



Variance Request Approval (#25-000135)

WHEREAS, GORDON MICHAEL PATRICK & SIMONE PILIE GORDON (the “Owner”) owns a 0.18 acre tract of land (the “Property”) in the City of Dickinson, Texas (“the City”), with the Property being legally described as ABST 19 PERRY & AUSTIN SUR LOT 16 & E 5 FT LOT 15 FOX TRACE SUB, and with a street address of **4024 FATTA DR**, Dickinson, Texas, 77539, with the Property being more particularly depicted and described in “Exhibit A” and incorporated herein for all intents and purposes; and

WHEREAS, the Property presently has a zoning classification of General Residential (GR) pursuant to the comprehensive zoning ordinance of the City; and

WHEREAS, the Owner submitted an application for a variance to the City, which is attached hereto as Exhibit “B” and incorporated herein for all intents and purposes, was submitted as authorized by the City’s Code of Ordinances, Dickinson, Texas (the “Code”), and

WHEREAS, the Building Official reviewed the application and prepared a staff report, which is attached hereto as Exhibit “C” and incorporated herein for all intents and purposes; and

WHEREAS, the Board of Adjustment (the “Board”), after giving the proper notice of the public hearing as prescribed in Dickinson’s Code of Ordinances, held on this day the public hearing on the request for the variance; and

WHEREAS, at the public hearing the Board considered the application, the staff report, the relevant supporting materials and the public testimony given at the public hearing; and

WHEREAS, after the close of the public hearing and after considering the Applicant’s request, the Board made an affirmative finding that the variance meet the following criteria:

- (1) Special circumstances exist that are peculiar to the land or structure;
- (2) These special circumstances are not self-imposed or the result of the actions of the applicant;
- (3) Literal interpretation and enforcement of the terms and provisions of this chapter would cause an unnecessary and undue hardship;
- (4) Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice;
- (5) Such variance will not alter the essential character of the district in which it is located or the property for which the variance is sought;
- (6) Such variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the variance sought is located; and
- (7) The variance will not adversely affect the health, safety or welfare of the public.



NOW THEREFORE, BE IT ORDERED BY THE BOARD OF ADJUSTMENT OF THE CITY OF DICKINSON, TEXAS:

Section 1: That the facts and matters set forth in the preamble hereof are hereby found to be true and correct and are incorporated herein for all intents and purposes.

Section 2: That a variance, subject to the terms and conditions set forth below, is hereby granted:


- (1) from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal or accessory building shall not be closer than 25 feet to the water's edge of Subsec. 18-7.3. General Residential (GR) of the Unified Development Code (UDC) – with such variance allowing a setback of no closer than 14.0 feet to the water's edge.

Section 3: Nothing herein shall be construed as to authorize a variance from any other section of the Code and shall run with the land.

Section 4: That the variance granted herein shall take effect immediately from and after its passage by the Board. This variance is not intended to act as a building permit. If such a permit is required, Owner must apply for and obtain additional permitting.

Section 5: That the variance granted herein shall take effect immediately from and after its passage by the Board and shall become null and void in six months from the date hereof unless an application to commence construction of the improvements subject to the variance has been submitted to and approved by the City within such six-month period or unless an extension is granted by the Board prior to the expiration of the six-month period.

INTRODUCED, READ and PASSED by the affirmative vote of the Board of Adjustment of the City of Dickinson this 24TH DAY OF November 2025.


BOARD OF ADJUSTMENT, Chairman

ATTEST:



TRAVIS MOORE, Community Development
Manager/Chief Building Official



City of Dickinson
Community Development
4403 Highway 3, Dickinson, TX
281-337-6259





EXHIBIT “A” – SUBJECT PROPERTY



Zoning Variance

- VICINITY MAP -

4024 FATTA DR, approx. 0.18 acres, and legally described as ABST 19 PERRY & AUSTIN SUR LOT 16 & E 5 FT LOT 15 FOX TRACE SUB

-  Subject Property
-  General Residential (GR)
-  Neighborhood Conservation (NC)
-  Dickinson Bayou



The City of Dickinson Texas makes no warranty, representation, or guarantee regarding the accuracy of this map. This map is intended for display purposes only and does not replace official recorded documents.



City of Dickinson
Community Development
4403 Highway 3, Dickinson, TX
281-337-6259

EXHIBIT “B” – APPLICATION

APPLICATION OVERVIEW

License Type: Zoning Variance

ID # 25-000135 | Started October 29, 2025



Address

4024 Fatta St., Dickinson, TX USA 77539

Legal

Fox Trace Lot 15 & 16
SPerry & Austin 19

Description

Professionally install custom-built, gable-style designed, wood-framed attached elevated deck, footprint 17' wide by 11' deep. (patio cover 20' wide x 13' deep, includes 16" soffit overhangs on the sides and 24" soffit on the front). 260 SF. This is described in Residential Addition / Remodel Permit – Project 25-001109.

INFORMATION FIELDS

Galveston County Property ID:
164606

Address
4024 Fatta St, Dickinson, TX 77539

Legal Description
ABST 19 PERRY & AUSTIN SUR LOT 16 & E 5 FT LOT 15 FOX TRACE SUB

Number of Acres
0.18

Property Owner
GORDON MICHAEL PATRICK & SIMONE PILIE GORDON

Property Owner Address
[REDACTED]

Property Owner Phone
[REDACTED]

Property Owner Email
[REDACTED]

Proof of Ownership
4024 Fatta Dr _ Galveston CAD Property Search.pdf

Signatory Authorization
-

Agent Authorization
-

Current Zoning
General Residential "GR"

Current Use Type:
Residential

Current Use

Wooden Deck outside of kitchen

Proposed Use Type:

Residential

Proposed Use

Screened porch outside of kitchen

Code Requirement:

Sec. 18-66. - Rear yards: If a rear yard of any premises abuts a lake or waterway ..., the principal building shall not be closer than 25 feet to the water's edge.

Requested Variance:

50% variance, such that the principal building shall not be closer than 12.5 feet to the water's edge.

Describe your request:

The screened porch will be elevated on posts such that there will be 3-4 feet of clearance beneath the joists for potential water flow if the bayou level rises this high. Our house is located at the end of a cul-de-sac with limited acreage (0.19), and the screened porch deck will only extend 11' out beyond our kitchen.

Existing Site Plan

4024 Fatta Drive Survey.pdf

Proposed Site Plan

4024 Fatta Dr 250821 A1.pdf

Applicant Statement BOA

Applicant Statement BOA.pdf

Technical Studies

-

Additional Documents

Deck South View.jpeg

Board of Adjustment Public Hearing

-

TITLE COMPANY:

stewart

title guaranty company

DELIA JIMENEZ

281-332-3521

G.F. #:

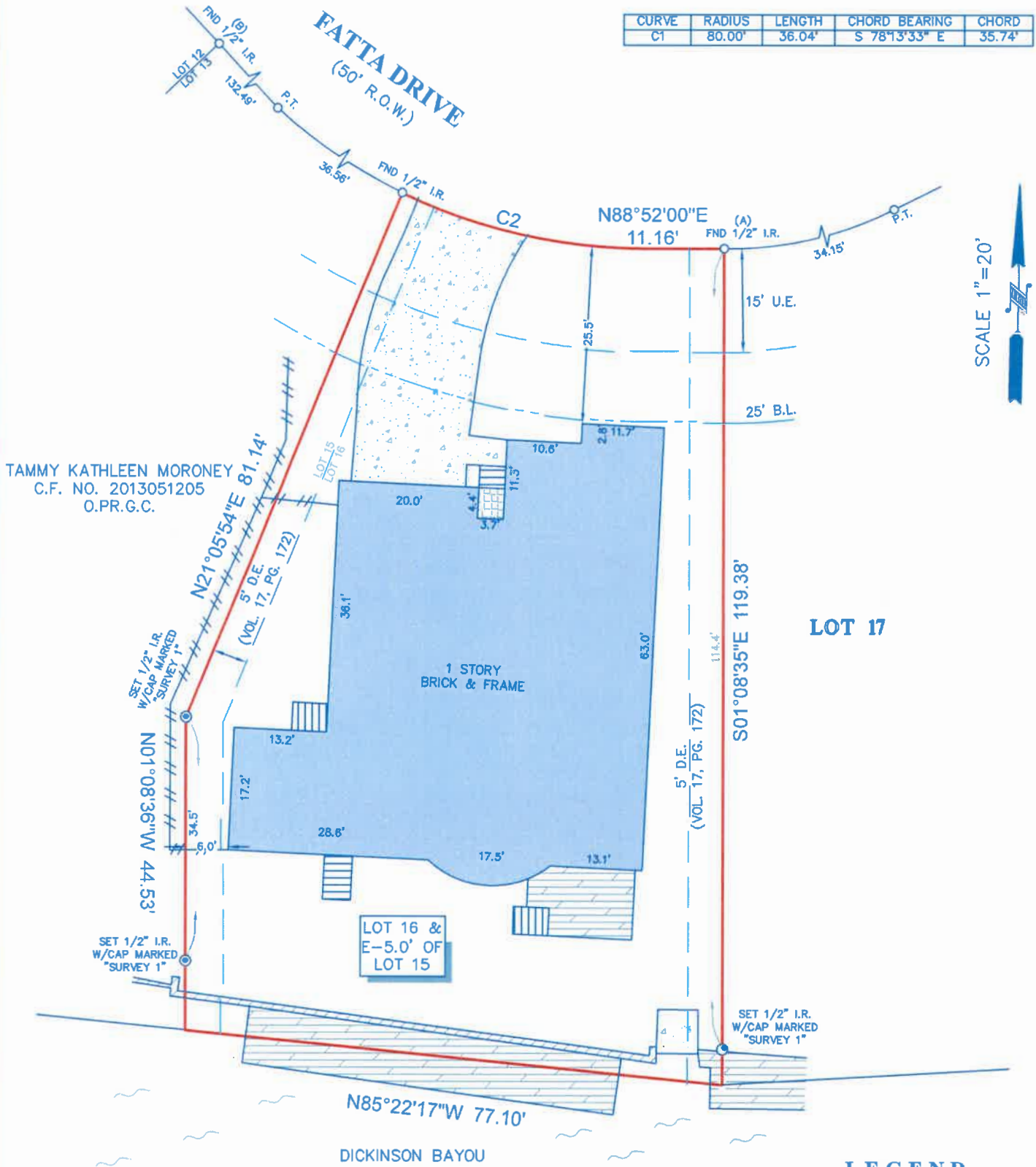
1229397

ISSUE DATE:

APRIL 29, 2021



| CURVE | RADIUS | LENGTH | CHORD BEARING | CHORD |
|-------|--------|--------|---------------|--------|
| C1 | 80.00' | 36.04' | S 78°13'33" E | 35.74' |



SCALE 1"=20'



TAMMY KATHLEEN MORONEY
C.F. NO. 2013051205
O.P.R.G.C.

LOT 17

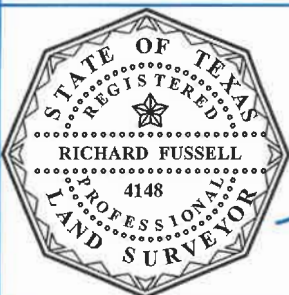
LEGEND

| | |
|--------------------------|---------------|
| B.L. = BUILDING LINE | STEPS |
| U.E. = UTILITY EASEMENT | WOOD DECK |
| D.E. = DRAINAGE EASEMENT | WOOD BULKHEAD |
| CONCRETE | FENCE |
| TILE | WOOD |
| WATER | |

NOTES:

1. ALL BEARINGS SHOWN HEREON ARE REFERENCED TO THE SUBDIVISION PLAT NAMED BELOW, POINTS (A) AND (B) WERE HELD FOR HORIZONTAL CONTROL.
2. ABSTRACT INFORMATION FOR THE SUBJECT TRACT WAS PROVIDED BY THE TITLE INSURANCE COMPANY LISTED ABOVE. SURVEYOR HAS NOT INDEPENDENTLY ABSTRACTED SUBJECT PROPERTY.
3. THIS SURVEY IS CERTIFIED TO THE TITLE INSURANCE COMPANY LISTED ABOVE FOR THIS TRANSACTION ONLY, IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
4. ALL EASEMENTS AND BUILDING LINES SHOWN ARE PER THE RECORDED PLAT UNLESS OTHERWISE NOTED.
5. THERE ARE NO NATURAL DRAINAGE COURSES ON SUBJECT PROPERTY.
6. SUBJECT TO THE RESTRICTIVE COVENANTS AS LISTED IN SCHEDULE B OF THE TITLE COMMITMENT ISSUED ON APRIL 29, 2021, UNDER G.F. NO. 1229397.

LEGAL DESCRIPTION: LOT 16 AND THE EAST 5.00 FEET OF LOT 15, OF FOX TRACE SUBDIVISION, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 17, PAGE 172, IN THE OFFICE OF THE COUNTY CLERK OF GALVESTON COUNTY, TEXAS.



SURVEYORS CERTIFICATE:
IN MY PROFESSIONAL OPINION, THIS PLAT REPRESENTS THE FACTS FOUND ON THE GROUND DURING THE COURSE OF A BOUNDARY SURVEY CONDUCTED UNDER MY SUPERVISION ON MAY 7, 2021 AND THAT THIS PLAT SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING; AND THAT THERE ARE NO ENCROACHMENTS OR PROTRUSIONS, EXCEPT AS SHOWN.

Richard O. Fussell
RICHARD O. FUSSELL
RPLS# 4148

CLIENT:

SIMONE PILIE GORDON AND MICHAEL PATRICK GORDON

ADDRESS:

4024 FATTA DRIVE

www.survey1inc.com
survey1@survey1inc.com

Survey 1, Inc.
Your Land Survey Company

Firm Registration No. 100758-00
P.O. Box 2543 | Alvin, TX 77512 | (281) 393-1382

FIELD CREW:

JJ

TECH:

SF

DRAFTER:

MC(V)

FINAL CHECK:

EF

DATE:

MAY 14, 2021

JOB#

5-96523-21

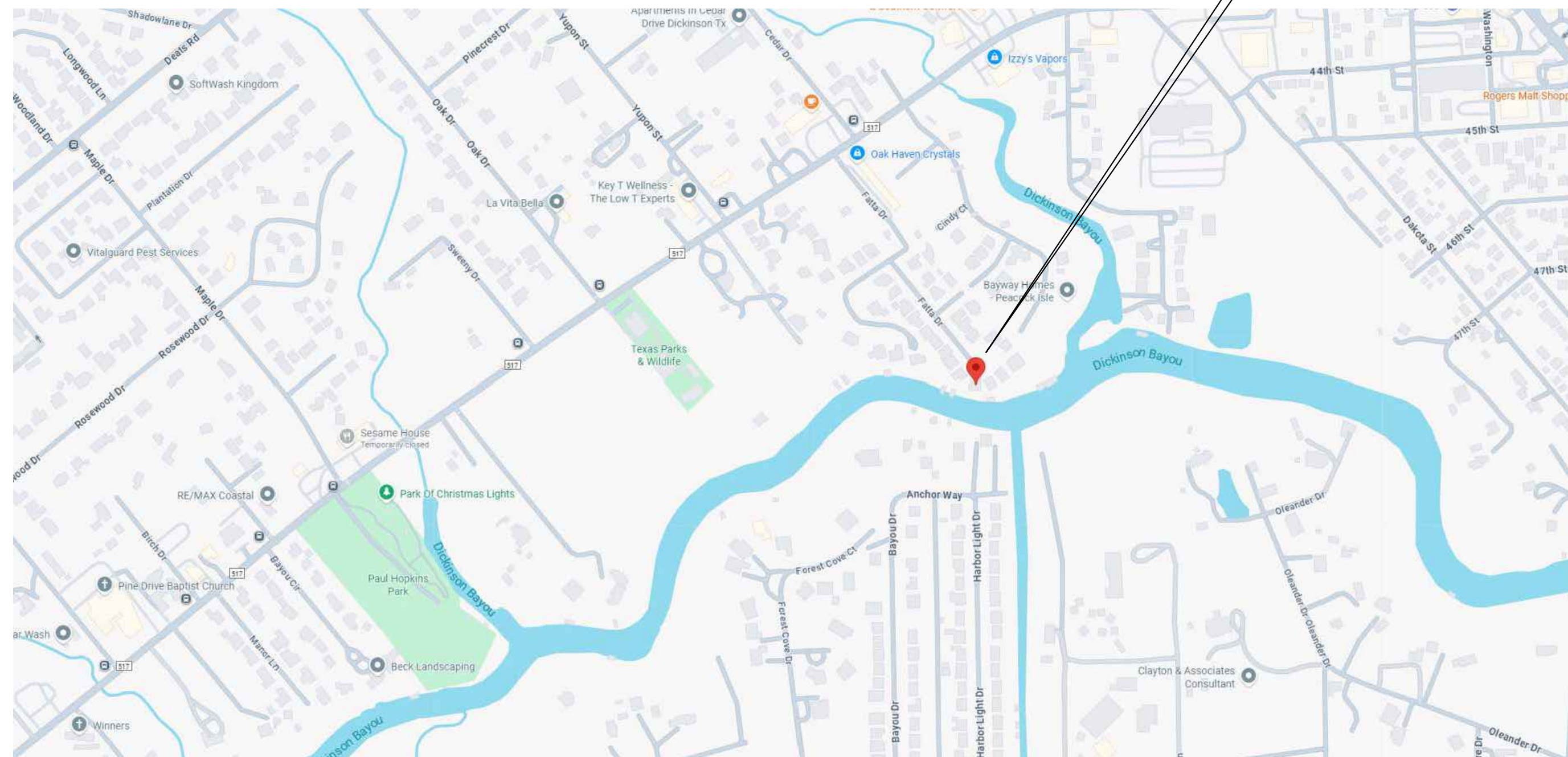
LEGEND

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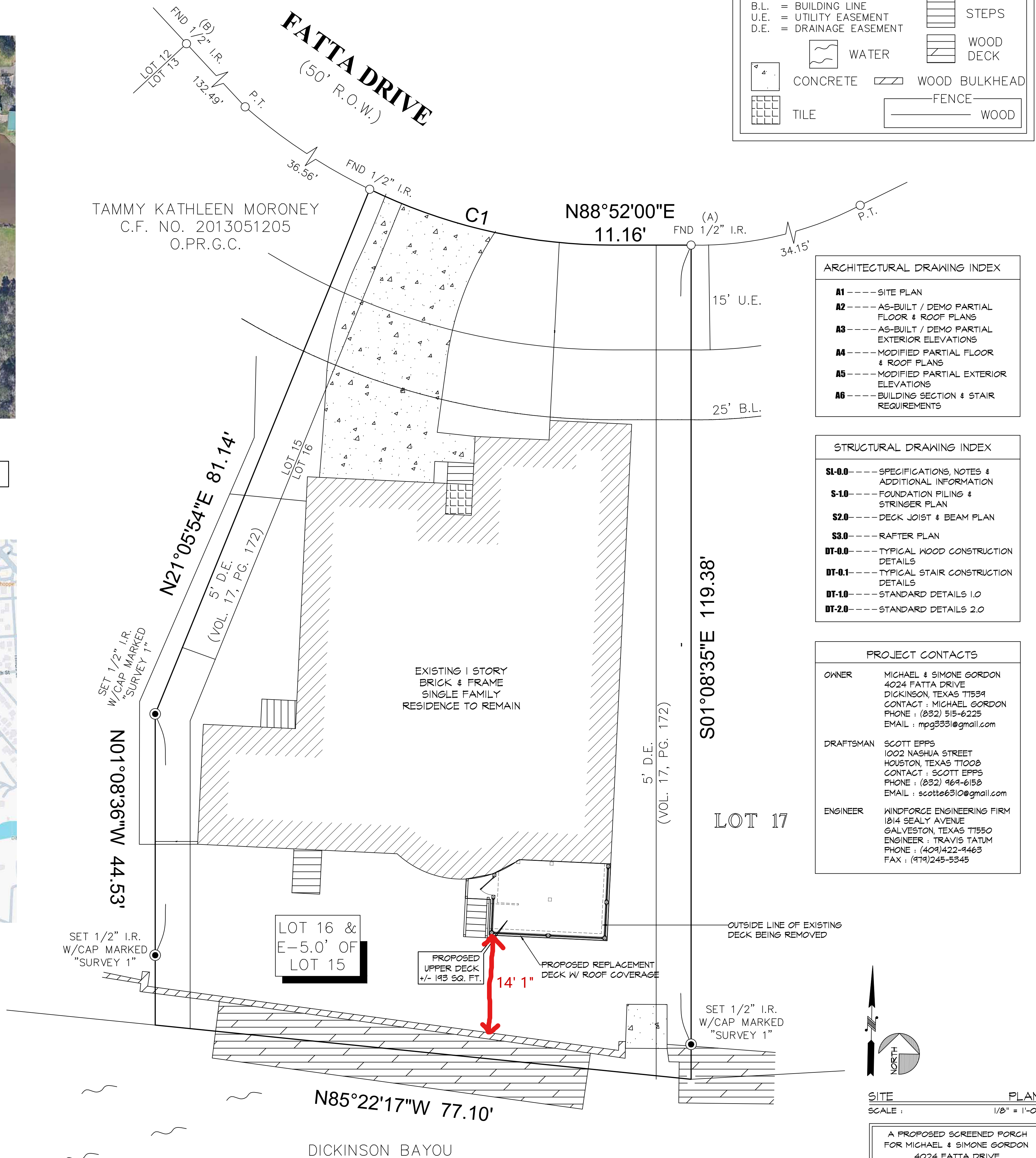


project location - satellite image

4024 fatta drive



project location - google maps



ARCHITECTURAL DRAWING INDEX

- A1 --- SITE PLAN
- A2 --- AS-BUILT / DEMO PARTIAL FLOOR & ROOF PLANS
- A3 --- AS-BUILT / DEMO PARTIAL EXTERIOR ELEVATIONS
- A4 --- MODIFIED PARTIAL FLOOR & ROOF PLANS
- A5 --- MODIFIED PARTIAL EXTERIOR ELEVATIONS
- A6 --- BUILDING SECTION & STAIR REQUIREMENTS

STRUCTURAL DRAWING INDEX

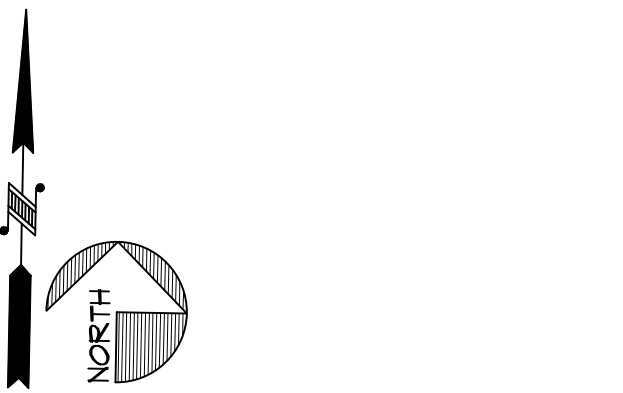
- SI-0.0 --- SPECIFICATIONS, NOTES & ADDITIONAL INFORMATION
- S-1.0 --- FOUNDATION PILING & STRINGER PLAN
- S2.0 --- DECK JOIST & BEAM PLAN
- S3.0 --- RAFTER PLAN
- DT-0.0 --- TYPICAL WOOD CONSTRUCTION DETAILS
- DT-0.1 --- TYPICAL STAIR CONSTRUCTION DETAILS
- DT-1.0 --- STANDARD DETAILS 1.0
- DT-2.0 --- STANDARD DETAILS 2.0

PROJECT CONTACTS

OWNER
MICHAEL & SIMONE GORDON
4024 FATTA DRIVE
DICKINSON, TEXAS 77534
CONTACT: MICHAEL GORDON
PHONE: (832) 515-6225
EMAIL: mpg333@gmail.com

DRAFTSMAN
SCOTT EPPS
1002 NASHUA STREET
HOUSTON, TEXAS 77008
CONTACT: SCOTT EPPS
PHONE: (832) 969-6158
EMAIL: scott663@gmail.com

ENGINEER
HINDFORCE ENGINEERING FIRM
1814 SEALY AVENUE
GALVESTON, TEXAS 77550
ENGINEER: TRAVIS TATUM
PHONE: (409)422-9463
FAX: (409)245-5345



SITE PLAN
SCALE: 1/8" = 1'-0"

A PROPOSED SCREENED PORCH FOR MICHAEL & SIMONE GORDON
4024 FATTA DRIVE
DICKINSON, TEXAS 77534

DATE: 8-4-2025
SHEET: **A1** OF 6

issued for permits & construction

TAMMY KATHLEEN MORONEY
C.F. NO. 2013051205
O.P.R.G.C.

FATTA DRIVE
(50' R.O.W.)

EXISTING 1 STORY
BRICK & FRAME
SINGLE FAMILY
RESIDENCE TO REMAIN

LOT 16 &
E-5.0' OF
LOT 15

PROPOSED
UPPER DECK
+/- 143 SQ. FT.

PROPOSED REPLACEMENT
DECK W/ ROOF COVERAGE

OUTSIDE LINE OF EXISTING
DECK BEING REMOVED

N85°22'17"W 77.10'

DICKINSON BAYOU

N88°52'00"E
11.16'

S01°08'35"E 119.38'

LOT 17

N01°08'36"W 44.53'

SET 1/2" I.R.
W/CAP MARKED
"SURVEY 1"

SET 1/2" I.R.
W/CAP MARKED
"SURVEY 1"

SET 1/2" I.R.
W/CAP MARKED
"SURVEY 1"

N21°05'54"E 81.14'

5' D.E.
(VOL. 17, PG. 172)

5' D.E.
(VOL. 17, PG. 172)

LOT 12
LOT 15
FND 1/2" I.R.
132.49'

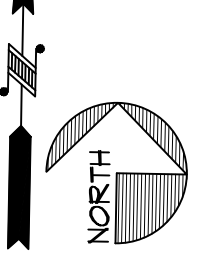
FND 1/2" I.R.
36.56'

FND 1/2" I.R.
34.15'

C1

15' U.E.

25' B.L.



Applicant Statement BOA – Revised 11/12/2025

4024 Fatta Dr, Dickinson, TX 77539

This project consists of replacing an existing deck outside our kitchen door with a screened porch to protect us from mosquitos and to provide rain protection. The screened porch will only extend away from the house by one more foot that the existing deck. The screened porch will be at the same elevation as our house floor and will be elevated on 6” x 6” posts, with a clearance below the floor joists varying from 3 to 4 feet such that water flow from a potential rise in the bayou will pass beneath the porch.

The 50% variance request for the requirement of 25 feet spacing between the principal building and the water’s edge is necessary because the house, with only 2506 square feet living space, was built on a small lot (0.19 acres) at the end of a cul-de-sac and there is no other location to build the screen porch.

We have reviewed the Specific Review Criteria for a Variance in Section 18-40.1(b) of the Dickinson, TX Unified Development Code, and affirm that each of these 9 criteria are met, as listed below:

(1) Common Review Criteria. The requests meet all applicable universal review criteria as denoted in Table 18-36.7.-1, Common Review Criteria;

The only variance requested is for a 50% reduction to the 25-foot rear setback to the water's edge, and we know of no exceptions to the Common Review Criteria in Table 18-36.7.1.

The construction will have no effect on any area plans, utility plans, or improvement plans.

This construction project will not affect the public health and safety or general welfare of future residents, citizens, or inhabitants of the city. The following criteria are not affected: adequate light and air; safety from fire, flood, disasters; overcrowding; congestion in streets; adequate transportation, water, sewer, schools, parks; protection of environment including trees and vegetation, floodplains, stream corridors, scenic views, and land development.

The Quality of Life is not affected. The following criteria are not affected: city’s appearance; population concentration; property blight or depreciation; or character of the residential neighborhood.

Economic Development, Fiscal and Functional Health, Clear Regulations and Processes, and a Comprehensive Plan are not applicable in this residential neighborhood.

The general character of the neighborhood will be unaffected by the addition of this screened porch.

(2) Special Circumstances. Special circumstances exist that are peculiar to the land or structure;

The special circumstance is that our house, with only 2506 square feet living space, was built on a small lot (0.19 acres) at the end of a cul-de-sac and there is no other location on our lot to build the screen porch.

(3) Not Self-Imposed. These special circumstances are not self-imposed or the result of the actions of the applicant;

The house was built on this lot before we purchased it in 2021, and we have done nothing to create the special circumstances noted above.

(4) Unnecessary and Undue Hardship. Literal interpretation and enforcement of the terms and provisions of this UDC would cause an unnecessary and undue hardship;

The only way to protect us from mosquitos and to provide rain protection above the existing deck is to replace it with a screened porch with roof. The new screened porch will be only one foot closer to the water's edge than the existing deck.

(5) Minimum Relief Necessary. Granting the Variance is the minimum relief necessary to make use of the land or structure that is not contrary to the public interest and which would carry out the spirit of this UDC and would result in substantial justice;

This screened porch will be located where the distance from our house to the water's edge is the greatest. Multiple nearby properties have boat sheds that are built right at the water's edge.

(6) Will Not Alter Character. Such Variance will not alter the essential character of the district in which it is located or the property for which the Variance is sought;

The screened porch will be built with pressure treated wood like other decks on nearby properties. The screened porch roof and eaves will be built to match the existing house roof and eaves and comparable to neighboring houses.

(7) Will Not Authorize Use. Such Variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the Variance is sought is located;

This variance does not authorize any new use of the property.

(8) Will Not Authorize Smaller Lot than Required. Such Variance will not authorize a lot that is smaller or narrower than required in this UDC; and

This variance does not authorize any change to the lot size.

(9) Not Detrimental to Public. The Variance will not adversely affect the health, safety, or welfare of the public.

This variance does not affect the health, safety, or welfare of the public.

Sincerely,

Michael and Simone Gordon



City of Dickinson
Community Development
4403 Highway 3, Dickinson, TX
281-337-6259

EXHIBIT “C” – STAFF REPORT



Board of Adjustment
Variance Request
11/24/2025
Staff Report

Application: #25-000135

Request: The applicant is requesting a variance from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal or accessory building shall not be closer than 25 feet to the water's edge of Subsec. 18-7.3. General Residential (GR) of the Unified Development Code (UDC) – with such variance allowing a setback of no closer than 14.0 feet to the water's edge.

Applicant: Michael Gordon

Owner: GORDON MICHAEL PATRICK & SIMONE PILIE GORDON

Subject Property: Approximately ± 0.18 acres for Parcel ID: 164606 and registered address known as **4024 FATTA DR**, Dickinson, Galveston County, Texas and legally described as ABST 19 PERRY & AUSTIN SUR LOT 16 & E 5 FT LOT 15 FOX TRACE SUB.

Parcel Information:

Zoning: General Residential (GR)

Use: Residential

Surrounding Properties Information:

North: General Residential (GR)

West: General Residential (GR)

East: General Residential (GR)

South: Neighborhood Conservation (NC)

Background:

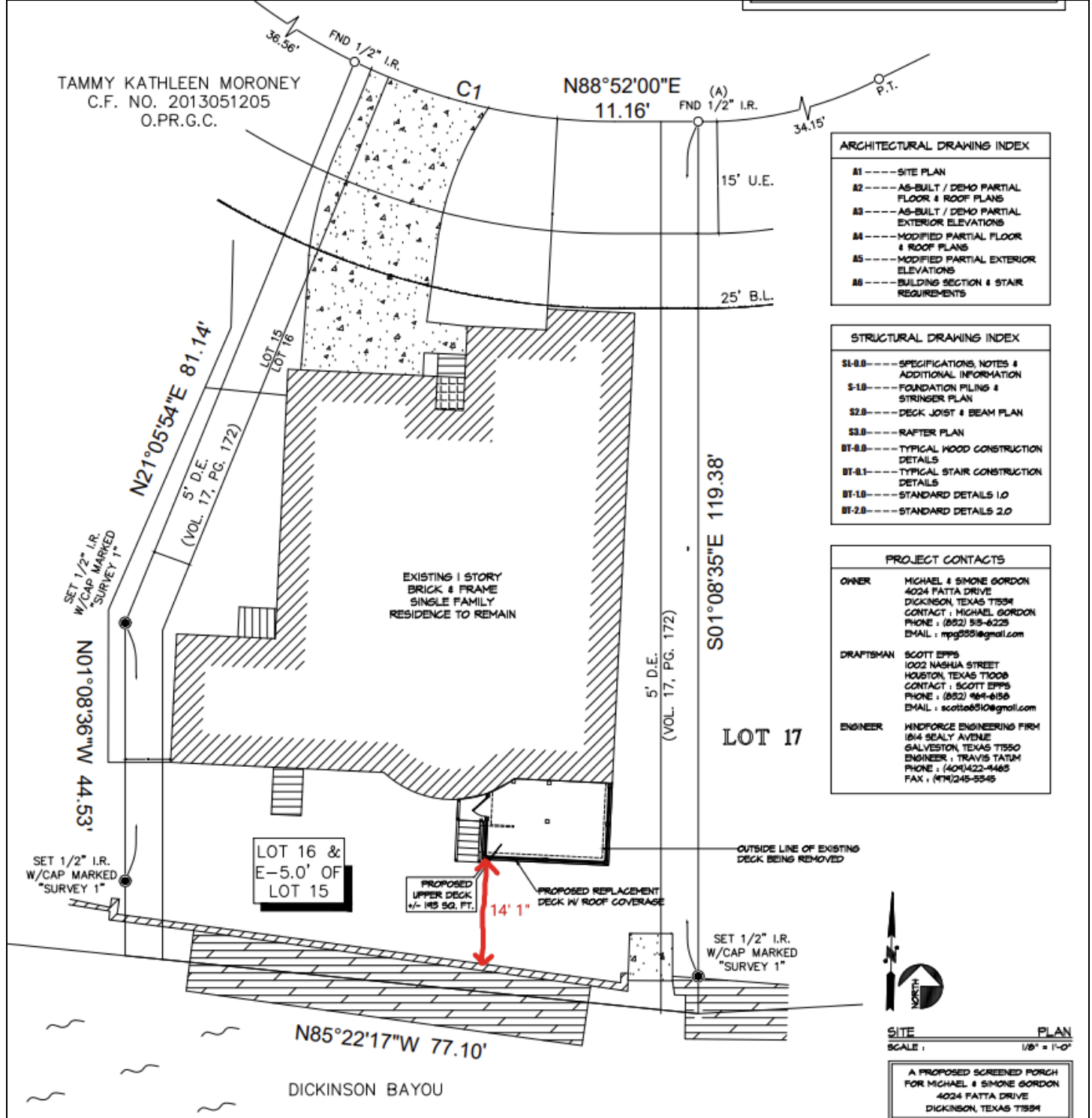
The purpose of the requested variance is to permit the property owner, GORDON MICHAEL PATRICK & SIMONE PILIE GORDON to expand the existing wood-framed attached elevated deck that is approximately 14.1 feet from the water's edge. Figure "A" shows the section from the UDC that the variance is being requested and Figure "B" the Annotated Survey for the proposed addition.



Figure A:

| Table 18-7.3.-2, GR Lot, Building Placement, and Height | | | |
|---|---------------------------|---|-------------------|
| | | Base | Infill or Cluster |
| Accessory Building | | | |
| | Setbacks (minimum) | | |
| I | <i>- Front and Corner</i> | Accessory buildings shall not be located in the front or corner setback | |
| J | <i>- Alley</i> | 5 ft. | 3 ft. |
| K | <i>- Side</i> | 5 ft. | 3 ft. |
| L | <i>- Rear²</i> | 8 ft. | 5 ft. |
| M | Height (maximum) | 16 ft. | 16 ft. |
| <p>Table Notes:</p> <p>1. Refer to Sec. 18-13., <i>Limited Use Standards</i>, for side setback requirements and other standards related to Patio Homes and Conventional Attached Homes.</p> <p>2. If a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal or accessory building shall not be closer than 25 feet to the water's edge. Refer to Sec. 18-15., <i>Accessory Use Standards</i>, for additional provisions.</p> | | | |

Figure B:





In order to approve an application for a variance, the Board of Adjustment shall make an affirmative finding that each of the following criteria are met:

(1) Special circumstances exist that are peculiar to the land or structure.

This property is located adjacent to the Dickinson Bayou, just as many other properties in Dickinson also abut a bayou or other waterway. This lot is located in a Cul-de-Sac, and the primary residence is built up to the front 25' setback as defined by the original plat. The original plat was recorded in 1984, likely before the development regulation of requiring a rear setback of 25' from the water's edge. Records show this primary residence was built in 2006 and does meet the setback requirements of our ordinances at that time, however the added deck does not.

(2) These special circumstances are not self-imposed or the result of the actions of the applicant.

The special circumstances may be self-imposed or the result of the actions of the applicant. The existing deck is considered a non-conforming structure per the *UDC Sec. 18-43. Types of Nonconformities (b) Nonconforming Structures* and can continue to exist as is. *Sec. 18-43 (b)(2) a. Repair, Maintenance, Alteration and Enlargement* states that any nonconforming structure may be repaired, maintained, altered, or enlarged; however, no such repair, maintenance, alteration, or enlargement shall create any new nonconformity or increase the degree of the existing nonconformity of all or any part of such structure. The proposed structure would increase the degree of the existing nonconformity by reducing the setback from the water's edge.

(3) Literal interpretation and enforcement of the terms and provisions of this UDC would cause an unnecessary and undue hardship.

Literal interpretation and enforcement of the terms and provisions of this chapter would not cause an unnecessary and undue hardship. The property as is has an existing attached and elevated rear deck that provides access to/from the rear door. Additionally, there is approximately 5 feet of buildable area behind the home for a landing/stairs for access to the rear door before it would start encroaching on the 25' rear setback.

(4) Granting the Variance is the minimum relief necessary to make use of the land or structure that is not contrary to the public interest and which would carry out the spirit of this UDC and would result in substantial justice.

Obtaining a variance is required to allow for the proposed expansion of the elevated deck. This land has an existing use that is in compliance with the current zoning and this variance is only for a desired expansion or improvement, not a necessity for basic use.

(5) Such Variance will not alter the essential character of the district in which it is located or the property for which the Variance is sought.

The proposed variance may alter the essential character of the district or the property in which it is located. There is minimal impact to the adjacent residential neighborhood, however the size of the home covers ~38% of the lot and results in less rear yard than adjacent properties.

(6) Such Variance will not authorize a use other than those uses specifically authorized for the district in which the property for which the Variance is sought is located.

The requested variance will not change the use of the property. The property is zoned General Residential (GR). The applicant is proposing to expand their existing wood-framed attached elevated deck which is a permitted use.



(7) Such Variance will not authorize a lot that is smaller or narrower than required in this UDC.

The variance would not change the dimensions of the lot, but rather decrease the setback requirement for where to build the accessory structure.

(8) The Variance will not adversely affect the health, safety, or welfare of the public.

The variance being sought by the applicant will not adversely affect the health, safety or welfare of the public. All proposed development will be required to meet current adopted codes and ordinances of the City of Dickinson.

Staff Recommendation:

Staff recommends **Approval** concerning the proposed variances from the from the minimum requirement stating if a rear yard of any premises abuts a lake or waterway or abuts upon a common area that adjoins a lake or waterway, the principal or accessory building shall not be closer than 25 feet to the water's edge of Subsec. 18-7.3. General Residential (GR) of the Unified Development Code (UDC) – with such variance allowing a setback of no closer than 14 feet to the water's edge for approximately ± ± 0.18 acres for Parcel ID: 164606 and registered addresses known as **4024 Fatta Dr**, Dickinson, Galveston County, Texas and legally described as ABST 19 PERRY & AUSTIN SUR LOT 16 & E 5 FT LOT 15 FOX TRACE SUB.