NOTICE OF BOARD OF ADJUSTMENTS MEETING CITY OF TOMBALL, TEXAS



Thursday, December 12, 2024 6:00 PM

Notice is hereby given of a meeting of the Board of Adjustments, to be held on Thursday, December 12, 2024 at 6:00 PM, City Hall, 401 Market Street, Tomball, Texas 77375, for the purpose of considering the following agenda items. All agenda items are subject to action. The Board of Adjustments reserves the right to meet in a closed session for consultation with attorney on any agenda item should the need arise and if applicable pursuant to authorization by Title 5, Chapter 551, of the Texas Government Code.

- A. Call to Order
- B. Public Comments and Receipt of Petitions; [At this time, anyone will be allowed to speak on any matter other than personnel matters or matters under litigation, for length of time not to exceed three minutes. No Council/Board discussion or action may take place on a matter until such matter has been placed on an agenda and posted in accordance with law - GC, 551.042.]
- C. Reports and Announcements
- D. Approval of Minutes
 - <u>D.1</u> Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of November 14, 2024.
- E. New Business
 - E.1 Conduct a public hearing and consideration to approve BOA Case V24-03: Request by TEXDOT Real Estate Services, Inc., a Texas corporation, represented by Adriana Sarro, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along each lots' side property boundaries. This request will affect approximately 0.1607 acres of land legally described as being Lots 31 and 32, Block 103 of the Revised Map of Tomball. The property is generally located within the 600 block (north side) of unimproved Moore Street, within the City of Tomball, Harris County, Texas.

Agenda Board of Adjustments Meeting December 12, 2024 Page 2 of 2

- E.2 Conduct a public hearing and consideration to approve <u>BOA Case V24-04</u>: Request by Lorrine Sada, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along the side property boundaries. This request will affect approximately 0.0803 acres of land legally described as being Lot 23, Block 82 of the Revised Map of Tomball. The property is generally located within the 400 block (north side) of Timkin Road, within the City of Tomball, Harris County, Texas.
- F. Adjournment

CERTIFICATION

I hereby certify that the above notice of the meeting was posted on the bulletin board of City Hall, City of Tomball, Texas, a place readily accessible to the general public at all times, on the 9th day of December 2024 by 5:00 PM, and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Kimberly Chandler

Community Development Coordinator

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (281) 290-1091 for further information.

AGENDAS MAY BE VIEWED ONLINE AT <u>www.ci.tomball.tx.us</u>.

Board of Adjustments Meeting Agenda Item Data Sheet

Meeting Date: December 12, 2024

Topic:

Consideration to Approve the Minutes of the Regular Board of Adjustments Meeting of November 14, 2024.

Background:

Origination:	Community	Developr	nent Dep	partment
or gine none	00000000	2010101		

Recommendation:

Approval

Party(ies) responsible for placing this item on agenda: Kim Chandler, Community Development Coordinator

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

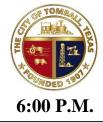
Yes:	No:		If yes, s	pecify Account Numbe	r:_#	

If no, funds will be transferred from account: # _____ To Account: #

Signed:			Approved by:		
	Staff Member	Date		City Manager	Date

MINUTES OF REGULAR BOARD OF ADJUSTMENTS MEETING CITY OF TOMBALL, TEXAS

THURSDAY, NOVEMBER 14, 2024



A. The meeting was called to order by Chairman Billy Hemby at 6:15 p.m. Other members present were:

Board Member Christine Roquemore Board Member Angie Johnson Board Member Rocky Pilgrim – Alternate Board Member Devon Ketchner - Alternate

Board Member Jarmon Wolfe – Excused Absence Board Member Cindy Phillips – Excused Absence

Others present:

drak Stak Item D.1

Craig Meyers - Community Development Director Benjamin Lashley – Assistant City Planner Kim Chandler – Community Development Coordinator Bridgette Begle – City Attorney

- B. No Public Comments were received.
- C. Reports and Announcements:

Craig Meyers, Community Development Director, announced the following:

- Pulled by Applicant <u>BOA Case SE24-01</u>: Request by Red Grip LLC, represented by Jody Friesen, for a Special Exception from Section 50-82(b) (*Use Charts*) of the Tomball Code of Ordinances to allow 22 parking stalls where 33 parking stalls are required for a *child day care center (business)* facility. This request affects approximately 1.0402 acres of land legally described as being Lot 72, Block 1 of Acquest Tomball Replat No1. The property is located at 1211 Rudel Drive, within the City of Tomball, Harris County, Texas.
- We will be conducting a Regular Board of Adjustments Meeting on December 12, 2024.
- D. Motion was made by Board Member Roquemore, second by Board Member Pilgrim, to approve the Minutes of Regular Board of Adjustments Meeting of September 12, 2024.

Roll call vote was called by Community Development Coordinator Kim Chandler.

Motion carried unanimously.

E. New Business:

E.1 Conduct a public hearing and consideration to approve <u>BOA Case V24-02</u>: Request by Yahia Zarir, represented by Alvaro Navarro, for a variance from the required 15-foot and 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along the western and eastern property boundaries. Affecting approximately 0.0803 acres of land legally described as being Lot 36, Block 104 of Tomball. The property is located within the 600 block of Texas Street (northeast corner of the Texas and North Willow Street intersection), within the City of Tomball, Harris County, Texas.

The Public Hearing was opened by Chairman Hemby at 6:04 p.m.

Craig Meyers, Community Development Director, presented the case with staff recommendation of approval.

Alvaro Navarro, representing applicant, (18903 Veterans Rd., Magnolia, TX 77355) Spoke on behalf of the request.

Hearing no comments, the Public Hearing was closed at 6:12 p.m.

Motion was made by Board Member Pilgrim, second by Board Member Roquemore, to approve the Variance request of <u>BOA Case V24-02</u> with the following conditions:

- There is no encroachment within any site visibility triangles.
- One-hour fire-rated walls will be required.

Roll call vote was called by Community Development Coordinator Kim Chandler.

Vote was as follows:

Chairman Hemby	Aye
Board Member Roquemore	Aye
Board Member Pilgrim	Aye
Board Member Ketchner	Aye
Board Member Johnson	<u>Nay</u>

Motion APPROVED (4 Votes Aye, 1 Vote Nay).

F. Motion was made by Board Member Roquemore, second by Board Member Pilgrim to adjourn.

Roll call vote was called by Community Development Coordinator Kim Chandler.

Motion carried unanimously.

The meeting adjourned at 6:22 p.m.

PASSED AND APPROVED this	day of	2024.
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Kim Chandler Community Development Coordinator/ Board Secretary Billy Hemby Chairman

Board of Adjustments Meeting Agenda Item Data Sheet

Meeting Date: December 12, 2024

Topic:

Conduct a public hearing and consideration to approve <u>BOA Case V24-03</u>: Request by TEXDOT Real Estate Services, Inc., a Texas corporation, represented by Adriana Sarro, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along each lots' side property boundaries. This request will affect approximately 0.1607 acres of land legally described as being Lots 31 and 32, Block 103 of the Revised Map of Tomball. The property is generally located within the 600 block (north side) of unimproved Moore Street, within the City of Tomball, Harris County, Texas.

Background:

The request is for one variance affecting two different properties. Section 50-71, subsection (2)(b) (*Size of yards*) establishes minimum side yard setbacks of five feet for interior lot lines. The applicant is requesting that this minimum side yard be reduced to three feet for both Lots 31 and 32, Block 103 of the Revised Map of Tomball.

Origination: TEXDOT Real Estate Services, Inc., a Texas corporation, represented by Adriana Sarro

Recommendation:

City Staff recommends denial of **BOA Case V24-03**.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

Yes:	No:	If yes, specify Account Number: #

If no, funds will be transferred from account: # To Account: #
--

Date

Signed:

Staff Member

Approved by:

City Manager

Date

NOTICE OF PUBLIC HEARING CITY OF TOMBALL BOARD OF ADJUSTMENTS (BOA)



DECEMBER 12, 2024

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, December 12, 2024, at 6:00 P.M.** at a Regular Meeting, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such date, the BOA will consider the following:

BOA Case V24-03: Request by TEXDOT Real Estate Services, Inc., a Texas corporation, represented by Adriana Sarro, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along each lots' side property boundaries. This request will affect approximately 0.1607 acres of land legally described as being Lots 31 and 32, Block 103 of the Revised Map of Tomball. The property is generally located within the 600 block (north side) of unimproved Moore Street, within the City of Tomball, Harris County, Texas.

BOA Case V24-04: Request by Lorrine Sada, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along the side property boundaries. This request will affect approximately 0.0803 acres of land legally described as being Lot 23, Block 82 of the Revised Map of Tomball. The property is generally located within the 400 block (north side) of Timkin Road, within the City of Tomball, Harris County, Texas.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **December 2024** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Benjamin Lashley Benjamin Lashley Assistant City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



City of Tomball Community Development Department

NOTICE OF PUBLIC HEARING

RE: BOA Case Number V24-03

The Board of Adjustments will hold a public hearing on **December 12, 2024** at **6:00 PM**, in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to consider a request by TEXDOT Real Estate Services, Inc., a Texas corporation, represented by Adriana Sarro, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along each lots' side property boundaries. This request will affect approximately 0.1607 acres of land legally described as being Lots 31 and 32, Block 103 of the Revised Map of Tomball. The property is generally located within the 600 block (north side) of unimproved Moore Street, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only the area which is highlighted in green on the map is being considered for a **Variance**. The hatched area is the notification area. All owners of property within 300-feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified.

If you have any questions, please contact Benjamin Lashley, Assistant City Planner, by telephone 281-290-1477 or by email address <u>blashley@tomballtxgov.</u>

For the BOARD OF ADJUSTMENTS

Please call (281) 290-1477 if you have any questions about this notice.

BOA CASE #: V24-03

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Name: Parcel I.D.: Address:

Mailing To: Community Development Department 501 James St., Tomball TX 77375

Email: blashley@tomballtx.gov

I am in favor 🗌

I am opposed

Additional Comments:

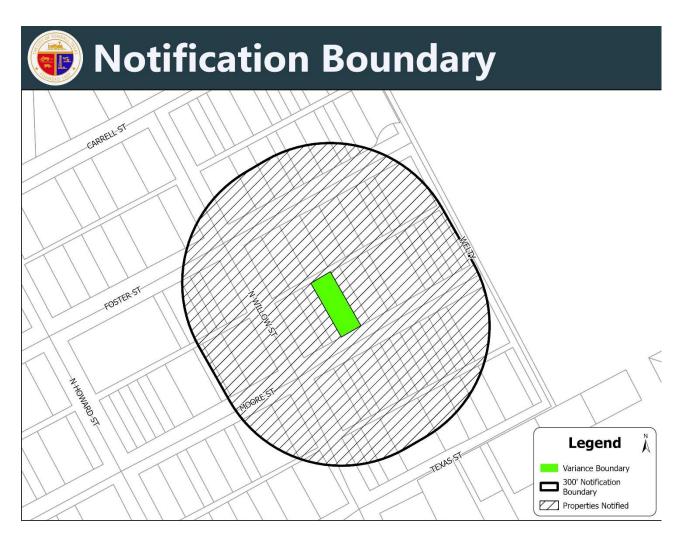
Signature:

Item E.1

11/20/2024



<u>V24-03</u>





Community Development Department

Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: December 12, 2024

Case:	V24-03
Property Owner(s):	TEXDOT Real Estate Services, Inc
Applicant(s):	Adriana Sarro
Legal Description:	Lots 31 and 32, Block 103 of the Revised Map of Tomball
Location:	600 block (north side) of unimproved Moore Street
Lot Area:	Approximately 0.1607 acres
Comp Plan Designation:	Old Town (Exhibit "C")
Present Zoning & Use:	Single-Family Residential – 6 (SF-6) (Exhibit "B") / Undeveloped (Exhibit "D")

Adjacent Zoning & Land Uses:

North:	Single-Family Residential - 6 (SF-6) / Single-family residences
South:	Single-Family Residential - 6 (SF-6) / Undeveloped land
West:	Single-Family Residential - 6 (SF-6) / Undeveloped land
East:	Single-Family Residential - 6 (SF-6) / Undeveloped land

BACKGROUND

The request is for one variance affecting two different properties. Section 50-71, subsection (2)(b) (*Size of yards*) establishes minimum side yard setbacks of five feet for interior lot lines. The applicant is requesting that this minimum side yard be reduced to three feet for both Lots 31 and 32, Block 103 of the Revised Map of Tomball.

ANALYSIS

Section 50-33(f)(4) defines certain criteria for the Board of Adjustments to consider when making decisions to grant a variance request. City staff has reviewed the requests as well as the criteria for approval and have determined the following:

- 1. The literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property:
 - a. <u>BUILDING SETBACK VARIANCES (Exhibit E):</u>
 - i. The literal enforcement of the required setbacks will result in a "buildable area" of 15-feet which has been accomplished on other properties within Tomball.
- 2. The situation causing hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district:
 - a. The hardship is not self-imposed. The difficulty is caused by the narrow width of the lot. However, the literal enforcement of the standards would not deprive the owner of any residential use of the land permitted in the SF-6 zoning district.
- 3. The relief sought will not injure the permitted use of adjacent conforming properties:
 - a. City staff does not believe that the relief being sought will injure the permitted uses of the adjacent properties.
- 4. The granting of the variance(s) will be in harmony with the spirit and intent of this chapter (Chapter 50 Zoning):
 - a. The subject property, as well as the neighboring properties being utilized for singlefamily residential purposes, are all located within the SF-6 zoning district. This zoning district is intended to foster residential development.

RECOMMENDATION

Since the finding of an undue hardship is not met, City Staff recommends denial of **BOA Case V24-03**.

PUBLIC COMMENTS

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 20, 2024. Any public comment forms will be provided in the Board packets or during the public hearing.

EXHIBITS

- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Site Photo(s)
- E. Setback Exhibits
- F. Application

The Board of Adjustments has the authority to impose any conditions of approval on Variances as they deem necessary.

Exhibit "A" Aerial Map



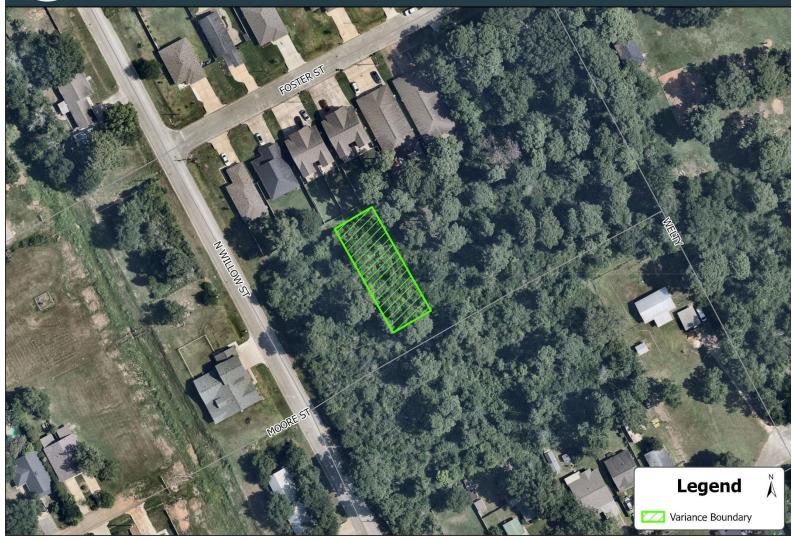


Exhibit "B" Zoning Map

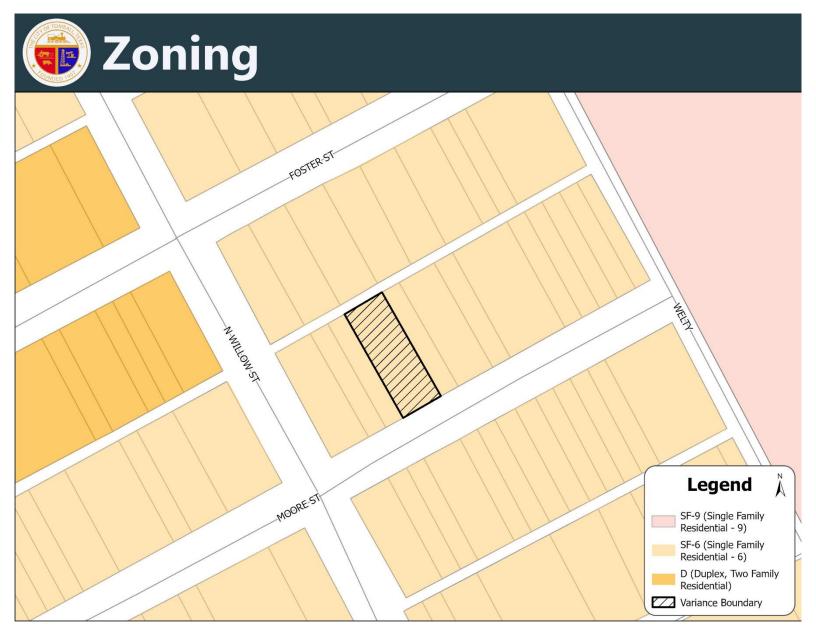


Exhibit "C" Future Land Use Map



Exhibit "D" Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



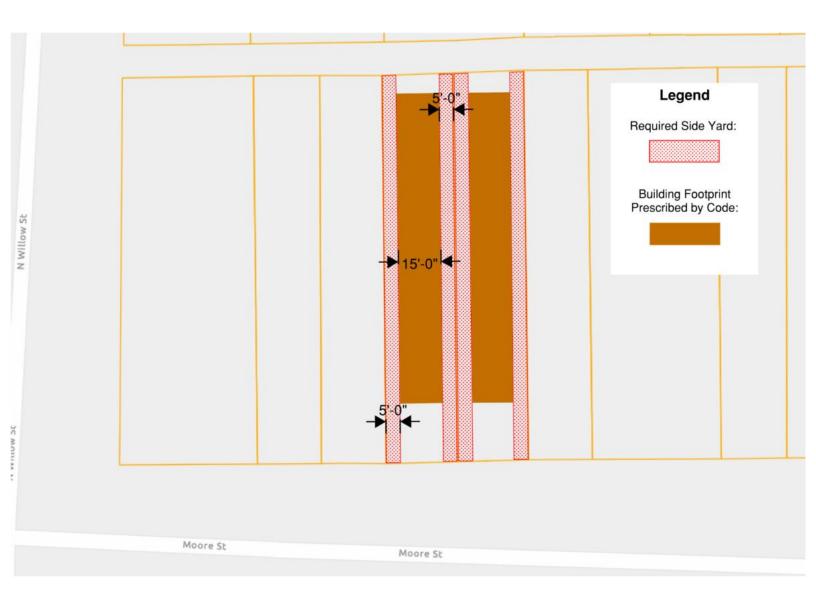
Neighbor (East)



Neighbor (West)



Exhibit "E" Setback Exhibits



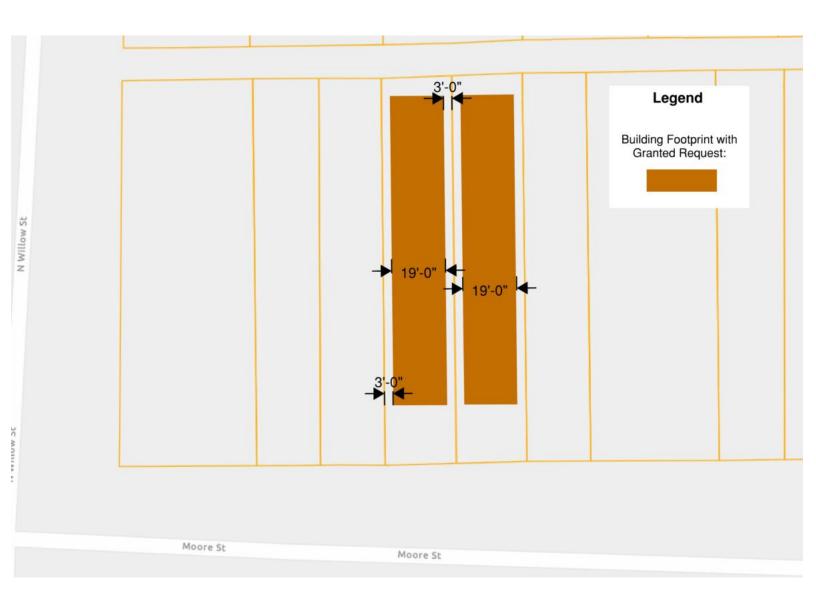


Exhibit "F" Application



Revised 5/19/15

ZONING BOARD OF ADJUSTMENTS (BOA) VARIANCE APPLICATION

Community Development Department Planning Division

Variance(s) Defined: A variance is the authority to depart from the application of areas, side yards, setback, height, and similar regulations to prevent unnecessary hardships. Refer to Section 50-33(f) of the Code of Ordinances for additional information. No variance shall be granted for any requirement outside Chapter 50 of the Code of Ordinances.

APPLICATION SUBMITTAL: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

Applicant	
Name: ADRIANA SARRO	Title: AGENT ARCHITECTURA
Mailing Address: P.O. BOX 7801	City_THE WOODL State: TX
Zip:77387	
Phone: (281) 223-3138 Fax: ()	Email: adrianasarro@arc
Owner	NO.
Name: TEXDOT REAL ESTATE SERVICES IN	C / M/ Title: INC
Mailing Address: 30210 E GENEVA DR	City: SPRING State: TX
Zip: 77375	
Phone: (979) 203-9985 Fax: ()	Email: me.emaximiliano@:
Description of Proposed Project. RESIDENTIAL H	OUSE
Physical Location of Property: 611 & 613 MOORE S	T TOMBALL TX 77375
[General Location - approxim	nate distance to nearest existing street corner]
Legal Description of Property: LTS 31 & 32 BLK 103	3 TOMBALL
[Survey/Abstract	No. and Tracts; or platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0352810040031	Acreage: 7,000 SF
Current Use of Property: C1 Real, Vacant	

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

VARIANCE(S) REQUESTED

Applicable Zoning Ordinance Requirements and Sections: SF-6 zoning district requires 5' side yards Sec. 50-71. - Single-Family Residential District (SF-6). | Code of Ordinances | Tomball

Variance Requested: We need 3' Side Yard in each Lot 31 & 32

A description of hardship letter must be submitted in conjunction with this application. The criteria for a hardship are outlined in the attached document titled "Description of Hardship." In the letter, state variance(s) requested specifically and in detail (identify section and requirement). Please attach separate sheets(s) as necessary.

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial.

October 10, 2024
Date
October 10, 2024
Date

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

A complete application must include:

- Application Fee: \$100 Residential (Except Multi-Family); \$250 Non-Residential & Multi-Family
- Letter explaining the variance in detail, including Description of Hardship
- Metes & Bounds of property
- Site Plan, Plot Plan, or Drawing showing the requested variance
- Other necessary information (maps, drawings, pictures, etc.) to explain the variance

Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

In granting special exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

Description of Hardship

Please provide a letter explaining the hardship, demonstrating the following (address each variance requested):

- That literal enforcement of the provisions of the Zoning Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property.
- That there are special circumstances or conditions affecting the land involved such that the application of the provisions of the Zoning Ordinance would deprive the owner/applicant of the reasonable use of his/her land.
- That the variance is necessary for the preservation and enjoyment of a substantial property right of the owner/applicant.
- That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance.
- That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
- 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.
- That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- 8. That the granting of an individual variance will not set a precedent.

*Financial hardship shall not be considered grounds for the issuance of a variance.

611 & 613 MOORE ST LOT 31&32 PROJECT RESIDENTIAL HOUSES

October 10, 2024

Board of Variance & Special Exception City of Tomball 501 James St. Tomball, TX 77375



We are writing to request a Variance to our property in increasing the construction area possible in front Facades. The lot is 25 feet in front, so it is small for a good quality living space. According to Code Ordinances of Tomball Sec.50-71 -Single Family Residential District SF-6 the minimum side yard is 5 feet.

(2) Size of yards.

a. Minimum front yard: 20 feet; where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets. Where a lot faces a designated arterial street, the front yard shall be a minimum of 35 feet.

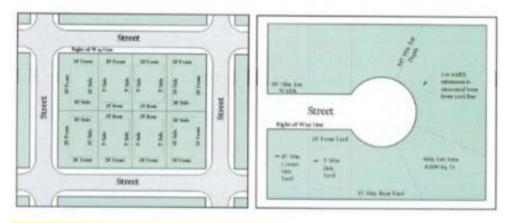


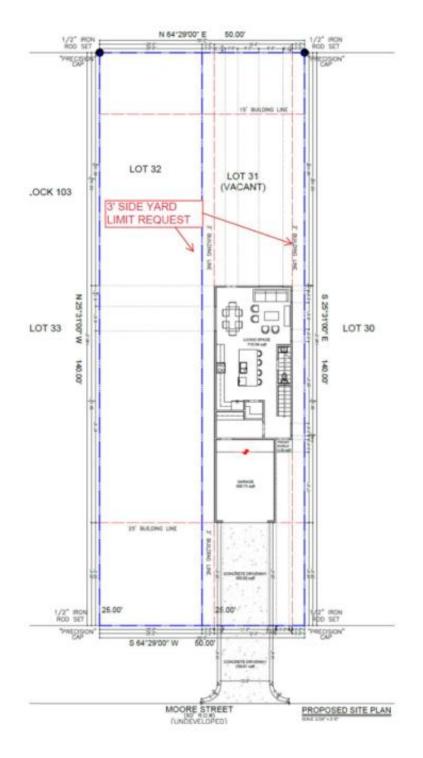
Illustration 50-71-1: Lot and yard regulations for the SF-6 District

- b. Minimum side yard: five feet. The minimum side yard of a corner lot adjacent to a street shall not be less than 15 feet, except that where a lot sides on a designated arterial street, such side yard shall not be less than 25 feet.
- c. Minimum rear yard: 15 feet. The minimum rear yard where lots back on a designated arterial street shall not be less than 25 feet. However, lots backing up to a 20-foot alley shall have a 5 foot minimum rear yard and abutting a 15-foot alley shall have a 7.5-foot minimum rear yard.
- d. Encroachment by building eaves and air conditioning units: building eaves and air conditioning compressors may encroach not more than three feet beyond building lines into the required rear and side yard on lots created by subdivision plats for single-family residential use duly approved by the city and recorded with the county clerk of either county, as applicable, on or before November 1, 1999.

Illustration 50-71-2: Floor area for the SF-6 District

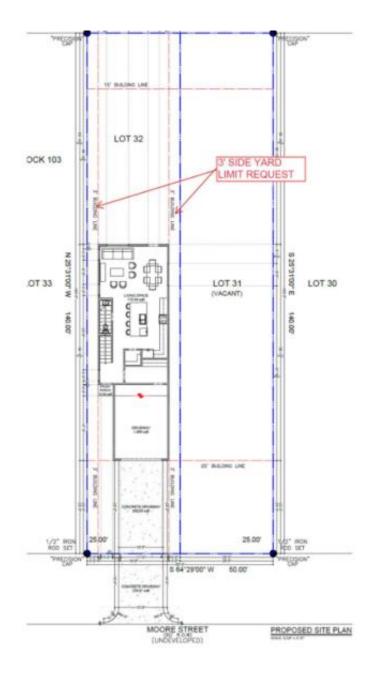
https://library.municode.com/tx/tomball/codes/code_of_ordinances/nodeld=PTIILOUK_CH5020_ARTIII DIRE_550-71SIMIREDI

To conserve the good quality of the Environment in the Subdivision, it is necessary to add 2' feet more on each side. Therefore, if we want to improve the environment, we suggest that Building Sideline needs to be reduced from 5 feet to 3 feet.



ARCHCOS

www.archcos.com2



Please, review our proposal and if you have questions about it, don't hesitate to contact us.

Adriana Sarro

A. Designer Agent

P.O. Box 7801 The Woodlands, TX 77387 281 223 3138 www.archcos.com

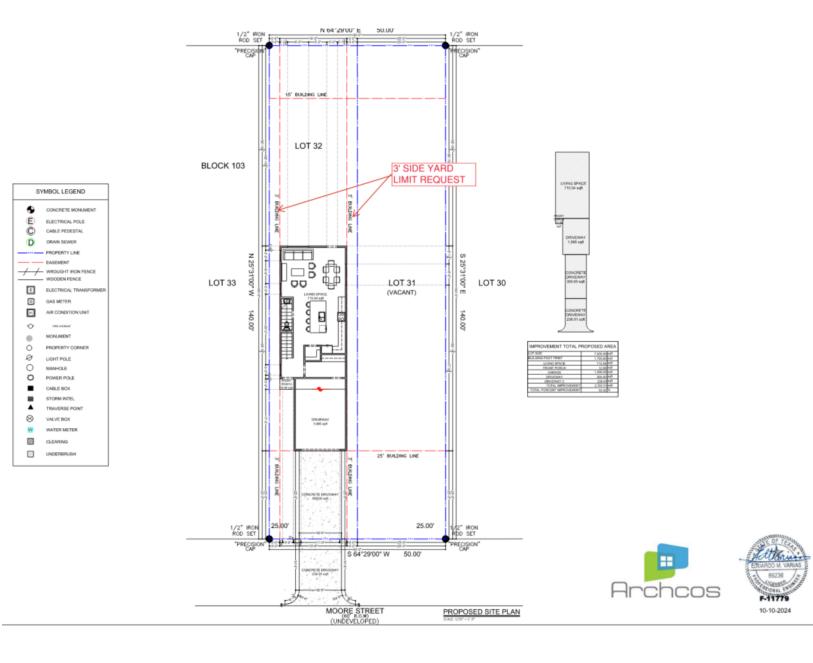
www.archcos.com³











RP-2022-158631 03/25/2022 ER \$22.00

GENERAL WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS:

IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

THE STATE OF TEXAS

COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

That PMG INVESTMENTS, L.L.C., a Texas limited liability company, hereinafter called "Grantor" (whether one or more), for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS and other valuable consideration to the undersigned paid by the Grantee herein named, the receipt of which is hereby acknowledged, has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY unto TEXDOT REAL ESTATE SERVICES, INC., a Texas corporation, herein called "Grantee" (whether one or more), the following real property (together with all improvements thereon the "Property") situated in Harris County, Texas, to-wit:

Lots Thirty-One (31) and Thirty-Two (32), in Block One Hundred Three (103), REVISED MAP OF TOMBALL, an addition in Harris County, Texas, according to the map or plat thereof, recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

This conveyance is made and accepted subject to any and all easements, rights of way, valid restrictions, mineral reservations of any kind, encumbrances, conditions, maintenance charges, building set back lines, and governmental regulations, if any, to the extent, but only to the extent that they are reflected by the records of the Office of the County Clerk of the above mentioned County and State.

TO HAVE AND TO HOLD the above described Property, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said Grantee, their heirs and assigns forever; and Grantor does hereby bind themselves, their heirs, executors and administrators to WARRANT AND FOREVER DEFEND all and singular the said Property unto the said Grantee, their heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof except as to the reservations from and exceptions to conveyance and warranty.

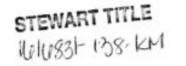
When Grantor und/or Grantee are more than one entity, the pertinent nouns, verbs and pronouns shall be construed to correspond. When Grantor and/or Grantee are a corporation, a trustee or other legal entity that is not a natural person, the pertinent words "heirs, executors and administrators" and/or "heirs and assigns" shall be construid to mean "successors and assigns," respectively. Reference to any gender shall include either gender and, in the case of a legal entity that is not a natural person, shall include the neuter gender, all as the case may be.

Current ad valorem taxes on the Property have been prorated, the payment thereof is assumed by Grantee.

23 EXECUTED THIS day of March, 2022.

MG INVESTMENTS, L.L.C., a Texas limited liability company

BV: NANIK BHAGIA, Member & Director



General Warranty Deed Page 1 of 2

ACKNOWLEDGMENT

THE STATE OF TEXAS

COUNTY OF HARRIS

23 day of March, 2022, by NANIK BHAGIA, This instrument was acknowledged before me on this Member & Director of PMG INVESTMENTS, L.L.C., a Texas limited liability company.

Notary Public in and for

The State of TEXAS



5 ş

5

GRANTEE'S ADDRESS:

TEXdot Real Estate Services, Inc.

AFTER RECORDING, RETURN TO:

TEXdot Real Estate Services, Inc. PREPARED IN THE LAW OFFICE OF:

MURRAY | LOBB, PLLC 2200 Space Park Drive, #350 Honston, Texas 77058 Telephone 281,488.0630

GF# 1616831 (3.22)

RP-2022-158631 # Pages 3 03/25/2022 10:56 AM e-Filed & e-Recorded in the Official Public Records of HARRIS COUNTY TENESHIA HUDSPETH COUNTY CLERK Fees \$22.00

RP-2022-158631

RECORDERS MEMORANDUM This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, o use of the described real property because of color or race is invalid and unenforceable under federal law. THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Marris County, Texas. or



mushin Hidgette COUNTY CLERK HARRIS COUNTY, TEXAS

Board of Adjustments Meeting Agenda Item Data Sheet

Meeting Date: December 12, 2024

Topic:

Conduct a public hearing and consideration to approve **BOA Case V24-04**: Request by Lorrine Sada, for a variance from the required 5-foot side yards found in Section 50-71 (Single-Family Residential District (SF-6)), subsection (d)(2)(b) (Minimum side yard), allowing for a 3-foot side yard along the side property boundaries. This request will affect approximately 0.0803 acres of land legally described as being Lot 23, Block 82 of the Revised Map of Tomball. The property is generally located within the 400 block (north side) of Timkin Road, within the City of Tomball, Harris County, Texas.

Background:

The request is for one variance affecting one property. Section 50-79, subsection (d)(2)(e) (Size of yards) establishes minimum side yard setbacks of five feet for interior lot lines. The applicant is requesting that both side setbacks be reduced to three feet.

Origination: Lorrine Sada

Recommendation:

City Staff recommends denial of **BOA Case V24-04**.

Party(ies) responsible for placing this item on agenda: Benjamin Lashley, Assistant City Planner

FUNDING (IF APPLICABLE)

Are funds specifically designated in the current budget for the full amount required for this purpose?

	Yes: No: If y	es, specify Account Number: #
--	---------------	-------------------------------

If no, funds will be transferred from account: # To Account: #

Signed:	Approved by:				
	Staff Member	Date		City Manager	Date

Staff Member

City Manager

NOTICE OF PUBLIC HEARING CITY OF TOMBALL BOARD OF ADJUSTMENTS (BOA)



DECEMBER 12, 2024

Notice is Hereby Given that a Public Hearing will be held by the BOA of the City of Tomball on **Thursday, December 12, 2024, at 6:00 P.M.** at a Regular Meeting, in the City Council Chambers of the City of Tomball at City Hall, 401 Market Street, Tomball, Texas. On such date, the BOA will consider the following:

BOA Case V24-03: Request by TEXDOT Real Estate Services, Inc., a Texas corporation, represented by Adriana Sarro, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along each lots' side property boundaries. This request will affect approximately 0.1607 acres of land legally described as being Lots 31 and 32, Block 103 of the Revised Map of Tomball. The property is generally located within the 600 block (north side) of unimproved Moore Street, within the City of Tomball, Harris County, Texas.

BOA Case V24-04: Request by Lorrine Sada, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along the side property boundaries. This request will affect approximately 0.0803 acres of land legally described as being Lot 23, Block 82 of the Revised Map of Tomball. The property is generally located within the 400 block (north side) of Timkin Road, within the City of Tomball, Harris County, Texas.

CERTIFICATION

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall; City of Tomball, Texas, a place readily accessible to the general public at all times, on the **9th** day of **December 2024** by 5:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Benjamin Lashley Benjamin Lashley Assistant City Planner

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please feel free to contact the City Secretary's office at (281) 290-1019 or FAX (281) 351-6256 for further information. AGENDAS MAY ALSO BE VIEWED ONLINE AT www.tomballtx.gov.



Item E.2

11/20/2024

City of Tomball Community Development Department

NOTICE OF PUBLIC HEARING

RE: BOA Case Number V24-04

The Board of Adjustments will hold a public hearing on **December 12, 2024** at **6:00 PM**, in the City Council Chambers at City Hall, 401 Market Street, Tomball, Texas to consider a request by Lorrine Sada, for a variance from the required 5-foot side yards found in Section 50-71 (*Single-Family Residential District (SF-6)*), subsection (d)(2)(b) (*Minimum side yard*), allowing for a 3-foot side yard along the side property boundaries. This request will affect approximately 0.0803 acres of land legally described as being Lot 23, Block 82 of the Revised Map of Tomball. The property is generally located within the 400 block (north side) of Timkin Road, within the City of Tomball, Harris County, Texas.

This hearing is open to any interested person. Opinions, objections and/or comments relative to this matter may be expressed in writing or in person at the hearing. At the bottom of this letter is a form that you may cut off, fill out, and mail. Comments are also accepted by email as listed below. All responses must be signed.

The attached map shows the area of this request. Only the area which is highlighted in green on the map is being considered for a **Variance**. The hatched area is the notification area. All owners of property within 300-feet of the subject property, as indicated by the most recently approved city tax roll, are required to be notified.

If you have any questions, please contact Benjamin Lashley, Assistant City Planner, by telephone 281-290-1477 or by email address <u>blashley@tomballtxgov.</u>

For the BOARD OF ADJUSTMENTS

Please call (281) 290-1477 if you have any questions about this notice.

BOA CASE #: V24-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Community Development Department 501 James St., Tomball TX 77375

Name: Parcel I.D.: Address:

Email: <u>blashley@tomballtx.gov</u>

I am in favor

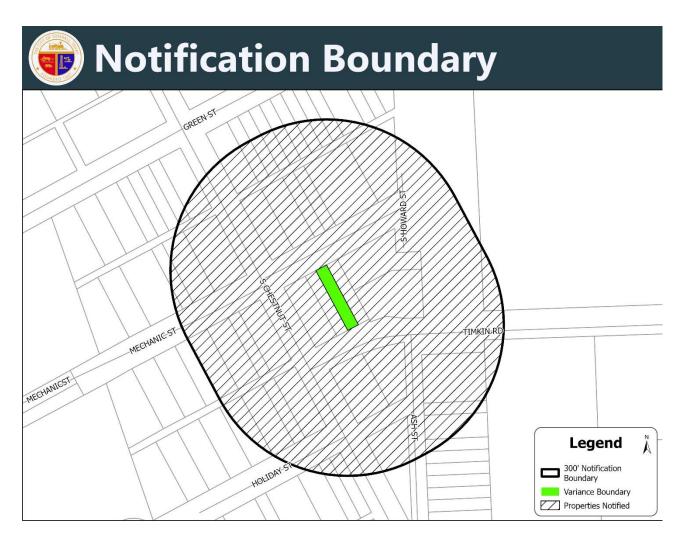
I am opposed

Additional Comments:

Signature: _____



<u>V24-04</u>



For the BOARD OF ADJUSTMENTS

Please call (281) 290-1477 if you have any questions about this notice.

BOA CASE #: V24-04

You may indicate your position on the above request by detaching this sheet at the dotted line and returning it to the address below. You may attach additional sheets if needed. You may also email your position to the email address listed below. All correspondence must include your name and address.

Mailing To: Cor

Community Development Department 501 James St., Tomball TX 77375

Name: CARVER GORDON W & HAPPY Parcel I.D.: 0352730700025 Address: 0 CHESNUT ST

Email: blashley@tomballtx.gov

I am in favor

I am opposed 🗌

Additional Comments:

Signature:

501 James Street• TOMBALL, TEXAS 77375



Community Development Department

Board of Adjustments (BOA) Staff Report

Board of Adjustments Hearing Date: December 12, 2024

Case:	V24-04
Property Owner(s):	Lorrine Sada
Applicant(s):	Lorrine Sada
Legal Description:	Lot 23, Block 82 of the Revised Map of Tomball
Location:	400 block (north side) of Timkin Road
Lot Area:	Approximately 0.0803 acres (3497.87 square feet)
Comp Plan Designation:	Transitional Residential (Exhibit "C")
Present Zoning & Use:	Old Town & Mixed-Use (OT & MU) (Exhibit "B") / Undeveloped (Exhibit "D")

Adjacent Zoning & Land Uses:

North:	Old Town & Mixed-Use (OT & MU) / Single-family residences
South:	Single Family Residential - 6 (SF-6) / Martin Luther King Jr. Park
West:	Old Town & Mixed-Use (OT & MU) / Undeveloped
East:	Old Town & Mixed-Use (OT & MU) / Undeveloped

BACKGROUND

The request is for one variance affecting one property. Section 50-79, subsection (d)(2)(e) (*Size of yards*) establishes minimum side yard setbacks of five feet for interior lot lines. The applicant is requesting that both side setbacks be reduced to three feet.

ANALYSIS

Section 50-33(f)(4) defines certain criteria for the Board of Adjustments to consider when making decisions to grant a variance request. City staff has reviewed the requests as well as the criteria for approval and have determined the following:

- 1. The literal enforcement of the controls will not create an unnecessary hardship or practical difficulty in the development of the affected property:
 - a. <u>BUILDING SETBACK VARIANCES (Exhibit E):</u>
 - i. The literal enforcement of the required setbacks will result in a "buildable area" of 15-feet which has been accomplished on other properties within Tomball.
- 2. The situation causing hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district:
 - a. The hardship is not self-imposed. The difficulty is caused by the narrow width of the lot. The literal enforcement of the standards would not deprive the owner of any residential use of the land permitted in the OT&MU zoning district.
- 3. The relief sought will not injure the permitted use of adjacent conforming properties:
 - a. City staff does not believe that the relief being sought will injure the permitted uses of the adjacent properties.
- 4. The granting of the variance(s) will be in harmony with the spirit and intent of this chapter (Chapter 50 Zoning):
 - a. The subject property, as well as the neighboring properties that are being utilized for single-family residential purposes, are all located within the OT&MU zoning district. This zoning district is intended for a mixture of retail, commercial and other nonresidential uses, along with single-family homes and multiple-family uses.

RECOMMENDATION

Since the finding of an undue hardship is not met, City Staff recommends denial of **BOA Case V24-04**.

PUBLIC COMMENTS

A Notice of Public Hearing was published in the paper and property owners within 300 feet of the project site were mailed notification of this proposal on November 20, 2024. Any public comment forms will be provided in the Board packets or during the public hearing.

EXHIBITS

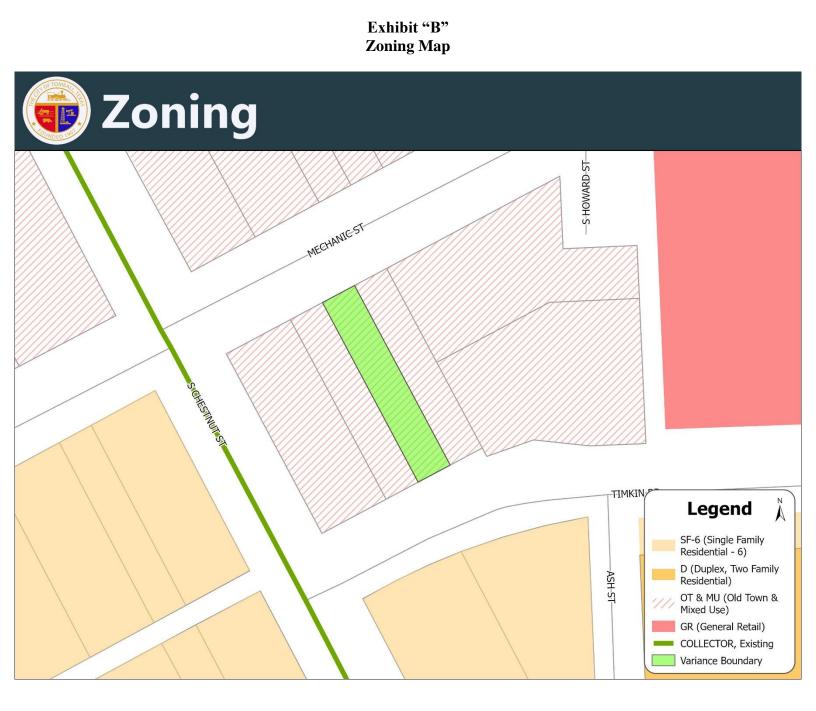
- A. Aerial Map
- B. Zoning Map
- C. Future Land Use Map
- D. Site Photo(s)
- E. Setback Exhibits
- F. Application

The Board of Adjustments has the authority to impose any conditions of approval on Variances as they deem necessary.

Exhibit "A" Aerial Map







Item E.2

Exhibit "C" Future Land Use Map



Exhibit "D" Site Photo(s)

Subject Site



Neighbor (North)



Neighbor (South)



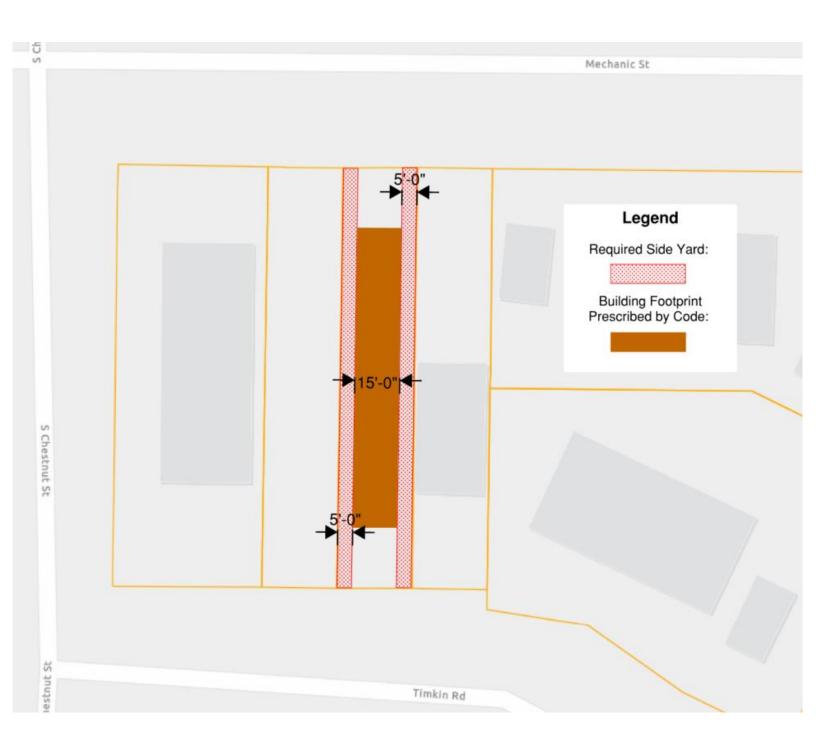
Neighbor (East)



Neighbor (West)



Exhibit "E" Setback Exhibits



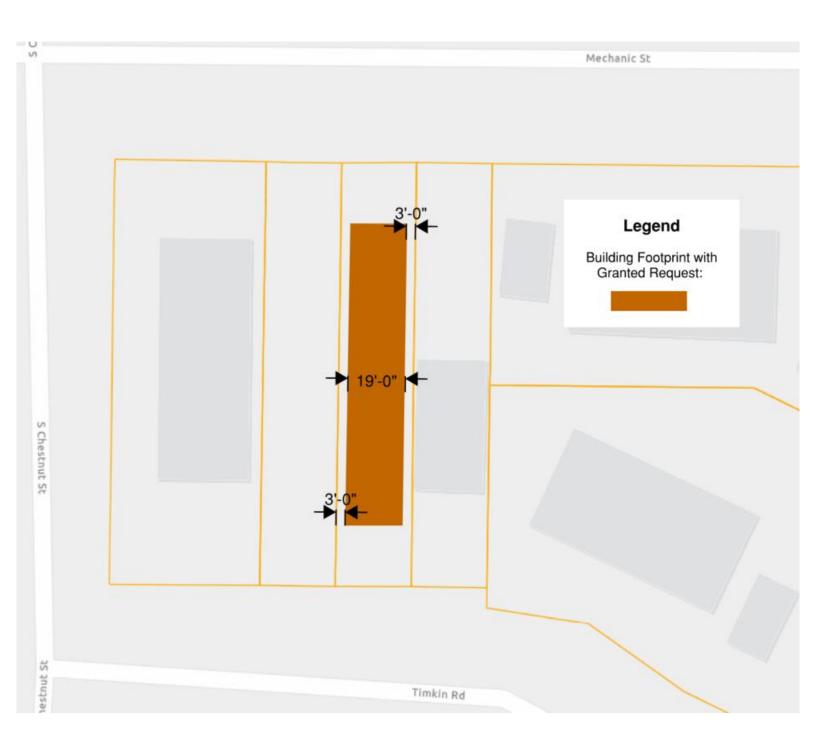
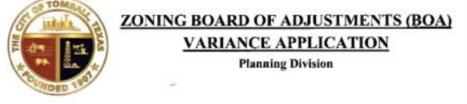


Exhibit "F" Application

Revised: 10/1/2022



Variance(s) Defined: A variance is the authority to depart from the application of areas, side yards, setback, height, and similar regulations to prevent unnecessary hardships.

APPLICATION REQUIREMENTS: Applications will be *conditionally* accepted on the presumption that the information, materials and signatures are complete and accurate. If the application is incomplete or inaccurate, your project may be delayed until corrections or additions are received.

There is a \$500.00 application fee that must be paid at time of submission or the application will not be processed.

DIGITAL APPLICATION SUBMITTALS: PLEASE SUBMIT YOUR APPLICATIONS AND PLANS DIGITALLY IN SMARTGOV
WEBSITE: ci-tomball-tx.smartgovcommunity.com
Applicant Name: Lorrine Sade Title: My Mailing Address: 21534 Cedar Lot By: Jon ball State: Texas
Phone: 281) Lo 23- Hozz Email: LSada 0440 C gman Com
Owner Name: Logrite Sada Title: Ms Mailing Address: 21534 Cedar in to B Cin: Tomball State: TX. Zip: 77377 Contact: Lourne Sala Phone: 220 693. 8672 Email: Lesson 0440 Cyn.
Description of Proposed Project: Mechaniz A New Concitruction
Physical Location of Property: Cross or Cleanut. [General Location - approximate distance to nearest existing street corner]
Legal Description of Property: <u>LT 23 BL 82</u> , <u>Tom ball</u> <u>406</u> <u>Mechaniz</u> * [Survey/Abstract No, and Tracts; br platted Subdivision Name with Lots/Block]
HCAD Identification Number: 0352760820023 Acreage: 3500 SF Current Use of Property: Land Property
City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290 1495 www.somballrx.gov

Revised: 10/1/2022

VARIANCE(S) REQUESTED Applicable Zoning Ordinance Requirements and Sections: Variance Requested: Side yard Adjustment from 5 At to 3 A. A description of hardship letter must be submitted in conjunction with this application. The criteria for a hardship are outlined in the attached document titled "Description of Hardship." In the letter, state variance(s) requested specifically and in detail (identify section and requirement). Please attach separate sheets(s) as necessary. This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the under signed is authorized to make this application. I understand that submitting this application does not constitute approval, and incomplete applications will result in delays and possible denial. 10-1-00 24 Signature of Applicant Date 2 Signature of Owner Date City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405 www.tomballtx.gov

50

Submittal Requirements

The following summary is provided for the applicant's benefit. However, fulfilling the requirements of this summary checklist does not relieve the applicant from the responsibility of meeting the regulations in the Zoning Ordinance, subdivision regulations, and other development related ordinances of the City of Tomball.

A complete application must include:

- Application Fee: \$100 Residential (Except Multi-Family); \$250 Non-Residential & Multi-Family
- Letter explaining the variance in detail, including Description of Hardship
- Metes & Bounds of property
- Site Plan, Plot Plan, or Drawing showing the requested variance
- Other necessary information (maps, drawings, pictures, etc.) to explain the variance

Payment of all indebtedness attributed to subject property must be paid with application or an arrangement in accordance with Section 50-36(a)(3) of the Code of Ordinances as cited below:

(No person who owes delinquent taxes, delinquent paving assessments, or any other fees, delinquent debts or obligations or is otherwise indebted to the City of Tomball, and which are directly attributed to a piece of property shall be allowed to submit any application for any type of rezoning, building permit, or plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Tomball shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence of proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.)

In granting special exceptions, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone: 281-290-1405

www.tomballtx.gov

Description of Hardship

Please provide a letter explaining the hardship, demonstrating the following (address each variance requested):

- 1. That itteral enforcement of the provisions of the Zoning Ordinance will create an unnecessary hardship or practical difficulty in the development of the affected property.
- 2. That there are special circumstances or conditions affecting the land involved such that the application of the provisions of the Zoning Ordinance would deprive the owner/applicant of the reasonable use of his/her land.
- 3. That the variance is necessary for the preservation and enjoyment of a substantial property right of the owner/applicant.
- 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of the Zoning Ordinance.
- 5. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district.
- 6. 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.
- 7. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- 8. That the granting of an individual variance will not set a precedent.

*Financial hardship shall not be considered grounds for the issuance of a variance.

City of Tomball, Texas 501 James Street, Tomball, Texas 77375 Phone 281-290-1405

www.comhalex.gov

Item E.2

Lorraine Sada Property 406 Mechanic Street Tomball , Texas 77375

Letter intent - Variance

To whom it may concern,

I'm requesting a variance if possible of each side yard of my property to be reduce from 5 feet to 3 feet. This request will allow me more width and living space to my home. I attached a copy of site plan with the current width of 15 wide structural home.

Thank you for your time and consideration

Lorraine Sada

21534

Cedar lane Unit B

Tomball, Texas 77377

RP-2022-420457 08/17/2022 ER \$22.00

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

	General Warranty Deed
Date: AU	gust 16, 2022
Grantor:	DCA DESIGN, LLC, a Texas imited liability company
Grantor's N	Address; A20-UChestant Allet Jomball, La 77325
Grantee:	LORRINE SADA
Grantee's M	1920 Baw ancest #605

Consideration:

Cash and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged.

Property (including any improvements):

Lot Twenty-three (23), in Block Eighty-two (82), of the Revised Map of Tomball, an addition to Harris County, Texas, according to the map or plat thereof recorded in Volume 4, Page 25 of the Map Records of Harris County, Texas.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:



SUBJECT to the following matters to the extent same are in effect at this time: Any and all restrictions, covenants, conditions, easements, mineral or royalty reservations and leases, if any, relating to the hereinabove described property, but only to the extent they are still in effect, shown of record in the public records of Harris County, Texas; and to all zoning laws, regulations and ordinances of municipal and/or other governmental authorities if any, but only to the extent that they are still in effect, relating to the hereinabove described property.

GF# GREAT AMERICAN TITLE COMPAN

Page 1 of 2

RP-2022-420457

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

When the context requires, singular nouns and pronouns include the plural.

DCA DESIGN, LLC, a Texas limited liability company By DAVID W.-COX, Manager STATE OF TEXAS COUNTY OF HARRIS This instrument was acknowledged before me on augus 16 2022, by DAVID W. COX, as Manager of DCA DESIGN, LLC, a Texas fimited liability company, on behalf of said entity. Notary Public, State of Texas DENISE RUCKSTUHL lotary Public, State of Tex Comm. Expires 02-17-2026 Notary ID 2687925

RP-2022-420457 # Pages 3 08/17/2022 11:59 AM e-Filed & e-Recorded in the Official Public Records of HARRIS COUNTY TENESHIA HUDSPETH COUNTY CLERK Fees \$22.00

RECORDERS MEMORANDUM This instrument was received and recorded electronically and any blackouts, additions or changes were present at the time the instrument was filed and recorded.

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law. THE STATE OF TEXAS COUNTY OF HARRIS I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.

Ineshi thedaste COUNTY CLERK

HARRIS COUNTY, TEXAS

