



**AGENDA  
ZONING BOARD OF ADJUSTMENT  
REGULAR MEETING  
COMMUNITY ROOM, 303 N. 8<sup>th</sup> STREET  
ORANGE, TEXAS  
OCTOBER 19, 2021 5:30 P.M.**

**NOTICE IS HEREBY GIVEN** the Zoning Board of Adjustment of the City of Orange will conduct a regular meeting scheduled for October 19, 2021 at 5:30 p.m. at 303 N. 8<sup>th</sup> Street, Orange, Texas.

This Notice and Agenda Packet are posted online at [www.orangetexas.gov](http://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.** 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 of 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. Consideration of the minutes** from the September 21, 2021 meeting.

**4. Workshop**

- a. The Board will conduct a workshop on Board responsibilities and processes.

**6. 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 licenciación 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  
MEETING MINUTES  
Tuesday, September 21, 2021**

**Members Present:**

Ed Freiberg .....Chairman  
Tiffany Bell ..... Vice Chairman  
Isaac T. Henry III.....Member  
Linn Cardner..... Member  
J. David Derosier ..... Member  
Keith Longlois.....Alternate Member  
Mark Ferrell.....Alternate Member

**Members Absent:**

None

**Council Members Present:**

None

**Staff Present:**

Kelvin Knauf, Director of Planning & Community Development  
Wendy Lloyd, Planning Secretary

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

**CITIZEN COMMENTS**

Chairman Freiberg asked for any comments. None were made.

**REGULAR BUSINESS - MEETING MINUTES**

Chairman Freiberg asked for motion to approve the July 20, 2021, meeting minutes

Member Henry motioned to approve

Vice Chair Bell 2<sup>nd</sup>

**Vote: 5 - 0**

**Motion Carries**

**PUBLIC HEARING**

**Case No. 21:12.** Conduct a public hearing on a request from JW Turner Construction representing Oshia Papilion for a variance to the corner side yard building setback requirement, the front yard building setback requirement and the rear yard building setback requirement to construct a new house at Lot W. 72' of 6 Block 1 A.I. Stephenson survey also known as 1120 11<sup>th</sup> Street.

Chairman Freiberg opened the public hearing at 5:35 p.m.

Mr. Knauf stated this is another one of those General Land Office houses. They are going to demolish the existing house and would like to build a new house because the existing house was damaged by floodwaters. What they are asking for is several variances. One, the ordinance requires a corner side yard, the side yard where the streets meet, the requirement is 15 feet and they're requesting to go 5 feet from the property line in order to accommodate a disabled ramp on that side of the house. Also, the front yard setback requirement is 25 feet and they're requesting to go 16.6 feet from the front property line. Then, the rear yard requirement is 15 feet and they're requesting to go to 9.4 feet from the rear property line. The General Land Office, they have only a limited number of styles and sizes of houses and this is a fairly small lot and so they are requesting the variances into the setback areas.

Chairman Freiberg stated I have 1 question for you. I know you told us before that they are looking at a study to change the setbacks. Mr. Knauf stated they did change that. Chairman Freiberg stated if this one done in place now, would this have still been a problem. Mr. Knauf stated yes. Chairman Freiberg stated what area would have been a problem. Mr. Knauf stated I believe the side yard. The interior side yard was 5 feet. The corner side yard was still 15 feet. They didn't change that. It's the interior side yard, they changed that from 15 feet to 5 feet. But the interior side yard is okay.

Member Henry stated it's just a small lot. Mr. Knauf stated it is. It's a fairly small lot.

**Billie Provost – 1115 11<sup>th</sup> Street, Orange, Tx:** Ms. Provost stated with the footprint of the house and the variance on the house, is it anywhere encroaching on easements for this property. Mr. Knauf stated I don't know of any encroachments onto to an easement for that. I don't know of any because the water and sewer lines are normally right there by the street. So, even if they grant the variance, there's still 16 feet from the street for any water and sewer line. Ms. Provost stated and with the handicap being put in, is there no way to adjust the square footage of the house. Mr. Knauf stated I think we have somebody here from JW Turner.

**Karl Gassen – Bridge City, Tx:** Mr. Gassen stated this is the smallest house the General Land Office provides.

Chairman Freiberg stated we've had this before. These houses don't fit the lots in the city. Ms. Provost stated my reasoning for asking is because are these the only particular homes that you can use or can you possibly seek other companies. The reason I'm asking is because I work for a builder so I'm asking is there any other company you can use that could possibly give you more renderings for them. Mr. Gassen stated no this is strictly General Land Office. Mr. Knauf stated the General Land Office has only so many sizes and styles. Now there may be different builders that actually build them, but the General Land Office are just very limited in there styles and sizes. Ms. Provost stated and the General Land Office is for Orange. Mr. Knauf stated no it's for the state of Texas. Member Derosier stated the General Land Office has a program for people whose houses have been severely damaged, and the replacement is subsidized by the state. So, they have a limited library of what they offer with the subsidy. You don't have to take it but if you do it on your own, then you give up that subsidy and you may not be able to afford it. So, it's a special program based on disaster assistance. Ms. Provost stated okay. Is there a way that I can get a card for JW Construction? Mr. Gassen stated sure. Mr. Knauf stated is there anything else you

would like to add to this. Mr. Gassen stated not unless you guys have any questions.

Chairman Freiberg stated were there any other comments or did you all receive any. Mr. Knauf stated I did get a call, but the lady just didn't know what it was about or how it would affect her property. So, I answered her question and I told her this did not affect hers other than she was within that 300 feet and so she got a letter because she's within that 300 feet to let her know about the public hearing that she could come and speak at the public hearing and after I explained all that then she was satisfied.

Chairman Freiberg asked for any other discussion. None was made.

Chairman Freiberg closed the public hearing at 5:38 p.m.

### **DISCUSSION/ACTION**

**Case No. 21:12. Consider a request from JW Turner Construction representing Oshia Papilion for a variance to the corner side yard building setback requirement, the front yard building setback requirement and the rear yard building setback requirement to construct a new house at Lot W. 72' of 6 Block 1 A.I. Stephenson survey also known as 1120 11<sup>th</sup> Street.**

Member Derosier stated I have slightly mixed feelings on this. Looking at the plan and there's a driveway along the side of the house where the walkway would be and if the exterior side was just moved upwards and to the left so that it extended out into the front yard, then you wouldn't be encroaching that much onto the street. On the other hand, they're doing away with the garage and putting in a 20 by 20 parking pad in the front so it's a tradeoff. No matter how you look at it, it's going to be pretty tight on the piece of property. I think if they do this, it's going to be a benefit to the area. I think it's going to look nice. I have no idea about the vacant lot next door on what's happening with that. So, I'd be inclined to go along with it.

Chairman Freiberg stated and to clarify my question to you, 2 of the 3 things would fit under the new proposal. Is that right? Mr. Knauf stated well the proposal was we used to have a 15 foot interior side yard and they shrunk that to 5 feet so this would fit within that but it's the corner side yard, front side yard and rear side yard that they can't get the house to fit within.

Member Henry stated I'm good with it.

Chairman Freiberg asked for a motion

Member Henry motioned to approve with all 3 variances of front, corner side and rear yard

Vice Chair Bell 2<sup>nd</sup>

**Vote: 5 - 0**

**Motion Carries**

Member Henry motioned to adjourn

Vice Chair Bell 2<sup>nd</sup>

**Chairman Freiberg adjourned the meeting at 5:42 p.m.**

**MEMORANDUM**

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**To:** Board of Zoning Adjustments  
**From:** Kelvin Knauf, Director of Planning and Community Development  
**Subject:** Workshop  
**Date:** October 13, 2021

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The Board of Adjustment will conduct a workshop on Board responsibilities and processes.