

MINUTES
BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE
HARRIS COUNTY, TEXAS

At a regular meeting held on January 10, 2019, at City Offices, 7676 Woodway, Suite 300, the following members of the Board of Adjustment were present:

<u>MEMBER</u>	<u>PRESENT/ABSENT</u>
Larry Chapman	Present
Vicki Driscoll	Present
Michael Cooper	Present
Scott Bender	Present

Those in attendance included the Applicant and other interested parties as set out on the Registration Sheet for this meeting.

- I. The meeting was called to order at 7:00 P.M.
- II. Board's actions and comments on scheduled appeals are attached hereto. The number of appeals considered was one. The action taken by the Board on any application (i) is limited solely to such application, (ii) shall not be applicable to any other application whether on the property involved with such application or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinance of the City, or any other ordinance.
- III. The Board's actions on the above stated appeal(s) are attached hereto and incorporated herein by this reference for all purposes.
- IV. The meeting was adjourned at 7:10 P.M.


Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE


Action on Appeals
Meeting Date: January 10, 2019

1. Scheduled Appeal No: 19-1 Order No. 19-1
2. Applicant: Brian Cushing
3. Address: 225 Millbrook
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(c)(3)
5. Applicant was present: No
Represented by: Don Pattie

6. After presentation of the appeal by applicant, discussion by all interested parties either for or against and deliberation by the Board, the Board voted to grant the appeal as to a variance for 225 Millbrook to permit keeping the existing house in its current location by permitting a 8.37 feet encroachment on the rear yard setback thereby granting a variance from the 20 feet rear yard setback as required by Section 74-244(c)(3) to a 11.63 feet rear yard setback in only the location where the existing house currently encroaches on the required 20 feet rear yard setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212.

7. The vote of each Board Member was as follows:

Member	Vote (Granted/Denied)
Driscoll	yes/granted
Chapman	yes/granted
Cooper	yes/granted
Bender	yes/granted


Chair

ORDER NO. 19-1
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of Brian Cushing is for a variance for 225 Millbrook as to Section 74-244(c)(3) is for a variance for 225 Millbrook to permit keeping the existing house in its current location by permitting a 8.37 feet encroachment on the rear yard setback thereby granting a variance from the 20 feet rear yard setback as required by Section 74-244(c)(3) to a 11.63 feet rear yard setback in only the location where the existing house currently encroaches on the required 20 feet rear yard setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212.

Section 2. The Board hereby finds and determines as follows:

(a) The variance for 225 Millbrook to permit keeping the existing house in its current location by permitting a 8.37 feet encroachment on the rear yard setback thereby granting a variance from the 20 feet rear yard setback as required by Section 74-244(c)(3) to a 11.63 feet rear yard setback in only the location where the existing house currently encroaches on the required 20 feet rear yard setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212, will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(3) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance for 225 Millbrook to permit keeping the existing house in its current location by permitting a 8.37 feet encroachment on the rear yard setback thereby granting a variance from the 20 feet rear yard setback as required by Section 74-244(c)(3) to a 11.63 feet rear yard setback in only the location where the existing house currently encroaches on the required 20 feet rear yard setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212, is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED January 10, 2019 (transmitted to offices of the City of Piney Point on January 11, 2019).


Chair