



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 **December 29, 2011**, 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 September 22, 2011, meeting minutes.
3. Consider Variance Request #11-93000011 for the property located at 1718 Roscoe Street, further described as 12.5 feet of Lot 13, all of Lots 14 through 24, Block 27, Bayfront Addition to the Town of La Porte, Johnson Hunter Survey, Abstract No. 35, La Porte, Harris County, Texas. The applicant seeks to construct an accessory structure up to 19 ½ feet high exceeding the height limit of 15', 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) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
4. Consider Variance Request #11-93000010 for Lots 13-18, 21-24, 29-32, 37-40, and 44-49, Block 2, Lakes at Fairmont Greens, Section 1, W. P. Harris Survey, A-30, La Porte, Harris County, Texas. The property owner seeks a reduction on the front building setback of the cul-de-sac lots from 20' to 15' in order to construct homes in accordance with building plans and specifications. 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
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 December 29, 2011, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____, 2011.

_____ 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.

MINUTES

**Zoning Board of Adjustment
Minutes of September 22, 2011**

Members Present: George Maltsberger, Charles Schoppe, Rod Rothermel, and Sherman Moore (Alt. No. 2).

Members Absent: Chester Pool, T.J. Walker, and Lawrence McNeal (Alt. No 1).

City Staff Present: Traci Leach, Assistant City Manager; Masood Malik, City Planner; Clark Askins, City Attorney; Peggy Lee, Planning Coordinator.

1. Call to Order.

Chairman George Maltsberger called the meeting to order at 6:02 p.m.

2. Consider approval of the August 25, 2011, meeting minutes.

Motion by Rod Rothermel to approve the Minutes of August 25, 2011. Second by Sherman Moore. Motion carried.

Ayes: George Maltsberger, Charles Schoppe, Rod Rothermel, and Sherman Moore (Alt. No. 2).

Nays: None

Abstain: None

3. Consider Variance Request #11-9300009 for the property located at 217 Sylvan Street, further described by the Harris County Appraisal District as Lot 12, Block 3, Sylvan Beach First Subdivision, Volume 3, Page 72, Map Records of Harris County, Johnson Hunter Survey, Abstract No. 35, La Porte, Harris County, Texas. Barbra and Cletus Sheppard, property owners, seek a variance to build a deck with handicapped ramp over one foot height limit in the front yard, contrary to the provisions of Section 106-771 of the Code of Ordinances. This variance is being sought under the terms of Section 106-192(b) (2) of the Code of Ordinances.

Chairman Maltsberger opened the Public Hearing at 6:05pm.

A. STAFF PRESENTATION

Masood Malik, City Planner, presented staff's report.

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

Sherman Moore requested staff to review the Zoning Ordinance to see if changes are in order for the height requirements.

B. PROPONENTS

1. Michael Garner of 201 & 205 Sylvan spoke in favor of the variance.
2. Dane Lester, son of Ms. Sheppard, spoke of the importance of the handicap access for his mother.
3. Lou Ann Martin of 1103 Oak Leaf, spoke in favor of the variance.

C. OPPONENTS

There were none.

D. PROPONENTS REBUTTAL

There were none.

Motion by Charles Schoppe to approve Variance Request #11-9300009, for the property located at 217 Sylvan Street to build a deck with handicapped ramp over one foot height limit in the front yard. Second by Rod Rothermel. Motion carried.

Ayes: George Maltsberger, Charles Schoppe, Rod Rothermel, and Sherman Moore (Alt. No. 2).

Nays: None
Abstain: None

4. Close Public Hearing

Chairman Maltsberger closed the public hearing at 6:15pm.

5. Administrative Reports

The Planning and Zoning Commission is currently working with consultant on the Comprehensive Plan Update. The Commission reviewed Chapter 2 at the September 15th Planning & Zoning Commission Meeting.

The City is currently working with the perspective consultant on updating the Northside Neighborhood Plan.

6. Board Comments

There were none.

7. Adjourn

Motion by Rod Rothermel to adjourn. Second by Sherman Moore. Motion Carried.

Ayes: George Maltsberger, Charles Schoppe, Rod Rothermel, and Sherman Moore (Alt. No. 2).
Nays: None
Abstain: None

Chairman George Maltsberger adjourned the meeting at 6:16pm.

Submitted by,

Peggy Lee
Secretary, Zoning Board of Adjustment

Approved on this ____ day of _____, 2011.

George Maltsberger
Chairman, Zoning Board of Adjustment

VARIANCE REQUEST

FOR

1718 ROSCOE STREET

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SURVEY PLAN

EXHIBIT C – SITE PLAN

EXHIBIT D - SECTION 106-741, CODE OF ORDINANCES

EXHIBIT E - PUBLIC NOTICE RESPONSE

(None received as to date)

Variance Request #11-93000011

- Requested by:** Maury Rubenstein, Property Owner
- Requested for:** Additional height of 4½ ft. exceeding the maximum 15' allowed for an Accessory Building
- Location:** 1718 Roscoe Street
(Block 27; 12.5 feet of lot 13 & all of lots 14 through 24, Bay Front Addition, Town of La Porte)
- Zoning:** Low Density Residential (R-1)
- Background:** The applicant is requesting additional height of four and a half feet for an accessory building exceeding the maximum fifteen feet allowed per Section 106-741(b) of the Code of Ordinances. The purpose is to construct a building garage for accommodating a large boat on trailer which would be over the height limit for accessory buildings. The subject property is a proposed residential home site located in the Bayfront Addition to La Porte by the Galveston Bay.

Several years ago, an old house/structure was demolished by the owner. Now, he is developing a new residence with an attached and a detached garage on one acre of land located at 1718 Roscoe Street. Proposed house plan shows a circular drive with a detached garage along Roscoe Street. An existing slab along Roscoe Street has been kept intact for proposed detached garage.

In addition to new house and detached garage, the owner is proposing to build an accessory structure to keep a larger boat on the property. Proposed structure is approximately 27'x 37' and will be located in the rear at the southwest corner of Roscoe Street and South Lobit Avenue. Furthermore, it is more than 30' behind the main structure and has 10' setbacks at the rear and side property lines. An access to the accessory building will be from South Lobit Avenue.

Proposed building neither exceeds 1,000 sq. ft. of floor area nor occupies more than 25% of a rear yard in compliance with the Code of Ordinances. In addition, accessory building is designed to aesthetically blend with the primary structure and will incorporate same building materials. Furthermore, the height of an accessory building will be the same as of primary structure.

This property is among the waterfront properties. La Porte's waterfront properties are unique in the sense that most of the rear yards face the street. The old town of La Porte was platted as 25'x125' lots in the 19th century. The property in question consists of twelve of the same sized lots. The house will sit on six lots with a detached garage being located in the rear yard along Roscoe Street. Typically, the garages were built close to the street to maximize green spaces. In addition, the streets are narrow and few blocks long due to the numerous bayous out falling into the Galveston Bay.

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.*

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.*

The Board is charged with determining if the applicant's variance request to Section 106-741, general provisions, is reasonable and whether all of the above conditions were met.

To determine if granting the applicant's request would be contrary to the general public, Staff considered the fact that new residence, garages and accessory building are proposed at the same time and the home and garage will be consistent in design. Staff also recognizes that the development of the property may not create a problem with adjoining properties. Adjoining properties are also single-family residential.

Whether the Board does or does not grant the applicant's request, development of house and detached garage will proceed after obtaining a City permit. However, the applicant wants to build an accessory structure as a part of an overall project.

When looking at the next test, Staff determined that granting the variance would still observe the spirit of the law. The spirit of the ordinance is assumed to be public safety. If one considers the spirit of the law is to ensure uniformity and property maintenance throughout the City, Staff's notes that there are already some property irregularities (pre-existing nonconformities) in the area. Therefore, it does not appear that the applicant's request will create a negative impact to the property or the surrounding area.

The final test is the most difficult and involves unnecessary hardship. Staff does not find the applicant's request meets the physical hardship test, as there is nothing unique about his property.

While safety should be paramount public interest, preserving historical character should also be considered. In order to conform to the current regulations, the fence along Roscoe and Lobit Streets need to be improved. Driveway along South Lobit shall be in conformance with the City's Driveway criteria and landscaping shall be installed to cover loss of green space near the Bay.

Conclusion:

Variance Request seeks relief from building height for proposed accessory building in the rear yard, may not appear to be contrary to the City's Code of Ordinances. The circumstance, however, for the requested variance needs to be re-evaluated in that the request is not due to physical hardship imposed by the uniqueness of the property concerned.

While the reasons for the variance relating to the height of the building do not strictly conform to "physical hardship relating to the property itself" the building's intended use to park boat, while on trailer otherwise be committed to open storage may be taken into consideration when rendering a decision. The applicant's variance request appears to meet the spirit of the Ordinance.

While recognizing the grounds for the request associated with the property, the Board could consider:

- Allowing an accessory building to be 19'6" in height, in excess of the 15' allowed by ordinance, to accommodate intended private storage of boat & trailer (variance granted).
- Deny the variance for an accessory building to be 19'6" in height, over the limit allowed by the ordinance.

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.: 11-93600011
Date Received: 12-7-11
Receipt No.: 35066

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

Applicant: MARK ATKINS, MASS STUDIO ARCHITECTS
Name
5-07 BISSONNET ST. HOUSTON TX 77081 713 592 6700
Address Phone

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

Owner*: Mary K. Kuster
Name
4901 OLIVERA BELMONT 713-542-4402
Address Phone

I am requesting a variance to Sect. 106.741 of the City Zoning regulations Chapter 106 of the Code of Ordinance.

I am requesting this variance for property located at 1716/1718 ROSCOE AVENUE
Street Address

JOHNSON HOWTZE SURVEY, ABSTRACT 35; 12.5 FT OF LOT 13, ALL OF LOTS 14 THROUGH 24, BLOCK 27 OF BELMONT ADDITION
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.

12.7.11 [Signature]
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: _____

CITY OF LA PORTE ZONING BOARD ADJUSTMENT
VARIANCE REQUEST; SUPPORTING NARRATIVE

FACTS RELAVENT TO THE MATTER

The owner has permitted and is developing a new residence with an attached garage and a detached garage on one acre of land located at 1718 Roscoe Avenue. The attached garage is for automobiles, while the detached garage is for small, single person watercraft, lawn equipment, and other miscellaneous maintenance equipment.

In addition to these two structures, the owner is proposing to build separate, accessory structure to keep a larger boat on the property. The accessory building is intended house and store the boat from public view. The proposed accessory building is designed to aesthetically blend with the main residence and will incorporate many of same building materials.

The structure will be located in the rear, corner portion of the lot more than 30 feet behind the main residence and has 10 foot setbacks at the rear and side property lines in an effort to retain the trees in close proximity. The square footage of structure is 998 sqft and is not more than 25% of the total rear yard. The access to the accessory building will be from Lobbit Avenue.

TYPE OF RELIEF BEING SOUGHT

Section 106-741-b states that any accessory building may not exceed 15'-0" in height. We ask that a variance be made to allow this accessory structure a maximum height of 19'-6".

According to Section 106-1 'Definitions', the height of a building with a roof exceeding 2.5:12 pitch, shall be measured to the average point of the slope. We calculate the height of this structure, having a roof pitch of 5:12, at 19'-6" to the roof slope's average point.

To keep within the spirit of the Code, this proposed accessory building's height conforms to the requirement that any detached garage not exceed 20'-0" in height.

GROUNDNS FOR THE REQUESTS

Since a detached garage is already proposed and permitted near the main house, this structure shall be classified as an accessory building according to the Code of Ordinances.

In order for the owner to use this accessory structure to park his boat, while on trailer, the door height must clear 14'-4". The accessory building design requires that the roof structure be raised above the door's clear height. Taking into account the framing, roof structure and 5:12 roof slope, the overall average roof height is 19'-6", which exceeds the maximum allowable by 3'6". Unfortunately, the physical dimensions needed to achieve clearances give us no other option other than to request a variance.

END NARRATIVE

AREA MAP 1718 ROSCOE ST.



**PROPERTY
LOCATION**

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.

VARIANCE REQUEST
FOR
LAKES AT FAIRMONT GREENS

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SUBDIVISION PLAT

EXHIBIT C – DEVELOPMENT ORDINANCE

EXHIBIT D - PUBLIC NOTICE RESPONSE

(None received as to date)

Variance Request #11-93000010

- Requested by:** D. R. Horton (Builder) on behalf of Dr. Malladi S. Reddy (property owner)
- Requested for:** Waiver of 5' from the City's front building setback of 20' along all cul-de-sac lots in Block 2, Lakes at Fairmont Greens, Section 1.
- Location:** Lakes at Fairmont Greens, Section 1, Lots 13-18, 21-24, 29-32, 37-40, and 44-49, Block 2, W. P. Harris Survey, A-30, La Porte, Harris County, Texas. This property is further described as being located between State Highway 146 and the Bay Forest Golf Course south of Wharton Weems Boulevard.
- Zoning:** Planned Unit Development (PUD)
- Land Use Plan:** Low-Density Residential
- Background:** Lakes at Fairmont Greens is a residential subdivision located along State Highway 146 South just west of the Bay Forest Golf Course. Under the terms of the Development Ordinance 1444, this development is classified as a major subdivision.
- The subject property is located at the southeast of State Highway 146 and Wharton Weems Boulevard. It is bounded on the east and south by the Bay Forest Golf Course, West along State Highway 146, and proposed entrance along Wharton Weems Boulevard. The developer presented plans for residential development known as Lakes at Fairmont Greens on approximately 135 acres surrounding the Bay Forest Golf Course along State Highway 146.
- As proposed, the subdivision consists of 92 lots, 2 blocks, 2 reserves, and two points of entry/exit along Wharton Weems Boulevard. A density of 2.70 dwelling units per acre conforms to the Code of Ordinance, Section 106-333, Table B, residential area requirements of the City.
- The Planning and Zoning Commission, at the February 2, 2006 special called meeting, approved a Preliminary Plat of the proposed Lakes at Fairmont Greens, Section 1 Subdivision. The Development Ordinance requires a developer to file a final plat within one year of approval of the Preliminary Plat. Subsequently, the final plat of the subdivision was approved at the March 16, 2006, meeting.

As a part of the PUD development process, a Special Conditional Use Permit #04-012 dated 8-23-04, General Plan and Developer's Agreement are in place for this development. Later, few changes to an overall land plan and split of general partners caused amendments to the Developer's Agreement. Currently, the developer has a Developer's Agreement for Section 1 approved by City Council in July of 2008, as well as conditions approved and required in the SCUP approved in concert with the subdivision plat.

The Developer's Agreement, along with other documents, outlines the Developer's responsibilities relating to development of the tract. The agreement notes that several "Developers Items" for Section 1 anticipated a May 2008 completion. Since some of these developers items have yet to be completed, a Memorandum of Agreement between the developer and the City was signed on April 14, 2010, to address a request to dig detention north of Wharton Weems Boulevard in order to use the dirt.

The developer has recently completed wrought iron fence located along the golf course adjacent to Section 1 using City approved specifications. The final completion date has been June 1, 2010. Now, the developer has introduced a builder (D. R. Horton) for this development. Staff is diligently working with the new builder to start building homes in Section 1.

As a part of their due diligence, the builder is experiencing some difficulties to accommodate several building plans on the cul-de-sac lots. A major issue involved front building setbacks.

Using the City's setback standards, the submitted plans do not meet the requirements. Staff discussed the following options with the applicant:

- re-arrange the building layout within the existing lot area to comply with setback requirements;
- add additional land from the rear and re-plat the proposed subdivision to meet the building setbacks; or
- submit a variance to the Board of Adjustment seeking relief of the front building setbacks.

Citing Section 106-192 B (2) b, the applicant is seeking a variance from the required setbacks of 20' for all cul-de-sac lots. Applicant is requesting building setbacks of 15' on the front for lots 13-18, 21-24, 29-32, 37-40, and 44-49, block 2, Lakes at Fairmont Greens Subdivision.

The applicant requests that the Board recognize this hardship. On the variance application, the applicant stated that reducing the front building lines of the cul-de-sac lots will allow for a consistent product offering throughout the community and a more aesthetically pleasing streetscape with

uniform setbacks. Due to the current building setback lines and configuration of the lots, the cul-de-sac lots are not buildable for the single-family products (1,542 sq.ft. to 2,464 sq.ft.) planned for this subdivision. In addition, the current building lines may disrupt the continuity of front building elevations from lot to lot.

Analysis:

Section 106-192 B(1), in the Code of Ordinances, defines a *variance as 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.*

The Board must decide if the applicant's request to have building setbacks at 15' instead of 20' per Development Ordinance 1444 is reasonable. The Board is charged with deciding whether all of the above conditions have been met.

The applicant believes that imposing current setbacks will cause disruption and discontinuity of building elevations on these streets. It will not look aesthetically pleasing and choice of selection will be limited. The applicant requests that the Board recognize this as a hardship.

While measures are in place to ensure that the property remains an aesthetically pleasing adjacent to the golf course. If the setbacks of 15' are approved, the instrument will be recorded with the Clerk of Harris County to avoid any complications at the title assessment.

Conclusion:

Variance Request seeks reduction of 5' front building setback on the cul-de-sac lots for Lakes at Fairmont Greens, Section 1, may not appear to be contrary to the City's Code of Ordinances. The circumstance, however, for the requested variance is due to physical shape, width and depth of these cul-de-sac lots presents uniqueness of the property concerned. The applicant's variance request appears to meet the spirit of the Ordinance.

While recognizing the grounds for the request associated with the property, the Board could consider:

- Allowing a reduction of 5' on the front building setback of all the cul-de-sac lots from 20' to 15' (variance granted).
- Deny the variance for reduction of 5' on the front building setback of all cul-de-sac lots as requested.

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.: 11-93000010
 Date Received: 12-19-11
 Receipt No.: 35068

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

Applicant: Representative of D. R. Horton
 Name
2002 Timberloch Place Suite 600, The Woodlands, Tx. 77380 281-796-2550
 Address Phone

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

Owner*: Malladi S. Reddy
 Name
2398 Baycrest Drive, Houston, TX 77058 281-468-5190
 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 _____
 Street Address

See attached map. Affected lots are highlighted in green (Lots 13-18, 21-24, 29-32, 37-40 and 44-49, of Block 2, of Lakes at Fairmont Greens Section I).

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.

12/9/2011
 Date

M. Reddy
 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:

A 5' reduction of Front Building Line from 20' to 15'.

THE GROUNDS FOR THE REQUESTS:

Reducing the front building lines of the cul-de-sac lots will allow for a consistent product offering throughout the community and a more aesthetically pleasing streetscape with uniform setbacks

AREA MAP

LAKES AT FAIRMONT GREENS, SEC. 1



**PROPERTY
LOCATION**



5.04 BUILDING LINES (NUMBERS REPRESENT FEET)

LOT LINE	THOROUGHFARES	COLLECTOR STREET	LOCAL STREET
RESIDENTIAL			
FRONT	25	25	20
REAR	20	20	20
EXTERIOR SIDE	15	15	15
INTERIOR SIDE	5	5	5
NON-RESIDENTIAL			
FRONT	25	25	20
REAR (ADJOINING RESIDENTIAL)	20	20	20
(ELSEWHERE)	10	10	10
EXTERIOR SIDE	15	15	15
INTERIOR SIDE (ADJOINING RESIDENTIAL)	10	10	10
(ELSEWHERE)	5	5	5

A. EXTRATERRITORIAL JURSDICTION: All building lines shall meet the minimum setback established in the R-1, low density residential district of the City Zoning Ordinance, except in the case of non-single family residential development which shall require a 20 foot minimum side yard building line adjacent to a public street.

Sec. 106-333. Table B, residential area requirements.

(a) Table B, residential area requirements.

<i>Uses</i> ⁸	<i>Minimum Lot Area / D.U. S.F.</i>	<i>Minimum Lot Width L.F.</i>	<i>Minimum Yard Setbacks L.F. F.R.S. 2, 3, 4, 5, 6, 10, 11, 12, 13, 14, 15</i>	<i>Maximum Height</i>	<i>Minimum Site Area / Unit S.F.</i> ⁷	<i>Minimum Development Open Space / Unit S.F.</i>	<i>Maximum Lot Coverage / Minimum Landscaping Required</i> ^{9, 19}
Single-family detached	6000	50	25-15-5	35 Ft.	9100 4.8 DU/A	—	40%/N/A
Single-family large lot	43560	90	25-15-5	45 Ft.	43560 1.0 DU/A	—	40%/N/A
Single-family special lot line, 0 lot line	4500	40	20-10-0	35 Ft.	7300 6.0 DU/A	Footnote # 1	60%/N/A
Duplexes	6000	60	25-20-20	45 Ft.	8.0 DU/A	Footnote # 1	60%/N/A
Single-family converted to multifamily	6000	50	20-10-5	35 Ft.	N/A	N/A	50%/N/A
Townhouses, quadraplexes (10,000 s.f of site area 100 ft. wide)	2000	20	25-20-20	45 Ft.	4400 10.0 DU/A	Footnote # 1	75%/25%
Multifamily	20000	100	25-20-20	45 Ft.	1600 14 DU/A	Footnote # 1	60%/25%
Manufactured housing	4500	40	20-10-5	25 Ft.	7300 6.0 DU/A	Footnote # 1	60%/6%
Manufactured housing subdivision or parks (5 acre min.)		100 of front road frontage	N/A	N/A	N/A	N/A	N/A/N/A
Group care facilities (less than 6) and day care homes			25-20-10	25 Ft.	N/A	N/A	N/A/6%