



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 **Thursday, December 10, 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: November 5, 2015.
4. A public hearing will be held to consider Variance Request 15-93000012, a request by Isabel Francis for the property located at 10323 N. H Street to allow the applicant to subdivide the tract of land and provide for 25 feet of frontage along S. H Street contrary to the provisions of Section 106-333 of the city's Code of Ordinances which requires a minimum lot width of 90 feet for "single family large lots."
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
5. A public hearing will be held to consider Variance Request 15-93000013, a request by Cedarwood Development to allow for a driveway access point that is 40 feet in width and another that is 45 feet in width along Bay Area Boulevard associated with the construction of a Stripes Convenience Store and Gas Station on the property located at the southeast corner of Spencer Highway and Bay Area Boulevard contrary to the provisions of Section 106-835 of the city's Code of Ordinances which allows a maximum driveway width of 35 feet for commercial development.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
6. A public hearing will be held to consider Variance Request 15-93000014, a request by Liberty Property Limited Partnership to allow construction of 3 driveway access points on S. 16th Street and 3 driveway access points on Export Drive associated with a new industrial warehouse/distribution facility on the property located at the southeast corner S. 16th Street and Export Drive contrary to the provision of Section 106-835 of the city's Code of Ordinances that allows only 2 access points to a public right-of-way.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
7. A public hearing will be held to consider Special Exception Request 15-94000001, a request by Rolf Realtors on behalf of the property owner Rafael Alcalá to waive or reduce the off-street parking requirements for the property located at 422 S. Broadway.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
8. Administrative reports.

9. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
10. 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 Thursday, December 10, 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 November 5, 2015**

Board Members Present: Rod Rothermel, T.J. Walker, Nettie Warren, Doug Martin (Alt 1), and Dennis Oian (Alt 2)

Board Members Absent: Chester Pool and Charles Schoppe

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

1. Call to Order.

Chairman Rod Rothermel called the meeting to order at 6:02 p.m.

2. Roll call of members.

Board Members Charles Schoppe and Chester Pool were not present.

3. Consider approval of meeting minutes: October 14, 2015.

With no objection from the Board, Chairman Rothermel declared the minutes of October 14, 2015, approved as presented.

4. A public hearing will be held to consider Variance Request 15-93000003, a request by La Porte Lodging Hospitality LLC to allow construction of a driveway for a new Fairfield Inn & Suites hotel at 711 Highway 146 South that is 26.5 feet from the intersection contrary to the provisions of Section 106-835, Figure 10-3 of the Code of Ordinances, which requires a minimum distance of 40 feet from the intersection.

Chairman Rothermel opened the public hearing at 6:01 p.m.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by La Porte Lodging Hospitality LLC to allow construction of a driveway located 26.5 feet from the intersection at the northeast corner of Hwy 146 feeder road and W. G Street, for a new Fairfield Inn & Suites hotel located at 711 Hwy. 146 S. The Fire Marshal has requested two points of access to this site for fire/life safety reasons. TXDOT will not allow a driveway along the Hwy 146 feeder road, therefore two driveways are needed on W. G Street.

Mr. Ensey confirmed that all requirements for public hearing notification have been met. Notices of the public hearing were mailed to all property owners located within 200' of the subject site. Three property owners were directly notified of the public hearing via mail. The City did not receive any response from the mail-out.

b. Applicant Presentation

The applicant was not present.

c. Public Comments

There were no public comments.

d. Question and Answer

There were no questions.

Motion by T.J. Walker to approve Variance Request #15-93000003, allowing construction of a driveway for a new Fairfield Inn & Suites hotel at 711 Highway 146 South that is 26.5 feet from the intersection.

Second by Nettie Warren. **Motion carried.**

Ayes: Rod Rothermel, T.J. Walker, Nettie Warren, Doug Martin (Alt 1), and Dennis Oian (Alt 2)
Nays: None

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

5. Administrative Reports

City Planner Eric Ensey reported there would need to be a special called meeting in December, due to the holidays. Mr. Ensey asked the Board members to check their calendars for availability on either December 3rd or 10th.

6. 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.

7. Adjourn

Motion by Dennis Oian to adjourn.

Chairman Rothermel adjourned the meeting at 6:11 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**



December 10, 2015

AGENDA ITEM 4

Consider approval of a Variance request to allow for the division of a piece of property that would have 25 feet of frontage on H Street contrary to the provisions to the code that requires a minimum 90-foot frontage for the property located at 10323 N. H Street (Applicant: Isabel Francis).

***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 Isabel Francis to allow division of a parcel of land that has 25 feet of frontage on N. H Street when Section 106-333, Table B, of the Code of Ordinances requires a minimum lot width of 90 feet in the large lot district (case #15-93000012)?

DISCUSSION

Applicant:

Isabel Francis

Applicant's Request:

The applicant is seeking approval of variance request #15-93000012, to allow division of her tract of land that as currently platted has 121 feet of frontage. The proposed subdivision would create a "flag" lot with 25 feet of frontage on N. H Street and the other, where the current house is situated, with 96 feet of frontage. The applicant is seeking approval of variance to allow for division of their currently single as proposed in the attached Exhibit A is a copy of the application and supplemental information provided by the applicant showing the proposed subdivision as well as a letter from Mrs. Francis.

Subject Site:

The subject site is a 2.5 acre tract of land addressed as 10323 N H St. and further legally described as Tracts 458 & 458A W ½ of E ½, La Porte Outlots. The subject site is located on N. H Street west of Lomax School Road in Lomax.

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 compliance 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 site is currently zoned LL, Large Lot Residential, District and contains a house, garage, fence, barn and two sheds on the front part of the property. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
N	LL, Large Lot	Residential (10200 N L ST.)
S	LL, Large Lot	Residential (10290 N H ST.)
W	LL, Large Lot	Residential (10315 N H ST.)
E	LL, Large Lot	Residential (10331 N H ST.)

Applicable Code Provisions:

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

Uses	Min. Lot Area	Min. Lot Width	Min. Yard Setbacks	Max. Height	Min. Site Area	Min. Development Open Space	Max. Lot Coverage/Min. Landscaping
Single-Family Large Lot	43560 S.F.	90 Ft.	25-15-5	45 Ft.	43560 1.0 DU/A	-----	40%/N/A

Analysis:

This request would allow the applicant to subdivide her property and allow construction of a new residence on the vacant tract. One lot would have only 25 feet of lot frontage on N H Street, which does not comply with the minimum lot frontage of 90 feet required in the code. The second lot would comply with the code. The applicant intends to construct a new house for her and her husband on the back lot and her daughter would move into the existing house.

The applicant’s lot is 2.5 acres in size and the LL District requires a minimum of 1 acre for a tract of land. It would be impossible for the applicant to be able to subdivide their property and comply with the minimum lot frontage. Additionally, there are other lots within the Lomax area that have been subdivided in a similar manner to what is being proposed by the applicant. These lots are similar in character in that they are long and narrow in size.

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.

Criterion:	Staff Finding:
<p>a. That the granting of the variance will not be contrary to the public interest.</p>	<p><i>The proposed variance would allow the applicant to subdivide her property in a similar manner to other lots within the Lomax area. There are other situations where “flag” lots have been approved in the past where the minimum lot frontage is less than that required in the code.</i></p> <p><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, two responses were received in opposition of the variance.</i></p>
<p>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.</p>	<p><i>The unnecessary hardship in this case is the narrowness of the applicant’s lot as is common with other lots within the Lomax area. The applicant has 2.5 acres of land and could subdivide the property in conformance with the minimum lot size in the LL zone district (1 acre). However, because of the narrowness of the lot, the applicant cannot comply with the minimum lot width.</i></p>
<p>c. That by granting the variance, the spirit of this chapter will be observed.</p>	<p><i>The approval would allow the applicant to subdivide the tract of land into one 1-acre lot and one 1.5-acre lot similar to other properties within the Lomax area.</i></p>

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 supplemental information provided by the applicant
- Exhibit B: Area map
- Exhibit C: Neighborhood Response Letters

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

RECEIVED
OCT 30 2015
BY: _____

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

HCAD PARCEL NO(s) 13-digit Tax ID(s): 0231410000568

PROPERTY ADDRESS (If existing): 10323 N H St., La Porte, TX 77571

PROPERTY LEGAL DESCRIPTION: TRS 458 &458A W 1/2 of E 1/2 La Porte Outlots

1. PROPERTY OWNER INFORMATION:

OWNER NAME: Isabel Francis PHONE: 832-250-8201

FAX #: _____ E-MAIL: _____

MAILING ADDRESS: 10919 Pecan Dr, 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: _____

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.

Received
NOV 02 2015

NAME: Isabel Francis
(Print)

SIGNATURE: Isabel Francis
(Sig)

SUBMITTED: _____
(Date)

Inspections Division
City of La Porte

(STAFF USE ONLY):

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

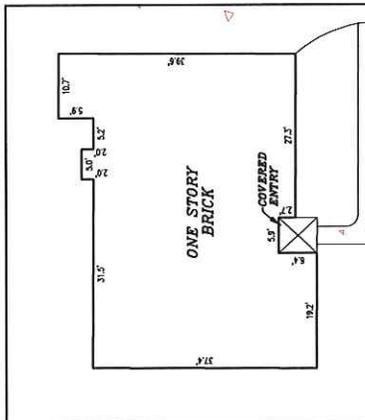
- \$150 APPLICATION FEE
- SUPPORTING DOCUMENTATION
- OWNER AUTHORIZATION

ZBOA MEETING DATE: _____ VARIANCE GRANTED? YES NO

APPLICATION NO: _____

LINE	BEARING	DISTANCE
L1	WEST	121.00'
L2	EAST	121.00'

HOUSE DETAIL
SCALE: 1" = 20'



LEGEND

- These standard symbols will be found in the drawing.
- BOUNDARY LINE
 - - - EASEMENT LINE
 - - - BUILDING SETBACK LINE
 - - - METAL FENCE
 - ⊙ SET IRON ROD
 - FOUND IRON ROD

Legal Description of the Land:
The West One-half (W.1/2) of the East One-half (E.1/2) of Lot Four Hundred Fifty-eight (458), of LA PORTE OUTLOT, an Addition in Harris County, Texas, according to the map or plat thereof recorded in Volume 61, Page 374, of the Map Records of Harris County, Texas.

NOTE: SURVEY IS BASED ON A TITLE COMMITMENT REPORT ISSUED BY TITLE RESOURCES GUARANTY COMPANY OF NO. 7934-15-2802 ISSUED ON 07/23/2015.

FLOOD INFORMATION
FIRM: 48201C PANEL: 0940 L
REV. DATE: 06/19/2002
ZONE: X & SHAD X

FLOOD INFORMATION PROVIDED HEREON IS BASED ON THE FLOOD INSURANCE RATE MAPS OF THE FLOOD INSURANCE RATE MAPS THE INFORMATION SHOULD BE USED TO DETERMINE FLOOD INSURANCE RATES ONLY AND IS NOT INTENDED TO IDENTIFY SPECIFIC AREAS OF FLOOD DAMAGE OR BE RESPONSIBLE FOR THE F.I.R.M.'S ACCURACY.



GRAPHIC SCALE



LAND TITLE SURVEY

JOB NO.:	150706445	NO.:	REVISION:	DATE:
DATE:	07/27/15 <td>IM:</td> <td></td> <td></td>	IM:		
DRAWN BY:	TEL			
APPROVED BY:	SEL			



FIRM REGISTRATION NO. 10190700
CONTRACTED TO J. TODD ODHAM
J. TODD ODHAM R.P.L.S.
Registered Professional Land Surveyor
Registration No. 6062
Copyright All Right Reserved To OverLine Consortium, Inc.

I, J. TODD ODHAM, a Registered Professional Land Surveyor in the State of Texas, do hereby certify to TITLE RESOURCES GUARANTY COMPANY and HOUSTONHOUSEBUYERS.COM, LLC that the above map is true and correct according to the field notes accompanying this drawing, I further certify that all easements and rights-of-way of which I have been advised are shown hereon and that, except as shown, there are no apparent visible encroachments, no apparent visible overlapping of improvements and no apparent discrepancies or conflicts in the boundary lines, as of the date of the field survey. (Note) SEE ABOVE for (Note) SEE ABOVE recorded in Volume 61, Page(s) 374, of the HOUSTONHOUSEBUYERS.COM, LLC recorded in the HOUSTONHOUSEBUYERS.COM, LLC Boarders: 10323 N. H. ST., LA PORTE, TX 77551 GF No. 7894-15-2802 Address: 10323 N. H. ST., LA PORTE, TX 77551 GF No. 7894-15-2802

PROPERTY PHOTOGRAPH:

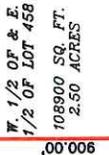
SUBJECT TO RESTRICTIVE COVENANTS AND/OR EASEMENTS RECORDED IN: VOLUME 61, PAGE 374, MAP RECORDS, HARRIS COUNTY, TEXAS

Overland Consortium Inc.
Surveyors
121 McInnis Drive, Suite 201, P.O. Box 1000, TX 75443
Tel: 281-940-8869 Fax: 281-207-6476

DIANA S. SUTHERLAND
PART OF LOT 443
(CF NO. E678491)



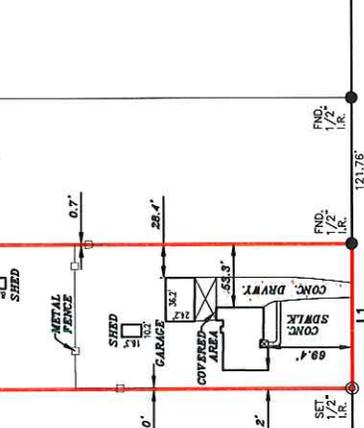
ALTON MEEKINS & JANICE MEEKINS
2.50 ACRES TRACT
(CF NO. F631785)



SAMMY C. WEST
2.6 ACRES TRACT
(CF NO. F398418)



TERRY S. GILPIN & NIKKI GILPIN
W. 1/2 OF LOT 459
(CF NO. U445936)



N. H. ST.
(ALTA. N. AVENUE H - 80' R.O.W.)

Isabel & Greg Francis
10919 Pecan Dr.
La Porte, TX 77571

City of La Porte
Zoning Board Of Adjustment

RE: Variance request – 10323 N H Street

Board Members,

My husband Greg and I, have lived in La Porte over the last 29 years and raised our family here. We recently purchased a home with a 2.5 acre lot located at 10323 North H St. To have a home in this area has been a dream of ours for 25 years. We purchased this home in hopes of living there along with our daughters, one being a horse lover and the other being an agriculturist and gardener.

Our plan is to build a home where Greg and I can live with our middle daughter and her family as we advance in age, then gift it to her. Greg has developed debilitating health problems and my two daughters have been very supportive and provide assistance whenever needed. Family is very important to us and we all want to be close by.

We have begun repairing and remodeling the existing house for our eldest daughter Vanessa and her husband Brent to live in.

We want to divide the property into a one acre tract to include the existing house and out buildings and create a new home site on the back acre and a half, to build the home for ourselves and daughter Tamra. The sisters will then be able to live close by and support each other as they raise their families together. It is our plan and desire, to have these properties in our family passing it on for generations.

I am requesting a variance exception from the provision of the code that requires minimum 90 foot frontage for each lot. The present lot is 2.5 acres but is deep and narrow at 121 ft wide therefore not allowing us to divide the property and adhere to the minimum 90 ft of frontage on H Street. I propose to create a flag lot that would give the new lot 25 feet of frontage and replatt the existing lot to a one acre lot with 96 ft frontage.

It is my prayer that you would graciously allow me to create a new home site for my family by granting this variance exception.

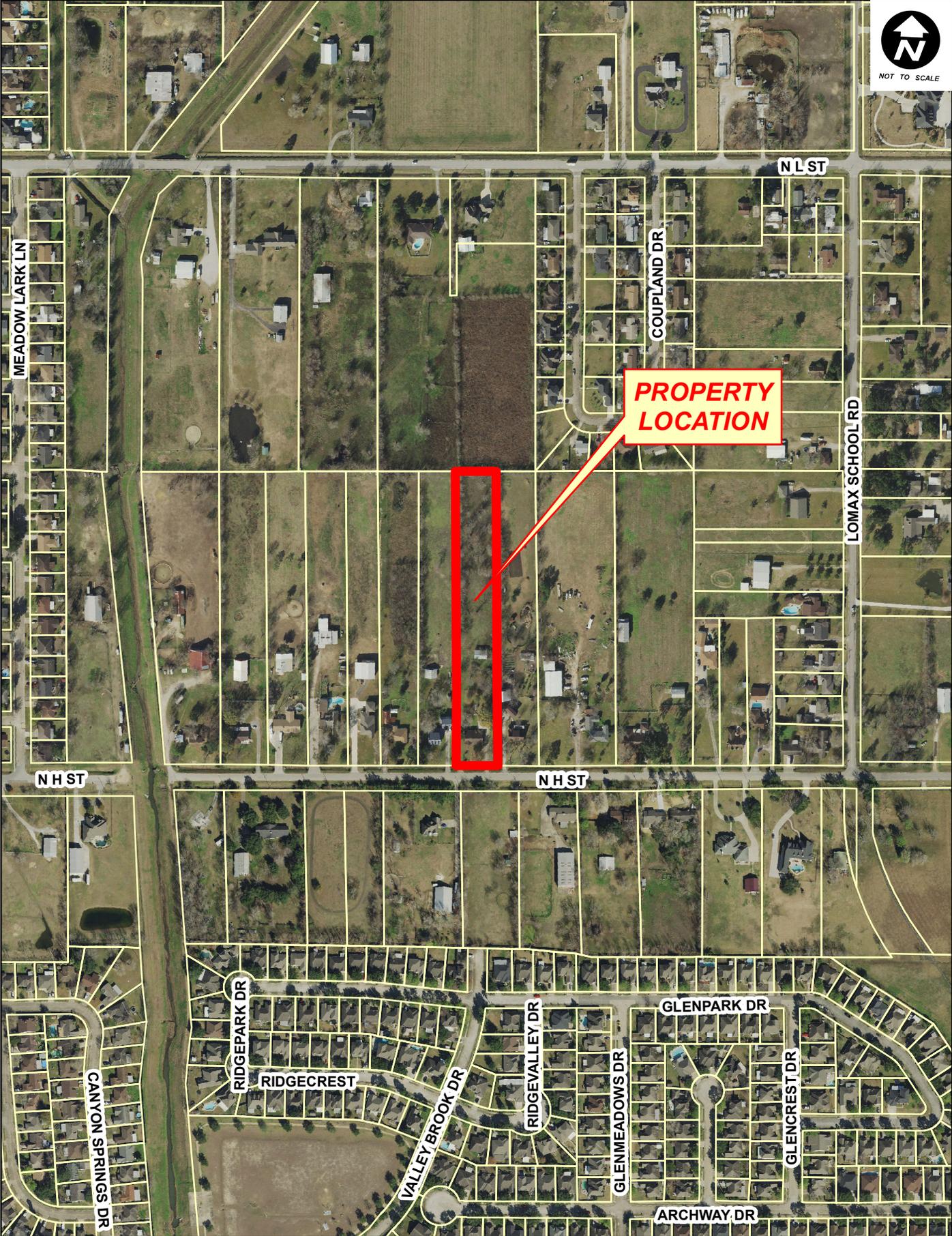
Sincerely,


Isabel "Lisa" Francis



AREA MAP

EXHIBIT B



A Meeting of the La Porte

Board of Adjustment
(Type of Meeting)

Scheduled for

December 10, 2015
(Date of Meeting)

to Consider

Variance Request #15-93000012
(Type of Request)

RECEIVED
DEC 02 2015
BY: 

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

I am OPPOSED to granting this request for the following reasons:

we Bought Here in Lomax To Have Big
Lots & our Homes To Enjoy The open
SPACE

Alton R. Meekins
Name (please print)

Alton R. Meekins
Signature

10315 N. "H" St
Address

Laporte, Tx 77571
City, State, Zip

A Meeting of the La Porte

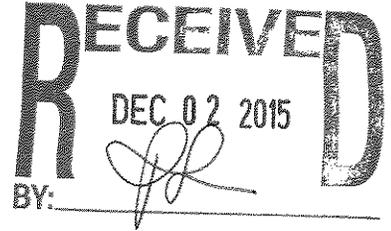
Board of Adjustment
(Type of Meeting)

Scheduled for

December 10, 2015
(Date of Meeting)

to Consider

Variance Request #15-93000012
(Type of Request)



I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

Four horizontal lines for writing reasons in favor of the request.

I am OPPOSED to granting this request for the following reasons:

Will cause more drainage problems.
Not fair to the live stock will be in standing water
whin it rain's. Do not want to live in a subdivision.
Land will flood anytime it rain's due to build
up. For house's.

LANNIE R. BURTON
Name (please print)

10281 North Ave H St.
Address

Lannie Burton PREP
Signature

LaPorte TX 77571
City, State, Zip

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



December 10, 2015

AGENDA ITEM 5

Consider approval of a Variance request to allow for a driveway access point that is 40 feet in width and another that is 45 feet in width along Bay Area Boulevard for the property located at the southeast corner of Bay Area Boulevard and Spencer Highway contrary to the provisions of the code that allows driveway widths at a maximum of 35 feet in width (Applicant: Cedarwood Development for Stripes).

*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 Cedarwood Development (for Stripes) to allow construction of two driveway access points that exceed the maximum allowed driveway width of 35 feet as stipulated in Section 106-835 of the city's Code of Ordinances for a proposed Stripes Convenience Store located at the southeast corner of Spencer Highway and Bay Area Boulevard (case #15-93000013)?

DISCUSSION

Applicant:

Cedarwood Development (for Stripes).

Property Owner:

Johnny W. Fueller, Louis E. Wilson and Paul Kennedy (permission submitted as part of application).

Applicant's Request:

The applicant is seeking approval of variance request #15-93000013, to allow construction of a new Stripes convenience store and gas station at the southeast corner of Spencer Highway and Bay Area Boulevard. Their conceptual site plan submitted as part of their application (see Exhibit A) indicates a desire to construct two driveway access points that exceed the maximum width permitted in the city's Code of Ordinances. The applicant is seeking approval of a variance to allow for construction of one driveway access point that is 40 feet in width and another that is 45 feet in width.

Subject Site:

The subject site is approximately 1.92 acres in size. The site is undeveloped vacant land located at the southeast corner of Spencer Highway and Bay Area Boulevard and is further known as Block 734, T.W. Lee Subdivision, Richard Lee Pearsall Survey A-625. The attached Exhibit B is an area map that shows the existing conditions 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.

Board of Adjustment Special Called Meeting
December 10, 2015
Stripes Driveway Width Variance

- A sign was posted on the site ten days prior to the hearing date. Additionally, in compliance 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 site is currently zoned GC, General Commercial, and is a vacant and undeveloped parcel. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	GC, General Commercial	Vacant/Undeveloped
South	PUD, Planned Unit Development	Vacant/Undeveloped
West	GC, General Commercial	Vacant/Undeveloped
East	GC, General Commercial	Vacant/Undeveloped

Applicable Code Provisions:

Section 106-835, stipulates the curb and driveway criteria for commercial uses. The following is an excerpt from that section as applicable to this variance request (see highlighted):

FIGURE 10-3
CURB AND DRIVEWAY CRITERIA
COMMERCIAL AND INDUSTRIAL DISTRICTS
(MU, MS, NC, GC, BI, LI, HI)

Driveway Criteria	Requirements	
	Commercial	Industrial
Drive width	20' minimum to 35' maximum; when adjacent roadway speed limit is 55 MPH or greater minimum 30' to maximum 45'	30' minimum to 50' maximum
Curb return radius	10' minimum to 25' maximum Curb return cannot cross property line.	10' minimum to 30' maximum Curb return cannot cross property line.
Distance from intersection	40' min.*	40' min.*
Spacing between driveways	40' min.	40' min.
Number of accesses	1/80'; 2/150'	1/80'; 2/150'
% of property frontage	40%	40%
Intersecting angle	90	90

Board of Adjustment Special Called Meeting
December 10, 2015
Stripes Driveway Width Variance

Approach grade	5% max.	5% max.
Expansion joint	At prop. line	At prop. line
Curbs	Curbs disappear at property line if no curb is present at existing street.	Curbs disappear at property line if no curb is present at existing street.
Obstruction clearance	5' min.	5' min.
Distance from side lot line	10' min.	10' min.

** The distance shall be measured from the intersection of property lines common with the street right-of-way lines.*

Analysis:

The applicant is proposing 2 access points on Bay Area Boulevard and one on 25th Street, while not requesting one on Spencer Highway. Staff is supportive of not allowing a curb-cut on Spencer Highway, in an attempt to minimize the amount of access points on Spencer Highway. However, with that being said, staff is concerned with the requested variance and the proposal to increase the width of the driveways along Bay Area Boulevard.

As a means of background, the city recently amended its provisions concerning driveway width with the last modifications to Chapter 106 (Zoning) in November 2014. The code was actually amended to be less stringent by increasing the maximum driveway width from 25 feet to 35 feet for commercial development as well as increasing the curb return radius, making it easier to turn into a site from the public street. This width is more generous than driveway widths in other surrounding communities. Staff does not believe that the proposed driveway widths are necessary. There were two other Stripes stores approved by the city in 2014. Both of those sites complied with the code requirements. Staff does not find a hardship or special circumstance associated with the subject site that warrants the granting of this variance.

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.

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest.	<p><i>Staff cannot find rationale that would demonstrate how the proposed variance to exceed the maximum driveway width outlined in the code would be in the interest of the public.</i></p> <p><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</i></p>

Board of Adjustment Special Called Meeting
 December 10, 2015
 Stripes Driveway Width Variance

	<i>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>Staff is unable to find an unnecessary hardship that results in the enforcement of this chapter as the applicant could still have reasonable use of the property with driveway access points that comply with the code requirements.</i>
c. That by granting the variance, the spirit of this chapter will be observed.	<i>Staff cannot justify approval of the variance in this instance as other similar developments are required to comply with the same driveway widths that are required in the code.</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 proposed improvements
- Exhibit B: Area map

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

Planning & Development Department
VARIANCE APPLICATION

Phone: 281.470.5058
Fax: 281.470.5005
www.laportetx.gov

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

HCAD PARCEL NO(s) 13-digit Tax ID(s): 024095034001
PROPERTY ADDRESS (If existing): W Main ST, La Porte, TX 77571
PROPERTY LEGAL DESCRIPTION: 1.9203 Acre Tract Out of Block 734, T.W. Lee Subdivision, Richard Lee Pearsall Survey, A-625, Harris County, TX

1. PROPERTY OWNER INFORMATION:

OWNER NAME: Johnny W. Fusilier, Louis E. Wilson, and Paul Kennedy PHONE: Ref. Agent
FAX #: Ref. Agent E-MAIL: Ref. Agent
MAILING ADDRESS: Ref. Agent

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

AGENT / CONTRACTOR: Cedarwood Development PHONE: 281-872-0507
E-MAIL: bpooley@cedarwoodd.com FAX: 281-872-0547
MAILING ADDRESS: 222 Pennbriht, STE 109; Houston, TX 77090

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: _____

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: Cedarwood Development (Bruce Pooley) SIGNATURE:  SUBMITTED: 11-10-15
(Print) (Sign) (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: _____

MEMORANDUM

TO: City of La Porte; Planning and Development Department
FROM: Bruce Pooley
CC: James Boutchyard (Stripes) and Billy Green (HFA)
DATE: 11-10-15
RE: La Porte, TX – SEC Spencer and Bay Area BLVD
STRIPES – Variance Application (Driveway Width)

To Whom It May Concern:

We respectfully request a variance for two proposed commercial driveways along Bay Area BLVD. The existing 35ft Commercial Drive maximum width is too narrow and creates an unnecessary hardship along with a public safety concern. This Stripes Facility will be delivered fuel in an eighteen wheel transport that will not be able to safely maneuver in and out of the facility. Per the submitted Site Plan we are requesting a 45ft width for the Southernmost drive and a 40ft width for the Northern most drive along Bay Area BLVD both of which will more adequately provide for the turning radius required by an eighteen wheel transport. We feel that the granting of this variance will not only provide the relief required by Stripes to safely operate its Facility, but will be in the best interest of the public as well.

Many thanks for your consideration and time.

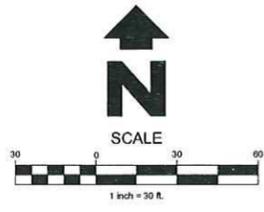
Sincerely,



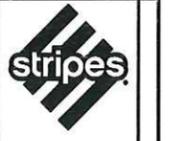
Bruce Pooley
Director of Development



HARRISON FRENCH
 ASSOCIATES, L.P.
 1705 S. Walton Blvd., Suite 3
 Bentonville, Arkansas 72712
 t 479.273.7780
 f 888.530.9655
 www.hfa-ae.com



EXPLANATION FOR REUSE
 ALL INFORMATION IS PROVIDED FOR USE ON
 A SPECIFIC SITE, AT
 CONTEMPORANEOUS WITH ITS ISSUE
 DATE ON 11/9/2015
 ANY REUSE OF THIS INFORMATION ON ANY OTHER
 PROJECT WITHOUT THE WRITTEN CONSENT OF
 HARRISON FRENCH ASSOCIATES, L.P. IS
 PROHIBITED. REPRODUCTION OF THIS
 PROJECT IS NOT AUTHORIZED AND MAY BE
 PENALIZED BY LAW.



stripes.
 STORE XXXX
 SPENCER HWY. & BAY AREA BLVD.
 LA PORTE, TX
 PROJ NUMBER: 10-15-00094

ISSUE BLOCK		
Δ	TITLE	DATE
REV-0		11/9/15
REV-1		11/9/15

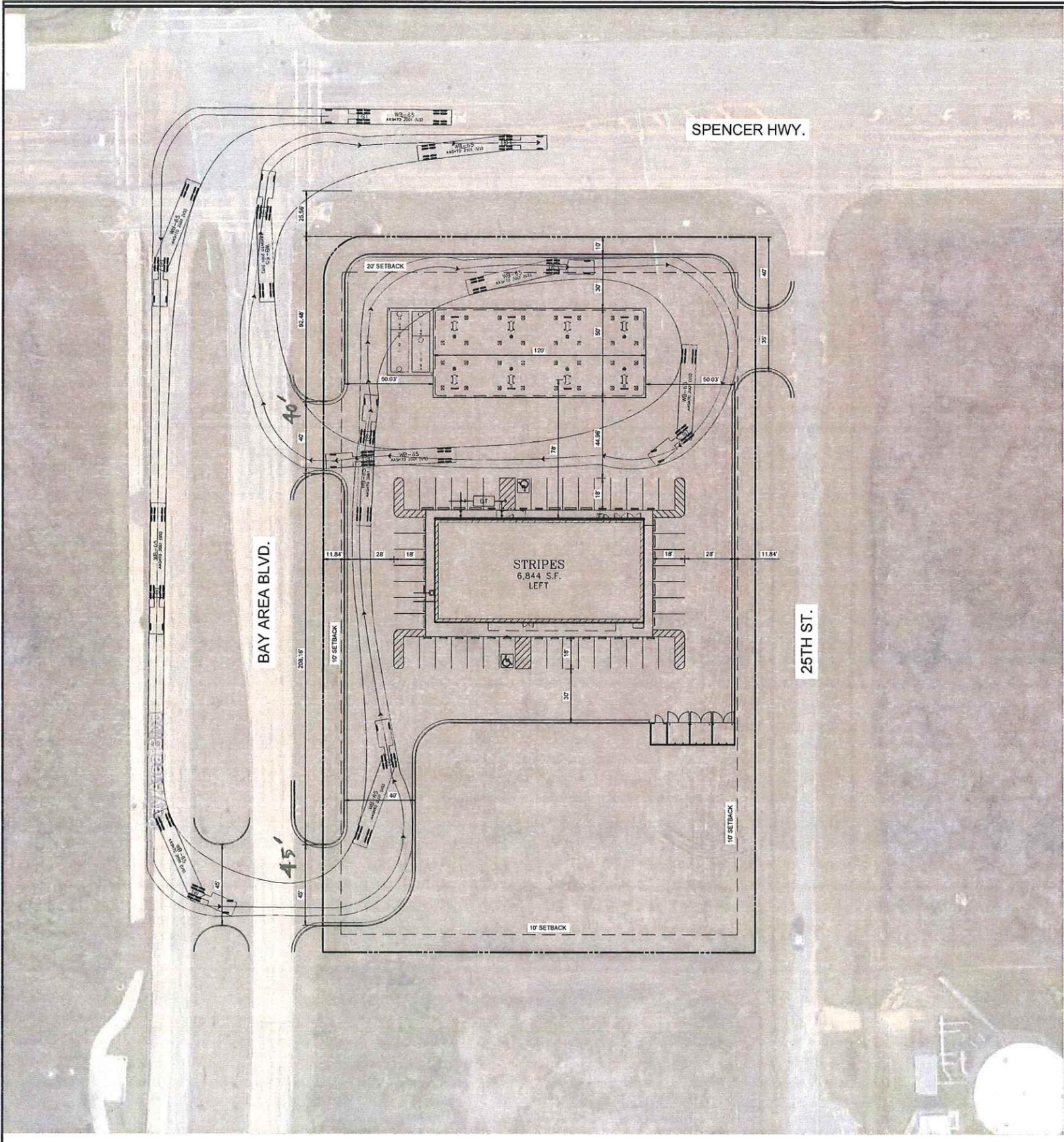
STORE NO.:
 DOCUMENT DATE: 11/9/2015
 CHECKED BY: JBI
 DRAWN BY: JBI

TEXAS COA
 #F-8576

CONCEPTUAL
 SITE PLAN

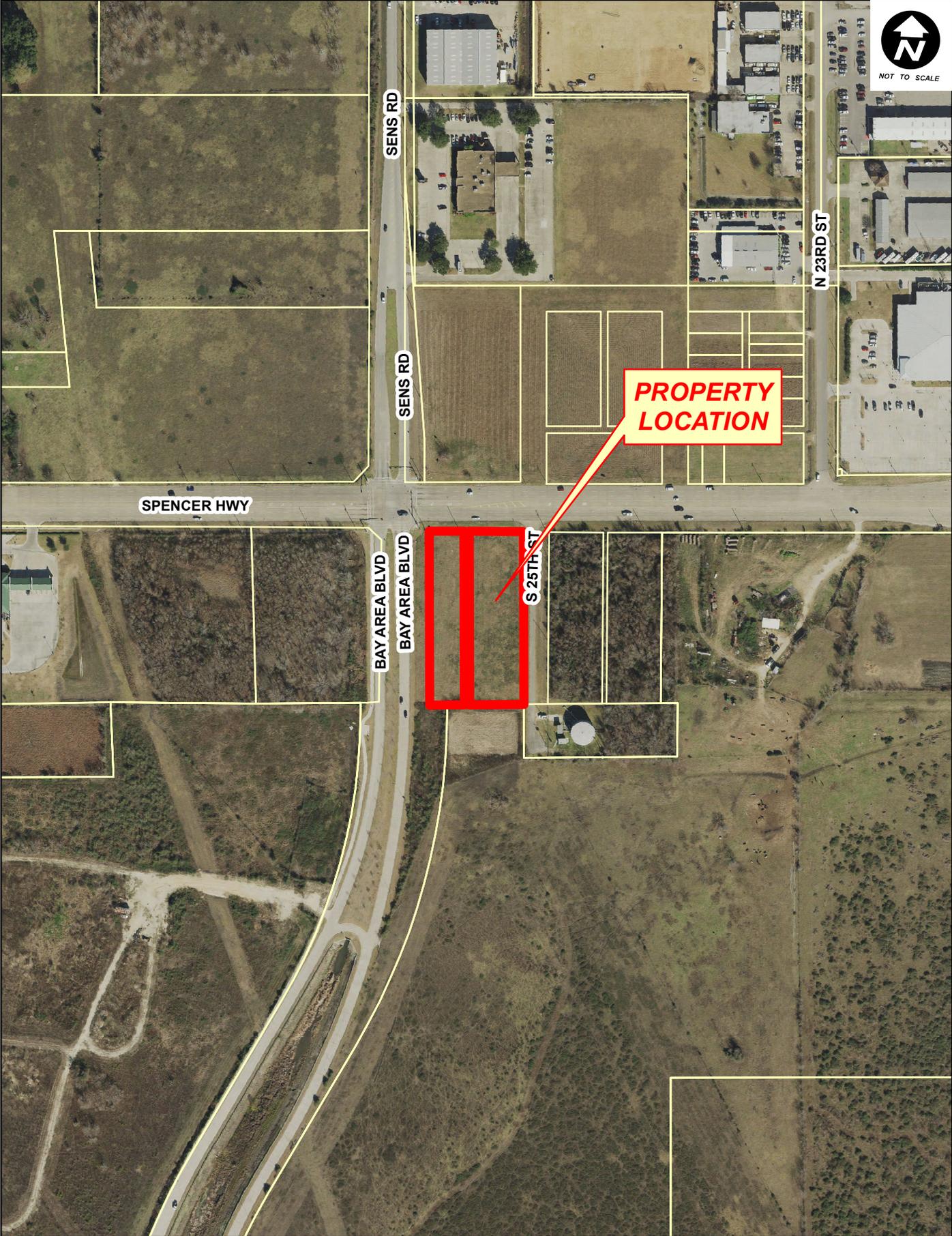
SHEET:
 C3.0

Nov09 2015 2:28pm - User: jay.jogle
 L:\1010-15-00094 La Porte, TX Spencer\Disciplines\Civil\Final Site Plan\Concept Site Plan\Rev-1 10-15-00094 Concept Site Plan.dwg



AREA MAP

EXHIBIT B



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



December 10, 2015

AGENDA ITEM 6

Consider approval of a Variance request
to allow 3 access points to the Export Drive right-of-way
and 3 access points to the 16th Street right-of-way
for the property located at the southeast corner of S. 16th Street and Export Drive
contrary to the provisions of the code that allows only
2 access points to a public right-of-way

(Applicant: Liberty Properties Limited Partnership).

***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 Liberty Property Limited Partnership to allow construction of 3 driveway access points on Export Drive and 3 driveway access points on S. 16th Street for a new warehouse/distribution facility in the Port Crossing Business Park located at the southeast corner of S. 16th Street and Export Drive, contrary to the provisions of Section 106-835 of the city's Code of Ordinances that allows only 2 access points to a public right-of-way (case #15-93000014)?

DISCUSSION

Applicant:

Liberty Property Limited Partnership.

Applicant's Request:

The applicant is seeking approval of variance request #15-93000014, to allow construction of a new 415,272 square foot warehouse/distribution facility. The attached Exhibit A includes a conceptual site plan identifying the proposed layout of the facility, including driveway access points. The proposed facility will include both vehicular access for working employees as well as access for truck traffic for the distribution facility. The applicant is seeking approval of a variance to allow for construction of 3 driveway access points on both S. 16th Street and Export Drive.

Subject Site:

The subject site is a 21.47 acre portion (835'x1120.25') of a 66.1607 acre tract of land, platted as Reserve "I" of the Port Crossing Amending Plat. The attached Exhibit B is an area map that shows the existing conditions 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 compliance 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.

Board of Adjustment Special Called Meeting
December 10, 2015
Port Crossing Driveway Access Variance

Background Information:

The site is currently zoned PUD, Planned Unit Development, and is a vacant and undeveloped parcel. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Warehouse/Distribution Facility (1701 S. 16 th Street)
South	PUD, Planned Unit Development	Undeveloped (Port Crossing Business Park)
West	PUD, Planned Unit Development	Existing Industrial/Warehouse/Distribution Facility (1706 S. 16 th Street, 1806 S. 16 th Street)
East	PUD, Planned Unit Development	Undeveloped (Port Crossing Business Park)

Applicable Code Provisions:

Section 106-835, stipulates the curb and driveway criteria for commercial uses. The following is an excerpt from that section as applicable to this variance request (see highlighted):

FIGURE 10-3
CURB AND DRIVEWAY CRITERIA
COMMERCIAL AND INDUSTRIAL DISTRICTS
(MU, MS, NC, GC, BI, LI, HI)

Driveway Criteria	Requirements	
	Commercial	Industrial
Drive width	20' minimum to 35' maximum; when adjacent roadway speed limit is 55 MPH or greater minimum 30' to maximum 45'	30' minimum to 50' maximum
Curb return radius	10' minimum to 25' maximum Curb return cannot cross property line.	10' minimum to 30' maximum Curb return cannot cross property line.
Distance from intersection	40' min.*	40' min.*
Spacing between driveways	40' min.	40' min.
Number of accesses	1/80'; 2/150'	1/80'; 2/150'
% of property frontage	40%	40%
Intersecting angle	90	90
Approach grade	5% max.	5% max.
Expansion joint	At prop. line	At prop. line
Curbs	Curbs disappear at property line if no curb is	Curbs disappear at property

Board of Adjustment Special Called Meeting
December 10, 2015
Port Crossing Driveway Access Variance

	present at existing street.	line if no curb is present at existing street.
Obstruction clearance	5' min.	5' min.
Distance from side lot line	10' min.	10' min.

** The distance shall be measured from the intersection of property lines common with the street right-of-way lines.*

Analysis:

The request is for 3 driveway access points from both S. 16th Street and Export Drive. The portion of Reserve "I" being developed as part of this initial phase has street frontages of 835' on S. 16th Street and 1120.25' on Export Drive. The overall Reserve "I" is much larger. As a result future development of the remainder of Reserve I will require additional variances, unless the applicant chooses to subdivide the parcel.

Of additional consideration, the size of the area of development is significantly larger than more standard size lots throughout the city. The same maximum number of driveways is applicable for development that an acre or less up to and exceeding the size of this parcel. The applicant is proposing development of 21.47 acres of a 66.1607 acre tract of land at this time. The other tracts within the Port Crossing development (on the west side of S. 16th Street) have developed in compliance with the code; meaning they have no more than 2 access points.

Staff is concerned with the number of driveways on S. 16th Street, especially considering the remainder of this tract of land will develop in the future, and the necessity for additional access points on S. 16th Street. However, staff recognizes that the middle access point proposed on S. 16th Street could help alleviate conflicts between passenger vehicles and truck traffic. Additionally, the eastern-most driveway will function primarily as vehicular access.

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.

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest.	<p><i>The proposed variance would provide for separation of passenger vehicular traffic from truck traffic; therefore reducing the potential for conflict.</i></p> <p><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></p>

Board of Adjustment Special Called Meeting
 December 10, 2015
 Port Crossing Driveway Access Variance

<p>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.</p>	<p><i>Staff is unable to find an unnecessary hardship that results in the enforcement of this chapter as the applicant could still have reasonable use of the property with only 2 driveway access points per right-of-way. Especially considering the remainder of this tract will be developing in the future.</i></p>
<p>c. That by granting the variance, the spirit of this chapter will be observed.</p>	<p><i>The authorization of the variance could be considered in the spirit of the chapter as the subject development is subject to the same regulation as other developments in the city on significantly smaller tracts of land. However, the intent of the ordinance is to minimize the amount of curb cuts and funnel vehicular traffic to a limited number of access points to minimize conflicts.</i></p>

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 proposed improvements
- Exhibit B: Area map

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

Planning & Development Department
VARIANCE APPLICATION

Phone: 281.470.5058
Fax: 281.470.5005
www.laportetx.gov

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

HCAD PARCEL NO(s) 13-digit Tax ID(s): 1292170030001
PROPERTY ADDRESS (If existing): 1801 16th Street, La Porte, TX 77571
PROPERTY LEGAL DESCRIPTION: A Part of Restricted Reserve "I", Block 3 of the Final Plat of Port Crossing

1. PROPERTY OWNER INFORMATION:

OWNER NAME: Liberty Property Limited Partnership PHONE: 281-955-2000
FAX #: _____ E-MAIL: kchang@libertyproperty.com
MAILING ADDRESS: 8827 North Sam Houston Parkway West, Houston, TX 77064

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

AGENT / CONTRACTOR: Kevin Polasek, P.E. PHONE: 713-993-0333
E-MAIL: kbp@terraassoc.com FAX: 713-993-0743
MAILING ADDRESS: 1445 North Loop West, Suite 450, Houston, TX 77008

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: We are requesting to allow more than two driveways on the Public Right-of-Way adjacent to the site for purposes of keeping truck traffic and passenger vehicles separated as much as possible.

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: Kevin Polasek (Print) SIGNATURE: Kevin Polasek, P.E. (Sign) SUBMITTED: 11-17-2015 (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: _____

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.



November 16, 2015

City of La Porte
Planning & Development Department
604 W. Fairmont Pkwy.
La Porte, Texas 77571

**Re: Variance Request – Code Section 106-835, Figure 10-3
Port Crossing Development Building B4
1801 16th Street, La Porte, Texas 77571**

TAI File No. 1730-1503
TAI Registration No. : F-003832

Planning and Development Staff,

Please accept this letter as a request on behalf of the owner, Liberty Property Trust, for a variance to Section 106-835, Figure 10-3 of the City's Code of Ordinances. Specifically, we are requesting a variance to the number of access points allowed within a BI Zoning District. According to Figure 10-3, a maximum of 2 access points are allowed for developments with a minimum of 150' of frontage along a public right-of-way.

Our request is to add a third access point along Export Drive and S. 16th Street. The proposed development has 835 LF of frontage along S. 16th Street and 1,120 LF of frontage along Export Drive. The total size of the property is 21.47 acres and includes a proposed 415,000 SF warehouse distribution center.

The purpose behind this request is, to the extent possible, to separate the large truck traffic from passenger vehicles providing separate primary ingress/egress points for each on both S. 16th Street and Export Drive. This will provide for better and safer traffic flow through the site since passenger vehicles and heavy truck traffic will be separated in most instances. We do not want to completely isolate the heavy trucks and passenger vehicles from each other because we want to keep an unobstructed drive path around the entire building for fire access.

Because of the logistics of the proposed development being a cross dock building with loading docks on both sides, truck traffic must be able to enter and exit the site from each public right of way in order to minimize its potential conflicts with passenger vehicles.

Utilizing two drives for truck ingress/egress at each right of way, a separate access drive for passenger vehicles is not allowed based on the current code.

According to Section 106-192 of the Code of Ordinances, the applicant must demonstrate:

- (a) The granting of the variance will not be contrary to the public interest
 - *The primary purpose behind the request to add a third driveway along S. 16th Street and Export Drive is to keep truck traffic and passenger vehicles separated as much as possible by providing separate ingress and egress issues. We do not want to completely isolate passenger vehicle traffic from truck traffic because we want to keep a clear unobstructed path around the entire development for fire access. Both of these issues are directly related to the overall safety of the public and would 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
 - *To this point, the variance request must take into consideration the shape of this site as it relates to any development of this type. In other words, the challenge facing this specific development at this location would be the same regardless of the location within this development or most any other development. A cross dock structure requires truck access to each side of the building since loading docks are located along the front and rear. As stated above in the request, it is desirable, whenever possible, to keep heavy truck traffic separate from passenger vehicles for purposes of safety. To do this, multiple drives are required for ingress and egress. With multiple access points used for truck ingress and egress on each public right of way, a third access point is necessary in order for passenger vehicles to avoid conflict with truck traffic on a regular basis. Again, this goes back to the safety issue and not a “developer preference”. The request isn’t driven by a desire to additional driveways for the sake of having more driveways. It is primarily a safety factor for the citizens using this facility on a daily basis.*

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

- *The spirit of the specific ordinance we are requesting a variance to allows for two driveway connections for 150' of frontage along a public right of way. This development has 835 LF of frontage on S. 16th Street and 1,120 LF of frontage on Export Drive. Were this development to be subdivided into multiple reserves, there could be as many as 10 or more driveway connections within this same amount of street frontage on each public right of way. Therefore, the spirit of the ordinance will be observed.*

We have enclosed a site plan of the proposed development indicating proposed driveway locations and the spacing between drives for your reference. In closing, we respectfully request that the variance applied for in this case be granted. The project meets all the requirements necessary for a variance, and will be an overall benefit to the functionality of the project and the safety of all citizens utilizing this development.

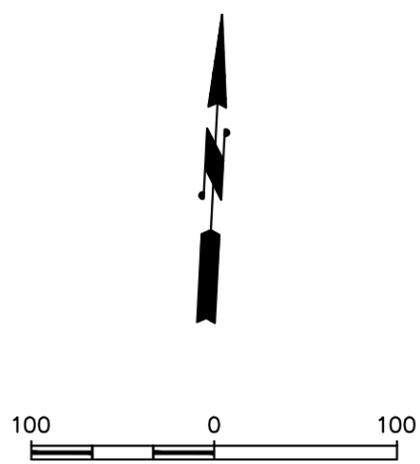
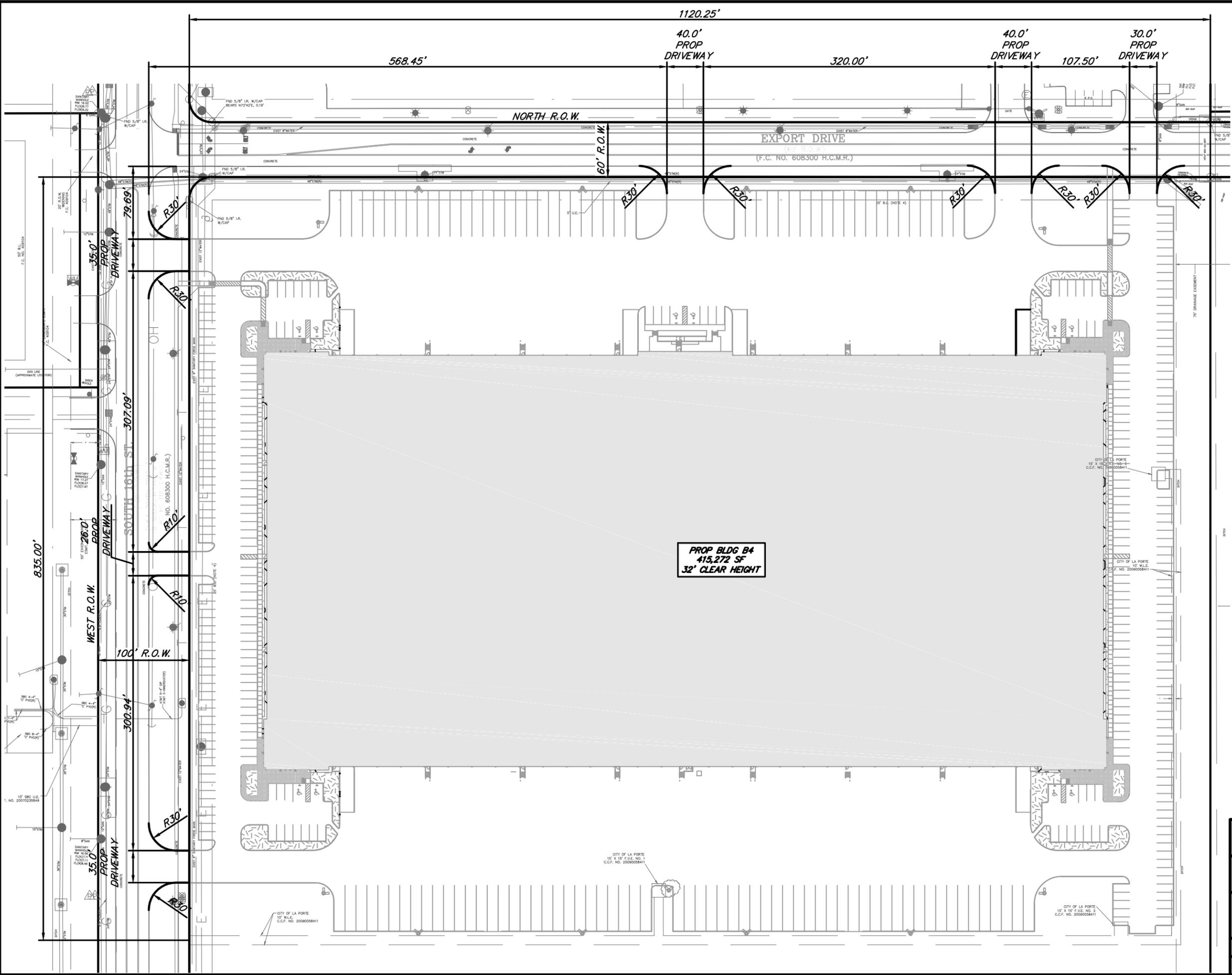
Respectfully,



Kevin Polasek, P.E.

Vice President

F:\Clients\1730 Liberty Property Trust\1730-1503 Port Crossing - Phase 1 Development\Drawings\Exhibits\Building 04\Prop Driveways Nov 23, 2015-10:56am Terra Associates Inc., JM



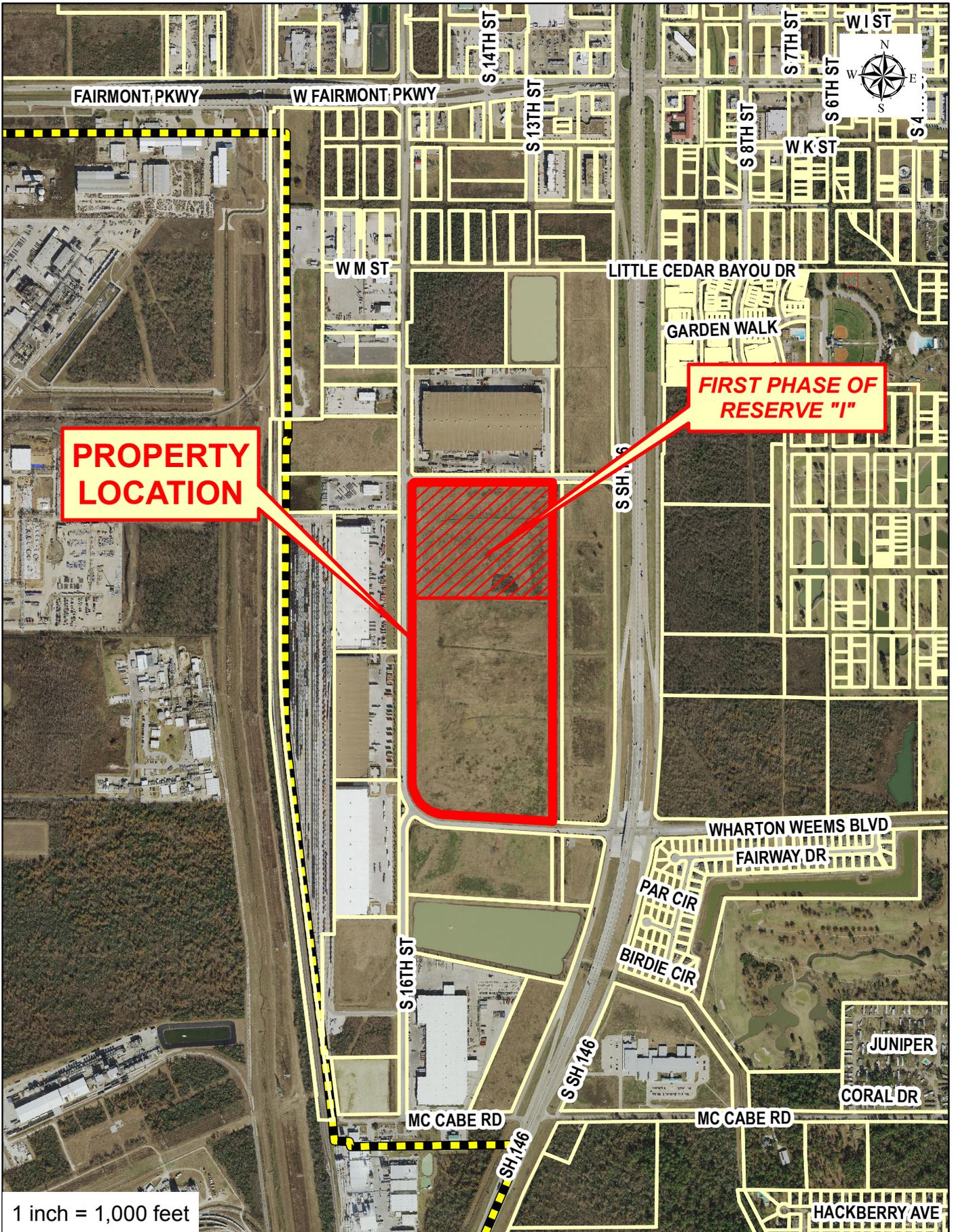
- NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
 3. ALL CURB RETURN RADII SHALL BE 30', AS SHOWN TYPICAL ON THIS PLAN, UNLESS OTHERWISE NOTED.

PROP BLDG B4
415,272 SF
32' CLEAR HEIGHT

LIBERTY PROPERTY TRUST PORT CROSSING PH I-BLDG 04		
EXHIBIT OF PROPOSED DRIVEWAYS		
TERRA ASSOCIATES, INC. CONSULTING ENGINEERS		
1445 N. LOOP WEST - SUITE 450 713-993-0333 HOUSTON, TEXAS 77008 TBPE Registration No.: F-003832		
DRAWN BY: JMZ	SCALE: 1" = 100'	PROJECT No. 1730-1503
CHECKED BY: DAS	DATE: NOVEMBER 23, 2015	SHEET 1 OF 1

AREA MAP

EXHIBIT B



**PROPERTY
LOCATION**

**FIRST PHASE OF
RESERVE "I"**

1 inch = 1,000 feet

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



December 10, 2015

AGENDA ITEM 7

Consider approval of a Special Exception request
to waive or reduce the off-street parking requirements
for the property located at 422 S. Broadway
(Applicant: Rolf Realtors, on behalf of the property owner Rafael Alcala).

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 special exception request by Rafael Alcala to waive or reduce the off-street parking requirements for the subject property located at 422 S. Broadway (case #15-94000001)?

DISCUSSION

Applicant:

Rolf Realtors (Andy Rolf).

Property Owner:

Rafael Alcala.

Applicant's Request:

The applicant is seeking approval of special exception request #15-94000001, to allow for a waiver to the city's off-street parking requirements. The building located at 422 S. Broadway is currently vacant; however, the applicant has a potential lessor for the building who would utilize the building for an insurance office. The attached Exhibit A is a copy of the application and other submitted documentation from the applicant justifying the rationale for the requested special exception.

Subject Site:

The subject site is approximately 6,250 square feet in size. It is located on the west side of S. Broadway between C Street and D Street and is legally described as Lot 19 and 20, Block 12, Town of La Porte. The site contains a 446 square foot vacant commercial building. The site is considered nonconforming as it does not comply with applicable codes, including parking. As a result, with a new tenant and new Zoning Permit application, the site is required to be brought into compliance with the city's applicable off-street parking requirements. The attached Exhibit B is an area map that shows the existing conditions 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 special exception 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 compliance 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 site is currently zoned GC, General Commercial, and contains a commercial building. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	GC, General Commercial	Commercial
South	GC, General Commercial	Nonconforming Single Family Residential
West	GC, General Commercial	Nonconforming Single Family Residential
East	R-2, Medium Density Residential	La Porte Elementary School

Applicable Code Provisions:

Section 106-191, stipulates the requirements for consideration of a special exception. The following is an excerpt from that section as applicable to this request (see highlighted):

Sec. 106-191. - Special exceptions.

(a) *Application for special exceptions.* All applications for special exception to the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and the grounds therefor. Each such application shall be filed, along with the appropriate fees, 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) *Special exceptions to be reviewed; finding of facts.* The term "special exception" shall mean a deviation from the requirements of this chapter, specifically enumerated herein, which shall be granted only in the following instances, and then only when the board finds that such special exception will not adversely affect the value and use of adjacent or neighboring property or be contrary to the best public interest:

- (1) To reconstruct, enlarge or extend a building occupied by a nonconforming use on the lot or tract occupied by such building, provided that the reconstruction, extension, or enlargement does not prevent the return of the property to a conforming use.
- (2) To deviate yard requirements in the following circumstances:
 - a. Any exception from the front yard requirements where the actual front yard setback of any abutting lot does not meet the front yard requirement.
 - b. A rear yard exception where the actual rear yard setback of any four or more lots in the same block does not meet the rear yard requirements of these regulations.
 - c. A yard exception on corner lots.
 - d. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for buildings hereafter constructed or extended, be the required minimum front yard depth.
- (3) To waive or reduce off-street parking and loading requirements when the board finds the same are unnecessary for the proposed use of the building or structure for which the special exception request applies.
- (4) To deviate from the minimum lot size or width requirements for property within the large lot district, where the board finds that all of the following conditions are shown:

- a. That one or more lots located in the same block as the subject property are not uniform in terms of shape and/or size so that any further subdivision of the subject property cannot be in accordance with the regulations governing the district;
- b. It can be demonstrated that the subdivision will not circumvent the spirit of the district regulations, or particularly, the rural character of the district; and,
- c. Granting the special exception will not be injurious to the value or enjoyment of adjacent properties within the district.

(c) *Hearings on applications for special exceptions.* The board of adjustment shall fix a reasonable time for the hearing of all applications for special exceptions, 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](#) (Notice of public hearings before the board of adjustments). Upon the hearing any party may appear in person or by agent or by attorney.

Section 106-839 stipulates the amount of parking required for specific uses within the city. In this case the code requires the following parking: 4 parking spaces plus 1 per 400 square feet of office (or a total of 5 parking spaces in this case).

Analysis:

Section 106-191(b) indicates that a special exception request can only be approved if it will not adversely affect the value and use of adjacent or neighboring property or be contrary to the best public interest.

In this case, the applicant has sufficient space to provide the required parking. However, the applicant is requesting consideration of this special exception because he asserts that there is sufficient parking on S. Broadway for the proposed use. He further asserts that the previous use of the property, a beauty salon, utilized on-street parking and that construction of off-street parking would be a significant expense more than the value of the property as it currently exists.

Staff concurs that parking was previously accommodated on-street for previous uses. However, the intent of the code is to bring properties more into compliance with applicable code provisions over time. With that being said, Main Street and South Broadway (from Main Street to Fairmont Parkway) do provide a different character than other areas within the city in that they developed longer ago and there are many buildings, such as this one, that are built up to the front property line. This type of development generally utilizes on-street parking to meet all or a majority of the parking demands for the development.

The intensity of the insurance agency use on parking will be minimal as the use is generally not a high trip generating use. However, the Board should consider that the applicant owns both Lots 19 and 20 and there is sufficient room to provide the necessary off-street parking.

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 proposed improvements
- Exhibit B: Area map

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

Planning & Development Department
SPECIAL EXCEPTION APPLICATION

Phone: 281.470.5073
Fax: 281.470.5005
www.laportetx.gov

1. PROPERTY OWNER CONTACT INFORMATION:

OWNER NAME: RAFAEL ALCALA PHONE 1: 1.313.377.6452
PHONE 2: _____ FAX #: _____
E-MAIL: _____
MAILING ADDRESS: 17363 BEAVERLAND STREET, DETROIT, MICHIGAN 48217

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

AGENT / CONTRACTOR COMPANY: ROLF REACTORS / ANDY ROLF
PHONE 1: 281.471.4444 PHONE 2: _____
E-MAIL: _____ FAX #: 281.471.4444
MAILING ADDRESS: 120 S. BROADWAY LA PORTE, TX. 77571
CONTACT PERSON'S NAME: ANDY ROLF PHONE: 281.471.4444

3. PROPERTY DESCRIPTION:

HCAD PARCEL NO(s) 13-digit Tax ID(s): 19-023.157.000.0017.001; 20-023.157.000.0019.001
PROPERTY ADDRESS (if existing): 422 SOUTH BROADWAY LA PORTE, TX. 77571
PROPERTY LEGAL DESCRIPTION: LOTS 19 & 20, BLOCK 12, TOWN OF LA PORTE

4. SPECIAL EXCEPTION REQUEST:

A Special Exception allows for deviation from the requirements of the City's Zoning Ordinance. In order to grant a Special Exception, the Zoning Board of Adjustments (ZBOA) must find that the exception is not contrary to the best public interest and will not adversely affect the value or use of an adjoining property.

Special Exceptions considered by ZBOA are limited to the following requests:

Check applicable box for specific Special Exception request:

- Reconstruction of (or addition to) an existing building occupied by a non-conforming use
- Deviation of lot setbacks as stipulated by the City's Zoning Ordinance
- Elimination or reduction of off-street parking and loading regulations

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 [Include the following: 1) Facts relevant to your request, 2) The type of relief sought from current zoning regulations & 3) the basis of your request for a special exception.]
- WRITTEN AUTHORIZATION FROM PROPERTY OWNER 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 Special Exception from the ZBOA.

PRINTED NAME: ANDY ROLF SIGNATURE: Andy Rolf DATE SUBMITTED: _____
(Applicant) (Applicant)

(STAFF USE ONLY):

APPLICATION NO: _____
DATE APPLICATION REC'D.: _____ APPLICATION REC'D BY: _____
 SITE PLAN REC'D \$150 APPLICATION FEE REC'D APPLICANT'S SUPPLEMENTAL INFO REC'D OWNER AUTHORIZATION
ZBOA MEETING DATE: _____ SPECIAL EXCEPTION GRANTED? YES NO

November 24, 2015

Board of Adjustments
City of La Porte
La Porte, Texas

Re: 422 South Broadway La Porte, Texas
Parcel ID # 023-157-000-0019-001

I, Rafael Alcalá, am requesting a variance by the City of La Porte to the off street parking ordinance for my property at 422 South Broadway, La Porte, Texas.

The property and building on the property were previously a hair salon for over thirty years and on street parking was allowed for all of that time.

The requirement to build a parking lot for the facility would not be cost effective as such a parking lot would cost more than 3 or 4 times the value of the property as it exists now. Also, the property on which the building is located is only 25 feet wide and there is no room to build a driveway around the building

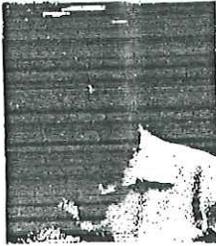
South Broadway is marked with striping to allow cars to park on the street out of the traffic lanes. Parking exists on both the west and east sides of South Broadway at this time.

I have a prospective tenant that wants to open a small insurance office in the location. Her office would be a one man office with only an occasional part-time receptionist. Most of her work is in the field and the building will be vacant much of the time. The tenant is relocating her agency from League City to La Porte. I am hoping that this matter will be resolved through a variance to allow on street parking in order to facilitate this business relocating to La Porte.

Thank you for your considerations.



Rafael Alcalá
Andy Rolf - Property Manager



National Insurance Agency - 1001 S FM 270 #1030 - League City, TX 77573
832 633-1064 office - 832 379-7444 fax - 832 316-2687 cell

November 18, 2015

TO WHOM IT MAY CONCERN

RE: 422 S BROADWAY, LA PORTE, TX 77571

Dear Sirs:

422 S Broadway is a perfect size for my insurance agency in a great location and since I live in La Porte, I feel keeping my business close at hand would be ideal.

My agency is small. I am the agent and I have a part-time assistant, who also serves as receptionist.

While I am a full service agency, my principle business is medicare insurance for seniors and teachers retirement options. This keeps me out of the office and on the road the majority of the year.

My part-time assistant also lives in La Porte and is a one car household. This means with me on the road and my assistant being dropped off at the agency, it will not be the norm to have our vehicles parked in front of the office.

I have taken steps to see if my neighbor will allow me to park my vehicle on his commercial parking lot and I believe they are okay with that issue.

We have ties to La Porte. My children and now my grandchildren were and are being schooled by the La Porte ISD school system and we own our home in La Porte.

I would like to work together to solve the occupancy issues at 422 S Broadway as soon as possible.

MEDICARE INSURANCE, FINAL EXPENSE, ANNUITIES, TEACHERS RETIREMENT OPTIONS

HEALTH INSURANCE

AUTO.HOME.LIFE.BUSINESS

rptDetail



RAFAEL ALCAZA
313. 377. 6452
313. 538. 3368

\$15,000

Additional Reports

Profile Report

422 S BROADWAY ST, LA PORTE, TX. 77571-5316 Harris County

HOPE GONZALEZ

General Property Description

Map Page/Coord: 580B

ParcelID : Card 023-157-000-0019-001 : 001

Subdivision: LA PORTE BLKS 1 TO 186

Legal Desc: LT 20 BLK 12 LA PORTE **\$200**

School District: LA PORTE ISD
Census Tract/Block: 482013434 / 5

MLS Area: 7
Map Facet: 6253B

Property Characteristics

Improved SqFt: 446 **1500**

Bedrooms: 00 **9500**

Foundation:

Fireplace: No

Style:

Heat & A/C:

Built: 1978

Baths: 00/

Swimming Pool: No

Exterior Walls:

Misc3:

Misc5:

Remodeled:

Total Rooms:

Stories:

Misc2:

Misc4:

Misc1:

Land Characteristics

Acreage: 0.0717

Land Use: Retail Single-Occupancy - 4373

Latitude: 29.660630

Land SqFt: 3,125

Longitude: -95.019570

Depth: 0

Front: 0

Deed and Sales Information

Last Sale Date: 2 Jan 1988

Last Deed Date:

Deed History

Sales Amount: \$0

Loan Amount: \$0

Broker:

MLS No.:

Seller:

CCF#:

Taxpayer Information

Name: GONZALES TOMASA
Address: 424 S BROADWAY ST
LA PORTE TX 77571-5316

Owner Information

Name: GONZALES TOMASA
Address: 424 S BROADWAY ST
LA PORTE, TX
77571-5316

County Appraisal District Property Values

2013	Change (%)	2012	Change (%)	2011
Total Value: \$20,920	\$6,929 (50%)	\$13,991	\$0 (0%)	\$13,991
Imprv: \$11,545				
Land: \$9,375				
CAD Mkt Val: \$20,920				

Exempt Status: VetDisability

Lot / Block: 20 / 12

Taxes

Tax Entity/Collector	Tax Rate (per \$100.00)	Bonds Authorized	Bonds Issued	Estimated Tax (before exemptions)
Tax Rates	0.71000000			\$148.53
CITY OF LA PORTE	0.41455000			\$86.72
HARRIS CO	0.00635800			\$1.33
HARRIS CO DPT EDUC	0.02827000			\$5.91
HARRIS CO FLOOD CONTRL	0.17000000			\$35.56
HARRIS CO HOSPITAL	1.33000000			\$278.24
LA PORTE ISD	0.01716000			\$3.59
PORT OF HOUSTON AUTH	0.18560200			\$38.83
SAN JAC JR CLG	2.86194000			\$598.72
Total:				



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Theresa Alcaza

17363 ~~NEAR~~ BEAVERLAND St.
DETROIT 48219



Additional Reports

Profile Report

424 S BROADWAY ST, LA PORTE, TX. 77571-5316 Harris County

General Property Description

Map Page/Coord: 580B	School District: LA PORTE ISD	MLS Area: 7
ParcelID : Card 023-157-000-0017-001 : 001	Census Tract/Block: 482013434 / 5	Map Facet: 6253B
Subdivision: LA PORTE BLKS 1 TO 186		
Legal Desc: LT 19 BLK 12 LA PORTE		

Property Characteristics

Improved SqFt: 0	Built:	Remodeled:
Bedrooms: 00	Baths: 00/	Total Rooms:
Foundation:	Swimming Pool: No	Stories:
Fireplace: No	Exterior Walls:	Misc2:
Style: Traditional	Misc3:	Misc4:
Heat & A/C:	Misc5:	Misc1:

Land Characteristics

Acreage: 0.0717	Land SqFt: 3,125	Depth: 0
Land Use: Res Vacant Override - 2000	Longitude: -95.019570	Front: 0
Latitude: 29.660560		

Deed and Sales Information

Last Sale Date: 2 Jan 1988	Sales Amount: \$0	MLS No.:
Last Deed Date:	Loan Amount: \$0	Seller:
<u>Deed History</u>	Broker:	CCF#:

Taxpayer Information

Name: GONZALES TOMASA ESTATE OF
Address: 17363 BEAVERLAND ST
DETROIT MI 48219-3153

Owner Information

Name: GONZALES TOMASA ESTATE OF
Address: 17363 BEAVERLAND ST
DETROIT, MI
48219-3153

County Appraisal District Property Values

	2013	Change (%)	2012	Change (%)	2011
Total Value:	\$0	(\$7,606) (-100%)	\$7,606	(\$57) (-1%)	\$7,663
Imprv:	\$0				
Land:	\$0				
CAD Mkt Val:					
		Exempt Status: Non-Exempt			Lot / Block: 19 / 12

Taxes

Tax Entity/Collector	Tax Rate (per \$100.00)	Bonds Authorized	Bonds Issued	Estimated Tax (before exemptions)
Tax Rates				\$0.00
CITY OF LA PORTE	0.71000000			\$0.00
HARRIS CO	0.41455000			\$0.00
HARRIS CO DPT EDUC	0.00635800			\$0.00
HARRIS CO FLOOD CONTRL	0.02827000			\$0.00
HARRIS CO HOSPITAL	0.17000000			\$0.00
LA PORTE ISD	1.33000000			\$0.00
PORT OF HOUSTON AUTH	0.01716000			\$0.00
SAN JAC JR CLG	0.18560200			\$0.00
Total:	2.86194000			\$0.00

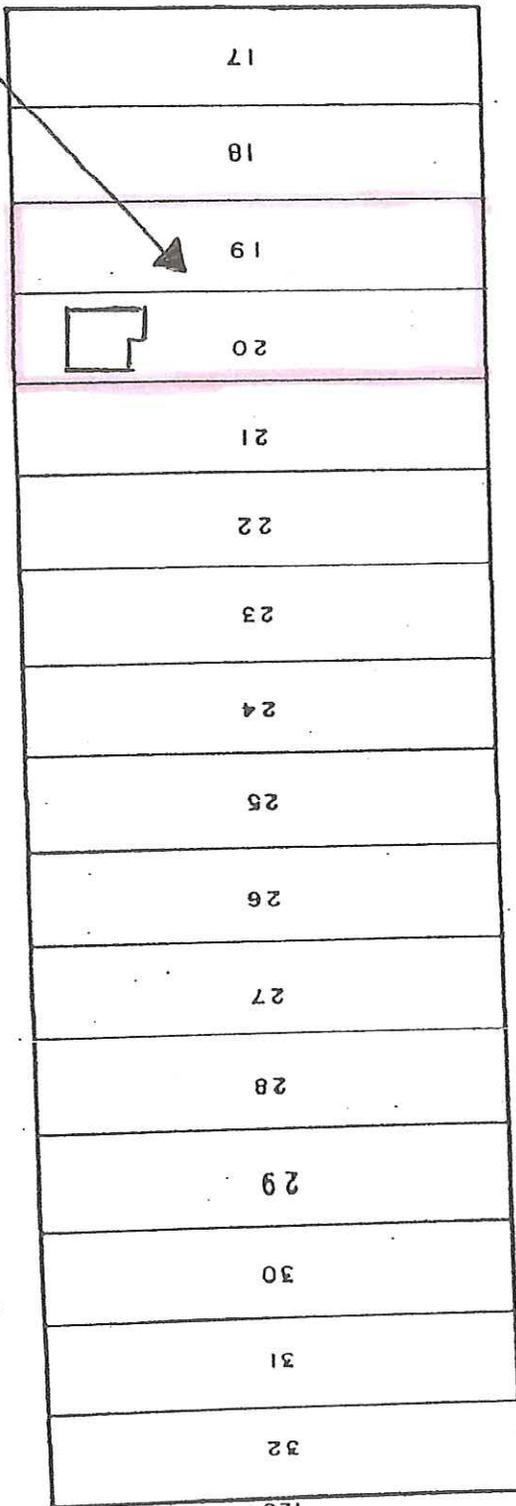


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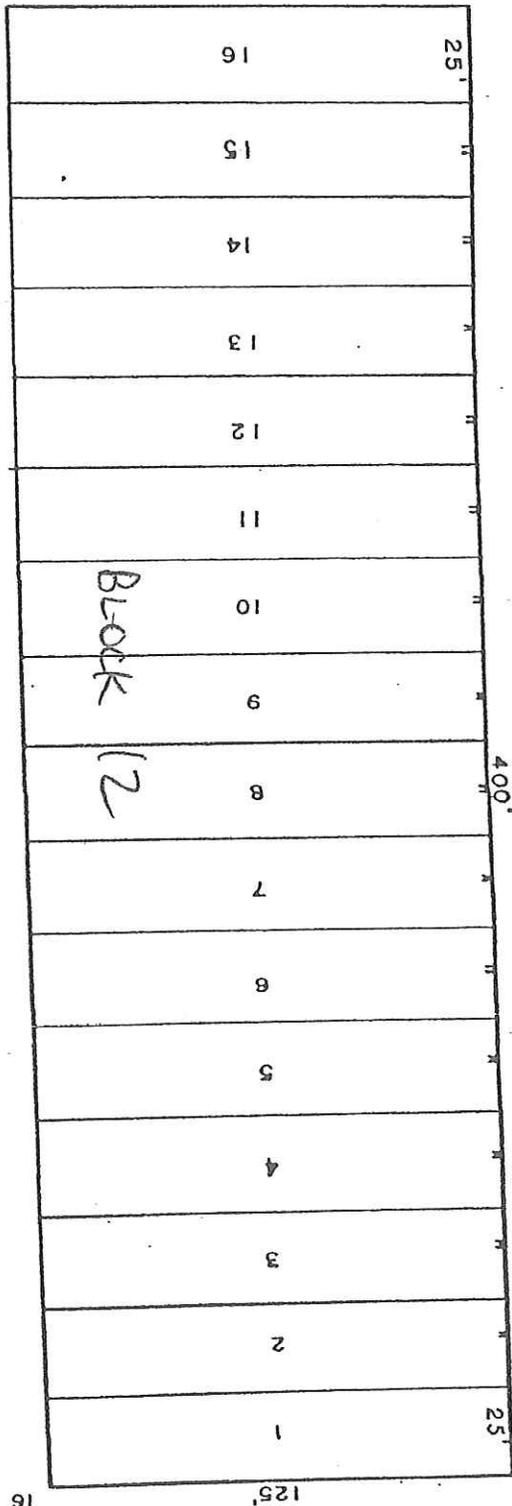
EXHIBIT A

SUBJECT
PROPERTY

← WEST "D" →



← SOUTH BROADWAY →



← SOUTH 1 ST →

← WEST "C" →

EXHIBIT A



EXHIBIT A

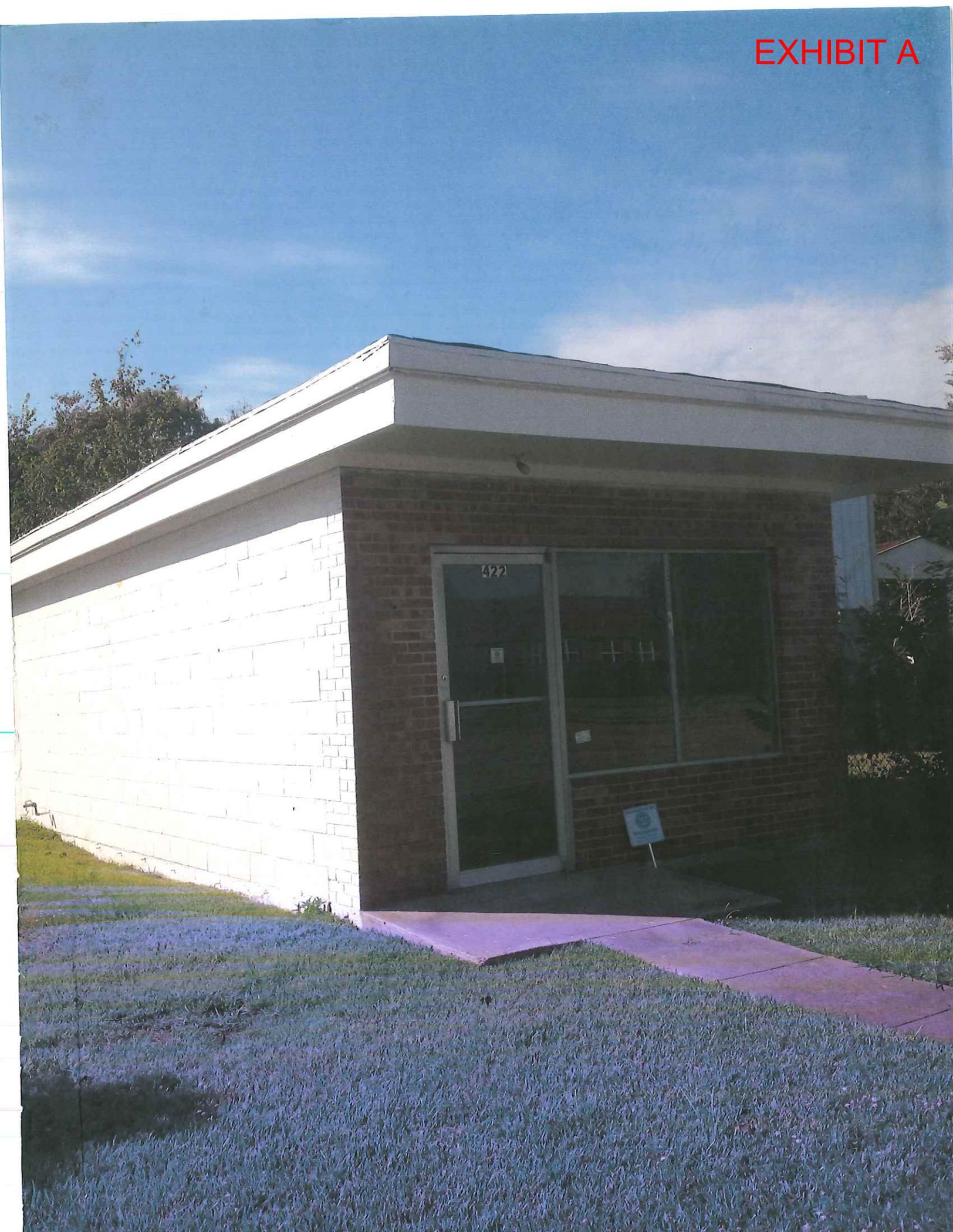


EXHIBIT A

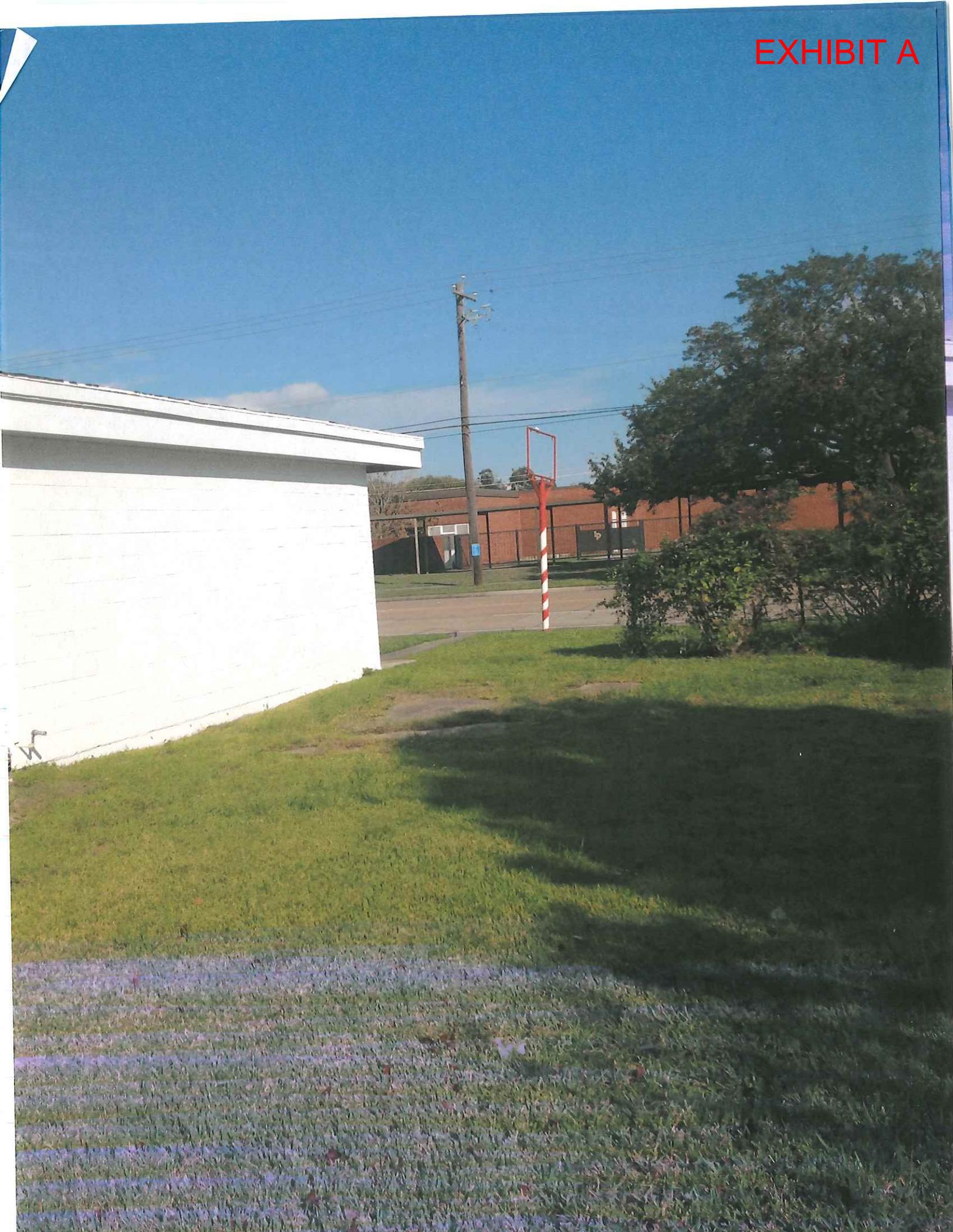


EXHIBIT A

From: [REDACTED]@usbaa.com
Subject: Pic
Date: November 6, 2015 at 12:34 PM
To: [REDACTED]@usbaa.com

MR



EXHIBIT A

From: [REDACTED] 
Subject: Seven
Date: November 6, 2015 at 12:09 PM
To: [REDACTED]

MR



EXHIBIT A



AREA MAP

EXHIBIT B

