

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §



**NOTICE OF A MEETING
MANVEL ZONING BOARD OF ADJUSTMENT MEETING
April 18, 2023**

**NOTICE IS HEREBY GIVEN
6:00 P.M.**

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Zoning Board of Adjustment will convene a regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The ZBOA of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. They may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 for further information.

*Derek Dalmolin was sworn in before the meeting.

Regular Session

Call To Order and Roll Call

- Pos #1 Martina McNickles
- Pos #2 Ronald Keels
- Pos #3 Derek Dalmolin
- Pos #4 Raf Lopez
- Pos #5 Kim Bickham

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING A ZONING VARIANCE TO CHAPTER 77, ZONING, SECTION 77-27 (B) (1), MINIMUM LOT SIZE, CITY OF MANVEL, IN OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FOR APPROXIMATE 0.972 ACRES OF LAND (INCLUDING RIGHT-OF-WAY DEDICATION) LOCATED ALONG THE SOUTHERN SIDE OF POLLARD DRIVE, ABUTTING THE PROPERTY AT 7028 POLLARD DRIVE ON THE EAST SIDE, DESCRIBED AS BEING A 0.972 ACRE TRACT OF LAND OUT OF LOTS 54 AND 60 ALLISON RICHEY GULF COAST HOME COMPANY’S SUBURBAN GARDENS SUBDIVISION SECTION 73 AS RECORDED IN VOLUME 2, PAGES 91-92 OF THE BRAZORIA COUNTY PLAT RECORDS IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, PROVIDING FOR VARIANCES TO MINIMUM LOT SIZE IN THE OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FROM THE CITY’S ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Regular Agenda

- A. Consideration and possible action to approve a Zoning Variance to Chapter 77, Zoning, Section 77-27.(b)(1), Minimum Lot Size, in Open-Single Family Residential (O-SFR) Zoning District. The subject site is located along the southern side of Pollard Drive, abutting the property at 7028 Pollard Drive on the east side.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on April 14, 2023 in accordance with the Texas Open Meetings Act (Tex. Gov’t. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS



ZONING VARIANCE

<p>Address: Not assigned (PID 168168)</p>	<p>Executive Summary</p> <p>The property owner (applicant) is requesting a variance for the subject site located along the southern side of Pollard Drive, abutting the property at 7028 Pollard Drive on the east side. The subject site is within the Open-Single Family Residential (O-SFR) District. The subject site is currently an approximate 0.972-acre (42,340 square feet) tract (including a 25-foot-wide road easement) fronting Pollard Drive. With less than 1 acre lot area, the subject site does not conform to the minimum lot size requirement for O-SFR district. Additionally, lot area will be further reduced upon the dedication of a required 30-foot right-of-way. The applicant intends to sell the subject site and is requesting a variance to the minimum lot size requirement, so that the subject site can be developed for a single-family home: The requested variance, if granted will:</p> <ul style="list-style-type: none"> Reduce the minimum required lot size from 1 acre to approximately 0.883 acres or 38,475 square feet.
<p>Legal Description: see Public Hearing Notice</p>	
<p>Applicant/Representative: Mike Knuckles</p>	
<p>Property Owner: Mike Knuckles</p>	
<p>Current Zoning: Open-Single Family Residential (O-SFR)</p>	
<p>Request: Zoning variance to minimum lot size requirement in the O-SFR zoning district</p>	
<p>Applicable Land Use Regulations: Section 77-27 (b) (1)</p>	<p>Site Location</p>
<p>Exhibits: Application, Property Survey, Site Photographs, Zoning Vicinity Map, Major Thoroughfare Plan Map, Aerial Map, and Public Hearing Notice</p>	
<p>Submitting Staff: Jose Abraham, City Planner</p>	

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

April 18, 2023



Staff Report

Variance Criteria

Manvel Code of Ordinances, Chapter 77, Zoning, Article III, Administration

Section 77-73., Zoning Board of Adjustment/Zoning Official and Section 77-74., Variances

After a public hearing consisting of 75% of the Zoning Board of Adjustment members, the Board shall place a concurring vote of 75% of the Board members to authorize a variation from the terms of a zoning ordinance. The Zoning Board of Adjustment shall not grant a variance unless it shall in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:

- (1) The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;
- (2) The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being or substantially diminish or impair property values within the neighborhood; and
- (3) The variance desired will not be contrary to the general purpose and intent of these regulations.

H.B. 1475 (effective September 1, 2021)

Allows an additional criterion to the three mentioned above, where by the ZBA can consider if “other matters” are in compliance with the City’s zoning ordinance. The items include:

- (1) The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the accessor for the municipality under Section 26.01. Tax Code;
- (2) Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
- (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (4) Compliance would result in unreasonable encroachment on an adjacent property or easement; or
- (5) The municipality considers the structure to be a nonconforming structure.

Overview

The 0.972-acre subject site is located along the southern side of Pollard Drive, abutting the property at 7028 Pollard Drive on the east side. The subject site is owned by Mike Knuckles and is zoned Open-Single Family Residential (O-SFR). The subject site abuts Lakeland Subdivision which is zoned

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

April 18, 2023



Single-family residential district to the south and is surrounded by properties zoned Open-Single Family Residential (O-SFR) to the north, east, and west. The property is currently undeveloped with trees and vegetation on it. The applicant also owns two lots east of the subject site with a manufactured home on one and a hanger/ barn on another. All the three lots were bought separately at different times and have three separate Brazoria County Appraisal District property identification (PID).

Section 77-27 (b) (1) of the *Manvel Code of Ordinances* requires a minimum lot size of one (1) acre within O-SFR district. As indicated on the attached survey, the 0.972-acre subject site also includes a 25-foot-wide road easement. Currently, access to the subject site is via Pollard Drive which is an asphalt road within a 50-foot-wide road easement. At the time of development, a 30-foot-wide right-of-way dedication for Pollard Drive will be required, which will further reduce the lot area to 0.883 acres or 38,475 square feet. This makes the subject site non-conforming to the current 1-acre lot size requirement by a difference of 0.117 acres or 5,096.52 square feet. The subject site meets the minimum lot width requirement. The applicant intends to sell the subject site due to financial constraints and is requesting this variance, so that the subject site can be developed for a single-family home by the buyer. Specifically, this a request for a variance to Section 77-27 (b) (1) of the *Manvel Code of Ordinances* to allow a reduction in minimum lot size requirement from 1.00 acre to 0.883 acres or 38,475 square feet.

City water and sewer services are not available in the area for the subject site to connect. Therefore, a water well and septic system are required for development. A septic system and water well are feasible based on the available lot area. The applicant owns two abutting lots on the east side, but each of them are also 0.972 acres and achieving conformance by adjusting property lines is not possible. The applicant has indicated that he bought each lot separately as individual lots and that not being able to develop one of the lots or having to merge one of the lots with another lot will be an economic hardship.

Analysis

Following is City Staff's analysis of the requested variance based on variance criteria provided in Section 77-74 of the *Manvel Code of Ordinances* (Zoning Ordinance).

Requested Variance: Section 77-27 (b) (1) states, "The minimum lot area is one acre".

1. *The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.*

The subject site was created as an unrecorded lot with the current acreage several years prior to the current ownership. The subject site shares the same lot area characteristics and road easement encumbrance as all other lots on the south side of Pollard Drive within the same unrecorded subdivision. The current acreage is slightly less than 1 acre. With the required

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

April 18, 2023



right-of-way dedication, the acreage will be 0.117 acres or 5,096.52 square feet less than the minimum requirement of 1.00 acre or 43,560 square feet. Without granting the variance, the lot cannot be developed, therefore, the applicant is having difficulty selling the property for future single-family residential development.

2. *The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being or substantially diminish or impair property values within the neighborhood.*

Granting a variance will not be materially detrimental or injurious to other properties in the area. It will also not impair an adequate supply of light or air to adjacent property, will not substantially increase the congestion, or fire danger, endanger the public health, safety, and well-being of the neighborhood. The requested reduction in minimum lot size requirement is 0.117 acres or 5,096.52 square feet which is not significant enough in terms of congestion. Also, granting of this variance will not result in creation of additional lots.

3. *The variance desired will not be contrary to the general purpose and intent of these regulations.*

Granting the variance will allow a slightly reduced lot size for the subject site, however, granting the variance will not be contrary to the general purpose and intent of the City of Manvel regulations which is promoting the health, safety, and general welfare of the city, and its inhabitants. Additionally, a septic system and water well are feasible based on the available lot area and the reduction is not significant enough to negatively impact the rural character of the district.

4. *Additional criteria such as financial cost, loss in lot area, loss of compliance with city ordinances or building codes, unreasonable encroachment on an adjacent property, or the structure is nonconforming are in compliance with the city's zoning ordinance.*

- a. The subject site is vacant and there are no structures on it, therefore, compliance cost based on 50% of the appraised value of the structure is not applicable. However, since the owner owns two adjoining lots that have existing structures, conformance maybe achieved only by merging the subject site with abutting lot.
- b. The subject site is vacant and there are no structures on it, therefore, loss of compliance with city ordinances or building codes is not applicable. Also, since two abutting lots owned by the applicant are less than one (1) acre, conformance to lot size requirement cannot be achieved without losing a lot.
- c. The subject site is vacant and there are no structures on it, therefore, loss of compliance with city ordinances or building codes is not applicable;
- d. The subject site is vacant and there are no structures on it, therefore, unreasonable encroachment on an adjacent property or easement is not applicable; or

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

April 18, 2023



- e. The subject site is vacant and there are no structures on it, therefore, criterion related to non-conformity is not applicable.

Staff Recommendation

Based on the above analysis, City staff recommends approval of this requested variance to Section 77-27 (b)(1) of the *Manvel Code of Ordinances* for the subject site, to allow a reduction in minimum lot size requirement from 1.00 acre to 0.883 acres or 38,475 square feet with the following conditions:

1. The variance shall expire when the acreage of the subject site changes due to further subdivision or addition of acreage through platting or deed.
2. The variance shall expire if the zoning designation of the subject site changes from Open-Single Family District (O-SFR).

Zoning Board of Adjustment Public Notice

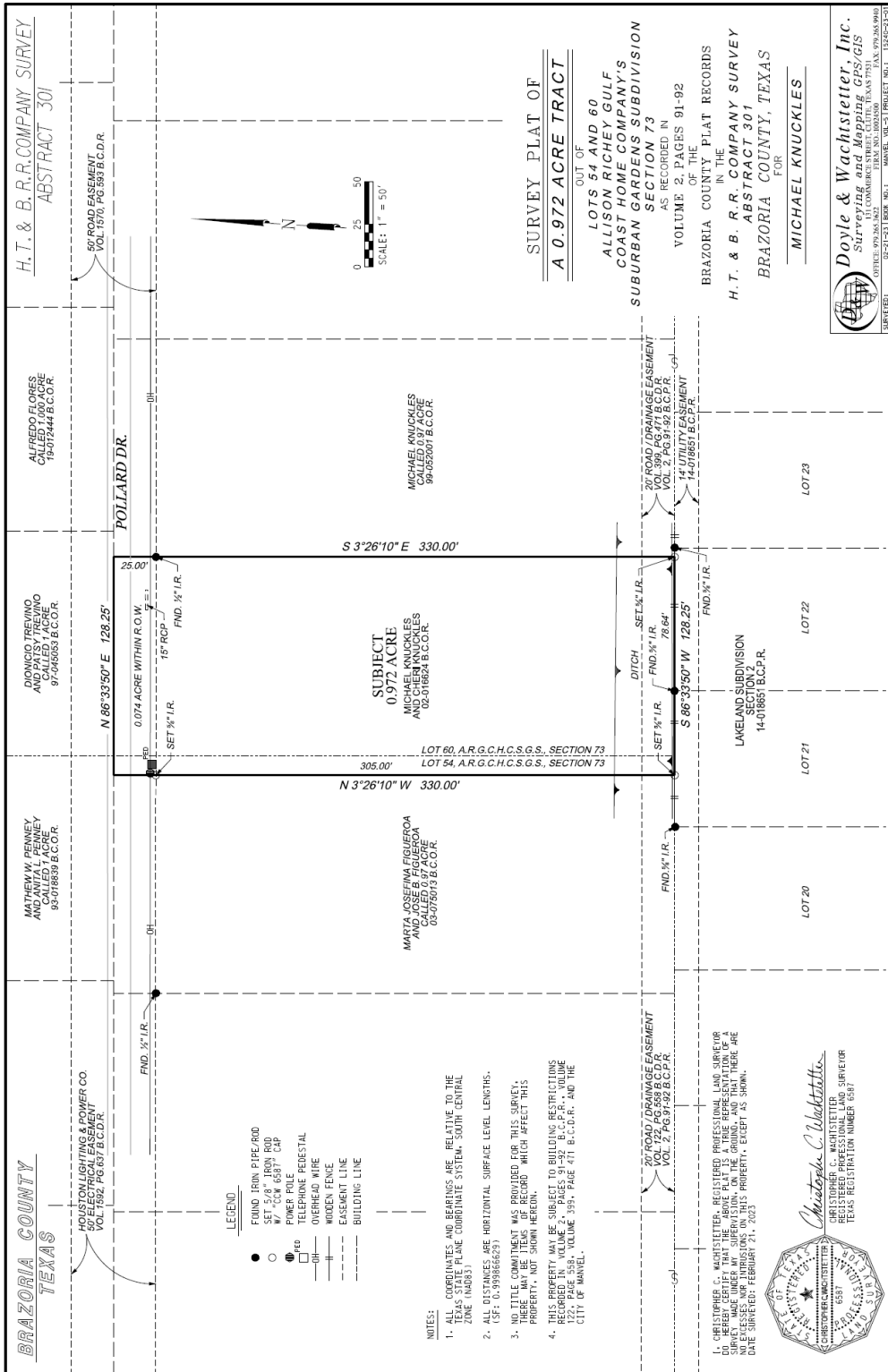
Notice of public hearing was published in a newspaper of general circulation. All property owners within 200-feet of the site were notified. At the time of writing this report, staff has not received informational inquiries or letters from anyone for or against the request. *Table 1: 200-foot Mailing Notification* provides a more detailed look at the mailing notifications.

Table 1: 200-foot Mailing Notification

Letters Sent	Letters Returned	In Favor	In Opposition	Information Only
19	0	--	--	--



Property Survey





Aerial Map



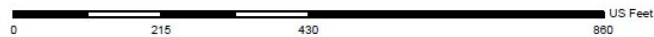
Pollard Dr. PID: 168168



 PID: 168168  City of Manvel ETJ  City of Manvel City Limits



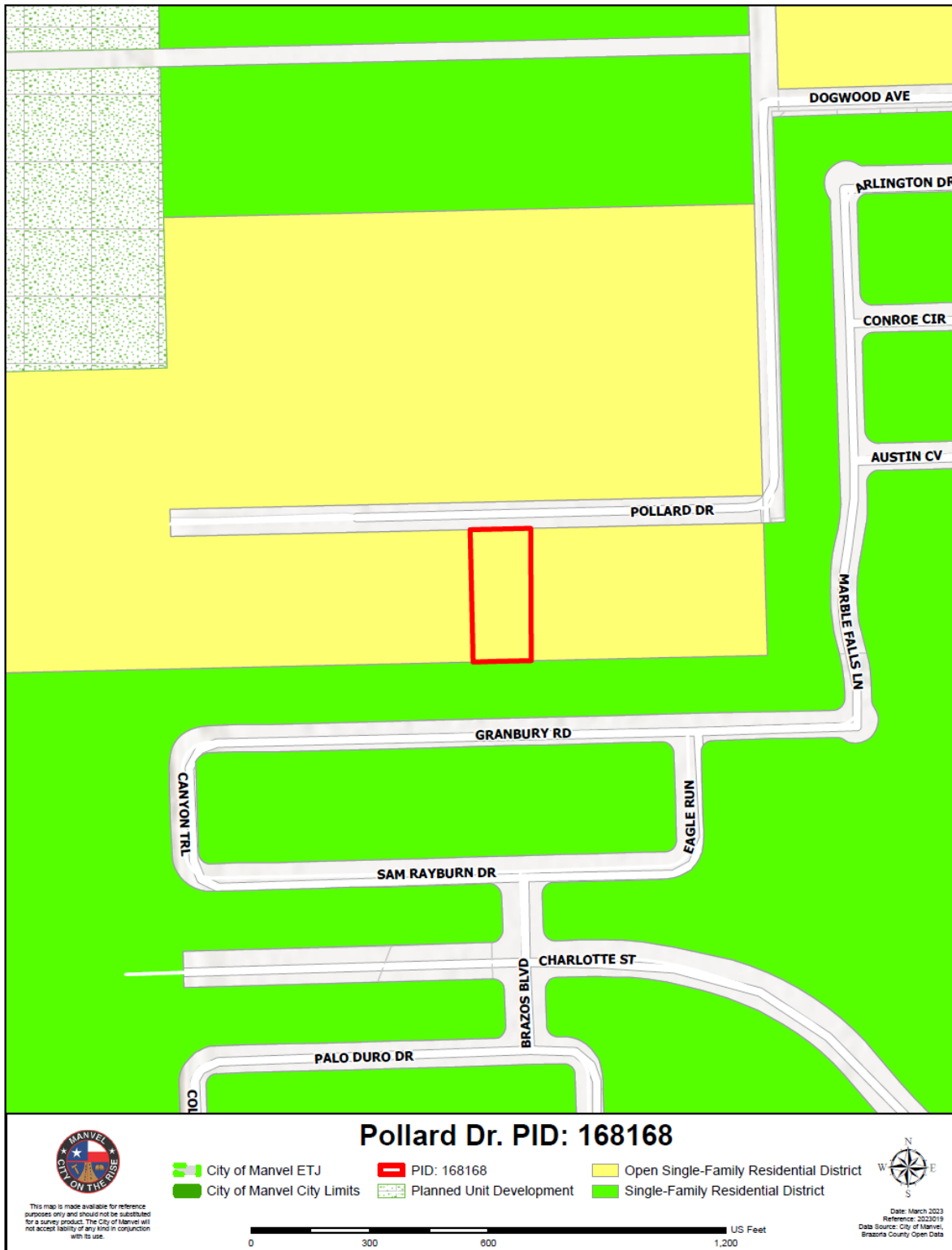
This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.



Date: March 2023
Reference: 2023019
Data Source: City of Manvel,
Brazoria County Open Data



Zoning Map





Site Photographs



Viewing subject site from North along Pollard Dr



Viewing from subject site to property across the street along Pollard Dr



Site Photographs



Adjoining property to the East of Subject Site (7028 POLLARD DR)



Property on the east with barn



Site Photographs



Property in the vicinity of the subject site - on North East



View of Pollard Dr from the Northwest corner of the subject site



Major Thoroughfare Map





Application



PERMITS DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

ZONING VARIANCE APPLICATION

SITE INFORMATION

Project Name: Variance for TRACT WDF for development
Site Address or Legal Description: A0301 HT 1 BRR TRACT WDF
Parcel/Tax ID# (s): ACC# 0301-0017-16a Polkard Dr. Property Platted: YES NO
Current Zoning: open single family Total Acreage: 0.972 Total Lots: 1ea.
Project Description: Variance for TRACT WDF in the city limits of Manvel Tx 77578 for future development.

OWNER & APPLICANT INFORMATION

Applicant Name: Mike Knuckles Company Name: Na.
Address: 20801 Ant Hill Rd. City: Lincoln State: AR Zip: 72714
Phone #: 832-423-2192 Email: MWKnuckles@yahoo.com
Owner Name: _____ Company Name: NA
Address: _____ City: _____ State: _____ Zip: _____
Phone #: _____ Email: _____

ZONING VARIANCE INFORMATION

The zoning variance requested is (cite section from Chapter 77, Zoning, in the Code of Ordinances):
Sec 77 - 27. B(1) Request a lot of 0.972 acres for development.

Is granting the variance necessary to secure appropriate development of a parcel of land which differs from other zoning districts by being of such restricted area, shape, or slope that it cannot be appropriately developed without modification?

Yes this property is 0.972 acreage with a black top road in front and a subdivision on the back side.

Will granting the variance be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located?

No it will not. This property has one road in front and when developed it will help increase the value of the neighborhood.



Application



PERMITS DEPARTMENT

20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

Will granting the variance impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety, and well-being, or substantially diminish or impair property values within the neighborhood?

Not at all, If granted this variance the property will be developed, and in turn increase the value of the neighborhood!

Will the variance be contrary to the general purpose and intent of these regulations?

N/A - I do not understand the question.

DISCLAIMER & SIGNATURE

I certify that I am the owner or owner's representative of the property (with signed letter of authorization) and that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct.

Mike Knuckles
Applicant Signature

3-1-2023
Date

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

April 18, 2023



Application

February 28, 2023

Jose Abraham

City Planner ,City Of Manvel TX

20025 Highway 6 Manvel , TX 77578

281-489-0630 Main 832-3364068

Good Afternoon Ladies and Gentleman , My name is Mike Knuckles I am writing this letter asking for a variance for the property on Pollard Drive in the City Limits of Manvel Texas , I have owned property in Manvel for over 30 years and up until 5 years ago I lived in Manvel , I currently own 2 lots in Manvel that are side by side each lot measuring one is 0.97 Acres Lot 60 G and I just had a survey done on the other lot it measures 0.972 Lot 60F And this is the Lot I am requesting a variance for , I first was directed to call Texas Commission Environmental Quality and I spoke to a Lady Named Soraya Sousa Her Direct # 713-767-6654 and she told me it was not uncommon to grant variances to properties so close to the one Acres that the city of Manvel requires that they do this all the time and then she informs me that the city of Manvel has all the authority to grant a variance for such property , I purchased this lot 60 G in 6-2-1998 and set a mobile home up on this property it has its own septic and water well , My younger brother lives there now and has for over 20 years , I bought the lot next to his place Lot 60F in 3-13-2002 for privacy and my brother has got to enjoy this property for over 20 years now it is time to sell this property and time is of the essence, With the Variance the new owners will be able to develop the property and improve the value of the whole nationhood ..Signature Mike Knuckles.



Public Hearing Notice

Public Hearing Notice to run on Sunday 04/02/2023

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL TX 77578 AT 6:00 P.M. ON TUESDAY, APRIL 18, 2023, BEFORE THE MANVEL ZONING BOARD OF ADJUSTMENT TO HEAR INPUT FROM THE PUBLIC REGARDING A ZONING VARIANCES TO CHAPTER 77, ZONING, SECTION 77-27 (B) (1), MINIMUM LOT SIZE, CITY OF MANVEL, IN OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FOR APPROXIMATE 0.972 ACRES OF LAND (INCLUDING RIGHT-OF-WAY DEDICATION) LOCATED ALONG THE SOUTHERN SIDE OF POLLARD DRIVE, ABUTING THE PROPERTY AT 7028 POLLARD DRIVE ON THE EAST SIDE, DESCRIBED AS BEING A 0.972 ACRE TRACT OF LAND OUT OF LOTS 54 AND 60 ALLISON RICHEY GULF COAST HOME COMPANY'S SUBURBAN GARDENS SUBDIVISION SECTION 73 AS RECORDED IN VOLUME 2, PAGES 91-92 OF THE BRAZORIA COUNTY PLAT RECORDS IN THE H.T. & B. R.R. CO. SURVEY, ABSTRACT 301, BRAZORIA COUNTY, TEXAS, PROVIDING FOR VARIANCES TO MINIMUM LOT SIZE IN THE OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FROM THE CITY'S ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.