

Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: December 12, 2024

Case: V24-04
Property Owner(s): Lorraine Sada
Applicant(s): Lorraine Sada
Legal Description: Lot 23, Block 82 of the Revised Map of Tomball
Location: 400 block (north side) of Timkin Road
Lot Area: Approximately 0.0803 acres (3497.87 square feet)
Comp Plan Designation: Transitional Residential (Exhibit "C")
Present Zoning & Use: Old Town & Mixed-Use (OT & MU) (Exhibit "B") / Undeveloped (Exhibit "D")

Adjacent Zoning & Land Uses:

North: Old Town & Mixed-Use (OT & MU) / Single-family residences
South: Single Family Residential - 6 (SF-6) / Martin Luther King Jr. Park
West: Old Town & Mixed-Use (OT & MU) / Undeveloped
East: Old Town & Mixed-Use (OT & MU) / Undeveloped

BACKGROUND

The request is for one variance affecting one property. Section 50-79, subsection (d)(2)(e) (*Size of yards*) establishes minimum side yard setbacks of five feet for interior lot lines. The applicant is requesting that both side setbacks be reduced to three feet.

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. The literal enforcement of the standards would not deprive the owner of any residential use of the land permitted in the OT&MU 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 that are being utilized for single-family residential purposes, are all located within the OT&MU zoning district. This zoning district is intended for a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multiple-family uses.

RECOMMENDATION

Since the finding of an undue hardship is not met, City Staff recommends denial of **BOA Case V24-04**.

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

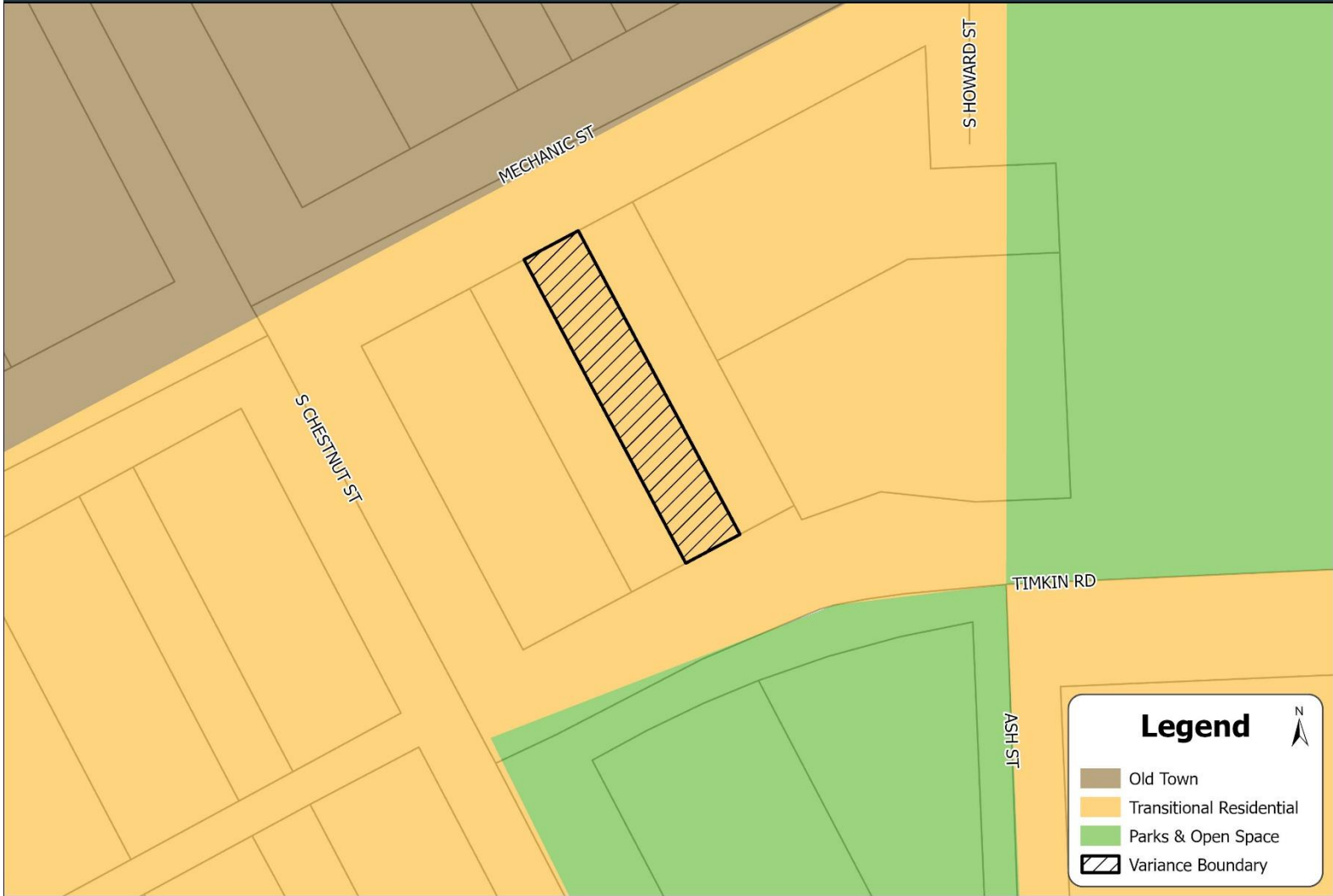


Exhibit "D"
Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



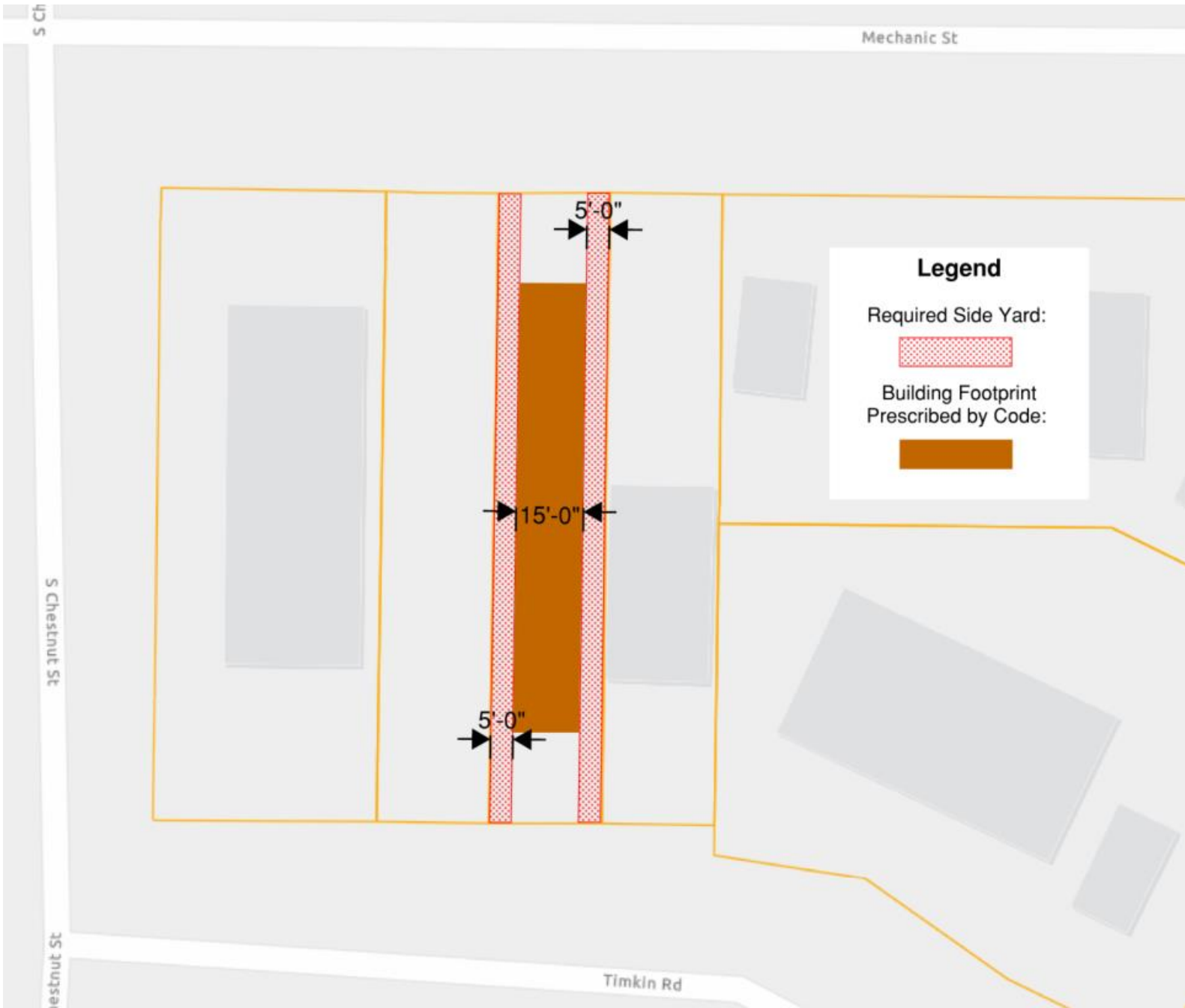
Neighbor (East)



Neighbor (West)



Exhibit "E"
Setback Exhibits



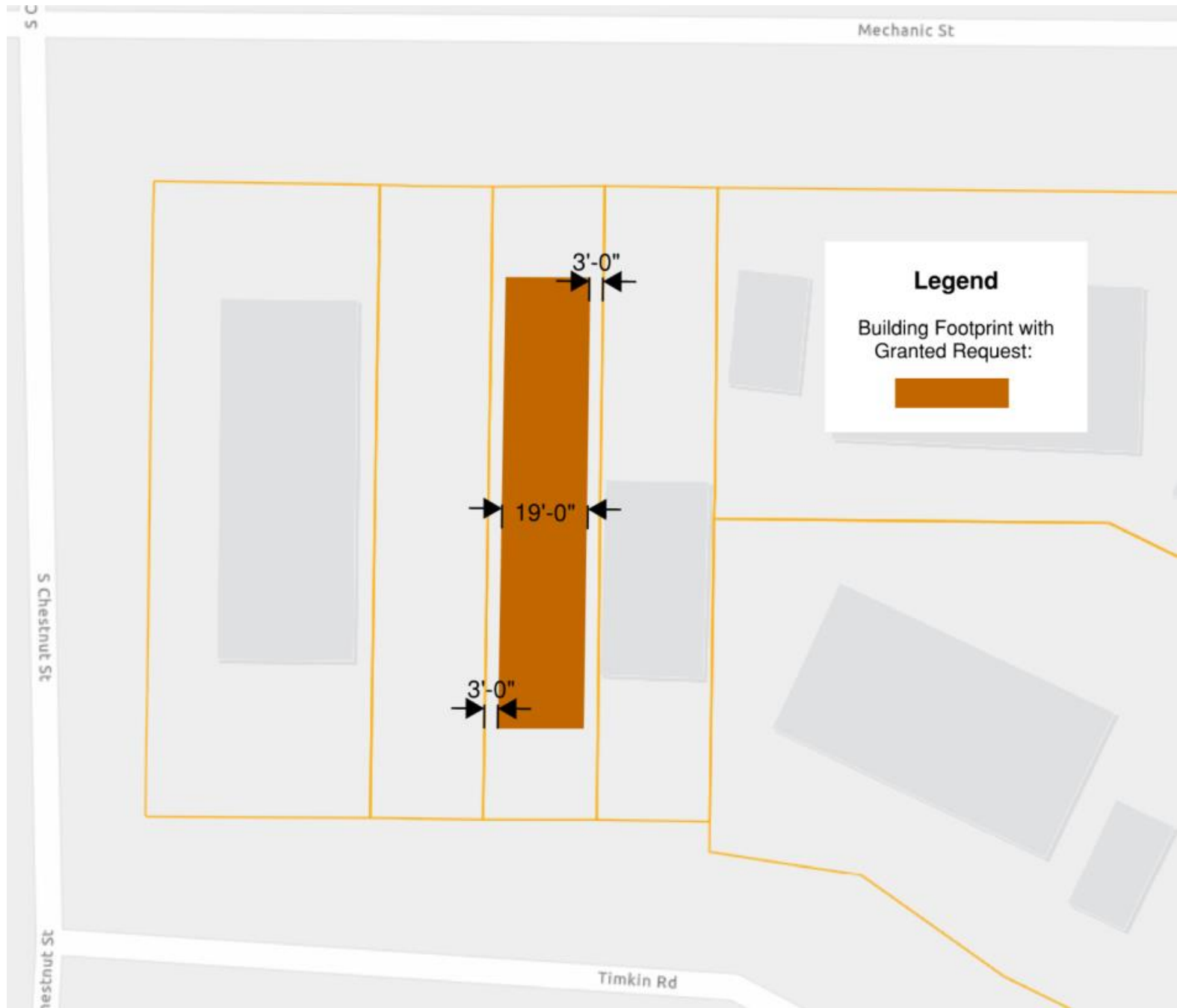


Exhibit "F"
Application

Revised: 10/1/2022



ZONING BOARD OF ADJUSTMENTS (BOA)
VARIANCE APPLICATION
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.

APPLICATION REQUIREMENTS: 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.

There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL APPLICATION SUBMITTALS:

PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN SMARTGOV

WEBSITE: ci-tomball-tx.smartgovcommunity.com

Applicant

Name: Lorraine Sada Title: Ms
Mailing Address: 21534 Cedar Ln #B City: Tomball State: Texas
Zip: 77377 Contact: _____
Phone: 281 683-8622 Email: LSada0440@gmail.com

Owner

Name: Lorraine Sada Title: Ms
Mailing Address: 21534 Cedar Ln #B City: Tomball State: TX
Zip: 77377 Contact: Lorraine Sada
Phone: 281 683 8622 Email: LSada0440@gmail.com

Description of Proposed Project: Mechaniz of New Construction

Physical Location of Property: Cross st Chestnut
[General Location - approximate distance to nearest existing street corner]

Legal Description of Property: LT 23 BL 82, Tomball 406 Mechaniz & 713
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

HCAD Identification Number: 0352760820023 Acreage: 3,500 SF

Current Use of Property: undeveloped land

VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

Variance Requested:

Sideyard Adjustment from 5 ft to 3 ft

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.

X

Signature of Applicant

10-1-2024

Date

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.

Lorraine Sada
Property 406 Mechanic Street
Tomball , Texas 77375

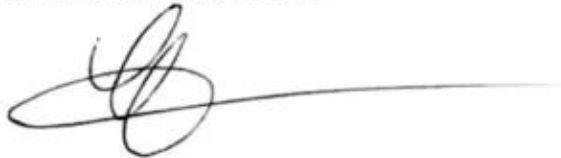
Letter intent - Variance

To whom it may concern,

I'm requesting a variance if possible of each side yard of my property to be reduce from 5 feet to 3 feet. This request will allow me more width and living space to my home. I attached a copy of site plan with the current width of 15 wide structural home.

Thank you for your time and consideration

Lorraine Sada

A handwritten signature in black ink, appearing to be 'Lorraine Sada', with a long horizontal line extending to the right.

21534

Cedar lane Unit B

Tomball, Texas 77377

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.

General Warranty Deed

Date: August 16, 2022

Grantor: DCA DESIGN, LLC, a Texas limited liability company

Grantor's Mailing Address:
920 Chestnut Alee
Tomball, Tx 77375

Grantee: LORRINE SADA

Grantee's Mailing Address:
920 Chestnut Alee #605
Tomball, Tx 77375

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Lot Twenty-three (23), in Block Eighty-two (82), of the Revised Map of Tomball, an addition to Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

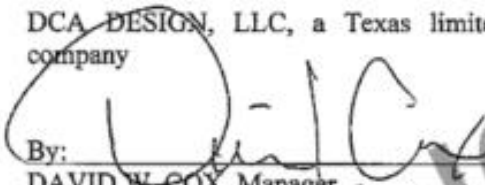
SUBJECT to the following matters to the extent same are in effect at this time: Any and all restrictions, covenants, conditions, easements, mineral or royalty reservations and leases, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the public records of Harris County, Texas; and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

RP-2022-420457

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

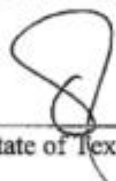
DCA DESIGN, LLC, a Texas limited liability company

By: 
DAVID W. COX, Manager

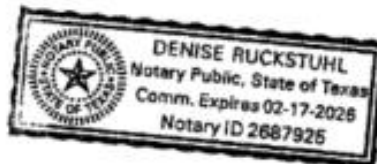
STATE OF TEXAS)

COUNTY OF HARRIS)

This instrument was acknowledged before me on August 16, 2022, by DAVID W. COX, as Manager of DCA DESIGN, LLC, a Texas limited liability company, on behalf of said entity.



Notary Public, State of Texas



RP-2022-420457

COPY UNOFFICIAL

RP-2022-420457

RP-2022-420457
Pages 3
08/17/2022 11:59 AM
e-Filed & e-Recorded in the
Official Public Records of
HARRIS COUNTY
TENESHIA HUDSPETH
COUNTY CLERK
Fees \$22.00

UNOFFICIAL

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.

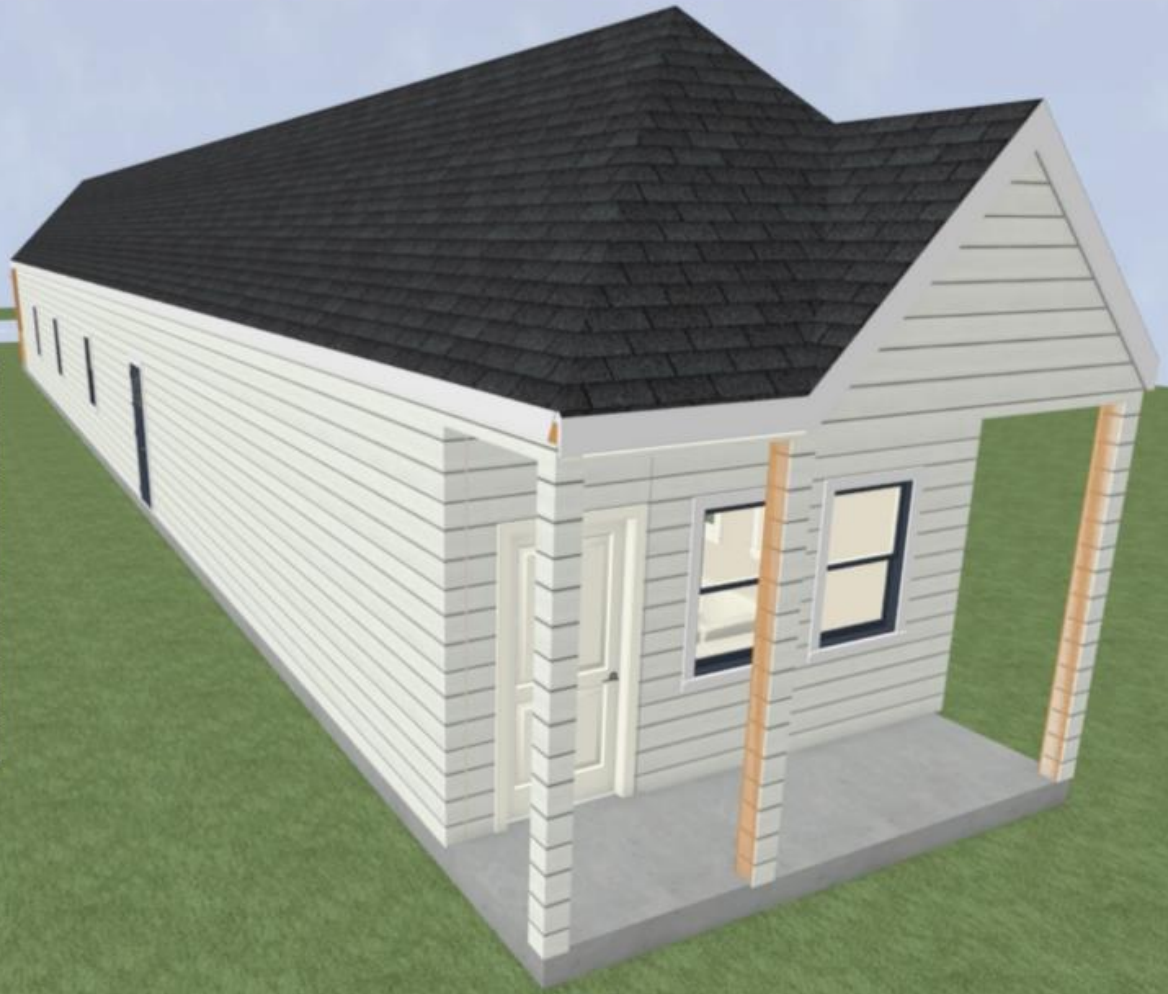
Any provision herein which restricts the sale, rental, or
use of the described real property because of color or
race is invalid and unenforceable under federal law.
THE STATE OF TEXAS
COUNTY OF HARRIS
I hereby certify that this instrument was FILED in
File Number Sequence on the date and at the time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



Tenesia Hudspeth
COUNTY CLERK
HARRIS COUNTY, TEXAS

COPY

NOTE:
SEE SHEET "A.08" FOR SCHEDULES



SQUARE FOOTAGE		
LIVING AREA	ROOM	AREA(sf)
	Living Room	242
	Dining	142
	Kitchen	146
	Pantry	5
	Bath	65
	Linen	11
	Closet	20
	Bedroom	109
	Hall	148
	Master Bedroom	174
	W.I.C.	46
	Linen	5
	Laundry	65
	SUB-TOTAL	
NON LIVING AREA		
	Porch	64
	Porch	31
	Entry	15
	Entry	26
	SUB-TOTAL	
	TOTAL	

CODE ANALYSIS
ALL CONSTRUCTION TO COMPLY WITH 2015 IBC, 2012 IRC, 2020 NEC, 2015 UPC, 2015 UMC, 2015 IFC, 2015 IECC, AND CITY OF HOUSTON AMENDMENTS TO THE CODES.

ANY INCONSISTENCIES FOUND IN DRAWINGS MUST BE COMMUNICATED WITH SeaMax Corporation AS SOON AS THEY ARE DISCOVERED TRADES MUST COORDINATE THEIR WORK WITH ALL ARCHITECTURAL, STRUCTURAL, MECHANICAL, ELECTRICAL AND PLUMBING DRAWINGS.

ALL DIMENSIONS ARE IN FEET UNLESS STATED OTHERWISE.

DESIGN LOADS	
-Dead Load	10PSF
-Live Load	40 PSF
-Roof Live Load	20 PSF
-Wind Load	75mph per ASCE 7-10 / IBC 2015/TDI
CONCRETE	
-Grade Beam	4,000 psi
-Floor Slab	4,000 psi
FOUNDATION	
-Allowable Net Bearing Pressure	2,000 psf
-Dead Load	2,000 psf
-Total Load(Dead + Live)	3,000 psf
-Allowable Skin Friction	150 psf

ISOMETRIC VIEW
SCALE: N.T.S.
406 MECHANIC STREET
TOMBALL, TX 77375

Digitally signed by 876206-82-12a1-c09-83a6-8032-2386e0000000
DN: cn=876206-82-12a1-c09-83a6-8032-2386e0000000, o=0-93ae-8510-2036e0000000
Reason: I am approving this document
Date: Feb 13, 2023