



The City of Liberty

Planning and Zoning Commission

Meeting

~ Agenda ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Wednesday, June 2, 2021

12:00 PM

City Council Chambers

I. CALL TO ORDER

Attendee Name	Present	Absent	Late	Arrived
President Tyler Jackson	☐	☐	☐	
Commission Member Kim Anderson	☐	☐	☐	
Commission Member Ryan Daniel	☐	☐	☐	
Commission Member Emily Cook	☐	☐	☐	
Commission Member Rick Jenner	☐	☐	☐	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZEN'S FORUM

Citizen's Forum is reserved for members of the public who would like to address the Planning and Zoning Commission Members regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Commissioners may not deliberate or take any action during citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public's comments with a factual statement or clarification. The Commissioners may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

III. CONSENT AGENDA

All consent items listed are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commission Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A. Minutes Approval

1. Planning and Zoning Commission - Meeting - Mar 17, 2021 12:00 PM

IV. REGULAR AGENDA

A. Regular Session

1. Consider a variance request to the property building setback requirements at 1609 Browning.

V. ADJOURN

I certify that the attached Notice of Meeting was posted on the bulletin board and in the Message Centers located on the east and west sides of the City Hall Administration Building, located at 1829 Sam Houston on the 26th day of May 2021 at 5:00 PM. This notice will remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting in accordance with Chapter 551 of the Texas Government Code.

April Gilliland
April Gilliland, City Secretary

NOTICE

In compliance with the Americans with Disabilities Act, the City of Liberty will provide reasonable accommodation for persons attending and/or participating in this meeting. To better serve you, requests must be made at least 24 hours prior to the meeting. Contact the City at 936-336-3684 or by Fax at 936-336-9846. The building is wheelchair accessible, with parking available, on the west side of the building.

I certify that the attached Notice and Agenda of items to be considered by the Planning and Zoning Commission was removed by me from the bulletin board at the City Hall on the _____ day of _____, 2020.



The City of Liberty

Planning and Zoning Commission

Meeting ~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Wednesday, March 17, 2021

12:00 PM

City Hall - Liberty Center

I. CALL TO ORDER

The meeting was called to order on March 17, 2021 at the City Hall - Liberty Center, 1829 Sam Houston Liberty, TX at 12:00 PM by President Tyler Jackson.

Attendee Name	Title	Status	Arrived
Tyler Jackson	President	Present	
Kim Anderson	Commission Member	Present	
Ryan Daniel	Commission Member	Present	
Emily Cook	Commission Member	Present	
Rick Jenner	Commission Member	Present	
Chris Jarmon	Assistant City Manager	Present	
April Gilliland	City Secretary	Present	

II. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / CITIZEN'S FORUM

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President Tyler Jackson welcomed guest and visitors, opening the floor for public comment to those wishing to address the board. There were no comments.

III. CONSENT AGENDA

All consent items listed are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will be no separate discussion of these items unless a Commission Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Daniel, Commission Member
SECONDER:	Emily Cook, Commission Member
AYES:	Jackson, Anderson, Daniel, Cook, Jenner

A. Minutes Approval

Minutes Acceptance: Minutes of Mar 17, 2021 12:00 PM (Minutes Approval)

1. Planning and Zoning Commission - Meeting - Jan 21, 2021 12:00 PM
2. Planning and Zoning Commission - Special/Joint Meeting - City Council - LCDC - Feb 23, 2021 6:00 PM

IV. REGULAR AGENDA

A. Regular Session

1. Consider approving a Minor Replat of Lots 1 and 3 of Block 26 and a variance to Section 10.02.122 of the Code of Ordinances regarding Minimum Lot Sizes.

In May 2018, Mr. Matt Harris requested and received approval from the Planning and Zoning Commission of a Minor Replat of Lot 2 Inner Block 26. This Minor Replat divided Lot 2 into three lots with each lot meeting the minimum lot size requirements. The proposed minor replat will increase the size of Lot 1 and decrease the size of Lot 3. The new size of Lot 3 will be 66.66ft x 91.66 where it is currently 66.66ft x 125ft. The minimum lot size required by the Code is 60ft x 100ft. Mr. Matt Harris mention the replat was being requested to sell lot 3 to the owner of lot 2, Ms. Brown to increase the backyard of lot 2.

A motion was made by Commission Member Cook, seconded by Commission Member Jenner, to approve the minor replat as presented. Motion passed 4-0-1.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Emily Cook, Commission Member
SECONDER:	Rick Jenner, Commission Member
AYES:	Kim Anderson, Ryan Daniel, Emily Cook, Rick Jenner
ABSTAIN:	Tyler Jackson

2. Consider a Minor Replat of Block 1, Lot 8 Pt 7 of the Stuesoff Subdivision.

William Schulze has applied for a Minor Replat portion of a lot that he owns in the Stuesoff Subdivision. Section 10.02.066 of the Code of Ordinances states that "the building official may, for any reason, elect to forward the minor plat to the commission for review and approval." The Building Official, Glen Barnhill, discussed his concerns regarding this replat with the Planning & Zoning Commission.

A motion was made by Commission Member Cook, Seconded by Commission Member Daniel, to approve the minor replat as presented. Motion passes 5-0.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Emily Cook, Commission Member
SECONDER:	Ryan Daniel, Commission Member
AYES:	Jackson, Anderson, Daniel, Cook, Jenner

V. ADJOURN

1. Motion to Adjourn

A motion was made by Commission Member Daniel, seconded by Commission Member Jenner to adjourn the meeting at 12:18 p.m. The motion passed 5-0.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Ryan Daniel, Commission Member
SECONDER:	Rick Jenner, Commission Member
AYES:	Jackson, Anderson, Daniel, Cook, Jenner

Tyler Jackson, President

ATTEST:

April Gilliland, City Secretary

Minutes Acceptance: Minutes of Mar 17, 2021 12:00 PM (Minutes Approval)



The City of Liberty
Planning and Zoning Commission
1829 Sam Houston
Liberty, TX 77575

4.A.1

Meeting: 06/02/21 12:00 PM

Department: Administration
Category: Permits

P&Z ACTION (ID # 5102)

DOC ID: 5102

Department: Community Development

Subject: Variance

Background: Joe Edd Stifflemire owns the property at 1609 Browning. Mr. Stifflemire is requesting a variance to build a carport that will encroach upon the property setbacks. Current setback requirements for residential property are 20 feet in the front and 7.5 feet on the side.

Mr. Stifflemire expects the carport to encroach upon both the front and side setbacks.

Funding Source: n/a

Staff Recommendation: Approval of the variance with the following condition: 1) the carport does not extend into any city-owned right-of-way or easements.

Joe Edd & Cathy Stifflemire
[REDACTED]

Liberty, TX 77575
[REDACTED]

April 12, 2021

City of Liberty City Council
Planning & Zoning Commission
1829 Sam Houston St
Liberty, TX 77575

Dear City of Liberty City Council:

We are submitting to the City of Liberty Code Ordinances a variance request to construct an open sided galvanized steel carport on the front of our property. The carport will be freestanding attached to our house with flashing only. We are requesting this variance as there is not adequate space on our property without encroaching on the side & front set backs of the property.

The variance, if approved, will not be detrimental to the public safety, health or welfare as it will be an open sided carport which will not obstruct the view. It will not be injurious to the surrounding property as the carport will be sloped toward the street & not the neighboring property. Any run off will go toward the front of the property into the street & not onto the adjacent property. There will be no increase in watershed to the street as our driveway is currently sloped toward the street.

We are requesting approval of the variance to help protect our vehicle & ourselves from the elements as we are currently growing older and our health is deteriorating. Joe Edd had a severe medical issue a while back where he spent 33 days in the hospital with respiratory failure & heart issues. He came back home on oxygen for 7 months & had to use a walker for part of that time. He had to have help getting in & out of our vehicle. The oxygen cart with bottles had to be loaded after he was securely put in. Had we had a carport at that time it would have helped tremendously in protecting him & the equipment from the elements.

We are including pictures of other open sided carports on our street within a block of our property for your review.

We appreciate your time & consideration in this matter

Sincerely,

Handwritten signatures of Joe Edd and Cathy Stifflemire in blue ink. The signature of Joe Edd is on top, and the signature of Cathy Stifflemire is below it.

Joe Edd & Cathy Stifflemire

VARIANCE APPLICATION

Instructions:

1. Please type or print with ink.
2. Applications must be completed, and accompanied by all required materials at the time of submittal. Incomplete submittals will be returned to the applicant. The City of Liberty cannot guarantee a deadline extension to allow for the submittal of omitted information or materials.
3. Application must be signed by all legal owners of the subject property or by the legally authorized agent for the property owner(s). If the request will be processed by an agent, the application must be accompanied by a notarized "Designation of Agent Form" signed by all legal owners of the property.
4. The Following items shall accompany the application:
 - a. A copy of the deed(s) to the subject property verifying legal ownership.
 - b. A Legible site plan or plot plan of the subject property.
 - c. A letter describing in detail the reason(s) for the request and the hardship on which the request is based.
 - d. Other materials, as appropriate (i.e. photos, slides, drawings, plats, petitions, etc.)

Owner/Agent Information:

Name of Owner(s): JOE EDO STIFFLEMIRE & CATHY STIFFLEMIRE

Name of Agent, if applicable: N/A

Phone Number: [REDACTED]

Fax Number: NONE

Mailing Address: [REDACTED]

Email: [REDACTED]

Property Data:

Street address: 1609 BROWNING

Legal Description: PARTLOW L-LIB BLOCK 9 LOT PT 2 3
TRACT 10 ACRES .1584

Variance Request:

I/ We, being the legal owner(s) or the agent for the legal owner(s) of the property described above, hereby request that the Planning and Zoning commission and City Council of the City of Liberty consider the following variance request to the City of Liberty Code of Ordinances:

List brief description and ordinance(s)

WE ARE REQUESTING A VARIANCE TO CONSTRUCT AN OPEN SIDED GALVANIZED STEEL CARPORT. PROPOSED CARPORT WILL ENCRACH ON PROPERTY SIDE SET BACK OF 2' 9" & ON PROPERTY FRONT SET BACK OF 20'. OUR HOUSE WAS BUILT IN THE EARLY 1950'S WHEN ORDINANCES WERE NON-EXISTENT OR DIFFERENT TO THE ORDINANCES IN AFFECT TODAY. CURRENT ORDINANCES STATE THAT THE SIDE PROPERTY SET BACK IS 7' 6" & THE FRONT PROPERTY SET BACK IS 20'.

Reason/Hardship for the Variance:

In order to recommend approval of a variance, the Planning and Zoning Commission must make a finding of hardship. As noted in the instructions, ***you must attach a letter*** describing the reason for the request and the hardship on which the request is based, stating the grounds for the variance and all of the facts relied upon for the case.

Variance Review Criteria:

In order to make a finding of hardship, the Planning and Zoning Commission must determine that ***all*** of the following criteria are met. ***State how your variance request meets these four criteria. Please note that the hardship cannot be based solely on financial or self-imposed conditions.*** (Attach additional pages for multiple variance requests or if additional space is needed.)

1. The granting of the variance will not be detrimental to the public safety health, or welfare, be injurious to surrounding property, or violate the intent and purpose of the regulation:

NOT DETRIMENTAL TO PUBLIC SAFETY, HEALTH OR WELFARE AS IT IS AN OPEN SIDED CARPORT & WILL NOT OBSTRUCT AN VIEWS. NOT BE INJURIOUS TO SURROUNDING PROPERTY AS IT WILL BE SLOPED TOWARD THE STREET. RUN OFF WILL GO TOWARD THE FRONT OF THE PROPERTY & NOT ONTO ANY SIDE ADJACENT PROPERTY. THERE WILL BE NO INCREASE IN WATERSHED TO THE STREET AS THE EXISTING DRIVEWAY CURRENTLY DRAINS TO THE STREET.

2. The granting of the variance is not based on a hardship which is self-imposed:

THE GRANTING OF THE VARIANCE IS NOT BASED ON A HARDSHIP WHICH IS SELF-IMPOSED. WE NEED THIS CARPORT TO PROTECT OURSELVES & OUR VEHICLE FROM THE ELEMENTS. WE ARE GROWING OLDER & OUR HEALTH IS DETERIORATING. MY HUSBAND EXPERIENCED HEALTH ISSUES WHICH RESULTED HIM USING A WALKER & OXYGEN EQUIPMENT FOR 7 MONTHS. A CARPORT WOULD HAVE PROTECTED HIM & THE OXYGEN EQUIPMENT FROM THE ELEMENTS.

3. The hardship is not based solely on the cost of complying with the regulation:

THIS HARDSHIP IS NOT BASED ON THE COST OF COMPLYING WITH THE REGULATION BUT WITH THE FACT THAT WE DON'T HAVE THE AVAILABLE SPACE TO BUILD THE OPEN SIDED CARPORT WITHOUT ENCRACHING ON THE FRONT & SIDE SET BACK OF THE PROPERTY.

4. The hardship is based on circumstances which are unique to the property for which the variance is sought, and not circumstances common to other properties:

THE HARDSHIP IS BASED ON CIRCUMSTANCES UNIQUE TO THIS PROPERTY. THIS HOME WAS BUILT IN THE EARLY 1950'S WHEN THE SET BACKS WERE NOT WHAT THEY ARE TODAY. WE DO NOT HAVE THE AVAILABLE SPACE TO STAY WITHIN THE CURRENT PROPERTY OFFSET WITHOUT REQUESTING THIS VARIANCE.

Notice:

The City of Liberty does not enforce deed restrictions and cannot grant variances to deed restrictions. Any variance granted pursuant to this application and any building permit issued pursuant to such variance does not constitute or represent approval or authority to violate deed restrictions. A plat vacation and replat pursuant to Chapter 212, Texas Local Government Code may be required for such authority.

Signature(s) of Owner(s)/ Agent:

This is to certify that the information provided above is true and correct and that I am the owner of record of the property or the owner(s)' legally authorized agent.

Signature: *Joel Stupp* Date: 04-12-2021

Signature: *Cathy Stupp* Date: 04-12-2021

For Office Use Only

Submittal Date: _____

Planning and Zoning Meeting Date: _____

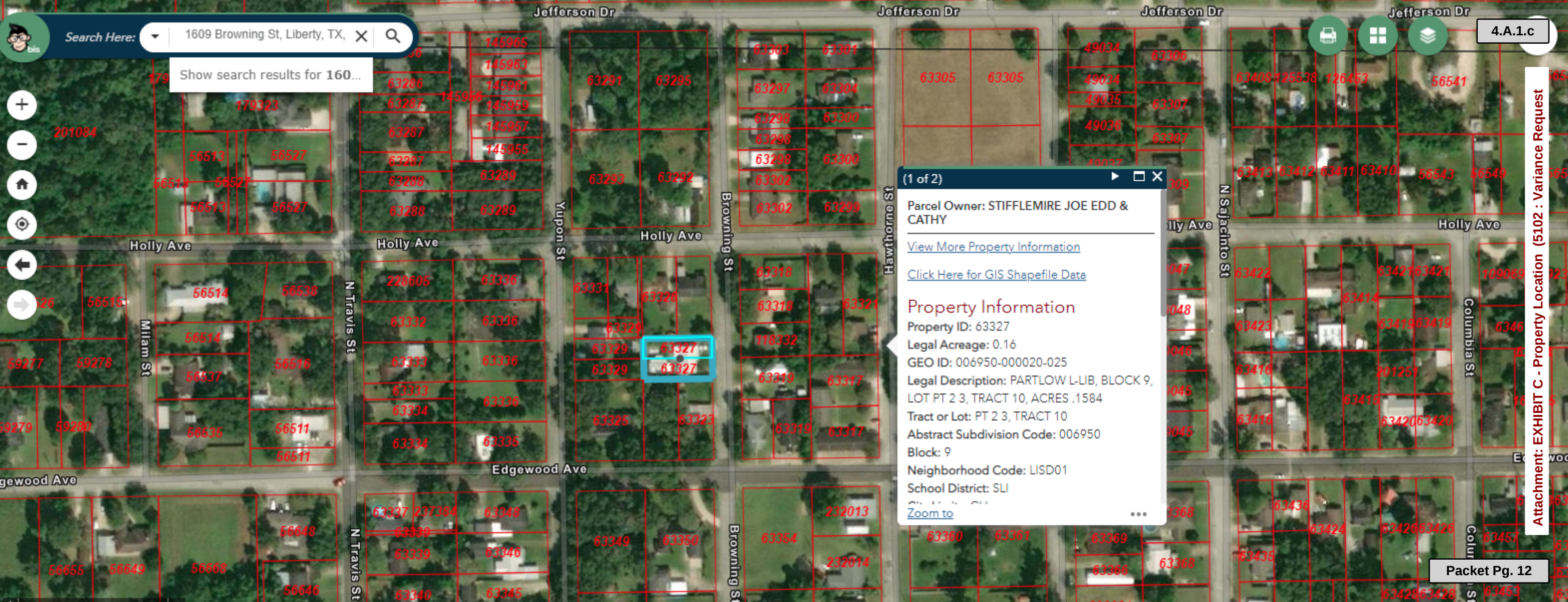
City Council Meeting Date: _____

Received By: _____

For Office Use Only

Planning & Zoning Approval/Denial: _____

City Council Approval/Denial: _____



Search Here:

1609 Browning St, Liberty, TX, X



Show search results for 160...

4.A.1.c

(1 of 2)

Parcel Owner: STIFFLEMIRE JOE EDD & CATHY

[View More Property Information](#)

[Click Here for GIS Shapefile Data](#)

Property Information

Property ID: 63327

Legal Acreage: 0.16

GEO ID: 006950-000020-025

Legal Description: PARTLOW L-LIB, BLOCK 9, LOT PT 2 3, TRACT 10, ACRES .1584

Tract or Lot: PT 2 3, TRACT 10

Abstract Subdivision Code: 006950

Block: 9

Neighborhood Code: LISD01

School District: SLI

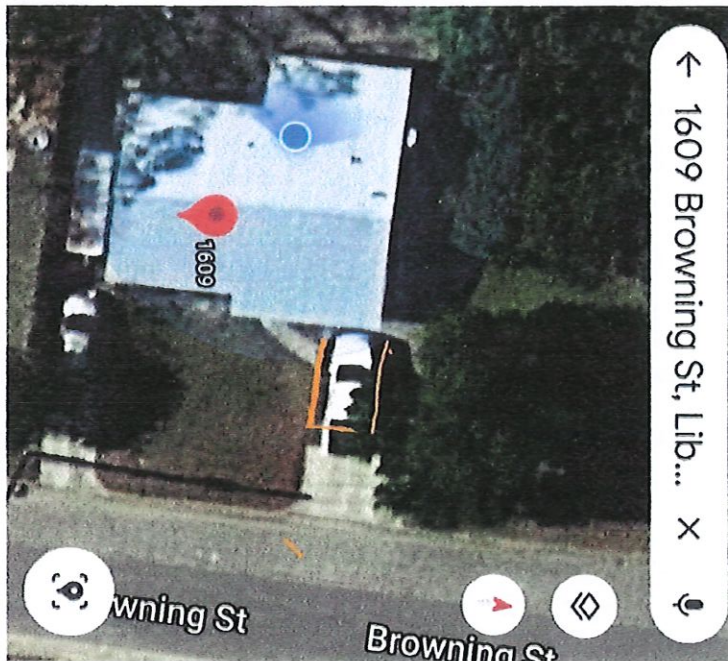
[Zoom to](#)



Proposed Open Sided Carport

2'9" Encroachment on side

20' Encroachment on front



Attachment: EXHIBIT D - Proposed Carport Location (5102 : Variance Request 1609 Browning)



BROWNING ST.

Attachment: EXHIBIT E - Existing Carports in Area (5102 : Variance Request 1609 Browning)



CORNER of
EDGEWOOD ST
& BROWNING ST.



CORNER of
EDGEWOOD ST.
+ BROWNING ST.