



# **CITY OF BAYTOWN**

---

## **NOTICE OF MEETING**

**BOARD OF ADJUSTMENT  
TUESDAY, AUGUST 9, 2022  
4:00 P.M.**

**COUNCIL CHAMBER, 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 July 12, 2022, Board of Adjustment regular meeting.

**3. VARIANCES**

- a.** Conduct a public hearing and consider a request for a variance from the minimum street side setback (Unified Land Development Code, Article III, Division 1, Table 3-1 "Property Development Standards") and a special exception to reduce the minimum front setback to attached garages (Unified Land Development Code Article III, Division 4, Sec. 3.11(c) "Site Design") for a property on 0.08 acres located at 2111 Ontario Avenue.

**4. 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.

**5. DIRECTOR'S REPORT**

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

6. **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 5th day of August 2022 at 5:00 P.M.**



## **BOARD OF ADJUSTMENT**

**2. a.**

**Meeting Date:** 08/09/2022

Minutes - July 12, 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 July 12, 2022, Board of Adjustment regular meeting.

#### **PREFACE**

The minutes of the Board of Adjustment regular meeting held on July 12, 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, July 12, 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
	Jerris Mapes	Assistant City Attorney
	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, July 12, 2022, Board of Adjustment Meeting to order at 4:00 p.m. and Ms. Nai Mongiello called roll.

#### 2. MINUTES

- a. **Consider approving the minutes for the Board of Adjustment Meeting held on June 14, 2022.**

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. 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.**

Mr. Christopher Chavis summarized the item adding that staff feels that the criteria for approval have been met.

Vice Chairman Gilbert Santana asked which survey was incorrect; Mr. Chavis explained that the form survey for the foundation was incorrect.



Mr. Jeff Johnson and Mr. Aaron Oakley, with Chesmar Homes, ceded their time to Mr. Nick Hunter.

Mr. Tim Finn was present for item 3.b. on the agenda; he left the meeting without speaking.

Mr. Hunter explained how the error occurred and the home was built with an encroachment.

Vice Chairman Santana motioned that having met all criteria, the variance be approved, seconded by Ms. Wooster. Motion **PASSED** unanimously.

New City Attorney for the City of Baytown, Mr. Scott Lemond, introduced himself to the Board and thanked them for their service.

- 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%.**

Mr. Chavis explained that the applicant withdrew their application; staff was able to work with them and find a solution prior to posting the agenda.

## **5. DIRECTOR'S REPORT**

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

Mr. Chavis related the following information:

- there will be a BOA Meeting in August
- Mr. Martin Scribner is planning a training session for the Board

## **5. ADJOURN**

Meeting adjourned at 4:35 p.m.



## **BOARD OF ADJUSTMENT**

**3. a.**

**Meeting Date:** 08/09/2022

Variance for a street side setback reduction, and front setback to attached garage reduction

**Prepared for:** Martin Scribner, Planning and Development Services

**Prepared by:** Lamyaa Salem, Planning and Development Services

---

### **Information**

#### **ITEM**

Conduct a public hearing and consider a request for a variance from the minimum street side setback (Unified Land Development Code, Article III, Division 1, Table 3-1 "Property Development Standards") and a special exception to reduce the minimum front setback to attached garages (Unified Land Development Code Article III, Division 4, Sec. 3.11(c) "Site Design") for a property on 0.08 acres located at 2111 Ontario Avenue.

#### **PREFACE**

The purpose of the requested variance is to permit the property owner to construct a house with a reduced street side setback from 15 feet to 10 feet, and a reduced setback to the attached garage of the house from 25 feet to 20 feet at 2111 Ontario Avenue, legally described as Tract 6A, Block 13 in the Central Heights Replat Subdivision, Baytown, Harris County, Texas.

The subject property (currently vacant) is located at the southeast corner of Ontario Avenue and Robert C. Lanier Drive and has 24 feet of lot frontage on Ontario Avenue that expands at the rear of the property to 42 feet, a depth of approximately 105 feet, and a total lot area of 3,475 square feet. The substandard lot frontage and lot size of the subject property are a result of the use of eminent domain on the western half of the property to allow for the highway expansion of SH 146. The original property configuration was 60 feet by 105 feet.

The subject property received a Zoning Map Amendment (ZMA) approval by City Council on June 9, 2022, to rezone the property from General Commercial (GC) to a Mixed Residential at Low to Medium Densities (SF2) Zoning District.

The supporting documentation is attached for your review.

#### **RECOMMENDATION**

Staff recommends approval.

---

### **Attachments**

Applicant statement

Vicinity Map

Future Land Use Map





## ZONING VARIANCE APPLICATION CITY OF BAYTOWN

**App Date:** 7/8/2022  
**Plan Number:** ZP22070093

**Description:** Zoning Variance and Special Exception

**Parcel:** 0871850000006

**Applicant**

Wayficient Homes LLC  
Mike Emmanuel  
6345 110 - 243 Garth RD  
Baytown, TX 77521  
Business: (346) 320-9668

**Owner**

Wayficient Homes LLC  
Mike Emmanuel  
6345 110 - 243 Garth RD  
Baytown, TX 77521  
Business: (346) 320-9668

**Property**

**Address** 2111 Ontario Ave Baytown, TX 77520  
**Legal Description** Tract 6A, Block 13 in the Central Heights Replat Subdivision,  
Baytown, Harris County, Texas.  
**Acres** 0.08

**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** Vacant  
**Specific Current Use** Vacant  
**Proposed Use Type** Residential  
**Specific Proposed Use** Single-family dwelling

**Applicant Statement**

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

The code requires 15 ft setback on the street side (Robert C. Lanier) and 25ft setback on the front setback (Ontario Ave.) respectively.

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

The subject lot size is a result of property was eminent domain and thus not the making of the applicant. As a result the lot size diminished in comparison to similar lots in the neighborhood. This request is consistent with general land use as SF2 in the area.



## **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**

The request will not adversely affect adjacent properties and physical characteristics of the neighborhood but rather improve it. This is because the new construction will help realize the neighborhoods goal to revitalize as well as add value to properties in the area.

### **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 request will not adversely affect adjacent properties and physical characteristics of the neighborhood but rather improve it. This is because the new construction will help realize the neighborhoods goal to revitalize as well as add value to properties in the area.

### **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**

This request is consistent with the provision and terms of land use prescribed in the area and the disapproval will deprive applicant rights commonly afforded to landowners thereby causing undue hardship. Further, subject lot size was a result of prior eminent domain.

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

We feel there will be no detriment to the surrounding properties. A redeveloped site should be seen as beneficial and could spur other redevelopment in the area. U-Haul will provide additional landscape and a 7' privacy fence to buffer the adjacent residential neighborhoods. They will also limit the hours of operation from Mon-Fri, from 9am-4pm to reduce any possible chance of a noise impact.

### **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**

The subject lot size is a result of property was eminent domain and thus not the making of the applicant. As a result the lot size diminished in comparison to similar lots in the neighborhood. This request is consistent with general land use as SF2 in the area.



## **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**

The request will not adversely affect adjacent properties and physical characteristics of the neighborhood but rather improve it. This is because the new construction will help realize the neighborhoods goal to revitalize as well as add value to properties in the area.

**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**

The request will not adversely affect adjacent properties and physical characteristics of the neighborhood but rather improve it. This is because the new construction will help realize the neighborhoods goal to revitalize as well as add value to properties in the area.

**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 request is consistent with the provision and terms of land use prescribed in the area and the disapproval will deprive applicant rights commonly afforded to landowners thereby causing undue hardship. Further, subject lot size was a result of prior eminent domain.





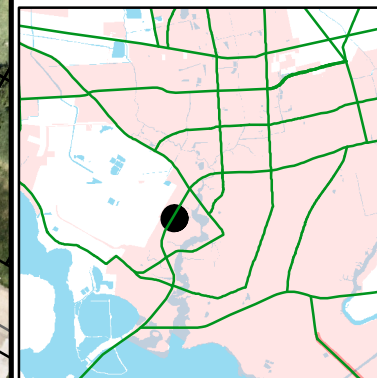
## Zoning Variance & Special Exception

### Vicinity Map

**2111 Ontario Ave.**  
Approx. 0.08 acres



Subject Property

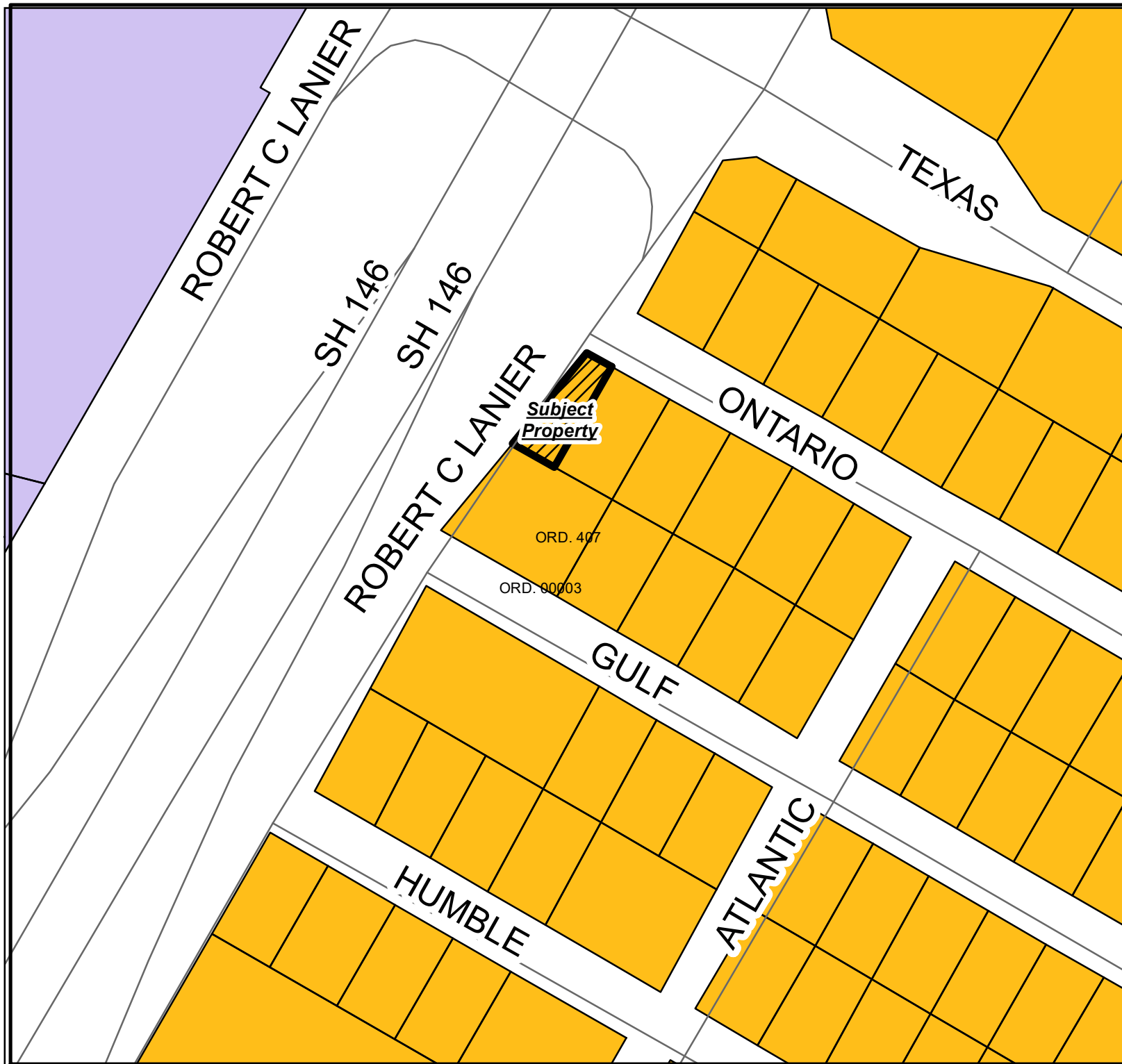


The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 120 feet

Date 2022-07-20





## Zoning Variance & Special Exception

Future Land Use Map

**2111 Ontario Ave.**  
Approx. 0.08 acres



Subject Property

**FLUnew**

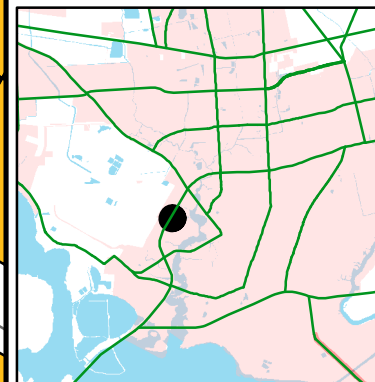
Utility, Right-of-Way



Mixed Density  
Residential



Industrial

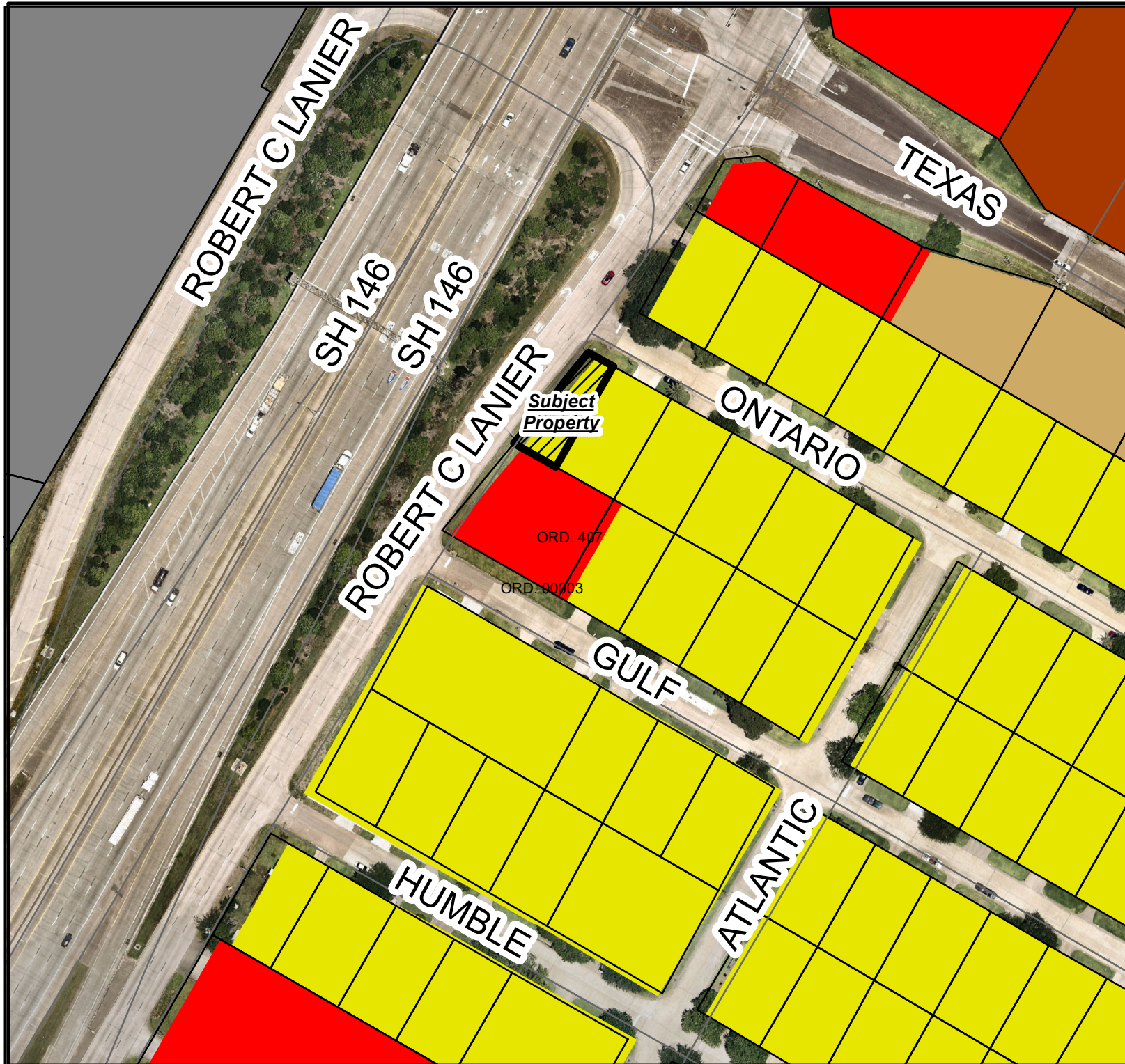


The City of Baytown, Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 120 feet

Date 2022-07-20

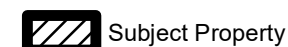




## Zoning Variance & Special Exception

### Zoning Map

**2111 Ontario Ave.**  
Approx. 0.08 acres

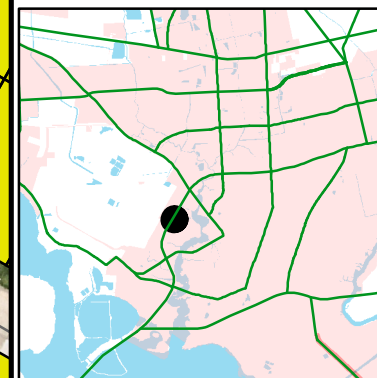


Subject Property

### ULDC Zoning

#### Zoning Districts

- GC (General Commercial)
- LI (Light Industrial)
- MF1 (Med. Density Mixed Res.)
- MF2 (Mid-Rise Mixed Res.)
- 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 = 120 feet

Date 2022-07-20

**Staff Report  
Board of Adjustment  
August 9, 2022**

**Request:** The applicant is requesting 1) a variance from the Unified Land Development Code, Article III. Division 1. Table 3-1 “Property Development Standards” to reduce the minimum street side setback from 15 feet to 10 feet, and 2) a special exception from the Unified Land Development Code Article III, Division 4, Sec. 3.11(c) "Site Design" to reduce the required front setback to attached garages from 25 feet to 20 feet.

**Applicant:** Michael Emmanuel - Wayficient Homes

**Owner:** Wayficient Homes, LLC

**Subject Property:** 2111 Ontario Avenue

**Parcel Information:**

Zoning: Mixed Residential at Low to Medium Densities (SF2)  
Use: Vacant

**Surrounding Properties Information:**

North: Mixed Residential at Low to Medium Densities (SF2);  
Residential  
West: Mixed Residential at Low to Medium Densities (SF2);  
Residential  
East: Mixed Residential at Low to Medium Densities (SF2);  
Residential  
South: General Commercial (GC) lot occupied by a commercial bill board

**Background:**

The subject property (currently vacant) is located at the southeast corner of Ontario Avenue and Robert C. Lanier Drive has 24 feet of lot frontage on Ontario Avenue that expands at the rear of the property to 42 feet, a depth of approximately 105 feet, and a total lot area of 3,475 square feet. The substandard lot frontage and lot size of the subject property are a result of the use of eminent domain on the western half of the property to allow for the highway expansion of SH 146. The original property configuration was 60 feet by 105 feet. (See figure 3)

The applicant is requesting a variance to reduce the required minimum street side setback from 15 feet to 10 feet and a special exception to reduce the required front setback for attached garages from 25 feet to 20 feet in a Mixed Residential at Low to Medium Densities (SF2) Zoning District to allow for the construction of a single-family dwelling on the subject property. The applicant is proposing to comply with both the interior side and rear yard setbacks to adjacent properties to the east and south. (See figure 4)

The subject property received a Zoning Map Amendment (ZMA) approval by City Council on June 9, 2022, to rezone the property from a General Commercial (GC) to an SF2 Zoning District.





Figure 1. Vicinity Map

The surrounding area is predominantly characterized by residential dwellings and residential zoning; however, the abutting property to the south is occupied by a commercial billboard and designated as GC (see figure 2). The property is located within the Central Heights neighborhood and in the Revitalization Incentive Zone (RIZ).

The lot's shape and the small size, compared to neighboring residential properties, makes it difficult for the applicant to comply with all development standards pertaining to the SF2 zoning district. The subject property has 50% of the minimum required lot frontage in an SF2 zone, and approximately 1400 square feet less than the required minimum lot size in an SF2 zoning district. A relief from the required 15 foot street side setback and from the required 25 foot setback to attached garage are considered essential to the development of this property if the property is to have the same level of land use as adjacent properties.

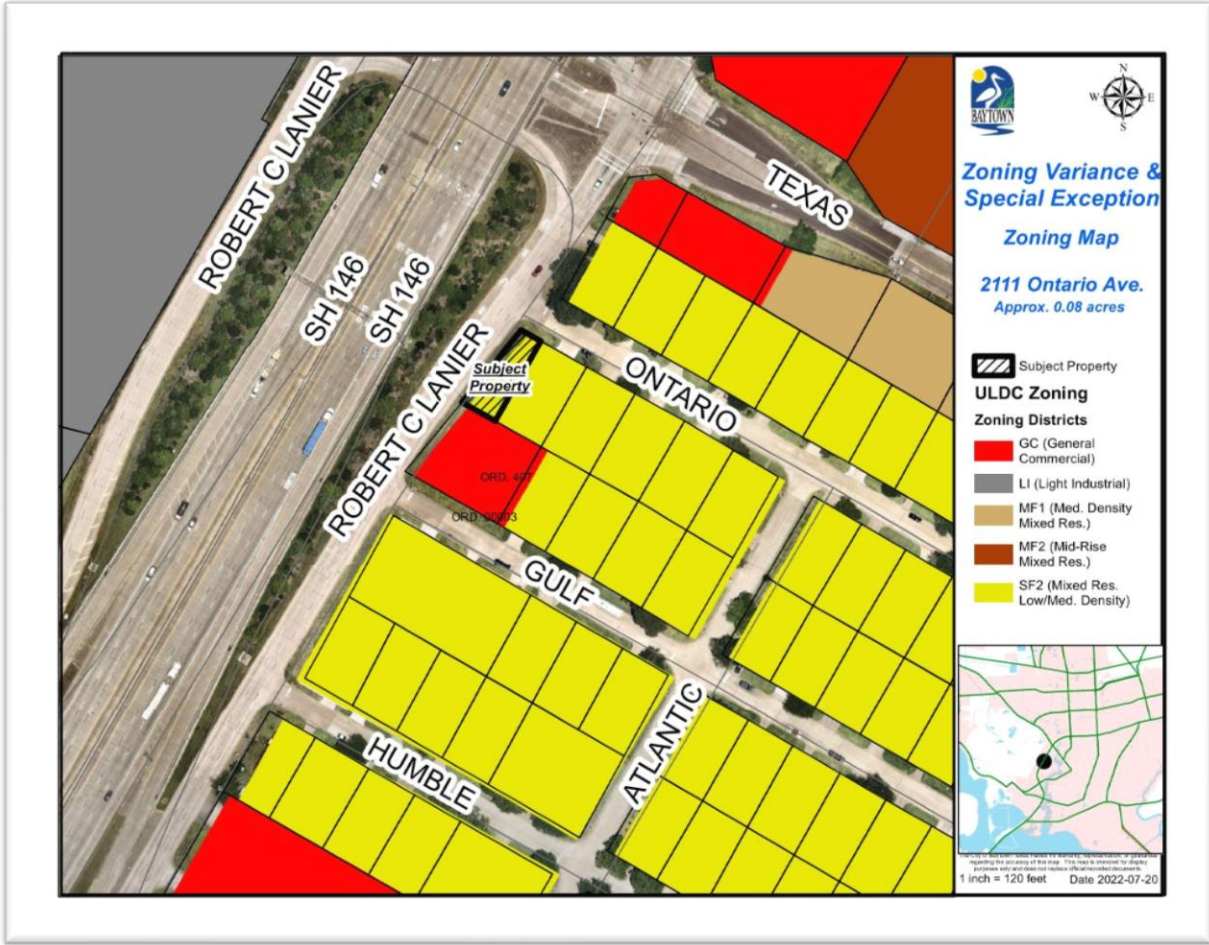


Figure 2. Zoning Map





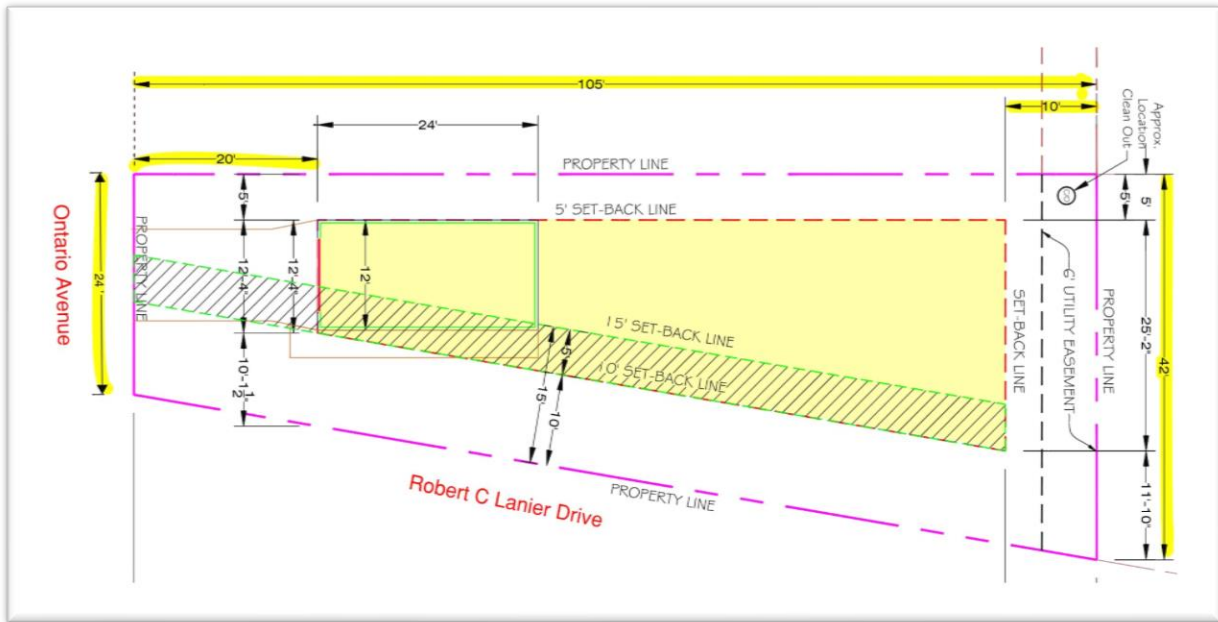


Figure 4. Site Plan

#### **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 variances to reduce five feet from the minimum required street side setback from Robert C. Lanier Drive and from the required front yard setback to attached garages will not affect the general level of land use compatibility. The subject property is a corner lot in an SF2 zoning district, and a residential dwelling is a permitted use; moreover, the proposed 12 foot wide garage with 20 foot setback from the front property line is considered in line with the front yard setback of 21 feet on the adjacent property to the east.

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

Eminent domain on the western half of the subject property reduced the original lot width which makes it difficult to comply with all development standards in SF2. If all applicable development standards were to be applied, the lot would not accommodate the proposed small residential home and the space for the living area of the dwelling would be greatly reduced. The applicant is proposing to keep the required setbacks from neighboring properties such as the five foot side yard setback to adjacent property to the east and ten foot to the adjacent property to the south.

**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 proposed one-story, single-family dwelling will have any adverse impact to the neighborhood character. As previously stated, the applicant is adhering to the: (1) five foot side yard setback to the adjacent property to the east; (2) minimum of ten foot

rear yard setback to the adjacent property to the south; and (3) maximum 60 percent lot coverage requirement. The adjacent dwelling to the east of the subject property has no garage and is setback 21 feet from the front property line on Ontario Avenue. The subject property is a corner lot, and the proposed 10 foot street side setback along Robert C. Lanier Drive, and 20 foot setback from the front property line to the proposed attached garage will not adversely affect adjacent land uses nor would it affect the physical character of uses in the neighborhood.

**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 property values of adjacent properties will be adversely affected by the requested variances. The subject property is currently vacant, and a new residential dwelling in a vacant lot will improve the property value of the subject property as well as the neighboring properties.

**5. Furthers 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 variances further the 2040 Comprehensive Plan's strategies which allow, promote and incentivize a variety of housing types for both infill development and new development. The subject property lies within the boundaries of the Revitalization Incentive Zone (RIZ). The RIZ program promotes economic development, encourages the rehabilitation of affordable housing and stimulates an increase in property values by providing various incentives to eligible participants.

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

The requested variances are considered consistent with the intent of the Code and will not be injurious to the surrounding neighborhood or otherwise detrimental to the public welfare or safety. The proposed residential dwelling is a permitted use by ULDC and the proposed one-story structure will be compatible with the surrounding structures.

**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;**

As mentioned, the western half of the subject property was subject to eminent domain and the property received approval for a Zoning Map Amendment on June 9, 2022, by City Council to rezone the property from GC to SF2. As such, allowing the requested variances will be necessary to facilitate the construction of the proposed one-story residential dwelling in an SF2 zoning district if the property is to have a similar level of land use as neighboring properties.

**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;**

If the literal interpretation of the code were to be applied, such as the 15 foot street side setback and 25 foot front setback to the attached garage, the buildable lot width would be decreased significantly and would not accommodate a house that fits the character of the neighborhood. The literal interpretation of the code would indeed deprive the applicant of rights commonly enjoyed by others in the same area and would create an unnecessary

hardship for the applicant.

**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;**

The proposed five foot reduction on the street side and garage setbacks will not be recognizable, will carry out the spirit of the ULDC, and will be the minimum action to make possible a reasonable use of the land. The applicant submitted a petition showing the support of the neighboring property owners on the Zoning Map Amendment application to rezone the property from GC to SF2. Granting the variances would not be contrary to the public interest nor will it set a precedent for this area. The substandard lot size and configuration necessitates the need for a variance.

**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 requests will not bring the proposed dwelling closer into compliance with the ULDC's development standards; they would allow the applicant the reasonable use of the property in accordance with the ULDC's public health, safety, welfare requirements. The proposed reduction to street side setback and front setback to attached garage would not impact the character of the neighborhood nor would it increase the level of noncompliance existing in this area.

**Recommendation:**

Staff recommends approval.



## **BOARD OF ADJUSTMENT**

**4. a.**

**Meeting Date:** 08/09/2022

Public Hearing and Consideration - Special Exception

**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 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.

#### **PREFACE**

This is a public hearing and consideration item concerning a special exception on property legally described as Tracts 69 & 69A, Abstract 840 H Whiting, Baytown, Harris County, Texas, from the ULDC to allow a warehouse use in a GC zoning district to reduce the building setback from 100 feet to 25 feet and the vegetative buffer from 50 feet to 25 feet.

The applicant is requesting to build a small warehouse operation on the subject property, adjacent to the self-storage/U-haul rental facility directly to the south. According to the applicant, this use will be utilized to store moving containers for rent, both empty and full, commercially marketed as "U-Box". The service supplies small shipping containers to residential customers wishing to move, which the customer fills with their belongings and then the U-Box is picked up and shipped to its destination for the customer. The proposed facility would temporarily store the U-Box as an intermediate location en route to its final destination, as well as empty containers awaiting rental.

In order for the Board to grant the special exception, the Board must find that the request meets the four (4) special exception criteria as stated in Section 1.30 of the ULDC.

This is the second time the board has heard this request; the board took no action after the first hearing on May 10, 2022.

The supporting documents are attached for your review.

#### **RECOMMENDATION**

Staff recommends approval with conditions.

---

### **Attachments**

Application and Supporting Documents  
Vicinity Map







## SPECIAL EXCEPTION APPLICATION CITY OF BAYTOWN

**App Date:** 4/12/2022  
**Plan Number:** ZP22040043  
**Description:** Special Exception  
**Parcel:** 0451440020383

### **Applicant**

John Linton  
17819 Shady Canyon Lane  
Tomball, TX 77377  
Business: (713) 248-7752

### **Owner**

Jerry Lunn  
Home: (713) 545-6250  
Mobile: (713) 545-6250

### **Property**

Legal Description: Tracts 69 & 69A, Abstract 840 H Whiting  
Acres: 1.10

### **Zoning**

Current Zoning: General commercial (GC)  
Proposed Zoning: General commercial (GC)

### **Use**

Current Use Type: Vacant  
Specific Current Use: Vacant  
Proposed Use Type: General commercial (GC)  
Specific Proposed Use: Warehouse

### **Applicant Statement**

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

The UBox structure by U-Haul is an extension/alternate approach to self storage. We are seeking this exemption as we feel it still falls inline with the intent of General Commercial and would support the original facility. It will provide a new structure to the area and provide a new offering to the citizens of Baytown.



## **SPECIAL EXCEPTION APPLICATION CITY OF BAYTOWN**

**Explain how this request will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks, and other land use consideration;**

We feel there will be no detriment to the surrounding properties. A redeveloped site should be seen as beneficial and could spur other redevelopment in the area. U-Haul will provide additional landscape and a 7' privacy fence to buffer the adjacent residential neighborhoods. They will also limit the hours of operation from Mon-Fri, from 9am-4pm to reduce any possible chance of a noise impact.

**Explain how the special exception will not adversely affect adjacent land in a material way**

We feel there will be no detriment to the surrounding properties. A redeveloped site should be seen as beneficial and could spur other redevelopment in the area.

**Explain how the proposed request This request will be generally consistent with the purposes and intent of this ULDC.**

We will follow all criteria of a general commercial building. We will have the UBox portion along with an office and restroom with parking out front. We feel this all falls inline with the general intentions of General Commercial.



## ALTAR GROUP

April 12, 2022

Martin Scribner, AICP, CFM  
Director of Planning & Development Services | City of Baytown  
2401 Market Street, Baytown, Texas 77520  
Office: 281-420-5389 | [www.baytown.org](http://www.baytown.org)

RE: Special Exception request for U-Haul Baytown facility at 2711 N. Main St.

Martin:

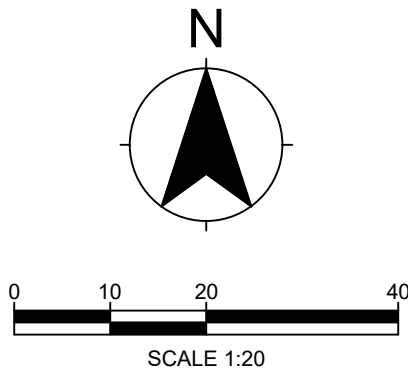
On behalf of the U-Haul company, we would like to request a special exception to utilize the above noted site for a U-Box building which would house U-Box containers with customer's personal belongings.

The code section we are requesting exception from is ULDC Sec 2.10 – Land Use Conditions, A40 restricting warehouse structures. The requirements noted are that warehouse like structures would be required to adhere to a 100' setback from property lines. It is U-Haul's stance after previous discussions with the city that the structure is considered a commercial business and seen as an extension to the self-storage offering at 2703 N Main St. In addition, in conversations with the city there was the understanding that the U-Box building would not be classified as a warehouse with the addition of an office and restroom. It is also felt that the U-Box building would pose no nuisance disturbances to the adjacent residential neighborhood. U-Haul would only operate this facility during the normal business hours of 9am-4pm so there would be no issues with noise for the neighbors to contend with during quiet hours. U-Haul will also build a 7' wood privacy fence with additional landscape along the west and north perimeter to provide an additional buffer for the neighbors. So U-Haul is requesting that the structure be granted with the understanding that we would uphold 25' building setbacks and not be required to adhere to the 100' setbacks.

It is U-Haul's hope that the city will agree to this exception as they feel that this facility will be an asset to the city. We thank you for your time.

Kindest regards,

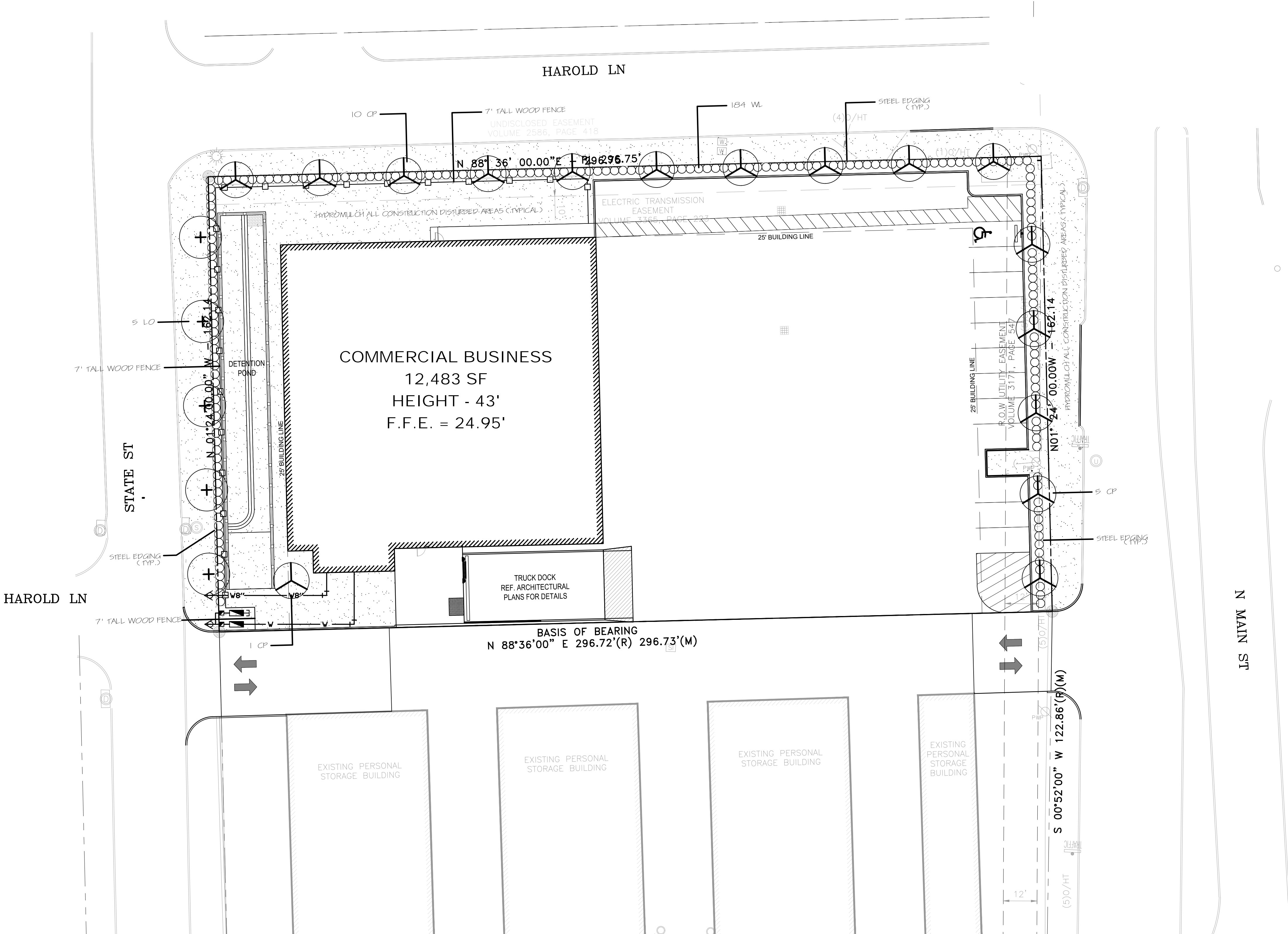
John D. Linton, AIA



PLANT LIST				
QUANT.	SYMBOL	PLANT TYPE	SIZE	NOTES
16	C P	CHINESE PISTACHE	30 GAL.	SINGLE-TRUNK, DOUBLE-STAKED
		Pistacia chinensis	1.75" CAL. MIN.	9' - 10' HT. X 5' - 6' SPR., MATCHING
5	L O	LIVE OAK	30 GAL.	SINGLE-TRUNK, DOUBLE-STAKED
		Quercus virginiana	1.75" CAL. MIN.	9' - 10' HT. X 4' - 5' SPR., MATCHING
164	W L	WAXLEAF LIGUSTRUM	3 GAL.	3' O.C., FULL, HEALTHY, MATCHING
		Ligustrum japonicum		28" - 34" HT. X 20" - 26" SPR.
	HYDRO	COMMON BERMUDAGRASS	SQ. FT.	WITH GREEN CELLULOSE FIBER AND FERTILIZER, APPLY WHERE INDICATED
	SOD	COMMON BERMUDAGRASS	SQ. YD.	SOLID SOD, ROLLED
		Cynodon dactylon		INSTALL WHERE INDICATED

NOTES:

- EDGE ALL NEW PLANTING BEDS, CURBS, WALKWAYS AND OTHER PAVING WITH 1 ROW OF SOLID SOD (1.5' WIDTH) AND HYDROMULCH ALL REMAINING CONSTRUCTION DISTURBED AREAS.
- ALL NEW LANDSCAPE AREAS AND PLANTINGS TO BE IRRIGATED WITH A PROFESSIONALLY DESIGNED AND INSTALLED AUTOMATIC LANDSCAPE IRRIGATION SYSTEM (TO BE DESIGNED UPON SITE AND LANDSCAPE PLAN APPROVAL.)



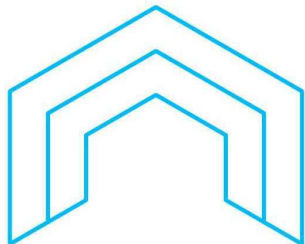
SHEET NOTES:

REVISIONS:

NO.	DATE	INITIALS	NOTES
1			
2			
3			
4			
5			
6			
7			

PROFESSIONAL SEAL:

ALTAR GROUP



ARCHITECTURE  
ENGINEERING

**AMERCO**  
REAL ESTATE COMPANY

CONSTRUCTION DEPARTMENT  
2727 NORTH CENTRAL AVENUE  
PHOENIX, ARIZONA 85004  
PH: (602) 263-6502

SITE ADDRESS:

U-Haul of Bayton  
2711 N. Main Street  
Baytown, TX 77521

SHEET CONTENTS:

OVERLAY PLAN

DRAWN:	JP
CHECKED:	AH
DATE:	04/05/2022

C-101

C-101 OVERLAY PLAN





# Zoning Special Exception

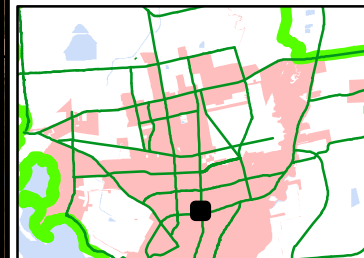
Vicinity Map

2711 North  
Main Street

Approx. 1.10 acres



Subject Property

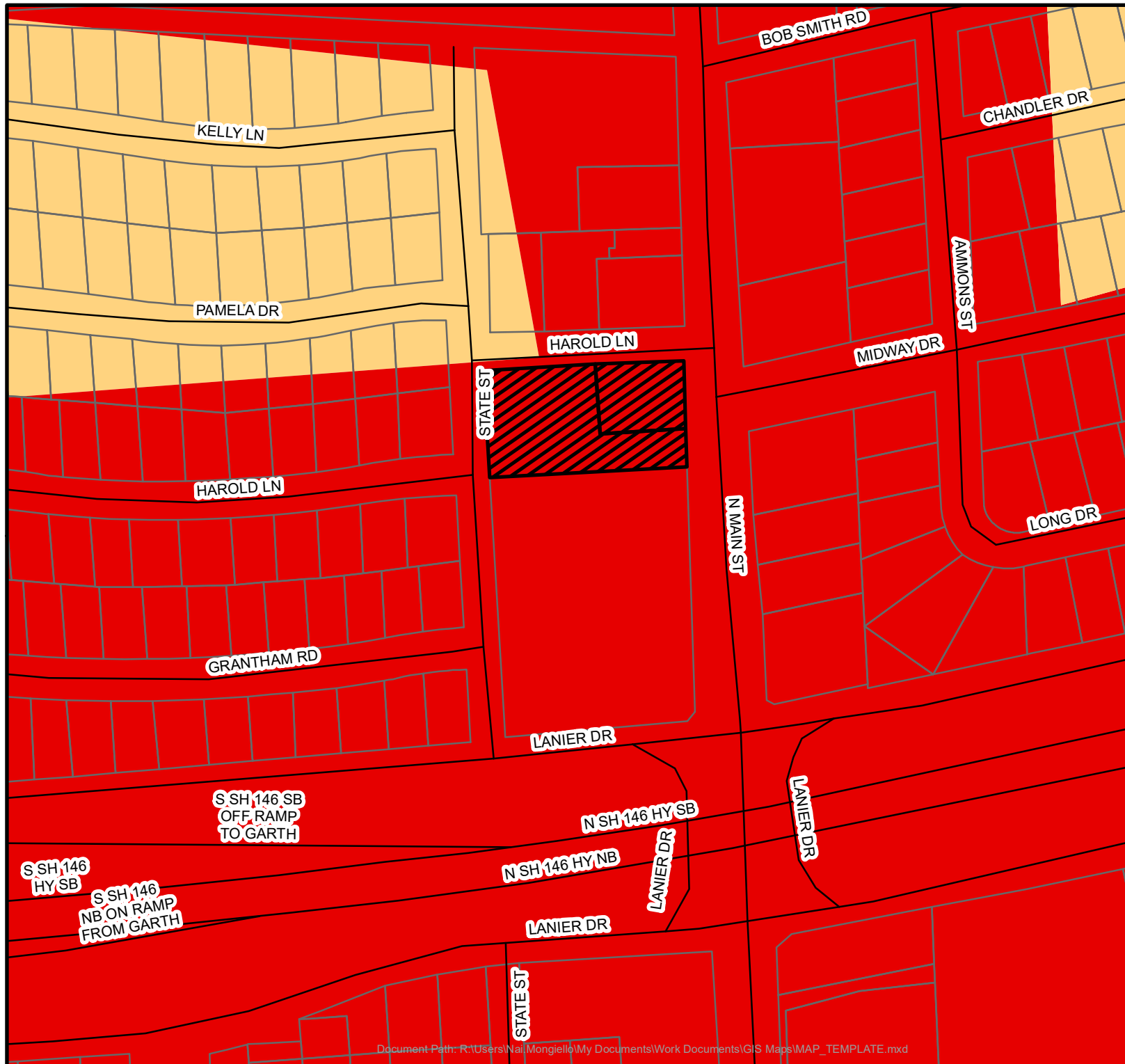


The City of Baytown Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 200 feet

Date 2022-04-27






# Zoning Special Exception

## FLUP Map

**2711 North  
Main Street**

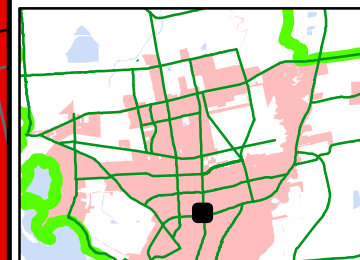
*Approx. 1.10 acres*

 Subject Property

### Future Land Use Plan

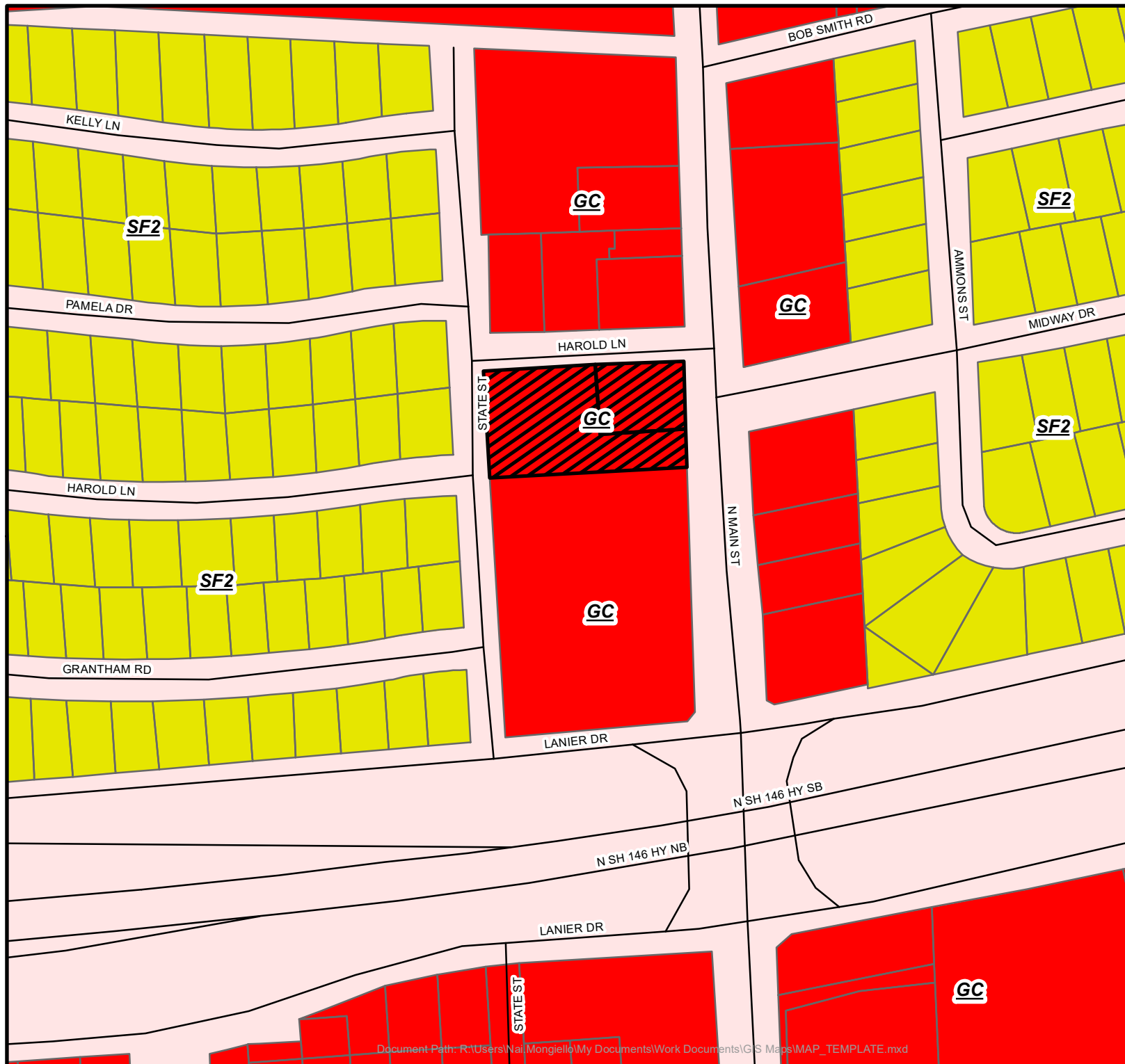
 COMMERCIAL  
CORRIDOR

 LOW-MEDIUM  
DENSITY  
RESIDENTIAL



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 = 200 feet      Date 2022-04-27



# Zoning Special Exception Zoning Map

**2711 North  
Main Street**


*Approx. 1.10 acres*

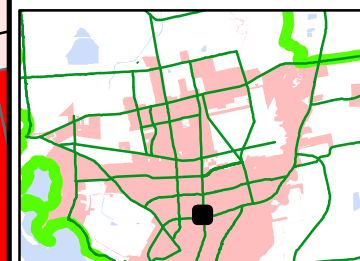
 Subject Property

**ULDC Zoning**

**Zoning Districts**

 GC (General Commercial)

 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 = 200 feet

Date 2022-04-27





City of Baytown Board of Adjustment  
Special Exception  
Staff Report  
August 9, 2022

**Plan Number:** ZP22040043

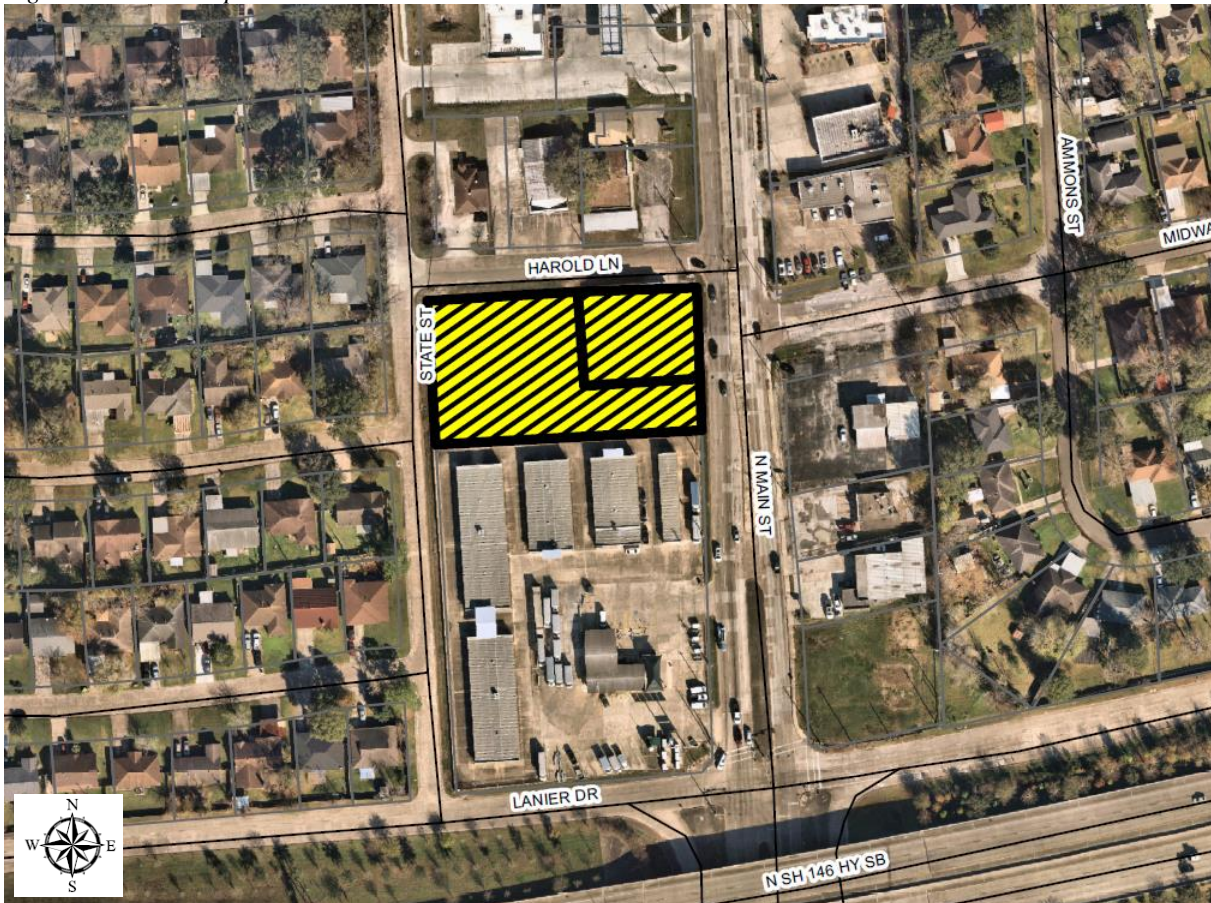
**Address:** 2711 North Main Street, approximately 1.10 acres

**Requested Action:** A special exception from the Unified Land Development Code, Article II, Division 3, Section 2.10 Land Use Conditions, condition A40, requesting a reduction from the required building setback for a warehouse and the required vegetative buffer. The proposed special exception is a request to build a warehouse use within the required minimum 100 foot building setback required in a General Commercial zoning district as well as the 50 foot LI vegetative buffer zone.

**Applicant:** John D. Linton, AIA, Altar Group, on behalf of the property owner.

**Subject Property**

*Figure 1: Parcel Map*



### **Parcel Information**

**Current Use:** Mostly vacant with a currently unused commercial building

**Proposed Use:** Warehouse

**Future Land Use Plan:** General Commercial

### **Adjacent Parcel Information (Zoning, Future Land Use Plan)**

**North:** General Commercial, Commercial Corridor/Low-Medium Density Residential

**South:** General Commercial, Commercial Corridor

**East:** General Commercial, Commercial Corridor

**West:** Mixed Residential at Low to Medium Densities (SF2), Low-Medium Density Residential

*Figure 2: Zoning Map*

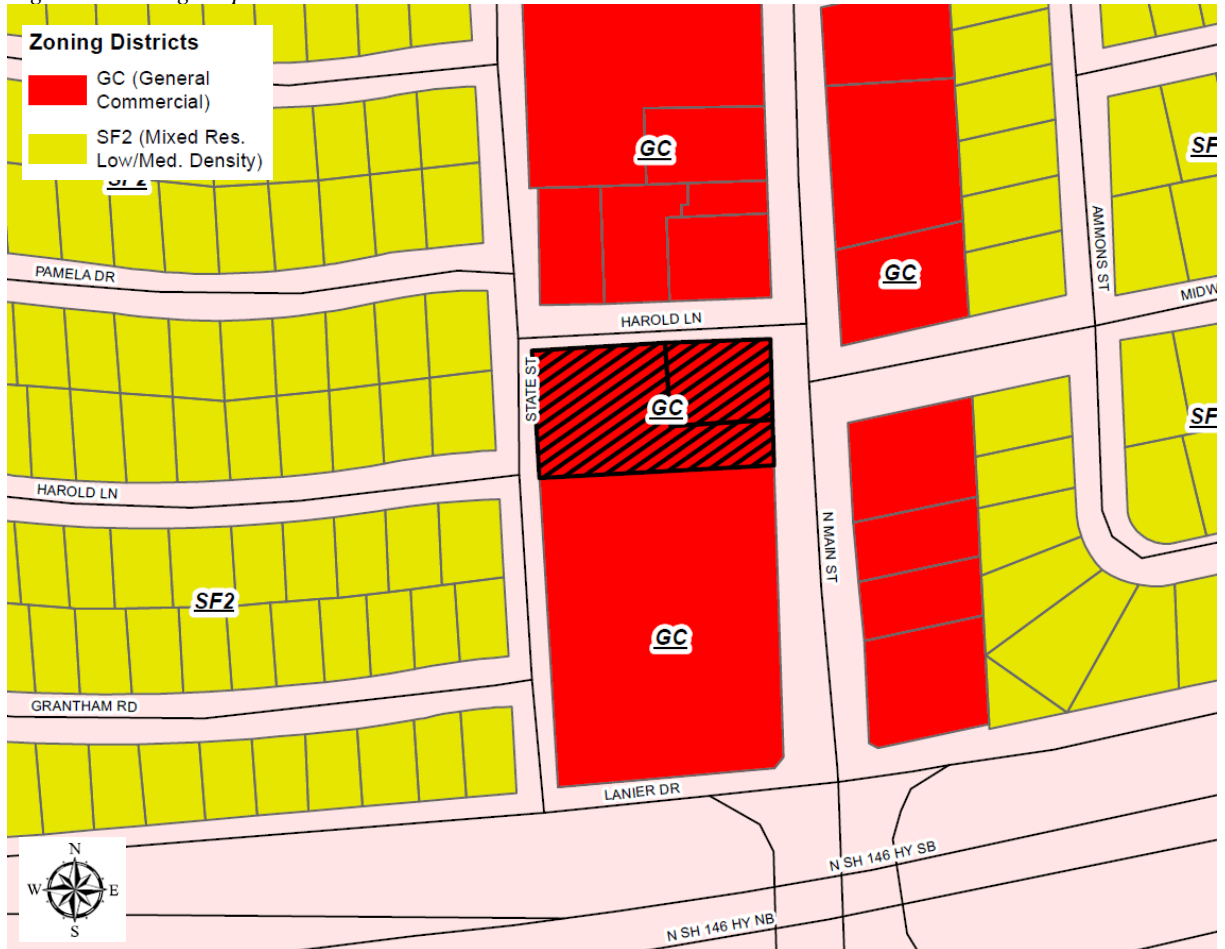
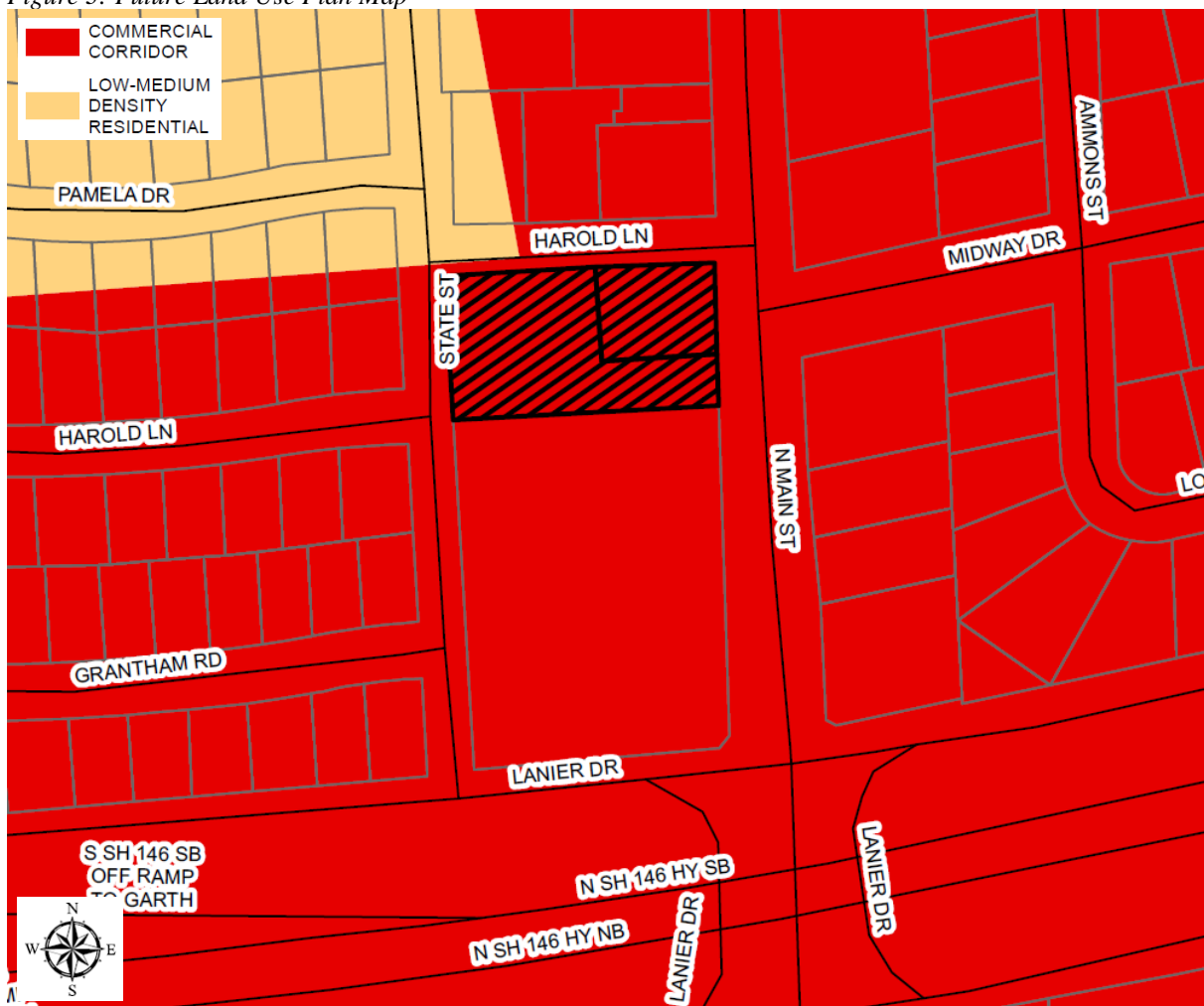


Figure 3: Future Land Use Plan Map



### **History**

The Board of Adjustment first heard this request on May 10, 2022. At that time, members of the Board expressed that they were concerned about the proximity of this proposed use to nearby residential properties. Since only four members of the Board were present, a consensus could not be reached and no action was taken.

Staff advised the applicant to prepare more extensive exhibits to help Board members better visualize the proposed use and return for the June 14, 2022 Board meeting.

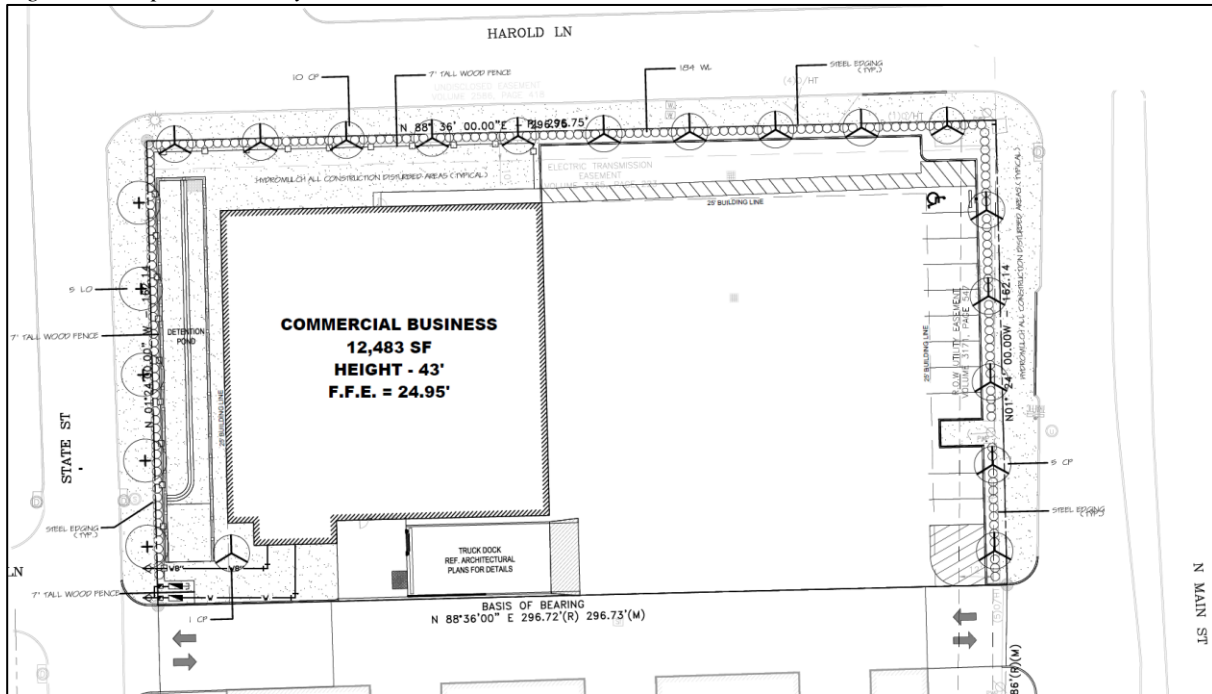
### **Staff Analysis (Background)**

The applicant is requesting to build a small warehouse operation on the subject property, adjacent to the self-storage/U-haul rental facility directly to the south. According to the applicant, this use will be utilized to store moving containers for rent, both empty and full, commercially marketed as “U-Box”. The service supplies small shipping containers to residential customers wishing to move, which the customer fills with their belongings and then the U-Box is picked up and shipped to its destination for the customer. The proposed facility would temporarily store the U-Box as an intermediate location en route to its final destination, as well as empty containers awaiting rental.

This use is categorized as a warehouse, which is allowed in the General Commercial (GC) district by the Unified Land Development Code (ULDC), but requires a number of additional conditions, which include items that protect and ensure compatibility with neighboring uses, such as the location of docking bays, limitation on building height, and location relative to major streets. The applicant is able to meet all of these conditions except for the following:

- If warehouse exceeds 10,000 square feet, must adhere to LI vegetative buffer described in Sec. 18-1206.5 of the Code of Ordinances.
- The minimum building setback shall be 100 feet. Within this setback, a 50-foot open space and a 50-foot vegetative buffer shall be provided.

Figure 4: Proposed Site Layout



Without these conditions, a non-warehouse structure in a GC zone would be required to observe a 25-foot building setback, plus provide an opaque fence, and a 10-foot open space between the proposed use and adjacent single-family residential use.

The surrounding properties are zoned primarily GC except to the west, zoned SF2. With adequate screening, the proposed special exception request could be appropriate for the subject property considering where it is located and the surrounding existing land uses.

### ULDC Criteria

In order to move forward with the proposed warehouse, the applicant is requesting a special exception to reduce the compatibility standards, including building setbacks and vegetative buffer. In order to approve an application for a special exception, the Board of Adjustment shall make an affirmative finding that the following criteria are met.



The granting of the special exception will:

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

With regard to the level of compatibility and applicable standards for the proposed development, the applicant has agreed to provide additional screening (landscaping and privacy fence) so that it will meet a similar standard to what is set forth in the ULDC conditions table. However, as mentioned above, because the use is located in a GC district, the required building setbacks are 100 feet with a vegetative buffer of 50 feet. The current use to the south is a self-storage facility with truck rental and is owned by the same entity, so this use complements that existing facility. The uses to the north and east are of a commercial nature, so there is less concern with compatibility issues with these properties. However, special attention should be paid to compatibility with the residential properties to the west. While the zoning of these properties is SF2, the Future Land Use Plan does predict that these properties will become commercial over time.

2. *Not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development because of inadequate buffering, screening, setbacks and other land use considerations;*

The applicant has assured staff that all activity on this property will occur during normal daytime business hours (9am-4pm) and that the majority of the activity will occur interior to the building. The initial site plan also indicates that the loading docks will be located on the south side of the property, which will only face the existing U-Haul/Self Storage operation. The applicant has agreed to install a 7-foot privacy fence, as well as additional landscaping to compensate for the proposed 25-foot building setbacks.

Overall, it is not anticipated that the proposed use will have any adverse effect on adjacent land uses and the physical character of uses in the immediate vicinity of the proposed development if the applicant provides adequate buffering and screening, as outlined in item #4.

3. *Not adversely affect property values in any material way; and*

As the majority of development in the general vicinity is commercial and the property will be screened from nearby residences, it is not anticipated that the proposed special exception will adversely affect property values in the area in any material way.

4. *Be generally consistent with the purposes and intent of this ULDC.*

Section 1-1 of the ULDC states that the purpose of the Unified Land Development Code is to promote the health, safety and general welfare by promoting safe, orderly and economical sustainable development. The intent of the code is to provide a greater setback for buildings along with buffering by means of an opaque screen, open space and vegetation when warehousing is allowed in a GC zoned property. The intent of the code will be met as the additional screening will be used to shield neighboring

residential properties from the warehouse operation to compensate for the lesser setback.

As a condition of approval, staff requires screening on the western half of the north side of the property to adhere to the specifications found in Chapter 18 of City Code, Article XIV, Sec. 18-1206.5(e)(2) Transition Buffer Zone, and double these specifications on the west property line, as there will be more opportunities for non-compatibility with the neighboring single-family residences.

Specifically, the buffering on the western half of the north side of the property must consist of:

- a. A ten-foot wide vegetative buffer containing a row of moderate to fast-growing evergreen trees with an expected growth to a minimum height of 16 feet and a minimum width of ten feet at its maturity. Tree types shall include, but are not limited to, Wax Myrtle, Leyland Cypress, and/or American Holly;
- b. All trees shall be installed with ten feet of separation on center, at or above-grade of the public right-of-way, and shall be a minimum of five feet in height at time of planting; and
- c. A wood or masonry fence with a minimum height of seven feet shall be installed interior to the transition buffer.

The buffering on the west side of the property must consist of:

- a. A twenty-foot wide vegetative buffer containing two rows of moderate to fast-growing evergreen trees with an expected growth to a minimum height of 16 feet and a minimum width of ten feet at its maturity. Tree types shall include, but are not limited to, Wax Myrtle, Leyland Cypress, and/or American Holly;
- b. All trees shall be installed with ten feet of separation on center, at or above-grade of the public right-of-way, and shall be a minimum of five feet in height at time of planting; and
- c. A wood or masonry fence with a minimum height of seven feet shall be installed interior to the transition buffer.

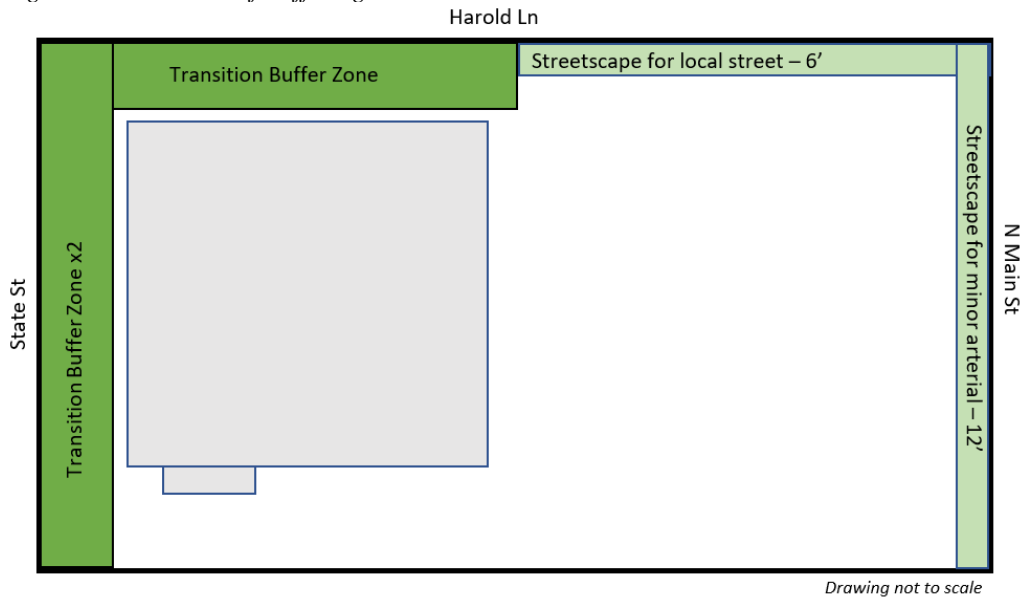
If no outdoor activity is proposed, the eastern side and the eastern half of the north side of the property will be required to adhere to the streetscape requirements found in Chapter 18, Article XIV, Sec. 18-1206 Streetscape, of the City Code.

The south border of the property will not require buffering.

Staff also feels that lighting of the site on the western side of the property is a concern and that the proposed loading dock must be kept at ground level, not raised, in order to be located within the required 25-foot building setback.

If these standards, as illustrated in Figure 5 below, are met, staff feels the intent of the ULDC has been met.

Figure 5: Illustration of Buffering Conditions



### **Staff Recommendation**

Staff recommends approval of the proposed special exception, subject to the following conditions:

1. Vegetative buffers along west, north and east property lines must match the described conditions above.
2. Loading dock must be at ground level.
3. Site lighting must measure zero footcandles at the western property line.



## **BOARD OF ADJUSTMENT**

**5. a.**

**Meeting Date:** 08/09/2022

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**

---