

## ZBA15-09 (311 South Iowa)

<b>Request</b>	<p>A variance from the requirement in Section 125-191.E. that structures destroyed by any means beyond fifty percent (50%) of their replacement cost must be reconstructed in accordance with the development regulations with the “RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet) zoning district.</p> <p>The applicant proposes to fully replace an existing detached garage, approximately 480 square feet in size, in the exact location at the rear of the property. The applicant indicates the existing garage is in need of replacement due cracks in the foundation and the unpleasant appearance of the garage due to age. In addition, there are three large pecan trees in the rear yard of the property, which hinder the relocation of the garage. All of the trees are greater than 19-inches in diameter and classified as ‘protected’ per the Subdivision and Development regulations.</p>
<b>Applicant / Owner</b>	Patrick Bliven
<b>Zoning</b>	“RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet)
<b>Location</b>	Generally located north of East Walker Street, south of Lewis Street, east of Kansas Avenue, and west of Iowa Avenue with an approximate address of 311 South Iowa Avenue.
<b>Citizen Response</b>	41 – Notices Mailed to Property Owners within 500 feet 0 – Letters of Support Received 0 – Letter of Opposition Received
<b>Attachments</b>	1. Property Owners’ Notification / Zoning Map 2. Partial Survey of Property 3. Applicant Letter 4. City Arborist Letter & Exhibits 5. GCAD Property Assessment 6. Variance Findings Form

The Board shall make findings based upon the following tests:

**Public Interest**      *Test #1: Such variance will not be contrary to the public interest.*

Section 125-191.E. of the Zoning Ordinance stipulates that any portion of a structure destroyed by any means to an extent greater than 50% of its replacement cost at the time of destruction shall not be reconstructed unless consistent with the use and development regulations for the district. However, when considering the nearby trees on the property, the Comprehensive Plan and Subdivision and Development regulations provide differing requirements for the preservation and protection of trees.

The Galveston County Appraisal District indicates the garage was constructed in 1960, making it approximately 55 years old. In addition, the detached garage was identified by GCAD as having a value of \$4,680.00, making the 50% replacement threshold \$2,340.00. The applicant desires to replace the garage in the exact location while conforming with all of the remaining requirements and retaining all of the trees within the rear yard as well.

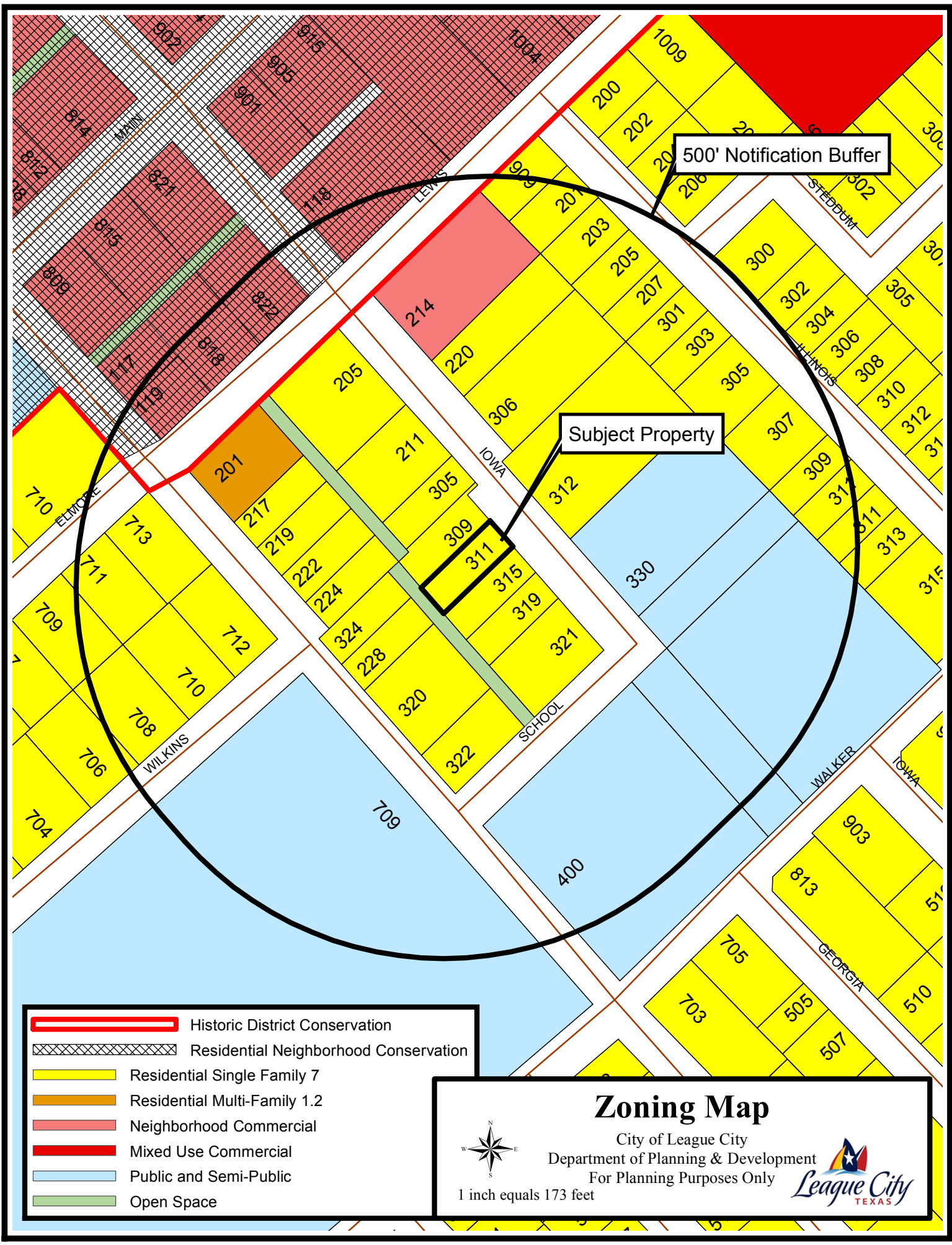
<b>Authorization of Contrary Use</b>	<p><i>Test #2: Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance sought is located.</i></p> <p>The applicant does not request any other uses than those authorized by the district.</p>
<b>Injury to Conforming, Adjacent Property</b>	<p><i>Test #3: Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.</i></p> <p>The garage has existed on the property over the past 55 years without any effect on the adjoining neighbors or neighborhood. It is not foreseen that the request would physically alter adjoining properties.</p>
<b>Essential Character of District</b>	<p><i>Test #4: Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.</i></p> <p>The surrounding neighborhood is a mixture of residences with detached garages in the rear yard and residences with attached garages that are closer to the roadway and a well-established tree canopy in the area. Approval of the request would continue the existing character in the district.</p>
<b>Harmony with Spirit and Intent of Zoning Ordinance</b>	<p><i>Test #5: Such variance will be in harmony with the spirit and purposes of this Ordinance.</i></p> <p>The goals and policies of the Comprehensive Plan outline and encourage the, “<i>preservation of trees, particularly the “Butler Oaks” and other large non-invasive species.</i>” In addition, Section 102-12 of the Subdivision and Development regulations governs the tree preservation and provisions which provides greater protections for trees that are 19-inches in diameter or larger and must receive a permit from the City Arborist to be removed. Trees 24-inches in diameter or larger must receive a permit from the Director of Public Works. See also Tests #1 and #7.</p>
<b>Plight of the Owner</b>	<p><i>Test #6: The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to, or the result of, general conditions in the district in which the property is located.</i></p> <p>While the size, location and configuration of the lot are not unique, the property does have unique conditions with the multiple large trees that prevent the garage to be reasonably relocated. In Attachment # 4, the City Arborist has provided additional documentation and states that relocating the garage could cause irreparable harm to the trees.</p>
<b>Integrity of Zoning Ordinance</b>	<p><i>Test #7: The variance will not substantially weaken the general purposes of this Ordinance or the regulations herein established for the specific district.</i></p> <p>It is not foreseen that the granting of a variance would weaken the general purpose of the ordinance given the existing conditions in the neighborhood. Furthermore, the granting of the variance would support the Comp Plan’s policy of tree preservation and the citizen’s desire to maintain and preserve large trees within League City.</p>
<b>Health, Safety and Public Welfare</b>	<p><i>Test #8: The variance will not adversely affect the health, safety, and welfare of the public.</i></p> <p>Staff does not foresee that the request would adversely affect the health, safety and welfare of the public.</p>

**Recommendation** The granting of variances for hardships should be “peculiar and unique” to a relatively small area of land and should not be financial in nature, nor self-imposed. The ZBA may grant a variance if it is “not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of the Ordinance is observed and substantial justice is done.”

Given that the applicant proposes to meet all of the requirements of the “RSF-7” zoning district, except the location of the garage along with supporting documentation from the Comprehensive Plan, Subdivision and Development regulations, and City Arborist, staff recommends approval, subject to the following conditions:









1. The replacement foundation and garage must be constructed upon the same footprint as the existing garage.
2. The replacement garage shall be in the similar form and shape as the examples provided by the Owner.
3. The Owner shall adhere to the recommendations made by the City Arborist in her letter to the Board.

For additional information, you may contact Mark Linenschmidt, Senior Planner at 281-554-1078 or at [mark.linenschmidt@leaguecity.com](mailto:mark.linenschmidt@leaguecity.com).



500' Notification Buffer

Subject Property

-  Historic District Conservation
-  Residential Neighborhood Conservation
-  Residential Single Family 7
-  Residential Multi-Family 1.2
-  Neighborhood Commercial
-  Mixed Use Commercial
-  Public and Semi-Public
-  Open Space

**Zoning Map**  
 City of League City  
 Department of Planning & Development  
 For Planning Purposes Only

1 inch equals 173 feet





October 25, 2015

The City Planning and Variance Board  
City of League City  
300 W. Walker  
League City, TX 77573

Re: 311 South Iowa Avenue, League City, TX 77573 Requested Variance

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I respectfully request your consideration and approval of this variance request at the subject address. I am very interested in improving this property, as improvements to this property not only reflect on the property but the neighborhood and the city.

**BACKGROUND:**

When I began the project I engaged the very helpful Planning Department to assist in identifying the applicable requirements, permits, etc. I had the property surveyed to assist with this process. For approximately four months we have reviewed and discussed the potential complications (setbacks, historic trees, etc.) in replacing the structure. Through this process and identifying what I feel is the best project approach, I am submitting this variance application.

**PROJECT:**

The detached garage on the property appears to have been constructed sometime in the 1960's or 1970's, and I am very interested in replacing it. The current structure footprint is approximately 20' x 24'. Unfortunately, this foundation has a substantial crack down the center and appears to have been constructed without embedded reinforcement steel. The current tin siding/roof and wood frame are significantly aged and present an unfortunate appearance.

I intend to replace the structure with a garage of similar style and size. My plan is to construct a metal building garage with a new 20' x 24' foundation. This structure would have a painted exterior with garage doors and windows. The new structure's visual appearance will be a significant improvement; the existing garage looks rusty and has no windows or garage doors.

**ACTION:**

It is my opinion the best plan, and I am hopeful the board will agree what makes the most sense for the property, the neighborhood, and the city, is to replace the foundation and structure in the same location on the property. I respectfully request the board approve variance to the applicable restrictions allowing me to proceed with this property improvement.

Best Regards,



Patrick N. Bliven

**Linenschmidt, Mark**

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**Subject:** Variance information from Zoning Ordinance for League City

Hello Mark,

I attempted to return your phone call earlier. Apologies for this information getting to you late.

So as far as cost, I have received a few quotes on the building itself and the cost range from ~\$6k to ~\$10k. I have also done some rough order of magnitude cost estimates for the demo and new foundation. I am anticipating the whole project will cost somewhere in the range of ~\$12k to ~\$16k. I am obviously trying to keep the cost down and hope to be closer to that lower number, but we'll see how the bids come in once I am at that stage.

I have attached a few photos of garages similar to what I am envisioning. Fairly simple two car garage. I intend to have a human door on the side and at least one window on the side for some natural light for the interior. Please let me know if you have any additional questions or would like more information.

Please feel free to call me.

I will be responding to your other email from today momentarily.

Best regards,  
Patrick













Planning & Development  
500 W Walker  
League City, TX 77573

Main: 281.554.1000  
Direct: 281.554.1441  
Fax: 281.554.1020

[www.leaguecity.com](http://www.leaguecity.com)

Zoning Board of Adjustments  
Re: 311 S. Iowa  
League City, TX 77573

October 29, 2015

Members of the Board,

This letter is in reference to the location of the proposed garage at 311 S. Iowa and the Protected Trees on site. Several weeks ago, I spoke with Mr. Patrick Bliven, the property owner, regarding the location of Protected Trees in relation to the current and proposed location for his new garage. After receiving a survey of the property, I went out for a site visit to verify the survey and assess the potential impacts of moving the garage in order to meet the ordinance requirements.

I verified the following Protected Trees in Mr. Bliven's backyard:

- 24 caliper inch Pecan (on right side of garage)
- 26 caliper inch Pecan (on right side of garage)
- 36 caliper inch Pecan (at back corner of house, adjacent to driveway)

The trees listed above are old-growth pecans, in excellent condition, and are likely original to the property. The current garage is located within the driplines of the two trees closest to the garage (24 caliper inch Pecan and 26 caliper inch Pecan). However, shifting the structure to meet the ordinance requirements will adversely impact the two trees closest to the garage since the structure will encroach further into the dripline (moving closer to the trunk and contributing to soil compaction within the dripline), and relocating the garage closer to the house will adversely impact the dripline of the 36 caliper inch Pecan.

Section 102-12, Tree Preservation and Provisions Ordinance, states that "Improvements within the dripline of a protected tree may occur provided the developers submit to the urban forester a site plan, approved by an urban forester indicating that the proposed improvements, within the dripline, will not adversely impact the tree(s) overall health and welfare."

Therefore, I'm making the following recommendations to preserve these old-growth, Protected Trees: (1) the new structure be replaced in the same location to avoid further stressing the trees and/or stressing a third Protected Tree; (2) placement of protective fencing around the driplines of all three trees for the duration of the project (including demolition of the old structure); (3) no heavy



equipment or construction materials may be stored within the driplines (this provision is in place to prevent soil compaction/stress of Protected Trees during the construction process).

Please let me know if you have any questions or need further clarification. Thanks.

Sincerely,

*Heather McKnight*

Heather McKnight  
City Arborist  
Certified Arborist #TX-3681A, TCLP #606

SUP15-09  
(311 South Iowa Avenue)  
Zoning Board of Adjustments



PHOTOGRAPH 1



Looking along the north side of the garage.

PHOTOGRAPH 2



Looking towards the north side of the garage.

PHOTOGRAPH 3



Looking at the front of the garage (east side).  
Note the two large trees directly adjacent to the garage.

PHOTOGRAPH 4



Looking at the southwest corner of the house  
at a 36" pecan tree.

Given the proximity to the trees (existing and new footprints) I think it makes sense to keep the same location/size to minimize the disturbance to the roots.


A SURVEY OF LOT ELEVEN (11) IN BLOCK ONE (1) OF THE PERKINS-JOHNSON SUBDIVISION OF LOT 12, SUBDIVISION "B" OF LEAGUE CITY, GALVESTON COUNTY, TEXAS.

According to the map or plat thereof recorded in Volume 251, Page 480 in the Office of the County Clerk of Galveston County, Texas.

Scale: 1 inch = 20 feet

I, Christopher Trusky, Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat represents a survey made on the ground under my direction and supervision on August 3, 2015. At the time of this survey there were no encroachments, conflicts or protrusions apparent on the ground, EXCEPT AS SHOWN.

THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.



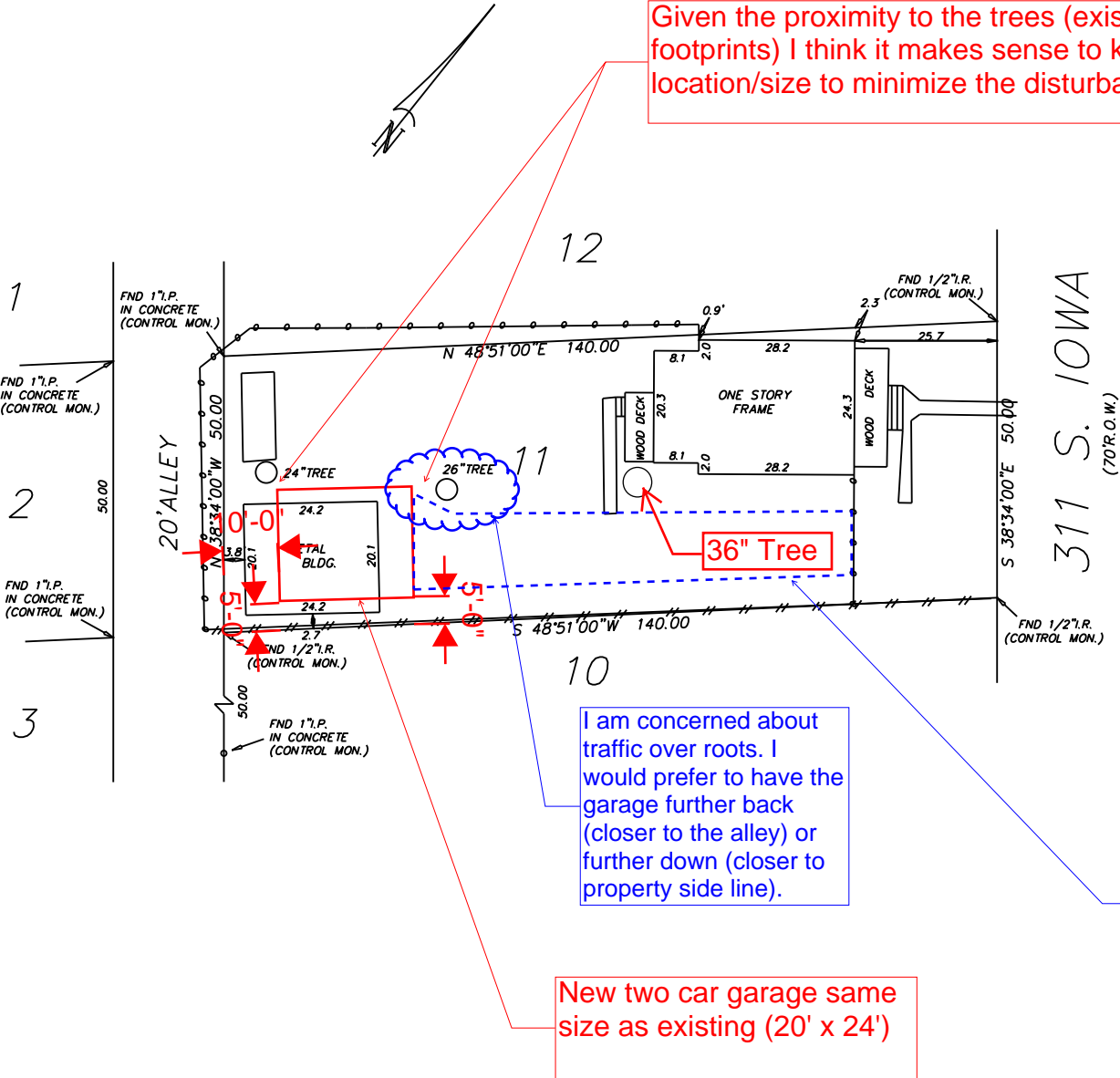
Christopher Trusky  
RPLS No. 5247  
The Land Survey Co. LLC  
Firm Reg. No. 10045700  
281-338-4008



Note:  
According to FIRM Community Panel No. 4854880010D, dated 09/22/1999, this property lies in Flood Zone "X", which is considered to be outside the Special Flood Hazard Area. Surveyor makes no representation as to whether or not this property may flood.

Basis of bearings is the right of way of S. Iowa Street, as platted and monumented.

Encumbrances or other matters affecting the subject property, if any, are not shown.



I am concerned about traffic over roots. I would prefer to have the garage further back (closer to the alley) or further down (closer to property side line).

Approximate Driveway area.

New two car garage same size as existing (20' x 24')



# Galveston Central Appraisal District

9850 Emmett F. Lowry Expressway, Ste. A101, Texas City, TX 77591, (866) 277

Data on this Web site represents 2015 Information, click history for values

[Home](#)

[Improvement of](#)

[General Information](#)

**Account Number**  
5715-0001-0011-000

**Situs Address**  
311 S IOWA AVE  
LEAGUE CITY, TX 77573

[News](#)

[FAQ](#)

[Searches](#)

**Type** R (Residential)      **Segments** 4  
**Homesite** Y      **Description** RESIDENTIAL  
**SPTB** A1 (Real Residential Single Family)  
**Value** \$ 30,700

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• [Address Search](#)

[Property Data](#)

• [Detail Sheet](#)

• [History](#)

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## Improvement Segments

1. <b><u>MA (Main Area)</u></b>	\$ 25,370
Class: F7 (Frame Class)	
Year Built: 1960	
2. <b><u>OP (Open Porch)</u></b>	\$ 550
Class: F7 (Frame Class)	
Year Built: 1960	
3. <b><u>DG (Det. Garage)</u></b>	<b>\$ 4,680</b>
Class: F7 (Frame Class)	
Year Built: 1960	
4. <b><u>FUB (Metal Or Frame Utility Bldg)</u></b>	\$ 100
Class:	
Year Built:	



**APPLICANT: PATRICK BLIVEN**  
**PROPERTY: LOT 11, BLOCK 1 OF THE PERKINS & JOHNSON SUBDIVISION**  
**ADDRESSED AS: 311 SOUTH IOWA AVENUE**  
**HEARING ON: NOVEMBER 5, 2015**  
**BEFORE LEAGUE CITY ZONING BOARD OF ADJUSTMENTAS:**  
**ZBA15-09 (311 SOUTH IOWA AVENUE)**

**Members present and voting:** [At least 75% of the members (4) must hear the case and is required to reverse any administrative action or to decide in favor of any applicant or grant a variance].  
(League City Code of Ordinances § 125-22).

**The members voting (not additional nonvoting alternates) are designated by an “x” below:**

_____ James R. Christiansen, Chair	_____ Lianne Russell
_____ Kathleen Benoit	_____ Tamra Gann-Curry
_____ Michael Hendershot	_____ Ed Rainey

**VARIANCE FINDINGS PURSUANT TO SECTION 125.47 OF THE LEAGUE CITY CODE**

**The issuance of a variance may not be granted unless the Zoning Board of Adjustment shall determine that all the following criteria have been met:**

**(1) Such variance will not be contrary to public interest.**

True: \_\_\_\_\_

False: \_\_\_\_\_

**(2) Such variance will not authorize the operation of a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.**

True: \_\_\_\_\_

False: \_\_\_\_\_

**(3) Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.**

True: \_\_\_\_\_

False: \_\_\_\_\_

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

True: \_\_\_\_\_

False: \_\_\_\_\_

**(5) Such variance will be in harmony with the spirit and purposes of this chapter.**

True: \_\_\_\_\_

False: \_\_\_\_\_

(6) The plight of the owner of the property for which the variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial, and are not due to, or the result of, general conditions in the district in which the property is located.

True: \_\_\_\_\_

False: \_\_\_\_\_

(7) The variance will not substantially weaken the general purposes of this chapter or the regulations herein established for the specific district.

True: \_\_\_\_\_

False: \_\_\_\_\_

(8) The variance will not adversely affect the health, safety, and welfare of the public.

True: \_\_\_\_\_

False: \_\_\_\_\_

The League City Zoning Board of Adjustment, after reviewing Applicant's application, and reviewing the evidence presented, has determined in accordance with the League City Code of Ordinances that:

**VARIANCE:**

\_\_\_\_\_ **APPROVED**

\_\_\_\_\_ **DENIED**

\_\_\_\_\_ **APPROVED WITH THE FOLLOWING CONDITIONS:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This variance was determined by a concurrence vote of at least four members of the League City Zoning Board of Adjustment on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and is filed in the Zoning Board's office as of this date, as certified by the signature of the Chairman, below, and is not valid without original signature.

\_\_\_\_\_  
James R. Christiansen, Chair  
Zoning Board of Adjustment