
MEETING MINUTES

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 TUESDAY, AUGUST 26, 2021, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

In accordance with an Order of the Office of the Governor issued March 16, 2020, this meeting scheduled is in person and open to the public at The City of Angleton Council Chambers located at 120 S. Chenango Street Angleton, Texas 77515.

This meeting was live-streamed on the City's website at <https://angleton.tx.us/445/Meeting-Videos> and on Facebook at <https://www.facebook.com/cityofangleton/>

DECLARATION OF A QUORUM AND CALL TO ORDER

Present: Danielle Graham, Belinda Gains, Janie Schwartz, Terry Roberts.

Absent: Marian Goff, Ellen Eby.

APPROVAL OF MINUTES

None.

PUBLIC HEARINGS AND ACTION ITEMS

- I. Conduct a public hearing, discussion, and possible action on a request for a variance to the side yard requirement of the Single Family Residential 5 (SF-5) District for property described as Lots 1 & 2 of the Norah Subdivision. The subject property is located on the south side of Henderson Road E. approximately 200 feet west of N. Downing Street and is more commonly known as 1208 and 1212 Henderson Road.

Motion was made by Terry Roberts to open the public hearing; Motion was seconded by Janie Schwartz. Motion carried unanimously.

Mr. Walter Reeds presented the basis for the appeal for two lots on Henderson Rd. on the corner of Downing Street; two houses which are almost finished in construction. He noted that the foundation forms were marked, and the corners were not poured and located properly. Both houses now don't meet the side yard setback requirements for the zoning

district, as a result. This is not a unique variance. There will be an amendment replat, and that will adjust the property lines between the two lots. The western line of the lots will not need a variance; however the eastern lot will now need variances on each side yard. Staff looked at the criteria for granting a variance and finds that they are all met for recommending approval, subject to the condition that the amending plat be done within 90 days. The plat is already prepared and awaiting application.

Public Input: None.

Motion to close the public hearing was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously. The public hearing was closed.

BOARD ACTION:

Motion to accept Staff's recommendation and grant the appeal subject to the noted condition was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously.

ROLL CALL VOTE:

Acting Chair Danielle Graham- Aye., Board member Belinda Gains - Aye., Board member Janie Schwartz- Aye., Board member Terry Roberts- Aye. (4-0 vote).

The variance was approved.

2. Conduct a public hearing, discussion, and possible action on a request for variances to Section 28-54 of the Angleton Code of Ordinances including the required minimum front yard setback area regulation of twenty-five (25) feet, the minimum side yard setback area regulation of twenty (20) feet, placement of a partially-constructed structure within a utility easement, structure columns mounted over the east property line onto the neighboring property for the property described as Lot 59, Block 1 of Gifford Estates. The subject property is more commonly known as 128 Bald Prairie and in the Manufactured Home (MH) zoning district.

Motion was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz to open the public hearing. Motion carried unanimously.

Ms. Lindsay Koskiniemi, Assistant Director, presented the basis for the appeal, which include front yard and side yard setback requests. She noted that this is within the Manufactured Home Zoning District. Project was started without a complete understanding of what the setback requirements were. A stop work order was issued, and the applicant is present today and has submitted an application for the variances. Images were supplied. The rafters were suspended from the side and are actually touching a neighboring property line, which is not allowed under the fire code. Staff does not recommend approving the variance. Mr. Roy Hernandez, Fire Inspector is present. In order to grant a variance, there should be a compelling reason. Simply wanting shade is not a compelling reason to grant the variance and supersede the international fire code.

Mr. Terry Roberts asked if architectural stamped plans are required? Ms. Koskiniemi stated yes, and they do not meet code.

Public Input: None.

Motion to close the public hearing was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously. The public hearing was closed.

BOARD ACTION:

Acting Chair Danielle Graham stated that in her opinion this case does not meet the criteria for granting a variance. Board members concurred.

Motion to accept Staff's recommendation and not grant the appeal was made by Ms. Belinda Gains; Motion was seconded by Mr. Terry Roberts. Motion carried unanimously.

ROLL CALL VOTE:

Acting Chair Danielle Graham- Aye., Board member Belinda Gains - Aye., Board member Janie Schwartz- Aye., Board member Terry Roberts- Aye. (4-0).

The variance was disapproved.

- 3.** Conduct a public hearing, discussion, and possible action on a request for a variance to the front yard, rear yard and maximum impervious surface requirements of the Single Family Residential 6.3(SF-6.3) District for property described as the west 52 feet of Lot 1, Block 108 City of Angleton. The subject property is located on the south side of W. Kiber Street approximately 80 feet west of Hancock Street and is more commonly known as 209 W. Kiber Street.

Motion by Terry Roberts, Motion was seconded by Ms. Janie Schwartz to open the public hearing. Motion carried unanimously.

Mr. Walter Reeves, Director, presented the basis for the appeal; noting that since the noticing of the hearing the variance for the maximum impervious surface requirements is not needed. The existing house has been on the property since 1955 and is not in great shape anymore. The owners would like to place a new home on the property. However, given the orientation of the lot, the front and rear set backs overlap each other. Regardless of what type of structure you want to place on the property, it would require a variance. Staff finds that the criteria is met for granting a variance and recommends approval.

Public Input: Mr. Lee Garcia, spoke on behalf of the property owners, giving a background. Their home was damaged due to Harvey in 2017. They were denied through FEMA due to the number of repairs. They were notified by the G.L.O. that they could qualify for a program, and were approved by the plans submitted would not fit the lot. They have lived there for 60 years and we the neighbors, family would like to see them be able to enjoy their residence at that location.

Motion to close the public hearing was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously. The public hearing was closed.

BOARD ACTION:

Motion to accept Staff's recommendation and to grant the variance was made by Mr. Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously.

ROLL CALL VOTE:

Acting Chair Danielle Graham- Aye., Board member Belinda Gains - Aye., Board member Janie Schwartz- Aye., Board member Terry Roberts- Aye. (4-0).

The variance was approved.

4. Conduct a public hearing, discussion, and possible action on a request for a variance to the maximum height requirement for property located between Live Oak Street on the north side, Arcola Street on the east side, and Locust Street on the south side. The subject property consists of an approximate 8.276 acres and is in both the Central Business District (CBD) and Commercial-General (C-G) zoning districts.

Motion was made by Mr. Terry Roberts to open the public hearing; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously.

Lindsay Koskiniemi, Assistant Director, presented the basis for the appeal. This item concerns the courthouse expansion project. The county submitted a zoning change request approved by Council to the CBD District, from Commercial General, for consistency on the campus. The plans called for 5 stories. Under the CBD, you can only have 4 story buildings. Urban Legend states that the County built the Courthouse to be the tallest building in the area. Staff recommends approval of the height requirement.

Public Input: None.

Motion to close the public hearing was made by Terry Mr. Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously. The public hearing was closed.

BOARD ACTION:

Motion to accept Staff's recommendation and to grant the variance for the courthouse was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously.

ROLL CALL VOTE:

Acting Chair Danielle Graham- Aye., Board member Belinda Gains - Aye., Board member Janie Schwartz- Aye., Board member Terry Roberts- Aye. (4-0).

The variance was approved.

REGULAR AGENDA

ADJOURNMENT

Motion to adjourn the meeting was made by Mr. Terry Roberts; Motion was seconded by Ms. Janie Schwartz. Motion carried unanimously to adjourn the meeting at 12:19 P.M.

These minutes were approved by City of Angleton Board of Adjustments on this the 21st day of December, 2022, upon a motion by Mr. Roberts, seconded by Ms. Janie Schwartz. Motion carried unanimously and the meeting at 12:19 P.M. The motion was passed unanimously to approve the meeting minutes for 12/21/2022.

CITY OF ANGLETON, TEXAS

Acting Chair, Danielle Graham
ATTEST:

Michelle Perez, TRMC
City Secretary