



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, March 23, 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. Consider approval of meeting minutes: December 13, 2016.
4. A public hearing to consider Variance Request 17-93000001, a request by James Elmore of Cisneros Designs for the tract of land located at 1101 S. Broadway St., legally described as Lots 1-31, Block 1110 La Porte. The applicant is seeking approval of a variance allowing for a reduction of the front setback from twenty (20) feet to fifteen (15) feet, this is contrary to Section 106-443 of the La Porte Code of Ordinances.
a. Staff Presentation
b. Applicant Presentation
c. Public Comments
d. Question and Answer
5. A public hearing to receive public input on Variance Request 17-93000002, a request by Sandra and Stevie Manuel for the tract of land located at 226 S. Holmes St., legally described as Lots 30, 31, 32, Bayfront Addition, La Porte. The applicant is seeking approval of a variance allowing for the placement of a fence within the front yard, this is contrary to Section 106-791 of the La Porte Code of Ordinances.
a. Staff Presentation
b. Applicant Presentation
c. Public Comments
d. Question and Answer
6. Administrative reports.
7. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
8. Adjourn.

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

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

CERTIFICATION

I certify that a copy of the Thursday March 23, 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: _____

**Zoning Board of Adjustment
Minutes of December 13, 2016**

Board Members Present: Rod Rothermel, Dennis Oian, Chester Pool, and T.J. Walker

Board Members Absent: Nettie Warren

City Staff Present: Assistant City Attorney Clark Askins, City Planner Ian Clowes, 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.

All board member Nettie Warren was not present.

- 3. 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.**

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

a. Staff Presentation

Planning Technician, Ryan Cramer, presented staff's report on a variance request 16-93000011.

The applicant would like to construct a free standing sign in the GC zoning district. The requested sign would be 149 square feet larger than the permitted maximum sign of 150 square feet. Planning Tech. Cramer said that the requested sign variance, if approved, would permit a sign that would be almost double the permitted size and could pose a distraction to motorists along Spencer Hwy.

b. Applicant Presentation

Chairman Rothermel swore in the applicant George Lowery, 13410 Walmouth, Cypress, Texas and John Mase, 1868 Aspen, Seabrook, TX.

Mr. Lowery stated that the variance was necessary in order to allow the sign to be visible due to an existing embankment on the property. Additionally, the speed limit along Spencer warrants a larger sign. The proposed sign will be consistent with the new El Toro branding at

other locations and the proposed neon lighting would meeting lighting brightness standards and would not pose a threat to motorists.

Mr. Mase added that the sign will be aesthetically pleasing and will meet the standards set at other restaurants.

c. Public Comments

None

Chairman Rothermel closed the public hearing at 6:10PM.

d. Question and Answer

Chester Pool asked where they sign will be located on the site. Planning Tech Cramer pointed to a location on the site plan near the corner of Spencer and Sens.

Chairman Rothermel asked how far away from Sens Rd. will the sign be located. Planning Tech Cramer said that it will be approximately 200 feet off of Sens.

Chester Pool asked what the overall dimensions of the sign are. Planning Tech Cramer showed the breakdown of each section of the sign and stated that the overall dimensions will be roughly 249 square feet.

Dennis Oian asked if there were any laws that prohibit the construction of this sign. Assistant City Attorney Askins said no, other than the size requirement.

Dennis Oian and T.J. Walker stated that they felt this sign was appropriate.

Motion by Dennis Oian to Approve 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.

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

Ayes: Rod Rothermel, Dennis Oian, Chester Pool and T.J. Walker

Nays: None

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

- 4. A public hearing will be held to consider Variance Request 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.

Chairman Rothermel opened the public hearing at 6:15.

a. Staff Presentation

Planning Tech. Cramer presented staff's report for variance request 16-93000012.

Planning Tech. Cramer said that the site currently is occupied by two separate homes, which is an existing nonconformity with current zoning codes. The applicant is requesting to replat two residential lots that will each be smaller than the required 6,000 square foot minimum in the R-1 zoning district.

b. Applicant Presentation

Donna Eckels, 2111 Laurel Dr., Friendswood, TX, told the Board that the property owner recently purchased the site with hopes of creating two residences on two separate lots, and selling off one or both of the homes in the future.

Chairman Rothermel asked if both homes are currently livable. Ms. Eckels stated that they were.

Chester Pool asked what the square footage of the smaller home is. Ms. Eckels stated that it is 28' by 28' or approximately 900 square feet.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:20 PM.

d. Question and Answer

Dennis Oian stated that he was not sure if he approves of them being two separate properties. He worried that this could be opening a can of worms, allowing for a lot of small lots throughout the city. Wants to look at the long term plans of the neighborhood.

T.J. Walker stated that the lot was conforming now. Granting this variance would create two new non-conforming situations. Chester Pool agreed with Walker, there are reasons to keep the minimum square footage at 6,000 square feet.

Motion by Dennis Oian to approve 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.

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

Ayes: Dennis Oian

Nays: Rod Rothermel, T.J. Walker, and Chester Pool

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

5. **A public hearing will be held to consider Variance Request 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**

Chairman Rothermel opened the public hearing at 6:25.

a. Staff Presentation

Planning Tech. Cramer presented staff's report for variance request 16-93000013.

The applicant is moving into an existing building on Main St. and would like to erect a free standing sign. New free standing signs in the Main Street Overlay District are only permitted when the building is setback off of the road. This building is not.

b. Applicant Presentation

The applicant was not present.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:29 PM.

d. Question and Answer

Rod Rothermel noted that there is an existing pole but that the business address in question was not on the list of previously existing poll signs along Main St.

Chester pool stated that he was not happy with the proposed height but was okay with the proposed size of the sign cabinet.

Motion by Chester Pool to approve the proposed size but not the proposed height stated in Variance 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.

Second by TJ Walker. **Motion Carried.**

Ayes: Rod Rothermel, T.J. Walker, Chester Pool and Dennis Oian

Nays: None

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

6. **A public hearing will be held to consider Variance Request 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. 14th 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.**

Chairman Rothermel opened the public hearing at 6:01.

a. Staff Presentation

Planning Tech. Cramer presented staff's report for variance request 16-93000014.

Planning Tech. Cramer explained that planters are required with trees throughout the proposed parking lot expansion. In lieu of the planters, the applicant would like to plant the required trees around the perimeter of the property.

b. Applicant Presentation

Charles Pfeiffer, 3410 Arden Oaks Dr., Houston, Texas, told the Board how the proposed parking area is not visible from the road or other surrounding properties. The trees would make more of an impact on the perimeter of the property. Additionally, this is an industrial area and parking lot planters make it difficult for truck to maneuver.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:36 PM.

d. Question and Answer

Rod Rothermel stated that Pfeiffer is a good corporate partner in La Porte and requested that they add additional landscaping to the front of the property.

Chester pool asked if there was any space in front for landscaping. Rod stated that it wasn't required in this zoning district.

Dennis Oian stated that the proposed perimeter landscaping will act as screening.

Motion by Chester Pool to approve 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. 14th 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.

Second by Dennis Oian. **Motion Carried.**

Ayes: Rod Rothermel, T.J. Walker, Chester Pool and Dennis Oian

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 will be held to consider Special Exception Request 16-94000001, 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 (Imerys) to expand a preexisting non-conforming use.**

Chairman Rothermel opened the public hearing at 6:39.

a. Staff Presentation

Planning Tech. Cramer presented staff's report for special exception request 16-94000001.

The applicant is requesting to expand an existing non-conforming use on his property. The use will be in a new structure proposed for the site.

Chester Pool asked why this was a non-conforming situation? Planning Tech. Cramer stated that the use was classified as Heavy Industrial (HI) while the property is zoned Light Industrial (LI).

b. Applicant Presentation

Mark Hutfless, 9702 Crestview Dr. Mont Belvieu, Texas, told the Board that the proposed building is a warehouse for existing production. The new facility will allow them to discontinue use of a rented facility off site. No expansion of production on site is proposed.

Dennis Oian asked if the warehouse will create any hazardous conditions. Mr. Hutfless stated that it would not.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:44 PM.

d. Question and Answer

Rod Rothermel asked if this is considered a non-conforming situation, isn't this a matter of zoning? Assistant City Attorney Clark Askins stated that this is not a use variance but rather a special exception request to all for a building expansion with a non-conforming use.

Chester Pool asked if the applicant had enough room for the building and if permits would need to be approved. Rod Rothermel said that the size of the lot will dictate the allowable size of the building and that they would need to apply for permit approvals.

Motion by Chester Pool to approve Special Exception Request 16-94000001, 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.

Second by Dennis Oian. **Motion Carried.**

Ayes: Rod Rothermel, T.J. Walker, Chester Pool and Dennis Oian
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 will be held to consider Special Exception Request 16-94000002, 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.**

Chairman Rothermel opened the public hearing at 6:48.

a. Staff Presentation

Planning Tech. Cramer presented staff's report for special exception request 16-94000002.

The applicant is requesting to expand an existing non-conforming use on his property. The use will be in a new structure proposed for the site and will expand overall production on site.

b. Applicant Presentation

Wayne Vinson, 752 CR 6512, Dayton, Texas, told the Board that the facility has been there since 1984. The product is a lime slurry that is not hazardous. The expansion on site will allow them to expand overall production and produce a higher quality product.

Rod Rothermel asked why this was a non-conforming situation? Planning Tech. Cramer stated that the use was classified as Heavy Industrial (HI) while the property is zoned Light Industrial (LI).

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:52 PM.

d. Question and Answer

None

Motion by TJ Walker to approve Special Exception Request 16-94000002, 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.

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

Ayes: Rod Rothermel, T.J. Walker, Chester Pool and Dennis Oian

Nays: None

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

- 9. 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.**

Chairman Rothermel opened the public hearing at 6:53.

a. Staff Presentation

Planning Tech. Cramer presented staff's report for special exception request 16-94000003.

The applicant is requesting to build a home on a corner lot with a side setback of five (5) feet as opposed to the required ten (10) feet.

b. Applicant Presentation

Applicant was not present.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:56 PM.

d. Question and Answer

Chester Pool stated that he did not see how granting this would create any type of traffic hazard due to less visibility. Rod Rothermel agreed.

Motion by Dennis Oian to approve 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.

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

Ayes: Rod Rothermel, T.J. Walker, Chester Pool and Dennis Oian

Nays: None

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

10. Administrative Reports

Planning Tech. Ryan Cramer introduced new City Planner, Ian Clowes.

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

Rod Rothermel asked that a message be passed onto council to work on an absentee policy for the ZBOA.

12. Adjourn

Motion by Chester Pool to adjourn.

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

Ayes: Rod Rothermel, T.J. Walker, Chester Pool and Dennis Oian

Nays: None

Chairman Rothermel adjourned the meeting at 7:05 p.m.

Respectfully submitted,

Ian Clowes
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2017.

Rod Rothermel
Chairman, Zoning Board of Adjustment

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



March 23, 2017

AGENDA ITEM 4

Variance Request #17-93000001
1101 S. Broadway St.

*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 a request for a variance by James Elmore of Cisneros Designs for the property located at 1101 S. Broadway St., legally described as Lots 1-31, Block 1110 La Porte Subdivision (case #17-93000001) which would allow the applicant to construct a new gas canopy and gas pumps with a reduced front yard setback.

The applicant is requesting a five (5) foot reduction in the required front yard setback along S. Broadway St., allowing the canopy to be fifteen (15) feet from the ROW as opposed to the required twenty (20) feet. This is contrary to Section 106-443 of the La Porte Code of Ordinances.

DISCUSSION

Applicant:

James Elmore, Cisneros Designs

Subject Site:

The subject site makes up a .69 acre tract of land located at 1101 S. Broadway St. The attached Exhibit B is an area map that shows the location of the property in question. The site is currently occupied by an existing gas station and convenient store and was developed with a retail strip center which is located to the south and east of the subject parcel. The parcel is in the process of being subdivided in order to separate the gas station off from the adjoining retail strip center. The proposed variance would only apply to the newly separated parcel containing the gas station/convenience store.

Zoning Information:

The site is currently zoned GC, General Commercial, as shown in the attached Exhibit C. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	GC, General Commercial	Retail Strip Center
South	GC, General Commercial	Retail Strip Center
West	GC, General Commercial	Walgreens
East	GC, General Commercial	Retail Strip Center

Applicable Code Provisions:

Section 106-443, stipulates the commercial area requirements. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Board of Adjustment Meeting
 March 23, 2017
 Variance Request #17-93000001

Uses	Max. Lot Coverage	Min. Yard Setbacks F,R,S	Max. Height
GC, General Commercial;	40%	20-10-0	N/A

Analysis:

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 improve an existing fueling station along a major corridor. The granting of this variance will benefit the public, allowing for redevelopment of an existing site within the city limits.
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.	The site as is, is a difficult size for redevelopment. By strictly enforcing the required 20’ setback along S. Broadway, the site becomes unmanageable for any type of improvements.
c. That by granting the variance, the spirit of this chapter will be observed.	This specific request is a prime example of why the variance process is needed. The variance process is to allow for minor deviations in the development code in order to allow for higher quality developments in areas that may be difficult to develop otherwise. This is certainly the situation with this proposed request.

Board of Adjustment Meeting
March 23, 2017
Variance Request #17-93000001

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.

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
Exhibit C: Zoning Map

EXHIBIT A



Variance Application Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 1101 S. Broadway La Porte, TX 77571

Legal description where Variance is being requested: Lot(s): 1-31 Unit(s): Block: 1110 La Porte

HCAD Parcel Number where Variance is being requested: Part of 0241890100001

Zoning District: _____ Lot area: 30,181.09 sq ft

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

Description of Request: Reduction of building setback to match existing structures to be replaced

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

PROPERTY OWNER(S) INFORMATION

Name: Iqbal H. Abdullah

Company (if applicable): Jacks Plaza LLC

Address: 1407 N. Horseshoe Drive

City: Sugar Land

State: TX

Zip: 77478

Phone: 713-253-6664

Email: Jack@jacksgroceryinc.com

AUTHORIZED AGENT (If other than owner)

Name: James Elmore

Company (if applicable): Cisneros Design

Address: 2501 W. 11th St.

City: Houston

State: TX

Zip: 77008

Phone: 713.524.2880

Email: james@cis-axis.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: 3/1/2017

Owner(s)' Signature(s): _____

Date: 3/1/2017

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



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: 1101 S. Broadway La Porte, TX 77577

LEGAL DESCRIPTION: Lot(s): 1-31 Unit(s): Block: 1110 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: _____
- 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.

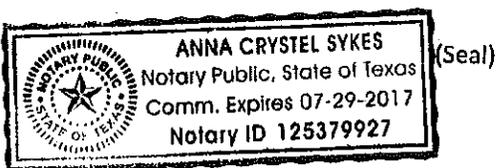
[Signature]
Applicant's Signature

James Emmons
Applicant's Printed Name

Subscribed and sworn before me this 2 day of March, 2017, by James Emmons (Print Applicant's Name).

[Signature]
Notary Public

My commission expires: 7/29/17



Cisneros

Design Group

March 2, 2017

Planning and Development Department
City of La Porte
604 West Fairmont Parkway
La Porte, TX 77571

RE: 1101 S Broadway St.
La Porte, TX 77571

We formally request for an allowance of 15ft setback along Broadway to allow for Fuel Canopy that would be aurally set on the proposed setback line. This Variance is required for the project to be physically feasible to allow for required turning radius, parking and paving. Should this Variance not be approved, the redevelopment of this site would not be economically viable.

We appreciate your time and consideration of this Variance Request.

Respectfully Submitted,

James Elmore

SEAL:

JACK'S GROCERY No. 14
1101 S. BROADWAY ST. LA PORTE, TX 77571
DEVELOPMENT SITE PLAN

PROJECT:

REVISIONS & DATE	
05/31/2016	
06/10/2016	
06/21/2016	
08/25/2016	

DRAWN BY:
GERARDO

DATE:
05/02/2016

SCALE:
1" = 20'

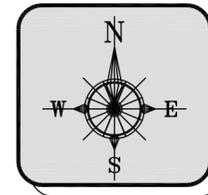
SHEET NO:
SP1

DEVELOPMENT SITE PLAN

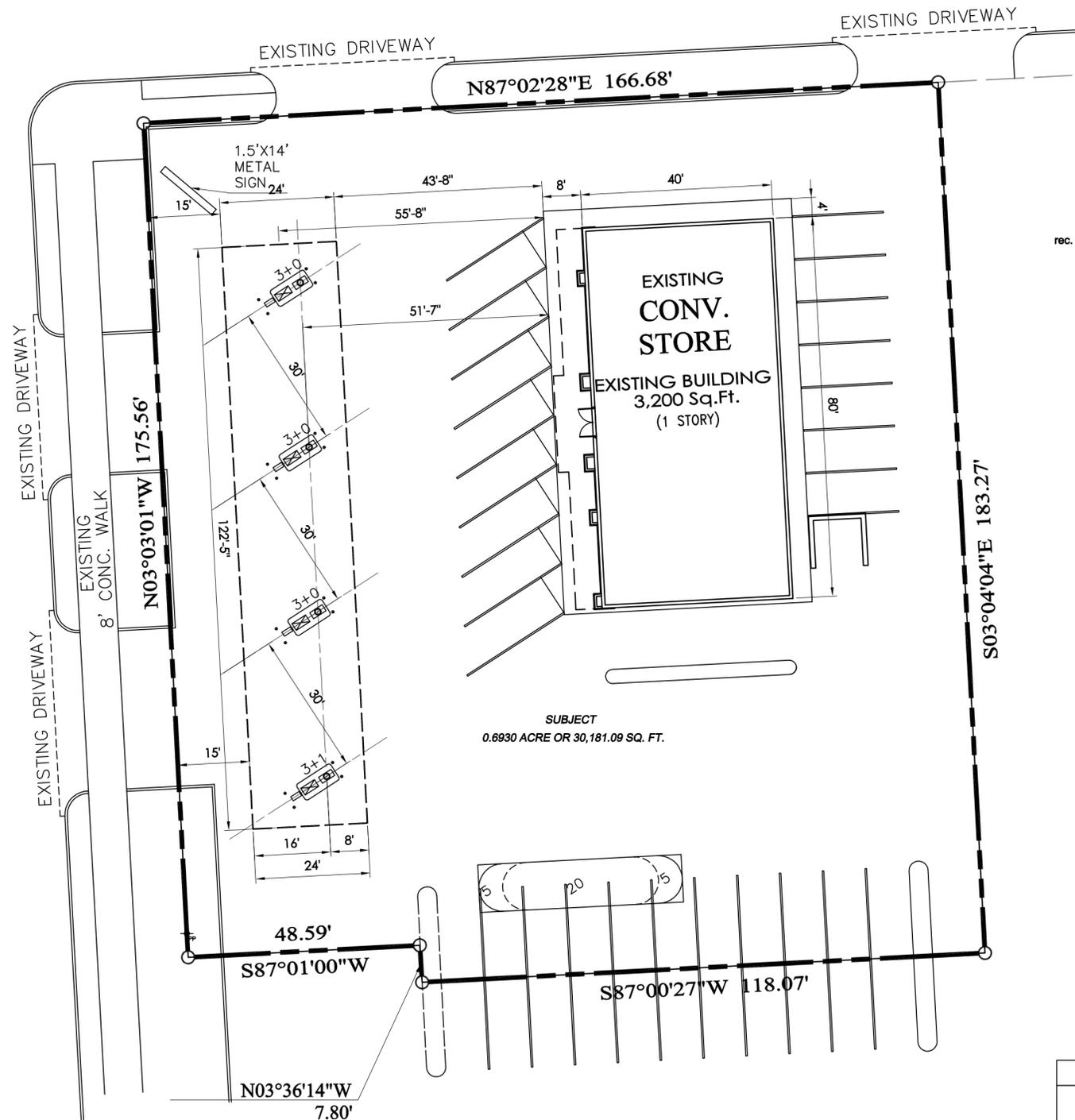
SCALE: 1" = 20'

EAST FAIRMONT PARKWAY

(100 FT. WIDE R.O.W.)



SOUTH BROADWAY STREET
(100 FT. WIDE R.O.W.)



SCOPE OF WORK:
Remodeling C-Store
Interior / Exterior

EXHIBIT B

AREA MAP



1 inch = 100 feet

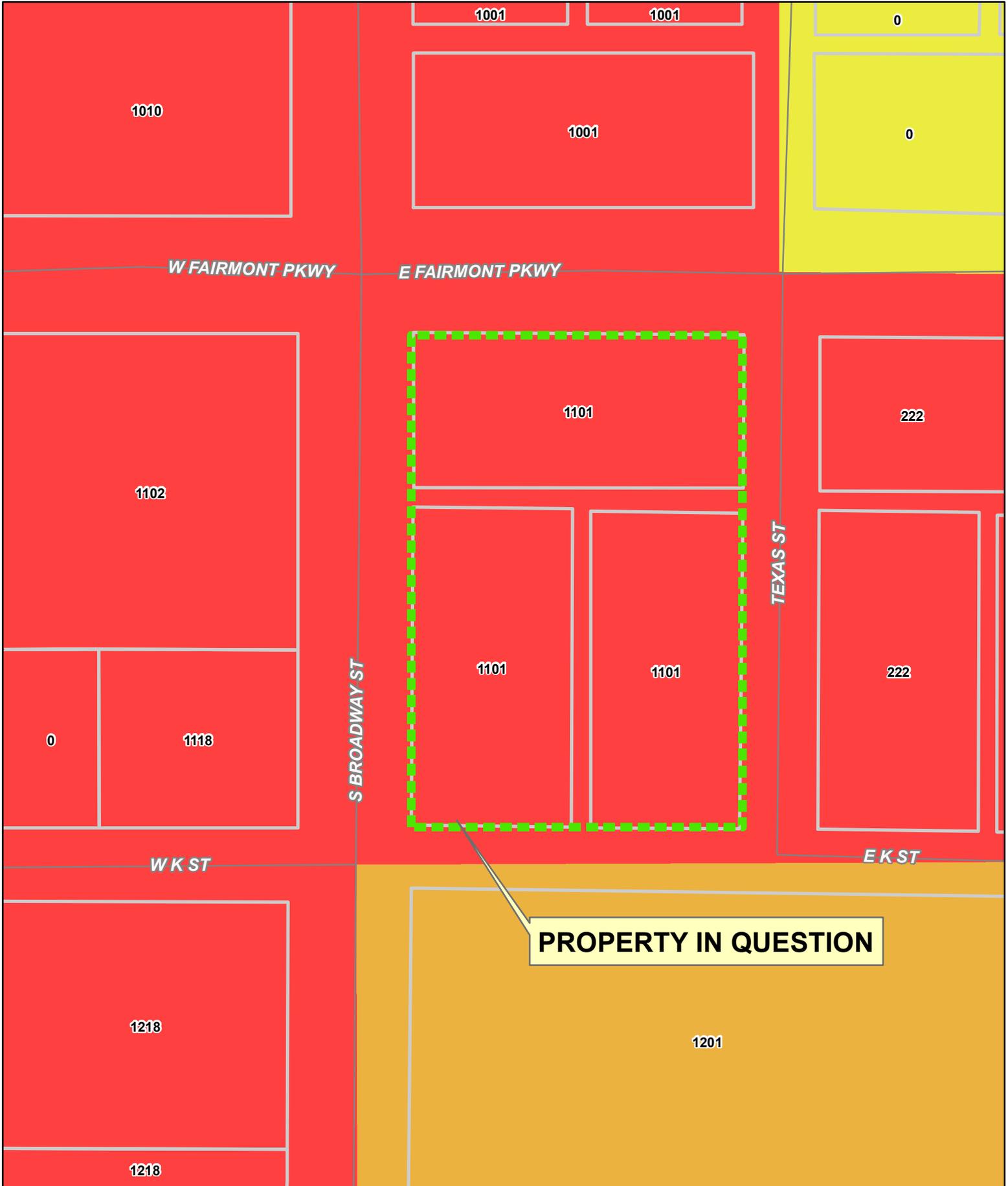


EXHIBIT C

ZONING MAP



1 inch = 100 feet



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



March 23, 2017

AGENDA ITEM 5

Variance Request #17-93000002
226 S. Holmes St.

*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 a request for a variance by Sandra and Stevie Manuel for the property located at 226 S. Holmes St., legally described as Lots 30, 31, 32, Bayfront Addition, La Porte (case #17-93000002) which would allow the applicant to construct a new privacy fence within the required front yard.

The applicant is requesting a variance that would permit them to construct a six (6) foot wooden privacy fence up to their front property line along S. Holmes St. This is contrary to Section 106-791 of the La Porte Code of Ordinances.

DISCUSSION

Applicant:

Sandra and Stevie Manuel

Subject Site:

The subject site makes up a .5 acre tract of land located at 226 S. Holmes St. The attached Exhibit B is an area map that shows the location of the property in question. The site is currently occupied by an existing single family home which has been combined with the adjacent vacant lots to the north. The applicant would like to fence in this vacant area of their property in order to ensure the safety of their family.

Zoning Information:

The site is currently zoned R-1, Single Family Residential, as shown in the attached Exhibit C. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Single Family Residential	Single Family Home
South	R-1, Single Family Residential	Single Family Home
West	R-1, Single Family Residential	Single Family Home
East	R-1, Single Family Residential	Single Family Home

Applicable Code Provisions:

Section 106-791, stipulates the location requirements for fencing in residential areas. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Board of Adjustment Meeting
 March 23, 2017
 Variance Request #17-93000002

Sec. 106-791. Front yard areas.

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

Analysis:

Section 106-192 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 proposed fence location along the front property line would be contrary to the adjoining neighbors to the north and could pose an issue for visibility and continuity along S. Holmes St.
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.	The enforcement of the regulations as adopted would not significantly deplete the usability of the property in question. If the fence were placed, as required, twenty five (25) feet off the front property line, the applicant would still have approximately .18 acres (7840 square feet) of useable open space.
c. That by granting the variance, the spirit of this chapter will be observed.	Granting of this variance would act more as a waiver of the required code. If the board feels that a variance should be granted for this request, staff suggests that a minimum distance from the property line be set as opposed to allowing the applicant to place the fence directly on the front property line.

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:

Board of Adjustment Meeting
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Variance Request #17-93000002

- 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.

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
Exhibit C: Zoning Map

EXHIBIT A



Variance Application Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 226 S. Holmes st

Legal description where Variance is being requested: Lots 30, 31, 32 Bayfront addition

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: would like to request permission to put our fence up to or close to our property line.

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

PROPERTY OWNER(S) INFORMATION

Name: Sandra & Stevie Manuel

Company (if applicable): _____

Address: 226 S. Holmes st

City: La Porte State: TX Zip: 77571

Phone: 281-470-5173 Email: manuel@s@laporte.tx.gov

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): Sandra Manuel Date: 2/28/17

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

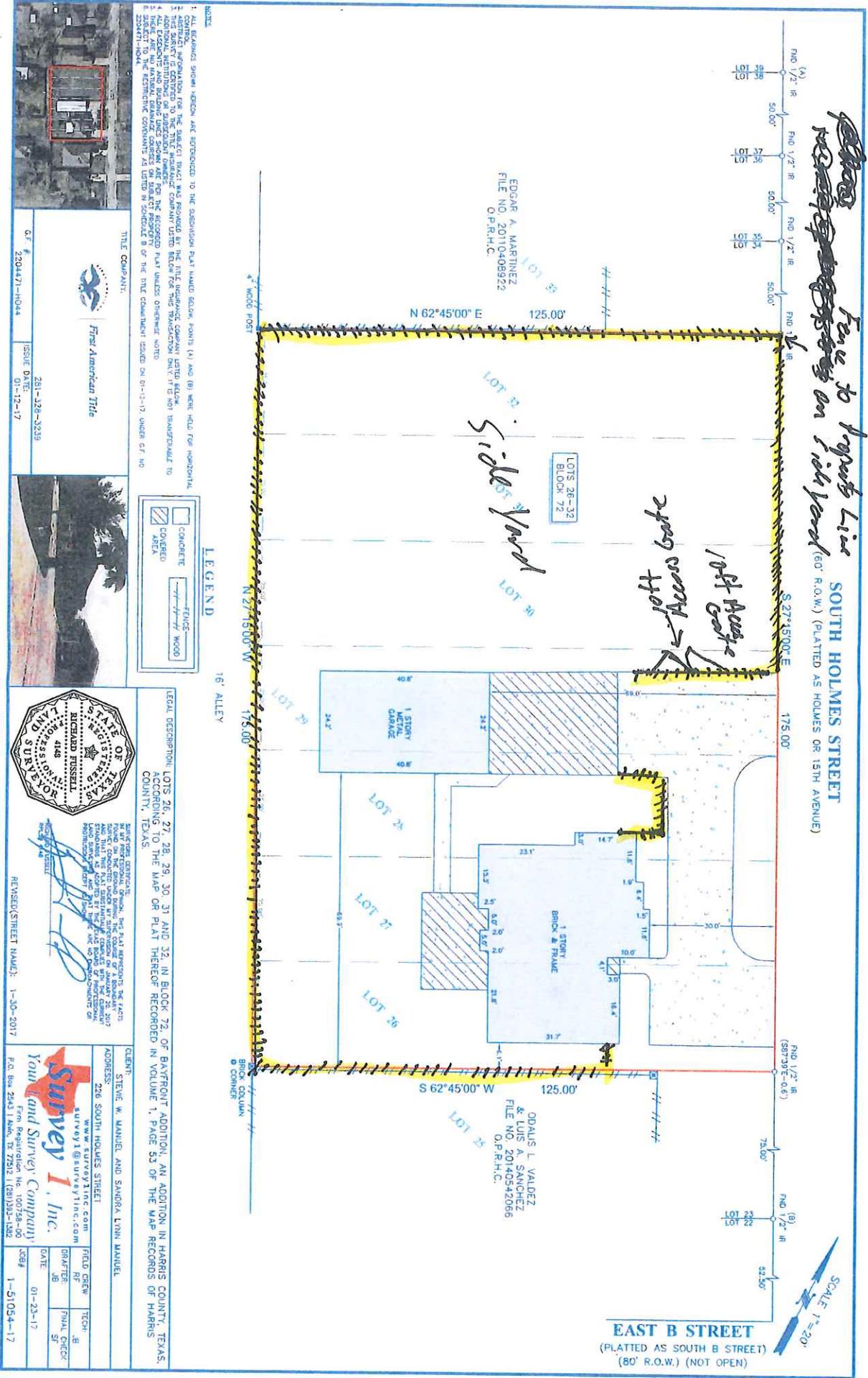
1. My son Maxwell is 28 years old and he is autistic, he lives with my husband and I. Max's daily routine consists of a lot of therapeutic walking, by himself, but mostly with his dog Frankie. He would like to extend our privacy fence to our property line on our side yard (the 3 lots on the side of our garage/car port) as this is where he will be spending much of his time during the day. It's new neighbors and completely new surroundings, we don't have sidewalks on our new street which makes it a safety issue for him walking his dog or walking anywhere close.

3. There are no underground utilities on our property but we would definitely provide access gates if for any reason the city needed to be on our property, and that extra 20 ft would make a big difference.

4. Thank you for your consideration,
Sindi & Steve Manuel

- 5.

6ft Wooda Piling Face side yard + Rear Street.
 Survey stakes are still in place



- NOTES:
1. ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE SUBSTATION POINT HEADED BELOW. POINTS (A) AND (B) WERE HELD FOR HORIZONTAL.
 2. ALL DISTANCES SHOWN HEREON ARE REFERENCED TO THE SUBSTATION POINT HEADED BELOW. POINTS (A) AND (B) WERE HELD FOR HORIZONTAL.
 3. ALL ELEVATIONS AND BUILDING DIMENSIONS SHOWN ARE FOR THE RECORDED PLAT UNLESS OTHERWISE NOTED.
 4. ALL ELEVATIONS AND BUILDING DIMENSIONS SHOWN ARE FOR THE RECORDED PLAT UNLESS OTHERWISE NOTED.
 5. SUBJECT TO THE ELEVATION CONTROLS AS LISTED IN ARTICLE 8 OF THE TITLE COMMITMENT ISSUED ON 01-12-17 UNDER OF NO. 2204471-H044.

LEGEND

	CONCRETE
	COLORS
	FENCES - WOOD
	WOOD POST

LEGAL DESCRIPTION: LOTS 26, 27, 28, 29, 30, 31 AND 32, IN BLOCK 72 OF BAYFRONT ADDITION, AN ADDITION IN HARRIS COUNTY, TEXAS, ACCORDING TO THE MAP OR PLAT THEREOF RECORDED IN VOLUME 1, PAGE 53 OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS.



TITLE COMPANY:

 First American Title
 G.F. # 2204471-H044
 ISSUE DATE: 01-12-17
 281-28-2839



STATE OF TEXAS
 REGISTERED
 LAND SURVEYOR
 LICENSE NO. 4184
 REVISED (STREET NAME): 1-30-2017

CLIENT:
 STEVE W. MANUEL AND SANDRA LYNN MANUEL
 ADDRESS:
 226 SOUTH HOLMES STREET
 WWW.SURVEY1INC.COM
 SURVEY1@SURVEY1INC.COM
 Survey 1, Inc.
 Your Land Survey Company
 Firm Registration No. 100754-00
 P.O. Box 29431 Mckinney, TX 75128 | (281) 392-1382
 FIELD CREW: TECH. B
 DATE: 01-23-17
 JOB#: 1-51054-17

Google Maps 226 S Holmes St



Imagery ©2017 Google, Map data ©2017 Google 20 ft



side yard

6' wooden Privacy
 fence rear and side
 yard of Residence
 10' Double access Gate
 to Side Yard.
 Fence to Property Line

226 S Holmes St
 La Porte, TX 77571



side yard



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: 226 South Holmes Street

LEGAL DESCRIPTION: Lots 30, 31, 32 block 72 of Bayfront Addition

- 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: April 1, 2017.
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.

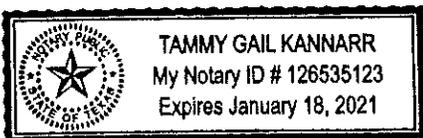
Sandra Manuel
Applicant's Signature

Sandra Manuel
Applicant's Printed Name

Subscribed and sworn before me this 28th day of February, 2017, by Sandra Manuel (Print Applicant's Name).

Tammy Gail Kannarr
Notary Public

My commission expires: January 18, 2021



(Seal)

CITY OF LA PORTE, TX
*** CUSTOMER RECEIPT ***

Batch ID: LAPOKCG 3/03/17 75 Receipt no: 58128

Year	Number	Type	SvcCd	Description	Amount
2017	93000002	PZ		PLANNING AND ENGINEERING	\$150.00

Trans number: 3253631

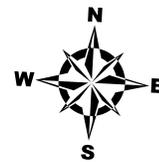
Tender detail

CK Ref#:	1362709	\$150.00
Total tendered:		\$150.00
Total payment:		\$150.00

Trans date: 3/03/17 Time: 14:50:38

THANK YOU FOR YOUR PROMPT PAYMENT

AREA MAP



1 inch = 60 feet



EXHIBIT C

ZONING MAP



1 inch = 60 feet

