



**DRAFT MINUTES
BOARD OF ADJUSTMENT CITY OF MISSOURI CITY, TEXAS**

July 31, 2019

The Notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairperson Morris approximately 6:00 p.m.

ATTENDEES:

Board Members Present:

Roger Morris
Joe Workman
Peter Thomas
Sharon Jurica (alternate)

Board Member Absent:

Robin Elackatt, Cleotha Aldridge, J.R. Atkins,
Adrian Matteucci (alternate)

STAFF PRESENT:

Otis Spriggs, Director of Development Services
Jamilah Way, First Assistant City Attorney
Jennifer Thomas Gomez, Planning Manager
Thomas White, Planner II
Kirk Allen, Building Official
Egima Edwards, Planning Technician

Others Present:

Daniel Reinhold; property owner

READING OF MINUTES:

Chairperson Morris called for any corrections or additions to the March 27, 2019, meeting minutes.

Motion:	Approval of the March 27, 2019, meeting minutes as corrected.
Made By:	Board Member Workman
Second:	Board Member Jurica
AYES:	Board member Morris, Board member Workman, Board Member Thomas, Alternate Board Member Jurica
NAYS:	None

ABSTENTIONS: None.

The motion passed.

REPORTS:

A. BOARD MEMBERS

None.

B. STAFF REPORTS

- (1) Development Services
 - a. Director – Otis T. Spriggs
- None.

PUBLIC COMMENTS

There were none.

AGENDA ITEM FOR CONSIDERATION

- A. To receive comments for or against a request by Daniel Reinhold to obtain a variance from Section 7.5.C.4 of the City's Zoning Ordinance pertaining to a side yard. The subject site is located at 12834 Riva Ridge Lane, Houston, Texas 77071.

Jennifer Thomas Gomez presented the agenda item. Ms. Gomez stated that the subject site was located at the north side of the City, in the Fonmeadow subdivision. The lots on the side of the subject site were constructed in the 1980's. The applicant purchased the property in 2019 and was seeking to construct a single-family home. The current zoning is R-4, patio-cluster residential district. The R-4 district allows for a zero foot lot line on the side yards, provided 10 feet of space is from buildings on the other side of the lot.

Ms. Gomez stated that the applicant submitted construction drawings to construct a single family home on the lot. The construction drawings were disapproved due to Section 7.5.C.4 of the City's Zoning Ordinance, which establishes the minimum yard setbacks. At the time, the side yards were found to be five feet on one side of the property and three feet on the opposite side of the property. Ms. Gomez stated that the challenge was that the properties on either side were constructed on the property line. The combined setback for all properties together would be under 10 feet.

Staff's recommendation was that the variance be disapproved because of the requirements of the adopted Fire and Building codes and the regulation of the Zoning Ordinance.

Daniel Reinhold, owner of subject property, stated that a single story home would be constructed on the lot. The architect of the project informed Mr. Reinhold that he did not believe the materials of the proposed home were a fire hazard per the Fire codes.

Chair Morris inquired if the conditions of the existing homes on both sides of the property were known.

Kirk Allen, Building Official, stated that the homes were built in the 1980s and were not sprinkled, to his knowledge. Fire separation distance is required by the International Residential Code (IRC). The minimum distance between un-sprinkled structures is five feet to the property line, assuming that the other property is not on a zero lot line. Drainage was also an issue. When the subdivision was built, drainage was not a focus. Mr. Allen stated

if the whole neighborhood was sprinkled, then three feet could be between structures.

Chair Morris inquired if this was enforced in Missouri City.

Mr. Allen responded, "Yes."

Chair Morris asked Mr. Reinhold if he tried a smaller footprint of the home per the accommodations.

Mr. Reinhold stated when they first saw the lot, they thought of a skinny 2-story house. When the proposed development was presented to the homeowners association (HOA), they stated that they did not want to view the plans without Missouri City's comments. Due to the triangular shaped lot, the City's two car garage requirement was a challenge. A single story development was the most viable solution for the lot. Due to a utility setback in the rear of the property, a requested relief from the 20 foot setback was not allowed per the Municipal Utility District.

Chair Morris inquired if a 2-story home was allowed to be built.

Mr. Reinhold stated originally, due to finances, a 2-story home was not feasible.

Chair Morris inquired staff to explain their recommendation.

Ms. Gomez stated staff's recommendation was to deny the variance due to the safety element of having buildings too close in proximity to each other.

Chair Morris inquired if it was addressed by the fire department of Missouri City.

Ms. Gomez stated that the fire department had been in the loop of the conversation. The fire department defaults back to the zoning ordinance in terms of setbacks, as well as residential codes previously referenced by Mr. Allen.

Mr. Reinhold stated they are thankful for the process. He reached out to the fire department, however, had not received a response. Financially it would be about \$8,000 to \$10,000 to have plans reviewed again. Mr. Reinhold stated they would be open to placing the money into a safer construction and ideas.

Alternate Board Member, Sharon Jurica, inquired about the HOA requirement of square footage single-family homes.

Mr. Reinhold responded that one-story is 1,400 square feet, as well as 1,500 square feet for proposed square feet.

Alternate Jurica inquired if there was any reason Mr. Reinhold could think to downsize.

Mr. Reinhold responded that they were happy with the plan. The lot is designed as a triangular living space. He understood the complications of the required two car garage and the entry way, which both have to be oriented to the street. The square footage could not be reduced from that point, due to it being narrow and tight.

Motion: To deny request by Daniel Reinhold to obtain a variance to Section 7.5.C.4 of the City's Zoning Ordinance pertaining to a side yard on the subject property at 12834 Riva Ridge Lane, Houston, Texas 77071.

Made by: Board Member Workman
Seconded: Board Member Jurica
AYES: Board Member Morris, Board Member Workman,
Board Member Thomas, Alternate Board Member
Jurica
NAYS: None.
ABSTENTIONS: None.

The motion passed.

Motion: To adjourn

Made by: Board Member Workman
Seconded: Board Member Thomas
AYES: Board Member Morris, Board Member Workman,
Board Member Thomas, Alternate Board Member
Jurica
NAYS: None.
ABSTENTIONS: None.

ADJOURNMENT

Egima Edwards
Planning Technician