

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

At a regular meeting held on November 12, 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
Scott Bender	Present
Vicky Driscoll	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 two. 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: November 12, 2009

1. Scheduled Appeal No: 09-06 Order No. 09-06
2. Applicant: Lee and Susan Parker
3. Address: 542 Lanecrest Lane
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section: 74-244(c)(1)
5. Applicant was present: yes
Represented by: Lee and Susan Parker
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 to grant the appeal as to front yard variance from 50 feet to 30 feet setback for new construction.

8. The vote of each Board member was as follows:

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	yes/granted
Driscoll	yes/granted
Larkins	yes/granted
Bender	yes/granted

9. Scheduled Appeal No: 09-07 Order No. 09-07
10. Applicant: Michael and Natasha Bleyzer
11. Address: 27 Mott Lane
12. Type of Appeal: Variance
Applicable Zoning Ordinance Section: 74-244(b)(1)
13. Applicant was present: yes
Represented by: Douglas Williams, engineer, and William Stern, architect
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 to grant the appeal as to a variance of the place of the beginning for the measurement of the 35 feet in height for building and structure to be at the elevation of 59 feet, such that no building or structure, or any part thereof, shall exceed 35 feet in height above the 59 foot elevation [as opposed to 35 feet in height above the natural grade of the existing lot (i.e., the grade at center of proposed building footprint after the lot has been cleared and before any other construction has begun)], because the grade at center of proposed building footprint after the lot has been

cleared and before any other construction has begun is at the 53.5 foot elevation and the 100 year flood plain as designated by as determined by the current FEMA FIRM maps is the 58 foot elevation. The Board based its granting of the variance in part on the facts presented that the grade at center of proposed building footprint after the lot has been cleared and before any other construction has begun is at the 53.5 feet elevation and the 100 year flood plain is at the elevation of 58 feet as designated by as determined by the current FEMA FIRM maps.

8. The vote of each Board member was as follows:

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	yes/granted
Driscoll	yes/granted
Larkins	yes/granted
Bender	yes/granted


Chair

ORDER NO. 09-06
VARIANCE

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

Section 1. The appeal of Lee and Susan Parker, for the following variance as to 542 Lanecrest Lane:

For new home construction, front yard setback of 30 feet rather than the required 50 feet,

from Section 74-244(c) (1) of Chapter 74, Zoning, Code of Ordinances of the City, a copy of which appeal is attached hereto, is hereby granted, subject to the following limitations, conditions or safeguards (if there be any): No permission is given to violate any impervious cover requirements or side or rear setbacks.

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 2. The Board hereby finds and determines as follows:


(a) The variance requested as to Section 74-244(c)(1) will not be contrary to the public interest;

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

(c) The granting of the requested variance as to Section 74-244(c)(1) is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is 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 November 12, 2009 (transmitted to offices of the City of Piney Point on November 13, 2009).


Chair

ORDER NO. 09-07
VARIANCE

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

Section 1. The appeal of Michael and Natasha Bleyzer, for the following variance as to 27 Mott Lane:

As to the proposed home for new construction, a variance of the place of the beginning for the measurement of the 35 feet in height for building and structure to be at the elevation of 59 feet (referenced to mean sea level and the current FEMA FIRM maps), such that no building or structure, or any part thereof, shall exceed 35 feet in height above the 59 foot elevation [as opposed to 35 feet in height above the natural grade of the existing lot (i.e., the grade at center of proposed building footprint after the lot has been cleared and before any other construction has begun)],

from Section 74-244(b) (1) of Chapter 74, Zoning, Code of Ordinances of the City, a copy of which appeal is attached hereto, is hereby granted, subject to the following limitations, conditions or safeguards (if there be any): No permission is given to violate any impervious cover requirements or side or rear setbacks.

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 2. The Board hereby finds and determines as follows:

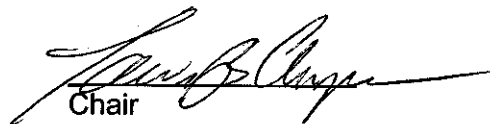
(a) The variance requested as to Section 74-244(b)(1) will not be contrary to the public interest;

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

(c) The granting of the requested variance as to Section 74-244(b)(1) is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is 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 November 12, 2009 (transmitted to offices of the City of Piney Point on November 13, 2009).


Chair