



City of La Porte Zoning Board of Adjustment Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Zoning Board of Adjustment to be held on **Thursday, May 26, 2016, 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. Roll call of members.
3. Consider approval of meeting minutes: April 28, 2016.
4. A public hearing to consider Variance Request 16-93000004, a request by Frank Ball Realty (Frank Ball) for the property located at the southeast corner of S. Broadway Street and the unimproved E. L Street right-of-way legally described as 115' of Lots 1-6, Lots 17-32, and the abandoned alley, Block 1159, Town of La Porte, to allow for construction of a new single family attached townhouse development with a density of 13.6 dwelling units per acre, contrary to the provisions of Section 106-333 of the city's Code of Ordinances that requires a maximum density of 10 dwelling units per acre.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
5. A public hearing to consider Variance Request 16-93000005, a request by Kathleen Lemon for the property located at 401 and 403 Bayshore Drive, legally described as Lots 19 & 20, Block 49, Sylvan Beach Subdivision, to allow construction of a single family house with a lot frontage of 45.71' which would result in a lot with a total of 4,571 square feet in area contrary to the provisions of Section 106-333 that requires a 50 foot frontage and a 6,000 square foot lot.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
6. Administrative reports.
7. Board comments on matter appearing on the 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 the 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 Thursday, May 26, 2016, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____, 2016.

_____ Title: _____

**Zoning Board of Adjustment
Minutes of April 28, 2016**

Board Members Present: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool and Charles Schoppe

Board Members Absent: T.J. Walker and Doug Martin

City Staff Present: Assistant City Attorney Clark Askins, City Planner Eric Ensey, and Planning Technician Ryan Cramer

1. Call to Order.

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

2. Roll call of members.

Board Members T.J. Walker and Doug Martin were not present.

3. Consider approval of meeting minutes: March 3, 2016.

Motion by Charles Schoppe to approve the meeting minutes of the March 3, 2016 meeting.

Second by Chester Pool. **Motion carried.**

Ayes: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool and Charles Schoppe

Nays: None

4. A public hearing to consider Variance Request 16-9300002, a request by Bayway Homes (Charles Anders) for the property located at 530 Dr. Martin Luther King Jr. Drive, legally described as lots 1, 2 & 3, Block 104, Town of La Porte Subdivision, to allow for construction of a new single family detached house that is set back 0 feet from the side (north) property line, contrary to the provisions of Section 106-333 of the city's Code of Ordinances that requires a minimum 5-foot side setback.

Chairman Rothermel opened the public hearing at 6:01 p.m.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Charles Anders to allow for the construction of a new house that would be set back zero feet from the property line.

City Planner Ensey said that this variance is required because the applicant has a large tree in the middle of his property. Unless the tree is removed, its location leaves him unable to build a house with the required five foot setback.

Chairman Rothermel asked if the City had any plans to build a street in the right of way to the north, City Planner Ensey said no as the City's Hike and Bike trail is in that right of way.

Staff recommended that a stipulation be added stating that no portion of the building could encroach into the right of way.

Mr. Ensey confirmed that all requirements for public hearing notification have been met. Notices of the public hearing were mailed to all property owners located within 200' of the subject site.

b. Applicant Presentation

Chairman Rothermel swore in the applicant Charles Anders. Mr. Anders said that he would have room to build the house if the property did not have a large oak tree. However because it is there, he has to shift his building design over.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:23 PM.

d. Question and Answer

There was no question and answer

Motion by Dennis Oian to approve Variance Request 16-93000002, a request by Bayway Homes (Charles Anders) for the property located at 530 Dr. Martin Luther King Jr. Drive legally described as lots 1, 2 & 3, Block 104, Town of La Porte Subdivision to allow for construction of a new single family detached house that is set back 0 feet from the side (north) property line, contrary to the provisions of Section 106-333 of the city's Code of Ordinances that requires a minimum 5-foot side setback.

Second by Nettie Warren. **Motion Carried.**

Ayes: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool and Charles Schoppe

Nays: None

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

5. **A public hearing will be held to consider Variance Request 16-93000003, a request by S. 16th Street Partners (Joseph Llamas) for the property located at 1401 S. 16th Street legally known as Tracts 1B-3, Abstract 35, Johnson Hunter Survey, to allow for a landscape frontage on S. 16th Street of 14.75 feet and a landscape frontage on the unimproved W. M Street right-of-way of 10 feet for construction of a new warehouse/distribution facility, contrary to the provisions of**

Section 106-522 of the city's Code of Ordinances that requires a minimum 25-foot landscape frontage along rights-of-way for development greater than 10 acres in size.

Chairman Rothermel opened the public hearing at 6:10.

a. Staff Presentation

City Planner Ensey presented staff's report for variance request 16-93000003 in which S 16th Street Partners is requesting to encroach on the landscaping frontage requirements along S. 16th Street and W. M Street.

City Planner said that the City does plan to construct a street in the W. M Street right-of-way but there is no timeline for the project.

b. Applicant Presentation

Joseph Llamas, 1503 Ridgecrest Drive, Austin, Texas, presented on behalf of S. 16th Street Partners. Mr. Llamas said that his end user for the building would not have room for the trucks to back in and out without the variance. The applicant also noted that they were donating to the City of La Porte a 40-foot portion of right-of-way in order to widen 16th Street in the future.

c. Public Comments

There were no public comments.

Chairman Rothermel closed the public hearing at 6:33 PM.

d. Question and Answer

Chairman Rothermel asked Assistant City Attorney Clark Askins if there was any way the City could compel the applicants to put in berms on M Street. Assistant City Attorney Askins said that they could add a condition to their approval of a variance.

Motion by Dennis Oian to Variance Request 16-93000003, a request by S. 16th Street Partners (Joseph Llamas) for the property located at 1401 S. 16th Street, legally known as Tracts 1B-3, Abstract 35, Johnson Hunter Survey, to allow for a landscape frontage on S. 16th Street of 14.75 feet and a landscape frontage on the unimproved W. M Street right-of-way of 10 feet for construction of a new warehouse/distribution facility, contrary to the provisions of Section 106-522 of the city's Code of Ordinances that requires a minimum 25-foot landscape frontage along rights-of-way for developments greater than 10 acres in size, subject to the condition that berms be installed along the W. M Street right-of-way at the time of initial construction of the site.

Second by Chester Pool. **Motion Carried.**

Ayes: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool and Charles Schoppe
Nays: None

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

6. Administrative Reports

City Planner Ensey said that there is an item on the agenda for next month so the Board can plan on there being a meeting.

7. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

There were no board comments.

8. Adjourn

Motion by Nettie Warren to adjourn.

Second by Charles Shoppe. **Motion Carried.**

Ayes: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool and Charles Schoppe
Nays: None

Chairman Rothermel adjourned the meeting at 6:18 p.m.

Respectfully submitted,

Ryan Cramer
Secretary, Zoning Board of Adjustment

Passed and Approved on _____, 2016.

Rod Rothermel
Chairman, Zoning Board of Adjustment

**City of La Porte, Texas
Zoning Board of Adjustment**



May 26, 2016

AGENDA ITEM 4

Consider approval or other action of a Variance
to the maximum allowed density
for construction of a new single family attached townhouse development
for the property located at the southeast corner of
S. Broadway Street and the unimproved E. L Street right-of-way, and
legally described as 115' of Lots 1-16, Lots 17-32
and the abandoned alley of Block 1159, Town of La Porte.
(Applicant: Frank Ball Realty)

Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas

Planning and Development Department

Staff Report

ISSUE

Should the Board of Adjustment approve the variance requested by Frank Ball Realty (Frank Ball) for the property located at the southeast corner of S. Broadway Street and the unimproved E. L Street right-of-way, legally described as 115' of Lots 1-6, Lots 17-32 and the abandoned alley of Block 1159, Town of La Porte, (case #16-93000004)? The variance would allow the applicant to develop the site as a townhouse development with a density of 13.6 dwelling units per acres (or 32 units) contrary to the provisions of Section 106-333, which allows a maximum density of 10 dwelling units per acre for townhouse development.

DISCUSSION

Applicant:

Frank Ball Realty, Frank Ball

Applicant's Request:

The applicant is seeking approval of variance request #16-93000004. The variance requested would allow the applicant to develop a 2.35 acre tract of land as single family attached townhomes. The attached Exhibit A includes the application, conceptual site plan, and project description for the proposed variance submitted by the applicant. In this case, the applicant is requesting approval of a variance to allow a total of 32 single family attached townhomes on the 2.35 acre tract of land.

The applicant has indicated that the product will be single family attached as opposed to multi-family. The difference being that each unit will be constructed on an individually platted lot.

Subject Site:

The applicant is under contract to purchase the undeveloped site, which is legally described as 115' of Lots 1-16, Lots 17-32 and the vacated alley of Block 1159, Town of La Porte Subdivision. The subject site is 2.35 acres in area. The attached Exhibit B is an Area Map showing the subject site and the surrounding development.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing including the following:

- Notice of public hearing was posted in the newspaper of general circulation ten days prior to the date of the hearing.

Zoning Board of Adjustment Meeting
 May 26, 2016
 Broadway Townhomes Density Variance

- Mailed notices were sent to all owners of property lying within 200 feet of the site ten days prior to the date of the hearing.
- The applicant signed an Affidavit of Posting indicating that the required sign was posted on the site ten days prior to the hearing date.

Additionally, in compliance with state law, notice of the public hearing was posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Background Information:

The site is currently zoned R-3, High Density Residential. The attached Exhibit C is a Zoning Map that shows the subject site compared to the surrounding neighborhood. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-3, Medium-density Residential	Churchill Place
South	R-3, Medium-density Residential	Hike and Bike Trail; single family detached residential fronting N. Forrest Ave.
West	GC, General Commercial	La Porte Recreation Center
East	R-3, Medium-density Residential	Single family residential house

Applicable Code Provisions:

Section 106-333, stipulates the residential area requirements. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Uses	Min. Lot Area	Min. Lot Width	Min. Yard Setbacks	Max. Height	Min. Site Area	Max. Lot Coverage/Min. Landscaping
Townhouses, quadraplexes (10,000 s.f of site area 100 ft. wide)	2000	20	25-20-20	45 Ft.	4400 10.0 DU/A	75%/25%

Analysis:

The applicant is requesting a variance that would allow for the development of a 2.35 acre tract of land as single family attached townhomes. Section 106-333 of the city's Code of Ordinances allows for a maximum density of 10 dwelling units per acre, which would allow for a maximum of 23 units on the subject site. The applicant is desiring 32 dwelling units, which equates to a density of 13.6 dwelling units per acre. Staff recognizes that the use proposed by the applicant is a permitted use for the site, the issue comes down to the density proposed. The applicant is proposing a total of 9 additional dwelling units than what the code allows for townhouse development.

Section 106-192 of the Zoning Ordinance states that the term "variance" represents a deviation from the literal interpretation of the code approved by the Board subject to the fact that enforcement of the provisions of the code would cause an unnecessary hardship because of circumstances unique to the subject property. The Board is authorized to grant a variance when the Board finds that a number of criteria are met. The following table outlines those criteria and staff's analysis of those criteria.

Zoning Board of Adjustment Meeting
 May 26, 2016
 Broadway Townhomes Density Variance

Criterion:	Staff Finding:
<p>a. That the granting of the variance will not be contrary to the public interest</p>	<p>The granting of this variance would allow the applicant to develop the site as a single family attached townhome development. Townhouse development is permitted in the R-3 zone district, however the density permitted for townhouse development is 10 units per acre. On the other-hand multifamily development is also permitted in the R-3 district allowing a density of 14 dwelling units per acre. Multifamily is generally thought of as apartment complex development. The developer intends to plat each townhouse unit as a lot, thereby resulting in a single family attached product and not a multifamily product. At this time, the applicant has not explored the option of purchasing any of the adjacent undeveloped right-of-way to add to their development. If the applicant added that adjacent right-of-way, they may get closer to the density that they are requesting.</p>
<p>b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.</p>	<p>Staff cannot find an unnecessary hardship associated with this site that would warrant the granting of this variance request.</p>
<p>c. That by granting the variance, the spirit of this chapter will be observed.</p>	<p>Should the Board grant the variance, the result would be an increase in density above what is currently allowed in the code for townhouse development. Although staff recognizes that each variance request is reviewed based on its own merit and unique circumstances, staff does have some concern with a perceived perception that could occur if density is increased in this circumstance.</p>

Zoning Board of Adjustment Meeting
May 26, 2016
Broadway Townhomes Density Variance

Appeal Procedure:

Sec. 106-196. - Appeals from the board of adjustment.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment.

ATTACHMENTS

- Exhibit A: Application and site plan for the proposed improvements
- Exhibit B: Area Map
- Exhibit C: Zoning Map



PROJECT INFORMATION

Address where Variance is being requested: 1300 S Broadway St. LaPorte Tx, 77571
 Legal description where Variance is being requested: E 115' LTS H-16 LTS 17-32 + abandoned alley, blk 115^c La Porte
 HCAD Parcel Number where Variance is being requested: 0242.11059.0001
 Zoning District: _____ Lot area: 2.35 Acres

A Variance 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 Variance should be granted.

PROPERTY OWNER(S) INFORMATION

Name: Sack McCoy
 Company (if applicable): _____
 Address: 1515 Redway Ln. Houston, Tx 77062-5412
 City: Houston State: Tx Zip: 77062
 Phone: _____ Email: _____

AUTHORIZED AGENT (if other than owner)

Name: Frank Ball
 Company (if applicable): Frank Ball Realty
 Address: 3027 Marina Bay dr. Suite # 208
 City: League City State: Tx Zip: 77573
 Phone: 281-508-4936 Email: Frank@frankballrealty.com

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: [Signature] Date: 4/6/16

Owner(s)' Signature(s): [Signature] Date: 4/11/2016

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Variance Application
Planning and Development Department

AFFIDAVIT OF POSTING
ZONING BOARD OF ADJUSTMENT HEARING

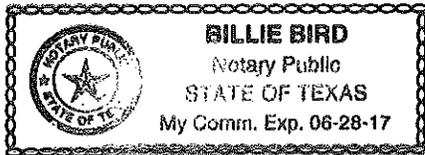
STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

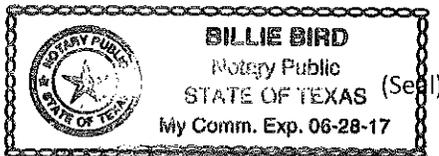
1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 1300 S BROADWAY, LA PORTE TX 77571
LEGAL DESCRIPTION: E 115' LTS 1-16 LTS 17-32 & ABANDONED ALLEY BLOCK 1159
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: 4/12/16
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.



Baldo Navarrete
Baldo Navarrete PRES & CEO
Applicant's Signature

AQUA PREMIUM DESIGNS, INC.
Applicant's Printed Name

Subscribed and sworn before me this 12th day of April, 2016, by
Baldo NAVARRETE JR (Print Applicant's Name).



[Signature]
Notary Public

My commission expires: 6-28-17

1300 S Broadway St

146

S 1st St

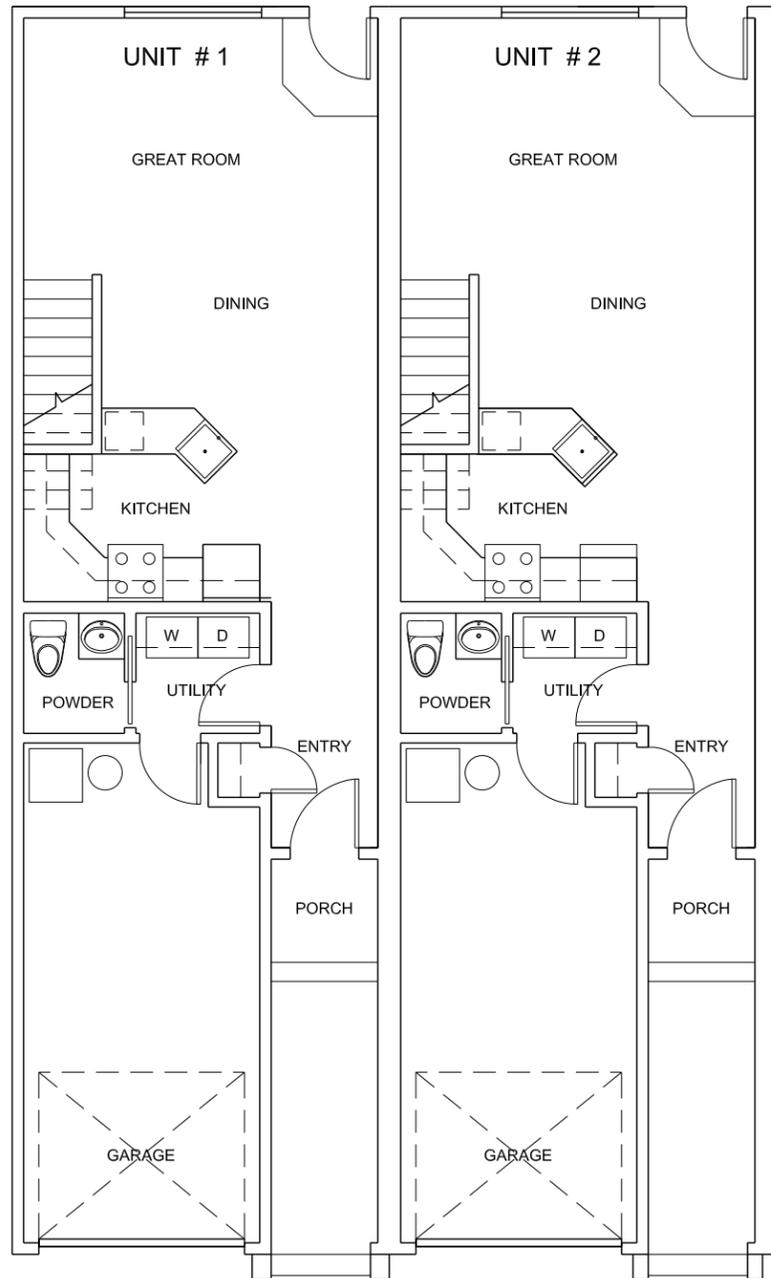
N Forrest Ave

© SPOT IMAGE

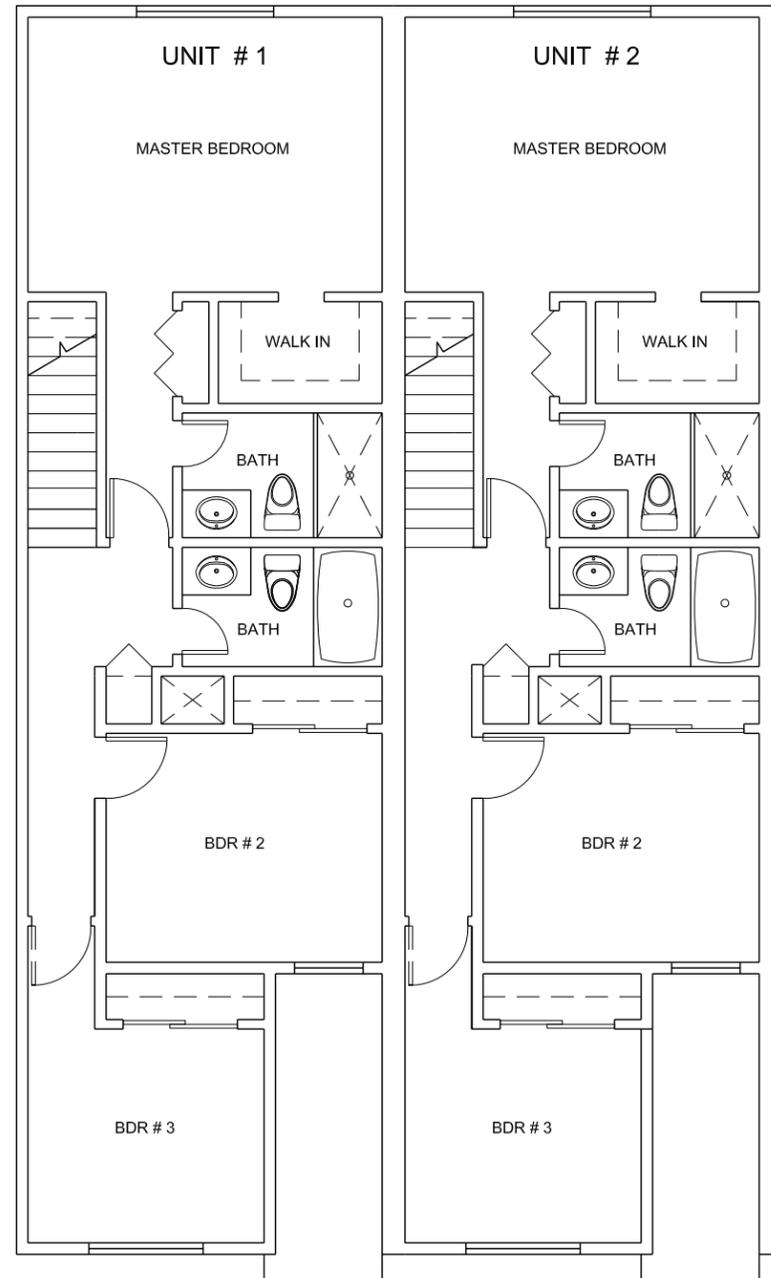
© 2016 Google
© 2016 Europa Technologies

Google





FIRST FLOOR PLANS
SCALE: 1/8" = 1'-0"



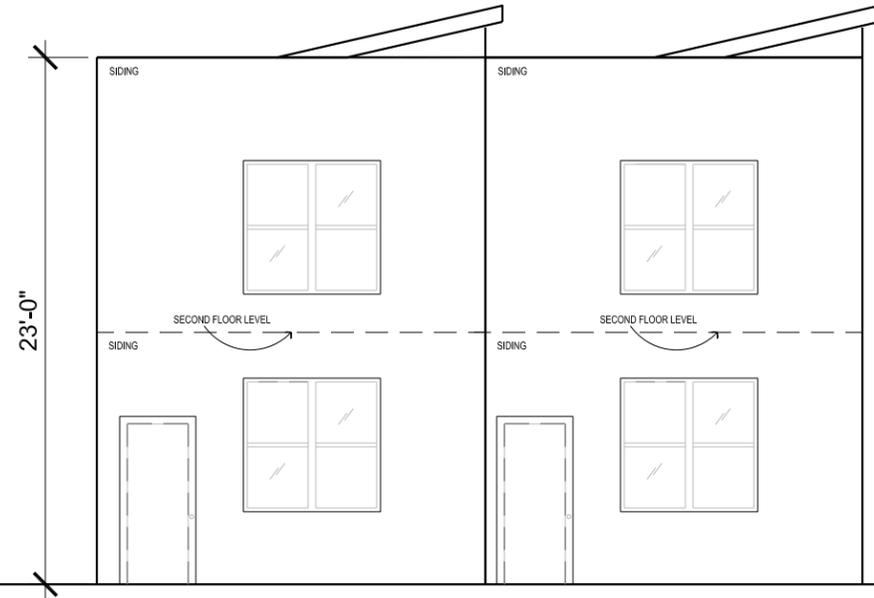
SECOND FLOOR PLANS
SCALE: 1/8" = 1'-0"

PROJECT NO.	DRAWN BY	DATE	SCALE
			1/8" = 1'-0"

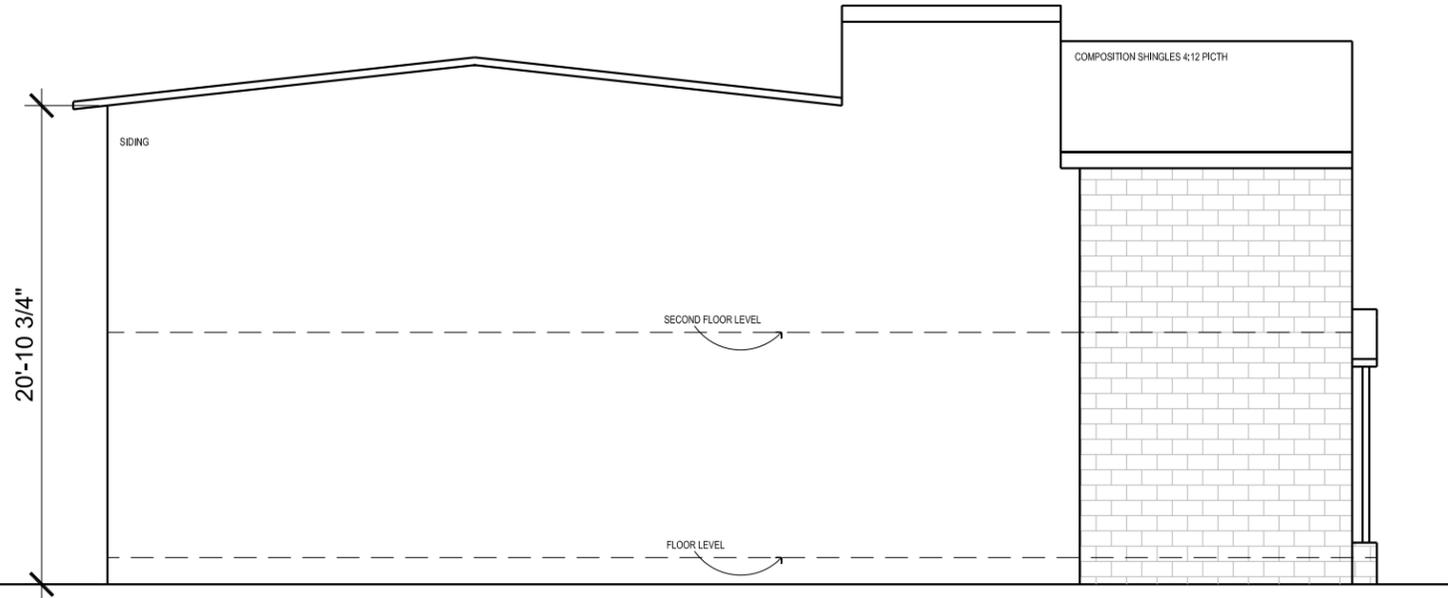
PROJECT TITLE

DRAWING TITLE

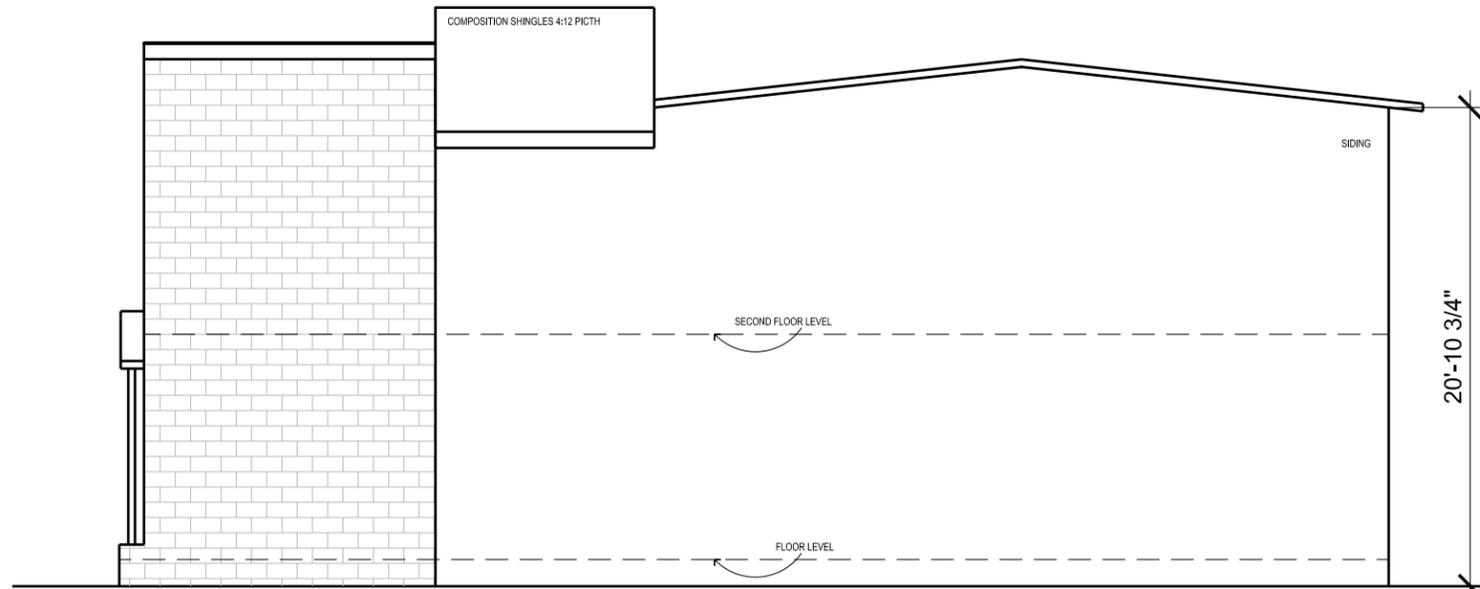
DRAWING NUMBER



FRONT ELEVATION
SCALE: 1/16" = 1'-0"



LEFT ELEVATION
SCALE: 1/16" = 1'-0"



RIGHT ELEVATION
SCALE: 1/16" = 1'-0"



FRONT ELEVATION
SCALE: 1/16" = 1'-0"

PROJECT NO.	DRAWN BY	DATE	SCALE
-------------	----------	------	-------

DRAWING TITLE

DRAWING TITLE

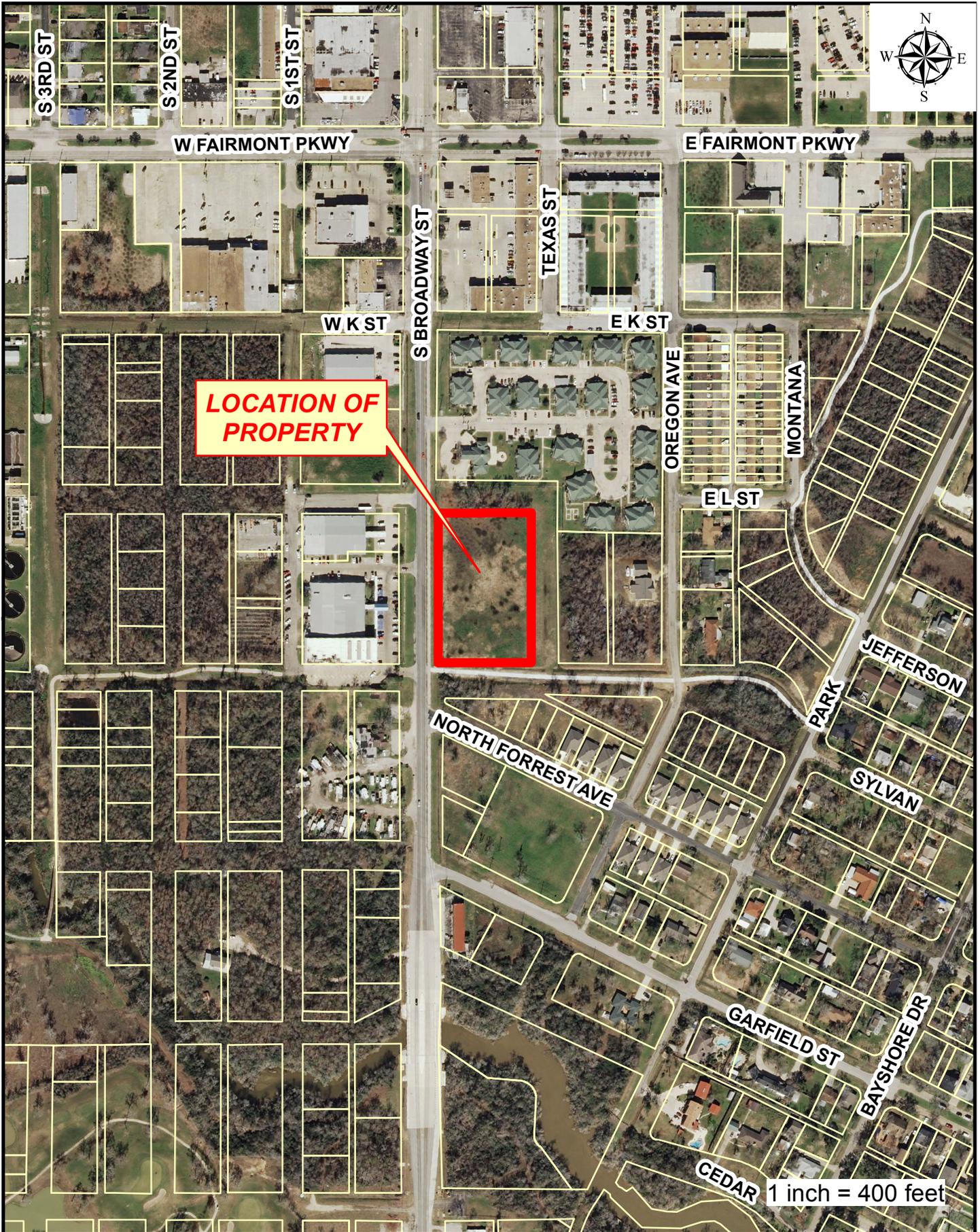
DRAWING NUMBER

1/8" = 1'-0"

AREA MAP

VARIANCE REQ. #16-9300004

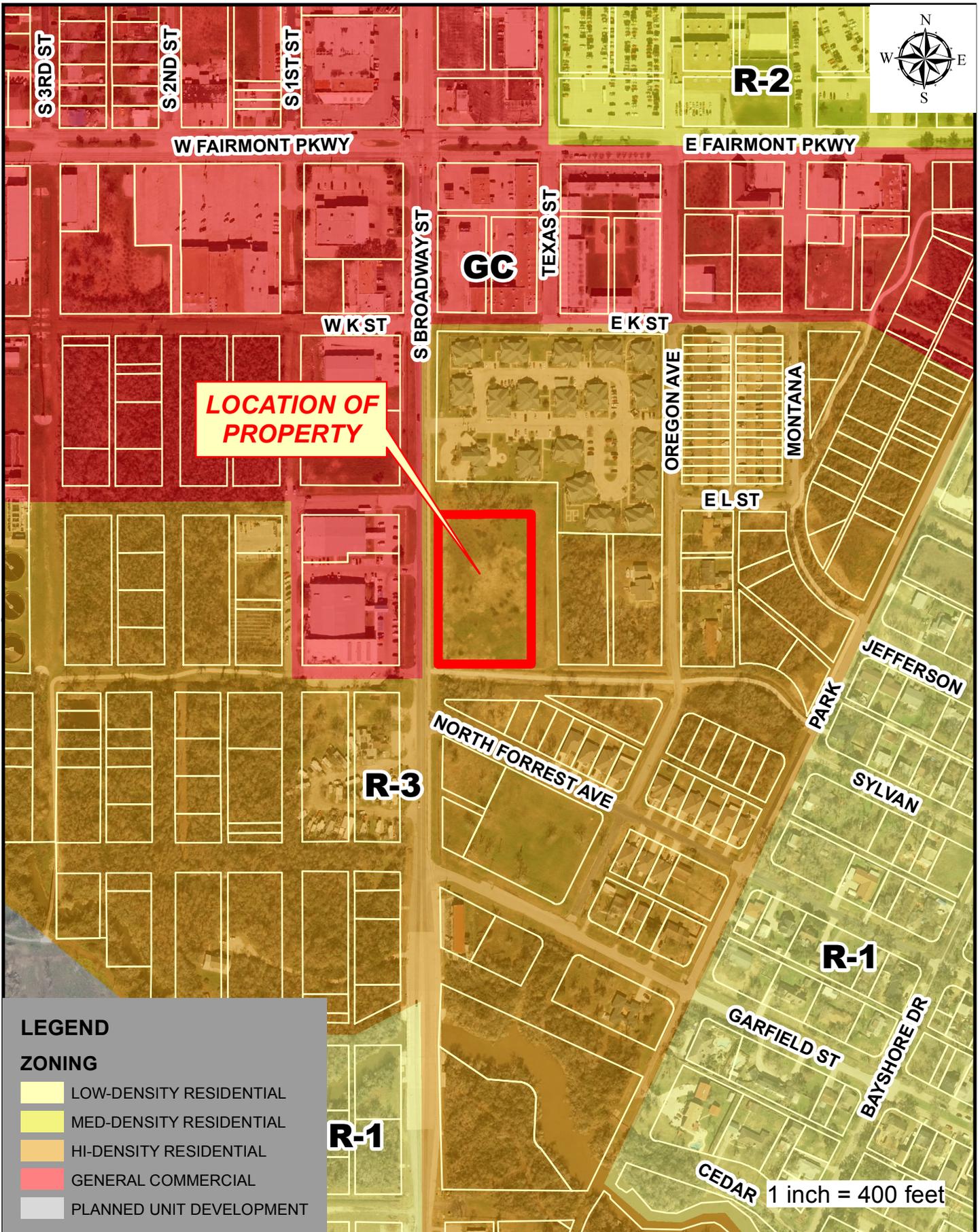
EXHIBIT B



ZONING MAP

VARIANCE REQ. #16-9300004

EXHIBIT C



LOCATION OF PROPERTY

LEGEND

ZONING

-  LOW-DENSITY RESIDENTIAL
-  MED-DENSITY RESIDENTIAL
-  HI-DENSITY RESIDENTIAL
-  GENERAL COMMERCIAL
-  PLANNED UNIT DEVELOPMENT

1 inch = 400 feet

**City of La Porte, Texas
Zoning Board of Adjustment**



May 26, 2016

AGENDA ITEM 5

Consider approval of a Variance
for the property located at 401 and 403 Bayshore Drive,
legally described as Lots 19 & 20, Block 49, Sylvan Beach Subdivision,
to allow construction of a single family house
with a lot frontage of 45.71' resulting in a lot with a total of 4,571 square feet in area
(Applicant: Kathleen Lemon)

Eric J. Ensey, City Planner
Planning and Development Department
City of La Porte, Texas

Planning and Development Department

Staff Report

ISSUE

Should the Board of Adjustment approve the variance requested by Kathleen Lemon for the property located at 401 and 403 Bayshore Drive, legally described as Lots 19 and 20, Block 49, Sylvan Beach Subdivision (case #16-93000005) which would allow the applicant to create a lot with proposed frontage of 45.71', when Section 106-333 requires a minimum 50' of lot frontage for single family detached residential; this would result in a lot area of 4,571 square feet

DISCUSSION

Applicant:

Kathleen Lemon

Applicant's Request:

The applicant is seeking approval of variance request #16-93000005. The variance requested with this request will allow the applicant to replat and subdivide her property and construct a new single family residential house on the newly created lot. The attached Exhibit A is a copy of the application and plan showing how the applicant intends to configure the lot and the improvements thereon.

Based on the information provided by the applicant, Ms. Lemon currently owns both Lots 19 and 20, which contain two existing houses and two accessory buildings. Her plan is to demolish the house and the smaller accessory building on the northern portion of the property and replat the property in a manner to allow for the construction of a new house on the northern portion of the property. The proposal would retain the existing house and detached garage on the southern portion of the property. This variance request is for the northern-most lot where the applicant proposes to construct her new home.

Subject Site:

The subject sites make up a .29 acre tract of land addressed 401 and 403 Bayshore Drive and is legally described as Lots 19 & 20, Block 49, Sylvan Beach Subdivision. The property is located at the northwest corner of Bayshore Drive and Grove Avenue. The attached Exhibit B is an area map that shows the location of the property in question.

Notice of Public Hearing:

Section 106-194 of the Zoning Ordinance stipulates the various requirements for public notice of the public hearing. This variance included all of the necessary code requirements for a public hearing including the following:

Board of Adjustment Meeting
 May 26, 2016
 Lemon House Variance

- Notice of public hearing was posted in the newspaper of general circulation ten days prior to the date of the hearing.
- Mailed notices were sent to all owners of property lying within 200 feet of the site ten days prior to the date of the hearing.
- The applicant signed an Affidavit of Posting indicating that the required sign was posted on the site ten days prior to the hearing date.

Additionally, in compliance with state law, notice of the public hearing was posted at City Hall and on the City's website at least ten days prior to the date of the public hearing.

Background Information:

The site is currently zoned R-1, Low Density Residential. The subject site contains two houses and two accessory buildings being used as garages. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low-density Residential	Residential (405 Bayshore)
South	R-1, Low-density Residential	Residential (100 Grove)
West	R-1, Low-density Residential	Undeveloped Lot
East	R-1, Low-density Residential	Sylvan Beach Boat Launch and Parking

Applicable Code Provisions:

Section 106-333, stipulates the residential area requirements. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Uses	Min. Lot Area	Min. Lot Width	Min. Yard Setbacks	Max. Height	Min. Site Area	Max. Lot Coverage/Min. Landscaping
Single-Family Detached	6000	50'	25'-15'-5'	35'	9100	40%/N/A

Analysis:

The applicant is requesting approval of a variance that would allow for the replatting of the existing lots that she owns in order to construct a new single family residence. The lots owned by the applicant are Lots 19 and 20, Block 49 of the Sylvan Beach Addition Subdivision Plat. The applicant had previously come before the Zoning Board of Adjustment and was granted a number of variances in order to replat her lot. Once the variances were requested the applicant had the site surveyed and the lot width came back smaller than had been presented in the previous variance requests. This new lot width resulted in a lot size of 4,571 square feet. If the variance is approved then it will replace the previous approved variances to lot width and lot size.

Section 106-192 of the Zoning Ordinance states that the term "variance" represents a deviation from the literal interpretation of the code approved by the Board subject to the fact that enforcement of the provisions of the code would cause an unnecessary hardship because of circumstances unique to the subject property. The Board is authorized to grant a variance when the Board finds that a number of criteria are met. The following table outlines those criteria and staff's analysis of those criteria.

Board of Adjustment Meeting
 May 26, 2016
 Lemon House Variance

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	The granting of the variances being requested would allow the applicant the ability to replat Lots 19 and 20 and construct a new house on the northern lot. Because of the location of the existing structures on the lots as well as the replatting and placement of the new lot line, the northern lot cannot comply with the minimum requirements for lot width.
b. That literal enforcement of this chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	<p>These lots have been platted in their current state since 1911 as part of the Sylvan Beach Subdivision Final Plat. Lots 19 and 20 were platted and comply with the minimum requirements in terms of lot width and area. However both lots are platted to front Grove. The exceptional hardship that could be argued is the location of the house and accessory building on the southern portion of the lot. The location of these structures dictate the placement of the property line, which does not allow for the applicant to comply with the minimum lot size and area for the northern lot.</p> <p>Additionally, as it currently exists, there are two primary structure on the lots that both front Bayshore. The proposed variance would allow the applicant to demolish one of the structures (and its accessory building) and construct a new house in its place.</p>
c. That by granting the variance, the spirit of this chapter will be observed.	The intent of the City's nonconforming provisions are to bring structures into compliance over time, but due to the configuration and location of existing buildings this future lot will not be able to be replatted in a manner that meets lot width requirements unless an accessory building is torn down.

Appeal Procedure:

Sec. 106-196. - Appeals from the board of adjustment.

Board of Adjustment Meeting

May 26, 2016

Lemon House Variance

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code § 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the board of adjustment.

ATTACHMENTS

Exhibit A: Application and proposed plat
Exhibit B: Area map



PROJECT INFORMATION

Address where Variance is being requested: 403 BAYSHORE DRIVE
 Legal description where Variance is being requested: LTS 19+20 BLK 49 SYLVAN BEACH
 HCAD Parcel Number where Variance is being requested: _____
 Zoning District: _____ Lot area: 45'8" x 100'

A Variance request is hereby made to the Board of Adjustment of the City of La Porte.

Description of Request: LOT SIZE REQUIREMENT ON 403 BAYSHORE IS A NONCONFORMING LOT. - REQUEST TO BUILD A HOME. LOT SIZE IS 4580 FT. - ROAD FRONTAGE 45.8'.

Attached hereto is a complete listing of the reason(s) why such Variance should be granted. PREVIOUS VARIANCE, GRANTED FOR 47

PROPERTY OWNER(S) INFORMATION

Name: KATHLEEN LEMON
 Company (if applicable): _____
 Address: 515 RIVERBIRCH
 City: LUMBERTON State: TX Zip: 77657
 Phone: 281-772-3186 Email: KATHLEEN@SPRAYPUMPSERVICES.COM

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): Kathleen Lemon Date: 5/3/16

STAFF USE ONLY:

Case Number: _____

Date Application Received:



REASON(S) FOR VARIANCE REQUEST

1. WANT TO BUILD A HOME ON A NONCONFORMING LOT. RECEIVED APPROVAL ON A VARIANCE REQUEST FOR PROPOSED LOT SIZE OF 47' X 100' BUT WHEN ACTUAL SURVEY WAS DONE, THE LOT SIZE IS 45'8" X 100'. - ALL OTHER ITEMS ARE IN COMPLIANCE @ ORIGINAL VARIANCE REQUEST.

2. _____

3. _____

4. _____

5. _____



AFFIDAVIT OF POSTING
ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 403 BAYSHORE DRIVE

LEGAL DESCRIPTION: _____

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: May 16, 2016.

3. Said sign shall be placed on the property within 20 feet of the abutting street.

4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Kathleen Lemon
Applicant's Signature

Applicant's Printed Name

Subscribed and sworn before me this 3rd day of MAY, 2016 by

KATHLEEN LEMON (Print Applicant's Name).



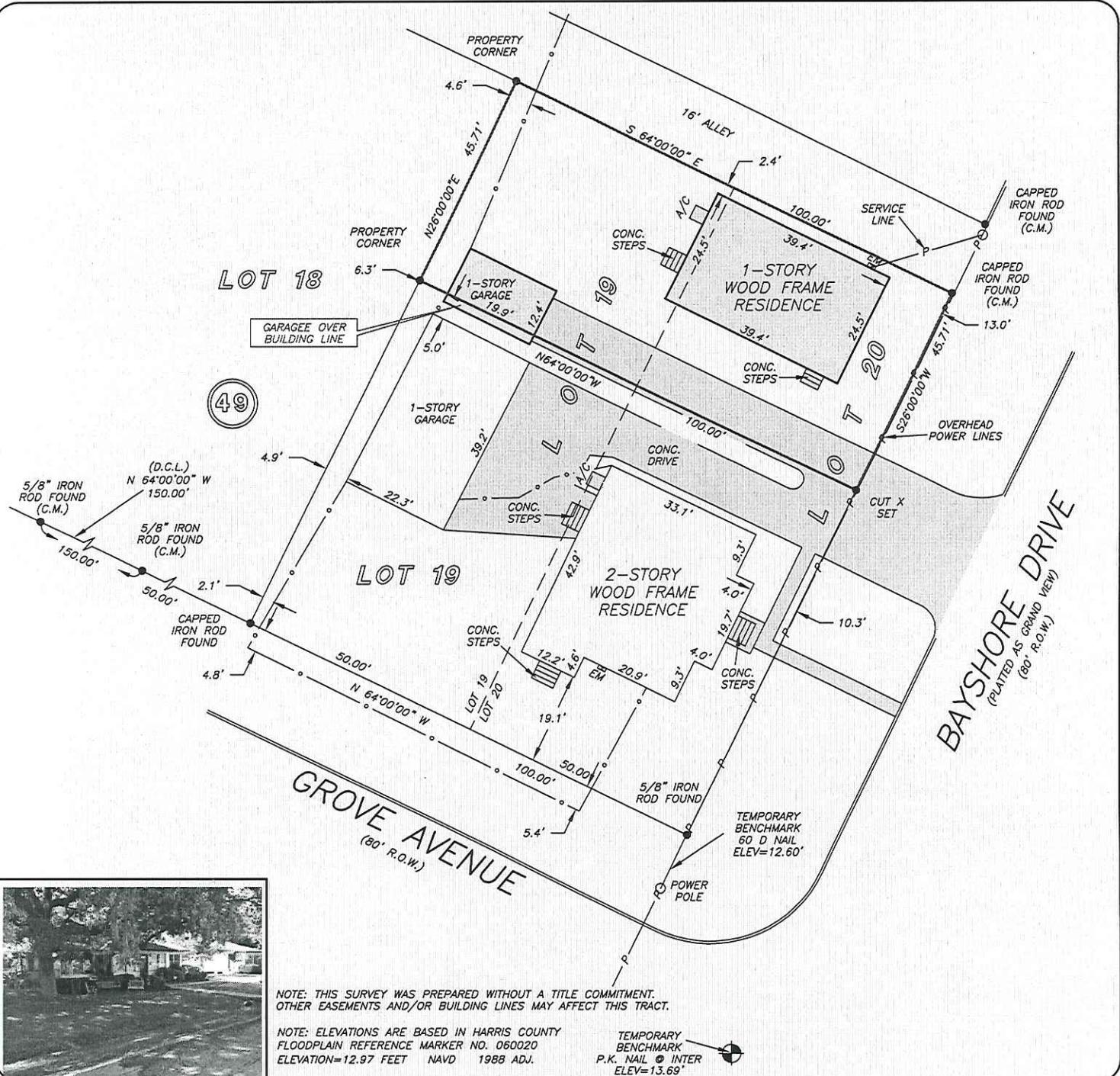
Kristen Hernandez
Notary Public

My commission expires: 9-2-18

ADDRESS: 401 BAYSHORE DRIVE
 LA PORTE, TEXAS 77571
 ORDERED BY: KATHLEEN T. LEMON

THE NORTH 45.71 FEET OF
 LOTS 19 AND 20, BLOCK 49
 SYLVAN BEACH, FIRST SUB-DIVISION

ACCORDING TO THE MAP OR PLAT THEREOF RECORDED
 IN VOLUME 3, PAGE 72 OF THE MAP RECORDS
 OF HARRIS COUNTY, TEXAS



NOTE: THIS SURVEY WAS PREPARED WITHOUT A TITLE COMMITMENT. OTHER EASEMENTS AND/OR BUILDING LINES MAY AFFECT THIS TRACT.

NOTE: ELEVATIONS ARE BASED IN HARRIS COUNTY FLOODPLAIN REFERENCE MARKER NO. 060020 ELEVATION=12.97 FEET NAVD 1988 ADJ.

TEMPORARY BENCHMARK P.K. NAIL INTER ELEV=13.69'

THIS PROPERTY IS AFFECTED BY THE 100 YEAR FLOOD PLAIN AS PER FIRM PANEL NO. 48201C 0945 L MAP REVISION: 06/18/07 ZONE AE BASED ONLY ON VISUAL EXAMINATION OF MAPS. INACCURACIES OF FEMA MAPS PREVENT EXACT DETERMINATION WITHOUT DETAILED FIELD STUDY

A SUBSURFACE INVESTIGATION WAS BEYOND THE SCOPE OF THIS SURVEY

D.C.L. = DIRECTIONAL CONTROL LINE RECORD BEARING: VOL. 3, PG. 72, H.C.M.R.

DRAWN BY: VG/VT

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND, THAT THIS PLAT CORRECTLY REPRESENTS THE FACTS FOUND AT THE TIME OF SURVEY AND THAT THERE ARE NO ENCROACHMENTS APPARENT ON THE GROUND, EXCEPT AS SHOWN HEREON. THIS SURVEY IS CERTIFIED FOR THIS TRANSACTION ONLY.

TERRANCE MISH
 PROFESSIONAL LAND SURVEYOR
 NO. 4981
 JOB NO. 16-02731
 APRIL 12, 2016



PRECISION
 surveyors

1-800-LANDSURVEY
 www.precisionurveyors.com

281-496-1586 FAX 281-496-1867 210-829-4941 FAX 210-829-1555
 950 THREADNEEDLE STREET SUITE 150 HOUSTON, TEXAS 77079 1777 NE LOOP 410 SUITE 600 SAN ANTONIO, TEXAS 78217
 FIRM NO. 10063700

AREA MAP

EXHIBIT B

