



CITY OF FULSHEAR

“FIND YOUR FUTURE IN FULSHEAR”

29255 FM 1093 ROAD #12B/ PO Box 279 ~ FULSHEAR, TEXAS 77441

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CHAIR- BRYAN THOMAS
MEMBER- GREG SHAW

ZONING BOARD OF ADJUSTMENT:

CO-CHAIR- GENE MORGAN
MEMBER- PAT MOLLERE

MEMBER- DAWN MCREA

STAFF:

CITY MANAGER: Jack Harper

CITY SECRETARY: Kimberly Kopecky

CITY ATTORNEY: J. Grady Randle

ZONING BOARD OF ADJUSTMENT MEETING AGENDA August 20, 2021

1. CALL TO ORDER

This meeting of the Zoning Board of Adjustment was called to order by Chairman Thomas at 10:00 a.m. on Thursday, August 20, 2021, at the Irene stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441.

2. QUORUM

A quorum was present.

Members Present:

*Bryan Thomas
Gene Morgan
Greg Shaw
Pat Mollere*

Members Absent:

Dawn Mcrea

City Staff:

*Kimberly Kopecky
Mariela Rodriguez*

*Rodrigo Rodriguez
Byron Brown
Zach Goodlander
Jesus Escobar*

Others Present:

*Kim Stacy
James A. Flores
Sue Davis
Van Davis*

3. CITIZEN COMMENTS

There were no citizen comments.

4. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM MEETING HELD ON JANUARY 8, 2021

A motion was made by ZBA member Shaw to approve minutes from the meeting held on January 8, 2021. It was seconded by ZBA member Mollere. The motion was carried by the following vote:

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

Nays:

Absent: Dawn Mcree

5. VARIANCE REQUEST BY JAMES AND CATHY FLORES/4614 PENN LANE

A. Call Hearing to Order

Chairman Thomas called the hearing to order at 10:02a.m.

B. The City of Fulshear Zoning Board of Adjustment will hold one public hearings on August 20, 2021.

PUBLIC HEARING

The City of Fulshear Zoning Board of Adjustment will hold a public hearing on August 20, 2021; The public hearing will take place at 10 a.m. at the Irene Stern Community Center, 6920 Katy Fulshear Road, Fulshear, Texas 77441 to hear the application of James and Cathy Flores, requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2: Zoning Districts, Section 28-2-5 Estate Residential, Table 28-2-5-1 of the Fulshear Coordinated Development Ordinance. The 1.05-acre property is located on Lot 41 of Section 23 of the Rand and Penn Plat, and more precisely located at 4614 Penn Lane. The application may be inspected at the Development Services Department during regular business hours. Interested parties may appear at the public hearing and be heard with respect to the application. For more information regarding this request contact Rodrigo Rodriguez, City of Fulshear, 281-346-8860.

C. Applicant Presentation

James Flores explained the purchase and plans for his house. He explained the setbacks and his request as well as, answered questions from the ZBA members.

D. Staff Report

Zach Goodlander explained the requirements. He stated the property was located at the NE corner of Bois D' Arc and Penn Ln. Zach explained this property was grandfathered in and required a set back variance for the rear and side of the garage.

Per Zach, staff has no objections.

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

Sue Davis asked if there was a plat required to build.

Kim Stacey, resident of Terry Ln., stated her concern is the line of sight but she supports this unique situation.

Joel Patterson asked what the hardship would be should this variance get declined.

F. Staff / Board / Applicant discussion

Mr. Flores explained he wasn't sure what the hardship would be.

Zach Goodlander explained that in the CDO pg. 235 under Variance Permit Criteria, number one is listed as special circumstances that exist. He explained that this is a one-acre property and most of the rest of the district are two acres.

G. Adjournment of Hearing

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

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

Nays:

Absent: Dawn Mcrea

Chairman Thomas closed the hearing at 10:23a.m.

5. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY JAMES AND CATHY FLORES/4614 PENN LANE

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

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

Nays:

Absent: Dawn Mcrea

6. DISCUSSION WITH CITY ATTORNEY REGARDING H.B. 1475 AND ITS EFFECTS UPON FUTURE CONSIDERATION OF VARIANCE REQUESTS

Byron Brown the City Attorney spoke regarding H.B. 1475 and informed the ZBA members that it takes effect on September 01, 2021.

He stated that this bill defines the criteria for variance hardship (related to structure) :

- 1. Financial cost of appraised value*
- 2. Consider area of lot that can be built on*
- 3. Comply with zoning ordinance means you can't comply with other regulations*
- 4. Complying with the revelation with unreasonable encroachment on another property or easement*
- 5. If the city considers the structure to be non-conforming*

7. DISCUSSION WITH CITY ATTORNEY REGARDING ROLES AND RESPONSIBILITIES OF THE ZONING BOARD OF ADJUSTMENT

Byron Brown explained the Zoning Board of Adjustment is authorized to do the following:

- 1. Deny the variance*
- 2. Approve special exceptions*
- 3. Appeal of administering decisions*

8. ADJOURNMENT

A motion was made by ZBA member Mollere to adjourn. It was seconded by ZBA member Morgan. The motion was carried by the following vote:

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

Nays:

Absent: Dawn Mcree

Chairman Thomas adjourned the meeting at 10:38 a.m.