

**NOTICE OF TELECONFERENCE MEETING
ZONING BOARD OF ADJUSTMENT
APRIL 7, 2021
6:00 p.m.**

Notice is hereby given that Zoning Board of Adjustments Board will meet VIA TELECONFERENCE. This meeting is to consider and if appropriate, take action with respect to the items listed below.

This meeting will be open to the public via teleconference
City Hall will be CLOSED to the public.

A temporary suspension of the Open Meetings Act to allow telephone or videoconference public meetings has been granted by Governor Greg Abbott. These actions are being taken to mitigate the spread of COVID-19 by avoiding meetings that bring people into a group setting and in accordance with Section 418.016 of the Texas Government Code.

Members of the public are entitled to participate remotely via Microsoft Teams Teleconferencing. Citizens may join the Meeting (in listen mode only-with the exception during a public hearing) by calling **210-469-0207** or **Toll Free 1-877-257-2190** and entering the **Meeting ID: 536 047 13#**

To view the agenda packet for this Meeting visit our website at www.cityofmanvel.com. A recording of the telephone meeting will be made and available to the public in accordance with the Open Meetings Act upon written request.

***Members of the public who wish to submit written comments on a listed agenda item must submit their comments via the Public Comment Request Form found on the city website www.cityofmanvel.com or by emailing tbell@cityofmanvel.com or by calling 281-489-0630 x6 for staff assistance.

The Zoning Board of Adjustment Board reserves the right to go into Executive Session on any item on this agenda under the appropriate exceptions to the [Texas Open Meeting Act, Chapter 551, Texas Government Code](#).

CALL TO ORDER

ROLL CALL

Pos # 1 George Collins 11/2019-11/2021
Pos # 2 Valorie Early 11/2019-11/2021
Pos # 3 Melody Hanson 11/2019-11/2021
Pos # 4 Raf Lopez 11/2019-11/2021
Pos # 5 Kim Bickham 11/2019-11/2021

Present

Not Present

PLEDGE:

READ AND APPROVE MINUTES:

Consideration and possible action to approve the minutes to date.

PUBLIC HEARING

TO HEAR INPUT FROM THE PUBLIC REGARDING A LOT WIDTH VARIANCE FOR APPROXIMATELY 1.0000 ACRES OF LAND LOCATED AT 9820 UZZELL ROAD, BEING A TRACT OF LAND CONTAINING 1.0000 ACRES (43,559 SQUARE FEET), SITUATED IN THE CHARLES PRESCOTT SURVEY, ABSTRACT 354, BRAZORIA TEXAS, PROVIDING FOR A VARIANCE TO CITY'S ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

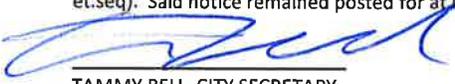
NEW BUSINESS

- 1. Consideration and possible action to approve a variance to the minimum one-acre lot area requirement in the Open-Single Family Residential (O-SFR) District for property located at 9820 Uzzell Road.**

ADJOURNMENT

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the Manvel Zoning Board of Adjustment is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on April 1, 2021 in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS





ZONING VARIANCE

Address: 9820 Uzzell Road
Legal Description: see Public Hearing Notice
Applicant/Representative: Mr. James Madsen
Property Owner: Mr. James Madsen
Current Zoning: Open-Single Family Residential (O-SFR)
Request: Zoning variance to the minimum one-acre lot area in O-SFR zoning district
Applicable Land Use Regulations: Section 77-27 (b) (1)
Exhibits: Zoning Vicinity Map, Site Photographs, Survey, Proposed Site Plan, City's Thoroughfare Plan Map (2015), Application, and Public Hearing Notice

Submitting Staff:
 Jessica Rodriguez
 Director of Development Services
jrodriguez@cityofmanvel.com

Executive Summary
 The property owner is requesting a variance to the minimum one-acre lot area requirement in the Open-Single Family Residential (O-SFR) District. The property is approximately 1.000 acre located at 9820 Uzzell Road. The lot area will fall below one-acre in order dedicate a 40-foot right-of-way for Uzzell Road. The property line extends to the centerline of Uzzell Road which requires the full right-of-way dedication (40-feet). The City's Major Thoroughfare Plan identifies Uzzell Road as an 80-foot collector road. The owner would like to construct a 2,500 square foot single-family residence on the property.

Site Exhibit Map





Staff Report

Variance Criteria

Manvel Code of Ordinances, Chapter 77, Zoning, Article III, Administration

Section 77-73., Zoning Board of Adjustment/Zoning Official and Section 77-74., Variances

After a public hearing consisting of 75% of the Zoning Board of Adjustment members, the Board shall place a concurring vote of 75% of the Board members to authorize a variation from the terms of a zoning ordinance. The Zoning Board of Adjustment shall not grant a variance unless it shall in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:

- (1) The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;
- (2) The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being or substantially diminish or impair property values within the neighborhood; and
- (3) The variance desired will not be contrary to the general purpose and intent of these regulations.

Overview

The property is located at 9820 Uzzell Road with approximately 1.0000 acres (43,599 square feet) of land. The property is owned by Mr. James Madsen and zoned Open-Single Family Residential (O-SFR) district. The site is currently vacant but the owner would like to construct a 2,500 square foot single-family home. The site did have a home years ago but it was demolished. This property was illegally subdivided by metes and bounds for development. The property has a water well and a septic permit was approved in February 2020. It is not serviced by City utilities. The proposed site plan illustrates the location of the home 65-feet from the existing front property line; however, the owner is required to dedicate a 40-foot right-of-way for Uzzell Road. The property line extends to one-half of Uzzell Road centerline, and the road is identified as a collector road on the City's Thoroughfare Plan (2015). The home will need to maintain a minimum 25-foot front building line where the new front property line is required (after right-of-way dedication). If the placement of the home is kept in the same configuration on the proposed site plan, it will encroach upon the 25-foot front building line. Since the location of the home must move (minimum 25-feet from front property line), it may alter locations of water and septic systems on the site.

With the required 40-foot right-of-way dedication, the property does not meet the minimum lot area requirements of the Open-Single Family Residential (O-SFR) zoning district (Section 77-27 (b) (1)). The O-SFR zoning district requires a minimum of one acre lot area. The remaining lot area after



dedication is 36,799 square feet or 0.84 acres. The City's subdivision ordinance allows the property a one-time plat exemption according to Section 62-46, however, the required right-of-way must be still be dedicated. Since the lot area is less than one-acre after right-of-way dedication, the property owner is seeking this variance.

The property located at 9820 Uzzell Road does not have access to City water and sewer. In order to have water and septic utilities, the site must have a water well and septic system. According to TCEQ, one-half acre is required for a septic system permit and one-half acre is required for a well water permit. New permits approved by TCEQ do not permit well water and septic system permits where a property is less than one-acre in order to provide proper spacing between both. The property previously had a home on-site with an existing water well, and the current owner has been approved for a septic permit (February 2020). Since the location of the home footprint will change, it may affect the location of water and septic systems on site. The septic system permit will require a new approval since distancing requirements between water and septic may encroach.

Staff Recommendation

City staff recommends denial of variance request to Section 77-27 (b) (1) of the *Manvel Code of Ordinances* for 1.0000 acres of land located at 9820 Uzzell Road based on the following variance criteria:

1. *The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.*

The property does not differ from majority of properties in the O-SFR zoning district. There are other instances where properties have less than one acre of land to develop in the O-SFR district. The site is restricted in area due to ownership. The owner does not own property abutting this site to make the required one-acre lot area. the hardship exists since the property owner does not own additional property.

2. *The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being or substantially diminish or impair property values within the neighborhood.*

Granting a variance to the property will not be materially detrimental or injurious to other properties in the area. It will also not impair adequate supply of light/air, substantially increase congestion, increase fire danger, endanger the public safety, health, and well being of the neighborhood.



3. *The variance desired will not be contrary to the general purpose and intent of these regulations.*

The variance request is contrary to the general purpose and intent of the zoning regulations since the lot area is less than one-acre as defined in Section 77-27 of the zoning ordinance. The O-SFR's minimum lot area ensures owners have the minimum lot area of one acre in order to install a water well and septic system. The well water and septic system must maintain distances from each other so water is not contaminated by the septic spray field.

Zoning Board of Adjustment Public Notice

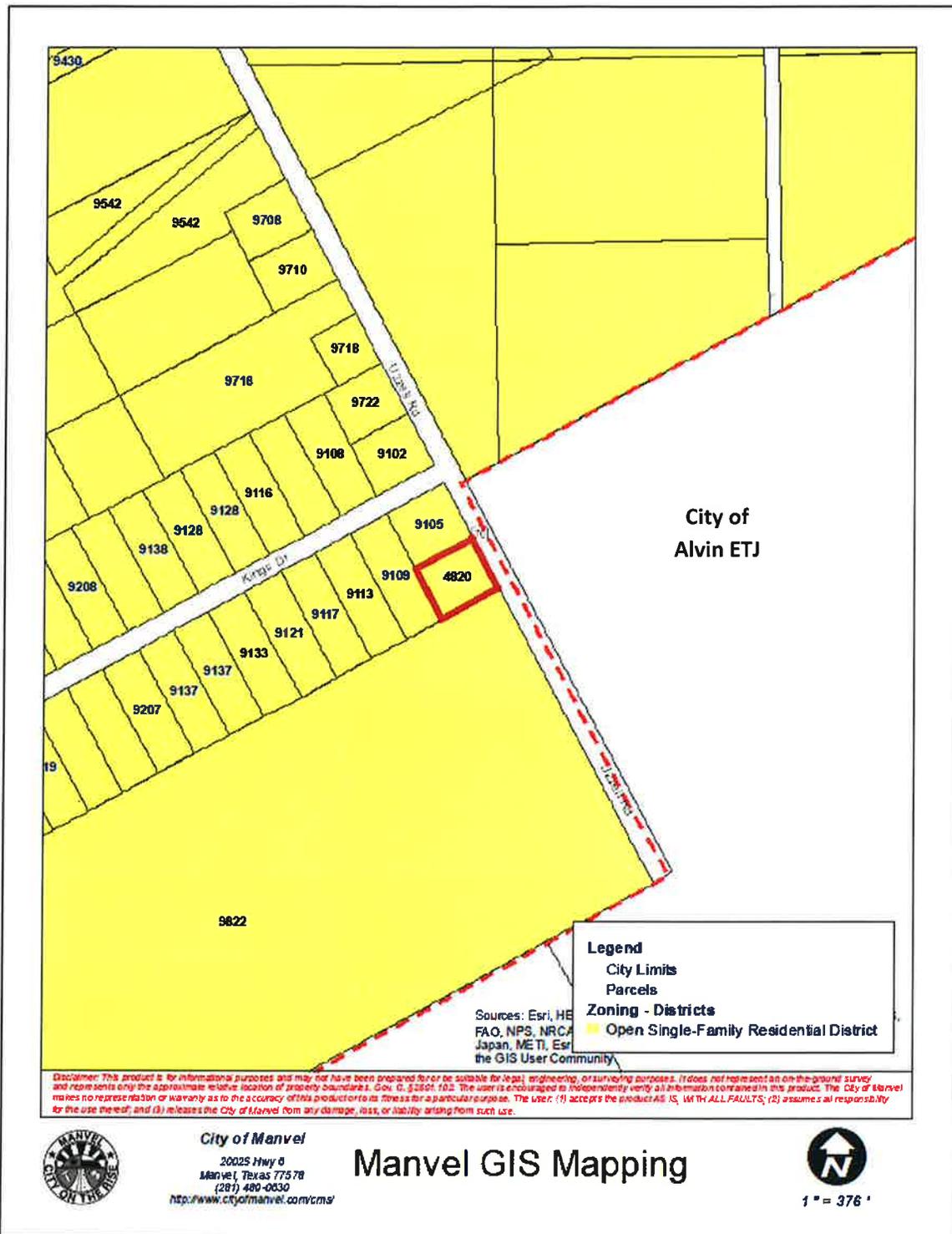
Notice of public hearing was published in a newspaper of general circulation. All property owners within 200-feet of the site were notified. At the time of writing this report, staff has received one informational inquiry from Ms. Virginia Davis regarding this variance request. Ms. Davis had concerns for the existing trees on site and concerns about septic/water well permitted under one-acre. *Table 1: 200-foot Mailing Notification* provides a more detailed look at the mailing notifications.

Table 1: 200-foot Mailing Notification

Letters Sent	Letters Returned	In Favor	In Opposition	Information Only
6	0	0	0	1



Zoning Vicinity Map





Site Photographs



Looking at the site from Uzelle Road.



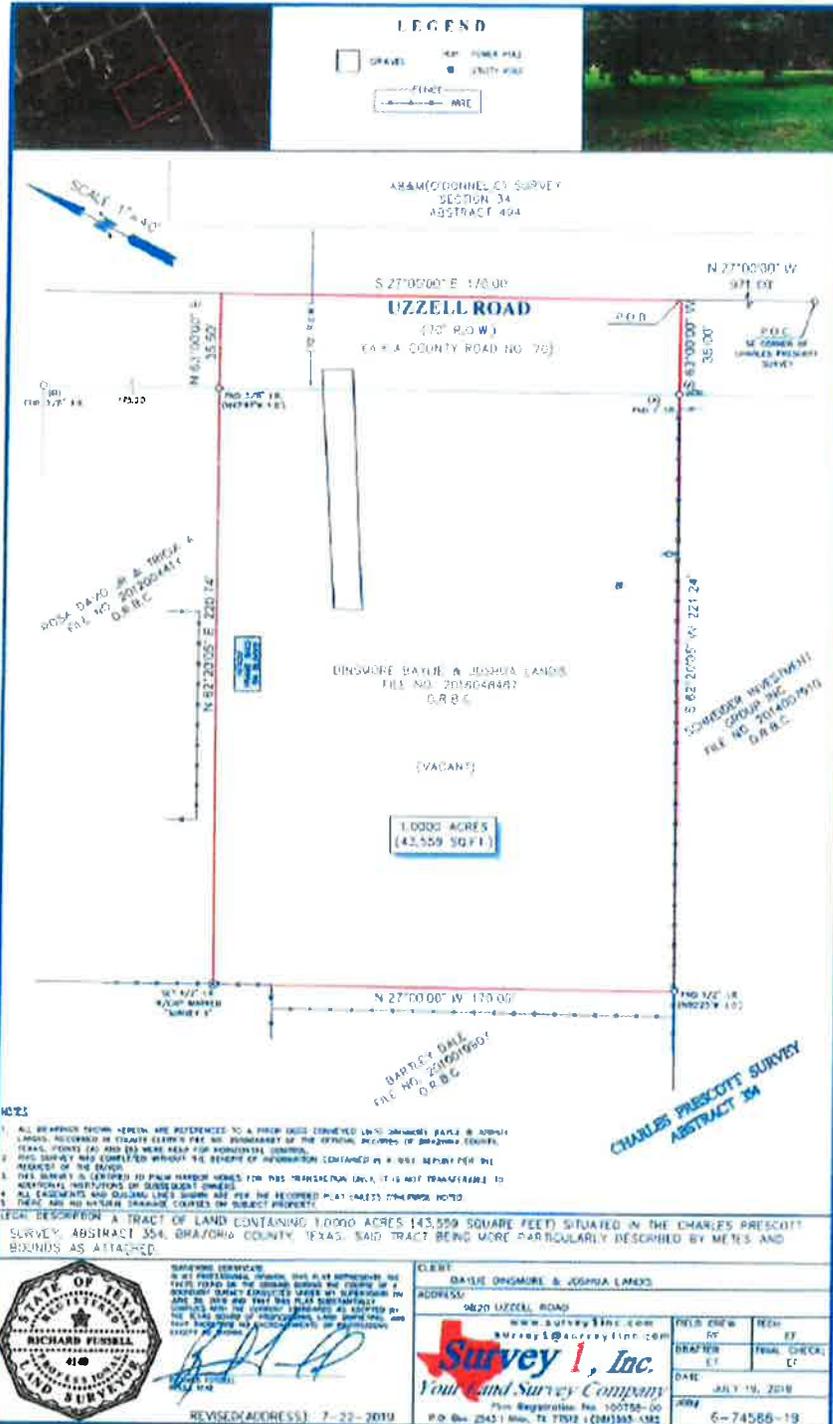
On Uzzell Road at the site looking south.



On Uzzell Road looking at abutting single-family residential property (north).

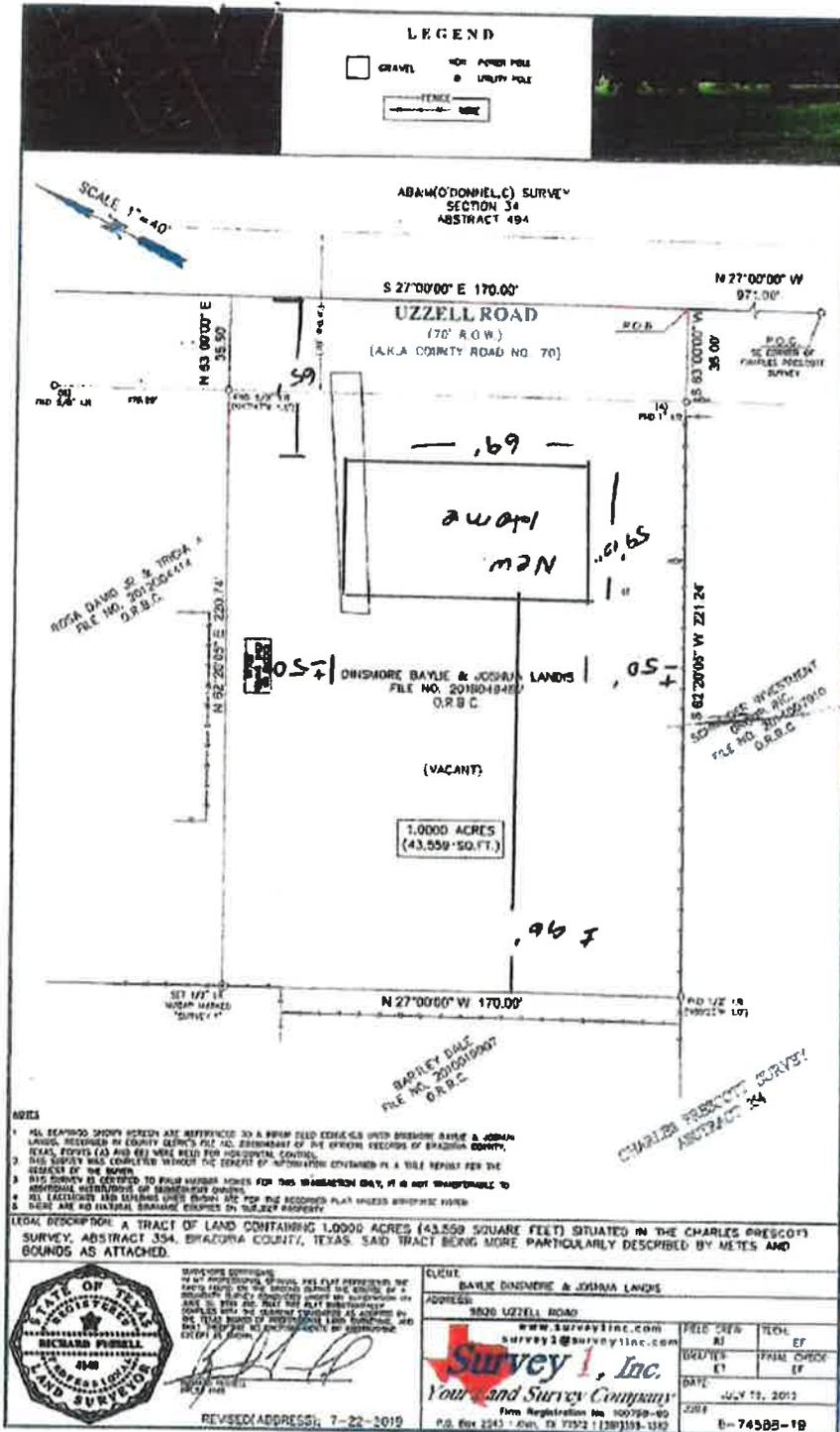


Survey



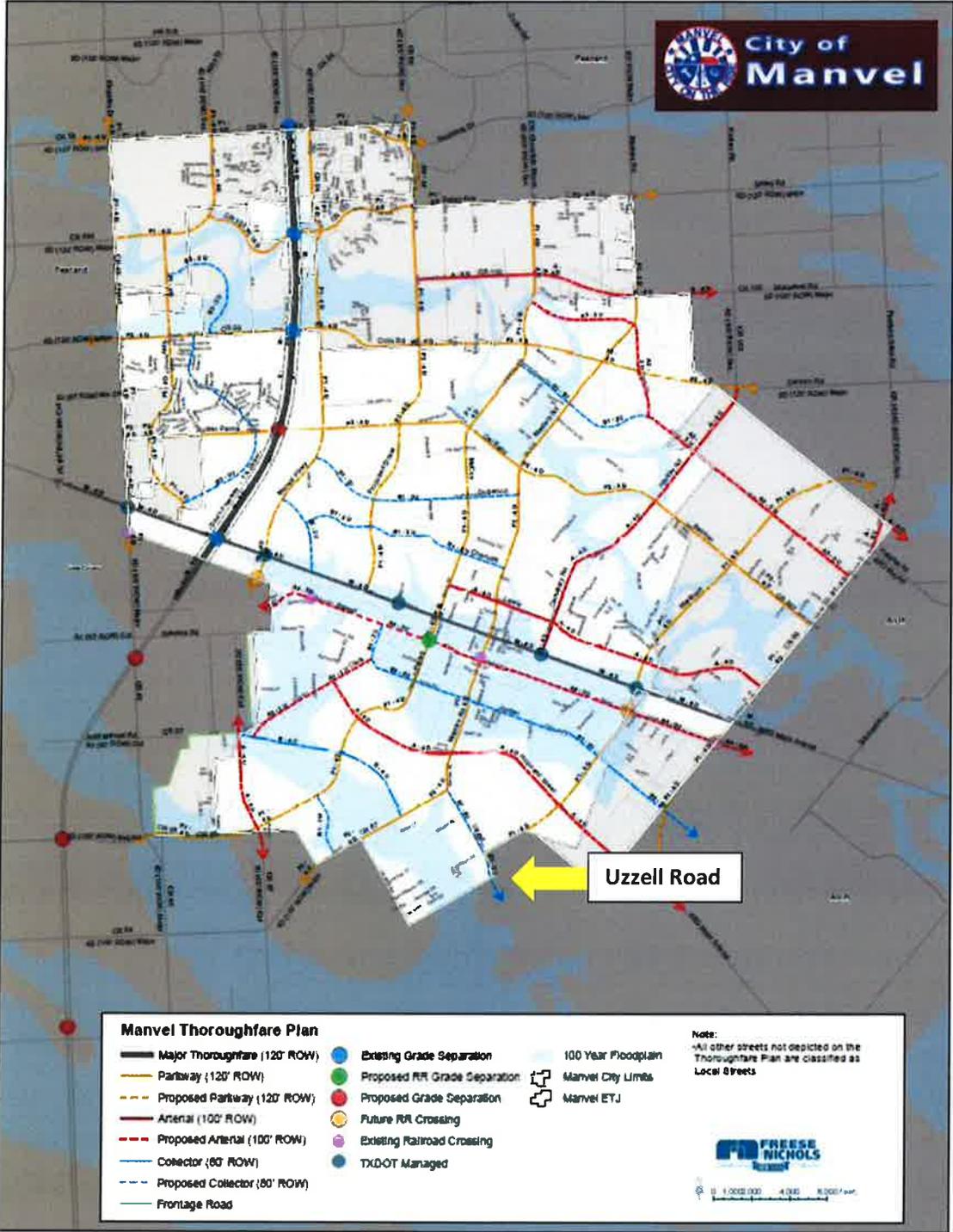


Proposed Site Plan





City's Thoroughfare Plan Map (2015)





Application



PERMITS DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

ZONING VARIANCE APPLICATION

SITE INFORMATION

Project Name: Utzell (9520)
Site Address or Legal Description: 9530 Utzell Rd. Manvel, TX 77578
Parcel/Tax ID# (s): _____ Property Platted: YES NO
Current Zoning: _____ Total Acreage: 1.0000 Total Lots: _____
Project Description: Residential Home

OWNER & APPLICANT INFORMATION

Applicant Name: James D. Maden Company Name: Armour Homes
Address: 4122a Curry City: Manvel State: TX Zip: 77578
Phone #: 281-850-8918 Email: jd.maden@aol.com
Owner Name: James D. Maden Company Name: _____
Address: 4122a Curry City: Manvel State: TX Zip: 77578
Phone #: 281-850-8918 Email: armourkey@aol.com

ZONING VARIANCE INFORMATION

The zoning variance requested is (cite section from Chapter 77, Zoning, in the Code of Ordinances):
Sec. 77-27 Open Single Family
Lot size

Is granting the variance necessary to secure appropriate development of a parcel of land which differs from other zoning districts by being of such restricted area, shape, or slope that it cannot be appropriately developed without modification?
Yes

Will granting the variance be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located?
No

Manvel Zoning Board of Adjustment
Development Services Department
City of Manvel
April 7, 2021



Application



PERMITS DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

Will granting the variance impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety, and well-being, or substantially diminish or impair property values within the neighborhood?

NO

Will the variance be contrary to the general purpose and intent of these regulations?

NO

DISCLAIMER & SIGNATURE

I certify that I am the owner or owner's representative of the property (with signed letter of authorization) and that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct.


Applicant Signature

2-27-20
Date

Manvel Zoning Board of Adjustment
 Development Services Department
 City of Manvel
 April 7, 2021



Application



PERMITS DEPARTMENT
 20025 HIGHWAY 6
 MANVEL, TX 77578
 PHONE: 281-489-0630
 FAX: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your request in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the request; however, it is incumbent upon the applicant to inquire about these exceptions before submitting an application. Answers to variance applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a complete application. Please call the phone number on the application to schedule an appointment. Submit the application and accompanying documents to the Permits Department at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

ZONING VARIANCE APPLICATION SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Zoning Variance Application (with all signatures)	✓
One (1) paper copy of site/plot plan and/or site plan (including vicinity map), measuring 8 1/2" x 11", 11" x 17" or 24" x 36" (scaled/dimensioned drawing showing location of proposed building)	
Recorded plat or survey	✓
Building elevations (if applicable)	
Letter of Authorization (if applicable)	✓
PDF format on disc containing all application documents rotated and formatted	
Application Fee of \$750.00 (non-refundable)	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.

Applicant Signature Date

Manvel Zoning Board of Adjustment
Development Services Department
City of Manvel
April 7, 2021



Public Hearing Notice

Public Hearing Notice to run on Sunday 03/14/2021

A TELECONFERENCE PUBLIC HEARING WILL BE HELD BY TELEPHONE BEFORE THE MANVEL ZONING BOARD OF ADJUSTMENT AT 6:00 P.M. ON WEDNESDAY, APRIL 7, 2021, TO HEAR INPUT FROM THE PUBLIC REGARDING A LOT AREA VARIANCE FROM THE CITY OF MANVEL'S ZONING ORDINANCE.

The Zoning Board of Adjustment public hearing will be accessible by telephone for the purpose of hearing comments for or against the lot area zoning variance. This meeting may be accessed by calling; 210-469-0207 or toll free 877-257-2190 and entering conference ID 536 047 13#

THE PUBLIC HEARING WILL BE TO HEAR INPUT FROM THE PUBLIC REGARDING A LOT WIDTH VARIANCE FOR APPROXIMATELY 1.0000 ACRES OF LAND LOCATED AT 9820 UZZELL ROAD, BEING A TRACT OF LAND CONTAINING 1.0000 ACRES (43,559 SQUARE FEET), SITUATED IN THE CHARLES PRESCOTT SURVEY, ABSTRACT 354, BRAZORIA TEXAS, PROVIDING FOR A VARIANCE TO CITY'S ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

A TEMPORARY SUSPENSION OF THE OPEN MEETINGS ACT TO ALLOW TELEPHONE OR VIDEOCONFERENCE PUBLIC MEETINGS HAS BEEN GRANTED BY GOVERNOR GREG ABBOTT. THESE ACTIONS ARE BEING TAKEN TO MITIGATE THE SPREAD OF COVID-19 BY AVOIDING MEETINGS THAT BRING PEOPLE INTO A GROUP SETTING AND IN ACCORDANCE WITH SECTION 418.016 OF THE TEXAS GOVERNMENT CODE.

For further assistance please contact Tammy Bell at tbell@cityofmanvel.com or 281-489-0630x4. The meeting agenda can be viewed on the City of Manvel website at www.cityofmanvel.com under "Boards Agendas & Minutes". /s/ Tammy Bell, City Secretary.