

MINUTES
BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE
HARRIS COUNTY, TEXAS

At a regular meeting held on August 13, 2009, at City Offices, 7676 Woodway, Suite 300, the following members of the Board of Adjustment were present:

<u>MEMBER</u>	<u>PRESENT/ABSENT</u>
Larry Chapman	Present
Robert P. Larkins	Present
Vicky Driscoll	Present
Kevin Risley	Present
Kenny Meyer	Present

Those in attendance included the Applicants and other interested parties as set out on the Registration Sheet for this meeting.

- I. The meeting was called to order at 7:00 P.M.
- II. Board's actions and comments on scheduled appeals are attached hereto. The number of appeals considered is one, with multiple parts. The action taken by the Board on any application (i) is limited solely to such application, (ii) shall not be applicable to any other application whether on the property involved with such application or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinance of the City, or any other ordinance.
- III. The meeting was adjourned at approximately 8:15 P.M.


Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: August 13, 2009

1. Scheduled Appeal No: 09-04 Order No. 09-04
2. Applicant: Mr. Michael Sutton and Kathy Sutton, DVM
3. Address: 11440 Walden Lane
4. Type of Appeal: Variance
Applicable Zoning Ordinance Sections: 74-244(c)(2), 74-244(c)(3), 74-244(c)(1), 74-244(b)(2) and 74-1 ("Accessory Building").
5. Applicant was present: yes
Represented by: Mr. Michael Sutton
6. After presentation of the appeal by applicant, discussion by all interested parties either for or against and deliberation by the Board, the Board voted as follows to each of the requested variances:

1. Reduce the building line on the West side of the yard property line to a 20-foot building setback as opposed to what is currently required under Chapter 74, Section 74-244(c)(2):

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	no/denied
Risley	no/denied
Larkins	no/denied
Driscoll	no/denied
Meyer	no/denied

2. Determination that the removal of the presently existing 50-foot setback as shown on the original plat does not violate Chapter 74 such that a variance is therefore not presently necessary.

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	yes/granted
Risley	no/denied
Larkins	yes/granted
Driscoll	yes/granted
Meyer	yes/granted

3. On the South side yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback along the area shown on the colored diagram presented to the meeting by Mr. Sutton marked "Variance Request #3".

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	no/denied
Risley	no/denied
Larkins	no/denied
Driscoll	yes/granted
Meyer	yes/granted

Or alternatively, on the South side yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback for approximately 37 feet along the south side of the existing 2 story accessory building to allow a covered walkway to be installed thereat.

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	no/denied
Risley	no/denied
Larkins	no/denied
Driscoll	yes/granted
Meyer	yes/granted

4. On the North rear yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback along the area shown on the colored diagram presented to the meeting by Mr. Sutton marked "Variance Request #4".

Chapman	no/denied
Risley	no/denied
Larkins	no/denied
Driscoll	yes/granted
Meyer	no/denied

Or alternatively, on the North rear yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback for approximately 40 feet along the north side of the existing main residence to allow a covered walkway to be installed thereat.

Chapman	no/denied
Risley	no/denied
Larkins	no/denied
Driscoll	yes/granted
Meyer	yes/granted

5. To allow the currently existing main house, and the currently existing 2 story accessory building which is more than 25 feet in height and contains a kitchen, the existing footprints of both of which buildings being shown on the survey presented to the meeting by Mr. Sutton, to remain as both are presently situated on the lot, until one or both of such buildings are removed or substantially demolished, and the two buildings are not to be

enlarged or extended unless the enlargement or extension complies with all the regulations and ordinances of the City.

Chapman
Risley
Larkins
Driscoll
Meyer

yes/granted
yes/granted
yes/granted
yes/granted
yes/granted


Chair

ORDER NO. 09-04
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of Mr. Michael Sutton and Kathy Sutton, DVM, for the following variance from Section 74-244(c)(2) of Chapter 74, Zoning, Code of Ordinances of the City as to 11440 Walden Lane:

Reduce the building line on the West side of the yard property line to a 20-foot building setback as opposed to what is currently required under Chapter 74, Section 74-244(c)(2),

a copy of which appeal is attached hereto, is hereby denied. It is noted that in discussion some members of the Board requested further information as to what is the minimum that Applicant requires to screen the HVAC units to be installed on the west side of the existing residence.

The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244(c)(2) on the west side of the yard property line will be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(2) of Chapter 74 will not result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244(c)(2) is not consistent with the spirit of the Ordinance and its general purpose and intent.

Section 2. The appeal of Mr. Michael Sutton and Kathy Sutton, DVM, for the following variance from Section 74-244(c)(1) of Chapter 74, Zoning, Code of Ordinances of the City as to 11440 Walden Lane:

Determination that the removal of the presently existing 50-foot setback as shown on the original plat does not violate Chapter 74 such that a variance is therefore not presently necessary,

a copy of which appeal is attached hereto, is hereby granted since such a variance does not appear necessary at this time since no variance under Chapter 74 is in effect being requested.

Section 3. The appeal of Mr. Michael Sutton and Kathy Sutton, DVM, for the following variances from Section 74-244(c)(2) of Chapter 74, Zoning, Code of Ordinances of the City as to 11440 Walden Lane:

On the South side yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback along the area shown on the colored diagram presented to the meeting by Mr. Sutton marked "Variance Request #3";

Or alternatively, on the South side yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback for approximately 37 feet along the south side of the existing 2 story accessory building to allow a covered walkway to be installed thereat;

a copy of which appeal is attached hereto, are both hereby denied.

The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244(c)(2) on the South side of the yard property line will be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(2) of Chapter 74 will not result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244(c)(2) is not consistent with the spirit of the Ordinance and its general purpose and intent.

Section 4. The appeal of Mr. Michael Sutton and Kathy Sutton, DVM, for the following variances from Section 74-244(c)(3) of Chapter 74. Zoning, Code of Ordinances of the City as to 11440 Walden Lane:

On the North rear yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback along the area shown on the colored diagram presented to the meeting by Mr. Sutton marked "Variance Request #4";

Or alternatively, on the North rear yard property line, reduce the building line from that which is required by Chapter 74 to a 15-foot building setback for approximately 40 feet along the north side of the existing main residence to allow a covered walkway to be installed thereat;

a copy of which appeal is attached hereto, are both hereby denied.

The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244(c)(3) on the North side of the rear yard property line will be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(3) of Chapter 74 will not result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244(c)(3) is not consistent with the spirit of the Ordinance and its general purpose and intent.

Section 5. The appeal of Mr. Michael Sutton and Kathy Sutton, DVM, for the following variances from Section 74-244(b)(2) and Section 74-1 ("Accessory Building") and Section 74-244(c)(1) of Chapter 74. Zoning, Code of Ordinances of the City as to 11440 Walden Lane:

To allow the currently existing main house, and the currently existing 2 story accessory building which is more than 25 feet in height and contains a kitchen, the existing footprints of both of which buildings being shown on the survey presented to the meeting by Mr. Sutton, to remain as both are presently situated on the lot, until one or both of such buildings are removed or substantially demolished, and the two buildings are not to be enlarged or extended unless the enlargement or extension complies with all the regulations and ordinances of the City,

a copy of which appeal is attached hereto, are granted.

The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244(b)(2) and Section 74-1 ("Accessory Building") and Section 74-244(c)(1) so as allow the currently existing main house, and the currently existing 2 story accessory building which is more than 25 feet in height and contains a kitchen, to remain as both are presently situated on the lot, until one or both of such buildings are removed or substantially demolished

with the two buildings to not to be enlarged or extended unless the enlargement or extension complies with all the regulations and ordinances of the City. will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(b)(2) and Section 74-1 of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variances as to Section 74-244(b)(2) and Section 74-1 is consistent with the spirit of the Ordinances and their general purpose and intent.

Unless a building permit is issued pursuant to this variance within 90 days after the date hereof, or 180 days after the date hereof if extended by the Board at its discretion (only one extension being permitted), this variance will expire and be of no further force or effect.

Section 6. The actions taken by the Board (i) are limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED August 13, 2009 (transmitted to offices of the City of Piney Point on August 17, 2009).


Chair