



Notice of Zoning Board of Adjustment Meeting

Notice is hereby given that the Zoning Board of Adjustment (ZBA) of the City of West University Place, Texas will meet on **February 27, 2020** beginning at 6:30 p.m. in the Municipal Building, 3800 University Boulevard, West University Place, Texas 77005.

The subject(s) of the meeting are as follows:

Call to order

1. **Notices, Rules, Etc.** Matters relating to notices, rules and meeting procedures, identifying parties, swearing of witnesses, etc.
2. **Docket No. 2020-0001, regarding property at 6402 Vanderbilt St., West University Place, Texas 77005 (Special Exception and Variance).**
 - a. Public hearing regarding a special exception to:
 1. Authorize an additional curb cut, and
 2. Authorize a driveway to not end at a garage.
 - b. Deliberation, decisions, other activities, etc. regarding the preceding matters.
3. **Meeting Minutes.** Matters relating to the approval of minutes from December 19, 2019.

Anyone with a disability requiring special arrangements to be able to participate in the meeting may contact the person who signs this notice, below, in advance of the meeting, to allow time for arrangements to be made as necessary. The meeting place mentioned above is accessible by wheel chairs by using the sloped ramp located at the west entrance to the municipal building. Specially marked parking spaces are available in the parking lot adjoining University Boulevard.

I CERTIFY THAT THIS NOTICE AND AGENDA OF ITEMS TO BE CONSIDERED BY THE WEST UNIVERSITY PLACE ZONING BOARD OF ADJUSTMENT ON FEBRUARY 27, 2020 WAS POSTED ON THE MUNICIPAL BUILDING BULLETIN BOARD ON OR BEFORE THE 24TH DAY OF FEBRUARY 2020, AT OR BEFORE 6:30 O'CLOCK P.M.

Clay Chew, Building Official, cchew@westutx.gov 713.662.5830



AGENDA

ITEM

#2

To: Zoning Board of Adjustments
From: Clay Chew, Building Official
Date: February 27, 2020
Re: Staff Report for Docket 20-0001

Applicant's Request

The applicant in Docket 20-0001, 6402 Vanderbilt, is requesting both a variance to Section 10-103(b) in order to allow a "stub" or "dead end" driveway in a side yard and a special exception to Table 7-5a, Note 5, to authorize a second curb cut on the building site.

Background Information

The site is located at the northwest corner of Vanderbilt and Duke and is 100' wide by 200' deep. There is an existing circular driveway in the side yard that ends at the garage driveway. The circular driveway would be replaced by a single driveway which would end at the existing porte cochere. A new garage and driveway is planned to be built with the current garage area turned in to outdoor space. The applicant is asking for a special exception to allow another curb cut on the Duke side for use for parking at the porte cochere. The driveway would stop or "dead end" in the side yard, thus necessitating the need for a variance.

Staff Response

Variance Request

Section 10-103(b) requires that all parking and maneuvering areas be located behind the principal building. It goes on to prohibit "stub" or "dead end" driveways located in the front yard setback. There is an exception for those sites that **front** on a major thoroughfare containing four or more lanes. This site does not front Kirby. Staff believes that the ZBA has the authority to grant this variance, but according to Section 11- 102 of the zoning regulations, the ZBA may not issue a variance unless all of the following circumstances are present:

- (1) The ZBA has made all findings and determinations required by state law for the granting of a variance. A "special condition" or "hardship" that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a variance. The findings to grant a favorable result for this application are as follows:
 1. The ZBA must find that a literal enforcement of the ordinance would result in an unnecessary hardship.
 2. By granting the variance would the spirit of the ordinance be observed and substantial justice done?
 3. Would the variance be contrary to the public interest?
- (2) The ZBA has made any additional findings and determinations required by a specific provision of this section which relates to the variance.
- (3) The variance has been reduced to writing and includes any conditions prescribed by the ZBA or required by this section for the variance in question.

The ZBA may prescribe conditions to the request such as limiting the length and width of the parking space, requiring pervious pavement, require screening, etc.

Special Exception Request

Table 7-5a limits the maximum number of curb cuts to “one per designated building site abutting the street.” Note 5 of Table 7-5a authorizes additional curb cuts and specifically authorizes staff to approve the curb cuts for semi-circular driveways as prescribed in Chapter 70 of the Code of Ordinances. This proposed driveway would not be connected and so is not authorized without a special exception from ZBA.

Table 7-5a, Note 5 of the Zoning Ordinance gives the ZBA the authority to grant a special exception for additional curb cuts. The ZBA must find that the request is in harmony with the general purpose and intent of the Zoning Ordinance and that the request will not cause any significant increase in on-street parking or traffic, traffic congestion, or an unreasonable burden upon public utilities or services. If the Board grants the special exception, the Board can attach conditions.

<p><i>Other regulations apply; see, e.g. Article 10.</i></p>		<p>non-SFD uses: Maximum one per 50-ft. segment of street line. <i>See Note 5.</i></p>
	<p>Max. width per 50-ft. segment of street line</p>	<p>Four feet (for aprons) plus the maximum driveway width allowed. Each curb cut must be confined to the part of the street area that directly abuts the building site(s) served. <i>See Note 1.</i></p>
<p>Visibility triangles</p>	<p>Forbidden structures, plants and other things</p>	<p>See Chapter 82 of the Code of Ordinances.</p>

Note 1. Width measurement methods . Minimum driveway width refers to unobstructed vehicular access path and, for non-SFD use, pavement. Maximum driveway width refers to maximum width of pavement in a front yard or street area, excluding complying curb cut aprons. Maximum curb cut width refers to the width of the driveway plus aprons, measured at the edge of the roadway.

Note 2. Grouped or shared parking . Article 10 also provides for a special exception, in certain circumstances.

Note 3. Parking exclusivity (non-SFD uses) . Required parking spaces must be kept open, readily accessible and used for parking only, with no sales, dead storage, display, repair work, dismantling or servicing of any kind. Required guest parking spaces must be kept open and reserved for that use only.

Note 4. Pavement . The ZBA may issue a special exception to allow other materials if it finds that they will provide equal or better durability.

Note 5. Curb cuts. **The ZBA may issue a special exception for additional curb cuts.** Two curb cuts for circular driveways specifically allowed by Chapter 70 of the Code of Ordinances are not prohibited and do not require a special exception.

Note 6. Route; Alternating Driveways . **Each driveway must connect garage space to the street by the most direct route.** On narrow sites where alternate side yard areas apply (see "Yards" table), the following special restrictions also apply: (A) there must be a driveway located as nearly as practicable to one side of the site; (B) the side is determined in accordance with the established driveway pattern for the block face in question, if there is such a pattern; and (C) if there is no such pattern, and if there is an adjacent driveway on one adjoining building site but not the other, the driveway must be on the side farthest from the adjoining driveway. Exceptions: (i) this paragraph does not prohibit circular driveways specifically permitted under another ordinance of the City, and (ii) a driveway may be curved or moved away from the most direct route to the extent reasonably necessary to avoid destroying or seriously injuring a tree.

Note 7. Special Exceptions . The ZBA may issue a special exception for a parking area, garage or driveway (or other maneuvering area) in another location or with a different design than

Section 10-103. - Location of parking spaces.

- (a) *Same Site Rule*. All parking spaces required by this ordinance must be located on the same building site with the building space served. *Exception* : the required spaces may be located up to 300 feet from the entrance of a building served (and may be outside the City limits) for: (i) parking for building sites not used primarily for residential purposes where an increase in the number of spaces is required by a change or enlargement of use, (ii) spaces allowed by this Ordinance to be used jointly for two or more uses or types of space, or (iii) a community center, library, school, place of worship, museum or similar institution with mixed uses and types of space served by common parking spaces.
- (b) *Yards and street areas*.
- (1) In an SF district, all parking areas and maneuvering areas (including dead-end or stub driveways) must be behind the principal building or surrounded by opaque fences or walls at least six feet tall, and all such areas are prohibited in front yards. Exception: On a building site accessible only from a roadway marked for four lanes or more, there may be a driveway stub, if it meets all the following criteria:
- (i) The stub must be designed to allow vehicles on a driveway to turn around and enter the roadway headfirst;
 - (ii) The width of the stub may not exceed nine feet (plus up to two feet on each side for aprons);
 - (iii) The length of the stub, when added to the width of the driveway, may not exceed 24 feet (but if the site width is 60 feet or more, the length of the stub may be up to 18 feet, in addition to the actual width of the driveway);
 - (iv) The stub must be pervious pavement;
 - (v) Aprons may not be larger than two feet in any dimension;
 - (vi) No part of the stub or its aprons may be closer than two feet to any property line or public sidewalk; and
 - (vii) The stub may be located in the front yard only to the extent that existing structures or obstructions make another location impractical.
- (2) In a non-SF district, no required parking space may be:
- (i) Closer than 10 feet to a street area, except an alley; or
 - (ii) Farther than 500 feet (driving distance) from a street area.
- (c) *Certain Joint Use of Spaces*. The ZBA may issue a special exception to allow up to 75 percent of the parking spaces required for any use or type of space to be used jointly for another use or type of space, if the ZBA finds that no increase in on-street parking is likely to result. See Table 7-5a.
- (d) *Above-Grade and Underground Parking Prohibited*. No parking spaces shall be located above grade or below grade, meaning that all off-street parking required by this Article shall be provided as at-grade "surface" parking. In the TCC district, no at-grade parking shall be located below any portion of a building.
- (e) *Easements in PDD-C1* . In PDD-C1, parking spaces may not be located in any easement for underground utilities.

(Ord. No. 1799, § 1(ex. A), 5-23-2005; Ord. No. 1894, § 1(ex. A), 4-27-2009; Ord. No. 2005, § 1(Exh. A), 3-9-2015)



City of West University Place
APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF THE
CITY OF WEST UNIVERSITY PLACE, TEXAS ("CITY")

Address of site: 6402 Vanderbilt Street, West University Place, Texas 77005

Legal description of the site: Lot 6, Block 12, West University Place

Applicant: Jay Steinfeld & Barbara Winthrop

Address: 4919 Holly Street, Bellaire, Texas 77401

Contact: Ed Bullock **Phone:** 713-980-0279 **Fax:** 713-513-5317 **Email:** ed@dkarc.com

Decision or Action Requested (check one or more and provide requested data):

() **Appeal.** Hear and decide an appeal from an order, requirement, decision or determination made by the Administrative Official.

- Is the official's action in writing? () Yes; () copy is attached. () No, but the action appealed is as follows:

- When was the action taken? Note: Appeals must be filed within a reasonable time. Please explain any delay below:

- Exact zoning ordinance section(s) involved:

- Grounds for appeal:

(X) **Special Exception.**

- Exact zoning ordinance section that authorizes the special exception: Table 7-5a, Note 5

- Exact wording of special exception requested: Requesting a special exception to Table 5a. A special exception is authorized by Table 5a Note 5.

(X) **Variance.**

- Exact zoning ordinance section from which a variance is requested: 10-103(b)

- Exact wording of variance requested: Requesting a variance to section 10-103(b) of zoning regulation to allow a stub driveway in the side yard

Other Data. Are there drawings or other data? () No (X) Yes (list items here and attach them)

1. Proof of ownership - back of packet
2. Land survey of site
3. Photographs of existing house and driveway
4. Aerial view of house and neighbors
5. Narrative of request for variance
6. Plan of existing driveways and curb cuts
7. Plan of proposed driveways and curb cuts

Attached. The applicant has read the State and City regulations attached.

Signature of applicant: Jay Steinfeld Barbara Jane Winthrop Date: 2/5/20

For Staff Use only Date filed: 2.6.2020 Date heard: 2.27.2020 Docket#: 2020-0001

DILLON KYLE ARCHITECTS

Memo

To: Zoning Board of Adjustment - City of West University Place

Project: 6402 Vanderbilt Street

Date: February 6, 2020

Subject: Variance request

On behalf of Jay Steinfeld and Barbara Winthrop, the owners of the property at 6402 Vanderbilt Street, we respectfully request a variance from the zoning ordinance for the following:

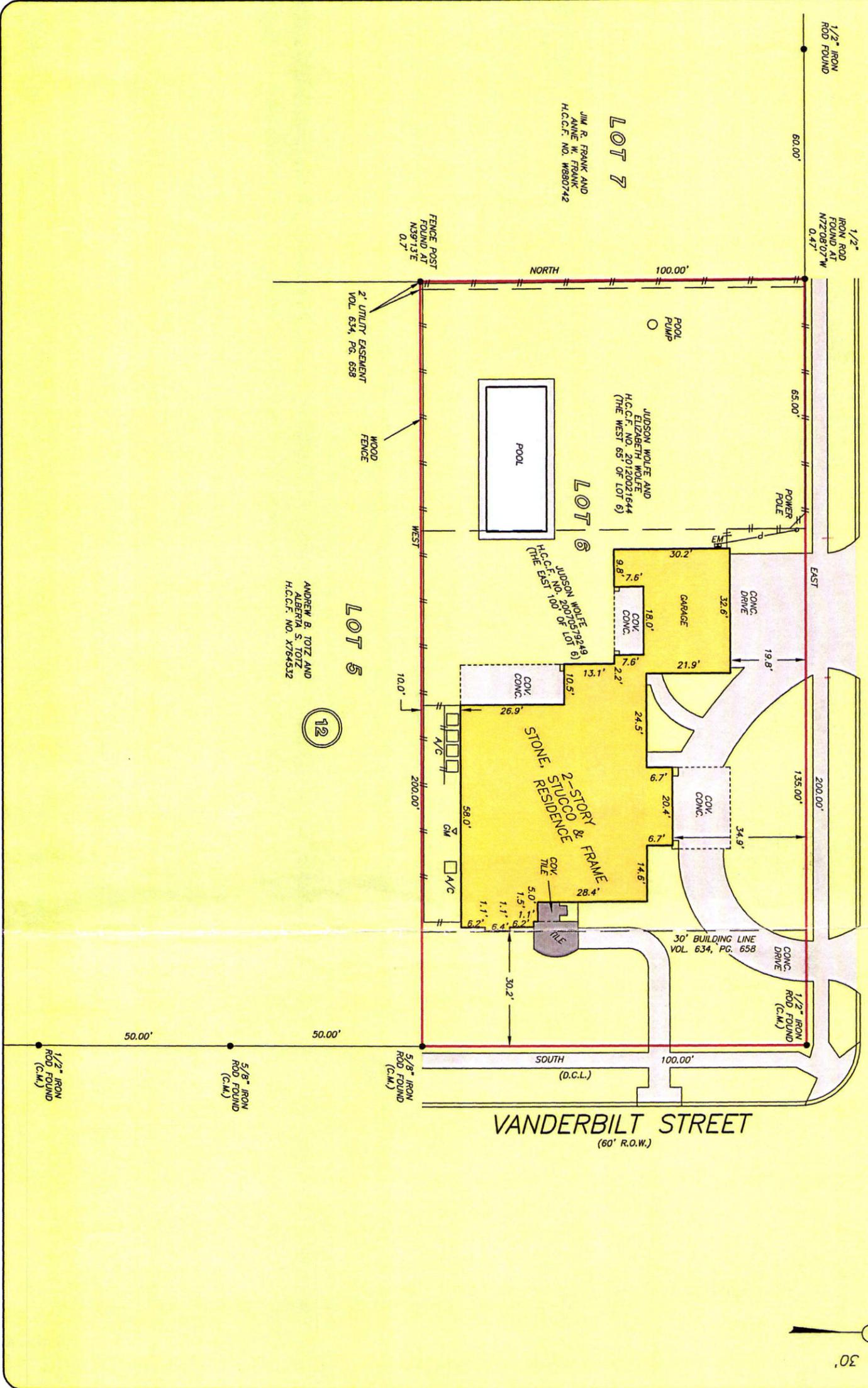
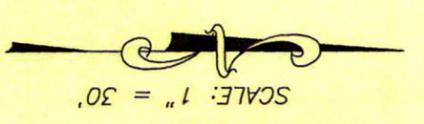
An addition and renovation is proposed to the single family residence at 6402 Vanderbilt Street in West University Place at the corner of Vanderbilt Street and Duke Street. We propose to remove the existing attached three car garage and existing circular driveway with two curb cuts. We will replace those with a new three car garage (attached to the house with a covered porch) and two curb cuts serving two separate driveways. One driveway will serve the new garage and a separate driveway will serve the existing covered guest parking space (porte-cochere).

1. We believe the requested variance serves the public interest by reducing the amount of concrete paving on site by replacing much of the currently paved area with permeable landscape that would absorb more rainwater on-site and add green space consistent with the character of the neighborhood. Removing the curb cut and driveway entrance closest to the corner would remove unsightly car parking near the front of the house and the corner of the streets. Additionally, it could enhance traffic safety by reducing the number of approaches near the road intersection to improve driver sight lines, reaction time and safe vehicular maneuvering room at the intersection.
2. Enforcement of the ordinance as written that requires the two allowable curb cuts serve a circular driveway would burden the owner of the property with an unsightly, unnecessary and potentially unsafe circular driveway that the owners do not plan to use in lieu of garden space that the owners desire.
3. We believe the spirit of the ordinance is preserved with the proposed driveways in that the number of curb cuts is not increased, the paving on-site and on public right-of-way is reduced while allowing the same amount of allowable on-site parking as currently exists. The proposed design provides for four covered parking spaces: Three in the new garage and one in the existing porte-cochere. This complies with the maximum allowable garage space on site.

GF NO. CH-7666-10766619002328-AG CHARTER TITLE
 ADDRESS: 6402 VANDERBILT STREET
 HOUSTON, TEXAS 77005
 BORROWER: JAY IRA STEINFELD

LOT 6, BLOCK 12 WEST UNIVERSITY PLACE

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 444, PAGE 560 OF THE DEED RECORDS
 OF HARRIS COUNTY, TEXAS



NOTE: BOUNDARY AGREEMENT PER CF. NO. 1377380
 (DOES NOT AFFECT)
 NOTE: SANITARY SEWER LINE HAS BEEN RELOCATED TO STREET
 PER WEST UNIVERSITY BUILDING DIVISION.



THIS PROPERTY IS AFFECTED BY THE
 100 YEAR FLOOD PLAIN AS PER FIRM
 PANEL NO. 48201C 0860 L
 MAP REVISION: 06/18/2007
 ZONE AE
 BASED ONLY ON VISUAL EXAMINATION OF MAPS.
 INACCURACIES OF FEMA MAPS PREVENT EXACT
 DETERMINATION WITHOUT DETAILED FIELD STUDY.

A SUBSURFACE INVESTIGATION
 WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE
 RECORDED BEARING: VOL. 444, PG. 560, H.C.D.R.
 BNY WELTON, N.A. AND BARBARA WINTHROP

I HEREBY CERTIFY THAT THIS SURVEY
 WAS MADE ON THE GROUND, THAT THIS
 PLAT CORRECTLY REPRESENTS THE FACTS
 FOUND AT THE TIME OF SURVEY AND THAT
 THIS PROFESSIONAL SERVICE COMPLIES TO
 THE CURRENT TEXAS SOLEEN SPECIFICATIONS
 FOR A CATEGORY 1A CONDITION II SURVEY.
 GEORGE CALE
 PROFESSIONAL LAND SURVEYOR
 NO. 4678
 JOB NO. 19-07920
 SEPTEMBER 05, 2019
 REVISED: SEPTEMBER 13, 2019 (CERTIFY)
 REVISED: SEPTEMBER 17, 2019 (CERTIFY)
 REVISED: SEPTEMBER 18, 2019 (BUILDING LINES)



DRAWN BY: VT/RE/RC

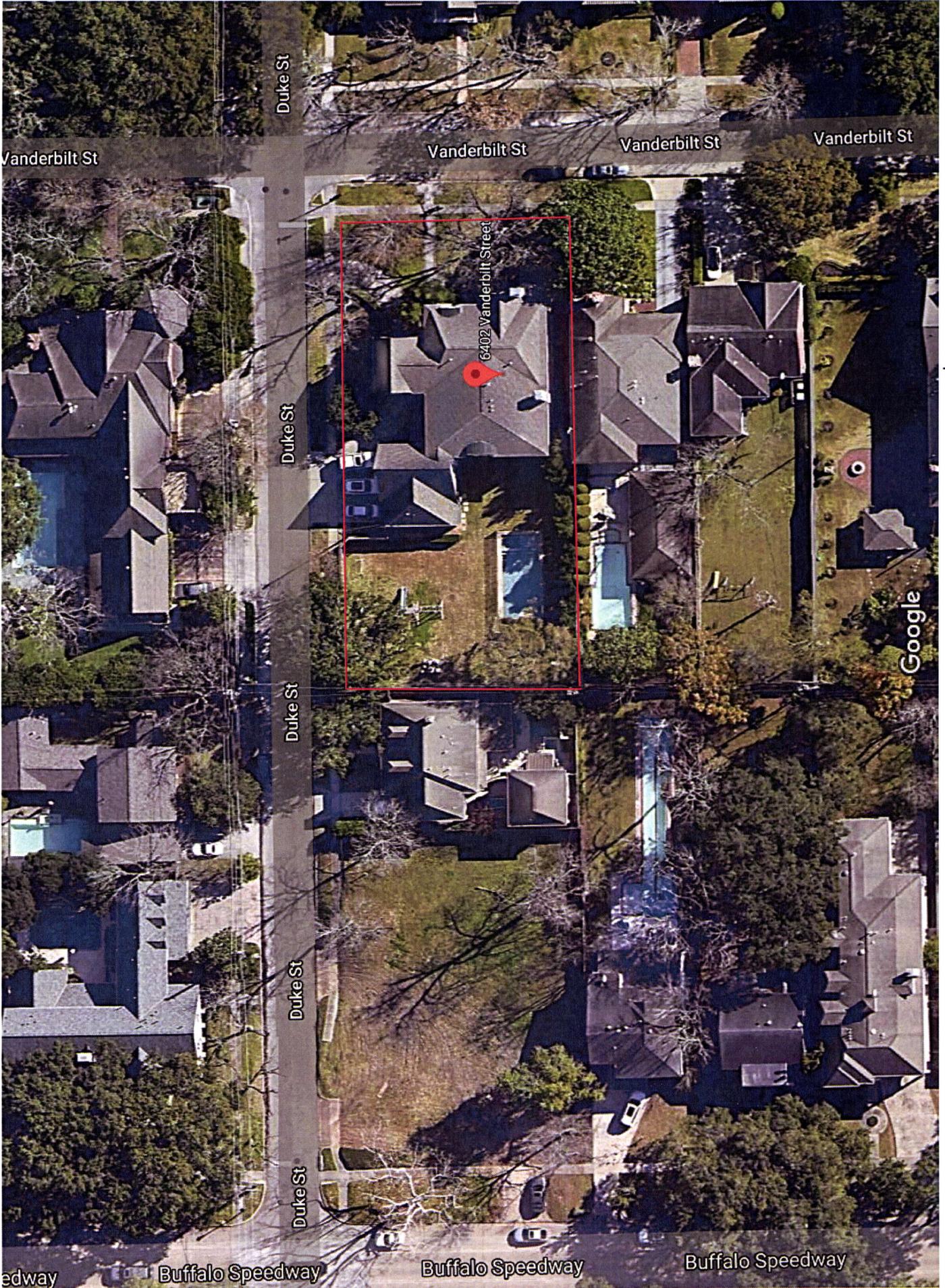


Charter Title Company
 ANN GALBRAITH
 713-871-9700



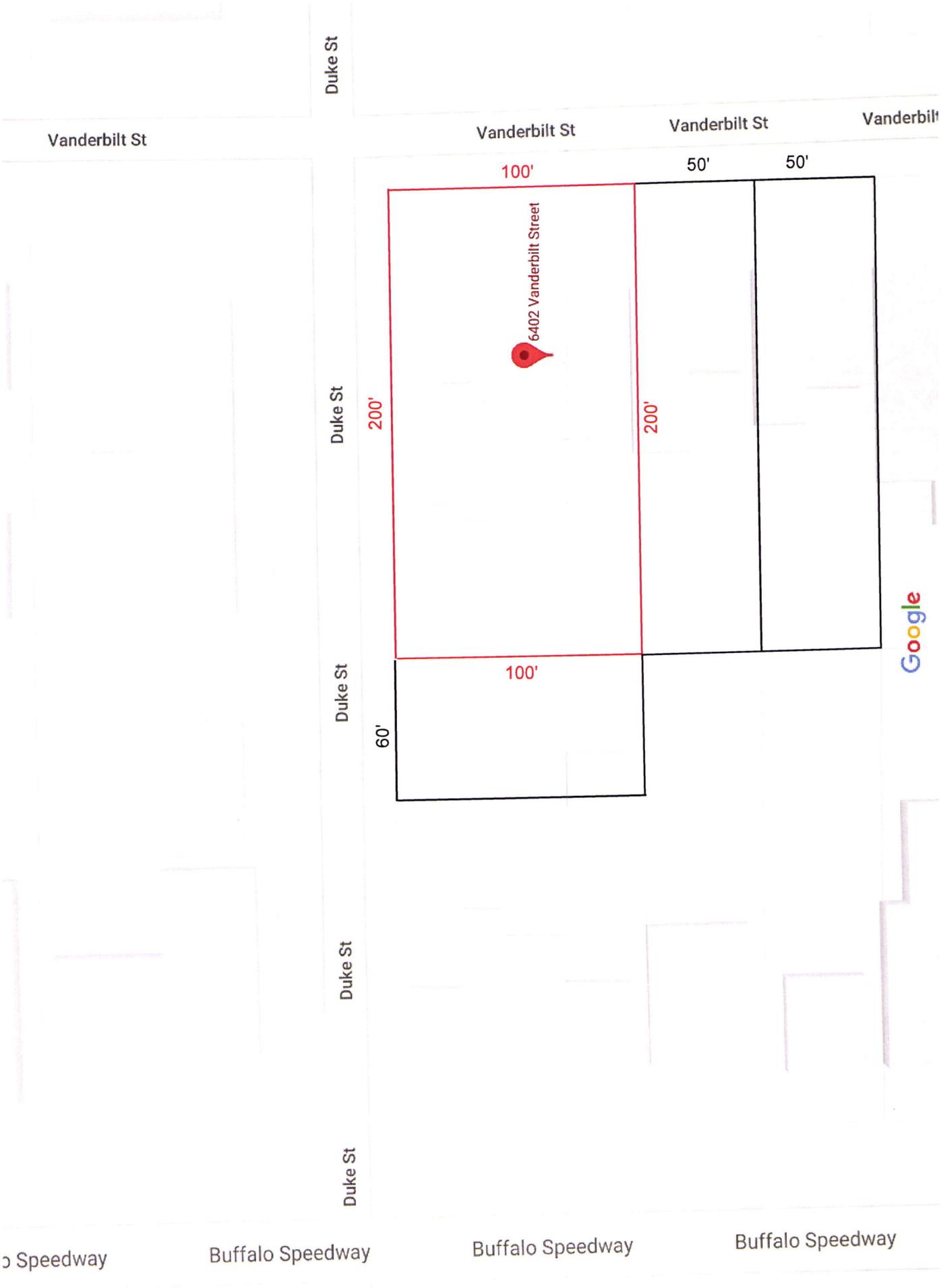
PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionssurveyors.com
 281-496-1586
 950 THREADEWELL STREET SUITE 150 HOUSTON, TEXAS 77079
 210-829-4941
 1777 WE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FAX 201-496-1867
 FAX 210-829-1555
 FIRM NO. 10063700



Map data ©2020, Map data ©2020

20 ft



Vanderbilt St

Duke St

Vanderbilt St

Vanderbilt St

Vanderbilt

100'

50'

50'

6402 Vanderbilt Street

Duke St

200'

200'

Duke St

60'

100'

Google

Duke St

Duke St

Speedway

Buffalo Speedway

Buffalo Speedway

Buffalo Speedway

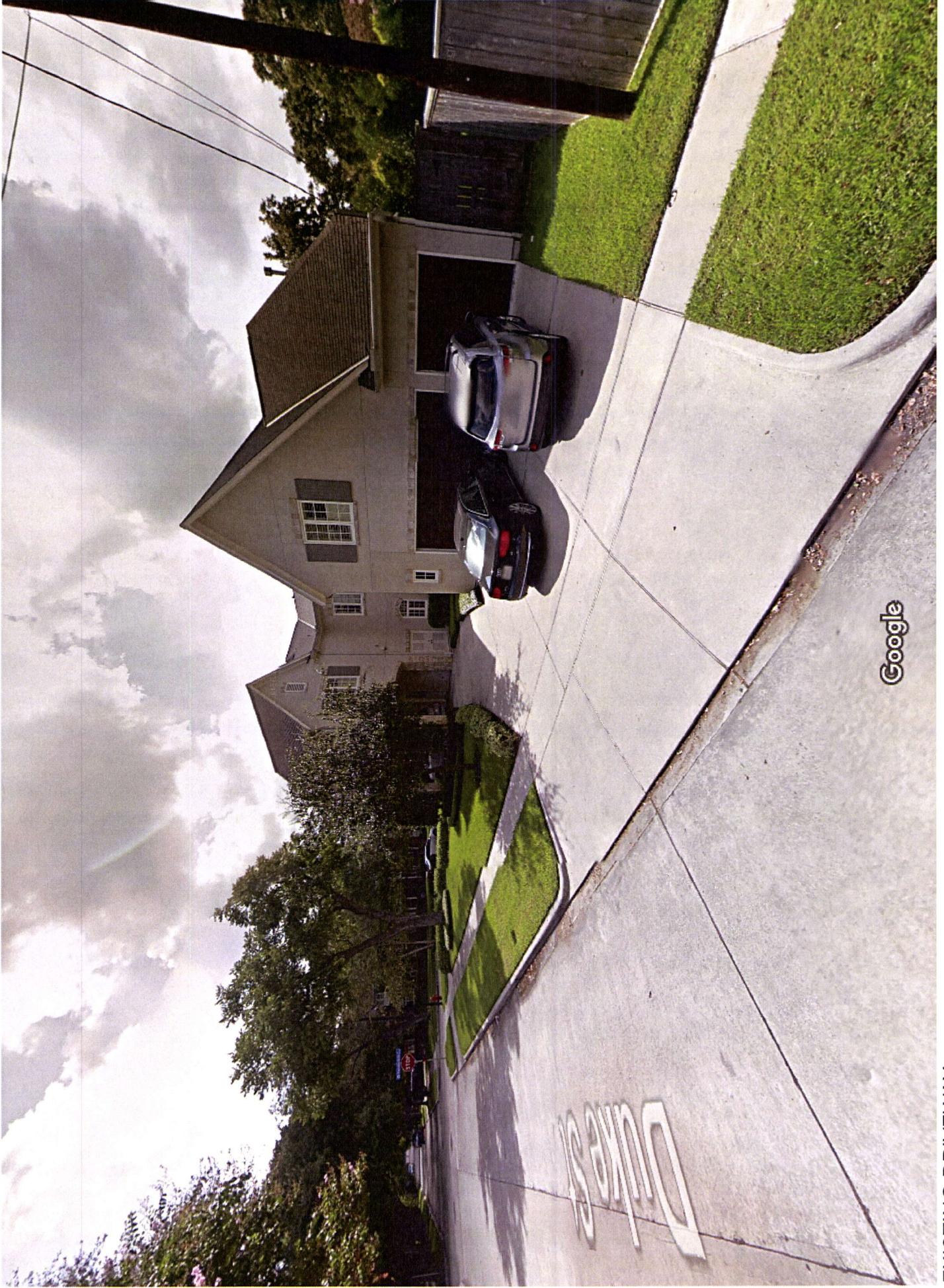


Map data ©2020 20 ft

LOT DIMENSIONS



VIEW OF SITE FROM CORNER OF VANDERBILT & DUKE

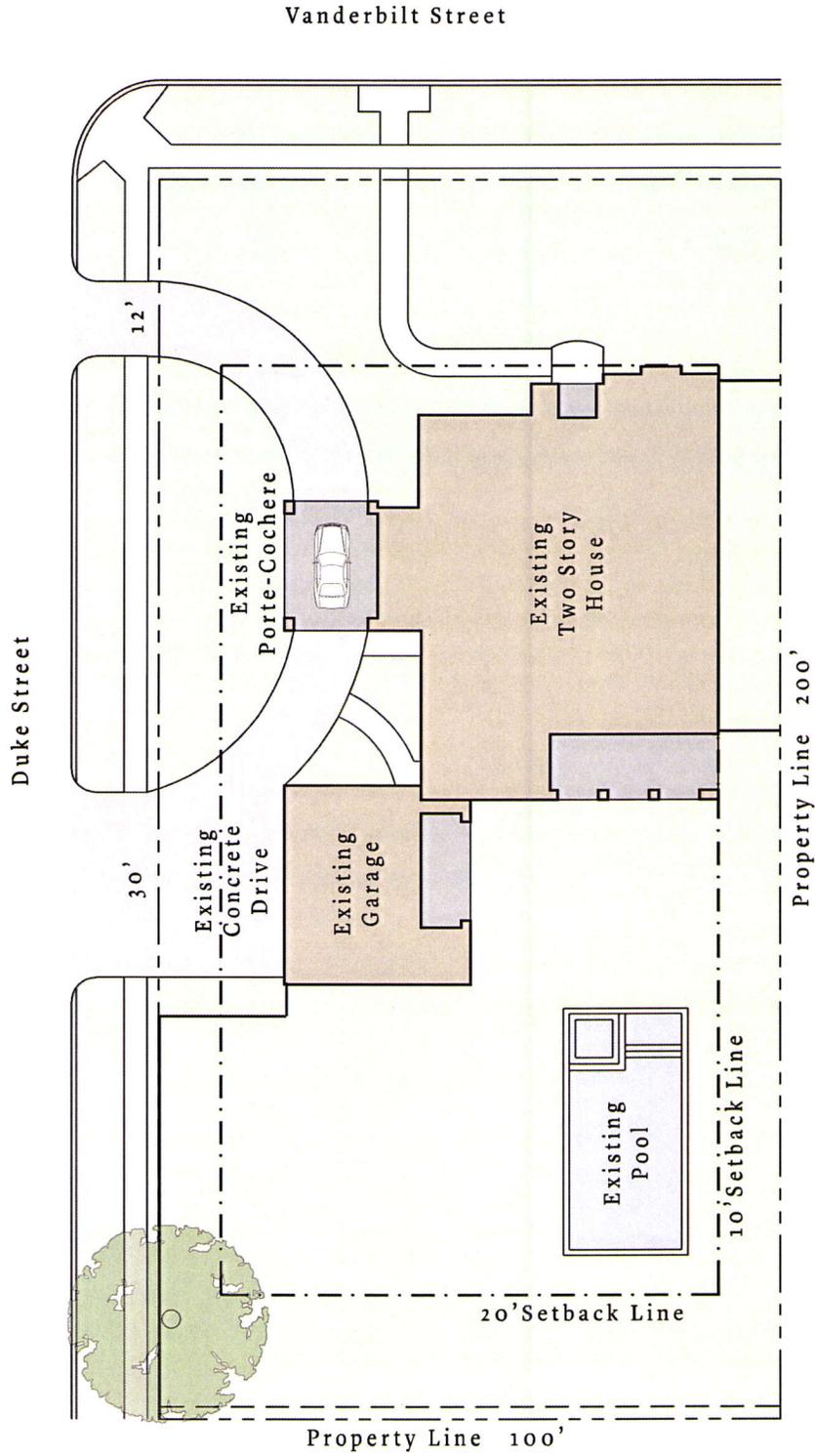


EXISTING DRIVEWAY

Image capture: Sep 2015 © 2020 Google



LOOKING EAST ON DUKE STREET TOWARDS VANDERBILT STREET

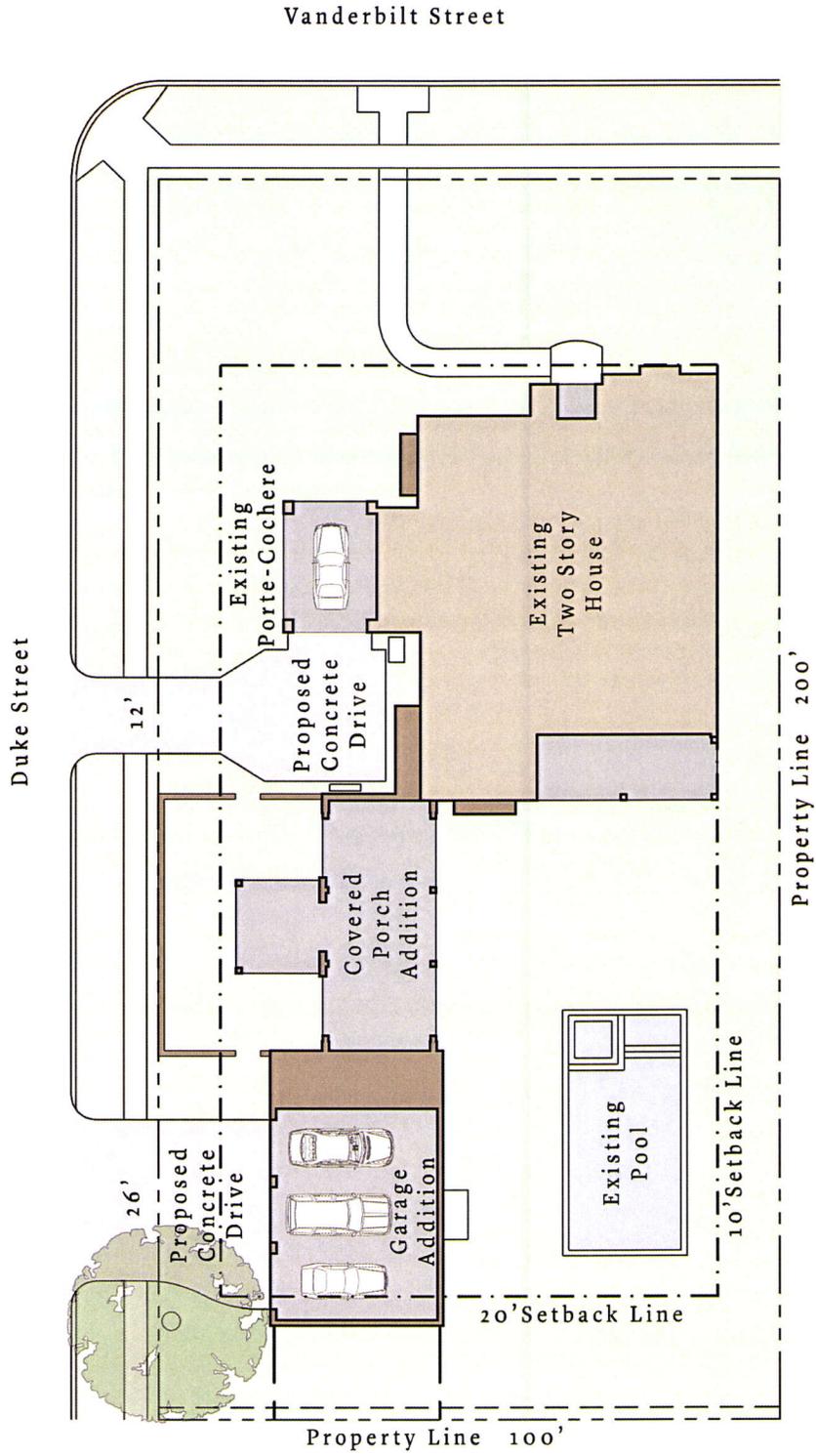


Existing Site Plan
 February 6, 2020
 1" = 30'-0"

North

6402 Vanderbilt Street

Dillon Kyle Architects



Proposed Site Plan
 February 6, 2020
 1" = 30' - 0"



6402 Vanderbilt Street

Dillon Kyle Architects

*Charter Title
Company*

Charter Title Company

1717 West Loop South, 12th Floor
Houston, TX 77027
Phone (713)871-9700 * Fax (713)871-8208

Jay Ira Steinfeld
6402 Vanderbilt Street
Houston, TX 77005

Date: December 23, 2019
GF#: CH-7666-1076661900328
Property Address:
6402 Vanderbilt Street
Houston, TX 77005

Dear Jay Ira Steinfeld:

In connection with the transaction we recently completed for you, please find enclosed the following documents:

Owner's Policy of Title Insurance

It is your responsibility as purchasers to contact the taxing authorities to change the tax rolls so that this property is assessed in your name.

We appreciate your business and we trust that this transaction was handled in a satisfactory manner. We look forward to serving you again in the future.

Charter Title Company

**TEXAS RESIDENTIAL
OWNER'S POLICY OF TITLE INSURANCE
ONE-TO-FOUR FAMILY RESIDENCES (T-1R)**

Issued By:

Policy Number:



**Fidelity National Title Insurance
Company**

1076661900328-O1

OWNER'S INFORMATION SHEET

Your Title Insurance Policy is a legal contract between you and Fidelity National Title Insurance Company. This policy is not an opinion or report of your title. It is a contract of indemnity, meaning a promise to pay you or to take other action if you have a loss resulting from a covered title risk.

It applies only to an improved one to-four family residential property or condominium unit. If your land is not either of these, contact us **immediately**.

Su Póliza de Seguro de Título es un contrato legal entre usted y Fidelity National Title Insurance Company. Esta póliza no es una opinión o reporte en relación a su título de propiedad. Es un contrato de indemnificación, esto es, la promesa de reembolsarle o de tomar cualquier otro tipo de acción si usted sufre una pérdida como resultado de cualquier riesgo cubierto por la póliza.

Esta forma de póliza ha sido designada para ser utilizada exclusivamente en los casos de propiedades en las cuales hay construidas viviendas para no más de cuatro familias o en los casos de unidades en condominios. Si su propiedad no es ninguna de las anteriores, por favor, notifiquenos inmediatamente.

We insure you against certain risks to your land title. We list these risks on page 3. The following limit your coverage:

Exclusions on page 3.

Exceptions on Schedule B.

Conditions on pages 3 through 5.

You should keep the policy even if you transfer the title to your land. If you want to make a claim, see Section 3 under Conditions on page 3.

You do not owe any more premiums for the Policy.

This sheet is not your insurance Policy. It is only a brief outline of some of the important Policy features. The Policy explains in detail your rights and obligations and our rights and obligations. The Policy — and not this sheet — is the legal document. **YOU SHOULD READ THE POLICY VERY CAREFULLY.**

THE TOLL-FREE NUMBER OF FIDELITY NATIONAL TITLE INSURANCE COMPANY IS 1-800-442-4303. YOU MAY CALL THIS NUMBER TO DISCUSS THIS POLICY OR TO MAKE A COMPLAINT. YOU MAY WRITE TO FIDELITY NATIONAL TITLE INSURANCE COMPANY AT THE ADDRESS IN SECTION 3 UNDER CONDITIONS ON PAGE 3.

(continued)

OWNER'S COVERAGE STATEMENT

This Policy insures your title to the land described in Schedule A - if that land is a one-to-four family residential property or condominium unit. Your insurance, as described in this Coverage Statement, is effective on the Policy Date shown in Schedule A.

This document is title insurance. It is not an opinion or report of your title. It is a contract of indemnity, meaning a promise to pay you or take other action if you have a loss resulting from a covered title risk.

- Exclusions on page 3.
- Exceptions in Schedule B, page 7.
- Conditions on pages 3 thru 5.

We insure you against actual loss resulting from:

- Any title risks covered by this Policy -- up to the Policy Amount, and
- Any costs, attorneys' fees and expenses we have to pay under this Policy. We must approve the attorney before the attorney begins to work. You have the right to disapprove our choice of attorney for reasonable cause.

COVERED TITLE RISKS

This Policy covers the following title risks subject to the Exceptions (p. 7) and Exclusions (p. 3), if they affect your title to the land on the Policy Date. We do not promise that there are no covered risks. We do insure you if there are covered title risks.

1. Someone else owns an interest in your title.
2. A document is invalid because of improper signature, acknowledgment, delivery, or recording.
3. A document is invalid because of forgery, fraud, duress, incompetency, incapacity or impersonation.
4. Restrictive covenants apply to your title.
5. There is a lien on your title because of:
 - a mortgage or deed of trust,
 - a judgment, tax, or special assessment, or
 - a charge by a homeowner's or condominium association.
6. There are liens on your title for labor and material which have their inception before the policy date. However, we will not cover liens for labor and material that you agreed to pay for.
7. Others have rights in your title arising out of leases, contracts or options.
8. Someone else has an easement on your land.
9. You do not have good and indefeasible title.
10. There are other defects in your title.
11. There are other liens or encumbrances on your title.

This Policy also covers the following title risk:

You do not have any legal right of access to and from the land.

OUR DUTY TO DEFEND AGAINST COURT CASES

We will defend your title in the part or parts of a court case involving a Title Risk covered by this Policy. We will pay the costs, attorneys' fees, and expenses that we incur in that defense. We will not pay for the parts of a case not involving a covered title risk. You may disapprove our choice of attorney for reasonable cause.

We can end this duty to defend your title by exercising any of our options listed in Item 4 of the Conditions, see page 4.

This Policy is not complete without Schedules A and B.

An authorized party also must countersign this Policy.

Fidelity National Title Insurance Company

By:



President

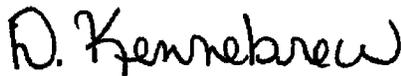
Attest:



Secretary

Issued By:

Charter Title Company



Deon Kennebrew



**TEXAS RESIDENTIAL
OWNER'S POLICY OF TITLE INSURANCE
ONE-TO-FOUR FAMILY RESIDENCES (T-1R)
SCHEDULE A**

Policy Number: 1076661900328-O1
Policy Date: October 18, 2019 at 10:18 AM
Policy Amount: \$4,625,000.00
Premium: \$21,271.00

GF No.: CH-7666-1076661900328

1. Name of Insured:

Jay Ira Steinfeld and Barbara Gene Winthrop

2. We insure your interest in the land covered by this Policy is:

Fee Simple

3. Legal Description of land:

The Lot 6, in Block 12, of WEST UNIVERSITY PLACE, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 444, Page 560 of the Deed Records of Harris County, Texas.

END OF SCHEDULE A

**SCHEDULE B
EXCEPTIONS**

Policy No.: 1076661900328-O1

GF No.: CH-7666-1076661900328

We do not cover loss, costs, attorneys' fees and expenses resulting from:

1. The following restrictive covenants of record itemized below (We must either insert specific recording data or delete this exception):

Restrictive Covenants recorded in Volume 634, Page 658 of the Deed Records of Harris County, Texas; and filed under Clerk's File No. R741573

Omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law.
2. Shortages in area.
3. Homestead or community property or survivorship rights, if any, of any spouse of any Insured.
4. Any title or rights asserted by anyone, including, but not limited to, persons, the public, corporations, governments or other entities,
 - a. to tidelands, or lands comprising the shores or beds or navigable or perennial rivers and streams, lakes, bays, gulfs or oceans, or
 - b. to lands beyond the line of the harbor or bulkhead lines as established or changed by any government, or
 - c. to filled-in lands, or artificial islands, or
 - d. to statutory water rights, including riparian rights, or
 - e. to the area extending from the line of mean low tide to the line of vegetation, or the rights of access to that area or easement along and across that area.
5. Standby fees, taxes and assessments by any taxing authority for the year 2019, and subsequent years; and subsequent taxes and assessments by any taxing authority for prior years due to change in land usage or ownership, but not those taxes or assessments for prior years because of an exemption granted to a previous owner of the property under Section 11.13, Texas Tax Code, or because of improvements not assessed for a previous tax year.
6. The following matters and all terms of the documents creating or offering evidence of the matters (We must insert matters or delete this exception):
 - a. Vendor's Lien retained in the following Deed securing the payment of one note in the principal amount shown below:

Dated: October 17, 2019
Grantor: Elizabeth Brooks Wolfe A/K/A Elizabeth Brooke Wolfe, A Single Person, Individually And As Independent Executrix Of The Estate Of Judson Andrew Wolfe, Deceased
Grantee: Jay Ira Steinfeld and spouse, Barbara Gene Winthrop
Note Amount: \$2,125,000.00
Payable to: BNY Mellon, N.A.
Recording Date: October 18, 2019

**SCHEDULE B
EXCEPTIONS**

(continued)

Recording No.: Under Harris County Clerks File No. RP-2019-463162

Additionally secured by Deed of Trust of even date executed by Jay Ira Steinfeld and Barbara Gene Winthrop therewith as set forth below:

To: Charles H. Newman, Trustee
Loan No.: 2020200651
Recording Date: October 18, 2019
Recording No.: Under Harris County Clerks File No. RP-2019-463163

- b. Rights of parties in possession
- c. An easement 2 feet in width along the rear property line, as set forth and defined in instrument recorded in Volume 634, Page 658 of the Deed Records of Harris County, Texas.
- d. Building Set Back Line 30 feet in width along the front property line, as set forth and defined in instrument recorded in Volume 634, Page 658 and Volume 444, Page 560 both of the Deed Records of Harris County, Texas.

Office File Number	Policy Jacket Number	Date of Endorsement	Amount of Insurance	Type	Premium	Code	Rule
1 1076661900328	2 1076661900328-O1	3 October 18, 2019	4 \$4,625,000.00	5 EN	6 \$1,063.55	9 0897_14	R-29C

ENDORSEMENT - T-19.1

RESTRICTIONS, ENCROACHMENTS, MINERALS - OWNER'S POLICY

Issued By:



**Fidelity National Title Insurance
Company**

Attached to Policy Number:

1076661900328-O1

1. The insurance provided by this endorsement is subject to the exclusions in Section 5 of this endorsement; and the Exclusions from Coverage, the Exceptions from Coverage contained in Schedule B, and the Conditions in the policy.
2. For the purposes of this endorsement only:
 - a. "Covenant" means a covenant, condition, limitation or restriction in a document or instrument in effect at Date of Policy.
 - b. "Improvement" means a building, structure, road, walkway, driveway, or curb, affixed to either the Land or adjoining land and that by law constitutes real property, but excluding any crops, landscaping, lawn, shrubbery, or trees.
 - c. "Private Right" means (i) an option to purchase; (ii) a right of first refusal; or (iii) a right of prior approval of a future purchaser or occupant.
3. The Company insures against loss or damage sustained by the Insured by reason of:
 - a. A violation on the Land at Date of Policy of an enforceable Covenant, unless an exception in Schedule B of the policy identifies the violation;
 - b. Enforced removal of an Improvement located on the Land at Date of Policy as a result of a violation, at Date of Policy, of a building setback line shown on a plat of subdivision recorded or filed in the Public Records, unless an exception in Schedule B of the policy identifies the violation;
 - c. A notice of a violation, recorded in the Public Records at Date of Policy, of an enforceable Covenant relating to environmental protection describing any part of the Land and referring to that Covenant, but only to the extent of the violation of the Covenant referred to in that notice, unless an exception in Schedule B of the policy identifies the notice of the violation; or
 - d. Enforcement of a Private Right in a Covenant affecting the Title at Date of Policy based on a transfer of Title on or before Date of Policy that causes a loss of the Insured's Title.
4. The Company insures against loss or damage sustained by reason of:
 - a. An encroachment of:
 - i. an Improvement located on the Land, at Date of Policy, onto adjoining land or onto that portion of the Land subject to an easement; or
 - ii. an Improvement located on adjoining land onto the Land at Date of Policy unless an exception in Schedule B of the policy identifies the encroachment otherwise insured against in Sections 4.a.i. or 4.a.ii.; or
 - b. A final court order or judgment requiring the removal from any land adjoining the Land of an encroachment identified in Schedule B; or
 - c. Damage to an Improvement located on the Land, at Date of Policy that is located on or encroaches onto that portion of the Land subject to an easement excepted in Schedule B, which damage results from the exercise of the right to maintain the easement for the purpose for which it was granted or reserved; or

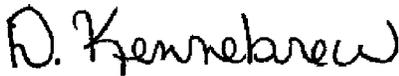
- d. Damage to an Improvement located on the Land on or after Date of Policy, resulting from the future exercise of a right to use the surface of the Land for the extraction or development of minerals or any other subsurface substances excepted from the description of the Land or excepted in Schedule B.
5. This endorsement does not insure against loss or damage (and the Company will not pay costs, attorneys' fees, or expenses) resulting from:
- a. any Covenant contained in an instrument creating a lease;
 - b. any Covenant relating to obligations of any type to perform maintenance, repair, or remediation on the Land;
 - c. except as provided in Paragraph 3.c, any Covenant relating to environmental protection of any kind or nature, including hazardous or toxic matters, conditions, or substances;
 - d. contamination, explosion, fire, fracturing, vibration, earthquake, or subsidence; or
 - e. negligence by a person or an Entity exercising a right to extract or develop minerals or other subsurface substances.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all of the terms and provisions of the policy and of any prior endorsements.

Dated: October 18, 2019

Issued By:

Charter Title Company



Deon Kennebrew

Office File Number	Policy Jacket Number	Date of Endorsement	Amount of Insurance	Type	Premium	Code	Rule
1 1076661900328	2 1076661900328-O1	3 October 18, 2019	4 \$4,625,000.00	5 EN	6 \$50.00	9 0801	R-29.1

ENDORSEMENT - T-19.2

MINERALS AND SURFACE DAMAGE

Issued By:



**Fidelity National Title Insurance
Company**

Attached to Policy Number:

1076661900328-O1

The Company insures the insured against loss which the insured shall sustain by reason of damage to improvements (excluding lawns, shrubbery, or trees) located on the Land on or after Date of Policy resulting from the future exercise of any right existing at Date of Policy to use the surface of the Land for the extraction or development of coal, lignite, oil, gas, or other minerals excepted or excluded on Schedule A, Item 2 or excepted in Schedule B. This endorsement does not insure against loss resulting from subsidence.

This endorsement is issued as part of the policy. Except as it expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsements, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance. To the extent a provision of the policy or a previous endorsement is inconsistent with an express provision of this endorsement, this endorsement controls. Otherwise, this endorsement is subject to all the terms and provisions of the policy and of any prior endorsements.

Dated: October 18, 2019

Issued By:

Charter Title Company

D. Kennebrew

Deon Kennebrew



The City of West University Place

A Neighborhood City

NOTICE OF ZONING BOARD OF ADJUSTMENT HEARING

The Zoning Board of Adjustment (“ZBA”) of the City of West University Place, Texas (“City”) will hold a public hearing in the Municipal Building, 3800 University Boulevard, City of West University Place, Texas 77005, during a meeting set to begin at **6:30 p.m.** on **February 27, 2020**. The hearing may be recessed and continued to a ZBA meeting set to begin at **6:30 p.m.** on **March 26, 2020**. The purpose of the hearing is to provide an opportunity for all persons to be heard in relation to the following matter:

Address of the site: 4602 Vanderbilt St., Houston, TX 77005

Legal Description: Lot 6, Block 12, West University Place

Docket Number: 2020-0001

Applicant: Jay Steinfeld & Barbara Winthrop

Action Requested: Request a special exception to 1) allow for additional curb cuts, and 2) authorize a driveway to not end at a garage. Both exceptions are to Section 7-5a as authorized by notes 5 and 6

Additional Details: The applicant is proposing removing the existing circular driveway and replacing with a single driveway and curb cut to serve an existing covered guest parking area (porte-cochere). The existing three car garage will be converted to a covered outdoor area with a new three car garage built on the property.

Applicable regulations include the City’s Zoning Ordinance, Code of Ordinances, Chapter 211 of the Texas Local Government Code and the rules of the ZBA. The application is available on the city’s website at www.westutx.gov. Additional details on such matters, as well as the applicable regulations are also available for public inspection in the **Public Works Center, 3826 Amherst**, West University Place, 77005. Any person interested in such matters should attend the hearing.

If you plan to attend this public meeting and you have a disability that requires special arrangements at the meeting, please contact the City Planner at 713-662-5830 in advance of the meeting. Reasonable accommodations will be made to assist your participation in the meeting. The Municipal Building is wheel chair accessible from the West and Southwest entrances and specially marked parking spaces are available in the Southwest parking area.

Signed: Clay Chew, for the ZBA posted and mailed on or before February 24, 2020.

cchew@westutx.gov 713-662-5830



STEINFELD JAY IRA WINTHROP
BARBARA GENE
6402 VANDERBILT ST
HOUSTON, TX 77005-3821

TOTZ ANDREW B & ALBERTA S
6410 VANDERBILT ST
HOUSTON, TX 77005-3821

SALL ANDREW G III & EMMA
6414 VANDERBILT ST
HOUSTON, TX 77005-3821

MANI RAVI & SUDHA RAVISHANKAR
6420 VANDERBILT ST
HOUSTON, TX 77005-3821

KRAJECER ZVONIMIR & MARY
6428 VANDERBILT ST
HOUSTON, TX 77005-3821

BLUM DANIEL E & JENNIFER E
6403 VANDERBILT ST
HOUSTON TX TX 77005-3820

CURRENT OWNER
6411 VANDERBILT ST
HOUSTON, TX 77005-3820

MANJESHWAR SIDDHARTH J & SARA
6413 VANDERBILT ST
HOUSTON, TX 77005-3820

CURRENT OWNER
6419 VANDERBILT ST
HOUSTON, TX 77005-3820

DEARBORN RYAN L & AMANDA P
6351 VANDERBILT ST
HOUSTON, TX 77005-3415

FISH RICHARD D & PRISCILLA
6349 VANDERBILT ST
HOUSTON, TX 77005-3415

KLAVERS HENDRICK W & ELLEN K
6344 VANDERBILT ST
HOUSTON, TX 77005-3416

EISEMANN MICHAEL L
6354 VANDERBILT ST
HOUSTON, TX 77005-3416

MICEK GREG J & NANCY J
6339 BUFFALO SPEEDWAY
HOUSTON, TX 77005-3309

BARR DEBORAH J & CHRISTOPHER R %
BARR LIVING TRUST
3120 DUKE ST
HOUSTON, TX 77005-3412

FRANK JAMES R & ANNE W
3117 DUKE ST
HOUSTON, TX 77005-3411

ZT GLOBAL INVESTMENTS INC
4265 SAN FELIPE ST STE 1100
(C/O 6403 BUFFALO SPEEDWAY)
HOUSTON, TX 77027-2998

MAIRS HEIDE L
6411 BUFFALO SPEEDWAY
HOUSTON, TX 77005-3828

6415 BUFFALO SPEEDWAY TR
PO BOX 270742
(C/O 6415 BUFFALO SPEEDWAY)
HOUSTON, TX 77277-0742

HASSELL ROYCE J & SILVA T
12807 HAYNES RD BLDG C
(C/O 6417 BUFFALO SPEEDWAY)
HOUSTON, TX 77066-1123

HASSELL ROYCE J & SILVA T
12807 HAYNES RD BLDG C
(C/O 6421 BUFFALO SPEEDWAY)
HOUSTON, TX 77066-1123

CURRENT OWNER
6427 BUFFALO SPEEDWAY
HOUSTON, TX 77005-3828

BRADY JETT R & MARY C
6357 BUFFALO SPEEDWAY
HOUSTON, TX 77005-3309

WIMMEL JONATHAN SADEGHPOUR
ROXANNE
3020 DUKE ST
HOUSTON, TX 77005-3410

CHRIST BRYAN WERNER STACEY
3017 DUKE ST
HOUSTON, TX 77005-3409

Josie Hayes

To: Clay Chew
Subject: RE: City of West University Place - Zoning Board of Adjustment - 6402 Vanderbilt
variance request

To: Zoning Board of Adjustment - City of West University Place

As next door neighbors to 6402 Vanderbilt, we are hopeful that the Variance Request being made on behalf of Jay Steinfeld and Barbara Winthrop, the new owners of the property, will be approved.

We feel that the proposal will be an improvement both to the house itself by creating more landscape, and more land to absorb water during heavy rains. Additionally, the proposed changes would add to the safety of our neighborhood. Currently, the east curb cut driveway portion is very close to the corner of Vanderbilt and Duke Street. We have experienced this as being dangerous when we have exited from this portion of the driveway. Our youngest daughter was very close with one of the children of the previous neighbors. When we had to exit on this end of the driveway it felt unsafe.

Please do not hesitate to call us or email if you have further questions or concerns.

Sincerely,

Alberta and Andrew Totz
6410 Vanderbilt Street

AGENDA

ITEM

#3



The City of West University Place
A Neighborhood City

ZONING BOARD OF ADJUSTMENT
MUNICIPAL BUILDING
3800 UNIVERSITY BOULEVARD
REGULAR MEETING MINUTES
December 19, 2019
6:30 pm

I.	MEMBERS PRESENT:	Steven Segal (voting), Neil Martin (voting), Donald Yurewicz (voting), Edward Nikonowicz (voting), Janet Parisi (voting), Jay Cohen, John Brett, Sergio Amelio and Brennan Reilly
II.	MEMBERS ABSENT:	N/A
III.	STAFF PRESENT:	Laura McKenery, Legal Counsel, Gerardo Barrera, Public Works Director, Clay Chew, Building Official and Josie M. Hayes, Administrative Coordinator
IV.	CALL TO ORDER:	6:32 p.m.

Agenda Item

Discussion

Action

	Agenda Item	Discussion	Action
1	Call the meeting to order. Notices, Rules, Etc.	Steven Segal called the meeting to order at 6:32 p.m. Steven Segal asked each member to briefly introduce themselves and state if they are voting or nonvoting. Josie M. Hayes, Administrative Coordinator, stated that all notices were posted in accordance with state and local requirements. Steven Segal then described the hearing procedures. Swearing in of witnesses.	Edward Nikonowicz moved to accept that all notices were properly posted and distributed for this meeting. Second by Janet Parisi. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Edward Nikonowicz and Janet Parisi. Motion Carried (5-0). Steven Segal administered the oath to all witnesses.
2	Docket No. 2019-0007, regarding property at 2601 Cason St., West University Place, Texas 77005 (Variance and Special Exception) a. Matters regarding a request to present new and additional information to support a request for rehearing for an additional curb and stub driveway in a	The applicant in Docket 2019-0007, 2601 Cason St. is requesting both a variance to Section 10-103(b) in order to allow a “stub” or “dead end” driveway in a front yard and a special exception to Table 7-5a, Note 5, to authorize a second curb cut on the building site. Applicant submitted a formal request for a rehearing to provide additional information on October 20, 2019. Additional evidence was presented to ZBA	After the applicant provided additional information, Steven Segal made a motion to rehear the agenda item for the variance and special exception. Second by Donald Yurewicz. Ayes: Steven Segal and Donald Yurewicz. Noes: Neil Martin, Edward Nikonowicz and Janet Parisi. Motion failed (2-3).





<p>front yard setback.</p>	<p>members.</p> <p>Staff did not receive any correspondence letters in favor or against the application.</p> <p><u>Background Information:</u> The site is located at the southwest corner of Cason St. and Kirby Dr. and is 50' wide by 120' deep. There is an existing driveway and curb cut from Kirby Dr. in the side yard that ends at the garage. The driveway is approximately 16' deep from the garage doors to the sidewalk. Since the Cason St. intersection is so close to W. Holcombe/Bellaire Blvd. to the south, it is very difficult to load and unload the applicant's children into the vehicle without concern from the traffic congestion that occurs at Kirby Dr. and W. Holcombe/Bellaire Blvd. The applicant is asking for a special exception to allow another curb cut on the Cason St. side for use for parking her vehicle. The driveway would stop or "dead end" in the front yard, thus necessitating the need for a variance.</p> <p><u>Staff Response:</u> <u>Variance Request</u> – Section 10-103(b) requires that all parking and maneuvering areas be located behind the principal building. It goes on to prohibit "stub" or "dead end" driveways located in the front yard setback. There is an exception for those sites that front on a major thoroughfare containing four or more lanes. This site does not front Kirby Dr. Staff believes that the ZBA has the authority to grant this variance, but according to Section 11-102 of the zoning regulations, the ZBA may not issue a variance unless all of the following circumstances are present. (1) The ZBA has made all findings and determinations required by state law for the granting of a</p>	
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The City of West University Place

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variance. A “special condition” or “hardship” that is self-created, personal or based only on financial reasons is not sufficient to support the issuance of a variance. The findings to grant a favorable result for this application are as follows: 1. The ZBA must find that a literal enforcement of the ordinance would result in an unnecessary hardship. 2. By granting the variance, would the spirit of the ordinance be observed and substantial justice done; 3. Would the variance be contrary to the public interest? (2) The ZBA has made any additional findings and determination required by a specific provision of this section which relates to the variance. (3) The variance has been reduced to writing and includes any conditions prescribed by the ZBA or by this section for the variance in questions. The ZBA may prescribe conditions to the request such as limiting the length and width of the parking space, requiring pervious pavement, require screening, etc.

Special Exception Request – Table 7-5a limits the maximum number of curb cuts to “one per designated building site abutting the street. Note 5 of Table 7-5a authorizes additional curb cuts and specifically authorizes staff to approve the curb cuts for semi-circular driveways as prescribed in Chapter 70 of the Code of Ordinances. This proposed driveway would not be connected and so is not authorized without a special exception from ZBA. Table 7-5a, Note 5 of the Zoning Ordinance gives the ZBA the authority to grant a special exception for additional curb cuts. The ZBA must find that the request is in harmony with the general purpose and intent of the Zoning Ordinance and that the request will not cause any significant increase in on-street parking or traffic, traffic congestion, or an unreasonable





The City of West University Place

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		burden upon public utilities or services. If the Board grants the special exception, the Board can attach conditions.	
3	Meeting Minutes	Approval of meeting minutes from November 21, 2019.	Edward Nikonowicz moved to approve the November 21, 2019 minutes. Second by Neil Martin. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Edward Nikonowicz and Janet Parisi. Motion carried.
4	Selection of Vice-Chair		Steven Segal made a motion to nominate Janet Parisi as the Vice-Chair. Second by Edward Nikonowicz. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Edward Nikonowicz and Janet Parisi. Motion carried.
	Adjournment.	The meeting was adjourned at 6:57 pm.	Edward Nikonowicz moved to adjourn the meeting. Second by Janet Parisi. Ayes: Steven Segal, Neil Martin, Donald Yurewicz, Edward Nikonowicz and Janet Parisi. Motion Carried.

APPROVED THIS _____ DAY OF _____ 2020.

Presiding Officer

ATTEST: _____
Josie M. Hayes, Administrator Coordinator

