



**ZONING BOARD OF ADJUSTMENT AND APPEALS
MEETING AGENDA**

Notice is hereby given of a meeting of the Board of Adjustment of the City of Missouri City to be held on **July 31, 2019, at 6:00 p.m. at: City Hall, Council Chambers, 2nd Floor**, 1522 Texas Parkway, Missouri City, Texas, for the purpose of considering the following agenda items.

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **READING OF MINUTES**
Consider approval of the minutes of the March 27, 2019, Zoning Board of Adjustment meeting.
4. **REPORTS**
Reports: Chairman, Commissioners, Director of Development Services
5. **PUBLIC COMMENT**
6. **AGENDA ITEM FOR CONSIDERATION**
 - A. To receive comments for or against a request, and to consider the request by Daniel Reinhold to obtain a variance from Section 7.5.C.4 of the City's Zoning Ordinance pertaining to a side yard. The subject site is located at 12834 Riva Ridge Lane, Houston, Texas 77071
7. **CLOSED EXECUTIVE SESSION**
The Zoning Board of Adjustment and Appeals may go into Executive Session regarding any item posted on the Agenda, as authorized by Chapter 551 of the Texas Government Code.
8. **RECONVENE**
Reconvene into Regular Session and Consider Action, if any, on items discussed in Executive Session.
9. **ADJOURNMENT**

In compliance with the Americans with Disabilities Act, the City of Missouri City will provide reasonable accommodations for persons attending Board of Adjustment Meetings. To better serve you, requests should be received 24 hours prior to the meetings. Please contact Egima Edwards, Development Services Department, at 281-403-8541.

CERTIFICATION

I certify that a copy of the July 31, 2019, agenda of items to be considered by the Missouri City Board of Adjustment was posted on the City Hall bulletin board on July 26 2019.

Egima Edwards
Development Services
Planning Technician



**DRAFT MINUTES
BOARD OF ADJUSTMENT CITY OF MISSOURI CITY, TEXAS**

March 27, 2019

The Notice of Meeting and Agenda having been duly posted in accordance with legal requirements and a quorum being present, the meeting was called to order by Chairperson Morris approximately 6:10 p.m.

ATTENDEES:

Board Members Present:

Roger Morris
Joe Workman
James Bailey
Adrian Matteucci (alternate)
Sharon Jurica (alternate)

Board Member Absent:

Robin Elackatt, Cleotha Aldridge, J.R. Atkins

STAFF PRESENT:

Otis Spriggs, Director of Development Services
Jamilah Way, First Assistant City Attorney
Thomas White, Planner II
Mason Garcia, Planner I
Egima Edwards, Planning Technician

Others Present:

Gorman W. (Bill) Prince, Jr, Daryl L. Smith, Daniel W. Goodale / Green Leaf Land Surveyor,
Sandra Webber Fullerton / Attorney, Steven Jarrison / Jones | Carter Surveyor, Joyce
Owens / Owens Management, Jim Adams / Attorney

READING OF MINUTES:

Chairperson Morris called for any corrections or additions to the January 30, 2019, meeting minutes.

| | |
|-----------------|---|
| Motion: | Approval of the January 30, 2019, meeting minutes as corrected. |
| Made By: | Board Member Matteucci |
| Second: | Board Member Jurica |
| AYES: | Board member Workman, Board Member Jurica, Board member Matteucci |
| NAYS: | None |

ABSTENTIONS: Board member Morris, Board Member Bailey

The motion passed.

REPORTS:

A. BOARD MEMBERS

None.

B. STAFF REPORTS

- (1) Development Services
 - a. Director – Otis T. Spriggs
 - Legal discussion of variances (Legal Department)
 - (1) Board rules and proposed amendments to Section 18

First Assistant City Attorney, Jamilah Way informed that the Legal Department was going to provide a presentation over changes to the rules; however, they were not ready at the present time. The presentation would be rescheduled.

PUBLIC COMMENTS

There were none.

AGENDA ITEM FOR CONSIDERATION

- A.** To receive comments for or against a request by Gorman W. Prince Jr. to obtain a variance from Section 7.2.C.4 of the City's Zoning Ordinance pertaining to a side yard. The subject site is located at 2502 Stillwell Street, Missouri City, Texas 77489. (Case tabled in the 01-30-2019 ZBOA meeting)

Director of Development Services, Otis Spriggs presented and noted the timeline of the discussion pertaining to the case facts during the previous Zoning Board of Adjustments and Appeals meeting. The side yard setback was in question; to weigh the possibility of a variance request for the distance not to exceed 1.5 ft. which is the maximum discrepancy on the survey, in terms of the placement of the building.

Board member Jurica asked why were the build-back lines on the City plans not taken into consideration in a residential lot. Mr. Spriggs informed that staff did notice the discrepancy, and that typically the code setback would have been utilized. He noted that sometimes on plats there is a build line; some builders place their preferred build lines that do not mesh with the zoning requirements. Chairperson Morris asked if the concrete and rebar were approved, and if the discrepancy of the setback was noticed at that time. Mr. Spriggs noted the inspection card with the approval of the foundation and its location on September 7, 2018. Chairperson Morris asked if the Code Enforcement noticed the setback at that time. Mr. Spriggs informed that they typically would not grant the building inspections if there were discrepancies noted.

Attorney representing Gorman W. Prince, Jim Adams stated that Mr. Prince followed the requirements of achieving permits and inspections. Once Mr. Prince found out about the slight variance, he contacted the City, was informed that it was ok and that there was nothing else to be done.

Gorman W. Prince, 1111 W. Bellfort, responded to the allegations of a concrete pad setback, an egress door, excessive noise of an exhaust fan, setback from his neighbor's

fence, knowledge of the setback during the construction, a paint booth, sand blasting equipment, hazardous fumes, and chemicals.

Registered Land Surveyor, Green Leaf Land Surveyor, Daniel W. Goodale stated that he and the surveyor of the neighbor's property reconciled the dimensions by placing monuments on the ground to establish the boundaries of both properties. Mr. Goodale surveyed Mr. Prince's property on March 26, 2019. He stated that the distance from the building to the property line on the west end is 4.8 ft.; east end of the building is 4.6 ft., the building is roughly over 5 ft. on the eastside. On the back side, the building is roughly over 2.5 to 3 in.

Attorney, representing Daryl Smith, Sandra Webber Fullerton stated that a number of discrepancies were noted by staff, and Mr. Prince's structure is not in compliance with the zoning ordinance.

Daryl Smith, 2506 Stillwell Street, stated that he told Mr. Prince that he could not place the build where proposed and that Mr. Prince replied that he was going to build it there anyway. Mr. Smith stated that he has lived in his home since 2001 and his property had been surveyed many times.

Registered surveyor, Jones | Carter, Steven Jarrison stated that he did not survey Mr. Smith's entire property. He found Mr. Smith's fence to be relatively on the property. Mr. Jarrison stated that he was not asked to locate Mr. Prince's building. He thought that it was a dispute about the fence. The dimensions are roughly 1.2 ft. apart, and on Mr. Prince's west property line are two sets of monuments. Different surveyors use different iron rods and determine different dimensions. Mr. Jarrison stated that he would testify to the fence; however, not to the building.

Motion: To close the public hearing

Made by: Board Member Matteucci
Seconded: Board Member Bailey

AYES: Board member Morris, Board member Workman, Board member Bailey, Board Member Jurica, Board member Matteucci

NAYS: None

The motion passed.

Motion: To approve agenda item 6A. on the application of Gorman W. Prince Jr.; to grant a 1.5 ft. variance to the side yard regulations, because our evaluation of the property and the testimonies shown that the variance is not contrary to public interest owing to special conditions of the property; a little enforcement of the provisions of this ordinance would result in unnecessary hardship; which was not self-imposed, and the spirit of the ordinance is observed, and substantial justice is done.

Made by: Board Member Workman
Seconded: Board Member Bailey

AYES: Board member Morris, Board member Workman,
Board member Bailey

NAYS: Board member Jurica, Board member Matteucci

The motion failed.

Motion: To adjourn

Made by: Board Member Bailey
Seconded: Board Member Matteucci

AYES: Board member Morris, Board member Workman,
Board member Bailey, Board Member Jurica, Board
member Matteucci

NAYS: None

ADJOURNMENT

Egima Edwards
Planning Technician



**BOARD OF ADJUSTMENT
STATEMENT BY THE ENFORCING OFFICER**

AGENDA DATE: July 31, 2019

AGENDA ITEM SUBJECT: 12834 Riva Ridge Lane – Request for a variance to reduce side yards required by Section 7.5.C.4. of the city's zoning ordinance for the construction of a single family dwelling.

AGENDA ITEM NUMBER: 6.A.

PREPARED BY: Jennifer Thomas Gomez, AICP, Planning Manager

FROM:  Otis Spriggs, AICP, Director, Development Services

PERMIT NUMBER: Variance request: VAR1900006;
Building permit application: RES 1901190

PROPERTY ID: 112-911-000-0012

LOCATION: 12834 Riva Ridge Lane

LEGAL DESCRIPTION: The subject site can be described as being Lot 12, Block 3, Fonmeadow Section 2 Patio Homes according to the map or plat thereof recorded in Volume 267, Page 90 of the map records of Harris County, Texas.

DEVELOPMENT AGREEMENT/STRATEGIC PARTNERSHIP: None.

RECOMMENDED ACTION:

Disapprove the variance request. The city's zoning ordinance and adopted 2015 International Residential Code requires at least 10 feet between structures as a fire separation distance. Reduction of this setback may result in unsafe conditions for occupants on the subject property and neighboring properties.

GENERAL INFORMATION:

Applicant: Daniel Reinhold

Property Owners: Zhen Hong, Jin Haiming (Per Harris County Appraisal District Real Property Account Information)

Purpose of

Application:

A request for a variance to reduce side yards required by Section 7.5.C.4. of the city's zoning ordinance for the construction of a single family dwelling.

Existing Land Use

and Zoning District:

Unimproved lot / R-4, patio-cluster residential district

Surrounding Land Uses

and Zoning Districts:

North: Fonmeadow residential subdivision / R-4, patio-cluster residential district

South: Fondren Park residential subdivision / R-2, single family residential district

East: Fonmeadow residential subdivision / R-4, patio-cluster residential district

West: Fondren Park residential subdivision / R-2, single family residential district

REASON FOR VARIANCES:

- On March 22, 1983, a certificate of occupancy was issued for a single family dwelling at 12830 Riva Ridge Lane, a lot located north of the subject property. This single family dwelling is located approximately 7 ½ inches from a common side property line with the subject property.

See **Exhibit A**: site plan, dated June 21, 2019; land survey

- On March 31, 1983, a certificate of occupancy was issued for a single family dwelling at 12838 Riva Ridge Lane, a lot located southeast of the subject property. This single family dwelling is located approximately 0 feet from a common side property line with the subject property.

See **Exhibit A**: site plan, dated June 21, 2019; land survey

- On February 26, 2019, a building permit application and plans were placed into review to allow for the construction of a new single family dwelling on the subject property, an unimproved lot located within an existing residential subdivision and adjacent to the two dwellings described above.

See **Exhibit B**: residential building permit application

- On March 14, 2019, the permit application for the subject property was disapproved for multiple deficiencies including but not limited to a requirement to "show [the] distances to adjacent properties on [the] site plan".

See **Exhibit C**: residential plan review, 03/14/19

- On April 2, 2019, upon the completion of a 2nd review, the permit application for the subject property was disapproved due to a noted north side yard setback of 5 feet and a southeast side yard of 3 feet. The side yards were found not to be in compliance with Section 7.5.C.4. of the city's zoning ordinance.

See **Exhibit D**: residential plan review, 04/02/19

- Section 7.5.C.4. of the city's zoning ordinance requires in part, "...a side yard of five feet; provided, however, there may be zero feet when not less than ten-foot side yard is provided by the adjacent lot and further provided that the wall to be located with the zero feet side yard shall be constructed of brick or masonry and shall be solid and without any openings to the adjacent lot. There shall be not less than a ten-foot side yard at plat boundaries..."
-

AUTHORITY OF BOARD OF ADJUSTMENT:

Texas Local Government Code, Section 211.009. Authority of Board

(a) The board of adjustment may:

....

(3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done;

....

STAFF ANALYSIS OF VARIANCE REQUEST:

This application represents a request for a variance from the literal enforcement of the Zoning Ordinance in order to achieve a reasonable development of the property.

The following should be noted:

1. Missouri City staff, H. Daniel Maerz, Building Inspector; Kirk Allen, Building Official; and Otis Spriggs, Development Services Director spoke and met with the applicant to discuss options to address the setback (yard) noncompliance.

Staff has expressed concerns to the applicant and design team that due to the reduced setbacks on both the neighboring properties, the only solution for development on the subject lot would be to construct a dwelling with a smaller footprint.

Staff has expressed concern pertaining to the fire safety of construction materials of exterior walls for the proposed dwelling in addition to the materials that might have been used for the two neighboring dwellings.

The city's zoning ordinance and adopted 2015 International Residential Code requires at least 10 feet between structures as a fire separation distance. Reduction of this setback may result in unsafe conditions for occupants on the subject property and neighboring properties.

See **Exhibit E**: Letter from Chase Stanley, Albany Studio to Kirk Allen dated 06/11/2019; Emails, dated 04/05/2019, 04/22/2019

----- **END OF REPORT** -----

Exhibit A:
Site plan, dated June 21, 2019;
Land Survey

ADDRESS : 12834 RIVA RIDGE LANE
HOUSTON, TEXAS 77071

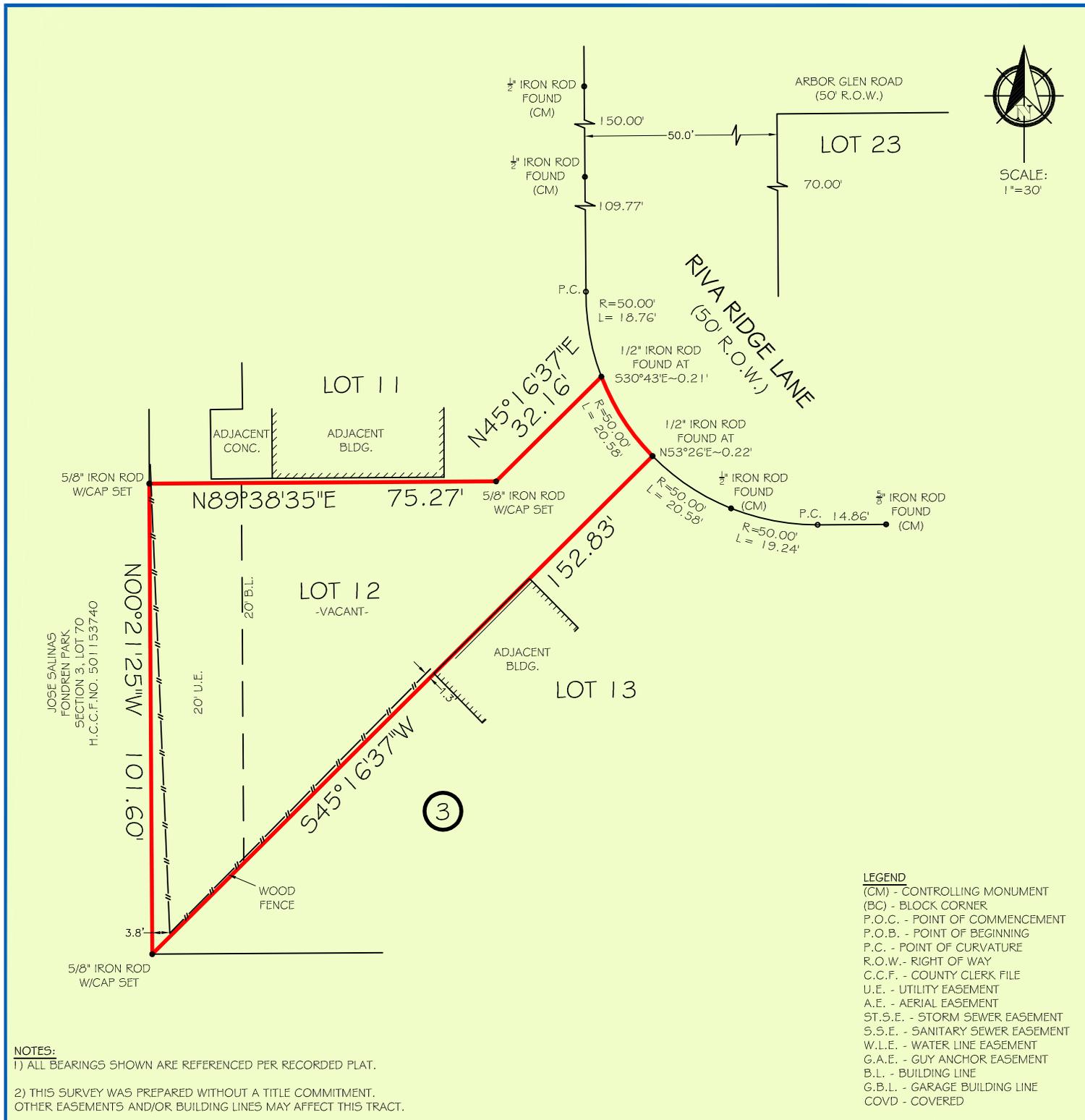
BUYER : DANIEL & KAREN REINHOLD

TITLE CO : N/A

GF NO : N/A

LENDER : N/A

A STANDARD LAND SURVEY OF
LOT 12, BLOCK 3
FONMEADOW, SECTION 2 PATIO HOMES
ACCORDING TO THE MAP OR PLAT THEREOF
RECORDED IN VOLUME 267, PAGE 90
OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS



NOTES:
1) ALL BEARINGS SHOWN ARE REFERENCED PER RECORDED PLAT.
2) THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT. OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

LEGEND
(CM) - CONTROLLING MONUMENT
(BC) - BLOCK CORNER
P.O.C. - POINT OF COMMENCEMENT
P.O.B. - POINT OF BEGINNING
P.C. - POINT OF CURVATURE
R.O.W. - RIGHT OF WAY
C.C.F. - COUNTY CLERK FILE
U.E. - UTILITY EASEMENT
A.E. - AERIAL EASEMENT
ST.S.E. - STORM SEWER EASEMENT
S.S.E. - SANITARY SEWER EASEMENT
W.L.E. - WATER LINE EASEMENT
G.A.E. - GUY ANCHOR EASEMENT
B.L. - BUILDING LINE
G.B.L. - GARAGE BUILDING LINE
COVD - COVERED



FIRM NO. 10133000
JOB NO: 181389
DATE: NOVEMBER 2, 2018

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION AND THAT IT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THERE WERE NO ENCROACHMENTS APPARENT ON THE GROUND.

FLOOD INFORMATION
*BASED ON VISUAL EXAMINATION, THIS TRACT LIES WITHIN ZONE "X" DEFINED AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN" PER F.E.M.A. FLOOD INSURANCE RATE MAP PANEL NO: 48201C0845L REVISION DATE: 06-18-2007. *DUE TO INACCURACIES, F.E.M.A. MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDIES.



LEO S. BOND
R.P.L.S. NO. 5793

PRIME TEXAS SURVEYS
2417 NORTH FWY
HOUSTON TX, 77009

WWW.PRIMETXSURVEYS.COM
ORDERS@PRIMETXSURVEYS.COM

DIR 713-864-2400
FAX 713-869-1008

See Exhibit B:
Residential building permit application



DEVELOPMENT SERVICES DEPARTMENT

Permits and Inspections Division

1522 Texas Parkway, Missouri City, TX 77489

Phone (281) 403-8600 • Fax (281) 261-4382

www.missouricitytx.gov

developmentservices-psr@missouricitytx.gov

RESIDENTIAL BUILDING PERMIT APPLICATION

***Applicant must complete all required spaces where applicable**

EXTERIOR MODIFICATIONS ONLY: This work DOES NOT DOES lie within the authority of a HOA. If it DOES, you must provide a copy of the notification letter sent to the HOA.*

NOTICE: Separate permits are required for electrical, mechanical, plumbing, heating, or ventilation. → at what point or time?

| | | | |
|--|---------------------|--|---|
| 1. JOB ADDRESS* (correct address is required to process this application) <u>12834 Riva Ridge Ln Houston Tx 77071</u> | | | |
| 2. LEGAL DESC* | LOT NO <u>12</u> | BLOCK <u>3</u> | TRACT/SUBDIVISION <u>Fonmeadow Patio Homes Section 2</u> |
| 3. OWNER* Mailing Address <u>Daniel + Karen Reinhold 2950 Unity Dr.</u> | | ZIP <u># 572914</u> | PHONE <u>Houston Tx 77257</u> |
| 4. CONTRACTOR* Mailing Address <u>Martin Castro</u> | | ZIP | PHONE |
| 5. ARCHITECT OR DESIGNER* Mailing Address <u>Chase Stanley Albany Studio 2802 Albany St Houston Tx</u> | | ZIP <u>77006</u> | PHONE |
| 6. ENGINEER* Mailing Address <u>Donald Wright 9894 Bissonnet Suite 340 Houston Tx</u> | | ZIP <u>77036</u> | PHONE |
| 7. USE OF BUILDING* <u>Residential</u> | | | |
| 8. CLASS OF WORK*: <input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTER/REPAIR <input type="checkbox"/> GRADE/FILL <input type="checkbox"/> UTILITIES <input type="checkbox"/> MISC* | | | |
| 9. DESCRIBE TYPE OF WORK YOU ARE PERFORMING*: <u>New single family home</u> | | | |
| 10. FLOOD ZONE*: <u>Shaded X</u> *FEMA Certificate is REQUIRED regardless of Flood Zone If yes, Please provide a Supplemental Form for Floodplain Management | | | |
| 11. TYPE OF ROOF*: <u>Shingle</u> | | | |
| 12. TOTAL VALUATION OF WORK*: (New Homes: Total selling price of home, including lot price) <u>\$120,000 (?)</u> | | | |
| 13. BUILDING HEIGHT*: <u>17'</u> | | APPLICANT TO COMPLETE* (State N/A to those sections that do not apply) | |
| 14. SLAB ELEVATION*: Slab/lowest floor of structure shall be certified by a registered engineer or registered public surveyor to be in compliance with the COMC Code of Ordinances-Chapter 42 Floodplain management. A signed and stamped form survey with slab form MSL elevation shall be submitted prior to slab inspection. Where construction is in a flood zone: Finished construction elevation certificate will be required to obtain the certificate of occupancy. | | | |
| (For Office Use Only) | | | |
| Building Permit # <u>Res1901190</u> | | | |
| Plan Review Fee: \$ _____ (Due at time of submittal) | | | |
| Inv: # _____ | | | |
| PSR: <u>Andre</u> | | | |
| Date: <u>2-26-19</u> | | | |
| | | # of Stories <u>1</u> | Construction Type <u>New</u> |
| | | 1 st Floor (SF) <u>1500</u> | # of Sleeping Rooms <u>3</u> |
| | | 2 nd Floor (SF) <u>N/A</u> | Total Paving <u>706</u> |
| | | 3 rd Floor (SF) <u>N/A</u> | Lot Size <u>5600</u> |
| | | Garage (SF) <u>400</u> | Total Bldg (SF) <u>1900</u> |
| | | | Occupancy Group <u>R3</u> |
| | | | Use Zone |
| | | | Fire Sprinkler Req <u>N/A</u> |
| | | | % Lot Coverage <u>48%</u> |

(713) 816-8744

PLAN REVIEW APPROVAL

Building Official _____

Date _____

Building Permit Fee \$ _____
(Due at time of approval)

Inv: # _____

PSR: _____

Date: _____

I hereby certify that I have read and examined this application and know the same to be true and correct. All Provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not.*

Date: 12/25/19

[Signature]
Signature of Applicant

Martin Castro
Printed Name

832, 404 4584
Cell Phone

The-williamsco@yahoo.com
E-Mail Address

Fax Number

PLAN REVIEW FEE

When the valuation of the proposed construction exceeds \$1,000.00, and the City requires a plan to be submitted, a plan-review fee shall be paid to the City at the time of submitting plans and specifications. Such plan review fee shall be equal to one-half of the required building permit fee. Such fee is in addition to the Building Permit Fee.

BUILDING PERMIT FEES (Total Valuation)

A. Building

| | |
|---------------------------|--|
| Less than \$1,000 | \$15.00 fee |
| \$1,000 to \$49,999.99 | \$15.00 for the first \$1,000.00 plus \$5.00 for each additional thousand or fraction thereof, to and including \$49,999.99 |
| \$50,000 to \$99,999.99 | \$260.00 for the first \$50,000 plus \$4.00 for each additional thousand or fraction thereof, to and including \$99,999.99 |
| \$100,000 to \$499,999.99 | \$460.00 for the first \$100,000 plus \$3.00 for each additional thousand or fraction thereof to and including \$499,999.99. $460 + 3(20) = 520$ |
| \$500,000 and up | \$1,600.00 for the first \$500,000 plus \$2.00 for each additional thousand or fraction thereof. |

B. Moving Fee \$100.00 For the moving of any building or structure.

C. Demolition Fee: \$50.00 For the demolition of any building or structure, 0 to less than 100,000 cu. ft.

\$0.50/ 100,000 cu. ft. and over
1,000 cu ft.

PENALTIES

Where work for which a permit is required by this Code is started or proceeded prior to obtaining a permit, the fees herein specified shall be doubled, but the payment of such double fees shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

See Exhibit C:
Residential plan review, 03/14/19



DEVELOPMENT SERVICES
Permits and Inspections Division
1522 Texas Parkway, Missouri City, TX 77489
Phone (281) 403-8600 / Fax (281) 261-4382
www.missouricitytx.gov

RESIDENTIAL PLAN REVIEW

DATE: 3/14/19

APPLICATION # RES1901190

PROJECT ADDRESS: 12834 Riva Ridge
PROJECT DATA: NSFD

CONTRACTOR: Martin Castro
CONTACT / NUMBER: 832-404-4584

CONSTRUCTION TYPE: V-B
TOTAL SQUARE FOOTAGE: 1900

OCCUPANCY GROUP: R /Residential

PROJECT STATUS: Recommend Disapproval / JWD

Department Comments

Building Inspections Planning Public Works

This review is for a Group (R) Residential only:

1. Show distances to adjacent properties on site plan
2. Two complete sets of plans required. Two copies of everything.
3. Soils report or soils report reference needed with foundation plan
4. Framing and fastening schedule needed
5. Wind storm plan needed – 110mph 3 second gust
6. HVAC manual j calculations needed
7. Elevation certificate does not meet City requirements. See attached requirements
8. Municipal Utility District approval letter needed

-It is the sole responsibility of the applicant to ensure that proposed structure doesn't encroach easements and is located within build lines according to Missouri City zoning regulations.

-This plan review is based on the following codes; 2015 International Residential Code and 2015 International Energy Conservation Code.

See Exhibit D:
Residential plan review, 04/02/19



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1522 Texas Parkway, Missouri City, TX 77489
Phone (281) 403-8600 / Fax (281) 261-4382
www.missouricitytx.gov

RESIDENTIAL PLAN REVIEW

DATE: 04/02/2019

APPLICATION: RES 1901190 – Resub 1

PROJECT ADDRESS: 12834 Riva Ridge
PROJECT DATA: NSFD

CONTRACTOR: Martin Castro
CONTACT / NUMBER: 832-404-4584

CONSTRUCTION TYPE: BLDO
TOTAL SQUARE FOOTAGE: 1900

OCCUPANCY GROUP: R /Residential

PROJECT STATUS: Recommend Disapproval / HDM

Department Comments

Building Inspections Planning Public Works

This review is for a Group (R) Residential only

Applicant's property is located in Residential Zoned R-4 District. Whereas the proposed structure meets the front yard (10') and rear yard (20') setback requirements, it fails to meet the side yard (0') "when adjoining lot with 10' side yard". The proposed North side yard setback is only 5', the Southeast side yard is only 3' at its closest point with neighboring structure.

This plan review based on the following codes; 2015 International Residential Code and 2015 International Energy Conservation Code.

See Exhibit E:
Letter from Chase Stanley, Albany Studio to
Kirk Allen dated 06/11/2019; Emails, dated
04/05/2019, 04/22/2019



ALBANY
STUDIO

DESIGN + BUILD

2802 Albany St. Houston, TX 77006

936.419.6474

chase@albanystudio.com

AlbanyStudio.com

Mr. Kirk Allen
Missouri City
1522 Texas Parkway
Missouri City, TX 77489
281.403.8556
Kirk.Allen@missouricitytx.gov

6/11/2019

Re: 12834 Riva Ridge
Residence for Daniel Reinhold

Dear Kirk,

It was a great pleasure to meet you last week. We will do a drainage plan with Type A drainage as discussed in the meeting for Mr. Reinhold's home. My take away from the meeting is that you would adhere to the 2015 version of the IRC. You were absolutely right, that the City of Houston Amended the IRC allowing a closer building line of 3' or greater with a non-fire rated wall. The original 2015 version of the IRC states that a non-fire rated wall with openings should be 5' or more from a property line. Any walls closer than 5' to the property line should have a 1-hr fire rating, and not have any window openings. Adhering to the 2015 IRC, would mean that the main exterior walls on Mr. Reinhold's house would not need to be fire rated, and could have window openings. However as you previously mentioned, the side wall on the garage would need to have a fire-rating of 1-hr according to the un-amended version of the 2015 IRC.

Overhangs: The roof overhang does not have to be fire rated if A) there is fire-blocking provided from the wall top plate to the underside of the roof sheathing, and B) If there are no soffit vents in the overhang.

Definition: "Fire Separation distance" is defined in section 202 as the distance measured from the building face to the closest interior lot line.

On the next page is Table R302.1(1) from the 2015 version of the IRC which is for buildings that are not equipped with a fire sprinkler system.

Based on the information provided, we will proceed with revising the drawings to have a fire-rated wall on the side of the garage show the fire blocking detail on the drawing, and draw the drainage plan with Type A drainage.

Please feel free to contact me at any time with any inquiry.

Sincerely,
Chase Stanley
Albany Studio

From: Otis Spriggs
Sent: Thursday, June 20, 2019 11:18 AM
To: Jennifer Thomas Gomez
Subject: FW: Disapproved plans - 12834 Riva Ridge
Attachments: A5.1.pdf; a4.1.pdf; A1.1 March.pdf; A3.1.pdf; A2.1.pdf; A6.1.pdf; E1.pdf; S1.pdf; s2.pdf; s3March.pdf



Otis T. Spriggs, AICP | Director of Development Services

1522 Texas Parkway | Missouri City, TX 77489

t. 281.403.8661 | f. 281.403.5551

website | map | email    

~ A Safe, Scenic City rated one of America's "Best" Places to Live

~

The Mission of the City Government of Missouri City is to provide municipal services in a financially responsible and customer friendly manner, while engaging our residents. How can we better serve you? Take our [customer satisfaction survey](#).

From: Dan Reinhold [mailto:dreinho@gmail.com]
Sent: Monday, April 22, 2019 10:12 AM
To: Chase Stanley <chase@albanystudio.com>; Kirk Allen <Kirk.Allen@Missouricitytx.gov>
Cc: Otis Spriggs <otis.spriggs@missouricitytx.gov>; Helmut Maerz <Helmut.Maerz@Missouricitytx.gov>
Subject: Re: Disapproved plans - 12834 Riva Ridge

Good morning Mr. Allen,

My name is Daniel Reinhold. I'm the land purchaser of 12834 Riva Ridge, and a hopeful to be resident of Missouri City. Trying to get the right parties in correspondence to figure out if and how to move forward with our proposed construction.

As I understand things our proposed dwelling is in potential violation of two areas of concern, the zoning setbacks and building code, both due to neighboring properties being built on our property lines (zero lot lines) and our proposed construction being 5' and 3' at the narrowest points from the adjoining buildings. Without too much time spent lamenting a non-disclosing seller, and not wanting to put words in his mouth, I believe Mr. Spriggs of zoning would consider a hardship variance for zoning if he feels this project isn't a danger or concern on the building code side of things.

Chase Stanley, our architect has been included on the e-mail and is available to address concerns. The building was designed according to the 2015 IBC code. I have attached the PDFs for review. Mr. Daniel Maerz is also cc'd, he took over our plan review from Jason Dyer.

Thanks for your time and help in helping this first time (buying, building) family navigate the situation we've found ourselves in.

-Daniel

On Fri, Apr 5, 2019 at 12:16 PM Helmut Maerz <Helmut.Maerz@missouricitytx.gov> wrote:

Good afternoon.

I received this email and also a voice message in regards to your disapproved plans for 12834 Riva Ridge. Residential subdivisions Zoned R-4 are allowed to build houses on zero lot lines providing a minimum of 10 feet between structures. As you noted both adjacent houses are on the property line.

The Planning and Zoning Commission would be the appropriate forum to address your concerns. In this regard I suggest you contact Mr. Otis Spriggs, Director Development Services at 218-403-8661 for further information.

Regards,

H Daniel Maerz

From: Dan Reinhold <dreinho@gmail.com>

Sent: Friday, April 5, 2019 11:21 AM

To: Helmut Maerz <Helmut.Maerz@Missouricitytx.gov>

Cc: Williams Co <The_williamsco@yahoo.com>; Chase Stanley <chase@albanystudio.com>

Subject: Disapproved plans - 12834 Riva Ridge

Good morning and happy Friday,

Thanks for the work you do on behalf of Missouri City and it's residents.

I'm writing for clarification and direction in regards to our disapproved plans for a new construction at 12834 Riva Ridge.

The note says the plan was disapproved due to having only a 5' setback to the north neighbor's home and 3' to the south neighbor. Or not meeting 10' between buildings.

This is a vacant lot in an existing subdivision. While all the neighboring properties have a 10' setback between houses (5' on each lot) the original contractor for the subdivision placed the adjoining houses to our lot right on the property line without honoring any setback to our property.

Our design was the best compromise that we saw for honoring our individual lots setbacks while also meeting the deed restrictions of the community (2 car garage and minimum square footage).

Please advise how to proceed. Can we apply for a variance? Is the concern due to fire safety or something that we can address with our proposed design?

Thanks for your time and help with this matter.

Application Materials



DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division
 1522 Texas Parkway
 Missouri City, Texas 77489
 281-403-8600 (Office) ■ 281-208-5551 (Fax)
 www.missouricitytx.gov

BOARD OF ADJUSTMENT General Information Form

| | |
|---|--|
| 1. Date of Application: July 11 th , 2019 | |
| 2. Address/Location of property: 12834 Riva Ridge Ln Houston Tx 77071 | |
| 3. Applicant's Name: Daniel Reinhold | |
| 4. Mailing Address: 2950 Unity Dr # 572914 Houston Tx 77257 | |
| 5. Phone No: (713) 816-8704 | Email address: dreinho@gmail.com |
| 6. Status of Applicant (Please circle): Agent Corporation <u>Owner</u> Relative Trustee | |
| 7. Property Owner's Name (If different from applicant): | |
| 8. Mailing Address: | |
| 9. Phone No: | Email address: |
| 10. Type of Appeal Requested (Please circle): Interpretation Special Exception <u>Variance</u> | |
| 11. Reason(s) for Appeal: Seller wasn't forthcoming, current zoning would ask for twice the side setbacks as neighboring lots, with variance city + neighborhood gain a new single family residence | |
| 12. Legal Description of the Property (If the legal description is a portion of a lot, then a metes and bounds description of the tract must be attached): | |
| Subdivision Name: Fonnendow | Lot No. 12 Block No. 3 |
| Volume No. 267 and Page No. 90 | of Recorded Plat. |
| 13. Central Appraisal District Tax Identification Number(s) for property: HCAO property account information 1129110000012 | |
| 14. Existing Land Use: vacant but fenced | |
| 15. Do deed restrictions or restrictive covenants exist for the property? (Please circle): <u>YES</u> NO | |
| FILING FEE: \$300.00 | |
| NOTE: Filing fee must accompany completed application form. | |
| Signature of Applicant <i>Daniel Reinhold</i> | Signature of Property Owner, Agent, or Attorney (If different from the applicant) |
| Deliver application and filing fee to: Development Services Department 1522 Texas Parkway (FM-2234) Missouri City, Texas 77489 | |



DEVELOPMENT SERVICES DEPARTMENT
Planning & Development Division

1522 Texas Parkway
Missouri City, Texas 77489
281-403-8600 (Office) ■ 281-208-5551 (Fax)
www.missouricitytx.gov

**BOARD OF ADJUSTMENT
VARIANCE APPLICATION**

Owner's Name: Daniel Reinhold

Mailing Address (Including City, State, Zip): 2950 Unity Dr #572914 Houston Tx 77257
Phone: (713) 816-8704 Email: dreinho@gmail.com

Address of property: 12834 Rivn Ridge Ln Subdivision Name: Fon meadow
Houston Tx 77081 Block Number: 3
Lot Number: 13

From which section(s) of the Zoning Ordinance is a variance being sought:
Section 7.5.C.4

Why will your proposed use not diminish the value of surrounding properties?
The proposed home is a custom design to fit the unique
particulars of the vacant lot it will replace. The plans have
been shared and have the support of the HOA and neighbors.

Why would granting the variance be of benefit to the public interest?
It will provide an additional middle class housing option, take
ownership of an unmaintained lot, and increase the tax base.

Why would denial of the variance result in unnecessary hardship?
At this point, due to the previous developer and builder putting
both neighboring properties on zero foot side yards, denying the
variance would enforce twice the non buildable area as surrounding lots.
Our investment of 25K in the lot and 10K in design would be at risk.

Why would granting the variance do substantial justice?
Although the developers complicated the lot, and the seller
was not forthcoming in the lots limitations, a variance would
allow for this lot to be developed according to its original purpose.

Why is the proposed use consistent with the spirit of the Zoning Ordinance?
A vacant lot would become a home for a family invested in
the neighborhood and city.

Applicant's Signature Daniel Reinhold Date 7/11/19



**NOTICE OF PUBLIC HEARING
TO ADJOINING PROPERTY OWNERS
WITHIN 200 FEET OF PROPERTY SUBJECT TO VARIANCE**

DATE OF NOTICE: JULY 19, 2019

LOCATION/DATE: The Board of Adjustment of the City of Missouri City will hold a public hearing on Wednesday, July 31, 2019, at the City Council Chambers – 2nd Floor, City Hall Building, 1522 Texas Parkway (FM-2234), Missouri City, Texas at 6:00 p.m.

PURPOSE: To receive comments for or against a request by Daniel Reinhold to reduce side yards required by Section 7.5.C.4. of the city's zoning ordinance for the construction of a single family dwelling.

Section 7.5.C.4. requires in part, "...a side yard of five feet; provided, however, there may be zero feet when not less than ten-foot side yard is provided by the adjacent lot and further provided that the wall to be located with the zero feet side yard shall be constructed of brick or masonry and shall be solid and without any openings to the adjacent lot..."

SITE LOCATION: The subject site is located at 12834 Riva Ridge Lane in the Fonmeadow residential subdivision.

SITE LEGAL DESCRIPTION: The subject site can be described as being Lot 12, Block 3, Fonmeadow Section 2 Patio Homes according to the map or plat thereof recorded in Volume 267, Page 90 of the map records of Harris County, Texas.

FOR MORE INFORMATION: Additional information and a map of the subject site are available for review at City Hall, Missouri City, Texas on Monday through Friday from 8:00 a.m. to 4:00 p.m. You may call 281-403-8600 or email the Development Services Department-Planning Division at planning@missouricitytx.gov for further information.



DEVELOPMENT SERVICES – PLANNING DIVISION

1522 TEXAS PARKWAY

MISSOURI CITY, TEXAS 77489

July 19, 2019

CITY OF MISSOURI CITY, TEXAS
Board of Adjustment

The Board of Adjustment of the City of Missouri City will hold a public hearing:
Wednesday, July 31, 2019
City Council Chambers
2nd Floor, City Hall Building
1522 Texas Parkway (FM 2234); 7:00 PM

To receive comments for or against a request by Daniel Reinhold to reduce side yards required by Section 7.5.C.4. of the city's zoning ordinance for the construction of a single family dwelling.

Section 7.5.C.4. requires in part, "...a side yard of five feet; provided, however, there may be zero feet when not less than ten-foot side yard is provided by the adjacent lot and further provided that the wall to be located with the zero feet side yard shall be constructed of brick or masonry and shall be solid and without any openings to the adjacent lot..."

This letter is being sent to property owners within 200 feet of the subject property as required by law. It is also sent to others on request.

Dear City Representatives:

I/We protest this proposed variance because

[Empty text box for protest reason]

I/We support this proposed variance because

[Empty text box for support reason]

Sincerely,

Signature

Print Name

Street Address

Subdivision

Phone Number

Return to:

Development Services Department
1522 Texas Parkway
Missouri City, TX 77489
FAX (281)403-8962

The Texas Public Information Act provides the right of the public to access information that governmental bodies produce and how governmental bodies should respond. By submitting this letter to the City, the personal information included can be accessed by the public subject to this Act. Please print and sign your name below if you do not consent to the release of your personal information to the public.

Print Name

Signature

Letters of Support

Re: Fonmeadow

JoAnn Miller <milledj82@sbcglobal.net>

Thu, May 23, 2019 at 10:16 AM

Reply-To: JoAnn Miller <milledj82@sbcglobal.net>

To: JoAnn Miller <milledj82@sbcglobal.net>, Dan Reinhold <dreinho@gmail.com>

Cc: Sonia LeCompte <SLeCompte@spectrumam.com>

Pursuant to our discussion yesterday at the Fonmeadow HOA meeting:

The Fonmeadow HOA Board does not have any objections to you plans to build a home in our subdivision. We look forward to having you and your family as a residents of our community.

Jo Ann W. Miller

milledj82@sbcglobal.net

"I can do all things through Christ"

wrote:

5/9/19

To whom it may concern,

Our neighbor, Daniel Reinhold, has shared with us the proposed plan for the house at 12834 Riva Ridge including the driveway placement and the setbacks being under 10 feet. We have talked about any concerns that we have including:

Respectfully, Yolanda Granados

Neighbors of Fonmeadow

12830 Riva Ridge Ln
Houston Tx 77071

713 592 3291

I authorize Mr. Daniel Reinhold build a house on 12834 Riva Ridge Lane

Rose Okoye-Abiakam <trinityinternationalmortgage@yahoo.com>
To: Dan Reinhold <dreinho@gmail.com>

Mon, May 27, 2019 at 12:07 AM

Missouri-city office

Rose Okoye-Abiakam
12838 Riva Ridge Lane
Houston TX. 77071

To whom it may concern

Permission to build a house with 5ft instead if 10ft. space between our houses.

I Rose Okoye- Abiakam the owner of 12838 Riva Ridge Lane, is happy to allow 5ft space between our houses provided that it will not have adverse adverse effect of futur sale of my house.

I hope that you grant Mr. Daniel ReinHold the permission to build on his lot at 12834 Tiva Ridge Lane ,either 1 story or 2 story because most of the houses in this Culdesac are 2 stories and they are all under 2000 sq.ft.my house is just 1627 sqft recorded

.Mr. Reinhold driveway is not 20 Ft .but 12 ft ,and he will build with 10 ft in front so it will not affect my driveway in any way.

P/s I observed from the lot plan he got from the city record of the original plat of 1983 that the front lot shows 20 ft, but it is only 12 ft . Could this error be corrected Thanks

Sincerely

Rose Okoye-Abiakam