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, AUGUST 26, 2021 REGULAR SESSION 6 P.M.

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

To attend remotely, join the Zoom meeting online at: https://us02web.zoom.us/j/84350502408?pwd=aFV4V0ZjVktGTEJ3ZjZsR05HY1RDdz09 To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 843 5050 2408, passcode 580617.

### 1. CALL TO ORDER

#### 2. ROLL CALL OF MEMBERS

#### 3. CONSIDER APPROVAL OF THE MEETING MINUTES:

- a. Approve the minutes of the meeting held on May 27, 2021.
- 4. VARIANCE #21-93000003: Open a public hearing to consider Variance #21-93000003, requested by Oakland Land & Development, LLC, applicant and owner; for a variance to allow for a reduction in the side yard setback requirement for a commercial building, on a tract of land located at the 400 Block of N. 11th St. and legally described as Lots 19-28, Block 96, Town of La Porte.
  - a. Staff Presentation
  - b. Applicant Presentation
  - c. Public Comments (Limited to 5 minutes per person)
  - d. Question and Answer

### 5. ADJOURN PUBLIC HEARING

- 6. CONSIDERATION: Consider Variance Request #21-93000003
- 7. ADMINISTRATIVE REPORTS
- **8. BOARD COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
- 9. 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 **AUGUST 26, 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. May 27, 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 MAY 27, 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; Board Member, Thomas Deen; Board Member, Dennis Oian; Alternate Member, Pat McCabe; and Alternate Member, John Blakemore

Board Members absent: Board Member, Phillip Hoot and Board Member, Nettie Warren

**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 and Board Member Nettie Warren.
- **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 March 25, 2021.

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

5. Variance #21-93000003: 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.

Planning Technician, Chase Stewart, presented the proposed variance request.

Applicant Tammy Prince spoke about the need for a new paved driveway and explained the factors behind the setback reduction request.

6. ADJOURN PUBLIC HEARING: Public Hearing was adjourned at 6:11 PM.

#### 7. CONSIDERATION:

Board members discussed the merits of the variance request.

Alternate Member McCabe made a motion to approve the requested variance; the motion was adopted, 5-0.

#### 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 6:14 PM.

Chase Stewart, Zoning Board of Adjustment Secretary

Rod Rothermel, Zoning Board of Adjustment Chairman



### Planning and Development Department Staff Report Variance – #21-93000003

### DISCUSSION

Location: The subject site is located at the 400 Block of N. 11<sup>th</sup> St.

#### Background Information:

The applicant seeks approval of variance request #21-93000003 to construct a commercial building that is setback three (3) feet from a side property line. Per Section 106-522, Table A, the minimum side yard setback for a commercial building in the Light Industrial (LI) zoning district is ten (10) 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 LI, Light Industrial, and is undeveloped. The applicant has submitted a site plan application showing a proposed 4800 square foot office warehouse building along with parking.

	Zoning	Land Use
North	LI, Light Industrial	Multifamily/Duplex
South	LI, Light Industrial	Vacant Building
West	LI, Light Industrial	Industrial Building
East	GC, General Commercial	Commercial/Industrial Strip Center

The following table summarizes the surrounding zoning and land uses:

#### 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, a notice of the public hearing was also posted at City Hall and on the City's website.

#### Applicable Code Provisions:

Section 106-522, Table A, stipulates that a commercial structure in the LI zoning district must be located a minimum of ten (10) feet from a side property line.

#### Analysis:

The applicant seeks approval of a single variance that would allow for the construction of a commercial building that is three (3) feet from the side property line. This distance is seven (7) 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 have a significant impact on the adjacent residential use. The existing structure has multiple windows that look out to the adjacent property. Allowing an industrial building to be built seven (7) feet closer to the adjacent property is not advisable.		
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 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 building with the required amount of parking. No hardship has been identified.		
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

AUGUST 2021 PLANNING DEPARTMENT

Area Council (H-GAC

Houston-Galveston

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1 inch = 60 feet

property boundaries

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







AUGUST 2021 PLANNING DEPARTMENT

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1 inch = 60 feet

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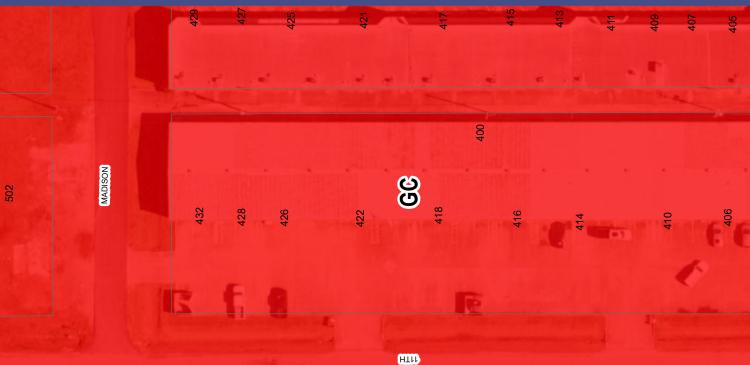


Variance

#21-93000003

415 N. 11th St.







AUGUST 2021 PLANNING DEPARTMENT

1 inch = 60 feet

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This product is for informational





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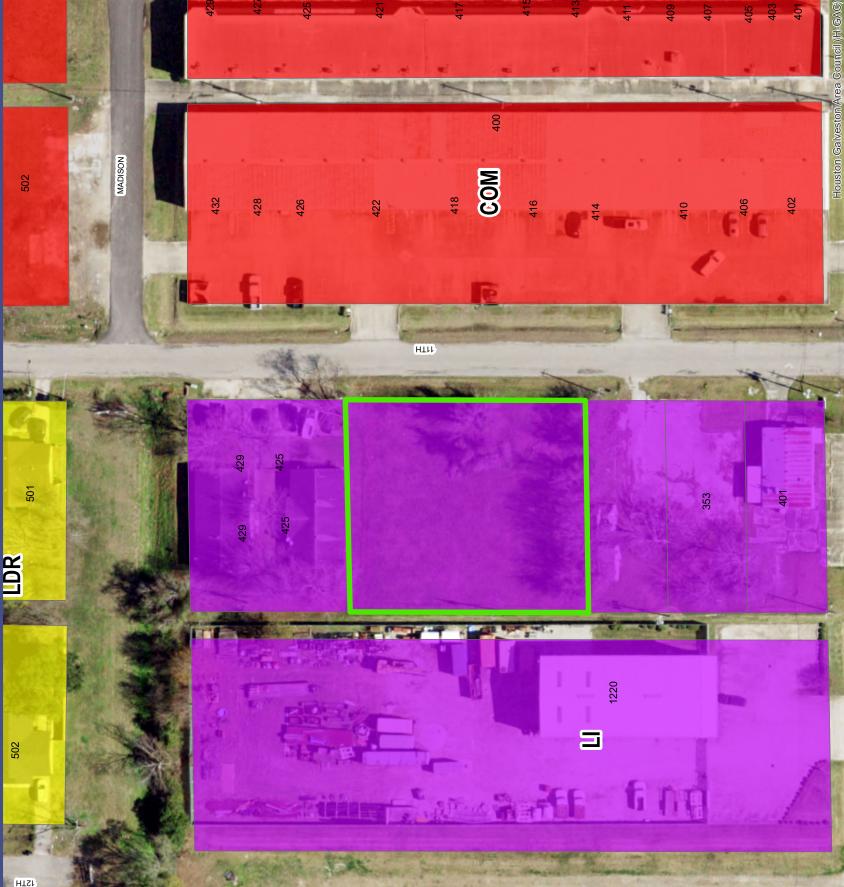


Variance #21-93000003

415 N. 11th St.

Subject Tract

Legend



# **EXHIBIT D**



# **Variance Application**

Planning and Development Department

PROJECT INF	ORMATION
Address where Variance is being requested: 415 N 11th Stree	t
Legal description where Variance is being requested: Lots 19-28	3, Blk 96, Town of La Porte
HCAD Parcel Number where Variance is being requested: 023210	
Zoning District: Light Industrial (LI)	Lot area: Lots 19 thru 28
A Variance request is hereby made to the Board of Adjustment of t	
	rom City Ordiances with respect to the set back distance
along the northern property line. Applicate asks that	
Attached hereto is a complete listing of the reason(s) why such Va	riance should be granted.
PROPERTY OWNER	R(S) INFORMATION
<sub>Name:</sub> Oakland Land & Development, LLC	
Company (if applicable):	
Address: PO Box 952	
<sub>City:</sub> Natchez	State: MS Zip: 39121
0.000	andland@gmail.com
AUTHORIZED AGENT	(If other than owner)
Name:	
Company (if applicable):	
Address:	
City: State: Zip:	
Phone: Email:	
OWNER(S) & AGE	INT CERTIFICATION
I hereby depose and state under the penalties of perjury that all st this application are true and correct and the application is comple	tatements, proposals and/or plans submitted with/or contained in te to the best of my knowledge and belief.
Agent's Signature:	Date:
Owner(s)' Signature(s)	Date: Jeexe 28,20
STAFF USE ONLY:	Date Application Received:
Case Number: 21 - 93000003	3 7.27.21



## **Variance Application**

**Planning and Development Department** 

#### **REASON(S) FOR VARIANCE REQUEST**

- 1. Applicant is proposing a 4800 square foot office warehouse building with the northern wall facing an existing structure that is already approximately 5 feet from the property line. It is apparent that the builder never intended for the occupants of the existing structure to use the southerly side for entry or exist as there are no doors located on that side of the building. The issuance of a variance as we have requested would in no way be contrary to the public interest as our structure would meet or exceed all code requirements for the variance as approved. Also, our structure would have no wall penetrations on the North side, except one window that will be fireproof.
- 2. The issuance of the variance we have requested should have a positive effect on the drainage for our property as well as the adjoining properties. The attached document labled C2 Utility and Drainage reflects the fact that movement of the building 7 feet further North, given the topography of the property in question, should improve the overall drainage of the site. Water flowing in the public alley to the west will be directed around the southerly side of our building and not between the two structures. The parking area will be used for detention and provide a more even flow into the 11th Street drainage ditch.

3.

4.

5.

### OAKLAND LAND & DEVELOPMENT, LLC P.O. BOX 952 NATCHEZ, MS 39121 601-442-6648

June 28, 2021

Mr. Chase Stewart Planning Technician 604 W. Fairmont Parkway La Porte, TX 77571

Re: Set Back Variance Request for 415 N. 111th Street along the northern property line

Dear Mr. Stewart:

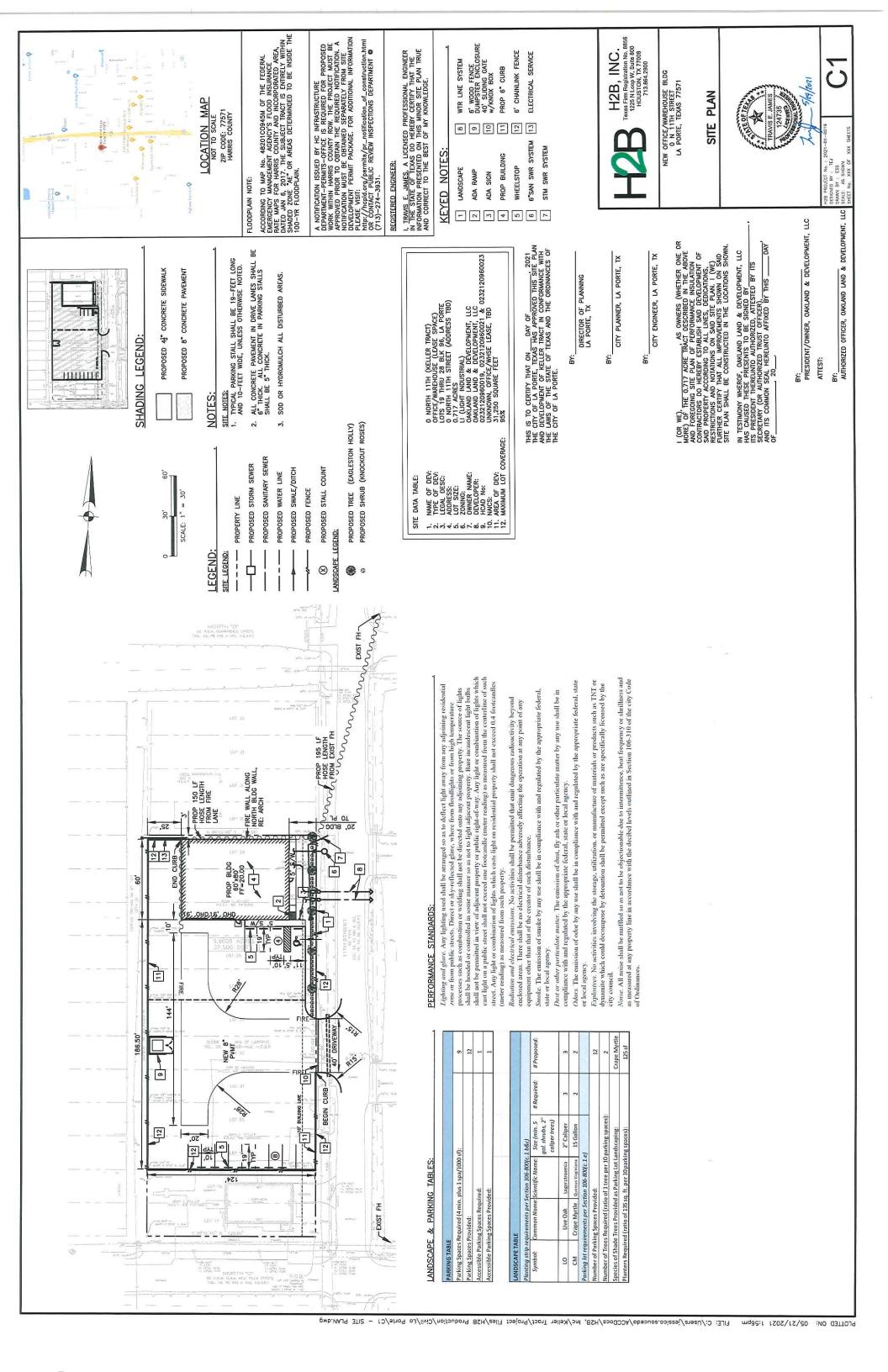
We are seeking a variance from the city ordinances with respect to the srt back distances along our northerly property line from 10' to 3'. As outlined in our Application for Set Back Variance, the issuance of this variance would in no way be contrary to the public interest as construction would center around the safety of neighboring structures and would in fact improve the drainage given the topography of the area and its presence in the 100 year flood plain. We intend install all necessary firewall protection along the northern side of the building with proper wrap around to protect the adjacent property owner.

If you need any additional information please feel free to contact my office.

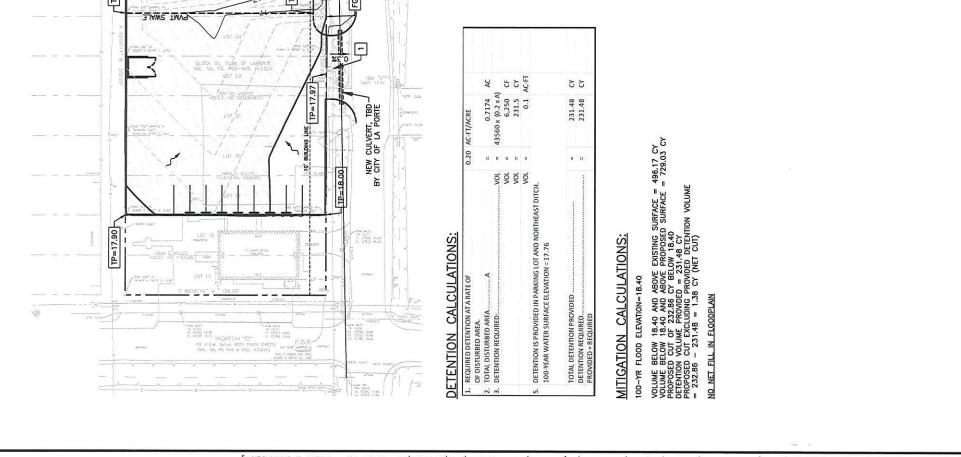
Sincerely, Oakland Land & Development, LLC

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Jeff Burkhalter



ScALE: 1" = 30'	SHADING LEGEND: GRADING LEGEND: 7-75-7 PROPOSED MAJOR CONTOUR (1.0') 7-75-7 PROPOSED MINOR CONTOUR (1.0') 7-7-7 PROPOSED MINOR CONTOUR (0.2') UTILITY LEGEND: 7-7-7 PROPOSED MINOR CONTOUR (0.2') 10-7-7 PROPOSED MINOR CONTOUR (0.2') 10-7-7 PROPOSED MINOR CONTOUR (0.2') 10-7-7 PROPOSED MINOR CONTOUR (0.2')	FLOODPLAIN NOTE: ACCORDING TO MAP No. 48201C0945M OF THE FEDERAL ACCORDING TO MAP No. 48201C0945M OF THE FEDERAL ENERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAPS FOR HARRIS COUNTY AND INSURANCE RATE MAPS FOR HARRIS AGENCY'S AUGORIPORATED AREA DATED JAN 2017. THE SUBJECT TRACT IS ENTIRELY WITHIN SHADED ZONE "AE" OR AREAS DETERMINDED TO BE INSIDE THE 100-YR FLOODPLAIN. A NOTFICATION ISSUED BY HC INFRASTRUCTURE DEPARTMENT-PERMIT PACKAGE. FOR ADDITIONAL INFORMATION WORK WITHIN HARRIS COUNTY ROW THE PROJUST ON STE A NOTFICATION INSUED BY HC INFRASTRUCTURE DEPARTMENT-PERMIT PACKAGE. FOR ADDITIONAL INFORMATION PLEASE VISIT. DUEXCOPMENT PERMIT PACKAGE. FOR ADDITIONAL INFORMATION PLEASE VISIT.	(713)-274-3931. REGISTERED ENGINEER: IL TRAVIS E. JAMES. A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF TEXAS OD A RENERY THAT THE INFORMATION PRESENTED ON THIS MINOR SITE PLAN THE NOT CORRECT TO THE BEST OF MY KNOWLEDGE. AND CORRECT TO THE BEST OF MY KNOWLEDGE. AND CORRECT TO THE BEST OF MY KNOWLEDGE. AND CORRECT TO THE BEST OF MY KNOWLEDGE. TO COMPARE THE REMEMBINIAN OF BEST TO COMPARE THE REMEMBINIAN OF THE PLAN THE	NEW OFFICE/WAREHOUSE BLDG UN PORTE, TEXAS 77571 SITE PLAN - UTILITY & DRAINAGE DRAINAGE	Had Project No. : 2021-01-0019 DESORTED BY : TEJ DESORTED BY : TEJ
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# Adjournment

a. Adjourn the meeting.