



EST. 1955

**SPRING VALLEY**

V I L L A G E

# **Board of Adjustment Meeting**

**August 17, 2022**

**6:00 p.m.**



**SPRING VALLEY**  
VILLAGE

**AGENDA**

**City of Spring Valley Village  
Board of Adjustment Meeting  
Council Chambers of City Hall  
1025 Campbell Road, Houston, Texas 77055  
WEDNESDAY, AUGUST 17, 2022 AT 6:00 P.M.**

The meeting agenda and agenda packet are posted online at [www.springvalleytx.com](http://www.springvalleytx.com).

The video link to this meeting is <https://us02web.zoom.us/j/82368215924>

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: 823 6821 5924 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.

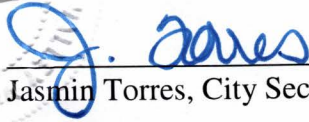
A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

- 1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**
- 2. APPROVAL OF MEETING MINUTES:** March 29, 2022 Meeting
- 3. CONDUCT A PUBLIC HEARING CONCERNING:** A Request from Luisa Rolon for a Variance from Chapter 12 Planning & Zoning, Subsection 05:02.03.09.03.05, of Section 5, Building and Use Restrictions in Dwelling District "A", to Allow for the Wall of the Garage to Remain at 4.2 Feet From the Side Property Line, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.
  - A. Presentation of Variance Request by Applicant
  - B. Those In Favor
  - C. Those Opposed
  - D. Adjourn Public Hearing
- 4. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Luisa Rolon for a Variance from Chapter 12 Planning & Zoning, Subsection 05:02.03.09.03.05, of Section 5, Building and Use Restrictions in Dwelling District "A", to Allow for the Wall of the Garage to Remain at 4.2 Feet From the Side Property Line, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.

**5. ADJOURNMENT**

I certify that a copy of the August 17, 2022 Board of Adjustment agenda was posted this day, the 11<sup>th</sup> day of August 2022 at 5:00 p.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest:



J. Torres

Jasmin Torres, 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, or Email [jtorres@springvalleytx.com](mailto:jtorres@springvalleytx.com) for further information.

# Minutes

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING  
CITY OF SPRING VALLEY VILLAGE, TEXAS  
TUESDAY, MARCH 29, 2022 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 6:08 p.m.

Members Present:

Board Member Steve Bass  
Board Member Douglas Doyle  
Board Member William Featherston  
Board Member Kenneth Schneider

Also present were:

Alternate Board Member Susan Diehl  
Alternate Board Member Douglas Potts  
City Attorney Loren Smith  
Director of Community Development Zachary Meadows

City Attorney Loren Smith 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 Bass made a motion to nominate Board Member Doyle as Chairman, and Board Member Potts seconded the motion. Motion carried 5-0.

Board Member Doyle made a motion to nominate Board Member Schneider as Vice-Chairman, and Board Member Potts seconded the motion. Motion carried 5-0.

Board Member Featherston made a motion to nominate Board Member Featherston as Secretary, and Chairman Doyle seconded the motion. Motion carried 5-0.

**3. APPROVAL OF MEETING MINUTES: July 20, 2022**

Chairman Doyle made a motion to approve the July 20, 2022 meeting minutes, and Board Member Schneider seconded the motion. Motion carried 5-0.

**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.**

Chairman Doyle opened the Public Hearing at 6:12 p.m.

**A. Presentation of Appeal of Interpretation of City Zoning Official by Applicant**

Director of Community Development Zachary Meadows introduced the Applicant Luisa Rolon and her Attorney Steve Cagle. Mr. Cagle spoke about Ms. Rolon's background as an experienced builder and her attraction to 8836 Larston Street after speaking with Director of Community Development Zachary Meadows. Mr. Cagle then explained that the information provided by the City assured Ms. Rolon that she would be able to attach the existing garage to build a second story to the existing home. He continues to explain the permitting process that Ms. Rolon goes through as required by the City and the inspections that she has completed. On February 8, 2022, a complaint is raised with concerns of the construction being completed at 8836 Larston Street and that the construction being completed did not meet the requirements of the City ordinances. After much discussion, it was determined that the existing non-conforming garage would need to comply with the required 8-foot setback regulation. Mr. Cagle points out that at the time the concerns were raised the construction was already in the finishing stages of the project. As he continues his presentation, he points out that he believes the concern was raised regarding the window on the second floor that overlooks the neighboring property. Mr. Cagle further explains that even if the construction is changed to meet compliance, the window would still need to remain where it is in order to meet the International Building Codes for bedrooms. The estimate to do the work per the changes would be \$104,000.00 to remove a full restroom, a sink, an air conditioning unit, and additional materials. Mr. Cagle points out that the additional work to make the required changes would be of no benefit to anyone else, not even the complainant, is an added expense that wasn't budgeted, and would in turn reduce the overall value of the home by a minimum of 12% because of the reduction in square footage and removal of the additional restroom. He then asks for one of two outcomes, that an appeal be granted finding that it conforms as is or that a variance be granted finding that in this situation, based on the approval from the city, the work that has been completed thus far, and the additional hardship it would Ms. Rolon to complete the changes.

**B. Those In Favor**

City Attorney Loren Smith addressed those to speak in favor to go over the procedures to do so and the 3-minute time limit they would have. Attorney Steve Cagle presented letters from the Rolon's immediate neighbors to the Board.

James Beasley, who lives at 8840 Larston Street, spoke in favor of the appeal of the interpretation request.

Amanda Karavue, who lives at 8830 Larston Street, spoke in favor of the appeal of the interpretation request.

Aaron Davis, who lives at 8849 Larston Street, spoke in favor of the appeal of the interpretation request.

**C. Those Opposed**

Trey Hoffman, who lives at 8810 Heather Circle, spoke in opposition to the appeal of the interpretation request. After reviewing the plans, the main concerns and decision behind his opposition to the variance are the lot lines which are different from typical lot lines raising questions between the rear and side lot line.

Anne-Marie McMichael, who lives at 1400 Beutel Drive, spoke in opposition to the

appeal of the interpretation request. Ms. McMichael states that her main reason for the opposition is the detached garage, which according to ordinance is a non-conforming structure specifically called attention to specific section stating that no non-conforming detached garage may be enlarged or attached to a dwelling if the garage is located less than 5 feet from the side property line or less than 10 feet from the rear property line. The property line in question to the detached garage has been determined to be the side property line.

Kenny Jones, who lives at 1245 Ben Hur, spoke in opposition to the appeal of the interpretation request. Mr. Jones states that because of the addition of the second floor the addition of a window and walkout balcony now cast a direct view into their backyard infringing on their privacy.

City Attorney Loren Smith makes a clarification to the Board about the differences between a variance request and an appeal of a zoning official's interpretation. He clarified that the hardship requirement would not apply to an appeal and is restricted to the request for a variance only.

Karen Jones, who lives at 1245 Ben Hur, spoke in opposition to the appeal of the interpretation request. Ms. Jones gives a brief history of other instances in which other potential buyers showed interest in adding a second-story floor to 8836 Larston Street and were denied by the Planning and Zoning Commission. Ms. Jones addresses the same concerns as her husband, Kenny Jones, and the addition of the balcony and window interjecting on the privacy of their backyard. She also states that another concern is the drainage because of the elevation changes to the garage as well as the tilt back from the second story.

Jim Shoemaker, who lives at 1101 Ben Hur, spoke in opposition to the appeal of the interpretation request. Mr. Shoemaker stated that he wants the ordinance to be enforced as it is written so that the non-conforming garage would be at the 8-foot required setback according to how the ordinance is written.

Kent Roberts, who lives at 1310 Ben Hur, spoke in opposition to the appeal of the interpretation request. Mr. Roberts

John Lisenby, 8822 Heather Circle, spoke in opposition to the appeal of the interpretation request. Mr. Lisenby stated his position by saying that the ordinance is clear and that garage needs to be in compliance because it is a violation of the current code of ordinances.

**D. Adjourn Public Hearing**

Chairman Doyle adjourned the Public Hearing at 7:01 p.m.

**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.**

Following discussion, Board Member Schneider made a motion to approve the request of the Appeal to the Zoning Officials Interpretation of the Alteration or Expansion of a Non-Conforming Structure at 8836 Larston Street, and Board Member Bass seconded the motion. Motion failed 1-4. A copy of the Decision is attached to these minutes.

**6. ADJOURNMENT**

Chairman Doyle made a motion to adjourn the meeting at 7:41 p.m., and Board Member Bass 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:** August 17, 2022

**TOPIC:** **CONDUCT A PUBLIC HEARING CONCERNING:** A Request from Luisa Rolon for a Variance from Chapter 12 Planning & Zoning, Subsection 05:02.03.09.03.05, of Section 5, Building and Use Restrictions in Dwelling District "A", to Allow for the Wall of the Garage to Remain at 4.2 Feet From the Side Property Line, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.

**BACKGROUND:** Luisa Rolon ("Applicant") has requested that the back wall of an existing garage remain in its current location, which is approximately 4.2 feet from the side property line at 8836 Larston Street ("Property").

On March 29, 2022, the Board of Adjustments heard and denied an application from Mrs. Rolon appealing the Zoning Official's decision to enforce the requirements of Subsection 05:02.03.09.03.05 of the Zoning Ordinance which requires her to move the back wall of the garage to the current setback requirements.

Ms. Rolon chose not to appeal the decision of the Board to Harris County District Court. However, she decided to request a Variance to the same Subsection of the Zoning Ordinance. Subsection 05:02.03.09.03.05 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


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

building line setbacks.”

The Applicant has provided as a part of their application what they consider to be justification as to why the variance should be granted.

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

- ATTACHMENTS:**
- Variance Application Packet Submitted by Luisa Rolon for 8836 Larston Street
  - Subsection 05:02.03 – Size and Area Requirements of the the Zoning Ordinance
  - Notice of Public Hearing and Mailing Labels
  - Zoning Change Sign Posting and Maintenance Affidavits

<b>SUBMITTING STAFF MEMBER:</b>  Zachary Meadows, Director of Community Development	<b>CITY ADMINISTRATOR APPROVAL:</b> 
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**DIVIDER PAGE**



EST. 1955

**SPRING VALLEY**  
VILLAGE

**Community Development**  
**City of Spring Valley Village**

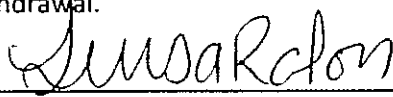
**BOARD OF ADJUSTMENTS APPLICATION**

RCVD  
APR 10 03  
3 JUN '22

PROPERTY INFORMATION	
Property Address: 8836 Larston St., Houston, Texas 77055	
Legal Description:  Lt 7, Fries Pines	
Present District Zoning:	
Action Requested: <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal	
Requested Variance/Special Exception/Appeal Description: Applicant seeks variance from Subsection 05:02.03.09.05 of Section 5, Building and Use Restrictions in Dwelling Dist. "A", of Chapter 12, Zoning, of the Code of Ordinances, which would allow the back wall of the garage to remain at 4.2ft from the side setback line. See City of Spring Valley Memo dated 2/10/22 attached. See also letter attached.	

OWNER INFORMATION	
Name: Luisa Rolon	Phone#: (713) 409-3480
Address: 8836 Larston St., Houston, Texas 77055	
Email: luisapaz2@hotmail.com; scagle@winstead.com	

APPLICANT/AGENT INFORMATION	
Name: Luisa Rolon	Phone#: (713) 409-3480
Address: 8836 Larston St., Houston, Texas 77055	
Email: luisapaz2@hotmail.com; scagle@winstead.com	
**If applicant is different than property owner a <i>Notarized Letter of Authorization</i> must be attached to the application	

PROPERTY OWNER/AGENT AUTHORIZATION		
<b>Property Owner Consent/Agent Authorization:</b> 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 Rolon	06/02/2022
Signature of Contractor/Authorized Agent	Printed Name	Application Date

FOR OFFICE USE ONLY	
BOA Case Number: _____	Date Submitted: <u>6/3/2022 10:03am</u>
BOA Meeting Date: _____	BOA Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied

Zach Meadows  
Director of Community Development  
Spring Valley Village  
1025 Campbell Rd  
Houston, Texas 77055

Re: Request for Variance from Setback at 8836 Larston St., Houston TX 77055

The Rolon's purchased the real property and improvements located at 8836 Larston St., Houston, Texas (the "Property") with the intention of remodeling the home, including adding a second story over the existing garage (the "Project"). The plans submitted to the City of Spring Valley Village (the "City") were approved and construction permits were issued. In reliance on the City's approval and authorization to construct the scope of work set forth in the plans, the Rolon's proceeded with the Project. Only after the Project was substantially complete did the City determine that its original interpretation of relevant setback ordinances was not accurate. Specifically, the City found the following:

The construction of the 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 Restriction in Dwelling District "A", of Chapter 12, Zoning, of the Code of Ordinances. **Since the garage sits 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 a result of the City's determination, the Rolon's must suffer the unnecessary hardship of relocating the back wall of the garage or obtain a variance before the City will issue a certificate of compliance.

Texas law provides that a zoning board of adjustment may "authorize a variance from the terms of a zoning ordinance if the variance is not contrary to public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done." Tex. Loc. Govt. Code Ann. § 2.11.009(a)(3). As set forth below, the City's approval of the construction plans and authorization to proceed with the Project constitute special circumstances that support the granting of a variance. Texas case law specifically supports a Zoning Boards decision to grant a variance when the improvement has already been built. Further, the cost of compliance with the City's determination is well above 50% of the appraised value of the improvement located on the Property.

The Rolon's seek a variance from the setback ordinance requiring them to move a pre-existing garage wall from 4.2 feet to 8 feet from the side property line. Stated another way, the Rolon's request that the preexisting garage wall can remain where it is, which is 4.2 feet from the side property line.

#### BOARD OF ADJUSTMENT APPLICATION REQUIREMENT

- Special circumstances exist that are peculiar to the land or structure, which are not self-imposed or the result of the actions of the Rolon's.
  - The Rolon's plans submitted to the City were approved on 10-25-2021. Mrs. Rolon also spoke with City representatives on numerous occasions to confirm that there were no issues with the setback line. The Rolon's relied on the City's approval and

authorization to proceed with construction. Only after substantially completing the remodel did the City notify the Rolon's that they determined that their remodel violated the ordinance pertaining to the side setback line.

- Specifically, the City found that "since the garage sits at only 4.2 feet from the side property line, and not the minimum 5 feet as indicated in the subsections, the back wall of the garage would need to be relocated to the minimum of 8 feet from the side property line."
  - Thus, City's position is that the difference of 0.8 feet requires the Rolon's to tear out the back wall of their garage, remove and relocate a pre-existing bathroom, and remove and relocate newly installed air conditioning units.
- Literal interpretation and enforcement of the terms and provisions of the ordinance would cause an unnecessary and undue hardship.
    - Compliance with the Board of Adjustment's interpretation of the ordinance would cause unnecessary and undue hardship.
    - The City claims it negligently approved the Rolon's plans. However, the City did not notify the Rolon's of any non-compliance with the setback ordinances until after construction was substantially complete.
    - Indeed, the Rolon's would likely not have purchased the Property but for the City's representation that the first floor of the garage would not have to be altered. This spacious garage with a full bathroom and built in sink area was a material factor in the Rolon's decision to purchase the property.
    - Moving the non-conforming wall also dramatically alters other parts of the pre-existing structure. Prior to the Rolon's purchase of the Property, the backyard had a pool. The now-deemed nonconforming section of the garage has a full bathroom, which is accessible by the backyard. Thus, the pool bathroom would have to be removed if the back wall of the garage is moved.
    - Further, air conditioning units have been installed in the area directly above the backwall of the garage.
    - To strictly comply with the City interpretation of the ordinance, the Rolon's would suffer damages over \$200,000 to:
      - remove and rebuild the wall, remove and rebuild the pre-existing sink and full bathroom, reframe back of the garage;
      - re-locate the electrical breaker box,
      - alter and disconnect plumbing connections for two sinks, one toilet, and one shower
      - re-enforce structural metal frames, the drainage system, the foundation of the pre-existing garage
      - add and/or reinstall new piers, existing built in cabinets storage, stucco, roof, gutters, sheetrock, foam insulation, the pre-existing tile floor, baseboards, cabinets, paint and more.
    - Additionally, the Rolon's will suffer unnecessary mental and financial hardship if they are forced to relocate from their residence and potentially change schools for their daughter.
  - Granting the variance is a minimal 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.

- The only complaints regarding the new structure relate to the fact that a second story now exists. However, the second story is in compliance with all ordinances and will not change. As such, moving the garage wall does nothing to address the issues raised by the those voicing concern about the setback violation.
  - Clearly, it is unjust to force the Rolon's to spend over \$200,000 to modify the pre-existing structure, when the modification has no impact anyone other than the Rolon's.
- Such a variance will not alter the essential character of the district in which it is located or the Property for which the variance is sought.
  - Correct. Remodeling existing homes to include a second story over the garage is increasingly common in the City.
- Such a 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.
  - Correct, the use of the Property is not at issue.
- The variance will not adversely affect the health, safety or welfare of the public.
  - Correct. The issue of a setback line has no negative impact on the health, safety or welfare of the public.
- The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code.
  - Correct. The appraised value of the structure is \$273,720 per HCAD's 2022 appraisal. The estimated cost of compliance with the City's determination exceeds \$200,000. The Rolon's will incur additional costs if they are forced to rent another home while work is done to comply with the City's determination.
- Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur.
  - No.
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - No.
- Compliance would result in the unreasonable encroachment on an adjacent property or easement.
  - The Rolon's are not aware at this time that compliance would result in the unreasonable encroachment on the adjacent property of easement.
- The City considers the structure to be a nonconforming structure.
  - Correct. Although the City approved the Rolon's construction plans and issued a permit allowing construction to proceed, the City changed its position after the remodel was substantially complete and determined that subject garage was non-conforming pursuant to Subsection 05:02.03.09.03.05 of Section 5, Building and Use Restriction in Dwelling District "A", of Chapter 12, Zoning, of the Code of Ordinances.
  - The Rolon's appeal of this decision was denied. As such, the Rolon's will either receive a variance or be forced to move the back wall of the garage from 4.2 feet to 8feet.

# PROBSTFELD & ASSOCIATES

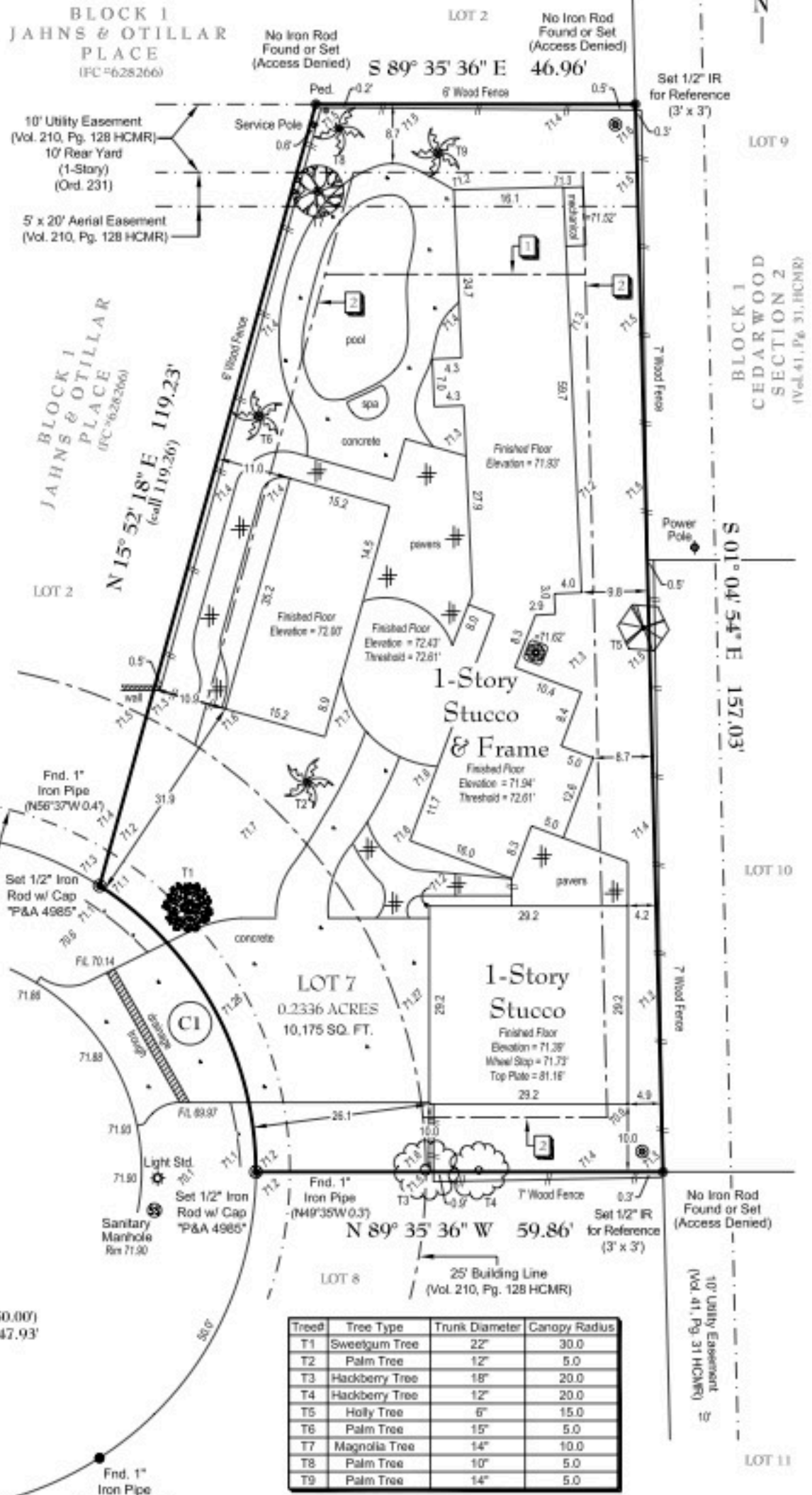
## PROFESSIONAL LAND SURVEYORS

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  
GF#: 2163-07-21 (7/06/2021)

**EMAIL COPY**  
NOT TO BE RECORDED FOR ANY PURPOSE

JOB # 3144-001 DRAWN BY: M TM



**GARCIA DESIGN | ASSOCIATES**  
 8955 Katy Freeway, Suite 106  
 Houston, Texas 77024  
 T 713 686 6060  
 F 713 686 6063

www.gdaooffice.com

**Consultants:**

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

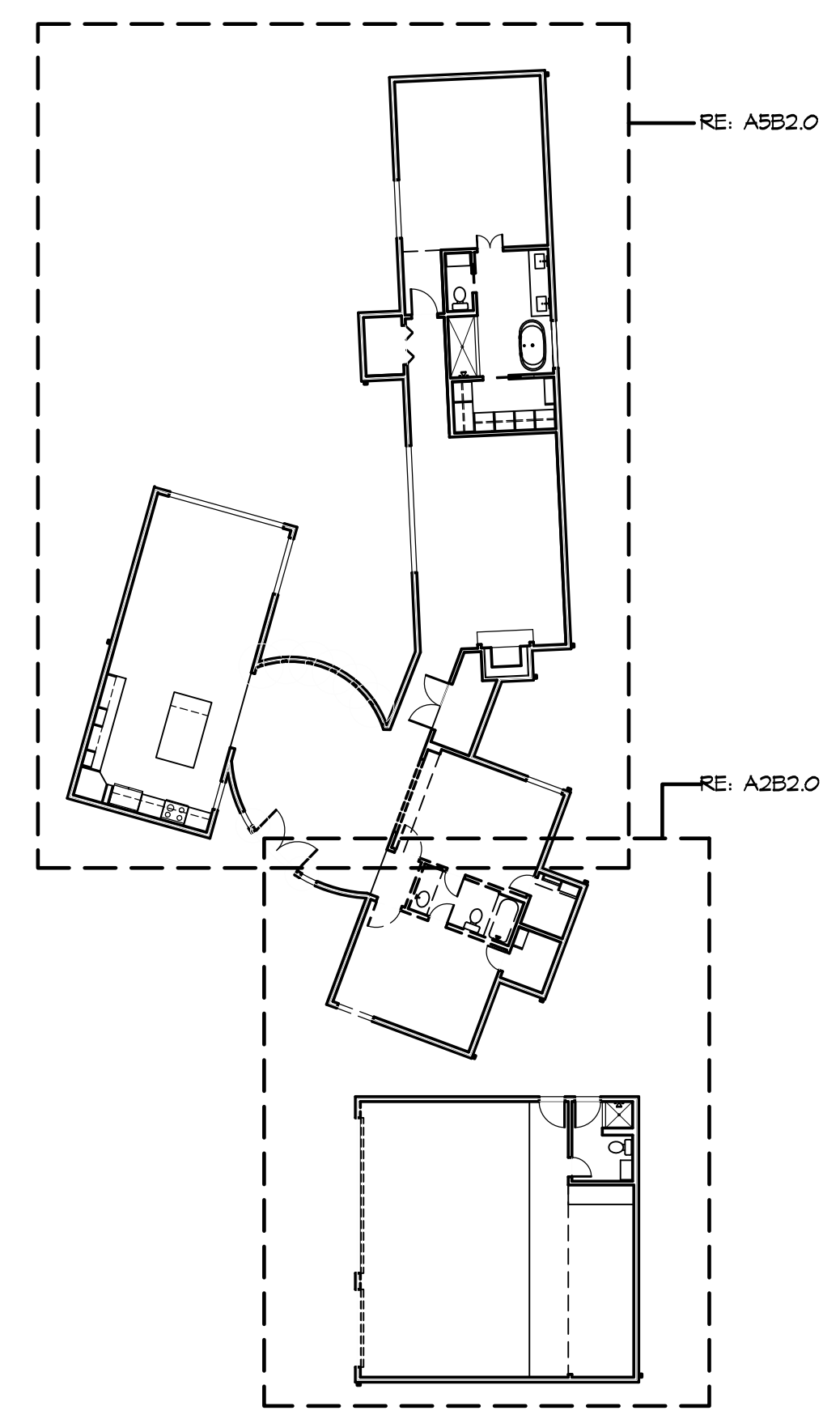
REV.	DATE	ISSUED
	08.16.2021	CLIENT REVIEW
	08.08.2021	STRUCTURAL REVIEW
	08.10.2021	PERMIT

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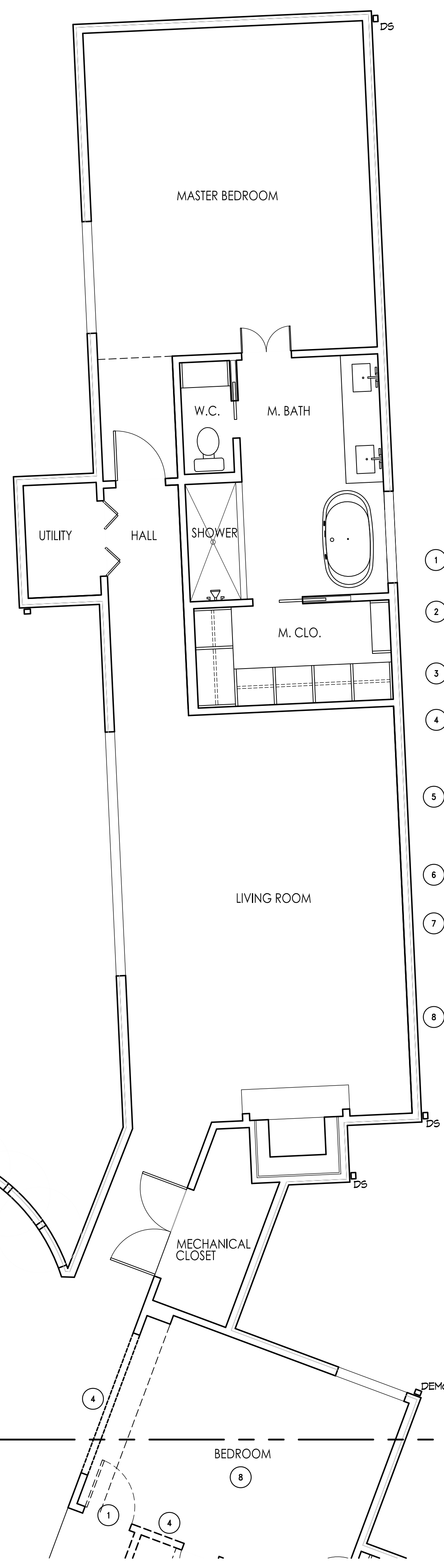
**Project Number**  
 2014

**Sheet Name**  
 DEMO FLOOR PLANS

**Sheet Number**  
**B2.0**



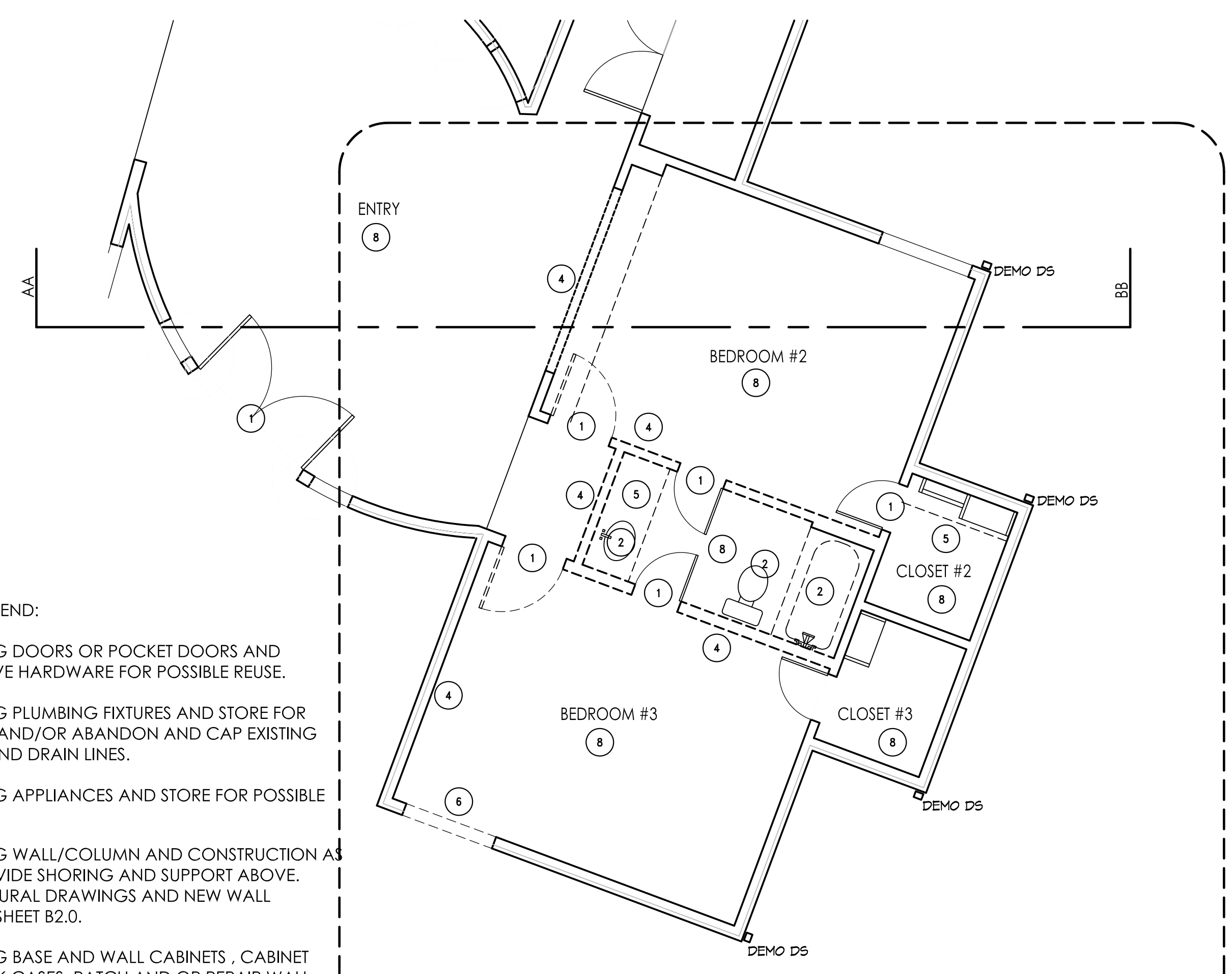
**C5 REFERENCE FIRST FLOOR PLAN**



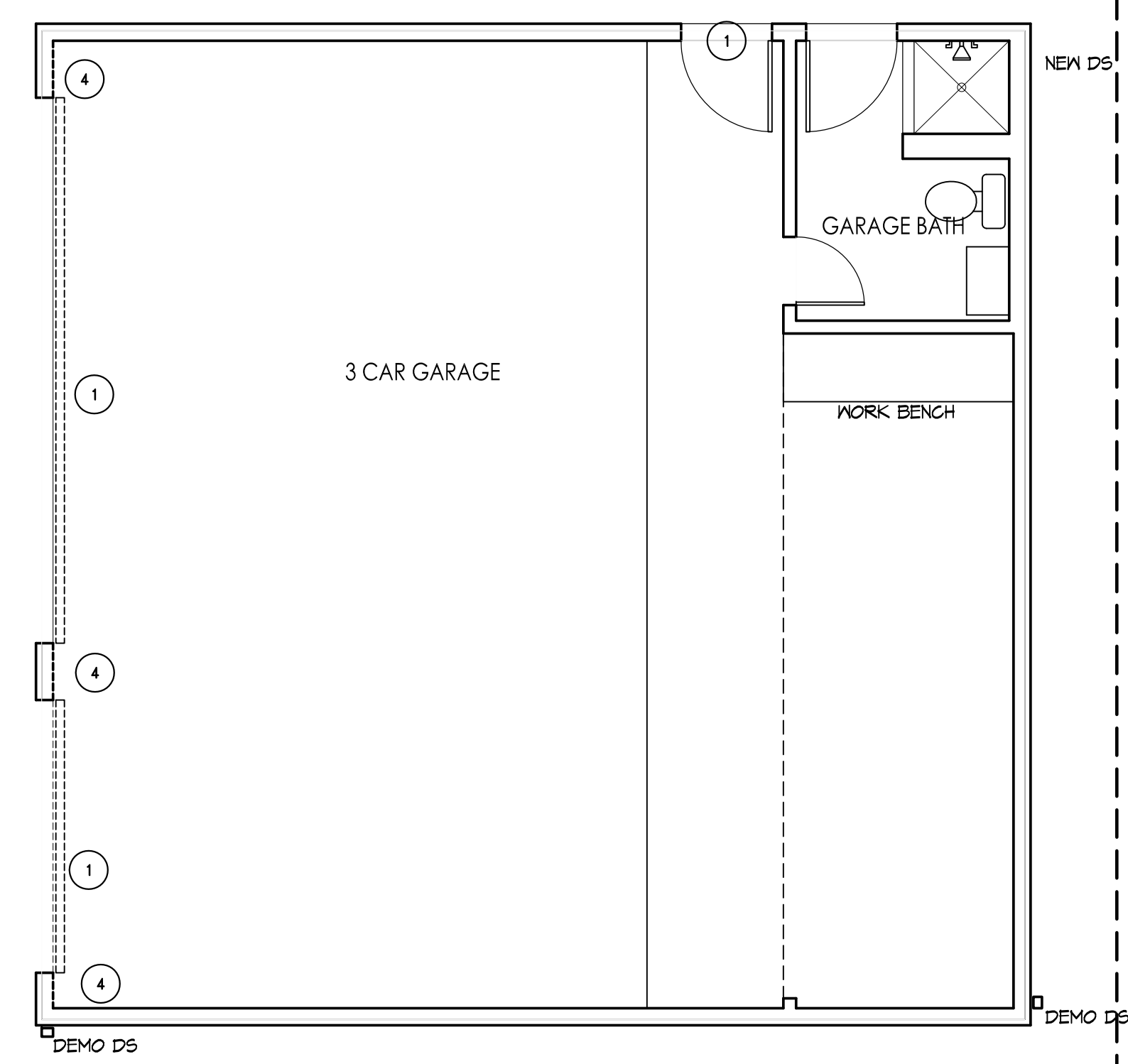
**A5 DEMO FIRST FLOOR PLAN**

- 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 2,804 SQ. FT.  
 GARAGE 832 SQ. FT.



**A2 DEMO FIRST FLOOR PLAN**



**3 CAR GARAGE**



**GARCIA DESIGN | ASSOCIATES**  
 8955 Katy Freeway, Suite 106  
 Houston, Texas 77024  
 T 713 686 6060  
 F 713 686 6063

www.gdaoffice.com

**Consultants:**

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

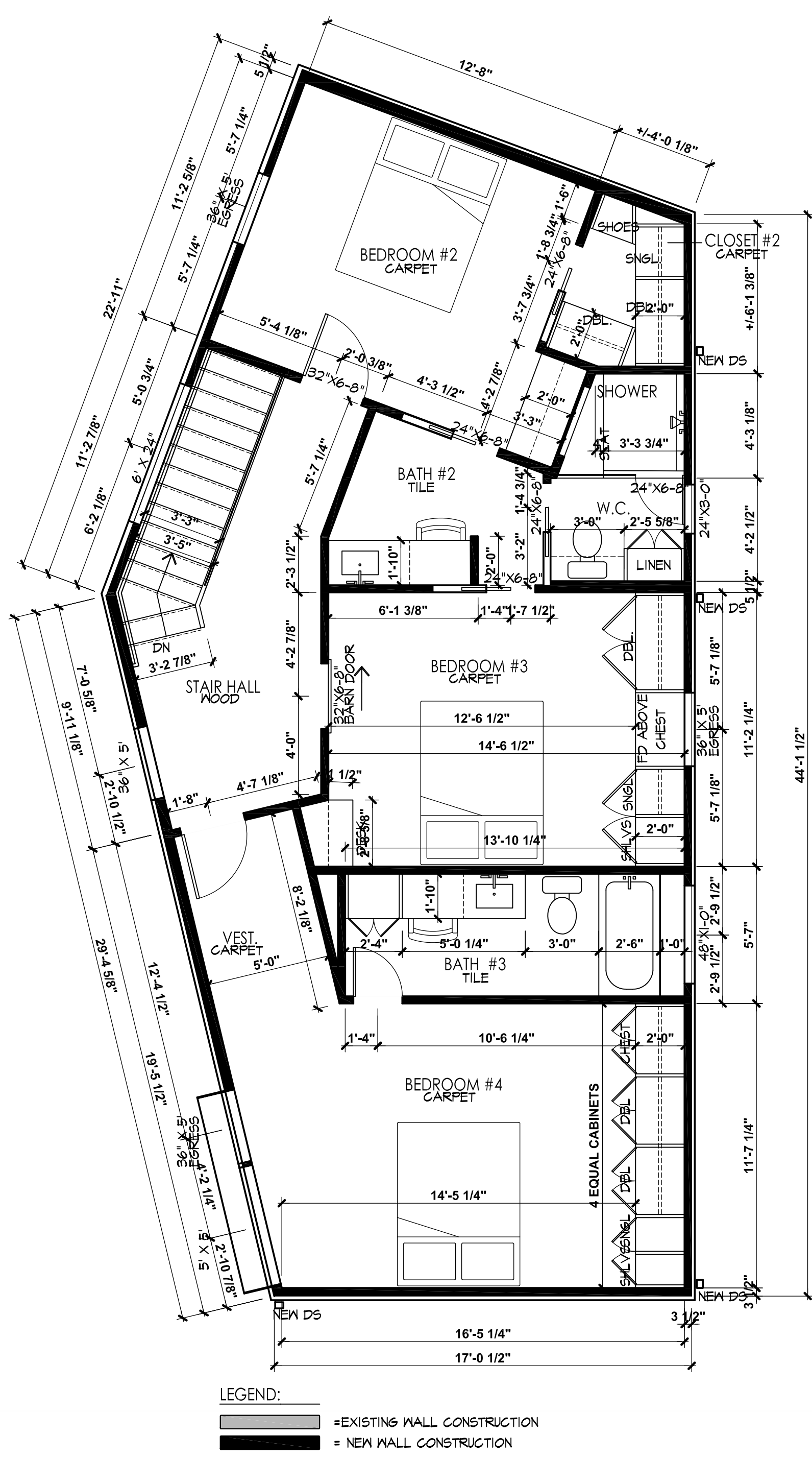
REV.	DATE	ISSUED
	08.16.2021	CLIENT REVIEW
	09.08.2021	STRUCTURAL REVIEW
	09.10.2021	PERMIT

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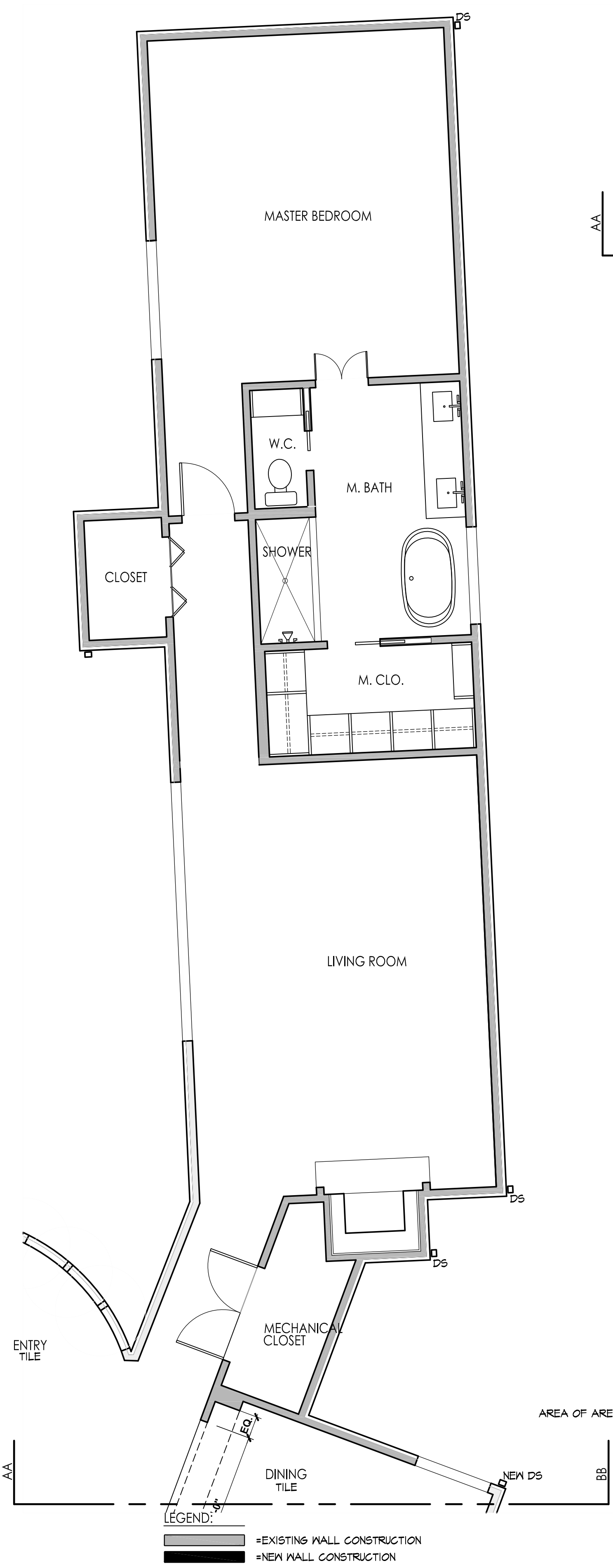
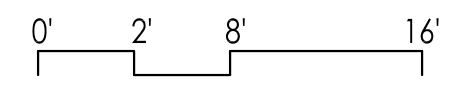
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 2114

**Sheet Name**  
 FLOOR PLANS

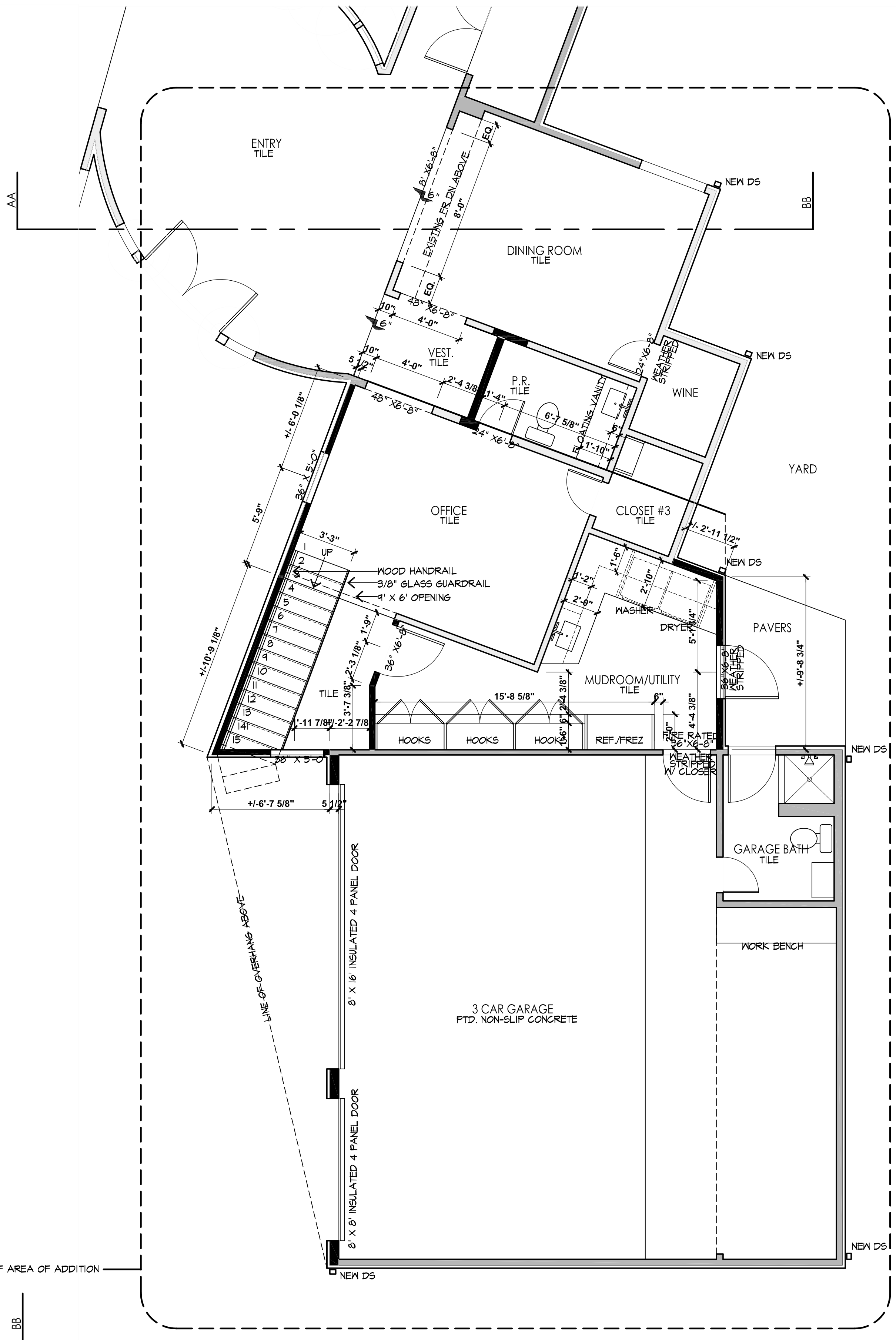
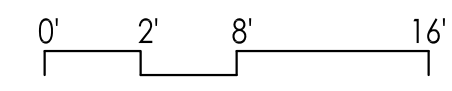
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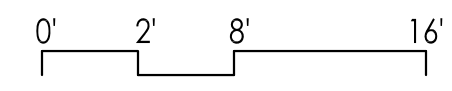
A4 PROPOSED SECOND FLOOR PLAN



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**

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### 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.

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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

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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**  
V I L L A G E

July 27, 2022

Dear Property Owner:

**Notice Is Hereby Given To Hear Comments And Testimony Regarding The Following Proposed Variance:**

A Request from Luisa Rolon for A Variance from Chapter 12 Planning & Zoning, Subsection 05:02.03.09.03.05, of Section 5, Building and Use Restrictions in Dwelling District "A", to Allow for the Wall of the Garage to Remain at 4.2 Feet From the Side Property Line, for the Property Located at 8836 Larston Street, Houston, Texas, 77055.

The **Board of Adjustments** 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:** Wednesday, August 17, 2022

**Time:** 6:00 p.m.

**Location:** Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

This notice is being sent to you as current property records indicate that you own property in close proximity to 8836 Larston Street. All interested parties are invited to attend both public hearings and will have the opportunity to be heard. For further information, please contact me at (832) 910-8577 or [zmeadows@springvalleytx.com](mailto:zmeadows@springvalleytx.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Zachary Meadows", is written over a faint, larger version of the same signature.

Zachary Meadows  
Director of Community Development

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 Papadacos & 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

Deanis & Maria Comis  
1264 Fries Road  
Houston, TX 77055

**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 for a Variance from Chapter 12 Planning & Zoning, Subsection 05:02.03.09.03.05, of Section 5, Building and Use Restrictions in Dwelling District "A", to Allow for the Wall of the Garage to Remain at 4.2 Feet From the Side Property Line, 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:** Wednesday, August 17, 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.**

**DIVIDER PAGE**



EST. 1955

**SPRING VALLEY**  
V I L L A G E

CITY OF SPRING VALLEY VILLAGE

# **ZONING SIGNAGE**

# **CRITERIA**

# **SUBMITTAL PACKET**

**(Board of Adjustment)**



## 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 Robn Preparer's Signature: Luisa Robn

**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: August 17/2022

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

8836 Larston St Houston tx 77055

Posting of said signs was accomplished on \_\_\_\_\_ 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 \_\_\_\_\_

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.

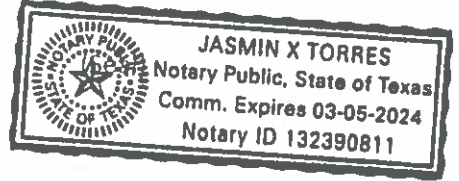
Executed this date: \_\_\_\_\_

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: 8/3/22

Notary Public J. Jones



**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: 8/3/22 3:04pm Verified by: J. Jones

**AFFIDAVIT OF SIGN MAINTENANCE**



(Re)Zoning Case No. \_\_\_\_\_

Date of Board of Adjustment Meeting: August 17/2022

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

8836 Larstan St Houston TX 77055

I further certify that this affidavit was filed with the Building Department of the City on date \_\_\_\_\_ 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.

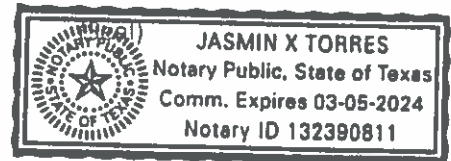
Executed this date: \_\_\_\_\_

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

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

Sworn and subscribed before me on this date: 8/3/22

Notary Public J. Jones



**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: 8/3/22 3:46pm Verified by: J. Jones

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

**MEETING DATE:** August 17, 2022

**TOPIC:** **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Luisa Rolon for a Variance from Chapter 12 Planning & Zoning, Subsection 05:02.03.09.03.05, of Section 5, Building and Use Restrictions in Dwelling District "A", to Allow for the Wall of the Garage to Remain at 4.2 Feet From the Side Property Line, 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 a variance request to the side setback requirements for the property located at 8836 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.
  
4. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
5. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
6. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
7. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
8. The municipality considers the structure to be a nonconforming structure.

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 dismiss'd)).

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

In other words: "Is the environment such that the lot is not reasonably adapted to a conforming use?" ( <i>Board of Adjustment v. Stovall</i> , 218 S.W.2d 286 (Tex. Civ. App. – Fort Worth 1949, no writ)).
--

<b>RECOMMENDATION:</b> None
-----------------------------

<b>ATTACHMENTS:</b> • None
----------------------------

<b>SUBMITTING STAFF MEMBER:</b>  Zachary Meadows, Director of Community Development	<b>CITY ADMINISTRATOR APPROVAL:</b> 
--	---