

AGENDA
ZONING BOARD OF ADJUSTMENT
REGULAR CALL MEETING
COMMUNITY ROOM, 303 N. 8TH STREET
ORANGE, TEXAS
JANUARY 20, 2026 5:30 P.M.

NOTICE IS HEREBY GIVEN that:

- The Zoning Board of Adjustment of the City of Orange will conduct a meeting scheduled for January 20, 2026 at 5:30 PM at 303 N. 8th Street, Orange, Texas;

This Notice and Agenda Packet are posted online at www.orangetexas.gov.

The public will be permitted to offer public comments as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

1. Call to Order

2. Citizen Comments

- a. At this time comments will be taken from the audience on any subject matter, whether or not that item is on the agenda. All comments are limited to a maximum three minutes for each speaker. Your comments are appreciated. As the Texas Open Meetings Act does not allow the Zoning Board of Adjustment to respond to items not listed on the agenda, your comments will be duly noted by the Zoning Board of Adjustment and forwarded to the appropriate department for prompt consideration. A member of the audience that desires to speak during the Zoning Board of Adjustment consideration of any specific agenda item is requested to notify City staff prior to the start of the meeting.

3. Minutes

- a. Consideration of the minutes from the September 16, 2025 meeting.

4. Public Hearings

- a. **Case No. 26:01.** Conduct a public hearing on a request from Dr. Tom Gillam III for a Special Exception to construct and operate an elementary school on Lot

170' x 259' of D and 75' x 134' of Lot 4 Block M Sheldon Addition and Pierce Addition also known as 1708 10th Street

- b. **Case No. 26:02.** Conduct a public hearing on a request from Heath Sheppard for a variance to the front building setback requirement to construct and operate a coffee drive-thru business on Lot 9, Block 6, Sunset Park Addition also known as 2402 N. 16th Street

5. Discussion/Action Items

- a. **Case No. 26:01.** Consider a request from Dr. Tom Gillam III for a Special Exception to construct and operate an elementary school on Lot 170' x 259' of D and 75' x 134' of Lot 4 Block M Sheldon Addition and Pierce Addition also known as 1708 10th Street
- b. **Case No. 26:02.** Consider a request from Heath Sheppard for a variance to the front building setback requirement to construct and operate a coffee drive-thru business on Lot 9, Block 6, Sunset Park Addition also known as 2402 N. 16th Street

6. Adjournment of Board of Adjustment Meeting

If, during the course of the meeting and discussion of any items covered by this notice, the Planning and Zoning Commission determines that a Closed Executive Session is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with counsel on legal matters; Section 551.072 - deliberation regarding purchase, exchange, lease or value of real property; Section 551.073 deliberation regarding a prospective gift; Section 551.074 personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - implementation of security personnel or devices; Section 551.087 - deliberation regarding economic development negotiation; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed Executive Session is held in accordance with the Texas Government Code as set out above, the Planning and Zoning Commission will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

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 licenciación para portar o llevar armas de mano) no se permite entrar en esta propiedad con “ninguna armas de mano oculta”

No Firearms Allowed /No se permite ninguna armas de fuego

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”

ZONING BOARD OF ADJUSTMENT
MEETING MINUTES
Tuesday, September 16, 2025

Members Present:

Ed Freiberg	Chairman
Isaac T. Henry III.....	Vice Chairman
Keith Longlois.....	Member
Benny Rhoads.....	Member
Todd Loupe.....	Member

Members Absent:

None

Council Members Present:

None

Staff Present:

Kelvin Knauf, Director of Planning & Community Development
Wendy Lloyd, Planning Secretary
Jay Trahan, Assistant City Manager & EDC Director
Kate Leverett, City Attorney

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

CITIZEN COMMENTS

None

REGULAR BUSINESS - MEETING MINUTES

Chairman Freiberg asked for motion to approve the March 18, 2025, meeting minutes.

Vice Chair Henry motioned to approve

Member Rhoads 2nd

Vote: 5 - 0

Motion Carries

PUBLIC HEARING

Case No. 25:02. Conduct a public hearing on a request from Matthew Cook for a Special Exception to construct and operate an office/warehousing park on Abstract 12, John Harmon Survey, Tract 155A and Abstract 12, John Harmon Survey, Tract 155A-2 located near the intersection of Highway 87 and FM 105.

Chairman Freiberg opened the public hearing at 5:31 p.m.

Mr. Knauf briefed board on Public Hearing - Case 2502

- Request from Matthew Cook for a special exception to construct and operate an office

warehousing park near the intersection of Highway 87 and 105.

- Offices are allowed by right in C-2 zoning, but warehouses require a special exception.

Applicant Presentation

- Kenny Baugh (ITEX group, 11 Greenway Plaza, Suite 3150 Houston, Texas) representing the owner as Matthew Cook the applicant could not make it.
- Other team members present: Brian Stafford, civil engineer (LEAD Engineering) and Nour Akbari.
- ITEX group has been active in the area for some time and had this tract since about 2007, developing multi-family and some single-family housing in the area.
- Proposing office warehouse development due to recent developments in the area with the plant across the street.
- Requesting special exception for the warehouse portion in the C-2 zone.
- Project details:
 - Approximately 24, 5000 square foot warehouses.
 - Single tenant spaces, averaging 5,000 square feet.
 - Office warehousing, not heavy manufacturing or fabrication.
 - Some outdoor storage and laydown yards.
 - Detention pond in the northwest part of the site.

Site Plan Discussion

- Mr. Knauf mentioned there were minor changes to the site plan since the agenda went out on the south end but uses remain the same.
- Vice Chair Henry asked if south end units near the apartment complex will be offices and if there's interest in renting.
- Mr. Baugh confirmed yes some of the smaller units would be there and Mr. Akbari stated that there would be a laundromat and commercial washing and showroom for safety clothing are planned for the south end.
- Mr. Baugh stated they are working with a consultant and have some interest.
- Mr. Akbari mentioned Summit International out of Houston is interested in investing.

Traffic and Access

- Chairman Freiberg asked about places of entrance.
- Mr. Baugh and Mr. Knauf stated there's four driveway cuts/entrances are planned.
- Member Rhoads asked if they'd thought about widening 105 there as that as it's already a high volume area.
- Brian Stafford (Levins Engineering, 3250 East Texas Freeway, Beaumont) stated that two 30-foot driveways are proposed on the 105 side and 4 on the 87 side.
- Most traffic is anticipated to come off Highway 87.
- Turning templates have been run to ensure adequate vehicle movement.
- Mr. Knauf asked about TxDOT discussions regarding driveways. Mr. Stafford stated driveway plans have been discussed with TxDOT, meeting minimum spacing requirements and so no pushback at this time.
- Permitting and review stage will begin after approval of special exception.

Driveways and Fire Protection

- Mr. Knauf stated the city wants driveways on both 87 and 105 for fire protection standpoint.
- Member Longlois notes that warehousing can involve industrial and possible hazardous materials and that would be a concern being close to high density housing.

Materials and Zoning

- Mr. Baugh states the plan is to not store highly flammable materials.
 - Examples of acceptable materials from the design team: clothing, baskets, beverages (under 16% alcohol), books, paper, boots, shoes, buttons, cardboard etc which is under

the code..

- Acetone is not allowed and no other flammable or hazardous materials are planned.
- No fabrication or manufacturing is allowed due to zoning regulations per Mr. Knauf.

Site and Operations

- The land is currently raw land.
- There is a planned "buffer space" with the retention pond on one side and smaller office space to avoid disturbing neighbors on other side..
- Member Longlois questioned business hours. Mr. Baugh states delivery hours will be tenant-specific, with mostly vans and box trucks, not 18-wheelers as there won't be loading docks.

Public Comment - Janet Blair (5005 Westmore, Orange)

- Janet Blair lives on Westmore Avenue and her home backs up to 105, directly across from the proposed facility.
- She is concerned about the buffer and what it means for residents backing up to the facility.
- She is concerned about additional traffic and noise from the facility, especially with the existing chemical plant.
- She wants to know what will be stored in the facility and if the neighborhood will be informed.

Addressing Traffic Concerns

- Vice Chair Henry states that the traffic from the chemical plant will soon decrease from 8,000 to 4,000 workers, eventually settling at around 500 workers on shift work.

Neighborhood Concerns

- Ms. Blair wants to ensure her neighborhood is not surrounded by commercial developments.
- She mentions the possibility of a privacy fence installed along 105, but it may not be feasible.
- She notes that the proposed buffer appears to be more of a green space.

Traffic and Warehouse Placement

- The aim is to direct traffic from 87, which is where the majority of the warehousing will be and why only four warehouses were placed on 105 side.
- Traffic is expected to decrease once the contractors working on the plant leave.

Visual and Sound Barriers

- Mr. Knauf mentions saving some of the trees between driveways could act as a visual barrier and save on clearing costs.
- Ms. Blair suggested a fence and landscaping along the side of the warehouses facing the neighborhood to beautify the area and act as a sound barrier.
 - She emphasized the importance of this due to the proximity to the neighborhood, which includes elderly residents and young families.
 - She requested that the length facing 105 be beautified to deter noise.

Warehouse Usage and Comparison

- The warehouses are intended for general storage, available for rent to anyone needing space.
 - Member Rhoads questioned if example: A beekeeper storing wooden ware or someone storing oats for horses could be a possibility. Mr. Baugh confirms.
- Member Loupe states he pictures the development being similar to warehouse businesses on 69 North in Lumberton.
- Structures will be more than 300 feet from the roadway.

Beaumont Warehouse Example

- Mr. Baugh shows a similar warehouse facility in Beaumont as an example that they had done.
- Vice Chair Henry stated many businesses in similar areas operate Monday through Friday, 8 AM to 5 PM, potentially reducing traffic during other hours.

Chairman Freiberg closed the public hearing at 5:55 p.m.

DISCUSSION/ACTION ITEM

Case 25:02. Consider a request from Matthew Cook for a Special Exception to construct and operate an office/warehousing park on Abstract 12, John Harmon Survey, Tract 155A and Abstract 12, John Harmon Survey, Tract 155A-2 located near the intersection of Highway 87 and FM 105.

Lighting and Street Lights

- Vice Chair Henry questioned if the driveways on 87 would be utilized where the existing new streetlights installed along 87 would not have to be moved. Mr. Stafford confirmed.
- Mr. Knauf mentioned that all site lighting must be directed inward, away from the street and neighboring properties.
- Vice Chair Henry mentioned that additional lighting may be needed on the backside of 105 for driveway visibility at night.

Landscaping and Aesthetics

- Member Longlois expressed support for the project and the neighbors' concerns regarding landscaping and aesthetics.
- He acknowledged budget and maintenance costs but urged the developers to consider the view of the property from the neighborhood to maintain home values and quality of living.

Signage and Business Type Restrictions

- Member Loupe questioned how tenants will advertise their businesses whether on a master sign. Mr. Baugh confirmed that is normally how they would do it. Mr. Knauf mentioned that it would have to comply with the sign ordinance.
- Vice Chair Henry questioned if color scheme would all be the same. Mr. Baugh confirmed.
- Member Rhoads questioned meaning of "No manufacturing". Mr. Knauf stated it generally means no bringing in raw materials to make them into a product or machining, etc which creates a lot of noise.
- Member Longlois questioned where to draw line between assembling and fabricating. Mr. Knauf states it is a "judgment call" based on the specific business activities.
- Member Loupe expresses support for project.

Leases

- Vice Chair Henry asked about lease agreements.
- Multi-year leases are typical per Mr. Baugh.
- Credit worthiness is important.
- Member Rhoads questions fire protection and if sprinklers would be installed.
- Mr. Knauf states that fire protection and sprinklers will have to meet fire code requirements.

Motion Clarification

- Mr. Knauf explains the board is being asked to approve the uses (office and warehouse).
 - Office use is permitted.
 - Warehousing requires a special exception.
- The board is also being asked to approve the general concept of the layout.
 - The site plan will go through a review process and may need tweaking.
 - Member Longlois questions if he is generally supportive of the layout. Mr. Knauf confirms.

Member Longlois motioned to approve general layout as presented and special exception for warehousing uses at that location

Vice Chair Henry 2nd

Vote: 5 – 0

Motion Carries

Vice Chair Henry motioned to adjourn

Member Loupe 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. 26:01 Conduct a public hearing on a request from Dr. Tom Gillam III for a Special Exception to construct an elementary school at 1708 10th Street**
Date: **January 12, 2026**

The applicant is requesting a Special Exception to construct and operate a private elementary school serving grades Kindergarten through 5th grade on a 2.177-acre undeveloped tract located at 1708 10th Street. Private schools are permitted in the R-2 zoning district only by Special Exception granted by the Board of Zoning Adjustment.

Coopers Gully is adjacent to the north of the property and there are residences to the south, east and west of the property. Part of the property is in the floodway (where structures are prohibited) and the rest of the property is in the AE flood zone. Floodplain constraints reduce the buildable area and will influence site layout and design.

Before voting on whether or not to grant a Special Exception, the Board of Adjustment must hold a public hearing. The notice of a public hearing was published at least 15 days prior to January 20, and letters were mailed to property owners within 300 feet of the subject property at least 10 days prior to January 20. Currently, the staff has not received any objection to the request.

The key considerations for the Board are:

- Compatibility with surrounding residential uses
- Traffic and circulation impacts, particularly school drop-off and pick-up
- Floodplain compliance and student safety
- Site design feasibility, including parking, access, and buffering
- Whether conditions are necessary to mitigate potential impacts.

Included in your agenda packet is an application, an aerial photo, a ground photo, and a floodplain map showing the floodway and AE flood zone on the property.



City of Orange, Texas

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

Applicant Information and Requested Action		
Applicant: Dr. Tom Gillam III Title (Mr., Ms.): Dr. Name: Tom Gillam III Mailing Address: 1702 N. 10 th St. City, State, ZIP: Orange Texas 77630 Telephone: 409-548-5937 Email: judgetomgillam3@gmail.com	Status: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Trustee <input type="checkbox"/> Corporation <input type="checkbox"/> Other (please state)	Requested Action: <input checked="" type="checkbox"/> Special Exception <input type="checkbox"/> Zoning Variance <input type="checkbox"/> Administrative Review of a decision of the Zoning Ordinance
Property description		
Date acquired by Owner: Address: 1708 N. 10 th Street Orange Texas 77630 Lot: Block Number: Acres: Survey, Abstract #:	OR	
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:		
<p>The property is currently going to be a new building for an elementary school Kindergarten to 5th grade. This will be a new development that will be built at 1708 N. 10th St. Orange Texas 77630.</p>		

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): <i>Dr. Tom Gillam III</i>	Name of Applicant/Agent (please print):
Signature of Owner: <i>Dr. Tom Gillam III</i>	Signature of Applicant/Agent:
Telephone Number: <i>409-548-5937</i>	Telephone Number:
Date: <i>12-02-2025</i>	Date:

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:	<i>2601</i>
Date Received and Staff:	<i>12/3/25 KER</i>
Receipt Number:	<i>2026-00012118</i>
BOA Action:	<input type="checkbox"/> Approved as requested <input type="checkbox"/> Modified <input type="checkbox"/> Denied
BOA Meeting Date:	

1708 10th Street



1708 10th Street



1708 10th Street



MEMORANDUM

To: **Board of Zoning Adjustments**

From: **Kelvin Knauf, Director of Planning and Community Development**

Subject: **Case No. 26:02 Conduct a public hearing on a request from Heath Sheppard for a variance to the front building setback requirement to construct and operate a coffee drive-thru business at 2402 16th Street**

Date: **January 12, 2026**

The applicant is requesting a variance to the front yard building setback requirement to construct and operate a drive-thru coffee business (Lava Java) on a .161 acre tract located at 2402 N. 16th Street. There was a house on the property that faced 16th Street and the house has now been demolished. The property is not located in a floodway and is in the X flood zone.

The property is zoned C-S Commercial Special and the building setback requirements are as follows:

• Front	50 feet from the property line on 16 th Street, 25 feet on all other streets
• Rear	10 feet from the property line
• Interior side	7.5 feet from the property line
• Corner side	15 feet from the property line
• Side adjacent to residential use	10 feet from the property line
• Rear adjacent to residential zone	20 feet from the property line

If the property is considered as fronting on 16th Street, then the property is 100 feet wide by 85 feet deep.¹ The applicant is able to meet all the building setback requirements except for the required 50 foot setback on the 16th Street side.

The applicant is requesting that the building be allowed to be setback 30 feet from the property line adjoining 16th Street. The house that was located on the site (and has now been demolished) was set back approximately 24 feet from the property line adjoining 16th Street. The two houses located to the north of the site are set back less than 30 feet from the property line adjoining 16th Street.

Before voting on whether or not to grant a variance, the Board of Adjustment must hold a public hearing. The notice of the public hearing was published at least 15 days prior to January 20, and letters were mailed to property owners within 300 feet of the subject property at least 10 days prior to January 20. Currently, the staff has not received any objection to the request.

¹ When the site is compared to other properties in the immediate area, it appears as that the original intention when the property was platted is that the property would face Lutcher Avenue rather than 16th Street since the site is not as deep as nearby properties that face 16th Street and has the same depth as properties that face Lutcher Avenue. The house that was on the site faced 16th Street.

The key considerations for the Board are:

- Whether the 30 feet requested is the minimum amount of setback variance needed
- Whether the unique lot dimensions justify a variance
- Whether there are any apparent adverse impacts to adjacent properties if the setback is granted
- The proposed use (coffee drive-thru) is permitted by right; the applicant is only requesting a variance from the front building setback requirement

Included in your agenda packet is an application with attachments, an aerial photo, and a ground photo.



City of Orange, Texas

APPLICATION FOR BOARD OF ADJUSTMENT HEARING

Applicant Information and Requested Action		
Applicant: Title (Mr., Ms.): <i>Mr. Heath Sheppard</i> Name: Mailing Address: <i>PO Box 1760</i> City, State, ZIP: <i>Victor, TX 77670</i> Telephone: <i>208-660-0925</i> Email: <i>lavajava.texas@gmail.com</i>	Status: <input checked="" type="checkbox"/> Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Trustee <input type="checkbox"/> Corporation <input type="checkbox"/> Other (please state)	Requested Action: <input type="checkbox"/> Special Exception <input checked="" type="checkbox"/> Zoning Variance <input type="checkbox"/> Administrative Review of a decision of the Zoning Ordinance
Property description		
Date acquired by Owner: <i>10/22/2025</i> Address: <i>2402 N. 16th</i> Lot: <i>9</i> Block Number: <i>16 Sunset Park Addition</i>	OR	
Acres: 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:		
The property currently has an old real estate office on it that we will demo and replace		
with an 8'x34' Coffee double Drive-thru. The lot is only 85' deep by 100' wide on 16th St.		
We are able to meet all the city setback requirements except the 50' setback from 16th St.		
We would like the board to consider reducing the setback requirement to 30' to help with		
our flow of traffic and limited 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:

Because the lot is only 85' deep, it is creating a hardship for my site plan considering the 50' setback only leaves 25' to work with considering there is a 10' setback on the east side of the property.

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): <i>Heath Shepard</i>	Name of Applicant/Agent (please print):
Signature of Owner: <i>Heath Shepard</i>	Signature of Applicant/Agent:
Telephone Number: <i>208-1660-0925</i>	Telephone Number:
Date: <i>12-18-25</i>	Date:

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:	<i>26102</i>			
Date Received and Staff:	<i>12/19/25 KER</i>			
Receipt Number:	<i>2024-00015157</i>			
BOA Action:	<input type="checkbox"/> Approved as requested <input type="checkbox"/> Modified <input type="checkbox"/> Denied			
BOA Meeting Date:				

Scope of Work

Project: Lava Java Orange – Drive-Through Coffee Shop

Location: Orange, Texas

Contractor: Alonso Gonzales

Company: Huasteca

Project Overview

This project consists of the redevelopment of an existing commercial property in Orange, Texas for the construction of a new Lava Java drive-through coffee shop. The intent of this project is to remove an existing dilapidated structure, upgrade site utilities and infrastructure, and construct improvements that support a successful and visually appealing business. This will be the third Lava Java location, continuing the company's commitment to revitalizing underutilized properties and contributing positively to the surrounding community.

Scope of Work Description

1. Demolition

- Demolish and remove the existing structure currently located on the property.
- Properly dispose of all demolition debris in accordance with local, state, and federal regulations.
- Clear the site and prepare it for new construction activities.

2. Utility Connections

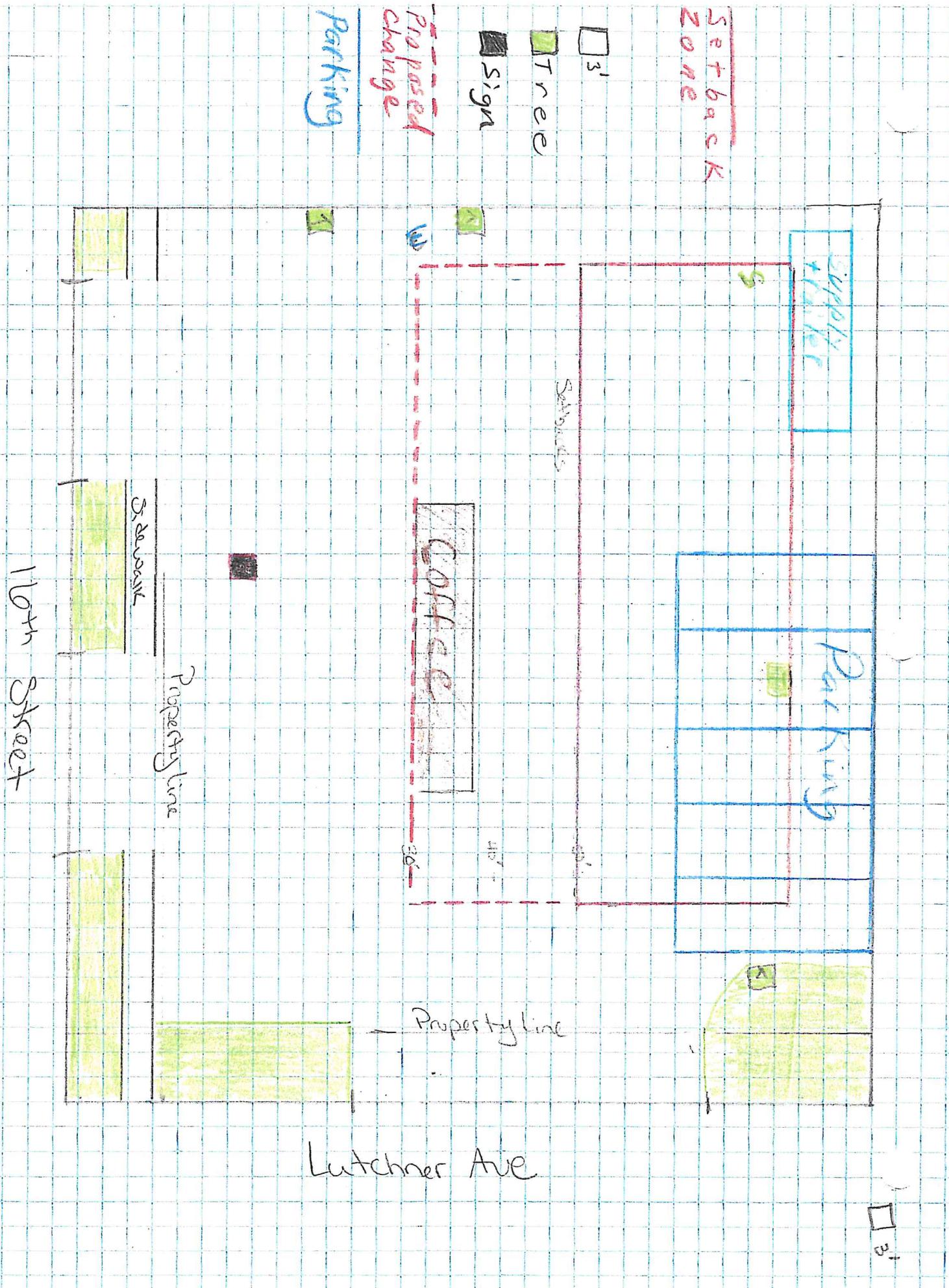
- Connect the property to municipal sewer and water services, including all necessary trenching, piping, and inspections.
- Coordinate with local utility providers as required.
- Install electrical service to support the new drive-through coffee building, including running power from the service point to the structure.

3. Site Preparation and Concrete Work

- Prepare the site for new construction, including grading and compaction as required.
- Pour new concrete foundations, slabs, and flatwork necessary for the coffee drive-through building.
- Construct concrete areas for drive lanes, and other required site features.

4. Parking Area Construction

- Construct a new parking area to support employee use.
- Ensure proper layout, drainage, and access in compliance with local codes and requirements.



Recorded at the request
of CAPITAL TITLE
GF No. 25-891001-00

General Warranty Deed

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: October 22, 2025

Grantor: Salam Alazem

Grantor's Mailing Address: 15803 Keystonridge Ln, Houston, TX
77070

Grantee: Heath Sheppard and Kamie Sheppard

Grantee's Mailing Address: 2915 Marion Dr, Victoria, TX 77406

Consideration: the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration

Property (including any improvements):

Lot No. Nine (9), in Block No. Six (6), of SUNSET PARK ADDITION, an addition in the City of Orange, Orange County, Texas, according to the map or plat thereof recorded in Volume 2, Page 70, Map Records, Orange County, Texas.

Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

This Deed is executed, delivered and accepted subject to all and singular any liens securing the payment of any debt created or assumed in connection herewith if such liens are described herein, standby fees, ad valorem taxes for the current and all subsequent years, subsequent assessments for prior years due to changes in land usage or ownership, zoning ordinances, utility district assessments and standby fees, if any, applicable to and enforceable against the above described property, and all valid utility easements created by the dedication deed or plat of the subdivision in which said real property is located, covenants, restrictions common to the platted subdivision in which said real property is located, mineral reservations, maintenance fund liens, and any title or rights asserted by anyone, including, but not limited to, persons, corporations, governments or other entities to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or to any land extending from the line of the harbor or bulkhead lines as established or changed by any government or to filled-in lands, or artificial islands, or to riparian rights or other statutory water rights, or the rights or interests of the State of Texas or the public generally in the area extending from the line of mean low tide to the line of vegetation or the right of access thereto, or right of easement along and across the

same, if any, applicable to and enforceable against the above described property as shown by the records of the County Clerk of the County in which said real property is located.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

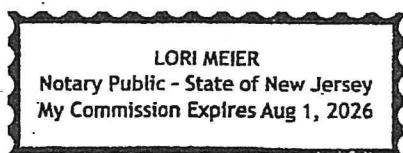
When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 22nd day of October, 2025.

Salam
Salam Alazem

THE STATE OF New Jersey
§
COUNTY OF Essex §

Before me, a Notary Public, the foregoing instrument was acknowledged on 22nd day of October, 2025 by Salam Alazem who personally appeared before me, and who is known to me through Identification to be the person(s) who executed it for the purposes and consideration expressed therein, and in the capacity stated.



Lori Meier
NOTARY PUBLIC, STATE OF
New Jersey

AFTER RECORDING, RETURN TO:

PREPARED IN THE LAW OFFICE OF
Shaddock & Associates, P. C.
2400 N. Dallas Parkway, Ste. 560
Plano, Texas 75093

Surveyor's Seal
Handwritten
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SURVEYORS CERTIFICATION:

Know all man by these presents:

That I, Walter G. Olson, do hereby certify that I have prepared this Plot from an actual and accurate survey of the land and that corner monuments have been placed on the property plotted under my personal supervision in accordance with the regulations of the Texas Board of Professional Land Surveyors (TBPSS).

Walter G. Olson

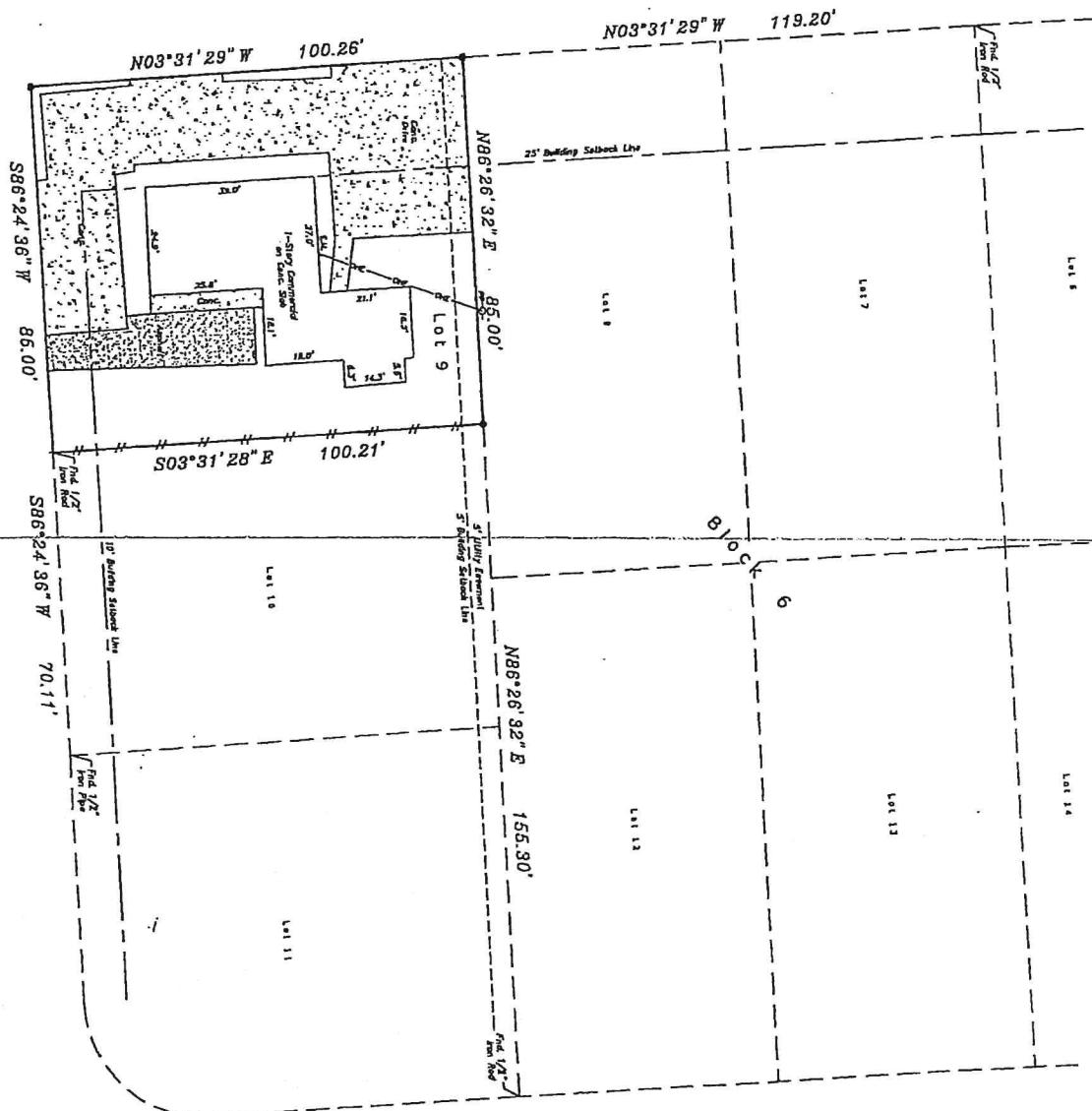
Registered Professional Land Surveyor No. 5726



East Lutcher Avenue

Property Address: 2402 North 16th Street—Orange, Texas 77630

Being all of Lot Number 9 in Block Number 6 of SUNSET PARK ADDITION, Orange County, Texas according to the Map or Plot thereof recorded in Volume 2, Page 20 of the Map Records of said Orange County, Texas.



Lakeside Drive

23/31

Overhead Electric

4' Chain Link Fence

• Ser 1/2" Iron Rod
W/V Cap Thread

D I S H O N	LAND DEVELOPMENT, LLC		
Surveys & Drafting, Inc.			
100 E. Main Street, Suite 100 Port Arthur, Texas 77640 (409) 753-5151, Fax (409) 753-5227			
Drawn By: <i>[Signature]</i>	Blk: <i>[Signature]</i>	Checked By: <i>[Signature]</i>	W/C:
Print Date: N/A	Print Zone: N/A	Print: N/A	
Date: 10/17/2025	Job #:	Scale: 1" = 20'	
TPN: 25-5-37 PROPERTY: 25-5-37 Held, Supported GPO: 25-09100-00 Print: Registration # 104200			

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Lot 13

Lot 12

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LAVA JAVA

2402 N 16TH ST. ORANGE, TX 77630



BEFORE

R.1

LAVA JAVA

2402 N 16TH ST. ORANGE, TX 77630

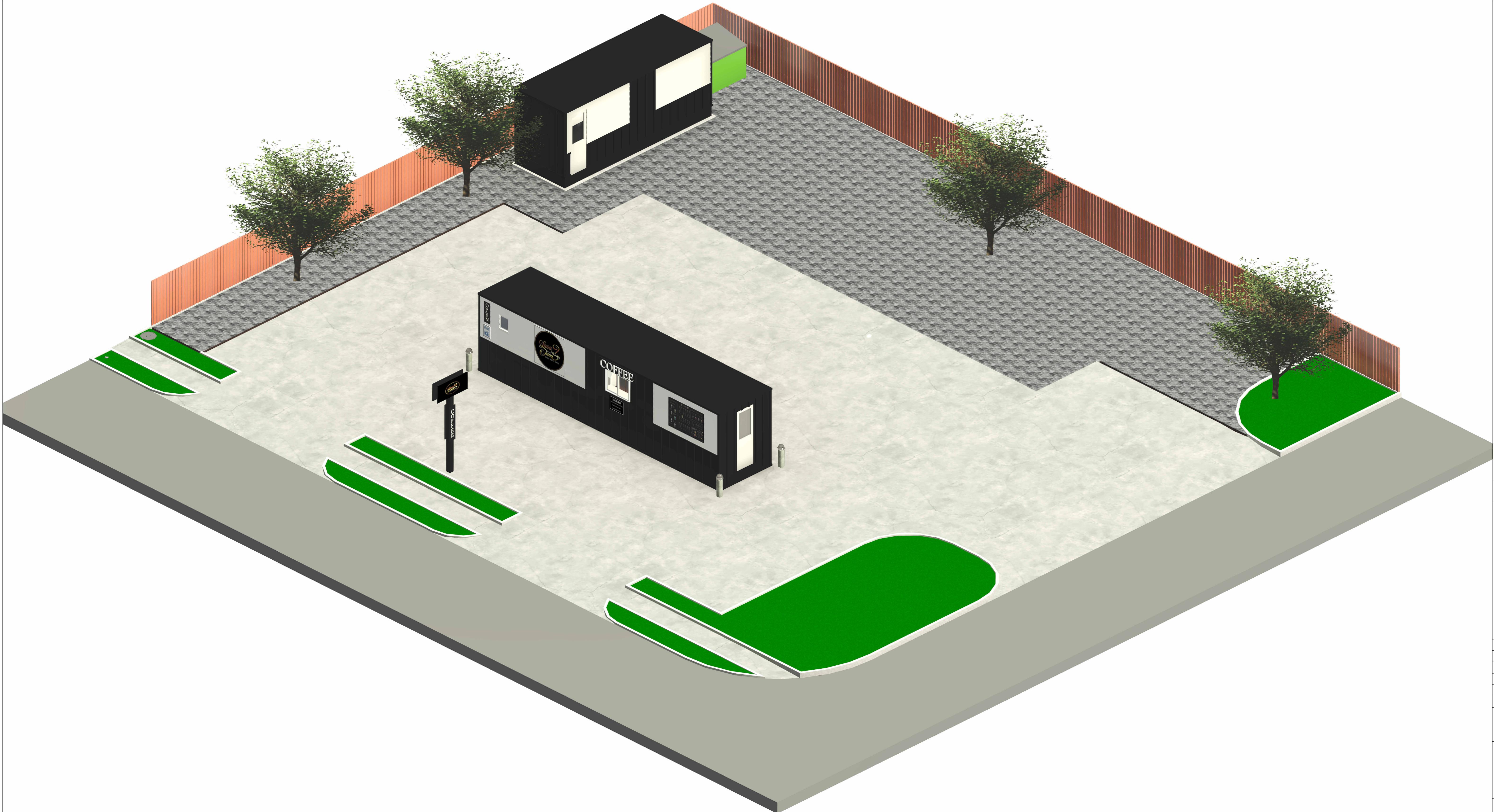
ALL DRAWINGS ARE THE PROPERTY OF THE DESIGNER AND THEY
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CONTRACTOR TO CHECK AND VERIFY ALL DIMENSIONS BEFORE
COMMENCING WORK. THERE ARE NO DIMENSIONAL DISCRENCES TO
THE DESIGNER

ONYVERSE
DIGITAL DESIGNS

409-659-0718
Contact@ONYVerse.com
www.ONYVerse.com
Beaumont, TX

CLIENT NAME:
KAMIE & HEALTH
SHEPPARD

LAVA JAVA
2402 N 16th St, Orange, TX 77630



AFTER

R.3

PROJECT # 003
STAMPED BY:

SCALE:
DRAWN BY: Author
CHECKED BY: Checker
APPROVED BY: Approver
DATE:
REVISION:

FOR REVIEW
PURPOSE

AFTER-AERIEL

LAVA JAVA

2402 N 16th St, Orange, TX 77630

LAVA JAVA

2402 N 16TH ST. ORANGE, TX 77630

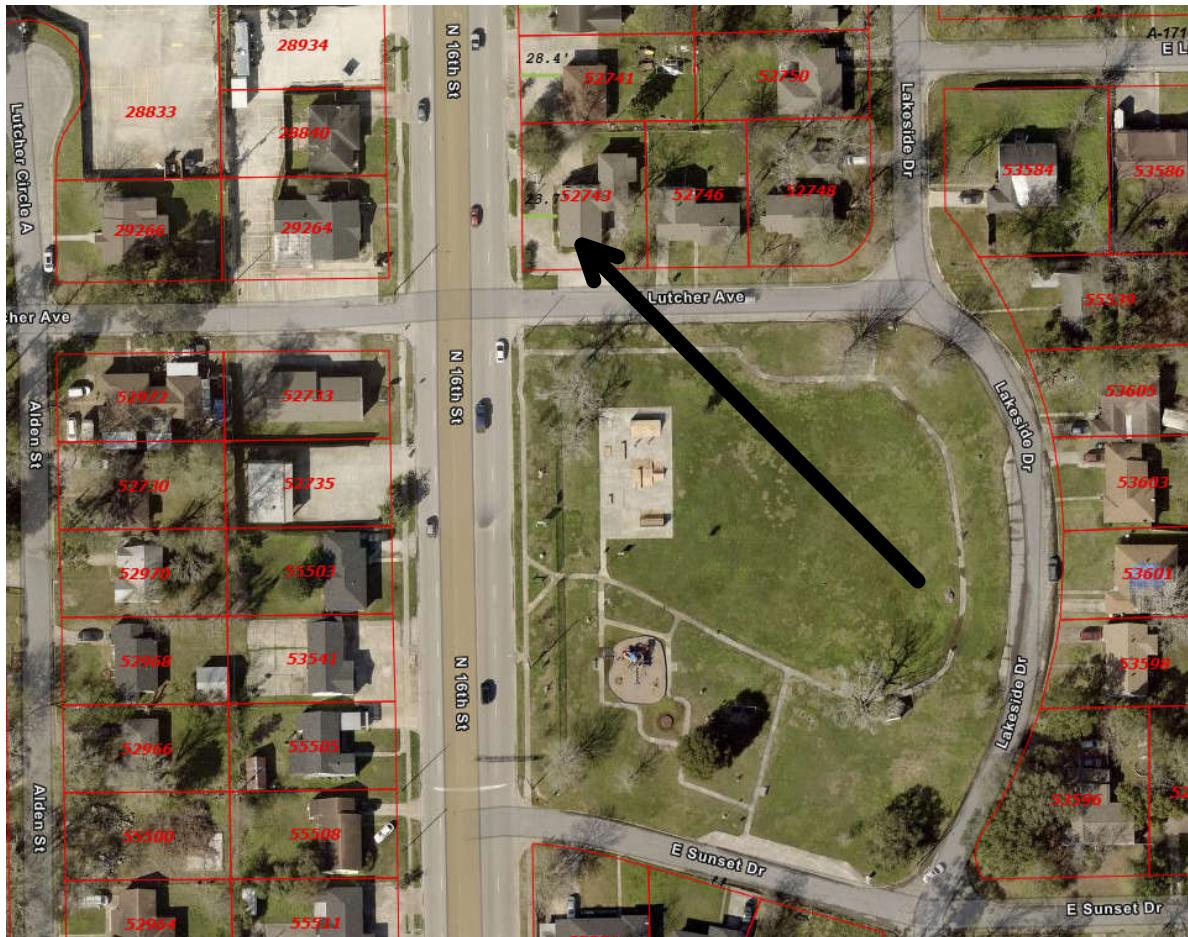


AFTER

R.2

AFTER

2402 N. 16th Street



2402 N. 16th Street



MEMORANDUM

To: **Board of Zoning Adjustments**
From: **Kelvin Knauf, Director of Planning and Community Development**
Subject: **Case No. 26:01 Consider a request from Dr. Tom Gillam III for a Special Exception to construct an elementary school at 1708 10th Street**
Date: **January 12, 2026**

The applicant is requesting a Special Exception to construct and operate a private elementary school serving grades Kindergarten through 5th grade on a 2.177-acre undeveloped tract located at 1708 10th Street. Private schools are permitted in the R-2 zoning district only by Special Exception granted by the Board of Zoning Adjustment.

Coopers Gully is adjacent to the north of the property and there are residences to the south, east and west of the property. Part of the property is in the floodway (where structures are prohibited) and the rest of the property is in the AE flood zone. Floodplain constraints reduce the buildable area and will influence site layout and design.

The key considerations for the Board are:

- Compatibility with surrounding residential uses
- Traffic and circulation impacts, particularly school drop-off and pick-up
- Floodplain compliance and student safety
- Site design feasibility, including parking, access, and buffering
- Whether conditions are necessary to mitigate potential impacts.

Included in your agenda packet is an application, an aerial photo, a ground photo, and a floodplain map showing the floodway and AE flood zone on the property.

The Board will need to vote to approve, approve with conditions, table for more information, or deny the application.

MEMORANDUM

To: **Board of Zoning Adjustments**
From: **Kelvin Knauf, Director of Planning and Community Development**
Subject: **Case No. 26:02 Consider a request from Heath Sheppard for a variance to the front building setback requirement to construct and operate a coffee drive-thru business at 2402 16th Street**
Date: **January 12, 2026**

The applicant is requesting a variance to the front yard building setback requirement to construct and operate a drive-thru coffee business (Lava Java) on a .161 acre tract located at 2402 N. 16th Street. There was a house on the property that faced 16th Street and the house has now been demolished. The property is not located in a floodway and is in the X flood zone.

The property is zoned C-S Commercial Special and the building setback requirements are as follows:

• Front	50 feet from the property line on 16 th Street, 25 feet on all other streets
• Rear	10 feet from the property line
• Interior side	7.5 feet from the property line
• Corner side	15 feet from the property line
• Side adjacent to residential use	10 feet from the property line
• Rear adjacent to residential zone	20 feet from the property line

If the property is considered as fronting on 16th Street, then the property is 100 feet wide by 85 feet deep.¹ The applicant is able to meet all the building setback requirements except for the required 50 foot setback on the 16th Street side.

The applicant is requesting that the building be allowed to be setback 30 feet from the property line adjoining 16th Street. The house that was located on the site (and has now been demolished) was set back approximately 24 feet from the property line adjoining 16th Street. The two houses located to the north of the site are set back less than 30 feet from the property line adjoining 16th Street.

The key considerations for the Board are:

- Whether the 30 feet requested is the minimum amount of setback variance needed
- Whether the unique lot dimensions justify a variance
- Whether there are any apparent adverse impacts to adjacent properties if the setback is granted

¹ When the site is compared to other properties in the immediate area, it appears as that the original intention when the property was platted is that the property would face Lutcher Avenue rather than 16th Street since the site is not as deep as nearby properties that face 16th Street and has the same depth as properties that face Lutcher Avenue. The house that was on the site faced 16th Street.

- The proposed use (coffee drive-thru) is permitted by right in the C-S zoning district; the applicant is only requesting a variance to the front building setback requirement

Included in your agenda packet is an application with attachments, an aerial photo, and a ground photo.

The Board will need to vote to approve, approve with conditions, table for more information, or deny the application.