



**CITY OF ANGLETON**  
**BOARD OF ADJUSTMENT AGENDA**  
**120 S. CHENANGO STREET, ANGLETON, TEXAS 77515**  
**WEDNESDAY, DECEMBER 21, 2022 AT 12:00 PM**

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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, DECEMBER 21, 2022, 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. Danielle Graham, Ms. Belinda Gains, Ms. Janie Schwartz-Shaw, Blaine Smith, and Mr. Terry Roberts.

Absent: Ms. Ellen Eby.

**Hold Election of Officers for the Board of Adjustment for Chairperson and Vice-Chairperson.**

Motion was made by Board member Terry Roberts; Seconded by Michelle Townsend to postpone the item.

Motion carried unanimously (5-0). Item was tabled.

1. **Discussion and possible action to approve the minutes of the Angleton Board of Adjustment meeting of August 26, 2021.** Mr. Terry Robert asked for a correction regarding changing the date to last year's date. Name changes were recognized. Motion was made by Board member Terry Roberts; Seconded by Janie Schwartz-Shaw to approve the minutes, subject to typographical changes.

Motion Carried Unanimously (5-0). 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. 23-15. – Drainage and utilities requirements to allow for the placement of utilities in the front yards of a Manufactured Home Community/ Angleton Park Place Subdivision (Sections 1 & 2, 71 lots)/in accordance with section 23-133, as required by TNMP. The subject property is located on East Philips Road near Gifford Rd.**

**STAFF:**

**DS Director Otis Spriggs** presented the staff report findings noting that this is a manufactured home community, and not a mobile Home Park by nature. The site that was previously rezoned as Manufactured Housing: This is a permitted use on the property in which the owner Mike Morgan is requesting that the board of adjustment would consider

his variance request based on the requirement of the city to place the utility easement in the rear of the property and hopes to place the utilities in the front.

**Mr. Spriggs** noted that the applicant is asking for a variance of the code due to requirements by Texas New Mexico, stating that they will not install those utilities in the rear due to safety issues and due to proximity on the lot and they insist that he places the utilities in the front. This has caused him a hardship for consideration. TNMP is stating that they would not install those in the rear due to the unsafe and accessibility issues, anything within the 100-year floodplain, and on zero lot line and subdivisions with lots less than 50 feet; they will not allow the City standard.

#### **Public Input:**

Motion was made to open the public hearing by Board member Terry Roberts; Seconded by Board member Blaine Smith. Motion carried unanimously to open the public hearing.

**Mr. & Ms. James Gayle**, 2329 Shanks Rd.: Spoke in opposition, mentioning a bigger trailer park that was supposed to come off SH 288. He spoke on the number of police and emergency calls to a nearby trailer park with over 300 units. He spoke on water and utility capacity in the area, as well as detention and drainage problems.

**Mike Morgan**, owner of Angleton Park Place stated that he is building 81 units. Regarding the unrelated concept, he took his earnest money back since the City didn't support the other project. He has owned the Angleton Park Place land for about four years now it was originally approved for a mobile home park, during the previous city manager, but he plans to build a premanufactured home subdivision. He spoke on his difficulties with the Texas New Mexico requirements.

**Miguel Saucedo**, Baker Lawson Engineers appeared and explained the history on the recent City ordinance that restricted the utilities to the rear, which was when Greystone Subdivision was being built, the owner/developer of that subdivision made a request to the city of Angleton to adopt an ordinance to place utilities in the backyard of the subdivision. Mike Morgan started this project prior in 2018. We are just trying to resolve 2 rules, between Texas New Mexico and the City, and that's why we're presenting this variance for the subdivision.

**Robin Crouch**, Baker Lawson explained that City Council intended that anyone with a hardship could come ask for a variance as an option, but not just because of monetary reasons.

**Miguel Saucedo** explained that there are lots that are 40 feet wide that were approved on the Final Plat. He explained that the T.I.A. traffic analysis concluded that no offsite improvements were required. The C.A.F. study also concluded no need for offsite improvements on the utility side.

**Steve Rosa**, 290 E. Phillips appeared in opposition noting issues of safety. Phillips Rd. is a widely used road. He has concerns on infrastructure of that entire area which is unimproved and has no sidewalks for children. He spoke on drainage concerns.

Motion was made to close the public hearing by Board member Janie Schwartz-Shaw; Seconded by Board member Terry Roberts. **Motion carried unanimously to close the public hearing.**

#### **Board Action:**

Motion was made by Board member Janie Schwartz-Shaw that the criteria of Sec. 28.23. f. has been met and we accept the recommendations of code of ordinance section Sec. 23-15 and grant the variance; motion seconded by Board member Blaine Smith.

#### **ROLL CALL VOTE:**

Acting Chair Danielle Graham- Aye., Board member Michelle Townsend- Nay; Board member Janie Schwartz-Shaw - Aye., Board member Blaine Smith- Aye; Board member Terry Roberts- Aye. **(4-1 vote).**

4. **Conduct a public hearing, discussion, and possible action on a request for a variance to Sec. 28-101.1. - Parking lot paving requirements to allow for the continued use of an existed compacted gravel lot, for the proposed Shaka Shack, Container Park use. The subject property is located at 509 W. Mulberry St./Hwy. 35, on the S.E. corner of Columbia Street intersection.**

Motion to hear this item first was made by Board member Terry Roberts; Seconded by Board member Michelle Townsend;

Motion Carried Unanimously (5-0).

#### **STAFF**

**DS Director, Otis Spriggs** presented the case facts stating that this is a proposal for a variance to Sec. 28-101.1. - Parking lot paving requirements, as it relates to the parking lot surfacing on commercial parking lots.

Mr. Spriggs added Shaka Shack is basically a container park and food court idea presented to the city for approval. We have worked on our ordinances as it relates to food truck courts; this is similar in nature but it's not necessarily a food truck court: They are trying to create a park for a family setting that would allow for food and entertainment, areas of play for the children. They hope to retain the existing parking lot surfacing as it exists today. The property has been previous uses, such as the beer garden. The slides show some of the pavement and compacted area on the site. It has grass has growing through most of the compacted chat. The applicant is asking for entertainment and recreational uses for food, which will be a good setting for that segment of the community. Photos were shown of the parking lot and areas of the variance to the code, which has caused a hardship in satisfying the requirements due to certain restraints. Staff has evaluated the criteria as noted in the findings of fact and has determined that an undue hardship is found in this particular case, according to section 28-23 in the zoning code of ordinances. With two conditions on the site, it will ensure that there is some organization of the vehicles, in the gravel area; to provide parking blocks and replace the compacting gravel in chat as needed in areas, as well as establish the parking spot locations and create some organization on

the circulation. The visitors would not be allowed to park within the right of way of Hwy. 35 which is a more busy street, to comply with visibility and clearance standards.

**BOARD ACTION:**

Motion was made to open the public hearing by Board member Terry Roberts; Seconded by Blaine Smith. Motion carried unanimously to open the public hearing.

**Public Input: None.**

Motion was made to close the public hearing by Board member Janie Schwartz-Shaw; Seconded by Terry Roberts. Motion carried unanimously to open the public hearing.

Motion was made by Board member Terry Roberts, seconded by Board member Blaine Smith to accept staff recommendations of code of ordinance section 28.223 and grant the variance.

**ROLL CALL VOTE:**

Acting 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. (5-0 vote).

CITY OF ANGLETON, TEXAS

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Acting Chair, Danielle Graham

ATTEST:

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Otis T. Spriggs, AICP, Development Services Department Director

**ADJOURNMENT: 12:48**