

PLANNING COMM.



CITY OF BAY CITY
VARIANCE REQUEST

1901 5th Street
Bay City, TX 77414
(979) 245-5311
(979) 323-1681 fax

AUG 17 2022
[Signature]

All requests for a variance shall be filed with the City Secretary. Each request shall be accompanied by a \$75.00 filing fee, a drawing/illustration depicting the property affected by the request, and any additional supplemental documentation that you want the Variance Committee to consider. Incomplete requests will not be accepted.

Date: 8/15/2022

Name of Requestor (please print): MELANIE PATTERSON

Address of Requestor: 1710 Misty Fawn Lane Phone Number: 1-346-800-6555

Fresno, Texas 77545 Email Address: melanie_p1@outlook.com
hawkinslawoffices@gmail.com

Address of subject property: 2600 Sycamore, Bay City, Matagorda County, Texas 77414

Legal description of subject property: EAST HEIGHTS S/D, BLOCK 8, LOT 7 & 8, Bay City, Matagorda County, Texas

Section(s) of the City's Code of Ordinances from which the variance is being sought:

- Sec. 54-29 thru 83 of the Code of Ordinances Chapter 54, Article II, Mobile Homes
Sec. 54-110 thru 201 of the Code of Ordinances Chapter 54, Article III, Mobile Homes Parks
Sec. 54-203, 54-240-259 of the Code of Ordinances Chapter 54, Article III, Mobile Homes Parks

In detail, please state the reason for the request: Applicant purchased a "NON-CONFORMING TRAILER HOME PARK"
Applicant intended to replace older trailers with 5 newer trailers and maintain the status of "Non-Conforming Trailer Home Park."

Within 180 days of demolishment, One Trailer was placed on the site and steps taken install five more trailers in compliance with City regulations and Ordinances. A Proposed PLAT designed to specify Code setback & spacing requirements was submitted. Applicant seeks authorization to proceed as a "Non-Conforming Trailer Home Park" because Trailer 1 was put on the site within 180

and continued diligent steps taken to comply with all other City regulations. This request is for VARIANCE Waiver and/or Extension of time.

Applicant will suffer undue financial hardship if this Variance is not granted. This VARIANCE is not contrary to the public interest and, due to special circumstances.

The Variance Committee will consider variance requests from the following:

- (a) Ch. 22 (Buildings and Building Regulations) (e) Ch. 94 (Streets, Sidewalks and Other Public Places)
(b) Ch. 46 (Flood Damage Prevention)
(c) Ch. 54 (Mobile Homes, etc.) (f) Ch. 98, Sec. 98-122 - Subdivision Streets
(d) Ch. 78 (Off Street Parking (Angle Parking) (g) Ch. 110, Sec. 110-178 (Traffic and Vehicles (Angle Parking).

Otherwise, the Planning Commission will consider the variance request.

Decisions of the Variance and Planning Committees shall be filed with the City Secretary's Office and promptly reported to the requestor. All decisions may be appealed to the City Council.

[Signature: Melanie Patterson]
Melanie Patterson, Owner
Requestor Signature

[Signature: Herbert L. Hawkins, Jr.]
Herbert L. Hawkins, Jr., Esq.
Attorney for Melanie Patterson
Cell: 1-281-701-6498 Fax: 1-855-895-0737



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RECEIVED
AUG 17 2022
BY: *[Signature]*

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Melanie Patterson

 Melanie Patterson, Owner
 Requestor Signature

Herbert L. Hawkins, Jr.

 Herbert L. Hawkins, Jr., Esq.
 Attorney for Melanie Patterson

1901 5TH STREET
BAY CITY, TX 77414
(979) 245-2322

DATE : 8/26/2022 11:38 AM
OPER : KR
TERM : 808
REC# : R00853376
=====

155.0000 MISC. GENERAL FUND 75.00
HERBERT HAWKINS/MELANIE PATTERSON
75.00
11-3699 -75.00

Paid By:HERBERT HAWKINS/MELANIE
PATTERSON
PC 75.00 REF:CHK 3076

APPLIED 75.00
TENDERED 75.00

CHANGE 0.00

Melanie Patterson

Melanie Patterson

Exhibits and Attachments

To Application for

VARIANCE

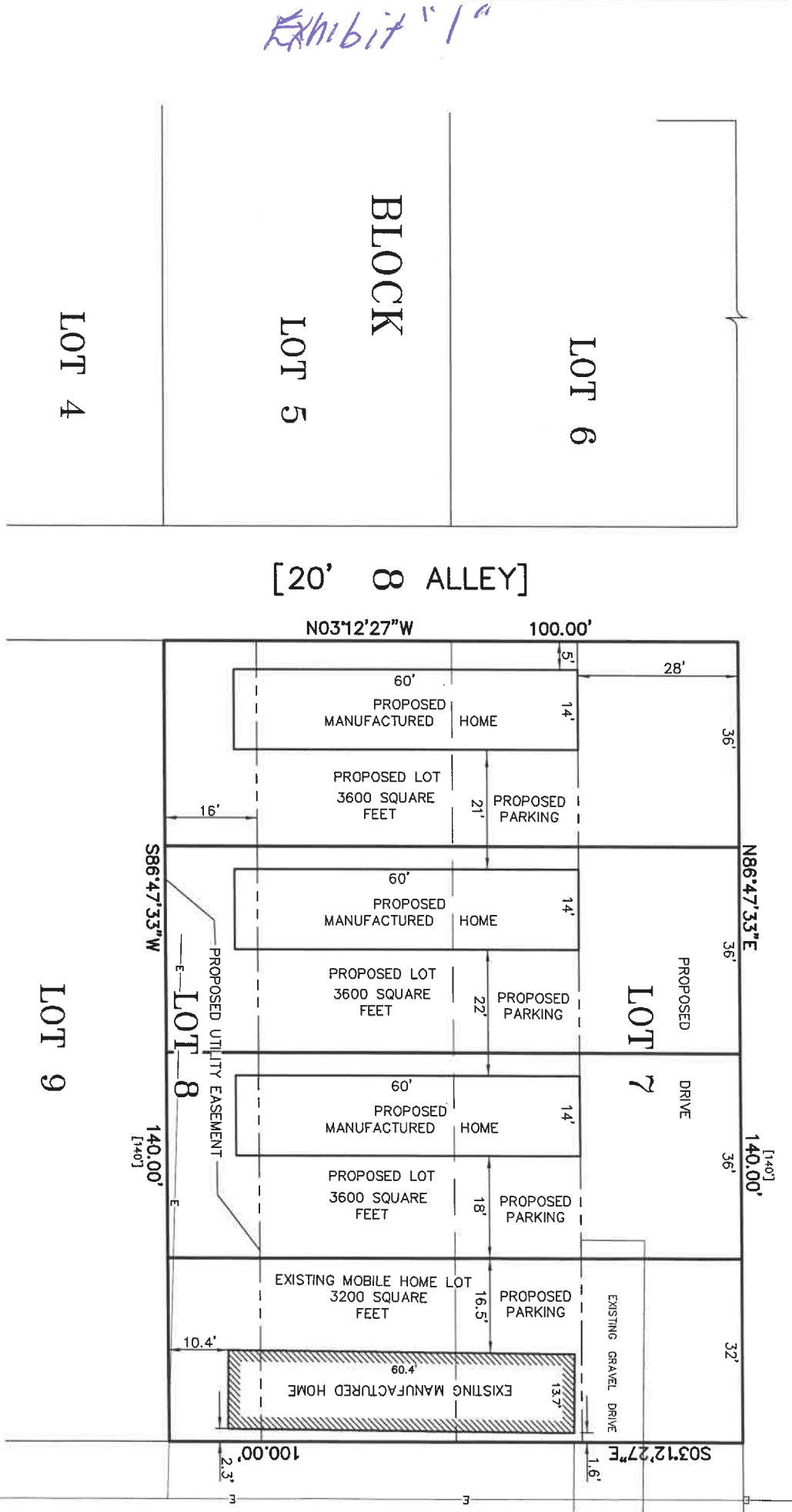
With the

City of Bay City Variance Committee

Melanie Patterson
Index to
VARIANCE Request

- | | | |
|-----------|--|--------------------|
| 1. | Proposed Plat layout with Five Trailer Homes | Exhibit “1” |
| 2. | Plat showing the One Existing Trailer Home | Exhibit “2” |
| 3. | Matagorda County Appraisal District Plat Maps | Exhibit “3” |
| 4. | Memorandum in Support of Application for Variance | Exhibit “4” |
| 5. | TML August 2021 Legislative Update on Variances | Exhibit “5” |
| 6. | Case Law regarding consideration Variance Application | Exhibit “6” |

Exhibit "1"



PLAT SHOWING PROPOSED LAYOUT OF
 MANUFACTURED HOMES AND ACCESS
 LOTS 7 & 8 IN BLOCK 8 OF
 THE EAST HEIGHTS ADDITION
 TO THE CITY OF BAY CITY
 VOLUME 43, PAGE 332 OF THE
 MATAGORDA COUNTY DEED RECORDS
 I. & G. N. R. R. CO. SURVEY
 ABSTRACT NO. 269
 MATAGORDA COUNTY, TEXAS

2600 SYCAMORE STREET



RECORD DETAIL

For general information, this is not a Statement of Ownership (SO)

STATEMENT OF OWNERSHIP INFORMATION

Certificate #: MH00825334 Issue Date: 06/24/2020 Election: PERSONAL PROPERTY
 Status: Application Processed

HOME INFORMATION

Manufacturer: LIBERTY HOMES Model: 2006 RV146425
 Date Manf:
 Square Ftg 840
 Windzone:

License #:

	Label/Seal#	Serial #	Weight	Size
Section 1:	TXS0609630	01L36401F	30,000	14 x 60
Section 2:				
Section 3:				
Section 4:				

PHYSICAL LOCATION INFORMATION

Physical Location: 5613 FM 2004 LOT 21 HITCHCOCK TX 77563 GALVESTON

OWNERSHIP INFORMATION

Seller/Transferor: BUENA VISTA MHP Buyer/Transferee: HITCHADENA FINANCE
 Mailing Address: 1602 FINFEATHER 209 Mailing Address: 338 FAWN LAKE DR
 BRYAN, TX 77801 HOUSTON, TX 77079
 Right of Survivorship: No Transfer/Sale Date: 04/17/2020

LIEN INFORMATION

First Lien: N/A Second Lien: N/A

ACTIVE TAX LIEN INFORMATION

ATTACHED ACTIVE TAX LIEN(S)

Year	Recorded	Tax Unit #	Tax Unit Name	Tax Roll Account #	Amount
No Active Tax Liens					

UNATTACHED ACTIVE TAX LIEN(S)

Unattached tax liens are liens filed with the department which contain possible discrepancies in the home identification numbers referenced. Because the lien may apply to this home it is being listed so it can be considered. If the lien is from the same county where the home is and/or was installed it may apply to this home.

Year	Recorded	Tax Unit #	Tax Unit Name	Tax Roll Account #	Amount
No Unattached Active Tax Liens					

OWNERSHIP HISTORY

Certificate	Issue Date	Seller/Transferor	Owner/Transferee	County	Purchase Date	Election
MH00797623	11/27/2019	SAM MANAGEMENT	BUENA VISTA MHP	GALVESTON	3/14/2017	PERSONAL
MH00642162	10/24/2016	LIGHT OF FAITH MINISTERIE	SAM MANAGEMENT	GALVESTON	12/30/2014	PERSONAL

Matagorda CAD Map Search

Search by Property ID



Map navigation controls:

- Zoom in (+)
- Zoom out (-)
- Home
- Layers
- Full Screen
- Refresh

Property 36295

Property 36296

Property 36284

Property 36317

Property 36316

Property 36325

Property 36326

Property 36327

Property 39060

ELM AVE

ELM AVE

Property 36303

Property 36304

Property 36305

Property 36306

Property 36307

BOJING ST

Property 36298

Property 36299

Property 36294

Property 36295

Property 36296

Property 36297

Property 36331

Property 36330

Property 36328

Property 36329

Property 36332 (highlighted)

Property 36333

Property 36334

Property 36335

Property 36336

19 BOJING ST

Exhibit "3"

Texas Parks & Wildlife, Esri, HERE



Matagorda CAD

Property Search > 36332 PATTERSON MELANIE for Year 2022

Tax Year 2022

Property

Account

Property ID: 36332 Legal Description: EAST HEIGHTS S/D, BLOCK 8, LOT 7 & 8
 Geographic ID: 2101-0080-000700 Zoning: 3
 Type: Real Agent Code:

Property Use Code:
 Property Use Description:

Location

Address: 2600 SYCAMORE Mapsco:
 BAY CITY, TX 77414
 Neighborhood: BAY CITY SEC 1 MH ALL Map ID: 053
 Neighborhood CD: B107M90H

Owner

Name: PATTERSON MELANIE Owner ID: 225185
 Mailing Address: 1710 MISTY FAWN % Ownership: 100.000000000000%
 FRESNO, TX 77545

Exemptions:

Values

(+) Improvement Homesite Value: + \$0
 (+) Improvement Non-Homesite Value: + \$16,490
 (+) Land Homesite Value: + \$0
 (+) Land Non-Homesite Value: + \$19,900 Ag / Timber Use Value

Exhibit 3A

Memorandum in Support of Application for Variance

To: Variance Committee, City of Bay City
From: Herbert L. Hawkins, Jr, Attorney of Record for Melanie Patterson
Melanie Patterson
Re: VARIANCE Request for Property at 2600 Sycamore, Bay City, Texas
Date: August 15, 2022

Members of the Variance Committee:

This Memorandum is submitted in support of the attached Variance Request submitted by and on behalf of Melanie Patterson.

Ms. Patterson has been diligently seeking to complete the development of a "Non-Conforming Trailer Park, within the City of Bay City, at 2600 Sycamore, Bay City, Texas.

Ms. Patterson was informed that the trailer park located at 2600 Sycamore was a "Non-conforming Trailer Park," and that if she demolished the old trailer homes and replaced them, the trailer park could continue as a "Non-Conforming Trailer Park.", provided that the new trailer homes met all City, State and Federal Requirements, setback, spacing and other code requirements.

After demolition, Ms. Patterson started the process of replacing three prior Trailer homes with Five Trailers. One trailer was placed on the property in May 2021 within six months of the demolition of the last of the old trailers. However, due to other city inspections requirements and other conditions beyond her control she was not able finish and to proceed with locating the other trailers on the property within six months of the original demolition.

Ms. Patterson is seeking this VARIANCE so that she can proceed and finish the development of the "Non-Conforming Trailer Park".

"Under state law this Variance Committee, may authorize this Variance "if the variance is not contrary to public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done. Tex. Local Gov't Code Ann. Sec 211.009(a)*3) Vernon 1999.)

All of these conditions apply to Ms. Patterson's situations.

Finally, denial of this Variance would cause Ms. Patterson as substantial financial hardship.

The Texas Municipal League (TML) published new legislative updates in August of 2021(see attached) stating the following:

Zoning Variances: Then and Now

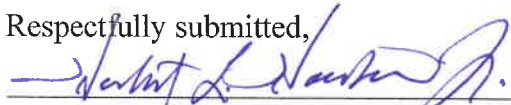
A BOA is authorized to grant a variance if, among other things, enforcing the ordinance as written would result in "unnecessary hardship." The term, "hardship" is not defined in State law, so over time courts have grappled with the sorts of facts that can constitute an "unnecessary hardship" and justify granting a variance. Until the passage of H.B. 1475, an unnecessary hardship would be one that was not self-imposed, personal in nature, related to the property for which the variance is sought, and not a solely financial hardship. The hardship needed to be a condition unique, oppressive, and not common to other property.

This changes the above analysis in a couple ways. It adds more objective criteria which a BOA can consider to determine whether compliance with a city's zoning ordinance as applied to a structure would result in an unnecessary hardship. For the first time, purely financial considerations can qualify an applicant for a variance. Additionally, if the proposed structure would be considered a nonconforming structure, that could be grounds to grant a variance. Those are two significant shifts in variance analysis, which allow an applicant to get over the "unnecessary hardship" hurdle a little more easily. Under the new law, there might be an unnecessary hardship if:

the cost of compliance with the zoning ordinance is greater than 50 percent Of the appraised value of the structure as shown on the most recent certified appraisal roll; or compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which dewelopment may physically occur; Or compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or compliance would result in the unreasonable encroachment on an adjacent properly or easement; or the city considers the structure to be a nonconforming structure. Keep in mind that to grant a variance, the variance must not be contrary to the public interest, and the spirit of the zoning ordinance must be observed, So even if a proposed structure tits an "unnecessary hardship" category above, granting the variance is not automatic. The facts surrounding each variance request still have to be analyzed by the BOA, but starting September I , 2021, H.B. 1475 changes part of the analysis. Cities and their BOAs should look at their zoning rules, policies, documentation, and electronic or printed materials to make sure they are updated to reflect this change in state law and be ready for new arguments from zoning applicants in the fall.

For all of the above reasons, Ms. Patterson respectfully request that her Variance Request be granted so that she can complete this project under the current provisions City, State and Federal law.

Respectfully submitted,



Herbert L. Hawkins, Jr., Attorney for Melanie Patterson

1720 Longorn Ave. Bay City, Texas 7741

(281)701-6498 Fax (866)896-0737

hawkinslawoffices@gmail.com

Exhibit 5 r



Legislative **UPDATE**

August 20, 2021
Number 32

Exhibit "5A"

Post-Session Update: Grounds for Zoning Variances Expanded

In cities with zoning regulations, the Board of Adjustment (“BOA”) serves as the appellate body for certain zoning-related decisions. BOAs are authorized by state law to hear appeals of administrative decisions, decide whether or not to grant special exceptions to terms of the zoning ordinance, authorize variances from the zoning ordinance, and hear and decide “other matters” authorized under the city’s zoning ordinance. H.B. 1475 changes BOA authority related to variances and gives additional objective grounds for which a variance from a municipal zoning ordinance may be granted.

Zoning Variances: Then and Now

A BOA is authorized to grant a variance if, among other things, enforcing the ordinance as written would result in “unnecessary hardship.” The term, “unnecessary hardship” is not defined in state law, so over time courts have grappled with the sorts of facts that can constitute an “unnecessary hardship” and justify granting a variance. Until the passage of H.B. 1475, an unnecessary hardship would be one that was not self-imposed, personal in nature, related to the property for which the variance is sought, and not a solely financial hardship. The hardship needed to be a condition unique, oppressive, and not common to other property.

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1. the cost of compliance with the zoning ordinance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; or
2. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; or
3. compliance would result in the structure not in compliance with a requirement of another city ordinance, building code, or other requirement; or
4. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
5. the city considers the structure to be a nonconforming structure.

Keep in mind that to grant a variance, the variance must not be contrary to the public interest, and the spirit of the zoning ordinance must be observed. So even if a proposed structure fits an “unnecessary hardship” category above, granting the variance is not automatic. The facts surrounding each variance request still have to be analyzed by the BOA, but starting September 1, 2021, H.B. 1475 changes part of the analysis. Cities and their BOAs should look at their zoning rules, policies, documentation, and electronic or printed materials to make sure they are updated to reflect this change in state law and be ready for new arguments from zoning applicants in the fall.

Exhibit "6"

127 S.W.3d 220
CITY OF DALLAS, Texas, Board of Adjustment of the City of Dallas, Texas and Raj Sharma, in his capacity as the Building Official of the City of Dallas, Appellants,
v.
Doug VANESKO and Grace Vanesko, Appellees.
No. 05-03-00022-CV.
Court of Appeals of Texas, Dallas.
November 19, 2003.
Rehearing Overruled February 9, 2004.

[127 S.W.3d 222]

Christopher D. Bowers, Assistant City Attorney, Dallas, for Appellants.

Roger Albright, Law Offices of Roger Albright, Dallas, for Appellees.

Before Justices MOSELEY, MARTIN RICHTER and FRANCIS.

OPINION

Opinion by Justice MARTIN RICHTER.

This is a zoning case. The Vaneskos sought a variance from a local zoning ordinance, but the Board of Adjustment refused to grant a variance. The Vaneskos filed an application for writ of certiorari in the trial court in order to seek review of the Board of Adjustment decision. The cause was tried to the court below without a jury. The only evidence considered was the record of the Board of Adjustment proceedings submitted upon the return and supplemental return of the writ of certiorari. The trial court reversed the Board of Adjustment on the basis that its decision was an abuse of discretion and remanded for further proceedings consistent with the holdings of *Town of S. Padre*

[127 S.W.3d 223]

Island v. Cantu, 52 S.W.3d 287 (Tex.App.-Corpus Christi, 2001, no pet.) and *Board of Adjustment v. McBride*, 676 S.W.2d 705, 709 (Tex.App.-Corpus Christi, 1984, no writ). The City of Dallas, the Board of Adjustment for the City of Dallas, and Raj Sharma, in his capacity as the Building Official for the City of Dallas¹, bring three issues, claiming the trial court erred by abusing its discretion when it 1) remanded the case for the Board to consider *Cantu* and *McBride*, 2) concluded a city inspector's mistake in approving a building permit was a unique oppressive condition resulting in unnecessary hardship to the Vaneskos, and 3) made findings of fact and conclusions of law that ignored substantial evidence that supported the Board's decision. We affirm the decision of the trial court.

I. Factual Background

The Vaneskos purchased their property in Dallas in 1991 and lived in an existing single family residence until 1996, when they moved into an apartment located above their garage. The Vaneskos then had the existing home demolished in order to build a newer and larger home. The record indicates that this section of North Dallas was, at the time, a "hotbed" of redevelopment.

Doug Vanesko designed his own home and acted as his own general contractor. Realizing he was a novice contractor, Doug Vanesko paid the city building inspector an additional sum of money to approve his construction plans. The city not only approved those plans, but also made periodic inspections to monitor the construction.

As the home was nearing completion, and after the structure's steel truss roof was completely framed in, the building inspector stated that he thought that the roof appeared two feet too high. The Vaneskos were not advised or ordered to stop construction, but were told to seek a variance from the Board.



With the support of the building inspector's office, the Vaneskos filed for a variance.

After the building inspector first advised that the structure appeared to be too high, and the procedure for seeking a variance commenced, the parties discovered that the permit and the plans approved by the building inspector were in error. The Vaneskos' property is in an R-10 zoning area, which provides for a maximum structure height of thirty feet. Apparently, the plan reviewer in the city inspector's office believed the lot to be in an R-1 or R-2 zoning area, which would allow a maximum height of thirty-six feet.

The approved plans provided for a 38.25 foot height². The house is actually 38.11 feet high. Although the house is 8.11 feet too high as per the zoning ordinance in issue, it was substantially built in accordance with the plans approved by the city.

The evidence indicates that it would cost the Vaneskos between \$50,000—\$100,000 to remove and replace the roof. Further, 80% of the neighbors surrounding the property supported the granting of the variance, while the remaining 20% expressed no opinion other than to indicate that they were unhappy with the City that the situation had gotten to that point.

During the hearings before the Board on the request for a variance, the Board

[127 S.W.3d 224]

was specifically instructed by an assistant city attorney to not consider the fact that the permit had been issued in error or that the home was already completely built. Accordingly, the Board denied the request for a variance.

II. Standard of Review

A board of adjustment is a quasi-judicial body. *Bd. of Adjustment v. Flores*, 860 S.W.2d 622, 625 (Tex.App.-Corpus Christi 1993, writ denied). Section 211.011 of the local government code provides a means for challenging an action taken by a city's zoning board of adjustment. *See* Tex. Local Gov't Code Ann. § 211.011 (Vernon Supp.2003). This statute provides that a person aggrieved by a zoning board's action may petition the court for a writ of certiorari within ten days after the board's decision is filed. *See id.* at 211.011(a), (b). The district court sits only as a court of review, and the only question that may be raised by a petition for writ of certiorari is the legality of the board's order. *See* Tex. Local Gov't Code Ann. § 211.011(a) (Vernon Supp. 2003); *City of San Angelo v. Boehme Bakery*, 144 Tex. 281, 286-87, 190 S.W.2d 67, 70 (1945); *Southwest Paper Stock, Inc. v. Zoning Bd. of Adjustment of Fort Worth*, 980 S.W.2d 802, 805 (Tex.App.-Fort Worth 1998, pet. denied). The board's order is presumed to be legal, and the party attacking it has the burden of establishing its illegality. *See Board of Adjustment of Dallas v. Patel*, 882 S.W.2d 87, 88 (Tex. App.-Amarillo 1994, writ denied).

If the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence. *See* Tex. Local Gov't Code Ann. § 211.011(e) (Vernon Supp.2003). However, review of the board's decision is not by trial de novo. *See Boehme Bakery*, 144 Tex. at 286-87, 190 S.W.2d at 70. The trial court must only answer a question of law, i.e., whether the board abused its discretion. *See Nu-Way Emulsions, Inc. v. City of Dalworthington Gardens*, 617 S.W.2d 188, 189 (Tex.1981) (per curiam); *Dengler v. City of Groves*, 997 S.W.2d 418, 420 (Tex.App.-Beaumont 1999, pet. denied).

It is an abuse of discretion for a zoning board to act arbitrarily and unreasonably without reference to any guiding rules or principles. *See Downer v. Aquamarine Operators, Inc.*, 701 S.W.2d 238, 241-42

(Tex.1985). A board of adjustment abuses its discretion if it clearly fails to analyze or apply the law correctly. *See Walker v. Packer*, 827 S.W.2d 833, 840 (Tex.1992) (original proceeding). The Board does not abuse its discretion as long as some evidence of substantive and probative character exists to support the board's decision. *See Southwest Paper Stock, Inc.*, 980 S.W.2d at 805-06.

The district court may reverse or affirm, in whole or in part, or modify the decision that is appealed. *See Tex. Local Gov't Code Ann. § 211.011(f)* (Vernon Supp.2003). However, the district court cannot put itself in the adjustment board's position or substitute its discretion for that of the board. *See Board of Adjustment of Corpus Christi v. Flores*, 860 S.W.2d 622, 625 (Tex.App.-Corpus Christi 1993, writ denied); *see also Downer*, 701 S.W.2d at 241-42.

III. Applicable Law

Under state law, a board of adjustment "may authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and

[127 S.W.3d 225]

substantial justice is done." *Tex. Local Gov't Code Ann. § 211.009(a)(3)* (Vernon 1999).

In Dallas, which is a home rule city,³ the Board's decision-making authority in variance cases is further limited by city ordinance. The guiding principles which govern the Board's decision are found in the Dallas Development Code, which authorizes the Board to grant variances from zoning regulations if the variance is "necessary to permit development of the specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot

be developed in a manner commensurate with the development upon other parcels of land in districts with the same zoning classification." *Dallas, Tex.*, Dallas City Code § 51A-3.102(d)(10) (2000). "A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only, nor may a variance be granted to permit any person a privilege in developing a parcel of land not permitted by this chapter to other parcels of land in districts with the same zoning classification." *See id.*

The Corpus Christi court of appeals has encountered a case remarkably similar to the one before us. *See Town of S. Padre Island v. Cantu*, 52 S.W.3d 287 (Tex.App.-Corpus Christi 2001, no pet.). The Cantus prepared plans for the construction of their home and submitted them to the building department for approval. *Id.* at 288. The town issued a building permit for construction in accordance with the plans submitted. *Id.* When the home was nearly 80% complete, a building inspector informed the Cantus that a portion of their house protruded two feet over a setback line mandated by the zoning ordinance. *Id.* at 288-89.

The Cantus subsequently requested a variance from the board of adjustment. *Id.* at 289. Evidence was presented that the protrusion did not pose a health or safety risk, and at least some of the neighbors supported the granting of a variance. *Id.* The board denied the variance, and the Cantus appealed to the trial court by writ of certiorari. *Id.* The trial court and, ultimately, the *Cantu* court, determined that the board abused its discretion in failing to grant the variance. *Id.* at 289, 291.

In so holding, the *Cantu* court noted that enforcement of the ordinance would substantially change the house's appearance and would make the house and the area less aesthetically pleasing. *Id.* at 290. The *Cantu* court considered the rule that in order to justify a variance, a hardship must not be self-