



EST. 1955

SPRING VALLEY

V I L L A G E

Board of Adjustment Meeting

July 20, 2020

6:00 p.m.



EST. 1955

SPRING VALLEY
V I L L A G E

AGENDA

**City of Spring Valley Village
Board of Adjustment Meeting
Council Chambers of City Hall
1025 Campbell Road, Houston, Texas 77055
MONDAY, JULY 20, 2020 AT 6:00 P.M.**

In accordance with order of the Office of the Governor issued March 16, 2020, the Board of Adjustment of Spring Valley Village will conduct the meeting scheduled at 6:00 p.m. on Monday, July 20, 2020 in the City Hall Council Chambers, located at 1025 Campbell Road, in part by telephone conference in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The meeting agenda and agenda packet are posted online at www.springvalleytx.com.

The video link to this meeting is <https://us02web.zoom.us/j/86006853230>

The public toll-free dial-in numbers to participate in the telephonic meeting are 1-346-248-7799 (Houston), 1-253-215-8782 (US), and 1-301-715-8592 (US); enter the Meeting ID: 860 0685 3230 and #.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meetings Act upon written request.


- 1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**
- 2. APPOINT CHAIRMAN, VICE-CHAIRMAN, AND SECRETARY TO THE BOARD OF ADJUSTMENT**
- 3. APPROVAL OF MEETING MINUTES: April 20, 2020 Meeting**
- 4. CONDUCT A PUBLIC HEARING CONCERNING: A Request from Patrick and Katherine Ponce for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.10.06, Allowing Only One Curb Cut for Each Residence, to Allow for Another Curb Cut, for the Property Located at 8851 Larston Street, Houston, Texas, 77055.**
 - A. Presentation of Variance Request by Applicant**

- B. Those In Favor
- C. Those Opposed
- D. Adjourn Public Hearing

5. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Patrick and Katherine Ponce for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.10.06, Allowing Only One Curb Cut for Each Residence, to Allow for Another Curb Cut, for the Property Located at 8851 Larston Street, Houston, Texas, 77055.

6. **ADJOURNMENT**

I certify that a copy of the July 20, 2020 Board of Adjustment agenda was posted this day, the 15th day of July, 2020 at 10:30 a.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest: 
Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

In compliance with the Americans with Disabilities Act, this facility is wheelchair accessible and accessible parking spaces are available. To better serve attendees, requests for accommodations or interpretive services should be made 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308, Fax 713-461-7969, or Email secretary@springvalleytx.com for further information.

Minutes

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
MONDAY, APRIL 20, 2020 AT 6:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
1025 CAMPBELL ROAD, HOUSTON, TEXAS**

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

With a quorum of the Board present, the Meeting of the Spring Valley Village Board of Adjustment was called to order by City Attorney Loren Smith at 6:02 p.m.

Members Present:

Board Member Michael Burcham

Board Member Scott Cooper

Board Member William Featherston (via video conference)

Board Member Cameron Krueger

Alternate Board Member John Byerly (via video conference)

Also present were:

Alternate Board Member Douglas Potts (via telephone conference)

Alternate Board Member Jerry Kent (via telephone conference)

City Attorney Loren Smith

Director of Community Development Zachary Meadows

City Secretary Roxanne Benitez

Board Member Kreager made a motion to authorize Board Member Scott Cooper to facilitate the meeting, and Board Member Burcham seconded the motion. Motion carried 5-0.

2. APPROVAL OF MEETING MINUTES: January 22, 2018 Meeting

Board Member Kreager made a motion to approve the January 22, 2018 meeting minutes, and Board Member Burcham seconded the motion. Motion carried 5-0.

3. CONDUCT A PUBLIC HEARING CONCERNING: A Request from John and Jenna Lytle for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.09.03.01, Side Building Line Setback for a Lot Adjoining Another Lot, for the Property Located at 8918 Croes Drive, Houston, Texas, 77055.

Board Member Cooper opened the Public Hearing at 6:07 p.m.

A. Presentation of Variance Request by Applicant

Matt Smith, with Brooks Construction, spoke regarding the packet he submitted on behalf of the Lytles. He advised that the Lytles wished to expand their current footprint by eight (8) feet in order to build a two-car garage, which was required by City ordinance.

B. Those In Favor

None.

C. Those Opposed

None.

D. Adjourn Public Hearing

Board Member Cooper adjourned the Public Hearing at 6:12 p.m.

4. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from John and Jenna Lytle for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.09.03.01, Side Building Line Setback for a Lot Adjoining Another Lot, for the Property Located at 8918 Croes Drive, Houston, Texas, 77055.

Director of Community Development Zachary Meadows advised that the lot was currently a non-conforming lot. Board Member Featherston asked for clarification regarding the undue hardship for this case. Mr. Meadows advised that the lot was almost 3,000 square feet smaller than the lot requirement of 10,000 square feet, and added that the lot was also pie shaped. Board Member Burcham asked if the house not being demolished was a factor. City Attorney Loren Smith advised that the house not being demolished, garage requirements, as well as the lot being small and odd-shaped, were all factors in this case. Board Member Potts asked if the owners recently purchased the lot. Matt Smith, with Brooks Construction advised that the Lytles purchased the property in August 2016. Board Member Cooper advised that the hardship was self-induced by the owners, and added that the owners could design a conforming floor plan. Board Member Kreager asked how large the addition was. Mr. Meadows advised that it was 1,079 square feet. Board Member Kreager advised that the addition was substantial and would significantly change the existing structure. Matt Smith advised that the current home has two bedrooms and the owners wish to have a more livable home.

Following discussion, Board Member Burcham made a motion to approve the variance of a twenty-five (25) foot front setback line for 8818 Westview Drive, and Board Member Kreager seconded the motion. Motion failed 2-3. A copy of the Decision was supplied to the applicant and is attached to these minutes.

5. **ADJOURNMENT**

Board Member Kreager made a motion to adjourn the meeting at 6:39 p.m., and Board Member Burcham seconded the motion. Motion carried 5-0.

Signed: _____

Chairman, Board of Adjustment

Attest: _____

Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

**Spring Valley Village
Board of Adjustment
Agenda Item Data Sheet**


MEETING DATE: July 20, 2020

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: A Request from Patrick and Katherine Ponce for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.10.06, Allowing Only One Curb Cut for Each Residence, to Allow for Another Curb Cut, for the Property Located at 8851 Larston Street, Houston, Texas, 77055.
---------------	--

BACKGROUND:	<p>Patrick and Katherine Ponce (“Applicants”) wish to add an additional curb cut off Larston Street for a second driveway to access the existing home located at 8851 Larston Street (“Property”). Currently, the garage on the Property is accessed by way of a circular driveway off Fries Road. There is not a curb cut on Larston Street.</p> <p>Larston Street is very narrow and when individuals park on the street, it makes it difficult for other vehicles to travel on the street. The additional curb cut and driveway is an attempt for the homeowners to alleviate this situation by allowing guests to have a place to park in front of the home and off the street.</p> <p>Section 05.02.03.10.06 of Exhibit “A” to Chapter 12, Zoning, of the Code of Ordinances allows for one (1) curb cut per residence; provided, however, a second curb cut is permitted when connected to a circular driveway. Except as provided by Subsection 10.04, the total width of all curb cuts per residence shall not exceed twenty-four feet (24') plus the corner radii at each intersection.</p> <p>Based on the zoning regulations, the existing circular driveway off Fries Road is allowed and the property has two curb cuts. Consequently, an additional curb cut for an additional driveway would not be permitted.</p>
--------------------	---

RECOMMENDATION:	Not applicable during the public hearing.
------------------------	---

ATTACHMENTS:	<ul style="list-style-type: none">• Variance Application Packet Submitted by Patrick and Katherine Ponce for 8851 Larston Street• Notice of Public Hearing and Mailing Labels• Zoning Change Sign Posting and Maintenance Affidavits
---------------------	--

SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 
--	---



EST. 1951
SPRING VALLEY
VILLAGE

5 MAY 20
AM 12:45

RCVD

**CITY OF SPRING VALLEY VILLAGE
APPLICATION FOR BOARD OF ADJUSTMENT**

ZONING DISTRICT: RESIDENTIAL COMMERCIAL

ACTION REQUESTED: VARIANCE SPECIAL EXCEPTION APPEAL

OWNER'S NAME: Patrick and Katherine Ponce

MAILING ADDRESS: 8851 Larston St., 77055

PHONE NUMBER: 713-504-4260

PROPERTY ADDRESS: 8851 Larston St., 77055

LEGAL DESCRIPTION: Lot 14 Fries Pines

REPRESENTATIVE'S NAME: None

MAILING ADDRESS: Not applicable

PHONE NUMBER: 713-504-4260

PROJECT DESCRIPTION: Create a driveway in the front of the house to alleviate current traffic congestion issues

SECTION OF CODE QUESTIONED: 05:02.03.10.06

- ATTACHMENTS:
- 1) \$350.00 FEE
 - 2) STAKED SURVEY - PLOT PLAN SHOWING ALL EXISTING STRUCTURES WITH DIMENSIONS AND DISTANCES FROM PROPERTY LINES
 - 3) PERMIT APPLICATION
 - 4) LETTER OF PERMIT DENIAL
 - 5) PROJECT DESCRIPTION
 - 6) FACTS AND REASONS FOR APPEAL AND/OR HARDSHIP
 - 7) PROOF OF OWNERSHIP
 - 8) ARCHITECTURAL SCALE DRAWING
 - 9) DEED RESTRICTIONS
 - 10) ADDITIONAL INFORMATION

I, THE APPLICANT NAMED IN THIS APPLICATION, HAVE READ THE CONTENTS AND VERIFY THAT ALL STATEMENTS CONTAINED IN THIS APPLICATION ARE TRUE AND CORRECT.

APPLICANT'S SIGNATURE: [Signature]

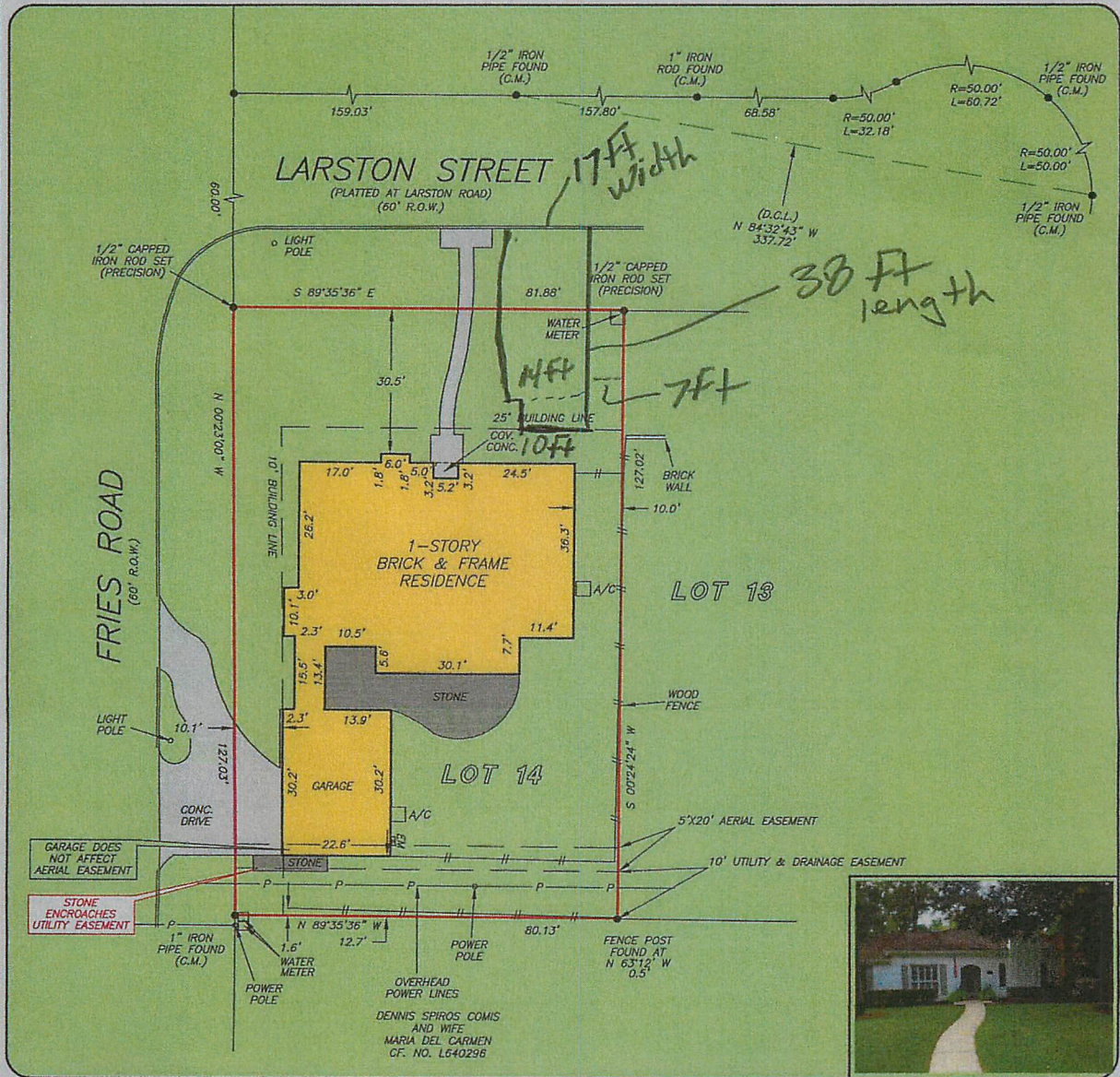
DATE: 4/28/2020

GF NO. 17004477 OLD REPUBLIC TITLE
 ADDRESS: 8851 LARSTON STREET
 HOUSTON, TEXAS 77055
 BORROWER: PATRICK PONCE AND
 KATHARINE PONCE

LOT 14 FRIES PINES

A SUBDIVISION IN HARRIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 210, PAGE 128 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS

SCALE: 1" = 30'



THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 482010 0645 L
 MAP REVISION: 06/18/2007
 ZONE X
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.
 INACCURACIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

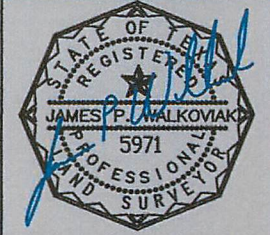
D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: VOL. 210, PG. 128, H.C.M.R.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND, THAT THIS PLAT CORRECTLY
 REPRESENTS THE FACTS FOUND AT THE
 TIME OF SURVEY AND THAT THERE ARE NO
 ENCROACHMENTS APPARENT ON THE GROUND,
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS
 CERTIFIED FOR THIS TRANSACTION ONLY AND
 ABSTRACTING PROVIDED IN THE ABOVE
 REFERENCED TITLE COMMITMENT WAS RELIED
 UPON IN PREPARATION OF THIS SURVEY.

JAMES P. WALKOWIAK
 PROFESSIONAL LAND SURVEYOR
 NO. 5971
 JOB NO. 17-10533
 SEPTEMBER 29, 2017

DENNIS SPIROS COMIS
 AND WIFE
 MARIA DEL CARMEN
 GF. NO. L640296

DRAWN BY: RE



OLD REPUBLIC
 TERRY BACA
 713-626-9220





CITY OF SPRING VALLEY VILLAGE RESIDENTIAL BUILDING PERMIT APPLICATION

Phone: 713-465-8308 Fax: 713-461-7969

Acceptable Forms of Payment: Cash, Check and Credit Card (3% additional fee for credit card payments)

PROOF OF GENERAL LIABILITY INSURANCE IS REQUIRED ON ALL PERMITS OBTAINED FROM THE CITY OF SPRING VALLEY VILLAGE WITH THE CITY STATED AS THE CERTIFICATE HOLDER ON THE "CERTIFICATE OF LIABILITY INSURANCE"; PER CHAPTER 3, SECTION 3.208 LIABILITY INSURANCE: SPRING VALLEY VILLAGE CODE OF ORDINANCES.

JOB ADDRESS:			
8851 Larston St. Houston, TX, 77055		713-504-4260	
OWNER	MAILING ADDRESS	TELEPHONE	
Patrick and Katharine Ponce -		Same as above	
CONTRACTOR	MAILING ADDRESS	TELEPHONE	LICENSE #
Several quotes have been received			
E-MAIL ADDRESS: patrickponce@gmail.com			
ARCHITECT OR DESIGNER	MAILING ADDRESS	TELEPHONE	LICENSE #
Not applicable			
ENGINEER	MAILING ADDRESS	TELEPHONE	LICENSE #
Not applicable			
LEGAL DESCRIPTION:	LOT NO.	BLOCK	TRACT
Fries Pine	14	N/A	N/A
USE OF BUILDING <u>Residential</u>			
CLASS OF WORK:	NEW	<u>ADDITION</u>	ALTERATION REPAIR MOVE REMOVE
DESCRIBE WORK: Adding a new driveway on the front of the house where the city road is too narrow to park			
TOTAL COVERED SQUARE FOOTAGE OF WORK: 0		TOTAL UNCOVERED SQUARE FOOTAGE OF WORK: 550	
PLANS CHECKED BY:		APPROVED FOR ISSUANCE BY:	
<p>NOTICE</p> <p>SEPARATE PERMITS ARE REQUIRED FOR DRIVEWAY, ELECTRICAL, PLUMBING, HEATING, VENTILATING OR AIR CONDITIONING.</p> <p>THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 180 DAYS.</p> <p>A REINSPECTION FEE (\$75.00) WILL BE CHARGED IF INSPECTOR DOES NOT FIND A COPY OF THE VALIDATED PERMIT POSTED ON SITE.</p> <p>I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW REGULATING CONSTRUCTION OR THE PERFORMANCE OF CONSTRUCTION.</p>			
SIGNATURE OF CONTRACTOR OR AUTHORIZED AGENT		DATE	
<i>To be determined</i>			
SIGNATURE OF OWNER (IF OWNER BUILDER)		DATE	
<i>Katharine Ponce</i>		4/20/2020	



BBG CONSULTING, INC.

Project Address	8851 Larston St.
Project Description	Driveway Addition
Lot Coverage	Unknown

Plan Review Comments

Plans are disapproved with the following comments;

1. Only one driveway is permitted per residence (See Sec. 05:02.03.10.06).

Sec. 05:02.03.10.06: "Only one (1) curb cut is permitted per residence; provided, however, a second curb cut is permitted when connected to a circular driveway. Except as provided by subsection 10.04, the total width of all curb cuts per residence shall not exceed twenty-four feet (24') plus the corner radii at each intersection."

2. Provide a more accurate location on driveway on survey, call out the proposed width.

3. Add lot coverage calculation for in front of the building line (See Sec. 05:02.03.08)

Sec. 05:02.03.08: "Maximum Lot Coverage. The maximum coverage of any lot with any constructed surface shall not exceed sixty percent (60%) of the lot area located behind the required front building line, and shall not exceed fifty percent (50%) of the lot area located in front of the required front building line. "Constructed surface" shall include for computation of lot coverage buildings, garages, accessory buildings, patios, sidewalks, driveways, any area surfaced for automobiles, and other constructed surface areas, but shall exclude stepping stones, air conditioner supports, landscape border stones, wooden decks, and similar materials or structures. Provided, further, that the water surface area of a swimming pool shall not be counted as constructed surface in the computation of the maximum coverage of any lot, and that pavers (a.k.a. paver stones, brick pavers, or concrete pavers, however named) shall be counted as constructed surface in the computation of the maximum coverage of any lot."

1. Special circumstances exist that are peculiar to the land or structure.

I live on the corner of Fries Rd and Larston St. As a corner lot, the front of my home faces Larston St. Our current driveway is on the side of the home on Fries Rd. As such, most visitors or delivery people come to the front of our home on Larston St. per the address. The entry to Larston St. from Fries Rd. is the only part of Larston St. that has a curb, and this makes the entry to the street extremely narrow. My neighbor across the street has a teenager who frequently parks in front of their home. When that happens, if someone parks in front of my home the street is entirely blocked to thru traffic. I would like to add a small driveway in the front of my home to alleviate this issue and provide a place for visitors and delivery people to park when they come to my address.

2. These special circumstances are not self-imposed or the result of the actions of the applicant.

This issue is the result of the street being too narrow.

3. Literal interpretation and enforcement of the terms and provisions of the ordinance would cause an unnecessary and undue hardship.

I have had issues where neighbors are trapped on our street and can not get out to make it to work.

4. Granting the variance is a minimum action that will make use of the land or structure which is not contrary to the public interest and which would carry out the spirit of the ordinance and would result in substantial justice.

This is not only not contrary to the public interest but is in fact very much in the public interest of people visiting Larston street.

5. Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.

The plan involves a very simple laying of concrete.

6. Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.

This driveway will be used for parking for a visitor to our home.

7. The variance will not adversely affect the health, safety or welfare of the public.

This driveway will contribute to the welfare of the public as described above.

Patrick Ponce



HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
107008000014

Tax Year: 2020



Owner and Property Information								
Owner Name & Mailing Address: PONCE PATRICK & KATHARINE 8851 LARSTON ST HOUSTON TX 77055-4723				Legal Description: LT 14 FRIES PINES				
				Property Address: 8851 LARSTON ST HOUSTON TX 77055				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map ^{1/2}
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	9,600 SF	2,821 SF	7813.04	25201	394 -- ISD 25 - Memorial Villages North of I-10	5058B	450Z

Value Status Information		
Value Status	Notice Date	Shared CAD
Noticed	03/31/2020	No

Exemptions and Jurisdictions						
Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2019 Rate	2020 Rate
Residential Homestead	025	SPRING BRANCH ISD	187,699	Not Certified	1.320980	
	040	HARRIS COUNTY	162,699	Not Certified	0.407130	
	041	HARRIS CO FLOOD CNTRL	162,699	Not Certified	0.027920	
	042	PORT OF HOUSTON AUTHY	162,699	Not Certified	0.010740	
	043	HARRIS CO HOSP DIST	162,699	Not Certified	0.165910	
	044	HARRIS CO EDUC DEPT	162,699	Not Certified	0.005000	
	080	CITY OF SPRING VALLEY	162,699	Not Certified	0.425000	

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

Valuations					
Value as of January 1, 2019			Value as of January 1, 2020		
	Market	Appraised		Market	Appraised
Land	519,120		Land	519,120	
Improvement	294,374		Improvement	294,374	
Total	813,494	813,494	Total	813,494	813,494

Land												
Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value	SF1	SF	9,600	1.03	1.00	1.00	--	1.03	52.50	54.08	519,120.00

Building							
Building	Year Built	Remodeled	Type	Style	Quality	Impr Sq Ft	Building Details
1	1975	2016	Residential Single Family	Residential 1 Family	Good	2,821 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)	
Building Data	Building Areas 13

Element	Detail
Cost and Design	Extensive
Cond / Desir / Util	Very Good
Foundation Type	Slab
Grade Adjustment	B
Heating / AC	Central Heat/AC
Physical Condition	Very Good
Exterior Wall	Frame / Concrete Blk
Exterior Wall	Brick / Masonry
Element	Units
Room: Total	8
Room: Full Bath	2
Room: Half Bath	1
Room: Bedroom	4
Fireplace: Masonry Firebrick	1

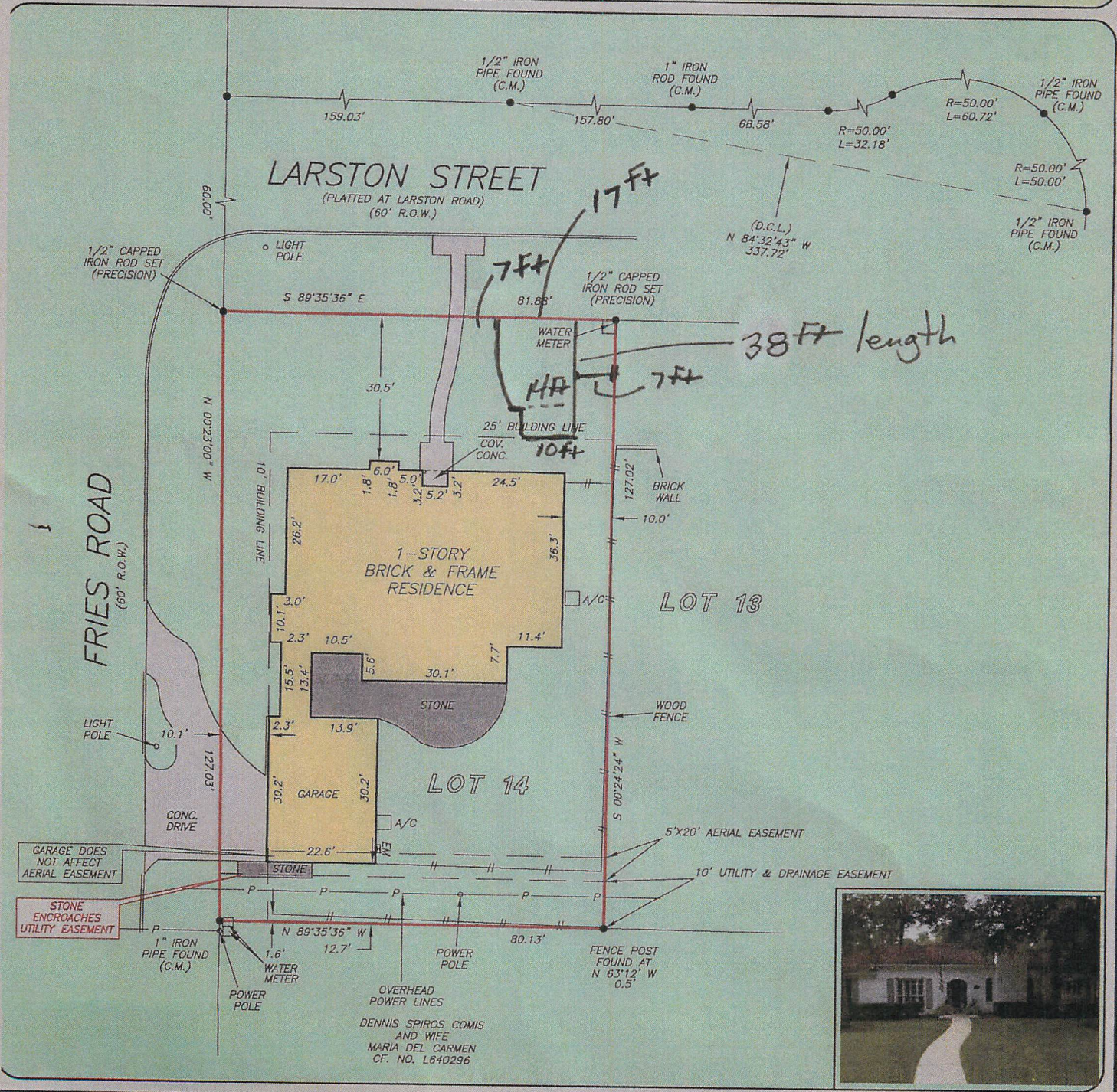
Description	Area
BASE AREA PRI	2,821
FRAME GARAGE PRI	414
MAS/CONC PATIO PRI	700

GF NO. 17004477 OLD REPUBLIC TITLE
 ADDRESS: 8851 LARSTON STREET
 HOUSTON, TEXAS 77055
 BORROWER: PATRICK PONCE AND
 KATHARINE PONCE

LOT 14 FRIES PINES

A SUBDIVISION IN HARRIS COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 210, PAGE 128 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS

SCALE: 1" = 30'



THIS PROPERTY DOES NOT LIE WITHIN THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48201C 0645 L
 MAP REVISION: 06/18/2007
 ZONE X

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE
 ON THE GROUND, THAT THIS PLAT CORRECTLY
 REPRESENTS THE FACTS FOUND AT THE
 TIME OF SURVEY AND THAT THERE ARE NO
 ENCROACHMENTS APPARENT ON THE GROUND,
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS
 OFFERED FOR THE TRANSACTION ONLY AND



Roxanne Benitez

From: Patrick Ponce <patrickponce@gmail.com>
Sent: Tuesday, May 5, 2020 3:48 PM
To: Roxanne Benitez
Cc: Zachary Meadows
Subject: Deed restrictions
Attachments: 20200420182448069.pdf; IMG_0476.jpg; 20200409_154727.jpg; 20200409_154725.jpg; 20200409_154739.jpg

Hi Roxanne - To confirm, I am not aware of any deed restrictions that would apply to my property at 8851 Larston, St. I have attached the permit application that I filed with Zack and also some pictures that I provided to him outlining the issue that occurs on my street where no one is able to pass if there are cars parked in front of my home. Let me know if I have missed anything. I very much appreciate your help.

--

Patrick Ponce









DIVIDER PAGE



EST. 1955
SPRING VALLEY
V I L L A G E

June 23, 2020

Dear Property Owner:

Please accept this letter as your notice that a Public Hearing before the City of Spring Valley Village Board of Adjustment will be held on Monday, July 20, 2020 at 6:00 p.m. in the Council Chambers of City Hall located at 1025 Campbell Road, Houston, Texas 77055, for the purpose of receiving testimony regarding the following variance requests:

- A Request from Patrick and Katherine Ponce for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.10.06, Allowing Only One Curb Cut for Each Residence, to Allow for Another Curb Cut, for the Property Located at 8851 Larston Street, Houston, Texas, 77055.

At the public hearing, all interested parties will be given the opportunity to be heard. If you have any questions regarding this notice, please contact Director of Community Development Zach Meadows at zmeadows@springvalleytx.com or at the number listed below.

Sincerely,

Roxanne Benitez, TRMC, CPM, CMCC
City Secretary

David Graves
8848 Larston Road
Houston, TX 77055

Samir Nangia & Lashita Dhingra
8845 Larston Road
Houston, TX 77055

Patrick & Katharine Ponce
8851 Larston Road
Houston, TX 77055

Current Owner
8860 Larston Road
Houston, TX 77055

Cassandra Haymaker
8853 Larston Road
Houston, TX 77055

Joel & Patricia Gittemeier
8856 Larston Road
Houston, TX 77055

Aaron Davis
8849 Larston Road
Houston, TX 77055

Burnise Alderman
8852 Larston Road
Houston, TX 77055

John Collins
1322 Fries Road
Houston, TX 77055

Current Owner
1321 Fries Road
Houston, TX 77055

Dennis & Maria Comis
1264 Fries Road
Houston, TX 77055

Lillian Bean
1262 Fries Road
Houston, TX 77055

Stephen White
1260 Fries Road
Houston, TX 77055

Don & Marsha Hartsell
1258 Fries Road
Houston, TX 77055

Monique Pappas
1257 Fries Road
Houston, TX 77055

Jamie & Rebecca Gabriel
1263 Fries Road
Houston, TX 77055

Melissa & Edwards Tredennick
1303 Fries Road
Houston, TX 77055

Katherine Murray
1 Inverness Park Circle
Houston, TX 77055

Olusanjo & Elizabeth Adeoye
2 Inverness Park Circle
Houston, TX 77055

Lawrence & Marcia Wilson
3 Inverness Park Circle
Houston, TX 77055

Brian Chandler
4 Inverness Park Circle
Houston, TX 77055

Current Owner
5 Inverness Park Circle
Houston, TX 77055

Roy & Michelle Rodney
6 Inverness Park Circle
Houston, TX 77055

DIVIDER PAGE



RESIDENTIAL ZONING CHANGE NOTIFICATION SIGN CRITERIA

A zoning sign is a sign erected on property for which a zoning case has been filed with the City, including, but not limited to, zoning changes, Specific Use Permits, Variances, or Special Exceptions. **The number of signs and the placement of signs shall be determined by the Building Official at the time of submittal.** It is the responsibility of the owner/project representative to contact the Building Department to verify the number and location of signs needed.

Residential property owners/applicants need to contact the City Secretary to schedule pick up and drop off times for the signs.

IF YOU HAVE ANY QUESTIONS, PLEASE CALL (713) 465-8308.

ADHERE TO THE FOLLOWING INSTRUCTIONS:

PLACEMENT

- One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred feet (200') of frontage along a street with a maximum of three (3) signs required per street frontage.
- Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
- Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application.
- Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the Building Official or his/her designee.
- Signs shall be placed perpendicular to the roadway to ensure they are readable from both sides

- Signs shall be located so that the lettering is visible and may be clearly read from the street.

PROOF OF POSTING

- **The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of seven (7) calendar days immediately preceding the date of the public hearing before the Board of Adjustments)**
- The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the City, with the Building Official verifying that the sign(s) was posted as required, and return them to the City Hall.

REMOVAL OF SIGNS

- **The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the Board**

Preparer's Name: Patrick Ponce

Preparer's Signature: [Handwritten Signature]

NOTE: Violations of the sign ordinance will result in fines to the property owner and will delay the request for Zoning or Specific Use Permit. Failure to remove zoning signs per the sign ordinance will result in a citation of \$500 per sign/per day until removed.



AFFIDAVIT OF SIGN POSTING

(Re)Zoning Case No. _____

Date of Board of Adjustment Meeting: July 20, 2020

In accordance with the requirements of Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village, Texas, I Patrick Ponce hereby certify that I have posted or caused to be posted Zoning Change Notification sign(s) on the property subject to zoning change, located at 8851 Larston St. Houston, TX 77055

Posting of said signs was accomplished on July 1, 2020 as provided for in Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village. Said signs have been posted in a manner which provides an unobstructed view and which allows clear reading from the public right(s)-of-way along Fries Road + Larston St.

I further certify that this affidavit was filed with the Building Department of the City of Spring Valley Village within the time provisions of Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village.

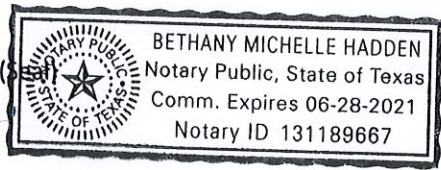
Executed this date: July 13, 2020

Printed Name of Applicant or Authorized Representative for Zoning Case No. Patrick Ponce

Signature of Applicant or Authorized Representative for Zoning Case No. [Signature]

Sworn and subscribed before me on this date: 7/13/2020

Notary Public [Signature]



PLEASE NOTE: Failure to post the notification sign(s) on the property by the close of business (4:30 pm) seven (7) days prior to the Board of Adjustment public hearing shall result in the postponement of consideration by the Board.

STAFF USE ONLY:

Date/Time submitted: _____ Verified by: _____

AFFIDAVIT OF SIGN MAINTENANCE

**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

MEETING DATE: July 20, 2020

TOPIC: **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Patrick and Katherine Ponce for a Variance from Chapter 12 Planning & Zoning, Section 05:02.03.10.06, Allowing Only One Curb Cut for Each Residence, to Allow for Another Curb Cut, for the Property Located at 8851 Larston Street, Houston, Texas, 77055.

BACKGROUND: In the previous agenda item, the Board of Adjustment held a public hearing concerning a variance request for an additional curb cut for a second driveway for the property located at 8851 Larston Street.

Criteria for Evaluation of Variance Request.

Variations should be granted only in limited instances. Section 211.009 of the Texas Local Government Code provides that a Board of Adjustment may “authorize in specific cases a variance from the terms of the zoning ordinance if:

1. The variance is not contrary to the public interest; and
2. Due to special conditions, a literal enforcement of the ordinance would result in an unnecessary hardship; and
3. So that the spirit of the ordinance is observed and substantial justice is done.

The “special conditions” and “unnecessary hardship” phrases have been the subject of numerous appellate court decisions.

- **Hardship Test:** Does the enforcement of the ordinance destroy **any reasonable use** of his property? (*Reiter v. City of Keene*, 601 S.W.2d 547 (Tex. App. – Waco 1980, writ dismissed)).
- In other words: “Is the environment such that the lot is not reasonably adapted to a conforming use?” (*Board of Adjustment v. Stovall*, 218 S.W.2d 286 (Tex. Civ. App. – Fort Worth 1949, no writ)).

Moreover, a hardship must be more than financial.

- “Unnecessary Hardship” language expressly limits ZBOA’s power to grant a variance:
 - “The Code expressly provides that the unique circumstances existing on the property so as to justify granting a variance must be something other than a financial hardship. A variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning

**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

ordinance does not permit any reasonable use of such lot.” (*Board of Adjustment of the City of San Antonio v. Willie*, 511 S.W. 2d 591 (Tex. Civ. App. – San Antonio 1974, writ ref’d n.r.e.))

- Financial hardship is not a special condition envisioned by the statute. (*Battles v. Board of Adjustment and Appeals of the City of Irving*, 71 S.W.2d 297 (Tex. App. – Dallas 1986, no writ).

RECOMMENDATION: Staff recommends denial of the requested variance because there is insufficient evidence that has been provided that a hardship exists for the Property.

ATTACHMENTS: • None

SUBMITTING STAFF MEMBER:

Zachary Meadows, Director of
Community Development

CITY ADMINISTRATOR APPROVAL:

