



City of Richmond

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Zoning Board of Adjustment Special Meeting Minutes

600 Morton Street
City Commission Room
Richmond, Texas 77469
Tuesday, May 21, 2019 at 5:00 P.M.

ZONING BOARD OF ADJUSTMENT MINUTES

The Zoning Board of Adjustment for the City of Richmond, Texas met in a special meeting on Tuesday, May 21, 2019, 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
Stephen Doggett
Ralph Gonzalez
Michael Scherer
Harold J Mathis, Jr

Staff in attendance: Jose Abraham, Planning Director; Gary Smith, City Attorney; Mason Garcia, Associate Planner; Lori Bownds, Building Official; 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 June 27, 2018. Chairman Doggett noted a correction to the minutes on page 3 of 4. He noted that the last sentence within the first paragraph must read as *"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."* Mr. Gonzales moved to approve the minutes with amendment as noted and the motion was seconded by Mr. Benes. The vote for approval was unanimous.

Chairman Doggett introduced agenda item C1a., public hearing to receive comments for or against a request by Donald Bankston for variance to Section 5.2.103, *Accessory Dwelling Units*,

Subsection D., *Design Standards*, for an approximate 0.1446 acre tract of land located at 509 South 5th Street. The subject site can be described as North half of Lots 4, 5, 6, and 7 in Block 76 of the Town of Richmond, (Volume A, Page 62, Deed Records), in the Jane H. Long League, Abstract 55, Fort Bend County, Texas.

Mr. Jose Abraham, Planning Director gave a presentation to explain the requested variance. He explained that the subject site is located in OT, Olde Town district and includes a residential structure previously used as a Law office and an approximate 775 sq. ft. accessory structure in the rear yard. He added that the applicant intends to use the existing residential structure as a live-work unit and to convert the accessory structure into a dwelling unit for his son to move-in. He further explained that the accessory structure is currently used for storage and does not include all services necessary for a dwelling unit. After discussing the Unified Development Code provided variance criteria, he concluded by stating staff's recommendation of approval of the requested variance to Section 5.2.103, Accessory Dwelling Units, Subsection D., Design Standards - Subsection 5.2.103.D.3.a.; Subsection 5.2.103.D.3.b.2; and Subsection 5.2.103.D.3.b.4. of the Unified Development Code for the subject site with the following conditions:

- 1) The variance approval applies to the accessory structure existing on the subject site on the date of approval of this variance request.
- 2) The variance approval will not apply to the expansion of or addition to the accessory structure, as defined by the UDC, existing on the subject site on the date of approval of this variance request.
- 3) The variance approval will not apply to the construction of any new accessory structure or new accessory dwelling unit after the date of approval of this variance request.

With no further discussion, Chairman Doggett introduced agenda item C1b., consideration and action on agenda item C1a. Mr. Benes abstained from any discussion and voting. Mr. Scherer moved to approve the requested variance to Section 5.2.103, Accessory Dwelling Units, Subsection D., Design Standards - Subsection 5.2.103.D.3.a.; Subsection 5.2.103.D.3.b.2; and Subsection 5.2.103.D.3.b.4. of the Unified Development Code with the conditions presented by staff for the subject site. Mr. Gonzales seconded the motion. The vote was four (4) "ayes" and zero (0) "nays". The vote was, Mathis "aye", Gonzalez "aye", Scherer "aye" and Doggett "aye".

Chairman Doggett introduced agenda item C2a., public hearing to receive comments for or against a request by Terrence Martin for variances to Table 4.2.101C, *Commercial Use Parking Requirements*; Table 4.2.102A, *Required Parking Setbacks*; Table 4.2.102B, *Parking Module Dimensions*; Table 4.4.401, *Parking Lot Planting Requirements*; and Section 4.4.401 *Development Landscaping*, Subsection C., *Site Landscaping* of the Unified Development Code for an approximate 7,700 square feet of land located at 1110 Richmond Parkway (*Previously 1110 Front Street*) at the northwest corner of Richmond Parkway and Wheaton Street intersection. The subject site can be described as part of Lot 7, and part of Lot 8 in Block B of the Wheaton Addition to Richmond, Texas recorded as Plat no. 1940343005 of the Official Public Records of Fort Bend County, Texas.

Mr. Smith interjected and stated his intention to ensure that the public hearing item C1a was formally closed and everyone who intended to speak on the item had an opportunity to do so. At which point, Chairman Doggett asked if there were any public comments on agenda item C1a. Hearing no comments, Mr. Doggett proceeded to agenda item C2a.

Agenda item C2a., continued with a staff presentation to the Zoning Board of Adjustment. Mr. Abraham explained to the Board that the property is located in the Olde Town (OT) zoning district which allows for nonresidential and residential uses. He stated that the subject site includes a commercial building that is used as an office for bail bond services and has six (6) parking spaces in the front yard along Richmond parkway. He added that Fort Bend County recently acquired approximately 700 sq. ft. strip of land as part of a road widening project for Richmond Parkway; as a result of which, the subject site would lose the existing parking spaces. He also mentioned that the subject site has utility related structures along the street side yard (Wheaton Street side) which further limits and restricts compliance with the minimum parking and landscaping requirements. He stated that the applicant intends to develop the side and rear yard area of the subject site to accommodate parking for the bail bond business. After discussing the Unified Development Code provided variance criteria, Mr. Abraham concluded by stating staff's recommendation of approval of the following variances:

1. **Table 4.2.101C, Commercial Use Parking Requirements:** To allow no less than 5 parking spaces.
2. **Table 4.2.102A, Required Parking Setbacks:** To allow no less than a parking setback of 2 feet.
3. **Table 4.2.102B, Parking Module Dimensions:** To allow parking stall depth of no less than 19 feet.
4. **Table 4.4.401, Parking Lot Planting Requirements:** To waive parking lot planting requirements.
5. **Section 4.4.401 Development Landscaping, Subsection C., Site Landscaping:** To allow two large trees within interior side yard; two large trees within front yard; One large tree within rear yard and to waive tree planting requirements within street side yard. Large trees to be as defined in the UDC.

Mr. Abraham also recommended that these variances be approved with a condition that the variances shall expire if the existing primary building is demolished, removed from the subject site, or damaged to an extent that it cannot be redeveloped or reused.

The board generally discussed the details of the proposed site plan with Mr. Abraham and asked questions about the size of the proposed trees and drainage considerations. Mr. Abraham explained the site plan and stated that detailed drainage calculations are reviewed when construction plans are submitted for approval. Mr. Geraldo Saldana, the property owner provided some background on the situation and explained that his attempts to purchase the adjoining property for additional parking have been unsuccessful and has no other choice but to use the remainder of the subject site for parking and that granting of the variance is critical.

He emphasized that his customers mostly come to the location only to drop-off documents and that the parking needs are minimal. He concluded by requesting support for the variance request.

Mr. Andrew Wendel who signed up to speak on the issue introduced himself as one of the landowners of the properties that surround the subject site on the north and west side. He added to the background information provided by Mr. Saldana and indicated that even though there have been some discussions about Mr. Saldana purchasing his property, a formal offer was never made. He stated that he understands the applicants concerns and hardship related to parking and does not oppose the request. Mr. Wendel indicated that his concern is specifically that he received details regarding the request only three (3) hours prior to the meeting. He added that it is difficult for adjoining property owners to weigh in on the request without knowing the details of the request. He also indicated that developing the subject site to include more parking area could lead to drainage related issues and potentially cause flooding in the adjoining area. He also expressed his observation that location of trees close to the property line could impact his property in the future. Mr. Terrence Martin, the general contractor for the subject site asked Mr. Wendel why these concerns were not brought up when they started work on the subject site. To this, Mr. Wendel said that he wasn't aware of the proposed work on the subject site until he heard of the variance request.

Mr. Abraham, responded to the concerns raised by Mr. Wendel and explained the general steps involved in the variance process. He emphasized that all public hearing notice requirement was met and that a notice was mailed to adjoining property owners within 200 feet as required by the Texas Local Government Code. He mentioned that the public hearing notices include general information about the request and staff's contact information so that anyone may contact staff to discuss the details of the request. Mr. Abraham also emphasized that the site plan included in the packet is only used as a reference to consider the variance request and is not approved for construction until its reviewed by staff as part of a Site Development Plan application, to ensure conformance to adopted standards. He added that details such as exact location of the tree shown on the site plan could change during the review process. Mr. Wendel again stated that it would be beneficial for citizens to know the details of the request earlier in the process.

Mr. Gonzales, asked the property owner and the general contractor if permeable pavers for the parking area can be considered. Ms. Lori Bownds, Building Official responded and said that the parking area is required to be hard surface and be concrete or gravel. Mr. Abraham added that there are provisions for permeable pavers if it meets certain standards and the issue can be considered during the administrative Site Development Plan review process. Mr. Scherer asked if Fort Bend County had any obligation in terms of addressing any drainage related issues; since the road widening project is a key factor involved. Mr. Smith, clarified that the road widening project has led to a hardship in terms of the use of the property as discussed in the report. Mr. Benes asked if drainage came within the Board's purview since the issue at hand is a zoning issue. The board, staff, and the property owner generally discussed the potential drainage issue that may be caused by granting the Variance. Mr. Smith, indicated that as part of an

administrative review, drainage and run-off calculations are reviewed to ensure conformance with various adopted standards. He said that approval of the construction plans is based on details and calculations demonstrating that run-off from the subject site will not result in a negative impact on adjoining properties. The general discussion on drainage issue continued.

Mr. Scherer asked if postponing action on the agenda item is being considered to allow time for Mr. Wendel to understand the proposed project better; and that if that could result in setting a precedent for other applications as well. Mr. Abraham responded by explaining that all public hearing notice requirements were met in a timely fashion. At this point, Mr. Wendel stated that the notice did not include all details necessary to understand the project. Mr. Abraham continued explaining that the public notice is kept broad to avoid rescheduling the meeting if a detail change or is found to be inaccurate upon review. The discussion continued and Mr. Abraham emphasized that the purpose of the meeting with respect to the agenda item is limited to the requested variances and that drainage requirements are reviewed as part of a different administrative review. He further added that another adjoining property owner had contacted staff about the agenda item and was satisfied with the information provided. Mr. Benes and Chairman Doggett suggested that staff subsequently help Mr. Wendel understand the project better and Mr. Gonzales asked if Mr. Wendel can give inputs to make changes to the project during the review of construction plans. Mr. Abraham assured that staff will be happy to help Mr. Wendel understand the project and added that he can provide his inputs to the property owner who then can include them on the plans that will be reviewed by staff. Mr. Abraham mentioned that inputs from adjoining property owners are welcome, but it would not be efficient for staff to consider inputs on construction related plan reviews outside of the standards and ordinance adopted by the City. Upon conclusion of the general discussion, Mr. Mathis emphasized that a hardship is evident on the subject matter and that he was ready to vote.

Chairman Doggett introduced agenda item C2b., consideration and action on agenda item C2a. Mr. Gonzales moved to approve the requested variances for the subject site with details and conditions presented by staff. Mr. Benes seconded the motion. The vote was unanimous for the approval of variances to Table 4.2.101C, *Commercial Use Parking Requirements*; Table 4.2.102A, *Required Parking Setbacks*; Table 4.2.102B, *Parking Module Dimensions*; Table 4.4.401, *Parking Lot Planting Requirements*; and Section 4.4.401 Development *Landscaping*, Subsection C., *Site Landscaping* of the Unified Development Code with the conditions and details provided by staff for the subject site. The vote was Benes "aye", Mathis "aye", Gonzalez "aye", Scherer "aye", and Doggett "aye".

There being no further business to be brought before the Zoning Board of Adjustment, Mr. Gonzales moved to adjourn the meeting. Mr. Benes seconded and the Zoning Board of Adjustment meeting was adjourned at 5:54 p.m.

Approved:

Stephen Nussler ZBA Chair 7/23/2020

Stephen Doggett, Zoning Board of Adjustment Chair