



## City of La Porte Zoning Board of Adjustment Agenda

Notice is hereby given of a **Special Meeting** of the La Porte Zoning Board of Adjustment to be held on **Tuesday, December 13, 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: August 25, 2016.
4. A public hearing to consider Variance Request 16-93000011, a request by George Lowery for the tract of land located at 2602 W. Main, legally described as Lots 21-30 & Tracts 1-10 & 12-20 Block 707 & Abandoned Alley and Tract A Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow him to build a 292.24 square foot sign. This is contrary to the provisions of Section 106-874 (a)(3)(b)(1), which caps the size of freestanding on-premises signs in a General Commercial zone at 150 square feet.
  - a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
5. A public hearing to receive public input on Variance Request 16-93000012, a request by Donna Eckels for the tract of land located at 402 W. E Street, legally described as Lots 30, 31 & 32, Block 129 Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow her client to replat one lot (East) to be 5,625 square feet and the other (West) to be 3,750 square feet in size. Both of these lot sizes are contrary to the provisions of Section 106-333 (a), which requires single family detached lots to be a minimum of 6,000 square feet in size.
  - a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
6. A public hearing to receive public input on Variance Request 16-93000013, a request by Jose Gonzalez for the tract of land located at 324 W. Main Street, legally described as Lots 11, & 12 Block 58 Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow his client to place a freestanding sign in the Main Street District that is 50 square feet in size, and is 24 feet in height for an existing building that is not setback. This is contrary to Section 106-874 (a)(4)(c) which requires that new freestanding signs can only be used when the building is setback and cannot exceed 24 square feet in size or 14 feet in height.
  - a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
7. A public hearing to receive public input on Variance Request 16-93000014, a request by Charles Pfeiffer for the tract of land located at 202 ½ N. 16th St., legally described as Block 686, Lots 1-16 & 17-32 & Abandoned E ½ N. 14<sup>th</sup> St, Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow him to forego installation of planters in a parking area; contrary to the provisions of Section 106-800 (c)(1)(c), which requires a minimum ratio of one planter for every ten parking spaces.

**ZBOA Agenda - December 13, 2016 Special Meeting**

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- a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
8. A public hearing to receive public input on Special Exception Request 16-93000001, a request by Mark Hutfless for the tract of land located at 201 N. 18th Street, legally described as Lots 17-32 and the east 75' of Lots 1-16 Block 691 Town of La Porte Subdivision. The applicant is seeking approval of a special exception that would allow his company (Imreys) to expand a preexisting non-conforming use.
- a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
9. A public hearing to receive public input on Special Exception Request 16-93000002, a request by Wayne Vinson for the tract of land located at 801 N. 16th Street, legally described as Tracts A & 1A of Block 1 Nebraska Syndicate. The applicant is seeking approval of a special exception that would allow his company (Lhoist) to expand a preexisting non-conforming use.
- a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
10. A public hearing to receive public input on Special Exception Request 16-94000003, a request by Charles Anders for the tract of land legally described as Lot 1 of Block 15 Sylvan Beach Subdivision. The applicant is seeking approval of a special exception that would allow his company to build a house with a side setback of 5' instead of the required 10' from street right-of-ways.
- a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments
  - d. Question and Answer
11. Administrative reports.
12. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
13. 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 Tuesday, December 13, 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 August 25, 2016**

**Board Members Present:** Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool, T.J. Walker and Doug Martin.

**Board Members Absent:** Charles Schoppe

**City Staff Present:** Assistant City Attorney Clark Askins, Planning Director Tim Tietjens, City Planner Eric Ensey, 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 Oian, Warren, Pool, Walker, Martin and Chairman Rothermel were present for roll call.

**3. Consider approval of meeting minutes: May 26, 2016.**

**Motion** by Chester Pool to approve the meeting minutes of the May 26, 2016 meeting.

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

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool, Doug Martin

**Nays:** None

**4. A public hearing to consider Variance Request 16-93000006, a request by Pastor Shane Klinkerman on behalf of the First Assembly of God Church for a tract of land located at 316 E. Fairmont Parkway legally described as Blocks 1112 and 1113 of the Town of La Porte Subdivision. The applicant is seeking approval of a variance to allow for a new building to be placed 10' from the front property line, contrary to the provisions of Section 106-343(a) of the Code of Ordinances that requires a minimum front setback of 20' in a General Commercial zone.**

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

**a. Staff Presentation**

Planning Technician Ryan Cramer presented staff's report on a variance request by Shane Klinkerman to allow for the construction of a new worship building set 10' back from the property line.

Planning Technician Cramer said there was not enough room to build a building of this size where the applicant wants to without getting a setback variance. He also noted the building in the surrounding area were less than 20 feet back from the front property line.

Planning Technician Cramer finished by bringing attention to the public responses received by the City. First, the sent in by the owner of Shaterra Properties at 410 E. Fairmont Parkway stating he was against the variance as it would reduce visibility to his strip center as well as visibility for those entering and exiting. The letter also stated that no hardship existed for the property to require a variance. Second, a letter sent by La Porte ISD in support of the variance

**b. Applicant Presentation**

Chairman Rothermel swore in the applicant Shane Klinkerman. The applicant echoed the sentiments from staff's presentation.

**c. Public Comments**

There were no public comments.

Chairman Rothermel closed the public hearing at 6:07 PM.

**d. Question and Answer**

There was no question and answer

**Motion** by Doug Martin to approve Variance Request 16-93000006, a request by Pastor Shane Klinkerman on behalf of the First Assembly of God Church for a tract of land located at 316 E. Fairmont Parkway legally described as Blocks 1112 and 1113 of the Town of La Porte Subdivision. The applicant is seeking approval of a variance to allow for a new building to be placed 10' from the front property line, contrary to the provisions of Section 106-343(a) of the Code of Ordinances that requires a minimum front setback of 20' in a General Commercial zone.

**Second** by Chester Pool. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool, Doug Martin  
**Nays:** None

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

5. **A public hearing to receive public input on Variance Request 16-93000007, a request by Bayway Homes for tracts of land legally described as Lots 1-8, Block 108 and Lots 24-32, Block 107, Town of La Porte Subdivision. The applicant is seeking approval of multiple variances as follows:**
1. **A side setback of 5' for Lot 32, Block 107 and Lot 1, Block 108; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that requires a minimum side setback of 20' for a townhouse/quadrplex project.**
  2. **A density of 12.5 units per acre; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that allows a maximum of 10 units per acre for townhouse/quadrplex projects.**

3. **A spacing between driveways of 4'; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum of 10' between residential driveways.**
4. **A distance from the driveway to the property line of 2'; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum distance between the driveway and side lot line of 3'.**

Chairman Rothermel opened the public hearing at 6:10.

**a. Staff Presentation**

Planning Technician Cramer presented staff's report for variance request 16-93000007.

Planning Technician Cramer said the driveway regulations from the City made it impossible for a townhouse development to meet all of the proper setbacks. While on the other hand there was not a true hardship for going over density requirements or needing a side setback variance.

Staff recommended use of architectural features to distinguish one townhome unit from the one it is connected to.

**b. Applicant Presentation**

Jon Skeele, Friendswood, Texas, was sworn in by Chairman Rothermel. The applicant noted the Northside, where his tracts are, is under developed and creating a higher density use is a good transition from the commercial uses on Broadway. Being adjacent to the City's Hike and Bike Trail to the north gives their development the buffer the code was pursuing when they wrote the section they are asking for a variance from.

**c. Public Comments**

There were no public comments.

Chairman Rothermel closed the public hearing at 6:22 PM.

**d. Question and Answer**

Chester Pool asked how the City came up with its density requirement. Planning Technician Cramer indicated, as had been told to him, when the changes to Chapter 106 were being made, staff looked at the surrounding communities and used a number they thought was good.

Nettie Warren noted she felt the project was a lot of development on such a small amount of land.

**Variance 1. Motion** by Doug Martin to approve a side setback of 5' for Lot 32, Block 107 and Lot 1, Block 108; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that requires a minimum side setback of 20' for a townhouse/quadrplex project.

**Second** by Chester Pool. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Chester Pool, Doug Martin  
**Nays:** Nettie Warren

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

**Variance 2. Motion** by Chester Pool to approve a density of 12.5 units per acre; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that allows a maximum of 10 units per acre for townhouse/quadrplex projects.

**Second** by Doug Martin. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Chester Pool, Doug Martin  
**Nays:** Nettie Warren

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

**Variance 3. Motion** by Doug Martin to approve a spacing between driveways of 4'; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum of 10' between residential driveways.

**Second** by Chester Pool. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Chester Pool, Doug Martin  
**Nays:** Nettie Warren

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

**Variance 4. Motion** by Chester Pool to approve a distance from the driveway to the property line of 2'; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum distance between the driveway and side lot line of 3'.

**Second** by Doug Martin. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Chester Pool, Nettie Warren, Doug Martin  
**Nays:**

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

- 6. A public hearing to receive public input on Variance Request 16-93000008, a request by Robert Goebel for the tract of land located at 11230 N. P St., legally described as Lots 1-6 of Block 1 of the Greendale Subdivision U/R. The applicant is seeking approval of a variance that would allow him to build a 1,144-square foot garage; contrary to the provisions of Section**

**106-741(e)(2), which allows detached garages on lots less than an acre in size to have a maximum floor area of 1,000 square feet.**

Chairman Rothermel opened the public hearing at 6:40 p.m.

**a. Staff Presentation**

Planning Technician Cramer gave staff's presentation for variance request 16-93000008.

Planning Technician Cramer brought the Board's attention to the three response letter received by staff in regards to this variance from Fredrick Goines, Chris Rains and Robert Goebel, all in support of the variance.

**b. Applicant Presentation**

Robert Goebel gave the applicant presentation. He said he needed a larger garage because he did not have enough storage space.

**c. Public Comments**

There were no public comments.

Chairman Rothermel closed the public hearing at 6:43

**d. Question and Answer**

There were no questions.

**Motion** by T.J. Walker to approve Variance Request 16-93000008, a request by Robert Goebel for the tract of land located at 11230 N. P St., legally described as Lots 1-6 of Block 1 of the Greendale Subdivision U/R. The applicant is seeking approval of a variance that would allow him to build a 1,144-square foot garage; contrary to the provisions of Section 106-741(e)(2), which allows detached garages on lots less than an acre in size to have a maximum floor area of 1,000 square feet.

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

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool, Doug Martin

**Nays:** None

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

- 7. A public hearing to receive public input on Variance Request 16-93000009, requested by Oakland Land & Development for the tract of land located at 905 S. 14th St., legally described as Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow him to keep his current irrigation system of hose**

**bibbs and soaker hoses; contrary to the provisions of Section 106-800 (c); 4; b., which requires properties larger than one acre to have an automatic irrigation system.**

Chairman Rothermel opened the public hearing at 6:45 p.m.

**a. Staff Presentation**

Planning Technician Cramer gave staff's presentation for variance request 16-93000009.

Planning Technician Cramer said there is an approved site plan on file that shows an automatic irrigation system.

Chairman Rothermel asked why the code required an automatic irrigation system. City Planner Eric Ensey said in the latest round of Chapter 106 changes the Planning and Zoning Commission wanted to give some leeway to developers.

**b. Applicant Presentation**

Jeff Burkhalter, Natchez, MS, was sworn in by Chairman Rothermel. The applicant noted their hose system was in fact automatic and was within 50' of all vegetation.

**c. Public Comments**

Bill Campbell, Cypress, TX, was sworn in by Chairman Rothermel. He said the landscaping was drought tolerant.

Chairman Rothermel closed the public hearing at 6:56 p.m.

**d. Question and Answer**

There were no questions.

**Motion** by Chester Pool to approve Variance Request 16-93000009, requested by Oakland Land & Development for the tract of land located at 905 S. 14th St., legally described as Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow him to keep his current irrigation system of hose bibbs and soaker hoses; contrary to the provisions of Section 106-800 (c); 4; b., which requires properties larger than one acre to have an automatic irrigation system.

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

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool, Doug Martin  
**Nays:** None

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

8. **A public hearing to receive public input on Variance Request 16-93000010, a request by Richard Sparks for the tract of land located at 920 Seabreeze, legally described as Lots 18 & 19, Parkway Block, Bayshore Park Subdivision. The applicant is seeking approval of a variance that would allow him to build a 1,080-square foot garage; contrary to the provisions of Section 106-741 (e)(2), which allows detached garages on lots less than an acre in size to have a maximum floor area of 1,000 square feet.**

Chairman Rothermel opened the public hearing at 7:01 p.m.

- a. **Staff Presentation**

Planning Technician Cramer gave staff's report for variance request 16-93000010.

After his presentation Planning Technician Cramer brought the Board's attention to the three response letter received by the City. Two, from Virginia Groda and Edgar Reed were in favor while one from Jacqueline Fowler was in opposition.

- b. **Applicant Presentation**

Richard Sparks, La Porte, TX, was sworn in by Chairman Rothermel. He said he needed the extra room to fit his RV.

- c. **Public Comments**

There were no public comments.

Chairman Rothermel closed the public hearing at 7:06 p.m.

- d. **Question and Answer**

Chairman Rothermel said he would like to see the two storage sheds moved off the property and have that be made as a condition of approval.

The applicant asked if he would be able to keep one of the sheds and the Board agreed.

**Motion** by Chester Pool to approve Variance Request 16-93000010, a request by Richard Sparks for the tract of land located at 920 Seabreeze, legally described as Lots 18 & 19, Parkway Block, Bayshore Park Subdivision. The applicant is seeking approval of a variance that would allow him to build a 1,080-square foot garage; contrary to the provisions of Section 106-741 (e)(2), which allows detached garages on lots less than an acre in size to have a maximum floor area of 1,000 square feet. With the condition one of the two sheds currently on the property be removed.

**Second** by Doug Martin. **Motion Carried.**

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool, Doug Martin

**Nays:** None

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

**9. Administrative Reports**

Planning Technician Cramer noted every day is a great day in the City of La Porte.

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

There were no Board comments.

**11. Adjourn**

**Motion** by Doug Martin to adjourn.

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

**Ayes:** Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool, Doug Martin

**Nays:** None

Chairman Rothermel adjourned the meeting at 7:11 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**



**December 13, 2016**

## **AGENDA ITEM 4**

Consider approval of a Variance  
to allow construction of a new sign  
for the property located at 2602 W. Main St.,  
legally described as Lots 21-30 & Tracts 1-10 & 12-20 Block 707 & Abandoned Alley &  
Tract A, Town of La Porte Subdivision.  
(Applicant: George Lowery)

***Ryan Cramer, Planning Technician  
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 George Lowery on behalf of El Toro Restaurant for the property located at 2602 W. Main St., legally described as Lots 21-30 & Tracts 1-10 & 12-20 Block 707 & Abandoned Alley & Tract A, Town of La Porte Subdivision (case #16-93000011) which would allow the applicant to install a sign that will be a total of 292.24 square feet in size, this is contrary to the provisions of Section 106-874 (a)(3)(b)(1), which allows a freestanding on-premises sign in a General Commercial zone to be 150 square feet max. The requested variance would increase the maximum allowed sign area by 142.24 square feet.

#### DISCUSSION

##### Applicant:

George Lowery (El Toro)

##### Applicant's Request:

The applicant is seeking approval of variance request #16-93000011. The variance would allow the applicant to install a sign that is 292.24 square feet in size, 142.24 square feet larger than the permitted sign area.

##### Subject Site:

The subject lots make up a 5.42 acre tract of land generally at the northeast corner of the Spencer Highway and Sens Road intersection and is legally described as Lots 21-30 & Tracts 1-10 & 12-20 Block 707 & Abandoned Alley & Tract A, Town of La Porte Subdivision. The attached Exhibit B is an area map that shows the location of the property in question.

##### Notice of Public Hearing:

Section 106-194 of the Code of Ordinances 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.
- Required 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.

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December 13, 2016  
El Toro Sign Variance

Background Information:

The site is currently zoned GC, General Commercial. The subject site currently sits undeveloped. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	GC, General Commercial	Commercial (Beacon Bank)
South	GC, General Commercial	Commercial (Stripes)
West	GC, General Commercial	Unimproved Land
East	GC, General Commercial	Unimproved Land

Applicable Code Provisions:

Section 106-874, speaks to on-premises signs. The following is an excerpt from that section as applicable to this variance request (see highlighted):

(3) CR, NC and GC Districts

- a. One freestanding advertising sign shall be permitted for each side of a commercial development which fronts on a developed right-of-way.
- b. The following size limitations apply:

- 1. Freestanding signs for a single tenant buildings: 150 square feet.
- 2. Freestanding signs for single tenant buildings in a controlled access corridor: 300 square feet.
- 3. Freestanding signs for multitenant buildings: 350 square feet.

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to erect a sign that is 292.24 square feet in size.

Section 106-192 of the Code of Ordinances 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	Granting this variance would allow the applicant to place a larger than permitted sign in the front of their property. The proposed use of the property is in line with the zoning district and the area as a whole.  The size of the sign along with the large amount of neon lights and the large LED message board, may pose as a distraction and road hazard to motorists along W. Main St. The allowed 150

Board of Adjustment Meeting  
December 13, 2016  
El Toro Sign Variance

	square feet per the code would still allow the applicant ample room to advertise their business and would not have as great of a negative impact to motorists along driving by.
<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>Being in a General Commercial zone their building is required to be set 20' back from the front property line but due to parking and detention requirements the principal building is setback further than 20', which could create some visibility difficulties.</p> <p>That said, none of these issues are the result of "unnecessary hardship" as the building is only required to be setback 20' and there is nothing relating to the property itself that prevents the applicant from meeting code.</p>
<p>c. That by granting the variance, the spirit of this chapter will be observed.</p>	<p>The intent of the City's nonconforming provisions are to bring structures into compliance over time. In this case, a nonconforming sign would be constructed on a lot that was not previously nonconforming but it would facilitate the building of a use intended for the district it is in.</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 a conceptual site plan with sign elevations
- Exhibit B: Area map



# Variance Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

## OVERVIEW

A Variance is required for any deviation from the requirements of the city's Zoning Ordinance as outlined in Section 106-192 of the City of La Porte's Code of Ordinances. A Variance is only granted when strict conformity to the provisions of the code would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted. Variance requests are reviewed by the Zoning Board of Adjustment (ZBOA) after a public hearing. The ZBOA consists of residents of the community appointed by City Council. The ZBOA meets on the fourth Thursday of every month, as necessary.

## SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$150; nonrefundable.
- Site plan or plot plan**, drawn to scale and dimensioned to show the location of the proposed Variance.
- Project description/justification letter** that thoroughly explains what is being requested and why such Variance should be approved by the ZBOA.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Planning and Development Department.

## PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the Variance request will be scheduled for the next available ZBOA meeting date.
- The Planning and Development Department will provide a Notice of Public Hearing sign to the applicant that must be posted on the property where the Special Exception is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the variance is being requested.
- The ZBOA meeting will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the ZBOA will conduct the public hearing and provide a ruling on the Variance request.



# Variance Application

Planning and Development Department

### PROJECT INFORMATION

Address where Variance is being requested: 2602 W. Main - LaPorte, TX 77571

Legal description where Variance is being requested: Lots 21-30 & TRS 1-10&12-20-Bik 707 & Aband Alley & TR A

HCAD Parcel Number where Variance is being requested: 0240830070001

Zoning District: \_\_\_\_\_ Lot area: \_\_\_\_\_

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

Description of Request: We are requesting a Variance for the Maximum Allowable Sign Face Square footage and due to the extended Setback of the building, which causes a visibility problem for this location.

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

### PROPERTY OWNER(S) INFORMATION

Name: Wolfgang Dominique, Inc.

Company (if applicable): \_\_\_\_\_

Address: 7529 Bayway Dr.

City: Baytown State: TX Zip: 77520-1309

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### AUTHORIZED AGENT (If other than owner)

Name: George D. Lowery

Company (if applicable): Sparkle Sign, Inc

Address: 7938 Wright Rd.

City: Houston State: TX Zip: 77041

Phone: (832) 276-4284 Email: glowery@sparklesign.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: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): ROLAND \_\_\_\_\_ Date: 9-2-14

#### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# Variance Application

Planning and Development Department

## REASON(S) FOR VARIANCE REQUEST

1. We need the Variance for the size of the Sign Face Allowance, due to the previous design and branding of all of our Restaurant locations throughout the Houston area. If we cannot have our Pre-Designed Branding, it will adversely affect our operations, since this is our "Branding Design" for Restaurant recognition, just like McDonald's, Burger King other restaurant chains.

2. Due to the layout of the land, we had to locate the building at an extended Setback from the street; therefore, we need the visibility of the sign for ID recognition.

3.

4.

5.



AFFIDAVIT OF POSTING
ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 2602 W. Main

LEGAL DESCRIPTION: Lots 21-30 + TRS 1-10 + 12-20 - Blk 707 + Aband Alley + TRA

- 2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: Sep 9, 2016

- 3. Said sign shall be placed on the property within 20 feet of the abutting street.

- 4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

George D Lowery
Applicant's Signature

George D Lowery
Applicant's Printed Name

Subscribed and sworn before me this 2d day of September, 2016, by

George D. Lowery (Print Applicant's Name)

Joe Minavi
Notary Public

(Seal)

My commission expires:





MEXICAN RESTAURANT

TO: City of LaPorte, Texas

ATTN: Zoning Board of Adjustments

DATE: Sep 1, 2016

Ref: Variance Application for El Toro Mexican Restaurant Signage

2602 W. Main

LaPorte, Texas 77571

SUBJ: Letter of Justification

TO WHOM IT MAY CONCERN:

We are requesting a Variance from the Sign Ordinance, in reference to the Allowable Size of a Free Standing Ground Sign, in the area of our Property.

The purpose is because our Signage has been developed as our Branding, such as McDonald's, Burger King and other Restaurants. We have designed this Sign specifically for recognition of our restaurants, and we have installed it at all of our other locations, in different municipalities around the Houston area.

We would appreciate your careful consideration of our request, since our desire is to make this Restaurant, one that the City of LaPorte can be proud of, as we become a Landmark in the community.

Thank you for your time & consideration.

Sincerely,

Roland Ybarra  
President

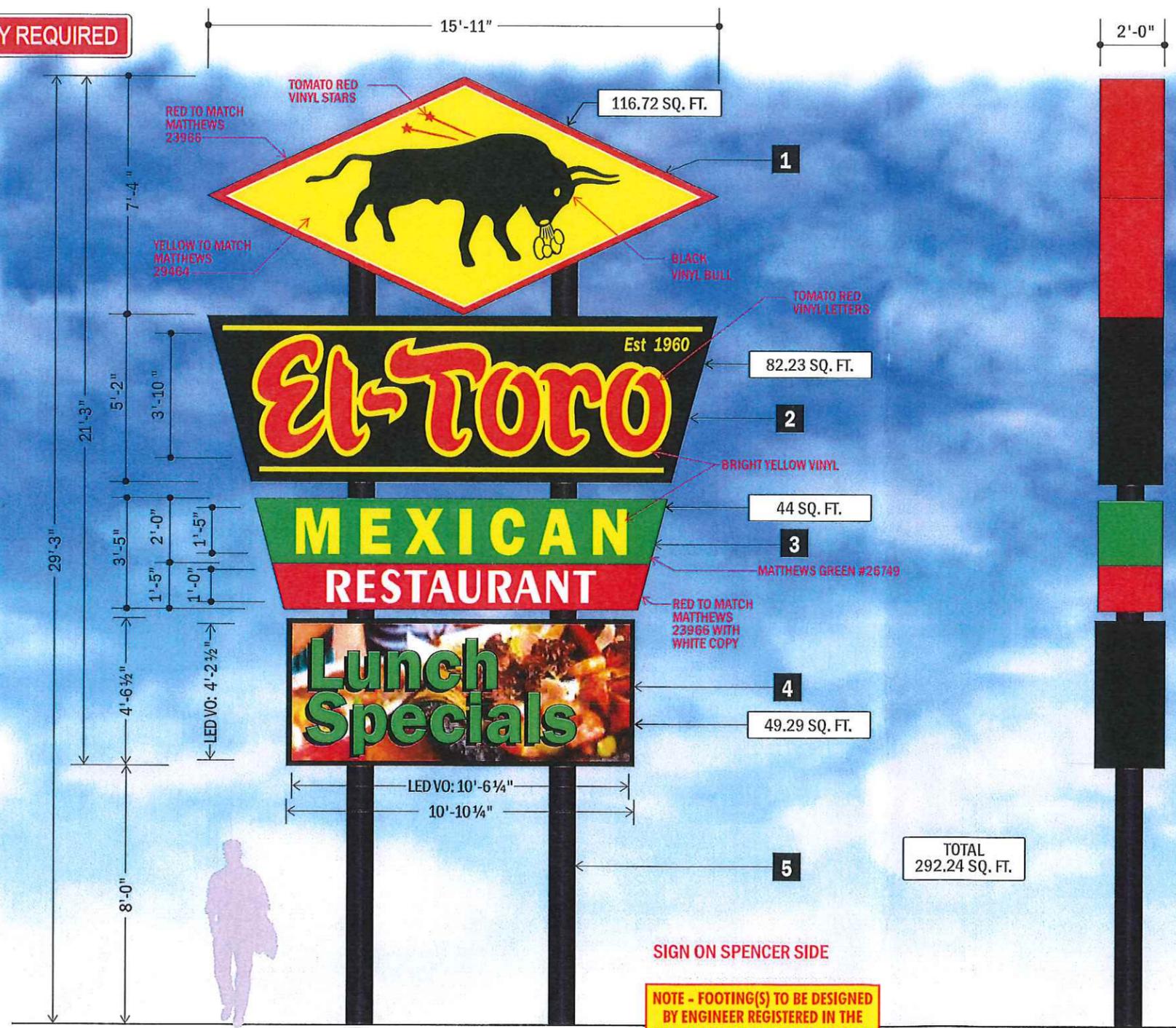
**PROVIDE AND INSTALL ONE(1) NEW PYLON SIGN WITH NEW CABINETS AND NEON EXPOSED**

**SCOPE OF WORK:**

- PROVIDE & INSTALL NEW CABINETS SIGNS WITH GRAPHICS AND NEON EXPOSED AS SHOWN:  
WITH DOUBLE SIDED FULL COLOR LED DISPLAY.

**FOR REVIEW  
AND COMMENT**

**FIELD SURVEY REQUIRED**



**1** Front View Pylon Sign  
SCALE: 1/4" = 1'-0"

**2** Side View Pylon Sign  
SCALE: 1/4" = 1'-0"

**NOTE - FOOTING(S) TO BE DESIGNED BY ENGINEER REGISTERED IN THE STATE OF TEXAS AND FAMILIAR WITH LOCAL BUILDING CODES AND SIGN ORDINANCES**

**SCHEDULE**

- 1 TOP CABINET** - ALL ALUMINUM DOUBLE FACED, WITH RETURNS AND INNER BORDER PAINTED RED TO MATCH MATTHEWS #23966. INSIDE DIAMOND TO BE YELLOW #29464 WITH BLACK BULL IN VINYL OR PAINT. SEE CALL OUTS FOR NEON EXPOSED COLORS
- 2 SECOND SIGN SECTION** - ALL ALUMINUM DOUBLE FACED CABINET WITH BLACK FACES AND RETURNS. ALL GRAPHICS WILL BE IN VINYL FILM WITH OUTLINE NEON EXPOSED.
- 3 THIRD SIGN SECTION** - ALL ALUMINUM DOUBLE FACED CABINET FACES AND RETURNS. PAINTED GREEN AND RED. SEE COLOR SCHEDULE. ALL GRAPHICS WILL BE IN FILM WITH OUTLINE NEON EXPOSED.
- 4 DOUBLE SIDED FULL COLOR RGB LED DISPLAY:**  
VIEW AREA: 4'-2 1/2" H x 10'-6 1/4" W  
MATRIX: 128 x 320, 10MM PIXEL  
CABINET SIZE: 4'-6 1/2" H x 10'-10 1/4" W  
CABINET TO BE PAINTED COLOR BLACK
- 5 PIPE & CONCRETE FOOTING** TO BE DESIGNED BY ENGINEER REGISTERED IN THE STATE OF TEXAS AND FAMILIAR WITH LOCAL BUILDING CODES AND SIGN ORDINANCES.

- VINYL SCHEDULE**
- 3M TOMATO RED 7725-13
  - 3M BLACK 7725-12
  - 3M BRIGHT YELLOW 7725-15
  - 3M WHITE 7725-10

- PAINT SCHEDULE**
- RED TO MATCH MATTHEWS 23966
  - YELLOW TO MATCH MATTHEWS 29464
  - GREEN TO MATCH MATTHEWS #26749
  - SATIN BLACK

**PLEASE NOTE**  
**CUSTOMER MUST PROVIDE**  
A DEDICATED DIRECT 120 VOLT 20 AMP. CIRCUIT WITH DESIGNATED GROUND FOR SIGN ONLY WITHIN 6' OF SIGN LOCATION

VOLT 120V.	AMP 20A.
OTHER VOLTAGE	LOAD KVA

Sparkle Sign MUST be notified of 'OTHER VOLTAGES' prior to manufacture. An allocated circuit consisting of primary, neutral and ground conductors are to be provided by customer.

**0202-13**

2602 WEST MAIN ST  
LA PORTE, TEXAS 77571

SALES REP:  
JOE MINAVI

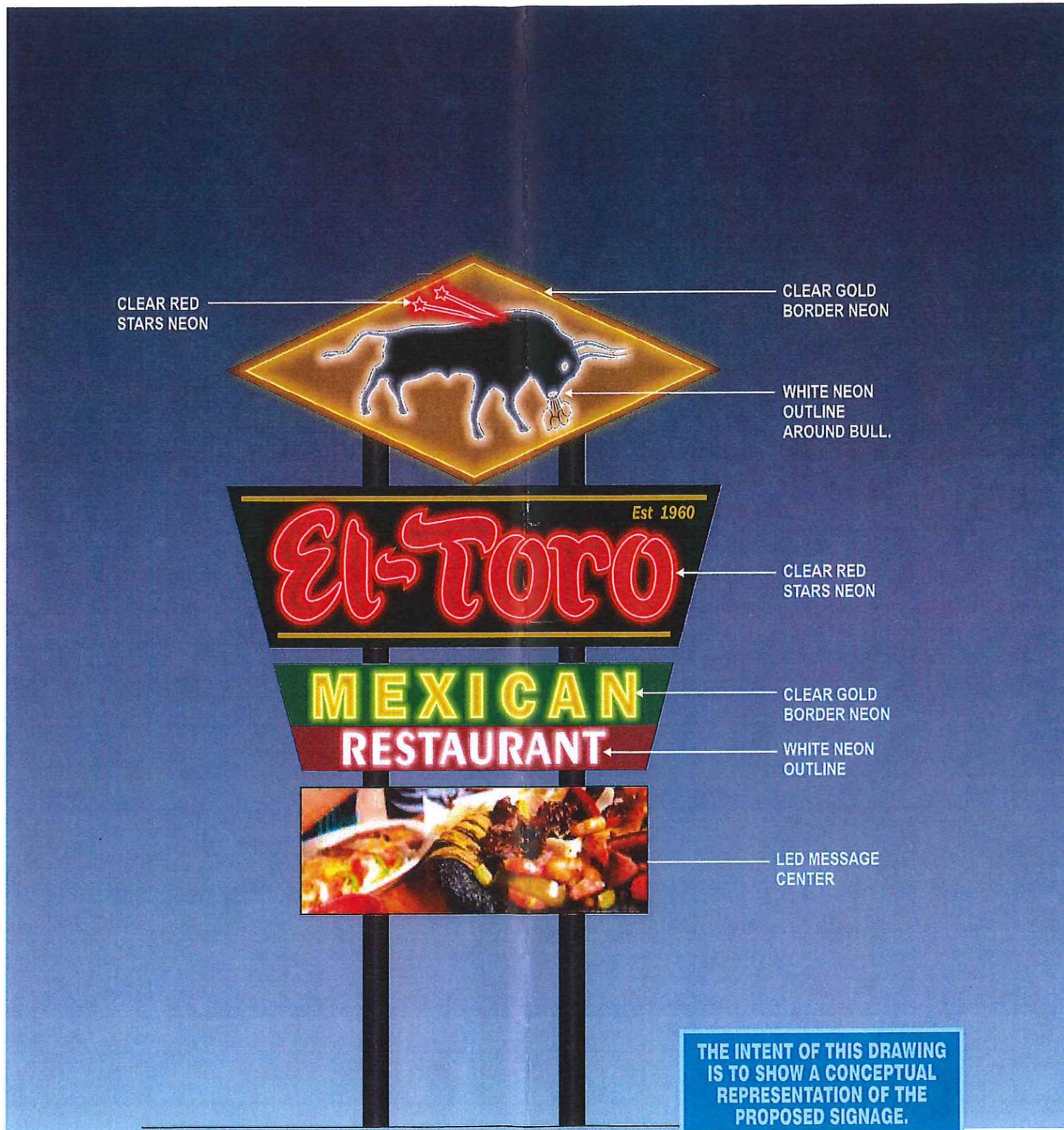
7938 Wright Rd.  
Houston, TX 77041  
800-752-5660  
713-856-8500  
sparklesign.com



08/30/16  
2016 MV 1XXXX  
SHEET A.2

SPARKLE SIGN COMPANY INC. IS A LICENSED ELECTRICAL SIGN COMPANY REGULATED BY THE TEXAS DEPARTMENT OF LICENSING AND REGULATION, UNDER CONTRACTOR LICENSE #18094 AND ELECTRICAL SIGN MASTER #13983. THIS SIGN WILL BE INSTALLED IN ACCORDANCE WITH ARTICLE 600 OF THE 2008 NATIONAL ELECTRIC CODE, PER ARTICLE 600.3 - (NEC 2008) THIS SIGN WILL BEAR THE UNDERWRITERS LABORATORY LABEL, UNLESS INSPECTED BY "SPECIAL PERMISSION" BY THE LOCAL "AUTHORITY HAVING JURISDICTION". This is an original unpublished drawing which is the sole and exclusive property of Sparkle Sign Company, Inc. and is protected under the copyright laws of the United States of America. It was created in conjunction with a project proposed by Sparkle Sign Company, Inc. It is not to be reproduced, duplicated, shown, exhibited or physically re-created in whole or in part by any individual, group, organization or entity without the written permission of an officer of Sparkle Sign Company, Incorporated.

© COPYRIGHT 2016  
SPARKLE SIGN CO., INC.



CLEAR RED STARS NEON

CLEAR GOLD BORDER NEON

WHITE NEON OUTLINE AROUND BULL.

CLEAR RED STARS NEON

CLEAR GOLD BORDER NEON

WHITE NEON OUTLINE

LED MESSAGE CENTER

THE INTENT OF THIS DRAWING IS TO SHOW A CONCEPTUAL REPRESENTATION OF THE PROPOSED SIGNAGE.

**El-Toro**

2602 WEST MAIN ST  
LA PORTE, TEXAS 77571

SALES REP:  
JOE MINAVI

7938 Wright Rd.  
Houston, TX. 77041  
800-752-5660  
713-856-8500  
sparklesign.com

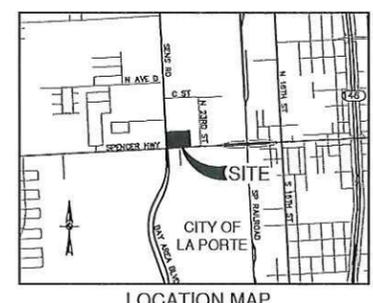
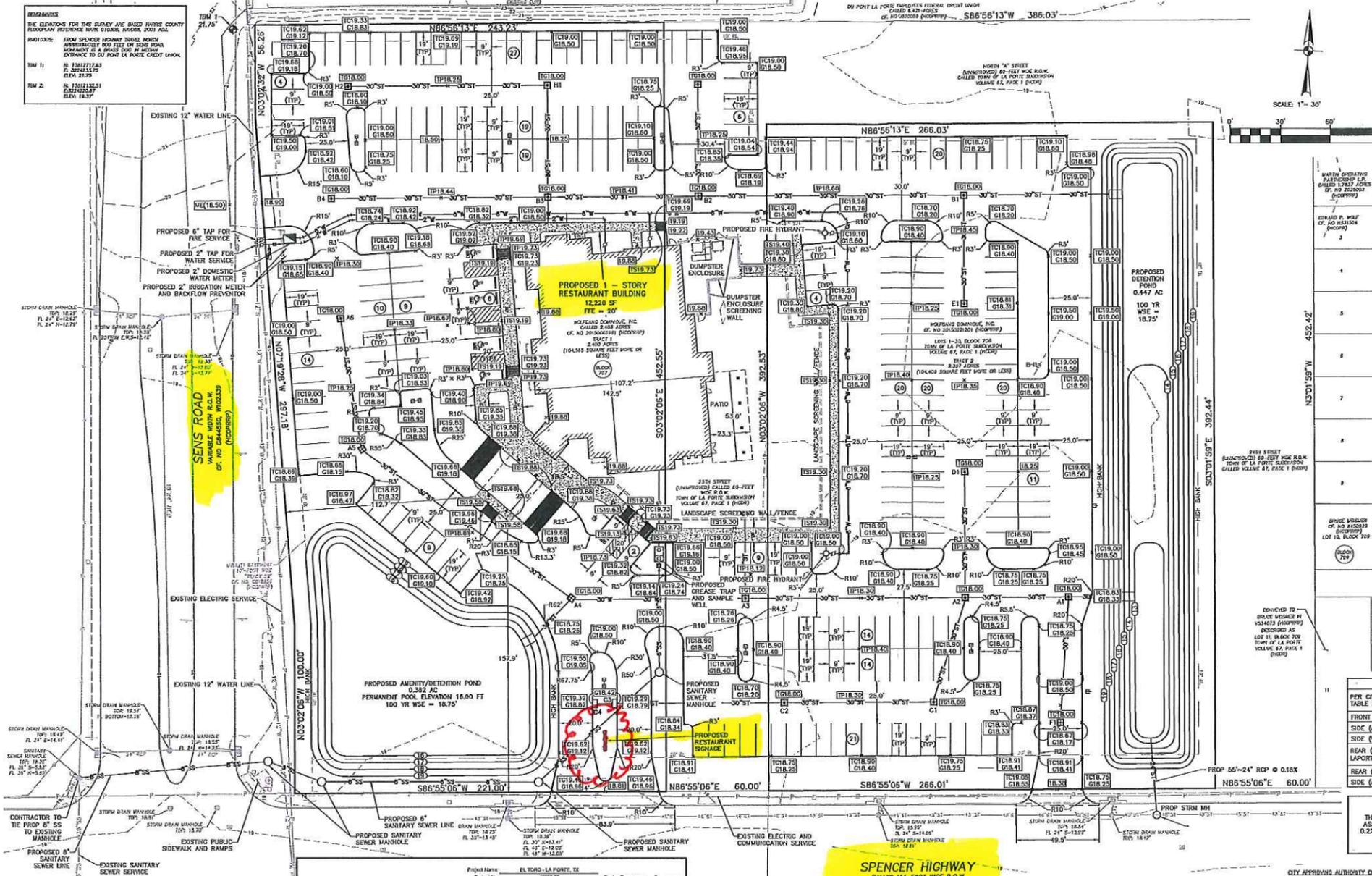


08/30/16  
2016 MV 1XXXXX  
SHEET A.3

**REMARKS:**  
 THE ELEVATIONS FOR THIS SURVEY ARE BASED UPON COUNTY PLATMAN REFERENCE POINT STATION, WAGON WHEEL AREA, APPROXIMATE 800 FEET OF SENS ROAD, CORNER OF A 100' X 100' SQUARE, APPROXIMATE 100 FEET FROM LA PORTE FEDERAL CREDIT UNION.

TRM 1: 15-11-2015  
 15-11-2015  
 15-11-2015  
 15-11-2015

TRM 2: 15-11-2015  
 15-11-2015  
 15-11-2015  
 15-11-2015



**Revisions**

No.	Date	Description

THESE DOCUMENTS HAVE BEEN PREPARED SPECIFICALLY FOR THE FOLLOWING PROJECTS:  
 EL TORO MEXICAN RESTAURANT  
 LA PORTE, TEXAS

THEY ARE NOT INTENDED FOR USE ON OTHER PROJECTS OR IN OTHER LOCATIONS WITHOUT THE APPROVAL AND PARTICIPATION OF THE ARCHITECT, ENGINEER & PROFESSIONAL ENGINEER.  
 COPYRIGHT 2015  
 CASTLES DESIGN GROUP P.C.

**EL-TORO MEXICAN RESTAURANT**  
 INTERSECTION OF SPENCER HIGHWAY & SENS ROAD  
 LA PORTE, TEXAS 77571 (HARRIS COUNTY)

**NAME OF DEVELOPMENT:**  
 EL TORO MEXICAN RESTAURANT  
 INTERSECTION OF SPENCER HWY AND SENS RD  
 LA PORTE, HARRIS COUNTY, TEXAS 77571

**THE DEVELOPER/OWNER:**  
 COMMERCIAL ZONING: GC - GENERAL COMMERCIAL  
 TRACS: 77221

**LEGAL DESCRIPTION:**  
 A SUBDIVISION OF (5.42 ACRES) ACRES, BEING A 2.400 ACRE (429,701 SQUARE FEET) TRACT OF LAND LOCATED IN THE RICHARD PEARSALL SURVEY, ABSTRACT 625, HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 2.403 ACRE TRACT CONVEYED TO WOLFGANG DOMINIQUE, INC. AND DESCRIBED IN A DEED RECORDED IN CLERK'S FILE NO. 2015060581 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (HCOOPRP) AND BEING A 2.357 ACRE (104,701 SQUARE FEET) TRACT OF LAND LOCATED IN THE RICHARD PEARSALL SURVEY, ABSTRACT 625, HARRIS COUNTY, TEXAS, BEING A PORTION OF A CALLED 2.403 ACRE TRACT CONVEYED TO WOLFGANG DOMINIQUE, INC. AND DESCRIBED IN A DEED RECORDED IN CLERK'S FILE NO. 2015022101 OF THE OFFICIAL PUBLIC RECORDS OF REAL PROPERTY OF HARRIS COUNTY, TEXAS (HCOOPRP) AND (COMPLETE AFTER CITY NOW ACCURSED)

**ADDRESS:**  
 FULL N STREET NO AND STREET  
 LA PORTE, TEXAS 77571

**OWNER/DEVELOPER:**  
 WOLFGANG DOMINIQUE, INC.  
 7528 BAYVIEW DR  
 BAYTOWN, TEXAS 77520-1309  
 CONTACTS: NATHAN C. BULLIOT, P.E.  
 CONTACT: JOHN MANES  
 TEL: (281) 838-3709

**ENGINEER/SURVEYOR:**  
 PAPE-DAWSON ENGINEERS  
 10033 RICHMOND, TEXAS 77049  
 CONTACTS: NATHAN C. BULLIOT, P.E.  
 CONTACT: JOHN MANES  
 TEL: (713) 428-2400

**SCALE OF PLAN:**  
 1" = 30'

**PARKING REQUIREMENT:**

THE CITY OF LA PORTE'S PARKING REQUIREMENT FOR A RESTAURANT IS 1.0 SPACE FOR EVERY 100 SQUARE FEET OF GFA WITH A 10 SPACE MINIMUM. THE GFA FOR THIS RESTAURANT IS 424,955 SQUARE FEET (14,333 SF BUILDING; 10,632 SF OUTDOOR PATIO). THE REQUIRED PARKING SPACES IS 250 SPACES (24,885 SF/100 SF X 1 SPACES). THE PROPOSED AMOUNT OF PARKING SPACES ON-SITE IS 278 SPACES.

**PARKING SUMMARY**

REQUIRED	ADA	OTHER	TOTAL
250	5	115	120
PROVIDED	7	271	278

**BUILDING SETBACKS**

PER CITY OF LA PORTE ZONING ORDINANCE, SEC. 106-443, TABLE A:

FRONT (SPENCER HWY) 20'  
 SIDE (ADJACENT TO 10' UTILITY EASEMENT - SENS ROAD) 10'  
 SIDE (ADJACENT TO UNIMPROVED NORTH STREET "A") 10'  
 REAR (ADJACENT TO COMMERCIAL - DU POINT LA PORTE EMPLOYEES FEDERAL CREDIT UNION) 10'  
 REAR (ADJACENT TO UNIMPROVED NORTH STREET "A") 10'  
 SIDE (ADJACENT TO UNIMPROVED 24TH STREET) 10'

**FLOOD STATEMENT:**

THIS TRACT IS IN FLOOD ZONE X (UNSHADDED), DEFINED AS: "OTHER AREAS, AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL CHANCE FLOODPLAIN," AND NOT WITHIN THE 100-YEAR FLOODPLAIN ACCORDING TO THE FEMA MAP#48301C45L, DATED JUNE 16, 2007.

**CONTRACTOR TO THE PROP 24" ROP STORM PIPE TO PROP STORM MANHOLE ON EX 48" ROP (FL 11.82)**

**CITY APPROVING AUTHORITY CERTIFICATE:**  
 THIS IS TO CERTIFY THAT THE CITY OF LA PORTE, TEXAS HAS APPROVED THIS SITE PLAN AND DEVELOPMENT OF EL TORO MEXICAN RESTAURANT IN CONFORMANCE WITH THE ORDINANCE OF THE CITY OF LA PORTE.

**DIRECTOR, PLANNING DEPARTMENT**

**CONTRACTOR TO THE PROP 24" ROP STORM PIPE TO PROP STORM MANHOLE ON EX 48" ROP (FL 11.82)**

**CITY APPROVING AUTHORITY CERTIFICATE:**  
 THIS IS TO CERTIFY THAT THE CITY OF LA PORTE, TEXAS HAS APPROVED THIS SITE PLAN AND DEVELOPMENT OF EL TORO MEXICAN RESTAURANT IN CONFORMANCE WITH THE ORDINANCE OF THE CITY OF LA PORTE.

**DIRECTOR, PLANNING DEPARTMENT**

**NOTES:**

- ALL NEW LANDSCAPE AREAS AND PLANTINGS TO BE IRRIGATED WITH A PROFESSIONALLY DESIGNED AND INSTALLED AUTOMATIC LANDSCAPE IRRIGATION SYSTEM.
- ALL DIMENSIONS ARE TO FACE OF CURB UNLESS STATED OTHERWISE.
- ALL CALCULATIONS ARE PRELIMINARY AND ARE SUBJECT TO CHANGE WITH FINAL DESIGN.
- EXPANSION JOINTS ARE REQUIRED AT THE PROPERTY LINE OF ALL DRIVEWAYS.
- THE LOT COVERAGE IS 33.00%.
- ALL CONNECTIONS TO CITY WATER AND SANITARY SEWER LINES MUST BE INSPECTED BY THE CITY BEFORE COVER UP. CONTACT PUBLIC WORKS TO SCHEDULE AN INSPECTION AT 281-471-9550.
- ALL CONSTRUCTION SHALL BE IN STRICT ACCORDANCE WITH THE STANDARDS OF THE CITY OF LA PORTE.
- APPROPRIATE MEASURES SHALL BE TAKEN TO PREVENT EROSION. IN THE EVENT THAT SIGNIFICANT EROSION OCCURS AS A RESULT OF CONSTRUCTION THE CONTRACTOR SHALL RESTORE THE ERODED AREA TO ORIGINAL CONDITION OR BETTER.
- A PERMIT IS REQUIRED TO CUT A CITY STREET OR WORK WITHIN THE RIGHT-OF-WAY. THE PERMIT IS ISSUED BY THE PUBLIC WORKS DEPARTMENT.
- THE LOCATION OF UNDERGROUND UTILITIES INDICATED ON THE PLANS IS TAKEN FROM A TOPOGRAPHIC SURVEY PREPARED BY PAPE-DAWSON ENGINEERS, PREPARED DECEMBER 8, 2015. IT IS THE CONTRACTOR'S RESPONSIBILITY TO MAKE ARRANGEMENTS WITH THE OWNERS OF SUCH UNDERGROUND UTILITIES PRIOR TO WORKING THE AREA TO CONFIRM THEIR EXACT LOCATION AND TO DETERMINE WHETHER ANY ADDITIONAL UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS MAY BE PRESENT. THE CONTRACTOR SHALL PRESERVE AND PROTECT ALL UNDERGROUND UTILITIES. IF EXISTING UNDERGROUND UTILITIES ARE DAMAGED, THE CONTRACTOR WILL BE RESPONSIBLE FOR THE COST OF PREPARING THE UTILITY.
- ALL EXCAVATIONS, TRENCHING AND SHORING OPERATIONS SHALL COMPLY WITH THE REQUIREMENTS OF THE U.S. DEPARTMENT OF LABOR, OSHA, "CONST. SAFETY AND HEALTH REGULATIONS", VOL. 29, SUBPART P, FC 128 - 137, AND ANY AMENDMENTS THERE TO.
- THE CONTRACTOR SHALL RESTORE ALL AREAS DISTURBED BY CONSTRUCTION TO ORIGINAL CONDITION OR BETTER. RESTORED AREAS INCLUDE, BUT ARE NOT LIMITED TO: TRENCH BACKFILL, SIDE SLOPES, FENCES, CURB PIPES, DRAINAGE DITCHES, DRIVEWAYS, PRIVATE YARDS AND ROADWAYS.

**DETENTION CALCULATIONS**

$V_d = \text{TOTAL DETENTION VOLUME (CF) REQUIRED} = \text{TOTAL ACREAGE} \times 0.65 \text{ ACRE-FEET/ACRE}$

$V_d = 5.42 \text{ AC} \times 0.65 \text{ AC-FT/AC} = 3.523 \text{ AC-FT} = 153,461.88 \text{ CF}$

**TOTAL PROPOSED DETENTION POND VOLUME = 35,925.74 CF (0.85 AC-FT) (POND #1) + 82,028.49 CF (1.43 AC-FT) (POND #2) = 117,954.23 CF (2.28 AC-FT)**

PROPOSED STORM SEWER VOLUME = 1,757 LF, 33" STM = 8,624.65 CF (0.20 AC-FT)

PROPOSED ON-SITE PONDING VOLUME = 45,814.97 CF (1.05 AC-FT)

**TOTAL PROPOSED DETENTION VOLUME = 99,022.23 CF + 45,814.97 CF + 8,624.65 CF = 153,461.88 CF (3.523 AC-FT)**

Manhole From	Manhole To	Drainage Area (Acres)	Total Area (Acres)	Rough Coefficient	Time of Conc. (Min)	Time of Conc. (Hrs)	Discharge Area (Sq Ft)	Discharge Flow (CFS)	Peak Flow (CFS)	Peak Length (Sec)	Peak Height (Ft)	Storage Coefficient	Design Capacity (CFS)	Design Velocity (FPM)	Design Velocity (MPS)
A5	A5	0.33	0.33	0.85	1.48	23.09	3.54	0.9	0.7	75	30	0.13	0.013	14.8	3.0
A5	A4	0.18	0.48	0.85	2.01	23.72	3.90	0.5	7.0	150	30	0.13	0.013	14.8	3.0
A4	A3	0.44	0.92	0.85	2.39	24.32	3.42	1.3	8.2	121	30	0.13	0.013	14.8	3.0
A3	A2	0.71	1.28	0.85	2.81	25.54	3.37	0.6	9.6	129	30	0.13	0.013	14.8	3.0
A2	A1	0.12	2.43	0.85	2.51	25.09	3.29	0.4	9.6	65	30	0.13	0.013	14.8	3.0
A1	OUT1	0.08	2.50	0.85	3.02	28.39	3.29	0.2	9.8	35	30	0.13	0.013	14.8	3.0
B4	B3	0.17	0.17	0.85	0.14	22.33	3.60	0.5	0.5	100	30	0.13	0.013	14.8	3.0
B3	B2	0.37	0.78	0.85	0.37	24.17	3.44	0.8	1.3	87	30	0.13	0.013	14.8	3.0
B2	B1	0.59	1.11	0.85	0.58	25.19	3.39	0.7	1.5	105	30	0.13	0.013	14.8	3.0
B1	OUT2	0.29	1.59	0.85	0.41	25.96	3.34	0.8	2.7	107	30	0.13	0.013	14.8	3.0
C4	C3	0.55	0.55	0.85	0.64	26.90	3.22	0.2	0.7	8	30	0.13	0.013	14.8	3.0
C3	C2	0.58	0.93	0.85	0.48	21.94	3.43	0.2	1.2	17	30	0.13	0.013	14.8	3.0
C2	C1	0.24	0.37	0.85	0.66	23.39	3.52	0.7	2.3	37	30	0.13	0.013	14.8	3.0
C1	A2	0.15	0.55	0.85	0.62	24.00	3.44	0.8	2.8	43	30	0.13	0.013	14.8	3.0
D1	A2	0.41	0.41	0.85	0.33	23.55	3.51	1.2	1.9	21	30	0.13	0.013	14.8	3.0
E1	B1	0.79	0.79	0.85	0.21	22.09	3.55	0.8	0.9	63	30	0.13	0.013	14.8	3.0
F1	A1	0.06	0.06	0.85	0.03	21.09	3.70	0.2	0.2	7	30	0.13	0.013	14.8	3.0
G1	A3	0.24	0.24	0.85	0.22	22.75	3.57	0.7	0.7	45	30	0.13	0.013	14.8	3.0
H1	H1	0.17	0.17	0.85	0.14	22.32	3.60	0.5	0.5	110	30	0.13	0.013	14.8	3.0
H1	B3	0.17	0.34	0.85	0.14	23.27	3.55	0.5	0.5	65	30	0.13	0.013	14.8	3.0
I1	B2	0.11	0.11	0.85	0.09	21.78	3.65	0.3	0.3	116	30	0.13	0.013	14.8	3.0

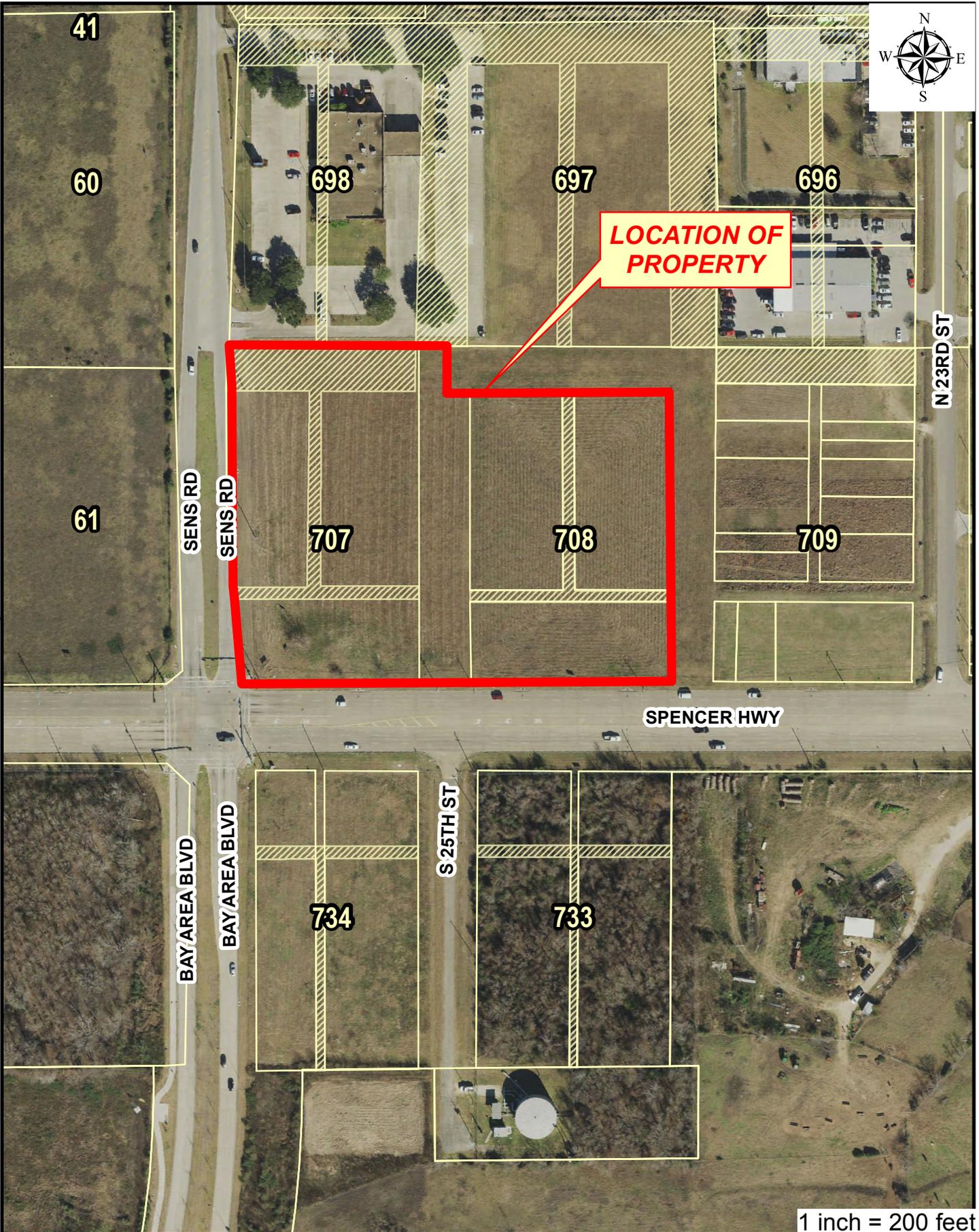
**Castles Design Group**  
 A Professional Corporation  
 3801 Kirby Dr., Suite 600  
 Houston, Texas 77096  
 Tel: 713 684 7974  
 Fax: 713 684 9782

**PAPE-DAWSON ENGINEERS**  
 10033 RICHMOND AVE  
 HOUSTON, TEXAS 77049  
 PHONE: 713 428 2400  
 FAX: 713 428 2400  
 TEXAS BOARD OF PROFESSIONAL ENGINEERS, REGISTRATION # 479  
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYORS, REGISTRATION # 103874

**SITE PLAN**  
**SP-1**  
 Date: JULY 2016  
 Project No.: 1502-029

# AREA MAP

VARIANCE REQ. # 16-9300011



1 inch = 200 feet

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



**December 13, 2016**

## **AGENDA ITEM 5**

Consider approval of two Variances  
to allow platting of a new lot & a reduced front setback  
for the property located at 402 W. E St.,  
legally described as Lots 30-32, Block 129, Town of La Porte Subdivision.  
(Applicant: Donna Eckel)

*Ryan Cramer, Planning Technician  
Planning and Development Department  
City of La Porte, Texas*

## Planning and Development Department

### Staff Report

---

#### ISSUE

Should the Board of Adjustment approve the variances requested by Donna Eckels for the tract of land located at 402 W. E Street, legally described as Lots 30, 31 & 32, Block 129 Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow her client to replat one lot to be 5,625 square feet and the other to be 3,750 square feet in size. Both of these lot sizes are contrary to the provisions of Section 106-333 (a), which requires single family detached lots to be a minimum of 6,000 square feet in size. The applicant is also seeking approval of a variance that would allow her client to have a reduced setback less than 25' to ensure the existing building on the western lot is in compliance. This is contrary to Section 106-333 (a), which requires single family detached housing to have a minimum front setback of 25'.

#### DISCUSSION

##### Applicant:

Donna Eckels

##### Applicant's Request:

The applicant is seeking approval of variance request #16-93000012. The variance would allow the applicant to plat two lots from an existing lot. The variance is for a reduced lot size for each new lot created and for a reduced front yard setback for the new western lot.

##### Subject Site:

The subject lot makes up a 9,375 square foot tract of land generally at the southwest corner of the West "E" and South 3<sup>rd</sup> Street intersection and is legally described as Lots 30, 31 & 32, Block 129 Town of La Porte Subdivision. The attached Exhibit B is an area map that shows the location of the property in question.

##### 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.
- Required sign was posted on the site ten days prior to the hearing date.

Board of Adjustment Meeting  
December 13, 2016  
Bay Point Lot Size Variance

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-1, Low-Density Residential. The subject site has two existing residential structures on site. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low-Density Residential	Residential (518 S. 3 <sup>rd</sup> St.)
South	R-1, Low-Density Residential	Residential (606 S. 3 <sup>rd</sup> St.)
West	R-1, Low-Density Residential	Residential (601 S. 4 <sup>th</sup> St.)
East	R-1, Low-Density Residential	Residential (601 S. 3 <sup>rd</sup> St.)

Applicable Code Provisions:

Section 106-333, speaks to residential area requirements. The following is an excerpt from that section as applicable to this variance request:

Uses	Minimum Lot Area	Minimum Yard Setbacks L.F.F.R.S.
Single-family detached	6000	25-15-5

Analysis:

The applicant is seeking approval of a variance that would allow her client to replat his property into two lots, both under 6,000 square feet, and allow the house on the western lot to maintain a setback smaller than 25'.

Section 106-192 of the Code of Ordinances 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 variances will not be contrary to the public interest	The use of both properties would be in line with the surrounding area and is the intention of the zoning district.  The City requires minimum lot sizes and setbacks as a way to protect property values and create a consistent look amongst R-1 housing.
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.	The size of the original lot makes it impossible for the lot to be platted into two conforming lots. The front setback cannot be met on the new western lot because of an existing house placed on the property by the original owner in 1940.

Board of Adjustment Meeting  
December 13, 2016  
Bay Point Lot Size Variance

"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.	
c. That by granting the variance, the spirit of this chapter will be observed.	The intent of the City's nonconforming provisions are to bring structures into compliance over time. In this case, the approved variance would allow for there to be one house per lot as compared to the non-conforming two houses per lot.

Staff would like to recommend, if the Board so chooses, a condition of approval that a minimum front setback be provided.

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

Exhibit B: Area map



# Variance Application

Planning and Development Department

## PROJECT INFORMATION

Address where Variance is being requested: 402 WEST E STREET  
 Legal description where Variance is being requested: LOTS 30, 31 & 32, BLOCK 129 TOWN OF LA PORTE  
 HCAD Parcel Number where Variance is being requested: 0232300290030  
 Zoning District: R - 1 Lot area: 9375 SF

*A Variance request is hereby made to the Board of Adjustment of the City of La Porte.*  
 Description of Request: VARIANCE FROM MINIMUM LOT SIZE OF 6000 SF AND  
A VARIANCE FROM 25' SETBACKS AT THE FRONT OF THE PROPERTY

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

## PROPERTY OWNER(S) INFORMATION

Name: DAVID DE LA GARZA  
 Company (if applicable): BAY POINT REAL ESTATE GROUP LLC  
 Address: 5014 PIN OAK DR City: PASADENA State: TEXAS Zip: 77505-3123  
 Email: bpregllc@gmail.com  
 Phone: 832-457-2275

## AUTHORIZED AGENT (if other than owner)

Name: DONNA ECKELS  
 Company (if applicable): PRO-SURV SURVEYING AND MAPPING  
 Address: PO BOX 1366 City: FRIENDSWOOD State: TEXAS Zip: 77549  
 Email: orders@prosurv.net  
 Phone: 281-996-1113

## 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: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



Variance Application
Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 402 WEST E STREET
Legal description where Variance is being requested: LOTS 30, 31 & 32, BLOCK 129 TOWN OF LA PORTE
HCAD Parcel Number where Variance is being requested: 0232300290030
Zoning District: R - 1 Lot area: 9375 SF
A Variance request is hereby made to the Board of Adjustment of the City of La Porte.
Description of Request: VARIANCE FROM MINIMUM LOT SIZE OF 6000 SF AND A VARIANCE FROM 25' SETBACKS AT THE FRONT OF THE PROPERTY

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

PROPERTY OWNER(S) INFORMATION

Name: DAVID DE LA GARZA
Company (if applicable): BAY POINT REAL ESTATE GROUP LLC
Address: 5014 PIN OAK DR
City: PASADENA State: TEXAS Zip: 77505-3123
Phone: 832-457-2275 Email: bpreglio@gmail.com

AUTHORIZED AGENT (if other than owner)

Name: DONNA ECKELS
Company (if applicable): PRO-SURV SURVEYING AND MAPPING
Address: PO BOX 1366
City: FRIENDSWOOD State: TEXAS Zip: 77549
Phone: 281-996-1113 Email: orders@prosurv.net

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: 9/1/14
Owner(s) Signature(s): [Signature] Date: 9-1-16

STAFF USE ONLY:

Case Number: [Blank box]

Date Application Received: [Blank box]



# Variance Application

Planning and Development Department

## REASON(S) FOR VARIANCE REQUEST

1. WE ARE REQUESTING A VARIANCE FROM MINIMUM LOT SIZE TO REPLAT STATED PROPERTY WHICH HAS 2 EXISTING RESIDENCES.

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2. WE ARE REQUESTING A VARIANCE FROM 25' SETBACK AT FRONT OF PROPERTY DUE TO 2 EXISTING RESIDENCES

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5.

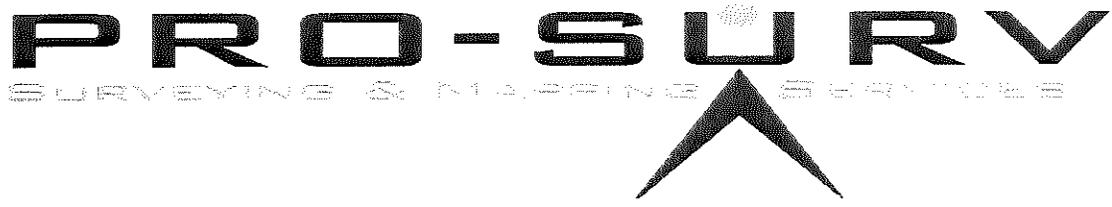
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**9/1/2016**

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

**Re: 402 West E Street**

Dear Board Members

Please accept this letter as a request for a variance from Minimum Lot Size and from 25' Setback on Front Property.

Current Property conditions has 2 Existing homes built on 3, 25' lots. Granting these variances will allow for the replat of this property to create 2 individual lots to allow each residence to have its own identity.

I feel the integrity of the neighborhood or the Zoning Ordinance will not be impacted by the granting of the variance and the replat can enhance the Neighborhood.

Sincerely,

Donna Eckels  
PRO-SURV Surveying and Mapping  
P.O. Box 1366  
Friendswood, TX 77549  
281-996-1113  
donna@prosurv.net



**AFFIDAVIT OF POSTING**  
**ZONING BOARD OF ADJUSTMENT HEARING**

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:  
ADDRESS: 402 WEST E STREET  
LEGAL DESCRIPTION: LOTS 30, 31 & 32, BLOCK 12 TOWN OF LA PORTE
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: SEPTEMBER 12, 2016.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Applicant's Printed Name*

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by  
\_\_\_\_\_  
*(Print Applicant's Name).*

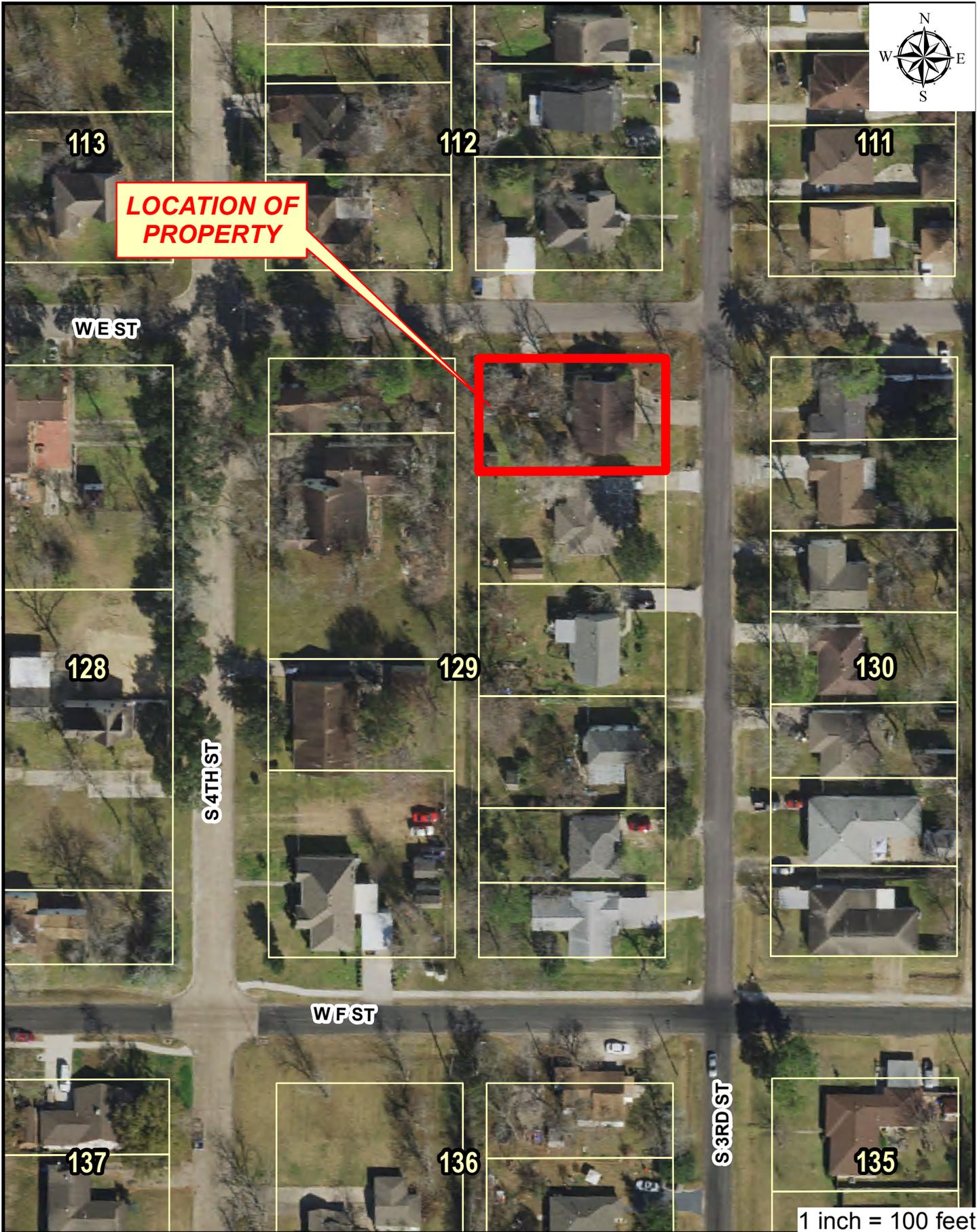
\_\_\_\_\_  
*Notary Public*

(Seal)

My commission expires: \_\_\_\_\_

# AREA MAP

VARIANCE REQ. #16-9300012



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



**December 13, 2016**

## **AGENDA ITEM 6**

Consider approval of a Variance  
to allow construction of a new sign  
for the property located at 324 W. Main St.,  
legally described as Lots 11 & 12, Block 58 Town of La Porte Subdivision.  
(Applicant: Jose Gonzalez)

*Ryan Cramer, Planning Technician  
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 Jose Gonzalez on behalf of New Orleans Seafood for the property located at 324 W. Main Street, legally described as Lots 11, & 12 Block 58 Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow his client to place a freestanding sign in the Main Street District that is 50 square feet in size and 24 feet in height, for an existing building with no setback from the ROW. This is contrary to Section 106-874 (a)(4)(c) which requires that new freestanding signs can only be used when the building is setback from the ROW and cannot exceed 24 square feet in size or 14 feet in height.

#### DISCUSSION

##### Applicant:

Jose Gonzalez (New Orleans Seafood)

##### Applicant's Request:

The applicant is seeking approval of variance request #16-93000013. The variance would allow the applicant to install a sign that is 50 square feet in size and 24 feet in height.

##### Subject Site:

The subject lots make up a 6,250 square foot tract of land generally at the northeast corner of the S. 3<sup>rd</sup> Street and W. Main Street intersection and is legally described as Lots 11 & 12 Block 58 Town of La Porte Subdivision. The attached Exhibit B is an area map that shows the location of the property in question.

##### Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for 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.
- Required 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 MS, Main Street District Overlay. The subject site is developed with an existing commercial structure and sign pole. The following table summarizes the surrounding zoning and land uses:

Board of Adjustment Meeting  
December 13, 2016  
New Orleans Seafood Sign Variance

	Zoning	Land Use
North	MSD, Main Street District	Commercial (116 N. 3 <sup>rd</sup> St.)
South	MSDO, Main Street District Overlay	Commercial (321 W. Main St.)
West	MSDO, Main Street District Overlay	Park Like Lot (402 W. Main St.)
East	MSDO, Main Street District Overlay	Commercial (318 W. Main St.)

Applicable Code Provisions:

Section 106-874, speaks to on-premises signs. The following is an excerpt from that section as applicable to this variance request (see highlighted):

- (4) *MS district and overlay.*
  - a. Pre-existing, nonconforming signs listed at the following locations within the overlay and Main Street District existing as of the effective date of this ordinance are considered legal, grandfathered, and may continue as such in accordance with the specifications, regulations, and conditions of this ordinance. The city accepts no liability for any damages to any signs within public right-of-way or easement. The city also reserves the rights to enter into, maintain, and utilize all common use public utility easements and public rights- of-way to promote the health, safety, morals or general welfare of the community and the safe, orderly, and healthful development of the city.
    1. 101 E. Main.
    2. 201 E. Main.
    3. 115 W. Main.
    4. 208 W. Main.
    5. 306 W. Main.
    6. 521 W. Main.
    7. 616 W. Main.
    8. 718 W. Main.
    9. 820 W. Main.
    10. \*107 N. 8th.
    11. \*105 Highway 146 S.
    12. \*117 Highway 146 S.
    13. \*120 Highway 146 N.
  - c. Any new on-premises freestanding signs, which shall only be permitted on those properties where a building is already existing and is setback from the front property line, shall be a ground sign that is a minimum height of 10 feet from the bottom of the sign and a maximum height of 14 feet and cannot exceed 24 square feet in area. (Note: In accordance with [section 106-878\(b\)\(2\)](#), sign not exceeding eight feet in height do not have to be engineered.)
  - d. A city permit shall be required prior to any new signage.

Analysis:

The applicant is seeking approval of a variance that would allow the placement of a sign that is 292.24 square feet in size.

Section 106-192 of the Code of Ordinances 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

Board of Adjustment Meeting  
December 13, 2016  
New Orleans Seafood Sign Variance

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	Granting this variance would allow the applicant to place a larger and taller than permitted sign in the front of their property.  There is an existing sign pole on the property. The code does make exceptions for pre-existing signs but this property is not on that list.
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.	There is an existing sign pole designed to hold a sign of this height and size, not one that meets City standards.
c. That by granting the variance, the spirit of this chapter will be observed.	The intent of the City's nonconforming provisions are to bring structures into compliance over time. In this case, a non-conforming pole is already on the property. While placing a sign will not make the pole any more conforming, the only way this property would become more conforming in this manner would be removal or shortening of the pole.

Staff would note, if consideration is given to allow the requested sign, it should be designed in a way to fit within the City's vision for Main Street as described in Section 106-945:

**Section 106-945. Purpose and intent.**

- (a) Purpose: These guidelines are intended to aid downtown property owners in La Porte to protect and enhance the historic resources of the community. The standards describe design ideas for appropriate alterations and new construction, and also provide basic maintenance tips.

Board of Adjustment Meeting  
December 13, 2016  
New Orleans Seafood Sign Variance

- (1) To protect, enhance and perpetuate landmarks and districts of historical, cultural, architectural or archeological importance that reflect distinctive and important elements of the unique historical heritage of La Porte.
  - (2) Foster civic pride by recognizing accomplishments of the past.
  - (3) Protect and enhance the attractiveness of the City to tourists and visitors and support and stimulate the economy.
  - (4) Insure the harmonious, orderly and efficient growth and development in the Main Street District.
  - (5) Promote the economic prosperity and welfare of property owners in the Main Street District.
  - (6) Encourage the stabilization, restoration and improvement of property and property values in the district.
  - (7) Maintain a generally harmonious outward appearance of both historic and modern structures, which are compatible and complimentary in scale, form, color, proportion, texture and material.
- (b) Intent: To capitalize on La Porte's urban design and architectural character, the following principles shall serve as a guide for future development in the Main Street District. In general, the buildings should have a pre-1930's appearance.

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 with sign elevations  
Exhibit B: Area map



# Variance Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

## OVERVIEW

A Variance is required for any deviation from the requirements of the city's Zoning Ordinance as outlined in Section 106-192 of the City of La Porte's Code of Ordinances. A Variance is only granted when strict conformity to the provisions of the code would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted. Variance requests are reviewed by the Zoning Board of Adjustment (ZBOA) after a public hearing. The ZBOA consists of residents of the community appointed by City Council. The ZBOA meets on the fourth Thursday of every month, as necessary.

## SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed **application form**.
- Application fee** of \$150; nonrefundable.
- Site plan or plot plan**, drawn to scale and dimensioned to show the location of the proposed Variance.
- Project description/justification letter** that thoroughly explains what is being requested and why such Variance should be approved by the ZBOA.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Planning and Development Department.

## PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the Variance request will be scheduled for the next available ZBOA meeting date.
- The Planning and Development Department will provide a Notice of Public Hearing sign to the applicant that must be posted on the property where the Special Exception is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the variance is being requested.
- The ZBOA meeting will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the ZBOA will conduct the public hearing and provide a ruling on the Variance request.



# Variance Application

## Planning and Development Department

- In order for the ZBOA to approve a Variance, it must find all of the following criteria have been met:
  1. Granting the variance will not be contrary to the public interest.
  2. Enforcing the code provision will result in an unnecessary hardship due to the following situations that are unique to the property: irregularity associated with the size or shape of the lot, unique topography or some other unique physical situation associated with the property. An unnecessary hardship does not relate to convenience, financial consideration, or the applicant's own actions.
  3. Granting the variance will be consistent with the spirit of the city's Zoning Ordinance.
- If the ZBOA *approves* the Variance request, then the applicant will have 90 days from the date of the meeting to obtain any necessary building permits for construction. If the ZBOA *denies* the Variance request, then the applicant may file a petition to the court in accordance with Section 106-196 of the City of La Porte's Code of Ordinances.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to Variance requests.

### CODE REQUIREMENTS

#### Sec. 106-192. - 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](#) (Notice of public hearings before the board of adjustments). Upon the hearing any party may appear in person or by agent or by attorney.



AFFIDAVIT OF POSTING
ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 324 W. Main St. La Porte, TX 77571

LEGAL DESCRIPTION: Place 5'x10' sign on pole

- 2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date:
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Applicant's Signature

Applicant's Printed Name

Subscribed and sworn before me this \_\_\_ day of \_\_\_, by

(Print Applicant's Name).

Notary Public

(Seal)

My commission expires:



# Variance Application

Planning and Development Department

### PROJECT INFORMATION

Address where Variance is being requested: 324 W. Main St. La Porte, TX 77571

Legal description where Variance is being requested: want to place sign on a pole

HCAD Parcel Number where Variance is being requested: (281)470-5073

Zoning District: LaPorte - Harris County Lot area: LaPorte

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

Description of Request: Sign 5x10' requesting permission to be placed on a pole.

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

### PROPERTY OWNER(S) INFORMATION

Name: Yancy Manjivar

Company (if applicable): \_\_\_\_\_

Address: 324 W Main St.

City: LaPorte State: TX Zip: 77571

Phone: (832)907-0025 Email: \_\_\_\_\_

### AUTHORIZED AGENT (If other than owner)

Name: Steve Friessmaster #10365 - Jose Bernardo Gonzalez

Company (if applicable): Exell Electric Tel #19108 - Chilango's Signs

Address: P.O. Box 87129

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: (713)875-257 Email: chilangosigns075@gmail.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: Jose Bernardo Gonzalez Date: 9/7/2016

Owner(s)' Signature(s): [Signature] Date: 9/7/16

#### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# Variance Application

Planning and Development Department

## REASON(S) FOR VARIANCE REQUEST

1. We have the sign ready for installation measuring 5'x10'x20", with a maximum length of 14 feet. I am requesting approval to weld sign on Post. Sign is for New Orleans seafood business advertisement.

2. If there are any issues with sign measurements I can make it minimum 4'x8'x20". I am willing to make any necessary changes, to be able to place sign on Post.

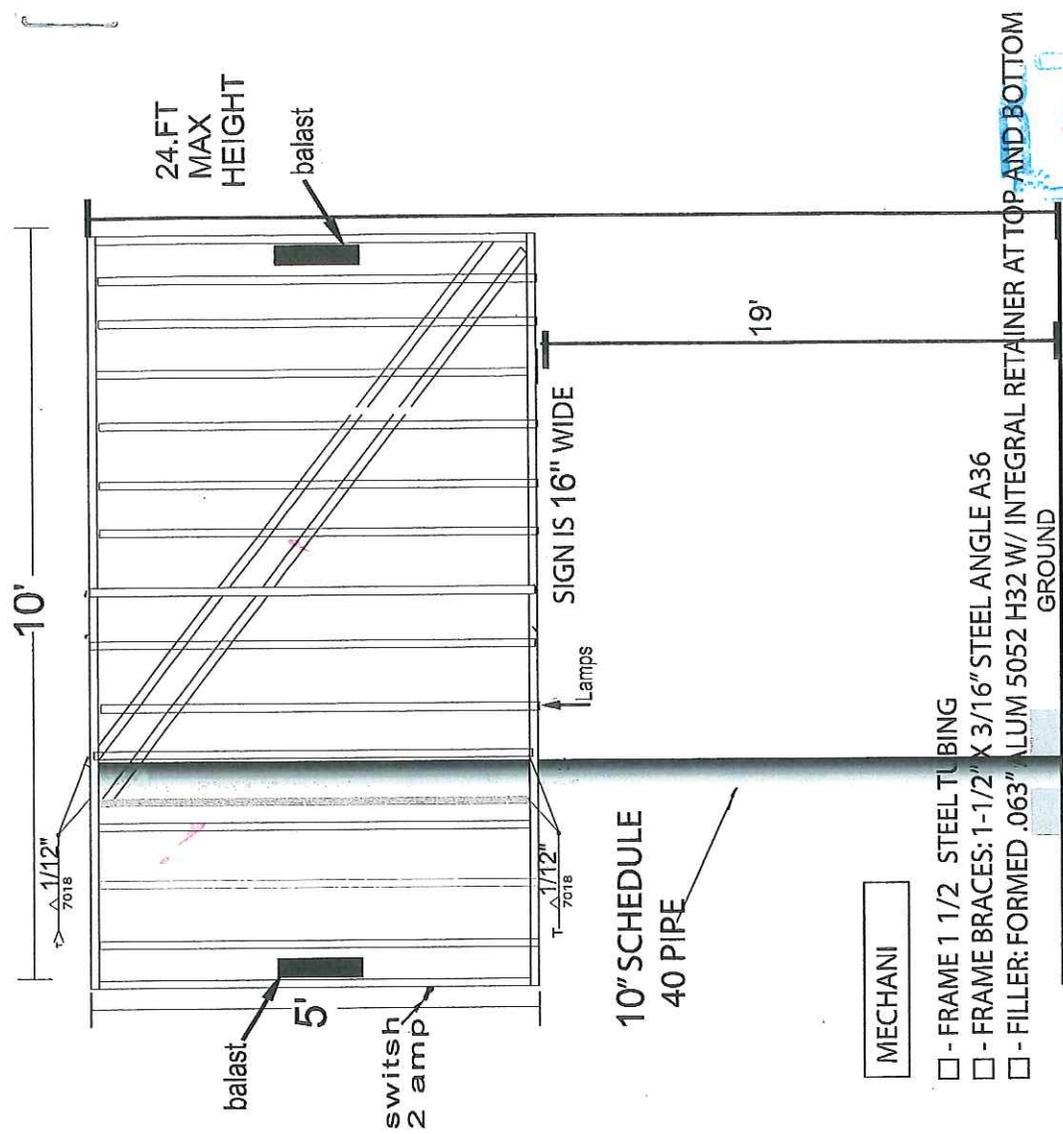
3. We do not want a small sign. Because is not visible on the pipe.

4.

5.



**324 W MAIN ST  
 LA PORTE TX 77571  
 NEW ORLEANS  
 SFAFOOD**



RECEIVED  
 AUG 26, 2016

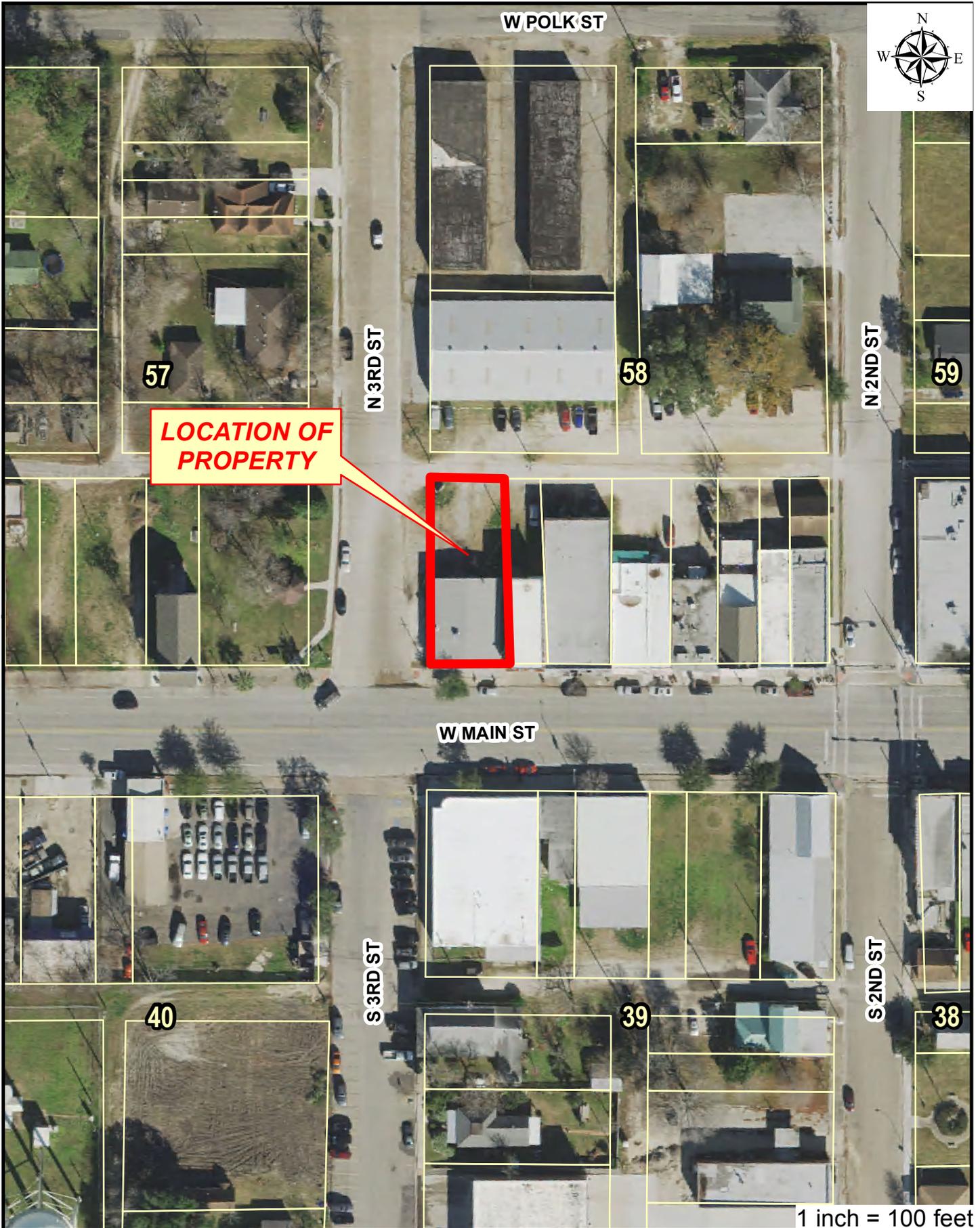
**MECHANI**

- FRAME 1 1/2 STEEL TUBING
- FRAME BRACES: 1-1/2" X 3/16" STEEL ANGLE A36
- FILLER: FORMED .063" ALUM 5052 H32 W/ INTEGRAL RETAINER AT TOP AND BOTTOM

- 2-ballast 6 lamps 60" HO
- line 120-4.3 amps & swish
- 2-white faces Acrilec 3/16" face
- 1"1/2" Square steel tubing frame
- 0.40 aluminum cover & retainers

# AREA MAP

VARIANCE #16-9300013



**LOCATION OF  
PROPERTY**

1 inch = 100 feet

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



**December 13, 2016**

## **AGENDA ITEM 7**

Consider approval of a Variance  
to allow owner to forego installation of planters in a parking area  
for the property located at 202 ½ N. 16<sup>th</sup> St.,  
legally described as Block 686, Lots 1-16&17-32 & Abandoned E ½ N. 14<sup>th</sup> St.  
(Applicant: Charles Pfeiffer)

*Ian Clowes, 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 Charles Pfeiffer on behalf of Lindsay R. and Jennifer B. Pfeiffer for the property located at 202 ½ N. 16<sup>th</sup> St., legally described Block 686, Lots 1-16&17-32 & Abandoned E ½ N. 14<sup>th</sup> St (case #16-93000014) which would allow the applicant to forego installation of landscape planters within a newly constructed parking lot. This request is contrary to the provisions of Section 106-800 (c)(1)(c), which requires a minimum ratio of one planter for every ten parking spaces.

#### DISCUSSION

##### Applicant:

Charles Pfeiffer (Pfeiffer & Son, Ltd.)

##### Applicant's Request:

The applicant is seeking approval of variance request #16-93000014. The variance would allow the applicant to forego installation of landscape planters within a newly constructed parking lot.

##### Subject Site:

The subject lots make up a 2.4 acre tract of land generally 615 feet East of N. 16<sup>th</sup> St. along W. Polk St. and is legally described as Block 686, Lots 1-16&17-32 & Abandoned E ½ N. 14<sup>th</sup> St. The attached Exhibit B is an area map that shows the location of the property in question.

##### Notice of Public Hearing:

Section 106-194 of the Code of Ordinances 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.
- Required 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 LI, Light Industrial. The subject site currently sits undeveloped. The following table summarizes the surrounding zoning and land uses:

Board of Adjustment Meeting  
December 13, 2016  
Pfeiffer Landscaping Variance

	Zoning	Land Use
North	LI, Light Industrial	Unimproved Land
South	LI, Light Industrial	Unimproved Land
West	LI, Light Industrial	Industrial (Pfeiffer Parking Lot)
East	LI, Light Industrial	Unimproved Land

Applicable Code Provisions:

Section 106-800, speaks to required landscaping. The following is an excerpt from that section as applicable to this variance request (see highlighted):

(c) Landscaping plans shall be developed using the following criteria:

(1) *Location.*

c. Parking lot requirements.

- i. Parking lot with minimum 20 spaces shall provide a planter at the ratio of one for every ten parking spaces.
- ii. Planters (minimum 135 square feet) shall not abut on more than two sides of required perimeter landscape area. Each required planter shall have one shade tree. Trees shall be dispersed throughout the parking lot to maximize the shading effect on the parking spaces. These trees are exclusive of trees planted around the perimeter of the parking lot.
- iii. The minimum size of parking lot trees shall be minimum two-inch caliper.
- iv. The minimum height of parking lot trees shall be six feet.

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to forego installation of landscape planters within a newly constructed parking lot. The applicant has stated that they have no issue with the quantity and type of landscape being required, and want to comply with the city's requirements. They propose relocating the required parking lot trees to the perimeter of the new parking lot. This will provide additional screening for the lot as well as some of the intended shading benefits.

Section 106-192 of the Code of Ordinances 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	Granting this variance would allow the applicant to relocate and expand their parking, ultimately allowing for the business to grow. The applicant intends to provide the full amount of required

Board of Adjustment Meeting  
December 13, 2016  
Pfeiffer Landscaping Variance

	<p>landscaping, but would prefer it to be along the perimeter of the lot.</p> <p>The parking lot will only be utilized by staff and will not be visible from 16<sup>th</sup> St.</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>Parking lot planters are a key part of city beautification and help reduce the heat island effect created by large impervious surfaces.</p> <p>As stated, the applicant is not requesting a reduction in the number of required trees, but is requesting the variance to place them in a more convenient location. This will still allow for a number of trees to be added to the site but without disrupting the flow of cars and trucks throughout the development.</p>
<p>c. That by granting the variance, the spirit of this chapter will be observed.</p>	<p>The variance will allow an industrial development to forego parking lot trees and instead, allow them to plant them along the perimeter of the lot. These will serve as not only shade trees, but also will screen the lot from surrounding properties. The requested variance will have little to no negative impact on the surrounding properties.</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
- Exhibit B:      Area map



# Variance Application

Planning and Development Department

### PROJECT INFORMATION

Address where Variance is being requested: 202 1/2 N. 16th St.  
Legal description where Variance is being requested: Block 686, Lots 1-16&17-32, Abandoned E 1/2 N. 14th St.  
HCAD Parcel Number where Variance is being requested: 024-079-086-0001  
Zoning District: Light Industrial (LI) Lot area: 106,400 sf (266' x 400')

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

Description of Request: This variance request is to allow Owner to forego installation of planters in the parking area as required by Section 106-800(c)(1). All required landscaping would be relocated to the periphery of the property, maintaining the quantity required by the City standard. Existing trees would be retained in place.

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

### PROPERTY OWNER(S) INFORMATION

Name: Lindsay R. and Jennifer B. Pfeiffer  
Company (if applicable): \_\_\_\_\_  
Address: 723 Bayridge Rd.  
City: Morgan's Point State: Texas Zip: 77571  
Phone: (281) 471-2750 Email: Lin@pfeifferandson.com

### AUTHORIZED AGENT (if other than owner)

Name: Charles Pfeiffer  
Company (if applicable): Pfeiffer & Son, Ltd.  
Address: 116 N. 16th St.  
City: La Porte State: Texas Zip: 77571  
Phone: (281) 471-4222 Email: charlie@pfeifferandson.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:  Date: 10/24/2016  
Owner(s)' Signature(s):  Date: 10/24/2016

#### STAFF USE ONLY:

Case Number:  
\_\_\_\_\_

Date Application Received:



REASON(S) FOR VARIANCE REQUEST

1. Pfeiffer & Son, Ltd. is a family owned electrical contracting company that has been in La Porte since 1962. We are continuing to grow and are looking to expand our operations. We currently have 160 employees (120 on-site, 40 off-site) and are looking to make specific improvements in the next several years to our existing facilities.

These improvements include repairs and replacement of existing parking and lay-down facilities, maintenance shop upgrades, fleet vehicle and equipment storage improvements, etc. The first step toward these improvements is to provide enough room that we can move parking and lay down to empty space.

The new room afforded by the expansion on Block 686 will allow us to move all employee parking from the southern half of Block 687. We will make improvements to the failing asphalt on this half, and then relocate all material in the lay down area from the northern half of Block 687. Once the materials have been relocated from this northern half, we plan on improving the surface. We also anticipate repairing pavement failures on Block 688 at this time.

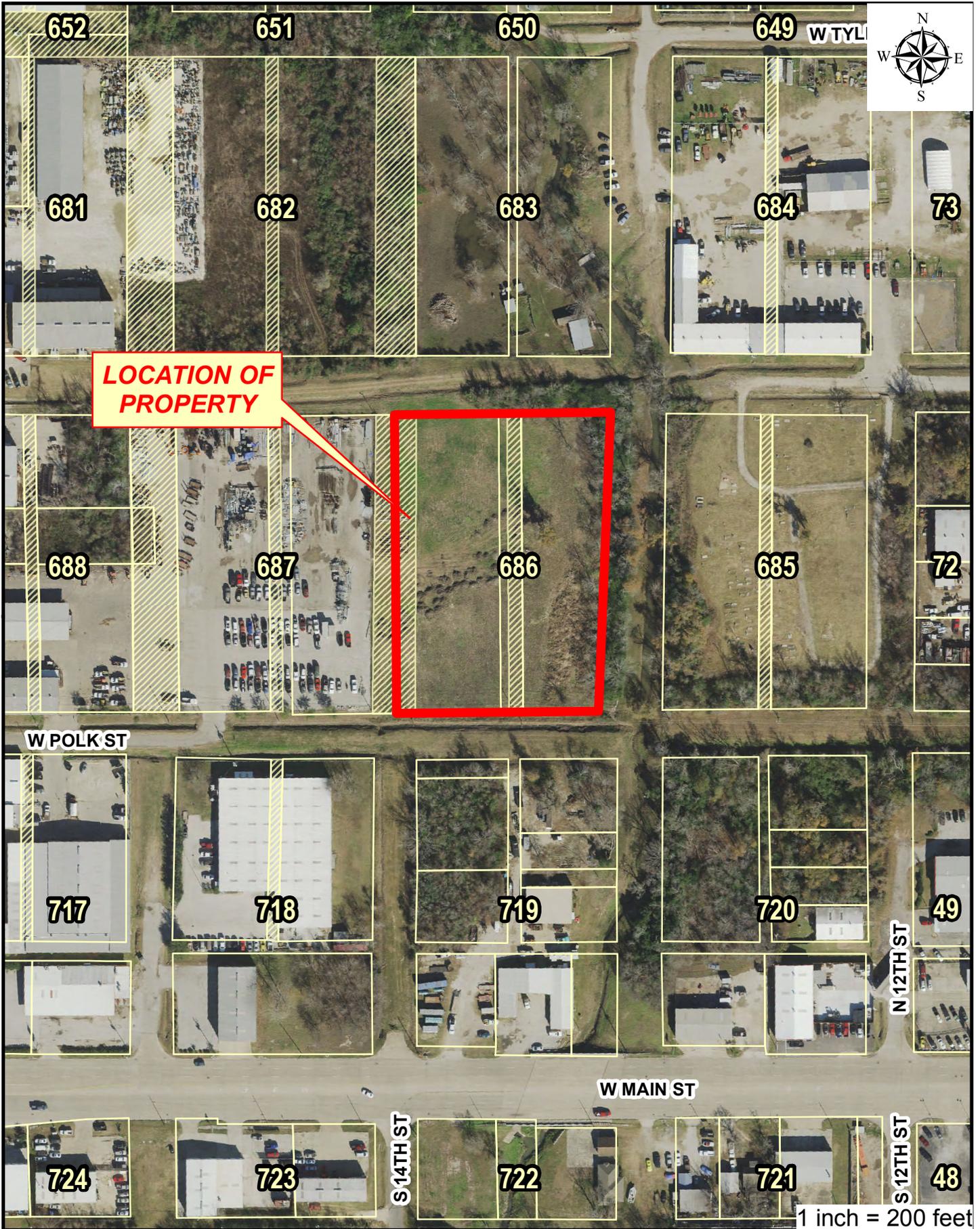
During this improvement and repair process, we expect to have multiple occasions where we will be required to relocate materials such as high mast poles, large pull boxes, switchgear, transformers, etc. Placing the planters with trees in the middle of the parking lot will obstruct our ability to easily move these materials during the transition and on an ongoing basis.

We have no issue with the quantity or type of landscaping required, and want to comply with the City's requirements for beautification. Our request is to simply allow us to relocate the landscaping from planters within the lot to a landscaping strip along the periphery. This will provide flexibility inside the parking lot, and will screen the parking and any material storage from visibility. This parking area is for employees only, and will not be accessible to the public. This arrangement is typical for the businesses in the area, and will not be an eyesore or reflect poorly on the City.

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# AREA MAP

VARIANCE REQ. #16-9300014



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



**December 13, 2016**

## **AGENDA ITEM 8**

Consider approval of a Special Exception request  
to expand a preexisting nonconforming use  
on the property located at 201 N 18<sup>th</sup> St.,  
legally described as Lots 17-32 and East 75' of lots 1-16, Block 691,  
Town of La Porte Subdivision.  
(Applicant: Mark Hutfless)

*Ian Clowes, 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 special exception request by Mark Hutfless to expand a nonconforming use on the subject property located at 201 N. 18<sup>th</sup> St. (case #16-9400001)?

### DISCUSSION

Applicant:

Mark Hutfless

Property Owner:

Imerys

Applicant's Request:

The applicant is seeking approval of special exception request #16-9400001, to allow for the expansion of an existing nonconforming use. The building located at 201 N. 18<sup>th</sup> St. is currently used for the manufacturing and production of non-hazardous materials. The applicant is currently warehousing the majority of its finished product offsite, and would like to construct a warehouse on site, allowing for the entire operation to be located on one site.

Subject Site:

The subject site is approximately 2.3 acres in size. It is located North of Spencer Highway, between 16<sup>th</sup> St. and the Railroad tracts. The site is considered nonconforming as the use, *Nonmetallic Mineral Product Manufacturing*, is not permitted in the LI zone. As a result, no expansion of the existing use is permitted without the approval of a Special Exception. 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 Code of Ordinances 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.

Board of Adjustment Meeting  
 December 13, 2016  
 201 N. 18<sup>th</sup> St. Nonconforming Special Exception

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 LI, Light Industrial, and contains an existing manufacturing facility. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
<b>North</b>	LI, Light Industrial	Undeveloped
<b>South</b>	BI, Business Industrial	Industrial
<b>West</b>	LI, Light Industrial	Railroad Tracts/Undeveloped
<b>East</b>	LI, Light Industrial	Industrial

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.

Board of Adjustment Meeting  
December 13, 2016  
201 N. 18<sup>th</sup> St. Nonconforming Special Exception

(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.

**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 addition of a warehouse to an existing industrial site does not pose a significant impact to the surrounding area. The applicant has stated that they currently are warehousing product off site. The addition of an onsite warehouse space could greatly reduce the number of truck loads in and out of the property, ultimately decreasing the overall truck traffic in the area.

Staff concurs with the applicant that the proposed expansion on site will enable an existing business, currently thriving in the City of La Porte, to continue their operations on the site. The applicant has indicated that the warehouse expansion will not increase production at the site, but makes economical sense for the company at this time.

**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  
Exhibit B: Area map



# Special Exception Application

Planning and Development Department

### PROJECT INFORMATION

Address where Special Exception is being requested: 201 NORTH 18<sup>TH</sup> STREET LA PORTE TX 77571  
 Legal description where Special Exception is being requested: LOT 17-32 AND EAST 75' OF LOTS 1-16 BLOCK 69  
 HCAD Parcel Number where Special Exception is being requested: 024-080-091-0001  
 Zoning District: LI Lot area: 99360 SQFT

TOWN OF LA PORTE SUBDIVISION

A Special Exception request is hereby made to the Board of Adjustment of the City of La Porte.

Description of Request: TO EXAMINE THE POSSIBILITY OF SITE EXPANSION

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

### PROPERTY OWNER(S) INFORMATION

Name: IMERY'S  
 Company (if applicable): IMERY'S  
 Address: 201 NORTH 18<sup>TH</sup> STREET  
 City: LA PORTE State: TX Zip: 77571  
 Phone: 281 471 3122 Email: MARK.HUTFLESS@IMERY'S.COM

### AUTHORIZED AGENT (if other than owner)

Name: MARK HUTFLESS  
 Company (if applicable): IMERY'S  
 Address: 201 NORTH 18<sup>TH</sup> STREET  
 City: LA PORTE State: TX Zip: 77571  
 Phone: 346-315-9217 Email: MARK.HUTFLESS@IMERY'S.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: 22. SEPT. 2016  
 Owner(s)' Signature(s): [Signature] Date: 22 SEPT 2016

#### STAFF USE ONLY:

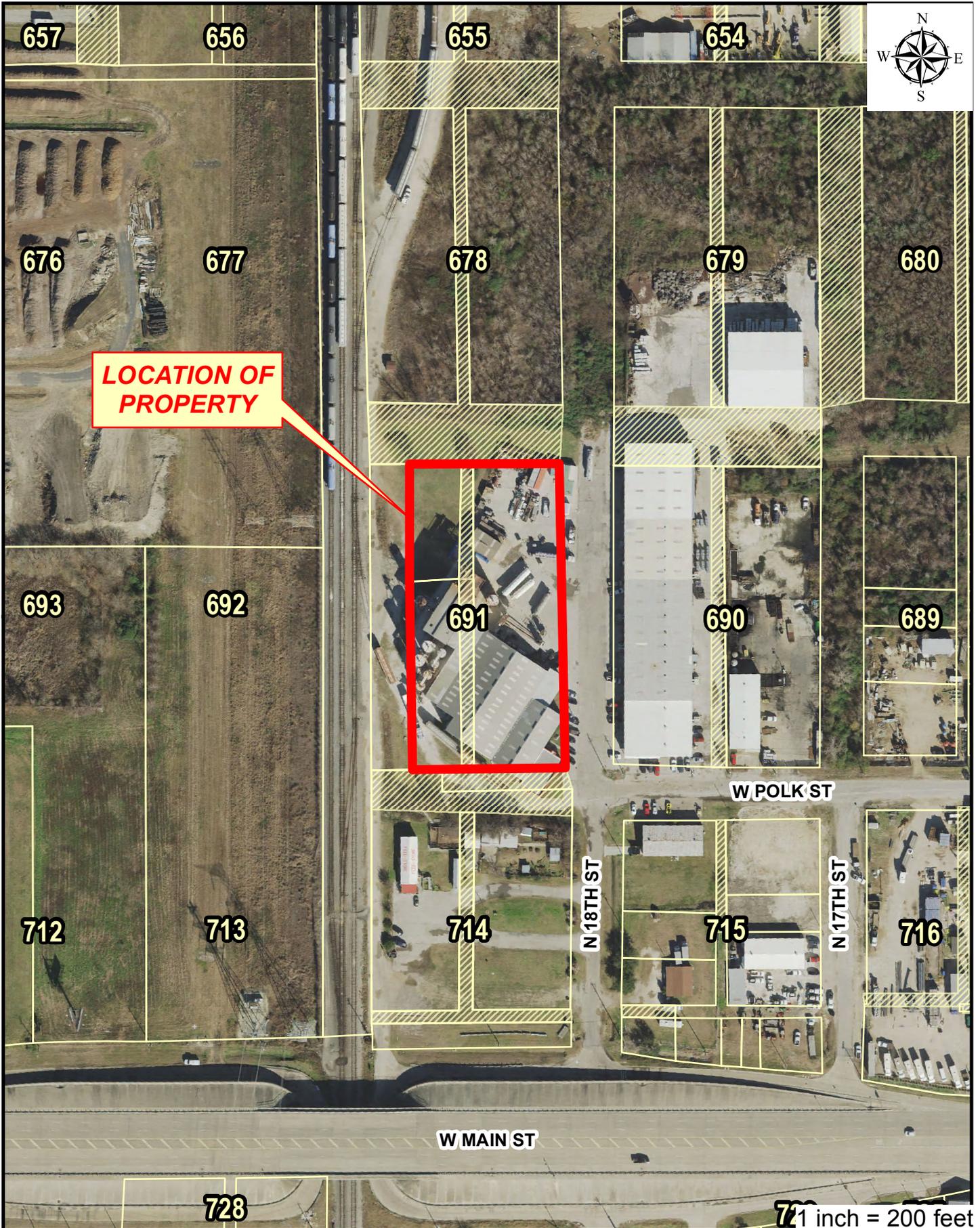
Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# AREA MAP

SPECIAL EXCEPTION. #16-9400001



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



**December 13, 2016**

## **AGENDA ITEM 9**

Consider approval of a Special Exception request  
to expand a preexisting nonconforming use  
on the property located at 801 N 16<sup>th</sup> St.,  
legally described as TRS A & 1A, BLK 1 Nebraska Syndicate.  
(Applicant: Wayne Vinson)

*Ian Clowes, 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 special exception request by Wayne Vinson to expand a nonconforming use on the subject property located at 801 N. 16<sup>th</sup> St. (case #16-9400002)?

### DISCUSSION

Applicant:

Wayne Vinson

Property Owner:

Lhoist North America of Texas, Ltd.

Applicant's Request:

The applicant is seeking approval of special exception request #16-94000002, to allow for the expansion of an existing nonconforming use. The property located at 801 N. 16<sup>th</sup> St. is currently used for Special Lime Slurry (SLS45) preparation, mixing, milling, and storage facility.

Subject Site:

The subject site is approximately 9.154 acres in size. It is located on the West side of 16<sup>th</sup> St. North of W. Barbours Cut Blvd. The site is considered nonconforming as the use, *Lime and Gypsum Product Manufacturing*, is not permitted in the LI zone. As a result, no expansion of the existing use is permitted without the approval of a Special Exception. 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 Code of Ordinances 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.

Board of Adjustment Meeting  
 December 13, 2016  
 801 N. 16<sup>th</sup> St. Nonconforming Special Exception

Background Information:

The site is currently zoned LI, Light Industrial, and contains an existing slurry preparation facility. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
<b>North</b>	HI, Heavy Industrial	Undeveloped
<b>South</b>	LI, Light Industrial	Industrial
<b>West</b>	LI, Light Industrial	Railroad Tracts/Undeveloped
<b>East</b>	HI, Heavy Industrial	Undeveloped

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:

Board of Adjustment Meeting  
December 13, 2016  
801 N. 16<sup>th</sup> St. Nonconforming Special Exception

- 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.

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 expansion of the existing slurry facilities will not have a major impact on the adjacent property owners. The existing production area on site is contained within open ponds. The applicant is proposing an expansion on site that will increase production. The proposed expansion, contrary to the existing facilities, will be fully contained within enclosed structures, protecting the adjacent properties from any potential impact regarding smell or noise.

Staff concurs with the applicant that the proposed expansion on site will enable an existing business, currently thriving in the City of La Porte, to continue their operations on the site. The property is surrounded by other industrially zoned property and will not be out of character.

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
- Exhibit B: Area map



# Special Exception Application

Planning and Development Department

### PROJECT INFORMATION

Address where Special Exception is being requested: 801 N 16th Street La Porte, Texas

Legal description where Special Exception is being requested: TRS A & 1A BLK 1 Nebraska Syndicate

HCAD Parcel Number where Special Exception is being requested: 027-057-000-0003

Zoning District: LI Lot area: 9.154 Acres

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

Description of Request: Special Lime Slurry (SLS45) preparation, mixing, milling and storage facility, constructed on a 47' x 62' concrete slab. Facility would include a 29' x 62' open-sided shed over the slurry mixing tanks and milling equipment; a lime hydrate silo and slurry storage tanks would be located on the unroofed area of concrete slab.

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

### PROPERTY OWNER(S) INFORMATION

Name: \_\_\_\_\_

Company (if applicable): Lhoist North America of Texas, Ltd.

Address: 801 N 16th Street, La Porte, Texas

City: Fort Worth State: Texas Zip: 76107

Phone: 817-732-8164 Email: mark.milner@lhoist.com

### AUTHORIZED AGENT (if other than owner)

Name: Wayne Vinson - Manager, Regional Operations

Company (if applicable): Lhoist North America of Texas, Ltd.

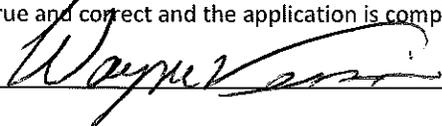
Address: 801 N 16th Street

City: La Porte State: Texas Zip: 77571

Phone: 956-535-1879 Email: wayne.vinson@lhoist.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:  Date: 9/1

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

#### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# Special Exception Application

Planning and Development Department

## TYPE OF 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
- Deviation from minimum lot size/width requirements within the Large Lot District

## REASON(S) FOR SPECIAL EXCEPTION REQUEST

1. Although the check-box above for "Reconstruction of (or addition to) of an existing building occupied by a non-conforming use" is selected for Special Exception consideration, the proposed facility would be a new construction located away from all other buildings on the property (not an addition to an existing building occupied by a non-conforming use).

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2. The proposed facility would be used to manufacture a special lime slurry (SLS45) and would employ enclosed tanks for processing this slurry instead of open ponds currently used for the production of the other lime slurry products at this site.

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3. The proposed facility will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest.

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# Special Exception Application

Planning and Development Department

## AFFIDAVIT OF POSTING ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:  
ADDRESS: 801 N 16th Street, La Porte, Texas  
LEGAL DESCRIPTION: TRS A & 1A BLK 1 Nebraska Syndicate
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: \_\_\_\_\_.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

\_\_\_\_\_  
*Applicant's Signature*

\_\_\_\_\_  
*Applicant's Printed Name*

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_  
(Print Applicant's Name).

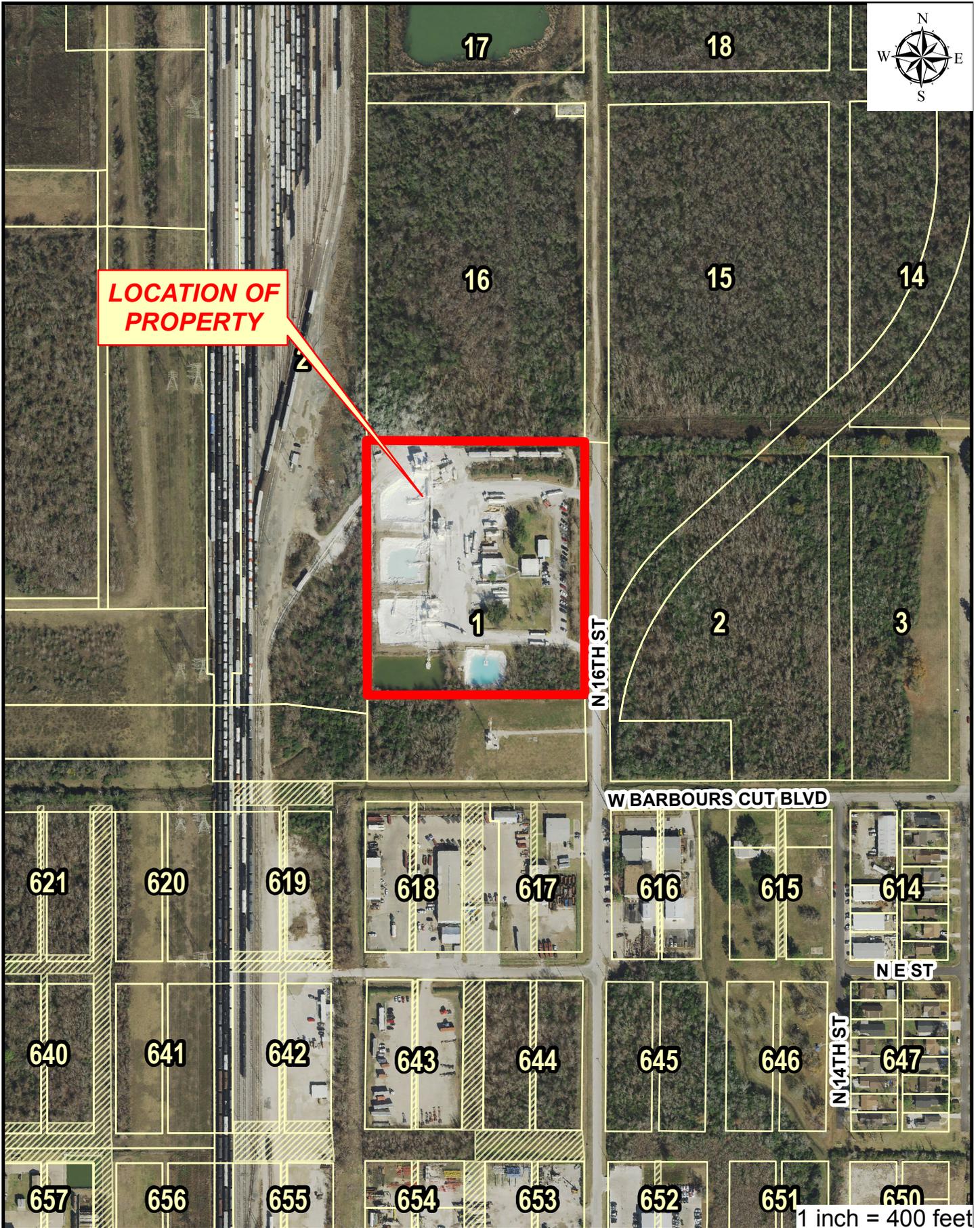
\_\_\_\_\_  
*Notary Public*

(Seal)

My commission expires: \_\_\_\_\_

# AREA MAP

VARIANCE REQ. #16-9400002



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



**December 13, 2016**

## **AGENDA ITEM 10**

Consider approval of a Special Exception request to reduce the required 10' side setback to 5' on a corner lot on the property located at 202 North Forrest Ave., legally described as Lot 1 of Block 15 Sylvan Beach Subdivision.  
(Applicant: Charles Anders)

*Ian Clowes, 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 special exception request by Charles Anders to reduce the required side setback on the subject property located at 202 North Forrest Ave. (case #16-94000003)?

### DISCUSSION

Applicant:

Charles Anders

Property Owner:

Bayway Homes Inc.

Applicant's Request:

The applicant is seeking approval of special exception request #16-94000003, to allow for the reduction of the required side setback on a corner lot from 10' to 5'. The property located at 202 North Forrest Ave. is currently undeveloped.

Subject Site:

The subject site is approximately 6,250 square feet in size. It is located at the Northwest corner of North Forrest Ave. and Park Ave. The site is a vacant lot originally platted as part of the Sylvan Beach Subdivision. The applicant has plans to construct a single family home on the site.

Notice of Public Hearing:

Section 106-194 of the Code of Ordinances 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 R-3, High-Density Residential, and is currently undeveloped. The following table summarizes the surrounding zoning and land uses:

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 202 North Forrest Ave. Side Setback Reduction

	Zoning	Land Use
<b>North</b>	R-3, High-Density Residential	Single Family Residential
<b>South</b>	R-3, High-Density Residential	Single Family Residential
<b>West</b>	R-3, High-Density Residential	Undeveloped
<b>East</b>	R-1, Low-Density Residential	Single Family Residential

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;

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- 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.

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 reduction of the side setback along Park Ave. would be consistent with the property across the street. The proposed home would back up to the rear of the home to the south; the reduced side setback would not impede the view of the adjacent property and appears to be in line with the existing fence line of the neighboring property.

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
- Exhibit B: Area map

# AREA MAP

SPECIAL EXCEPTION #16-9400003





# Variance Application

Planning and Development Department

### PROJECT INFORMATION

Address where Variance is being requested: 70 N FOREST AVE.

Legal description where Variance is being requested: LOT 1 BLK 15 SYLVAN BEACH

HCAD Parcel Number where Variance is being requested: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Lot area: \_\_\_\_\_

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

Description of Request: SIDE SETBACK VARIANCE FROM 10' TO 5'

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

### PROPERTY OWNER(S) INFORMATION

Name: CHARLES ANDREWS 832 276 9609

Company (if applicable): BAYWAY HOMES INC.

Address: PO BOX 1244

City: FRIEWOOD State: TX. Zip: 77549

Phone: 281 648 2425 x17 Email: CANDREWS@BAYWAYHOMES.COM

### AUTHORIZED AGENT (If other than owner)

Name: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

### 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: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): [Signature] Date: 11-14-16

#### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# Variance Application

Planning and Development Department

## REASON(S) FOR VARIANCE REQUEST

1. BAYWAY HOMES HAS ALREADY RECEIVED THIS VARIANCE  
ON 37, 50, 51, AND 71 N. FORREST AVE.
  
2. REASON GRANTED BEFORE IS THAT FORREST AVE HAS  
A LARGER ROW THAN MOST STREETS AND THE VIEW  
AT THE TURNING RADIIUS IS NOT AFFECTED.
  
- 3.
  
- 4.
  
- 5.