

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, MARCH 23, 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/85038907994?pwd=eFI0OEx2ZTYyWWhoVmtmRUZBa0NXQT09>

To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 850 3890 7994, passcode 290252.

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 January 26, 2023.
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 Ln. and legally described as Lot 1, Block 17, Creekmont 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 Variance Request #23-93000001.
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 **MARCH 23, 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
March 23, 2023 – Approval of Meeting Minutes

Approval of Meeting Minutes

- a. January 26, 2023

PHILLIP HOOT
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Board Member Alternate 1
FRANK NANCE
Board Member Alternate 2

MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT JANUARY 26, 2023

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, January 26, 2023, 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, Dennis Oian; Board Members, Pat McCabe; John Blakemore; Phillip Hoot, Nettie Warren and Alternate Board Members, Jon Willis and Frank Nance.

Board Members absent: None.

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

1. **CALL TO ORDER:** – Chairman Oian called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – All members were present.
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on October 27, 2022.
Board Member McCabe moved to approve the meeting minutes; the motion was adopted. 5-0.
4. **SPECIAL EXCEPTION #22-93000007:** Open a public hearing to consider Variance Request #22-93000007, 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.

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

Martin Macias-Gonzalez and Patricia Gardner, 9601 Belfast Ln., applicant and owner, spoke in favor of the variance and provided information regarding the need for the request.
5. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:13 PM.
6. **CONSIDERATION:**

Board members discussed the merits of the variance request.

Board Member Hoot made a motion to approve the requested Variance; the motion was adopted 5-0.

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 6:16 PM.



Ian Clowes, City Planner

Dennis Oian, Chairman



Planning and Development Department Staff Report Variance – #23-9300001

DISCUSSION

Location:

The subject site is located at 902 River Creek Ln. in the City of La Porte.

Background Information:

The applicant seeks approval of variance request #23-9300001 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 applicant is requesting to build a fence that would extend from their rear yard all the way to their front property line to act as a screening barrier between them and their neighbor to the north.

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)	Single Family Residential
South	Low Density Residential (R-1)	Single Family Residential
West	Low Density Residential (R-1)	Single Family Residential
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 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
March 23, 2023 – Variance #23-9300001

Analysis:

The applicant seeks approval of a variance that would allow for the construction of a fence running along their northern property line that would extend into the required front yard. A 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:

Criterion:	Staff Finding:
a. That the granting of the variances will not be contrary to the public interest.	Granting this variance could impact the site visibility triangle of the adjacent driveway to the north.
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.

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
#23-9300001

902 River Creek

Legend

 Subject Tract

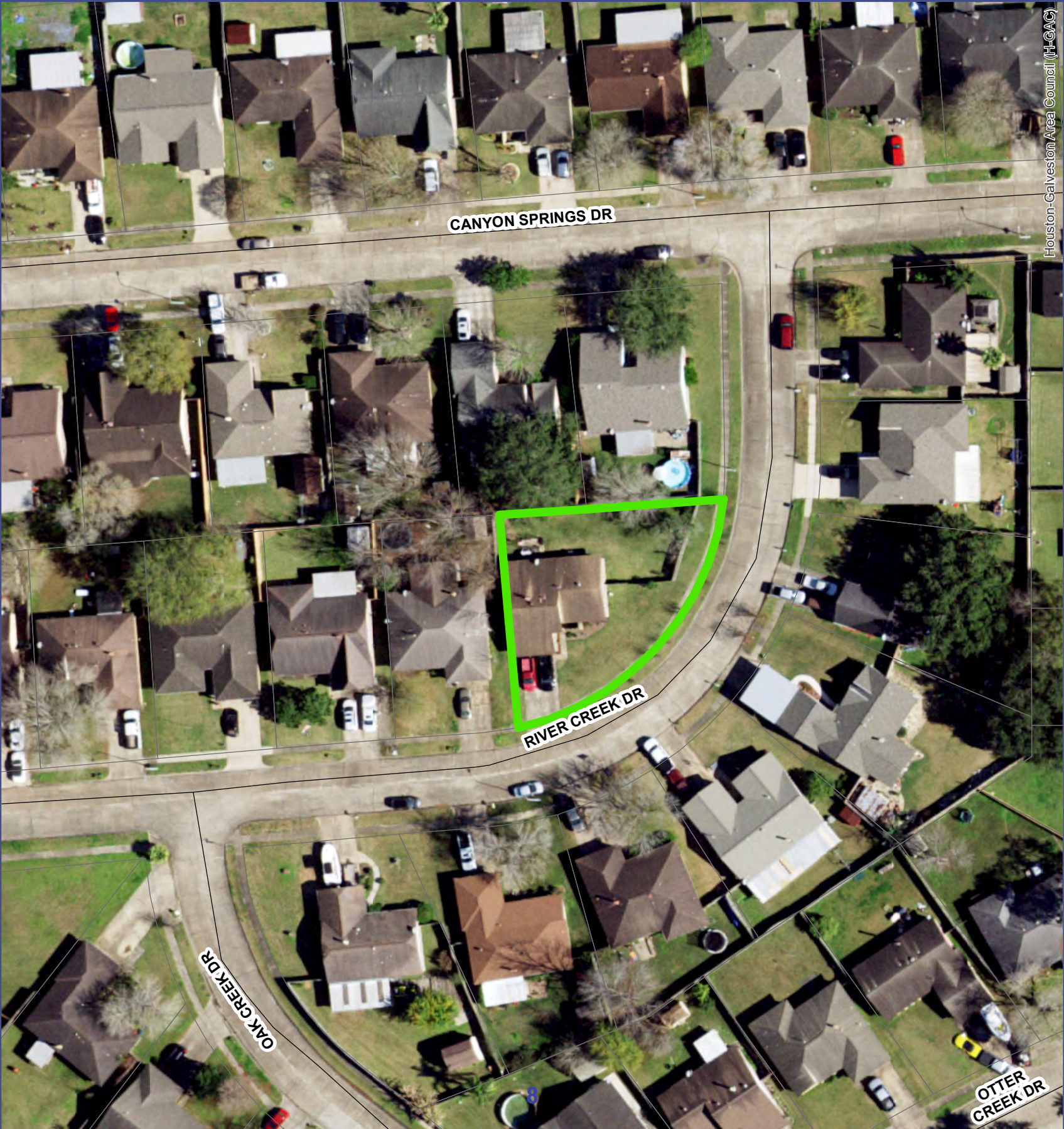


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 62 feet

MARCH 2023
PLANNING DEPARTMENT



Houston-Galveston Area Council (H-GAC)

Zoning Map

Variance
#23-9300001

902 River Creek

Legend

 Subject Tract



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MARCH 2023
PLANNING DEPARTMENT



FLUP Map

Variance
#23-93000001

902 River Creek

Legend

 Subject Tract

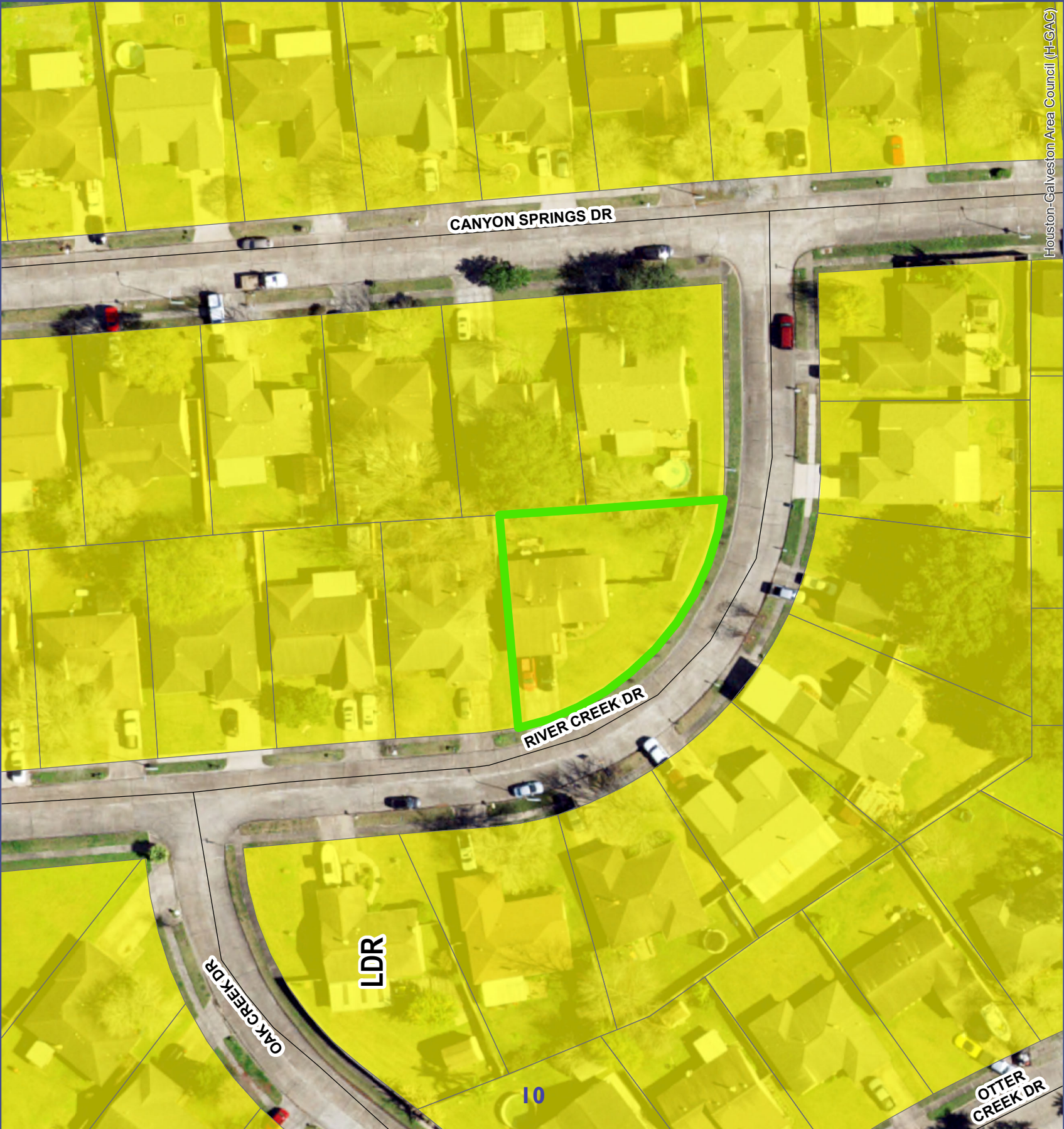


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MARCH 2023
PLANNING DEPARTMENT



Houston-Galveston Area Council (H-GAC)



Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 902 River Creek Laporte TX 77571
Legal description where Variance is being requested: LT 1 BLK 17 Creekmont Sec 2
HCAD Parcel Number where Variance is being requested: 6154 C 539X
Zoning District: 3 Lot area: 347

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

Description of Request: Side of House fence extended to sidewalk 347
Step down 5,4,3 Feet to sidewalk

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

PROPERTY OWNER(S) INFORMATION

Name: Stephanie Villanueva
Company (if applicable): _____
Address: 902 River Creek
City: La porte State: TX Zip: 77571
Phone: 832-859-9054 Email: _____

AUTHORIZED AGENT (If other than owner)

Name: Reynaldo Villanueva
Company (if applicable): _____
Address: 902 River Creek
City: La porte State: TX Zip: 77571
Phone: 832-419-2927 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: Reynaldo Villanueva Date: 2-6-23

Owner(s)' Signature(s): Stephanie Villanueva Date: 2/6/23

STAFF USE ONLY:

Case Number: **23-93000001**

Date Application Received: **02.06.2023**



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

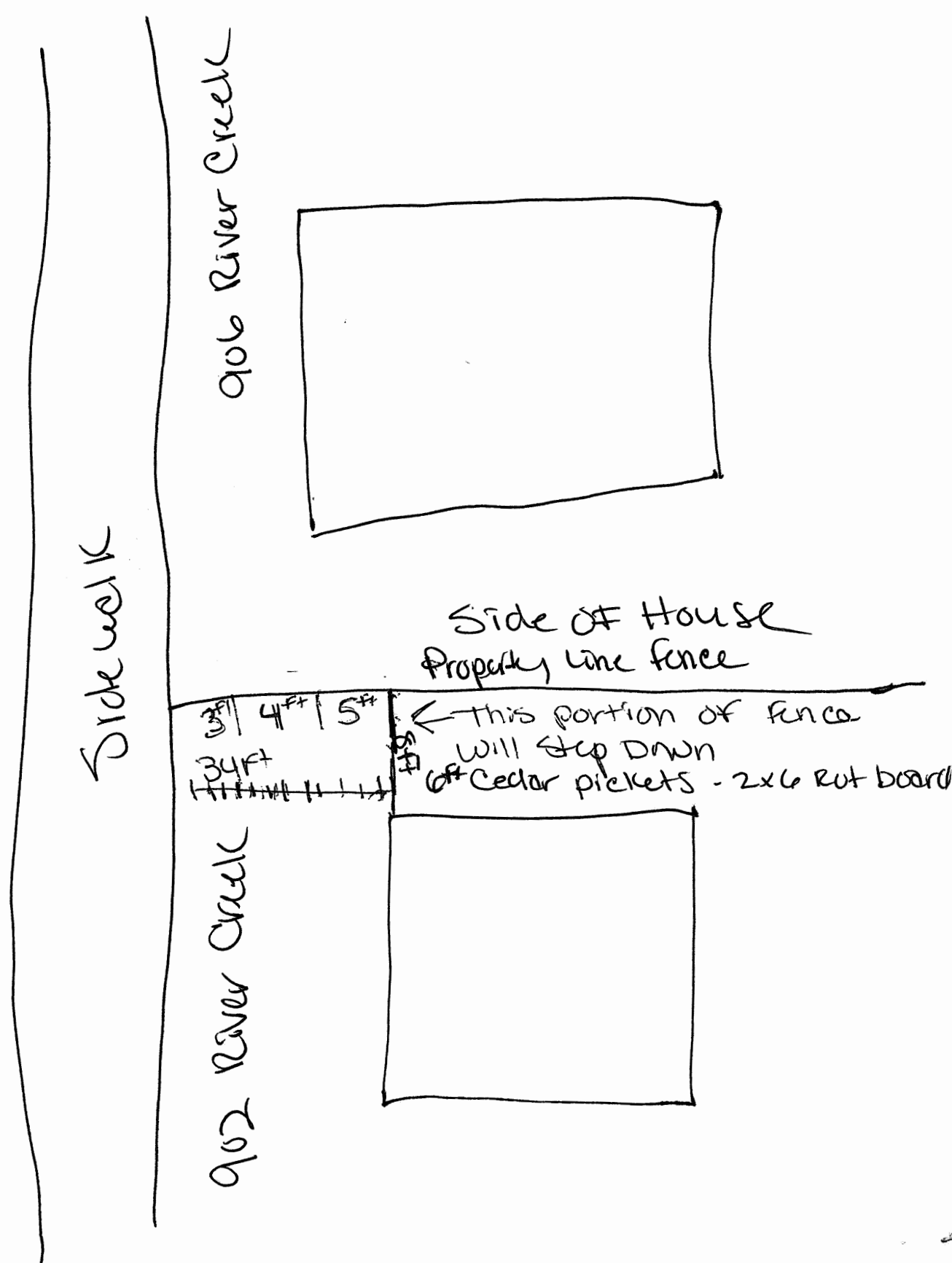
1. 906 River Creek House in disrepair, Safety, Health Hazard, Dangerous Building
 Several Holes in Roof Tarps covering some others
 Exposed 5 to 10 lb stones holding tarps down
 Rodents and other animals entering roof.
 Also entering my house due to their neglect!

2. Front of House window panes busted out plastic garbage bags and plywood covering windows.
 Kids throw their garbage on ground blows over to my lawn. Weeds & grass long, not maintained
 Back yard - Years of dried leaves and branches (Fire Hazard) gate hanging by ~~handles~~ hinges.

3. ^{Back of House} Side of House - Horrible ~~odor~~ odor coming from inside of house. Kid urinates on side of house
 I get nauseous when I walk on the side of my house or go in my back yard. I do not let my dogs in the back yard due to odor.
 Kids running through yard. Dog pooping on yard.
 Kick ball and vehicles

4. Hardship
 Due to deprivation use of property, Lack of Comfort. possible Health + Safety due to odor, Dangerous building.
 Property value down Approx 10%

5. _____



Project description/Justification letter

Install a fence on side of House
between properties 902 River Creek
and 906 River Creek From garage
to sidewalk 34 feet in length
Step down 5ft 4ft 3ft Cedar fence.

Justification (See reason for request)

906 River Creek LT 2 B1K17

Creekmont Sec 2.

House in disrepair, safety, Health
Hazard, Dangerous building.

Holes in Roof, window panes busted out.

Lawn not maintained years of
weeds and leaves in back yard.

Horrible odor coming from house

Kid urinates on side of house

Not picking up dog poop.

my property value down due to their neglect

Please see reasons for variance.

Spoke with city manager, city Council

Bill Bentley, Adam Code enforcer

on 2/2/23. Do not know the outcome

of meeting except to file a variance.

Proof will be brought to meeting.

(Pictures)



Adjournment

- a. Adjourn the meeting.