

ZBA15-13 (154 Easton Glen Lane)

Request	A variance from the requirement in Section 125-70.C. that structures zoned “RSF-7” maintain a 25 foot front-yard setback. This requirement is also found in Section 125-160.A. of the 2003 League City Zoning Ordinance, in effect at the time of platting and site development. This property was platted in 2004, with the home being built the following year. At that time, a building permit was issued by the City for the site and structure as currently built. As it was built, the garage for the property extends over the front yard setback line by 4 feet for a total setback of 21 feet. The applicant is attempting to sell the property and requires proof of legal non-conformity prior to being allowed sale of this property.
Applicant / Owner	Albert Churchill
Zoning	“RSF-7-PUD” (Single-family residential with a minimum lot size of 7,000 square feet and a Planned Unit Development overlay)
Location	Generally located north of Cross Colony Drive and both south and east of FM 646 with an approximate address of 154 Easton Glen Lane.
Citizen Response	70 – Notices Mailed to Property Owners within 500 feet 0 – Letters of Support Received 0 – Letter of Opposition Received
Attachments	1. Property Owners’ Notification / Zoning Map 2. Partial Survey of Property 3. Variance Findings Form

The Board shall make findings based upon the following tests:

Public Interest	<i>Test #1: Such variance will not be contrary to the public interest.</i> The purpose and intent of a building setback is to provide adequate separation between structures. Setbacks are determined based upon the zoning district and in turn, desired density and proposed use of the site. This neighborhood is unique in that all homes do not meet the setback requirements and as such, granting of this variance would not be contrary to the public interest as it is the existing character of the neighborhood.
Authorization of Contrary Use	<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> The applicant does not request any other uses than those authorized by the district.
Injury to Conforming, Adjacent Property	<i>Test #3: Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.</i> The garage has existed on the property over the past 10 years without any effect on the adjoining neighbors or neighborhood. It is not foreseen that the request would physically alter adjoining properties.

Essential Character of District	<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 properties in this neighborhood were built in 2005, with all properties exceeding the required 25 foot setback. No modifications to the property are being proposed at this time. Approval of the request would continue the existing character in the district.</p>
Harmony with Spirit and Intent of Zoning Ordinance	<p><i>Test #5: Such variance will be in harmony with the spirit and purposes of this Ordinance.</i></p> <p>The purpose and intent of a building setback is to provide uniform separation between buildings and their respective property lines. While the current setback is not in conformity with what is found in the ordinance, all properties developed in the Bay Colony Northpointe Section 1 Subdivision were built to the same standards. Approval of this request would preserve the spirit and purpose of this Ordinance.</p>
Plight of the Owner	<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 this lot are not unique, the configuration of the entire subdivision poses a unique hardship on lots located therein. When these structures were constructed in 2005, the City approved construction plans that at that time did not meet front-yard setback requirements. In order to meet existing or then-in-place setbacks, the applicant would have to significantly modify a well-maintained 10 year old structure that is complementary and in conformity with all other properties located within the neighborhood.</p>
Integrity of Zoning Ordinance	<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>See Test #5.</p>
Health, Safety and Public Welfare	<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	<p>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.”</p> <p>Given that the applicant proposes to meet all of the requirements of the “RSF-7” zoning district, except the front-yard setback which uniformly does not conform with the zoning ordinance throughout the entire neighborhood and that no other foreseeable impacts would affect surrounding properties or public safety, staff recommends approval.</p>

For additional information, you may contact Matthew Grooms, Planner at 281-554-1079 or at matthew.grooms@leaguecity.com.



Department of Planning and Development
300 West Walker Street
League City, Texas 77573
(281) 554-1080

Case Number: ZBA15-13

December 28, 2015

The City of League City's Zoning Board of Adjustments will:

Hold a public hearing and take action on a Zoning Board of Adjustments Application, **ZBA15-13 (154 Easton Glen)**, a variance request to the minimum front-yard setback (Schedule 125-70.C.) for a property zoned "RSF-7-PUD" (Single-family residential with a minimum lot size of 7,000 square feet with a Planned Unit Development Overlay) on approximately 0.143 acres, legally described as Block 4, Lot 9 of the Bay Colony Northpointe Section 1 Subdivision, generally located north of Cross Colony Drive and south/east of FM 646.

Zoning Board of Adjustments Meeting:

Date: January 7, 2016

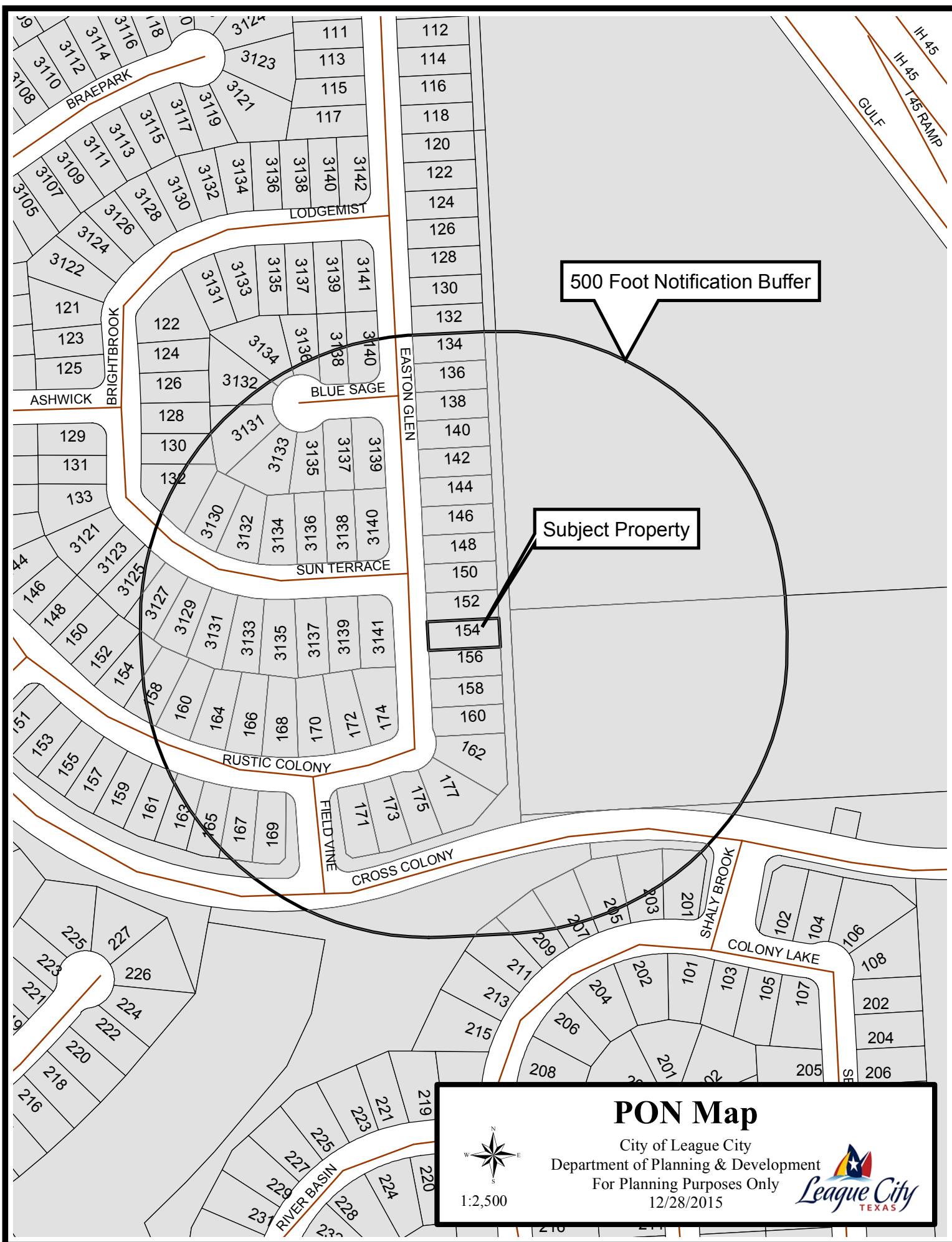
Time: 6:00 p.m.

Location: Council Chambers, 200 W. Walker St.

You have received this notice because you are a property owner within 500 feet of the request **and** listed on the most recently approved municipal tax roll.

A copy of the vicinity map is on the back of this notice. To view the presentation or staff report and other information for this application, please go to the City website at www.leaguecity.com/planning. Click on 'Zoning Board of Adjustments (ZBA)', then click on '2015 ZBA Case Log'. Items will be posted no less than 72 hours prior to the listed ZBA meeting above. The public may formally submit letters of support or objection for this application by mail to the Planning Department or via email to the project manager. For additional information, contact the project manager – Matthew Grooms at 281-554-1079 or via e-mail at matthew.grooms@leaguecity.com. Please reference case #**ZBA15-13**.



The above item is available for public inspection by appointment Monday-Thursday, between 8:00 a.m. – 6:00 p.m., and Friday, between 8:00 a.m. – 12:00 p.m. in the Planning Department, City Hall, 300 W. Walker St, as well as the City's website at www.leaguecity.com/pandz. Call 281-554-1080 for an appointment or more information. The City of League City's public facilities are wheelchair accessible and accessible parking spaces are available. Reasonable modifications and equal access to communications will be provided upon request. Requests must be made forty-eight (48) hours prior to meetings, services or programs. To make a request, please call the City Secretary's Office at 281-554-1030 or fax to 281-554-1020, or contact 281-554-1030 via Relay Texas at 711 or 1-800-735-2988 for TTY Services.



500 Foot Notification Buffer

Subject Property

PON Map
City of League City
Department of Planning & Development
For Planning Purposes Only
12/28/2015

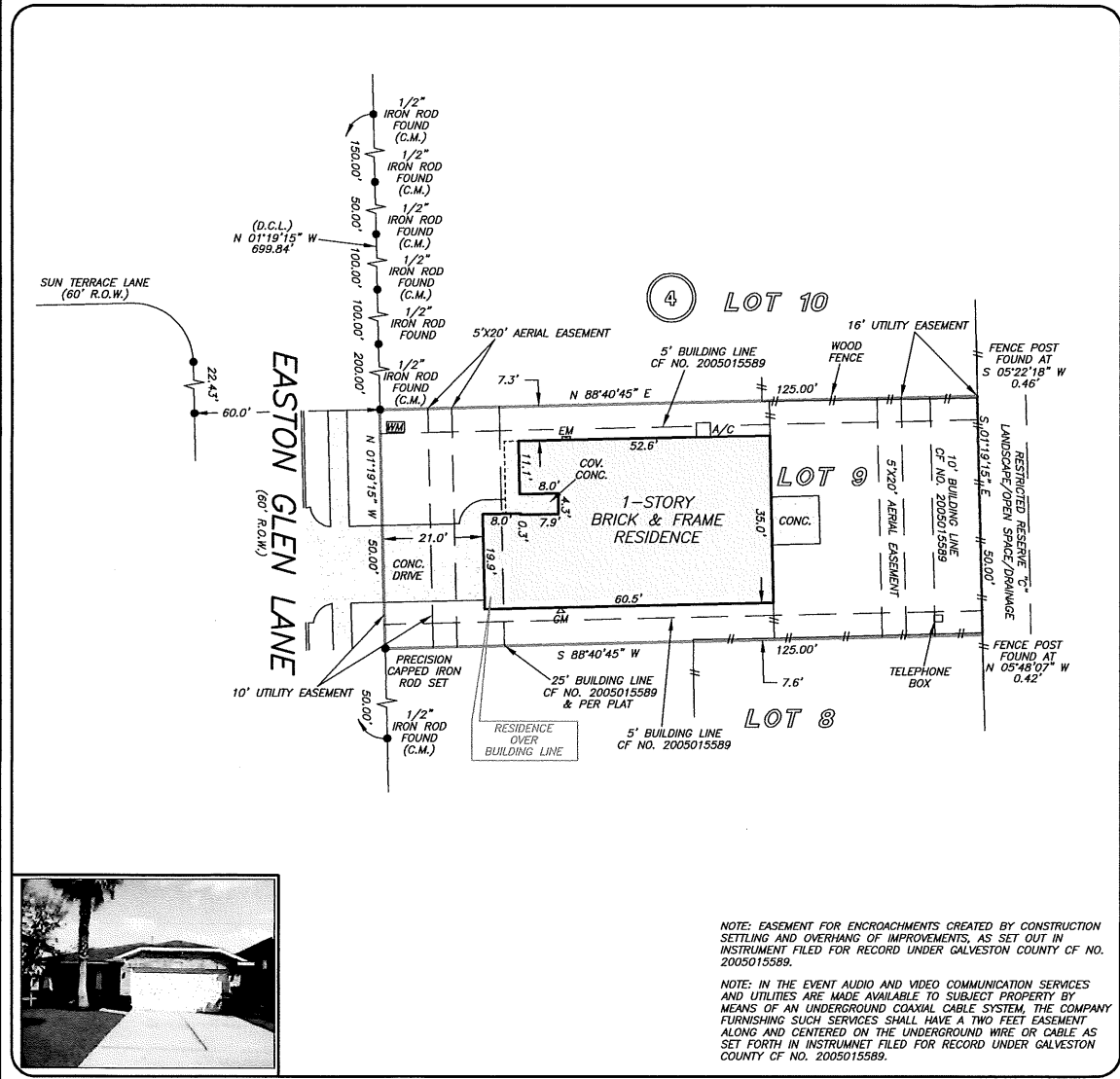


1:2,500

GF NO. 15005507 OLD REPUBLIC TITLE
 ADDRESS: 154 EASTON GLEN LANE
 DICKINSON, TEXAS 77539
 BORROWER: JOHN MORRIS AND
 VIVIAN MORRIS

LOT 9, BLOCK 4 NORTHPOINTE AT BAY COLONY, SECTION 1

A SUBDIVISION IN GALVESTON COUNTY, TEXAS
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN PLAT RECORD 2006A, MAP NO. 60, OF THE MAP RECORDS
 OF GALVESTON COUNTY, TEXAS



NOTE: EASEMENT FOR ENCROACHMENTS CREATED BY CONSTRUCTION SETTLING AND OVERHANG OF IMPROVEMENTS, AS SET OUT IN INSTRUMENT FILED FOR RECORD UNDER GALVESTON COUNTY CF NO. 2005015589.

NOTE: IN THE EVENT AUDIO AND VIDEO COMMUNICATION SERVICES AND UTILITIES ARE MADE AVAILABLE TO SUBJECT PROPERTY BY MEANS OF AN UNDERGROUND COAXIAL CABLE SYSTEM, THE COMPANY FURNISHING SUCH SERVICES SHALL HAVE A TWO FEET EASEMENT ALONG AND CENTERED ON THE UNDERGROUND WIRE OR CABLE AS SET FORTH IN INSTRUMENT FILED FOR RECORD UNDER GALVESTON COUNTY CF NO. 2005015589.

THIS PROPERTY IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 485488 0030 E MAP REVISION: 09/22/1999 ZONE AE
 BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

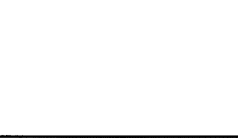
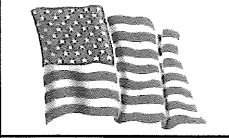
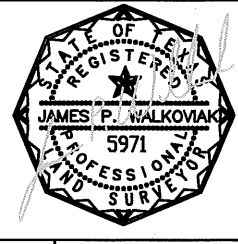
A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
 RECORD BEARING: PLAT RECORD 2006A, MAP NO. 60, G.C.M.R.

DRAWN BY: AC

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY AND ABSTRACTING PROVIDED IN THE ABOVE REFERENCED TITLE COMMITMENT WAS RELIED UPON IN PREPARATION OF THIS SURVEY.

JAMES P. WALKOVIAK
 PROFESSIONAL LAND SURVEYOR
 NO. 5971
 JOB NO. 15-10641
 NOVEMBER 11, 2015



AUDREY THORPE
 713-552-7459



APPLICANT: ALBERT CHURCHILL
PROPERTY: BAY COLONY NORTHPOINTE SEC 1 (2005) ABST 19, BLOCK 4, LOT 9,
ACRES 0.143
ADDRESSED AS: 154 EASTON GLEN LANE
HEARING ON: JANUARY 7, 2015
BEFORE LEAGUE CITY ZONING BOARD OF ADJUSTMENTAS:
ZBA15-13 (154 EASTON GLEN LANE)

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