



CITY OF HOUSTON

Planning and Development Department

John Whitmire
Mayor

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September 25, 2026

NOTICE OF VARIANCE

PROJECT NAME: 801 McGowen Street
REFERENCE NUMBER: 26073533



Dear Property Owner:

The Planning and Development Department has received a development plat application with a variance request for a property located at the intersections of McGowen, Milam and Travis Streets. You are receiving this letter because you are listed in the Harris County Appraisal District records as a neighboring owner for property that falls within the Chapter 42 required notification area adjacent to this variance request.

Jessica Rubio, the applicant, has filed the request on behalf of the owner of the subject site. The applicant is requesting to allow auto-related uses in the pedestrian realm along McGowen Street for a new convenience store, fuel canopy, and retail shell building. Enclosed are copies of the variance request, the proposed development plat, and the site plan submitted by the applicant.

The Planning and Development Department staff is currently reviewing this application and will present a recommendation to the Houston Planning Commission. The Commission is the non-legislative body authorized to review and render decisions on subdivision applications and requests. A sign with this information has also been posted on the project site. The Houston Planning Commission will hold a public meeting to consider this application.

PLANNING COMMISSION MEETING INFORMATION:

Thursday, October 15, 2026, beginning at 2:30 p.m.

City Hall Annex Building, 900 Bagby Street

City Council Chamber, Public Level, Houston, Texas

Members of the public may make comments or express concerns about the proposed project by attending the meeting at City Council Chamber listed above.

You may also submit comments or sign up as speakers in the following ways:

1. Send email to: speakercomments.pc@houstontx.gov,

Please submit written comments at least 24 hours in advance of the meeting, so staff may compile them in order of the agenda items. ALL comments submitted will be made part of the meeting record.

2. Sign up to speak on a designated form at the entrance to the Council Chamber before the start of the Planning Commission meeting.

For additional information regarding this project, please call the applicant, Jessica Rubio, at 713-541-3195. You may also contact the Planning and Development Department regarding this notice via email at planning.variances@houston.tx.gov or call (832) 394-8849. To view the complete Planning Commission meeting agenda, go to www.houstonplanning.com. Information on the reverse side of this page explains more about the terminology used in this letter.

THE PLAT MAY BE DEFERRED. THE NEW DATE FOR COMMISSION ACTION WILL BE INDICATED ON THE POSTED SIGN(S) THE MONDAY MORNING FOLLOWING THE PLANNING COMMISSION DEFERRAL.

Para más información acerca de este documento, favor de llamar al Departamento de Planificación y Desarrollo al 832-393-6659.

TERMINOLOGY

- **CHAPTER 42:** The section of the City of Houston Code of Ordinances that describes the rules and regulations for subdividing property within the corporate limits and the extraterritorial jurisdiction.
- **EXTRATERRITORIAL JURISDICTION (ETJ):** Represents the area extending beyond Houston's corporate limits approximately five miles into the unincorporated areas of Harris, Fort Bend, Liberty, Montgomery, and Waller counties.
- **SUBDIVISION PLAT:** A graphical presentation of a particular surveyed tract of land laying out street rights-of-way, lots and reserves, building setback lines, and easements which must comply with the development requirements of the City of Houston Code of Ordinances, Chapter 42. These regulations, adopted by City Council, are intended to promote the safe, orderly, and healthy development of the City and its extraterritorial jurisdiction. The approved map subsequently may be filed and recorded with the appropriate county clerk's office as the official map of record for this property.
- **SUBDIVISION REPLAT:** Is a subdivision plat that further subdivides an existing subdivision plat. Typically, a replat will make changes to the layout of lots, reserves, building setback lines and easements.
- **VARIANCE:** A deviation from strict compliance with the rules and regulations of Chapter 42. The applicant must document a reasonable hardship that staff can evaluate.
- **SPECIAL EXCEPTION:** A commission-approved adjustment to the certain standards of Chapter 42. The applicant must document existing special circumstances unique to the land that justify modification of the development standards.

PLANNING COMMISSION BODY, AUTHORITY AND OBLIGATION

- The Houston Planning Commission is a non-legislative body authorized to govern the subdivision rules and regulations described in Chapter 42. The Commission consists of 25 members and meets every two weeks per their adopted Commission meeting schedule.

PLANNING DEPARTMENT STAFF, AUTHORITY AND OBLIGATION

- Development Services Division reviews subdivision plats, replats and development plats for compliance with the rules and regulations described in Chapter 42. Development plats must also comply with Chapter 26 (Off-street Parking and Loading) and Chapter 33 (Trees, Shrubs and Screening Fences).

CITY OF HOUSTON SEC. 42-82 AND 42-83

- Notification to property owners within 250 feet of certain proposed development applications with a requested variance is required. The proposed development must be located within the city limits.

PROPERTY OWNERSHIP INFORMATION

For notification purposes, property ownership information and property owner mailing addresses are obtained from the most recent property tax rolls of the county in which the property is located.



Houston Planning Commission

VARIANCE REQUEST APPLICATION

APPLICANT COMPANY	CONTACT PERSON	PHONE NUMBER	EMAIL ADDRESS		
TN Associates INC	Jessica Rubio	713-541-3195			
PROPERTY ADDRESS	PROJECT NUMBER	ZIP CODE	LAMBERT	KEY MAP	DISTRICT
801 McGowen St	26073533	77006	5357D	493T	D

HCAD ACCOUNT NUMBER(S): 0132680000011

PROPERTY LEGAL DESCRIPTION: LTS 1 & 2 & TRS 3 & 6 BLK 50 FAIRGROUNDS

PROPERTY OWNER OF RECORD: 801 Business LLC

ACREAGE (SQUARE FEET): 0.8579 acres (37,370 sq. ft.)

WIDTH OF RIGHTS-OF-WAY: Milam Street: 80 ft.; McGowen Street: 80 ft.; Travis Street: 80 ft.

EXISTING PAVING SECTION(S): Milam Street: 45 ft.; McGowen Street: 35 ft.; Travis Street: 45 ft.

OFF-STREET PARKING REQUIREMENT: Market-based parking area

OFF-STREET PARKING PROVIDED: 32 spaces

LANDSCAPING REQUIREMENTS: Complies

LANDSCAPING PROVIDED: Complies

EXISTING STRUCTURE(S) [TYPE; SQ. FT.]: N/A

PROPOSED STRUCTURE(S) [TYPE; SQ. FT.]: 4,512 sq. ft. convenience store, 4,508 sq. ft. retail, 4,512 sq. ft. canopy

PURPOSE OF VARIANCE REQUEST: To allow auto-related uses in the pedestrian realm along McGowen Street for a new convenience store, fuel canopy, and retail shell building.

CHAPTER 42 REFERENCE(S): Sec. 42-164. - Transit-oriented development streets and walkable places streets

(b) The portion of a lot or development that is adjacent to a primary street shall have a building line requirement of zero feet and the lot or development must comply with the requirements of article IV of this chapter.

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APPLICANT'S STATEMENT OF FACTS

SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE):

Per Ch 42-Section 42-622, no auto-related uses, except for driveways, below-grade use, or drop-off/loading zone, are permitted within the pedestrian realm. This realm is between edge of primary walkable street and face of building regardless of how far forward or how far back the building is placed.

The applicant must clearly identify how the requested variance meets the criteria in either (1a) or (1b) and ALL items (2) through (5). The information provided will be used to evaluate the merits of the request.

(1a) The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or

(1b) Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;

Due to the property location, it is surrounded by three primary walkable streets. In order to hide the non-aesthetic back side of the commercial building, it is best for the building to be placed away from the streets. However, the parking lot would not comply with standards for walkable places. Placing the building forward would not be practical for the public to figure out how to access the property due to less visibility for the entrance. Building orientation to the ROW would require the public to walk farther distance from their vehicle and create an unwelcoming atmosphere for the parking lot side. Building orientation towards the parking lot would make the private side more welcoming, but create displeasing back view of building to the ROW side of public. Compliance to non-vehicular use for all 3 primary walkable streets would be impractical for this development.

(2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;

The 3 primary walkable streets are existing conditions that limit the development potential of this property. Compliance to Travis Street and Milam Street already limits where vehicles can be used within the property. Compliance to the 3rd street, McGowen Street, would create an impractical development of a gas station. The proposed project is to provide convenient access to property as well as opening the space to the public whereas placing the building closer to McGowen Street adds to the congested feel of the ROW space seem narrower. Allowing vehicle use between the building and McGowen also reduces potential long term problems of nearby tree roots reaching the building's foundation.

(3) The intent and general purposes of this chapter will be preserved and maintained;

Compliance towards Travis Street and Milam Street will still be maintained in order to provide ease of access to the building. Proposed landscape, sidewalks, and hardscape along all 3 ROWs will still provide

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adequate space for the general public's use. The proposed project is not only to create a welcoming space for pedestrians passing by on foot, but also those that travel by vehicle as Houston is a heavily vehicle-use community.

(4) The granting of the variance will not be injurious to the public health, safety or welfare;

Placing the proposed building towards the back of property, away from McGowen Street, will not remove direct public access from the ROW to the building. Allowing more visibility between pedestrians and vehicles creates more time for awareness and reaction. Proposing the parking lot area to be more open to the public increases one's sense of safety of every moment being witnessed whereas tucking a parking lot behind the building would make one feel unsafe in a more secluded area.

(5) Economic hardship is not the sole justification of the variance.

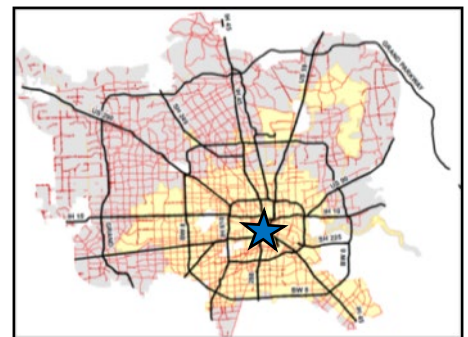
Economic hardship is not the primary justification as it is the restrictions of being adjacent to three primary walkable streets that creates a difficult development. In addition, proposing the building farther from McGowen provides temporary parking lot space for future maintenance equipment. Rather than parking and setting up out in the street and hindering traffic flow, the parking lot provides a temporary zone for these moments as power poles and any other ROW components are maintained.

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Location Map



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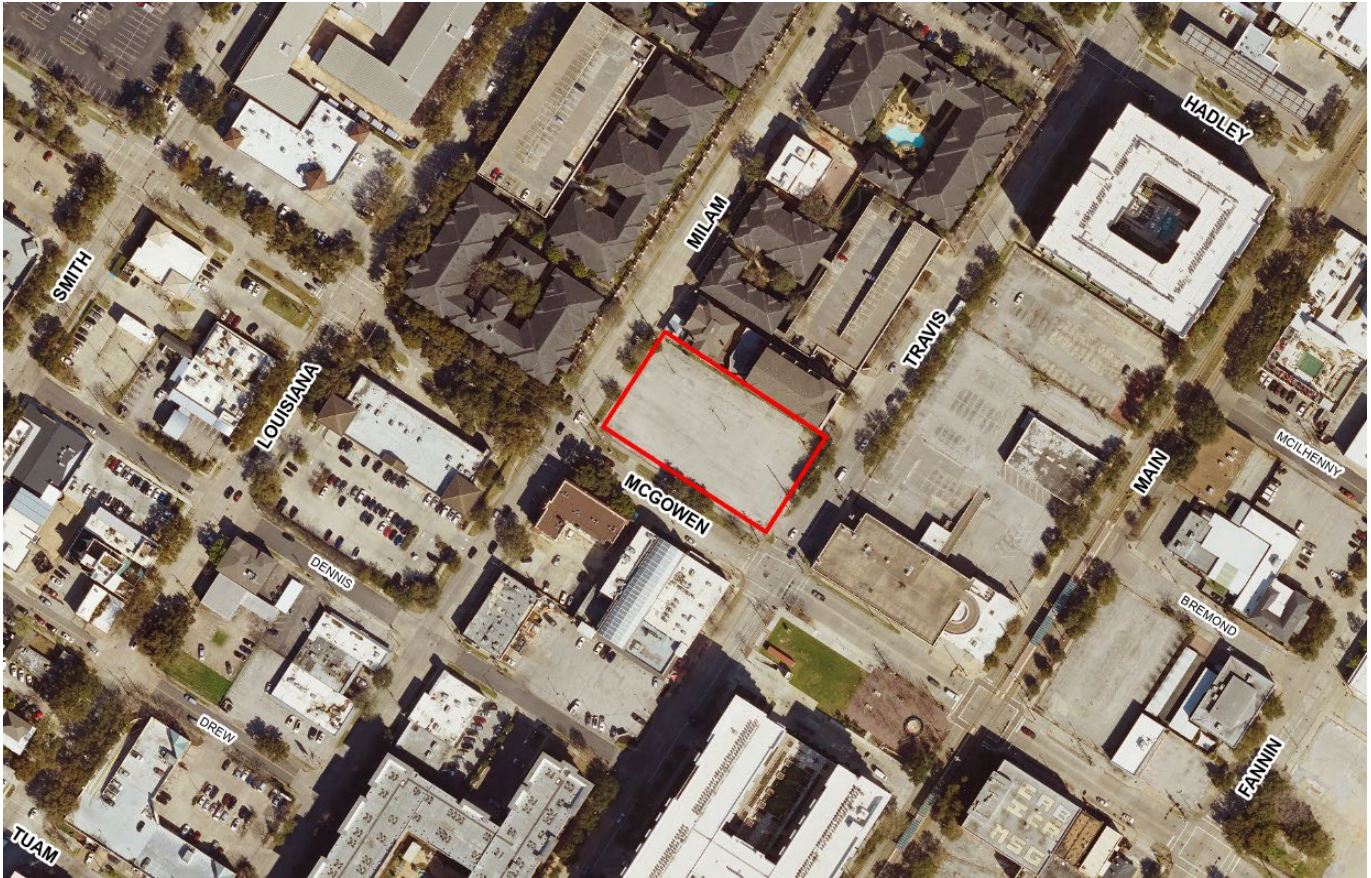
PLANNING &
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Aerial Map



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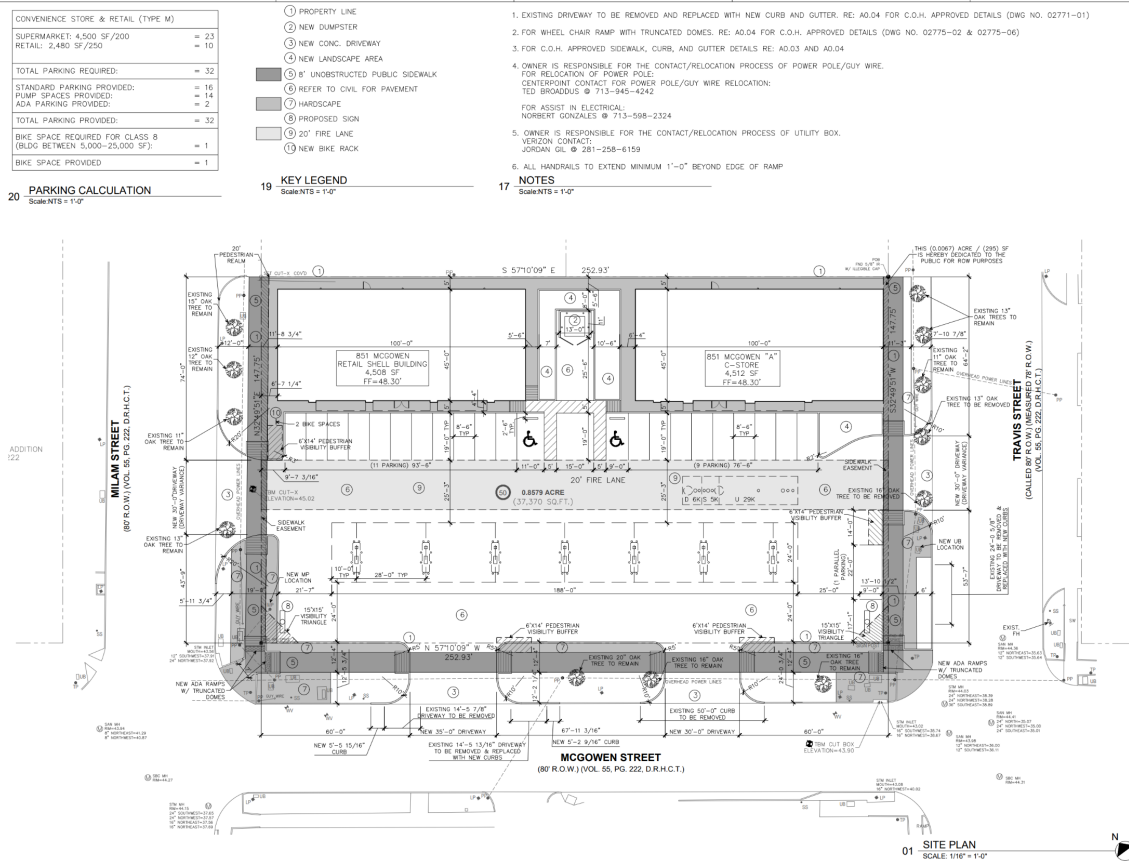
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Site Plan



associates inc.

2825 Wilcrest Drive, #616
Houston, TX, 77042
Ph: 713-541-3195
E-mail: info@tnassociatesinc.com

ISSUE 1 09/14/2026 PERMIT SUB

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09/14/2026

PROJECT NAME:
**CONVENIENCE STORE "A" &
RETAIL SHELL BUILDING**
851 MCCOWN STREET
HOUSTON, TEXAS 77006

DATE: 09/14/2026
PROJECT NUMBER: #26-020N
SCALE: AS SHOWN
DRAWN BY: TN
DRAWING NUMBER: A1.00

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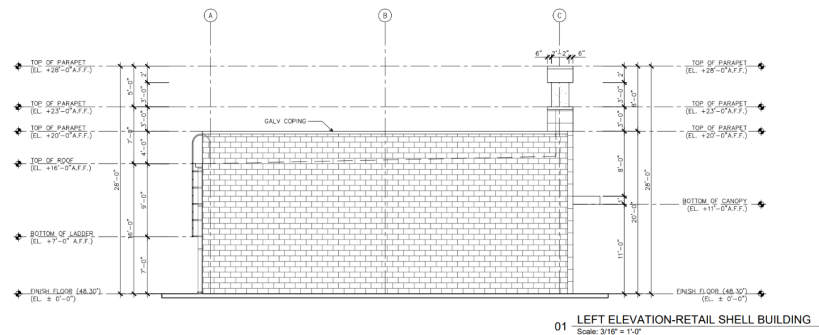
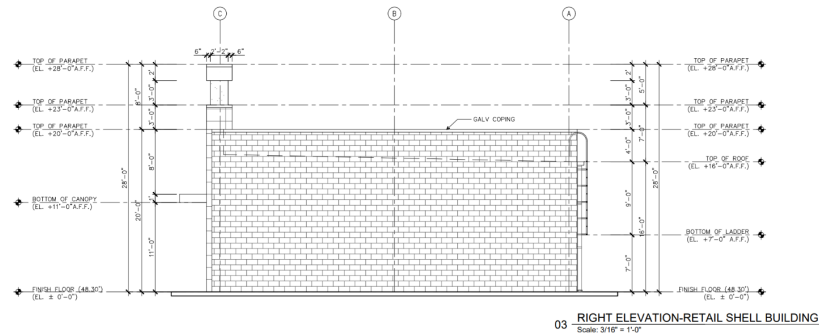
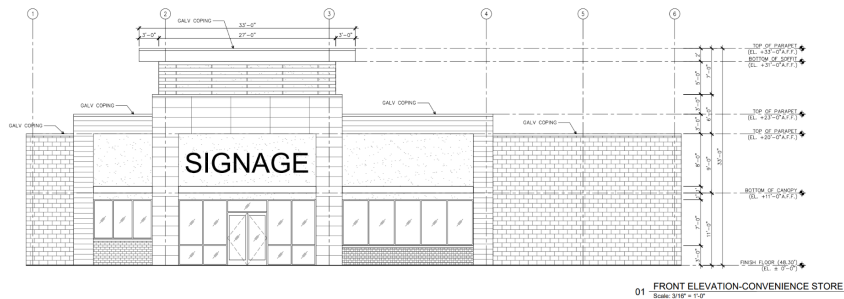
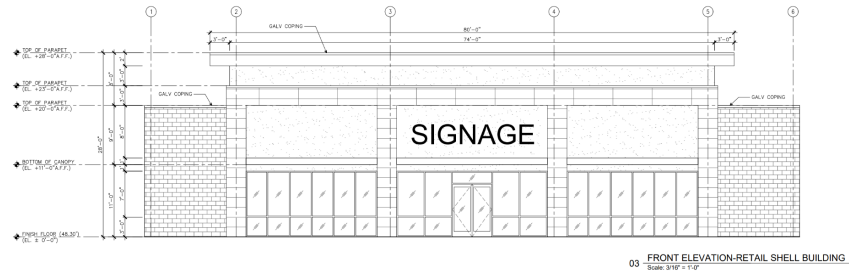


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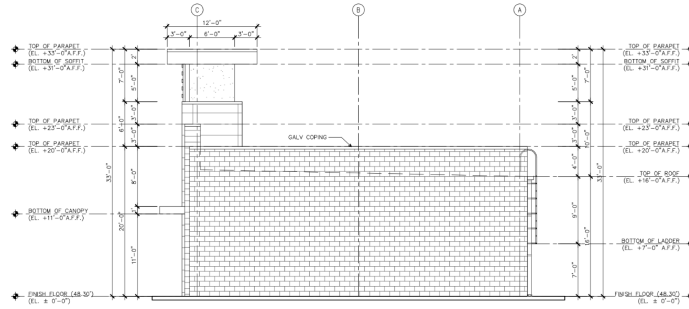
February, 2017



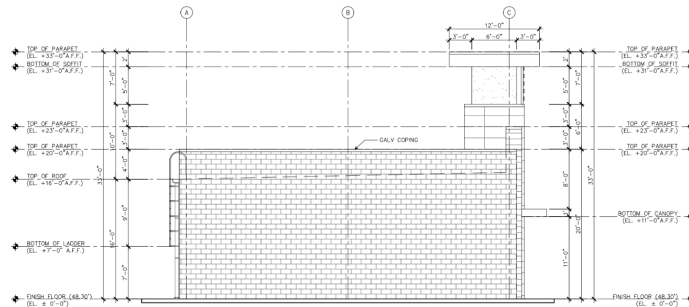
Elevations



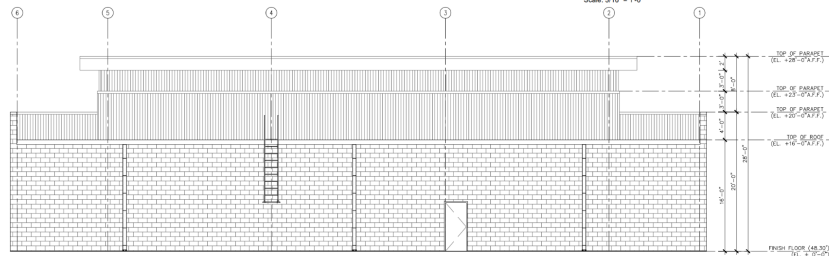
DEVELOPMENT PLAT VARIANCE



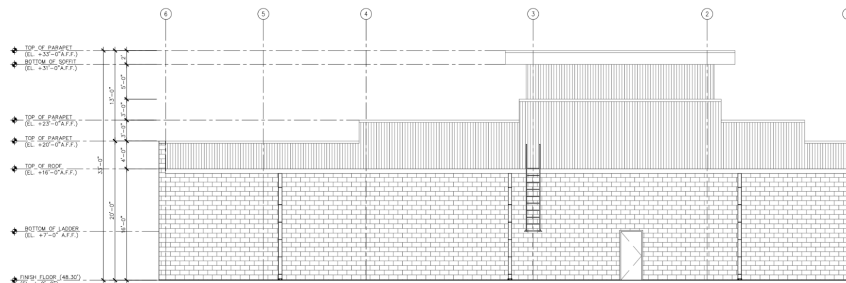
03 RIGHT ELEVATION-CONVENIENCE STORE
Scale: 3/16" = 1'-0"



01 LEFT ELEVATION-CONVENIENCE STORE
Scale: 3/16" = 1'-0"



03 REAR ELEVATION-RETAIL SHELL BUILDING
Scale: 3/16" = 1'-0"



01 REAR ELEVATION-CONVENIENCE STORE
Scale: 3/16" = 1'-0"

DEVELOPMENT PLAT VARIANCE



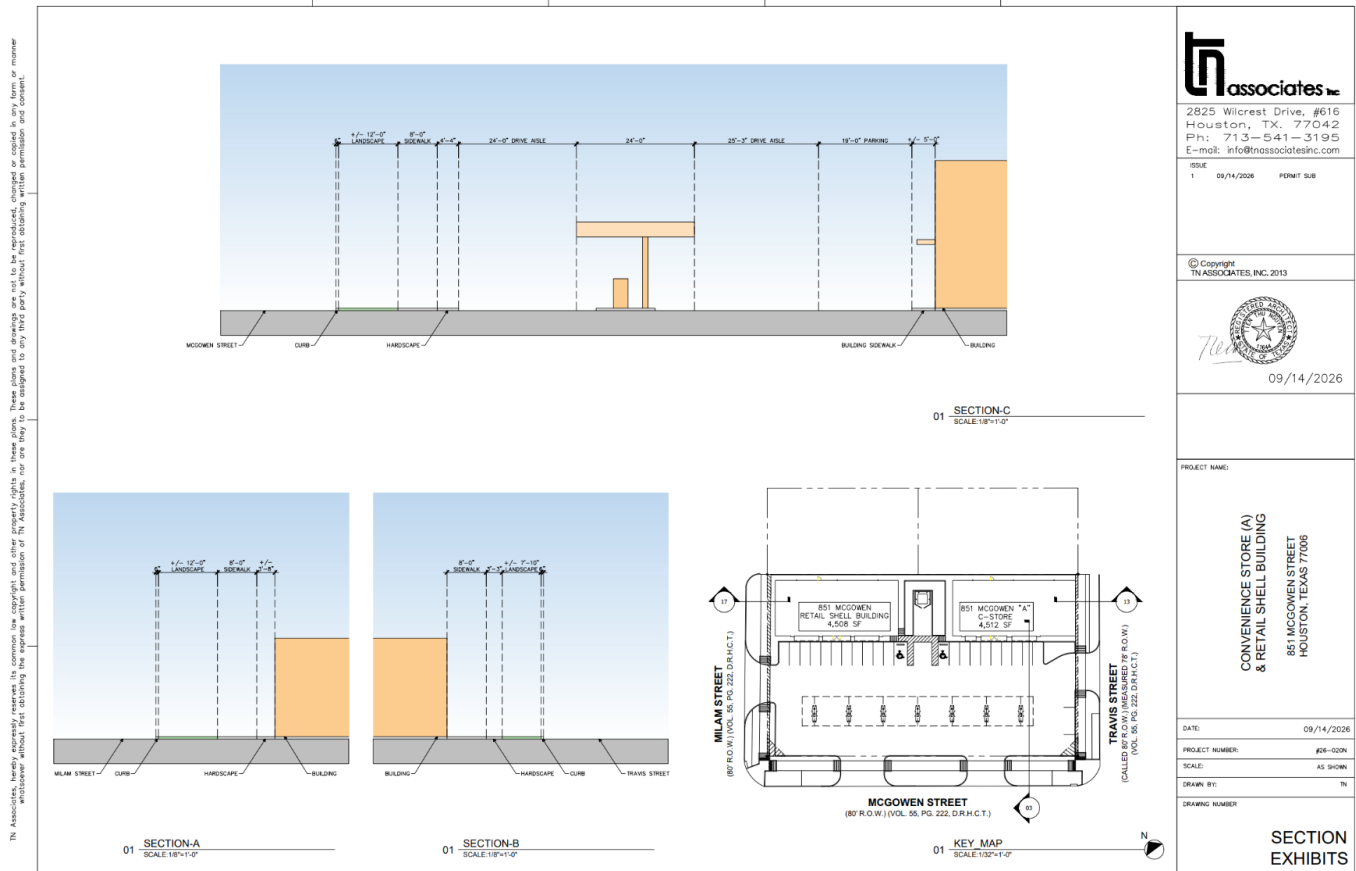
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Street Sections



DEVELOPMENT PLAT VARIANCE