



Waller County Road & Bridge Department

775 Bus 290 E – Hempstead TX 77445

979-826-7670 www.co.waller.tx.us

\$100.00 Fee

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

Name: JAMES D MC CARTY

Mailing Address: P O BOX 633

City, State, Zip: HEMPSTEAD, TX 77445

Email: N/A

Phone: 713-816-0067

APPLICANT INFORMATION

Name: JAMES D MC CARTY

Mailing Address: P O BOX 633

City, State, Zip: HEMPSTEAD, TX 77445

Email: N/A

Phone: 713-816-0067

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

20073 Fm 1887, Hempstead 45003 5.6417
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 a variance from the Flood Plain regulations for a home building site.

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.

JAMES D. MC CARTY

Printed Owner/Applicant Name

James Mc Carty
Signature Owner/Applicant

5/23/2024

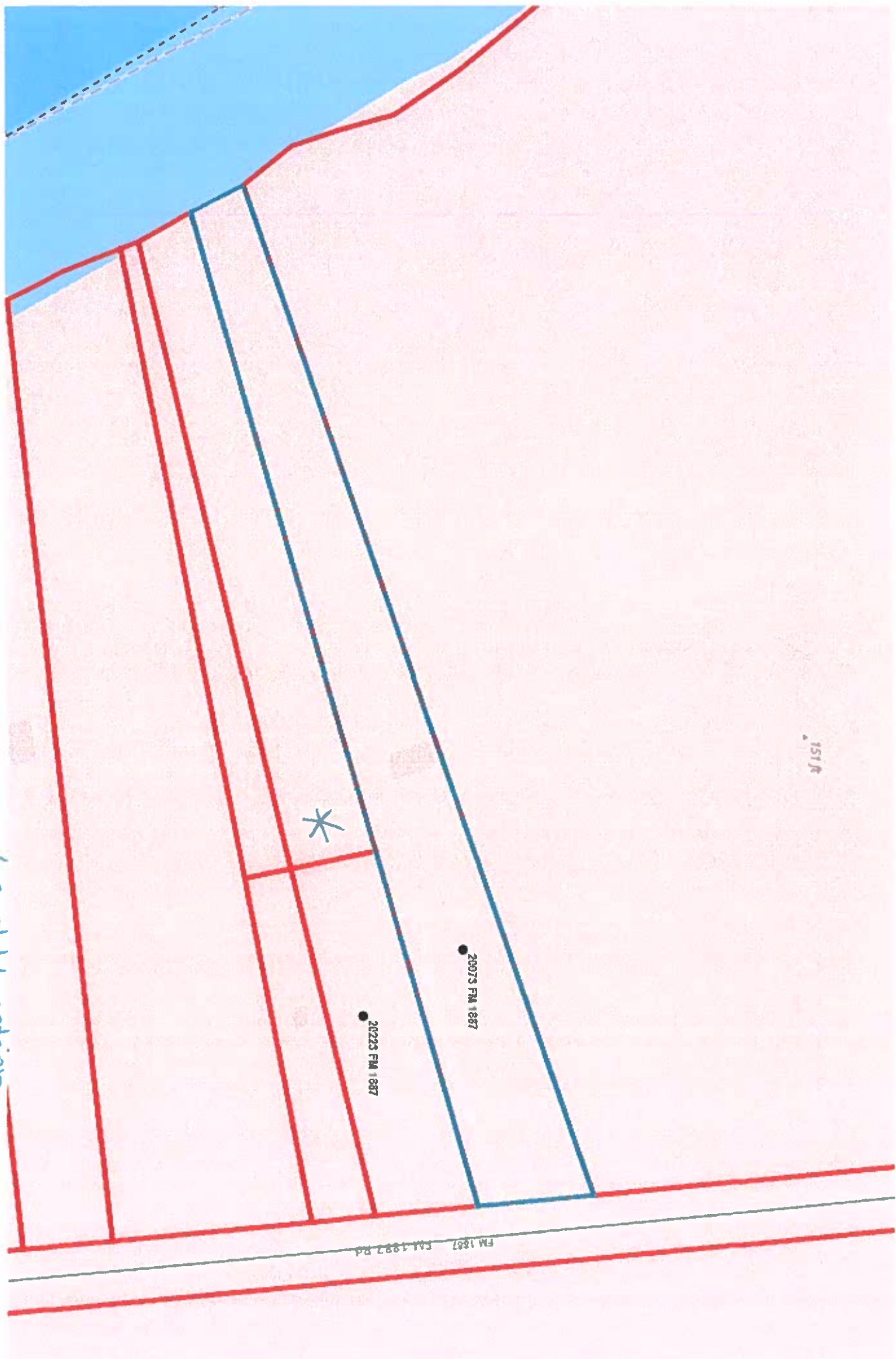
Date

OFFICE USE ONLY

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 _____ # _____ CC _____ ID # _____

* Build Location





EagleView imagery not available at this level Date selection no longer applies



9801019

VN 0579 549

980555 WARRANTY DEED WITH VENDOR'S LIEN

Date: February 03, 1998

Grantor: BRIAN TODD LUCHERK joined proforma by spouse KIMBERLY LUCHERK

Grantor's Mailing Address (including county):
Route 3, Box 210W, Hempstead, Waller County, Texas 77443

Grantee: JAMES M. McCARTY

Grantee's Mailing Address (including county): P. O. Box 633, Hempstead, Waller County, Texas 77443

Consideration:

- (1) Ten Dollars and other valuable consideration, the receipt of which is hereby acknowledged; and
- (2) The execution and delivery by Grantee herein of that one certain promissory note, dated even date herewith, in the original principal sum of thirty-one thousand eight hundred fifty and 00/100 dollars (\$31,850.00), payable to the order of State Bank, in monthly installments, in the amount of four hundred twelve and 13/100 dollars (\$412.13) or more each, payable on the 15th day of each calendar month, beginning March 15, 1998 and continuing regularly thereafter until the whole of said sum, with interest, has been duly paid, said note bearing interest at the rate of nine and one-half percent (9.50%) per annum, and containing the usual acceleration of maturity and default clauses, and being additionally secured by deed of trust, dated even date herewith to Steve Stapp, Trustee.

Property (including any improvements):

A certain 3.200 acres of land situated in the Jared E. Groce Survey, A-30, Waller County, Texas, being a portion of a called 78.33 acre tract designated as Tract One and described in deed from Mattie J. Carlisle, et al. to Diemer L. Fife, dated July 30, 1954, recorded in Vol. 136 at Pg. 461 of the Deed Records of Waller County, Texas; said 3.200 acres of land described more fully by meter and bounds in the field notes attached hereto and marked Exhibit "A" incorporated herein for all intents and purposes.

Reservations from and Exceptions to Conveyance and Warranty:

- (1) All reservations, restrictions, right-of-ways, easements, stipulations, covenants and conditions pertaining to subject property, if any, of record in the Deed Records and/or the Official Public Records of Waller County, Texas; and
- (2) Any and all valid and subsisting easements for electric lines, highways or roadways, gas lines, and pipe lines or for right-of-ways of every kind, nature and description affecting said property.

Grantor, for the consideration and subject to the reservations from and 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 wise belonging, to have and hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor hereby binds Grantor and Grantor's heirs, executors, administrators, and successors to warrant and forever defend all and singular the property to Grantee and Grantee's heirs, executors, administrators, successors, 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 warranty.

The vendor's lien against and superior title to the property are retained until each note described is fully paid according to its terms, at which time this deed shall become absolute.

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

The said Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold and conveyed to State Bank, its successors and assigns, the payee named in said note.


Brian Todd Lucherk


Kimberly Lucherk

THE STATE OF TEXAS

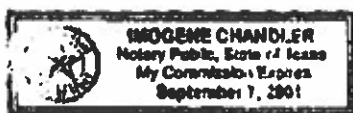
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VOL 0579 PAGE 550

COUNTY OF WALLER

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This instrument was acknowledged before me by the said BRIAN TODD LUCHERK joined proforma by spouse
KIMBERLY LUCHERK on this the 3rd day of February, 1998.



Imogene Chandler
NOTARY PUBLIC, STATE OF TEXAS

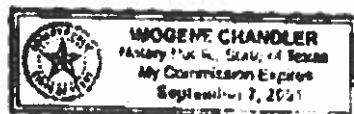
THE STATE OF TEXAS

§

COUNTY OF WALLER

§

This instrument was acknowledged before me by the said BRIAN TODD LUCHERK joined proforma by spouse
KIMBERLY LUCHERK on this the 3rd day of February, 1998.



Imogene Chandler
NOTARY PUBLIC, STATE OF TEXAS

A certain 3.200 acre tract of land situated in the Jared E. Groce Survey, A-30, Waller County, Texas. Said 3.200 acre tract of land being a portion of a called 78.33 acre tract of land designated as Tract One and described in a deed from Mattie J. Carlisle, et al to Oliver L. Pife dated July 30, 1934 and recorded in Volume 136, Page 461 of the Deed Records of Waller County, Texas. Said 3.200 acre tract of land being more particularly described as follows:

COMMENCING at an iron pipe and fence corner found in the West right-of-way line of F.M. Highway 1807 for the occupied Southeast corner of said called 78.33 acre original tract;

THENCE: N 1° 33' 40" W along the West right-of-way line of F.M. Highway 1807 and the occupied East line of said original tract, 323.31 ft. to an iron pin found for the Northeast corner of a called 1.670 acre tract described in a deed to E. V. McVain, Jr. recorded in Volume 413, Page 413 of the Deed Records of Waller County, Texas;

THENCE: N 3° 10' 13" W continuing along the West right-of-way line of F.M. Highway 1807 and the occupied East line of said called 78.33 acre original tract, 127.90 ft. to an iron pin set for the Southeast corner and POINT OF BEGINNING of the herein described tract and the Northeast corner of a 2.706 acre tract surveyed this date to the South of and adjacent to the herein described tract;

THENCE: S 74° 30' 30" W along the North line of said 2.706 acre tract, at 1134.43 ft. pass an iron pin set for reference on the East bank of the Brazos River and continuing to a total distance of 1284.43 ft. to a point on the vegetation line along the East bank of the Brazos River for the Southwest corner of the herein described tract and the Northwest corner of said 2.706 acre tract;

THENCE: N 32° 03' 00" W along the said vegetation line, 73.07 ft. to a point for the Northwest corner of the herein described tract. From said corner an iron pin set for reference on the East bank of the Brazos River bears N 73° 09' 20" E, 43.00 ft.);

THENCE: N 73° 09' 20" E, at 43.00 ft. pass said iron pin set for reference and continuing to a total distance of 1336.19 ft. to an iron pin set in the West right-of-way line of F.M. Highway 1807 and the occupied East line of said called 78.33 acre original tract for the Northeast corner of the herein described tract;

THENCE: S 3° 16' 13" E along the West right-of-way line of F.M. Highway 1807 and the occupied East line of said original tract, 146.18 ft. to the POINT OF BEGINNING containing 3.200 acres of land.

EXHIBIT A

Filed for Record

Feb. 4

A.D. 1988 at 9:20 o'clock A.M.

RECORDED

Feb. 18

A.D. 1988 at 9:30 o'clock A.M.

CHERYL PETERS, County Clerk, Waller County, Texas

By Stephanie Thompson Deputy

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.

WARRANTY DEED WITH VENDOR'S LIEN

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KNOW ALL MEN BY THESE PRESENTS:

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THAT, DANNY MCSWAIN a/k/a DANNY W. MCSWAIN and wife, JACKIE MCSWAIN, hereinafter called Grantors, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars cash and other good and valuable consideration in hand paid by

JAMES D. MCCARTY
1130 13th Street
Hempstead, Texas 77445

hereinafter called Grantee, receipt and sufficiency of which are hereby acknowledged and confessed, and the further consideration of \$13,805.00, in hand paid by PROSPERITY BANK, hereinafter referred to as Beneficiary, at the special instance and request of the Grantee herein, the receipt of which is hereby acknowledged and confessed, and as evidence of such advancement and other good and valuable considerations, Grantee has executed a note of even date for said amount, being payable as specified therein; said note containing the usual acceleration of maturity and attorney's fees clauses in the event of default; and in consideration of the payment of the above sum by said Beneficiary, Grantors do hereby transfer, set over, assign and convey unto said Beneficiary, its successors and assigns, the vendor's lien and superior title hereinafter retained and reserved against the property and premises herein conveyed, in the same manner and to the same extent as if said note had been executed in Grantors' favor and by said Grantors assigned to the Beneficiary without recourse,

HAVE GRANTED, SOLD and CONVEYED, and by these presents do GRANT, SELL and CONVEY unto Grantee all that certain lot, tract or parcel of land, together with all improvements thereon, lying and being situated in the County of WALLER, State of Texas, described as follows, to-wit:

All that certain tract or parcel of land, lying and being situated in Waller County, Texas, part of the Jared E. Groce Survey, A-30, being part of the same land called 2.706 acres as described in the deed from Robert M. Fife and Daniel A. Fife to Danny W. McSwain, et ux, dated August 28, 1989, as recorded in Volume 433, Page 634, in the Deed Records of Waller County, Texas, and being part of the same land called 1.670 acres as described in the deed from E. W. McSwain, Sr., and Leona McSwain to Danny McSwain, et ux, dated November 4, 1993, as recorded in Volume 485, Page 29, in the Deed Records of Waller County, Texas, and being more particularly described by metes and bounds in Exhibit "A" attached hereto.

This conveyance is made and accepted subject to any and all valid covenants, conditions, restrictions, easements and outstanding mineral and/or royalty interests in the oil, gas, and other minerals and leases thereon, now outstanding or affecting the premises herein conveyed now of record in the County Clerk's office of WALLER County, Texas, but only to the extent they are still in force and effect.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee and Grantee's heirs, successors and assigns, forever. And Grantors do hereby bind Grantors and Grantors' heirs and assigns, to warrant and forever defend all and singular the said premises unto the said Grantee and Grantee's heirs, successors and assigns.

But it is agreed and stipulated that a vendor's lien and the superior title is hereby expressly reserved and retained against all of the property conveyed herein in favor of Grantors and herein assigned to Beneficiary to secure the payment of the above described note until the indebtedness evidenced by said note, and all interest thereon and attorney's fees provided therein have been fully paid according to the face and tenor, effect and reading of said note, when this deed shall become absolute; said note being further and additionally secured by Deed of Trust of even date herewith from Grantee to DAVID ZALMAN, Trustee, containing provisions for foreclosure under power of sale, to which reference is here made for all purposes.

GF #
RETURN TO
STEWART TITLE CO
840 13TH STREET STE. #201
HEMPSTEAD, TEXAS 77445
STEWART TITLE

STANDARD TITLE

Executed on the date of acknowledgment, to be effective as of OCTOBER 19, 2015.

Danny McSwain
DANNY MCSWAIN a/k/a DANNY W. MCSWAIN

Jackie McSwain
JACKIE MCSWAIN

STATE OF TEXAS §

COUNTY OF Waller §

This instrument was acknowledged before me on the 19 day of OCTOBER, 2015, by DANNY MCSWAIN a/k/a DANNY W. MCSWAIN and wife, JACKIE MCSWAIN.

Kelli Taylor Luetge
Notary Public, State of Texas

After recording return to:

PO Box 1633
Hempstead TX 77445



EXHIBIT "A"

All that certain tract or parcel of land, lying and being situated in Waller County, Texas, part of the Jared E. Groce Survey, A-30, being part of the same land called 2.706 acres as described in the deed from Robert M. Fife and Daniel A. Fife to Danny W. McSwain, et ux, dated August 28, 1989, as recorded in Volume 433, Page 634, in the Deed Records of Waller County, Texas, and being part of the same land called 1.670 acres as described in the deed from E. W. McSwain, Sr. and Leona McSwain to Danny McSwain, et ux, dated November 4, 1993, as recorded in Volume 485, Page 29, in the Deed Records of Waller County, Texas, and being more fully described by metes and bounds as follows, To-Wit:

BEGINNING at a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying) on the South line of said original tract called 1.670 acres for the Southeast corner hereof, being on the North line of the James M. Aaron tract called 1.50 acres, as described in Volume 314, Page 756, in said Deed Records of Waller County, Texas, the Southeast corner of said original tract called 1.670 acres, common with the Northeast corner of said James M. Aaron tract called 1.50 acres, being on the West margin of F. M. Highway No. 1887 bears N 78°57'06" E 441.17 feet, from which a 1-1/4 inch iron pipe found bears N 78°57'06" E 0.33 feet;

THENCE along a portion of the North line of said Aaron tract called 1.50 acres, common with a portion of the South line of said original tract called 1.670 acres for the South line hereof, S 78°57' 06" W, at 753.28 feet pass a 1/2 inch iron rod found (disturbed) for reference, and at a total distance of 757.75 feet to the Southwest corner hereof, being on the Eastern high bank of the Brazos River at its intersection with the South line of said original tract called 1.670 acres, common with the North line of said Aaron tract;

THENCE along a portion of said Eastern high bank of the Brazos River for West lines hereof, N 24°38'13" W 98.97 feet and N 35°13'13" W 4.40 feet to the Northwest corner hereof, being on said Eastern high bank of said Brazos River at its intersection with the North line of said original tract called 2.706 acres, common with the South line of the James M. McCarty tract called 3.200 acres, as described in Volume 579, Page 549, in the Official Public Records of Waller County, Texas;

THENCE along a portion of the South line of said McCarty tract called 3.200 acres, common with a portion of the North line of said original tract called 2.706 acres for the North line hereof, being partly along or near an existing fence, N 74° 03'04" E at 15.32 feet pass a 1/2 inch iron rod found for reference and at a total distance of 785.31 feet to a 5/8 inch iron rod set with Id. cap (Hodde & Hodde Land Surveying) near fence line on the South line of said McCarty tract called 3.200 acres, common with the North line of said original tract called 2.706 acres for the Northeast corner hereof, the Northeast corner of said original tract called 2.706 acres, common with the Southeast corner of said McCarty tract called 3.200 acres, being on the West margin of said F. M. Highway No. 1887, being in a 3 inch pipe fence corner post bears N 74°03'04" E 464.01 feet;

THENCE severing said original tracts called 2.706 acres and called 1.670 acres with the East line hereof, S 11°10'23" E 167.30 feet to the Place of Beginning and containing 2.374 acres of land, more or less.

FILED AND RECORDED

Instrument Number: 1507111

Filing and Recording Date: 10/21/2015 01:13:58 PM Pages: 4 Recording Fee: \$24.00

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,



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.

Jenifer Deutrich, Deputy

Returned To:
STEWART TITLE CO
840 13TH ST STE #201
HEMPSTEAD, TX 77445