



CITY OF FULSHEAR

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30603 FM 1093 WEST/ PO BOX 279 ~ FULSHEAR, TEXAS 77441

PHONE: 281-346-1796 ~ FAX: 281-346-2556

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MEMBER- GREG SHAW
MEMBER- BRYAN THOMAS

ZONING BOARD OF ADJUSTMENT:

MEMBER- PAT MOLLERE
MEMBER- GENE MORGAN

MEMBER- DAWN MCREA

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

ZONING BOARD OF ADJUSTMENT MEETING MINUTES January 8, 2021

<https://global.gotomeeting.com/join/573579909>

1. CALL TO ORDER

This meeting of the Zoning Board of Adjustment was called to order by Bryan Thomas at 11:01 a.m. on Friday, January 08, 2021 via videoconference.

2. QUORUM

A quorum was present.

Members Present:

Bryan Thomas

Greg Shaw

Pat Mollere

Gene Morgan

Dawn Mcrea

City Staff:

Kimberly Kopecky
Mariela Rodriguez
Byron Brown
Zach Goodlander
Rodrigo Rodriguez

Others Present:

Kaye Kahlich
Razeeb Momin
Cammile Adams
Alex Beilhart
Aaron Groff
Luis Esqueda
Amir Haghighi

3. CITIZEN COMMENTS

There were no citizen comments.

4. CONSIDERATION AND POSSIBLE ACTION TO SELECT A CHAIR AND CO-CHAIR OF THE ZONING BOARD OF ADJUSTMENT

A motion was made by ZBA member Mollere to appoint Bryan Thomas as Chairman. It was seconded by ZBA member Shaw. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

A motion was made by ZBA member Shaw to appoint Gene Morgan to co-chair. It was seconded by ZBA member Mollere. The motion was carried by the following (roll call) vote:

Ayes: Greg Shaw

*Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

5. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM MEETING HELD ON SEPTEMBER 18, 2020

A motion was made by ZBA member Morgan to approve minutes from the meeting held on September 18, 2020. It was seconded by ZBA member Shaw. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

6. VARIANCE REQUEST BY CAMMILE ADAMS/SAFE SPLASH SWIM SCHOOL

A. Call Hearing to Order

Chairman Thomas called the hearing to order at 11:14 a.m.

- B.** The City of Fulshear Zoning Board of Adjustment will hold a public hearing by videoconference on January 8, 2021 at 11 a.m. to hear the application of Cammile Adams, of Safe Splash Swim School, requesting a variance to the Code of Ordinances, City of Fulshear, Chapter 28 -Signs, Section 28-4 Design, construction and maintenance of signs by district, (b) Façade and Wall Signs or former sign ordinance in effect when the controlling development agreement was executed, Ordinance 06-939A. The business property known as, "Safe Splash Swim School", is a leased space or suite located in the Commercial Reserves at FM 1463, Unrestricted Reserve "C", and the property is generally located Southwest of the intersection of FM 1463 and Corbitt Road, the street address is: 4030 FM 1463 Rd, Suite 107, Fulshear, Texas, 77494. The application requesting a variance may be inspected at the Development Services Department located at 29255 FM 1093, #12C, Fulshear, Texas 77441 during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application.

C. Applicant Presentation

The applicant (Cammile Adams) spoke and answered questions regarding the sign variance for Safe Splash Swim School.

D. Staff Report

Zach Goodlander gave staff report. Staff has no objections and recommends granting the variance. Ms. Adams explained the hardship for this variance.

E. Persons wishing to speak for or against the proposed request

Kaye Kahlich explained other sign variance requests have not been granted and she believes that once one sign is allowed then everyone else will do the same.

F. Staff / Board / Applicant discussion

ZBA members asked questions regarding the hardship regular sign would cause the business, the size of the current banner that is posted on the building. Zach Goodlander informed ZBA members that the building is in the corner of the shopping center and has a curved wall.

G. Adjournment of Hearing

A motion was made by ZBA member Mollere to adjourn the hearing. It was seconded by ZBA member Shaw. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcrea
Gene Morgan
Bryan Thomas*

Nays: None

Chairman Thomas adjourned the hearing at 11:24 a.m.

7. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY CAMMILE ADAMS/SAFE SPLASH SWIM SCHOOL

A motion was made by ZBA member Shaw to approve the variance request by Cammile Adams for the Safe Splash Swim School. It was seconded by ZBA member Morgan. The motion was carried by the following (roll call) vote:

Ayes: Dawn Mcrea

*Nays: Greg Shaw
Pat Mollere
Bryan Thomas
Gene Morgan*

Motion Failed

8. VARIANCE REQUEST BY AMIR HAGHIGHI/JEREMIAH'S ITALIAN ICE

A. Call Hearing to Order

Chairman Thomas called the hearing to order at 11:34 a.m.

- B.** The City of Fulshear Zoning Board of Adjustment will hold a public hearing by videoconference on January 8, 2021 at 11 a.m. to hear the application of Amir Haghighi, of Jeremiah's Italian Ice, requesting a variance to the Code of Ordinances, City of Fulshear, Chapter 28 -Signs, Section 28-4 Design, construction and maintenance of signs by district, (b) Façade and Wall Signs or former sign ordinance in effect when the controlling development agreement was executed, Ordinance 06-939A. The business property known as, "Jeremiah's Italian Ice", is a leased space or suite located in the Commercial Reserves at FM 1463, Unrestricted Reserve "C", and the property is generally located Southwest of the intersection of FM 1463 and Corbitt Road, the street address is: 4030 FM 1463 Rd, Suite 101, Fulshear, Texas, 77494. The application requesting a variance may be inspected at the Development Services Department located at 29255 FM 1093, #12C, Fulshear, Texas 77441 during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application.

C. Applicant Presentation

Luis Esqueda spoke and answered questions regarding the sign variance for the blade sign and menu board. Mr. Esqueda explained how the positioning of the menu board will affect the flow of traffic as customers will not be able to see the menu if it is placed on the wall which will also cause the drive thru to fall behind.

D. Staff Report

Zach Goodlander gave the staff report and stated they have no objections against the blade sign but recommend denial for the menu board.

E. Persons wishing to speak for or against the proposed request

No one wished to speak for or against the proposed request.

F. Staff / Board / Applicant discussion

ZBA members discussed and asked questions that were answered by the applicant, Byron Brown, and Zach Goodlander.

G. Adjournment of Hearing

A motion was made by ZBA member Shaw to adjourn the hearing. It was seconded by ZBA member Mollere. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

9. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY AMIR HAGHIGHI/ JEREMIAH'S ITALIAN ICE

A motion was made by ZBA member Shaw to deny the variance requested by Amir Haghghi for the blade sign. It was seconded by ZBA member Mollere. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

A motion was made by ZBA member Mollere to grant the variance requested by Amir Haghghi for the ancillary sign on the wall at 24 sq. ft. It was seconded by ZBA member Mcrea. The motion was carried by the following (roll call) Vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcrea
Gene Morgan
Bryan Thomas*

Nays: None

10. VARIANCE REQUEST BY SEREEN KHALIFEH/COUNTRY MART

A. Call Hearing to Order

Chairman Thomas called the hearing to order at 12.:06 p.m.

- B.** The City of Fulshear Zoning Board of Adjustment will hold a public hearing by videoconference on January 8, 2021 at 11 a.m. to hear the application of Sereen Khalifeh, of Country Mart, requesting a variance to the Coordinated Development Ordinance, City of Fulshear, Section/Table 28-2-13-1 Building Standards, and Section 28-3-8 Downtown District and 28-3-8 (E)(2) Downtown, Parking, Off-Street, Section 28-3-33 and Table 28-3-33-1 Signs Requiring a Permit. The property is a gas station known as “Country Mart”, located at Fulshear Block 3, Lot 1, 2 & 3 is generally located northwest of the intersection of FM 359 and FM 1093, the street address is: 8526 FM 359, Fulshear Texas 77441. The application requesting a variance may be inspected at the Development Services Department located at 29255 FM 1093, #12C, Fulshear, Texas 77441 during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application.

C. Applicant Presentation

Razeeb Momin representing the Country Mart wants to redevelop the site offset 18ft off FM 359 to allow for walking and parking. He stated that he filed a sign variance because he would like to tear down the current sign and rebuild it the same size just a new look to fit the look of the new building.

D. Staff Report

Zach Goodlander stated monument signs are prohibited in the downtown district so Mr. Momin cannot seek a variance for this. He stated staff has no objections with the request for parking in the rear of the building and the setbacks.

E. Persons wishing to speak for or against the proposed request
No one wished to speak.

F. Staff / Board / Applicant discussion

ZBA members asked questions that were answered by the applicant and staff.

G. Adjournment of Hearing

A motion was made by ZBA member Shaw to adjourn the hearing. It was seconded by ZBA member Mollere. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

Chairman Thomas closed the hearing at 12:20 p.m.

**11. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY
SEREEN KHALIFEH/COUNTRY MART**

A motion was made by ZBA member Mollere to deny the request for the variance for the monument sign. It was seconded by ZBA member Shaw. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcree
Gene Morgan
Bryan Thomas*

Nays: None

A motion was made by ZBA member Shaw to approve the parking variance. It was seconded by ZBA member Mollere. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcrea
Gene Morgan
Bryan Thomas*

Nays: None

A motion was made by ZBA member Mollere to approve the setback to 18ft. It was seconded by ZBA member Morgan. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcrea
Gene Morgan
Bryan Thomas*

Nays: None

12. ADJOURNMENT

A motion was made by ZBA member Morgan to adjourn. It was seconded by ZBA member Shaw. The motion was carried by the following (roll call) vote:

*Ayes: Greg Shaw
Pat Mollere
Dawn Mcrea
Gene Morgan
Bryan Thomas*

Nays: None

Chairman Thomas adjourned the meeting at 12:30 p.m.