



## CITY OF BAYTOWN

### NOTICE OF MEETING

BOARD OF ADJUSTMENT  
TUESDAY, APRIL 9, 2024  
4:00 P.M.  
HULLUM CONFERENCE ROOM, CITY HALL  
2401 MARKET STREET, BAYTOWN, TEXAS 77520

## AGENDA

1. CALL TO ORDER AND ROLL CALL

2. CITIZEN COMMENTS

Notice is hereby given that in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, prohibits the Board of Adjustment from discussing, deliberating, or considering, subjects for which public notice has not been given on the agenda. Issues that cannot be referred to the administration for action may be placed on the agenda of a future Board of Adjustment Session.

3. MINUTES

- a. Consider approving the meeting minutes of the January 9, 2024, Board of Adjustment regular meeting.

4. SPECIAL EXCEPTIONS

- a. Conduct a public hearing and consider a request for a special exception from the Unified Land Development Code (ULDC) to encroach four feet into the required ten-foot transition buffer at 1710 North Main Street.

5. DIRECTOR'S REPORT

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

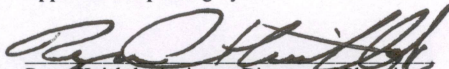
6. ADJOURN

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.


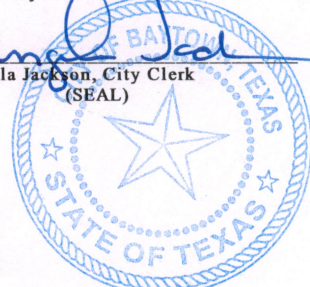
THE CITY OF BAYTOWN IS COMMITTED TO COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT. THE CITY OF BAYTOWN'S PUBLIC FACILITIES ARE WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REASONABLE MODIFICATIONS AND EQUAL ACCESS TO COMMUNICATIONS WILL BE PROVIDED UPON REQUEST. REQUESTS MUST BE MADE FORTY-EIGHT (48) HOURS TO THE MEETINGS, SERVICES OR PROGRAMS. TO MAKE A REQUEST, PLEASE CALL 281-420-6690, OR TO FAX 281-420-7176, OR CONTACT 281-420-6690 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:

  
Ryan Hvitlok, Assistant Director of Planning  
and Development Services

Posted this 5th day of April 2024, at 5:00 P.M.

Posted by:

  
Angela Jackson, City Clerk  
(SEAL)  




**BOARD OF ADJUSTMENT**

**3. a.**

**Meeting Date:** 04/09/2024

Minutes - January 9, 2024, Regular Meeting

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

**Prepared by:** Nai Mongiello, Planning and Development Services

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**Information**

**ITEM**

Consider approving the meeting minutes of the January 9, 2024, Board of Adjustment regular meeting.

**PREFACE**

The minutes of the Board of Adjustment regular meeting held on January 9, 2024, are attached for your review.

**RECOMMENDATION**

Staff recommends approval.

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**Attachments**

Minutes

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# CITY OF BAYTOWN

## PLANNING AND DEVELOPMENT SERVICES

### MINUTES OF THE BOARD OF ADJUSTMENT REGULAR MEETING January 9, 2024

The Baytown Board of Adjustment met at 4:00 p.m. on Tuesday, January 9, 2024, in the Council Chamber located at 2401 Market Street, Baytown, Texas.

Members present:	Mike Wilson	Chairman
	Barbara Wooster	Vice Chairman
	Gilbert Santana	Member
	Becky Robins	Member
	Jeff Walters	Member
Members not present:	Roy Chowdhury	Member
Staff present:	Martin Scribner	Planning Director
	Ryan Hvitløk	Planning Assistant Director
	Scott Lemond	City Attorney
	Franci Linder	Planning Manager
	Emilio Levario	Senior Planner
	Nai Mongiello	Planning Specialist

#### 1. CALL TO ORDER AND ROLL CALL

Chairman Mike Wilson called the Tuesday, January 9, 2024, Board of Adjustment Regular Meeting to order at 4:00 p.m.

Ms. Nai Mongiello called roll and a quorum was verified.

#### 2. BUSINESS ITEM

- a. **Consider the election of a Chairperson and a Vice-Chairperson of the Board of Adjustment in accordance with Section 2-545 of the Code of Ordinances, Baytown, Texas.**

Ms. Becky Robins nominated Mr. Mike Wilson for Chairman and Ms. Barbara Wooster for Vice Chairman, seconded by Mr. Gilbert Santana. Motion **PASSED** unanimously.

#### 3. MINUTES

- b. **Consider approving the meeting minutes of the December 12, 2023, Board of Adjustment regular meeting.**

Mr. Santana motioned to approve the minutes, seconded by Vice Chairman Wooster. Motion **PASSED** unanimously.

Chairman Wilson read the procedures for public hearings.

#### 4. VARIANCES

- a. **Conduct a public hearing and consider a request for variance from the Unified Land Development Code (ULDC) to encroach five feet into the required 25-foot street side setback at 3135 Garth Road.**

Chairman Wilson stated that the applicant for this item withdrew their application.

- b. **Conduct a public hearing and consider a request for a variance from the Unified Land Development Code (ULDC) to encroach 1.125 feet into the required five-foot minimum interior side setbacks for the property located at 1116 Riggs Street.**

Ms. Franci Linder summarized the item.

Mr. Edward Williams, the applicant, stated that he is in favor of the board granting the variance.

Ms. Linder reviewed the criteria adding that staff feels that all of the criteria have been met and recommends approval.

Mr. Santana motioned to approve the variance, seconded by Vice Chairman Wooster. Motion **PASSED** unanimously.

## **5. SPECIAL EXCEPTION**

- a. **Conduct a public hearing and consider a request regarding a special exception from the Unified Land Development Code (ULDC) to allow a reduction of the required building setback and vegetative buffer for a Manufacturing (light) facility in a General Commercial (GC) Zoning District at 7414 Bayway Drive.**

Mr. Emilio Levario summarized the item.

Mr. Wilson Davis, the architect for the project, summarized the proposed project.

Vice Chairman Wooster motioned to approve the special exception, seconded by Ms. Robins. Motion **PASSED** unanimously

## **6. DIRECTOR'S REPORT**

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

Mr. Scribner stated:

- The applicant whose appeal was denied last month has taken no further action.
- Mr. Jeffrey Walters resigned his position on the board.
- City Council is updating the City's boards and commissions.

## **7. ADJOURN**

Mr. Santana motioned to adjourn, seconded by Ms. Robins. Motion **PASSED** unanimously.

Meeting adjourned at 4:40 p.m.



## BOARD OF ADJUSTMENT

4. a.

**Meeting Date:** 04/09/2024

Special Exception - Reduce transition buffer

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

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

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### **Information**

#### **ITEM**

Conduct a public hearing and consider a request for a special exception from the Unified Land Development Code (ULDC) to encroach four feet into the required ten-foot transition buffer at 1710 North Main Street.

#### **PREFACE**

The applicant is requesting a special exception from the ULDC, Article II. Division 3. Sec. 2.10 - Land use conditions to encroach four feet into the required ten-foot transition buffer in a Mixed Use (MU) Zoning District on approximately 0.23 acres at 1710 North Main Street, legally described as Lots 1 and 2, Block 17, Pringle Section 1, Baytown, Harris County, Texas.

The applicant is proposing to reuse the existing structure for Building, heating, plumbing, general, service or electrical contractors with outdoor storage.

The supporting documentation is attached for your review.

#### **RECOMMENDATION**

Staff recommends approval.

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### **Attachments**

Application and Supporting Documents

Vicinity Map

Current Zoning Map

Staff Report

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## SPECIAL EXCEPTION APPLICATION CITY OF BAYTOWN

**App Date:** 3/7/2024  
**Plan Number:** ZP24030016

**Description:** A special exception from the Unified Land Development Code (ULDC), Article II, Division 3, Section 2.10 Land Use Conditions, conditions A3 and A42, requesting a reduction from the required 10 feet transition buffer for an existing mixed use (MU) facility.

**Parcel:** 0572950170001  
**Address:** 1710 N. Main Street, Baytown, TX 77520

### **Applicant and Owner**

Jose Barron  
4409 Alta Ln,  
Deer Park, TX 77536  
Business: ((832) 418-9864

### **Property**

**Legal Description** Lots 1 & 2 Block 17, Pringle SEC 1, Baytown, Texas  
**Acres** 0.23

### **Zoning**

**Current Zoning:** Mixed use (MU)  
**Proposed Zoning:** Mixed use (MU)

### **Use**

**Current Use Type** Commercial  
**Specific Current Use** Auto service garage  
**Proposed Use Type** Commercial  
**Specific Proposed Use** General Contractor with outdoor storage

### **Applicant Statement**

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

The outdoor storage will be limited to the covered patio, we are including a six-foot tall opaque (wood) fence as required by Sec 3.14 (f) and a 10' buffer as required in section Sec 3.14 (j) with the only exception of the small area where building's footprint does not allow it.

**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,**



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

### **setbacks, and other land use consideration;**

The current separation between the subject property MU and the adjacent property SF2 has been a 4' chain-link fence which will be improved to a 6' wooden fence which will minimize the view into the small laydown yard of the building. The transition buffer will increase the visual and acoustical protection by adding trees as required.

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

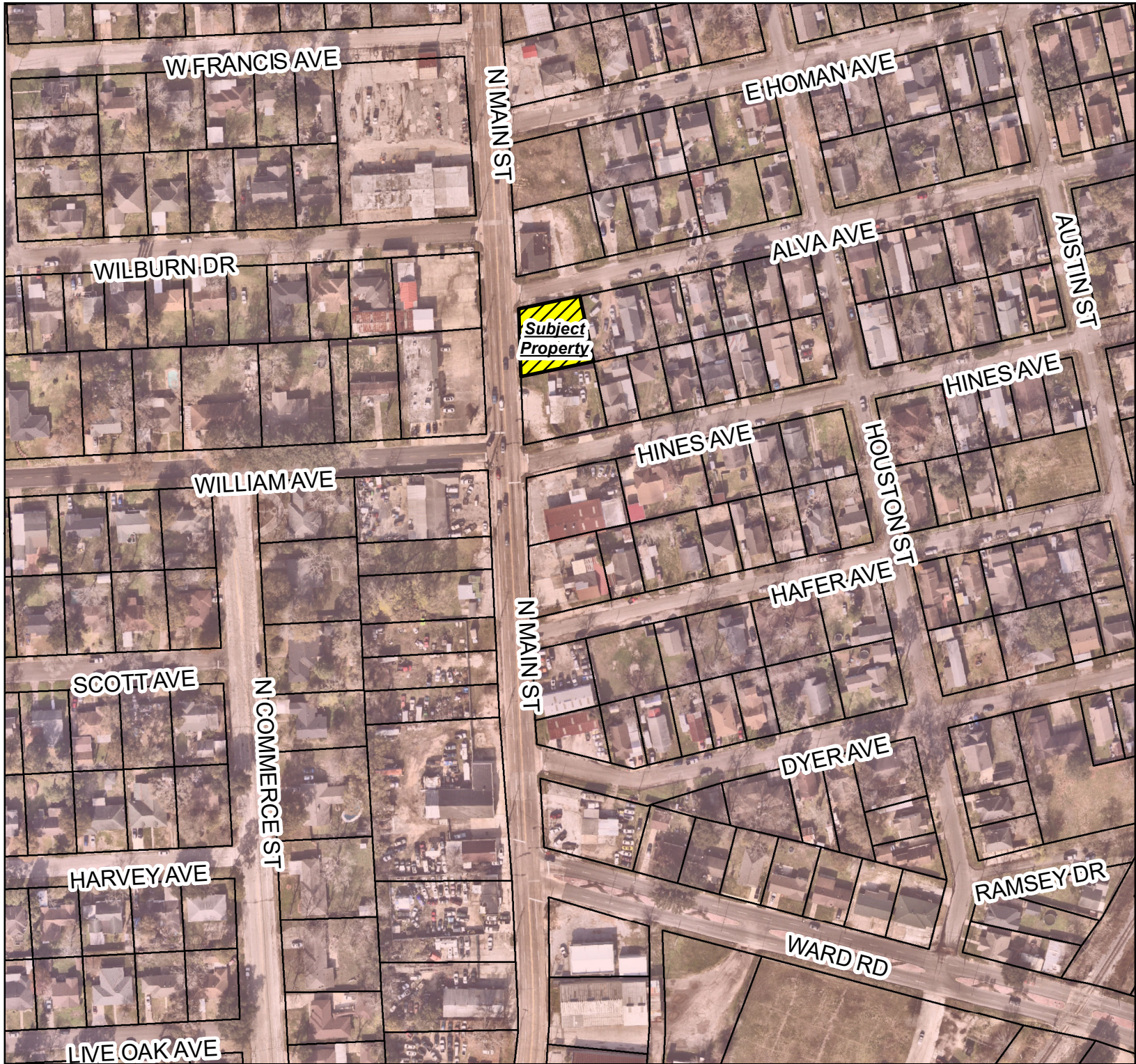
The property will be used for the same purpose it has been used since before current owner purchased the property. If anything, it will be adding value by improving the current state and adhering to the ordinances that are both applicable and achievable.

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

It will provide appropriate separation, better aesthetics and generate a more private environment for the adjacent SF2 property and the immediate area.







# Zoning Special Exception

*Vicinity Map*

**1710 N. Main Street**

*Approx. 0.23 acres*

## LEGEND

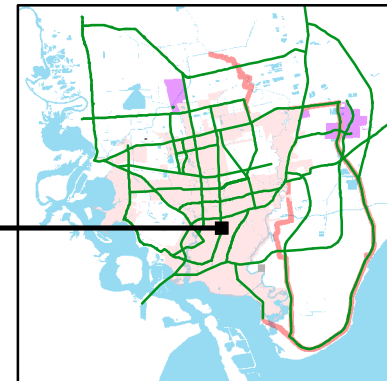


Subject Property

**City Limits**

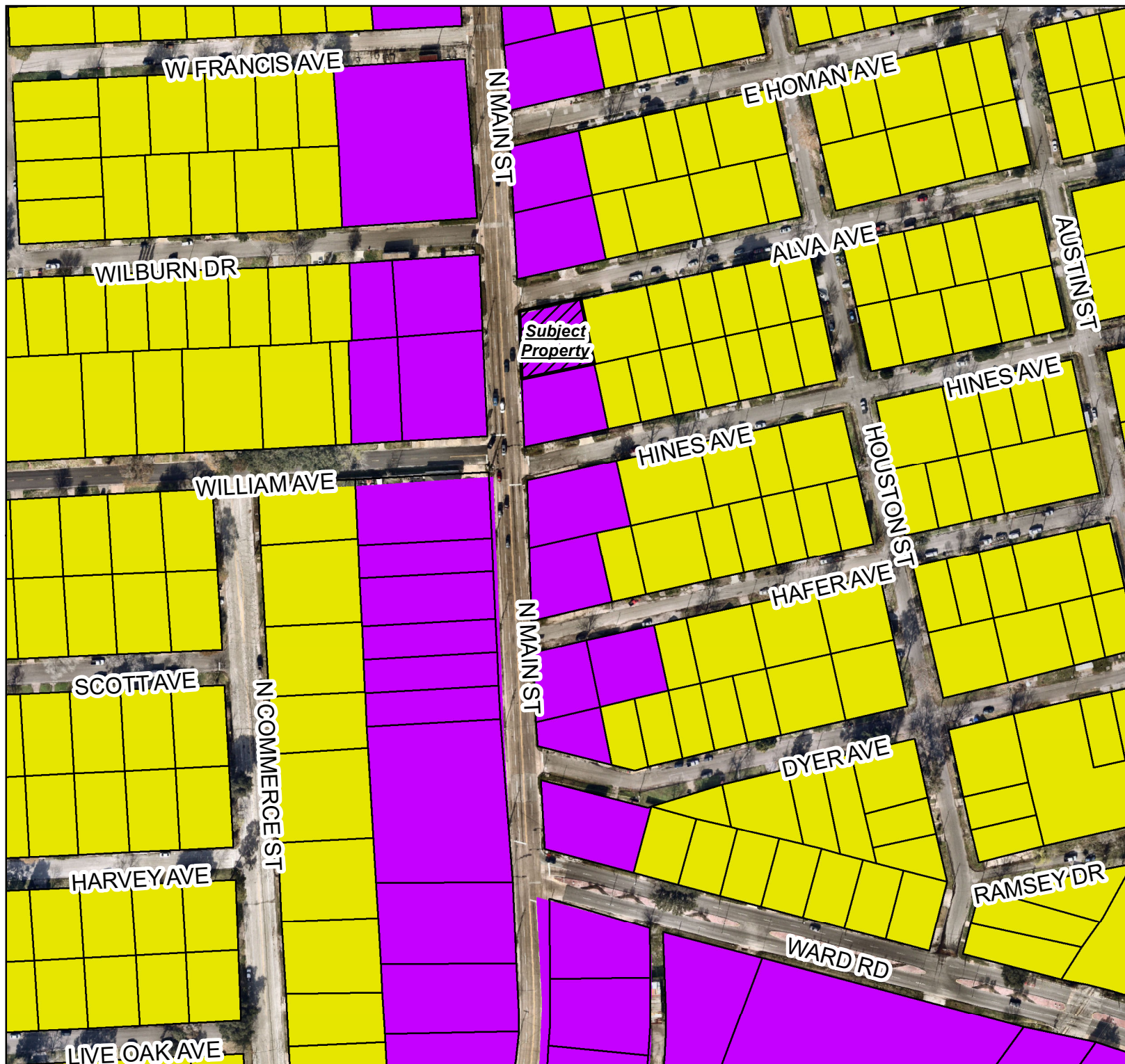


CITY



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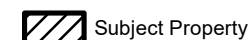
# Zoning Special Exception

Current Zoning Map

1710 N. Main Street

Approx. 0.23 acres

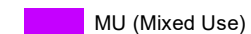
## LEGEND



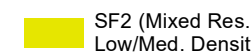
Subject Property

## ULDC Zoning

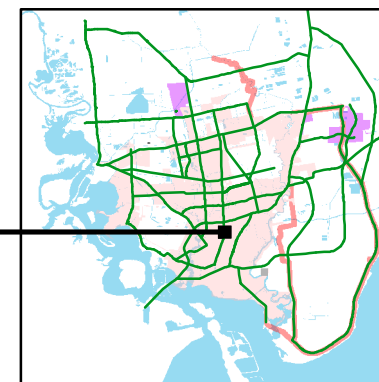
### Zoning Districts



MU (Mixed Use)



SF2 (Mixed Res.  
Low/Med. Density)



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**Staff Report**  
**Board of Adjustment**  
**April 9, 2024**

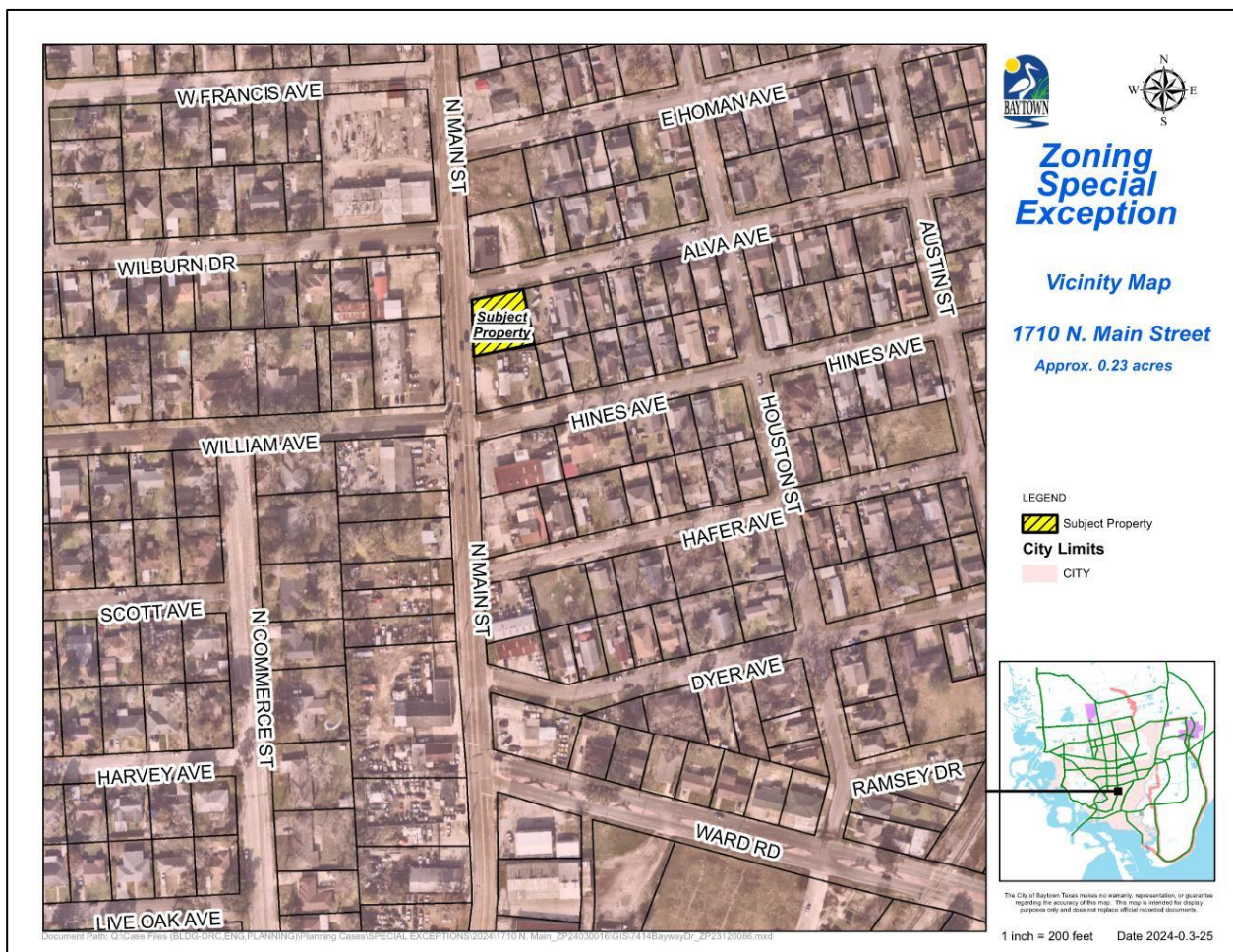
**Plan Number:** ZP24030016

**Address:** 1710 North Main Street

**Requested Action:** A special exception from the Unified Land Development Code (ULDC), Article II, Division 3, Section 2.10 Land Use Conditions, conditions A3 and A42, requesting a reduction from the required ten-foot transition buffer for an existing facility in a Mixed Use (MU) Zoning District.

**Applicant:** Jose Barron, Barron A/C and Heating LLC

**Owner:** Jose Barron, Barron A/C and Heating LLC



*Figure 1. Vicinity Map*



**Parcel Information:**

**Zoning:** Mixed-Use (MU)

**Use:** Auto service garage

**Proposed Specific Use:** Building, heating, plumbing, general, service or electrical contractors with outdoor storage

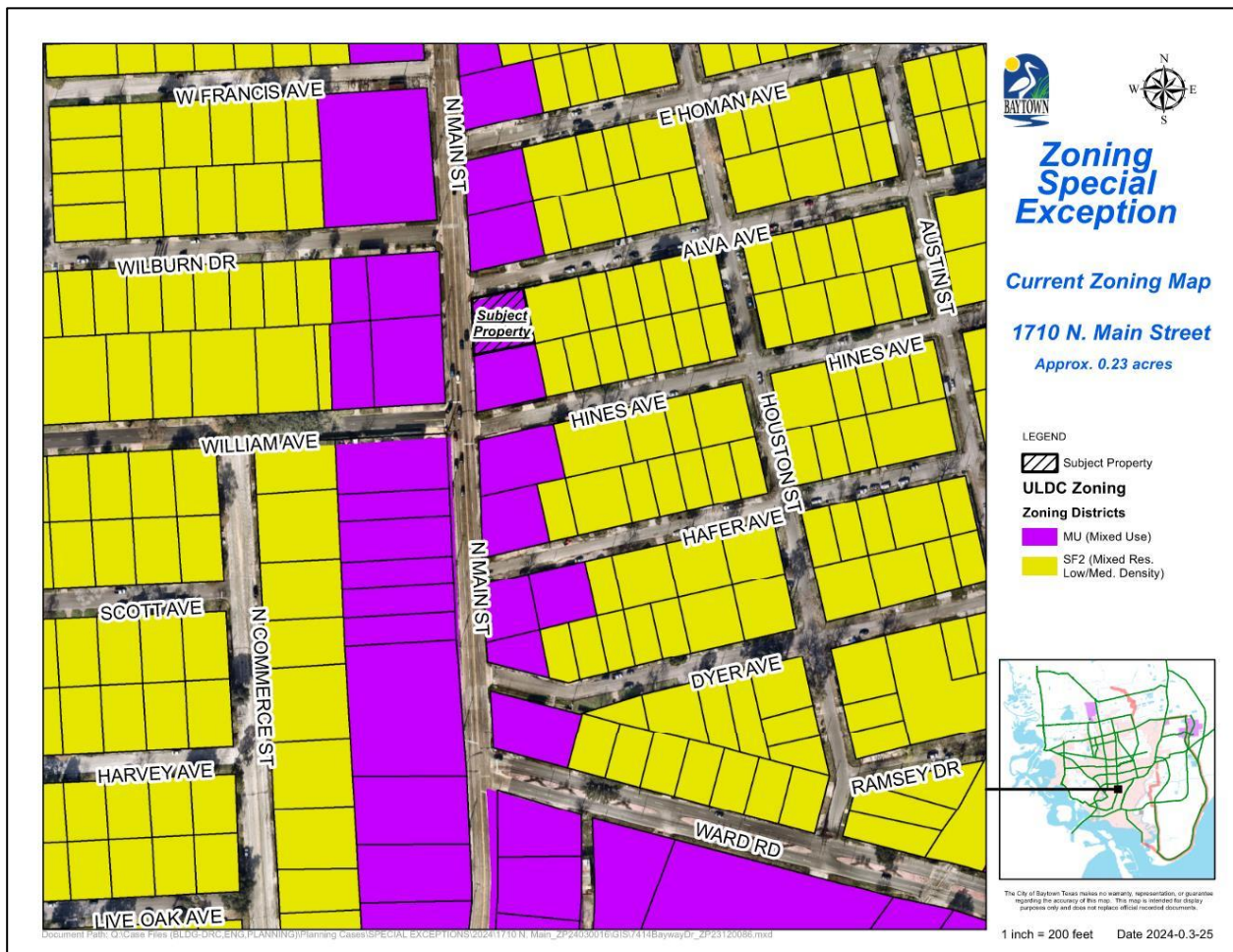
**Surrounding Properties Information:**

**North:** Right-of-Way (ROW), Mixed-Use (MU)

**West:** Right-of-Way (ROW), Mixed-Use (MU)

**East:** Mixed Residential at Low to Medium Densities (SF2)

**South:** Mixed-Use (MU)



*Figure 2. Current Zoning Map*

**Background:**

The subject property, approximately 0.23 acres, is located at the intersection of North Main Street and Alva Avenue. The applicant is proposing to reuse the existing structures on the property for a general contractor service with outdoor storage. The proposed use is permitted with conditions A3 and A42 in the MU zoning district. The conditions for this land use are as follows:

**Article II, Division 3, Section 2.10 of the ULDC, Land Use Conditions, conditions A3& A42:**

Condi tion #	Land USE	Applicable Zoning District	Conditions	
A3	<i>Building, heating, plumbing, general, service or electrical contractors with outdoor storage</i>	GC, MU	(a)	<i>Outdoor storage shall be separated from all adjacent uses and public rights-of-way by transition buffer.</i>
			(b)	<i>Loading docks or bay doors shall not face an arterial or collector street.</i>
A42	<i>Outdoor storage, container, Boat and RV storage, Building, heating, plumbing, general, service or electrical contractors with outdoor storage</i>	<i>All, where permitted</i>	»	<i>All outdoor storage shall only occur within the side and/or rear yard(s) of the property. Where double frontage occurs, outdoor storage shall not be permitted beyond the plane of the side building façade that is adjacent to the side street.</i>
			»	<i>All outdoor storage shall be separated by a vegetative or transition buffer, as described in section 3.14(i) of the Code of Ordinances, from all adjacent uses and all public streets.</i>

The development, as proposed, would adhere to all of the assessed conditions, except for the full width of the ten-foot buffer at the northeast corner of the building for which the applicant is seeking this special exception. ULDC, Article III, Division 5, Section 3.14(j) specifically defines a transition buffer:

*(j)Transition buffer zone. A transition buffer zone provides protection to adjacent land uses and shall 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, along the side yard lines, rear yard lines, and frontage along a street. 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 six feet shall be installed interior to the transition buffer.*

Similar to other properties along this segment of North Main Street, the boundaries of the subject property skew slightly along the northern property line. The existing structure, built 1966, was also positioned closer to Alva Avenue and not parallel to either the northern, nor the southern boundaries of the subject property. As such, this condition created a six-foot side yard setback at the northeast corner of the structure to the adjacent property to the east. See Figure 3 - Existing Condition.





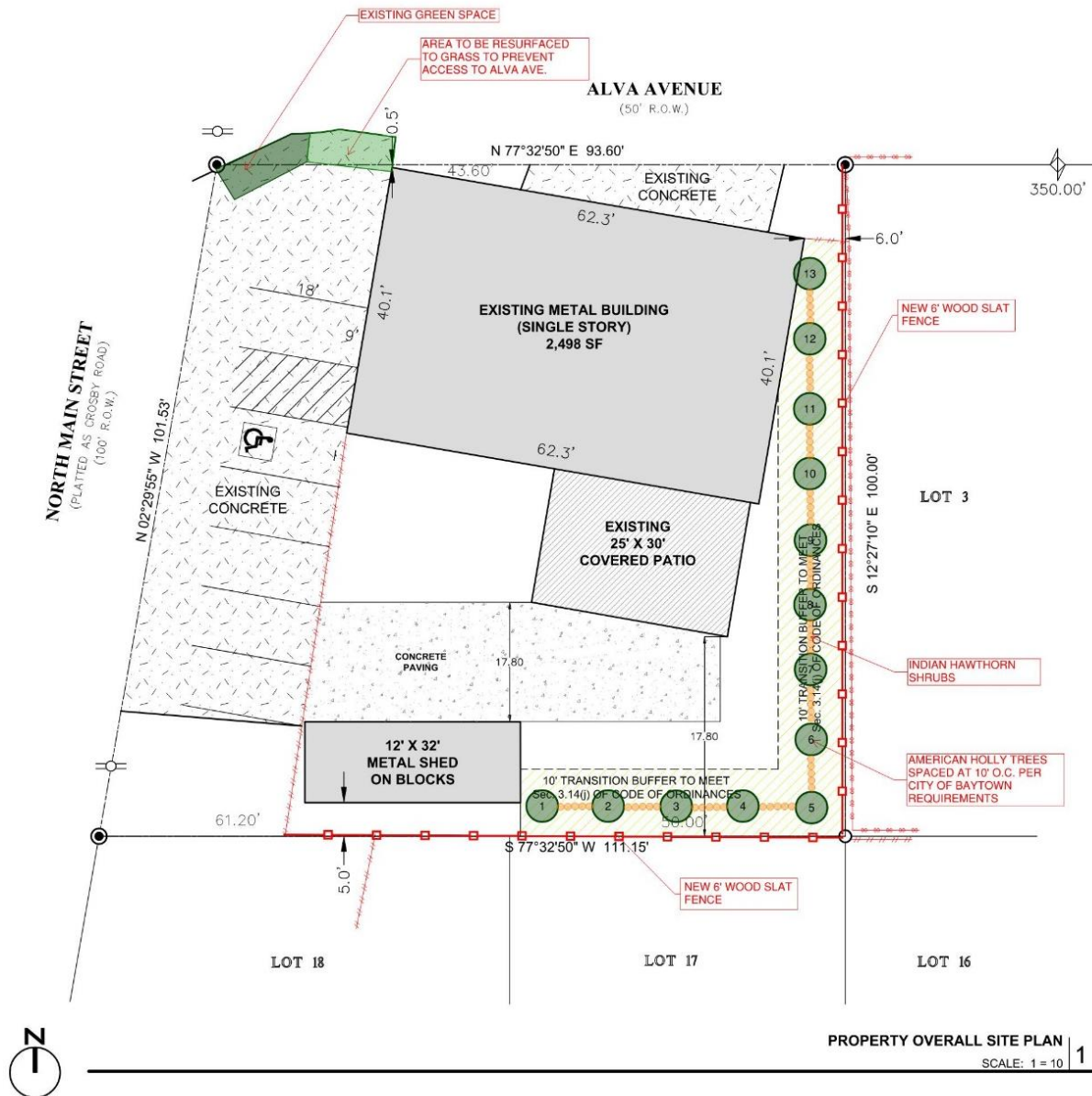


Figure 4 - Proposed Site Plan

### **Special Exception Criteria – Section 1.30(b), ULDC**

To approve an application for a special exception permit, the board of adjustment shall make an affirmative finding that granting the special exception will:

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

The requested special exception to reduce the required ten-foot transition buffer at the northeast corner of the property will not affect the general level of land use compatibility. The subject property was developed in 1966, prior to the adoption of the ULDC; since 1988 it has been operating as an auto service garage. The proposed use is similar with the exception of the outdoor storage. The ULDC requires this new, more intense use to meet specific conditions (A3 and A42) including a transition buffer. The new owner/applicant is proposing

to keep a minimum of ten-foot transition buffer except for the existing condition at the corner of the building. The proposed transition buffer encompasses planting 13 new trees and a number of shrubs to meet the code conditions. The applicant is also constructing a new wooden fence along the east and south property boundaries to lessen the impact of the use on adjacent properties.

**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;**

It is not anticipated that the proposed use will have an adverse effect on adjacent land uses. The general contractor use is a permitted use with conditions for the use of outdoor storage. The applicant is reusing the existing structure on the property and the associated outdoor storage will be limited to: the existing covered patio; and to the rear of the structure, see Figure 4 - Proposed Site Plan. In addition to interior renovation of the existing structure, the applicant is proposing to improve the overall subject site by: 1) removing the historical boundary encroachment on the adjacent property to the south; 2) closing off vehicular access at the corner of Alva Avenue and North Main Street; 3) relocating the existing metal shed five feet from the southern property line per code requirement; 4) refreshing asphalt and parking striping; 5) providing for a ten-foot wide transition buffer where applicable; and 6) adding a six-foot tall wooden fence along the east and south property boundaries.

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

According to Harris Central Appraisal District (HCAD), the auto garage business has existed on the subject property since 1988. The new property owner proposes to invest in the property and increase the property value. The applicant is committed to interior renovation of the existing structure and site improvement including a reduced transition buffer that encompasses 13 new trees and a number of shrubs at the periphery of the property. The applicant is also removing a boundary encroachment to the adjacent property to the south. As such, 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;**

The purpose of the Unified Land Development Code is “to promote the health, safety and general welfare by promoting safe, orderly and economically sustainable development”. The intent of the code is to provide buffering between uses that may impact their adjacent land uses. Per the ULDC, the proposed use with its associated outdoor storage requires a transition buffer by means of an opaque screen, open space, and tree planting along property boundaries in order to mitigate the impact on adjacent uses. The proposed additional plantings will occur along the eastern and southern property boundary which will soften the appearance of the proposed use and further achieve the intent of the transition buffer. Despite the buffering deficiencies at the corner of the building for which the applicant is requesting the special exception, the overall development proposal is consistent with the purpose of the ULDC and the applicant’s proposed landscape plantings illustrate consistency with the intent of the ULDC land use conditions.

**Recommendation:**

Staff recommends **approval of the proposed special exception.**



**BOARD OF ADJUSTMENT**

5. a.

**Meeting Date:** 04/09/2024

Director's Report

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

**Prepared by:** Nai Mongiello, Planning and Development Services

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**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**

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