

PHILLIP HOOT
Board Member Position 1
THOMAS DEEN
Board Member Position 2
ROD ROTHERMEL
Board Member Position 3
ZBOA Chairman



DENNIS OIAN
Board Member Position 4
NETTIE WARREN
Board Member Position 5
PAT MCCABE
Board Member Alternate 1
JOHN BLAKEMORE
Board Member Alternate 2

**LA PORTE ZONING BOARD OF ADJUSTMENT AGENDA
THURSDAY, MAY 27, 2021
REGULAR SESSION 6 P.M.**

**CITY COUNCIL CHAMBER
LA PORTE CITY HALL, 604 WEST FAIRMONT PARKWAY, LA PORTE, TEXAS, 77571**

Social Distancing protocols will be in effect in the Council Chambers. To attend remotely, join the Zoom meeting online at <https://us02web.zoom.us/j/81097377044?pwd=TUtORzVKN0xyVHRndWUwK2ZURXNmQT09> and use passcode 524087. To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 810 9737 7044, passcode 524087.

- 1. CALL TO ORDER**
- 2. ROLL CALL OF MEMBERS**
- 3. PUBLIC COMMENT** (Generally limited to five (5) minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations.)
- 4. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on March 25, 2021.
- 5. VARIANCE #21-93000002:** Open public hearing to consider Variance #21-93000002, requested by Tammy and John Prince, applicant and owner. The applicant is seeking approval of a variance for a driveway setback at a site located at 218 S. 2nd St., La Porte, Texas, legally described as Lot 20 & the North ½ of Lot 19 and the South ½ of Lot 21, Block 34, Town of La Porte.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Question and Answer
- 6. ADJOURN PUBLIC HEARING**
- 7. CONSIDERATION:** Consider Variance Request #21-93000002
- 8. ADMINISTRATIVE REPORTS**
- 9. BOARD COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

10. 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.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the City Secretary's office (281-470-5021) two (2) working days prior to the meeting for appropriate arrangements.

CERTIFICATION

I do hereby certify that a copy of the **MAY 27, 2021** Planning and Zoning Commission agenda was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times, and to the City's website, LaPorteTX.gov, in compliance with Chapter 551, Texas Government Code.

_____ Title: _____

DATE OF POSTING _____

TIME OF POSTING _____

TAKEN DOWN _____



Approval of Meeting Minutes

- a. March 25, 2021

PHILLIP HOOT
Board Member Position 1
THOMAS DEEN
Board Member Position 2
ROD ROTHERMEL
Board Member Position 3
ZBOA Chairman



DENNIS OIAN
Board Member Position 4
NETTIE WARREN
Board Member Position 5
PAT MCCABE
Board Member Alternate 1
JOHN BLAKEMORE
Board Member Alternate 2

MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT MARCH 25, 2021

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, March 25, 2021, at the City Hall Council Chambers, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Board Members present: Chairman Rod Rothermel, Thomas Deen, Dennis Oian, and Nettie Warren

Alternates present: Pat McCabe and John Blakemore

Board Members absent: Phillip Hoot

City Staff present: Teresa Evans, Planning and Development Director; Ian Clowes, City Planner; Clark Askins, Assistant City Attorney; Chase Stewart, Planning Technician

1. **CALL TO ORDER:** – Chairman Rothermel called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – All members and alternates were present with the exception of Board Member Phillip Hoot.
3. **CITIZEN COMMENT** *(Generally limited to five minutes per person; in accordance with state law, the time may be reduced if there is a high number of speakers or other considerations).*

None.

4. **CONSIDER APPROVAL OF THE MEETING MINUTES:**

- a. **Approve the minutes of the meeting held on January 28, 2021.**

Board Member Oian moved to approve the meeting minutes; the motion was adopted, 5-0.

5. **SPECIAL EXCEPTION #21-94000001:** Open public hearing to consider Special Exception #21-94000001, requested by Mark Follis, applicant; on behalf of Mark Rosado, owner. The applicant is seeking approval of a special exception to waive the off street parking requirements for a proposed development on the property located at 116 S. Broadway St., La Porte, Texas, legally described as Lots 22-25 & S ½ of Lot 26, Block 37, Town of La Porte.

Planning Technician, Chase Stewart, presented the proposed special exception request.

Applicant Mark Follis and Mark Rosado (owner) both spoke about the project proposal which prompted the special exception request.

6. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:24 PM.

7. **CONSIDERATION:**

Board members discussed the merits of the special exception request.

Board Member Oian made a motion to approve the requested special exception; the motion was adopted, 4-1. Board Member Warren was the dissenting vote.

8. ADMINISTRATIVE REPORTS:

None.

9. BOARD COMMENTS regarding matters appearing on the agenda; recognition of community members, city employees, and upcoming events; inquiry of staff regarding specific factual information or existing policies.

None.

ADJOURN – Chairman Rothermel adjourned the meeting at 6:26 PM.

Chase Stewart, Zoning Board of Adjustment Secretary

Rod Rothermel, Zoning Board of Adjustment Chairman



Planning and Development Department Staff Report Variance – #21-93000002

DISCUSSION

Location:

The subject site is located at 218 S. 2nd St.

Background Information:

The applicant seeks approval of variance request #21-93000002 to construct a driveway that is setback one and a half (1.5) feet from a side property line. Per Section 106-835, Figure 10-2, the minimum setback for a driveway from a side property line is three (3) feet. The attached Exhibit D is a copy of the application and a letter of explanation submitted by the applicant.

The site area is currently zoned R-1, Low-Density Residential, and has an existing single-family home on-site. The applicant desires to extend and improve the driveway to align with their existing curb cut on S. 2nd St.

The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	R-1, Low-density Residential	Single-family homes
South	R-1, Low-density Residential	Single-family homes
West	R-1, Low-density Residential	Single-family homes
East	R-1, Low-density Residential	Single-family homes

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-171 were performed in accordance with code provisions, including the following: notice in a newspaper of general circulation at least fifteen (15) days prior to the hearing; written notice mailed to owners of real property within 200 feet of the site within ten (10) days of the hearing; and a sign was posted on site within ten (10) days of the hearing. In accordance with state law, notice of the public hearing was also posted at City Hall and on the City's website.

Applicable Code Provisions:

Section 106-835, Figure 10-2, stipulates that a residential driveway must be located a minimum of three (3) feet from a side property line.

Analysis:

The applicant seeks approval of a single variance that would allow for the construction of a residential driveway that is one and half (1.5) feet from the side property line. This distance is one and a half (1.5) feet closer to the side property line than what is permitted by the City of La Porte's Code of Ordinances.



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 variances will not be contrary to the public interest.	Granting this variance would not be contrary to the interest of the surrounding single-family homes and would be consistent with other driveways along this portion of S. 2 nd St.
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 literal enforcement of this chapter would not generate an unnecessary hardship as described in the zoning code, nor would it prevent the applicant from constructing a driveway.
c. That by granting the variance, the spirit of this chapter will be observed.	The requested variance does not meet the required threshold to consider this a hardship.

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 (10) days after the filing of the decision in the office of the Board of Adjustment.

ATTACHMENTS

- Exhibit A: Area Map
- Exhibit B: Zoning Map
- Exhibit C: Land Use Map
- Exhibit D: Application

AREA MAP

VARIANCE
#21-93000002

218 S. 2nd St.

Legend



Subject Parcel

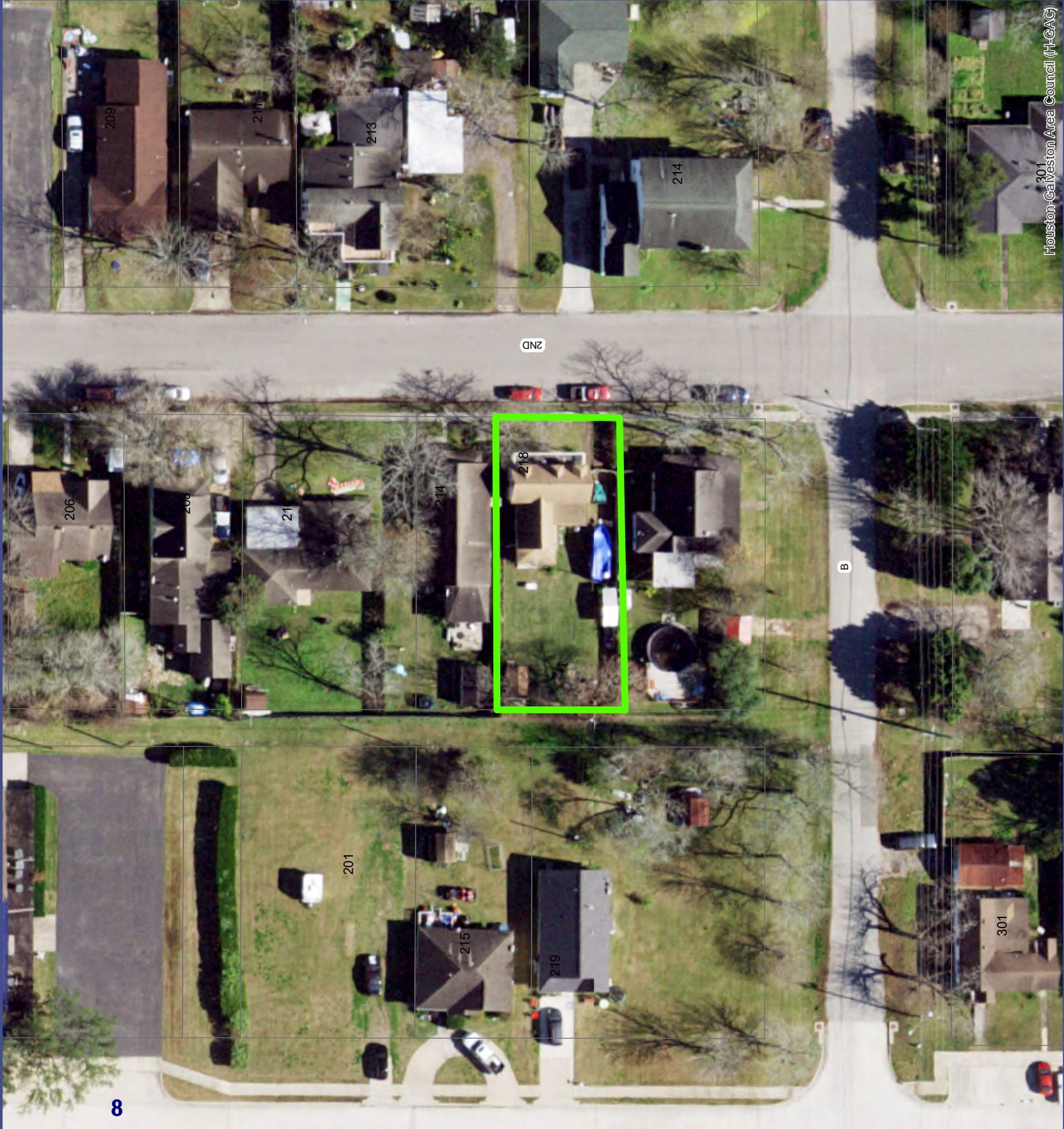


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 52 feet

MAY 2021
PLANNING DEPARTMENT



ZONING MAP

VARIANCE
#21-93000002

218 S. 2nd St.

Legend



Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 52 feet

MAY 2021

PLANNING DEPARTMENT



FLUP MAP

VARIANCE
#21-93000002

218 S. 2nd St.

Legend



Subject Parcel



This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 52 feet

MAY 2021

PLANNING DEPARTMENT



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 218 S 2nd St, La Porte, TX 77571
Legal description where Variance is being requested: LT 20 & N 1/2 OF LT 19 & S 1/2 OF LT 21 BLK 34 LA PORTE
HCAD Parcel Number where Variance is being requested: 0231710000019
Zoning District: 4, Low Density Residential Lot area: 6,250 sq ft

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

Description of Request: Driveway code requirement list driveways as 12' wide with a 3' set back from side property lines. We are requesting a variance of 1' 6" set back from the south side property line, from the street to just past our home as the space between the home and line is only a 15' width.

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

PROPERTY OWNER(S) INFORMATION

Name: Tammy & John Prince
Company (if applicable): _____
Address: 218 S 2nd St
City: La Porte State: TX Zip: 77571
Phone: 346-233-2878 Email: avcontrolfreak@gmail.com

AUTHORIZED AGENT (If other than owner)

Name: _____
Company (if applicable): _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Email: _____

OWNER(S) & AGENT CERTIFICATION

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

Agent's Signature: Tammy Prince Date: 4/30/21
Owner(s)' Signature(s): John Prince Date: 4-30-21

STAFF USE ONLY:

Case Number:

21-93000002

Date Application Received:

5.3.21



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. There is a 24' length of the proposed driveway that will run along a narrow 15' width between the house and south side property line. The only way to meet the required minimum of a 12' wide driveway and still maintain a 3' set back from the side property line would be to abut the driveway to the house. Besides improving the home with a driveway, we are also trying to alleviate a muddy, almost unusable dirt driveway, every time there is a more than light rain. We then must use only street parking in order to reach our vehicles.
2. That side of the house incorporates the master bath, along with its plumbing. That plumbing also branches off to feed the upstairs bathroom. While it may not look like it from the outside, this 1940 built home is pier and beam construction, with the main plumbing lines running underneath the home. As there is no space between the ground and the bottom of the structure, we would have no access to that plumbing with a driveway right next to the house. Meaning plumbing repairs would require digging a temporary tunnel to reach it.
3. We have a drainage issue underneath this home that we are slowly addressing by various means. There is a 1' space under most of the home that retains rain water like a pool. We assume by the age of the home that the yard has slowly been built up around it creating this issue. We just put in a curtain drain on the side of the house in question, 3" away from the side to help with this issue. Installing a concrete driveway over the top of the drain will not only make it useless, but divert more runoff under the home, compounding the issue.
4. On a side note, this home needs leveling. Out of 3 reputable contractors we contacted for quotes, only 1 would give us a quote because of the difficult access and pooling issue. But that company will not guarantee their work unless we solve the pool issue before they perform the work. We asked all 3 about raising the home, and all agreed it would be cost prohibitive & we would be better off knocking it down and rebuilding. I realize "financial hardships" are not considered in these applications, but rebuilding is not possible for us & more than a hardship.
5. We are also asking that we be able to continue the 1' 6" setback from the front south corner of the home to the sidewalk/street. This is another 17' 4" run. This is not only for consistency's sake, but to also prevent our cars from accidentally pulling off the edge of the driveway should we offset it from the front yard to the side area in question. But if that is not possible and approved, we will ask our contractor to incorporate the offset at the transition point of where the home structure begins.



Variance Application

Planning and Development Department

AFFIDAVIT OF POSTING

ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 218 S 2nd St, La Porte, TX 77571
LEGAL DESCRIPTION: LT 20 & N 1/2 OF LT 19 & S 1/2 OF LT 21 BLK 34 LA PORTE
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: May 17th, 2021
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

Tammy Prince
Applicant's Signature
Tammy Prince
Applicant's Printed Name

Subscribed and sworn before me this 30 day of April, 2021, by
Tammy Prince / John Prince (Print Applicant's Name).

Jennifer Withers
Notary Public

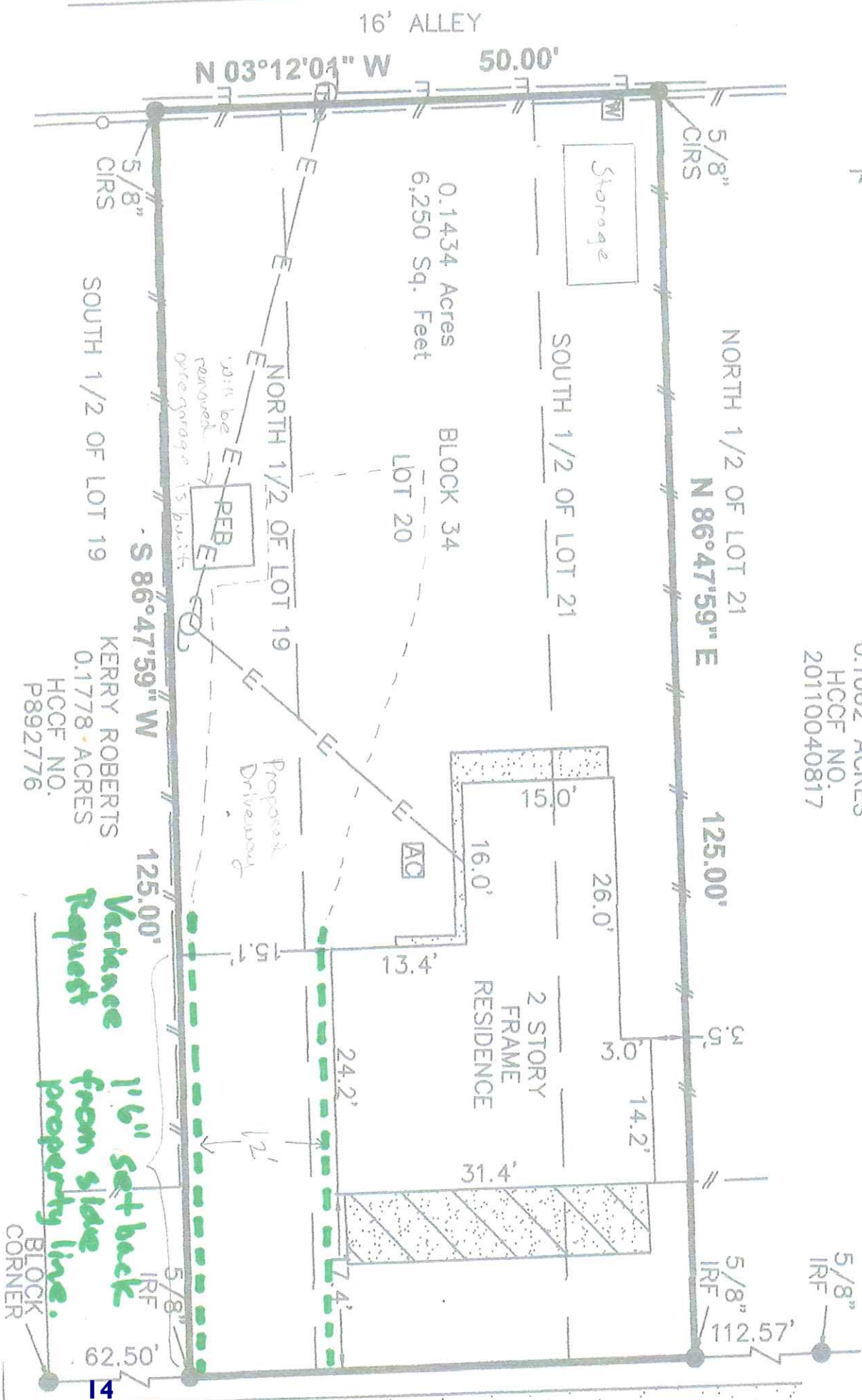
(Seal)

My commission expires: 5-18-2022





FOX VERNON
0.1062 ACRES
HCCF NO.
20110040817







Adjournment

- a. Adjourn the meeting.