

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, JUNE 22, 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/89795551694?pwd=TVhpRERmV29Qai9oTjUzcVhzYlY4dz09>.
To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 897 9555 1694 and passcode 665928.

- 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 April 27, 2023.
- 4. VARIANCE #23-93000002:** Open a public hearing to consider Variance Request #23-93000002, a request by Brett McCaulley, applicant, for a variance to allow for a subdivision sign to be located within the public right-of-way, on a tract of land located at 2001 Troon Drive, and legally described as Lot 18, Retreat at Bayforest North, 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 #23-93000002.
- 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 **JUNE 22, 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
June 22, 2023 – Approval of Meeting Minutes

Approval of Meeting Minutes

a. April 27, 2023

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
APRIL 27, 2023**

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, April 27, 2023, at the City Hall Conference Room A, 604 West Fairmont Parkway, La Porte, Texas, at 6:00 p.m., with the following in attendance:

Board Members present: Chairman, Dennis Oian; Board Members, Pat McCabe; John Blakemore; Phillip Hoot, Nettie Warren and Alternate Board Member, Jon Willis.

Board Members absent Alternate Board Member, Frank Nance.

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

1. CALL TO ORDER: – Chairman Oian called the meeting to order at 6:00 p.m.

2. ROLL CALL OF MEMBERS: – Alternate Board Member Nance was absent.

3. CONSIDER APPROVAL OF THE MEETING MINUTES:

a. Approve the minutes of the meeting held on January 26, 2023.

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

4. VARIANCE #23-93000001: Open a public hearing to consider Variance Request #23-93000001, a request by Reynaldo Villanueva, applicant; on behalf of Stephanie Villanueva, 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 902 River Creek Dr. and legally described as Lot 1, Block 17, Creekmont Sec. 2, Harris County, TX.

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

Reynaldo Villanueva, 902 River Creek Dr., applicant, and owner, spoke in favor of the variance and provided information regarding the need for the request.

Councilmen Bill Bentley spoke in favor of the variance request.

Charles Norris, 817 River Creek Dr., spoke in opposition to the proposed variance, stating concerns with safety.

Veronica Saldana, 901 River Creek Dr. spoke in opposition to the proposed variance, stating concerns with safety.

5. ADJOURN PUBLIC HEARING: Public Hearing was adjourned at 6:20 PM.

6. CONSIDERATION:

Board members discussed the merits of the variance request. A number of members stated their concern for site visibility and aesthetics stating that there are no other similar fences within the existing neighborhood.

Board Member Hoot made a motion to deny the requested Variance; the motion was adopted 5-0 and the variance was DENIED.

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.

None.

ADJOURN – Chairman Oian adjourned the meeting at 6:30 PM.



Ian Clowes, City Planner

Dennis Oian, Chairman



Planning and Development Department Staff Report

Variance – #23-93000002

DISCUSSION

Location:

The subject site is located at 2001 Troon Dr. in the City of La Porte.

Background Information:

The applicant seeks approval of variance request #23-93000002 to allow for a subdivision sign to be located within the city right-of-way (ROW). Per Section 106-871 (e) no sign may be placed on or over a public ROW.

The subdivision, Retreat at Bayforest North, has an existing sign located within the ROW. The applicant is wanting to replace the existing sign with a new sign and place it in the same location, within the ROW.

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

	Zoning	Land Use
North	Low Density Residential (R-1)	Undeveloped
South	Low Density Residential (R-1)	Undeveloped
West	Low Density Residential (R-1)	Bayforest Golf Course
East	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 300 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 106-871 (e) stipulates that no sign may be placed on or over a public right-of-way, whether used or unused, a utility easement, or on utility poles.

Analysis:

The applicant seeks approval of a variance that would allow for the construction of a subdivision identification sign located within the city owned ROW. A sign located within the city ROW is not permitted per the City of La Porte's Code of Ordinances. The existing subdivision sign is currently located within the ROW.



Zoning Board of Adjustments
June 22, 2023 – Variance #23-93000002

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 minimal impact to the public interest.
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 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 not be upheld if the variance is granted. The objective of this request can be met through other mechanisms, like an access or encroachment agreement.

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
#23-93000002**

2001 Troon

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 = 59 feet



JUNE 2023
PLANNING DEPARTMENT


R-3

Zoning Map

Variance
#23-93000002

2001 Troon

Legend

 Subject Tract



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1 inch = 59 feet



JUNE 2023
PLANNING DEPARTMENT

PUD

TROON DR

R-1

S BROADWAY ST

CRESCENT SHORE BLVD

P0

TROON DR

S BROADWAY ST

CRESCENT SHORE BLVD


LDR

FLUP Map

Variance
#23-93000002

2001 Troon

Legend

 Subject Tract



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1 inch = 59 feet



JUNE 2023
PLANNING DEPARTMENT



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.
- ☐ **Notice of sign posting** fully completed, that ensures the applicant is aware of the requirements of the Public Hearing notice sign.

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 post a Notice of Public Hearing sign on the property where the Variance is being requested. The sign must be posted on the property visible from and within 20 feet of 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 300 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.



Variance Application

Planning and Development Department

- In order for the ZBOA to approve a Variance, it must find all of the following criteria have been met:
 1. Granting the variance will not be contrary to the public interest.
 2. Enforcing the code provision will result in an unnecessary hardship due to the following situations that are unique to the property: irregularity associated with the size or shape of the lot, unique topography or some other unique physical situation associated with the property. An unnecessary hardship does not relate to convenience, financial consideration, or the applicant's own actions.
 3. Granting the variance will be consistent with the spirit of the city's Zoning Ordinance.
- If the ZBOA *approves* the Variance request, then the applicant will have 90 days from the date of the meeting to obtain any necessary building permits for construction. If the ZBOA *denies* the Variance request, then the applicant may file a petition to the court in accordance with Section 106-196 of the City of La Porte's Code of Ordinances.
- The following is an excerpt from the City of La Porte's Code of Ordinances pertaining to Variance requests.

CODE REQUIREMENTS

Sec. 106-192. - Variance.

(a) *Application for variances.* All applications for a variance from the terms of this chapter shall be in writing and shall specify the facts involved, the relief desired, and the grounds thereof. Each such application shall be filed with the enforcement officer who after investigation shall transmit such application together with his report to the board of adjustment within ten days after the filing of the application with the enforcement officer.

(b) *Findings of fact/definition of hardship.*

(1) The term "variance" shall mean a deviation from the literal provisions of this chapter which is granted by the board when strict conformity to this chapter would cause an unnecessary hardship because of the circumstances unique to the property on which the variance is granted.

(2) Except as otherwise prohibited, the board is empowered to authorize a variance from a requirement of this chapter when the board finds that all of the following conditions have been met:

a. That the granting of the variance will not be contrary to the public interest;

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; and

c. That by granting the variance, the spirit of this chapter will be observed.

(3) The applicant shall have the burden of proving to the board that the foregoing conditions have been met.

(c) *Use variance prohibited.* No variance shall be granted to permit a use in a zoning district in which that use is prohibited.

(d) *Hearings on applications for variances.* The board of adjustment shall fix a reasonable time for the hearing of all applications for variances, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time, as specified in [section 106-194](#) (Notice of public hearings before the board of adjustments). Upon the hearing any party may appear in person or by agent or by attorney.



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 2001 Troon Drive LaPorte TX
Legal description where Variance is being requested: Retreat @ BFN R/P
HCAD Parcel Number where Variance is being requested: 130-645-001-0016
Zoning District: R1 Lot area: 16 Block 1

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

Description of Request: Variance needed to place monument sign on ROAD of Troon

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

PROPERTY OWNER(S) INFORMATION

Name: Brent McCauley
Company (if applicable): Retreat @ Bay Forest N HOA
Address: 2010 Troon Dr
City: LaPorte State: TX Zip: 77571
Phone: 713 553 6822 Email: brent.mccauley7@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: [Signature] Date: 5-16-23

Owner(s)' Signature(s): _____ Date: _____

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1.

Building a monument sign to identify
subdivision -

2.

3.

4.

5.



Variance Application

Planning and Development Department

NOTICE OF POSTING

ZONING BOARD OF ADJUSTMENT HEARING

The undersigned has acknowledged that a sign will be placed on the property based on information provided in this application, and that the applicant will ensure compliance with all requirements have been met and will continue to be met for the duration of the sign posting:

1. A public hearing sign will be posted by the City of La Porte's Planning and Development Department staff at least ten (10) days prior to the scheduled meeting date. I hereby attest that said sign will be posted on the following described property, which is subject to the application:


ADDRESS: _____

LEGAL DESCRIPTION: _____

2. Said sign will be placed on the property within 20 feet of the abutting street.
3. Said sign shall remain legible and visible for the entire ten (10) day posting period. If the sign fails to be visible at any point during the ten (10) day posting period, the Public Hearing will be postponed to the next available meeting date.
4. If said sign is damaged or missing, it is my duty to contact the City of La Porte's Planning and Development Department for a replacement sign. Staff are not responsible to inspect and confirm the status of the posted sign.
5. Said sign will be picked up by City staff upon completion of the Public Hearing.

Applicant's Printed Name

Applicant's Signature and Date



Retreat at
Bay Forest
North



Adjournment

- a. Adjourn the meeting.