



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, September 28, 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: July 27, 2017.
4. A public hearing to consider Variance Request 17-93000008, a request by Bayway Homes for tracts of land legally described as Lots 19-23, Block 107, Town of La Porte Subdivision. The applicant is seeking approval of multiple variances as follows:
a. 12.5 units per acre; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that allows a maximum of 10 units per acre for townhouse/quadrplex projects.
b. A spacing between driveways of 4 feet; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum of 10 feet between residential driveways.
c. A distance from the driveway to the property line of 2 feet; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum distance between the driveway and side lot line of 3 feet.
i. Staff Presentation
ii. Applicant Presentation
iii. Public Comments
iv. Question and Answer
5. A public hearing to consider Variance Request 17-93000009, a request by Henry Farhat for tracts legally described as Lots 1-32 and abandoned right-of-way Tracts B, C & D, Block 644, Town of La Porte Subdivision.
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 September, 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 July 27, 2017**

Board Members Present: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool, Thomas Deen and Phillip Hoot

Board Members Absent: Shelley Fuller

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.

Board member Shelley Fuller was not present. Nettie Warren arrived at 6:01

3. Consider Approval of Meeting Minutes

a. April 27, 2017.

Motion by Dennis Oian to Approve the meeting minutes of April 27, 2017.

Second by Thomas Deen. **Motion Carried.**

Ayes: Rothermel, Oian, Pool and Deen

Nays: None

Abstain: Phillip Hoot

4. PUBLIC HEARING: Consider Variance Request 17-93000004, a request by Brian Johnson for the tract of land located at 205 S. Holmes legally described as Lots 3-8, Block 73 of Bay Front to La Porte Subdivision. The applicant is seeking approval of multiple variances which would allow him to have a zero (0) foot side setback for his house and driveway. This is contrary to Section 106-333 (a) which requires a side setback of five (5) feet for single family detached uses and Section 106-835 which requires a driveway side setback of three (3) feet.

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

a. Staff Presentation

Planning Technician, Ryan Cramer, presented staff's report on a variance request 17-93000004.

The applicant would like to lower their required setbacks in order to divide the property and build a new house.

Phillip Hoot asked if there was a way the lot could be configured to meet setbacks.

b. Applicant Presentation

Brian Johnson, 205 S. Holmes, La Porte, TX 77571 – Property owners. Mr. Johnson presented why he wanted to divide the property and his limitations due to existing structures.

Phillip Hoot had some questions about how drainage requirements would be met.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:24 p.m.

d. Question and Answer

There were no questions.

Motion by Chester Pool to approve of a two foot house and zero foot driveway setback as opposed to the zero foot Variance Request 17-93000004, requested by Brian Johnson for the tract of land located at 205 S. Holmes legally described as Lots 3-8, Block 73 of Bay Front to La Porte Subdivision

Second by Thomas Deen. **Motion Carried.**

Ayes: Rothermel, Oian, Warren, Pool and Deen

Nays: None

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

5. **PUBLIC HEARING: Consider Variance Request 17-93000005, a request by Sam Ghandi for the tract of land located at 1251 S. 13th Street legally described as Reserve "A" Home Porte Subdivision & the Abandoned 16' Alley of Block 1135 La Porte Subdivision. The applicant is seeking approval of multiple variances that would allow him to have a fifty four (54) foot wide driveway and a seven and a half (7 ½) foot side driveway setback. These are contrary to Section 106-835 which allow for a maximum commercial driveway width of thirty five (35) feet and require a minimum side driveway setback of ten (10) feet.**

Chairman Rothermel opened the public hearing at 6:30 p.m.

a. Staff Presentation

Planning Technician, Ryan Cramer, presented staff's report on a variance request 17-93000005.

The applicant had an approved site plan and will have to get new approval if the variance was to be granted.

b. Applicant Presentation

Michael Gaertner, 2200 Market St., Galveston, TX – Architect. Mr. Gaertner explained how his project met fire code.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:44 p.m.

d. Question and Answer

There were no questions.

Motion by Dennis Oian to approve Variance Request 17-93000005, a request by Sam Ghandi for the tract of land located at 1251 S. 13th Street legally described as Reserve “A” Home Porte Subdivision & the Abandoned 16’ Alley of Block 1135 La Porte Subdivision. The applicant is seeking approval of multiple variances that would allow him to have a fifty four (54) foot wide driveway and a seven and a half (7 ½) foot side driveway setback. These are contrary to Section 106-835 which allow for a maximum commercial driveway width of thirty five (35) feet and require a minimum side driveway setback of ten (10) feet.

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

Ayes: Rothermel, Oian, Warren, Pool and Deen

Nays: None

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

- 6. PUBLIC HEARING: Consider Variance Request 17-93000006, a request by Horace Leopard for the tract of land located at 430 Main Street legally described as Lots 11, 12 & W. ½ of Lot 13, Block 57 Town of La Porte Subdivision. The applicant is seeking approval of multiple variances that would allow him to construct a blade sign and place an LED message board on the building which would be larger than allowed, backlit and use a more than limited amount of neon lighting. These are contrary to Section 106-874; (4); a, c and e which allow for a maximum size of one and a half (1 ½) square foot for every one (1) foot of façade length, prohibit the use of backlit signs and only allow the use of neon in limited amounts.**

Chairman Rothermel opened the public hearing at 6:48 p.m.

a. Staff Presentation

Planning Technician, Ryan Cramer, presented staff's report on a variance request 17-93000006.

b. Applicant Presentation

Horace Leopard, 3202 Lazy Pine, La Porte, TX 77571 – Property owner. Mr. Leopard was there to answer any questions.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 7:04 p.m.

d. Question and Answer

There were no questions.

Motion by Denis Oian to approve Variance Request 17-93000006, a request by Horace Leopard for the tract of land located at 430 Main Street legally described as Lots 11, 12 & W. ½ of Lot 13, Block 57 Town of La Porte Subdivision. The applicant is seeking approval of multiple variances that would allow him to construct a blade sign and place an LED message board on the building which would be larger than allowed, backlit and use a more than limited amount of neon lighting. These are contrary to Section 106-874; (4); a, c and e which allow for a maximum size of one and a half (1 ½) square foot for every one (1) foot of façade length, prohibit the use of backlit signs and only allow the use of neon in limited amounts.

Second by Thomas Deen. **Motion Carried.**

Ayes: Rothermel, Oian, Pool and Deen

Nays: Warren

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

Appeals from the Board of Adjustment.

- 7. PUBLIC HEARING: Consider Variance Request 17-93000007, a request by Kimberly Ury for the tract of land located at 1200 Bayshore Drive legally described as Lot 5 and 5' of Lot 4, Bayshore Block of Bayshore Park Addition Subdivision. The applicant is seeking approval of multiple variances that would allow her to construct a six (6) foot tall wooden privacy fence from her house to the water. These are contrary to Section 106-792 which requires front yard fences on lots adjacent to Galveston Bay be a maximum for four (4) feet tall and can only consist of chain link.**

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

a. Staff Presentation

Planning Technician, Ryan Cramer, presented staff's report on a variance request 17-93000007.

Staff was unsure whether a variance to use wood on the side fence was required.

Phillip Hoot was worried about the public's ability to access the water front with this new fence.

b. Applicant Presentation

Chris Scott, 1200 Bayshore Dr., La Porte, TX 77571 – Property owner. Mr. Scott explained the issues they were having with people trespassing from the City's neighboring empty property.

c. Public Comments

Nancy Ojeda 10302 Running Trail, La Porte, TX 77571, had concerns of property owners attempting to privatize the bay frontage.

Chairman Rothermel closed the public hearing at 7:26 p.m.

d. Question and Answer

There were no questions.

Motion by Thomas Deen to approve with respect to applicable state laws Variance Request 17-93000007, a request by Kimberly Ury for the tract of land located at 1200 Bayshore Drive legally described as Lot 5 and 5' of Lot 4, Bayshore Block of Bayshore Park Addition Subdivision. The applicant is seeking approval of multiple variances that would allow her to construct a six (6) foot tall wooden privacy fence from her house to the water. These are contrary to Section 106-792 which requires front yard fences on lots adjacent to Galveston Bay be a maximum for four (4) feet tall and can only consist of chain link.

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

Ayes: Rothermel, Oian, Warren, Pool and Deen

Nays: None

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

8. Administrative Reports

Planning Technician Cramer presented the City's Board and Commission absentee policy

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

Phillip Hoot thanked the Board for their patience with his first meeting

10. Adjourn

Motion by Dennis Oian to adjourn.

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

Ayes: Rothermel, Deen, Warren, Pool and Oian

Nays: None

Chairman Rothermel adjourned the meeting at 7:37 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**



September 28, 2017

AGENDA ITEM 4

Consider approval of a number of Variances
to allow construction of a new single family attached townhouse project
for properties generally located at the N. 1st St. and W. Madison St. intersection,
legally described as Lots 19-23, Block 107, Town of La Porte Subdivision.
(Applicant: Bayway Homes)

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

Planning and Development Department

Staff Report

ISSUE

Should the Board of Adjustment approve the variance requested by Charles Anders on behalf of Bayway Homes for the properties generally located at the N. 1st Street and W. Madison St., legally described as Lots 19-23, Block 107, Town of La Porte Subdivision (case #17-93000008) which would allow the applicant to build a new single family attached townhouse development subject to the following variances:

1. A density of 12.5 units per acre; contrary to the provisions of Section 106-333
2. A distance of 4' between driveways; contrary to the provisions of Section 106-835
3. A distance from driveway to side property line of 2'; contrary to the provisions of Section 106-835?

DISCUSSION

Applicant:

Bayway Homes

Applicant's Request:

The applicant is seeking approval of variance request #17-93000008. The variance would allow the applicant to build a new single family attached townhouse development in the Northside area. The request includes a density of 12.5 units per acre, a distance of 4' between driveways, and a distance from driveway to side property line of 2'. The attached Exhibit A is a copy of the application and site plan showing how the applicant intends to configure the improvements as well as elevations of the proposed townhouses.

Based on the information provided by the applicant, Bayway Homes currently owns Lots 19-23, Block 107, the lots currently are undeveloped and wooded.

Subject Site:

The subject lots make up a .359 acre tract of land generally at the N. 1st St. and W. Madison St. intersection and is legally described as Lots 19-23, Block 107, Town of La Porte Subdivision. Each lot is part of the original Town of La Porte Plat and are 25'x125'. The attached Exhibit B is an area map that shows the location of the property in question.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing

Board of Adjustment Meeting
September 28, 2017
Bayway Homes Variance

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 applicant signed an Affidavit of Posting indicating that the required sign was posted on the site ten days prior to the hearing date.

Additionally, in compliance with state law, notice of the public hearing was posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Background Information:

The sites are currently zoned R-2, Medium-Density Residential. The subject sites currently sit undeveloped. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-2, Medium Density Residential	Bayway Townhome Project
South	R-2, Medium-density Residential	Residential Property (503 N. 1 st)
West	R-2, Medium-density Residential	Unimproved Land
East	GC, General Commercial	Unimproved Land

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 F.R.S.	Min. Site Area/ Unit S.F.	Max. Height
Townhouses, Quadplexes	2,000 S.F.	20'	25'-20'-20'	4,400 10.0 DU/A	45'

Section 106-835; Figure 10-2 lays out the curb and driveway criteria in residential districts. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Driveway	Requirements
Distance from intersection	25' min.
Spacing between driveway	10' min.
Distance from side lot line	3' min.
Intersecting angle	90

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to build a new single family attached townhouse development with a density of 12.5 units per acre, a distance of 4' between driveways, and a distance from driveway to side property line of 2'.

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September 28, 2017
Bayway Homes Variance

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	Granting this variance would allow for a series of deviations to help build a single family attached townhouse development. As it currently stands, the rest of the block is developed or being developed. The R-2 zoning allows for the proposed use.
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.	As it relates to driveway criteria in townhouse/quadrplex developments, meeting the code is difficult and likely impossible. According to Section 106-333 referenced earlier, the minimum lot width is 20', the driveway criteria requires 3' from the side lot line and if you half the required distance between driveways you have 5'. This means of the 20' lot width, 8' is taken by setbacks, leaving 12', the minimum driveway width. Section 106-839 requires 2 parking spaces minimum per household while Section 106-835 requires that each parking spot be 9' wide. In short, a lot can be as small as 20' wide (and in this case is 25') but the City code requires 26' in setbacks and parking space size. As it relates to density requirements and side setbacks, staff finds it difficult to argue that there is an unnecessary hardship preventing the applicant from meeting the density or side setback requirements.
c. That by granting the variance, the spirit of this chapter will be observed.	The intent of the City’s nonconforming provisions are to bring structures into compliance over time. In this case, nonconforming buildings would be constructed in a lot that was not previously nonconforming but it would facilitate the building of a use intended for the district it is in.

Board of Adjustment Meeting
September 28, 2017
Bayway Homes Variance

If the Board so chooses to grant the variance, staff would like to recommend that a condition be added that requires the two units to have some architectural feature distinguishing them, so they will look like separate homes. This can be accomplished by setting the façade back for one of the units or adding an architectural feature that visually separates the units, rather than the appearance of one continuous façade.

Appeal Procedure:

Sec. 106-196. - Appeals from the board of adjustment.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment.

ATTACHMENTS

Exhibit A: Application, and a conceptual site plan with elevations from the first variance submittal
Exhibit B: Area map



Variance Application
Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: North 1st Street
Legal description where Variance is being requested: Lots 19-23 Block 107
HCAD Parcel Number where Variance is being requested: 0232180070032,0020,0033,0038,0039,0040
Zoning District: R-2 Lot area: 15,625

A Variance request is hereby made to the Board of Adjustment of the City of La Porte.
Description of Request: Adding 5 additional lots on Block 107 to Variance North 1st Street #16-930000007

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

PROPERTY OWNER(S) INFORMATION

Name: Jon Skeele, President
Company (if applicable): Bayway Homes INC.
Address: PO Box 1244
City: Friendswood State: TX Zip: 77549
Phone: 281 648 2425x17 Email: [REDACTED]

AUTHORIZED AGENT (if other than owner)

Name: Charles Anders
Company (if applicable): Bayway Homes INC.
Address: PO Box 1244
City: Friendswood State: TX Zip: 77549
Phone: 832 276 9609 Email: [REDACTED]

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: 7-20-17
Owner(s)' Signature(s): [Signature] Date: 7/21/17

STAFF USE ONLY:

Case Number:

Date Application Received:



September 1, 2016

Certified Mail: 7015 1520 0002 0741 5512

Jon Skeele
Bayway Homes
PO Box 1244
Friendswood, TX 77549

RE: Case #16-930000007; Variance North 1st Street

Dear Mr. Skeele:

The City of La Porte Zoning Board of Adjustment conducted a public hearing at their August 25, 2016 meeting on a variance to your property legally described as Lots 1-8, Block 108 and Lots 24-32, Block 107, Town of La Porte Subdivision. You were given approval of multiple variances as follows:

- 1.) A side setback of five feet for Lot 32, Block 107 and Lot 1, Block 108; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that requires a minimum side setback of 20' for a townhouse/quadrplex project.
- 2.) A density of 12.5 units per acre; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that allows a maximum of 10 units per acre for townhouse/quadrplex projects.
- 3.) A spacing between driveways of 4 feet; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum of 10 feet between residential driveways.
- 4.) A distance from the driveway to the property line of 2 feet; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum distance between the driveway and side lot line of 3 feet.

The Board voted to *approve* all of the variance requests.

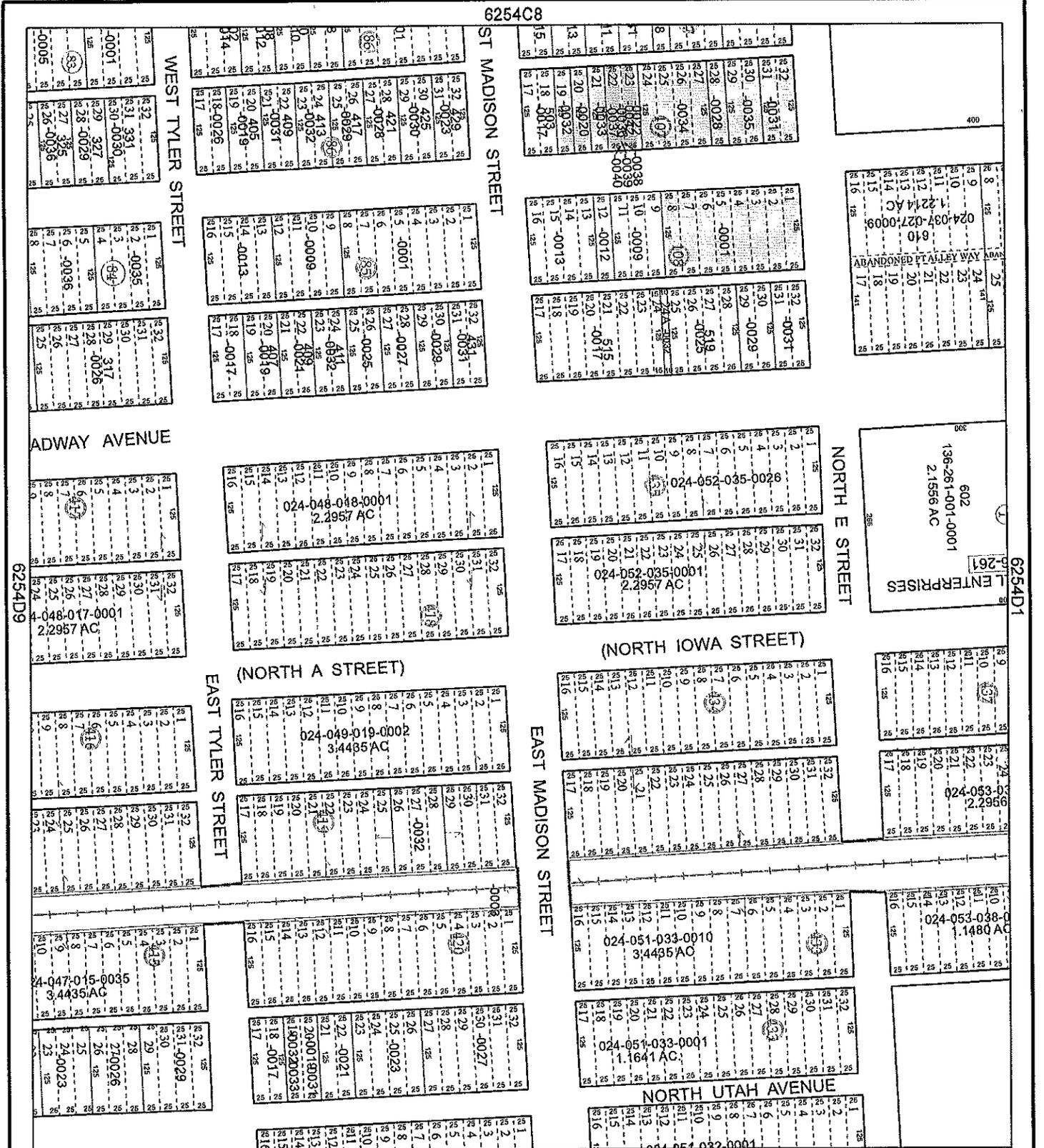
Please note that this variance approval does not waive or supersede any other ordinance or building code requirements currently adopted by the City of La Porte. Construction cannot commence until all necessary Building Division permits have been issued by the City. You have 90 days from the date of the Board's approval to obtain the necessary building permits.

If you have any additional questions, please don't hesitate to contact me directly at 281.470.5065 or via email at CramerR@laportetx.gov.

Sincerely,

Ryan Cramer
Planning Technician

cc: Mark Huber, Chief Building Official



6254D6

FACET 6254D

1	2	3	4
5	6	7	8
9	10	11	12

HARRIS COUNTY APPRAISAL DISTRICT

Harris County Appraisal District

Geospatial or map data maintained by the Harris County Appraisal District 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 only represents the approximate location of property boundaries.

MAP LOCATION

0 100 200

PUBLICATION DATE:
10/21/2016

Plan Number
LA 11

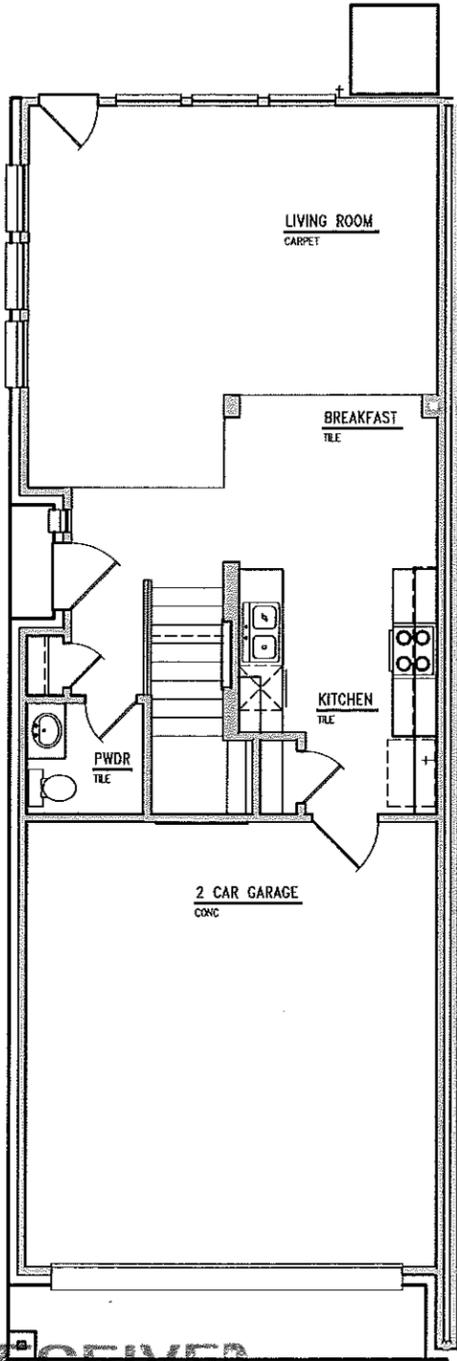
Date 7-20-2016

"A" Elevation Square Footages			
Area	1st flr	2nd flr	TOTAL
Living	638 #	1130 #	1768 #
Frame	1040 #	1130 #	2213 #
Slab			1130 #

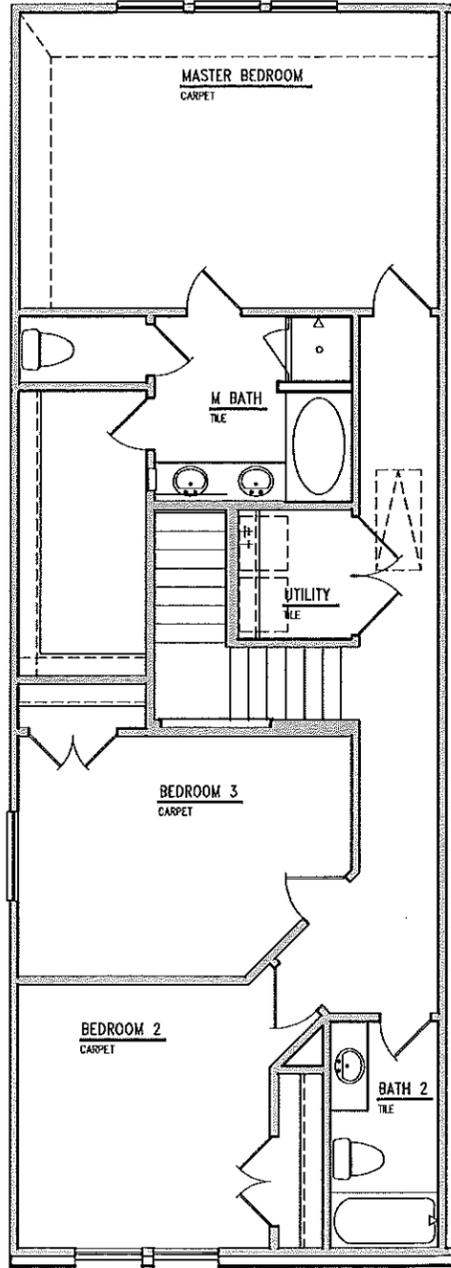
Title
Buyer Signature

Subdivision
LA PORTE
City/Jurisdiction
LA PORTE, TX

Bayway Homes
© COPYRIGHT 2016



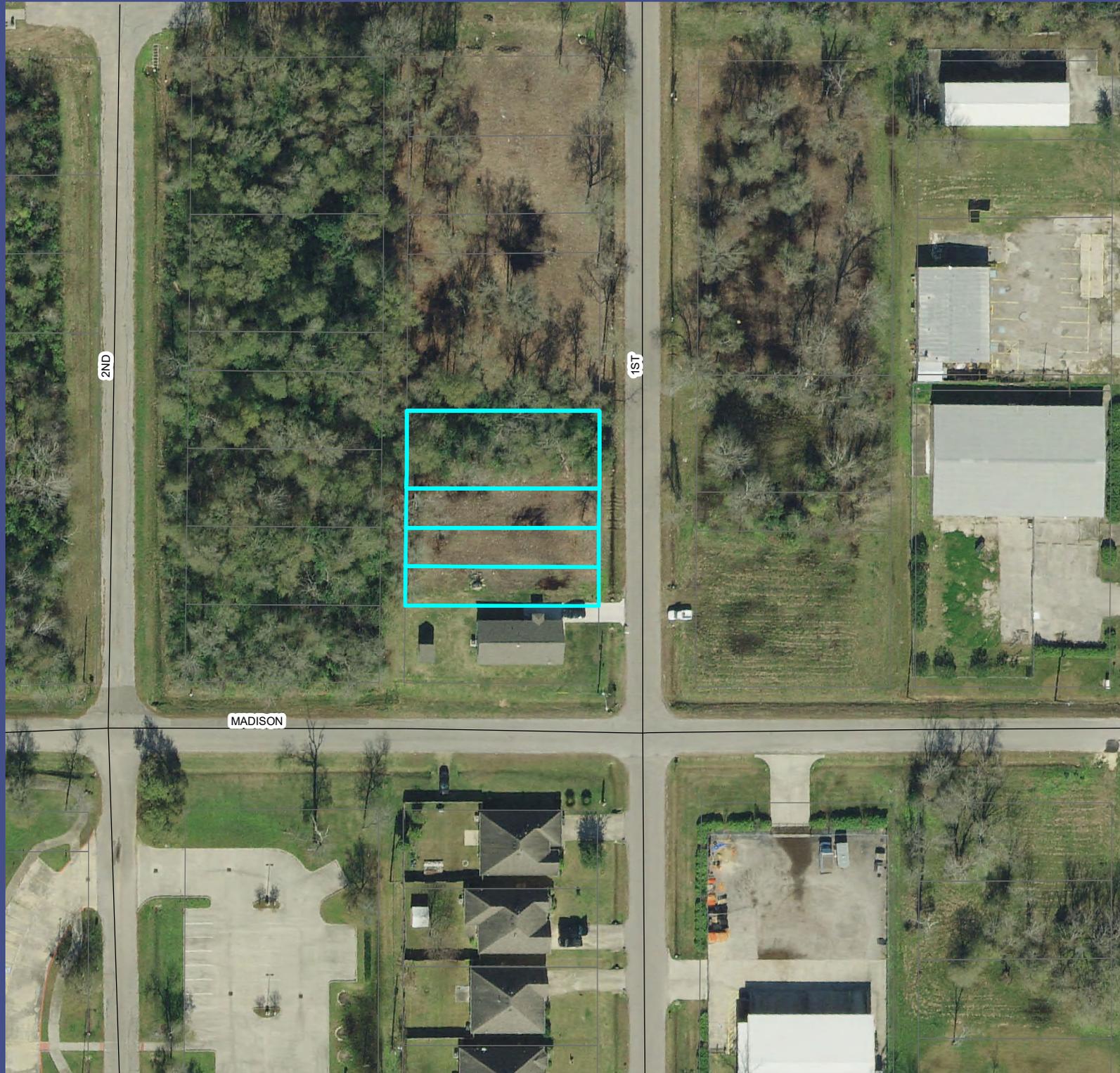
1st FLOOR



2nd FLOOR



RECEIVED
JUL 22 2016
BY: _____



PROPOSED VARIANCE

BLOCK 107

 Parcels



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 86 feet

AUGUST 2017
PLANNING DEPARTMENT



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



August 24, 2017

AGENDA ITEM 5

Consider approval of a variance
to not build parking islands
for properties 501 & 529 N. 16th Street,
legally described as Lots 1-32 and abandoned right-of-way Tracts B, C & D, Block 644,
Town of La Porte Subdivision.
(Applicant: Henry Farhat)

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

Planning and Development Department

Staff Report

ISSUE

Should the Board of Adjustment approve the variance requested by Henry Farhat on behalf of Argus Motors for the property located at the 501 & 529 N. 16th St., legally described as Lots 1-32 and abandoned right-of-way Tracts B, C & D, Block 644, Town of La Porte Subdivision (case #17-93000009) which would allow the applicant to avoid building parking islands.

DISCUSSION

Applicant:

Henry Farhat

Applicant's Request:

The applicant is seeking approval of variance request #17-93000009. The variance would allow the applicant to avoid building parking islands in his parking lots. The attached Exhibit A is a copy of the application.

Subject Site:

The subject lots make up a 3.262 acre tract of land at 501 & 529 N. 16th St. and is legally described as Lots 1-32 and abandoned right-of-way Tracts B, C & D, Block 644, Town of La Porte Subdivision. The attached Exhibit B is an area map that shows the location of the property in question.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing including the following:

- Notice of public hearing was posted in the newspaper of general circulation ten days prior to the date of the hearing.
- Mailed notices were sent to all owners of property lying within 200 feet of the site ten days prior to the date of the hearing.
- The applicant signed an Affidavit of Posting indicating that the required sign was posted on the site ten days prior to the hearing date.

Additionally, in compliance with state law, notice of the public hearing was posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Board of Adjustment Meeting
September 28, 2017
Henry Farhat Parking Islands

Background Information:

The sites are currently zoned LI, Light Industrial. The subject site has been developed relatively recently and is operating under a Temporary Occupancy Permit until the development reflects the site plan or this variance is given. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	LI, Light Industrial	Business (631 N. 16 th)
South	LI, Light Industrial	Business (401. N 16 th)
West	LI, Light Industrial	Truck Yard (No Address on GIS)
East	LI, Light Industrial	Unimproved Land

Applicable Code Provisions:

Section 106-800 (c), (1), e., stipulates the parking lot landscaping requirements. The following is an excerpt from that section as applicable to this variance request:

e. Parking lot requirements.

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

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to avoid building parking islands.

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 public would not be greatly affected by the lack of three parking islands in a single development but large, unbroken parking lots do negatively affect the City visibly and environmentally.
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.	There is no part of the property which causes an unnecessary hardship. The development was approved with a twice amended site plan which showed parking islands in every iteration, proving it is possible.

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Henry Farhat Parking Islands

"Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	
c. That by granting the variance, the spirit of this chapter will be observed.	The intent of the City's nonconforming provisions are to bring structures into compliance over time. This would allow for permanent continuation of a non-conformity and deviation from the approved site plan in order to create more parking spots for crashed vehicles.

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: Approved Site Plan



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 501 & 529 W 16th St

Legal description where Variance is being requested: 106-800 (c) (1) e.

HCAD Parcel Number where Variance is being requested: 0240680440001

Zoning District: Light Industrial Lot area: 644

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

Description of Request: Certificate of occupancy

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

PROPERTY OWNER(S) INFORMATION

Name: Henry Farhat

Company (if applicable): Argus Motor

Address: 501 W 16th St

City: La Porte State: Tx Zip: 77571

Phone: 713-875-8484 Email: Argus Motor of hot mail.com

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: _____ Date: _____

Owner(s)' Signature(s): [Signature] Date: 8/16/17

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Variance Application
Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. Drive way
flower Bed will be on the Entrance and Exit
drive way for the Tractors will be Impossible

2. Five lanes equipment & five Hydrogen

3. Near Bye 16th St
Not at all have flower Bed

4.

5.

Exhibit B

AERIAL MAP

Argus Motors Variance

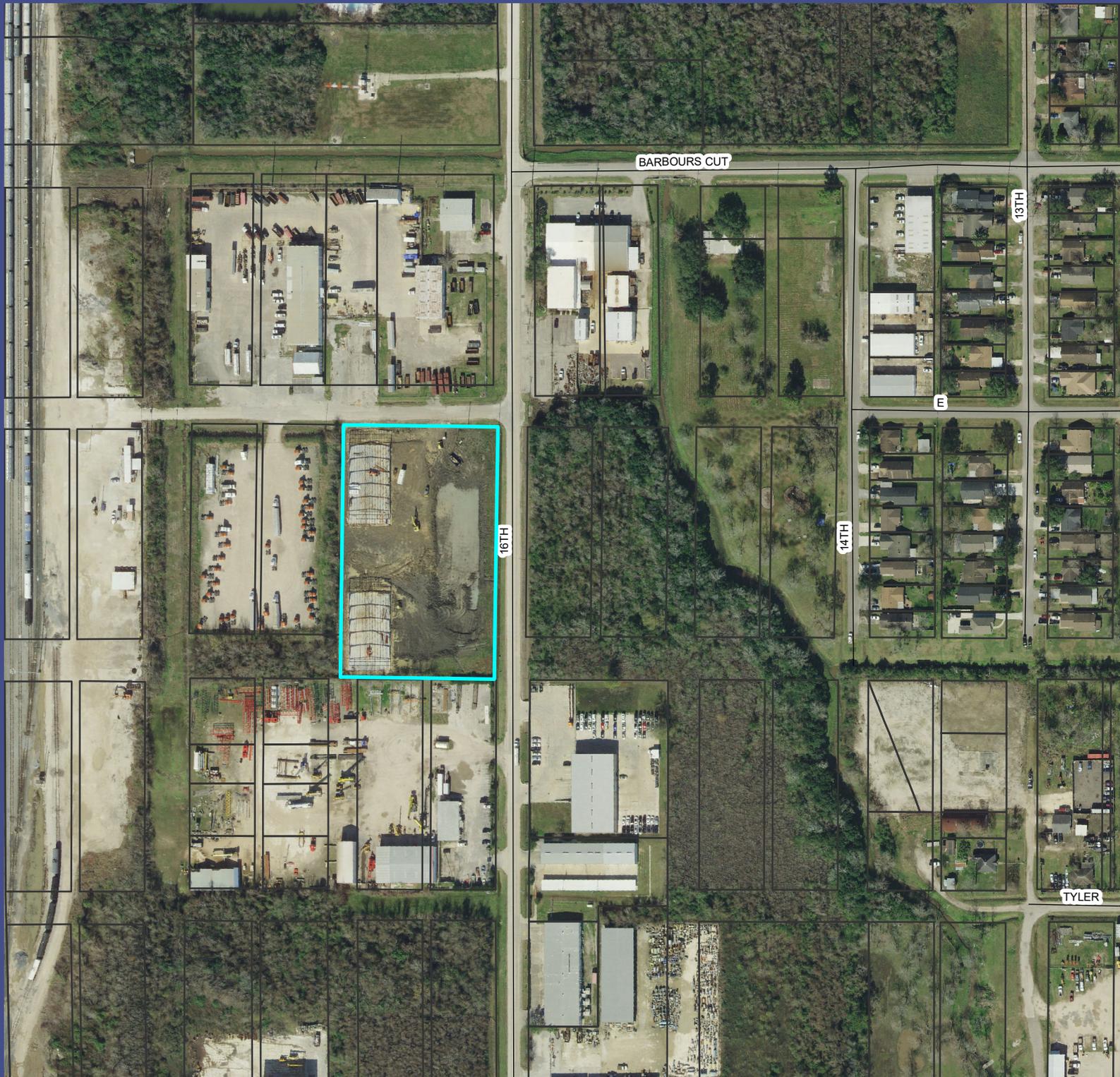
 Subject Parcel

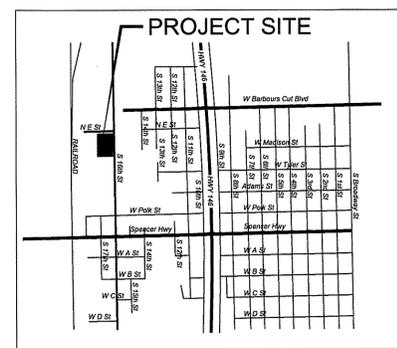
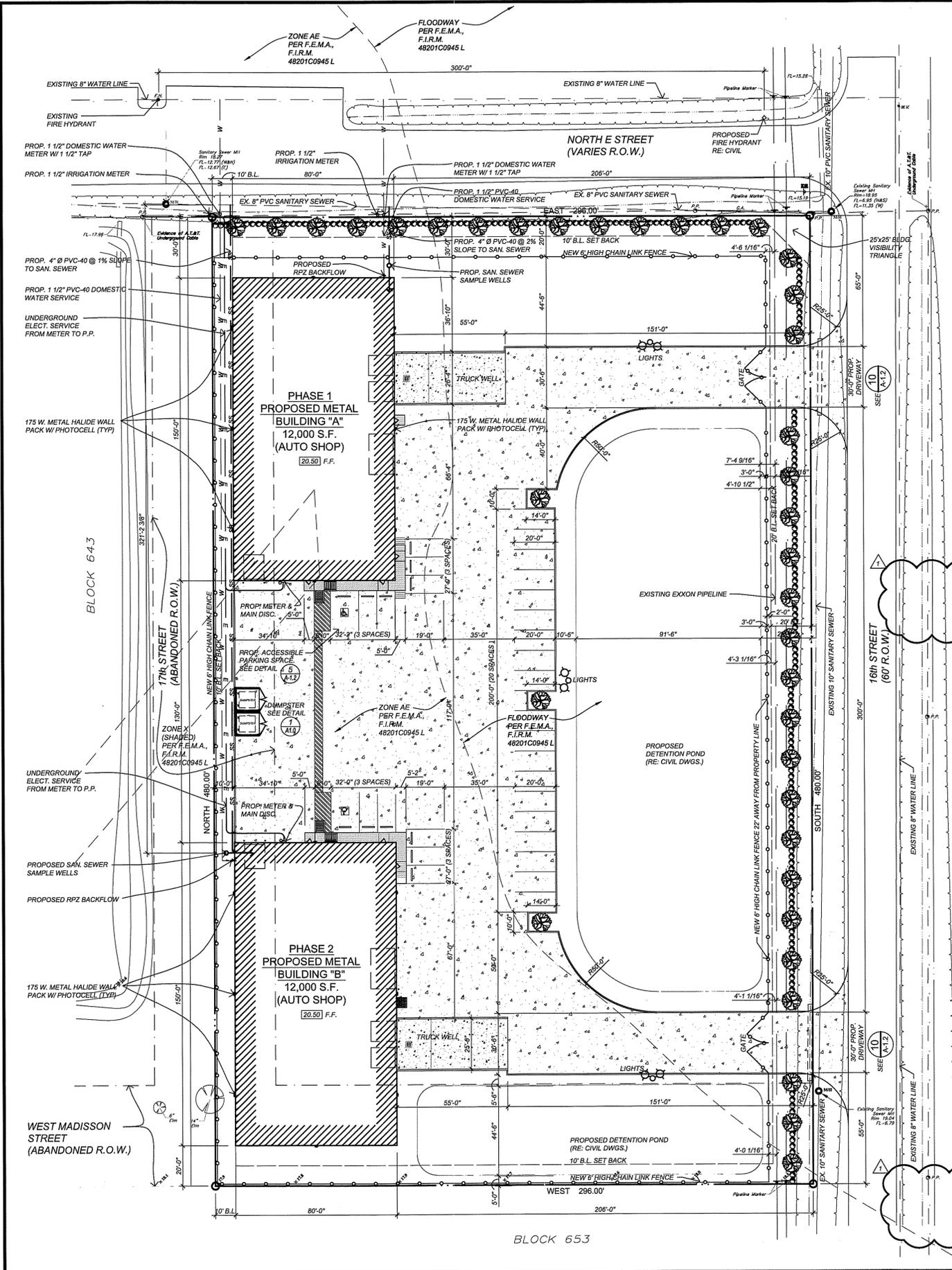


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 259 feet

SEPTEMBER 2017
PLANNING DEPARTMENT





GENERAL SITE NOTES

- ALL CONCRETE PAVING AREAS SHALL HAVE 3000 PSI CONCRETE OVER A STABILIZED SUBGRADE 6" DEEP WITH APPROX. 6 PERCENT LINE, COMPACT 95 PERCENT PROCTOR DENSITY.
- ALL PROPOSED CONCRETE SIDEWALKS AND RAMPS SHALL BE 4" THICK, 3000 PSI CONCRETE REINFORCED WITH #3 RODS AT 15" O.C.E.W.
- CONTRACTOR SHALL PROVIDE 4" WIDE PARKING STRIPES, PARKING SYMBOLS AND SIGNS AS PER PLAN.
- ALL PROPOSED LANDSCAPING SHALL BE FURNISHED AND INSTALLED BY THE OWNER.
- GENERAL CONTRACTOR SHALL FURNISH AND INSTALL ALL PIPE BOLLARDS AS PER PLAN.
- GENERAL CONTRACTOR SHALL FURNISH AND INSTALL ALL 3" PVC-40 SLEEVES AS REQUIRED BY THE LANDSCAPE AND IRRIGATION CONTRACTOR.
- PROVIDE 5" THICK CONCRETE PAD REINFORCED WITH #3 RODS AT 15" O.C.E.W. FOR EA AC CONDENSING UNIT.
- PROVIDE 1410 L.F. OF 6" HIGH CHAIN LINK FENCE WITH BARB WIRE ON TOP AT PROPERTY LINE TO SURROUND ENTIRE PROPERTY, PROVIDE SWING GATES AT EACH DRIVEWAY.

LANDSCAPE NOTES

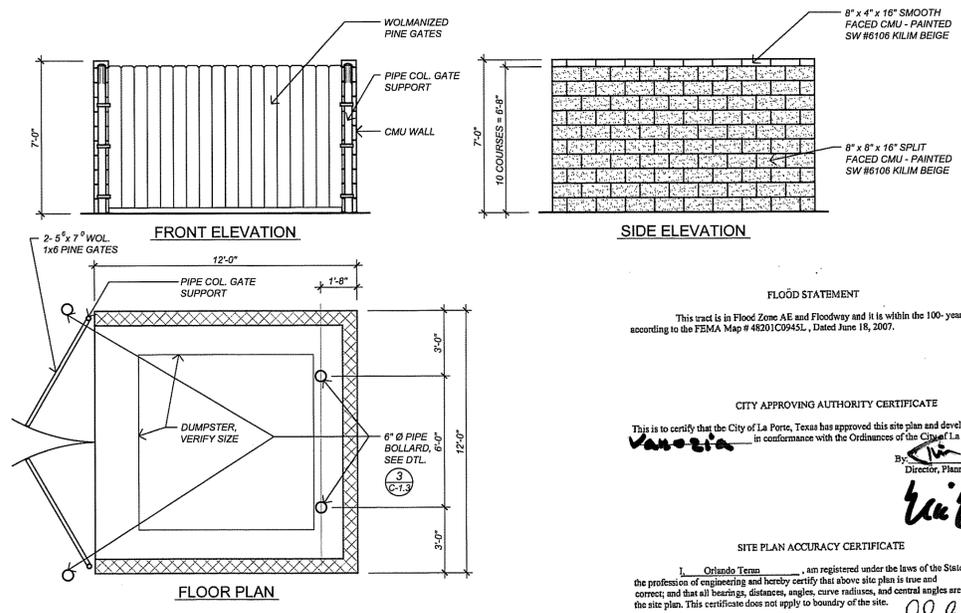
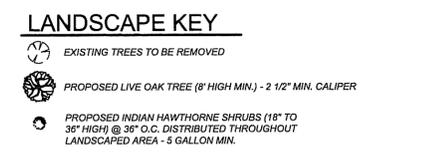
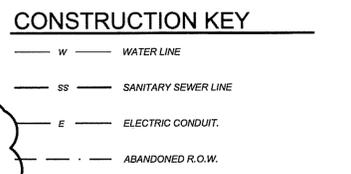
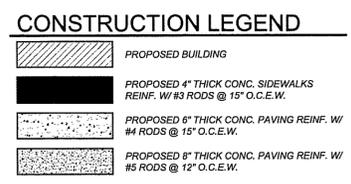
- ALL PROPOSED LANDSCAPING SHALL BE INSTALLED ACCORDING TO CITY OF LA PORTE DIVISION 4, FENCING AND LANDSCAPING REQUIREMENTS.
- GRASS, GROUND COVER, FLOWERING AND NONFLOWERING PLANT, SHRUBS AND TREES, WOOD, TIMBER, STONE FOUNTAINS, AND PONDS MAY BE USED FOR REQUIRED LANDSCAPING.
- REQUIRED LANDSCAPING MUST BE MAINTAINED BY THE PROPERTY OWNER AND/OR OCCUPANT.
- ALL PROPOSED TREES AND SHRUBS SHALL BE PLANTED WITH MIN. 3" LAYER OF MULCH.
- REQUIRED TREES AS SHOWN ON SITE PLAN, PLANTED NOT GREATER THAN 20'-0" O.C. TREES TO BE EQUAL TO OR GREATER THAN 2" MIN. CALIPER AS MEASURED 6" ABOVE ROOT COLLAR.
- SHRUBS SHALL BE MAINTAINED AT HEIGHT OF NO MORE THAN 36" AND NO LESS THAN 18".

MINIMUM CITY OF LA PORTE LANDSCAPE REQUIREMENTS
PER SEC. 106-800

(1) TOTAL DEVELOPED SITE AREA 142,080 S.F.
(2) ROOFED OVER IMPROVEMENTS 24,000 S.F.
(3) REMAINING DEVELOPED SITE AREA 118,080 S.F.

NOTE: TOTAL PARKING SPACES 30 / 10 = 3 PARKING TREES
PARKING TREES MUST BE PLANTED IN PLANTERS AT A MINIMUM AREA OF 135 S.F. AND MUST BE WITHIN THE PARKING AREA IN ORDER TO BREAK UP THE MARS OF PARKING.

PER SEC. 106-443
MINIMUM LANDSCAPING REQUIRED LI = 7.5 %
118,080 S.F. x 7.5 % = 8,856 S.F. MINIMUM LANDSCAPED AREA REQUIRED
70,329 S.F. LANDSCAPED AREA PROVIDED
99,456 S.F. 70 % MAX LANDSCAPE



1 DUMPSTER PLAN & ELEVATIONS DETAIL
SCALE: 1/4" = 1'-0"

LEGAL
LOT 1 THRU 32, BLOCK 644, 3.261 ACRES, TRS B & C & D (ABANDONED ROW), RECORDER IN VOLUME 58, PAGE 460 OF THE DEED RECORDS OF HARRIS COUNTY, TEXAS.

PROJECT NAME: Vanozia Properties
PROJECT ADDRESS: 501 & 529 N. 16th St.
TYPE: New warehouse/office bldg
LEGAL: Lots 1-32, Block 644, Tracts B, C & D Abandoned ROW, Town of La Porte

PROJECT DATA

PROPOSED BUILDING "A" - PHASE 1	= 12,000 s.f.
PROPOSED BUILDING "B" - PHASE 2	= 12,000 s.f.
TOTAL COVERED AREA	= 24,000 s.f.
PROP. SIDEWALK BLDG. "A" - PHASE 1	= 376 s.f.
PROP. SIDEWALK BLDG. "B" - PHASE 2	= 376 s.f.
TOTAL SIDEWALK	= 752 s.f.
PROP. TRUCK WELL BLDG. "A" - PHASE 1	= 1,375 s.f.
PROP. TRUCK WELL BLDG. "B" - PHASE 2	= 1,375 s.f.
TOTAL TRUCK WELL	= 2,750 s.f.
TOTAL PROP. PAVING	= 44,249 s.f.
TOTAL PROP. LANDSCAPING	= 70,329 s.f.
SUMMARY	
TOTAL COVERED AREA	= 24,000 s.f.
TOTAL SIDEWALK	= 752 s.f.
TOTAL TRUCK WELL	= 2,750 s.f.
TOTAL PROP. PAVING	= 44,249 s.f.
TOTAL PROP. LANDSCAPING	= 70,329 s.f.
TOTAL DEVELOPED AREA	= 142,080 s.f.

ZONING
CLASSIFICATION: LIGHT INDUSTRIAL (LI)
NAICS# AUTO SHOP BUILDING

MINIMUM CITY OF LA PORTE PARKING REQUIREMENTS
PER ARTICLE VI, SEC. 106-834

AUTO SHOP "A"	12,000 S.F.
AUTO SHOP "B"	12,000 S.F.
TOTAL FLOOR AREA	24,000 S.F.
FLOOR AREA (EXTERIOR FLOOR AREA - 15%)	= 20,400 S.F.

PER SEC. 106-839
MINIMUM PARKING SPACES 4

TOTAL MINIMUM PARKING SPACES REQ	4
TOTAL PARKING SPACES PROVIDED	30

IMPORTANT NOTES

- THE AMOUNT OF PARKING REQUIRED WILL BE REVIEWED AT THE TIME OF ISSUANCE OF A ZONING PERMIT. ADDITIONAL PARKING MAY BE REQUIRED BASED ON THE USE OF THE SITE.
- AUTOMATIC IRRIGATION SYSTEM IS REQUIRED FOR ALL REQUIRED LANDSCAPING.
- ANY OUTDOOR STORAGE MUST BE SCREENED FROM VIEW FROM ANY PUBLIC RIGHT-OF-WAY.
- CONTRACTOR TO INSTALL PROPOSED FIRE HYDRANTS.
- EXPANSION JOINT IS REQUIRED AT THE PROPERTY LINE FOR THE PROPOSED DRIVEWAY.



FLOOD STATEMENT
This tract is in Flood Zone AE and Floodway and it is within the 100-year Flood Plain and Floodway according to the FEMA Map # 48201C0945L, Dated June 18, 2007.

CITY APPROVING AUTHORITY CERTIFICATE
This is to certify that the City of La Porte, Texas has approved this site plan and development of Vanozia in conformance with the Ordinances of the City of La Porte.
Director, Planning Department

SITE PLAN ACCURACY CERTIFICATE
I, Orlando Teran, am a registered under the laws of the State of Texas to practice the profession of engineering and hereby certify that above site plan is true and correct, and that all bearings, distances, angles, curve radii, and central angles are accurately shown on the site plan. This certificate does not apply to boundary of the site.
Orlando J. Teran
Texas Registration No. 57207

ALVIN ONCKEN & ASSOC.
Building Designer
10500 Northwest Fwy. Suite 211
Houston, Texas 77092
PH. 713-682-1060 FAX 713-682-1090

VANEZIA PROPERTIES, LLC
PROJECT: AUTO SHOP BUILDING'S
529 N. 16TH STREET BLDG. "A"
501 N. 16TH STREET BLDG. "B"
LA PORTE, TEXAS 77571

REVISIONS

NO	DATE	DESCRIPTION
1	07-21-15	PERMIT REV. 5

SCALE: 1" = 30'-0"
PROJECT NO.
SHEET TITLE
SHEET NO. **A1.0**
DATE: JUNE 02, 2014

#15-82000004 (Mod #2)