



## City of La Porte Zoning Board of Adjustment Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Zoning Board of Adjustment to be held on **Thursday, April 28, 2016, 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: March 3, 2016.
4. A public hearing will be held to consider Variance Request 16-93000002, a request by Bayway Homes (Charles Anders) for the property located at 530 Dr. Martin Luther King Jr. Drive legally described as lots 1, 2 & 3, Block 104, Town of La Porte Subdivision to allow for construction of a new single family detached house that is set back 0 feet from the side (north) property line, contrary to the provisions of Section 106-333 of the city's Code of Ordinances that requires a minimum 5-foot side 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 16-93000003, a request by S. 16<sup>th</sup> Street Partners (Joseph Llamas) for the property located at 1401 S. 16<sup>th</sup> Street legally known as Tracts 1B-3, Abstract 35, Johnson Hunter Survey, to allow for a landscape frontage on S. 16<sup>th</sup> Street of 14.75 feet and a landscape frontage on the unimproved W. M Street right-of-way of 10 feet for construction of a new warehouse/distribution facility, contrary to the provisions of Section 106-522 of the city's Code of Ordinances that requires a minimum 25-foot landscape frontage along rights-of-way for development greater than 10 acres in size.
  - a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
6. Administrative reports.
7. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
8. 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, April 28, 2016, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_ Title: \_\_\_\_\_

**Zoning Board of Adjustment  
Minutes of March 3, 2016**

**Board Members Present:** Rod Rothermel, T.J. Walker, Nettie Warren, and Charles Schoppe

**Board Members Absent:** Chester Pool, Dennis Oian, and Doug Martin

**City Staff Present:** City Planner Eric Ensey, Assistant City Attorney Clark Askins, and Planning Technician Ryan Cramer

**1. Call to Order.**

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

**2. Roll call of members.**

Board Members Chester Pool, Doug Martin and Dennis Oian were not present.

**3. Consider approval of meeting minutes: December 10, 2015.**

**Motion** by T.J. Walker to approve the meeting minutes of the December 10, 2015 meeting.

**Second** by Charles Schoppe. **Motion carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, and Charles Schoppe

**Nays:** None

- 4. A public hearing will be held to consider Variance Request 16-93000001, a request by Kathleen Lemon for the property located at 401 and 403 Bayshore Drive for the following variances: 1) A proposed lot frontage of 47' contrary to the provisions of Section 106-333 that requires a 50-foot frontage; 2) the northern lot will total 4,700 square feet in area contrary to the provisions of Section 106-333 that requires a minimum 6,000-square foot lot for single family development; 3) a front setback of 15 feet from the front property line contrary to Section 106-333 that requires a minimum setback of 25 feet from the front property line; 4) a lot coverage of 44.2% for the proposed new house on the northern lot contrary to the provisions of Section 106-333 that allows a maximum lot coverage of 40%.**

Chairman Rothermel opened the public hearing at 6:02 p.m.

**a. Staff Presentation**

City Planner Eric Ensey presented staff's report on the various variance requests by Kathleen Lemon for the property located at 401 and 403 Bayshore Drive. The various variances are required to allow the applicant to construct a single family detached house on the northern portion of the lot and retain the existing house at the southern portion.

The applicant will be required to replat the property in order to demolish the second house and an accessory building in order to build the new proposed building. The garage of the

main house requires a five foot setback from the new property line, which is the reason for the need of a frontage variance. Mr. Ensey stated that the location of the existing house on the southern portion of the lot forces the creation of a smaller lot, which triggers the lot coverage variance.

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.

**b. Applicant Presentation**

Chairman Rothermel swore in the applicant, Kathleen Lemon. Ms. Lemon said that the setback variance was in order to match the neighbors' houses and visually look more aesthetically appearing on the street. The applicant also noted that they were only the lot coverage maximum percentage because of the fact that the house will have overhangs and decks and there is green space in the form of a sewer easement adjacent to her property.

**c. Public Comments**

There were no public comments.

**d. Question and Answer**

Nettie Warren asked if the roof overhangs do in fact count as part of the lot coverage percentage and Mr. Ensey confirmed that they did.

**Motion** by Charles Schoppe to approve the following variances: 1) A proposed lot frontage of 47' contrary to the provisions of Section 106-333 that requires a 50 foot frontage; 2) the northern lot will total 4,700 square feet in area contrary to the provisions of Section 106-333 that requires a minimum 6,000 square foot lot for single family development; 3) a front setback of 15 feet from the front property line contrary to Section 106-333 that requires a minimum setback of 25' from the front property line; 4) a lot coverage of 44.2% for the proposed new house on the northern lot contrary to the provisions of Section 106-333 that allows a maximum lot coverage of 40%.

**Second** by Nettie Warren. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, and Charles Schoppe

**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 thanked the Board for making time for the special called meeting and noted there were currently no agenda items for the next meeting.

**6. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.**

Chairman Rothermel asked if there had been any discussion with City Council about requiring Board meeting attendance. City Planner Ensey said the City keeps attendance and records and forwards reports to City Council. Staff is looking into writing bylaws for not only the Zoning Board of Adjustment, but the Planning and Zoning Commission as well.

**7. Adjourn**

**Motion** by Charles Schoppe to adjourn.

**Second** by T.J. Walker. **Motion Carried.**

Chairman Rothermel adjourned the meeting at 6:18 p.m.

Respectfully submitted,

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Ryan Cramer  
Secretary, Zoning Board of Adjustment

Passed and Approved on \_\_\_\_\_, 2016.

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Rod Rothermel  
Chairman, Zoning Board of Adjustment

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



**April 28, 2016**

## **AGENDA ITEM 4**

Consider approval of a Variance  
to the side setback  
for construction of a new single family house  
for the property located at 530 Dr. Martin Luther King Jr. Dr.  
(Applicant: Charles Anders)

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

## Planning and Development Department

### Staff Report

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#### ISSUE

Should the Board of Adjustment approve the variance requested by Bayway Homes (Charles Anders) for the property located at 530 Dr. Martin Luther King Jr. Drive, legally described as Lots 1, 2 & 3, Block 104, Town of La Porte Subdivision (case #16-93000002)? The variance would allow the applicant to have a proposed side setback of 0' from the side (north) property line for the proposed new house contrary to the provisions of Section 106-333, which requires a minimum 5' side setback for single family detached residential.

#### DISCUSSION

Applicant:

Charles Anders, Bayway Homes

Applicant's Request:

The applicant is seeking approval of variance request #16-93000002. The variance requested would allow the applicant to construct a new single family detached house while avoiding taking down the tree that sits on the Lot 2 & Lot 3 dividing line. The attached Exhibit A includes the application and site plan for the proposed variance submitted by the applicant.

Based on the information provided by the applicant, Mr. Anders currently owns Lots 1, 2 & 3 of Block 104. The site is largely undeveloped. However, there is currently a house on Lot 4 of which a portion encroaches onto Lot 3. This structure is not owned by the applicant.

In this case, the applicant's plan is to build a new single family detached house that sits along the north property line of Lots 1, 2 & 3 in a manner that avoids removal of a mature tree. There would also be sufficient separation between the existing structure on Lot 4 and the applicant's proposed house. The applicant may desire to address the encroachment onto his property of the existing house on Lot 4 as a separate civil matter.

Subject Site:

The subject sites make up a .215 acre tract of land addressed 530 Dr. Martin Luther King Jr. Drive and is legally described as Lots 1, 2 & 3, Block 104, Town of La Porte Subdivision. The property is located at the southeast corner of Dr. Martin Luther King Jr. Drive and the North E Street Right of Way, the City's hike and bike trail.

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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 R-2, Medium Density Residential. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-2, Medium-density Residential	Public unimproved right-of-way (Hike and Bike trail)
South	R-2, Medium-density Residential	Residential (526 Dr. Martin Luther King Jr. Drive)
West	R-2, Medium-density Residential	LPISD Property
East	R-2, Medium-density Residential	Residential (527 N 4 <sup>th</sup> )

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	Max. Lot Coverage/Min. Landscaping
Single-Family Detached	6000	50'	25'-15'-5'	35'	9100	40%/N/A

Analysis:

The applicant is requesting a variance that would allow for the building of a new single family residence. The lots owned by the applicant are Lots 1, 2 & 3, Block 104 of the Town of La Porte Subdivision Plat. As currently configured, all lots front Dr. Martin Luther King Jr. Drive. The site currently has one house that belongs to the owner of Lot 4 that sits partially on its property. The applicant is proposing to leave the encroaching house alone, as well as a large mature tree and build on the northern-most portion of Lots 1, 2 & 3. Because of the encroachment of the neighboring house and the tree, the applicant desires to locate the proposed house on the northern portion of the lot.

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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	The granting of the variance being requested would allow the applicant to build a new house, without disturbing the people already living at the encroaching house or removing a quality native tree. To the adjacent north of the subject site is the City’s hike and bike trail within a public right-of-way.
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.	Staff finds that the encroaching house is an unique physical situation unique to this site. Additionally, the city has a tree preservation ordinance and has identified the importance of native trees.
c. That by granting the variance, the spirit of this chapter will be observed.	The proposed variance could be considered to be in spirit with the Zoning Ordinance (Chapter 106) by preserving a quality native tree consistent with the city’s tree preservation regulations. However, staff does not support any encroachment into the city’s right-of-way, including but not limited to eave overhangs. So if any variance were to be approved by the Board, staff would recommend a condition that stipulates this.

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

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Bayway Side Setback Variance

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): 023-216-004-0001  
PROPERTY ADDRESS (If existing): 530 MARINE LOTHER BLVD SP. DR.  
PROPERTY LEGAL DESCRIPTION: LOTS 1, 2, AND 3 BLK 104 TOWN OF LA PORTE

**1. PROPERTY OWNER INFORMATION:**

OWNER NAME: BAYWAY HOMES INC. PHONE: 281 648 2425 X17  
FAX #: 281 648 2462 E-MAIL: CAWDCAS@BAYWAYHOMES.COM  
MAILING ADDRESS: PO BOX FRIENDS WOOD TX. 77549

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

AGENT / CONTRACTOR: CHARLES ANNEANS PHONE: 832 276 9609  
E-MAIL: CAWDCAS@BAYWAYHOMES.COM FAX: 281 648 2462  
MAILING ADDRESS: SAME.

**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: LARGE TREE

**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: CHARLES ANNEANS (Print) SIGNATURE: [Signature] (Sign) SUBMITTED: 1-15-16 (Date)

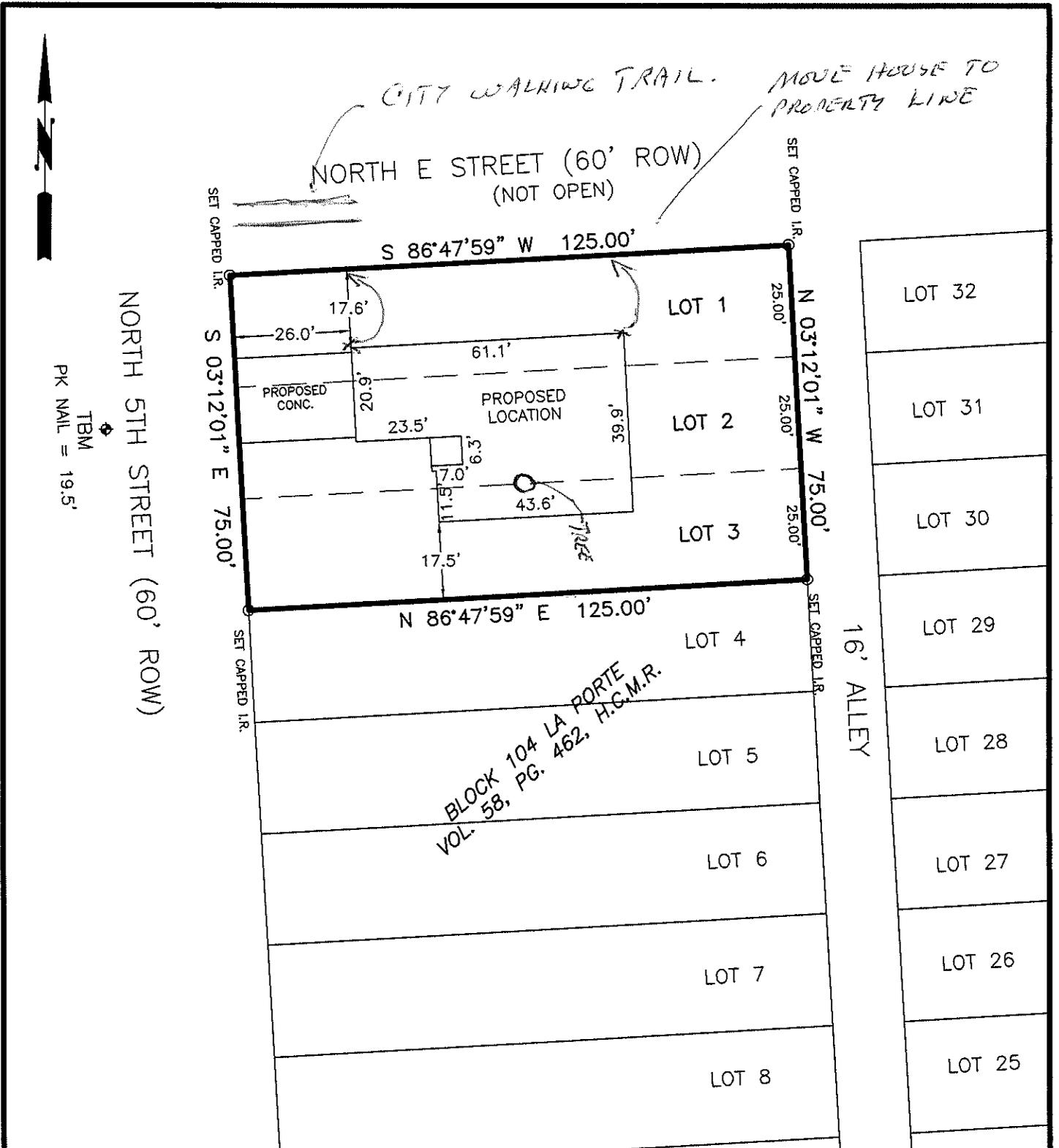
**(STAFF USE ONLY):**

DATE APPLICATION REC'D.: \_\_\_\_\_ REC'D BY: \_\_\_\_\_

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

ZBOA MEETING DATE: \_\_\_\_\_ VARIANCE GRANTED?  YES  NO

APPLICATION NO: \_\_\_\_\_



PLOT PLAN

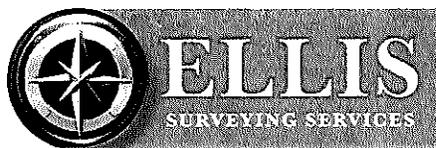
PROPERTY ADDRESS: 530 N 5th STREET LA PORTE, TEXAS

Lots 1, 2 and 3, Block 104, of the Town of La Porte,  
Volume 58, Page 460, H.C.M.R.

NOTES:

- 1) BUILDER SHALL VERIFY ALL BUILDING LINES, EASEMENTS, BUILDING/DEED RESTRICTION AND ZONING ORDINANCES BEFORE STARTING CONSTRUCTION.
- 2) BUILDING LOCATION PER BUILDERS INSTRUCTIONS.

Date: 11-25-15  
Scale: 1" = 30'



*Ellis Surveying Services, LLC*  
 2805 25th Avenue North Texas City, TX 77591  
 Tel: (409) 938-8700 Fax (866) 678-7685  
 Texas Firm Reg. No. 100340-00



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



**April 28, 2016**

## **AGENDA ITEM 5**

Consider approval of a Variance request to allow construction of a warehouse/distribution facility with a parking area that encroaches into the required landscape frontage requirement contrary to the provisions outlined in Section 106-522 of the City's Code of Ordinances that requires a 25-foot landscape frontage for commercial/industrial development over 10 acres in size. (Applicant: Joseph Llamas, S. 16<sup>th</sup> Street Partners, LP).

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

## Planning and Development Department Staff Report

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### ISSUE

Consideration of a variance request by S. 16<sup>th</sup> Street Partners to allow construction of a new warehouse/distribution facility with a parking area that encroaches into the required landscape frontage along both S. 16<sup>th</sup> Street and the unimproved W. M Street right-of-way. Section 106-522 of the Code of Ordinances requires a minimum 25'-foot landscape frontage for all commercial/industrial development greater than 10 acres in size.

### DISCUSSION

Applicant/Property Owner:

Joseph Llamas, S. 16<sup>th</sup> Street Partners.

Applicant's Request:

The applicant is seeking approval of variance request #16-93000003, in order to allow construction of a new warehouse/distribution facility. The parking area for the proposed development encroaches into the 25'foot required landscape frontage along both the S. 16<sup>th</sup> Street and unimproved W. M Street frontages. The proposed encroachment would be 15' along the unimproved W. M Street right-of-way and 10.5' along the S. 16<sup>th</sup> Street frontage. As a result, the applicant is proposing a 10' landscape frontage along the unimproved W. M Street right-of-way and a 14.75' landscaped frontage along S. 16<sup>th</sup> Street.

The attached Exhibit A includes the variance application and supplemental information and exhibits provided by the applicant. The applicant's information includes their rationale for the variance request. Part of that request includes construction of berms and landscaping as a means of mitigating the impact of the encroachment along both S. 16<sup>th</sup> Street and W. M Street.

Subject Site:

The subject site is approximately 12.6 acres in size. The site is currently undeveloped and is located at the southeast corner of S. 16<sup>th</sup> Street and the unimproved W. M Street right-of-way. The site has been addressed 1401 S. 16<sup>th</sup> Street and is legally described as Tracts 1B-3, Abstract 35, Johnson Hunter Survey. 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.

Board of Adjustment Special Called Meeting  
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 S. 16<sup>th</sup> Street Partners Landscape Frontage Variance

- 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 is a vacant and undeveloped parcel. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
<b>North</b>	GC, General Commercial	Undeveloped (across the unimproved W. M Street right-of-way)
<b>South</b>	PUD, Planned Unit Development	Existing warehouse/distribution facility in the Port Crossing Business Park (1701 S. 16 <sup>th</sup> Street)
<b>West</b>	LI, Light Industrial	Existing Industrial Development (1410 & 1500 S. 16 <sup>th</sup> Street)
<b>East</b>	PUD, Planned Unit Development	Existing Commercial Development

**Applicable Code Provisions:**

Section 106-522, stipulates the requirements for industrial development in the LI, Light Industrial, District:

**Section 106-522, Table A, Industrial area requirements**

Uses	Minimum Landscaping Requirements (percent) <sup>4</sup>	Maximum Lot Coverage (percent)	Minimum Yard Setbacks F.R.S. <sup>1,3,5</sup> (feet)	Adjacent to Residential Minimum Yard Setback F.R.S. <sup>2,5,9</sup> (feet)	Maximum Height <sup>6</sup> (feet)	Bldg. Design Standards <sup>10</sup>
light industrial district; all permitted or conditional	5% up to one acre—four foot minimum frontage  7.5% one acre—10 foot minimum frontage  10%—greater than 10 acres—25 foot minimum frontage	<u>70</u>	20-10-10	30-50-50	N/A	

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**Analysis:**

The applicant is proposing construction of a warehouse/distribution facility on the subject site. The proposed development is a permitted use according to the Special Conditional Use Permit approved by the City Council in September of 2015. The parking lot proposed with the development encroaches into the 25-foot required landscape frontage.

As a means of background, the Planning and Zoning Commission and City Council approved various modifications to the city’s Zoning Ordinance (Chapter 106 of the Code of Ordinances) in November of 2014. One of those modifications included adding a landscape frontage requirement. The purpose of this requirement was to provide more landscaping and green space to developments. The amount of frontage was based on the size of the lot: up to 1 acre required a 4-foot frontage; between 1 acre and 10 acres required a 10-foot frontage; and over 10 acres requires a 25-foot frontage. In this case, the applicant’s site is 12.6 acres, which requires a 25-foot landscape frontage. The site also has dual frontage because it fronts two public rights-of-way (S. 16<sup>th</sup> Street and W. M Street).

The W. M Street right-of-way is currently undeveloped. Although the city has future plans to develop W. M Street, there is no timeframe for the construction of the road. The S. 16<sup>th</sup> Street frontage is the primary frontage for the site where the applicant proposes to take access to the site at this time. It is also the visible frontage for the site and the front of the building for travelers on S. 16<sup>th</sup> Street.

It is important to note that the applicant is required through the approved Special Conditional Use Permit approved by the City Council to dedicate a portion of the S. 16<sup>th</sup> Street right-of-way prior to development of the tract of land. If the applicant didn’t have to dedicate that property, they would comply with the landscape frontage requirement on that portion of the S. 16<sup>th</sup> Street frontage (which is about ½ of the length of the site along S. 16<sup>th</sup> Street). As a result of this required dedication, the entire landscape frontage along S. 16<sup>th</sup> Street is proposed at 14.75’.

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 granting of this variance would allow the applicant to maximize development of the parcel. In order to mitigate any potential impact of the proposed encroachment, the applicant is proposing construction of berms and installation of landscaping to further provide a visual buffer between the rights-of-way and the site.</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</i></p>

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 S. 16<sup>th</sup> Street Partners Landscape Frontage Variance

	<i>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>Staff cannot find an unnecessary hardship that warrants the granting of this variance. However, the size of the required on-site detention pond, which has resulted in a large portion of the site being devoted to a pond structure, could be considered a hardship.</i>
c. That by granting the variance, the spirit of this chapter will be observed.	<i>Through the proposal of the applicant to construct berms and landscaping along the rights-of-way, they are attempting to minimize the impact of the encroachment.</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



**Variance Application**  
Planning and Development Department

**PROJECT INFORMATION**

Address where Variance is being requested: 1401 SOUTH 16TH STREET, LA PORTE, TX 77571

Legal description where Variance is being requested: 12.6 ACRE TRACT OF LAND LEGALLY DESCRIBED AS TRACTS 1B-3, ABSTRACT 35, JOHNSON HUNTER SURVEY

HCAD Parcel Number where Variance is being requested: 0402780010029

Zoning District: PUD Lot area: 12.6 acres

*A Variance request is hereby made to the Board of Adjustment of the City of La Porte.*

Description of Request: Variance request for landscape buffer reduction along major right-of-way, please see attached letter

Attached hereto is a complete listing of the reason(s) why such Variance should be granted.

**PROPERTY OWNER(S) INFORMATION**

Name: Joseph Llamas

Company (if applicable): S 16-th Street Partners, LP

Address: 1900 St. James Place, Suite 125

City: Houston State: TX Zip: 77056

Phone: (512) 853-9650 Email: jllamas@gcpre.com

**AUTHORIZED AGENT (if other than owner)**

Name: Nikolay Nikolov

Company (if applicable): WGA, LLP

Address: 2500 Tanglewilde, Suite 120

City: Houston State: TX Zip: 77063

Phone: 713-789-1900 Email: nnikolov@wga-llp.com

**OWNER(S) & AGENT CERTIFICATION**

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: [Signature] Date: 04-04-2016

Owner(s)' Signature(s): [Signature] Date: 4-4-2016

**STAFF USE ONLY:**

Case Number:  
16-93000003

Date Application Received:  
April 5, 2016



March 29, 2016

Eric Ensey  
Planning and Development Department  
604 West Fairmont Parkway  
La Porte, Texas 77571

**Re: Variance Request**  
**1401 S. 16<sup>th</sup> St, La Porte, TX 77571**

Dear Mr. Ensey,

Powers Brown Architecture on behalf of Generational Commercial Properties is submitting this variance request for the new proposed development on 1401 S 16<sup>th</sup> St, La Porte.

The proposed building is a 193,586 sf institutional grade, Class A load bearing tiltwall building. The property is located in an industrial district and has a light industrial underlying land use. The primary façade will be facing 16<sup>th</sup> St, that will reflect today's modern high-end design features such as two story low-e dual pane glass entries and integrated Avadek canopies with led soffit lighting. The north and south façade will have dock high dock doors and clerestory windows. The SCUP was previously approved and the city NAICS code is 493110. During the SCUP approval process, the approved SCUP included a site plan representing the as submitted site plan. While this was a conceptual plan the variances requested below do reflect that site plan.

We are seeking two variances both with regards to landscape setbacks to the north and west side of our site. Due to the site size and the tenants' functional size and dimensional requirements, without a variance from the landscape setback requirements detailed below, the development will no longer be viable. As a result, it is unlikely our client will move forward with this project. Additional variance details are found below.

#### **Variance Request 1**

The City of La Porte ordinance states a 25' landscape setback from a major right of way.



As part of the development, ownership will dedicate a 40' by 340' section of the property fronting S. 16<sup>th</sup> street. This parcel is the last undedicated section of S 16<sup>th</sup> street and the dedication makes the future widening of S. 16<sup>th</sup> street possible. The widening will complete approximately 90% of the improvements necessary to complete the high frequency truck route (See Appendix A). Currently the distances are as follows

- 16<sup>th</sup> Street to the back of our parking lot curb is 54'-9".
- The building sits 70'-0" from the back of our parking lot curb, and
- Building is 130'-0" from the street.

Once the area denoted in red, is dedicated back to the City, the distance from the ROW will be 74'-0" and consistent with the road to the south and other developments in the area. Appendix B shows the proposed building in relationship with the other buildings at Port Crossing.

In addition, the development team will be landscaping this area beyond the landscape requirements of the city.

### Variance Request 2

The property borders the M-Street right of way. To date, M Street has yet to be built. It is not known when this industrial road if ever is going to get constructed.

We are seeking relief on the 25'-0" landscape buffer at this portion. Currently we have a 10'-0" landscape buffer from the property line to the back of curb, and we will strategically locate tree diamonds to make the distance 12'-6". Our intent once again is to heavily landscape the 10'-0" beyond the requirements of the City. We are proposing alternating grass landscape berms approximately 4'-0" – 5'-0" high, with variety of tall planting above and around (See appendix C. This landscape feature will effectively will not only be a feature, but will also screen the overhead doors from northbound traffic.

Thank you for the consideration, and if you have any questions please feel free to contact me.

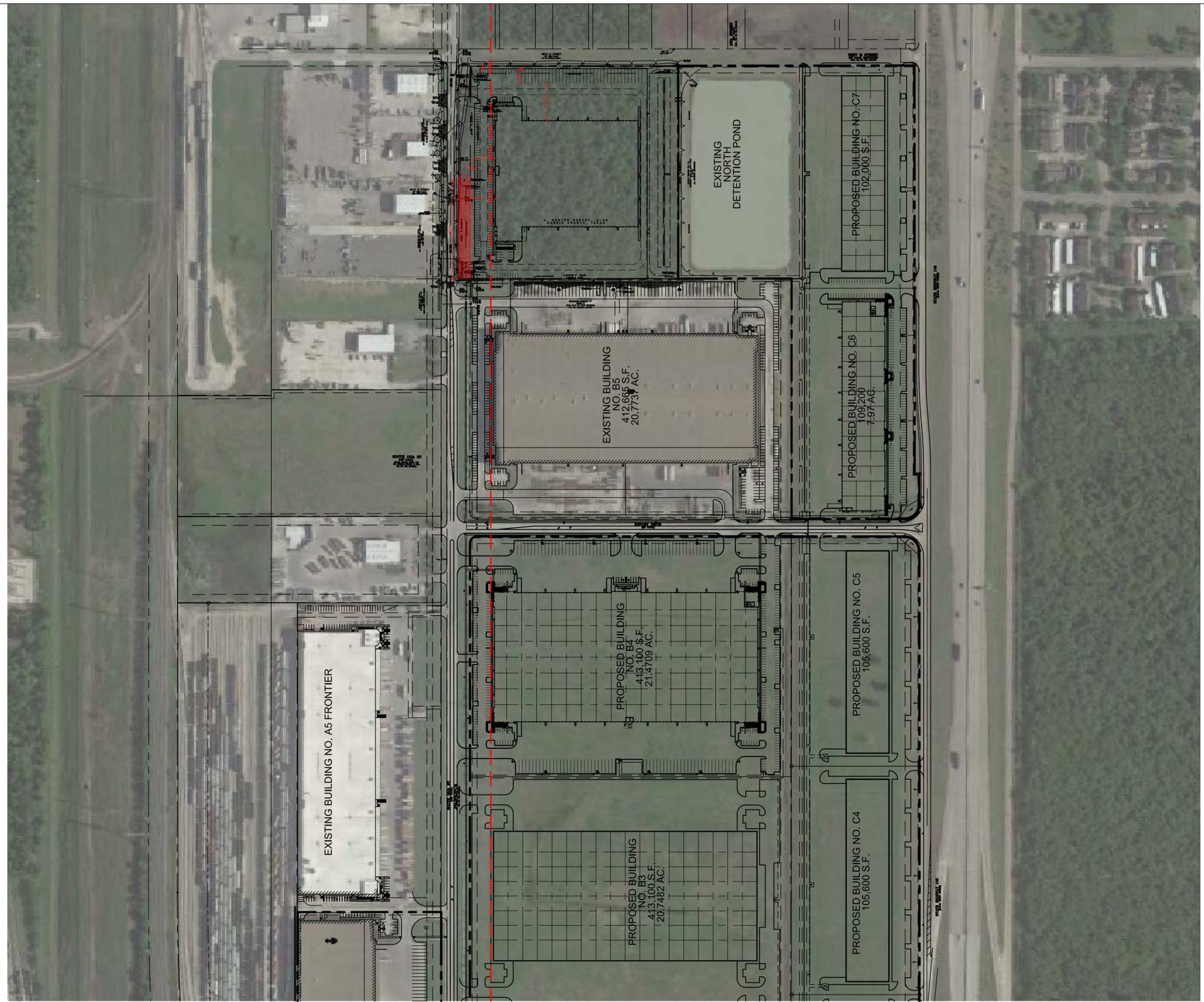
Yours Sincerely

Nazir Khalife, AIA, RIBA



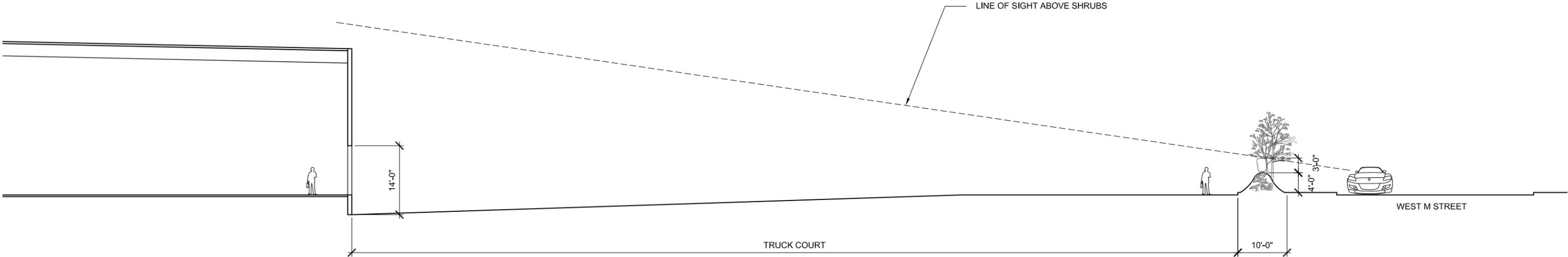


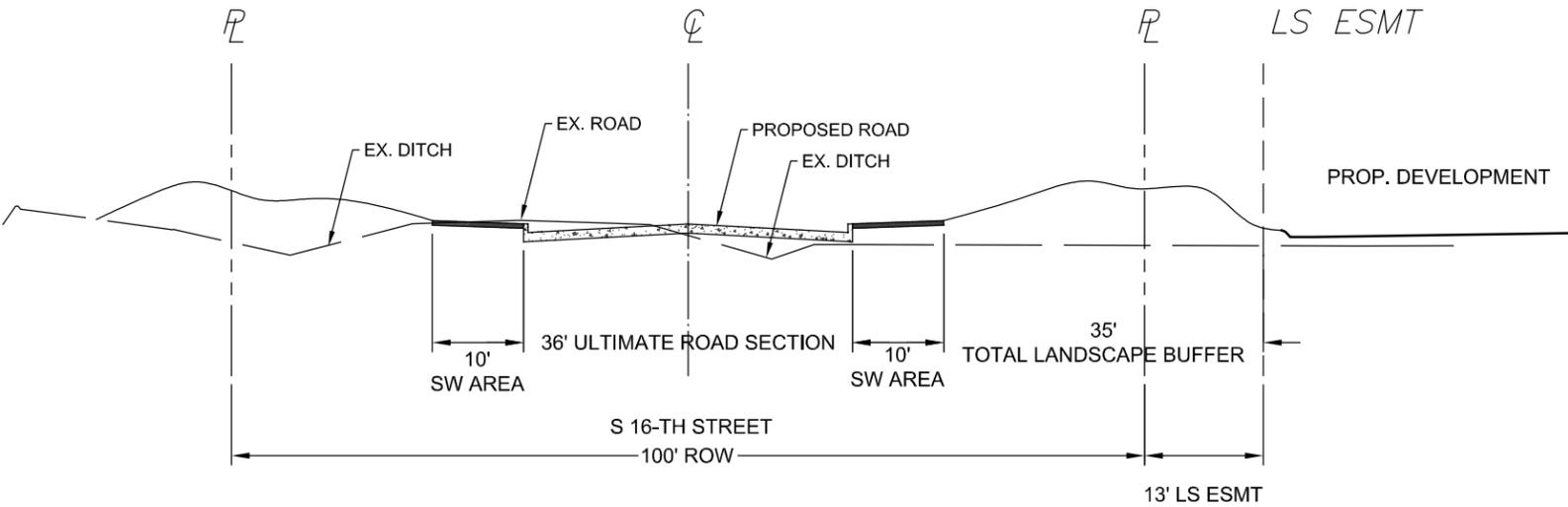
# APPENDIX B



**LEGEND**  
 LINE OF BUILDING FACADE







# EXHIBIT B



Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user is encouraged to independently verify all information contained in this product. The City of La Porte makes no representation or warranty as to the accuracy of this product or to its fitness for a particular purpose. The user: (1) accepts the product AS IS, WITH ALL FAULTS; (2) assumes all responsibility for the use thereof; and (3) releases the City of La Porte from any damage, loss, or liability arising from such use.



**City of La Porte**  
604 W. Fairmont Parkway  
La Porte, TX 77571  
(281) 471-5020  
www.laportetx.gov

## La Porte GIS Mapping

1" = 189'

