CITY OF HOUSTON
Planning and Development Department

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October 23, 2026

DPV

NOTICE OF VARIANCE

PROJECT NAME: 403 Yorkchester Road
REFERENCE NUMBER: 26087637

Dear Property Owner:

The Planning and Development Department has received a development plat application with a variance request for a property located south of Memorial Drive and West of North Wilcrest Drive at the northwest intersection between Yorkchester Drive and Apple Tree Road. 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.

Michael Brooks, the applicant, has filed the request on behalf of the owner of the subject site. The applicant is requesting a 14-foot building line in lieu of the city ordinance 20-foot garage building line along Apple Tree Road, a local street, for a new single-family residence. 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, Nov. 12, 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.

Council Members: Amy Peck • Tarsha Jackson • Joe Panzarella • Carolyn Evans-Shabazz • Fred Flickinger • Tiffany D. Thomas • Mary Nan Huffman
Mario Castillo • Joaquin Martinez • Edward Pollard • Martha Castex-Tatum • Julian Ramirez • Willie Davis • Twila Carter • Alejandra Salinas • Sallie Alcorn
Controller: Chris Hollins

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, Michael Brooks, at 325-370-3358. You may also contact the Planning and Development Department regarding this notice via email at planning.variances@houstontx.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.

PLANNING & DEVELOPMENT DEPARTMENT

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Meeting Date: 11/12/2026

Houston Planning Commission

VARIANCE REQUEST APPLICATION

Applicant Company	Contact Person	Phone Number	Email Address
Partners In Building	Michael Brooks	325-370-3358	

Property Address	File Number	Zip Code	Lambert	Key Map	District
403 Yorkchester	26087637	77079	4857B	489F	G

HCAD Account Number(s): 0993320000069

Property Legal Description: LT 69 BLK 1 WILCHESTER WEST SEC 2

Property Owner of Record: Paige & Richard Fass

Acreage (Square Feet): 8,896

Width of Rights-of-Way: Yorkchester Drive: 60 ft.; Apple Tree Road: 60 ft.

Existing Paving Section(s): Yorkchester Drive: 27 ft.; Apple Tree Road: 27 ft.

Off-Street Parking Requirement: Two spaces

Off-Street Parking Provided: Two spaces

Landscaping Requirements: Complies

Landscaping Provided: Complies

Existing Structure(s) [type; sq. ft.]: 2,673 sq. ft.

Proposed Structure(s) [Type; sq. ft.]: 4,854 sq. ft.

Purpose of Variance Request: To request a 14-foot garage building line in lieu of the city ordinance 20-foot garage building line along Apple Tree Road, a local street, for a new single-family residence.

Chapter 42 Reference(s): Sec. 42-156. - Collector and local streets—Single-family residential.

(c) Notwithstanding the other provisions of this section, the building line requirement for a lot restricted to single-family residential use shall be 20 feet for a garage or carport facing the street, except as provided in subsection (b) of section 42-157 of this Code.

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APPLICANT'S STATEMENT OF FACTS

SUMMARY OF VARIANCE CONDITIONS (BE AS COMPLETE AS POSSIBLE): A variance on the garage setback is being requested due to constrictions the setback causes due to this lot size and location, being on the corner lot. It is being requested that the 20ft garage setback be reduced to 14' shown on the proposed site plan. The total distance from garage door to street curb will be 29ft. More than enough to allow for car parking.

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. An electronic copy of any supporting documentation reference within the "Applicant's Statement of Facts" should be emailed to the Planning Department at planning.variances@houstontx.gov.

(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

On this lot, being a corner lot, the garage setback represents a disproportionately large loss of useable site area given the current garage setback requirements. Strict compliance would constrain the property owner's ability to properly position the garage on the site without causing unavoidable constrictions on the architectural layout of the home as well as restricting the usability of the rear yard.

(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;

Strict application of the garage setback would create undue hardship by placing strict limitations for the design of the garage & house due to the parcel's physical dimensions and positioning in the community. Adhering to the current garage setbacks would greatly restrict the usability of the rear yard.

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

The hardship is not self-created because it results from the inherent physical characteristics of the property, specifically its limited lot size, dimensions, and configuration. The 20-foot garage setback requirement applies uniformly, but its impact is substantially greater on a small parcel because the setback consumes a disproportionate amount of the property's usable area.

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

The requested change to the garage building setback will not alter, defeat, or undermine the intent and general purpose of the ordinance chapter. The ordinance is intended to promote orderly development, protect neighboring properties, maintain appropriate separation between structures, preserve public health and safety, and ensure compatibility between residential uses. Granting a limited variance from the garage

setback requirement would continue to support these objectives. The requested variance is limited in scope and applies only to the placement of the garage on this particular property. It does not seek to eliminate the setback requirements generally or establish a different standard for other properties. The remaining applicable zoning requirements, building codes, fire-safety requirements, property-line requirements, drainage requirements, and other regulations would continue to apply.

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

The variance concerns only the location of the garage in relation to the required setback. It does not eliminate the requirement that the structure be constructed in accordance with applicable building and life-safety codes. The garage will remain appropriately designed and maintained, and the reduced setback will not create an unsafe condition for adjacent property owners or the public.

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

The hardship would exist regardless of the identity or financial circumstances of the property owner. If the property were transferred to another owner, the lot's dimensions, configuration, existing conditions, and applicable setback requirements would remain unchanged. Accordingly, the basis for the variance is a characteristic of the property itself rather than an economic condition personal to the applicant.

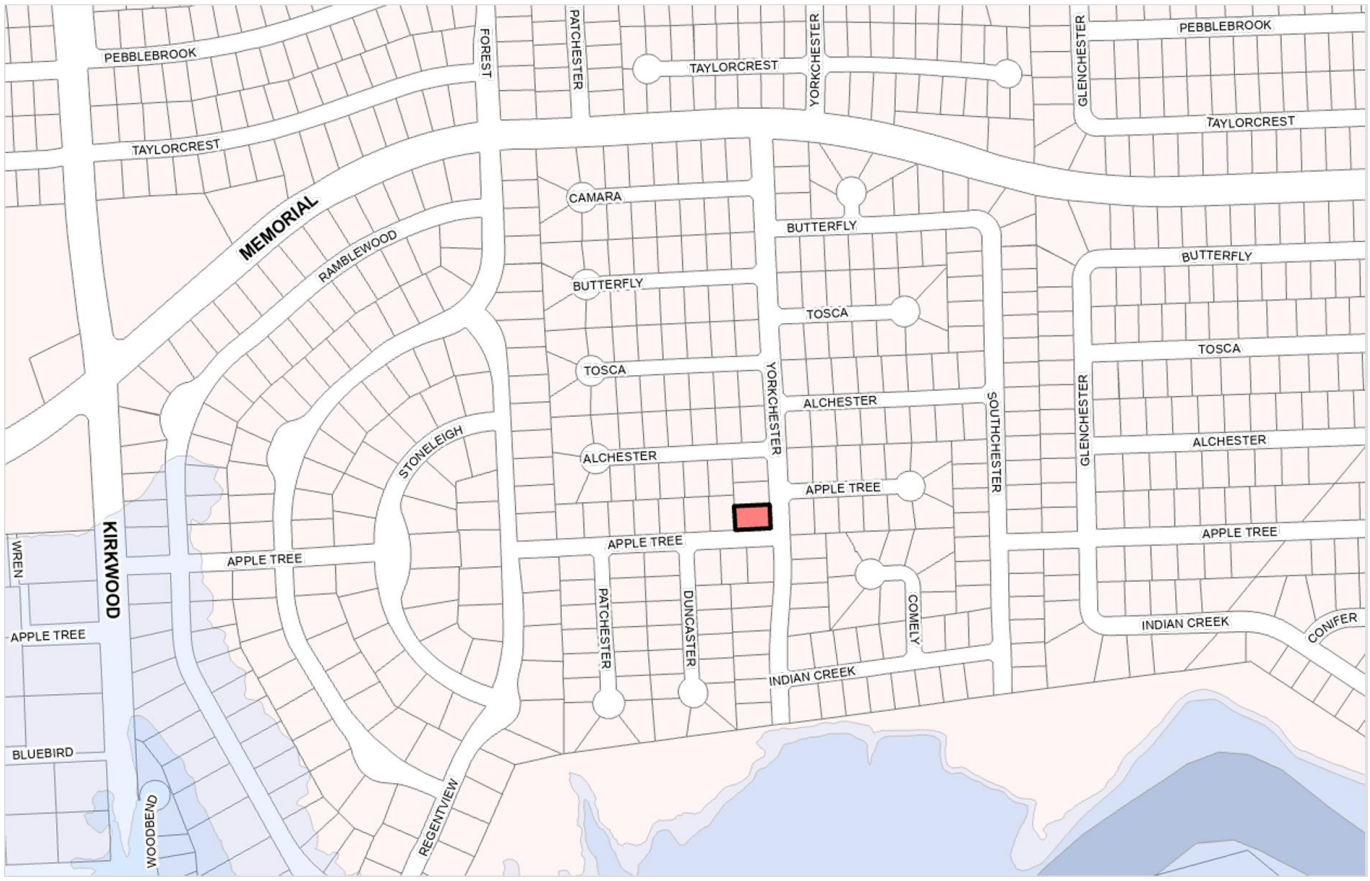
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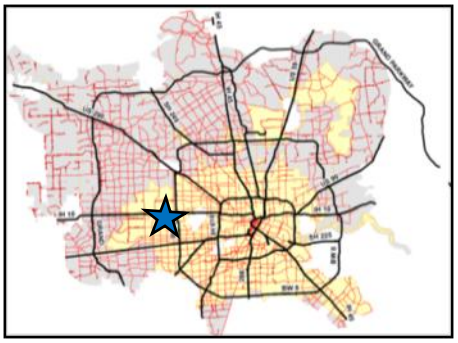
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Location Map



NORTH



DEVELOPMENT PLAT VARIANCE

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Aerial Map



DEVELOPMENT PLAT VARIANCE

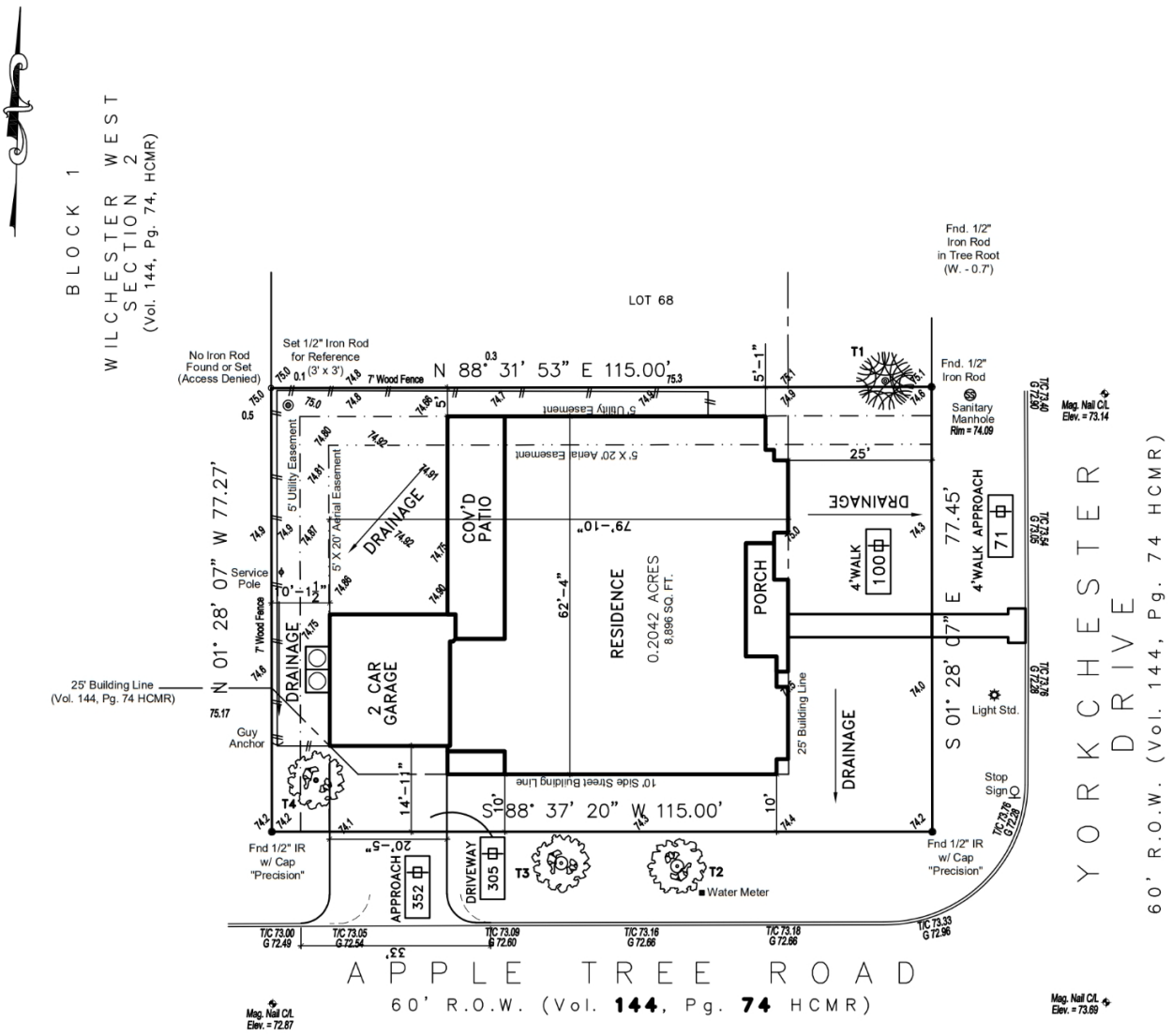
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Site Plan



DEVELOPMENT PLAT VARIANCE

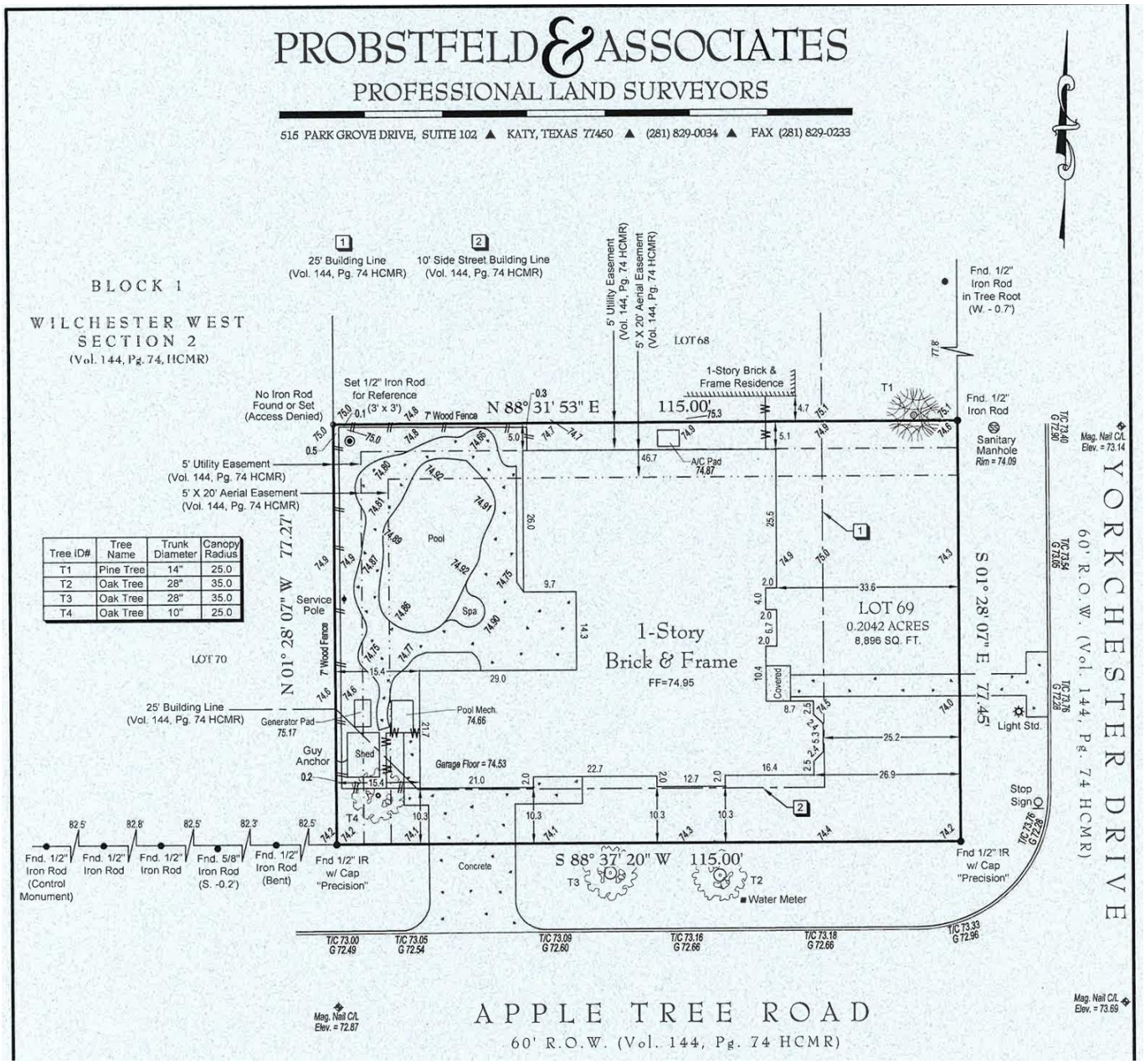
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Survey



DEVELOPMENT PLAT VARIANCE

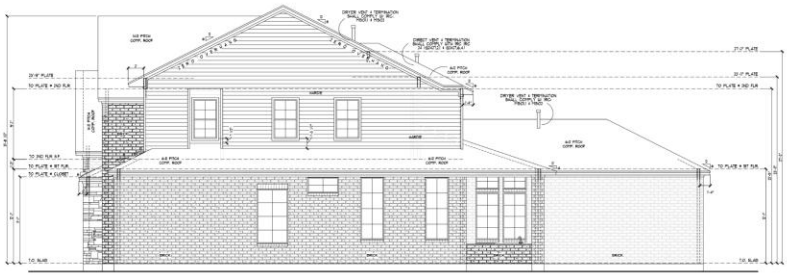
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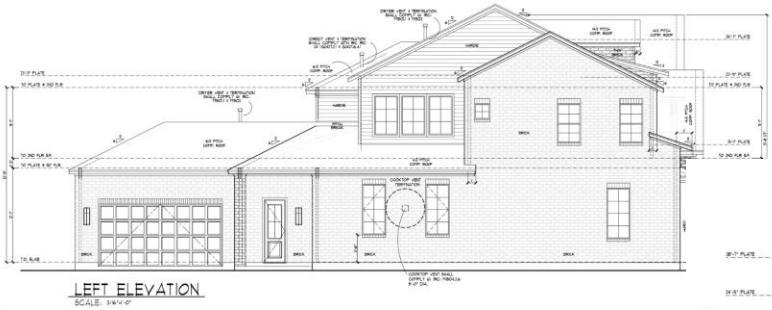
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Elevations









DEVELOPMENT PLAT VARIANCE