



# BOARD OF ADJUSTMENT AGENDA

Monday, May 13, 2013

6:00 p.m.

City Hall - Council Chamber

Daniel P. Moore Community Center Complex

1900 Billy G. Webb Drive

Portland, Texas

1. **CALL TO ORDER:** CHAIRPERSON BURTON
2. **MINUTES:** THE BOARD OF ADJUSTMENT WILL CONSIDER APPROVING THE MINUTES OF ITS APRIL 15, 2013 MEETING - CHAIRPERSON BURTON
3. **POST MEETING REVIEW:** THE BOARD OF ADJUSTMENT WILL REVIEW ITS APRIL 15, 2013 MEETING AND DISCUSS WAYS TO IMPROVE FUTURE MEETINGS - CHAIRPERSON BURTON, CITY MANAGER AS WELL AS DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT
4. **ADJOURNMENT:** CHAIRPERSON BURTON

## **RULES OF PARTICIPATION FOR ATTENDEES**

- a. Persons who wish to verbally address one or more agenda items must fill out and turn in a speaker card before the meeting is convened (The Chairperson will notify you when it's your turn to speak and direct you to the podium).
- b. Persons who wish to speak must identify themselves and their places of residence.
- c. All comments and/or questions must be presented to or through the Chairperson.
- d. Persons who wish to speak will be given 4 minutes to do so. The Chairperson may permit persons to speak more than once if he/she believes doing so will facilitate or improve deliberation.

*NOTICE OF ASSISTANCE*

If you plan to attend this public meeting and you have a disability that requires special arrangements to be made, please contact City Secretary Annette Hall at 361-777-4513 or [annette.hall@portlandtx.com](mailto:annette.hall@portlandtx.com) in advance of the meeting. Reasonable accommodations will be made to facilitate your participation. The City Hall is wheelchair accessible and specially marked parking spaces are located in front of its entrance. Special seating will be provided in the Council Chambers during the meeting.

**BRaille IS NOT AVAILABLE**

Posted: May 9, 2013 by 5 p.m.  
City Hall

By:   
**Annette Hall**  
**City Secretary**

# MINUTES

## **BOARD OF ADJUSTMENT**

**April 15, 2013 Meeting**

The Board of Adjustment conducted an April 15, 2013 Meeting in the Council Chambers of City Hall (1900 Billy G. Webb) that began at 6:00 p.m. It did so in compliance with requirements of the Texas Open Meetings Act, City of Portland City Charter and Unified Development Ordinance. The following persons were in attendance:

### **MEMBERS PRESENT**

Samuel Haywood  
Logan Burton  
Robert Warner  
Cliff Ezell

### **MEMBERS ABSENT**

Murray Hudson (Chairman)

### **STAFF PRESENT**

Mike Tanner (City Manager)  
Randy Wright (Assistant City Manager)  
Brian DeLatte (Director of Public Works and Development/City Engineer)  
Michel Weaver (Assistant to the City Manager)

#### **1. CALL TO ORDER: SAMUEL HAYWOOD**

Samuel Haywood called the meeting to order at 6:04 p.m.

**SAMUEL HAYWOOD ANNOUNCED THAT ITEM #3 WOULD BE DISCUSSED BEFORE ITEM #2**

#### **3. ELECTION OF OFFICERS: THE BOARD OF ADJUSTMENT WILL CONSIDER THE ELECTION OF A CHAIRPERSON AND VICE-CHAIRPERSON - CITY MANAGER**

Samuel Haywood nominated Logan Burton to serve as Chairman and Robert Warner seconded the motion. The motion passed (4-0) with Murray Hudson absent.

Logan Burton nominated Samuel Haywood as Vice Chairman and the vote was seconded by Robert Warner. The motion passed (4-0) with Murray Hudson absent.

2. **MINUTES:** THE BOARD OF ADJUSTMENT WILL CONSIDER APPROVING THE MINUTES OF ITS JUNE 29, 2010 MEETING – CHAIRPERSON

Samuel Haywood made a motion to approve the minutes of the June 29, 2010 meeting and Logan Burton seconded the motion. The motion passed (4-0) with Murray Hudson absent.

4. **RULES OF PROCEDURE:** THE BOARD OF ADJUSTMENT WILL DISCUSS RULES OF PROCEDURE FOLLOWING A PRESENTATION BY THE CITY MANAGER - CITY MANAGER

Mike Tanner, City Manager discussed the Rules of Procedure with the Board and the necessary elements required to approve a variance. Mr. Tanner discussed circumstances that allow a variance, specific variances that are not allowed and variance criteria.

5. **PUBLIC HEARING - CITY INITIATED VARIANCE:** THE BOARD OF ADJUSTMENT WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A CITY INITIATED VARIANCE TO NEW SINGLE-FAMILY RESIDENTIAL FACADE REQUIREMENTS WHICH TOOK EFFECT ON FEBRUARY 7, 2013. ***IF A VARIANCE IS APPROVED, BRASELTON HOMES COULD “TRANSITIONALLY” BUILD FIVE (5) SINGLE-FAMILY HOUSES AT 2107 MANGROVE, 2109 MANGROVE, 2114 MANGROVE, 2203 MANGROVE AND 1944 WEST WOOD THAT DO NOT MEET NEW FACADE REQUIREMENTS*** - CHAIRPERSON AND CITY MANAGER

Chairman Burton opened the public hearing at 6:19 p.m.

Mike Tanner, City Manager explained that during the adoption of the Comprehensive Plan and Unified Development Ordinance (UDO) that the masonry requirement had been increased to 75%. As a result five (5) single-family Braselton homes that were due to be constructed under the former Unified Development Ordinance would not be in compliance. Mr. Tanner explained that if a variance was approved those homes could be “transitionally” built and thus offer continuity within the West Wood Development.

Bart Braselton from Braselton Homes answered questions from the Board regarding the five (5) single-family homes left to build. Mr. Braselton commented that Braselton Homes would uphold the standards for quality work it has previously done in the West Wood Development.

Chairman Burton closed the hearing at 6:39 p.m.

6. **CITY INITIATED VARIANCE:** THE BOARD OF ADJUSTMENT WILL CONSIDER A CITY INITIATED VARIANCE TO NEW SINGLE-FAMILY RESIDENTIAL FACADE REQUIREMENTS WHICH TOOK EFFECT ON FEBRUARY 7, 2013. ***IF A VARIANCE IS APPROVED, BRASELTON HOMES COULD “TRANSITIONALLY” BUILD FIVE (5) SINGLE-FAMILY HOUSES AT 2107 MANGROVE, 2109 MANGROVE, 2114 MANGROVE, 2203 MANGROVE AND 1944 WEST WOOD THAT DO NOT MEET NEW FACADE REQUIREMENTS*** - CHAIRPERSON AND CITY MANAGER

Samuel Haywood made a motion to grant the variance to new single-family residential façade requirements which took effect on February 7, 2013 for five (5) single-family Braselton Homes at 2107 Mangrove, 2109 Mangrove, 2114 Mangrove, 2203 Mangrove and 1944 West Wood that do not meet the façade requirements. The motion was seconded by Cliff Ezell. The motion passed (4-0) with Murray Hudson absent.

7. **PUBLIC HEARING - REQUEST FOR CITY SUPPORTED VARIANCE:** THE BOARD OF ADJUSTMENT WILL CONDUCT A PUBLIC HEARING TO SOLICIT COMMENTS FROM CITIZENS AND OTHER INTERESTED PARTIES CONCERNING A REQUEST FROM BRASELTON HOMES FOR A CITY SUPPORTED VARIANCE TO NEW SINGLE-FAMILY RESIDENTIAL FACADE REQUIREMENTS WHICH TOOK EFFECT ON FEBRUARY 7, 2013. ***IF A VARIANCE IS APPROVED, BRASELTON HOMES COULD “TRANSITIONALLY” BUILD SEVENTEEN (17) SINGLE-FAMILY HOUSES AT 327 LONG POINT, 328 LONG POINT, 414 LONG POINT, 2104 MANGROVE, 2105 MANGROVE, 2106 MANGROVE, 2110 MANGROVE, 2111 MANGROVE, 2112 MANGROVE, 2202 MANGROVE, 2204 MANGROVE, 2205 MANGROVE, 2206 MANGROVE, 2207 MANGROVE, 2208 MANGROVE, 2209 MANGROVE AND 2210 MANGROVE THAT DO NOT MEET NEW FACADE REQUIREMENTS*** - CHAIRPERSON AS WELL AS DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

Chairman Burton opened the public hearing at 6:59 p.m.

Brian DeLatte, Director of Public Works and Development discussed with the Board that the adoption of the Unified Development Ordinance on February 7, 2013 requires 75% masonry on all single-family residences and this requirement would make the seventeen (17) Braselton Homes that are not constructed noncompliant. The variance if approved would allow Braselton Homes to “transitionally” build these homes using the standards that were in place before February 7, 2013.

Mr. DeLatte stated that the City Council believes it would be unreasonable to require Braselton Homes to construct 75% masonry façade houses at these 17 addresses when all adjacent houses in West Wood have 25% masonry facades and the adjacent two-story houses in Northshore Unit 5A have 65% masonry facades.

Bart Braselton from Braselton Homes commented that the seventeen (17) homes would be built to the same standards as the homes that have been previously built in West Wood and in Northshore Unit 5A.

Mrs. Sharon Manning from 405 Long Point expressed concerns regarding other types of homes that have been built in the Northshore area and that appraised values seem to be significantly lower for homes with less required masonry. Mrs. Manning also discussed their experience with Braselton Homes.

Mr. Bill Windham from 204 Crenshaw commented that he was the first house in Northshore Unit 5A and that he has watched the subdivision grow from its beginning. Mr. Windham commented that he has enjoyed his Braselton Home and that he is hopeful that the rest of the seventeen (17) homes will be built with the same care as those already in the development.

Chairman Burton closed the public hearing at 7:19 p.m.

8. **REQUEST FOR CITY SUPPORTED VARIANCE:** THE BOARD OF ADJUSTMENT WILL CONSIDER A REQUEST FROM BRASELTON HOMES FOR A CITY SUPPORTED VARIANCE TO NEW SINGLE-FAMILY RESIDENTIAL FACADE REQUIREMENTS WHICH TOOK EFFECT ON FEBRUARY 7, 2013. ***IF A VARIANCE IS APPROVED, BRASELTON HOMES COULD "TRANSITIONALLY" BUILD SEVENTEEN (17) SINGLE-FAMILY HOUSES AT 327 LONG POINT, 328 LONG POINT, 414 LONG POINT, 2104 MANGROVE, 2105 MANGROVE, 2106 MANGROVE, 2110 MANGROVE, 2111 MANGROVE, 2112 MANGROVE, 2202 MANGROVE, 2204 MANGROVE, 2205 MANGROVE, 2206 MANGROVE, 2207 MANGROVE, 2208 MANGROVE, 2209 MANGROVE AND 2210 MANGROVE THAT DO NOT MEET NEW FACADE REQUIREMENTS -*** CHAIRPERSON AS WELL AS DIRECTOR OF PUBLIC WORKS AND DEVELOPMENT

Samuel Haywood made a motion to grant the variance to new single-family residential façade requirements which took effect on February 7, 2013 for seventeen (17) single-family Braselton Homes at 327 Long Point, 328 Long Point, 414 Long Point, 2104 Mangrove, 2105 Mangrove, 2106 Mangrove, 2110 Mangrove, 2111 Mangrove, 2112 Mangrove, 2202 Mangrove, 2204 Mangrove, 2205 Mangrove, 2206 Mangrove, 2207 Mangrove, 2208 Mangrove, 2209 Mangrove and 2210 Mangrove that do not meet new facade requirements. The motion was seconded by Cliff Ezell. The motion passed (4-0) with Murray Hudson absent.

9. **ADJOURNMENT:** CHAIRMAN LOGAN BURTON

Chairman Hudson adjourned the meeting at 7:25 p.m.

APPROVED:

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Logan Burton, Chairman

ATTEST:

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Brian DeLatte, Director of Public Works and Development/City Engineer