

PUBLIC HEARING

AGENDA MEMO
BUSINESS OF THE PLANNING & ZONING COMMISSION
CITY OF FULSHEAR, TEXAS

AGENDA OF:	January 6, 2016	AGENDA ITEM:	
DATE SUBMITTED:	December 12, 2016	DEPARTMENT:	Administration
PREPARED BY:	Michelle Killebrew, Building Official	PRESENTER:	Michelle Killebrew, Building Official
SUBJECT:	Variance request for 30406 Second Street		
ATTACHMENTS:	Application, Site plan, pictures of existing conditions		
EXPENDITURE REQUIRED:			\$0
AMOUNT BUDGETED:			\$0
ACCOUNT:	Development Services		
ADDITIONAL APPROPRIATION REQUIRED:			\$0
ACCOUNT NO:			

EXECUTIVE SUMMARY

Mike Davenport has recently purchased the property located at 30406 Second Street, and is in the process of remodeling the residential building. The property currently has an accessory structure that is past front property line along Second Street. He would like to rebuild this structure with a similar height, width and length, his desire is to have the new building placed 5 feet from the property line to serve as an outdoor kitchen and pool room.

The reason for the request is that with the current lot shape and the existing trees and pool there is no way to move the building to the 25 foot front building line.

PUBLISHER'S AFFIDAVIT

Special Use Permit

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Lee Hartman who being by me duly sworn, deposes and says that he is the Publisher of *Fort Bend Herald* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1959.
5. it is generally circulated within Fort Bend County.

(CLIPPING) (S)

**PUBLIC HEARING
SPECIAL USE PERMIT**

Notice is hereby given that a Public Hearing shall be held by the CITY COUNCIL of the City of Fulshear at its January 24, 2017 meeting at 7:00 P.M. in the Fulshear City Hall, Council Chambers located at 30603 FM 1093, Fulshear, Texas 77441.

The purpose of the hearing is to receive comments from interested individuals regarding request for SPECIAL USE PERMIT.

The location of the premises in question is located in the Downtown District, Lot 1 Block 1, Platinum Estates, specifically the address is 30406 Second Street Fulshear, Texas 77441.

The applicant is seeking a variance to the Zoning Ordinance so as to permit the construction of an accessory structure 5 foot off of the front property line on Second Street.

Specific relief is requested from Section 1-163 (b) (5) which states that the minimum front building line setback shall be 25 feet for single family properties.

The applicant reserves the right to supplement this application and/or seek at the time of the hearing, such other approvals, interpretations, and/or waivers as may be requested or required by the applicant or the Board.

A copy of said application and documents is on file at the City of Fulshear City Hall located at 30603 FM 1093 Fulshear, Texas 77441 on Monday through Thursdays from 8:00 a.m. to 5 p.m. and Fridays from 8:00 a.m. to 3 p.m. in the City Secretary's office for all interested parties prior to said hearing.

If you have any questions regarding this request please call the City Secretary's office at 281-346-1796 X204.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

1-8

_____, A.D. 2017



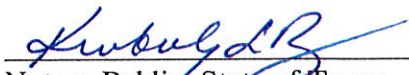
Lee Hartman
Publisher

SUBSCRIBED AND SWORN BEFORE ME by Lee Hartman, who

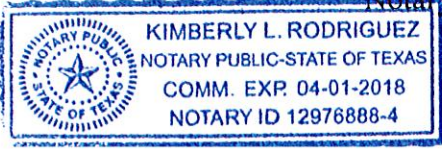
X a) is personally known to me, or

_____ b) provided the following evidence to establish his/her identity, _____

on this the 10th day of January, A.D. 2017 to certify which witness my hand and seal of office.



Notary Public, State of Texas



Application # 20161704



CITY OF FULSHEAR

BUILDING SERVICES

PO Box 279 / 29378 McKinnon Rd. Suite C
Fulshear, Texas 77441
Phone: 281-346-8860 ~ Fax: 281-346-8237
www.fulsheartexas.gov

VARIANCE APPLICATION

APPLICATION FEE: \$75.00 NON REFUNDABLE

APPLICATION DATE: _____

ADDRESS OF PREMISES AFFECTED: 30406 SECOND ST, FULSHEAR, TX. 77441

LEGAL DESCRIPTION: _____

OWNERS INFORMATION: NAME MIKE DAVENPORT

CURRENT → ADDRESS 31202 LOWER OXBOW TR. CITY FULSHEAR STATE TX ZIP
CODE 77441 EMAIL MIKE@MDCOASTAL.COM PHONE NUMBER 713-515-1170

APPLICANTS NAME (if different than owner) OWNER
ADDRESS _____ CITY _____ STATE _____
ZIP CODE _____ EMAIL _____ PHONE NUMBER _____

EXPLAIN REQUEST: (fully explain the existing conditions that make this request necessary)
WHITE WROUGHT IRON FENCE AROUND PERIMETER OF HOUSE HAS
DETERIORATED. THE FENCE WILL BE RE-CONDITIONED & PLACED
BACK IN SAME LOCATION AS ORIGINAL FENCE.

OUTDOOR BUILDING BY POOL REPLACED WITH NEW BUILDING MOVED 5' TO EAST.

Status of the Project: Existing Under Construction Proposed

Have there been previous variance requests for this property? NO

Are there similar situations in the area? _____

Addresses: _____

Have you informed your Home Owners Association? _____ or Neighbors? YES

Request Proposal and Description: Provide a description of the existing and or proposed physical property improvements relative to this case (ie: materials, structure type and height, dimensions, etc.) Please also supply and identify photos where applicable, to support your case:
WHITE WROUGHT FENCE TO BE RE-CONDITIONED, PAINTED WHITE & REINSTALLED
AT EXISTING FENCE LOCATION AROUND PERIMETER OF HOUSE.

OLD OUTDOOR BUILDING BY POOL TO BE REPLACED WITH NEW

Continued.... Request Proposal and Description

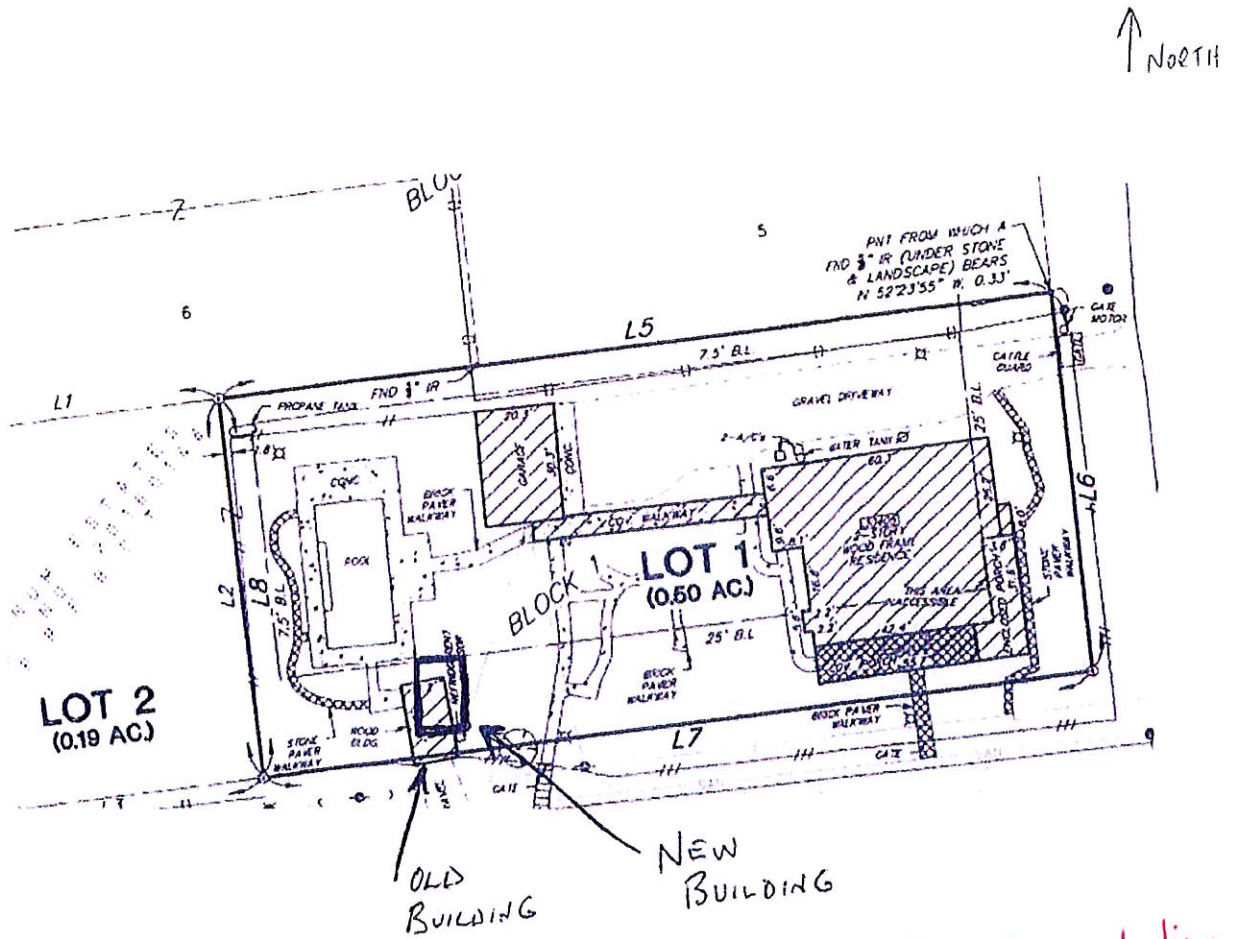
BUILDING OF SIMILAR HEIGHT, WIDTH & LENGTH DIMENSIONS.
THE BUILDING WILL BE WOOD CONSTRUCTION, METAL/TIN ROOF.
THE NEW BUILDING WILL BE LOCATED APPROX. 5' TO THE EAST
OF WHERE THE OLD BUILDING CURRENTLY SITS. NEW BUILDING
TO SERVE AS A OUTDOOR KITCHEN/POOL ROOM.
WE ARE ASKING FOR THE VARIANCE ON BOTH FENCE & BUILDING TO
NOT HAVE TO REMOVE TREES ETC. THE OLD BUILDING NEEDS TO
BE MOVED BECAUSE IT IS OUTSIDE OF THE PROPERTY LINE.

Acknowledgement: I certify that the information herein provided is true and correct to the best of my knowledge and belief, and that I, or my authorized representative, will cause this case to be presented in public hearing before the Planning Commission, unless I withdraw same prior to the City's posting of public notice. Should I initiate withdrawal after public notice is posted, I understand that the Board action shall constitute denial of the case, and the filing fee will be non-refundable. I understand that if I receive approval, I must still obtain approval from all other required departments within the City and that I must obtain required permits within 180 days from the date of the Board approval.

Signed by the Applicant/Owner Agent: W. D. Dupont Date: 9/1/2016

Variance Application 20161706

Survey showing removing the outdoor building and locating the new building 5' to the East and 3' North



New building will be 5ft from property line

Hi Neighbor,

We are in the process of remodeling the house at 30406 Second Street in Fulshear. We are going to ask the city for a variance for the following items. We would greatly appreciate your concurrence of these two variances.

1. We will have the white wrought iron fence re-conditioned to new and installed back on the same perimeter line as was the existing fence. This fence runs North to South on Wilson St and East to West on Second St.
2. The old outdoor building that sits in the Southwest section of the back yard by the pool will be removed and a new outdoor building will be built 5' to the East and 3' to the North of the old building location. The new building will be roughly the same dimensions as the old building and consist of similar wood material with a metal/tin roof.

Please concur by signing below:

Name

Tamela
Wall
Alvin R. B. H.

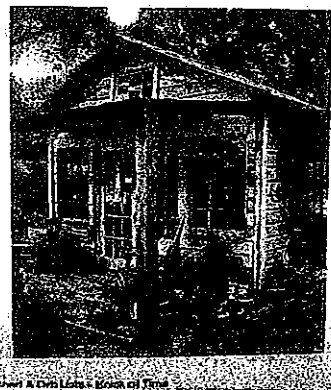
Address

8402 Wilson
Fulshear TX 77441
8407 Wilson St 77441

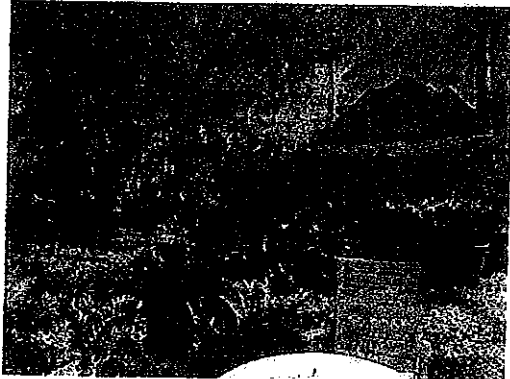
White Wrought Iron Fence



New Building



Old Building



Property Owner: R65748 DAVENPORT JAMES M & PAMELA L
 Property Address: 2ND ST
 2016 Assessed Value: \$555,480

2016 GENERAL INFORMATION

Property Status: Active
 Property Type: Real Residential
 Legal Description: FULSHEAR, BLOCK 1, Lot 1, ACRES 0.5, Platinum Estates Final Plat
 Neighborhood: Fulshear
 Account: 3380-00-010-0010-901
 Related Properties: R65749
 Map Number: A-027-N

2016 VALUE INFORMATION

Improvement Homesite Value: \$222,590
 Improvement Non-Homesite Value: \$0
 Total Improvement Market Value: \$222,590
 Land Homesite Value: \$225,000
 Land Non-Homesite Value: \$107,890
 Land Agricultural Market Value: \$0
 Total Land Market Value: \$332,890
 Total Market Value: \$555,480
 Agricultural Use: \$0
 Total Appraised Value: \$555,480
 Homestead Cap Loss: -\$0
 Total Assessed Value: \$555,480

2016 OWNER INFORMATION

Owner Name: Davenport James M & Pamela L
 Owner ID: 00466455
 Exemptions:
 Percent Ownership: 100%
 Mailing Address: 31202 Lower Oxbow TRCE Fulshear, TX 77441-4544

2016 ENTITIES

TAXING ENTITY	ASSESSED VALUE	TAX RATE PER 100
S01- Lamar CISD	\$555,480	1.39005
C04- City of Fulshear	\$555,480	0.156901
G01- Ft Bend Co Gen	\$555,480	0.458
D01- Ft Bend Drainage	\$555,480	0.016
R05- Ft Bend Co ESD 4	\$555,480	0.1
CAD- Fort Bend Central Appraisal District	\$555,480	0

TOTALS: 2.120951

2016 IMPROVEMENTS

Improvement #1: -
 State Code: A1 - Residential Single Family Houses
 Homesite: Yes
 Total Main Area: 3,722 Sq. Ft
 Market Value: \$222,590
 Expand/Collapse All

RECORD	TYPE	YEAR BUILT	SQ. FT	VALUE	ADD'L INFO
1	Main Area	1915	2,278	\$114,570	Details
2	Main Area 2nd Story	1915	1,444	\$71,350	Details
3	Open Porch	1915	390	\$3,160	Details
4	Screen Porch	1915	308	\$6,160	Details
5	Open Porch	1915	156	\$1,260	Details
6	Detached Garage	1915	600	\$14,390	Details
7	Detached Garage	1995	160	\$5,090	Details
8	Swimming Pools	1974	450	\$6,610	Details

2016 LAND SEGMENTS

LAND SEGMENT TYPE	STATE CODE	HOMESITE	MARKET VALUE	AG USE LOSS	LAND SIZE
1 - Residential Corner	A1 - Residential Single Family Houses	Yes	\$225,000	\$0	15,000 Sq. ft
2 - Residential Corner	F1 - Real Commercial	No	\$107,890	\$0	6,850 Sq. ft

TOTALS: 21,850 Sq. ft / 0.501607 acres

VALUE HISTORY

YEAR	IMPROVEMENT	LAND	MARKET	AG MARKET	AG LOSS	APPRAISED	HS CAP LOSS	ASSESSED
2015	\$244,680	\$89,940	\$334,620	\$0	\$0	\$334,620	\$0	\$334,620
2014	\$225,740	\$89,940	\$315,680	\$0	\$0	\$315,680	\$0	\$315,680
2013	\$210,060	\$89,940	\$300,000	\$0	\$0	\$300,000	\$0	\$300,000
2012	\$210,060	\$89,940	\$300,000	\$0	\$0	\$300,000	\$21,510	\$278,490
2011	\$188,230	\$89,940	\$278,170	\$0	\$0	\$278,170	\$25,000	\$253,170

SALES HISTORY

DEED DATE	SELLER	BUYER	INSTR #	VOLUME/PAGE
6/29/2016	Murphree Terence H Estate	Davenport James M & Pamela L	2016070240	
7/22/2015	Murphree, Terence H	Murphree Terence H Estate	PB15-CPR-028229	
7/21/2011	Murphree Terence H & Mary Murphree, Terence H	Murphree, Terence H Murphree Terence H & Mary	PB12-CPR-024420 -	

DISCLAIMER

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CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

12/9/2016

Notice of Variance Request

TO WHOM IT MAY CONCERN;

In compliance with the City of Fulshear Zoning Ordinance Number 2010-1028, the Planning and Zoning Commission will hold a Public Hearing on January 6, 2017 at 8:30 a.m. in the City Council Chambers of the City of Fulshear, located at 30603 FM 1093, at which time and place all interested persons will be given an opportunity to be heard.

The location of the premises in question is located in the Downtown District, Lot 1 Block 1, Platinum Estates, specifically the address is 30406 Second Street Fulshear, Texas 77441.

The applicant is seeking a variance to the Zoning Ordinance so as to permit the construction of an accessory structure 5 foot off of the front property line on Second Street.

Specific relief is requested from Section 1-163 (b) (5) which states that the minimum front building line setback shall be 25 feet for single family properties.

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If you have any questions regarding this request please call the City Secretary's office at 281-346-1796.

Sincerely,

Michelle Killebrew
Building Official



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

Fulshear, Texas 77441

Phone: 281-346-1796 ~ Fax: 281-346-2556

www.fulsheartexas.gov

Variance Request for 30406 Second Street

Letters to neighbors within 200 feet sent on 12/9/2016 for meeting date 1/9/2017

Cherrilyn Austin
PO BOX 701
Simonton TX 77476

James Burgin
PO BOX 395
Fulshear TX 77441

Rodger Riggs
PO BOX 675
Fulshear TX 77441

First United Methodist
8318 Harris Street
Fulshear TX 77441

BBBFL Interests
5311 Weston Drive
Fulshear TX 77441

Scott Evans
PO BOX 676
Fulshear TX 77441

Carol McCann
PO BOX 33
Fulshear TX 77441

James Guidry
13418 Shady Bay Ct
Sugarland TX 77498

Tayac Properies
4850 James Lane
Fulshear TX 77441

Betty Roberts
PO Box 658
Fulshear TX 77441

Taylor Properties LLC
PO BOX 661 Fulshear TX 77441



CITY OF FULSHEAR

PO Box 279 / 30603 FM 1093

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Murphree Terence
6002 Rodgerdale Road Suite 200
Houston TX 77072

Selwin & Doris Jones
PO BOX 207 Fulshear TX 77441
James & Martha Roberts
PO BOX 207
Fulshear TX 77441

Huggins Ranch
3823 Elfland Circle
Dallas TX 75229

Wren Investments
7218 Foster Island Drive
Richmond TX 77406

Harold & Wendy Collins
PO BOX 176
Fulshear TX 77441

Glenn Reue
818 Henderson Street
Joshua TX 76058

Fulshear Country Enterprise
31311 Riverlake Road
Fulshear TX 77441

Jason Grace
PO BOX 432
Fulshear TX 77441

Sonya Simmons
PO BOX 98
Fulshear TX 77441

Danny Davis
PO BOX 32
Fulshear TX 77441

Robert Peck
209 Caleta Circle
Richmond TX 77406

Fulshear Main Street Crossing LP
5 Riverway Suite 340
Houston TX 77056

Kimberly Kopecky

From: Michelle Killebrew
Sent: Monday, December 12, 2016 3:11 PM
To: Diana Offord; CJ Snipes; Kimberly Kopecky
Subject: RE: 30406 Second Street - Variance Request
Attachments: Planning & Zoning Agenda Item Request.docx

Please delete the prior Planning & Zoning agenda item letter previously attached and insert this one instead. After further discussions with Sharon and Michael we have decided that it will need a public hearing for both P&Z and City Council, I will send out a hearing notices. If you have any questions please feel free to call on me!

Permit us to serve you

*Michelle Killebrew
City of Fulshear
Building Services Department
29378 McKinnon Rd. Suite C
Fulshear, TX 77441
(281) 346-8860 Office
(281) 346-8237 Fax*

From: Michelle Killebrew
Sent: Friday, December 09, 2016 8:51 AM
To: dofford@fulsheartexas.gov; cjsnipes@fulsheartexas.gov; Sharon Valiante <svaliante@fulsheartexas.gov>
Subject: 30406 Second Street - Variance Request

Please prepare for Planning and Zoning Commission meeting on January 6, 2017

Variance Request: 30406 Second Street
Pursuant to section 1-163 (b) (5) Building Lines: Front setback for Single Family lot: Twenty five (25) feet.

Notice regarding this request must be published in the newspaper of the general circulation in the City at least 11 days before the Public Hearing.

If City Council holds a hearing the notice must be published within 16 days before the hearing. ***(Since we do not have a Board of Adjustments, CJ is going to ask legal counsel if this request needs to go to both the Planning and Zoning Commission and City Council).***

Notice to all owners within 200ft of the lot lines will be sent out at least 10 days prior to the hearing, I will send out the notices to the owners.

Permit us to serve you

Michelle Killebrew

City of Fulshear

Building Services Department

29378 McKinnon Rd. Suite C

Fulshear, TX 77441

(281) 346-8860 Office

(281) 346-8237 Fax