

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

At a regular meeting held on September 10, 2015, 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
Scott Bender	Present
Michael Cooper	Present
Roland Sauermann	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 7:05 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 7:30 P.M.


Chair

**BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE**

**Action on Appeals
Meeting Date: September 10, 2015**

1. Scheduled Appeal No: 15-07 Order No. 15-07
2. Applicant: Victoria Hawes with Jamestown Estate Homes
3. Address: 11326 Surrey Oaks Lane
4. Type of Appeal: Applicable Zoning Ordinance Section 74-244 (c)(1) and (2)
5. Applicant was present: yes
Represented by: self
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 side yards variance from 15 feet to 10 feet setback and grant the appeal as to front yard variance from 50 feet to 25 feet setback, for new construction, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212(b) or (c).
7. The vote of each Board Member was as follows:


<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	yes/granted
Bender	yes/granted
Sauermann	yes/granted
Cooper	yes/granted

1. Scheduled Appeal No: 15-08 Order No. 15-08
2. Applicant: Heather Kyle with Dillon Kyle Architects
3. Address: 529 Hedwig Road
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(c)(2)
5. Applicant was present: yes
Represented by: self
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

permitting the existing variance reducing the side yards from the required 15% of the lot width at the building line to 15 feet from the South side property line, thereby allowing for a new second floor addition to be constructed on top of the presently existing one-story previous addition which was constructed in 1990 under the previously granted variance, noting that the new second floor addition will not extend past the boundaries of the structure below, and further noting that the existing one-story structure measures 14.8' from the south property line which was an unintentional error during construction, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212(b) or (c).

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

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	yes/granted
Bender	yes/granted
Sauermann	yes/granted
Cooper	yes/granted


Chair

ORDER NO. 15-7
VARIANCE

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

Section 1. The appeal of Victoria Hawes with Jamestown Estate Homes, for the following variance as to 11326 Surrey Oaks Lane: a variance from Section 74-244 (c)(1) and (2) as to side yards variance from 15 feet to 10 feet setback and as to front yard variance from 50 feet to 25 feet setback, for new construction, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of 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 requested as to Section 74-244 (c)(1) and (2) as to side yards variance from 15 feet to 10 feet setback and as to front yard variance from 50 feet to 25 feet setback, for new construction, will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244 (c)(1) and (2) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244 (c)(1) and (2) for new construction to side yards variance from 15 feet to 10 feet setback and as to front yard variance from 50 feet to 25 feet setback, for new construction 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 10, 2015 (transmitted to offices of the City of Piney Point on September 11, 2015).


Chair

ORDER NO. 15-8
VARIANCE

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

Section 1. The appeal of Heather Kyle with Dillon Kyle Architects, for the following variance as to 529 Hedwig Road: a variance from Section 74-244(c)(2) permitting the existing variance reducing the side yards from the required 15% of the lot width at the building line (which would be 17.7 feet) to 15 feet from the South side property line, thereby allowing for a new second floor addition to be constructed on top of the presently existing one-story previous addition which was constructed in 1990 under the previously granted variance, noting that the new second floor addition will not extend past the boundaries of the structure below, and further noting that the existing one-story structure measures 14.8' from the south property line which was an unintentional error during construction, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212(b) or (c).

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

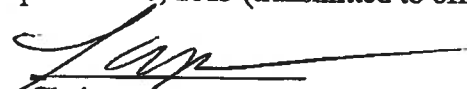
(a) The variance requested as to Section 74-244 (c) (2) permitting the existing variance reducing the side yards from the required 15% of the lot width at the building line (which would be 17.7 feet) to 15 feet from the South side property line, thereby allowing for a new second floor addition to be constructed on top of the presently existing one-story previous addition which was constructed in 1990 under the previously granted variance, noting that the new second floor addition will not extend past the boundaries of the structure below, and further noting that the existing one-story structure measures 14.8' from the south property line which was an unintentional error during construction, will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244 (c)(2) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244 (c)(2) permitting the existing variance reducing the side yards from the required 15% of the lot width at the building line (which would be 17.7 feet) to 15 feet from the South side property line, thereby allowing for a new second floor addition to be constructed on top of the presently existing one-story previous addition which was constructed in 1990 under the previously granted variance, noting that the new second floor addition will not extend past the boundaries of the structure below, and further noting that the existing one-story structure measures 14.8' from the south property line which was an unintentional error during construction, 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 10, 2015 (transmitted to offices of the City of Piney Point on September 11, 2015).


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