

# **COVERED ADDITION VARIANCE**

11325 Surrey Oaks Lane

Piney Point, TX 77024

Robert & Erin Famulare, Resident Owners

Isabella Hawkins, Architect

City of Piney Point

Board of Adjustment Meeting

Thursday, August 13<sup>th</sup> 2020

Piney Point City Hall (via Zoom video conference)

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## LETTER TO THE BOARD OF ADJUSTMENT

August 1, 2020

Piney Point Board of Adjustment

City of Piney Point Village

7676 Woodway, Suite 300

Houston, TX 77063

Re: Variance request for 11325 Surrey Oaks Lane, Houston TX 77024

Dear Board of Adjustment:

We respectfully request approval for the variance to the following definition and regulation included in the City of Piney Point Village Code of Ordinances in order to construct an attached outdoor covered area:

***Sec. 74-244. – Regulations: Area Regulations; size of yards.***

***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.***

***Rear yard***

- ***There shall be a rear yard having a depth of not less than 20 feet.***

We need a covered space to utilize our back yard under protection from the sun and rain - as well as safe and level access to the rear of our home, which includes a recently added lavatory that is only accessible from the outside. Unfortunately, the size of our lot and the manner in which the previous owners constructed our home presents us with several hardships. First, at 9,336 square feet, our lot is among the smallest in Piney Point Village and the functional space of our back yard is severely limited. Second, unlike many of our neighbors, our garage sits 23 feet behind the building line, rather than at the front of the home. The result is that the rear of our home infringes on the only usable space we have in the back. Third, our home is on a raised foundation so entry to our rear yard requires the use of steps from any access point. Fourth, the west side of our home already sits within the 15-foot side setback line.

Our goal is to construct a modest covered area with a floor above the natural grade of our yard so that it is level with the entrance to our new exterior restroom, as well as one of our patio doors. This will enable our guests and family, including our elderly and disabled parents, to access our outside and use the exterior restroom without having to climb up and down stairs. Additionally, we need this covered area to be of adequate height and space to accommodate our gas grill and some basic seating, while still having enough room for people to traverse freely and safely between the patio door area and the exterior restroom. This new area in total will be 305 square feet.

To accomplish this objective, we need to encroach on our 15-foot side building setback by 5 feet, 5.5 inches so that the new raised covered area encompasses the exterior restroom entry and coincides with our existing property line to the west. We also need to encroach 3 feet, 1 inch onto our rear property setback since this

structure will be located 17 feet, 2.5 inches from our rear property line. It is worth noting that the existing construction ordinance allows a covered area to extend 3 feet over the building setback, so essentially our rear variance request is simply to be able to extend the raised flooring out to the same point. Further, our existing pool already encroaches on the rear setback by more than 3 feet so there is precedent.

Aside from constructing this new covered area, we contemplated several alternatives including:

- 1) An accessory structure. We considered this option extensively, but it does not afford us both a covered and level access point to the rear of our home and an adequate passage to our new outdoor lavatory since it only allows for one narrow breezeway. Furthermore, ordinance restrictions around the height of an accessory structure, combined with the raised foundation of our main structure, would still force us to have stairs down from our home and/or up to the exterior restroom, making it difficult or in some cases impossible for our guests or elderly parents to safely and comfortably use our back yard. Moreover, the roofline of the structure would be within the sightline of our rear windows and would be very unsightly. This situation is very different from many of our neighbors whose accessory structure or attached covered area is at (or very close to) ground level along with the rest of their home.
- 2) Construct a much smaller attached structure. Unfortunately, the space available under existing code would not leave us with anything close to a functional covered area and it still would not provide a safe and level entry to our rear lavatory since the entrance resides within the 15-foot side setback.
- 3) Moving to another home with a larger lot that better meets our family's needs. Ultimately, this is not an option as we have invested significant resources into our home so that we may remain inside a city that we have grown so fond of over the last ten years.

Further to that last point, ahead of this proposed project we began a significant renovation of our home with the hope of having this matter resolved many months ago. Unfortunately, due to the intensive street reconstruction on Surrey Oaks Lane over the last 8 months we halted the pursuit of all remaining activities so that the street work could go on unencumbered, despite our rear yard rendered to a mostly unusable state. We hope the board sees this as further evidence of our commitment to the beautification of Piney Point and our role as a considerate and devoted neighbor.

Without this variance, we will not be able to use our yard in a manner that protects us from the elements, nor will our family and guests be able to safely and conveniently access the rear yard or the new rear restroom without frequently traversing dangerous steps. Most of our neighbors do not endure this hardship. Further, many other residents on Surrey Oaks Lane, particularly those who have constructed their home recently, have managed to build within these setbacks despite having similarly small lots. We simply ask for the same consideration.

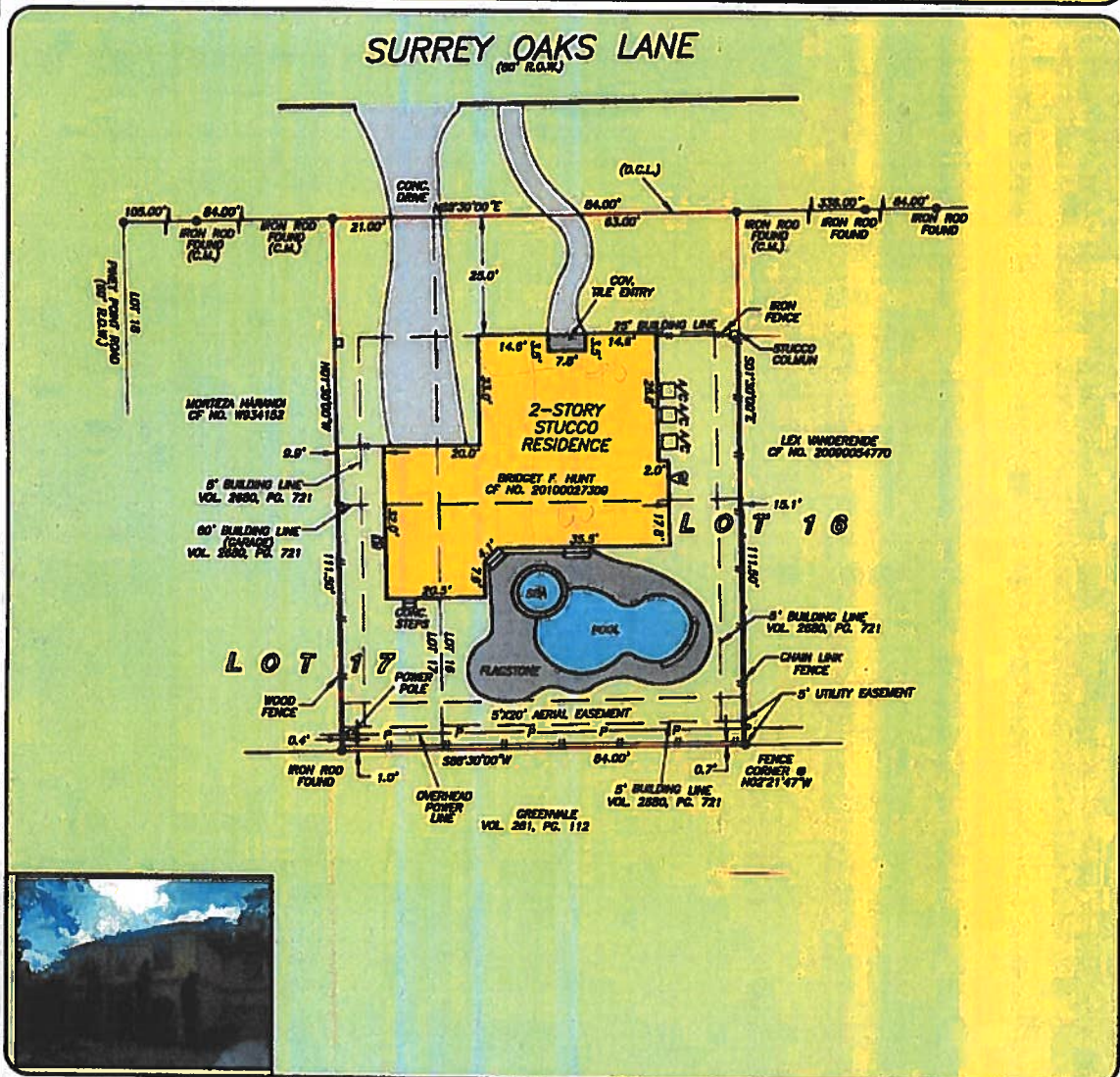
Thank you for your attention to our request. Please contact us at (832) 729-3240 with any questions.

Rob & Erin Famulare

GF NO. 1022002371 CHARTER TITLE  
 ADDRESS: 11325 SURREY OAKS LANE  
 HOUSTON, TEXAS 77024  
 BORROWER: ROBERT FAMILARE

# THE EAST 21 FEET OF LOT 17 AND THE ADJOINING WEST 63 FEET OF LOT 16 SURREY OAKS ADDITION

AN ADDITION IN HARRIS COUNTY, TEXAS  
 ACCORDING TO THE MAP OR PLAT THEREOF RECORDED  
 IN VOLUME 42 PAGE 33 OF THE MAP RECORDS  
 OF HARRIS COUNTY, TEXAS



THIS PROPERTY DOES NOT LIE WITHIN THE  
 100 YEAR FLOOD PLAIN AS PER FIRM  
 PANEL NO. 48201C 0645 L  
 MAP REVISION: 04/18/07  
 ZONE X  
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.  
 INACCURACIES OF FEMA MAPS PREVENT EXACT  
 DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION  
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE  
 RECORD BEARING: VOL. 42, PG. 33, H.C.M.R.

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE  
 ON THE GROUND, THAT THIS PLAT CORRECTLY  
 REPRESENTS THE FACTS FOUND AT THE  
 TIME OF SURVEY AND THAT THERE ARE NO  
 ENCUMBRANCES APPARENT ON THE GROUND,  
 EXCEPT AS SHOWN HEREON. THIS SURVEY IS  
 CERTIFIED FOR THIS TRANSACTION ONLY AND  
 ABSTRACTING PROVIDED IN THE ABOVE  
 REFERENCED TITLE COMMITMENT HAS RELIED  
 UPON IN PREPARATION OF THIS SURVEY.

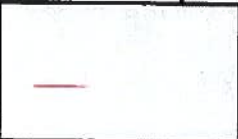
ALLEN D. HUGHES  
 PROFESSIONAL LAND SURVEYOR  
 NO. 3891  
 JOB NO. 11-04484  
 MAY 26, 2011

DRAWN BY: MM



MY CASTLE REALTY  
 GARY BISHA  
 713-683-0054

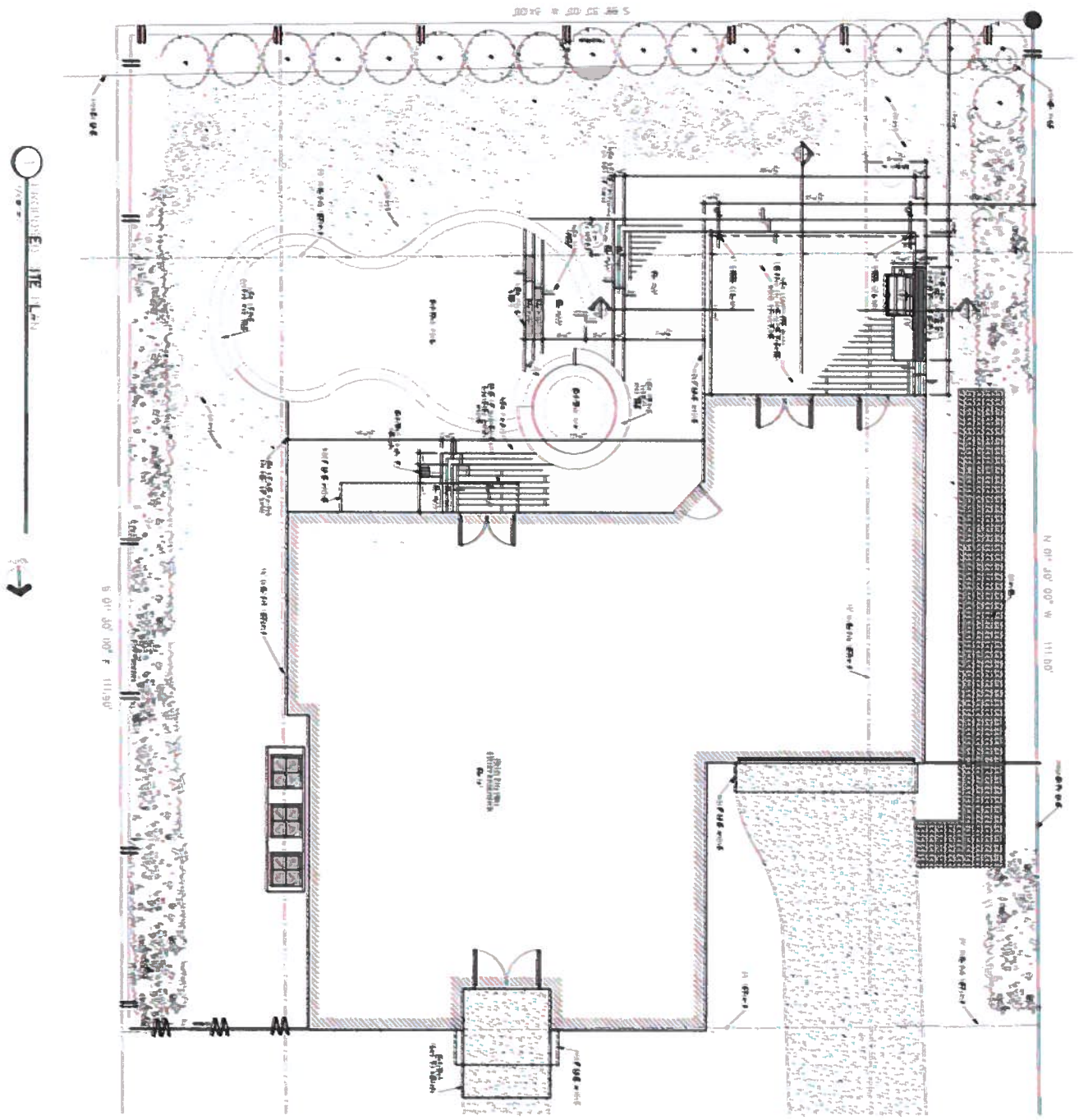
Charter Title Company  
 SUZANNE GORDON  
 713-871-9700



**11325 SURREY OAKS LANE – REAR PHOTOS**



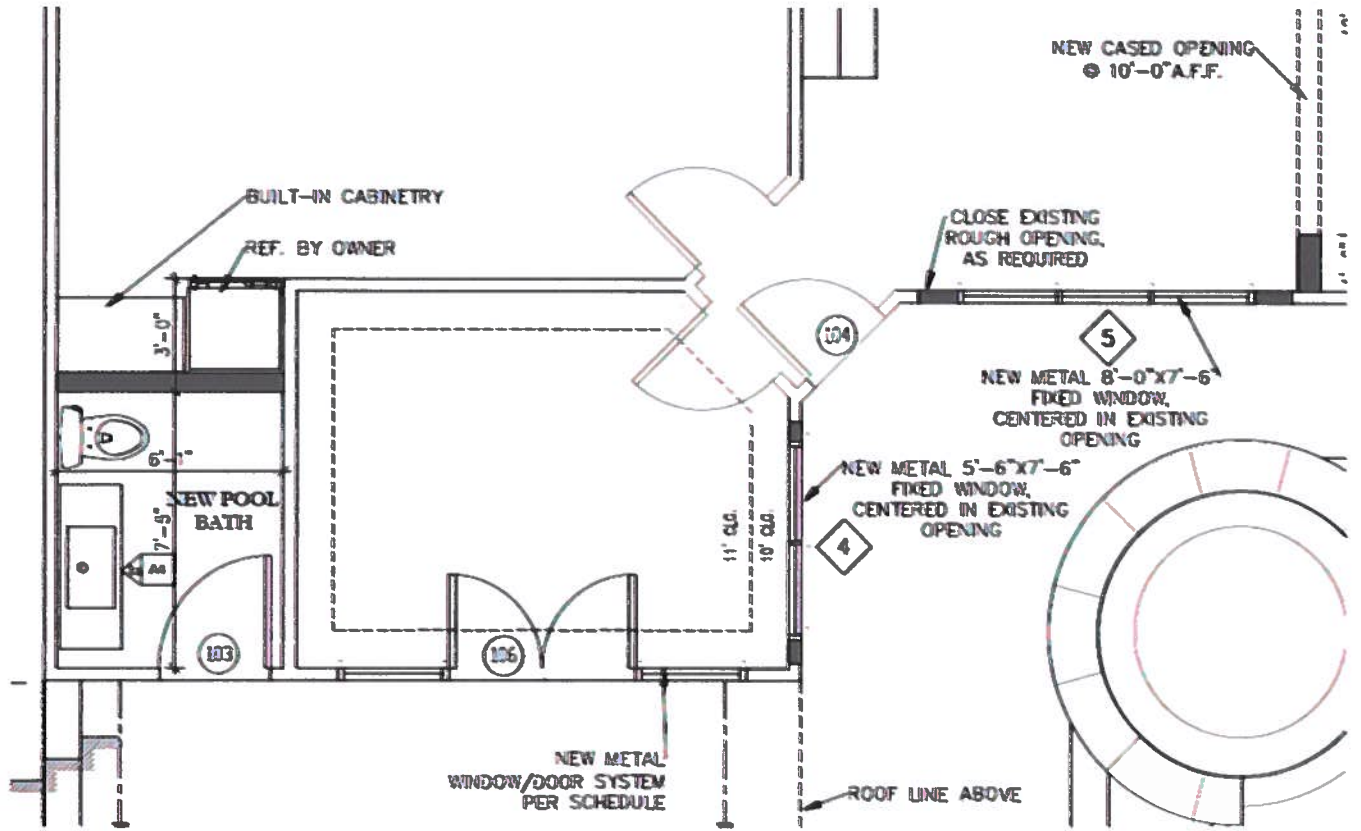
# 11325 SURREY OAKS LANE – SITE PLAN







11325 SURREY OAKS LANE – INTERIOR REMODEL





## PRECEDENT EVIDENCE – 11306 & 11323 SURREY OAKS LANE VARIANCE APPROVALS

### 11306 Surrey Oaks Lane

3. Address: 11306 Surrey Oaks Lane
4. Type of Appeal: Variance  
Applicable Zoning Ordinance Section 74-244 (c)(1) and (2)
5. Applicant was present: no  
Represented by: Sasha Yuksek
6. After presentation of the appeal by applicant, discussion by all interested parties either for or against and deliberation by the Board, the Board voted to grant the appeal as to side yards variance from 15 feet to 10 feet setback and grant the appeal as to front yard variance from 50 feet to 25 feet setback, for new construction, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of construction or remodeling or destruction as described in Section 74-212(b) or (c).

### 11323 Surrey Oaks Lane

Address: 11323 Surrey Oaks Lane

Type of Appeal: 90-day extension of Variance per Order No. 14-13  
Applicable Zoning Ordinance Section 74-244 (c) (1) and (2)

Applicant was present: yes  
Represented by: self

After presentation of the appeal by applicant, discussion by all interested parties either for or against and deliberation by the Board, the Board voted to grant a 90-day extension of the variance previously granted in Order No. 14-13 from Section 74-244 (c)(1) and (2) for new construction to allow a front yard depth of not less than 25 feet, and as to the two side yards each shall be not less than 10 feet.

CURRENT SURVEY - 11325 SURREY OAKS LANE

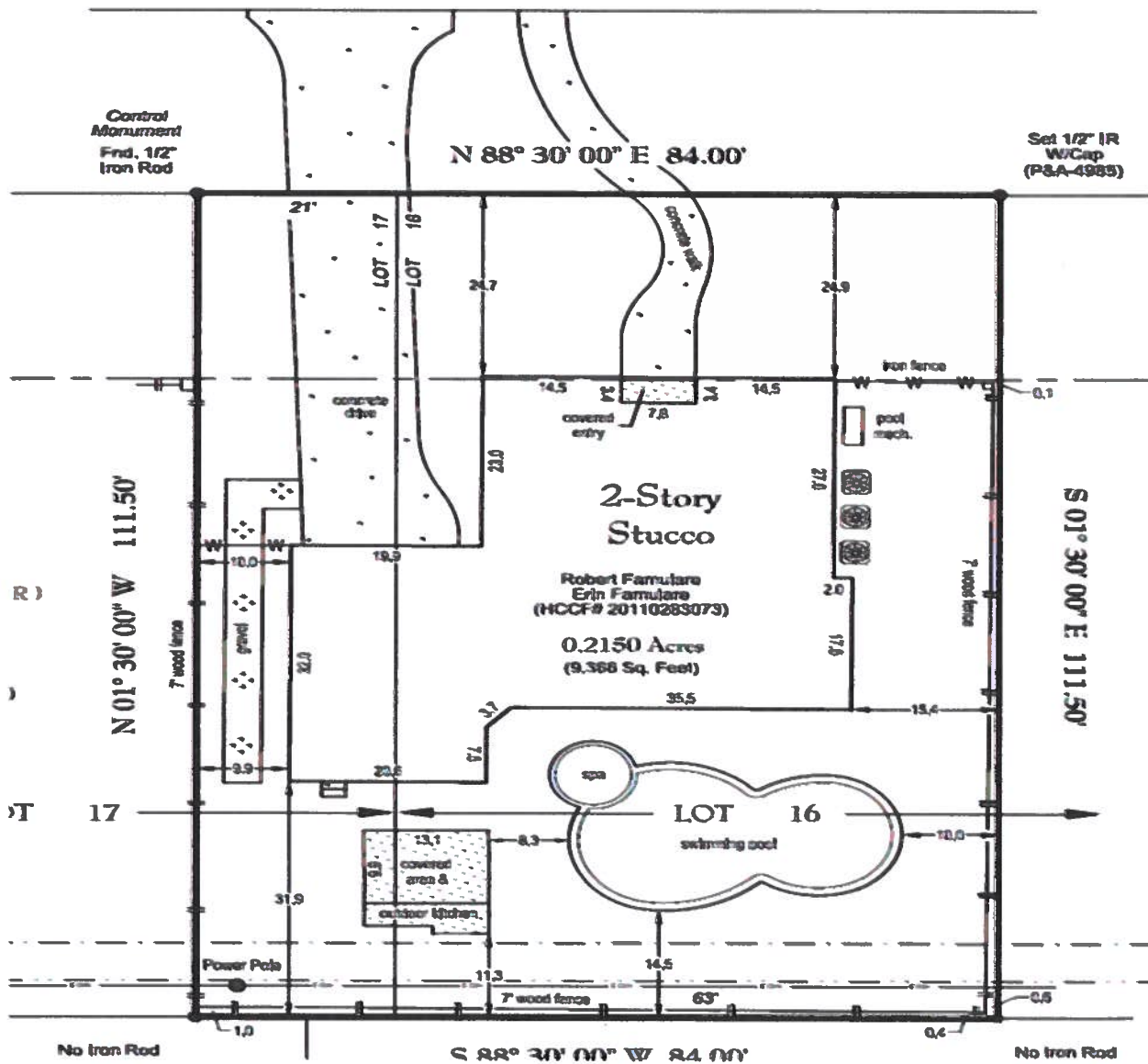
# PROBSTFELD & ASSOCIATES

## PROFESSIONAL LAND SURVEYORS

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

### SURREY OAKS LANE

60' R.O.W. (Vol. 42, Pg. 33 HCMR)



**AREA CALCULATION FORM – 11325 SURREY OAKS LANE**

**Area Calculations Form**

**Property Address:** 11325 Surrey Oaks Lane **Date:** 8/1/2020

**Type of Permit:** Attached Structure

**Area of Lot:** .215 Acres **Square Footage:** 9,366

**Lot Coverage Calculations**

	Existing Area	Proposed Area	Total Area
<b>Main Structure (Total Covered Area)</b>	2,331	2,636	2,636
<b>Accessory Structure</b>	176	0	0
<b>Driveways, Walkways &amp; Sidewalks</b>	1,008	1,008	1,008
<b>Pool and Pool Decking</b>	585	585	585
<b>Total Lot Coverage</b>	4,100	4,229	4,229

**Percent of Lot Coverage by Main Structure:**

2,636	9,366	28%
<b>Area of Main Structure/ (divided by)</b>	<b>Area of Lot =</b>	<b>30% Max Coverage</b>

**Percent of Lot Coverage by Main Structure:**

4,229	9,366	45%
<b>Total Lot Coverage/ (divided by)</b>	<b>Area of Lot =</b>	<b>50% Max. Coverage</b>

Reference, City of Pinney Point Code of Ordinances, Chapter 74-Section, 244. Regulations. (g)

The undersigned, in accordance with the provisions of the Zoning Ordinance of the City of Pinney Point Village, hereby certifies that all statements made herein are true and correct.

**Signature of Property Owner and/or Applicant:** Robert Famulara

**Name of Company:** \_\_\_\_\_

## LETTER TO THE NEIGHBORS

July 25<sup>th</sup>, 2020

Piney Point Neighbor

Street Address

Houston, TX 77024

Dear Neighbor,

We will be requesting a minor variance from the Piney Point Board of Adjustment. The reason for this request is to enable us to construct a safe and level access point to a recently added bathroom at the rear of our home, in coordination with a functional covered area that allows us to utilize a portion of our yard under protection from inclement weather. The side of this new covered area continues along the existing building line of our home, which is located 9.9 feet from our property line. The rear of the covered area will extend roughly 3 feet past the 20-foot setback line so that we can have adequate usable space underneath.

The following is the relevant Piney Point Code of Ordinance definition and regulation:

***Sec. 74-244. – Regulations: Area Regulations; size of yards.***

***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.***

***Rear yard***

- ***There shall be a rear yard having a depth of not less than 20 feet.***

You are invited to attend a hearing on this matter with the Board of Adjustment, scheduled for Thursday, August 13<sup>th</sup> at 7pm CST. This meeting will take place virtually via a Zoom video conference. You can access this meeting using the following details:

Join Zoom Meeting:

<https://us02web.zoom.us/j/8253841191?pwd=TIVKaU04UVhXWGZaYkw0Zm8vZlhEZz09>

Meeting ID: 825 3842 1191

Password: 949213

For additional information, a detailed packet will be available for review on the City of Piney Point website ([www.cityofpineypoint.com](http://www.cityofpineypoint.com)) on August 7<sup>th</sup>. If you have any questions, please do not hesitate to call me directly at (832) 729-3240, or the City of Piney Point at (713) 782-0271.

Thank you,

Robert & Erin Famulare

## **IMMEDIATE NEIGHBORS**

**Jonathan & Ann Hartigan – 11323 Surrey Oaks Lane**

**Morteza Harandi – 11329 Surrey Oaks Lane**

**Kokyew & Ewe See – 11328 Surrey Oaks Lane**

**Jamestown Estate Homes LP – 11326 Surrey Oaks Lane**

**Gerald Dutt – 11314 Green Vale Drive**

**Jerry & Bonita Brock – 11320 Green Vale Drive**

**August & Mia Bering – 11322 Surrey Oaks Lane**

**Gilberto & Leticia Perez – 11330 Surrey Oaks Lane**

**Suzanne Ryther – 11333 Surrey Oaks Lane**

**Tao Yang – 11321 Surrey Oaks Lane**