

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

At a regular meeting held on April 11, 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
Kevin Risley	Present
Michael Cooper	Present
Scott Bender	Present
Zeb Nash	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 two. 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 8:15 P.M.



Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: April 11, 2019

1. Scheduled Appeal No: 19-2 Order No. 19-2
2. Applicant: Mario Colina with Probstfeld and Associates
3. Address: 11315 Coloma Lane
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(c)(1)
5. Applicant was present: Yes
Represented by: Self
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 deny the appeal as to a variance for 11315 Coloma Lane to permit a front yard having a depth of less than 50 feet.


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

Member	Vote (Granted/Denied)
Nash	yes/granted
Chapman	no/denied
Cooper	no/denied
Bender	no/denied
Risley	no/denied

8. Scheduled Appeal No. 19-3 Order No. 19-3
9. Applicant: Shane Cupic with Cupic Custom Homes
10. Address: 11014 Landon Lane
11. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-245(k)
12. Applicant was present: Yes
Represented by: Self
13. 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 to appeal in accordance with the terms, provisions and conditions set forth in Order No. 19-3.

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

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



Chair

ORDER NO. 19-2
VARIANCE

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

Section 1. The appeal of Mario Colina with Probstfeld and Associates is for a variance for 11315 Coloma Lane as to Section 74-244(c)(1) to permit front yard setback from 50 feet to 40 feet.

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

(a) The variance for 11315 Coloma Lane as to Section 74-244(c)(1) to permit front yard setback from 50 feet to 40 feet, will be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(1) of Chapter 74 will not result in unnecessary hardship;

(c) The granting of the requested variance to Section 74-244(c)(1) for 11315 Coloma Lane as to Section 74-244(c)(1) to permit front yard setback from 50 feet to 40 feet, is not 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 April 11, 2019 (transmitted to offices of the City of Piney Point on April 15, 2019).


Chair

**BOARD OF ADJUSTMENT OF
THE CITY OF PINEY POINT VILLAGE, TEXAS**

**Final Order 19-3 on a Variance Request
for 11014 Landon Lane**

Section 1. On April 11, 2019, the **Zoning Board of Adjustment of the City of Piney Point Village, Texas**, (the "Board") met to consider a request filed by **Justin and Mary Margaret Purdy** ("Owner") for the following variance for construction of new driveway curbcut at **11014 Landon Lane, Piney Point Village, Texas, 77024, also known as Lot 1, Block 2, Hedwig Shadows Subdivision** (the "Property"):

a variance to Chapter 74, Section 245 (k), Supplementary district regulations-driveway curbcuts, of the City of Piney Point Zoning Ordinances in order to allow a driveway curbcut on the Property directly on or adjacent to Hedwig Road.

Section 2. The Board, having considered the evidence and arguments presented, is of the opinion that the requested variance for a driveway curbcut on Hedwig Road for the Property should be granted, in part only, and the Board hereby grants a variance to the driveway curbcut prohibition on Hedwig Road for the Property subject to the certain conditions provided in Section 4.

Section 3. The Board finds that: a) the granting of the variance to the terms of the City's Zoning Ordinances regarding the driveway curbcuts Hedwig Road for this Property is not contrary to the public interest; b) a literal enforcement of the Zoning Ordinances in this case would result in unnecessary hardship to the Property Owner; and c) the granting of variance in this case is within the spirit of the Zoning Ordinances.

More specifically, the Owner requested a reasonable accommodation under the American with Disabilities Act (the "ADA") from the City's Zoning Ordinances due to the special circumstances caused by the disability of a resident of the Property.

Additionally the Board finds that the granting of a variance in this case, under the conditions provided in Section 4, will not have any significant negative effect on the adjacent properties.

Section 4. The Board, by a vote of 5-0 at the Board's meeting on April 11, 2019, grants and orders a variance to Section 245(k)(3) of the Zoning Ordinances of the City of Piney Point Village as follows:

a. A driveway curbcut is allowed for the Property in substantial conformance to the drawing and plan attached to Owner's application for a variance dated 4/5/19.

b. No vehicles shall back out, or be permitted to back out, from the Property onto Hedwig Road; vehicles may only enter and exit the Property from the driveway on or adjacent to Hedwig Road going in a forward direction.

c. This variance is further conditioned upon the occupancy of the Property by Owner and the person for which the accomodation is made.

d. Upon termination of the occupancy of the Property by the Owner or the person for which this accomodation / variance is made, the Owner shall remove the driveway curbcut, including the driveway apron, within the Hedwig Road right of way adacent to the Property, and restore the Hedwig Road right-of-way adjacent to the Property, including the curb, if any, to its condition prior to January 1, 2019.

Section 5. 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 or provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance of the City.

Section 6. This variance shall not run with the Property, but is intended as an accomodation to the Owner under the ADA only. The City Secretary shall file this Order in the real property / deed records of Harris County, Texas.

Section 7. All other relief not granted is denied.

PASSED, APPROVED, and ORDERED April 11, 2019.

[Signature]
Chairman, Board of Adjustment
City of Piney Point

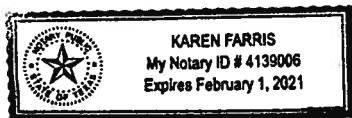
April 15, 2019
Date of Signature

This written decision is filed in the office of the Board in accordance with Texas Local Government Code Section 211.011(b) on April 15, 2019 (date)

[Signature] Chairman
Signature
Printed name: Lawrence B Chapman

County of Harris,
State of Texas.

This Final Order was signed and acknowledged before me on May 22, 2019 by Lawrence B Chapman, Chairman, on behalf of the City of Piney Point Village Zoning Board of Adjustment.



[Signature]
Notary Public, State of Texas

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