missouri CITY
TEXAS

BOARD OF ADJUSTMENT
MEETING AGENDA

Notice is hereby given of a meeting of the Board of Adjustment of the City of Missouri City to be held on **January 30, 2019, at 6:00 p.m. at: City Hall, Council Chambers, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas for the purpose of considering the following agenda items.

1. CALL TO ORDER

2. ROLL CALL

3. READING OF MINUTES
Consider approval of the minutes of the October 3, 2018, Zoning Board of Adjustment meeting.

4. REPORTS
Reports: Chairman, Commissioners, Director of Development Services

(1) Director of Development Services

A. Legal discussion of variances (Legal Department)

5. PUBLIC COMMENT

6. AGENDA ITEM FOR CONSIDERATION

A. To receive comments for or against a request by Gorman W. Prince Jr. to obtain a variance from Section 7.2.C.4 of the City's Zoning Ordinance pertaining to a side yard. The subject site is located at 2502 Stillwell Street, Missouri City, Texas 77489.

7. CLOSED EXECUTIVE SESSION
The Board of Adjustment may go into Executive Session regarding any item posted on the Agenda as authorized by Chapter 551 of the Texas Government Code.

8. RECONVENE
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.

9. ADJOURNMENT

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide reasonable accommodations for persons attending Board of Adjustment Meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Egima Brown, Development Services Department at 281-403-8541.

CERTIFICATION

I certify that a copy of the January 30, 2019, agenda of items to be considered by the Missouri City Board of Adjustment was posted on the City Hall bulletin board on January 22, 2019.

Egima Brown

DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division
1522 Texas Parkway
Missouri City, Texas 77489
281-403-8600 (Office) ■ 281-208-5551 (Fax)
www.missouricitytx.gov

BOARD OF ADJUSTMENT
General Information Form

1. Date of Application:	
2. Address/Location of property: 2502 STILLWELL ST., MISSOURI CITY, TX. 77489	
3. Applicant's Name: GORMAN W. (BILL) PRINCE, JR.	
4. Mailing Address: 11111 W. BELLFORT, HOUSTON, TX. 77099	
5. Phone No: 281-879-0515	Email address: GORMANWPJR@GMAIL.COM
6. Status of Applicant *(Please circle)*: Agent Corporation (Owner) Relative Trustee	
7. Property Owner's Name (If different from applicant): –	
8. Mailing Address: –	
9. Phone No: –	Email address: –
10. Type of Appeal Requested *(Please circle)*: Interpretation Special Exception (Variance)	
11. Reason(s) for Appeal: MINOR SHORTFALL OF 5 FEET SIDE YARD SETBACK	
12. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bounds description of the tract must be attached):	
Subdivision Name: PRINCE	Lot No. 1 / Block No. 1
Volume No. 261 and Page No. 263 FILM CODE: 20150254 ← of Recorded Plat.	
13. Central Appraisal District Tax Identification Number(s) for property: ACCOUNT NO.: 0013-00-000-2511-907	
14. Existing Land Use: HOUSE RESIDENCE AND GARAGE BUILDING.	
15. Do deed restrictions or restrictive covenants exist for the property? *(Please circle)*: YES NO	
FILING FEE: $300.00	
NOTE: Filing fee must accompany completed application form.	
Signature of Applicant: Gorman W. Prince Jr.	Signature of Property Owner, Agent, or Attorney (If different from the applicant)
Deliver application and filing fee to: Development Services Department, 1522 Texas Parkway (FM-2234), Missouri City, Texas 77489	City of Missouri City, TX Received DEC 03 2018 Planning Division

DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division
1522 Texas Parkway
Missouri City, Texas 77489
281-403-8600 (Office) ■ 281-208-5551 (Fax)
www.missouricitytx.gov

BOARD OF ADJUSTMENT
VARIANCE APPLICATION

Owner's Name: GORMAN W. (BILL) PRINCE, JR.

Mailing Address (Including City, State, Zip): 11111 W. BELLFORT, HOUSTON, TX 77099
Phone: (281) 879-0515 Email: GORMANWPJR@GMAIL.COM

Address of property: 2502 STILLWELL MISSOURI CITY, TX. 77489

Subdivision Name: PRINCE
Block Number: 1
Lot Number: 1

From which section(s) of the Zoning Ordinance is a variance being sought:

Why will your proposed use not diminish the value of surrounding properties?

Why would granting the variance be of benefit to the public interest?

Why would denial of the variance result in unnecessary hardship?

Why would granting the variance do substantial justice?

Why is the proposed use consistent with the spirit of the Zoning Ordinance?

Applicant's Signature [signature] Date NOV. 30, 2018

BOARD OF ADJUSTMENT

VARIANCE APPLICATION (attachment)

Gorman W. (Bill) Prince, Jr.

Nov. 30, 2018

From which section (s) of the Zoning Ordinance is a variance being sought:

R-1 Single Family Residential District. Sect. 7.2.C.4. Side yard. There shall be a side yard of not less than five feet.

Why will your proposed use not diminish the value of surrounding properties?

The less than required setback is minor, at less than 1/2 foot. The SW corner of the garage is less by 2.4" and the SE corner or the garage is less by 4.8". There are no utilities on the setback, the minor amount less than the required setback is not noticeable to an observer without measuring. The property is residential rural – hence no stricter standards as in an upscale residential area, as well as no HOA.

Why would granting the variance be of benefit to the public interest?

The property is private property and granting the hardship variance would demonstrate that the City is understanding when it comes to unusual circumstances encountered by its citizens during the construction phase of a building project.

Why would denial of the variance result in unnecessary hardship?

The garage building was erected over two years ago, and since it was designed to meet the City wind load requirement, any change to it could compromise this requirement. It would be next to impossible, or cost an exorbitant amount, cut a few inches off a steel beamed building, which includes anchor bolts imbedded in the concrete perimeter beam at a depth of two feet. In addition, I am a senior citizen living on a fixed income.

Why would granting the variance do substantial justice?

The City approved the construction of the building before any construction began using my survey showing the minor shortfall in setback. I was granted a permit (#1504469) and have Green Approved inspection stickers for the building, including Slab, Frame, Plumbing Ground, Electrical Final. I complied with all of the City requirements and had ongoing meetings with City officials regarding construction requirements. These meetings started in Feb. 2015 with Mr. Jose Abraham in City Planning.

Why is the proposed use consistent with the spirit of the Zoning Ordinance?

The reason for the shortfall in the 5' setback has to do with a problem we had in getting the foundation forms to be square. The steel building was designed with the required setbacks. It was only after the steel had been fabricated, that we had the problem with laying out the foundation forms. We had assumed that the property was square. The North and South sides being 176.4' long and the East and West sides being 120.0' long. Subsequently, we found out from the Surveyor that the property was not exactly square (interior angles of 90.22 degrees and 89.78 degrees, vs all being 90 degrees).

In other words, the 176.4' property side veers over by 4.58" from being square at the SW corner of the building, from the SE corner of the property, which is about the maximum shortfall of the setback.

The building West side length is 95' plus the 20' setback on the North side and 5' on the South side yields the 120' West dimension of my property. The building was designed to fit on the property with the proper setbacks.

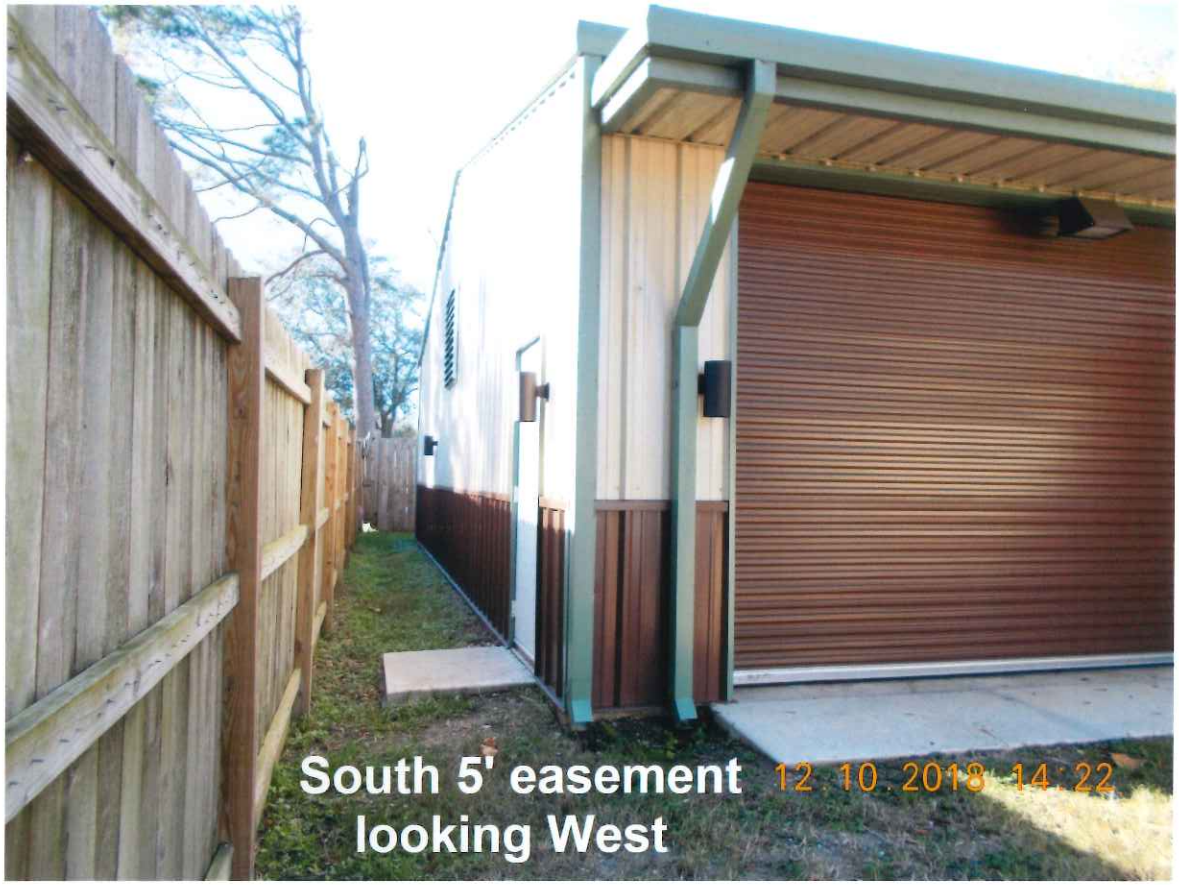
We intended to comply with the ordinance, but were unaware of the property squareness issue. This was discussed with Mr. Allen before we started construction. The setback shortfall is minor and was not intentional, and has no consequences, and was approved and inspected by the City.

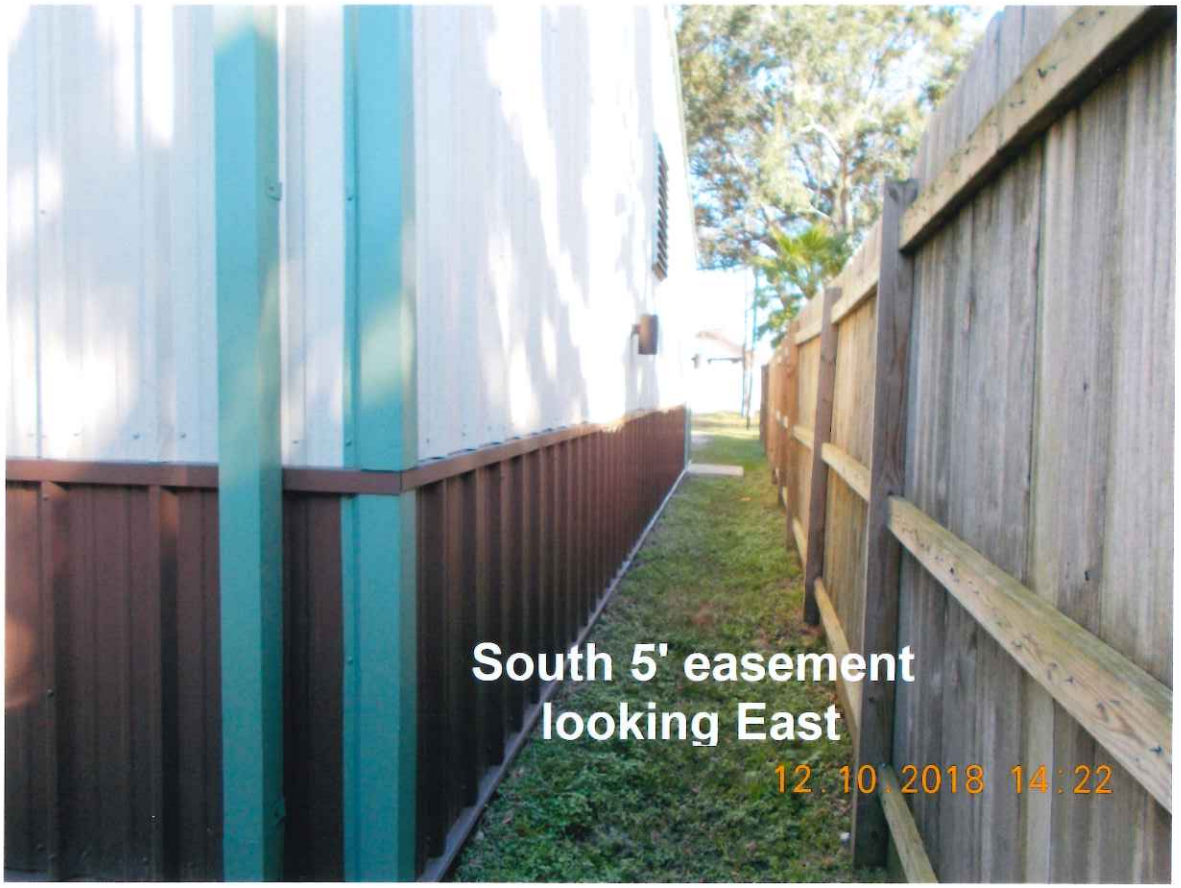
There are no utilities on the 5' setback, either below, on, or above ground level.

Applicant's Signature: [signature] **Date:** NOV. 30, 2018

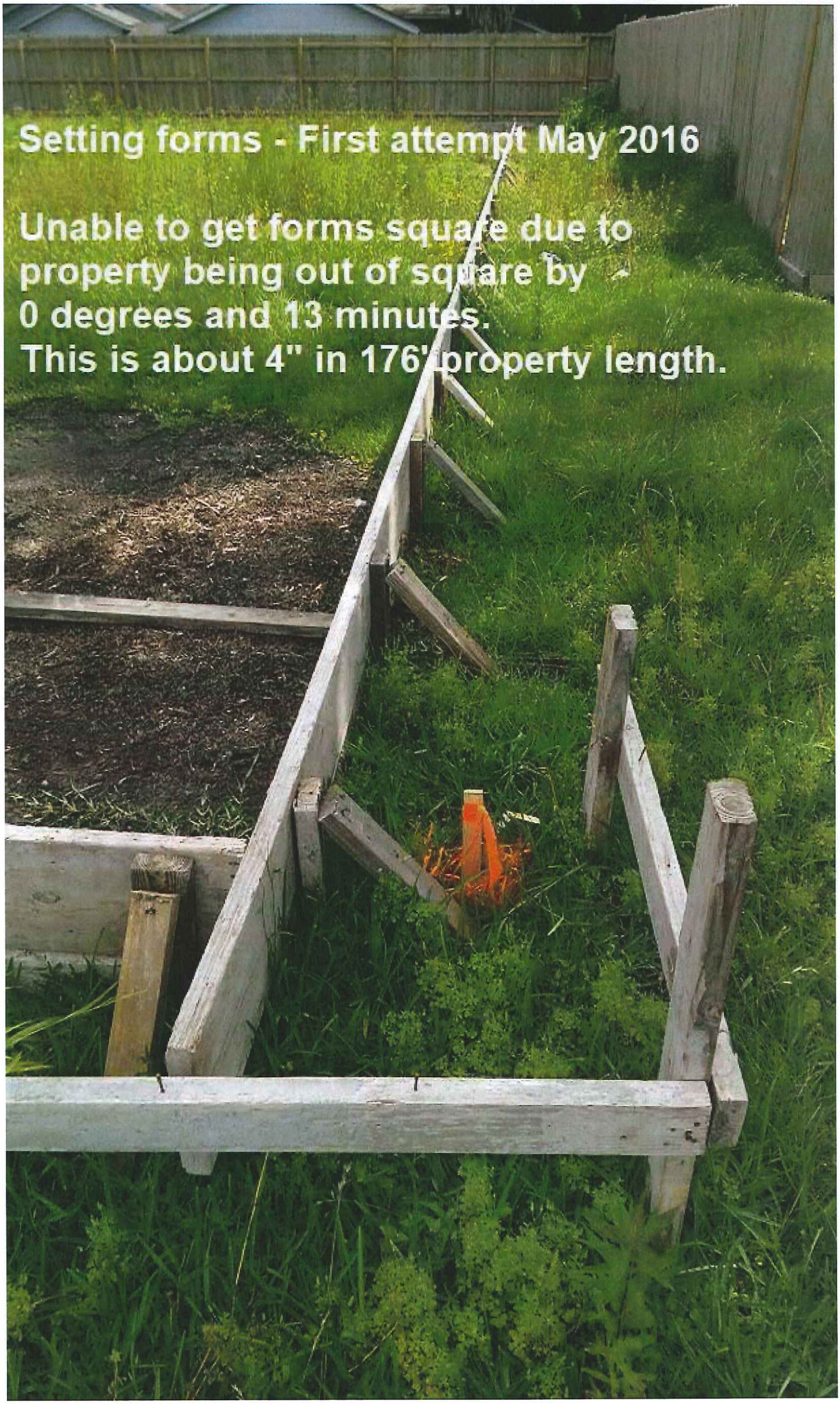
West 8' easement
looking North
12.10.2018 14:23

West 8' easement
looking South
12.10.2018 14:23


South 5' easement
looking West
12.10.2018 14:22


South 5' easement
looking East
12.10.2018 14:22

Setting forms - First attempt May 2016
Unable to get forms square due to
property being out of square by
0 degrees and 13 minutes.
This is about 4" in 176' property length.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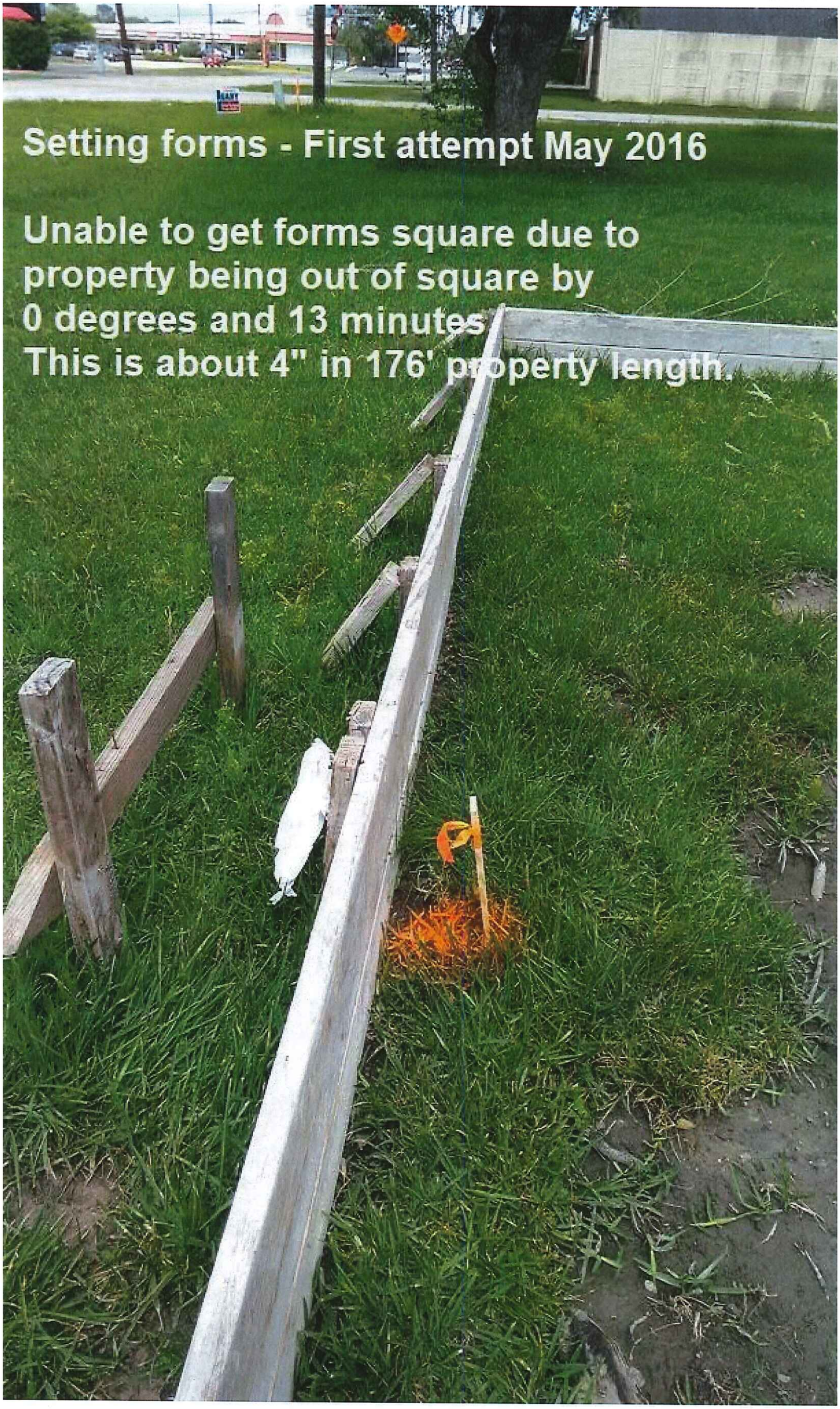
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This is about 4" in 176' property length.

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Unable to get forms square due to property being out of square by 0 degrees and 13 minutes.
This is about 4" in 176' property length.

missouri CITY
TEXAS
Development Services

Inspection Division
281-403-8600

PERMIT # 1504469

NOTICE OF APPROVAL

ADDRESS: 2502 STILLWELL

DATE: 11/1/16 TIME: 9:30 INSPECTOR: JWD

Has been inspected and does meet City regulations as noted:

BUILDING: ___ Foundation ___ Frame X Final ___ Driveway ___ Sidewalk ___ Parking Lot

___ Other ___

PLUMBING: ___ Ground ___ Top Out ___ Sewer ___ Final ___ Other ___

ELECTRICAL: ___ Cover ___ Final ___ Underground ___ Other ___

MECHANICAL: ___ Cover ___ Final ___ Other ___

POOL: ___ Steel ___ Gunite ___ Final ___ Other ___

SIGN: ___ Final ___ Landscape ___ Final ___ Other ___

FIRE: ___ Cover ___ Final ___ Other ___

REMARKS:

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missouri CITY
TEXAS
Development Services

Inspection Division
281-403-8600

PERMIT # 1504469

NOTICE OF APPROVAL

ADDRESS: 2502 STILLWELL ST

DATE: 06-05-17 TIME: 9:30 INSPECTOR: HOW

Has been inspected and does meet City regulations as noted:

BUILDING: ___ Foundation ___ Frame ___ Final ___ Driveway ___ Sidewalk ___ Parking Lot

___ Other ___

PLUMBING: ___ Ground ✓ Top Out ___ Sewer ___ Final ___ Other ___

ELECTRICAL: ___ Cover ___ Final ___ Underground ___ Other ___

MECHANICAL: ___ Cover ___ Final ___ Other ___

POOL: ___ Steel ___ Gunite ___ Final ___ Other ___

SIGN: ___ Final ___ Landscape ___ Final ___ Other ___

FIRE: ___ Cover ___ Final ___ Other ___

REMARKS: DWV not on test /

missouri CITY
TEXAS
Development Services

Inspection Division
281-403-8600

PERMIT # _____

NOTICE OF APPROVAL

ADDRESS: 2502 STILLWELL

DATE: 9/7 TIME: 3 45 INSPECTOR: A

Has been inspected and does meet City regulations as noted:

BUILDING: ✓ Foundation ___ Frame ___ Final ___ Driveway ___ Sidewalk ___ Parking Lot

___ Other SLAB

PLUMBING: ___ Ground ___ Top Out ___ Sewer ___ Final ___ Other

ELECTRICAL: ___ Cover ___ Final ___ Underground ___ Other

MECHANICAL: ___ Cover ___ Final ___ Other

POOL: ___ Steel ___ Gunite ___ Final ___ Other

SIGN: ___ Final ___ Landscape ___ Final ___ Other

FIRE: ___ Cover ___ Final ___ Other

REMARKS:

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missouri CITY
TEXAS
Development Services

Inspection Div[illegible]n
[illegible]0

PERMIT # _____

NOTICE OF APPROVAL

ADDRESS: 2502 STILLWELL ST

DATE: 5/2/17 TIME: 9:00 INSPECTOR: D3

Has been inspected and does meet City regulations as noted:

BUILDING: ___ Foundation ___ Frame ___ Final ___ Driveway ___ Sidewalk [illegible]arking Lot

___ Other

PLUMBING: ___ Ground ___ Top Out ___ Sewer ___ Final ___ O[illegible]er

ELECTRICAL: ___ Cover ✓ Final ___ Underground

MECHANICAL: ___ Cover ___ Final ___ Other

POOL: ___ Steel ___ Gunite ___ Final ___ Other

SIGN: ___ Final ___ Landscape ___ Final ___ Other

FIRE: ___ Cover ___ Final ___ Other

REMARKS:

TO: Otis Spriggs, City of Missouri City Planning Department

FROM: Daryl L. Smith

RE: Violation of City Code – Building located at 2502 Stillwell

DATE: September 25, 2018

Mr. Spriggs,

For the past nine months, I have been communicating with you concerning the erected building at 2502 Stillwell Street, Missouri City, TX 77489. This building is in violation of the City Code.

I have proof Mr. Prince submitted false information to obtain approval for the erection of this building.

Also, I am concerned the emission fumes from the cars and chemicals used in the building is creating a health hazard. Mr. Prince lifts the northside roll up door approximately 2 ½ feet letting the air in which allows the exhaust fan to blow the contaminated air out directly towards my property.

I am respectfully requesting the City ensure Mr. Prince building is brought up to compliance. Currently the building is 1 ½ feet to close to my property line and the exhaust fan should to be removed or the vent reinstall so that it does not blow towards anyone's property.

Note: I have provided you with two surveys regarding my property line and on yesterday September 24th, I provided you a third survey. I have more documentation and pictures if needed. Furthermore, the pending false lawsuit claiming there was a property dispute has been dismissed by Mr. Prince's attorney.

Your attention and response to this memo is greatly appreciated.

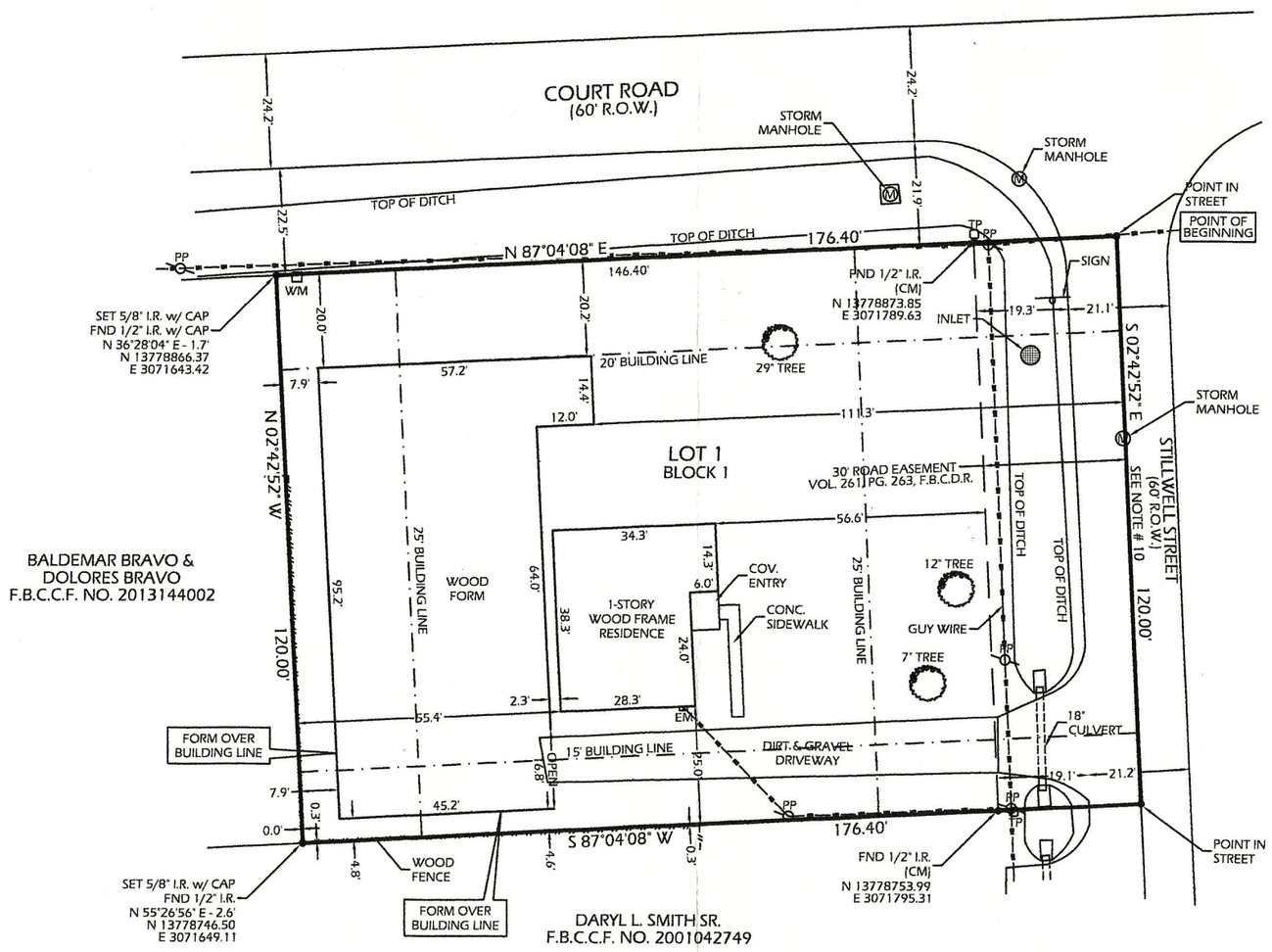
Thank you,

Daryl L. Smith

Daryl L. Smith

NOTES:

1. SURVEYOR HAS NOT ABSTRACTED PROPERTY. SURVEY IS BASED ON LEGAL DESCRIPTIONS SUPPLIED BY TITLE COMPANY. EASEMENTS, BUILDING LINES, ETC., SHOWN HEREON ARE AS IDENTIFIED BY GF. NO 7910-15-2879 OF TEXAS AMERICAN TITLE COMPANY.
2. NOTHING IN THIS SURVEY IS INTENDED TO EXPRESS AN OPINION REGARDING OWNERSHIP OR TITLE.
3. THE WORD CERTIFY IS UNDERSTOOD TO BE AN EXPRESSION OF PROFESSIONAL JUDGMENT BY THE SURVEYOR, WHICH IS BASED ON HIS BEST KNOWLEDGE, INFORMATION AND BELIEF.
4. SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY; IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
5. THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND NO LICENSE HAS BEEN CREATED, EXPRESSED OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.
6. THE COORDINATES AND BEARINGS SHOWN HEREON ARE BASED ON NAD83 HORIZONTAL DATUM PROJECTIONS ZONE TEXAS SOUTH CENTRAL 4204 AND CAN BE CONVERTED TO SURFACE BY APPLYING THE COMBINED SCALE FACTOR OF 1.0001265159.
7. THERE ARE NO CURBS OR FIRE HYDRANTS ON THE TRACT OR IN THE RIGHT OF WAY WITHIN 10 FEET OF THE TRACT.
8. RIGHT-OF-WAY EASEMENT 30 FEET IN WIDTH RECORDED IN VOLUME 487, PAGE 744 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS DOES NOT APPLY TO THIS TRACT.
9. SITE SUBJECT TO RESTRICTIVE COVENANTS AS RECORDED IN VOLUME 328, PAGE 480 OF THE DEED RECORDS OF FORT BEND COUNTY, TEXAS.
10. 60' RIGHT-OF-WAY AS PER VOLUME 261, PAGE 263 FORT BEND COUNTY DEED RECORDS AND VOLUME 396, PAGE 223 FORT BEND COUNTY MAP RECORDS.



SCALE : 1"=30'

DATE: 06-28-2016	
REVISION: 09-18-2018	
DRAWN BY: DP	
APPROVED BY: DWG	
PROJECT NO: GL-1839D	
ADDRESS :2502 STILLWELL STREET MISSOURI CITY, TEXAS 77489	
CLIENT :BILL PRINCE	

Daniel W. Goodale

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THERE WERE NO ENCROACHMENTS APPARENT ON THE GROUND EXCEPT AS SHOWN HEREON.

STATE OF TEXAS REGISTERED DANIEL W. GOODALE 4919 PROFESSIONAL LAND SURVEYOR

FLOOD INFORMATION

PROPERTY "IS NOT" IN THE 100 YEAR FLOOD ZONE, THIS PROPERTY LIES IN ZONE "X" ACCORDING TO F.I.R.M. MAP NO. 48157C0285L DATED 04-02-2014.

BY GRAPHIC PLOTTING ONLY, WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

LEGEND:
F.B.C.M.R. - FORT BEND COUNTY MAP RECORD
F.B.C.D.R. - FORT BEND COUNTY DEED RECORD
F.B.C.C.F. - FORT BEND COUNTY CLERK FILE
R.O.W. - RIGHT OF WAY
CM - CONTROL MONUMENT
I.R./I.P. - IRON ROD/IRON PIPE
PP - POWER POLE
WM - WATER METER
EM - ELECTRIC METER
GM - GAS METER
TP - TELEPHONE PEDESTAL
OH - OVERHEAD UTILITY LINES

A FORM SURVEY OF

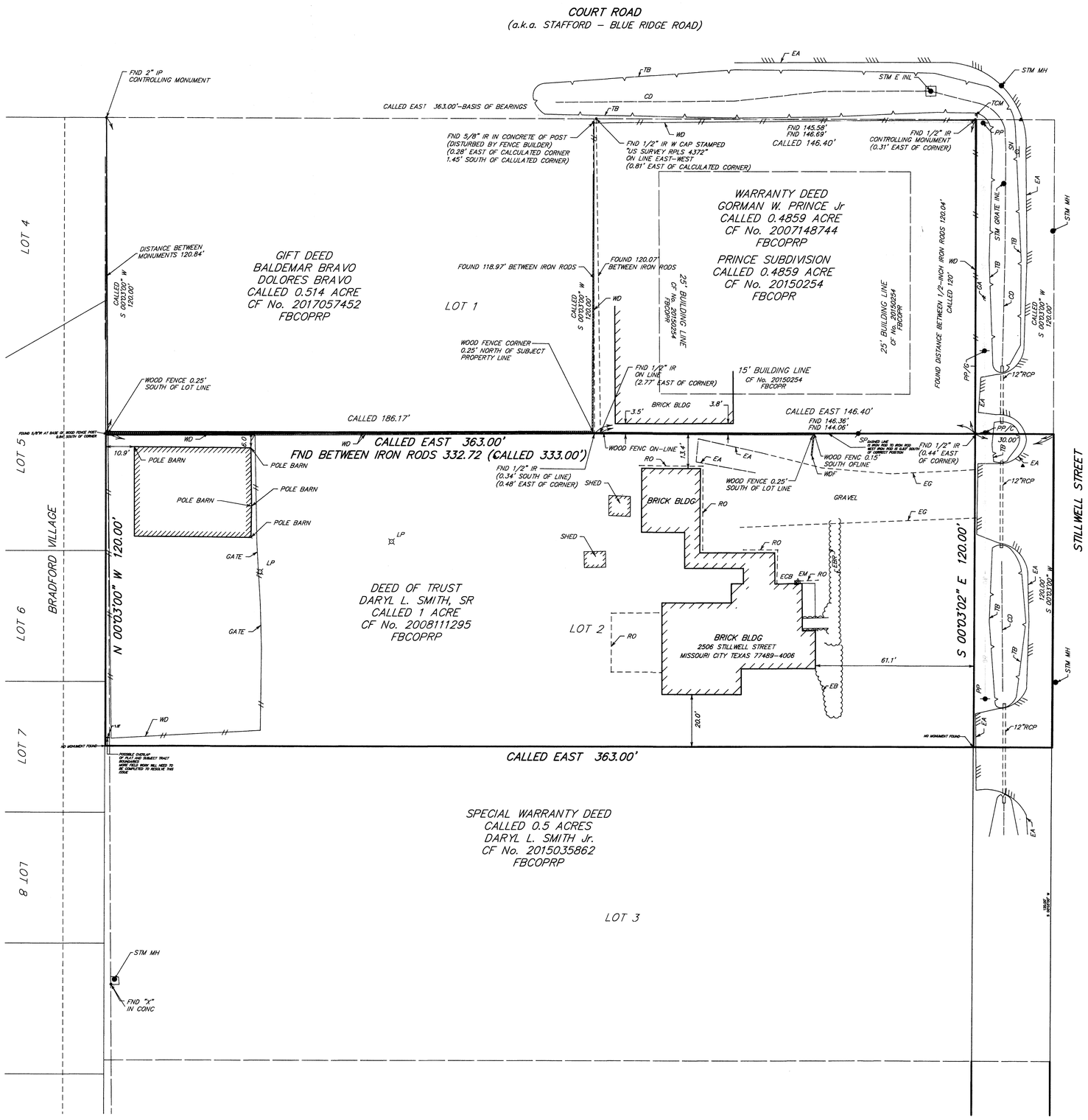
A 0.4859 ACRE TRACT OF LAND TO GORMAN W. PRINCE, JR. RECORDED UNDER FORT BEND COUNTY CLERK'S FILE NO. 2007148744, FORT BEND COUNTY, TEXAS AND SITUATED IN THE DAVID BRIGHT LEAGUE, ABSTRACT NO. 13, OF SAID COUNTY AND STATE.

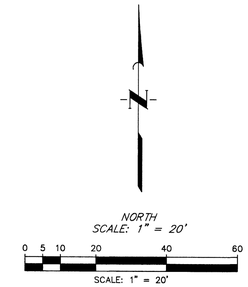
(BEARINGS BASED ON GPS OBSERVATIONS)

GREENLEAF LAND SURVEYS, LLC
10900 NORTHWEST FWY
SUITE # 129
HOUSTON, TEXAS 77092

GREENLEAF NATIONAL SURVEYING

DIR: 832-668-5003 FAX: 832-553-7210
FIRM # 10193977
orders@gllsurveys.com
www.greenleaflandsurveys.com





LEGEND

CONC	CONCRETE
EA	EDGE OF ASHPHALT
FBCDR	FORT BEND COUNTY DEED RECORDS
FBCOPRRP	FORT BEND COUNTY OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
FNC	FENCE
GA	GUY AHCHOR
OHP	OVERHEAD POWER
POB	POINT OF BEGINNING
POC	POINT OF COMMENCING
FND	FOUND
IP	IRON PIPE
IR	IRON ROD
RO	BUILDING/ROOF OVERAHANG
EG	EDGE OF GRAVEL
EM	ELECTRIC METER
ECB	ELECTRIC CONTROL BOX
EBR	EDGE OF BRUSH
LP	LIGHT POLE
PP	POWER POLE
PP\G	POWER POLE WITH GUY
RCP	REINFORCED CONCRETE PIPE
STM	STORM MANHOLE
WD	WOOD

General Notes

1. This survey was prepared without the benefit of a current Commitment for Title Insurance or Abstractor's Certification and therefore easements or encumbrances may exist which are not shown hereon. No research of the Public Records of Fort Bend County, Texas regarding these easements or encumbrances was performed by Jones and Carter, Inc.

2. This survey does not provide any determination concerning wetlands, fault lines, toxic waste or any other environmental issues. Such matters should be directed by the client or prospective purchaser to an expert consultant.

3. The basis of bearings for this survey is a record call of East along the north line of the 10.0 acre tract as described in Volume 261, Page 263 of the Fort Bend County Deed Records. This line is the north line of Lot 1 of the subdivision of said 10.0–acre tract and is the south line of Court Road as shown hereon.

4. Fences shown hereon are graphic only, with dimensional ties shown at specific locations where they were physically measured. The fence line may meander between said measured locations. The dimensions showing the distance between the fence and the property line also indicates which side of the property line the fence is on.

5. Visible improvements/utilities were located with this survey; no subsurface probing, excavation or exploration was performed for this survey.

6. This survey has been prepared to show the relationship of the fence and structures near the north line of Lot 2. This survey is not to be used for any subsequent transactions.

7. The building north of the subject lot line was located utilizing prismless technology.

STATE OF TEXAS
REGISTERED
STEVEN JARES
5317
PROFESSIONAL
LAND SURVEYOR

9-17-2018

EXHIBIT
OF THE NORTH LOT LINE OF
LOT 2
BEING A
1 ACRE TRACT
OUT OF THE
10 ACRE TRACT
RECORDED IN
VOLUME 261, PAGE 263
OF THE
FORT BEND COUNTY DEED RECORDS
DAVID BRIGHT LEAGUE SURVEY, A-13
FORT BEND COUNTY, TEXAS
FEBRUARY 2018

JONES | CARTER
COTTON SURVEYING DIVISION
Texas Board of Professional Land Surveying Registration No. 10046100
6330 West Loop South, Suite 150 • Bellaire, TX 77401 • 713.777.5337

K:\15883\15883-0001-00 2506 Stilwell Street\1 Surveying Phase\CAD Files\Final Dwg\11792.dwg Sep 14,2018 – 1:22pm SAJ

SAJ/rl JOB No. 15883-0001-00 F.B. 2808 PG. 48 DWG. No. 11792

missouri CITY
TEXAS

DEVELOPMENT SERVICES - PLANNING DIVISION

1522 TEXAS PARKWAY MISSOURI CITY, TEXAS 77489

NOTICE
TO ADJOINING PROPERTY OWNERS
WITHIN 200 FEET OF PROPERTY SUBJECT TO VARIANCE

DATE OF NOTICE: January 17, 2019

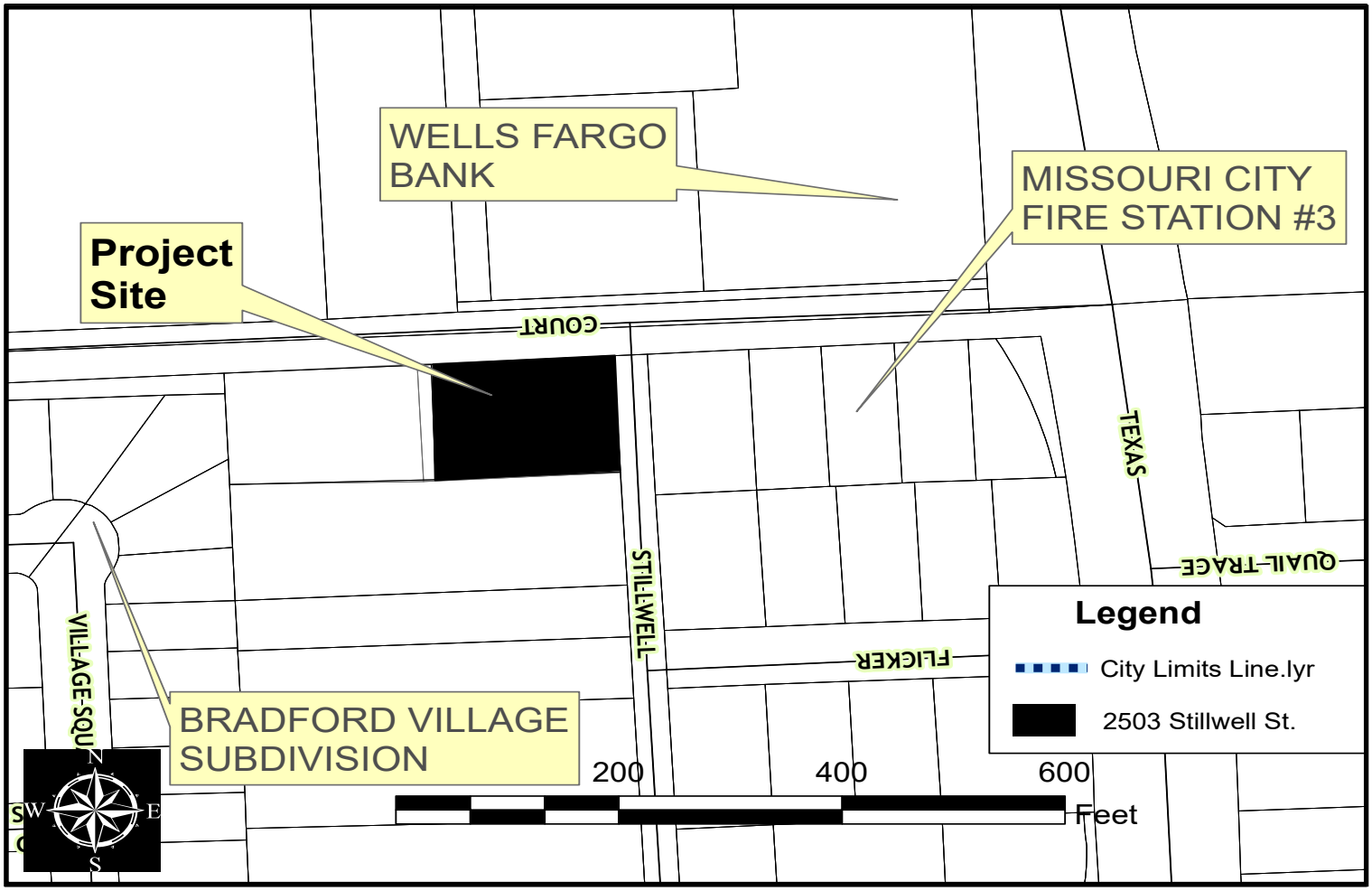
LOCATION/DATE: The Board of Adjustment of the City of Missouri City will hold a public hearing on Wednesday, January 30, 2019, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 6:00 p.m.

PURPOSE: To receive comments for or against a request by Gorman W. Prince Jr. to obtain a variance from Section 7.2.C.4 of the City's Zoning Ordinance pertaining to regulations on a side yard.

SITE LOCATION: The subject site is located at 2502 Stillwell Street, Missouri City, Texas 77489.

SITE LEGAL DESCRIPTION: The subject site can be described as Block 1, Lot 1 of the Prince subdivision, as recorded by instrument number 20150254 in the Fort Bend County Official Public Records.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.


WELLS FARGO BANK
MISSOURI CITY FIRE STATION #3
Project Site
COURT
TEXAS
QUAIL TRACE
STILLWELL
FLICKER
VILLAGE-SQU
BRADFORD VILLAGE SUBDIVISION
Legend
City Limits Line.lyr
2503 Stillwell St.
200
400
600
Feet
N
S
E
W