

Variance Request: 11326 Surrey Oaks Ln.

Piney Point Board of Adjustment

Victoria Hawes Presenting on behalf of Jamestown Estate Homes

May 11, 2017 7:00PM

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May 11, 2017 7:00PM

Piney Point Board of Adjustment
Piney Point City Hall
7676 Woodway Dr., Ste. 300
Houston, TX 77024

Re: 11326 Surrey Oaks Ln.

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

Sec. 74-244. Regulations

(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 front 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 be less than 15 feet or be required to be more than 30 feet.

Specifically, we are requesting variances for a 25' front set back and 10' side setbacks in order to build a home that meets the standards of the City of Piney Point Village and allow for a future pool and backyard space while preserving as many of the trees as possible.

With regard to the front yard, observing Piney Point's regulation which requires a 50' front setback would make this home one-of-a-kind on the street as the existing properties have been built at the 25' mark. It is our intention to build a home that is in line with the homes on the street and not overly divergent.

This will be our third home to construct in Piney Point. Our first was on 11311 Jamestown Rd, and we have another one under construction currently on this same street. The home we built at 11311 Jamestown Rd. was more typical of the average home in Piney Point being that it was a 7,931 square feet home on a lot that was 41,762 square feet. The lot at 11326 Surrey Oaks is 8,697 square feet (even smaller than the lot at 11323 Surrey Oaks Ln. is 9,366 square feet for which we received these variances last year!). It is 78' wide and 111.5' deep, and building a home on this property already requires the use of the exceptions to the codes and ordinances which require lots be a minimum of 40,000 square feet and be a minimum of 100ft wide (§ 74-244 (e) (1)).

The existing home at 11326 Surrey Oaks Ln. was built under the deed restrictions for the Surrey Oaks Addition. These restrictions enacted October 18, 1953 required 25' front and 5' side setbacks. We've included the survey of the existing home (Figure 2) so that you can see that the proposed plan will be increasing the side yards on the property from what they are presently.

Having successfully built a home in Piney Point, we are familiar with the drainage requirements, and the side setbacks we are proposing will not have a negative impact on the adjacent lots. By removing the existing structure, we will be increasing the distance between homes. It is our feeling

that adhering to the front and side setback requirements creates undue hardship in our attempt to design a single-family home that meets the standards of Piney Point Village on the lot at 11326 Surrey Oaks.

Figure 1 is a reduced site plan illustrating the first floor design for the home to be constructed at 11326 Surrey Oaks. It shows that we will be following the ordinances for the back building line and lot coverage restrictions.

Figure 2 is a reduced survey (not to scale) of 11326 Surrey Oaks.

Figure 3 is the original deed restrictions for the Surrey Oaks Addition. Restrictions numbers 7 and 8 established 25' front building line and 5' side building lines for the street.


Figure 4 is the original plat for the street.

Figure 5 is a table showing the existing homes and their approximate setbacks. Of the seven homes recently constructed, six of them make use of 10' setbacks on both sides, and the seventh makes use of a 10' setback on one side. There is now one home under construction making use of variances for both side setbacks. All of the homes on the street are constructed with a 25' front setback.

Figure 6 is an aerial view from Google Maps which is intended to show the consistent use of 25' front setback lines.

Attachment A contains the list of neighbors notified of the variance request along with the letter that was mailed.

*Note- we initially applied for and were granted these variances for this property back in September 2015. After our experience listening to current and prospective residents who viewed our home that we built across the street at 11323 Surrey Oaks, we decided to go in a new direction with the plan. This is the explanation for the lag in time between our initial variance request and the one we are now pursuing.



Rice Residential Design, LLC
HOUSTON, TX
77055-1100
www.ricedesign.com

Jameson Estate Homes
1128 Sunny Oaks Lane
Sunny Oaks Addition - Perry Park Village
East of I-10

REVISIONS

NO.	DATE	DESCRIPTION
1	04-04-17	1st SKETCH
2	04-10-17	1st SKETCH

PROJECT INFO

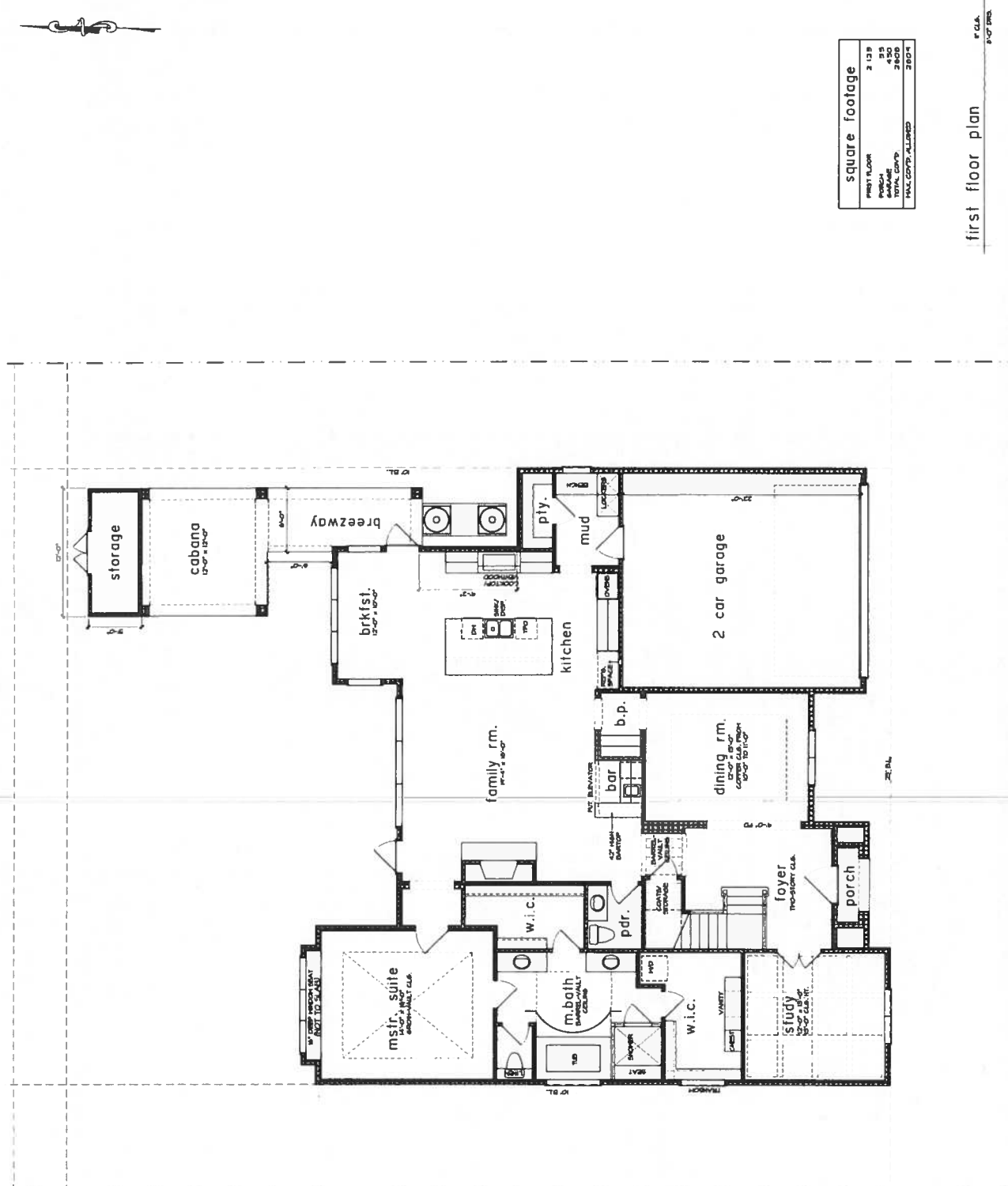
PROJECT LOCATION: 1128 Sunny Oaks Lane
Sunny Oaks Addition - Perry Park Village
East of I-10

DATE: 04/04/17

SCALE: 1/4" = 1'-0"

PLAN NO: X

SHEET NO: **1 of 1**



square footage	
gross floor	2,139
gross porch	315
average	4,500
max. covered	2,800
max. covered allowed	2,800

first floor plan

P.C.A.
P.O.P. 08/18

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STATE OF TEXAS
COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

THAT JOHN KIRBY EWING, of Harris County, Texas, being the owner of a certain subdivision lying and being situated in the County of Harris, State of Texas, consisting of 6.14 acres of land out of the JOHN D. TAYLOR SURVEY, and known as SURREY OAKS ADDITION, according to the map thereof filed for record under County Clerk's File No. 1,142,646, in order to create a uniform plan for the improvement and development of the land hereinbefore described, does hereby adopt and establish certain restrictions, covenants and conditions, which shall be binding upon all present and future owners of portions of said property, as follows:

1.

All portions of said property, except for easements, rights-of-way and reservations hereinbefore provided for, shall be used exclusively for residence purposes.

2.

Only one single family residence building, with appropriate attached or detached garage and/or servants' quarters, shall be built, placed or maintained on any one building site within the subdivision.

3.

No residence building shall be erected or placed upon any building site having an area of less than eleven thousand (11,000) square feet or a width of less than seventy-five (75) feet on SURREY OAKS LANE.

4.

All main residence buildings shall be constructed or placed to front upon SURREY OAKS LANE. No main residence building shall front upon Piney Point Road.

5.

No main residence building containing less than Fourteen Hundred (1,400) square foot of livable floor area, exclusive of porches, garages, car ports, breezeways or servants' quarters, shall be erected, placed or maintained upon any building site.

6.

If any portion of the exterior walls of the main residence be covered with asbestos siding such shall have an under-course to provide a shadow line.

No building shall be erected on any building site with a "built up" roof, as the term is generally understood.

7.

No portion of any main residence building shall be constructed, placed or maintained within twenty five (25) feet of the right-of-way line of SURRY OAKS LANE Or within ten (10) feet of the east line of Piney Point Road; or within five (5) feet of any other side line of any building site. A garage or servants' quarters attached to a main residence shall be considered a part of the main residence building for the purpose of construing the foregoing provisions as to location of the main residence.

8.

No garage or servants' quarters not a part of or attached to the main residence building, shall be constructed, placed or maintained within sixty (60) feet of the right-of-way lines of SURREY OAKS LANE; within ten (10) feet of Piney Point Road; or within five (5) feet of the center line of the utility easements as shown on said recorded map on Lots 10 through 18; or within five feet of the center line of the utility easements hereinafter dedicated on Lots 1 through 9.

9.

No building or structure, or any addition thereto, or any alteration thereof, shall be erected, renovated, reconstructed, placed or suffered to remain upon any building site in said subdivision until there has been submitted to JOHN KIRBY EWING detailed plans and specifications shall indicate the type of materials to be used, the grade elevations of the buildings and the outside color scheme, together with a plot plan of the building site indicating the location of all buildings thereon. Erection of the improvements shall not be started until written approval of the matters submitted has been given by JOHN KIRBY EWING; PROVIDED that if JOHN KIRBY EWING fails to give written notice to the owner of submitting said material within fifteen (15) days after submission of the same, then JOHN KIRBY EWING'S approval shall be implied.

10.

No trailer, tent, shack or other temporary structure shall ever be erected on any building site, and no temporary building, basement, garage or other outbuilding erected on any building site shall at any time be used for human habitation (except for bona fide servants, as herein stated), temporarily or permanently, or shall any structure of a temporary character be used for human habitation.

11.

No animals, swine, livestock or poultry of any kind shall be raised or permitted upon any building site, except that the keeping of dogs and cats as pets (but not for sale or board) shall be permissible.

12.

No trash, manure, garbage, putrescible matter, or debris of any kind shall be dumped or permitted to accumulate on any building site, nor may any of such materials be burned on the premises except in an incinerator designed for that purpose.

13.

No sign, advertisements, billboards or advertising structure of any kind may be erected or maintained on any building site without the consent in writine of JOHN KIRBY EWING.

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14.

No open toilet or cesspool shall be constructed, used or maintained upon any building site.

Until such time as sanitary sewers are made available to the building sites, all sewage shall be drained into septic tanks constructed to comply with all applicable health laws. No effluence from any septic tank shall be allowed to flow into any open ditch but must be connected with a drain field of not less than two hundred fifty (250) lineal feet.

15.

Driveways and sidewalks extending into the right-of-way of any street or road shall be constructed with culverts of at least twelve (12) inches in diameter.

Upon completion of construction upon any building site, the owner thereof shall repair any ditches to return the same to the proper grade and level.

16.

JOHN KIRBY EWING reserves the right to impose further restrictions and dedicate additional easements and road-way right-of-way and to modify the set back distances on any unsold sites in said subdivision, such restrictions to be imposed and such easements and rights-of-way to be dedicated either by instrument in writing duly recorded in the office of the County Clerk of Harris County, Texas, or incorporated in the Deed from JOHN KIRBY EWING conveying the site to be so restricted or subjected to such easement or right-of-way.

17.

In the event any one of these covenants, agreements, reservations, easements or restrictions shall become, or be held, invalid, by reason of abandonment, waiver, or judicial decision, same shall in no wise affect or impair the validity of the other covenants, agreements, reservations, easements or restrictions set out herein, which shall remain in full force and effect.

18.

Any violation of any of the easements, agreements, restrictions, reservations, or covenants contained herein shall not have the effect of impairing or affecting the rights of any mortgagee or trustee under any mortgage of Deed of Trust outstanding against the said property at the time that the easements, agreements, restrictions, reservations or covenants, may be violated.

19.

These covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1988, at which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by the owners of a majority of the area of said subdivision agreeing to change said covenants in whole or in part is recorded in the Deed Records of Harris County, Texas.

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For the purpose of better serving the installation, construction, inspection, repair, maintenance, replacement and removal of any pipes, poles, conduits and other necessary equipment for the furnishing of all public utility services within SURREY OAKS ADDITION, JOHN KIRBY EWING does hereby dedicate an unobstructed easement ten (10) feet in width on the ground and fifteen (15) feet in width from a plane twenty (20) feet above the ground upward, over the North lines of Lots One (1) through Nine (9) in said Addition, said easements to be in lieu of and in enlargement of the present easements over said Lots One (1) through Nine (9) as shown on said recorded map.

EXECUTED this 18th day of October, 1953.


(JOHN KIRBY EWING)

The undersigned, being the owners and holders of liens against the property covered by the foregoing restrictions, do hereby acknowledged that the liens held by the undersigned shall be subject to the restrictions and covenants contained in the foregoing instrument.

EXECUTED this 18th day of October, 1953.


(ETZEL NAMENDORF)

STATE OF TEXAS,
COUNTY OF HARRIS:

do hereby make subdivision of said property according to the lines, lots, building lines, streets, alleys, parks and easements thereon shown and designate said subdivision as SURREY OAKS ADDITION, located in the John D. Taylor Survey, Harris County, Texas, and dedicate the same for the purposes stated hereinafter. It is my intention and the intention of the owner thereof, to occupy the same for the purposes and for the uses herein stated, or occasioned by the subdivision of the same and I intend to erect buildings thereon and I intend to use the same for the purposes and for the uses herein stated, and I intend to sell, lease, convey, assign, mortgage, or otherwise dispose of the same, and I intend to convey the same to my heirs, assigns, personal representatives and assigns, and I intend to use the same for the purposes and for the uses herein stated, and I intend to sell, lease, convey, assign, mortgage, or otherwise dispose of the same, and I intend to convey the same to my heirs, assigns, personal representatives and assigns, and I intend to use the same for the purposes and for the uses herein stated.

There is also dedicated for utilities an unobstructed easement five (5) feet wide from the center line of each side of the center line of the street, alley, building line, or road (five (5) feet wide on each side of the center line of the street, alley, building line, or road) for the purpose of installing and maintaining overhead and underground utility lines, and for the purpose of installing and maintaining overhead and underground utility lines, and for the purpose of installing and maintaining overhead and underground utility lines.

STATE OF TEXAS,
COUNTY OF HARRIS:

I, John Kirby Ewing, being duly sworn, depose and say that I am the owner of the above described property, and that I am the author of the foregoing instrument, and that I executed the same for the purposes and consideration therein set forth, and that I executed the same on this 19th day of May, A.D. 1953, at the city of Houston, Harris County, Texas.

STATE OF TEXAS,
COUNTY OF HARRIS:

I, W.D. Miller, being duly sworn, depose and say that I am the City Planning Commissioner of the City of Houston, Texas, and that I have approved the above described subdivision of the above described property, and that I have approved the same on this 23rd day of June, A.D. 1953, at the City of Houston, Texas.

This is to certify that the above and foregoing plat and subdivision complies with the rules and regulations of the Commission on the City of Houston, Texas, in effect on the date of this certificate.



1142646
2445
JUN 23 1953

100 0 50 100 200



SURREY OAKS ADDITION

6.14 ACRES OUT OF THE JOHN D. TAYLOR SURVEY
HARRIS CO., TEXAS

Scale: 1"=100'

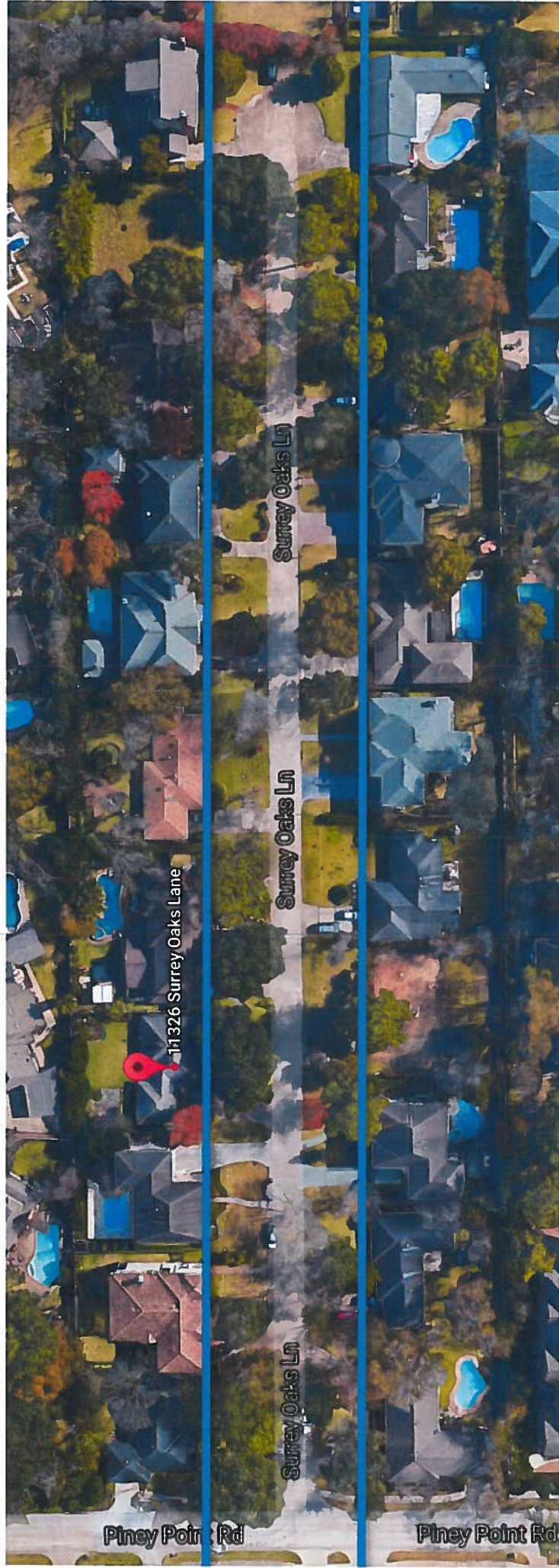
Date: May 1953

2487-11

Figure 5: Table of Existing Homes and Their Setbacks

<u>Address</u>	<u>Recent Construction?</u>	<u>Front setback</u>	<u>Side setbacks</u>
11301 Surrey Oaks	No	25'	Corner/10'
11302 Surrey Oaks	No	25'	Corner/10'
11305 Surrey Oaks	No	25'	5'/7'
11309 Surrey Oaks	No	25'	7'/5'
11310 Surrey Oaks	No	25'	15'/5'
11313 Surrey Oaks	Yes	25'	10'/10'
11315 Surrey Oaks	No	25'	5'/5'
11316 Surrey Oaks	Yes	25'	10'/10'
11318 Surrey Oaks	No	25'	15'/7'
11319 Surrey Oaks	Yes	25'	10'/10'
11321 Surrey Oaks	No	25'	5'/10'
11322 Surrey Oaks	No	25'	15'/10'
11323 Surrey Oaks <i>(I also built this home, and it closed in February of this year.)</i>	Yes	25'	10'/10'
11325 Surrey Oaks	Yes	25'	10'/15'
11326 Surrey Oaks <i>(Original variances approved September 2015.)</i>	<i>Proposed</i>	25'	10'/10'
11328 Surrey Oaks	Yes	25'	10'/10'
11329 Surrey Oaks	Yes- Under-Construction	25'	10'/10'
11330 Surrey Oaks	Yes	25'	10'/10'
11333 Surrey Oaks	No	25'	Corner/10'
11334 Surrey Oaks	No	25'	5'/Corner

Figure 6: Google Earth View of Existing Homes on Surrey Oaks Ln.



The blue lines show approximately where the 25' front setback lines lie.

Attachment A

List of Neighbors that were Sent Notice of this Meeting and Variance Request

**August and Mia Bering
11322 Surrey Oaks Lane
Houston, TX 77024**

**Guido and Naoko Constantini
11323 Surrey Oaks Ln.
Houston, TX 77024**

**Joy & Steven Elliott
446 Clay Point Ct.
Houston, TX 77024**

**Robert and Erin Famulare
11325 Surrey Oaks Lane
Houston, TX 77024**

**Kokyew and Ewe See
11328 Surrey Oaks Lane
Houston, TX 77024**

**Tao Yang
11321 Surrey Oaks Lane
Houston, TX 77024**

**James & Janet Zimmermann
447 Clay Point Ct.
Houston, TX 77024**



April 28, 2017

Neighbor
Houston, TX 77024

Re: 11326 Surrey Oaks Ln

Dear Neighbor,

We wish to inform you that we will be seeking variances from the Piney Point Board of Adjustment for our property at 11326 Surrey Oaks Ln. We are requesting a variance to allow for a 25' front set back and 10' side setbacks in order to build a home that meets the standards of building in Piney Point and allow for a future pool in the backyard.

Attached is a reduced site plan that shows the layout of the proposed first floor on the lot.

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

Sec. 74-244. Regulations

(c)

(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 front 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 be less than 15 feet or be required to be more than 30 feet.

Our variance request is scheduled for the September meeting. You are invited to attend the hearing before the Board of Adjustment to take place on May 11, 2017 at 7:00 PM at the following address:

Piney Point City Hall
7676 Woodway Dr., Ste 300
Houston, TX 77024

A more detailed packet of information regarding this request will be made available online at http://www.cityofpineypoint.com/default.aspx?name=city.boa_agr_mins_2014 prior to the meeting.

You are also invited to contact me at any time to ask questions or express concerns:

Victoria Hawes (832) 296-1663 (call or text)
Victoria.Hawes@JamestownEstateHomes.com

Sincerely,

A handwritten signature in black ink that reads "Victoria Hawes". The signature is written in a cursive style with a large, sweeping "V" and "H".