

710 EAST SAN AUGUSTINE

DEER PARK, TEXAS 77536

Minutes

of

THE WORKSHOP MEETING OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF DEER PARK, TEXAS, HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON MARCH 6, 2017 BEGINNING AT 7:00 P.M., WITH THE FOLLOWING MEMBERS PRESENT:

STAN GARRETT	CHAIRMAN
HAL ANDERSON	COMMISSIONER
DON TIPPIT	COMMISSIONER
RAY BALUSEK	COMMISSIONER
DANIELLE WENDEBURG	COMMISSIONER

OTHER CITY OFFICIALS PRESENT WERE:

SHANNON BENNETT	ACTING CITY SECRETARY
LARRY BROTHERTON	BUILDING OFFICIAL

1. MEETING CALLED TO ORDER – Chairman Garrett called the meeting to order at 7:00 p.m.
2. DISCUSSION OF ISSUES RELATING TO A VARIANCE FEE INCREASE FROM THE CURRENT COST OF ONE HUNDRED AND FIFTY (\$150.00) DOLLARS TO A HIGHER FEE TO OFFSET CITY COST – Chairman Garrett commented, “At our Joint Public Hearing meeting with the City Council, they opposed the idea of leaving the variance fee at \$150. So, we need to discuss it.”

Commissioner Tippit asked, “Did you get a message saying they opposed it?”

Chairman Garrett answered, “When I talked to Councilwoman Garrison about it, she said it would be great if we could leave it at that, but the city’s losing money. If we can bump it to \$250 to \$300, then the City will not be losing any money. All this relates back to taxes and things like that. The more we can get their overhead down, the better off the City will be.

Commissioner Balusek asked, “What was the discussion at the Steering Committee meeting? Did you all raise it at all or just left it at \$150?”

Commissioner Tippit answered, “We left the recommendations for Specific Use and the Rezone. We thought it would be best to leave the Variance fee as is.”

Commissioner Anderson commented, "I'll kind of reiterate my thoughts as well. I think a lot of, but not all of the variances that we do, are driveway separations and things of that nature. Those things are having to be done because Council passed an ordinance stating you can't park in the grass, you can't park in the culvert and you can't park here or there. The citizens are kind of caught between a rock and a hard place. When we really look at who they are, they live in our economically disadvantaged areas. For the most part, Estate, Kingsdale and those kind of streets. It just seems to me that we are double dipping on them. These citizens are trying to do the right thing, trying to meet the ordinances and we are talking about raising the fee. Personally, for those kind of fees, I would like to see them done for nothing because we are forcing them to do it. They can't really afford those kind of fees to begin with. At least in my thought process, a Variance is somewhat different from a Specific Use Permit where a guy or or a lady is going into business and they have to plan those expenses, Where you have a Rezone, it's usually a developer that has money and is going to make money. So, I see that as a totally different concern than a homeowner who has moved into a house and doesn't have a garage and wants to put a carport up and we're going to ask them to come up with these additional fees. So my whole theory is, yes it does cost the City money, but most things in the City must cost us money. There are a whole lot of things in the budget that are not revenue neutral. So, I don't think that we necessarily need to make this particular part revenue neutral, based on the citizens that we are affecting. We are making money on the others, which we have not been. I am thinking that specific use permits, rezones and things of that nature, we've been charging those at \$300 and \$400, now we're going to charge \$1,000 a piece, so we're picking up \$600 a pop on those, and maybe losing \$100 a pop on these. To me, it just seems we're here to look at both sides, it seems like it's the proper thing to do."

Chairman Garrett asked, "What is the average driveway cost for someone to install?"

Chief Building Official Larry Brotherton answered, "Maybe \$1,000."

Commissioner Balusek asked, "Mr. Brotherton, do you know the comparison of cost to Kemah, Clear Lake or La Porte? We were less than half a quarter than what they were. I don't recall what it was on variances. I'm going to say variances were four to five hundred dollars."

Mr. Brotherton commented, "Like this variance that we're going to hear, this gentleman lives in a \$350, 000 home and he wants a variance on the rear building line. Those houses are so big, that they swallow up the lots. The next variance we have is for Sinor Engine, and then the next one we get might be someone on Kingsdale."

Commissioner Wendeburg asked, "When they want to get the variance to add an RV, that type of thing, that has nothing to do with anything that's been put on them right?"

Commissioner Balusek answered, "Right. The driveway is the only thing I see that the City is forcing. What is it twenty-five or thirty percent driveways and seventy-five

percent everything else? I don't know. To me, it caught my eye a year and a half ago, when all this study started with the comparison. I wish I had that figure with me and I don't have that. I should have called you to bring that up. Do you recall what that figure was?"

Mr. Brotherton answered, "No sir. I just know that Deer Park is cheaper than the other Cities."

Commissioner Balusek asked, "Do you recall that we were considerably cheaper?"

Mr. Brotherton commented, "Not every City, like Pasadena, is zoned. They do have a variance fee."

Commissioner Balusek commented, "I was talking about Kemah, Clear Lake, Pearland and La Porte. I don't know where that data is. I'm sure I've got it at the house. My personal feeling is, \$150 is very cheap. If a person wants to build a carport, what's \$150 to them or wants a building that's more than 15 feet, or if he wants a variance to change the building line to the building side in the back. I would like to see it increase myself. Now, how much, maybe \$250 to \$300. I don't think it's unreasonable today at this time. You heard the gentleman here the other night, stood right there and I don't know who they were, we came in at that workshop. If a house for \$140,000 is for sale, it's not going to be there three days. If it's \$200,000, it was just a matter of less than a month. Everything else is going up. To me, \$150 is still cheap and I've got a variance. I got a variance when I needed one and paid \$150, but would have paid more if I were able to."

Commissioner Tippit commented, "I think a lot of people pay. Some people won't be in a bind and some people will be in a bind."

Commissioner Anderson commented, "Well I think most wouldn't."

Mr. Brotherton commented, "Well there is another way, if you could change the ordinance, to the minimum driveway width, if you wanted to." Even these houses that Brighton built have 17 foot driveways. You cannot open your door without hitting your car. That's because they want to put as many lots, as many houses on the lots as they can. You could put a 20 foot maximum or you could go 25 and that would give you 8.33333 feet per car."

Commissioner Anderson asked, "Is there a way to separate variances and fees?"

Commissioner commented, "There should be some bookkeeping work. It would determine what variance you're using and have a separate fee for driveways."

Commissioner Anderson commented, "Or we have some kind of a waiver for the economically challenged or something."

Mr. Brotherton commented, "The City Council is the one that sets the fees. They are the ultimate say so. I think you could recommend to them anything that you come up with."

Chairman Garrett stated, "Whenever we decide, we can make a recommendation to City Council and they can either take it or not."

Mr. Brotherton commented, "You don't have to make a decision tonight because we just going to have a second reading and then the third reading."

Commissioner Anderson commented, "We've already made a recommendation to them, four to zero, to leave it at \$150 and if they want to change it, they still can change it. They can change it in a heartbeat regardless whether we change it or not."

Mr. Brotherton commented, "Councilwoman Sinor asked if we had any figures of the cost. Right now, for this Board of Adjustment to be here, it is \$50. Its \$90 to publish in the newspaper, so you are at \$140.00 before any mailings went out."

Commissioner Anderson commented, "And any labors involved."

Chairman Garrett commented, "And the number of people within 200 feet right?"

Commissioner Wendeburg commented, "I just don't see how it can be less than \$200. I mean I am not in favor for the \$500 cost by any means, but I am not for it being free either because it is not free. The taxpayers pay it."

Commissioner Tippit asked, "Are there other fees that are paid around town that the City charges? Surely all those fees can't equal to the cost of the service."

Chairman Garrett answered, "No, it can't."

Commissioner Tippit commented, "So, that is kind of the way I look at it. We don't have to have it. I certainly understand that to do it, it cost more money than what we are getting in the fee. I just do not see that it is necessary and that is my opinion. Council may have another opinion."

The Commissioners discussed making a recommendation to Council to increase the variance fee to \$250. An official motion will be made at the Planning and Zoning meeting on March 20, 2017.

3. ADJOURN – Chairman Balusek adjourned the meeting at 7:16 p.m.

ATTEST:

APPROVED:

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Shannon Bennett, TRMC  
Acting City Secretary

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Ray Balusek, Chairman  
Planning and Zoning Commission