

March 6, 2018

Piney Point Board of Adjustment
Piney Point City Hall
7676 Woodway Dr., Ste. 300
Houston, TX 77063

RE: 442 Gingham Drive

We are seeking a variance to the following portion of the City of Piney Point Village Code of Ordinances:

Sec. 74-244. - Regulations.

(a) Accessory buildings and structures. Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).

- (1) Rear yard. A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot.
- (2) Side yard. An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot (**Not fully in rear 1/3rd**). Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
 - a. Located no less than ten feet from the side property line; (**we are 3' 6"**)
 - b. Located within six feet of the main structure; and
 - c. Screened so it cannot be viewed from the street.

(b) Height regulations. Except as provided immediately below, or specifically permitted otherwise in this chapter:

- (2) **Accessory building or structure in required yard.** No part of any accessory building or structure that is erected in any yard as required by subsection (c) shall:
 - a. Exceed 20 feet (**21 feet**) in height above the adjacent natural grade, except for chimneys (the width of which shall not exceed six feet and the horizontal cross section of which shall not exceed 16 square feet), ordinary plumbing stacks, or antennas, which are not to exceed ten feet above the building;
 - b. Contain more than one story (**2 Story**); or
 - c. Contain any part (other than chimneys, ordinary plumbing stacks, or antennas) which is higher than an imaginary line rising from a point beginning at ten feet high, ten feet from the property line and rising seven feet for each additional 12 feet from the property line.

We are specifically asking for a variance to allow enough space for a tree house.

Will Swinbank and I unfortunately divorced in 2017. We have 2 boys (5 and 4 years old) and we share custody of our children where the kids stay with one parent for a week and then the other the following week. During the divorce process, the house next door at 430 Gingham Drive became available and Will was able to purchase the house. This was very important to both of us as we are trying our best to have the divorce effect the boys as little as possible. For Christmas, we decided to build them a tree house and built the structure in between the 2 homes. While the 2 lots are not Platt together, we have a gate that connects both backyards and we all see each other every day.

We, naively, were not aware of the restrictions and hired a contractor in December to build the tree house. The structure was built to a high standard and was a large expenditure for both of us. It was not constructed with the capability to be moved and it would need to be dismantled if the variance isn't granted, which would be a significant additional expense, in addition to the boys no longer having their treehouse.

The Piney Point Village Code states it is intended for lots that are a minimum of 40,000 square feet. The lot at 442 Gingham is only 21,000 square feet, thus making it an undersized non-conforming lot. There isn't any location on the property for this structure that would meet the standard of Piney Point Village on both rear and side yard regulations.

It is our feeling that adhering to these requirements mentioned above creates an unnecessary hardship in our attempt to build a treehouse for our boys and we ask that you please grant us these variances.

Figure 1: Reduced Survey of 442 Gingham

Figure 2: Harris County Appraisal District Assessment of 442 Gingham

Figure 3: Photos of structure

Figure 4: Section 74-244 Regulations

Attachment A: List of neighbors notified of the variance request along with the letter that was sent to them

Sincerely,

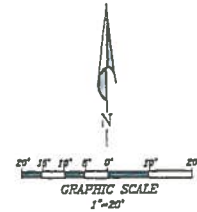
A handwritten signature in black ink, appearing to read 'BS', with a long horizontal stroke extending to the right.

Bronwyn Swinbank

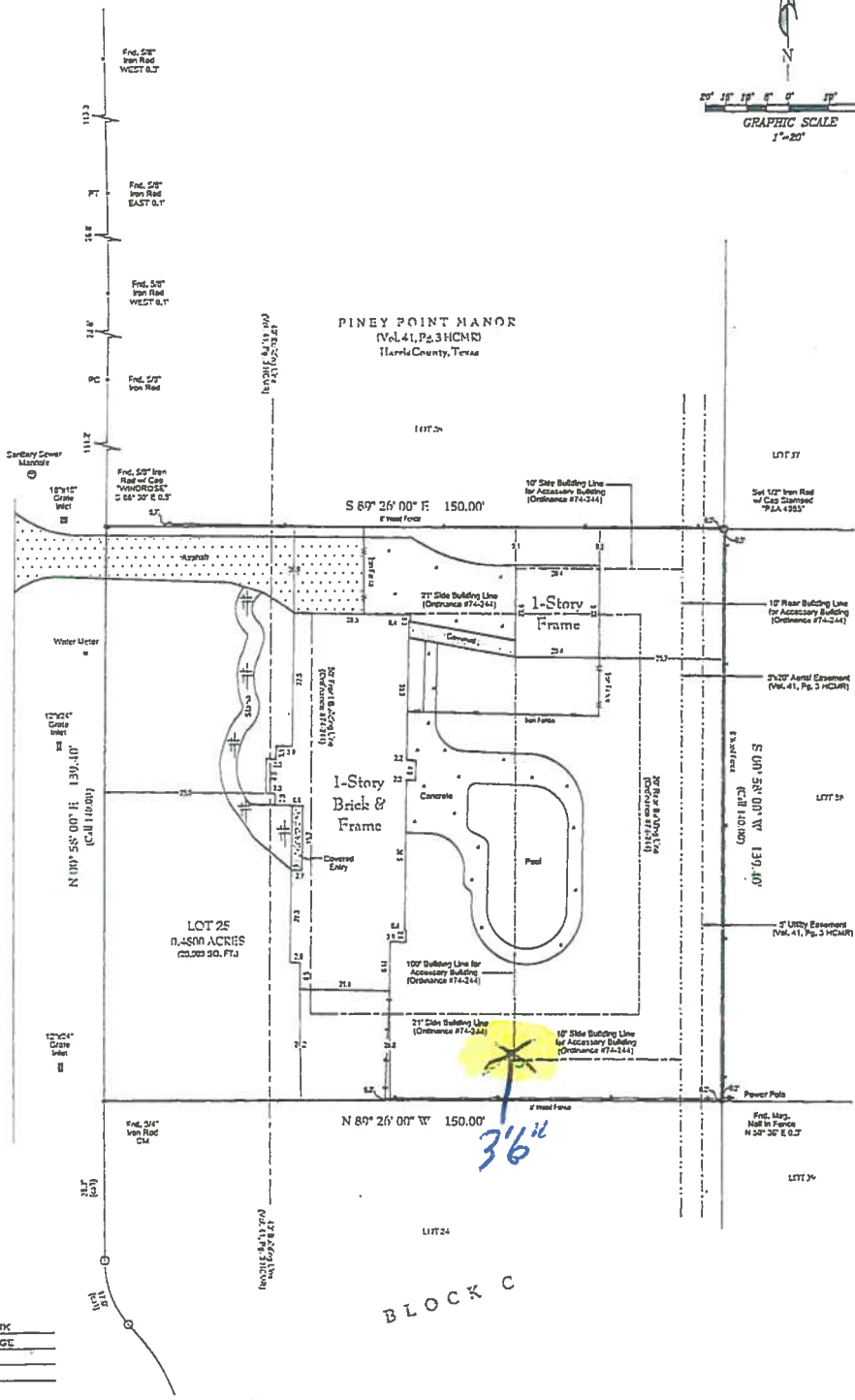
PROBSTFELD & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

515 PARK GROVE DRIVE, SUITE 102 ▲ KATY, TEXAS 77450 ▲ (281) 829-0034 ▲ FAX (281) 829-0233



GINGHAM DRIVE
60' R.O.W. (Vol. 41, Pg. 3 HCMR)



BLOCK C

3'6"

PLAT OF PROPERTY
 FOR: WILL SWINSBANK AND BRONWYN SWINSBANK
 AT: 442 GINGHAM DRIVE - PINEY POINT VILLAGE
 LGL: LOT 25, BLOCK C
PINEY POINT MANOR
 VOLUME 41, PAGE 3 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS

SCALE: 1" = 20'
 DATE: 2/4/2013 REVISED DATE: _____

This Property DOES NOT lie within the designated 100 year Floodplain.
 PANEL NO: 48201C 0645L
 ZONE: X EFF. DATE: 6/18/07
 BASE FLOOD ELEVATION: N/A
 LOCATED BY GRAPHIC PLOTTING ONLY AND NOT RESPONSIBLE FOR ACTUAL DETERMINATION.

THIS SURVEY WAS PERFORMED IN ACCORDANCE WITH TITLE COMMITMENT PROVIDED BY: TITLE HOUSTON HOLDINGS
 GPS: TH13202154-H (04/10/2013)

- NOTES:**
- Fences do not follow boundary lines as shown.
 - Surveyor has not abstracted this property. This survey has been prepared based upon information provided by the title company. No independent investigation of the accuracy of the title company's work has been performed by the surveyor. Zoning ordinances and zoning building setback lines (if any) are not shown.
 - Surveyor has not reviewed restrictive covenants as set forth under Exceptions From Coverage in Schedule B of the Title Commitment.
 - Lot may be subject to certain requirements pertaining to front, side and rear setback lines and also architectural provisions such as eaves, overhangs, ledges, etc., in relation to easements and/or building lines and should be verified prior to any planning or construction.
 - All bearings are based on front right-of-way line.

EMAIL COPY
 NOT TO BE RECORDED FOR ANY PURPOSE

JOB # 2334-101 DRAWN BY: ALS

THIS SURVEY IS THE PROPERTY OF PROBSTFELD & ASSOCIATES, INC., IS CERTIFIED FOR THIS TRANSACTION ONLY, AND IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR OWNERS.

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
 0801700000025

Tax Year: 2018



| Owner and Property Information | | | | | | | |
|--|------------------------------|-----------|-------------------|--|--------------------|-----------|----------|
| Owner Name & Mailing Address: SWINBANK BRONWYN A 442 GINGHAM DR HOUSTON TX 77024-6510 | | | | Legal Description: LT 25 BLK C PINEY POINT MANOR | | | |
| | | | | Property Address: 442 GINGHAM DR HOUSTON TX 77024 | | | |
| State Class Code | Land Use Code | Land Area | Total Living Area | Neighborhood | Neighborhood Group | Map Facet | Key Map® |
| A1 -- Real, Residential, Single-Family | 1001 -- Residential Improved | 21,000 SF | 6,824 SF | 7834 | 25501 | 5057A | 490L |

| Value Status Information | |
|--------------------------|------------|
| Value Status | Shared CAD |
| All Values Pending | No |

| Exemptions and Jurisdictions | | | | | | |
|------------------------------|-----------|-----------------------|-----------------|------------|-----------|-----------|
| Exemption Type | Districts | Jurisdictions | Exemption Value | ARB Status | 2017 Rate | 2018 Rate |
| None | 025 | SPRING BRANCH ISD | | Pending | Pending | 1.394500 |
| | 040 | HARRIS COUNTY | | Pending | Pending | 0.418010 |
| | 041 | HARRIS CO FLOOD CNTRL | | Pending | Pending | 0.028310 |
| | 042 | PORT OF HOUSTON AUTHY | | Pending | Pending | 0.012560 |
| | 043 | HARRIS CO HOSP DIST | | Pending | Pending | 0.171100 |
| | 044 | HARRIS CO EDUC DEPT | | Pending | Pending | 0.005195 |
| | 075 | PINEY POINT VILLAGE | | Pending | Pending | 0.255140 |
| | 707 | MEMORIAL VILLAGES WA | | Pending | Pending | 0.027463 |

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

| Valuations | | | |
|-----------------------------|-----------|-----------------------------|-------------|
| Value as of January 1, 2017 | | Value as of January 1, 2018 | |
| | Market | Appraised | |
| Land | 1,127,500 | | Land |
| Improvement | 1,345,310 | | Improvement |
| Total | 2,472,810 | 2,472,810 | Total |
| | | | Pending |

| Land | | | | | | | | | | | | |
|-------------------|----------------------------------|-----------|-----------|--------|-------------|-------------|-----------------|-----------------|-----------|------------|----------------|---------|
| Market Value Land | | | | | | | | | | | | |
| Line | Description | Site Code | Unit Type | Units | Size Factor | Site Factor | Appr O/R Factor | Appr O/R Reason | Total Adj | Unit Price | Adj Unit Price | Value |
| 1 | 1001 -- Res Improved Table Value | SF1 | SF | 20,000 | 1.00 | 1.00 | 1.00 | -- | 1.00 | Pending | Pending | Pending |
| 2 | 1001 -- Res Improved Table Value | SF3 | SF | 1,000 | 1.00 | 0.50 | 1.00 | -- | 0.50 | Pending | Pending | Pending |

| Building | | | | | | |
|----------|------------|---------------------------|----------------------|-----------|------------|------------------|
| Building | Year Built | Type | Style | Quality | Impr Sq Ft | Building Details |
| 1 | 2014 | Residential Single Family | Residential 1 Family | Excellent | 6,824 * | Displayed |

* All HCAD residential building measurements are done from the exterior, with individual measurements rounded to the closest foot. This measurement includes all closet space, hallways, and interior staircases. Attached garages are not included in the square footage of living area, but valued separately. Living area above attached garages is included

In the square footage living area of the dwelling. Living area above detached garages is not included in the square footage living area of the dwelling but is valued separately. This method is used on all residential properties in Harris County to ensure the uniformity of square footage of living area measurements district-wide. There can be a reasonable variance between the HCAD square footage and your square footage measurement, especially if your square footage measurement was an interior measurement or an exterior measurement to the inch.

Building Details (1)

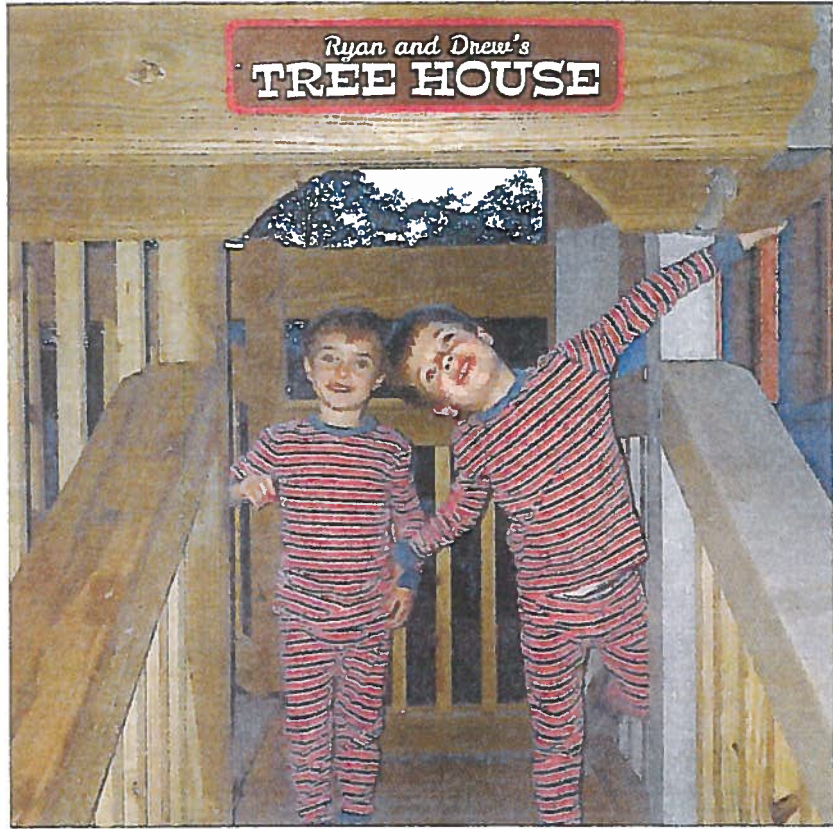
| Building Data | |
|------------------------------|-----------------|
| Element | Detail |
| Foundation Type | Slab |
| Exterior Wall | Brick / Veneer |
| Heating / AC | Central Heat/AC |
| Grade Adjustment | A+ |
| Physical Condition | Average |
| Cond / Desir / Util | Average |
| Cost and Design | New / Rebuilt |
| Element | Units |
| Room: Half Bath | 1 |
| Room: Rec | 4 |
| Fireplace: Direct Vent | 1 |
| Fireplace: Masonry Firebrick | 1 |
| Fireplace: Adl Open | 1 |
| Room: Bedroom | 5 |
| Room: Total | 12 |
| Room: Full Bath | 4 |

| Building Areas | |
|--------------------|-------|
| Description | Area |
| BASE AREA UPR | 2,815 |
| OPEN MAS PORCH PRI | 101 |
| BASE AREA PRI | 4,009 |
| MAS/BRK GARAGE PRI | 880 |
| OPEN MAS PORCH PRI | 827 |

Extra Features

| Line | Description | Quality | Condition | Units | Year Built |
|------|------------------------|---------|-----------|--------|------------|
| 3 | Custom Outdoor Kitchen | Good | Good | 1.00 | 2014 |
| 4 | Gunite Pool | Good | Good | 384.00 | 2015 |
| 5 | Pool SPA with Heater | Good | Good | 1.00 | 2015 |





ec. 74-244. - Regulations.

- (a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).
- (1) *Rear yard.* A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot.
 - (2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot.
Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
 - a. Located no less than ten feet from the side property line;
 - b. Located within six feet of the main structure; and
 - c. Screened so it cannot be viewed from the street.
 - (3) *Equipment/residential structures.* Air conditioning/heating equipment, swimming pool equipment and mosquito equipment are not allowed on any roof or front yard of any residential structure.
 - (4) *Generator.* If not located in the existing building lines, the generator may be located:
 - a. On the ground;
 - b. In the rear third of the property; and
 - c. Ten feet from the property line.

The generator must be screened from the public view by shrubbery and be fueled only by natural gas. Sound shielding and screening is subject to a city approved design.

Unless there is a bona fide emergency requiring the use of the generator, the generator may be turned on only during daylight hour on weekdays.

- (b) *Height regulations.* Except as provided immediately below, or specifically permitted otherwise in this chapter:
- (1) *Building or structure.* No building or structure, or any part thereof, shall exceed 35 feet in height above the natural grade of the existing lot (i.e., the grade at center of proposed building footprint after the lot has been cleared and before any other construction has begun); provided however, if the city requires that the base elevation of the first floor of any building or structure be raised above the natural grade in order to be in compliance with the city's flood

prevention ordinance or other applicable city Code provision, then the height restriction provided for in this paragraph shall be measured from the base of the first floor. Chimneys and antennas shall be allowed not more than ten feet above the building.

- (2) *Accessory building or structure in required yard.* No part of any accessory building or structure that is erected in any yard as required by subsection (c) shall:
 - a. Exceed 20 feet in height above the adjacent natural grade, except for chimneys (the width of which shall not exceed six feet and the horizontal cross section of which shall not exceed 16 square feet), ordinary plumbing stacks, or antennas, which are not to exceed ten feet above the building;
 - b. Contain more than one story; or
 - c. Contain any part (other than chimneys, ordinary plumbing stacks, or antennas) which is higher than an imaginary line rising from a point beginning at ten feet high, ten feet from the property line and rising seven feet for each additional 12 feet from the property line.
 - (3) *Accessory building, church and school.* No accessory building or structure, or any part thereof, shall exceed 35 feet in height.
 - (4) *Yard lights.* Yard lights attached to vegetation are permitted without height limitation within any required yard; however, no light, if installed on any pole or other structure, shall exceed 25 feet in height. Gas or electric lights not exceeding eight feet in height are permitted in a required front yard.
 - (5) *Fences.* As permitted in this section.
- (c) *Area regulations; size of yards.*
- (1) *Front yard.* There shall be a front yard having a depth of not less than 50 feet. Where all or part of a lot abuts on the turnaround portion of a cul-de-sac street, that portion of such lot fronting upon the turnaround portion of such cul-de-sac shall have a front yard depth of not less than 25 feet.
 - (2) *Side yards.* There shall be two side yards on each lot, neither of which shall be less than 15 percent of the lot width at the building line; however, in no event shall a side yard be less than 15 feet or be required to be more than 30 feet.
 - (3) *Rear yard.* There shall be a rear yard having a depth of not less than 20 feet. Corner lots on the turnaround portion of a cul-de-sac shall have two rear yards.
- (d) *Area regulations; size of lot.* No building shall be constructed on any lot that does not meet the following regulations;
- (1) *Lot area.* Lots will have not less than 40,000 square feet. The area of any portion of a private street or right-of-way of a private street shall not be considered as part of the lot for purposes of calculating lot size or building location.

Attachment A

Variance Request 442 Gingham Dr.

February 26, 2018

RE: 442 Gingham Dr.

Neighbor Letter requesting variances were sent to:

430 Gingham Dr.

443 Gingham Dr.

450 Gingham Dr.

451 Gingham Dr.

443 Piney Point Dr.

451 Piney Point Dr.

459 Piney Point Dr.

May 2nd, 2018

Neighbor
Houston, TX 77024

Dear Piney Point Neighbor,

We wish to inform you that we will seeking variances from the Piney Point Board of Adjustment for our property at 442 Gingham Dr. in an effort to allow enough space for a tree house. You are receiving this letter for the 2nd time due to the 1st meeting being rescheduled.

We are seeking a variance to the following portion of the City of Piney Point Village Code of Ordinances: **Sec. 74-244. - Regulations.**

(a) Accessory buildings and structures. Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).

- (1) Rear yard. A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is with the rear third of the lot. (Not fully in rear 1/3rd)
- (2) Side yard. An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
 - a. Located no less than ten feet from the side property line; (3' 6")
 - b. Located within six feet of the main structure; and
 - c. Screened so it cannot be viewed from the street.

(b) Height regulations. Except as provided immediately below, or specifically permitted otherwise in this chapter:

- (2) **Accessory building or structure in required yard.** No part of any accessory building or structure that is erected in any yard as required by subsection (c) shall:
 - a. Exceed 20 feet (21 feet) in height above the adjacent natural grade, except for chimneys (the width of which shall not exceed six feet and the horizontal cross section of which shall not exceed 16 square feet), ordinary plumbing stacks, or antennas, which are not to exceed ten feet above the building;
 - b. Contain more than one story (2 Story); or
 - c. Contain any part (other than chimneys, ordinary plumbing stacks, or antennas) which is higher than an imaginary line rising from a point beginning at ten feet high, ten feet from the property line and rising seven feet for each additional 12 feet from the property line.

You are invited to attend the hearing before the Board of Adjustment to take place on Thursday, May 17th, 2018 at 7:00PM at the following address:

Piney Point City Hall
7676 Woodway Dr., Ste. 300
Houston, TX 77063

A Complaint Board Package will be available at Piney Point City Hall during normal business hours and will be available on the city hall website from May 14th – 19th. Please feel free to contact me at any time with any questions or concerns by phone at 713-201-8804 or email at bronwynswinbank@gmail.com.

Sincerely,

Bronwyn Swinbank