



*"FIND YOUR FUTURE IN FULSHEAR"*

6611 W. CROSS CREEK BEND LANE ~ FULSHEAR, TEXAS 77441

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

[WWW.FULSHEARTEXAS.GOV](http://WWW.FULSHEARTEXAS.GOV)

MEMBER- BRYAN THOMAS  
MEMBER-KAYE KAHLILCH

**ZONING BOARD OF ADJUSTMENT:**  
MEMBER- CHRISTOPHER LUBEROFF  
MEMBER- PAT MOLLERE

MEMBER- ANGELA PETERS

CITY MANAGER: Jack Harper

**STAFF:**  
CITY SECRETARY: Mariela Rodriguez

CITY ATTORNEY: Byron Brown

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## ZONING BOARD OF ADJUSTMENT MEETING AGENDA SEPTEMBER 21, 2023

**NOTICE IS HEREBY GIVEN OF A MEETING OF THE ZONING BOARD OF ADJUSTMENT OF THE CITY OF FULSHEAR ON THURSDAY, SEPTEMBER 21, 2023, AT 10:00 A.M. AT THE CITY OF FULSHEAR MUNICIPAL COMPLEX, 6611 WEST CROSS CREEK BEND LANE, FULSHEAR, TEXAS, FOR THE PURPOSE OF CONSIDERING THE FOLLOWING ITEMS.**

"Incidental Meeting Notice: A quorum of the City of Fulshear City Council, Planning & Zoning Commission, City of Fulshear Development Corporation (Type A), Fulshear Development Corporation (Type B), Parks & Recreation Commission, Historic Preservation & Museum Commission, Zoning Board of Adjustment, Charter Review Commission, or any or all of these, may be in attendance at the meeting specified in the foregoing notice, which attendance may constitute a meeting of such governmental body or bodies as defined by the Texas Open Meetings Act, Chapter 551, Texas Government Code. Therefore, in addition to the foregoing notice, notice is hereby given of a meeting of each of the above-named governmental bodies, the date, hour, place, and subject of which is the same as specified in the foregoing notice."

1. CALL TO ORDER
2. QUORUM
3. CITIZEN COMMENTS

**4. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM MEETING HELD ON JUNE 1, 2023.**

**5. VARIANCE REQUEST BY CHRISTOPHER LUBEROFF/6102 PEPPER TRAIL LANE**

A. Call Hearing to Order

B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on September 21, 2023, at 10 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Christopher Luberoff, requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2 Zoning Districts, Sec 28-2-8 Semi-Urban Residential, Table 28-2-8-1 of the Fulshear Coordinated Development Ordinance. The subject property is located within Creekside at Cross Creek Ranch Sec 10, Block 2, Lot 5 Fort Bend County, Texas and more precisely located at 6102 Pepper Trail Lane, Fulshear, Texas 77441. The application may be inspected at the Planning 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

D. Staff Report

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

F. Staff / Board / Applicant discussion

G. Adjournment of Hearing

**6. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY CHRISTOPHER LUBEROFF/6102 PEPPER TRAIL LANE**

**7. VARIANCE REQUEST BY GINEVRA FONT/28840 FM 1093 ROAD**

A. Call Hearing to Order

B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on September 21, 2023, at 10 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Ginevra Font, requesting a variance to Article III: Site Development, Division III-3: Buffering, Landscaping, and Screening, Sec 28-3-25(C)(3) Parking Lot Screening of the Fulshear Coordinated Development Ordinance. The subject 1.880-acre tract is located within the Enoch Latham Jr. Survey, A-50 City of Fulshear Fort Bend County, Texas and more precisely located at 28840 FM 1093 Road, Fulshear, Texas 77441. The application may be inspected at the Planning 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
- D. Staff Report
- E. Persons wishing to speak for or against the proposed request
- F. Staff / Board / Applicant discussion
- G. Adjournment of Hearing

**8. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY GINEVRA FONT/28840 FM 1093 ROAD**

**9. VARIANCE REQUEST BY PATRICK SOWINSKI/THRIVE CHURCH**

- A. Call Hearing to Order
- B. The City of Fulshear Zoning Board of Adjustment will hold a public hearing on September 21, 2023, at 10 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Patrick Sowinski, requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2 Zoning Districts, Sec 28-2-14 General Commercial, Table 28-2-14-1 and Table 28-2-14-2 of the Fulshear Coordinated Development Ordinance. The approximately 6-acre tract of land is generally located along Wallis Street and within the Thrive Church Fulshear Subdivision, just south of the Texana Café located at 7440 FM 359 Road, Fulshear, Texas 77441. The application may be inspected at the Planning 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
- D. Staff Report
- E. Persons wishing to speak for or against the proposed request
- F. Staff / Board / Applicant discussion
- G. Adjournment of Hearing

**10. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY PATRICK SOWINSKI/THRIVE CHURCH**

**11. ADJOURNMENT**

*Note: In compliance with the American Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive service must be made at least 48 business hours prior to this meeting. Please contact the City Secretary's office at 281-346-1796 for further information.*

*I, Katie Lewis, Assistant City Secretary of the City, do hereby certify that the above Notice of Meeting and Agenda for the Zoning Board of Adjustment of the City of Fulshear, Texas was posted on Friday, September 15, 2023, by*

*5:00 p.m., in a place convenient and readily accessible at all times to the general public, in compliance with Chapter 551, TEXAS GOVERNMENT CODE.*

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Katie Lewis – Assistant City Secretary



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MEMBER- BRYAN THOMAS  
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**ZONING BOARD OF ADJUSTMENT:**  
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MEMBER- PAT MOLLERE

MEMBER- ANGELA PETERS

CITY MANAGER: Jack Harper

**STAFF:**  
CITY SECRETARY: Mariela Rodriguez

CITY ATTORNEY: Byron Brown

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## ZONING BOARD OF ADJUSTMENT MEETING MINUTES JUNE 1, 2023

### 1. CALL TO ORDER

*This meeting of the Zoning Board of Adjustment was called to order by Bryan Thomas at 10:00 a.m. on Thursday, June 1, 2023, at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Ln., Fulshear, Texas 77441.*

### 2. QUORUM

*A quorum was present.*

*Members Present:*

*Bryan Thomas*

*Pat Mollere*

*Kaye Kahlich*

*Angela Peters*

*Members Absent:*

*Christopher Luberoff*

City Staff:

*Katie Lewis*

*Rodrigo Rodriguez*

*Byron Brown*

*Zach Goodlander @ 10:33 a.m.*

*Jesus Escobar*

*Josh Green*

Others Present:

*Gemma Gullaksen*

*Rolf Gullaksen*

*H. Prasad Kolluru*

*Alvin Clay*

*Gordon Warren*

*Byron King*

*Willie Mae Newsome*

*Jason Smith*

*Rowan Smith*

*Mike Keavney*

*And 6 others that did not sign in.*

**3. CITIZEN COMMENTS**

*No Citizen Comments*

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

*Byron Brown went over the roles and responsibilities of the Zoning Board of Adjustment.*

*Byron answered questions from the board.*

*No action was taken on this item.*

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

*A motion was made by ZBA member Kahlich to appoint Bryan Thomas as Chair of the Zoning Board of Adjustment Commission. It was seconded by ZBA member Mollere. The motion was carried by the following vote:*

*Ayes: Kahlich, Mollere, Thomas, Peters*

*Nays:*

*Abstain:*

*Absent: Luberoff*

*A motion was made by ZBA member Mollere to appoint Kaye Kahlich as Co-Chair of the Zoning Board of Adjustment Commission. It was seconded by ZBA member Peters. The motion was carried by the following vote:*

*Ayes: Kahlich, Mollere, Thomas, Peters*

*Nays:*

*Abstain:*

*Absent: Luberoff*

**6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE MINUTES FROM MEETING HELD ON JANUARY 6, 2023.**

*A motion was made by ZBA member Kahlich to approve minutes from the meeting held on January 6, 2023. It was seconded by ZBA member Mollere. The motion was carried by the following vote:*

*Ayes: Kahlich, Mollere, Thomas, Peters*

*Nays:*

*Abstain:*

*Absent: Luberoff*

**7. VARIANCE REQUEST BY ROLF & GEMMA GULLAKSEN/7718 FARM-TO-MARKET 359 ROAD S.**

**A. Call Hearing to Order**

*Bryan Thomas opened the hearing at 10:10 a.m.*

**B.** The City of Fulshear Zoning Board of Adjustment will hold a public hearing on June 1, 2023, at 10:00 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Rolf and Gemma Gullaksen, requesting a variance to Chapter 28, Article III: Site Development, Division III-2: Parking, Loading and Access, Sec 28-3-17 Surface and Maintenance of the Fulshear Code of Ordinances. The subject 0.3881-acre tract is located within the Churchill Fulshear League, Abstract 29, Fort Bend County, Texas, and more precisely located at 7718 FM 359 Road, Fulshear, Texas 77441. The application may be inspected at the Planning 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**

*Gemma Gullaksen gave handouts to the board and presented a slideshow presentation with an explanation of the hardship.*

*She explained she wants to use permeable material on nine (9) of the parking spaces. This will reduce the underground detention due to the small lot size.*

**D. Staff Report**

*Rodrigo Rodriguez stated staff is recommending the request for approval, as it complies with the Consolidated Development Ordinance (CDO). The CDO allows 20% of parking to be permeable. The permeable surface requested will be 90% of the parking and will be in the rear of the building and shielded by landscaping.*

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

*Rev. Gilmore of Greater Zachary Baptist Church explained that people have been using the church parking lot to turn around and are tearing it up. He wants to know who is responsible for the repairs.*

*Alvin Clay, Deacon of the Greater Zachary Baptist Church spoke of the number of parking spaces allowed for the business.*

*Willie Mae Newsome owns the home behind the property. She feels her property is being invaded.*

**F. Staff / Board / Applicant discussion**

*Kaye Kahlich spoke regarding this item.*

*Mike Keavney-Design builder for this project answered questions from the board.*

*Rodrigo Rodriguez and the applicant answered questions.*

**G. Adjournment of Hearing**

*Chairman Bryan Thomas closed the hearing at 10:38 a.m.*

**7. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY ROLF & GEMMA GULLAKSEN/7718 FARM-TO-MARKET 359 ROAD S.**

*A motion was made by ZBA member Peters to accept the variance request. It was seconded by ZBA member Mollere. The motion was carried by the following vote:*

*Ayes: Kahlich, Mollere, Thomas, Peters*

*Nays:*

*Abstain:*

*Absent: Luberoff*



**9. VARIANCE REQUEST BY AHV ENTERPRISES LLC/7355 FARM-TO-MARKET 359 ROAD S.**

**A. Call Hearing to Order**

*Brian Thomas opened the hearing at 10:39 am*

**B.** The City of Fulshear Zoning Board of Adjustment will hold a public hearing on June 1, 2023 at 10:00 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of AHV Enterprises, LLC, requesting variances to Chapter 28, Article III: Site Development, Division III-1: Building Design, Sec 28-3-8 Downtown of the Fulshear Code of Ordinances, regarding minimum building setbacks and off-street parking. The subject 6.138-acre tract is located within the 0029 C Fulshear, Tract 3, 4, 5, 6 and more precisely located at 7355 FM 359 Road S, Fulshear, Texas 77441. The application may be inspected at the Planning 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**

*Thomas De Froy, Identity Architects, gave the board an exhibit and presented the hardship.*

*He explained they are requesting one (1) row of parking in front of building A, two (2) rows of parking in front of building B, and 76 percent (%) of the parking in the rear of the buildings.*

**D. Staff Report**

*Zach Goodlander stated the City Staff approve the variance with a condition to increase the setback allowing for one (1) row of parking instead of two (2) in front of building b. Also, the storage units cannot move forward with construction until the retail construction moves forward. This is to ensure the retail buffers the storage units.*

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

*No citizens wished to speak on this variance.*

**F. Staff / Board / Applicant discussion**

*The ZBA members asked questions regarding handicap spaces and additional entrances to the buildings. The questions were answered by Zach Goodlander and Thomas De Foy.*

**G. Adjournment of Hearing**

*Bryan Thomas closed the hearing at 11:02 am*

**10. CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY AHV ENTERPRISES LLC/7355 FARM-TO-MARKET 359 ROAD S.**

*A motion was made by ZBA member Mollere to accept the variance request as provided. It was seconded by ZBA member Peters. The motion was carried by the following vote:*

*Ayes: Kahlich, Mollere, Thomas, Peters*

*Nays:*

*Abstain:*

*Absent: Luberoff*

## **11. ADJOURNMENT**

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

*Ayes: Kahlich, Mollere, Thomas, Peters*

*Nays:*

*Abstain:*

*Absent: Luberoff*

*Bryan Thomas adjourned the meeting at 11:03 a.m.*

## **PUBLIC HEARING**

The City of Fulshear Zoning Board of Adjustment will hold a public hearing on September 21, 2023;

The public hearing will take place at 10 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Christopher Luberoff, requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2 Zoning Districts, Sec 28-2-8 Semi-Urban Residential, Table 28-2-8-1 of the Fulshear Coordinated Development Ordinance. The subject property is located within Creekside at Cross Creek Ranch Sec 10, Block 2, Lot 5 Fort Bend County, Texas and more precisely located at 6102 Pepper Trail Lane, Fulshear, Texas 77441. The application may be inspected at the Planning 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.

**AGENDA MEMO**  
**BUSINESS OF THE ZONING BOARD OF**  
**ADJUSTMENTS**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	September 21, 2023		
<b>DATE SUBMITTED:</b>	May 23, 2023	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Rodrigo Rodriguez, Development Coordinator	<b>PRESENTER:</b>	Joshua Brothers, Planning Director
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY CHRISTOPHER LUBEROFF/6102 PEPPER TRAIL LANE</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <b>Public Hearing Notice</b></li><li>2. <b>Zoning Variance Application</b></li><li>3. <b>Pictures of the Fireplace</b></li></ol>		

**EXECUTIVE SUMMARY**

Christopher Luberoff is requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2 Zoning Districts, Sec 28-2-8 Semi-Urban Residential, Table 28-2-8-1 of the Fulshear Coordinated Development Ordinance. The purpose of the proposed variance is to allow for an outdoor fireplace structure to encroach the 5ft build line. The structure is currently encroaching the build line as it was built prior to obtaining a permit from the City.

**STAFF RECOMMENDATION**

Staff recommends approval.



# CITY OF FULSHEAR

PO Box 279 /6611 W. Cross Creek Bend Ln  
Fulshear, Texas 77441  
Phone: 281-346-8860 ~ Fax: 281-346-2556  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

## VARIANCE/APPEAL APPLICATION

APPLICATION DATE: 5/22/2023

ADDRESS OF PREMISES AFFECTED: 6102 Pepper Trail Lane, Fulshear, TX 77441

LEGAL DESCRIPTION: Luberoff Fireplace

OWNERS INFORMATION: NAME Christopher and Katie Luberoff  
ADDRESS 6102 Pepper Trail Lane CITY Fulshear STATE TX  
ZIP CODE 77441 EMAIL Cluberoff@gmail.com PHONE NUMBER 817-907-6843

APPLICANTS NAME (if different than owner) \_\_\_\_\_  
ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ STATE \_\_\_\_\_  
ZIP CODE \_\_\_\_\_ EMAIL \_\_\_\_\_ PHONE NUMBER \_\_\_\_\_

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary) We have recently constructed an Outdoor Fireplace next to our pool. We are looking for a variance to be allowed to keep the structure that is in the 5' building line.

Status of the Project:  Existing  Under Construction  Proposed

Have there been previous variance requests for this property? No

Are there similar situations in the area? Yes

Addresses: \_\_\_\_\_

Have you informed your Home Owners Association? No or Neighbors? Yes

**Request Proposal and Description:** Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

First, I want to apologize to the city and county for building the attached fireplace without the correct permits in the area. This is entirely on me for not taking the proper action. Second, I know everyone is extremely busy, and I wanted to thank you for your upfront time with this matter.

RECEIVED  
DEVELOPMENT SERVICES DEPT

MAY 23 2023

CITY OF FULSHEAR  
FULSHEAR, TX 77441


(Continued... Request Proposal)

The fireplace has been constructed with an outer layer of 6" limestone, followed by an interlayer of 4" CMU and then plaster.  
A 10" layer of stone protection before any flame. As you see in the photo, the fireplace sits on a 6" concrete pad, and the  
the topping stone slab. There is zero to no heat rejection from the back towards the fence. Also, the fireplace is 9' tall with a  
topping guard. After speaking with Mr. Sigler (Chief Inspector), he told me my next step was to reach out the County Chief Fire  
Marshall to ask for a grievance from him. I have attached his approval and recommendation from the County Marshal.  
Attached pictures also show the installed SS316 spark arrestor grate. I am asking for your grievance and acceptance so we  
do not have to dismantle this structure.

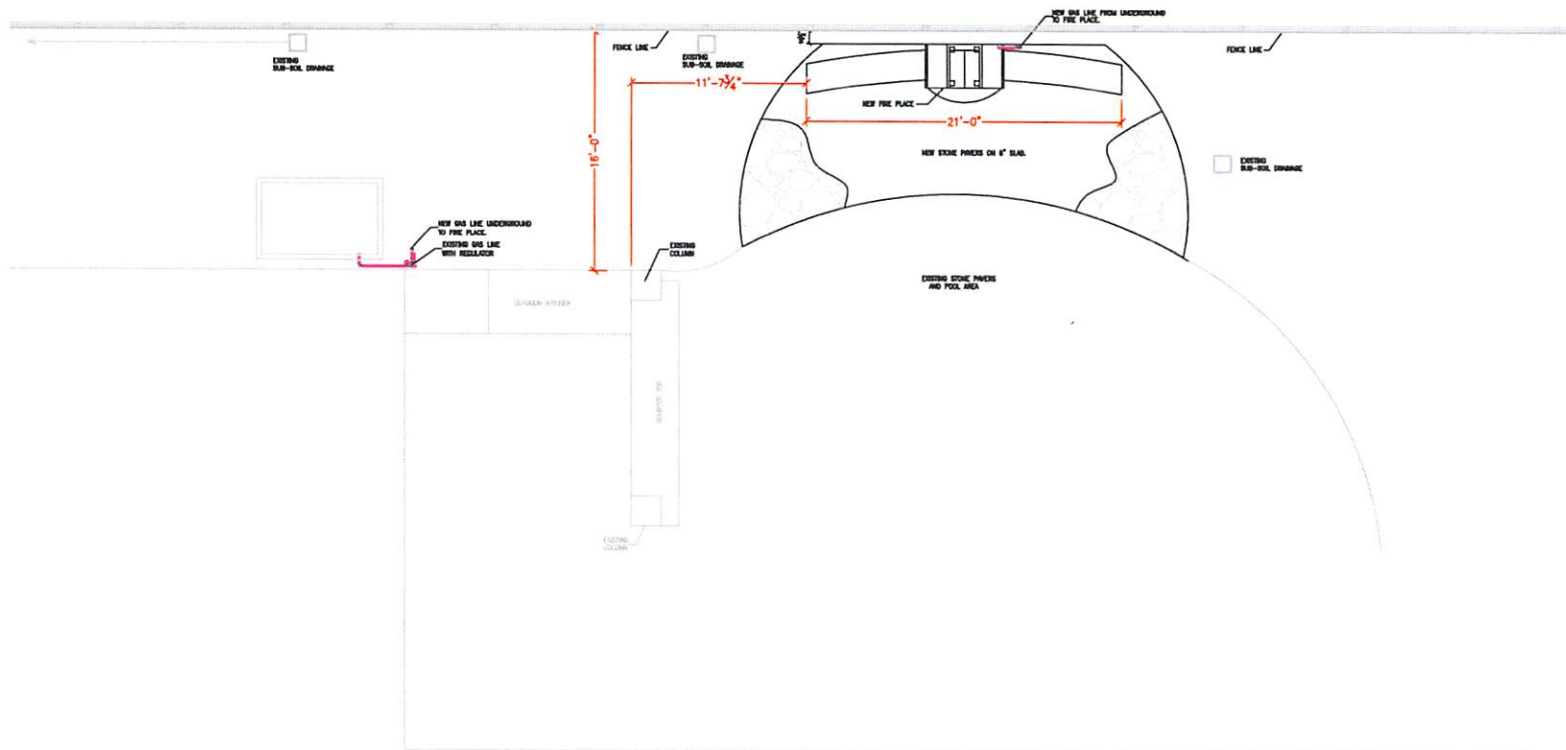
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**Acknowledgement:** I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent:

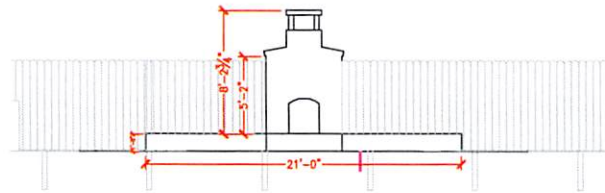
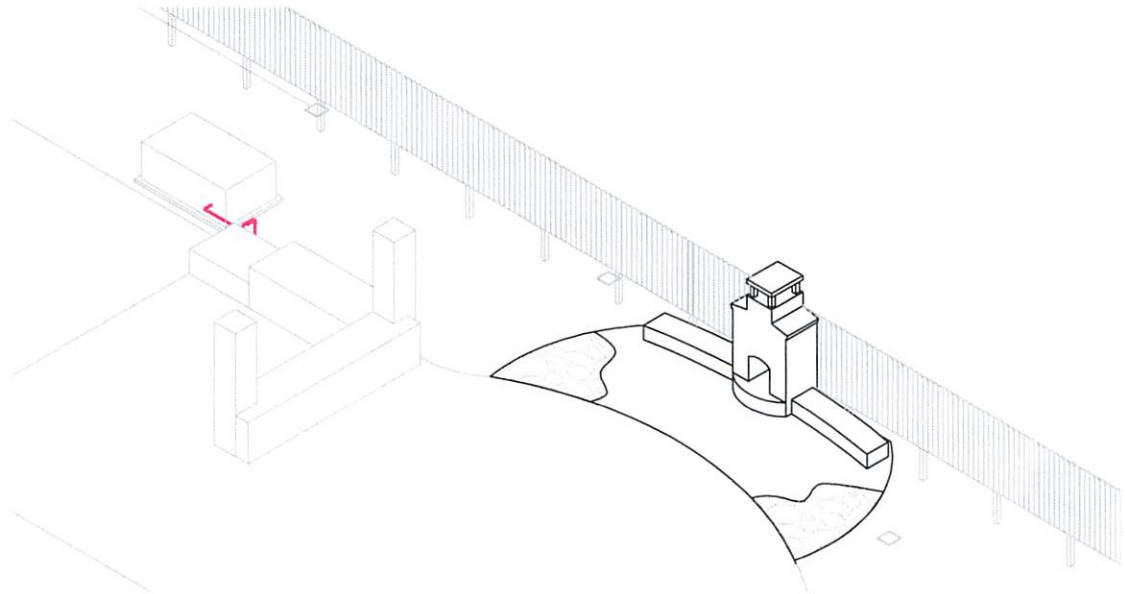


Date: 5/22/2023



# OUTDOOR FIRE PLACE

LUBEROFF OUTDOOR ADDITIONS	
DATE:	02/26/2023
DRAWN BY:	BHH   SCALE: 1/8"=1'-0"
A-1	



## OUTDOOR FIRE PLACE

LUBEROFF  
OUTDOOR  
ADDITIONS

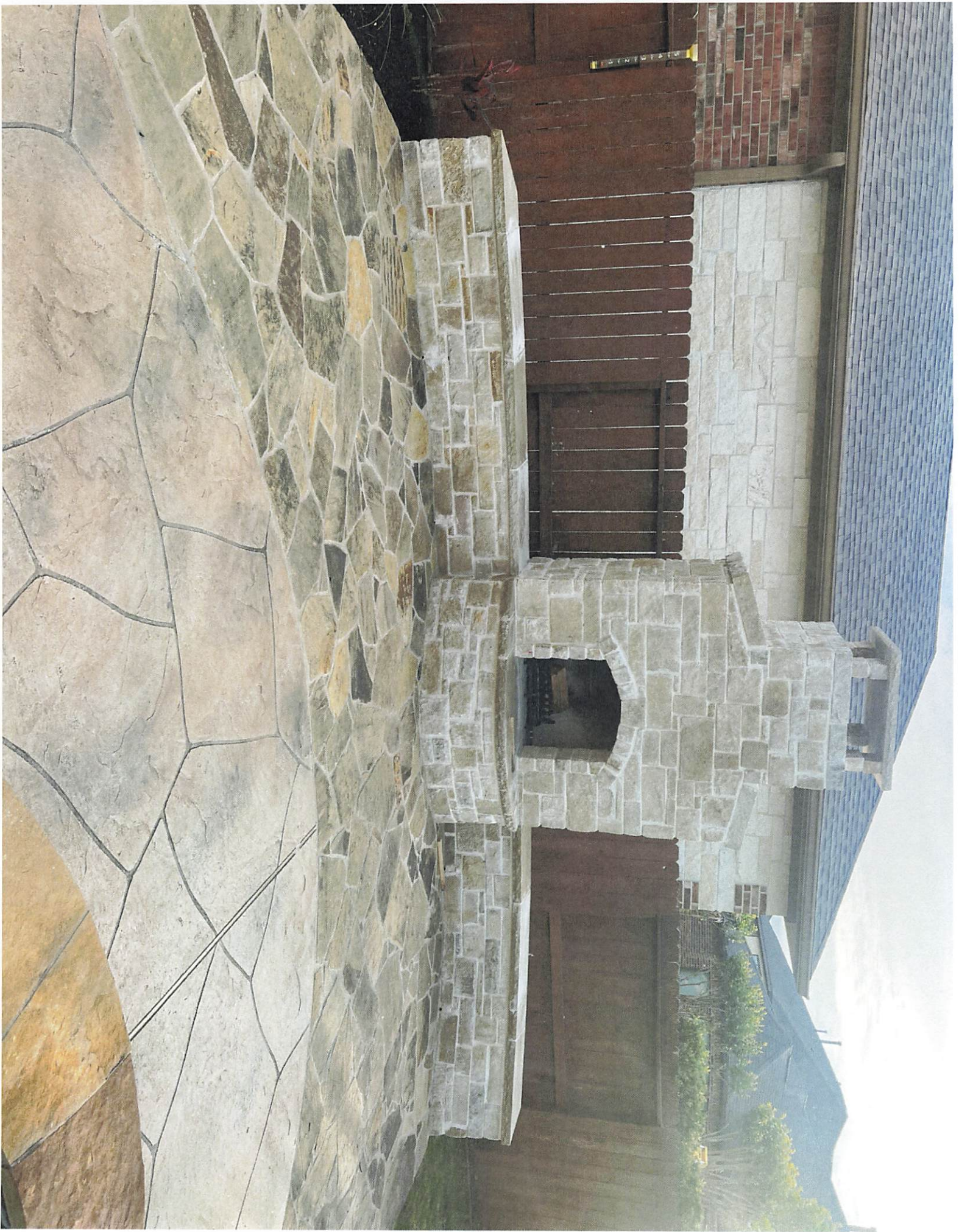
DATE:	02/26/2023
DRAWN BY:	BHH   SCALE: 1/8"=1'-0"

A-2













## Christopher Luberoff

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**From:** Voorhies, Michael <Michael.Voorhies@fortbendcountytexas.gov>  
**Sent:** Monday, April 10, 2023 8:24 AM  
**To:** Christopher Luberoff  
**Subject:** RE: Luberoff Residence

I have no issues with the outdoor fire place. However, to protect the property next to you, you need to add a spark arrestor screen at all openings at the top.

*Mike Voorhies, FEMT*

**Battalion Chief**

1521 Eugene Heimann Circle # 114

Richmond, Texas 77469

Office: 281-238-1500

Fax: 832-471-2440

[michael.voorhies@fortbendcountytexas.gov](mailto:michael.voorhies@fortbendcountytexas.gov)

[www.fbcfmo.gov](http://www.fbcfmo.gov)



*"Leadership is a gift. It's given by those who follow.*

*You have to be worthy of it."*

General Mark Welsh, USAF

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**From:** Christopher Luberoff <Christopher.Luberoff@PolkMechanical.com>  
**Sent:** Wednesday, April 5, 2023 12:46 PM  
**To:** Voorhies, Michael <Michael.Voorhies@fortbendcountytexas.gov>  
**Subject:** RE: Luberoff Residence

Chief,

I was wondering if you had a chance to review my email below?

Thank you for your time sir.

Thank you,

---

**Christopher Luberoff** · Vice President of

*Houston Construction*

Polk Mechanical Company, LLC · 11875 Cutten Road · Houston · TX · 77066

Office 281-397-5800 · Cell 817-907-6843

[chris.luberoff@polkmechanical.com](mailto:chris.luberoff@polkmechanical.com)

Mechanical License: TACLA27557C · Plumbing License: M-16718, M-12108



**From:** Christopher Luberoff  
**Sent:** Tuesday, March 28, 2023 6:30 PM  
**To:** [michael.voorhies@fortbendcountytexas.gov](mailto:michael.voorhies@fortbendcountytexas.gov)  
**Subject:** Luberoff Residence

Chief Michael,

Thank you for receiving my voicemail this morning, I wanted to follow up with you by email to explain my situation more clearly so you have this picture painted for our phone discussion or meeting.

First, I want to apologize to the city and county for building the attached fireplace without the correct permits in the area. This is entirely on me for not taking the proper action. Second, I know you are a busy man, and I wanted to thank you for your upfront time with this matter.

Attached are the drawings and photos of the fireplace I constructed over the winter. I recently contacted the city of Fulshear regarding permitting, and they have been very accommodating through this process. The issue arose because I was not 5' from my fence at the build. We currently have 1'6 inches from outer stone to fence. I was told to contact the Fort Bend Fire Marshall Office to discuss options and how we could possibly resolve without moving the structure.

The Build:

The fireplace has been constructed with an outer layer of 6" limestone, followed by an interlayer of 4" CMU and then plaster. So a 10" layer of stone protection before any flame. As you see in the photo, the fireplace sits on a 6" concrete pad, and the topping stone slab. There is zero to no heat rejection from the back towards the fence.

Also, the fireplace is 9' tall with a topping guard.

What I am asking for is a grievance so I do not have to dismantle this structure that was built. With this grievance and your approval, I would like to propose adding an additional layer of protection- a fire retardant spray (Fire Guard E-84). I have attached the SDS and User Manual for your review.

Any other suggestions or additional protection that I can make without removing the fireplace would be appreciated.

Please reach out to me and discuss this on the phone, or if you would like to meet at my home, see the situation and resolve I would be happy too.

I would like to thank you and your team for your service and all that you provide to our county.

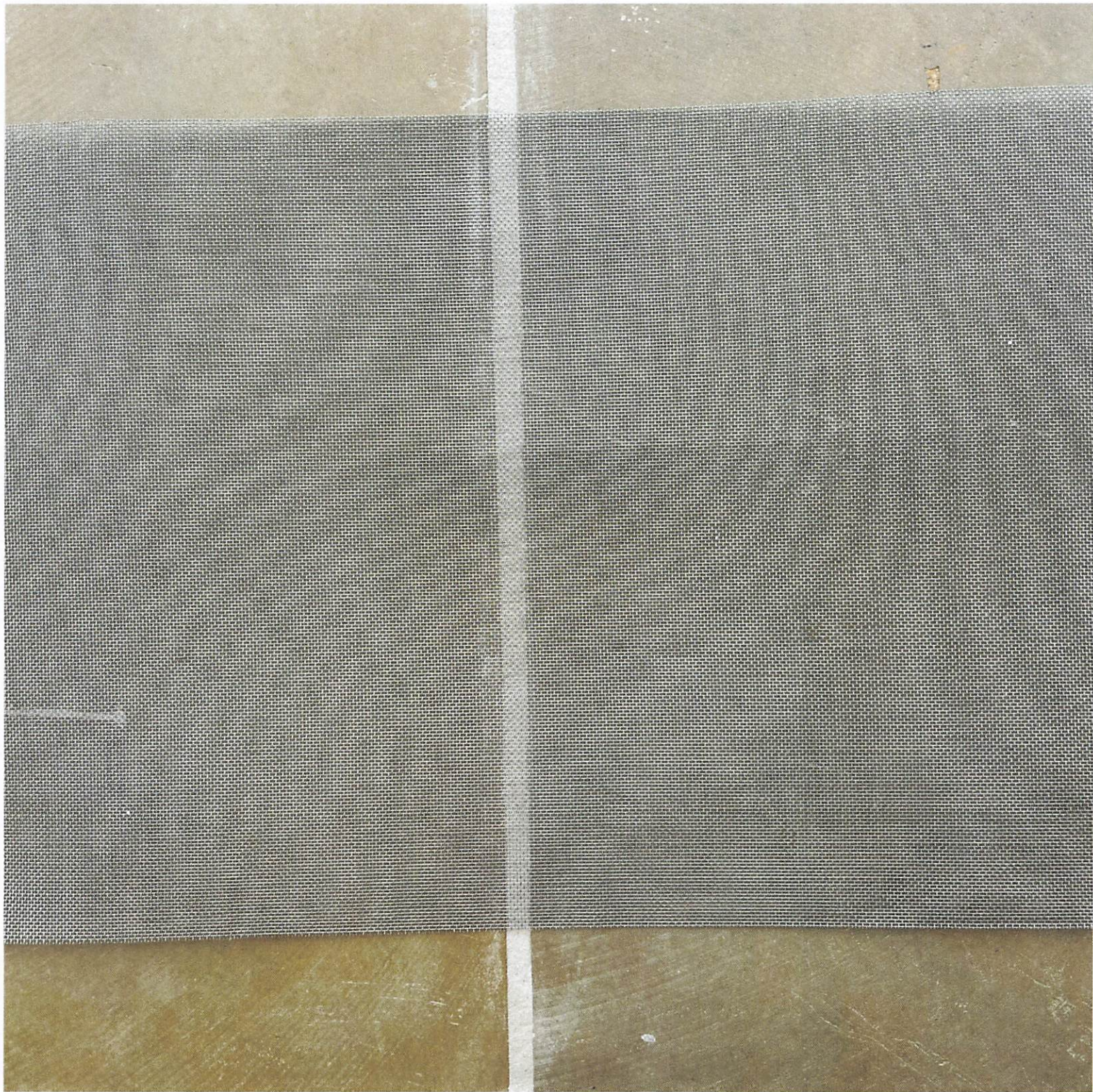
Thank you,

Christopher Luberoff  
(Home Owner)  
817-907-6843

**CAUTION:** This email originated from **outside** of the organization. '[christopher.luberoff@polkmechanical.com](mailto:christopher.luberoff@polkmechanical.com)' **Do not click** links, open attachments, or respond unless you recognize the sender and know the content is safe. Please forward suspicious emails to the **IT Service Desk**.







## **PUBLIC HEARING**

The City of Fulshear Zoning Board of Adjustment will hold a public hearing on September 21, 2023;

The public hearing will take place at 10 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Ginevra Font, requesting a variance to Article III: Site Development, Division III-3: Buffering, Landscaping, and Screening, Sec 28-3-25(C)(3) Parking Lot Screening of the Fulshear Coordinated Development Ordinance. The subject 1.880-acre tract is located within the Enoch Latham Jr. Survey, A-50 City of Fulshear Fort Bend County, Texas and more precisely located at 28840 FM 1093 Road, Fulshear, Texas 77441. The application may be inspected at the Planning 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.

**AGENDA MEMO**  
**BUSINESS OF THE ZONING BOARD OF**  
**ADJUSTMENTS**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	September 21, 2023		
<b>DATE SUBMITTED:</b>	June 23, 2023	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Rodrigo Rodriguez, Development Coordinator	<b>PRESENTER:</b>	Joshua Brothers, Planning Director
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY GINEVRA FONT/28840 FM 1093 RD</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <b>Public Hearing Notice</b></li><li>2. <b>Zoning Variance Application</b></li><li>3. <b>Proposed Landscape Plan</b></li></ol>		

**EXECUTIVE SUMMARY**

Ginevra Font is requesting a variance to Article III: Site Development, Division III-3: Buffering, Landscaping, and Screening, Sec 28-3-25(C)(3) Parking Lot Screening of the Fulshear Coordinated Development Ordinance. The purpose of the proposed variance is to waive the requirement for street trees along FM 1093 due to an existing utility easement. The first phase of this project was granted the same variance in the past.

**STAFF RECOMMENDATION**

Staff recommends approval.



# CITY OF FULSHEAR

PO Box 279 /6611 W. Cross Creek Bend Ln  
Fulshear, Texas 77441  
Phone: 281-346-8860 ~ Fax: 281-346-2556  
[www.fulshear-tx.com](http://www.fulshear-tx.com)

## VARIANCE/APPEAL APPLICATION

APPLICATION DATE: 06.23.2023

ADDRESS OF PREMISES AFFECTED: 28840 F.M. 1093 RD., FULSHEAR TX. 77441.

LEGAL DESCRIPTION: LAND TITLE SURVEY OF A 1.880 ACRES TRACT OF LAND SITUATED IN THE ENOCH LATHAM JR. SURVEY, A-50 CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS

OWNERS INFORMATION: NAME ARVO - CCR, LLC ~ MR. VIBHOR MEHROTRA  
ADDRESS 6914 ADDISON AVE. CITY SUGAR LAND STATE TX  
ZIP CODE 77479 EMAIL vmehrotr@gmail.com PHONE NUMBER 832.726.3220

APPLICANTS NAME (if different than owner) GINEVRA FONT  
ADDRESS 12440 EMILY CT. STE 402 CITY SUGAR LAND STATE TX.  
ZIP CODE 77478 EMAIL fontdesignstudio@gmail.com PHONE NUMBER 713.493.9541

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary) WE ARE REQUESTING A VARIANCE TO ELIMINATE THE REQUIREMENT FOR STREET TREES AT OUR PROPOSED DEVELOPMENT DUE TO THE EXISTING CONDITIONS IN THE SUBJECT PROPERTY, SUCH AS UTILITY EASEMENT ACROSS THE FRONT OF THE PROPERTY FACING F.M. 1093.

Status of the Project:  Existing  Under Construction  Proposed

Have there been previous variance requests for this property? NO

Are there similar situations in the area? YES  
Addresses: 28830 F.M. 1093 RD. FULSHEAR TX. 77441

Have you informed your Home Owners Association? NO or Neighbors? YES

**Request Proposal and Description:** Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

THE SUBJECT PROPERTY IS A VACANT LOT, WE ARE PROPOSING A NEW RETAIL BUILDING - ONE STORY APPROXIMATE 17,028 S.F. THE MAX HT WILL BE 24'0" AND IT WILL BE THE PHASE II. WE ARE UNDER CONSTRUCTION FOR PHASE I ON THE LOT NEXT TO THIS NEW DEVELOPMENT.

(Continued... Request Proposal)

THE FACADE FOR THE BUILDING WILL BE STONE, BRICK AND  
ACCENT METAL.

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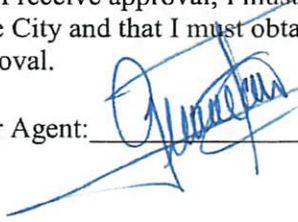
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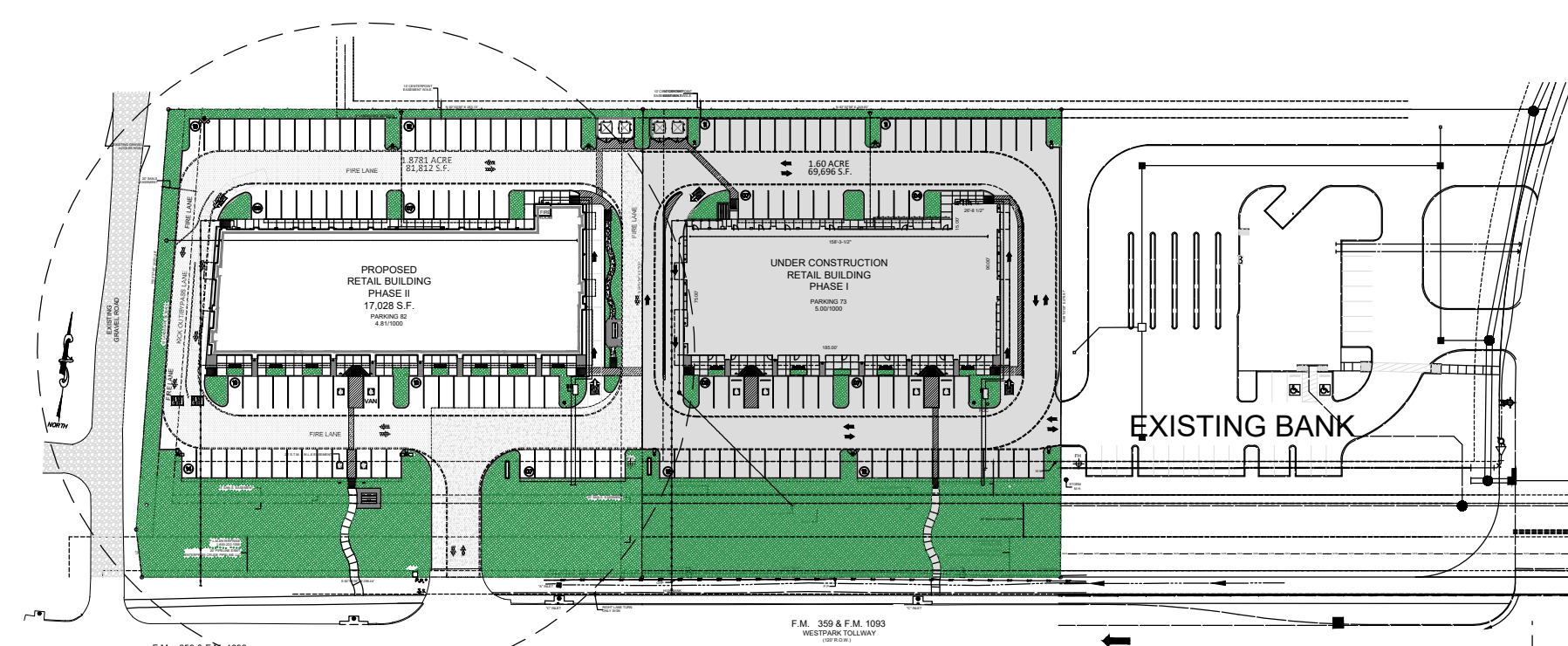
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**Acknowledgement:** I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent:



Date: 06.23.2023



**02 KEY SITE PLAN**  
SCALE 1" = 100'



ONE-CALL NOTIFICATION SYSTEM BEFORE YOU DIG, OR BLAST - STOP. CALL TEXAS ONE CALL SYSTEM IN HOUSTON (713) 223-4567 OUTSIDE HOUSTON (800) 344-8377

CONTRACTOR SHALL NOTIFY CITY OF HOUSTON, HOUSTON PUBLIC WORKS, OFFICE OF CITY ENGINEER, 48 HOURS BEFORE STARTING WORK ON THIS PROJECT. PHONE NO: (832) 394-9098

**LANDSCAPE NOTE:**

LANDSCAPE ARCHITECT TO OBTAIN PERMISSION FROM PIPELINE COMPANY (ENTERPRISE CRUDE PIPELINE LLC) TO ENCROACH WITH LANDSCAPE AND IMPROVEMENTS ON THEIR PIPELINE EASEMENT.

**PARKING SYNOPSIS**

TOTAL BUILDING AREA OFFICE BUILDING: 17,028 SQ. FT.  
PARKING REQUIRED FOR DEVELOPMENT RETAIL MINIMUM 1 PER 350 S.F. OF GFA MAXIMUM 1 PER 200 S.F. OF GFA

RETAIL BUILDING PARKING REQUIRED = 17,028 SF/ 350 S.F. = 49 PARKING SPACES MINIMUM  
17,028 SF/ 200 S.F. = 85 PARKING SPACES MAXIMUM

H.C. PARKING REQ. BY CODE = 4 PARKING SPACES.  
PARKING PROVIDED = 82 PARKING SPACES  
H.C. PARKING PROVIDED = 3 PS + 1 VAN PS

**LANDSCAPE STANDARDS**

LANDSCAPE TOTAL = 22,611 S.F. 27.63%

STREET BUFFERYARD TYPE (HIGHWAY) C

DISTRICT BUFFERYARD TYPE (SU) B

INTERIOR PARKING ISLAND LANDSCAPING 164.SF.

**KEYED NOTES**

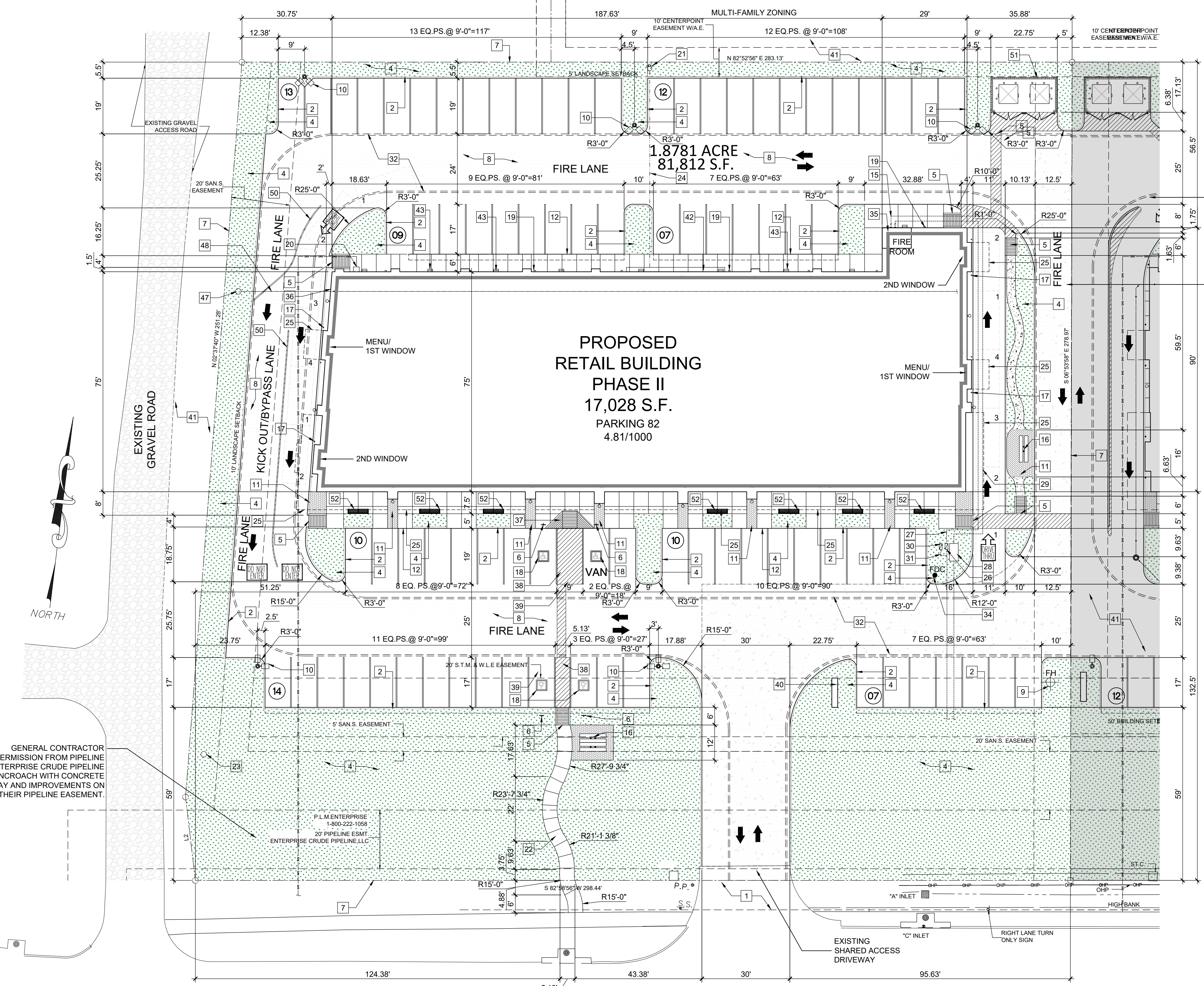
- 1 EXISTING DRIVEWAY TO REMAIN
- 2 NEW TYPICAL 6" CONCRETE CURB. RE: 10/A0.2 AND CIVIL DRAWINGS
- 3 EXISTING CONCRETE CURB TO REMAIN
- 4 LANDSCAPED AREA, RE: LANDSCAPE DRAWINGS
- 5 ACCESSIBLE RAMP, RE: 17/A0.2
- 6 H.C. ACCESSIBLE SIGNAGE, RE: 14/A0.2
- 7 PROPERTY LINE
- 8 NEW CONCRETE DRIVEWAY, RE: CIVIL DRAWINGS
- 9 EXISTING FIRE HYDRANT
- 10 SITE LIGHT POLE, TO BE LED FIXTURES, HOLOPHANE HALLBROOK SERIES, POLE HEIGHT HLBK15: 15'-0" (REFER GUIDELINES) COLOR FOR ALL PARKING LOT TO BROWN. RE: STRUCTURAL DRAWINGS FOR LIGHT POLE FOUNDATION AND ELECTRICAL DRAWINGS FOR ADDITIONAL INFORMATION.
- 11 BRICK PAVERS: BRICK TO MATCH EXTERIOR ELEVATIONS
- 12 TYPICAL 6" CONCRETE CURB AT SIDEWALK, RE: 01/A0.2
- 13 CONCRETE WHEEL STOP, RE: 05/A0.2
- 14 ACCESSIBLE RAMP AT PUBLIC SIDEWALK, RE: CIVIL DRAWINGS
- 15 WATER ENTRY FOR DOMESTIC AND FIRE
- 16 BICYCLE AREA, RE: 15/A0.2
- 17 STEEL BOLLARDS, RE: 08/A0.3
- 18 PAINTED H.C. SYMBOL, RE: 02/A0.2
- 19 DOWNSPOUT LOCATION -CONNECT TO STORM DRAIN SEWER SYSTEM, COORDINATE WITH CIVIL PLANS
- 20 GAS METER LOCATION, RE: MEP
- 21 PROPOSED PRIMARY SERVICE POLE, RE ELECTRICAL DRAWINGS.
- 22 PROPOSED SIDEWALK TO MATCH CROSS CREEK RANCH STANDARDS, RE: CIVIL DRAWINGS.
- 23 EXISTING SANITARY MANHOLE, RE: CIVIL PLANS
- 24 UNDERGROUND SECONDARY ELECTRICAL, RE: MEP.
- 25 BUILDING CANOPY ABOVE
- 26 2" DOMESTIC WATER METER ASSEMBLY ENTRY; 2" REDUCE PRESSURE ZONE BACKFLOW PREVENTER RE: CIVIL DRAWINGS
- 27 2" DOMESTIC WATER LINE
- 28 DOUBLE CHECK VALVE BACKFLOW PREVENTER, RE: CIVIL DRAWINGS
- 29 6" FIRE WATERLINE, RE: CIVIL DRAWINGS
- 30 1-1/2" IRRIGATION SUPPLY WATER LINE BRANCHED FROM MAIN 2" DOMESTIC WATER LINE, RE: CIVIL DRAWINGS.
- 31 1-1/2" IRRIGATION WATER LINE
- 32 PROPOSED FIRE ACCESS LANE.
- 33 NOT USED.
- 34 PROPOSED FIRE DEPARTMENT CONNECTION
- 35 FIRE SPRINKLER ROOM
- 36 SANITARY EXIT POINT, RE: CIVIL DRAWINGS
- 37 ACCESSIBLE RAMP, RE: 16/A0.2
- 38 4" WIDE, WHITE PAINTED AISLE STRIPES, 2'-0" O.C. AT 45°.
- 39 ACCESSIBLE PARKING SPACES, RE: DETAIL 12/A0.2
- 40 MONUMENT SIGN TO COMPLY WITH CROSS CREEK RANCH DESIGN GUIDELINES; DESIGN-ENGINEERING & PERMIT BY SIGN COMPANY (NIC), G.C. TO PROVIDE POWER FOR SIGN, RE: MEP DRAWINGS FOR ADDITIONAL INFORMATION.
- 41 EXISTING ADJACENT DEVELOPMENT, (NIC)
- 42 PROPOSED ELECTRICAL GUTTER LOCATION, RE: MEP DRAWINGS
- 43 PROPOSED WALL PACKS, RE: MEP DRAWINGS.
- 44 NOT USED.
- 45 NOT USED.
- 46 NOT USED.
- 47 PROPOSED SANITARY MANHOLE.
- 48 PROPOSED SANITARY SEWER LINE.
- 49 PROPOSED SANITARY SEWER CLEAN OUT
- 50 STRIPED BARRIER AT DRIVEWAY FOR DRIVE THRU AND FIRE ACCESS.
- 51 DUMPSTER ENCLOSURE LOCATION, RE: SHEET A0.3 FOR ADDITIONAL INFORMATION
- 52 PROPOSED BENCH EXTERIOR BENCH, MODEL: PARIS PREMIER 72" WIDTH.

**FIRE LANE NOTE:**

FIRE LANE SYMBOL

PAINT DESIGNATED CURBS WITH AN EXTERIOR ACRYLIC LATEX PAINT COLOR TO BE "TRAFFIC RED" GLIDDEN No. 63251 OR EQUAL FACE & TOP OF CURB OR A STRIPE SHALL BE PAINT ALONG THE PAVEMENT WHERE THERE IS NO CURB. THESE CURBS AND STRIPES SHALL ALSO BE CONSPICUOUSLY AND LEGIBLY MARKED W/ THE WARNING "FIRE LANE TOW AWAY ZONE" IN WHITE COLOR. USE STENCIL W/ 4" HIGH X 3/4" THICK LETTERS @ 25'-0" O.C. LETTERS SHALL BE 4" HIGH PAINTED WITH AN EXTERIOR ACRYLIC PAINT. LETTERS TO BE 1" STROKE, COLOR TO BE "TRAFFIC WHITE" GLIDDEN No. 563245 OR EQUAL.

STRIPE MAY BE BRUSHED OR SPRAYED, ONE COAT TO FINISH. LETTERS SHALL BE STENCIL FORMED, BRUSH APPLIED AND SPACED AS DETAILED ABOVE.



**01 ARCHITECTURAL SITE PLAN**  
SCALE: 1" = 20'-0"

F.M. 359 & F.M. 1093  
WESTPARK TOLLWAY  
(120' R.O.W.)

FIRM No. BR33912

**Font Design Studio**

12440 EMILY CT. SUITE 402  
SUGAR LAND TEXAS 77478  
P. 713.493.9541  
fontdesignstudio@gmail.com

www.fontdesignstudio.com office: 832.834.4147

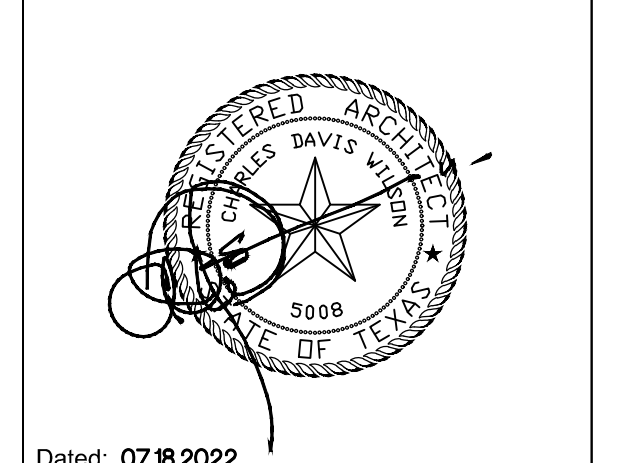
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THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

**COMMONS AT CROSS CREEK RANCH**  
**RETAIL BUILDING PHASE II**

28840 F.M. 1093 RD.  
FULSHEAR TEXAS, 77441



Date: 07.18.2022

Project Address:  
28840 F.M. 1093 RD.  
FULSHEAR, TX 77441

Client:  
Mr. Vibhor Mehrotra  
ARVO - CCR, LLC  
6914 Addison Ave.  
Sugar Land Texas, 77479  
Ph. 832.726.3220

Governmental Jurisdiction:  
CITY OF FULSHEAR PERMITTING DEPARTMENT  
P.O. BOX / 29255 F.M. 1093 # 12C  
FULSHEAR, TX 77441  
PH: 281.346.8860 - FAX: 281.346.8237

Revisions:

Mark:	Description:	Date:

Sheet Contents:

ARCHITECTURAL SITE PLAN

Drawn By: G.L. Checked: D.W.  
Date of Issue: 07.18.2022

Project Number: A\_023\_008 Sheet Number: A0.1



PLANTING SPECIFICATIONS

GENERAL

- A. QUALIFICATIONS OF LANDSCAPE CONTRACTOR
1. ALL WORK SHOWN ON THESE PLANS SHALL BE PERFORMED BY A SINGLE FIRM SPECIALIZING IN LANDSCAPE PLANTING.

PRODUCTS

- A. ALL MANUFACTURED PRODUCTS SHALL BE NEW
B. CONTAINER AND BALLED-AND-BURLAPPED PLANTS
1. FURNISH NURSERY-GROWN PLANTS COMPLYING WITH ANSI Z601-2014. PROVIDE WELL-SHAPED, FULLY BRANCHED, HEALTHY, VIGOROUS STOCK FREE OF DISEASE, INSECTS, EGGS, LARVAE, AND DEFECTS SUCH AS KNOTS, SUN SCALD, INJURIES, ABRASIONS, AND DISFIGUREMENT.

METHODS

- A. SOIL PREPARATION
1. BEFORE STARTING WORK, THE LANDSCAPE CONTRACTOR SHALL VERIFY THAT THE GRADE OF ALL LANDSCAPE AREAS ARE WITHIN +0.1' OF FINISH GRADE. THE CONTRACTOR SHALL NOTIFY THE OWNER IMMEDIATELY SHOULD ANY DISCREPANCIES EXIST.

B. SUBMITTALS

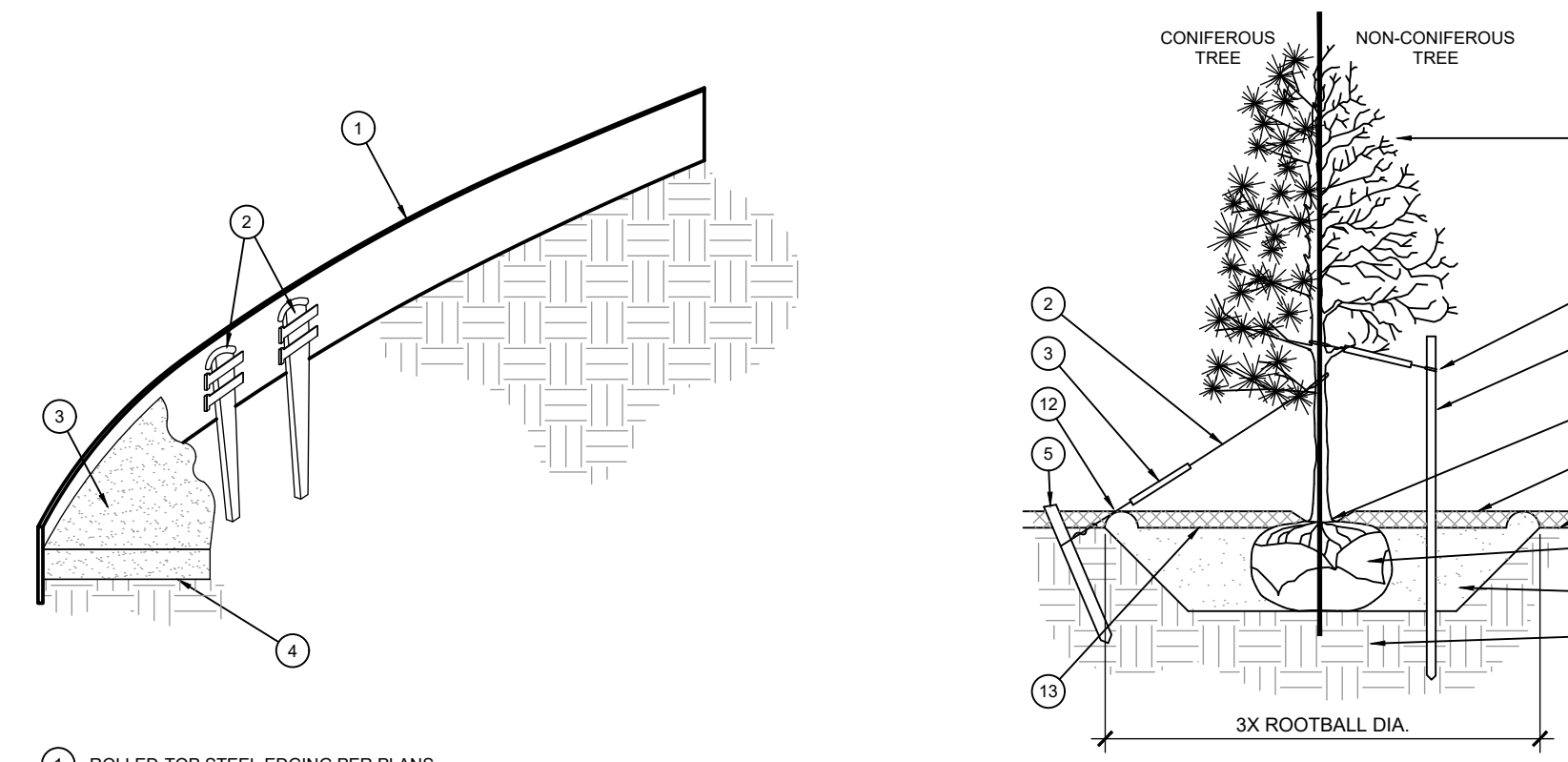
- 1. THE CONTRACTOR SHALL PROVIDE SUBMITTALS AND SAMPLES, IF REQUIRED, TO THE LANDSCAPE ARCHITECT, AND RECEIVE APPROVAL IN WRITING FOR SUCH SUBMITTALS BEFORE WORK COMMENCES.

C. GENERAL PLANTING

- 1. REMOVE ALL NURSERY TAGS AND STAKES FROM PLANTS.
2. EXCEPT IN AREAS TO BE PLANTED WITH ORNAMENTAL GRASSES, APPLY PRE-EMERGENT HERBICIDES AT THE MANUFACTURER'S RECOMMENDED RATE.

D. TREE PLANTING

- 1. TREE PLANTING HOLES SHALL BE EXCAVATED TO MINIMUM WIDTH OF TWO TIMES THE WIDTH OF THE ROOTBALL, AND TO A DEPTH EQUAL TO THE DEPTH OF THE ROOTBALL LESS TWO TO FOUR INCHES.



- 1 ROLLED-TOP STEEL EDGING PER PLANS.
2 TYPICAL TREE STAKES.
3 MULCH, TYPE AND DEPTH PER PLANS.
4 FINISH GRADE.

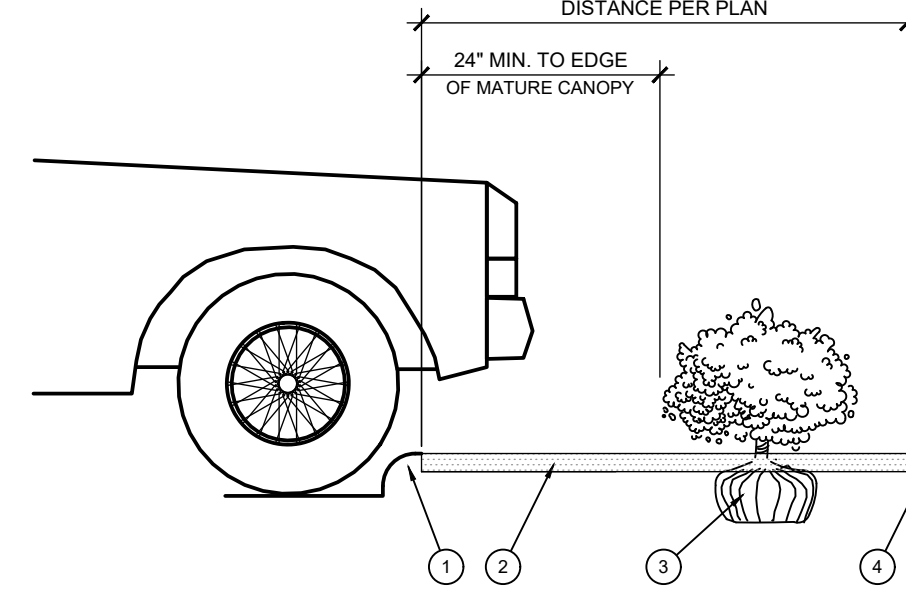
- 1 TREE CANOPY.
2 CINCH-TIES (2 1/2" BOX/2" CAL. TREES AND SMALLER) OR 12 GAUGE GALVANIZED WIRE WITH NYLON TREE STRAPS AT TREE AND STAKE (3/8" BOX/2 1/2" CAL. TREES AND LARGER). SECURE TIES OR STRAPS TO TRUNK JUST ABOVE LOWEST MAJOR BRANCHES.

NOTES

- 1. VERIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
2. REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE ROOT FLARE IS 2-4" ABOVE FINISH GRADE.

D STEEL EDGING
SCALE: NOT TO SCALE

A TREE PLANTING
SCALE: NOT TO SCALE

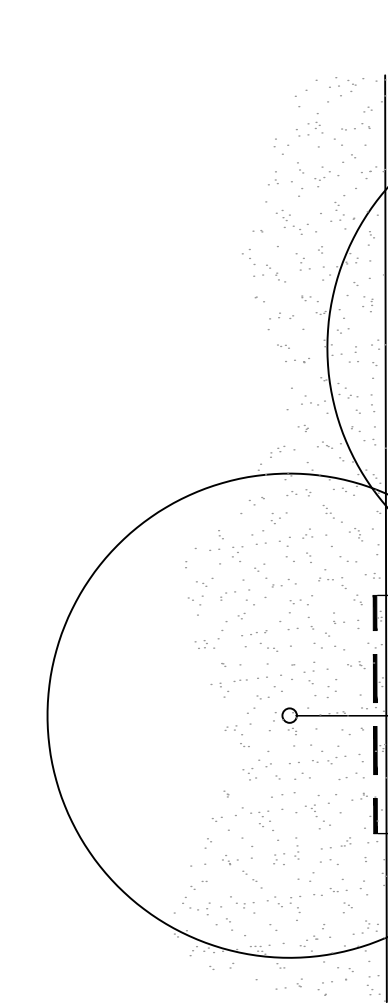


E PLANTING AT PARKING AREA
SCALE: NOT TO SCALE

C PLANT SPACING
SCALE: NTS

Table for PLANT SPACING showing formulas and a table with columns: PLANT SPACING, AREA DIVIDER, PLANT SPACING, AREA DIVIDER. Includes an example calculation: PLANTS AT 16" O.C. IN 100 SF PLANTING AREA, 40 LF PERIMETER.

F ROOT BARRIER - PLAN VIEW
SCALE: NOT TO SCALE



B SHRUB AND PERENNIAL PLANTING
SCALE: NTS

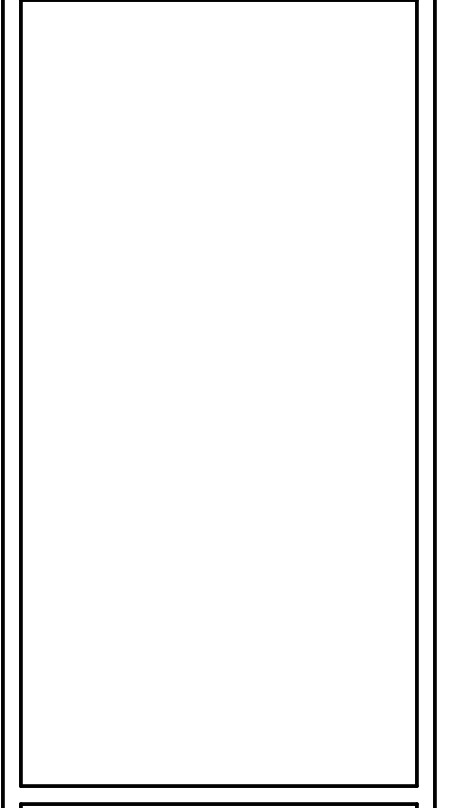
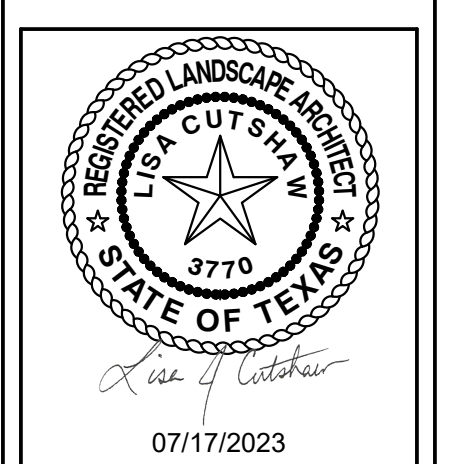
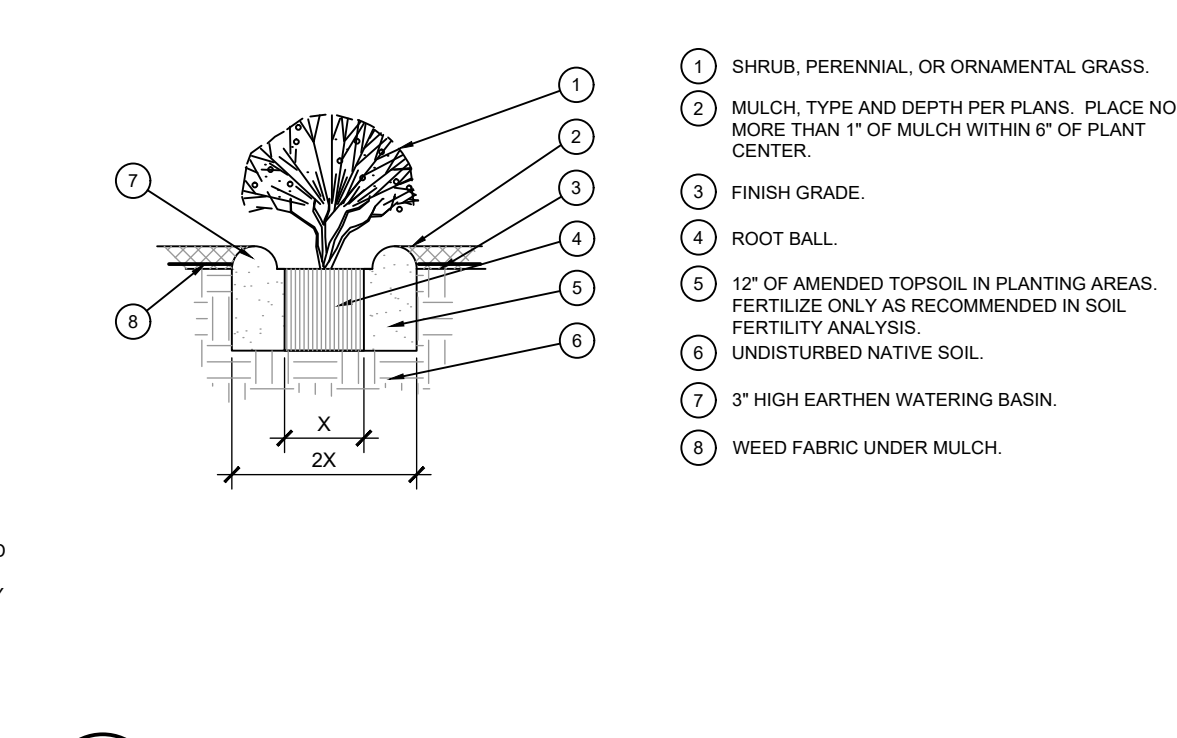


Table with columns: Project Number, Date (07/17/2023), Drawn By (LC), Checked By (LC/RM), and Project Name.

LANDSCAPE SPECIFICATIONS & DETAILS

Table with columns: Date, Comment, and a large text area containing 'LP-2'.



## **PUBLIC HEARING**

The City of Fulshear Zoning Board of Adjustment will hold a public hearing on September 21, 2023;

The public hearing will take place at 10 a.m. at the City of Fulshear Municipal Complex, 6611 W. Cross Creek Bend Lane, Fulshear, Texas 77441 to hear the application of Patrick Sowinski, requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2 Zoning Districts, Sec 28-2-14 General Commercial, Table 28-2-14-1 and Table 28-2-14-2 of the Fulshear Coordinated Development Ordinance. The approximately 6-acre tract of land is generally located along Wallis Street and within the Thrive Church Fulshear Subdivision, just south of the Texana Café located at 7440 FM 359 Road, Fulshear, Texas 77441. The application may be inspected at the Planning 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.

**AGENDA MEMO**  
**BUSINESS OF THE ZONING BOARD OF**  
**ADJUSTMENTS**  
**CITY OF FULSHEAR, TEXAS**

<b>AGENDA OF:</b>	September 21, 2023		
<b>DATE SUBMITTED:</b>	July 17, 2023	<b>DEPARTMENT:</b>	Planning and Development
<b>PREPARED BY:</b>	Rodrigo Rodriguez, Development Coordinator	<b>PRESENTER:</b>	Joshua Brothers, Planning Director
<b>SUBJECT:</b>	<b>CONSIDERATION AND POSSIBLE ACTION ON VARIANCE REQUEST BY PATRICK SOWINSKI/THRIVE CHURCH</b>		
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. <b>Public Hearing Notice</b></li><li>2. <b>Zoning Variance Application</b></li><li>3. <b>Proposed Site Plans</b></li></ol>		

**EXECUTIVE SUMMARY**

Patrick Sowinski is requesting a variance to Article II: Zoning Districts and Land Uses, Division II-2 Zoning Districts, Sec 28-2-14 General Commercial, Table 28-2-14-1 and Table 28-2-14-2 of the Fulshear Coordinated Development Ordinance. The purpose of the proposed variance is to allow for the number of parking stalls to exceed the maximum allowed and for 14 parking stalls to encroach the parking setback.

**STAFF RECOMMENDATION**

Staff recommends approval.



# CITY OF FULSHEAR

PO Box 279 /6611 W. Cross Creek Bend Ln  
Fulshear, Texas 77441  
Phone: 281-346-8860 ~ Fax: 281-346-2556  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

## VARIANCE/APPEAL APPLICATION

**JURISDICTION:** The Zoning Board of Adjustments is a citizen court appointed by the City Council to hear appeals and requests for: Variances, Special Exceptions, and Interpretations of the Zoning Ordinance.

**WHO MAY APPLY:** The owner of the property under consideration, or a person having a written authorization from, and representing, the owner may apply for a “Variance” or “Special Exception” to the Zoning Board of Adjustments.

**WHEN TO APPLY:** Application for an appeal must be filed at which time a meeting will be scheduled.

**FILING FEE:** Residential Variance \$150.00  
Commercial Variance \$300.00  
Zoning Appeal \$300.00  
(Filing Fee Non-Refundable)

**HEARING PROCESS:** The applicant, or authorized agent, must be present at the hearing to present one’s appeal. Otherwise the Board may deny the case.

**BOARD DECISION:** At the conclusion of the public hearing, the Board will render a decision to either: approve, approve with conditions, continue, deny or deny without prejudice. Applicants with approved cases are allowed 180 days to obtain a building permit.

**APPEAL OF DECISION:** Any person aggrieved by a decision of the Board may, within ten (10) ten days following the date the Board’s Decision are filed for record in the City Planning Department, submit a petition to the City Council. **Decisions of the Board do not replace approvals required by any other agency or review body.**

### APPLICANTS

**RESPONSIBILITY:** Applicants are responsible for the presentation of their case before the Board, and to provide support information to include, but not be limited to the following items:

- Surrounding land use supporting the request.
- Description of the Hardship that necessitate the request
- Reason (s) for appearing before the Board
- Reasons why the Board should grant the applicants request

**OTHER REGULATORY CONSIDERATIONS:** Approval of a request does not negate any private legal recorded Restrictive Deed Covenants or Restrictions that may affect the property.

**CRITERIA REGULATING VARIANCE REQUESTS:** Consideration by the Board is determined by the following criteria:

1. Will literal enforcement of the ordinance result in a hardship or practical difficulty?
2. Is the hardship self-imposed?
3. Is the condition unique to the property, or is it common to other properties within the area?

4. Will the requested Variance injure the adjacent property?
5. Will the requested Variance be contrary to orderly development in the area?

**WITHDRAWAL OF CASE:** The applicant may withdraw his/her case at any time without penalty, except after public notice has been filed. A request for withdrawal shall be submitted in writing and submitted to the Plan Review Division of the City of Fulshear.

**DEFINITIONS:**

**APPROVED:** Official Consent, although approval of a request does not negate any private legal recorded Restrictive Deed Covenants or Restrictions that may affect the property.

**APPROVED WITH CONDITIONS:** The Board can modify the request and Approve with Conditions; these conditions must be met in order to be approved for permitting or final inspection.

**DENY:** Official rejection of the request, this exact request cannot be made for this property to the Zoning Board of Adjustments, if the applicant chooses, he can appeal to the City Council within 10 days of the denial.

**DENY WITHOUT PREJUDICE:** Official rejection of the request although the request is left so that the applicant can come back with the same request at a later date.

**HARDSHIP:** It shall be incumbent upon an applicant to conclusively prove at the public hearing that, if compelled to meet the provisions of this Ordinance, the applicant cannot secure reasonable use of the property; that the hardship claimed results from the application of the provisions of this Ordinance; that the hardship claimed is suffered by the property directly, and not merely by other properties; that the hardship claimed is not the result of the applicant's own actions.

Please note: that monetary or cosmetic reasons will not pass the hardship standard.

**VARIANCE:** A variance is a permit which the Board may grant in certain situations, enabling a property owner the use of his property in a way which is in conflict with the literal provisions of the Ordinance. A request to vary some development requirement such as a setback, number of parking spaces, height, lot area, etc. A variance may be approved only upon a determination that;

1. The approval will not be injurious to the public health, safety, morals, and general welfare of the community;
2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property.

**APPEAL:** A appeal may be made when any action or decision issued by the City affects anyone's rights or the applicant believes that the interpretation of the city administration is contrary to the City Ordinance.



# CITY OF FULSHEAR

PO Box 279 /6611 W. Cross Creek Bend Ln  
Fulshear, Texas 77441  
Phone: 281-346-8860 ~ Fax: 281-346-2556  
[www.fulsheartexas.gov](http://www.fulsheartexas.gov)

## VARIANCE/APPEAL APPLICATION

APPLICATION DATE: 7/17/2023

ADDRESS OF PREMISES AFFECTED: Wallis St, Fulshear, TX 77441

LEGAL DESCRIPTION: LOT 1, BLOCK 1 OF THRIVE CHURCH FULSHEAR F.C. NO. 20180058  
F.B.C.P.R. SITUATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT  
NO. 29 CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS

OWNERS INFORMATION: NAME Thrive Church  
ADDRESS 29358 McKinnon Rd CITY Fulshear STATE TX  
ZIP CODE 77441 EMAIL josh@thrivechurch.cc PHONE NUMBER (832) 314-9151

APPLICANTS NAME (if different than owner) Patrick Sowinski  
ADDRESS 11700 Katy Freeway, Suite 800 CITY Houston STATE TX  
ZIP CODE 77079 EMAIL Patrick.Sowinski@kimley-horn.com PHONE NUMBER (346) 348-0844

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary) \_\_\_\_\_  
We are requesting the following variances for the proposed development:

1. We are requesting a variance to allow for the number of onsite parking stalls to exceed the maximum allowed for a General Commercial zoned site for the initial phase of the development. The proposed church building will be constructed in two phases, but the parking lot and other sitework is intended to all be constructed as part of the first phase. As such, we are requesting that the maximum parking count for initial phase of development be based on the number of church seats that will be proposed as part of the full development build out. This will allow the church to have sufficient capacity for large services during phase one of the development.
2. We are also requesting a variance to allow for 14 parking spaces to be proposed within the 15' parking setback required for General Commercial zoned properties. The proposed development is a church, and we are requesting this variance in order to maximize the on-site parking for large church services. While these parking spaces will likely remain empty during regular Sunday gatherings, these spaces will allow for the church to handle parking for peak services such as Easter Sunday. Having these extra parking spaces will prevent church-goers from parking on streets and in surrounding neighborhoods during large services.

Have there been previous variance requests for this property? No

Are there similar situations in the area? Yes, there appear to be several encroachments into parking setbacks at the following addresses  
Addresses: 8502 FM 359, Fulshear, TX 77441; 8055 FM 359, Fulshear, TX 77441, 8222 Main St, Fulshear, TX 77441

Have you informed your Home Owners Association? N/A or Neighbors? Yes

**Request Proposal and Description:** Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:

1. The attached site plan exhibit shows the number of parking spaces proposed and includes a summary table outlining the minimum and maximum required parking stalls for each phase of the development. During phase one of church development, the proposed number of parking stalls (206) will exceed the maximum number of allowable stalls (119). Once phase two of the church is constructed, the proposed number of parking stalls (206), will no longer exceed the maximum number of stalls allowed (233).
2. The attached site plan exhibit shows and labels the proposed parking stall encroachment into the parking setback. We are requesting that a total of 14 stalls be located within the parking setback. The parking stalls will be paved with concrete and include concrete curbing. Masonry wall and plantings from the approved City of Fulshear list will be proposed between all parking stalls and Wallis Street for head-light screening.

(Continued... Request Proposal)

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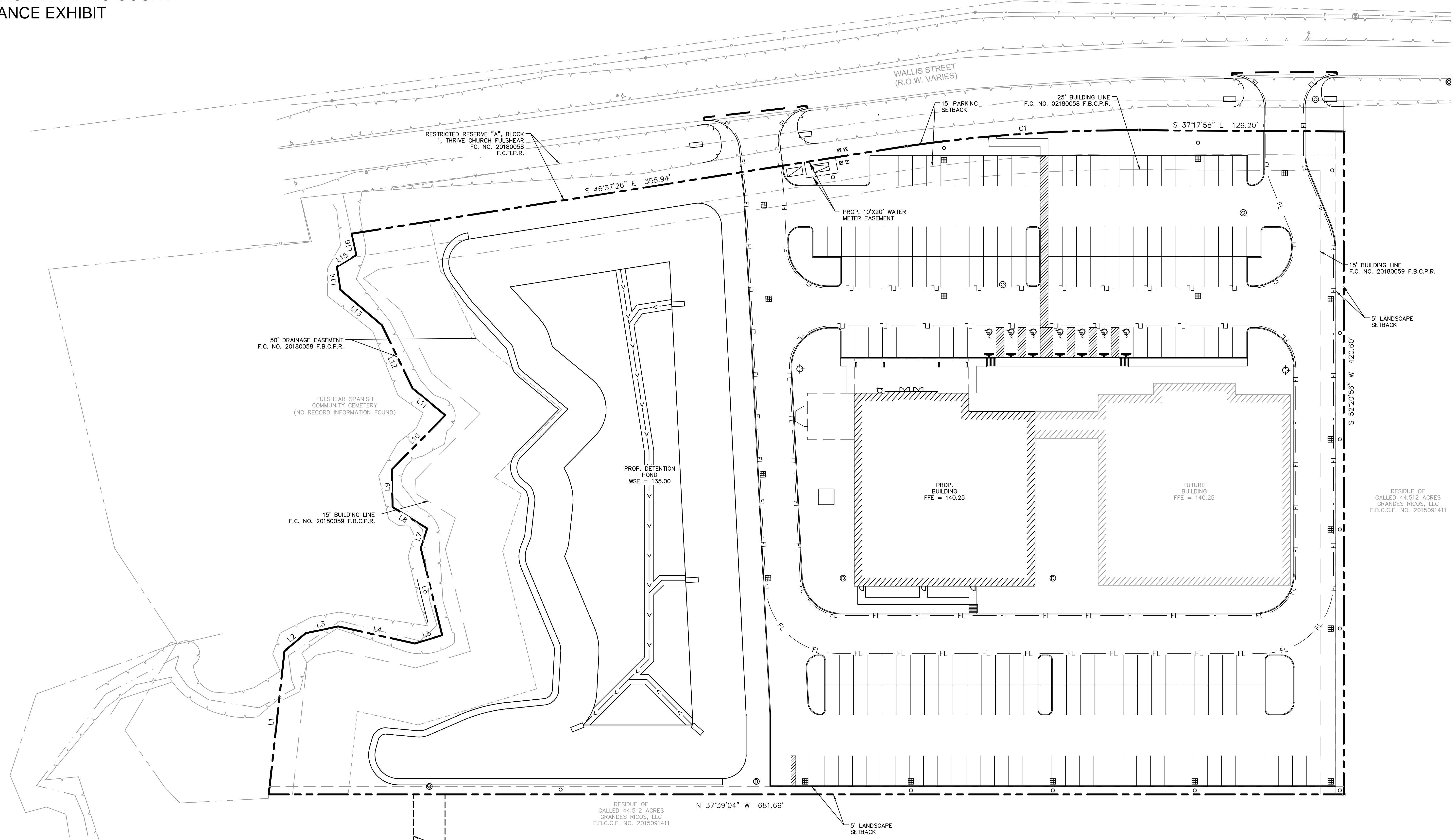
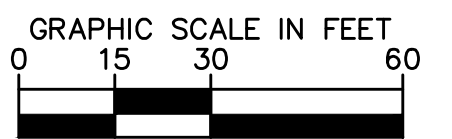
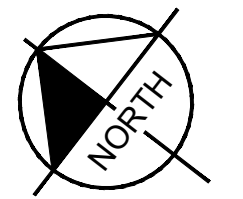
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**Acknowledgement:** I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.



**Signed** by the Applicant/Owner Agent: \_\_\_\_\_ Date: 7/17/2023

MAXIMUM PARKING COUNT  
VARIANCE EXHIBIT



PARKING SUMMARY					
PARKING REQUIRED					
USE	SQUARE FOOTAGE	MINIMUM RATIO REQUIRED	MAXIMUM RATIO PERMITTED	MINIMUM STALLS REQUIRED	MAXIMUM STALLS PERMITTED
CHURCH (PHASE 1 - 356 SEATS)	13,600	GREATER OF: 1 PER 350 SF OF 1 PER 4 SEATS	GREATER OF: 1: 200 SF OR 1 PER 3 SEATS	89	119
CHURCH (PHASE 2 - 344 SEATS)	15,800			86	115
<b>TOTAL</b>				175	234
PARKING PROVIDED					
STANDARD STALLS PROVIDED					199
ACCESSIBLE STALLS PROVIDED					7
<b>TOTAL STALLS PROVIDED</b>					206

# THRIVE CHURCH

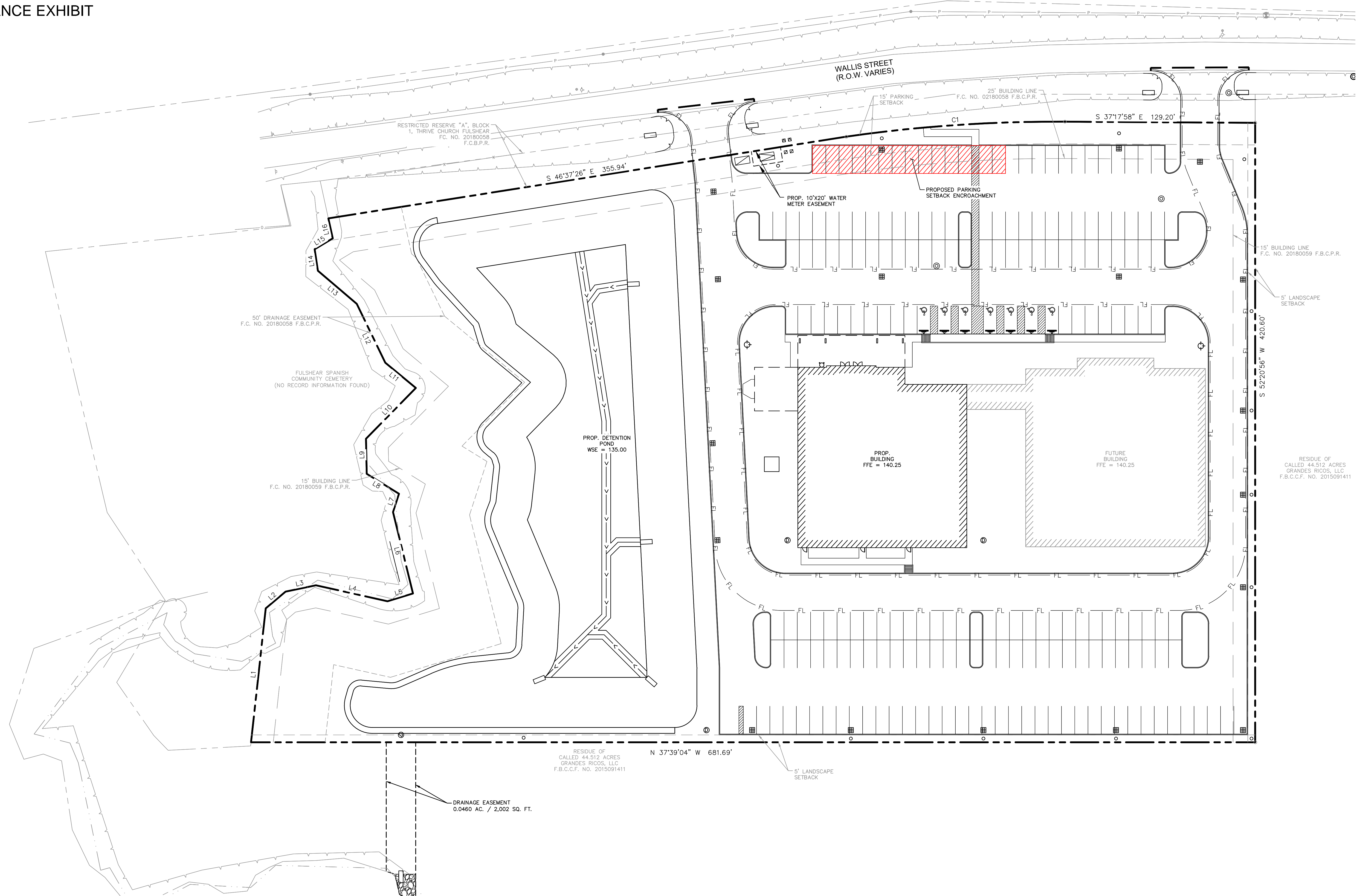
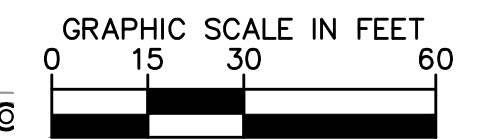
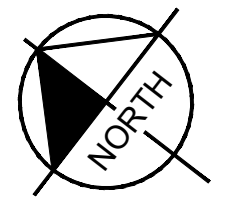
FULSHEAR, TEXAS  
JULY 2023



11700 Katy Freeway  
Suite 800  
Houston, Texas 77079  
281-597-9300  
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.

PARKING SETBACK ENCROACHMENT  
VARIANCE EXHIBIT



# THRIVE CHURCH

FULSHEAR, TEXAS  
JULY 2023

**Kimley»Horn**

11700 Katy Freeway  
Suite 800  
Houston, Texas 77079  
281-597-9300  
State of Texas Registration No. F-928

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE AND HAS BEEN PRODUCED WITHOUT THE BENEFIT OF A SURVEY, TOPOGRAPHY, UTILITIES, CONTACT WITH THE CITY, ETC.