



EST. 1955

**SPRING VALLEY**

V I L L A G E

**Board of Adjustment Meeting**

**August 14, 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, AUGUST 14, 2024 AT 6:00 P.M.**

The meeting agenda and agenda packet are posted online at [www.springvalleytx.com](http://www.springvalleytx.com).

The video link to this meeting is <https://us02web.zoom.us/j/81428838638>

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: 814 2883 8638 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. CONDUCT A PUBLIC HEARING CONCERNING:** A Request from Isel Isern and Eduardo Caballero for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.13, Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line. To allow placement of free-standing mechanical equipment to be placed three (3) feet and six (6) inches at 8602 Cedardale Drive 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
- 3. CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Isel Isern and Eduardo Caballero for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.13, Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line. To allow placement of free-standing mechanical equipment to be placed three (3) feet and six (6) inches at 8602 Cedardale Drive in the City of Spring Valley Village, Texas

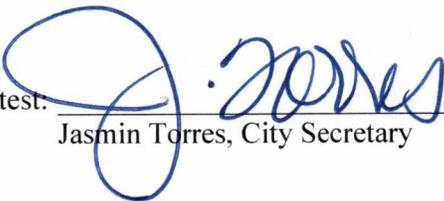
4. **CONDUCT A PUBLIC HEARING CONCERNING:** On a request from Paul Skrabanek for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". an expansion of a nonconforming structure at 8618 Westview Drive 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

5. **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** On a request from Paul Skrabanek for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". an expansion of a nonconforming structure at 8618 Westview Drive in the City of Spring Valley Village, Texas.

6. **ADJOURNMENT**

I certify that a copy of the August 14, 2024, Board of Adjustment agenda was posted this day, the 9<sup>th</sup> day of August 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](mailto:jtorres@springvalleytx.com) for further information.

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

**MEETING DATE:** August 14, 2024

**TOPIC:** **CONDUCT A PUBLIC HEARING CONCERNING:** A Request from Isel Isern and Eduardo Caballero for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.13, Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line. To allow placement of free-standing mechanical equipment to be placed three (3) feet and six (6) inches at 8602 Cedardale Drive 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 to allow placement of free-standing mechanical equipment to be placed three (3) feet and six (6) inches at 8602 Cedardale Drive

Isel Isern and Eduardo Caballero ("Applicants") submitted a request to install a standby generator to their existing residence and place a standby generator (3) feet and six (6) inches from the property line located at 8602 Cedardale Drive ("Property")

The proposed generator location does not meet city regulations.

The Code of Ordinances; Chapter 12, Planning and Zoning; Section Five, Building and Use Restrictions in Dwelling District "A"; Section 05:02.13, states:

Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line.

Section 01:03.02.04, Variances details five criteria when in determining an unnecessary hardship:

1. 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.
  - a. Financial cost is not greater than 50 percent of the appraised value of the structure.
2. 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.
  - a. Compliance would not result in a loss to the lot where structure is located on as it is currently being

used as residence.

3. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - a. Currently the structure does comply with city code.
4. Compliance would result in the unreasonable encroachment on an adjacent property or easement.
  - a. Compliance would not result in encroachment on adjacent property or easement.
5. The Municipality considers the structure to be a nonconforming structure.
  - a. The city considers the structure to be conforming.

Section one: Purpose and Administration 01:03.02 Board of Adjustment.

Purpose. Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed, and substantial justice done.

Standards. The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

The Code of Ordinances sets for criteria for the evaluation of a variance request:

Criteria for Evaluation of Variance Request.

Variances 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:

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

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;
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)).

Moreover, a hardship must be more than financial.

- “Unnecessary Hardship” language expressly limits ZBOA’s power to grant a variance:
  - “The Code expressly provides that the unique circumstances existing on the property so as to justify granting a variance must be something other than a financial hardship. A variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning ordinance does not permit any reasonable use of such lot.” (*Board of Adjustment of the City of San Antonio v. Willie*, 511 S.W. 2d 591 (Tex. Civ. App. –

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

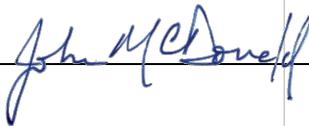
San Antonio 1974, writ ref'd n.r.e.))

- Financial hardship is not a special condition envisioned by the statute. (*Bat'tles v. Board of Adjustment and Appeals of the City of Irving*, 71 S.W.2d 297 (Tex. App. – Dallas 1986, no writ).

**RECOMMENDATION:** Not applicable during the public hearing.

**ATTACHMENTS:**

- Variance Application Packet Submitted by Isel Isern and Eduardo Caballero for 8602 Cedardale Drive
- Notice of Public Hearing and Mailing Labels
- Zoning Change Sign Posting and Maintenance Affidavits

<b>SUBMITTING STAFF MEMBER:</b>	<b>CITY ADMINISTRATOR APPROVAL:</b>
Jose J Gomez, Development Services Manager	



EST. 1955

**SPRING VALLEY**  
VILLAGE

**Community Development**  
**City of Spring Valley Village**

**BOARD OF ADJUSTMENTS APPLICATION**

**PROPERTY INFORMATION**

Property Address: 8602 Cedardale Drive

Legal Description: LT 3 Waldron

Present District Zoning: Residential

Action Requested (Circle):  Variance  Special Exception  Appeal

Please see attached letter and documents

**OWNER INFORMATION**

Name: Isel Isern & Eduardo Caballero Phone#: 713 501 6866

Address: 8602 Cedardale Dr.

Email: imiser@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.

[Signature] Isel Isern Caballero 6/6/24

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

SCALE: 1 = 20'

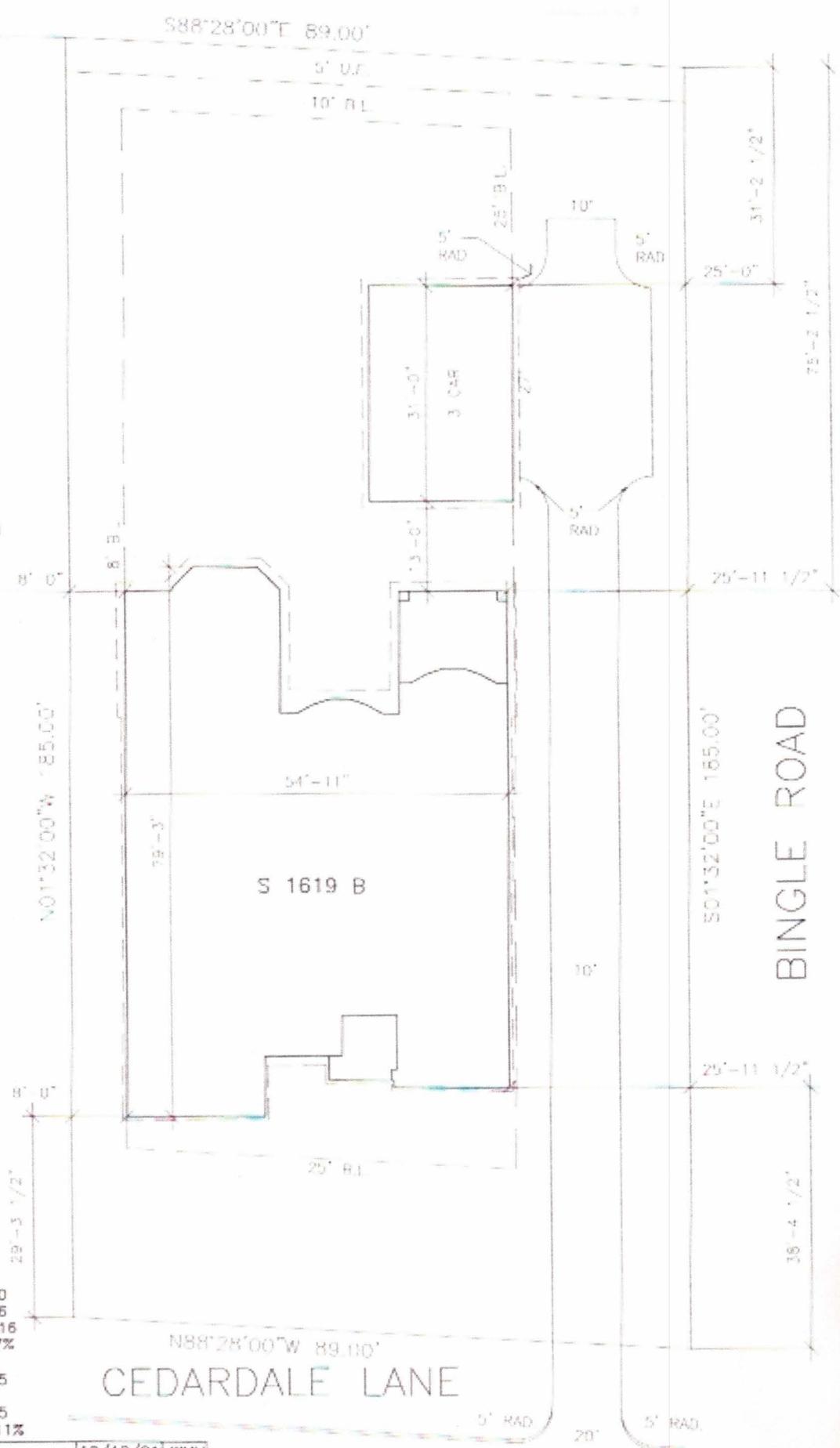
This plot plan has been provided by David Weekley Homes Inc. based on a survey and other information provided by the purchasing customer and their contractors. The home is located on the property per homeowner's approval. David Weekley Homes Inc. assumes no responsibility for omission of items not represented on the survey or other information provided to us.

*Handwritten signature: Abel Henry Dalton*  
 Homeowner(s) signature(s)

HOUSE: 3721  
 GARAGE: 640  
 FLATWORK: 1917  
 LOT: 16441  
 COVERAGE: 38.2%

OPEN AREA: 8290  
 COVERAGE: 5926  
 REAR YARD: 14216  
 PERCENT COVERAGE: 41.7%

OPEN AREA: 1975  
 COVERAGE: 250  
 FRONT YARD: 2225  
 PERCENT COVERAGE: 11.11%



89.00' N88°28'00"W  
 CEDARDALE LANE

165.00' S01°32'00"E  
 BINGLE ROAD

4	REV. TO MATCH ARCH	12/18/01	WMH
3	REV. FROM LEFT SIDE INTURN	12/17/01	WMH
2	REV. DRIVE, SHOW TOTAL COV.	11/13/01	WMH
1	REV. FROM 2-CAR	9/24/01	WMH

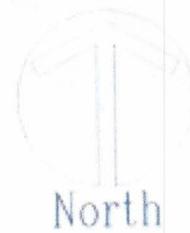
project 1103  
 1102

job 0349-0045

# HOSKINS LAND SURVEYORS, INC.

14450 T.C. JESTER #130, HOUSTON, TEXAS 77014  
PHONE 281-440-9236 FAX 281-893-9739

R2405



## CEDARDALE LANE

- NOTES:
1. BEARINGS ARE BASED ON RECORDED PLAT.
  2. RESTRICTIONS: VOL. 240 PG. 53 H.C.M.R. & VOL. 2596 PG. 222 H.C.D.R.
  3. SUBJECT TO CITY OF HOUSTON ORDINANCE #89-1312. & 85-1878.
  4. SUBJECT TO ZONING ORDINANCES BY CITY OF SPRING BRANCH VALLEY, TEXAS.

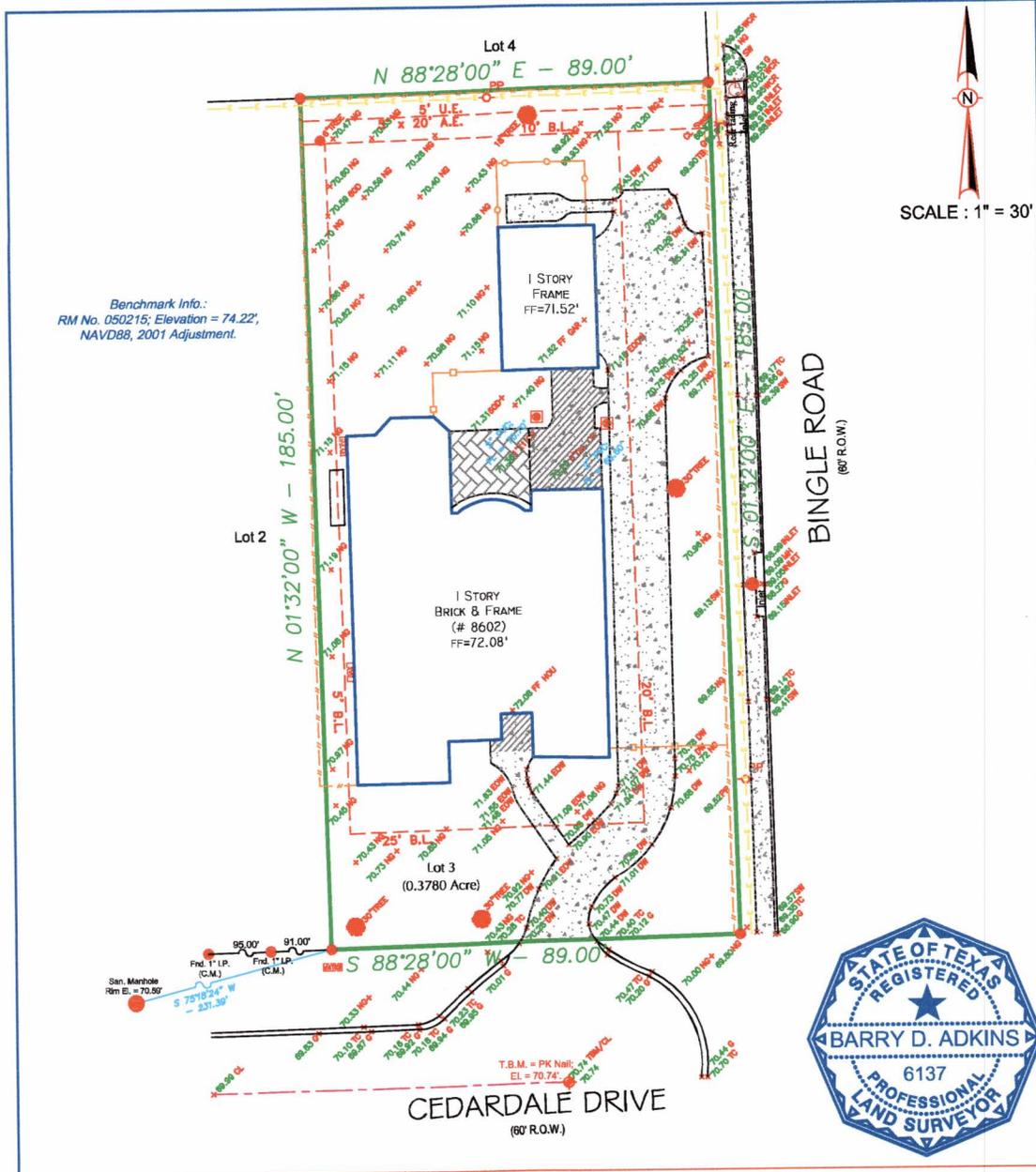
BY GRAPHIC PLOTTING ONLY, THE PROPERTY SHOWN HEREON DOES NOT LIE WITHIN THE DESIGNATED 100 YR. FLOOD PLAIN. NO DETERMINATION IS MADE AS TO WHETHER PROPERTY WILL OR WILL NOT ACTUALLY FLOOD. FIRM PANEL NO. 480313 D646 J ZONE X DATE 11-6-96

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH TITLE



PLAT OF PROPERTY FOR  
EDUARDO CABALLERO, ISEL M. CABALLERO  
AT 8602 CEDARDALE LANE  
LOT 3  
WALDRON SUBDIVISION  
VOL. 240 PG. 53 H.C.M.R.





Notes :

- Basis for Bearings: Record plat.
- Distances shown are ground distances.
- All abstracting done by title company.
- All B.L.'s & U.E.'s taken from recorded plat unless otherwise noted.
- Dimension ties from improvements to property lines are calculated and should NOT be relied upon for construction and/or removal of any improvements including fences.
- Building dimensions may not be used to calculate square footage.
- This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.

- LEGEND :
- = Wood Fence
  - = Chain Link
  - = Wrought Iron
  - PP = Power Pole
  - = Overhead Powerline
  - = Tree
  - I.P. = Iron Pipe
  - P.I.P. = Pinch Iron Pipe
  - WATER = Water Meter
  - C.M. = Control Monument
  - STR.S.E. = Storm Sewer Easement
  - SAN.S.E. = Sanitary Sewer Easement
  - = Manhole
  - ⊕ = Catch Basin

*B. Adkins* 09/14/2020  
**BARRY D. ADKINS, R.P.L.S. No. 6137**  
 This survey is certified for this transaction only, is not transferable to additional institutions or subsequent owners. If this survey does not bear an original BLUE seal it is invalid and should not be relied upon for any purpose.

This property appears to be out of the 100 year flood plain (Zone X); as per insurance rate map 48201C0645 L, dated 06/18/2007.  
 This determination to be used for flood insurance rate purposes ONLY and is NOT to be relied upon for ANY other purpose. Surveyor makes no representation as to whether property may Flood.

LOT: 3	BLOCK: *	SUBDIVISION: WALDRON	SECTION: *
RECORDATION: VOLUME 240, PAGE 53 OF THE MAP RECORDS		COUNTY: HARRIS	
ADDRESS: 8602 CEDARDALE DRIVE		CITY: HOUSTON	STATE: TEXAS
		ZIP CODE: 77055	



We, J.L. Waldron and Troy L. Waldron, owners in fee simple of the property subdivided in the above and foregoing map of Waldron Subdivision do hereby make subdivision of said property, according to the lines, streets, lots, alleys, parks, building lines and easements therein shown, and designate said subdivision as WALDRON SUBDIVISION in Tract 54-D of the A.L. Osborne Survey, Ab. 610, Harris County, Texas; and dedicate to public use, as such, the streets, alleys, parks, easements (to extend as an unobstructed aerial easement directly vertical twenty (20) feet) shown thereon forever; and to hereby bind ourselves, our heirs and assigns to warrant and forever defend title to the land so dedicated. There are no liens on this subdivision.

We hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes.

Before me, on this day personally appeared J.L. Waldron and Troy L. Waldron respectively, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed and in the recitals therein stated.

Given under my hand and seal of office this 1st day of July, 1976.

TROY L. WALDRON

J.L. WALDRON

Charlotte Simpson  
Notary Public  
Harris County, Texas  
CHARLOTTE SIMPSON

OFFICE OF  
R. E. TURRENTINE, JR., P.E. (TEX-632)  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
MAP RECORDS OF COUNTY CLERK  
VOL. 240 PAGE 54

WALDRON SUBDIVISION

THIS IS PAGE 2 OF 3 PAGES

I, Gordon Smith, Flood Control Engineer of Harris County Flood Control District, Harris County, Texas, do hereby certify that the plat of this subdivision complies with requirements for internal subdivision drainage as adopted by Commissioners of the County however, no certification is given to the effect of drainage from this subdivision on the interception drainage artery or parent stream or on any other area of subdivision within the watershed.

Gordon Smith  
Gordon Smith

FILED  
SEP 18 11 43 AM 1976

1 COUNTY CLERK  
HARRIS COUNTY, TEXAS

instru  
filed  
1976  
rec'd  
day  
THIS COPY  
INSTRUMENT  
IS APPROVED  
BY THE CLERK  
AFTER RECORDING

David D. Layton  
Mayor of City of Spring Valley  
1976  
DAVID D. LAYTON

This is to certify that the City Engineer of Spring Valley, Texas has approved this plat of the Waldron Subdivision as shown hereon.

IN TESTIMONY WHEREOF witness the official signature of the City Engineer of Spring Valley, Texas, this 3rd day of September, 1976.

Richard W. St. John  
RICHARD W. ST. JOHN, P.E.

All public water lines and fire hydrants shall be the property of the City of Spring Valley, Texas upon installation.

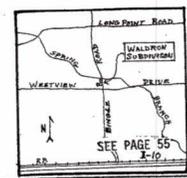
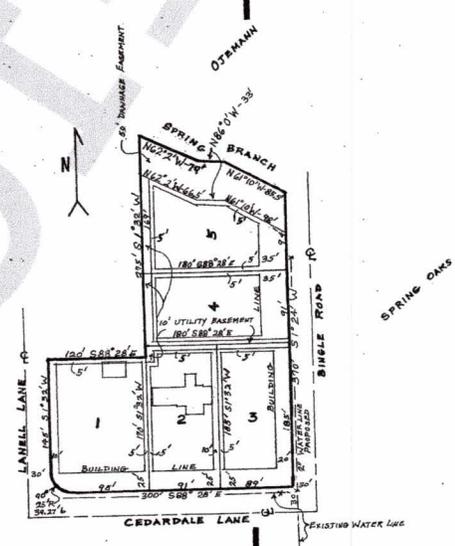
This is to certify that the Planning and Zoning Commission of the City of Spring Valley, Texas, has approved this plat of the Waldron Subdivision as shown hereon.

IN TESTIMONY WHEREOF, witness the official signature of the Chairman of Planning and Zoning Commission of the City of Spring Valley, Texas this 6th day of September, 1976.

Judith K. Wrenicke  
Secretary  
JUDITH K. WRENICKE

Frank Jones  
Chairman  
FRANK JONES

I certify that this plat lies wholly within the City Limits.  
Richard P. Doss, County Engineer  
By Richard P. Doss



FILED SEP 18 11 43 AM 1976 SEP 18 1976 E885988 B PD 40.00

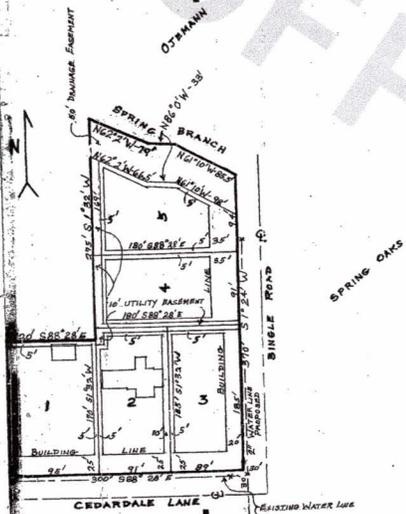
Smith, Flood Control Engineer of  
Control District, Harris County,  
ify that the plat of this sub-  
h requirements for internal  
as adopted by Commissioners  
ification is given to the  
from this subdivision on the in-  
ary or parent stream or on  
ubdivision within the watershed.

*Gordon Smith*  
Gordon Smith

*R. E. Turrentine, Jr.*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

I, R. E. Turrentine, Jr. Clerk of the County Court  
of Harris County, Texas, do hereby certify that the within  
instruments with its certificate of authentication was  
filed for registration in my office on September 18  
1976, at 11:43 o'clock (A.M. or P.M.) and duly  
sorted on September 18, 1976, at 9:30  
(A.M. or P.M.), Vol. 240, Page 55  
records of (maps) for said County.

WITNESS by hand and seal of office, a  
day and date last above written.  
THIS CERTIFICATE IS VALID ONLY AS TO THE  
INSTRUMENT ON WHICH THE ORIGINAL SIGNATURE  
IS AFFIXED AND ONLY THEN TO THE EXTENT SUCH INSTRUMENT  
IS NOT ALTERED OR CHANGED AFTER RECORDING.  
*R. E. Turrentine, Jr.*  
R. E. Turrentine, Jr., Clerk, County of Harris,  
Harris County, Texas



OFFICE OF  
R. E. TURRENTINE, JR., P.E. (TEX-632)  
COUNTY CLERK, HARRIS COUNTY, TEXAS  
MAP RECORDS OF COUNTY CLERK  
VOL. 240 PAGE 55  
WALDRON SUBDIVISION  
THIS IS PAGE 3 OF 3 PAGES

This is to certify that I, J.L. Waldron, a  
registered Engineer of the State of Texas, have  
plotted the above subdivision from actual survey on  
the ground and that all block corners, lot corners,  
angle points and points of curve have been properly  
marked with galvanized iron pipes as stakes, such  
pipes being one (1) inch in diameter and three (3)  
feet or more in length; and that this plat correctly  
represents the survey made by me.  
*J.L. Waldron*  
J.L. Waldron, P.E.

Plat lies wholly  
within limits.  
County Engineer

SEE PAGE 54



2.3 ACRES 5 LOTS

SCALE 1" = 100'		7-1-76
DRAWN <i>J.L.W.</i>	FINAL PLAT	
REVISED 7-30-76	TRACT 2ND OF A.H. OSBORNE SURVEY AB-610 R.C. WALDRON SUBDIVISION OWNERS: J.L. WALDRON & TRACY WALDRON	
J.L. WALDRON P.E.		

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[FORMS](#)

[MAPS](#)

[APPRAISAL](#)

[HELP](#)

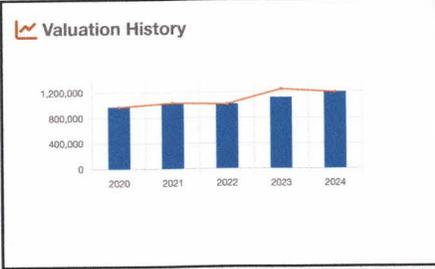
[VIDEOS](#)

# Property Search



🏠 8602 CEDARDALE DR  
 HOUSTON, TX 77055  
**Residential**  
 Account: 1099070000003  
 Name: CABALLERO ISEL ISERN  
 CABALLERO EDUARDO  
 Mailing Address: 8602 CEDARDALE DR HOUSTON, TX  
 77055-4807

2024



**Valuations**

Land:	\$574,291
Improvement:	\$620,809
Market:	\$1,195,100
Appraised:	\$1,195,100

[File a protest](#)  
[Value Notice](#)

[Compare Valuations](#)

Jurisdictions/Exemptions i

District	Jurisdictions	Exemption Value	2023 Rate	2024 Rate
025	<a href="#">SPRING BRANCH ISD</a>	370,420	1.078900	0.000000
040	<a href="#">HARRIS COUNTY</a>	514,020	0.350070	0.000000
041	<a href="#">HARRIS CO FLOOD CNTRL</a>	514,020	0.031050	0.000000
042	<a href="#">PORT OF HOUSTON AUTHY</a>	514,020	0.005740	0.000000
043	<a href="#">HARRIS CO HOSP DIST</a>	514,020	0.143430	0.000000
044	<a href="#">HARRIS CO EDUC DEPT</a>	514,020	0.004800	0.000000
080	CITY OF SPRING VALLEY	259,020	0.395000	0.000000

Exemption Type : Residential Homestead(Multiple)

**Property Details**

Legal Description	LT 3 WALDRON
Land	16,465 SF
Living Area	3,957 SF

**Fiduciary**  
 O'CONNOR & ASSOCIATES - 46326

**Status**  
 Notice Sent on: Apr 19, 2024  
 Deadline to file a protest: May 20, 2024

Location

State Class Code	Neighborhood	Neighborhood Name	Market Area	Map Facet	Key Map	Neighborhood Group
A1 -- Real, Residential, Single-Family	7813.04	BONNIE OAKS/OTHERS	394 -- ISD 25 - Memorial Villages North of I-10	5058B	450Z	25201

Land Details

Line	Land Use	Unit type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
Market Value Land											
1	1001 -- Res Improved Table Value SF1 -- Primary SF	SF	10,000	1.00	1.00	0.70	Economic	0.70	62	43.40	434,000.00
2	1001 -- Res Improved Table Value SF3 -- Residual SF	SF	6,465	1.00	0.50	0.70	Economic	0.35	62	21.70	140,291.00

**Ownership History**

Owner	Effective Date
CABALLERO EDUARDO	12/13/2000
CABALLERO ISEL ISERN	12/13/2000

CABALLERO ISEL ISERN &	12/13/2000
JOINER TIMOTHY J &	11/18/1999
WALDRON ENTPR	01/02/1988

Building Summary

Building	Year Build	Type	Style	Quality	Impr Sq Ft	
+	1	2002	Residential Single Family	101 Residential 1 Family	Excellent	3,957

Extra Features +



Harris Central Appraisal District

13013 Northwest Freeway  
Houston, Texas 77040-6305

Office Hours

Hours: 8:00 AM - 5:00 PM

Monday - Friday

Saturday Hearings: Jun, Jul



Telephone Information Center

(713) 957-7800

Hours: 8:00 AM - 5:00 PM

Monday - Friday

Thank You for Visiting Harris Central Appraisal District. ©2024 All Rights Reserved.

Harris Central Appraisal District



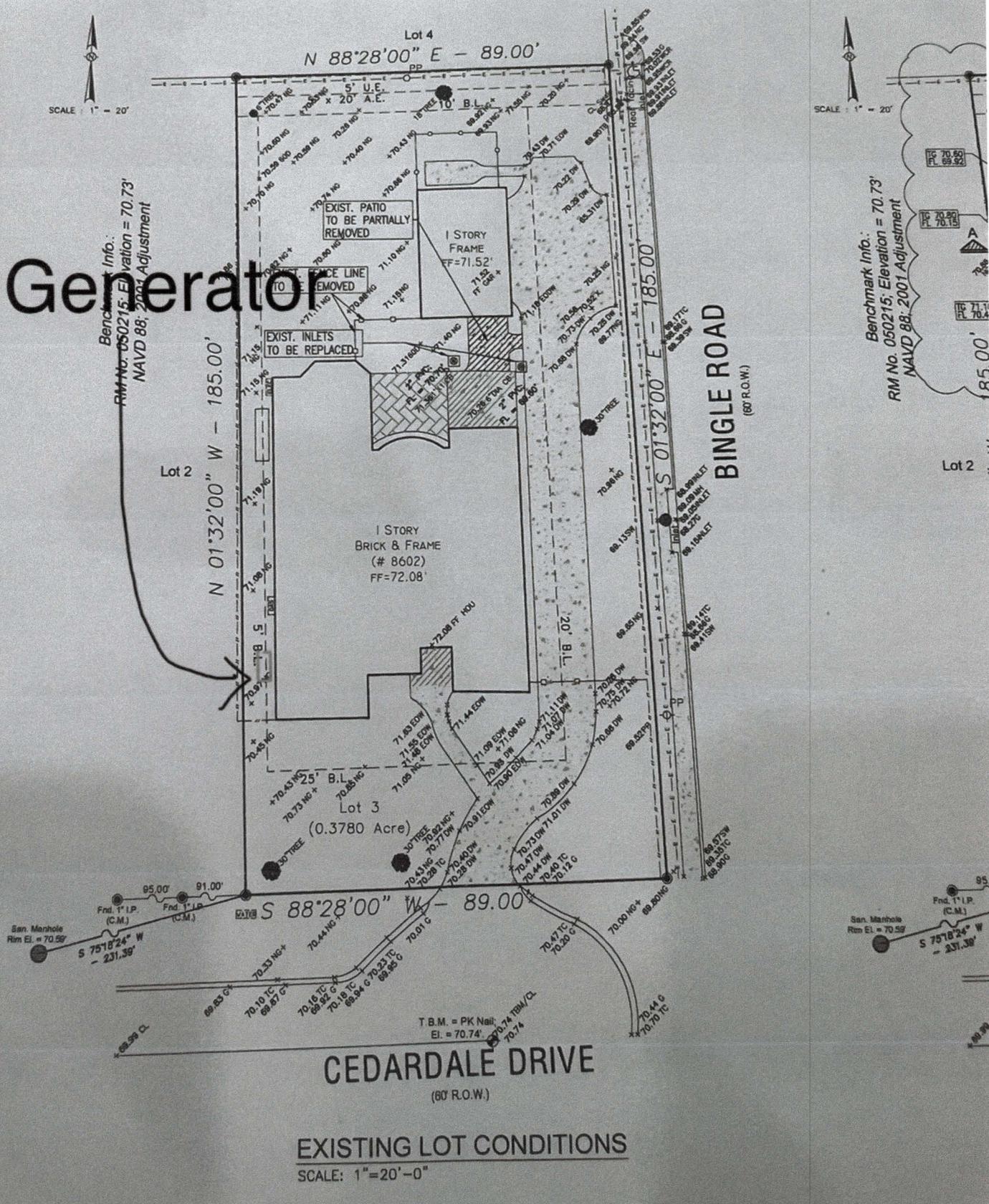
CONTACT



# Generator

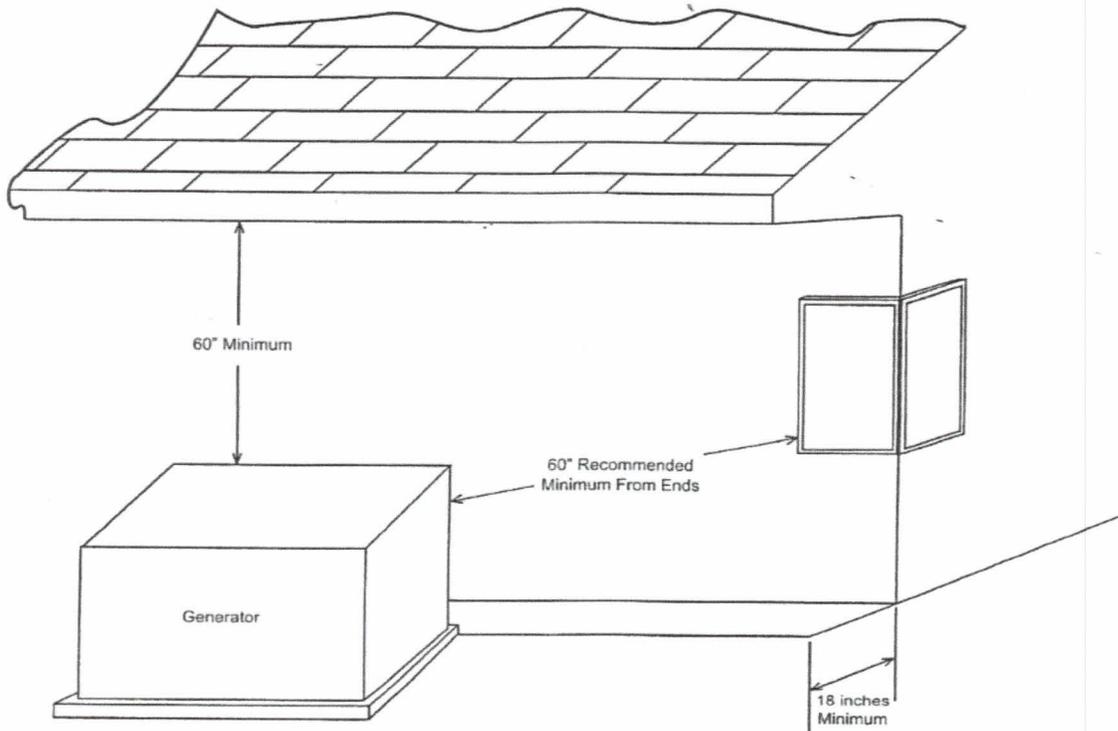
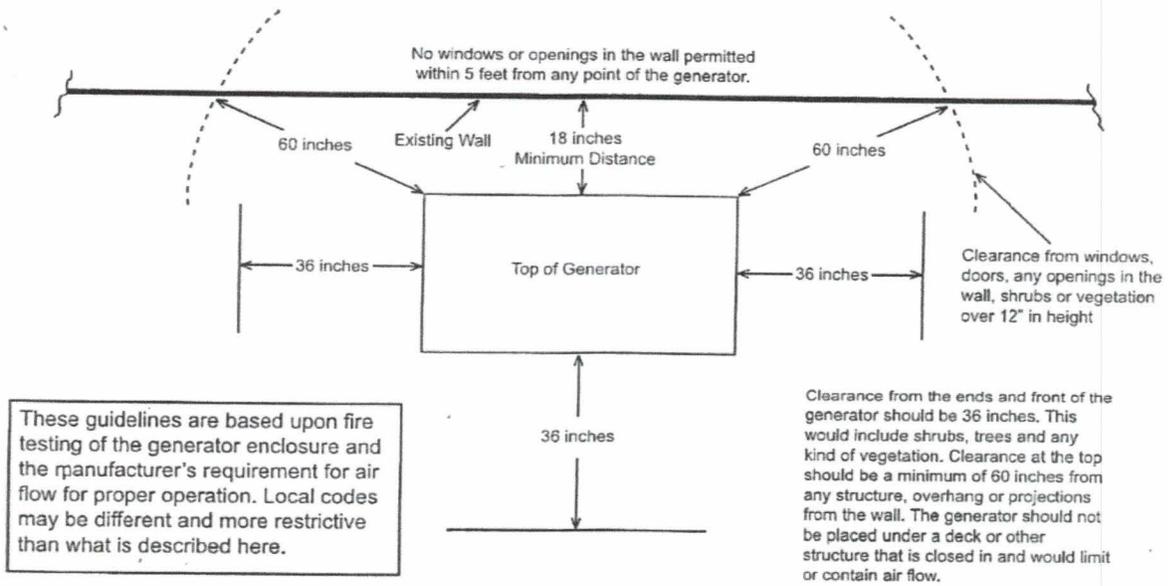
SCALE: 1" = 20'

SCALE: 1" = 20'



# General Information

Figure 1.10 – Installation Guidelines



This drawing supersedes installation instructions in all Carrier air-cooled installation and owner's manuals dated previous to May 26, 2007.

# GENERAC®

## 26 kW

### GUARDIAN® SERIES Residential Standby Generators Air-Cooled Gas Engine

26 kW

1 of 6

#### INCLUDES:

- True Power™ Electrical Technology
- Two-line multilingual digital LCD Evolution™ controller (English/Spanish/French/Portuguese)
- 200 amp service rated transfer switch available
- Electronic governor
- Standard Wi-Fi® connectivity
- System status & maintenance interval LED indicators
- Sound attenuated enclosure
- Flexible fuel line connector
- Natural gas or LP gas operation
- 5 Year limited warranty
- Base fascia
- Listed and labeled for installation as close as 18 in (457 mm) to a structure.\*  
*\*Must be located away from doors, windows, and fresh air intakes and in accordance with local codes.*

#### Standby Power Rating

G007290-0, G007291-0 (Aluminum - Bisque) - 26 kW 60 Hz



QUIET-TEST™



Note: ETL or CUL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are ETL or UL certified in the USA only.

## FEATURES

- **INNOVATIVE ENGINE DESIGN & RIGOROUS TESTING** are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when it's needed the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.
- **TRUE POWER™ ELECTRICAL TECHNOLOGY:** Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.
- **TEST CRITERIA:**
  - ✓ **PROTOTYPE TESTED**                      ✓ **NEMA MG1-22 EVALUATION**
  - ✓ **SYSTEM TORSIONAL TESTED**        ✓ **MOTOR STARTING ABILITY**
- **MOBILE LINK® CONNECTIVITY:** FREE with select Guardian Series Home standby generators. Mobile Link Wi-Fi allows users to monitor generator status from anywhere in the world using a smartphone, tablet, or PC. Easily access information such as the current operating status and maintenance alerts. Users can connect an account to an authorized service dealer for fast, friendly, and proactive service. With Mobile Link, users are taken care of before the next power outage.
- **SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION:** This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized **FAST RESPONSE** to changing load conditions and **MAXIMUM MOTOR STARTING CAPABILITY** by electronically torque-matching the surge loads to the engine. Digital voltage regulation at  $\pm 1\%$ .
- **SINGLE SOURCE SERVICE RESPONSE** from Generac's extensive dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component.
- **GENERAC TRANSFER SWITCHES:** Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line is offered with its own transfer systems and controls for total system compatibility.

THE GENERAC  
PROMISE



\*As indicated on UL safety listings and labels only.

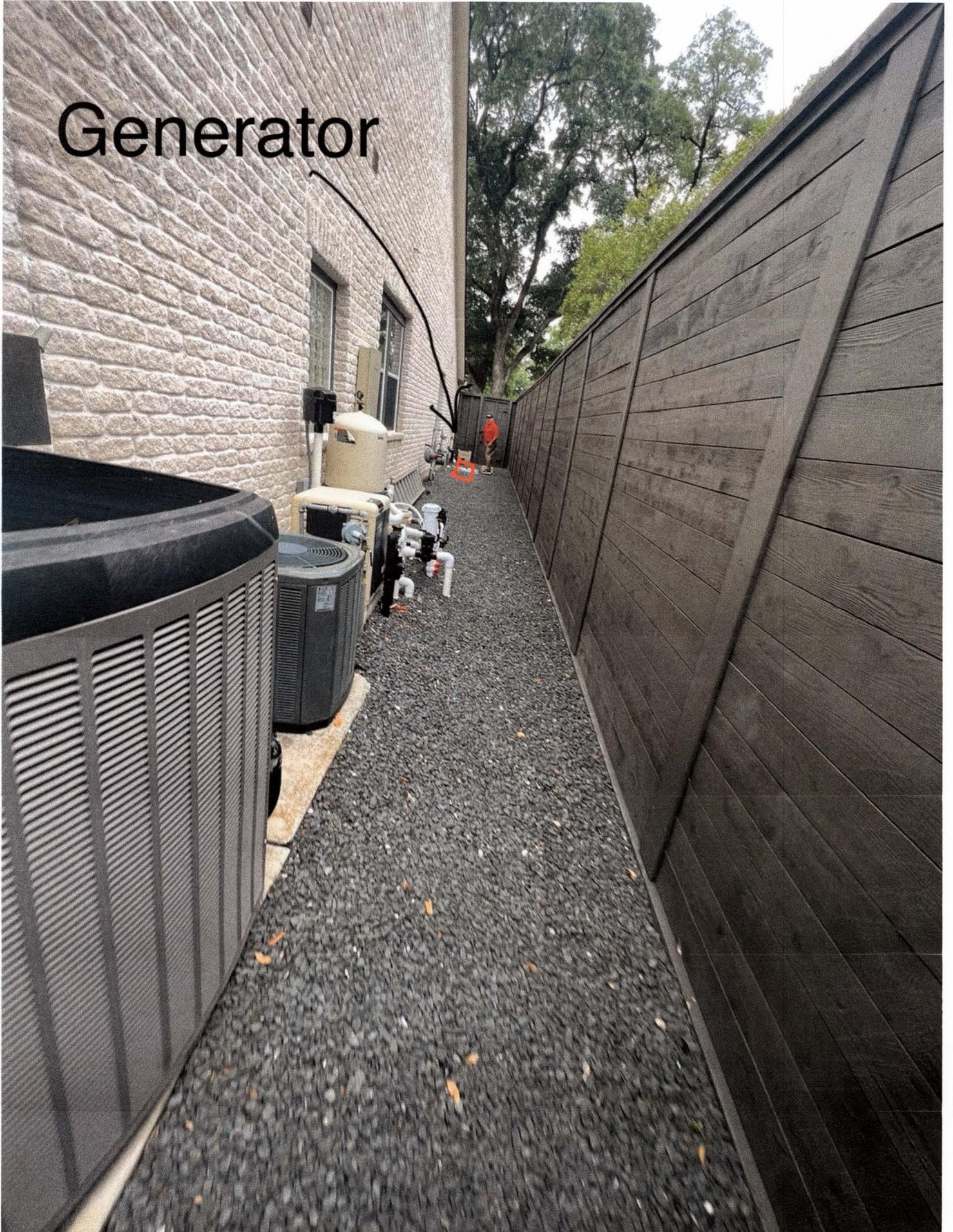


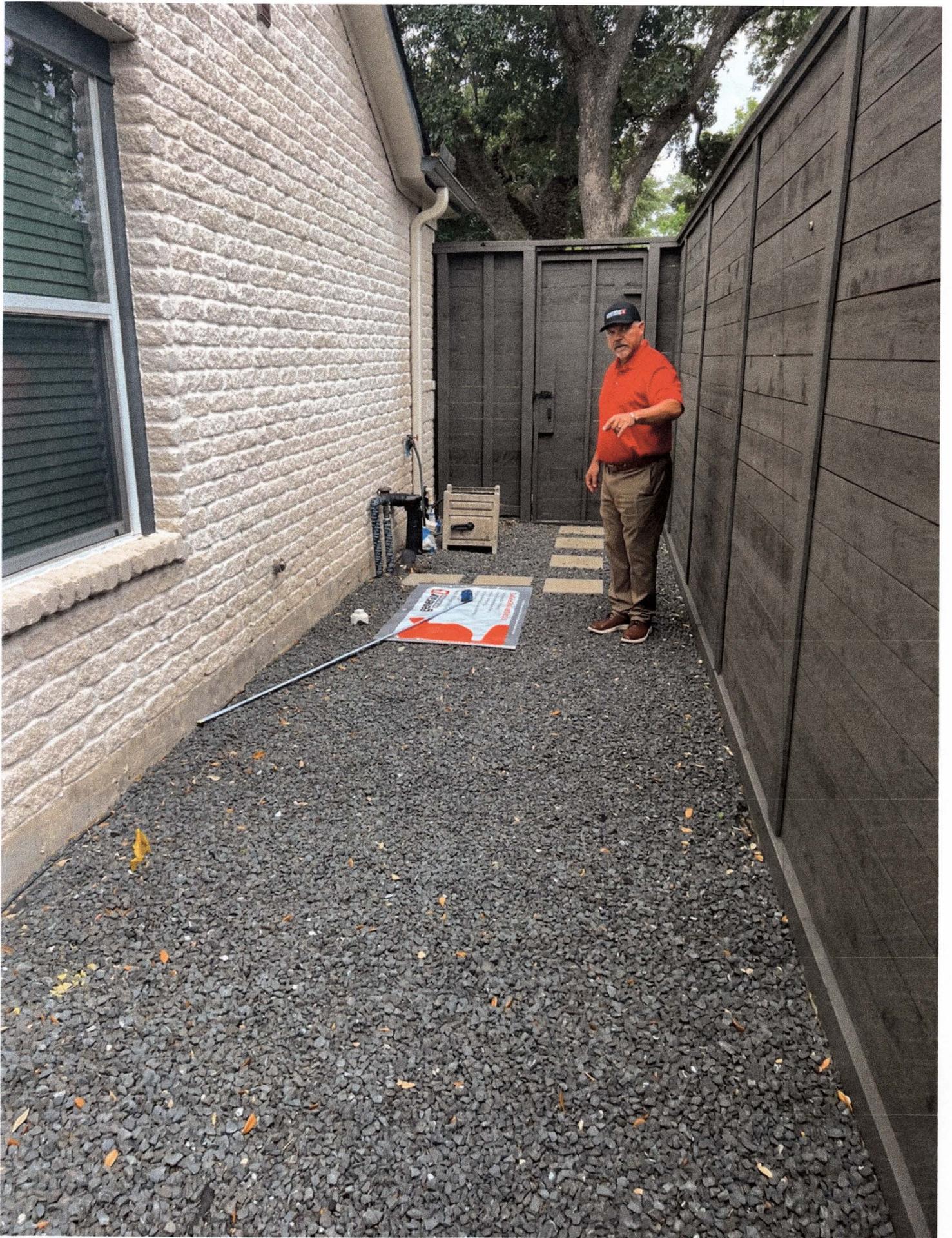
18"

3,6"

generator  
SUPER SILENT  
Air Cooled 18kw-22kw-24kw  
48" x 25" x 29"  
Perfect for home  
work and jobs  
5' clearance from operable windows, door  
Duct treatment required  
First placement with proper survey  
Check for any product limits  
THE STANDBY POWER PEOPLE  
EXHAUST OUTLET

Generator

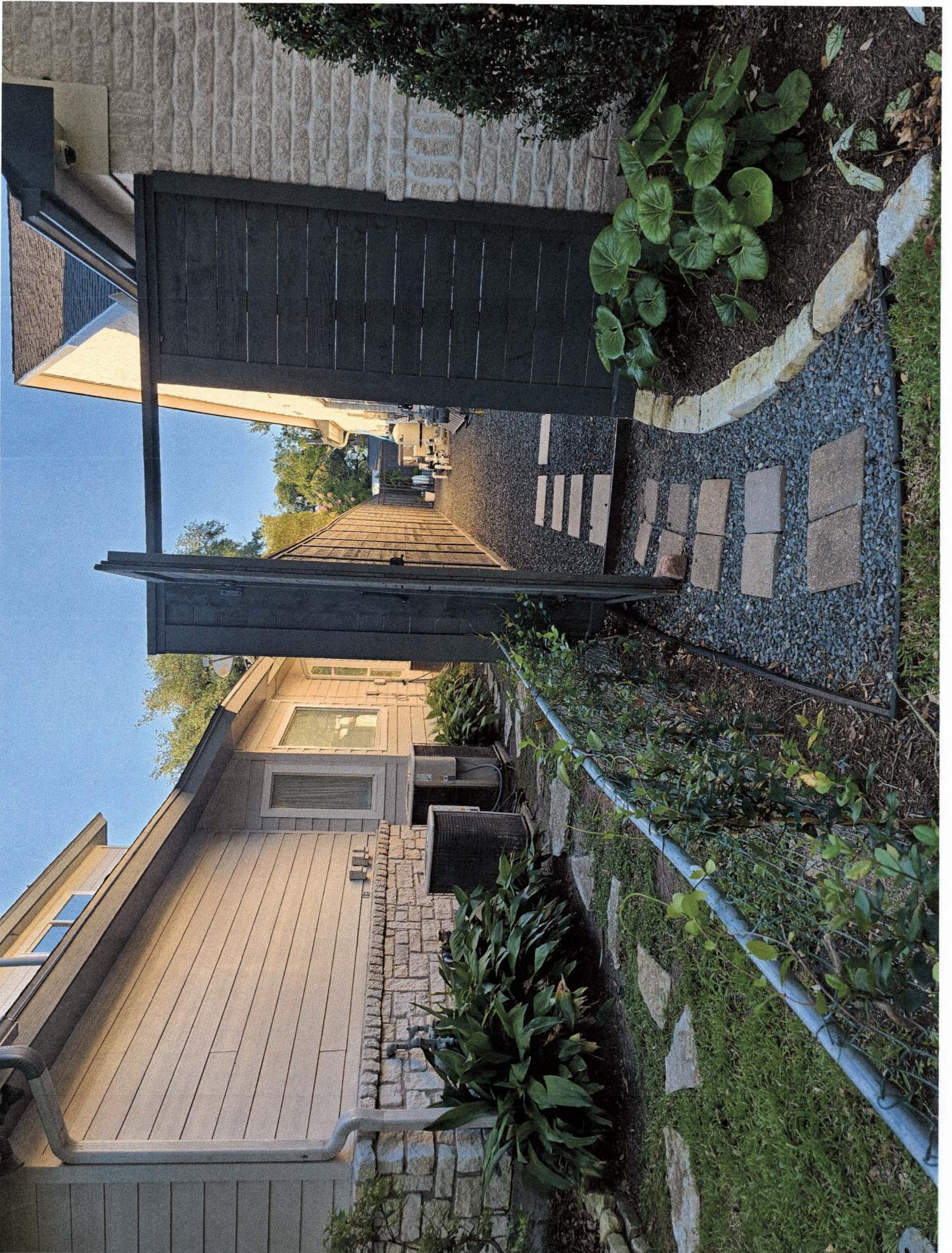






Original Property Line

Text





DATE: JUNE 6, 2024  
TO: CITY OF SPRING VALLEY VILLAGE  
BOARD OF ADJUSTMENTS  
FROM: ISEL ISERN CABALLERO and EDUARDO CABALLERO  
8602 CEDARDALE DR. Cell: (713) 501 6866  
HOUSTON TX 77055 email: imisern@gmail.com

Dear Spring Valley Board,

I am writing this letter in order to receive your approval to install a standby generator on the west side of my property, next to the house. The generator company states that there are 3ft 6 inches from the proposed location of the generator to the side line/fence of our property, and Spring Valley requires 4 feet. We are asking for your approval so that the generator can be placed in this location at 3ft 6 inches from our side fence and the required 18 inches from the home. All of the other requirements with regard to location have been met.

In order to provide you with clear details and background, I am including various pictures along with copies of the survey and the other items you have requested. I am also including the original survey utilized and approved for the construction of our home.

When we built this home, our builder David Weekly, followed all of the required approval processes for construction and obtained all of the needed permits and approvals from the City of Spring Valley Village. The original survey provided references to the original existing markers on the west corner of our lot, and our neighbors, which correctly reflected and ensured the 8 foot distance requirement between the homes were met. This original marker is still standing and visible on the west corner of our yard.

When we built the pool in 2022, a new survey was required by Spring Valley and thus prepared. This new survey now reflected a conflicting property line, one with a difference of around 15 inches, a gap between our immediate neighbor and us. The survey engineers told us that it is possible that when the streets in this area were improved and dug up several years ago, the markers on Lanell, the cross street just to the west of us, could have been moved inadvertently, thus changing the reference points they used to perform the new survey. Since they used what they deemed to be valid markers, they needed to create this updated survey.

As I am sure you are aware, improvements were made in Spring Valley, creating new sidewalks/curbs/sewers/gutters. Lannell and Cedardale streets were improved and the sewer systems were enlarged and updated, and Cedardale became a cul-de-sac when it used to be open to Bingle. The new survey did not require that they use the dimensions shown on the

Bingle Rd side, thus making it difficult to "tie-in" the property from both sides; this appears to have created the gap between the two properties which is now causing these issues. As you can see, these special circumstances are not self-imposed nor are they the result of the actions taken by us.

When we requested permitting and approval for the construction of the pool, all of these issues were reviewed by The City of Spring Valley, and the pool and pool equipment were approved for the variance and installation of the pool and pool equipment. The installation was approved using the actual homes property construction line and location. That approval provides a reference and precedence for the validity of our request. The new generator would not be any closer to the neighbors home than where the existing approved pool equipment and air conditioner are currently.

I've taken measurements in the precise area where the proposed generator is to be installed and there are currently 16 feet 11 inches between our home and our next door neighbors home. More than the 16 feet (8 and 8) that Spring Valley requires.

Please know that the literal interpretation and enforcement of the terms and provisions of the ordinance would cause unnecessary and undue hardship to our family. My husband is battling Leukemia and my daughter has a brain tumor which will require treatment and long rounds of radiation this summer. We need to ensure that we are able to provide our family with the care, protection and comfort they require in case of an emergency in the long term, as is our right. Additionally, it would result in an added financial burden for us . We are simply asking that we not be differentiated from other homeowners in Spring Valley who currently have generators situated in like locations.

Our request is a just one, and granting the variance is a minimum action which will allow us to make full use of our land/structure and is in no way contrary to the public interest which would aid in carrying out or the spirit of the ordinance. This 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. Additionally, granting of the variance will not adversely affect the health, safety or welfare of the public.

- No letter of Permit Application Denial is available since it would have been necessary to obtain this approval in order to request the permit.
- No Architectural Drawings are available since there is no change to the structure or architecture of our home.

Responses to Additional Board questions, as requested:

- 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.
  - The cost would add at least an additional \$5,000 cost to installation of the generator, plus possible ongoing charges of adding another natural gas meter.
- 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.
  - Not applicable
- Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - Not applicable
- Compliance would result in the unreasonable encroachment on an adjacent property or easement.
  - Not applicable
- The Municipality considers the structure to be a nonconforming structure.
  - The generator is conforming, it is the discrepancy in the interpretation of the property line which is nonconforming.

  
Isel Isern Caballero

Attached/Included are the following:

- Letter stating facts and reasons for Hardship and/or Appeal
- 2020 Survey/Plot Plan showing all existing structures with dimensions and distances from property lines
- Waldron Subdivision Recorded Plat
- 2001 Survey from construction of the home
- Survey showing generator location inserted
- Project Information - See letter
- Proof of Ownership - see HCAD Data
- \$350.00 Fee - paid to Spring Valley office
- All specific answers requested are included in letter
- Photographs of site location with generator and pad depicted
- Architectural scale Drawings - *Not applicable*
- Letter from property owner if different from the applicant - *Not applicable*

**DIVIDER PAGE**



EST. 1955

**SPRING VALLEY**  
V I L L A G E

July 23, 2024

Dear Property Owner:

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

A Request from Isel Isern and Eduardo Caballero for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.13, Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line. To allow placement of free-standing mechanical equipment to be placed three (3) feet and six(6) inches at 8602 Cedardale Drive 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, August 14, 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 8602 Cedardale Dr. 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 (832) 910-8577 or [jgomez@springvalleytx.com](mailto:jgomez@springvalleytx.com).

Sincerely,

Jose J Gomez

A handwritten signature in black ink, appearing to read 'Jose J Gomez', is written over the printed name.

Development Services Manager

Current Resident / Owner  
8618 Westview  
Houston, TX 77055

Current Resident / Owner  
8617 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8606 Westview  
Houston, TX 77055

Current Resident / Owner  
8621 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8610 Westview  
Houston, TX 77055

Current Resident / Owner  
8701 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8613 Westview  
Houston, TX 77055

Current Resident / Owner  
8602 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8614 Westview  
Houston, TX 77055

Current Resident / Owner  
8603 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8617 Westview  
Houston, TX 77055

Current Resident / Owner  
8605 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8620 Westview  
Houston, TX 77055

Current Resident / Owner  
8606 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8625 Westview  
Houston, TX 77055

Current Resident / Owner  
1441 Bingle Rd.  
Houston, TX 77055

Current Resident / Owner  
8702 Westview  
Houston, TX 77055

Current Resident / Owner  
8612 Lanell Ln.  
Houston, TX 77055

Current Resident / Owner  
8613 Cedardale Dr  
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 Isel Isern and Eduardo Caballero for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.13, Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line. To allow placement of free-standing mechanical equipment to be placed three (3) feet and six(6) inches.

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:

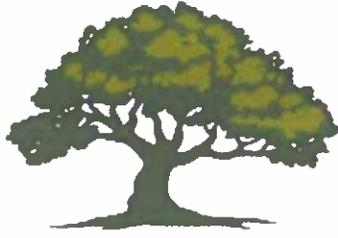
**Date:** Wednesday, August 14, 2024

**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 Development Services Manager, Jose J Gomez at (713) 465-8308.**

**DIVIDER PAGE**



EST. 1955

**SPRING VALLEY**  
V I L L A G E

CITY OF SPRING VALLEY VILLAGE

**ZONING SIGNAGE**  
**CRITERIA**  
**SUBMITTAL PACKET**  
**(Board of Adjustment)**

## RESIDENTIAL ZONING CHANGE NOTIFICATION SIGN CRITERIA

A zoning sign is a sign erected on property for which a zoning case has been filed with the City, including, but not limited to, zoning changes, Specific Use Permits, Variances, or Special Exceptions. **The number of signs and the placement of signs shall be determined by the Building Official at the time of submittal.** It is the responsibility of the owner/project representative to contact the Building Department to verify the number and location of signs needed.

Residential property owners/applicants need to contact the City Secretary to schedule pick up and drop off times for the signs.

**IF YOU HAVE ANY QUESTIONS, PLEASE CALL (713) 465-8308.**

### **ADHERE TO THE FOLLOWING INSTRUCTIONS:**

#### **PLACEMENT**

- One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred feet (200') of frontage along a street with a maximum of three (3) signs required per street frontage.
- Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
- Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application.
- Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the Building Official or his/her designee.
- Signs shall be placed perpendicular to the roadway to ensure they are readable from both sides

- Signs shall be located so that the lettering is visible and may be clearly read from the street.

#### **PROOF OF POSTING**

- **The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of seven (7) calendar days immediately preceding the date of the public hearing before the Board of Adjustments)**
- The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the City, with the Building Official verifying that the sign(s) was posted as required, and return them to the City Hall.

#### **REMOVAL OF SIGNS**

- **The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the Board**

Preparer's Name: Isel Isern Caballer Preparer's Signature: 

**NOTE: Violations of the sign ordinance will result in fines to the property owner and will delay the request for Zoning or Specific Use Permit. Failure to remove zoning signs per the sign ordinance will result in a citation of \$500 per sign/per day until removed.**



EST. 1954  
SPRING VALLEY  
VILLAGE

(Re)Zoning Case No. GENE -2024- 006 0

Date of Board of Adjustment Meeting: Aug. 14, 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 Isel Isern Caballero hereby certify that Zoning Change Notification sign(s) have been maintained on the property subject to zoning change, located at 8602 Cedardale Dr.

I further certify that this affidavit was filed with the Building Department of the City on date Aug 9, 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: Aug. 9, 2024

Printed Name of Applicant or Authorized Representative for Zoning Case No. Isel Isern Caballero  
GENE -2024-006 0

Signature of Applicant or Authorized Representative for Zoning Case No. Isel Isern Caballero

Sworn and subscribed before me on this date: August 9, 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: \_\_\_\_\_



**AFFIDAVIT OF SIGN POSTING**

(Re)Zoning Case No. GENE-2024-0060

Date of Board of Adjustment Meeting: August 14, 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 Isel Isern Caballero 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 8602 Cedardale Dr.

Posting of said signs was accomplished on July 25, 2024 as provided 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 8602 Cedardale 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: Aug. 9, 2024

Printed Name of Applicant or Authorized Representative for Zoning Case No. Isel Isern Caballero  
GENE-2024-0060

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

Sworn and subscribed before me on this date: August 9, 2024

Notary Public [Handwritten 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 Village Board of Adjustment  
Agenda Item Data Sheet**

**MEETING DATE:** August 14, 2024

**TOPIC:** **CONSIDERATION AND POSSIBLE ACTION CONCERNING:** A Request from Isel Isern and Eduardo Caballero for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.13, Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line. To allow placement of free-standing mechanical equipment to be placed three (3) feet and six (6) inches at 8602 Cedardale Drive 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 to allow placement of free-standing mechanical equipment to be placed three (3) feet and six (6) inches at 8602 Cedardale Drive

Isel Isern and Eduardo Caballero ("Applicants") submitted a request to install a standby generator to their existing residence and place a standby generator (3) feet and six (6) inches from the property line located at 8602 Cedardale Drive ("Property")

The proposed generator location does not meet city regulations.

The Code of Ordinances; Chapter 12, Planning and Zoning; Section Five, Building and Use Restrictions in Dwelling District "A"; Section 05:02.13, states:

Free-standing mechanical equipment shall not be placed closer than four (4) feet to the property line.

Section 01:03.02.04, Variances details five criteria when in determining an unnecessary hardship:

1. 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.
  - a. Financial cost is not greater than 50 percent of the appraised value of the structure.
2. 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.
  - a. Compliance would not result in a loss to the lot where structure is located on as it is currently being used as residence.

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

3. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - a. Currently the structure does comply with city code.
4. Compliance would result in the unreasonable encroachment on an adjacent property or easement.
  - a. Compliance would not result in encroachment on adjacent property or easement.
5. The Municipality considers the structure to be a nonconforming structure.
  - a. The city considers the structure to be conforming.

Section one: Purpose and Administration 01:03.02 Board of Adjustment.

Purpose. Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed, and substantial justice done.

Standards. The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

The Code of Ordinances sets for criteria for the evaluation of a variance request:

Criteria for Evaluation of Variance Request.

Variances 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

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

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;
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)).

Moreover, a hardship must be more than financial.

- “Unnecessary Hardship” language expressly limits ZBOA’s power to grant a variance:
  - “The Code expressly provides that the unique circumstances existing on the property so as to justify granting a variance must be something other than a financial hardship. A variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning ordinance does not permit any reasonable use of such lot.” (*Board of Adjustment of the City of San Antonio v. Willie*, 511 S.W. 2d 591 (Tex. Civ. App. – San Antonio 1974, writ refused n.r.e.))
- Financial hardship is not a special condition envisioned by the statute. (*Battles v. Board of Adjustment and Appeals*)

**Spring Valley Village Board of Adjustment  
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*of the City of Irving, 71 S.W.2d 297 (Tex. App. – Dallas  
1986, no writ).*

**RECOMMENDATION:** While staff believes that the request does not meet requirements for a variance and should not be granted. Staff understands current concerns that have been expressed and does not oppose approval.

**ATTACHMENTS:** None.

<b>SUBMITTING STAFF MEMBER:</b>  Jose J Gomez, Development Services Manager	<b>CITY ADMINISTRATOR APPROVAL:</b>  
--	---

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

**MEETING DATE:** August 14, 2024

**TOPIC:** **CONDUCT A PUBLIC HEARING CONCERNING:** On a request from Paul Skrabanek for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". an expansion of a nonconforming structure at 8618 Westview Drive 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 to allow an expansion of a nonconforming structure located at 8618 Westview.

Paul Skrabanek ("Applicant") submitted an application for a Residential Alterations and Remodel Permit to remodel the interior of his existing residence and allow the expansion of a nonconforming structure at 8618 Westview Drive ("Property").

The proposed remodel is not allowed per city ordinance. The dwelling consists of an unpermitted alteration of the attic. Two current violations of city code exist: the existence of a third story, and more than one electrical outlet in the "attic".

The Code of Ordinances; Chapter 12, Planning and Zoning; Section Five, Building and Use Restrictions in Dwelling District "A"; Section 05:02.03, states:

No building or structure more than two stories shall be erected in Dwelling District "A".

Section 05:02.02, Attics, states:

01 Electrical. an attic shall have no more than one (1) electrical outlet.

Section 08:01.06, Nonconforming buildings and structures, states:

.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

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

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.

Prior to the Applicant's purchase of the property, the attic space became illegally nonconforming when a previous owner created habitable space within the attic, creating a third floor.

Section 01:03.02.04, Variances details five criteria when in determining an unnecessary hardship:

1. 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.
  - a. Financial cost is not greater than 50 percent of the appraised value of the structure.
2. 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.
  - a. Compliance would not result in a loss to the lot where structure is located on as it is currently being used as residence.
3. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - a. Currently the structure does not comply with city code.
4. Compliance would result in the unreasonable encroachment on an adjacent property or easement.
  - a. Compliance would not result in encroachment on adjacent property or easement.
5. The Municipality considers the structure to be a nonconforming structure.
  - a. The city considers the structure to be a (illegally) nonconforming structure.

Section one: Purpose and Administration 01:03.02 Board of

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

Adjustment.

Purpose. Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed, and substantial justice done.

Standards. The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

The Code of Ordinances sets for criteria for the evaluation of a variance request:

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

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

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)).

Moreover, a hardship must be more than financial.

- “Unnecessary Hardship” language expressly limits ZBOA’s power to grant a variance:
  - “The Code expressly provides that the unique circumstances existing on the property so as to justify granting a variance must be something other than a financial hardship. A variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning ordinance does not permit any reasonable use of such lot.” (Board of Adjustment of the City of San Antonio v. Willie, 511 S.W. 2d 591 (Tex. Civ. App. – San Antonio 1974, writ refused n.r.e.))
- Financial hardship is not a special condition envisioned by the statute. (Battles v. Board of Adjustment and Appeals of the City of Irving, 71 S.W.2d 297 (Tex. App. – Dallas 1986, no writ)).

**RECOMMENDATION:** Not applicable during the public hearing.

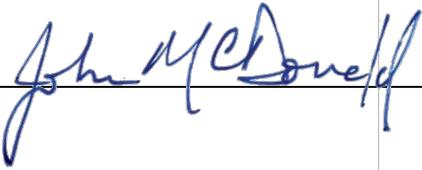
**ATTACHMENTS:**

- Variance Application Packet Submitted by Paul Skrabanek for 8618 Westview Drive.
- Notice of Public Hearing and Mailing Labels
- Zoning Change Sign Posting and Maintenance Affidavits

**SUBMITTING STAFF MEMBER:**

Jose J Gomez, Development Services Manager

**CITY ADMINISTRATOR APPROVAL:**





EST. 1955  
**SPRING VALLEY**  
VILLAGE

**Community Development**  
**City of Spring Valley Village**

**BOARD OF ADJUSTMENTS APPLICATION**

PROPERTY INFORMATION	
Property Address:	8618 Westview Dr., Houston, TX 77055
Legal Description:	Lt. 1 BLK 1 Kaufmann
Present District Zoning:	
Action Requested (Circle):	<input checked="" type="checkbox"/> Variance <input type="checkbox"/> Special Exception <input type="checkbox"/> Appeal
Requested Variance/Special Exception/Appeal Description:	Addition of half bath to third Story of house - see explanatory letter.

OWNER INFORMATION	
Name:	M. Paul Skrabanek
Address:	8618 Westview Dr. Houston, TX 77055
Email:	paul@pstriallaw.com
Phone#:	281-734-7348

APPLICANT/AGENT INFORMATION	
Name:	Phone#:
Address:	
Email:	
**If applicant is different than property owner a <b>Notarized Letter of Authorization</b> must be attached to the application	

PROPERTY OWNER/AGENT AUTHORIZATION		
<p><b>Property Owner Consent/Agent Authorization:</b> 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.</p>		
	M. Paul Skrabanek	6/5/24
Signature of Contractor/Authorized Agent	Printed Name	Application Date

FOR OFFICE USE ONLY	
BOA Case Number: _____	Date Submitted: _____
BOA Meeting Date: _____	BOA Decision: <input type="checkbox"/> Approved <input type="checkbox"/> Denied

## 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.



PIERCE | SKRABANEK PLLC

June 4, 2024

**Via Email and Hand Delivery: [secretary@springvalleytx.com](mailto:secretary@springvalleytx.com); [jgomez@springvalleytx.com](mailto:jgomez@springvalleytx.com)**

Jose Gomez  
Spring Valley Village  
1025 Campbell Road  
Houston, Texas 77055  
Telephone: (713) 465-8308

*Re: Skrabanek Family Renovations at 8618 Westview Drive, Houston, Texas 77055.*

Dear Sir or Madame:

This letter is sent in support of the variance application submitted by the Skrabanek family with respect to renovations being undertaken at 8618 Westview Drive, Houston, Texas 77055. My name is Paul Skrabanek. I purchased 8618 Westview Drive in July 2019. It has been my family's principal address since that time. My family includes my wife—Vanessa Skrabanek and two daughters aged 11 and 13. We purchased the property to be in proximity to Duchesne Academy where both girls attend school. We undertook these renovations as I intend to spend the remainder of my life in this house. I generally love the area and the yard space of the lot. I took special care to limit the expansion of the house so as not to build over green space.

It is my understanding we are prohibited from adding a bathroom to the third floor of our house by ordinance. When we purchased the house, the third floor was already fully enclosed as a finished space. The specific variance we request is allowance for the construction of a bathroom on the third floor. This will be a half bathroom—i.e. toilet and sink only.

The request variance is made to accommodate moving my 76 year old mother into the home. She currently resides at a Brookdale Community apartment complex in Bunker Hill. Unfortunately, she has been diagnosed with Alzheimer's Dementia. Her doctor has issued a permanent medical restriction from driving. Moreover, her treating physician has recommended that she have someone present with her 4 to 5 hours per day. Her condition will deteriorate over time, which will then require near round the clock attention. As such, we have decided to move her into our home. She would like a secluded spot in which to live. Thus, we are giving her the third floor. Given her age and the fact that she sometimes does not know her surroundings upon waking up, we would like her to have close proximity to an immediately accessible bathroom.

With respect to the second element of the variance request—deprivation of a substantial property right, the third floor is 695 square feet. Thus, not allowing a half bath would deprive full use of approximately 15% of my residence. As to the final element—materially detrimental to the public welfare, I

can see no prejudice to the public in allowing this half bathroom. It is a fully enclosed space, which is not visible to the public. Even if a person was standing on my front lawn there are no windows that would allow you to see into the third floor. We are not expanding the third floor. This bathroom is going into the existing closet space, which is already enclosed. The installation of the bathroom will not effect any neighboring properties. The third floor already has a fire sprinkler system. The renovation plans call for smoke and CO2 monitors to be installed on the third floor. To the extent there are any concerns with multiple means of egress from the third floor, I am happy to add an escape ladder to the exterior of the home during the renovations. These items should neutralize any concern for the welfare of an individual's health and safety who is spending substantial time in this part of the house.

I am happy to address any questions or concerns which I did not anticipate. I may be reached at 281-734-9348.

Cordial Regards,



M. Paul Skrabanek



TX BBG CONSULTING, INC.

PROPERTY INFORMATION	
Project Address	8618 Westview Drive
Submittal Date	
Property Sq. Footage	
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
Adopted Building Codes	2018 Edition of ICC Codes, 2017 NEC
Windload Requirement	110 mph 3 Sec Wind Gusts
ROW Width	<input checked="" type="checkbox"/> 50 Feet <input type="checkbox"/> 60 Feet <input type="checkbox"/> Other Cul-De-Sac <b>80-feet (Westview)</b>

PROJECT INFORMATION			
Requirements	Allowed per Ordinance	Provided/BBG	SV
Minimum Setbacks	Front Setback 25'/60' ROW OR 30'/50' ROW OR Cul-De-Sac 20' <b>(Chap. 12 Sec. 05:02.03.09.02)</b>	Complies	
	Rear First Story (10') Rear Property Adjoining a collector street (15') <b>(Chap. 12 Sec. 05:02.03.09.04)</b>	Complies	
	Rear setback Second Story (25') <b>(Chap. 12 Sec. 05:02.03.09.04)</b>	Complies	
	Side yard Adjacent to rear-yard (increased setbacks for second story) – <b>VERIFY.</b>  <b>Side Property Adjoining rear of another lot the Second Story setback (15')</b>	Complies	
	Side setback (8') – Unless second story Side Property Adjoining local/collector street (15') Side Property Adjoining Major Thoroughfare (25') <b>(Chap. 12 Sec. 05:02.03.09.03)</b> <b>*note stairs can not be in required setbacks.</b>	Complies	
	Garage 5' behind furthest exterior wall (from Living area) <b>(Chap 12 Sec. 05:02.01.04)</b>	Complies	
A/C and Pool Equipment	Minimum 4' from Property line	Complies	

	<b>(Chap. 12 Sec. 05:02.13)</b>		
Height of Structure	Max: 2 stories / 36' (ridge height submittal sheet) <b>(Chap. 12 Sec. 05:02.03.02 &amp; Ord. 2011-05 Sec. 2 03:H01)</b>	DNC 2 stories max	
Garage	Min: 400 square feet no greater than 50% of the width of the dwelling <b>(Chap. 12 Sec. 05:02.01)</b> <b>The 50% rule for bringing structures into compliance ONLY applies to dwelling units.</b>	Complies	
Porte Cochere or Garage Overhang	Maximum of 400 square feet, must be located behind the front of the home, and have an entrance to the dwelling next to it.	N/A	
Max Foundation Elevation	Max: 4' above the maximum 8" fill of slab on grade <b>(Chap. 3 Article 3.1503(k))</b> <b>(Chap 12. Sec. 05:02.03.07)</b>	Complies	
Lot Coverage behind building line	Max: 60% Impervious Surface <b>(Chap. 12 Sec. 05:02.08)</b>	Complies	
Lot Coverage in front of building line	Max: 50% Impervious Surface <b>(Chap. 12 Sec. 05:02.08)</b>	Complies	
Balconies and Eaves	Max: 24" from edge of foundation into setbacks <b>(Chap. 12 Sec. Three - DEFINITIONS 03:M01)</b>	Complies	
Landscaping (based on lot size)	< 9,000 SF = 4 Trees at least 2 in front yard. 9,000 SF to 15,000 SF = 5 Trees at least 2 in front yard > 15,000 SF = 6 Trees at least at least 2 in front yard. Cul-de-sac Lot = 4 trees at least 1 in the front yard.  All trees minimum of 3" Caliper. <b>(Sec. 3.1004)</b>	Complies	
Replacement Trees >= 10" caliper	Trees equal or larger than 10" in caliper must provide replacement trees according to (Sec. 12.11.01)	N/A	

**RESIDENTIAL PLAN SUBMITTAL CHECKLIST**

<b>REQUIRED DOCUMENTS</b>	<b>BBG</b>	<b>SV</b>
Provide a complete and accurate permit application	<input checked="" type="checkbox"/>	
Provide Engineer drawings ( <b>stamped and sealed by Texas licensed professional</b> )	<input checked="" type="checkbox"/>	
Provide property survey ( <b>registered professional land surveyor of the State of Texas</b> )	<input checked="" type="checkbox"/>	
Provide Elevation Certificate for proposed construction	<input checked="" type="checkbox"/>	
Provide Energy Code compliance letter/certificate	<input checked="" type="checkbox"/>	
Provide Tree disposition plan / fence protection ( <b>Chap. 3 Sec. 3:1002</b> )	<input checked="" type="checkbox"/>	
Provide Scaled Floor Plan	<input checked="" type="checkbox"/>	
Provide Framing Plan ( <b>signed by structural engineer</b> )	<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) ( <b>Chap. 5</b> )	<input checked="" type="checkbox"/>	
Provide Elevations of structure ( <b>labeled</b> )	<input checked="" type="checkbox"/>	
Provide Height verification form for structure and floor levels (Shall not exceed two stories and shall not exceed 36 ft. above natural grade) ( <b>Chap. 12 Sec. 05:02.03.02 and Chap12 Sec. Three – DEFINITIONS 03:H-01</b> )	<input checked="" type="checkbox"/>	
Provide Electrical load analysis ( <b>NEC 2017</b> )	<input checked="" type="checkbox"/>	
Provide Foundation plan (stamped by Engineer) ( <b>Chap. 12 Sec. 1:02.01.02</b> )	<input checked="" type="checkbox"/>	
Provide Plumbing Gas Riser, water and DWV diagram	<input checked="" type="checkbox"/>	

Plan Review Comments

Plans are **Disapproved** with the following comments:

1. Per Sec. 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". The attic area may not be converted to habitable space. Revise plans to remove the proposed powder room for approval.
2. After discussion, the code requires third story windows to not be see-through and must be opaque.
3. The code only allows one electrical outlet in the attic. Show only one outlet.

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

**GENERAL WARRANTY DEED**  
**(With Third Party Vendor's Lien)**

THE STATE OF TEXAS

§

COUNTY OF HARRIS

§

THAT IRINA LAVRENTIEVA AND SANJAY K. UPMANYU, hereinafter referred to as "Grantor" (whether one or more), for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to Grantor in hand paid by MATTHEW PAUL SKRABANEK, A MARRIED PERSON, hereinafter referred to as "Grantee" (whether one or more), the receipt and sufficiency of which are hereby acknowledged and confessed, and for the further consideration of the execution and delivery by Grantee of one certain Promissory Note of even date herewith, in the original principal sum of Eight Hundred Ninety-Six Thousand And No/100 Dollars (\$896,000.00), payable to the order of HOME POINT FINANCIAL CORPORATION, hereinafter called "Mortgagee"; said Promissory Note being secured by a Vendor's Lien and the Superior Title herein retained and reserved in favor of Grantor and assigned and conveyed, without recourse, to Mortgagee, and also being secured by a Deed of Trust of even date herewith from Grantee to BLACK, MANN & GRABAM, LLP, Trustee, reference to said Promissory Note and Deed of Trust being hereby made for all purposes; Grantor has GRANTED, SOLD AND CONVEYED, and by these presents does GRANT, SELL AND CONVEY, unto Grantee, the following described real property, to-wit:

LOT 1, BLOCK 1, KAUFMAN SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED IN FILM CODE NO. 495038, MAP RECORDS, HARRIS COUNTY, TEXAS.

together with all improvements thereon, if any, and all rights, privileges, tenements, hereditaments, rights of way, easements, appurtenances and appurtenances, in anyway appertaining thereto, and all right, title, and interest of Grantor in and to any streets, ways, alleys, strips or gores of land adjoining the above described property or any part thereof (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereto in any wise belonging, unto Grantee and Grantee's heirs or assigns FOREVER. Grantor does hereby bind Grantor and Grantor's heirs, executors, and administrators TO WARRANT AND FOREVER DEFEND all and singular the said Property unto Grantee and Grantee's heirs and assigns against every person whomsoever lawfully claiming or to claim the same, or any part thereof.

But it is expressly agreed that Grantor reserves and retains for Grantor, and Grantor's heirs and assigns, a Vendor's Lien, as well as the Superior Title, against the Property until the above described Promissory Note and all interest therein have been fully paid according to the terms thereof, when this Deed shall become absolute.

WHEREAS, Mortgagee, at the special instance and request of Grantee, having paid to Grantor a portion of the purchase price of the Property, as evidenced by the above described Promissory Note, Grantor hereby assigns, transfers, conveys and delivers, without recourse, to Mortgagee said Vendor's Lien and Superior Title against said Property to secure the payment of said Promissory Note, and subrogates Mortgagee to all rights and remedies of Grantor in the Property by virtue thereof.

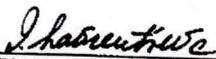
FILED BY  
TRADITION TITLE COMPANY  
2408267

To the extent applicable to and enforceable against the Property, this Deed is executed, delivered and accepted subject to the following: any liens described herein; ad valorem taxes for the current and all subsequent years, and subsequent assessments for prior years due to changes in land usage or ownership; zoning ordinances, utility district assessments, and standby fees, if any; all valid utility easements created by the dedication deed or plat of the platted subdivision in which the Property is located, covenants and restrictions common to the platted subdivision in which the Property is located, mineral reservations, and maintenance or assessment liens (if any), all as shown by the real property records of the County Clerk of the County in which said Property is located; and any title or rights asserted by anyone (including, but not limited to, persons, corporations, governments or other entities) to tidelands, or lands comprising the shores or beds of navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or to any land extending from the line of the harbor or bulkhead lines as established or changed by any government or to filled-in lands, or artificial islands, or to riparian rights or other statutory water rights, or the rights or interests of the State of Texas or the public generally in the area extending from the line of mean low tide to the line of vegetation or the right of access thereto, or right of easement along and across the same, if any.

The contract between Grantor, as the seller, and Grantee, as the buyer, may contain limitations as to warranties. To the extent said contract provides for such limitations to survive this conveyance, they shall be deemed incorporated herein by reference. However, the warranty of title contained in this Deed is hereby expressly excluded from any limitations as to warranties contained in the contract referenced in this paragraph.

When this Deed is executed by more than one person, or when Grantee is more than one person, the instrument shall read as though pertinent verbs, nouns and pronouns were changed correspondingly, and when executed by or to a legal entity other than a natural person, the words "heirs, executors and administrators" or "heirs and assigns" shall be construed to mean "successors and assigns". Reference to any gender shall include either gender and in the case of a legal entity other than a natural person, shall include the neuter gender, all as the case may be. The term "Mortgagee" shall include the Mortgagee's heirs, successors and assigns, as applicable.

DATED the 2ND day of JULY, 2019.

  
IRINA LAVRENTIEVA

  
SANJAY K. UPMANYU

After Recording Return To Grantee  
At GRANTEE'S MAILING ADDRESS:

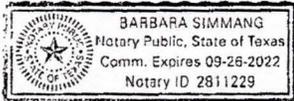
**MATTHEW PAUL SKRABANEK**  
8618 WESTVIEW DR.  
HOUSTON, TX 77055

ACKNOWLEDGMENTS

The State of TEXAS §

County of HARRIS §

This instrument was acknowledged before me on the 2<sup>nd</sup> day of July, 2019, by IRINA LAVRENTIEVA and SANJAY K. UPMANYU.



Barbara Simmang  
Notary Public

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary's Name (printed)

UNOFFICIAL COPY

RP-2019-286051

# Pages 4

07/03/2019 11:07 AM

e-Filed & e-Recorded in the

Official Public Records of

HARRIS COUNTY

DIANE TRAUTMAN

COUNTY CLERK

Fees \$24.00

RECORDERS MEMORANDUM

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

Any provision herein which restricts the sale, rental, or use of the described real property because of color or race is invalid and unenforceable under federal law.

THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me; and was duly RECORDED in the Official Public Records of Real Property of Harris County, Texas.



*Diane Trautman*

COUNTY CLERK  
HARRIS COUNTY, TEXAS

**DIVIDER PAGE**



EST. 1955

**SPRING VALLEY**  
V I L L A G E

July 23, 2024

Dear Property Owner:

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

A Request from Paul Skrabanek for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". To allow an attic area to be converted to a habitable space at 8618 Westview Drive 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, August 14, 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 8618 Westview Dr. 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 (832) 910-8577 or [jgomez@springvalleytx.com](mailto:jgomez@springvalleytx.com).

Sincerely,

Jose J Gomez

A handwritten signature in black ink, appearing to read 'Jose J Gomez', is written over the typed name.

Development Services Manager

Current Resident / Owner  
8617 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8612 Lanell Ln.  
Houston, TX 77055

Current Resident / Owner  
8621 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8701 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8602 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8603 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8605 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8606 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
1441 Bingle Rd.  
Houston, TX 77055

Current Resident / Owner  
8617 Cedardale Dr  
Houston, TX 77055

Current Resident / Owner  
8613 Cedardale Dr  
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 Paul Skrabanek for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". To allow an attic area to be converted to a habitable space.

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:

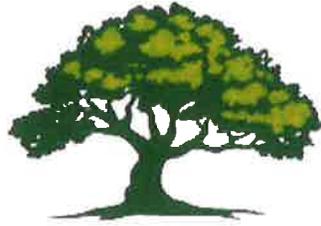
**Date:** Wednesday, August 14, 2024

**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 Development Services Manager, Jose J Gomez at (713) 465-8308.**

**DIVIDER PAGE**



EST. 1955

**SPRING VALLEY**

V I L L A G E

CITY OF SPRING VALLEY VILLAGE

# **ZONING SIGNAGE**

# **CRITERIA**

# **SUBMITTAL PACKET**

**(Board of Adjustment)**



## **RESIDENTIAL ZONING CHANGE NOTIFICATION SIGN CRITERIA**

A zoning sign is a sign erected on property for which a zoning case has been filed with the City, including, but not limited to, zoning changes, Specific Use Permits, Variances, or Special Exceptions. **The number of signs and the placement of signs shall be determined by the Building Official at the time of submittal.** It is the responsibility of the owner/project representative to contact the Building Department to verify the number and location of signs needed.

Residential property owners/applicants need to contact the City Secretary to schedule pick up and drop off times for the signs.

**IF YOU HAVE ANY QUESTIONS, PLEASE CALL (713) 465-8308.**

### **ADHERE TO THE FOLLOWING INSTRUCTIONS:**

#### **PLACEMENT**

- One (1) sign shall be erected by the applicant adjacent to each street frontage on the property that is the subject of the application and for each two hundred feet (200') of frontage along a street with a maximum of three (3) signs required per street frontage.
- Signs shall be placed in a location on private property and clearly visible from all streets adjacent to the property included in the application.
- Where land does not have frontage on a public street, signs shall be posted on the nearest public street with a notation indicating the location of the land subject to the application.
- Signs shall be no greater than twenty (20) feet from the property line and shall be a minimum of two (2) feet off the ground, unless otherwise directed by the Building Official or his/her designee.
- Signs shall be placed perpendicular to the roadway to ensure they are readable from both sides

- Signs shall be located so that the lettering is visible and may be clearly read from the street.

#### **PROOF OF POSTING**

- **The applicant shall erect the sign(s) on the property that is the subject of the application a minimum of seven (7) calendar days immediately preceding the date of the public hearing before the Board of Adjustments)**
- The applicant is responsible for maintaining the sign(s) on the property throughout the review process.
- A minimum of seven (7) calendar days prior to the public hearing, the applicant shall file an affidavit, on a form provided by the City, with the Building Official verifying that the sign(s) was posted as required, and return them to the City Hall.

#### **REMOVAL OF SIGNS**

- **The applicant shall be responsible for removing the sign(s) from the property within seven (7) calendar days of the final action on the application by the Board**

Preparer's Name: M. Paul Skrabanek Preparer's Signature: 

**NOTE: Violations of the sign ordinance will result in fines to the property owner and will delay the request for Zoning or Specific Use Permit. Failure to remove zoning signs per the sign ordinance will result in a citation of \$500 per sign/per day until removed.**



**AFFIDAVIT OF SIGN POSTING**

(Re)Zoning Case No. RMDL-2024-0003

Date of Board of Adjustment Meeting: 08/14/2024

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 M. Paul Skrabanski 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 8618 Westview Dr. Houston, TX 77055

Posting of said signs was accomplished on 07/25/2024 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 Westview Drive

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.

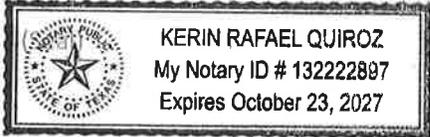
Executed this date: 8/18/2024

Printed Name of Applicant or Authorized Representative for Zoning Case No. M. Paul Skrabanski

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

Sworn and subscribed before me on this date: 8/18/2024

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

BOA - Residential

(Re)Zoning Case No. RMDL-2024-0003

Date of Board of Adjustment Meeting: 08/14/2024

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 M. Paul Skrabanek hereby certify that Zoning Change Notification sign(s) have been maintained on the property subject to zoning change, located at

8618 Westview Dr. Houston, TX 77046

I further certify that this affidavit was filed with the Building Department of the City on date 08/08/2024 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.

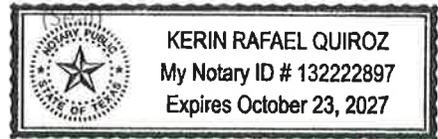
Executed this date: 08/08/2024

Printed Name of Applicant or Authorized Representative for Zoning Case No. M. Paul Skrabanek <sup>-RMDL-2024-0003</sup>

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

Sworn and subscribed before me on this date: 08/08/2024

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  
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**MEETING DATE:** August 14, 2024

**TOPIC:** **CONSIDERATION AND POSSIBLE ACTION:** On a request from Paul Skrabanek for a variance from Chapter 12 of the City of Spring Valley Village's Code of Ordinances, Planning and Zoning, Section 05:02.03, no building or structure more than two stories shall be erected in Dwelling District "A". an expansion of a nonconforming structure at 8618 Westview Drive 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 to allow an expansion of a nonconforming structure located at 8618 Westview.

Paul Skrabanek ("Applicant") submitted an application for a Residential Alterations and Remodel Permit to remodel the interior of his existing residence and allow the expansion of a nonconforming structure at 8618 Westview Drive ("Property").

The proposed remodel is not allowed per city ordinance. The dwelling consists of an unpermitted alteration of the attic. Two current violations of city code exist: the existence of a third story, and more than one electrical outlet in the "attic".

The Code of Ordinances; Chapter 12, Planning and Zoning; Section Five, Building and Use Restrictions in Dwelling District "A"; Section 05:02.03, states:

No building or structure more than two stories shall be erected in Dwelling District "A".

Section 05:02.02, Attics, states:

01 Electrical. an attic shall have no more than one (1) electrical outlet.

Section 08:01.06, Nonconforming buildings and structures, states:

.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

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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.

Prior to the Applicant's purchase of the property, the attic space became illegally nonconforming when a previous owner created habitable space within the attic, creating a third floor.

Section 01:03.02.04, Variances details five criteria when in determining an unnecessary hardship:

1. 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.
  - a. Financial cost is not greater than 50 percent of the appraised value of the structure.
2. 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.
  - a. Compliance would not result in a loss to the lot where structure is located on as it is currently being used as residence.
3. Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement.
  - a. Currently the structure does not comply with city code.
4. Compliance would result in the unreasonable encroachment on an adjacent property or easement.
  - a. Compliance would not result in encroachment on adjacent property or easement.
5. The Municipality considers the structure to be a nonconforming structure.
  - a. The city considers the structure to be a (illegally) nonconforming structure.

Section one: Purpose and Administration 01:03.02 Board of Adjustment.

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Purpose. Variances from the terms of this Ordinance as will not be contrary to the public interest will be authorized where, owing to unique or extraordinary condition, a literal enforcement of the provisions of this Comprehensive Zoning Ordinance will result in unnecessary hardship to a property owner or one having a contractual interest in property and so that the spirit of the Ordinance shall be observed, and substantial justice done.

Standards. The Board of Adjustment will grant Variances from the provisions of this Comprehensive Zoning Ordinance where such modifications of the height, yard, area width, lot depth, screening wall, coverage and parking regulations are necessary to secure an appropriate development of a parcel of land which differs from other parcels within the district by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.

The Code of Ordinances sets for criteria for the evaluation of a variance request:

Variances 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;
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

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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)).

Moreover, a hardship must be more than financial.

- “Unnecessary Hardship” language expressly limits ZBOA’s power to grant a variance:
  - “The Code expressly provides that the unique circumstances existing on the property so as to justify granting a variance must be something other than a financial hardship. A variance is not authorized merely to accommodate the highest and best use of the property, but where the zoning ordinance does not permit any reasonable use of such lot.” (Board of Adjustment of the City of San Antonio v. Willie, 511 S.W. 2d 591 (Tex. Civ. App. – San Antonio 1974, writ refused n.r.e.))
- Financial hardship is not a special condition envisioned by the statute. (Battles v. Board of Adjustment and Appeals of the City of Irving, 71 S.W.2d 297 (Tex. App. – Dallas 1986, no writ)).

**RECOMMENDATION:** Staff recommends denial of the requested variance due to lack of hardship as provided by Section 211.009 of the Texas Local Government Code and the fact that the property has been developed and is currently in use as a residence. The property is currently being used as designated by the zoning code. And, has been so historically.

**ATTACHMENTS:** None.

<p><b>SUBMITTING STAFF MEMBER:</b></p> <p>Jose J Gomez, Development Services Manager</p>	<p><b>CITY ADMINISTRATOR APPROVAL:</b></p>
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