



## Notice of Zoning Board of Adjustment Meeting

Notice is hereby given of a **regular meeting of the Zoning Board of Adjustments to be held via teleconference** on Thursday, April 23, 2020 beginning at 5:30 p.m. in the **Municipal Building** located at 3800 University Blvd., West University Place, Texas.

Due to the COVID-19 Disaster and CDC'S recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting. Zoning Board of Adjustments will be meeting via teleconference and will be audible to members of the public and allow for two-way communications for those desiring to participate. **To attend the meeting via telephonic means**, please use the following toll-free number: **1-844-648-1102**. **Meeting ID: 372-127-395** or follow link to <https://www.join.me/westumeeting>

**Any person interested in speaking** on any item on the agenda must submit his/her request via email to the Building Official at [cchew@westutx.gov](mailto:cchew@westutx.gov). The request must include the speaker's name, address, the phone number that will be for the call (in order to identify you) and the agenda number and **must** be received prior to the posted time of the meeting.

The agenda packet is accessible to the public on the City's website. After the meeting, a recording of this meeting will be made available to the public.

*Note: The Commission reserves the right to convene in a closed session for any agenda item if the need arises pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.*

The subject(s) of the meeting are as follows:

### Call to order

1. **Notices, Rules, Etc.** Matters relating to notices, rules and meeting procedures, identifying parties, swearing of witnesses, etc.
2. **Docket No. 2020-0003, regarding property at 2628 Quenby Ave, West University Place, Texas 77005 (Variance).**
  - a. Variance as authorized by Appendix A, Article 2, Section 2-102 of the zoning regulations in order to allow a second gas meter for a back-up generator.
  - b. Deliberation, decisions, other activities, etc. regarding the preceding matters.
3. **Meeting Minutes.** Matters relating to the approval of minutes from February 27, 2020.

*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.*





# The City of West University Place

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*A Neighborhood City*

**I CERTIFY THAT THIS NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE WEST UNIVERSITY PLACE ZONING BOARD OF ADJUSTMENT ON APRIL 23, 2020 WAS POSTED ON THE MUNICIPAL BUILDING BULLETIN BOARD ON OR BEFORE THE 20TH DAY OF APRIL 2020, AT OR BEFORE 5:30 O'CLOCK P.M.**

Clay Chew, Building Official, [cchew@westutx.gov](mailto:cchew@westutx.gov) 713.662.5830



**AGENDA**

**ITEM**

**#2**

**To:** Zoning Board of Adjustments  
**From:** Clay Chew, Building Official  
**Date:** April 23, 2020  
**Re:** Staff Report for Docket 2000-0003

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**Applicant's Request**

Applicant is requesting a variance to install a second gas meter for a backup generator at 2628 Quenby

**Background Information**

The second meter was denied due to the Zoning Ordinance only allowing one on a single family detached building site.

Appendix A, Article 2, Section 2-102 Certain Terms, Single-detached use. (2) There is no multiple utility service on the building site.

**Variance Request**

Applicant is requesting a variance to install a second gas meter for a backup generator at 2628 Quenby Ave.

- (1) The ZBA has made all findings and determinations required by state law for the granting of a variance. A "special condition" or "hardship" that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a variance. The findings to grant a favorable result for this application are as follows:
  1. The ZBA must find that a literal enforcement of the ordinance would result in an unnecessary hardship.
  2. By granting the variance would the spirit of the ordinance be observed and substantial justice done?
  3. Would the variance be contrary to the public interest?
- (2) The ZBA has made any additional findings and determinations required by a specific provision of this section which relates to the variance.
- (3) The variance has been reduced to writing and includes any conditions prescribed by the ZBA or required by this section for the variance in question.

**Section 2-102. - Certain terms.**

*Single-family (detached) use (or "SFD").* A use of a building site which meets all of the following criteria:

- (1) There is no more than one dwelling unit, and one accessory quarters. Other lawful accessory uses are permitted on the building site.
- (2) There is no multiple utility service on the building site.
- (3) There is no physical connection between any building on the building site and any other building on another building site.
- (4) No more than one family, plus no more than two residential workers, reside upon the building site.
- (5) If the family includes a person not related to each of the others in the family within four degrees of consanguinity or affinity, the unrelated person resides in the principal building with at least one of the others.
- (6) The entire building site is used exclusively for residential purposes (although, as provided in the definition of "residential purposes," an affirmative defense is available for a home occupation and an incidental sale).



**City of West University Place**  
**APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF THE**  
**CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")**

**Address of site:** 2628 Quenby Avenue

**Legal description of the site:** LT 18 Blk 2 Quenby Court

**Applicant:** Gayle and Arthur G. (Randy) Randol III, PhD

**Address:** 2628 Quenby Avenue 77005-2428

**Contact:** Randy Randol                      **Phone:** 202-550-4092                      **Email:** Randy.Randol@comcast.net

**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 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 zoning ordinance section(s) involved:
  - Grounds for appeal:

- ( ) **Special Exception.**
  - Exact zoning ordinance section that authorizes the special exception:
  
  - Exact wording of special exception requested:

- (X) **Variance.**
  - Exact zoning ordinance section from which a variance is requested: Appendix A of the Zoning Code, Article 2, Section 2-102 Certain Terms
  - Exact wording of variance requested: Single-family (detached) use (or "SFD"). A use of a building site which meets all of the following criteria:  
(2) There is no multiple utility service on the building site.

We need a variance for a second dedicated gas meter to enable us to proceed to purchase and install as soon as possible a standby Permanent Generator with Automatic Transfer Equipment in full compliance with the Building-Electrical Generators Guidelines

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

1. Justification narrative
2. Plot plan showing location of the new gas meter and the new 22 kw standby generator
3. Plan for natural gas connection
4. Plan for electrical connection
5. Ownership: Deed of Trust excerpt

**Attached.** The applicant has read the State and City regulations attached. Signature of applicants:

Gayle and Arthur G Randol III Date 4/9/2020

**For Staff Use only** Date filed: 4.8.2020 Date heard: 4.23.2020 Docket#: 2020-0003

Form ZBA-102

To accompany an Application to the Zoning Board of Adjustment of the City of West University Place, Texas.

**RE: Request for a Variance from the current Code language prohibiting a second gas meter on our property to enable us to proceed to purchase and install as soon as possible a standby Permanent Generator with Automatic Transfer Equipment in full compliance with the Building-Electrical Generators Guidelines.**

By: Gayle and Arthur G. (Randy) Randol III, PhD

Address: 2628 Quenby Avenue  
West University Place, TX 77005-2428

Email addresses: [gkrandol@comcast.net](mailto:gkrandol@comcast.net) ; [randy.randol@comcast.net](mailto:randy.randol@comcast.net)

Cell phones: 202-550-4092 (Randy); 804-399-8773 (Gayle)

Specific Zoning Code language:

Appendix A of the Zoning Code, Article 2, Section 2-102 Certain Terms

Single-family (detached) use (or "SFD"). A use of a building site which meets all of the following criteria:

(2) There is no multiple utility service on the building site.

## **Explanation:**

In May, 2017, we moved back to West U after having lived here in the 1980s before Randy was transferred to Washington, D.C. We greatly enjoyed living here, and all these years later, we decided to “come back home” to Houston for our retirement and bought another home here in West U. Most recently we lived in Richmond, VA where we purchased a backup whole house generator, which became necessary for use during a number of weather-related power outages, including hurricanes. We experienced the same issues when we lived in Williamsburg. We realized that having a generator to provide emergency power was not only a convenience, but a human health and safety provision as well.

Although we don't like to admit it, we are both seniors now and each of us has one or more medical issues that make **being without power a health and safety hazard**. We plan to **age-in-place** so there will be additional issues that require assured electricity including operating a yet-to-be-installed elevator and oxygen supply devices.

Add to this reality **the totally unprecedented situation we all now find ourselves in — a Stay-At-Home order by Harris County which adds a layer of isolation and threat to all of our lives.**

We were totally stunned when we tried to purchase a backup whole house generator soon after moving into our home in May, 2017, and were told by the public works department of West U that we could not install the second gas meter we need. Our current meter is on the east side of our house, and the generator needs to be installed on the west side behind our garage with the a/c equipment.

**Extending the current service is not a viable option.** The generator has to be located behind the garage (west side) with the existing a/c equipment (shown on the plot plan). Supplying the gas from the existing gas meter was the preferred option. However, adding the gas supply line for a 22 kw generator required a new high

pressure line run of over 80 feet. As can be seen on the plot plan, the rear of the lot is covered with a brick surface on a concrete slab rendering the area inaccessible for laying the supply line.

We are all dealing to the best of our ability with our current situation due to the coronavirus, but **it is frightening to us to realize what could happen if we should also lose electrical power, which is a very real possibility especially during the upcoming hurricane season.**

In a story in *USA Today*, dated April 2, 2020, the following prediction is made:

*After yet another destructive hurricane season in 2019, top hurricane forecasters from Colorado State University on Thursday said we can expect major activity again this year.*

*We anticipate that the 2020 Atlantic basin hurricane season will have above-normal activity," the forecast said. In addition, there is an "above-average probability for major hurricanes making landfall along the continental United States."*

If approved, we plan to have the generator operational in time for the June 1 beginning of the hurricane season.

We just received a notice from Generators of Houston with the information that on March 19, 2020, the U. S. Dept. of Homeland Security designated Generac, the manufacturer of the generators they use, as a "critical infrastructure company." Generac's president, Kyle Raabe, further stated that since we are all now to stay in our homes, they are truly our sanctuary, and a constant supply of power has never been more important.

**It seems obvious that our city should not be forbidding us to spend our own money to provide the health and safety equipment we need to be safe and secure in our own home.**

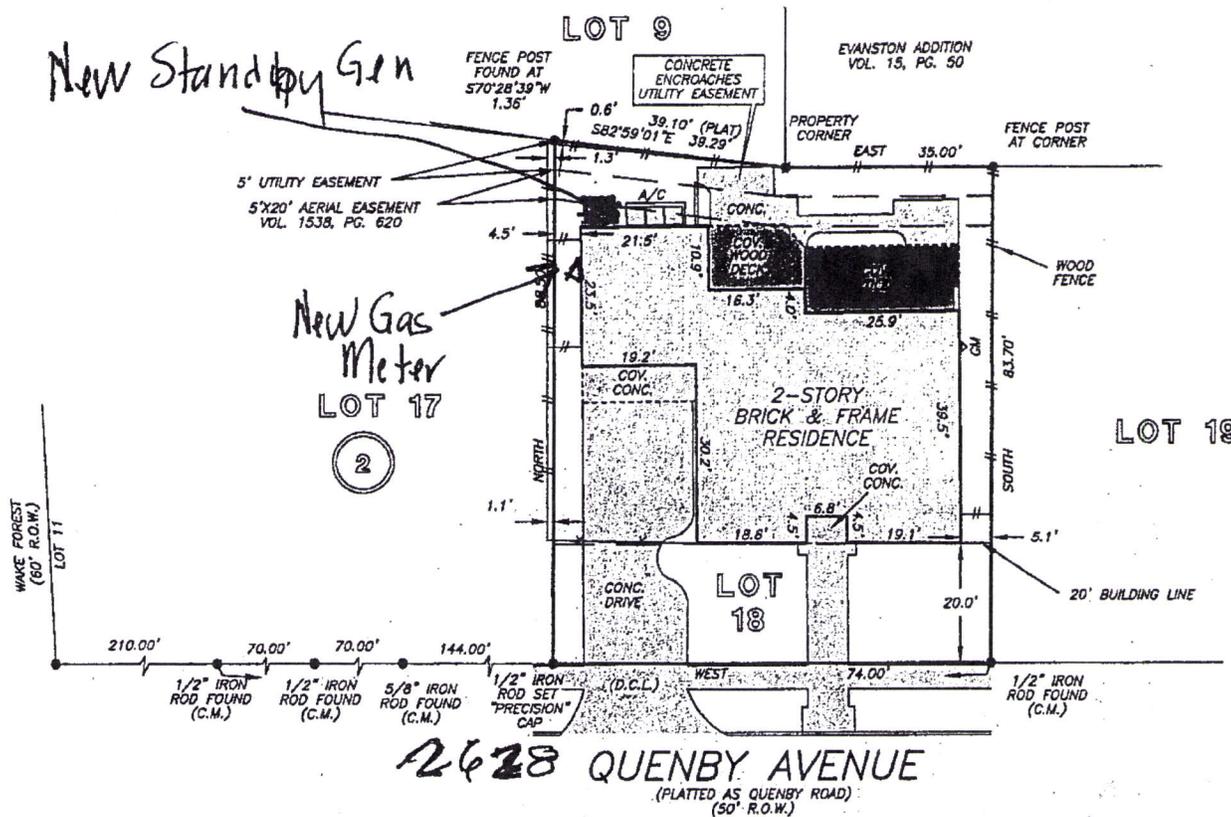
The Purpose of our city code states "...the City's comprehensive plan **for the purpose of promoting the health, safety,** morals and general welfare of the City." [bold added] The requested variance supports the City's commitment to promote the health and safety of its residents.

The denial of the variance will place us at an undue health and safety risk.

This limited variance for a dedicated gas meter for a standby generator is clearly consistent with the apparent intent of the code to block use of single-family dwellings from becoming rental units.

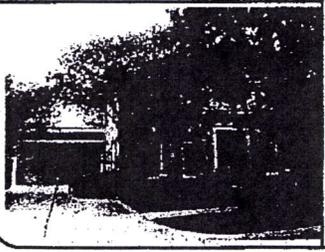
Once the variance is recorded there will be no ambiguity as to its intent in limiting the gas service to supply a backup generator at our home.

New Standby Gen



2628 QUENBY AVENUE  
(PLATTED AS QUENBY ROAD)  
(50' R.O.W.)

*Patrick G. Trewit*



THIS PROPERTY DOES NOT LIE WITHIN THE  
100 YEAR FLOOD PLAIN AS PER FIRM  
PANEL NO. 48201C 0860 L  
MAP REVISION: 06/18/07  
ZONE X  
BASED ONLY ON VISUAL EXAMINATION OF MAPS.  
INACCURACIES OF FEMA MAPS PREVENT EXACT  
DETERMINATION WITHOUT DETAILED FIELD STUDY

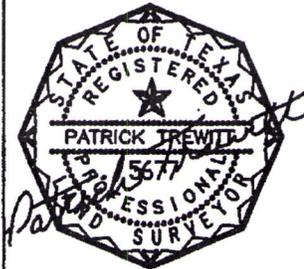
1. SUBSURFACE INVESTIGATION  
WAS BEYOND THE SCOPE OF THIS SURVEY

1.C.L. = DIRECTIONAL CONTROL LINE  
RECORD BEARING: ASSUMED WEST ALONG QUENBY STREET

DRAWN BY: VT

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.

PATRICK TREWITT  
PROFESSIONAL LAND SURVEYOR  
NO. 5677  
JOB NO. 17-04501  
MAY 01, 2017



TERRY BACA  
713-626-9220



PRECISION  
surveyors

1-800-LANDSURVEY  
www.precisionsurveyors.com

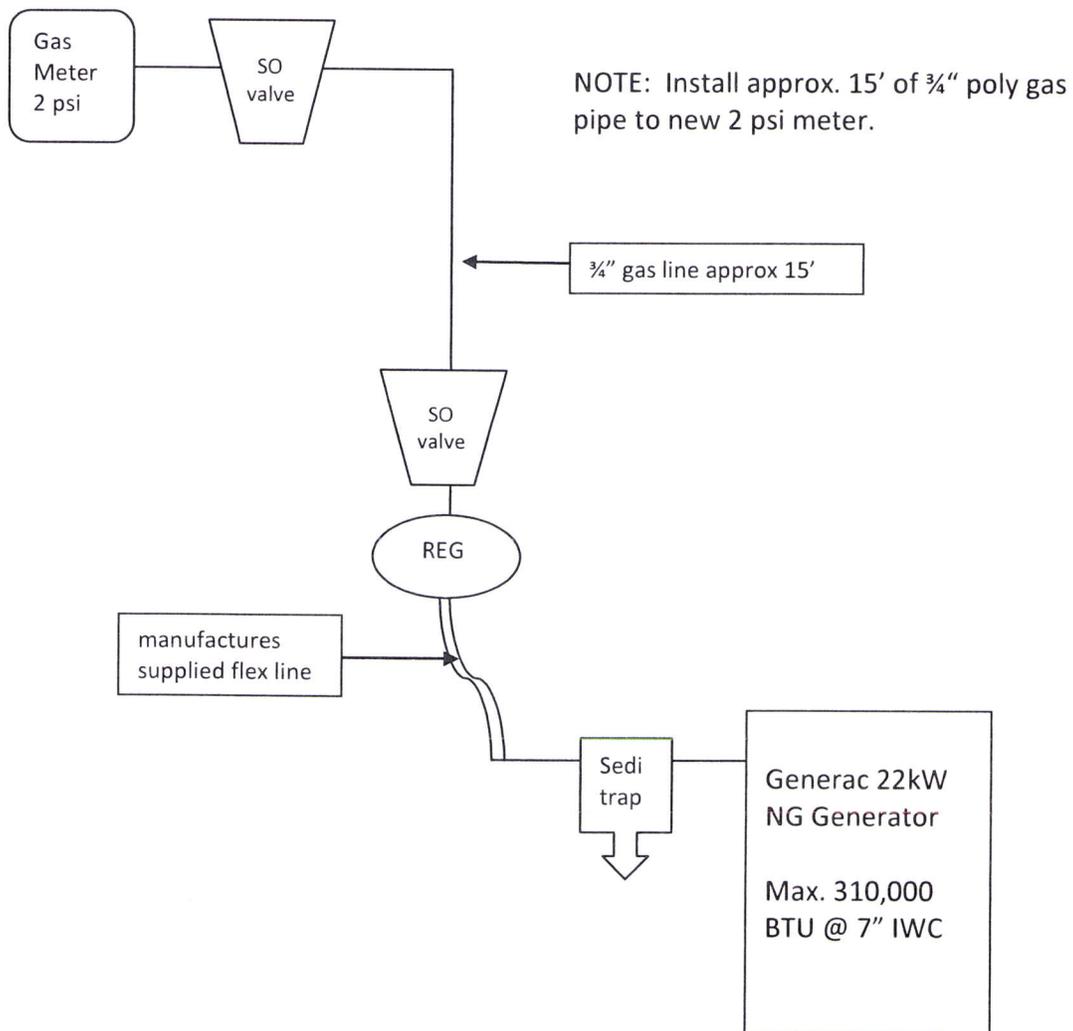
281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555  
950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217  
FIRM NO. 10063700



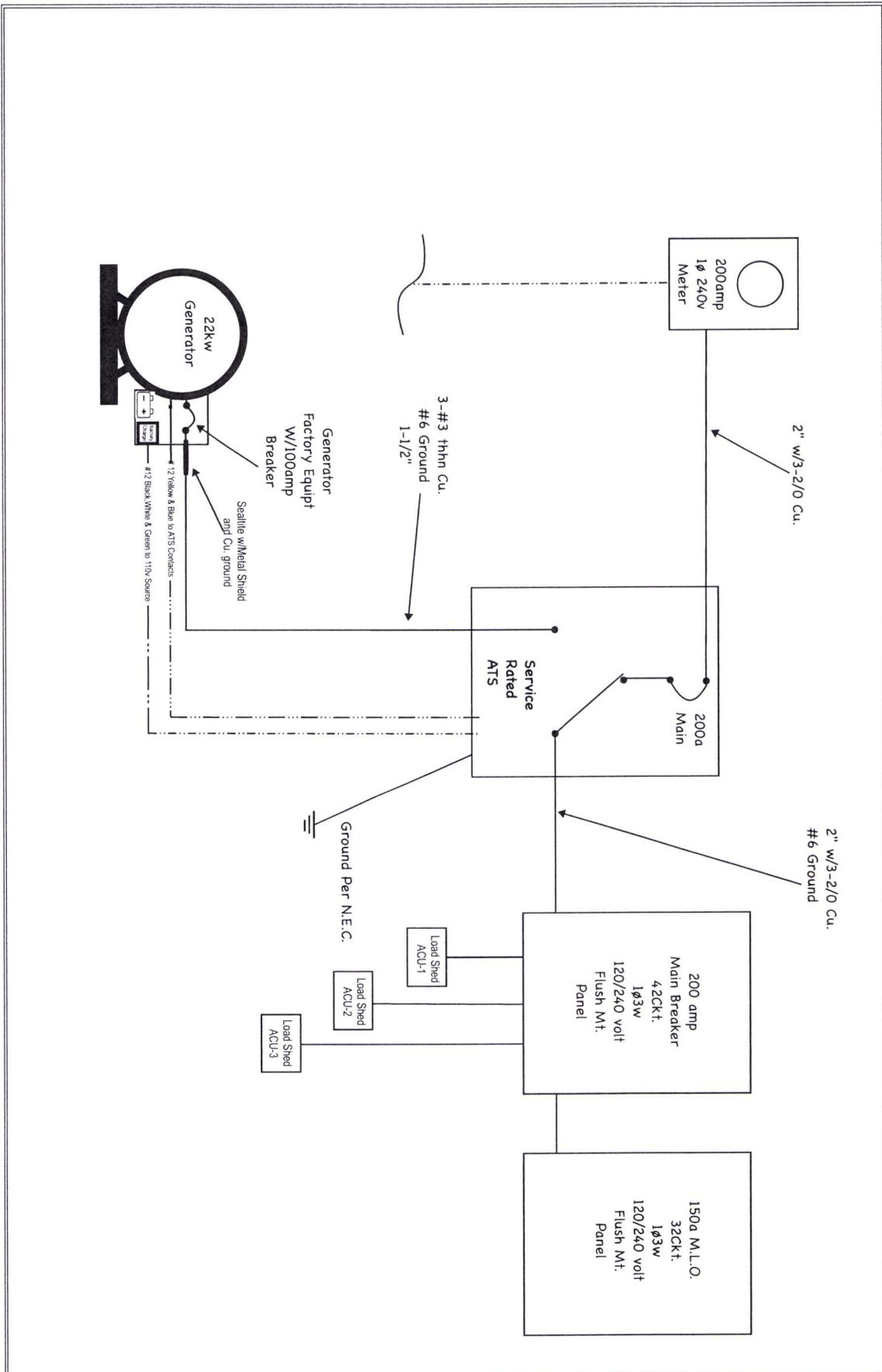
a Genrg Power Solutions, LLC company

### PROPOSED GAS DIAGRAM

MPL # 37795 - EDWARD OLGUIN  
OWNER – RANDY RANDOL  
JOB ADDRESS – 2628 QUENBY AVE – HOUSTON, TX 77005



6106 Milwee Street • Houston, TX 77058 • P (713) 812-7285 • F (713) 290-9285  
generatorsofhouston.com



	DATE: 9/8/17	Paul F. Kloesel T.M.E.L. #32635 281-630-4541	
	DRAWN BY: PRK 5/15/2014		

**Gail & Randy Randall**  
 1234 Park Place Rd.  
 Houston, TX 77005

GF# 17601794

Old Republic National Life Insurance Company, T. D. Co.

After Recording Mail To:  
BANK OF AMERICA, N.A.  
4500 Amon Carter Blvd., Doc Proc TX2-979-01-19  
Ft. Worth, TX 76155

[Space Above This Line For Recording Data]

### DEED OF TRUST

RANDOL  
Doc ID #: xxxxxxxx063  
MIN: 100015702695960635  
MERS Phone: 1-888-679-6377  
PIN: 0731190020018  
Escrow/Closing #: 17001794

**NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.**

#### DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

- (A) "Security Instrument" means this document, which is dated May 11, 2017, together with all Riders to this document.
- (B) "Borrower" is ARTHUR G RANDOL III. Borrower is the grantor under this Security Instrument.
- (C) "Lender" is BANK OF AMERICA, N.A.. Lender is a National Association organized and existing under the laws of THE UNITED STATES. Lender's address is 101 South Tryon Street, Charlotte, NC 28255. Lender includes any holder of the Note who is entitled to receive payments under the Note.
- (D) "Trustee" is ReconTrust Company, N.A.. Trustee's address is 1800 Tapo Canyon Rd, Simi Valley, CA 93603.
- (E) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. MERS is the beneficiary under this Security Instrument. MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.
- (F) "Note" means the promissory note signed by Borrower and dated May 11, 2017. The Note states that Borrower owes Lender One Million Thirty-One Thousand Four Hundred And 00/100 Dollars (U.S. \$1,031,400.00) plus interest. Borrower has promised to pay this debt in regular Periodic Payments and to pay the debt in full not later than June 1, 2047.
- (G) "Property" means the property that is described below under the heading "Transfer of Rights in the Property."
- (H) "Loan" means the debt evidenced by the Note, plus interest, any prepayment charges and late charges due under the

Form 3044 1/01

TEXAS Single Family--Fannie Mae/Freddie Mac UNIFORM INSTRUMENT  
TEXAS DEED OF TRUST (SIDOT.TX )  
352.33 (11/16)

Page 1 of 16

BANK OF AMERICA, N.A.



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Note, and all sums due under this Security Instrument, plus interest.

(I) "Riders" means all Riders to this Security Instrument that are executed by Borrower. The following Riders are to be executed by Borrower [check box as applicable]:

- Adjustable Rate Rider
- Balloon Rider
- 1-4 Family Rider
- Condominium Rider
- Planned Unit Development Rider
- Other(s) [specify]
- Second Home Rider
- Biweekly Payment Rider

(J) "Applicable Law" means all controlling applicable federal, state and local statutes, regulations, ordinances and administrative rules and orders (that have the effect of law) as well as all applicable final, non-appealable judicial opinions.

(K) "Community Association Dues, Fees, and Assessments" means all dues, fees, assessments and other charges that are imposed on Borrower or the Property by a condominium association, homeowners association or similar organization.

(L) "Electronic Funds Transfer" means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, computer, or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account. Such term includes, but is not limited to, point-of-sale transfers, automated teller machine transactions, transfers initiated by telephone, wire transfers, and automated clearinghouse transfers.

(M) "Escrow Items" means those items that are described in Section 3.

(N) "Miscellaneous Proceeds" means any compensation, settlement, award of damages, or proceeds paid by any third party (other than insurance proceeds paid under the coverages described in Section 5) for: (i) damage to, or destruction of, the Property; (ii) condemnation or other taking of all or any part of the Property; (iii) conveyance in lieu of condemnation; or (iv) misrepresentations of, or omissions as to, the value and/or condition of the Property.

(O) "Mortgage Insurance" means insurance protecting Lender against the nonpayment of, or default on, the Loan.

(P) "Periodic Payment" means the regularly scheduled amount due for (i) principal and interest under the Note, plus (ii) any amounts under Section 3 of this Security Instrument.

(Q) "RESPA" means the Real Estate Settlement Procedures Act (12 U.S.C. §2601 et seq.) and its implementing regulation, Regulation X (12 C.F.R. Part 1024), as they might be amended from time to time, or any additional or successor legislation or regulation that governs the same subject matter. As used in this Security Instrument, "RESPA" refers to all requirements and restrictions that are imposed in regard to a "federally related mortgage loan" even if the Loan does not qualify as a "federally related mortgage loan" under RESPA.

(R) "Successor in Interest of Borrower" means any party that has taken title to the Property, whether or not that party has assumed Borrower's obligations under the Note and/or this Security Instrument.

TRANSFER OF RIGHTS IN THE PROPERTY

The beneficiary of this Security Instrument is MERS (solely as nominee for Lender and Lender's successors and assigns) and the successors and assigns of MERS. This Security Instrument secures to Lender: (i) the repayment of the Loan, and all renewals, extensions and modifications of the Note; and (ii) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower irrevocably grants and conveys to Trustee, in trust, with power of sale, the following described property located in the COUNTY of Harris: Lot Eighteen (18), in Block Two (2), of QUENBY COURT, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 22, Page 37 of the Map Records of Harris County, Texas.

TEXAS-Single Family--Fannie Mae/Freddie Mac UNIFORM INSTRUMENT  
TEXAS DEED OF TRUST (SIDOT.TX )  
352.33 (11/16)



\*2895960633616404000\*

which currently has the address of 2628 Quenby Ave, Houston, Texas 77005-2428 ("Property Address"):

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, appurtenances, and fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property." Borrower understands and agrees that MERS holds only legal title to the interests granted by Borrower in this Security Instrument, but, if necessary to comply with law or custom, MERS (as nominee for Lender and Lender's successors and assigns) has the right: to exercise any or all of those interests, including, but not limited to, the right to foreclose and sell the Property; and to take any action required of Lender including, but not limited to, releasing and canceling this Security Instrument.

BORROWER COVENANTS that Borrower is lawfully seised of the estate hereby conveyed and has the right to grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

UNIFORM COVENANTS. Borrower and Lender covenant and agree as follows:

1. **Payment of Principal, Interest, Escrow Items, Prepayment Charges, and Late Charges.** Borrower shall pay when due the principal of, and interest on, the debt evidenced by the Note and any prepayment charges and late charges due under the Note. Borrower shall also pay funds for Escrow Items pursuant to Section 3. Payments due under the Note and this Security Instrument shall be made in U.S. currency. However, if any check or other instrument received by Lender as payment under the Note or this Security Instrument is returned to Lender unpaid, Lender may require that any or all subsequent payments due under the Note and this Security Instrument be made in one or more of the following forms, as selected by Lender: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency, instrumentality, or entity; or (d) Electronic Funds Transfer.

Payments are deemed received by Lender when received at the location designated in the Note or at such other location as may be designated by Lender in accordance with the notice provisions in Section 15. Lender may return any payment or partial payment if the payment or partial payments are insufficient to bring the Loan current. Lender may accept any payment or partial payment insufficient to bring the Loan current, without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Lender is not obligated to apply such payments at the time such payments are accepted. If each Periodic Payment is applied as of its scheduled due date, then Lender need not pay interest on unapplied funds. Lender may hold such unapplied funds until Borrower makes payment to bring the Loan current. If Borrower does not do so within a reasonable period of time, Lender shall either apply such funds or return them to Borrower. If not applied earlier, such funds will be applied to the outstanding principal balance under the Note immediately prior to foreclosure. No offset or claim which Borrower might have now or in the future against Lender shall relieve Borrower from making payments due under the Note and this Security Instrument or performing the covenants and agreements secured by this Security Instrument.

2. **Application of Payments or Proceeds.** Except as otherwise described in this Section 2, all payments accepted and applied by Lender shall be applied in the following order of priority: (a) interest due under the Note; (b) principal due under the Note; (c) amounts due under Section 3. Such payments shall be applied to each Periodic Payment in the order in which it became due. Any remaining amounts shall be applied first to late charges, second to any other



\*2695960633616404000\*



## NOTICE OF ZONING BOARD OF ADJUSTMENT HEARING

**Notice** is hereby given of a **regular meeting of the Zoning Board of Adjustments** to be held via teleconference set to begin at **5:30 p.m** on **Thursday, April 23, 2020**. The hearing may be recessed and continued to a ZBA meeting set to begin at **5:30 p.m.** on **May 28, 2020**.

Due to the COVID 19 Disaster and CDC'S recommendation regarding social distancing measures, the public will not be allowed to be physically present at this meeting. Zoning Board of Adjustments will be meeting via teleconference and will be audible to members of the public and allow for two-way communications for those desiring to participate. The information to join the meeting will be posted at a later date online.

**Address of the site:** 2628 Quenby Avenue, Houston, TX 77005

**Legal Description:** Lot 18 Block 2 Quenby Court, West University Place

**Docket Number:** 2020-0003

**Applicant:** Gayle and Arthur G. (Randy) Randoll III. PhD

**Action Requested:** Request a variance to install a second gas meter for a backup generator at 2628 Quenby Avenue

**Additional Details:** The applicant is proposing to install a 22 kw backup generator and is requesting a variance to install a second gas meter. The second meter was denied due to the Zoning Ordinance only allowing one on a single family detached building site.

Appendix A, Article 2, Section 2-102 Certain Terms, Single-detached use. A use of a building site which meets all of the following criteria; (2) There is no multiple utility service on the building site.

Applicable regulations include the City's Zoning Ordinance, Code of Ordinances, Chapter 211 of the Texas Local Government Code and the rules of the ZBA. The application is available on the city's website at [www.westutx.gov](http://www.westutx.gov). Additional details on such matters, as well as the applicable regulations are also available for public inspection in the **Public Works Center, 3826 Amherst**, West University Place, 77005. 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 Chief Building Official at 713-662-5830 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 and Southwest entrances and specially marked parking spaces are available in the Southwest parking area.

**Signed: Clay Chew, for the ZBA posted and mailed on or before April 13, 2020.**

cchew@westutx.gov 713-662-5830



RANDOL ARTHUR G III & GAYLE K  
2628 QUENBY AVE  
HOUSTON TX 77005-2428

CURRENT OWNER  
2724 ARBUCKLE ST  
(2628 ROBINHOOD ST)  
HOUSTON TX 77005-3932

FARZIN NASRIN & DELSHAD  
MOHAMMAD  
PO BOX 821466  
(C/O 2708 ROBINHOOD ST)  
HOUSTON TX 77282-1466

HO THUAN ET UX  
2612 QUENBY AVE  
HOUSTON TX 77005

AMANULLAH KARINA & RIZWAN  
2632 QUENBY AVE  
HOUSTON TX 77005-2428

KAPOR REICH CYNTHIA & REICH  
DENNIS C  
2712 QUENBY AVE  
HOUSTON TX 77005-2430

EATON I L  
3807 OLYMPIA DR  
(C/O 2711 NOTTINGHAM)  
HOUSTON TX 77019-3031

DAVIS PHILIP W  
2635 NOTTINGHAM ST  
HOUSTON TX 77005-2419

KULKARNI DAVID SHARAD  
2621 NOTTINGHAM ST  
HOUSTON TX 77005-2419

GARDNER ROYCE JOLEEN  
2712 NOTTINGHAM ST  
HOUSTON TX 77005-2422

TAN MELINDA CHANG  
2603 QUENBY AVE  
(C/O 2607 QUENBY AVE  
HOUSTON TX 77005-2427

REILLY JOHN F & JESSICA M  
2632 ROBINHOOD ST  
HOUSTON TX 77005-2432

TAN DANIEL T L MELINDA C  
2607 QUENBY AVE  
HOUSTON TX 77005-2427

RUIZ RICHARD S & YVONNE  
2616 QUENBY AVE  
HOUSTON TX 77005-2428

VASQUEZ JORGE E & DEARMOND  
MARY MICHELLE  
2702 QUENBY AVE  
HOUSTON TX 77005-2430

RUBIN SHARI P  
2719 NOTTINGHAM ST  
HOUSTON TX 77005-2421

MATTESON JAMES P & NANCY T  
5112 BRAEBURN DR  
(C/O 2707 NOTTINGHAM ST)  
BELLAIRE TX 77401-4902

WALKWITZ JON C & CARINA A  
2631 NOTTINGHAM ST  
HOUSTON TX 77005-2419

GILDER DEANNA B  
2619 NOTTINGHAM ST  
HOUSTON TX 77005-2419

SENDOS SENDASAPERUMAL N &  
LAVANYA N  
2708 NOTTINGHAM ST  
HOUSTON TX 77005-2422

FAN JINPING QUI CUIE  
2624 ROBINHOOD ST  
HOUSTON TX 77005-2432

POWERS J DENIS & JUDITH  
2704 ROBINHOOD ST  
HOUSTON TX 77005-2434

NGUYEN THIEN A  
2809 BISSONNET ST  
(C/O 2608 QUENBY AVE)  
HOUSTON TX 77005-4014

INMAN ZACHARY J  
2624 QUENBY AVE  
HOUSTON TX 77005-2428

LIM CHRISTOPHER & CHEN AILEEN  
2708 QUENBY ST  
HOUSTON TX 77005-2430

KINNEY COOPER L & SHANNON B  
2718 NOTTINGHAM ST  
HOUSTON TX 77005-2421

CHUANG HUBERT H  
2703 NOTTINGHAM ST  
HOUSTON TX 77005-2421

RUBIN MARLENE  
2627 NOTTINGHAM ST  
HOUSTON TX 77005-2419

ROGER JOSEPH P & COURTNEY  
2716 NOTTINGHAM ST  
HOUSTON TX 77005-2422

MIRZAIETHRANE JANE H & MADJID  
2704 NOTTINGHAM ST  
HOUSTON TX 77005-2422

D AMICO NASH F JR  
2636 NOTTINGHAM ST  
HOUSTON TX 77005-2420

CAMERON SHARON M  
2632 NOTTINGHAM ST  
HOUSTON TX 77005-2420

SALEM JONATHAN & BETTY  
5150 HIDALGO CT UNIT 505  
(C/O 2626 NOTTINGHAM)  
HOUSTON TX 77056-6409

MINETOS DIONISSIOS & VALARIE V  
2624 NOTTINGHAM ST  
HOUSTON 77005-2420

TAN DANIEL & MELINDA  
2607 QUENBY AVE  
(C/O 2611 QUENBY AVE)  
HOUSTON TX 77005-2427

YU DIHUA & PING TIAN  
2615 QUENBY AVE  
HOUSTON TX 77005-2427

CHUANG HUBERT H  
2703 NOTTINGHAM ST  
HOUSTON TX 77005-2421

COHAN DENNIS  
2707 QUENBY AVE  
HOUSTON TX 77005-2429

STILL CHARLES JR & MICHELE B  
2711 QUENBY AVE  
HOUSTON TX 77005-2429

**AGENDA**

**ITEM**

**#3**



# The City of West University Place

*A Neighborhood City*

**ZONING BOARD OF ADJUSTMENT**  
**MUNICIPAL BUILDING**  
3800 UNIVERSITY BOULEVARD  
**REGULAR MEETING MINUTES**  
**February 27, 2020**  
**6:30 pm**

I.	MEMBERS PRESENT:	Steven Segal (voting), Donald Yurewicz (voting), Edward Nikonowicz (voting), Janet Parisi (voting) and Sergio Amelio (voting)
II.	MEMBERS ABSENT:	Neil Martin, Jay Cohen, John Brett and Brennan Reilly
III.	STAFF PRESENT:	Laura McKenery, Legal Counsel, Clay Chew, Building Official and Josie M. Hayes, Administrative Coordinator
IV.	CALL TO ORDER:	6:30 p.m.

**Agenda Item**

**Discussion**

**Action**

	<b>Agenda Item</b>	<b>Discussion</b>	<b>Action</b>
1	<b>Call the meeting to order. Notices, Rules, Etc.</b>	Steven Segal called the meeting to order at 6:30 p.m. Steven Segal asked each member to briefly introduce themselves and state if they are voting or nonvoting. Josie M. Hayes, Administrative Coordinator, stated that all notices were posted in accordance with state and local requirements. Steven Segal then described the hearing procedures. Swearing in of witnesses.	Edward Nikonowicz moved to accept that all notices were properly posted and distributed for this meeting. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. <b>Motion Carried (5-0).</b> Steven Segal administered the oath to all witnesses.
2	<b>Docket No. 2020-0001, regarding property at 6402 Vanderbilt St., West University Place, Texas 77005 (Variance and Special Exception)</b> a. Public hearing regarding a request for a special exception and variance to authorize an additional curb cut and a driveway to end in the yard and not at a garage	The applicant in Docket 2020-0001, 6402 Vanderbilt St. is requesting both a variance to Section 10-103(b) in order to allow a “stub” or “dead end” driveway in a front yard and a special exception to Table 7-5a, Note 5, to authorize a second curb cut on the building site.  Staff received one correspondence letter in favor the application from Alberta and Andrew, 6410 Vanderbilt St.	Motion to close the deliberation portion of the hearing was made by Edward Nikonowicz. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi, and Sergio Amelio. <b>Motion carried (5-0).</b>  After deliberations Steven Segal a motion to approve the variance to Article 10, Section 10-103(b) to allow a dead end or stub driveway in the front yard setback. Seconded by Edward Nikonowicz. Ayes: Steven Segal, Donald Yurewicz, Edward





# The City of West University Place

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<p>opening. b. Deliberation, decisions, other action, etc. regarding the preceding matters.</p>	<p>Citizen speaking in favor of the application was:  Alida Drewes, 6112 Fordham St.</p> <p><b><u>Background Information:</u></b> The site is located at the northwest corner of Vanderbilt St. and Duke St. and is 100’ wide by 200’ deep. There is an existing circular driveway in the side yard that ends at the garage driveway. The circular driveway would be replaced by a single driveway which would end at the existing porte-cochere. A new garage and driveway is planned to be built with the current garage area turned into outdoor space. The applicant is asking for a special exception to allow another curb cut on the Duke St. side for parking at the porte-cochere. The driveway would stop or “dead end” in the side yard, thus necessitating the need for a variance.</p> <p><b><u>Staff Response:</u></b> <b><u>Variance Request</u></b> – Section 10-103(b) requires that all parking and maneuvering areas be located behind the principal building. It goes on to prohibit “stub” or “dead end” driveways located in the front yard setback. There is an exception for those sites that <b><u>front</u></b> on a major thoroughfare containing four or more lanes. Staff believes that the ZBA has the authority to grant this variance, but according to Section 11-102 of the zoning regulations, the ZBA may not issue a variance unless all of the following circumstances are present. (1) The ZBA has made all findings and determinations required by state law for the granting of a variance. A “special condition” or “hardship” that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a</p>	<p>Nikonowicz, Janet Parisi and Sergio Amelio <b>Motion carried (5-0).</b></p> <p>Steven Segal made a motion to authorize a special exception as authorized in Table 7-5a, Note 5 to authorize an additional curb cut to the building site in order to build a dead end or stub driveway in the front yard setback. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. <b>Motion carried (5-0).</b></p>
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# The City of West University Place

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variance. The findings to grant a favorable result for this application are as follows: 1. The ZBA must find that a literal enforcement of the ordinance would result in an unnecessary hardship. 2. By granting the variance, would the spirit of the ordinance be observed and substantial justice done; 3. Would the variance be contrary to the public interest? (2) The ZBA has made any additional findings and determination required by a specific provision of this section which relates to the variance. (3) The variance has been reduced to writing and includes any conditions prescribed by the ZBA or by this section for the variance in questions. The ZBA may prescribe conditions to the request such as limiting the length and width of the parking space, requiring pervious pavement, require screening, etc.

**Special Exception Request** – Table 7-5a limits the maximum number of curb cuts to “one per designated building site abutting the street. Note 5 of Table 7-5a authorizes additional curb cuts and specifically authorizes staff to approve the curb cuts for semi-circular driveways as prescribed in Chapter 70 of the Code of Ordinances. This proposed driveway would not be connected and so is not authorized without a special exception from ZBA. Table 7-5a, Note 5 of the Zoning Ordinance gives the ZBA the authority to grant a special exception for additional curb cuts. The ZBA must find that the request is in harmony with the general purpose and intent of the Zoning Ordinance and that the request will not cause any significant increase in on-street parking or traffic, traffic congestion, or an unreasonable burden upon public utilities or services. If the Board grants the special exception, the Board can attach conditions.





# The City of West University Place

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3	<b>Meeting Minutes</b>	Approval of meeting minutes from December 19, 2019.	Steven Segal moved to approve the December 19, 2019 minutes. Second by Edward Nikonowicz. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. <b>Motion carried.</b>
	<b>Adjournment.</b>	The meeting was adjourned at 6:58 pm.	Donald Yurewicz moved to adjourn the meeting. Second by Janet Parisi. Ayes: Steven Segal, Donald Yurewicz, Edward Nikonowicz, Janet Parisi and Sergio Amelio. <b>Motion Carried.</b>

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

\_\_\_\_\_  
Presiding Officer

ATTEST: \_\_\_\_\_  
Josie M. Hayes, Administrator Coordinator

