



CITY OF BAYTOWN

NOTICE OF MEETING

BOARD OF ADJUSTMENT

TUESDAY, JULY 12, 2022

4:00 P.M.

**HULLUM CONFERENCE ROOM, CITY HALL
2401 MARKET STREET, BAYTOWN, TEXAS 77520**

AGENDA


1. **CALL TO ORDER AND ROLL CALL**
2. **MINUTES**
 - a. Consider approving the meeting minutes of the June 14, 2022, Board of Adjustment regular meeting.
3. **VARIANCES**
 - a. Conduct a public hearing and consider a variance from the minimum interior side setback requirement of the Unified Land Development Code, Article III, Division 1, Table 3-1 "Property Development Standards" from 5 feet to 2.4 feet for 8419 Silver Streak Drive.
 - b. Conduct a public hearing and consider a request for variance from the Unified Land Development Code, Article III, Division 1, Table 3-1, Property Development Standards to increase the maximum allowed lot coverage percentage from 60% to 67.4%.
4. **DIRECTOR'S REPORT**
 - a. Receive a report from the Director of Planning and Development.
5. **ADJOURN**

PUBLIC NOTICE IS GIVEN THAT IN ADDITION TO ANY EXECUTIVE SESSION LISTED ABOVE, THE BOARD OF ADJUSTMENT RESERVES THE RIGHT TO ADJOURN INTO EXECUTIVE SESSION AT ANY TIME AS AUTHORIZED BY THE TEXAS GOVERNMENT CODE SECTIONS 551.071 - 551.090 TO DISCUSS ANY OF THE MATTERS LISTED ABOVE.

DOCUMENTS PRESENTED TO THE BOARD OF ADJUSTMENT SHALL BE SUBMITTED TO THE BOARD AND SHALL REMAIN AS A PART OF THE PUBLIC RECORD, THEREFORE PLEASE ENSURE THAT THE RECORDS BEING PRESENTED ARE NOT THE ONLY COPY AS THEY WILL NOT BE RETURNED TO THE PRESENTER.



THE CITY OF BAYTOWN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY OF BAYTOWN'S PUBLIC FACILITIES ARE WHEEL CHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. REQUESTS MUST BE MADE FORTY-EIGHT (48) HOURS TO THE MEETINGS, SERVICES OR PROGRAMS. TO MAKE A REQUEST, PLEASE CALL 281-420-6522, OR TO FAX 281-420-6518, OR CONTACT 281-420-6522 VIA RELAY TEXAS AT 711 OR 1-800-735-2988 FOR TTY SERVICES. FOR MORE INFORMATION CONCERNING RELAY TEXAS, PLEASE VISIT: [HTTP://RELAYTEXAS.COM](http://RELAYTEXAS.COM).

Approved for posting by:



Martin Scribner, Director of Planning and Development Services

Posted by:


Angela Jackson, City Clerk
(SEAL)


Posted this 8th day of July 2022 at 6:00 P.M.



BOARD OF ADJUSTMENT

2. a.

Meeting Date: 07/12/2022

Minutes - June 14, 2022, Regular Meeting

Prepared for: Martin Scribner, Planning and Development Services

Prepared by: Nai Mongiello, Planning and Development Services

Information

ITEM

Consider approving the meeting minutes of the June 14, 2022, Board of Adjustment regular meeting.

PREFACE

The minutes of the Board of Adjustment regular meeting held on June 14, 2022, are attached for your review.

RECOMMENDATION

Staff recommends approval.

Attachments

Minutes



CITY OF BAYTOWN

PLANNING AND DEVELOPMENT SERVICES

MINUTES OF THE BOARD OF ADJUSTMENT MEETING Tuesday, June 14, 2022

The Baytown Board of Adjustment met at 4:00 p.m. on Tuesday, June 14, 2022, in the Hullum Conference Room located at 2401 Market Street, Baytown, Texas.

Members present:	Mike Wilson	Chairman
	Gilbert Santana	Vice Chairman
	Barbara Wooster	Member
	Becky Robins	Member

Members not present:	Jesse Cano	Member
----------------------	------------	--------

Staff present:	Christopher Chavis	Planning Assistant Director
	Lamyaa Salem	Planner II
	Tristan Lyons	Planner I
	Nai Mongiello	Planning Specialist

1. **CALL TO ORDER AND ROLL CALL**

Chairman Mike Wilson called the Tuesday, June 14, 2022, Board of Adjustment Meeting to order at 4:18 p.m.

2. **MINUTES**

- a. **Consider approving the minutes for the Board of Adjustment Meeting held on May 10, 2021.**

Ms. Barbara Wooster motioned to approve the minutes, seconded by Ms. Becky Robins. Motion **PASSED** unanimously.

Chairman Wilson read the procedures for public hearings.

3. **SPECIAL EXCEPTIONS**

- a. **Conduct a public hearing and consider a request regarding a special exception for property consisting of approximately 1.10 acres located at 2711 North Main Street, Baytown, Harris County from the Unified Land Development Code (ULDC), Article II, Division 3, Section 2.10 Land Use Conditions, condition A40, requesting a reduction from the required building setback and the required vegetative buffer for a warehouse use in a General Commercial Zoning District.**

Mr. Christopher Chavis requested that the Board suspend this application until August as the applicant is revising the site plat. He reminded the Board that at the last meeting, there was a split vote; therefore, no action was taken by the Board.

Ms. Wooster motioned to suspend the application until August, seconded by Vice Chairman Gilbert Santana. Motion **PASSED** unanimously.

- b. Conduct a public hearing and consider a request regarding a special exception for the property located at 417 West Main Street from the ULDC to reduce the required open space setback from 20 feet to 11 feet for a residential dwelling in an MU zoning district which is adjacent to an existing non-residential use.**

Ms. Lamyaa Salem summarized the item and reviewed the four criteria.

Mr. Jesse Villareal, the property owner, stated that the only way to develop the property is for the special exception to be granted.

With no one else desiring to speak, Chairman Wilson closed the public hearing.

Chairman Wilson stated that he believes that all of the criteria have been met.

Ms. Wooster asked if staff had received any feedback from the public. Ms. Salem stated the only feedback was positive; it was from adjacent property owners she encountered on a site visit to the property.

Ms. Robins stated that she agrees that the proposed development will only enhance the area.

Vice Chairman Santana stated that he feels that the proposed development will be compatible with the existing development as there are currently homes in the area. He added that he feels that it will enhance the property and that this is the only way for it to develop.

Vice Chairman Santana motioned that, having met all four criteria, the special exception be granted; seconded by Ms. Becky Robins. Motion **PASSED** unanimously.

5. DIRECTOR'S REPORT

- a. Receive a report from the Director of Planning and Development.**

Mr. Chavis related the following information:

- the location of the approved special exception is in the Revitalization Incentive Zone
- staff is proposing changes to the MU Zoning District to accommodate this type of development

5. ADJOURN

Meeting adjourned at 5:45 p.m.



BOARD OF ADJUSTMENT

3. a.

Meeting Date: 07/12/2022

Variance for a setback reduction

Prepared for: Martin Scribner, Planning and Development Services

Information

ITEM

Conduct a public hearing and consider a variance from the minimum interior side setback requirement of the Unified Land Development Code, Article III, Division 1, Table 3-1 "Property Development Standards" from 5 feet to 2.4 feet for 8419 Silver Streak Drive.

PREFACE

The purpose of the requested variance is to permit the property owner to finalize construction on a house that has been built with an encroachment to the required 5 foot side yard setback on the property, legally described as Lot 2 Block 1 Section 4 of Hunters Creek Subdivision, Harris County, Texas. The original foundation placement and its skewed angle has caused the vertical construction to be placed closer to the property line than what the ordinance allows. The encroachment begins at the front façade and the southwestern corner of the house. Here, the structure is placed 4.1 feet from the property line. The angled orientation of the western wall creates a greater encroachment at the northwestern corner, where the structure is placed 2.4 feet from the property line.

The supporting documentation is attached for your review.

RECOMMENDATION

Staff recommends approval.

Attachments

Application and Supporting Documents

Vicinity Map

Zoning Map

Staff Report



ZONING VARIANCE APPLICATION CITY OF BAYTOWN

App Date: 6/9/2022
Plan Number: ZP22060079

Description: Zoning Variance

Parcel: 1395770010002

Applicant

Chesmar Homes
Brittany Howard
17220 Katy Freeway 130
Houston, TX 77094
Business: (832) 253-0161

Owner

Breann Howard
Home: (832) 253-0122
Mobile: (713) 301-4507

Owner

Nick Hunter
6903 Aspen Peak
Baytown, TX 77521
Mobile: (512) 665-1699

Property

Address	8419 Silver Streak Drive
Legal Description	Lot 2 Block 1, hunters Creek Section 4
Acres	0.18

Zoning

Current Zoning:	Mixed Residential at Low to Medium Densities (SF2)
Proposed Zoning:	Mixed Residential at Low to Medium Densities (SF2)

Use

Current Use Type	Residential
Specific Current Use	Single-family home
Proposed Use Type	Residential
Specific Proposed Use	Single-family home

Applicant Statement

Explain how this request will ensure the same general level of land use compatibility as the otherwise applicable standards

The Code that affects this situation comes from the 2015 IRC 302.1, code year applicable to the permit and build of the house. The City of Baytown Building Official and Deputy Building Official stated that, "if the house was less than five feet from the property line the side of the house must be fire rated." They also stated that, "the variance approval is up to the Board" and "if the house is fire rated it would comply with code."



ZONING VARIANCE APPLICATION CITY OF BAYTOWN

Explain how this request is not a hardship of the applicant's own making

There are several other areas of the greater Houston area that build with 3 feet between property lines and house, total 6 feet. As well as Zero lot lines with a total of 5 feet between houses.

Explain how this request will not adversely affect the physical character of uses in the neighborhood because of inadequate buffering, screening, setbacks and other land use considerations

House is currently near completion where buyer walks were scheduled for end of the month. This is a beautiful home stuck in a very unique one-off situation.

Explain how the proposed request does not adversely affect property values of adjacent properties in any material way and will improve the property value

The land use is no different from any other lot in Hunters Creek or any other community in the city. Regular yard maintenance and care is still needed to maintain the community look. Exterior selections and colors are unified with community standards.

Explain how this request will further the goals and vision of the city as set forth in the comprehensive plan, the vision statement, and an applicable neighborhood plan or redevelopment plan

The neighboring houses to the address are not affected by this particular address. Both neighboring houses are 5 feet from the property line with no code or encroachment issues. Aesthetically there is no appearance of an issues as compared to the width of the house the miss location is so minute

Explain how this request is generally consistent with the purposes and intent of the ULDC

The addition to the community with a house of this value and beauty is not only a trait that will raise values of the homes in the community and general area of the city but also add to the city's revenue.

Explain how this request is needed as special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same district and are not merely financial

If a side of the house is less than 3 feet from the property line that side needs to be fire rated per the 2015 IRC R302.1Table R302.1(1).



ZONING VARIANCE APPLICATION CITY OF BAYTOWN

Explain how the proposed request is necessary as literal interpretation and enforcement of the terms and standards would deprive the applicant of rights commonly enjoyed by landowners in the same district and would cause an unnecessary and undue hardship

Redesigning the side of the house to meet code requirement is not a difficult process. It is a process that would follow basic new home construction procedures. The process would start with design, then engineering. This is followed by city permit application and plan review by city officials. This home would look and function no different from any other new home in Baytown.

Explain how this request is the minimum action that will: make possible the use of the land or structure which is not contrary to the public interest; carry out the spirit of the ULDC; and result in substantial justice

This issue is currently against code ONLY due to the placement of the house on the lot. The issue of fire rating the left side of the house CAN and WILL be rectified. We need approval to maintain the current location of the home. After we will work with our design and engineering team to correct the plan and later proceed to achieve city approval on changes needed to make code compliant.

Explain how this request will bring the existing and proposed structure closer to compliance with the ULDC or will otherwise improve or enhance public health, safety or welfare


We do not seek to deviation from the code. We need approval to maintain location over the left build line.

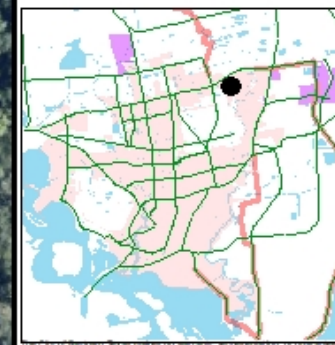


Zoning Variance (Setback Variance)

Vicinity Map

**8419 Silver
Streak Dr.**
Approx. 0.18 acres

 Subject_Property



Map is for informational purposes only and does not replace official recorded documents.
1 inch = 100 feet Date 2022-06-28






Zoning Variance (Setback Variance)

Zoning Map

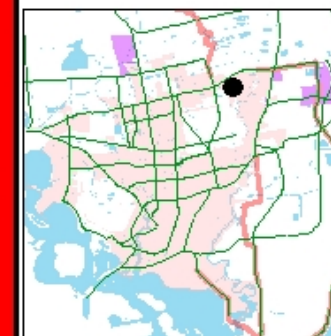
**8419 Silver
Streak Dr.**
Approx. 0.18 acres

 Subject_Property

ULDC Zoning

Zoning Districts

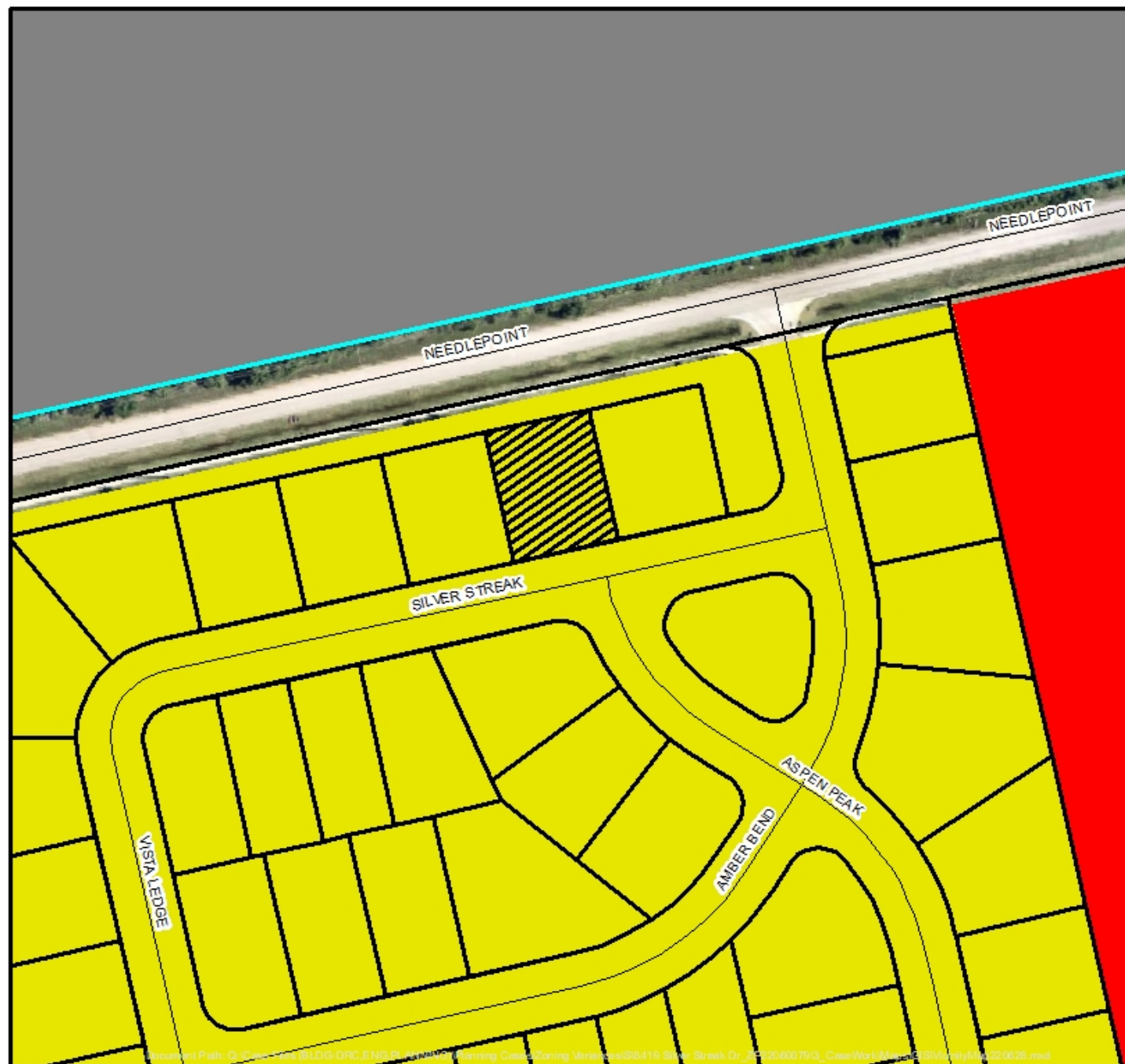
-  GC (General Commercial)
-  LI (Light Industrial)
-  SF2 (Mixed Res. Low/Med. Density)



Map of Baytown, Texas, showing the location of the subject property within the city of Baytown, Texas. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 100 feet

Date 2022-06-28



Document Path: Q:\Case Files\BLOG-OPC-ENG\1-ANNEX\Planning Cases\Zoning Variance\8419 Silver Streak Dr. 20220628\CaseWork\Map\8419 Silver Streak Dr. 20220628.mxd



**City of Baytown Board of Adjustment
Zoning Variance
Staff Report
July 12 2022**

Plan Number: ZP22060079

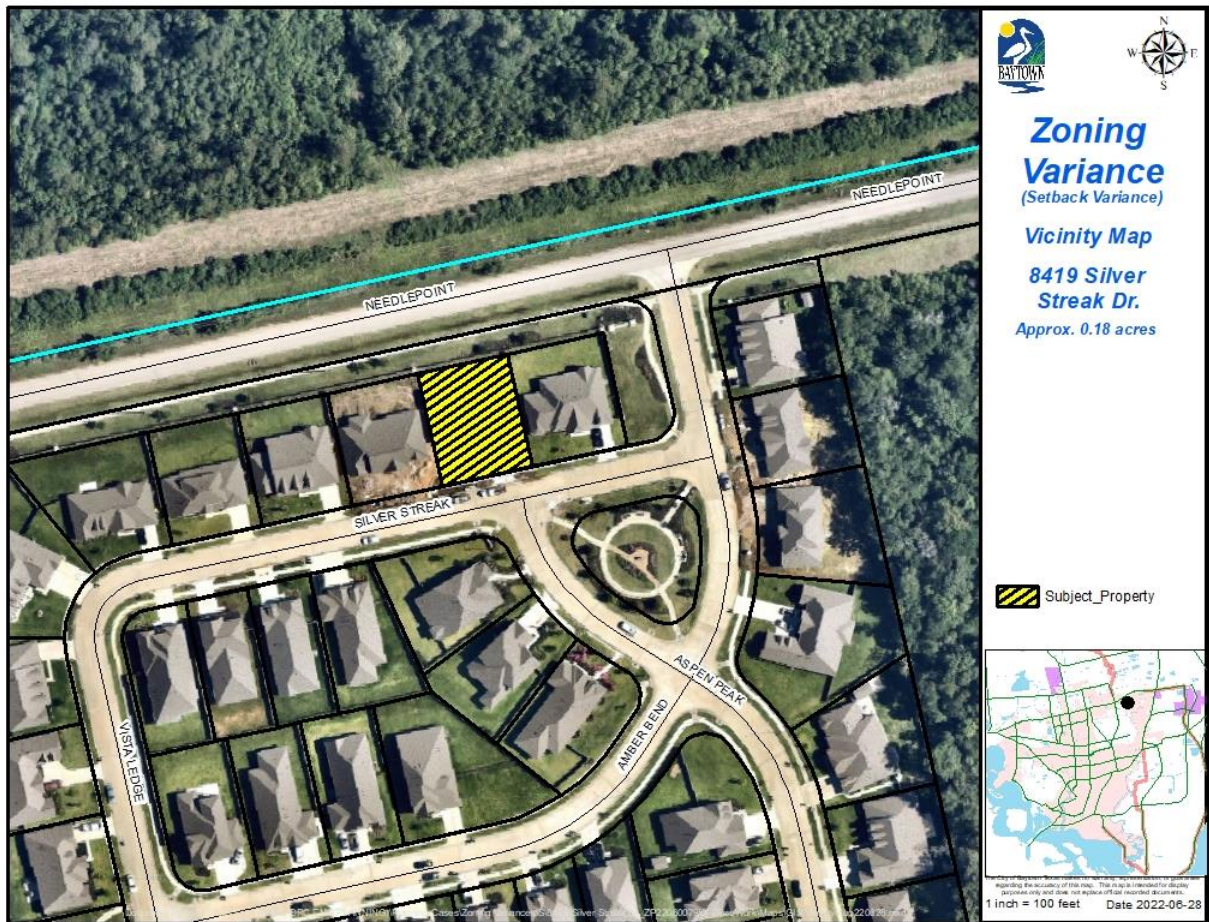
Address: 8419 Silver Streak Drive, approximately 0.18 acres

Requested Action: The applicant is requesting a variance from the Unified Land Development Code, Article III, Division 1, Table 3-1, Property Development Standards to encroach into the required 5-foot side yard setback.

Applicant: Brittany Howard, on behalf of the property owner.

Subject Property

Figure 1: Parcel Map



Parcel Information

Zoning: Mixed residential at low to medium densities (SF2)

Proposed Use: Residential – single family detached house (under construction)

Adjacent Parcel Information (Zoning, Future Land Use Plan)

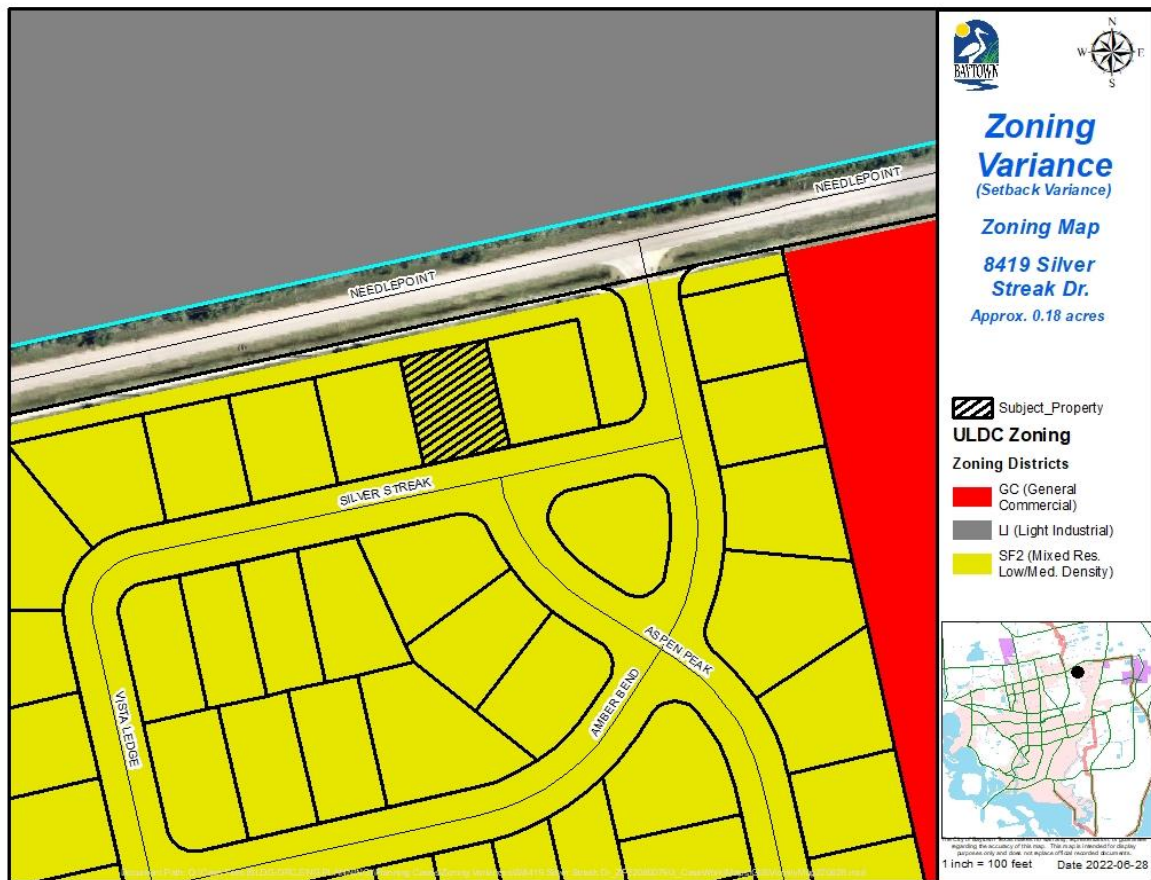
North: City right-of-way, Light Industrial (LI) zoning district

South: Residential homes

East: Residential house

West: Residential house (under construction)

Figure 2: Zoning Map

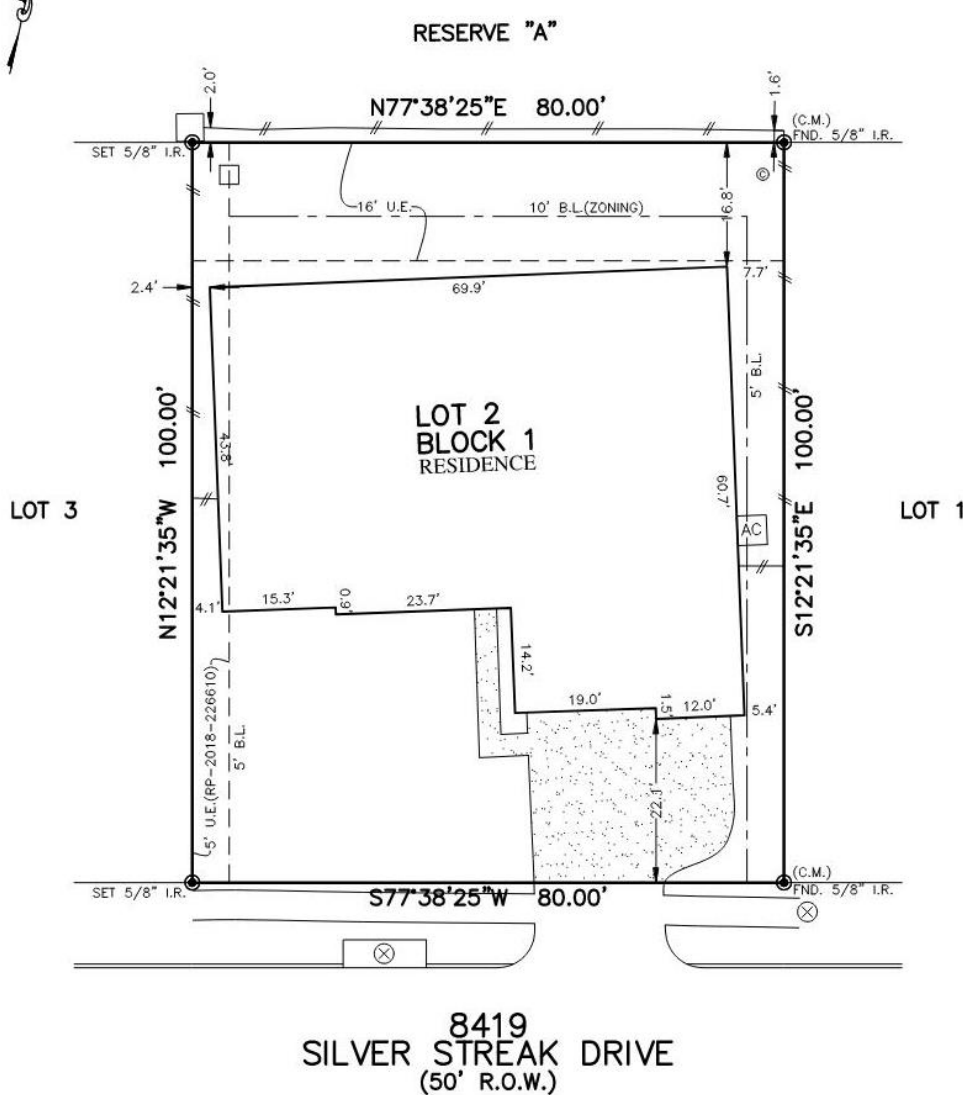


Staff Analysis (Background)

The subject property is approximately 0.18 acres. The purpose of the requested variance is to permit the property owner to finalize construction on a house that has been built with an encroachment to the required 5 foot side yard setback. The errored survey, original foundation placement, and its skewed angle has caused the vertical construction to be placed closer to the property line than what the ordinance allows. The encroachment begins at the front façade and the southwestern corner of the house. Here, the structure is placed 4.1 feet from the property line. The angled orientation of the western wall creates a greater encroachment at the northwestern corner, where the structure is placed 2.4 feet from the property line.

If the applicant's proposal is granted, this placement will be accompanied with a structural consequence of having to meet the 2015 International Building Code fire rating. This type of construction answers concerns about fire safety with the proximity to the adjacent structure to the west.

Figure 4: Survey Site Layout



Variance Criteria – Section 1.29(c), ULDC

The Board of Adjustment may grant a variance when the applicant demonstrates that the variance request will meet all the criteria below:

1. Ensures the same general level of land use compatibility as the otherwise applicable standards;

The requested variance will not aggravate or worsen the general level of land use compatibility. This section of the Hunters Creek Subdivision is constructed with homes

with building widths of 70 feet. The proposed structure and placement maintains that character. These houses are commonly built exactly five feet from the side property line, leaving 10 feet of space between each structure. This building's proximity to the property line is closer than other lots, but privacy fences and landscaping could help remedy any visual impacts.

2. Is not a hardship of the applicant's own making;

The applicant was depending on an errored survey that was produced during the permitting phase. The initial form survey showed compliance with the setbacks, but was later on found to be incorrect. The survey's error of foundation placement, and its relation to the property line impacted all vertical development on the property, which creates a hardship for the builder to adjust at this phase of construction.

3. Does not adversely affect adjacent land uses and the physical character of uses in the neighborhood in which the exception is sought because of inadequate buffering, screening, setbacks and other land use considerations;

It is not anticipated that the requested variance will adversely affect the adjacent land uses and/or physical character of uses in the neighborhood. The close proximity to the property line and adjacent structure will require a higher level of fire rated construction for this house.

4. Does not adversely affect property values of adjacent properties in any material way and will improve the property value of the property for which the exception is sought;

It is not anticipated that the values of adjacent properties will be adversely affected by the request. The subject property is in a section where close proximity (5 feet) to property lines is common. The proposed encroachment (approximately 2.8 feet) does not appear to impact the overall character of the neighborhood nor does it appear to impact the building elevation and mass of the structures within the neighborhood.

5. Furtheres the goals and vision of the city as set forth in the comprehensive plan, the vision statement, and an applicable neighborhood plan or redevelopment plan adopted by the city council;

The requested variance furtheres the Comprehensive Plan's Quality of Life Goals, Land Use Goals, and the City's Vision Statement in regards to continuous improvement and responsiveness to the needs of citizens.

6. Is generally consistent with the purposes and intent of this ULDC;

The requested variance is consistent with the intent of the Code and will not be injurious to the surrounding neighborhood or otherwise detrimental to the public welfare. It is not anticipated that new construction will cause problems with the neighboring properties and/or greatly impact the character of the neighborhood.

7. Is needed as special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same district and are not merely financial;

The residential structure is due to an error of the survey, which was submitted during the building permit phase. By following the initial guide for the development, the building is in a position that encroaches the setback line. In this case, the survey's error of foundation placement, and its relation to the property line changed during the construction of the

house.

8. **Is necessary as literal interpretation and enforcement of the terms and provisions of the dimensional standards would deprive the applicant of rights commonly enjoyed by landowners in the same district and would cause an unnecessary and undue hardship;**

The literal interpretation of the code would deprive the applicant of rights commonly enjoyed by others in the same area and strict adherence to the code would result in significant demolition of a house that was built in the proper spirit of the City's processes.

9. **Is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this ULDC and would result in substantial justice;**

Granting the variance would not be contrary to the public interest as it would allow the applicant to enhance the quality of life for their family and represent investment and commitment to the City of Baytown.

10. **Will bring the existing and proposed structure closer into compliance with the zoning regulations of this ULDC, or will otherwise improve or enhance public health, safety or welfare.**

The variance request will bring the proposed residence into compliance with the ULDC's setback requirements. The encroachment into the side yard setback would allow the applicant the reasonable use of the property in accordance with the ULDC's public health, safety, welfare and aesthetic goals while providing quality housing.

Staff Recommendation

Staff recommends approval of the proposed setback variance.



BOARD OF ADJUSTMENT

3. b.

Meeting Date: 07/12/2022

Variance from Lot Coverage Requirement

Prepared for: Martin Scribner, Planning and Development Services

Prepared by: Nai Mongiello, Planning and Development Services

Information

ITEM

Conduct a public hearing and consider a request for variance from the Unified Land Development Code, Article III. Division 1. Table 3-1. Property Development Standards to increase the maximum allowed lot coverage percentage from 60% to 67.4%.

PREFACE

The applicant is requesting a variance to increase the maximum allowed lot coverage percentage from 60% to 67% (approx. 641 square feet) in a Mixed Residential at Low to Medium Densities (SF2) zoning district to allow for the construction of an inground pool at the rear yard of the subject property, legally described as Lot 27, Country Club Oaks Section 16.

The owners bought the house on November 2021, and applied for a pool permit on January 2022. The pool permit passed the review by building staff on the second round, however, planning staff failed it 4 times due to lack of information on lot coverage percentage as communicated to the applicant several times. Planning staff have done the calculation of lot coverage percentage for the applicant, and advised the applicant to apply for a zoning variance application as the lot coverage percentage exceeds the maximum allowed percentage in SF2 zone which is a maximum of 60%.

The supporting documentation is attached for your review.

RECOMMENDATION

Attachments

Application and Supporting Documents

Vicinity Map

Zoning Map



ZONING VARIANCE APPLICATION CITY OF BAYTOWN

App Date: 6/1/2022
Plan Number: ZP22060073

Description: Zoning Variance

Parcel: 11869600000027

Applicant
Lori Blackshear
1424 W Sam Houston
Houston, TX 77043

Owner
Debbie Smith
832-267-5213

Property
Address 4420 Green Tee Drive
Legal Description Lot 27, Country Club Oaks Section 16
Acres 0.21

Zoning
Current Zoning: Mixed Residential at Low to Medium Densities (SF2)
Proposed Zoning: Mixed Residential at Low to Medium Densities (SF2)

Use
Current Use Type Residential
Specific Current Use Single-family home
Proposed Use Type Residential
Specific Proposed Use Single-family home

Applicant Statement

Explain how this request will ensure the same general level of land use compatibility as the otherwise applicable standards

We are over the impervious coverage by 3% for our inground pool

Explain how this request is not a hardship of the applicant's own making

We have tried to redesign the pool several times and it still is the same, over the coverage in Baytown city



ZONING VARIANCE APPLICATION CITY OF BAYTOWN

Explain how this request will not adversely affect the physical character of uses in the neighborhood because of inadequate buffering, screening, setbacks and other land use considerations

We have also eliminated a lot of the cement around the pool to try to make the coverage allowable

Explain how the proposed request does not adversely affect property values of adjacent properties in any material way and will improve the property value

This will give the small amount of room to have the pool

Explain how this request will further the goals and vision of the city as set forth in the comprehensive plan, the vision statement, and an applicable neighborhood plan or redevelopment plan

Alot of Neighboring homes have them, this house was bought this was

Explain how this request is generally consistent with the purposes and intent of the ULDC

Please take this request

Explain how this request is needed as special circumstances exist that are peculiar to the land or structure that are not applicable to other land or structures in the same district and are not merely financial

This will give the small amount of room to have the pool

Explain how the proposed request is necessary as literal interpretation and enforcement of the terms and standards would deprive the applicant of rights commonly enjoyed by landowners in the same district and would cause an unnecessary and undue hardship

This will give the small amount of room to have the pool

Explain how this request is the minimum action that will: make possible the use of the land or structure which is not contrary to the public interest; carry out the spirit of the ULDC; and result in substantial justice

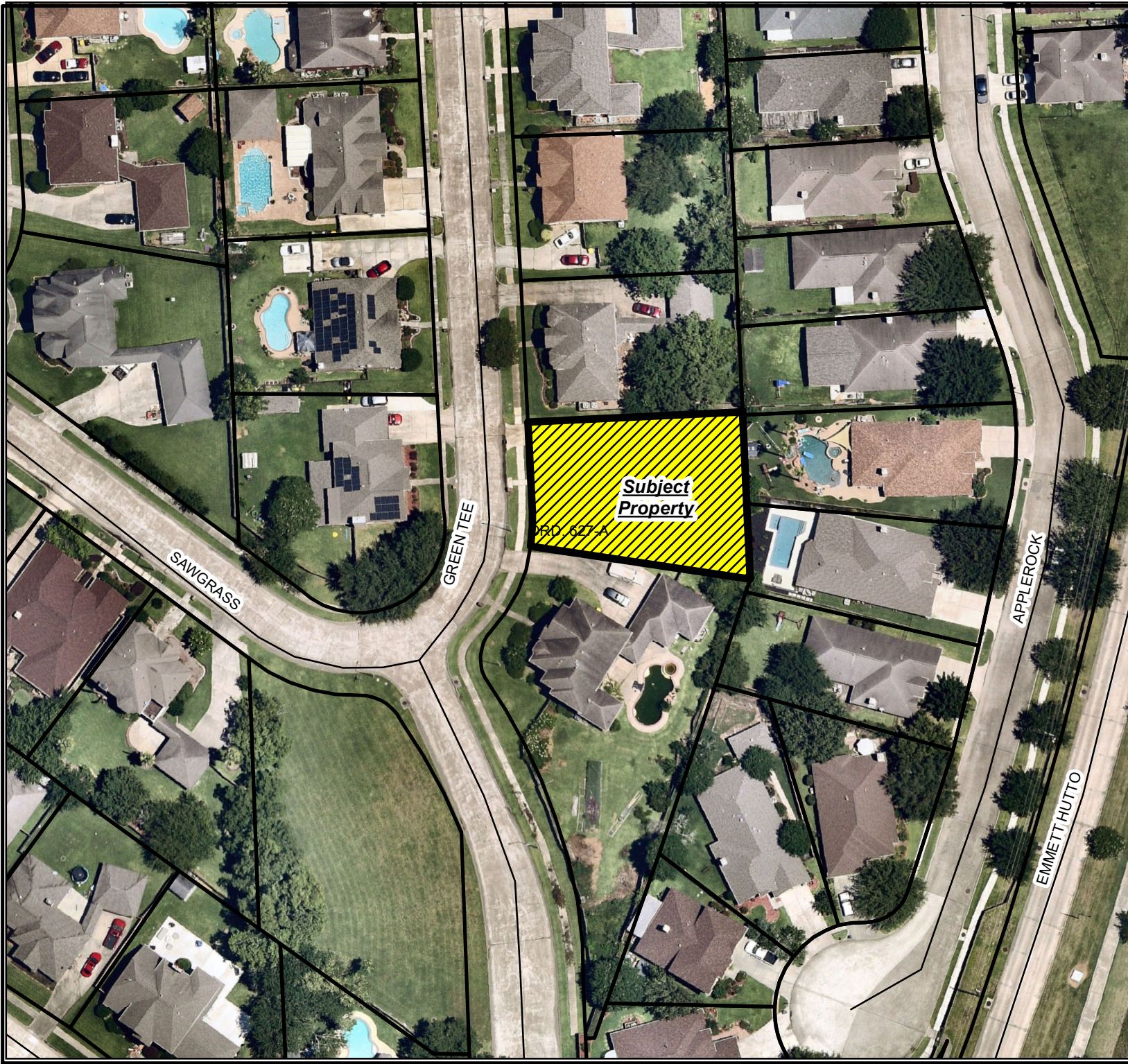
This will give the small amount of room to have the pool



ZONING VARIANCE APPLICATION CITY OF BAYTOWN

Explain how this request will bring the existing and proposed structure closer to compliance with the ULDC or will otherwise improve or enhance public health, safety or welfare

This will give the small amount of room to have the pool




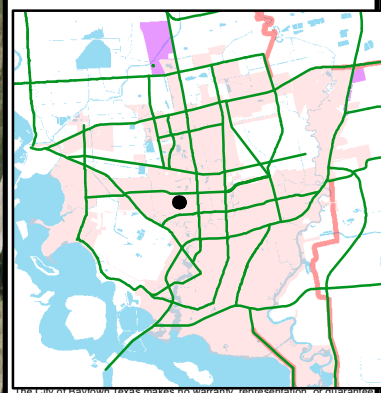
Zoning Variance

Vicinity Map

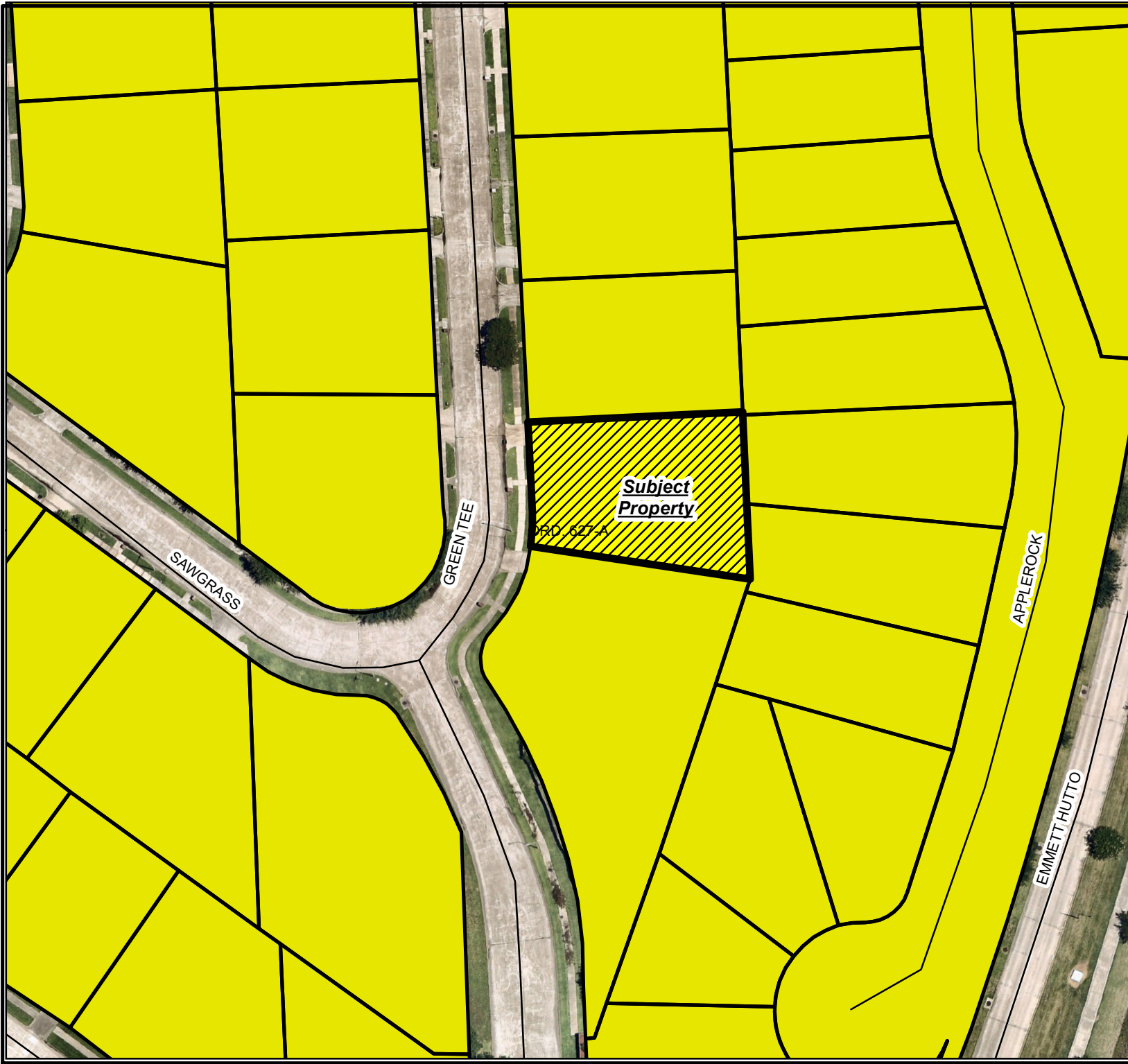
4420 Green Tee Dr.

Approx. 0.21 acres

 Subject Property



The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.
1 inch = 75 feet Date 2022-06-30




Zoning Variance


Vicinity Map

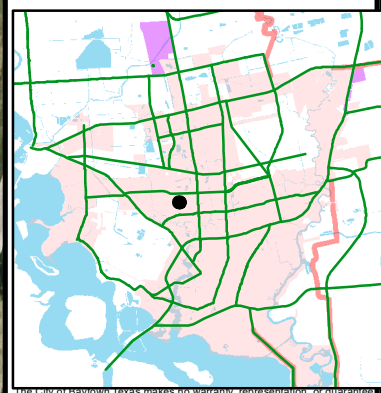
4420 Green Tee Dr.

Approx. 0.21 acres

 Subject Property

Zoning Districts

 SF2 (Mixed Res.
Low/Med. Density)



The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 75 feet

Date 2022-06-30



BOARD OF ADJUSTMENT

4. a.

Meeting Date: 07/12/2022

Director's Report

Prepared for: Martin Scribner, Planning and Development Services

Prepared by: Nai Mongiello, Planning and Development Services

Information

ITEM

Receive a report from the Director of Planning and Development.

PREFACE

This will be a recurring item to provide a report to the Board of Adjustment from the Director of Planning and Development.

RECOMMENDATION
