PHILLIP HOOT
Board Member Position 1
THOMAS DEEN
Board Member Position 2
ROD ROTHERML
Board Member Position 3
ZBOA Chairman

DENNIS OIAN
Board Member Position 4
NETTIE WARREN
Board Member Position 5
PAT MCCABE
Board Member Alternate 1
JOHN BLAKEMORE
Board Member Alternate 2

LA PORTE ZONING BOARD OF ADJUSTMENT AGENDA
THURSDAY, SEPTEMBER 17, 2020
REGULAR SESSION 6 P.M.

CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571

Social Distancing protocols will be in effect in the Council Chambers. To attend remotely, join the Zoom meeting online at https://us02web.zoom.us/j/83950375762?pwd=VlllaVN2aW5XNThSSTIuWWdwNWlYUT09 and use password 939574. To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 839 5037 5762, password 939574

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1. **CALL TO ORDER**
2. **ROLL CALL OF MEMBERS**
3. **PUBLIC COMMENT** (Generally limited to five (5) minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)
4. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
   a. Approve the minutes of the meeting held on May 28, 2020.
5. **VARIANCE #20-93000002:** Open public hearing to consider Variance #20-93000002, a request by Kay Martin for a tract of land located at 218 North 2nd St., and legally described as Lots 1 & 2, Block 62, Town of La Porte. The applicant is seeking approval of a variance from the requirements of Section 106-771 (2) of the city code of ordinances.
   a. Staff Presentation
   b. Applicant Presentation
   c. Public Comments (Limited to 5 minutes per person)
   d. Question and Answer
6. **ADJOURN PUBLIC HEARING**
7. **CONSIDERATION:** Consider approval or other action on Variance Request #20-93000002
8. **ADMINISTRATIVE REPORTS**
9. **BOARD COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

10. 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.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5021) two (2) working days prior to the meeting for appropriate arrangements.

CERTIFICATION

I do hereby certify that a copy of the **SEPTEMBER 17, 2020** Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

_____ Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____

City of La Porte, Texas
Zoning Board of Adjustments

September 17, 2020

AGENDA ITEM 4

Consider approval of the Meeting Minutes:

a. May 28, 2020

Chase Stewart, Planning Technician

Planning and Development Department

City of La Porte, Texas

PHILLIP HOOT
Board Member Position 1
THOMAS DEEN
Board Member Position 2
ROD ROTHERML
Board Member Position 3
ZBOA Chairman

DENNIS OIAN
Board Member Position 4
NETTIE WARREN
Board Member Position 5
PAT MCCABE
Board Member Alternate 1
JOHN BLAKEMORE
Board Member Alternate 2

MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT MAY 28, 2020

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, May 28, 2020, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Board Members present: Rod Rothermel, Thomas Deen, Dennis Oian, and Nettie Warren

Alternates present: Pat McCabe and John Blakemore

Board Members absent: Phillip Hoot

City Staff present: Teresa Evans, Planning and Development Director; Ian Clowes, City Planner; Chase Stewart, Planning Technician

1. **CALL TO ORDER** – Chairman Rothermel called the meeting to order at 6:00 p.m.

2. **ROLL CALL OF MEMBERS: –** All members and alternates were present with the exception of Board Member Phillip Hoot.

3. **CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)*

   No Comment.

4. **CONSIDER APPROVAL OF THE MEETING MINUTES**:

   a. **Approve the minutes of the meeting held on June 27, 2019.**

      Board Member Warren moved to approve the meeting minutes; the motion was adopted, 5-0.

5. **VARIANCE #20-93000001:** Public Hearing to consider Variance 20-93000001, a request by Charles Anders on behalf of Bayway Homes for a tract of land located on the North side of W. Madison St., between N 6th & N 5th St, and legally described as Lots 1-32, Block 103 La Porte. The applicant is seeking approval of multiple variances that would reduce the required distances between a residential driveway and an intersection, the distance of residential driveways from side property lines, and the distance required between residential driveways, as shown in Section 106-835 (Figure 10-2). Additionally, there is a request to reduce building side setbacks as well as increase the number of dwelling units per acre allowed, as shown in Section 106-333 (Table B).

6. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:08 PM.

7. **CONSIDERATION:**

   Board Member Oian made a motion to approve all five (5) requested variances; the motion was adopted, 5-0.

8. ADMINISTRATIVE REPORTS

City Planner Ian Clowes introduced John Blakemore as the newly appointed Board Alternate 2.

9. BOARD COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

ADJOURN – Without objection, meeting adjourned at 6:15 PM.

_____
Chase Stewart, Zoning Board of Adjustment Secretary

_____
Rod Rothermel, Zoning Board of Adjustment Chairman

City of La Porte, Texas
Zoning Board of Adjustments

September 17, 2020

AGENDA ITEMS 5-7

Consider approval of a variance to allow for the construction
of railings along an existing front yard deck
for a property located at 218 N 2nd St.,
legally described as Lots 1 & 2, Block 63, La Porte.

Chase Stewart, Planning Technician

Planning and Development Department

City of La Porte, Texas

Planning and Development Department

Staff Report

ISSUE

The Zoning Board of Adjustments shall consider approval of a variance to allow the applicant and property owner, Kay Martin, to construct hand rails along an existing front yard deck extending a maximum of 54 inches above the finished grade exterior elevation for the property located at 218 N 2nd St., legally described as Lots 1 & 2, Block 62 La Porte (case #20-93000002). The variance request exceeds the requirements of Section 106-771 (2) of the City of La Porte's Code of Ordinances, which limits the finished grade exterior elevation to no more than 12 inches.

DISCUSSION

Applicant's Request:
The applicant seeks approval of variance request #20-93000002. The variance would allow the applicant to construct railings along a front yard deck, extending a maximum of fifty four (54) inches above finished grade exterior elevation. The attached Exhibit A is a copy of the application and a letter of explanation submitted by the applicant.

Subject Site:
The subject property is a 0.143 acre tract of land located at 218 N 2nd St. and legally described as Lots 1 & 2, Block 62 La Porte.

Notice of Public Hearing:
Staff finds that the public hearing notification requirements were performed in accordance with Section 106-194, including the following: notice in a newspaper of general circulation no more than 10 days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within 10 days of the hearing; 2 signs were posted on site within 10 days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

Background Information:
The site area is currently zoned R-1, Low-Density Residential and has an existing single-family home on-site. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low-density Residential	Single-family homes
South	R-1, Low-density Residential	Single-family homes
West	R-1, Low-density Residential	Single-family homes
East	R-1, Low-density Residential	Single-family homes

Applicable Code Provisions:
Section 106-771 (2), stipulates the residential yard requirements. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Terraces, decks, patios, etc. **Terraces, decks, patios, or similar features, provided they do not extend more than one foot above the height of the exterior finish grade elevation, or to a distance less than two feet from any lot line, or encroach upon any utility easement. Further, pools shall not be considered as an encroachment on or in a front yard, provided that such pools are located in a front yard adjacent to Galveston Bay, and provided further that such pool does not extend more than one foot above the exterior finish grade elevation, or to a distance less than two feet from any lot line or encroach upon any utility easement.**

* This height shall be measured as the code reads*

Analysis:
The applicant seeks approval of a single variance that would allow for the construction of handrails at a maximum of 54 inches above finished grade exterior elevation on an existing front yard deck. This height is 42 inches higher than what is permitted by the City of La Porte's Code of Ordinances.

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 not necessarily be contrary to the interest of the surrounding single-family homes.
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	The literal enforcement of this chapter would not generate an unnecessary hardship as described in the zoning code.
c. That by granting the variance, the spirit of this chapter will be observed.	The requested variance does not meet the threshold for "unnecessary hardship".

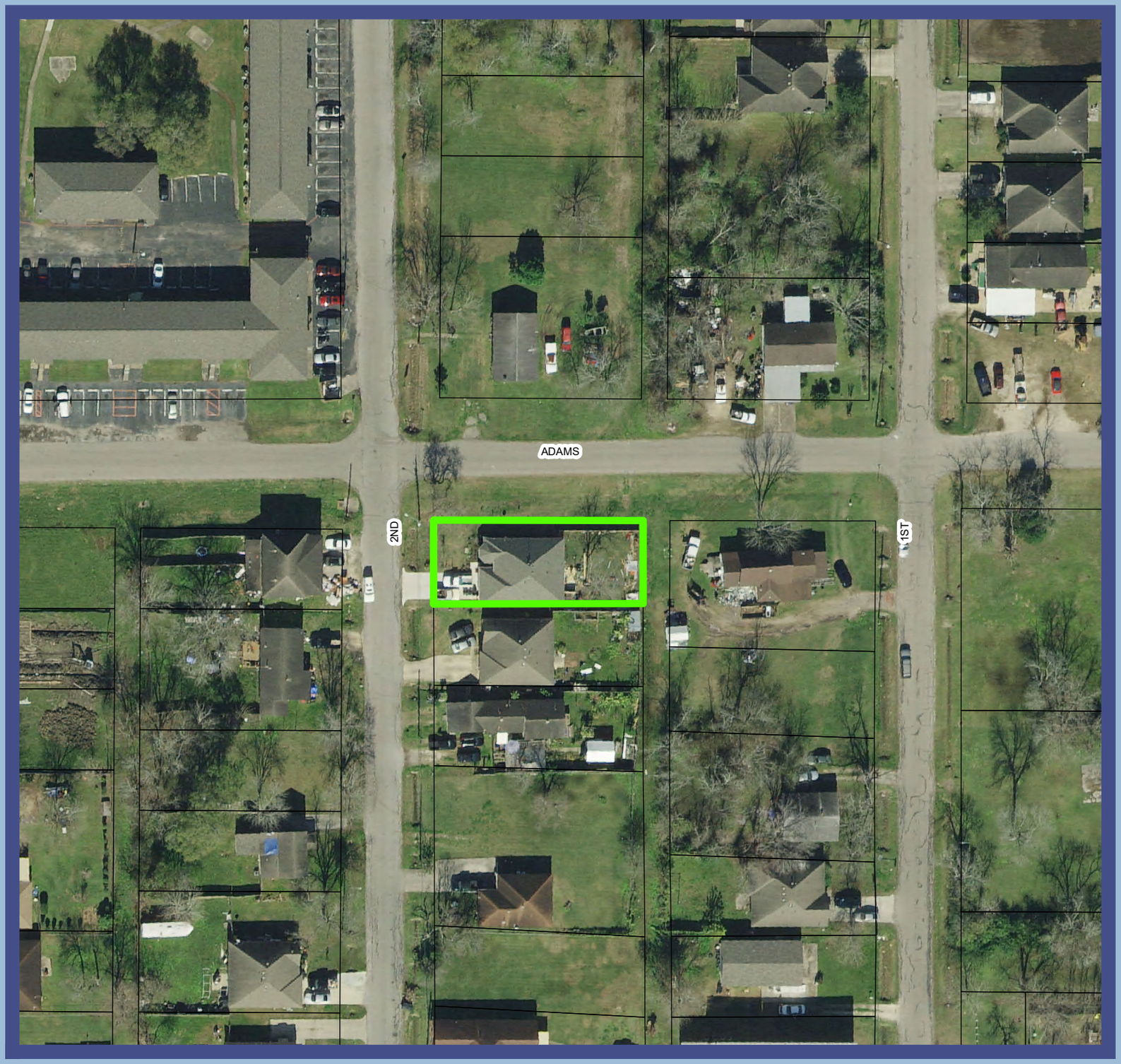
Appeal Procedure:

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 layout
Exhibit B: Area map
Exhibit C: Zoning Map



AREA MAP

Variance #20-93000002

218 N. 2nd St.

Legend

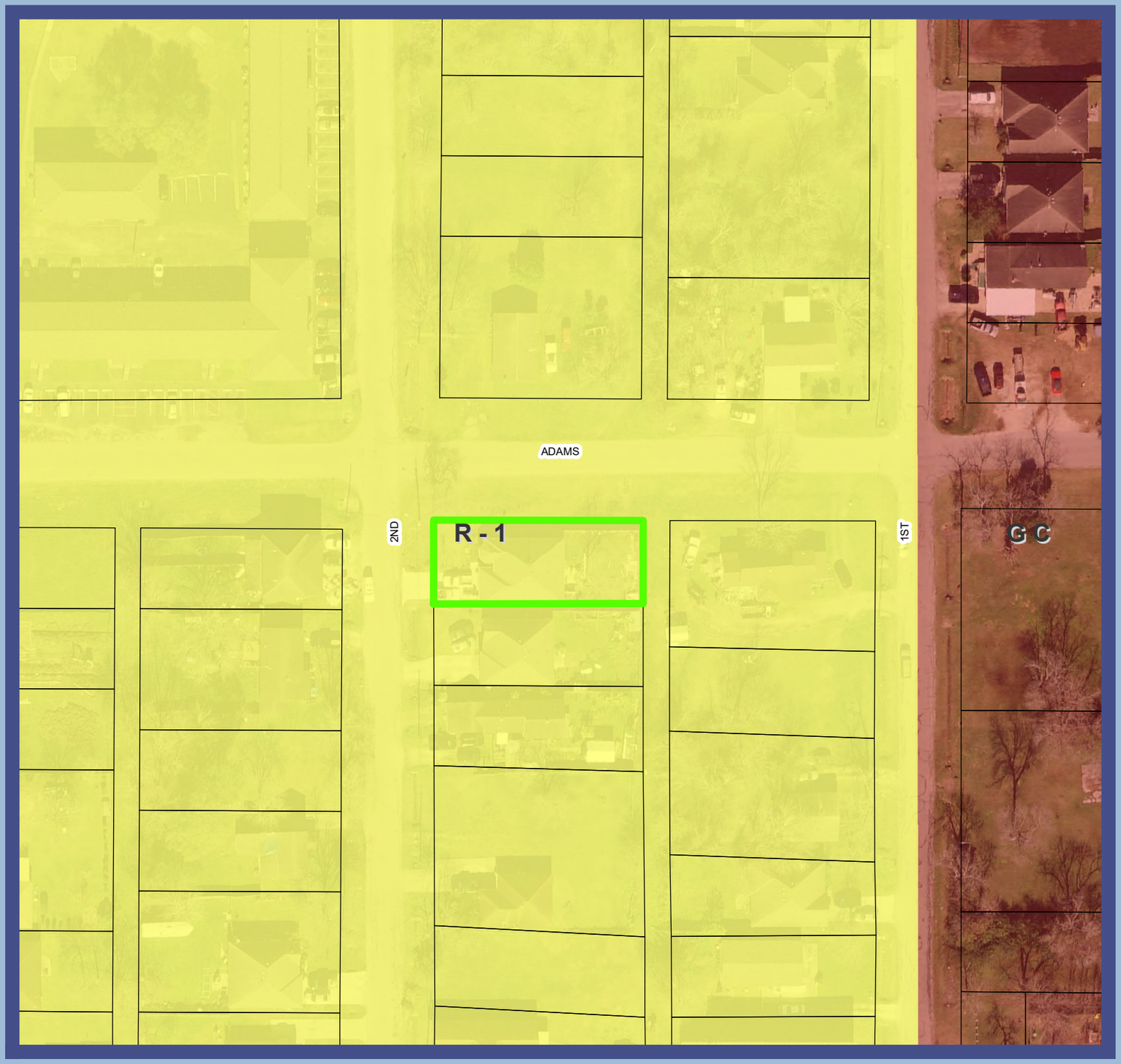
Subject Parcel

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

1 inch = 80 feet

AUGUST 2020

PLANNING DEPARTMENT



ZONING MAP

Variance #20-93000002

218 N. 2nd St.

Legend

Subject Parcel

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

1 inch = 80 feet

AUGUST 2020

PLANNING DEPARTMENT

Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 218 N. 2nd St.

Legal description where Variance is being requested: Lts 1+2 Block 62 La Porte

HCAD Parcel Number where Variance is being requested: 0231950000001

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: See attached letter

Variance from Sec. 106-771 (2) - Allow for handrails and decking to extend 54" above grade

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

PROPERTY OWNER(S) INFORMATION

Name: Sarah Kau and Lee Martin

Company (if applicable):

Address: 218 North 2nd St

City: Laporte State: TX Zip: 77571

Phone: 281-842-9569 Email: None

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): Date:

STAFF USE ONLY:

Case Number: 20-93000002

Date Application Received: 7.31.2020

08/01/2020 03:17PM 2814792589 KENS PAGE 08/11

Received Fax : Aug 01 2020 1:27PM Fax Station : HP Fax page 8

Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. I am 66 yrs old female. got severe arthritis and knee promblems and high risk of falls. my scoliosis. makes it hard for me. I need hand rails around my deck for my saftey.

2. and the saftey of others. The porch we got is so small that why we build a deck on the front part of our house we would like to scen it in and put a roof due to wheather conditions.

3. So I asking I really need hand rails for my saftey around my deck. and hope you all let me put a roof and scen it in for wheathe conditions.

Thank you.

4. The deck did pass inspection.

There some eagle scout group said they would build my hand rails. But they got to do this before Oct 31. There Badge

5. time will runout. They would be getting there Badges and thank you from a hand capped person that really needs the hand rails. and rest of the deck completed.

The hand rails or the scen in porch would not be attached to

This letter to

IAN Clowes
Cor By Alexander
City Council people.

I am 66 yrs old female
have Severe arthritis
and Knee prambLems.
and scoliosis.

I asking the city please
let us hand rails
around are deck. and
stairs so I can
get up down on my
deck. and fill sate.
without falling
The deck passed inspecton
is not attached
To the house.
Just tell me how to
build them.
and when I can to try to
find same one help do this
project. Hoping you all would help me to.

Thank you

08/01/2020 03:17PM 2814792589 KENS PAGE 03/11
Received Fax : Aug 01 2020 1:27PM Fax Station : HP Fax Page 3

And also we was
asking if we could
put a roof on are deck
and screen it in.
due to the wheather
conditions
I am home Bound I like to
sit out on my deck
to do my art work or
plant my flowers.
and I want to fill safe
in my home. when I want
enjoy the outside.
I dont like being a handicapped
But I know will try to
make this possible for us.
Sure hope you all can
help us to. Please let me
have my hand rails for my deck. and stairs
P.S. So please let us have
our hand rails with stairs
around are deck. for my safety.
and let us put a roof
on it and screen it in for my
safety as well as for others
for wheather conditions
Thank you.

08/01/2020 03:17PM 2814792589 KENS PAGE 04/11
Received Fax : Aug 01 2020 1:27PM Fax Station : HP Fax page 4

mr. IAN
where asking you
to please wave the fee
Due to Covid thing
Income not as good.

Were asking the
City to please let us have
our hand rails around are
deck and stairs for my saffey as
well as for others.

And let us complete it
putting a screen on it and
roof on it due to
wheather conditions.
Just let us how you all
want it done nothing would
Be attached to house
Thanks and
with respect

Sarah martin and
lee martin.

08/01/2020 03:17PM 2814792589 KENS PAGE 02/11
Received Fax : Aug 01 2020 1:27PM Fax Station : HP Fax page 2

(Date)

Address of the mayor

To: IAN Clowes.

To: The Honorable (Mr. or Mrs. _____):

My husband and I are making our appeal to you on our behalf for a variance in the City Code. We are citizens of LaPorte, by choice. Six years ago we moved to our first home at 218 N. Second Street. During the ensuing time my health deteriorated. I am now on a walker and have advanced arthritis making it difficult, if not impossible, to get out my home through the front door, the loveliest view. This, along with scoliosis, makes it a danger for me to step without adequate handrails and the deck is a danger to me without railings. Both steady me and would keep me from falling. Unfortunately, these are against city codes.

We are asking for your support to have a variance in the city code to provide these necessities. You are welcome to visit our home, take pictures of the outside, and to talk with us personally. We are taxpayers nor are we in arrears. With this variance you will be helping many others in our city with handicapping conditions. We know by reputation that you are a compassionate, fair-minded person. We just need your "friendly ear."

With Respect,

Lee and Kay Martin

Received Fax : Aug 01 2020 1:27PM Fax Station : HP Fax Page 6

08/01/2020 03:17PM 2814792589 KENS PAGE 06/11

LA PORTE MEDICAL CLINIC
Dilip Patel, M.D. Sapan Bhatt, M.D.
404 W. Fairmont . La Porte Texas 77571
Phone: (281) 470-6060

BACK TO WORK or SCHOOL NOTE

June 24, 2020

TO WHOM IT MAY CONCERN:

SARAH KAY MARTIN

- [ ] May return with no limitations:
- [ ] May return with the following limitations:
- [ ] May not return until:
- [ ] Requires follow-up care as noted:
- [x] Other: 66 yrs old Female Pt of mine had H/o Severe Arthritis & knee Problem. She is high risk of falls. Pt would benifit from Hand Rail at home For safety.

Physician : _____ Date: 06/24/20

Received Fax : Aug 01 2020 1:27PM Fax Station : HP Fax page 5
08/01/2020 03:17PM 2814792589 KENS PAGE 05/11