



EST. 1955

SPRING VALLEY

V I L L A G E

Board of Adjustment Meeting

January 17, 2024

6:00 p.m.



AGENDA

**City of Spring Valley Village
Board of Adjustment Meeting
Council Chambers of City Hall
1025 Campbell Road, Houston, Texas 77055
WEDNESDAY, JANUARY 17, 2024 AT 6:00 P.M.**

The meeting agenda and agenda packet are posted online at www.springvalleytx.com.

The video link to this meeting is <https://us02web.zoom.us/j/82894500077>

The public toll-free dial-in numbers to participate in the telephonic meeting are 1-346-248-7799 (Houston), 1-253-215-8782 (US), and 1-301-715-8592 (US); enter the Meeting ID: 828 9450 0077 and #.

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting.

A recording of the telephonic meeting will be made and will be available to the public in accordance with the Open Meetings Act upon written request.

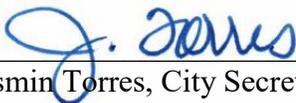
- 1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT**
- 2. APPROVAL OF MEETING MINUTES:** March 29, 2023 Meeting
- 3. CONDUCT A PUBLIC HEARING CONCERNING:** A request from Roland D. and Dawsey D. Romero for a variance from Chapter 12 of the Spring Valley Village’s Code of Ordinances, Planning and Zoning, Section 08:01.06.01, Nonconforming Buildings and Structures, Enlargement or Alteration, allowing an enlargement or alteration of more than fifty-percent (50%) of the floor area or size of the dwelling as the dwelling was originally constructed without being required to bring the dwelling into compliance with the side-yard setback requirement of Section 05:02.03.09.03.01, Side Building Line Setback, Adjoining Another Lot, of the City’s Zoning Ordinance allowing the use of the exception to the Side Building Line Setback set forth in Section 05:02.03.09.03.05, An Exception to the Side Building Line Setback for Pre-existing Dwellings and Pre-existing Garages, of Section 5, Building and Use Restrictions in Dwelling District “A”, to allow enlargement or alteration of property located at 8417 Cedarbrake, in the City of Spring Valley Village, Texas.
 - A. Presentation of Variance Request by Applicant
 - B. Those In Favor

- C. Those Opposed
- D. Adjourn Public Hearing

4. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A request from Roland D. and Dawsey D. Romero for a variance from Chapter 12 of the Spring Valley Village’s Code of Ordinances, Planning and Zoning, Section 08:01.06.01, Nonconforming Buildings and Structures, Enlargement or Alteration, allowing an enlargement or alteration of more than fifty-percent (50%) of the floor area or size of the dwelling as the dwelling was originally constructed without being required to bring the dwelling into compliance with the side-yard setback requirement of Section 05:02.03.09.03.01, Side Building Line Setback, Adjoining Another Lot, of the City’s Zoning Ordinance allowing the use of the exception to the Side Building Line Setback set forth in Section 05:02.03.09.03.05, An Exception to the Side Building Line Setback for Pre-existing Dwellings and Pre-existing Garages, of Section 5, Building and Use Restrictions in Dwelling District “A”, to allow enlargement or alteration of property located at 8417 Cedarbrake, in the City of Spring Valley Village, Texas.

7. **ADJOURNMENT**

I certify that a copy of the January 17, 2024 Board of Adjustment agenda was posted this day, the 12th day of January 2024 at 5:00 p.m. pursuant to the Open Meetings Act, Chapter 551 of the Texas Government Code.

Attest: 

Jasmin Torres, City Secretary

The Board of Adjustments reserves the right to convene in executive session from time to time as deemed necessary during this meeting to discuss any of the matters listed in the agenda.

In compliance with the Americans with Disabilities Act, this facility is wheelchair-accessible and accessible parking spaces are available. To better serve attendees, requests for accommodations or interpretive services should be made 48 hours prior to this meeting. Please contact the City Secretary's office at 713-465-8308, or Email jtorres@springvalleytx.com for further information.

Minutes

**MINUTES OF THE BOARD OF ADJUSTMENT MEETING
CITY OF SPRING VALLEY VILLAGE, TEXAS
WEDNESDAY, MARCH 29, 2023 AT 6:00 P.M.
IN THE COUNCIL CHAMBERS OF CITY HALL
1025 CAMPBELL ROAD, HOUSTON, TEXAS**

1. CALL THE ROLL AND ANNOUNCE A QUORUM IS PRESENT

With a quorum of the Board present, the Meeting of the Spring Valley Village Board of Adjustments was called to order by Acting Chairman William Featherston at 6:00 p.m.

Members Present:

Acting Chairman William Featherston
Board Member Cameron Kreager
Board Member Bradley Jones
Alternate Board Member Susan Diehl
Alternate Board Member Douglas Potts
Alternate Board Member John Byerly (non-voting)

Also present were:

City Attorney Loren Smith
Acting City Administrator Zachary Meadows
Assistant to the City Administrator Carianne Riley

2. APPROVAL OF MEETING MINUTES: February 22, 2022 Meeting

Board Member Cameron Kreager made a motion to approve the February 22, 2022 meeting minutes, and Board Member Bradley Jones seconded the motion. Motion carried 5-0.

3. CONDUCT A PUBLIC HEARING CONCERNING: A Request from Christopher Brian Craft for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Subsection 11:01.05, Permitted Locations, of Section 11, Supplemental District Regulations, to allow the construction of a Fence along the Front Property Line, for the Property Located at 1214 Campbell Road, in the City of Spring Valley Village, Texas.

Acting Chairman Featherston opened the Public Hearing at 6:01 p.m.

A. Presentation of Variance Request by Applicant

Christopher Brian Craft, property owner at 1214 Campbell, spoke on behalf of his request. Mr. Craft applied for a variance at the last meeting and the variance was not approved, so he stated he wanted to try again this month. He gave a quick overview of the situation for the new Board Members present. His home is at 1213 Tamy and the lot at 1214 Campbell is a vacant lot that he also owns and uses as a backyard for the home at 1213 Tamy. These two properties are currently platted separately and cannot be combined due to each lot being tied up in separate loans. If he was able to replat as a single property then the fence would be allowed to be built on the property line according to the ordinances.

Mr. Craft continues to explain that most of the residential properties that back up to

Campbell have fences that are on the property line, thus his fence that is 25 feet back looks out of place. He also mentioned that there is a safety issue due to the proximity of Briar Branch creek.

B. Those In Favor

None.

C. Those Opposed

None.

D. Adjourn Public Hearing

Acting Chairman Featherston closed the Public Hearing at 6:09 p.m.

- 6. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Christopher Brian Craft for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Subsection 11:01.05, Permitted Locations, of Section 11, Supplemental District Regulations, to allow the construction of a Fence along the Front Property Line, for the Property Located at 1214 Campbell Road, in the City of Spring Valley Village, Texas.

Alternate Board Member Douglas Potts made a motion to approve the variance with the condition that the variance expires immediately if the property is sold. Acting Chairman Featherston seconded the motion.

City Attorney Loren Smith reminded the Board that the duty of the Board of Adjustments is to grant variances in the presence of a hardship, and aesthetics are not a legally defined hardship.

Acting Chairman Featherston asked for clarification on the safety issue that Mr. Craft mentioned earlier. Mr. Craft explained that the portion of his property that is next to Briar Branch creek would be exposed and thus leave him open to liability if someone fell off the sidewalk into the creek from his property. Board Member Kreager stated that this situation is not unique to this parcel.

Board Member Kreager explained that according to State statute, none of the evidence that has been presented represents a hardship. In order to change the situation, Mr. Craft would need to go to the Planning and Zoning Commission to request a text amendment to the ordinance. City Attorney Smith confirmed that this would be an option.

Following discussion, motion failed 0-5. A copy of the Decision is attached to these minutes.

7. ADJOURNMENT

Acting Chairman Featherston adjourned the meeting at 6:16 p.m.

Signed: _____

Chairman, Board of Adjustment

Attest: _____
Jasmin Torres, City Secretary

**Spring Valley Village
Board of Adjustment
Agenda Item Data Sheet**

MEETING DATE: January 17, 2024

TOPIC: **CONDUCT A PUBLIC HEARING CONCERNING:** A request from Roland D. and Dawsey D. Romero for a variance from Chapter 12 of the Spring Valley Village’s Code of Ordinances, Planning and Zoning, Section 08:01.06.01, Nonconforming Buildings and Structures, Enlargement or Alteration, allowing an enlargement or alteration of more than fifty-percent (50%) of the floor area or size of the dwelling as the dwelling was originally constructed without being required to bring the dwelling into compliance with the side-yard setback requirement of Section 05:02.03.09.03.01, Side Building Line Setback, Adjoining Another Lot, of the City’s Zoning Ordinance allowing the use of the exception to the Side Building Line Setback set forth in Section 05:02.03.09.03.05, An Exception to the Side Building Line Setback for Pre-existing Dwellings and Pre-existing Garages, of Section 5, Building and Use Restrictions in Dwelling District “A”, to allow enlargement or alteration of property located at 8417 Cedarbrake, in the City of Spring Valley Village, Texas.

BACKGROUND: Roland Romero (“Applicant”) wishes to perform an addition/remodel at 8417 Cedarbrake (“Property”) that increases the non-conformity of the existing home by building to the original 5’ side building setback line instead of the currently required 8’ setback line.

The project was identified as changing over 50% of the original dwelling/floor area, which does not allow the use of the exception in Section 05:02.03.09.03.05.

Zoning Regulations for the City of Spring Valley Village conditionally allow some improvements for legal non-conforming buildings. The two most relevant sections of the Code of Ordinances are as follows:

08:01.06 – Nonconforming buildings and structures

A building or structure lawfully existing on the effective date of this chapter or any applicable amendment hereto, which is made nonconforming by the provisions of this chapter for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

.01 Enlargement or alteration. Except as provided by 05:02.03.09.03.05, a nonconforming building or structure may not be enlarged or altered in a manner that increases its nonconformity; however, a building or structure may be altered to decrease its nonconformity. Further, a nonconforming single family dwelling in Residential District A may be enlarged or altered in a manner that does not increase its nonconformity provided that the enlargement or alteration and any prior enlargements or alterations, whether permitted or not, shall not exceed 50 percent or more of either the floor area or the size of the dwelling as the dwelling was originally constructed.

05.02.03 – Size and Area Requirements

“05:02.03.09.03.05 – An exception to the side building line setback for pre-existing dwellings and pre-existing garages. This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks.

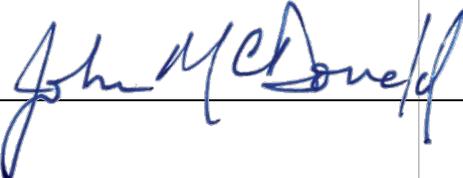
RECOMMENDATION: Not applicable during the public hearing.

ATTACHMENTS:

- Variance Application Packet Submitted by Roland Romero for 8417 Cedarbrake Drive

**Spring Valley Village
Board of Adjustment
Agenda Item Data Sheet**

- Subsection 05:02.03 and 08:01.06 of the Zoning Ordinance
- Notice of Public Hearing and Mailing Labels
- Zoning Change Sign Posting and Maintenance Affidavits

SUBMITTING STAFF MEMBER: John McDonald, City Administrator	CITY ADMINISTRATOR APPROVAL: 
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SPRING VALLEY
VILLAGE

BOARD OF ADJUSTMENTS APPLICATION

PROPERTY INFORMATION

Property Address: 8417 CEDARBRAKE DR HOUSTON TX 77055-4825

Legal Description:

LT 325 & TR 324A BLK 21 SPRING OAKS SEC 4

Present District Zoning: DWELLING DISTRICT A

Action Requested (Circle): Variance Special Exception Appeal

Requested Variance/Special Exception/Appeal Description:

We respectfully request that the Board of Adjustments grant a variance to section 08:01.06.01-Nonconforming buildings and structures, allowing us to go over the 50% threshold without the requirement to bring the existing west side of the dwelling into compliance with current side building line requirements (8'), and still be able to utilize the exception to the side building line setback for pre-existing dwellings and pre-existing garages (Section 05:02.03.09.03.05), allowing us to place our proposed addition at the 5' setback line.

OWNER INFORMATION

Name: ROMERO, ROLAND D & DAWSEY D Phone#: R: 979-575-6571 D: 713-828-5896

Address: 8417 CEDARBRAKE DR HOUSTON TX 77055-4825

Email: dromero@sjs.org; rolanddromero@gmail.com

APPLICANT/AGENT INFORMATION

Name: Phone#:

Address:

Email:

If applicant is different than property owner a **Notarized Letter of Authorization must be attached to the application

PROPERTY OWNER/AGENT AUTHORIZATION

Property Owner Consent/Agent Authorization: By my signature, I hereby affirm that I am the property owner of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is complete and accurate, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates my awareness of the fee required at the time of the application submittal and any additional fees as noted in the City's fee schedule. This fee is non-refundable even in the event of application withdrawal.

Dawsey Romero Roland Romero

Dawsey Romero Roland Romero 11/17/2023

Signature of Contractor/Authorized Agent Printed Name Application Date

FOR OFFICE USE ONLY

BOA Case Number: _____ Date Submitted: _____

BOA Meeting Date: _____ BOA Decision: Approved Denied



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Acrobat X or Adobe Reader X, or later.**

[Get Adobe Reader Now!](#)

Carianne Riley

From: John McDonald
Sent: Wednesday, January 3, 2024 4:39 PM
To: Carianne Riley
Subject: FW: Strong Support for Romero's Variance Request : 8417 Cedarbrake

FYI>

From: Barrett Kirk <bkirk@mcgrathrep.com>
Sent: Wednesday, January 3, 2024 4:23 PM
To: John McDonald <jmcdonald@springvalleytx.com>
Cc: Barrett Kirk <bkirk@mcgrathrep.com>; Nicole Kirk (nicolelkirk@gmail.com) <nicolelkirk@gmail.com>
Subject: Strong Support for Romero's Variance Request : 8417 Cedarbrake

You don't often get email from bkirk@mcgrathrep.com. [Learn why this is important](#)

Mr. McDonald,

I hope this message finds you well. My wife and I reside at 8420 Cedarbrake Dr. and we have been neighbors of Roland and Dawsey Romero since we moved into the neighborhood in 2011. I am reaching out to express our wholehearted support for the Romero's variance request.

Having been in the real estate development profession since 2001, I am well-versed in interpreting City ordinances and codes. Based on my understanding of Spring Valley ordinances and actual experience with a like kind addition to my residence in 2012, I believe the Romero's are well within their rights to proceed with their addition and remodel without having to go to the Board of Adjustments. Based on my interpretation, Ordinance 05:02.03.09.03.05 supersedes 08:01.06.01 regarding the side building line setbacks. Furthermore, the biggest misunderstanding in my opinion is that the City's consultant is saying that the addition is greater than 50 percent. I have reviewed their plans and the Romero's will not exceed 50 percent or more of the floor area or the size of the dwelling as the dwelling was originally constructed. The total covered current square footage is 2,545 S.F. and the new addition of 1,257 S.F represents an increase of 49.39%. Since 100% of the current square footage is "nonconforming", any updates that are done to the existing square footage would not be considered to "increase its nonconformity" as mentioned in the ordinance highlighted below.

My wife and I are committed to attending the public hearing on January 17th to voice our unequivocal support for the Romero's variance request. We believe their plans not only comply with the relevant ordinances but also contribute positively to the aesthetics and value of our street and neighborhood. If you have any questions or would like to discuss, I can be reached on my cell phone at 713-385-2242.

Thank you,

Barrett O. Kirk

Chief Investment Officer

8554 Katy Freeway | Suite 100 | Houston TX 77024-2849

P 713 268 5150 x1004 | M 713 385 2242 | D 346 553 5314

W www.mcgrathrep.com



08:01.06 - Nonconforming buildings and structures.

A building or structure lawfully existing on the effective date of this chapter or any applicable amendment hereto, which is made nonconforming by the provisions of this chapter for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

Enlargement or alteration. Except as provided by 05:02.03.09.03.05, a nonconforming building or structure may not be enlarged or altered in a manner that increases its nonconformity; however, a building or structure may be altered to decrease its nonconformity. Further, a nonconforming single family dwelling in Residential District A may be enlarged or altered in a manner that does not increase its nonconformity provided that the enlargement or alteration and any prior enlargements or alterations, whether permitted or not, shall not exceed 50 percent or more of either the floor area or the size of the dwelling as the dwelling was originally constructed.

05:02.03.09.03.05 An exception to the side building line setback for pre-existing dwellings and pre-existing garages. This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks. (Ordinance 96-10; Ordinance 2003-02 adopted 1-20-03; Ordinance 2009-13 adopted 8-25-09)

BOARD OF ADJUSTMENTS APPLICATION REQUIREMENTS

Attach These Items With Completed Application:

- Letter of Permit Application Denial
- Survey/Plot Plan showing all existing structures with dimensions and distances from property lines
- Project Information
- Proof of Ownership
- Letter from property owner if different from the applicant
- Architectural scale Drawings
- \$350.00 Fee
- Letter stating facts and reasons for Hardship and/or Appeal; Specific answers to the following statements:
 - Special circumstances exist that are peculiar to the land or structure.
 - These special circumstances are not self-imposed or the result of the actions of the applicant.
 - Literal interpretation and enforcement of the terms and provisions of the ordinance would cause an unnecessary and undue hardship.
 - Granting the variance is a minimum action that will make use of the land or structure which is not contrary to the public interest and which would carry out the spirit of the ordinance and would result in substantial justice.
 - 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.
 - Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
 - The variance will not adversely affect the health, safety or welfare of the public.
- The Board may consider the following in relation to their decision on whether to grant a variance or not, please provide an answer to each of the following:
 - The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section [26.01](#), Tax Code.
 - Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur.
 - Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
 - Compliance would result in the unreasonable encroachment on an adjacent property or easement.
 - The Municipality considers the structure to be a nonconforming structure.



TX BBG CONSULTING, INC.

PROPERTY INFORMATION	
Project Address:	8417 Cedarbrake Dr
Review Date:	11/14/2023
Sq. Footage	3805 SF
Floodplain	<input checked="" type="checkbox"/> X (No Floodplain) <input type="checkbox"/> X – Shaded (500-year) <input type="checkbox"/> AE (100-year)
Zoning District	Dwelling District A
ROW Width	<input type="checkbox"/> 50 Feet <input checked="" type="checkbox"/> 60 Feet <input type="checkbox"/> Other Cul-De-Sac
Project Valuation	N/A

PROJECT INFORMATION			
Requirements	Allowed per Ordinance	Provided/BBG	ZM
Non-Conforming Enlargement – 50% criteria	<p>A non-conforming single-family home shall not increase a non-conformity and alteration or enlargement shall not exceed 50 percent or more of the floor area or the size of the dwelling as the dwelling was originally constructed.</p> <p>Sec. 08:01.06</p> <p>Check flood plain and fire sprinklers if over 50%</p>	Over 50% Enlargement/alteration	
Required Setbacks (Prior Non-conforming & not greater than 50% alteration or enlargement)	<p>05:02.03.09.03.05 <u>An exception to the side building line setback for pre-existing dwellings and pre-existing garages.</u> This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer</p>	Does not qualify as over 50% enlargement/alteration	

	to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks. (Ordinance 96-10; Ordinance 2003-02 adopted 1-20-03; Ordinance 2009-13 adopted 8-25-09)		
Minimum Setbacks	Front Setback 25'/60' ROW OR 30'/50' ROW OR Cul-De-Sac 20' (Chap. 12 Sec. 05:02.03.09.02)	Complies 25' provided Existing	
	Rear First Story (10') Rear Property Adjoining a collector street (15') (Chap. 12 Sec. 05:02.03.09.04)	Complies 25'	
	Rear setback Second Story (25') (Chap. 12 Sec. 05:02.03.09.04)	N/A One Story	
	Side yard Adjacent to rear-yard (increased setbacks for second story) – VERIFY. Side Property Adjoining rear of another lot the Second Story setback (15')	N/A One-story	
	Side setback (8') Side Property Adjoining local/collector street (15') Side Property Adjoining Major Thoroughfare (25') (Chap. 12 Sec. 05:02.03.09.03) *note stairs cannot be in required setbacks.	DNC project over 50% Five (5) foot setback	
Required Setbacks (Prior Non-conforming)	05:02.03.09.03.05 <u>An exception to the side building line setback for pre-existing dwellings and pre-existing garages.</u> This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or	Complies 5 feet.	

	garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks. (Ordinance 96-10; Ordinance 2003-02 adopted 1-20-03; Ordinance 2009-13 adopted 8-25-09)		
Lot Coverage behind building line	Max: 60% Impervious Surface (Chap. 12 Sec. 05:02.08)	47.94% Complies	
Lot Coverage in front of building line	Max: 50% Impervious Surface (Chap. 12 Sec. 05:02.08)	18.53% Complies	
Automatic Sprinkler System	An automatic sprinkler system shall be installed in all new buildings and structures containing an enclosed area of 1,000 square feet or more and built for or to be utilized as one of the occupancy classifications defined by the International Fire Code. Provided however, automatic sprinkler installations shall not be required for additions to existing structures, to structures being renovated or remodeled, or to structures being restored as a result of damage or destruction, unless <ul style="list-style-type: none"> (i) (ii) The addition, renovation, remodeling or restoration involves fifty percent (50%) or more of the habitable square footage of the structure subject to such construction.' 	Complies fire letter provided.	
	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals		

Substantial Improvement	<p>or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:</p> <p>** ONLY PERTAINS TO PROPERTIES LOCATED IN THE FLOOD ZONE**</p>	N/A, not located within the flood zone	
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RESIDENTIAL PLAN SUBMITTAL CHECKLIST		
REQUIRED DOCUMENTS	BBG	ZM
Provide a complete and accurate permit application	<input checked="" type="checkbox"/>	
Provide property survey (registered professional land surveyor of the State of Texas)	<input checked="" type="checkbox"/>	
Provide Elevation Certificate (If over 50% of market value and located in flood plain) N/A	<input checked="" type="checkbox"/>	
Provide Energy Code compliance letter/certificate	<input checked="" type="checkbox"/>	
Provide Scaled Floor Plan	<input checked="" type="checkbox"/>	
Provide Fire Sprinkler System; must be provided on all new homes and additions/renovations/remodels over 50% of existing square footage or replacement cost of structure) (Chap. 5)	<input checked="" type="checkbox"/>	
Provide Plumbing Gas Riser, water and DWV diagram (as needed)	<input checked="" type="checkbox"/>	

Plans have been disapproved with the following comments:

1. Provide revised plans in conformance with the zoning ordinance, as the project involves an alteration and enlargement exceeding 50% of the existing square footage. These plans must meet all the requirements of the Zoning Ordinance, including setbacks, garage setbacks, and any other specifications outlined in the zoning ordinance.
2. A Variance will be required from the Zoning Board of Adjustment (ZBA) for any alteration/enlargement exceeding 50% of the existing square footage, as currently designed. The utilization of the non-conforming setback stipulation under Sec. 05:02.03.09.03.05 does not apply, as the proposed alteration/enlargement exceeds 50% of the original home square footage.

Evan DuVall
346-516-4131
TX BBG Consulting

HARRIS CENTRAL APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
0805570000325

Tax Year: 2023



Owner and Property Information								
Owner Name & Mailing Address: ROMERO ROLAND D & DAWSEY D 8417 CEDARBRAKE DR HOUSTON TX 77055-4825				Legal Description: LT 325 & TR 324A BLK 21 SPRING OAKS SEC 4 Property Address: 8417 CEDARBRAKE DR HOUSTON TX 77055				
State Class Code	Land Use Code	Land Area	Total Living Area	Neighborhood	Neighborhood Group	Market Area	Map Facet	Key Map ^A
A1 -- Real, Residential, Single-Family	1001 -- Residential Improved	11,704 SF	2,022 SF	7813.04	25201	394 -- ISD 25 - Memorial Villages North of I-10	5058B	451W

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	03/31/2023	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2022 Rate	2023 Rate
Residential Homestead	025	SPRING BRANCH ISD	261,843	Certified: 08/18/2023	1.268800	1.078900
	040	HARRIS COUNTY	161,843	Certified: 08/18/2023	0.343730	0.350070
	041	HARRIS CO FLOOD CNTRL	161,843	Certified: 08/18/2023	0.030550	0.031050
	042	PORT OF HOUSTON AUTHY	161,843	Certified: 08/18/2023	0.007990	0.005740
	043	HARRIS CO HOSP DIST	161,843	Certified: 08/18/2023	0.148310	0.143430
	044	HARRIS CO EDUC DEPT	161,843	Certified: 08/18/2023	0.004900	0.004800
	080	CITY OF SPRING VALLEY	161,843	Certified: 08/18/2023	0.405000	0.395000

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at [HCAD's information center at 13013 NW Freeway.](#)

Valuations

Value as of January 1, 2022			Value as of January 1, 2023		
	Market	Appraised		Market	Appraised
Land	596,860		Land	629,416	
Improvement	153,345		Improvement	179,800	
Total	750,205	750,205	Total	809,216	809,216

Land

Market Value Land												
Line	Description	Site Code	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	1001 -- Res Improved Table Value	SF1	SF	10,000	1.00	1.00	1.00	--	1.00	58.00	58.00	580,000.00
2	1001 -- Res Improved Table Value	SF3	SF	1,704	1.00	0.50	1.00	--	0.50	58.00	29.00	49,416.00

Building

Building	Year Built	Remodeled	Type	Style	Quality	Impr Sq Ft	Building Details
1	1953	2008	Residential Single Family	Residential 1 Family	Good	2,022 *	Displayed

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above *attached* garages is included in the square footage living area of the dwelling. Living area above *detached* garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

Building Data	
Element	Detail
Cost and Design	Partial
Cond / Desir / Util	Good
Foundation Type	Slab
Grade Adjustment	B-
Heating / AC	Central Heat/AC
Physical Condition	Good
Exterior Wall	Brick / Veneer
Element	Units
Room: Total	6
Room: Full Bath	2
Room: Bedroom	3

Building Areas	
Description	Area
BASE AREA PRI	2,022
MAS/CONC PATIO PRI	702
MAS/BRK GARAGE PRI	453
OPEN MAS PORCH PRI	44

GRAPHIC SCALE



- LEGEND:
- BC - BACK OF CURB
 - CB - CATCH BASIN
 - CLR - CENTER LINE OF ROAD
 - CO - CLEAN OUT
 - CONC. - CONCRETE
 - CONV. - COVERED
 - ED. - EDGE OF CONCRETE
 - ELEV - ELEVATION
 - FC - FIRE CODE
 - FH - FIRE HYDRANT
 - G - GUTTER
 - GM - GAS METER
 - H.C.F. - HARRIS COUNTY CLERKS FILE
 - H.C.D.R. - HARRIS COUNTY DEED RECORDS
 - H.C.M.R. - HARRIS COUNTY MAP RECORDS
 - LP - LIGHT POST
 - LS - LIGHT STANDARD
 - NG - NATURAL GROUND
 - PP - POWER POLE
 - PS - PARKING SPACES
 - SM - SANITARY MANHOLE
 - SSMH - SANITARY SEWER MANHOLE
 - STM - STORM LINE<18"
 - SP - SERVICE POLE
 - SW - SIDEWALK
 - TP - TOP OF PAVEMENT
 - WM - WATER METER
 - WV - WATER VALVE
 - WY - SIGN POST
 - CONCRETE
 - COVERED CONCRETE
 - WROUGHT IRON FENCE LINE
 - WOOD FENCE LINE
 - CHAIN LINK FENCE LINE
 - BARBED WIRE FENCE LINE
 - OHU - OVERHEAD UTILITY LINE
 - EDGE OF ASPHALT LINE

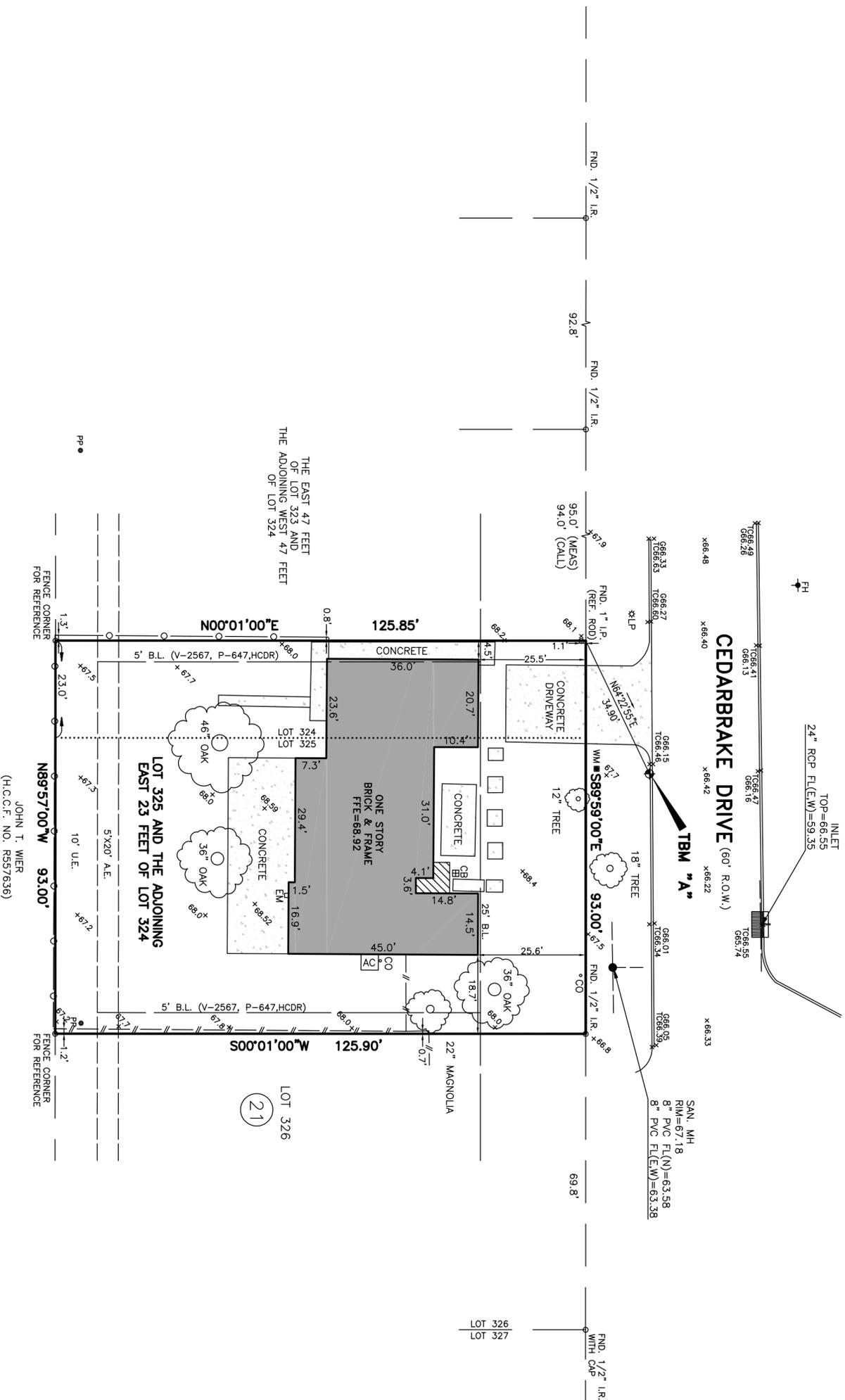
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- WOOD FENCE LINE
- CHAIN LINK FENCE LINE
- BARBED WIRE FENCE LINE
- OHU - OVERHEAD UTILITY LINE
- EDGE OF ASPHALT LINE

PUBLISHED BENCHMARK: ELEVATION 68.31'

FLOODPLAIN REFERENCE MARK NUMBER 210215 IS A BRASS DISC STAMPED W/40 BMO3 FROM THE INTERSECTION OF SINGLE ROAD AND WESTVIEW DRIVE, TAKE A RIGHT ON WESTVIEW TRAVEL EAST ON SINGLE ROAD TO THE INTERSECTION OF SINGLE ROAD AND WESTVIEW DRIVE, TRAVEL CENTERLINE IN KENAP 491W IN THE BUFFALO BAYOU WATERSHED NEAR STREAM W/40-00-00 ELEV. 68.31 FEET NAVD 1988, 2001 ADJUSTMENT.

TEMPORARY BENCHMARK "A" ELEVATION=66.44

CUT BOX ON TOP OF CURB LOCATED NORTH OF THE PROPERTY LINE AND ELEVATION=66.44



NOTES:

1. THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE REPORT.
2. EASEMENTS AND BUILDING LINES PER RECORDED PLAT, UNLESS SHOWN OTHERWISE.
3. ERECTOR SHALL ALLOW PROPERTY LINES AS SHOWN.
4. BUILDER IS RESPONSIBLE FOR DEED RESTRICTIONS.
5. HOUSE OVER THE 5' B.L.

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was made on the ground and that this plat correctly represents the facts found at the time of survey showing any improvements, from legal descriptions supplied by client. There are no encroachments apparent on the ground, except as shown. This survey is only certified for boundary and this transaction only. Surveyor did not abstract property, easements, building lines, etc. shown on or identified by:

GP _____ of _____ N/A

HENRY M. SANTOS, Registered Professional Land Surveyor No. 5450

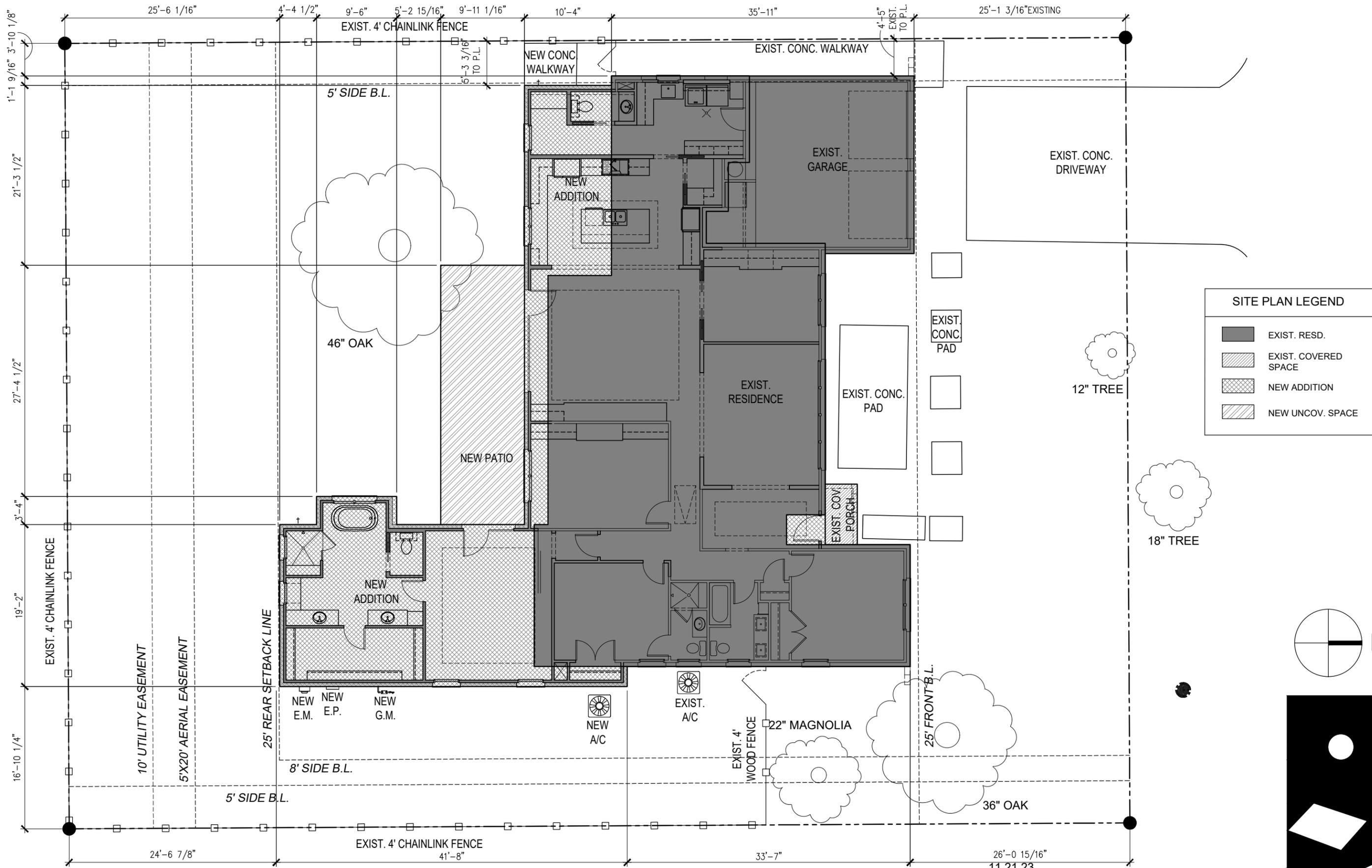


SURVEY OF
LOT 325 AND THE ADJOINING
EAST 23 FEET OF LOT 324, BLOCK 21,
SPRING OAKS, SECTION 4,
ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME 41, PAGE 11 OF THE MAP
RECORDS OF HARRIS COUNTY, TEXAS.

ABSTRACTING BY TITLE COMPANY.
 COPYRIGHT 2020, Advance Surveying, Inc.(Email: advance_surveying@as23.com)

PURCHASER: -		SCALE: 1" = 20'
ADDRESS: 8417 CEDARBRAKE DRIVE, HOUSTON, TEXAS 77055		FIELD WORK: 12-18-20/DB
LENDER: -		DRAFTING: 12-22-20/EG
TITLE CO.: N/A		FINAL CHECK: 12-22-20/AT
JOB NO.: 121113-20-01		REVISIONS:
G.F. NO.: N/A		
KEY MAP: 451W		

ADVANCE SURVEYING, INC.
 10518 KIPP WAY SUITE A-2 • HOUSTON, TEXAS 77099 • TBP/LS FIRM NO. 10099200

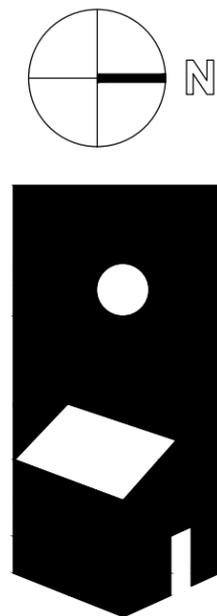


SITE PLAN

SCALE: 3/32" = 1'-0"

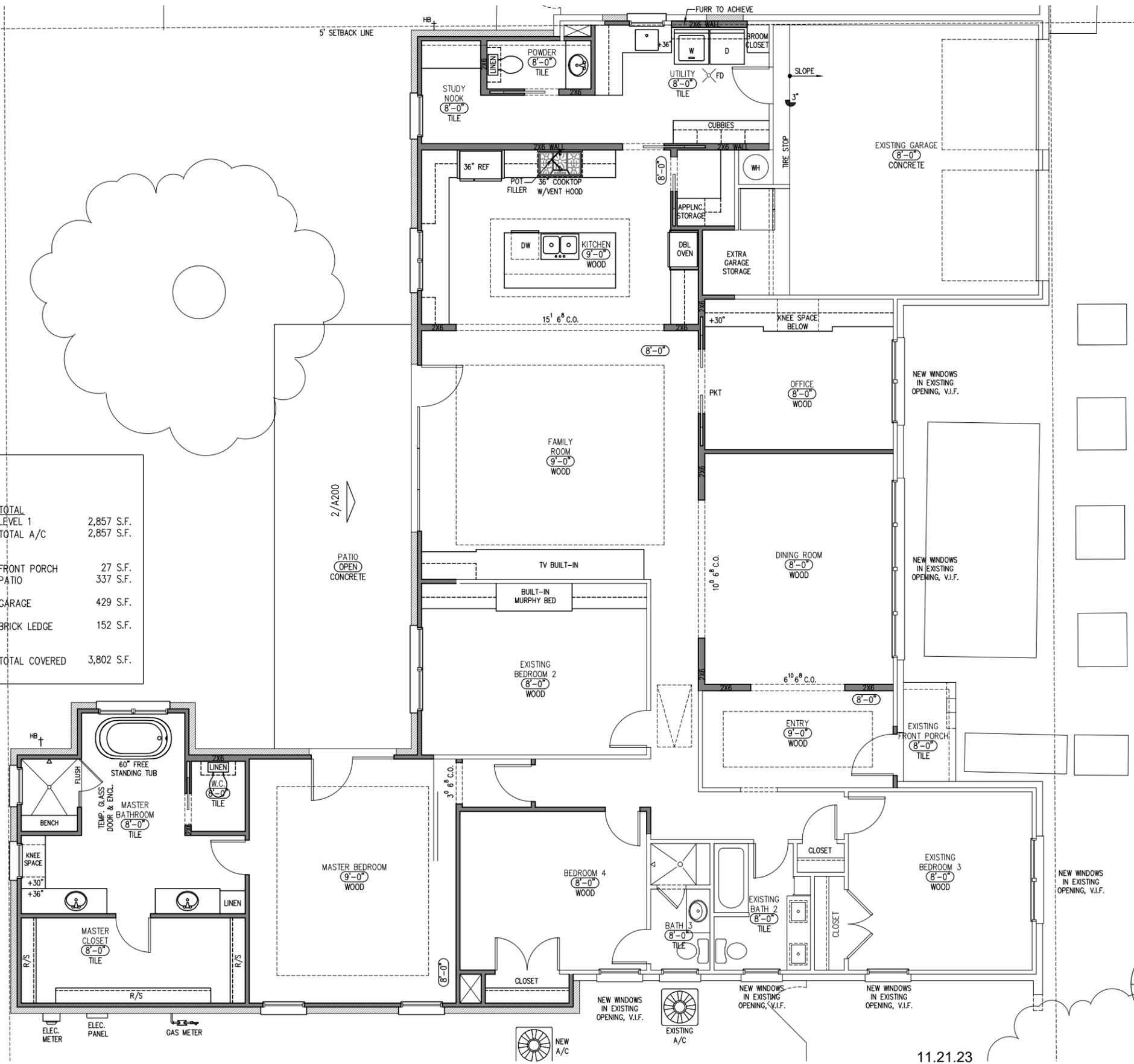
ALLOWABLE LOT COVERAGE			ACTUAL LOT COVERAGE	
LOT AREA	FRONT OF F.B.L. LOT AREA	% COVERAGE	BLDG COVERAGE	% COVERAGE
11,709 S.F.	2,325 S.F.	60.00%	431 S.F.	18.53%
	BEHIND OF F.B.L. LOT AREA	% COVERAGE		
	9,384 S.F.	50.00%	4,499 S.F.	47.94%

11.21.23
8417 CEDARBRAKE DR.
ROMERO RESIDENCE



Square Footage:

EXISTING LEVEL 1	NEW LEVEL 1	TOTAL LEVEL 1	EXISTING TOTAL A/C	NEW TOTAL A/C	TOTAL TOTAL A/C
1,969 S.F.	888 S.F.	2,857 S.F.	1,969 S.F.	888 S.F.	2,857 S.F.
FRONT PORCH	FRONT PORCH	FRONT PORCH	FRONT PORCH	FRONT PORCH	FRONT PORCH
43 S.F.	0 S.F.	-16 S.F.	0 S.F.	337 S.F.	27 S.F.
PATIO	PATIO	PATIO	PATIO	PATIO	PATIO
417 S.F.	12 S.F.	429 S.F.	417 S.F.	12 S.F.	429 S.F.
GARAGE	GARAGE	GARAGE	GARAGE	GARAGE	GARAGE
116 S.F.	36 S.F.	152 S.F.	116 S.F.	36 S.F.	152 S.F.
BRICK LEDGE	BRICK LEDGE	BRICK LEDGE	BRICK LEDGE	BRICK LEDGE	BRICK LEDGE
2,545 S.F.	1,257 S.F.	3,802 S.F.	2,545 S.F.	1,257 S.F.	3,802 S.F.
TOTAL COVERED	TOTAL COVERED	TOTAL COVERED	TOTAL COVERED	TOTAL COVERED	TOTAL COVERED



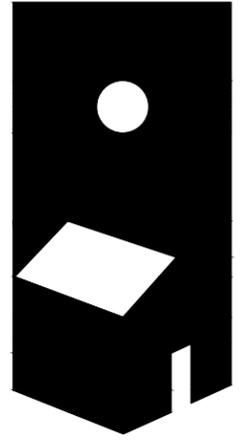
WALL LEGEND

- NEW WALLS
- NEW BRICK WALLS
- EXISTING WALLS

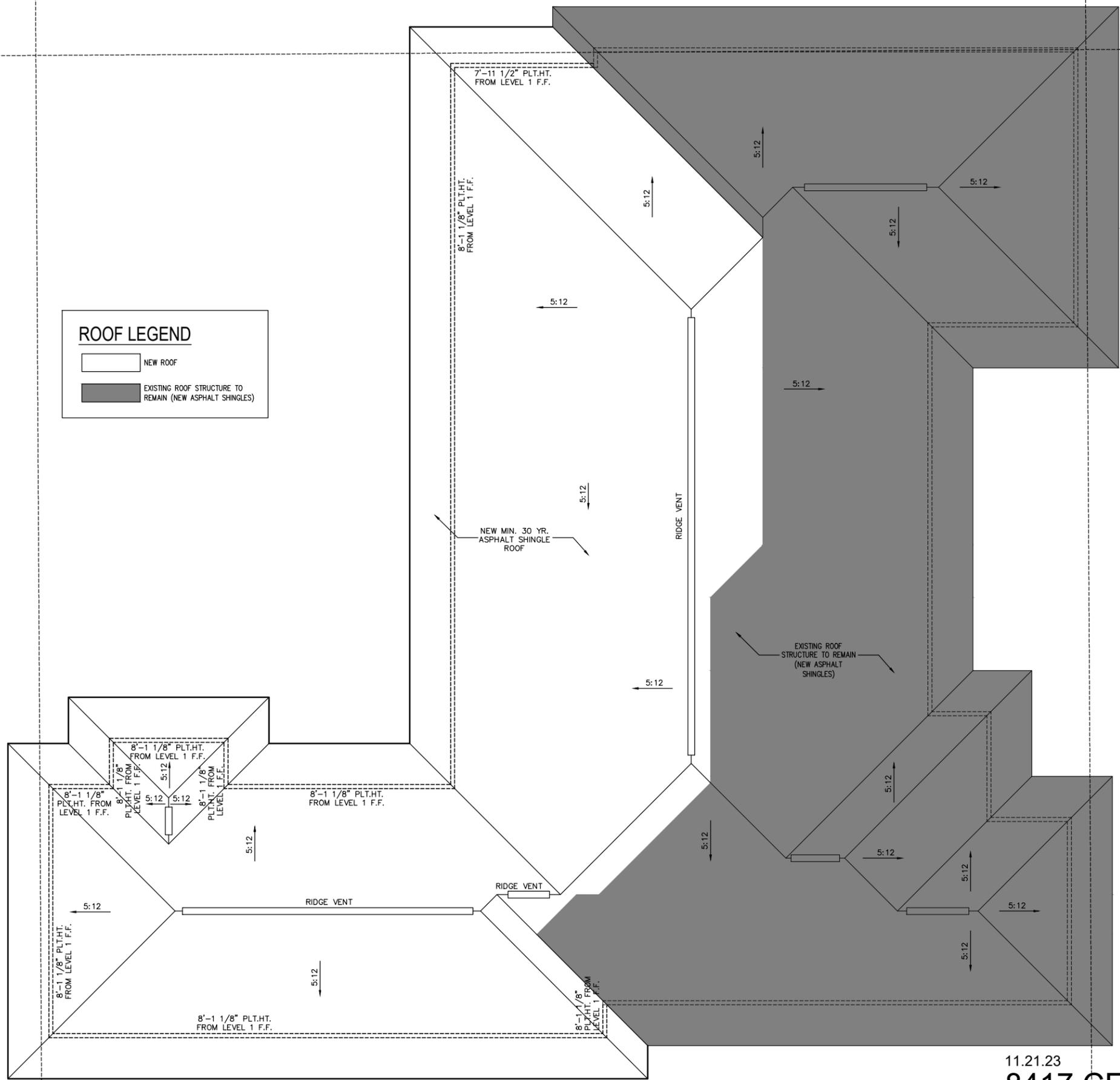
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

11.21.23
8417 CEDARBRAKE DR.
 ROMERO RESIDENCE

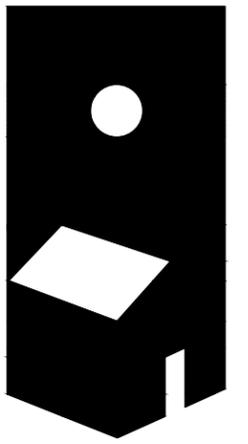
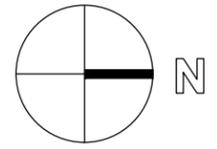


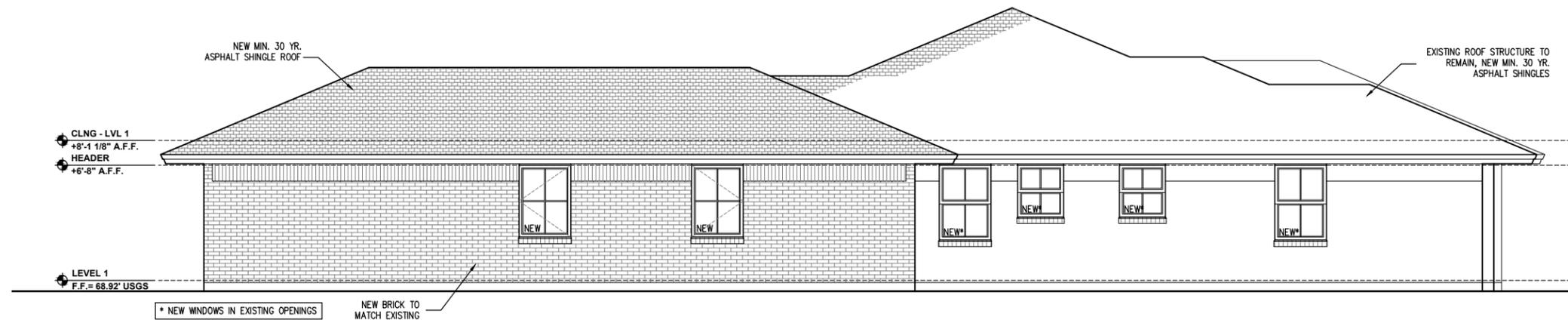
ROOF LEGEND	
	NEW ROOF
	EXISTING ROOF STRUCTURE TO REMAIN (NEW ASPHALT SHINGLES)



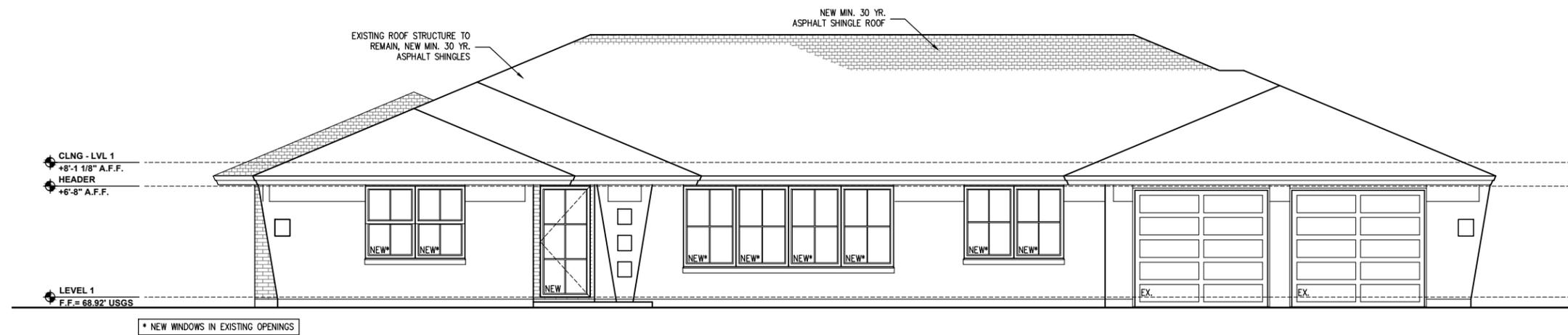
ROOF PLAN
SCALE: 1/8" = 1'-0"

11.21.23
8417 CEDARBRAKE DR.
ROMERO RESIDENCE





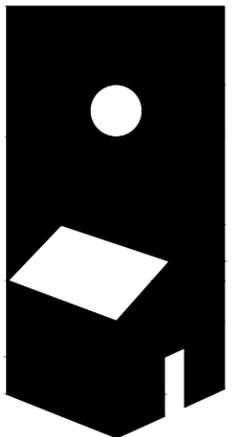
LEFT ELEVATION

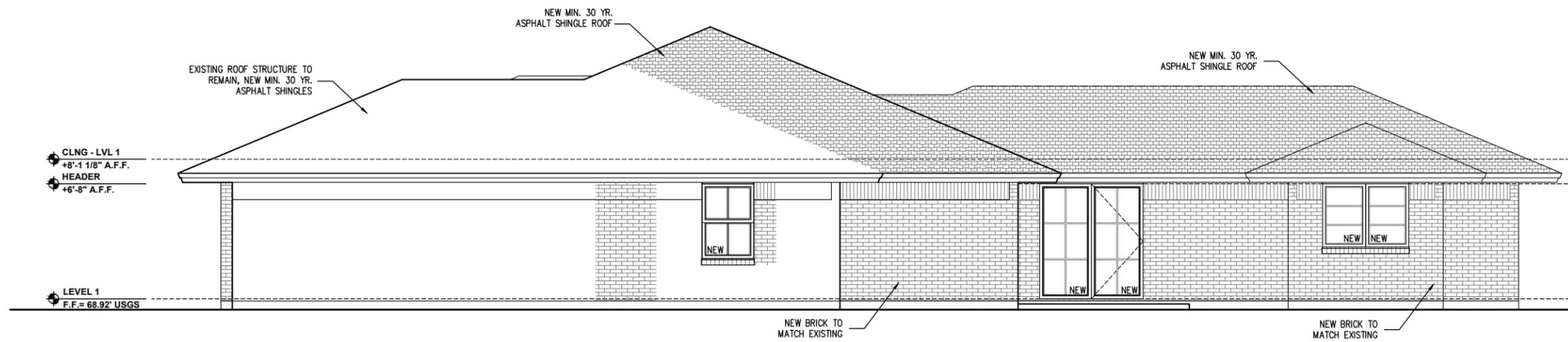


FRONT ELEVATION

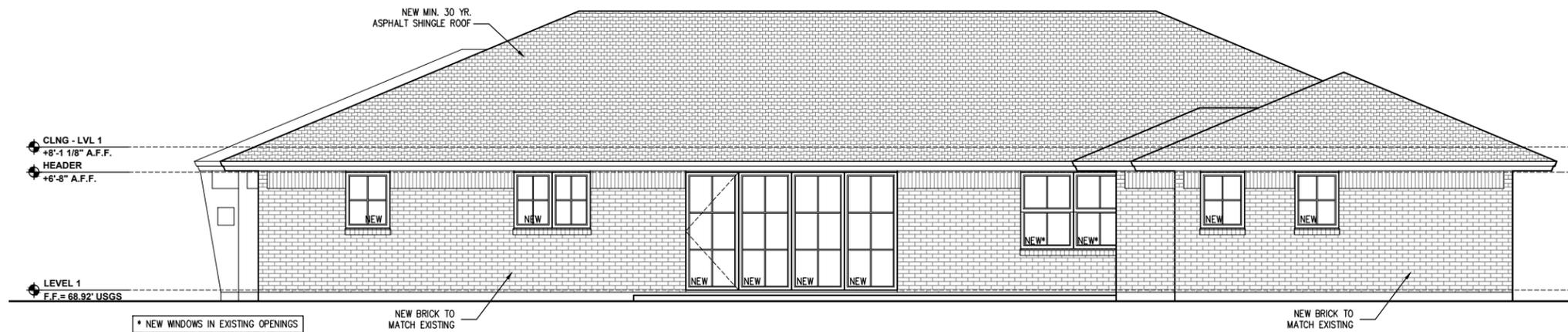
PROPOSED ELEVATIONS
SCALE: 1/8" = 1'-0"

11.21.23
8417 CEDARBRAKE DR.
ROMERO RESIDENCE





RIGHT ELEVATION



REAR ELEVATION

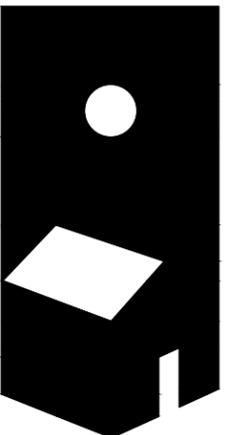
PROPOSED ELEVATIONS

SCALE: 1/8" = 1'-0"

11.21.23

8417 CEDARBRAKE DR.

ROMERO RESIDENCE



MEMORANDUM

DATE: November 17, 2023

TO: City of Spring Valley Board of Adjustments

FROM: Dawsey and Roland Romero, Owners

SUBJECT: VARIANCE REQUEST FOR 8417 CEDARBRAKE DR. 77055 - ROMERO HOME

As residents of 8417 Cedarbrake Dr. going on 13 years now, we hope that the Board will give consideration to, and approval for, our request for variance. Our intent has always been to improve our property while honoring and maintaining the 1950's charm of the original neighborhood. Below are the answers to the statements provided on the application to support our appeal.

- Special circumstances exist that are peculiar to the land or structure. ***The home and its existing encroachments were built in 1953, prior to Spring Valley being formed as a city and prior to any ordinances.***
- These special circumstances are not self-imposed or the result of the actions of the applicant. ***It is not.***
- Literal interpretation and enforcement of the terms and provisions of the ordinance would cause an unnecessary and undue hardship. ***Based on the proposed floor plans affecting more than 50% of the original structure thus leading to the section 08:01.06.01 requiring the home to brought into compliance with current standards. This would mean demolishing around 132 sf on the West side of the home to comply with the 8' side setback. We would be removing too much width from the existing garage to continue calling it a 2-car garage, which would then warrant an extensive remodel/addition to bring back a 2-car garage as required by section 05:02.01.01. We would also not be in compliance with section 05:02.01.04 requiring that front facing garages be a minimum of 5 ft. back from the front wall of the house, which would also warrant an extensive remodel/addition to come back into compliance with that standard. These changes would lead to moving/replacing the existing driveway and curb cut and the new garage layout/location would cause the need for new roof framing. All of this would change the character of this midcentury home which is what we are trying to preserve and all of these items are above and beyond the current budget for this project.***
- Granting the variance is a minimum action that will make use of the land or structure which is not contrary to the public interest and which would carry out the spirit of the ordinance and would result in substantial justice. ***Granting the variance is in the spirit of maintaining the historic character of Spring Valley and the mid-century modern look of the 1953 built home. This project will also increase conformity to current code in the following areas: Electrical, Plumbing, HVAC, and fire sprinklers.***
- 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. ***It will not. In fact, the renovation plans seek to retain the original character and setback of the neighborhood and celebrate the neighborhood's old history, scale and charm.***
- Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located. ***It will not.***

- The variance will not adversely affect the health, safety or welfare of the public.
It will not. Again, if the variance is granted, the West side of the dwelling will continue the same setback distance that has been in place since it was built in 1953.

The Board may consider the following in relation to their decision on whether to grant a variance or not, please provide an answer to each of the following:

- The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code.
True. As of March 3, 2023, 8417 Cedarbrake Drive's assessed Improvement value was \$179,800. The costs of bringing the home into existing compliance standards as they relate to setbacks would far exceed 50 percent of the appraised value (\$89,900). A new build in-line with the square footage involved in the current project would cost approximately \$1.2M.
- Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur.
It would not.
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
True. Removing approximately 3' from the west side of the home in order to comply with the 8' side setback requirement would make the existing 2-car garage into a 1-car garage which is not in compliance with section 05:02.01.01. We would also need to move the garage towards the rear of the home to comply with section 05:02.01.04 requiring the front of the garage to be a minimum of 5 ft. back from the front of the house.
- Compliance would result in the unreasonable encroachment on an adjacent property or easement.
It will not. The neighbor to the West where this encroachment is has provided a letter in support of our addition at the 5 feet line.
- The Municipality considers the structure to be a nonconforming structure.
Since the home was built in 1953 before Spring Valley was a city and the West side of the existing home is approximately 4.5' from the West property line, the home has been nonconforming since the city was formed.

We respectfully request that Board of Adjustment grant a variance to section 08:01.06.01- Nonconforming buildings and structures, allowing us to go over the 50% threshold without the requirement to bring the existing west side of the dwelling into compliance with current side building line requirements (8'), and still be able to utilize the exception to the side building line setback for pre-existing dwellings and pre-existing garages (Section 05:02.03.09.03.05), allowing us to place our proposed addition at the 5' setback line.





DIVIDER PAGE

05:02.03 Size and Area Requirements:

In construing this Ordinance, all measurements shall be made to the property lines inclusive of any portion of easements within the property lines, so as that the area contained in any easement within the property lines shall be considered a part of the Lot in question for the purposes of determining building lines.

- .01 Minimum Lot Area: All residential Lots shall have a minimum Lot area of ten thousand (10,000) square feet with a minimum of nine thousand (9,000) square feet exclusive of easements.
- .02 Maximum height. No building or structure more than thirty-six feet (36') in height shall be erected in Dwelling District "A". (See also Building or Structure Height to setback ratio (3:5 below).)
- .03 Maximum stories. No building or structure more than two stories shall be erected in Dwelling District "A".
- .04 Reserved. (Ordinance 2006-05 adopted 3-28-06)
- .05 Reserved. (Ordinance 2006-05 adopted 3-28-06)
- .06 Minimum Floor Area Per Dwelling Unit. Each dwelling unit shall have a minimum ground floor, as that term is defined in this subsection, of fourteen hundred (1,400) square feet in area, exclusive of porches, garage, and laundry rooms. The ground floor of a dwelling unit is the living space area most proximate to the foundation slab or other support foundation, upon which such structure is located. (Ordinance 194)
- .07 Maximum Foundation Height. The foundation slab or other support foundation of a structure shall not exceed a height of four feet (4') above the average surrounding finished grade of the ground upon which such structure is located. (Ordinance 194)
- .08 Maximum Lot Coverage. The maximum coverage of any lot with any constructed surface shall not exceed sixty percent (60%) of the lot area located behind the required front building line, and shall not exceed fifty percent (50%) of the lot area located in front of the required front building line. "Constructed surface" shall include for computation of lot coverage buildings, garages, accessory buildings, patios, sidewalks, driveways, any area surfaced for automobiles, and other constructed surface areas, but shall exclude stepping stones, air conditioner supports, landscape border stones, wooden decks, and similar materials or structures. Provided, further, that the water surface area of a swimming pool shall not be counted as constructed surface in the computation of the maximum coverage of any lot, and that pavers (a.k.a. paver stones, brick pavers, or concrete pavers, however named) shall be counted as constructed surface in the computation of the maximum coverage of any lot. (Ordinance 2004-01 adopted 1-20-04)
- .09 Building line setbacks: (Ordinance 231)

-
- .09.01 General: The following restrictions shall apply to all construction of or addition to new or pre-existing buildings, dwellings, garages, and accessory use buildings.
- .09.02 Front building line setbacks:
- .09.02.01 Adjoining a local or collector street. For a lot fronting a local or collector street having a right-of-way width of sixty feet (60'), the minimum front building line setback shall be twenty-five feet (25'). For a lot fronting a local or collector street having a right-of-way width of fifty feet (50'), the minimum front building line setback shall be thirty feet (30'). (Ordinance 2007-05 adopted 3-20-07)
- .09.02.02 Adjoining a Major Thoroughfare. For a lot adjoining a major thoroughfare, other than Westview Drive, the front building setback line shall be twenty-five feet (25'). All garages facing a major thoroughfare must be setback a minimum of thirty-eight feet (38'), measured from the inside edge of any public sidewalk nearest the associated front property line.
- Lots Adjoining Westview Drive. Except as provided herein, for a lot adjoining and facing Westview Drive the front building setback line shall be twenty-five feet (25'); provided, however, for a lot adjoining and facing Westview Drive on the north side of Westview Drive between Bracher Street and Bingle Road, the front building setback line shall be forty feet (40'). All garages must be setback a minimum of thirty-eight feet (38') from the inside edge of any public sidewalk nearest the associated front property line, subject to the provisions of Section 05:02.01.04. (Ordinance 2018-27 adopted 10-23-18; Ordinance 2019-12 adopted 5-21-19; Ordinance 2019-14 adopted 6-25-19)
- .09.02.03 Adjoining a Cul-de-sac turnaround. For a lot fronting the turnaround portion of a cul-de-sac, the minimum front building line setback shall be twenty feet (20'). (Ordinance 2007-05 adopted 3-20-07)
- .09.02.04 Setback Adjustment. If a lot fronts a right-of-way of less width than the minimum required in the City's Subdivision Development Ordinance or the City's Street and Thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.
- .09.02.05 Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the front building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than twenty-five feet (25').
- .09.03 Side building line setback.

-
- 09.03.01 Adjoining another lot. For adjoining side property lines, the side building setback shall be not less than eight feet (8'). Where a side property line adjoins the rear property line of adjacent property, the side yard setback for the second story shall be not less than fifteen feet (15'). (Ordinance 2006-05 adopted 3-28-06)
- .09.03.02 Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum side building line setback shall be fifteen feet (15').
- .09.03.03 Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum side building line setback shall be twenty-five feet (25').
- .09.03.04 Setback adjustment. If a side lot line adjoins a right-of-way of less width than the minimum required by the City's Subdivision Development Ordinance or the City's Street and thoroughfare plan, there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.
- .09.03.05 An exception to the side building line setback for pre-existing dwellings and pre-existing garages. This subsection is applicable to pre-existing dwellings and pre-existing garages only. It is the intent of this subsection to permit a one-story enlargement or a one-story alteration of a pre-existing dwelling or pre-existing garage (whether one story or greater) within the side setback area as described in this subsection. A dwelling or garage that was constructed (pre-existing only) from the side property line of an adjoining lot, street or major-thoroughfare as permitted by the city's regulations then in effect may be enlarged or altered within the side building line setback adjoining another lot, street or major-thoroughfare provided that the one-story enlargement or one-story alteration is no closer to the side lot line than the pre-existing structure and is no closer than five feet from the side property line of the adjoining lot, street, or major thoroughfare. Further, the one-story enlargement or the one-story alteration within the current side setback area of the adjoining lot, street or major-thoroughfare shall not exceed in height the one-story height of the pre-existing structures on the lot based upon their first floor plate height and roof slope. This exception applies only to side building line setbacks. (Ordinance 96-10; Ordinance 2003-02 adopted 1-20-03; Ordinance 2009-13 adopted 8-25-09)
- .09.04. Rear building line setback.
- 09.04.01 Rear setback. For adjoining rear property lines, the rear building setback shall be not less than ten feet (10') for the first story, and not less than twenty five feet (25') for the second story. Where a rear property line adjoins the side property line of adjacent property, the rear yard setback shall be not less than ten feet (10'). (Ordinance 2006-05 adopted 3-28-06)

-
- .09.04.02 Adjoining a local or collector street. Adjoining a local or collector street right-of-way the minimum required rear building setback shall be fifteen feet (15').
 - .09.04.03 Adjoining a major-thoroughfare. Adjoining a major-thoroughfare the minimum required rear building line setback shall be twenty-five feet (25').
 - .09.04.04 Setback adjustment. If a lot backs up to a right-of-way of less width than the minimum as required in the City's Street and Thoroughfare Plan there shall be added to the setback additional footage to compensate for the deficit, in order to preserve setbacks and the alignment of homes.
 - .09.04.05 Pre-existing lot. If the pre-existing lot depth is less than the minimum depth required by the City Subdivision Development Ordinance, the rear building line setback shall not be less than the setback shown on the pre-existing recorded plat, but in no event less than ten feet (10').

.10 Driveway Width, Transition, and Separation.

- .10.01 Except as provided by subsection 10.04 below, the maximum driveway width at the line of intersection with the street pavement shall not exceed twenty-four feet (24'), plus the corner radii at each intersection and the maximum width of the driveway located within the right-of-way shall not exceed twenty-four feet (24').
- .10.02 Residential access ways, or curb cuts, shall meet or exceed the minimum standards set by the City. (See, e.g., Article 3.1200—Regulations for the Cutting of Streets).
- .10.03 No curb cut shall be located within twenty-four feet (24') of a street intersection.
- .10.04 Lots that are adjacent to Campbell Road or Bingle Road and a minor street shall have vehicular driveways connecting with the minor street only.
- .10.05 Where the driveway provides direct access to a garage containing more than two (2) parking spaces and the garage fronts a side-street, then the corresponding curb cut shall not exceed thirty-six feet (36').
- .10.06 Only one (1) curb cut is permitted per residence; provided, however, a second curb cut is permitted when connected to a circular driveway. Except as provided by subsection 10.04, the total width of all curb cuts per residence shall not exceed twenty-four feet (24') plus the corner radii at each intersection.
- .10.07 If more than one (1) curb cut (that is street transition) is constructed on the same lot, such curb cuts shall be separated (nearest edge to nearest edge as measured along the street curb) by a minimum distance of at least twenty feet (20'). The driveways corresponding to the two (2) curb cuts must interconnect as a circular driveway, and at least one (1) curb cut must correspond to a driveway to the dwelling unit's garage or alternative enclosed vehicle parking space.

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- .10.08 A parking pad is permitted only if it is contiguous to the driveway, it is a paved surface, and it is located entirely outside the City right-of-way.
 - .10.09 It shall be unlawful for any person to cause or permit the placement or construction of a vehicular driveway, or any portion thereof, which violates the provisions of this section.

(Ordinance 2013-03 adopted 2-26-13; Ordinance 2019-12 § 3 adopted 5-21-19)

08:01.06 Nonconforming buildings and structures.

A building or structure lawfully existing on the effective date of this chapter or any applicable amendment hereto, which is made nonconforming by the provisions of this chapter for the reason that it could not be built under the terms hereof because of restrictions set forth herein relating to building area, lot coverage, height, yards, setback requirements, its location on the lot, or other requirements pertaining to buildings and structures, it may be continued as long as it remains otherwise lawful, subject to the following limitations and conditions:

- .01 Enlargement or alteration. Except as provided by 05:02.03.09.03.05, a nonconforming building or structure may not be enlarged or altered in a manner that increases its nonconformity; however, a building or structure may be altered to decrease its nonconformity. Further, a nonconforming single family dwelling in Residential District A may be enlarged or altered in a manner that does not increase its nonconformity provided that the enlargement or alteration and any prior enlargements or alterations, whether permitted or not, shall not exceed 50 percent or more of either the floor area or the size of the dwelling as the dwelling was originally constructed.
- .02 Destruction of building and structures.
 - .01. In the event a nonconforming building or structure or the nonconforming portion thereof is destroyed by any force or means to the extent of more than 50 percent of its replacement cost at the time of such destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
 - .02. Provided, however, that, except as limited by subsections 08.01.06.02.03 and .04 below, if a dwelling or garage in Residential District A is destroyed by accident, by illegal destruction by persons other than the owner, or by an act of God, then the nonconforming dwelling or garage may be rebuilt in accordance with the setbacks for the original dwelling or garage;
 - .03. Provided, further, that if a new foundation is constructed or required for a dwelling or garage destroyed by accident, by illegal destruction by persons other than the owner, or by an act of God, then the new foundation and the dwelling or garage shall not be reconstructed except in conformity with the provisions of this chapter; and

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- .04. Provided, further, that no nonconforming detached garage may be enlarged or attached to a dwelling if the garage is located less than five feet from the side property line or less than ten feet from the rear property line.
- .03 Moved or relocated. Should any such nonconforming building or structure be relocated or moved any distance whatever for any reason, it shall thereafter be made to conform to the regulations of the district in which it is relocated or to which it is moved.
- .04 Accessory buildings or structures. Except as provided by Subsection 08.01.06.02 above, a nonconforming accessory building or structure shall be removed or made to conform if (i) the main building on the lot upon which such nonconforming building or structure is located is damaged or destroyed to the extent of more than 50 percent of its replacement value at the time of such damage or destruction, and (ii) the value of the nonconforming accessory building or structure does not exceed ten percent of the replacement value of the main building. Provided further, if the cumulative value of all nonconforming accessory buildings and structures exceeds 25 percent of the replacement value of the main building, only those nonconforming buildings having a cumulative replacement value of less than 25 percent of such replacement value shall be made to conform, calculated with the nonconforming accessory building or structure having the lowest replacement value first and that with the highest replacement value last.

(Ordinance 2008-01 adopted 1-15-08; Ordinance 2009-13 adopted 8-25-09; Ordinance 2009-17 adopted 12-15-09)

DIVIDER PAGE



EST. 1955

SPRING VALLEY VILLAGE

December 28, 2023

Dear Property Owner:

Notice Is Hereby Given To Hear Comments And Testimony Regarding The Following Proposed Variance:

A request from Roland D. and Dawsey D. Romero for a variance from Chapter 12 of the Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 08:01.06.01, Nonconforming Buildings and Structures, Enlargement or Alteration, allowing an enlargement or alteration of more than fifty-percent (50%) of the floor area or size of the dwelling as the dwelling was originally constructed without being required to bring the dwelling into compliance with the side-yard setback requirement of Section 05:02.03.09.03.01, Side Building Line Setback, Adjoining Another Lot, of the City's Zoning Ordinance allowing the use of the exception to the Side Building Line Setback set forth in Section 05:02.03.09.03.05, An Exception to the Side Building Line Setback for Pre-existing Dwellings and Pre-existing Garages, of Section 5, Building and Use Restrictions in Dwelling District "A", to allow enlargement or alteration of property located at 8417 Cedarbrake, in the City of Spring Valley Village, Texas.

The **Board of Adjustments** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

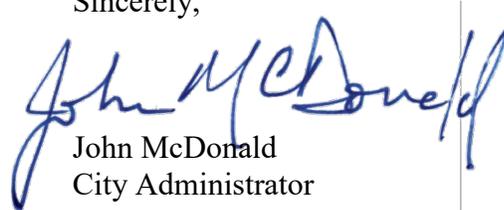
Date: Wednesday, January 17, 2024

Time: 6:00 p.m.

Location: Council Chambers of Spring Valley Village City Hall, 1025 Campbell Road

This notice is being sent to you as current property records indicate that you own property in close proximity to 8417 Cedarbrake. All interested parties are invited to attend both public hearings and will have the opportunity to be heard. For further information, please contact me at (713) 465-8308 or jmcdonald@springvalleytx.com.

Sincerely,



John McDonald
City Administrator

OWNER / CURRENT RESIDENT
8405 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8425 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8406 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8433 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8409 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
5 BURKHART FOREST CT
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8410 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
6 BURKHART FOREST CT
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8413 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
7 BURKHART FOREST CT
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8416 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8404 BURKHART ROAD
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8417 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8410 BURKHART ROAD
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8420 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8418 BURKHART ROAD
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8421 CEDARBRAKE DRIVE
HOUSTON, TX 77055

OWNER / CURRENT RESIDENT
8424 CEDARBRAKE DRIVE
HOUSTON, TX 77055

**PUBLIC NOTICE
CITY OF SPRING VALLEY VILLAGE, TEXAS
NOTICE OF PUBLIC HEARING**

Notice Is Hereby Given To Hear Comments And Testimony Concerning The Following:

A request from Roland D. and Dawsey D. Romero for a variance from Chapter 12 of the Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 08:01.06.01, Nonconforming Buildings and Structures, Enlargement or Alteration, allowing an enlargement or alteration of more than fifty-percent (50%) of the floor area or size of the dwelling as the dwelling was originally constructed without being required to bring the dwelling into compliance with the side-yard setback requirement of Section 05:02.03.09.03.01, Side Building Line Setback, Adjoining Another Lot, of the City's Zoning Ordinance allowing the use of the exception to the Side Building Line Setback set forth in Section 05:02.03.09.03.05, An Exception to the Side Building Line Setback for Pre-existing Dwellings and Pre-existing Garages, of Section 5, Building and Use Restrictions in Dwelling District "A", to allow enlargement or alteration of property located at 8417 Cedarbrake, in the City of Spring Valley Village, Texas.

The **Board of Adjustment** of the City of Spring Valley Village will hold a public hearing regarding this request to provide all interested parties the right to appear and request information on:

Date: Wednesday, January 17, 2024

Time: 6:00 p.m.

Location: Council Chambers
Spring Valley Village City Hall
1025 Campbell Road
Houston, TX 77055

For additional information regarding this public hearing, please contact the City Administrator, John McDonald at (713) 465-8308.

DIVIDER PAGE



AFFIDAVIT OF SIGN POSTING

(Re)Zoning Case No. RADD-2023-0013

Date of Board of Adjustment Meeting: January 17th 2024

In accordance with the requirements of Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village, Texas, I ROLAND D. ROMERO hereby certify that I have posted or caused to be posted Zoning Change Notification sign(s) on the property subject to zoning change, located at 8417 Cedar brake Dr
Houston TX 77055

Posting of said signs was accomplished on January 6th 2024 as provided for in Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village. Said signs have been posted in a manner which provides an unobstructed view and which allows clear reading from the public right(s)-of-way along 8417 Cedar brake Dr.

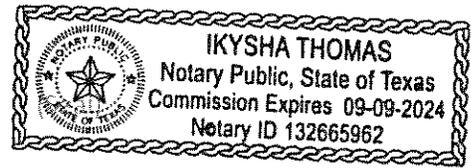
I further certify that this affidavit was filed with the Building Department of the City of Spring Valley Village within the time provisions of Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village.

Executed this date: January 8th 2024

Printed Name of Applicant or Authorized Representative for Zoning Case No. ROLAND ROMERO

Signature of Applicant or Authorized Representative for Zoning Case No. [Signature]

Sworn and subscribed before me on this date: JAN. 8, 2024



Notary Public [Signature]

PLEASE NOTE: Failure to post the notification sign(s) on the property by the close of business (4:30 pm) seven (7) days prior to the Board of Adjustment public hearing shall result in the postponement of consideration by the Board.

STAFF USE ONLY:

Date/Time submitted: _____ Verified by: _____

AFFIDAVIT OF SIGN MAINTENANCE



SPRING VALLEY

(Re)Zoning Case No. RADD-2023-0013

Date of Board of Adjustment Meeting: January 17th 2024

In accordance with the requirements of Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village, Texas, I ROLAND D. ROMERO hereby certify that Zoning Change Notification sign(s) have been maintained on the property subject to zoning change, located at 8417 Cedarbrake Dr.

Houston TX 77055

I further certify that this affidavit was filed with the Building Department of the City on date January 8th 2024 within the time provisions of Section 01:03:02 of Exhibit 'A' of Chapter 12 of the Code of Ordinances of the City of Spring Valley Village.

I understand that I am required to remove said signs within seven (7) calendar days of any final action on the application taken by the City of Spring Valley Village Board of Adjustment regarding the zoning change.

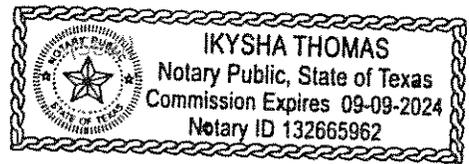
Executed this date: January 8th 2024

Printed Name of Applicant or Authorized Representative for Zoning Case No. ROLAND ROMERO

Signature of Applicant or Authorized Representative for Zoning Case No. RD. ROM

Sworn and subscribed before me on this date: JAN. 8, 2024

Notary Public [Signature]



PLEASE NOTE: Failure to maintain the signs prior to the Board of Adjustment public hearing may result in postponement of consideration if the applicant has not attempted to replace damaged or missing signs upon notification by Staff.

FOR STAFF USE ONLY:

Date/Time submitted: _____ Verified by: _____

**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

MEETING DATE: January 17, 2024

TOPIC: **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A request from Roland D. and Dawsey D. Romero for a variance from Chapter 12 of the Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 08:01.06.01, Nonconforming Buildings and Structures, Enlargement or Alteration, allowing an enlargement or alteration of more than fifty-percent (50%) of the floor area or size of the dwelling as the dwelling was originally constructed without being required to bring the dwelling into compliance with the side-yard setback requirement of Section 05:02.03.09.03.01, Side Building Line Setback, Adjoining Another Lot, of the City's Zoning Ordinance allowing the use of the exception to the Side Building Line Setback set forth in Section 05:02.03.09.03.05, An Exception to the Side Building Line Setback for Pre-existing Dwellings and Pre-existing Garages, of Section 5, Building and Use Restrictions in Dwelling District "A", to allow enlargement or alteration of property located at 8417 Cedarbrake, in the City of Spring Valley Village, Texas.

BACKGROUND: In the previous agenda item, the Board of Adjustment held a public hearing concerning a variance request for setback requirements pertaining to a legal non-conforming structure at 8417 Cedarbrake.

Criteria for Evaluation of Variance Request.

Variations should be granted only in limited instances. Section 211.009 of the Texas Local Government Code provides that a Board of Adjustment may "authorize in specific cases a variance from the terms of the zoning ordinance if:

1. The variance is not contrary to the public interest; and
2. Due to special conditions, a literal enforcement of the ordinance would result in an unnecessary hardship; and
3. So that the spirit of the ordinance is observed and substantial, justice is done.
4. The financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
5. Compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
6. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

**Spring Valley Village Board of Adjustment
Agenda Item Data Sheet**

7. Compliance would result in the unreasonable encroachment on an adjacent property or easement; or
8. The municipality considers the structure to be a nonconforming structure.

The “special conditions” and “unnecessary hardship” phrases have been the subject of numerous appellate court decisions.

Hardship Test: Does the enforcement of the ordinance destroy **any reasonable use** of his property? (*Reiter v. City of Keene*, 601 S.W.2d 547 (Tex. App. – Waco 1980, writ dismissed)).

In other words: “Is the environment such that the lot is not reasonably adapted to a conforming use?” (*Board of Adjustment v. Stovall*, 218 S.W.2d 286 (Tex. Civ. App. – Fort Worth 1949, no writ)).

RECOMMENDATION: None

ATTACHMENTS: • None

SUBMITTING STAFF MEMBER:

John McDonald, City Administrator

CITY ADMINISTRATOR APPROVAL:

