

CITY OF BELLAIRE TEXAS

BOARD OF ADJUSTMENT

JANUARY 19, 2017

Council Chamber

Regular Session

7:00 PM

7008 S. RICE AVENUE
BELLAIRE, TX 77401



Chairman

James P. Avioli Sr.

Board Member

Samir Sinha

Board Member

Amar Raval

Board Member

Jed Mandel

Board Member

William Stone

Board Member

Debbie Karakowsky

Vice Chairman

Jill Almaguer

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 15, 2016 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****A. Public Hearings**

Docket # BOA-2016-02-Public Hearing on an application filed by Omar Izfar, on behalf of the property owner, for a variance from Chapter 24, Planning and Zoning, Section 24-531 D. (1) a) 6 a). of the City of Bellaire Code of Ordinances, to allow for the construction of a structure thirty (30) feet from the front property line in lieu of the fifty (50) feet required by code. The property is addressed as 6910 Newcastle, and is within the R-1 Zoning District.

i. Presentation by Applicant**ii. Presentation by the City****iii. Public Comments: Names of those desiring to comment shall come from sign-up list and shall be limited to six (6) minutes per speaker, with extensions in two (2) minute increments as approved by majority vote of the Board members present****iv. Rebuttal by the applicant****v. Questions by the Board****vi. Consideration of, deliberation by, and action on Docket Item**

- B. Approval of the Board of Adjustment's 2016 Annual Report to City Council.

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 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

- 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

Minutes Acceptance: Minutes of Sep 15, 2016 7:00 PM (Approval of Minutes)

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.



**SCHEDULED
ACTION ITEM (ID # 2147)**

Item Title:

Docket # BOA-2016-02-Public Hearing on an application filed by Omar Izfar, on behalf of the property owner, for a variance from Chapter 24, Planning and Zoning, Section 24-531 D. (1) a) 6 a). of the City of Bellaire Code of Ordinances, to allow for the construction of a structure thirty (30) feet from the front property line in lieu of the fifty (50) feet required by code. The property is addressed as 6910 Newcastle, and is within the R-1 Zoning District.

Background/Summary:

Address: 6910 Newcastle
Applicant: Omar Izfar, on behalf of the property owners, Rajitkumer and Nita Patel
Zoning: R-1 Zoning District

Date Filed: September 13, 2016 (amended application submitted on October 27, 2016)
Mail Outs: Notice of Public Hearing letters mailed out on January 5, 2017
Legal Notice: Published in the Southwest News on January 3, 2017

The applicant requests a variance from Sec. 24-531 D (1) a) 6) a. of the City of Bellaire Code of ordinances to allow construction of a structure thirty (30) feet from the front property line in lieu of the fifty (50) feet required by code.

The R-1, Residential District, sets the following minimum standards for a lot:

- Minimum lot area: 14,000 square feet;
- Minimum lot width: 80 feet;
- Minimum lot depth: 125 feet.

The existing lot size is 10,200 square feet with a width of 85 feet and a depth of 120 feet. Therefore, this lot is non-conforming with the minimum lot area and minimum lot depth requirements.

General requirements:

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.

The property owner's claim for a need of a variance in order to appropriately develop the property is inaccurate. With the use of the current standard regulations, even on

this non-conforming lot, there is still a buildable first floor area of 4,140. Standard regulations also include the allowance of 2 ½ stories in height (35' 6") which allows for a home of good size to be built. (See Attached Figure A)

While the applicant presents previous Board of Adjustment rulings along Newcastle; the Board of Adjustment's Rules of Procedures clearly states each case shall be decided independently and without precedent.

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.

The standard regulations, even with non-conforming property dimensions for an R-1 district, allows for the construction of a single family structure without any hardships.

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.

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.

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

The granting of the variance would oppose the spirit and intent of the ordinance. The existing setbacks regulation allows the reasonable use of the property with a distance between abutting properties.

Recommendation:

It is of the Development Services Director's opinion, upon review of the application and the materials submitted, that the application does not meet the standards as outlined in Article VII, Division 1, Section 24-704, and therefore is ineligible for the award of a variance.

While it is true that a number of neighboring properties have received variances in the past (the most recent was issued in 2001), a legislative solution through the Planning and Zoning Commission might be more appropriate as it allows the problem as a whole to be addressed.

ATTACHMENTS:

- 6910 Newcastle Variance request (PDF)

- Building Setback exhibits-6910 Newcastle (PDF)
- Figure A (PDF)

2500 Fannin Street
Houston, Texas 77002713.222.9000 *main*
713.229.8824 *fax*oizfar@wcglaw.com
713.547.8506 *direct*

October 27, 2016

To: The Board of Adjustment, City of Bellaire.

Re: Request for variance for 6910 Newcastle Street from the 50' front yard requirement.

I represent the owners of 6910 Newcastle Street (the "Property") in connection with a variance request from the requirement of the City of Bellaire Code of Ordinances to provide a 50' long front yard. The property owners are requesting a 30' long front yard, which is appropriate to the size of the Property. As the Board of Adjustment, you have the authority to grant the variance to allow the property owner to provide a 30' long front yard. Section 24-704 of the City of Bellaire Code of Ordinances provides that the Board of Adjustment shall not grant a variance unless it finds that each of four criteria is satisfied:

- (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;

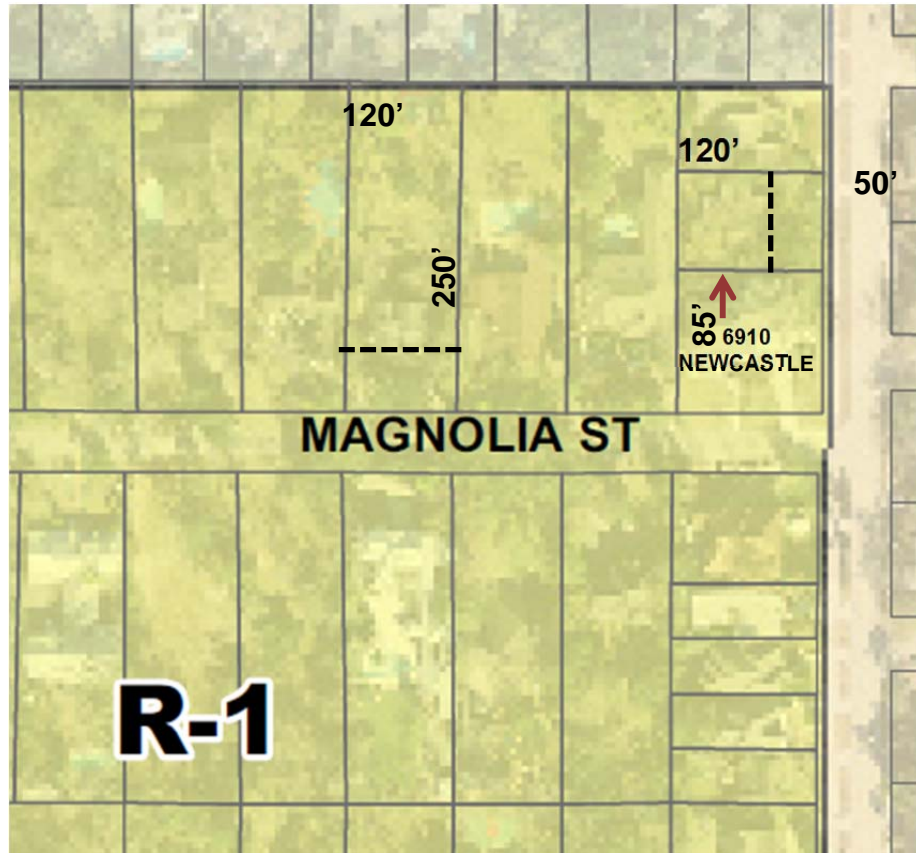
The property owners are requesting a modification to the front yard requirement which is necessary to secure appropriate development of a parcel of land which materially differs from other parcels in the district.

"Appropriate development" should be interpreted to mean development consistent with the area surrounding the Property including the size and scale of the construction as well as the amenities appropriate for residential construction in the district. The Property "materially differs" from other parcels in the district because the typical parcel in this R-1 District is approximately three times the size of the Property. This is a "special condition unique to and inherent in the parcel itself," due to its atypical size. Very few lots in the R-1 district are undersized, and as a result of the "restricted area," the Property cannot be "appropriately developed."

The undersized nature of the Property is the result of a previous subdivision that occurred prior to the current ownership. In its current state, the Property cannot be developed in a typical manner for a typical lot in an R-1 District. Because the vast majority of the lots in the R-1 District in which this lot is located are dramatically larger, often three times the size, a strict application of the front yard requirement on the Property results in a largely reduced buildable area on the Property. To illustrate:

- Typical Lot = 80% buildable area. The dimensions of the lots in the R-1 District along Magnolia Street, which neighbors 6910 Newcastle in the R-1 District, are typically 120' x 250' for a total of 30,000 square feet. A 50' front yard requirement on these lots uses 6,000 square feet, which is 20% of the lot, leaving 80% of the lot to construct a residential home and enjoy the remainder of the lot.

- 6910 Newcastle = 58% buildable area. The dimensions of the lot at 6910 Newcastle as well as the other lots fronting Newcastle in the R-1 District are 85' x 120' for a total of 10,200 square feet. A 50' front yard uses 4,250 square feet, approximately 42% of the lot and leaving a mere 58% of the lot to construct a home and enjoy what little remains. Appropriate development is grossly impacted by the disproportionately large front yard requirement.



The front yard requirement, when strictly applied to the previously-subdivided, undersized lot, is roughly twice as onerous and grossly impacts the owners' use and enjoyment of the land.

Finally, a 30' front yard is required under the City of Bellaire Code of Ordinances for an R-3 Residential District. A casual examination of the lot sizes in typical R-3 district areas in the City of Bellaire shows that the Property is similar in size to those lots. It is appropriate to require a front yard size that matches an R-3 lot.

- (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;

There are three unique hardships that result from the literal enforcement of the front yard requirement. First, as illustrated above, the literal enforcement of the front yard requirement is approximately twice as onerous on the undersized lot as on a typical lot, constraining the ability to construct an appropriate development.

Second, very little of the lot will be left for recreational purposes once an appropriately-sized residential construction is completed. Loss of use of a lot for recreational

purposes has been found by the Texas Court of Appeals to constitute an unnecessary hardship. The Piney Point Village Board of Adjustment denied a variance to a homeowner who wanted to construct a swimming pool on his property. The Texas Court of Appeals overturned their decision because the literal enforcement of Piney Point Village's zoning ordinance interfered with the property owner's ability to use the property for recreational purposes, including the loss of space needed to construct a swimming pool. The court said, in finding a hardship:

"However, the undisputed evidence shows that because of the characteristics of Solar's property, it may not be possible to build a swimming pool in compliance with the zoning laws, and if possible, the increased cost and need to destroy existing trees and structures would prevent Solar from building the pool. Therefore, without the variance, Solar and his family will be deprived of the ability to swim on their property. That is not a financial hardship but a loss of the right to recreate, which we conclude constitutes an unnecessary hardship. *Bd. of Adjustment of Piney Point Vill. v. Solar*, 171 S.W.3d 251, 255 (Tex. App.—Houston [14th Dist.] 2005) cert. denied 2006 Tex. LEXIS 1088, at *1 (2006).

In our case, allowing over 40% of the buildable area to be used as a front yard leaves almost no room for recreational purposes on the lot once an adequate development suitable to the area is constructed. Due to the atypically undersized nature of the lot, the variance should be granted.

Third, the construction of an appropriate development on the atypically undersized lot will likely result in the loss of two, mature, very large oak trees, approximately 24 inches and 44 inches wide. This is a special circumstance sufficient to justify the finding of an unnecessary hardship. The Texas Court of Appeals upheld the decision of the Wichita Falls Board of Adjustment granting a variance for a setback, similar to what is being requested here, because failure to grant the variance would result in the loss of trees that the property owner wanted to maintain. *Southland Addition Homeowner's Ass'n v. Bd. of Adjustments, City of Wichita Falls*, 710 S.W.2d 194, 195 (Tex. App. 1986), writ refused NRE (Oct. 15, 1986). Please see the attached tree survey which shows the location of the two large oak trees in the backyard.

Finding a hardship does not require impossibility. Just because something can be constructed on the Property does not mean it can be constructed without unnecessary hardship. In this case, an appropriate development can only be constructed while experiencing hardship that can be avoided by a more reasonable application of front yard requirement.

- (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

The Property is similarly situated to the few other properties in the district facing Newcastle that are also atypically undersized compared to the typical larger lots in the district. Several, if not all of those properties, have been granted variances as needed from the requirement for a 50' front yard. Unless there is evidence that the reduced front yard requirement has been materially detrimental or injurious to the surrounding area, it cannot be assumed that the similar treatment of 6910 Newcastle would result in any kind of detriment or injury.

Additionally, the structure on property that was recently demolished was set back 34.5' according to the attached tree survey. If the 34.5' front yard was not detrimental or injurious, the 30' front yard will not be.

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

The 30' front yard is also consistent with similarly situated lots fronting on Newcastle in the district and variances granted to those lots. The 30' front yard is also consistent with requirements for similarly sized lots in other residential zoning districts in the City of Bellaire. It is the intent of the zoning ordinances, and in particular, front yard length requirements, to promote orderly and consistent development. The result of enforcing a 50' front yard requirement on this lot would make it the only lot fronting on Newcastle in the R-1 district with a 50' long yard, which promotes disorderly development. The granting of a variance thus promotes orderly development and is therefore in the general spirit and intent of the Bellaire Code of Ordinances.

APPLICATION FOR VARIANCE REQUEST

Applicant shall specifically explain the variance being requested and why the literal enforcement of the zoning regulations of Chapter 24 of the City of Bellaire Code of Ordinances will result in unnecessary hardship. A site plan/survey showing the improvements requiring the variance shall be attached to this application.

DESCRIPTION OF PROPOSED VARIANCE

Address 6910 Newcastle St

Legal Description (Subdivision, Block, Lot) The South 85 feet of the North
170 feet of Lot 12, Crawford Place.

Applicant's Name Omar Izfar

Address, Phone number and Email 2500 Fannin, Houston Texas 77002
713-547-8506. oizfar@wcglaw.com

Property Owner's Name Rajitkumar Patel and Nita Patel

Authorized Agent Omar Izfar

DESCRIPTION OF VARIANCE REQUEST

Request to construct a single-family residence set back 30' from Newcastle Street
in conformance with what is reasonable and consistent with similarly under-
sized lots in the R-1 Residential District.

The section of the Code of Ordinances
 That variance request is being made from Chapter 24, Section 531D(1)(a)(6)a.

HARDSHIPS THAT HAVE OCCURRED OR WILL OCCUR WITHOUT THIS VARIANCE

Attachment: 6910 Newcastle Variance request (2147 : Variance-6910 Newcastle)

Please see attached.

Yes

No

Site Plan Included shows existing structure
with proposed additions.

_____X_____

Year Approved

Year Denied

List previous variance request

_____Unknown_____

VARIANCE TO MINIMUM STANDARDS CRITERIA

	Minimum Proposed	Proposed	Exceeds Min.
Front Setback	_____50 ft._____	_____30 ft._____	_____20 ft._____
Side Setback	_____	_____	_____
Rear Setback	_____	_____	_____
Lot Coverage	_____	_____	_____
Height of Proposed Structure	_____	_____	_____
Tract or Lot Size	_____	_____	_____

Indicate any measures designed into the project to reduce any adverse effect of the proposed variance request.

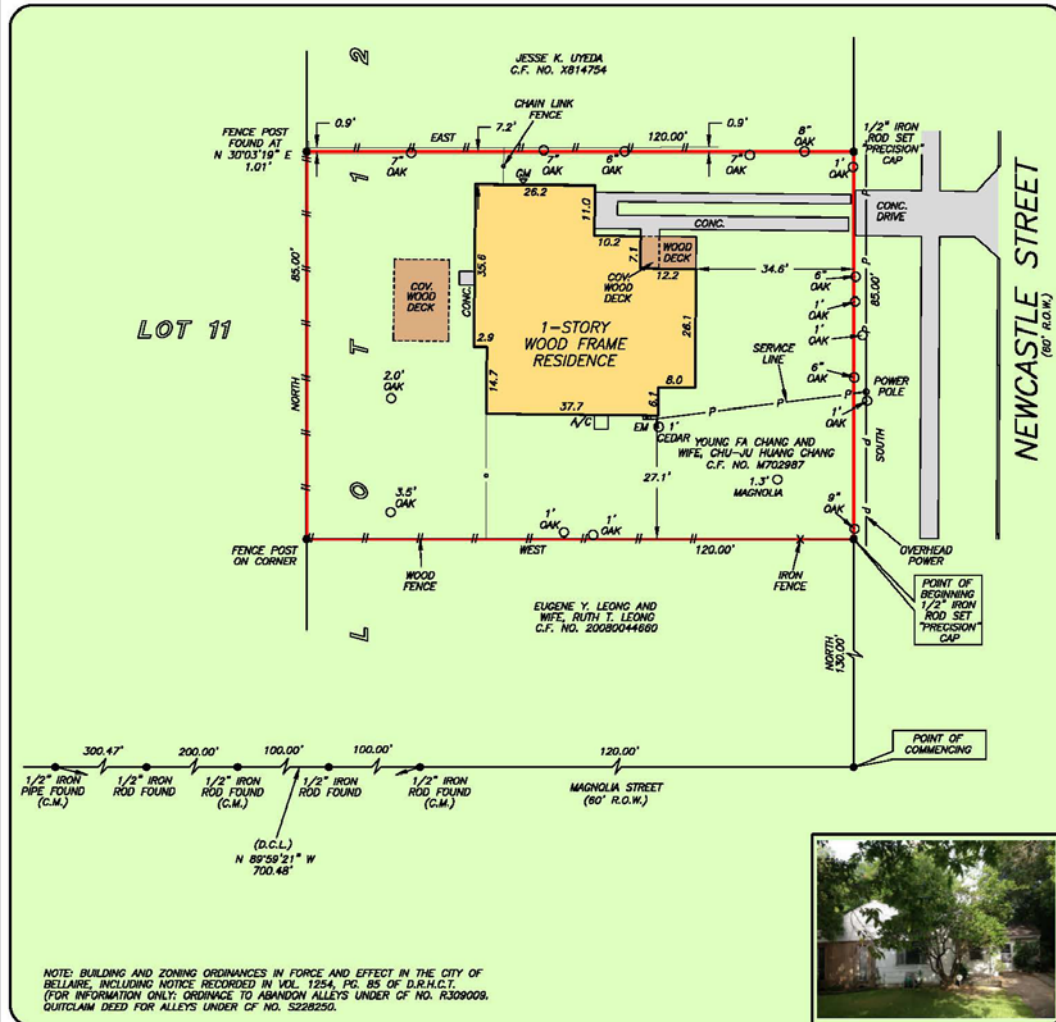
APPEAL FROM BOARD OF ADJUSTMENT DECISION MUST BE MADE TO THE DISTRICT COURT.

GF NO. 1949-16-1140 AMERICAN TITLE
 ADDRESS: 6910 NEWCASTLE STREET
 BELLAIRE, TEXAS 77401
 BORROWER: RANJIT KUMAR B. PATEL AND
 NITA PATEL

TREE SURVEY **THE SOUTH 85 FEET OF THE NORTH** **170 FEET OF LOT 12** **CRANFORD PLACE**

A SUBDIVISION IN HARRIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 4, PAGE 13 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS DESCRIPTION)

SCALE: 1" = 30'



NOTE: BUILDING AND ZONING ORDINANCES IN FORCE AND EFFECT IN THE CITY OF BELLAIRE, INCLUDING NOTICE RECORDED IN VOL. 1254, PG. 85 OF D.R.H.C.T. (FOR INFORMATION ONLY: ORDINANCE TO ABANDON ALLEYS UNDER CF NO. R309009, QUITCLAIM DEED FOR ALLEYS UNDER CF NO. S228250.

THIS PROPERTY IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 48201C, 0855 L. MAP REVISION: 06/10/07. ZONE AE. BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY.

D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: VOL. 4, PG. 13, RMHT

DRAWN BY: JB/MM

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

GEORGE GALE
 PROFESSIONAL LAND SURVEYOR
 NO. 4678
 JOB NO. 16-06309
 JULY 18, 2016
 REVISED JULY 22, 2016 (TREE SURVEY)



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionsurveyors.com
 281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 950 THREAGNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FIRM NO. 10063700



NICO VAN DER MEULEN ARCHITECTS		
<p>43 Grove Street Farnham Burslem Tel: +27 11 789 5242 Cell: +27 82 410 4811 E-Mail: nico@nicovandermeulen.com www.nicovandermeulen.com</p>		
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<p>Nico van der Meulen Pl. Arch. Reg. No 6793</p>		

CITY OF BELLAIRE
RECEIVED

DEC 08 2016

BUILDING SETBACK EXHIBIT A3 (MAGNOLIA ST.) - CITY OF BELLAIRE, TEXAS



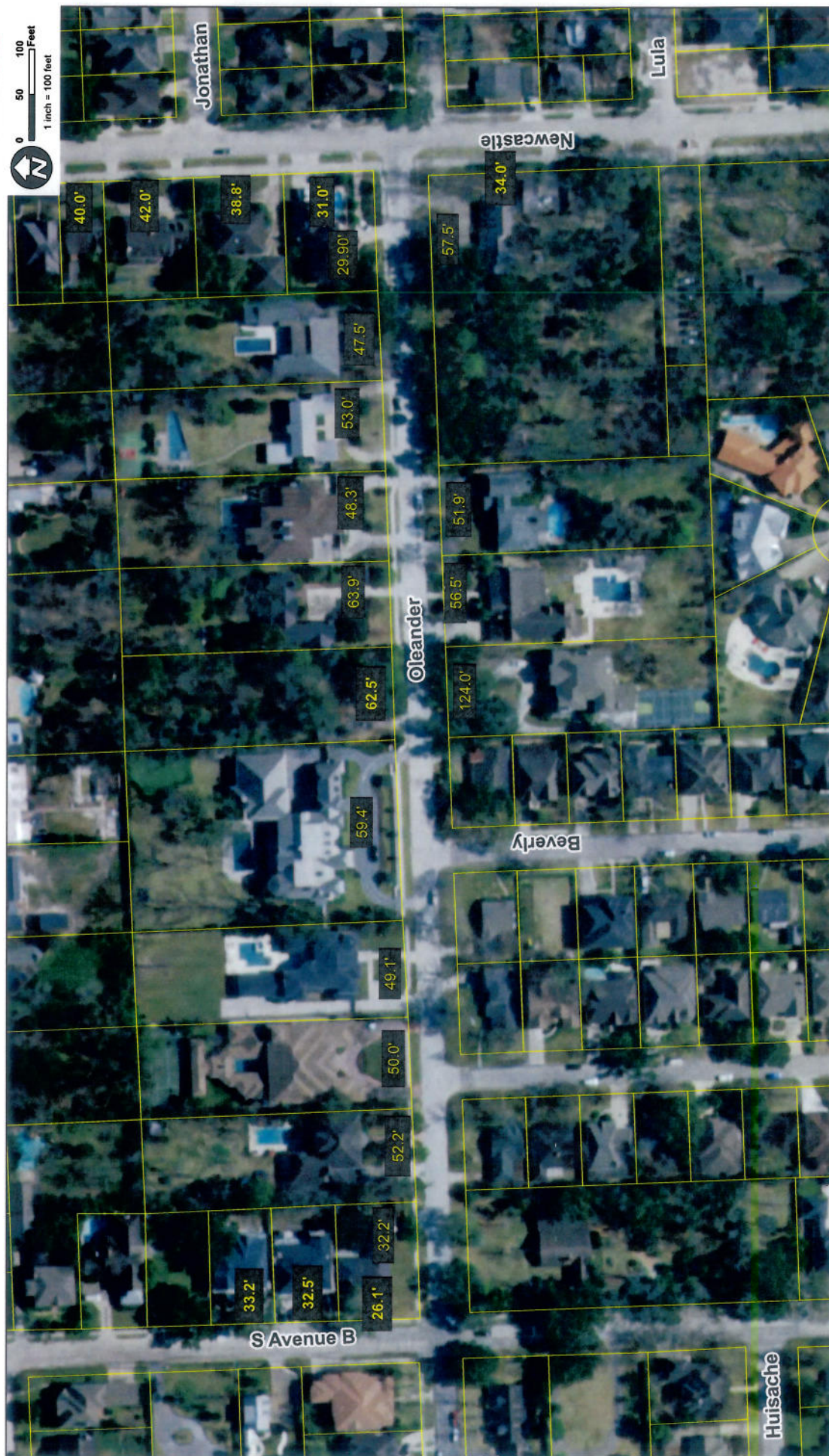
PREPARED ON 11-NOV-2016

This illustration shows the setback from the private property/right-of-way line and the building face. The dimensions are based on visual approximation and comparison between aerial photography and the Harris County Appraisal District parcel data.

DEC 08 2016

DEVELOPMENT SERVICES

BUILDING SETBACK EXHIBIT A4 (OLEANDER ST.) - CITY OF BELLAIRE, TEXAS



This illustration shows the setback from the private property/right-of-way line and the building face. The dimensions are based on visual approximation and comparison between aerial photography and the Harris County Appraisal District parcel data.

PREPARED ON 11-NOV-2016

CITY OF BELLAIRE
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DEVELOPMENT SERVICES

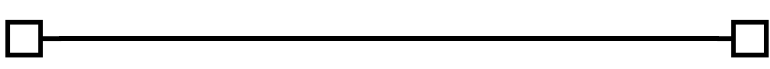
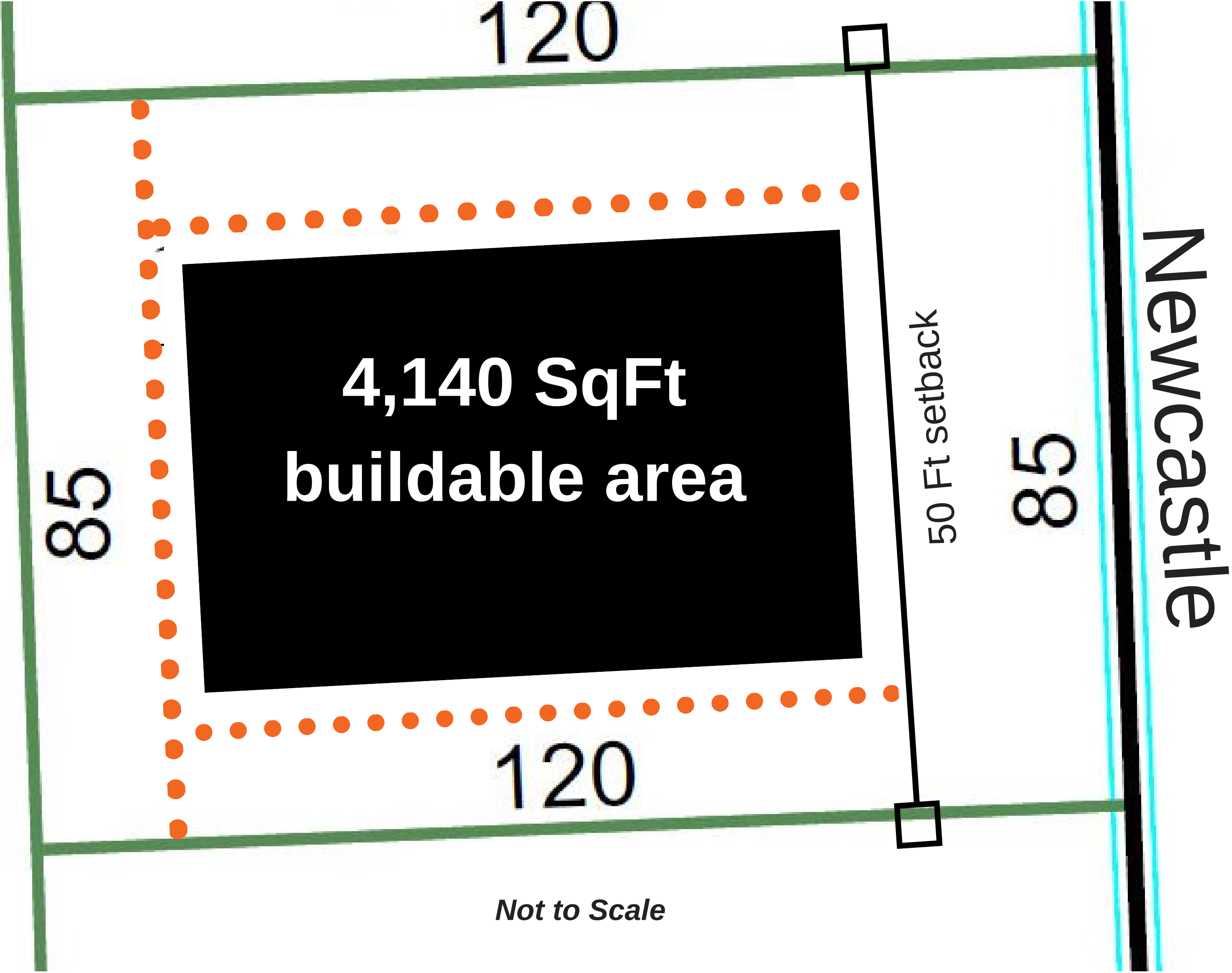
BUILDING SETBACK EXHIBIT A2 (TEAS ST.) - CITY OF BELLAIRE, TEXAS



PREPARED ON 11-NOV-2016

This illustration shows the setback from the private property/right-of-way line and the building face. The dimensions are based on visual approximation and comparison between aerial photography and the Harris County Appraisal District parcel data

Figure A
120



50 Ft Front setback



8 Ft side yards setback/10 rear setback

Board of Adjustment

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



Meeting: 01/19/17 07:00 PM
Department: Development Services
Category: Report
Department Head: John McDonald
DOC ID: 2148

**SCHEDULED
ACTION ITEM (ID # 2148)**

Item Title:

Approval of the Board of Adjustment's 2016 Annual Report to City Council.

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 Jim Avioli.

Recommendation:

Approval of the final report, amended as may be deemed necessary, to be forwarded to the City Council.

ATTACHMENTS:

- 2016 Annual Report (DOCX)

February 6, 2017

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

Submitted herewith is the annual report from the Board of Adjustment for the year 2016.

The Board of Adjustment (Board) is authorized by Texas Local Government Code Chapter 211 and is responsible for considering applications for variances or special exceptions to Chapter 24 of the Code of Ordinances of the City of Bellaire. Landowners or their agents apply to the Building Official of the Department of Community Development. Formal dockets, which must be legally advertised, are scheduled for the Board. Meetings are held to hear testimony on the application. The Board, appointed by the Bellaire City Council, consists of seven members who are citizens of the United States and residents of Bellaire for at least one year. The current Board Members are James P. Avioli, Sr. Jill Almaguer, Debbie Karakowsky, Jed Mandel, Amar Raval, and Samir Sinha. Board members serve staggered terms of two years each, with a maximum of three consecutive terms. The Board selects its own Chair and Vice Chair for a term of one year. Presently, James P. Avioli, Sr. and Jill Almaguer serve as the Board's Chairman and Vice Chairman, respectively. The Board meets on the third Thursday of each month beginning at 7:00 p.m. in the Council Chamber of City Hall. A meeting is cancelled if there is no business to attend to for that month. Special meetings may be called as necessary following all the required procedures.

A quorum of at least six members is required to hear a case. The Board of Adjustment may authorize in specific cases, a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so the spirit of the ordinance is observed and substantial justice is done.

We believe the Board is serving the purpose for which it was created. It provides an avenue for residents who have a particular situation to appeal to the Board for relief when they believe the zoning ordinances, if enforced, would create a hardship for them. The Board, a quasi-judiciary body, determines the outcome of all applications, which may only be appealed to a Harris County District Court.

During calendar year 2016, the Board held four (4) meetings; however, there was only one (1) application for hearing.

Docket # BOA-2015-01-A public hearing was held in August on an application for a special exception by VLK Architects, on behalf of Houston Independent School District. This application was to allow for the installation of an electronic message board/monument sign at Condit Elementary School, located at 7000 S 3rd Street, within the R-4 Residential Zoning District. The proposal was for the installation of a

sign at the main entrance of the school on South Third Street, across from residential properties. The application for allowance of the sign was approved, but with the condition that it could only be installed on South Rice Avenue.

At its January meeting, the Board forwarded a recommendation to City Council to amend Section 2-112(g) of the Bellaire Code of Ordinances, which would allow a simple majority of members present and voting to consider actions not specifically called out in the Texas Local Government Code, Section 211.009 (c). This amendment was approved by City Council on June 6, 2016.

During 2016, the Board also reviewed their Rules of Procedures and voted to amend them in order to better clarify language and include definitions for parking terms, as well as to delete unnecessary verbiage.

The Board greatly appreciates the City staff for their support throughout the year.

Respectfully submitted,

James P. Avioli, Sr.
Chair, Board of Adjustment