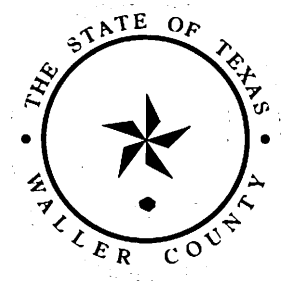


WALLER COUNTY

J. Ross McCall, P.E.
County Engineer



MEMORANDUM

To: Honorable Commissioners' Court

Item: Variance Request – W5 Texas Investments, LLC – Courtney Road Tract

Date: January 10, 2024

Background

Scott Wright representing W5 Texas Investments, LLC is requesting a variance to the Waller County Rural Residential Subdivision Regulations regarding Lot Size, approximately two (2) acres of public R-O-W are being dedicated as part of the proposed plat resulting in lots less than 5 acres in Precinct 2.

Staff Recommendation

None



Waller County Road & Bridge Department

775 Bus 290 E – Hempstead TX 77445
979-826-7670 www.co.waller.tx.us

\$1,000.00 Fee

NON-SINGLE FAMILY VARIANCE REQUEST APPLICATION

This form is used to request a variance to Waller County Standards. No variance will be granted unless the general purpose and intent of the Standards is maintained. Any variance granted will only be applicable to the specific site and conditions for which the variance was granted, and will not modify or change any standards as they apply to other sites or conditions.

The applicant must clearly demonstrate that the variance request meets minimum acceptable engineering and safety standards. The applicant must also clearly demonstrate that the variance is not detrimental to the health, safety, and welfare of the public.

Instructions: Complete all fields below. Additional sheets may be attached, however, a summary of your responses must be included in the spaces provided below. Simply stating "see attached" is considered insufficient information.

PROPERTY OWNER INFORMATION	APPLICANT INFORMATION
Name: W5 Texas Investments, LLC	Name: Scott Wright
Mailing Address: 22803 Schiel Rd	Mailing Address: 2922 Hamm Rd
City, State, Zip: Cypress, TX 77433	City, State, Zip: Pearland, TX 77581
Email: awright@clr-cos.com	Email: scott@wrightdevelopmentservice.com
Phone: 713-858-7323	Phone: 832-862-0757

Location of Parent Tract (Picture of posted 9-1-1 numbers required before variance will be granted)

24.988 acres at northeast corner of FM 2979 & Courtney Road 8941 24.988

Address of Property Property ID # Acreage

PLEASE PROVIDE THE FOLLOWING:

- ☒ Sketch, drawing, boundary survey or WCAD map noting proposed development
☒ Copy of Recorded Deed

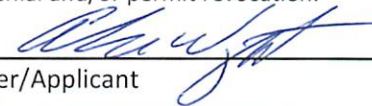
VARIANCE REQUEST OVERVIEW & JUSTIFICATION

Note the specific regulation(s) to which this variance is being requested. Describe why the County's minimum requirements can't be met and what the proposed deviation will achieve. (Attached additional sheets if more room is needed.)

Requesting variance from rural residential subdivision requirement for lots to be a minimum of 5 acres. We are requesting a variance to have two (2) lots less than 5 acres as shown on the enclosed plat. Please see enclosed letter for additional information.

OWNER/APPLICANT CERTIFICATION & ACKNOWLEDGEMENT

The owner and applicant declare under the penalty of perjury, and any other applicable state or federal law, that all information provided on this form and submitted attachments are true, factual, and accurate. The owner and applicant also hereby acknowledge any false misleading information contained herein is grounds for variance denial and/or permit revocation.

Alan Wright Alan Wright  12-18-2022
Printed Owner/Applicant Name Signature Owner/Applicant Date

OFFICE USE ONLY

NOTES	
☐ Approved ☐ Denied	
Waller County Commissioner Prct 1 2 3 4 Date	
Waller County Judge Date	

OFFICE USE ONLY Payment: Cash _____ Check 1000.00 # 1581 CC _____ ID # _____

December 11, 2023

Commissioner Walter E. Smith
425 FM 1488
Hempstead, Texas 77445

Re: Variance Request for +/-25 acre Courtney Road Tract

Dear Commissioner Smith,

We respectfully request a variance from the requirement for all lots to be a minimum of five (5.0) acres per the Rural Residential Subdivision Regulations. The proposed Courtney Estates plat contains two lots below the 5-acre minimum; one of which is 4.0 acre and the other is 3.977 acres. Approximately two (2) acres of public road right of way are being dedicated as part of the proposed plat resulting in lots less than the required 5-acres. We feel the intent of the Rural Residential Subdivision Regulations are still being met with the proposed Courtney Estates plat and appreciate your consideration for a variance to the minimum lot size.

Please let us know if you need any additional information.

Sincerely,



Alan Wright
Landowner

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
(Cash)**

THE STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF WALLER §

THAT THE UNDERSIGNED, **David S. Sprecher and Leslie K. Sprecher**, husband and wife, hereinafter referred to as "Grantor," whether one or more, for and in consideration of the sum of TEN DOLLARS (\$10.00) cash, and other good and valuable consideration in hand paid by the Grantee, herein named, the receipt and sufficiency of which is hereby fully acknowledged and confessed, has GRANTED, SOLD, and CONVEYED, and by these presents does hereby GRANT, SELL, and CONVEY an **undivided FIFTY PERCENT (50%) interest unto W5 Texas Investments, L.L.C. and an undivided FIFTY PERCENT (50%) interest unto ST2 Investments LLC**, herein referred to as "Grantee," whether one or more, the real property described as follows:

See Exhibit "A" attached hereto and made a part hereof.

This conveyance, however, is made and accepted subject to any and all validly existing encumbrances, conditions, and restrictions, relating to the hereinabove described property as now reflected by the records of the County Clerk of Waller County, Texas.

TO HAVE AND TO HOLD the above described premises, together with all the rights and appurtenances lawfully accompanying it, by the Grantee, Grantee's heirs, executors, administrators, successors, and/or assigns forever; and Grantor does hereby bind Grantor, Grantor's heirs, executors, administrators, successors, and/or assigns to WARRANT AND FOREVER DEFEND all the said premises unto the said Grantee, Grantee's heirs, executors, administrators, successors, and/or assigns, against every person whomsoever claiming or to claim the same or any part thereof.

Current ad valorem taxes on said property having been prorated, the payment thereof is assumed by Grantee.



840 13th Street
Suite 201
Hempstead, TX 77445

Prepared in the law office of Casey H. Cross
801 N. Madison, Mt. Pleasant, TX 75455
(903) 577-9500

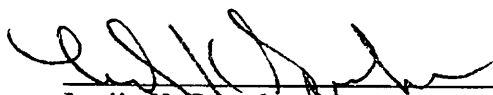
GF # 2360177HE

University Title GF# 2360177#F

EXECUTED this 7 day of July, 2023.



David S. Sprecher



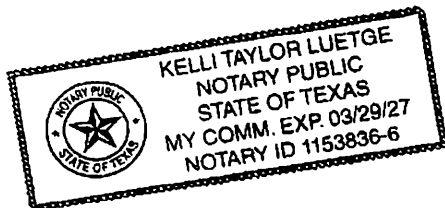
Leslie K. Sprecher

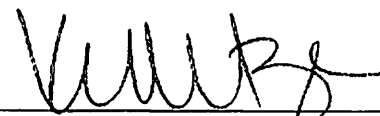
THE STATE OF TEXAS

COUNTY OF Waller

§
§
§

The foregoing instrument was acknowledged before me on the 7th day of July, 2023, by David S. Sprecher and Leslie K. Sprecher.





NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Grantee's Address:

W5 Texas Investments, L.L.C.

19802 Indigo lake Dr.
Magnolia Tx 77355

ST2 Investments LLC

6243 Fm 244
Anderson Tx
77830

Escrow File No.: 2360177HE

EXHIBIT "A"

Being a 24.987 acre tract of land situated in the John Baker Survey A-71, Waller County, e and being the same call 24.881 acre tract of land described by deed dated February 13, 2006, to Guadalupe Anzualda and wife, Olivia Anzualda, recorded in Volume 942, Page 551, Deed Records of Waller County, as, said 24.987 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1 inch iron pipe found at a fence corner post in the north right-of-way line of F.M. Highway No. 2979 (100 ft. R.O.W.), the southeast corner of the call 24.881 acre tract of land for the POINT OF BEGINNING and southeast corner of the herein described tract;

THENCE South 88 degrees 41 minutes 01 seconds West, along the north right-of-way line of F.M. Highway No. 2979, a distance of 82.36 feet to a 4 inch x 4 inch concrete monument found for a POINT OF CURVATURE;

THENCE, continuing along F.M. Highway No. 2979, in a southwesterly direction along a curve to the left having a delta angle of 07 degrees 51 minutes 37 seconds, a radius of 1004.68 feet, a chord bearing of South 84 degrees 30 minutes 47 seconds West, a chord distance of 137.72 feet, an arc length of 137.83 feet to a 5/8 inch iron rod set with a plastic identification cap for an angle point of the herein described tract;

THENCE North 23 degrees 39 minutes 52 seconds West, leaving the north right-of-way line of F.M. Highway No. 2979, at 1.43 feet pass a found 1/2 inch iron rod found for the southeast corner of a call 1.183 acre tract of land described by deed dated August 26, 1993, to Thomas J bins and wife, Marianne H. Robbins, recorded in Volume 482, Page 905, Deed Records of Waller County, Texas, continuing a total distance of 17.06 feet to a nail found at the base of a 22 inch diameter oak tree for an angle point of the herein described tract;

THENCE South 89 degrees 13 minutes 45 seconds West, generally along a fence line, a distance of 138.76 feet to a 5/8 inch iron rod set with a plastic identification cap for an angle point of the herein described tract;

THENCE North 87 degrees 51 minutes 13 seconds West, a distance of 46.35 feet to a 5/8 inch iron rod set with a plastic identification cap for an angle point of the herein described tract;

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THENCE South 87 degrees 29 minutes 59 seconds West, a distance of 59.50 feet to a 1 inch iron pipe found for reference in the east fence line of Courtney Road (apparent 70 ft. R.O.W.), the northwest corner of the call 1.183 acre tract of land for an angle point of the herein described tract;

THENCE South 89 degrees 32 minutes 32 seconds West, a distance of 45.82 feet to the southwest corner of an original call 25 acre tract of land described by Volume 103, Page 474, Deed Records of Waller County, Texas, for the southwest corner of the herein described tract;

THENCE North 01 degrees 00 minutes 00 seconds West, along the west line of the original call 25 acre tract of land, the apparent east line of the W. E. Baker Survey A-70, the west line of the John Baker Survey A-71, a distance of 1382.42 feet to the southwest corner of the Dudley j. White Survey A-66, the northwest corner of the John Baker Survey A-71, the northwest corner of the call 24.881 acre tract of land for the northwest corner of the herein described tract;

THENCE North 88 degrees 53 minutes 19 seconds East, at 23.4 feet pass a 1-1/2 inch iron pipe found for reference in the east right-of-way line of Courtney Road, at 413.40 feet pass the northwest corner of a called 0.5168 acre right-of-way easement described to the County of Waller, dated March 1, 1979, recorded in Volume 300, Page 328, Deed Records of Waller County, Texas, continuing a total distance of 788.61 feet to a 4 inch x 4 inch concrete monument found for the northwest corner of a call 26.28 acre tract of land designated as Tract 1 in a contract of sale and purchase dated July 12, 1958, recorded in Volume 155, Page 318, Deed Records of Waller County, Texas, for the northeast corner of the call 24.881 acre tract of land for the northeast corner of the herein described tract;

THENCE South 01 degrees 00 minutes 00 seconds East, along the west line of the call 26.28 acre tract of land, the east line of the call 24.881 acre tract of land, a distance of 1382.42 feet to the POINT OF BEGINNING, containing within these metes and bounds a 24.987 acre tract of land.

NOTE: The Company is prohibited from insuring the area or quantity of land described herein. Any statement in the above legal description of the area or quantity of land is not a representation that such area or quantity is correct, but is made only for informational and/or identification purposes and does not override Item 2 of Schedule B hereof.

FILED AND RECORDED

Instrument Number: 2307850

Filing and Recording Date: 07/10/2023 03:47:32 PM Pages: 5 Recording Fee: \$28.00

I hereby certify that this instrument was FILED on the date and time stamped hereon by me and was duly RECORDED in the OFFICIAL PUBLIC RECORDS of Waller County,



A handwritten signature in cursive script that reads "Debbie Hollan".

Debbie Hollan, County Clerk
Waller County, Texas

ANY PROVISION CONTAINED IN ANY DOCUMENT WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE REAL PROPERTY DESCRIBED THEREIN BECAUSE OF RACE OR COLOR IS INVALID UNDER FEDERAL LAW AND IS UNENFORCEABLE.

simplifile, Deputy

Returned To:
UNIVERSITY TITLE COMPANY
1021 UNIVERSITY E DR STE A
COLLEGE STATION, TX 77840-2185

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**GENERAL WARRANTY DEED
(Cash)**

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COUNTY OF WALLER §

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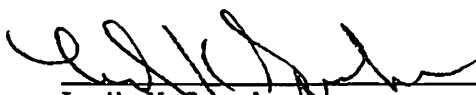
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David S. Sprecher



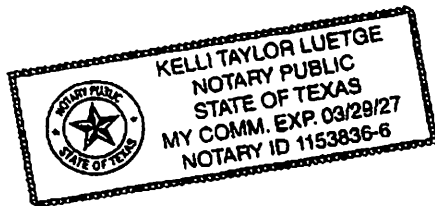
Leslie K. Sprecher

THE STATE OF TEXAS

COUNTY OF Waller

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THE STATE OF TEXAS

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simplifite, Deputy

Returned To:
UNIVERSITY TITLE COMPANY
1021 UNIVERSITY E DR STE A
COLLEGE STATION, TX 77840-2185