



CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

SEPTEMBER 15, 2016

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401

1. CALL TO ORDER

Chairman Avioli called the meeting to order at 7:00 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).

Board Member Raval led the pledges to both flags.

3. CERTIFICATION OF A QUORUM

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

Attendee Name	Title	Status	Arrived
James P. Avioli Sr.	Chairman	Present	
Amar Raval	Board Member	Present	
Debbie Karakowsky	Board Member	Present	
Samir Sinha	Board Member	Present	
Jed Mandel	Board Member	Absent	
Jill Almaguer	Vice Chairman	Present	
William Stone	Board Member	Absent	
ChaVonne Sampson	Development Services Manager	Present	
Zachary Petrov	Assistant City Attorney	Present	
Ashley Parcus	Secretary	Present	
Gus E. Pappas	Council Member	Absent	

4. APPROVAL OF MINUTES

1. Board of Adjustment - Regular Session - Aug 18, 2016 7:00 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Amar Raval, Board Member
SECONDER:	Samir Sinha, Board Member
AYES:	Avioli Sr., Raval, Karakowsky, Sinha, Almaguer
ABSENT:	Mandel, Stone

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

There were no reports from officers, committees, sub-committees, or communications between Board Members.

6. UNFINISHED BUSINESS

1. Discussion, consideration, and possible action on proposed amendments to the Board of Adjustment's 2016-2017 Rules of Procedure.

Ms. Sampson informed the Board that a redline of the Rules of Procedure, based on the revisions that were requested at the last meeting, was included in their packets. She pointed out the changes that were made with regard to the parking requirements for variance and special exception applications, and stated that definitions for those terms were added. Ms. Sampson also mentioned that staff had taken this opportunity to do some "cleanup" with the rules with regard to the location of a couple of the sections that deal with application and docket item requirements. She also pointed out that the Board's agenda has been revised to include the reading of Section 24-718, when appropriate.

Vice Chairman Almaguer mentioned that "parking demand analysis" and "parking plan" within **Section M, "Special Exception or Variance Parking Requirement,"** need to be capitalized to reflect the fact that they are terms that are defined within the rules. She also mentioned that within that same section the number "(10)" needed to be added by the word "ten".

Chairman Avioli asked that the Board Members get a copy of the revised Rules of Procedure at the next meeting.

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Jill Almaguer, Vice Chairman
SECONDER:	Amar Raval, Board Member
AYES:	Avioli Sr., Raval, Karakowsky, Sinha, Almaguer
ABSENT:	Mandel, Stone

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

Chairman Avioli stated that the standards did not need to be read due to the fact that there were no applications before the Board.

8. NEW BUSINESS

1. Presentation and discussion on the November 8, 2016 Bond Election.

Mr. McDonald reviewed the three propositions included in the November 8, 2016 Bond Election. He explained that \$20 million from Proposition 1 will be devoted to street and drainage projects, which could also include the installations/reparation of sidewalks in some cases, while the other \$4 million will be strictly for the installation of sidewalks in areas where there currently are not any. Mr. McDonald then informed the Board that Proposition 2 is for an additional \$5.6 million for the construction of new municipal buildings. (\$11 million was approved by the voters back in November of 2013). He added that adjustments to the original site plan and the reconfiguration of the location and compatibility of the buildings and services, based on citizen input, has increased the costs. Mr. McDonald then took a few minutes to describe when construction will begin, where the new facilities will be located, and what the new facilities will offer. He then moved on to Proposition 3 and explained that the City is asking for \$24.38 million for water and wastewater improvements. Mr. McDonald stated that the difference between proposition 3 and the first two are the funding sources. He informed the Commission that whereas the first two propositions will be fully funded by tax supported debt, the 3rd proposition includes a contract for \$12.8 million to Siemens for the installation of digital water meters and improvements to the wastewater treatment plant. Mr. McDonald explained that an increase in

efficiencies and cost savings through this performance based contract will create a return on investment over the life of the improvements, and therefore, will not impact Bellaire residents' tax rate.

The following questions were asked by the Board:

1. In what years were the municipal buildings constructed, and in what years and what repairs/renovations have been done?

-Mr. McDonald stated that he did not know exactly, but he believed City Hall was built in the early 80's and the police department in the '60s. He stated that there are running renovations that have been going on, including foundation repairs that are necessary annually. Mr. McDonald added that the police station frequently floods. He stated that he would find out the exact dates, as well as more information on when and what repairs had been done.

2. Will the current municipal buildings be torn down or used for something else?

-Mr. McDonald stated that the current buildings will be torn down.

3. What will the capacity be for the new civic center?

-Mr. McDonald informed the Board that he does not know the exact capacity, however, the new civic center will allow for the capability of holding several meetings at one time.

4. What is the time frame for completion of the new municipal buildings, and where will the lay down space be located?

-Mr. McDonald explained that construction on both the police department and city hall would begin in early 2017, and will take approximately 19 months for completion. He added that a lay down area has not yet been designated, but that the contractor for the project is working with the architect and the facilities director to determine the best location.

5. Will there be changes in the prices for the City's rental facilities, if rebuilt?

-Mr. McDonald stated that he does not know, but can check with the Parks & Recreation department to see if they have determined that yet.

6. How does the City's Capital Improvement Program (CIP) relate to the three propositions?

-Mr. McDonald informed the Board that the CIP lays out the major projects that the City is going to fund/construct. He added that it is drafted by the City Manager and staff, and then goes through review by the Parks and Recreation Department and the Planning and Zoning Commission to ensure that it is in compliance with the City's Comprehensive Plan before it is recommended to Council for adoption. Mr. McDonald stated that all of the propositions are in the CIP except for the one regarding water meter and wastewater treatment. He explained that although the City knew it was an issue, no one was sure how to address it yet. Mr. McDonald stated that it was summer before the studies came to a conclusion and the City found a funding mechanism to pay for the repairs of those projects without adding a tax burden to the citizens.

7. What is the City's contingency plan if the bonds do not pass?

-City Manager, Paul Hofmann stated that currently the City has no contingency plan. He added that it would be up to the City Council to determine what projects would be a priority if certain bonds do not pass. He explained that the City is actually asking citizens to authorize the issuance of general obligation debt, which is a little different than asking the citizens to approve the projects themselves.

2. Board Training

i. Presentation by the City Attorney on the differences between a special exception and a variance, and the standards required for the granting of each.

Attorney Zachary Petrov explained to the Board the difference between a special exception and a variance, and what must be present for the granting of each. He stated that where as a special exception is allowed for within the code, a variance goes against the code completely. Attorney Petrov then reviewed the standards for each, which are as follows:

Special Exception:

Special exceptions may not be granted unless the Board makes written findings based directly upon the particular evidence presented to it which support written conclusions that the granting of the special exception 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.

Variance:

The Board 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) Such modifications of the height, yard, area, lot width, lot depth, off-street loading, screening wall, coverage, parking and sign regulations are necessary to secure appropriate development of a parcel of land which materially differs from other parcels in the district because of a special condition unique to and inherent in the parcel itself, such as restricted area, shape or slope, such that the parcel cannot be appropriately developed without modification;
- (2) A literal enforcement of the zoning ordinance from which the variance is requested would result in unnecessary hardship not self-created or personal, nor solely financial in nature;
- (3) The granting of the 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

- (4) The variance desired will not be opposed to the general spirit and intent of this chapter.

In summary, Attorney Petrov informed the Board that a variance goes directly against the ordinance, and therefore, has a more difficult standard, which requires the presence of a hardship. He added that a special exception is already permitted by the ordinance and has a much easier standard, which is that it is not adverse to the neighbors/community.

Vice Chairman Almaguer asked if "hardship" was defined anywhere.

Attorney Petrov and staff stated that it is defined within the code. Attorney Petrov also mentioned that the hardship cannot be solely financial in nature.

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).

No public comments were made.

10. GENERAL COMMENTS FROM BOARD MEMBERS

Chairman Avioli stated that he had been in contact with the Board's City Council Liaison, Gus Pappas. He added that Council Member Pappas regretted the fact that he could not be in attendance, but was currently handling some family matters.

11. ANNOUNCEMENTS

No announcements were made.

12. ADJOURNMENT

Motion: a motion was made by Board Member Raval and seconded by Board Member Sinha to adjourn the Regular Meeting.

Vote: the motion carried on a vote of 5-0.

The meeting was adjourned at 7:52 PM.