



## Variance

**WHEREAS**, Galveston County WCID #1 (the “Owner”) owns a 0.39 acre tract of land (the “Properties”) in the City of Dickinson, Texas (“the City”), with the Property being legally described as Abstract 19 Perry & Austin Survey Lots 30, 31 & 32 Falco Subdivision Extension, and with a street address of unaddressed properties generally located on the southeast corner of Falco Street and Avenue I, Dickinson, Texas, 77539, with the Property being more particularly depicted and described in “Exhibit A” and incorporated herein for all intents and purposes; and

**WHEREAS**, the Property presently has a zoning classification of General Commercial (GC) pursuant to the comprehensive zoning ordinance of the City; and

**WHEREAS**, the Owner submitted an application for a variance to the City, which is attached hereto as Exhibit “B” and incorporated herein for all intents and purposes, was submitted as authorized by the City’s Code of Ordinances, Dickinson, Texas (the “Code”), and

**WHEREAS**, the Senior Planner reviewed the application and prepared a staff report, which is attached hereto as Exhibit “C” and incorporated herein for all intents and purposes; and

**WHEREAS**, the Board of Adjustment (the “Board”), after giving the proper notice of the public hearing as prescribed in Dickinson’s Code of Ordinances, held on this day the public hearing on the request for the variance; and

**WHEREAS**, at the public hearing the Board considered the application, the staff report, the relevant supporting materials and the public testimony given at the public hearing; and

**WHEREAS**, after the close of the public hearing and after considering the Applicant’s request, the Board made an affirmative finding that the variance meet the following criteria:

- (1) Special circumstances exist that are peculiar to the land or structure;
- (2) These special circumstances are not self-imposed or the result of the actions of the applicant;
- (3) Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship;
- (4) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice;
- (5) Such variance will not alter the essential character of the district in which it is located or the property for which the variance are sought;

(6) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance sought is located; and

(7) The variance will not adversely affect the health, safety or welfare of the public.

**NOW THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF DICKINSON, TEXAS:**

**Section 1:** That the facts and matters set forth in the preamble hereof are hereby found to be true and correct and are incorporated herein for all intents and purposes.

**Section 2:** That a variance, subject to the terms and conditions set forth below, is hereby granted:


- 1) from the minimum 25-foot front setback requirement of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a minimum 2-foot front setback on the property; and
- 2) from the minimum 15-foot rear setback requirement of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a minimum 5-foot rear setback on the property.

**Section 3:** Nothing herein shall be construed as to authorize a variance from any other section of the Code and shall run with the land.


**Section 4:** That the variance granted herein shall take effect immediately from and after its passage by the Board. This variance is not intended to act as a building permit. If such a permit is required, Owner must apply for and obtain additional permitting.

**Section 5:** That the variance granted herein shall take effect immediately from and after its passage by the Board and shall become null and void in twelve months from the date hereof unless an application to commence construction of the improvements subject to the variance has been submitted to and approved by the City within such twelve-month period.

**INTRODUCED, READ and PASSED** by the affirmative vote of the Board of Adjustment of the City of Dickinson this 1ST DAY OF AUGUST 2022.

  
\_\_\_\_\_  
KEVIN EDMONDS, Chairman

ATTEST:

  
\_\_\_\_\_  
YVONNE BRISCOE, Senior Planner



# Zoning Variance




## - Vicinity Map -

Unaddresses Properties generally located on the southeast corner of Falco Street and Avenue I

GCAD ID #164584, 164585, 164586  
approx.0.39 acres, legally described as Abstract 19 Perry & Austin Survey Lot 30, 31 & 32 Falco Subdivision Extension

 Subject Property

### Zoning District

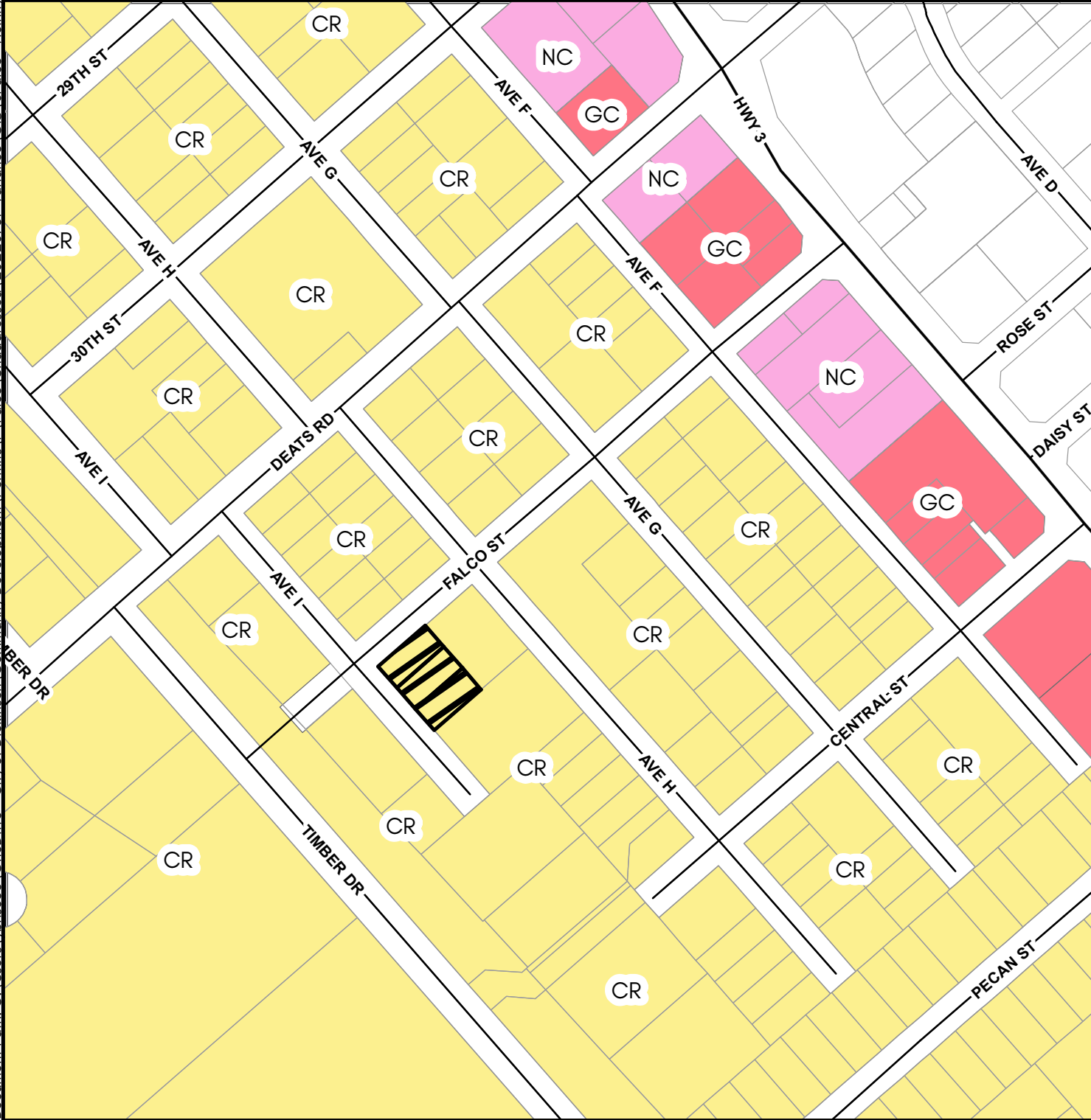
-  "CR" Conventional Residential
-  "NC" Neighborhood Commercial
-  "GC" General Commercial



The City of Dickinson Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.

1 inch = 250 feet

Date: 7/18/2022





# City of Dickinson Community Development

## Zoning Variance Application

### Property Information

Address: @ Falco Street / Avenue I, Dickinson, TX 77539

County Appraisal District No.: 164584

Legal Description: ABST 19 PERRY & AUSTIN LOT 30 FALCO SUB EXTN

Acres: 0.13 Floodplain: Zone AE

### Property Owner Information

Owner: Galveston County WCID #1

*Last First M.I.*

Address: 2750 FM 517 Road East

*Street Address*

Dickinson Texas 77539

*City State ZIP Code*

Phone: 281-337-1576 Email: ilangford@gcwcid1tx.gov

### Applicant / Agent Information

Applicant: Langford Ivan

*Last First M.I.*

Address: 2750 FM 517 Road East

*Street Address*

Dickinson Texas 77539

*City State ZIP Code*

Phone: 409-739-0848 Email: ilangford@gcwcid1tx.gov

\*\*If applicant is different than property owner, a *Notarized Agent Authorization* is required. \*\*

### Details of Request

Current Zoning: "CR" Conventional Residential

Code Requirement: Sec. 18-50 (2) c. 3. 10-ft corner setback

Requested Variance: Limit setback to 2-ft from north property line

Describe why the variance is being requested (attach additional pages to support your request):

Existing structure is currently 2-ft from north property line.

New Structure to be placed back where original structure was located in order to maximize amount of working space within District facility.

\*\* The zoning official may require additional information necessary to undertake a complete analysis and evaluation, and to determine whether the circumstances prescribed for granting the variance exists \*\*

**Additional Contact Information**

Contact Type: District Engineer (HDR Engineering, Inc.)

Contact: Nokelby Ryan P.  
*Last First M.I.*

Address: 4828 Loop Central Drive, Suite 800  
*Street Address Apartment/Unit #*

Houston Texas 77081  
*City State ZIP Code*

Phone: 832-206-5799 Email: Ryan.Nokelby@hdrinc.com

**Additional Contact Information**

Contact Type: Project Manager (HDR Engineering, Inc.)

Contact: Casey Chris  
*Last First M.I.*

Address: 4828 Loop Central Drive, Suite 800  
*Street Address Apartment/Unit #*

Houston Texas 77081  
*City State ZIP Code*

Phone: 832-316-5241 Email: Chris.Casey@hdrinc.com

**Disclaimer and Signature**

*I certify that my answers are true and complete to the best of my knowledge. By my signature, I hereby affirm that I am the **property owner** of record, or if the applicant is an organization or business entity, that authorization has been granted to represent the owner, organization or business in this application. I certify that the preceding information is **complete and accurate**, and it is understood that I agree to the application being requested for this property. Additionally, my signature below indicates my awareness of the fee required at the time of the application submittal and any additional fees as noted in the City's Fee Schedule. This (FEE) is **non-refundable** even in the event of application withdrawal. I have the power to authorize and hereby grant permission for **City of Dickinson Officials** to enter the property on official business as part of the application process.*

Signature:  Date: 6/30/2022

Printed Name: Ivan Langford

## Zoning Variance Requirements Checklist

The following list of submittal requirements shall be used by the applicant as a checklist in preparing a complete application. Applications that do not have these items will be rejected and returned to the applicant. Additional information regarding zoning is found in Chapter 18 - Zoning of the Dickinson Code of Ordinances.

Application – complete with signature.

Fees – The following fees have been adopted by City Council and are periodically changed. All fees are non-refundable. The zoning official, commission, or city council may require technical studies (engineering, noise, traffic, impact, etc.). The cost for these studies is borne by the applicant. Before submitting payment, please contact Community Development to confirm appropriate payment amount.

- \$100.00 Application, PLUS
- \$525.00 Variance, PLUS
- \$25.00 Property Signs, to be placed every 200' of public street frontage\*, PLUS
- \$TBD Required public notices sent by certified mail\*\*

Authorization:

Ownership – submit county appraisal information verifying ownership. If county appraisal information is not correct, submit deed.

Agent Authorization – if you are an agent and not the property owner, submit a notarized statement from the owner naming you as agent for this application.

Signatory Authorization – if the property is owned by any entity or corporation and not an individual, submit Articles of Incorporation or other official documentation verifying signatory authorization.

Existing Site Plan

Proposed Site Plan – Site plan with Requested Variance shown.

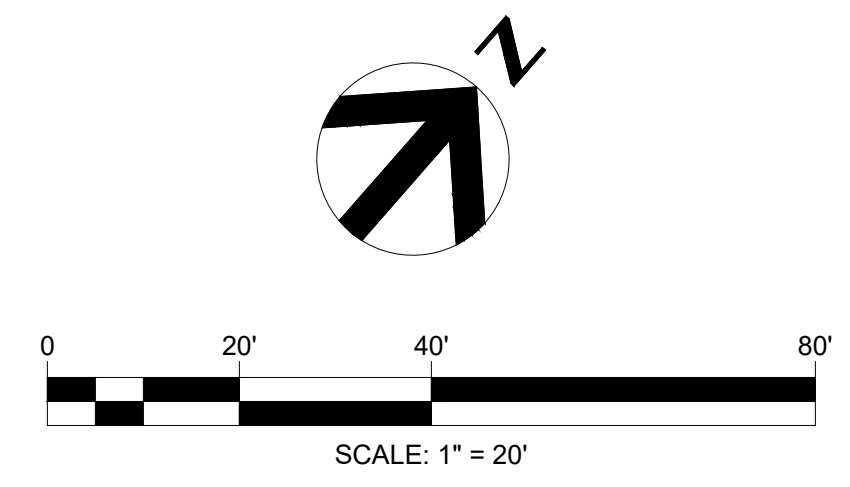
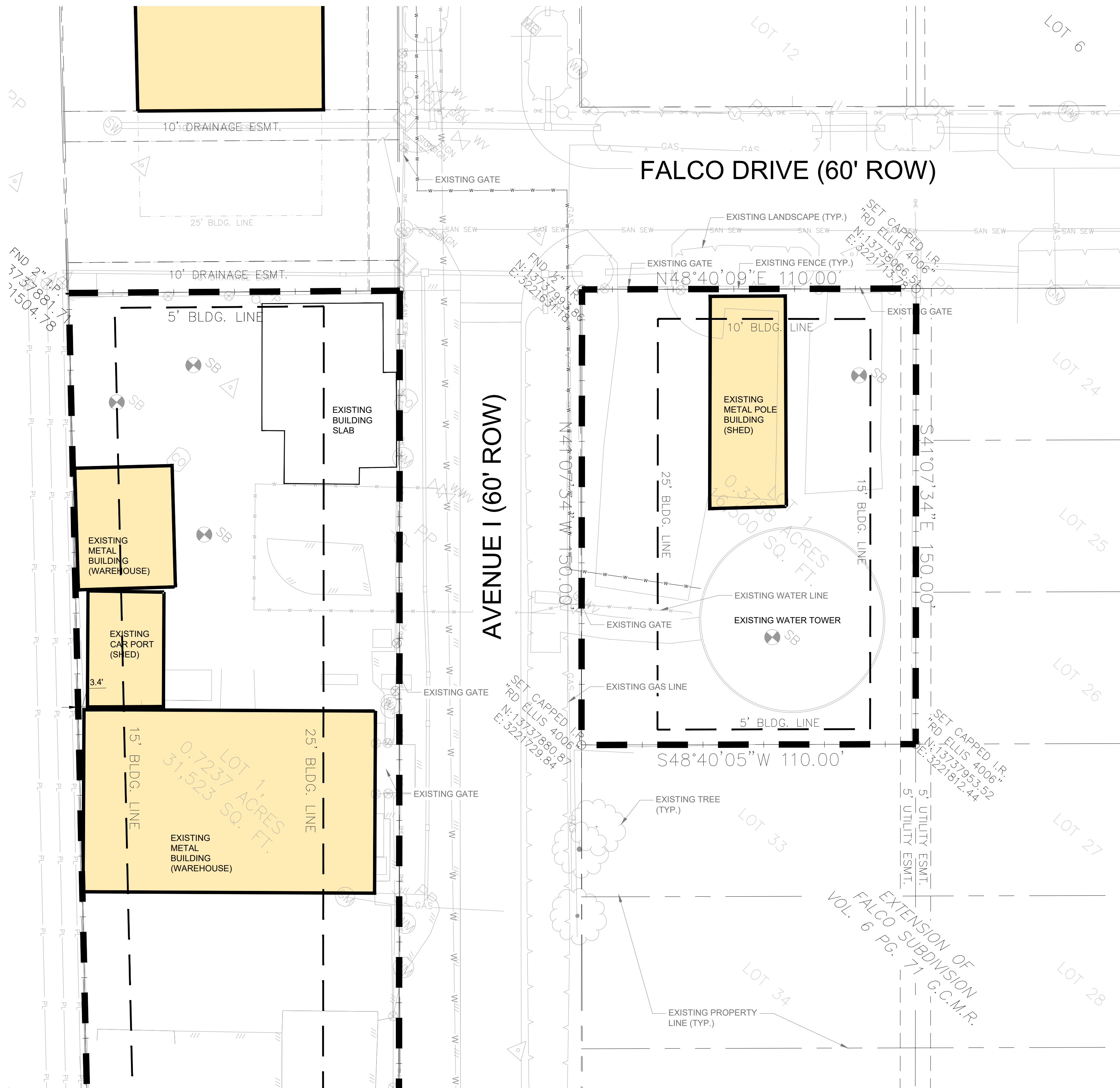
Applicant Statement – Carefully review the following information before submitting a Zoning Variance request. It is the applicant's responsibility to defend their case before Board of Adjustment. In determining whether to approve, approve with conditions or disapprove the proposed request, the board shall review a statement prepared by the applicant that summarizes the request; and explains in detail how the request and must make an affirmative finding that each of the following criteria are met:

1. Special circumstances exist that are peculiar to the land or structure.
2. These special circumstances are not self-imposed or the result of the actions of the applicant.
3. Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.
4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice.
5. Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.
6. Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.
7. The variance will not adversely affect the health, safety or welfare of the public.

Additional Information – The zoning official may require additional information necessary to undertake a complete analysis and evaluation, and to determine whether the circumstances prescribed for granting the variance exists

\* City code requires the applicant to post and maintain sign(s) on the land that is the subject of the application at least ten (10) days before the date of the public hearing. The applicant must file an affidavit verifying sign(s) were posted as required.

\*\* City code requires the applicant to send public notice of hearings and file with the city the returned receipts from the certified mailings and an affidavit stating the names and addresses of the persons to who notice was sent. City staff has determined the need to complete this action to ensure compliance with Texas Local Government Code.



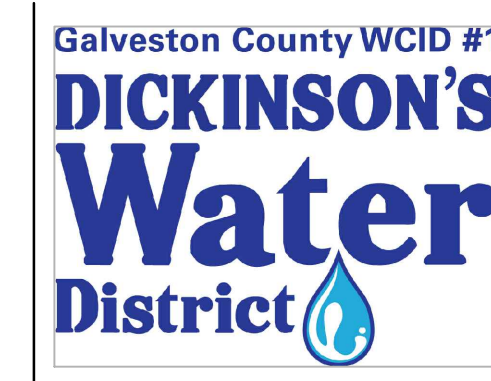
AERIAL PHOTO OF THE EXISTING SITE



ISSUE	DATE	DESCRIPTION
A	06/10/2022	30% DESIGN REVIEW

PROJECT MANAGER	JEFF MITCHELL
DESIGNED BY	C.CASEY
DRAWN BY	P.SHAUCHE
CHECKED BY	C.CASEY
PROJECT NUMBER	10335232

THIS DOCUMENT IS RELEASED FOR THE PURPOSE OF REVIEW UNDER THE AUTHORITY OF CHRISTOPHER M. CASEY TEXAS ARCH. NO. 24309 DATE: JUNE 29, 2022 IT IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE



GALVESTON COUNTY WCID #1 TEXAS GLO CDBG-MIT PROJECT PACKAGE #2 FALCO

SITE CIVIL EXISTING CONDITIONS

1" = 20'

EXHIBIT 1





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Galveston County Water Control & Improvement District #1  
2750 FM 517 Rd. East, Dickinson, Texas 77539

July 5, 2022

Yvonne Briscoe  
Senior Planner  
City of Dickinson, Texas  
4403 Highway 3  
Dickinson, Texas 77539

RE: Application Statement for Permit #20220731 (Falco Vehicle Enclosure Site)

Dear Ms. Briscoe,

The Galveston County Water Control and Improvement District No. 1 (District) has submitted a variance application to the City of Dickinson related to building setbacks at the District's Falco Vehicle Enclosure site located at the intersection of Falco Street and Avenue I in Dickinson, Texas 77539.

This letter shall serve as the District's Application Statement required to accompany the variance application.

1. Special circumstances exist that are peculiar to the land or structure.  
*This site is owned by the District and is designated as a materials and construction vehicle storage site.*
2. These special circumstances are not self-imposed or the result of the actions of the applicant.  
*As evidenced by the accompanying existing site plan, the District's existing structures are within the building setback lines as established by the City of Dickinson's Code of Ordinances with the exception of the northern building setback along Falco Street. Since the District was established prior to the creation of the City, these building setbacks are being imposed on a site that has always had these structures in their current location.*
3. Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.  
*One of the major work items being proposed by the District is the demolition of the existing vehicle enclosure structure and ground storage tank and constructing a new larger vehicle enclosure structure in the same general vicinity. The accompanying existing site plan shows that the existing vehicle enclosure structure is encroaching into the northern building setback line along Falco Street. The accompanying proposed site plan shows the proposed larger vehicle enclosure structure starting at this same location and extending south. This structure is able to meet the east, west, and south building setback lines. The District is therefore requesting a variance on the northern building setback line in order to place the larger vehicle enclosure structure back in this same location in order to provide the most efficient use of this property to allow for covered material and construction vehicle storage on the site.*

4. Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest, and which would carry out the spirit of this chapter and would result in substantial justice.  
*The only variance being requested at this time is on the northern building setback which is not contrary to the public interest.*
5. Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.  
*Granting of the variance will allow the District to continue to utilize this site as a materials and construction vehicle storage site.*
6. Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.  
*Granting of the variance will allow the District to continue to utilize this site as a materials and construction vehicle storage site.*
7. The variance will not adversely affect the health, safety or welfare of the public.  
*Granting of the variance will not adversely affect the health, safety, or welfare of the public.*

Respectfully submitted,



Ivan Langford  
General Manager  
409.739.0848  
[ilangford@gcwcid1tx.gov](mailto:ilangford@gcwcid1tx.gov)



# Board of Adjustment

August 1, 2022

## Zoning Variance

### Staff Report

**Plan Number:** 20220731

**Request:** The applicant is requesting for variances from the minimum 25-foot front setback and minimum 15-foot rear setback requirements of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a minimum 2-foot front setback and minimum 5-foot rear setback of the property.

**Applicant:** Ivan Langford

**Owner:** Galveston County WCID #1

**Subject Property:** Approximately 0.39 acre **unaddressed properties generally located on the southeast corner of Falco Street and Avenue I** and legally described as, Abstract 19 Perry & Austin Survey Lots 30, 31 & 32 Falco Subdivision Extension.

**Parcel Information:**

Zoning: Conventional Residential ("CR")  
Use: WCID #1

**Surrounding Properties Information:**

North: Right-of-way (Falco Street)  
Conventional Residential ("CR")  
West: Right-of-way (Avenue I)  
Conventional Residential ("CR")  
East: Conventional Residential ("CR")  
South: Conventional Residential ("CR")

**Background:**

The applicant is requesting variances from the minimum 25-foot front setback and minimum 15-foot rear setback requirements to remove an existing building and the existing storage tank. Then construct a new larger building.

In order to approve an application for a **Zoning Variance**, the Board of Adjustment shall make an affirmative finding that each of the following criteria are met:

**(1) *Special circumstances exist that are peculiar to the land or structure.***

The existing configuration of the site does not present a special circumstance that are peculiar to the land or structure that will require the proposed structure to encroach into the required setbacks. The applicant is proposing to remove all existing structures and rebuild on a vacant parcel. The property is not oddly shaped, nor is the structure.

**(2) *These special circumstances are not self-imposed or the result of the actions of the applicant.***

The special circumstances are self-imposed or the result of the actions of the applicant. While the current property does not meet the required development standards required by the existing zoning code, removing the existing structures to reconstruct removes any preexisting conditions. The property can be constructed to meet all code requirements.

**(3) *Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship.***

Literal interpretation and enforcement of the terms and provisions of this chapter would not cause an unnecessary and undue hardship. The property would still be able to be development adhering to the code of ordinances. There is no undue hardship warranting a variance to the setbacks

**(4) *Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice.***

The proposed structure would not be able to be constructed adhering to the required setbacks while maintaining the development standards. Figure B below shows the existing site layout. Figure C below shows the proposed site layout. The request is solely to provide for increased warehouse space. There is not a need for variance that is in public interest and would carry out the spirit of this chapter and would result in substantial justice.

Exhibit B

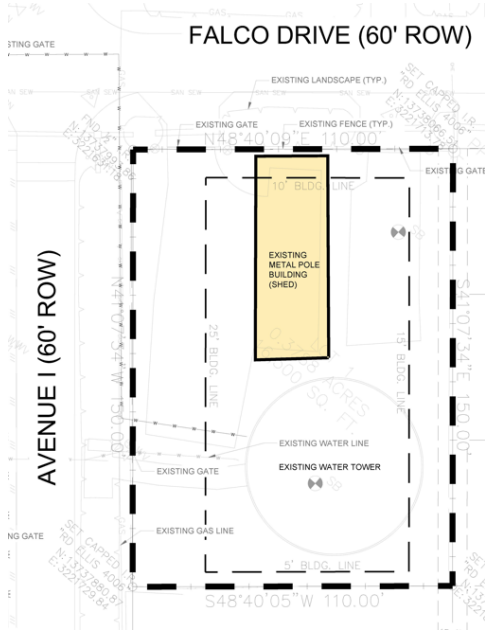
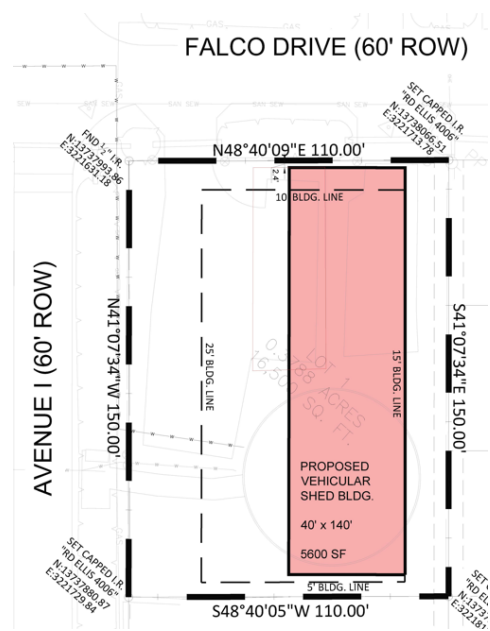


Exhibit C



**(5) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought.**

The proposed variance will not alter the essential character of the district or the property in which it is located. The use of the property is not changing. Galveston County WCID #1 properties are a government facility and are permitted by right in all zoning districts.

**(6) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance is sought is located.**

The requested variance will not change the use of the property. Galveston County WCID #1 properties are a government facility and are permitted by right in all zoning districts.

**(7) The variance will not adversely affect the health, safety or welfare of the public.**

All proposed development will be required to meet current adopted codes and ordinances of the City of Dickinson; all of which promote the health, safety and welfare of the community.

**RECOMMENDATION:**

Staff recommends **Disapproval** of the proposed variances from the minimum 25-foot front setback and minimum 15-foot rear setback requirements of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a minimum 2-foot front setback and minimum 5-foot rear setback of the property for approx. 0.39 acre unaddressed properties generally located on the southeast corner of Falco Street and Avenue I and legally described as, Abstract 19 Perry & Austin Survey Lots 30, 31 & 32 Falco Subdivision Extension.