative ☐ Tenant

Property owner: Same Phone: _____ Cell: _____

Address: _____

City: _____ State: _____ Zip: _____

Applicant Signature 10-10-16 Date Owner Signature Date

Property Information:

This application must be accompanied by a site plan and any other documents requested, such as plot plans, photographs, topographic contour maps that are necessary to properly review the application.

Street address or location: on the EAST side of 288B Just South of Cemetary R

Legal Description: 1.5 Acres Lots 29 to 31 EX line + Kiber E waller Abstract 134
(please provide copy of metes and bounds)

Present zoning: Commercial Present land use: Vacant

Is a site plan, preliminary or final plat pending on the agenda of the Planning & Zoning Commission or the City Council? _____ Yes _____ No

Have you applied for a building permit? ____ Yes ✓ No Date denied: _____

Has the Board of Adjustments issued an unfavorable ruling on this property within the last six months?
____ Yes ✓ No

If yes, when: _____

Please provide proof of taxes paid on this property.

Request Information:
Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Describe the variance you are requesting: I would like to change the set Back From 25' to 10' on the southridge Dr. Side of the property

2. Describe the special or unique condition(s) of your property that exist, such as restricted area, shape, topography or physical features that are peculiar to your property: Southridge Dr was a proposed Rd that never was built and appears to be abandoned.

3. Do similar property conditions exist in your area? Explain: unknown

4. Explain how your need for a variance is unique to those special property-related conditions described above: my need for a variance is Due to the parking space requirements for the City of Anglton. with the extra 15' I can get all the spaces in that I need.

5. Are there special conditions affecting your property such that the strict application of the provisions of the Zoning Ordinance would deprive you of the reasonable use of your land? Explain: I would still be Able to use the property, I would Just have to make the building smaller to get the required parking.

6. Explain why the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area: The road is not in use and has never been in use

7. Describe how strict enforcement of the zoning ordinance creates a hardship that is unique to your property, imposing a hardship above that suffered by the general public: The enforement would force us to downsize the Building and inturn Lower the revenue for the City of Anglton + us.

A completed variance application is due 30 days prior to the next Board of Adjustment meeting. Board of Adjustment meetings are held at noon on the third Wednesday of each month. At this meeting, a public hearing will be held. A public hearing notice must be published in the local newspaper (at least 14 days before the meeting) and a notice must be sent to all property owners within 200' of the property where the variance is being requested (the notice must be sent at least 10 days prior to the meeting).

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I reserve the right to withdraw this proposal at any time upon written request filed with the City Secretary's office, and such withdraw shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdraw of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property and that the Board of Adjustment action does not constitute the approval of the building permit.

Applicant's Initials: DND Date: 10-10-16

Office use only

Date received: _____ Received by: _____

Fee of $150.00 received: _____

Proof of taxes paid: _____ date verified: _____

Appointment of agent form attached if required: _____

BOA Public Hearing date: _____

Date to send letters to residents: _____

Letters Mailed: _____

Date to publish: _____ Date published: _____