



CITY OF ANGLETON  
BOARD OF ADJUSTMENT AGENDA  
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515  
WEDNESDAY, AUGUST 16, 2023 AT 12:00 PM

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON WEDNESDAY, August 16, 2023, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

Present: Ms. Michelle Townsend  
Ms. Danielle Graham, Chair  
Ms. Janie Schwartz-Shaw  
Ms. Mindy Burch

Absent: Mr. Blaine Smith  
Ms. Ellen Eby

DECLARATION OF A QUORUM AND CALL TO ORDER

1. Discussion and possible action on the minutes for the Board of Zoning Adjustment meeting on May 17, 2023.

Board Action:

A motion was made by Board member Michelle Townsend to approve the minutes as presented; motion seconded by Board member Janie Schwartz-Shaw.

ROLL CALL VOTE:

Chair Danielle Graham- Aye., Board member Michelle Townsend- Aye; Board member Janie Schwartz-Shaw - Aye., Board member Blaine Smith- Aye; Board member Terry Roberts- Aye; Board member Ellen Eby- Aye. **(4-0 vote). The minutes were approved.**

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and possible action on a request for a variance to Sec. 28-45. - SF-7.2—Single-family residential-7.2 district.d.2., (Lot Setbacks) to allow for carport to be constructed over existing driveway in front yard with a reduced setback.

The subject property is located at 2829 N. Remington, being the fifth lot north from the NW intersection of S. Remington and E. Remington (East Remington DR in original plat).

**Staff:** Kandice Haseloff-Bunker, Development Coordinator gave staff summary comments: The application for variance at 2829 N. Remington and document packet has been provided with all the details, qualifying the property for a variation, Staff will briefly explain why we should grant the variance.

The subdivision was created by plat in 1979. The residence was built 26 feet from edge of Right of Way. A 28x24 foot carport is proposed for on the existing lot in the Single Family 7.2 Residential Zoning District, leaving less than or equal to 1 foot to the edge of the platted right-of-way. The carport is requested to shelter the existing driveway and entry sidewalk for sheltered transfer of a medically fragile resident. There is no additional flat work or change to the yard's green space. No field of vision obstruction is expected. There are 9 existing carports of similar fashion in the neighborhood. All were permitted prior to the 2009 ordinance that created a need for variance. The visual appeal of the neighborhood will remain unchanged as it's already being carried out in the same fashion on other lots in this neighborhood.

Board member, Michelle Townsend stated unlike any of the other carports in the neighborhood, it looks like this carport will come quite close to the street.

Kandice Haseloff-Bunker agreed some of the carports are 15 feet from the right of way on the corner lots but, most of the carports are shorter and don't come within a foot of the sidewalk. Typically the sidewalks are located in the right of way but, we do have other side carports that go all the way to the sidewalk in other parts of Angleton, just not in this subdivision.

Development Services Director, Otis Spriggs added that notices were sent out to the property owners within 200 feet of the property, and they are allowed to appear to give comment as part of the open public hearing. The applicant is also available to explain the concept and answer any board questions.

Board member, Michelle Townsend made a motion to open the public hearing; motion was seconded by Board Member, Janie Schwartz-Shaw. Motion carried.

**Public Input:** Applicant, Bo Durr, spoke on behalf of self. He explained his belief that the carport would not be so close to the sidewalk.

Board member Michelle Townsend questioned why the covered 2 car garage attached to the house, with a door to enter through the house cannot be used to either load the medically fragile individual through the garage or perhaps shorten the carport to just the length of the City code standard of 12 feet.

Applicant, Bo Durr stated his belief that his truck is 16-17 feet long. He stated they have occupied their home for 29 years. Their garage has a walkway path that he walks through sideways. He is unable to get his wife through in a wheelchair without getting rid of his table saw and a lot of equipment that he has accumulated over the 29 years. He is a wood worker and uses the garage as a shop, the full footprint of the two car garage is pretty much occupied with various toys. The purpose of the carport is to provide relief of getting in and out of the vehicle without being impacted by torrential rain or snow. 24 foot was

proposed by his carport contractor as the standard. Based on that, he planned 24 by 24, then added another 4-foot-wide panel to cover from the porch to the driveway. The reason they are requesting the variance is more a matter of accommodation and he thanked the Board for consideration.

Board member, Michelle Townsend explained the decision is not discretionary but, is bound by regulations that the Board swore an oath to uphold when appointed. There are very specific conditions that as a body we can do to stay in the spirit and compliance of the ordinances passed by our city governance.

Board member, Michelle Townsend made a motion to close the public hearing; motion was seconded by Board Member, Janie Schwartz-Shaw. Motion carried.

**Board Deliberation:** Board Member, Danielle Graham mentioned with the five criteria to meet, the undue hardship is the one that they will struggle with.

Development Services Director, Otis Spriggs stated we are in agreement that the proposed 24' would be between three or four feet from the sidewalk given the way it was described and the reality of what's out there.

Board member, Michelle Townsend mentioned that a timeline was provided for the other carports constructed in the neighborhood but, would like to know their dimension.

Development Services Director, Otis Spriggs explained what is described in this neighborhood, the other carports met the threshold of the 12-foot depth. Understanding the reasoning was to allow one car depth to park one car under the carport.

Board member, Michelle Townsend explained that she is struggling with this being a circumstance that affects the land versus this being a personal hardship. Albeit, not self created, not desired and we have these regulations for a reason, because when you don't follow them, it's a slippery slope.

Development Services Director, Otis Spriggs clarified, the requirement in the code would allow a 12 by 24 carport, but you still have this 25-foot setback. Even if we entertain the 12-foot depth, we are still dealing with a variance request. You are within the jurisdiction to offer an alternative. Without some kind of variance, the only carport allowed would be a 1 foot carport. The way the code reads, carports in the front yard have to be attached, once attached to the home, it becomes a part of the footprint of the home which must satisfy the 25- or 20-foot setback depending on the district. A compromised suggestion may be for the depth of whatever vehicle that would be parked underneath.

Board Member, Danielle Graham requested what is the average single vehicle depth?

Development Services Director, Otis Spriggs stated Kyle Reynolds measured the vehicle in the parking lot to be about 17 feet. Vehicle specifications online have 19 ½ feet.

City Manager, Chris Whittaker suggested granting the variance based on the size of that vehicle, include some wiggle room. If vehicle is 16 feet don't make the carport 16 feet.

Board Member, Danielle Graham entertains a motion to approve an adjustment to section 28-45 SF 7.2, single family residential 7.2 District, D2 lot setbacks to allow for carport to be constructed over existing driveway, in the front yard with a reduced setback variance of 10 feet.

**Board Action:**

A motion was made by Board Member, Janie Schwartz-Shaw to approve the variance with conditions, to allow reduced 10' setback; motion seconded by Board Member, Mindy Burch.

**ROLL CALL VOTE:**

Chair Danielle Graham- Aye., Board member Michelle Townsend- Aye; Board member Janie Schwartz-Shaw - Aye., Board member Blaine Smith- Aye; Board member Terry Roberts- Aye; Board member Ellen Eby- Aye. **(4-0 vote).**

**The variance was granted.**

**PUBLIC HEARINGS AND ACTION ITEMS: NONE**

A motion was made by Board Member, Janie Schwartz-Shaw to adjourn; motion seconded by Board Member, Michelle Townsend. Motion carried.

**ADJOURNMENT: 12:27 PM**

CITY OF ANGLETON, TEXAS

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Chair, Danielle Graham

ATTEST:

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Otis T. Spriggs, AICP, Development Services Department Director