



The City of West University Place
A Neighborhood City

ZONING BOARD OF ADJUSTMENT
MUNICIPAL BUILDING
3800 UNIVERSITY BOULEVARD
REGULAR MEETING MINUTES
September 26, 2019
6:30 pm

I.	MEMBERS PRESENT:	Steven Segal (voting), Neil Martin (voting), Edward Nikonowicz (voting), Janet Parisi (voting), Jay Cohen (voting), John Brett, Sergio Amelio and Brennan Reilly
II.	MEMBERS ABSENT:	Donald Yurewicz
III.	STAFF PRESENT:	Zac Petrov, Legal Counsel; Debbie Scarcella, City Planner and Josie M. Hayes, Administrative Coordinator
IV.	CALL TO ORDER:	6:30 p.m.

Agenda Item

Discussion

Action

	Agenda Item	Discussion	Action
1	Call the meeting to order. Notices, Rules, Etc.	Steven Segal called the meeting to order at 6:30 p.m. Steven Segal asked each member to briefly introduce themselves and state if they are voting or nonvoting. Josie M. Hayes, Administrative Coordinator, stated that all notices were posted in accordance with state and local requirements. Steven Segal then described the hearing procedures. Swearing in of witnesses.	Edward Nikonowicz moved to accept that all notices were properly posted and distributed for this meeting. Second by Neil Martin. Ayes: Steven Segal, Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion Carried. Steven Segal administered the oath to all witnesses.
2	Selection of a Vice-Chair		No action taken. This item was tabled until the next meeting.
3	Docket No. 2019-0007, regarding property at 2601 Cason St., West University Place, Texas 77005 (Variance and Special Exception) a. Public hearing regarding a request for a variance and special exception. b. Deliberation,	The applicant in Docket 2019-0007, 2601 Cason St. is requesting both a variance to Section 10-103(b) in order to allow a “stub” or “dead end” driveway in a front yard and a special exception to Table 7-5a, Note 5, to authorize a second curb cut on the building site. Staff did not receive any correspondence	Motion to close the deliberation portion of the hearing was made by Janet Parisi. Second by Edward Nikonowicz. Ayes: Steven Segal, Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion carried (5-0). After deliberations Edward Nikonowicz made a motion to approve the variance to Article 10, Section 10-103(b) to allow a dead end or stub driveway in the front





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<p>decisions, other action, etc. regarding the preceding matters.</p>	<p>letters in favor or against the application.</p> <p>Citizen speaking against the application was: Henry Lee, 2602 Cason St,</p> <p><u>Background Information:</u> The site is located at the southwest corner of Cason St. and Kirby Dr. and is 50’ wide by 120’ deep. There is an existing driveway and curb cut from Kirby Dr. in the side yard that ends at the garage. The driveway is approximately 16’ deep from the garage doors to the sidewalk. Since the Cason St. intersection is so close to W. Holcombe/Bellaire Blvd. to the south, it is very difficult to load and unload the applicant’s children into the vehicle without concern from the traffic congestion that occurs at Kirby Dr. and W. Holcombe/Bellaire Blvd. The applicant is asking for a special exception to allow another curb cut on the Cason St. side for use for parking her vehicle. The driveway would stop or “dead end” in the front yard, thus necessitating the need for a variance.</p> <p><u>Staff Response:</u> <u>Variance Request</u> – Section 10-103(b) requires that all parking and maneuvering areas be located behind the principal building. It goes on to prohibit “stub” or “dead end” driveways located in the front yard setback. There is an exception for those sites that front on a major thoroughfare containing four or more lanes. This site does not front Kirby Dr. Staff believes that the ZBA has the authority to grant this variance, but according to Section 11-102 of the zoning regulations, the ZBA may not issue a variance unless all of the following circumstances are present. (1) The ZBA has made all findings and determinations</p>	<p>yard setback. Seconded by Steven Segal. Ayes: Steven Segal and Edward Nikonowicz. Noes: Neil Martin, Janet Parisi and Jay Cohen. Motion failed (2-3).</p> <p>Edward Nikonowicz made a motion to authorize a special exception as authorized in Table 7-5a, Note 5 to authorize an additional curb cut to the building site in order to build a dead end or stub driveway in the front yard setback. Second by Steven Segal. Ayes: Steven Segal. Noes: Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion failed (1-4).</p>
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required by state law for the granting of a variance. A “special condition” or “hardship” that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a variance. The findings to grant a favorable result for this application are as follows: 1. The ZBA must find that a literal enforcement of the ordinance would result in an unnecessary hardship. 2. By granting the variance, would the spirit of the ordinance be observed and substantial justice done; 3. Would the variance be contrary to the public interest? (2) The ZBA has made any additional findings and determination required by a specific provision of this section which relates to the variance. (3) The variance has been reduced to writing and includes and conditions prescribed by the ZBA or by this section for the variance in questions. The ZBA may prescribe conditions to the request such as limiting the length and width of the parking space, requiring pervious pavement, require screening, etc.

Special Exception Request – Table 7-5a limits the maximum number of curb cuts to “one per designated building site abutting the street. Note 5 of Table 7-5a authorizes additional curb cuts and specifically authorizes staff to approve the curb cuts for semi-circular driveways as prescribed in Chapter 70 of the Code of Ordinances. This proposed driveway would not be connected and so is not authorized without a special exception from ZBA. Table 7-5a, Note 5 of the Zoning Ordinance gives the ZBA the authority to grant a special exception for additional curb cuts. The ZBA must find that the request is in harmony with the general purpose and intent of the Zoning Ordinance and that the request will not cause any significant increase in on-street parking or traffic,





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		<p>traffic congestion, or an unreasonable burden upon public utilities or services. If the Board grants the special exception, the Board can attach conditions.</p>	
4	<p>Docket No. 2019-0008, regarding property at 6321 Buffalo Speedway, West University Place, Texas 77005 (Variance)</p> <p>a. Public hearing regarding a request for a variance.</p> <p>b. Deliberation, decisions, other action, etc. regarding the preceding matters.</p>	<p>The applicant in Docket 2019-0008, 6321 Buffalo Speedway is requesting a variance from Table 7-2, entitled “Yards (setbacks)”. Table 7-2 establishes the minimum yard (setback) for the front, side and rear of a building site. Generally, most structures are not allowed in a yard (setback).</p> <p>Staff did not receive any correspondence letters in favor or against the application.</p> <p>Background Information The site is located on the west side of the 6300 block of Buffalo Speedway, approximately 300’ south of University Blvd. The site is 50’ wide and 200’ deep. A residential structure was built on the site in 1931 with a small garage. In 1994, the small garage was demolished and a 12’ by 50’ garage was constructed. The rear of the garage is 20’ from the rear property line and the side is 3.3’ and 3.2’ at the respective corners. The space at the rear of the structure is open and unfinished except for a pool bath and a garden potting area. The applicant is proposing to finish out the rear portion and convert it to accessory quarters. Accessory quarters are allowed in a single-family district, but must not exceed 600 square feet. This space is approximately 12’ x 22’.</p> <p>Staff Response: The minimum setback for any structure is 10% of the building site width or 5’, whichever is greater. There is an exception for certain garage space provided certain criteria are met. One of the criteria is that the space is used as garage space (and the space above if two story). Since the applicant proposes to convert the space from garage (storage) to living (habitable) space, the exception will not apply to the converted space. Staff believes that the ZBA has the authority to grant this variance, but according</p>	<p>Motion to close the deliberation portion of the hearing was made by Edward Nikonowicz. Second by Jay Cohen. Ayes: Steven Segal, Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion carried (5-0).</p> <p>After deliberation, Edward Nikonowicz made a motion to approve the variance to the side yard setback as required by Article 7, Table 7-2, Yards (or setbacks) to allow a living area behind the garage to be 3.5’ from the property line. Second by Neil Martin. Ayes: Steven Segal, Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion Carried.</p>





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		to Section 11-102 of the zoning regulations, the ZBA may not issue a variance unless they find a literal enforcement of the ordinance would result in an unnecessary hardship, that by granting the variance, would the spirit of the ordinance be observed and substantial justice done and would the variance be contrary to the public interest? The ZBA may prescribe any conditions it determines necessary to support the granting of the variance.	
5	Meeting Minutes	Approval of meeting minutes from June 27, 2019.	Steven Segal moved to approve the June 27, 2019 minutes. Second by Edward Nikonowicz. Ayes: Steven Segal, Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion carried.
	Adjournment.	The meeting was adjourned at 8:47 pm.	Janet Parisi moved to adjourn the meeting. Second by Steven Segal. Ayes: Steven Segal, Neil Martin, Edward Nikonowicz, Janet Parisi and Jay Cohen. Motion Carried.

APPROVED THIS 21 DAY OF November 2019.

Steven Segal
Presiding Officer

ATTEST: Josie M. Hayes
Josie M. Hayes, Administrator Coordinator

