

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



NOTICE OF A MEETING
MANVEL ZONING BOARD OF ADJUSTMENT MEETING
September 10, 2024

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.

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.

Staff Presentation on Public Hearing Item

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING THE PROPOSED ZONING VARIANCE FROM CHAPTER 77, ZONING, SECTION 77-27(B)(2), MINIMUM LOT WIDTH, WITHIN THE OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FOR AN APPROXIMATE 10 ACRE TRACT OF LAND GENERALLY LOCATED 350 FEET SOUTHEAST OF THE SOUTHEAST CORNER OF THE INTERSECTION OF MASSEY RANCH ROAD AND CHOCOLATE BAYOU ROAD (PID 169159), SITUATED IN THE A0320 ERASTUS LITTLE TRACT 1, DIV E, BRAZORIA COUNTY, TEXAS, THEREOF RECORDED IN VOLUME 2 PAGE 89 OF THE MAP RECORDS OF BRAZORIA COUNTY, TEXAS; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF.

Consent Agenda

All Consent Agenda items listed are considered to be routine by the Zoning Board of Adjustment and will be approved by one motion. There will be no separate discussion of these items unless a Zoning Board of Adjustment Member so requests, in which event the item will be removed from the Consent Agenda and considered in sequence on the Agenda.

- A. Approve meeting minutes to date.

Regular Agenda

- A. Consideration and possible action to approve a request by Gold Shanelle Ventures, LLC for variances to Section 77-27 (b) (2), Manvel Zoning Ordinance (Lot Width). Property generally located 350 feet southeast of the southeast corner of the intersection of Massey Ranch Road and Chocolate Bayou Road (pid 169159), situated in the A0320 Erastus Little Tract 1, Div E, Brazoria County, Texas, This property is in the Open-Single Family Residential (O-SFR) District and is just over 10 acres in size. The applicant is requesting a variance from the minimum 120-foot lot width requirement to 110 feet for one of the seven lots (lot four) planned for an open-single family residential development.

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 September 6, 2024 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.





ZONING VARIANCE

Address: Generally located 340 feet southeast from the southeast corner of Chocolate Bayou Road and Massy Ranch Road.
Legal Description: see Public Hearing Notice.
Applicant/Representative: Gold Shanelle Ventures, LLC
Property Owner: Gold Shanelle Ventures, LLC
Current Zoning: Open-Single Family Residential (O-SFR)
Request: Zoning variance to minimum lot width requirement in the O-SFR zoning district
Applicable Land Use Regulations: Section 77-27 (b) (2)
Exhibits: Application, Property Survey, and Conceptual Site Plan.
Submitting Staff: Evan DuVall, Safebuilt

Executive Summary

The property owner (applicant) is requesting a variance for a property generally located roughly 340 feet southeast from the southeast corner of Chocolate Bayou Road and Massy Ranch Road. This property is in the Open-Single Family Residential (O-SFR) District and is just over 10 acres in size. The applicant is requesting a variance to the minimum lot width requirement for one of the seven lots planned for an open-single family residential development. This requested variance, if granted will:

- Reduce the required minimum lot width from 120 feet to 110 feet for lot four.
- Site Location**





This map is made available for reference purposes only and should not be used as a substitute for a survey. The City of Manvel will not be held liable for any errors or omissions.

Chocolate Bayou PID: 169159

<div style="border: 1px solid red; width: 15px; height: 10px; display: inline-block;"></div> PID: 169159	<div style="border: 1px solid yellow; width: 15px; height: 10px; display: inline-block;"></div> City of Manvel ETJ
<div style="border: 1px solid black; width: 15px; height: 10px; display: inline-block;"></div> Parcels	<div style="border: 1px solid green; width: 15px; height: 10px; display: inline-block;"></div> City of Manvel City Limits



Date: March 2024
 Prepared by: GIS/CAD
 Data Source: City of Manvel

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

September 10, 2024



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, whereby 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 applicant intends to make a single-family subdivision with seven home sites. This request is to have one lot (Lot 4) to have a width of 110 feet, instead of the 120 feet required within the Open-Single Family Zoning District. This proposed subdivision development would allow seven single-

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

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family residential homes to be constructed, if approved. All of these lots will satisfy the minimum lot sizes, with the smallest lot at 54,673 square feet (1.25 acres).

Staff Recommendation

City staff recommends approval of the variance request to Section 77-27 (b) (2) of the *Manvel Code of Ordinances* for a ten-acre tract of land based on the following variance criteria:

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 property is currently a ten (10) acre tract and the applicant is proposing a seven lot subdivision, and is requesting a lot width of 110 feet for Lot 4. This property frontage faces Massy Ranch Road (County Road 100), and the properties are significantly deep, and all lots will satisfy the required lot area and depth requirements. This request is only for one lot of the seven total lots proposed.

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 not impair an adequate supply of light or air to adjacent property, will not substantially increase the congestion, fire danger, endanger the public health, safety and well-being of the neighborhood.

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

Since the reduction in lot width is not significant, 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.

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) A financial consideration cannot be taken into account since the property owner does not own additional property to obtain minimum required ten (10) feet of lot width;
- (b) The loss of 25% lot area to comply with the minimum 120-foot required lot width cannot be considered because the property owner does not own additional property to obtain the additional ten feet;
- (c) The property is vacant and there are no structures on the property, therefore, loss of compliance with city ordinances or building codes is not applicable;

Manvel Zoning Board of Adjustment

Planning Department

City of Manvel

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- (d) The property is vacant and there are no structures on the property, therefore, unreasonable encroachment on an adjacent property or easement is not applicable; or
- (e) The property is vacant and there are no structures on the property, therefore, criterion related to non-conformity is not applicable.

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.

Public Hearing Meeting on August 27, 2024: A public hearing was held by the Zoning Board of Adjustment, where nine members of the public spoke and seven members of the public were in opposition to this variance and/or more development in this area, and two members were generally concerned with issues in this area. The public hearing was tabled for the next meeting (September 10, 2024 meeting). A letter regarding the continuation of the public hearing was sent to property owners within 200 feet from the subject site. The following concerns below are from members of the public at the Public Hearing Meeting.

Flooding: Most members of the public that spoke were concerned with flooding in this area, and the issues with more homes being developed in this area. Flooding has occurred during the last flood events in this area, and street. It was mentioned that this neighborhood was stranded during Harvey.

Staff Clarification: All new homes and the subdivision will have to satisfy the minimum requirements of the city and drainage district. This property is within the 100-year flood plain, and all additional fill will have to be mitigated for this development.

Roadway Condition and traffic: The members of the public mentioned that there are issues with road maintenance for this area. There was concerned with trucks and materials being delivered to these home sites if approved, that these trucks will further cause the road condition to be reduced. There is concern that there will be increased traffic from this single-family subdivision.

Staff Clarification: Old Massey Ranch Road is a Brazoria County maintained roadway and is not maintained by the City of Manvel.

Utilities: The members asked if water and sewer would be provided, or would these homes be on water and septic. Another comment was regarding the electricity being provided, and whether the lines would have to be upgraded.

Manvel Zoning Board of Adjustment

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Staff Clarification: These seven homes would be on individual wells and septic systems. CenterPoint is responsible for the electricity, and they would be consulted during the platting phase of this development.

Density of development: A member of the public was concerned with the density of the subdivision and that this development can have six (6) lots and still be successful. The concern was that the homes would be too close together or on top of each other.

Staff Clarification: These homes would have to satisfy the minimum setbacks in the open-single family development, and would have at least twenty-foot setbacks, meaning that there would be at least forty feet (40') between homes within the subdivision.

Uses permitted in development: A member of the public was concerned about whether this would be only a single-family development.

Staff Clarification: These homes are in an open single-family residential district, which allow single-family homes and associated uses allowed in the land use table.

Benefit of development: There was a question on how this subdivision would benefit this area.

Noise: Members of the public spoke how they moved to this area for peace and quiet, and that this development would be bad for the community.

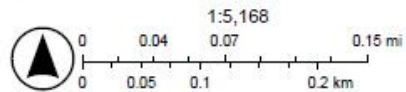
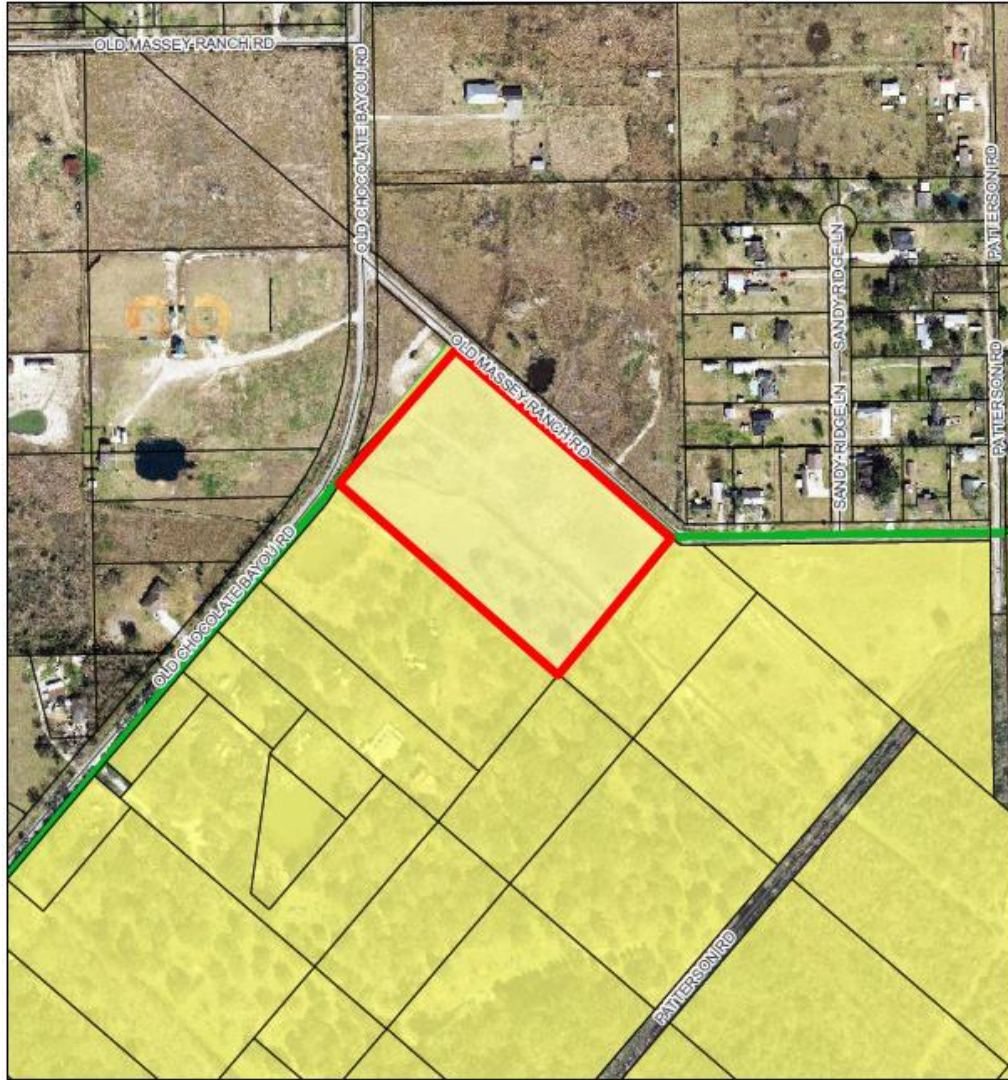
Type of homes: There were questions from the public regarding the type of homes that were going to be developed in the subdivision. Concerned that the new homes would be small mansions, and that most homes in the area are not smaller than 3,000 square feet in area.

Property Taxes: Members of the public were concerned that these new homes, would increase taxes for homes in the area.



Zoning Map

Chocolate Bayou Road PID:169159



- Open Single-Family Residential District
- City of Manvel - City Limits
- PID: 169159

Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, Gb, NMA, Geodatasyretzen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Houston, Brazoria County, HPB, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, FourSquare,



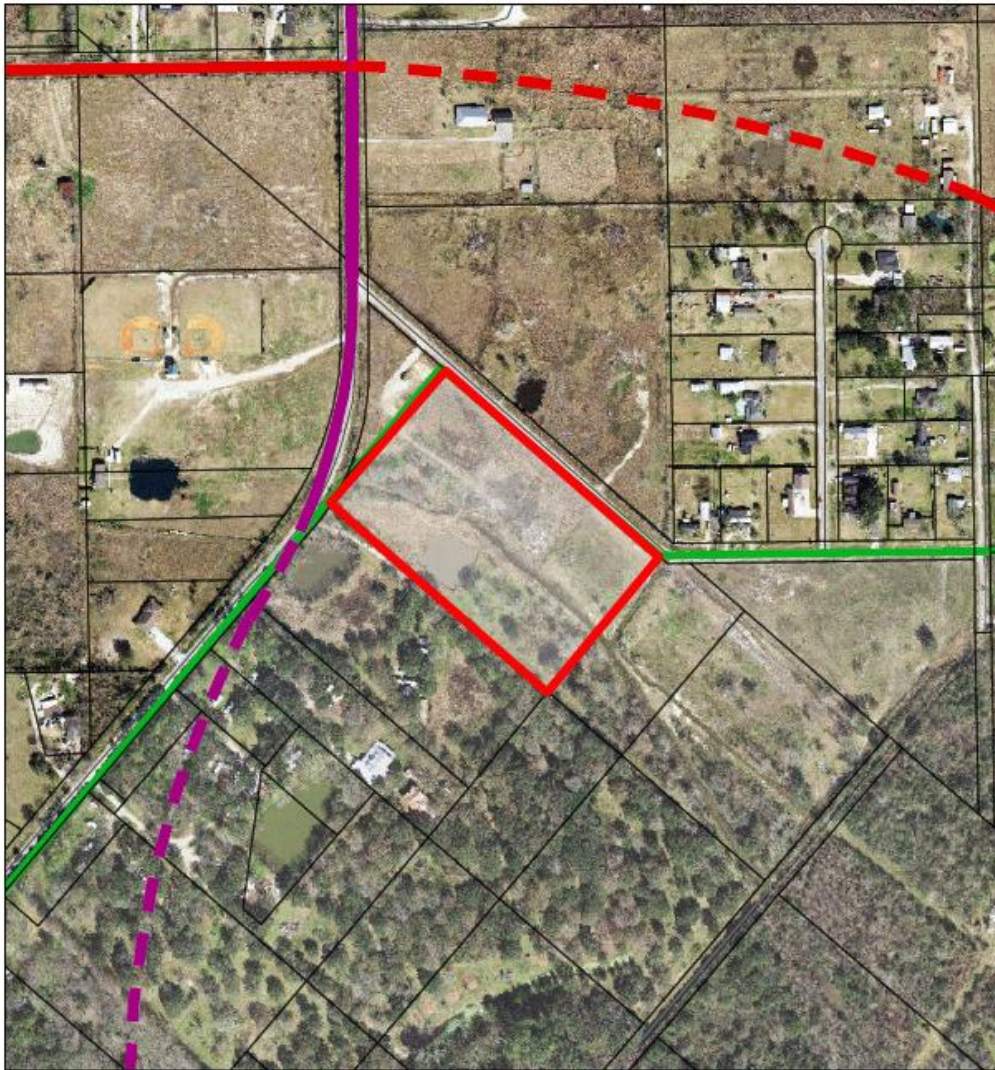
Property Survey



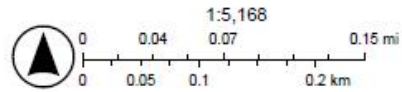


Major Thoroughfare Map

Chocolate Bayou Road PID:169159



-  PID: 169159
-  Arterial (100' ROW)
-  Proposed Arterial (100' ROW)
-  Parkway (120' ROW)
-  Proposed Parkway (120' ROW)
-  Parcels
-  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.

Sources: Esri, Airbus DS, USGS, NOAA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, MMA, Geodatasyzeisen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, City of Houston, Brazoria County, HPB, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANR, Esri, TomTom, Garmin, Foursquare.



Application



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

ZONING VARIANCE APPLICATION

SITE INFORMATION

Project Name: Massey Horizons
Site Address or Legal Description: 00 Chocolate Bayou Manvel Tx 77578
Parcel/Tax ID# (s): 169159 Property Platted: YES NO
Current Zoning: open single family residential Total Acreage: 10 Total Lots: 1
Project Description: create 7 lots on the 10acre tract

OWNER & APPLICANT INFORMATION

Applicant Name: Chasity Flax Company Name: Gold Shanelle Ventures, LLC
Address: 3422 Business Center Ste 106-323 City: Pearland State: TX Zip: 77584
Phone #: 281-961-7616 Email: gsventuresllc21@gmail.com
Owner Name: Chasity Flax Company Name: Gold Shanelle Ventures, LLC
Address: 3422 Business Center Ste 106-323 City: Pearland State: TX Zip: 77584
Phone #: 2819617616 Email: gsventuresllc21@gmail.com

ZONING VARIANCE INFORMATION

The zoning variance requested is (cite section from Chapter 77, *Zoning*, in the *Code of Ordinances*):

Sec. 77-27. - Open-single-family residential (O-SFR) district. min lot size 120 wide

6 lots will be 120 and 1 lot will 110, all lots will still be more than an arce

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?

NO

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



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?

NO

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

no

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.


Applicant Signature

7/29/24
Date



Application



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

SUBMITTAL CHECKLIST

So that we may efficiently review your request in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the request; however, it is incumbent upon the applicant to inquire about these exceptions before submitting an application. Answers to variance applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a complete application. Please call the phone number on the application to schedule an appointment. Submit the application and accompanying documents to the Permits Department at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

ZONING VARIANCE APPLICATION SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Zoning Variance Application (with all signatures)	X
One (1) paper copy of site/plot plan and/or site plan (including vicinity map), measuring 8 1/2" x 11", 11" x 17" or 24" x 36" (scaled/dimensioned drawing showing location of proposed building)	X
Recorded plat or survey	X
Building elevations (if applicable)	
Letter of Authorization (if applicable)	X
PDF format on disc containing all application documents rotated and formatted	
Application Fee of \$750.00 (non-refundable)	

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


 Applicant Signature

7/29/24
 Date



Applicant Authorization Letter



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

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Gold Shanelle Ventures, LLC

Owner Name

3422 Business Center ste 106-323

Owner Address

Pearland, Tx 77584

Owner City, State Zip

7/29/2024

Date

Permits Department
20025 Highway 6
Manvel, TX 77578


Dear City of Manvel Permits Department,

I, Gold Shanelle Ventures, LLC, certify that I am the owner of the project property located at 00 Chocolate Bayou and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint Chasity Flax with the company _____ (if applicable) to act as my representative for this application. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this variance request – up to and including rejecting the application and forfeiting any fees paid.

Please contact me directly at 2819617616 if you have any questions.

Sincerely,

Owner Name Gold Shanelle Ventures, LLC

Owner Signature 



Public Hearing Notice

Public Hearing Notice to run on Sunday 8/11/2024

AN APPROXIMATE 10 ACRE TRACT OF LAND GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MASSEY RANCH ROAD AND CHOCOLATE BAYOU ROAD (PID 169159), SITUATED IN THE A0320 ERASTUS LITTLE TRACT 1, DIV E, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 2010, PAGE 045789, OF THE MAP RECORDS OF BRAZORIA COUNTY, TEXAS; PROVIDING FOR A VARIANCE TO THE MINIMUM LOT WIDTH WITHIN THE OPEN-SINGLE-FAMILY RESIDENTIAL 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.

