



City of La Porte Zoning Board of Adjustment Meeting Agenda

Notice is hereby given of a **Regular Meeting** of the La Porte Zoning Board of Adjustment to be held on **August 23, 2012**, at **6:00 P.M.** at City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, regarding the items of business according to the agenda listed below:

1. Call to order
2. Consider approval of July 26, 2012, meeting minutes.
3. Consider Variance Request #12-93000005 for the property located at 222 South Y Street, further described as Lot 9, Block 2, Oakhurst Subdivision, W. P. Harris Survey, Abstract 30, La Porte, Harris County, Texas. The applicants seek to allow construction of a one car garage for a single-family dwelling, contrary to the provisions of Section 106-834(f) of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
4. Consider Variance Request #12-93000006 for the property located at 912 Robinson Road, further described as Lots 410-412, Block 11, Battleground Estates, Section 2, La Porte Outlots, Enoch Brinson Survey, Abstract No. 5, La Porte, Harris County, Texas. The applicant seeks a variance to allow a fence erected in the front yard setback to remain in place contrary to the provisions of Section 106-791 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
5. Consider Appeal of Enforcement Officer's Decision #12-95000002 for the property located at 1911 West Main Street, further described as Lots 5-9, 11-28, TRS 4, 10, & 29, Block 727, Town of La Porte, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. The applicant is seeking approval to erect off-premises advertising sign within 1,000 ft. of an existing sign, which is prohibited per Section 106-875(h) of the Code of Ordinances. The appeal is being sought under the terms of Section 106-89(3) of the City's Code of Ordinances.
 - A. Staff Presentation
 - B. Proponents
 - C. Opponents
 - D. Proponents Rebuttal
6. Administrative Reports
7. Board Comments on matters appearing on agenda or inquiry of staff regarding specific factual information or existing policy
8. Adjourn

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by 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 August 23, 2012, agenda of items to be considered by the Zoning Board of Adjustment was posted on the City Hall bulletin board on the ____ day of _____, 2012.

_____ Title: _____

Out of consideration for all attendees of the meeting, please turn off all cell phones and pagers, or place on inaudible signal. Thank you for your consideration.

**Zoning Board of Adjustment
Minutes of July 26, 2012**

Members Present: Chester Pool, George Maltsberger, T.J. Walker, Rod Rothermel

Members Absent: Charles Schoppe, Lawrence McNeal (Alt. No 1), and Sherman Moore (Alt. No 2)

City Staff Present: Masood Malik, City Planner; Clark Askins, Assistant City Attorney; and Shannon Green, Planning Assistant

1. Call to Order.

Chairman George Maltsberger called the meeting to order at 6:01p.m.

2. Consider approval of the March 22, 2012, meeting minutes.

Motion by Rod Rothermel to approve the minutes of March 22, 2012. Second by Chester Pool. Motion carried.

Ayes: Chester Pool, George Maltsberger, T.J. Walker, Rod Rothermel

Nays: None

Abstain: None

3. Consider Variance Request #12-93000002 for the property located at 3208 Bernard Street, further described as TR 14A, Spencer Highway Estates, Section 2 U/R, W. B. Roots Subdivision, W. M. Jones Survey, Abstract No. 482, La Porte, Harris County, Texas. The applicant seeks to build a detached garage with storage in a side yard, contrary to the provisions of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.

A. STAFF PRESENTATION

Masood Malik, City Planner, presented staff's report. Mr. Malik informed the Board the applicant is requesting to build a detached garage with storage in a side yard. This variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.

Eleven (11) public hearing notices were mailed to property owners within 200' of the subject property. The City received one response in favor of the request.

B. PROPONENTS

Applicant, Yvonne Stanley, spoke in favor of Variance Request 12-93000002.

C. OPPONENTS

There were none.

D. PROPONENTS REBUTTAL

There were none.

Motion by Chester Pool to approve Variance Request #12-93000002, for the property located at 3208 Bernard Street. Second by Rod Rothermel. Motion carried.

Ayes: Chester Pool, George Maltsberger, T.J. Walker, Rod Rothermel

Nays:

Abstain:

4. Consider Variance Request #12-93000003 for the property located at 3208 Bernard Street, further Described as TR 14A, Spencer Highway Estates, Section 2 U/R, W. B. Roots Subdivision, W. M. Jones Survey, Abstract No. 482, La Porte, Harris County, Texas. The applicant seeks to construct a front yard fence, contrary to the provisions of Section 106-971 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.

A. STAFF PRESENTATION

Masood Malik, City Planner, presented staff's report. Mr. Malik informed the Board the applicant is requesting to build a front yard fence. This variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.

Eleven (11) public hearing notices were mailed to property owners within 200' of the subject property. The City received one response in favor of the request.

B. PROPONENTS

Applicant, Yvonne Stanley, spoke in favor of Variance Request 12-93000003.

C. OPPONENTS

There were none.

D. PROPONENTS REBUTTAL

There were none.

Motion by Rod Rothermel to approve Variance Request #12-93000003, for the property located at 3208 Bernard Street. Second by T.J. Walker. Motion carried.

Ayes: Chester Pool, George Maltsberger, T.J. Walker, Rod Rothermel

Nays:

Abstain:

5. **Consider Variance Request #12-93000004 for the property located at 408 North 16th Street, further described as Lots 1-12, 21-32 and TR C, Block 652, Town of La Porte, Johnson Hunter Survey, Abstract 35, La Porte, Harris County, Texas. The applicant seeks to allow a fence erected in the front yard setback, contrary of the provisions of Section 106-791 of the Code of Ordinances. The variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.**

A. STAFF PRESENTATION

Masood Malik, City Planner, presented staff's report. Mr. Malik informed the Board the applicant is requesting to allow a fence erected in the front yard setback to remain in place. This variance is being sought under the terms of Section 106-192 (b) (2) (b) of the City's Code of Ordinances.

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

B. PROPONENTS

Applicant, Henry Farhat of 408 north 16th Street, asked the Board to consider approval of the variance. Mr. Farhat stated the fence would provide protection from theft.

C. OPPONENTS

There were none.

D. PROPONENTS REBUTTAL

There were none.

6. Administrative Reports

Mr. Malik reported that Homebuilder D.R. Horton has been issued 7 permits to build in the Lakes at Fairmont Greens.

6. Board Comments

There were none.

7. Adjourn

Motion by Chester Pool to adjourn the meeting. Second by T.J. Walker. Motion Carried.

Ayes: Chester Pool, George Maltsberger, T.J. Walker, Rod Rothermel.

Nays:

Abstain:

Chairman Maltsberger adjourned the meeting at 6:20pm.

Submitted by,

Shannon Green
Secretary, Zoning Board of Adjustment

Approved on this ____ day of _____, 2012.

George Maltsberger
Chairman, Zoning Board of Adjustment

VARIANCE REQUEST

12-93000005

FOR

222 SOUTH Y STREET

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – PLOT PLAN

EXHIBIT C – FLOOR PLAN

EXHIBIT D - SECTION 106-834(F), CODE OF ORDINANCES

EXHIBIT E - PUBLIC NOTICE RESPONSE

Variance Request #12-93000005

Requested by: Walt & Helen Saldivar (Property Owners)

Requested for: 1-Car Garage to be allowed for single-family dwelling

Location: Lot 9, Block 2, Oakhurst Subdivision, W. P. Harris Survey, Abstract 30, La Porte, Harris County, Texas.

Zoning: Low Density Residential (R-1)

Background: The subject property is located to the southeast of La Porte in the vicinity of the Woods on the Bay Townhomes by the Galveston Bay. Harris County Appraisal District records show the land area as 4,000 sq.ft. The property is zoned Low Density Residential (R-1), where a single-family home is a permitted use. Required building setbacks are front 25', rear 15', and sides 5'.

Applicant desires to build a house with one car garage on a lot which is 50'x80' in size and falls within floodplain 'AE' with a base flood elevation of 23'. In addition, finished floor elevation of the house will be set 1-foot above the crown of the road. The lot meets current City regulations for a minimum width of 50' but does not comply with a minimum lot area. Oakhurst Subdivision was recorded with Harris County in 1923.

Per Section 106-834(f) of the City's Code of Ordinances, "*Every single-family dwelling shall be so located on the lot so that at least a two-car garage, attached or detached, can be located and accessed on the lot*". The applicant claims that after complying with the City's minimum yard setbacks of front 25', rear 15', and sides 5', it leaves room only for one car garage. Therefore, the applicant applied for a variance to allow 1-car garage for proposed dwelling at 222 South 'Y' Street.

Analysis: Section 106-192(b)(1), of the Code of Ordinances, defines a *variance as a deviation from the literal provisions of the chapter, which is granted by the Board when strict conformity to the chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.*

Except as otherwise prohibited, the board is empowered to authorize a variance from a requirement when the board finds that all of the following conditions have been met.

- ❖ That the granting of the variance will not be contrary to the best public interest.
- ❖ That literal enforcement of the chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

- ❖ That by granting the variance, the spirit of the chapter will be observed.

In determining if granting the applicant's request would be contrary to the public interest, Staff recognizes that the total land area may pose hardships for the development of the subject property.

A survey of surrounding properties shows that this non-compliance with the ordinance is typical to the neighborhood. The property was subdivided prior to the City's Zoning and Subdivision Ordinances. In reviewing the specific grounds for granting a variance, Staff points out that the condition, as it exists, was the "...result of the applicant or property owner's own actions..." contrary to the provisions of Section 106-192. Staff does not find grounds to justify "...unnecessary hardship because of exceptional narrowness, shallowness, shape topography, or other extraordinary or exceptional physical situation unique to the property in question." This lot represents a typical example of a normal lot size within this neighborhood but does not meet the requirements of the standard lot size of the master planned communities of the City.

The Board's final consideration is whether granting this request observes the spirit of the ordinance. Based on the facts noted in this report, the applicant's request would be contrary with the spirit of the ordinance but meets the criteria for variance.

Conclusion:

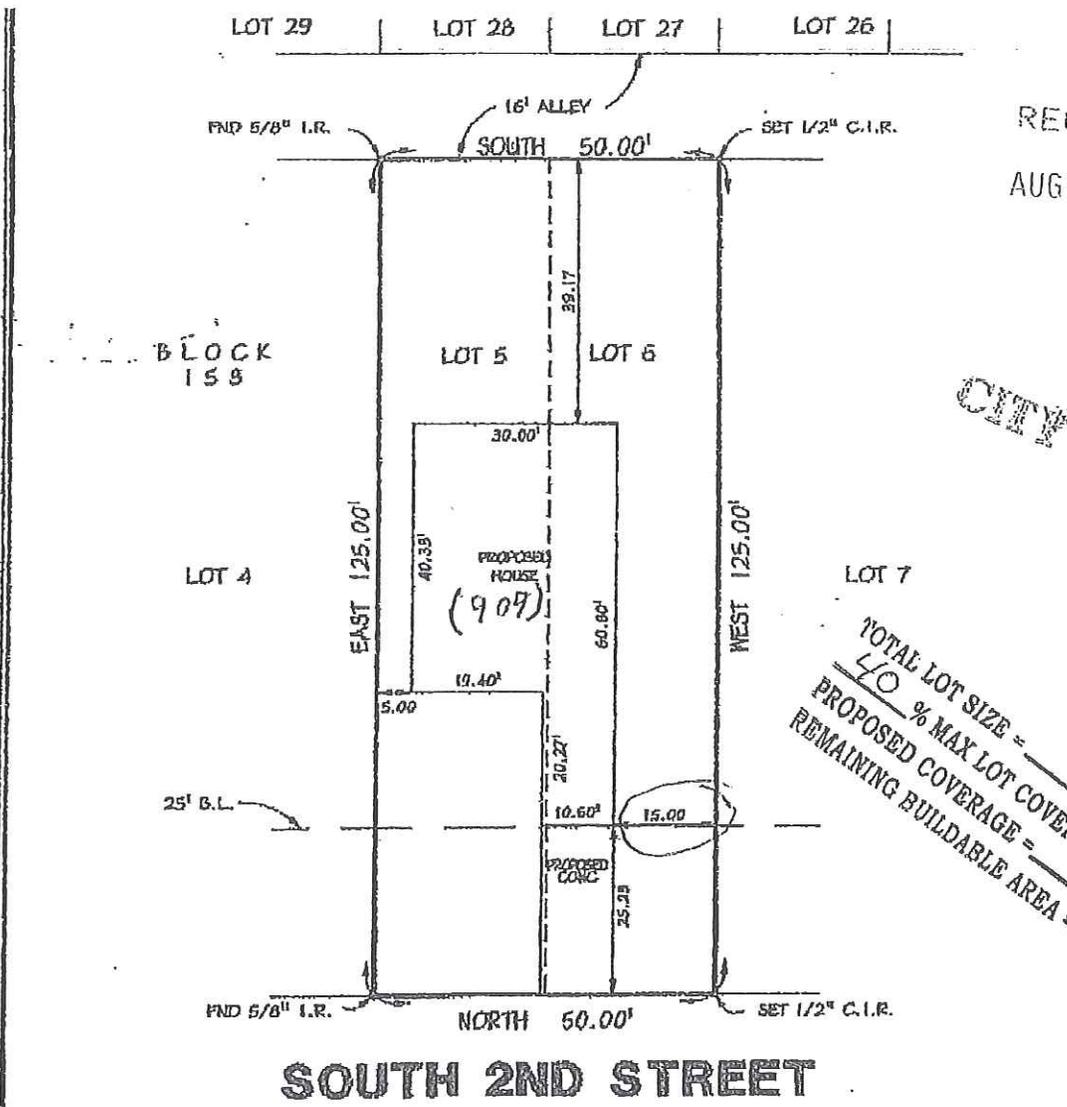
Variance Request seeks relief from building one car garage for proposed house, may not be contrary to the City's Code of Ordinances. The ground for request, however, needs to be re-evaluated as other examples are quoted in the request. Staff found no discrepancy for approving previous house plan with a car garage as there is room for a second car garage based on the survey attached herewith.

While recognizing the circumstances associated with the property, the Board could consider:

- Allow 1-car garage for proposed single-family dwelling (variance granted).
- Require the applicant to redesign the house plan to accommodate a two-car garage (variance denied).

Appeals:

As per Section 106-196 of the Code of Ordinances of the City of La Porte:
Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code Section 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the Board of Adjustment.



RECEIVED
AUG 4 2005

CITY COPY

TOTAL LOT SIZE = 6250
 40% MAX LOT COVERAGE = 2500
 PROPOSED COVERAGE = 1200
 REMAINING BUILDABLE AREA = 1300

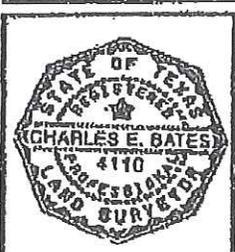
SUBJECT TO THE ZONING ORDINANCES NOW IN FORCE IN THE CITY OF LA PORTE, TEXAS.

NOTE: THIS SURVEY WAS CONDUCTED AT THE OWNER'S REQUEST WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THE SURVEYOR HAS NOT INVESTIGATED THIS PROPERTY AND SHALL NOT BE HELD LIABLE FOR ANY UNDISCOVERED AND/OR RESTRICTIONS THAT A CURRENT TITLE REPORT WOULD SHOW.

LEGEND:
 U.E. - UTILITY EASEMENT
 A.E. - UNRESTRICTED AERIAL EASEMENT
 B.L. - BUILDING LINE
 C.I.R. - CURBED IRON ROD
 C.A.L. AS PER ACCORDED PLAN OF SUBDIVISION
 - - - - - FENCE
 - - - - - CHAIN LINK FENCE

NOTE: THIS SURVEY WAS CONDUCTED AT THE OWNER'S REQUEST WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. THE SURVEYOR HAS NOT INVESTIGATED THIS PROPERTY AND SHALL NOT BE HELD LIABLE FOR ANY UNDISCOVERED AND/OR RESTRICTIONS THAT A CURRENT TITLE REPORT WOULD SHOW.

ACCORDING TO FLOOD INSURANCE RATE MAP 48201C0246J DATED 11-8-96 THIS TRACT HEREBY SURVEYED LIES WITHIN ZONE X1 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, IF ANY.



CHARLES E. BATES
 REGISTERED PROFESSIONAL LAND SURVEYOR No. 4110
 4222 LLELLA AVENUE DEER PARK, TEXAS 77636
 (281) 479-5155 FAX: (281) 479-5175

OWNER: WESTERGREEN BUILDERS
 ADDRESS: 909.021 SOUTH 2ND STREET

LOT: 5 & 6	BLOCK: 158	
SUBDIVISION		
TOWN OF LA PORTE		
RECORDING		
VOL: 5B	Pg: 460 D/R	
SURVEY & ABSTRACT		
JOHNSON HUNTER SURVEY, A-35		
CITY	COUNTY	STATE
LA PORTE	HARRIS	TEXAS

THE UNDERSIGNED HEREBY CERTIFIES THAT THIS SURVEY WAS MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS PLAT REPRESENTS THE FACTS AS FOUND AT THE TIME OF THE SURVEY.

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

SCALE: 1"=20'
 DATE: 8-10-06
 FORG: -
 FINAL: -
 G.F. NUMBER: NOT FURNISHED
 JOB NO.: 2005338

CITY COPY

CITY OF LA PORTE
ZONING BOARD OF ADJUSTMENT
VARIANCE REQUEST

RECEIVED
JUL 25 2012

OFFICE USE ONLY: Fee: \$150.00
Application No.: 12-9300005
Date Received: 7-25-12
Receipt No.: 123880

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

Applicant: WALT + HELEN SALDIVAR
Name
3115 BAYOU DRIVE 281-935-5025
Address Phone

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

Owner*: WALT + HELEN SALDIVAR
Name
222 S. Y STREET "
Address Phone

I am requesting a variance to Sect. 106-333 of the City Zoning regulations Chapter 106 of the
Code of Ordinance.

I am requesting this variance for property located at 222 S. Y STREET
Street Address

222 SOUTH "Y" STREET LOT 9 BLOCK 2 OAKHURST Subd.
Legal Description

Site Plan Minor Development Site Plan
 Major Development Site Plan General Plan

A Site Plan of the property is attached. Also, I have listed the information requested below on the
following pages of this form.

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

* If applicant is NOT the owner, he must provide Authorization to act on the Owner's behalf.
7/20/2012 [Signature]
Date Applicant's Signature

Office Use Only
Site Plan and Authorization (if applicable) attached? Yes () No ()

Date transmitted to the Board of Adjustments: _____

Meeting Date: _____ Applicant Notified of Date: _____

Notice to surrounding property owners- Date: _____

Board's Decision: Approved () Denied ()

Notice of Boards Decision mailed to Applicant/Owner: _____

TYPE OF RELIEF BEING SOUGHT:

Requesting Permission to build home with one car garage.

THE GROUNDS FOR THE REQUESTS:

The total square footage of the lot is 4000 sq ft (50'x80'). By meeting the city requirements of a 25' setback at the front, 15' setback at rear, and 5' offset on the left and right side, this only leaves room for a 1 car garage. The plan was drawn based on the fact that at least 5 other homes have been built recently (pictures and addresses attached) inside the city limits with 1 car garages. Thank you for your consideration

ZONING

§ 106-333

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

(a) Table B, residential area requirements.

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

AREA MAP

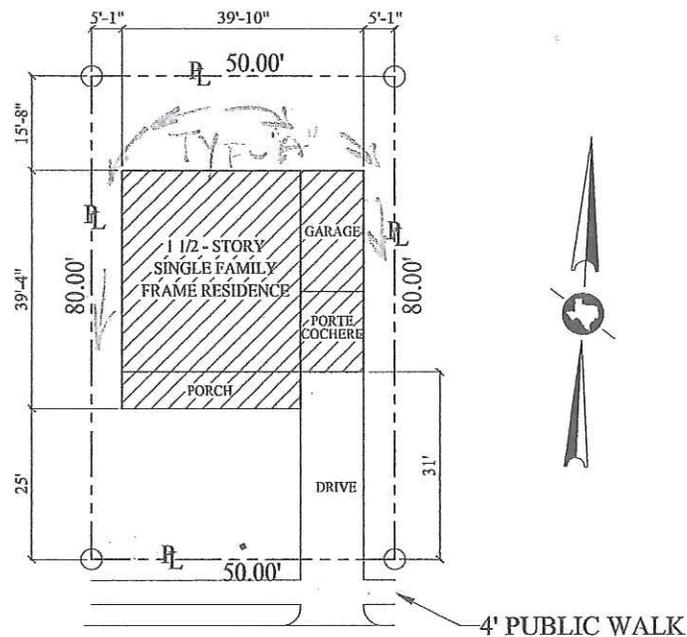


222 SOUTH "Y" ST.

1 inch = 150 feet

HOUSE LOCATION PLAN

SCALE: 1" = 20'-0"



222 SOUTH "Y" STREET

SUBDIVISION: OAKHURST

LOT: 9

BLOCK: 2

CITY OF LAPORTE
HARRIS COUNTY, TEXAS

builder to verify all dimensions & easements.
expansion joints @ drive & walks as required.

EXHIBIT B

PRELIMINARY 12-7-11

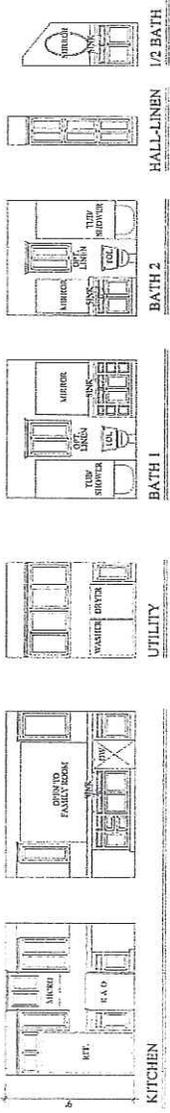
PLAN 10-1-11

206 "Y" Street
LaPorte, Texas

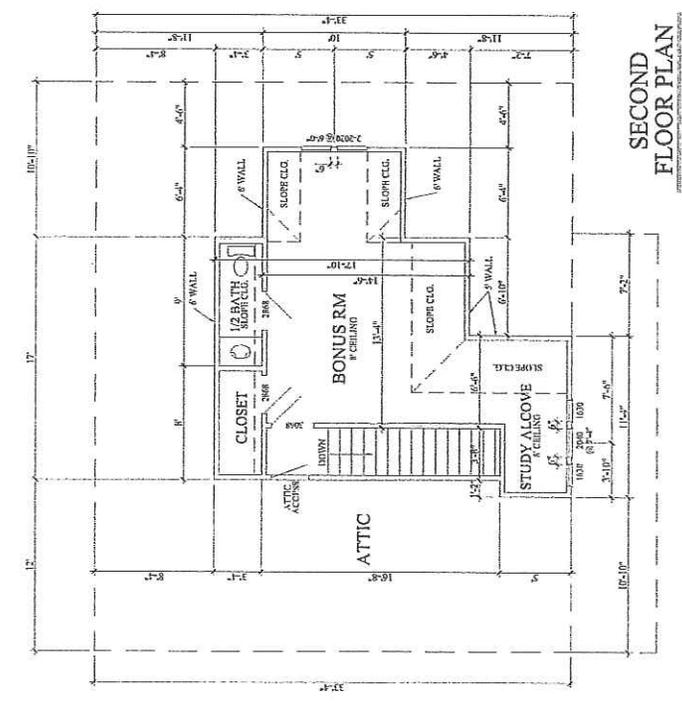
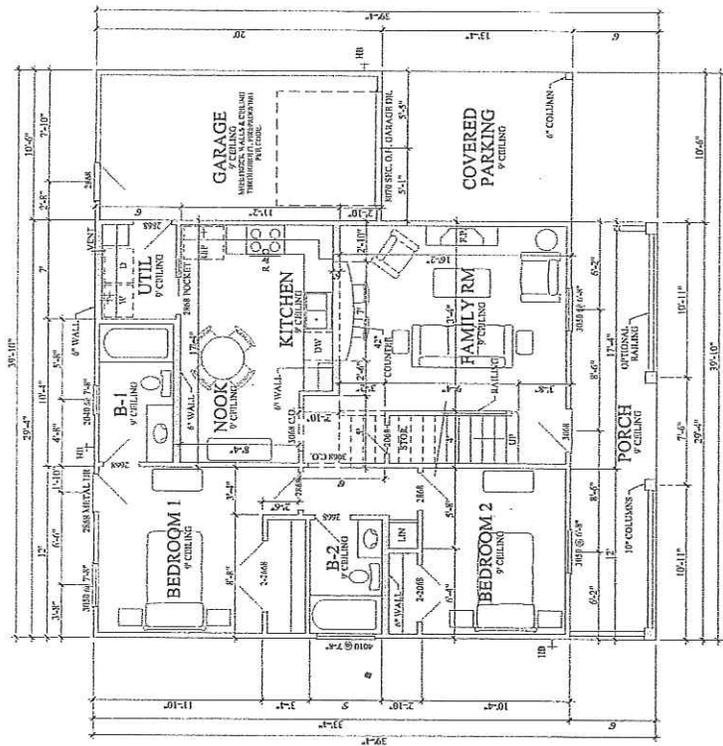
R.C.D.
Residential Concept Designs

DATE: 10-10-11
SHEET #2

FOOTAGE:	
FIRST FL:	978 SQFT
SECOND FL:	400 SQFT
TOTAL LIVING:	1378 SQFT
FRONT PORCH:	176 SQFT
GARAGE:	210 SQFT
PORCH COCHERE:	140 SQFT
TOTAL SLAB:	1594 SQFT
TOTAL COVERED:	1994 SQFT

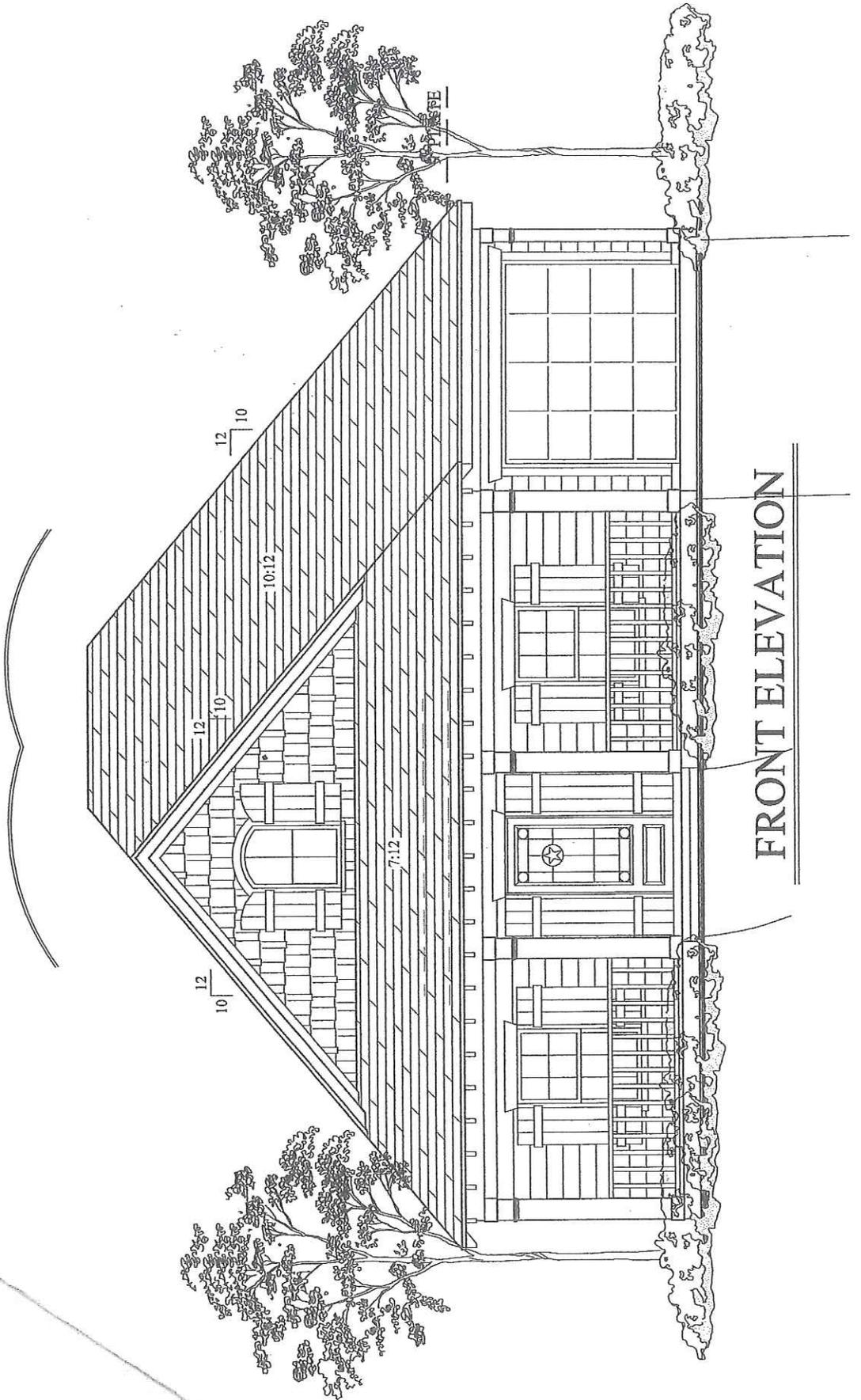


INTERIOR DETAILS



NOTES:

- 1) ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS.
- 2) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 3) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 4) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 5) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 6) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 7) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 8) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 9) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
- 10) THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.



FRONT ELEVATION

(c) *Nonconforming structures.* Should a nonconforming structure or use be damaged or destroyed by fire, it may be reestablished if elsewhere permitted in these zoning regulations, except that in doing so, all off-street parking or loading spaces shall meet the requirements of this chapter.

(d) *Change of use or occupancy of land.* No change of use or occupancy of land already dedicated to a parking area, parking spaces, or loading spaces shall be made, nor shall any sale of land, division or subdivision of land be made which reduces area necessary for parking, parking stalls, or parking requirements below the minimum prescribed by these zoning regulations.

(e) *Change of use or occupancy of buildings.* Any change of use or occupancy of any building or buildings including additions thereto requiring more parking area shall not be permitted until there is furnished such additional parking spaces as required by these zoning regulations.

(f) *Garage requirement.* Every single-family dwelling unit hereafter erected shall be so located on the lot so that at least a two-car garage, either attached or detached, can be located and accessed on said lot.

(g) *Residential use.* Off-street parking facilities accessory to residential use shall be utilized solely for the parking of licensed and operable passenger automobiles. Under no circumstances shall required parking facilities accessory to residential structures be used for the storage of commercial motor vehicles or equipment, pole trailers, semitrailers, shipping containers, trailers, trucks, or truck tractors. Boat or recreational vehicles, are not subjected to the restrictions imposed by this section.

(h) *Calculating space.*

- (1) When determining the number of off-street parking spaces results in a fraction, each fraction of one-half or more shall constitute another space.
- (2) In stadiums, sport arenas, churches and other places of public assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each 22 inches of such seating facilities shall be counted as one seat for the purpose of determining parking requirements.
- (3) Should a structure contain two or more types of use, each use shall be calculated separately for determining the total off-street parking space required.

Sec. 106-835. Design standards (also see Figures 10-1, 10-2 and 10-3).

(a) *Parking space size.* Each standard parking space shall not be less than nine feet wide and 18 feet in length, and each ADA accessible parking space shall not be less than 14 feet wide and 20 feet in length, exclusive of access aisles, and each space shall be served adequately by access aisles

VARIANCE REQUEST

12-93000006

FOR

912 ROBINSON ROAD

EXHIBITS:

STAFF REPORT

APPLICATION FOR VARIANCE

EXHIBIT A – AREA MAP

EXHIBIT B – SURVEY MAP

EXHIBIT C - SECTION 106-791, CODE OF ORDINANCES

EXHIBIT D - PUBLIC NOTICE RESPONSE

Variance Request #12-93000006

Requested by: Samantha Chaplain (Property Owner)

Requested for: A fence constructed within the front yard setback

Legal Description: Lots 410-412, Block 11, Battleground Estates, Section 2, La Porte Outlots

Location: 912 Robinson Road

Zoning: Low Density Residential (R-1)

Background: Applicant is requesting a variance to allow a fence to remain erected on the property line in the front yard setback of the house at 912 Robinson Road. The applicant stated that a chain link fence existed at the site when they purchased the subject property. Now, a portion of the same fence is replaced with wood and wire fence.

Per HCAD records, the house was built in 1976 with a 2,244 square feet living area on 18,681 square feet of total land area. Later, Lomax area was consolidated with the City of La Porte. Due to large tracts/parcels and pastures, property line fences are common in this rural/urban area. However, the City's Code of Ordinances prohibits a fence placed within the front yard setback in the all zoning districts except large lot residential (greater than 1 acre) and lots directly adjacent to Galveston Bay.

Staff analyzed the surrounding area and based upon site inspections and the pictures submitted by the applicant, the following is noted:

- As seen in the photos, the existing block containing the residence has existing fences in the front yard setback (Photos to be presented at the meeting).
- The existing fence would be in line with the fence of the nearby property owners.
- The front portion of the fence in question was a replacement of an existing fence constructed in the rear and sides yard setbacks.

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

Analysis:

Section 106-192(b)(1), in the Code of Ordinances, defines a *variance* as a *deviation from the literal provisions of the chapter, which is granted by the Board when strict conformity to the chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.*

Section 106-1 defines fence as "...the manmade structural barrier erected on or around a piece of property."

Except as otherwise prohibited, the board is empowered to authorize a variance from a requirement when the board finds that all of the following conditions have been met.

- ❖ That the granting of the variance will not be contrary to the best public interest.
- ❖ That literal enforcement of the chapter will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and
- ❖ That by granting the variance, the spirit of the chapter will be observed.

Regarding this request, the relief being sought to:

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

In determining if granting the applicant's request would be contrary to the public interest, Staff recognizes that the development of the fence at the property may not create a problem with adjoining properties. A survey of surrounding properties shows that this non-compliance with the ordinance is typical to the area.

The issues to consider are impact on neighboring property and the best public interest. In this case, it appears that the fence will serve to provide a uniform setback of adjacent properties and should not be injurious to the public. The applicant wishes to keep the fence in place by obtaining a City building permit; however, staff is unable to issue a permit based on the conflict with the zoning regulations.

In reviewing the specific grounds for granting a variance, however, staff points out that the condition, as it exists, "...is the result of the applicant or property owner's own actions..." contrary to the provisions of Section 106-192. Staff finds no grounds to justify "...unnecessary hardship because of exceptional narrowness, shallowness, shape topography, or other extraordinary or exceptional physical situation unique to the property in question." Security and safety of the property may be considered in this regard.

The Zoning Board of Adjustment's final consideration is whether granting this request observes the spirit of the ordinance. Based on the facts noted in this report, the applicant's request may not be contrary with the spirit of the ordinance, and may promote the health, safety and welfare of the general public.

Conclusion:

The application merits review by the Board based upon the parameters set by the Ordinance.

The Board may consider:

- Granting the variance and allowing the fence to remain on the property line in the front yard setback with the stipulation that a City permit is obtained at double the normal fee as allowed by the building code for a non-permitted work.
- Denying the variance thereby denying placement of the fence in the front yard setback.

Appeals:

As per Section 106-196 of the Code of Ordinances of the City of La Porte: Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code Section 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the Board of Adjustment.

**CITY OF LA PORTE
ZONING BOARD OF ADJUSTMENT
VARIANCE REQUEST**

OFFICE USE ONLY: Fee: \$150.00

Application No.: 12-93000006
Date Received: 7-30-12
Receipt No.: 125488

Note: This fee is non-refundable regardless of the Board's decision

Applicant: Samantha Chaplain
Name

912 Robinson RD LaPorte
Address 77571

832-414-9282
Phone

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

Owner*: Samantha Chaplain
Name

912 Robinson RD
Address

832-414-9282
Phone

I am requesting a variance to Sect. 791 of the City zoning regulations Chapter 106 of the Code of Ordinances.

I am requesting this variance for property located at 912 Robinson RD
Street Address

Legal Description

- | | |
|--|--|
| <input type="checkbox"/> Site Plan | <input type="checkbox"/> Minor Development Site Plan |
| <input type="checkbox"/> Major Development Site Plan | <input type="checkbox"/> General Plan |

A Site Plan of the property is attached. Also, I have listed the information requested below on the following pages of this form.

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

* If applicant is NOT the owner, he must provide Authorization to act on the Owner's behalf.

7/27/12
Date

[Signature]
Applicant's Signature

Office Use Only
Site Plan and Authorization (if applicable) attached? Yes () No ()

Date transmitted to the Board of Adjustment: _____

Meeting Date: _____ Applicant Notified of Date: _____

Notice to surrounding property owners- Date: _____

Board's Decision: Approved () Denied ()

Notice of Boards Decision mailed to Applicant/Owner: _____

A variance is a "deviation from the literal provisions of the Zoning Ordinance." The City's Board of Adjustments may NOT grant a variance that does not meet all of the following conditions:

- 1) The variance must not be contrary to the public interest.
- 2) Literal enforcement of the Zoning Ordinance must result in a hardship. This hardship must be unique to the property in question. Property that is undevelopable due to its unusual shape, narrowness, shallowness, or topography constitutes the primary example of hardship. Hardships that are financial in nature or due to the owner's actions cannot be granted.
- 3) Granting the variance must not violate the spirit of the Zoning Ordinance.
- 4) No variance that allows a use that is prohibited within the Use zone in question may be granted. For example, a variance allowing a commercial use in a residential zone is not allowable.

Please remember, it is the Applicant's responsibility to prove that a variance will meet the above conditions.

If there is not adequate room on the remainder of this form to list all pertinent information, please feel free to attach an additional letter or any information and exhibits you feel the Board should consider.

FACTS RELEVANT TO THIS MATTER:

When we bought this house it had a perimeter fence made of chain link and we removed a portion of it and replaced another portion of it with wood and wire at the time we did not know we needed a permit nor did we know that we could not replace it, we did this because of safety concerns as well as wanting to increase the aesthetic appeal. The old fence was dilapidated and an eye sore. The new fence does not block or hinder access to the water meter or any other utility

TYPE OF RELIEF BEING SOUGHT:

permission for replacement of our front fence

GROUNDS FOR THIS REQUEST:

There is an industrial area that connects to our neighborhood that the employees use Robinson RD as a main entrance and regularly exceed the speed limit as well as large semi and dump trucks using it as an alternate route when a train is blocking the entrance from the frontage RD on HWY 225. We have safety concerns for our two small children due to the constant traffic. Our backyard is adjacent to a pasture that contains livestock causing an unmanagable flea population despite exhaustive efforts and several hundred dollars spent on chemical and professional treatment. The professional stated that it would be difficult and costly to control due to livestock. We also have an ongoing battle with poison Ivy over the last 3-4 years and again despite constant treatment my oldest daughter got poison Ivy while playing in the backyard

AREA MAP



912 ROBINSON RD.



1 inch = 300 feet

Sec. 106-791. Front yard areas.

No fences, structures, grading, or barrier hedges shall be permitted within any front yard areas except in the case of large lot residential lots, or in the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay, as provided in section 106-792.

Sec. 106-792. Large lot residential lots.

In the case of large lot residential lots, eight feet perimeter fences are permitted as an accessory use. In the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay, four feet front yard fences are permitted parallel and adjacent to the side lot lines. However, such fences shall be permitted on the front lot line directly adjacent to Galveston Bay, and shall only be constituted of chain link. These exceptions do not permit structures, grading, or barrier hedges.

(Ord. No. 2009-3173, § 5, 8-24-09)

Sec. 106-793. Fences in side and rear yards.

Within side yards and rear yards, fences of not higher than eight feet including six-inch rot boards and walls 42 inches high or less shall be permitted.

(Ord. No. 2009-3173, § 6, 8-24-09)

Sec. 106-794. Fences and trees on utility easements.

Fences or trees placed upon utility easements are subject to removal at the owner's expense if required for the maintenance or improvement of the utility. Trees on utility easements containing overhead wires shall not exceed ten feet in height.

Sec. 106-795. Maintenance of fences.

Both sides of the fence must be maintained in good condition by the owner of the fence and grass/ground cover adjoining the fence must be mowed and weeds removed on a regular basis.

Subdivision perimeter fences or walls shall be maintained and repaired by the developer, owner, owner's agent, and/or homeowner association or the management company of a subdivision. Maintenance, repair or replacement of wood or masonry fence around manufactured housing parks is the sole responsibility of the owner, its agent, or the management company.

(Ord. No. 2009-3173, § 7, 8-24-09)

Sec. 106-796. Barbed wire fences.

Barbed wire fences shall not be permitted, used or constructed except in industrial districts or to control livestock as hereinafter provided.

**APPEAL OF ENFORCEMENT OFFICER'S DECISION
12-9500002**

FOR

1911 WEST MAIN STREET

EXHIBITS:

STAFF REPORT

APPLICATION

EXHIBIT A – AREA MAP

EXHIBIT B – DENIED PERMIT

EXHIBIT C - SECTION 106-875(h), CODE OF ORDINANCES

EXHIBIT D - PUBLIC NOTICE RESPONSE

Appeal of Enforcement Officer's Decision #12-95000002

Applicant: Brett E. Gilbreath c/o Gilbreath & Company

Location: 1911 W. Main Street (Spencer Highway)

Legal Description: Lots 5-9, 11-28, and TRS 4, 10, & 29, Block 727, Town of La Porte, Johnson Hunter Survey, Abstract No. 35, TR 1C, R. Pearsall, A-625, La Porte, Harris County, Texas.

Present Zoning: Business Industrial (BI) & Light Industrial (LI)

Land Use Map: Commercial and Industrial

Background:

The issue being considered deals with an off-premises advertising sign (billboard). In the City's zoning regulations, a sign is defined as "*meaning any word, number, figure, device, design or trademark by which anything is made known, as used to designate an individual, firm, profession, business or a commodity which is visible from any public street.*"

The applicant is appealing for denial of its application to erect an off-premises freestanding advertising sign at 1911 West Main Street (Spencer Highway) near overpass and turn around adjacent to the Union Pacific Railroad (UPRR). The City received a building permit application on July 27, 2012, to erect approximately 672 square feet billboard at the subject location. The permit was denied based on Section 106-875 (h) of the Code of Ordinances, which states that "*all off-premises freestanding advertising signs shall be spaced at intervals of not less than 1,000 feet*". In this case, there is another advertising sign located approximately 500 feet from the subject site.

On September 20, 2007, the City denied SignAd's application for the same request based on inadequate plans, information, and not in compliance with the sign ordinance. During an appeal hearing on February 28, 2012, the Board upheld the Enforcement Officer's Decision for denying the permit due to the reason that it is within 1000 feet from another billboard on the northwest of the West Main Street.

The applicant has questioned the placement of off-premises sign in reference to the distance required by the ordinance. Staff used the procedures mandated by City Ordinances, the sign in question is located within 1,000 feet from the nearest sign in the vicinity or 1,000 ft. radius. This has been the City's standard rule of measuring or spacing requirement.

The applicant's grounds for request, "no other cities measure spacing from other signs across the freeway in this manner", is not consistent with the ordinance, or prior interpretation. There is a sign within 500 feet on the same roadway to the north side of Spencer Highway. The City's decision and interpretation of the said section is the 1,000

feet radius circle, not linear feet nor along the same side of the road. Several cities (Baytown, League City, Pearland, etc.) have a similar approach, measuring and spacing mechanism and have adopted same procedures for mandating an off-premises signs.

Analysis:

In describing the action of appeal, the Code of Ordinances states: *In exercising the powers set forth in Section 106-88, the Board of Adjustment may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the enforcement officer from whom the appeal is taken.* The Board must find the following in order to grant an appeal:

- a) *That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map, provided the interpretation of the enforcement officer is a reasonable presumption and the zoning ordinance is unreasonable.*

Current regulations are written in a clear manner which allows the enforcement officer to understand the intent of City Council as it relates to the off-premises signs. This regulation has been in effect since the January 26, 1987 adoption of the Zoning Ordinance (Chapter 106) and the regulation has not been proven to be “unreasonable”.

- b) *That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.*

Current regulations are written in a clear manner that enables individuals to understand City Council’s intent. This enables Staff to provide the information to others and be consistent in the enforcement of this regulation. This consistency in the enforcement of the regulation ensures no “special privilege” to any one property. Granting this request would give the appearance of granting a special privilege to the property owner.

- c) *The decision of the Board must be in the best interest of the community and consistent with the spirit and interest of the City’s Zoning Laws and the Comprehensive Plan of the City.*

Staff believes it would conflict with the intent of the regulation and would not be in the best interest of the community or be consistent with the spirit of the City’s Zoning Ordinance. The applicant’s statement is narrow in interpretation, as it is stated that “the regulation is vague and is being interpreted in an extreme manner.” The intent and purpose of the regulation is clear and understood to the general public. . The enforcement officer’s decision in this case would be in the best interest of the community and would be consistent with the spirit and interest of the City’s Zoning Laws and the Comprehensive Plan of the City.

General Concerns:

Visual and Environmental – Several groups such as Scenic America have complained that billboards on highways cause too much clearing of trees and intrude on the surrounding landscape, with bright colors, lights and large fonts making it hard to focus on anything else, creating a visual pollution. Other groups believe that billboards and advertising in general contribute negatively to the mental climate of a culture by promoting products as providing feelings of completeness, wellness, and popularity to motivate purchase.

Road Safety - Many cities tried to put laws into effect to ban billboards and cited traffic safety and driver distraction as the main reason. All new off-premises signs are prohibited within the City limits of Baytown, Texas. This prohibition applies to all classification of signs, types, and special function signs used as off-premises signs.

Conclusion:

Based on the facts and considerations noted in this report, Staff feels the enforcement officer's decision is correct in this case.

- Allowing the proposed advertising sign to be located within 1,000 feet of an existing advertising sign (appeal upheld).
- Disallowing the proposed advertising sign to be located within 1,000 feet of an existing advertising sign (appeal dismissed).

Appeals:

As per Section 106-196 of the Code of Ordinances of the City of La Porte:
Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the city may present to a court of record a petition for a writ of certiorari, as provided by V.T.C.A., Local Government Code Section 211.011, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the office of the Board of Adjustment.

If there is not adequate room on the remainder of this form to list all pertinent information, please feel free to attach an additional letter or any information and exhibits you feel the Board should consider.

FACTS RELEVANT TO THIS MATTER:

See attached

TYPE OF RELIEF BEING SOUGHT:

GROUNDS FOR THE REQUEST:

Relevant Facts:

By ordinance the City allows off-premise signs to be erected in this zone. In our meeting as of August 1, 2012 with Mr. Huber and Mr. Ramos, we were informed that the sole reason that we were going to be denied the building permit was the basis that there is an existing billboard “across the freeway” within the 1,000’ spacing. The City stated that they now enforce a “radial spacing” that includes signs across the freeways.

LaPorte Section 106-875 Off-premise signs, Section (h) states that “**All off-premise freestanding signs shall be spaced in intervals of not less than 1,000 feet.**” The regulation makes no statement that measurements are to be taken from signs across the freeway or in a radial (circular) manner. The regulation is effectively the same as it was when other off-premise permits were granted (see below).

Type of Relief Being Sought: Permit Issuance at Existing site on Permit Application

Grounds for the Request:

No other cities within our market area in Texas, nor does the Texas Department of Transportation measure spacing from other signs across the freeway in this manner (**See attached Exhibit from TxDot Regs**). The regulation is vague and is being interpreted in an extreme manner. TxDot’s regulations specifically state below:

§21.187. Spacing of Signs.

(c) For a highway on a non-freeway primary system highway and within the incorporated boundaries of a municipality, signs on the same side of the highway may not be erected closer than 300 feet apart.

(d) For the purposes of this section, the space between signs is measured between points along the right of way of the highway perpendicular to the center of the signs.

While at another firm, the applicant has applied for and received several permits (SH 146) from the City of LaPorte whereby the radial spacing was not utilized nor considered in the permitting process. If the City interpreted the regulation in such a manner, these permits too would have been denied due to “radial spacing”, but they were indeed granted and erected (Two off-premise sign permits along the eastern side of SH 146, south of SH 225) without challenge.

Texas Department of Transportation Rules & Regs

SUBCHAPTER I. REGULATION OF SIGNS ALONG INTERSTATE AND PRIMARY HIGHWAYS

§21.187. Spacing of Signs.

(c) For a highway on a non-freeway primary system highway and within the incorporated boundaries of a municipality, signs on the same side of the highway may not be erected closer than 300 feet apart.

(d) For the purposes of this section, the space between signs is measured between points along the right of way of the highway perpendicular to the center of the signs.

(g) The spacing requirements of this section do not apply to signs separated by buildings, natural surroundings, or other obstructions in a manner that causes only one of the signs to be visible within the specified spacing area.

AREA MAP



N 18TH ST

SPENCER HWY

W MAIN ST

1911 W. MAIN ST.



S 17TH ST

1 inch = 150 feet



MR 7-30-12

PERMIT APPLICATION
City of La Po
281-470-5073

GILBREATH & CO.

BRETT E. GILBREATH
PRESIDENT

P.O. BOX 1264 (281) 992-4555 WK
FRIENDSWOOD, TX 77549-1264 (409) 539-2893 CELL
BRETT@GILBREATHANDCO.COM

Building Mechanical _____ *Electrical

Project Address: 1911 Spencer Road (Hwy) Lot: 5-9 011-28

Subdivision: La Porte Block: 727

Owner's Name: Gus Brandon Gilbreath & Company Phone: 281.992.4555

Address: 306 W. Edgewood Friendswood TX 77546
Street City Zip

Contractor: Same Phone: _____

Address: _____ City _____ Zip _____

Contractor Email address: brette@gilbreathandco.com Fax: 281.992.8669 Contact Person: Brett Gilbreath

Engineer: Curtis Thiele

Building Use: Sign Sq. Footage: 672 S.F. # Stories _____

Valuation: \$25,000.00 Describe Work: erect sign on land
OFF-PREMISES SIGN

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

APPLICANTS SIGNATURE _____ DATE: 7.22.2012

APPLICANTS PRINTED NAME BRETT E. GILBREATH

Occupancy Type U Flood Zone _____ Class Work _____ Sq. Ft. NA

Construction Type IF Use Zone LTO # Stories NA Parking Req NA

Last use of Building NA VACANT LOT Date use ceased: NA

Commercial Buildings Plans Only-Fire Marshal Approval _____ Date _____

Checked/Approved for Issuance By: _____ Date _____

CE: NO Special Conditions _____

Taxes: ON HCAD 024-093-000-0001

Permit No. 12-1197 Permit Fee 200.00 Residential driveway tie-in fee: _____
Parkland(New Res. Only): Zone# _____ Fee: _____
Plan Check Fee: 100.00

7-31-12 sign/courtesy - No. MR - per site visit, proposed sign is within 1000' from another Bill board on the North west

Proposed Sign Site - LaPorte

JUL 30 2012

N ↑

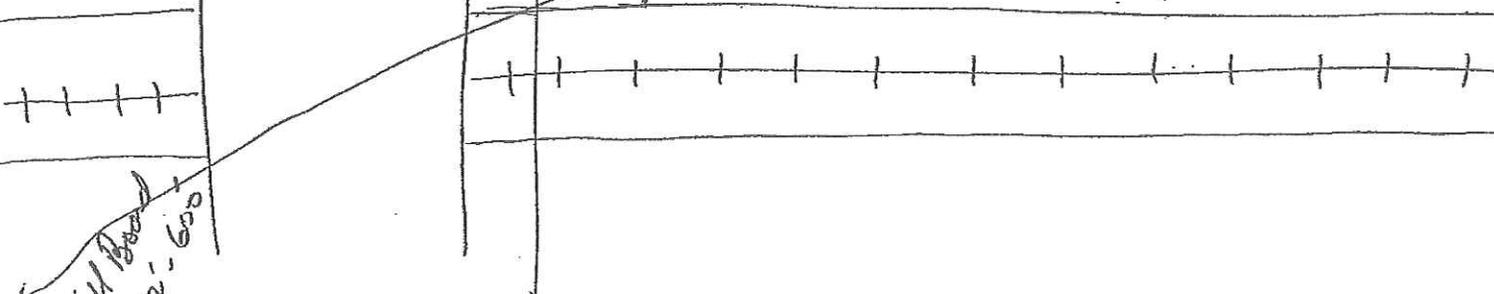
Spencer Hwy

NO billboard signs on this side of road
+1,000'

ROW

Vacant Land

← SIGN SITE HERE



- c. One attached canopy sign may be displayed. Such sign shall not exceed 30 percent of the canopy area. Such sign must be contained within the physical limits of the canopy and shall not extend above or below the canopy.

(Ord. No. 1501-Z, § 6, 12-22-97; Ord. No. 1501-AAAA, § 6, 10-11-04)

Sec. 106-875. Off-premises signs.

(a) Off-premises freestanding advertising signs may be erected in the BI, LI, and HI zoning districts.

(b) Off-premises freestanding public service signs may be erected in the GC, BI, LI, and HI zoning districts.

(c) All off-premises signs shall be constructed with a single steel support pole.

(d) The following size limitations shall apply to all off-premises freestanding signs:

- (1) In controlled access corridors, the size limitations shall be set by the Texas Highway Beautification Act.
- (2) On all other streets, the maximum size shall be 300 square feet and may not have more than two sign faces.

(e) An off-premises sign must be located at least 50 feet from an existing freestanding on-premises sign.

(f) Off-premises signs, when illuminated, must be constructed with upward shielded directional illumination.

(g) The following height limitations shall apply:

- (1) Off-premises public service signs: 18 feet.
- (2) Off-premises advertising signs: 45 feet.

(h) All off-premises freestanding advertising signs shall be spaced in intervals of not less than 1,000 feet.

(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-876. Subdivision marketing signs.

(a) For the purpose of marketing a recorded subdivision, one on-premises freestanding sign of not more than 150 square feet for each road abutting the respective subdivision shall be permitted, provided that such sign shall not be placed within any required yard nor within 25 feet of any property line abutting a street or road right-of-way, and further provided that such sign shall not exceed 20 feet in height.

(b) For the purpose of marketing a recorded subdivision, one off-premises sign of not more than 150 square feet may be permitted for each recorded subdivision in any zoning district. Such sign shall not be placed within 25 feet of any property line and shall not exceed 20 feet in height. The permit for such sign shall expire, unless renewed, two years after the date of issuance of such permit, and provided that each request for permit shall be accompanied by a license and permit fee posted by the respective sign hanger in the amount of \$300.00 for the purpose of ensuring proper location, maintenance, and removal of the respective sign.

(Ord. No. 1501-Z, § 6, 12-22-97)

Sec. 106-877. Temporary signs.

(a) Subject to the provision of this section, temporary signs are prohibited except in the following instances:

- (1) Temporary signs shall be a maximum of 18 inches by 24 inches in size and constructed of all-weather corrugated plastic sheeting with a wooden stake or greater as support.
- (2) Temporary signs may only be placed between the hours of 5:00 p.m. on Friday and 7:00 p.m. on the following Sunday.