

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

At a regular meeting held on September 13, 2018, 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
Zeb Nash	Present
Michael Cooper	Present
Kevin Risley	Present

Those in attendance included the Applicants 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 meeting was adjourned at 7:25 P.M.

  
Chair

BOARD OF ADJUSTMENT  
CITY OF PINEY POINT VILLAGE

Action on Appeals  
Meeting Date: September 13, 2018

1. Scheduled Appeal No: 18-7 Order No. 18-7
2. Applicant: Patti and Tom Owens
3. Address: 8B Woods Edge Lane
4. Type of Appeal: Variance  
Applicable Zoning Ordinance Section 74-244(a)(4)
5. Applicant was present: yes  
Represented by: Patti Owens
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 8B Wood Edge Lane as to Section 74-244(a)(4) to permit the below described generator to be placed no more than five (5) feet over the building line so it will be no nearer than ten (10) feet from the side property line, subject to the review of generator specifications by the City, the generator to be a Generac G007043-0-22kw generator with its physical dimensions being 48.6"L by 25.5"W by 28.8"H to be placed on a metal stand up to 60" above ground level with the distance from the top of the generator to the top of the preexisting rock wall being 29" which rock wall will screen the generator on three sides to keep the generator from being visible from the street and the neighbor on the north side of the house, with the sound of the generator to always be under 75db, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

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

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

8. Scheduled Appeal No: 18-8 Order No. 18-8
9. Applicant: Anup Shah
10. Address: 467 Gingham Drive

11. Type of Appeal: Variance  
Applicable Zoning Ordinance Section 74-244(c)(1)

12. Applicant was present: yes  
Represented by: Kevin Lee

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 the appeal as to front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

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

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

  
Chair

ORDER NO. 18-7  
VARIANCE

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

Section 1. The appeal of Patti and Tom Owens is for a variance for 8B Woods Edge Lane as to Section 74-244(a)(4) to permit the below described generator to be placed no more than five (5) feet over the building line so it will be no nearer than ten (10) feet from the side property line, subject to the review of generator specifications by the City, the generator to be a Generac G007043-0-22kw generator with its physical dimensions being 48.6”L by 25.5”W by 28.8”H to be placed on a metal stand up to 60” above ground level with the distance from the top of the generator to the top of the preexisting rock wall being 29” which rock wall will screen the generator on three sides to keep the generator from being visible from the street and the neighbor on the north side of the house, with the sound of the generator to always be under 75db, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

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

(a) The variance for 18B Woods Edge Lane as to Section 74-244(a)(4) to permit the below described generator to be placed no more than five (5) feet over the building line so it will be no nearer than ten (10) feet from the side property line, subject to the review of generator specifications by the City, the generator to be a Generac G007043-0-22kw generator with its physical dimensions being 48.6”L by 25.5”W by 28.8”H to be placed on a metal stand up to 60” above ground level with the distance from the top of the generator to the top of the preexisting rock wall being 29” which rock wall will screen the generator on three sides to keep the generator from being visible from the street and the neighbor on the north side of the house, with the sound of the generator to always be under 75db, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c), 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 to Section 74-244(a)(4) for 18B Woods Edge Lane as to Section 74-244(a)(4) to permit the below described generator to be placed no more than five (5) feet over the building line so it will be no nearer than ten (10) feet from the side property line, subject to the review of generator specifications by the City, the generator to be a Generac G007043-0-22kw generator with its physical dimensions being 48.6”L by 25.5”W by 28.8”H to be placed on a metal stand up to 60” above ground level with the distance from the top of the generator to the top of the preexisting rock wall being 29” which rock wall will screen the generator on three sides to keep the generator from being visible from the street and the neighbor on the north side of the house, with the sound of the generator to always be under 75db, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c), 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 September 13, 2018 (transmitted to offices of the City of Piney Point on September 15, 2018).



Chair

ORDER NO. 18-8  
VARIANCE

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

Section 1. The appeal of Anup Shah is for a variance for 467 Gingham Drive as to Section 74-244(c)(1) to permit front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

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

(a) The variance for 467 Gingham Drive as to Section 74-244(c)(1) to permit front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c), will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(1) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance to Section 74-244(c)(1) for 467 Gingham Drive as to Section 74-244(c)(1) to permit front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c), 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 September 13, 2018 (transmitted to offices of the City of Piney Point on September 15, 2018).

  
Chair