

CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JANUARY 15, 2015

Council Chamber	Regular Session	7:00 PM
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7008 S. RICE AVENUE
BELLAIRE, TX 77401



Board Member

Patty McGinty

Board Member

Amar Raval

Vice Chairman

Tom Ligh

Chairman

Debbie Sharp

Board Member

Debbie Karakowsky

Board Member

Sean Wheeler

Board Member

Seth A. Miller

Mission Statement:

The City of Bellaire is dedicated to outstanding quality service and facilities to ensure an open, progressive, and secure community.

1. CALL TO ORDER**2. PLEDGE TO THE FLAG (US AND TEXAS)**

Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).

3. CERTIFICATION OF A QUORUM**4. APPROVAL OF MINUTES**

1. Board of Adjustment - Regular Session - Sep 18, 2014 7:00 PM

5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING**6. UNFINISHED BUSINESS****7. READING OF THE STANDARDS FROM SECTION 24-704, BELLAIRE CODE OF ORDINANCES****8. NEW BUSINESS**

1. Consideration and possible action on the approval of the Board of Adjustment's annual report to the City Council for the 2014 calendar year.
(Requested by John McDonald, Development Services)

9. GENERAL COMMENTS

(Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).

10. GENERAL COMMENTS FROM BOARD MEMBERS**11. ANNOUNCEMENTS****12. ADJOURNMENT**



CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

SEPTEMBER 18, 2014

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

1. CALL TO ORDER

Chairman Sharp called the meeting to order at 7:02 PM.

2. PLEDGE TO THE FLAG (US AND TEXAS)

Texas Pledge: (Honor the Texas Flag: I pledge allegiance to thee, Texas one state under God, one and indivisible).

Chairman Sharp led the Board and public in the pledges to both flags.

3. CERTIFICATION OF A QUORUM

Chairman Sharp certified that a quorum was present, consisting of the following members:

Attendee Name	Title	Status	Arrived
Patty McGinty	Board Member	Present	
Amar Raval	Board Member	Present	
Tom Ligh	Vice Chairman	Present	
Debbie Sharp	Chairman	Present	
Debbie Karakowsky	Board Member	Present	
Sean Wheeler	Board Member	Present	
Seth A. Miller	Board Member	Present	
Ashley Parcus	Secretary	Present	
Shawn Cox		Present	
John McDonald	Director	Present	

4. APPROVAL OF MINUTES

- Board of Adjustment - Regular Session - Aug 21, 2014 7:00 PM

RESULT: APPROVED [UNANIMOUS]
MOVER: Sean Wheeler, Board Member
SECONDER: Debbie Karakowsky, Board Member
AYES: McGinty, Raval, Ligh, Sharp, Karakowsky, Wheeler, Miller

5. REPORTS FROM OFFICERS, COMMITTEES, SUB-COMMITTEES AND COMMUNICATIONS BOARD MEMBERS HAVE HAD OUTSIDE THE MEETING

There were no reports.

6. UNFINISHED BUSINESS

There was no unfinished business.

Minutes Acceptance: Minutes of Sep 18, 2014 7:00 PM (Approval of Minutes)

7. READING OF THE STANDARDS FROM SECTION 24-704, BELLAIRE CODE OF ORDINANCES

Mr. McDonald read the standards from Section 24-704 of the Code, which deals with variances, as well as the standards for granting a special exception.

8. NEW BUSINESS/PUBLIC HEARINGS

1. Docket # BOA-2014-08-Request for a special exception by ChristChurch Presbyterian, to allow for the construction of an electronic message board/monument sign in accordance with the provisions set forth in Section 24-1014 of the City of Bellaire Code of Ordinances. The property is addressed as 5001 Bellaire Boulevard, and is located in the R-4 Zoning District.

Chairman Sharp explained the hearing process to the public.

Presentation by the Applicant

John Hellings-Mr. Hellings informed the Board that he is a member of ChristChurch Presbyterian's session, as well as the Co-Chairman of the Property Committee. He stated that the church is asking for a special exception to install an electronic LED sign on their property at 5001 Bellaire Boulevard. Mr. Hellings explained that the previous sign located on the property was damaged when it was hit by a vehicle in October of 2013, and must be replaced. He mentioned that the church has been working with insurance companies for an extended amount of time, but has recently decided to go forward without compensation. Mr. Hellings stated that he appreciated being given the opportunity to come before the Board for the granting of the special exception to install an electronic sign. He then showed the Board several pictures of electronic signs located at other churches within the City to compare with the sign that they are proposing. Mr. Hellings also showed the Board a drawing of the sign that they are wishing to install, and assured them that all of the additional regulations called out in the code will be followed.

Staff Findings

Mr. Cox informed the Board that ChristChurch Presbyterian is asking for a Special Exception to install an electronic message board sign at 5001 Bellaire Boulevard, in the R-4 Zoning District. He stated that the application was submitted on August 15, 2014, mail outs were provided to residents within 200 feet on September 8th, and the official legal notice was published in the Southwest News on September 9th. He explained that the applicant is requesting a special exception in accordance with the provisions of Section 24-1014 of the City of Bellaire Code of Ordinances, in order to allow for the construction of an electronic message display/monument sign on their property. Mr. Cox reiterated that the current sign was badly damaged after being struck by a car in October of 2013. Mr. Cox then reviewed the guidelines set forth in Article X, Section 24-10105 of the Zoning Ordinance. He stated that as a condition of approval, the Board shall include hours of operation, in addition to any other conditions that the Board deems appropriate. He added that if the Board grants the Special Exception staff will ensure that the sign complies with the City of Bellaire regulations before any building permits will be issued. Mr. Cox informed the Board that it is staff's opinion, upon review of the application and materials submitted, that the application does meet the standards for a special exception as outlined in Article V, Division 2, Section 24-718. He stated that staff does not object to the approval of this request, and recommends that if approved, the Board set the hours of operation to be 24 hours a day.

Public Comments

There were no public comments.

Rebuttal by the applicant

There was no rebuttal.

Questions by the Board

Vice Chairman Ligh asked if the dimensions of the sign meet the City's code requirements.

Mr. Cox explained staff will ensure that it complies with those regulations when the church submits their paperwork for permitting.

Board Member Miller wanted to be sure that the sign will meet all of the standards of Section 24-10105 as well.

Mr. Cox confirmed that it would.

Board Member Karakowsky asked if there have been any restrictions placed on landscaping or lighting on similar boards in the neighborhood.

Mr. Cox stated that lighting is not allowed to infiltrate on any other properties.

Mr. McDonald explained that there are brightness limitations built into the code. He added that there is nothing specifically in the code with regard to landscaping, and that the City has never requested that as a condition.

Board Member McGinty asked if the church is planning on installing the new sign in the same place that the current sign is located.

Mr. Hellings stated that it will be moved over about 4-5 feet.

Board Member McGinty asked if it would be moved closer to S. Rice Street.

Mr. Hellings confirmed this.

Chairman Sharp mentioned that applications for past special exceptions have included more specifics of what the sign would look like.

Mr. Cox pointed out that providing the City and/or Board with the specifics of the sign is not a requirement for a special exception. He explained that the details would be reviewed during the permitting process, and that the Board is simply approving whether or not an electronic message display sign can be installed within a residential zone.

Chairman Sharp stated that the applicant mentioned the top portion of the sign being back lit and thought from her recollection of the code that this was no longer allowed.

Mr. McDonald explained that when the sign ordinance was updated in 2011 back lit signs were once again added.

Motion: a motion was made by Board Member Karakowsky and seconded by Vice Chairman Ligh to approve the Special Exception with a condition that the sign can operate 24 hours a day, 7 days a week.

Vote: the motion carried on a unanimous vote of 7-0.

The special exception was granted.
(Requested by John McDonald, Development Services)

9. GENERAL COMMENTS

(Limitations: Six (6) minutes per speaker with extensions in two (2) minute increments as approved by a majority vote of the Board Members present).

There were no public comments.

10. GENERAL COMMENTS FROM BOARD MEMBERS

There were no comments from Board Members.

11. ANNOUNCEMENTS

Mr. McDonald introduced ChaVonne Sampson as the new Development Services Manager and explained that Mr. Cox was now the Assistant to the City Manager.

Chairman Sharp reminded the Board that there is one more training session that will be held on September 23rd at 6:00 PM, and encouraged all members of the Board to be in attendance.

12. ADJOURNMENT

Motion: a motion was made by Board Member Miller and seconded by Board Member Wheeler to adjourn the regular meeting.

Vote: the motion carried on a unanimous vote of 7-0.

The meeting was adjourned at 7:26 PM.

Minutes Acceptance: Minutes of Sep 18, 2014 7:00 PM (Approval of Minutes)

Board of Adjustment

Council Chambers, First Floor of City
Hall
Bellaire, TX 77401



Meeting: 01/15/15 07:00 PM
Department: Development Services
Category: Report
Department Head: John McDonald
DOC ID: 1460

**SCHEDULED
ACTION ITEM (ID # 1460)**

Item Title:

Consideration and possible action on the approval of the Board of Adjustment's annual report to the City Council for the 2014 calendar year.

Background/Summary:

Chapter 2, Administration, Section 2-104, Annual or special reports to city council, of the Code of Ordinances, requires each board and commission to file a report with the City Council no later than the first Council meeting in February.

The report is to address the following:

1. Whether the board is serving the purpose for which it was created;
2. Whether the board is serving current community needs;
3. A list of the board's major accomplishments;
4. Whether there is any other board, either public or private, which would better serve the function of the board; and
5. Other recommendations.

Attached is a draft report as prepared by Board Chairman Debbie Sharp

Recommendation:

Approval of a final report to be forwarded to the City Council.

ATTACHMENTS:

- 2014 Annual Report (PDF)



CITY OF
Bellaire

7008 South Rice Avenue • Bellaire, Texas 77401-4495 • (713) 662-8222 • Fax: (713) 662-8212

February 2, 2015

Honorable Mayor and City Council
City of Bellaire
7008 S. Rice Ave.
Bellaire, TX 77401

The Board of Adjustment hereby submits to the City Council our Annual Report pertaining to the activities of the Board and variance requests heard with subsequent actions taken during the year of 2014.

The Board of Adjustment is a statutory board responsible for considering applications for variances or special exceptions to the Zoning Code (Chapter 24 of the Code of Ordinances of the City of Bellaire, Texas). Landowners or their agents apply to the Building Official of the Department of Community Development for a variance. Formal dockets, which must be legally advertised, are scheduled for consideration by the Board of Adjustment.

Meetings are held to hear testimony on the applications. The Board of Adjustment determines the outcome of all applications, which may only be appealed to a Harris County District Court.

The Board of Adjustment consists of seven members who serve staggered two-year terms, with a maximum three consecutive terms. The Board of Adjustment selects its own Chairperson and Vice Chairperson who serve one-year terms. State law requires a minimum of four (4) members be present to conduct any Board business, that a minimum of six (6) members be present to hear a docket item relating to a variance or special exception, and that a minimum of six (6) members vote in favor of a variance or special exception in order for it to be granted. If there is business to conduct, the Board of Adjustment meets on the third Thursday of each month, beginning at 7:00 PM in the Council Chamber, First Floor of City Hall.

January, 2014

The Board considered the following items:

1. **Docket # BOA-2014-01-Consideration and possible action on a request for a Special Exception from Chapter 24, Section 24-533 C(2)b(2) of the Bellaire Code of Ordinances at 7000 S. Third Street, Legally Described As Res. A Block 1 Condit Elementary.**

This item was unanimously passed 7-0.

2. **Approval of the Annual Report for 2013 to City Council.**

This item was unanimously passed 7-0.

February, 2014

Having no docket items to consider, the Board did not meet.

March, 2014

75% of the Board Members were not available to consider an application; therefore the meeting was rescheduled for April.

April, 2014

The Board considered the following items:

1. **Docket #BOA-2014-02-Consideration and possible action to approve a Special Exception from parking requirements under Chapter 24, Division 2, Section 24-716 for 5303 Bissonnet, legally described as LT 19 & TR 18A BLK 17 Westmoreland Farms.**

This item was not approved, 0-6.

May-June, 2014

Having no docket items to consider, the Board did not meet during this time period.

July, 2013

There was a quorum of the Members and a meeting did take place. One new member was sworn in, two members were reappointed, and appreciation for the service of departing member, Nick Bacile, was noted.

A new chair and vice-chair were elected.

There were two items on the Board's docket. Without all seven members present, the Applicant was given the option to postpone consideration of the applications. The Applicant chose to reschedule for an August meeting.

August, 2014

The Board met twice during the month of August to consider the following items:

August 6, 2014

1. **Docket # BOA-2014-03-Consideration and possible action on a request for a variance to allow for a Planned Development site width of 120 feet in lieu of the 150 feet minimum required by Section 24-536 C. (2)e) 2) of the City of Bellaire Code of Ordinances at 4301 Bellaire Boulevard**

This item was not considered due to a lack of a second to the motion.

2. **Docket # BOA-2014-04-Consideration and possible action on a request for a special exception to allow a parking lot located on the utility easement to be counted towards the on-site parking requirements, as well as a reduction in the total number of required spaces set forth in Section 24-514a of the City of Bellaire Code of Ordinances at 4950 Terminal, legally described as TRS 45A thru 49A Terminal.**

This item was unanimously passed 6-0.

August 21, 2014

3. **Docket # BOA-2014-05-Consideration and Possible Action on a Request for a Secondary Special Exception, by VLK Architects, on Behalf of the Houston Independent School District, to Allow for a Reduction in the Required Parking Count as Stated in Section 24-533 C. (2) b)2) of the City of Bellaire Code of Ordinances.**

This item was unanimously passed 7-0.

4. **Docket # BOA-2014-06-Consideration and Possible Action on a Request for a Variance, by VLK Architects, on Behalf of the Houston Independent School District, to Allow for 56% Maximum Lot Coverage in lieu of 50% as Stated in Section 24-533 C. (2) b)1)g. of the City of Bellaire Code of Ordinances.**

Due to the granting of the Special Exception, the Variance request was not necessary and was withdrawn from the agenda.

5. **Docket # BOA-2014-07-Consideration and Possible Action on a Request for a Variance, by VLK Architects, on Behalf of the Houston Independent School District, to Allow for 66% Maximum Rear Lot Coverage in lieu of 50% as Stated in S24-533 C. (2) b)1)f. 3.aa. of the City of Bellaire Code of Ordinances.**

Due to City Council's adoption of the changes to Chapter 24, the Variance request was no longer necessary and was withdrawn from the agenda.

September, 2014

The Board met and the following item was considered:

Docket # BOA-2014-08-Request for a special exception by ChristChurch Presbyterian, to allow for the construction of an electronic message board/monument sign in accordance with the provisions set forth in Section 24-1014 of the City of Bellaire Code of Ordinances. The property is addressed as 5001 Bellaire Boulevard, and is located in the R-4 Zoning District.

This item was unanimously passed 7-0.

October-December, 2014

Having no docket items to consider, the Board did not meet during this time period.

The Board expresses its appreciation to all members of the City staff for their dedication and service to this Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah Sharp". The script is cursive and fluid.

Deborah Sharp
Chair, Board of Adjustment