



# City of Richmond

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## **Zoning Board of Adjustment Special Meeting Minutes**

600 Morton Street  
City Commission Room  
Richmond, Texas 77469  
Wednesday, June 27, 2018 at 5:00 P.M.

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### **ZONING BOARD OF ADJUSTMENT MINUTES**

The Zoning Board of Adjustment for the City of Richmond, Texas met in a special meeting on Wednesday, June 27, 2018, at 5:00 p.m. Chairman Doggett called the meeting to order at 5:00 p.m. A quorum was present, with the following members in attendance:

Joe Benes  
Diana DeLeon  
Stephen Doggett  
Ralph Gonzalez  
Michael Scherer

Staff in attendance: Jessica Duet, Planning Director; Gary Smith, City Attorney; Jose Abraham, Planner II; and Jordan Adams, GIS Technician.

Chairman Doggett declared the meeting open.

Chairman Doggett introduced agenda item A2., public comment. He asked if there were any public comments. Hearing no public comment the agenda item was closed.

Chairman Doggett introduced agenda item B1., review and approve minutes from December 19, 2017. The motion was presented by Mr. Scherer and seconded by Mr. Benes. The vote was unanimous for approval.

Chairman Doggett introduced agenda item C1a., public hearing to receive comments for or against a request by Andre Robinson for a variance to the rear building setback and bufferyard regulations from the Unified Development Code which include 1) Section 3.1.200, *Nonresidential and Mixed-Use Development Standards*, Subsection D., *Nonresidential and Mixed-Use Setbacks*, Table 3.1.201B, *Nonresidential and Mixed-Use*

*Setbacks*; and 2) Section 4.4.301, *Buffering*, Subsection C., *District Bufferyards*, Table 4.4.301B, *District Bufferyards*, for 20,998 square feet (0.482 acres) of land. The subject site is located at 1101 Long Drive, at the southwest corner of Thompson Road and Long Drive. Property abutting to the west is single-family residential (Lamar Terrace Subdivision); property across the street to the north is single-family residential and vacant (zoned SC); property abutting to the south is vacant; and property across Thompson Road is single-family residential (Bonham Acres Subdivision). Chairman Doggett asked if there were any public comments. Mr. Mike Hafer (2016 Long Drive) spoke and asked to defer his allotted time to Mr. Rick Mesecher. Mr. Rick Mesecher (1105 Long Drive) spoke to the Zoning Board of Adjustment and presented pictures of subject property from the previous weeks' rainfall. Mr. Mesecher stated the neighbor across the street gets water to her front door with a heavy rain like the one that occurred last week. He further stated that water drains across subject site and it cannot be made all concrete. Mr. Mescher stated the development of subject site will greatly affect the homes in Lamar Terrace from drainage and traffic. Mr. Mescher stated that traffic on Long Drive backs up from Thompson Road during peak hours and the neighbors use other outlets to access Thompson Road. Mr. Mescher stated he was not opposed to development of subject site but he wanted the regulated setbacks and bufferyards per City codes. Mr. Benes questioned Mr. Mescher where the water was coming from when it rains. Mr. Mescher responded to Mr. Benes that the water backs up at his house. Mr. Gonzalez asked Mr. Mescher if Thompson Road was a higher elevation than Long Drive. Mr. Mescher responded that Thompson Road is higher than Long Drive and there is only a small drainage ditch along Thompson Road. Mr. Scherer asked the audience in a show of hands who supported Mr. Mescher's position against the variance request. There was a show of seven hands in the audience. The next speaker was Ms. Jan Meitzen (1107 Long Drive). She stated she would like to defer her allotted time to Mr. Mescher. The final speaker was Mr. Jacob Medve (2020 Long Drive). Mr. Medve stated he opposed with the variance because of drainage issues on the site. He stated the variances would cause more concrete on the site. Mr. Medve also stated he supported Mr. Mescher's position. Hearing no other public comment, the public hearing was closed. Agenda item C1a., continued with a staff presentation to the Zoning Board of Adjustment. Ms. Jessica Duet, Planning Director, stated the property is zoned Suburban Commercial (SC) and abuts General Residential (GR) to the west with Lamar Terrace Subdivision. She showed many pictures of the existing undeveloped site, surrounding neighborhood, and abutting property. Some of the pictures illustrated the close proximity the proposed commercial development has to the existing residential development. She also showed the Board the proposed site plan provided by the property owner. Ms. Duet also explained the nine variance criteria outlined from the Unified Development Code which must be met for both variance requests. She explained the variances requested are the residential district boundary setback and Type C, Option 2 bufferyard, which is a 15-foot landscaped strip with two large trees, two small trees, three evergreen trees, 15 shrubs, and a 5-foot tall fence or 4-foot tall berm for every 100 linear feet. Ms. Duet stated the Planning Department recommended denial of the variance request of the residential district

boundary setback for 1101 Long Drive. She also stated the applicant had provided no proposed mitigation from the existing residence in the way of landscaping and/or fencing to consider per submitted site plan. Ms. Duet also stated the Planning Department recommended denial of the variance request to Type C, Option 2 bufferyard for 1101 Long Drive. She stated in this variance request also the owner did not propose mitigation in way of landscaping in the 5-foot setback between the property line and the proposed building. At the conclusion of staff's presentation the property owner, Mr. Andre Robinson, and builder, Mr. Terrance Martin, spoke to the Zoning Board of Adjustment. Mr. Robinson and Mr. Martin presented the Board with the property's recorded plat. They indicated the property was recorded with a 5-foot building line in May 2015 and Unified Development Code's regulations were not applicable to the development of subject site. Mr. Robinson stated the 5-foot building line was a 5-foot variance on the property. Mr. Martin stated he had previously tried to develop subject property but was denied by the City staff. The Zoning Board of Adjustment asked questions about the drainage on the property. Mr. Robinson stated the City would have to repair the drainage issues in the neighborhood. Mr. Gonzalez asked Mr. Robinson and Mr. Martin if they were open to permeable parking surface. Mr. Martin responded it was possible and Mr. Robinson responded if the neighborhood paid for the costs. Chairman Doggett asked City Attorney Gary Smith to clarify the statement made by the applicant about the plat recordation before the effective date of the UDC, and it did not apply. Mr. Scherer concurred with the clarification. Mr. Smith stated the recorded plat anticipated residential development because it has a 5-foot building line. He also stated unless a project has been filed and ongoing with the City, the UDC would apply. The discussion concluded.

Chairman Doggett introduced agenda item C1b., consideration and action on agenda item C1a. The vote was one "aye" and four "nays" against the 15-foot residential district boundary setback variance and the Type C, Option 2 bufferyard variance for 1101 Long Drive, specifically referenced as Section 3.1.200, *Nonresidential and Mixed-Use Development Standards*, Subsection D., *Nonresidential and Mixed-Use Setbacks*, Table 3.1.201B, *Nonresidential and Mixed-Use Setbacks*; and Section 4.4.301, *Buffering*, Subsection C., *District Bufferyards*, Table 4.4.301B, *District Bufferyards*, in the Unified Development Code, respectively. The vote was Benes "aye", DeLeon "nay", Gonzalez "nay", Scherer "nay" and Doggett "nay".

Chairman Doggett introduced agenda item C2a., public hearing to receive comments for or against a request by Alexis Husser for a variance to the fence regulations of the Unified Development Code, Section 5.2.101, *Fences and Walls*, Subsection B.1., *Height*, for an approximate 1.388 acre tract of land. The subject property is located at 409 South 11<sup>th</sup> Street, across the street from Richmond House Apartments. Mr. Doggett asked if there were any public comments. Hearing no public comment the agenda item was closed. Agenda item C2a., continued with a staff presentation to the Zoning Board of Adjustment. Mr. Jose Abraham, Planner II, explained to the Board the property is located

in the Olde Town (OT) zoning district which allows for nonresidential and residential uses. He stated subject property is being used residentially. Mr. Abraham further stated there is an existing 4-foot tall chain link fence and the owners would like to replace it with a 6-foot tall wrought iron fence. The 6-foot tall wrought iron fence is both for aesthetic appeal and security on South 11<sup>th</sup> Street. Mr. Abraham explained the current regulations only allow for a 42-inch tall fence in the front yard of a residentially used property. He explained to the Board that staff is in the process of bringing a text amendment to the City Commission for the allowance of 6-foot tall fence in residential front yards only when the material is wrought iron or steel tubular. Mr. Abraham explained the nine variance criteria outlined from the Unified Development Code which must be met for the variance request during his presentation. He stated the Planning Department recommended approval with three conditions, it does not apply to installation of opaque or chain link fences, only applies to decorative wrought iron or steel tubular fences that have equally vertical rods/bars that do not block visibility, and the approval expires upon changes of existing use from residential. Mr. Gonzalez asked the height of the new fence in the proposed pictures presented. Mr. Husser (owner) stated the height was 6-feet but that it might look off in the proposed pictures since he was using software. Mr. Scherer asked the audience in a show of hands who did not support the variance request. No one in the audience indicated they did not support the variance request. The discussion concluded.

Chairman Doggett introduced agenda item C2b., consideration and action on agenda item C2a. The vote was unanimous for approval of the 6-foot tall wrought iron front yard fence variance for 409 South 11<sup>th</sup> Street, specifically referenced as Section 5.2.101, *Fences and Walls*, Subsection B.1., *Height*, of the Unified Development Code. The vote was Benes "aye", DeLeon "aye", Gonzalez "aye", Scherer "aye", and Doggett "aye".

There being no further business to be brought before the Zoning Board of Adjustment, Mr. Scherer motioned for the meeting to be adjourned. Mr. Gonzalez seconded and the Zoning Board of Adjustment meeting was adjourned at 6:17 p.m.

Approved:

  

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Stephen Doggett, Zoning Board of Adjustment Chair