



City of La Porte Zoning Board of Adjustment Agenda

Notice is hereby given of a **Special Called Meeting** of the La Porte Zoning Board of Adjustment to be held on **Wednesday, October 14, 2015, at 6:00 p.m.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order.
2. Roll call of members.
3. Consider approval of meeting minutes: February 26, 2015 and May 28, 2015.
4. A public hearing will be held to consider Variance Request 15-93000010, a request by Christopher Thebeau for the property located at 1703 Roscoe to allow foundation repair to an existing carriage house that encroaches 12.7' into the front setback contrary to the provisions of Section 106-333 of the city's Code of Ordinances which requires a minimum 25 foot front setback.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
5. A public hearing will be held to consider Variance Request 15-93000009, a request by the City of La Porte's Parks and Recreation Department for the property located at 402 N. 5th Street (Martin Luther King Jr. Park) to allow construction of a 4' high ornamental iron fence along the north property line within the front yard contrary to the provisions of Section 106-522 of the city's Code of Ordinances which prohibits fencing in the front yard.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
6. A public hearing will be held to consider Variance Request 15-93000011, a request by Mark Follis for the property located at 116 S. Broadway to allow construction of a residential/commercial building on a lot zoned Main Street (MS) District that is setback 0' from the front property line and 0' from the side (north) property line contrary to the provisions of Section 106-443 of the city's Code of Ordinances that requires a front setback equal to the average of all structure on the block and a 5' side setback; and a detached garage that is 3' from the rear property line and 0' from the north (side) property line contrary to the provisions of Section 106-741 which requires a 20' rear setback and a 5' side setback.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
7. Administrative reports.
8. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
9. Adjourn.

A quorum of City Council members may be present and participate in discussions during this meeting. However, no action will be taken by the Council.

In compliance with the Americans with Disabilities Act, The City of La Porte will provide for reasonable accommodations for persons attending public meetings. To better serve attendees, requests should be received 24 hours prior to the meetings. Please contact Patrice Fogarty, City Secretary, at 281-470-5019.

CERTIFICATION

I certify that a copy of the Wednesday, October 14, 2015 agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____, 2015.

Title: _____

**Zoning Board of Adjustment
Minutes of February 26, 2015**

Board Members Present: Charles Schoppe, Chester Pool, T.J. Walker, Nettie Warren (Alt 1), and Doug Martin (Alt 2)

Board Members Absent: Lawrence McNeal and Rod Rothermel

City Staff Present: Planning and Development Director Tim Tietjens, Assistant City Attorney Clark Askins, and Office Coordinator Peggy Lee

1. Call to Order.

Vice-Chairman Charles Schoppe called the meeting to order at 6:00 p.m.

2. Roll call of members.

Board Members Charles Schoppe, Chester Pool, T.J. Walker, Nettie Warren (Alt 1), and Doug Martin (Alt 2) were present.

3. Consider approval of meeting minutes: January 22, 2015.

Motion by TJ Walker to approve the minutes of January 22, 2015.

Second by Doug Martin. Motion Carried.

Ayes: Pool, Walker, Warren, Martin, and Schoppe

Nays: None

4. A public hearing will be held to consider Variance Request #15-9300001, a request by Gerry and Tammy Lehew, owner of the property located at 10813 Houston Drive, further described as Lots 347-352, Block 8, Battleground Estates Section 2. The applicant is seeking approval of a variance to allow construction of a 1,800 square foot accessory building contrary to the provisions of Section 106-741 of the Code of Ordinances.

Vice-Chairman Schoppe opened the public hearing.

A. Staff Presentation

Planning and Development Director Tim Tietjens presented staff's report on a variance request by Gerry and Tammy Lehew to allow construction of an 1,800 square foot accessory building on the property located at 10813 Houston Drive, Battleground Estates Subdivision. The requested building exceeds the 1,000 maximum allowed square feet of floor area by 800 feet.

Mr. Tietjens confirmed that all requirements for public hearing notification had been met.

B. Applicant Presentation

Vice-Chairman Schoppe swore in the applicant, Gerry Lehew, 10813 Houston Dr. Mr. Lehew's 11-year old daughter has aspirations of playing softball in college and hopes to participate in the Olympics. The size of the requested building is needed to have enough room to construct an indoor pitching and batting tunnel that can be used for practice during inclement weather. Mr. Lehew shared with the Commission, photos of his property that showed an existing garage built by Whirlwind, the contractor he intends to use to construct the new building. Once the facility is no longer needed for practice, the building will be used for boat and vehicle storage.

C. Public Comments

Vice-Chairman Schoppe swore in Clarence Boyer, 817 Mossey. Mr. Boyer reported his home was built in 1981 and had never experienced flooding until after the Lehew's built their home. Mr. Boyer also noted properties at 811 and 823 Mossey have flooded since the Lehew's home was built. Mr. Boyer believes installation of a ditch, which was previously discussed with Mr. Lehew, would improve drainage in the area.

D. Question and Answer

Staff responded to questions from the Board.

Motion by Doug Martin to approve Variance Request #15-9300001, as amended by Chester Pool, to allow construction of a 1,800 square foot accessory building at 10813 Houston Dr. with the condition there be a grade cut across the east side of the property line to help improve drainage along Mossey Lane.

Second by Chester Pool. Motion Carried.

Ayes: Pool, Walker, Martin, and Schoppe

Nays: Warren

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

- 5. A public hearing will be held to consider Variance Request 15-9300002, a request by DR Horton, owner of the property located at 89 Birdie Lane, further described as Lot 45, Block 2, Lakes at Fairmont Greens Section 1. The applicant is seeking approval of a variance to allow construction of a new single family residential house that encroaches 0.5 feet into the required 15-foot rear setback contrary to the provisions of Section 106-333 of the Code of Ordinances.**

Vice-Chairman Schoppe opened the public hearing.

A. Staff Presentation

Planning and Development Director Tim Tietjens presented staff's report on a variance request by DR Horton to allow construction of a new single family residential house that encroaches 0.5 feet into the required 15-foot rear setback at 89 Birdie Lane.

Mr. Tietjens confirmed that all requirements for public hearing notification had been met.

B. Applicant Presentation

Vice-Chairman Schoppe swore in Lori Evans, 1012 Autumn Brook St., Seabrook, TX, with DR Horton Homes. Ms. Evans represented the prospective buyer who, with the new home construction, would like to have a covered patio that would encroach 0.5 foot into the required rear setback area.

Charles Schoppe commented he would rather the plans be revised to reduce the patio length by six inches than grant a variance.

Ms. Evans stated she had presented that option to her corporate office and it was determined the plans would have to be re-engineered, at an additional cost.

C. Public Comments

There were no comments from the public.

D. Question and Answer

There were no questions.

Motion by Doug Martin to approve Variance Request #15-9300002 allowing construction of a new single family residential house that encroaches 0.5 foot into the required 15-foot rear setback at the property located at 89 Birdie Lane.

Second by Nettie Warren. Motion Carried.

Ayes: Martin, Walker, Warren, and Schoppe
Nays: Pool

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

6. Administrative Reports

There were no Administrative Reports.

7. Board comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy.

There were no comments from the Board.

8. Adjourn

Motion by Charles Schoppe to adjourn.

Second by Nettie Warren. Motion carried.

Ayes: Pool, Walker, Warren, Martin, and Schoppe

Nays: None

Vice-Chairman Schoppe adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2015.

Charles Schoppe
Vice-Chairman, Zoning Board of Adjustment

**Zoning Board of Adjustment
Minutes of May 28, 2015**

Board Members Present: Rod Rothermel, Charles Schoppe, T.J. Walker, and Nettie Warren (Alt 1)

Board Members Absent: Lawrence McNeal, Chester Pool, and Doug Martin (Alt 2)

City Staff Present: City Planner Eric Ensey, Assistant City Attorney Clark Askins, and Office Coordinator Peggy Lee

1. Call to Order.

Chairman Rod Rothermel called the meeting to order at 6:00 p.m.

2. Roll call of members.

Board Members Charles Schoppe, Chester Pool, T.J. Walker, and Nettie Warren (Alt 1) were present.

3. A public hearing will be held to consider Variance Request 15-93000004, a request by Oakland Land and Development for the property located at 605 S. 16th Street to allow construction of a metal office/warehouse building that is 3' from the side (north) property line contrary to the provisions of Section 106-522 of the city's Code of Ordinances which requires a minimum 10 foot side setback in the LI, Light Industrial, district.

Chairman Rothermel opened the public hearing.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Oakland Land and Development to allow construction of a new office/warehouse building three feet (3') from the side (north) property line, encroaching seven feet (7') into the side setback at 605 S. 16th Street.

Mr. Ensey confirmed that all requirements for public hearing notification had been met.

b. Applicant Presentation

Chairman Rothermel swore in the applicant, Bill Campbell, ACW Design and Construction, consultant for Oakland Land and Development. Mr. Campbell stated the variance is needed because the narrowness of the drive-thru will make it difficult for larger trucks to access the truck bays.

c. Public Comments

Chairman Rothermel swore in Alan Ward. Mr. Ward explained there would not be an encroachment issue had the subject property been located several blocks away in a General Commercial zone; therefore he would be in favor of allowing the encroachment.

d. Question and Answer

There were no questions.

Motion by Nettie Warren to approve Variance Request #15-93000004, allowing construction of a new metal office/warehouse facility to be located three feet (3') from the side (north) property line at 605 S. 16th Street with the condition that all applicable fire rating requirements be met.

Second by Charles Schoppe. Motion Carried.

Ayes: Rothermel, Schoppe, Walker, and Warren (Alt 1)
Nays: None

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

- 4. A public hearing will be held to consider Variance Request #15-93000005, a request by Oakland Land and Development for the property located at 211 N. 11th Street to allow construction of a driveway that is 15 feet from the intersection of Adams Street and N. 12th Street (unimproved right-of-way) contrary to the provisions of Section 106-835, Figure 10-3 of the city's Code of Ordinances which requires a minimum 40 foot distance between a driveway and ROW intersection.**

Chairman Rothermel opened the public hearing.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Oakland Land and Development to allow construction of a driveway that is fifteen feet (15') from the intersection of Adams Street and the unimproved right-of-way of N. 12th Street. This request is associated with a one-story, 5,000 square foot metal office/warehouse building. Mr. Ensey noted the City has no plans to improve the N. 12th Street right-of-way and there is a cemetery located to the west of the property with grave sites located within the N. 12th Street right-of-way.

Mr. Ensey confirmed that all requirements for public hearing notification had been met. The City received one (1) response from the public in favor of the variance.

b. Applicant Presentation

Previously sworn in by Chairman Rothermel, Bill Campbell, ACW Design and Construction, consultant for Oakland Land and Development, explained there is a safety concern because there would be a CenterPoint pole in the middle of the driveway if they were required to adhere to the 40' setback requirement. Mr. Campbell also mentioned the grave sites known to be in the N. 12th Street right-of-way.

c. Public Comments

There were no public comments.

d. Question and Answer

Staff responded to questions from the Board.

Motion by Charles Schoppe to approve Variance Request #15-93000005, allowing construction of a driveway at 211 N. 11th Street, fifteen feet (15') from the intersection of Adams Street and the N. 12th Street (unimproved right-of-way) .

Second by T.J. Walker. Motion Carried.

Ayes: Rothermel, Schoppe, Walker, and Warren (Alt 1)

Nays:

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

- 5. A public hearing will be held to consider Variance Request 15-93000006, a request by Oakland Land and Development for the property located at 921 S. 14th Street to allow construction of a metal office/warehouse building that is 3' from the side (south) property line contrary to the provisions of Section 106-522 of the city's Code of Ordinances which requires a minimum 10-foot side setback in LI, Light Industrial, district.**

Chairman Rothermel opened the public hearing.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Oakland Land and Development to allow construction of a metal office/warehouse building located three feet (3') from the side (south) property line at 921 S. 14th Street.

Mr. Ensey confirmed that all requirements for public hearing notification had been met. No written comments were received.

b. Applicant Presentation

Chairman Rothermel swore in Rodney Slaton, representing Blyle & Associates, 911 S. 8th Street. Mr. Slaton responded to questions from the Board. He stated the variance would not be onerous due to the adjacent use to the south being a parking/delivery area and zero penetration on the south wall of the building. The variance would allow an additional 700 sq. ft. for the building, which will be used as a training facility.

c. Public Comments

Jackson Hooper, 14902 La Quinta, Houston, TX, addressed the Board. Mr. Hooper is not in favor of having the building so close to the Kroger parking area. He prefers the additional separation, which leaves more open space for aesthetics and for safety of customers.

d. Question and Answer

There were no questions.

Motion by T.J. Walker to deny Variance Request #15-93000006 for construction of a metal office/warehouse building located three feet (3') from the side (south) property line at 921 S. 14th Street.

Second by Nettie Warren. Motion Carried.

Ayes: Rothermel, Schoppe, Walker, and Warren (Alt 1)

Nays:

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

- 6. A public hearing will be held to consider Variance Request 15-93000007, a request by Jacobs Vehicle Management for the property at 1801 Sens Road to allow placement of up to 21 metal containers off-chassis for storage of supplies for the company, contrary to the provisions of Section 106-751(c), which allows for a maximum of two containers for storage of materials/supplies for a business.**

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Jacobs Vehicle Management to allow placement of up to 21 metal containers off-chassis for storage of supplies for the company at 1801 Sens Road.

Mr. Ensey confirmed that all requirements for public hearing notification had been met. No written comments were received.

b. Applicant Presentation

Previously sworn in by Chairman Rothermel, Alan Ward stated the subject containers are used to carry tools to jobsites. All containers would be stored on the Light Industrial zoned portion located at the rear of the property, away from Sens Road. No containers would be stored on the Business Industrial zoned portion of the property. The containers would be at least fifty feet (50') from the north and south property lines and the applicant is willing to provide screening, if necessary.

Phil Dunlap, 12532 Three Lakes Drive, Walker, LA, has worked for Jacobs 39 years. The company wants to centralize their operations by utilizing this location to store the tools that will service jobsites all over the U.S.

c. Public Comments

Chairman Rothermel swore in Joel Barton, who resides south of the subject property. Mr. Barton opposes the variance because containers on the ground would attract snakes, rats, and skunks. He does not want Sens Road to look like Barbour's Cut Blvd. and feels the company may need to seek a site more suitable for their needs.

Chairman Rothermel swore in James Washburn, 12013 N. L, who resides adjacent to the subject property. Over the years, Mr. Washburn has experienced drainage problems on his property due to Jacobs building their property up. He provided photos he has taken over the years. He also agreed with Mr. Barton about a possible vermin problem if the containers are placed on the property.

d. Question and Answer

Staff responded to questions from the Board.

Motion by Charles Schoppe to approve Variance Request 15-93000007 to allow placement of up to 21 metal containers off-chassis for storage of supplies at 1801 Sens Rd.

Second by Rod Rothermel. Motion Failed.

**Ayes: Schoppe and Rothermel
Nays: Walker and Warren (Alt 1)**

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

- 7. A public hearing will be held to consider Variance Request 15-93000008, a request by Market at Spencer LLC for the property located at the southeast corner of Spencer and Canada further described as Tracts 1-5, Spencer Highway Estates 2 of the deed records of Harris County, William M. Jones Survey, Abstract 482, and Lot 1, Texaco at Canada to allow construction of parking and drive aisles to accommodate future development of a commercial pad site within the required 20-foot conservation area setback contrary to the provisions of Section 106-443, Footnote 1.**

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Market at Spencer LLC to allow construction of parking and drive aisles to accommodate future development of a commercial pad site within the required 20-foot conservation area setback on the property located at the southeast corner of Spencer and Canada. On the east property line is a 15' drainage easement that Harris County Flood Control District maintains.

Mr. Ensey confirmed that all requirements for public hearing notification had been met. One written response was received in favor of the request.

b. Applicant Presentation

Chairman Rothermel swore in Neal Atkinson, 7907 Tyce Hill, Spring, TX, 77388, engineer for the project developer, who stated that Harris County Flood Control District will allow parking in the easement, however, the City's 20' landscape setback prevents them from paving the area for use as parking and drive aisles.

c. Public Comments

There were no comments from the public.

d. Question and Answer

There were no questions.

Motion by T.J. Walker to approve Variance Request #15-93000008 allowing construction of parking and drive aisles to accommodate future development of a commercial pad site within the required 20-foot conservation area setback.

Second by Nettie Warren. Motion Carried.

Ayes: Rothermel, Schoppe, Walker, and Warren (Alt 1)

Nays:

Assistant City Attorney Clark Askins read from Section 106-196 of the Code of Ordinances: *Appeals from the Board of Adjustment.*

8. Administrative Reports

There were no administrative reports.

9. Board comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy.

Chairman Rothermel reminded members of the importance of attending the meetings as it is not fair to the applicants to have less than the full vote of the Board. Chairman Rothermel requested staff develop rules of attendance that would include replacement upon reaching a set number of absences.

10. Adjourn

Motion by Rod Rothermel to adjourn.

Second by Nettie Warren. Motion carried.

Ayes: Rothermel, Schoppe, Walker, and Warren (Alt 1)

Nays:

Chairman Rothermel adjourned the meeting at 7:15 p.m.

Respectfully submitted,

Peggy Lee
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2015.

Rod Rothermel
Chairman, Zoning Board of Adjustment

**City of La Porte, Texas
Zoning Board of Adjustment**



October 14, 2015

AGENDA ITEM 4

Consider approval of a Variance request to allow foundation repair to a carriage house that encroaches 12.3 feet into the required 25-foot front setback for the property located at 1703 Roscoe (Applicant: Christopher Thebeau).

*Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

ISSUE

Should the Board of Adjustment approve the requested variance by Mr. Christopher Thebeau to allow repair to the foundation of an existing carriage house that encroaches 12.7 feet into the required 25-foot front setback for the property at 1703 Roscoe?

DISCUSSION

Applicant:

Christopher Thebeau, owner.

Applicant's Request:

The attached Exhibit A is a copy of the application and survey of the property showing the location of the existing carriage house on the site. The applicant is seeking approval of variance request #15-93000010, a requested variance to allow foundation repair to the existing carriage house that is 12.3 feet from the front (south) property line. The site has an existing two-story carriage house which was built in the 1920's. The applicant desires to lift the structure and provide a new foundation.

Subject Site:

The requested variance is for the property located at 1703 Roscoe in Bay Front to La Porte Subdivision. The legal description for the site is described as the East ½ of Lots 27, 28, 29 and 30, Block 22, Bay Front to La Porte Subdivision. The attached Exhibit B is an area map that shows the location of the site and the existing carriage house on the property.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing including the following:

- Notice of public hearing was posted in the newspaper of general circulation ten days prior to the date of the hearing.
- Mailed notices were sent to all owners of property lying within 200 feet of the site ten days prior to the date of the hearing.
- A sign was posted on the site ten days prior to the hearing date.

Additionally, state law requires notice of the public hearing posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Board of Adjustment Regular Meeting
 October 14, 2015
 Thebeau Front Setback Variance

Background Information:

The subject site is 6,250 square feet in area and is located on Roscoe Street just north of Holmes Avenue. The site is currently zoned R-1, Low Density Residential. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Existing single family residential (Lakes at Fairmont Greens)
South	PUD, Planned Unit Development	Taylor Bayou
West	PUD, Planned Unit Development	Vacant single family residential (Lakes at Fairmont Greens)
East	PUD, Planned Unit Development	Existing single family residential (Lakes at Fairmont Greens)

Applicable Code Provisions:

Setbacks for single family detached are contained in Section 106-333. The existing carriage house would be considered the primary structure on the site and is therefore subject to the minimum yard requirements outlined in this section. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Sec. 106-333. Table B, residential area requirements.

Uses ⁸	Minimum Lot Area/D.U. S.F.	Minimum Lot Width L.F.	Minimum Yard Setbacks L.F. F.R.S. 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15	Maximum Height ¹⁶	Minimum Site Area/Unit S.F. ¹⁷	Minimum Development Open Space/ Unit S.F. ¹⁸	Maximum Lot Coverage/ Minimum Landscaping Required ^{9, 19}
Single-family detached	6000	50	25-15-5	35 Ft.	9100 4.8 DU/A	—	40%/N/A

Analysis:

The reason for this variance request is because the applicant is proposing to remove the existing structure from its current foundation and, as a result, the city’s nonconforming provisions require it to be brought into compliance with all applicable zoning regulations. However, the applicant desires to construct the new foundation in the same location that the structure is currently. In the applicant’s Project Description Letter (part of Exhibit A), he provides a detailed description of the history of the houses on Roscoe Street, including this structure. His desire is to maintain much of the historical character of the street by maintaining the historic location of the carriage house.

Section 106-192 of the Zoning Ordinance states that the term “variance” represents a deviation from the literal interpretation of the code approved by the Board subject to the fact that

Board of Adjustment Regular Meeting
 October 14, 2015
 Thebeau Front Setback Variance

enforcement of the provisions of the code would cause an unnecessary hardship because of circumstances unique to the subject property. The Board is authorized to grant a variance when the Board finds that a number of criteria are met. The following table outlines those criteria and staff’s analysis of those criteria.

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest.	<i>The proposed variance is reasonable for preserving the historical characteristic of Roscoe Street, which dates back to the 1920’s.</i> <i>Notice was sent to all property owners within a 200-foot radius from the subject site in accordance with code requirements. At the time this staff report was drafted, no responses for or against the variance were received by staff.</i>
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	<i>The exceptional hardship that is unique to this specific piece of property could be considered the historic nature of the block and an attempt to maintain that historical uniqueness.</i>
c. That by granting the variance, the spirit of this chapter will be observed.	<i>The intent of the city’s nonconforming provisions are to bring structures into compliance over time. These provisions allow structures to remain in a nonconforming state until such time that a modification is made that could bring the structure into compliance. Now that the structure is being lifted off its foundation, the property owner could relocate it to comply with the setbacks.</i>

Appeal Procedure:

Sec. 106-196. - Appeals from the board of adjustment.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment.

ATTACHMENTS

- Exhibit A: Application and survey
- Exhibit B: Area map

3. PROPERTY DESCRIPTION (for which Variance is requested):

HCAD PARCEL NO(s) 13-digit Tax ID(s): 006112 0000027

PROPERTY ADDRESS (if existing): 1703 Roscoe

PROPERTY LEGAL DESCRIPTION: TRS 27 28A 29 & 30 BLK 22 BAY FRONT TO LA PORTE

1. PROPERTY OWNER INFORMATION:

OWNER NAME: Christopher Thebeau PHONE: 

FAX #: _____ E-MAIL: 

MAILING ADDRESS: 1704 Roscoe, La Porte, TX 77571

2. *AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR: _____ PHONE: _____

E-MAIL: _____ FAX: _____

MAILING ADDRESS: _____

4. BASIS FOR VARIANCE REQUEST:

A "Variance" constitutes a deviation from the literal provisions of the Zoning Ordinance and is granted by the board when strict conformity to the Zoning Ordinance would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

Check applicable box for Variance request based on exceptional:

- Narrowness Shallowness Shape Topography

Other extraordinary or exceptional physical situation unique to property: Historic pre-existing building. Matches other original homes on street. Will improve appearance of street.

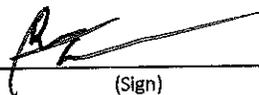
5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (check boxes indicating items submitted with your application):

- COMPLETE ITEMS 1-5 OF APPLICATION SUBMIT \$150 APPLICATION FEE (Non-Refundable)

ATTACH SEPARATE SHEET WITH INFORMATION HELPFUL IN CONSIDERING YOUR REQUEST:
(Specify the facts involved, relief desired, and the grounds for the request.)

WRITTEN AUTHORIZATION FROM PROPERTY OWNER AUTHORIZING AGENT TO ACT ON HIS/HER BEHALF (if applicable)

NOTE: It is the responsibility of the applicant to prove that his/her request meets conditions established for a Variance from the ZBOA.

NAME: Christopher Thebeau (Print) SIGNATURE:  (Sign) SUBMITTED: 02 SEP 2015 (Date)

(STAFF USE ONLY):

DATE APPLICATION REC'D.: _____ REC'D BY: _____

- \$150 APPLICATION FEE SUPPORTING DOCUMENTATION OWNER AUTHORIZATION

ZBOA MEETING DATE: _____ VARIANCE GRANTED? YES NO

APPLICATION NO: _____

ZONING BOARD OF ADJUSTMENT
VARIANCE REQUEST CHECKLIST
(As of July 14, 2004)

FINDINGS OF FACT (REQUIRED):

Deviation from the literal provisions of the Zoning Ordinance? X YES
 NO (Stop, variance not required).

CONDITIONS FOR VARIANCE (ALL MUST BE MET):

- Not contrary to the public interest? yes
- Literal enforcement of Zoning causes unnecessary hardship? yes
- Is the unnecessary (physical) hardship due to the unique character of the property:
 - Exceptional Narrowness?
 - Exceptional Shallowness?
 - Irregular Shape?
 - Irregular Topography?
 - X Physical Situation Unique to the Property?
- Is the "spirit" of the Zoning Ordinance preserved? yes

THE APPLICANT HAS THE BURDEN OF PROVING THAT THE FOREGOING CONDITIONS HAVE BEEN MET.

NO VARIANCE SHALL BE GRANTED TO PERMIT USE IN A ZONING DISTRICT IN WHICH THAT USE IS PROHIBITED.

The **written** application and fee (\$150) with sketch plan (drawn to scale), survey, site plan and/or plat is due the last Friday of every month for the Board meeting the 4th Thursday of the subsequent month. Application must be complete with supporting documentation and any additional submittals (e.g. photos, letters, etc).

Application must be posted in the newspaper no later than 10-days prior to the meeting of the Zoning Board of Adjustment. Additionally, submission requires a public mail-out to all property owners within 200' of the site of the proposed exception.

The session will be posted in accordance with the open meetings act.

Christopher Thebeau

1704 Roscoe Street
La Porte, TX 77571



September 1, 2015

City of La Porte Variance Board
604 W Fairmount Parkway
La Porte, TX 77571

Dear Board Members,

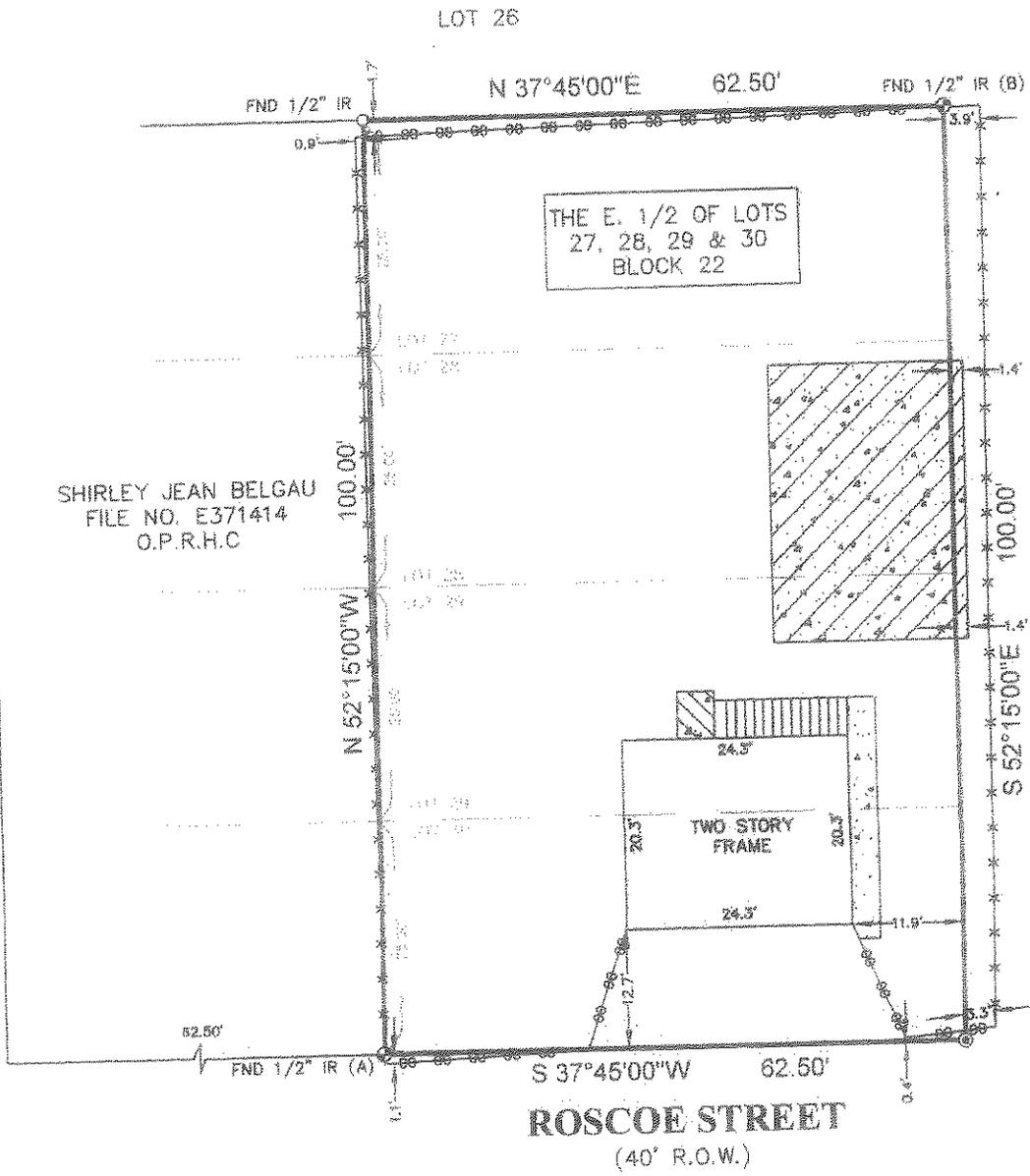
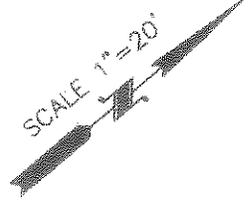
I am writing to request a variance so I can repair a pre-existing structure on my property. I own two properties on opposite sides of Roscoe Street that have always been considered one estate. The first at 1704 Roscoe Street is one of the 4 houses built in the 1920's by the Settergast family, of Houston, on that street. The second at 1703 Roscoe Street contains the original carriage house associated with the main house at 1704.

The carriage house is a two story building with garage space below and two room apartment above. While it is well constructed and salvageable it never had a proper foundation. As a consequence it now exists in a degraded condition that can only be remedied by lifting the structure off the ground and providing it a new foundation. Due to the carriage house's proximity to the road the Zoning Ordinance prevents this without a variance.

I feel that the spirit of the neighborhood and the Zoning Ordinance will not be impacted by repairing the building at 1703 Roscoe Street in its current location. In fact, moving it would detract from the style expressed by the historic homes along the street. Many of the houses along Roscoe Street have garages close to the road include the other remaining Settergast homes at 1700 and 1714 Roscoe Street. I have discussed the project with my neighbors and they are enthusiastic to see the carriage house restored.

Sincerely yours,

Christopher Thebeau



SHIRLEY JEAN BELGAU
FILE NO. E371414
O.P.R.H.C

HOLMES AVENUE
(VARIABLE R.O.W.)

ROSCOE STREET
(40' R.O.W.)

LEGEND

FENCE	CONTROL MONUMENT
WIRE	SET 1/2" IR W/CAP
CHAIN LINK	MARKED "SURVEY 1"
CONCRETE	COVERED CONCRETE
ELEVATED CONCRETE	STEPS

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 MARCH 16, 2008 AND THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT STANDARDS AS ADOPTED BY THE TEXAS BOARD OF PROFESSIONAL LAND SURVEYING.

H.T. Weber
H.T. WEBER
RPLS# 4101



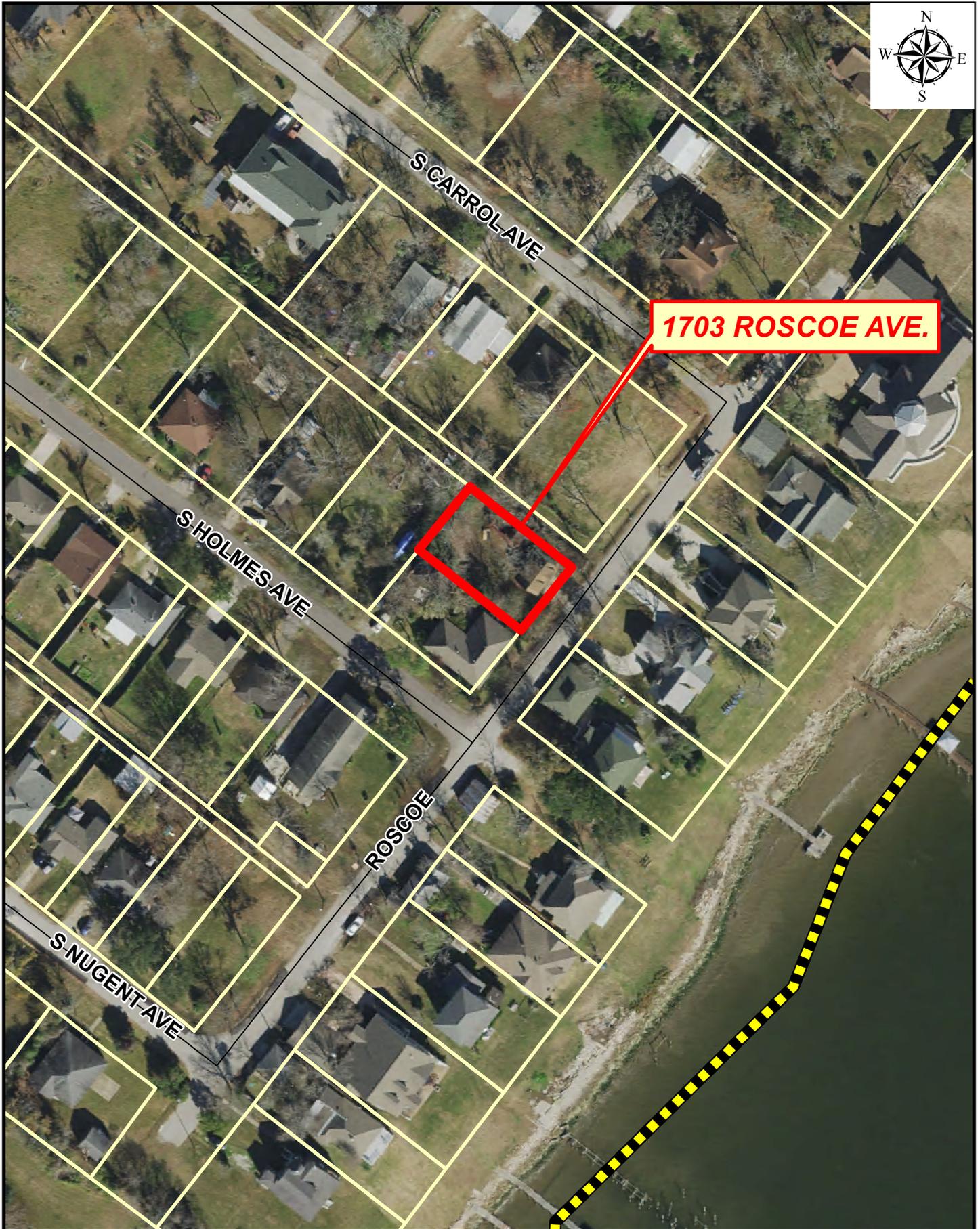
NOTES:

- ALL BEARINGS SHOWN HEREON ARE REFERENCED TO BAYFRONT ADDITION, A SUBDIVISION PLAT RECORDED IN VOL. 85, PG. 440 OF THE DEED RECORDS OF HARRIS COUNTY TEXAS, POINTS (A) AND (B) WERE HELD FOR HORIZONTAL POSITION.
- SUBJECT TRACT OF LAND SHOWN HEREON IS LOCATED IN ZONE "X" (SHADED) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM'S FLOOD INSURANCE RATE MAP FOR HARRIS COUNTY, TEXAS AND INCORPORATED AREAS, MAP NO. 48201C0945L, DATED JUNE 18, 2007.
- ALL FIELD INFORMATION SHOWN HEREON IS BASED ON AN

AREA MAP

VARIANCE NO. 15-93000010

EXHIBIT B



**City of La Porte, Texas
Planning and Zoning Commission**



October 14, 2015

AGENDA ITEM 5

Consider approval of a Variance request
to 4' ornamental iron fence in the front yard
for the property located at 402 N. 5th Street
also known as Martin Luther King Jr. (formerly Northside) Park
(Applicant: City of La Porte, Parks and Recreation Department).

*Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas*

Planning and Development Department Staff Report

ISSUE

Should the Board of Adjustment approve the requested variance by the City of La Porte's Parks and Recreation Department to retain a 4-foot high 3-rail wood fence located in the front yard along the north property line at the subject property located at 402 N. 5th Street also known at Martin Luther King Jr. Park (case #15-93000009)?

DISCUSSION

Applicant:

City of La Porte, Parks and Recreation Department.

Applicant's Request:

The attached Exhibit A is a copy of the application and site plan for the proposed improvements. The applicant is seeking approval of variance request #14-93000009, a requested variance to allow construction of a 4-foot high ornamental iron fence located along the north property line in the front yard.

Subject Site:

The requested variance is for the property located at 402 N. 5th Street, further described as Lots 11-16, Block 89, Town of La Porte and is the site of the new Martin Luther King Jr. (formerly Northside) Park Splashpark. The city's Parks and Recreation Department recently constructed a new splashpark facility on the subject site. The attached Exhibit B is an area map that shows the location of the site as well as the surrounding area.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing including the following:

- Notice of public hearing was posted in the newspaper of general circulation ten days prior to the date of the hearing.
- Mailed notices were sent to all owners of property lying within 200 feet of the site ten days prior to the date of the hearing.
- A sign was posted on the site ten days prior to the hearing date.

Additionally, in accordance with state law, notice of the public hearing was posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Background Information:

The subject site is 18,750 square feet in area, and is the site of Martin Luther King Jr. (formerly Northside) Park. The city recently constructed a new splashpark facility on the subject site. As a

Board of Adjustment Regular Meeting
 October 14, 2015
 MLK Jr. (formerly Northside) Park Fence Variance

result, the city has been working with the adjacent property owner to the north on a means of mitigating potential impacts of park uses on their property. As a result of those discussions, the city has agreed to construct a 6’ high ornamental iron fence from the property owner’s existing wood fence to the front of the house and transition to a 4’ high ornamental fence from that point to the front property line, which is approximately 30’ from the front of the house.

The subject site is located in the Northside neighborhood at the north east corner of Tyler Street and N. 5th Street and is zoned R-1, Low Density Residential. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low Density Residential	414 N. 5 th Street (O. Garcia)
South	R-1, Low Density Residential	330 N. 5 th Street; across Tyler St. (A. Lake)
West	R-1, Low Density Residential	401 N. 5 th Street (Historic Colored School House); 403 N. 5 th Street (J. Bell); Vacant (Texan Land & Cattle Co.)
East	R-1, Low Density Residential	Martin Luther King Jr. (formerly Northside) Park; across unimproved alley (City of La Porte)

Applicable Code Provisions:

Section 106-333, stipulates residential area requirements, including setbacks in the R-1 District. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Sec. 106-791. – Front yard areas.

No fences, structures, grading, or barrier hedges shall be permitted within any front yard areas except in the case of large lot residential lots, or in the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay, as provided in [section 106-792](#).

Analysis:

Section 106-791 of the Zoning Ordinance does not allow for fencing to be located in the front yard. The front yard is the area between the front of the principal building and the front lot line, which in a R-1 zone district is typically a 25 foot setback. In this case, the front yard is along N. 5th Street as that is how the lots were configured in the original Town of La Porte plat. The applicant is requesting approval of a variance to allow construction of a fence within the front yard along the north property line to provide a barrier between the park site and the adjacent property owner to the north. This is a unique situation and it is reasonable to expect a barrier to prevent users of the park from cutting across adjacent residential properties.

Section 106-192 of the Zoning Ordinance states that the term “variance” represents a deviation from the literal interpretation of the code approved by the Board subject to the fact that enforcement of the provisions of the code would cause an unnecessary hardship because of circumstances unique to the subject property. The Board is authorized to grant a variance when the Board finds that a number of criteria are met. The following table outlines those criteria and staff’s analysis of those criteria.

Board of Adjustment Regular Meeting
 October 14, 2015
 MLK Jr. (formerly Northside) Park Fence Variance

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest.	<i>Although there are very few front yard fences in the Northside neighborhood, this fence would provide a barrier between the city's public park and the neighboring property to the north, and prevent park users from cutting across the adjacent residential property's front yard. Notice was sent to all property owners within a 200-foot radius from the subject site in accordance with code requirements. At the time this staff report was drafted, no responses for or against the variance were received by staff.</i>
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	<i>The unnecessary hardship that would warrant the granting of the variance in this instance could be considered the fact that the proposed front yard fence would separate and provide a barrier between park uses and single family residential uses.</i>
c. That by granting the variance, the spirit of this chapter will be observed.	<i>Although the request to allow fencing within the front yard is contrary to the spirit of the fence regulations as currently adopted, the approval of the variance may promote the safety of the property owner to the north by providing a barrier between the city's park and the single family residential property to the north.</i>

Appeal Procedure:

Sec. 106-196. - Appeals from the board of adjustment.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment.

ATTACHMENTS

- Exhibit A: Application and site plan for the improvements
- Exhibit B: Area map

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department
VARIANCE APPLICATION

Phone: 281-470-5053
Fax: 281.470.5005
www.laportetx.gov

EXHIBIT A

3. PROPERTY DESCRIPTION (for which Variance is requested):

HCAD PARCEL NO(s) 13-digit Tax ID(s): 0232080890011 (parent parcel is 0232080890015)

PROPERTY ADDRESS (If existing): 402 5th Street, La Porte, TX 77571

PROPERTY LEGAL DESCRIPTION: LTS 11 Thru 16 BLK 89 La Porte

1. PROPERTY OWNER INFORMATION:

OWNER NAME: City of La Porte PHONE: 281-471-5020

FAX #: _____ E-MAIL: _____

MAILING ADDRESS: 604 W. Fairmont Pkwy, La Porte, TX 77571-6215

2. *AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR: Rosalyn Epting, Director of Parks & Recreation PHONE: 281-470-5136

E-MAIL: eptingr@laportetx.gov FAX: 281-470-1361

MAILING ADDRESS: 1322 S. Broadway, La Porte, TX 77571

4. BASIS FOR VARIANCE REQUEST:

A "Variance" constitutes a deviation from the literal provisions of the Zoning Ordinance and is granted by the board when strict conformity to the Zoning Ordinance would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

Check applicable box for Variance request based on exceptional:

- Narrowness Shallowness Shape Topography
- Other extraordinary or exceptional physical situation unique to property: See Attached

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (check boxes indicating items submitted with your application):

- COMPLETE ITEMS 1-5 OF APPLICATION SUBMIT \$150 APPLICATION FEE (Non-Refundable) N/A
- ATTACH SEPARATE SHEET WITH INFORMATION HELPFUL IN CONSIDERING YOUR REQUEST:
(Specify the facts involved, relief desired, and the grounds for the request.)
- WRITTEN AUTHORIZATION FROM PROPERTY OWNER AUTHORIZING AGENT TO ACT ON HIS/HER BEHALF (If applicable) N/A

NOTE: It is the responsibility of the applicant to prove that his/her request meets conditions established for a Variance from the ZBOA.

NAME: Rosalyn Epting (Print) SIGNATURE: Rosalyn Epting (Sign) SUBMITTED: 08/27/2015 (Date)

(STAFF USE ONLY):

DATE APPLICATION REC'D.: _____ REC'D BY: _____

- \$150 APPLICATION FEE SUPPORTING DOCUMENTATION OWNER AUTHORIZATION

ZBOA MEETING DATE: _____ VARIANCE GRANTED? YES NO

APPLICATION NO: _____



City of La Porte

Established 1892

Parks & Recreation Department

To provide and manage superior parks and recreational facilities, innovative programs, and services that will provide our customers with pleasure and enrichment

EXHIBIT A

August 27, 2015

To Whom It May Concern:

Dr. Martin Luther King, Jr. Park recently had a Splash Park added to the property. The property owner to the north, Mr. Ovidio Garcia, has grave concerns regarding the possibility of large numbers of users going onto his property. He has requested that the City add a fence so that users understand where the City property ends and his property begins. Mr. Garcia has requested that we place a wrought iron fence from his existing wood backyard fence to the ditch in front of his home. Staff explained to Mr. Garcia that we could not go all the way to the ditch due to the right of way. Mr. Garcia was agreeable to placing a six foot fence from his wood fence until the front of his home, which is approximately 46 feet long. From that point towards 5th Street he has agreed to a four foot fence, which is approximately 30 feet long. The location of the proposed fence can be seen on the attached map.

When Mr. Garcia purchased his home there were no plans for a Splash Park in this area. In order to remain good neighbors with Mr. Garcia and show where the City's property ends and his begins, I am seeking approval of this variance request to place a fence in the marked location.

Thank you in advance for your consideration.

Sincerely,

Rosalyn Epting, CPRE
Director of Parks & Recreation

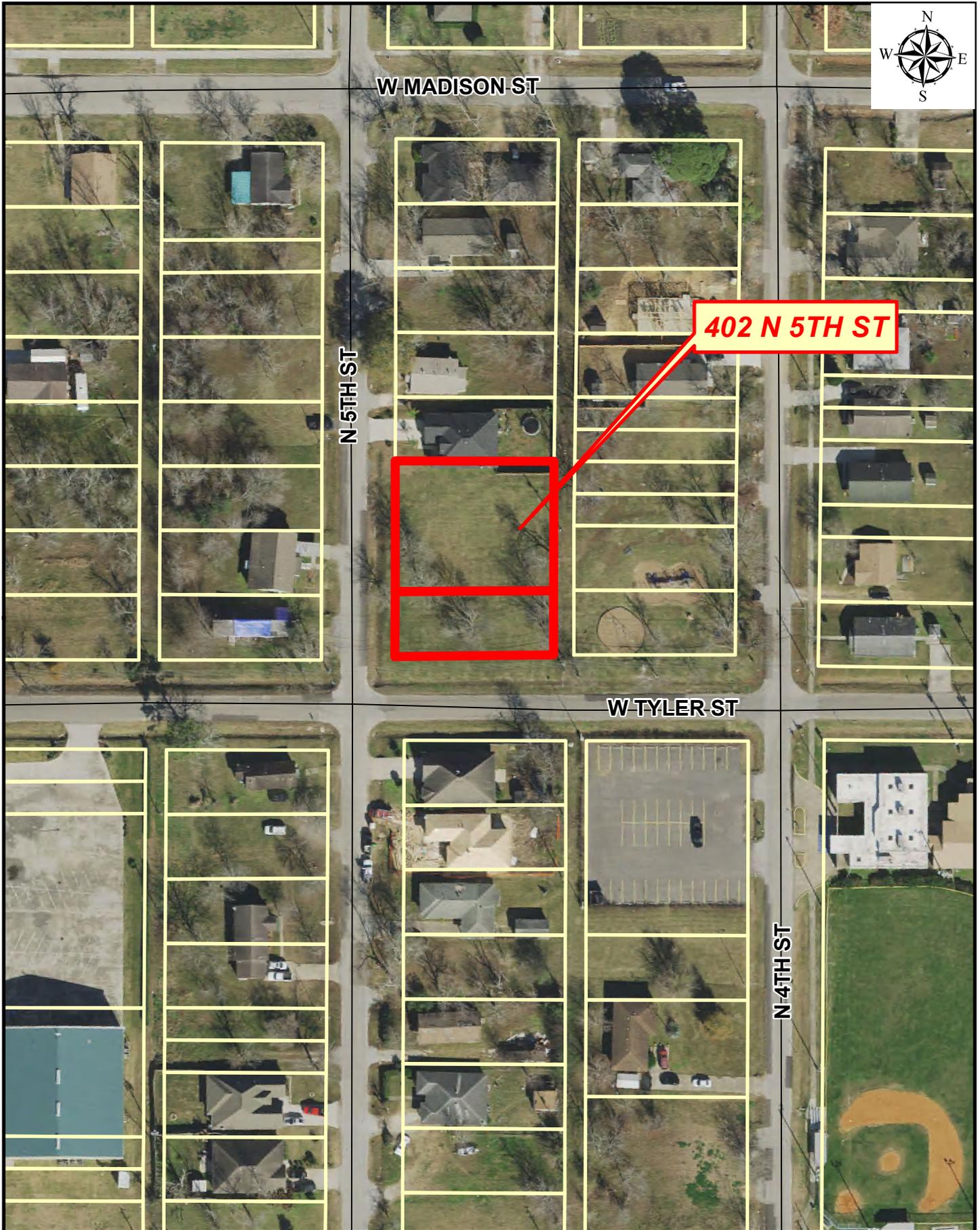
EXHIBIT A



AREA MAP

VARIANCE NO. 15-93000009

EXHIBIT B



**City of La Porte, Texas
Zoning Board of Adjustment**



October 14, 2015

AGENDA ITEM 6

Consider approval of a Variance request
to allow construction of a residential/commercial mixed use building
that encroach into the front and side (north) setback
for the property located at 116 S. 16th Street
(Applicant: Mark Follis).

Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas

Planning and Development Department Staff Report

ISSUE

Should the Board of Adjustment approve the requested variance by Mr. Mark Follow to allow construction of a residential/commercial building on a lot zoned Main Street (MS) District that encroaches into the front and side (north) property line for the property located at 116 S. Broadway?

DISCUSSION

Applicant:

Mark Follis, owner.

Applicant's Request:

The attached Exhibit A is a copy of the application and supplemental information provided by the applicant indicating the plan for development of this site. The applicant is seeking approval of variance request #15-93000011, a requested variance to allow construction of a new residential/commercial mixed-use building that encroaches into the front and side (north) setback. The subject site is currently vacant.

Subject Site:

The requested variance is for the property located at 116 S. Broadway. The legal description for the site is described as the Lot 25, Block 37, Town of La Porte. The attached Exhibit B is an area map that shows the location of the site. The applicant owns Lots 22-25 & the south ½ of Lot 26, Block 37, Town of La Porte.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing including the following:

- Notice of public hearing was posted in the newspaper of general circulation ten days prior to the date of the hearing.
- Mailed notices were sent to all owners of property lying within 200 feet of the site ten days prior to the date of the hearing.
- A sign was posted on the site ten days prior to the hearing date.

Additionally, state law requires notice of the public hearing posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Board of Adjustment Regular Meeting
 October 14, 2015
 Follis Setback Variance

Background Information:

The subject site is 25' by 125' with a total 3,125 square feet in area and is located on the west side of S. Broadway between Main Street and A Street (across from Five Points Plaza). The site is currently zoned MS, Main Street District. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	MS, Main Street District	Vacant Tract (N. ½ of Lot 26 and Lot 27, owned by the City of La Porte)
South	MS, Main Street District	Vacant Tract (Lot 24, owned by the applicant)
West	MS, Main Street District	Vacant Tract (owned by D. Paul Larson)
East	MS, Main Street District	Five Points Plaza Park

Applicable Code Provisions:

The Main Street (MS) District allows for a mix of commercial and residential uses. The applicant's proposal includes construction of a new mixed-use commercial/residential building, with commercial on the main floor and residential on the second floor. The applicant also proposes construction of a detached alley-loaded garage.

Setbacks for development in the MS District are contained in Section 106-443. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Sec. 106-443. Table A, Commercial area requirements.

Uses	Minimum Landscaping Requirements	Maximum Lot Coverage	Minimum Yard Setbacks F.R.S. ^{1, 3, 4, 6, 7}	Adjacent to Residential Minimum Yard Setback F.R.S. ^{2, 6}	Maximum Height (feet) ⁹	Bldg. Design Standards ⁸
Main Street	5%—four foot minimum frontage ⁵	60%	*-20-5	N/A	36	Design Guidelines ⁷

**Within the Main Street District, excluding those principal structures in the Overlay, the front yard is the average of the existing structures on that side of the street on the same side of the street or the setback of the closest structure on an adjacent lot. This applies to the primary structure only. Any accessory buildings must be a minimum of six feet from the main structure, but may be zero feet from any lot lines.*

Analysis:

The applicant is requesting approval of this variance to allow for development of a live-work structure that is unique to the City of La Porte. The MS District is just that district to allow for such flexibility in use. Additionally, the location of the building on a zero-lot line (or on the property line) will facilitate in extending the feel along Main Street to that section of Broadway across from Five Points Plaza. In the applicant's Project Description Letter (part of Exhibit A), he provides a detailed description of the proposed development.

Section 106-192 of the Zoning Ordinance states that the term "variance" represents a deviation from the literal interpretation of the code approved by the Board subject to the fact that

Board of Adjustment Regular Meeting
 October 14, 2015
 Follis Setback Variance

enforcement of the provisions of the code would cause an unnecessary hardship because of circumstances unique to the subject property. The Board is authorized to grant a variance when the Board finds that a number of criteria are met. The following table outlines those criteria and staff’s analysis of those criteria.

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest.	<i>The proposed variance is reasonable for continuing the Main Street development patter of zero-lot line development along S. Broadway and will provide development on a vacant parcel of land.</i> <i>Notice was sent to all property owners within a 200-foot radius from the subject site in accordance with code requirements. At the time this staff report was drafted, no responses for or against the variance were received by staff.</i>
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	<i>The exceptional hardship that is unique to this specific piece of property could be considered the historic nature of the Main Street area and an attempt to maintain and continue that historical uniqueness on this property.</i>
c. That by granting the variance, the spirit of this chapter will be observed.	<i>The Main Street District (especially the “Overlay” portion of the District) was intended to allow for similar structures. The section of S. Broadway from Main Street to A Street is ideal for the type of development proposed with a zero-lot line in the front and will complement the Five Points Plaza and immediate area.</i>

Appeal Procedure:

Sec. 106-196. - Appeals from the board of adjustment.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by Texas Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment.

ATTACHMENTS

- Exhibit A: Application and survey
- Exhibit B: Area map



Follis Construction, Inc.

111 N Broadway • La Porte, Texas 77571 • Ph. 281-471-6881 • Fax 281-471-6038

October 5, 2015

Eric J Ensey
City Planner
City of La Porte
Planning & Development Department
604 W Fairmont Parkway
La Porte TX 77571-6215

RE: Variance Request for Follis – 116 North Broadway (Lot 25, Block 37)

Mr. Ensey:

A variance for front and side set back is being requested on the properties that are directly across from the plaza. It would be better suited to match the overall theme of the Main Street District with Overlay with a requirement of zero front set back and a zero side set back.

The vision is to make these properties (lots 22, 23, 24, 25, South ½ of lot 26) more consistent with the Main Street District with Overlay between Broadway and 3rd Street.

An unnecessary hardship is created based on extraordinary differences in the existing front set back on the east side of block 37, ranging anywhere from zero to 75 feet on a lot depth of 125 feet.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Follis', with a stylized flourish at the end.

Mark Follis

Attachments

City of La Porte
604 W. Fairmont Pkwy.
La Porte, TX 77571

Planning & Development Department
VARIANCE APPLICATION

Phone: 281.470.5058
Fax: 281.470.5005
www.laportetx.gov

SEP 15 2015

3. PROPERTY DESCRIPTION (for which Variance is requested):

HCAD PARCEL NO(s) 13-digit Tax ID(s): 023 174 000 0022

PROPERTY ADDRESS (If existing): _____

PROPERTY LEGAL DESCRIPTION: Lot 25, Block 37, of the City of La Porte as recorded in volume 8, page 16 map records Harris County, Texas

1. PROPERTY OWNER INFORMATION:

OWNER NAME: Mark Follis PHONE: 713-254-8358

FAX #: _____ E-MAIL: mfollis@follisconstruction.com

MAILING ADDRESS: 111 N. Broadway St., La Porte, Texas 77571

2. *AGENT REPRESENTING PROPERTY OWNER (If Applicable):

AGENT / CONTRACTOR: Arthur Wysocki PHONE: 281-471-6881

E-MAIL: awysocki@follisconstruction.com FAX: _____

MAILING ADDRESS: 111 N. Broadway St., La Porte, Texas 77571

4. BASIS FOR VARIANCE REQUEST:

A "Variance" constitutes a deviation from the literal provisions of the Zoning Ordinance and is granted by the board when strict conformity to the Zoning Ordinance would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

Check applicable box for Variance request based on exceptional:

Narrowness

Shallowness

Shape

Topography

Other extraordinary or exceptional physical situation unique to property: proximity to the Main Street over lay.

5. APPLICATION CHECKLIST & SUPPORTING DOCUMENTATION (check boxes indicating items submitted with your application):

COMPLETE ITEMS 1-5 OF APPLICATION SUBMIT \$150 APPLICATION FEE (Non-Refundable)

ATTACH SEPARATE SHEET WITH INFORMATION HELPFUL IN CONSIDERING YOUR REQUEST:
(Specify the facts involved, relief desired, and the grounds for the request.)

WRITTEN AUTHORIZATION FROM PROPERTY OWNER AUTHORIZING AGENT TO ACT ON HIS/HER BEHALF (if applicable)

NOTE: It is the responsibility of the applicant to prove that his/her request meets conditions established for a Variance from the ZBOA.

NAME: Arthur Wysocki SIGNATURE: [Signature] SUBMITTED: 9.15.2015
(Print) (Sign) (Date)

(STAFF USE ONLY):

DATE APPLICATION REC'D.: 9/15/2015 REC'D BY: Eric Ensey

\$150 APPLICATION FEE

SUPPORTING DOCUMENTATION

OWNER AUTHORIZATION

ZBOA MEETING DATE: 10/22/2015 VARIANCE GRANTED? YES NO

APPLICATION NO: _____

ZONING BOARD OF ADJUSTMENT
VARIANCE REQUEST CHECKLIST
(As of July 14, 2004)

FINDINGS OF FACT (REQUIRED):

Deviation from the literal provisions of the Zoning Ordinance? X YES
 NO (Stop, variance not required).

CONDITIONS FOR VARIANCE (ALL MUST BE MET):

- Not contrary to the public interest? Not contrary
- Literal enforcement of Zoning causes unnecessary hardship? Yes
- Is the unnecessary (physical) hardship due to the unique character of the property:
 - X Exceptional Narrowness?
 - X Exceptional Shallowness?
 - Irregular Shape?
 - Irregular Topography?
 - X Physical Situation Unique to the Property?
- Is the "spirit" of the Zoning Ordinance preserved? Yes

THE APPLICANT HAS THE BURDEN OF PROVING THAT THE FOREGOING CONDITIONS HAVE BEEN MET.

NO VARIANCE SHALL BE GRANTED TO PERMIT USE IN A ZONING DISTRICT IN WHICH THAT USE IS PROHIBITED.

The **written** application and fee (\$150) with sketch plan (drawn to scale), survey, site plan and/or plat is due the last Friday of every month for the Board meeting the 4th Thursday of the subsequent month. Application must be complete with supporting documentation and any additional submittals (e.g. photos, letters, etc).

Application must be posted in the newspaper no later than 10-days prior to the meeting of the Zoning Board of Adjustment. Additionally, submission requires a public mail-out to all property owners within 200' of the site of the proposed exception.

The session will be posted in accordance with the open meetings act.

SEP 15 2015

The following is an excerpt from Section 106-192 of the City of La Porte Code of Ordinances:

VARIANCE

- a) *Application for variances.* All applications for a variance from the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and the grounds thereof. Each such application shall be filed with the enforcement officer who after investigation shall transmit such application together with his report to the board of adjustment within ten days after the filing of the application with the enforcement officer.

- (b) *Findings of fact/definition of hardship.*
 - (1) The term "variance" shall mean a deviation from the literal provisions of this chapter which is granted by the board when strict conformity to this chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

 - (2) Except as otherwise prohibited, the board is empowered to authorize a variance from a requirement of this chapter when the board finds that all of the following conditions have been met:
 - a. That the granting of the variance will not be contrary to the public interest;

 - b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

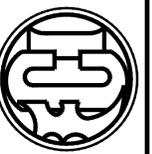
 - c. That by granting the variance, the spirit of this chapter will be observed.

 - (3) The applicant shall have the burden of proving to the board that the foregoing conditions have been met.

- (c) *Use variance prohibited.* No variance shall be granted to permit a use in a zoning district in which that use is prohibited.

- (d) *Hearings on applications for variances.* The board of adjustment shall fix a reasonable time for the hearing of all applications for variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time, as specified in section 106-194. Upon the hearing any party may appear in person or by agent or by attorney.

SEP 15 2015



CUSTOMER:
MARK FOLLIS
111 N. BROADWAY ST.
LA PORTE, TX 77571

PROJECT:
FOLLIS
116 N. BROADWAY ST.
LA PORTE, TX 77571

SEAL

DESCRIPTION

REV	DATE	BY	DESCRIPTION
A	09.15.15	AW	Site added for w/l, top & meter, parking spec size added, ressed lot coverage

DRAWN BY	RC
CHECKED BY	JMF
SCALE	1 = 10
DATE	07.08.15
JOB NO	3232N
DRAWING NO	S-1

SITE PLAN

MARK FOLLIS

116 N. BROADWAY ST.
 LA PORTE, TEXAS 77571
 LT 25, BLOCK 37,
 OF THE CITY OF LA PORTE AS RECORDED IN VOLUME 8,
 PAGE 16 MAP RECORDS HARRIS COUNTY, TEXAS.



SITE INFORMATION:

KEY MAP: 540X
 NAME OF DEVELOPMENT: 116 NORTH BROADWAY STREET
 TYPE OF DEVELOPMENT: RESIDENTIAL/COMMERCIAL
 OWNER/DEVELOPER: MARK FOLLIS
 111 N. BROADWAY ST.
 LA PORTE, TX 77571
 (281) 471-6881
 BUILDER: FOLLIS CONSTRUCTION, INC.
 111 N. BROADWAY ST.
 LA PORTE, TX 77571
 (281) 471-6881
 ZONED: MAIN STREET DISTRICT
 PROPOSED USE: MIXED USE
 JOB ADDRESS: 116 N. BROADWAY ST.
 LA PORTE, TEXAS 77571
 SURVEYOR: SCOT LOWE
 LAND SURVEYOR NO. 5007
 7438 EVE LANE
 DEER PARK, TEXAS 77536

LOT/BUILDING COVERAGE:

LOT SIZE	=	3,125 SF.
PROPOSED BUILDING	=	1,540 SF.
BUILDING PERCENTAGE LOT COVERAGE	=	49 %
PROPOSED LANDSCAPE	=	507.33 SF.
LANDSCAPE PERCENTAGE LOT COVERAGE	=	16 %

PARKING REQUIREMENTS:

PROPOSED PARKING SPACES = 2

FLOOD ZONE NOTE:

FLOOD ZONE: ZONE "X"
 FIRM MAP: #48201C0945L
 REVISED: JUNE 18, 2007
 THIS PROPERTY DOES NOT LIE
 WITHIN THE 100 YEAR FLOOD PLAIN.

CIVIL ENGINEER:

I, RODNEY SLATON, AM REGISTERED UNDER THE LAWS OF TEXAS TO PRACTICE THE PROFESSION OF ENGINEERING AND HEREBY CERTIFY THAT THIS MINOR SITE PLAN IS TRUE AND CORRECT AS TO PROPOSED SITE IMPROVEMENTS.

RODNEY SLATON P.E.
 TEXAS REGISTRATION NO. 90298

This is to certify that the City of La Porte, Texas has approved this site plan and development of **116 N. BROADWAY ST.** in conformance with the laws of the State of Texas and the ordinances of the City of La Porte.

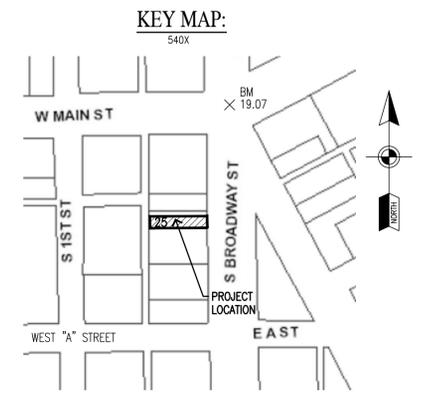
ATTEST:
 By: _____
 Director, La Porte Planning Department

ATTEST:
 By: _____
 La Porte City Engineer

AT:
 P.O. Box 1115
 604 West Fairmont Parkway
 La Porte, Texas 77572-1115

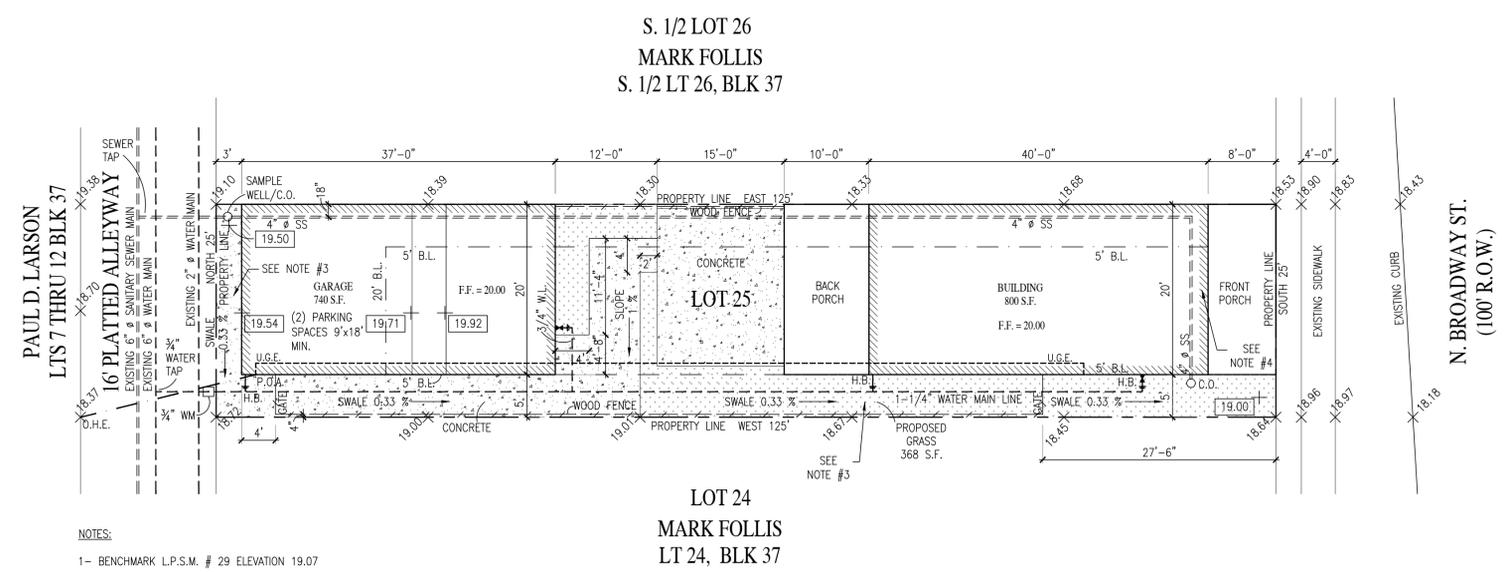
LANDSCAPE LEGEND:

SYMBOL	NAME	TYPE	SIZE	QTY.
[Symbol]	GRASS	GRASS	507.33	SF



ABBREVIATIONS:

A.F.F.	ABOVE FINISH FLOOR
E.T.R.	EXISTING TO REMAIN
H.C.	HANDICAPPED ACCESSIBLE
N.I.C.	NOT IN CONTRACT
PROP.	PROPOSED
TYP.	TYPICAL
U.N.O.	UNLESS NOTED OTHERWISE
F.F.	FINISH FLOOR
ASPH.	ASPHALT
B.L.	BUILDING LINE
B.M.	BENCHMARK
C.B.	CATCH BASIN
C.J.	CONTROL JOINT
C.O.	CLEAN OUT
CONC.	CONCRETE
D/W	DRIVEWAY
E.J.	EXPANSION JOINT
F.H.	FIRE HYDRANT
G.M.	GAS METER
GUY	GUY ANCHOR
H.C.	HANDICAPPED ACCESSIBLE
H.B.	HOSE BIBB
I.R.	IRON ROD
L.P.	LIGHT POLE
L.S.C.	LANDSCAPING
M.H.	MANHOLE
M.O.P.	MOUNTED ON POLE
O.H.E.	OVERHEAD ELECTRICAL
P.O.A.	POINT OF ATTACHMENT
P.O.B.	POINT OF BEGINNING
P.M.	POLE MOUNTED
P.B.	PIPE BOLLARD
P.L.	PIPE LINE
P.P.	POWER POLE
R.C.P.	REINFORCED CONCRETE PIPE
S.S.	SANITARY SEWER
S.W./C.O.	SAMPLE WELL/CLEAN OUT
TS&V	TAP, SLEEVE, & VALVE
W.M.	WATER METER
W.V.	WATER VALVE
XFMR.	TRANSFORMER
U.E.	UTILITY EASEMENT
U.G.	UNDERGROUND
U.G.E.	UNDERGROUND ELECTRICAL
O.H.E.	OVERHEAD ELECTRICAL
V.B.I.	VACUUM BREAKER IRRIGATION
B.L.	BUILDING LINE
00.00	ELEVATION - EXISTING
00.0	ELEVATION - PROPOSED
[Symbol]	CHAIN LINK (6'-0" TALL) WITH 3-STRANDS BARB-WIRE ABOVE
[Symbol]	FENCE - WOOD
[Symbol]	PROPERTY LINE (RECORD CALL)
[Symbol]	SANITARY SEWER MAIN
[Symbol]	WATER MAIN
[Symbol]	CONCRETE - AREA PAWING



- ### NOTES:
- 1- BENCHMARK L.P.S.M. # 29 ELEVATION 19.07
 - 2- EVERYTHING SHOWN ON THIS DRAWING IS PROPOSED UNLESS NOTED EXISTING
 - 3- SIDE SLOPES ON ALL SWALES TO BE MIN. 1 %
 - 4- FRONT BUILDING LINE TO BE DETERMINED
 - 5- PARKING WILL BE MINIMUM OF 9'x18'.



FUTURE PHASE

D:\Follis_Construction\Projects\Mark_Follis\118_S_Broadway_ST_(3232N)\Sheet\Arch\... For: Valence, Meeting\Mark_Follis_118_S_Broadway_Future_Phase.dwg 10/27/2015

	
Follis Construction, Inc. Design/Build General Contractors <small>111 N. Broadway La Porte, TX 77571 Ph. (281) 476-8888 Fax. (281) 476-8888 www.follisconstruction.com</small>	
CUSTOMER: MARK FOLLIS 111 N. BROADWAY ST. LA PORTE, TX 77571	PROJECT: FUTURE PHASE
SEAL: _____	
DESCRIPTION: _____	
REV: _____	DATE: _____
DRAWN BY: AW	CHECKED BY: JMF
SCALE: N.T.S.	
DATE: 10.06.15	
JOB NO: 3232N	
DRAWING NO:	
<h2 style="font-size: 2em;">04</h2>	

AREA MAP

