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## AGENDA

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON TUESDAY, MAY 4, 2021, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

In accordance with an Order of the Office of the Governor issued March 16, 2020, this meeting scheduled is in person and open to the public at The City of Angleton Council Chambers located at 120 S. Chenango Street Angleton, Texas 77515. In order to advance the public health goal of limiting face-to-face meetings (also called "social distancing") to slow the spread of the Coronavirus (COVID-19), seating will be limited to allow for 6 feet of separation.

The City will be using a telephone/video conferencing tool called ZOOM to make the meeting available to the public. You have several options to participate:

1. Click the link to join the webinar: <https://us02web.zoom.us/j/84203098540>
2. Phone in at (888) 475-4499 and enter Meeting ID: 84203098540
3. Download the ZOOM app to your phone and enter Meeting ID: 84203098540

This meeting will also be live-streamed on the City's website at <https://angleton.tx.us/445/Meeting-Videos> and on Facebook at <https://www.facebook.com/cityofangleton/>

## DECLARATION OF A QUORUM AND CALL TO ORDER

## APPROVAL OF MINUTES

1. Approval of minutes from October 21, 2020 Meeting

## PUBLIC HEARINGS AND ACTION ITEMS

Conduct a public hearing, discussion, and possible action on a request for variances to the required 50 ft. side yard setback and the required 25 ft. building separation for three existing buildings in the Angleton Ranch apartment complex on property described as Lot 1 Meadowcreek Subdivision. The subject property is located on the south side of Henderson Road approximately 1,100 ft. west of Buchta Road, is in the Multi-Family Residential 29 (MFR-29) zoning district and is more commonly known as 1400 Henderson Road.

## REGULAR AGENDA

## ADJOURNMENT

## CERTIFICATION

I, Walter Reeves, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, [www.angleton.tx.us](http://www.angleton.tx.us), in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Wednesday, April 28, 2021 by 12:00 p.m. and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

/S/ Walter Reeves

Walter Reeves

Development Services Director

*In compliance with the Americans with Disabilities Act, the City of Angleton will provide reasonable accommodations for persons attending City Council meetings. The facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary at 979-849-4364, extension 2115 or email [faguilar@angleton.tx.us](mailto:faguilar@angleton.tx.us).*



**CITY OF ANGLETON, TEXAS  
PUBLIC NOTICE OF A BOARD OF ADJUSTMENT MEETING  
WEDNESDAY, OCTOBER 21, 2020, 12:00 P.M.  
120 S. CHENANGO STREET ANGLETON, TEXAS 77515**

**NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE BOARD OF ADJUSTMENT FOR THE CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON WEDNESDAY, OCTOBER 21, 2020, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.**

In accordance with an Order of the Office of the Governor issued March 16, 2020, the City Council of the City of Angleton, Texas will conduct the meeting scheduled at Wednesday, October 21, 2020, at 12:00 P.M., at The City of Angleton Council Chambers located at 120 S. Chenango Street Angleton, Texas 77515 and will be live-streamed on Facebook live at <https://www.facebook.com/cityofangleton/> to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19). The City will follow the minimum recommended health protocols as set forth by the Texas Health and Human Services.

**AGENDA**

**DECLARATION OF A QUORUM AND CALL TO ORDER**

Board of Adjustment Members present:

- Chariman Marian Goff
- Timothy Charleson
- Janie Schwartz-Shwa
- Belinda Gaines
- Terry Roberts

Mrs. Goff called meeting to order at 11:57.

Requested all members introduce themselves to the other Board members and the public.

It’s been over one year since the previous meeting.

Motion made by Mr. Charleson and second made by Mr. Roberts to open public meeting.

**PUBLIC HEARINGS**

1. Hold a public hearing, discussion and possible action on a request from Raymundo Rodriguez for a variance to construct a carport into the required 25 ft. front yard setback on Lot 17, Block 4, Chevy Chase #3. The subject property is located on the north side of Meadow Lane approximately 75 ft. west of Downing Street, is in the Single Family Residential 7.2 (SF-7.2) zoning district and is more commonly known as 1113 Meadow Lane.

Raymundo Rodriguez 113 Meadow Lane requested approval of variance for a carport for his residence. Reason – to protect his son from weather elements.

Mrs. Goff asked if any carports are in proximity to Mr. Rodriguez’s home.

Response – yes, other neighbors have carports.

Mrs. Goff asked if any other people wanted to speak.

Charles Teter (son-in-law to Mr. Rodriguez) approached podium and supported request for the variance for the carport to protect handicapped family member from elements.

Mrs. Goff called for a motion to close public hearing.

Public hearing closed.

Mrs. Goff – Does not meet requirements for a variance. Estimated 30% of homes have a carport. Other details shared concerning differences of carports and attached garages. Variances do not negate deed restriction.

Findings of undue hardship – in order to grant a variance Board must recognize applicant hardship where granting the variance will provide the relief to the applicant. 4 findings provided to Board.

Mrs. Goff stated she believed this scenario meets the criteria for a hardship. Board agreed. Tim made motion to grant variance. Mr. Charleson seconded. Unanimously approved variance.

2. Hold a public hearing, discussion and possible action on a request from Frank Grissett and Bobbi Allen for a variance to construct a carport into the required 25 ft. front yard setback on Lot 26, Block 5, Northridge 2. The subject property is located on the southwest corner of the intersection of Browning Street and N. Rock Island Street, is in the Single Family Residential 7.2 (SF-7.2) zoning district and is more commonly known as 744 Browning Street.

Motion made to open public hearing, seconded.

Bobbi Allen approached the podium to request variance. Stated only “short on one side of the driveway... no blocking view of stop sign; would not be an obstruction to the sidewalk.” Allen stated she takes care of elderly, handicapped family members and needs the variance to assist getting family members in and out home.

Mrs. Goff agreed that the construction of a carport would not create an obstruction.

Public hearing closed.

Mr. Roberts stated he has a concern about carports concerning precedence.

Allen responded by stating there are no carports in that area, but it is for handicap access and feels that merits a need for the variance. Allen offered to share pictures and stated her plans are windstorm certified and in good taste.

Mr. Tim asked if Allen's mother lives with her, to which Allen responded, yes, on a part time basis. Ramps have been installed to accommodate family member.

Mr. Roberts stated the waiver is only for 9' – not 25'.

Findings of undue hardship read to Board. Discussion on hardship criteria held among Board members. All members agreed situation meets the criteria for a hardship.

Chairman Goff voiced concern about precedent. Property is not in a deed-restricted community. Chairman stated City staff recommendation is to grant the variance.

Tim made motion to grant variance. Goff seconded. All Board members approved.

Approval granted to Mrs. Allen to construct carport.

Walter Reeves explained to applicant how the process work after the approval – must get a construction permit; had the variance have been denied, her only appeals would be in district court.

## **ADJOURNMENT**

Chairman Goff adjourned meeting at 12:25.

## **CERTIFICATION**

I, Walter E. Reeves Jr., AICP, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, [www.angleton.tx.us](http://www.angleton.tx.us), in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, October 16, 2020 by 12:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

*/s/ Walter E. Reeves Jr., AICP*

Walter E. Reeves Jr., AICP  
Development Services Director

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**MEETING DATE:** May 4, 2021

**PREPARED BY:** Walter E. Reeves Jr., AICP Development Services Director

**AGENDA CONTENT:** Conduct a public hearing, discussion, and possible action on a request for variances to the required 50 ft. side yard setback and the required 25 ft. building separation for three existing buildings in the Angleton Ranch apartment complex on property described as Lot 1 Meadowcreek Subdivision. The subject property is located on the south side of Henderson Road approximately 1,100 ft. west of Buchta Road, is in the Multi-Family Residential 29 (MFR-29) zoning district and is more commonly known as 1400 Henderson Road.

**AGENDA ITEM SECTION:** Public Hearing

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**BUDGETED AMOUNT:** None

**FUNDS REQUESTED:** None

**FUND:** None

**EXECUTIVE SUMMARY:**

The Angleton Ranch apartments (constructed in the 1970's) are located on an approximate 6.97-acre property in the Multi-Family Residential 29 (MFR-29) zoning district. On November 30, 2018, the City issued a building permit to construct three new two-story apartment buildings in an area on the complex property that had previously been used as a tennis court and outbuilding. On January 20, 2020, the City issued Certificates of Occupancy (CO) for those three buildings. Section 28-52.(d).(2).b. requires a minimum 15 ft. side and rear yard "unless adjacent to a single-family, duplex, patio home or single-family attached district then the side and rear setbacks shall be according to the height of the multi-family building; One-Story Building 25 ft., Two-Story Building 50 ft." Section 28-52.(d).(2).c.1 requires a minimum 25 ft. separation between two-story buildings having openings. The property is bounded in the area of the three new buildings by a City park in the Single-Family Residential 7.2 (SF-7.2) district.

The apartment complex is currently for sale and as part of the due diligence process regarding the potential sale of the property it was discovered that two of the buildings that received CO's did not meet the required 50 ft. setback from the western property line (bordering the park), one did not meet the required 50 ft. setback from southern property line (also bordering the park) and none of the buildings met the required 25 ft. building separation from themselves or the existing building to the north (Exhibit 1).

Staff could find no evidence that variances of the required side and rear setback or the required building separation were presented to, and approved by, the Board of Adjustment. Technically, both the building permit and the COs were issued in error as the buildings did not meet the minimum requirements in 2018 when the building permit was issued nor when the COs were issued in 2020. Even though a building permit was issued, albeit in error, and COs were issued, again albeit in error, the City cannot assert that those buildings meet minimum City requirements and are conforming in regard to City code. These variances would be required for the City to consider the property to be in conformance with City code. While the process is unusual in that the variances are being processed after permits have been issued, CO's have been issued and the buildings have been occupied and used, it is the avenue proscribed by the Code for relief of this situation. The rest of the existing apartment complex is considered to be non-conforming in regard to these setback requirements. The three buildings that are the subject of these variances are not considered to be non-conforming as they were not constructed prior to adoption of these requirements. Accompanying this Agenda Item Summary are the application and accompanying application materials.

Pursuant to Chapter 28, Section 28-23(h)(3) of the Code of Ordinances of the City of Angleton (Code), notice was published in the "Facts," and mailed to all property owners within two-hundred feet as required by the Texas Local Government Code and the Code of Ordinances of the City of Angleton.

Pursuant to Section 28-23(h)(4): The board of adjustment shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions of subsection (f) have been satisfied..."

Pursuant to Section 28-23(f)(2): No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with subsection (h) of this section and unless the board of adjustment finds:

- a. **That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;**

*As can be seen from Exhibit 1, two of the buildings abut the park property to the west and one of the buildings abuts the park property to the south. The pink line on the exhibit shows the location of the required 50 ft. setback. The first special circumstance or condition affecting the land is the setback requirement itself. Section 28-52.(d).92).b. is not particularly clear as to what is meant by "single-family, duplex, patio home or single-family attached district." While current staff would interpret it to mean zoning districts allowing those uses, staff at the time may have interpreted it to mean property having those uses, rather than as a reference to City zoning districts. Unfortunately, no documentation can be found to clarify how staff at the time was interpreting this requirement. As can be seen from Exhibit 1, imposing a 50 ft. setback would probably have resulted in only one building being constructed. The second special circumstance is the 25 ft. building separation requirement. It is hard to determine the purpose of this requirement as the fire code addresses minimum building separation requirements, and other construction requirements, for buildings having openings and three buildings meet that minimum requirement. There are special circumstances or conditions affecting the land such that strict application of the provisions would deprive the applicant of the reasonable use of the land.*

- b. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;**

*Due to the issuance of a building permit and COs for the buildings, granting the variances is necessary for the preservation and enjoyment of a substantial property right of the applicant.*

- c. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;**

*It is hard to imagine how the granting of the variances will be detrimental to the public health, safety or welfare. It is also hard to imagine how the granting of the variance will be injurious to other property within the area.*

- d. That the granting of the variance will not have the effect of preventing the orderly use of the other land within the area in accordance with the provisions of this chapter; and**

*Again, it is hard to imagine how granting of the variances would prevent the orderly use of other land within the area.*

- e. That a finding of undue hardship exists.**

An undue hardship exists pursuant to Section 28-23(f)(3).

Pursuant to Section 28-23(f)(3): In order to grant a variance, the board of adjustment must make written findings that an undue hardship exists using the following criteria:

- a. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property;**

*At this point, literal enforcement of the controls will create an unnecessary hardship in the development of the affected property as the three buildings have been used and occupied.*

- b. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in same zoning district;**

*The situation causing the hardship is not financial, self-imposed nor generally affecting all or most properties in the same zoning district.*

- c. That the relief sought will not injure the permitted use of adjacent conforming property; and**

*The relief sought will not injure the permitted use of adjacent conforming property.*

- d. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.**

*Granting of a variance will be in harmony with the spirit and purpose of these regulations.*

Pursuant to Section 28-23(f)(4); A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any

person the privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

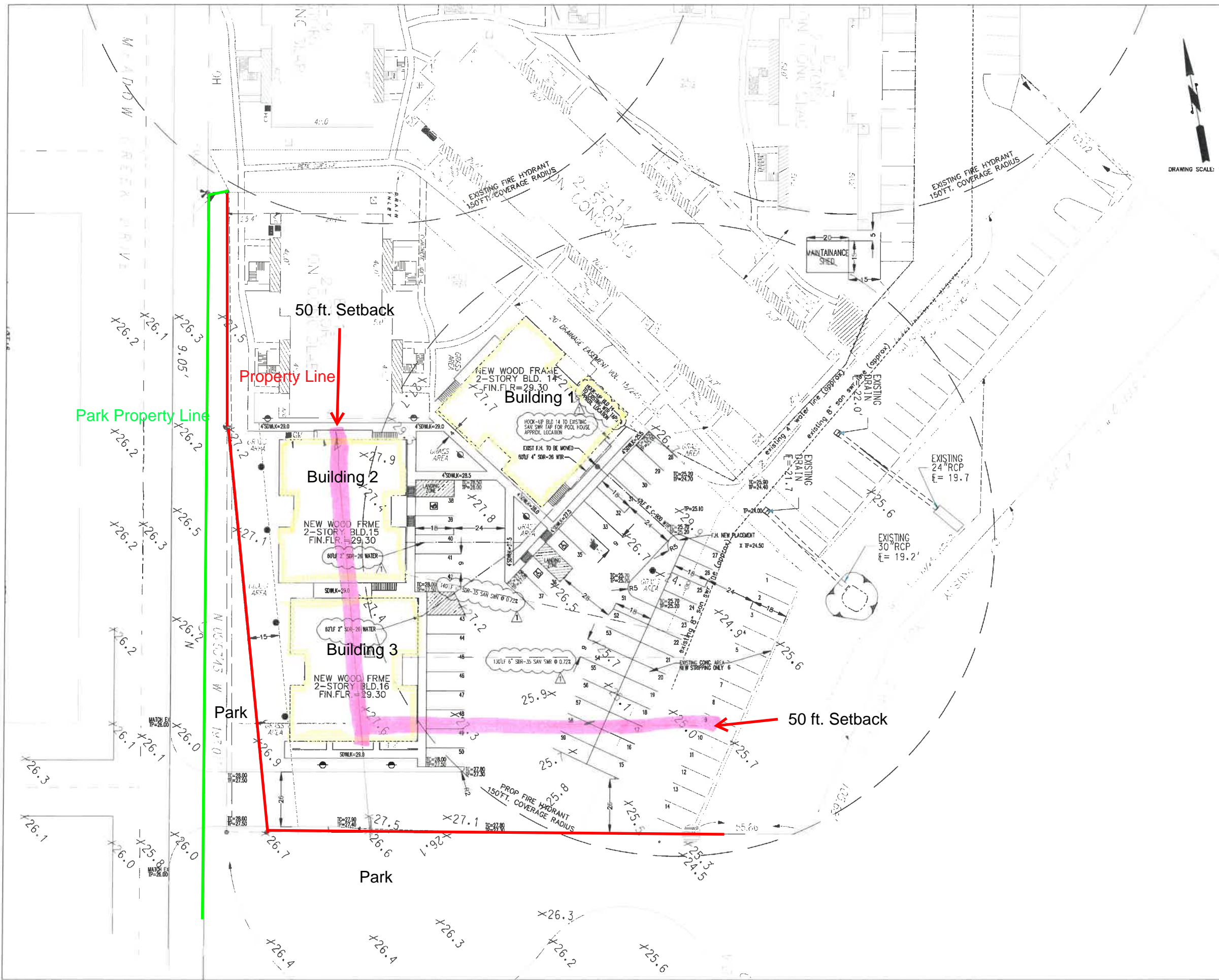
**RECOMMENDATION:**

Staff recommends approval of the variance to Section 28-52.(d).(2).b to allow for a 15 ft. setback along the western and southern property lines and of the variance to Section 28-52.(d).(2).c.1 to allow the required building separation to be what is required by the fire code.

**SUGGESTED MOTION**

I move we approve the variance to Section 28-52.(d).(2).b to allow for a 15 ft. setback along the western and southern property lines and of the variance to Section 28-52.(d).(2).c.1 to allow the required building separation to be what is required by the fire code.

# Exhibit 1



DRAWING SCALE: 1:20

## LEGEND

## NOTES

- HANDICAP SPACE TABULATION**  
 ADA REQUIRES=1 TO 24 SPACES  
 1 HANDICAP SPACE  
 3 HANDICAP SPACE PROVIDED
- PARKING TABULATION**  
 CITY REQUIRES= 1 SPACE PER 1 BEDROOM APT.  
 TOTAL BEDROOMS=48  
 SPACES REQUIRED= 48 SPACES  
 SPACES PROVIDED= 50 SPACES  
 3 HANDICAP SPACES (INCLUDED)  
 TOTAL SPACES= 50 SPACES

**SANITARY SEWER NOTE:**  
 THE EXISTING SANITARY SEWER SHOWN IS IN THE APPROX. LOCATION IF THE EXISTING SANITARY SEWER MAIN LINE IS NOT 12" OR LARGER A NEW TAP FOR EACH BUILDING WILL NEED TO BE RUN FROM CITY PUBLIC SANITARY SEWER ALONG HENDERSON ROAD FOR THE NEW BUILDINGS 15 & 16. BUILDING 14 HAS OLD POOL HOUSE HOOK-UPS.

**UTILITY NOTE:**  
 THE CONTRACTOR'S RESPONSIBILITY TO FIND ALL UNDERGROUND LINES SHOWN ON THIS PLAN. ALL EXISTING LINES ARE UNDER CONCRETE PARKING LOTS. LINE LOCATOR EQUIPMENT WILL NEED TO BE USED.

Revisions:

#	DATE	DESCRIPTION OF CHANGE
0	07-12-2018	ISSUED FOR CONSTRUCTION
1	07-30-2018	ADDED APPROX. LOCATION OF EXISTING WTR & SAN LINES



Curtis C. Hampton P.E.  
 409-354-5925  
 CUSTOMER/OWNER NAME:  
 HENDERSON APARTMENTS  
 PROJECT LOCATION OR ADDRESS:  
 1400 E. HENDERSON ROAD  
 ANGLETON, TEXAS 77515

## SITE/UTILITIES PLAN

NOTE: CITY OF ANGLETON SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES

DRAWN BY:	SWA	CHECKED BY:	CCH
PROJECT #	18-0251	SCALE:	1:20
DATE:	07/12/2018		18-0251-C-5.00



BOARD OF ADJUSTMENT
APPLICATION FOR VARIANCE

City of Angleton
121 S. Velasco
Angleton, TX 77515
979-849-4364

Applicant: Siva Palchuru Phone: 972-861-2750 Cell: 972-849-9964

Address: 1861 N Central Expy, Suite 400

City: Plano State: TX Zip: 75075

Applicant's Status: (check one) [ ] Owner [X] Representative [ ] Tenant

Property owner: TEXAS ANGLETON RANCH AT 1400, LLC Phone: Cell:

Address: 1400 E HENDERSON RD

City: ANGLETON State: TX Zip: 77515

Applicant Signature Date 04/15/21 Owner Signature Manager Date 04/15/21

Property Information:

This application must be accompanied by a site plan and any other documents requested, such as plot plans, photographs, topographic contour maps that are necessary to properly review the application.

Street address or location: 1400 E HENDERSON RD

Legal Description: SEE ATTACHED EXHIBIT A (LT 1, BLK A, MEADOWCREEK SUBDIVISION)
(please provide copy of metes and bounds)

Present zoning: MFR - 29 Present land use: MFR-29

Is a site plan, preliminary or final plat pending on the agenda of the Planning & Zoning Commission or the City Council? Yes No

Have you applied for a building permit? Yes No Date denied:

Has the Board of Adjustments issued an unfavorable ruling on this property within the last six months? Yes No

If yes, when:

Please provide proof of taxes paid on this property.

**Request Information:**

Please answer the following questions as completely as possible. Failure to outline fully the situation by answering these questions could cause unnecessary delay in evaluating your appeal. Additional pages may be attached if necessary.

1. Describe the variance you are requesting: For any nonconformities to the current code created by the construction of the 3 newer buildings.

2. Describe the special or unique condition(s) of your property that exist, such as restricted area, shape, topography or physical features that are peculiar to your property: Building B-16 encroaches into the setback to the west (adjacent single family district) up to 34.9 feet, and into the setback to the south (adjacent single family district) up to 12.2 feet. Building B-15 encroaches into the setback to the west (adjacent single family district) up to 33 feet. Lastly, parking for the new buildings built in 2019, is deficient 16 spaces, including 24 covered spots.

3. Do similar property conditions exist in your area? Explain: Not that we are aware of.

4. Explain how your need for a variance is unique to those special property-related conditions described above: This structure is already fully completed, and an active residential dwelling with an official certificate of occupancy.

5. Are there special conditions affecting your property such that the strict application of the provisions of the Zoning Ordinance would deprive you of the reasonable use of your land? Explain: Yes, as mentioned above, this is a property that already houses many residents of Angleton. To not grant the zoning variance would rid more residents of a place to call home, and less tax revenue for the city. It would also further limit the amount of affordable housing in the area. This property serves the working-class demographic of the city.

6. Explain why the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area: The buildings have already been completed and have been a home for many residents of Angleton. Disallowing the variance would be a threat to public health, safety and welfare for the many citizens that call this property "home."

7. Describe how strict enforcement of the zoning ordinance creates a hardship that is unique to your property, imposing a hardship above that suffered by the general public: The property is fully completed with permitted plans and a certificate of occupancy. Without the zoning variance approval, it would never be able to sell, trade hands or receive additional funding from lending institutions to maintain the structure. Thereby limiting the available affordable housing in the area.

**A completed variance application is due 30 days prior to the next Board of Adjustment meeting. Board of Adjustment meetings are held at noon on the third Wednesday of each month. At this meeting, a public hearing will be held. A public hearing notice must be published in the local newspaper (at least 14 days before the meeting) and a notice must be sent to all property owners within 200' of the property where the variance is being requested (the notice must be sent at least 10 days prior to the meeting).**

**Acknowledgements**

I certify that the above information is correct and complete to the best of my knowledge and ability and that I am now or will be fully prepared to present the above proposal at the Board of Adjustments hearing.

I understand that in the event that I am not present or represented at the public hearing, the Board shall have the power to dismiss the proposal either at the call of the case or after the hearing, and that such dismissal shall constitute denial.

I reserve the right to withdraw this proposal at any time upon written request filed with the City Secretary's office, and such withdraw shall immediately stop all proceedings. I understand the filing fee is not refundable upon withdraw of the proposal after public notice.

I understand that if the request is approved, I must obtain a building permit from the City before any work is started on the property and that the Board of Adjustment action does not constitute the approval of the building permit.

Applicant's Initials:  Date: 04/20/21

Office use only	
Date received: _____	Received by: _____
Fee of \$150.00 received: _____	
Proof of taxes paid: _____	date verified: _____
Appointment of agent form attached if required: _____	
BOA Public Hearing date: _____	
Date to send letters to residents: _____	
Letters Mailed: _____	
Date to publish: _____	Date published: _____

**EXHIBIT A**

**LEGAL DESCRIPTION**

ALL THAT CERTAIN 6.9852 ACRES (called 6.98 Acres) being the same property conveyed to 1400 Henderson LLC, a Texas Limited Liability Co. as recorded in Clerk's File No. 2015-049017 of the Official Records of Brazoria County, Texas and being out of a 48.14 acre tract out of Tracts 30, 31, 34 and 35 of the New York and Texas Land Company's Subdivision of the T. S. Lee Survey, Abstract 318, City of Angleton, Brazoria County, Texas, to which reference is hereby made for all purposes and more particularly described by metes and bounds using survey terminology to which all coordinates and bearings are relative to the Texas State Plane Coordinate System, South Central Zone (NAD83) as follows:

COMMENCING at a 1/2" iron rod found for the northeast corner of Lot 19, Block 5 of Meadow Creek Subdivision according to a Replat recorded in Volume 16, Pages 253-254 of the Plat Records of Brazoria County, Texas;

THENCE NORTH 02°56'51" EAST, a distance of 621.52 feet to a 1/2" iron rod found for corner and being the PLACE OF BEGINNING of herein described tract;

THENCE NORTH 02°57'45" WEST, and being parallel with the easterly Right-of-Way line of Meadow Creek Drive, a distance of 498.17 feet for corner located in a power pole for the northwest corner of herein described tract and also being located in the south Right-of-Way line of Henderson Road (80' R.O.W.);

THENCE NORTH 87°02'38" EAST, along the south Right-of-Way line of said Henderson Road, a distance of 385.05 feet to a 1/2 inch iron rod for corner being the northeast corner of herein described 6.9852 acre tract and same being the northwest corner of a called 4.987 acre tract being conveyed to William D. Joseph as Recorded in Clerk's File Number 1996-042185 of the Official Records of Brazoria County, Texas;

THENCE SOUTH 03°00'50" EAST, coincident with said 4.987 acre tract a distance of 442.23 feet to a 1/2 inch iron rod for corner;

THENCE SOUTH 50°24'56" EAST, at 69.72 feet pass a 1/2 inch iron rod found on line and continue for a total distance of 133.77 feet to a point for corner in the centerline of Brushy Bayou;

THENCE SOUTH 39°15'20" WEST, along the centerline of Brushy Bayou, a distance of 231.73 feet to an angle point for corner;

THENCE SOUTH 20°12'31" WEST, continuing along said centerline of Brushy Bayou, a distance of 105.68 feet for the southeast corner of herein described 6.9852 acre tract;

THENCE SOUTH 87°13'15" WEST, coincident with a park (City of Angleton) and as shown on the Replat of Meadow Creek Subdivision as Recorded in Volume 16, Pages 253-254 of the Plat Records of Brazoria County, Texas, at 55.86 feet pass a 1/2 inch iron rod found on line and continue for a total distance of 257.16 feet to a 1/2 inch iron rod found for the southwest corner of herein described tract;

THENCE NORTH 08°53'43" WEST, coincident with said Park, a distance of 193.01 feet to a 1/2 inch iron rod found for corner;

THENCE NORTH 03°15'48" WEST, a distance of 110.68 feet to a 1/2 inch iron rod found for corner;

THENCE SOUTH 86°08'07" WEST, a distance of 9.05 feet to the PLACE OF BEGINNING and containing 6.9852 acres, more or less.

## I. Conformance Summary

### 1. Conformance Status of the Project:

**Legal Conforming**, to use.

**Legal Nonconforming**, to setbacks, floor area per dwelling unit and parking for buildings built prior to 2019:

Per Walter E. Reeves Jr., AICP, Development Services Director, if the property met City requirements in 1975 the use would be considered legally non-conforming with current requirements. Any new construction would have to meet current City requirements but the City would not force compliance with current requirements on the existing buildings. Therefore, due to the age of the development, 1975, it is assumed the development met requirements at the time of construction and the existing nonconforming characteristics are considered pre-existing legal nonconforming to the current requirements.

**Nonconforming**, to setbacks and parking for the 3 buildings built in 2019:

Per Walter E. Reeves Jr., AICP, Development Services Director, the owners should apply for variances for any nonconformities to the current code created by the construction of the 3 newer buildings. Per Mr. Reeves, per a search of current records, there is no evidence of relief granted for the current deficiencies. Despite any Certificates or approvals for the issued for the buildings, the owners need to apply for variances current nonconforming issues related to the newer buildings.

**Continued on the next page.**

**2. Legal Nonconforming Characteristics:**

Buildings built prior to 2019

- a. Building B-1 encroaches into the setback to the west, adjacent single-family district, up to 25.4 feet.
- b. Buildings B-4 and B-9 encroach into the setback, adjacent Meadow Creek Building, up to 0.5 feet.
- c. Building B-12 encroaches into the setback, to the west, adjacent single-family district, up to 24.1 feet.
- d. Several buildings encroach into the building separation setback up to 16.6 feet.
- e. Parking encroaches into the side setback, along the east property line, up to 2 feet; and into the rear setback, along the south property line, up to 2 feet.
- f. One building exceeds the maximum 200-foot building length restriction up to 28.3 feet.
- g. Existing landscaping along Meadow Creek Drive is deficient up to 5 feet.
- h. Existing one-bedroom units are deficient 12 SF per unit.
- i. Parking for buildings built prior to 2019 is deficient 88 spaces, including 176 covered spaces.

**3. Nonconforming Characteristics:**

3 Buildings built in 2019

- a. Building B-15 encroaches into the setback to the west, adjacent single-family district, up to 33 feet.
- b. Building B-16 encroaches into the setback to the west, adjacent single-family district, up to 34.9 Feet; and into the setback to the south, adjacent single family district, up to 12.9 feet.
- c. Buildings B-12 and new Building B-15 encroach into separation setback up to 14 feet; new Buildings B-14 and B-15 encroach into separation setback up to 4 feet; and new Buildings B-15 and B-16 encroach into separation setback up to 12.2 feet.
- d. Parking for the new buildings built in 2019, is deficient 16 spaces, including 24 covered spaces.

**Continued on the next page.**

**3. Legal Nonconforming Rebuild Section from Code:**

Sec. 28-21. - Nonconforming uses and structures.

(g) Reconstruction or repair of nonconforming structure:

(1) If 50 percent or more of the total appraised value, as determined by the Brazoria County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this chapter.

(2) If less than 50 percent of the total appraised value, as determined by the Brazoria County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be repaired and as it was before the partial destruction but only to its original dimensions and floor area and provided that such

reconstruction is completed within one year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the city council, not to exceed six months at a time.

(3) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in subsection (f) above.

(4) Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this chapter.

(5) Nothing in this chapter shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds 50 percent of the structure's appraised value, as determined by the Brazoria County Appraisal District.

**II. Site Information/Jurisdiction/Zoning Designation**

- 1. Site Name**  
Angleton Ranch Apartments
- 2. Site Address**  
1400 East Henderson Road  
Angleton, TX
- 3. Site Area**  
6.9852 Acres or 304,275 SF +/-
- 4. Jurisdiction**  
City of Angleton, TX
- 5. Zoning Designation**  
MFR-29, Multifamily residential-29 district (Apartments)
- 6. Zoning Ordinance Date**  
Current as provided through [www.municode.com](http://www.municode.com)
- 7. Abutting Zoning (if applicable)**  
Surrounded by SF-7.2 to the west, east and south  
(See attached Zoning Map)

**III. Use Information**

1. Existing Use(s)	Multifamily (Apartments) (176 units)
<b>Is the Existing Use Conforming?</b>	Yes, As a Permitted Use.

2020 TAX STATEMENT



RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515

**Certified Owner:**

TEXAS ANGLETON RANCH AT 1400  
 8330 LBJ FREEWAY  
 STE 870  
 DALLAS, TX 75243

**Legal Description:**

MEADOW CREEK (ANGLETON) LOT 1  
 (SOUTHAMPTON APTS) ACRES 6.97

Account No: 6552-0000-120

Appr. Dist. No.: 230205

Legal Acres: 6.9700

Parcel Address: 1400 HENDERSON RD

As of Date: 12/29/2020

Print Date: 12/29/2020

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$834,940	\$6,859,980	\$7,694,920	\$7,694,920	\$0	\$0	\$0	\$7,694,920

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$8,346.22</i>	\$7,694,920		\$0.00	\$7,694,920	0.3420170	\$26,317.93
SPECIAL ROAD & BRIDGE	\$7,694,920		\$0.00	\$7,694,920	0.0500000	\$3,847.46
ANGLETON ISD	\$7,694,920		\$0.00	\$7,694,920	1.3313000	\$102,442.47
ANGLETON - DANBURY HOSPIT	\$7,694,920		\$0.00	\$7,694,920	0.2059090	\$15,844.53
PORT FREEPORT	\$7,694,920		\$0.00	\$7,694,920	0.0401000	\$3,085.66
ANGLETON DRAINAGE DIST. N	\$7,694,920		\$0.00	\$7,694,920	0.1099620	\$8,461.49
CITY OF ANGLETON	\$7,694,920		\$0.00	\$7,694,920	0.6651440	\$51,182.30

**Total Tax:** \$211,181.84  
**Total Tax Paid to date:** \$0.00  
**Total Tax Remaining:** \$211,181.84

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

12/31/2020 0%	02/01/2021 0%	03/01/2021 7%	03/31/2021 9%	04/30/2021 11%	05/31/2021 13%
\$211,181.84	\$211,181.84	\$225,964.57	\$230,188.20	\$234,411.83	\$238,635.48
06/30/2021 15%	08/02/2021 18 + up to 20%	08/31/2021 19 + up to 20%	09/30/2021 20 + up to 20%	11/01/2021 21 + up to 20%	11/30/2021 22 + up to 20%
\$242,859.12	\$299,033.48	\$301,567.69	\$304,101.85	\$306,636.05	\$309,170.21

**School Information:**

ANGLETON ISD 2020 M&O .91610000 I&S .41520000 Total 1.3313000 2019 M&O .97000000 I&S .41520000 Total 1.3852000

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

4.1.69

**Print Date:** 12/29/2020

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

RO'VIN GARRETT, PCC  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



6552-0000-120  
 TEXAS ANGLETON RANCH AT 1400  
 8330 LBJ FREEWAY  
 STE 870  
 DALLAS, TX 75243

**AMOUNT PAID:**  
 \$ \_\_\_\_\_

2020 TAX STATEMENT



KRISTIN R. BULANEK  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515

**Certified Owner:**

TEXAS ANGLETON RANCH AT 1400  
 8330 LBJ FREEWAY  
 STE 870  
 DALLAS, TX 75243

**Legal Description:**

MEADOW CREEK (ANGLETON) LOT 1  
 (SOUTHAMPTON APTS) ACRES 6.97

Account No: 6552-0000-120

Appr. Dist. No.: 230205

Legal Acres: 6.9700

Parcel Address: 1400 HENDERSON RD

As of Date: 04/20/2021

Print Date: 04/20/2021

Market Value		Appraised Value	Assessed Value	Capped Value	Homesite Value	Agricultural Market Value	Non-Qualifying Value
Land	Improvement						
\$834,940	\$6,859,980	\$7,694,920	\$7,694,920	\$0	\$0	\$0	\$7,694,920

Taxing Unit	Assessed Value (100%)	Exemptions		Taxable Value	Tax Rate	Tax
		Code	Amount			
BRAZORIA COUNTY <i>Amount saved by additional sales tax revenue \$8,346.22</i>	\$7,694,920		\$0.00	\$7,694,920	0.3420170	\$26,317.93
SPECIAL ROAD & BRIDGE	\$7,694,920		\$0.00	\$7,694,920	0.0500000	\$3,847.46
ANGLETON ISD	\$7,694,920		\$0.00	\$7,694,920	1.3313000	\$102,442.47
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PORT FREEPORT	\$7,694,920		\$0.00	\$7,694,920	0.0401000	\$3,085.66
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CITY OF ANGLETON	\$7,694,920		\$0.00	\$7,694,920	0.6651440	\$51,182.30

**Total Tax:** \$211,181.84  
**Total Tax Paid to date:** \$211,181.84  
**Total Tax Remaining:** \$0.00

**Exemptions:**

**AMOUNT DUE IF PAID BY:**

04/30/2021 11%	05/31/2021 13%	06/30/2021 15%	08/02/2021 18 + up to 20%	08/31/2021 19 + up to 20%	09/30/2021 20 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
11/01/2021 21 + up to 20%	11/30/2021 22 + up to 20%	12/31/2021 23 + up to 20%	01/31/2022 24 + up to 20%	02/28/2022 25 + up to 20%	03/31/2022 26 + up to 20%
\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

**School Information:**

ANGLETON ISD 2020 M&O .91610000 I&S .41520000 Total 1.3313000 2019 M&O .97000000 I&S .41520000 Total 1.3852000

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

4.1.71

**Print Date:** 04/20/2021

PLEASE NOTE YOUR ACCOUNT NUMBER ON YOUR CHECK AND MAKE CHECKS PAYABLE TO:

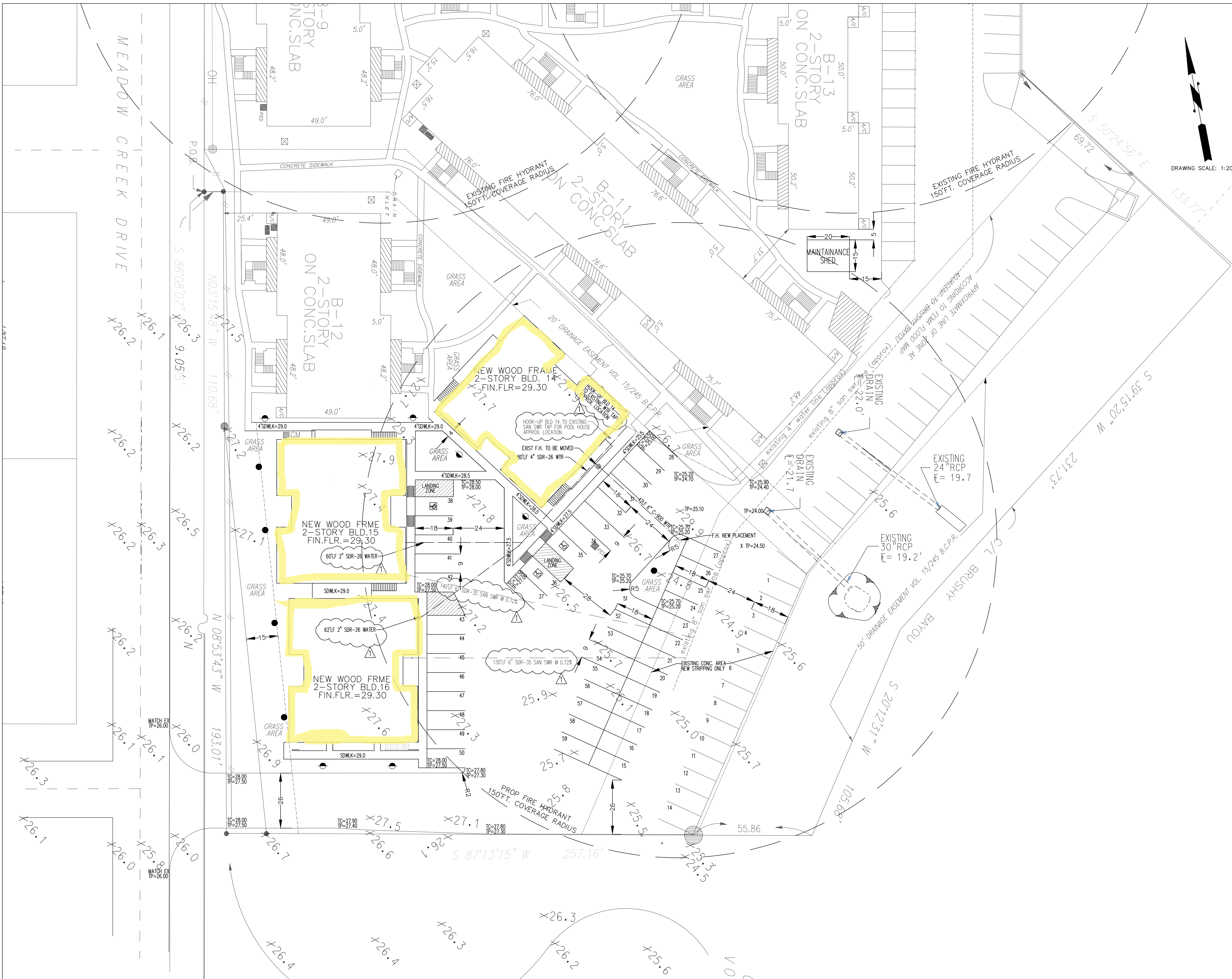
KRISTIN R. BULANEK  
 BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR  
 111 E. LOCUST  
 ANGLETON, TEXAS 77515  
 (979) 864-1320, (979) 388-1320, (281) 756-1320



\* 6 5 5 2 0 0 0 0 1 2 0 \*

**AMOUNT PAID:**

\$ \_\_\_\_\_



**LEGEND**

**NOTES**

**HANDICAP SPACE TABULATION**  
 ADA REQUIRES=1 TO 24 SPACES  
 1 HANDICAP SPACE  
 3 HANDICAP SPACE PROVIDED

**PARKING TABULATION**  
 CITY REQUIRES= 1 SPACE PER 1 BEDROOM APT.  
 TOTAL BEDROOMS=48  
 SPACES REQUIRED= 48 SPACES  
 SPACES PROVIDED= 50 SPACES  
 3 HANDICAP SPACES (INCLUDED)  
 TOTAL SPACES= 50 SPACES

**SANITARY SEWER NOTE:**  
 THE EXISTING SANITARY SEWER SHOWN IS IN THE APPROX. LOCATION IF THE EXISTING SANITARY SEWER MAIN LINE IS NOT 12" OR LARGER A NEW TAP FOR EACH BUILDING WILL NEED TO BE RAN FROM CITY PUBLIC SANITARY SEWER ALONG HENDERSON ROAD FOR THE NEW BUILDINGS 15 & 16. BUILDING 14 HAS OLD POOL HOUSE HOOK-UPS.

**UTILITY NOTE:**  
 THE CONTRACTORS RESPONSIBILITY TO FIND ALL UNDERGROUND LINES SHOWN ON THIS PLAN. ALL EXISTING LINE ARE UNDER CONCRETE PARKING LOTS. LINE LOCATOR EQUIPMENT WILL NEED TO BE USED.

Revisions:

#	DATE	DESCRIPTION OF CHANGE
0	07-12-2018	ISSUED FOR CONSTRUCTION
1	07-30-2018	ADDED APPROX. LOCATION OF EXISTING WTR & SAN LINES

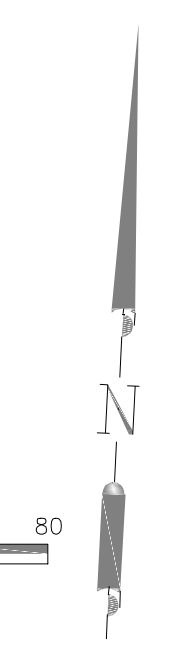
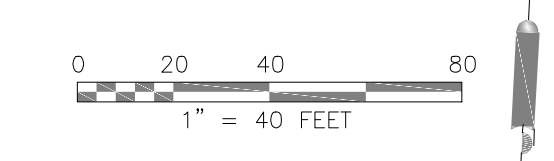
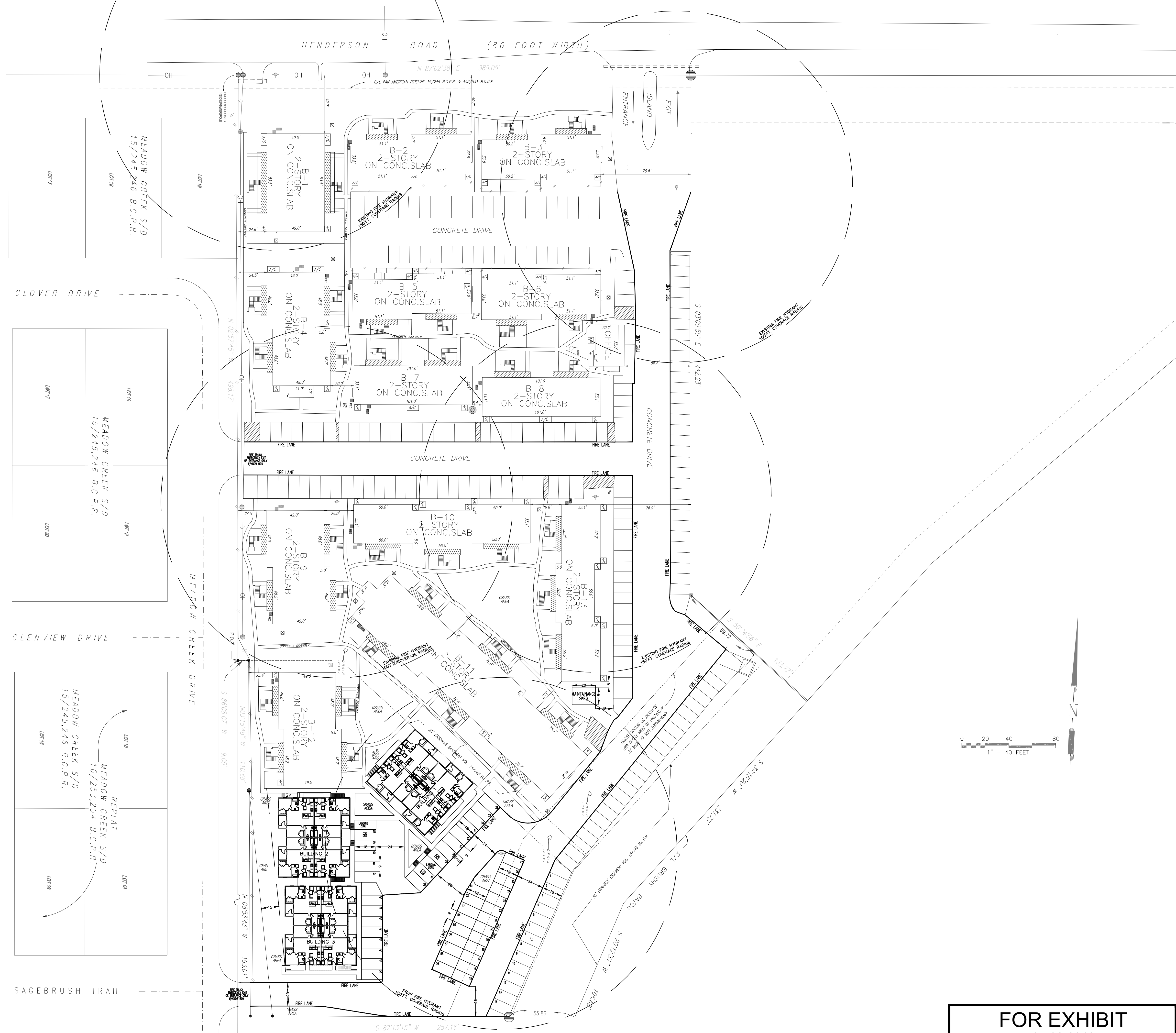


Curtis C. Hampton P.E.  
 409-354-5925  
 CUSTOMER/OWNER NAME:  
 HENDERSON APARTMENTS  
 PROJECT LOCATION OR ADDRESS:  
 1400 E. HENDERSON ROAD  
 ANGLETON, TEXAS 77515

**SITE/UTILITIES PLAN**

NOTE: CITY OF ANGLETON SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES

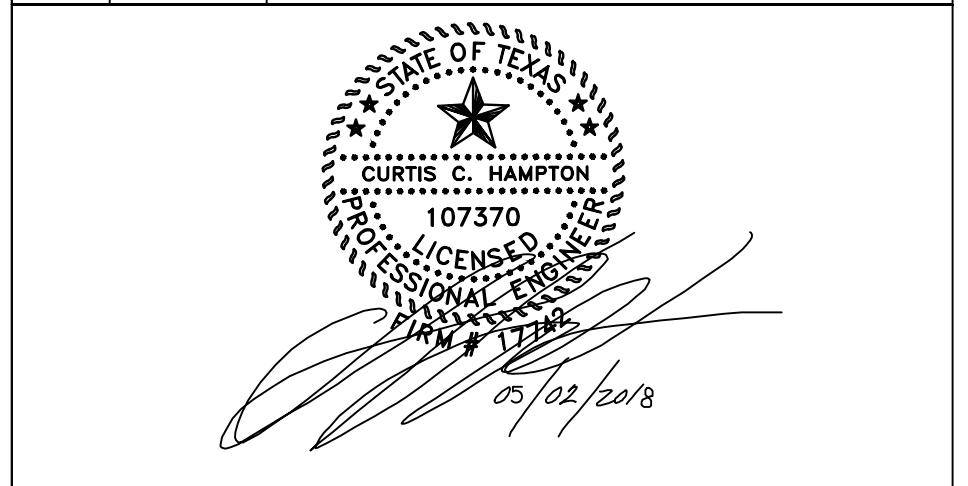
DRAWN BY:	SWA	CHECKED BY:	CCH
PROJECT #	18-0251	SCALE:	1:20
DATE:	07/12/2018		18-0251-C-5.00



**FOR EXHIBIT**  
05-02-2018

Revisions:

#	DATE	DESCRIPTION OF CHANGE



**Curtis C. Hampton P.E.**  
409-526-9988  
CUSTOMER/OWNER NAME:  
HENDERSON APARTMENT COMPLEX  
PROJECT LOCATION OR ADDRESS:  
1400 E. HENDERSON ROAD  
ANGLETON, TEXAS 77515

**FIRE PROTECTION PLAN**

NOTE: CITY OF ANGLETON SIGNATURES VALID FOR ONE YEAR ONLY AFTER DATE OF SIGNATURES

DRAWN BY:	SWA	CHECKED BY:	CCH
PROJECT #	18-0251	SCALE:	1:40
DATE:	05/07/2018		SHEET NO. 1 OF 1



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Operated by:  
 City of Angleton  
 121 S. Velasco St.  
 Angleton, TX 77515  
 979-849-4364

# City of Angleton GIS Mapping

1" = 321'

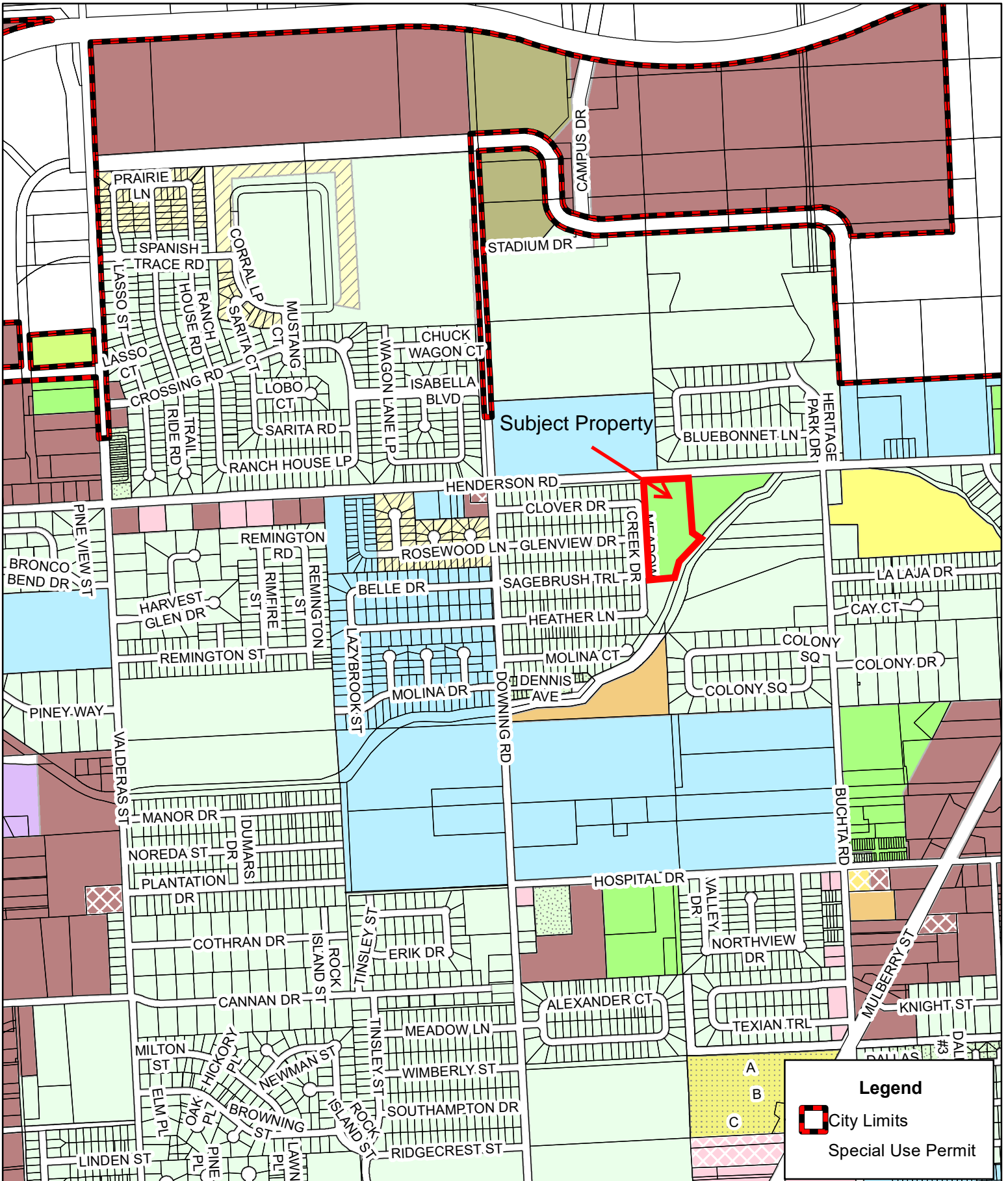


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 Angleton, TX 77515  
 979-849-4364

# City of Angleton GIS Mapping

1" = 1,013'

**Legend**

City Limits

Special Use Permit