



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 27, 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:**
 - a. June 28, 2018 Meeting.
- 4. PUBLIC HEARING:** Open public hearing to consider Special Exception #18-94000002, a request by Kathryn Harris, on behalf of CSBP Land Investments, LP; for a tract of land located at 3300 Bay Area Blvd, and legally described as TR 1M-1; Abstract 625 R Pearsall. The applicant is seeking approval of a Special Exception to allow for a reduction of minimum parking lot requirements for a proposed multi-family development. This is contrary to Section 106-839, which outlines a 1 parking space per Efficiency Unit and 1.5 parking spaces per 1 Bedroom for Multi-family developments, including condominiums.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
- 5. ADJOURN PUBLIC HEARING**
- 6. CONSIDERATION:** Consider approval or other action on Special Exception #18-94000002
- 7. PUBLIC HEARING:** Open public hearing to consider Variance #18-93000006, a request by Bobby Keen, applicant; on behalf of Lisa Erwin, owner; for a tract of land located at 121 Erin Ct., and legally described as Lot 6 Block 1, Spencer Landing Subdivision, Sec. 4. The applicant is seeking approval of variance to allow for a reduction of residential side yard setback requirements from 5 ft. down to 0 ft.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
- 8. ADJOURN PUBLIC HEARING**
- 9. CONSIDERATION:** Consider approval or other action on Variance #18-93000006
- 10. ADMINISTRATIVE REPORTS**
- 11. BOARD COMMENTS** on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
- 12. 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 27, 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**



September 27, 2018

AGENDA ITEM 3

Consider approval of the Meeting Minutes:

a. June 28, 2018

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

**Zoning Board of Adjustment
Minutes of June 28, 2018**

Board Members Present: Rod Rothermel, Dennis Oian, Thomas Deen, and Phillip Hoot

Board Members Absent: Nettie Warren, Chester Pool, and Shelley fuller

City Staff Present: Assistant City Attorney Clark Askins, Assistant City Manager Jason Weeks, Planning Director Richard Mancilla, City Planner Ian Clowes, and Planning Technician Chase Stewart

1. Call to Order.

Chairman Rod Rothermel called the meeting to order at 6:00 p.m.

2. Roll call of members.

Board member Nettie Warren, Chester Pool, and Shelley Fuller were not present

3. Consider Approval of Meeting Minutes

a. May 24, 2018.

Motion by Thomas Deen to Approve the meeting minutes of May 24, 2018.

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

Ayes: Rothermel, Oian, Deen

Nays: None

Abstain: Phillip Hoot

4. PUBLIC HEARING: A public hearing to consider Variance Request 18-93000004, a request by Lisa Erwin for a tract of land located at 121 Erin Court, and legally described as Lot 6 Block 1, Spencer Landing Subdivision, Sec. 4. The applicant is seeking approval of a variance that would allow for a reduction of residential driveway design standards from a 12 foot minimum driveway width, to a 6 foot width.

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

a. Staff Presentation

Planning Technician, Chase Stewart, presented staff's report on a variance request 18-93000004.

The applicant is requesting to construct a vehicle storage building on the property that with its projected orientation allowing a maximum driveway width of 6 feet. This is contrary to Section 106-835, Figure 10-2, of the La Porte Code of Ordinances.

The board had a couple of question regarding the classification of this as a driveway as opposed to a sidewalk. It was explained by staff that the only structure required in a side yard is a detached garage and thus a driveway would be required, not a sidewalk. Minimum driveway width is 12'.

b. Applicant Presentation

Lisa Erwing and Bobby Keen, 121 Erin Ct. explained their desire to construct a detached garage with a narrowed driveway in order to park their motorcycles and alleviate parking issues in the cul-de-sac.

c. Public Comments

Charles Knight, 117 Erin Ct. is the adjoin neighbor and stated that he was in favor of the proposed variance.

Chairman Rothermel closed the public hearing at 6:11 p.m.

d. Question and Answer

Board member Hoot had a number of issues with the proposed variance and could not see how this met the requirements of approval for a variance. He also pointed out that the side setback of 3' will not be able to be met. He had concerns with drainage along the side and back property line and concerns over lot coverage. Staff explained that full design review will be completed under the building permit application.

Board member Oian stated that he was okay with the proposed variance.

Board member Deen had concerns that the work had begun on the project prior to approval of any building permits.

Board member Hoot requested that the minutes note that Chairperson Rothermel stated that the purpose of the ZBOA is not to discuss the construction of the building but rather the width of the driveway. Board member Hoot asked if this was a citizen oversight board and Chairperson Rothermel stated that it is not.

Board member Hoot stated his belief that approval of this variance is not in the spirit or interest of the zoning laws of the City of La Porte.

1st Motion by Phillip Hoot to deny variance 18-93000004

Second by Thomas Deen. **Motion did not carry, 2-2**

Ayes: Deen, Hoot

Nays: Rothermel, Oian

Motion by Thomas Deen to approve variance 18-93000004

Second by Dennis Oian. **Motion failed, 3-1**

Ayes: Rothermel, Oian, and Deen
Nays: Hoot

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

- 5. PUBLIC HEARING A public hearing to consider Special Exception 18-94000001, a request by Alan Mueller (on behalf of Beazer Homes), for the tract of land located at 3500 Bay Area Blvd, and legally described as Reserve "A", Recreation Center, Morgan's Landing. The applicant is seeking approval of a Special Exception that is permitted in Sec. 106-191 to waive or reduce off-street parking requirements..**

Chairman Rothermel opened the public hearing at 6:21 p.m.

a. Staff Presentation

Planning Technician, Chase Stewart, presented staff's report on a variance request 18-94000001.

The applicant is requesting a waiver from the off-street parking requirements as permitted in Section 106-191. In lieu of the off-street parking, the applicant is proposing to provide dedicated on-street parallel parking for the proposed recreation center in Morgan's Landing Subdivision.

b. Applicant Presentation

Alan Mueller, Gromax Development, 4201 Broadway St. Pearland, TX explained that the recreation center will utilize on-street parking in order to maximize the amount of green space for the rec. center.

Casey Collin, Landscape Architect, Kudela & Weinheimer 7155 Old Katy Rd., Houston, TX went over the plans for the rec. center.

Board member Hoot asked if there is enough space for cars to be parked on either side of the street. Alan Mueller explained that the on-street parking will be accommodated by expanding the width of the paved area for the collector street in front of the rec. center and would be wide enough for parking on both sides.

c. Public Comments

None.

Chairman Rothermel closed the public hearing at 6:31 p.m.

d. Question and Answer

Board member Dennis Oian wanted to make sure that ADA parking requirements would be met.

Board member Deen did not have a problem with it but wanted to ensure the safety of children and that adequate ADA parking would be provided.

Board member Hoot asked about details regarding traffic calming measures. Alan Mueller explained what items would be implemented.

City Engineer, Lorenzo Wingate explained his concerns regarding the ADA parking potentially jutting out into the road and limiting the drive width. Alan Mueller explained that the additional width for ADA will be taken from the sidewalk side of the street and would not restrict the paving drive width.

Alex Van Duzer, Cobb Fendley, 13430 Northwest Frwy., Houston, TX explained how the plan will adequately address the ADA parking and the proposed travel widths for the roadway.

Motion: Thomas Deen motions to approve special exception 18-94000001
Second by Dennis Oian. **Motion Carried, 4-0**

Ayes: Rothermel, Oian, Deen, and Hoot
Nays: None

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

6. Administrative Reports

City Planner Ian Clowes reminded the board of the upcoming Roberts Rules of Orders Seminar scheduled for July 26, 2018 at San Jacinto College, and encouraged the board members to attend.

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

None.

8. Adjourn

Motion by Phillip Hoot to adjourn.
Second by Dennis Oian. **Motion Carried, 4-0**

Ayes: Rothermel, Deen, Oian, and Hoot
Nays: None

Chairman Rothermel adjourned the meeting at 6:39 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**



August 23rd, 2018

AGENDA ITEM 4

Special Exception #18-94000002
3300 Bay Area Blvd

*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 Special Exception by Kathryn Harris, on behalf of CSBP Land Investments, LP; for a tract of land located at 3300 Bay Area Blvd, and legally described as TR 1M-1; Abstract 625 R Pearsall. The applicant is seeking approval of a Special Exception to allow for a reduction of minimum parking lot requirements for a proposed multi-family development. This is contrary to Section 106-839, which outlines a 1 parking space per Efficiency Unit and 1.5 parking spaces per 1 Bedroom for Multi-family developments, including condominiums..

DISCUSSION

Subject Site:

The subject site makes up a 28.524 +/- acre tract of land located at 3300 Bay Area Blvd. The attached Exhibit B is an area map that shows the location of the property in question. The site is undeveloped and is situated in a Planned Unit Development zoning district. The proposed special exception would only reduce the minimum parking requirement for the property as defined by the code.

Zoning Information:

The site is currently zoned Planned Unit Development, PUD, as shown in the attached Exhibit C. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	GC, General Commercial	Commercial
South	BI, Business Industrial	Industrial
West	R-1, Residential	Single Family Homes
East	PUD, Planned Unit Development	Multiple

Applicable Code Provisions:

Section 106-839, outlines a 1 parking space per Efficiency Unit and 1.5 parking spaces per 1 bedroom for Multi-family developments, including condominiums.

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Special Exception #18-94000002

Analysis:

Section 106-191 of the Zoning Ordinance states that the term “special exception” represents a “deviation from the requirements of this chapter, specifically enumerated herein, which shall be granted only in the following instances, and then only when the board finds that such special exception will not adversely affect the value and use of adjacent or neighboring property or be contrary to the best public interest”

The applicable code for this case is as follows: Section 106-191 (3) “To waive or reduce off-street parking and loading requirements when the board finds the same are unnecessary for the proposed use of the building or structure for which the special exception request applies.”

The following table outlines those criteria and staff’s analysis of those criteria.

Criterion:	Staff Finding:
a. That the granting of the special exception will not be contrary to the public interest	The granting of permission of this special exception to the applicant will not be contrary to the public interest
b. That by granting the special exception, the spirit of this chapter will be observed.	By definition, this request will still utilize the code to facilitate a development. In no means would the granting of this special exception adversely affect the spirit of this chapter.

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

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Special Exception #18-9400002

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



June 22, 2018

City of La Porte
Planning and Development Dept.
604 W. Fairmont Pkwy
La Porte, TX 77571



Re: Special Exception Application for CSBP Land Investments

Dear City of La Porte,

Please accept this Special Exception Application on behalf of CityStreet Residential Partners for your consideration. Once a hearing date has been scheduled, please send us a copy, either via email or mail, of the notice we have agreed to place at the subject property site.

Enclosed are the following items:

1. Application
2. Check for \$250
3. Site Plan
4. Justification Letter
5. Affidavit Agreeing to Notice Placement (although we have not received a notice at this time)

We look forward to working with you on this matter and others related to the planned development.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Kathryn Harris'.

Kathryn Harris
Development Analyst



Special Exception Application

Planning and Development Department

PROJECT INFORMATION

Address where Special Exception is being requested: 2500 Bay Area Blvd, La Porte TX 77571

Legal description where Special Exception is being requested: TR 1M-1; ABST 625 R Pearsall (Full details attached)

HCAD Parcel Number where Special Exception is being requested: 0440510000102

Zoning District: PUD, R-3 Lot area: _____

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

Description of Request: Request to accept CSRP's proposed parking ratio of 1.67 spaces per unit versus ordinance of 1.746 spaces per apartment unit.

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

PROPERTY OWNER(S) INFORMATION

Name: CSBP Land Investments, LP

Company (if applicable): CityStreet Residential Partners; Contact: Derick Craig

Address: 1300 Post Oak Blvd, Suite 1650

City: Houston State: TX Zip: 77056

Phone: 713-333-1600 Email: [REDACTED]

AUTHORIZED AGENT (If other than owner)

Name: _____

Company (if applicable): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: _____ Date: _____

CSBP LAND INVESTMENTS, LP
a Texas limited partnership
By: City Street GP, LLC

By:
James F. (Derick) Craig IV
Vice President

Owner(s)' Signature(s): a Texas limited liability company, its general partner Date: 6/22/2018

STAFF USE ONLY:

Case Number:

18-9400002

Date Application Received:

RECEIVED
JUN 25 2018
BY:



Special Exception Application

Planning and Development Department

TYPE OF SPECIAL EXCEPTION REQUEST

A Special Exception allows for deviation from the requirements of the City's Zoning Ordinance. In order to grant a Special Exception, the Zoning Board of Adjustments (ZBOA) must find that the exception is not contrary to the best public interest and will not adversely affect the value or use of an adjoining property. Special Exceptions considered by ZBOA are limited to the following requests:

Check applicable box for specific Special Exception request:

- Reconstruction of (or addition to) an existing building occupied by a non-conforming use
- Deviation of lot setbacks as stipulated by the City's Zoning Ordinance
- Elimination or reduction of off-street parking and loading regulations
- Deviation from minimum lot size/width requirements within the Large Lot District

REASON(S) FOR SPECIAL EXCEPTION REQUEST

1. Based on the city required parking ratios and the unit mix of this development, the required parking ratio is 1.746 spaces per apartment unit. CSRP is requesting a parking ratio of 1.67. This is only a 4% difference. This request is based on several factors. Most importantly, CSRP has carefully zoned the parking to the buildings and each unit. This has been done in a conservative manner so as to never experience a parking shortage. CSRP and its architect have determined a ratio of 1.67 is more than adequate and each space has been allocated to a building. Secondly, CSRP recently completed a very similar multifamily development. Based on the number of cars per unit at this property, a ratio of 1.45 would be adequate for the La Porte development, significantly fewer than what is being requested. Lastly, CSRP uses Greystar to professionally manage its properties. Greystar conducted a parking analysis of 25 Greater Houston Area properties. The average parking ratio for these properties is 1.53 and the median parking ratio is 1.5, which Greystar found to be sufficient. The extra required spaces are unnecessary for this development. Reducing the parking ratio to 1.67 will not be contrary to the best public interest and will not adversely affect the value or use of an adjoining property.

2. _____

3. _____



Special Exception 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: 2500 Bay Area Blvd, La Porte TX 77571 LEGAL DESCRIPTION: TR 1M-1; ABST 625 R Pearsall (Full details attached)
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date:
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Applicant's Signature
CSBP LAND INVESTMENTS, LP
a Texas limited partnership
By: James F. (Derick) Craig IV
Vice President
Applicant's Printed Name

Subscribed and sworn before me this 22 day of June, 2018, by James F Craig IV (Print Applicant's Name).

Notary Public

(Seal) My commission expires: 2/13/2021





June 22, 2018

City of La Porte
Planning and Development Dept.
604 W. Fairmont Pkwy
La Porte, TX 77571

Re: Special Exception Application

To Whom It May Concern:

CityStreet Residential (CSRP) is planning a 350 unit, Class A+, luxury multifamily development. The City of La Porte requires the following parking ratios for multifamily developments:

- 1.5 spaces per 1 bedroom unit
- 2 spaces per 2 bedroom unit
- 2.5 spaces per 3 bedroom unit

Based on these parking ratios and the unit mix of this development, the parking spaces required totals 611, or a parking ratio of 1.746 spaces per apartment unit. CSRP is requesting a reduced parking count of 585 spaces, or a ratio of 1.67. This is a difference of only 26 spaces, or 4%. CSRP and its architect look closely at its site plans and carefully “zone” the parking. This means the counts and locations of parking spaces are determined based on each building’s unit mix. CSRP always errs on the conservative side so that there are never parking shortages once the development is constructed and fully occupied. In this case, CSRP and its architect have determined a ratio of 1.67 is more than adequate and each space has been allocated to a building.

Additionally, CSRP recently completed a very similar development, located in Harris County on Beltway 8 at Wallisville Road (www.domainnewforest.com). Based on the number of cars per unit at this property, 508 spaces or a ratio of 1.45 would be required for the La Porte development, significantly fewer than what is being requested.

Lastly, CSRP uses Greystar to professionally manage its properties. Greystar has offices in more than 25 cities serving over 115 markets globally and over 400,000 residences under management. They currently rank first among the top 50 U.S. Apartment Managers according to the 2014 National Multi Housing Council Survey. Greystar has a reputation that speaks for itself and is widely recognized as the best multifamily management company in the city and among the best in the nation. Greystar conducted a parking analysis of 25 Greater Houston Area properties, including 7 mid-rises and 18 garden properties. The average parking ratio for these properties is 1.53 and the median parking ratio is 1.5. Greystar found that a ratio between 1.5 and 1.6 is the “breakeven” point in regards to issues with parking availability.

The extra 26 required spaces are unnecessary for this development. Reducing the parking ratio to 1.67 will not be contrary to the best public interest and will not adversely affect the value or use of an adjoining property.

Legal Description of the Subject Property may be found below:

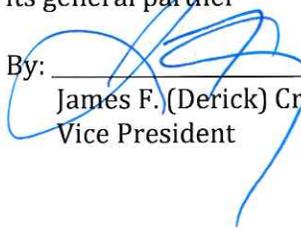
Being a tract of land containing 28.524 acres (1,242,526 square feet) out of a 234.686 acres (10,222,915 square feet) situated in the Richard Pearsall Survey, A-625 in Harris County, Texas, and being out of a called 485.51426-acre tract conveyed unto PPG Industries, Inc., by deed recorded under County Clerk's File No. G484569 of the Official Public Records of Real Property of Harris County, Texas.

Thank you for your time and consideration of this matter.

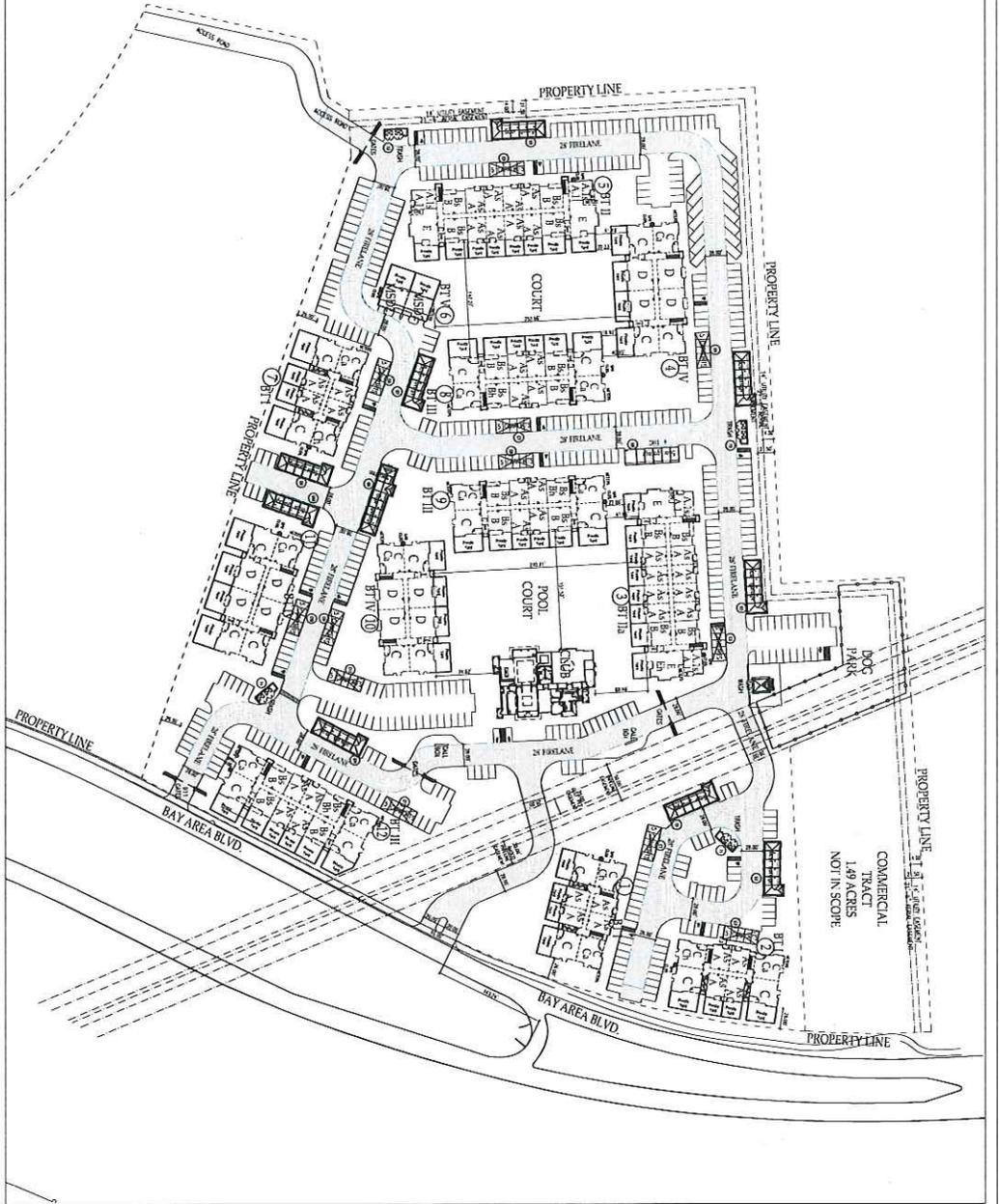
Sincerely,

CSBP LAND INVESTMENTS, LP
a Texas limited partnership

By: City Street GP, LLC
a Texas limited liability company,
its general partner

By: 
James F. (Derick) Craig IV
Vice President





LEGEND		BUILDING TYPE I - RESIDUAL 1215	BUILDING TYPE II - RESIDUAL 1215	BUILDING TYPE III - RESIDUAL 1215	BUILDING TYPE IV - RESIDUAL 1215	BUILDING TYPE V - RESIDUAL 1215
GENERAL COURT FIRE STATION POOL PARKING	BUILDING TYPE I BUILDING TYPE II BUILDING TYPE III BUILDING TYPE IV BUILDING TYPE V	BUILDING TYPE I BUILDING TYPE II BUILDING TYPE III BUILDING TYPE IV BUILDING TYPE V	BUILDING TYPE I BUILDING TYPE II BUILDING TYPE III BUILDING TYPE IV BUILDING TYPE V	BUILDING TYPE I BUILDING TYPE II BUILDING TYPE III BUILDING TYPE IV BUILDING TYPE V	BUILDING TYPE I BUILDING TYPE II BUILDING TYPE III BUILDING TYPE IV BUILDING TYPE V	BUILDING TYPE I BUILDING TYPE II BUILDING TYPE III BUILDING TYPE IV BUILDING TYPE V



Domain at La Porte
 Site Plan
 SCALE: 1" = 60'
 La Porte, Texas
 for
 City Street Residential



DOMAIN LA PORTE - OVERALL SITE PLAN





EXHIBIT B
AERIAL MAP

Special Exception
18-9400002

Domain at La Porte

Legend

 Domain at La Porte



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 = 333 feet



SEPTEMBER 2018
PLANNING DEPARTMENT

R-3

R-1

MAIN

GC

BAY AREA

25TH

PUD

EXHIBIT C

ZONING MAP

**Special Exception
18-9400002**

Domain at La Porte

Legend

 Domain at La Porte



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 = 333 feet



SEPTEMBER 2018
PLANNING DEPARTMENT

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



September 27, 2018

AGENDA ITEM 7-9

Variance Request #18-93000006
121 Erin Court

*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 Lisa Erwin for the property located at 121 Erin Court, legally described as Lot 6 Block 1, Spencer Landing Subdivision, Sec. 4, which would grant the applicant a reduction of the side building setback from a 5 foot minimum, to a 0 foot.

The applicant is requesting to expand the width of their driveway, which would place it directly adjacent to the southern side property line. This is contrary to Section 106-333, of the La Porte Code of Ordinances.

DISCUSSION

Subject Site:

The subject site makes up a 0.219 acre tract of land located at 121 Erin Ct. 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 proposed variance would reduce the required side setback from 5 feet down to 0 feet, for the southern property. This will allow for the expansion of the existing driveway which would permit more maneuvering space for the applicants vehicles.

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	PUD, Planned Unit Development	Undeveloped
East	R-1, Residential	Single Family Home

Applicable Code Provisions:

Section 106-333, outlines the Residential driveway design standards within the City of La Porte.

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 Variance Request #18-93000006

Section 106-835, Table B, provides residential area requirements for all residentially zoned property. For single family residential located within the R-1 zoning district, the minimum side setback is 5 feet for any structure. Driveway constriction is considered to be a structure.

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 of this variance to the applicant will not be contrary to the public interest of the surrounding neighborhood.
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 will still observe the spirit of the chapter by asking for a reduction of requirements, not abolishing them completely.

Notice of Public Hearing:

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

Board of Adjustment Meeting
September 27, 2018
Variance Request #18-93000006

- 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

PROJECT INFORMATION

Address where Variance is being requested: 121 Erin Court
Legal description where Variance is being requested: Lot 6, Block 1, Spencer Landing Subdivision, Sec 4
HCAD Parcel Number where Variance is being requested: 12354700010006
Zoning District: _____ Lot area: _____

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

Description of Request: Relax side lot setback requirements along south side of driveway to allow needed widening of existing driveway with path to backyard

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

PROPERTY OWNER(S) INFORMATION

Name: Lisa Erwin
Company (if applicable): _____
Address: 121 Erin Court
City: La Porte State: Texas Zip: 77571
Phone: 832-875-1488 Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Bobby Keen
Company (if applicable): _____
Address: 121 Erin Court
City: La Porte State: Texas Zip: 77571
Phone: 832-875-1488 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: [Signature] Date: 7-25-18
Owner(s)' Signature(s): [Signature] Date: 7-25-18

STAFF USE ONLY:

Case Number:
18-93000006

Date Application Received:
7/26/18



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. Large homes built too close together causing crowding
Narrow driveway with a curve turning into the already small garage
Homeowner owns compact vehicles, even so, must drive on the grass to pull into drive
Conditions cause ruts along the edge of the drive leaving property looking less than desirable
Condition created undue hardship on homeowner

2. Homeowner (without knowing permit was needed) has poured extention and accepts
responsibility for current and future issues with said improvement.

3.

4.

5.



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:

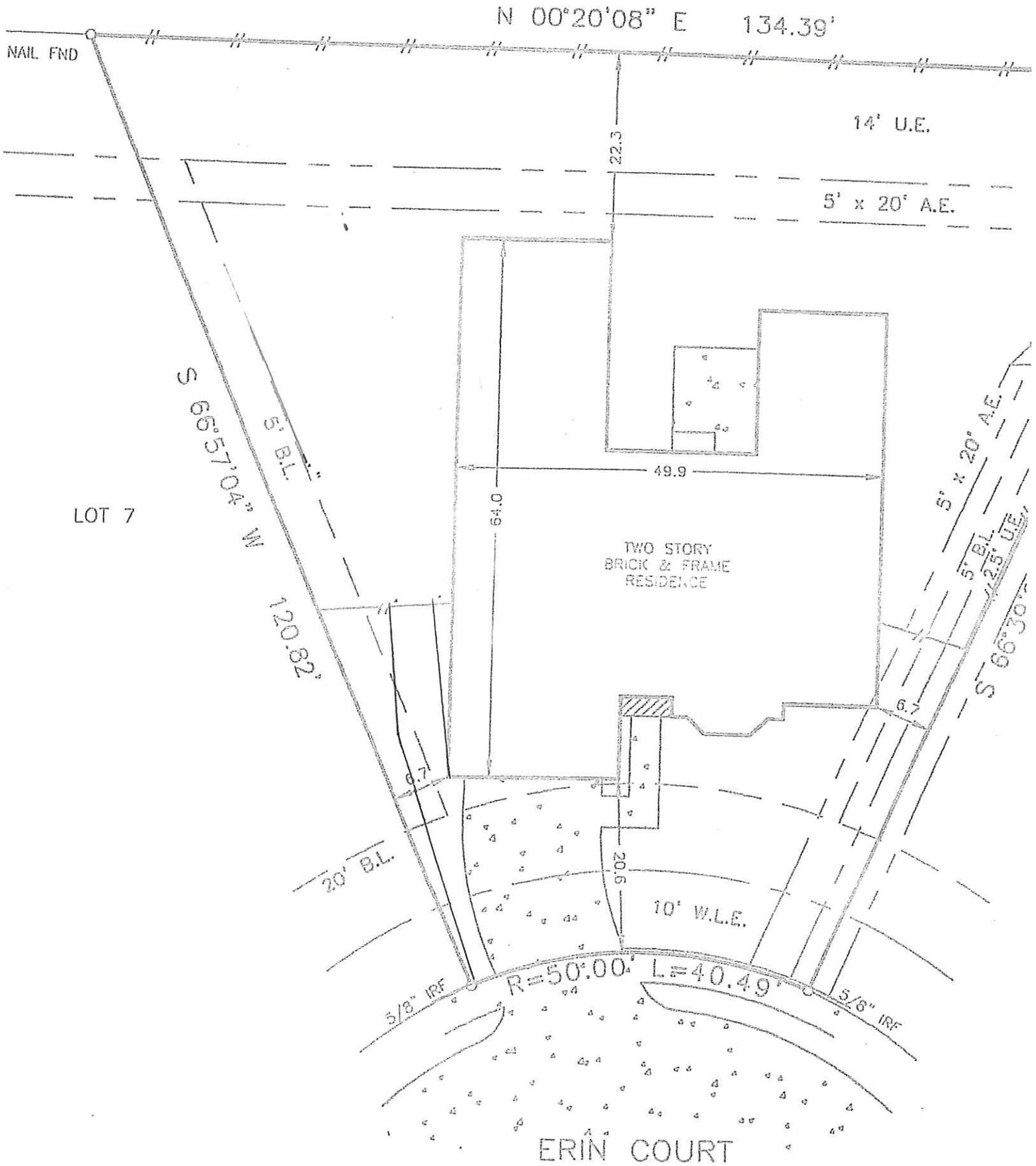
- 1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 121 Erin Court
LEGAL DESCRIPTION: Lot 6, Block 1, Spencer Landing Subdivision, Sec 4
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.

Lisa Erwin
Applicant's Signature
LISA ERWIN
Applicant's Printed Name

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

(Seal)
Notary Public
My commission expires: _____

LOT 31 1/2
HUMBLE PIPELINE COMPANY
C.F. NO. B961636
H.C.O.P.R.O.R.P.



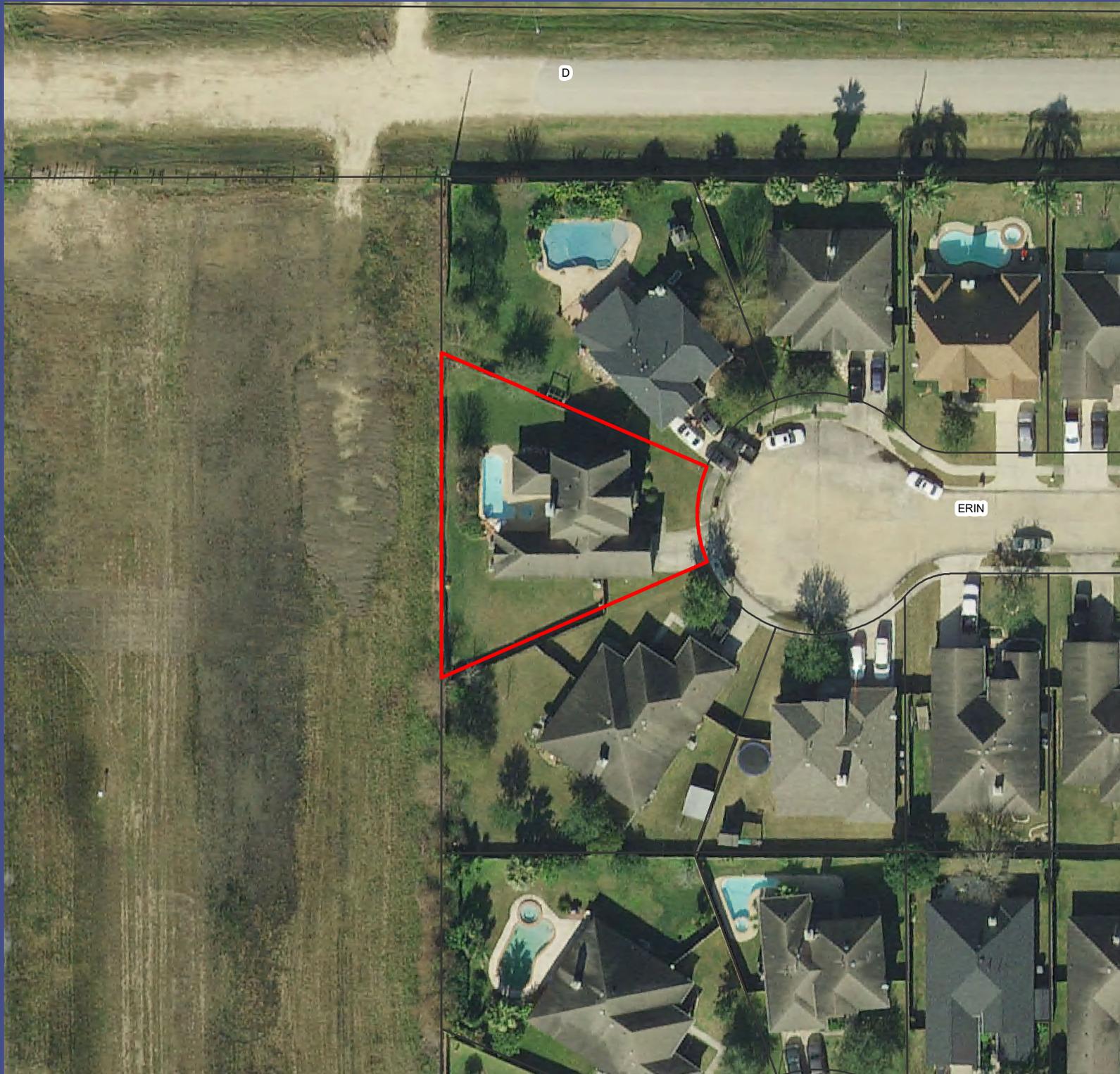


EXHIBIT B
AERIAL MAP

Variance
18-93000006

121 Erin Court

Legend

 121 Erin Court



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 = 56 feet



JSEPTEMBER 2018
PLANNING DEPARTMENT

LLD

D

PUD

R-1

ERIN

EXHIBIT C
ZONING MAP

Variance
18-93000006

121 Erin Court

Legend

 121 Erin Court



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 = 56 feet



SEPTEMBER 2018
PLANNING DEPARTMENT