



The City of West University Place

A Neighborhood City

Notice of Building & Standards Commission Meeting

Notice is hereby given that the Building & Standards Commission (BSC) and members of the City Council of the City of West University Place, Texas will hold a meeting on:

January 16, 2020

Beginning at 6:00 P.M.

**In the Municipal Building, Located at 3800 University Blvd,
West University Place, Texas 77005**

The subjects of the meeting are as follows:

[Call to Order.]

1. **Notices, Rules, Etc.** Matters relating to announcements, notices, introductions, rules, meeting procedures and identifying parties.
2. **Meeting Minutes.** Matters relating to discussion and approval of the meeting minutes of December 5, 2019.
3. **Docket 2019-0010 Property located at 4151 Bissonnet, West University Place, TX 77005 regarding a variance of Article VII Fences Section 18-202 Prohibition in Front or Side Yard.**
 - a. Public hearing regarding matters relating to a variance request to place a fence in the front yard of the property which is prohibited by Sec. 18-202.
 - b. Deliberation, decision, other action, ect. Regarding the preceding matters.
4. **Future Agenda Items.** Discuss future agenda items
5. **Executive Session (if necessary).** The Commission reserves the right at any time during the session to convene in a closed session pursuant to Chapter 551 of the Texas Government Code, for reasons including but not limited to: Section 551.071 (consultation with legal counsel to seek or receive legal advice or consultation regarding pending or contemplated litigation); Section 551.087 (deliberation regarding economic development).

Convene into Open Session. Take action, if any.

ANYONE WITH A DISABILITY REQUIRING SPECIAL ARRANGEMENTS TO BE ABLE TO PARTICIPATE IN THE MEETING MAY CONTACT THE PERSON WHO SIGNS THIS NOTICE BELOW, IN ADVANCE OF THE MEETING, TO ALLOW TIME FOR ARRANGEMENTS TO BE MADE AS NECESSARY. THE MEETING PLACE MENTIONED ABOVE IS ACCESSIBLE BY WHEEL CHAIRS BY USING THE SLOPED RAMP LOCATED AT THE WEST ENTRANCE TO THE MUNICIPAL BUILDING. SPECIALLY MARKED PARKING SPACES ARE AVAILABLE IN THE PARKING LOT ADJOINING UNIVERSITY BOULEVARD.

I CERTIFY THAT THIS NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE WEST UNIVERSITY PLACE BUILDING AND STANDARDS COMMISSION ON January 16, 2020 WAS POSTED ON THE MUNICIPAL BUILDING BULLET BOARD ON OR BEFORE THE 13th DAY OF January 2020, AT OR BEFORE 6:00 O'CLOCK PM.

Clay Chew, Chief Building Official, cchew@westutx.gov, 713-662-5830



AGENDA

ITEM

#2



The City of West University Place

A Neighborhood City

Building & Standards Commission

Located in the Council Chambers,

3800 University Blvd,
West University Place, Texas 77005

Meeting Minutes

December 5, 2019

MEMBERS PRESENT: Bruce Beneke, Mimi Tsai, James Craig, Charles Marshall, Eddie Mathews, and Muddy McDaniel

MEMBERS ABSENT: Gerry Spedale, Diana Pardo Rodriguez

STAFF PRESENT: Chief Building Official Clay Chew, Legal Counsel Alan Petrov, Public Works Director Gerardo Barrera, City Manager David Beach, and Administrative Coordinator Josie Hayes

GUESTS PRESENT: Dick Yehle

[Call to Order] Bruce Beneke called the meeting to order at 6:01 p.m.

1. **Notices, Rules, Etc.** Bruce Beneke welcomed BSC members, staff and visitors to the meeting.
2. **Meeting Minutes.** Eddie Mathews made a motion to approve the October 3, 2019 meeting minutes as amended. Charles Marshall seconded. **AYES:** Bruce Beneke, Mimi Tsai, James Craig, Charles Marshall, and Eddie Mathew. **NOES:** None. **ABSTAIN:** None. Meeting minutes approved.
3. **Sidewalk Policy. (Matters related to modifying sidewalk ordinance in Chapter 18 and Appendix C Technical Codes Schedule. Review Chapter 70).** Clay Chew addressed the board in regards to the previously requested changes that were made, and mentioned the revisions that had been made. Alan Petrov mentioned all detail changes that were previously addressed. BSC members reviewed and discussed the new changes. Dave Beach and Gerardo Barrera mentioned the City Sidewalk Master Plan and explained how it was constructed. BSC members went discussed various verbiage changes in the revised sidewalk policy. Alan Petrov mentioned revising and removing sections of Appendix C. BSC members along with Clay Chew discussed various options and rewording throughout all sections of the ordinance.





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Charles Marshall made motion to adopt the proposed amendment with all changes discussed. Muddy McDaniel seconded. **AYES:** Bruce Beneke, Mimi Tsai, James Craig, Charles Marshall, and Eddie Mathews. **NOES:** None. **ABSTAIN:** None.

[Adjournment]

Bruce Beneke made a motion to move the next BSC meeting to January 16, 2019 if needed. Mimi Tsai seconded. **AYES:** Bruce Beneke, Mimi Tsai, James Craig, Charles Marshall, and Eddie Mathews. **NOES:** None. **ABSTAIN:** None.

Muddy McDaniel made motion to adjourn. Charles Marshall seconded. **AYES:** Bruce Beneke, Mimi Tsai, James Craig, Charles Marshall, and Eddie Mathews. **NOES:** None. **ABSTAIN:** None.

Meeting adjourned at 6:55 p.m.

PASSED THIS _____ DAY OF _____, 2020

Bruce Beneke, Chairman

ATTEST: _____

Mr. Michael Morris, Permit Technician



AGENDA

ITEM

#3

STAFF REPORT

Business of the Building and Standards Commission
City of West University Place, Texas

AGENDA OF: January 16, 2020	DOCKET NO. : 2019-0010
DATE SUBMITTED: January 10, 2020	DEPARTMENT OF ORIGIN: Development Services
PREPARED BY: Clay Chew, CBO, CFM City Building Official	PRESENTER: Clay Chew, CBO, CFM City Building Official
SUBJECT: Variance request to place a fence in the front yard of the property.	STAFF PRESENTER: Clay Chew, CBO, CFM Chief Building Official
ATTACHMENTS: Variance request, Ordinance section	

STAFF SUMMARY

The applicant at 4151 Bissonnet is requesting a variance to place a fence in the front yard. Article VII Section 18-202 prohibits fences from being constructed in the front yard (setback) of any building site.

Article VII Fences

Sec. 18-202. - Prohibition in front or side.

- (a) **Prohibition.** No fence may be constructed, improved or structurally altered on the front yard (setback) of any building site. Exceptions: this restriction does not apply to low retaining walls, institutional security fences, fences owned by any governmental entity or fences or walls specifically required or allowed to be located in the front yard (setback) of a building site by this Code or the zoning ordinance.
- (1) Reserved.
 - (2) *Low retaining wall* means a wall designed and used to hold earth or similar material in place, no part of which extends higher than the highest naturally occurring part of the ground in the front portion of the building site and no part of which is located outside of the building site.
 - (3) *Institutional security fence* means a fence which meets all of the following criteria:
 - a. The fence is located on a building site where there is a building or group of buildings specially constructed and used as an actual place of religious worship (including schools, parking lots, parsonages and other accessory buildings);
 - b. The fence is located along or generally parallel to a major thoroughfare, and only along side streets to the extent necessary to connect the main portion of the fence to side fences, rear fences or buildings; and
 - c. The fence is no more than 50 percent opaque.
 - (4) *Major thoroughfare* means Kirby Drive, Bissonnet Street or Bellaire (West Holcombe) Boulevard.
- (b) *Rotated corner lots* . This subsection only applies to a corner lot carved out of a larger corner site originally established by the first plat or map of the subdivision in question, where the front street line of the corner lot is on a different street from the street where the larger corner site had its front street line. On such a corner lot, no fence may be constructed, improved or structurally altered along the side street line of the corner lot (this would have been the front street line of the original larger corner site) unless the fence is set back from the side street by at least one of the following two distances:
- (1) A distance equal to the depth of the front setback area of any adjacent building site which has a front setback area abutting the side street; or
 - (2) A distance equal to the depth of the side setback area of the corner lot, measured from the side street. If the BSC is requested to issue a variance to permit a fence on the corner lot closer to the side street than prescribed above, and if a petition signed by 20 percent or more of the persons owning property along the side street within 200 feet of the rear lot line of the corner lot (and on the same side of the side street) is presented to the BSC before it acts on the request, the requested variances shall not take effect unless approved by all members of the BSC qualified and serving. Under no circumstances, with or without a variance, is a fence allowed within five feet of the side street line.
- (c) *Street visibility at a major thoroughfare*. This subsection only applies to a corner lot adjacent to a major thoroughfare or roadway marked for four lanes or more. Any fence constructed, improved or structurally altered on any such lot shall require prior approval from the building official and/or a traffic study submitted by a licensed traffic engineer. Visibility will be determined in accordance with the guidelines of the American Association of State Highway Transportation Officials (AASHTO). The standard is a 15-foot curb setback from the major thoroughfare for the assumed eye of the approaching driver. The building official may reduce this setback to a minimum of ten feet if there is a natural obstruction.



City of West University Place
APPLICATION TO THE BUILDING AND STANDARDS COMMISSION
OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")

Address of site: 4151 BISSONNET STREET HOUSTON, TX 77055

Legal description of the site:

Applicant: JEFFREY D. & INGE R. BRITTON
Address: 4151 BISSONNET ST HOUSTON TX 77055
Contact: ABUE
Phone: 281-513-1884 Fax: N/A
Email Address: JDBRITTON@MAC.COM

Decision or Action Requested (check one or more and provide requested data):

() Appeal. Hear and decide an appeal from an order, requirement, decision or determination made by the building official (or other administrative official) of the City.

- Name and title of the administrative official:
Is the official's action in writing? () Yes; () copy is attached. () No, but the action appealed is as follows:

When was the action taken? Note: Appeals must be filed within a reasonable time. Please explain any delay below:

- Exact code of ordinance section(s) involved:
Grounds for appeal:

Special Exception.

- Exact code of ordinance section that authorizes the special exception:
Exact wording of special exception requested:

(X) Variance.

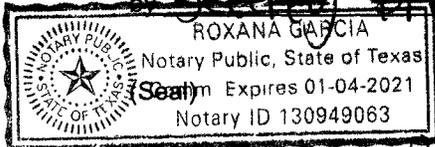
- Exact code of ordinance section from which a variance is requested:
ARTICLE VII FENCES SECTION 18-202 PROHIBITION IN
Exact wording of variance requested: FRONT OR SIDE

Other Data. Are there drawings or other data? () No () Yes (list items here and attach them)

State of Texas County of Harris

This instrument was acknowledged before me on 12/18/19

by Jeffrey D. Britton and Inge R. Britton



My commission expires: 01-04-2021 Notary Public

*****\$300 FILING FEE. PROVIDE ORIGINAL PLUS 15 COPIES (16 TOTAL) OF ALL SUBMITTALS*****

Signature of applicant: [Signature] Date: 12/18/19

For Staff Use only Date filed: 12-19-19 Date heard: 1-16-20 Docket#: PZ-19-00010

December 17, 2019

City of West University Place Building and Standards Commission

December 10, 2019

RE: Variance Request a fence/wall for 4151 Bissonnet, Houston Texas

Dear Commissioners,

Our names are Jeff and Inge Britton and we have been residents of West University Place (WUP) for approximately 28 years. As WUP homeowners, we have lived at 4151 Bissonnet for 14.5 years and at 6629 Buffalo Speedway for 9.5 years.

As you well know, Bissonnet Street in WUP has developed into a high density traffic artery, as has other WUP streets including Kirby, Bellaire/Holcombe, Buffalo Speedway, and Wesleyan. In addition, the traffic from surrounding road repairs, home construction and personal landscapers in WUP, has also dramatically increased. Traffic congestion in our area has also been further exacerbated by the increased train traffic, resulting in the obstruction to traffic flow by the prolonged wait times during peak/non-peak traffic times at the railroad tracks.

We have had our home listed for sale for over 18 months. Most of the potential buyers who personally viewed our home, have expressed their concerns as to the high level of traffic congestion and noise, the dangers of fast moving motor vehicles to small children, pedestrians and pets and also the increased risks of motor vehicular collisions (MVC's).

In fact, two such MVC's occurred in front of our home on Bissonnet Street (3/12/12 & 3/10/17), which caused both of the struck cars to jump the curb and plow into our front yard. Our home is close to Bissonnet Street. Both incidents caused minor lawn and tree damage. and no human injuries occurred to the best of our knowledge. Both of these MVC's are a matter of the public record and had West University police reports. In addition, in the latter incident in 2017, the struck vehicle traveled out of control from the corner of Bissonnet and West Point, ultimately stopping 10-12 feet from the front of our home. Both incidents occurred at night and if pedestrian(s) or bicyclist(s) had been in front of our home, then they could have been easily injured or killed. I also recall another

serious MVC's in front of our home in 2013, in which a vehicle struck another and flipped over.

Adjacent homes to ours on the south side of 4100 block Bissonnet have wooden privacy fences facing Bissonnet and the residence, 4208 Bissonnet, which is directly across the street has a wrought iron fence enclosing the front yard and entrance. That wrought iron fence has been present for many years.

We are requesting a variance to allow construction of a 7' wrought iron or solid fence to improve the safety of the future occupants and to reduce the effects traffic noise. As a physician, it is well accepted that excessive ambient noise has adverse health effects and is potentially disruptive to family life.

The proposed fence/wall as designed will also control access to our dwelling. In addition, at the corner of West Point and Bissonnet, the proposed fence/wall is curved and set back to allow clearer visibility to drivers and pedestrians. In addition, for the safety of the mail carrier, the mailbox will be situated by the corner West Point and Bissonnet or another appropriate location (See Rendering).

Please find the enclosed a new perimeter survey. The corners on the front of our property have been staked and the fence will begin at or near the property line. Prior to your inspecting the site, we will have the corner spray painted at the curvature, which should be visible to the inspector.

In granting the variance, we also request that it be transferable to the new owner (s), so that future construction will be in compliance with the requirements of West University Place's Building and Standards Commission.

Kind Regards,

The image shows two handwritten signatures in black ink. The signature on the left is more complex and stylized, while the one on the right is simpler and more legible. Both appear to be cursive.

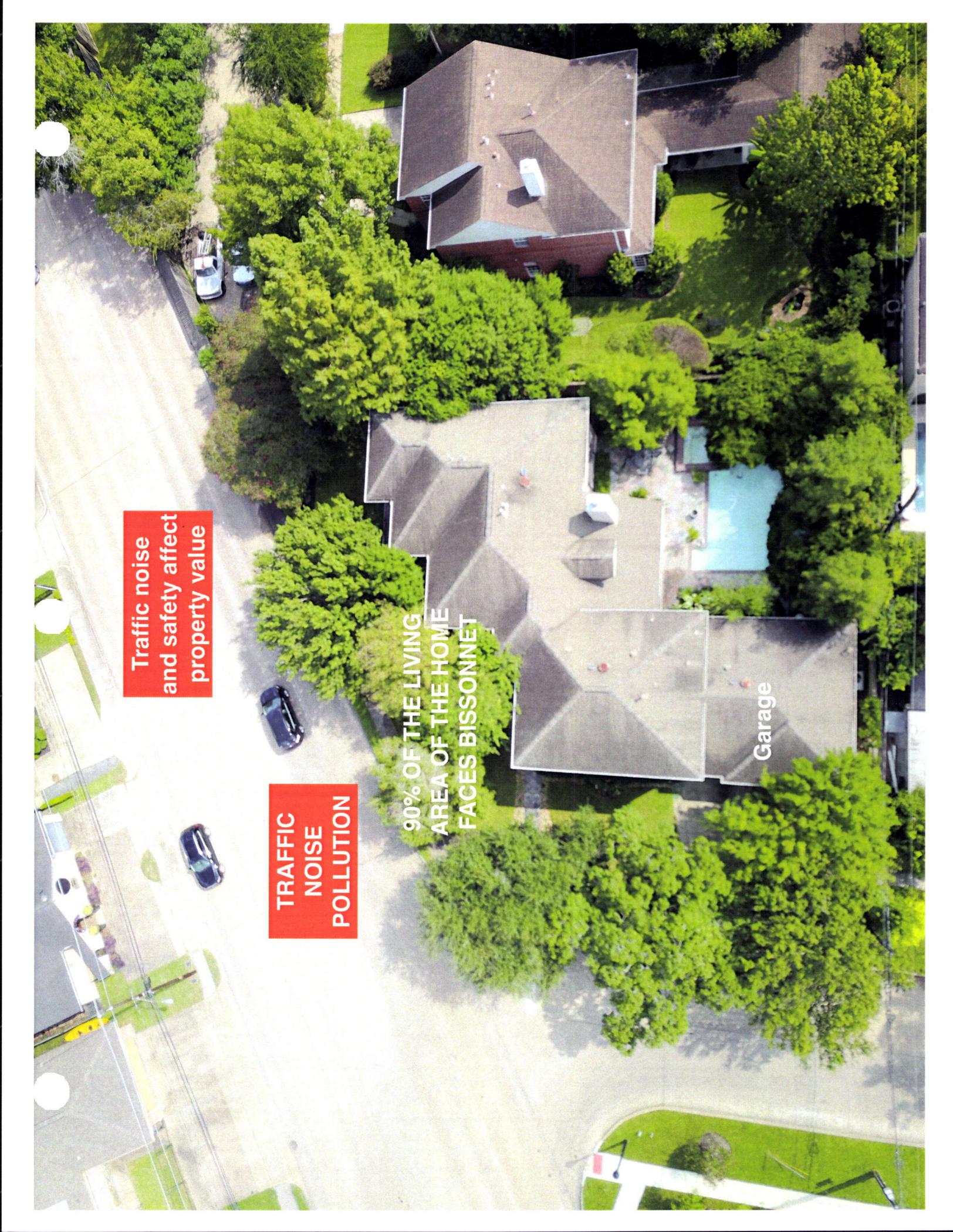
Dr. Jeffrey and Inge Britton, Owners
Cell: 281-513-1884

Attachments:

Current Perimeter Survey with fence line marked and proposed mailbox Fence/wall rendering with 2 side views and one front view

Previous survey showing the house footprint in relation to property lines and fence Aerial view





Traffic noise
and safety affect
property value

TRAFFIC
NOISE
POLLUTION

90% OF THE LIVING
AREA OF THE HOME
FACES BISSONNET

Garage

4151 BISSONNET Wall Variance Request

Block Stucco/Wood Fence

7' Height

Curved

Mail

3.5' Front Gate

4' Side Gate

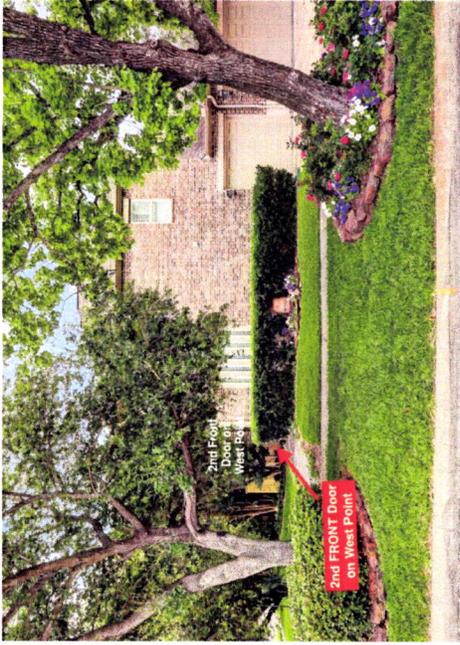
Wrought Iron fence
6' Height

↑
SE



Google

4151 BISSONNET VARIANCE REQUEST FOR FENCE / WALL



VIEW TO 2ND FRONT DOOR ON WEST POINT
FOR SAFETY REASONS THIS DOOR IS USED



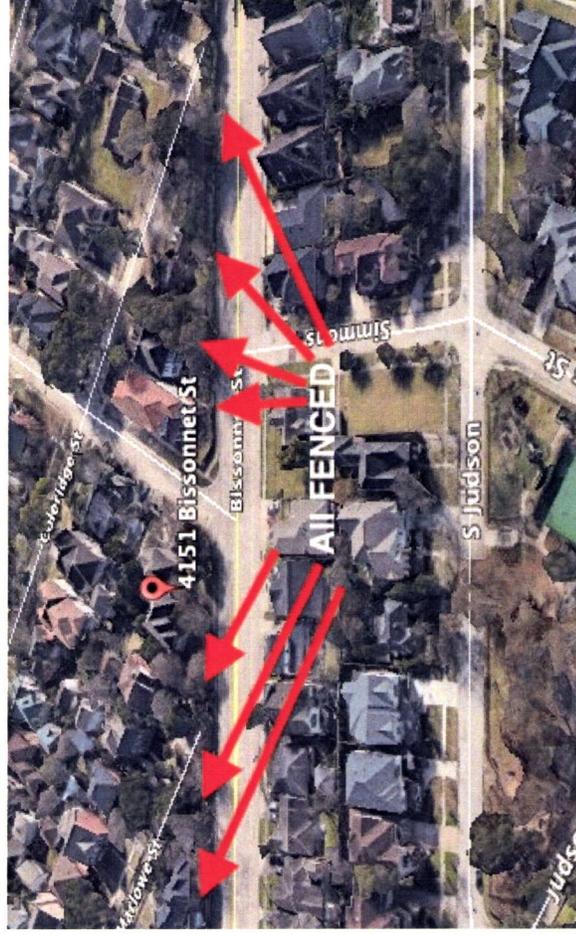
PROXIMITY OF TRAFFIC TO FRONT DOOR
Dangerous for children, pets



CURRENT SURVEY STAKES
THIS WALK WILL BE WALLED OFF, ENTRY ONLY ON WEST POINT



PPROPOSED FENCE BOUNDARY, SEE NEIGHBOR FENCE ON WEST POINT



ALL ADJACENT HOMES ON BISSONNET FENCED

H & M SURVEYING & ASSOCIATES, INC.

PHONE: (713) 524-1500
 FAX: (713) 524-8860

P.O. BOX 980063
 HOUSTON, TEXAS 77098-0063

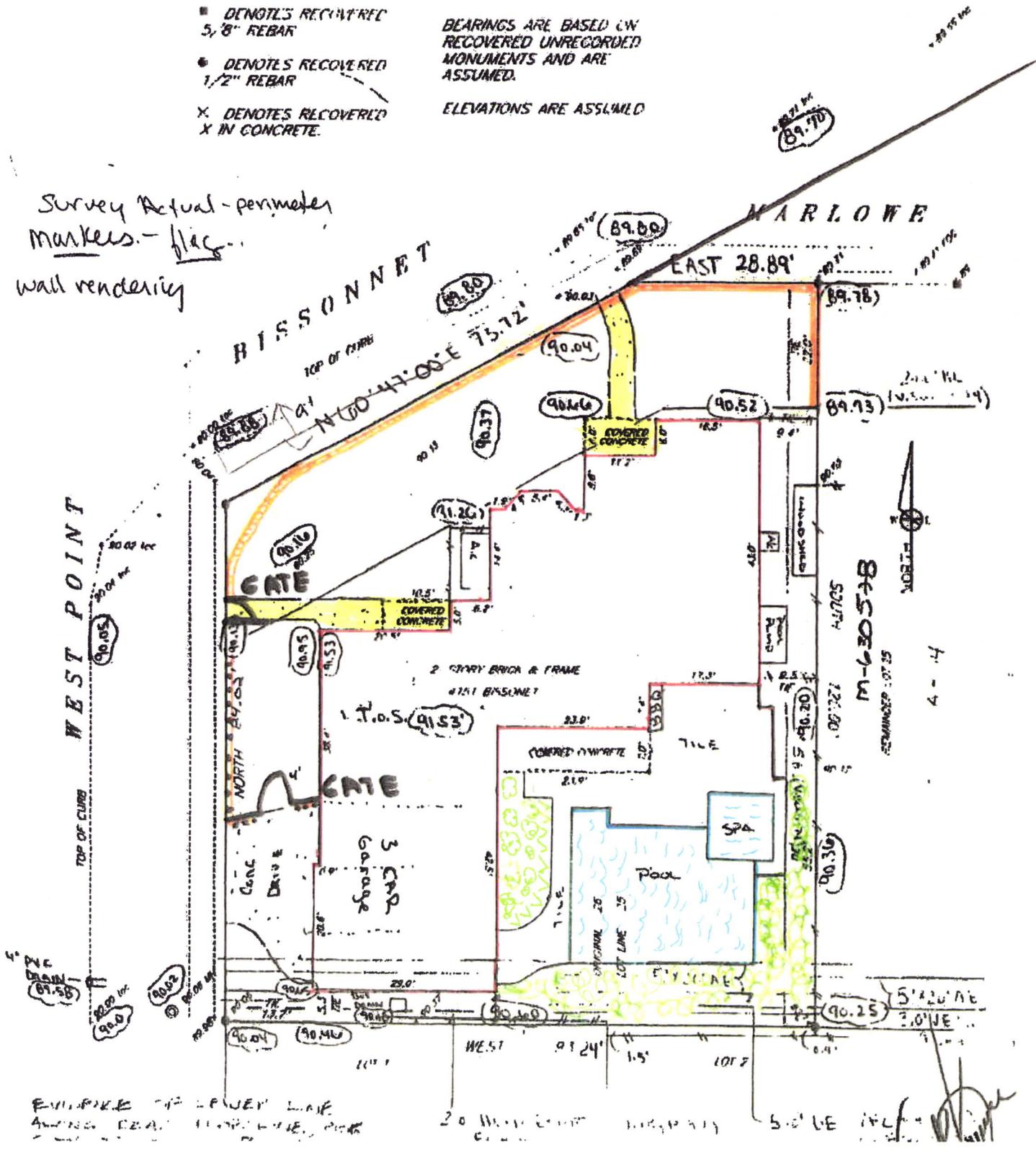
NOTES:

- DENOTES RECOVERED 5/8" REBAR
- DENOTES RECOVERED 1/2" REBAR
- X DENOTES RECOVERED X IN CONCRETE

BEARINGS ARE BASED ON RECOVERED UNRECORDED MONUMENTS AND ARE ASSUMED.

ELEVATIONS ARE ASSUMED

Survey Actual - perimeter markers - flag
 wall rendering

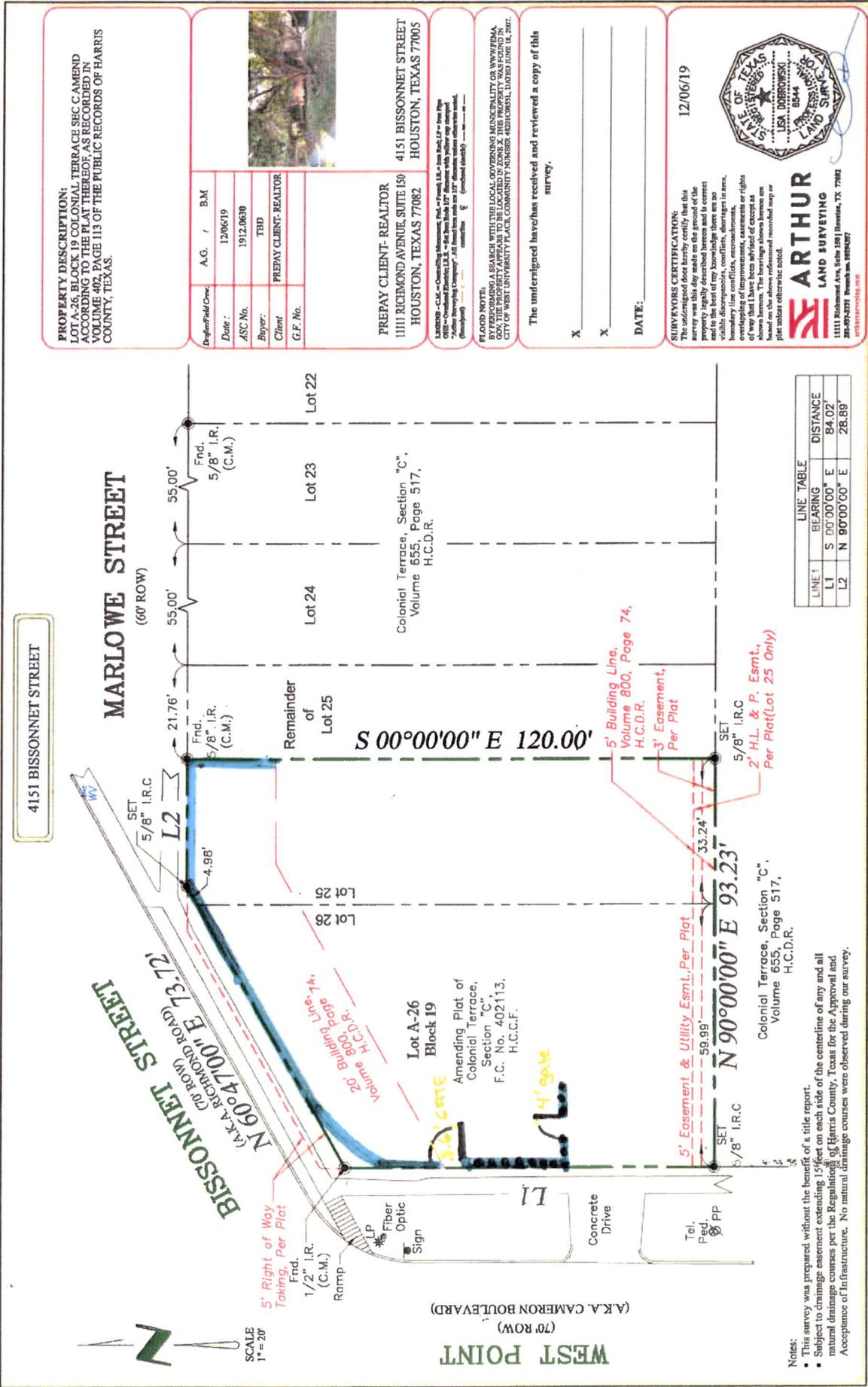


EXAMPLE OF POWER LINE
 ABOVE ROAD 11' TO 14' HIGH

20' MIN. CLEARANCE

5' TO 6' HIGH

Block of Wood Fence 7'
Wrought Iron Fence 6'



LINE #	BEARING	DISTANCE
L1	S 00°00'00" E	94.02'
L2	N 90°00'00" E	28.89'

Notes:

- This survey was prepared without the benefit of a title report.
- Subject to drainage easement extending 15' feet on each side of the centerline of any and all natural drainage courses per the Regulations of Harris County, Texas for the Approval and Acceptance of Infrastructure. No natural drainage courses were observed during our survey.



The City of West University Place

A Neighborhood City

NOTICE OF BUILDING AND STANDARDS COMMISSION HEARING

The Building and Standards Commission (“BSC”) of the City of West University Place, Texas (“City”) will hold a public hearing in the Bill Watson Conference Room of the municipal building, 3800 University Boulevard, City of West University Place, Texas 77005, during a meeting set to begin at 6:00 p.m. on **January 16, 2020**. The purpose of the hearing is to provide an opportunity for all persons to be heard in relation to the following matter:

Address of the site: 4151 Bissonnet, West University Place, TX 77005

Legal Description of the Site: LT A26 BLK 19, WEST UNIVERSITY PLACE SEC C

Docket No.: 2019-0010 **Applicant:** Jeffrey D. & Inge R. Britton

Action Requested: Variance request of Article VII Fences Section 18-202 Prohibition in Front or Side

Additional Details: The applicant is requesting a variance to place a fence in the front yard of the building site which is prohibited in Sec. 18-202.

Applicable regulations include the City’s Development Regulations, Chapter 18 and Chapter 70 of the Code of Ordinances, Texas Local Government Code and the rules of the BSC. Additional details on such matters, as well as the applicable regulations are available for public inspection in the Public Works Center, 3826 Amherst, West University Place, 77005 and are posted on the city’s website at <http://www.westutx.gov/284/Building-Standards-Commission>. Any person interested in such matters should attend the hearing.

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact the Development Services Office at 713-662-5838 in advance of the meeting. Reasonable accommodations will be made to assist your participation in the meeting. The Municipal Building is wheel chair accessible from the west entrance and specially marked parking spaces are available in the southwest parking area.

Signed: Clay Chew, for the BSC on December 23, 2019.

Clay Chew, Building Official, cchew@westutx.gov 713-662-5830



Villaovas Regiland JR
Anderson Noel
4210 Coleridge
Houston TX. 77005

Current Owner
4132 Coleridge
Houston, TX. 77005

Laforge Robert & Suzanne
4134 Coleridge
Houston TX. 77005

Wang Peter & Sandra L
4138 Coleridge
Houston TX. 77005

Nickerson David & Nickerson
Michelle
4144 Coleridge
Houston TX. 77005

Ranucci Patrica & David K
4148 Coleridge
Houston TX. 77005

Kriegel John Charles
PO Box. 1729
Dickinson TX. 77539

Malashock Stephen & Jane
4139 Coleridge
Houston TX. 77005

McGrath James & Paulina
4141 Coleridge
Houston TX. 77005

Doyle Michael
4143 Coleridge
Houston TX. 77005

Nazarian|Stepan & Carol
4149 Coleridge
Houston TX. 77005

Current Owner
4203 Coleridge
Houston TX. 77005

Current Owner
4202 Coleridge
Houston TX. 77005

Laplante Robert & Anne R
4206 Coleridge
Houston TX. 77005

Filippone Rosalie
4212 Bissonnet
Houston TX. 77005

Samuel Rachel & Thyilmapurath
3844 Bellefontaine
Houston TX. 77025

Nguyen Vien & Hong
4148 Bissonnet
Houston TX. 77005

Nguyen Tuan & Tuyet
13548 Beechnut #600
Houston TX. 77083

Palacios Lupe T
4132 Bissonnet
Houston TX. 77005

Krenzler Frances L
4128 Bissonnet
Houston TX. 77005

Parekh Dhaval R
4130 Marlowe
Houston TX. 77005

Current Owner
4131 Marlowe
Houston TX. 77005

Kaur Manpreet
Thind Hardeep
4135 Marlowe
Houston TX. 77005

Love Jason B & Elizabeth G
4137 Marlowe
Houston TX. 77005

Scott David Warren & Jean
4143 Marlowe
Houston TX. 77005

Clay Chew

From: Steve Malashock <sjshock@aol.com>
Sent: Tuesday, January 7, 2020 8:40 AM
To: Clay Chew
Subject: 4151 Bissonnet

Dear Mr. Chew,

Thank you for sending us the notice regarding the building and standards commission hearing. My wife and I appreciate getting the notice which advises us of the variance being requested to put a fence in the front yard.

We are not sure we will be able to make the meeting, but would like to pass along our concern for adding a fence. Everyone using the intersection of West Point and Bissonnet knows how difficult that intersection is to make a turn onto Bissonnet. The fence on the left (west side) already poses a sight problem when stopped at the intersection. One has to cautiously move forward to see if there is any eastbound traffic on Bissonnet. Our fear, if this variance is approved, that it will become that much more difficult to see the westbound traffic due to the fence. As traffic continues to increase along Bissonnet it is becoming increasingly more difficult to merge onto it. Adding the fence will compound the problem because it will interfere with the line of sight. That makes this much more dangerous for all at that intersection.

Our opinion is the variance should not be granted because it is not only not in the community's best interest but it also creates a safety hazard.

Respectfully,

Jane and Steve Malashock
4139 Coleridge

Clay Chew

From: Dick <reyehle@comcast.net>
Sent: Wednesday, January 15, 2020 1:08 PM
To: Clay Chew; Bruce Beneke
Subject: 4151 Bissonnet Variance Request

West U Building and Standards Commission:

I wish to comment on the request to allow a fence in the front yard of 4151 Bissonnet and to assert that I am strongly opposed to the request. I cannot attend the meeting, hence will offer my thoughts below.

West U has always protected the appearance of front yards in terms in terms of closely defining a front-yard and limiting (forbidding) virtually all construction in that area. West U has also vigorously managed fences to protect sightlines and to guard against "stockaded" houses. It has even adopted an IBC code mandating that every house have its street address displayed near the front door in such a manner that the number is visible from the street. This request is contrary to all of those standards.

I can understand why the applicant wishes to shield their house from a busy street, but the street was there when the house was purchased with no substantial changes to the traffic pattern. Furthermore, although BSC decisions on variances do not set precedents, approving this application could cause similar requests from other houses facing Bissonnet, Kirby, Holcombe and even Buffalo Speedway. It could lead to an undesirable change in the nature and appearance of our community.

Regards,

Dick Yehle

67401 Rutgers Ave.