

Anne Sundquist, Place 1, Chairman  
Scott Shelburne, Place 2  
LaRae Whorley, Place 3  
Josh Jakubik, Place 4  
Cathy Yowell, Place 5, Vice Chairman  
Alternate:  
Trevor Brown



Don Doering, City Administrator  
Kandice Garrett, City Secretary  
Leonard Schneider, City Attorney  
Christian Gable, Planning Coordinator

## **NOTICE OF PUBLIC MEETING ZONING BOARD OF ADJUSTMENT**

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**AGENDA**  
**PUBLIC HEARING AND SPECIAL MEETING**  
**CONTINUED WEDNESDAY, NOVEMBER 2, 2022 - 4:30 P.M.**  
Sewall Smith Council Chambers  
18111 Buddy Riley Blvd. Magnolia, Texas 77354

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### **1. CALL TO ORDER**

- a. INVOCATION
- b. PLEDGE OF ALLEGIANCE
- c. ROLL CALL AND CERTIFICATION OF QUORUM

### **2. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC**

*(This agenda item provides an opportunity for citizens to address the City Council on any matter not on the agenda).*

*Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:*

- a. Statements of specific factual information given in response to an inquiry;*
- b. A recitation of existing policy in response to an inquiry;*
- c. A proposal to place the subject on a future agenda.*

### **3. OPEN PUBLIC HEARING**

#### **NOTICE OF PUBLIC HEARING**

On October 5, 2022 at 4:30 pm., the City of Magnolia Zoning Board of Adjustment held a public hearing in the City Council Chambers, 18111 Buddy Riley Blvd., Magnolia, Texas 77354, concerning an appeal to a Notice of Violation of City of Magnolia's Unified Development Code requested for 327 Magnolia Blvd, giving all interested persons the right to appear and be heard. It was the decision of the Board of Adjustment to continue the hearing on November 2, 2022 at 4:30 pm., allowing another opportunity for the applicant to attend with a second notice.

### **4. CLOSE PUBLIC HEARING AND CONVENE SPECIAL MEETING**

### **5. CONSIDERATION – APPROVAL OF MINUTES**

Consideration and possible action to approve the minutes of the meeting held October 5, 2022.

**6. CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN APPEAL REQUESTED FOR A NOTICE OF VIOLATION OF THE CITY OF MAGNOLIA UNIFIED DEVELOPMENT CODE FOR 327 MAGNOLIA BLVD.**

**7. ADJOURN**

The Zoning Board of Adjustment of the City of Magnolia, Texas, reserves the right to adjourn into Closed Executive Session at any time during the course of this meeting to discuss any of the matters listed above as authorized by Title 5, Chapter 551, of the Texas Government Code. 551.071 (Consultation with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices), 551.086 (Deliberations about competitive matters), and 551.087 (Deliberation about Economic Development Matters).

**Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.**

**CERTIFICATE**

I certify that a copy of the *Notice of Meeting* was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, [www.cityofmagnolia.com](http://www.cityofmagnolia.com), in compliance with Chapter 551, Texas Government Code.

DATE \_\_\_\_\_  
TIME \_\_\_\_\_  
TAKEN DOWN \_\_\_\_\_

\_\_\_\_\_  
Kandice Garrett, City Secretary



Anne Sundquist, Place 1, Chairman  
Scott Shelburne, Place 2  
LaRae Whorley, Place 3  
Josh Jakubik, Place 4  
Cathy Yowell, Place 5, Vice Chairman  
Alternate(s):  
Trevor Brown



Don Doering, City Administrator  
Kandice Garrett, City Secretary  
Leonard Schneider, City Attorney  
Tana Ross, Planning Consultant

**MINUTES**  
**ZONING BOARD OF ADJUSTMENT**  
**SPECIAL MEETING**  
**WEDNESDAY, OCTOBER 5, 2022 – 4:30 P.M.**  
Sewall Smith Council Chambers  
18111 Buddy Riley Boulevard, Magnolia, Texas 77354

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A meeting of the Zoning Board of Adjustment was held on October 5, 2022 beginning at 4:30 p.m. in the Sewall Smith City Council Chambers located at 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

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**1. CALL TO ORDER**

Chairman Anne Sundquist called the meeting to order for the Zoning Board of Adjustment at 4:32 p.m.

**a. INVOCATION**

LaRae Whorley provided the invocation.

**b. PLEDGE OF ALLEGIANCE**

Chairman Anne Sundquist led the pledge of allegiance to the United States and Texas flags.

**c. ROLL CALL AND CERTIFICATION OF QUORUM**

Chairman Anne Sundquist called roll, certified that a quorum was present with the following Zoning Board of Adjustment members in attendance: Anne Sundquist, Cathy Yowell, Scott Shelburne, and LaRae Whorley.

Absent: Josh Jakubik and Trevor Brown

Officials/staff present: Planning Coordinator Christian Gable, City Administrator Don Doering, Code Enforcement Officer Clyde Hunt, and City Secretary Kandice Garrett

**2. CITIZENS COMMENTS, REQUESTS OR PETITIONS FROM THE PUBLIC**

*(This agenda item provides an opportunity for citizens to address the Board of Adjustment on any matter not on the agenda).*

*Comments shall be limited to three (3) minutes per person. Comments by the governing body shall be limited to:*

- a. Statements of specific factual information given in response to an inquiry;*
- b. A recitation of existing policy in response to an inquiry;*
- c. A proposal to place the subject on a future agenda.*

None

3. **OPEN PUBLIC HEARING**

Chairman Anne Sundquist opened the Public Hearing at 4:34 p.m., read the Notice aloud, asking for any public comments. As there were not any persons present regarding the appeal and representing the person in question, the public hearing was suspended at 4:36 p.m. until 4:45 p.m. to allow for more time for such person(s) to appear. The Public Hearing was reopened at 4:46 p.m., Notice was again read aloud, as there were still no persons present regarding this matter, Chairman Sundquist continued with the Public Hearing.

**NOTICE OF PUBLIC HEARING**

On October 5, 2022 at 4:30 pm., the City of Magnolia Zoning Board of Adjustment will hold a public hearing in the City Council Chambers, 18111 Buddy Riley Blvd., Magnolia, Texas 77354, concerning an appeal to a Notice of Violation of City of Magnolia's Unified Development Code requested for 327 Magnolia Blvd, giving all interested persons the right to appear and be heard.

Code Enforcement Officer Clyde Hunt and Planning Coordinator Christian Gable presented summaries of their staff reports. City Attorney Leonard Schneider was also present to answer any questions.

4. **CLOSE PUBLIC HEARING AND CONVENE SPECIAL MEETING**

Chairman Anne Sundquist adjourned the Public Hearing and convened the Special Meeting at 5:09 p.m.

5. **CONSIDERATION – APPROVAL OF MINUTES**

Consideration and possible action to approve the minutes of the meeting held July 25, 2022.

**MOTION:** Upon a motion to approve the minutes of the meeting held July 25, 2022 made by Cathy Yowell and seconded by Scott Shelburne, the Board members voted and the motion carried unanimously, 4-0.

6. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE AN APPEAL REQUESTED FOR A NOTICE OF VIOLATION OF THE CITY OF MAGNOLIA UNIFIED DEVELOPMENT CODE FOR 327 MAGNOLIA BLVD.**

**MOTION:** Upon a motion to adjourn into Closed Executive Session per Local Government Code 551.071 Consultation with Attorney made by Cathy Yowell and seconded by LaRae Whorley, the Board members voted, the motion carried unanimously, 4-0

Chairman Sundquist convened into Closed Executive Session at 5:10 p.m.

Chairman Sundquist adjourned the Closed Executive Session and reconvened the Open Meeting at 5:20 p.m.

**MOTION:** Upon a motion to continue the hearing 4 weeks from now on November 2, 2022, republish the meeting notice, and have staff notify the person who appealed, also for the purpose of gathering more permit information made by Scott Shelburne and seconded by LaRae Whorley, the Board members voted, and the motion carried unanimously, 4-0.

## **7. ADJOURN**

**MOTION:** Upon a motion to adjourn the meeting made by Scott Shelburne and seconded by Cathy Yowell, the Board members voted, the motion carried unanimously, 4-0 and the meeting was adjourned at 5:21 p.m.



\_\_\_\_\_  
Anne Sundquist, Chairman

### **CERTIFICATION**

I certify that this is a true and correct copy of the minutes of the meeting of the City of Magnolia Zoning Board of Adjustment held October 5, 2022.

**ATTEST:**

\_\_\_\_\_  
Kandice Garrett, City Secretary

**Sopheak Pich**  
**327 Magnolia Blvd.**  
**Appeal Request for – Notice of Violation**  
**BOA Meeting Oct 5, 2022 - Continued Nov 2, 2022**  
**Prepared by: Planning Coordinator Christian Gable**

A request for appeal from Sopheak Pich, property owner and/or occupant at 327 Magnolia Blvd, regarding Notice of Violation issued for UDC violations by Code Enforcement Officer Clyde Hunt.

**Staff Report:**

The property is located in the Town Center (TC) zoning district with approximately 130 ft of frontage on FM 1774 and 120 ft of frontage on Dean St. The property is in the Stroll Overlay District and shares property lines with LaRae Whorley - LaRae Whorley Realty Group. This property lines the Magnolia Stroll with 39 other properties that are all also zoned Town Center (TC).

The Notice of Violation was issued by Code Compliance authority to notify the following violations to City of Magnolia's Unified Development Code (UDC):

- *UDC Chapter 2, Table 2-1-1.03 Zoning Districts*
- *UDC Chapter 11, Table 11-2-1.02 Administrative Permits*
- *UDC Chapter 9, Section 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures*

A written letter to appeal from the property owner/occupant was delivered within the Local Government Code requirements allowing a public hearing before the Board of Adjustments.

**Staff Findings:**

In reference to violations as listed on notice:

- *UDC Chapter 2, Table 2-1-1.03 Zoning Districts*
  1. The TC zoning district is considered nonresidential.
  2. The TC zoning district allowable use is "Retail" and functions as pedestrian and tourism-oriented retail uses.
  3. The purpose of the TC zoning district is intended as a walkable retail shopping and entertainment area with a unique character.
- *UDC Chapter 11, Table 11-2-1.02 Administrative Permits*
  1. The only Certificate of Occupancy that the City has filed is for 327 B Magnolia Blvd for proposed Single Family Residential Use dated January 7, 2011.
    - I have verified that 327 B Magnolia Blvd is not a legal 911 address through Montgomery County.
    - This CO was issued before Zoning was adopted in 2017.
    - There is no existing CO for 327 Magnolia Blvd alone.
  2. The City has 3 building permits on file for 327 Magnolia Blvd.
    - Commercial exterior remodel permit # 20140116 (7/10/2014 to 1/10/2015)
    - Commercial exterior remodel permit # 20150570 (8/19/2015 to 2/17/2016)
    - Commercial interior remodel permit # 20160428 (6/17/2016 to 12/18/2016)
  3. 327 Magnolia Blvd is charged commercial water/sewer rates through the City.

4. 327 B Magnolia Blvd is also charged commercial water/sewer rates through the City although it is not a legal address through Montgomery County. This means there are 2 water meters on one property which is not allowable through the City unless for irrigation purposes.
  5. 317 Magnolia Blvd was verified as a legal address through Montgomery County 911 Address Assignment. Montgomery County is unable to provide a date this became legal although the “points were edited 6/9/2022 but for unknown reason”. This address previously shared a property address of 327 Magnolia Blvd. The following permit was filed through the City for 317 Magnolia Blvd:
    - Commercial addition permit # 20211139 (10/05/2021 to 4/04/2022)
  6. Certificate of Occupancy for 317 A Magnolia Blvd was issued 4/6/2014 to Susan Sewing. We do not have documentation whether it was for commercial or residential. 317 A is not a legal address through Montgomery County.
  7. Water service is no longer available at 317 Magnolia Blvd as of 10/28/2020. This concludes that if 317 Magnolia Blvd is receiving water, it is due to illegal plumbing from existing meters at 327 Magnolia Blvd.
- *UDC Chapter 9, Section 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures*
1. Nonconformities as described in Chapter 9 of the UDC are defined as uses that were lawfully established but are not currently listed as permitted or conditional uses.
  2. Major Nonconformities are those for which the nonconformity generates a nuisance per se or the nonconformity represents such incompatibility with adjacent uses and/or the Comprehensive Plan that they should be eliminated.
    - Residing within commercial property displays incompatibility with adjacent commercial uses.

**Staff Recommendation:**

Deny request to appeal Notice of Violation unless applicant agrees to abide by all City codes and regulations according to the UDC requirements for use at the properties mentioned in this report within a reasonable amount of time determined by the Board of Adjustments.



SOPHEAK PICH

327 Magnolia Boulevard  
Magnolia City, TX 77355

Code En/c  
Clyde Hunt  
8/15/22  
ms

August 11<sup>th</sup>, 2022

Delivered

8-3

9:49

TO whom It may concern:

This is to advise, I wish to appeal the attached notice  
And Order.

Much appreciated for understanding.

Kindest regards.



Sopheak Pich

**YANKEE DOODLE DONUT**

Open 7 Days 4:30am-1:00pm

**832 - 934 - 2661**

**CURBSIDE PICK UP**

35427 State Highway 249, Pinehurst, TX, 77362



VIOLATION ATTACHMENT 1

CITY OF MAGNOLIA, MONTGOMERY COUNTY TEXAS,  
NOTICE OF VIOLATION OF UNIFIED DEVELOPMENT CODE AND/ OR  
CODE OF ORDINANCES OF THE CITY OF MAGNOLIA

TO: SAPHEAK PICH  
327 MAGNOLIA BLVD.  
MAGNOLIA, TX 77355-1713

VIA CMRRR #7020 0070 0000 5803 1274  
REGULAR MAIL

You are hereby notified that the property owned by you (and/or occupied by you, as the case may be) located at 327 MAGNOLIA BLVD. in the City of Magnolia is not in compliance with the City of Magnolia's Unified Development Code (UDC) and/or the Code of Ordinances, Chapter 2-1-1.02, Section \_\_\_\_\_ states: \_\_\_\_\_

UDC - TABLE 2-1-1.03 ZONING DISTRICTS (COPY ENCLOSED)  
- TABLE 11-2-1.02 ADMINISTRATIVE PERMITS (COPY ENCLOSED)  
- CHAPTER 9, SECTION 9-1-2.02 NON CONFORMING USES (COPY ENCLOSED)

You are required and ordered to place the property in question into compliance with the City of Magnolia's UDC and/or the Code of Ordinances. The date to comply with this order is AUGUST 26, 2022.

If you wish to appeal this notice and order, then the appeal shall be made in writing and delivered to the City Hall within fifteen (15) days of service of this notice of violation. The address to make the written appeal is:

Code Enforcement Officer  
Phone: (832) 349-1223  
18111 Buddy Riley Blvd.  
Magnolia, TX 77354-5864

If the required action to COMPLY WITH THE UDC is not completed by the date prescribed and/or if no request for hearing is made within the time prescribed, the City will take action to file in City of Magnolia Municipal Court to enforce the UNIFIED DEVELOPMENT CODE by the City by levy of a fine not to exceed \$500.00 for each day that the property is in violation of the UDC as provided by the UDC Chapter 13, Sec. 12-1-2.03(A) and Chapter 1, Section 1-10 of the Magnolia Code of Ordinances.

Dated this the 15 day of AUGUST 2022

Respectfully,

Clyde M. Hunt  
(Printed name) Clyde M. Hunt  
Title: Code Compliance Officer  
City of Magnolia, TX 77354-5864

7020 0090 0000 5803 1274

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage

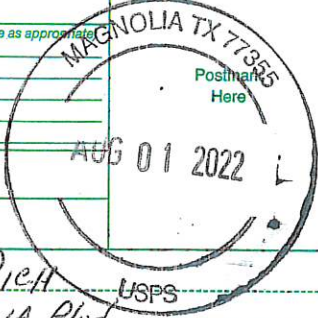
Total Postage and Fees

Sent to  
MR. SOPHEAK PICH  
Street and Apt. No., or PO Box No.  
327 MAGNOLIA BLVD

City, State, ZIP+4®  
MAGNOLIA, TX 77355-1713

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions



VIOLATION ATTACHMENT 2

U.S. Postal Service™  
CERTIFIED MAIL® RECEIPT  
Domestic Mail Only

For delivery information, visit our website at [www.usps.com](http://www.usps.com)®.

OFFICIAL USE

Certified Mail Fee

Extra Services & Fees (check box, add fee as appropriate)  
☐ Return Receipt (hardcopy) \$  
☐ Return Receipt (electronic) \$  
☐ Certified Mail Restricted Delivery \$  
☐ Adult Signature Required \$  
☐ Adult Signature Restricted Delivery \$

Postage

Total Postage and Fees

Sent to  
MR. SOPHEAK PICH  
Street and Apt. No., or PO Box No.  
327 MAGNOLIA BLVD

City, State, ZIP+4®  
MAGNOLIA, TX 77355-1713

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

Postmark  
Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR SOPHEAK PICH  
327 MAGNOLIA BLVD  
MAGNOLIA, TX 77355-1713



9590 9402 6387 0303 2630 85

2. Article Number (Transfer from service label)

7020 0090 0000 5803 1274

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature  
☐ Adult Signature Restricted Delivery  
☐ Certified Mail®  
☐ Certified Mail Restricted Delivery  
☐ Collect on Delivery  
☐ Collect on Delivery Restricted Delivery  
☐ Insured Mail  
☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®  
☐ Registered Mail™  
☐ Registered Mail Restricted Delivery  
☐ Signature Confirmation™  
☐ Signature Confirmation Restricted Delivery

Domestic Return Receipt

## MONTGOMERY CENTRAL APPRAISAL DISTRICT

Property	Owner	Property Address	Tax Year	2022 Assessed Value
R122625	PICH, SOPHEAK	327 MAGNOLIA BLVD, MAGNOLIA, TX 77355	2022	\$326,010

## 2022 GENERAL INFORMATION

Property Status	Active
Property Type	Real
Legal Description	MAGNOLIA MELTON, BLOCK 7, LOT 1-4, PT 5
Neighborhood	SMA CMA FRONT FM1774
Account	7120-00-15600
Related Properties	P308402
Map Number	212N

## 2022 OWNER INFORMATION

Owner Name	PICH, SOPHEAK
Owner ID	O0575482
Exemptions	
Percent Ownership	100%
Mailing Address	327 MAGNOLIA BLVD MAGNOLIA, TX 77355-1713
Agent	-

## 2022 VALUE INFORMATION

Improvement Homesite Value	\$0
Improvement Non-Homesite Value	\$206,410
Total Improvement Market Value	\$206,410
Land Homesite Value	\$0
Land Non-Homesite Value	\$119,600
Land Agricultural Market Value	\$0
Total Land Market Value	\$119,600
Total Market Value	\$326,010
Agricultural Use	\$0
Timber Use	\$0
Total Appraised Value	\$326,010
Homestead Cap Loss	-\$0
Total Assessed Value	\$326,010

## 2022 ENTITIES &amp; EXEMPTIONS

TAXING ENTITY	EXEMPTIONS	EXEMPTIONS AMOUNT	TAXABLE VALUE	TAX RATE PER 100	TAX CEILING
CAD- Appraisal District		\$0	\$326,010	0	0
CMA- City Of Magnolia		\$0	\$326,010	0.4051	0
F10- Emergency Ser Dist #10		\$0	\$326,010	0.0987	0
GMO- Montgomery Cnty		\$0	\$326,010	0.4083	0
HM1- Mont Co Hospital		\$0	\$326,010	0.0567	0
JNH- Lone Star College		\$0	\$326,010	0.1078	0
SMA- Magnolia ISD		\$0	\$326,010	1.1872	0
TOTALS				2.2638	

## 2022 IMPROVEMENTS

[Expand/Collapse All](#)

Improvement #1	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	F1 - Commercial (real)	No	-	\$22,120

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Retail Store	2002	288	\$22,120	<a href="#">Details</a>

Improvement #2	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	F1 - Commercial (real)	No	-	\$104,490

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Restaurant	1998	1,104	\$102,310	<a href="#">Details</a>
2	Canopy Roof & Slab - Comm	1998	301	\$2,180	<a href="#">Details</a>

Improvement #3	State Code	Homesite	Total Main Area (Exterior Measured)	Market Value
-	F1 - Commercial (real)	No	-	\$60,840

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Group Home / Living Quarters	1998	1,040	\$58,860	<a href="#">Details</a>



2	Commercial Porch Open	1998	128	\$1,980	<a href="#">Details</a>
<b>Improvement #4</b>					
-	State Code F1 - Commercial (real)	Homesite No	Total Main Area (Exterior Measured) 1,456 Sq. Ft	Market Value \$15,090	
RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Mobile Home Single	1990	1,456	\$13,480	<a href="#">Details</a>
2	Open Frame Porch Dwelling Type/mh	2011	384	\$760	<a href="#">Details</a>
3	Masonry Skirting	2011	164	\$850	<a href="#">Details</a>
<b>Improvement #5</b>					
-	State Code F1 - Commercial (real)	Homesite No	Total Main Area (Exterior Measured) -	Market Value \$830	
RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Utility Building, Frame	2002	160	\$830	<a href="#">Details</a>
<b>Improvement #6</b>					
-	State Code F1 - Commercial (real)	Homesite No	Total Main Area (Exterior Measured) -	Market Value \$3,040	
RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Paving - Concrete Average	1998	750	\$3,040	<a href="#">Details</a>

## 2022 LAND SEGMENTS

LAND SEGMENT TYPE	STATE CODE	HOMESITE	MARKET VALUE	AG USE	TIM USE	LAND SIZE
1 - Primary Site	F1 - Commercial (real)	No	\$119,600	\$0	\$0	14,950 Sq. ft
<b>TOTALS</b>						<b>14,950 Sq. ft / 0.343205 acres</b>

## VALUE HISTORY

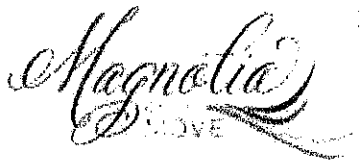
YEAR	IMPROVEMENT	LAND	MARKET	AG MARKET	AG USE	APPRAISED	HS CAP LOSS	ASSESSED
2021	\$176,570	\$89,700	\$266,270	\$0	\$0	\$266,270	\$0	\$266,270
2020	\$104,080	\$59,800	\$163,880	\$0	\$0	\$163,880	\$0	\$163,880
2019	\$98,970	\$59,800	\$158,770	\$0	\$0	\$158,770	\$0	\$158,770
2018	\$100,770	\$59,800	\$160,570	\$0	\$0	\$160,570	\$0	\$160,570
2017	\$115,790	\$29,900	\$145,690	\$0	\$0	\$145,690	\$0	\$145,690

## SALES HISTORY

DEED DATE	SELLER	BUYER	INSTR #	VOLUME/PAGE
8/15/2020	HONG, STELLA	PICH, SOPHEAK	2020091034	
2/21/2019	SUTHERLAND, DAVID G & JUDY KAY DARINGTON	HONG, STELLA	2019013693	
10/11/2004	DARINGTON, JUDY KAY	SUTHERLAND, DAVID G & JUDY KAY DARINGTON	-	688.10/0408
4/11/1995	HETHERINGTON CHILDREN'S TR	DARINGTON, JUDY KAY	-	057.00/2373
12/1/1988	UNKNOWN	HETHERINGTON CHILDREN'S TR	8864777	

## DISCLAIMER

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# UNIFIED DEVELOPMENT CODE

**Table 2-1-1.03**  
**Zoning Districts**

District		Lot or Neighborhood	Purpose
Name	Type/Use	Type or Function	
Suburban Village (SV)	Commercial and Professional	Neighborhood Center	This district provides for neighborhood convenience uses, with a building scale and site design that is compatible and cohesive with abutting and adjacent neighborhoods. It may also accommodate upper floor residential and live-work units, as well as multiplexes.
Auto-Urban Commercial (AC)	Office, Retail, and Services	General commercial uses arranged on individual sites or in multi-tenant centers.	This district is intended for a broad range of commercial uses with on-site, surface parking.
Town Center (TC)	Retail	Pedestrian and tourism-oriented retail uses	This district is for the area along and around The Stroll, which is intended as a walkable retail shopping and entertainment area with a unique character.
Unity Plaza (UP)	Office, Retail, and Services	Higher intensity retail, professional, service, civic, and institutional uses in a pedestrian-oriented environment.	This district is intended as a focal point for the community, which would be a mixed use, walkable environment in a traditional downtown setting where buildings are oriented to the street with no or limited setbacks and parking is on-street, off-site, or in structures.
Public Use (PU)	Institutional, Utility, and Assembly	Public service, institutional, utility, and assembly uses, e.g., governmental and school buildings and facilities, utility stations, semi-public places of assembly, etc.	This district is for public and semi-public uses that are unique in the nature and scale and thus, not appropriately placed within any other district.
Business Park (BP)	Office, Research, and Technology	Office Park	This district provides for a campus-like office, research, and technology park with improved site and building standards.
Industrial (IN)	Office, Warehousing, Assembly, and Manufacturing	Heavier commercial businesses and industrial uses	This district is intended for industrial uses that are primarily operated indoors. Outdoor activities, on-site storage, and truck traffic is subject to standards.
<b>Corridor Overlay District</b>			
The Stroll Overlay (TS)	Retail	Tourism-oriented specialty retail	This district is intended as a continuous specialty retail façade and portal into the TC zoning district. Its original town character serves as an attractive focal point for travelers along FM 1774. Broad front setbacks provide for pedestrian spaces and amenities (landscaping, lighting, and fountains). The design of buildings reflect a quality and charm of local significance.



# UNIFIED DEVELOPMENT CODE

Table 11-2-1.02 Administrative Permits					
Permit	Required For	Timing	Exceptions	Issued By	Standards <sup>1</sup>
Sign Permit	Installation of a new or replacement sign.	Prior to installation of sign or sign mount.	Signs that do not require a permit, as set out in Section 6-1-1.03, Application.	Administrator	See Chapter 6, Signs and Lighting.
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which a permit is required by applicable building codes.	Prior to commencement of construction.	None	Building Official	See Section 11-2-2.11, Building Permit and applicable building codes.
Certificate of Occupancy Permit	Occupancy of a building or structure.	Upon completion of construction or before change in occupancy.	N/A	Administrator	Compliance with all applicable standards of this UDC; conditions of approval; and applicable building code requirements.
<b>TABLE NOTE:</b> <sup>1</sup> Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this UDC.					

## Sec. 11-2-1.03 Public Meeting Approvals

- A. **Generally.** Public meeting permits are permits that are issued by the City after compliance with the requirements of this UDC is determined at a public meeting.
- B. **Public Meeting Approvals Established.** The public meeting permits approvals by this UDC are set out in Table 11-2-1.03, Public Meeting Approvals. Other development permits may also be required by State or Federal law, or the building code. Permits for activities in public rights-of-way are required by the City's *Code of Ordinances*.

## Division 9-1-1 Purpose of Article

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### **Sec. 9-1-1.01 Purpose**

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This Chapter regulates nonconforming *uses, buildings or structures, lots, and signs*.

A. The purpose of this Chapter is to:

1. Ensure that nonconforming *uses, buildings or structures, lots and signs* **do not expand** in size or duration;

### **Sec. 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures**

Nonconforming *uses and nonconforming buildings or ~~and~~ structures*, lots and signs are classified as major or minor, as follows:

- B. **Major Nonconformities.** Major nonconformities are those for which the nonconformity generates a *nuisance per se* or represents such incompatibility with *adjacent* uses and/or the *Comprehensive Plan* that they should be eliminated.
- C. **Minor Nonconformities.** All nonconforming *uses, buildings, and—or structures, lots and signs* that are not classified as major nonconformities are minor nonconformities.

### **Sec. 9-1-3.02 Abandonment or Discontinuance**

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- A. **Minor Nonconforming Uses.** Whenever a minor nonconforming use is abandoned or discontinued for a period of 12 months, irrespective of the reasons and whether or not consecutive, such use shall not thereafter be re-established, and any future uses shall be in accordance with this Code.
- B. **Major Nonconforming Uses.** Discontinuance of a major nonconforming use for a period of six consecutive months constitutes *abandonment* of the use, regardless of the owner's intent, and the major nonconforming use shall not be thereafter re-established.
- C. **Signs.** Whenever a nonconforming sign is abandoned or discontinued for a period of 60 days, irrespective of the reason or whether or not consecutive. At the end of the 60 days, the City may require any nonconforming sign use to cease permanently and/or the sign to be removed by the property owner.
- D. **Abandoned signs** shall be subject to Abandonment as defined in Article 14-3 Definitions of this UDC, and for purpose of signs exclusively, shall be 60 days from the date of the action that caused the sign use to be considered abandoned. At the end of the 60 days, the City may require any nonconforming sign use to cease permanently and/or the sign to be removed by the property owner.

### **Sec. 9-1-3.03 Alteration, Enlargement, or Extension**

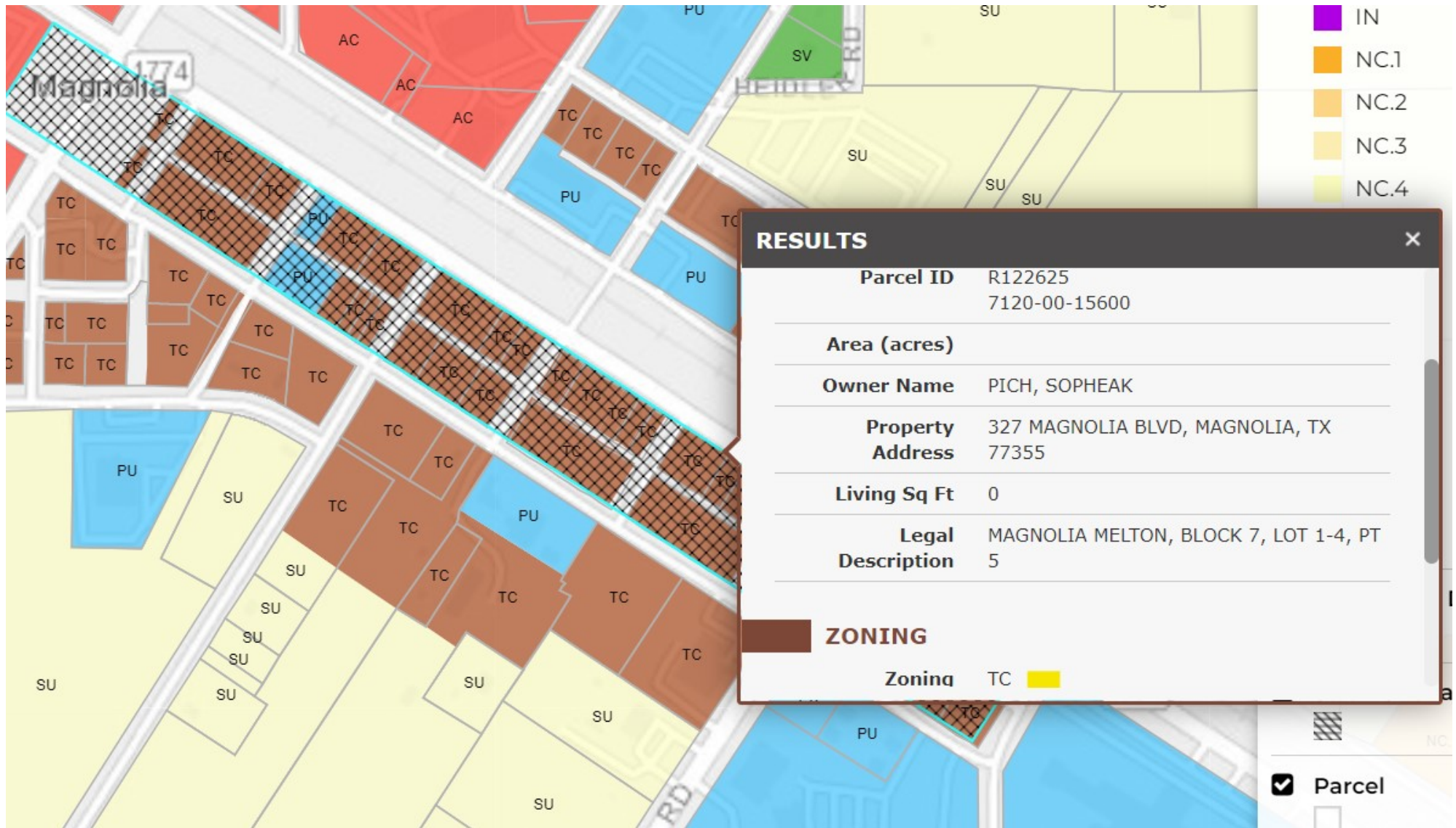
#### ***E. Nonconforming Signs.***







## City of Magnolia Zoning Map



# UNIFIED DEVELOPMENT CODE

Table 2-1-1.03

Zoning Districts

District		Lot or Neighborhood Type or Function	Purpose
Name	Type/Use		
		<i>Mixed</i> (NC.4)	multifamily units, and manufactured home on smaller lots and <i>parcels</i> . These uses are conforming.
		Manufactured Home (NC.5)	This sub-district provides for manufactured home parks and subdivisions. New single family attached dwellings may be permitted as a conditional use.
Non-Residential Zoning Districts			
Suburban Village (SV)	Commercial and Professional	Neighborhood Center	This district provides for neighborhood convenience uses, with a <i>building</i> scale and site design that is compatible and cohesive with <i>abutting</i> and <i>adjacent</i> neighborhoods. It may also accommodate upper floor residential and live-work units, as well as multiplexes.
Auto-Urban Commercial (AC)	Office, Retail, and Services	General commercial uses arranged on individual sites or in multi-tenant centers.	This district is intended for a broad range of commercial uses with on-site, surface parking.
Town Center (TC)	Retail	Pedestrian and tourism-oriented retail uses	This district is for the area along and around The Stroll, which is intended as a walkable retail shopping and entertainment area with a unique character.
Unity Plaza (UP)	Office, Retail, and Services	Higher intensity retail, professional, service, civic, and institutional uses in a pedestrian-oriented environment.	This district is intended as a focal point for the community, which would be a mixed use, walkable environment in a traditional downtown setting where buildings are oriented to the <i>street</i> with no or limited <i>setbacks</i> and parking is on-street, off-site, or in <i>structures</i> .
Public Use (PU)	Institutional, <i>Utility</i> , and Assembly	Public service, institutional, utility, and assembly uses, e.g., governmental and school buildings and facilities, utility stations, semi-public places of assembly, etc.	This district is for public and semi-public uses that are unique in the nature and scale and thus, not appropriately placed within any other district.
Business Park (BP)	Office, Research, and Technology	Office Park	This district provides for a campus-like office, research, and technology park with <i>improved</i> site and building standards.
Industrial (IN)	Office, Warehousing, Assembly, and Manufacturing	Heavier commercial businesses and industrial uses	This district is intended for industrial uses that are primarily operated indoors. Outdoor activities, on-site storage, and truck traffic is subject to standards.



# UNIFIED DEVELOPMENT CODE

**Table 11-2-1.02  
Administrative Permits**

Permit	Required For	Timing	Exceptions	Issued By	Standards <sup>1</sup>
<u>Drainage Plan</u>	of drainage system.	land disturbance activity or construction.	individual lots in an improved subdivision.	City Engineer	<i>Drainage Plan Required.</i>
<b>Other Permits</b>					
<u>Sign Permit</u>	Installation of a new or replacement sign.	Prior to installation of sign or sign mount.	Signs that do not require a permit, as set out in <i>Section 6-1-1.03, Application.</i>	Administrator	<i>See Chapter 6, Signs and Lighting.</i>
Building Permit	Construction, reconstruction, improvement, or repair of any building or structure for which a permit is required by applicable building codes.	Prior to <u>commencement of construction.</u>	None	Building Official	<i>See Section 11-2-2.11, Building Permit and applicable building codes.</i>
<u>Certificate of Occupancy Permit</u>	<u>Occupancy</u> of a building or structure.	Upon completion of construction or before chance in occupancy.	N/A	Administrator	Compliance with all applicable standards of this UDC; conditions of approval; and applicable building code requirements.

**TABLE NOTE:**

<sup>1</sup> Standards are provided for cross-reference purposes only, and do not exempt the application from all applicable standards of this UDC.

## 327 Magnolia Blvd Permits:

Project #	Type	Name	Exp. Date	Status	St No#	Street
S19	N	SANTHA JACKSON	9/01/2002	Complete	327	MAGNOLIA BLVD
S00-003	N	YANKEE DOODLE DONUT	12/31/2005	Complete	327	MAGNOLIA BLVD
20100053	N	A-BARGAIN, INC.	11/18/2010	Open	327	MAGNOLIA BLVD
20130804	N	YANKEE DOODLE DONUT	4/11/2015	Open	327	MAGNOLIA BLVD
20140116	N	YANKEE DOODLE	1/10/2015	Void	327	MAGNOLIA BLVD
20150570	N	YANKEE DOODLE DONUT	2/17/2016	Open	327	MAGNOLIA BLVD
20160428	N	YANKEE DOODLE DONUT	12/18/2016	Open	327	MAGNOLIA BLVD
20180111	N	YANKEE DOODLE DONUTS	4/30/2019	Open	327	MAGNOLIA BLVD
167	N	JUDY DARRINGTON	2/12/2003	Complete	327	MAGNOLIA BLVD
20000338	N	JUDY DARRINGTON	3/19/2003	Complete	327	MAGNOLIA BLVD
04-192	N	LADY B'S	4/25/2005	Complete	327	MAGNOLIA BLVD

## 317 Magnolia Blvd Permits:

Project #	Type	Name	Exp. Date	Status	St No#	Street
20211139	R	HAN, TONY	4/04/2022	Open	317	MAGNOLIA BLVD
S44	N	DARINGTON JUDY KAY	12/08/2002	Complete	317	MAGNOLIA BLVD
S00-024	R	DARINGTON, JUDY	12/31/2008	Complete	317	MAGNOLIA BLVD
S09-038	R	DARINGTON, JUDY	12/31/2009	Open	317	MAGNOLIA BLVD
S10-038	R	DARINGTON, JUDY	12/31/2010	Open	317	MAGNOLIA BLVD
06-151	N	MAYA'S COSMETICS	11/14/2006	Complete	317	MAGNOLIA BLVD
S172	N	THE HAIR SHOPPE	10/30/2002	Complete	317 A	MAGNOLIA BLVD
04-130	N	SUSAN SEWING	10/06/2004	Complete	317 A	MAGNOLIA BLVD
S00-020	N	SWEET MAGNOLIA HOMES	12/31/2005	Complete	317	MAGNOLIA BLVD.
S00-105	N	LEONARDS AUTO TRIM	12/31/2005	Complete	317 A	MAGNOLIA BLVD.

# UNIFIED DEVELOPMENT CODE

## Division 9-1-2 Nonconformities

### Sec. 9-1-2.01 Nonconformities

**A. General Types of Legal Nonconformity.** There are four general types of legal nonconformities within this Code.

1. *Nonconforming Uses.* The following uses are legally nonconforming uses:

- a. Uses that were lawfully established but are not currently listed as permitted or conditional uses; and
- b. Uses that were lawfully established within a floodplain or floodway, but are no longer permitted in the floodplain or floodway.

2. *Nonconforming Buildings or Structures.* The following are legally nonconforming buildings or structures:

- a. Buildings or structures that fail to meet the density, intensity, setback, bufferyard, height, parking, or bulk requirements of this Code; and
- b. Buildings or structures that were lawfully established within a floodplain or floodway, but are no longer permitted due to their location or elevation within the floodplain or floodway.

3. *Nonconforming Lots.* A lawfully established lot, not held in common with any other lot, that does not meet the area or other dimensional standards of this Code, is a legally nonconforming lot. Lots that are held in common, but which individually do not meet lot area or dimensional standards, are curable nonconformities. Where a landowner owns several nonconforming lots that abut each other, they shall be combined to create conforming lots or, if full conformity is not possible, they shall be combined to the extent that the combination increases the degree of conformity.

4. *Nonconforming Signs.* Lawfully established signs that fail to meet the applicable requirements of *Chapter 6, Signs and Lighting*.

**B. Unlawful Uses, Buildings, Structures, Signs, or Lots.** A use, building, structure, sign, or lot that did not comply with applicable laws at the time it was established, constructed, or created, is an unlawful use, building, structure, sign, or lot. Unlawful uses, buildings, structures, signs, and lots are violations of this Code and are not subject to this Article.

### Sec. 9-1-2.02 Major and Minor Nonconforming Uses, Buildings, and Structures

Nonconforming uses and nonconforming buildings or structures, lots and signs are classified as major or minor, as follows:

**A. Major Nonconformities.** Major nonconformities are those for which the nonconformity generates a nuisance per se or represents such incompatibility with adjacent uses and/or the Comprehensive Plan that they should be eliminated.

**B. Minor Nonconformities.** All nonconforming uses, buildings or structures, lots and signs that are not classified as major nonconformities are minor nonconformities.





\* Mailed reg & cert.  
10/7/2022

**NOTICE OF  
CONTINUED PUBLIC HEARING  
BOARD OF ADJUSTMENT**

**WEDNESDAY, NOVEMBER 2, 2022 -  
4:30 P.M.**

Sewall Smith Council Chambers  
18111 Buddy Riley Blvd. Magnolia, Texas  
77354

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**NOTICE OF PUBLIC HEARING**

On October 5, 2022 at 4:30 pm, the City of Magnolia Zoning Board of Adjustment held a public hearing in the City Council Chambers, 18111 Buddy Riley Blvd., Magnolia, Texas 77354, concerning an appeal to a Notice of Violation of City of Magnolia's Unified Development Code requested for 327 Magnolia Blvd, giving all interested persons the right to appear and beheard. It was the decision of the Board of Adjustment to continue the hearing on November 2, 2022 at 4:30 pm., allowing another opportunity for the applicant to attend with a second notice. A copy of the appeal is attached.


Please consider this as a notice to attend the public hearing continuation on **November 2, 2022 at 4:30 pm** in the City Council Chambers, 18111 Buddy Riley Blvd., Magnolia, Texas 77354.

**Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office at (281-305-0550), two working days prior to the meeting for appropriate arrangements.**

**CERTIFICATE**

I certify that a copy of the *Notice of Meeting* was sent to the applicant/owner within the required timeframe to allow public hearing according to the Texas Local Government Code at the following address: 327 Magnolia Blvd. Magnolia, Texas 77355 -- **Via Certified Mail, Regular Mail & Hand Delivery**

DATE 10/7/2022

  
\_\_\_\_\_  
Planning Coordinator



MAGNOLIA  
815 GOODSON RD  
MAGNOLIA, TX 77355-9998  
(800)275-8777

10/07/2022 02:52 PM

Product	Qty	Unit Price	Price
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Magnolia, TX 77355  
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Estimated Delivery Date  
Tue 10/11/2022

Certified Mail®			\$4.00
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Tracking #:  
70181130000023780434

Return Receipt			\$3.25
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Tracking #:  
9590 9402 6387 0303 2634 12

Affixed Postage			-\$7.85
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Total			\$0.00
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Grand Total:			\$0.00
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PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions