



Variance (24-000055)

WHEREAS, Sean Keese (the “Owner”) owns a 0.14 acre tract of land (the “Properties”) in the City of Dickinson, Texas (“the City”), with the Property being located at 4418 Island Drive and legally described as ABST 36 W G BANKS LOT 10A (11-0) BLK 8 TROPICAL GARDENS AMND PLT, 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 Conventional Residential (“CR”) 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 requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge of Sec. 18-66 (Rear yards) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 14.5 feet to the water's edge on the property; and

(2) from the minimum front setback requirement of 20-foot from right-of-way when the lot is within a cul-de-sac of Sec. 18-50 (Conventional residential "CR" district) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 10 feet from right-of-way when the lot is within a cul-de-sac 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 six (6) 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 six-month period.

INTRODUCED, READ and PASSED by the affirmative vote of the Board of Adjustment of the City of Dickinson this 17TH DAY OF JUNE 2024.



BOARD OF ADJUSTMENT, Chairperson

ATTEST:


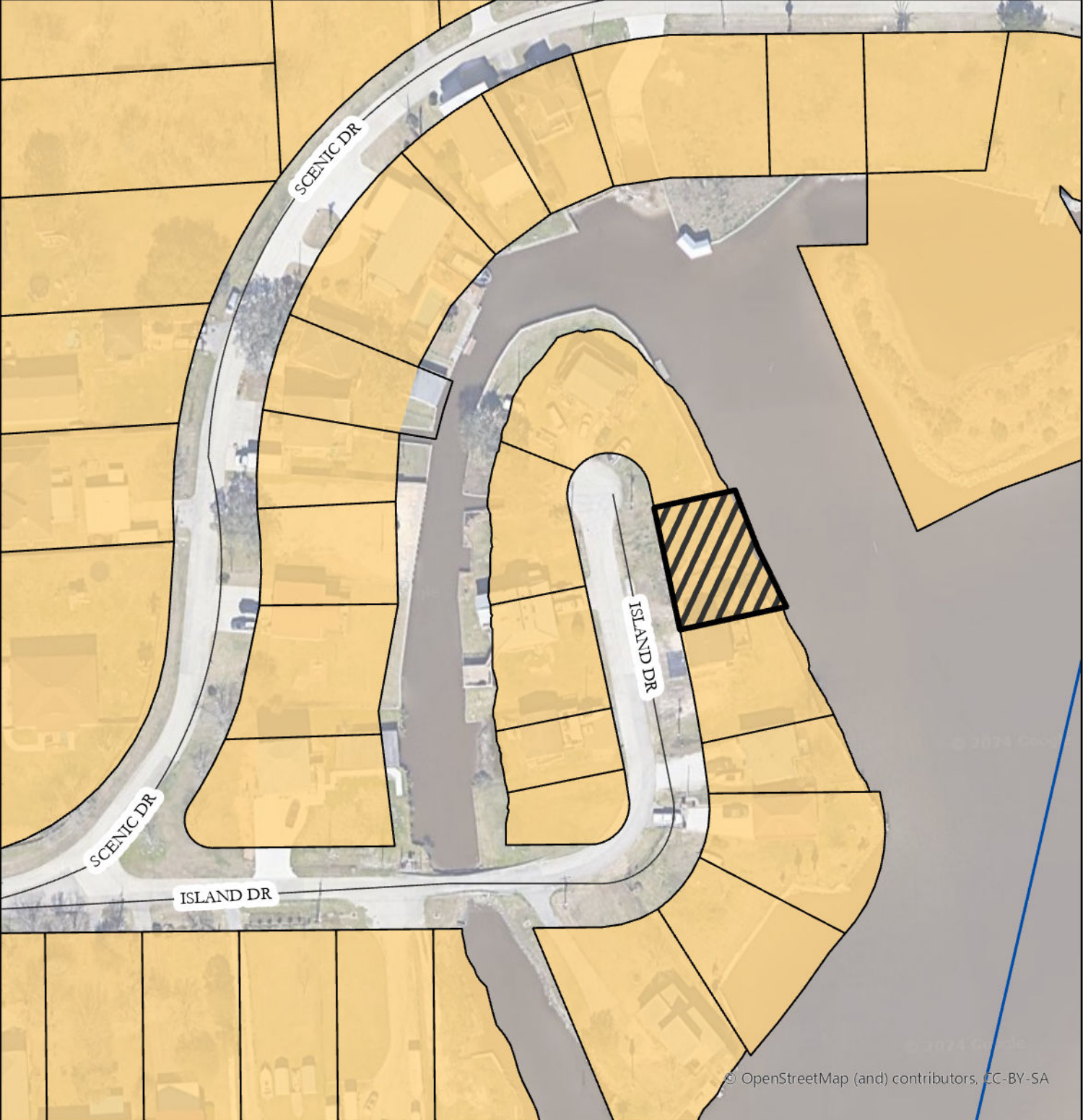

YVONNE BRISCOE, Senior Planner

EXHIBIT "A" – SUBJECT PROPERTY

Document Path: C:\Users\briscoe\OneDrive - City of Dickinson\Community Development\GIS\2024.03_Maps.aprx



Zoning Variance

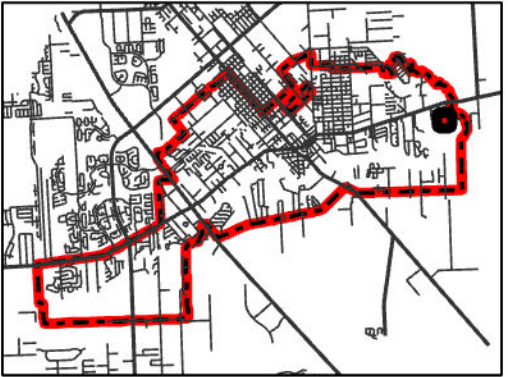
- Vicinity Map -

GCAD #367649
 approx. 0.14 acres
 legally described as
 ABST 36 W G BANKS
 LOT 10A (11-0) BLK 8
 TROPICAL GARDENS AMND PLT

 Subject Property

Zoning Districts

 Conventional Residential (CR)



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 = 100 feet Date: 3/5/2024

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EXHIBIT “B” – APPLICATION

APPLICATION OVERVIEW

License Type: Zoning Variance

ID # 24-000055 | Started February 29, 2024



Address

4418 Island Dr., Dickinson, TX USA 77539

Legal

TROPICAL GARDENS AMND PLT Blk 8 Lot 10A
A 36 W G BANKS
SW G Banks 36
ABST 36 W G BANKS LOT 10A (11-0) BLK 8
TROPICAL GARDENS AMND PLT

Description

New construction of elevated two story residence on waterway.

PROPERTY DETAILS

Property ID	R367649
Zoning District	CR - Conventional Residential

CONTACTS	CONTACT INFO	ADDRESS	CREDENTIALS	ROLE
Chris Harrison	admin@buildbyowner.com 8325802941	8214 W FM 517 Dickinson, TX 77539	General Contractor	APPLICANT

INFORMATION FIELDS

Galveston County Property ID:
367649

Address
4418 Island Dr

Legal Description
ABST 36 W G BANKS LOT 10A (11-0) BLK 8 TROPICAL GARDENS AMND PLT

Acres:
.1426

Property Owner Full Name
Sean Keese

Property Owner Address
2305 Lakenheath Dr Dickinson, Texas 77539

Property Owner Phone
832-215-1099

Property Owner Email
shkeese6@yahoo.com

Proof of Ownership
Keese Lot Deed.pdf

Signatory Authorization

-

Agent Authorization

Keese- Agent authorization.pdf

Current Zoning

Conventional residential "CR"

Current Use Type:

Residential

Current Use

-

Proposed Use Type:

Residential

Proposed Use

Single family home

Code Requirement:

25' from waterway

Requested Variance:

Building at the waterway, leaving building at front build line

Describe your request:

Propose back build line requirement at 25' from waterway, this applies to 100' depth lots, our lot is 60' & 80' depth

Existing Site Plan

-

Proposed Site Plan

Keese- 4418 Island Dr.-Plot Plan 1-24-24.pdf

Applicant Statement BOA

Variance Statement 4418 Island Dr.pdf

Technical Studies

-

Additional Documents

-

Board of Adjustment Public Hearing

-



Agent Authorization

February 27, 2024

Please consider this letter as authorization that I, Sean Keese, owner of said 4418 Island Dr. in Dickinson, Texas authorizes Chris Harrison of Build By Owner to act as an agent for the purpose of an application for Variance to the City of Dickinson as well as all the supporting documentation, changes, and corrections for this request.

Signature:  Date: 02/27/2024

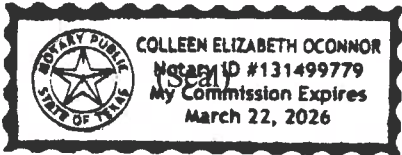
Printed Name: Sean Keese

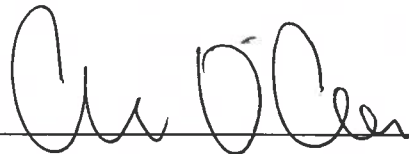
ACKNOWLEDGMENT

THE STATE OF Texas §
COUNTY OF Galveston §

BEFORE ME, the undersigned authority, on this day personally appeared Sean Keese, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that (s)he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this 27th day of February 2024.





Notary Public In and For the State of Texas

My Commission Expires: 3/22/2026

February 28th, 2024

Re: Property: Proposed house for Sean Keese
 4418 Island Dr.
 Dickinson, Texas 77539

 Owner: Sean Keese 832-215-1099

To whom it may concern,

I request a variance to have the rear of the building within 25' of the waters edge.

I need a variance due to the lot not meeting the zoning requirements stating the lot be 100' depth. We verified there are no build lines on the recorded plat. The proposed structure will meet the front set back requirements and the proposed footprint will be in line with the original footprint on the lot.

Respectfully submitted,

Chris Harrison

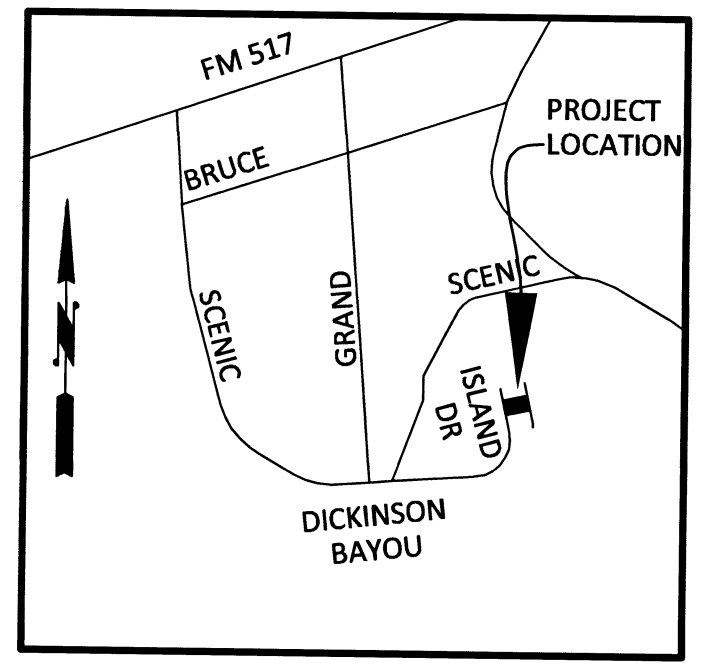
Build By Owner

281-932-0375

chris@buildbyowner.com

THE EASTERN BOUNDARY OF THE SUBJECT TRACT MAY SHARE A COMMON LINE WITH STATE OF TEXAS SUBMERGED LANDS OF DICKINSON BAYOU. THE EASTERN LINE SHOWN HEREON IS INFORMATIONAL ONLY AND DOES NOT DEPICT THE BOUNDARY BETWEEN THE STATE AND PRIVATE TRACTS.

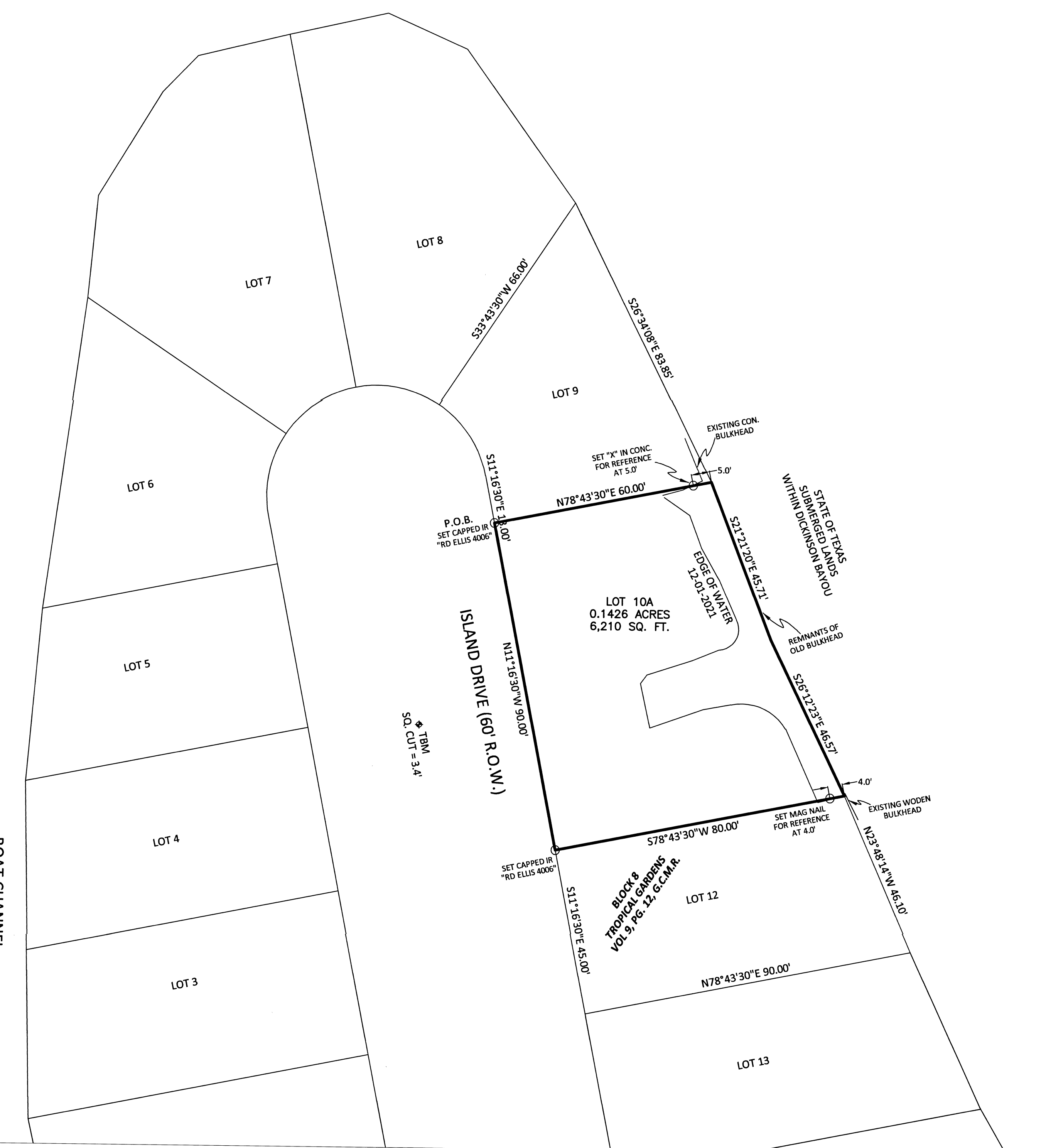
TO DETERMINE THE LOCATION OF THE LITTORAL BOUNDARY ALONG ANY STATE SUBMERGED LANDS A GLO SURVEY PREPARED BY A TEXAS LICENSED STATE LAND SURVEYOR WOULD BE REQUIRED.



VICINITY MAP (NTS)

GENERAL NOTES:

- 1) All shown bearings referenced to Grid North, Texas State Plane Coordinate System NAD83, Texas South Central Zone.
- 2) This property is located in Zones "AE" with a BFE of 16.0' according to FEMA FIRM Map No. 48167C0235G dated 8/15/2019.
- 3) This property lies within the Dickinson Independent School District.
- 4) All of the property subdivided in the foregoing plat is within the incorporated boundaries of the City of Dickinson, Texas.
- 5) Purpose of Amending Plat is to combine Lots 10 and 11, Block 8, of Tropical Gardens Subdivision into a single lot.



BEING a 0.1426 acre tract (6,210 Sq. Ft) of land and being all of Lot 10 and Lot 11, of a Subdivision of Block 8, of Tropical Gardens Subdivision, a subdivision in Galveston County, Texas, according to the map or plat thereof recorded in Volume 9, Page 12, of the Map Records of Galveston County, Texas, said 0.1426 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a capped iron rod "RD Ellis 4006" set for the northwest corner of the tract herein described, same being the northwest corner of said Lot 10, and being in the east right of way line of Island Drive (60' R.O.W.);

THENCE N 78°43'30" E along and with the north line of said Lot 10, passing at a distance of 55.00' a "X" set in a concrete bulkhead for reference and continuing for a total distance of 60.00' to the northeast corner of the tract herein described, same being the northeast corner of said Lot 10 and being in the west line of a boat channel to Dickinson Bayou;

THENCE S 21°21'20" E, a distance of 45.71' to an angle point of the tract herein described;

THENCE S 26°12'23" E, a distance of 46.57' to a point for the southeast corner of the tract herein described, same being the southeast corner of said Lot 11;

THENCE S 78°43'30" W along and with the south line of said Lot 11, passing a mag nail in a wooden bulkhead set for reference at 4.00' and continuing for a total distance of 80.00' to a capped iron rod "RD Ellis 4006" set for the southwest corner of the tract herein described and being in the east right of way line of said Island Drive;

THENCE N 11°16'30" W along and with the east right of way line of said Island Drive, a distance of 90.00' to the POINT OF BEGINNING of the tract herein described.

This is to certify that the owners of the Tropical Gardens, Lots 10 and 11, Block 8, Amending Plat, have complied with all the conditions necessary as provided by law in Amending the above property.

CERTIFIED by the Mayor and Building Official of the City of Dickinson on the 10th day of March, 2022 A.D.

S.R. Burgess Chief Building Official, S.R. Burgess
Sean Skipworth Mayor, Sean Skipworth

STATE OF TEXAS
 COUNTY OF GALVESTON

I, Sean Keese, owner of the property subdivided in the foregoing map of the Tropical Gardens, Lots 10 and 11, Block 8, Amending Plat, do hereby make a subdivision of said property according to the lines, streets, alleys, parks, building lines, and easements therein shown, and designate said subdivision as the Tropical Gardens, Lots 10 and 11, Block 8, Amending Plat, Galveston County, Texas, and dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion or [of] streets or alleys to conform to such grades; and do hereby bind myself, my successors and assigns to warrant and forever defend the title to the land so dedicated.

Further, It is understood that if the final plans for the Tropical Gardens, Lots 10 and 11, Block 8, Amending Plat, are approved by the City of Dickinson, the undersigned will in all things comply with all provisions of such plat and construction plans and will duly perform all construction called for therein, fully and completely. No changes will be made in construction plans without the consent in writing of the Planning Commission being first had and obtained.

Sean Keese
 Sean Keese

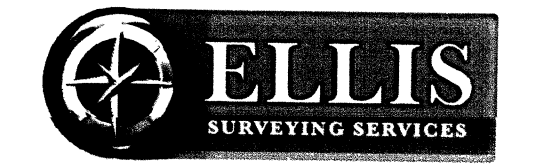
STATE OF TEXAS
 COUNTY OF GALVESTON

BEFORE ME, the undersigned authority, on this day personally appeared Sean Keese, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein described.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this 14th day of Feb, 2022.

Heather D. Perez
 Notary Public for the State of Texas
 My Commission Expires July 27, 2023

OWNER / DEVELOPER
 SEAN KEESE
 4118 Island Drive
 Dickinson, Tx. 77539
 Tel: 832-215-1099



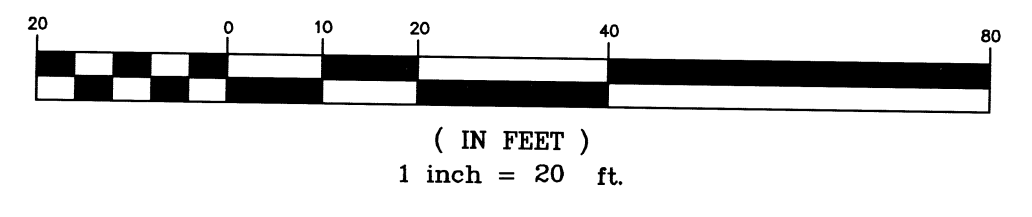
SURVEYOR
 ELLIS SURVEYING SERVICES, LLC.
 2805 25th Ave N Texas City, TX 77590
 Tel: (409) 938-8700 Fax (866) 678-7685
 Texas Firm Reg. No. 100340-00

TROPICAL GARDENS, LOTS 10 AND 11,
 BLOCK 8, AMENDING PLAT

BEING AN AMENDMENT OF LOTS 10 & 11
 BLOCK 8, OF TROPICAL GARDENS SUBDIVISION
 VOLUME 9, PAGE 12, MAP RECORDS
 OF GALVESTON COUNTY
 CONTAINING
 0.1426 ACRES (6,210 SQ. FT.)
 AND BEING
 1 LOT, 1 BLOCK

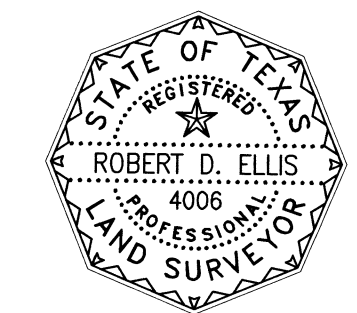
CITY OF DICKINSON, GALVESTON COUNTY
 FEBRUARY 03, 2022

GRAPHIC SCALE



This is to certify that I, Robert D. Ellis, a Registered Professional Land Surveyor for the State of Texas have platted the above subdivision from an actual survey made on the ground, and that all corners have been properly marked as shown on this plat.

Robert D. Ellis
 Robert D. Ellis, RPLS
 Tex. Reg. No. 4006



I, Dwight Sullivan, County Clerk, Galveston County, Texas, do hereby certify that the written instrument was filed for record in my office on March 14th, 2022 AT 2:25 O'Clock P.M., and duly recorded on March 14th, 2022 AT 2:25 O'Clock P.M., under Galveston County Clerk's File No. 2022-017311 Galveston County Map Records.

WITNESS my hand and seal of office, at Galveston, Texas, the day and date last above written.

Dwight Sullivan, County Clerk
 Galveston County, Texas.

Asia Coronado Deputy

2022017311

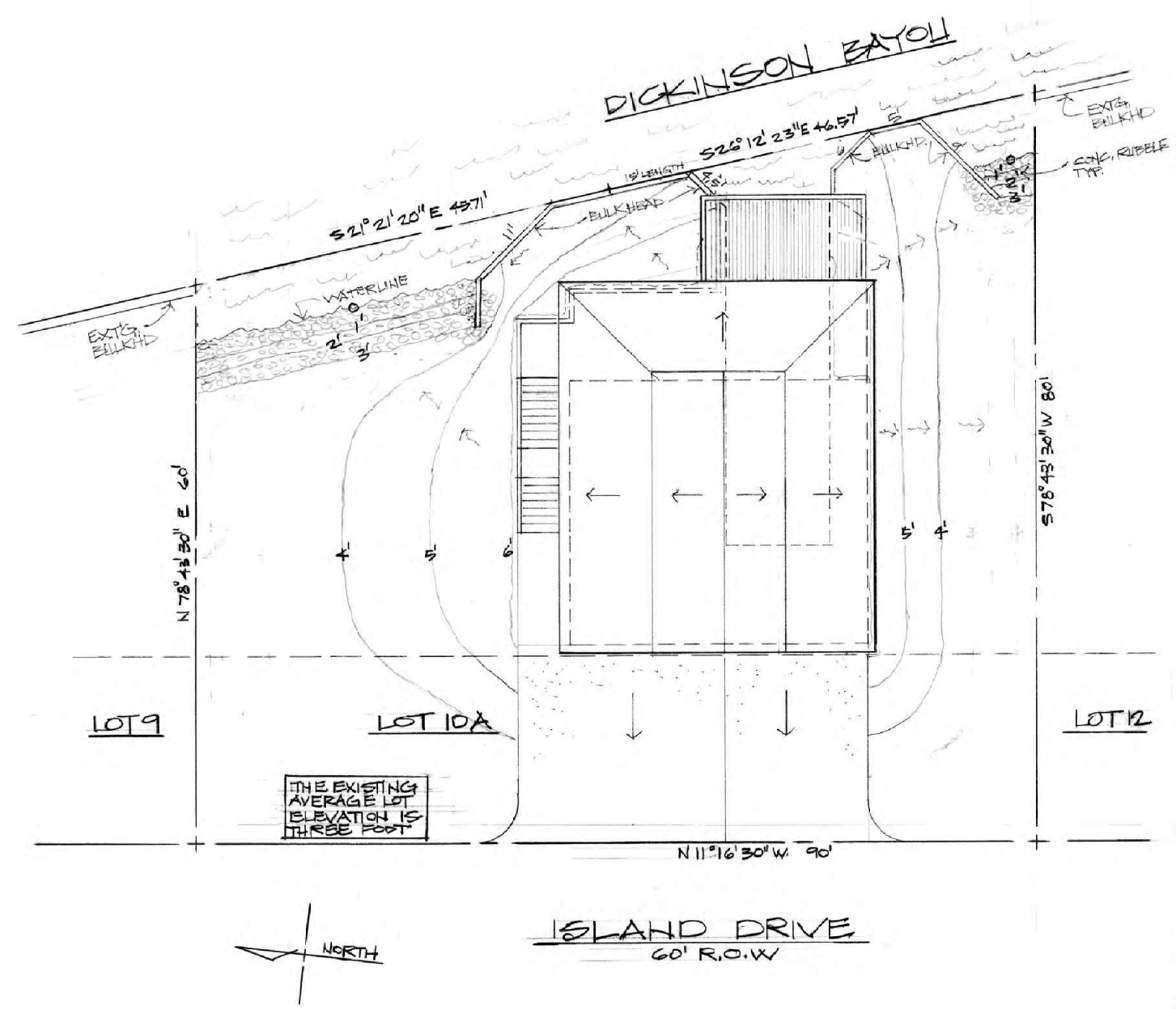


SITE PLAN
 NOTES

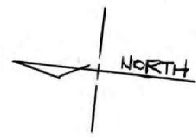
BAYOU HOME FOR THE KEESES
 4412 ISLAND DRIVE
 PICKINSON, TEXAS
 A. FRANK FRANKOVICH DESIGN • 281-4821031 • FRIENDSWOOD, TEXAS

NOTES:

1. ALL CONSTRUCTION SHALL COMPLY WITH BUILDING CODES OF ENTITIES WITH JURISDICTION, IRC, 2015, IMC, 2015, IFG, 2015, I.E.C, 2015, H.E.C, 2014.
2. ALL FRAMING LUMBER SHALL BE #2 SYP OR BETTER.
3. ALL EXTERIOR WALLS ARE 2"x6". INTERIOR WALLS ARE 2x4.
4. PROVIDE STUDS @ 16" FOR THE FIRST 3' FROM EACH CORNER AT EXTER. WALLS. PROVIDE MULTIPLE STUDS UNDER BEARING OF BEAMS & HEADERS.
5. PROVIDE HOLD DOWNS AT ALL OUTSIDE CORNERS AND WINDOWS & DOORS. INDICATED BY (X) SEE FLOOR PLAN.
6. SHEAR WALLS CONSIST OF 3/4" PLYWOOD ON THE FACE OF STUDS UNDER INTERIOR WALL FINISHES.
7. EXTERIOR WINDOWS AND DOOR W/ HIGH IMPACT IMPACT GLAZING AS APPROVED BY OWNER.
8. ROOF PITCHES SHALL BE 6/12 & 10/12 SEE ELEVATIONS.
9. HARDI SIDING AS APPROVE BY OWNER. 6" LAP HARDI SHOWN ON ELEVATIONS.
10. ALL CONCRETE SHALL BE 3000 PSI @ 28 DAYS OR BETTER.
11. VERIFY ALL FINISHES WITH OWNER PRIOR TO PURCHASE & INSTALLATION.
12. ALL WATER LINES SHALL BE CPVC SCHEDULE 40.
13. PROVIDE ELECTRIC TANKLESS WATER HEATER. VERIFY WITH OWNER.
14. INSULATE HOT WATER LINES & COLD WATER LINES EXPOSED TO EXTERIOR.
15. PROVIDE SMOKE DETECTORS IN ALL SLEEPING AREAS, ENTRIES, & STORAGE AREAS.
16. PROVIDE ONE 200 AMP SERVICE PANEL.
17. ALL WEATHER EXPOSED CONDUIT SHALL BE PVC SCHEDULE 40 CONDUIT W/ PVC BOXES AND STAIN STL ANCHORS.
18. HVAC EQUIPMENT SHALL HAVE A SEER RATING OF 16, ACCEPTABLE MANUFACTURERS: CARRIER, YORK, RHEEM, LENNOX OR TRANE.
19. ALL HANDRAILS & GUARDS SHALL BE CONSTRUCTED TO SUPPORT A UNIFORM LIVE LOAD OF 80 PLF & CONCENTRATED LOAD OF 200 LBS.



THE EXISTING AVERAGE LOT ELEVATION IS THREE FOOT



① SITE PLAN
 1" = 10' BLOCK 8 OF TROPICAL GARDENS SUBDIVISION

EXHIBIT "C" – STAFF REPORT



**Board of Adjustment
June 17, 2024**

Staff Report

Application: 24-000055 - Zoning Variance

Subject Property: located at 4418 ISLAND DR and legally described as ABST 36 W G BANKS LOT 10A (11-0) BLK 8 TROPICAL GARDENS AMND PLT.

Request: a request for variances from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge of Sec. 18-66 (Rear yards) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 14.5 feet to the water's edge on the property; and

from the minimum front setback requirement of 20-foot from right-of-way when the lot is within a cul-de-sac of Sec. 18-50 (Conventional residential "CR" district) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 10 feet from right-of-way when the lot is within a cul-de-sac on the property.

Applicant: Chris Harrison | Build by Owner

Owner: SEAN KEESE

Parcel Information:

Zoning: Conventional Residential ("CR")

Use: Vacant

Surrounding Properties Information:

North: Conventional Residential ("CR")

West: Right-of-way (Island Drive)
Conventional Residential ("CR")

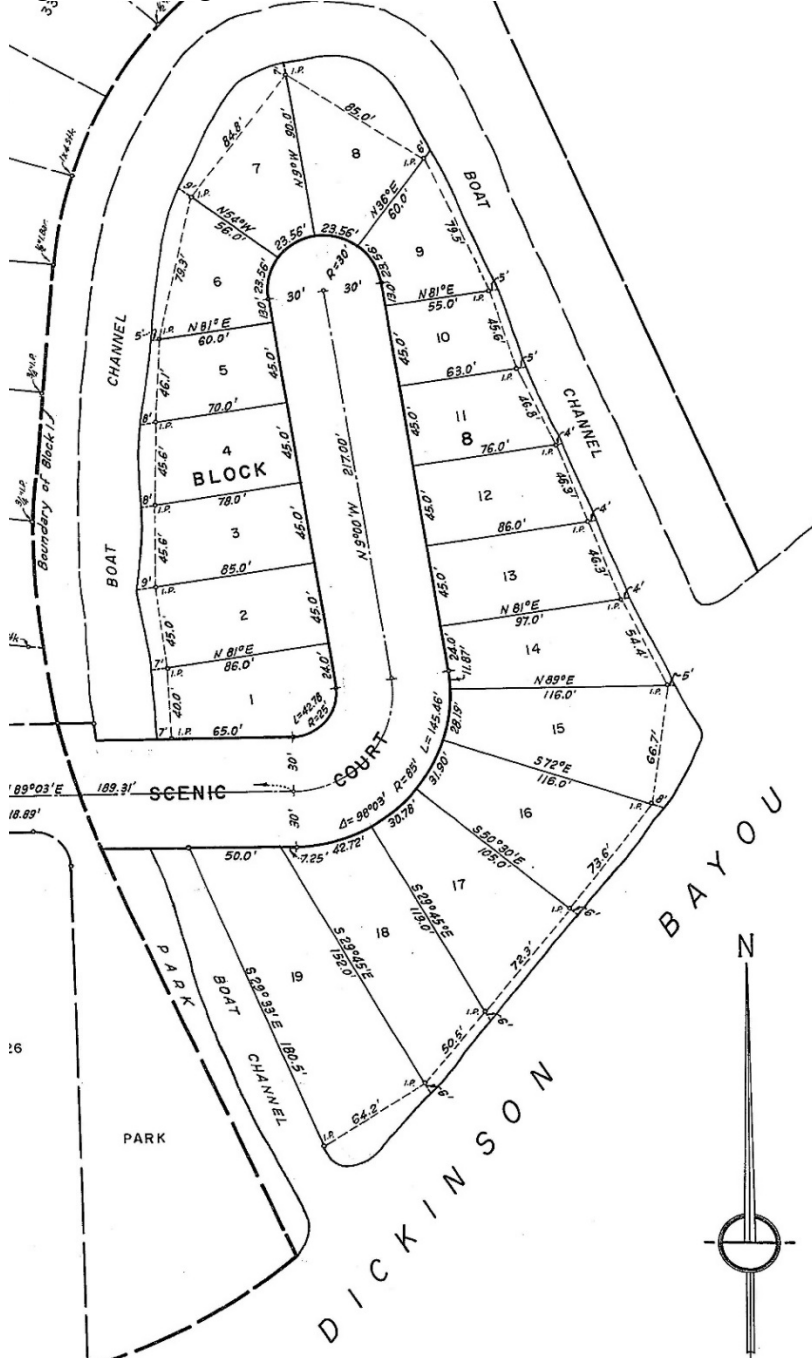
East: Other (Dickinson Bayou)
Conventional Residential ("CR")

South: Conventional Residential ("CR")

Background:

The subject property was originally platted as Lots 10 and 11 of Tropical Gardens Block 8 in 1956 before the City of Dickinson incorporated. As seen in Figure A below, when platted the lots did not meet the minimum lot width, depth, and area requirements we have now. Then in 2022 the property was replatted making the 2 lots into 1 lot. The newly joined lot still does not meet today's requirement for lot depth but brought the property closer into compliance as it now meets both the lot width and area requirements. As seen in Figure B below, the lot depth ranges from 60 feet to 80 feet. The plat also shows the waters edge encroaching into the lot.

Figure A – Original Plat



STATE OF TEXAS:
 COUNTY OF GALVESTON:
 We, BRUCE C. ROBERTS, E.I.
 property subdivided in the above and
 hereby make subdivision of said prop
 parks and easements thereon shown,
 GARDENS, in the W. G. Banks Survey,
 the public as such, all the roads, street
 public utility companies serving the
 thereon. Witness our hand this 9th

Bruce C. Roberts
 Bruce C. Roberts.

STATE OF TEXAS:
 COUNTY OF HARRIS:
 Before me, the undersigne
 C. ROBERTS, EDWARD A. KELLY or
 whose names are subscribed to the f.
 executed the same for the purposes
 given under my hand and

This is to certify that I
 of the State of Texas, have platted
 the ground and that all front lot cc
 with 3/4" iron pipe, and that the sid
 said plat, and that said plat correc



Approved as to legal form:

Marvyn Johnson Jr.
 District Attorney
 Galveston County, Texas.

Approved for filing by o.
 Texas, dated Feb. 13, 1956, su
 County, Texas, dated February 24, 1956

Figure B – Replat



Texas, said 0.1426 acre tract being more parts bounds as follows:

BEGINNING at a capped iron rod "RD Ellis 4006 of the tract herein described, same being the r 10, and being in the east right of way line of Isl

THENCE N 78°43'30" E along and with the nor a distance of 55.00' a "X" set in a concrete bull continuing for a total distance of 60.00' to the herein described, same being the northeast co in the west line of a boat channel to Dickinson I

THENCE S 21°21'20" E, a distance of 45.71' to herein described;

THENCE S 26°12'23" E, a distance of 46.57' to a corner of the tract herein described, same beir Lot 11;

THENCE S 78°43'30" W along and with the sou mag nail in a wooden bulkhead set for referen total distance of 80.00' to a capped iron rod "R southwest corner of the tract herein described way line of said Island Drive;

THENCE N 11°16'30" W along and with the eas Island Drive, a distance of 90.00' to the POINT (herein described.

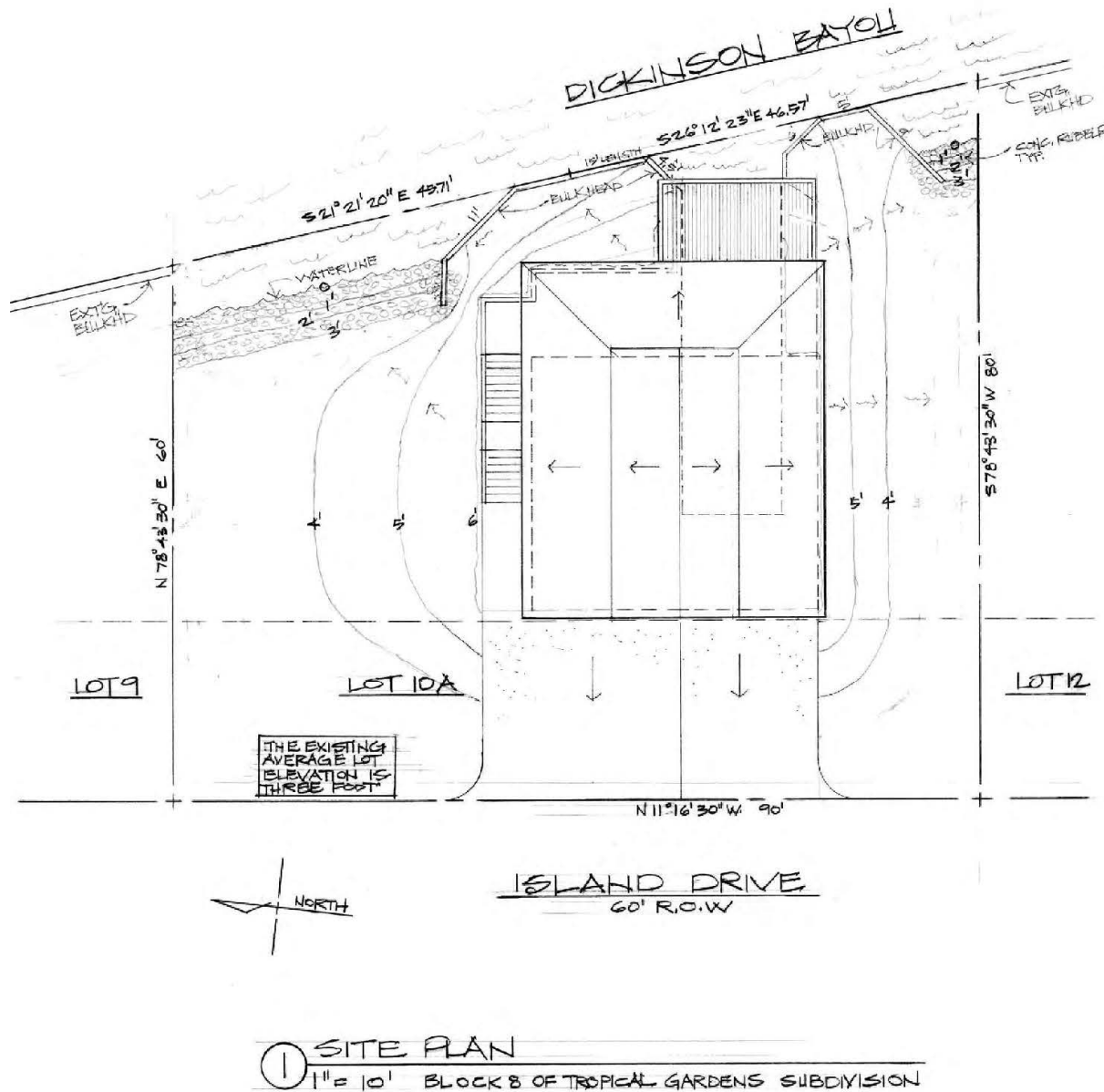
This is to certify that the owners of the Tropical 4 Block 8, Amending Plat, have complied with all ti provided by law in Amending the above property

CERTIFIED by the Mayor and Building Official of the 10th day of March, 2022 A.D.

S.R. Burgess
Chief Building Official, S.R. Burgess
[Signature]
Mayor

The subject property and all surrounding properties are zoned Conventional residential (CR). CR zoning district has a minimum front setback of 20 feet from right-of-way in the event that the lot is within a cul-de-sac. In addition, since the rear yard abuts Dickinson Bayou, there is an added requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge. The property depth of 60-80 feet leaves a mere 15-35 feet of buildable area on the property. As seen in Figure C below, the property owner is proposing to construct bulkheads in order to build the proposed home.

Figure C – Site Plan



The applicant originally proposed to meet the front setback requirement and requested variance from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge of Sec. 18-66 (Rear yards) in the Code of Ordinances – with such variances allowing the principal building shall not be closer than 4.5 feet to the water's edge on the property.

City staff informed the applicant that the request would be recommended for denial. Through conversations with the applicant, the application has been modified to a request for variances from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge of Sec. 18-66 (Rear yards) in the Code of Ordinances – with such

variance allowing the principal building shall not be closer than 14.5 feet to the water's edge on the property; and from the minimum front setback requirement of 20-foot from right-of-way when the lot is within a cul-de-sac of Sec. 18-50 (Conventional residential "CR" district) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 10 feet from right-of-way when the lot is within a cul-de-sac on the property. This modification is closer in line with the zoning code and its intent to protect waterways.

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 presents a special circumstance that is peculiar to the land or structure. The property was originally platted and recorded in accordance with the County requirements. While the replat combined 2 of the originally platted lots, the subject property does not meet the current lot depth requirement.

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

The special circumstances are not self-imposed or the result of the actions of the applicant. The current property does not meet the required development standards required by the existing zoning code. CR zoning district has a minimum front setback of 20 feet. In addition, since the rear yard abuts Dickinson Bayou, there is an added requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge. The property depth of 60-80 feet leaves a mere 15-35 feet of buildable area on the property.

(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 cause an unnecessary and undue hardship. The property is unable to meet zoning standards, leaving the lot unbuildable without approved variances.

(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.

Obtaining a variance is required to allow any construction on the lot. The applicant originally requested the maximum rear setback the lot can accommodate. Granting the requested variance would not be the minimum action that will make possible the use of the land. The proposed structure would not be able to be constructed adhering to the

requirements while maintaining the development standards. Granting the variances for the front and rear setback, would be closer in line with the zoning code and its intent to protect waterways.

(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. There is minimal impact to the adjacent residential neighborhood. A couple of the lots surrounding the subject property have the same issue and will need to develop in a similar manner as currently proposed by the applicant.

(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. The property is zoned Conventional residential (CR). The applicant is proposing to construct a conventional detached single-family residence which is a permitted use in the CR zoning district.

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

The variances being sought by the applicant 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.

RECOMMENDATION:

Staff recommends **Approval** concerning a request for variances from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal building shall not be closer than 25 feet to the water's edge of Sec. 18-66 (Rear yards) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 14.5 feet to the water's edge on the property; and

from the minimum front setback requirement of 20-foot from right-of-way when the lot is within a cul-de-sac of Sec. 18-50 (Conventional residential "CR" district) in the Code of Ordinances – with such variance allowing the principal building shall not be closer than 10 feet from right-of-way when the lot is within a cul-de-sac on the property

located at 4418 ISLAND DR and legally described as ABST 36 W G BANKS LOT 10A (11-0) BLK 8 TROPICAL GARDENS AMND PLT.