

**MINUTES OF  
SPECIAL BOARD OF ADJUSTMENTS MEETING  
CITY OF TOMBALL, TEXAS**

**THURSDAY, FEBRUARY 19, 2009**



**6:30 P.M.**

1.0 Call to Order at 6:37 p.m.

The meeting was called to order by Chairman Ford. Other members present were:

Board Member Shannon  
Board Member Dunagin  
Board Member Tomlinson

Board Member Tynes – Excused Absence  
Alternate Board Member Ross – Excused Absence

Others present:

Assistant City Manager – Mary Coker  
Director of Engineering & Planning – Mark McClure, P.E.  
City Planner / Community Development Coordinator – Kelly Violette  
Assistant City Planner – Rodney Schmidt  
Engineering & Planning Administrative Assistant – Brandy Pate  
Building Official – David Allen  
City Attorney – Scott Bounds

2.0 No Public Comments were received.

3.0 Reports & Announcements

3.1 Kelly Violette announced the Comprehensive Plan Community Meeting – “Tomball Vision Institute” – held at the Tomball High School Auditorium on March 11, 2009 from 6:00 – 9:00 p.m.

4.0 Motion was made by Board Member Shannon to Approve the Minutes of the Special Board of Adjustments Meeting of January 22, 2009; with correction; second by Board Member Dunagin.

Motion carried unanimously.

5.0 New Business

- 5.1 Consideration and Possible Action Regarding **BOA CASE P08-086**: Request by David Janke for a variance from the City of Tomball Code of Ordinances to legalize an existing storage building that does not meet the required side yard setback. The variance request is to allow a 7' side setback where the city requires a 25' side yard setback for accessory structures. The project site is located at 1335 Neal Drive, Tomball, Texas in the SF-20-E Single-Family Estate Residential-20 District. The approximately 5 acre tract is legally described as Lot 33 of the Tomball Outlots Subdivision, Volume 2, Page 65 of the map records of Harris County, Texas.

Kelly Violette, City Planner provided staff report.

Chairman Ford allowed Brian Rhone, resident of 1345 Neal Dr. to speak in opposition.

David Allen, Building Official addressed questions and provided inspection determination.

Commissioner Dunagin made a motion to deem Mr. Janke's structure a "Non-permitted lawful use", thereby voiding the need for a variance; second by Commissioner Shannon.

Motion carried unanimously.

- 5.2 Public Hearing Regarding **BOA Case P09-094**: Request by Manuel A. Garcia, on behalf of Emergency Services District #8, for a variance from Section 34.5(B)(3) of the City of Tomball Comprehensive Zoning Ordinance, to allow a 15' rear setback for a proposed carport where a 20' rear setback is required in the OT & MU- Old Town & Mixed Use District for nonresidential uses that are adjacent to single-family, duplex, or patio home districts and uses. The project site is an approximately 1.1234 acre tract located at 29530 Quinn Road, Tomball, TX, 77375 was opened by Chairman Ford at 6:49 p.m.

Kelly Violette, City Planner provided staff report.

Applicant, Manuel Garcia, resident of 11522 Boggs Rd. spoke on behalf of the project.

Brian Petrilla, resident of 13514 Spring Ct. spoke in favor.

Daniel Toombs, resident of 404 S. Pine St. spoke in favor.

Field Hudgens, resident of 717 Barbara St. spoke in favor.

The public hearing was closed at 7:23 p.m.

Commissioner Tomlinson made a motion to Approve **BOA Case P09-094**; without staff recommended fence; second by Commissioner Dunagin.

Motion carried unanimously.

- 5.3 Public Hearing Regarding **BOA Case P09-102**: Request by R.B. Denton, on behalf of Craftsman Home Builders Inc., for variances from Section 34.4 (A) (1) & (2) of the City of Tomball Comprehensive Zoning Ordinance, to allow a 6,500 square foot lot area, where a 7,000 square foot lot area is required and to allow a 65 foot lot width, where a 70 foot lot width is required for duplex developments. The project site is an approximately 0.149 acre lot located at 306 Houston Street, Tomball, TX, 77375 was opened by Chairman Ford at 7:25 p.m.

Kelly Violette, City Planner provided staff report.

Applicant, Jack "RB" Denton, resident of 6502 Inway St. spoke on behalf of the project.

The public hearing was closed at 7:35 p.m.

Commissioner Dunagin made a motion to Deny **BOA Case P09-102**; second by Commissioner Tomlinson.

- 6.0 Motion was made by Board Member Shannon to adjourn; second by Board Member Tomlinson.

Motion carried unanimously.

Meeting adjourned at 7:38 p.m.

PASSED AND APPROVED this 16<sup>th</sup> day of April 2009.

Kelly Violette  
Kelly Violette  
City Planner /  
Community Development Coordinator

John Ford  
John Ford  
Chairman