



City of La Porte Zoning Board of Adjustment Agenda

Notice is hereby given of a Special Meeting of the La Porte Zoning Board of Adjustment to be held on **Thursday, December 6, 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. A public hearing to consider **Variance Request 18-93000008**, a request by Charles Anders on behalf of Bayway Homes for a tract of land located at the intersection of N 7th St and W Madison St and legally described as Lots 1-32, Block 102 La Porte. The applicant is seeking approval of multiple variances as follows:
 - i. A side setback of five feet for Lot 32, 16, 17, & 1, Block 102; 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.
 - ii. 13 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.
 - iii. 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.
 - iv. 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.
- a. Staff Presentation
- b. Applicant Presentation
- c. Public Comments
- d. Question and Answer
4. Administrative reports
5. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
6. 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,

ZBOA Agenda – December 6, 2018 Regular Meeting
Page 2

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, December 6, 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 Adjustment**



December 6, 2018

AGENDA ITEM 3

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. 7th St. and W Madison St. intersection,
legally described as Lots 1-32, Block 102, La Porte.
(Applicant: Bayway Homes)

*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 the variance requested by Charles Anders on behalf of Bayway Homes for the properties generally located at the N. 7th Street and W Madison St, legally described as Lots 1-32, Block 102, La Porte (case #18-93000008) which would allow the applicant to build a new single family attached townhouse development subject to the following variances:

1. A reduction in Side Set Back on Lot 32, Lot 16, Lot 17 and Lot 1, Block 102 from 20 feet to 5 feet; contrary to the provisions of Section 106-333
2. An increase in Dwelling Units per Acre from 10 per acre(24 units) to 13 per acre (32 units); contrary to the provisions of Section 106-333
3. A decrease in distance between driveways from 10 feet to 4 feet; contrary to the provisions of Section 106-835
4. A decrease in driveway from a property line from 3 feet to 2 feet; contrary to the provisions of Section 106-835

DISCUSSION

Applicant:

Charles Anders, on behalf of Bayway Homes

Applicant's Request:

The applicant is seeking approval of multiple variance requests #18-93000008. The variances would allow the applicant to build a new single family attached townhouse development in the Northside area. The request includes a side setback of 5' on 4 lots, a density of 13 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 under contract with La Porte Independent School District to purchase Lots 1-32, Block 102, La Porte.

Subject Site:

The subject lots make up a 2.295 acre tract of land located at the intersection of W Madison St and N 7th and is legally described as Lots 1-32, Block 102 La Porte. The property is located in between N 7th St. and N 6th St.

Board of Adjustment Meeting
December 6, 2018
Bayway Homes Variance

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.
- At the time of this posting, staff has received no public comment, for or against, this variance request

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 site area is currently zoned R-2, Medium-Density Residential. The subject site is partially developed with the a parking lot for the former LPISD Maintenance Facility. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	BI, Business Industrial	Industrial – Tank cleaning/refurbishing
South	R-1/R-2, Low & Medium-density Residential	Single-family homes
West	R-2, Medium-density Residential	Mix of Single-family homes and undeveloped property
East	R-2, Medium-density Residential	Undeveloped property

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.

Board of Adjustment Meeting
 December 6, 2018
 Bayway Homes Variance

Analysis:

The applicant is seeking approval of multiple variances that would allow for the construction of a new single family attached townhouse development with a side setback of 5’ on the northern and southern property lines, a density of 13 units per acre, a distance of 4’ between driveways, and a distance from driveway to side property line of 2’.

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 variances 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, all of the surrounding residential area is undeveloped. The R-2 zoning allows for the proposed use. The development of these townhomes would act as a suitable transition from the single-family homes to the south and the business oriented industrial uses to the north.
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.	<p>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 which leaves only 12’ of the 20’ lot for placement of the driveway (minimum width allowed per code). Section 106-839 requires a minimum of 2 parking spaces 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.</p> <p>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.</p>

Board of Adjustment Meeting
December 6, 2018
Bayway Homes Variance

c. That by granting the variances, the spirit of this chapter will be observed.	Staff feels that with the approval of the proposed variances, the proposed development will meet the spirit and intent of the R-2 zoning district and thus the Chapter 106.
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If the Board so chooses to grant the variances, 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
- Exhibit B: Area map
- Exhibit C: Zoning Map



AERIAL MAP

Variance
18-93000008

532 N 7th St

Legend

 Parcel

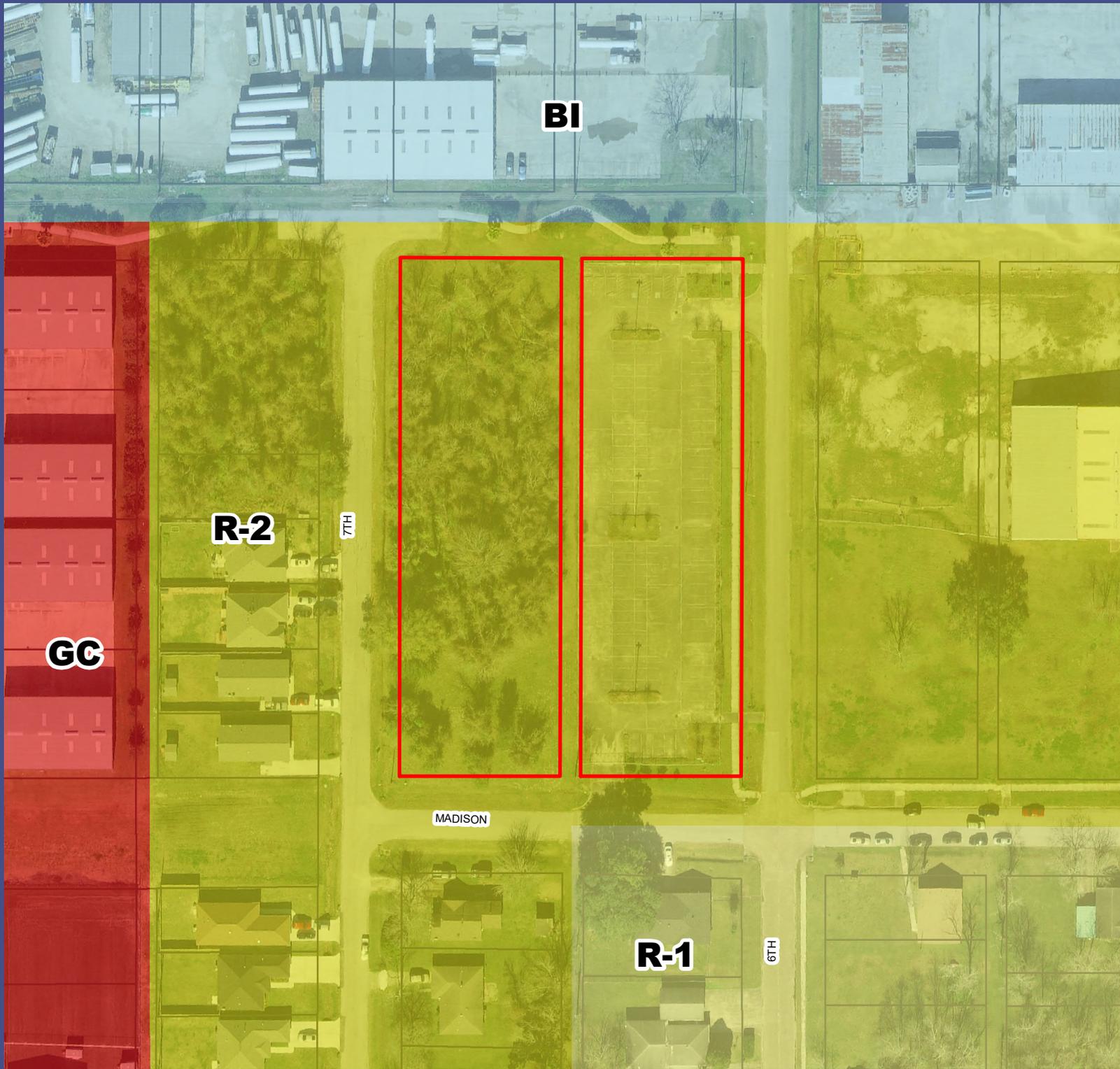


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries

1 inch = 104 feet



DECEMBER 2018
PLANNING DEPARTMENT



ZONING MAP

Variance
18-93000008

532 N 7th St

Legend

 Parcels



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DECEMBER 2018
PLANNING DEPARTMENT





Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 532 N 7th St
Legal description where Variance is being requested: Lots 1-32 Block 102 LaPorte
HCAD Parcel Number where Variance is being requested: 0232150020001
Zoning District: R-2 Lot area: 100,000 sq ft

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

Description of Request: We are requesting four Variances: 1) Reduce side setbacks 2) Increase Dwelling Units per Acre 3) Decrease the distance between driveways 4) Decrease distance of driveway to side property line

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

PROPERTY OWNER(S) INFORMATION

Name: LaPorte ISD
Company (if applicable): _____
Address: 604 W Fairmont Pkwy
City: LaPorte State: TX Zip: 77571
Phone: _____ Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Charles Anders
Company (if applicable): Bayway Homes Inc.
Address: P O Box 1244
City: Friendswood State: TX Zip: 77549
Phone: 8322769609 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: *Charles Anders* Date: 10-11-2018
DEVELOPMENT MGR BAYWAY HOMES

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

STAFF USE ONLY:

Case Number:
18-9300008

Date Application Received:

City of La Porte

Variance Application

Planning and Development Department

Reasons for Variance Request

Northside Village Sec.2 Townhomes is a project located between North E Street(Unimproved) and West Maddison Street between North 7th Street and North 6th Street in the area generally known as the North Side Neighborhood of La Porte. The Block 102, where the project is located, is zoned according to the City of La Porte Zoning Map and Ordinance and designated as R-2 Medium Density Residential District. This block and several others are designed to be a buffer between the adjoining R-1 Low Density Residential District to the south of West Maddison Street and Business Industrial District to the north. The City's desire is to have mid density residential development on these blocks which is good zoning practice. We are proposing a townhome project that is permitted by the Zoning Ordinance. The lots were subdivided as part of the early City of La Porte existence and like most of the neighborhood the lots are 25 feet wide and 125 feet deep. We are requesting to fully utilize an area that has become under-utilized.

We are requesting four variances:

- 1) A reduction in Side Set Back Lot 32, Lot 16, Lot 17 and Lot 1, Block 102 from 20 feet to 5 feet
- 2) An increase in Dwelling Units per Acre from 10 per acre(24 units) to 13 per acre (32 units)
- 3) A decrease in distance between driveways from 10 feet to 4 feet
- 4) A decrease in driveway from a property line from 3 feet to 2 feet

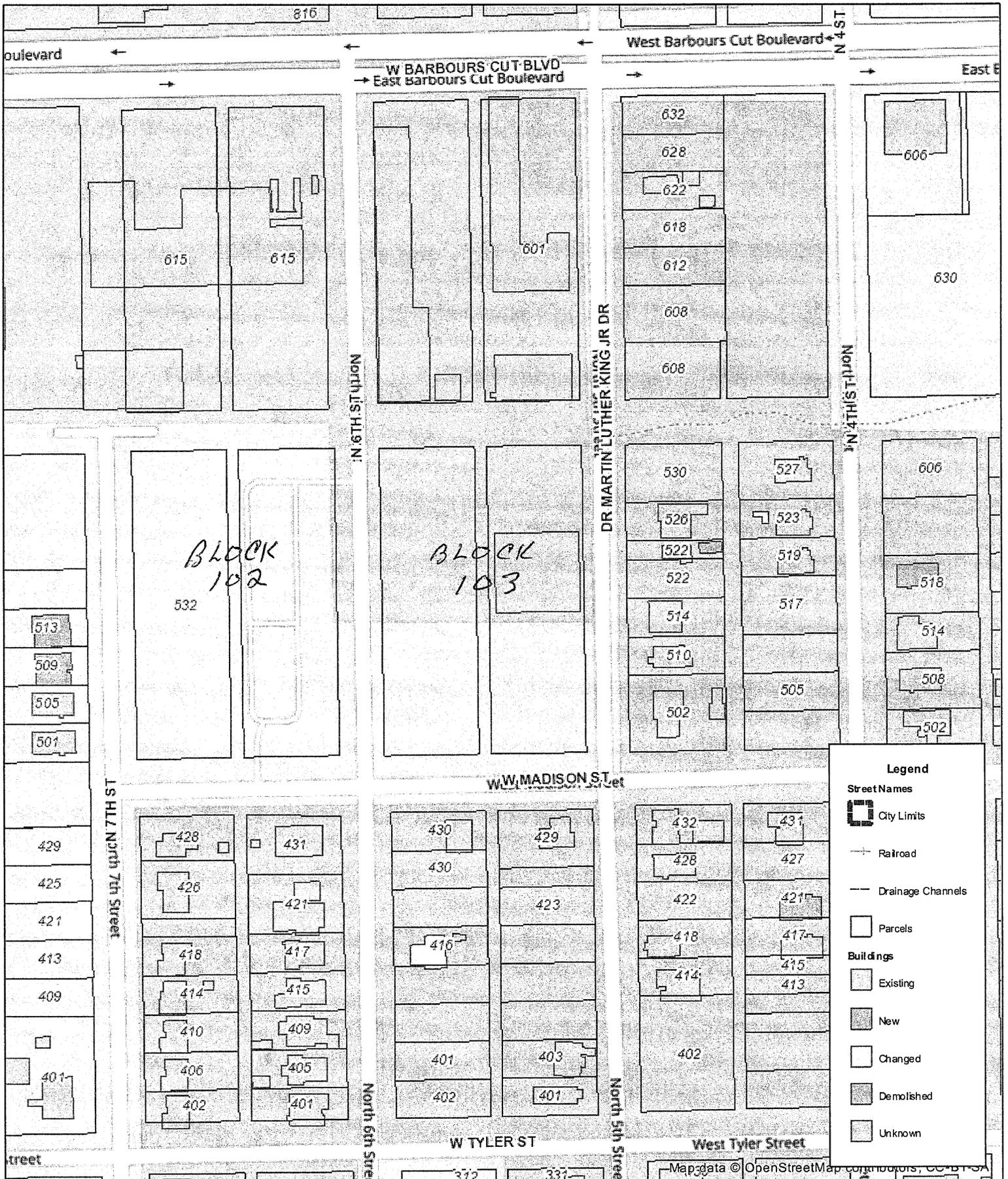
Regarding the Side Set Back reduction from 20 feet to 5 feet on Lots 1 and 32, both lots adjoin North E Street that the City has designated to be walking trails and green space. This is a unique situation with only a few lots adjoining a public park space. We believe that a reduction in Side Set Back is appropriate as the adjoining property will forever be park space.

The Dwelling Units Per Acre permitted are 10 units per acre and we are requesting 13. With the lots being 25 feet wide and 125 feet deep or 3,125 square feet, the project is 32 lots or a total of 106,400 square feet. When divided by 43,560 square feet per acre the project is 2.4426 acres and at 10 units per acres, we are permitted to construct 24.4 units. This would leave the project with 7.6 lots that will never be built on and a maintenance issue for the homeowners association. The unique location of the project is being located next to public green space and walking trails. If the adjoining right of way is included in the project and the right of way is 50 feet by 266 feet, 13,300 square feet on North E Street, the project would have a dwelling units per acre of 27.5.

(13300 + 106400 = 119700 square feet / 43,560 feet per acre = 2.75 acres and at 10 units per acre, we would be allowed to build 27.5 units. The unique condition of being next to a public park allows us to get closer to the 10 units to 1 acre density requirement, if the park were to be counted as part of the project. These Lots were developed as part of the original Plat of the Northside Neighborhood and we desire to build according to the existing lot subdivision.

The curb and driveway criteria for residential districts require spacing between driveways of 10 feet minimum and distance from side lot line of 3 feet. We are requesting to decrease those distances to 4 feet between driveways and 2 feet from the side property line. Townhomes that have a 2 car garage and 16 feet wide driveway on a 25 feet wide lot would allow for only a 9 feet between driveways (25 – 16 = 9) and is impossible to meet the 10 feet between driveway requirement. One 25 feet wide lot, with a 5 feet side building line, there is only 20 buildable feet and a 2 car garage door is 16 feet wide, leaving 2 feet on either side of the door and 2 feet from the side property line.

We believe that Northside Village Sec.2 Townhomes is in the public interest as it develops a project in an area that the City has long determined is in need of development and revitalization. We believe that having a 20 feet side set back and 10 units to the acre create unnecessary hardship as the unique feature of being located next to City's designated green space/walking trail/park will provide for the set back and density intended regulations. The driveway regulations are not practical in a townhome project and create an unnecessary hardship. Granting these variances is in the spirit of the zoning ordinance and is good public policy.



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

La Porte GIS Mapping

1" = 188'



Tax Year: 2018 ▼

HARRIS COUNTY APPRAISAL DISTRICT
 REAL PROPERTY ACCOUNT INFORMATION
0232150020001

Print E-mail

[File A Protest](#) | [Similar Owner Name](#) | [Nearby Addresses](#) | [Same Street Name](#) | [Related Map 6254C](#)

Ownership History

Owner and Property Information

Owner Name & Mailing Address:	LA PORTE ISD 604 W FAIRMONT PKWY LA PORTE TX 77571-6215	Legal Description:	LTS 1 THRU 32 BLK 102 LA PORTE
		Property Address:	532 N 7TH ST LA PORTE TX 77571

State Class Code	Land Use Code	Building Class	Total Units			
XV -- Other Exempt (Government)	4600 -- Vacant Exempt Land		0			
Land Area	Building Area	Net Rentable Area	Neighborhood	Market Area	Map Facet	Key Map®
100,000 SF	0	0	2164.01	351 -- ISD 20 - East of Bay Area Blvd	6254C	540X

Value Status Information

Value Status	Notice Date	Shared CAD
Noticed	08/10/2018	No

Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	Exemption Value	ARB Status	2017 Rate	2018 Rate	Online Tax Bill
Total	020	LA PORTE ISD	49,500	Not Certified	1.380000		
	040	HARRIS COUNTY	49,500	Not Certified	0.418010		
	041	HARRIS CO FLOOD CNTRL	49,500	Not Certified	0.028310		
	042	PORT OF HOUSTON AUTHY	49,500	Not Certified	0.012560		
	043	HARRIS CO HOSP DIST	49,500	Not Certified	0.171100		
	044	HARRIS CO EDUC DEPT	49,500	Not Certified	0.005195		
	047	SAN JACINTO COM COL D	49,500	Not Certified	0.183335		
	071	CITY OF LAPORTE	49,500	Not Certified	0.710000		

Texas law prohibits us from displaying residential photographs, sketches, floor plans, or information indicating the age of a property owner on our website. You can inspect this information or get a copy at **HCAD's information center at 13013 NW Freeway.**

Valuations

	Value as of January 1, 2017		Value as of January 1, 2018	
	Market	Appraised	Market	Appraised
Land	0	Land	0	
Improvement	0	Improvement	0	
Total	0	0 Total	0	0

5-Year Value History

Land

Market Value Land

Line	Land Use	Unit Type	Units	Size Factor	Site Factor	Appr O/R Factor	Appr O/R Reason	Total Adj	Unit Price	Adj Unit Price	Value
1	4600 -- Vacant Exempt Land	SF	100,000	1.00	0.00	1.00	--	0.00	0	0	0
	4600 -- Vacant Exempt Land										

Building

Vacant (No Building Data)