

NOTICE OF LA MARQUE BOARD OF ADJUSTMENTS MEETING BY TELEPHONE CONFERENCE

In accordance with order of the Office of the Governor issued March 16, 2020, the Board of Adjustments of the City of La Marque will conduct a Public Hearing and Regular Meeting on **Tuesday, January 18, 2022 at 4:00 pm. The meeting will be physically present at 1109-B Bayou Road, La Marque, Texas.** The meeting agenda, and the agenda packet can be found online at:

<https://ci.la-marque.tx.us/AgendaCenter>

The public will be permitted to offer public comments telephonically as provided below and as permitted by the Chairperson during the meeting. A recording of the telephonic meeting will be made, and will be available to the public in accordance with the Open Meeting Act upon written request.

**THE PUBLIC TOLL-FREE DIAL-IN NUMBER TO PARTICIPATE
IN THE MEETING IS:**

1 (346) 248-7799

ONCE YOU ARE CONNECTED, YOU MUST ENTER THE FOLLOWING:

Meeting ID: 92493940502

Press *6 to mute or unmute your phone line. You may also connect to the meeting on your smartphone, table or computer by going to the following internet address:

<https://zoom.us/j/92493940502>

Once you are on the website, you may need to enter the following:

Meeting ID: 92493940502

If you require accommodation to participate in this meeting, contact the City Clerk at 409-938-9259 or cityclerk@cityoflamaruge.org at least 48 hours prior to the meeting start time.



1111 Bayou Rd.
La Marque, Texas 77568
409-938-9202

David Pennington – Chair
Hermann Harper – Member
Lois Jones – Member

Crystal Cooper – Member
Helen Kee – Member

**CITY OF LA MARQUE
BOARD OF ADJUSTMENTS
Public Hearing and Regular Meeting
AGENDA
Of
January 18, 2022**

Notice is hereby given that the City of La Marque Board of Adjustments will conduct **a Public Hearing and Regular Meeting on Tuesday, January 18, 2022 at 4:00 p.m.**, for the purpose of considering and taking action on the following agenda:

(1) CALL MEETING TO ORDER

(2) ROLL CALL

(3) PUBLIC COMMENTS

At this time, any person who wishes to speak on Board-related business, including any item on the agenda, should speak at this time by giving the Chair your name and the item you wish to speak about. Comments are limited to three (3) minutes. In compliance with Texas Open Meetings Act, the Board may not deliberate on comments. Personal attacks will not be allowed, and personnel matters should be addressed to the City Manager during normal business hours. **Press *6 to mute or unmute if you are participating by telephone.**

(4) MINUTES

- a.** Discussion/possible action to approve meeting minutes for June 3, 2021

(5) NEW BUSINESS

- a.** Discussion/possible action regarding a Board decision on a request for a variance to the City's zoning regulations, specifically Section 71-29 (c) (3) regulating the front, sides and rear building set back lines for any construction at Lot 4 ABST 7 C Bundick Sur Lot 4 Omega Bay Sec C (4 N. Omega Dr.) (PID#142917)

(6) REQUESTS AND ANNOUNCEMENTS

Requests by Board members for items to be placed on future agendas and Board member announcements

(7) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas, on or before January 13, before 5:30 p.m.

Kierra K. Nance, TRMC
City Clerk

• • • • • This facility is wheelchair accessible and accessible parking spaces are available. Request for accommodations or •
• • • • • interpretive services must be made 48 hours prior to this meeting. . Please contact the City Clerk's office at (409) 938- •
• • • • • 9259, or Fax (409) 935-0401, or e-mail cityclerk@cityoflamarque.org for further information. •
• • • • •



CITY OF LA MARQUE
"Gateway to the Gulf"
1130 1st St. La Marque, TX 77568
409-938-9204 Permits@CityOfLaMarque.Org

Variance Request

Owner's Information

Name of owner, corporation, partnership or other:

WILLIAM KYLE REISER

PZ 2021-306
Pool 2021-306

Street Address: 4 N OMEGA ST.

City: LA MARQUE State: TX Zip: 77568

Main Point of Contact: KYLE REISER

Cell Phone: 713 443 3190 (C) Business Phone: 713 398 9480 WIFE

E-mail: ANNKYLE1@Comcast.net

Property description: LOTA IN SECT "C"

Parcel# _____ Parcel ID # _____

Lot: 4 Block: _____ Tract: _____

Subdivision: OMEGA BAY

Property Location: 4 N OMEGA ST, LA MARQUE TX 77568

Or location description: _____

Reference # _____

Ordinance section to be varied (_____)

Reason for change:

ADDING A POOL AND WAS REQUESTING
A VARIANCE DUE TO BEING 12' FROM SEA WALL.

Desired Outcome:

PLEASE APPROVE THIS REQUEST SO THAT CONSTRUCTION
CAN START

Note: Please review mandated findings that must be made by the Planning and Zoning Commission and/or Board of Adjustments is permitted to recommend a variance to council.

I hereby certify that I have read and examined this application and know the same to be true and correct.

APPLICANT SIGNATURE: _____

William Kyle Reiser

DATE: 8 DEC 21

2-28-08
JKB

Omega Bay Improvement Committee ARCHITECTURAL REQUEST FORM

Request must be submitted prior to beginning construction or improvement. Please submit your application with all required documents via email to: Integritymgmt@reagan.com. Once received, you will receive verification of receipt. The approval process could take up to 30 days per the Associations governing documents. If you have any additional questions, please call Integrity Property Management @ 409-995-0510. **Failure to receive an approval or denial shall be presumed as denied.**

Omega Bay

Owner Name: WILLIAM K REISER

Phone Number: 713-443-3190

Builder Name: IP DESIGN LLC.

Builders Phone# 832 928 4390

832 519 9183

Street Address: 4 N OMEGA ST

Email Address: 200KYLE10@comcast.net

Inclusion of an e-mail address authorizes the Architectural Control Committee to use electronic mail for official responses to this request.

The **Declaration of Covenants, Conditions and Restrictions** (the "Deed Restrictions") of the **OMEGA BAY IMPROVEMENT COMMITTEE** specifies that all improvements as defined in the Deed Restrictions must be approved in writing by the Architectural Control Committee before their improvement begins. To assist in your compliance with this restriction and other requirements herein, complete this form and submit it with your plans and specifications for the proposed improvement.

The plans and specifications will not be considered complete without the following items:

- ☐ **Plot plan or survey** showing the location and dimensions of all existing and proposed improvements
- ☐ Existing and finished **grades** and lot **drainage provisions** shall be indicated
- ☐ The **structural design, exterior elevations, exterior materials, colors, textures and shapes** of all improvements described
- ☐ **Estimated time frame for completion** of project 120 days max for exterior 160 for completion

APPROVAL REQUESTED: _____

☐ BASKETBALL GOAL	☐ IRRIGATION SYSTEM	☐ DECK	☐ FENCE
☐ STORAGE SHED EXT	☐ REMODELING	☐ LANDSCAPING	☐ PLAYScape
☒ SWIMMING POOL/SPA	☐ DRIVEWAY EXT	☐ OTHER	

DESCRIPTION OF IMPROVEMENT: _____

3088
P/B

ACC COMMITTEE RECOMMENDATION:

☒ Approved - Contingent upon the following criteria

☐ Not Approved - Based on the following criteria

11/18/2021 NEED TO CHECK FOR TIE BACKS
BEFORE INSTALLATION OK 11/19/21
PRES-ORIC

PROPERTY OWNER SIGNATURE:

[Signature]

DATE:

19 NOV 21

Submit your request to Integrity Property Management, Attn: DJ Matthews
PO Box 3906, Galveston, TX 77552; phone: 409-996-0510
email: Integritymgmt@reagan.com

NEED VARIANCE FROM CITY OF LADYMARQUE
FOR BUILDING WITHIN 20' OF CANAL

708

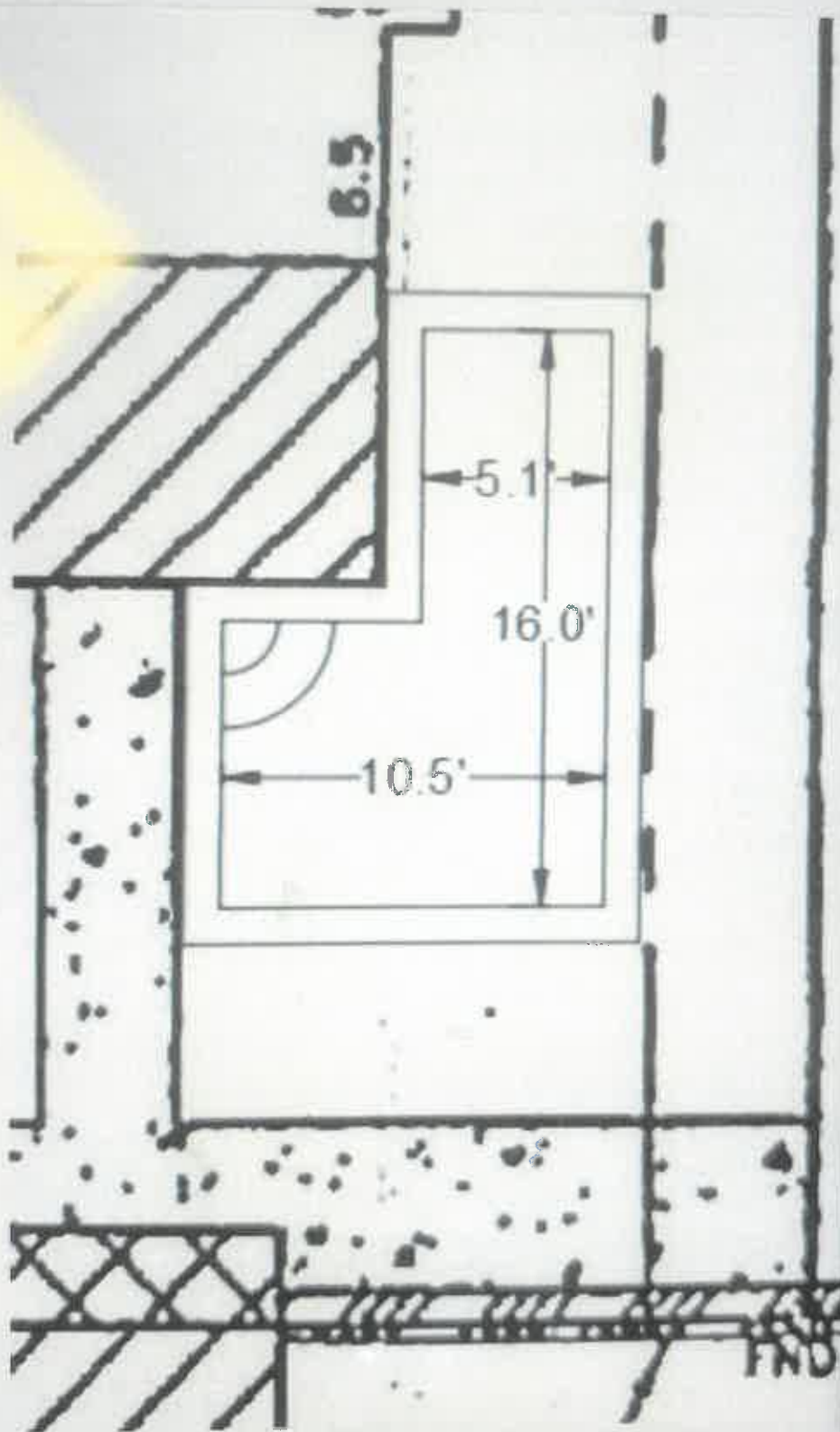


-ALL BEARINGS ARE FOR PLAT, DEED, OR AS ASSUMED
-THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY. IT IS NOT
TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
-SUBJECT TO ANY AND ALL RECORDED AND UNRECORDED EASEMENTS.
-FLOOD INFORMATION IS BASED ON GRAPHIC PLATTING ONLY. NO INCIDENT
INACCURACIES ON FEMA MAPS. WE CANNOT ASSUME RESPONSIBILITY FOR
EXACT DETERMINATION.
-LOCAL ORANGE COUNTY ON THIS PROPERTY.

OFFICE	M.E.
DRAFTING	D.P./B.M.
FINAL CHECK	

P.O. BOX 2543 • ALVIN, TX 77512
(281)393-1382 • Fax(281)393-1383

P.O. BOX 2543 • ALVIN, TX 77012
(713) 383-1382 • Fax (281) 343-1343



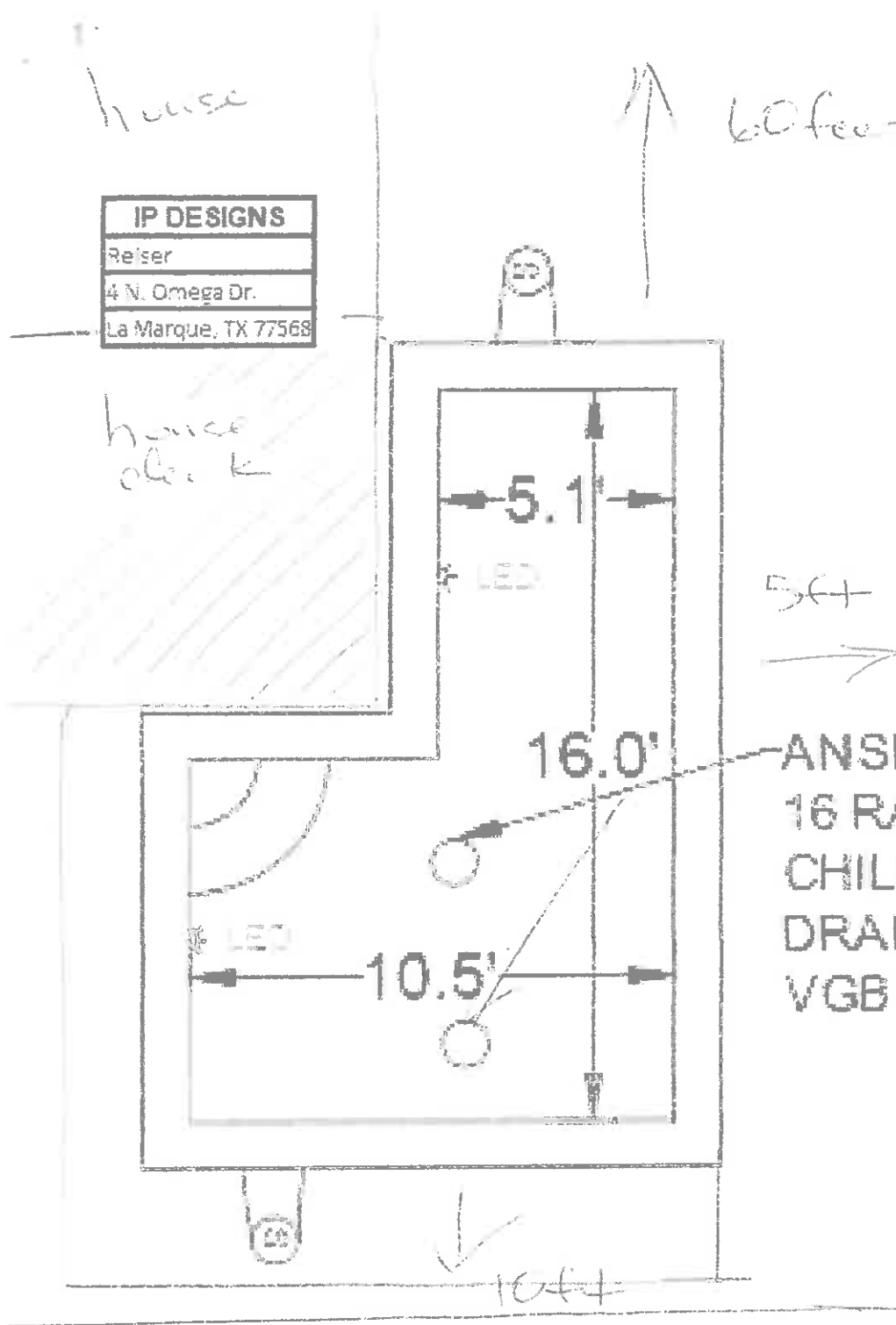
7058
R110

house

60 feet

IP DESIGNS
Reiser
4 N. Omega Dr.
La Marque, TX 77568

house
clock



ANSI/AP SP -
16 RATED
CHILD SAFETY
DRAINS
VGB COMPLIANCE

Hydraulic Controls
430
1 hp V.S. pump
1 automatic time
clock
320,000 BTU
heater

(832) 928-4388
(832) 519-8183
5202A, Rose St.
Houston, TX 77007

IP DESIGN,
LLC.

5088
pub

This Agreement is by and between IP Design, LLC, herein termed "Contractor"

CUSTOMER'S NAME Anna K. Smith
MAILING ADDRESS 4 N. Guey Drive CITY HOUSTON JOB PHONE
JOB SITE ADDRESS CITY OFFICE PHONE
POOL SIZE 16' x 16' DEPTH 3'6" TO 4'6" APPROX. SOIL
LEGAL LOT BLOCK SECTION SUBLOT
INDICATE WITH ☐ IN ALL SPACES ITEMS INCLUDED IN CONTRACT ☐ YES ☒ NO

	YES	NO	EQUIPMENT & ACCESSORIES
1. ENGINEERED PLANS AND POOL PERMITS IF REQUIRED	☒	☐	
2. EXCAVATION, Layout, Form, Elevation	☒	☐	
Fence removed by owner ☐ IPD ☒ Fence replaced by owner ☐ IPD ☒			
Concrete/Asphalt removed <u>11' x 16' sq ft</u> ☐			
Stumps removed # <u>11</u> ☐ Trees cut ☐			
3. Pool Plumbing: Non-Corrosive Schedule 40 PVC			
Filter run from summer to equipment <u>no</u> ☐ Line C <u>(?)</u>			
Backwash line to <u>no</u> ☐			
Extra Skimmer <u>no</u> ☐			
Gas Line for pool heater hook-up meter to heater ☐			
Automatic cleaner ☐			
Therapy Spa <u>Round</u> ☐ Rect. ☐			
Fill Line ☐			
Spa Blower ☐			
Aerators/valveball <u>no</u> ☐			
4. STEEL REINFORCING FOR EXPANSIVE SOIL	☒	☐	
5. PNEUMATICALLY APPLIED CONCRETE: Owner to Water Cure	☒	☐	
Love Seats (pfsat) <u>11</u> ☐ Raised Beam ☐			
Bench <u>11</u> ☐			
6. TILE-6" Row of Ceramic # (In Stock) <u>6" x 6" white</u> ☒			
7. COPING <u>11' x 16' white</u> ☒			
Other <u>Bulk</u> ☐			
8. ELECTRICAL SERVICE TO LIGHT & PUMP EXISTING ELECTRICAL SERVICE			
All Footage included ☒			
Ground Fault Interrupter ☒			
Any panel changed or service reroute-if required AT ADDITIONAL COST BY OWNER			
9. Pool Decking Type <u>concrete</u> Color <u>open black</u> ☒			
Sq. ft. included <u>200</u> Additional @ <u>11</u> per sq ft ☐			
Cantilever L.F. Incl. ☐			
4" PVC area drains to street footage <u>11' x 16'</u> ☐			
2" Overflow control ☐			
10. PLASTER-Hand Troweled-Marble White	☒	☐	
11. INITIAL STARTUP SERVICE AND INSTRUCTIONS	☒	☐	
12. INSURANCE-Public Liability, Property Damage, Workers Comp	☒	☐	
13. GUINTE CLEAN UP AND FINAL CLEAN UP - POOL SITE ONLY	☒	☐	
14. Non-visible stumps removed during excavation (underground and in pool area) at an extra charge to the customer			
15. In event of rain damage to pool during construction there will be no additional charge to customer.			
16. A yard sign will be placed in your yard during construction of the pool. Owner agrees to pay the balance due as herein stated to Contractor in accordance with the payment schedule contained herein. Payment delays will stop construction until payment is received in full by company. By <u>Anna K. Smith</u>			

Owner Anna K. Smith Owner

CONTRACT AMOUNT \$ 6,000.00
DOWN PAYMENT 1,000.00
BALANCE DUE 5,000.00
PAY SCHEDULE:
10% DUE AT EXCAVATION
10% DUE AT GUNITE
15% DUE AT TILE & COPING
15% DUE AT PLASTER

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p. 1

Omega Bay Improvement Committee Architectural Control Procedure ACC for New Construction in Omega Bay

This form must be submitted to the Association Manager

Requirements and Required Documents:

All Assessments and fees must be current, and all violations must be cured for all properties owned in Omega Bay.

Documents From Owner/Builder

- ACC form
- One set of all documents required by the California Building Inspector for permit.
- Estimated time frame for completion of project (initial not to exceed 120 days)
- Builder Contract
- New Home Construction \$1000 non refundable fee

Procedure:

- Get an ACC request form and builder contract from the OBIC website www.omegabay.net or OBIC Property Manager Lu Harnwegs at 408/665-0510
- Complete and sign the ACC form, as per the instructions on the form
- Complete the Builder Contract
- Return the ACC request and builder contract along with all required documents and fees to the OBIC Association Manager
- OBIC Association manager will call the ACC Committee and arrange for pick-up of all documentation
- The ACC Committee will review the request and associated documentation to ensure it conforms to the OBIC deed Restrictions
- The ACC Committee will forward their findings to the OBIC Board
- The Board will review the recommendations and return the decision to the OBIC Association Manager who will stamp the approved plans or contact the Contractor for any additional information to complete the request

Attachments:

- Board Resolution Regarding Enforcement of OBIC
- Building Permits Board Resolution for \$1500 non-refundable fee Parking Policy
- Deed Restriction information
- Builder Contract
- ACC Form

The specific deed restrictions for this Property will be provided with this packet



RESTRICTIONS AND COVENANTS
OMEGA BAY, ADDITIONS NOS. 1 – 8 AND 10
GALVESTON COUNTY, TEXAS

THE STATE OF TEXAS)
)
COUNTY OF GALVESTON)

KNOW ALL MEN BY THESE PRESENTS:

That, whereas, Omega Bay, Inc., a Texas Corporation, domiciled in Galveston County, Texas, is the sole owner of that certain tract or parcel of land known as "Omega Bay, Additions Nos. 1 – 8 and No. 10", a Subdivision out of Lots 20, 21 and 22 of that portion of the Samuel C. Bundick League lying and situated southwest of the Galveston, Houston and Henderson Railroad right-of-way, as shown by the plat of said "Omega Bay, Additions Nos. 1 – 8 and No. 10", filed and of record in the Office of the County Clerk of Galveston County, Texas, in Volume _____, Page _____ of the Deed Records; and;

WHEREAS, it is the desire of the said Omega Bay, Inc. to create exclusive residential waterfront homesites in said Subdivision for the purpose of preserving and enhancing the privacy and quiet enjoyment of homes built thereon by restricting by a general plan or scheme the use to which the lots in said Subdivision may be put, and in order to ensure uniformity and to maintain suitable standards for the use and occupancy of the lots in said "Omega Bay, Additions Nos. 1 – 8 and No. 10" as exclusive residential waterfront sites for the benefit, use and convenience of each and every purchaser, their heirs and assigns, of lots in said Omega Bay, Additions Nos. 1 – 8 and No. 10";

NOW, THEREFORE, Omega Bay, Inc., a Texas Corporation, acting by and through Edward S. Saconas, for itself, its successors and assigns, has, and does hereby, covenant, promise and agree that the said "Omega Bay, Additions Nos. 1 – 8 and No. 10" shall be, and from this time forward is subject to the following Restrictions and Covenants:

1. No lot or lots shall be used for anything other than residential purposes, and shall not be used directly or indirectly for the conduct of any business whatsoever, commercial or otherwise.

2. Only one (1) building shall be placed or erected on a lot for use and occupancy as a dwelling; such outbuildings or other roofed or walled structures as are necessary to the comfort, pleasure and convenience of the building used and occupied as a dwelling house may be constructed on the premises, provided that all such outbuildings shall correspond in style and outside finish material to the dwelling house. No duplex shall be placed or erected on any lot.

3. The building placed or erected on the lot for use and occupancy as a dwelling shall contain not less than Eight Hundred (800) square feet of interior living area floor space; and provided that, in any dwelling house of high-raised construction, none of the area on the ground level, even if enclosed, shall be considered as constituting "interior living area floor space" for the purpose of this restriction.

4. No timbers of any kind or description whatsoever shall be used for pilings and, or bracing for pilings, i.e. vertical supporting members and its bracing, on any high-raised building placed or erected on the premises unless the area below such high-raised building is permanently enclosed with acceptable exterior building material, as required by Paragraph 5 immediately following, so as to obscure such piling and its bracing; provided, however, that this provision is not intended to and shall not apply to the substructures of porches, decks or other unenclosed areas of the building.

5. All buildings placed or erected on a lot shall be finished on the outside with an accepted wood, composition and/or masonry residential exterior building material, and no corrugated metal, felt or paper shall be used as exterior siding or roofing on any building placed or erected on the lot. All residences and other buildings must be kept in good repair and in a neat and clean condition and must be painted when necessary to preserve their attractiveness.

6. No improvements of any character shall be placed or erected, nor shall the erection or emplacement thereof be begun, nor shall any changes be made in the exterior design thereof after construction is begun, on any lot until plans and specifications for the

proposed improvements have been submitted to and approved in writing by the Omega Bay Improvement Committee, and a building permit issued. Such approval is to include exterior design, floor elevation, plot plan, exterior materials and finish, foundation and framing specifications, and any and all other matters necessary to assure full compliance with these Restrictions and Covenants and with governmental regulations. The Omega Bay Improvement Committee shall have the power to require a bond from the contractor and/or property owner in order to assure full compliance with building permit requirements.

7. When construction of a dwelling or other above-ground improvement has begun, the exterior of such construction must be completed within one hundred twenty (120) days of the time of starting. No one shall occupy the structure until the exterior has been finished. Within thirty (30) days of occupancy of the dwelling the owner shall cause to have planted at least one palm tree between the road and the dwelling and at least one palm tree between the canal and the dwelling. The palm trees must have a trunk of at least two feet tall. No temporary building, tent, or house trailer of any type, shall be placed upon the lot during construction or at any other time.

8. No building or other above-ground structure shall be placed or erected on a lot (a) closer than twenty (20) feet to the bulkhead on the bank of the canal, (b) nor closer than twenty (20) feet to the road shoulder, nor (c) closer than five (5) feet from the property lines on any and all sides of the lot. Steps leading to a residence shall not be included in (a) and (b) above, but shall be included in (c) above. Air conditioning units shall not be included in (c) above. Fences are permitted anywhere on the lot provided that any portion of a fence within twenty (20) feet of the bulkhead must be of the chain link type, so as not to obstruct the view of the canal.

9. No sign, advertisement, billboard or advertising structure of any kind shall be erected or maintained on any lot, house or other structure or vehicle without the consent in writing of Omega Bay, Inc., its successor or nominee. Omega Bay, Inc. shall have the right to remove without the consent of the lot owner or of any other person, any such sign, advertisement, billboard or advertising structure which is displayed without its consent, and in so doing shall not be liable and is expressly relieved from any liability

upon any claim, demand and/or cause of action for damages or alleged damages resulting, directly or indirectly from or in any way connected with such removal.

10. If at any time a purchaser of a lot, his heirs, successors or assigns, should desire to sell such lot or any part thereof, the same shall first be offered to Omega Bay, Inc., its successor or nominee, which shall have the right to purchase the same at the price the purchaser, his heirs, successors or assigns, can sell such property for, and if Omega Bay, Inc., its successor or nominee, fails to exercise said option within ninety (90) days thereafter, said option shall become null and void; provided, however, that it is understood and agreed that said ninety (90) days' option shall extend from and after the date Omega Bay, Inc., its successor or nominee, is notified by the purchaser, his heirs, successors or assigns, of the price for which said property can be sold.

11. No pier, dock or other similar structure shall be placed or erected on the bank of the canal which extends more than twelve (12) feet over or into the water of said canal.

12. No boathouse or other walled and/or roofed structure shall be placed or erected in or over the canal. The canal shall at all times be kept free of debris, trash, rubbish, garbage, other unsightly and/or unsanitary articles, and/or anything that would constitute a hazard to navigation.

13. No dwelling house placed or erected on said premises shall be occupied until the same is connected and tied into the sanitary sewer system made available to property owners, and no connections to the water system and the sanitary sewer system shall be covered until inspected and approved by the Bayou Vista Utilities c., Inc., its successor or assign. No sewage septic tanks shall be used or permitted and no sewage shall be disposed of in any other manner whatsoever other than into the sewer system. In no event shall any sewage be drained or in any manner discharged into the canal, Highland Bayou or any other body of water, and no "privy", vault or other outhouse of similar character shall be placed, erected or allowed on the premises. No water wells may be drilled on any lot in the Subdivision.

14. Said premises shall not be used for any purpose whatsoever which is any annoyance or nuisance to the other lot owners in said Subdivision, and the placing,

allowing or keeping of anything, or the commission of any act, which is an annoyance or nuisance to the owners of the other lots is expressly prohibited; the owners and occupants of each lot shall keep the same free of weeds, high grass and all unsightly and unkept vegetation, all rubbish and/or other discarded material, and shall at all times so maintain their premises so as not constitute or create any annoyance or nuisance to the other lots. No building materials or other materials shall be stored or located on any lot except when the storage of building materials is necessary in connection with the construction of improvements then in progress. All rubbish and stored building material must be removed before the house is occupied. The Omega Bay Improvement Committee shall have the right to abate such annoyance or a nuisance in any manner deemed reasonable by said committee, the costs expended by said committee for abating said annoyance or nuisance to be secured by a lien upon and against the lot upon which said premises are used for any purpose whatsoever which is an annoyance or nuisance to the other lot owners in said subdivision. Said committee shall not be liable and is expressly relieved from any liability upon any claim, demand and/or cause of action for damages or alleged damages resulting directly or indirectly, from or in any way connected with such action brought to abate such annoyance or nuisance. The violation or any of the terms and conditions of those restrictions and covenants shall be deemed a nuisance.

15. No livestock or poultry or other domestic animals of any kind whatsoever, other than dogs and cats, shall be placed, allowed, or kept on any lot, and pets permitted by this restriction must be kept and maintained so as not to constitute an annoyance or nuisance to the other lots in said subdivision.

16. All garbage cans and other trash receptacles shall be kept covered at all times; and kept within three (3) feet of the dwelling house in an enclosure approved by the Omega Bay Improvement Committee, provided that the Omega Bay Improvement Committee may from time to time amend the requirements for the type of enclosure and its location on the lot.

17. Each lot shall be maintained so as to preserve the drainage of the lot and adjacent roadway areas. The erection or placing of any structure or object, or the filling

in or excavation of any area of the lot which will prevent free and adequate drainage or allow water to stand on the lot, or adjacent lots, or adjacent roadway, is prohibited.

18. The Omega Bay Improvement Committee, to perform and fulfill the purposes and functions of such committee in these Restrictions and Covenants set out, is hereby established and created; said Omega Bay Improvement Committee shall consist of three (3) members and shall initially be composed of George Saconas, Edward S. Saconas and Janet Hendrickson, who shall serve as such Omega Bay Improvement Committee until their successors are elected or appointed as hereinafter provided. Said initial committee shall function as such committee, at the sole discretion of committee until seventy-five per cent (75%) of the lots in all additions of Omega Bay subject to the jurisdiction of said committee have been conveyed by deed by the developer. In the event of a vacancy in said initial committee, for any reason, said vacant position shall be filled by the remaining member or members of the initial committee. After seventy-five per cent (75%) of the lots or all additions in Omega Bay have been conveyed by deed by the developer, the then owners of lots in Omega Bay, may, and shall have the right to cause an election to be called to elect three (3) of their number as members of such Omega Bay Improvement Committee, and said three (3) lot owners so elected shall thereupon constitute and be said Omega Bay Improvement Committee until their successors are elected or appointed as hereinafter provided; provided, that the initial Omega Bay Improvement Committee composed of George Saconas, Edward S. Saconas and Janet Hendrickson, may, in its sole discretion, either before seventy-five per cent (75%) of said lots in all additions of Omega Bay have been conveyed, or after such seventy-five per cent (75%) of such lots have been conveyed should the owners of lots in Omega Bay fail to cause an election to be called, appoint three (3) owners of lots subject to the jurisdiction on said Omega Bay Improvement Committee, and said three (3) lot owners so appointed shall thereupon be and constitute the Omega Bay Improvement Committee and shall serve as such until their successors are elected or appointed as hereinafter provided; at any time after one (1) year from the election or appointment of the first committee consisting and composed of lot owners (save and except the initial committee), and at any time after one (1) year from any successive next preceding

election, the Omega Bay Improvement Committee may, in its sole discretion, arrange for an election of members to serve on and constitute said Omega Bay Improvement Committee, and when requested in writing by ten (10) or more owners of lots subject to the jurisdiction of said Omega Bay Improvement Committee, the committee shall arrange for and call such election; and any and all such elections shall be governed by the following rules, to-wit:

Each owner shall be entitled to one (1) vote for each lot to which he holds record title at the time of such election; written notice of such election; written notice of such election shall be served upon each owner of a lot subject to the jurisdiction of the committee, either by delivery person or by addressing such notice, United States mail, postage prepaid, to the last known address of the lot owner, such notice to be either personally delivered or mailed not less than two (2) weeks prior to the date upon which the ballots are to be counted; certification by the committee that such notices have been either delivered or mailed as required hereunder shall be sufficient evidence of compliance with this requirement of these rules; votes shall be by written ballot and all ballots shall be retained for at least one (1) year after each such election; election shall be by a majority vote of those owners of lots subject to the jurisdiction of the Committee casting votes in the election; vacancies occurring between elections may be filled by the remaining members of the committee.

19. Said Omega Bay Improvement Committee shall and is hereby vested with the following powers, duties and functions, to-wit:

- (1) To collect and expend, in the interest of all lots subject to the jurisdiction of said committee as a whole, the maintenance charges hereinafter established, created and levied.
- (2) To interpret and enforce the Restrictions and Covenants of Omega Bay, Additions Nos. 1 – 8 and No. 10, and of any and all other Omega Bay Additions made subject to the jurisdiction of said committee by appropriate proceedings, provided, however, that the power to enforce these Restrictions and Covenants is not intended to be and shall not be

exclusive and may be exercised by any other person or persons vested with the right to enforce such Restrictions and Covenants.

- (3) To enforce any lien imposed on any lot subject to the jurisdiction of such committee given and created to secure the payment of the maintenance charges hereinafter levied upon the default in payment of the same.
- (4) To approve or reject plans and specifications and to issue building permits for improvements to be erected upon any lot subject to the jurisdiction of the committee. Notwithstanding any other provisions of these Restrictions and Covenants, it shall remain the prerogative in the jurisdiction of the Committee to review applications and grant approval for exceptions to those portions of these Restrictions and Covenants which relate to buildings and structures upon the lots. Variations from the building requirements imposed by these restrictions may be made when and only when such exceptions, variances, and deviations do not in any way detract from the appearance of the premises and are not in any way detrimental to the welfare of the subdivision as a whole or to the property of other persons located in the vicinity thereof, all in the sole opinion of the Committee.
- (5) To establish eligibility requirements for prospective purchasers and to insure that such requirements are met by prospective purchasers, such eligibility requirements are limited to (a) The purchaser shall have established credit or financial status which indicate a probability that the purchaser will be able to finance a dwelling on the property purchased, and (b) an intended use of the property by the purchaser which is consistent with a well-kept, peaceful, single family residential community.

20. Each and every lot in Omega Bay, Additions Nos. 1 – 8 and No. 10, shall be and is hereby made subject to and liable for an annual minimum maintenance charge of \$50.00. Said annual minimum maintenance charge shall not be increased unless necessitated by an actual increase in operating costs and said increase must be presented to all lot owners at least sixty (60) days in advance of said increase with a full written

explanation of the reasons and necessity for the increase. Such charges on such lots shall be for the purpose of creating a fund to be known and used as the "Maintenance Fund"; and the owner of each lot shall pay such annual maintenance charge on the first day of January of each year, commencing January 1, 1977, the payment of such maintenance charge to be secured by a lien upon and against each lot of said Omega Bay, Additions Nos. 1 – 8 and No. 10, said maintenance charges and the lien securing the payment thereof are hereby transferred and assigned to the Omega Bay Improvement Committee, and the payment of such maintenance charges shall be made by each lot owner to said Omega Bay Improvement Committee at its office in La Marque, Texas. The costs for collecting all delinquent maintenance charges shall also be charged against the lot upon which the maintenance charge is delinquent and shall be secured by a lien upon and against said lot. The Maintenance Fund so created and arising from said maintenance charges upon each lot shall be applied, by said Omega Bay Improvement Committee, so far as sufficient, toward the payment of maintenance expenses, including but not limited to, improving and maintaining of the streets and common areas in said subdivision complying with governmental requirements affecting the overall subdivision and doing any and all other things necessary or desirable in the opinion of said committee to keep the property of said subdivision neat and in good order, or which said committee considers for the general benefit of said subdivision as a whole, and it is understood and hereby expressly provided that the judgement of said committee in the use and expenditure of said Maintenance Fund shall be final so long as such judgement is exercised in good faith. Such maintenance charge upon each of said lots shall be due and payable, as hereinabove provided, on the first day of January of each year, commencing on January 1, 1977, and for twenty-four (24) years thereafter, and such maintenance charge shall be automatically extended for successive ten-year periods thereafter unless the then owners of a majority of the lots in said subdivision desire to discontinue such charge, such desire by a majority of the owners of lots in said subdivision to so discontinue such charge to be evidenced in an instrument in writing, signed and acknowledged, by such owners of a majority of the lots in said subdivision duly filed of record in the Deed Records of Galveston County, Texas.

21. Each purchaser of a lot in said Omega Bay, Additions Nos. 1 – 8 and No. 10, by his acceptance of a deed thereto agrees and consents to such maintenance charges, and covenants and agrees to pay the same.

22. These Restrictions and covenants shall run with the land and shall be binding on all persons owning lots in said Omega Bay, Additions Nos. 1-8 and No. 10, and all persons claiming under them, for a period of twenty-five (25) years from the date these covenants are recorded with the County Clerk of Galveston County, Texas, after which time such covenants shall be automatically extended for successive period of ten (10) years, unless an instrument signed by a majority of the then owners of the lots has been recorded with the County Clerk of Galveston County, Texas agreeing to change such Restrictions and Covenants in whole or in part or to revoke them.

23. Enforcement of these Restrictions and Covenants may be by proceedings at law or in equity against any person or persons violating or attempting to violate any Restriction or Covenant either to restrain such violation or proposed violation or to recover damages; such enforcement may be by Omega Bay, Inc., the Omega Bay Improvement Committee, and/or the owner of any lot in said subdivision.

24. The violation of any of these Restrictions and covenants shall not operate to invalidate any mortgage, deed of trust or other lien held against said property, or any part thereof, and such liens may be enforceable against any and all property covered thereby, subject nevertheless to these Restrictions and Covenants.

25. Each residence built in the subdivisions must install a natural gas heating system and a natural gas water heater, unless an alternative heating and water heating system is approved by the Omega Bay Improvement Committee.

26. It is expressly understood and agreed that the above Restrictions and Covenants shall apply only to those areas in Additions Nos. 1 – 8 and No. 10, Omega Bay, which are designated by lot numbers within the Subdivision boundaries.

27. If any portion of these Restrictions and Covenants are declared to be illegal or invalid for any purpose, the remainder of these Restrictions and Covenants shall not thereby be invalidated.

EXECUTED this the 28th day of May, 1976.

OMEGA BAY, INC.

S/Janet Hendrickson
ATTEST

S/Edward S. Saconas
President

THE STATE OF TEXAS
COUNTY OF GALVESTON

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared Edward S. Saconas, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said Omega Bay, Inc., a corporation, and that he executed the same as the act of such corporation for the purpose and consideration therein expressed, and in the capacity herein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 28th day of May, A.D. 1976.

s/Linda C. Bennett
Notary Public in and for Galveston
County, Texas



City of La Marque
1130 1st Street
La Marque, Texas 77568
409.938.9252

**CITY OF LA MARQUE
BOARD OF ADJUSTMENTS
PROPERTY OWNER PUBLIC HEARING NOTICE**

December 29, 2021

Dear Property Owner:

Notice is hereby given that the City of La Marque Board of Adjustments will hold a Public Hearing on Tuesday, January 18, 2022 at 4:00 p.m. in person conference and your comments on the request below will be heard at this time. A toll free call-in number will be available to allow public comment. Details are available on the City's website <https://ci.la-marque.tx.us/AgendaCenter> , or you may contact Margaret Corfield, Developmental Services at 409.938.9204 to provide your comment in advance. You are receiving this notice because your property is within 200 feet of an application regarding:

Discussion/possible action regarding a Board decision on a request for a variance to the City's zoning regulations, specifically Section 71-27 (e) (8) regulating the front, sides and rear building set back lines for any construction at Lot 4 ABST 7 C Bundick Sur Lot 4 Omega Bay Sec C (4 N. Omega Dr.) (PID#142917)

City of La Marque
Development Services Department
1130 1st.
La Marque, TX 77568
409-938-9204

Respectfully,
Margaret Corfield
Development Services

Galveston Central Appraisal District			
GEOID	ID	NAME	ADDRESS
5515-0002-0003-00C	142704	GULDE JAMIS JEAN FOWLER &	JAY A NICHOLS
5516-0002-0005-00C	142898	JOSEPH F MESSINA IRREVOCABLE TRUST	5027 CANDLETREE DRIVE
5515-0002-0022-00C	142723	TRIOLA ANTHONY S	22 N FLAMINGO
5516-0002-0004-00C	142897	JOSEPH F MESSINA IRREVOCABLE TRUST	5027 CANDLETREE DRIVE
5516-0002-0003-00C	142896	JOSEPH F MESSINA IRREVOCABLE TRUST	5027 CANDLETREE DRIVE
5515-0002-0002-00C	142703	FOWLER-GULDE JAMIS J	2 N FLAMINGO ST
5516-0003-0007-00C	142920	KOPECKY WARREN T	7 N OMEGA ST
5516-0002-0002-00C	142895	MUNTZEL JAMES & CARON	2 N WHITE HERON
5516-0003-0005-001	389017	DORECK JOHN M JR & KIMBERLY J	5 N OMEGA ST
5516-0002-0001-00C	142894	GRAYSON YVONNE	1 N WHITE HERON DR
5516-0003-0003-00C	142916	WATKINS BRADLEY & STEPHANIE	3 N OMEGA DR
5516-0003-0001-00C	142914	TRAYLOR ROBERTA C	1 N OMEGA ST
0640-0001-0000-00C	232987	OMEGA BAY	PO BOX 8
5515-0000-0000-00C	368860	OMEGA BAY IMPROVEMENT COMM INC	C/O INTERGRITY MGMT
2775-0024-0500-002	196482	STEWART LEONARD M	%PAUL M & CRYSTAL MUNDY
2775-0024-0500-002	196483	STEWART GEORGE L	2608 TAYLOR LN
2775-0024-0500-002	196484	PEARCE ELIZABETH AND MARY MCMASTER AND SUSAN MAREK	8115 GREENSLOPE DR
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2775-0024-0500-002	196491	PELATA H F	%MARY LONG BEHRENS
2775-0024-0500-002	196492	FLOYD BREI D	601 NORTFIELD DR
2775-0024-0500-002	196493	STEWART DOLLY	1702 TIMBERWOOD DR
2775-0024-0500-002	196494	STEWART ROBERT L	C/O JAY B STEWART EXECT FOR ROBERT STEWART
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2775-0024-0500-002	196509	COUNTY-GALVESTON	722 MOODY AVE
2775-0024-0500-002	295710	LEWIS ARTHUR B	107 HEATHER LN
2775-0024-0500-002	295711	1150 LLC	1106 ALGREGG
2775-0024-0500-002	520707	GASKAMP LUCILLE L	501 E LARKSPUR
2775-0024-0500-002	520708	SCHILL MARY JANE	465 F COUNTY ROAD 781
2775-0024-0500-002	520709	AMMEN KATHLEEN LEWIS	416 THELMA DR
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Janis Fowler & Jay Nichols
2 Flamingo
La Marque, Texas 77568

Joseph Messina Trust
5027 Candletree Dr.
Houston, Texas 77018

Anthony Triola
22 N. Flamingo
La Marque, Texas 77568

Warren Kopecky
7 N. Omega
La Marque, Texas 77568

James & Caron Muntzel
2 N. Heron
La Marque, Texas 77568

John & Kimberly Doreck
5 N Omega
La Marque, Texas 77568

Yvonne Grayson
1 N White Heron
La Marque, Texas 77568

Bradley & Stephanie Watkins
3 N Omega
La Marque, Texas 77568

Roberta Traylor
1 N Omega
La Marque, Texas 77568

Omega Bay Improvement
P. O. Box 3906
Galveston, Texas 77552

Leonard Stewart
3906 Tigris Ridge
Katy, Texas 77449

George Stewart
2608 Taylor
Pearland, Texas 77581

Elizabeth Pearce, Mary McMasterer
& Susan Marek
8115 Greenslope Dr.
Austin, Texas 78759

Harriet Foster
7 E Coldbrook Circle
Spring, Texas 77381

Delma Thiel
P.O.Box 741846
Houston, Texas 77274

Alice Deveraux
P.O.Box 1158
Rye, Texas 77369

Theodore and Arthur Coffey
2111 Hewitt Dr.
Houston, Texas 77018

Dorothy Rieland
171 Valley View
Kilgore, Texas 75662

Howard Thomas
P.O.Box 977
Crockett, Texas 75835

H F Pelata
C/O Mary Behrens
806 S Edgewood
San Saba, Texas 76877

Brett Floyd
601 Northfield Dr.
Friendswood, Texas 77546

Dolly Stewart
1702 Timberwood Dr.
Austin, Texas 78741

Robert Stewart
C/O Stewart Exect
400 W 15th , Suite 950
Austin, Texas 78701

Larry Lewis
30 Harpstone Pl
Woodlands, Texas 77382

Arthur Lewis
107 Heather Lane
Conroe, Texas 77385

Steven Lewis
1106 Algress
Houston, Texas 77009

Lucille Gaskamp
501 E Larkspur #302
Victoria, Texas 77904

Mary Jane Schill
465 F County Rd 781
Donie, Texas 75838

Kathleen Lewis
416 Thelma Dr.
San Antonio, Texas 78212

Joan Elsner
2715 Caribbean Dr
Grand Jct, CO 81506



City of La Marque Board of Adjustments

STAFF SUMMARY

Meeting Date: January 18, 2022

Agenda Item: Discussion / possible action regarding a Board decision on a request for a variance to the City's zoning regulations, specifically Section 71-29 (c) (3) regulation of the front, sides and rear building set back lines for any construction at Lot 4 ABST 7 C Bundick Sur Lot 4 Omega Bay Sec C (4 N Omega Dr.) (PID#142917)

Item Type: Variance

History: None

Standard for Approval: “[E]ither the general welfare of the city affected by the area to be changed will be enhanced, or that the property is unusable for the purposes allowed under existing zoning.” See City Code Sec. 71-26(k).

References: City Code Chapter 71;
Chapter 211, Texas Local Government Code

Council approval: Required;

Public comments:

Recommendation: