



# City of Richmond

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## Zoning Board of Adjustment Regular Meeting Minutes

Zoom Teleconferencing Meeting Room

Thursday, May 6, 2021, at 5:00 P.M.

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The Zoning Board of Adjustment for the City of Richmond, Texas met in a regular meeting on Thursday, May 6, 2020, at 5:00 p.m. Chairman Doggett called the meeting to order at 5:05 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: Jose Abraham, Planning Director; Gary Smith, City Attorney; and Lori Bownds, Building Official.

Chairman Doggett declared the meeting open.

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

Chairman Doggett introduced agenda item B1., Review and approve minutes from the July 16, 2020, meeting. Mr. Gonzales moved to approve the minutes. Mr. Benes seconded the motion. The vote for the motion was unanimous.

Chairman Doggett introduced agenda item C1a., Public hearing to receive comments for or against a request by Ali Qattom, for a variance to *Section 4.7.103.C Prohibited Signs* for an approximate 1.0309-acre tract of land located at 1836 FM 359; along the east side of FM 359, located north of Kwik Kar Lube & Tune and across the street from Pecan Grove Baptist Church. The subject site can be described as Reserve A of the Pecan Grove Park Commercial Reserve "G" Replat No. 1, recorded as Plat no. 20180307 of the Official Public Records of Fort Bend County, Texas. Chairman Doggett opened public comment, Ali Qattom, the applicant, explained the requested variance. Hearing no further public comment, the agenda item was closed.

Chairman Doggett introduced agenda item C1b., Consideration and action on Agenda Item C1a. above, Mr. Abraham presented the details of the proposed variance. He explained that Section 4.7.103.C.7 of the Unified Development Code (UDC) prohibits roof signs. He further explained that the building was originally built as a Burger King with a glass facade and provision for roof-

mounted sign. He indicated that the applicant is requesting a variance to allow the proposed sign to be roof mounted signage due to the minimal availability of wall surface to attach a wall sign. Mr. Abraham explained the UDC provided variance criteria presented in the staff report. He highlighted that the subject site is unique in the fact that the building was built prior to the adoption of the UDC. He also added that the building included a substantial amount of glass façade along FM 359, which in turn limits structural support necessary for permitted wall signs. He also indicated that the structural limitation of the existing building restricts the full use of the sign allowance commonly enjoyed by other commercial businesses.

Mr. Abraham concluded his presentation by stating staff's recommendation of approval of the requested variance to Section 4.7.103.C.7 Prohibited Signs, Locations in Right-of-Way, Design elements and Content; Exempted Signs; Subsection C., *Prohibited Signs.*, of the UDC for the subject site with the following conditions:

1. The variance does not allow the expansion of the existing roof mount for signage or addition of new roof mount for signage. Regular maintenance and upkeep of the signage and sign mount is permitted.
2. Total sign area of the sign mounted on the existing roof structure shall not exceed 85 square feet.
3. Addition of wall signage similar in size, type, and construction on the building façade along FM 359 will result in expiration of this variance.
4. The variance shall expire upon significant structural changes to the building façade along FM 359, at which time provisions for other permitted signage shall be considered.

Mr. Benes moved to approve Section 4.7.103.C.7 Prohibited Signs, Locations in Right-of-Way, Design elements and Content; Exempted Signs; Subsection C., *Prohibited Signs.*, of the UDC for the subject site with the conditions presented by staff for the subject site. Mr. Gonzalez seconded the motion. The vote was five (5) "ayes" and zero (0) "nays". The vote was, Benes "aye", DeLeon "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 Andre L. Robinson Sr for a variance to Table 3.1.201.B of the Unified Development Code; *Nonresidential and Mixed-Use Setbacks., Rear setback for OT,* for an approximate 0.07-acre tract of land located at 605 Austin St, between 6<sup>th</sup> Street and 7<sup>th</sup> Street. The subject site can be described as Lot 10, in Block Forty-One (41), of City of Richmond, an addition in Fort Bend County Texas, according to the map or plat thereof recorded in/under Volume 8 Page 3 of the Plat Records of Fort Bend County, Texas. The applicant, Andre L. Robinson Sr. was represented by his architect Ebenezer Akita, who discussed the requested rear setback variance. Mr. Akita explained that his client met with City staff to discuss the project and realized that the setback requirement limits the ability to efficiently use the subject site for the proposed office building. Additionally, he requested that a variance to the rear setback requirement be granted to allow the successful completion of the project. Hearing no further public comment, the agenda item was closed.

With no further discussion, Chairman Doggett introduced agenda item C1b., Consideration and

action on agenda item C1a. Mr. Abraham presented the details of the proposed project and requested variance. He explained that the subject site is part of the OT, Olde Town zoning district, and that the lots in the area are narrow since they were created as part of the Town of Richmond plat. Mr. Abraham further explained the purpose of the OT, Olde Town zoning district is to preserve the traditional and older areas of the City of Richmond and allow for a mix of uses.

Mr. Abraham discussed the variance criteria provided by the UDC, and highlighted the following points discussed in the staff report:

- The Comprehensive Master Plan and the UDC supports commercial development along major thoroughfares. The UDC supports reduction of setback for non-conforming lots in older areas. Since non-residential lots within OT district have no minimum size requirements, the subject site is not a non-conforming lot.
- The subject site is smaller in size compared to several other properties which are either larger lots or a combination of smaller lots. The subject site was purchased by the applicant prior to the adoption of the UDC. The ownership of adjoining properties limits the ability to combine lots to create a larger lot.
- In comparison, the street frontage of the subject site is smaller than the minimum width required for residential lots which is 50 feet. This creates a challenge for the subject site to be able to develop a building that is comparable to general offices in the area. The smaller size of the property results in a hardship in terms of applying the rear setback requirement.
- The side yard requirement of 5 feet is the minimum setback necessary between buildings for safety, maintenance, and comfort. Side yards and Rear yards are used differently. Rear yard setback is necessary to provide adequate space for placement of mechanical equipment, property maintenance, required planting, achieve an optimum pervious/landscaping coverage, and to provide adequate openness to adjoining properties. OT district allows both residential and non-residential uses, hence, rear yard setback requirement plays an important role in adjoining residential property's usage of the back yard for recreational purposes. Due to the difference in the nature of a side yard and rear yard, a reduction of rear yard setback by more than 50% may not align with the intent of setback requirements.

Mr. Abraham concluded by stating staff's recommendation of approval of the requested variance to Table 3.1.201.B of the Unified Development Code; *Nonresidential and Mixed-Use Setbacks., Rear setback for OT.*, based on the following conditions:

1. The variance allows a reduction of the rear setback for the subject site to eight (8) feet, which represents an approximate 46.66% reduction.
2. The variance shall not be construed as an approval to the submitted site plan or floor plans
3. Only applies to the subject site which is an 0.07 acre tract of land located at 605 Austin Street which can be described as Lot 10, in Block Forty-One (41), of City of Richmond, an addition in Fort Bend County Texas, according to the map or plat thereof recorded in/under Volume 8 Page 3 of the Plat Records of Fort Bend County, Texas.
4. The variance shall expire if additional acreage is added to the subject site for development prior to construction by combination of lots through platting or by any means. Additionally, this variance shall not apply to any tract added to the subject site after being developed.

Chairman Doggett asked whether the notices were sent out, and Mr. Abraham confirmed notices were sent to property owners within 200' of the subject site. Mr Gonzalez move to approve Table 3.1.201.B *Nonresidential and Mixed-Use Setbacks., Rear setback for OT.*, of the Unified Development Code for the subject site with the conditions presented by staff for the subject site. Mr. Benes seconded the motion. The vote was five (5) "ayes" and zero (0) "nays". 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. Gonzales moved to adjourn the meeting. Ms. DeLeon seconded, and the Zoning Board of Adjustment meeting was adjourned at 5:25 p.m.

Approved:

Stephen Doggett, ZBA Chair  
Stephen Doggett, Zoning Board of Adjustment Chair