

ZBA16-01 (1926 E. Winn St.)

Request	<p>A variance requesting a porch to encroach five-foot ten and seven eighths of an inch into the required 10-foot rear yard setback for an elevated residence approximately 1,700 square feet in size.</p> <p>The Zoning Ordinance (Section 125-70.C) requires properties zoned “RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet) to be set back 10-feet from the rear property line. The proposed addition would be set back 2’ 1-7/8” from the property line.</p>
Applicant/Owner	Rodney Ray
Zoning	“RSF-7” (Single-family residential with a minimum lot size of 7,000 square feet)
Location	Generally located north of East Winn Street and east of Glen Cove Boulevard with the address of 1926 East Winn Street.
Citizen Response	30 – Notices Mailed to Property Owners within 500 feet 0 – Letters of Support Received 0 – Letter of Opposition Received
Attachments	1. Applicant’s Additional Information 2. Applicant’s Proposed Site Plan 3. Property Owners’ Notification / Zoning Map 4. Site/Neighborhood Photos

The Board shall make findings based upon the following tests:

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

Setback requirements provide a buffer between residences for open space, light, air circulation, limiting noise, and odors in a neighborhood. They also provide a safe distance for fire protection and access for emergency services, pedestrians to and around a structure, structure. Zoning utilizes setbacks, building height restrictions, and maximum allowable lot coverage to also dictate the community character.

The City’s permit records indicate that the residence was constructed in 2001. The zoning for the property changed in 2004 from “Residential Single-Family” to “RSF-7” as a result of the Zoning Text and Map Revision of 2005. This zoning change had no effect on the required rear setback of 10-foot.

In the RSF zoning districts, a porch is allowed to encroach 18-inch into the required setback as per Section 125-140.B. According to the plan that was submitted, the residence was built with an 8-foot setback to the property line. Allowing this encroachment would further deteriorate the conformity with today’s development standards.

Authorization of Contrary Use *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.*

The applicant does not request any other uses than those authorized by the district.

**Injury to
Conforming,
Adjacent
Property**

Test #3: Such variance will not substantially or permanently injure the appropriate use of adjacent conforming property in the same district.

The request would not physically alter adjoining properties.

**Essential
Character of
District**

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.

The character of the Glen Cove Subdivision is that of a residential neighborhood with a variety of single-family homes many built on piers with access via stairs due to the area being in the floodplain. Should this variance be granted, the intended character of this neighborhood would not be affected as the proposed addition would not create visual discontinuity with the neighborhood.

**Harmony with
Spirit and Intent
of Zoning
Ordinance**

Test #5: Such variance will be in harmony with the spirit and purposes of this Ordinance.

The intent of the Zoning Ordinance is to provide a predictable developed environment. Should this variance be granted, the predictability of the subdivision may be endangered as the expected rear setback of residential property is 10-feet. While the residence exists with a non-conforming rear setback, allowing an addition to that rear setback is incongruent with the goals of the zoning ordinance.

**Plight of the
Owner**

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.

The applicant proposes to construct a porch for his animals and for emergency egress, but is unable to construct the desired porch due to the setback requirement. There is limited space on both the east and west sides of the residence to legally add porches to the residence.

However, the size, location and configuration of this lot are not unique to the area and is a self-imposed hardship created by the owner. The Building Department indicates that the building code only requires one door for ingress and egress. The addition of a porch could be allowed on either side of the residence up to the required five-foot building setback or additional egress could be provided by increasing the window for an escape system.

**Integrity of
Zoning
Ordinance**

Test #7: The variance will not substantially weaken the general purposes of this Ordinance or the regulations herein established for the specific district.

As mentioned previously, the subject property is not a unique lot in the surrounding area or League City. The granting of this variance would ultimately weaken the general purpose of this ordinance due to the fact that setbacks are a defining part of dictating the character of a given neighborhood as well as in Test #1.

**Health, Safety
and Public
Welfare**

Test #8: The variance will not adversely affect the health, safety, and welfare of the public.

Based on information from the Building Department, denial of the request will not affect the health, safety and welfare of the public or inhabitants of this house due to the current conditions of the residence.

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.”

Due to the fact that the request is self-imposed, the lot size and configuration is not unique to League City or the neighborhood and does not present a health, safety and welfare issue no hardship exists. Staff recommends denial.

Recommended Motion Motion to deny Zoning Board of Adjustments application, ZBA16-01 (1926 E. Winn).

For additional information, you may contact Martin Griggs, Planner at 281-554-1077 or at martin.griggs@leaguecity.com.

Supplement to Zoning Board of Adjustments Checklist

R212278: 1926 E Winn St

I am looking to build a deck at the back of my house (north side of property) and am requesting a variance to the zoning setback requirement for the following reasons:

- First and foremost is fire/hazard safety. In an emergency, we have one set of stairs at our front door (our house is raised due to proximity to water and being in flood zone). I would like to build the deck with two additional exits/access points so that we have rear exit options in the event of a fire, storm damage (e.g. tree falls and blocks front door), etc.
- Flooding in neighborhood. During and after a heavy rain, it is often difficult or impossible to let my dogs out in the yard to use the restroom. While I'm not crazy about having them go on the deck, it's a much better alternative to something happening inside the house, and easier to clean up and dispose of. Also this would allow my children to take them out and exercise/play with them as well if the water hasn't receded.
- Existing neighbors—both old and new construction often go right up to the fence line. Here is the breakdown with respect to the items on the Adjustments Checklist:
 1. Will not be contrary to the public interest: Most neighbors have decks, so this is not something out of the ordinary or that would be contrary to public interest.
 2. Will not authorize the operation of an unauthorized use: Only to be used for personal residential uses, including safety exits to ground floor.
 3. Will not substantially or permanently injure the appropriate use of adjacent property: You see this same setup working fine throughout neighborhood with no ill consequences. Currently empty lot behind house.
 4. Will not alter the essential character of the district: *(see response to item #3)*
 5. In harmony with the spirit and purpose of this chapter: This is a well thought-out professional job, with engineer drawings as the foundation. Not a DIY project. We want to improve the property value of our home and of the neighborhood and not detract from the character of the community.
 6. Circumstances were not created by the owner, merely financial, or due to general conditions in the district: If this were a house we were constructing, we would move forward on the lot to allow for the appropriate setback. As it stands, the only option is to request the variance to proceed with the project.
 7. Will not weaken the purpose of the Zoning Ordinance or regulations: The purpose of going through the proper channels for this project is to ensure the integrity of the neighborhood by conforming with required regulations and processes. This should enhance the integrity of city regulations by establishing a case where the correct process was followed and proper evidence for variance established.

GENERAL STRUCTURAL NOTES: (THE FOLLOWING APPLY UNLESS OTHERWISE SHOWN ON THE PLAN.)

SITE PLAN NOTES:

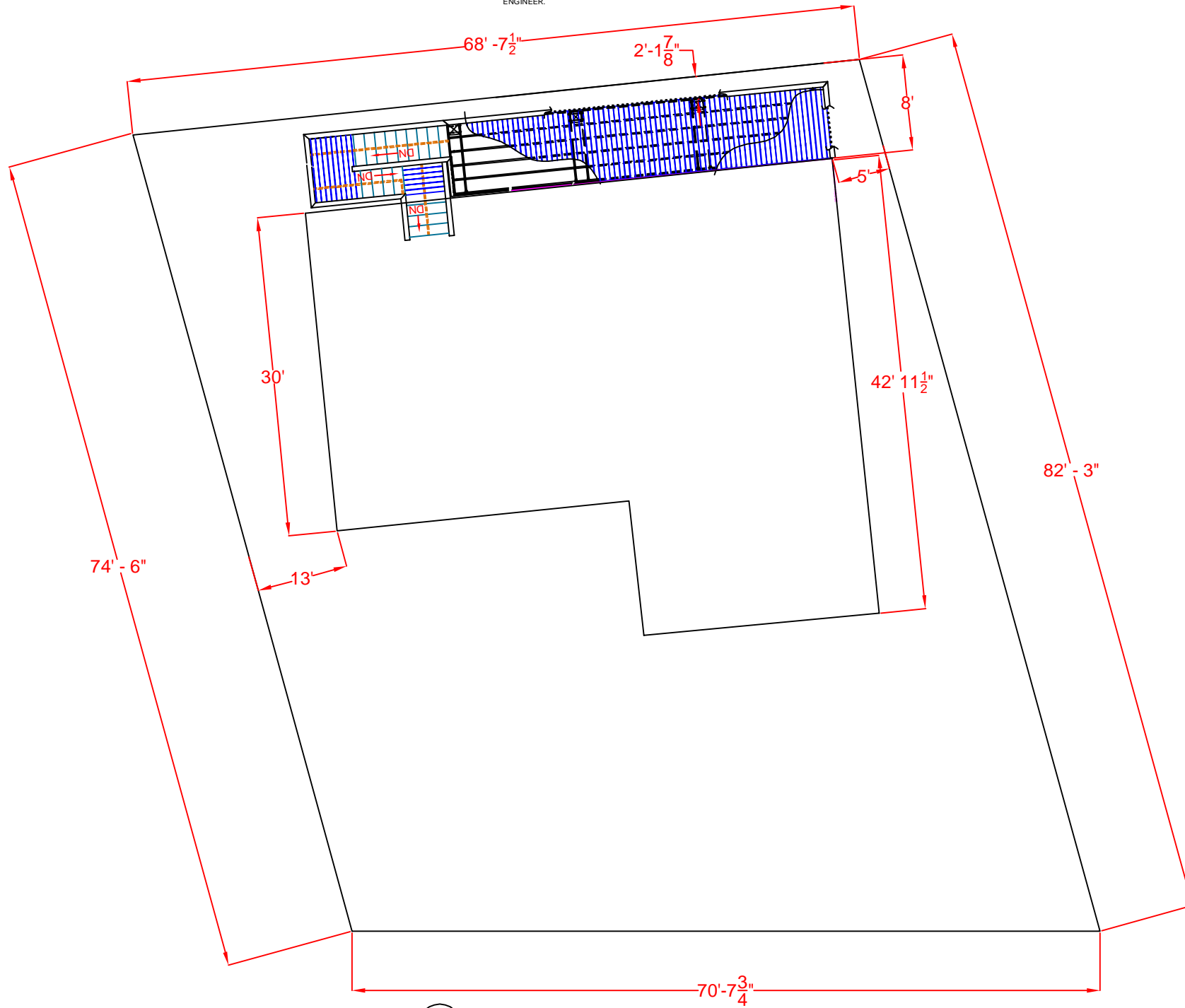
1. ALL PROPOSED DECKS TO MAINTAIN PROPER CITY REQUIREMENTS FROM ANY EXISTING STRUCTURE
2. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION
3. THIS IS NOT A SURVEY, BY DESIGN LLC HAS PROVIDED STRUCTURAL DESIGN ONLY, BY DESIGN HAS NOT PERFORMED ANY TITLE RESEARCH ON THE PROPERTY AND DOES NOT GUARANTEE THE LOCATION OF ANY EXISTING IMPROVEMENTS OR EASEMENTS.
4. THIS PLAN BASED ON SITE INFORMATION PROVIDED BY CLIENT ONLY

1. ALL MATERIALS, WORKMANSHIP, DESIGN AND CONSTRUCTION SHALL CONFORM TO THE DRAWINGS, SPECIFICATIONS, THE INTERNATIONAL BUILDING CODE (2009 EDITION), INTERNATIONAL RESIDENTIAL CODE (2009 EDITION), AND THE CITY OF League City, TX BUILDING CODE AMENDMENTS.
2. DESIGN LOAD CRITERIA:
WIND DESIGN INFORMATION
WIND 130 MPH, EXPOSURE 'C'
3. CONTRACTOR SHALL VERIFY DIMENSIONS AND CONDITIONS FOR COMPATIBILITY AND SHALL NOTIFY ENGINEER OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION
4. CONTRACTOR SHALL PROVIDE TEMPORARY BRACING FOR THE STRUCTURE AND STRUCTURAL COMPONENTS UNTIL ALL FINAL CONNECTIONS HAVE BEEN COMPLETED IN ACCORDANCE TO THE PLANS.
5. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL SAFETY PRECAUTIONS AND THE METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES REQUIRED TO PERFORM THE CONTRACTOR'S WORK. THE STRUCTURAL ENGINEER HAS NO OVERALL SUPERVISORY AUTHORITY OR ACTUAL AND/OR DIRECT RESPONSIBILITY FOR THE SPECIFIC WORKING CONDITIONS AT THE SITE AND/OR FOR HAZARDS RESULTING FROM THE ACTIONS OF ANY TRADE CONTRACTOR. THE STRUCTURAL ENGINEER HAS NO DUTY TO INSPECT, SUPERVISE, NOTE, CORRECT, OR REPORT ANY HEALTH OR SAFETY DEFICIENCIES OF THE OWNER, CONTRACTORS, OR OTHER ENTITIES OR PERSONS AT THE PROJECT SITE.
6. CONTRACTOR-INITIATED CHANGES SHALL BE SUBMITTED IN WRITING TO THE ENGINEER FOR APPROVAL PRIOR TO FABRICATION OR CONSTRUCTION. CHANGES SHOWN ON SHOP DRAWINGS ONLY WILL NOT SATISFY THIS REQUIREMENT.
7. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, SIMILAR DETAILS OF CONSTRUCTION SHALL BE USED, SUBJECT TO REVIEW AND APPROVAL BY THE STRUCTURAL ENGINEER.

8. ALL STRUCTURAL SYSTEMS WHICH ARE TO BE COMPOSED OF COMPONENTS TO BE FIELD ERECTED SHALL BE SUPERVISED BY THE SUPPLIER DURING MANUFACTURING, DELIVERY, HANDLING, STORAGE AND ERECTION IN ACCORDANCE WITH INSTRUCTIONS PREPARED BY THE SUPPLIER.
9. STRUCTURAL ENGINEER ASSUMES THAT FIELD REVIEW SHALL BE PERFORMED BY THE BUILDING OFFICIAL. FIELD REVIEW MEANS THE VISUAL OBSERVATION OF THE STRUCTURAL SYSTEM, FOR GENERAL CONFORMANCE TO THE APPROVED PLANS AND SPECIFICATIONS, AT SIGNIFICANT CONSTRUCTION STAGES AND AT COMPLETION OF THE STRUCTURAL SYSTEM. FIELD REVIEW DOES NOT INCLUDE OR WAIVE THE RESPONSIBILITY FOR THE INSPECTIONS REQUIRED BY OTHER SECTIONS OF THE IBC. PLEASE NOTIFY STRUCTURAL ENGINEER OF ANY DISCREPANCIES THAT HAVE NOT BEEN SATISFACTORILY RESOLVED.

WOOD AND FASTENERS

10. ALL FRAMING MATERIAL TO BE TREATED PINE.
11. DRAWINGS ARE TO SCALE. ORIGINAL PLOT PLANS 24"X36". DO NOT EXCEED SPANS OR LOADING INDICATED ON DRAWINGS.
12. TIMBER CONNECTORS CALLED OUT BY LETTERS AND NUMBERS SHALL BE 'STRONG-TIE' BY SIMPSON COMPANY, AS SPECIFIED BY THERE CATALOG # C-2011 EQUIVALENT DEVICES BY OTHER MANUFACTURERS MAY BE SUBSTITUTED, PROVIDED THEY HAVE ICBO APPROVAL FOR EQUAL OR GREATER LOAD CAPACITIES. PROVIDE NUMBER AND SIZE OF FASTENERS AS SPECIFIED BY MANUFACTURER. CONNECTORS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
13. ALL BOLTS IN WOOD MEMBERS SHALL CONFORM TO ASTM A307. PRE-DRILL HOLES FOR ALL BOLTS AND LAG SCREWS. PROVIDE WASHERS UNDER THE HEADS AND NUTS OF ALL BOLTS AND LAG SCREWS BEARING ON WOOD. PROPER DECK MATE SCREWS SHALL BE USED IN DECK CONSTRUCTION.



A1
S1 PLOT PLAN

PERMIT SET
FOR
CONSTRUCTION
Issue Date: 03/28/2016

ENGINEER STAMP

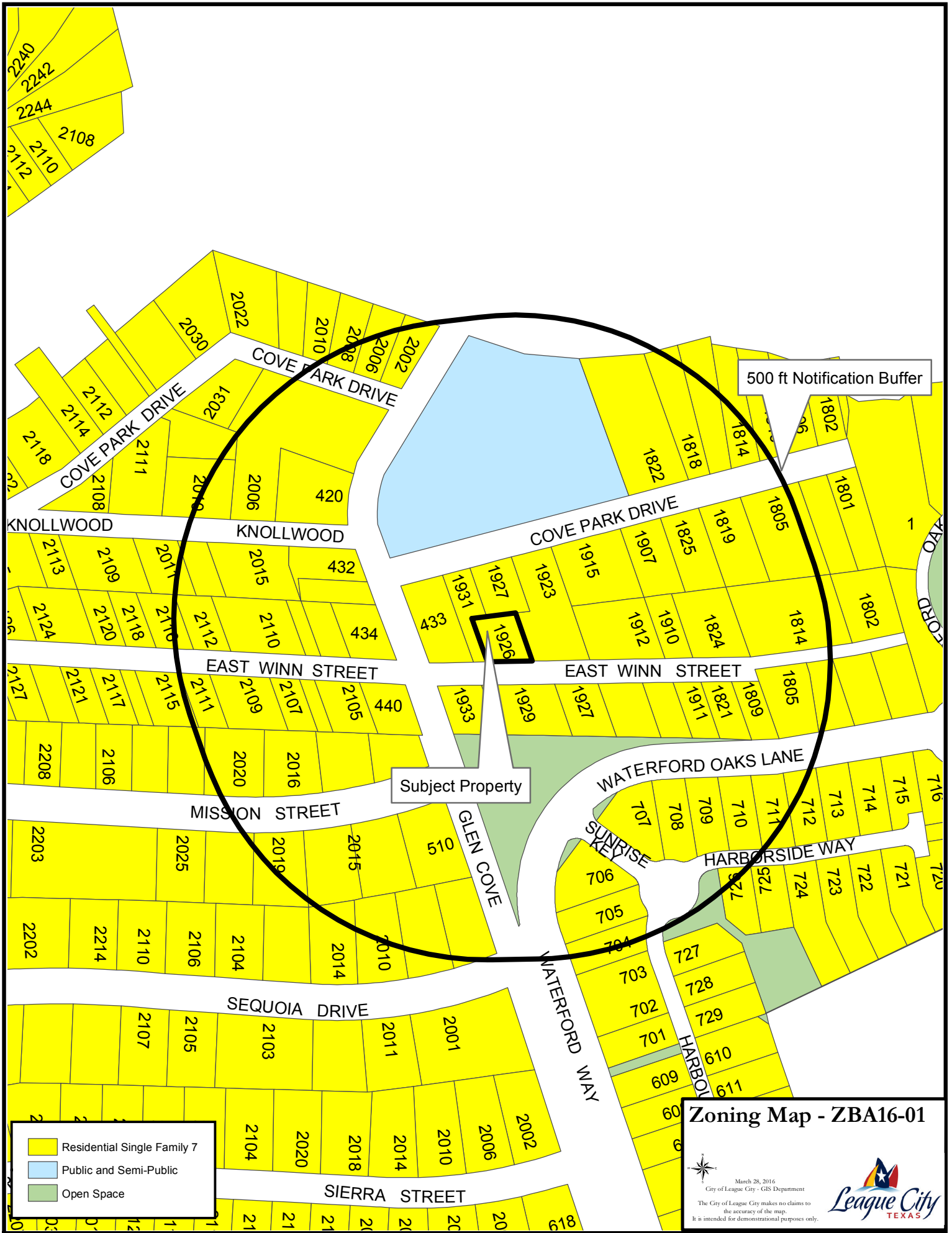
G.C.P. DECK STRUCTURE
Ray, Rodney
1926 E. Winn St.
Kemah, TX
(832) 202-5325
THIS DRAWING REMAINS PROPERTY OF GULF COAST PALAPAS INC. HWY 146 BAYCLIFF TEXAS AND IS INTENDED FOR USE AT THE ABOVE ADDRESS ONLY.

DRAWN BY:

(Project # R.R. 020216)
(PLOT PLAN)

Drawing number:
S1

ASSEMBLY AND CONNECTION DRAWING FOR 7' X 36' (251 S.F.) DECK




- Residential Single Family 7
- Public and Semi-Public
- Open Space

Zoning Map - ZBA16-01

March 28, 2016
 City of League City - GIS Department

The City of League City makes no claims to the accuracy of the map. It is intended for demonstrational purposes only.





PROPOSED
Deck
Area



BACK of 1926 E WINN -
WHERE DECK WILL BE