

**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, JANUARY 26, 2023  
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/87943667806?pwd=OVJaWIVVZ1Vla043ZXF1aXFLN0FTUT09>

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

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- 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 October 27, 2022.
  - 4. VARIANCE #22-96000007:** Open a public hearing to consider Variance Request #22-96000007, a request by Martin Armando Macias-Gonzalez, applicant and owner, for a Variance to allow for a fence to be located in the front yard in the R-1 zoning district, on a tract of land located at 9601 Belfast Ln. and legally described as Lot 240, Block 14, Spenwick Place Section 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 Variance Request #22-96000007.
  - 6. ADMINISTRATIVE REPORTS**
  - 7. BOARD COMMENTS** on matters appearing on the agenda or inquiry of staff regarding specific 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 **JANUARY 26, 2023** 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**  
**January 26, 2023 – Approval of Meeting Minutes**

**Approval of Meeting Minutes**

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a. October 27, 2022

**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

## **MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT OCTOBER 27, 2022**

**The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, October 27, 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 Members, Pat McCabe; John Blakemore; Phillip Hoot, and Alternate Board Member, Jon Willis.

**Board Members absent** Chairman, Dennis Oian; Board Member, Nettie Warren, and Alternate Board Member, Frank Nance.

**City Staff present:** Teresa Evans, Planning and Development Director; Clark Askins, Assistant City Attorney; Clayton Price, Planning Technician.

1. **CALL TO ORDER:** – Board Member Phillip Hoot called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – Board Members, Pat McCabe; John Blakemore; Phillip Hoot, and Alternate Board Member, Jon Willis were present.
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
  - a. **Approve the minutes of the meeting held on September 22, 2022.**

Board Member McCabe moved to approve the meeting minutes; the motion was adopted, 4-0.
4. **SPECIAL EXCEPTION #22-93000001:** 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.

Planning and Development Director, Teresa Evans, presented the proposed special exception request.

Tajudeen Olajuwon, 9516 Masters Rd, applicant, spoke in favor of the special exception.

Steven Forey, 10603 Deaf Smith, spoke against the special exception.
5. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:23 PM.
6. **CONSIDERATION:**

Board members discussed the merits of the special exception request.

Board Member McCabe made a motion to approve the requested Special Exception; the motion failed due to a lack of second.

Board Member Blakemore made a motion to deny the requested Special Exception; the motion failed due to a lack of second.

No action was taken.

**7. ADMINISTRATIVE REPORTS:**

None.

**8. 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.**

Board discussed the need for more information regarding the Special Exception.

**ADJOURN – Phillip Hoot adjourned the meeting at 6:40 PM.**

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Clayton Price, Planning Technician

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Dennis Oian, Chairman



## Planning and Development Department Staff Report Variance – #22-93000007

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### DISCUSSION

#### Location:

The subject site is located at 9601 Belfast Ln. in the City of La Porte.

#### Background Information:

The applicant seeks approval of variance request #22-93000007 to allow for a fence to be located within the front yard. Per Section 106-791, no fences, structures, grading, or barrier hedges shall be permitted within any front yard areas except in the case of residential large lots, or in the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay. The site in question is not zoned as residential large lot and is not located along Galveston Bay.

The existing home was built with the front entry to the home facing Crandall Rd. Though the property is addressed on Belfast Ln., the layout of the home defines the front yard as being along Crandall Rd. The applicant built a fence without permits that extends out to the property line along Crandall Rd. which puts it well within the required front yard area.

The site area is currently zoned Low Density Residential (R-1). The following table summarizes the surrounding zoning and land uses:

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

#### 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 106-791 stipulates that no fences, structures, grading, or barrier hedges shall be permitted within any front yard areas except in the case of residential large lots, or in the case of lots with a front yard directly adjacent to the shoreline of Galveston Bay.



**Zoning Board of Adjustments**  
**January 26, 2023 – Variance #22-93000007**

**Analysis:**

The applicant seeks approval of a single variance that would allow for the current non-conforming fence located in the front yard to be permitted. The fence located within the required front yard is not permitted per the City of La Porte's Code of Ordinances. The fence requirements are in place to ensure uniformity throughout the City of La Porte.

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:

<b>Criterion:</b>	<b>Staff Finding:</b>
a. That the granting of the variances will not be contrary to the public interest.	Granting this variance would not have a significant impact on the adjacent residential properties.
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.	No official hardship has been identified at this time.
c. That by granting the variance, the spirit of this chapter will be observed.	The spirit of this chapter will be upheld if the variance is granted.

**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  
#22-93000007

9601 Belfast Rd.

## Legend

 Subject Tract



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 = 76 feet

JANUARY 2023  
PLANNING DEPARTMENT





# Zoning Map

Variance  
#22-93000007

9601 Belfast Rd.

## Legend



Subject Tract

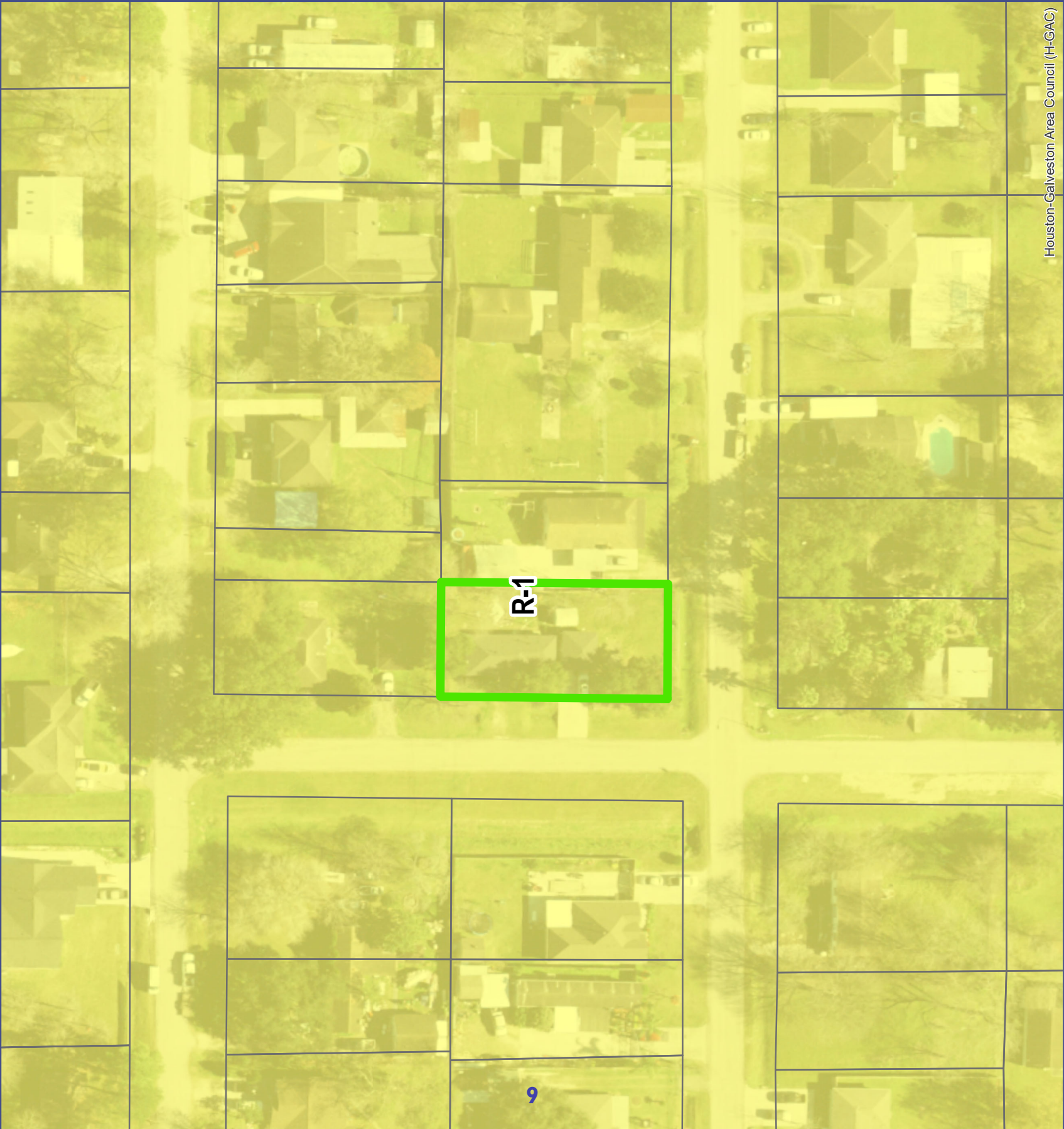


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JANUARY 2023  
PLANNING DEPARTMENT





# FLUP Map

Variance  
#22-93000007

9601 Belfast Rd.

## Legend



Subject Tract

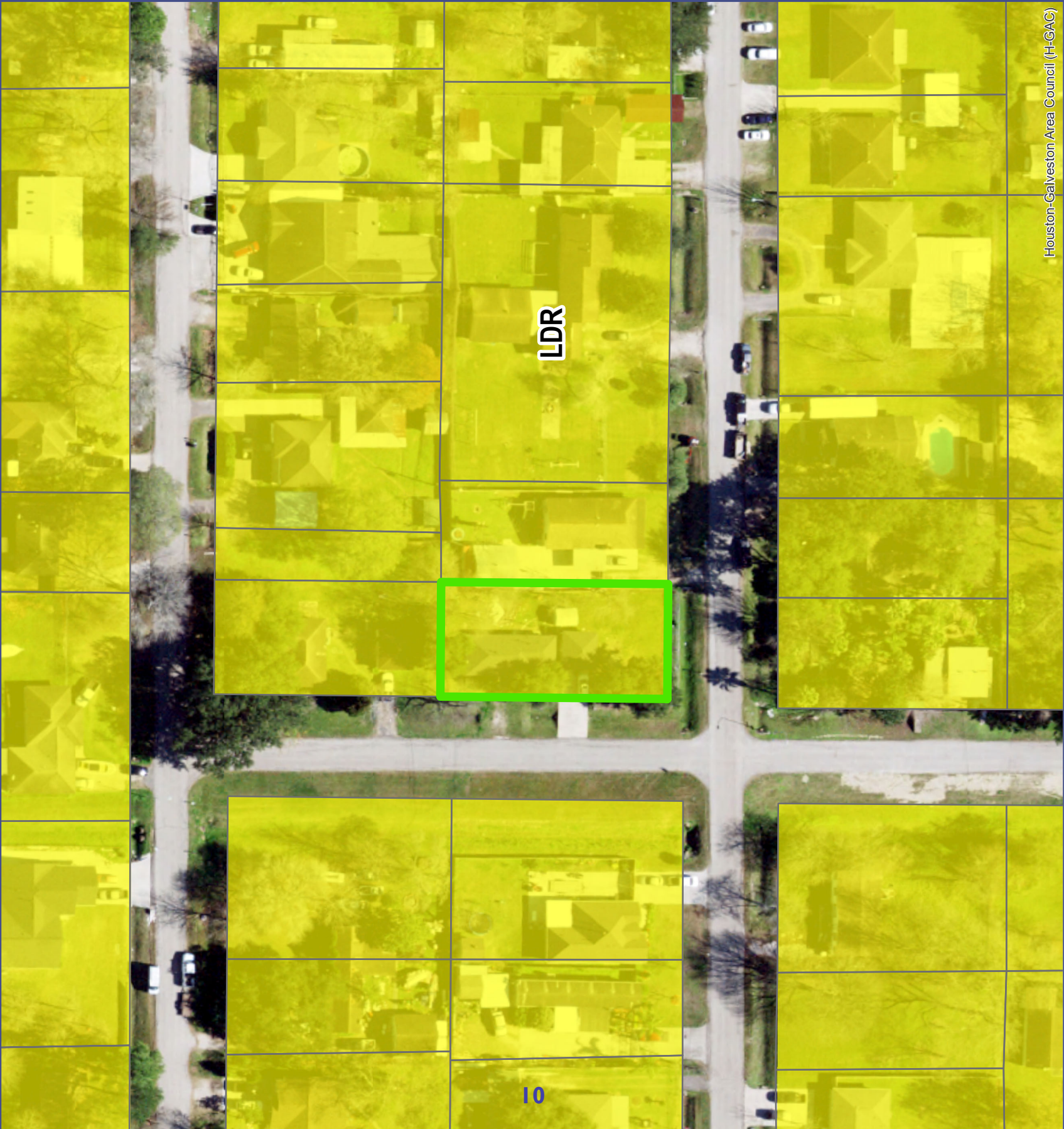


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1 inch = 76 feet

JANUARY 2023  
PLANNING DEPARTMENT













# Variance Application

Planning and Development Department

## PROJECT INFORMATION

Address where Variance is being requested: 9601 Belfast LaPorte TX. 77571  
Legal description where Variance is being requested: LT 240 B1K 14 SPENWICK PLACE SEC 2  
HCAD Parcel Number where Variance is being requested: 0842930000240

Zoning District: \_\_\_\_\_ Lot area: \_\_\_\_\_

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

Description of Request: Address is 9601 Belfast, but house front door is @ Crandall Rd. fence is not on the front of the house. Fence is the backyard.

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

## PROPERTY OWNER(S) INFORMATION

Name: Martin Armando Macias Gonzalez  
Company (if applicable): \_\_\_\_\_  
Address: 9601 Belfast  
City: La Porte State: TX Zip: 77571  
Phone: 832-246-9510 Email: martinmacias70@yahoo.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): [Signature] Date: 11/23/22

### STAFF USE ONLY:

Case Number: \_\_\_\_\_

Date Application Received: \_\_\_\_\_



# Variance Application

Planning and Development Department

## REASON(S) FOR VARIANCE REQUEST

1. Fence is not located ~~notebook~~ in front of house  
it's the side yard or back yard. since I moved in my house

2.

3.

4.

5.



# Variance Application

Planning and Development Department

604 West Fairmont Parkway

La Porte, Texas 77571

281-470-5057

## OVERVIEW

A Variance is required for any deviation from the requirements of the city's Zoning Ordinance as outlined in Section 106-192 of the City of La Porte's Code of Ordinances. A Variance is only granted when strict conformity to the provisions of the code would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted. Variance requests are reviewed by the Zoning Board of Adjustment (ZBOA) after a public hearing. The ZBOA consists of residents of the community appointed by City Council. The ZBOA meets on the fourth Thursday of every month, as necessary.

## SUBMITTAL REQUIREMENTS

The following application package must be submitted to the Planning and Development Department at least three (3) weeks prior to the desired hearing date.

- ☐ Completed **application form**.
- ☒ **Application fee** of Residential - \$150, Commercial - \$250; nonrefundable.
- ☐ **Site plan or plot plan**, drawn to scale and dimensioned to show the location of the proposed Variance.
- ☐ **Project description/justification letter** that thoroughly explains what is being requested and why such Variance should be approved by the ZBOA.
- ☐ **Affidavit of posting** fully executed that ensures the applicant will post the required public hearing sign on the property for at least 10 days prior to the meeting date. Such sign will be provided by the Planning and Development Department.

## PROCESS

- Upon receipt of a complete application package by the Planning and Development Department, the Variance request will be scheduled for the next available ZBOA meeting date.
- The Planning and Development Department will provide a Notice of Public Hearing sign to the applicant that must be posted on the property where the Special Exception is being requested. The sign must be posted on the property visible and within 20 feet from the abutting street for a minimum of 10 days before the scheduled public hearing.
- The Planning and Development Department will publish notice of the public hearing in the Bay Area Observer and at City Hall in conformance with legal requirements. Additionally the city will send notice of the public hearing to all property owners within 200 feet of the subject property where the variance is being requested.
- The ZBOA meeting will be held in the City Council Chamber at City Hall (604 W. Fairmont Parkway). At the meeting, the ZBOA will conduct the public hearing and provide a ruling on the Variance request.



## **Adjournment**

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- a. Adjourn the meeting.