



City of La Porte Zoning Board of Adjustment Meeting Agenda

Notice is hereby given of a **Special Called Meeting** of the La Porte Zoning Board of Adjustment to be held on **November 29, 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 August 23, 2012, meeting minutes.
3. Consider Variance Request #12-93000007 for the property located at 101 Strang Road, further described as 10 acre tract of land TR 13D-3, STAASHEN, situated in the Enoch Brinson League Survey, Abstract No. 5, La Porte, Harris County, Texas. The applicant seeks a variance to allow a 50' wide driveway with a 25' radius along Strang Road to remain in place contrary to the provisions of Section 106-835 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
4. Consider Variance Request #12-93000008 for the property located at 100 Park Drive, further described as Lots 11-14, Block 8, Sylvan Beach Subdivision, Johnson Hunter Survey, Abstract No. 35, La Porte, Harris County, Texas. The applicants seek a variance to allow a fence to be constructed 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
5. Administrative Reports
6. Board Comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy
7. 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 November 29, 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 August 23, 2012**

Board Members Present: Chester Pool, Charles Schoppe, George Maltsberger, Rod Rothermel, and Sherman Moore (Alt 2)

Board Members Absent: T.J. Walker, Lawrence McNeal (Alt 1)

City Staff Present: City Planner, Masood Malik; Assistant City Attorney, Clark Askins; and Office Coordinator, Peggy Lee

1. Call to Order.

Chairman George Maltsberger called the meeting to order at 6:00 p.m.

2. Consider approval of the July 26, 2012, meeting minutes.

Motion by Rod Rothermel to approve the July 26, 2012, meeting minutes. Second by Charles Schoppe. Motion carried.

Ayes: Chester Pool, Charles Schoppe, George Maltsberger, Rod Rothermel, Sherman Moore
Nays: None

3. Consider Variance Request #12-93000005 for the property located at 222 South “Y” Street, further described as Lot 9, Block 2, Oakhurst Subdivision, W.P. Harris Survey, Abstract 30, La Porte, Harris County, Texas. The applicants seek to allow construction of a one car garage for a single family dwelling, contrary to the provisions of Section 106-834 (f) 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

City Planner Masood Malik presented the staff report.

Public hearing notices were mailed to 26 property owners within 200’ of the subject property. The City received one (1) response in favor of the request and three (3) opposed.

B. Proponents

The applicant, Walt Saldivar of 3115 Bayou Drive, was sworn in by Chairman Maltsberger. Mr. Saldivar requested a variance for a one-car garage because at the time he purchased the 4,000 SF lot, he was unaware of the code requirement for a two-car garage. Mr. Saldivar stated there are no other homes on the street with garages, one or two-car, so a one-car garage would not seem unusual. He noted the house he plans to build has been designed to meet all other City requirements.

Catherine Focke, 111 S. Y Street, was sworn in by Chairman Maltsberger. Ms. Focke responded to Mr. Saldivar's comment about there not being garages at any of the homes along the street. Ms. Focke stated there are ten (10) residences, three (3) of which have single car garages: her house, Freddie Tucker's house across the street, and her brother's house at 102 S. "Y," which has a one-car garage and a carport. She stated the house proposed by Mr. Saldivar would upgrade the neighborhood and be a definite improvement to the street.

C. Opponents

There were no opponents.

D. Proponents Rebuttal

There were no proponent's rebuttals.

Mr. Malik responded to questions from the Board.

Motion by Rod Rothermel to approve Variance Request #12-93000005, for the property located at 222 South "Y" Street to allow construction of a one-car garage for a single-family dwelling. Second by Sherman Moore. Motion failed for lack of the four (4) votes required to decide in favor of the applicant.

Ayes: Rod Rothermel, Charles Schoppe, Sherman Moore (Alt 2)
Nays: Chester Pool, George Maltsberger

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

Motion by Sherman Moore to reconsider Variance Request #12-93000005 at a later date. Second by Rod Rothermel. Motion carried.

Ayes: Sherman Moore (Alt 2), Rod Rothermel, Charles Schoppe (Alt 2)
Nays: Chester Pool, George Maltsberger

- 4. Consider Variance Request #12-93000006 for the property located at 912 Robinson Road, further described as Lots 410-412, Block 11, Battleground Estates, Section 2, La Porte Outlots, Enoch Brinson Survey, Abstract No. 5, La Porte, Harris County, Texas. The applicant seeks a variance to allow a fence erected in the front yard setback to remain in place 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

City Planner Masood Malik presented the staff report.

Public hearing notices were mailed to 16 property owners within 200' of the subject property; no responses were received.

B. Proponents

The applicant, Samantha Chaplain of 912 Robinson Road, was sworn in by Chairman Maltsberger. Ms. Chaplain requested a variance to allow a fence, erected within the front yard setback, to remain in place. When she purchased the house 3-4 years ago, the existing chain link fence running the entire length of the front yard was grandfathered. According to Ms. Chaplain, the fence, which was originally constructed in 1976, was dilapidated. Ms. Chaplain was unaware she could not repair/replace the fence or that a permit was required. She noted the fence is needed to ensure the safety of her two young children from heavy traffic along Robinson Road. An uncontrollable flea problem from livestock on the property adjoining the rear of the property prevents the children from playing in the backyard.

Amy Pearson, 10911 San Jacinto Drive, was sworn in by Chairman Maltsberger. Ms. Pearson addressed the Board in favor of the variance request, citing speeding traffic concerns.

Gwen Arredondo, 11025 Monument, was sworn in by Chairman Maltsberger. Ms. Arredondo spoke, neither in favor nor in opposition to the request. She wanted to make the Board aware that the resident at 805 Santa Anna was required to remove a three-foot (3') vinyl fence that was installed without a permit, approximately one year ago.

C. Opponents

There were no opponents.

D. Proponents Rebuttal

There was no proponent's rebuttal.

Mr. Malik responded to questions from the Board.

Motion by Chester Pool to approve Variance Request #12-93000006, for the property located at 912 Robinson Road to allow a fence erected in the front yard setback to remain in place. Second by Charles Schoppe. Motion carried.

Ayes: Chester Pool, Charles Schoppe, George Maltsberger, Rod Rothermel, Sherman Moore
Nays: None

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

- 5. Consider Appeal of the Enforcement Officer's Decision #12-95000002 for the property located at 1911 West Main Street, further described as Lots 5-9, 11-28, TRS 4, 10, 29, Block 727, Town of La Porte, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. The applicant**

is seeking approval to erect an off-premise advertising sign within 1,000 ft. of an existing sign, which is prohibited per Section 106-875 (h) of the Code of Ordinances. The appeal is being sought under the terms of Section 106-89 (3) of the City's Code of Ordinances.

A. Staff Presentation

City Planner Masood Malik presented the staff report.

Public hearing notices were mailed to four (4) property owners within 200' of the subject property; no responses were received.

B. Proponents

The applicant, Brett Gilbreath of 601 Park Lane, was sworn in by Chairman Maltsberger. Mr. Gilbreath provided Board members with a packet of information relevant to the request. At issue is the radial spacing standard he believes La Porte has only recently begun to use to determine spacing for off-premise signs. According to Mr. Gilbreath, the highway department and other cities he has worked with use a linear measurement on the same side of the roadway. Mr. Gilbreath used Google Earth to locate five (5) existing signs in La Porte located closer than 1,000 feet from other off premise signs.

Gus Brieden, 222 Bayshore, was sworn in by Chairman Maltsberger. Mr. Brieden owns the property where the sign would be located. Mr. Brieden stated he had visited local businesses and collected responses favoring the request.

C. Opponents

Larry Haller, business owner at 122 S. 17th Street, was sworn in by Chairman Maltsberger. Mr. Haller opposes any city approval that would allow the property owner to profit from leasing a sign when his property has not been developed properly.

D. Proponents Rebuttal

There was no proponent's rebuttal.

Mr. Malik responded to questions from the Board.

Motion by Sherman Moore to uphold the decision of the Building Official to disallow an off-premise advertising sign to be erected on the property located at 1911 West Main Street, within 1,000 ft. of an existing sign. Second by Chester Pool. Motion carried.

Ayes: Sherman Moore, Chester Pool, Charles Schoppe, George Maltsberger, Rod Rothermel
Nays: None

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

The Board directed staff to work with the Planning and Zoning Commission to determine whether the intent of the ordinance is for all off-premise signs to be spaced at intervals of not less than 1,000 feet by *radial* measurement, and if so, should verbiage be added to the ordinance for clarification.

6. Administrative Reports

Mr. Malik reported the model home at Lakes at Fairmont Greens should be complete by September 1st, and several new coffee shops are opening in town.

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

Chairman Maltzberger suggested additional training to ensure the Board is aware of specific criteria that must be followed when considering requests. Rod Rothermel spoke on the importance of maintaining the spirit of the Zoning Ordinance.

7. Adjourn

Motion by Sherman Moore to adjourn. Second by Rod Rothermel. Motion carried. Chairman Maltzberger adjourned the meeting at 7:35 pm.

Respectfully submitted,

Peggy Lee
Secretary, Zoning Board of Adjustment

Passed and Approved on August 23, 2012.

George Maltzberger
Chairman, Zoning Board of Adjustment

VARIANCE REQUEST

12-93000007

FOR

101 STRANG ROAD

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SITE PLAN

EXHIBIT C – SECTION 106-835, CODE OF ORDINANCES

EXHIBIT D - PUBLIC NOTICE RESPONSE

Requested by: Will Connell, GIS Properties Houston, LLC.

Requested for: A 50' wide driveway with 25' radius

Location: 101 Strang Road, TR 13D-3, STAASHEN

Zoning: Heavy Industrial (HI)

Background: The subject property is located at the edge of the City limits of La Porte adjacent to the DuPont Industries. Strang Road, a 60' wide Harris County right-of-way, is a two lane road primarily used for the plant entrance near the interchange of State Highway 146 and 225. Last year, the City received a development site plan for the Gulf Intermodal Services facility to be located at 101 Strang Road. The project consists of one-story 7,000 square foot office building, employee parking and tractor/trailer parking lot. The facility has two driveways, southern drive for employees and northern drive primarily for the use of tractors/trailers.

The City's Code of Ordinances allows a driveway width maximum up to 40' and turning radius up to 15' for industrial zoning districts. Upon inspection, staff noticed a 50' wide driveway not a 40' driveway as shown on the approved site plan, which is in violation of the provision of Section 106-835 of the Code of Ordinances. The applicant was notified of the violation and responded with a request for variance to allow 50' wide driveway with 25' radius to remain in place.

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.*

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 50’ wide driveway with 25’ radius to remain in place.

The applicant has consulted two engineering firms, which have recommended a 50’ driveway with 25’ radius for the safe operations of the facility. Disadvantages of a 40’ wide driveway with 15’ radius include:

- Insufficient width for two way traffic as truck and trailer will end up pulling into an opposite lane before entering the property
- Trucks not able to safely enter and exit the facility.
- Cause unnecessary safety risks and potential for temporary traffic problems.

The main access to the facility is along Strang Road, a 20’ wide asphalt roadway. A wider driveway with broader radius along this narrow two lane roadway would allow traffic to directly enter the facility and provide the width and depth necessary to easily enter/exit the property via Strang Road. In addition, this part of town is surrounded by the Battleground Industrial District to the north and west, State Highway 146 North to the east, and State Highway 225 to the south.

In determining if granting the applicant’s request would be contrary to the public interest, staff recognizes that construction of this driveway may not create a problem with the adjoining properties. Surrounding properties are basically industrial in nature and may not be impacted with this development. DuPont Industries located to its north, is a major supplier of building and construction materials, maintenance supplies, chemicals, and consumer goods. While, Praxair is a provider of industrial gases including atmospheric, process and specialty gases.

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 characteristics unique to the property, such as exceptional narrowness, shallowness, shape, topography, or other extraordinary or exceptional physical situation unique to the property in question." Staff does find that the narrow cross-section of the abutting public roadway, justifies design accommodation.

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 50' wide driveway with 25' radius to remain in place.
- Denying the variance thereby causing reconstruction per the approved site plan.

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.: 12-93000007

Date Received: 9-21-12

Receipt No.: 146933

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

Applicant: Will Connell / GIS Properties - Houston, LLC
Name

101 Strang Road, La Porte, TX
Address

713-553-8234
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. 106-835 of the City Zoning regulations Chapter 106 of the
Code of Ordinance.

I am requesting this variance for property located at 101 Strang Road, La Porte, TX
Street Address

Approximately 10 Acres of Land known as TR 13D-3 (Harris County TAVID 0642220000066)
Legal Description
located in La Porte TX with Commaled known Address of 101 Strang Road, La Porte, TX

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.

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

9/21/12
Date

Will Connell
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 ()

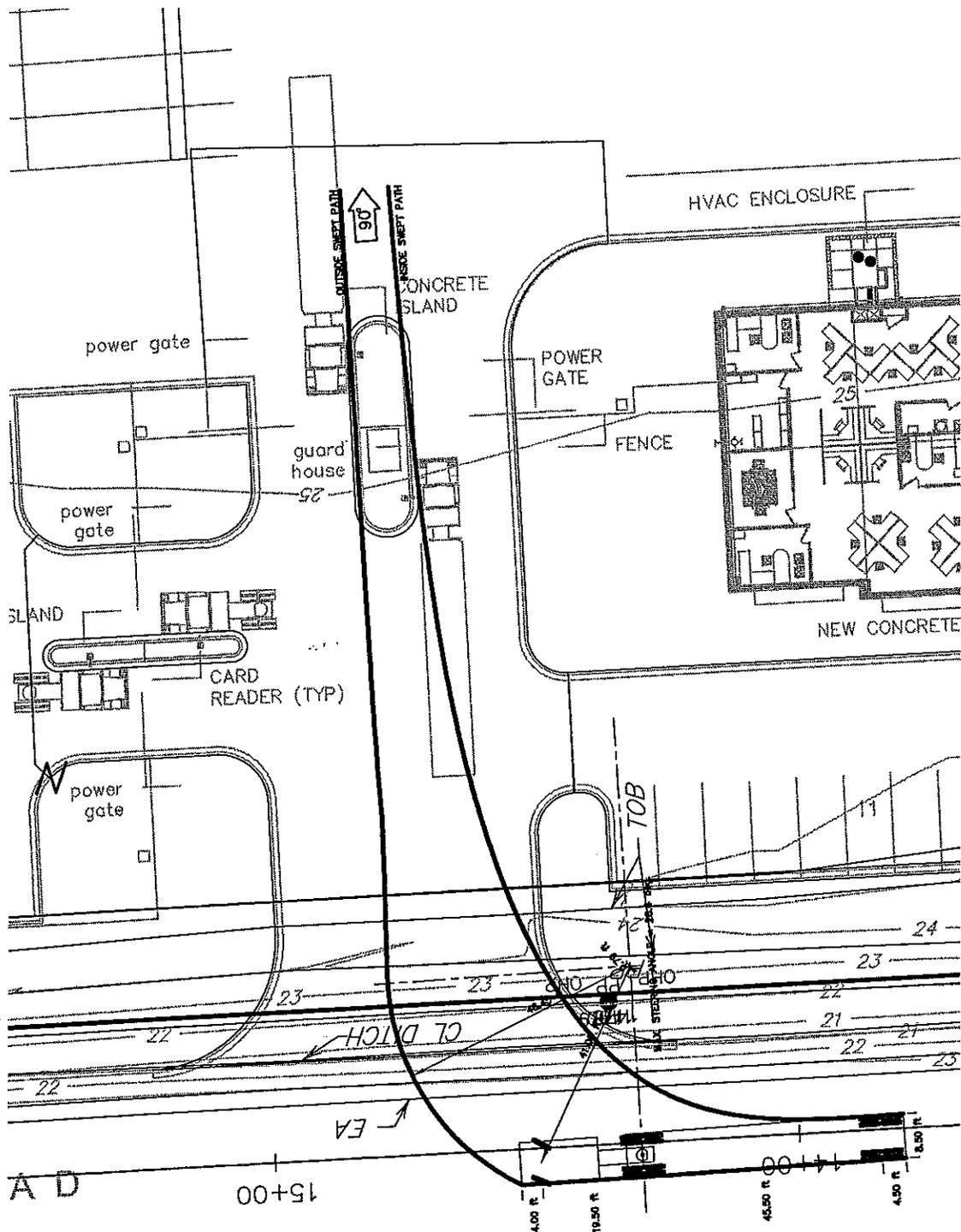
Notice of Boards Decision mailed to Applicant/Owner: _____

Type of relief being sought:

We are seeking a variance to allow a 50' wide driveway with a 25' radius for our primary facility entrance. Section 106-835 of the City Zoning regulations allows for a maximum width on industrial driveway of 40' with a radius of 15'.

The grounds for the request:

- We have had the primary entrance to our facility on Strang Road reviewed by two different engineering firms, ETI from Memphis, and Jones & Carter from Houston. Both firms recommend that a 50' driveway is needed with a 25' radius to safely enter the property from Strang Road.
 - See attached drawings for reference to the facility
 - Drawing one shows where a truck and trailer will end up on a 40' driveway
 - Drawing two shows where a truck and trailer will end up on a 50' driveway
- Strang road is a 2 lane road and restricting the driveway width and radius further than requested, will encourage a driver to pull into the opposite lane before entering the property. Also as you can see from drawing one, if you pull into the facility with the 40' driveway, the truck ends up in the exit lane from our facility. If we have a truck trying to exit our facility, we are concerned that another truck will not be able to safely make the turn to enter the facility. We feel that both of these situations create unnecessary safety risks which are alleviated with a larger driveway.
- Our facility is zoned heavy industrial and is located at the end of the La Porte City limits – no additional La Porte property is located beyond our facility or directly across Strang Road as this is Harris County.

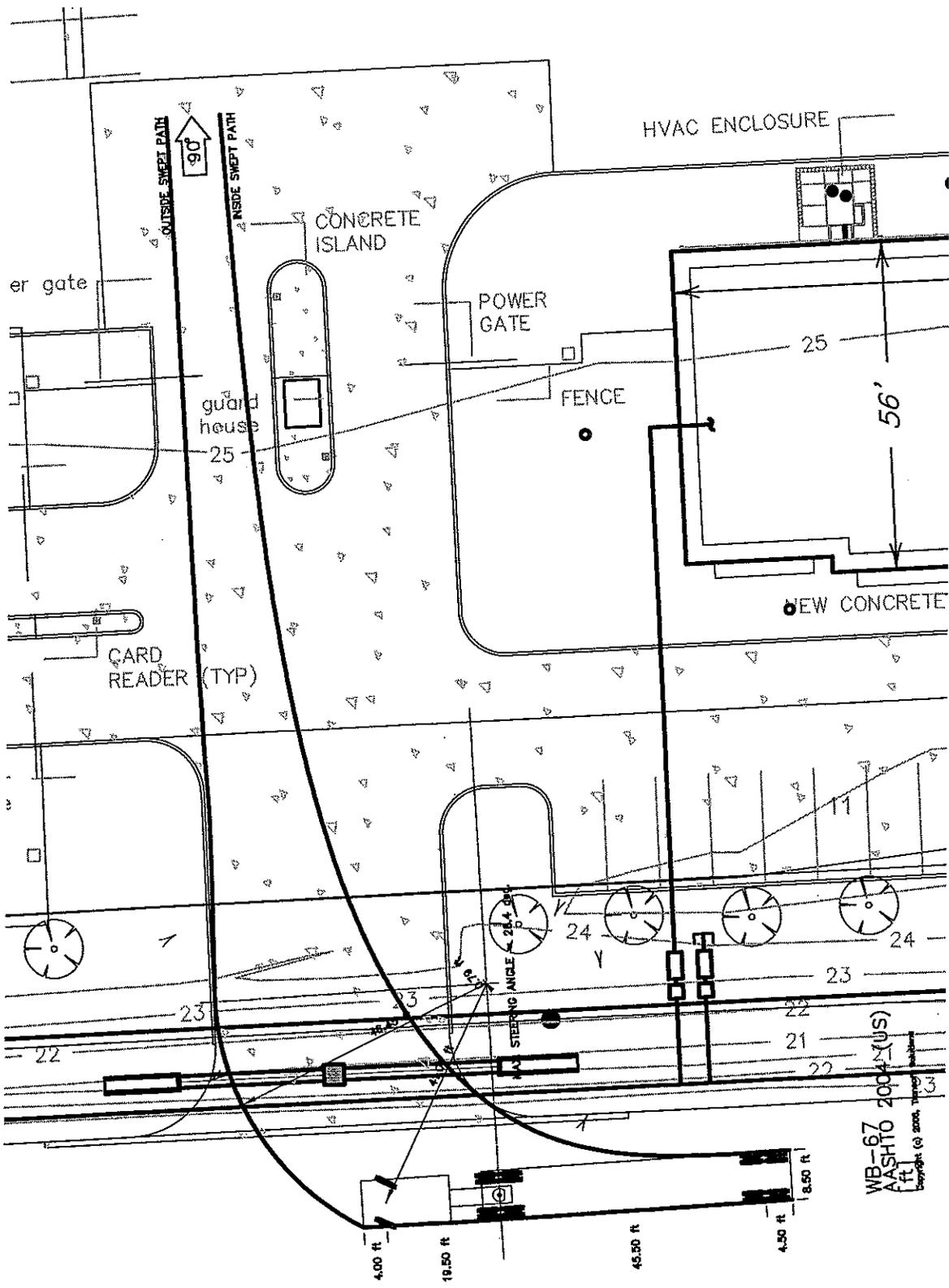


STRANG ROAD

(R.O.W. VARIES)

BASELINE "A"

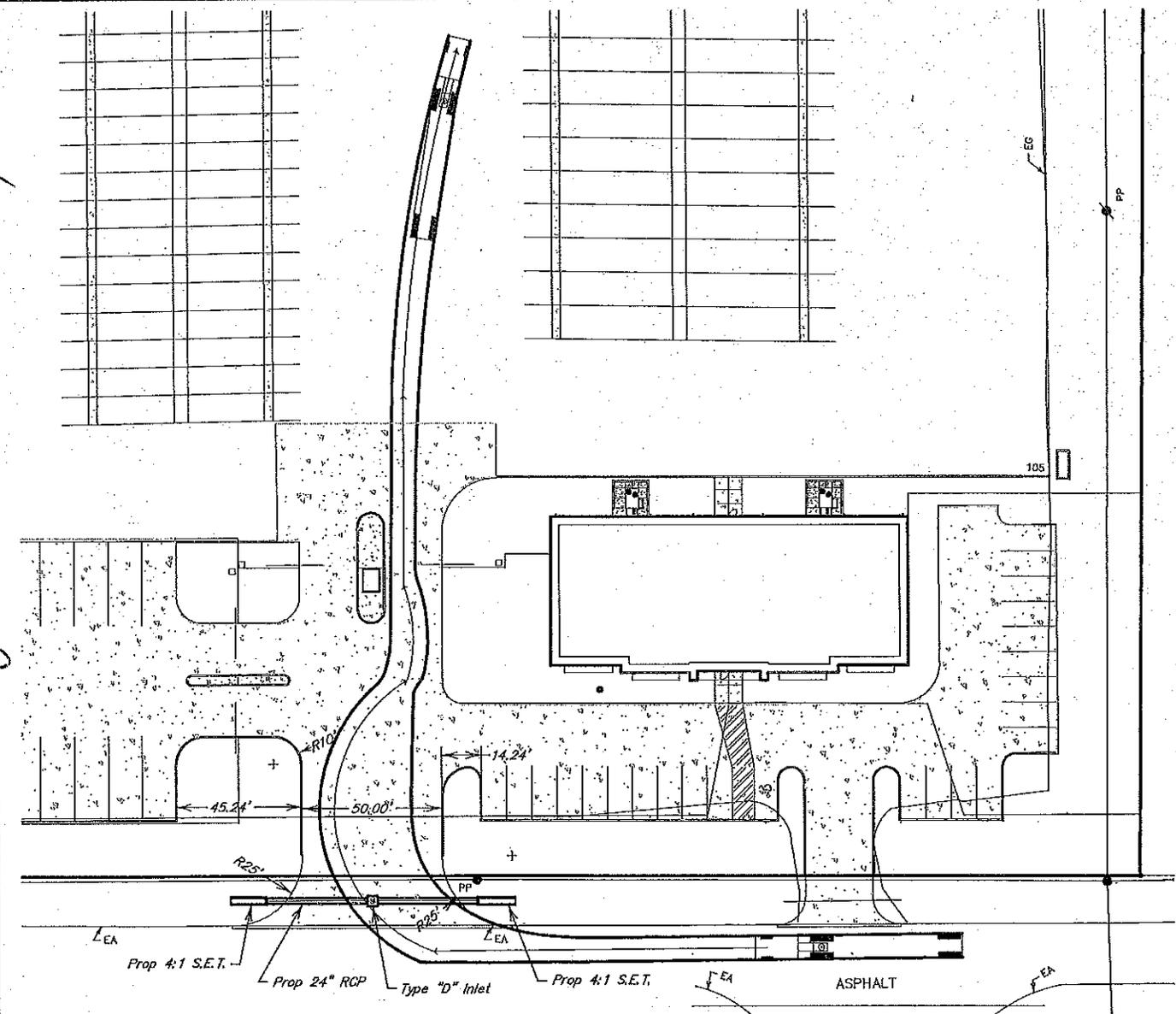
N 02°57'48" W 1934.50'



WB-67
 AA5110 2004 (US)
 ft
 Copyright © 2004, Intel Corporation

DRAWING TWO 50' DRIVEWAY

↑
N.T.S.



TRUCK TURN RADIUS
MAY 2012

JC JONES & CARTER, INC.
ENGINEERS • PLANNERS • SURVEYORS
Texas Board of Professional Engineers Registration No. E-439
8415 Reading Road, Rosenberg, Texas 77471 (281) 342-2633

BY: [Signature] - All Vertical Curves - Service for [Signature] - [Signature] - [Signature] - [Signature] - [Signature]

AREA MAP



101 STRANG RD.

STRANG RD

S SH 146

S SH 146

N SH 146

ESH 225

LA PORTE FWY

SH 225

N SH 146

E SH 146

LA PORTE FWY

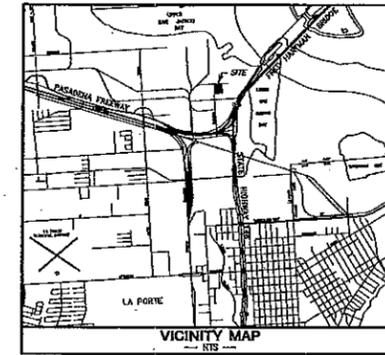
E SH 146

N SH 146

N SH 146

1 inch = 300 feet

CALLED 97.477 ACRES (PARCEL No. 2)
TO E.J. DU PONT DE NEMOURS AND COMPANY
BY DEED
CF No. C631829 HCOPRRP



BENCH MARK
Elevations Shown Hereon are Based on Harris County Floodplain Reference Mark No. 080005 Located at the Intersection of Sans Road and Ditch F101-00-03 with a Published Elevation of 20.73 Feet, NAVD 88, 2001 Adjustment.

T.B.M. A
Being a Found Railroad Spike in a Power Pole Located at the Northeast Corner of the Intersection of SH 225 and Strang Road.
Elevation = 21.17 Feet, NAVD 88, 2001 Adjustment

T.B.M. B
Being a Set Out Square in Concrete Located on the West Side of Strang Road, as Shown Hereon.
Elevation = 21.56 Feet, NAVD 88, 2001 Adjustment

T.B.M. C
Being a Set 100-D Nail in a Power Pole Located at the Northeast Corner of the Subject Tract.
Elevation = 24.45 Feet, NAVD 88, 2001 Adjustment

100-YEAR FLOOD PLAIN

According to Map No. 482010033L of the Federal Emergency Management Agency's Flood Insurance Rate Maps for Harris County, Texas and Incorporated Areas, Dated June 18, 2007, the Subject Tract is Situated Within Unshaded Zone X Defined as Areas Determined to be Outside the 0.2% Annual Chance Floodplain (500-Year Flood).

The FEMA Website (www.fema.gov) was checked on July 5, 2011. At this Date no LOMG's were Reported.

This Flood Statement does not imply that the Property or Structures Thereon will be Free from Flooding or Flood Damage. On Rare Occasions Flooding can and will occur and Flood Heights may be Increased by Man-Made or Natural Causes. This Flood Statement shall not Create Liability on the Part of the Surveyor.

FLOOD STATEMENT

This Tract is in Flood Zone X Unshaded and not within the 100-Year Flood Plain according to the FEMA Map No. 482010033L, dated June 18, 2007.

CALLED 13.967 ACRES
TO GRENSHAW REAL ESTATE PROPERTIES II, LTD.
BY GENERAL WARRANTY DEED w/ VENDOR'S LIEN
CF No. 20070706637 HCOPRRP

LEGEND

- SLOPE ARROW
- FF 61.5 FINISHED FLOOR ELEVATION
- FINISHED CONTOUR
- EXISTING CONTOUR
- HP HIGH POINT
- +61.0 FINISHED SPOT ELEVATION
- +50.0 EXISTING SPOT ELEVATION
- ⇄ INVERTED CROWN
- ⇄ EARTH SWALE
- CM CRAPE MYRTLE TREE
- PA PALM TREE
- CHP OVERHEAD POWER
- PL PROPOSED PLANTERS

DESCRIPTION OF LAND

TR 130-3 STAMEN
10,000-ACRE TRACT OF LAND SITUATED IN THE
ENDICH BRUNSON LEAGUE SURVEY, ABSTRACT No. 5
HARRIS COUNTY, TEXAS

PARKING

CITY REQUIREMENT: 3 SPACES PER 1,000 S.F. OF OFFICE
7,000 S.F. BUILDING REQUIRES 21 STANDARD SPACES:
9'X19' STANDARD SPACES = 23
16'X19' VAN ACCESSIBLE SPACES = 1
12'X30' TRACTOR SPACES = 58
10'X40' TRAILER SPACES = 234
12'X35' TRAILER SPACES = 60

LANDSCAPE LEGEND

EXISTING 6" CRAPE MYRTLE TREES = 28
EXISTING 12" PALM TREES = 4
EXISTING PLANTERS = 2
PROPOSED PLANTERS = 7

WATERLINE NOTE:

Proposed 8" waterline to be constructed by others and extended from existing 8" waterline.

FORCE MAIN NOTE:

Proposed 2" sanitary sewer force main to be connected to a 2" sanitary force main constructed by others. Proposed 2" sanitary sewer force main to be privately maintained.

ELECTRIC UTILITY NOTE:

Electric Facilities to Building will be Underground.

FIRE HYDRANT NOTE:

There are no existing fire hydrants within 300' of the development. Proposed fire hydrant to be located approximately 80' from building.

CITY APPROVING AUTHORITY CERTIFICATE

This is to certify that the City of La Porte, Texas has approved this site plan and development of Gulf Intermodal Services Facility in conformance with the Ordinance for the City of La Porte.

By: *[Signature]*
Director, Planning Department

DEVELOPMENT

Name: Gulf Intermodal Services Facility
Type: Tractor/Trailer Parking and One-story Office Building
Address: 101 Strang Road, La Porte, Texas 77571
Zoning: Heavy Industrial (H)

OWNER/DEVELOPER

Gulf Intermodal Services
3435 H. McCarty Road
Houston, Texas 77029
Mr. Will Combs President

SITE PLAN ACCURACY CERTIFICATE

I, Dane A. Plumley, am registered under the laws of the State of Texas to practice the profession of engineering and hereby certify that the above plot or site plan is true and correct; and that all bearings, distances, angles, curve radiuses, and central angles are accurately shown on the plot.

[Signature]
Dane A. Plumley, P.E.
Texas License No. 105119

NO.	DATE	REVISIONS	APP.
CITY OF La PORTE HARRIS COUNTY, TEXAS			
STRANG ROAD GIS FACILITY			
SITE PLAN			
JC JONES & CARTER, INC. ENGINEERS • PLANNERS • SURVEYORS Texas Board of Professional Engineers Registration No. F-419 6416 Redwood Road, Houston, Texas 77041 (281) 948-9333			
SCALE:	1"=40'	DWG. BY:	RHC
DATE:	FEBRUARY 2012	DWG. BY:	REW, JDE
JOB NO.:	RO566-003	DWG. NO.:	
SUBMITTED:		SURV. BY:	
		F.B. NO.:	
SHEET NO. 1 OF 2			

CALLED 2.75 ACRES
TO 1/2 INTEREST TO HAROLD R. BROWSER, JR. &
1/2 INTEREST TO DEBRA L. BROWSER
BY WARRANTY DEED
CF No. V892057 HCOPRRP

CALLLED 57.580 ACRES
TO UNION CARBIDE
INDUSTRIAL GASES, INC.
BY SPECIAL WARRANTY DEED
CF No. M022409 HCOPRRP

FIGURE 10-2
CURB AND DRIVEWAY CRITERIA, RESIDENTIAL DISTRICTS
(R-1, R-2, R-3, MH)

<i>Driveway</i>	<i>Requirements</i>
Drive width	12' to 25'
Curb return radius	2' to 5'
Distance from intersection	25' min.*
Spacing between driveway	10' min.
Distance from side lot line	3' min.
Intersecting angle	90
Approach grade	5% max.
For concrete drives only:	
a. Material	Min. 4" thickness w/ 6x6-6/6 W.W.M.
b. Expansion joint	At property line
c. Curb (if applicable)	Curb disappearing at property line
Obstruction clearance	Min. 3' from poles, hydrants, etc.

* This distance shall be measured from the intersection of property lines common with street right-of-way lines.

FIGURE 10-3
CURB AND DRIVEWAY CRITERIA
COMMERCIAL AND INDUSTRIAL DISTRICTS
(CR, NC, GC, BI, LI, HI)

<i>Driveway Criteria</i>	<i>Requirements</i>	
	<i>Commercial</i>	<i>Industrial</i>
Drive width	20' to 25'	30' to 40'
Curb return radius	10' to 15'	10' to 15'
Distance from intersection	40'*	40' min.*
Spacing between driveways	40' min.	40' min.
Number of accesses	1/80'; 2/150'	1/80'; 2/150'
% of property frontage	40%	40%
Intersecting angle	90	90
Approach grade	5% max.	5% max.
Expansion joint	At prop. line	At prop. line

City of La Porte
Planning Dept.
604 West Fairmont Parkway
La Porte, Texas 77571
Attention: Mr. Masood Malik, City Planner



Re. Zoning Board of Adjustment
Variance Request for Gulf Intermodal Systems

Dear Mr. Malik,

Please accept this letter of support for the variance request submitted by Gulf Intermodal Systems for their property located on Strang Road in La Porte. They are seeking a variance to put in a 50 foot driveway with a 25 foot radius to safely enter their property. We are neighbors with our property backing on Strang Road and we understand their need for the exception. We have trucks in and out of our property and recognize the need for this variance. A few of the considerations to support this are:

- 1) This section of Strang Road is not a through roadway
- 2) Strang Road here is fairly narrow
- 3) There is a very limited number of businesses on this road
- 4) None of those businesses are beyond the GIS property
- 5) Granting this exception will improve the safety of this operation
- 6) We can see no negative impacts from approving this request

I thank you for considering this request in support of granting this variance.

Respectfully,
Alton E. Porter

Alton E. Porter (281) 615-5889 cell #
Gas Innovations
October 11, 2012

VARIANCE REQUEST

12-93000008

FOR

100 PARK DRIVE

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SURVEY PLAN

EXHIBIT C – PHOTOS

EXHIBIT D - SECTION 106-791, CODE OF ORDINANCES

Variance Request #12-93000008

Requested by: Rod and Lythia Powell (Property Owners)

Requested for: A fence to be allowed within the front yard setback

Legal Description: Lots 11-14, Block 8, Sylvan Beach Subdivision

Location: 100 Park Drive

Zoning: Low Density Residential (R-1)

Background: Applicants are requesting a variance to allow a 5' high ornamental aluminum panel fence to be erected within the front yard setback of their house at 100 Park Drive. The fence will be constructed around the perimeter of the house including front yard and gate across the driveway along Park Drive. The fence will be placed behind existing trees and landscaping within the front yard setback.

Per HCAD records, the house was built in 1980 with 3,566 square feet of living area on 40,400 square feet of total land area. The property is almost one acre in size bounded by a wooded area and Little Cedar Bayou on the south. The house faces west to a wooded area across the street. The properties to the north and east are already fenced. The applicants desire a fence and gate for security reasons. However, the Code of Ordinances prohibits a fence placed within the front yard setback in all zoning districts except Large Lot residential (greater than 1 acre) and lots directly adjacent to Galveston Bay.

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

- The existing block containing the residence has no existing fences in the front yard setback.
- The proposed fence would extend to the southwest corner of the existing fence of the adjacent property to the north.
- The front portion of the fence will be to the east of the roadside ditch behind existing landscaping.

The standard front yard setback requirement in residential zones for single family detached dwellings is 25'. Per Section 106-791 of the Code of Ordinances, no fence, structure, grading, or barrier hedges shall be permitted within any front yard areas except in the case of Large Lot residential with one acre in size or larger.

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 "...the manmade structural barrier erected on or around a piece of property."

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.

Relief being sought:

- Allow construction of a fence in the front yard setback.

In determining if granting the applicant's request would be contrary to the public interest, Staff recognizes that the development of the fence at the property may not create a problem with adjoining properties. In addition, the property is at the dead end of a public right-of-way.

The issues to consider are impact on neighboring property and the best public interest. In this case, it appears that the fence will serve to provide an aesthetically pleasing look in the vicinity of adjacent properties and provide security to the residents. The area across the house to the south and west is heavily wooded.

In reviewing 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. 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." However, security and safety of the property 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 be constructed within the front yard setback.
- Denying the variance thereby denying placement 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.

TYPE OF RELIEF BEING SOUGHT:

Request a permit to construct a 5' tall ornamental aluminum panel fence around the perimeter of our yard which would include a front yard fence and gate across the driveway. The Fence will be placed behind existing trees and landscaping and will be enhanced by future landscaping. The gate will be a sliding electric gate. Both fence and gate will be set back several yards from Park Drive and will have an aesthetically pleasing look. Our vision is to have a fenced yard that will look like an estate, not a "fortress", and we feel that it will enhance property value, not detract from it. Computer representations of the Fence are attached.

THE GROUNDS FOR THE REQUESTS:

We have a very large lot (almost one acre) that is bounded on one side (south) by Little Cedar Bayou and wooded property. The front of the house faces west and across the road are more woods. The neighbors to the north side of the house already have an existing wood privacy fence, and our back (east) yard is also currently fenced. We desire the front yard fence and gate for security. Our house was broken into on October 17, 2012 and a great deal of personal property was stolen (jewelry, watches, electronics, guns and cash) and damage was done to windows and doors. This occurred in the middle of the afternoon while we were working. In addition, we have had other attempted thefts (golf car but the thieves broke the key off) and people coming into the yard asking for money. Once someone walked into the house while Lythia was working at home. Rod travels for work and Lythia is home at night alone many times. We feel the fence will provide security to keep people who are not invited out of our home.

S:\CPS\Share\INSPECTION DIVISION\Standard Forms\ZONING BOARD VARIANCE.doc REVISION 10/21/03 RYC

Because our house is at the dead end of Park drive we are very secluded and have few neighbors to watch the house. On the other hand we have people park at night at the end of the road, and have been known to sleep in their cars.

Mr. Masoud

DF
10-22-12

OCT 18 2012

PERMIT APPLICATION

City of La Porte

Established 1892

281-470-5073



COPY

Building Mechanical *Electrical *Plumbing
*(See back of form)

Project Address: 100 Park Drive Lot: 11, 12, 13, 14

Subdivision: Sylvan Beach Block: 8

Owner's Name: Rodney C. Powell Phone: 713-725-0054

Address: 100 Park Dr. La Porte TX 77571
Street City Zip

Contractor: Tim Ridgeway Phone: 281-554-4289

Address: Street City Zip

Contractor Email address: Fax: Contact Person:

Engineer:

Building Use: Ornamental Fence 5' Tall Linear Sq. Footage: 500' # Stories NA

Valuation: \$10,000 Aluminum Describe Work: Metal Fence Install around yard

NOT A VALID PERMIT UNTIL OWNER IS NOTIFIED OF APPROVAL & ALL APPLICABLE FEES ARE PAID IN FULL

APPLICANTS SIGNATURE: [Signature] DATE: 10/18/12

APPLICANTS PRINTED NAME: Rodney C. Powell

Occupancy Type: R For City Use Only Flood Zone: AE Class Work: Fence Sq. Ft.: NA

Construction Type: II Use Zone: R-1 # Stories: NA Parking Req: NA

Last use of Building: SFD Date use ceased: NA

Commercial Buildings Plans Only-Fire Marshal Approval: NA Date: NA

Checked/Approved for Issuance By: Date:

CB: no Special Conditions: Denied. No fences... shall be permitted within any front yard areas... Sec 106-791

Taxes: OK MAD 035-209-008-0011 Residential driveway tie-in fee: NA

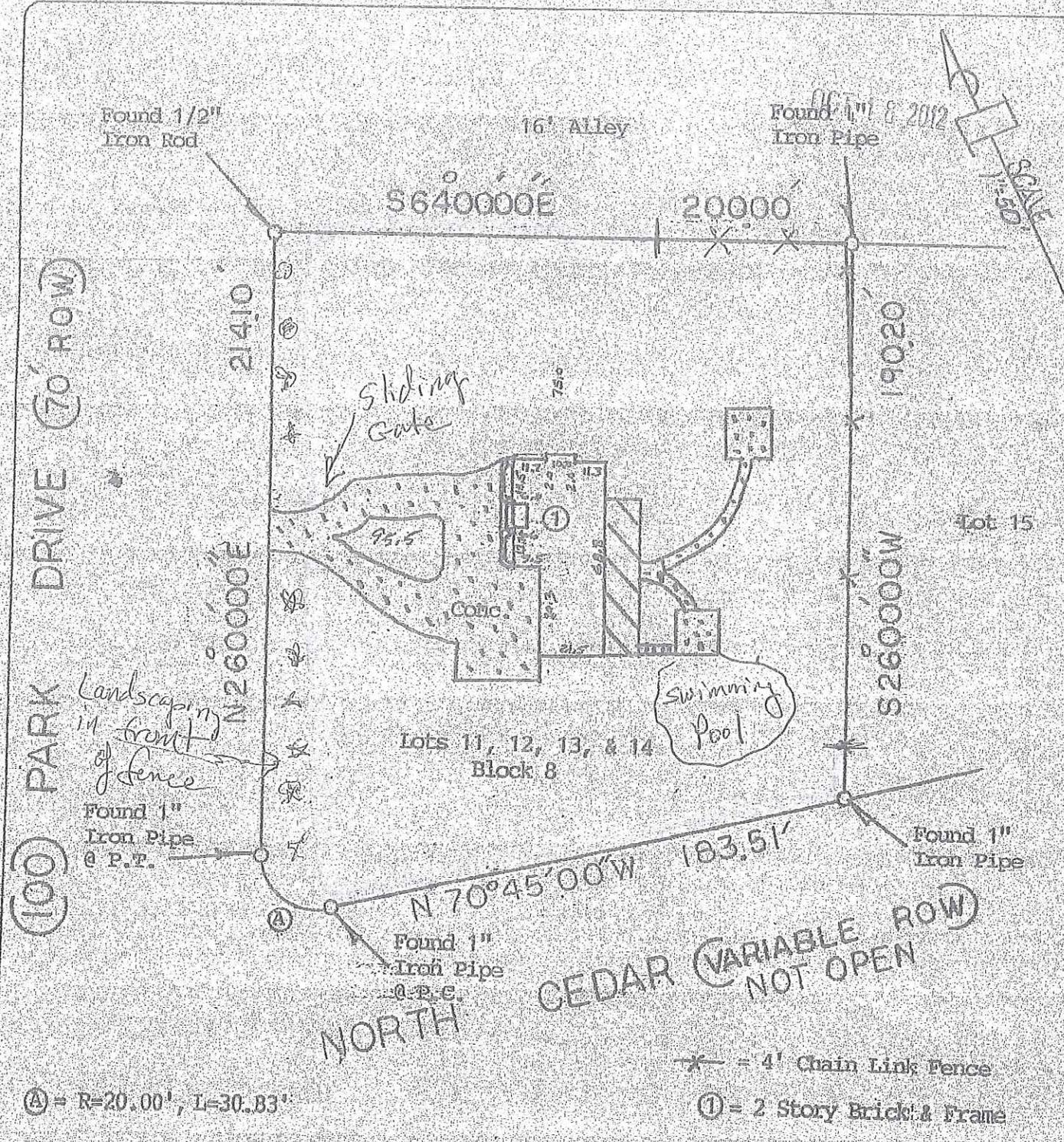
Permit No. 12-1017 Permit Fee: NA Parkland (New Res. Only): Zone #: NA Fee: NA Pirm Check Fee: NA

AREA MAP - 100 PARK DRIVE

VARIANCE REQUEST - FRONT YARD FENCE



1 inch = 100 feet



BUYER George Wayne Stroud	PROPERTY ADDRESS 100 Park Drive
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DESCRIBED PROPERTY Lots 11, 12, 13, and 14, in Block 8, of SYLVAN BEACH FIRST SUBDIVISION, a subdivision in Harris County, Texas, according to the map or plat thereof, recorded in Volume 3, Page 72, of the Map Records of Harris County, Texas.



Map showing surrounding neighbors and woods



Google earth

feet
meters







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.