

Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: December 12, 2024

Case: V24-03
Property Owner(s): TEXDOT Real Estate Services, Inc
Applicant(s): Adriana Sarro
Legal Description: Lots 31 and 32, Block 103 of the Revised Map of Tomball
Location: 600 block (north side) of unimproved Moore Street
Lot Area: Approximately 0.1607 acres
Comp Plan Designation: Old Town (Exhibit "C")
Present Zoning & Use: Single-Family Residential – 6 (SF-6) (Exhibit "B") / Undeveloped (Exhibit "D")

Adjacent Zoning & Land Uses:

North: Single-Family Residential - 6 (SF-6) / Single-family residences
South: Single-Family Residential - 6 (SF-6) / Undeveloped land
West: Single-Family Residential - 6 (SF-6) / Undeveloped land
East: Single-Family Residential - 6 (SF-6) / Undeveloped land

BACKGROUND

The request is for one variance affecting two different properties. Section 50-71, subsection (2)(b) (*Size of yards*) establishes minimum side yard setbacks of five feet for interior lot lines. The applicant is requesting that this minimum side yard be reduced to three feet for both Lots 31 and 32, Block 103 of the Revised Map of Tomball.

ANALYSIS

Section 50-33(f)(4) defines certain criteria for the Board of Adjustments to consider when making decisions to grant a variance request. City staff has reviewed the requests as well as the criteria for approval and have determined the following:

1. The literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property:
 - a. **BUILDING SETBACK VARIANCES (Exhibit E):**
 - i. The literal enforcement of the required setbacks will result in a “buildable area” of 15-feet which has been accomplished on other properties within Tomball.
2. The situation causing hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district:
 - a. The hardship is not self-imposed. The difficulty is caused by the narrow width of the lot. However, the literal enforcement of the standards would not deprive the owner of any residential use of the land permitted in the SF-6 zoning district.
3. The relief sought will not injure the permitted use of adjacent conforming properties:
 - a. City staff does not believe that the relief being sought will injure the permitted uses of the adjacent properties.
4. The granting of the variance(s) will be in harmony with the spirit and intent of this chapter (Chapter 50 – Zoning):
 - a. The subject property, as well as the neighboring properties being utilized for single-family residential purposes, are all located within the SF-6 zoning district. This zoning district is intended to foster residential development.

RECOMMENDATION

Since the finding of an undue hardship is not met, City Staff recommends denial of **BOA Case V24-03**.

PUBLIC COMMENTS

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 20, 2024. Any public comment forms will be provided in the Board packets or during the public hearing.

EXHIBITS

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Site Photo(s)
- E. Setback Exhibits
- F. Application

The Board of Adjustments has the authority to impose any conditions of approval on Variances as they deem necessary.

Exhibit "A"
Aerial Map



Location

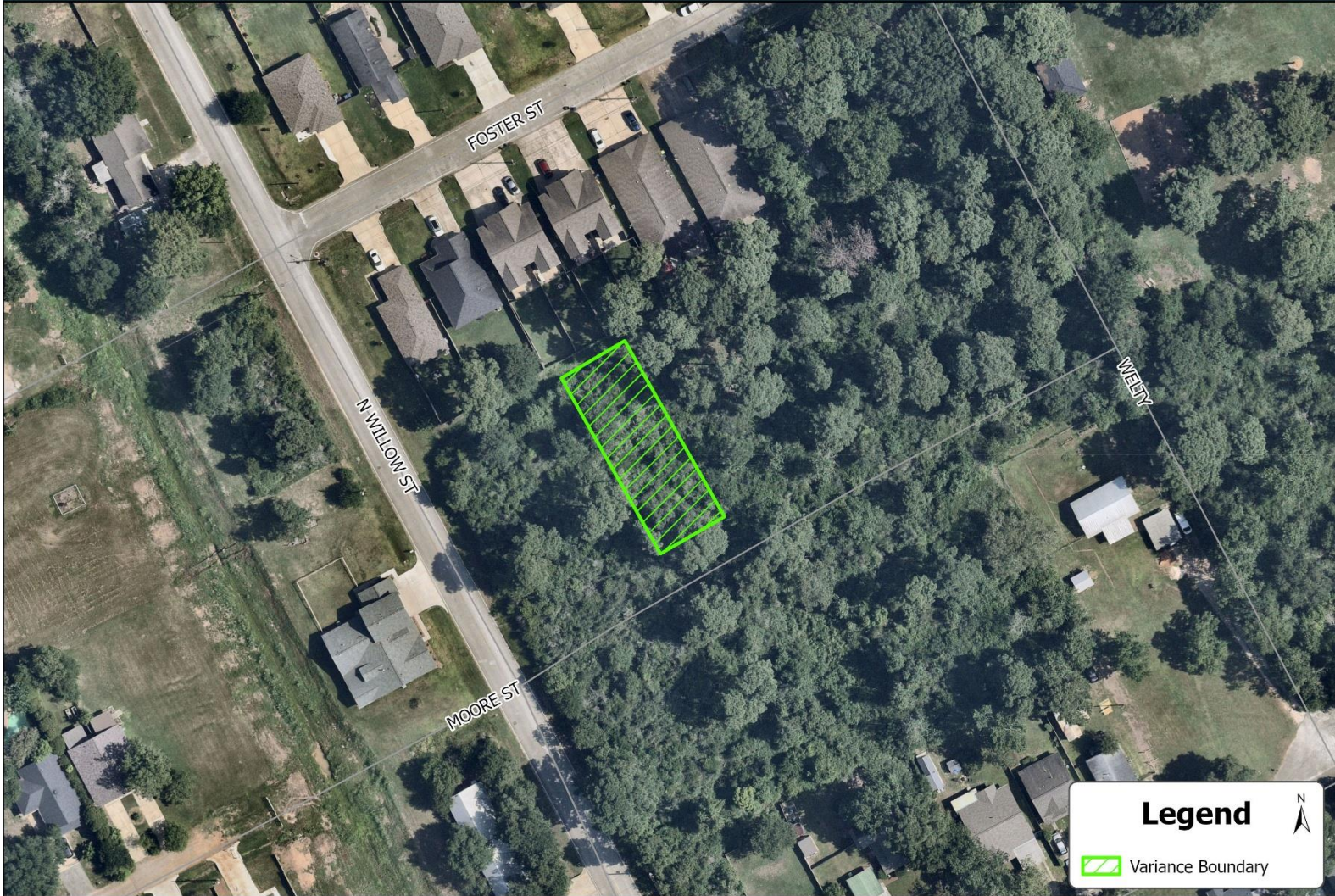


Exhibit "B"
Zoning Map



Zoning

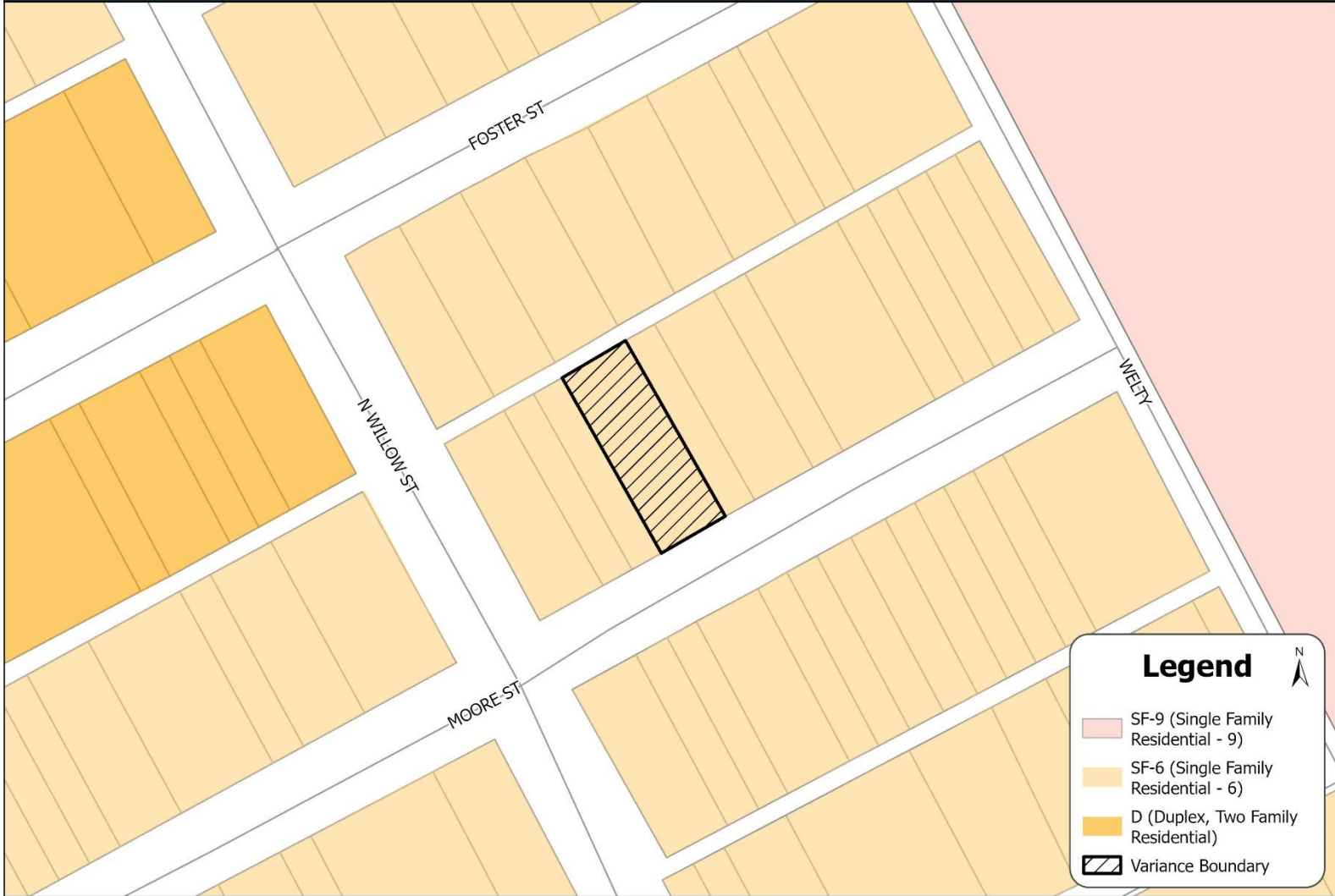


Exhibit "C"
Future Land Use Map



Future Land Use

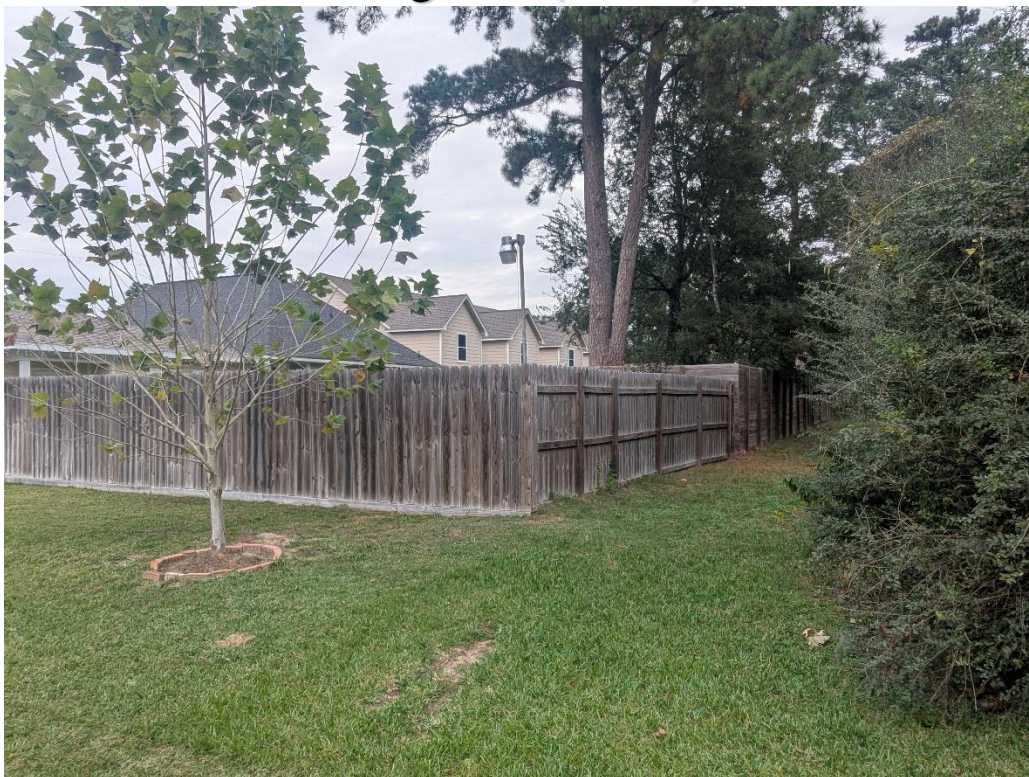


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



Neighbor (East)



Neighbor (West)



Exhibit "E" Setback Exhibits

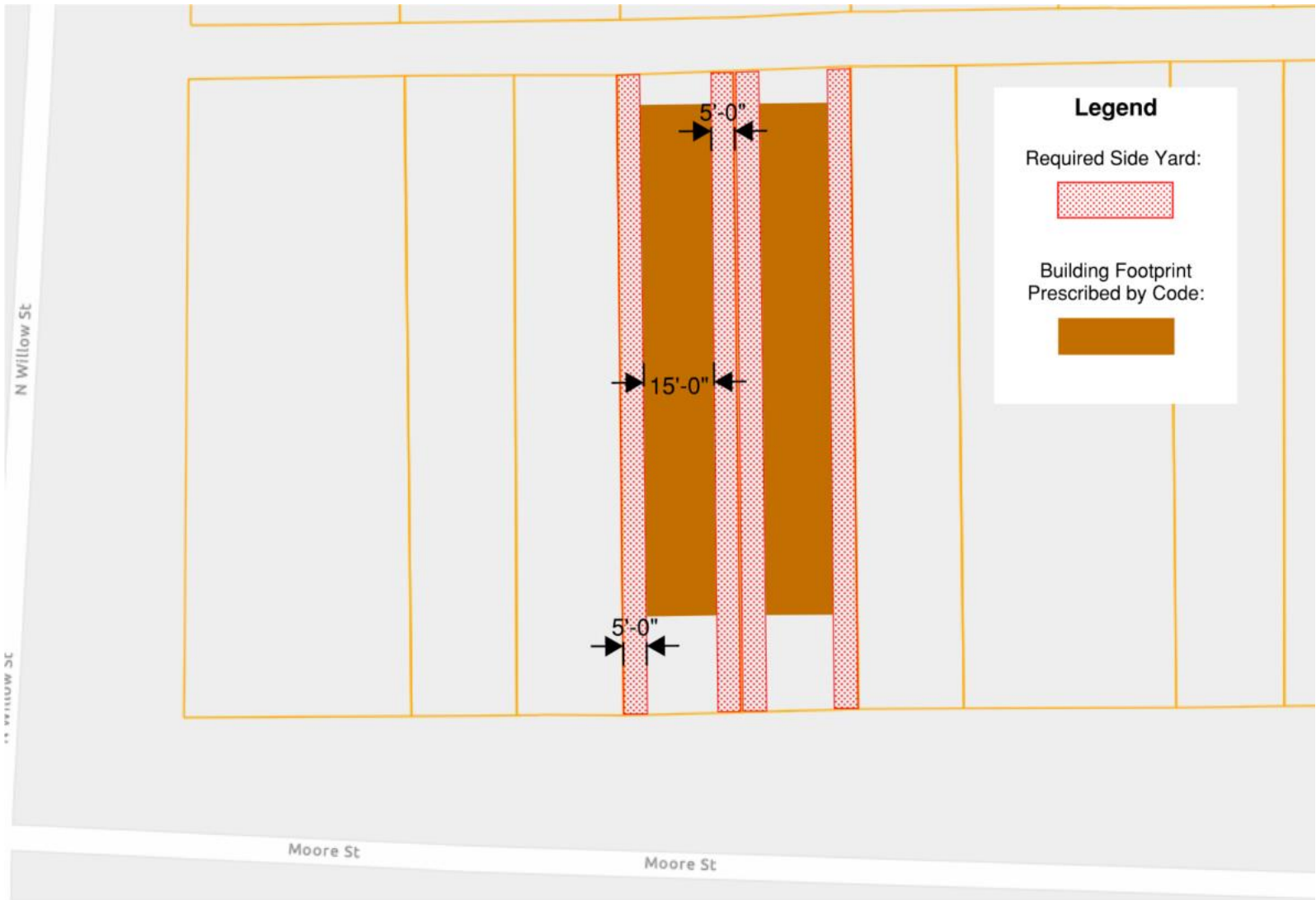




Exhibit "F"
Application

Revised 5/19/15



ZONING BOARD OF ADJUSTMENTS (BOA)
VARIANCE APPLICATION

Community Development Department
Planning Division

Variance(s) Defined: A variance is the authority to depart from the application of areas, side yards, setback, height, and similar regulations to prevent unnecessary hardships. Refer to Section 50-33(f) of the Code of Ordinances for additional information. No variance shall be granted for any requirement outside Chapter 50 of the Code of Ordinances.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant

Name: ADRIANA SARRO Title: AGENT ARCHITECTURAL
Mailing Address: P.O. BOX 7801 City: THE WOODLAND State: TX
Zip: 77387
Phone: (281) 223-3138 Fax: () Email: adrianasarro@arc

Owner

Name: TEXDOT REAL ESTATE SERVICES INC / M/A Title: INC
Mailing Address: 30210 E GENEVA DR City: SPRING State: TX
Zip: 77375
Phone: (979) 203-9985 Fax: () Email: me.emaximiliano@

Description of Proposed Project: RESIDENTIAL HOUSE

Physical Location of Property: 611 & 613 MOORE ST TOMBALL TX 77375
[General Location – approximate distance to nearest existing street corner]

Legal Description of Property: LTS 31 & 32 BLK 103 TOMBALL
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352810040031 Acreage: 7,000 SF

Current Use of Property: C1 -- Real, Vacant

VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

SF-6 zoning district requires 5' side yards


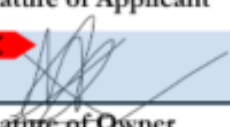
Sec. 50-71. - Single-Family Residential District (SF-6). | Code of Ordinances | Tomball

Variance Requested:

We need 3' Side Yard in each Lot 31 & 32

A description of hardship letter *must* be submitted in conjunction with this application. The criteria for a hardship are outlined in the attached document titled "Description of Hardship." In the letter, state variance(s) requested specifically and in detail (identify section and requirement). Please attach separate sheets(s) as necessary.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

<input checked="" type="checkbox"/>		October 10, 2024
X	Signature of Applicant	Date
<input checked="" type="checkbox"/>		October 10, 2024
X	Signature of Owner	Date

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

A complete application must include:

- **Application Fee: \$100 Residential (Except Multi-Family); \$250 Non-Residential & Multi-Family**
- **Letter explaining the variance in detail, including Description of Hardship**
- **Metes & Bounds of property**
- **Site Plan, Plot Plan, or Drawing showing the requested variance**
- **Other necessary information (maps, drawings, pictures, etc.) to explain the variance**

Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

In granting special exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

Description of Hardship

Please provide a letter explaining the hardship, demonstrating the following (address each variance requested):

1. That literal enforcement of the provisions of the Zoning Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property.
2. That there are special circumstances or conditions affecting the land involved such that the application of the provisions of the Zoning Ordinance would deprive the owner/applicant of the reasonable use of his/her land.
3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the owner/applicant.
4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance.
5. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
6. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area.
7. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
8. That the granting of an individual variance will not set a precedent.

*Financial hardship shall not be considered grounds for the issuance of a variance.

611 & 613 MOORE ST LOT 31&32 PROJECT RESIDENTIAL HOUSES

October 10, 2024

Board of Variance & Special Exception
City of Tomball
501 James St.
Tomball, TX 77375

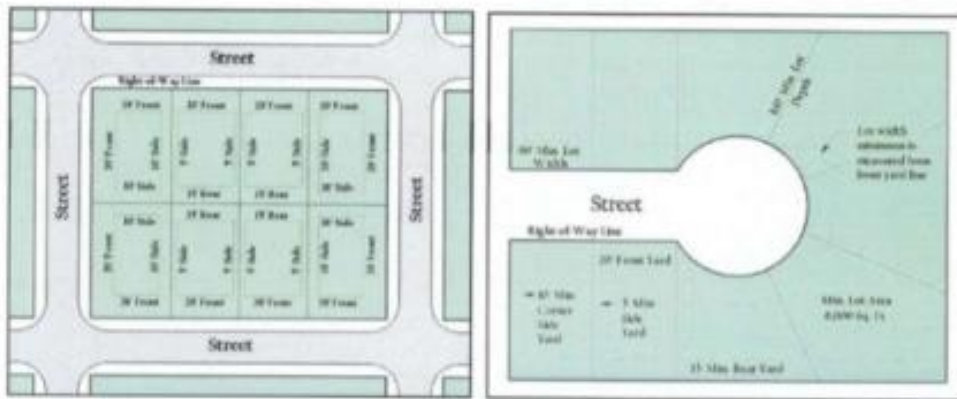


We are writing to request a Variance to our property in increasing the construction area possible in front Facades. The lot is 25 feet in front, so it is small for a good quality living space. According to Code Ordinances of Tomball Sec.50-71 -Single Family Residential District SF-6 the minimum side yard is 5 feet.

(2) *Size of yards.*

- a. Minimum front yard: 20 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

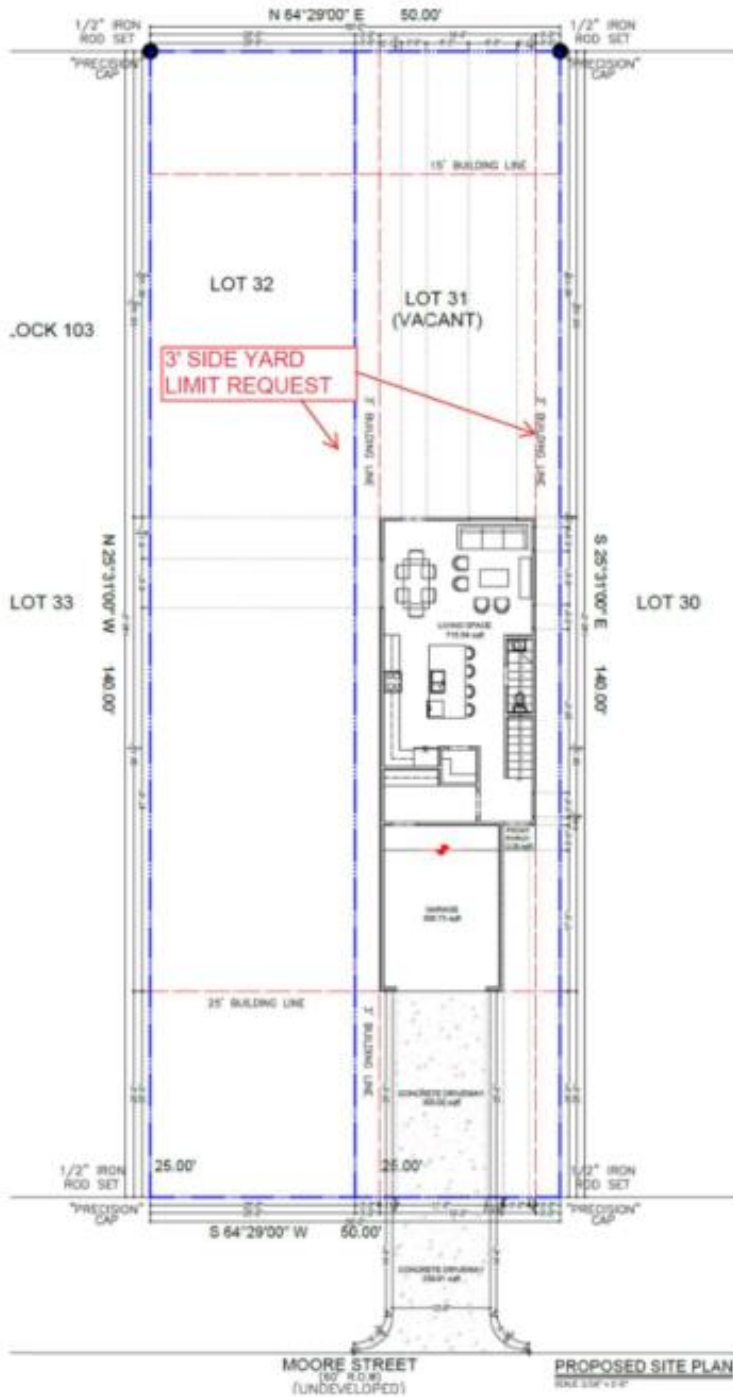
Illustration 50-71-1: Lot and yard regulations for the SF-6 District



- b. **Minimum side yard: five feet.** The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.
- c. Minimum rear yard: 15 feet. The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a 5 foot minimum rear yard and abutting a 15-foot alley shall have a 7.5-foot minimum rear yard.
- d. Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

Illustration 50-71-2: Floor area for the SF-6 District

To conserve the good quality of the Environment in the Subdivision, it is necessary to add 2' feet more on each side. Therefore, if we want to improve the environment, we suggest that Building Sideline needs to be reduced from 5 feet to 3 feet.





Please, review our proposal and if you have questions about it, don't hesitate to contact us.

Adriana Sarro

A. Designer Agent

P.O. Box 7801
 The Woodlands, TX 77387
 281 223 3138

www.archcos.com

MOORE STREET

611 Moore Street
Tomball, Texas 77375.

DESIGN FOR
MOORE STREET
RESIDENCIAL



MOORE STREET

613 Moore Street
Tomball, Texas 77375.

DESIGN FOR

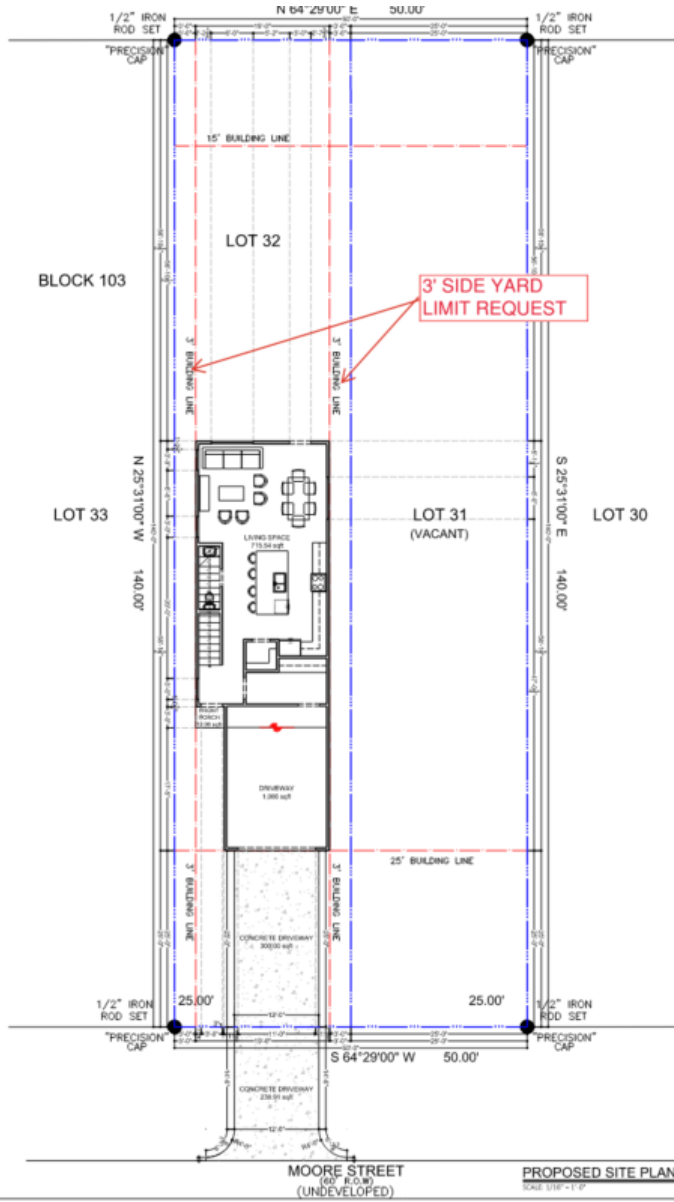
MOORE STREET

RESIDENCIAL



SYMBOL LEGEND

- CONCRETE MONUMENT
- ⊕ ELECTRICAL POLE
- ⊙ CABLE PEDESTAL
- ⊖ DRAIN SEWER
- PROPERTY LINE
- - - EASEMENT
- ⌘ WROUGHT IRON FENCE
- ⌘ WOODEN FENCE
- ⊞ ELECTRICAL TRANSFORMER
- ⊞ GAS METER
- ⊞ AIR CONDITION UNIT
- MONUMENT
- PROPERTY CORNER
- LIGHT POLE
- MANHOLE
- POWER POLE
- ⊞ CABLE BOX
- ⊞ STORM INTEL
- ▲ TRAVERSE POINT
- ⊞ VALVE BOX
- ⊞ WATER METER
- CLEARING
- UNDERBRUSH



IMPROVEMENT TOTAL PROPOSED AREA	
TOP SOIL	1,000.00 sqft
EXISTING FOOTPRINT	1,700.00 sqft
LIVING SPACE	715.54 sqft
DRIVEWAY	1,000.00 sqft
CONCRETE DRIVEWAY	238.51 sqft
TOTAL IMPROVEMENT	4,753.55 sqft
TOTAL EXISTING IMPROVEMENT	33,325.55 sqft



10-10-2024

GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS
COUNTY OF HARRIS

§
§
§

KNOW ALL MEN BY THESE PRESENTS:

That PMG INVESTMENTS, L.L.C., a Texas limited liability company, hereinafter called "Grantor" (whether one or more), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto TEXDOT REAL ESTATE SERVICES, INC., a Texas corporation, herein called "Grantee" (whether one or more), the following real property (together with all improvements thereon the "Property") situated in Harris County, Texas, to-wit:

Lots Thirty-One (31) and Thirty-Two (32), in Block One Hundred Three (103), REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

This conveyance is made and accepted subject to any and all easements, rights of way, valid restrictions, mineral reservations of any kind, encumbrances, conditions, maintenance charges, building set back lines, and governmental regulations, if any, to the extent, but only to the extent that they are reflected by the records of the Office of the County Clerk of the above mentioned County and State.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, their heirs and assigns forever; and Grantor does hereby bind themselves, their heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof except as to the reservations from and exceptions to conveyance and warranty.

When Grantor and/or Grantee are more than one entity, the pertinent nouns, verbs and pronouns shall be construed to correspond. When Grantor and/or Grantee are a corporation, a trustee or other legal entity that is not a natural person, the pertinent words "heirs, executors and administrators" and/or "heirs and assigns" shall be construed to mean "successors and assigns," respectively. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

Current ad valorem taxes on the Property have been prorated, the payment thereof is assumed by Grantee.

EXECUTED THIS 23 day of March, 2022.

PMG INVESTMENTS, L.L.C., a Texas limited liability company

BY: *Nanik Bhagia*
NANIK BHAGIA, Member & Director

STEWART TITLE
1610831-138-KM

RP-2022-158631

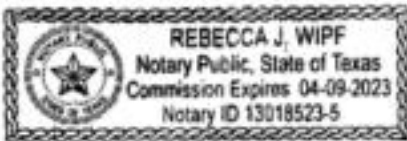
ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF HARRIS

NOTARY PUBLIC

This instrument was acknowledged before me on this 23 day of March, 2022, by NANIK BHAGIA, Member & Director of PMG INVESTMENTS, L.L.C., a Texas limited liability company.



[Signature]
Notary Public in and for
The State of TEXAS

GRANTEE'S ADDRESS:

TEXdot Real Estate Services, Inc.

AFTER RECORDING, RETURN TO:

TEXdot Real Estate Services, Inc.

30210 E. Geneva Drive
Spring, TX 77386

PREPARED IN THE LAW OFFICE OF:

MURRAY | LOBB, PLLC
2200 Space Park Drive, #350
Houston, Texas 77058
Telephone 281.488.0630

GF# 1616831 (3.22)

RP-2022-158631

UNOFFICIAL COPY

RP-2022-158631

UNOFFICIAL

RP-2022-158631
Pages 3
03/25/2022 10:56 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$22.00

RECORDERS MEMORANDUM
This instrument was received and recorded electronically
and any blackouts, additions or changes were present
at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time stamped
hereon by me; and was duly RECORDED in the Official
Public Records of Real Property of Harris County, Texas.



Teneshia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

COPY