

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF MANVEL §



NOTICE OF A MEETING
MANVEL ZONING BOARD OF ADJUSTMENT MEETING
December 6, 2022

NOTICE IS HEREBY GIVEN
6:00 P.M.

Pursuant to Chapter 551, Title 5 of the Texas Government Code, the Texas Open Meetings Act, notice is hereby given that the Zoning Board of Adjustment will convene a regular meeting at the Manvel City Hall, located at 20031 Hwy 6, Manvel Tx 77578 for the purpose of discussing and if appropriate, take action with respect to the following items:

NOTE: The ZBOA of the City of Manvel reserves the right to discuss any items in Closed Session whenever authorized under the Texas Open Meetings Act, Chapter 551, of the Texas Government Code. They may discuss the items on this agenda in any order.

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpreter services must be made 48 hours prior to this meeting. Please contact the City Secretary at 281-489-0630 for further information.

Regular Session

Call To Order

Swearing in of Board Members

Martina McNickles

Roll Call

Pos #1 Martina McNickles
Pos #2 Ronald Keels
Pos #3 Mary Ann Atkinson
Pos #4 Raf Lopez
Pos #5 Kim Bickham

Pledge

Pledge of Allegiance and Texas Pledge: "Honor the Texas flag; I pledge allegiance to thee Texas, one state under God, one and indivisible.

Public Comments: "Comment Card" Required

o Members of the public with business before the board, NOT scheduled on the agenda as a public hearing (that have submitted a public comment card) may have three (3) minutes to address the board. o The board may not participate in any discussion and cannot vote on the subject you present unless it is listed on the agenda as an action item.

Public Hearing

TO HEAR INPUT FROM THE PUBLIC REGARDING A ZONING VARIANCE TO CHAPTER 77, ZONING, SECTION 77-27.(B)(1), MINIMUM LOT SIZE, IN OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FOR AN APPROXIMATE 43,650 SQUARE FEET (1 ACRES) OF LAND LOCATED AT 7020 LEWIS LN, BEING A 1 ACRE TRACT OF LAND KNOWN AS TRACT-3 OUT OF OUTLOT-103 OF THE DR. A.A. LUTHER SUBDIVISION AND BEING THE SAME TRACT AS RECORDED IN COUNTY CLERK'S FILE NO. 2015052756 IN THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, SITUATED IN THE H.T. & B. R.R. CO. SURVEY, A-283 BRAZORIA COUNTY, TEXAS; PROVIDING FOR VARIANCE TO MINIMUM LOT SIZE IN THE OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FROM THE CITY'S ZONING ORDINANCE.

Regular Agenda

- A. Consideration and possible action to approve a Zoning Variance to chapter 77, Zoning, Section 77-27.(b)(1), Minimum Lot Size, in Open-Single Family Residential (O-SFR) Zoning District for an approximate 43,650 square feet (1 acre) of land located at 7020 Lewis Ln, Manvel Texas.

Adjourn

CERTIFICATION

I, Tammy Bell, City Secretary for the City of Manvel, do hereby certify that the foregoing Agenda of the City of Manvel Zoning Board Of Adjustment is true and correct; and that I posted such notice on the bulletin board at the Manvel City Hall. A place convenient and readily accessible to the public on December 2, 2022, in accordance with the Texas Open Meetings Act (Tex. Gov't. Code §551.001 et.seq). Said notice remained posted for at least 72 hours preceding the scheduled time of the meeting.



TAMMY BELL, CITY SECRETARY
CITY OF MANVEL, TEXAS





ZONING VARIANCE

Address: 7020 Lewis Ln
Legal Description: see Public Hearing Notice
Applicant/Representative: Jose Osegueda
Property Owner: Annette & Jose Osegueda
Current Zoning: Open-Single Family Residential (O-SFR)
Request: Zoning variance to minimum lot area requirement in the O-SFR zoning district
Applicable Land Use Regulations: Section 77-27 (b) (1)
Exhibits: Application, Applicant Authorization Letter, Property Survey, and Site Plan.
Submitting Staff: Jose Abraham, City Planner

Executive Summary

The property owner (applicant) is requesting variance for a property located at 7020 Lewis Ln in the Open-Single Family Residential (O-SFR) District. The property is currently a 1.00 acre or 43,560 square feet tract fronting Lewis Ln. The City’s Major Thoroughfare Plan identifies Lewis Ln as a 100-foot Arterial. The lot area will be less than 1.00 acre and not conform to the minimum lot area requirement upon dedication of a 20-foot right-of-way for Lewis Ln. The applicant is requesting a variance to the minimum lot area requirement in order to be able to build a single-family home on the property. The requested variance, if granted will:

- Reduce the required minimum lot size from 1 acre to approximately 0.9242 acres or 40,260 square feet.

Site Location



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Planning Department

City of Manvel

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Staff Report

Variance Criteria

Manvel Code of Ordinances, Chapter 77, Zoning, Article III, Administration

Section 77-73., Zoning Board of Adjustment/Zoning Official and Section 77-74., Variances

After a public hearing consisting of 75% of the Zoning Board of Adjustment members, the Board shall place a concurring vote of 75% of the Board members to authorize a variation from the terms of a zoning ordinance. The Zoning Board of Adjustment shall not grant a variance unless it shall in each case, make specific written findings based directly upon the particular evidence presented to it which support written conclusions that:

- (1) The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification;
- (2) The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being or substantially diminish or impair property values within the neighborhood; and
- (3) The variance desired will not be contrary to the general purpose and intent of these regulations.

H.B. 1475 (effective September 1, 2021)

Allows an additional criterion to the three mentioned above, where by the ZBA can consider if “other matters” are in compliance with the City’s zoning ordinance. The items include:

- (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 accessor for the municipality under Section 26.01. Tax Code;
- (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;
- (3) Compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
- (4) Compliance would result in unreasonable encroachment on an adjacent property or easement; or
- (5) The municipality considers the structure to be a nonconforming structure.

Overview

The property is located at 7020 Lewis Ln, at the southwest corner of Lewis Ln and Petry Ln intersection. The one-acre property is owned by Annette & Jose Osegueda and zoned Open-Single Family Residential (O-SFR) district. The property is vacant and the applicant intends to build a single-

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family residence. Currently, Lewis Ln and Petry Ln rights-of-way are 60-foot wide with asphalt roads. The applicant intends to connect to City of Manvel utility services and will not have a well and septic system on the property. The O-SFR zoning requires a minimum lot size of one acre and a minimum lot width of 120-feet measured at front setback. The survey provided by the applicant shows a total lot area of 43,560 square feet (1.00 acre) and a lot width of 165-feet, which conforms to the minimum lot size requirements of O-SFR district requirements.

Lewis Ln is identified as a '100-foot Arterial' on the City's Major Thoroughfare Plan but is currently a 60-foot-wide right-of-way. As a result, the property owner is required to dedicate 20-foot wide strip at the frontage for Lewis Ln right-of-way. The 20-foot right-of-way dedication will move the property line 20-feet and reduce the lot size to less than 1-acre.

Therefore, the applicant is requesting a variance to Section 77-27 (b) (1) of the *Manvel Code of Ordinances* to decrease the required minimum lot size from 1 acre to 0.9242 acres or 40,260 square feet.

Staff Recommendation

City staff recommends approval of the variance request to Section 77-27 (b) (1) of the *Manvel Code of Ordinances* for a one-acre of land located at 7020 Lewis Ln based on the following variance criteria:

- Section 77-27 (b) (1) states, "The minimum lot area is one acre".
 1. *The granting of a variance is necessary to secure appropriate development of a parcel of land which differs from other parcels in the zone by being of such restricted area, shape or slope that it cannot be appropriately developed without modification.*

The property is currently a one (1) acre tract and the need for the variance is due to a street dedication requirement. Since the applicant does not own any property abutting this property, the proposed development cannot happen without granting the variance. The applicant has made attempts to add acreage by buying portions of the adjoining property but have not been successful in getting a response from the owner.

2. *The granting of a variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety and well-being or substantially diminish or impair property values within the neighborhood.*

Granting a variance will not be materially detrimental or injurious to other properties in the area. It will also not impair an adequate supply of light or air to adjacent property, will not substantially increase the congestion, fire danger, endanger the public health, safety and well-being of the neighborhood. The reduction in area is minimal and due to required street dedication.

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3. *The variance desired will not be contrary to the general purpose and intent of these regulations.*

Since the reduction in lot area is not significant, granting variance will not be contrary to the general purpose and intent of the city of Manvel regulations which is promoting the health, safety, and general welfare of the city, and its inhabitants. Also, granting the variance and dedication of required right-of-way is beneficial in the implementation of the Major Thoroughfare Plan.

4. *Additional criteria such as financial cost, loss in lot area, loss of compliance with city ordinances or building codes, unreasonable encroachment on an adjacent property, or the structure is nonconforming are in compliance with the city's zoning ordinance.*

- (a) A financial consideration cannot be taken into account since the property owner does not own additional property to obtain minimum required one (1) acre lot area;
- (b) The loss of 25% lot area to comply with minimum required one (1) acre lot area cannot be considered because the property owner does not own additional property to obtain one acre;
- (c) The property is vacant and there are no structures on the property, therefore, loss of compliance with city ordinances or building codes is not applicable;
- (d) The property is vacant and there are no structures on the property, therefore, unreasonable encroachment on an adjacent property or easement is not applicable; or
- (e) The property is vacant and there are no structures on the property, therefore, criterion related to non-conformity is not applicable.

Zoning Board of Adjustment Public Notice

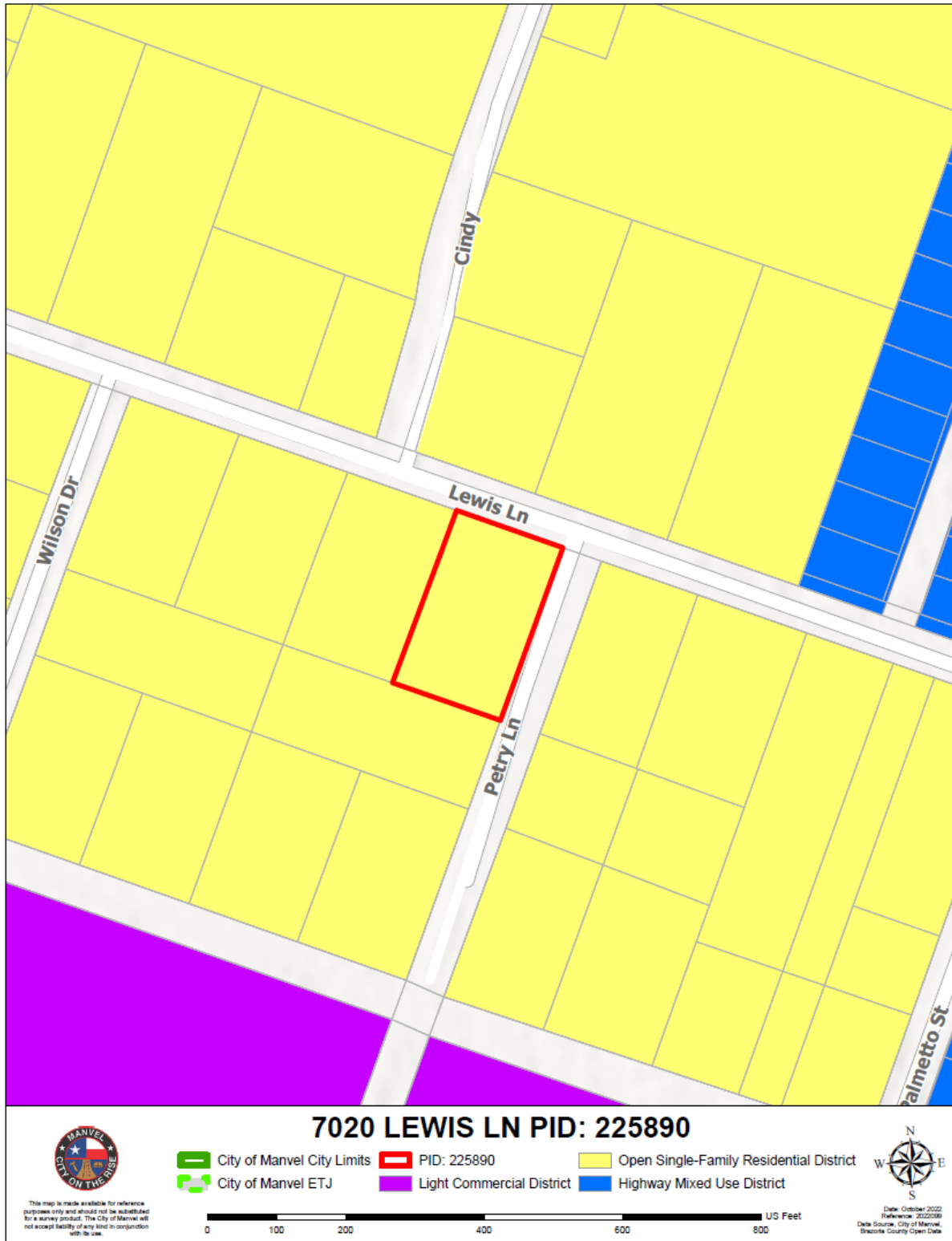
Notice of public hearing was published in a newspaper of general circulation. All property owners within 200-feet of the site were notified. At the time of writing this report, staff has not received informational inquiries or letters from anyone for or against the request. *Table 1: 200-foot Mailing Notification* provides a more detailed look at the mailing notifications.

Table 1: 200-foot Mailing Notification

Letters Sent	Letters Returned	In Favor	In Opposition	Information Only
12	0	--	--	--

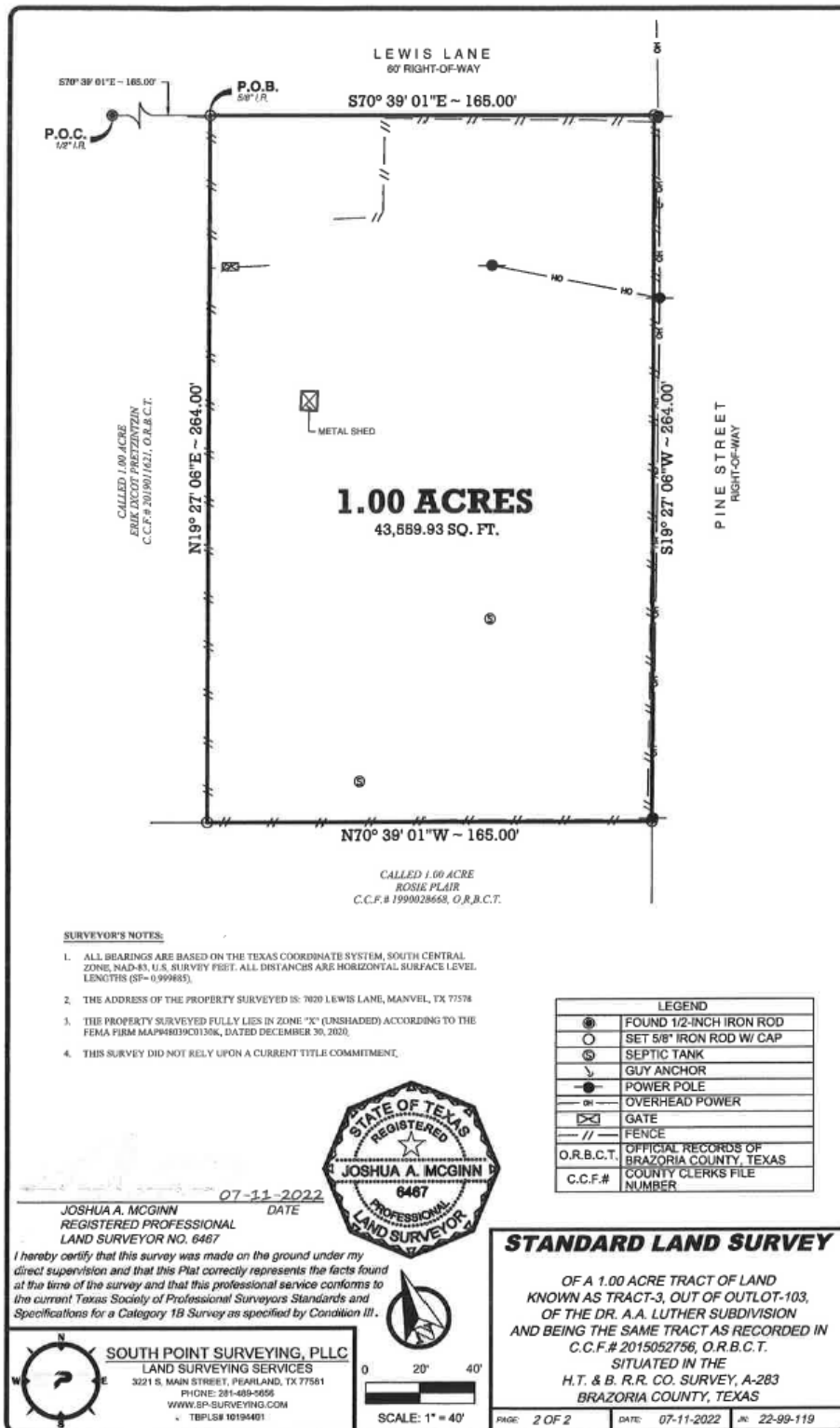


Zoning Map





Property Survey



SURVEYOR'S NOTES:

1. ALL BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83, U.S. SURVEY FEET. ALL DISTANCES ARE HORIZONTAL SURFACE LEVEL LENGTHS (SP-0.999983).
2. THE ADDRESS OF THE PROPERTY SURVEYED IS: 7020 LEWIS LANE, MANVEL, TX 77578
3. THE PROPERTY SURVEYED FULLY LIES IN ZONE "X" (UNSHADED) ACCORDING TO THE FEMA FIRM MAP9403C0130K, DATED DECEMBER 30, 2020.
4. THIS SURVEY DID NOT RELY UPON A CURRENT TITLE COMMITMENT.

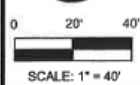
LEGEND	
	FOUND 1/2-INCH IRON ROD
	SET 5/8\"/>



JOSHUA A. MCGINN
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 6467
 DATE: 07-11-2022

I hereby certify that this survey was made on the ground under my direct supervision and that this Plat correctly represents the facts found at the time of the survey and that this professional service conforms to the current Texas Society of Professional Surveyors Standards and Specifications for a Category 1B Survey as specified by Condition III.

SOUTH POINT SURVEYING, PLLC
 LAND SURVEYING SERVICES
 3221 S. MAIN STREET, PEARLAND, TX 77581
 PHONE: 281-455-5854
 WWW.SP-SURVEYING.COM
 TBP LSI# 10194401



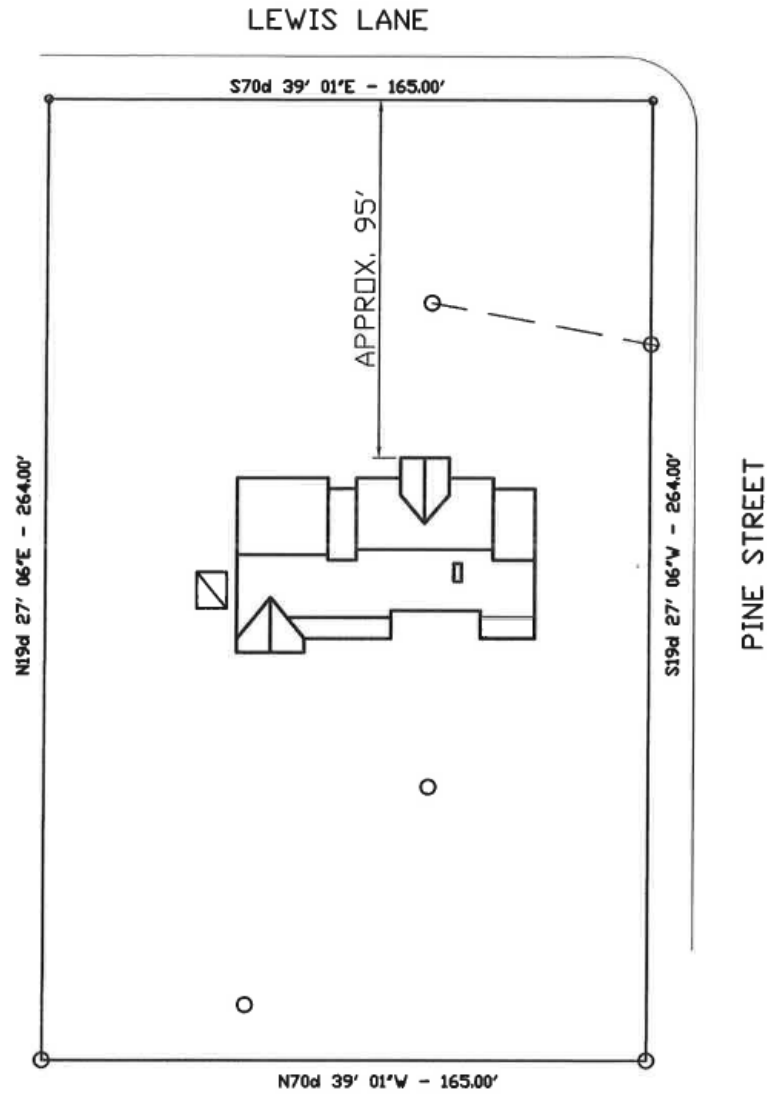
STANDARD LAND SURVEY

OF A 1.00 ACRE TRACT OF LAND
 KNOWN AS TRACT-3, OUT OF OUTLOT-103,
 OF THE DR. A.A. LUTHER SUBDIVISION
 AND BEING THE SAME TRACT AS RECORDED IN
 C.C.F.# 2015052756, O.R.B.C.T.
 SITUATED IN THE
 H.T. & B. R.R. CO. SURVEY, A-283
 BRAZORIA COUNTY, TEXAS

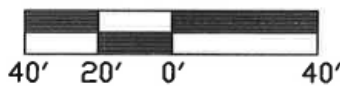
PAGE: 2 OF 2 DATE: 07-11-2022 NO: 22-99-119



Site Plan



A 1.00 ACRE TRACT OF LAND
 KNOWN AS TRACT-3 OUT OF OUTLOT-103
 OF THE DR. A.A. LUTHER SUBDIVISION
 AND BEING THE SAME TRACT AS RECORDED IN
 C.C.F.#2015052756, D.R.B.C.T.
 SITUATED IN THE
 H.T. & B. R.R. CO. SURVEY A-283
 BRAZORIA COUNTY, TEXAS



SITE PLAN

SCALE: 1" = 40'-0"



Aerial Map

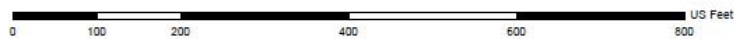


7020 LEWIS LN PID: 225890



This map is made available for reference purposes only and should not be substituted for a survey product. The City of Manvel will not accept liability of any kind in conjunction with its use.

City of Manvel City Limits City of Manvel ETJ PID: 225890

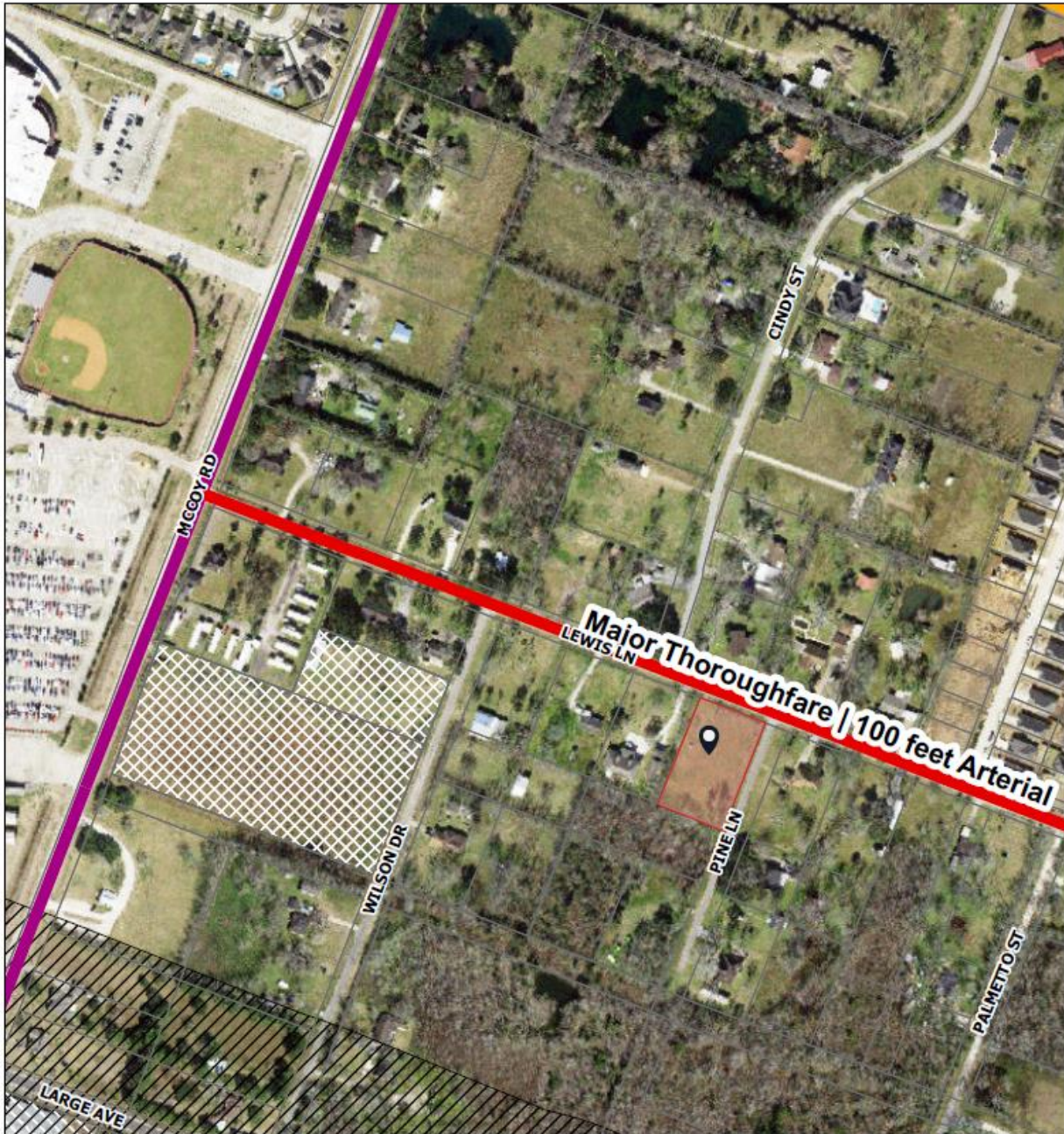


Date: October 2022
Reference: 2022099
Data Source: City of Manvel,
Brazos County Open Data

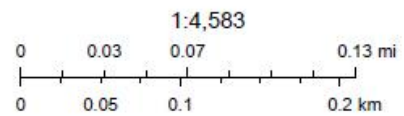


Major Thoroughfare Map

7020 Lewis Lane



11/30/2022





Application



PERMITS DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

ZONING VARIANCE APPLICATION

SITE INFORMATION

Project Name: Annette & Jose Osegueda
Site Address or Legal Description: 7620 Lewis Ln, Manvel, TX 77578
Parcel/Tax ID# (s): _____ Property Platted: YES NO
Current Zoning: _____ Total Acreage: 1.00 Total Lots: 1
Project Description: Construction of a single family home.

OWNER & APPLICANT INFORMATION

Applicant Name: Jose Osegueda Company Name: _____
Address: 15426 W. Westwood Cir City: Houston State: TX Zip: 77071
Phone #: 281.827.5652 Email: o.family711@gmail.com
Owner Name: Annette & Jose Osegueda Company Name: _____
Address: 15426 W. Westwood Cir City: Houston State: TX Zip: 77071
Phone #: 281.798.9730 Email: _____

ZONING VARIANCE INFORMATION

The zoning variance requested is (cite section from Chapter 77, Zoning, in the Code of Ordinances):

Sec. 77-27 (B)

Is granting the variance necessary to secure appropriate development of a parcel of land which differs from other zoning districts by being of such restricted area, shape, or slope that it cannot be appropriately developed without modification?

No. Due to future development, the Right of Way of Lewis Ln will expand by 20 additional feet. This expansion will put us under the 1 acre^{min.}

Will granting the variance be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located?

No. It will not cause any harm to other properties.



Application



PERMITS DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

Will granting the variance impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public health, safety, and well-being, or substantially diminish or impair property values within the neighborhood?

NO-

Will the variance be contrary to the general purpose and intent of these regulations?

NO. Reason for the variance is due to the street dedication

DISCLAIMER & SIGNATURE

I certify that I am the owner or owner's representative of the property (with signed letter of authorization) and that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct.

J. [Signature]
Applicant Signature

10/10/2022
Date



Application



PERMITS DEPARTMENT
 20025 HIGHWAY 6
 MANVEL, TX 77578
 PHONE: 281-489-0630
 FAX: 281-489-0634

SUBMITTAL CHECKLIST

So that we may efficiently review your request in a timely manner, it is important that all required documents and fees listed on the "Submittal Checklist" below are submitted with your application. One or more of the required documents may be waived due to the nature of the request; however, it is incumbent upon the applicant to inquire about these exceptions **before** submitting an application. Answers to variance applications can be obtained by attending a pre-development meeting with our Development Review Committee (DRC) prior to submitting a complete application. Please call the phone number on the application to schedule an appointment. Submit the application and accompanying documents to the Permits Department at the address above Monday through Thursday between the hours of 7:30 a.m. and 5:30 p.m. and Friday between the hours of 7:30 a.m. and 11:30 a.m.

ZONING VARIANCE APPLICATION SUBMITTAL CHECKLIST ITEMS	REQUIRED (PLEASE CHECK)
Completed Zoning Variance Application (with all signatures)	✓
One (1) paper copy of site/plot plan and/or site plan (including vicinity map), measuring 8 ½" x 11", 11" x 17" or 24" x 36" (scaled/dimensioned drawing showing location of proposed building)	✓
Recorded plat or survey	✓
Building elevations (if applicable)	
Letter of Authorization (if applicable)	
PDF format on disc containing all application documents rotated and formatted	
Application Fee of \$750.00 (non-refundable)	✓

APPLICANT CERTIFICATION

By signing below, I acknowledge that I have reviewed the Submittal Checklist and have included the required submittal items and reviewed them for completeness and accuracy. I also acknowledge that my application will be rejected if it is deemed incomplete.


 Applicant Signature

10/10/2022
 Date



Applicant Authorization Letter



PERMITS DEPARTMENT
20025 HIGHWAY 6
MANVEL, TX 77578
PHONE: 281-489-0630
FAX: 281-489-0634

LETTER OF AUTHORIZATION

Have property owner complete and sign, if applicant differs from property owner.

Annette & José Osegueda
Owner Name

15426 W. Westwood Cir
Owner Address

Houston, TX 77071
Owner City, State Zip

10/10/2022
Date

Permits Department
20025 Highway 6
Manvel, TX 77578

Dear City of Manvel Permits Department,

I, José Osegueda, certify that I am the owner of the project property located at 7620 Lewis Ln, Manvel, TX 77578 and that the forgoing statements and answers made and all data, information, and evidence herewith submitted are in all respects to the best of my knowledge and belief, true, and correct. I appoint _____ with the company _____ (if applicable) to act as my representative for this application. I agree to be responsible for payment of bills due to the City of Manvel related to this application. Furthermore, I understand that any material misrepresentation of this application, failure to comply with ordinances, and /or failure to remit payment for services can lead to delays in this variance request – up to and including rejecting the application and forfeiting any fees paid.
Please contact me directly at 281.798.9730 or 281.827.5652 if you have any questions.

Sincerely,

Owner Name José Osegueda

Owner Signature [Signature]



Public Hearing Notice

Public Hearing Notice to run on Sunday 11/20/2022

A PUBLIC HEARING WILL BE HELD AT MANVEL CITY HALL, 20031 HWY 6, MANVEL TX 77578 AT 6:00 P.M. ON TUESDAY, DECEMBER 6, 2022, BEFORE THE MANVEL ZONING BOARD OF ADJUSTMENT, CITY OF MANVEL, TO HEAR INPUT FROM THE PUBLIC REGARDING A ZONING VARIANCE TO CHAPTER 77, ZONING, SECTION 77-27.(B)(1), MINIMUM LOT SIZE, IN OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FOR AN APPROXIMATE 43,650 SQUARE FEET (1 ACRES) OF LAND LOCATED AT 7020 LEWIS LN, BEING A 1 ACRE TRACT OF LAND KNOWN AS TRACT-3 OUT OF OUTLOT-103 OF THE DR. A.A. LUTHER SUBDIVISION AND BEING THE SAME TRACT AS RECORDED IN COUNTY CLERK'S FILE NO. 2015052756 IN THE OFFICIAL RECORDS OF BRAZORIA COUNTY, TEXAS, SITUATED IN THE H.T. & B. R.R. CO. SURVEY, A-283 BRAZORIA COUNTY, TEXAS; PROVIDING FOR VARIANCE TO MINIMUM LOT SIZE IN THE OPEN-SINGLE FAMILY RESIDENTIAL (O-SFR) ZONING DISTRICT FROM THE CITY'S ZONING ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF. /S/ TAMMY BELL, CITY SECRETARY.