



EST. 1955

SPRING VALLEY

V I L L A G E

Board of Adjustment Meeting

March 29, 2022

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
TUESDAY, MARCH 29, 2022 AT 6:00 P.M.**

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/86821749925>

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: 868 2174 9925 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: July 20, 2020 Meeting**
- 4. CONDUCT A PUBLIC HEARING CONCERNING: A Request from Luisa Rolon to Appeal the Interpretation of the City's Zoning Official Regarding the Alteration or Expansion of a Non-Conforming Structure, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.**
 - A. Presentation of Appeal of Interpretation of City Zoning Official by Applicant
 - B. Those In Favor
 - C. Those Opposed
 - D. Adjourn Public Hearing
- 5. CONSIDERATION AND POSSIBLE ACTION CONCERNING: A Request from Luisa Rolon to Appeal the Interpretation of the City's Zoning Official Regarding the Alteration or Expansion of a Non-Conforming Structure, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.**

6. ADJOURNMENT

I certify that a copy of the March 29, 2022 Board of Adjustment agenda was posted this day, the 23rd day of March, 2022 at 10:00 a.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

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

The Board of Adjustments reserves the right to convene in executive session from time to time as deemed necessary during this meeting to discuss any of the matters listed in the agenda.

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, JULY 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 Director of Community Development Zachary Meadows at 6:07 p.m.

Members Present:

Board Member Michael Burcham
Board Member William Featherston
Board Member Cameron Kreager
Board Member Doug Doyle
Alternate Board Member Jerry Kent

Also present were:

City Attorney Derra Purnell
Director of Community Development Zachary Meadows

City Attorney Derra Purnell facilitated the meeting until Chairman, Vice-Chairman, and Secretary were selected.

2. APPOINT CHAIRMAN, VICE-CHAIRMAN, AND SECRETARY TO THE BOARD OF ADJUSTMENT

Board Member Doyle made a motion to appoint Board Member Kreager as Chairman, Board Member Doyle as Vice-Chairman, and Board Member Featherston as Secretary for the Board of Adjustments, and Board Member Featherston seconded the motion. Motion Carried 5-0.

3. APPROVAL OF MEETING MINUTES: April 20, 2020 Meeting

Vice-Chairman Doyle made a motion to approve the April 20, 2020 meeting minutes, and Board Member Featherston seconded the motion. Motion carried 5-0.

3. 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.

Chairman Kreager opened the Public Hearing at 6:10 p.m.

A. Presentation of Variance Request by Applicant

Patrick Ponce, spoke regarding the request to make an additional curb cut and driveway on his property. He advised that the reasoning behind the request is because of the narrowness of the street causing issues when multiple vehicles are parked on the street.

- B. Those In Favor
None.
- C. Those Opposed
None.
- D. Adjourn Public Hearing

Chairman Kreager adjourned the Public Hearing at 6:19 p.m.

4. 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

Director of Community Development Zachary Meadows advised that the street was very narrow, but that the threshold to determine a hardship was believed not to have been met. Board Member Featherston asked for clarification regarding the undue hardship for this case. Board Member Burcham asked if there were similar streets and/or situations that could be found throughout Spring Valley Village, Director of Community Development was not immediately aware of any situations. There was discussion regarding the ability of emergency vehicles to transverse the street while vehicles were parked on the street.

Following discussion, Board Member Featherston made a motion to approve the variance of an additional curb cut for 8851 Larston Street, and Vice-Chairman Doyle seconded the motion. Motion carried 5-0.

5. ADJOURNMENT

Board Member Burcham made a motion to adjourn the meeting at 6:35 p.m., and Vice-Chairman Doyle 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**

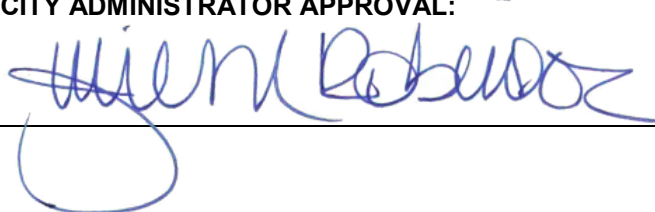
MEETING DATE: March 29, 2022

TOPIC:	CONDUCT A PUBLIC HEARING CONCERNING: A Request from Luisa Rolon to Appeal the Interpretation of the City's Zoning Official Regarding the Alteration or Expansion of a Non-Conforming Structure, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.
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BACKGROUND:	Luisa Rolon ("Applicant") has filed an appeal of the City's Zoning Official's determination as it relates to a remodel and addition project at 8836 Larston Street ("Property"). The City has determined that based on the proposed construction, the existing non-conforming garage would need to comply with all current side setback regulations, as required by Section 05:02.03 – Size and Area Requirements, of Section 5 – Building and Use Restrictions in Dwelling District "A", of Chapter 12 – Zoning, of the Code of Ordinances.
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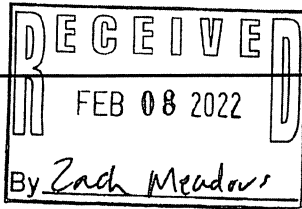
RECOMMENDATION:	Not applicable during the public hearing.
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ATTACHMENTS:	<ul style="list-style-type: none">• Appeal Application Submitted by Luisa Rolon for 8836 Larston Street• Notice of Public Hearing and Mailing Labels• Public Hearing Sign Posting and Maintenance Affidavits
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SUBMITTING STAFF MEMBER: Zachary Meadows, Director of Community Development	CITY ADMINISTRATOR APPROVAL: 
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EST. 1955
SPRING VALLEY



Community Development
City of Spring Valley Village

BOARD OF ADJUSTMENTS APPLICATION

PROPERTY INFORMATION

Property Address: 8836 Larston St Houston TX 77055

Legal Description:

Present District Zoning: B Dwelling District A

Action Requested: Variance Special Exception Appeal

Requested Variance/Special Exception/Appeal Description:

Appeal of City decision of non conforming garage set back.

OWNER INFORMATION

Name: Luisa Robn Phone#: 713 409 3480

Address: 8836 Larston St Houston TX 77055

Email:

APPLICANT/AGENT INFORMATION

Name: Same as above. Phone#:

Address:

Email:

****If applicant is different than property owner a *Notarized Letter of Authorization* must be attached to the application**

PROPERTY OWNER/AGENT AUTHORIZATION

Property Owner Consent/Agent Authorization: By my signature, I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates my awareness of the fee required at the time of the application submittal and any additional fees as noted in the City's fee schedule. This fee is non-refundable even in the event of application withdrawal.

Luisa Robn

Luisa Robn

02/08/2022

Signature of Contractor/Authorized Agent

Printed Name

Application Date

FOR OFFICE USE ONLY

BOA Case Number: _____

Date Submitted: 2/8/2022

BOA Meeting Date: 3/29/2022

BOA Decision: Approved Denied

DIVIDER PAGE

**PUBLIC NOTICE
CITY OF SPRING VALLEY VILLAGE, TEXAS
NOTICE OF PUBLIC HEARING**

Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following:

A Request from Luisa Rolon to Appeal the Interpretation of the City's Zoning Official Regarding the Alteration or Expansion of a Non-Conforming Structure, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.

The **Board of Adjustment** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Tuesday, March 29, 2022

Time: 6:00 p.m.

Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

For additional information regarding this public hearing, please contact the Director of Community Development, Zachary Meadows at (713) 465-8308.



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

March 9, 2022

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 Tuesday, March 29, 2022 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:

- A Request from Luisa Rolon to Appeal the Interpretation of the City's Zoning Official Regarding the Alteration or Expansion of a Non-Conforming Structure, for the Property Located at 8836 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

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

Steven & Laura Otilar
8844 Larston Road
Houston, TX 77055

John Jr. & Tiffany McGuire
8841 Larston Road
Houston, TX 77055

James & Holly Beasley
8840 Larston Road
Houston, TX 77055

Joseph & Susan Patterson
8837 Larston Road
Houston, TX 77055

Luisa Rolon
8836 Larston Road
Houston, TX 77055

Peter & Amanda Cariveau
8833 Larston Road
Houston, TX 77055

Jonathan & Kathryn McElvy
8826 Inverness Park Way
Houston, TX 77055

Jeffrey & Lily Hemingway
8822 Inverness Park Way
Houston, TX 77055

Dustin & Hannah Reid
8830 Inverness Park Way
Houston, TX 77055

Chinh Tran
8834 Inverness Park Way
Houston, TX 77055

Koichi & Miwa Maeda
1238 Ben Hur Drive
Houston, TX 77055

Christopher & Lindsay Bhatia
1239 Ben Hur Drive
Houston, TX 77055

Thai & Linh Huynh
1241 Ben Hur Drive
Houston, TX 77055

Susanna Dejong
1242 Ben Hur Drive
Houston, TX 77055

Kenneth & Karen Jones
1245 Ben Hur Drive
Houston, TX 77055

Kimberly Goodling
1302 Ben Hur Drive
Houston, TX 77055

James & Anne Shoemaker
1301 Ben Hur Drive
Houston, TX 77055

Nicolas Papadakos & Ayesha Bano
1246 Ben Hur Drive
Houston, TX 77055

Samuel & Lindsay Wallace
1305 Ben Hur Drive
Houston, TX 77055

Current Owner
1313 Ben Hur Drive
Houston, TX 77055

Kent & Phyllis Roberts
1310 Ben Hur Drive
Houston, TX 77055

Franklin & Diane Thomas
1306 Ben Hur Drive
Houston, TX 77055

David & Rosanna Bennett
1309 Ben Hur Drive
Houston, TX 77055

Alison Vasquez
1221 Ben Hur Drive
Houston, TX 77055

Thomas & Bridget Tomlinson
8841 Cedarbrake Drive
Houston, TX 77055

Dennis & Maria Comis
1264 Fries Road
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: Luisa Rolon Preparer's Signature: Luisa Rolon

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: March 29 / 2022

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 Luisa Rolon 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

8936 Larston St Houston TX 77055

Posting of said signs was accomplished on March 14 / 2022 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

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.

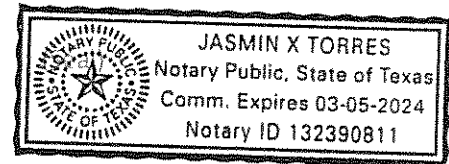
Executed this date: March 22 / 2022

Printed Name of Applicant or Authorized Representative for Zoning Case No. Luisa Rolon

Signature of Applicant or Authorized Representative for Zoning Case No. Luisa Rolon

Sworn and subscribed before me on this date: 3/22/22

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



(Re)Zoning Case No. _____

Date of Board of Adjustment Meeting: March 29/2022

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 Luisa Rolon hereby certify that Zoning Change Notification sign(s) have been maintained on the property subject to zoning change, located at

8836 Larston St. Houston TX 77055

I further certify that this affidavit was filed with the Building Department of the City on date March 22/2022 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.

I understand that I am required to remove said signs within seven (7) calendar days of any final action on the application taken by the City of Spring Valley Village Board of Adjustment regarding the zoning change.

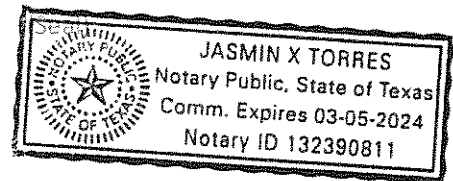
Executed this date: March 22/2022

Printed Name of Applicant or Authorized Representative for Zoning Case No. Luisa Rolon

Signature of Applicant or Authorized Representative for Zoning Case No. Luisa Rolon

Sworn and subscribed before me on this date: 3/22/22

Notary Public [Signature]



PLEASE NOTE: Failure to maintain the signs prior to the Board of Adjustment public hearing may result in postponement of consideration if the applicant has not attempted to replace damaged or missing signs upon notification by Staff.

FOR STAFF USE ONLY:

Date/Time submitted: _____ Verified by: _____

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

MEETING DATE: March 29, 2022

TOPIC: **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Luisa Rolon to Appeal the Interpretation of the City's Zoning Official Regarding the Alteration or Expansion of a Non-Conforming Structure for the Property Located at 8836 Larston Street, Houston, Texas, 77055.

BACKGROUND: In the previous agenda item, the Board of Adjustment held a public hearing concerning an appeal of the Zoning Official's Determination regarding the alteration or expansion of a non-conforming structure at 8836 Larston Street.

Background

Luisa Rolon ("Applicant") filed an application for a remodel and addition project at 8836 Larston Street ("Property"). The Property as it existed at the time of the remodel and addition project submission consisted of a one-story single family home and a detached garage. The approximate square footage of the existing home was 2,389 square feet, and the existing detached garage was approximately 832 square feet.

As shown on sheets B2.0 and B2.1 of the Construction Plans, the project was to add a mudroom and office space of approximately 229 square feet to the first story of the existing home in order to attach the existing detached garage to the existing home. Also reflected on sheet B2.1 is construction to add a second floor addition consisting of three bedrooms and two bathrooms (totaling 965 square feet). The majority of the new square footage was constructed over the existing home, and the remainder (406 square feet) was constructed over the existing garage.

It is important to note that the new construction over the existing garage is not a garage apartment. This space is only accessible via a staircase constructed as part of the second floor addition to the existing home. The joists (ceiling) of the existing detached garage remained in place and became the floor joists of the second story addition. An additional steel beam was also erected to support the load of the part of the addition that is now over the existing garage.

City Regulations

Following review of the construction plans, it was noted that the existing garage is non-conforming with regard to the required side setback since the garage sits at 4.2 feet from the side property line instead of the required 8 feet under the current

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

zoning regulations. Based on the two sections of the zoning regulations below, it was determined at the time of the submittal that the proposed construction was allowed.

The first section is Section 08:01.06.01 of Section 8, Non-Conforming Buildings and Structures, Lots, and Uses, of Chapter 12, Zoning, of the Code of Ordinances which provides as follows:

“Enlargement or alteration. Except as provided by 05:02.03.09.03.05, a nonconforming building or structure may not be enlarged or altered in a manner that increases its nonconformity; however, a building or structure may be altered to decrease its nonconformity. Further, a nonconforming single family dwelling in Residential District A may be enlarged or altered in a manner that does not increase its nonconformity provided that the enlargement or alteration and any prior enlargements or alterations, whether permitted or not, shall not exceed 50 percent or more of either the floor area or the size of the dwelling as the dwelling was originally constructed.”

The second section reviewed was the section referenced in the above section - Section 05:02.03.09.03.05 of Section 5, Building and Use Restrictions in Dwelling District “A”, of Chapter 12, Zoning, of the Code of Ordinances which provides as follows:

“An exception to the side building line setback for pre-existing dwellings and pre-existing garages. This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks.”

Original Determination

There were three items taken into consideration when determining whether to approve the proposed construction:

(1) The construction proposed in the construction plans placed all new construction to the first story of the existing home at the required 8 feet, and the second story above the existing home and garage was placed at the required 15 feet, which are the requirements for a side property line adjacent to a neighboring rear property line.

(2) Although the proposed second story addition to the existing home and garage totaled 965 square feet, the portion to be constructed above the existing garage was approximately 406 square feet and consequently less than 50% of the structure.

(3) The proposed construction dealt with an addition to the existing home, both on the first story and the second story, the existing garage, which was the nonconforming structure was not being altered in a manner in which the nonconformity was increased.

Consequently, the permit for construction for the Property was issued to VGR Services on October 27, 2021.

New Determination

After a complaint was received from an adjacent property owner regarding whether the adjoining property line was considered a side property line or a rear property line, the issue of the expansion of the nonconforming existing garage was researched further.

Upon review, there were two items taken into consideration when determining whether the non-conforming garage needed to comply with current side setback regulations:

(1) Section 05:02.03.09.03.05 refers to an enlargement or alteration being allowed within the side setback as long as the structure is no closer than 5 feet from the side property line of the adjoining lot, street, or major thoroughfare.

(2) Section 05:02.03.09.03.05 also indicates that the enlargement or alteration should not exceed in height the one-story height of the pre-existing structures on the lot based on their first floor plate height and roof slope.

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

Although the new construction met the requirements of the zoning regulations as it related to required side setbacks and the structure was not increasing the nonconformity by making the existing garage closer than the already 4.2 feet from the side property line, a question was raised as to whether the exception in Section 05:02.03.09.03.05 only applied to a nonconforming structure that was a minimum of 5 feet from the side property line. After extensive discussion and research, it was determined that the existing nonconforming garage would need to comply with the required 8-foot side setback regulation.

On February 8, 2022, the City met with Mrs. Rolon to advise her of the revised determination and to inform her that the back wall of the garage would need to comply with the required side setbacks of 8 feet. During that discussion, Mrs. Rolon asked what her other options were, and she was informed that she could appeal the decision of the Zoning Official to the Board of Adjustments. Mrs. Rolon promptly did so by filing the application for appeal before leaving on February 8, 2022. A Memorandum was issued following that meeting and provided to Mrs. Rolon. The Memorandum is attached with this item for reference.

Board Authority

In relation to appeals and the Board of Adjustments authority in hearing such appeals, Section 211.009 of the Texas Local Government Code, provides as follows:

(a) The Board of Adjustment may:

(1) Hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this section [(Section 211.009(a)(1))]

(b) In exercising its authority under Subsection 211.009(a)(1), the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose, the Board has the same authority as the administrative official. [Section 211.009(b)]

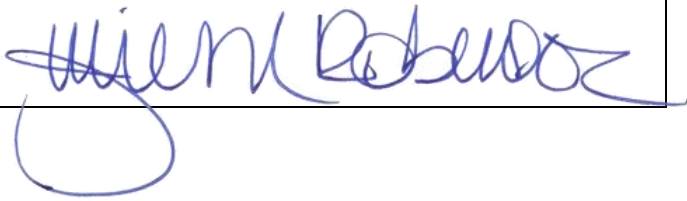
(c) The concurring vote of 75% of the members of the board is necessary to:

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

(1) Reverse an order, requirement, decision, or determination of an administrative official. [Section 211.009(c)(1)]

RECOMMENDATION: None

- ATTACHMENTS:**
- Survey for 8836 Larston Street
 - Pages B2.0 and B2.1 from Approved Construction Plans
 - Section 8 – Non-Conforming Buildings and Structure, Lots, and Uses, of Chapter 12, Zoning, of the Code of Ordinances
 - Section 05:02:03 – Size and Area Requirements of Section 5 – Building and Use Restrictions in Dwelling District “A” of Chapter 12, Zoning, of the Code of Ordinances
 - Memorandum Summarizing the Setback Issues for 8836 Larston Street, Provided by the City of Spring Valley Village Following the February 8, 2022 Meeting (Dated February 10, 2022)

<p>SUBMITTING STAFF MEMBER:</p> <p>Zachary Meadows, Director of Community Development</p>	<p>CITY ADMINISTRATOR APPROVAL:</p> 
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PROBSTFELD & ASSOCIATES

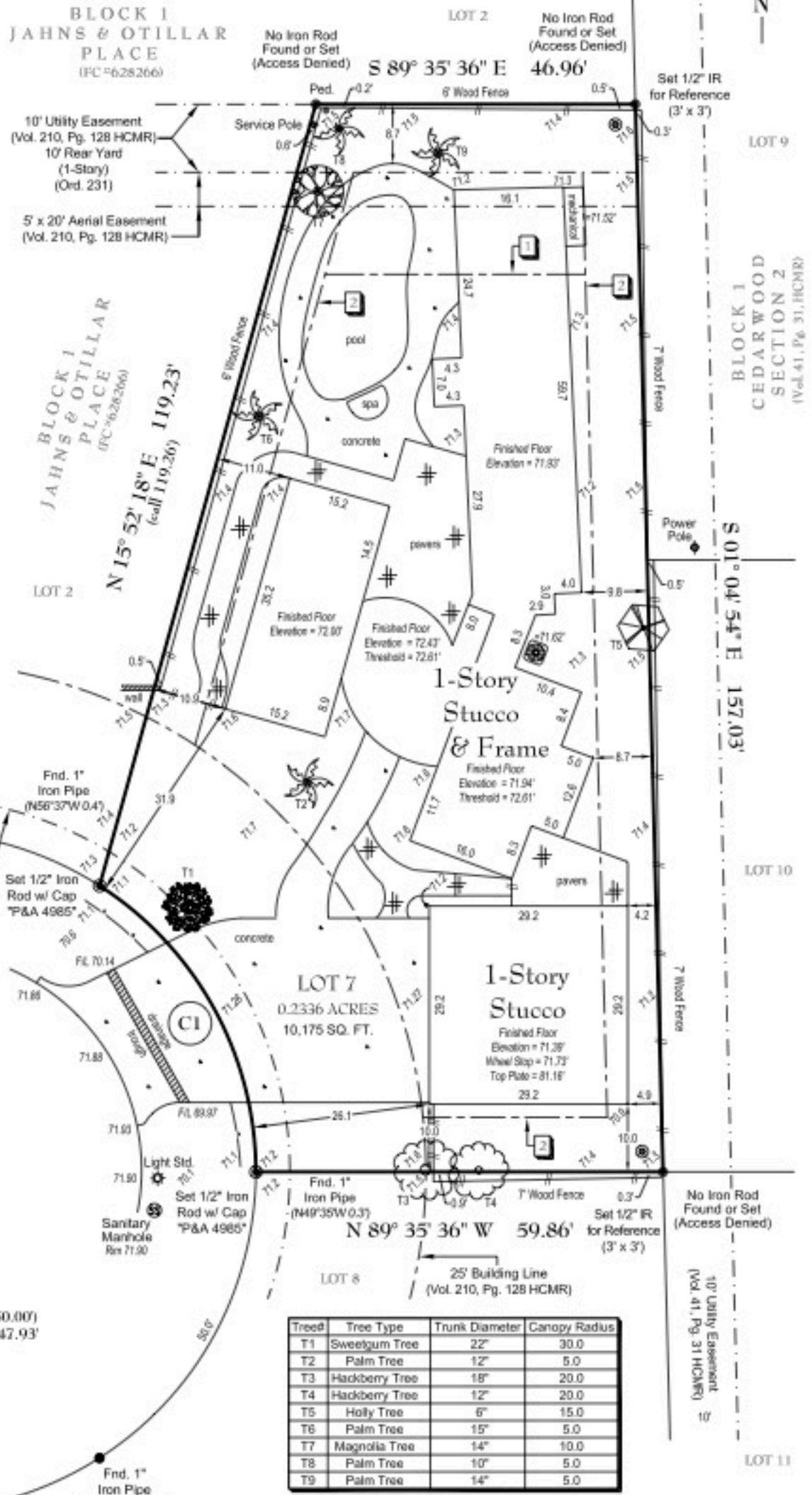
PROFESSIONAL LAND SURVEYORS

515 PARK GROVE DRIVE, SUITE 102 ▲ KATY, TEXAS 77450 ▲ (281) 829-0034 ▲ FAX (281) 829-0233

LENDER: RICHARD SCHAFFER

NOTES:

- Elevations shown are based on Harris County Floodplain RM No. 210255, Elevation = 70.83', NAVD (2001 Adj.).
- Surveyor has not abstracted this property. This survey has been prepared based upon information provided by the title company. No independent investigation of the accuracy of the title company's work has been performed by the surveyor. Zoning ordinances and zoning building setback lines (if any) are not shown.
- Surveyor has not reviewed restrictive covenants as set forth under Exceptions From Coverage in Schedule B of the Title Commitment.
- Lot subject to any and all zoning ordinances or proposed zoning ordinances including those by the City of Spring Valley, Texas. The above shown tract lies within Dwelling District A as reflected on the Official Zoning Map of the City of Spring Valley, Texas. Front, side and rear yards shown as set forth under Ordinance 231. Maximum foundation height shall not exceed a height of 4 feet above the average surrounding finished grade. The maximum coverage of any lot shall not exceed 60 percent of the lot area located behind the required front building line, and shall not exceed 50 percent of the lot area located in front of the required front building line. Water surface area of a swimming pool shall not be counted as constructed surface. A pool shall be installed in the rear or side yard a minimum of 10 feet from the rear lot line and 8 feet from the side lot line. Additional requirements for accessory structures, fences, driveways, decking (not shown) should be verified prior to any planning or construction.
- Lot may be subject to certain requirements pertaining to front, side and rear setback lines and also architectural protrusions such as eaves, overhangs, ledges, etc., in relation to easements and/or building lines and should be verified prior to any planning or construction.
- It is the responsibility of the homeowner to determine the deed restriction status of their property and to comply with all restrictive covenants prior to any planning or construction. Written approval from the Architectural Control Committee may be required.
- All bearings are based on the North right of way line of Larston Street. (Chord Brg. N 28°13'54"W)



LARSTON STREET
(Platted as Larston Road)
60' R.O.W. (Vol. 210, Pg. 128 HCMR)

C1
R=50.00'
Δ=57°16'37"
L=49.98' (call 50.00')
Ch=N28°13'54"W 47.93'

PLAT OF PROPERTY

FOR: LUISA FERNANDA ROLON
AT: 8836 LARSTON STREET • CITY OF SPRING VALLEY, TX
LGL: LOT 7

FRIES PINES
(Vol. 210, Pg. 128, HCMR)

VOLUME 210, PAGE 128 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

SCALE: 1" = 20'
DATE: 7/29/2021 REVISED DATE: 9/17/2021

This Property DOES NOT Lie within the designated 100 year floodplain.
PANEL NO: 48201C 0645 L
ZONE: X EFF. DATE: 6/18/07
BASE FLOOD ELEVATION: N/A (100 YR) | N/A (500 YR)
LOCATED BY GRAPHIC PLOTTING ONLY AND NOT RESPONSIBLE FOR ACTUAL DETERMINATION.

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH TITLE COMMITMENT PROVIDED BY: SPARK TITLE, LLC
GFF#: 2163-07-21 (7/06/2021)

JOB # 3144-001 DRAWN BY: M TM

EMAIL COPY
NOT TO BE RECORDED FOR ANY PURPOSE



GARCIA DESIGN | ASSOCIATES
 8955 Katy Freeway, Suite 106
 Houston, Texas 77024
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 F 713 686 6063

www.gdaoffice.com

Consultants:

**ROLON RESIDENCE
 ADDITION REMODEL**
 8836 LARSTON STREET
 HOUSTON, TEXAS 77055

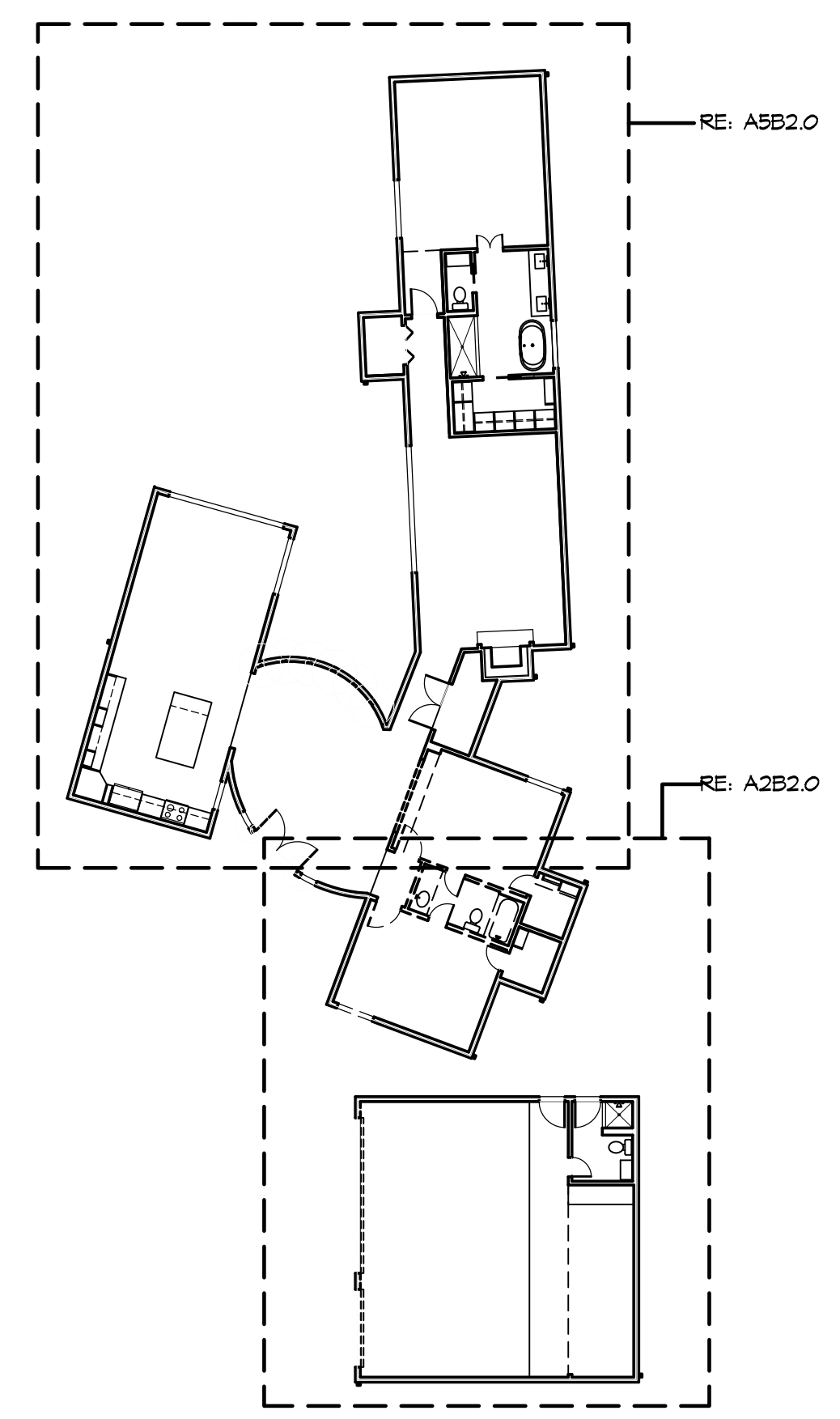
REV.	DATE	ISSUED
	08.16.2021	CLIENT REVIEW
	08.08.2021	STRUCTURAL REVIEW
	08.10.2021	PERMIT

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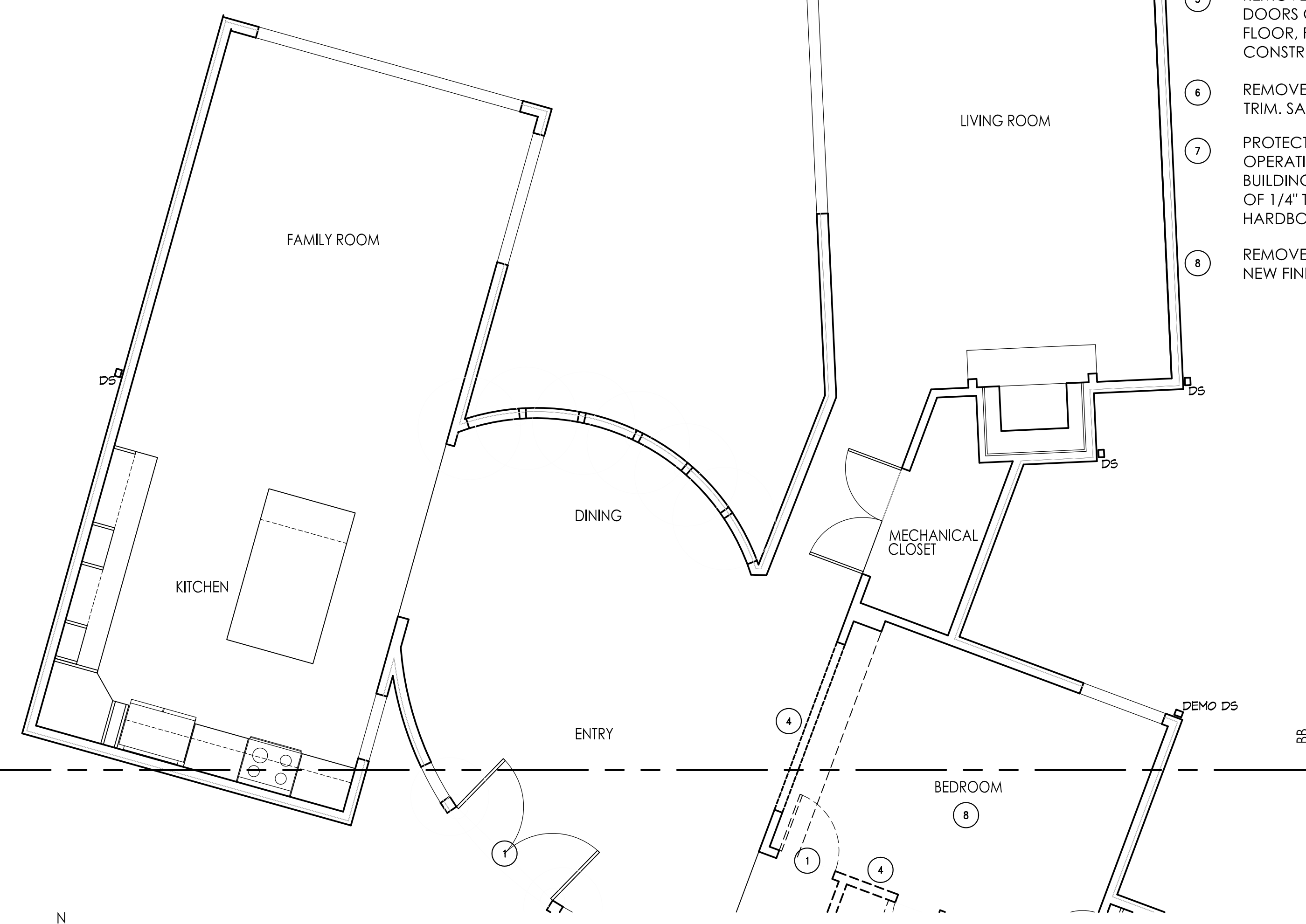
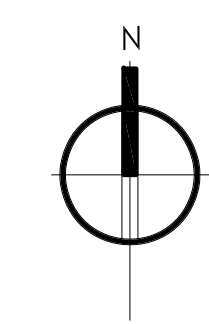
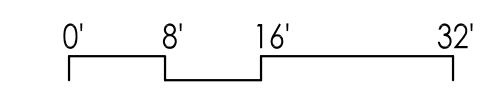
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Sheet Name
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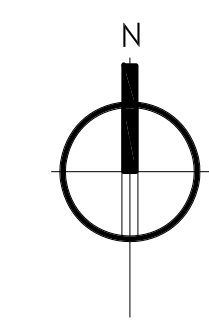
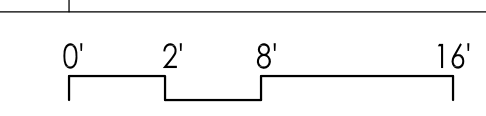
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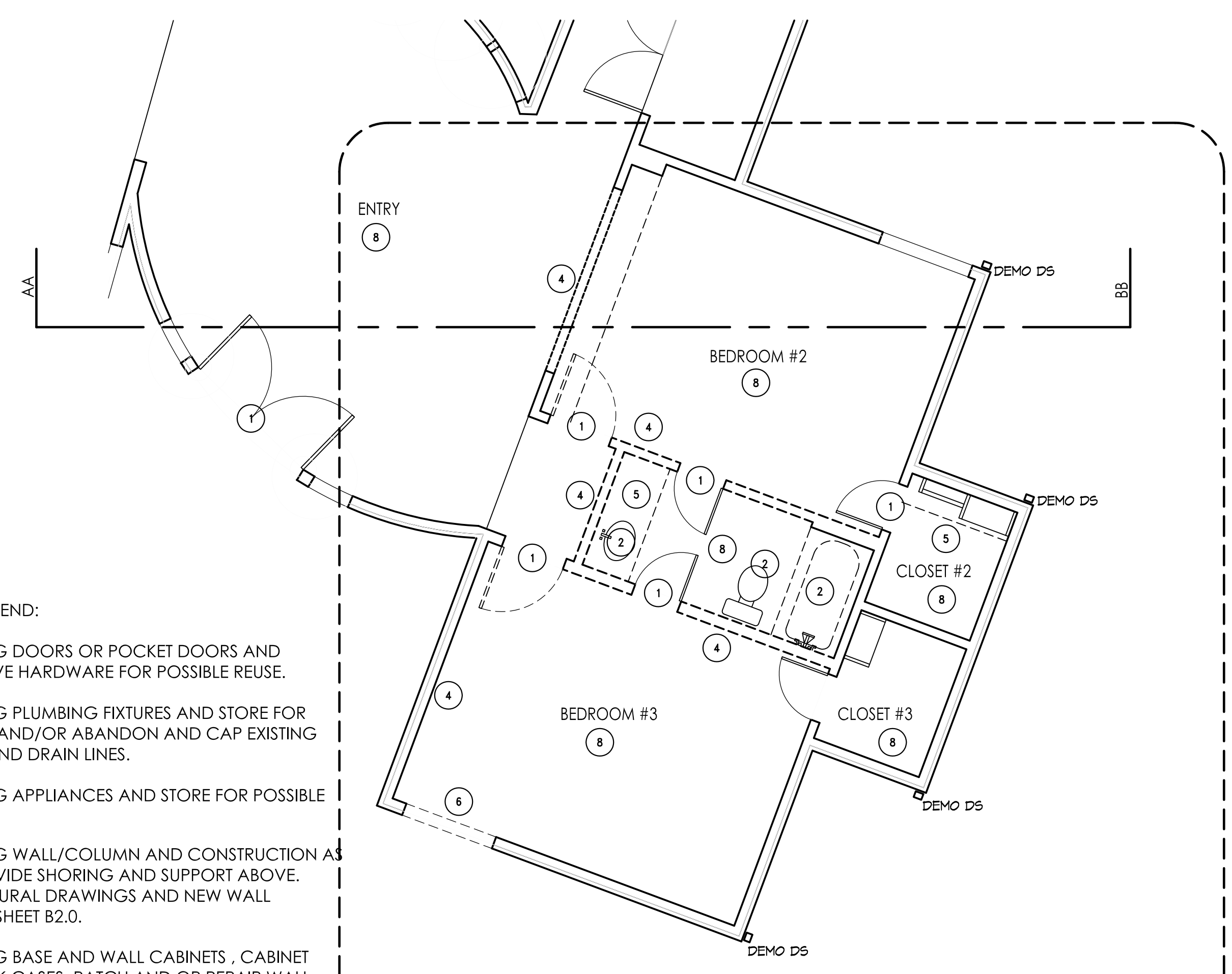


A5 DEMO FIRST FLOOR PLAN

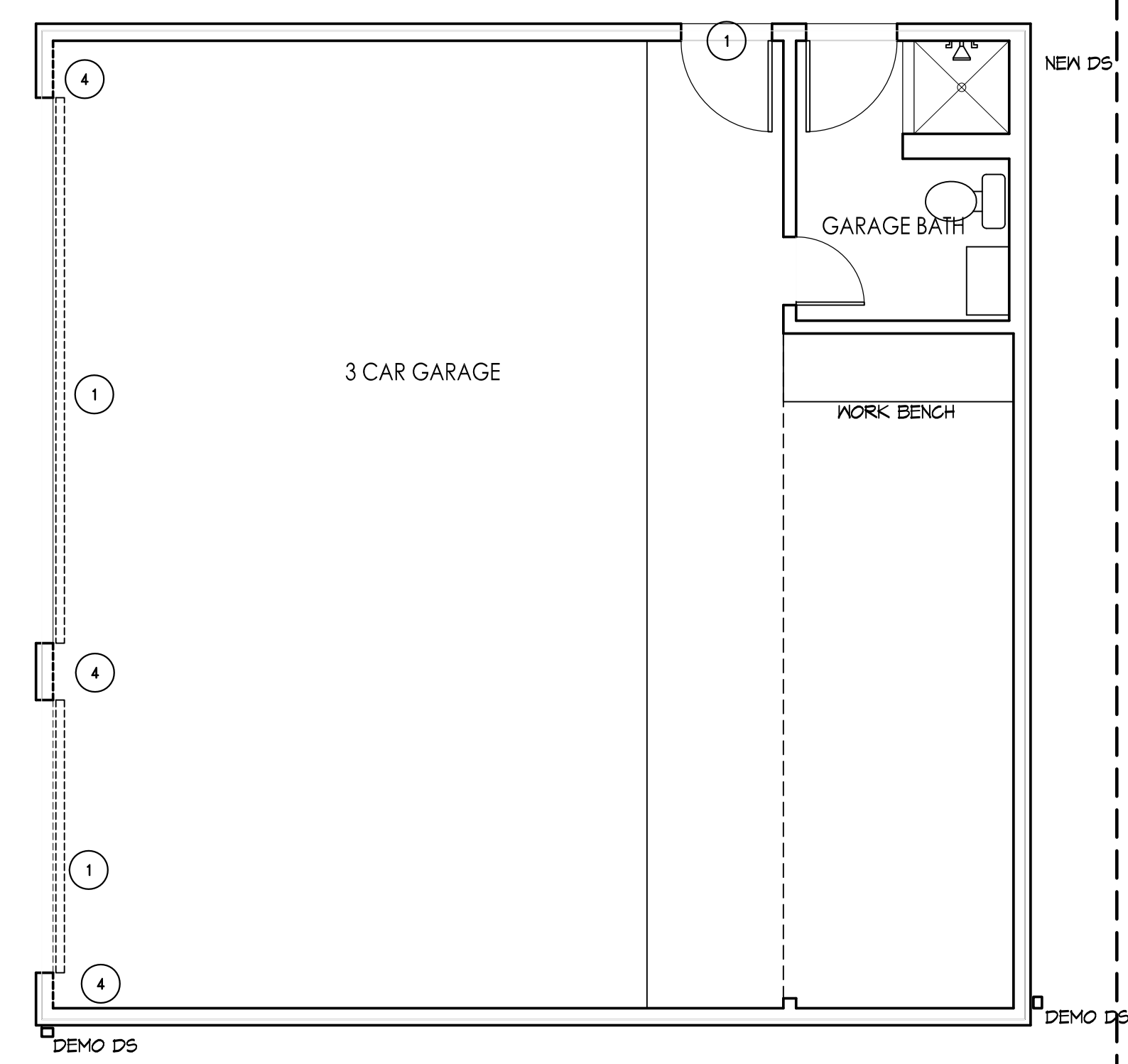
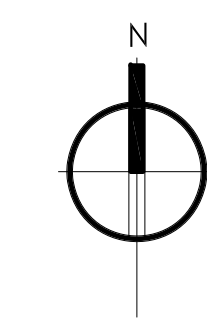
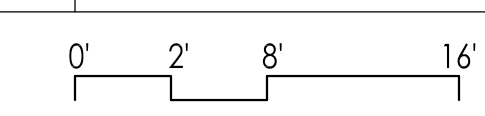


- DEMOLITION LEGEND:**
- 1 REMOVE EXISTING DOORS OR POCKET DOORS AND HARDWARE. SAVE HARDWARE FOR POSSIBLE REUSE.
 - 2 REMOVE EXISTING PLUMBING FIXTURES AND STORE FOR POSSIBLE REUSE, AND/OR ABANDON AND CAP EXISTING WATER SUPPLY AND DRAIN LINES.
 - 3 REMOVE EXISTING APPLIANCES AND STORE FOR POSSIBLE REUSE.
 - 4 REMOVE EXISTING WALL/COLUMN AND CONSTRUCTION AS INDICATED. PROVIDE SHORING AND SUPPORT ABOVE. REFER TO STRUCTURAL DRAWINGS AND NEW WALL LOCATIONS ON SHEET B2.0.
 - 5 REMOVE EXISTING BASE AND WALL CABINETS, CABINET DOORS OR BOOK CASES, PATCH AND OR REPAIR WALL, FLOOR, FLOOR TO MATCH EXISTING OR NEW CONSTRUCTION AS SPECIFIED.
 - 6 REMOVE EXISTING WINDOW SASH, FRAME, ASSEMBLY AND TRIM. SAVE FOR POSSIBLE REUSE.
 - 7 PROTECT EXISTING FLOORING DURING CONSTRUCTION OPERATIONS. INSTALL NOT LESS THAN ONE LAYER OF BUILDING FELT OVER ENTIRE AREA. PROTECT WITH OVERLAY OF 1/4" THICK HARDBOARD (4'X8' SHEETS). TAPE JOINTS IN HARDBOARD.
 - 8 REMOVE EXISTING FINISH FLOORING, PREPARE AREA FOR NEW FINISH. NOTE: SAVE WOOD FOR POSSIBLE REUSE.

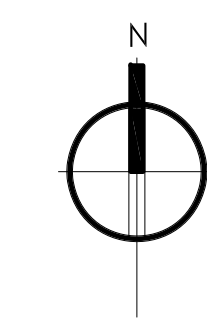
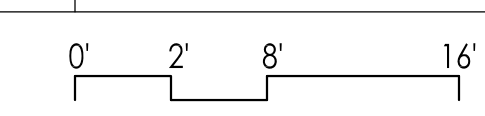
APPROXIMATE EXISTING
 AIR CONDITIONED SQ. FT. (HCAD)
 FIRST FLOOR 2,304 SQ. FT.
 GARAGE 832 SQ. FT.



A2 DEMO FIRST FLOOR PLAN



A2 DEMO FIRST FLOOR PLAN





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Consultants:

**ROLON RESIDENCE
 ADDITION REMODEL**
 8836 LARSTON STREET
 HOUSTON, TEXAS 77055

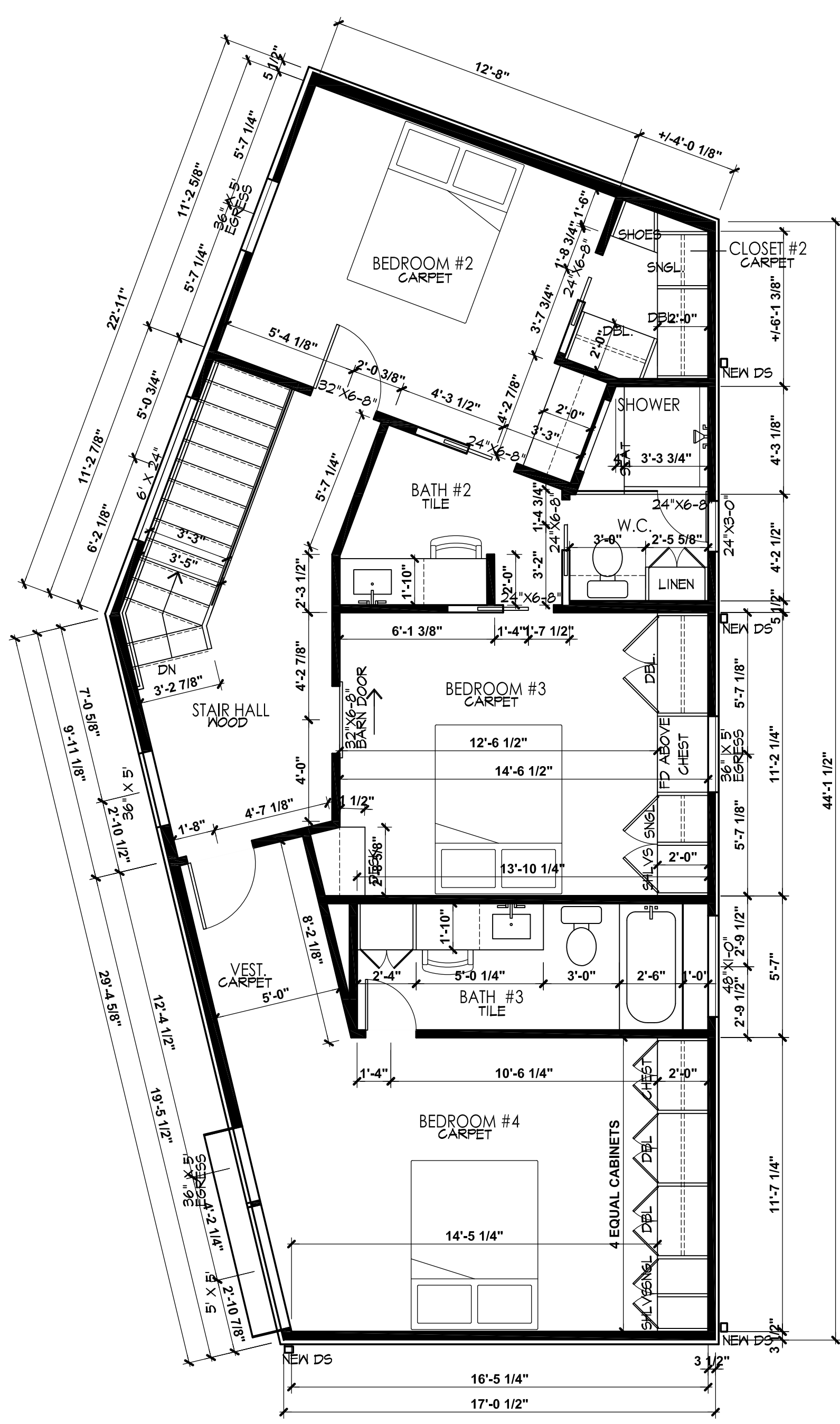
REV.	DATE	ISSUED
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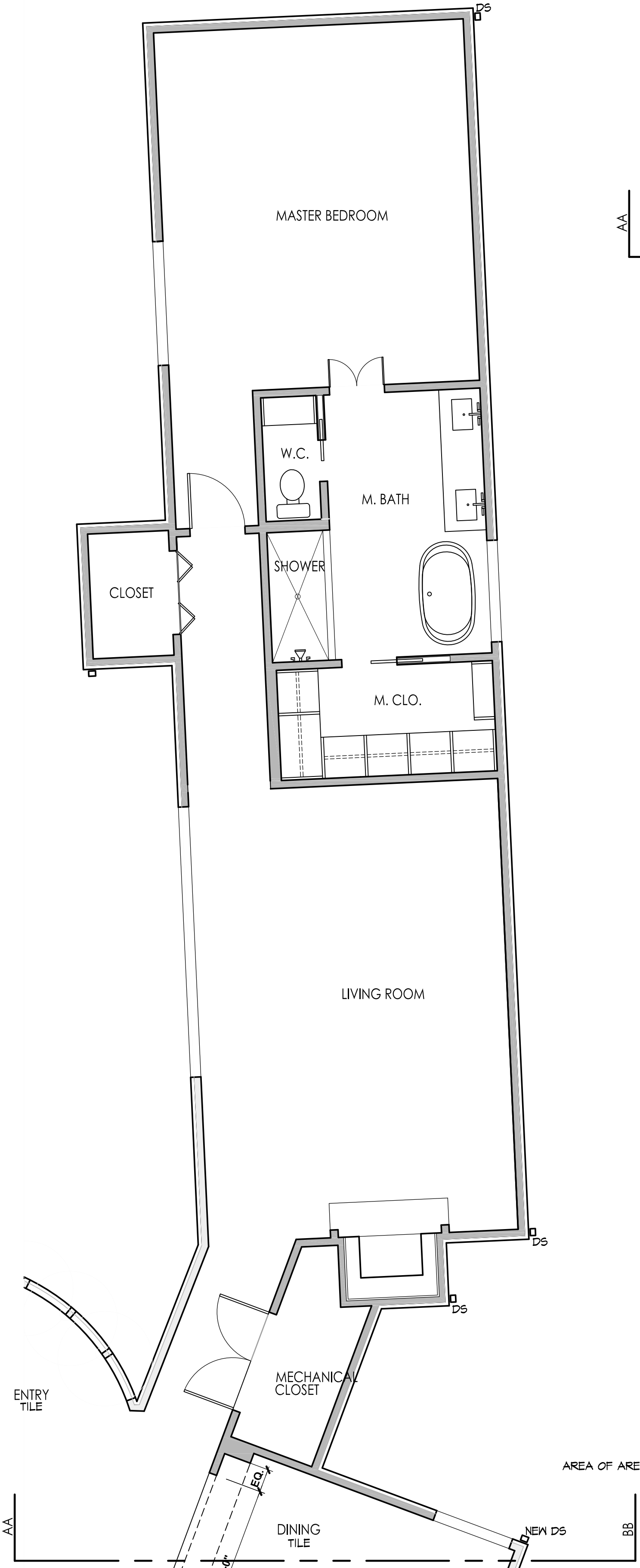
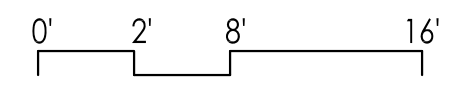
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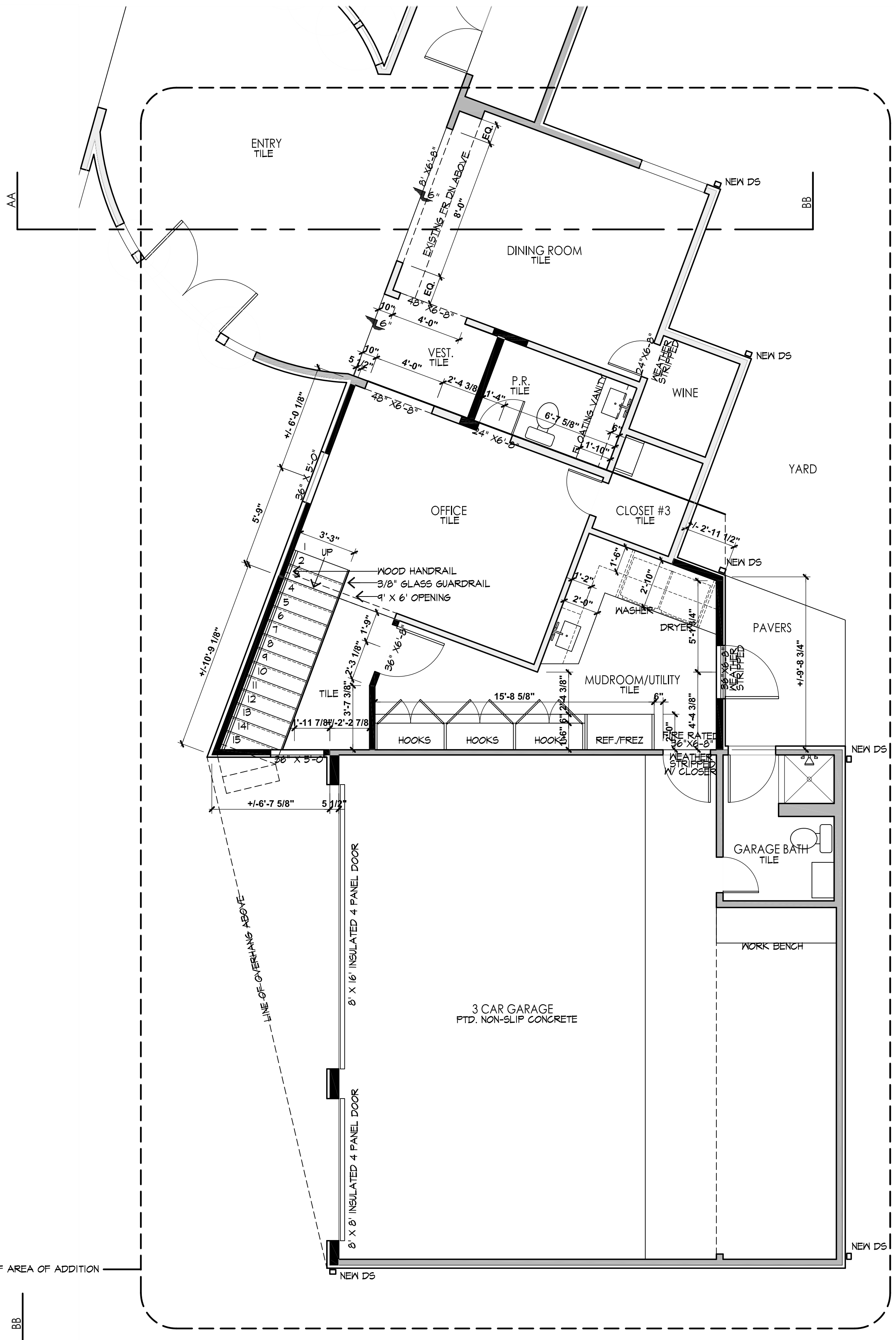
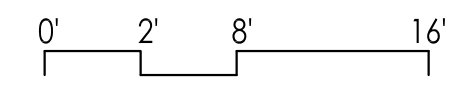
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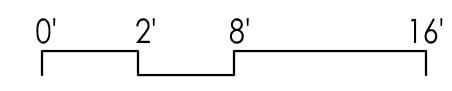
A4 PROPOSED SECOND FLOOR PLAN



A4 PROPOSED FIRST FLOOR PLAN



A4 PROPOSED FIRST FLOOR PLAN



APPROXIMATE PROPOSED AIR CONDITIONED SQ. FT.

FIRST FLOOR ADDITION	224 SQ. FT.
EXISTING FIRST FLOOR	2,304 SQ. FT.
NEW TOTAL SQ. FT.	2,618 SQ. FT.
SECOND FLOOR ADDITION	465 SQ. FT.
NEW FIRST FLOOR SQ. FT.	2,618 SQ. FT.
NEW SECOND FLOOR SQ. FT.	465 SQ. FT.
NEW TOTAL SQ. FT.	3,583 SQ. FT.
GARAGE	882 SQ. FT.

DIVIDER PAGE

SECTION EIGHT: NON-CONFORMING BUILDINGS AND STRUCTURES, LOTS, AND USES¹

08:01 NONCONFORMING BUILDINGS AND STRUCTURES/LOTS/USES.

Within the various zoning districts there may exist buildings or structures, lots, uses of land, or characteristics of use that were lawful before this chapter was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendments hereto. It is the intent of this section to permit those nonconformities to continue until they close or are removed. It is further the intent of this section that nonconformities shall not be enlarged, expanded, or extended, or be used as grounds for adding other buildings, structures, or uses prohibited elsewhere within the same district.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.01 Expansion prohibited.

Unless otherwise specifically permitted by this section, a nonconforming use of land, of a building or structure, or of land and a building or structure in combination shall not be extended or enlarged from and after the effective date of this chapter.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.02 Buildings under construction.

Nothing in this section shall be deemed to require a change in plans, construction, or designated use of any building or structure on that has occurred pursuant to applicable vested rights laws.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.03 Nonconforming use of land.

The nonconforming use of land where no building is involved existing on the effective date of this chapter, or on the effective date of any applicable amendment hereto, may be continued for a period of not more than two years thereafter; provided, however, no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property, and that if such nonconforming use of land or any portion thereof is discontinued or changed, any future use of land shall be in conformity with the regulations of the district in which it is situated.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

¹Editor's note(s)—Ord. No. 2008-01, § 1, adopted January 15, repealed and reenacted section eight to read as herein set out. Formerly, section eight pertained to non-conforming uses and structures in dwelling district "A" and commercial district "C". See the Code Comparative Table for a complete derivation.

08:01.04 Nonconforming lots.

The use of a lot that is nonconforming under the terms of this chapter, but which was lawful when created, may be continued; provided, however, no such nonconforming lot shall be reduced in size or area.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.05 Nonconforming use of buildings.

The nonconforming use of a building which use was in lawful existence on the effective date of this chapter or any applicable amendment hereto may be continued, subject to the following conditions and limitations:

- .01 Voluntary cessation or removal. If a nonconforming use of a building is voluntarily ceased or removed, the future use of such building and premises must conform with the provisions of this chapter.
- .02 Discontinuance. If a nonconforming use of a building is discontinued for a continuous period of one year, further use of such building and premises must conform with the provisions of this chapter.
- .03 Change of use. If a nonconforming use of a building is changed to a conforming use, it may not thereafter be changed back to a nonconforming use.
- .04 Obsolescence or destruction of building. If the building in which a nonconforming use was in lawful existence on the effective date of this chapter, or any applicable amendment hereto, becomes obsolete or is totally destroyed by fire or other force or means, such use shall not be extended or continued on the premises and such building shall not be rebuilt except in conformity with the provisions hereof and for a use permitted in the district in which it is located. In the event such building is partially destroyed by fire or other force or means in excess of 50 percent or more of its replacement value at the time of its partial destruction, it shall not be restored, rebuilt, or repaired unless it is made to conform to the regulations of the district in which it is situated and it and the premises upon which it is located are changed to a permitted use in such district.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.06 Nonconforming buildings and structures.

A building or structure lawfully existing on the effective date of this chapter or any applicable amendment hereto, which is made nonconforming by the provisions of this chapter for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

- .01 Enlargement or alteration. Except as provided by 05:02.03.09.03.05, a nonconforming building or structure may not be enlarged or altered in a manner that increases its nonconformity; however, a building or structure may be altered to decrease its nonconformity. Further, a nonconforming single family dwelling in Residential District A may be enlarged or altered in a manner that does not increase its nonconformity provided that the enlargement or alteration and any prior enlargements or alterations, whether permitted or not, shall not exceed 50 percent or more of either the floor area or the size of the dwelling as the dwelling was originally constructed.
- .02 Destruction of building and structures.
 - .01. In the event a nonconforming building or structure or the nonconforming portion thereof is destroyed by any force or means to the extent of more than 50 percent of its replacement cost at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.

-
- .02. Provided, however, that, except as limited by subsections 08.01.06.02.03 and .04 below, if a dwelling or garage in Residential District A is destroyed by accident, by illegal destruction by persons other than the owner, or by an act of God, then the nonconforming dwelling or garage may be rebuilt in accordance with the setbacks for the original dwelling or garage;
 - .03. Provided, further, that if a new foundation is constructed or required for a dwelling or garage destroyed by accident, by illegal destruction by persons other than the owner, or by an act of God, then the new foundation and the dwelling or garage shall not be reconstructed except in conformity with the provisions of this chapter; and
 - .04. Provided, further, that no nonconforming detached garage may be enlarged or attached to a dwelling if the garage is located less than five feet from the side property line or less than ten feet from the rear property line.
- .03 Moved or relocated. Should any such nonconforming building or structure be relocated or moved any distance whatever for any reason, it shall thereafter be made to conform to the regulations of the district in which it is relocated or to which it is moved.
- .04 Accessory buildings or structures. Except as provided by Subsection 08.01.06.02 above, a nonconforming accessory building or structure shall be removed or made to conform if (i) the main building on the lot upon which such nonconforming building or structure is located is damaged or destroyed to the extent of more than 50 percent of its replacement value at the time of such damage or destruction, and (ii) the value of the nonconforming accessory building or structure does not exceed ten percent of the replacement value of the main building. Provided further, if the cumulative value of all nonconforming accessory buildings and structures exceeds 25 percent of the replacement value of the main building, only those nonconforming buildings having a cumulative replacement value of less than 25 percent of such replacement value shall be made to conform, calculated with the nonconforming accessory building or structure having the lowest replacement value first and that with the highest replacement value last.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.07 Repairs and maintenance/renovation.

On any nonconforming building or structure, work may be done on ordinary maintenance and repair, the repair or replacement of nonbearing walls, fixtures, wiring, plumbing, and similar items, provided the cubic content of such building or structure existing at the time it became nonconforming shall not be increased.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

08:01.08 Determination of replacement value.

For the purposes of determining replacement value of a structure under this chapter, the building official shall determine a replacement cost per square foot of applicable and comparable structures using indices based upon the local construction market. provided, however, that the replacement value may not be less than the value submitted on the permit application. Provided further, in determining the increase in replacement value of a structure being renovated, remodeled or restored, sequential projects shall not be permitted to avoid compliance with the provisions of this chapter. The percent increase in replacement valuation benchmark shall be cumulative of all remodeling or modification work to a structure within any consecutive 12-month period.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

DIVIDER PAGE

05:02.03 Size and Area Requirements:

In construing this Ordinance, all measurements shall be made to the property lines inclusive of any portion of easements within the property lines, so as that the area contained in any easement within the property lines shall be considered a part of the Lot in question for the purposes of determining building lines.

- .01 Minimum Lot Area: All residential Lots shall have a minimum Lot area of ten thousand (10,000) square feet with a minimum of nine thousand (9,000) square feet exclusive of easements.
- .02 Maximum height. No building or structure more than thirty-six feet (36') in height shall be erected in Dwelling District "A". (See also Building or Structure Height to setback ratio (3:5 below).)
- .03 Maximum stories. No building or structure more than two stories shall be erected in Dwelling District "A".
- .04 Reserved. (Ordinance 2006-05 adopted 3-28-06)
- .05 Reserved. (Ordinance 2006-05 adopted 3-28-06)
- .06 Minimum Floor Area Per Dwelling Unit. Each dwelling unit shall have a minimum ground floor, as that term is defined in this subsection, of fourteen hundred (1,400) square feet in area, exclusive of porches, garage, and laundry rooms. The ground floor of a dwelling unit is the living space area most proximate to the foundation slab or other support foundation, upon which such structure is located. (Ordinance 194)
- .07 Maximum Foundation Height. The foundation slab or other support foundation of a structure shall not exceed a height of four feet (4') above the average surrounding finished grade of the ground upon which such structure is located. (Ordinance 194)
- .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. (Ordinance 2004-01 adopted 1-20-04)
- .09 Building line setbacks: (Ordinance 231)
 - .09.01 General: The following restrictions shall apply to all construction of or addition to new or pre-existing buildings, dwellings, garages, and accessory use buildings.
 - .09.02 Front building line setbacks:
 - .09.02.01 Adjoining a local or collector street. For a lot fronting a local or collector street having a right-of-way width of sixty feet (60'), the minimum front building line setback shall be twenty-five feet (25'). For a lot fronting a local or collector street having a right-of-way width of fifty feet (50'), the minimum front building line setback shall be thirty feet (30'). (Ordinance 2007-05 adopted 3-20-07)
 - .09.02.02 Adjoining a Major Thoroughfare. For a lot adjoining a major thoroughfare, other than Westview Drive, the front building setback line shall be twenty-five feet (25'). All garages facing a major thoroughfare must be setback a minimum of thirty-eight feet (38'), measured from the inside edge of any public sidewalk nearest the associated front property line.

Lots Adjoining Westview Drive. Except as provided herein, for a lot adjoining and facing Westview Drive the front building setback line shall be twenty-five feet (25'); provided, however, for a lot adjoining and facing Westview Drive on the north side of Westview Drive between Bracher Street and Bingle Road, the front building setback line shall be forty feet (40'). All garages must be setback a minimum of thirty-eight feet (38') from the inside edge of any public sidewalk nearest the associated front property line, subject to the provisions of Section 05:02.01.04. (Ordinance 2018-27 adopted 10-23-18; Ordinance 2019-12 adopted 5-21-19; Ordinance 2019-14 adopted 6-25-19)

.09.02.03 Adjoining a Cul-de-sac turnaround. For a lot fronting the turnaround portion of a cul-de-sac, the minimum front building line setback shall be twenty feet (20'). (Ordinance 2007-05 adopted 3-20-07)

.09.02.04 Setback Adjustment. If a lot fronts a right-of-way of less width than the minimum required in the City's Subdivision Development Ordinance or the City's Street and Thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

.09.02.05 Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the front building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than twenty-five feet (25').

.09.03 Side building line setback.

09.03.01 Adjoining another lot. For adjoining side property lines, the side building setback shall be not less than eight feet (8'). Where a side property line adjoins the rear property line of adjacent property, the side yard setback for the second story shall be not less than fifteen feet (15'). (Ordinance 2006-05 adopted 3-28-06)

.09.03.02 Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum side building line setback shall be fifteen feet (15').

.09.03.03 Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum side building line setback shall be twenty-five feet (25').

.09.03.04 Setback adjustment. If a side lot line adjoins a right-of-way of less width than the minimum required by the City's Subdivision Development Ordinance or the City's Street and thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

.09.03.05 An exception to the side building line setback for pre-existing dwellings and pre-existing garages. This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof

slope. This exception applies only to side building line setbacks. (Ordinance 96-10; Ordinance 2003-02 adopted 1-20-03; Ordinance 2009-13 adopted 8-25-09)

.09.04. Rear building line setback.

09.04.01 Rear setback. For adjoining rear property lines, the rear building setback shall be not less than ten feet (10') for the first story, and not less than twenty five feet (25') for the second story. Where a rear property line adjoins the side property line of adjacent property, the rear yard setback shall be not less than ten feet (10'). (Ordinance 2006-05 adopted 3-28-06)

.09.04.02 Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum required rear building setback shall be fifteen feet (15').

.09.04.03 Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum required rear building line setback shall be twenty-five feet (25').

.09.04.04 Setback adjustment. If a lot backs up to a right-of-way of less width than the minimum as required in the City's Street and Thoroughfare Plan there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.

.09.04.05 Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the rear building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than ten feet (10').

.10 Driveway Width, Transition, and Separation.

.10.01 Except as provided by subsection 10.04 below, the maximum driveway width at the line of intersection with the street pavement shall not exceed twenty-four feet (24'), plus the corner radii at each intersection and the maximum width of the driveway located within the right-of-way shall not exceed twenty-four feet (24').

.10.02 Residential access ways, or curb cuts, shall meet or exceed the minimum standards set by the City. (See, e.g., Article 3.1200—Regulations for the Cutting of Streets).

.10.03 No curb cut shall be located within twenty-four feet (24') of a street intersection.

.10.04 Lots that are adjacent to Campbell Road or Bingle Road and a minor street shall have vehicular driveways connecting with the minor street only.

.10.05 Where the driveway provides direct access to a garage containing more than two (2) parking spaces and the garage fronts a side-street, then the corresponding curb cut shall not exceed thirty-six feet (36').

.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.

.10.07 If more than one (1) curb cut (that is street transition) is constructed on the same lot, such curb cuts shall be separated (nearest edge to nearest edge as measured along the street curb) by a minimum distance of at least twenty feet (20'). The driveways corresponding to the two (2) curb cuts must interconnect as a circular driveway, and at least one (1) curb cut must correspond to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space.

.10.08 A parking pad is permitted only if it is contiguous to the driveway, it is a paved surface, and it is located entirely outside the City right-of-way.

.10.09 It shall be unlawful for any person to cause or permit the placement or construction of a vehicular driveway, or any portion thereof, which violates the provisions of this section.

(Ordinance 2013-03 adopted 2-26-13; Ordinance 2019-12 § 3 adopted 5-21-19)

DIVIDER PAGE



EST. 1955

SPRING VALLEY VILLAGE

MEMORANDUM

DATE: February 10, 2022

TO: Luisa Rolon, VGR Services LLC

FROM: Zachary Meadows, Director of Community Development

CC: Julie Robinson, City Administrator

SUBJECT: Determination of Setback Requirements for Garage Located at 8836 Larston Street

On Monday, October 11, 2022, you submitted an application and a set of construction plans for a remodel and addition project for the house located at 8836 Larston Street (“Submittal”) Following review of the proposed project you were issued a permit to start construction on Wednesday, October 27, 2022.

On Tuesday, February 8, 2022, you met with me and Kevin Taylor of BBG Consulting, the City’s Building Official. During the meeting, it was discussed that although a permit had been issued for the scope of work indicated, there was a review of the facts that allowed the construction to be permitted.

Based on Harris Central Appraisal District records, it appears that this house and garage was built in 1975. Since the City did not adopt zoning regulations until 1981, the original detached garage at 8836 Larston Street is considered a non-conforming structure pursuant to Section 8, Non-Conforming Building and Structures, Lots, and Uses, of Chapter 12, Zoning, of the City’s Code of Ordinances. When the Submittal was reviewed and permitted, among other regulations, the City reviewed specifically the following two sections of the Zoning Ordinance.

Section 08:01.06.01 of Chapter 12, Zoning, provides as follows:

“Enlargement or alteration. Except as provided by 05:02.03.09.03.05, a nonconforming building or structure may not be enlarged or altered in a manner that increases its nonconformity; however, a building or structure may be altered to decrease its nonconformity. Further, a nonconforming single family dwelling in Residential District A may be enlarged or altered in a manner that does not increase its nonconformity provided that the enlargement or alteration and any prior enlargements or alterations, whether permitted or not, shall not exceed 50

percent or more of either the floor area or the size of the dwelling as the dwelling was originally constructed.”

Although the scope of work does not exceed more than 50 percent of the floor area of the dwelling, the above section of the Zoning Ordinance refers to an exception provided in Subsection 05:02.03.09.03.05 of Section 5, Building and Use Restrictions in Dwelling District “A”, of Chapter 12, Zoning, of the Code of Ordinances that provides as follows:

“An exception to the side building line setback for pre-existing dwellings and pre-existing garages. This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks.”

Based on the original interpretation of these sections, the scope of work was deemed to meet the requirements and as such, a permit was issued for construction. However, Mr. Taylor and I informed you during the February 8, 2022 meeting that the City no longer believed this to be accurate. The construction of a second story portion over the existing garage violates the exception language found within Subsection 05:02.03.09.03.05 of Section 5, Building and Use Restrictions in Dwelling District “A”, of Chapter 12, Zoning, of the Code of Ordinances. Since the garage sits at only 4.2 feet from the side property line, and not the minimum 5 feet as indicted in the subsection, the back wall of the garage would need to be relocated to be a minimum of 8 feet from the side property line. As discussed in order to final out the project and issue a Certificate of Compliance for the construction, this requirement would need to be addressed.

As you are aware there were two options afforded to you and discussed at the February 8, 2022 meeting.

Option One

The rear wall of the garage can be moved 3.8 feet to meet the requirement that the structure be a minimum of 8 feet from any side property line.

Option Two

You may appeal the City's decision to the Zoning Board of Adjustment, where the Board will determine which interpretation of the ordinance shall suffice.

During our discussion, you indicated your desire to pursue an appeal of the decision and I provided you a Board of Adjustments Application at that time. Before leaving the office you filled out the application and was received by myself. As you were made aware, the City will be scheduling this appeal in a timely manner as afforded to you by State Law. Although an appeal application has already been received, this memorandum is being provided to you for clarification of the discussion that took place on February 8, 2022.