

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

At a regular meeting held on January 12, 2023, 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 |
| Kevin Risley | Present |
| Scott Bender | Present |

Those in attendance included the Applicant and other interested parties.

- 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, but one of the appeals (240 Piney Point Road) withdrew its appeal before voting occurred.

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 7:35 P.M.

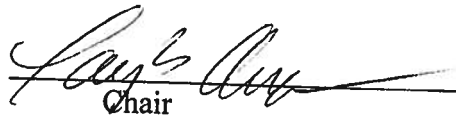

Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: January 12, 2023

1. Scheduled Appeal No: 23-01
2. Applicant: Rick and Kourtney Pena
3. Address: 20 Lacewood Lane
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(a)(4) Generator
5. Applicant was present: yes
Represented by Rick Pena
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 to permit a generator to be placed between 14.0 feet and 16.1 feet from the property line, along the east side of the existing home, screened from neighbors by a pre-existing 7'6" wood fence to the east and a pre-existing 7' wrought iron fence and shrubbery to the south, leaving 6 feet of clearance from the main structure and 3 feet from the existing air conditioning units, but otherwise in accordance with the requirements of Section 74-244(a)(4).
7. The vote of each Board Member was as follows:

| Member | Vote (Granted/Denied) |
|----------|-----------------------|
| Risley | Granted |
| Chapman | Granted |
| Cooper | Granted |
| Driscoll | Granted |
| Bender | Granted |


Chair

ORDER NO. 23-01
VARIANCE

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

Section 1. The appeal of Rick and Kourtney Pena for the following variance as to 20 Lacewood Lane: a variance permitting a generator to be placed between 14.0 feet and 16.1 feet from the property line, along the east side of the existing home, screened from neighbors by a pre-existing 7'6" wood fence to the east and a pre-existing 7' wrought iron fence and shrubbery to the south, leaving 6 feet of clearance from the main structure and 3 feet from the existing air conditioning units, but otherwise in accordance with the requirements of Section 74-244(a)(4).

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

(a) The variance requested as to Section 74-244(a)(4) as to permit a generator to be placed between 14.0 feet and 16.1 feet from the property line, along the east side of the existing home, screened from neighbors by a pre-existing 7'6" wood fence to the east and a pre-existing 7' wrought iron fence and shrubbery to the south, leaving 6 feet of clearance from the main structure and 3 feet from the existing air conditioning units, but otherwise in accordance with the requirements of Section 74-244(a)(4), will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244 (a)(4) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244(a)(4) to permit a generator to be placed between 14.0 feet and 16.1 feet from the property line, along the east side of the existing home, screened from neighbors by a pre-existing 7'6" wood fence to the east and a pre-existing 7' wrought iron fence and shrubbery to the south, leaving 6 feet of clearance from the main structure and 3 feet from the existing air conditioning units, but otherwise in accordance with the requirements of Section 74-244(a)(4), 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 12, 2023 (transmitted to offices of the City of Piney Point on January 13, 2023).


Chair