



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, July 23, 2020 beginning at 6:30 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 call [346-248-7799](tel:346-248-7799) and use Meeting ID Number [83562486182](https://us02zoom.com/join/83562486182).

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 at least **one (1) hour prior to the start of the meeting**. The request must include the speaker's name, address, the phone number that will be used for the call and the agenda item number, if applicable.

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. 2020-0006, regarding property at 3204 Nottingham (5520 Buffalo Speedway), Houston, Texas 77005 (Appeal).**
 - a. Public hearing regarding an appeal of the Building Official's decision of the location of the front building line.
 - b. Deliberation, decisions, other activities, etc. regarding the preceding matters.
3. **Docket No. 2020-0008, regarding property at 4134 Villanova, Houston, Texas 77005 (Variance).**
 - a. Public hearing regarding a variance to allow a second gas meter for a back-up generator.
 - b. Deliberation, decisions, other activities, etc. regarding the preceding matters.
4. **Docket No. 2020-0009, regarding property at 3636 Rice, Houston Texas 77005 (Special Exception)**
 - a. Public hearing regarding a special exception to extend the Prior Non-conforming (PNC) status indefinitely for the use of the area for parking related to the business uses located





The City of West University Place

A Neighborhood City

on the adjacent property to the south.

b. Deliberation, decisions, other activities, etc. regarding the preceding matters.

5. Meeting Minutes. Matters relating to the approval of minutes from June 25, 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.

I CERTIFY THAT THIS NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE WEST UNIVERSITY PLACE ZONING BOARD OF ADJUSTMENT ON JULY 23, 2020 WAS POSTED ON THE MUNICIPAL BUILDING BULLETIN BOARD ON OR BEFORE THE 20TH DAY OF JULY 2020, AT OR BEFORE 6:30 O'CLOCK P.M.

Clay Chew, Building Official, cchew@westutx.gov 713.662.5830



AGENDA

ITEM

#2

To: Zoning Board of Adjustments
From: Clay Chew, Building Official
Date: July 15, 2020
Re: Staff Report for Docket 2020-0006

Applicant's Request

The applicant in Docket 2020-0006, 3402 Nottingham Street is appealing the Building Officials decision that the front street line and front building line remain at Buffalo Speedway.

Background Information

A fence permit was denied that would encroach across the 30 foot building line at Buffalo Speedway. 3204 Nottingham Street was originally 5520 Buffalo Speedway when West University was platted. In 1980 the existing home at this property was issued a building permit with the 5520 Buffalo Speedway address but was allowed to change it to the present address of 3204 Nottingham.

Staff Response

Although the address was changed in 1980 when the home was built, the existing building set-backs remain in effect. The most recent survey from August 6, 2019 still places the 30 foot front building line along Buffalo Speedway. All of the homes from 5400-6200 Buffalo Speedway on the west maintain a 30 foot front building line set-back.

CERTIFICATE OF OCCUPANCY
AND COMPLIANCE

CITY OF WEST UNIVERSITY PLACE, TEXAS

Description Residence No. _____

Type Constr. brick Zone _____

Occupancy Residential Fire Limits _____

Permission is hereby granted to Meru Houston Inc

_____, the owner of a building located on _____

Lot _____, Block _____, Addition WU 2nd at _____

No. 9520 3204 to use and occupy said building as a Residence

_____, said building being in the Residential Use District

³ This certificate is issued in compliance with the Housing Code of the City of West University Place and can be revoked unless the premises are maintained according to the provisions of said ordinances.

Date 11/6/02

W.E. Perry
Housing Official

Long back washer drain. A vent back flow
Check all access high, replace all connections
that connect.



City of West University Place, Texas

3800 University Boulevard • Houston, Texas 77005

DATE 5/22/80

APPLICATION AND BUILDING PERMIT

	NAME	ADDRESS
OWNER	NEW Houston Inc	911 Buckhill 77024
CONTRACTOR	NEW Houston Inc	"

LOT B-75'274 BLK. 79 ADDN. WUP 2nd

ADDRESS 5520 Buffalo Speedway

- New Bldg. Res. Gar. Com. Car Port
 Addition No. of Stories 2
 Repair or Alteration Enclose Porch Front Side Back

- Type of Bldg: Frame Brick Other _____
 Foundation: Concrete Concrete Blk. Masonry Piers
 Interior Wall: Sheetrock Panel Paper
 Floor: Wood Concrete
 Roof: Comp. Wood Shingle Built Up

Description of Work 2 Story Brick Residence 3 bedroom
2 1/2 bath Kitchen Breakfast Dining Living
With 2 car attached garage, Utility room
& storage shop

Estimated Cost 125,000.00

Sq. Ft. Improvements:	
House	<u>3262</u>
Screen Porch	
Open Porch	<u>294</u>
Total House	<u>3556</u>
Garage	<u>844</u>
Total	<u>4400</u>

This Form is a permit only when signed by Building Inspector

The owner of this building and the undersigned agree to conform to all applicable laws of the City of West University Place

Signature of applicant [Signature] Phone No. 932 7845 Application Date 5-22-80

DO NOT WRITE IN THIS SPACE - FOR OFFICE USE

Approved by <u>W E Perry</u>	Permit fee \$ <u>304.00</u>	Date permit issued <u>5-22-80</u>	Permit number <u>7990</u>
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Building Inspector: [Signature]
Occupancy Permits are required for occupancy of all buildings or change in use thereof.

PERMIT VALID FOR 1 YEAR FROM DATE ABOVE. PERMIT VOID IF CONSTRUCTION NOT BEGUN WITHIN 60 DAYS.

ORIGINAL

25
 12
 304
444



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

Address of site: 3204 Nottingham Street, West University Place

Legal description of the site: South 75 Feet of Lot 5, Block 79, West University Place, Second Addition

Applicant: Todd L. Reid and Amy L. Reid

Address: 3204 Nottingham Street, Houston, Texas 77005

Contact: J. Robin Lindley

Phone: 713-305-0702

Fax:

Email: lindley@buckkeen.com

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

- (X) **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. (X) No, but the action appealed is as follows:
 - Denial of fence permit.
 - When was the action taken? June 11, 2020 Note: Appeals must be filed within a reasonable time. Please explain any delay below:
 - Exact zoning ordinance section(s) involved: 2-102; 7-101; Table 7-2; 8-110
 - Grounds for appeal:
 - Building site has front street line on Nottingham, not Buffalo Speedway
 - Building official applied incorrect side yard fence setback measurement .
 - See attached supplement.
- () **Special Exception.**
 - Exact zoning ordinance section that authorizes the special exception:
 - Exact wording of special exception requested:
- () **Variance.**
 - Exact zoning ordinance section from which a variance is requested:
 - Exact wording of variance requested:

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

- Supplemental to Appeal
- City Zoning Map
- Survey
- Plot drawing
- Photographs
- Warranty Deed

Attached. The applicant has read the State and City regulations attached.

Signature of applicant: Todd L. Reid, Amy Reid Date: 6/16/20

For Staff Use only Date filed: 6-17-20 Date heard: 7-23-20 Docket#: PZ-20-00006

3204 NOTTINGHAM STREET—SUPPLEMENT TO APPEAL

Introduction:

Amy & Todd Reid (“Reids”) appeal the June 11, 2020 denial of a fence permit for the construction of a side yard fence at their home located at 3204 Nottingham Street (“Property”).¹ The fence permit must be issued because the fence to be constructed complies with all applicable setbacks. The issuance of a permit to the Reids is a non-discretionary ministerial act.

Facts:

The Property is located at the northwest corner of Nottingham Street and Buffalo Speedway in the SF-3 District. The homesite on the Property was rotated at least 40 years ago to front to the south on Nottingham.² The Property has been assigned a Nottingham Street address by the City as reflected on the City’s official Zoning Map and records, Harris County Appraisal District records, and numerous other public documents. The home constructed on the Property faces south on Nottingham Street. The front door is accessed from Nottingham. The driveway enters from Nottingham. Parking for the house is accessed off Nottingham. Traffic flows to the house via Nottingham. Houses proceeding down the street from the Property also face Nottingham. For all purposes, the “front street line” of the Property, as defined by Section 2-102 of the Zoning Ordinance, is Nottingham Street, not Buffalo Speedway. The home’s configuration on the building site leaves the Property with an expansive side yard between the house and Buffalo Speedway consistent with the side street yard requirements set out in Section 8-110 of the Zoning Ordinance. Clearly, the City and some prior owner of the Property assented to this configuration. The attached photographs and survey depict the Reids’ home and Property.

It is important to the Reids that they have a secure and pet friendly home. The eastern side of their home has an exposed side door that faces Buffalo Speedway. There is a Metro bus stop on

¹ The Reids have been residents of West University Place for over 20 years. They Purchased the Property in August 2019. Prior to that they first owned a home at 3413 Georgetown Street for 10 years. They then resided at 3618 Tangley Road for another 10 years. The Reids raised two sons in West U that are now 26 and 24 years old. The Reids have been involved with many community events and fundraisers including supporting city parks and the West University Little League, and love calling West U their hometown.

² Although the Property faces to the south, it is not considered a Rotated Corner Lot under the Zoning Ordinance because it is not located in the SF-1 District.

the corner. The City also recently allowed installation of a large 5G cell phone tower in the Buffalo Speedway right of way abutting the Property (see attached photos).³ The Reids plan to build a fence around the Buffalo Speedway side yard to provide security for this side entrance and an enclosed area for the Reids and their pets to safely recreate.⁴

Side yard outdoor living spaces and fences on the side property line are prevalent on corner lots throughout the City. There are other homes that are on the corners along the western side of Buffalo Speedway that have fenced side yards, including: 3206 Albans, 3201 Amherst, 3202 University, and 3203 Cason. Pictures of these properties are included. The Reids seek only to use the Property's side yard for outdoor living, privacy, and safety in the same manner as other corner lot residences in the City.

A drawing of the proposed fence's location is also included in the attached materials. The fence will be constructed more than five-foot (5') off of the Buffalo Speedway side street line and more than thirty-foot (30') off of the Buffalo Speedway street. As such, the fence meets all side setbacks leaving the City with no discretion but to issue the permit.

3204 Nottingham Street has a Front Street Line on Nottingham

Section 2-102 of the Zoning Ordinance defines the "front street line" as the common boundary between the building site and the street. On corner lots, the front street line is determined first by reference to any ZBA special designation.⁵ Absent that, the front street line is determined by a clear indication of the appropriate front street based on several listed factors.⁶ Each of the listed factors clearly indicates the front street line is Nottingham. There is nothing about the Property, including its address, that is indicative of a Buffalo Speedway front street line.

³ The Reids believe the City allowed installation of the 5G tower adjacent to their Property rather than their neighbors' because the Reids' Property faces Nottingham Street, not Buffalo Speedway.

⁴ The Reids home is constructed more than 30-foot from the Buffalo Speedway side street yard line. They are not seeking to expand the structure into this area.

⁵ Counsel has filed a Public Information Act request with the City for information regarding any prior special designation. Given that the home was constructed well before the 1994 adoption of the Zoning Ordinance, a special designation may not exist. Obviously though, the City agreed to the Property's Nottingham address and orientation.

⁶ The listed factors include the orientation of the existing use, traffic and access patterns, compatibility, and platting patterns.

The Property's Side Street Line is Buffalo Speedway

The Zoning Ordinance states that a property's "side street line" is the boundary between the building site and a street that is not the front street. Since Nottingham Street is the front street based on the criteria set out in the Zoning Ordinance, Buffalo Speedway is the side street and the location of the Property's side yard.⁷

The Zoning Ordinance Does Not Restrict Side Yard Fences

Section 7-101 and Table 7-2 of the Zoning Ordinance set out projection limitations on fences. For side yard fences, the Ordinance provides no limit on the distance that a side yard fence may project beyond any side setback limitations. Quite simply, while a structure may not extend beyond the side setback, a fence may extend all the way up to the side property line. Because the Reid's proposed side yard fence meets this standard, it is allowed under the Zoning Ordinance.

The Property Is Not a Rotated Corner Lot Nor Subject to Rotated Corner Lot Limitations

The City Zoning Ordinance defines a Rotated Corner Lot as:

Rotated corner building site or lot means a corner building site **in the SF-1 District** which has been "rotated" from one street to the other, such that it has a front street line lying along a street that is different from the street along which the front street line of the original corner lot would lie. ... **In the SF-1 District**, most rotated corner building sites will be oriented north-south, because most of the original corner lots were oriented east-west (except for lots along University Boulevard or Cason Street).

The definition of Rotated Corner Lot applies only to a "corner building site in the SF-1 District which has been rotated." The Property is located in the SF-3 District. Therefore, the side yard setbacks applicable to Rotated Corner Lots in the SF-1 District do not apply to the Property.

Conclusion

The Reids' home is on Nottingham Street, not Buffalo Speedway. Their proposed side yard fence meets all code requirements and should be allowed.

⁷ The Zoning Ordinance does not contemplate a site having two front street lines.

3204 NOTTINGHAM PHOTOGRAPHS



Our home at 3204 Nottingham faces Nottingham with the side yard on Buffalo Speedway.



Without a fence this extensive side yard remains unsecured for our safe use.



Without a fence this extensive side yard remains unsecured for our safe use.

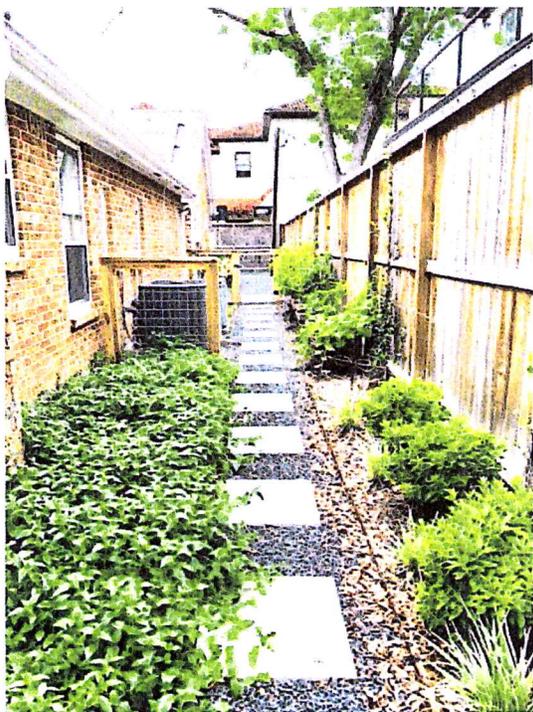
A large 5G cell tower was recently installed on the corner of our property.



There is a bus stop at the corner of Buffalo and Nottingham.



The backyard is very narrow with little useable living space for gardening, entertaining and pets.





Our pets need more space too.

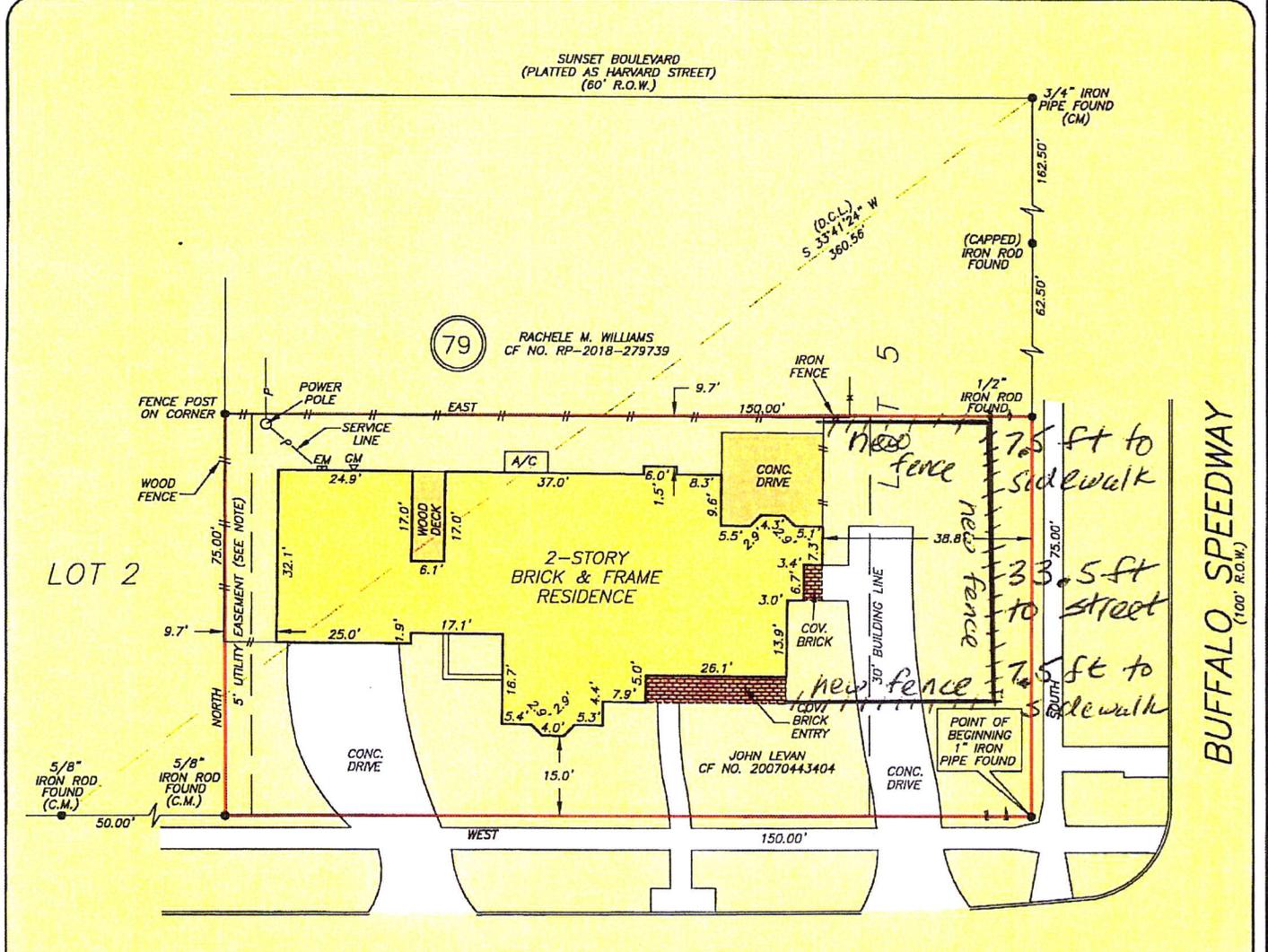
FENCE PLANS

GF NO. CH-7666-1076661900287-AG CHARTER TITLE
 ADDRESS: 3204 NOTTINGHAM STREET
 HOUSTON, TEXAS 77005
 BORROWER: TODD REID AND
 AMY REID

THE SOUTH 75 FEET OF LOT 5
 BLOCK 79
 WEST UNIVERSITY PLACE, SECOND ADDITION

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 538, PAGE 147 OF THE DEED RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS)

SCALE: 1" = 30'



NOTTINGHAM STREET
 (PLATTED AS YALE STREET)
 (60' R.O.W.)

NOTE: 5' UTILITY EASEMENT PER VOL. 680, PG. 157,
 VOL. 686, PG. 279 AND VOL. 753, PG. 220.

THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48201C 0860 L
 MAP REVISION: 06/18/07

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.





Example of double-faced cedar fence with a cap. We will be adding a vine to the outside of the fence. A rendering with what the fence will look like is included in this presentation.

OTHER BUFFALO SPEEDWAY SIDE YARDS

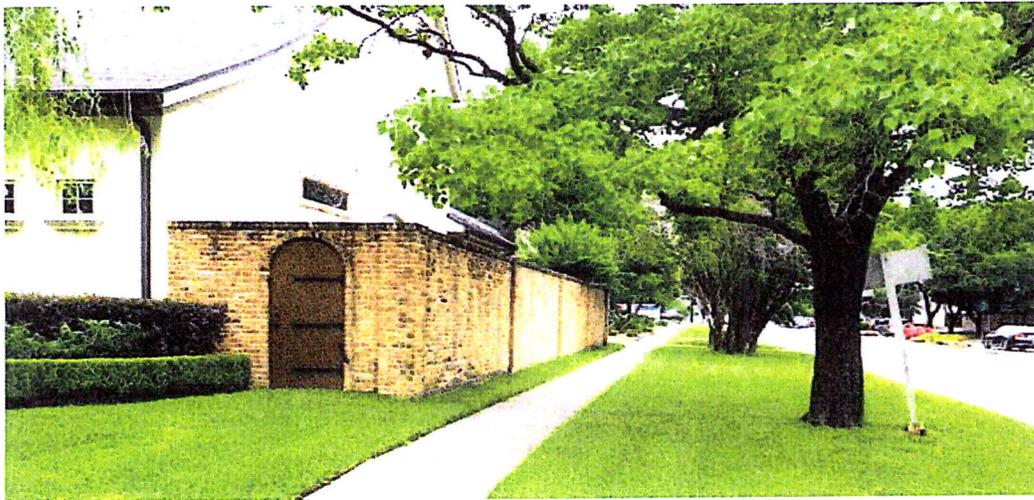


3201 Amherst is on the corner of Amherst and Buffalo Speedway and has only feet between the sidewalk and the fence.



3202 Cason is on the corner of Buffalo Speedway and Cason and there is less than two feet between the sidewalk and the fence.

3206 Albans



3206 Albans

CITY ZONING MAP

RELEVANT ZONING ORDINANCE PROVISIONS

Zoning Ordinance

Section 2-102. - Certain terms.

Certain terms in this ordinance, whether capitalized or not, are defined as follows for purposes of this ordinance:

Corner building site or lot means a building site abutting two streets intersecting at an angle of not more than 135 degrees. If the angle of intersection is more than 135 degrees, the building site is an "interior lot".

Face . To face directly or at an angle less than 90 degrees.

Line, front street . The common boundary of a building site and a street area. For corner sites (and any other sites touching two or more street areas), the front street line is determined by the administrative official according to the following criteria, listed in order of precedence:

- (1) A special designation of the front street line made by the ZBA (see, e.g. Article 8), or by an approved QMDS plat or PDD site plan (if any).
- (2) A clear indication of the appropriate front street line, based upon:
 - (i) Subdivision platting pattern;
 - (ii) Traffic and access pattern;
 - (iii) Property size and shape;
 - (iv) Orientation of existing and historic development;
 - (v) Probable future development; and
 - (vi) Compatibility with nearby sites and their uses.

For this purpose, the administrative official shall take into account any special yard depths applicable to a "rotated corner building site" (see Table 7-2).

- (3) For sites with SFR use (including undeveloped property in an SFR district or in the GR-1 or GR-2 District):
 - (i) If one street line is substantially shorter than all others, it is the front street line;
 - (ii) Otherwise, the front street line is the line that is most compatible with nearby sites and their uses.

Line, rear property . The boundary of a building site most nearly opposite the front street line. The administrative official shall designate the rear property line of irregularly shaped building sites, and the line so designated need not be straight.

Line, side property (or "SPL"). Each boundary of a building site, except the front street line, the rear property line and any side street lines.

Line, side street . Each common boundary between a building site and a street area, except the front street line.

Old stock housing . One or more buildings on a SFD site meeting all the following criteria, at any given time: (i) the principal building was built before 1980, and (ii) the gross floor area of

all buildings on the site (at any given time) does not exceed the greater of 3,400 square feet or 200 percent of the gross floor area of all the buildings on the site when the principal building was built.

Rotated corner building site or lot means a corner building site in the SF-1 District which has been "rotated" from one street to the other, such that it has a front street line lying along a street that is different from the street along which the front street line of the original corner lot would lie. The original corner lot is the single subdivided lot on the same corner, as created by the plan recorded in Volume 444, Page 563 of the Deed Records of Harris County, Texas, entitled "Map Showing West University Place, a Part of the A.C. Reynolds Survey, Harris County, Texas." In the SF-1 District, most rotated corner building sites will be oriented north-south, because most of the original corner lots were oriented east-west (except for lots along University Boulevard or Cason Street).

Setback . See "yard" definitions.

SF District . This term refers collectively to the SF-1 District, the SF-2 District, the SF-3 District, PDD-SF1 and PDD-SF2 and to each of them.

Street area . All of the area within the right-of-way lines (or boundaries) of a highway, alley, street, avenue or public place or square, bridge, viaduct, underpass, overpass, tunnel or causeway dedicated or devoted to public use.

Width . In the case of a building site, the length of the front street line. For purposes of determining compliance with the minimum dimensions of a building site (only), the building official may accept the nominal width of a building site as shown on the current recorded plat in lieu of the actual measured width, when: (i) both dimensions are obviously intended to describe the same site, and they do not differ by more than six inches, or (ii) the ZBA has issued a special exception, based upon a finding that both dimensions are intended to describe the same site and are approximately the same.

Yard, front . That part of a building site included in the required yard (or setback area) measured street line or defined by a front building line. See "Yards" table in Article 7.

Yard, rear . That part of a building site included in the required yard (or setback area) measured from the real property line. See "Yards" table in Article 7.

Yard, side . That part of a building site included in the required yard (or setback area) measured from any side property line. See "Yards" table in Article 7.

Section 7-101. - Regulations, tables, etc.

- (a) *In General* . Every use, building site and structure must comply with the regulations set out in the following tables: Table 7-1. Uses; **Table 7-2. Yards (or 'setbacks')**; Table 7-3. Open & Pervious Areas; Table 7-4a. Garage Space; Table 7-4b. Buildings; Table 7-5a. Parking, Driveways, Etc.; Table 7-5b. Certain Structures
- (b) *Projections* . Permissible projections into yards, and details about computation of open and pervious areas, are set out in Table 7-6, the "Projections Schedule."

Table 7-2: Yards (or 'setbacks')		<i>General Rule:</i> No part of any structure may be located within a part of a building site included within a yard defined, by District, in this table. ("N/A" means the rule does not apply.) <i>Exceptions/Special Rules:</i> (1) Structures may be located in yards to the extent allowed by the Projections Schedule. (2) See special rules noted in table. (3) See PDD Schedules for Planned Development Districts. (4) See additional setbacks in the PWSF Schedule.							
Item	Measurement	SF-1	SF-2	SF-3	TH	GR-1	GR-2	C	TCC
Front yard	Distance from front street line.	20 feet if the building site depth is 110 feet or less; 25 feet if the building site depth is more than 110 feet but not more than 125 feet; 30 feet if the building site depth is more than 125 feet. <i>See Note 5.</i>			10 ft. <i>See Note 7.</i>	20 ft. <i>See Note 7</i>		30 ft. <i>See Note 5</i>	10 ft. <i>See Note 9</i>
Interior side yard	Distance from side property line (each side).	Greater of 10% of building site width or 5 feet. <i>See Note 2.</i>			5 ft. <i>See Notes 4.1 and 4.2. See Note 7.</i>			5 ft. <i>See Notes 4.1 and 4.2.</i>	
Street side yard	Distance from side street line.	Greater of 10% of building site width or 5 ft. <i>See Notes 2, 3, 6.</i>	Greater of 10% of building site width or 5 feet. <i>See Notes 2, 6.</i>		10 ft. <i>See Note 7.</i>			15 ft.	<i>See Note 9</i>
Rear yard	Distance from rear property	20 ft. <i>See Note 1.</i>			20 ft. <i>See</i>	5 ft. <i>See Note 7.</i>		5 ft. <i>See</i>	25 ft. <i>See</i>

	line.				Note 7.		Note 1	Note 9
SF Bufferyard	Distance from nearest part of an SF District.	N/A	N/A	N/A	20 ft. See Note 7.		10 ft.	N/A

Note 3. **Rotated Corners.** For rotated corner building sites (SF-1 District only), the minimum side street yard width is: (i) 10 feet if the building site width is 65 feet or less, (ii) 10 feet plus the distance by which the width of the building site exceed 65 feet, if the building site width is more than 65 feet but less than 75 feet, (iii) 20 feet if the building site width is 75 feet or more but less than 100 feet, or (iv) for building sites 100 feet wide or more, the side street yard width is determined by the same rules as the front yard depth, except that the "depth" of the building site is measured from the side street line.

Note 6. **Special Exception.** The ZBA may prescribe a different street side yard by special exception relating to frontage. See Article 8.

Table 7-6. Projections Schedule

Projections Schedule	<i>General Rule:</i> This schedule describes certain structures which are allowed to "project" into yards (or setbacks). It also provides special rules for calculating open and pervious areas affected by such structures. See the "Yards (or 'setbacks')" and the "Open & Pervious Areas" tables.	

Table 7-6. Projections Schedule, cont.

Type Of Structure	Maximum Allowed Projection (In Inches), Measured From The Inside Edge Of The Yard.				Special Rules For Calculating Open & Pervious Areas	
	Front Yard	Rear Yard	Side Yard	SF Bufferyard		
Certain Accessory Structures	Fences	0, but see Notes 8.1, 8.2, and 12.	No limit	No limit, but see Notes 8.1, 8.2 and 11.	No limit	The area does not count as either open or pervious area.

Note 1.1. Projections in QMDS . See QMDS Schedule.

Note 8.1 Fences. Fences may project into front and side yards to the extent expressly required or authorized by city ordinance (e.g., provisions in Chapter 18 of the Code of Ordinances; provisions in PDD schedules for front fences). Also in the Code of Ordinances, there are: (i) requirements for emergency portals in fences (Chapter 18) and (ii) restrictions on fences, certain "fence-like hedges" and other things in visibility areas (Chapter 82). In a QMDS low fences (3.5 feet or lower) may be located anywhere, if made of ornamental metal or pickets.

Note 11. Rotated Corner Fences . Notwithstanding any other provision of this ordinance or any other ordinance, no fence is allowed in the side street yard of a rotated corner building site (SF-1 District), except for temporary construction fences required by Chapter 18 of the Code of Ordinances.

Note 13. Old Stock Housing. The ZBA may issue a special exception to authorize projection of buildings and attached structures into a side yard, rear yard or an SF Bufferyard, if the ZBA determines: (i) the projection is reasonably necessary to preserve or protect old stock housing as it then exists or as it may be proposed to be remodeled or expanded (up to a total gross floor area, for all buildings on the site, that does not exceed the greater of 3,400 square feet or 200% of the gross floor area of all the buildings on the site when the principal building was built, before 1980); and (ii) there will be no substantial adverse impact upon nearby properties.

Section 8-110. - Frontage and side yard.

- (a) *Special Exceptions* . The ZBA may issue a special exception to change the front street line of a building site from one street to another, if it finds that the change will not unduly alter the character of the immediate neighborhood and will not unreasonably interfere with sight lines or other safety factors.
- (b) *Minimum Street Side Yard* . In connection with any such special exception, the ZBA shall prescribe a special width for the street side yard, which shall control over the general yard width requirement. The minimum width the ZBA may prescribe is determined by the width of the building site measured along the new front street line (formerly the side street line), as follows:

Width Of Building Site	Minimum Street Side Yard
Less than 60 feet	10 feet
60 feet or more, but less than 70 feet	15 feet
70 feet or more, but less than 80 feet	20 feet
80 feet or more	The same setback distance which would be required if the side street line were the front street line (i.e., front yard depth).

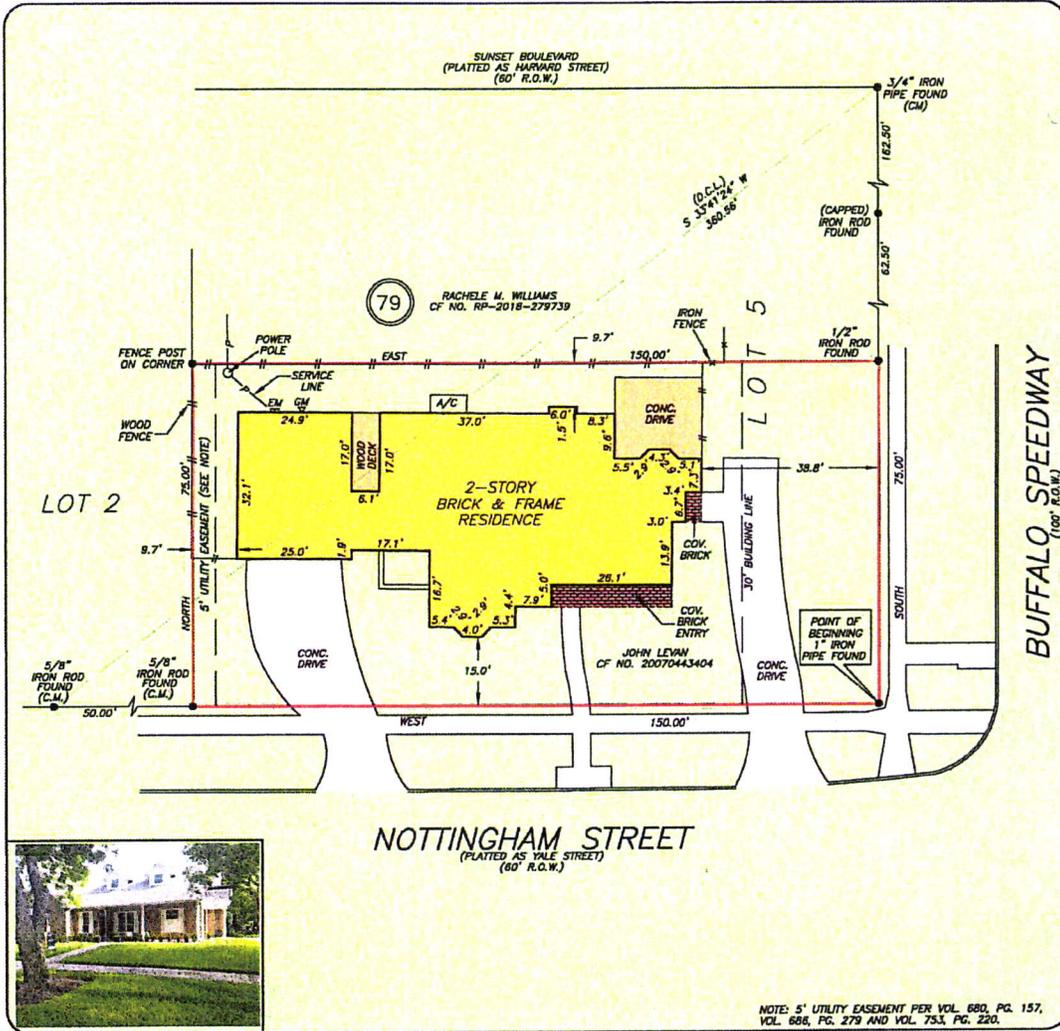
3204 NOTTINGHAM SURVEY

CF NO. CH-7666-1076661900287-AG CHARTER TITLE
 ADDRESS: 3204 NOTTINGHAM STREET
 HOUSTON, TEXAS 77005
 BORROWER: TODD REID AND
 AMY REID

THE SOUTH 75 FEET OF LOT 5
 BLOCK 79
 WEST UNIVERSITY PLACE, SECOND ADDITION

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 538, PAGE 147 OF THE DEED RECORDS
 OF HARRIS COUNTY, TEXAS
 (SEE ATTACHED METES AND BOUNDS)

SCALE: 1" = 30'



NOTE: 5' UTILITY EASEMENT PER VOL. 680, PG. 157,
 VOL. 686, PG. 279 AND VOL. 753, PG. 220.

THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48201C D060 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

A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L.=DIRECTIONAL CONTROL LINE
 RECORD BEARING: CF NO. 20070443404 H.C.D.R.

DRAWN BY: MM

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

JAMES E. MOSELEY
 PROFESSIONAL LAND SURVEYOR
 NO. 5912
 JOB NO. 19-06824
 AUGUST 06, 2019



Charter Title Company

ANN GALBRAITH
 713-871-9700



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionurveyors.com

281-496-1886 FAX 281-496-1887 210-829-4941 FAX 210-829-1555
 956 THROUGHWATER STREET SUITE 150 FARMINGTON, TEXAS 77709 1779 DE LOOP 210 SUITE 600 SAN ANGELO, TEXAS 76901
 FIRM NO. 10063700

STATE OF TEXAS

§
§
§
§
§

COUNTY OF HARRIS

A TRACT OR PARCEL OF LAND CONTAINING 0.2583 ACRES, (11,250 SQUARE FEET), BEING THE SOUTH 75 FEET OF LOT 5, BLOCK 79, WEST UNIVERSITY PLACE, SECOND ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 538, PAGE 147, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 0.2583 ACRE TRACT OF LAND BEING THAT CERTAIN TRACT OF LAND AS CONVEYED TO JOHN LEVAN BY INSTRUMENT RECORDED IN DOCUMENT NO. 20070443404 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: DOCUMENT NO. 20070443404 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS).

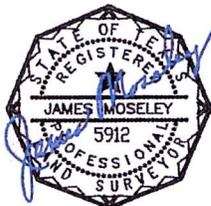
BEGINNING at a 1" iron pipe found for the intersection of the north right-of-way line of Nottingham Street, (60.00 Foot Right-of-Way, Platted as Yale Street), with the west right-of-way line of Buffalo Speedway, (100.00 Foot Right-of-Way), same being the southeast corner of said Lot 5, same being the southeast corner and POINT OF BEGINNING of the herein described tract;

Thence, West along the north right-of-way line of Nottingham Street, same being the common line of said Lot 5, a distance of 150.00 feet to a 5/8" iron rod found for the south common corner of said Lot 5 and Lot 2, Block 79, of said West University Place, Second Addition, same being the southwest corner of the herein described tract;

Thence, North, along the common line of said Lots 2 and 5, a distance of 75.00 feet to a calculated point on a fence corner post found for the southwest corner of that certain tract of land as conveyed to Rachele M. Williams by instrument recorded in Document No. RP-2018-279739 of the Official Public Records of Harris County, Texas, same being the northwest corner of the herein described tract;

Thence, East, across said Lot 5, along the common line of said Williams Tract, a distance of 150.00 feet to a 1/2" iron rod found on the west right-of-way line of Buffalo Speedway, same being the common line of said Lot 5, for the southeast corner of said Williams Tract, same being the northeast corner of the herein described tract;

Thence, South, along the west right-of-way line of Buffalo Speedway, same being the common line of said Lot 5, a distance of 75.00 feet to the POINT OF BEGINNING and containing 0.2583 acres or 11,250 square feet of land, more or less.



Sec Drawing Attached

James E. Moseley
Registered Professional Land Surveyor,
No. 5912
Job No. 19-06824
August 6, 2019

3204 NOTTINGHAM WARRANTY DEED

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.

GENERAL WARRANTY DEED

GF No.: 1076661900287

THE STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HARRIS

THAT **JOHN LEVAN AND NATALIE LEVAN, HUSBAND AND WIFE**, hereinafter referred to as "Grantor" (whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by **TODD L. REID AND AMY L. REID, A MARRIED COUPLE**, whose mailing address is **3204 NOTTINGHAM STREET, HOUSTON, TEXAS 77005**, hereinafter referred to as "Grantee" (whether one or more), the receipt and sufficiency of which is hereby acknowledged and confessed, and for the further consideration of the execution and delivery by said Grantee of one certain Promissory Note in the original principal sum of **\$855,000.00**, of even date herewith, payable to the order of **WELLS FARGO BANK, N.A.**, hereinafter referred to as "Mortgagee," and bearing interest at the rate therein provided; said Note containing an attorney's fee clause and acceleration of maturity clause in case of default, and being secured by Vendor's Lien and Superior Title retained herein in favor of said Grantor and assigned to Mortgagee, and also being secured by a Deed of Trust of even date herewith from Grantee to **ROBERT K. FOWLER**, Trustee; and

WHEREAS, Mortgagee has, at the special instance and request of Grantee, paid to Grantor a portion of the purchase price of the property hereinafter described, as evidenced by the above described Promissory Note, and said Vendor's Lien and Superior Title against said property securing the payment of said Promissory Note are hereby assigned, transferred and delivered without recourse to Mortgagee, Grantor hereby conveying to said Mortgagee the said Superior Title to said property, subrogating said Mortgagee to all rights and remedies of Grantor in the premises by virtue of said liens;

And Grantor has **BARGAINED, SOLD, GRANTED AND CONVEYED**, and by these presents does **BARGAIN, SELL, GRANT AND CONVEY**, unto said Grantee, the following described real property, to wit:

A TRACT OR PARCEL OF LAND CONTAINING 0.2583 ACRES, (11,250 SQUARE FEET), BEING THE SOUTH 75 FEET OF LOT 5, BLOCK 79, WEST UNIVERSITY PLACE, SECOND ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 538, PAGE 147, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 0.2583 ACRE TRACT OF LAND BEING THAT CERTAIN TRACT OF LAND AS CONVEYED TO JOHN LEVAN BY INSTRUMENT RECORDED IN DOCUMENT NO. 20070443404 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF FOR ALL PURPOSES

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereunto in anywise belonging unto said Grantee and Grantee's heirs and assigns, **FOREVER**. Grantor does hereby bind Grantor and Grantor's heirs, executors, and administrators, **TO WARRANT AND FOREVER DEFEND** all and singular the said premises unto the said Grantee and Grantee's heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

The contract between Grantor as the seller and Grantee as the buyer may contain limitations as to warranties; to the extent said contract provides for such limitations to survive this conveyance they shall be deemed incorporated herein by reference. The warranty of title contained in this Deed is hereby expressly excluded from the limitations referenced in this paragraph.

Taxes of every nature for the current year have been prorated and are assumed by Grantee. This conveyance is made subject to, all and singular, the restrictions, mineral reservations, royalties, conditions, easements, and covenants, if any, applicable to and enforceable against the above-described property as reflected by the records of the County Clerk of the aforesaid County.

But it is expressly agreed that the Grantor herein reserves and retains for Grantor and Grantor's heirs and assigns, a Vendor's Lien, as well as the Superior Title, against the above described property, premises and improvements, until the above described Promissory Note and all interest thereon have been fully paid according to the terms thereof, when this Deed shall become absolute, which Vendor's Lien and Superior Title have been assigned, transferred, and delivered without recourse to Mortgagee as set forth above.

WHEN this Deed is executed by more than one person, or when the Grantor or Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed to correspond; and when executed by or to a legal entity other than a natural person, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns". Reference to any gender shall include either gender and, in the case of a legal entity other than a natural person, shall include the neuter gender, all as the case may be.

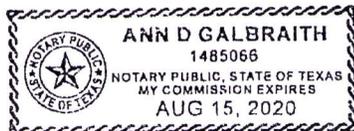
DATED the 27th day of August, 2019.

John Levan
JOHN LEVAN

Natalie Levan
NATALIE LEVAN

STATE OF Texas
COUNTY OF Harris

This instrument was acknowledged before me on the 27th day of August, 2019, by JOHN LEVAN AND NATALIE LEVAN, HUSBAND AND WIFE.



Ann D Galbraith
Notary Public

TO BE COMPLETED BY THE NOTARY PUBLIC -- MARK THE APPROPRIATE BOX APPLICABLE TO YOUR NOTARIAL ACKNOWLEDGMENT: [] This notarial act was a traditional, in person notarization; or [] This notarial act was an online notarization, whereby the person(s) appeared before me by interactive two-way audio and video conference technology that met the online notarization requirements under Subchapter C, Chapter 406, Government Code, and rules adopted under that subchapter.

After Recording Return To:
TODD L. REID
AMY L. REID
3204 NOTTINGHAM STREET
HOUSTON, TEXAS 77005

EXHIBIT A

A TRACT OR PARCEL OF LAND CONTAINING 0.2583 ACRES, (11,250 SQUARE FEET), BEING THE SOUTH 75 FEET OF LOT 5, BLOCK 79, WEST UNIVERSITY PLACE, SECOND ADDITION, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 538, PAGE 147, OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS, SAID 0.2583 ACRE TRACT OF LAND BEING THAT CERTAIN TRACT OF LAND AS CONVEYED TO JOHN LEVAN BY INSTRUMENT RECORDED IN DOCUMENT NO. 20070443404 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (BEARING BASIS: DOCUMENT NO. 20070443404 OF THE OFFICIAL PUBLIC RECORDS OF HARRIS COUNTY, TEXAS).

BEGINNING at a 1" iron pipe found for the intersection of the north right-of-way line of Nottingham Street, (60.00 Foot Right-of-Way, Platted as Yale Street), with the west right-of-way line of Buffalo Speedway, (100.00 Foot Right-of-Way), same being the southeast corner of said Lot 5, same being the southeast corner and POINT OF BEGINNING of the herein described tract;

Thence, West along the north right-of-way line of Nottingham Street, same being the common line of said Lot 5, a distance of 150.00 feet to a 5/8" iron rod found for the south common corner of said Lot 5 and Lot 2, Block 79, of said West University Place, Second Addition, same being the southwest corner of the herein described tract;

Thence, North, along the common line of said Lots 2 and 5, a distance of 75.00 feet to a calculated point on a fence corner post found for the southwest corner of that certain tract of land as conveyed to Rachele M. Williams by instrument recorded in Document No. RP-2018-279739 of the Official Public Records of Harris County, Texas, same being the northwest corner of the herein described tract;

Thence, East, across said Lot 5, along the common line of said Williams Tract, a distance of 150.00 feet to a 'A" iron rod found on the west right-of-way line of Buffalo Speedway, same being the common line of said Lot 5, for the southeast corner of said Williams Tract, same being the northeast corner of the herein described tract;

Thence, South, along the west right-of-way line of Buffalo Speedway, same being the common line of said Lot 5, a distance of 75.00 feet to the POINT OF BEGINNING and containing 0.2583 acres or 11,250 square feet of land, more or less.



The City of West University Place

A Neighborhood City

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 **6:30 p.m.** on **Thursday, July 23, 2020**. The hearing may be recessed and continued to a ZBA meeting set to begin at **6:30 p.m.** on **Thursday, August 27, 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: 3204 Nottingham St., Houston, TX 77005

Legal Description: South 75 feet of Lot 5, Block 79, West University Place, Second Addition, Harris County, Texas

Docket Number: 2020-0006

Applicant: Todd L. Reid and Amy L. Reid

Action Requested: An appeal of the Building Official's decision that 3204 Nottingham St. (5520 Buffalo Speedway) has a 30 foot front setback from Buffalo Speedway.

Additional Details: The original platted address of this property was 5520 Buffalo Speedway. When the existing home was built in 1980 it was rotated to face Nottingham. The property still retains the 30 foot setback from Buffalo Speedway therefore the permit to build a fence in this area was denied.

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. 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 July 13, 2020.

cchew@westutx.gov 713-662-5830



CURRENT OWNER
3204 NOTTINGHAM ST
HOUSTON TX 77005-2214

CURRENT OWNER
5516 BUFFALO SPEEDWAY
HOUSTON TX 77005-2202

ANDREWS JEFFREY & DALE
5512 BUFFALO SPEEDWAY
HOUSTON TX 77005

CURRENT OWNER
5502 BUFFALO SPEEDWAY
HOUSTON TX 77005-2202

COCO STUART
5604 BUFFALO SPEEDWAY
HOUSTON TX 77005-2204

HERRING STEPHEN & DANIELA
5616 BUFFALO SPEEDWAY
HOUSTON TX 77005-2204

DERKACH ANTON & OXANA
3216 NOTTINGHAM ST
HOUSTON TX 77005-2214

BACON DOUG & KATE
3304 NOTTINGHAM ST
(C/) 3220 NOTTINGHAM ST)
HOUSTON TX 77005

CURRENT OWNER
3224 NOTTINGHAM ST
HOUSTON TX 77005-2214

BACON DOUGLAS
3304 NOTTINGHAM ST
HOUSTON TX 77005-2216

DAVIS PAUL A & KAREN P
3303 NOTTINGHAM ST
HOUSTON TX 77005-2215

CURRENT OWNER
3303 SUNSET BLVD
HOUSTON TX 77005-2141

FLAME DAVID S & BETH A
3223 NOTTINGHAM ST
HOUSTON TX 77005-3213

CURRENT OWNER
3217 NOTTINGHAM ST
HOUSTON TX 77005-2213

ZACHARIAS KIP & SARA
3215 NOTTINGHAM ST
HOUSTON TX 77005-2213

STANDISH THOMAS R & JOYCE
3224 ROBINHOOD ST
HOUSTON TX 77005-2224

KRONDOWITZ STEVEN
3214 ROBINHOOD ST
HOUSTON TX 77005-2224

KRIDEL RUSSELL WILLIAM
5622 BUFFALO SPEEDWAY
HOUSTON TX 77005-2204

THORNE MARK
3210 ROBINHOOD ST
HOUSTON TX 77005-2224

AUSTIN JOHN F III
3223 SUNSET BLVD
HOUSTON TX 77005-2139

TAYLOR DAN D & CAROL J
3215 SUNSET BLVD
HOUSTON TX 77005-2139

TEAS BARBARA LEE
3129 SUNSET BLVD
HOUSTON TX 77005-2151

CHEBEN SEAN & WRIGHT BRITTANY
3118 NOTTINGHAM ST
HOUSTON TX 77005-2330

MAHONEY DAVID E & MICHELE W
3126 NOTTINGHAM ST
HOUSTON TX 77005

FIELD DONNA L
3132 NOTTINGHAM ST
HOUSTON TX 77005-2330

CURRENT OWNER
3133 NOTTINGHAM ST
HOUSTON TX 77005-2329

CURRENT OWNER
3123 NOTTINGHAM ST
HOUSTON TX 77005-2329

STOLL DONALD R & LAURI J
3130 QUENBY AVE
HOUSTON TX 77005-2338

CURRENT OWNER
3128 QUENBY AVE
HOUSTON TX 77005-2338

MAHAGAOKAR RAJEN & TONEVA
GALINA
3126 QUENBY AVE
HOUSTON TX 77005-2338

CHU DAN & DARLENE
3131 QUENBY AVE
HOUSTON TX 77005-2337

BEARD JEFFREY W & LISA
3125 QUENBY AVE
HOUSTON TX 77005-2337

CRESPO ADRIAN & FRANCELLA
5612 BUFFALO SPEEDWAY
HOUSTON TX 77005-2204

AGENDA

ITEM

#3

To: Zoning Board of Adjustments
From: Clay Chew, Building Official
Date: July 23, 2020
Re: Staff Report for Docket 2020-0008

Applicant's Request

Applicant is requesting a variance to install a second gas meter for a backup generator at 4134 Villanova St.

Background Information

The second meter would be 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 4134 Villanova St.

- (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.



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

Address of site: 4134 Villanova St. West University Place, TX 77005

Legal description of the site: Lot 134, Fairhaven Addition (Volume 505, page 66 of the Deed Records of Harris County, Texas)

Applicant: Jon J. Rusciano

Address: 4134 Villanova St.

Contact: Jon J. Rusciano

Phone: 713-443-5354
713-667-8910

Fax: N/A

Email:
RuscianoJ@gmail.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 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.

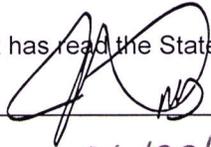
- Exact zoning ordinance section that authorizes the special exception:
- Exact wording of special exception requested:

Variance.

- Exact zoning ordinance section from which a variance is requested: Appendix A, Article 2, Section 2-202
Certain terms. Single detached use. A use of a building site which meets all of the following criteria; (2) There shall be no multiple utility service on the building site.
- Exact wording of variance requested:
Add new natural gas meter and service for emergency power generator

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

Attached. The applicant has read the State and City regulations attached.

Signature of applicant:  Date: 05/26/2020

For Staff Use only Date filed: 06/22/2020 Date heard: 7/23/2020 Docket#: 2020-0008

Members of the West University City Council

New Gas Meter Request

I am herein requesting the City Council to allow a variance for an additional gas meter at my residence, located at 4134 Villanova St. I recently purchased this West University property as my homestead, and I am planning to live here with my family for the foreseeable future. The meter will serve only an emergency natural gas generator, to be located behind the garage, near its proposed location (see noted survey). If the indicated location is in conflict with any City code or applicable building code distance requirements from my home's electrical service, it will be moved to the east of this service location as far as required, along the back wall of the garage.

This request is being made because the existing gas service meter is now located on the west side of the residence structure, very close to the front of the house. This creates a significant difficulty for serving a generator located behind the garage, due to the very long gas piping run beneath existing rock beds, fence/vision screen/deck structures, yard drains and artificial turf installations in such a pathway. The new meter will not be visible to neighbors, nor will it serve anything other than the proposed generator.

I have noted the City has allowed such variances recently, and thus I was hoping for this approval in time to facilitate a generator's installation, in advance of the late August/September season for hurricanes. Thanks to everyone in the Council for their consideration of this request.

Respectfully composed,

A handwritten signature in black ink, appearing to read 'Jon Rusciano', with a stylized flourish at the end.

Dr. Jon Rusciano

Charter Title Company
ALTA Universal ID:
1717 West Loop South
12th Floor
Houston, TX 77027

File No./Escrow No. : 1031411900057
 Print Date & Time: May 8, 2019 8:09 am
 Officer/Escrow Officer : James Wolf
 Settlement Location : 1717 West Loop South, 12th Floor
 Houston, TX 77027

Property Address: 4134 Villanova Street
 Houston, TX 77005

Borrower: Jon Jared Rusciano and Lorena L. Garaicoechea
 1416 A Harold
 Houston, TX 77006

Seller: Brian Tew and Felicia Tew
 4134 Villanova Street
 Houston, TX 77005

Lender: Zions Bancorporation, N.A.

Settlement Date: May 08, 2019

Disbursement Date: May 08, 2019

Seller		Description	Borrower	
Debit	Credit		Debit	Credit
		Financial		
		Sale Price of Property		
		Deposit or earnest money		
		Loan Amount		
		Seller Credit - Professional Cleaning		
		Prorations/Adjustments		
		Option Fee		
		County Taxes 01/01/19 - 05/09/19		
		Funding Fee		
		Processing Fees		
		Underwriting Fees		
		Appraisal Fee FBO William T. Evans \$725.00 paid outside closing by Borrower		



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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: 4134 Villanova St., Houston, TX 77005
Legal Description: LT 134 FAIRHAVEN, Harris County, Texas
Docket Number: 2020-0008
Applicant: Jon J. Rusciano
Action Requested: Request a variance to install a second gas meter for a back-up generator at 4134 Villanova St.

Additional Details: The applicant is proposing to install a 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. 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.

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

cchew@westutx.gov 713-662-5830



WOOD ROBERT P & SHERRI C
4116 VILLANOVA ST
HOUSTON TX 77005-3527

WALCOTT DEBBIE
2506 NORTHFORK CT
(C/O 4120 VILLANOVA)
PEARLAND TX 77584-5975

DYKOSKI THEODORE D & LAURIE N
4122 VILLANOVA ST
HOUSTON TX 77005-3527

LAYNE KELLY M & BETHANY A
4126 VILLANOVA ST
HOUSTON TX 77005-3527

CUTHRELL JAMES E & HEATHER M
THE CUTHRELL FAMILY LIVING TRUST
4130 VILLANOVA ST
HOUSTON TX 77005-3527

CURRENT OWNER
4134 VILLANOVA ST
HOUSTON TX 77005-3527

GOWDA KASS INVESTMENTS LLC
5959 RICHMOND AVE STE 410
(C/O 4138 VILLANOVA)
HOUSTON TX 77057-6325

CURRENT OWNER
4142 VILLANOVA ST
HOUSTON TX 77005-3527

GALFIONE JOHN & KYLIE
4148 VILLANOVA ST
HOUSTON TX 77005-3527

VARNER CHARLES C
4152 VILLANOVA ST
HOUSTON TX 77005-3527

STEVERLYNCK ANDRES MARIA DATRI
MARIA SOL
4154 VILLANOVA ST
HOUSTON TX 77005-3527

MORRIS RONALD R & GRETCHEN
4153 VILLANOVA ST
HOUSTON TX 77005-3532

GEIBEL ERIC T & HOLLAND C
4143 VILLANOVA ST
HOUSTON TX 77005

PLEMENOS THEODORE & EUGENIA L
4137 VILLANOVA ST
HOUSTON TX 77005-3532

RODRIGUEZ LAURA E
4135 VILLANOVA ST
HOUSTON TX 77005-3532

BROWNLIE MICHAEL E & REBECCA
ROSALINE
4133 VILLANOVA ST
HOUSTON TX 77005-3532

THAMES HOWARD D & KATHERINE
4129 VILLANOVA ST
HOUSTON TX 77005-3532

WOODS DENNIS & LISA M
4123 VILLANOVA ST
HOUSTON TX 77005-3532

MASSARO KEVIN & DIANA
4119 VILLANOVA ST
HOUSTON TX 77005-3526

GARZA BERNARDO S & MARIA
4115 VILLANOVA ST
HOUSTON TX 77005-3526

GURR CHRISTOPHER J
YANOSEK KASSIA JO
4124 MARQUETTE ST
HOUSTON TX 77005-3501

RIDOUT JOHN T
4126 MARQUETTE ST
HOUSTON TX 77005-3501

SMITH CAROL G & TRUST ETAL
4142 MARQUETTE ST
(C/O 4130 MARQUETTE)
HOUSTON TX 77005-3501

SMITH ROBERT C & CAROL G
4142 MARQUETTE ST
HOUSTON TX 77005-3501

WEIMAN STEPHEN G & MARY M
4148 MARQUETTE ST
HOUSTON TX 77005

CALDWELL THOMAS L & CAROLYN A
4153 OBERLIN ST
HOUSTON TX 77005-3522

CURRENT OWNER
3203 CASON ST
(C/O 4149 OBERLIN)
HOUSTON TX 77005-3842

SIMON CHRISTOPHER J
4141 OBERLIN ST
HOUSTON TX 77005-3522

TSAI STELLA & CHAN MICHAEL
4139 OBERLIN ST
HOUSTON TX 77005-3522

CHAPMAN MICHAEL & RAMIREZ
CHAPMAN ANA LISA
4135 OBERLIN ST
HOUSTON TX 77005-3522

ORAVETZ FRANCIS R & CATHERINE C
4131 OBERLIN ST
HOUSTON TX 77005-3522

WILLIAMSON KENT A & NINA
4125 OBERLIN ST
HOUSTON TX 77005-3522

BUTLER JOHN D & SUSAN
4119 OBERLIN ST
HOUSTON TX 77005-3522

CURRENT OWNER
3811 RILEY ST
(C/O 4115 OBERLIN)
HOUSTON TX 77005-4324

GAUTREAU KERA & GREEN BRIAN
4148 OBERLIN ST
HOUSTON TX 77005-3523

PROPST CHRISTINA B & TRISTAN E
4142 OBERLIN ST
HOUSTON TX 77005-3523

STOETT RUDOLF P & LINDSEY L
4140 OBERLIN ST
HOUSTON TX 77005-3523

KURIE JONATHAN M
4136 OBERLIN ST
HOUSTON TX 77005-3523

MCCONATY BRADY J & SANDRA
4132 OBERLIN ST
HOUSTON TX 77005-3523

NETO OTHON D MONTEIRO
XIMENES MARIA C DACUNHA
4128 OBERLIN ST
HOUSTON TX 77005-3523

BLACK JAMES R & LORI E
4122 OBERLIN ST
HOUSTON TX 77005-3523

AGENDA

ITEM

#4

To: Zoning Board of Adjustments
From: Clay Chew, Building Official
Date: July 23, 2020
Re: Staff Report for Docket 20-0003 (3636 Rice)

Applicant's Request

Applicant is requesting a special exception for an extension of the PNC status indefinitely for the use of parking related to the business uses located on the adjacent property.

Background Information

The zoning of the site is split between a southern portion which is zoned Commercial ((Town Center) and the north portion which is single family. The site was historically parking for JMH Grocery and was allowed by Ordinance 517. In 1986 the parking use became PNC due to the demise of Ordinance 517.

Special Exception

Applicant is requesting a special exception to extend the PNC status indefinitely.

Section 12-105. - Special Exceptions To Extend PNC Status.

The ZBA may issue a special exception to extend or reinstate PNC status for any item, upon application by the owner or someone with a substantial interest in the affected property, if the ZBA finds: (i) a substantial investment was reasonably made in the PNC item, or in reliance upon it, and (ii) extension of PNC status is necessary to allow a reasonable period in which to amortize the investment, or to avoid unreasonable waste of any remaining value of the item with PNC status. An extension may be for a fixed term or for an indefinite period. This section applies both to PNC items losing status by lapse of time and to PNC items losing status for other reasons. A special exception may allow the rebuilding, remodeling or modest enlargement of a structure which would otherwise lose PNC status and may allow the continuation of PNC status.



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

Address of site: 3636 Rice Avenue

Legal description of the site: 0.98 acres out of Lot 2 of the Morse Subdivision of the A.C. Reynolds Survey, Harris County, Texas

Applicant: T/H Land Holdings Ltd.

Address: 1301 N. First Street, Bellaire, Texas 77401

Contact: Gregg Thompson **Phone:** 713-839-7056 **Fax:** **Email:** gregg@thompsonhanson.com

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

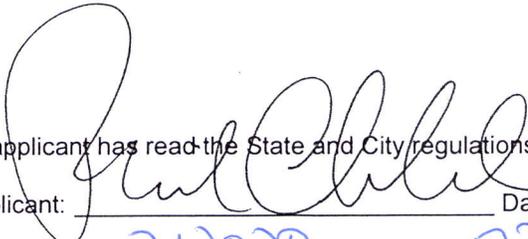
- () **Appeal.** Hear and decide an appeal from an order, requirement, decision or determination made by the Administrative Official.
 - Is the official's action in writing? () Yes; () copy is attached. () No, but the action appealed is as follows:
 - When was the action taken? Note: Appeals must be filed within a reasonable time. Please explain any delay below:
 - Exact zoning ordinance section(s) involved:
 - Grounds for appeal:

- (X) **Special Exception.**
 - Exact zoning ordinance section that authorizes the special exception: Section 12.105
 - Exact wording of special exception requested: The ZBA approves the extension of PNC Status indefinitely for the use of the area for the primary purpose of parking related to the business uses located on the adjacent property to the south (the former JMH Building).

- () **Variance.**
 - Exact zoning ordinance section from which a variance is requested:
 - Exact wording of variance requested:

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

See attached Addendum

Attached. The applicant has read the State and City regulations attached.
 Signature of applicant:  Date: 7/1/20

For Staff Use only Date filed: 7.1.2020 Date heard: 7.23.2020 Docket#: 2020-6509

Addendum to Application to Zoning Board of Adjustment
City of West University Place, Texas
For Special Exception to Extend PNC status for
3636 Rice (Tiny Boxwoods/Texas Citizens Bank)

I. Background

This site currently contains the Texas Citizens Bank branch and the Tiny Boxwoods restaurant. Originally this site was the location of JMH Grocery Store No. 5, which was developed in the 1940's and operated through the late 1990's. JMH was a West U institution offering small-town service, including charge accounts. JMH was operated by the Darilek family for many years and then was sold to West U resident Charlie Wilson, and finally to an investor group headed by Jim Reid. Ultimately, the pressures of modern grocery store economics brought an end to JMH.

Applicant, T/H Land Holdings Ltd., led by West U resident Gregg Thompson and his brother, Lance Thompson, purchased the site in 2010. The JMH Building was split in half with the Rice Avenue frontage leased to Texas Citizens Bank, which has operated a successful walk-up/drive-up location for many years (and recently elected into a 5-year renewal period). The bank has three additional 5-year renewal periods and the possibility to extend its lease through 2035. The rear of the site was developed into Tiny Boxwoods Restaurant No. 5, which has been a successful, community supported gathering place.

The zoning of the site is split between a southern portion which is zoned Commercial (as part of West U's Downtown District) and the north portion, which has always been zoned Single Family, yet had been used as a parking area for JMH under Ordinance No. 517 passed on May 22, 1950. Ordinance No. 517 specifically authorized use as a parking area, notwithstanding being then located in the 7th Single Family Dwelling District (Exhibit "A").

In 2000, as a part of the sale of JMH to Charlie Wilson, an application was filed to obtain a Special Exception to reinstate the PNC status of the parking lot. This was necessary because when the West U Zoning Ordinance was comprehensively redrafted in 1986, the parking use became PNC (non-conforming) due to the demise of Ordinance No. 517. Due to oversight by the owners of JMH Grocery Store, no effort was made to obtain a Special Exception or other legal designation for the parking area.

A copy of the September 20, 2000 Decision to Grant a Special Exception are attached as Exhibit "B".

The Special Exception was unanimously approved for 20 years.

A copy of a current site plan is shown as Exhibit "C".

The entire JMH site is approximately 1 ac. and the parking area is the north most approximately 1/3.

II. Request for Special Exception to Extend PNC Status

The current PNC status expires September 13, 2020.

For the last 20 years, the parking area has been used consistent with the Special Exception for the primary purpose of parking related to the business use located on the adjacent property to the south (i.e., the old JMH building which now houses Texas Citizens Bank and Tiny Boxwoods Restaurant No. 5).

The circumstances which supported the issuance of the Special Exception in 2000 continue today.

The facilities on the site have been substantially upgraded and have a significant remaining physical and economic life (exceeding 50 years). This parking is critical to the operation of the adjacent businesses and without it, those businesses could not continue. The businesses operated on this site provide substantial amenities to the City and have received strong support from citizens.

The operation of these businesses has not resulted in any material adverse consequences to the City or any neighbors.

The Special Exception should be continued for an *indefinite* period.

III. Requirements to Extend PNC Status

Section 12.105 of the Zoning Ordinance provides the requirements for a Special Exception to extend PNC status and is reproduced below:

Section 12-105. - Special Exceptions To Extend PNC Status.

The ZBA may issue a special exception to extend or reinstate PNC status for any item, upon application by the owner or someone with a substantial interest in the affected property, if the ZBA finds: (i) a substantial investment was reasonably made in the PNC item, or in reliance upon it, and (ii) extension of PNC status is necessary to allow a reasonable period in which to amortize the investment, or to avoid unreasonable waste of any remaining value of the item with PNC status. An extension may be for a fixed term or for an indefinite period. This section applies both to PNC items losing status by lapse of time and to PNC items losing status for other reasons. A special exception may allow the rebuilding, remodeling or modest enlargement of a structure which would otherwise lose PNC status and may allow the continuation of PNC status.

IV. Analysis of Requirements

The following are the requirements for a Special Exception to extend PNC status and the arguments which justify the requested Special Exception:

1. Application by the Owner – T/H Land Holdings, Ltd. (Gregg and Lance Thompson) is the current owner of the site (see HCAD Record attached as Exhibit "D" and the Deed attached as Exhibit "E").
2. A substantial investment was recently made in the PNC item, or in reliance upon it – both Applicant and its Tenants (Texas Citizens Bank and Tiny Boxwoods Restaurant No. 5) rely upon the available parking in this area to support their businesses. Because this parking has been in existence as long as anyone can remember, the 2000 Special Exception was in place, and the businesses located at the site were supportive of the

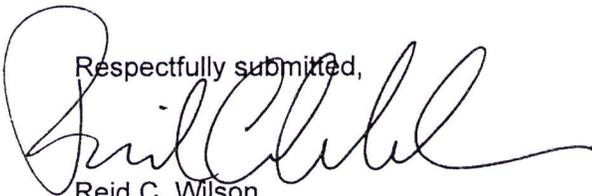
neighborhood, it was reasonable for Applicant to purchase the site (and the Tenants to lease portions of the site) with the expectation that the PNC status would be extended in the future. It was Applicant's judgment that the utility of the site for its zoned purpose (Single Family) was low considering its location near the West U Downtown, the adjacency of Poor Farm Ditch and the unusual shape of the property. All of these factors reasonably supported Applicant's judgment that the parking area would be made available to support the former JMH building in the future. Single family use on this site is not appropriate.

3. PNC status is necessary to allow a reasonable period in which to amortize the investment or to avoid unreasonable waste of any remaining value of the item with PNC status - The parking area is extremely valuable to facilitate the use of the entirety of the former JMH building. The physical improvements in the parking area are in excellent condition and have a substantial remaining economic and physical life. If PNC status is terminated, the area would have questionable value for single family use and the physical improvements would have no value.
4. The extension may be for a fixed term or for an indefinite period - The circumstances of the former JMH site will not change in the future; therefore, an extension for an *indefinite* period is requested, and is reasonable. The existent economic and physical life of the current structures is at least 50 years. The physical configuration of the PNC site will not change and is not well suited for its underlying zoned use as Single Family. The south portion of the former JMH building site is zoned Commercial and is reasonably expected to have demand for that use for an indefinite period, and since the PNC area provides a significant portion of the parking for the former JMH building, it is logical to request that the parking use be permitted for an indefinite period.

V. Request

Applicant respectfully requests that the PNC status granted by Decision to Grant a Special Exception dated September 20, 2000, be extended *indefinitely*.

Respectfully submitted,



Reid C. Wilson
Wilson, Cribbs & Goren, P.C.
Counsel for T/H Land Holdings Ltd.

Date: July 1, 2020

Exhibits:

- A- Ord. 517 from 1950 authorizing parking use
- B- 2000 ZBA Order approving PNC Status
- C- Site Plan
- D- HCAD Record for Site
- E- Deed to Site

EXHIBIT A

ORDINANCE NO. 517

AN ORDINANCE AMENDING ORDINANCE NO. 111 OF THE CITY OF WEST UNIVERSITY PLACE, TEXAS, BY AMENDING SECTION 4 THEREOF BY ADDING A NEW SUB-PARAGRAPH TO BE KNOWN AS NO. 10 PERMITTING THE USE AS A PARKING AREA OF A CERTAIN SPECIFIED PORTION OF THE SEVENTH SINGLE FAMILY DWELLING DISTRICT.

BE IT ORDAINED by the City Commission of the City of West University Place, Texas, that Section 4 of Ordinance No. 111 be amended by the insertion therein of a new sub-paragraph to be known as 10 which reads as follows:

Sub-paragraph 10. Parking lot on the following described property located in the Seventh Single Family Dwelling District:

Ninety-eight one-hundredths (.098) of an acre, more or less, out of that certain tract of land out of Lot No. Two (2) of the Morse Subdivision of the A. C. Reynolds Survey in Harris County, Texas, conveyed by Chas. A. Wood, et ux, to W. D. Haden and D. T. Austin by deed dated February 6, 1924, recorded in Volume 564, Page 219, of the Deed Records of Harris County, Texas, and described by metes and bounds as follows, to-wit:

BEGINNING at the intersection of the North property line of Rice Boulevard with the East property line of Edloe Street;

THENCE North along the East line of Edloe Street a Distance of One Hundred Twenty-four (124') feet to a point for a curve;

THENCE in a Northeasterly direction with a curve to the right, the radius of which is Two Hundred (200') feet, a distance of Two Hundred Nine and Forty-Four One Hundredths (209.44') feet to a point of reverse curve;

THENCE continuing in a Northeasterly direction with a curve to the left, the radius of which is One Hundred Thirty (130') feet, to a point for corner in the center of the drainage ditch; being the same drainage ditch that is provided for in that certain easement instrument bearing date June 20, 1924, W. D. Haden and D. T. Austin unto Harris County, recorded in Volume 1383, Page 320, Deed Records of Harris County, Texas; and the center line of said drainage ditch being also the East of boundary line of the property then owned by said Haden and Austin in said A. C. Reynolds Survey;

THENCE South along the center line of said drainage ditch and East of boundary line aforementioned, a distance of Three Hundred Fifty Nine and Eight-Tenths (359.8') feet to the North property line of said Rice Boulevard;

THENCE West along the North property line of said Rice Boulevard

a distance of One Hundred Fifty-Five (155') feet to the East line of said Edloe Street and point of beginning; containing Ninety-Eight One-Hundredths (.098) of an acre, more or less.

Less, however, that portion of the above tract lying South of a line One Hundred Fifty (150') feet North of and parallel to the North line of Rice Boulevard and cutting off the South One Hundred Fifty (150) feet of the tract above described; which South One Hundred Fifty (150') feet of said tract has heretofore been zoned by the City of West University Place for business use.

PASSED AND APPROVED this 22nd day of May, 1950, by a vote of 5 AYES and 0 NOES.


MAYOR, City of West University
Place, Texas

ATTEST:


City Secretary

EXHIBIT B



City of West University Place

ZONING BOARD OF ADJUSTMENT

City of West University Place, Texas ("City")

Recycled Paper

DECISION TO GRANT A SPECIAL EXCEPTION

Address of Site: 3636 Rice

Legal Description of Site: .98 acres out of Lot 2 of the Morse Subdivision of the A.C. Reynolds Survey, Harris County, Texas

Building Permit Number: Permittee/Applicant: Jody Haas

Decision or Action Requested or Proposed: A request for special exception for reinstatement of PNC status for the parking lot presently located in a Single Family District.

Notice, Hearing, Findings, Vote:

(X) Required notice given by: Mail and on-site posting in accordance with Article 11 by Ronald J. Wicker, Interim Planning and Development Asst. City of West University Place

(X) Required determinations have been made by the ZBA with respect to the special exception as granted below: The parking for the JMB property. It has existed as parking lot for over 50 years. The continued use as a parking lot will not cause a substantial adverse effect on other persons or the area.

() Additional Findings:

(X) Hearing held on: September 13, 2000

(X) The vote: Steve Mazoff, Mark Plagens, Michael Neal, Frank Billings and Steven Segal voted for, no one opposed.

Decision of the Zoning Board of Adjustment (subject to all applicable appeals): The ZBA approved the Special Exception for reinstatement of PNC status for a period of 20 years, with the stipulation that the parking lot could be used for the primary purpose of parking related to the business use located on the adjacent property to the south.

This special exception is for a 20 year time period. This special exception remains subject to the regulatory jurisdiction of the city, and it does not grant any property right or vested right of any kind.

Effective Date & Appeals: This decision takes effect on the date it is filed in the Board's office (c/o Secretary of the Zoning Board of Adjustment, 3800 University Boulevard, West University Place, Texas 77005) unless otherwise indicated above. Any appeals of this decision are subject to and governed by applicable ordinances and laws, including: the Zoning Ordinance and Chapter 211, Texas Local Government Code. Under chapter 211, petitions for judicial review must be presented within 10 days after the date this decision is filed in the Board's office.

By: [Signature] Chairperson, Zoning Board of Adjustment

Attest: [Signature] Staff Representative, City of West University Place

Filed in the Board's office on SEPT. 20, 2000 and copies mailed (see attached mailing list) on SEPT. 20, 2000. By: RONALD J. WICKER

EXHIBIT D

HARRIS COUNTY APPRAISAL DISTRICT
REAL PROPERTY ACCOUNT INFORMATION
0410170030050

Tax Year: 2020

 [Print](#)

Owner and Property Information										
Owner Name & Mailing Address: T H LAND HOLDINGS LTD 1400 ANDERSON ST BELLAIRE TX 77401-6098					Legal Description: TRS 15L & 15R ABST 61 A C REYNOLDS					
					Property Address: 3636 RICE BLVD HOUSTON TX 77005					
State Class Code	Land Use Code	Building Class	Total Units	Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map ^{1/2}
F1 -- Real, Commercial	8002 -- Land Neighborhood Section 2	E	0	42,366 SF	10,890	0	5905.03	5003 -- Inner Loop West	5255A	532B

Value Status Information			
Value Status	Notice Date	Hearing Status	Shared CAD
Noticed	4/3/2020	Protest Received	No

Exemptions and Jurisdictions						
Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2019 Rate	2020 Rate
None	001	HOUSTON ISD		Not Certified	1.136700	
	040	HARRIS COUNTY		Not Certified	0.407130	
	041	HARRIS CO FLOOD CNTRL		Not Certified	0.027920	
	042	PORT OF HOUSTON AUTHY		Not Certified	0.010740	
	043	HARRIS CO HOSP DIST		Not Certified	0.165910	
	044	HARRIS CO EDUC DEPT		Not Certified	0.005000	
	048	HOU COMMUNITY COLLEGE		Not Certified	0.100263	
	085	WEST UNIVERSITY PLACE		Not Certified	0.309210	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations					
Value as of January 1, 2019			Value as of January 1, 2020		
	Market	Appraised		Market	Appraised
Land	3,459,578		Land	3,459,578	
Improvement	340,422		Improvement	437,284	
Total	3,800,000	3,800,000	Total	3,896,862	3,896,862

Land												
Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	8002 -- Land Neighborhood Section 2	4347	SF	37,131	1.00	1.00	1.00	Corner or Alley	1.00	90.00	90.00	3,341,790.00
2	8002 -- Land Neighborhood Section 2	4347	SF	5,235	1.00	1.00	0.25	Restr or Non-Conf	0.25	90.00	22.50	117,788.00

Building							
Building	Year Built	Remodeled	Type	Style	Quality	Impr Sq Ft	Building Details
1	1960	2010	Supermarket	Market	Average	10,890	Displayed

Building Details (1)

Building Data		Building Areas	
Element	Detail	Description	Area
Cooling Type	Central / Forced		

Functional Utility	Avg/Normal
Heating Type	Hot Air
Partition Type	Normal
Physical Condition	Avg/Normal
Plumbing Type	Adequate
Sprinkler Type	None
Exterior Wall	Brick / Concr Block
Economic Obsolescence	Normal
Market Index Adjustment	100% No Mkt Index Adjustment
Element	Units
Wall Height	12
Interior Finish Percent	100

BASE AREA PRI	9,585
CNPY ROOF W/ SLAB -C	916
BASE AREA PRI	1,305

Extra Features

Line	Description	Quality	Condition	Units	Year Bult
1	Paving - Asphalt	Average	Average	13,000.00	1960
2	Paving - Heavy Concrete	Average	Average	6,900.00	1960
3	CANOPY ROOF AND SLAB	Average	Average	916.00	1960
4	CANOPY ROOF AND SLAB	Average	Average	176.00	1960

EXHIBIT E

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.

SPECIAL WARRANTY DEED WITH VENDOR'S LIEN

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF HARRIS §

THAT, RICE/EDLOE PARTNERS, LP, a Texas limited partnership (hereinafter called "Grantor"), for and in consideration of \$10.00, and other good and valuable consideration to Grantor in hand paid by T/H LAND HOLDINGS, LTD., a Texas limited partnership (hereinafter called "Grantee"), the receipt and sufficiency of which are hereby acknowledged, and the further consideration of the execution and delivery by Grantee of its \$3,000,000.00 Note (the "Note"), of even date herewith, payable to the order of Compass Bank ("Lender"), bearing interest at the rates therein specified and providing for acceleration of maturity in the event of default and for attorneys' fees, has GRANTED, SOLD and CONVEYED, and by these presents does GRANT, SELL and CONVEY unto the said Grantee, all that certain lot, tract or parcel of land, together with all improvements thereon, lying and being situated in the County of Harris and State of Texas described on Exhibit "A" attached hereto, together with all rights and appurtenances thereunto belonging or appertaining (hereinafter collectively referred to as the "Property"), and all rights, titles and interests of Grantor in and to any and all roads, easements, streets and ways within, adjacent or contiguous thereto.

This conveyance is subject to the valid and subsisting easements, restrictions, covenants, conditions and outstanding mineral and royalty interests affecting the Property and described on Exhibit "B" attached hereto.

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, its successors and assigns forever; and Grantor does hereby bind itself, its successors and assigns to WARRANT and FOREVER DEFEND, all and singular the Property unto the said Grantee, its successors and assigns, against every person

whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor, but not otherwise.

But it is expressly agreed that the vendor's lien, as well as the superior title in and to the Property is retained against the Property until the Note and all interest thereon is fully paid according to the face, tenor, effect and reading thereof, when this Deed shall become absolute.

Lender, at the instance and request of Grantee, has advanced and paid in cash to Grantor that portion of the purchase price of the Property as evidenced by the Note, and the vendor's lien, together with the superior title to the Property, is retained herein for the benefit of Lender, and the same are hereby transferred and assigned to Lender, without recourse on Grantor, and Lender, its heirs, executors, legal representatives, successors and assigns, shall have the right to release said vendor's lien upon the payment of the Note.

Grantee's address is:

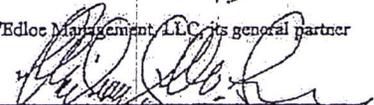
1400 Anderson Street
Belshire, Texas 77401
Attention: Gregg Thompson

Current taxes on the property have been prorated and the payment thereof is assumed by Grantee.

EXECUTED this 30th day of March, 2010.

RICE/EDLOE PARTNERS, LP

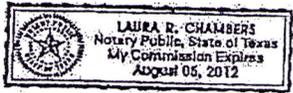
By: Rice/Edloe Management, LLC, its general partner

By: 

Name: Michael M. Edloe
Title: general partner

THE STATE OF TEXAS §
 §
COUNTY OF HARRIS §

This instrument was acknowledged before me, on this the 30th day of March, 2010, by Michael M. Freeman, General Partner of Rice/Edloe Management, LLC, general partner of RICE/EDLOE PARTNERS, LP, a Texas limited partnership, on behalf of said limited partnership.



Laura R. Chambers
Notary Public

Laura R. Chambers
Printed Name or Notary

My Commission Expires: 8-5-12

Escrow File No.: 10000820

EXHIBIT "A"

LEGAL DESCRIPTION

THAT CERTAIN TRACT OR PARCEL OF LAND BEING 0.9726 ACRE (CALL 0.98) OUT OF THE A.C. REYNOLDS SURVEY, ABSTRACT NO. 61, HARRIS COUNTY, TEXAS, BEING THAT SAME 0.9726 ACRE TRACT CONVEYED TO RICE/EDLOE PARTNERS, L.P. IN INSTRUMENTS FILED FOR RECORD UNDER COUNTY CLERK'S FILE NO. X-759718 IN THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT AN "X" FOUND CUT IN CONCRETE AT THE INTERSECTION OF THE NORTH RIGHT-OF-WAY LINE OF RICE BOULEVARD (60' R.O.W.) AND THE EAST RIGHT-OF-WAY LINE OF EDLOE STREET (60' R.O.W.):

THENCE, NORTH ALONG THE EAST LINE OF EDLOE STREET, A DISTANCE OF 124.00 FEET TO AN "X" FOUND CUT IN CONCRETE FOR A POINT OF CURVE TO THE RIGHT;

THENCE, IN A NORTHEASTERLY DIRECTION WITH SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, AN ARC LENGTH OF 209.44 FEET TO A 1/2 INCH IRON ROD WITH CAP FOUND FOR A POINT OF REVERSE CURVE;

THENCE, IN A NORTHEASTERLY DIRECTION WITH A CURVE TO THE LEFT, HAVING A RADIUS OF 130.00 FEET, AN ARC LENGTH OF 84.81 FEET TO A POINT IN THE CENTERLINE OF A HARRIS COUNTY FLOOD CONTROL DISTRICT DRAINAGE EASEMENT;

THENCE, SOUTH ALONG THE CENTERLINE OF SAID HARRIS COUNTY FLOOD CONTROL DISTRICT DRAINAGE EASEMENT, A DISTANCE OF 359.80 FEET TO A POINT IN THE CENTERLINE OF A HARRIS COUNTY FLOOD CONTROL DISTRICT DRAINAGE EASEMENT AND IN THE NORTH RIGHT-OF-WAY OF RICE BOULEVARD;

THENCE, WEST ALONG THE NORTH LINE OF SAID RICE BOULEVARD, A DISTANCE OF 155.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.9726 ACRE OF LAND.



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

Address of site: 3636 Rice Avenue

Legal description of the site: 0.98 acres out of Lot 2 of the Morse Subdivision of the A.C. Reynolds Survey, Harris County, Texas

Applicant: T/H Land Holdings Ltd.

Address: 1301 N. First Street, Bellaire, Texas 77401

Contact: Gregg Thompson

Phone: 713-839-7056

Fax:

Email:
gregg@thompsonhanson.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 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:

(X) **Special Exception.**

- Exact zoning ordinance section that authorizes the special exception: Section 12.105
- Exact wording of special exception requested: The ZBA approves the extension of PNC Status indefinitely for the use of the area for the primary purpose of parking related to the business uses located on the adjacent property to the south (the former JMH Building).

() **Variance.**

- Exact zoning ordinance section from which a variance is requested:
- Exact wording of variance requested:

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

See attached Addendum

Attached. The applicant has read the State and City regulations attached.

Signature of applicant: _____ Date: _____

For Staff Use only Date filed: _____ Date heard: _____ Docket#: _____



The City of West University Place
A Neighborhood City

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 **6:30 p.m. on Thursday, July 23, 2020**. The hearing may be recessed and continued to a ZBA meeting set to begin at **6:30 p.m. on Thursday, August 27, 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: 3636 Rice Blvd, Houston, TX 77005

Legal Description: .98 acres more or less, out of Lot No. 2 of the Morse Subdivision of the A.C. Reynolds Survey, Harris County, Texas

Docket Number: 2020-0009

Applicant: T.H Land Holdings Ltd.

Action Requested: Request Special Exception for extension of PNC Status indefinitely for the use of the area for the primary purpose of parking related to the business uses located on the adjacent property to the south (the former JMH Building).

Additional Details: The zoning of the site is split between Commercial (Town Center Commercial) and Single Family (SF-3). Originally this site was the location of JMH Grocery developed in the 1940's and parking was authorized by Ordinance 517. West University Zoning was comprehensively redrafted in 1986 and parking use became PNC (prior non-conforming).

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. 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 July 13, 2020.

cchew@westutx.gov 713-662-5830



TH LAND HOLDING LTD
1400 ANDERSON ST
(C/O 3636 RICE BLVD)
BELLAIRE TX 7701-6098

3702 GEORGETOWN LLC
4906 BELLVIEW ST
(C/O 3702 GEORGETOWN ST)
BELLAIRE TX 77401-5308

BLEVINS JASON & KASINA
2606 WERLEIN ST
(C/O 3710 GEORGETOWN ST)
HOUSTON TX 77005-3958

SEDGWICK EMILY & AGULAR DAVID
3716 GEORGETOWN ST
HOUSTON TX 77005-2822

MCGUFFEE JOHN C & ELIZABETH
3718 GEORGETOWN ST
HOUSTON TX 77005-2822

CURRENT OWNER
3722 GARNET ST
(C/O 3722 GEORGETOWN ST)
HOUSTON TX 77005-3716

CALLAGHAN TIM & MARY
3715 GEORGETOWN ST
HOUSTON TX 77005-2821

ROSEN LEWIS S & FREDELL P
1515 DRIFTWOOD LN
(C/O 3719 GEORGETOWN ST)
GALVESTON TX 77551

DEBUSK PATRICK A & MARTHA S
3727 GEORGETOWN ST
(C/O 3723 GEORGETOWN ST)
HOUSTON TX 77005-2821

DEBUSK PATRICK A & MARTHA S
3727 GEORGETOWN ST
HOUSTON TX 77005-2821

CURRENT OWNER
3700 RICE BLVD
HOUSTON TX 77005-2824

CURRENT OWNER
3708 RICE BLVD
HOUSTON TX 77005-2824

MCCANDLESS S R JR
3712 RICE BLVD
HOUSTON TX 77005-2824

SPARKMAN MICHAEL D
3716 RICE BLVD
HOUSTON TX 77005-2824

MAY WILLIAM A
3701 RICE BLVD
HOUSTON TX 77005-2823

TEAS DISHONGH DIANN
3707 RICE BLVD
HOUSTON TX 77005-2823

GRAHAM P III
3711 RICE BLVD
HOUSTON TX 77005-2823

ALLUMS JAYNE B
3715 RICE BLVD
HOUSTON TX 77005-2823

DUDEK RICHARD E
3701 PLUMB ST
HOUSTON TX 77005-2809

MANAL NABEEL & HUMA V
3705 PLUMB ST
HOUSTON TX 77005

WHITMER ARTHUR
3709 PLUMB ST
HOUSTON TX 77005-2809

HILCORP REALTY LLC
PO BOX 1308
(C/O 3713 PLUMB ST)
HOUSTON TX 77251-1308

BERRY JAMES E & JANIS
3609 PLUMB ST
HOUSTON TX 77005-2929

HANKAMER RICHARD A
3613 PLUMB ST
HOUSTON TX 77005-2929

ZIVLEY BRUCE & JILL
3619 PLUMB ST
HOUSTON TX 77005-2929

PADUA EMILY LYNN
3606 GEORGETOWN ST
HOUSTON TX 77005-2913

SHU TUNG & TAI PEI-CHING
3610 GEORGETOWN ST
HOUSTON TX 77005-2913

CURRENT OWNER
3620 GEORGETOWN ST
(C/O 3614 GEORGETOWN ST)
HOUSTON TX 77005-2913

CURRENT OWNER
3620 GEORGETOWN ST
HOUSTON TX 77005-2913

SIEBER ANN W & JOHN G
3621 GEORGETOWN ST
HOUSTON TX 77005-2913

SHARIFI NEDA & SABZEVARI AMIR
2619 GEORGETOWN ST
HOUSTON TX 77005-2913

BRACHT GERALD L
3615 GEORGETOWN ST
HOUSTON TX 77005-2913

FIELD THOMAS G IV & CAROLINE C
3605 GEORGETOWN ST
(C/O 3611 GEORGETOWN ST)
HOUSTON TX 77005-2913

FIELD THOMAS G IV & CAROLINE C
3605 GEORGETOWN ST
HOUSTON TX 77005-2913

CURRENT OWNER
3624 RICE BLVD
HOUSTON TX 77005-2940

SALCEDO CONRADO C & MILA M
3620 RICE BLVD
HOUSTON TX 77005-2940

BERQUIST PHILIP J & POWELL LISA A
3610 RICE BLVD
HOUSTON TX 77005-2940

STARR CHRISTOPHER B & PEASE
KATHLEEN J
3606 RICE BLVD
HOUSTON TX 77005-2940

KOEN BLAKE & TRACIE
3617 RICE BLVD
HOUSTON TX 77005-2939

OWEN PATRICIA
3615 RICE BLVD
HOUSTON TX 77005-2939

CURRENT OWNER
3609 RICE BLVD
HOUSTON TX 77005-2939

MC CARY STEPHEN P & DEANNA
3605 RICE BLVD
HOUSTON TX 77005-2939

LUTHER SCOT J & HASSENHLU ALAN
4500 BISSONNET ST STE 300
(C/O 6115 EDLOE ST)
BELLAIRE TX 77401-3123

WEST U TOWN ASSOCIATES LP
%DIANA SEAL (C/O 3633 RICE)
15 20TH ST S STE 501
BIRMINGHAM AL 35233-2000

AGENDA

ITEM

#5



The City of West University Place
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ZONING BOARD OF ADJUSTMENT
MUNICIPAL BUILDING
3800 UNIVERSITY BOULEVARD
TELECONFERENCE MEETING MINUTES
June 25, 2020
5:30 pm

I.	MEMBERS PRESENT:	Steven Segal (voting), Neil Martin (voting), Donald Yurewicz (voting), Janet Parisi (voting) Jay Cohen (voting), John Brett, Sergio Amelio and Brennan Reilly
II.	MEMBERS ABSENT:	Edward Nikonowicz
III.	STAFF PRESENT:	Zack Petrov, Legal Counsel, Clay Chew, Building Official and Josie M. Hayes, Administrative Coordinator
IV.	CALL TO ORDER:	5:34 p.m.

Agenda Item	Discussion	Action
1 Call the meeting to order. Notices, Rules, Etc.	Steven Segal called the meeting to order at 5:34 p.m. Steven Segal asked each member to briefly introduce themselves. Josie M. Hayes stated the alternate voting member would be Jay Cohen. 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.	Neil Martin moved to accept that all notices were properly posted and distributed for this meeting. Second by Janet Parisi. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Janet Paris and Jay Cohen. Motion Carried (5-0). Steven Segal administered the oath to all witnesses.
2 Docket No. 2020-0002, regarding property at 6429 Virginia Ct/6430 Mercer St., West University Place, Texas 77005 (Special Exception) a. Matters regarding a request to present additional information for 1) a special exception to allow a front facing garage to be at the front building	The applicant in Docket 2020-0002, 6429 Virginia Ct./6430 Mercer St. is requesting a special exception to 1) build a garage accessory building which would contain more than 600 square feet of non-garage space, 2) place a front facing garage at the front building line instead of 10 feet back from the front building line and 3) retain a driveway that does not connect to a garage. Additional evidence was presented to ZBA	After the applicant provided additional information, Janet Parisi made a motion to rehear the agenda item for the special exceptions and close the deliberation portion of the hearing. Second by Donald Yurewicz. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion carried (5-0). After deliberation, Steven Segal made a motion to approve the special exception request to Section 7-101, Table 7-4a as





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<p>line, 2) allow more than 600 square feet of non-garage space and 3) a driveway which does not connect to garage space.</p> <p>b. Deliberation, decisions, other action, etc. regarding the preceding matters.</p>	<p>members.</p> <p>Staff received one correspondence email against the application (with seven signatures from surrounding neighbors) and one in favor to 1) allow more than 600 square feet of non-garage space as long as the third garage door is replaced by two windows and 2) a driveway to which does not connect to garage space, but opposed to 3) allowing a front facing garage to be at the front building line.</p> <p>There was one citizen speaking in favor of the application: Jennifer Weston, 3615 Carnegie St. and two speaking against: MaryJo Cantu, 6336 Sewanee St. and Jim Moskowsky, 6425 Mercer St.</p> <p><u>Background Information:</u> The original plan was to build a primary structure at 6430 Mercer St. with a four car garage which is not allowed based on the size of the property (Table 7-4a Garage Space). The applicant decided to join 6430 Mercer St. and 6429 Virginia Ct. which would provide enough lot square footage for a four car garage. This would make it a garage accessory structure which is limited to 600 square feet of non-garage space. The existing garage at 6429 Virginia Ct. will be demolished but the applicant has requested that the driveway remain as is.</p>	<p>authorized by Note 1 to allow a front facing garage to be at the front building line. Second by Janet Parisi. AYES: None. NOES: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion failed (0-5). Steven Segal made a motion to approve the special exception request to Section 7-101, Table 7-4a as authorized by Note 1 to allow more than 600 square feet of non-garage space. Second by Janet Parisi. AYES: None. NOES: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion failed (0-5). Steven Segal made a motion to approve the special exception request to Section 7-101, Table 7-5a, Note 6 to allow a driveway which does not connect to garage space. Second by Janet Parisi. AYES: None. NOES: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion failed (0-5).</p>
<p>3 Docket No. 2020-0004, regarding property at 3782 Georgetown St., West University Place, Texas 77005 (Special Exception)</p> <p>a. Public hearing regarding a request for a special exception to allow a curb cut for a circular driveway to be on a side street instead of both curb cuts on the front street line.</p>	<p>The applicant in Docket 2020-0004, is requesting a special exception as authorized by Table 7-5a, entitled "Parking, driveways, etc." Table 7-5a establishes the maximum number of curb cuts allowed per building site in a single-family district. The applicant is requesting a special exception as authorized in Note 5 to Table 7-5a to allow a total of two curb cuts on the building site.</p> <p>Staff did not receive correspondence letters in favor or against the application.</p>	<p>Motion to close the deliberation of the hearing was made by Janet Parisi. Second by Jay Cohen. AYES: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion carried (5-0).</p> <p>After deliberation Janet Parisi made a motion to approve the special exception to Table 7-5a, Note 5 Parking, driveways, etc., Note 5 to allow a total of two curb cuts on a building site. Second by Donald Yurewicz. AYES: Donald Yurewicz. NOES: Steven Segal, Neil Martin, Janet</p>





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<p>b. Deliberation, decisions, other action, etc. regarding the preceding matters.</p>	<p>Background Information: The property at 3782 Georgetown St. is located in a SF-3 zoning districts at the northeast corner of Georgetown St. and Auden St. The applicant is seeking a special exception to construct a semi-circular driveway with one curb cut on Georgetown St. and one on Auden St.</p> <p>Staff Response: Table 7-5a limits the number of curb cuts to one per building site in a single family district. There is an exception that authorizes additional curb cuts of which can be a semi-circular driveway that meets the minimum requirements of Chapter 70, "Street Areas and Public Spaces", specifically Section 70-27 regarding curb cuts and driveways. Section 70-27 requires that the curb cuts be located along the front street line for a semi-circular driveway. The driveway configuration complies with all of the other requirements. 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. The burden is on the applicant to present evidence to the ZBA to support each finding and determination required for the issuance of this special exception. If the ZBA grants the special exception, they can attach conditions.</p>	<p>Parisi and Jay Cohen. Motion failed (1-4).</p>
<p>4 Meeting Minutes</p>	<p>Approval of meeting minutes from May 28, 2020.</p>	<p>Steven Segal moved to approve the May 28, 2020 minutes. Second by Janet Parisi. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion carried.</p>
<p>Adjournment.</p>	<p>The meeting was adjourned at 7:08 p.m.</p>	<p>Steven Segal moved to adjourn the meeting. Second by Janet Parisi. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Janet Parisi and Jay Cohen. Motion Carried.</p>





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APPROVED THIS _____ DAY OF _____ 2020.

Presiding Officer

ATTEST: _____
Josie M. Hayes, Administrator Coordinator

