



City of La Porte Zoning Board of Adjustment Meeting Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Zoning Board of Adjustment to be held on **July 26, 2012**, 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. Consider approval of March 22, 2012, meeting minutes.
3. Consider Variance Request #12-93000002 for the property located at 3208 Bernard Street, further described as TR 14A, Spencer Highway Estates, Section 2 U/R, W. B. Roots Subdivision, W. M. Jones Survey, Abstract No. 482, La Porte, Harris County, Texas. The applicant seeks to build a detached garage with storage in a side yard, contrary to the provisions of Section 106-741 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
4. Consider Variance Request #12-93000003 for the property located at 3208 Bernard Street, further described as TR 14A, Spencer Highway Estates, Section 2 U/R, W. B. Roots Subdivision, W. M. Jones Survey, Abstract No. 482, La Porte, Harris County, Texas. The applicant seeks to construct a front yard fence, contrary to the provisions of Section 106-791 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
5. Consider Variance Request #12-93000004 for the property located at 408 North 16th Street, further described as Lots 1-12, 21-32 and TR C, Block 652, Town of La Porte, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. The applicant seeks to allow a fence erected in the front yard setback, contrary to the provisions of Section 106-791 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
6. Administrative Reports
7. Board Comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy
8. Adjourn

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by 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 July 26, 2012, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____, 2012.

_____ Title: _____

Out of consideration for all attendees of the meeting, please turn off all cell phones and pagers, or place on inaudible signal. Thank you for your consideration.

**Zoning Board of Adjustment
Minutes of March 22, 2012**

Members Present: Rod Rothermel, Charles Schoppe, Chester Pool, T.J. Walker, and Sherman Moore (Alt. No. 2).

Members Absent: George Maltsberger, Lawrence McNeal (Alt. No 1),

City Staff Present: Masood Malik, City Planner; Clark Askins, Assistant City Attorney; and Shannon Green, Planning Assistant.

1. Call to Order.

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

2. Consider approval of the February 23, 2012, meeting minutes.

Motion by Charles Schoppe to approve the Minutes of February 23, 2012, Second by Sherman Moore. Motion carried.

Ayes: Rod Rothermel, Charles Schoppe, Chester Pool, T.J. Walker, and Sherman Moore (Alt. No. 2).

Nays: None

Abstain: None

3. Consider Special Exception Request #12-9400001 for the property located at 106 North Forrest Avenue, further described as Lot 17, Block 10, Sylvan Beach First Subdivision, Vol.3, Page 72, Harris County Map Records, Johnson Hunter Survey, Abstract No. 35, La Porte, Harris County, Texas. The applicant seeks to construct a covered walkway in the front setback area. This exception is being sought under the terms of Section 106-191 (b) (2)(a) of the City's Code of Ordinances.

A. STAFF PRESENTATION

Masood Malik, City Planner, presented staff's report. Mr. Malik informed the Board the applicant is requesting to construct a covered walkway in the front setback area. This exception is being sought under the terms of Section 106-191 (b) (2) (a) of the City's Code of Ordinances.

Twelve public hearing notices were mailed to property owners within 200' of the subject property. The City received one response in favor.

B. PROPONENTS

Applicant, James Prestigamo spoke in favor of the Special Exception.

C. OPPONENTS

There were none.

D. PROPONENTS REBUTTAL

There were none.

Motion by Charles Schoppe to approve Special Exception Request #12-9400001, for the property located at 106 North Forrest Avenue. Second by Chester Pool. Motion carried.

Ayes: Rod Rothermel, Charles Schoppe, Chester Pool, T.J. Walker, and Sherman Moore (Alt. No. 2).

Nays:

Abstain:

4. Consider Appeal of Enforcement Officer's Decision #12-9500001 for the property located at 500 West Main Street, further described as Lots 21-23, Block 56, Town of La Porte, Johnson Hunter Survey, Abstract No. 35, La Porte, Harris County, Texas. The applicant appeals for a denied permit for Obsolescence of Structure, the repair costs of which exceed

50% of replacement cost of the structure. This appeal is being sought under the terms of Section 106-89 (3) of the City's Code of Ordinances.

Masood Malik, City Planner, presented the Board with a copy of an email from J.B. Williamson. The email stated that Mr. Gilbert Diaz had retained Mr. J.B. Williamson as his attorney and requesting to withdraw his appeal at this time and request for a hearing at later date.

5. Administrative Reports

Masood Malik, City Planner addressed the Board with the following updates:

The Planning & Zoning Commission will meet again on the Comprehensive Plan Update April 25, 2012.

A third meeting of the Northside Neighborhood Plan Update is scheduled for March 29, 2012.

Lakes at Fairmont Greens Subdivision - development is still on hold due to on-going negotiation between the builder and the developer.

6. Board Comments

There were none.

7. Adjourn

Motion by Charles Schoppe to adjourn the meeting. Second by Chester Pool. Motion Carried.

Ayes: Rod Rothermel, Charles Schoppe, Chester Pool, T.J. Walker, and Sherman Moore (Alt. No. 2).

Nays:

Abstain:

Vice Chairman Rod Rothermel adjourned the meeting at 6:10pm.

Submitted by,

Shannon Green
Secretary, Zoning Board of Adjustment

Approved on this ____ day of _____, 2012.

Rod Rothermel
Vice Chairman, Zoning Board of Adjustment

VARIANCE REQUESTS

#12-93000002 & 12-93000003

FOR

3208 BERNARD STREET

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SURVEY PLAN

EXHIBIT C – PHOTOS

EXHIBIT D - SECTIONS 106-741 & 106-791,
CODE OF ORDINANCES

EXHIBIT E - PUBLIC NOTICE RESPONSE

(None received as to date)

Staff Report

July 26, 2012

**Variance Requests
12-93000002 & #12-93000003**

Requested by: Yvonne Stanley, Property Owner

Requested for: Construction of a detached garage with storage within a side yard and erection of a front yard fence.

Location: 3208 Bernard Street, TR 14A, Spencer Highway Estates, Section 2 U/R, W.B. Root Subdivision, W. M. Jones Survey, Abstract No. 482, La Porte, Harris County, TX

Zoning: Low Density Residential (R-1)

Background: Applicant is requesting variances to allow construction of a detached garage with storage within a side yard and a fence on the property line in the front yard setback of the above referenced property.

Detached Garage with Storage

The proposed detached garage with storage area will be 20'x30' (600 sq.ft.) and will be setback 15' from the front property line, similar to the primary structure. Per Section 106-741 of the City's Code of Ordinances, a detached private garage may be permitted in a side yard, provided the side yard does not abut a street right-of-way.

Front Yard Fence

The applicant's front yard poses limitations due to the unique shape of the property. A front yard fence is desired for safety/security and enjoyment of the property. The standard front yard setback requirement in residential zones for single family detached dwellings is 25'. Per Section 106-791 of the City's Code of Ordinances, a front yard fence is prohibited within the front yard area of all zoning districts except Large Lot District (greater than 1 acre) and lots with a front yard directly adjacent to Galveston Bay.

Staff analyzed the surrounding area and based upon site inspections and the pictures submitted by the applicant, the following is noted:

- The subject property has a unique situation due to size, shape, topography, and location.
- As seen in the photos, the block contains existing fences within the front yard setback.
- The requested fence would be in line with the fence of the abutting property owner.
- Front yard fences can also be seen to the east and south across the street from the subject property.

Analysis:

Section 106-192(b)(1), in the Code of Ordinances, defines a *variance* as a deviation from the literal provisions of the chapter, which is granted by the Board when strict conformity to the chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

Section 106-1 defines private garage and fence as follows:

Private Garage – “an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is an accessory.”

Fence - “a manmade structural barrier erected on or around a piece of property or any portion thereof.”

Except as otherwise prohibited, the board is empowered to authorize variances from a requirement when the board finds that all of the following conditions have been met:

- ❖ That the granting of the variance will not be contrary to the best public interest.
- ❖ That literal enforcement of the 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
- ❖ That by granting the variance, the spirit of the chapter will be observed.

Regarding these requests, the relief being sought:

- Allow a detached garage in a side yard area abutting a street right-of-way.
- Allow construction of a fence in the front yard setback area.

In determining if granting the applicant’s requests would be contrary to the public interest, Staff recognizes the placement of a detached garage with storage in a side yard abutting the street right-of-way will not obstruct any view and would be in compliance with the distance requirement from the primary structure. In addition, a front yard fence at the property may not create a problem with adjoining properties. A survey of surrounding properties shows that this non-compliance with the ordinance is typical to this particular area.

In reviewing the specific grounds for granting variances, however, staff points out that the condition, as it exists, "...is the result of the applicant or property owner's own actions..." contrary to the provisions of Section 106-192. Staff finds sufficient grounds to justify "...unnecessary hardship because of exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional physical situation unique to the property in question." Security and safety of the occupant of the property may be considered in this regard.

The Zoning Board of Adjustment's final consideration is whether granting these requests observe the spirit of the ordinance. Based on the facts noted in this report, the applicant's requests may be contrary with the spirit of the ordinance, but may promote the health, safety and welfare of the property owner.

Conclusion :

The applications merit review by the Board based upon the parameters set by the Ordinance.

The Board may consider:

1. Variance Request #12-93000002

- Granting the variance and allowing a detached garage with storage within a side yard abutting public right-of-way.
- Denying the variance thereby denying construction of a detached garage with storage within a side yard abutting public right-of-way.

2. Variance Request #12-93000003

- Granting the variance and allowing the fence on the property line in the front yard setback.
- Denying the variance thereby denying construction of the fence in the front yard setback.

Appeals:

As per Section 106-196 of the Code of Ordinances of the City of La Porte: 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 Section 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.

CITY OF LA PORTE
ZONING BOARD OF ADJUSTMENT
VARIANCE REQUEST

OFFICE USE ONLY: Fee: \$150.00

Application No.: 12-93000002 & 93000003
Date Received: 6-25-12
Receipt No.: 112764

Note: This Fee is Non-Refundable Regardless of the Board's Decision

Applicant:

Yvonne Stanley
Name

3208 Bernard, LA PORTE
Address

2818305208
Phone

I am the owner of the herein described property. I have authorized to act on my behalf in this matter.

Crissy Stanley

Owner*:

Yvonne Stanley
Name

3208 Bernard LaPorte
Address

2818305208
Phone

I am requesting a variance to Sect. _____ of the City Zoning regulations Chapter 106 of the Code of Ordinance.

I am requesting this variance for property located at

3208 Bernard LaPorte TX
Street Address

Legal Description

Site Plan

Major Development Site Plan

Minor Development Site Plan

General Plan

A Site Plan of the property is attached. Also, I have listed the information requested below on the following pages of this form.

- a) All facts concerning the matter that has led up to this request.
- b) The type of relief I am seeking (setbacks, lot coverage, etc.).
- c) The grounds upon which I am making this request.

* If applicant is NOT the owner, he must provide Authorization to act on the Owner's behalf.

6/18/12
Date

Yvonne Stanley
Applicant's Signature

Office Use Only

Site Plan and Authorization (if applicable) attached? Yes () No ()

Date transmitted to the Board of Adjustments: _____

Meeting Date: _____ Applicant Notified of Date: _____

Notice to surrounding property owners- Date: _____

Board's Decision: Approved () Denied ()

Notice of Boards Decision mailed to Applicant/Owner: _____

TYPE OF RELIEF BEING SOUGHT:

SEE ATTACHED

THE GROUNDS FOR THE REQUESTS:

SEE ATTACHED

Variance Request: 3208 Bernard (Yvonne Stanley)
(Pt. of Tr. 14, Lot 6, W. B. Root Subdiv. In the William M. Jones Survey)

In accordance with Sect. 106-192 (Variance), I believe my property at 3208 Bernard meets the grounds for a variance. Currently I have an existing house but the irregular shape of the lot prevents a typical development that would comply with the residential zoning requirements.

The depth of the property ranges from just under 30' (north end) to just under 70' (south end). In addition, the width (along the Bernard street frontage) is just under 183'. This unique shape of the property creates no rear yard and a large side yard on one side. (See survey)

I respectfully request the following relief:

- 1) Sect. 106-791. Front yard areas. Grant a 25' front yard setback variance for a front yard fence. Due to the property's shape, the fenced yard area would only be from 28' -45' in depth. (See site plan)
(My request would allow an area for my dog and provide an area like a typical fenced back yard)
 - 2) Sect. 106-741. General provisions. Grant a variance to all allow a detached garage in a side yard area abutting a street right-of-way and placement slightly in front of the primary structure. The proposed side yard garage with attached storage area (20' X 30') would have a 15' setback from the front property line which is similar to my house (front porch has a 14' setback). (See site plan)
(This subdivision was annexed in 1984 and many structures do not meet the standard 25' front setback; including my home and other buildings in the immediate street area)
- There is adequate property so proposed improvements would not exceed the allowable maximum lot coverage of 40%.
 - Due to the circumstances unique to my property, the literal enforcement of the current zoning regulations would prevent the normal development of the property.
 - The granting of the variance would not be contrary to the public interest since many structures in the area do not meet the typical front setbacks.
 - The literal enforcement of the zoning regulations would result in an unnecessary hardship due to the exceptional narrowness, shallowness, shape and topography are unique to this lot.
 - I believe the granting of the variance would still comply with the spirit of the chapter.

P-302406

Found 5/8" Iron Rod

P.O.B. Found 5/8" Iron Rod

EAST 2050'

MONTGOMERY LANE (60' ROW)

H.C.F.C.D. (55' ROW)

18758'

(3208) BERNARD STREET (60' ROW)

18290'

5001600E

N122530E

2 Story Frame



Found 5/8" Iron Rod

S694600W 6979'

Found 5/8" Iron Rod

Proposed

U-074212

SCALE 1/4" = 10'

NOTE: Easement to Harris County in F-447238.

- xxx = Fencing
- ST = Storage AREA
- G = Detached Garage
- D/W = Driveway Expansion

NOTE: Restrictive Covenants as recorded in Clerk's File E-061087 and M-520963.

NOTE: An Easement for Underground Drainage Line as recorded in Clerk's File F-447238.

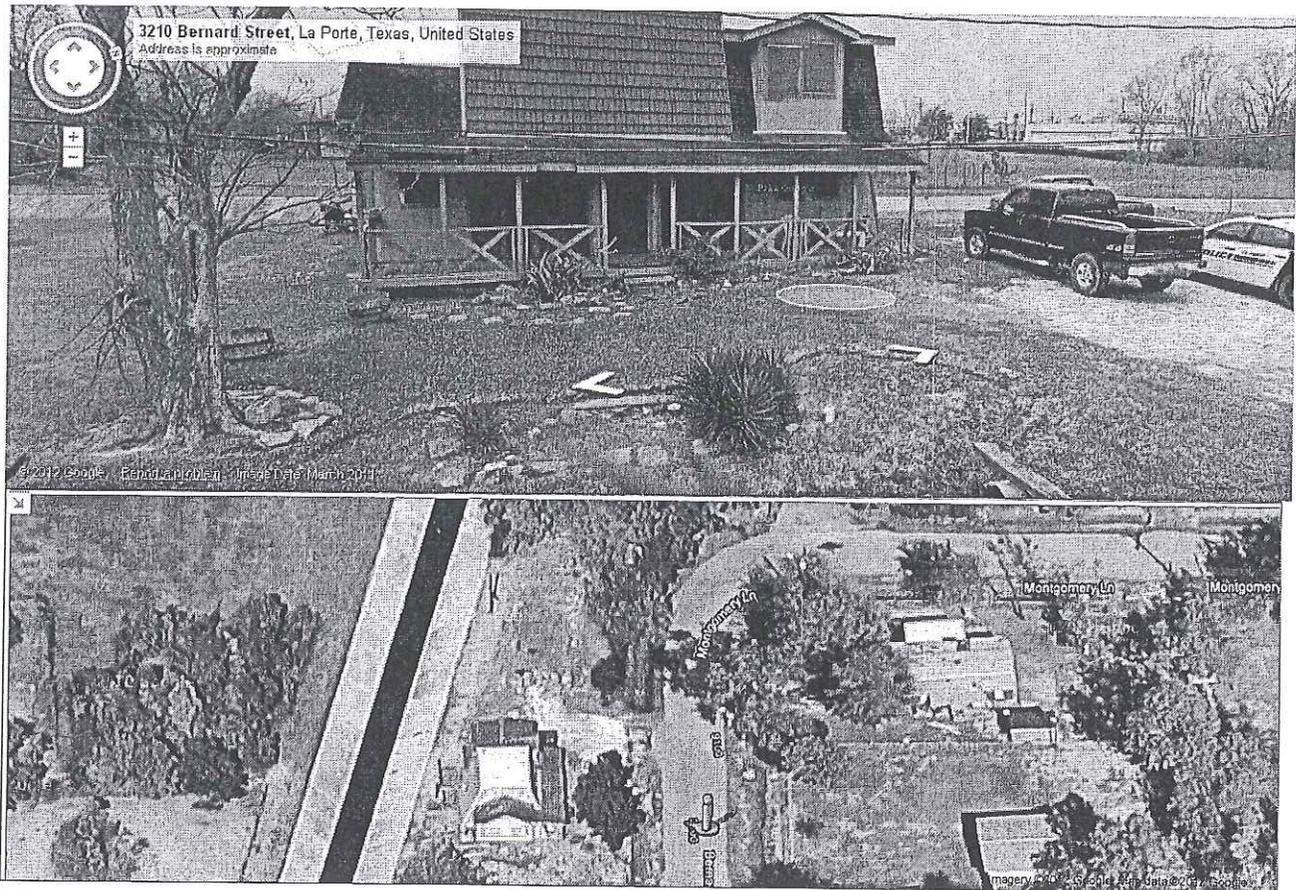
BUYER Yvonne E. Stanley

3208 Bernard Street

DESCRIBED PROPERTY A tract of land containing 9,000.5760 square feet (0.2066 acres), of land, more or less, being out of and a part of Tract 14, Lot 6, W. B. P.

Google

To see all the details that are visible on the screen, use the "Print" link next to the map.



on to get started.

AREA MAP



SPENCER HWY

**LOCATION OF PROPERTY
3208 BERNARD ST.**

MONTGOMERY LN

CANADA RD

BERNARD

BAYER

BELFAST LN

P-302406

V-38, P-57

Found 5/8" Iron Rod

P.O.B. Found 5/8" Iron Rod

EAST 2858'

MONTGOMERY LANE (60' ROW)

H.C.F.C.D. (55' ROW)

18758'

0.2066 Acres

Part U-074212

182.90'

S001600E

(3208) BERNARD STREET (60' ROW)

2-Story Frame

Found 5/8" Iron Rod

S894600W 6979'

Found 5/8" Iron Rod

U-074212

SCALE 1" = 40'

NOTE: Easement to Harris County in F-447238.

RECEIVED JUN 27 2012

NOTE: Restrictive Covenants as recorded in Clerk's File E-061087 and M-520963.

NOTE: An Easement for Underground Drainage Line as recorded in Clerk's File F-447238.

BUYER Yvonne E. Stanley

3208 Bernard Street

DESCRIBED PROPERTY A tract of land containing 9,000.5760 square feet (0.2066 acres), of land, more or less, being out of and a part of Tract 14, Lot 6, W. B. Root Subdivision, in the William M. Jones Survey, Abstract 482, Harris County, Texas, said 9,000.5760 square feet (0.2066 acres) tract being more particularly described by metes and bounds as attached.

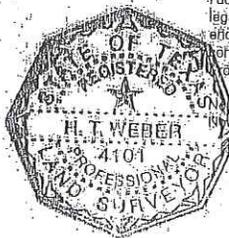
WESTAR LAND SURVEYORS, INC.

P. O. BOX 669 ALVIN, TX 77812-0669 (281) 888-1159 • (888) 888-1159

G.F. 274765

Date: 5/30/01 REV: 6-4-01

Inv.#: 7426



I do hereby certify that this survey was this day made on the ground of the property legally described herein, (or on the attached sheet), and is correct, and there are no encroachments unless shown, and was done by me or under my supervision, and conforms to or exceeds the current standards as adopted by the Texas Board of Professional Land Surveying.

There are no natural drainage courses on this property. This property does not lie in a flood hazard zone according to H.A.I.D./F.I.A. 465487 0940 J 11-6-96 Zone AE

HTW-el

JOB# 5/685/01

EXHIBIT B

3200 Block of Bernard



3208 on Right,

RECEIVED
JUN 27 2012
BY:

EXHIBIT C

3208 Bernard



RECEIVED
JUN 27 2012

3208 Berndt



RECEIVED
JUN 27 2012

3200 Bluffs Boulevard



RESERVE
JUN 27 2012

3200 Bley Benerel



Across the Street from 3208 Benerel

RECEIVED
JUN 27 2012
FV

3208 pencil - back of house



RECEIVED
JUN 27 2012

3208 Bernard



RECEIVED
JUN 27 2012
BY

Ditch Behind Property



RECEIVED
JUN 27 2012

DIVISION 2. ACCESSORY BUILDINGS, USES AND EQUIPMENT

Sec. 106-741. General provisions.

(a) No accessory buildings, uses or structures shall be erected or located in any required yard other than the rear yard except:

- (1) A detached private garage as defined, may be permitted in side yards, provided:
 - a. It complies with all the requirements of this section;
 - b. It shall be five feet or more from side lot lines; and
 - c. The side yard does not abut a street right-of-way.
- (2) Accessory buildings built on a skid foundation, no larger than 120 square feet and no more than one story in height may be located in utility easements in required rear yards, except that they may not be located closer than three feet from a side or rear property line or closer than six feet from any other structure.

(b) Accessory buildings, uses and structures shall not exceed 15 feet in height, shall be three feet or more from all lot lines, shall be six feet or more from any other building or structure on the same lot, and shall not be located upon any utility easement.

(c) Private garage structures with vehicular access doors facing public alleys, as defined in the public improvement construction policy and standards, shall be 20 feet or more from the alley right-of-way. Detached garages located in rear yards of corner lots shall be set back a minimum ten feet from the property line abutting the side street right-of-way.

(d) Detached private garages, as defined, may be 20 feet in height, or the height of the principal structure, whichever is less.

(e) Floor area.

- (1) *Generally.* No accessory building, or carport garage for single-family dwellings shall occupy more than 25 percent of a rear yard, nor exceed 1,000 square feet of floor area.
- (2) *Large lot residential only.* Accessory buildings in single-family residential large lots may not exceed 2,000 square feet of floor area. Accessory buildings with a floor area in excess of 1,000 square feet must be located at least 30 feet from any property line and 30 feet behind the rear of the primary structure.

(f) No permit shall be issued for the construction of more than one detached private garage or carport structure for each dwelling.

(g) Wind generators, for producing electricity or other forms of energy shall not be located in any yards other than the rear yard and must be set back 150 feet from all property lines or the height of the structure, whichever is greater.

Sec. 106-791. Front yard areas.

No fences, structures, grading, or barrier hedges shall be permitted within any front yard areas except in the case of large lot residential 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.

Sec. 106-792. Large lot residential lots.

In the case of large lot residential lots, eight feet perimeter fences are permitted as an accessory use. In the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay, four feet front yard fences are permitted parallel and adjacent to the side lot lines. However, such fences shall be permitted on the front lot line directly adjacent to Galveston Bay, and shall only be constituted of chain link. These exceptions do not permit structures, grading, or barrier hedges.

(Ord. No. 2009-3173, § 5, 8-24-09)

Sec. 106-793. Fences in side and rear yards.

Within side yards and rear yards, fences of not higher than eight feet including six-inch rot boards and walls 42 inches high or less shall be permitted.

(Ord. No. 2009-3173, § 6, 8-24-09)

Sec. 106-794. Fences and trees on utility easements.

Fences or trees placed upon utility easements are subject to removal at the owner's expense if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed ten feet in height.

Sec. 106-795. Maintenance of fences.

Both sides of the fence must be maintained in good condition by the owner of the fence and grass/ground cover adjoining the fence must be mowed and weeds removed on a regular basis.

Subdivision perimeter fences or walls shall be maintained and repaired by the developer, owner, owner's agent, and/or homeowner association or the management company of a subdivision. Maintenance, repair or replacement of wood or masonry fence around manufactured housing parks is the sole responsibility of the owner, its agent, or the management company.

(Ord. No. 2009-3173, § 7, 8-24-09)

Sec. 106-796. Barbed wire fences.

Barbed wire fences shall not be permitted, used or constructed except in industrial districts or to control livestock as hereinafter provided.

VARIANCE REQUEST

12-93000004

FOR

408 NORTH 16TH STREET

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SITE PLAN

EXHIBIT C – SECTION 106-791, CODE OF ORDINANCES

EXHIBIT D - PUBLIC NOTICE RESPONSE

Staff Report

July 26, 2012

Variance Request # 12-93000004

Requested by: Vanezia Properties, LLC., (a.k.a Argus Motors)

Requested for: A perimeter fence constructed within the front yard setback

Location: 408 North 16th Street, Lots 1 thru 12, 21 thru 32 and TR C, Block 652; Town of La Porte, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas.

Zoning: Light Industrial (LI)

Background: Applicant is requesting a variance to allow a newly constructed fence within the front yard setback to remain in place. Total area of the tract in question is 79,802 square feet with a new office/warehouse, storage and detention facility. The property is zoned Light Industrial (LI) and the City's Code of Ordinances prohibit a fence being erected within the required front yard setback of any commercial or industrial zoning districts.

Earlier this year, the City approved a development site plan for a new building for Argus Motors. The development site plan shows a 12,000 sq.ft. building, parking and storage area to the rear. Landscaping is shown along front and side property lines. The building setbacks in LI zone are Front 20', Rear 10', and Sides 10'. During the planning process, the applicant did not propose a fence for this property.

This variance request is for a waiver of the standard front yard setback requirement in order to allow a fence constructed on the front property line along North 16th Street. According to the applicant, a front yard fence with a rolling gate is desired for security and safety reasons. In addition, construction of this fence will allow the owner to utilize approximately 7,000 square feet of additional property for parking and other amenities at the site.

The City's Code of Ordinances, Section 106-797(2), prohibits a fence being erected within the required 20' front yard setback in the commercial and industrial zoning districts.

Staff analyzed the surrounding area and based upon site inspections, the following considerations are noted:

- A storage/warehouse building at 200 S. 16th Street has an existing fence along S. 17th Street.
- The property at 123 South 17th Street has a chain link fence within the front yard setback.

Analysis:

Section 106-192(b)(1), of the Code of Ordinances, defines a *variance as a deviation from the literal provisions of the chapter, which is granted by the Board when strict conformity to the chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.*

Section 106-1 defines fence as "...a manmade structural barrier erected on or around a piece of property or any portion thereof."

Except as otherwise prohibited, the Board is empowered to authorize a variance from a requirement when the Board finds that all of the following conditions have been met:

- ❖ That the granting of the variance will not be contrary to the best public interest.
- ❖ That literal enforcement of the 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
- ❖ That by granting the variance, the spirit of the chapter will be observed.

Regarding this request, the relief being sought to:

- Allow a newly constructed fence at the property line within the front yard setback.

In determining if granting the applicant's request would be contrary to the public interest, Staff recognizes that development of the fence at the property line may not create a problem with adjoining properties, as most of the public front of this property is along North 16th Street.

In viewing the specific grounds for granting a variance, however, staff points out that the condition, as it exists, "...is the result of the applicant or property owner's own actions..." contrary to the provisions of Section 106-192. However, staff finds no grounds to justify "...unnecessary hardship because of exceptional narrowness, shallowness, shape topography, or other extraordinary or exceptional physical situation unique to the property in question." Security of the property and safe operation of the facility, however, may be considered in this regard.

The Zoning Board of Adjustment's final consideration is whether granting this request observes the spirit of the ordinance. Based on the facts noted in this report, the applicant's request may not be contrary with the spirit of the ordinance, and may promote the health, safety and welfare of the general public.

Conclusion:

The application merits review by the Board based upon the parameters set by the Ordinance.

The Board may consider:

- Granting the variance and allowing the fence to remain on the property line in the front yard setback with the stipulation that a City permit is obtained at double the normal fee as allowed by the building code for non-permitted work.

- Denying the variance thereby causing removal of the front yard fence.

Appeals:

As per Section 106-196 of the Code of Ordinances of the City of La Porte: 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 Section 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.

CITY OF LA PORTE
ZONING BOARD OF ADJUSTMENT
VARIANCE REQUEST

OFFICE USE ONLY: Fee: \$150.00 Application No.: 12-43000004
Date Received: 7-5-12
Receipt No.: 118250
Note: This Fee is Non-Refundable Regardless of the Board's Decision

Applicant: Vanezia Properties LLC / Argus Motors
Name
408 N. 16 St La Porte Tx 77571 713-875-8484
Address Phone

I am the owner of the herein described property. I have authorized _____
to act on my behalf in this matter.

Owner*: _____
Name

Address Phone

I am requesting a variance to Sect. _____ of the City Zoning regulations Chapter 106 of the
Code of Ordinance.
I am requesting this variance for property located at 408 North 16th St
Street Address
Moving fence line
Legal Description

Site Plan Minor Development Site Plan
 Major Development Site Plan General Plan

A Site Plan of the property is attached. Also, I have listed the information requested below on the
following pages of this form.
a) All facts concerning the matter that has led up to this request.
b) The type of relief I am seeking (setbacks, lot coverage, etc.).
c) The grounds upon which I am making this request.

* If applicant is NOT the owner, he must provide Authorization to act on the Owner's behalf.
6/29/12 _____
Date Applicant's Signature

Office Use Only
Site Plan and Authorization (if applicable) attached? Yes () No ()
Date transmitted to the Board of Adjustments: _____
Meeting Date: _____ Applicant Notified of Date: _____
Notice to surrounding property owners- Date: _____
Board's Decision: Approved () Denied ()
Notice of Boards Decision mailed to Applicant/Owner: _____

TYPE OF RELIEF BEING SOUGHT:

Able to have fence on property line, ~~so~~ so that we maybe be able to bring in Semi truck safely and load and unload. As well as be able to lock the property up if need to leave trailer in loading dock.

THE GROUNDS FOR THE REQUESTS:

To Have Fence line moved from 20' building set back line to the property line.

AREA MAP



N 14TH ST



**LOCATION OF PROPERTY
408 N. 16TH ST.**

N 16TH ST

W POLK ST

N 18TH ST

N 17TH ST

W MAIN ST

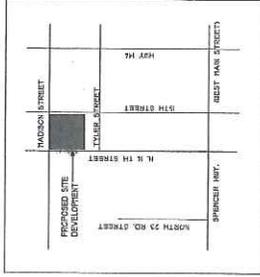
S 17TH ST

S 16TH ST

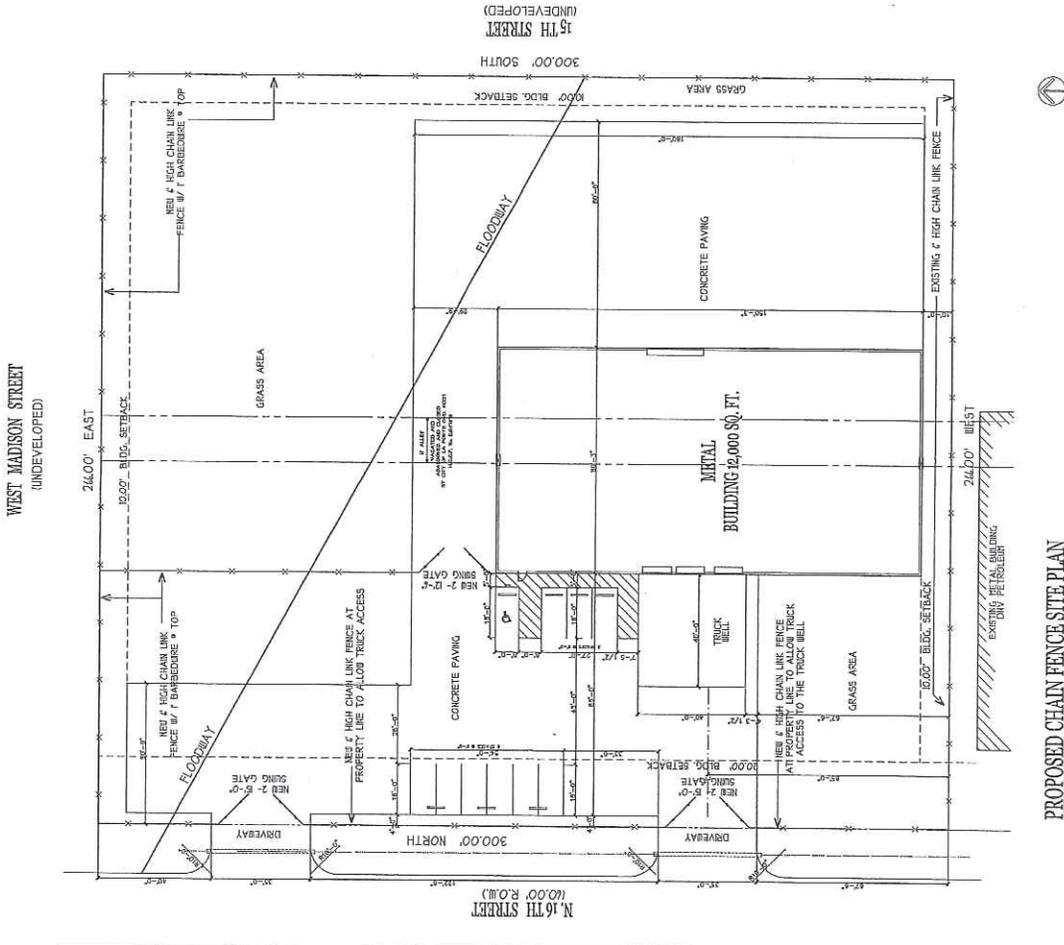
S 14TH ST

NEW FENCE FOR ARGUS MOTORS

408 N. 16TH STREET
 LA PORTE, TX 77571



VICINITY MAP



PROPOSED CHAIN FENCE SITE PLAN
 SCALE: 1" = 20'-0"

OWNER:
 VANEA PROPERTIES LLC
 HICHAM FARHAT (HNRD)
 806 MANCHESTER ST.
 HOUSTON, TX 7702

ARCHITECTS:
T B A
 TIM BROADHEAD / ARCHITECTS, INC.
 812 BRADFORD AVE. SUITE 6A
 KEMAH, TEXAS 77565
 281-384-6700

BUILDER:
 MRE BUILDERS LTD
 P.O. BOX 66926
 HOUSTON, TEXAS 77269
 281-477-9505



REVISIONS BY:
 DATE:

Sec. 106-791. Front yard areas.

No fences, structures, grading, or barrier hedges shall be permitted within any front yard areas except in the case of large lot residential 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.

Sec. 106-792. Large lot residential lots.

In the case of large lot residential lots, eight feet perimeter fences are permitted as an accessory use. In the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay, four feet front yard fences are permitted parallel and adjacent to the side lot lines. However, such fences shall be permitted on the front lot line directly adjacent to Galveston Bay, and shall only be constituted of chain link. These exceptions do not permit structures, grading, or barrier hedges.

(Ord. No. 2009-3173, § 5, 8-24-09)

Sec. 106-793. Fences in side and rear yards.

Within side yards and rear yards, fences of not higher than eight feet including six-inch rot boards and walls 42 inches high or less shall be permitted.

(Ord. No. 2009-3173, § 6, 8-24-09)

Sec. 106-794. Fences and trees on utility easements.

Fences or trees placed upon utility easements are subject to removal at the owner's expense if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed ten feet in height.

Sec. 106-795. Maintenance of fences.

Both sides of the fence must be maintained in good condition by the owner of the fence and grass/ground cover adjoining the fence must be mowed and weeds removed on a regular basis.

Subdivision perimeter fences or walls shall be maintained and repaired by the developer, owner, owner's agent, and/or homeowner association or the management company of a subdivision. Maintenance, repair or replacement of wood or masonry fence around manufactured housing parks is the sole responsibility of the owner, its agent, or the management company.

(Ord. No. 2009-3173, § 7, 8-24-09)

Sec. 106-796. Barbed wire fences.

Barbed wire fences shall not be permitted, used or constructed except in industrial districts or to control livestock as hereinafter provided.

A Meeting of the La Porte

Zoning Board of Adjustment
(Type of Meeting)

Scheduled for

July 26, 2012
(Date of Meeting)

to Consider

Variance #12-9300004
(Type of Request)



I have received notice of the above referenced public hearing.

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

THE FENCE FITS IN REAL
GOOD WITH LIGHT INDUSTRIAL.
THE COMPANY WOULD FIND IT REAL
DIFFICULT TO OPERATE W/O THIS FENCE.
SECURITY IS A REAL CHALLENGE!

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

Doug Hartman

Name (please print)

302 W 16th

Address

[Signature]
Signature

LA PORTE, TX 77571

City, State, Zip

THANKS

A Meeting of the La Porte

Zoning Board of Adjustment
(Type of Meeting)

Scheduled for

July 26, 2012
(Date of Meeting)

to Consider

Variance #12-93000004
(Type of Request)



I have received notice of the above referenced public hearing.

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

THE FENCE WILL IMPROVE THE SECURITY
SITUATION AT 408 NORTH 16 TH STREET (I.E.
REDUCED RISK OF BURGLARY OR VANDALISM)

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

HAUK WATH, DNV
Name (please print)

Jamie
Signature

318 NORTH 16 TH STREET
Address

LA PORTE, TX 77571
City, State, Zip