



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, August 25, 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: May 26, 2016.
4. A public hearing to consider Variance Request 16-93000006, a request by Pastor Shane Klinkerman on behalf of the First Assembly of God Church for a tract of land located at 316 E. Fairmont Parkway legally described as Blocks 1112 and 1113 of the Town of La Porte Subdivision. The applicant is seeking approval of a variance to allow for a new building to be placed 10' from the front property line, contrary to the provisions of Section 106-343(a) of the Code of Ordinances that requires a minimum front setback of 20' in a General Commercial zone.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
5. A public hearing to receive public input on Variance Request 16-93000007, a request by Bayway Homes for tracts of land legally described as Lots 1-8, Block 108 and Lots 24-32, Block 107, Town of La Porte Subdivision. The applicant is seeking approval of multiple variances as follows:
 - A side setback of 5' for Lot 32, Block 107 and Lot 1, Block 108; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that requires a minimum side setback of 20' for a townhouse/quadrplex project.
 - A density of 12.5 units per acre; contrary to the provisions of Section 106-333(a) of the Code of Ordinances that allows a maximum of 10 units per acre for townhouse/quadrplex projects.
 - A spacing between driveways of 4'; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum of 10' between residential driveways.
 - A distance from the driveway to the property line of 2'; contrary to the provisions of Section 106-835; Figure 10-2, which requires a minimum distance between the driveway and side lot line of 3'.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
6. A public hearing to receive public input on Variance Request 16-93000008, a request by Robert Goebel for the tract of land located at 11230 N. P St., legally described as Lots 1-6 of Block 1 of the Greendale Subdivision U/R. The applicant is seeking approval of a variance that would allow him to build a 1,144-square foot garage; contrary to the provisions of Section 106-741(e)(2), which allows detached garages on lots less than an acre in size to have a maximum floor area of 1,000 square feet.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer

7. A public hearing to receive public input on Variance Request 16-93000009, requested by Oakland Land & Development for the tract of land located at 905 S. 14th St., legally described as Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision. The applicant is seeking approval of a variance that would allow him to keep his current irrigation system of hose bibbs and soaker hoses; contrary to the provisions of Section 106-800 (c); 4; b., which requires properties larger than one acre to have an automatic irrigation system.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
8. A public hearing to receive public input on Variance Request 16-93000010, a request by Richard Sparks for the tract of land located at 920 Seabreeze, legally described as Lots 18 & 19, Parkway Block, Bayshore Park Subdivision. The applicant is seeking approval of a variance that would allow him to build a 1,080-square foot garage; contrary to the provisions of Section 106-741 (e)(2), which allows detached garages on lots less than an acre in size to have a maximum floor area of 1,000 square feet.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments
 - d. Question and Answer
9. Administrative reports.
10. Board comments on matter appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
11. 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, August 25, 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 May 26, 2016**

Board Members Present: Rod Rothermel, Dennis Oian, Nettie Warren, Chester Pool, T.J. Walker, Doug Martin and Charles Schoppe

Board Members Absent: None

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.

All board members were present.

3. Consider approval of meeting minutes: April 28, 2016.

Motion by Charles Schoppe to approve the meeting minutes of the April 28, 2016 meeting.

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

Ayes: Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool and Charles Schoppe
Nays: None

- 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.**

***At this time Chairman Rothermel decided to take the agenda items out of order and hear agenda item number five first as there was no applicant for agenda item number four.**

Chairman Rothermel opened the public hearing at 6:10 p.m.

a. Staff Presentation

City Planner Eric Ensey presented staff's report on a variance request by Frank Ball to allow for the construction of new townhouses.

City Planner Ensey said this variance is required because the applicant wants to build single family attached townhomes. City Planner Ensey went on to explain "single family attached

housing” means each house will be platted on its own lot, allowing a prospective buyer to own their lot.

Chester Pool asked if there were any benefits or drawbacks from the City’s point of view to allowing a higher density of townhomes. City Planner Ensey said a benefit is more taxable buildings and a possible drawback could be higher crime, but considering these homes would be owned outright, that did not seem likely.

b. Applicant Presentation

Chairman Rothermel swore in the applicant Baldo Navarette, 908 Azalea Point, League City, Texas. Chairman Rothermel asked if there was any specific hardship with the request. Mr. Navarette indicated the extra density was so they can meet a certain return on investment. Chairman Rothermel then asked how many units there would be per building. City Planner Ensey told the Board there would be two buildings with ten units and one with twelve.

c. Public Comments

Janet Furlow, 21 N. Forest Avenue, La Porte, Texas spoke in opposition to the proposed extra units because any extra concrete could create a drainage problem for her property.

Hal Lawler, 1414 S. Broadway, La Porte, Texas was not sure whether or not he supported the variance as he thought the resulting home ownership would improve the community but the proposed entrances and exits for the development being directly across from the recreation center caused concern for Mr. Lawler.

Chairman Rothermel closed the public hearing at 6:27 PM.

d. Question and Answer

There was no question and answer

Motion by Charles Schoppe to deny 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.

Second by T.J. Walker. **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 16-93000005, 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.**

Chairman Rothermel opened the public hearing at 6:01.

- a. **Staff Presentation**

City Planner Ensey presented staff's report for variance request 16-93000005 in which Kathleen Lemon is requesting to replat her residential lot in a manner that would have 45.71' of lot frontage.

City Planner Ensey said Ms. Lemon had previously been granted a variance for her lot width and size, amongst others, but because of a mismeasurement of her front property line her initial variance did not approve the distance she needed.

- b. **Applicant Presentation**

Kathleen Lemon, 515 River Birch Dr., Lumberton, Texas, told the Board how she measured the property line before the initial variance and when she got a survey it came back a different length, forcing her to get a new variance.

- c. **Public Comments**

There were no public comments.

Chairman Rothermel closed the public hearing at 6:06 PM.

- d. **Question and Answer**

Chester Pool asked if there was any way the City could reimburse Ms. Lemon's application fee because Ms. Lemon only had to reapply for a previously granted variance to correct a distance. City Planner Ensey said the City did not charge an application fee for the same reason Mr. Pool was concerned.

Motion by Charles Schoppe to approve 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.

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

Ayes: Rod Rothermel, T.J. Walker, 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 the Planning and Zoning Commission has requested a group workshop with the Zoning Board of Adjustment to discuss the new changes to the Zoning Ordinance.

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

Dennis Oian asked what options the applicant of agenda item number four had now the variance request was denied. Chairman Rothermel and Assistant City Attorney Askins told him the applicant could either build to code or challenge the ruling in court.

8. Adjourn

Motion by Chester Pool to adjourn.

Second by T.J. Walker. **Motion Carried.**

Ayes: Rod Rothermel, T.J. Walker, Nettie Warren, Chester Pool and Charles Schoppe

Nays: None

Chairman Rothermel adjourned the meeting at 6:34 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**



August 25, 2016

AGENDA ITEM 4

Consider approval of a Variance
to allow construction of a new building 10' from the front property line
for the property located at 316 East Fairmont Parkway,
legally described as Blocks 1112 and 1113, Town of La Porte Subdivision.
(Applicant: First Assembly of God)

*Ryan Cramer, Planning Technician
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 Shane Klinkerman on behalf of First Assembly of God Church for the property located at 316 East Fairmont Parkway, legally described as Blocks 1112 and 1113, Town of La Porte Subdivision (case #16-93000006) which would allow the applicant to place a new building 10' from the front property line?

DISCUSSION

Applicant:

First Assembly of God Church

Applicant's Request:

The applicant is seeking approval of variance request #16-93000006. The variance requested will allow the applicant to place a new sanctuary 10' from the front property line while retaining the existing buildings. The attached Exhibit A is a copy of the application and site plan showing how the applicant intends to configure the improvements as well as pictures showing the location of surrounding buildings.

Based on the information provided by the applicant, the Church currently owns Blocks 1112 and 1113, which contain two existing buildings.

Subject Site:

The subject sites make up a 3.251 acre tract of land addressed 316 E. Fairmont Parkway and legally described as Blocks 1112 and 1113, Town of La Porte Subdivision. The property is located at the east corner of Oregon Avenue and East Fairmont Parkway. 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:

- 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

Board of Adjustment Meeting
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First Assembly of God Variance

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 GC, General Commercial. The subject site contains one worship building and two accessory buildings, one of which will be demolished to make room for the new building. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-2, Medium-density Residential	Education (La Porte High School)
South	R-3, High-density Residential	Residential (1201 Oregon)
West	GC, General Commercial	Residential (Tammie Jay Apartments)
East	GC, General Commercial	Commercial (La Porte Medical Center)

Applicable Code Provisions:

Section 106-443, stipulates the commercial area requirements. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Uses	Min. Landscaping Requirements	Max Lot Coverage	Min. Yard Setbacks	Adjacent to Residential Minimum Yard Setbacks	Max. Height
GC General Comm.	7.5% one-ten acres	50%	20'-10'-0'	20'-10'-10'	N/A

Analysis:

The applicant is requesting approval of a variance that would allow for the placement of a new building 10' from the front property line along East Fairmont Parkway.

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:

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First Assembly of God Variance

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	The granting of the variance would allow the applicant to place a new building 10' from the front property line. Most of the buildings along East Fairmont are non-conforming in they do not abide by the 20' front setback required, including the worship building already on the property and the accessory building to be torn down to allow room for the new building.
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.	The building that the applicant desires is approximately 200' long and the area they want to place it is about 220' long, making it impossible to abide by both front (20') and rear (10') setbacks. That being said, there are areas on the property the building could fit in without need for a variance. The applicant could also redesign the structure to comply with the setbacks.
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. In this case, a nonconforming building would be torn down and the intent of the code would be to bring any new structures into compliance with the setback requirements.

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, pictures and a conceptual site plan
- Exhibit B: Area map



Exhibit A

Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 316 E. Fairmont Parkway, La Porte TX 77571

Legal description where Variance is being requested: Blocks 1112 and 1113, Town of La Porte, V. 60, P. 112, H.C.D.R.

HCAD Parcel Number where Variance is being requested: 024-190-012-001 (multiple accounts)

Zoning District: General Commercial Lot area: 3.251 acres

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

Description of Request: Current Sanctuary of Church is 6 feet from south R.O.W. of Fairmont, similar to other buildings along Fairmont.

A new building is being built (old sanctuary to remain) and would like to be built alongside the same front face as the existing sanctuary.

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

PROPERTY OWNER(S) INFORMATION

Name: Pastor Shane Klinkerman

Company (if applicable): First Assembly of God La Porte Texas

Address: 316 E. Fairmont Parkway

City: La Porte State: Texas Zip: 77571

Phone: 281-471-4200 Email: [REDACTED]

AUTHORIZED AGENT (If other than owner)

Name: Chris Rhodes

Company (if applicable): Civil-Surv Land Surveying, LC

Address: 5909 W. Loop S. Suite 200

City: Bellaire State: TX Zip: 77401

Phone: 713-839-9181 Email: [REDACTED]

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: 07/11/2016

Owner(s)' Signature(s):  Date: 07/21/2016

STAFF USE ONLY:

Case Number:

Date Application Received:



Exhibit A

Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. Most buildings presently on East Fairmont parkway are on the property line or within the 20'-0 Building line.

2. The existing Church building in almost on the property line and will block the visibility of the new building for the east-bound traffic along East Fairmont Parkway.

3. The existing building on the neighbor's property to the east of the Church property is on the property line and will block visibility of the new building for the west-bound traffic along East Fairmont Parkway.

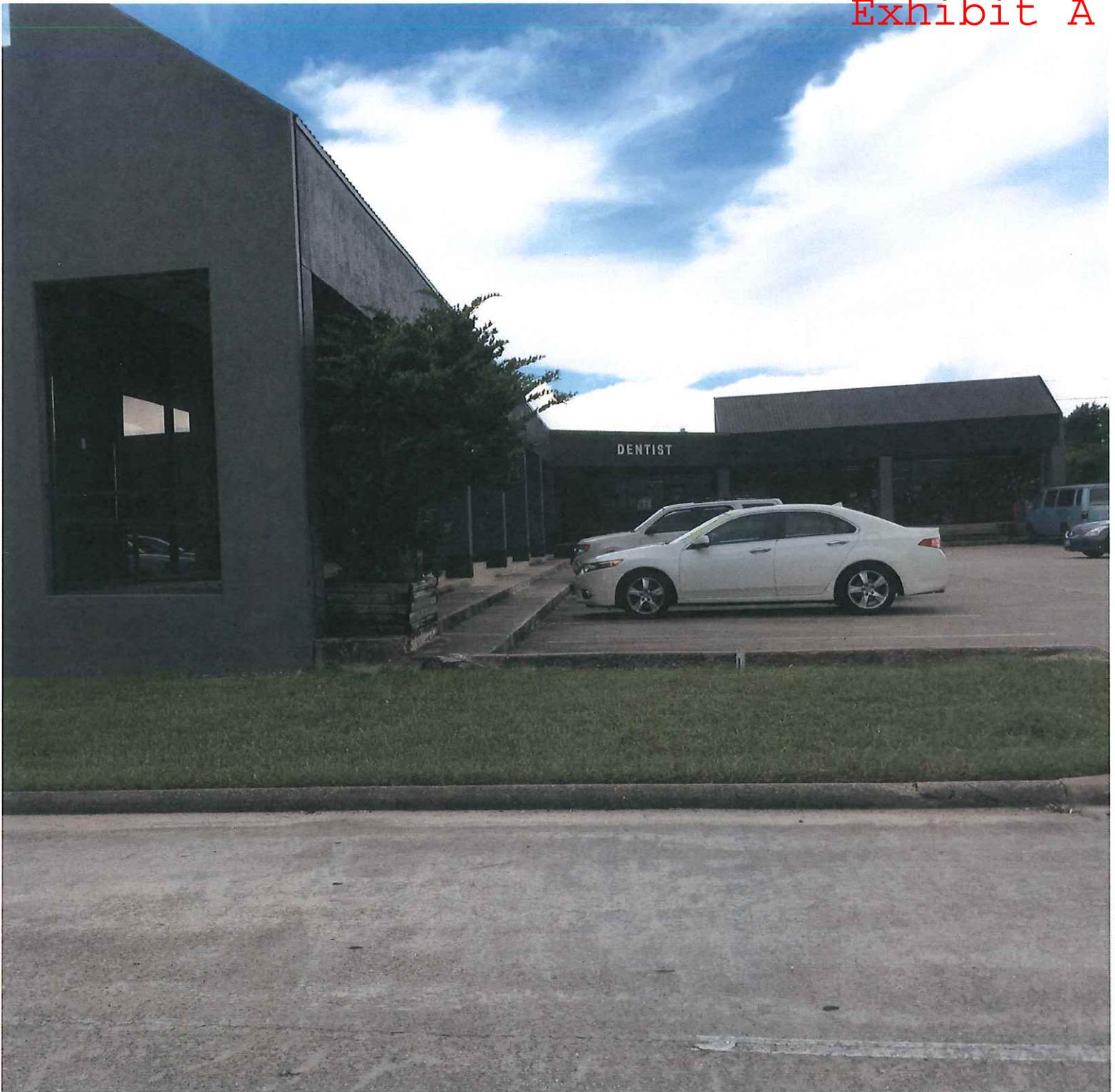
4. The proposed new building will greatly enhance the aesthetics of buildings along East Fairmont Parkway, when placed 10'-0 away from the north property line along East Fairmont Parkway.

5.





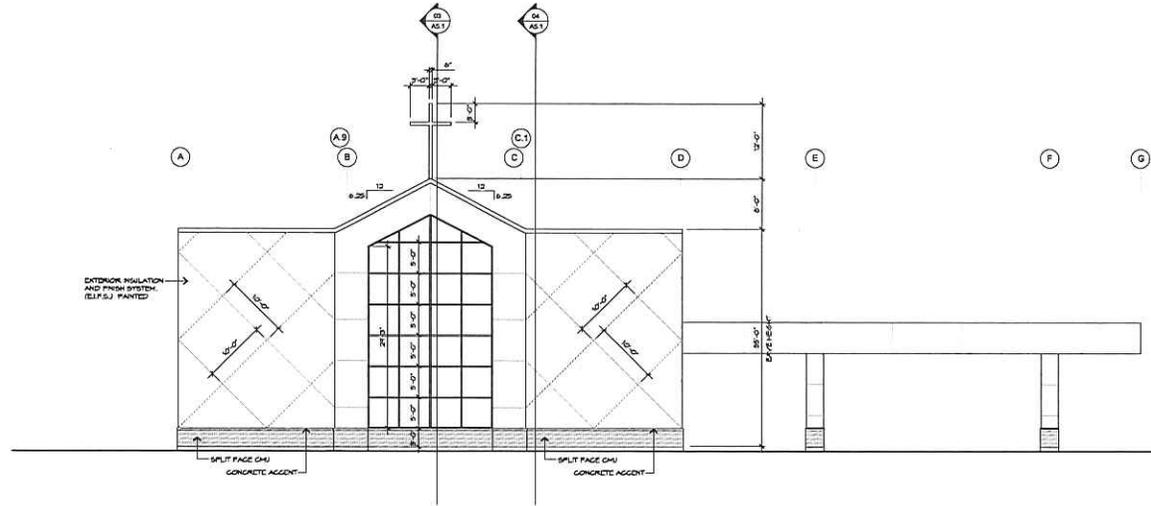






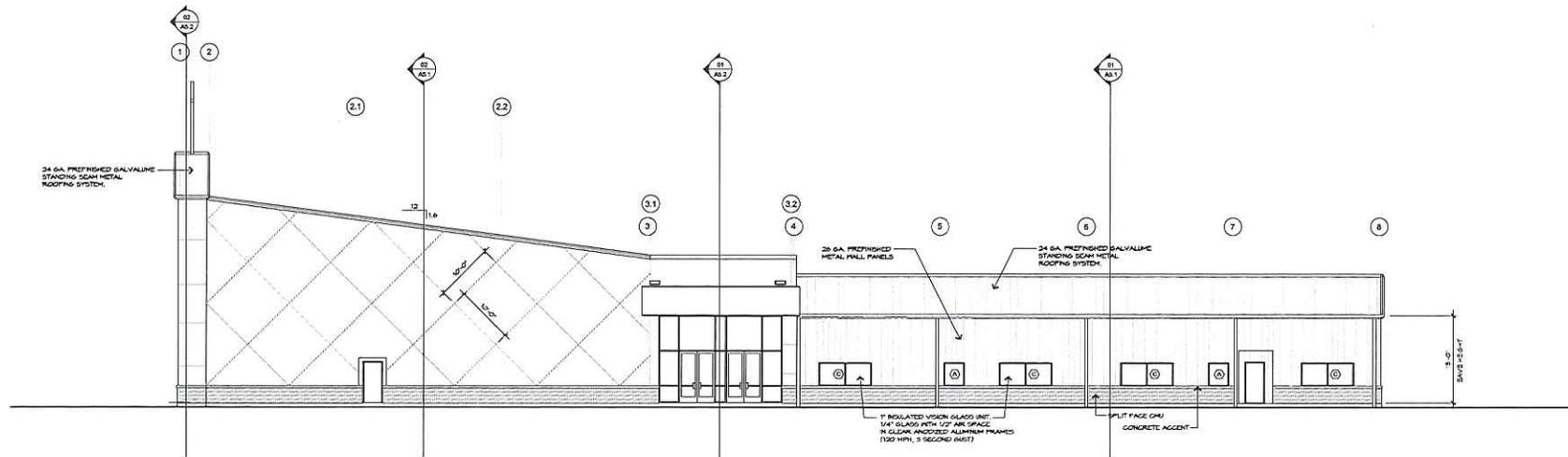
Church DesignBuild Services, Inc.
Bellaire, Texas

- GENERAL CONSTRUCTION NOTES:
1. All Exterior Joints and Openings in the Building Envelope that are an Obvious Source of Air Leakage shall be Caulked, Sealed, Weatherstripped or Otherwise Closed.
 2. Site Constructed Doors, Windows and Skylights shall be Calculated Between the Jamb and the Sill and shall be Weatherstripped (Except for Unframed Glass Doors and Fire Doors).
 3. Manufactured Doors and Windows Installed shall have Air Infiltration Rates Certified by the Manufacturer.
 4. All Insulating Material shall be Installed in Compliance with Flame Spread Rating and Smoke Density Requirements of the International Building Code.



North Elevation

SCALE: 1/8"=1'-0" 02



West Elevation

SCALE: 1/8"=1'-0" 01

The Drawings, Specifications and other documents prepared by the Architect for this Project are Instruments of the Architect's service for use solely with respect to this Project, and the Architect shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Owner shall be permitted to retain copies, including reproducible copies, of the Architect's Drawings, Specifications and other documents for information and reference in connection with the Owner's use and occupancy of the project. The Architect's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for additions to this Project or for completion of this Project by others, except by agreement in writing and with appropriate compensation to the Architect.

A New Addition For
First ASSEMBLY OF GOD
LaPorte, Texas

Mark

09-15-2015 Issued For Permit

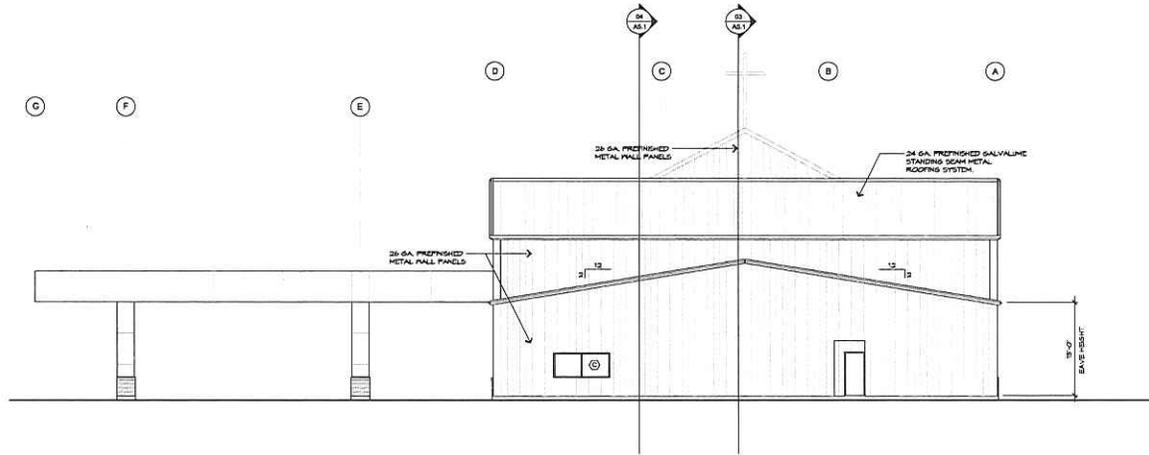
Project:
Date: Sept. 15, 2015

A31



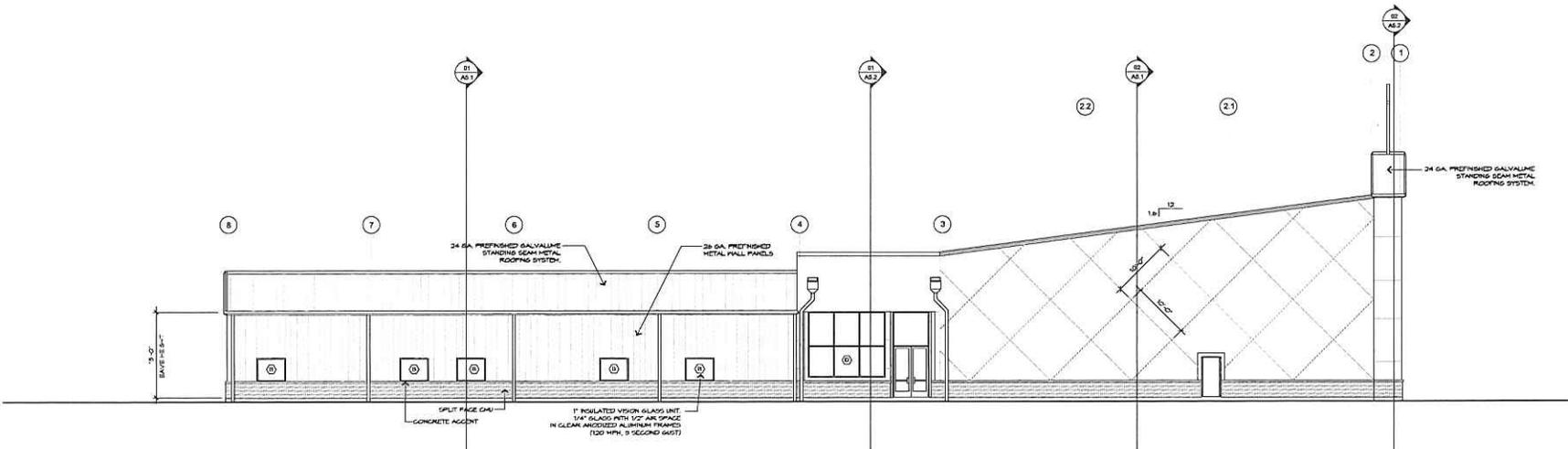
Church DesignBuild Services, Inc.
Bellaire, Texas

- GENERAL CONSTRUCTION NOTES:
1. All Exterior Joints and Openings in the Building Envelope that are an Observable Source of Air Leakage Shall Be Caulked, Gasketed, Weatherstripped or Otherwise Sealed.
 2. Side Constructed Doors, Windows and Skylights Shall Be Caulked Between the Sill and the Building and Shall Be Weatherstripped (Except for Unfired Glass Doors and Fire Doors).
 3. Manufactured Doors and Windows Installed Shall Have Air Infiltration Rates Certified by the Manufacturer.
 4. All Insulating Material Shall Be Installed in Compliance with Fire Spread Rating and Smoke Density Requirements of the International Building Code.



South Elevation

SCALE: 1/8"=1'-0" 02



East Elevation

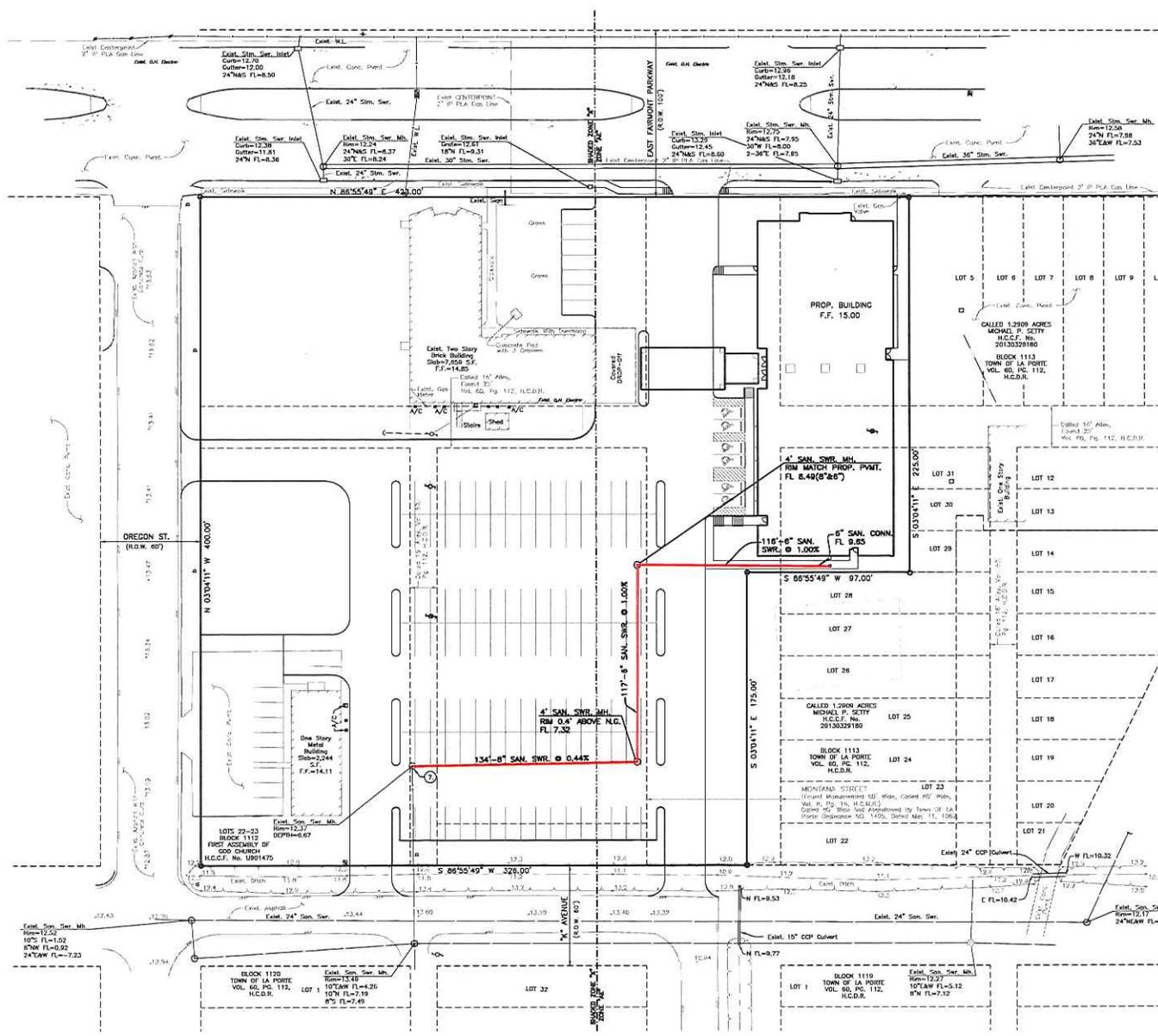
SCALE: 1/8"=1'-0" 01

The Drawings, Specifications and other documents prepared by the Architect for this Project are Instruments of the Architect's service for use solely with respect to this Project, and the Architect shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Owner shall be permitted to retain copies, including reproducible copies, of the Architect's Drawings, Specifications and other documents for information and reference in connection with the Owner's use and occupancy of the project. The Architect's Drawings, Specifications or other documents shall not be used by the Owner or others on other projects, for addition to the Project or for completion of the Project by others, except by agreement in writing and with appropriate compensation to the Architect.

A New Addition For
First ASSEMBLY OF GOD
LaPorte, Texas

EXHIBIT
A612
Mark
Date: Sept. 18, 2015

SANITARY SHEET



REMARKS: PER MUNICIPAL ORDER A BRASS DISK STAMPED "MICHIGAN" LOCATED AT THE WEST END OF THE SOUTH CONCRETE CURB OF THE 8TH STREET BRIDGE OVER STREAM 7718-06-01, APPROXIMATELY 616 FEET SOUTH OF THE INTERSECTION OF 8TH STREET AND FAIRMONT PARKWAY, 3001 ADJUSTMENT, CL = 13.87

THE TOP OF A HANDBOOK SPIKE IN THE FIRST POWER POLE IN THE SOUTH RIGHT-OF-WAY OF THE ABOVE ALIGNED ADJACENT TO THE INTERSECTION OF "N" AVENUE AND 8TH STREET, 3001 ADJUSTMENT, 3001 ADJUSTMENT, CL=13.37

THE FLOOD HAZARD MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR THE CITY OF LA PORTE, ILLINOIS COUNTY, ILLINOIS AND DESIGNATED AREAS, COMMERCIAL RISK ZONE, CLASS "X", SHOWS THAT THIS TRACT IS WITHIN ZONE "X" (SHADED) AREAS OF FLOOD HAZARD. AREAS OF FLOOD HAZARD ARE LESS THAN 1 INCH ABOVE MEAN SEA LEVEL AND ARE PROTECTED BY LEVEES FROM THE ANNUAL CHANCE FLOOD, ZONE "X", SPECIAL FLOOD HAZARD AREA. SPECIAL FLOOD HAZARD AREAS ARE DESIGNATED AS SHOWN ON MAP AND ARE SUBJECT TO REMEDIATION BY THE ANNUAL CHANCE FLOOD. SPECIAL FLOOD HAZARD AREAS ARE DESIGNATED AS SHOWN ON MAP AND ARE SUBJECT TO REMEDIATION BY THE ANNUAL CHANCE FLOOD. SPECIAL FLOOD HAZARD AREAS ARE DESIGNATED AS SHOWN ON MAP AND ARE SUBJECT TO REMEDIATION BY THE ANNUAL CHANCE FLOOD. SPECIAL FLOOD HAZARD AREAS ARE DESIGNATED AS SHOWN ON MAP AND ARE SUBJECT TO REMEDIATION BY THE ANNUAL CHANCE FLOOD.



LEGEND table with symbols for existing and proposed sewer lines, manholes, cleanouts, and other features.

CONTRACTOR TO VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR TO VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR TO VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.

- GENERAL CONSTRUCTION NOTES: 1. DIMENSION CONTROL PLAN PREPARED BY DAWSON VAN ORDEN ENGINEERS TO BE USED IN CONJUNCTION WITH THIS PLAN FOR LOCATING ALL IMPROVEMENTS. 2. ALL UNDERGROUND UTILITIES SHOWN ARE NOT GUARANTEED TO BE COMPLETE OR DEFINITE, BUT WERE OBTAINED FROM THE BEST INFORMATION AVAILABLE.

NOTICE: FOR YOUR SAFETY, YOU ARE REQUESTED TO CALL 811 AT LEAST 48 HOURS BEFORE YOU DIG SO THAT UNDERGROUND LINES CAN BE LOCATED. THIS INFORMATION DOES NOT REPLACE YOUR OBLIGATION TO CALL 811.

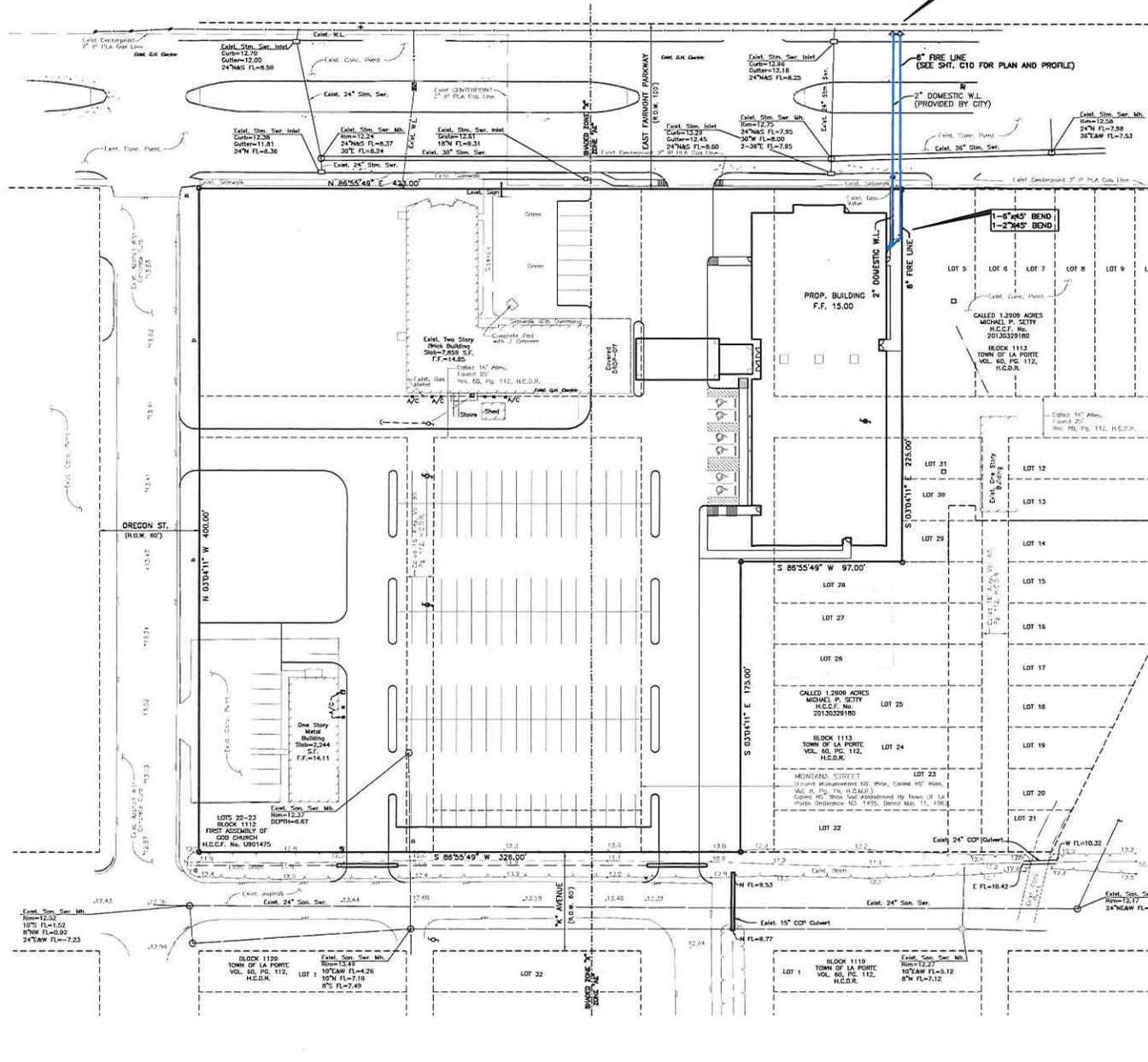
VERIFICATION OF PRIVATE UTILITY LINES table with columns for DATE, NAME, ADDRESS, and COMMENTS.

DAWSON VAN ORDEN logo and contact information: 1501 WASHINGTON, WARRICK, ILLINOIS 62453, OFFICE: 281.231.2500, www.dawsonvanorden.com, PROJECT: 14-358C.

LA PORTE, TEXAS FIRST ASSEMBLY OF GOD SANITARY LAYOUT DATE: APRIL, 2015 SCALE: DRG SCALE DATE: APRIL, 2015 SCALE: DRG SCALE

Professional Engineer seal for STEPHEN R. HODGES, No. 10986, State of Texas, and the number 69.

WATER SHEET

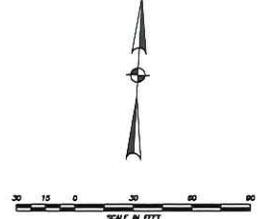


REMARKS:
 FROM RAINWATER-BUILDING A BRASS DISK STAMPED "MICHIGAN" LOCATED AT THE WEST END OF THE SOUTH CURBLINE ADJACENT TO THE 8TH STREET SIDEWALK CROSS STREETS PTH-85-05, APPROXIMATELY 618 S.W. CORNER OF THE INTERSECTION OF 8TH STREET AND FAIRMONT PARKWAY, MICHAEL, 2001 ADJUSTMENT, IS-133P

NOTES:
 1. A COPY OF THE TOP OF CURB OF THE SECOND CURB BLEND EAST OF THE INTERSECTION OF EAST FAIRMONT PARKWAY AND CROSS STREET, NATIONAL 2001 ADJUSTMENT, IS-133P

NOTES:
 1. TOP OF A RAINWATER SPICE IN THE FIRST POWER POLE IN THE SOUTH RIGHT-OF-WAY OF "C" AVENUE EAST OF THE INTERSECTION OF "C" AVENUE AND CROSS STREET, NATIONAL 2001 ADJUSTMENT IS-133P

FLOODPLAIN:
 THE LOCAL GOVERNMENT MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR THE CITY OF LA PORTE, HARRIS COUNTY, TEXAS AND INCORPORATED THEREIN, SHOWS THAT THE PROPOSED WATER MAINS ARE LOCATED WITHIN A FLOOD HAZARD AREA OF 1% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD ARE SHOWN WITH A FLOOD HAZARD SYMBOL OF 1% ANNUAL CHANCE FLOOD. AREAS OF 1% ANNUAL CHANCE FLOOD ARE LESS THAN 1 FOOT DEEP AND ARE PROTECTED BY EXCESS FLOOD PROOFING. CHANCE FLOODS ARE NOT SPECIAL FLOOD HAZARD AREAS SUBJECT TO REGULATION BY THE FEDERAL AVIATION ADMINISTRATION. THESE AREAS ARE NOT REGULATED BY THE FEDERAL AVIATION ADMINISTRATION. THESE AREAS ARE NOT REGULATED BY THE FEDERAL AVIATION ADMINISTRATION. THESE AREAS ARE NOT REGULATED BY THE FEDERAL AVIATION ADMINISTRATION.



LEGEND

---	Existing Storm Sewer
---	Existing Sanitary Sewer
---	Existing Water Line
---	Existing Gas Line
---	Existing Fire Hydrant
---	Existing Water Valve
---	Existing Meter
---	Existing Manhole
---	Existing Clean Out
---	Existing Natural Ground
---	Existing Top of Curb
---	Existing Utility
---	Proposed Water Line
---	Proposed Water Meter W/ VALVE
---	Proposed Water Meter W/ BOX
---	Proposed Irrigation Meter
---	Proposed Backflow Preventer

DESCRIPTION OF PROJECT AND/OR DESIGN WORK:
 THIS DRAWING IS A PART OF A PROJECT AND IS NOT TO BE USED IN ISOLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF TEXAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE STATE OF TEXAS.

- GENERAL CONSTRUCTION NOTES**
- DIVISION CONTROL PLAN PREPARED BY DAWSON VAN ORDEN ENGINEERS TO BE USED IN CONJUNCTION WITH THIS PLAN FOR LOCATING ALL IMPROVEMENTS.
 - ALL UNDERGROUND UTILITIES SHOWN ARE NOT GUARANTEED TO BE COMPLETE OR DEFINITE, BUT WERE OBTAINED FROM THE BEST INFORMATION AVAILABLE.
 - CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION.
 - THE LOCATION OF ALL UTILITIES PRESENTED ON THESE DRAWINGS IS SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION BEFORE COMMENCING WORK. HE AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY HIS FAILURE TO EXACTLY LOCATE AND PRECISELY FACE UNDERGROUND UTILITIES.
 - CONTRACTOR TO OBTAIN ALL PERMITS AND APPROVALS REQUIRED PRIOR TO STARTING CONSTRUCTION.
 - CONTRACTOR TO VERIFY THAT ALL ADA AREAS COMPLY WITH MAXIMUM CROSS SLOPES OF 3% AND MAXIMUM RUN SLOPES OF 5%.

IF YOU ARE HAVING DIFFICULTY LOCATING ANY UTILITIES, CALL THE UTILITY LOCATOR AT 713-267-3222.
NOTICE:
 FOR YOUR SAFETY, YOU ARE REQUIRED BY TEXAS LAW TO CALL 811 AT LEAST 48 HOURS BEFORE YOU BEGIN ANY UNDERGROUND WORK. IF YOU ARE HAVING DIFFICULTY LOCATING ANY UTILITIES, CALL THE UTILITY LOCATOR AT 713-267-3222.

VERIFICATION OF PRIVATE UTILITY LINES

DATE:	
BY:	
FOR YOUR SAFETY, YOU ARE REQUIRED BY TEXAS LAW TO CALL 811 AT LEAST 48 HOURS BEFORE YOU BEGIN ANY UNDERGROUND WORK. IF YOU ARE HAVING DIFFICULTY LOCATING ANY UTILITIES, CALL THE UTILITY LOCATOR AT 713-267-3222.	
DATE:	
BY:	
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DAWSON VAN ORDEN
 ENGINEERS
 1000 WEST WASHINGTON STREET, SUITE 100
 HOUSTON, TEXAS 77002
 TEL: 713-267-3222
 FAX: 713-267-3223
 WWW.DAWSONVANORDEN.COM



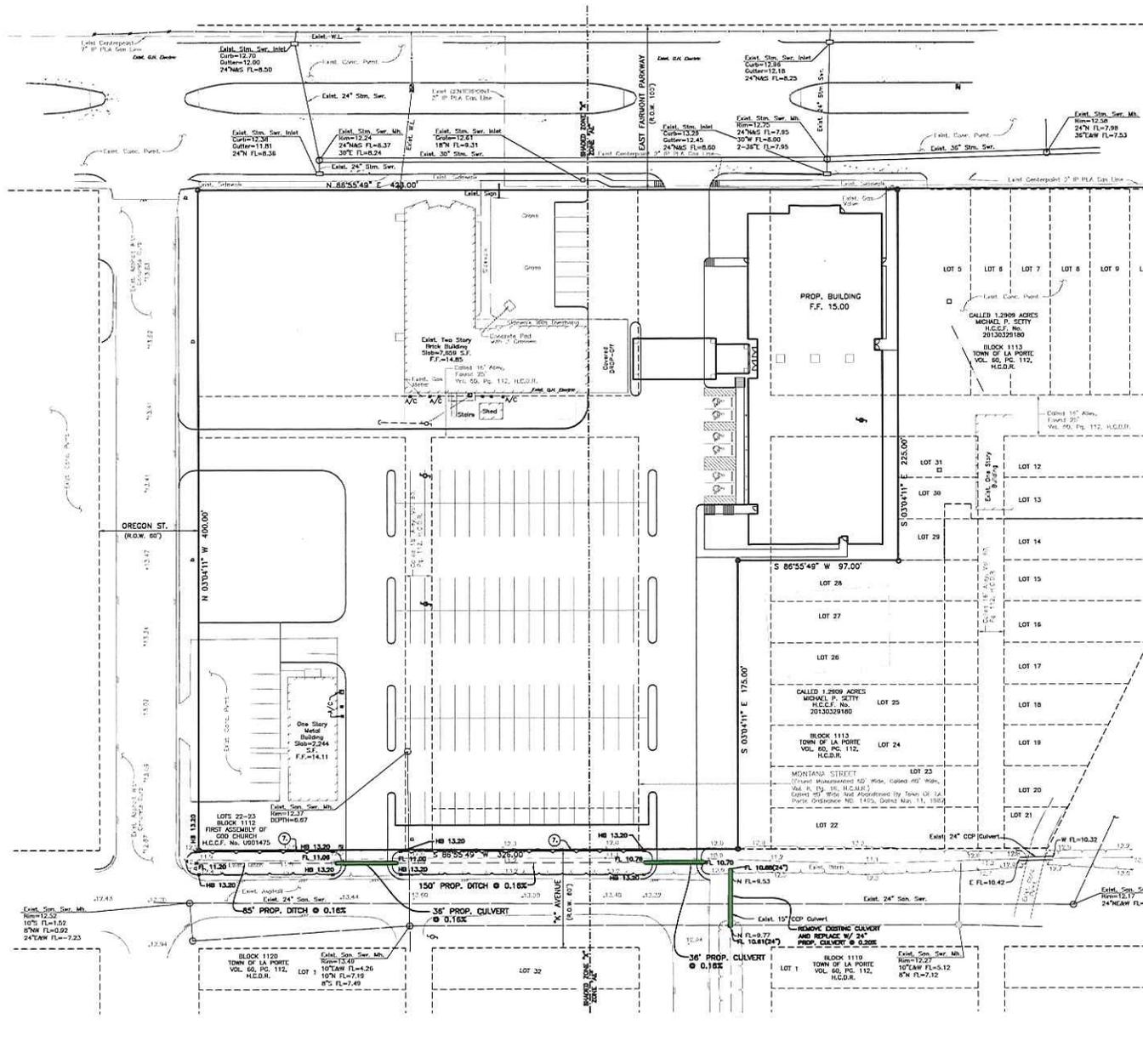
WATER LAYOUT
 SCALE: 1" = 30'
 DATE: APRIL 2015
 DRAWN BY: M.E.

LA PORTE, TEXAS
 FIRST ASSEMBLY OF GOD

Exhibit A
 C6

Z:\1-Civil\14-386C-ASSEMBLY OF GOD-APPROVE\DWG\EXHIBIT\PLAT REQUIREMENT SHEETS\STORM.DWG JUL 14, 2016 12:38pm AMVE

STORM SHEET



REMARKS:
 FROM INFORMATION BEING A BRASS DISK STAMPED "1000007" LOCATED AT THE WEST END OF THE SOUTH CURBLINE (CORNER) OF THE 8TH STREET BRIDGE OVER STREAM F70-00-01, APPROXIMATELY 0.15 MILES SOUTH OF THE INTERSECTION OF 8TH STREET AND FAIRMONT FOREWAY AVENUE, 2001 ADJUSTMENT, CL = 13.67

NOTE #1:
 A POINT ON THE TOP OF CURB OF THE SECOND CURB MUST EAST OF THE INTERSECTION OF EAST FAIRMONT FOREWAY AND SECOND STREET AVENUE, 2001 ADJUSTMENT, CL = 13.37

NOTE #2:
 THE TOP OF A RAILROAD SPIKE IN THE FIRST POWER POLE ON THE SOUTH RIGHT-OF-WAY OF "N" AVENUE EAST OF THE INTERSECTION OF "N" AVENUE AND SECOND STREET AVENUE, 2001 ADJUSTMENT CL = 13.12

REVISIONS:

FLOODING:
 THE FEDERAL GOVERNMENT MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP FOR THE CITY OF LA PORTE, HARRIS COUNTY, TEXAS AND RESPECIFIED TO THE COUNTY OF HARRIS, TEXAS INDICATES THAT THIS TRACT IS WITHIN ZONE "X" (SHADED) AREAS OF LESS ANNUAL CHANCE FLOOD AREAS OF 1% ANNUAL CHANCE FLOOD WITH ANNUAL CHANCE FLOOD PROTECTED BY 1% ANNUAL CHANCE FLOOD WITH ANNUAL CHANCE FLOOD AREAS LESS THAN 1% ANNUAL CHANCE FLOOD AREAS. THIS STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR THE STRUCTURES THEREON WILL BE FREE FROM FLOODING ON FLOOD DAMAGE. 8/25-13/09



LEGEND	
	Existing Storm Sewer
	Existing Sanitary Sewer
	Existing Water Line
	Existing Gas Line
	Existing Fire Hydrant
	Existing Water Valve
	Existing Manhole
	Existing Vault
	Existing Power Line
	Existing Street Light
	Existing Tree of Care
	PROPOSED STORM SEWER
	PROPOSED TYPE "A" INLET

CONTRACTOR TO VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION.
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.

- GENERAL CONSTRUCTION NOTES**
1. DIMENSION CONTROL PLAN PREPARED BY DAWSON VAN ORDEN ENGINEERS TO BE USED IN CONJUNCTION WITH THIS PLAN FOR LOCATING ALL IMPROVEMENTS.
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 3. CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION.
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 5. CONTRACTOR TO OBTAIN ALL PERMITS AND APPROVALS REQUIRED PRIOR TO STARTING CONSTRUCTION.
 6. CONTRACTOR TO VERIFY THAT ALL ADA AREAS COMPLY WITH MAXIMUM CROSS SLOPES OF 2% AND MAXIMUM RUN SLOPES OF 5%.
 7. PROPOSED DITCH TO BE IMPROVED AND REGRADED AS SHOWN.

TO AVOID FIRE LINES TO BE TURNED OFF OR MOVED, CALL CENTERLINE AT 713-201-2222

NOTICE:
 FOR YOUR SAFETY YOU ARE REQUIRED BY TEXAS LAW TO CALL 811 AT LEAST 48 HOURS BEFORE YOU BEGIN ANY UNDERGROUND ONE CALL SERVICE. THIS VERIFICATION DOES NOT REPLACE YOUR OBLIGATION TO CALL 811.

VERIFICATION OF PRIVATE UTILITY LINES	
DATE:	
CONTRACTOR SIGNATURE:	
CONTRACTOR TITLE:	
DATE:	
OWNER SIGNATURE:	
OWNER TITLE:	
DATE:	
ANY TEXAS/DCR UTILITY LINES SHOWN:	
DATE:	
APPROVED FOR THE CITY OF LA PORTE:	
DATE:	

DAWSON VAN ORDEN
 1540 WOODLAWN - HOUSTON, TEXAS 77057
 PHONE: 281.231.2500
 WWW.DAWSONVANORDEN.COM

UTILITY LAYOUT
 SCALE: 1" = 30'
 DATE: APRIL, 2015
 DRAWN BY: M.E.
 CHECK BY: B.H.

LA PORTE, TEXAS
 FIRST ASSEMBLY OF GOD

10986
 EXHIBIT A

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



August 25, 2016

AGENDA ITEM 5

Consider approval of a number of Variances
to allow construction of a new single family attached townhouse project
for properties generally located at the N. 1st St. and Unimproved E St. Right-of-Way
intersection,
legally described as Lots 1-8, Block 108 and Lots 24-32, Block 107, Town of La Porte
Subdivision.

(Applicant: Bayway Homes)

***Ryan Cramer, Planning Technician
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 Jon Skeelee on behalf of Bayway Homes for the properties generally located at the N. 1st Street and Unimproved E Street Right-of-Way, legally described as Lots 1-8, Block 108 and Lots 24-32, Block 107, Town of La Porte Subdivision (case #16-93000007) which would allow the applicant to build a new single family attached townhouse development subject to the following variances:

1. A side setback of 5' on 2 of the 4 sides; contrary to the provisions of Section 106-333:
2. A density of 12.5 units per acre; contrary to the provisions of Section 106-333:
3. A distance of 4' between driveways; contrary to the provisions of Section 106-835:
4. A distance from driveway to side property line of 2'; contrary to the provisions of Section 106-835?

DISCUSSION

Applicant:
Bayway Homes

Applicant's Request:

The applicant is seeking approval of variance request #16-93000007. The variance would allow the applicant to build a new single family attached townhouse development in the Northside area. The request includes a side setback of 5' on 2 of the 4 sides, a density of 12.5 units per acre, a distance of 4' between driveways, and a distance from driveway to side property line of 2'. The attached Exhibit A is a copy of the application and site plan showing how the applicant intends to configure the improvements as well as elevations of the proposed townhouses.

Based on the information provided by the applicant, Bayway Homes currently owns Lots 1-8, Block 108 and Lots 24-32, Block 107, as well as other noncontiguous lots on N. 1st St.; the lots currently are undeveloped and wooded.

Subject Site:

The subject lots make up a 1.219 acre tract of land generally at the N. 1st St. and unimproved E St. right-of-way intersection and is legally described as Lots 1-8, Block 108 and Lots 24-32, Block 107, Town of La Porte Subdivision. The properties are located on both sides of N. 1st St. south of the unimproved E St. Right-of-Way. Each lot is part of the original Town of La Porte Plat and are 25'x125'. The attached Exhibit B is an area map that shows the location of the property in question.

Board of Adjustment Meeting
August 25, 2016
Bayway Homes Variance

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.
- 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 sites are currently zoned R-2, Medium-Density Residential. The subject sites currently sit undeveloped. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	BI/GC, Business Industrial/General Commercial	Commercial (Truck Stop/Alloy & Aluminum Fabricators)
South	R-2, Medium-density Residential	Unimproved Land
West	R-2, Medium-density Residential	Unimproved Land
East	GC, General Commercial	Commercial (517 & 531 N. Broadway)

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 F.R.S.	Min. Site Area/ Unit S.F.	Max. Height
Townhouses, Quadplexes	2,000 S.F.	20'	25'-20'- 20'	4,400 10.0 DU/A	45'

Section 106-835; Figure 10-2 lays out the curb and driveway criteria in residential districts. The following is an excerpt from that section as applicable to this variance request (see highlighted):

Driveway	Requirements
Distance from intersection	25' min.
Spacing between driveway	10' min.
Distance from side lot line	3' min.
Intersecting angle	90

Board of Adjustment Meeting
 August 25, 2016
 Bayway Homes Variance

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to build a new single family attached townhouse development with a side setback of 5' on the 2 northern property lines, a density of 12.5 units per acre, a distance of 4' between driveways, and a distance from driveway to side property line of 2'.

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:

Criterion:	Staff Finding:
<p>a. That the granting of the variance will not be contrary to the public interest</p>	<p>Granting this variance would allow for a series of deviations to help build a single family attached townhouse development. As it currently stands, all of the surrounding residential area is undeveloped. The R-2 zoning allows for the proposed use.</p> <p>To the north of this project is the unimproved E St. right-of-way that at N. 2nd St. is being used for the City's Hike and Bike Trail. This creates a buffer between the proposed development and the commercial/industrial uses to the north.</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>As it relates to driveway criteria in townhouse/quadrplex developments, meeting the code is difficult and likely impossible. According to Section 106-333 referenced earlier, the minimum lot width is 20', the driveway criteria requires 3' from the side lot line and if you half the required distance between driveways you have 5'. This means of the 20' lot width, 8' is taken by setbacks, leaving 12', the minimum driveway width. Section 106-839 requires 2 parking spaces minimum per household while Section 106-835 requires that each parking spot be 9' wide. In short, a lot can be as small as 20' wide (and in this case is 25') but the City code requires 26' in setbacks and parking space size.</p> <p>As it relates to density requirements and side setbacks, staff finds it difficult to argue that there is an unnecessary hardship preventing the</p>

Board of Adjustment Meeting
August 25, 2016
Bayway Homes Variance

	applicant from meeting the density or side setback requirements.
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. In this case, nonconforming buildings would be constructed in a lot that was not previously nonconforming but it would facilitate the building of a use intended for the district it is in.

If the Board so chooses to grant the variance, staff would like to recommend that a condition be added that requires the two units to have some architectural feature distinguishing them, so they will look like separate homes. This can be accomplished by setting the façade back for one of the units or adding an architectural feature that visually separates the units, rather than the appearance of one continuous façade.

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 a conceptual site plan with elevations
- Exhibit B: Area map



Variance Application
Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: North 1st Street
Legal description where Variance is being requested: Lots 1-8 Block 108 and Lot 24-32 Block 107
HCAD Parcel Number where Variance is being requested: 0232180080001, 0232180070034, 0232180070035, 0232180070031
Zoning District: R2 Lot area: 53,125SF (17 Lots)

A Variance request is hereby made to the Board of Adjustment of the City of La Porte.
Description of Request: We are requiring four variances: 1) To reduce a Side setback 2) To increase Dwelling units per acre
3) To decrease the distance between driveways 4) To decrease driveway to side property line

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

PROPERTY OWNER(S) INFORMATION

Name: Jon Skeele, President
Company (if applicable): Bayway Homes, Inc.
Address: PO Box 1244
City: Friendswood State: TX Zip: 77549
Phone: 281-648-2425x17, cell: 832-818-4021 Email: [Redacted]

AUTHORIZED AGENT (if other than owner)

Name: Charles Anders, Development Coordinator
Company (if applicable): Bayway Homes, Inc.
Address: PO Box 1244
City: Friendswood State: TX Zip: 77549
Phone: 832-276-9609 Email: [Redacted]

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:
Owner(s)' Signature(s): [Signature] Date: 7/21/16

STAFF USE ONLY:

Case Number:

Date Application Received:
RECEIVED
JUL 22 2016
BY:

City of La Porte

Variance Application

Planning and Development Department

Reasons for Variance Request

1st Street Townhomes is a project located between West Madison Street and East Barbours Cut Boulevard on North 1st Street in the area generally known as the North Side neighborhood of La Porte. The Blocks 107 and 108, where the project is located, are according to the City of La Porte Zoning Map and Ordinance and designated as R-2 Mid Density Residential District. These two blocks and several others are designed to be a buffer between the adjoining R-1 Low Density Residential District to the south and Business Industrial District to the north. The City's desire is to have mid density residential development on these blocks which is good zoning practice. We are proposing a townhome project that is permitted by the Zoning Ordinance. The lots were subdivided as part of the early City of La Porte existence and like most of the neighborhood the lots are 25 feet wide and 125 feet deep. We are requesting to fully utilize an area that has become under-utilized.

We are requesting four variances:

- 1) A reduction in Side Set Back Lot 32, Block 107 and Lot 1, Block 108 from 20 feet to 5 feet
- 2) An increase in Dwelling Units per Acre from 10 per acre(12 units) to 12.5 per acre (15 units)
- 3) A decrease in distance between driveways from 10 feet to 4 feet
- 4) A decrease in driveway from a property line from 3 feet to 2 feet

Regarding the Side Set Back reduction from 20 feet to 5 feet, both lots adjoin West E Street that the City has designated to be walking trails and green space. This is a unique situation with only a few lots adjoining a public park space. We believe that a reduction in Side Set Back is appropriate as the adjoining property will forever be park space and provide the set back of 50 feet from the next zoning district which is Business Industrial.

The Dwelling Units Per Acre permitted are 10 units per acre and we are requesting 12.5. With the lots being 25 feet wide and 125 feet deep or 3,125 square feet, the project is 17 lots or a total of 53,125 square feet. When divided by 43,560 square feet per acre the project is 1.2 acres and at 10 units per acres, we are permitted to construct 12 units. This would leave the project with 5 lots that will never be built on and a maintenance issue for the homeowners association. The unique location of the project is being located next to public green space and walking trails. If the adjoining right of way is included in the project and the right of way is 50 feet by 125 feet, 6,250 square feet on both sides of north 1st street for a total of 12,500 total square feet, the

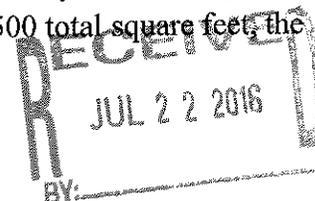


Exhibit A

project would have a dwelling units per acre of $12,500 + 53,125 = 65,625$ square feet / 43,560 feet per acre = 1.5 acres and at 10 units per acre, we would be allowed to build 15 units. The unique condition of being next to a public park allows us to meet the 10 units to 1 acre density requirement, if the park were to be counted as part of the project.

The curb and driveway criteria for residential districts require spacing between driveways of 10 feet minimum and distance from side lot line of 3 feet. We are requesting to decrease those distances to 4 feet between driveways and 2 feet from the side property line. Townhomes that have a 2 car garage and 16 feet wide driveway on a 25 feet wide lot would allow for only a 9 feet between driveways ($25 - 16 = 9$) and is impossible to meet the 10 feet between driveway requirement. One 25 feet wide lot, with a 5 feet side building line, there is only 20 buildable feet and a 2 car garage door is 16 feet wide, leaving 2 feet on either side of the door and 2 feet from the side property line.

We believe that 1st Street Townhomes is in the public interest as it develops a project in an area that the City has long determined is in need of development and revitalization. We believe that having a 20 feet side set back and 10 units to the acre create unnecessary hardship as the unique feature of being located next to City's designated green space/walking trail/park will provide for the set back and density intended regulations. The driveway regulations are not practical in a townhome project and create an unnecessary hardship. Granting these variances is in the spirit of the zoning ordinance and is good public policy.

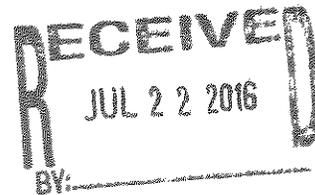
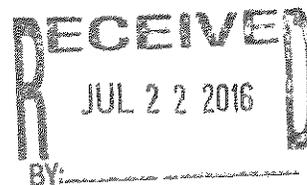


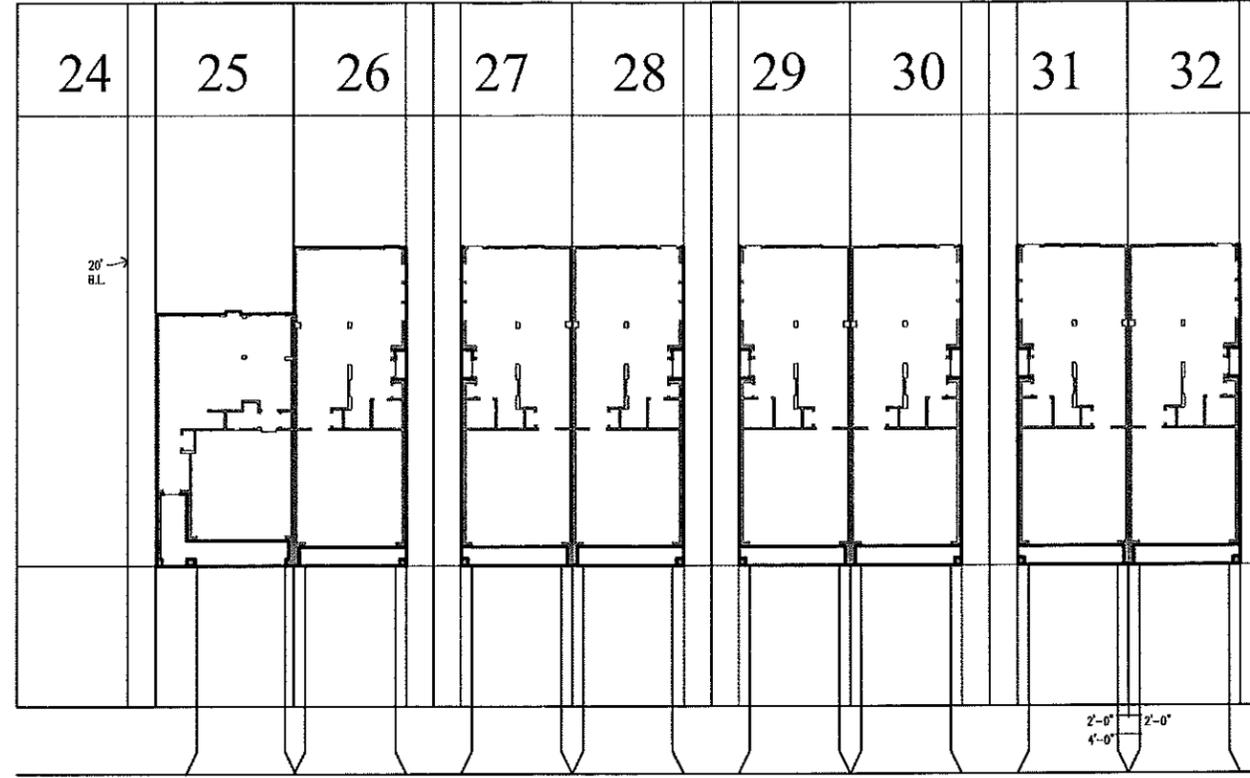
Exhibit A

City of La Porte
Zoning Ordinance
Design Criteria for Townhomes

	Minimum in Ordinance	1st Street Townhomes
Minimum Lot Area / Dwelling Unit	2,000 Sq Ft	3,125 Sq Ft
Minimum Lot Width	20 Ft	25 Ft
Minimum Front Yard Set Back	25 Ft	25 Ft
Minimum Rear Yard Set Back	20 Ft	20 Ft
Minimum Side Yard Set Back	20 Ft	20 Ft and 5 Ft
Maximum Height	45 Ft	45 Ft
Minimum Site Area	4,400 Sq Ft	53,125 Sq Ft
Dwelling Unit per Acre	10	12.5
Open Space	400 Sq Ft per Lot 15 Lots 6,000 Sq Ft	Two Lots 25 x 125= 3,125 6,250 Sq Ft
Maximum Lot Coverage	75%/25%	75%/25%
Minimum Garage Parking	2 Cars	2 Cars
Drive Width	12 to 25 Ft	16 Feet
Spacing between Driveways	10 Ft	4 Ft
Distance from side lot line	3 ft	2 Ft



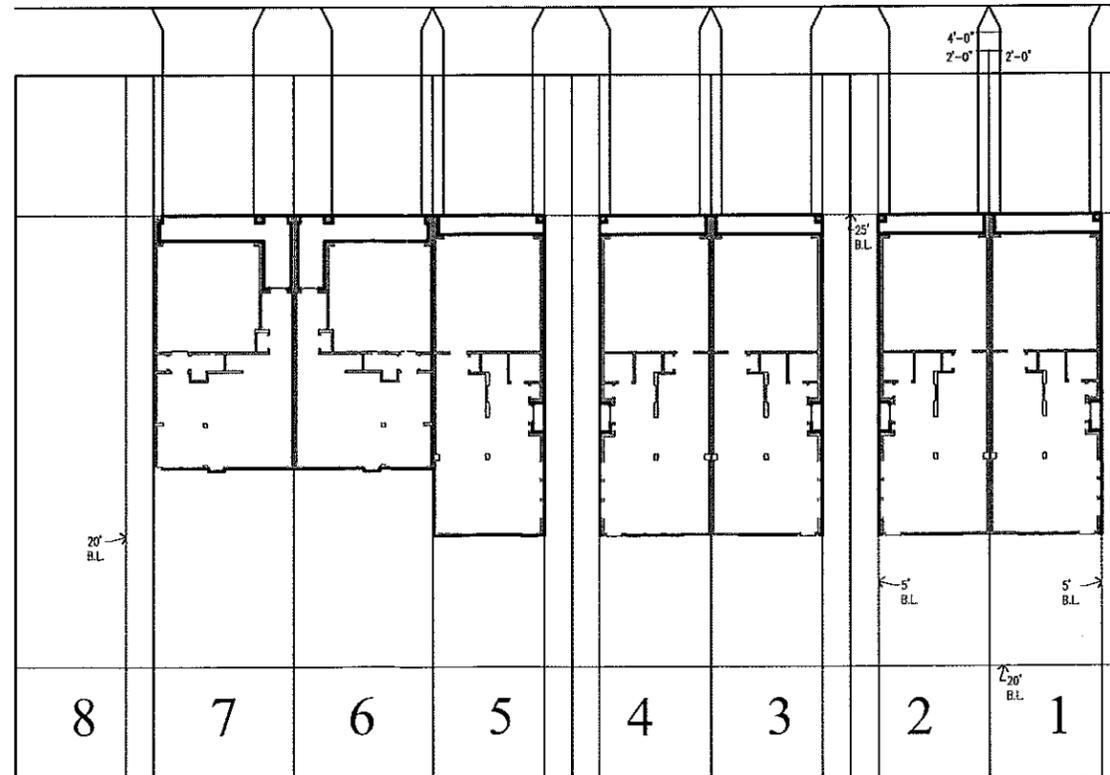
Block 107



N 1st Street

E Street

Block 108



E Street

RECEIVED
 JUL 22 2016
 BY: _____

Bayway Homes © COPYRIGHT 2008	Subdivision CITY OF LA PORTE	Title 1st STREET TOWNHOMES	Plan Number
	City/Jurisdiction CITY OF LA PORTE	Buyer Signature	Date 7-20-2106

Plan Number
LA 11

Date 7-20-2016

Title _____
Buyer Signature _____

Subdivision
LA PORTE

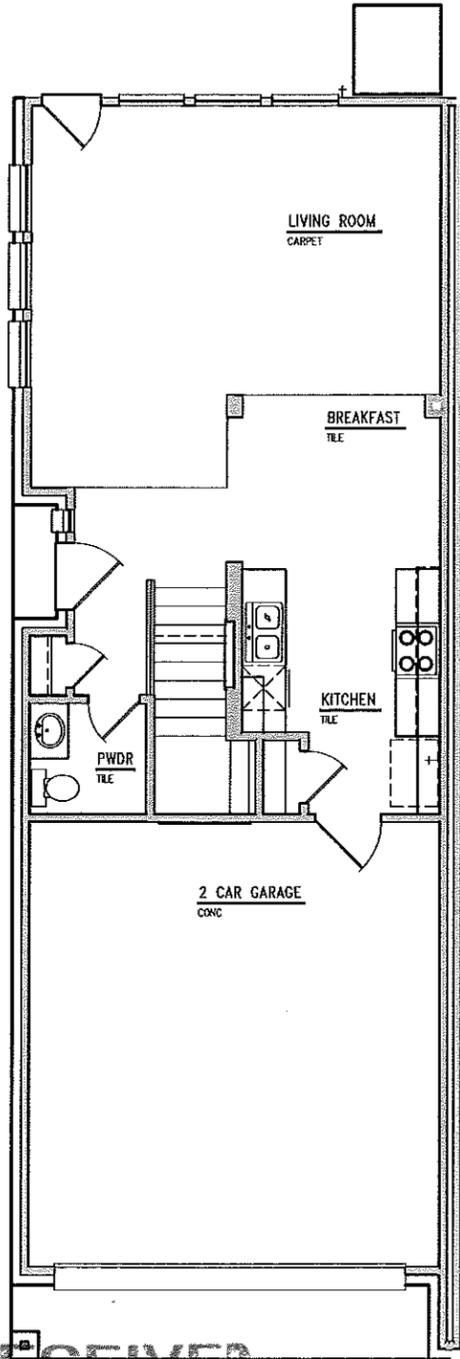
City/Jurisdiction
LA PORTE, TX

Bayway Homes

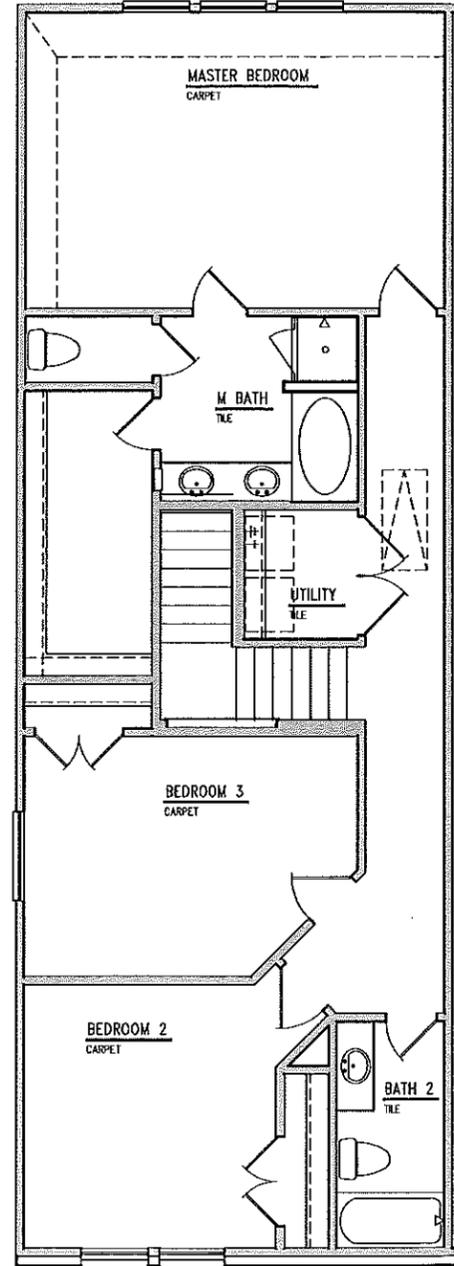
© COPYRIGHT 2016

"A" Elevation Square Footages

Area	1st flr	2nd flr	TOTAL
Living	638 #	1130 #	1768 #
Frame	1040 #	1130 #	2213 #
Slab		1130 #	1130 #



RECEIVED
JUL 22 2016
BY: _____



Bayway Homes

© COPYRIGHT 2008

Subdivision

City/Jurisdiction
CITY OF LA PORTE

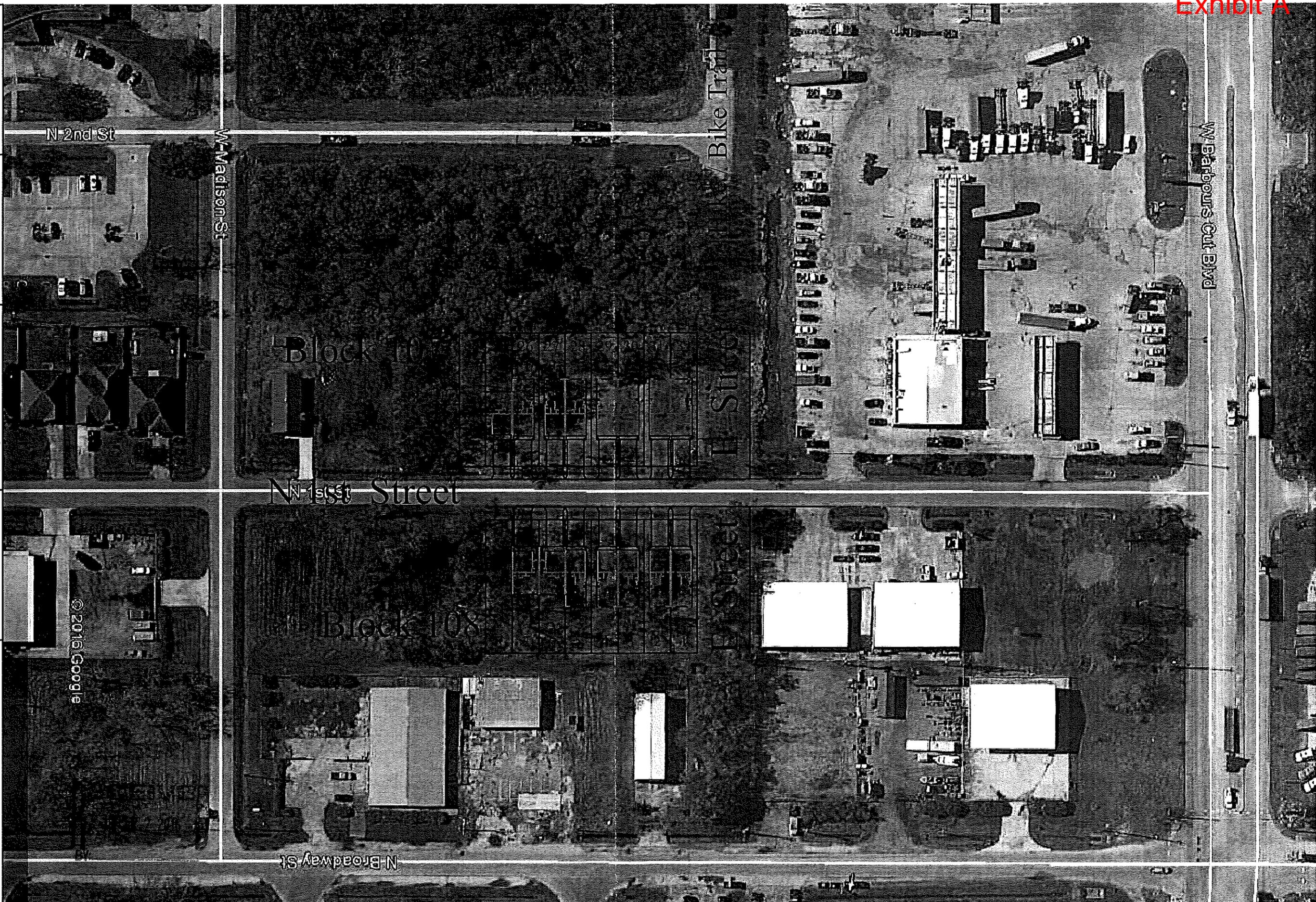
Title

1st STREET TOWNHOMES

Plan Number

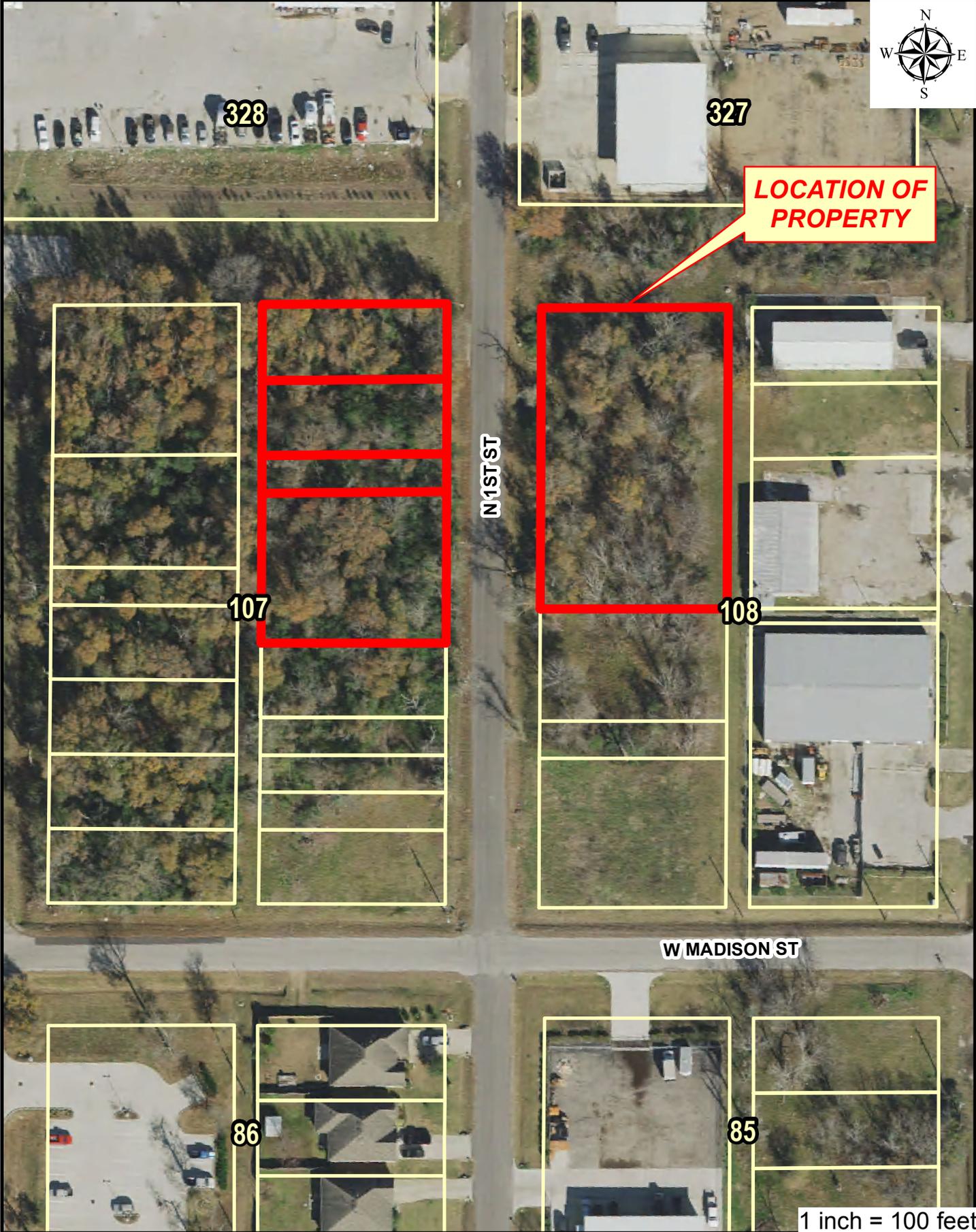
Date 7-20-2106

Buyer Signature



AREA MAP

VARIANCE REQ. #16-9300007



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



August 25, 2016

AGENDA ITEM 6

Consider approval of a Variance
to allow construction of a 1,144 square foot garage
for the property located at 11230 N. P St.,
legally described as Lots 1-3, Block 1, Greendale Unrecorded Subdivision.
(Applicant: Robert Goebel)

*Ryan Cramer, Planning Technician
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 Robert Goebel for the property at 11230 N. P St., legally described as Lots 1-3, Block 1, Greendale Unrecorded Subdivision (case #16-93000008) which would allow the applicant to build a new garage that is 1,144 square feet on a lot less than an acre in size; contrary to the provisions of Section 106-741 which sets a maximum of 1,000 square feet for an accessory building?

DISCUSSION

Applicant:

Robert Goebel

Applicant's Request:

The applicant is seeking approval of variance request #16-93000008. The variance would allow the applicant to build a new 3 car garage with a workshop area and extra storage 1,144 square feet in size.

The applicant, Robert Goebel currently owns Lots 1-6, Block 1, Greendale Unrecorded Subdivision but this variance request only pertains to lots 1-3.

Subject Site:

The subject lots make up a .344 acre tract of land addressed 11230 N. P St. and legally described as Lots 1-3, Block 1, Greendale Unrecorded Subdivision. 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:

- 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.

Board of Adjustment Meeting
August 25, 2016
Goebel Garage Variance

Background Information:

The sites are currently zoned R-1, Low-Density Residential. The subject site currently has a one-story house on it. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	LLD, Large Lot District	Residential (11235 N. P)
South	R-1, Low-Density Residential	Residential (1615 Valley View Dr.)
West	R-1, Low-Density Residential	Residential (1510 Valley View Dr.)
East	LLD, Large Lot District	Residential (11310 N. P)

Applicable Code Provisions:

Section 106-741, stipulates general provisions as they relate to accessory buildings. The following is an excerpt from that section as applicable to this variance request:

“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.”

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to build a garage that is 1,144 square feet.

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:

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	As it currently stands, the applicant has no neighbor to his south and owns the property. It should be noted that even if both properties were combined, the total size would be under one acre
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	Staff finds there is nothing physically wrong with the property preventing the applicant from building a garage under 1,000 square feet in size.

Board of Adjustment Meeting
August 25, 2016
Goebel Garage Variance

convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions.	
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. Even if the applicant were to use lots 1-6 as one piece of property, a variance for a garage of this size would still be necessary as it would be under an acre in size. The restrictions on accessory building size were written to avoid overcrowding of lots and this structure will fit under the 25% backyard coverage rule.

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 a conceptual site plan with elevations

Exhibit B: Area map

Exhibit A

Variance Application

Planning and Development Department



PROJECT INFORMATION

Address where Variance is being requested: 11230 N. P ST

Legal description where Variance is being requested: LTS 1,2,3,4,5 & 6 BLK 1 GREENDALE U/R

HCAD Parcel Number where Variance is being requested: 0953330000004 , 0953330000001

Zoning District: OUTLOT Lot area: 30,000

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

Description of Request: 3 CAR GARAGE WITH CRAFT ROOM 50' COMES OUT TO 1144. REQUESTING A VARIANCE FOR THE ADDITIONAL 144 SO' OVER CURRENT LIMIT. I OWN THE 4 VACANT 5,000 SQ' LOTS BEHIND MY HOUSE WHERE I WOULD LIKE TO BUILD THE GARAGE

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

PROPERTY OWNER(S) INFORMATION

Name: ROBERT GOEBEL

Company (if applicable): _____

Address: 11230 N. P ST LA PORTE TX 77571

City: LA PORTE State: TX Zip: 77571

Phone: 281 389-0670 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): Robert Goebel Date: 07/25/2016

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

Exhibit A

Variance Application

Planning and Development Department



REASON(S) FOR VARIANCE REQUEST

1. CURRENT CITY CODE LIMITS DETACHED GARAGES TO 1,000 SQ' ON
REAR PROPERTIES OF LESS THAN 1 AC

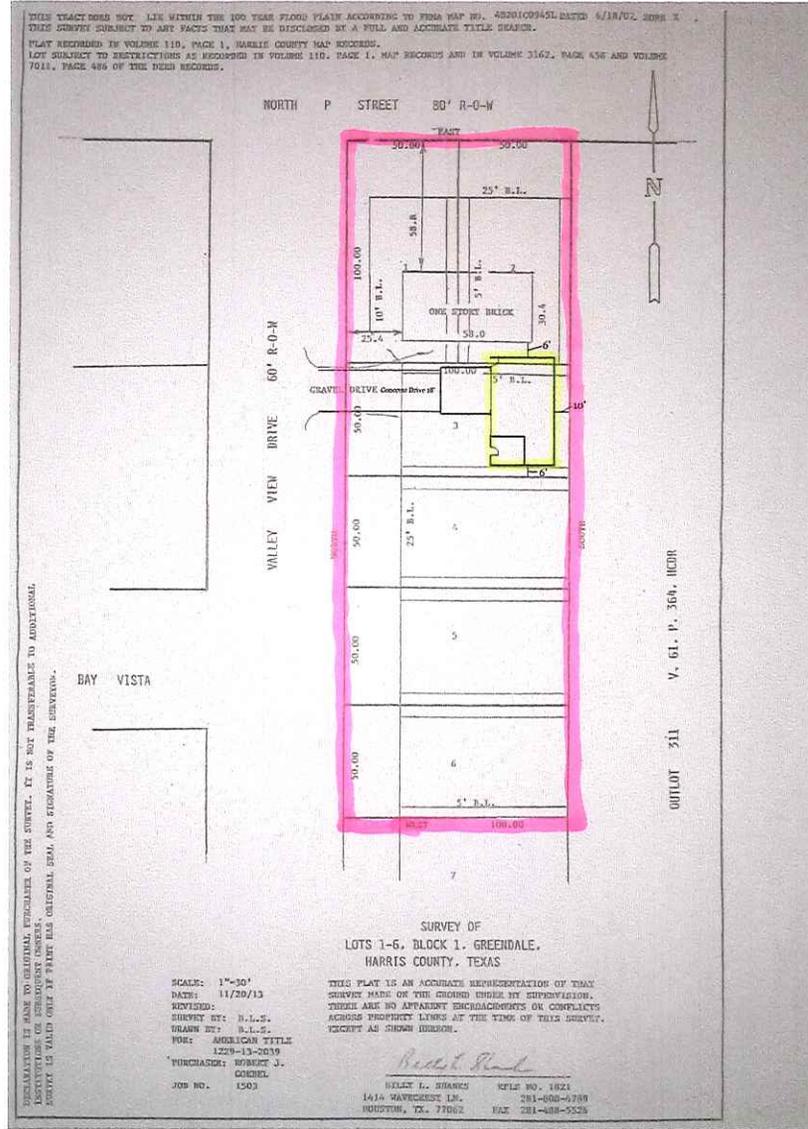
OUR HOUSE IS SMALL AND I WOULD LIKE TO BUILD A 3 CAR
GARAGE WITH A CRAFT ROOM AND ADDED STORAGE AREA THAT
WOULD BE 144 SQ' OVER CURRENT LIMIT MY LOTS COMBINED ARE 30,000 SQ'

2.

3.

4.

5.



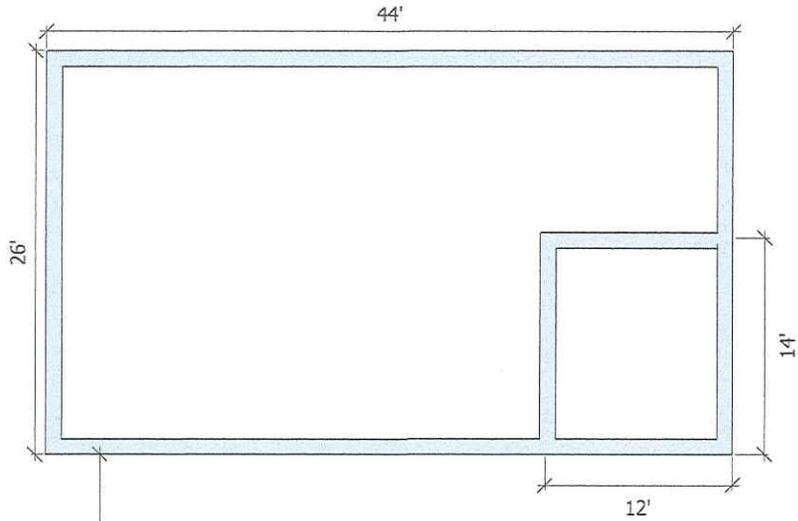
Scale: Not to Scale

REVISIONS	
NO.	DATE
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2	11/20/13
3	11/20/13
4	11/20/13
5	11/20/13

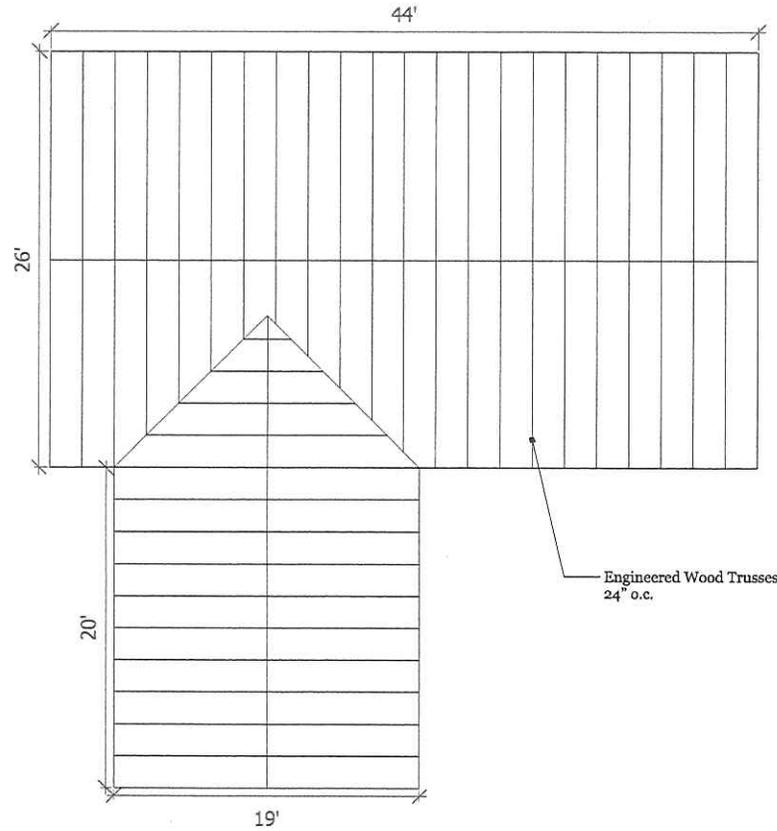
1201 Lybrook Dr. #3901 Houston, TX 77054 (832) 240-2800 athess@overlandassessments.com	<p>OVERLAND ASSESSMENTS</p> <p>Goebel Garage 11320 N. P Street, LaPorte, TX 77571</p>
---	--

Plot Plan	
-----------	--

A	03
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a. Foundation Plan



b. Roof Plan

Notes:
 1. 2' x 2' footing min. 2' below grade -or- 12" dia x 6' concrete shaft

Scale: Not to Scale

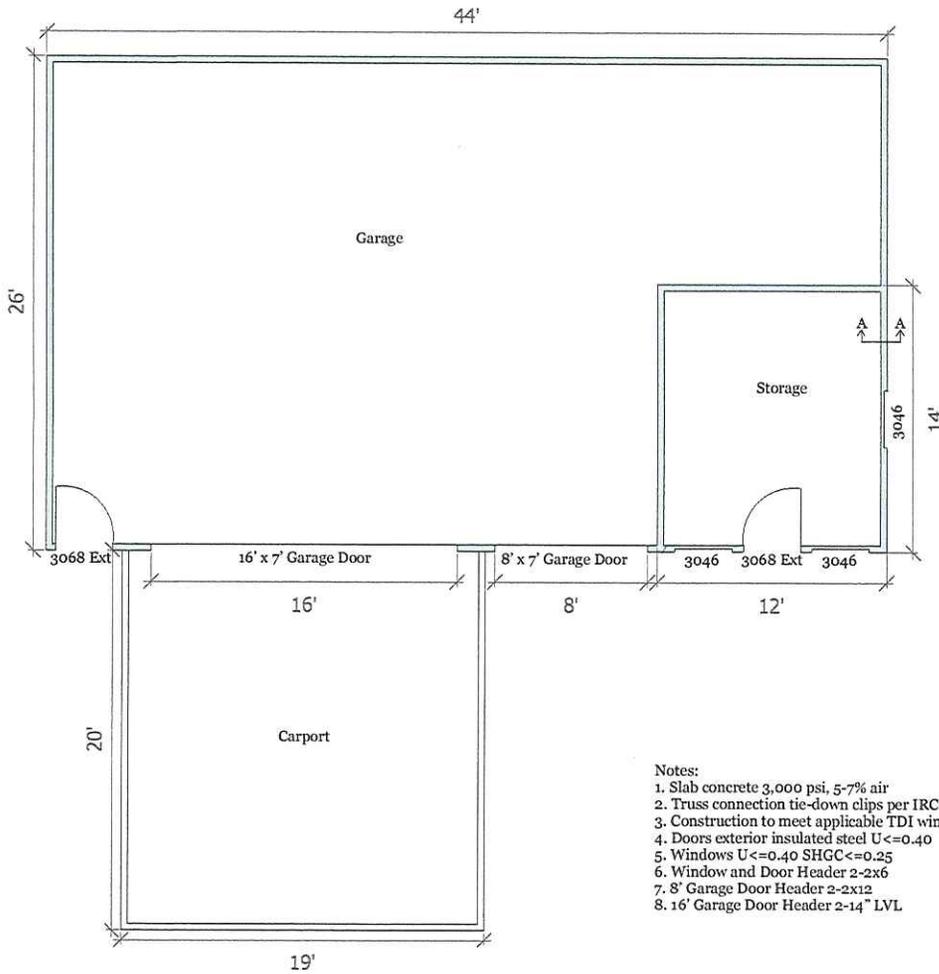
NO.	DATE	BY	REVISIONS
1			
2			
3			
4			
5			

11320 Lyndon Dr. #3101
 (832) 250-2899
 address@overlandassessments.com

OVERLAND
 ASSESSMENTS

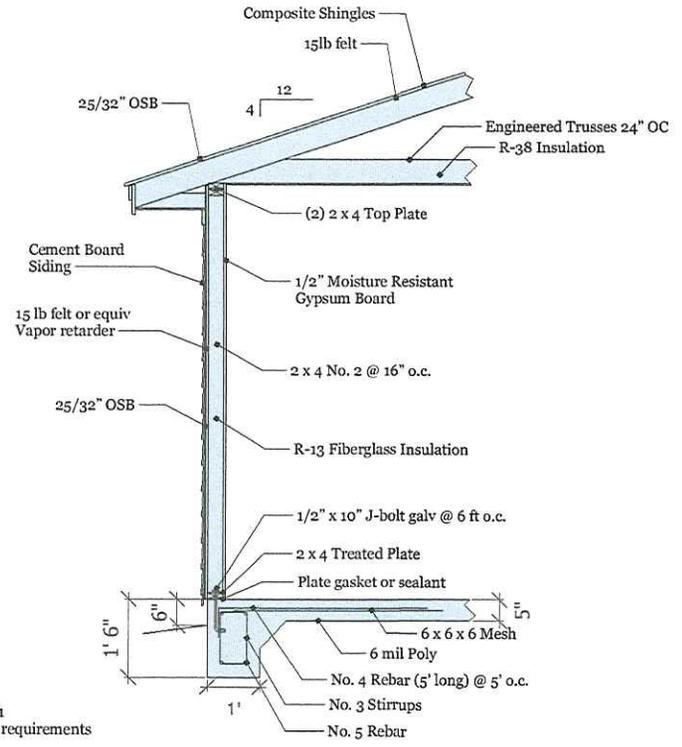
Goebel Garage
 11320 N. P Street, LaPorte, TX 77571

Foundation & Roof Plan



a. Floor Plan

- Notes:
1. Slab concrete 3,000 psi, 5-7% air
 2. Truss connection tie-down clips per IRC R802.11
 3. Construction to meet applicable TDI windstorm requirements
 4. Doors exterior insulated steel $U \leq 0.40$
 5. Windows $U \leq 0.40$ SHGC ≤ 0.25
 6. Window and Door Header 2-2x12
 7. 8' Garage Door Header 2-2x12
 8. 16' Garage Door Header 2-14" LVL



b. Wall Section A-A

Scale: Not to Scale

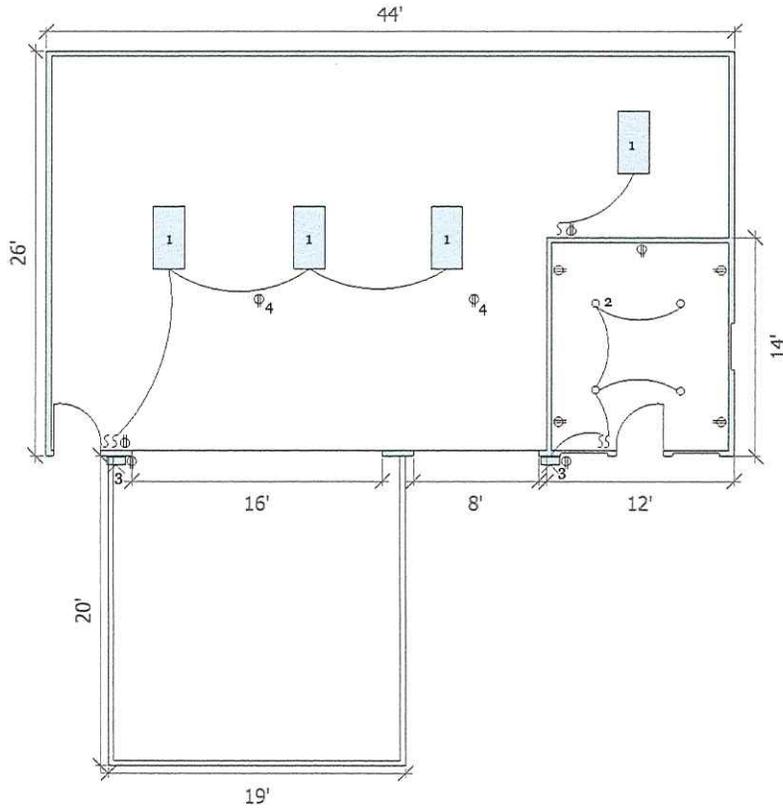
REVISIONS	
REV/DATE	REMARKS
1	
2	
3	
4	
5	

11201 Lyndon Dr. #3401 Houston, TX 77042 (832) 250-2899 athess@overlandassessments.com	
Goebel Garage 11320 N. P Street, LaPorte, TX 77571	

Floor Plan & Wall Section	
A	01

Exhibit A

Exhibit A



Notes:

1. 2x4 fluorescent 4-T8
2. Recessed Cans ICAT 6"
3. 35W LED Exterior Flood
4. Overhead receptacle for garage door opener

Scale: Not to Scale

 OVERLAND ASSESSMENTS		11201 Lyndonbark Dr. #3401 Houston, TX 77044 (832) 250-2809 address@overlandassessments.com			
		Goebel Garage 11320 N. P. Street, LaPorte, TX 77571			
Lighting Plan		REVISIONS			
		MM/DD/YY	REMARKS		
		1	/ /	/ /	/ /
		2	/ /	/ /	/ /
		3	/ /	/ /	/ /
4	/ /	/ /	/ /		
5	/ /	/ /	/ /		

THIS TRACT DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAIN ACCORDING TO FEMA MAP NO. 48201C0945L DATED 6/18/07, ZONE X THIS SURVEY SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.

Exhibit A

PLAT RECORDED IN VOLUME 110, PAGE 1, HARRIS COUNTY MAP RECORDS.

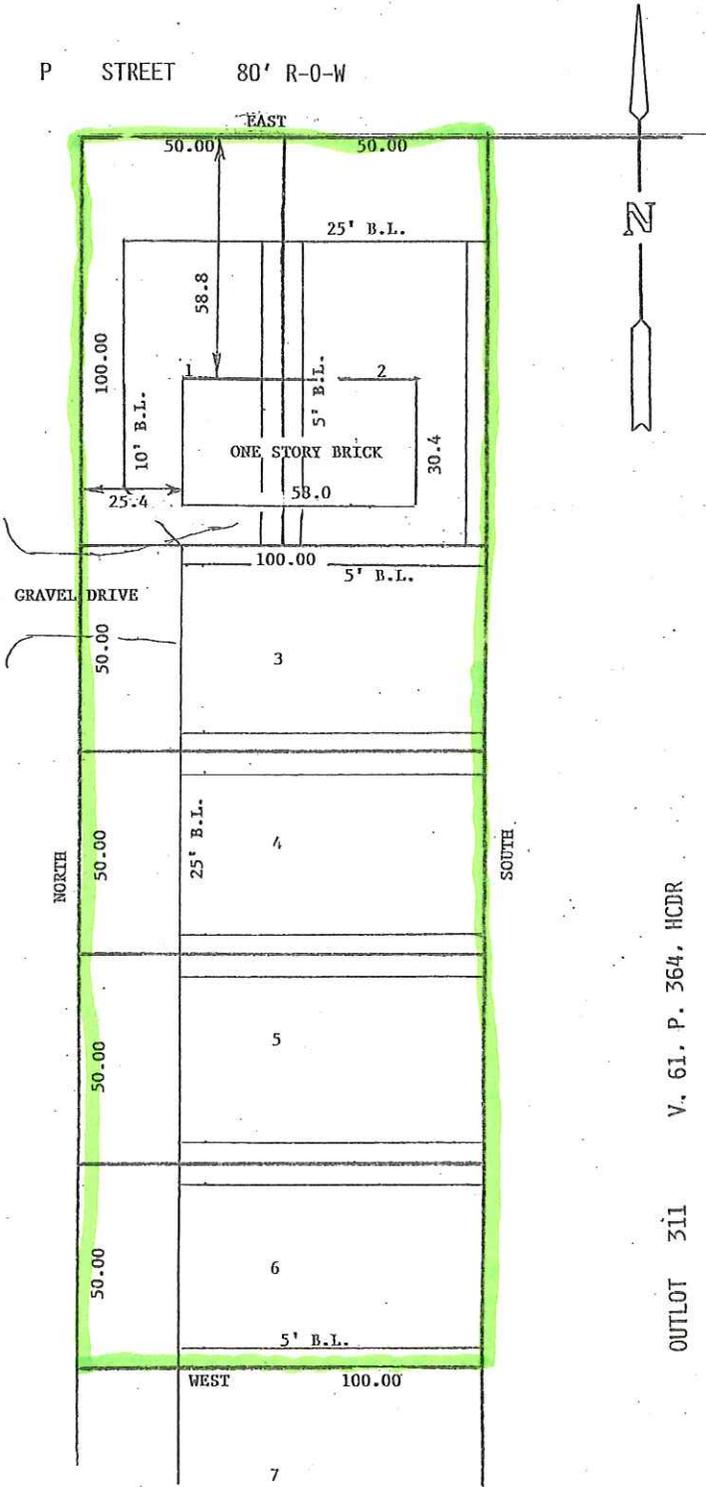
LOT SUBJECT TO RESTRICTIONS AS RECORDED IN VOLUME 110, PAGE 1, MAP RECORDS AND IN VOLUME 3162, PAGE 458 AND VOLUME 7011, PAGE 486 OF THE DEED RECORDS.

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF THE SURVEYOR.

BAY VISTA

NORTH P STREET 80' R-0-W

VALLEY VIEW DRIVE 60' R-0-W



SURVEY OF
LOTS 1-6, BLOCK 1, GREENDALE,
HARRIS COUNTY, TEXAS

SCALE: 1"=30'
DATE: 11/20/13
REVISED:
SURVEY BY: B.L.S.
DRAWN BY: B.L.S.
FOR: AMERICAN TITLE
1229-13-2039
PURCHASER: ROBERT J.
GOEBEL
JOB NO. 1503

THIS PLAT IS AN ACCURATE REPRESENTATION OF THAT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION. THERE ARE NO APPARENT ENCROACHMENTS OR CONFLICTS ACROSS PROPERTY LINES AT THE TIME OF THIS SURVEY, EXCEPT AS SHOWN HEREON.

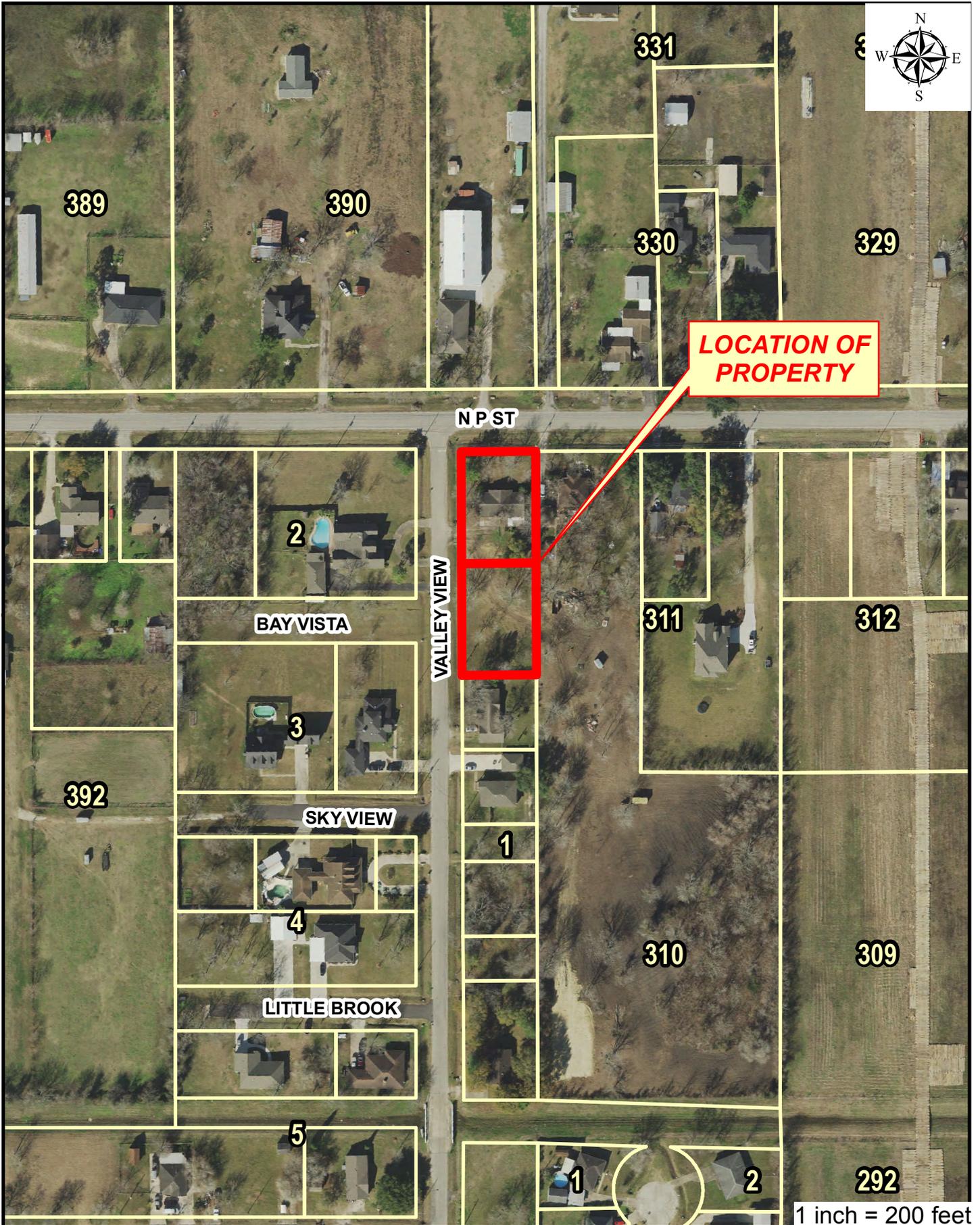
Billy L. Shanks
BILLY L. SHANKS RPLS NO. 1821
1414 WAVECREST LN. 281-808-4789
HOUSTON, TX. 77062 FAX 281-488-5526

OUTLOT 311 V. 61. P. 364, HCDR

AREA MAP

VARIANCE REQ. #16-9300008

Exhibit B



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



August 25, 2016

AGENDA ITEM 7

Consider approval of a Variance
to allow the use of hose bibbs
for the property located at 905 S. 14th St.,
legally described as Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision.
(Applicant: Oakland Land & Development)

*Ryan Cramer, Planning Technician
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 Oakland Land & Development for the property located at 905 S. 14th St., legally described as Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision (case #16-93000009) which would allow the applicant to use hose bibbs in lieu of an irrigation system?

DISCUSSION

Applicant:

Oakland Land and Development LLC

Applicant's Request:

The applicant is seeking approval of variance request #16-93000009. The variance would allow the applicant to use hose bibbs to water their required landscaping.

Based on the information provided by the applicant, Oakland Land & Development currently owns Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision. At the time this staff report was written the planned building for 905 S. 14th St. is awaiting final inspection/approval from the City. There are two other buildings for the property that are a part of a site plan approved by the City.

Subject Site:

The subject lots make up an approximately 2.7 acre tract of land addressed 905 S. 14th St., legally described as Lots 1-32 & Tract A, Block 866, Town of La Porte Subdivision. 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:

- 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

Board of Adjustment Meeting
August 25, 2016
Oakland Hose Bibbs Variance

City's website at least ten days prior to the date of the public hearing.

Background Information:

The sites are currently zoned LI, Light Industrial. The subject site currently has at least one complete building awaiting final approval from the City. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	LI, Light Industrial	Undeveloped
South	LI, Light Industrial	Undeveloped
West	LI, Light Industrial	Commercial (Insultherm Inc.)
East	LI, Light Industrial	Undeveloped

Applicable Code Provisions:

Section 106-800, contains La Porte's landscaping provisions. The following are excerpts from that section as applicable to this variance request:

"On developments greater than one acre, a programmable automatic irrigation system with rain sensor devices shall be provided to all landscape areas."

"On developments one acre or less, in lieu of a programmable automatic irrigation system, a programmable hose bib system may be utilized when plant material is within 100 feet of the hose bib."

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to use hose bibbs in lieu of an automated irrigation system. The site plan included a note requiring an automatic sprinkler system. However, sites less than 1 acre in area are allowed to use a hose bibb system. In this case, the entire area is greater than 1 acre in 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:

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	The public interest in this case would be that the plants are watered. If the hose bibbs can adequately water the landscaping required by City ordinance then this variance would not be contrary to the public interest. It is worth noting that the site plan approved by the City required an automatic irrigation system.

Board of Adjustment Meeting
August 25, 2016
Oakland Hose Bibbs Variance

<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>The applicant says that power is provided underground through the front of the building, making digging irrigation lines difficult. This could fall under an unnecessary hardship because it was not brought upon by the owner's actions but instead Centerpoint Energy's. This does not mean that installation of an automatic irrigation system as per code could not be done.</p>
<p>c. That by granting the variance, the spirit of this chapter will be observed.</p>	<p>The intent of the City's nonconforming provisions are to bring structures into compliance over time. Hose bibbs are allowed when all plant material is within 100' of the hose bibb system and the lot is under one acre in size. In this case, while over an acre in size, all hose bibbs are to be within 50' of all plant material.</p>

Materials provided by the applicant state hose bibbs "are within 50 feet of all ornamental trees and shrubs." The City's code delineates a difference between shade trees and ornamental trees, so to avoid confusion, staff would like to recommend that if the variance is approved then a condition be added that hose bibbs be within 50 feet of all plant material.

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 a plot plan
- Exhibit B: Area map



RECEIVED
JUL 25 2016

Exhibit A

Variance Application
Planning and Development Department

BY: _____

PROJECT INFORMATION

Address where Variance is being requested: 905 SOUTH 14TH STREET
Legal description where Variance is being requested: Lots 1 thru 32 & TR A BLK 866 La Porte, Texas
HCAD Parcel Number where Variance is being requested: 024-114-0660001
Zoning District: Light Industrial Lot area: Lots 1 thru 32

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

Description of Request: Property owner requests a variance from the city code requiring the installation of a sprinkler system at the above address. Property owner requests approval of the irrigation system that is currently in place.

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

PROPERTY OWNER(S) INFORMATION

Name: JEFF BURKHALTER
Company (if applicable): OAKLAND LAND & DEVELOPMENT, LLC
Address: P.O. BOX 952
City: NATCHEZ State: MS Zip: 39121
Phone: 601-442-6648 Email: [REDACTED]

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): [Signature] Date: 07/21/2016

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Exhibit A

Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. Property owner has strategically placed hose bibbs that are within 50 feet of the of all ornamental trees and shrubs. With the use of these hose bibbs and soaker hoses, we are able to
adequately provide irrigation to all flower beds not only at 905 but the other two building located
on BLK 866 as well.

2. Due to Centerpoint's inability to install electrical service at the rear of the subject property, all
electrical lines originate from the front of the property and could present a problem if additional
digging is done along the front side of the property.

3. The buildings located at 909 and 921 South 14th Street were not required to have sprinkler systems
making it much more logical to continue with the hose bibbs and soaker hoses for the 905 portion
of the project.

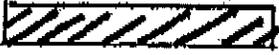
4. The granting of this request will in no way be contrary to the public interest and will be consistent
with the spirit of the city's Zoning Ordinance in that the current configuration of our irrigation
system is working as well as or better than a sprinkler system.

5. The hose bibbs are individually times allowing us to water only what is needed and conserve
water that would be otherwise wasted.

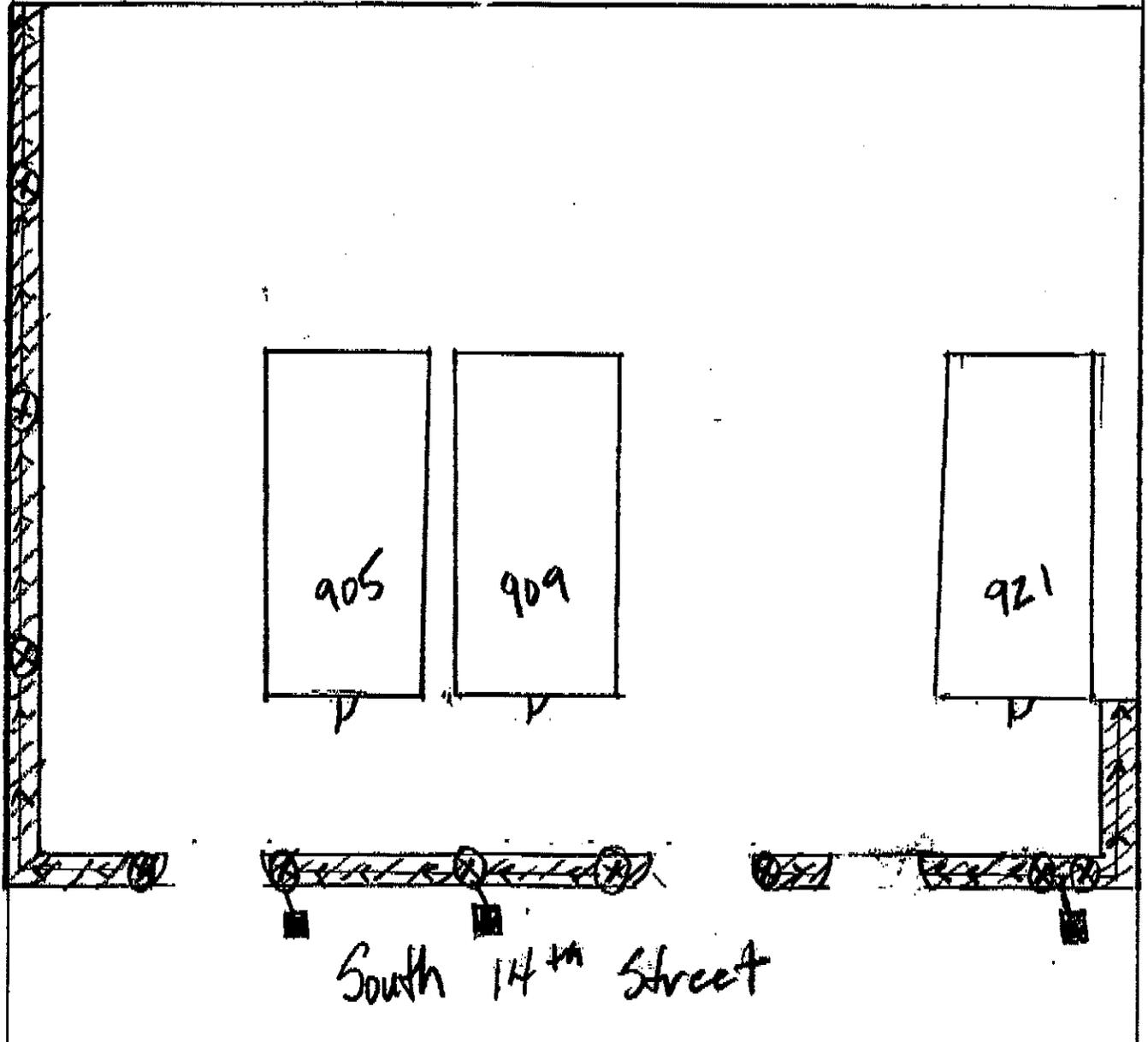
6/2/16

Oakland Land & Development South 14th Street

Soaker Hose Irrigation System

- City Water Meter - ■
- Planting Bed - 
- Hose Bibb and Timer - ⊗
- Soaker Hose - →→→→

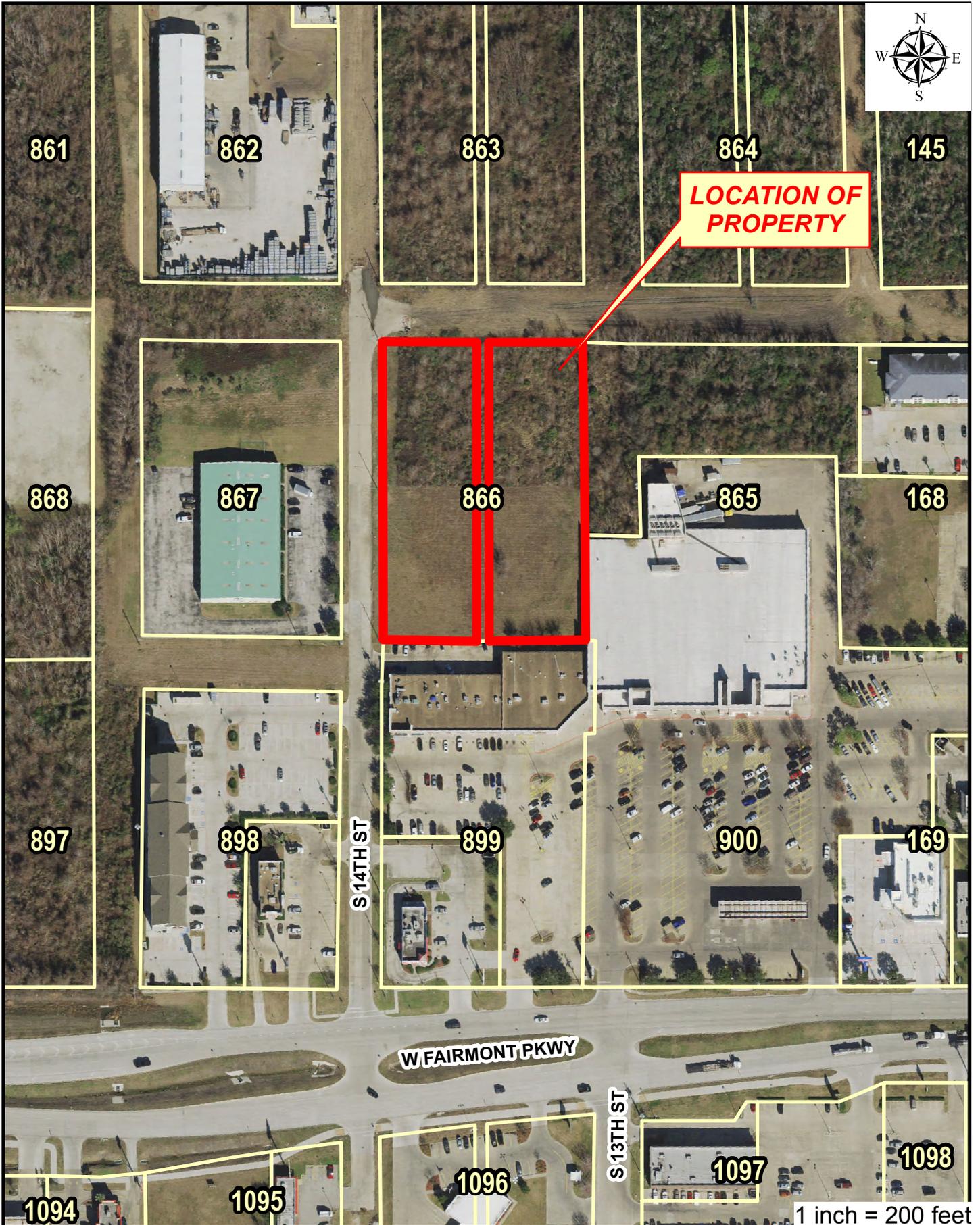
• NOTE: All hose bibbs are less than 100' apart.



AREA MAP

VARIANCE REQ. #16-9300009

Exhibit B



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



August 25, 2016

AGENDA ITEM 8

Consider approval of Variances
to allow construction of a 1,080 square foot garage
for the property located at 920 Seabreeze Ave.,
legally described as Lots 18 & 19, Parkway Block, Bay Shore Park Subdivision.
(Applicant: Richard Sparks)

*Ryan Cramer, Planning Technician
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 Richard Sparks for the property located at 920 Seabreeze Ave., legally described as Lots 18 & 19, Parkway Block, Bay Shore Park Subdivision (case #16-93000010) which would allow the applicant to build a new garage that is 1,080 square feet on a lot less than an acre in size; contrary to the provisions in Section 106-741?

DISCUSSION

Applicant:

Richard Sparks

Applicant's Request:

The applicant is seeking approval of variance request #16-93000010. The variance would allow the applicant to build a new 2 car garage with room for RV parking 1,080 square feet in size.

Based on the information provided by the applicant, Richard Sparks currently owns Lots 18 & 19, Parkway Block, Bay Shore Park Subdivision. These lots currently have one house and two metal sheds on them. The plot plan provided indicates that the sheds will be torn down to make room for the garage.

Subject Site:

The subject lots make up a .23 acre tract of land addressed 920 Seabreeze Ave. and legally described as Lots 18 & 19, Parkway Block, Bay Shore Park Subdivision. 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:

- 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.

Board of Adjustment Meeting
August 25, 2016
Sparks Garage Variance

Background Information:

The sites are currently zoned R-1, Low-Density Residential. The subject site currently has one two-story house on it. The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low-Density Residential	Residential (919/921 Seabreeze Ave.)
South	R-1, Low-Density Residential	Residential (915 Parkway St.)
West	R-1, Low-Density Residential	Residential (914 Seabreeze.)
East	R-1, Low-Density Residential	Residential (926 Seabreeze Ave.)

Applicable Code Provisions:

Section 106-741, stipulates general provisions as they relate to accessory buildings. The following is an excerpt from that section as applicable to this variance request:

“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.”

Analysis:

The applicant is seeking approval of a variance that would allow the applicant to build a garage that is 1,080 square feet large.

Section 106-192 of the Zoning Ordinance states 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:

Criterion:	Staff Finding:
a. That the granting of the variance will not be contrary to the public interest	From the standpoint of a “street feel” or “street look,” staff found no other properties on Seabreeze Ave. with a detached garage or metal accessory buildings. However, in the community of La Porte at large, it is common to have detached garages in residential areas.
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	Staff is unable to identify an unnecessary hardship that would warrant the granting of the variance in this instance. However, the applicant does own a lot that is 3,750 square feet larger than a typical R-1 lot and would stay under the maximum allowed lot coverage.

Board of Adjustment Meeting
August 25, 2016
Sparks Garage Variance

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.	
c. That by granting the variance, the spirit of this chapter will be observed.	The restrictions on accessory building size were written to avoid overcrowding of lots and with this structure the lot will be under the 40% maximum lot coverage for an R-1 zoned lot. It is also worth noting that being 80' over the maximum means the applicant added 3' extra feet to the length of the building.

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 a plot plan

Exhibit B: Area map



Exhibit A

Variance Application Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 920 SEABREEZE LA PORTE TX 77571
 Legal description where Variance is being requested: ^{Lots 18617} PARKWAY BLOCK OF BAYSHORE PARK
 HCAD Parcel Number where Variance is being requested: _____
 Zoning District: _____ Lot area: 100 x 100

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

Description of Request: Extend GARAGE 3 Feet in Length additional 90 Square Feet For a Total of 30 x 36 = 1080 Square Feet

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

PROPERTY OWNER(S) INFORMATION

Name: Richard SPARKS
 Company (if applicable): _____
 Address: 920 Seabreeze
 City: LaPorte State: TX Zip: 77571
 Phone: 713-854-4197 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): Richard Sparks Date: 8/2/2016

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____

Exhibit A

Variance Application

Planning and Development Department



REASON(S) FOR VARIANCE REQUEST

1. I would ASK Laporte To Grant me Richard SPARKS Permission To enlarge my Building AN EXTRA 3 Feet, To accept my RV (recreational vehicle). I Am currently Building A 2 Bay Garage AND would Like To PARK RV INSIDE For Protection From The Elements. Laport MAXCAP'S 1000 And Im ASKING For 1080.

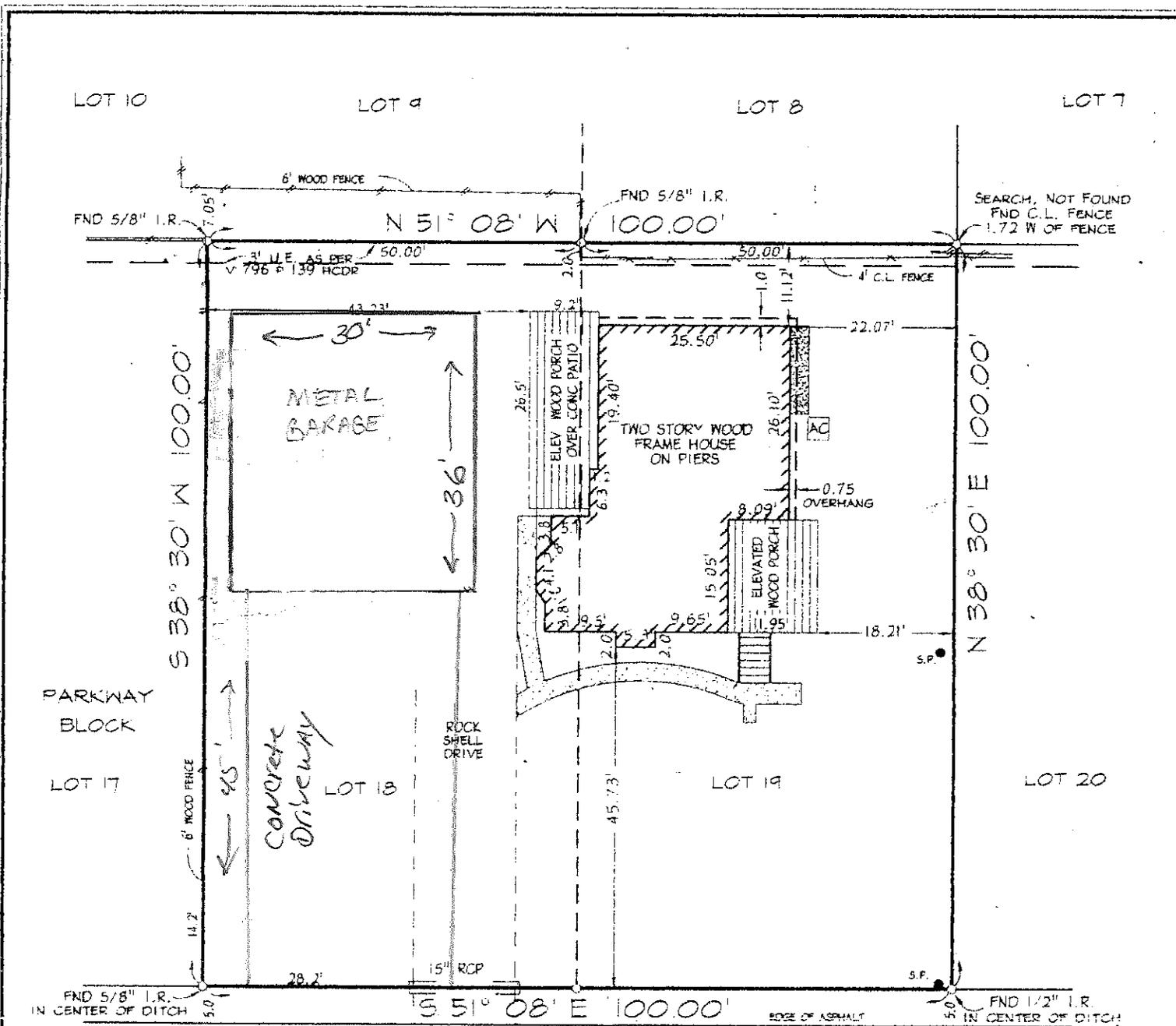
THANK YOU
Richard SPARKS

2. _____

3. _____

4. _____

5. _____



SEABREEZE AVENUE

(40' R.O.W.)

NOTE:
 -BASIS FOR BEARINGS, ASSUMED AS PLATTED
 -DISTANCES SHOWN ARE GROUND DISTANCES
 -ALL ABSTRACTING DONE BY TITLE COMPANY

THE TERMS, CONDITIONS AND STIPULATIONS OF LA PORTE AREA WATER AUTHORITY
 CREATED BY ORDINANCE NO. 1295, A COPY OF WHICH HAS BEEN FILED FOR RECORD
 UNDER HARRIS COUNTY CLERK'S FILE NO L-826775.

SUBJECT TO THE ZONING ORDINANCES NOW IN
 FORCE IN THE CITY OF LA PORTE, TEXAS

ACCORDING TO FLOOD INSURANCE RATE MAP 4-B-2-G-1-C-9-4-5-I
 DATED 11-6-86, THE TRACT HEREBY SURVEYED LIES WITHIN ZONE
 "X" AND IS NOT IN THE 100 YEAR FLOOD PLAIN. THIS
 STATEMENT IS BASED ON SCALING THE LOCATION OF SAID SURVEY ON
 THE ABOVE REFERENCED MAP AND IS FOR FLOOD INSURANCE RATES ONLY
 AND NOT INTENDED TO IDENTIFY SPECIFIC FLOODING CONDITIONS.

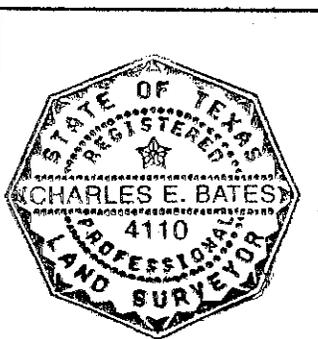


LEGEND:

U.E. - Utility Easement
 A.E. - Unobstructed Aerial Easement
 B.L. - Building Line
 (A) as per recorded plat of subdivision.

LENDER: PNC MORTGAGE
 CORP OF AMERICA

Exhibit A



CHARLES E. BATES
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 4110
 4922 LURELLA AVENUE DEER PARK, TEXAS 77636
 (281) 478-6156 FAX: (281) 478-3275

BORROWER: RICHARD L. SPARKS
 ADDRESS: 920 SEABREEZE AVENUE

LOT: 18 & 19		BLOCK: -	
SUBDIVISION			
PARKWAY BLOCK OF BAY SHORE PARK			
RECORDING			
VOL. 10	PAGE 22	M/R	
SURVEY & ABSTRACT			
JOHNSON HUNTER SURVEY, A-35			
CITY	COUNTY	STATE	
LA PORTE	HARRIS	TEXAS	

THE UNDERSIGNED DOES HEREBY CERTIFY THAT THIS PLAT IS
 A CORRECT REPRESENTATION OF A TRUE AND ACCURATE SURVEY
 MADE ON THE SITE UNDER MY SUPERVISION AND AT THE TIME
 OF THIS SURVEY THERE WERE NO ENCROACHMENTS OR CONFLICTS
 ACROSS ANY PROPERTY BUILDING OR EASEMENT LINES, EXCEPT
 AS SHOWN HEREON.

SIGNED: *Charles E. Bates*
 CHARLES E. BATES REGISTERED
 PROFESSIONAL LAND SURVEYOR NO 4110

SCALE: 1"=20' DATE: 3-27-99 DRAWN: db CHECKED: CW
 G.F. NUMBER: 99 02 94151-N JOB NO. 99191
 AMERICAN TITLE COMPANY

AREA MAP

Exhibit B

VARIANCE REQ. #16-93000010

