



City of La Porte
Zoning Board of Adjustment Agenda

Notice is hereby given of a Meeting of the La Porte Zoning Board of Adjustment to be held on Thursday, January 26, 2017, 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. A public hearing to consider Variance Request 16-93000015, a request by Marvin Bledsoe for the tract of land located at 545 Circle Dr., legally described as Lot 28 & Tract 27, Block 29 and 10 feet of Lot 27 Beach Park subdivision. The applicant is seeking approval of a variance that would allow his client to have a zero foot side setback. This is contrary to Section 106-333 (a) which requires a side setback of 5' for single family detached uses.
a. Staff Presentation
b. Applicant Presentation
c. Public Comments
d. Question and Answer
4. A public hearing to receive public input on Variance Request 16-93000016, a request by Johnny Barnes for the tract of land located at 11131 N. L St., legally described Lots 15-18, Block 8 Greendale U/R. The applicant is seeking approval of a variance that would allow him to build a second detached carport structure, this is contrary to Section 106-741 (f) of the La Porte Code of Ordinances which says a lot less than one acre in size can have no more than one detached private garage or carport structure.
a. Staff Presentation
b. Applicant Presentation
c. Public Comments
d. Question and Answer
5. Administrative reports.
6. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
7. Adjourn.

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

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

CERTIFICATION

I certify that a copy of the Thursday January 26, 2017, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ___ day of _____, 2017.

Title: _____

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



January 26, 2017

AGENDA ITEM 3

Consider approval of a Variance
for the property located at 545 Circle Drive,
legally described as Lot 28 & Tract 27, Block 29 and 10 feet of Lot 27 Beach Park
subdivision,
to allow construction of a single family house
with a side setback of 0'.
Applicant: Marvin Bledsoe

Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas

Planning and Development Department

Staff Report

ISSUE

Should the Board of Adjustment approve the variance requested by Marvin Bledsoe for the property located at 545 Circle Drive, legally described as Lot 28 & Tract 27, Block 29 and 10 feet of Lot 27 Beach Park subdivision (case #16-93000015) which would allow the applicant to build a house with a side setback of 0', when Section 106-333 requires a minimum 5' side setback for single family detached houses.

DISCUSSION

Applicant:

Marvin Bledsoe

Applicant's Request:

The applicant is seeking approval of variance request #16-93000015. The variance requested will allow the applicant's client to build a new house on their lot. Exhibit A is the submitted application.

Subject Site:

The subject site makes up a .06 acre tract of land located at 545 Circle Drive and is legally described as Lot 28 & Tract 27, Block 29 and 10 feet of Lot 27 Beach Park subdivision. The attached Exhibit B is an area map that shows the location of the property in question. The site does not meet the minimum lot area for Single Family Detached housing but because the lot is platted in a way which makes it unable to meet size requirements it is considered pre-existing nonconforming.

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.
- The required sign was posted on the site ten days prior to the hearing date.

Background Information:

The site is currently zoned MU, Mixed Use. The subject site is currently undeveloped. The following table summarizes the surrounding zoning and land uses:

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Circle Drive Setback Variance

	Zoning	Land Use
North	MU, Mixed Use	Residential (553 Circle Dr.)
South	MU, Mixed Use	Residential (541 Circle Dr.)
West	MU, Mixed Use	Residential (621 E. Fairmont Pky.)
East	MU, Mixed Use	Residential (509 Circle Dr.)

Applicable Code Provisions:

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

Uses	Min. Lot Area	Min. Lot Width	Min. Yard Setbacks	Max. Height	Min. Site Area	Max. Lot Coverage/Min. Landscaping
Single-Family Detached	6000	50'	25'-15'-5'	35'	9100	40%/N/A

Analysis:

The applicant is requesting approval of a variance that would allow for the construction of a new house. The lot in question is legally described as Lot 28 & Tract 27, Block 29 and 10 feet of Lot 27 Beach Park subdivision. If the variance is approved then it will allow the applicant's client to have a home with a 0' side setback.

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

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	The granting of the variances being requested would allow the applicant the ability to build a house with a 0' side setback. This would not be out of character for the area as many of the surrounding homes extend into their setbacks and even surrounding alleys.
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	These lots have been platted in their current state since 1895 as part of the Beach Park Subdivision Final Plat. There are two hardships associated with the physical layout of this property. The first is its size, at 2,546 square feet fitting a house into the building envelope would be extremely difficult. The second hardship is the lot's unusual

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Circle Drive Setback Variance

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.	shape, a curved side a rear property line makes it even more difficult to meet setbacks.
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, but due to the size and configuration of this lot it is hard to imagine a house will ever meet all setbacks.

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
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 Residential - \$150, Commercial - \$250; 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.



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 545 Circle Dr.
Legal description where Variance is being requested: Lt 28 + TR 27 BIK 29 10ft of LT 27
HCAD Parcel Number where Variance is being requested: 0070010000027
Zoning District: Mixed Use Lot area: 28 10 ft of 27

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

Description of Request: The right rear of the property has a irregular shape. The building will be inconsistent with the current 5ft set back zoning.

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

PROPERTY OWNER(S) INFORMATION

Name: Roelof + Judy Nieuwenhuis
Company (if applicable): N/A
Address: 545 Circle Dr.
City: La Porte State: TX Zip: 77571
Phone: 281 471 0941 Email: _____

AUTHORIZED AGENT (if other than owner)

Name: Marvin Bledsoe
Company (if applicable): N/A
Address: 545 Circle Dr.
City: La Porte State: TX Zip: 77571
Phone: 832 818 4332 Email: xbledsoe@yahoo.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: 11/21/16

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. The right rear of the property has a irregular shape. The building that we are purposing to move will be inconsistent with the current 5ft setback zoning. The house structure will add value to the property. Being that there are NO utilities there will be no negative impact on the neighborhood.

2.

3.

4.

5.



Variance 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: 545 Circle Dr. LEGAL DESCRIPTION: LT 28 + TR 27 BLK 29 10ft of LT 27
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.

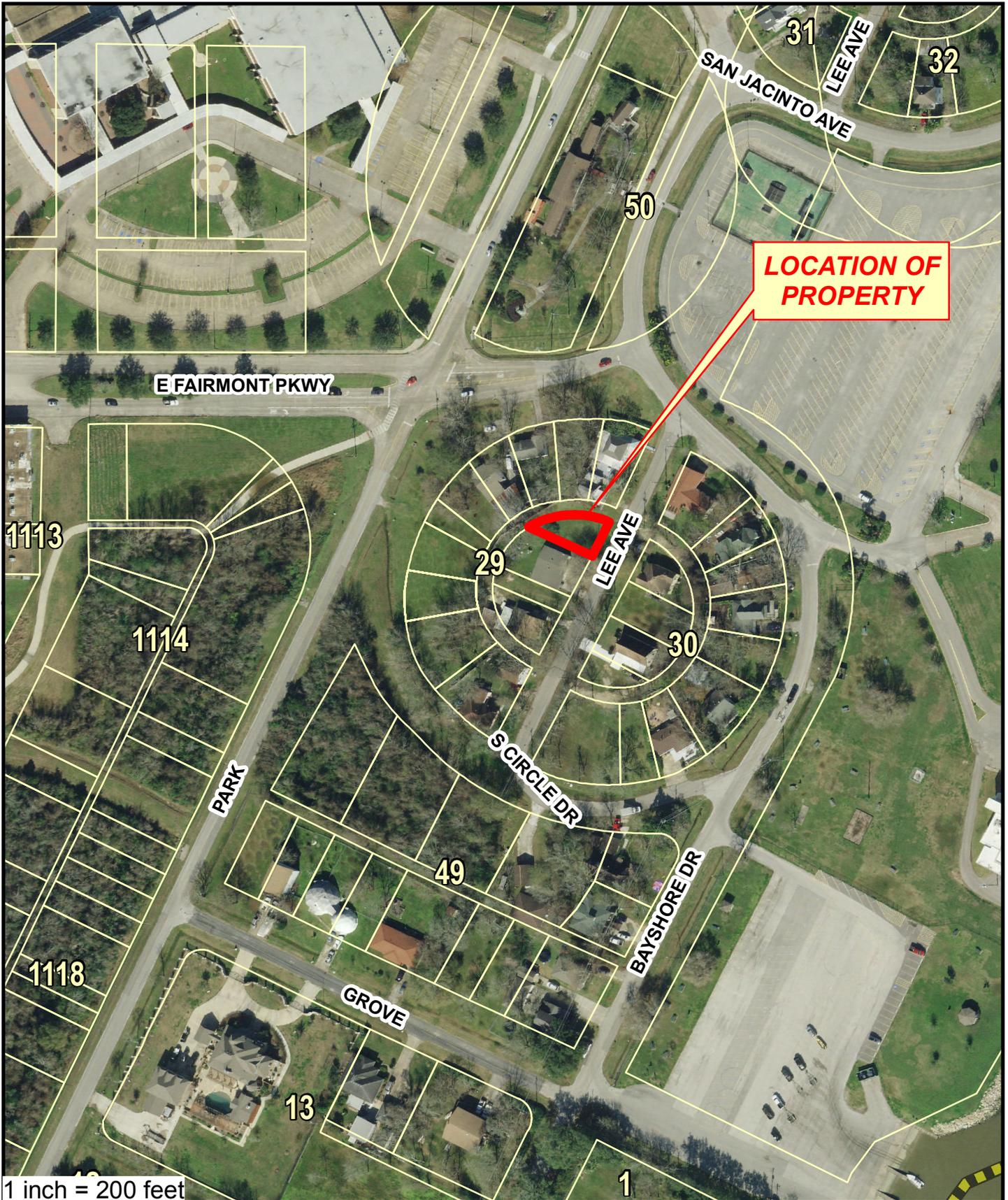
Applicant's Signature
Applicant's Printed Name
Marvin Bedsoe

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

(Seal)
Notary Public
My commission expires: ___

AREA MAP

VARIANCE #16-93000015



1 inch = 200 feet

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



January 26, 2017

AGENDA ITEM 4

Consider approval of a Variance
for the property located at 11131 N. L St.,
legally described as Lots 15-18, Block 8 Greendale U/R,
to allow construction of a second detached carport or garage structure
on a lot less than 1 acre in size.

Applicant: Johnny Barnes

Ian Clowes, City Planner
Planning and Development Department
City of La Porte, Texas

Planning and Development Department

Staff Report

ISSUE

Should the Board of Adjustment approve the variance requested by Johnny Barnes for the property located at 11131 N. L Street, legally described as Lots 15-18, Block 8 Greendale U/R (case #16-93000016) which would allow the applicant to construct a second carport or garage structure on a lot less than 1 acre in size.

DISCUSSION

Applicant:

Johnny Barnes

Applicant's Request:

The applicant is seeking approval of variance request #16-93000016. The variance requested will allow the applicant to construct a second carport or garage structure on a lot less than 1 acre in size. Exhibit A is the application turned into Staff.

Subject Site:

The subject site makes up a .45 acre tract of land located at 11131 N. L Street and is legally described as Lots 15-18, Block 8 Greendale U/R. The attached Exhibit B is an area map that shows the location of the property in question. The site has dual frontage on N. L street and Fieldcrest Dr.

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.
- The required sign was posted on the site ten days prior to the hearing date.

Background Information:

The site is currently zoned R1, Low Density Residential. The subject site is currently developed with a home and garage structure. The following table summarizes the surrounding zoning and land uses:

Board of Adjustment Meeting
January 26, 2017
N. L Street Carport Variance

	Zoning	Land Use
North	R1, Low Density Residential	Residential (11122 Fieldcrest)
South	R1, Low Density Residential	Undeveloped
West	MU, LLD, Large Lot Residential Development	Residential (11035 N. L St.)
East	R1, Low Density Residential	Church (11141 N. L St.)

Applicable Code Provisions:

Section 106-741 (f), stipulates the total number of garages/carports permitted on a site less than 1 acre in size. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Sec. 106-741. - General provisions.

- (f) No more than one detached private garage or carport structure on lots less than one acre with single family dwelling.

Analysis:

The applicant is requesting approval of a variance that would allow for the construction of a secondary carport in the rear of their property. The lot in question is legally described as Lots 15-18, Block 8 Greendale U/R. If the variance is approved then it will allow the applicant to construct a carport at the rear of their property for them to store their Recreational Vehicle (RV).

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

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	The granting of the variance being requested would allow the applicant the ability to build a second carport/garage structure. The proposed structure will be in the rear of the property and would not be visible to most surrounding properties.
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	No true hardship has been defined.

Board of Adjustment Meeting
January 26, 2017
N. L Street Carport Variance

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 site in question has dual frontage on two existing streets. Allowing an additional parking structure on this site will make more sense on this specific lot as opposed to a lot with frontage on only one street.

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: 11131 N.L. ST LA Porte TX. 77571
 Legal description where Variance is being requested: LTS 15-16-17&18 BLK 8 Greendale U/R
 HCAD Parcel Number where Variance is being requested: 095 340 000 0015
 Zoning District: R-1 Lot area: 20,000 sq FT
 A Variance request is hereby made to the Board of Adjustment of the City of La Porte.
 Description of Request: See ATTACHED

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

PROPERTY OWNER(S) INFORMATION

Name: Johnny Barnes
 Company (if applicable): _____
 Address: 11131 N.L. ST
 City: LA Porte State: TX Zip: 77571
 Phone: 281-805-6252 Email: [REDACTED]

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): Johnny Barnes Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

[REDACTED]

Secondly, I am also seeking a variance to La Porte Code Sec. 106-741 F. No more than one detached private garage or carport structure on lots less than one acre with single family dwelling.

My property is ½ acre. I currently have a two-car garage attached to my home with a covered walkway/patio. The front of the garage faces N. L St. I am seeking a variance to install a parking pad and cover for a motorhome at the rear of my property entering from Fieldcrest Dr.

Just as background information, there are only two residences that receive mail service on that section of Fieldcrest Dr. They are both closer to the point of intersection with Valleyview St. My improvements should not interfere in any way with the other property owners access. Fieldcrest Dr. dead ends behind my property.

Thank you very much. I appreciate your consideration of my requests.

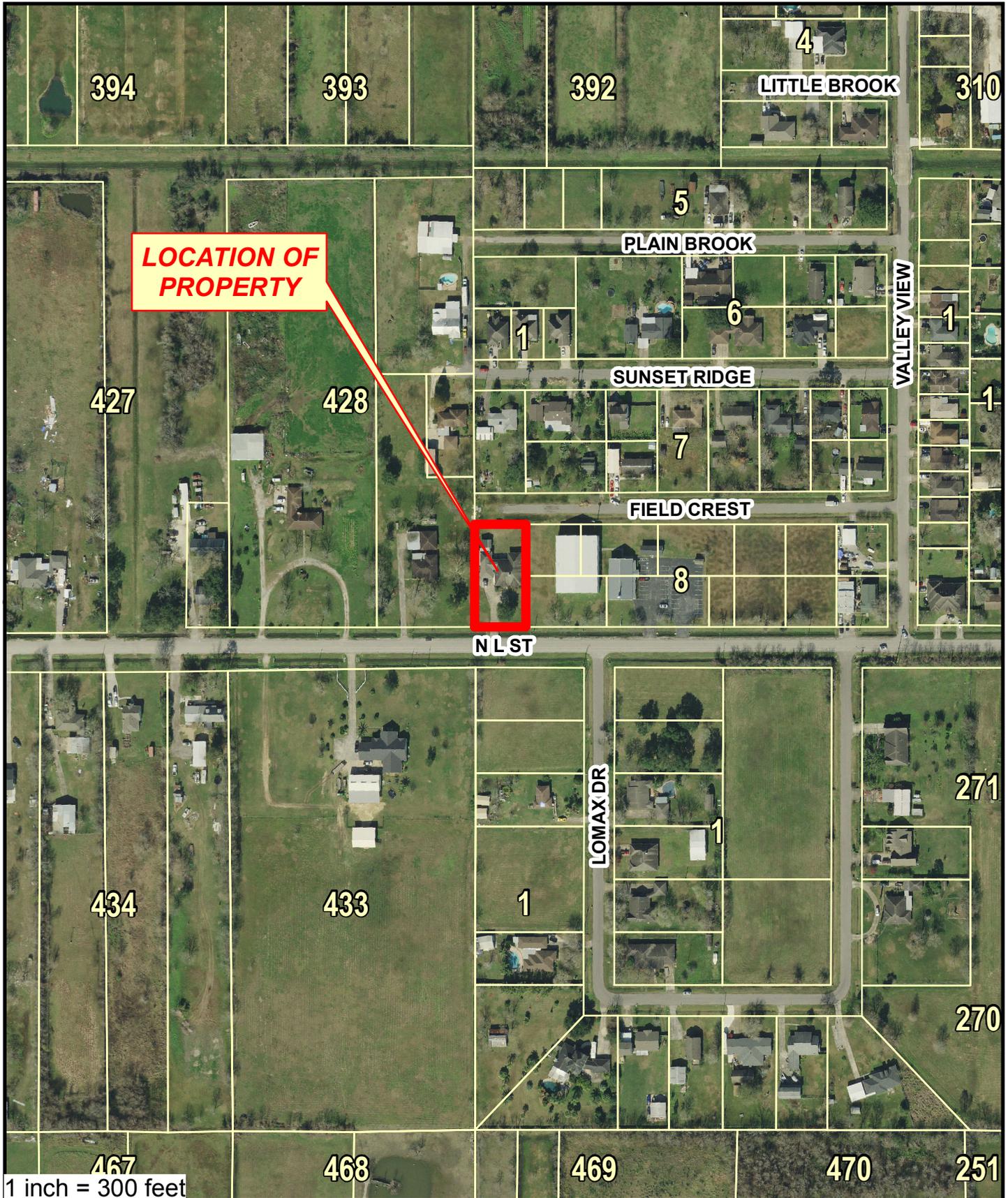


Disclaimer: This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. Gov. C. §2501.102. The user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



AREA MAP

VARIANCE #16-93000016



1 inch = 300 feet