

**11434 CALICO LN
HOUSTON, TX 77024**

VARIANCE HEARING

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THE BIHLET FAMILY

Juliana and Kasper Bihlet purchased 11434 Calico Lane in order to build their forever home to raise our two daughters- Kirsten (4), Karoline (19 months) and dog Trip. Our family previously lived in Briar croft and loved our previous neighbors and street- but decided it important to be zoned to better schools for our daughters. We fell in love with Calico and the circle street- away from traffic, and safe neighborly feel that we were looking for to raise our daughters.

VARIANCE REQUEST

The Bihlet family is seeking a variance from the Piney Point Board of Adjustment for our property at 11434 Calico Lane. We are requesting a variance to allow for a 40' front building line to build a home and pool that meets the standards of building in Piney Point and to be consistent with Piney Point Manor. We are seeking a variance to the following portion of the City of Piney Point Village Code of Ordinances:

Chapter 74, Sec. 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.

Our variance request is to maintain the 40' building line of the existing home. Whereas Sec. 74-1 Definitions in the Code of Ordinances defines the Building line as "a line parallel or approximately parallel to the street line and beyond which buildings or structures may not be erected". No relief is requested of the side yard setbacks.

NEIGHBOR NOTIFICATION LETTER

Please refer to **Exhibit A** for the Neighbor Notification Letter that was mailed to the below addresses.

1. 11430 Calico Ln
2. 11500 Calico Ln
3. 11433 Calico Ln
4. 11425 Calico Ln
5. 11418 Calico Ln
6. 11419 Shadow Way St
7. 11503 Shadow Way St.
8. 11511 Shadow Way St.
9. 601 Jan Kelly Ln

NON-CONFORMING CONDITIONS OF EXISTING STRUCTURES

Please refer to **Exhibit B** for a survey of 11434 Calico Lane. Below is a list of the non-conforming conditions of the Existing Structures. All side and rear lots will be brought into conformance.

1. Greenhouse encroaches into rear building line by 10'-6 1/2"
2. Greenhouse encroaches into the side building line by 14'-5 1/8"
3. Garage rear patio encroaches into side building line by 17'-5 1/4"
4. Garage encroaches into side building line by 17'-4 5/8"
5. Garage encroaches into side building line by 14'-2 1/4"
6. Main House encroaches into 50' front building line by 6' -10 5/8"
7. Main House encroaches into side building line by 9' 9 7/8"

UNNECESSARY HARDSHIP

- Ordinances written for conforming, 40,000 Square Feet (SF) Lots
- 11434 Calico Lane is a 22,961 SF and is a non-conforming, smaller lot
- Existing structure at the 40' building line. Request is to **maintain** the existing 40' Building Line. (See **Exhibit B** for 11434 Calico Survey).
- Subdivision originally designed at a 40' Building Line. Please refer to original plat in **Exhibit C**.
- A 50' building line would create an **unnecessary hardship** on a smaller, non-conforming lot in a subdivision where the majority of the homes are at the 40' setback.

- We had a professional, licensed surveyor go into the field and shoot the nearest portion of the home to the right of way. This showed that **28 of the 31 homes surveyed (90%)** of the interior streets in Piney Point Manor (Gingham, Jan Kelly and Calico) are at a 40' setback or less. (See Survey attached as **Exhibit D**). We only had the interior streets on the circle surveyed as the remaining lots in the subdivision are on a busier road (Piney Point Road) are more difficult to access and generally would be treated differently than an interior street.
- **84% (16 out of 19)** of new construction (Non-Original homes) are at the 40' setback. (See **Exhibit E** for a depiction of new versus original homes)
- A 40' building line is consistent with the homes on Calico Lane and within Piney Point Manor
- City Council is considering revised regulations for Jan Kelly and Gingham in Piney Point Manor that would allow for lots to be at the 40' setback without applying for a variance (See **Exhibit F**).
- 6 out of 7 homes surveyed on Calico Lane were shown to be at a 40' Building Line or Less (85%). Of these homes, 2 were approved at the 40' setback, 1 was significantly remodeled at the 40' setback and also had a variance approved, 2 are original homes at the 30' setback and 1 is at the 50' setback. It is understood that the one home at the 50' setback was built by a spec builder that did not request a variance.
- **100%** of variances for the 40' setback that were found within Piney Point Manor between 2012-2019 have been **granted** due to the **unnecessary hardship** of a smaller, non-conforming lot (see Granted Variances Obtained attached as **Exhibit G**).
- 50' Building Line on a lot this size would not allow for a home, pool and backyard expected in Piney Point Manor. This would have an impact on the property value due to the smaller backyard space. 90% of the existing homes would have 10' additional in the backyard and all future homes on Jan Kelly and Gingham will be allowed at the 40' setback based upon the proposed ordinances.
- 50' Building Line would lead to no greenspace/ yard for children to play including a swing set (reason the lot was purchased). In these trying times with COVID

and uncertainties- it is very important for our family to have an outdoor area for our growing children to enjoy.

- There is a 10' utility easement and a 5' aerial easement in the backyard (totaling 15') that is limiting the development of the property and pool location.
- 50' Building Line would increase the driveway and walkway which would create additional coverage
- To maintain greenspace with the 50' Building Line, the master or office would need to be relocated upstairs which would create issues with the overall building height restrictions and use of the home as intended (the current configuration allows enough sun exposure necessary for a healthy lawn area. 2 story massing would negate that.)

CHARACTER OF CALICO LANE/ PINEY POINT MANOR

The overall beauty of the street, subdivision and City will be preserved at the 40' setback.

- There are 7 homes on Calico Lane within Piney Point Manor- 6 of these homes have a 40' setback or less. A 40' setback would be consistent with the street and subdivision.
- The average setback on Calico Lane is 40'
- Please see below table for a listing of the setbacks.
- A signed and sealed survey is attached as **Exhibit D**.
- Variances requested and granted are included as **Exhibit G**. Please note that this is limited based upon available data to the applicant. All variances that were found within Piney Point Manor were granted and referenced the unnecessary hardship of a non-conforming lot. All approved variances were for lots of similar size and shape to that of 11434 Calico Lane.
- The proposed structure will actually be further from the neighboring properties than what exists today.

CALICO LANE BUILDING LINES

Lot #	Address *	Surveyed Residence Location** (ft)	Apparent Building Line (FT)	Year Built/ Remodeled	Total Living Area (SF)	Land Area (SF)
1	11402 Calico Ln *	40	40	1956/ 2015	3,015	24,000
2	11410 Calico Ln *	36.9	40	1999	7,346	21,000
3	11418 Calico Ln	40.5	40	2005	5,229	21,000

4	11430 Calico Ln	47.3	50	2009	9,476	21,000
5	11434 Calico Ln	41.2	40	1953	4,331	22,950
6	11433 Calico Ln	35.5	30	1958	4,506	24,585
19	11425 Calico Ln	30.1	30	1958	3,900	25,255
Average		38.8	40			

JAN KELLY/ GINGHAM BUILDING LINES

Lot #	Address*	Surveyed Residence Location** (ft)	Apparent Building Line (FT)	Year Built/ Remodeled	Total Living Area (SF)	Land Area (SF)
7	510 Jan Kelly Ln	42.5	40	1983	5,399	23,579
8	470 Jan Kelly Ln	44.6	40	2006	7,264	22,500
9	466 Jan Kelly Ln	42.1	40	1993	4,835	22,500
10	458 Jan Kelly Ln *	42	40	2016	7,630	22,500
11	450 Jan Kelly Ln	51.3	50	2007	7,633	22,500
12	442 Jan Kelly Ln	35.5	35	2008	6,692	22,500
13	443 Gingham Dr	26	30	1958	2,014	23,110
14	451 Gingham Dr	34.7	30	1958	5,383	23,389
15	459 Gingham Dr	28.5	30	1953	2,372	23,784
16	467 Gingham Dr *	39.4	40	2019	9,199	23,784
17	475 Gingham Dr	41.1	40	1958	4,125	22,922
18	509 Gingham Dr	37.9	40	2000	8,575	25,112
20	402 Gingham Dr *	40.7	40	2020	TBD	21,307
21	410 Gingham Dr	22.4	30	1953/1991	5,042	21,000
22	418 Gingham Dr *	32.3/14.2	30	1958	4,710	19,400
23	426 Gingham Dr	30.1	30	1958	4,376	25,400
24	430 Gingham Dr	24.3/43	30	1957	2,679	17,600
25	442 Gingham Dr *	35.1	40	2014	6,824	21,000
26	450 Gingham Dr	40.6	40	1998	6,449	17,056
27	458 Gingham Dr	40	40	2010	6,769	17,056
28	466 Gingham Dr*	37.3	40	2001	6,196	21,000
29	502 Gingham Dr	48.8	50	2006	7,478	21,000
30	510 Gingham Dr	41.5	40	1988	5,646	21,000
31	518 Gingham Dr	40	40	1958	2,089	21,150
Average		38	37			

Key	
	Subject Property
19XX	Original Residence
XXXX	Homes Built After 50' Ordinance

% Homes Calico/ Gingham/ Jan Kelly with Setbacks <= 40':	90%
% New Homes Calico/ Gingham/ Jan Kelly with Setbacks <= 40':	84%

Notes:

* Granted Variances are attached as **Exhibit G**.

** Surveyed Residence Location is based upon the closest portion of the home to the street which in some cases may be an overhang. Sec. 74-244 (2)(i) of the Piney Point ordinances limits the overhang to 36" (3 ft).

DRAINAGE

We understand that there are drainage concerns related to the development of our lot. I can assure you that we will not only be adhering to but exceeding all drainage requirements. Further, the City will not allow us to begin any construction on our lot until our drainage plans are approved. Should the variance be approved, we would have to have the home permitted within 90 days and therefore, a variance granted cannot be realistically transferred in the event we do not proceed with the build for an unforeseen reason.

An inlet was approved at the low point of 11425 Calico Lane in order to alleviate storm water runoff from approaching the residence (Please see **Exhibit H**). We understand from Mr. Griffin's 9/3/20 letter to the Board that this would satisfy his concerns related to drainage (Please see **Exhibit I**). We are also proactively in coordination with Mr. Griffin on any outstanding drainage concerns that he may have. As we want Calico to be our forever home, it is important to us to create great relationships with our future neighbors and we are very motivated to do the right thing by Mr. Griffin.

During the October Hearing, the City Engineer, Mr. Joe Moore confirmed that whether the proposed coverage is at the 40' setback or the 50' setback is not an impacting factor to the drainage- but the coverage itself. The existing structures on the lot already have a significant amount of coverage but with an inefficient storm sewer system (1- 4" pipe). The drainage after construction will be substantially improved from what exists today as the City's current requirements lead to 2- 6" pipes. As we will be designing all pipes to Atlas 14 data (higher rainfall data not yet adopted by the City) our pipe sizing will be larger than what is currently required.

ATTACHMENTS

- Exhibit A- Neighbor Notification Letter 9
- Exhibit B- 11434 Calico Survey 10
- Exhibit C- Original Subdivision Plat..... 11
- Exhibit D- Survey of Lots 1-31 Piney Point Manor..... 12
- Exhibit E- GIS Exhibit depicting original vs new construction..... 13
- Exhibit F- City Council Ordinances for Jan Kelly/ Gingham..... 14-16
- Exhibit G- Available Granted Variances in Piney Point Manor..... 17-29
- Exhibit H- Approval of inlet at 11425 Calico..... 30
- Exhibit I- September 3rd letter from Mr. Griffin to the Board of adjustments.....31

EXHIBIT A- NEIGHBOR NOTIFICATION

October 26, 2020

Neighbor
Street Address
Houston, Texas 77024

Dear Neighbor:

We wish to inform you that we will be seeking a variance from the Piney Point Board of Adjustment for our property at 11434 Calico Lane. We are requesting a variance to allow for a 40' front setback to build a home and pool that meets the standards of building in Piney Point. The reason that we are requesting the variance is that our lot is a non-conforming lot. A conforming lot is 40,000 SF and our lot is 22,961 SF. The 50' building line ordinance is intended for conforming lots. It would be an unnecessary hardship for a smaller, non-conforming lot to have the same setback as a 40,000 SF lot. Further, the subdivision was originally platted with this lot at a 40' building line. Several variances have been requested and approved within Piney Point Manor for the 40' set back. Most of the homes (original and new) within Piney Point Manor are at the 40' setback.

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

Chapter 74, Sec. 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.

We understand that there are drainage concerns related to the development of our lot. This variance request is to the Board of Adjustments that does not deal with drainage concerns. That being said, I (Juliana Bihlet) am a civil engineer and have a civil engineering firm that prepares stormwater designs for municipalities. I can assure you that we will be adhering to all drainage requirements and the City will not allow us to begin any construction on our lot until our drainage plans are approved. The drainage after construction will be substantially improved from what exists today.

We will be making the request for variance during the November meeting of the Board of Adjustments. The meeting will take place on Thursday, November 12th at 7:00 PM via zoom:

Join Zoom Meeting

<https://us02web.zoom.us/j/88941454056?pwd=Ykk4N1k1Vzk2TEVRRXUxODF6dm1vUT09>

Meeting ID: 889 4145 4056

Passcode: 883821

One tap mobile

+13462487799,,88941454056#,,,,,0#,,883821# US (Houston)

+12532158782,,88941454056#,,,,,0#,,883821# US (Tacoma)

Dial by your location

+1 346 248 7799 US (Houston)

+1 253 215 8782 US (Tacoma)

+1 669 900 6833 US (San Jose)

+1 301 715 8592 US (Germantown)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

Meeting ID: 889 4145 4056

Passcode: 883821

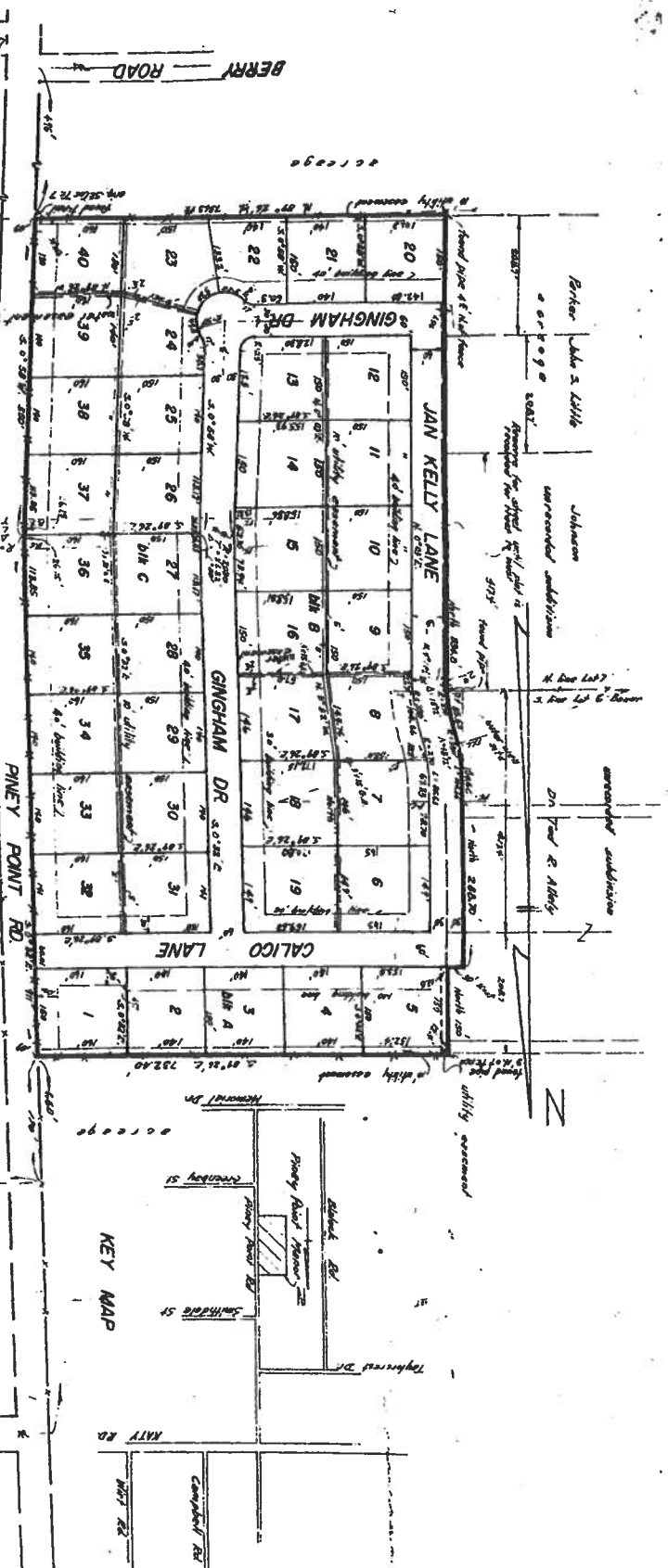
Find your local number: <https://us02web.zoom.us/j/88941454056?pwd=Ykk4N1k1Vzk2TEVRRXUxODF6dm1vUT09>

If you have any questions or concerns regarding this variance request please contact our builders by phone, text or email:

Gareth Construction
Jeff Davies
GarethConst4@gmail.com
(713)875-8018

Sincerely,
Kasper & Juliana Bihlet

EXHIBIT C- ORIGINAL SUBDIVISION PLAT



PINEY POINT MANOR

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT COMPLIES WITH ALL RULES AND REGULATIONS OF THE COMMISSIONERS COURT OF BERRY COUNTY TEXAS, AND THAT THE SAME HAS BEEN APPROVED BY SAID COMMISSIONERS COURT OF BERRY COUNTY TEXAS, AND THAT THE SAME IS VALID AND EFFECTIVE FROM AND AFTER THE DATE OF RECORDING SAID PLAT IN THE PUBLIC RECORDS OF BERRY COUNTY TEXAS.

24,498 ACRES
 NOV. 21, 1952
 P = 100'
 Roy M. Pinner, Jr. - Engineer

10808583
 JUN 9 1953
 HELL J. BRYANT

STATE OF TEXAS
 COUNTY OF BERRY
 I, John A. Pinner, Jr., Engineer, do hereby certify that the above and foregoing plat complies with all rules and regulations of the Commissioners Court of Berry County, Texas, and that the same has been approved by said Commissioners Court of Berry County, Texas, and that the same is valid and effective from and after the date of recording said plat in the public records of Berry County, Texas.

STATE OF TEXAS
 COUNTY OF BERRY
 I, John A. Pinner, Jr., Engineer, do hereby certify that the above and foregoing plat complies with all rules and regulations of the Commissioners Court of Berry County, Texas, and that the same has been approved by said Commissioners Court of Berry County, Texas, and that the same is valid and effective from and after the date of recording said plat in the public records of Berry County, Texas.

STATE OF TEXAS
 COUNTY OF BERRY
 I, John A. Pinner, Jr., Engineer, do hereby certify that the above and foregoing plat complies with all rules and regulations of the Commissioners Court of Berry County, Texas, and that the same has been approved by said Commissioners Court of Berry County, Texas, and that the same is valid and effective from and after the date of recording said plat in the public records of Berry County, Texas.

FILED FOR RECORD JAN 9, 1953 AT 9:15 O'CLOCK A. M.
 RECORDED Feb 11, 1953 AT 11:30 O'CLOCK A. M.
 W. WALLER, CLERK COUNTY COURT, BERRY COUNTY, TEXAS
 BY Ed. Reddick DEPUTY

THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT COMPLIES WITH ALL RULES AND REGULATIONS OF THE COMMISSIONERS COURT OF BERRY COUNTY TEXAS, AND THAT THE SAME HAS BEEN APPROVED BY SAID COMMISSIONERS COURT OF BERRY COUNTY TEXAS, AND THAT THE SAME IS VALID AND EFFECTIVE FROM AND AFTER THE DATE OF RECORDING SAID PLAT IN THE PUBLIC RECORDS OF BERRY COUNTY TEXAS.

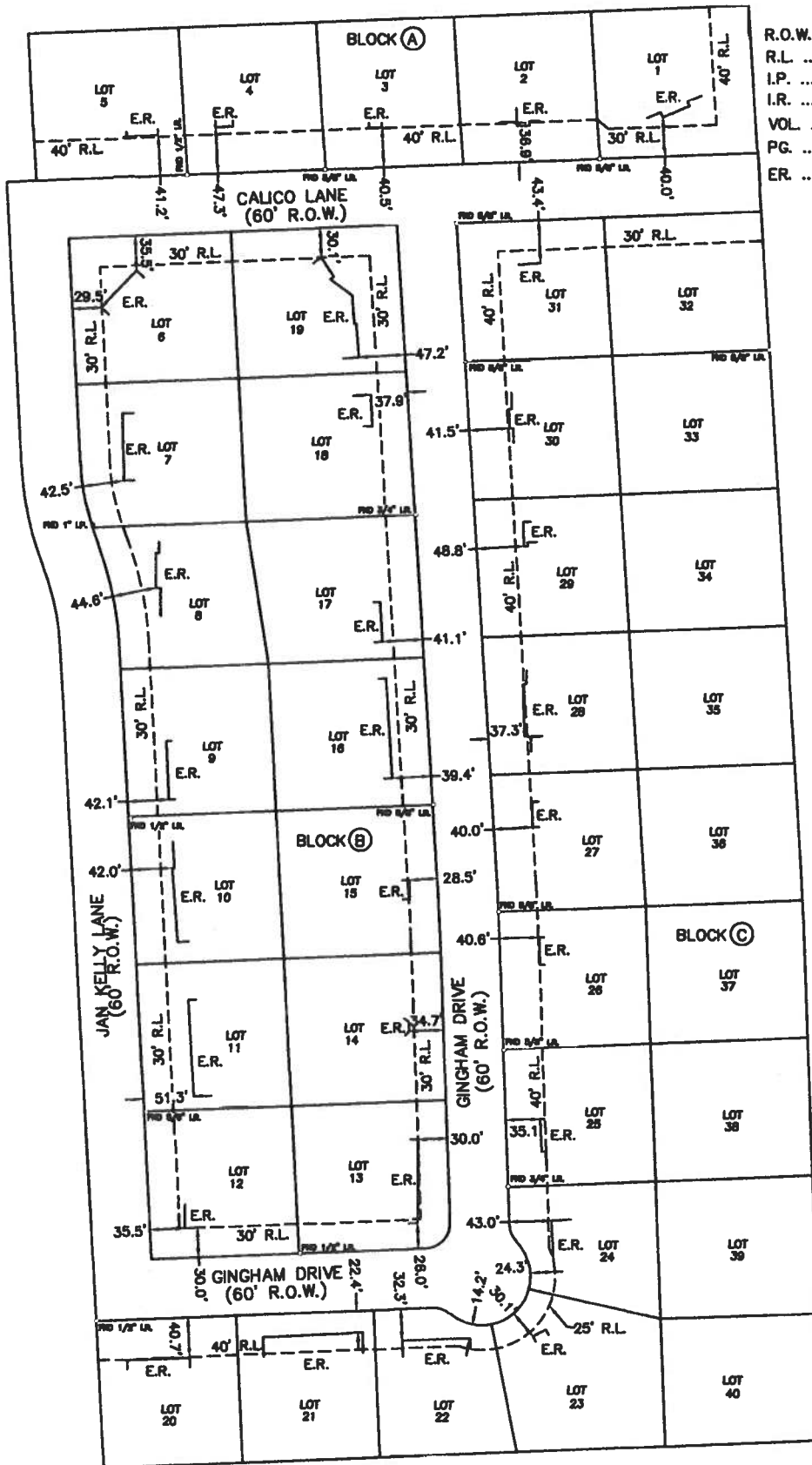
THIS IS TO CERTIFY THAT THE ABOVE AND FOREGOING PLAT COMPLIES WITH ALL RULES AND REGULATIONS OF THE COMMISSIONERS COURT OF BERRY COUNTY TEXAS, AND THAT THE SAME HAS BEEN APPROVED BY SAID COMMISSIONERS COURT OF BERRY COUNTY TEXAS, AND THAT THE SAME IS VALID AND EFFECTIVE FROM AND AFTER THE DATE OF RECORDING SAID PLAT IN THE PUBLIC RECORDS OF BERRY COUNTY TEXAS.

EXHIBIT D- SURVEY OF LOTS 1-31

LEGEND

- R.O.W. Right of Way
- R.L. Reference Line
- I.P. Iron Pipe
- I.R. Iron Rod
- VOL. Volume
- PG. Page
- ER. Existing Residence

SCALE 1"=200'



PINEY POINT ROAD

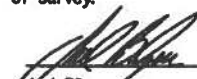
JOHN D. TAYLOR SURVEY, A-72
HARRIS COUNTY, TEXAS

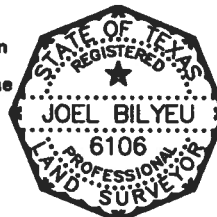
TO: BLACKLINE ENGINEERING, L.L.C.

GENERAL NOTES:

1. EXHIBIT IS REFERENCED TO THE TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204), NAD83.
2. THIS IS NOT A LAND TITLE SURVEY. THE PURPOSE OF THIS EXHIBIT IS TO SHOW THE FRONT OF EACH RESIDENCE ONLY.
3. THE FRONT OF EACH RESIDENCE SHOWN ON THIS EXHIBIT IS THE LOCATION OF THE OVERHANG ONLY.

I certify that this survey was made on the ground, that this plat correctly represents the facts found at the time of survey.


 Joel Bilyeu,
 Texas R.P.L.S. No. 6106 12



SURVEY EXHIBIT
PINEY POINT MANOR
SUBDIVISION
OUT OF THE JOHN D. TAYLOR
SURVEY, ABSTRACT No. 72
RECORDED IN VOL. 41, PG. 8
HARRIS COUNTY MAP RECORDS
HARRIS COUNTY, TEXAS



S & V SURVEYING, INC.
 PROFESSIONAL LAND SURVEYORS
 20111 KRAHN ROAD SPRING, TEXAS 77388
 OFFICE: (281) 353-2570 FAX: (281) 353-9407
 TEMPLS Form No. 100241-00
www.svsurveying.com

EXHIBIT D- SURVEY OF LOTS 1-31



11434 CALICO LANE
HOUSTON, TEXAS 77024

LOT 5 BLK A 13
PINEY POINT MANOR

LEGEND

- 40' REFERENCE LINE
- 30' REFERENCE LINE
- NEW HOMES
- ORIGINAL HOMES
- BIHLET PROPERTY

EXHIBIT F- CITY COUNCIL ORDINANCES FOR JAN KELLY/ GINGHAM

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING PARAGRAPHS (1) AND (2) OF SUBSECTION (c) OF SECTION 74-244 IN ITS ENTIRETY AND ADDING NEW PARAGRAPHS (1) AND (2) OF SUBSECTION (c) OF SECTION 74-244, ESTABLISHING REGULATIONS FOR THE SIZE OF FRONT AND SIDE YARDS IN GENERAL, ON SPECIFIC STREETS, AND BASED ON LOT SIZE; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

* * * * *

WHEREAS, the City Council of the City of Piney Point Village recognizes that the majority of streets in the City are platted and improved with adequate setbacks to comply with the setback regulations established for the City, however, certain lots are smaller and nonconforming and certain identified streets are platted and improved at a lessor front and side yard setbacks; and

WHEREAS, the City Council desires to establish setbacks on those identified nonconforming lots and streets that reflect actual lot configuration and established building locations; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

Section 1. That Paragraphs (1) and (2) of Subsection (c) of Section 74-244 be deleted in its entirety and new Paragraphs (1) and (2) of Subsection (c) of Section 74-244 be added to provide as follows:

“Article IV. – DISTRICT REGULATIONS

* * *

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; provided, however, Gingham Drive and Jan Kelly Lane shall have a depth of not less than 40 feet. Surrey Oaks Lane, Dana Lane and 501, 502, 505, 510, 517, 518, 525, 526, 533, 534, 541 and 542 Lanecrest Lane shall have a 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; provided, however, in no event shall a side yard be less than 15 feet or be required to be more than 30 feet. Notwithstanding, Surrey Oaks Lane, Dana Lane and 501, 502, 505, 510, 517, 518, 525, 526, 533, 534, 541 and 542 Lanecrest Lane shall have a side yard setback of 10 feet.”

Section 2. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be

adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 4. All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this ___th day of _____, 2020.

Mark Kobelan
Mayor

ATTEST:

Karen Farris
City Secretary

EXHIBIT G- AVAILABLE GRANTED VARIANCES


1- 11402 Calico Lane

BOARD OF ADJUSTMENT CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: February 12, 2015

1. Scheduled Appeal No: 15-3
2. Applicant: Drake Forney with Forney Construction
3. Address: 11402 Calico Lane
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244 (c)(1) and (2)
5. Applicant was present: yes
Represented by: self
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 allow the existing house to remain exactly where it is on the date of this hearing and as shown on the survey presented to the Board at this hearing, as to the East side of the existing house and the South side of the existing house, such variance being in all respects 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).
7. The vote of each Board Member was as follows:

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Driscoll	yes/granted
Brennan	yes/granted
Chapman	yes/granted
Cooper	yes/granted
Nash	yes/granted


Chair

2- 11402 Calico Lane

GRANTED

ORDER NO. 15-3
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of Drake Forney with Forney Construction, for the following variance as to 11402 Calico Lane: a variance from Section 74-244 (c)(1) and (2) to allow the existing house to remain exactly where it is on the date of this Order and as shown on the survey presented to the Board at this hearing, as to the East side of the existing house and the South side of the existing house, such variance being in all respects 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).

Section 2. The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244 (c)(1) and (2) to allow the existing house to remain exactly where it is on the date of this Order and as shown on the survey presented to the Board at this hearing, as to the East side of the existing house and the South side of the existing house, will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244 (c)(1) and (2) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244 (c)(1) and (2) to allow the existing house to remain exactly where it is on the date of this Order and as shown on the survey presented to the Board at this hearing, as to the East side of the existing house and the South side of the existing house, is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED February 12, 2015 (transmitted to offices of the City of Piney Point on February 13, 2015).


Chair

3- 11410 Calico Lane
GRANTED
BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: December 10, 1998

1. Scheduled Appeal No: one . Order No: 98-10
2. Applicant: Sharon + Gerry Kaderman
3. Address: 11410 Calico Lane
4. Type of Appeal: Variance Special Exception Appeal
Applicable Zoning Ordinance Section: 74-244
To reduce front yard setback to 40 feet for new construction
5. Applicant was present: _____
Represented by: _____
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 (grant/deny) the appeal, (check one) for the following reasons or subject to the following conditions:

8. The vote of each Board member was as follows:

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Lawhon	<u>G</u>
Howard	<u>G</u>
Winn	<u>G</u>
Larkins	<u>G</u>
Ormston	<u>G</u>
Peterson	<u>G</u>
Driscoll	<u>G</u>
Sahni	<u>G</u>
Yeoman	<u>G</u>

9. Other comments or actions, if any:

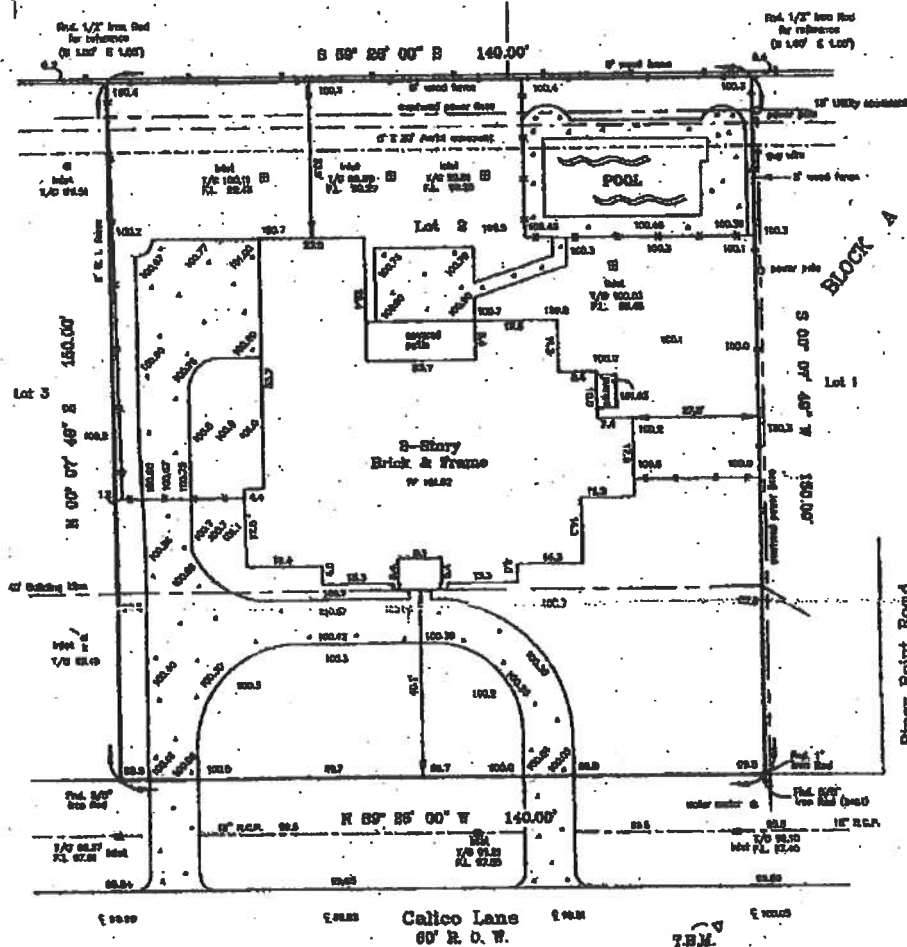
Wm H. Sahni
Chair

4- 11410 Calico Lane

SURVEY

PROBSTFELD & ASSOCIATES
PROFESSIONAL LAND SURVEYORS

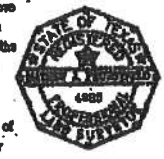
515 Park Grove, Suite 102 Katy, Texas 77450 Off: (281) 829-0034 Fax: (281) 829-0293



UNLESS SHOWN OTHERWISE, ALL MEASUREMENTS ARE TO THE CENTER OF THE CURVE.
 NOTE: Boundary to be used on a survey done by Probstfeld & Associates dated 8/10/93, Job No. 2001-02.
 Lot subject to building and zoning ordinances in force in the City of Pinery Point Village, TEXAS.
 A portion of the 2001 data correction into the 60 foot width contained.
 Surveyor has not abstracted property.

PLAT OF PROPERTY FOR:
Gerald Lederman & Sharon E. Lederman,
 at 11410 Calico Lane
 Lot 8 Block A
Pinery Point Manor
 Volume 41 Page 8 of the Map Records of
 Harris County, Texas
 Scale: 1" = 20'
 Date: 11/24/99 Revised: 12/16/99
 This Property does not lie within the designated 100 year flood plain.
 Panel No. 480301000045
 Book: 1 Date: 11/9/99
 This survey was performed in accordance with the Ordinance
 Provided by: Lawrence Title Company
 C/S

I hereby certify that the above
 plat correctly represents the
 facts found at the time of the
 survey made on the ground
 under my supervision, and
 there are no apparent
 encroachments of the City of
 this survey, unless shown or
 noted otherwise.



MATTHEW J. PROBSTFELD
 Registered Professional Land Surveyor
 State of Texas No. 4285
 Job # 160-017

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: April 14, 2016

1. Scheduled Appeal No: 16-3
2. Applicant: Trent and Andrea Tellepsen
3. Address: 458 Jan Kelly
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244 (c)(1)
5. Applicant was present: no
Represented by: Brian Thompson, builder
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 (i) grant the appeal as to front yard variance from 50 feet to 40 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).
7. The vote of each Board Member was as follows:

Member Vote

Risley	yes/granted
Driscoll	yes/granted
Chapman	yes/granted
Cooper	yes/granted
Sauermann	yes/granted


Chair

6- 458 Jan Kelly

GRANTED

ORDER NO. 16-4
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of Trent and Andrea Tellepsen, for the following variance as to 458 Jan Kelly: a variance from Section 74-244 (c) (1) as to front yard variance from 50 feet to 40 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).

Section 2. The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244 (c)(1) as to front yard variance from 50 feet to 40 feet setback, for new construction, will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244 (c) (1) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244 (c)(1) as to front yard variance from 50 feet to 40 feet setback, for new construction, is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED April 14, 2016 (transmitted to offices of the City of Piney Point on April 15, 2016).


Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: September 13, 2018

1. Scheduled Appeal No: 18-7 Order No. 18-7
2. Applicant: Patti and Tom Owens
3. Address: 8B Woods Edge Lane
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(a)(4)
5. Applicant was present: yes
Represented by: Patti Owens

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 a variance for 8B Wood Edge Lane as to Section 74-244(a)(4) to permit the below described generator to be placed no more than five (5) feet over the building line so it will be no nearer than ten (10) feet from the side property line, subject to the review of generator specifications by the City, the generator to be a Generac G007043-0-22kw generator with its physical dimensions being 48.6"L by 25.5"W by 28.8"H to be placed on a metal stand up to 60" above ground level with the distance from the top of the generator to the top of the preexisting rock wall being 29" which rock wall will screen the generator on three sides to keep the generator from being visible from the street and the neighbor on the north side of the house, with the sound of the generator to always be under 75db, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

7. The vote of each Board Member was as follows:

Member	Vote (Granted/Denied)
Risley	yes/granted
Nash	yes/granted
Chapman	yes/granted
Cooper	yes/granted

8. Scheduled Appeal No: 18-8 Order No. 18-8
9. Applicant: Anup Shah
10. Address: 467 Gingham Drive

- 11. **Type of Appeal: Variance**
Applicable Zoning Ordinance Section 74-244(c)(1)
- 12. **Applicant was present: yes**
Represented by: Kevin Lee
- 13. **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 front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).**
- 14. **The vote of each Board Member was as follows:**

Member	Vote (Granted/Denied)
Risley	yes/granted
Nash	yes/granted
Chapman	yes/granted
Cooper	yes/granted


Chair

9- 467 Gingham Drive

GRANTED

ORDER NO. 18-8
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of Anup Shah is for a variance for 467 Gingham Drive as to Section 74-244(c)(1) to permit front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

Section 2. The Board hereby finds and determines as follows:

(a) The variance for 467 Gingham Drive as to Section 74-244(c)(1) to permit front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c), will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c)(1) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance to Section 74-244(c)(1) for 467 Gingham Drive as to Section 74-244(c)(1) to permit front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c), is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED September 13, 2018 (transmitted to offices of the City of Piney Point on September 15, 2018).


Chau

11- 418 Gingham Drive
GRANTED

ORDER NO. 15-6
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of Dr. Hieu and Amy Huyah, for the following variance as to 418 Gingham Drive:

variance, for new construction of a residence, for a front yard setback of 40 feet rather than the required 50 feet, from Section 74-244(c) (1) of Chapter 74, Zoning, Code of Ordinances of the City, a copy of which appeal is attached hereto, is hereby granted, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

Section 2. The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244(c) (1) will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c) (1) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244(c) (1) is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED July 9, 2015 (transmitted to offices of the City of Piney Point on July 10, 2015).


Chair

BOARD OF ADJUSTMENT
CITY OF PINEY POINT VILLAGE

Action on Appeals
Meeting Date: April 11, 2013

1. Scheduled Appeal No: 13-5 Order No. 13-5
2. Applicant: William Swinbank
3. Address: 442 Gingham Drive
4. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(c)(1)
5. Applicant was present: yes
Represented by: Shane Cupic with Cupic Custom Homes
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 front yard setback, for new construction of a residence, from 50 feet to 40 feet setback, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

7. The vote of each Board Member was as follows:

<u>Member</u>	<u>Vote (Granted/Denied)</u>
Chapman	yes/granted
Bender	yes/granted
Risley	yes/granted
Cooper	yes/granted
Sauermann	yes/granted

8. Scheduled Appeal No: 13-6 Order No. 13-6
9. Applicant: John W. and Emily T. Mecom
10. Address: 4 Mott Lane
11. Type of Appeal: Variance
Applicable Zoning Ordinance Section 74-244(b) (2)
12. Applicant was present: no
Represented by: Jeff Patrizi
13. 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 a variance, to permit the currently existing accessory structure to remain in its current location as presently constructed, being two stories and 24 feet in height, with no kitchen existing or permitted in said structure, such variance being subject to Section 74-212 such that the

GRANTED

ORDER NO. 13-5
VARIANCE

BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF PINEY POINT VILLAGE:

Section 1. The appeal of William Swinbank, for the following variance as to 442 Gingham Drive:
variance, for new construction of a residence, for a front yard setback of 40 feet rather than the required 50 feet,

from Section 74-244(c) (1) of Chapter 74, Zoning, Code of Ordinances of the City, a copy of which appeal is attached hereto, is hereby granted, such variance being subject to Section 74-212 such that the variance will terminate upon the occurrence of any of the events of subsequent construction or remodeling or destruction as described in Section 74-212(b) or (c).

Section 2. The Board hereby finds and determines as follows:

(a) The variance requested as to Section 74-244(c) (1) will not be contrary to the public interest;

(b) A literal enforcement of the provisions of Section 74-244(c) (1) of Chapter 74 will result in unnecessary hardship;

(c) The granting of the requested variance as to Section 74-244(c) (1) is consistent with the spirit of the Ordinance and its general purpose and intent.

Section 3. The action taken by the Board (i) is limited solely to this appeal and the improvements under consideration, (ii) shall not be applicable to any other appeal whether on this property or any other property and (iii) shall not alter or modify any of the terms and provisions of Chapter 74, Zoning, of the Code of Ordinances of the City or any other ordinance.

PASSED, APPROVED, and ORDERED April 11, 2013 (transmitted to offices of the City of Piney Point on April 12, 2013).


Chall

EXHIBIT H- APPROVAL OF INLET AT 11425 CALICO

From: [Annette Arriaga](#)
To: [Juliana Bihlet](#)
Subject: FW: Calico Lane
Date: Monday, November 2, 2020 1:22:24 PM

From: Moore, Joseph [mailto:Joseph.Moore@hdrinc.com]
Sent: Monday, November 02, 2020 1:11 PM
To: Annette Arriaga; Croley, Aaron
Subject: RE: Calico Lane

An additional grate inlet will be installed on the City storm sewer pipe in Mr. Griffin's yard to increase inlet capacity. The cost of the inlet will be split between the City and Mr. Griffin.

Thanks,

Joe Moore, P.E., CFM
P 713.622.9264

hdrinc.com/follow-us

From: Annette Arriaga [mailto:bldgofficial@pineypt.org]
Sent: Monday, November 2, 2020 12:53 PM
To: Moore, Joseph <Joseph.Moore@hdrinc.com>; Croley, Aaron <Aaron.Croley@hdrinc.com>
Subject: Calico Lane

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

In regards to Calico Lane, what was agreed to as it related to Mr. Don Griffin and Calico Street. What were the terms of that discussion?

Thanks

Annette R. Arriaga
Director of Planning, Development & Permits
City Building Official
City of Piney Point Village
7676 Woodway Drive, Suite #300
Houston, Texas 77063
(713) 782-1757 Direct Line
(713) 782-3178 Direct Fax
bldgofficial@pineypt.org
www.cityofpineypoint.com

EXHIBIT I- LETTER FROM MR. GRIFFIN TO THE BOARD

**Don C. and Dana Griffin
11425 Calico Lane
Houston, Texas 77024**

September 3, 2020

City of Piney Point
Board of Adjustments
7676 Woodway, Suite 300
Houston, Texas 77063

Re: Variance Request for 11434 Calico Lane

Board of Adjustment Members:

I have lived at 11425 Calico Lane for 17 years. My house is a single-story 1950s ranch-style that has been renovated multiple times over the years. I am concerned the home and site improvements to be constructed at 11434 Calico Lane will exacerbate the existing storm water drainage problem in this immediate area of Calico Lane that has caused water to enter my garage – not my home – even after the 2014 drainage project. Please see attached photographs demonstrating storm water runoff in September 2019. The requested variance allowing a 40-foot front setback from Calico Lane raises two issues specific to my house: (1) higher building pad for the home (compared to what exists today in home to be torn down) being closer to Calico Lane means the increased storm water runoff from new build will be a greater volume moving faster downgrade towards Calico Lane; and (2) the amount of impervious cover in front of the house will be increased creating more storm water runoff into an already inadequate system.

My proposed solution is the applicant (new owner of 11434 Calico Lane) work with City of Piney Point drainage engineer (Joe Moore) calculating additional storm water runoff the new home and improvements will generate and the new owner will construct underground storm water detention onsite to offset the increased storm water outfall from what exists today. Alternatively, the City of Piney Point should construct another inlet in my yard on the south side of Calico Lane to alleviate storm water runoff from approaching my house. Either of these proposed solutions ensures an already existing drainage problem is not made worse by what is to be constructed at 11434 Calico Lane. If either of these options is agreed to, then I am not opposed to the variance request.

Drainage History in Piney Point Manor

The Piney Point Manor neighborhood underwent a large storm water drainage project completed in 2014. Before that drainage project, the south side of Calico Lane was open ditch almost all the way to Piney Point - which was inadequate to handle storm water runoff. Topography in Piney Point Manor makes most of water from north of Bending Oak Lane flow towards Calico Lane and then out to Piney Point. As part of 2014 storm water drainage project, City of Piney