



ZONING BOARD OF ADJUSTMENTS (ZBOA) MEETING AGENDA

Notice is hereby given of a **Regular Meeting** of the La Porte **Zoning Board of Adjustments** to be held on **Thursday, April 27, 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 THE MEETING MINUTES:**
 - a. January 26, 2017 Meeting
 - b. March 23, 2017 Meeting
- 4. PUBLIC HEARING:** Consider Variance Request 17-93000003, a request by Jesus Lopez for the tract of land located at the southwest corner of S. 7th St. and W. F St., legally described as Lots 31 & 32, Block 140 of La Porte Subdivision. The applicant is seeking approval of a variance allowing for a reduction of the side setback from ten (10) feet to five (5) feet, this is contrary to Section 106-333 of the La Porte Code of Ordinances.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
- 5. ADMINISTRATIVE REPORTS**
- 6. COMMISSION COMMENTS** on matters 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, April 27, 2017, agenda of items to be considered by the Zoning Board of Adjustments was posted on the City Hall bulletin board on the ____ day of _____, 2017.

Title: _____

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



April 27, 2017

AGENDA ITEM 3a

Regular Meeting Minutes –
January 26, 2017

**Zoning Board of Adjustment
Minutes of January 26, 2017**

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

Board Members Absent: Thomas Deen

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 6:02 p.m.

2. Roll call of members.

Board member Thomas Deen was not present.

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.

Chairman Rothermel opened the public hearing at 6:03 p.m.

a. Staff Presentation

City Planner, Ian Clowes, presented staff's report on a variance request 16-93000015.

The applicant would like to construct a single family home with a side setback of 0' for the rear corner of the home, due to the unusual oval shape of the lot.

City Planner Clowes stated that staff received one letter in opposition to the proposed variance.

b. Applicant Presentation

The applicant was not present.

c. Public Comments

Judy Nieuwenhuis, 319 E. Main St. La Porte, TX 77571 – Current owner of the property, spoke in favor of the proposed variance. Stated that due to the shape, it has been nearly

impossible to develop a new home on the site due to the zoning constraints placed on the property.

Kelly Cave, 617 E. Fairmont Pkwy. La Porte, TX 77571 – Owns an adjoining property to and is concerned about the possible runoff that would be caused by a new home being built on site.

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

d. Question and Answer

Chairman Rothermel ask staff how drainage in this area would be dealt with. City planner Clowes stated that drainage plans would need to be submitted as part of the building plans and would be reviewed by the Engineering Department.

Chester Pool asked how drainage would be dealt with if a 0' lot line was approved. City Planner Clowes stated that all drainage requirements will need to be met regardless of the variance. It may be that even with the approved variance, a home may not be able to be built due to drainage issues.

Chairman Rothermel wanted to add stipulations to only allow the rear corner to be at a 0' lot line. City Planner Clowes suggested that a condition be added that would only allow a 0' lot line for the rear 10' of the home.

Motion by Dennis Oian to Approve 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, with the following conditions:

1. Adequate drainage will be required to prevent flooding of neighbors.
2. The 0' lot line will only apply to the rear 10' of the home.

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

Ayes: Rothermel, Oian, Pool, Warren, and 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 to consider 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.**

Chairman Rothermel opened the public hearing at 6:16.

a. Staff Presentation

City Planner Clowes presented staff's report for variance request 16-93000016.

City Planner explained that the additional carport will have rear access and would be used as personal RV storage.

b. Applicant Presentation

Johnny Barnes, 11131 N. L St. La Porte, TX 77571 – Mr. Barnes explained the reasoning behind his variance request.

c. Public Comments

There were no public comments.

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

d. Question and Answer

Chairman Rothermel asked if the proposed carport would exceed the total allowable coverage for the lot. City Planner Clowes stated that it would not.

Motion by Chester Pool to approve 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.

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

Ayes: Rothermel, Oian, Pool, Warren, and Walker

Nays: None

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

5. Administrative Reports

City Planner Clowes introduced the new members of the board, Shelley Fuller, and Thomas Deen.

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

Chairman Rothermel asked about the absentee policy for board members. City Planner Clowes said that he will look into it.

Chairman Rothermel asked for an update on the La Porte Town Center. City Planner Clowes gave a brief summary as to where they are in the approval process.

7. Adjourn

Motion by Chester Pool to adjourn.

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

Ayes: Rothermel, Walker, Pool, Warren, and Oian

Nays: None

Chairman Rothermel adjourned the meeting at 6:34 p.m.

Respectfully submitted,

Ryan Cramer
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**



April 27, 2017

AGENDA ITEM 3b

Regular Meeting Minutes –
March 23, 2017

**Zoning Board of Adjustment
Minutes of March 23, 2017**

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

Board Members Absent: Shelley Fuller

City Staff Present: City Attorney Knox 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.

Board member Shelley Fuller was not present.

3. Consider approval of meeting minutes: December 13, 2016.

Motion by Dennis Oian to Approve the meeting minutes of December 13, 2016.

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

Ayes: Rothermel, Oian, Pool, Warren, and Walker

Nays: None

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.

Chairman Rothermel opened the public hearing at 6:03 p.m.

a. Staff Presentation

City Planner, Ian Clowes, presented staff's report on a variance request 17-93000001.

The applicant would like to remove the existing gas canopy and gas pumps and replace them. The applicant would like to reduce the required setback in order to allow for better circulation on the site.

b. Applicant Presentation

Ingmar Abdullah, 1101 S. Broadway St. La Porte, TX 77571 – Current owner of the property. Mr. Abdullah gave a brief summary of the history of the development and reasons for why the variance is necessary.

c. Public Comments

There were no public comments.

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

d. Question and Answer

Dennis Oian asked if a traffic impact analysis will be required. City Planner Clowes stated that it would not be required.

Chester Pool asked if the gas canopies will impede the site visibility triangle. City Planner Clowes stated that it would not, and that the new canopy will be setback further than the current one.

Motion by Nettie Warren to Approve 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.

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

Ayes: Rothermel, Oian, Pool, Warren, and Walker

Nays: None

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

5. **A public hearing to consider 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.**

Chairman Rothermel opened the public hearing at 6:16.

a. Staff Presentation

City Planner Clowes presented staff's report for variance request 17-93000002.

City Planner explained that the applicant would like to build a fence on the front property line. City Planner Clowes suggested to the board that they assign a specific distance that the fence be setback from the front property line.

b. Applicant Presentation

The applicant was not present.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:16 PM.

d. Question and Answer

Chester Pool suggested that the board allow the fence with a setback of 25' in order to not impede the visual site lines of adjoining properties.

Motion by Chester Pool to approve 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, with the following amendments:

1. Fence must be setback at least twenty five (25) feet from the front property line.

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

Ayes: Rothermel, Oian, Pool, Warren, and Walker

Nays: None

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

6. Administrative Reports

City Planner Clowes let the board know that a new Planning Director has been hired and will be starting next month.

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

8. Adjourn

Motion by Dennis Oian to adjourn.

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

Ayes: Rothermel, Walker, Pool, Warren, and Oian

Nays: None

Chairman Rothermel adjourned the meeting at 6:21 p.m.

Respectfully submitted,

Ryan Cramer
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**



April 27, 2017

AGENDA ITEM 4

Variance Request #17-93000003
SW Corner of S. 7th St. and W. F 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 Jesus Lopez for the tract of land located at the southwest corner of S. 7th St. and W. F St., legally described as Lots 31 & 32, Block 140 of La Porte Subdivision (case #17-93000003) which would allow the applicant to construct a new single family home on a corner lot with a reduced side yard setback.

The applicant is requesting a five (5) foot reduction in the required side yard setback along W. F St., allowing the home to be five (5) feet from the ROW as opposed to the required ten (10) feet. This is contrary to Section 106-333 of the La Porte Code of Ordinances.

DISCUSSION

Applicant:

Jesus Lopez

Subject Site:

The subject site makes up a .141 acre tract of land located at the southwest corner of S. 7th St. and W. F St. The attached Exhibit B is an area map that shows the location of the property in question. The site is currently undeveloped. The proposed variance would allow the applicant to build the home with a five (5) foot setback on the side of the property abutting W. F St. This would be consistent with the existing building directly adjacent to the west of the existing lot.

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	Vacant
West	GC, General Commercial	Commercial Office Building
East	R-1, Single Family Residential	Single Family Home

Applicable Code Provisions:

Section 106-333, stipulates that all side yards adjacent to public R.O.W's classified as freeway, arterial or collector must be 10 feet. West F St. is currently classified as a collector street.

Board of Adjustment Meeting
 April 27, 2017
 Variance Request #17-93000003

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 variance being requested would allow the applicant to construct a home with setbacks similar to those of existing homes and other structures in the immediate vicinity.
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 development. By strictly enforcing the required 10’ side setback along W. F, the site becomes difficult for the construction of a traditional single family home.
c. That by granting the variance, the spirit of this chapter will be observed.	This specific request will allow for a minor deviation in the setback requirement and will allow for an infill development in an established neighborhood.

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.

Board of Adjustment Meeting
April 27, 2017
Variance Request #17-93000003

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



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 57th St LaPort, Tx 77571 Lots 31 & 32

Legal description where Variance is being requested: _____

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: Need 5 Feet of easement to build a 50 ~~420~~ Foot wide Home on lots 31 and 32.

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

PROPERTY OWNER(S) INFORMATION

Name: Jesus Lopez

Company (if applicable): _____

Address: 13533 Boise St.

City: Houston State: TX Zip: 77015

Phone: 713-874-7954 Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Alex Garza

Company (if applicable): _____

Address: 905 Iowa

City: South Houston State: TX Zip: 77587

Phone: 281-250-5042 Email: AGDesigner16@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: [Signature] Date: 3-7-17

Owner(s)' Signature(s): Jesus Lopez Date: 3-17-17

STAFF USE ONLY:

Case Number:

Date Application Received:



REASON(S) FOR VARIANCE REQUEST

1. The reason we are asking for the variance is we need 5 extra feet to be able to build a 50 Foot wide home. So we only would need 5 feet from the easement.

2.

3.

4.

5.

EXHIBIT B



Legend

- Parcels
- City Limits
- Railroad
- Drainage Channels

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



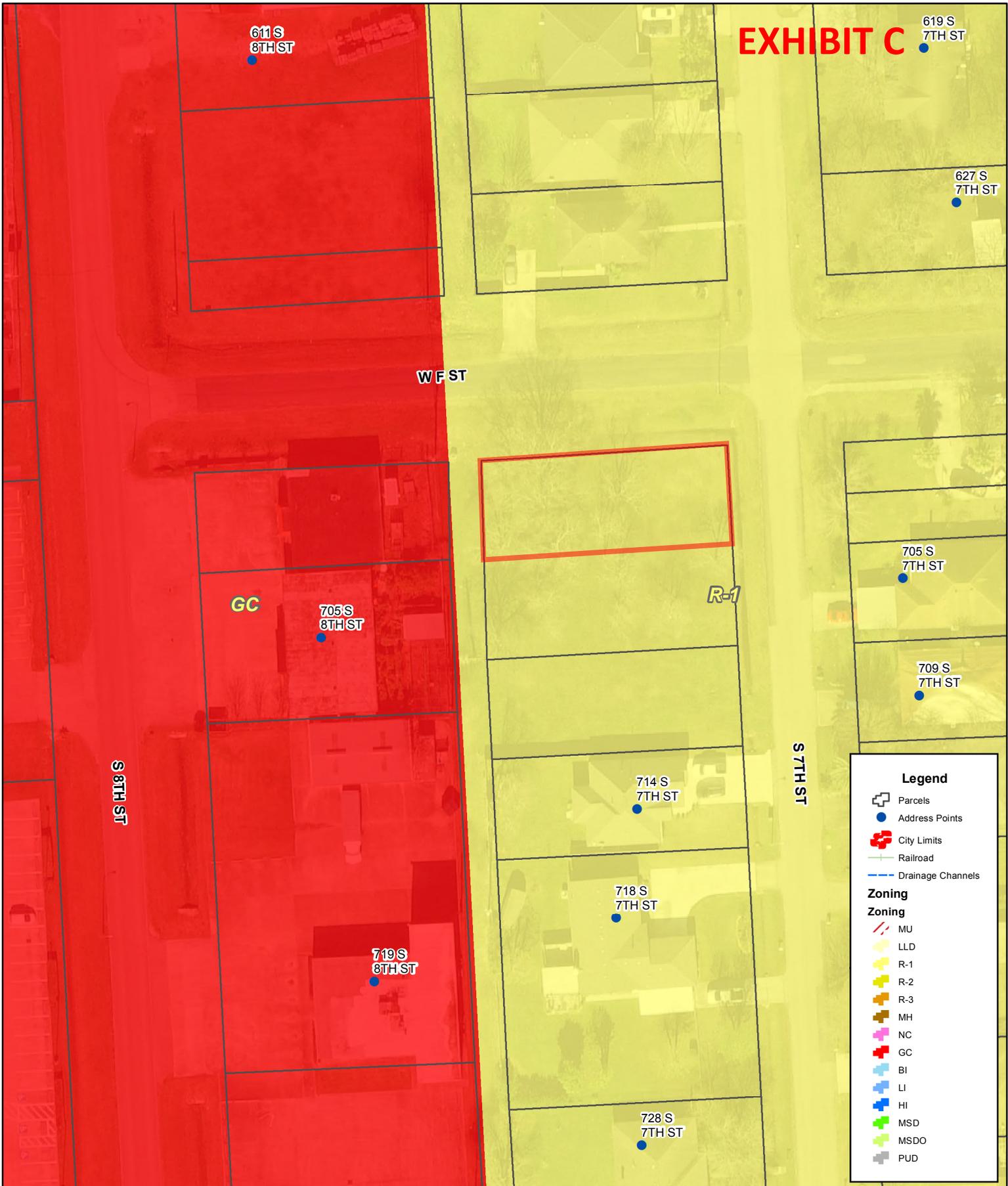
City of La Porte
604 W. Fairmont Parkway
La Porte, TX 77571
(281) 471-5020
www.laportetx.gov

Variance Request 17-93000003

1" = 78'



EXHIBIT C



Legend

- Parcels
- Address Points
- City Limits
- Railroad
- Drainage Channels

Zoning

- MU
- LLD
- R-1
- R-2
- R-3
- MH
- NC
- GC
- BI
- LI
- HI
- MSD
- MSDO
- PUD

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City of La Porte
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Variance Request 17-93000003

1" = 63'

