



AGENDA
CITY OF ORANGE
ZONING BOARD OF ADJUSTMENT
REGULAR MEETING
July 16, 2019 5:30 P.M.
Neighborhood Facilities Building
303 N. 8th Street
Orange, Texas 77630

1. Call to Order

2. Approval of Minutes

- a. Approval of January 8, 2019 special call meeting minutes

3. Public Hearing

- a. *Case No. 19:03.* Conduct a public hearing on a request by DSLD Homes for a variance to the front setback requirement for property located at Lot 54, Block 1100, Cypresswood Village Phase I subdivision also known as 1107 Cypresswood Drive

4. Discussion/Action Items

- a. *Case No. 19:03.* Consider a request by DSLD Homes for a variance to the front setback requirement for property located at Lot 54, Block 1100, Cypresswood Village Phase I subdivision also known as 1107 Cypresswood Drive

5. Adjournment

Texas Penal Code 30.06:

“Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun”

“De conformidad con la Sección 30.06 del código penal (entrada de persona con licencia de portar o llevar armas de mano oculta), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licencia para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

Texas Penal Code 30.07:

“Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly”

“De conformidad con la Sección 30.07 del código penal (entrada de una persona con licencia de portar o llevar armas de mano visible), una persona licenciada bajo el subcapítulo H, capítulo 411 del código de gobierno (ley de licenciación para portar o llevar armas de mano visible) no se permite entrar en esta propiedad con ninguna “armas de mano visible”

No Firearms Allowed

No se permite ninguna armas de fuego

Public Hearing Policy (adopted on August 3, 2004)

- Public comment time limits
- The applicant’s presentation is limited to fifteen (15) minutes.
- All persons wishing to speak in favor of or against any item shall be limited to three (3) minutes
- If a unified group wished to forfeit their three minutes per person a spokesperson can be selected and comments will be limited to fifteen (15) minutes
- All comments should be directed to the Commission on the case being discussed and comments should focus on the facts of the case and all speakers should refrain from comments based on personalities.

**ZONING BOARD OF ADJUSTMENT
SPECIAL CALL MEETING MINUTES
Tuesday, January 8, 2019**

Members Present:

Ed FreibergChairman
Tiffany Bell Vice Chairman
Linn Cardner..... Member
Isaac T. Henry III.....Member
J. David Derosier Alternate Member

Council Members Present:

Brad Childs

Staff Present:

Kelvin Knauf, Interim City Manager/Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
David Frenzel, Fire Chief

Chairman Freiberg called the meeting to order at 5:30 p.m.

ELECTION OF OFFICERS

Chairman Freiberg asked for nomination for Chairman
Vice Chair Bell nominated Ed Freiberg for Chairman
Member Cardner 2nd
Vote: 5 – 0
Motion Carries

Chairman Freiberg asked for nomination for Vice Chair
Member Henry nominated Tiffany Bell for Vice Chair
Member Cardner 2nd
Vote: 5 – 0
Motion Carries

REGULAR BUSINESS - MEETING MINUTES

Chairman Freiberg asked for motion to approve the December 18, 2018 meeting minutes
Alternate Member Derosier motioned
Member Cardner 2nd
Vote: 5 - 0
Motion Carries

PUBLIC HEARING

- a. **Case No. 19:01.** Conduct a public hearing on a request by David Frenzel for a variance to construct a swimming pool and a storage building within the side and rear setbacks

for property located at Lot 8, Block 1 Dupont Addition also known as 1905 Burton Avenue.

Chairman Freiberg opened the public hearing at 5:33 p.m.

David Frenzel – 1905 Burton Avenue, Orange, TX: Mr. Frenzel stated he has lived there since 1980 and 1905 Burton is one of the original Dupont houses. There are eighteen Dupont houses that were built in 1946. They border Burton Street. There's a few on Rein Street and a few on Park Street. It is a historic neighborhood that has been a great place for us to live. One of the things my wife has always wanted was a pool and it has got to the point in my life where whatever it is going to take to make her happy, I'm all about it. After forty years, all the boys are gone and out of college and grown. Now grandkids come to the house and so she thinks it would be great to have a pool for them. We have got in touch with local construction companies to find out who they would recommend and we have been recommended to a pool company called Platinum Pools out of Houston. They also have an office in Beaumont and we have been working with them since last summer. They came out looked at the property and did a layout for us and we told them we wouldn't be starting until after the first of the year. We wanted to get past the time of the hurricane season and also out of the Christmas holidays. So that is where we are right now. We are asking for a variance because the pool itself will come within about two feet of the side fence on the east side and even though the pool doesn't encroach to the rear fence, there is a ten by ten slab that is within a foot of the rear fence and three feet of the side fence. When we bought the property it had a playhouse on it for children. At the time we bought the property, we didn't have any kids and the playhouse was in bad repair so we tore it down and built a greenhouse on that slab. The greenhouse remained there until Hurricane Rita took it out in 2005. At that time we put a canopy (tent type) on that slab. What we would like to do is if we get the variance to build the pool is to erect a ten by ten storage building for pool equipment. There are three other or actually four other pools in the neighborhood. Two of the Dupont homes that are on Rein Street at 2001 Rein and 2009 Rein have pools. 1701 Burton Street has a pool and 2000 Burton which is across the street has a pool. This pool would be behind a six foot opaque fence so driving down the street you would never know there is a pool. There's no diving board, no slide or anything that would stick up above the fence.

Chairman Freiberg asked if we surveyed the neighborhood. Mr. Knauf stated yes we sent out letters to people within three hundred feet. We did receive one letter back and that person has no problem nor objection to allow the variance requested by the Frenzels. That is the only thing we have gotten back.

Vice Chair Bell stated it is a nice street, that side of the street.

Chairman Freiberg asked if the ten by ten slab in violation of the setback as well. Mr. Knauf stated yes.

Mr. Frenzel showed a picture to the board. Mr. Frenzel stated this is my house and as you can see there are pools. Chairman Freiberg stated what you can't see is that if these people are in violation of anything. Mr. Frenzel stated the only violation that I see is the next door neighbor has a greenhouse that is built next to his garage that is literally on the property line. The original garage was behind is back on the alleyway and sits right on the property line. That is just the way they were built. It has been that way since 1946.

Alternate Member Derosier stated would I be correct to say for the most part the alley is not used. Mr. Frenzel stated the alley becomes more and more abandoned. I say that because as we speak, Centerpoint is now running gas lines in front of our houses. When we originally moved there, when it was built all the utilities were in the alley. The pole lines for Entergy were in the alley, the water lines were in the alley, sewer line was in the alley and the gas line was in the alley. It used to that all garbage collection was in the alley. It has now been moved to the street. The water and sewer remain in the alley. The next three neighbors actually enter from the alley for their garage.

Chairman Freiberg asked so all that yellow pipeline is gas line. Mr. Frenzel stated that is all gas line being put in.

Chairman Freiberg asked for any other questions. None were asked.

Chairman Freiberg closed the public hearing at 5:41 p.m.

DISCUSSION/ACTION

- a. Case No. 19:01. Consider a request by David Frenzel for a variance to construct a swimming pool and a storage building within the side and rear setbacks for property located at Lot 8, Block 1 Dupont Addition also known as 1905 Burton Avenue.**

Chairman Freiberg asked for any discussion. No comments were made.

Alternate Member Derosier motioned to approve variance as requested

Member Cardner 2nd

Vote: 5 – 0

Motion Carries

PUBLIC HEARING

- b. Case No. 19:02. Conduct a public hearing on a request by Tony Nguyen for a variance to the sign ordinance to install a twenty-four foot (24') pole sign at ABST. 60, J. Creamer Survey, TR 010 also known as 2900 Sunset Drive.**

Chairman Freiberg opened the public hearing at 5:43 p.m.

Tony Nguyen – 1401 S. 16th, Nederland, TX: Mr. Nguyen stated we are asking for a variance for a pole sign and it will be right here (pointing to median) that we would put a pole up and that is like the only place that we could put a sign. We want a sign that people can actually see. I believe in the city ordinance, we can't put our signs on the building also. So, this is really the only option. Mr. Knauf stated well you can have a roof sign but it can't extend past the height of the roof. Mr. Nguyen stated the roof is pretty flat.

Chairman Freiberg asked what type of sign. Mr. Nguyen stated it is a pole sign, twenty-four foot. Chairman Freiberg stated it said somewhere a hundred and fifty square foot sign but is it going to be a lit sign. Mr. Nguyen stated it will be a lit sign.

Chairman Freiberg asked if there was any comments from people who live close by. Mr. Knauf

stated no. We sent out letters to people within three hundred feet of the location and we received no comments back.

Member Henry asked if it would be for the restaurant. Mr. Nguyen stated yes. It will say Reel Cajun Seafood Restaurant.

Chairman Freiberg asked when it will open. Mr. Nguyen stated we are looking really good right now. We have been aiming for January but had a couple of setbacks and then the holidays so more than likely sometime at the end of February.

Member Henry stated he is glad you showed us where because was thinking about it all day and was curious where you were going to put it at and I like the spot. Mr. Nguyen stated yes you can see it from driving down towards the Country Club from Sunset Drive. You won't be able to see it from 28th except for maybe at night.

Chairman Freiberg asked for any other comments. None were made.

Chairman Freiberg closed the public hearing at 5:47 p.m.

DISCUSSION/ACTION

- b. Case No. 19:02. Consider a request by Tony Nguyen for a variance to the sign ordinance to install a twenty-four foot (24') pole sign at ABST. 60, J. Creamer Survey, TR 010 also known as 2900 Sunset Drive.***

Alternate Member Derosier stated he has been out there and see a sign just at the end of this parking lot for the country club itself. There are two signs for the apartment complex that look to be ten or twelve feet high. They are lower than the roof. Because this is primarily residential district and tall signs are usually intended to be seen for long distances. I don't think that the traffic is there that a sign is going to pull them in as much as a sign being able to identify the property when they are there so they don't get lost. I think that most of your customers are going to know you are there when they come. I would think that (pointing to the curve) something that is consistent with what the Country Club has used to identify would be sort of a L shaped with something identifying the restaurant is this way and something to identify coming that way so that people know where it is and don't get lost. I'm not sure that putting in a big advertising sign in a residential neighborhood would be consistent with the rest of the neighborhood. Chairman Freiberg stated that it has been my experience with this corner right here has an awful lot of accidents. People run off that road and run those signs down weekly. I think that if you put a sign in there, not only is it going to be knocked down all the time but people are going to get hurt. That's just my opinion. Member Henry stated he has seen a few wrecks right there before. So putting a sign right there especially putting money into it and having it get hit by a car or something, I wouldn't want to do. Obviously, those signs right there are easy to replace, just call TxDot and they do that. Chairman Freiberg stated it is like a buffer there. Mr. Nguyen stated if we wanted to put a sign there, I don't believe we can because that is part of TxDot property. Mr. Knauf stated next to the city street, we would have the right-of-way and you can't put a sign in the right-of-way.

Mr. Nguyen stated from my experience about ten years ago, I came to the Country Club and never knew where it was and knowing that I had to go to the restaurant there. There wasn't even a

restaurant sign there so I stopped in the pro shop and asked for directions. There is nothing to identify the business. There are plenty of people that I know that live in this area that really don't even know that the Country Club is here. So I believe that a sign can really help our business out. It would give us a location. Member Henry stated you are going for the motto of go down Sunset like if you're coming from 16th Street, look down there and you see a big sign and that's where the restaurant is. Also, going there and right by the Country Club you will see the big sign. Or as you are coming in from MLK and come down Park and you turn on 28th. The trees are obviously going to block that way but when you turn and come down and see the curve, you will see the big sign and that's where the restaurant is. That is what you are shooting for. Mr. Nguyen stated yes. Even if our roof was high enough where we could put a sign on the roof, you really can't even see the sign because that building is the last building on that piece of property. Member Henry stated you wouldn't be able to see it from the south or the west. The only way you can see there is when you get to the handicapped parking right up to the building. Member Henry asked are you using the same sign. Mrs. Nguyen stated yes. Member Henry asked can you pull that address up (7500 N. Twin City Hwy, Port Arthur). Vice Chair Bell stated the difference with that location is the fact that there is really nothing there and the opposite side of the road is Fuel Depot which is Jimmy Johnson. When you are going and coming from the Twin City location you wouldn't really need a sign because you would be able to recognize the building. Do you all own the company as well in Lumberton? Mrs. Nguyen stated yes. Vice Chair Bell stated so like the one in Lumberton, if you are from Lumberton you know where it is at. But if you are not from Lumberton the pole is needed because it is kind of like in the shopping center right there. Even if they put signs on the building from the street, you can't see it and that would be a waste of their money. Mr. Nguyen stated really the only option that has kept me up nights is just this pole sign. Honestly we would rather not have a pole sign because it costs twice as much as a regular sign would be. Our only option for anyone to know that we are there, we have to pay the price. Alternate Member Derosier stated I think there are other options but a lit pole sign is not consistent with a residential area. We do have advertising the internet. We have lots of ways in which people can know where you are without necessarily without the lit specific point. I want a sign to help them so as they don't get lost but I'm not really in favor of a sign on a pole where people from long distances. I think there are other means to get people to know that. This is not a commercial district. Mr. Nguyen stated it is pretty tough in the restaurant industry without a sign period. In any industry but especially for a restaurant for us to survive if we don't have a storefront sign, we are pretty much done. Vice Chair Bell asked you know how he mentioned the sign in front of Sunset Apartments, have you thought about something like that. Have you thought about kind of copying what the apartments have on the sides? Mrs. Nguyen stated the problem is those are not lit and so at nighttime it is going to be hard. Vice Chair Bell asked are you able to get something lit like that? Member Henry stated that sign where Sunset Grove Apartments is, the one he is referring to, that is a new sign. When the apartment complex went under new management a year and a half, two years ago, they put that sign up right there. That is a pretty tall sign right there. If I'm not mistaken at nighttime, that one is lit up. I don't know how they do it but they have some sort of LED light. Mrs. Nguyen stated the only thing with that it is a vertical and our logo because of the reel and the hook, we can only do it wide. Vice Chair stated I think the pole would do excellent. I was trying to think of other options but I get what you are saying and what you are trying to do. I understand the location of where it is at. Member Henry stated I like the idea of the pole because, people from here in Orange and I know you all were building or remodeling a restaurant there. You have got people from Mauriceville, Deweyville, people coming up from Louisiana, and people from Vidor coming over who are maybe familiar with Orange but it is maybe easier to advertise or look for the big sign in the same parking lot with the Country Club. I see where you are coming from with that. Chairman Freiberg stated I may insult

you here but I compare it to the Wheelhouse and I have been over there a dozen times and I never can find the place and then I am on top of it and I don't know it is it. Mr. Nguyen stated they don't have a pole sign and they don't really even have a storefront sign. We are exactly like the Wheelhouse situation. If you don't know you will pass it up and at nighttime it is dark and that will give us a little bit of light for our guests to walk out to their cars.

Alternate Member Derosier asked does your business plan depend on pulling in the traffic that is already on that street or does your business plan look at pulling customers in to that location from elsewhere. Mr. Nguyen stated our business plan is to pull in guests period whether they can see us or not. The chances of them coming in to us knowing that we are there and seeing is knowing. Once they pass that turn and pass us up already, they are just going to go down to the next restaurant. Alternate Member Derosier stated I think it is a great idea and I'd like to have you have a sign there but in my perspective that sign should be to identify you to the people that already know you are there. Whether it is because they have been there before or whether it is from advertising so that they don't get lost. Mr. Nguyen stated I understand but the hardest thing for us to do is if we don't have a sign. This restaurant at the Country Club has always been private and no one even goes in there. So if we don't have a sign, we are not public. If we are not public, even with the residences that live in the area, they are just going to keep on driving because they know it has been a private club since the beginning. Alternate Member Derosier stated I agree with the sign, I think it is a good idea. Mrs. Nguyen asked if it was the height of the pole. Alternate Member Derosier stated twenty-four foot large lit sign in the middle of a residential area to me is out of place. Member Henry stated that area over there is not totally dark at nighttime. You have lights that stay on at the Country Club and lights that stay on at the apartment complex. So it's not like it is totally pitch dark. It's not something that is going to be illuminated and you'll see it from all the way down the road glaring out at you. Mr. Nguyen stated it is made exactly like our sign in Port Arthur. It's an LED sign but it has a black mesh over it and so that it tones it down but you are able to recognize the sign. It's not one of those signs flashing in your eyes. As long as we have been in business for the last eighteen years, we find that a sign makes a huge difference. Our very first business, we were so new to the business and we only had a four by eight sign. It was really hard but when we started making some money we made the sign a lot bigger and almost instantly we would see new customers come in.

Chairman Freiberg stated we truly want you to be successful.

Chairman Freiberg asked for a motion

Vice Chair Bell motioned to approve variance as requested

Member Henry 2nd

Vote: 4 – 1

Motion Carries

Alternate Member Derosier motioned to adjourn

Member Cardner 2nd

Chairman Freiberg adjourned the meeting at 6:04 p.m.

MEMORANDUM

To: Board of Zoning Adjustments

From: Kelvin Knauf, Director of Planning and Community Development

Subject: *Case No. 19:03. Conduct a public hearing on a request by DSLD Homes for a variance to the front setback requirement for property located at Lot 54, Block 1100, Cypresswood Village Phase subdivision also known as 1107 Cypresswood Drive*

Date: July 3, 2019

Attached is an application from DSLD Homes for a variance to the front setback requirement. DSLD Homes constructed a new home at 1107 Cypresswood Drive. When the surveying was done for closing on the sale of the home, it was discovered that the front wall of the house extended into the front setback area by 1.7 feet. This encroachment was caused by a construction error.

DSLD Homes is requesting a variance so that the house can be sold without a “cloud” over the property. The Board of Adjustments will need to conduct a public hearing on the requested variance.



City of Orange, Texas

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

Applicant Information and Requested Action		
Applicant: DSL D HOMES (SOUTHWEST) LLC	Status:	Requested Action:
Title (Mr., Ms.):	<input checked="" type="checkbox"/> Owner	<input checked="" type="checkbox"/> Special Exception
Name: DSL D HOMES (SOUTHWEST) LLC	<input type="checkbox"/> Tenant	<input type="checkbox"/> Zoning Variance
Mailing Address: 110 CYPRESSWOOD	<input type="checkbox"/> Trustee	<input type="checkbox"/> Administrative
City, State, ZIP: ORANGE, TX. 72630	<input type="checkbox"/> Corporation	Review of a decision
Telephone: 337-936-0921	<input type="checkbox"/> Other (please state)	of the Zoning
Email: C.COMEAU@DSL D HOMES .COM		Ordinance
Property description		
Date acquired by Owner: 8/1/18		
Address: 1107 CYPRESSWOOD		
Lot: 54		
Block Number: 1100		
OR		
Acres: .75		
Survey, Abstract #:		
Below briefly describe the existing use and improvements proposed on the property. State whether new buildings or other structures are to be constructed or additions made to existing buildings or structures:		
1107 CYPRESSWOOD LOT 54 OF CYPRESSWOOD		
VILLAGE EXTENDS ACROSS 25' BUILD LINE		
BY 1.8 FT. ON RIGHT FRONT CORNER.		
GARAGE IS AREA THAT ENCROACHES NOT LIVING		
SPACE		

For zoning variance requests, briefly describe why you believe that special conditions or circumstances exist which are peculiar to the land, structure or building involved, which are not applicable to other lands, structures or buildings found within the same zoning district, that the Board should consider in deciding whether or not to grant your request:

The application must be signed by the property owner of record; however, it may be signed by a duly authorized agent or applicant if this form is accompanied by a statement from the owner designating the applicant or agent and agreeing to furnish upon request supplemental information in support of the application.

Name of Owner (please print): DSL Homes	Name of Applicant/Agent (please print): Chase Comeaux
Signature of Owner: <i>[Signature]</i>	Signature of Applicant/Agent: <i>[Signature]</i>
Telephone Number: 337 936 0921	Telephone Number: 337 936 0921
Date: 6/25/19	Date: 6/25/19

NOTE: IF OWNER OR AGENT IS NOT PRESENT AT THE PUBLIC HEARING, THE APPLICATION WILL NOT BE HEARD AND THE APPLICANT WILL HAVE TO REAPPLY. A BOARD OF ADJUSTMENTS MEETING REQUIRES 4 MEMBERS TO CONSTITUTE A QUORUM AND ACTIONS MUST BE CONCURRED BY NO LESS THAN 75% OF THE MEMBERS AT THE MEETING (E.G., IF 4 MEMBERS ARE PRESENT THEN 3 MUST CONCUR).

For office use only	
Attachments:	<input type="checkbox"/> Proof of Ownership <input type="checkbox"/> Survey Plat <input type="checkbox"/> Site Plan <input checked="" type="checkbox"/> Filing fee of \$100.00
Case Number:	
Date Received and Staff:	4/18/19 Wendy Floyd
Receipt Number:	2019-377990
BOA Action:	<input type="checkbox"/> Approved as requested <input type="checkbox"/> Modified <input type="checkbox"/> Denied
BOA Meeting Date:	



1107 Cypresswood Drive



MEMORANDUM

To: Board of Zoning Adjustments

From: Kelvin Knauf, Director of Planning and Community Development

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