

PHILLIP HOOT
Board Member Position 1
PAT MCCABE
Board Member Position 2
JOHN BLAKEMORE
Board Member Position 3
DENNIS OIAN, CHAIRMAN
Board Member Position 4



NETTIE WARREN
Board Member Position 5
JON WILLIS
Board Member Alternate 1
FRANK NANCE
Board Member Alternate 2

**LA PORTE ZONING BOARD OF ADJUSTMENT AGENDA
THURSDAY, OCTOBER 27, 2022
REGULAR MEETING 6 P.M.**

**CITY COUNCIL CHAMBERS
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/87270844081?pwd=Y1FNL1UwaXFhMG9vY1VWenRVNTRjZz09>

To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 872 7084 4081, passcode 616516.

-
- 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 September 22, 2022.
 - 4. SPECIAL EXCEPTION #22-94000001:** Open a public hearing to consider Special Exception Request #22-94000001, a request by Tajudeen Olajuwon, applicant and owner, for a special exception to allow for a reduction of the required rear setback in the R-1 zoning district, on a tract of land located at 10620 Deaf Smith St. and legally described as Lots 301 and 302, Block 6, Battleground Estates Sec. 2, Harris County, TX.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Adjourn Hearing
 - 5. BOARD DISCUSSION AND POSSIBLE ACTION:** Consider Special Exception Request #22-94000001.
 - 6. ADMINISTRATIVE REPORTS**
 - 7. BOARD COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.
 - 8. ADJOURN**

A quorum of City Council members may be present and participate in discussions during this meeting; however, no action will be taken by the Council.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact the Planning Department (281-470-5057) three (3) business days prior to the meeting for appropriate arrangements.

CERTIFICATION

I do hereby certify that a copy of the **OCTOBER 27, 2022** Zoning Board of Adjustments meeting 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 _____



Zoning Board of Adjustments
October 27, 2022 – Approval of Meeting Minutes

Approval of Meeting Minutes

- a. September 22, 2022

PHILLIP HOOT
Board Member Position 1
PAT MCCABE
Board Member Position 2
JOHN BLAKEMORE
Board Member Position 3



DENNIS OIAN
Board Member Position 4
NETTIE WARREN
Board Member Position 5
VACANT
Board Member Alternate 1
VACANT
Board Member Alternate 2

MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT SEPTEMBER 22, 2022

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, September 22, 2022, 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: Board Member, Dennis Oian; Board Member, Pat McCabe; Board Member, Nettie Warren; and Board Member, John Blakemore

Board Members absent None

City Staff present: Ian Clowes, City Planner; Clark Askins, Assistant City Attorney; Clayton Price, Planning Technician

- 1. CALL TO ORDER:** – Assistant City Attorney Clark Askins called the meeting to order at 6:01 p.m.
- 2. ROLL CALL OF MEMBERS:** – Board Member, Pat McCabe; Board Member, Dennis Oian; Board Member, Nettie Warren; and Board Member, John Blakemore were present.
- 3. APPOINTMENT OF CHAIRPERSON:**

Board Member Blakemore made a motion to appoint Dennis Oian as Chairman; the motion passed, 4-0.

- 4. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on April 28, 2022.**

Board Member McCabe moved to approve the meeting minutes; the motion was adopted, 4-0.

- 5. VARIANCE #22-93000005:** Open a public hearing to consider Variance Request #22-93000005, a request by Moruf Jimoh, applicant, on behalf of Ben Deanda, owner, for a variance to reduce the required setback for a proposed driveway, on a tract of land located at 11208 N. P Street and legally described as Tract 392C, La Porte Outlots, Harris County, TX.

City Planner, Ian Clowes, presented the proposed variance request.

Henry Rubach, 11202 N. P St. spoke in opposition to the proposed variance request.

- 6. ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:16 PM.

- 7. CONSIDERATION:**

Board members discussed the merits of the variance request.

Board Member Blakemore made a motion to approve the requested variance; the motion was adopted, 4-0.

8. **VARIANCE #22-93000006:** Open a public hearing to consider Variance Request #22-93000004, a request by Hannibal Almodovar, applicant and owner, for a variance to allow for a fourteen (14) foot tall accessory structure, on a tract of land located at 310 N. 7th Street and legally described as Lots 10-13, Block 78, Town of La Porte, Harris County, TX.

City Planner, Ian Clowes, presented the proposed variance request.

Ryan Matthis, 712 S. Lobit, spoke in favor of the proposed variance request.

9. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:25 PM.

10. CONSIDERATION:

Board members discussed the merits of the variance request.

Board Member McCabe made a motion to approve the requested variance; the motion was adopted, 4-0.

11. ADMINISTRATIVE REPORTS:

None.

12. **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 Oian adjourned the meeting at 6:28 PM.

Clayton Price, Planning Technician

Dennis Oian, Chairman



Planning and Development Department Staff Report Special Exception – #22-94000001

DISCUSSION

Location:

The subject site is located at 10620 Deaf Smith.

Background Information:

The applicant seeks approval of Special Exception request #22-94000001 to allow for a decrease in the required rear setbacks for a proposed single-family residence. Per Section 106-333, a single-family detached residence requires a fifteen (15) foot setback from the rear property line. The applicant is requesting a reduction of the rear setbacks to five (5) feet.

Section 106-191 (b)(2) b. stipulates a special exception for rear yard requirements to be granted if the actual rear yard setback of any four or more lots in the same block does not meet the rear yard requirements of these regulations. Analysis through GIS has shown four (4) lots within the same block to have a setback of approximately five (5) feet from the lot line. Additionally, two (2) lots within the same block have a rear setback of approximately ten (10) feet.

The 0.25-acre site is currently zoned Low Density Residential (R-1) and is located within the Battlegrounds Estates subdivision.

The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	Low Density Residential (R-1)	Single Family
South	Low Density Residential (R-1)	Single Family
West	Low Density Residential (R-1)	Single Family
East	Low Density Residential (R-1)	Single Family

Notification Requirements:

Staff finds that the public hearing notification requirements outlined in Section 106-194 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 106-333, stipulates that a single-family residence requires a fifteen (15) feet rear setback.



Zoning Board of Adjustments
October 27, 2022 – Special Exception #22-94000001

Analysis:

The applicant seeks approval of a special exception that would allow for the construction of two individual single-family residences with a five (5) feet rear setback.

Section 106-191 of the Zoning Ordinance states that the term “special exception” represents a “deviation from the requirements of this chapter, specifically enumerated herein, which shall be granted only in the following instances, and then only when the board finds that such special exception will not adversely affect the value and use of adjacent or neighboring property or be contrary to the best public interest. The following table outlines those criteria and staff’s analysis of those criteria:

Criterion:	Staff Finding:
a. That the granting of the special exception will not be contrary to the public interest.	The granting of this special exception to the applicant would be in line with adjacent neighbors.
b. That by granting the special exception, the spirit of this chapter will be observed.	The spirit of this section of the code will be met with the granting of the requested special exception.

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: Application

Area Map

Special Exception
#22-94000001

10620 Deaf Smith St.

ROBINSON

8

DEAF SMITH

BOIS DARC

ROBINSON

Legend



Subject Tracts



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 = 90 feet

SEPTEMBER 2022
PLANNING DEPARTMENT

Zoning Map

Special Exception
#22-94000001

10620 Deaf Smith St.

ROBINSON

ROBINSON

DEAF SMITH

R-1

BOIS DARC

Legend



Subject Tracts

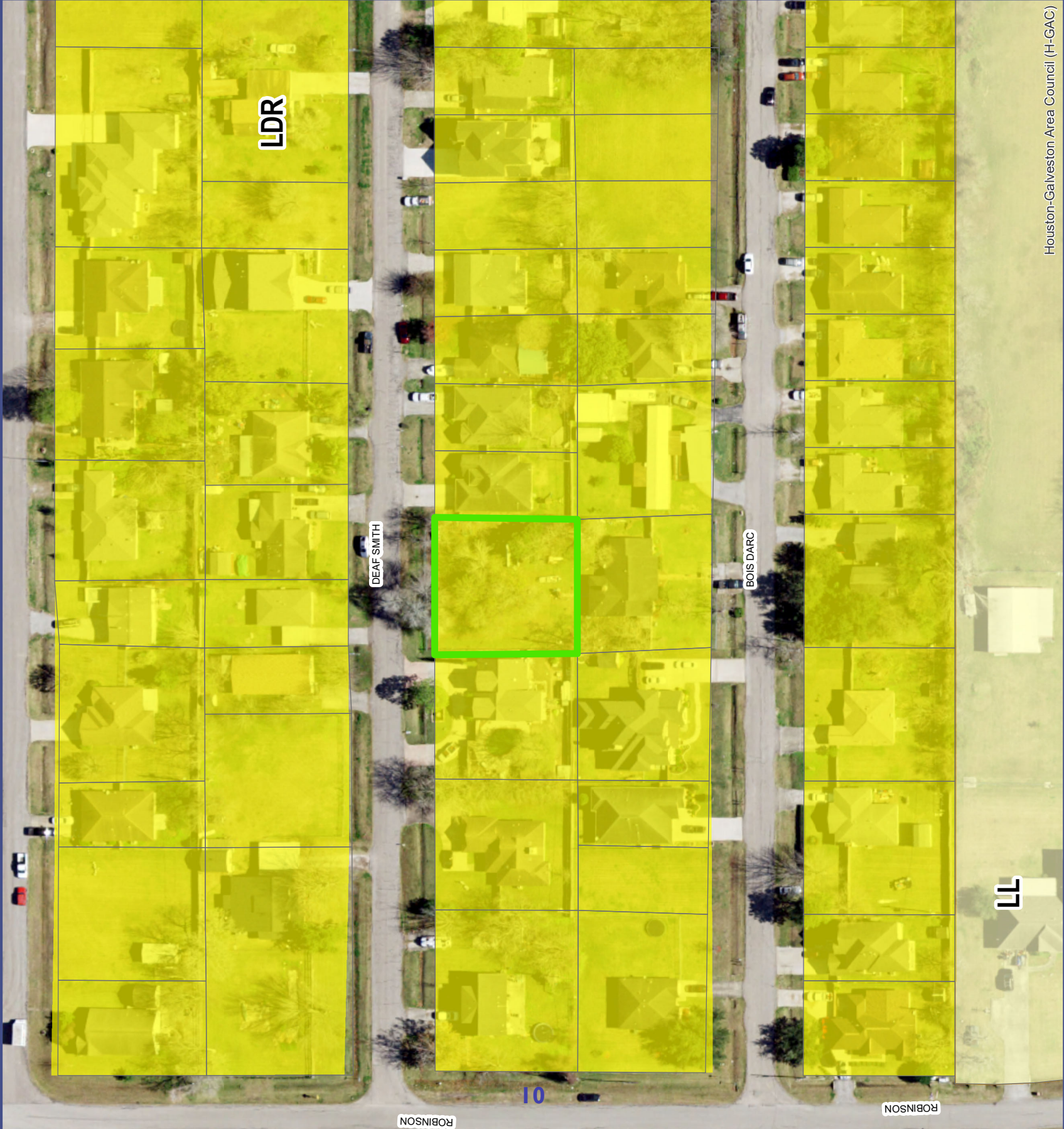


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SEPTEMBER 2022
PLANNING DEPARTMENT



FLUP Map

Special Exception
#22-94000001

10620 Deaf Smith St.

Legend



Subject Tracts



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1 inch = 90 feet

SEPTEMBER 2022
PLANNING DEPARTMENT



Special Exception Application

Planning and Development Department

PROJECT INFORMATION

Address where Special Exception is being requested: 10620 deaf smith st, la porte Tx 77571

Legal description where Special Exception is being requested: Lot 3 blk 8 section 2

HCAD Parcel Number where Special Exception is being requested: 0800220000301

Zoning District: RESIDENTIAL

Lot area: 2959

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

Description of Request: There is no build lines or easements listed on the survey on the property. many houses in the area has the same amount of back yard feet

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

PROPERTY OWNER(S) INFORMATION

Name: TAJUDEEN OLAJUWON

Company (if applicable): HTO LLC

Address: 9516 MASTERS RD.

City: MANVEL

State: TX

Zip: 77578

Phone: 713 922 0272

Email: Tajudeen0272@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: _____

Date: _____

Owner(s)' Signature(s): _____

Date: 8/29/22

STAFF USE ONLY:

Case Number:

22-94000001

Date Application Received:

9.02.2022

Tajudeen Olajuwon

9516 Masters Road

Marvel

Texas, 77578

8/28/2022

To whom it may concern,

The survey does not list any build line or easement to be 15' from the rear of the property. This plan shows that it is compliant and fits within the build lines and any easements of the property. There are many houses in that neighborhood that don't have 15 ' setbacks to the property line in the back. In addition to this, it would create an immense financial strain if this plan is unable to be enacted after much of the budget allocation has already gone towards this plan.

Thank you,

Tajudeen Olajuwon

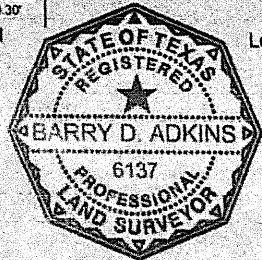
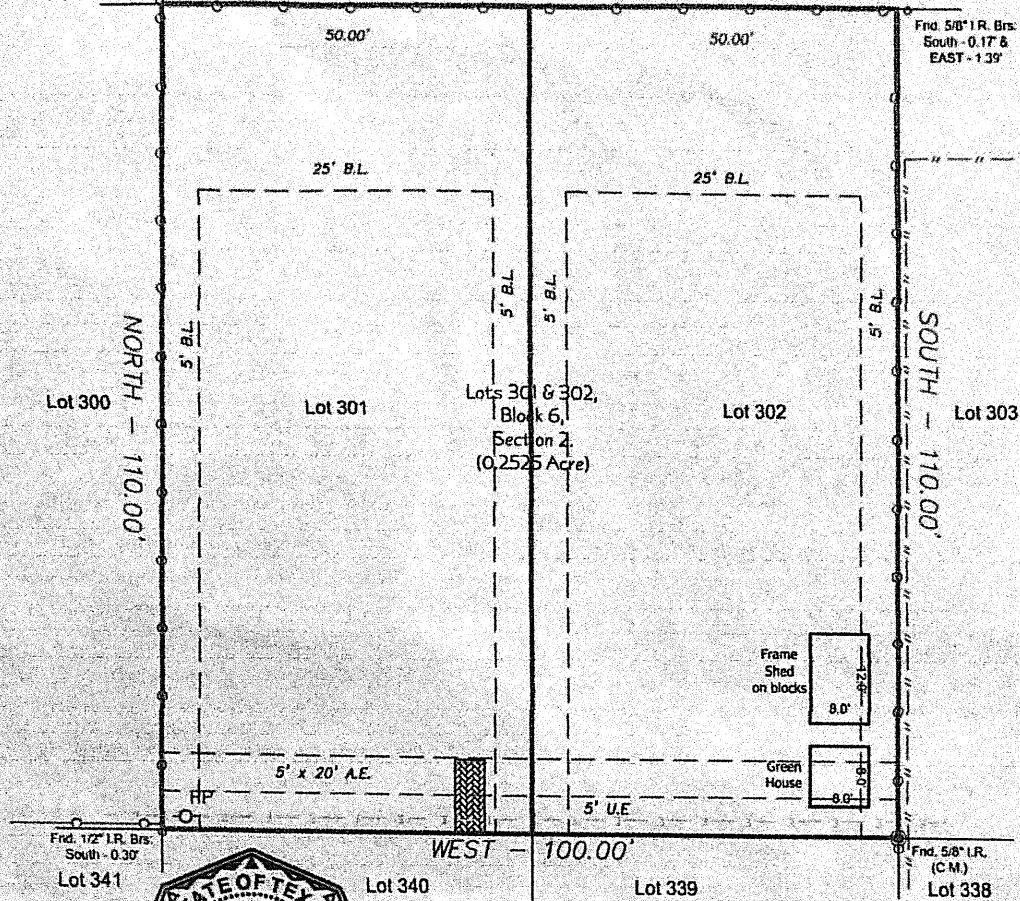
SCALE: 1" = 20'



Fnd. 1/2" I.R. Brs.
N 46°18'34" W - 0.49'
(D.C.L.)

DEAF SMITH

(60' R.O.W.)
EAST - 100.00'



Notes for Borrowings: Record plat.
- Distances shown are ground distances.
- All abstracting done by title company.
- All B.L.'s & U.E.'s taken from recorded plat unless otherwise noted.
- Dimension ties from improvements to property lines are calculated and should not be relied upon for construction and/or removal of any improvements including fences.
- Building dimensions may not be used to calculate square footage.
- This property subject to any and all recorded and unrecorded easements. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership title evidence.
- 5' B.L.'s per Volume 2591, Page 300 & Volume 2614, Page 659, both of the Harris County Deed Records.

LEGEND:

U.E. = Utility Easement
D.E. = Drainage Easement
B.L. = Building Line
G.E. = Guy Easement
I.R. = Iron Rod
I.P. = Iron Pipe
P.I.P. = Pinch Iron Pipe
C.M. = Control Monument
Stm.S.E. = Storm Sewer Easement
San.S.E. = Sanitary Sewer Easement
H.C.C.F.No. = Harris County Clerk File Number

--- = Wood Fence
---o--- = Chain Link
-x-x- = Barbed Wire
---o--- = Wrought Iron
---o--- = Power Pole
--- = Overhead Powerline

B. Adkins

05/14/2020

BARRY D. ADKINS, R.P.L.S. No. 6137

This survey is certified for this transaction only, is not transferable to additional institutions or subsequent owners. If this survey does not bear an original BLUE seal it is invalid and should not be relied upon for any purpose.

This property appears to be OUT of the 100 year flood plain (Zone X); as per insurance rate map 48201C0930 M, dated 01/06/2017.

This determination to be used for flood insurance rate purposes ONLY and is NOT to be relied upon for ANY other purpose. Surveyor makes no representation as to whether property may Flood.

LOT: 301 & 302		BLOCK: 6	SUBDIVISION: BATTLEGROUND ESTATES		SECTION: 2
RECORDATION: VOLUME 42, PAGE 23 OF THE MAP RECORDS					
ADDRESS: 10619 DEAF SMITH		CITY: I.A PORTE	STATE: TEXAS		ZIP: 75043
COMPANY: AMERICAN TITLE COMPANY		CF NO.: 3022920-04326	PROPOSED INSURANCE RATE MAP: 48201C0930 M		

DaRam Engineers, Inc.

Impressed members within 10 feet of the building foundation shall be shored a minimum of 2 ft away from the building.

Building Contractor shall be responsible for locating any and all easements, building lines and encroachments on site before beginning.

[illegible][illegible]13



Adjournment

- a. Adjourn the meeting.