



*CITY OF LA MARQUE
BOARD OF ADJUSTMENTS
MEETING AGENDA*

TUESDAY, October 4th, 2022
2:00 PM
COUNCIL CHAMBERS
1109-B BAYOU
LA MARQUE, TX 77568

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

TO PARTICIPATE VIA ZOOM:
PUBLIC TOLL-FREE DIAL-IN NUMBER: **1 (346) 248-7799**
MEETING ID: **92887385489**
<https://zoom.us/j/92887385489>

David Pennington	Chairman
Alexa Cross	Member
Lois Jones	Member
Crystal Cooper	Member
Sheila Brown	Alternate



**CITY OF LA MARQUE
BOARD OF ADJUSTMENTS
Public Hearing and Regular Meeting
AGENDA
Of
October 4th, 2022**

Notice is hereby given that the City of La Marque Board of Adjustments will conduct a Public Hearing and Regular Meeting on Tuesday, October 4th, 2022 at 2:00 p.m., for the purpose of considering and taking action on the following agenda:

- (1) CALL MEETING TO ORDER**
- (2) ROLL CALL**
- (3) INVOCATION AND PLEDGE OF ALLEGIANCE**
- (4) CITIZENS PARTICIPATION (Limited to three minutes per person)**
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, press the unmute button if attending via zoom on a smartphone, tablet, or computer, or stand if attending in person, and the Mayor will call on you in turn.**
- (5) PUBLIC HEARING**
 - a. Conduct Public Hearing to hear input regarding a variance to the City's zoning regulations, specifically Section 71-20 regulating the minimum lot requirements for (R-1) Single Family Residential Property Being +/- 0.312 acres of land at ABST 150 J D Moore Sur Pt of Blk 7 (700-2) Div R Cook & Stewart Sub (2825 Main Street) (PID#196406)
- (6) MINUTES**
None
- (7) NEW BUSINESS**

- a. Discussion / possible action regarding a Board decision on a request for a variance to the City's zoning regulations, specifically Section 71-20 regulating the minimum lot requirements for (R-1) Single Family Residential Property Being +/- 0.312 acres of land at ABST 150 J D Moore Sur Pt of Blk 7 (700-2) Div R Cook & Stewart Sub (2825 Main Street) (PID#196406)

(8) REQUESTS AND ANNOUNCEMENTS

None

(9) ADJOURNMENT

CERTIFICATION:

I hereby certify that the above notice of meeting was posted at 1109-B Bayou Road, La Marque, Texas, on September 29th, 2022, at 6:02 p.m.

Kierra K. Nance, TRMC

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

Board of Adjustments

STAFF REPORT

Meeting Date: October 4th, 2022

Agenda Item: Discussion /possible action regarding a request for variance to the City's zoning regulations, specifically Section 71-20 regulating the minimum lot requirements for (R-1) Single Family Residential Property Being +/- 0.312 acres of land at ABST 150 J D Moore Sur Pt of Blk 7 (700-2) Div R Cook & Stewart Sub (2825 Main Street) (PID#196406)

Item Type: Variance

Zoning: Property is zoned (R-1) Single Family Residential

History: Homeowner is requesting approval of 50' lot width with 287' lot depth total lot size 14,350 sq ft

Related City

Code Sections: 71-20 regulating the minimum lot requirements for (R-1) Single Family Residential Property (minimum lot size 6000 sq ft minimum lot width 60')

City of La Marque, Texas

Board of Adjustments

February 8th 2021, I purchased the subject property located at 2825 Main Street La Marque, TX. 77568. The property was conveyed to me using a metes and bounds description. The property is legally described as being 50 feet wide.

On November 18th 2021 my permit for construction was approved by Jeremy Chesnutt. I began construction on my home at that time. The foundation was poured and framing was beginning to be installed.

June 6th 2022 a stop work order was placed on my construction as I started framing because permitting said that they did not have drainage plans for our property. I forwarded them back the approved set of prints they had sent me that had the drainage plans included. I was then told that permits were issued in error as they had not been sent out to the engineering department for approval. In finding this out, they also found the property had not been properly replated by the previous owner, though they had started the processes at one point before selling.

Kathleen Van Stavern was the person who placed the stop order. She then had me contact Loan Allen for further clarification on what needed to be done. Loan informed me that this permit was given in error because of problems within the department at the time I submitted my project. I went to the City Clerk and City Manager for help, since I was told by my previous surveyor that it would take up to four months to replat my property. After back and forth I was assured that this would not take anywhere near that long, that it is just an administrative replat and would take no time at all once the documents had been submitted. For over four months now my build has been halted, lumber sitting exposed, while also being a major liability if a storm were to come in, and blow materials around as walls are not secured at all.

August 8, 2022, I submitted an administrative replat to the City of La Marque per Loan's request.

August 15, 2022 I was notified by Loan I not only needed to submit the administrative plat, but I also now needed to apply for a subdivision variance as my lot is a substandard width.

As a property owner and tax paying citizen of the City of La Marque, I feel it is in the City's best interest to right this wrong and rectify their errors. Approval of the variance and continuation of construction will have no effect on neighboring properties. If there are questions as to drainage, please refer to the plans submitted in November 2021.

Adrian Franco, Jr.

A handwritten signature in black ink, appearing to read 'Adrian Franco, Jr.', with a long horizontal line extending to the right.



CITY OF LA MARQUE

"Gateway to the Gulf"

1130 1st St., La Marque, TX 77568

Ph: (409) 938-9204 Permits@cityofLaMarque.org

VARIANCE APPLICATION

Owner's Information

Name of owner, corporation, partnership or other:

Street Address: _____

City: _____ State: _____ Zip: _____

Main Point of Contact: _____

Cell Phone: _____ Business Phone: _____

E-mail: _____

Property description: _____

Parcel# _____ Parcel ID # _____

Lot: _____ Block: _____ Tract: _____

Subdivision: _____

Property Location: _____

Or location description: _____

Reference # _____

Ordinance section to be varied (_____)

Reason for change:

Desired Outcome:

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:  DATE: 09/21/2022

Email Submission: Permits@CityOfLaMarque.org

Survey of all that part of Lot Seven (7), in SUBDIVISION "R" OF COOK & STEWART'S SUBDIVISION, of part of the John D. Moore League, Abstract 150, according to the map or plat thereof recorded in Volume 81, Page 526, in the Office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of said Lot 7;

THENCE West along the North line of said Lot 7, a distance of 123.40 feet to the PLACE OF BEGINNING, and being the Northeast corner of the herein described tract, a found 1/2 inch rod;

THENCE South parallel with the East line of said Block 7, a distance of 287.00 feet to the Southeast corner of the herein described tract, a found 1/2 inch rod;

THENCE N 72° 27' 48" West along the South line of said Block 7, a distance of 52.43 feet to the Southwest corner of the herein described tract, a found 1/2 inch rod;

THENCE North parallel with the East line of said Block 7, a distance of 271.20 feet to the North line of said Block 7, and being the Northwest corner of the herein described tract, a found 1/2 inch rod;

THENCE East along the North line of said Block 7, a distance of 50.00 feet to PLACE OF BEGINNING, and containing 0.320 acres (13,955 square feet) of land, more or less.

I hereby certify that on the above date, the herein described property, together with improvements located thereon, was surveyed on the ground and under my direction, and that this map, together with dimensions as shown hereon, accurately represents the facts as found on the ground this date.

Brene Addison
Brene Addison
Registered Professional
Land Surveyor No. 6598



NOTES:

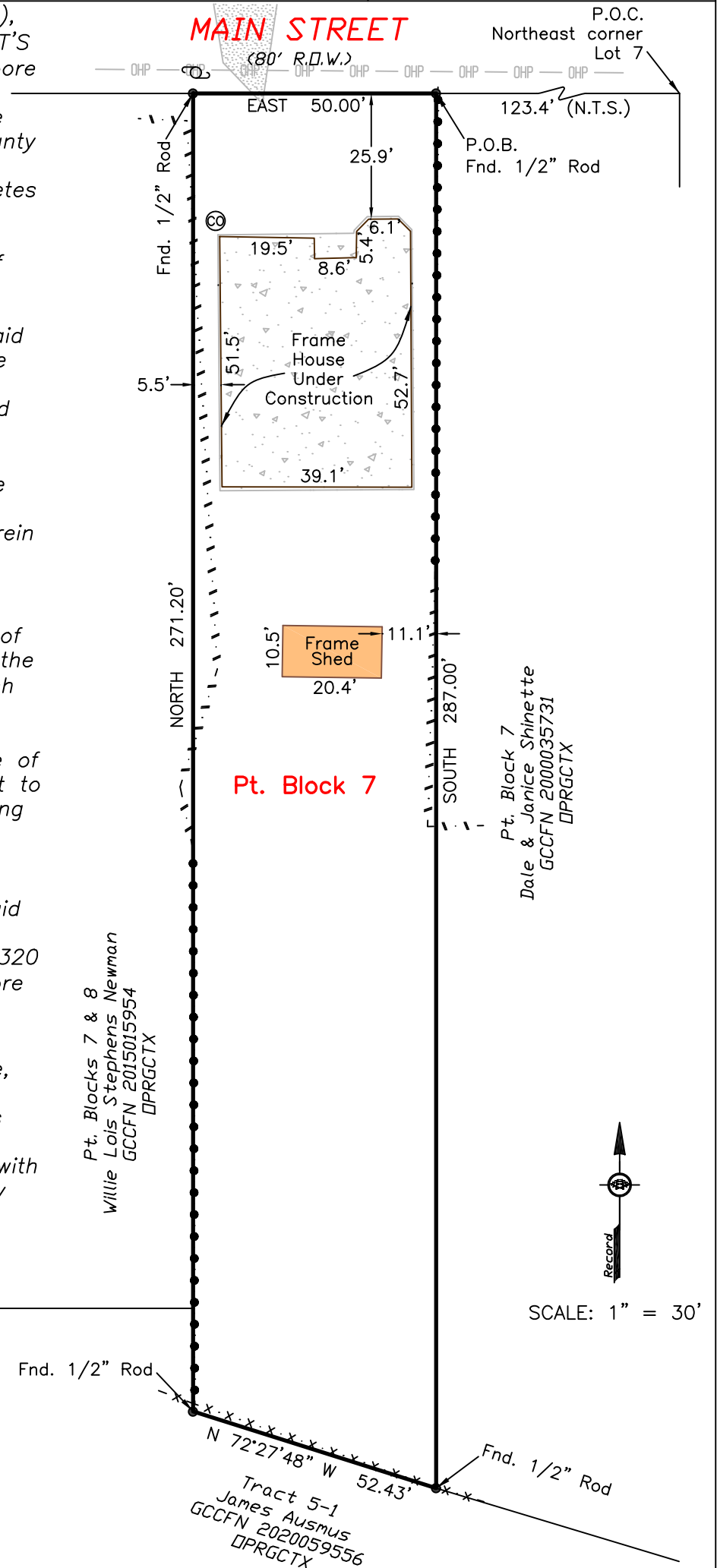
1) This property is subject to the zoning ordinances and/or building regulations of the City of La Marque.

2) This property lies within Zone AE (EL 14) as established by the FEMA Flood Insurance Rate Map No. 48167C0401G, dated August 15, 2019.

3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.

4) Bearings are based on the monumentation of the South right-of-way line of Main Street.

South Land Title File No. TP2293632
Owner: Adrian Franco, Jr.



Legend:

- OHP Overhead Power
- Chain Link Fence
- Wood Fence
- Wire Fence
- Concrete
- Asphalt
- Power Pole
- Clean-out

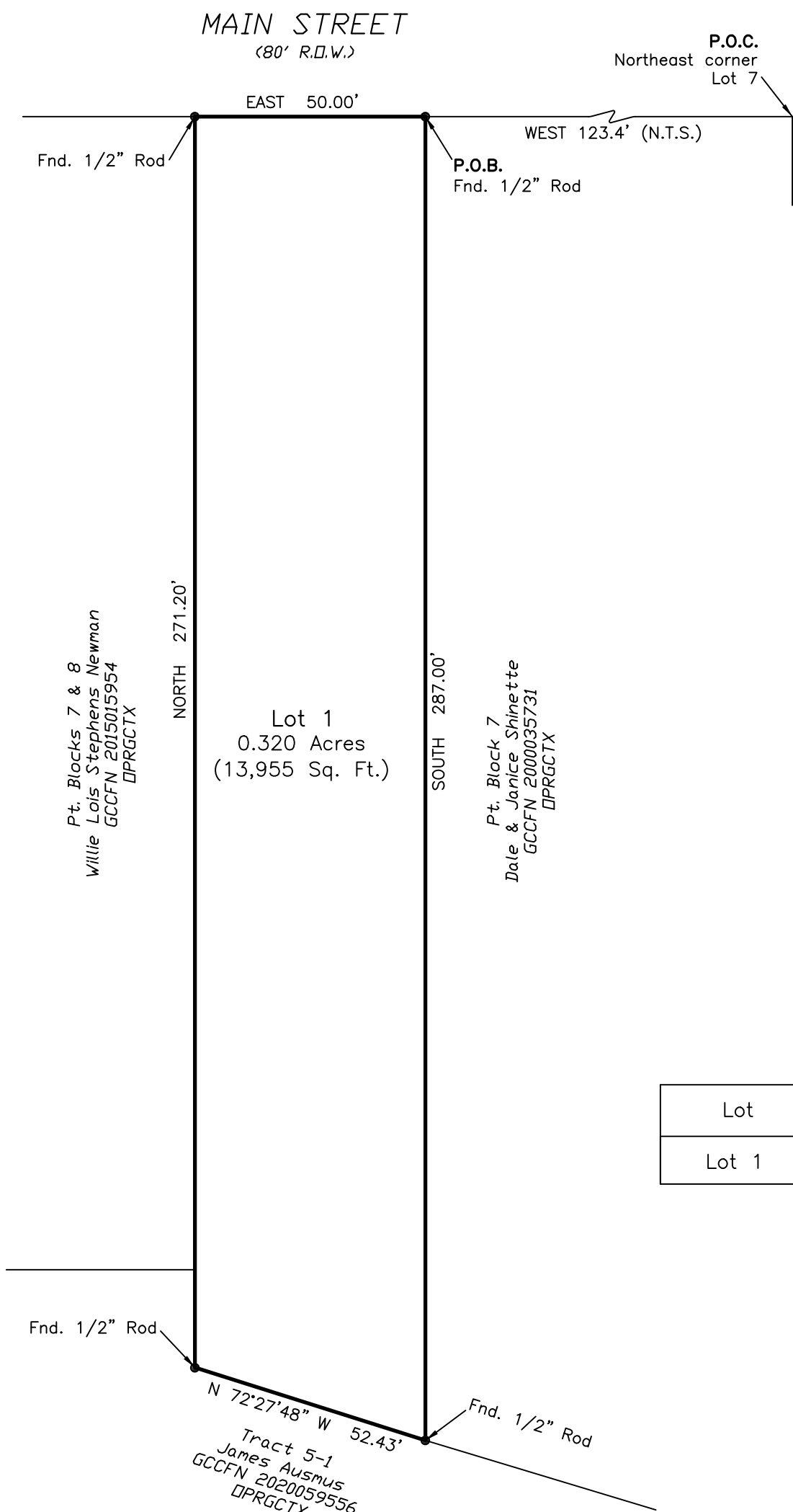
TRICON LAND SURVEYING, LLC

Mailing: 6341 Stewart Rd. #251
Physical: 2011 59th Street
Galveston, TX 77551
409-497-2772
TriconLandSurveying.com
T.B.P.E.L.S. Firm No. 10194309

Drafting: LP

Parcel ID: 196406

Surveyed for: Adrian Franco



AREA TABLE		
Lot	Sq. Feet	Acres
Lot 1	13,955	0.320

THE STATE OF TEXAS {}

COUNTY OF GALVESTON {}

That I, Adrian Franco, Jr. being the owner of that certain tract or parcel of land, lying and being situated in the City of La Marque, in Galveston County, Texas, subdivided in the above and foregoing plat do hereby make subdivision of said property according to the lines and lots shown thereon, and designate said subdivision as "2825 MAIN", in the City of La Marque and County of Galveston, Texas.

Adrian Franco, Jr.

THE STATE OF TEXAS {}

COUNTY OF GALVESTON {}

BEFORE ME, the undersigned authority, on this day personally appeared Adrian Franco, Jr., known to me to be the person whose name is subscribed to the above and foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed and in the capacity therein and herein set forth.

WITNESS MY HAND AND SEAL OF OFFICE this _____ day of _____, 2022.

Notary Public for the
State of Texas

My Commision Expires_____

We hereby certify that the above and foregoing Plat of the "2825 MAIN" was approved by the City of La Marque, Texas, on the _____ day of _____, A.D., 2022.

Cesar Garcia, City Manager

THE STATE OF TEXAS {}

COUNTY OF GALVESTON {}

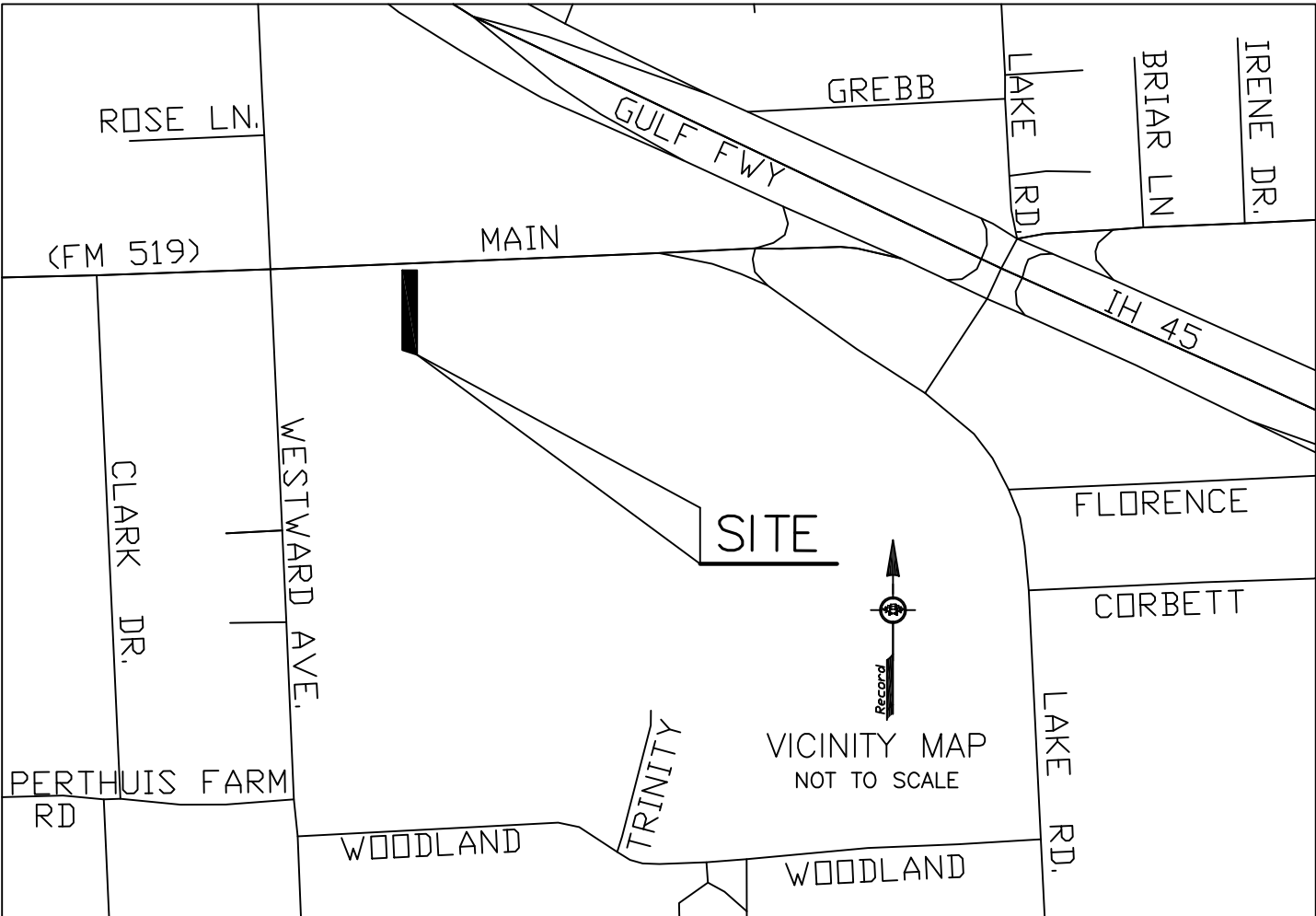
I, Dwight D. Sullivan, County Clerk, Galveston County Texas, do hereby certify that the written instrument was filed for record in my office on _____, 2022, at _____ O'clock, ____m, and duly recorded on _____, 2022, at _____ O'clock, ____m, Instrument #_____.

Galveston County records.

Witness my hand and seal of office, at Galveston, Texas, the day and date as above written

Dwight D. Sullivan, County Clerk
Galveston County, Texas

By _____Deputy



NOTES:

- 1) This property is subject to the zoning ordinances of the City of La Marque.
- 2) This property lies within Zone AE (EL 14) as established by the FEMA Flood Insurance Rate Map No. 48167C0401G, dated August 15, 2019.
- 3) This property is subject to any restrictions of record and may be subject to setbacks from power lines as established by OSHA and/or the local power company.
- 4) Bearings are based on the monumentation of the South right-of-way line of Main Street
- 5) Sidewalks shall be constructed as part of the issuance of a building permit for each tract, if sidewalks are required by the City's Sidewalk Master Plan.
- 7.) South Land Title File No. TP2293632

PROPERTY DESCRIPTION:

Being of all that part of Lot Seven (7), in SUBDIVISION "R" OF COOK & STEWART'S SUBDIVISION, of part of the John D. Moore League, Abstract 150, according to the map or plat thereof recorded in Volume 81, Page 526, in the Office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the Northeast corner of said Lot 7;

THENCE West along the North line of said Lot 7, a distance of 123.40 feet to the PLACE OF BEGINNING, and being the Northeast corner of the herein described tract, a found 1/2 inch rod;

THENCE South parallel with the East line of said Block 7, a distance of 287.00 feet to the Southeast corner of the herein described tract, a found 1/2 inch rod;

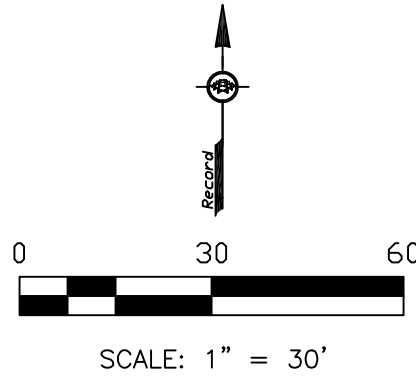
THENCE N 72° 27' 48" West along the South line of said Block 7, a distance of 52.43 feet to the Southwest corner of the herein described tract, a found 1/2 inch rod;

THENCE North parallel with the East line of said Block 7, a distance of 271.20 feet to the North line of said Block 7, and being the Northwest corner of the herein descrined tract, a found 1/2 inch rod;

THENCE East along the North line of said Block 7, a distance of 50.00 feet to PLACE OF BEGINNING, and containing 0.320 acres (13,955 square feet) of land, more or less.

This is to certify that I, Brene Addison, a Registered Professional Land Surveyor for the State of Texas, have platted the above and foregoing subdivision and replat from an actual survey on the ground and under my direction and that all corners have been, or will be, properly monumented.

Brene Addison
Registered Professional
Land Surveyor No. 6598



TRICON
LAND
SURVEYING, LLC

Mailing: 6341 Stewart Rd. #251
Physical: 2011 59th Street
Galveston, TX 77551
409-497-2772

TriconLandSurveying.com
T.B.P.L.S. Firm No. 10194309
TLS 22-0630

2825 MAIN

PART OF LOT 7
IN SUBDIVISION "R"
OF COOK & STEWART'S SUBDIVISION
OF PART OF THE JOHN D. MOORE LEAGUE
ABSTRACT 150
GALVESTON COUNTY, TEXAS
VOLUME 81, PAGE 526

AUGUST 2, 2022

Owner:
Adrian Franco, Jr.
8503 Center Street
Hitchcock, TX. 77563

Surveyor: Brene Addison
Registered Professional Land Surveyor No. 6598

TAX CERTIFICATE



CHERYL E. JOHNSON, PCC
GALVESTON COUNTY TAX ASSESSOR-COLLECTOR
722 Moody
Galveston, TX 77550

Issued To:

TRICON LAND SURVVEYING, LLC
2011 59TH STREET
GALVESTON, TX 77551

Legal Description

ABST 150 J D MOORE SUR PT OF BLK 7
(700-2) DIV R COOK & STEWART SUB

Fiduciary Number: 31444139

Parcel Address: 2825 MAIN

Legal Acres: .3120

Account Number: 196406

Print Date: 08/08/2022 08:45:10 AM

Certificate No: 247686846

Paid Date: 08/08/2022

Certificate Fee: \$10.00

CHECK NO. 1625

Issue Date: 08/08/2022

Operator ID: 982

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2021. ALL TAXES ARE PAID IN FULL

Exemptions:**Certified Owner:**

FRANCO ADRIAN JR
8503 CENTER STREET
HITCHCOCK, TX 77563-4766

2021 Value:	7,800
2021 Levy:	\$95.00
2021 Levy Balance:	\$0.00
Prior Year Levy Balance:	\$0.00
Total Levy Due:	\$0.00
P&I + Attorney Fee:	\$0.00
Total Amount Due:	\$0.00

Certified Tax Unit(s):

1 GALVESTON CO
2 ROAD & FLOOD
332 CITY OF LA MARQUE
402 DRAIN DIST #2
605 COLL OF THE MAINLAND

Reference (GF) No: 196406

Issued By: *Marta Guej*

CHERYL E. JOHNSON, PCC
GALVESTON COUNTY TAX ASSESSOR-COLLECTOR



6710 Stewart Road, Suite 200
Galveston, Texas 77551

CITY PLANNING LETTER

Date: July 27, 2022

**Adrian Franco, Jr.
8503 Center Street
Hitchcock, Texas 77568**

RE: File No. TP2293632

To Whom It May Concern:

This company (South Land Title, LLC) certifies that a diligent search of the real property records of South Land Title, LLC's title plant has been made, as to the herein described property and as of 8:00 AM on the 19th day of July 2022, we find the following:

Record Owners:

Adrian Franco, Jr.

Legal Description:

All that part of Lot Seven (7) in Subdivision "R" of Cook & Stewart's Subdivision of part of the John D. Moore League, Abstract 150, according to the recorded map thereof in Book 81, Page 526, in the office of the County Clerk of Galveston County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a stake which is 123.4 feet Westerly of the Northeast corner of said Lot 7 for the Northeast and beginning corner of the tract herein conveyed;

THENCE Southwardly, parallel with the East line of said Lot 7, a distance of 287 feet to a point for the southeast corner of the tract herein conveyed;

THENCE in a Northwardly direction along the South-line of said Lot 7 a distance of 52.43 feet for the Southwest corner of this tract;

THENCE Northwardly, parallel with the East line of said Lot 7, a distance of 271.2 feet to the North line of Lot 7 for the Northwest corner of this tract;

Thence Eastwardly, along the North line of Lot 7, a distance of 50 feet to the point of beginning.

Subject to the following:

Restrictions:

None Found Filed of Record

Easements:

None Found Filed of Record

Liens:

None Found Filed of Record

No examination has been made as to abstracts of judgments, state or federal tax liens, the status of taxes, tax suits or paving assessments.

This letter is issued for the use of and shall insure to the benefit of PLATTING. Liability of South Land Title, LLC for mistakes or errors in this letter is hereby limited to the cost of said letter.

This letter is issued with the express understanding, evidenced by the acceptance thereof, that South Land Title, LLC does not undertake to give or express any opinion as to the validity or effect of the instruments listed, and this letter is neither a guaranty nor warranty of title.

Liability hereunder is limited to the amount paid for same. This report is furnished solely as an accommodation to the party requesting same and should not be relied upon, as a warranty or representation as to the title to the property described herein and may not be given to or used by any third party. South Land Title, LLC assumes no liability whatsoever for the accuracy neither of this report, nor for any omission or error with respect hereto. YOU AGREE TO RELEASE, INDEMNIFY AND HOLD HARMLESS TITLE COMPANY BECAUSE OF ANY NEGLIGENCE BY SOUTHLAND TITLE, LLC (WHETHER SOLE, JOINT OR OTHERWISE) FOR ANY CLAIM, LOSS, LIABILITY OR DAMAGES ARISING OUT OF THIS REPORT. This report is not title insurance. If a policy of title insurance is purchased, any liability thereunder shall be determined solely by the terms of such policy.

Sincerely,



Henri M. Gadoury - Southland Title, L.L.C.



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

September 23rd, 2022

Dear Property Owner:

This **PUBLIC NOTICE** is hereby given that the City of La Marque Board of Adjustments will hold a Public Hearing on **Tuesday, October 4th, 2022, at 2:00 p.m.** in the Council Chambers of City Hall, 1109-B Bayou Rd. and available by telephone/video 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. For more details you may visit the City's website at : <https://ci.la-marque.tx.us/AgendaCenter>, or you may contact Giovanna Bonsignore, Development Services at 409.938.9204 to provide your comment in advance. You are receiving this notice because your property is within 200 feet of the application regarding:

A request for variance to the City's zoning regulations, specifically Section 71.20 regulating the minimum lot requirements for R-1 Single Family Residential Property Being +/- 0.312 acres of land ABST 150 J D Moore Sur Pt of Blk 7 (700-2) Div R Cook & Stewart Sub City of La Marque, Galveston County, Texas aka 2825 Main Street, La Marque, Texas 77568

If you are unable to attend, and wish to comment, you may call or write to the City of La Marque Development Services Department at the Following:

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

If you would like to attend the meeting via ZOOM, please follow the instructions below:

TO PARTICIPATE VIA ZOOM:
PUBLIC TOLL-FREE DIAL-IN NUMBER: 1 (346) 248-7799
MEETING ID: 92887385489
<https://zoom.us/j/92887385489>

Respectfully,

Giovanna Bonsignore

Giovanna Bonsignore
Development Services

Galveston Central Appraisal District



Geospatial or map data maintained by the Galveston Central Appraisal District is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and only represents the approximate relative location of property boundaries.

ID	GEOID	NAME	ADDRESS	ADDRESS2	ADDRESS3	CITY	ST	ZIP
198338	0150-0002-0000-000	AUSMUS JAMES D		2323 WESTWARD		LA MARQUE	TX	77568
417770	0150-0005-0001-000	AUSMUS JAMES D		2323 WESTWARD		LA MARQUE	TX	77568
196410	2775-0018-0800-001	NEWMAN WILLIE LOIS STEPHENS		2514 WALNUT GROVE CT		PEARLAND	TX	77584
196408	2775-0018-0700-004	NEWMAN WILLIE LOIS STEPHENS		2514 WALNUT GROVE CT		PEARLAND	TX	77584
196409	2775-0018-0700-005	NEWMAN WILLIE LOIS STEPHENS		2514 WALNUT GROVE CT		PEARLAND	TX	77584
196407	2775-0018-0700-003	SHINETTE DALE & JANICE		2823 MAIN ST		LA MARQUE	TX	77568-5108
196404	2775-0018-0700-001	SHINETTE DALE & JANICE		2823 MAIN ST		LA MARQUE	TX	77568-5108
196405	2775-0018-0600-002	GRENIER SHUTE & ASSOCIATES LP		3800 RUE LA COLONELLE	ST HUEBERT, QUEBEC CANADA J3Y0M4			
196402	2775-0018-0600-001	MCGASKEY JACQUELINE		2819 MAIN ST		LA MARQUE	TX	77568
195826	2775-0007-2800-005	BARRON EVA MAE		2730 MAIN		LA MARQUE	TX	77568
197002	2775-0007-2900-002	PENA CARLOS A & ANA DE LA FUENTE		2812 MAIN ST		LA MARQUE	TX	77568-5109
197001	2775-0007-2900-001	HANCO REYNALDO		711 CHELETENHAM		KATY	TX	77450
195825	2775-0007-2800-004	REYNOLDS JUTER B & CORDELIA	%JOHN K REYNAUD JR	5402 RENWICK DR APT 1053		HOUSTON	TX	77081-1547
195822	2775-0007-3000-000	HENSKE ELMO J & ERMA LEE		7 PERTHUIS FARMS RD		LA MARQUE	TX	77568-4718