

**Board of Adjustments (BOA) Staff Report**

Board of Adjustments Hearing Date: September 8, 2022

**BOA Case P22-286:** Request by D.G. & I Property Management, Inc., represented by Rodolfo Barrera Jr. for a variance from Section 50-71 Single-Family Residential - 6 (SF-6) of the Tomball Code of Ordinances to allow for encroachment into the required building setback(s).

**Property Owner(s):** D.G. & I Property Management Inc.

**Applicant(s):** Rodolfo Barrera Jr.

**Legal Description:** Lot 56, in Block 68 of the Revised Map of Tomball

**Location:** The southwest corner of the intersection of S. Chestnut Street and Holiday Street.

**Lot Area:** Approximately 0.08 acres (3,500 square feet)

**Present Zoning & Use:** Single Family Residential (SF-6) (Exhibit “B”) / Vacant (Exhibit “C”)

**Comp Plan Designation:** Transitional Residential (Exhibit “D”)

**Adjacent Zoning & Land Uses:**

**North:** Single Family Residential - 6 (SF-6)/Vacant

**South:** Single Family Residential - 6 (SF-6)/Residence

**West:** Single Family Residential - 6 (SF-6)/Vacant

**East:** Single Family Residential - 6 (SF-6)/M.L.K, Jr. Park

**BACKGROUND**

The request is for an 11-foot variance to the ordinarily applicable 15-foot side street setback required in the Single Family Residential – 6 zoning district that the property falls within. This variance request would allow a single-family residence to be constructed as close as 4 feet to the eastern property boundary that runs adjacent to the S. Chestnut Street right-of-way. The subject lot is 25’x140’ and was created in 1912 with the subdivision plat referred to as the Revised Map of Tomball. These 25’x140’ lots are the standard dimension(s) for all lots created by this plat and make up the majority of the lots within the region of Tomball commonly referred to as “Old Town Tomball”. Per Section 40-3 (d.1): “this chapter (Chapter 40: Subdivisions) shall not be construed to prohibit the issuance of permits for construction on any lot which was in existence prior to August 15, 1983”. This section of our code of ordinance suggests that lots that are in existence prior to this date shall be considered buildable lots.

## **ANALYSIS**

According to section 50-71 (subsection d.2.b) (*Single Family Residential - 6*), the minimum side street setback is 15 feet.

The intention of residential street setbacks is to provide minimum open space standards often considered desirable within single-family residential neighborhoods. Given the proximity to Old Town Tomball and existing Old Town & Mixed Use zoning (where street setbacks are less) approximately half a block to the north; the allowance of a structure closer to the street than ordinarily allowed in single-family residential zoning may not appear out of character. Further, the platted lot is 25 feet wide and SF-6 zoning requires a minimum interior side yard setback of 5 feet and a side street setback of 15 feet, these setbacks leave 5 feet of “buildable” width. The literal enforcement of the setback standards on this particular lot creates an unnecessary hardship or practical difficulty in the development of the property. This hardship is not self-imposed, nor is it affecting properties in the same zoning district. The relief provided by granting this variance will not adversely affect permitted uses of adjacent conforming properties. Furthermore, although the street side setback would be reduced by this variance request, according to the site plan submitted by the applicant the proposed building will be setback far enough from the property boundaries so as to not interfere with the required visibility triangle at the intersection of Holiday Street and S. Chestnut Street.

Further, S. Chestnut is identified as being a collector road in the City of Tomball’s major thoroughfare plan. The current right-of-way (ROW) width dedicated to S. Chestnut Street is 60 feet, according to the City of Tomball construction design standards for collector streets, this is the standard right-of-way width. Therefore, any future projects to improve S. Chestnut Street should not require additional dedication of public right-of-way.

Finally, the approval of this variance request will promote infill and redevelopment on an otherwise unbuildable lot within Old Town Tomball.

## **RECOMMENDATION**

City Staff has reviewed the request and recommends approval of **BOA Case P22-286**.

## **PUBLIC COMMENTS**

Property owners within 300 feet of the project site were mailed notification of this proposal and a notice of public hearing was published in the Potpourri on August 24, 2022. Public responses will be provided in the Board packets or at the meeting.

## **EXHIBITS**

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

Exhibit "A"  
Aerial Map



# Exhibit "B" Zoning Map

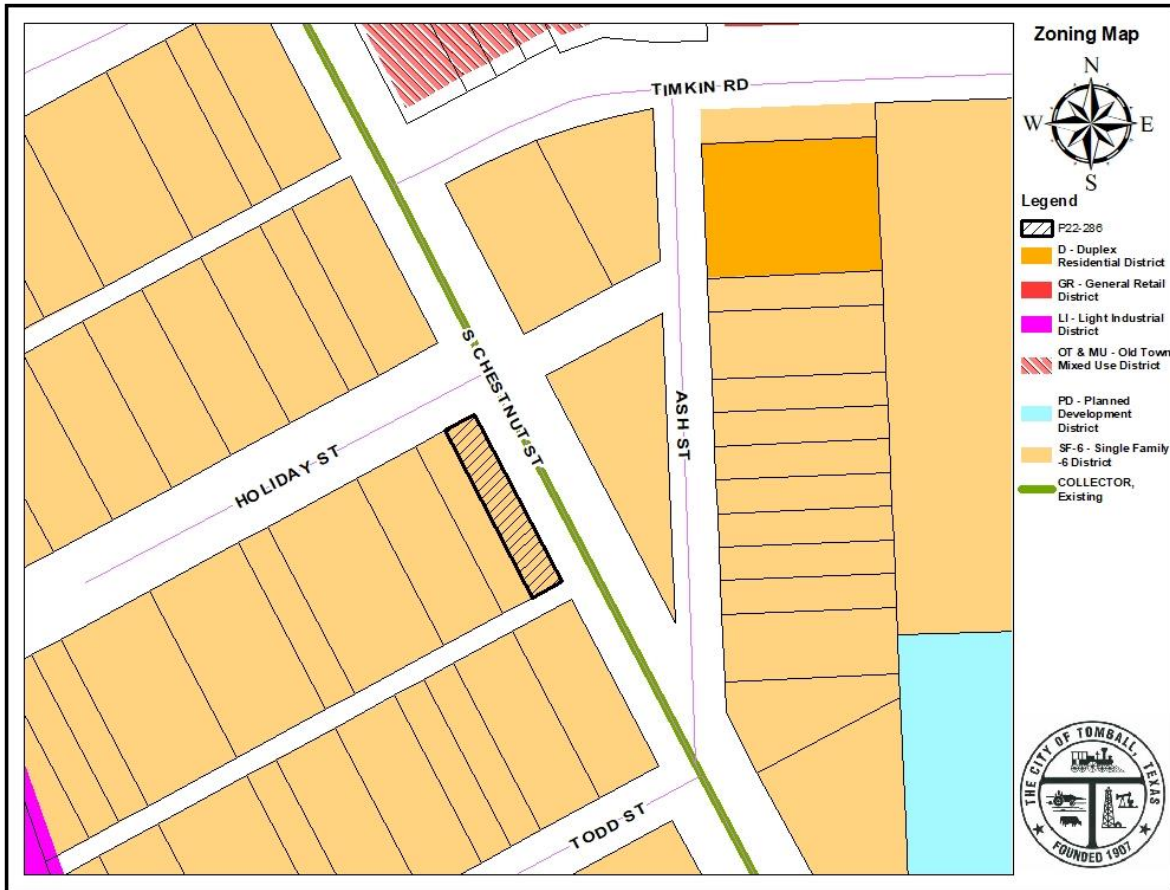




Exhibit "C"  
Future Land Use Map



## Exhibit “D”

### Plot Plan Setbacks

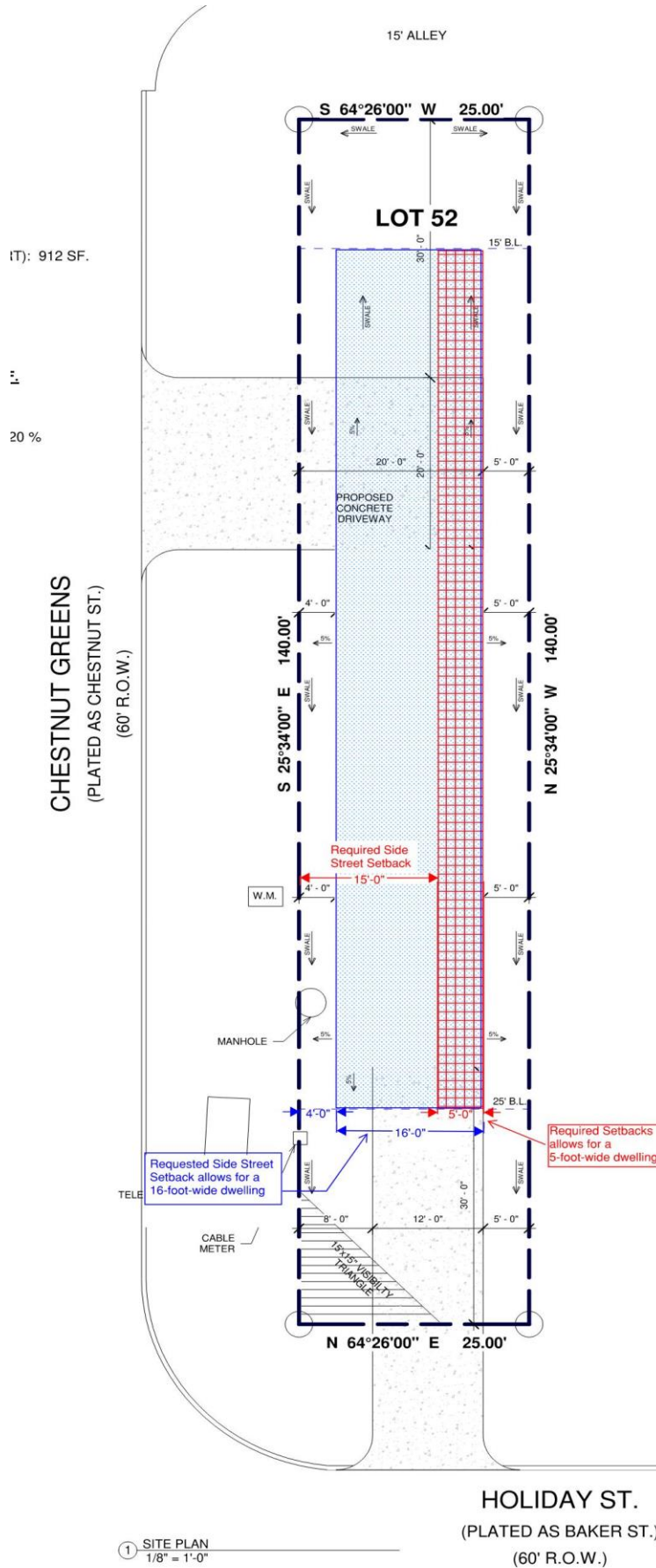




Exhibit "E"  
Site Photo(s)

Subject Property



MLK Jr. Park (east of Chestnut)





## Holiday Street



## Neighboring Property (south)





## Neighboring Property (north of Holiday St.)



Exhibit "F"  
Application

RECEIVED (KC)  
7/29/2022

Revised: 4/29/2020

P&Z #22-286



**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 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: Rodolfo Barrera Jr. Title: President / owner  
Mailing Address: 23910 SAXON WAY City: Hockley State: TX  
Zip: 77447 Contact: Rudy Barrera  
Phone: (832) 731-0574 Email: ~~rodolfo~~ rudyj99@yahoo.com

**Owner**

Name: D.G. & I Property Mgmt, Inc Title: President  
Mailing Address: 23910 SAXON WAY City: Hockley State: TX  
Zip: 77447 Contact: Rudy Barrera  
Phone: (832) 731-0574 Email: rudyj99@yahoo.com

**Description of Proposed Project:** Single Family New Construction Home

**Physical Location of Property:** 0 HOLIDAY ST. TOMBALL, TX 77375  
[General Location - approximate distance to nearest existing street corner]

**Legal Description of Property:** LT 52 BLK 68  
[Survey/Abstract No. and Tracts; or platted Subdivision Name with Lots/Block]

**HCAD Identification Number:** 0352720680052 Acreage: 0.08034

**Current Use of Property:** VACANT LOT



### VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections:

SF6. Applicable Set Back is 15'  
Section 50-71 (2.B)

Variance Requested:

Side SetBack Reduction From Chestnut St.  
11' VARIANCE

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.

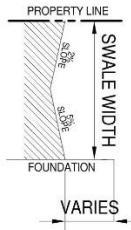
This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

X Roberto Barreira Jr. 7-29-2022  
Signature of Applicant Date

X \_\_\_\_\_  
Signature of Owner Date



# HCAD INFO



- A 2% SLOPE HAS A VERTICAL RISE OF 1" PER FOOT
- FENCING, AC PADS, AND DOWNSPOUTS SHALL NOT
- WALKS IMPERVIOUS SURFACES SHALL NOT
- PROVIDED THE WALK HAS A SLOPE AWAY FROM THE FOUNDATION WALL
- WHEN THERE ARE FOUNDATION WALLS ON BOTH SIDES OF THE SWALE
- WHEN THERE ARE FOUNDATION WALLS ON ONE SIDE OF THE SWALE
- SWALE PROVIDE A 5% SLOPE ON BOTH SIDES OF THE SWALE
- WHEN THE SWALE WIDTH IS GREATER CENTERLINE AT THE MIDPOINT
- SWALE CENTERLINE 23.0' (87") THE SWALE WITH AWAY FROM THE
- FOUNDATION WALL ON 24" (610mm) FROM THE FOUNDATION

## SWALE PROFILE & NOTE: DETAIL A.1

## LEGAL DESCRIPTION

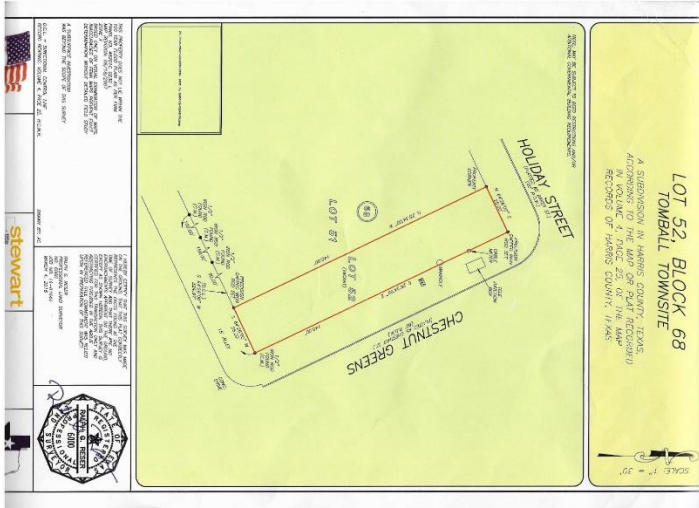
LOT : 52  
BLOCK : 68  
SITE OF LOT (AREA) : 3,520 SF.

## PROPOSED AREA ANALYSIS:

BUILDING (HOUSE, GARAGE, SHED, CARPORT): 912 SF.  
PARKING LOT & DRIVEWAY: 600 SF.  
PROPOSED TOTAL AREA: 1,512 SF.

## TOTAL AREA FOOT PRINT ON SITE: 1,512 SF.

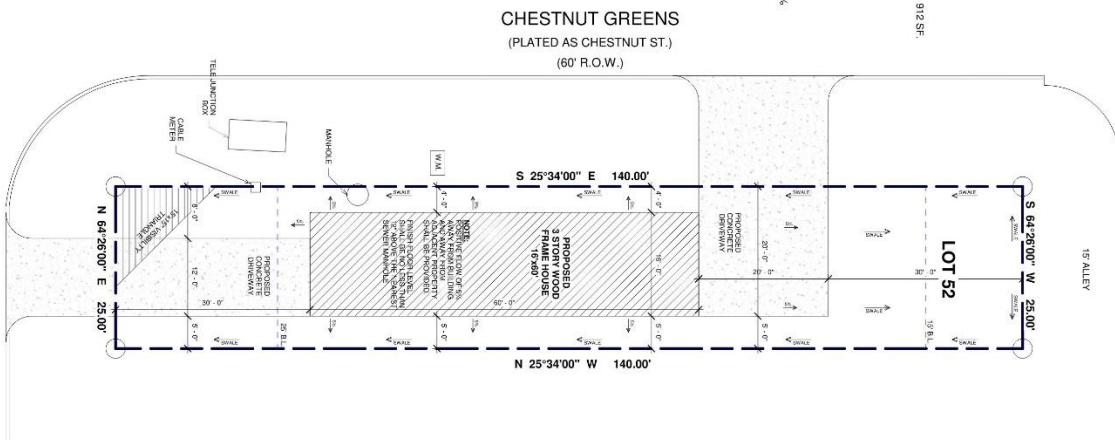
PERCENTAGE OF IMPERVIOUS COVER: 43.20 %



# PROPERTY SURVEY



## PROPOSED DWELLING UNIT (PROPOSED ELEVATION)



1" = 10'-0"

1" = 10'-0"

STRUSTRUCT SOLUTIONS

PHOTO: JAMES W. WILSON

PHONE: 800-462-5500

NEW RESIDENCE PROJECT

0 Holiday St. Tomball, TX 77375

DATE: 7/25/2022 12:08:48 PM

DRAWN BY: G.C.

SCALE: A-0.0

AS INDICATED



Description OF HARDSHIP.

0 Holiday ST Tomball, TX. 77375

LT 52 BIK 68

TO WHOM THIS MAY CONCERN:

Hello, I am the owner of this Property listed above. I would like to Build a Single Family Home For this Property, but I am restricted in Doing so because of the rigorous set Backs that are in place! With The current set Backs in Place, I would only be left with 5' of Buildable area on my Property. I Am asking for an Approved Variance to Allow my Property to be Buildable, so we can Build a Nice single family home in this community!

By Approving these variance's, there would be no Danger/harm towards the community or my neighbors.

Please Approve this zero lot line request so we can add Great value to this wonderful community.

Thank you.

Rudy Barreth # 832-731-0574