



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, May 24, 2018, 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: September 28, 2017.
4. A public hearing to consider **Variance Request 18-93000001**, a request by Humberto Marquez for tracts of land located at 506 S. Kansas St, and legally described as Lot 25 & North 14.5 Feet of Lot 24 & South 19 Feet of Lot 26 & Adjacent Strip, Block 239, San Jacinto Homes. The applicant is seeking approval of a variance to construct a fence in the front yard of a single family residential lot.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
5. A public hearing to consider **Variance Request 18-93000002**, a request by Forrest Crump for the tract of land located at 3047 Carlisle St, and legally described as Lot 11 Block 16, Bayside Terrace. The applicant is seeking approval of a variance to construct a fence in the front yard of a single family residential lot.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
6. A public hearing to consider **Variance Request 18-93000003**, a request by Erin Radney Gaete for tracts of land located at 3130 Fondren St, and legally described as Lots 5 & 15 Block 20, Bayside Terrace. The applicant is seeking approval of a variance to allow for a reduction to front yard setback and rear yard utility easement setback.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
7. Administrative reports
8. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
9. Adjourn.

ZBOA Agenda – May 24, 2018 Regular Meeting
Page 2

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, May 24, 2018, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____, 2018.

Title: _____

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



May 24, 2018

AGENDA ITEM 3

Consider approval of the Meeting Minutes:

- a. September 28, 2017

*Chase Stewart, Planning Technician
Planning and Development Department
City of La Porte, Texas*

**Zoning Board of Adjustment
Minutes of September 28, 2017**

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

Board Members Absent: Shelley Fuller and Phillip Hoot

City Staff Present: Assistant City Attorney Clark Askins, Director of Planning and Development Richard Mancilla, 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. July 27, 2017.

Motion by Thomas Deen to Approve the meeting minutes of July 27th, 2017.

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

Ayes: Rothermel, Oian, Pool and Deen

Nays: None

Abstain: None

4. PUBLIC HEARING: 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.

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 17-93000008.

The applicant would like leniency from the density requirements of the area to maximize space and build additional townhome/quadrplex units. The applicant also seeks leniency for setback requirements of their proposed driveways

b. Applicant Presentation

Charles Anders 2346 Farrier's Bend, Friendswood TX: Mr. Anders presented why he was approaching the ZBOA with his requests of density and setback leniency. To continue a townhome/quadrplex development.

The board referenced the previous project and were supportive of a similar undertaking.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:09 p.m.

d. Question and Answer

There were no questions.

Motion by Chester Pool to approve variance 17-93000008 for the following: 12.5 units per acre instead of 10, a spacing between driveways of 4 feet instead of 10 feet, and a distance from the driveway to the property line of 2 feet instead of 3 feet.

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 17-93000009, 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.

Chairman Rothermel opened the public hearing at 6:08 p.m.

a. Staff Presentation

Planning Technician, Ryan Cramer, presented staff's report on a variance request 17-93000009.

The request itself is a deviation from the construction of required parking islands for a site located at the corner of N 16th and N E St. The property is zoned Light Industrial (LI) and

previously had a building permit on April 30th, 2015. The property had a temporary occupancy permit, but the issuance of a permanent occupancy permit was halted because the applicant hadn't yet constructed the required parking islands as was indicated on the approved site plan. Staff concludes that there is no hardship to be addressed.

b. Applicant Presentation

Sam Farhat, 501 N 16th St, La Porte TX

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:18 p.m.

d. Question and Answer

Chairman Rothermel: "How big are the islands?" Answer: 135 sq. ft. total, each.

Chester Pool: "Would it be possible to have them put two instead of the required 3?"

Answer: Yes, if the board chose to recommend 2 instead of 3.

Motion by Dennis Oian to grant the variance, under the stipulation that 2 of the required 3 parking islands were constructed.

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

Ayes: Rothermel, Oian, Warren, Pool

Nays: Thomas Deen

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

6. Administrative Reports

Planning Technician Cramer answers questions in regards to Gilley's Club

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

N/A

8. Adjourn

Motion by Chester Pool to adjourn.

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

Ayes: Rothermel, Deen, Warren, Pool and Oian

Nays: None

Chairman Rothermel adjourned the meeting at 6:27 p.m.

Respectfully submitted,

Chase Stewart
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2018.

Rod Rothermel
Chairman, Zoning Board of Adjustment

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



May 24, 2018

AGENDA ITEM 4

Variance Request #18-93000001
506 S. Kansas

*Chase Stewart, Planning Technician
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 Humberto Marquez for the property located at 506 S. Kansas St., legally described as Lot 25 & North 14.5 Feet of Lot 24 & South 19 Feet of Lot 26 & Adjacent Strip Block 239, San Jacinto Homes which would allow the applicant to construct a fence located entirely within the front yard .

The applicant is requesting permission to maintain a fence that was constructed in the front yard on a parcel of land that is not directly adjacent to the shoreline of Galveston Bay. This is contrary to Section 106-791 of the La Porte Code of Ordinances. The fence in question was constructed without obtaining the proper permits required by the city.

DISCUSSION

Applicant:

Humberto Marquez, Home owner

Subject Site:

The subject site makes up a 0.166 acre tract of land located at 506 S. Kansas St. The attached Exhibit B is an area map that shows the location of the property in question. The site is currently occupied by a single family home and is situated in a residential R-1 neighborhood. The fence has already been erected, without staff consultation or obtaining the necessary building permits. The proposed variance would only apply to the section of the fence that is situated in the front yard portion of the property.

Zoning Information:

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

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

Board of Adjustment Meeting
 May 24, 2018
 Variance Request #18-93000001

Applicable Code Provisions:

Section 106-791, stipulates the front yard area guidelines. The following is an excerpt from that section as applicable to this variance request (see highlighted): “No fences, structures, grading, or barrier hedges shall be permitted within any front yard areas” except in the case of residential large 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](#) (Residential large lots and lots adjacent to Galveston Bay).

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 permission for this fence negatively effects the adjacent home’s visibility due to the obstruction that the fence will cause. Site lines along street frontage will be negatively impacted.
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	There would be no hardship encoured from the literal enforcement of Chapter 106-791.
c. That by granting the variance, the spirit of this chapter will be observed.	By definition, this request opposes the requirements of this chapter completely and should be considered in the form of a waiver,

Board of Adjustment Meeting
May 24, 2018
Variance Request #18-93000001

	rather than a variance. Approval of a waiver would not permitted.
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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



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: 506 S Kansas st

LEGAL DESCRIPTION: LT 25 & N 14.5 FT OF LT 24 & S 19 FT OF LT 26 & ADJ STRIP BLK 239 San Jacinto Homes.

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.

Humberto Marquez
Applicant's Signature

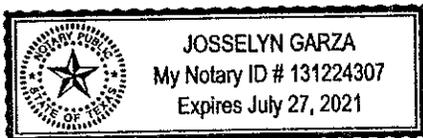
Humberto Marquez
Applicant's Printed Name

Subscribed and sworn before me this 10th day of April, 2018, by Humberto Marquez (Print Applicant's Name).

[Signature]
Notary Public

(Seal)

My commission expires: JULY 27, 2021



APR 10 2018



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 506 S Kansas St La Porte TX 77571
Legal description where Variance is being requested: LT 25 & N 14.5 FT OF LT 24 & S 19 FT OF LT 26 &
HCAD Parcel Number where Variance is being requested: ADJ STRIP BLK 239 San Jacinto Homes
0690990050024
Zoning District: _____ Lot area: _____

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

Description of Request: Fence, considered a privacy fence between
the applicant's property & neighbor's ~~land~~ property.

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

PROPERTY OWNER(S) INFORMATION

Name: Humberto Marquez
Company (if applicable): _____
Address: 6422 Gammage
City: Houston State: TX Zip: 77087
Phone: 832-512-8817 Email: _____

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): Humberto Marquez Date: 04/10/2018

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

APR 10 2018



Variance Application
Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. For the safety of the tenants
2. Neighbor was trespassing by parking his vehicle in front of one of the bedroom windows, disturbing tenants
3. To avoid future problems with the neighbors,
4. This is not a very safe neighborhood, The fence helps to protect the property.
- 5.



NOTIFICATION MAP

Variance
18-93000001

506 S. Kansas St.

Legend

 506 S Kansas St

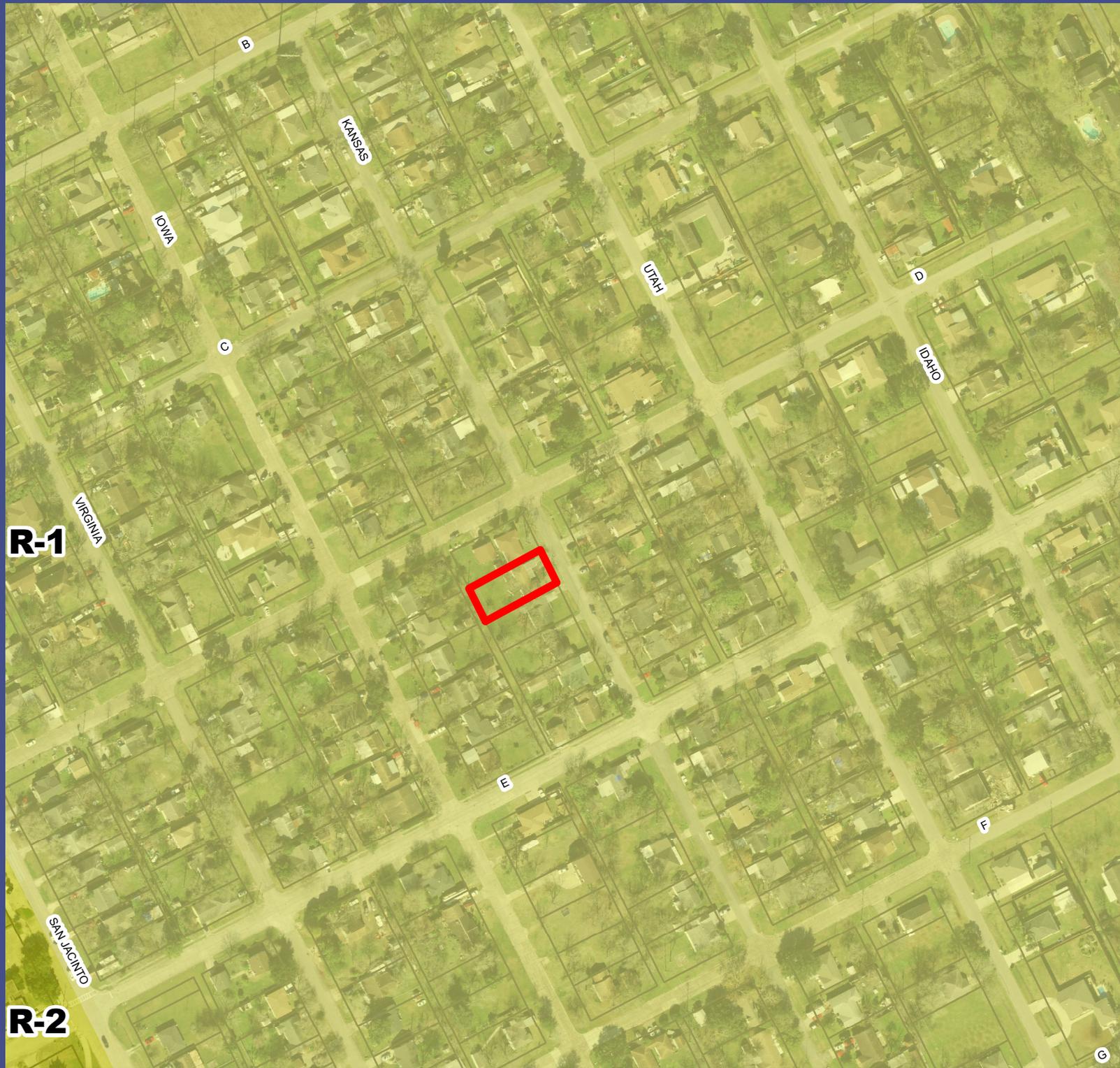


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 105 feet



MAY 2018
PLANNING DEPARTMENT



ZONING MAP

Variance
18-93000001

506 S. Kansas St.

Legend

 506 S Kansas St



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 = 219 feet



MAY 2018
PLANNING DEPARTMENT

713-537-4232

fax 4200

10:44:58

05-16-2018

1/1



A Meeting of the La Porte Zoning Board of Adjustment

Scheduled for
May 24, 2018

To Consider
Variance Request #18-93000001

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

- For the safety of the tenants
- Neighbor was trespassing by parking his vehicle in front of one of the bedroom windows, disturbing tenants.
- The fence helps to protect the property since the neighborhood is not safe.
- To avoid future problems with the neighbors.

I am OPPOSED to granting this request for the following reasons:

Humberto Marquez
Name (please print)

506 S. Kansas St.
Address

Humberto Marquez
Signature

La Porte Tx. 77571
City, State, Zip

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



May 24, 2018

AGENDA ITEM 5

Variance Request #18-93000002
3047 Carlisle St.

*Chase Stewart, Planning Technician
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 Forrest Crump for the property located at 3047 Carlisle St., legally described as Lot 11 Block 16, Bayside Terrace, which would allow the applicant to construct a fence located entirely within the front yard.

The applicant is requesting permission to maintain a fence that was constructed in the front yard on a parcel of land that is not directly adjacent to the shoreline of Galveston Bay. This is contrary to Section 106-791 of the La Porte Code of Ordinances.

DISCUSSION

Applicant:

Forrest Crump, Home owner

Subject Site:

The subject site makes up a 0.126 acre tract of land located at 3047 Carlisle St. The attached Exhibit B is an area map that shows the location of the property in question. The site is currently occupied by a single family home and is situated in a residential R-1 neighborhood. The fence has already been erected without obtaining the required permits. The proposed variance would permit the applicant to maintain the existing fence located within the front yard area only.

Zoning Information:

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

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

Board of Adjustment Meeting
May 24, 2018
Variance Request #18-93000002

Applicable Code Provisions:

Section 106-791, stipulates the front yard area guidelines. The following is an excerpt from that section as applicable to this variance request (see highlighted): “No fences, structures, grading, or barrier hedges shall be permitted within any front yard areas” except in the case of residential large 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](#) (Residential large lots and lots adjacent to Galveston Bay).

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 applicant submitted a variance request, citing the absence of a backyard and providing a safe area for their young child. An approval of the variance wouldn’t effect the surrounding area positively or negatively.
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	There would be no hardship encoured from the literal enforcement of Chapter 106-791.
c. That by granting the variance, the spirit of this chapter will be observed.	By definition, this request opposes the requirements of this chapter completely and should be considered in the form of a waiver,

Board of Adjustment Meeting
May 24, 2018
Variance Request #18-93000002

	rather than a variance. Approval of a waiver to the code would not be permitted.
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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.

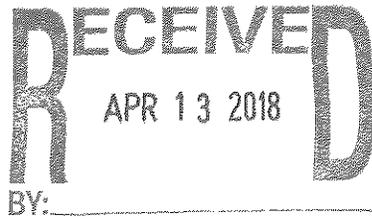
Appeal Procedure:

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



Variance Application
Planning and Development Department
604 West Fairmont Parkway
La Porte, Texas 77571
281-470-5057

OVERVIEW

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

SUBMITTAL REQUIREMENTS

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

- Completed **application form**.
- Application fee** of Residential - \$150, Commercial - \$250; nonrefundable.
- Site plan or plot plan**, drawn to scale and dimensioned to show the location of the proposed Variance.
- Project description/justification letter** that thoroughly explains what is being requested and why such Variance should be approved by the ZBOA.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

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



Variance Application
Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 3047 Carlisle La Porte, TX 77511
Legal description where Variance is being requested: yard
HCAD Parcel Number where Variance is being requested: 0610570160021
Zoning District: R-1 Lot area: _____

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

Description of Request: We put up a fence in the front yard of the house and are completing the variance application in order to get approval of the fence.

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

PROPERTY OWNER(S) INFORMATION

Name: Forrest Crump
Company (if applicable): _____
Address: 2214 Tallowwood Dr.
City: Deer Park State: TX Zip: 77536
Phone: 832 689 6213 Email: fcump5a@gmail.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): Forrest Crump Date: 4-11-2018

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Variance Application

Planning and Development Department

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

- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to Variance requests.

CHAPTER 106. ZONING DISTRICTS, USES AND REGULATIONS. CODE REQUIREMENTS

Sec. 106-192. - Variance.

(a) *Application for variances.* All applications for a variance from the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and the grounds thereof. Each such application shall be filed with the enforcement officer who after investigation shall transmit such application together with his report to the board of adjustment within ten days after the filing of the application with the enforcement officer.

(b) *Findings of fact/definition of hardship.*

(1) The term "variance" shall mean a deviation from the literal provisions of this chapter which is granted by the board when strict conformity to this chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

(2) Except as otherwise prohibited, the board is empowered to authorize a variance from a requirement of this chapter when the board finds that all of the following conditions have been met:

a. That the granting of the variance will not be contrary to the public interest;

b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

c. That by granting the variance, the spirit of this chapter will be observed.

(3) The applicant shall have the burden of proving to the board that the foregoing conditions have been met.

(c) *Use variance prohibited.* No variance shall be granted to permit a use in a zoning district in which that use is prohibited.

(d) *Hearings on applications for variances.* The board of adjustment shall fix a reasonable time for the hearing of all applications for variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time, as specified in section 106-194 (Notice of public hearings before the board of adjustments). Upon the hearing any party may appear in person or by agent or by attorney.



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. The yard sits on a corner lot, so there is no yard.
2. Safety. My tenants have a 2 year old child. The fence was built to accommodate them. The child cannot run and play safely in a yard without a fence keeping them in the yard.
3. There are multiple fences up and down the street built in similar fashion.
4. Aesthetics. I spoke to several neighbors who said that they feel the fence improves the aesthetics of the home and helps the overall value of the neighborhood.
5. For the safety of surrounding neighbors, the fence also provides a barrier from the children next door or who may be walking by the yard, protection from a pet in the yard.

Children/
people



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: 3047 Carlisle La Porte, TX 77571
LEGAL DESCRIPTION: LP11 BLOCK 16
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.

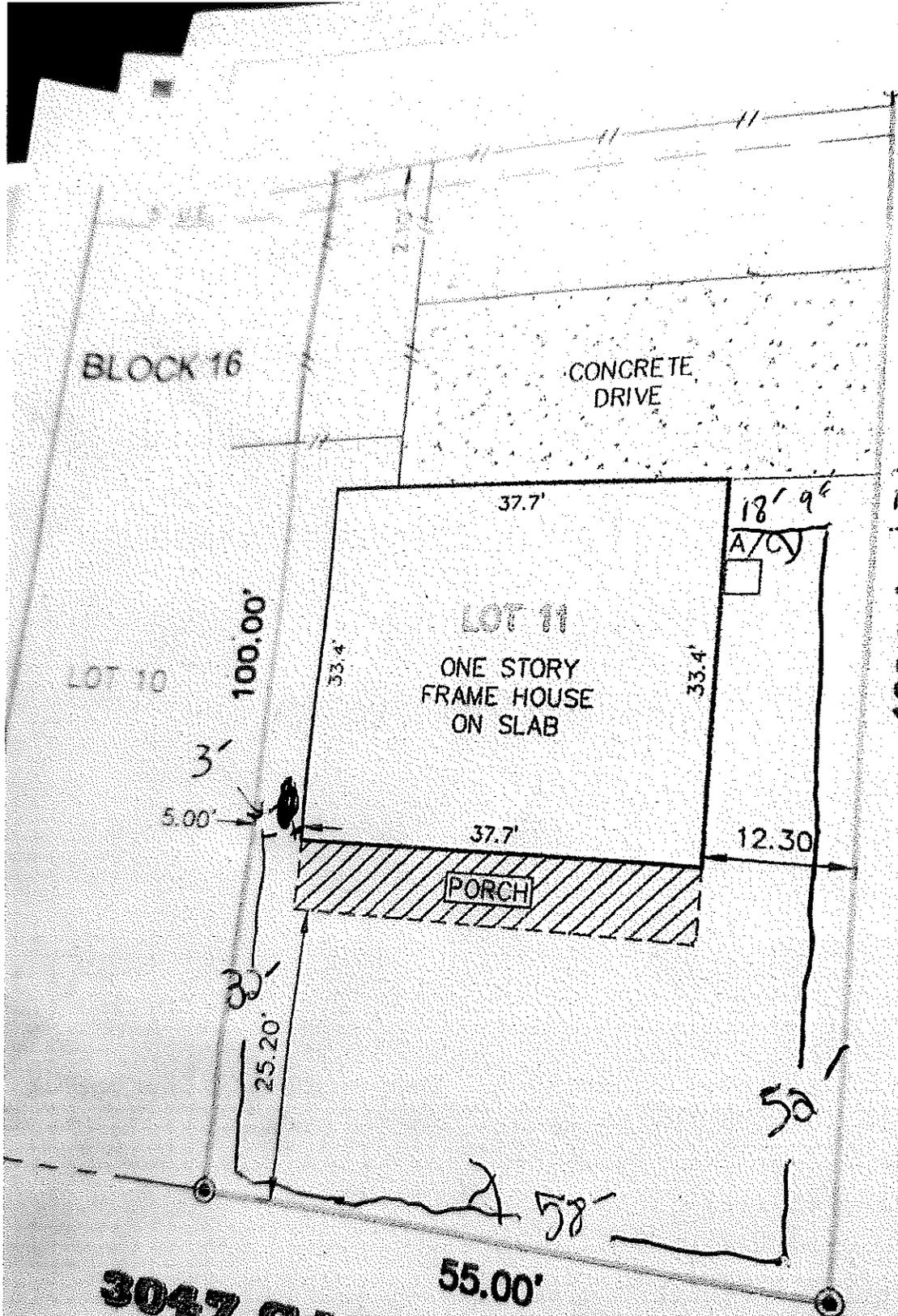
Kristin Crump
Applicant's Signature

Kristin Crump
Applicant's Printed Name

Subscribed and sworn before me this 13 day of April, 2018 by Kristin Crump (Print Applicant's Name).



Darla Tidwell
Notary Public
My commission expires: 12-12-19



BLOCK 16

CONCRETE DRIVE

LOT 11

ONE STORY FRAME HOUSE ON SLAB

PORCH

BAYSIDE DRIVE

(60' R.O.W.)

3047 CARLISLE STREET
 PLATTED AS CARLISLE AVENUE
 (40' R.O.W.)



5043





NOTIFICATION MAP

Variance
18-93000002

3047 Carlisle St.

Legend

 3047 Carlisle St



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 = 70 feet



MAY 2018
PLANNING DEPARTMENT



ZONING MAP

Variance
18-9300002

3047 Carlisle St.

Legend

 3047 Carlisle St



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 = 175 feet



MAY 2018
PLANNING DEPARTMENT

May 15 18 08:45p

p.1



A Meeting of the La Porte
Zoning Board of Adjustment

Scheduled for
May 24, 2018

To Consider
Variance Request #18-93000002

I have received notice of the above referenced public hearing.

I am in FAVOR of granting this request for the following reasons:

I am OPPOSED to granting this request for the following reasons:

- built w/o permit
- Potential for animals to get barking when walking by
- ~~possible~~ Possible precedent to be set if allowed
- unsightly

MARCUS MAHER
Name (please print)

Marcus Maher
Signature

3027 FONDREN ST.
Address

LA PORTE, TX 77571
City, State, Zip

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



May 24, 2018

AGENDA ITEM 6

Variance Request #18-93000003
3130 Fondren St

*Chase Stewart, Planning Technician
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 Erin Raney Gaete, for the property located at 3130 Fondren St., legally described as Lots 5 & 15 Block 20, Bayside Terrace, which would permit a deviation from the setback requirements for a residential lot.

The applicant is requesting leniency in regards to the setback requirements defined as 25 linear feet from the front property line and the minimum setback adjacent to any utility easement located in a rear yard of 3 feet. This challenges Section 106-333, footnote #3 of the La Porte Code of Ordinances. The applicant is seeking a setback relief of 5 ft, 6 ½ inches from the front property line and a setback set to 0 ft from the utility easement in the rear.

DISCUSSION

Applicant:

Erin Radney Gaete, Authorized Agent

Subject Site:

The subject site makes up a 0.199 acre tract of land located at 3130 Fondren St. The attached Exhibit B is an area map that shows the location of the property in question. The site is currently undeveloped land and is situated in a residential R-1 neighborhood. The parcel is bisected by a utility easement and the applicant is proposing to build a single family home on the eastern half of the property.

Zoning Information:

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

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

Board of Adjustment Meeting
 May 24, 2018
 Variance Request #18-93000003

Applicable Code Provisions:

Section 106-333

Uses ⁸	Minimum Lot Area/D.U. S.F.	Minimum Lot Width L.F.	Minimum Yard Setbacks L.F. F.R.S. ^{2, 3, 4, 5, 6, 10, 11, 12, 13, 14}	Maximum Height ¹⁵
Single-family detached	6000	50	25-15-5	35 Ft.

3 The minimum setback adjacent to any utility easement located in a rear yard shall be three feet. No portion of any building including projections of any nature shall encroach into any utility easement or vertical projection of the easement boundary.

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 this variance will not adversely affect the surrounding area because it would accommodate a structure of a similar nature.
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	There would be no hardship encoured from the literal enforcement of Chapter 106-333

Board of Adjustment Meeting
May 24, 2018
Variance Request #18-93000003

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 spirit would be observed because the variance request is a relief from restrictive setbacks rather than an abolishment of them entirely. 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.

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

AFFIDAVIT OF POSTING
ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS
COUNTY OF HARRIS
CITY OF LA PORTE

I, 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: 3130 Fondren Street
LEGAL DESCRIPTION: Lot 5 and 15 in block 20 of Bayside Terrace

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: May 13th, 2018

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.

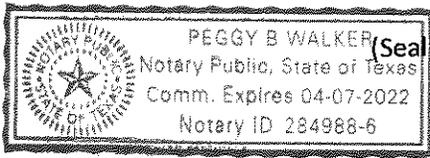
Sharon Gaete
Applicant's Signature

Sharon Gaete
Applicant's Printed Name

Subscribed and sworn before me this 25th day of April, 2018, by
Sharon Gaete (Print Applicant's Name).

Peggy B Walker
Notary Public

My commission expires: _____



Variance Application
Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

The lot at 3130 Fendren street, where Jorge and Sharon Gaek would like to build their home, will not allow a home to be built that complies with the current setbacks.

Variance Application
Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 3130 Fondren Street
Legal description where Variance is being requested: Lot 5 and 15 in block 20 of Bayside Terrace
AD Parcel Number where Variance is being requested: 0610570200005
Zoning District: Low Density Residential Lot area: 8669-SF
Variance request is hereby made to the Board of Adjustment of the City of La Porte.
Description of Request: ① a 0 ft setback from rear utility easement
② setback encroachment of 5 feet 6.5 inches into front setback

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

PROPERTY OWNER(S) INFORMATION

Name: Sharon and Jorge Gaete
Company (if applicable): _____
Address: 3134 Hamilton street
City: La Porte State: TX Zip: 77571
Phone: 832-724-5919 Email: sgaete@aol.com

AUTHORIZED AGENT (if other than owner)

Name: Erin Radney Gaete
Company (if applicable): _____
Address: 10313 North L Street
City: La Porte State: TX Zip: 77571
Phone: 832-326-4290 Email: radneye@yahoo.com

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Erin Radney Date: 4-21-18

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

STAFF USE ONLY:
Case Number: _____

Date Application Received: _____

Variance Application

Planning and Development Department

In order for the ZBOA to approve a Variance, it must find all of the following criteria have been met:

1. Granting the variance will not be contrary to the public interest.
2. Enforcing the code provision will result in an unnecessary hardship due to the following situations that are unique to the property: irregularity associated with the size or shape of the lot, unique topography or some other unique physical situation associated with the property. An unnecessary hardship does not relate to convenience, financial consideration, or the applicant's own actions.
3. Granting the variance will be consistent with the spirit of the city's Zoning Ordinance.

If the ZBOA *approves* the Variance request, then the applicant will have 90 days from the date of the meeting to obtain any necessary building permits for construction. If the ZBOA *denies* the Variance request, then the applicant may file a petition to the court in accordance with Section 106-196 of the City of La Porte's Code of Ordinances.

The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to Variance requests.

CODE REQUIREMENTS

c. 106-192. - Variance.

Application for variances. All applications for a variance from the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and the grounds thereof. Each such application shall be filed with the enforcement officer who after investigation shall transmit such application together with his report to the board of adjustment within ten days after the filing of the application with the enforcement officer.

Findings of fact/definition of hardship.

(1) The term "variance" shall mean a deviation from the literal provisions of this chapter which is granted by the board when strict conformity to this chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

(2) Except as otherwise prohibited, the board is empowered to authorize a variance from a requirement of this chapter when the board finds that all of the following conditions have been met:

a. That the granting of the variance will not be contrary to the public interest;

b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

c. That by granting the variance, the spirit of this chapter will be observed.

(3) The applicant shall have the burden of proving to the board that the foregoing conditions have been met.

Use variance prohibited. No variance shall be granted to permit a use in a zoning district in which that use is prohibited.

Hearings on applications for variances. The board of adjustment shall fix a reasonable time for the hearing of all applications for variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time, as specified in section 106-194 (Notice of public hearings before the board of adjustments). Upon the hearing any party may appear in person or by agent or by attorney.



Variance Application

Planning and Development Department
604 West Fairmont Parkway
La Porte, Texas 77571
281-470-5057

OVERVIEW

A Variance is required for any deviation from the requirements of the city's Zoning Ordinance as outlined in Section 06-192 of the City of La Porte's Code of Ordinances. A Variance is only granted when strict conformity to the provisions of the code would cause an unnecessary hardship because of the circumstances unique to the property in which the variance is granted. Variance requests are reviewed by the Zoning Board of Adjustment (ZBOA) after a public hearing. The ZBOA consists of residents of the community appointed by City Council. The ZBOA meets on the fourth Thursday of every month, as necessary.

SUBMITTAL REQUIREMENTS

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

- Completed **application form**.
- Application fee** of Residential - \$150, Commercial - \$250; nonrefundable.
- Site plan or plot plan**, drawn to scale and dimensioned to show the location of the proposed Variance.
- Project description/justification letter** that thoroughly explains what is being requested and why such Variance should be approved by the ZBOA.
- Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Planning and Development Department.

PROCESS

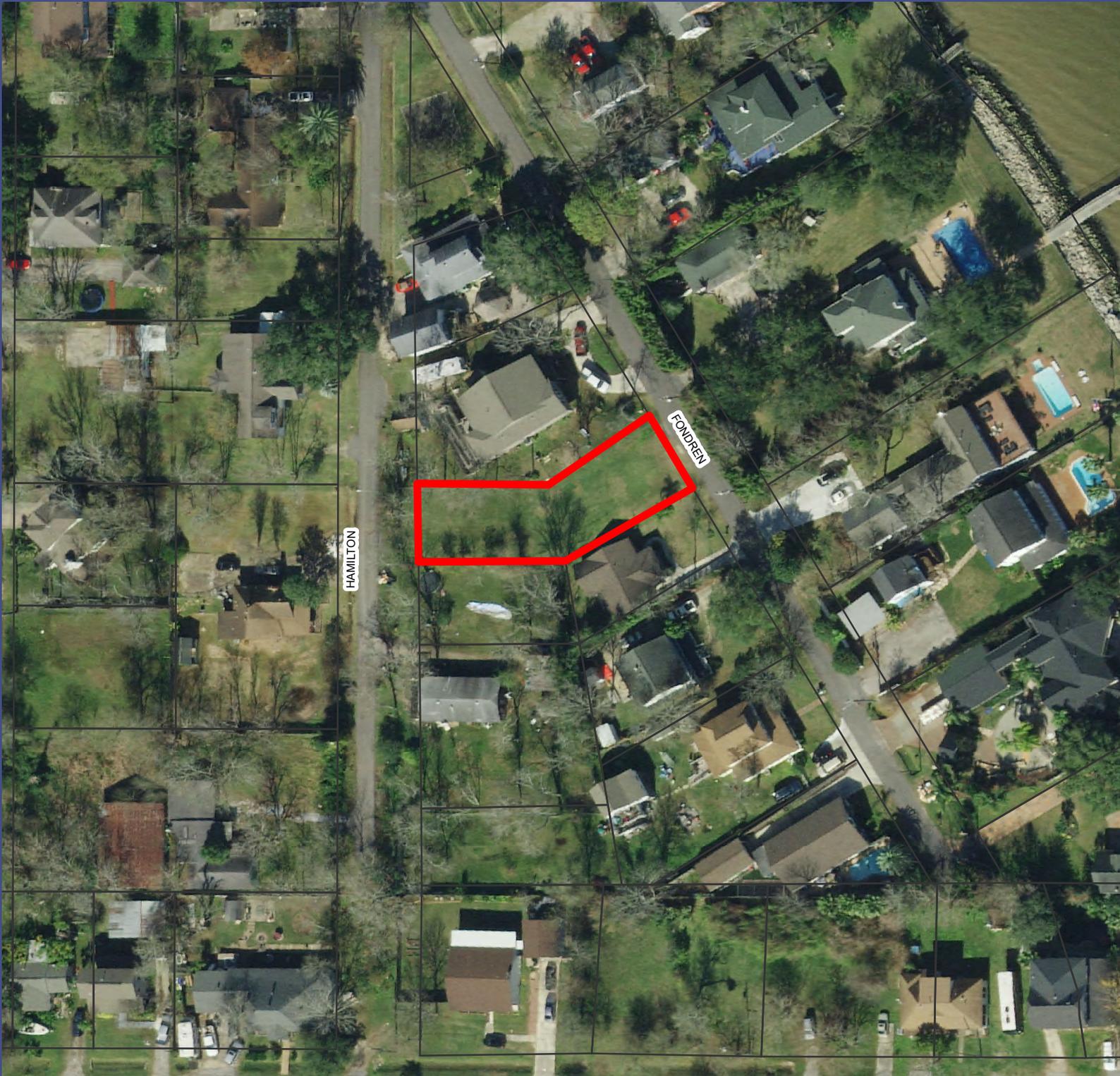
- Upon receipt of a complete application package by the Planning and Development Department, the Variance request will be scheduled for the next available ZBOA meeting date.
- The Planning and Development Department will provide a Notice of Public Hearing sign to the applicant that must be posted on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

Project Description

Sharon and Jorge Gaete purchased the property at 3130 Fondren Street for the purpose of building a house. This property is two lots. One faces Fondren Street and the other faces Hamilton Street. It is an odd shaped lot and it also has a 10 foot utility easement that runs between the two lots. These reasons will not allow them to build a reasonably sized house and keep within the setback requirements of the city.

They would like to build a 1450 SF house on their lot. In order to build this home, they will need two setback variances.

1. A 5 foot 6 and a half inch variance on the 25 foot front yard setback.
2. A 0 foot setback variance on the 3 foot utility easement setback to minimize the encroachment on the front yard setback. Without this variance, the front yard setback encroachment will be 8 feet 6 and a half inches.



NOTIFICATION MAP

Variance
18-93000003

3130 Fondren St

Legend

 3130 Fondren St.



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1 inch = 83 feet

MAY 2018
PLANNING DEPARTMENT





ZONING MAP

Variance
18-93000003

3130 Fondren St

Legend

 3130 Fondren St.



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MAY 2018
PLANNING DEPARTMENT