

CITY OF DEER PARK
710 EAST SAN AUGUSTINE
DEER PARK, TEXAS 77536

51-34

Minutes

of

A PUBLIC HEARING OF THE BOARD OF ADJUSTMENT OF THE CITY OF DEER PARK, TEXAS, HELD AT CITY HALL, 710 EAST SAN AUGUSTINE STREET, DEER PARK, TEXAS ON AUGUST 6, 2018 BEGINNING AT 6:10 P.M. RELATING TO THE REQUEST OF JOANNA SIMS FOR A TWENTY (20) FOOT VARIANCE TO THE WIDTH OF A DRIVEWAY TO BE CONSTRUCTED AT 1117 ALAN STREET, WITH THE FOLLOWING MEMBERS PRESENT:

DON TIPPIT	CHAIRMAN
DOUGLAS COX	COMMISSIONER
RAY BALUSEK	COMMISSIONER
STAN GARRETT	COMMISSIONER
DANIELLE WENDEBURG	COMMISSIONER

OTHER CITY OFFICIALS PRESENT WERE:

LARRY BROTHERTON	BUILDING OFFICIAL
SHANNON BENNETT	CITY SECRETARY

1. NOTICE OF PUBLIC HEARING – The public hearing was opened by the City Secretary reading the Notice of Public Hearing. (Exhibit A)
2. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK IN FAVOR OF THE REQUEST – Chairman Tippet opened the public hearing for those persons desiring to speak in favor of the request.
 - a. Joanna Sims, 1117 Alan Street, commented, “I am applying for a variance due to the need of parking spaces for friends. There is not a lot of parking space in front of my house. A lot of times water and leaves gather there. It would be nice to have a nice driveway for me if I need it. Sometimes I drive a bus or a box truck. Like I said, it would give me more freedom to park in my driveway without the hindrance of the water that collects in front of my house.”

Chairman Tippet commented, “Tell us what you want to do.”

Ms. Sims responded, “I want to expand it and make it look nicer. Maybe with some tiles.”

Commissioner Balusek asked, “Are you going to rip out the old driveway?” Are you just going to widen it?”

Ms. Sims responded, “No, I am not ripping it out. Yes, I want to widen it.”

Commissioner Balusek asked, “Are you going to use concrete?”

Ms. Sims responded, "Yes I'm going to use concrete. It's going to be an expanded driveway."

Commissioner Cox asked, "Being on a cul-de-sac lot, you have a radius. Are you proposing twenty feet around the cul-de-sac?"

Ms. Sims responded, "Yes. It is going to be facing the property to the left side."

Commissioner Balusek asked, "Who is going to do this for you?"

Ms. Sims responded, "My contractor, Juan Hernandez."

Commissioner Cox asked, "Is there currently a sidewalk in front of the house?"

Ms. Sims responded, "Yes there is."

Chairman Tippit asked, "Are you wanting to add twenty feet?"

Ms. Sims responded, "Yes, twenty feet total. I wrote it out and sent the measurements to the City. I don't have the measurements with me of how I drew it out, but I drew it out on the property design. I drew it out how it was going to look and I drew out the measurements side to side."

Commissioner Wendeburg asked, "What is the limit it can go now? Is it twenty feet now without needing a variance?"

Building Official Larry Brotherton, responded, "Where it touches the street, once it crosses City property."

Commissioner Wendeburg asked, "How much are you asking to increase it?"

Mr. Brotherton responded, "She is asking for a twenty-foot variance. She wants to go to forty feet."

Ms. Sims commented, "It would give me more freedom. The position of my house in the neighborhood is so small because the yard goes in. I don't want to park in front of my neighbor's driveways, I want to keep my friends and company in my area. Like I said if I'm driving a box truck or a bus, it will give me more freedom to come home without parking on the side of the road and interfering with anybody."

3. RECESS/RECONVENE – Chairman Tippit recessed the Board of Adjustment Public Hearing at 6:15 p.m. to open the preliminary public hearing and reconvened the Board of Adjustment public hearing at 6:16 p.m.
4. HEARING OPENED FOR THOSE PERSONS DESIRING TO SPEAK AGAINST THE REQUEST – Chairman Tippit opened the hearing for those persons desiring to speak against the request.

- a. Brenda Leman Soto, 1113 Alan Street, commented, "Can I see what it looks like? I believe there is an ordinance about parking a bus on your street and in your driveway. If she is planning on having all these friends over, I have a concern with that. I have been told by a relative of hers that she is going to allow a relative that has been incarcerated for pornography to live at her residence with her. This came from her relative. I have a thirteen year old daughter and her bedroom is on that side of the house. I am a single mother and I have to leave her sometimes to go help my father with my mother that is dying from Alzheimers. I will not be comfortable leaving my daughter there and you allow her to expand the driveway. This woman does not keep up her yard or anything else. I have called numerous times about the way she keeps her yard. I pay to have my yard done. She has done all kinds of construction and they have been shut down because of not having permits. I appreciate it if you would not allow this for the safety of my child and there are other children in the neighborhood."

Commissioner Balusek asked, "How is this going to affect you directly if this variance is or is not granted? Is this going to keep these people away?"

Ms. Soto responded, "I cannot answer that."

Commissioner Balusek asked, "If this variance is granted or not granted, how will that affect you?"

Ms. Soto responded, "The traffic coming in and out gives her the ability to have more people come over."

Commissioner Balusek asked, "Would you still not have the same amount of traffic if the driveway is there or not there?"

Ms. Soto responded, "I think it would mostly be where she would bring her bus?"

Councilman Balusek asked, "What kind of bus are we talking about?"

Ms. Soto responded, "A school bus. The Police have been called out where she had to move it and according to the Police, she was intoxicated. This is what I have to deal with on a daily basis. I feel it will lower the value of our residence."

Commissioner Balusek asked, "Is there much room to park there on the street in the cul-de-sac?"

Ms. Soto responded, "No, but she can park down the street."

Commissioner Balusek commented, "That would be in front of someone else's house."

Ms. Soto commented, "I park my vehicles in front of my neighbor's house whenever I have people over; we don't have an issue with that."

- b. Scott Collins, 922 Mark Street, commented, "I live in the other cul-de-sac adjacent to the lady here. Just a couple of questions. Is this Juan Hernandez a licensed contractor?"

Commissioner Wendeburg responded, "You do not have to be licensed in the State of Texas to be a contractor."

Mr. Collins commented, "I guess she answered the need for the additional twenty feet. The property value, increase or decrease, thoughts? I don't see where adding a twenty three foot driveway and making it forty foot wide would increase the value of your property. That's the concern I have. I live in the other cul-de-sac and I have the same pie shaped land that she has. The question that I have, is it a value to the neighborhood and a value to the taxes of where I live. I don't want someone doing something to their property that is going to decrease the value which brings mine down. Those are the thoughts that I have."

Commissioner Balusek asked, "Are you for it or against it?"

Mr. Collins responded, "I would say I'm against it. To have a concrete driveway in your yard when most of the yards look nice, with trees and landscaping and grass."

Commissioner Balusek asked, "You don't think it would be an advantage to have the cars off the street and in the driveway?"

Mr. Collins responded, "I don't have any problems with parking in the street and I live in a cul-de-sac four houses down. I don't want the value of my house going down because of other peoples decisions. Thank you for your time."

- c. Richard Washburn, 1101 Alan, commented, I guess I'm dense, but is she going to add another twenty feet to her driveway? So that's going to make it like 32 to 40 feet wide. How wide is her property at the front? I have the same issue. A very narrow front yard and very little space on the curb to park. I don't have any problem parking four cars in my driveway. Is she is going to cover two thirds of her front yard with concrete? I'm opposed to that. It's going to look stupid. Like I said, I have got the same shaped lot and I don't have a problem parking cars. I don't try to park anything bigger than a car there, so I don't understand what this is about. If it is going to cover most of the yard with concrete, I'm not in favor of that at all. If she has a legitimate reason for doing it, then I don't see a problem if it's done well. I'm not in favor of widening the driveway to two and a half times the size it is now. Thank you."

Commissioner Garrett asked, "Is this proposal compliant to the ordinance?"

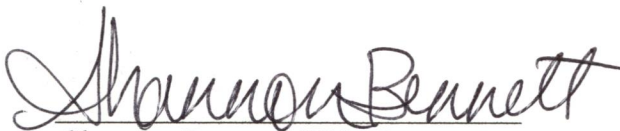
Mr. Brotherton, responded, "Once it crosses into City property, on her side of the sidewalk, private property, you can make it as wide as you want."

- d. Theresa Lee, 918 Alyse, commented, "I live directly across the street. My question is is this a way so you don't have to mow? Is that what this is? You are talking box trucks, I live across the street, there are no box trucks. There is her black vehicle, there is a blue van, her contractor, and a gold car that comes and goes. I don't know what all these cars are. I do know the friends have people to pick them up and they park behind my house and wait for them to come out. So, I don't know what all the vehicles are. I'm just wondering, is this a way for her not to mow? I have pictures of her yard that we took on the way here. The sidewalk gets obstructed due to overgrowth. We are just questioning as a community what was going on. We have heard three different stories, by her contractor, by another gentleman and by her family members, so we were just questioning what is going on. Thank you."

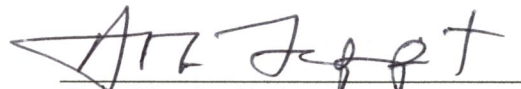
4. HEARING CLOSED – Chairman Tippit closed the public hearing at 6:27 p.m.

ATTEST:

APPROVED:



Shannon Bennett, TRMC
City Secretary



Don Tippit, Chairman
Board of Adjustment

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Adjustment of the City of Deer Park, Texas will hold a public hearing at City Hall, 710 East San Augustine Street, Deer Park, Texas at 6:10 p.m. on the 6th day of August, 2018 at which time and place they will hear all persons desiring to be heard on or in connection with any matter or question relating to the request from Joanna Sims for an twenty (20) foot variance to the width of a driveway to be constructed at 1117 Alan Street.


Shannon Bennett, TRMC
City Secretary

Dated this 3rd of July 2018