



EST. 1955

SPRING VALLEY

V I L L A G E

Board of Adjustment Meeting

February 22, 2023

6:00 p.m.



AGENDA

**City of Spring Valley Village
Board of Adjustment Meeting
Council Chambers of City Hall
1025 Campbell Road, Houston, Texas 77055
WEDNESDAY, FEBRUARY 22, 2023 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/85112857346>

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: 851 1285 7346 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:** November 16, 2022 Meeting
- 3. CONDUCT A PUBLIC HEARING CONCERNING:** A Request From Clarence Boeckman For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Prohibition Of Carports, And Section 05:02.01 of Section 5, Building And Use Restrictions In Dwelling District "A", To Allow A New Structure To Be Constructed At 1308 Modiste Street, In The City Of Spring Valley Village, Texas.
 - 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 Clarence Boeckman For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Prohibition Of Carports, And Section 05:02.01 of Section 5, Building And Use Restrictions In Dwelling

District "A", To Allow A New Structure To Be Constructed At 1308 Modiste Street, In The City Of Spring Valley Village, Texas.

5. **CONDUCT A PUBLIC HEARING CONCERNING:** A Request From Jorge Garduno For A Variance From Chapter 12 of The City of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Garages And Carports, Building And Use Restrictions In Dwelling District "A" To Allow A Single Car Garage At 8601 Cedarspur Street, In The City of Spring Valley Village, Texas.

- A. Presentation of Variance Request by Applicant
- B. Those In Favor
- C. Those Opposed
- D. Adjourn Public Hearing

6. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request From Jorge Garduno For A Variance From Chapter 12 of The City of Spring Valley Village's Code of Ordinances, Planning And Zoning, Section 05:02.01.01, Garages And Carports, Building And Use Restrictions In Dwelling District "A" To Allow A Single Car Garage At 8601 Cedarspur Street, In The City of Spring Valley Village, Texas.

7. **ADJOURNMENT**

I certify that a copy of the February 22, 2023 Board of Adjustment agenda was posted this day, the 17th day of February 2023 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 for further information.

Minutes

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
WEDNESDAY, NOVEMBER 16, 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 Adjustments was called to order by Development Services Coordinator Carianne Livengood at 6:04 p.m.

Members Present:

Acting Chairman Kenneth Schneider
Board Member Cameron Kreager
Board Member Bradley Jones
Board Secretary William Featherston
Alternate Board Member Susan Diehl
Alternate Board Member John Byerly

Also present were:

City Attorney Loren Smith
Director of Community Development Zachary Meadows
Development Services Coordinator Carianne Livengood

2. APPROVAL OF MEETING MINUTES: September 21, 2022 Meeting

Board Member Jones made a motion to approve the September 21, 2022 meeting minutes, and Board Member Kreager seconded the motion. Motion carried 5-0.

3. CONDUCT A PUBLIC HEARING CONCERNING: A Request from Adam Noyes for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Subsection 05:02.03.09.03, Side Building Line Setback, of Section 5, Building and Use Restrictions in Dwelling District "A", to allow a new garage and second story to be located at 2.9 Feet from the Side Property Line, Instead of the Required 8 Feet, for the Property Located at 8316 Winningham Lane, in the City of Spring Valley Village, Texas.

No action taken; request withdrawn by applicant due to HOA's withdrawn approval

4. CONSIDERATION AND POSSIBLE ACTION CONCERNING: A Request from Adam Noyes for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Subsection 05:02.03.09.03, Side Building Line Setback, of Section 5, Building and Use Restrictions in Dwelling District "A", to allow a new garage and second story to be located at 2.9 Feet from the Side Property Line, Instead of the Required 8 Feet, for the Property Located at 8316 Winningham Lane, in the City of Spring Valley Village, Texas.

No action taken; request withdrawn by applicant due to HOA's withdrawn approval

5. **CONDUCT A PUBLIC HEARING CONCERNING:** A Request from Adam Noyes for a variance from Chapter 12 of the City of Spring Valley Village’s Code of Ordinances, Planning and Zoning, Subsection 05:02.03.09.04, Rear Building Line Setback, of Section 5, Building and Use Restrictions in Dwelling District “A”, to allow a new second story to be 23.6 Feet from the Rear Property Line, Instead of the Required 25 Feet, for the Property Located at 8316 Winningham Lane, in the City of Spring Valley Village, Texas.

No action taken; request withdrawn by applicant due to HOA’s withdrawn approval

6. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Adam Noyes for a variance from Chapter 12 of the City of Spring Valley Village’s Code of Ordinances, Planning and Zoning, Subsection 05:02.03.09.04, Rear Building Line Setback, of Section 5, Building and Use Restrictions in Dwelling District “A”, to allow a new second story to be 23.6 Feet from the Rear Property Line, Instead of the Required 25 Feet, for the Property Located at 8316 Winningham Lane, in the City of Spring Valley Village, Texas.

No action taken; request withdrawn by applicant due to HOA’s withdrawn approval

7. **CONDUCT A PUBLIC HEARING CONCERNING:** A Request from Christopher Brian Craft for a variance from Chapter 12 of the City of Spring Valley Village’s Code of Ordinances, Planning and Zoning, Subsection 11:01.05, Permitted Locations, of Section 11, Supplemental District Regulations, to allow the construction of an 8 Foot Fence along the Front Property Line, for the Property Located at 1214 Campbell Road, in the City of Spring Valley Village, Texas.

Acting Chairman Schneider opened the Public Hearing at 6:08 p.m.

A. Presentation of Variance Request by Applicant

Director of Community Development, Zachary Meadows, provided background for the request. The variance is being requested by the owner of the property in question to allow them to build a fence along the property line on Campbell Rd. The lot at 1214 Campbell is currently vacant and owned by the homeowner at 1213 Tamy, who purchased the property with the intention of extending the backyard of his Tamy home. As the two lots are separate, there are setback regulations on vacant lots that must be followed. The fence for the properties as is would have to be 25 feet back from the property line and no higher than 6 feet tall.

Brian Craft, property owner of 1214 Campbell, spoke regarding his request. He explained that he couldn’t get the properties re-platted into a single property due to constraints surrounding the separate loans he had for each property. He continues by describing his observation that there are 18 homes that have property lines on Campbell and 14 of those have fences on the property line. Three of those homes are front-facing and do not have fences on the property line facing Campbell, but two do have hedges on the property line. He also states that he would be removing an existing driveway from Campbell Road.

Russ Walker, the builder working with Mr. Craft, also spoke regarding Mr. Craft’s request. He reiterated the benefit of the removal of the existing driveway.

B. Those In Favor

Barry Chaloupka, of 1218 Campbell, spoke in favor of the request. He stated that he has no issue with the fence request and would actually like to be able to continue the fence along his property if it is approved.

C. Those Opposed

None.

D. Adjourn Public Hearing

Acting Chairman Schneider closed the public hearing at 6:18 p.m.

- 8. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Christopher Brian Craft for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Subsection 11:01.05, Permitted Locations, of Section 11, Supplemental District Regulations, to allow the construction of an 8 Foot Fence along the Front Property Line, for the Property Located at 1214 Campbell Road, in the City of Spring Valley Village, Texas.

City Attorney Loren Smith asked for clarification on which alternate member was voting and which was not voting, and Director of Community Development Meadows said that Alternate Board Member Diehl was voting and Alternate Board Member Byerly was not.

Board Member Jones asked for clarification on whether they were deciding on fence height or location and Director of Community Development Meadows said both. Board Member Jones asked what happens to the vacant lot if it is sold in the future; Director of Community Development Meadows explained that normally variances stick with the property but a condition can be placed on the variance which would limit it to while Mr. Craft owns the property. City Attorney Smith confirmed this.

Board Member Kreager mentioned a previous variance that was denied and led to a lawsuit that didn't win in court. He stated that if this variance was approved it would cause a problem with that owner because it is a similar situation. Board Secretary Featherston asked for clarification on the direct problem the regulations cause for Mr. Craft. Mr. Craft mentioned that this would cause him to lose 2500 square feet of yard space, look unusual compared to the other fences/hedges on the property line and make him maintain an area outside of the fence. Acting Chairman Schneider asked about the potential encroachment of 1213 Tamy buildings into the 1214 Campbell lot and Director of Community Development Meadows confirmed that there was no encroachment, making it easier for the property to be sold in the future. Board Member Diehl asked whether the neighbor's view from the driveway would be obstructed due to the fence being on the property line. The owner at 1218 Campbell confirmed that no, it would not obstruct his view.

Board Member Jones made a motion to approve the fence height of 8 feet. Board Secretary Featherston seconded the motion. Motion passed 4-1. A copy of the Decision is attached to these minutes.

Acting Chairman Schneider made a motion to approve the fence location on the front property line along Campbell, with the condition that if the property is ever sold the fence

must be removed. Board Member Kreager seconded the motion.

Board Member Jones states concern that he doesn't want to set a precedent for the fence line or cause issue with previous decisions that were denied. Board Member Diehl asked about the potential to come back once the financing gets better arranged and Mr. Craft said that he would have to pay the full cost of the 1214 Campbell lot, which wasn't feasible.

Following discussion, motion failed 3-2. A copy of the Decision is attached to these minutes.

5. ADJOURNMENT

Board Secretary Featherston made a motion to adjourn the meeting at 6:44 p.m., and Alternate Board Member Diehl seconded the motion. Motion carried 5-0.

Signed: _____

Chairman, Board of Adjustment

Attest: _____

Jasmin Torres, City Secretary

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

MEETING DATE: February 22, 2023

TOPIC: **CONDUCT A PUBLIC HEARING CONCERNING:** A Request From Clarence Boeckman For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code Of Ordinances, Planning And Zoning, Section 05:02.01.01, Prohibition Of Carports, And Section 05:02.01. Of Section 5, Building And Use Restrictions In Dwelling District "A" To Allow A New Structure To Be Constructed At 1308 Modiste Street, In The City Of Spring Valley Village, Texas.

BACKGROUND: Clarence Boeckman ("Applicant") wishes to add an additional structure to the front of his garage at 1308 Modiste Street ("Property").

Community Development staff and The City's third party Building Official have deemed the proposed construction to be a carport and doesn't meet the definition of a Porte-Cochere as outlined in Subsection 05.02.01.01, Garages and Carports, Of Section Five, Building and Use Restrictions in Dwelling District "A", which requires as follows:

".01 Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side and have a minimum door opening(s) to accommodate access for at least two (2) cars. The minimum width for such openings shall be nine feet (9') for two (2) single car garage doors and sixteen feet (16') for a two car garage door. Carports are prohibited."

The Applicant has argued that the structure as proposed can be considered a Porte-Cochere as allowed per Subsection 05:02.01.07; however, there are aspects of the proposed construction that in staff's opinion do not meet the definition and requirements found in this subsection. More specifically the proposed structure does not allow the passage of a vehicle into an inner courtyard or driveway, instead it terminates into the garage, and the structure fails to be located at an entrance to the main dwelling, as outlined in the ordinance language below.

Subsection 05:02.01.07 requires as follows:

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

“.07 Certain Porte-Cocheres Permitted. A Porte-cochere is a permanent roofed structure attached to dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the dwelling, open on at least two (2) sides, and shall not be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:


1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.
2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.
3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be architecturally integrated with the main dwelling and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the main dwelling and garage.
4. A porte-cochere shall be located at an entrance to the main dwelling. For purposes of this section, an entrance to the garage shall not be considered an entrance to the main dwelling.
5. On a porte-cochere located on the side of a residence, the rear eave line of the porte-cochere shall be at least ten feet (10') from the eave line of any adjacent garage or structure as measured perpendicularly from the rear of the porte-cochere.

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

RECOMMENDATION: Not applicable during the public hearing.

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

ATTACHMENTS:	<ul style="list-style-type: none">• Variance Application Packet Submitted by Clarence Boeckman for 1308 Modiste Street• Subsection 05:02.01 of the Zoning Ordinance• Notice of Public Hearing and Mailing Labels• Zoning Change 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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DIVIDER PAGE



EST. 1955
SPRING VALLEY
 VILLAGE

Community Development
 City of Spring Valley Village

BOARD OF ADJUSTMENTS APPLICATION

PROPERTY INFORMATION

Property Address: 1308 MODISTE

Legal Description:
LOT 299 BLOCK 20 SECTION 4 SPRING OAKS

Present District Zoning:

Action Requested (Circle): Variance Special Exception Appeal

Requested Variance/Special Exception/Appeal Description:
Porte Cochere to provide access to front door

OWNER INFORMATION

Name: Brenda Boeckman Phone#: 832-671-0430

Address: 1307 MODISTE

Email: clarenceboeckman@gmail.com

APPLICANT/AGENT INFORMATION

Name: Clarence Boeckman Phone#: 832-671-0430

Address: 1307 MODISTE

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.

[Signature] Clarence Boeckman 12/2/22
 Signature of Contractor/Authorized Agent Printed Name Application Date

FOR OFFICE USE ONLY

BOA Case Number: _____ Date Submitted: 12/21/2022 1:30pm

BOA Meeting Date: _____ BOA Decision: Approved Denied

BOARD OF ADJUSTMENTS APPLICATION REQUIREMENTS

Attach These Items With Completed Application:

- Letter of Permit Application Denial
- Survey/Plot Plan showing all existing structures with dimensions and distances from property lines
- Project Information
- Proof of Ownership
- Letter from property owner if different from the applicant
- Architectural scale Drawings *ATTACHED*
- \$350.00 Fee
- Letter stating facts and reasons for Hardship and/or Appeal; Specific answers to the following statements:

TRUE

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

TRUE

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

TRUE

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

TRUE

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

TRUE

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

TRUE

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

TRUE

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

The Board may consider the following in relation to their decision on whether to grant a variance or not, please provide an answer to each of the following:

TRUE

- 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.

*TO ALTER PLAN
WOULD COST MORE
NO*

MORE THAN APPRAISED VALUE OF IMPROVEMENT

- 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.

YES

- The Municipality considers the structure to be a nonconforming structure.

*1/1/22
5430813
6, 187 imp*

Revised: 05/10/2022

ONLY BECAUSE PROPOSED STRUCTURE IS NOT APPROVED



TX BBG CONSULTING, INC.

PLAN REVIEW COVER SHEET

PROPERTY INFORMATION	
Project Address	1308 Modiste
Review Date	11/23/2022
Property Sq. Footage	
Floodplain	<input type="checkbox"/> X (No Floodplain) <input checked="" type="checkbox"/> X – Shaded (500-year) <input type="checkbox"/> AE (100-year)
Zoning District	Dwelling District A
ROW Width	<input type="checkbox"/> 50 Feet <input type="checkbox"/> 60 Feet <input type="checkbox"/> Other _____

PROJECT INFORMATION			
Requirements	Allowed per Ordinance	Provided/BBG	ZM
Minimum Setbacks	Front Setback 25'/60' ROW OR 30'/50' ROW OR Cul-De-Sac 20' (Chap. 12 Sec. 05:02.03.09.02)		
	Rear First Story (10') Rear Property Adjoining a collector street (15') (Chap. 12 Sec. 05:02.03.09.04)		
	Rear setback Second Story (25') (Chap. 12 Sec. 05:02.03.09.04)		
	Side yard Adjacent to rear-yard (increased setbacks for second story) – VERIFY. Side Property Adjoining rear of another lot the Second Story setback (15')		
	Side setback (8') Side Property Adjoining local/collector street (15') Side Property Adjoining Major Thoroughfare (25') (Chap. 12 Sec. 05:02.03.09.03) *note stairs can not be in required setbacks.		
	Front facing Garage 5' behind furthest exterior wall (from Living area) front property line.		

	(Chap 12 Sec. 05:02.01.04)		
Garage	Min: 400 square feet no greater than 50% of the width of the dwelling (Chap. 12 Sec. 05:02.01)		
Minimum square-footage for a home.	Minimum of 1,400 SF. (Chap. 12 Sec. 05:02.03.06)		
A/C and Pool Equipment	Minimum 4' from Property line (Chap. 12 Sec. 05:02.13)		
Height of Structure	Max: 2 stories / 36' (ridge height submittal sheet) (Chap. 12 Sec. 05:02.03.02 & Ord. 2011-05 Sec. 2 03:H01)		
Driveway Width	Max Width at Intersection of Street (24' + radii) (Requirements/Exceptions Chap. 12 Sec. 05:02.03.10)		
Porte Cochere or Garage Overhang	Maximum of 400 square feet, must be located behind the front of the home, and have an entrance to the dwelling next to it.		
Parking Pads	A Parking pad is permitted only if it is contiguous with the driveway and is a paved surface. (Chap. 12 Sec. 05:02.03.10.08)		
Max Foundation Elevation	Max: 4' above the maximum foundation height. 8" fill maximum for adjacent grade. (Chap. 3 Article 3.1503(k)) (Chap 12. Sec. 05:02.03.07)		
Lot Coverage behind building line	Max: 60% Impervious Surface (Chap. 12 Sec. 05:02.08)		
Lot Coverage in front of building line	Max: 50% Impervious Surface (Chap. 12 Sec. 05:02.08)		
Balconies and Eaves	Max: 24" from edge of foundation into setbacks (Chap. 12 Sec. Three - DEFINITIONS 03:M01)		
Fence	Max height 8' (Chap. 12 Sec. 11:01.02)		

RESIDENTIAL PLAN SUBMITTAL CHECKLIST		
REQUIRED DOCUMENTS	BBG	ZM
Provide a complete and accurate permit application	<input checked="" type="checkbox"/>	
Provide Engineer drawings (stamped and sealed by Texas licensed professional)	<input checked="" type="checkbox"/>	
Provide property survey (registered professional land surveyor of the State of Texas)	<input checked="" type="checkbox"/>	
Provide Elevation Certificate for proposed construction – ELEVATION CERTIFICATE NOT REQUIRED IF NOT WITHIN THE 100-year.	<input type="checkbox"/>	
Provide Energy Code compliance letter/certificate	<input type="checkbox"/>	
Provide Scaled Floor Plan	<input checked="" type="checkbox"/>	
Provide Framing Plan (signed by structural engineer)	<input checked="" type="checkbox"/>	

Provide Fire Sprinkler System; must be provided on all new homes and additions/renovations/remodels over 50% of existing square footage or replacement cost of structure) (Chap. 5)	<input type="checkbox"/>	
Provide Elevations of structure (labeled)	<input checked="" type="checkbox"/>	
Provide Height verification for structure and floor levels (Shall not exceed two stories and shall not exceed 36 ft. above natural grade) (Chap. 12 Sec. 05:02.03.02 and Chap12 Sec. Three – DEFINITIONS 03:H-01)	<input type="checkbox"/>	
Provide Electrical load analysis (NEC 2017)	<input type="checkbox"/>	
Provide Foundation plan (stamped by Engineer) (Chap. 12 Sec. 1:02.01.02)	<input checked="" type="checkbox"/>	
Provide Plumbing Gas Riser, water and DWV diagram	<input type="checkbox"/>	

Plan Review Comments

Plans are disapproved with the following comments:

1. Porte Cochere must comply with code section. See attached.

05:02.01

Garages and Carports: (Ordinance 231)

.01 Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side. Carports are prohibited.

.02 Detached. A detached garage shall not exceed one story.

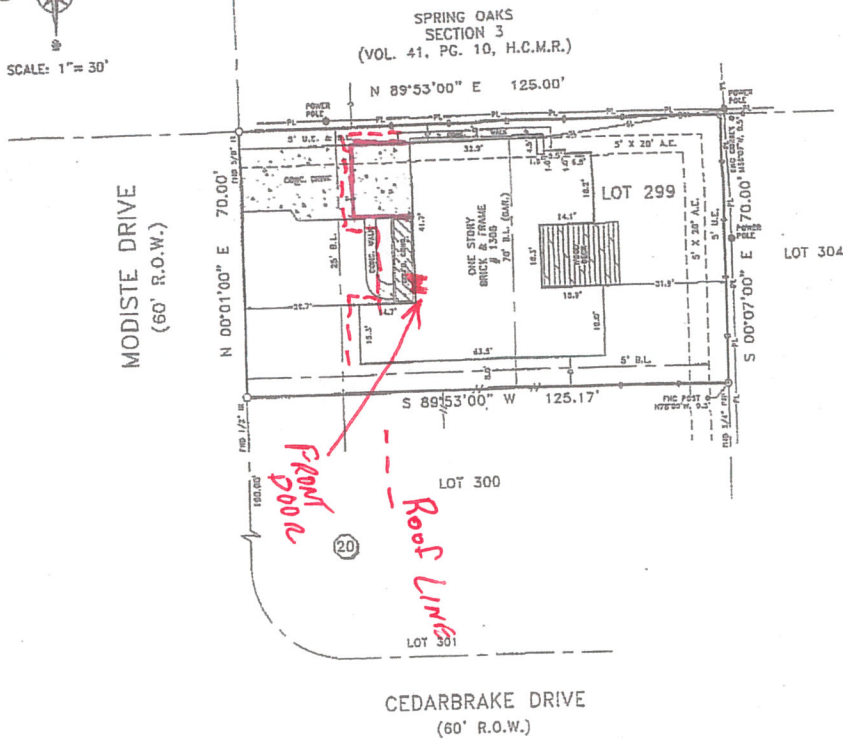
.03 Second story. Access to the second story of an attached garage shall be enclosed and through the dwelling to which it is accessory.

.04 Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the front wall line of the main dwelling shall face the street address: said door(s) or entrance or exit shall be located on a side of the garage that, in plain view, shall be at a 90-degree angle or greater to the street of address. No vehicle door(s) or vehicle entrance or exit of a garage shall face the street address unless the door, entrance or exit is set back five (5) feet or more from the front wall line of the main dwelling. No roof overhang or other extension of the garage roof attached to a garage at the vehicle door(s) or vehicle entrance shall extend more than ten (10) feet, and no extension or support structure for an extension shall be located past the front wall line unless it complies with section 05:02.01.06.

.05 Other Front Facing Garage Rules. A front facing garage may not be more than fifty (50) percent of the width of the dwelling.

.06 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the dwelling, open on at least two (2) sides, and shall not to be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:

1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.
2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.
3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be architecturally-integrated with the main dwelling and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the main dwelling and garage.
4. A porte-cochere shall be located at an entrance to the main dwelling. For purposes of this section, an entrance to the garage shall not be considered an entrance to the main dwelling.



*New Roof Connects to Porch Roof
This provides passage to the
main entrance of the
residence.*

- NOTES:
- SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 41, PG. 11, H.C.M.R. AND VOL. 2567, PG. 647, H.C.D.R.
 - BUILDING SET BACK LINES BY VOL. 2567, PG. 647, H.C.D.R.
 - SUBJECT TO ALL ZONING ORDINANCES INCLUDING THOSE BY THE CITY OF SPRING VALLEY, TEXAS.
 - CONCRETE WALK IS WITHIN THE 5' UTILITY EASEMENT AS SHOWN.
 - ONE STORY RESIDENCE IS NOT WITHIN THE 5' X 20' AERIAL EASEMENT.
 - DENOTES WOOD FENCE, --- DENOTES CHAIN LINK FENCE.
--- DENOTES POWER LINE, --- DENOTES SERVICE LINE.

BUYER'S ACKNOWLEDGMENT
ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.
FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. 98119299

LOT	299	BLOCK	20	SECTION	4	SUBDIVISION	SPRING OAKS	This lot <u>DOES NOT</u> lie in the 100 year flood plain and is in Flood Zone <u>ZONE "X"</u> as located by National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) Community Panel Number <u>480296 0665 J</u>
RECORDATION	VOL. 41, PG. 11, H.C.M.R.		COUNTY	HARRIS	STATE	TEXAS	SURVEY	
LENDER CO.	MORTGAGES DIRECT		TITLE CO.		STEWART TITLE COMPANY			dated <u>11/6/96</u>
PURCHASER	KATHERINE T. LANTZ		ADDRESS		1306 MODISTE DRIVE			JOB NO. <u>24660K</u>



The Windrose Survey Co.

FIELD WORK	8/20/96	AM
DRAFTED BY	8/20/96	LD
CHECKED BY	8/20/96	WP
KEY MAP NO.	451 W	
REVISION		



I do hereby certify that this survey was this day made on the ground and that this plat correctly represents the properly legally described herein (or an attached sheet). That the facts found at the time of this survey show the improvements and that there are no encroachments against on the ground, except as shown.

THE WINDROSE SURVEY COMPANY
11301 Richmond Ave., Suite K105
Houston, Texas 77082
TEL (281) 558-8005 FAX (713) 461-1151

- Automobile appointments are required for vehicle transactions such as title transfers, homemade trailers, new residents (vehicles that have never been registered in Texas). An appointment is NOT required for vehicle registration renewals, special plates, replacement registration/plates, disabled placards, or disabled plates.
- The Texas Department of Motor Vehicles (TxDMV) handles apportioned registrations, lost or destroyed vehicle titles, and oversize/overweight permits. Please visit www.txdmv.gov or call 1(888)-368-4689.
- If you have questions pertaining to commercial procedures/transactions, please visit: www.hctax.net/HarrisCounty/CommercialFL.



ANN HARRIS BENNETT

Tax Assessor-Collector



[Property Tax](#)

[Vehicle Registration](#)

[Permits & Special Taxes](#)

[Online Services](#)

[Military](#)

2022 PROPERTY TAX STATEMENT

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Account ▾

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[5 Year Account History](#)

[Pay Online](#)

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[e-Bill](#)

[HCAD](#)

[Tax Receipts](#)

Account Number	Current As Of:	Assessed Owner
080-556-000-0299	December 19, 2022	BRENDA H BOECKMAN CHILDRENS TRUS 1307 MODISTE ST HOUSTON TX 77055-4840

Property Description	Appraised Values		Notes/Exemptions
1308 MODISTE ST 77055 LT 299 BLK 20 SPRING OAKS SEC 4 .2009 AC	Land - Market Value:	543,813	
	Impr - Market Value:	6,187	
	Total Market Value:	550,000	
	Less Capped Mkt Value:	0	
	Appraised Value:	550,000	

Taxing Jurisdiction	Exemption	Taxable Value	Tax Rate	Taxes
Harris County	0	550,000	0.343730	\$1,890.5
Harris County Flood Control Dist	0	550,000	0.030550	\$168.0
Port of Houston Authority	0	550,000	0.007990	\$43.9
Harris County Hospital District	0	550,000	0.148310	\$815.7
Harris County Dept. of Education	0	550,000	0.004900	\$26.9

Total 2022 Taxes Due by January 31, 2023:	\$2,945.1
Payments applied to 2022 taxes:	\$0.0
Total Current Taxes Due:	\$2,945.1
Prior year(s) taxes due (if any):	\$0.0
Total Amount Due For January 2023:	\$2,945.1

Penalties for Late Payments	Rate	Current	Delinquent	Total
By February 28, 2023	7%	\$3,151.33	\$0.00	\$3,151.3
By March 31, 2023	9%	\$3,210.23	\$0.00	\$3,210.2
By April 30, 2023	11%	\$3,269.12	\$0.00	\$3,269.1
By May 31, 2023	13%	\$3,328.02	\$0.00	\$3,328.0
By June 30, 2023	15%	\$3,386.93	\$0.00	\$3,386.9

Totals due may contain an additional section 33.07 collection penalty of 20%

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

The proposed porte cochere will provide a cover to the entrance of the house so individuals can exit there vehicles and enter the house without getting soaked during a rain storm and be protected from the elements.

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

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

Literal interpretation and enforcement of the terms and provisions of the ordinance would cause an unnecessary and undue hardship. – True - we have senior citizens that want to occupy the house, but need to be protected from the elements.

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

Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought. – True – numerous houses in our neighborhood with this feature.

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

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

The Board may consider the following in relation to their decision on whether to grant a variance or not, please provide an answer to each of the following:

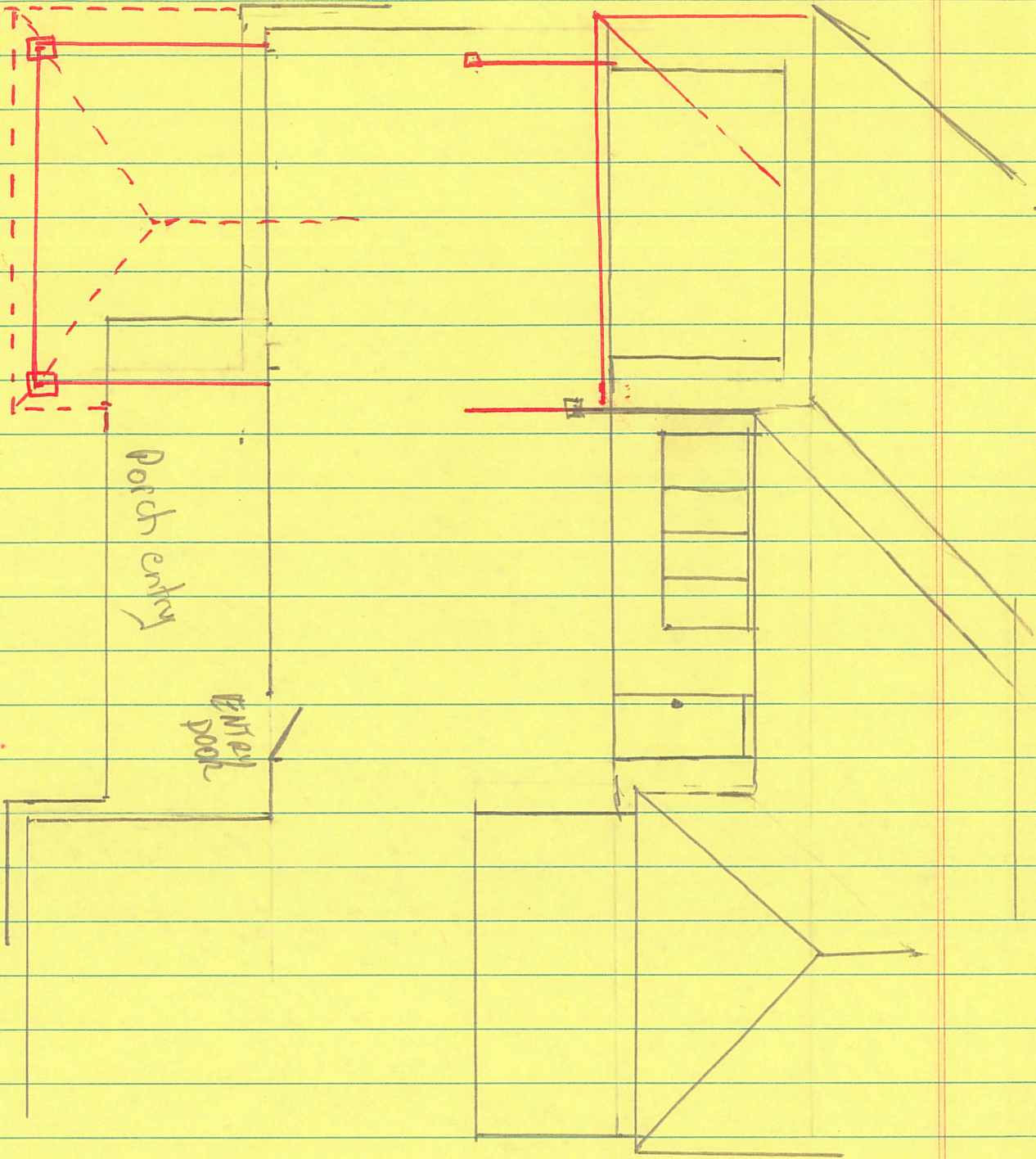
The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code. Improvement value = 6187.00

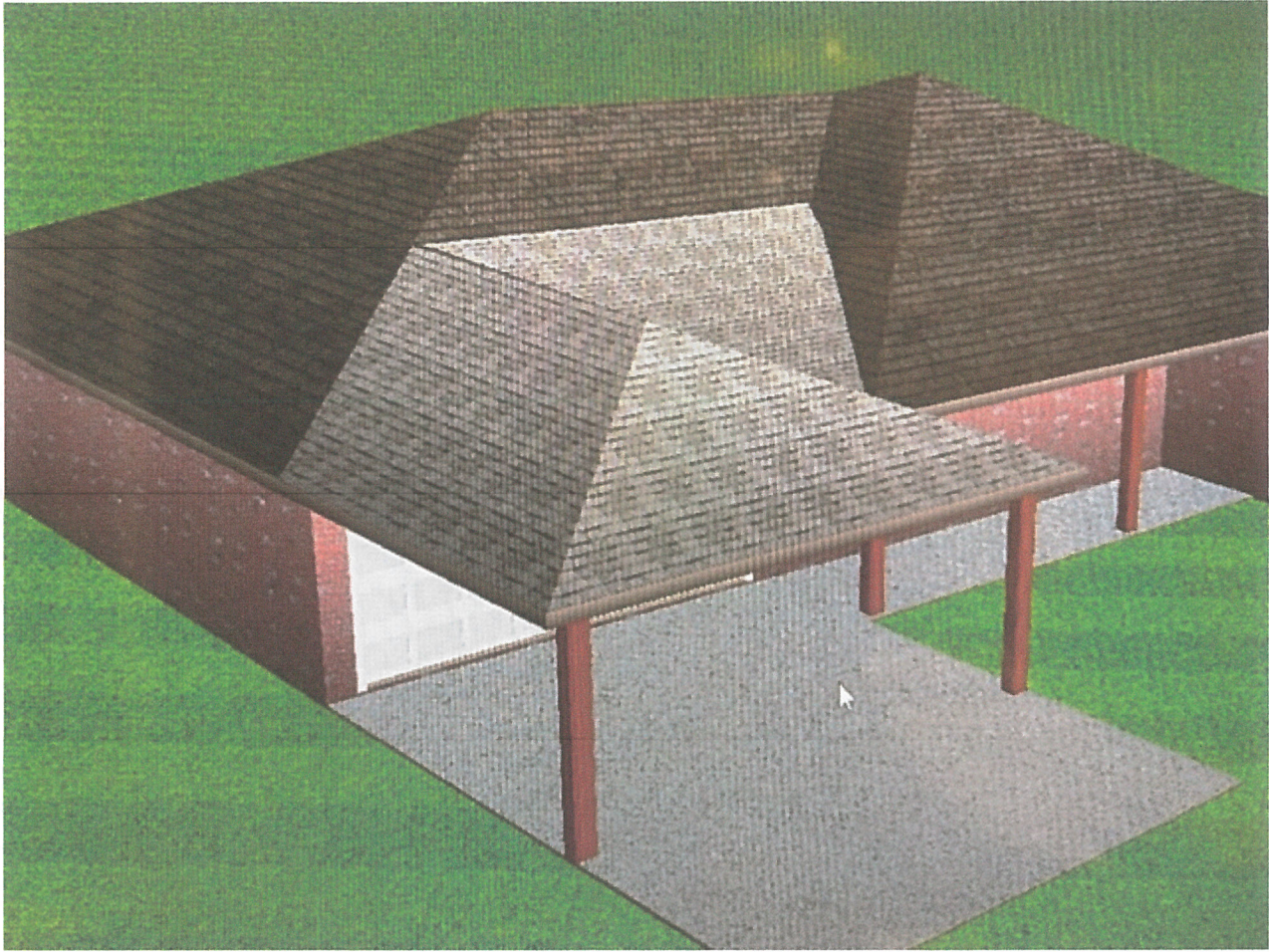
Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur. No

☒ 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. - No

☒ The Municipality considers the structure to be a nonconforming structure. – The Proposed Structure was deemed non-conforming only because the door does not face the porte cochere. The porch is the entrance to the house. You cannot enter the house unless you enter the porch.





even with front EXTEND

14'7"

6x6 Post

WIDTH

18'

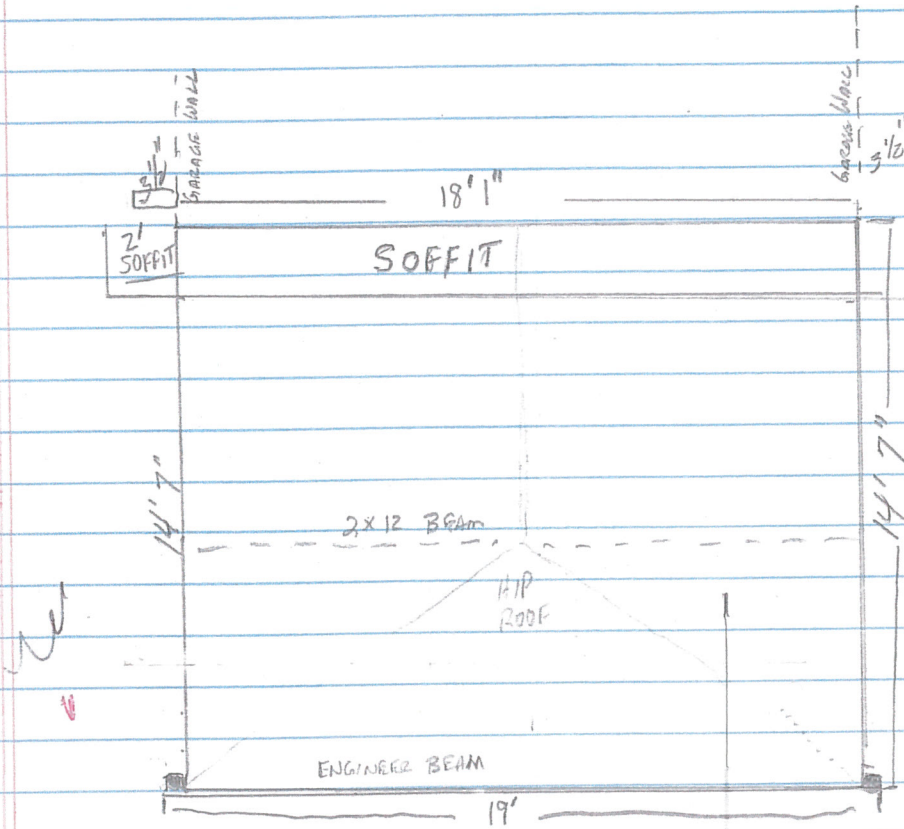
on 2x2x2' concrete w/ rebar

EXTEND

HIP ROOF

& ENGINEERED BEAM at end

(2) 2x12" with plywood at support
for HIP roof



6x6 post

DIVIDER PAGE

ORDINANCE NO. 2022-21

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.01, GARAGES AND CARPORTS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT "A"; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO REQUIRE THAT A GARAGE HAVE A MINIMUM OPENING TO ACCOMMODATE ACCESS FOR AT LEAST TWO (2) CARS; TO REQUIRE A SIDE LOADING GARAGE TO HAVE A MINIMUM SETBACK OF TWENTY-EIGHT FEET (28') FROM THE LOT LINE THAT IT FACES; AND TO REQUIRE A TEN FOOT (10') SPACE BETWEEN THE REARMOST EAVE LINE OF THE PORTE-COCHERE AND ANY OTHER ROOFLINE OF THE RESIDENTIAL STRUCTURE OR GARAGE; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION.

* * * * *

WHEREAS, the City of Spring Valley Village, Texas (the "City") does not allow carports in its Dwelling District "A"; and

WHEREAS, the City does allow porte-cocheres in certain instances; and

WHEREAS, the City Council desires to amend the regulations related to porte-cocheres as stated in this ordinance.

WHEREAS, the City Council of the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of the public; and

WHEREAS, the Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council adopt the amendments to the zoning regulations contained herein as shown in the final report of said Commission; and

WHEREAS, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Planning and Zoning Commission that such amendments be approved; now, therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS, THAT:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Subsection 02.01, Garages and Carports, of Section 5, Building and Use Restrictions in Dwelling District "A" of Exhibit A, Zoning Regulations, of Chapter 12, Planning and Zoning, is hereby amended by adding the language underscored below, Subsection 05.02.01, Garages and Carports, to read as follows:

"05:02.01

Garages and Carports: (Ordinance 231)

.01 Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side and have a minimum door opening(s) to accommodate access for at least two (2) cars. The minimum width for such openings shall be nine feet (9') for two (2) single car garage doors and sixteen feet (16') for a two car garage door. Carports are prohibited.

.02 Detached. A detached garage shall not exceed one story.

.03 Second story. Access to the second story of an attached garage shall be enclosed and through the dwelling to which it is accessory.

.04 Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the front wall line of the main dwelling shall face the street address: said door(s) or entrance or exit shall be located on a side of the garage that, in plain view, shall be at a 90-degree angle or greater to the street of address. No vehicle door(s) or vehicle entrance or exit of a garage shall face the street address unless the door, entrance or exit is set back five (5) feet or more from the front wall line of the main dwelling. No roof overhang or other extension of the garage roof attached to a garage at the vehicle door(s) or vehicle entrance shall extend more than ten (10) feet, and no extension or support structure for an extension shall be located past the front wall line unless it complies with section 05:02.01.06.

.05 Other Front Facing Garage Rules. A front facing garage may not be more than fifty (50) percent of the width of the dwelling.

.06 Side Loading Garage Rules. A side-loading garage must be set back twenty-eight feet (28') from the property line that it faces, except on corner lots where the garage faces a street.

.067 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the dwelling, open on at least two (2) sides, and shall not to be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:

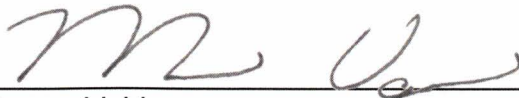
1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.
2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.
3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be architecturally-integrated with the main dwelling and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the main dwelling and garage.
4. A porte-cochere shall be located at an entrance to the main dwelling. For purposes of this section, an entrance to the garage shall not be considered an entrance to the main dwelling.
5. On a porte-cochere located on the side of a residence, the rear eave line of the porte-cochere shall be at least ten feet (10') from the eave line of any adjacent garage or structure as measured perpendicularly from the rear of the porte-cochere."

Section 3. Any person, corporation or entity who or which shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation shall occur, or each occurrence

of any violation, shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Spring Valley Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED AND ORDAINED, this the 13th day of December, 2022.



Marcus Vajdos
Mayor



ATTEST:



Jasmin Torres
City Secretary

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 Clarence Boeckman for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.01.01, prohibition of carports, and Section 05:02.01. of Section 5, Building and Use Restrictions in Dwelling District "A" to allow a new structure to be constructed at 1308 Modiste Street in the City of Spring Valley Village, Texas

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, February 22, 2023

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.

OWNER OR CURRENT RESIDENT
1319 MODISTE ST
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1306 MODISTE ST
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1301 MODISTE ST
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
2 GENS CT
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8436 CEDARBRAKE DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8444 CEDARBRAKE DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
10 GENS CT
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8501 MERLIN DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1307 MODISTE ST
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
14 TAM CT
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1318 MODISTE ST
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8429 MERLIN DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8445 MERLIN DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8440 CEDARBRAKE DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8433 MERLIN DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8425 MERLIN DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
411 THAMER LN
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1721 HOLLISTER ST
HOUSTON, TX 77055



EST. 1955

SPRING VALLEY
V I L L A G E

February 1, 2022

Dear Property Owner:

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

A request from Clarence Boeckman for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.01.01, prohibition of carports, and Section 05:02.01. of Section 5, Building and Use Restrictions in Dwelling District "A" to allow a new structure to be constructed at 1308 Modiste Street in the City of Spring Valley Village, Texas

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, February 22, 2023

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 1308 Modiste 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.

Sincerely,



Zachary Meadows
Director of Community Development

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)

SPRING VALLEY VILLAGE 1025 CAMPBELL ROAD HOUSTON, TEXAS 77055



AFFIDAVIT OF SIGN POSTING

(Re)Zoning Case No. _____

Date of Board of Adjustment Meeting: WEDNESDAY, FEBRUARY 22, 2023

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 Clarence Boeckman 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 1308 MODISTE ST, HOUSTON, TX 77055

Posting of said signs was accomplished on FEBRUARY 13, 2023 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 MODISTE STREET

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.

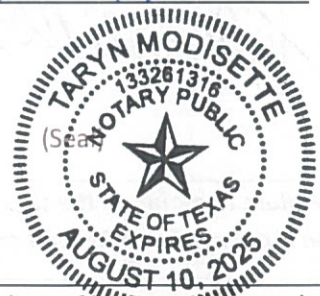
Executed this date: 2/14/2023

Printed Name of Applicant or Authorized Representative for Zoning Case No. Clarence Boeckman

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

Sworn and subscribed before me on this date: 2/14/2023

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: 2-14-2023; 1:25pm Verified by: Zachary Meadows

AFFIDAVIT OF SIGN MAINTENANCE

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

MEETING DATE: February 22, 2023

TOPIC: **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request From Clarence Boeckman For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code Of Ordinances, Planning And Zoning, Section 05:02.01.01, Prohibition Of Carports, And Section 05:02.01. Of Section 5, Building And Use Restrictions In Dwelling District "A" To Allow A New Structure To Be Constructed At 1308 Modiste Street, In The City Of Spring Valley Village, Texas.

BACKGROUND: In the previous agenda item, the Board of Adjustment held a public hearing concerning a variance request to allow a new carport structure for the property located at 1308 Modiste 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,

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

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

RECOMMENDATION: None

ATTACHMENTS: • None

SUBMITTING STAFF MEMBER:

Zachary Meadows, Director of
Community Development

CITY ADMINISTRATOR APPROVAL:


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

MEETING DATE: February 22, 2023

TOPIC: **CONDUCT A PUBLIC HEARING CONCERNING:** A Request From Jorge Garduno For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code Of Ordinances, Planning And Zoning, Section 05:02.01.01, Garages And Carports, Building And Use Restrictions In Dwelling District "A" To Allow A Single Car Garage At 8601 Cedarspur Street, In The City Of Spring Valley Village, Texas.

BACKGROUND: Jorge Garduno ("Applicant") submitted to the City of Spring Valley Village an application for a Remodel and Addition, in which he wishes to remodel the interior of his existing residence and expand the existing detached garage located at 8601 Cedarspur Street ("Property").

The permit submission was received by the City on November 16, 2022. After reviewing the project and details of the proposed construction, the City was able to issue a permit to Mr. Garduno and his contractor on January 17, 2023 for the interior remodel and small patio addition on the rear of the existing home. However, the project also proposed an addition to the detached existing one car garage to add a gameroom. This part of the proposed construction was removed out of the permit approval and the Applicant was informed that the only way to add this would be to make the garage a two-car garage again as required by Spring Valley Village Ordinances, or pursue a variance.

Subsection 05.02.01.01, Garages And Carports, of Section Five, Building and Use Restrictions, in Dwelling District 'A', of Exhibit "A" to Chapter 12, Zoning, of the Code of Ordinances requires as follows:

".01 Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side and have a minimum door opening(s) to accommodate access for at least two (2) cars. The minimum width for such openings shall be nine feet (9') for two (2) single car garage doors and sixteen feet (16') for a two car garage door. Carports are prohibited."

At some point prior to the Applicant's purchase of the Property, the existing detached garage was made non-conforming by the

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

previous owner by enclosing one side of the garage in order to make a small office. Although this structure is non-conforming and expansions of non-conforming structures are allowed under certain circumstances, subsection 08:01.06.01, Nonconforming building and structures, only allows expansions in a limited capacity and only applies to the dwelling of a property not a detached structure such as the garage at this Property. Subsection 08:01.06.01 reads as follows:

“.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.

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


RECOMMENDATION: Not applicable during the public hearing.

- ATTACHMENTS:**
- Variance Application Packet Submitted by Jorge Garduno for 8601 Cedarspur Street
 - Subsection 05:02.01.01 and 08:01.06.01 of the Zoning Ordinance
 - Notice of Public Hearing and Mailing Labels
 - Zoning Change Sign Posting and Maintenance Affidavits

SUBMITTING STAFF MEMBER:

Zachary Meadows, Director of
Community Development

CITY ADMINISTRATOR APPROVAL:





EST. 1955

SPRING VALLEY
VILLAGE

BOARD OF ADJUSTMENTS APPLICATION

PROPERTY INFORMATION

Property Address: 8601 Cedarspur St. Houston Tx 77055

Legal Description: LOT 1, BLOCK 1, OF LONDON VILLAGE, A SUBDIVISION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THERE OF, RECORDED IN VOLUME 261, PAGE 142 OF THE HARRIS COUNTY, TEXAS.

Present District Zoning: DISTRICT A

Action Requested (Circle): Variance Special Exception Appeal

Requested Variance/Special Exception/Appeal Description:

Existing one car garage to remain.

Section 08:01.06.01
Section 05:02.01.01

OWNER INFORMATION

Name: Jorge Garduno

Phone#: 832.260.6074

Address: 8601 Cedarspur St. Houston Tx 77055

Email: jgarduno@vikingeng.energy

APPLICANT/AGENT INFORMATION

Name: Tania Zapata

Phone#: 346-677-3031

Address: 9610 Long Point Rd. Houston Tx 77055

Email: tania@metrolivingstudio.com

**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.

Tzapata

Tania Zapata

12/28/2022

Signature of Contractor/Authorized Agent

Printed Name

Application Date

FOR OFFICE USE ONLY

BOA Case Number: _____

Date Submitted: _____

BOA Meeting Date: _____

BOA Decision: Approved Denied

ANN HARRIS BENNETT
 TAX ASSESSOR-COLLECTOR
 P.O. BOX 3547
 HOUSTON, TEXAS 77253-3547
 TEL: 713-274-8000



2022 Property Tax Statement
 Web Statement

Statement Date:	January 7, 2023
Account Number	112-499-000-0001



GARDUNO JORGE L
 8601 CEDARSPUR DR
 HOUSTON TX 77055-6645

Taxing Jurisdiction	Exemptions	Taxable Value	Rate per \$100	Taxes
Harris County	134,530	538,120	0.343730	\$1,849.68
Harris County Flood Control Dist	134,530	538,120	0.030550	\$164.40
Port of Houston Authority	134,530	538,120	0.007990	\$43.00
Harris County Hospital District	134,530	538,120	0.148310	\$798.09
Harris County Dept. of Education	134,530	538,120	0.004900	\$26.37

Property Description	
8601 CEDARSPUR DR 77055 LT 1 BLK 1 LONDON VILLAGE .2874 AC	
Appraised Values	
Land - Market Value	495,352
Impr - Market Value	215,981
Total Market Value	711,333
Less Capped Mkt Value	38,683
Appraised Value	672,650
Exemptions/Deferrals	
Homestead	



Page: 1 of 1

Total 2022 Taxes Due By January 31, 2023:	\$2,881.54
Payments Applied To 2022 Taxes	\$0.00
Total Current Taxes Due (Including Penalties)	\$2,881.54
Prior Year(s) Delinquent Taxes Due (If Any)	\$0.00
Total Amount Due For January 2023	\$2,881.54

Penalties for Paying Late	Rate	Current Taxes	Delinquent Taxes	Total
By February 28, 2023	7%	\$3,083.26	\$0.00	\$3,083.26
By March 31, 2023	9%	\$3,140.88	\$0.00	\$3,140.88
By April 30, 2023	11%	\$3,198.50	\$0.00	\$3,198.50
By May 31, 2023	13%	\$3,256.14	\$0.00	\$3,256.14
By June 30, 2023	15%	\$3,313.77	\$0.00	\$3,313.77

Tax Bill Increase (Decrease) from 2017 to 2022: Appraised Value 18%, Taxable Value 18%, Tax Rate -16%, Tax Bill 0%.

PLEASE CUT AT THE DOTTED LINE AND RETURN THIS PORTION WITH YOUR PAYMENT.



PAYMENT COUPON

GARDUNO JORGE L
 8601 CEDARSPUR DR
 HOUSTON TX 77055-6645

Account Number	112-499-000-0001
Amount Enclosed	\$ _____ . _____

Make check payable to:

Cashier Statement - Date Printed: 01-07-2023

IF YOU ARE 65 YEARS OF AGE OR OLDER OR ARE DISABLED AND THE PROPERTY DESCRIBED IN THIS DOCUMENT IS YOUR RESIDENCE HOMESTEAD, YOU SHOULD CONTACT THE APPRAISAL DISTRICT REGARDING ANY ENTITLEMENT YOU MAY HAVE TO A POSTPONEMENT IN THE PAYMENT OF THESE TAXES.

ANN HARRIS BENNETT
 TAX ASSESSOR-COLLECTOR
 P.O. BOX 4622
 HOUSTON, TEXAS 77210-4622

1124990000019 2022 000288154 000308326 000314088 000319850

January 15, 2023

Subject : Board of Adjustments Letter for 8601 Cedarspur Drive.

Dear Board of Adjustments:

Per the application requirements, I am providing this letter to help explain our situation with respect to our plans to remodel and renovate our home located at 8601 Cedarspur Drive, Houston, TX 77055.

To provide a bit of background, we first moved into Spring Valley when we purchased this home in the summer of 2010. Our oldest daughter who is now almost 12 years old had not been born yet when we bought our home. We now have three great kids including a 9-year-old boy and a 7-year-old girl. When we purchased our home, the size was perfect for us. We had enough room to have an office and a guest bedroom so that our parents and friends could come over and visit us from out of town. As the years have gone by, we have now outgrown our home and we are no longer able to have our parents or friends come over so that they can stay with us. We also no longer have room for an office space. Hence, we decided to undertake this project so that we could have more space in our home.

When we purchased our home, it only had a 1 car garage, and the other part of the garage was set-up as an extra outside room (see pictures in Appendix from the listing when we purchased home). During this remodel/renovation project, we have come to learn that homes in Spring Valley require that they have 2 car garages. Since we purchased the home this way, then we are not obligated to have to change it back, however we have been informed that per city code, we are not allowed to expand on this space either. This is despite the fact that we were never informed of this issue when we purchased the home and in fact, we paid for the "square footage" which included that back room as "living area" as that it was how it was listed. Given the limitations of our home, our remodel/renovation project hinges on us being able to make the garage/extra room larger so that we could have an extra bathroom and space for our parents/friends to be able to come over to visit from out of town and to be able to have an office. During discussions with Spring Valley, we have been informed that some of the main drivers for having the 2-car garage rule is that this is to minimize having cars in the street (for safety reasons as well as aesthetics). As you will see from the pictures in the Appendix, we are able to fit about 5 cars inside our property with our front gate closed without using our garage. In addition, our garage is not visible from the main street. Therefore, what we are requesting has absolutely no impact to any neighbor or the community of Spring Valley and this is both from a functional and safety standpoint as well as from an aesthetics standpoint. Furthermore, our plans aim to preserve our trees, including a very large, beautiful oak tree which is next to our garage, hence there is also no environmental impact with our plans. In addition, there is no easement that is being breached since what we are expanding is into our backyard per architect's plans provided.

Therefore, per the application requirements, I have summarized my comments with the following bullet points:

- ***Special circumstances exist that are peculiar to the land or structure.*** As summarized above and shown in the attached pictures, our lot is designed as such where we can park up to five standard-sized cars inside of our gate without using our garage.
- ***These special circumstances are not self-imposed or the result of the actions of the applicant.*** As summarized above and shown in attached pictures in the Appendix, our home was purchased this way and we were not informed that it was not per city code.
- ***Literal interpretation and enforcement of the terms and provisions of the ordinance would cause an unnecessary and undue hardship.*** This statement is deemed to be accurate as we would not be able to move forward with our plans with our home which would then result in us not being able to have the grandparents come over to stay with us.
- ***Granting the variance is a minimum action that will make use of the land or structure which is not contrary to the public interest and which would carry out the spirit of the ordinance and would result in substantial justice.*** This statement is deemed to be accurate as granting this variance would allow our family to have the home that we need in order to be able to have our family and friends come visit from out of town and would not affect anyone whatsoever in the neighborhood or the community of Spring Valley in any way, shape or form.
- ***Such variance would not alter the essential character of the district in which it is located or the property for which the variance is sought.*** This is deemed to be an accurate statement as granting this variance will not alter the essential character of the district. In fact, our structure is not even visible to our neighbors and hence no one would be able to even notice a difference with what we currently have. The only way to notice a difference should this variance be granted would be if someone comes over to visit the house and comes out to the backyard. Furthermore, we are not eliminating the existing garage that we purchased the home with, hence the garage space we have will remain exactly the same as it is now.
- ***Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.*** This is deemed to be an accurate statement as granting this variance would not change the use of our home in any way shape or form.
- ***The variance will not adversely affect the health, safety or welfare of the public.*** This is deemed to be an accurate statement as granting this variance will not affect the health, safety or wellbeing of our neighbors and our community. On the contrary, our goal with this was also to ensure that there was no environmental impact due to removing of any trees.
- ***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. This is deemed to be an accurate statement as during our planning and design stage, we evaluated several options with two different architect firms. In order to convert the structure to be back in compliance and be able to have the extra room and office as we need, the cost would be significantly greater than 50 percent of the appraised value of the structure. Some of the main drivers for this would be that we would need to remove existing structure completely and remove the concrete foundation. We would then need to add a new concrete foundation and then build a completely new structure.

In summary, various other design options were evaluated with our architects and this was the most feasible option that would allow us to have the space that we need without impacting an existing easement and impacting our large trees. In addition, the cost of having to remove the existing detached garage and foundation and try to build a new one to allow for the expansion would be cost prohibitive.

- **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.** This is deemed to be an accurate statement because in order for the new structure to be built within the allowed setback limits, the structure would need to be built horizontally across the backyard which would result in a loss of significantly greater than 25 percent.
- **Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.** This is deemed to be an accurate statement as we would need to exceed the setback limits per city ordinance should we need to add an additional garage and then the necessary additions.
- **Compliance would result in the unreasonable encroachment on an adjacent property or easement.** This deemed to be an accurate statement due to our easement limitations set on our property.
- **The Municipality considers the structure to be a nonconforming structure.** This is deemed to be an accurate statement since the structure has a one car garage.

We kindly ask for the board's consideration to please allow us to expand on our garage space as shown in the architectural plans.

If you should have any questions or require any clarifications regarding either the information provided or any of my explanations provided, please do not hesitate to contact me at your convenience.

Sincerely,



Jorge L. Garduño

Board of Adjustments Letter

8601 Cedarspur Drive

APPENDIX 1 – PICTURES FROM LISTING WHEN WE PURCHASED HOME IN 2010

The screenshot shows a realtor.com listing page for 8601 Cedarspur Dr. The page includes a navigation bar with options like 'Buy', 'Sell', 'Rent', 'Mortgage', 'Find Realtors', 'My Home', and 'News & Insights'. A search bar shows the location 'Texas > Harris > Houston > Cedarspur Dr > 8601 Cedarspur Dr'. A large photo of the house is displayed, along with a 'Connect with an agent' form that includes fields for 'Full Name', 'Email', 'Phone', and a dropdown for 'Are you selling or buying?'. Below the photo, there are links for 'See My Home Equity Now' and 'Off Market'. A map shows the location in Spring Valley Village. The property details at the bottom are '4 bed 2.5 bath 2,784 sqft 0.9 acre lot', with '2,784 sqft' circled in yellow.

NOTE: Also, please note square footage included the back room.

Board of Adjustments Letter

8601 Cedarspur Drive

8601 Cedarspur Dr, Houston, TX

realtor.com

Buy Sell Rent Mortgage Find Realtors® My Home News & Insights

Manage rentals Advertise Log in Sign up

Address, City, ZIP, or Neighborhood: Texas > Harris > Houston > Cedarspur Dr > 8601 Cedarspur Dr

Public View Owner View

Connect with an agent

Full Name

Email

Phone

Are you selling or buying?

Connect

By proceeding you consent to receive calls and texts at the number you provided, including marketing by automated and pre-recorded and artificial voice, and email from realtor.com and other about your inquiry and other home-related matters, but not as a condition of any purchase. This applies regardless of whether you check or leave unchecked, any box above. [More...](#)

See My Home Equity Now

Off Market

Interested in selling your home?

See your selling options

Spring Valley Village

BRIGH

Map data ©2023

AT&T fiber

Learn how to get a \$100 Reward Card

Learn more

Restrictions apply. See terms.

4 bed 2.5 bath 2,784 sqft 0.29 acre lot

8601 Cedarspur Dr, Houston, TX 77055

NOTE: Furniture in the pictures are from Mr and Mrs. Linder (previous owners).

Board of Adjustments Letter

8601 Cedarspur Drive

realtor.com Buy Sell Rent Mortgage Find Realtors® My Home News & Insights Manage rentals Advertise Log in Sign up

Texas > Harris > Houston > Cedarspur Dr > 8601 Cedarspur Dr

Public View Owner View

Connect with an agent

Full Name

Email

Phone

Are you selling or buying?

Connect

By proceeding you consent to receive calls and texts at the number you provided, including marketing by auto-dialer and pre-recorded and artificial voice, and email, from realtor.com and agents about your inquiry and other home-related matters but not as a condition of any purchase. This applies regardless of whether you check, or leave unchecked, any box above. [View...](#)

See My Home Equity Now

Off Market

Interested in selling your home?

See your selling options

Spring Valley Village

BRIGH

Map data ©2023

4 bed 2.5 bath 2,784 sqft 0.29 acre lot

8601 Cedarspur Dr, Houston, TX 77055

working ADVANTAGE

Go City | Los Angeles All...

Save up to 40% on 40+ Los Angeles Attractions. That's as many as you like.

Get Deal

NOTE: You can see from this picture the back room was already there when we purchased home.

Board of Adjustments Letter

8601 Cedarspur Drive

APPENDIX 2 – CURRENT PICTURES OF OUR HOME SHOWING THE AMOUNT OF AVAILABLE SPACE FOR PARKING INSIDE OF OUR GATE



NOTE: Also, please note that our detached garage is not visible from the street.

Board of Adjustments Letter

8601 Cedarspur Drive



APPENDIX 3 – PICTURES OF LARGE TREE NEXT TO OUR GARAGE THAT WE AIM TO PRESERVE WITH OUR CURRENT PLANS



NOTE: This is an older picture with our son “blowing” leaves to clean driveway.

Board of Adjustments Letter

8601 Cedarspur Drive



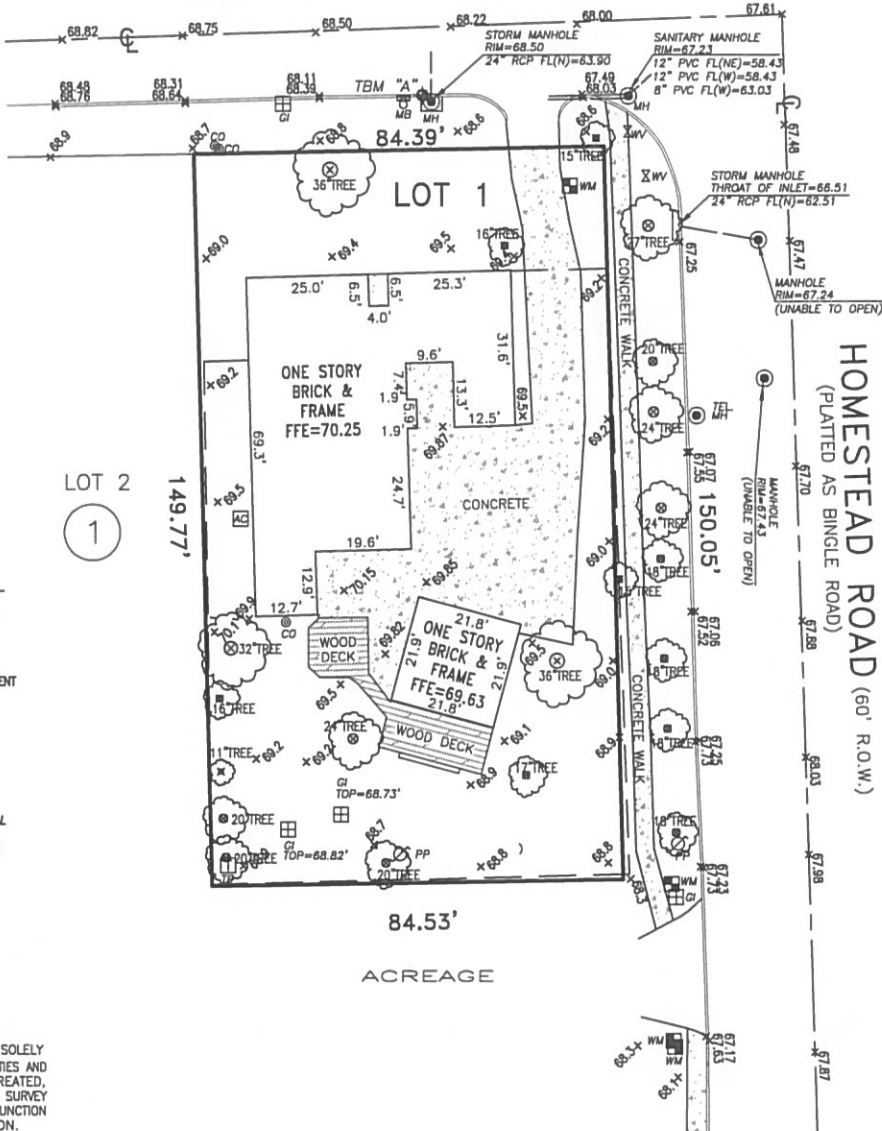


SCALE: 1" = 30'

CEDARSPUR STREET (50' R.O.W.)

BENCHMARK INFORMATION:
 TSAMP MON
 RM NO. 210218
 ELEVATION = 71.55,
 NAVD 1988, 2001 ADJ.
 TBM "A"
 CUT BOX ON NORTHWEST
 CORNER OF INLET
 ELEVATION = 68.50"
 NAVD 1988, 2001 ADJ.

- LEGEND:**
- U.E. — UTILITY EASEMENT
 - W.L.E. — WATERLINE EASEMENT
 - R.O.W. — RIGHT OF WAY
 - B.L. — BUILDING LINE
 - P.L. — PROPERTY LINE
 - ⊙ — CONTROLLING MONUMENT
 - FH — FIRE HYDRANT
 - WM — WATER METER
 - EM — ELECTRIC METER
 - GM — GAS METER
 - PP — POWER POLE
 - CP — CABLE PEDESTAL
 - PLM — PIPELINE MARKER
 - TP — TELEPHONE PEDESTAL
 - < > — CALLED DISTANCE
 - () — MEASURED DISTANCE



THIS SURVEY IS BEING PROVIDED SOLELY FOR THE USE OF THE CURRENT PARTIES AND THAT NO LICENSE HAS BEEN CREATED, EXPRESS OR IMPLIED, TO COPY THE SURVEY EXCEPT AS IS NECESSARY IN CONJUNCTION WITH THE ORIGINAL TRANSACTION.

F.I.R.M. NO. 48201C PANEL 0645L FLOOD INFORMATION PROVIDED HEREON IS BASED ON SCALING THE LOCATION OF THE SUBJECT TRACT ON THE FLOOD INSURANCE RATE MAPS. THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS. WE ARE NOT RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY.

TOPOGRAPHIC SURVEY OF
 LOT 1, BLOCK 1,
 OF LONDON VILLAGE,
 A SUBDIVISION IN
 HARRIS COUNTY, TEXAS,
 ACCORDING TO THE MAP OR PLAT
 THEREOF, RECORDED IN
 VOLUME 261, PAGE 142 OF THE
 HARRIS COUNTY, TEXAS

SURVEYED FOR: METRO LIVING	
ADDRESS: 8601 CEDARSPUR DRIVE HOUSTON, TX 77055	
LENDER: -	JOB NO.: 108074
FIELD WORK: 09/19/22	KEY MAP:

GGC SURVEY
 Professional Land Surveying
 FIRM NUMBER 10146000

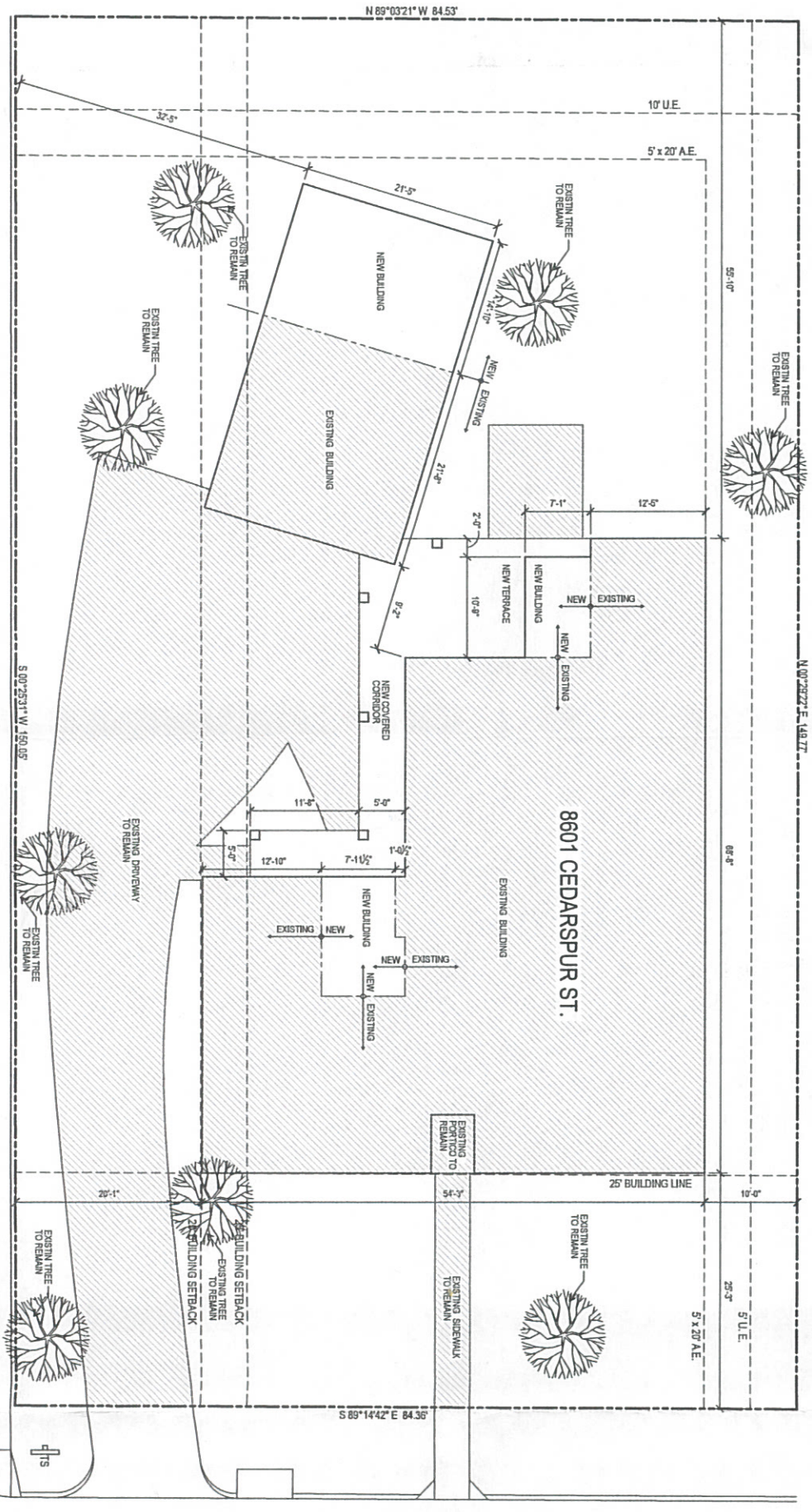
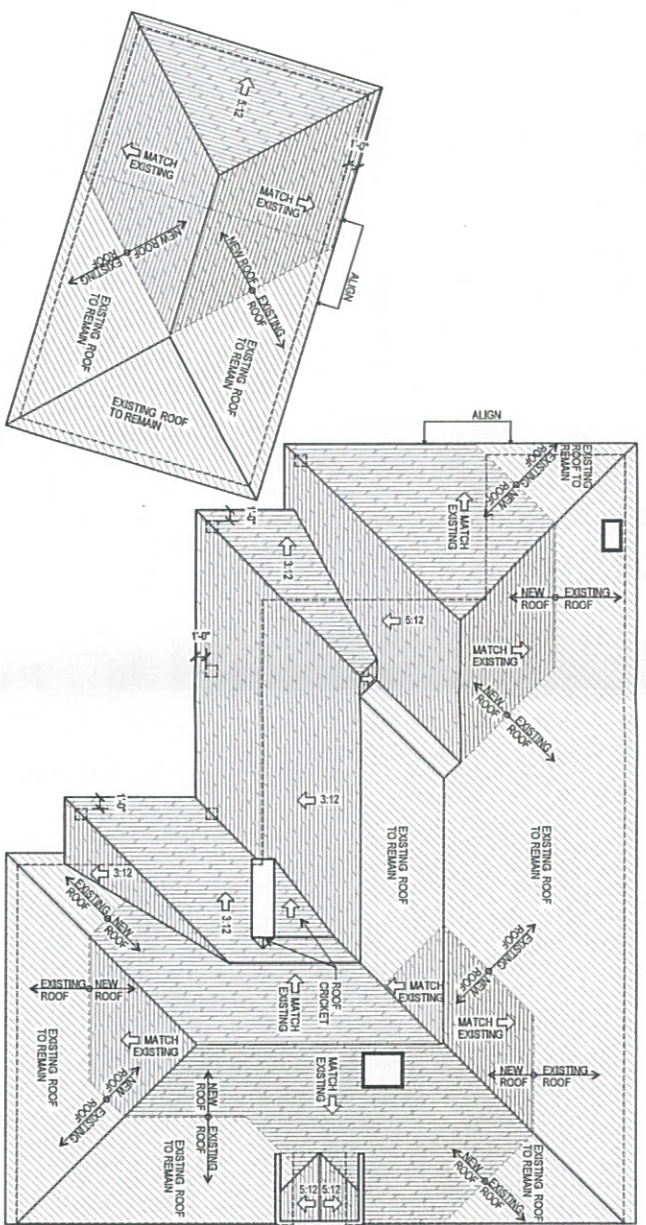
PROPERTY SUBJECT TO SUBDIVISION COVENANTS,
 CONDITIONS AND RESTRICTIONS.
 I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE
 GROUND AND THAT THIS PLAT CORRECTLY REPRESENTS THE
 FACTS FOUND AT THE TIME OF SURVEY.



Georg R. Lardizabal
 09/27/22
 GEORG R. LARDIZABAL, REGISTERED PROFESSIONAL LAND SURVEYOR NO. 6051

8601 Cedarspur
Houston, TX 77055

REV.	DATE	DESCRIPTION
05/17/2022	FOR REVISION	
05/24/2022	FOR REVISION	
06/02/2022	FOR REVISION	
06/22/2022	FOR REVISION	
11/16/2022	FOR PERMIT & CONSTRUCTION	
12/07/2022	S.V. REVISION	



SUPPLEMENTAL AREA CALCULATION BEHIND FRONT LOT

SITE	10,500.00 SF @ 80% = 8,400.00 SF
EXISTING BUILDING	2,825 SF
NEW BUILDING	638 SF
EXISTING DRIVEWAY	125 SF
EXISTING DRIVEWAY & SIDEWALK	248 SF
EXISTING SIDEWALK	141 SF
EXISTING GARAGE	238 SF
TOTAL COVERAGE	4,234 SF
APPROXIMATE AREA - SITE	4,284 ± (10,500.00 × 40%)



9810 Long Point Rd. Suite 220
Houston, Texas 77055
281.683.9601 Phone
832.761.6272 Fax
jose@metrolivingstudio.com
metrolivingstudio.com

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SHEET TITLE:
SITE PLAN
ROOF PLAN

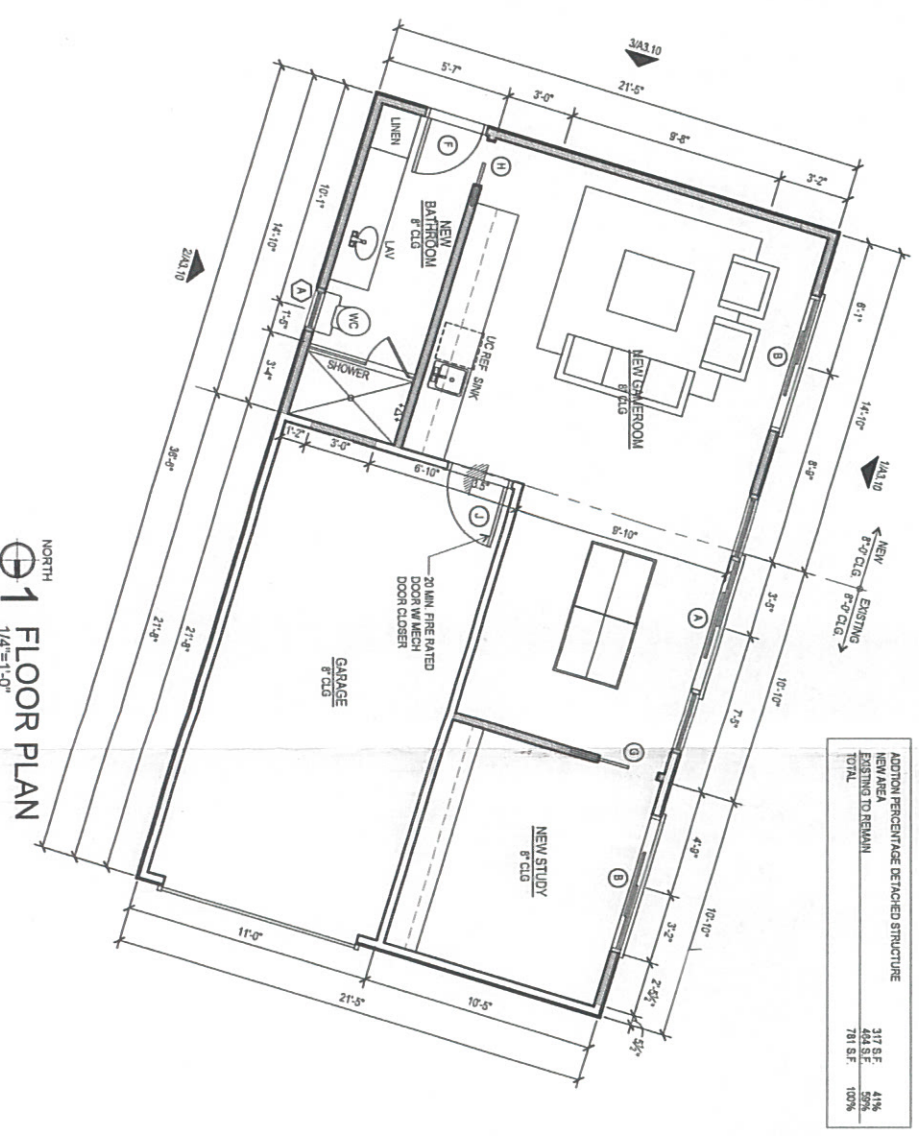
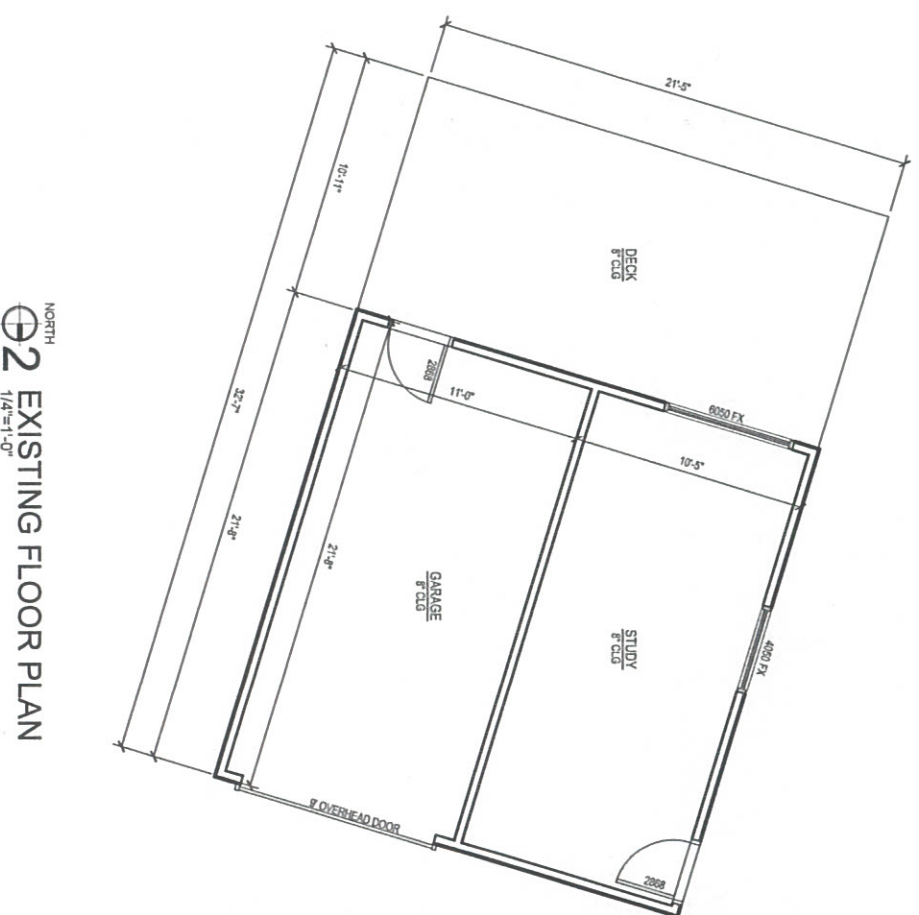
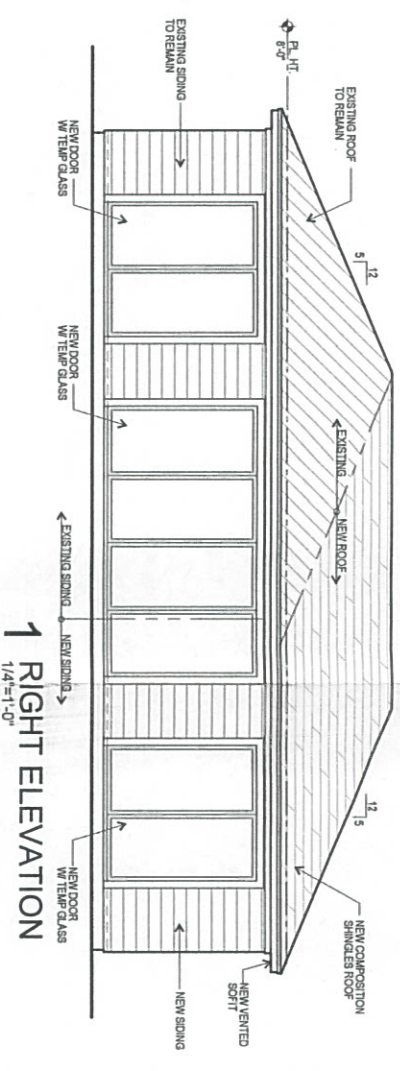
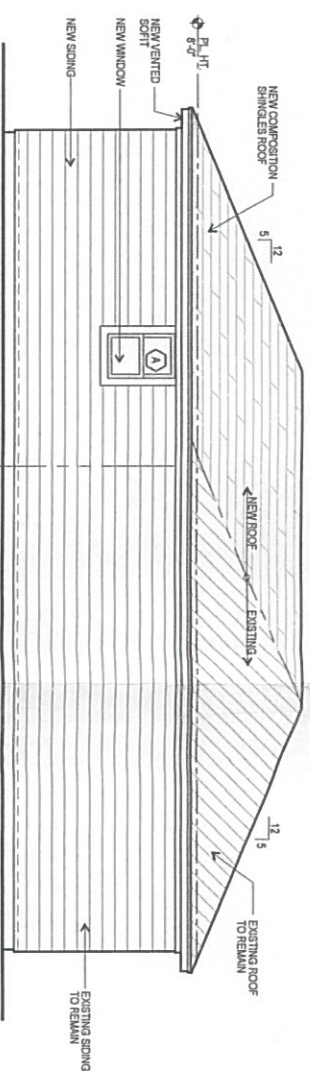
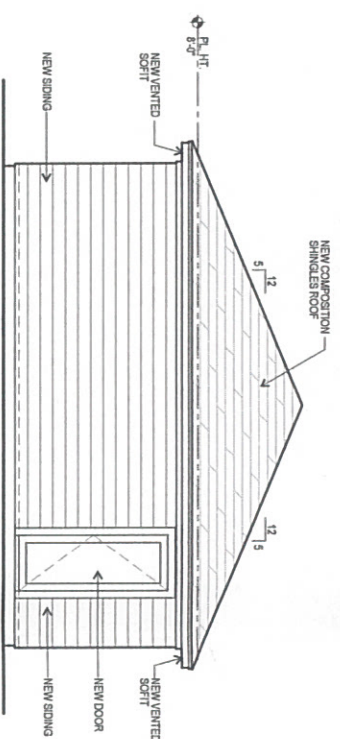
SHEET NO:

A1.00

REV.	DATE	DESCRIPTION
02/17/2022		FOR REVISION
02/24/2022		FOR REVISION
04/06/2022		FOR REVISION
04/26/2022		FOR REVISION
11/16/2022		FOR PERMIT & CONSTRUCTION
12/07/2022		S.V. REVISION
01/19/2023		VARIANCE

12/07/2022 S.V. REVISION

01/19/2023 VARIANCE



ADDITION PERCENTAGE DETACHED STRUCTURE	
NEW AREA	217 S.F.
EXISTING AREA	41%
TOTAL	781 S.F.
	100%



9610 Long Point Rd Suite 220
Houston, Texas 77055
281.685.9561 Phone
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metrolivingstudio.com

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SHEET TITLE:
FLOOR PLAN

SHEET NO.:

A2.20

DIVIDER PAGE

Garages and Carports: (Ordinance 231)

- .01 Required. Each dwelling in Dwelling District "A" shall have an attached or detached garage. A garage shall have a minimum floor space of four hundred (400) square feet and shall be constructed and configured in such a manner that the garage is capable of storing a minimum of two (2) standard-sized four-wheeled vehicles side by side. Carports are prohibited.
- .02 Detached. A detached garage shall not exceed one story.
- .03 Second story. Access to the second story of an attached garage shall be enclosed and through the dwelling to which it is accessory.
- .04 Entrance or Exit. No vehicle door(s) or vehicle entrance or exit of a garage constructed forward of the front wall line of the main dwelling shall face the street address: said door(s) or entrance or exit shall be located on a side of the garage that, in plain view, shall be at a 90-degree angle or greater to the street of address. No vehicle door(s) or vehicle entrance or exit of a garage shall face the street address unless the door, entrance or exit is set back five (5) feet or more from the front wall line of the main dwelling. No roof overhang or other extension of the garage roof attached to a garage at the vehicle door(s) or vehicle entrance shall extend more than ten (10) feet, and no extension or support structure for an extension shall be located past the front wall line unless it complies with section 05:02.01.06.
- .05 Other Front Facing Garage Rules. A front facing garage may not be more than fifty (50) percent of the width of the dwelling.
- .06 Certain Porte-Cocheres Permitted. A porte-cochere is a permanent roofed structure attached to a dwelling to accommodate the passage of a vehicle into an inner courtyard or driveway, or through a circle driveway in front of the dwelling, open on at least two (2) sides, and shall not to be used for the routine storage of one or more vehicles. A porte-cochere is permitted subject to the following requirements:
 1. Porte-cocheres shall comply with the same required setbacks as those applicable to the main dwelling. In addition, no porte-cochere shall be located forward of the front wall line of the main dwelling, except where such porte-cochere extends over a circle driveway in front of the dwelling.
 2. The maximum total square footage of the porte-cochere shall be less than four hundred (400) square feet.
 3. The roof pitch of the porte-cochere shall be proportional to the roof pitch of the main dwelling. A porte-cochere shall be architecturally-integrated with the main dwelling and shall be constructed of brick, stone, and other non-metal materials or a combination thereof in proportions similar to those of the main dwelling and garage.

4. A porte-cochere shall be located at an entrance to the main dwelling. For purposes of this section, an entrance to the garage shall not be considered an entrance to the main dwelling. (Ordinance 2013-12 adopted 5-21-13; Ordinance 2014-10 adopted 5-27-14; Ordinance 2019-05 adopted 2-26-19)

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.

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)

DIVIDER PAGE



EST. 1955

SPRING VALLEY
V I L L A G E

February 1, 2022

Dear Property Owner:

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

A request from Jorge Garduno for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.01.01, Garages and Carports, Building and Use Restrictions in Dwelling District "A" to allow a single car garage at 8601 Cedarspur Street in the City of Spring Valley Village, Texas.

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, February 22, 2023

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 8601 Cedarspur 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.

Sincerely,

A handwritten signature in blue ink that reads "Zachary Meadows".

Zachary Meadows
Director of Community Development

**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 Jorge Garduno for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.01.01, Garages and Carports, Building and Use Restrictions in Dwelling District "A" to allow a single car garage at 8601 Cedarspur Street in the City of Spring Valley Village, Texas.

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, February 22, 2023

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.

OWNER OR CURRENT RESIDENT
8601 CEDARBRAKE DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1201 BINGLE RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8613 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8605 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8518 BURKHART RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8609 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1202 BINGLE RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8610 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8601 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8702 BURKHART RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1203 BINGLE RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
1155 BINGLE RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8604 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8529 BURKHART RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8520 CEDARBRAKE DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8522 BURKHART RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8614 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8601 BURKHART RD
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8600 CEDARSPUR DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8605 CEDARBRAKE DR
HOUSTON, TX 77055

OWNER OR CURRENT RESIDENT
8516 CEDARBRAKE DR
HOUSTON, TX 77055

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: Jorge L. Gardner Preparer's Signature: 

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



AFFIDAVIT OF SIGN POSTING

(Re)Zoning Case No. _____

Date of Board of Adjustment Meeting: Feb 22, 2023

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 Jorge L. Gaudin 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 3601 Cedarspur Drive
Houston, TX 77055

Posting of said signs was accomplished on Feb. 13, 2023 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 Cedarspur Drive and Bigle Road

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: 2/13/23

Printed Name of Applicant or Authorized Representative for Zoning Case No. Jorge L. Gaudin

Signature of Applicant or Authorized Representative for Zoning Case No. _____

Sworn and subscribed before me on this date: February 13, 2023

Notary Public Carolyn Mobley



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: 2-13-2023; 2:28PM Verified by: Zachary Meadows

AFFIDAVIT OF SIGN MAINTENANCE



(Re)Zoning Case No. _____

Date of Board of Adjustment Meeting: Feb 22 2023

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 Jorge L. Guardia hereby certify that Zoning Change Notification sign(s) have been maintained on the property subject to zoning change, located at 8601 Cedarpar Drive
Houston, TX 77055

I further certify that this affidavit was filed with the Building Department of the City on date Feb 13, 2023 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: 2/13/23

Printed Name of Applicant or Authorized Representative for Zoning Case No. Jorge L Guardia

Signature of Applicant or Authorized Representative for Zoning Case No. _____

Sworn and subscribed before me on this date: February 13, 2023

Notary Public Carolyn Mobley



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: 2-13-2023; 2:28PM Verified by: Zachary Meadows

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

MEETING DATE: February 22, 2023

TOPIC: **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request From Jorge Garduno For A Variance From Chapter 12 Of The City Of Spring Valley Village's Code Of Ordinances, Planning And Zoning, Section 05:02.01.01, Garages And Carports, Building And Use Restrictions In Dwelling District "A" To Allow A Single Car Garage At 8601 Cedarspur Street, In The City Of Spring Valley Village, Texas.

BACKGROUND: In the previous agenda item, the Board of Adjustment held a public hearing concerning a variance request to expansion of an existing non-conforming one-car garage located at 8601 Cedarspur 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,

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

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

RECOMMENDATION: None

ATTACHMENTS: • None

SUBMITTING STAFF MEMBER:

Zachary Meadows, Director of
Community Development

CITY ADMINISTRATOR APPROVAL:
