

Board of Adjustments Meeting

Agenda Item

Data Sheet

Meeting Date: December 14, 2023

Topic:

Conduct a public hearing and consideration to approve **BOA Case BA23-03**: Request by Edon Velu, represented by William Kalkman of KO Design Group for 15-foot variances from Section 50-79 (*Old Town & Mixed-Use District (OT&MU)*), subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), allowing side setbacks of 5-feet from the west & east property boundaries. As well as a 10-foot variance from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) (*Screening of Nonresidential*), removing the requirement of the minimum landscaped open-space buffer yard between nonresidential and residential land uses. Affecting approximately 0.15 acres of land legally described as being Lot 1, Block 1 of Boyce Subdivision. The property is located at 308-A East Main Street, within the City of Tomball, Harris County, Texas.

Background:

The Request is for a total of four variances. Two of the variances being requested are 15-foot variances from Section 50-79, subsection (e)(2)(c) (*Area Regulations for Nonresidential Uses*), which establishes a minimum side yard setback of 20-feet for commercial buildings within Old Town & Mixed Use (OT & MU) zoning when adjacent to single-family residential zoning district *or* uses. If approved as requested, these variances would allow the construction of a commercial building as close as 5-feet to the east and west property lines which separate the subject property from existing single-family residences (within Old Town & Mixed Use (OT&MU)) zoning. The remaining two variances being requested are 10-foot variances from Section 50-115 (*Screening, Buffering and Fencing Requirements*), subsection (b)(1)(c) which states when a commercial use is established on a building site located adjacent to any residential area, a minimum 10-foot wide landscaped open-space buffer shall be installed, said buffer must also include an minimum 6-foot opaque screening wall/fence along the shared property boundary. If approved as requested, these variances would not require the establishment of a 10-foot-wide open space buffer along the east and west property lines which separate the subject property from the existing single-family residences (within Old Town & Mixed Use (OT&MU)) zoning, however the applicants do intend to construct the required opaque screening wall/fence as required by this section.

Origination: Edon Velu, represented by William Kalkman of KO Design Group

Recommendation:

City Staff has reviewed the request and recommends approval of **BOA Case BA23-03**.

Party(ies) responsible for placing this item on agenda: Jared Smith, City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes: _____ No: _____

If yes, specify Account Number: # _____

If no, funds will be transferred from account: # _____ To Account: #

Signed: _____ **Approved by:** _____
Staff Member Date City Manager Date