

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

At a regular meeting held on March 9, 2023, the following members of the Board of Adjustment were present:

<u>MEMBER</u>	<u>PRESENT/ABSENT</u>
Larry Chapman	Present
Zeb Nash	Present
Michael Cooper	Present
Kevin Risley	Present
Vicki Driscoll	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 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 Chapters 34 or 74 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 8:00 P.M.

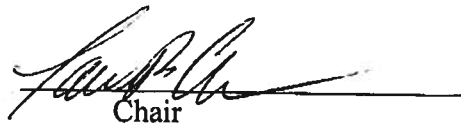

Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: February 9, 2023

1. Scheduled Appeal No: 23-03. Order No. 23-03
2. Applicant: James and Rose Spice on behalf of Owner Paula Mischer in accordance with permission dated February 15, 2023 signed by Paula Mischer.
3. Address: 1 Radney Circle
4. Type of Appeal: variance under Section 34-69 – Variance Procedures of the Code of Ordinances of the City of Piney Point Village
5. Applicant was present: Yes. Owner was not present
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 allow the residence located at 1 Radney Circle (the “Structure”) to remain at its current elevation as part of the complete renovation of the interior of the residence so long as, but only so long as, the Structure remains a Historic Structure, as defined by the Section 34-30 of the Code and the Code of Federal Regulations (CFR) 44 Part 59. As appointed by City Council under Section 34-69(a) of the Code to act as the board of adjustment (“BOA”) for Article II. – Flood Damage Prevention of Chapter 34. – Floods, the BOA has determined that the Structure meets the National Register criteria to be eligible for listing by the Secretary of Interior as a historic structure on the National Register based on letter from Texas Historical Commission signed by Gregory Smith, National Register Coordinator, dated February 7, 2023 addressed to Rose Spice.
7. The vote of each Board Member was as follows:

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


Chair

ORDER NO. 23-03
VARIANCE

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

Section 1. The appeal of James and Rose Spice on behalf of Owner Paula Mischer for the following variance as to 1 Radney Circle: a variance permitting the residence located at 1 Radney Circle (the "Structure") to remain at its current elevation as part of the complete renovation of the interior of the residence so long as, but only so long as, the Structure remains a Historic Structure, as defined by the Section 34-30 of the Code and the Code of Federal Regulations (CFR) 44 Part 59. As appointed by City Council under Section 34-69(a) of the Code to act as the board of adjustment ("BOA") for Article II. – Flood Damage Prevention of Chapter 34. – Floods, the BOA has determined that the Structure meets the National Register criteria to be eligible for listing by the Secretary of Interior as a historic structure on the National Register based on letter from Texas Historical Commission signed by Gregory Smith, National Register Coordinator, dated February 7, 2023 addressed to Rose Spice.

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

(a) The Board has determined that the variance requested as to Section 34-69 as set forth in Section 1 above is the minimum necessary, considering the flood hazard, to afford relief;

(b) The Board has determined that a good and sufficient cause has been shown to grant the variance requested as to Section 34-69 as set forth in Section 1 above;

(c) The Board has determined that failure to grant the variance requested as to Section 34-69 as set forth in Section 1 above would result in exceptional hardship to the applicant;

(d) The Board has determined that the granting of the requested variance as to Section 34-69 as set forth in Section 1 above will not result in increased flood heights, additional threats to public safety, extraordinary public expense, crease nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

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 Chapters 34 or 74, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED March 9, 2023 (transmitted to offices of the City of Piney Point on March 13, 2023).


Chair