



# Special Exception Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

## OVERVIEW

A Special Exception provides an opportunity for certain exemptions for various code requirements when a property is designated as nonconforming. These exemptions are fully outlined in Section 106-191 of the City of La Porte's Code of Ordinances, and include certain reductions or waivers to parking requirements, deviations to yard requirements in certain circumstances, deviations from lot size or lot width in the Large Lot District (LL), and reconstruction or expansion of nonconforming buildings. Special Exception requests are reviewed by the Zoning Board of Adjustment (ZBOA) after a public hearing. Special Exceptions may only be approved if the ZBOA finds that such request will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest. The ZBOA consists of residents of the community appointed by City Council. The ZBOA meets on the fourth Thursday of every month, as necessary.

## SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- Completed application form.**
- Application fee** of Residential-\$150, Commercial-\$250; nonrefundable.
- Site plan or plot plan**, drawn to scale and dimensioned to show the proposed Special Exception.
- Project description/justification letter** that thoroughly explains what is being requested and why such Special Exception should be approved by the ZBOA.
- Notice of posting** fully completed, that ensures the applicant is aware of the requirements of the Public Hearing notice sign.

## PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the Special Exception request will be scheduled for the next available ZBOA meeting date.
- The Planning and Development Department will post a Notice of Public Hearing sign on the property where the Special Exception is being requested. The sign must be posted on the property visible from and within 20 feet of the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally the city will send notice of the public hearing to all property owners within 300 feet of the subject property where the Special Exception is being requested.
- The ZBOA meeting will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the ZBOA will conduct the public hearing and provide a ruling on the Special Exception request.



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- In order for the ZBOA to approve a Special Exception, it must find all of the following criteria have been met:
  1. Such request will not adversely affect the value and use of adjacent or neighboring property or be contrary to the public interest.
- If the ZBOA *approves* the Special Exception request, then the applicant will have 90 days from the date of the meeting to obtain any necessary building permits for construction. If the ZBOA *denies* the Special Exception request, then the applicant may file a petition to the court in accordance with Section 106-196 of the City of La Porte's Code of Ordinances.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to Special Exceptions.

### CODE REQUIREMENTS

#### Sec. 106-191. - Special exceptions.

(a) *Application for special exceptions.* All applications for special exception to the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and the grounds thereof. Each such application shall be filed, along with the appropriate fees, with the enforcement officer who after investigation shall transmit such application together with his report to the board of adjustment within ten days after the filing of the application with the enforcement officer.

(b) *Special exceptions to be reviewed; finding of facts.* The term "special exception" shall mean a deviation from the requirements of this chapter, specifically enumerated herein, which shall be granted only in the following instances, and then only when the board finds that such special exception will not adversely affect the value and use of adjacent or neighboring property or be contrary to the best public interest:

(1) To reconstruct, enlarge or extend a building occupied by a nonconforming use on the lot or tract occupied by such building, provided that the reconstruction, extension, or enlargement does not prevent the return of the property to a conforming use.

(2) To deviate yard requirements in the following circumstances:

- a. Any exception from the front yard requirements where the actual front yard setback of any abutting lot does not meet the front yard requirement.
- b. A rear yard exception where the actual rear yard setback of any four or more lots in the same block does not meet the rear yard requirements of these regulations.
- c. A yard exception on corner lots.
- d. An exception where the existing front yard setbacks of the various lots in the same block are not uniform, so that any one of the existing front yard setbacks shall, for buildings hereafter constructed or extended, be the required minimum front yard depth.

(3) To waive or reduce off-street parking and loading requirements when the board finds the same are unnecessary for the proposed use of the building or structure for which the special exception request applies.

(4) To deviate from the minimum lot size or width requirements for property within the large lot district, where the board finds that all of the following conditions are shown:



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- a. That one or more lots located in the same block as the subject property are not uniform in terms of shape and/or size so that any further subdivision of the subject property cannot be in accordance with the regulations governing the district;
- b. It can be demonstrated that the subdivision will not circumvent the spirit of the district regulations, or particularly, the rural character of the district; and,
- c. Granting the special exception will not be injurious to the value or enjoyment of adjacent properties within the district.

(c) *Hearings on applications for special exceptions.* The board of adjustment shall fix a reasonable time for the hearing of all applications for special exceptions, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time as specified in section 106-194 (Notice of public hearings before the board of adjustments). Upon the hearing any party may appear in person or by agent or by attorney.



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## PROJECT INFORMATION

Address where Special Exception is being requested: \_\_\_\_\_

Legal description where Special Exception is being requested: \_\_\_\_\_

HCAD Parcel Number where Special Exception is being requested: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Lot area: \_\_\_\_\_

*A Special Exception request is hereby made to the Board of Adjustment of the City of La Porte.*

Description of Request: \_\_\_\_\_

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

## PROPERTY OWNER(S) INFORMATION

Name: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## AUTHORIZED AGENT (If other than owner)

Name: \_\_\_\_\_

Company (if applicable): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## OWNER(S) & AGENT CERTIFICATION

I hereby depose and state under the penalties of perjury that all statements, proposals and/or plans submitted with/or contained in this application are true and correct and the application is complete to the best of my knowledge and belief.

Agent's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner(s)' Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

### **STAFF USE ONLY:**

Case Number:

\_\_\_\_\_

Date Application Received:

\_\_\_\_\_



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## TYPE OF SPECIAL EXCEPTION REQUEST

A Special Exception allows for deviation from the requirements of the City's Zoning Ordinance. In order to grant a Special Exception, the Zoning Board of Adjustments (ZBOA) must find that the exception is not contrary to the best public interest and will not adversely affect the value or use of an adjoining property. Special Exceptions considered by ZBOA are limited to the following requests:

Check applicable box for specific Special Exception request:

- Reconstruction of (or addition to) an existing building occupied by a non-conforming use
- Deviation of lot setbacks as stipulated by the City's Zoning Ordinance
- Elimination or reduction of off-street parking and loading regulations
- Deviation from minimum lot size/width requirements within the Large Lot District

## REASON(S) FOR SPECIAL EXCEPTION REQUEST

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## NOTICE OF POSTING

### ZONING BOARD OF ADJUSTMENT HEARING

The undersigned has acknowledged that a sign will be placed on the property based on information provided in this application, and that the applicant will ensure compliance with all requirements have been met and will continue to be met for the duration of the sign posting:

1. A public hearing sign will be posted by the City of La Porte's Planning and Development Department staff at least ten (10) days prior to the scheduled meeting date. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

2. Said sign shall be placed on the property within 20 feet of the abutting street.
3. Said sign shall remain legible and visible for the entire ten (10) day posting period. If the sign fails to be visible at any point during the ten (10) day posting period, the Public Hearing will be postponed to the next available meeting date.
4. If said sign is damaged or missing, it is the applicant's duty to contact the City of La Porte's Planning and Development Department for a replacement sign. Staff are not responsible to inspect and confirm the status of the posted sign.
5. Said sign will be picked up by City staff upon completion of the Public Hearing.

\_\_\_\_\_  
*Applicant's Printed Name*

\_\_\_\_\_  
*Applicant's Signature and Date*