

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, APRIL 28, 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/84877550678?pwd=dUNmUGtjMkQ5YkVkdVBpU3YvQ3JOZz09>

To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 848 7755 0678, passcode 476820.

-
- 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 December 9, 2021.
 - 4. VARIANCE #22-93000001:** Open a public hearing to consider Variance Request #22-93000001, a request by David Delao, applicant, on behalf of Edgar Peralta, owner, for a variance to reduce the required rear setback for a proposed home, on a tract of land located at 840 Easy St. and legally described as Lot 383, Block 10, Battleground Estates 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 #22-93000001
 - 6. VARIANCE #22-93000002:** Open a public hearing to consider Variance Request #22-93000002, a request by Robert Kolenc, applicant and owner, for a variance to reduce the required setback for a proposed pool, on a tract of land located at 215 Coleman Wake Ln. and legally described as Lot 15, Block 1, Morgan's Landing Section 2, Harris County, TX.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Adjourn Hearing
 - 7. BOARD DISCUSSION AND POSSIBLE ACTION:** Consider Variance Request #22-93000002

8. ADMINISTRATIVE REPORTS

9. BOARD COMMENTS on matters appearing on the agenda or inquiry of staff regarding specific factual information or existing policy.

10. 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 **APRIL 28, 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 _____



Approval of Meeting Minutes

- a. December 9, 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 DECEMBER 9, 2021

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, December 9, 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: Board Member, Dennis Oian; Board Member, Nettie Warren; Board Member, Thomas Deen; Alternate Board Member, John Blakemore; and Alternate Board Member, Pat McCabe.

Board Members absent: Chairman, Rod Rothermel and Board Member, Philip Hoot.

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:** – Board Member Warren called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – Board Member, Dennis Oian; Board Member, Nettie Warren; Board Member, Thomas Deen; Alternate Board Member, John Blakemore; and Alternate Board Member, Pat McCabe were present.
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. **Approve the minutes of the meeting held on September 30, 2021.**
Alternate Board Member Oian moved to approve the meeting minutes; the motion was adopted, 5-0.
4. **VARIANCE #21-93000005:** Open a public to consider Special Exception Request #21-94000002, a request by James F. Craig IV, applicant, on behalf of Bayshore Baptist Church, owner; for a variance to increase the allowed density for a proposed multi-family development, on a tract of land located at 11311 Spencer Hwy. and legally described as 10.8 acres out of TRS 71, 71A-1, & 71A-4; La Porte Outlots, Harris County, TX.

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

Applicant presented their proposal and explained their rationale for the request.

5. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:12 PM.
6. **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, 5-0.

- 7. SPECIAL EXCEPTION #21-94000002:** Open a public hearing to consider Special Exception Request #21-94000002, a request by James F. Craig IV, applicant, on behalf of Bayshore Baptist Church, owner; for a special exception to allow for a reduction of the required parking for a proposed multi-family development, on a tract of land located at 11311 Spencer Hwy. and legally described as 10.8 acres out of TRS 71, 71A-1, & 71A-4; La Porte Outlots, Harris County, TX

Planning Technician, Chase Stewart, presented the proposed special exception request.

Applicant presented their proposal and explained their rationale for the request.

- 8. ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:21 PM.

9. CONSIDERATION:

Board members discussed the merits of the special exception request.

Board Member Blakemore made a motion to approve the requested variance; the motion was adopted, 4-1. Board Member Warren was the dissenting vote.

10. ADMINISTRATIVE REPORTS:

None.

- 11. 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 – Board Member Warren adjourned the meeting at 6:24 PM.

Ian Clowes, City Planner

Nettie Warren, Board Member



Planning and Development Department Staff Report Variance – #22-93000001

DISCUSSION

Location:

The subject site is located at the 840 Easy Street La Porte, TX.

Background Information:

The applicant seeks approval of variance request #22-93000001 to construct a residential home that is setback seven and a half (7.5) feet from the rear property line. Per Section 106-333, Table B, the minimum rear yard setback for a single family home in the Low Density Residential (R-1) zoning district is fifteen (15) 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 R-1 and is undeveloped. The applicant has submitted an application showing a proposed 2867 square foot single family home.

The following table summarizes the surrounding zoning and land uses:

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

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 106-333, Table B, stipulates that a residential structure in the R-1 zoning district must be located a minimum of fifteen (15) feet from the rear property line.

Analysis:

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 not have a significant impact on the adjacent 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.	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 home on the property. A number of pipelines exist along the frontage of the property but the lot was platted in a manor to accommodate the pipeline easements while still allowing for the site to be developed. 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

Exhibit A

Area Map

Variance

#22-93000001

840 Easy Street

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 = 75 feet

APRIL 2022

PLANNING DEPARTMENT



Zoning Map

Variance
#22-93000001
840 Easy Street

Legend

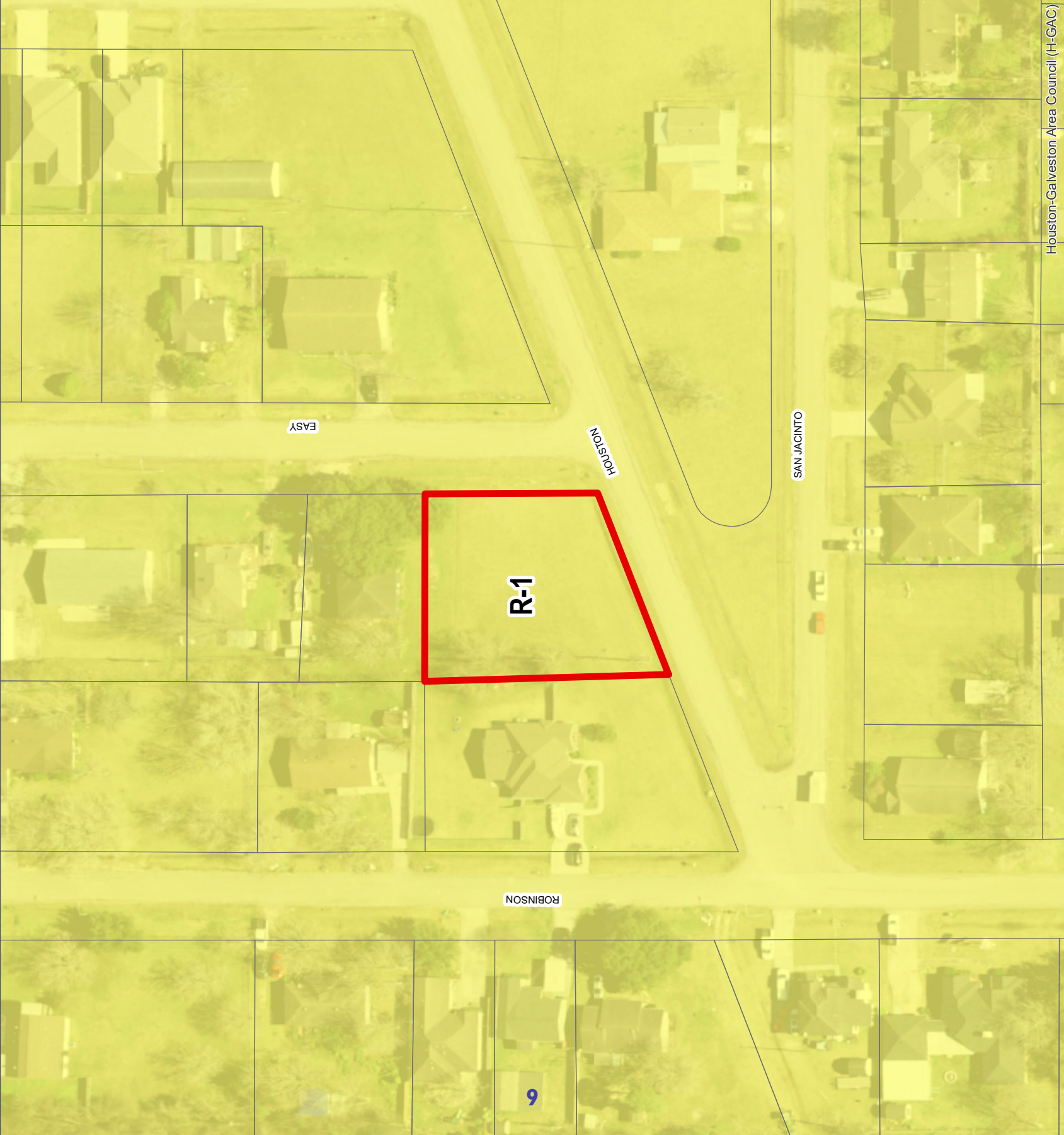
 Subject Tract



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 = 75 feet



FLUP Map

Variance
#22-93000001
840 Easy Street

Legend

 Subject Tract

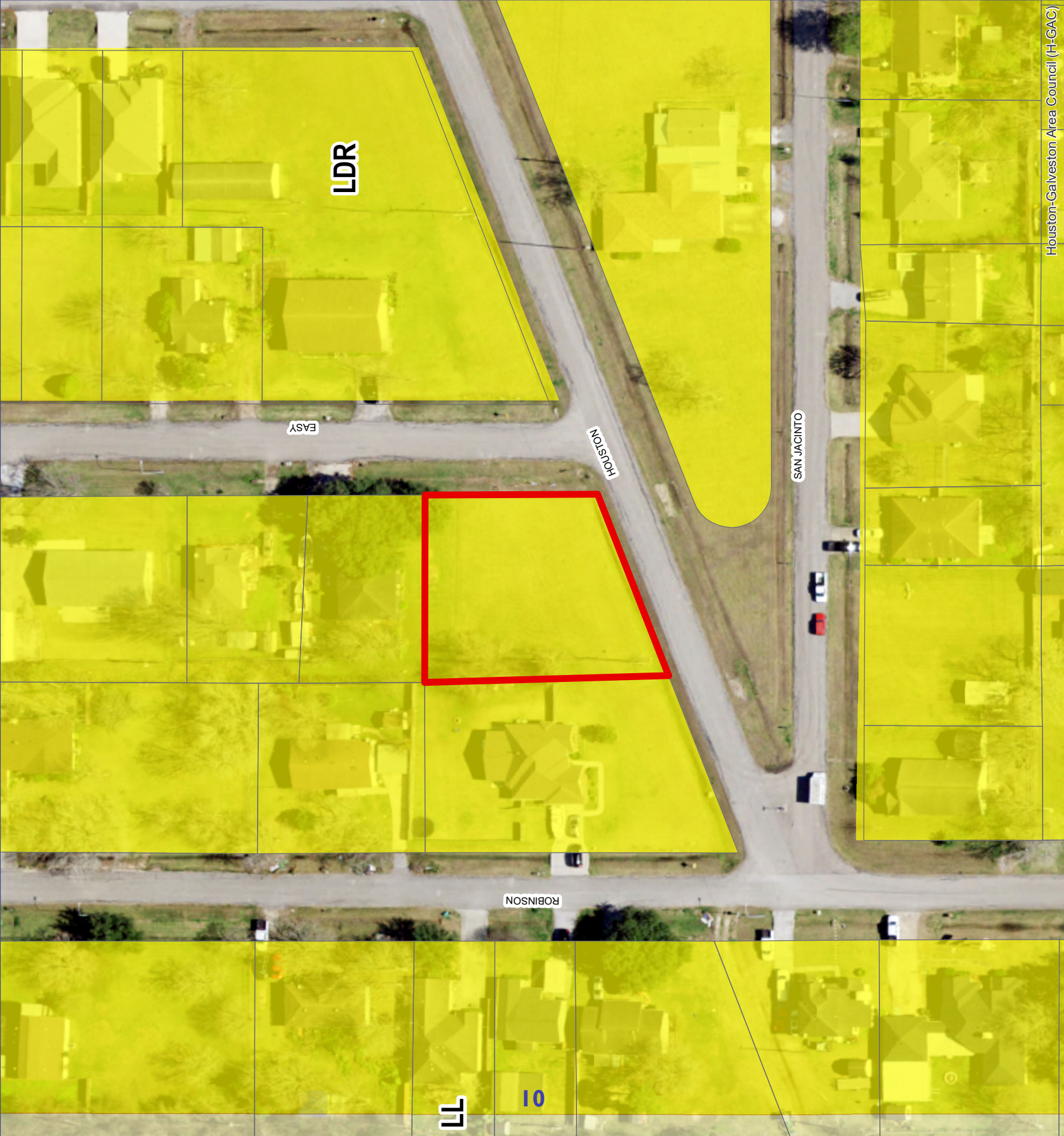


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1 inch = 75 feet

APRIL 2022
PLANNING DEPARTMENT





Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 804 EASY ST, LA PORTE TX, 77571
 Legal description where Variance is being requested: Lot 383, Block 10, Section 2, Battlefield Estates
 Volume 412, Page 23 MAP RECORDS
 HCAD Parcel Number where Variance is being requested: _____
 Zoning District: "X" Lot area: 383

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

Description of Request: Project is a residential home. The owner is requesting the
set-back requirement of 15'-0" from the north property line to be 7'-6".
Please see 40-A-001 site plan.

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

PROPERTY OWNER(S) INFORMATION

Name: Edgar S. Chacon Paratha & Johana A. Seneno Jaramillo
 Company (if applicable): _____
 Address: 2513 Penfield ST
 City: Pasadena State: TX Zip: 77505
 Phone: (713) 884-6212 Email: chaconck@hotmail.com

AUTHORIZED AGENT (If other than owner)

Name: David Delao & Mary Delao
 Company (if applicable): Trihawk Construction, LLC
 Address: 1528 Preston Ave
 City: Pasadena State: TX Zip: 77502
 Phone: (832) 766-2454 Email: ddelao@trihawkcon.com
(713) 259-2710 rdelao@trihawkcon.com

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: David Delao / M.R. Delao Date: 3/2/2022

Owner(s)' Signature(s): [Signature] Date: 3/2/2022

STAFF USE ONLY:

Case Number:

22-93000001

Date Application Received:

3.4.2022



Variance Application

Planning and Development Department

AFFIDAVIT OF POSTING

ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:

ADDRESS: 840 EASY ST, LA PORTE TX, 77571

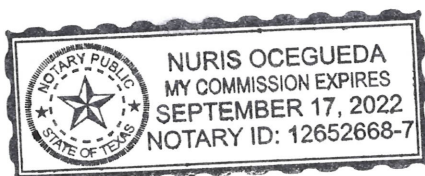
LEGAL DESCRIPTION: Lot 383, Block 10, Section 2, Battlefield Estates Volume 42 Page 23 MAP RECORDS

2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: March 13th, 2022.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]
Applicant's Signature

Edgar S. Chacon
Applicant's Printed Name

Subscribed and sworn before me this 2nd day of MARCH, 2022, by
EDGAR S CHACON PERALTA (Print Applicant's Name).



(Seal)

[Signature]
Notary Public

My commission expires: 9/17/22



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.



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

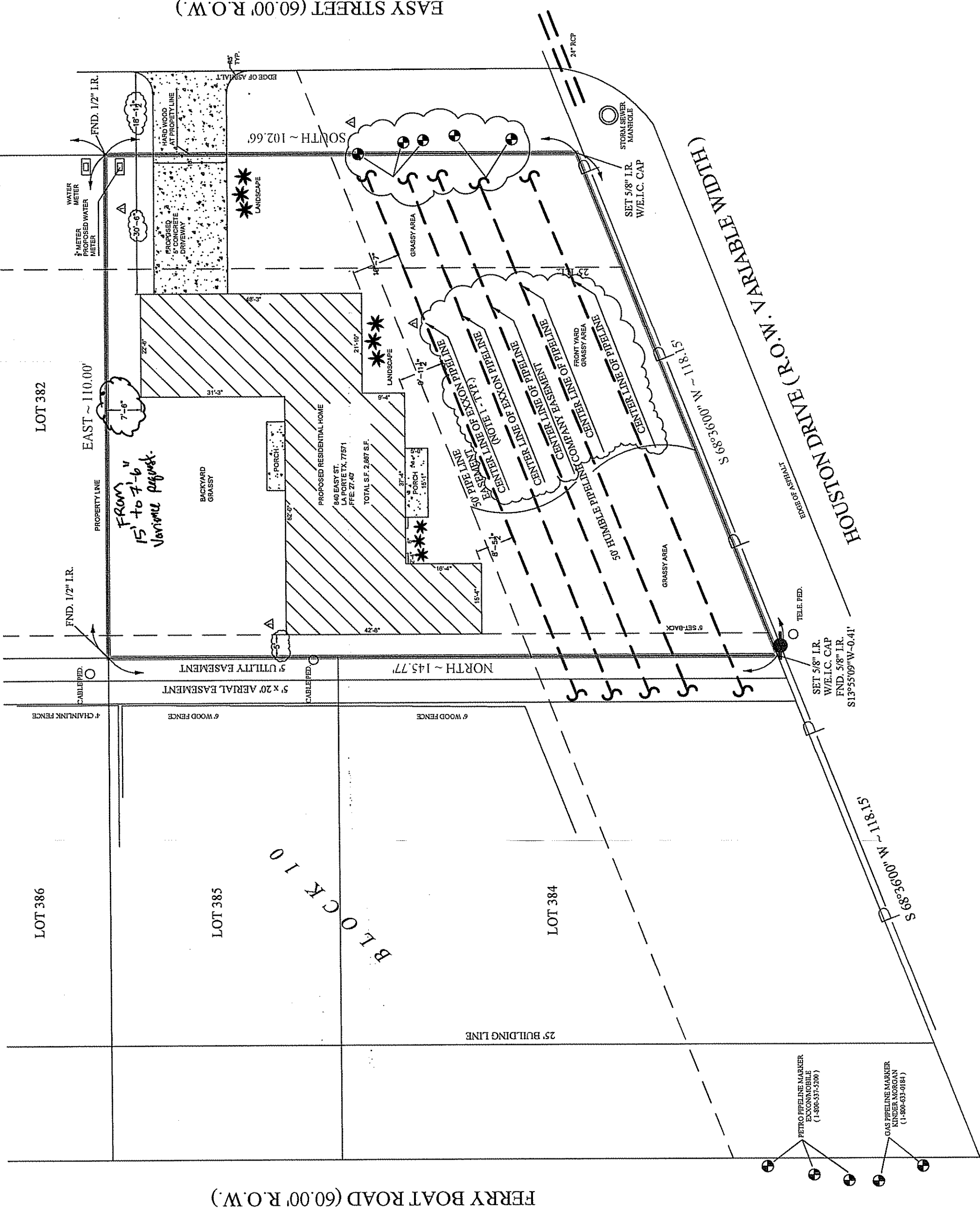
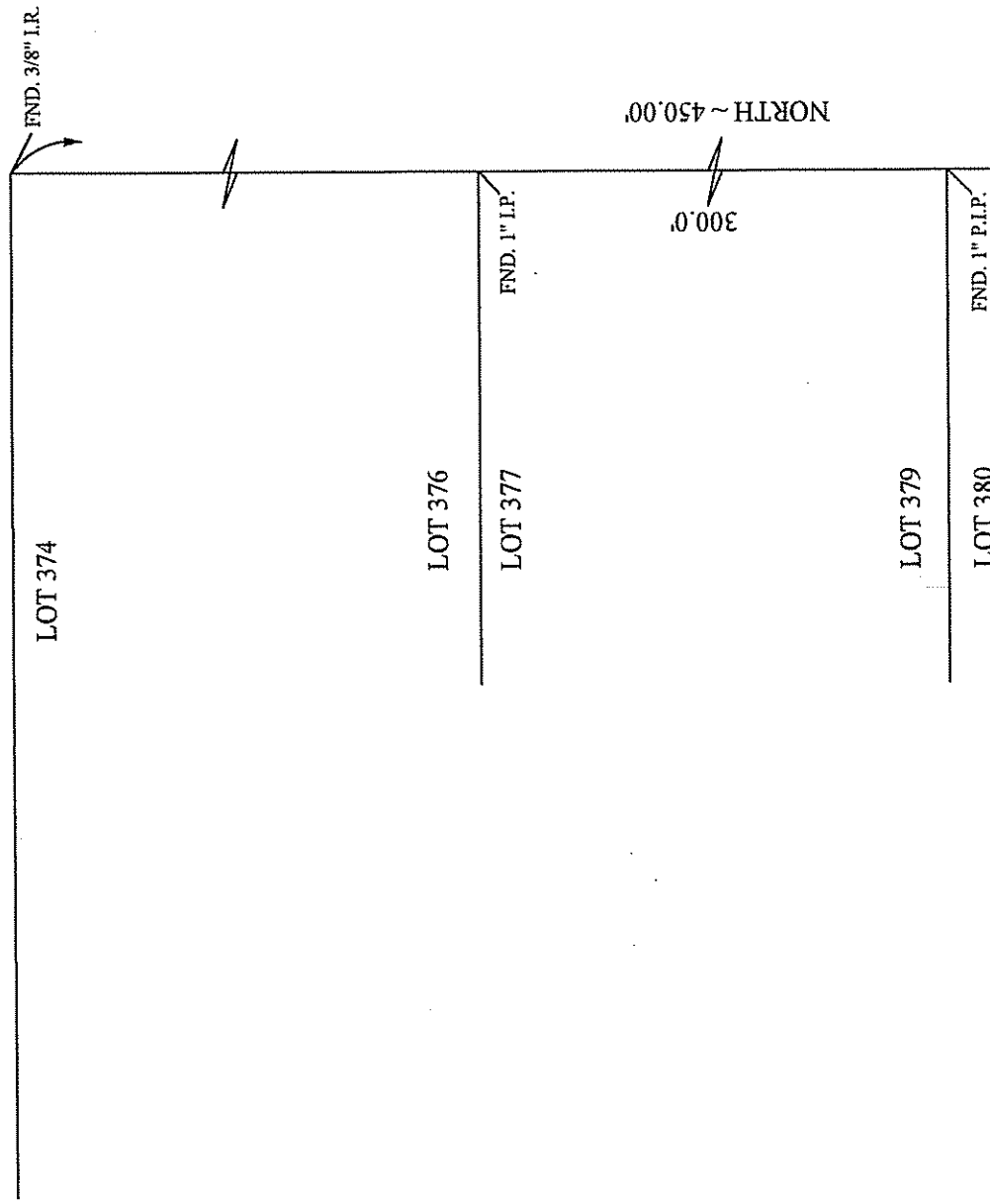
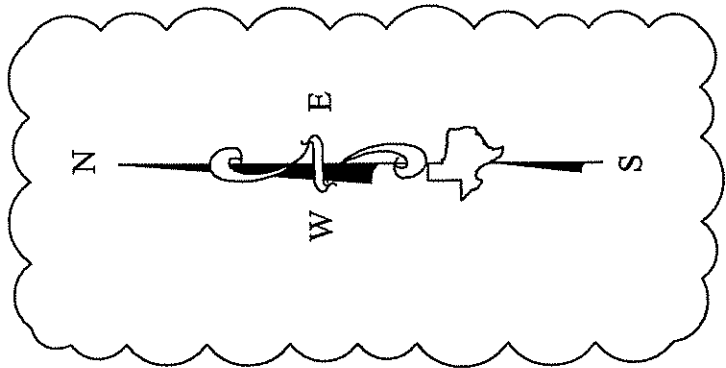
1. Owner is Requesting a change in the set-back requirement from the north property line, from 15' to 7'-6". Reason is to allow the owner to build his residential home and also meet the pipeline easement requirements, without changing the house design.

2. the Pipeline currently has a 50' easement, taking up a large portion of the property.

3. Change in set back (15'-0" to 7'-6") would help the owner from having to change entire house design and it would also help maximize owner's land usage.

4. Please Reference Site Plan drawing DB40-A-001 Site Plan. Rev. 1

5.



FERRY BOAT ROAD (60.00' R.O.W.)

EASY STREET (60.00' R.O.W.)

LA PORTE	
LIVING AREA:	2,281 SQ. FT.
GARAGE:	461 SQ. FT.
PATIO:	80 SQ. FT.
PORCH:	75 SQ. FT.
TOTAL:	2,897 SQ. FT.

GENERAL NOTES:

- 1) PIPELINE LOCATION SHALL BE VERIFIED USING A DUAL-REDUNDANT METHOD.
 - CONTACT 811 DIG SAFE TO STAKE OUT LOCATION OF EACH PIPELINE
 - ANY WORK
 - CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND PROBING FOR EXACT LOCATION OF EACH PIPELINE
 - PIPELINES EXTENT PAST THE END-POINTS SHOWN ON THIS DRAWING.
- 2) THE LOCATION OF THE PIPELINE SHOWN ON THE DRAWINGS SHALL BE VERIFIED BY THE CONTRACTOR. THIS DRAWING NOR ANY OTHER DRAWING IN THIS DRAWING PACKAGE SHALL BE USED TO LOCATE PIPELINES.
- 3) IT IS THE RESPONSIBILITY OF THE CONSTRUCTION CONTRACTOR TO WORK WITH THE PIPELINE OWNERS TO ENSURE ALL REQUIREMENTS AND LOCAL AND STATE REGULATIONS ARE FOLLOWED AND MET PRIOR TO STARTING ANY WORK AT THE SITE.
- 4) A SIGN ALIGNED WITH THE CITY OF LA PORTE ORDINANCE SHALL BE INSTALLED AT THE SITE INDICATING THE ADDRESS FOR THE SITE THROUGH-OUT CONSTRUCTION.

RESIDENTIAL CODES:

- 1) INTERNATIONAL RESIDENTIAL CODE 2018 (IRC2018) R105.3
 - SURVEY OF PROPERTY
- 2) SITE PLAN TO SCALE (1" = 20') SHOWING NORTH ARROW (IRC2018) R106.2

SHALL MEETS AND IS ALIGNED WITH THE FOLLOWING:

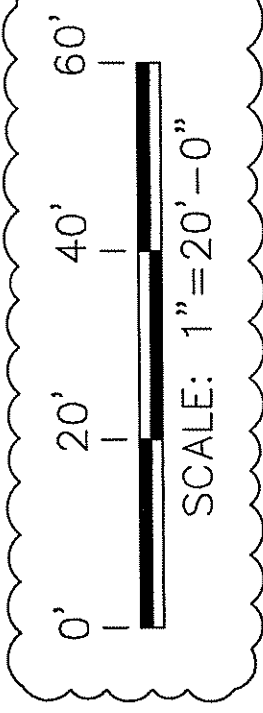
- SITE PLAN PROVIDES ALL EXISTING AND PROPOSED CONSTRUCTION ON SITE
- ALL REQUIRED SET BACKS (VARIANCE MAY APPLY)
- UTILITY EASEMENTS/ALLEYS/STREETS
- DISTANCE TO PROPERTY LINES
- MINIMUM 2 - CAR GARAGE LOCATION
- DRIVEWAY SIZE, LOCATION & DUST-FREE SURFACE (CONCRETE SURFACE)
- 40% MAXIMUM LOT COVERAGE COMPLIANCE

CITY OF LA PORTE TX ORDINANCE:

SEC. 106-748 HOME OCCUPANCY

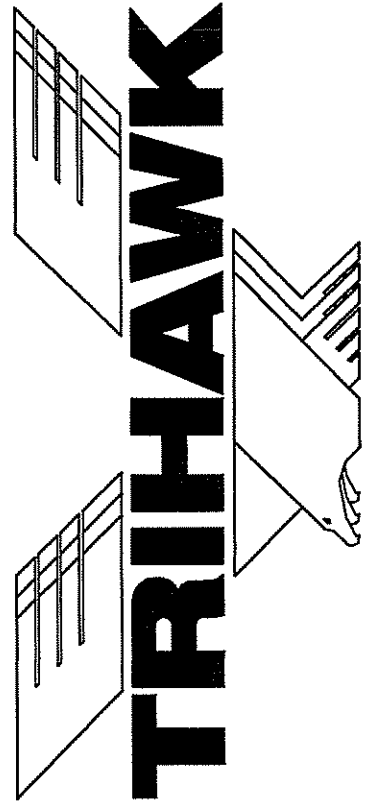
NO PERSON OTHER THAN MEMBERS OF THE FAMILY RESIDING IN THE PREMISES SHALL BE ENGAGED IN SUCH OCCUPATION.

- THE USE OF THE DWELLING UNIT FOR THE HOME OCCUPATION SHALL BE CLEARLY INCIDENTAL AND SUBORDINATE TO ITS USE FOR RESIDENTIAL PURPOSES BY ITS OCCUPANTS, AND NOT MORE THAN 25% OF THE FLOOR AREA OF THE DWELLING UNIT SHALL BE USED IN THE CONDUCT OF THE HOME OCCUPATION.
- THERE SHALL BE NO CHANGING THE OUTSIDE APPEARANCE OF THE BUILDING OR PREMISES, OR OTHER VISIBLE EVIDENCE OF THE CONDUCT OF SUCH HOME OCCUPATION OTHER THAN ONE SIGN, NOT EXCEEDING TWO SQUARE FEET IN AREA, NON-ILLUMINATED, AND MOUNTED FLAT AGAINST THE WALL OF THE PRINCIPAL BUILDING.
- NO DISPLAY, VISIBLE FROM THE EXTERIOR OF THE DWELLING SHALL BE CONNECTED WITH SUCH HOME OCCUPATION.
- THERE SHALL BE NO OUTSIDE STORAGE OF ANY KIND, INCLUDING VEHICLES OR EQUIPMENT CONNECTED WITH SUCH HOME OCCUPATION.
- NO PREMISES SHALL BE USED FOR ANY HOME OCCUPATION IN GREATER VOLUMES THAN WOULD NORMALLY BE EXPECTED IN A RESIDENTIAL NEIGHBORHOOD, AND ANY NEED FOR PARKING GENERATED BY THE CONDUCT OF SUCH HOME OCCUPATION SHALL BE MET OFF THE STREET.
- NO EQUIPMENT SHALL BE USED IN SUCH HOME OCCUPATION WHICH CREATE NOISE, VIBRATION, GLARE, FUMES, ODORS, OR ELECTRICAL INTERFERENCE DETECTABLE TO THE NORMAL SENSE OF THE LOT, IF THE OCCUPATION IS CONDUCTED IN A SINGLE-FAMILY RESIDENCE. IN THE CASE OF NOISE, THE LEVEL SHALL NOT EXCEED 50 PERCENT OF THE VALUES ESTABLISHED IN SECTION 103-521 (b), FOOTNOTE G, IN THE CASE OF ELECTRICAL INTERFERENCE, NO EQUIPMENT OR PROCESS SHALL BE USED WHICH CREATES VISUAL OR AUDIBLE INTERFERENCE IN ANY RADIO OR TELEVISION RECEIVERS OF THE PREMISES, OR CAUSES FLUCTUATIONS IN THE LINE VOLTAGE OFF THE PREMISES.



REVISIONS

ZONE	REV	DESCRIPTION	DATE	APPROVED
	0	ISSUED FOR CONSTRUCTION	01/16/2021	DD
	1	ISSUED FOR CONSTRUCTION	02/22/2022	DD



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F - 15917

SHEET

DRAWING DESCRIPTION	
SITE PLAN	
840 EASY ST	
LA PORT TX, 77571	
SIZE	PROJECT NO.
D	0840-22
SCALE	1"=20'-0"
DWG NO.	0840-A-001
REV	1



Planning and Development Department Staff Report Variance – #22-93000002

DISCUSSION

Location:

The subject site is located at 215 Coleman Wake Lane in the Morgan's Landing subdivision in the City of La Porte.

Background Information:

The applicant seeks approval of variance request #22-93000002 to construct a residential pool that is setback three (3) feet from an adjacent structure. Per Section 106-748 (1), the minimum setback for a residential pool from an adjacent structure is six (6) 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 Planned Unit Development (PUD), and is located within the Morgan's Landing subdivision. The applicant has submitted building plans that show the size and location of the proposed pool. Included in the application is a letter from a Professional Engineer (PE) that supports the request for a reduced setback.

The following table summarizes the surrounding zoning and land uses:

	Zoning	Land Use
North	PUD, Planned Unit Development	Single Family Residential
South	PUD, Planned Unit Development	Single Family Residential
West	PUD, Planned Unit Development	Single Family Residential
East	PUD, Planned Unit Development	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 106-748 (1), stipulates that a residential pool must be located a minimum of six (6) feet from an adjacent structure.

Analysis:

The applicant seeks approval of a single variance that would allow for the construction of a residential pool that is three (3) feet from the adjacent residential home. This distance is three (3) feet closer to the home than what is permitted by the City of La Porte's Code of Ordinances.



The required setback is in place to ensure the foundation of the home structure is not compromised during or after the construction of the pool. The applicant has submitted a letter from a licensed PE outlining the safety measures that will be put in place in order to ensure the pool construction does not compromise the integrity of the home structure foundation.

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 not have a significant impact on the adjacent residential properties. The backyard is adjacent to an existing detention pond and amenity trail and the pool will be setback at least fourteen (14) feet from the rear property line.
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 has the potential to generate an unnecessary hardship as described in the zoning code, due to the presence of the fourteen (14) foot utility easement running along the rear of the property. Traditional easements are sixteen (16) feet and are shared between adjacent property owners (8 feet on each side).
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

#22-93000002

215 Coleman Wake

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 = 90 feet

APRIL 2022

PLANNING DEPARTMENT



Zoning Map

Variance

#22-93000002

215 Coleman Wake

Legend



Subject Tract



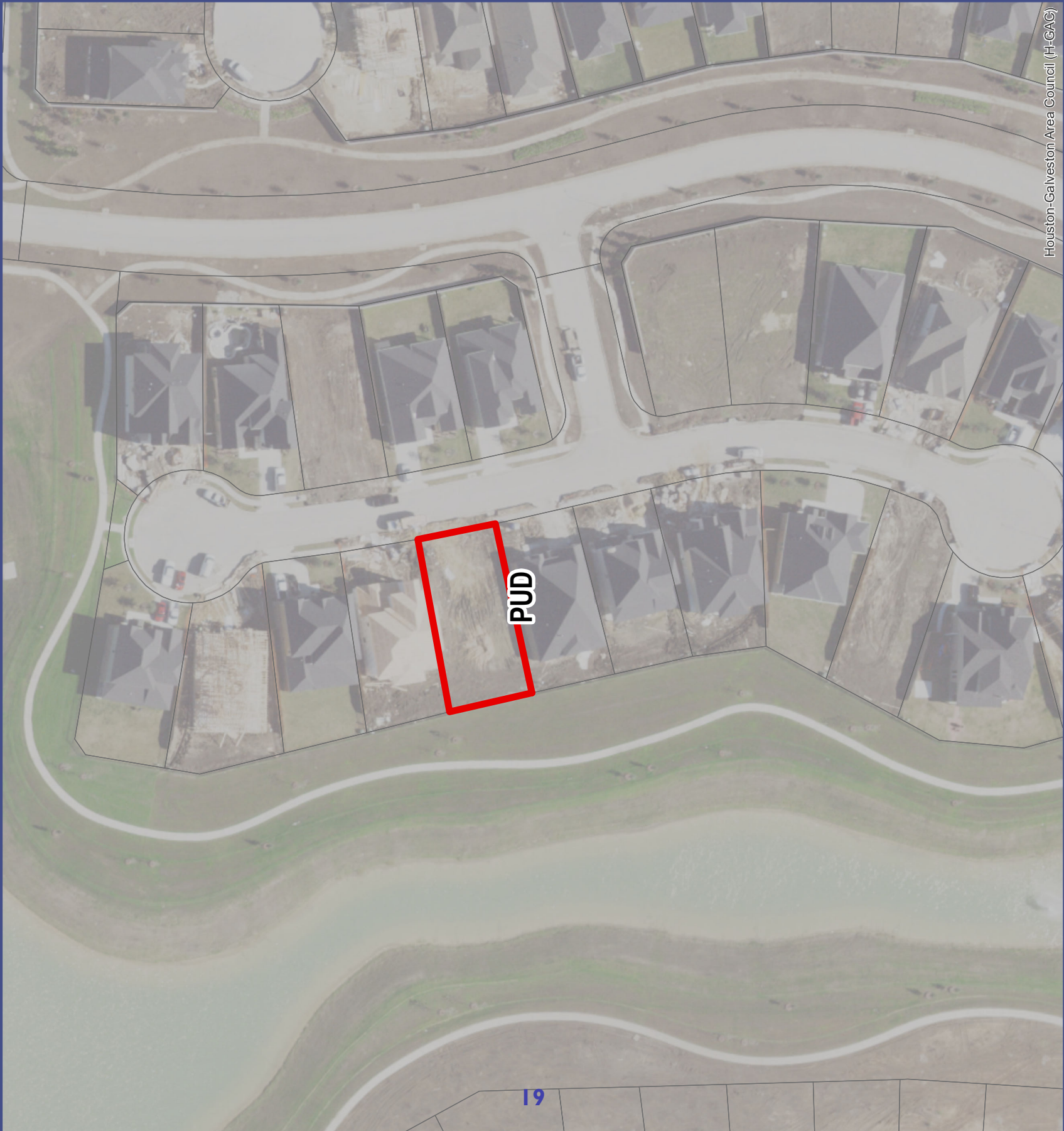
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1 inch = 90 feet

APRIL 2022

PLANNING DEPARTMENT



FLUP Map

Variance

#22-93000002

215 Coleman Wake

Legend



Subject Tract



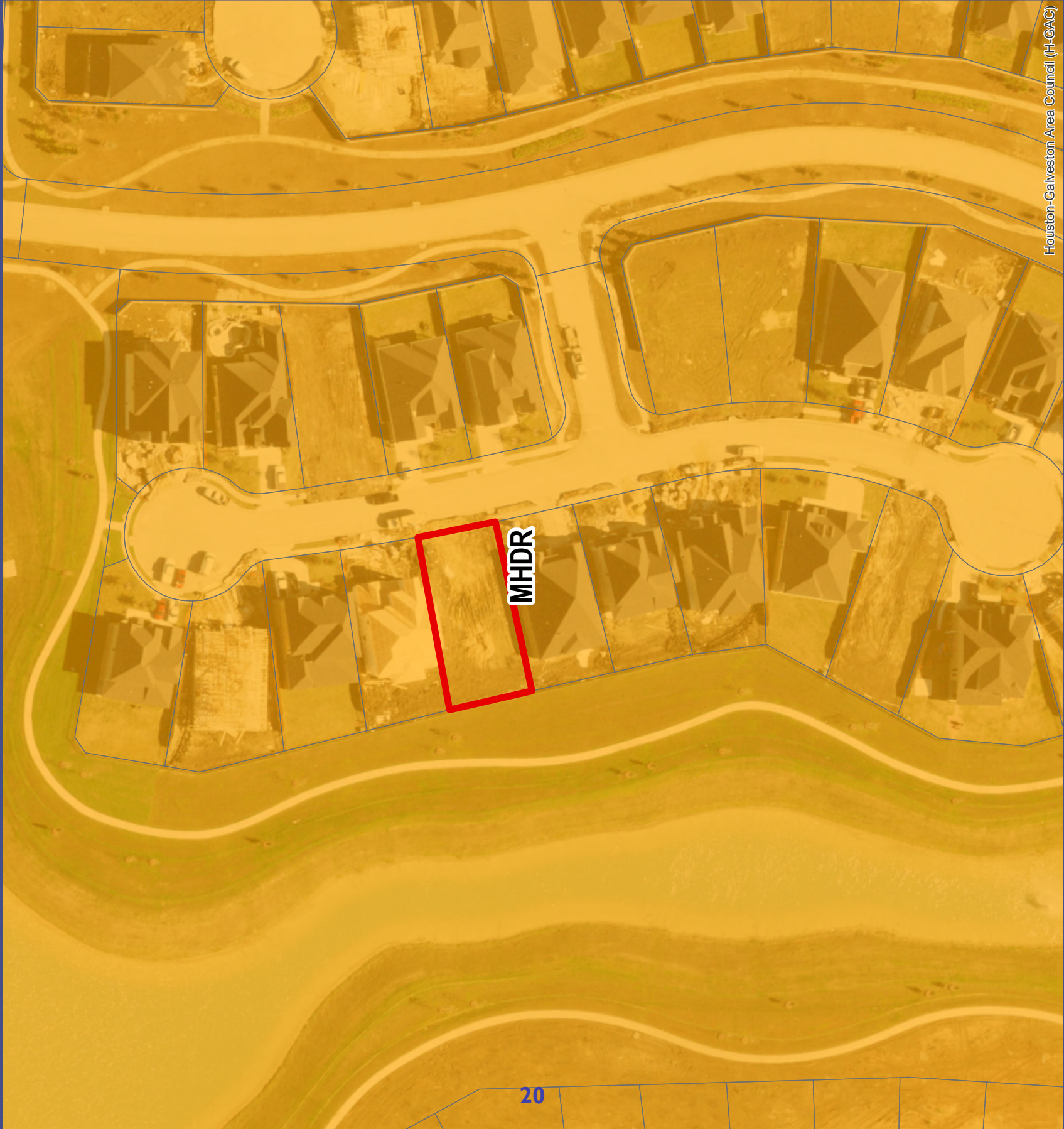
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1 inch = 90 feet

APRIL 2022

PLANNING DEPARTMENT





Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 215 COLEMAN WAKE LN. LA PORTE 77571

Legal description where Variance is being requested: LOT 15 BLOCK 1 MORGANS LANDING

HCAD Parcel Number where Variance is being requested: FILM CODE NO. 688576 MAP RECORDS

Zoning District: HARRIS COUNTY TEXAS Lot area: LOT 15 BLOCK 1

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

Description of Request: WATER OF POOL TO BE 3FT FROM HOUSE AND 3FT EXCESS FROM PATIO TO BACK YARD.

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

PROPERTY OWNER(S) INFORMATION

Name: RONALD F. KOLENC

Company (if applicable): _____

Address: 215 COLEMAN WAKE LN.

City: LA PORTE State: TEXAS Zip: 77571

Phone: 832-524-0843 Email: RKOLEN8@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): Ronald F. Kolen Date: 3-7-2022

STAFF USE ONLY:

Case Number:

22-93000002

Date Application Received:

3.8.2022



Variance Application

Planning and Development Department

REASON(S) FOR VARIANCE REQUEST

1. PURCHASE THIS HOME WITH IDEA OF HAVING A POOL PUT IN FOR MY GRAND CHILDREN TO USE AND FOR EXERCISE FOR MY WIFE AND MYSELF. LATER FOUND OUT THAT EASEMENT WAS MUCH CLOSER THAN I WAS TOLD WHEN PURCHASING HOME AND THE POOL COULD ONLY BE 5 FT WIDE. WOULD LIKE A LITTLE MORE ROOM FOR EXERCISE AND GRAND KIDS TO SWIM.
- 2.
- 3.
- 4.
- 5.



Variance Application

Planning and Development Department

AFFIDAVIT OF POSTING

ZONING BOARD OF ADJUSTMENT HEARING

STATE OF TEXAS

COUNTY OF HARRIS

CITY OF LA PORTE

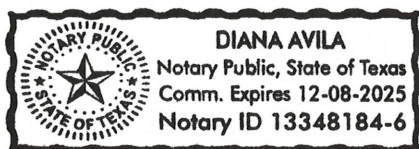
The undersigned hereby duly swears on oath and says:

1. A public hearing sign was provided to me by the City of La Porte's Planning and Development Department. I hereby attest that said sign will be posted on the following described property, which is subject to the application:
ADDRESS: 215 COLEMAN WAKE LN. LA PORTE 77571
LEGAL DESCRIPTION: LOT 15 BLOCK 7
2. In accordance with the provisions of Section 106-194 of the city's Code of Ordinances, I hereby attest that said sign will be posted on the described property for no less than ten (10) days prior to the scheduled public hearing; starting at least on the following date: _____.
3. Said sign shall be placed on the property within 20 feet of the abutting street.
4. Said sign shall remain legible and visible for the entire ten (10) day posting period. If sign is damaged or missing, I hereby attest that I will contact the City of La Porte for a replacement sign.

[Signature]
Applicant's Signature

RONALD F. KOLENC
Applicant's Printed Name

Subscribed and sworn before me this 7 day of MARCH, 2022, by
RONALD F. KOLENC (Print Applicant's Name).



(Seal)

[Signature]
Notary Public

My commission expires: 12-08-2025

Date: February 23, 2022
Attn: City of LaPorte
Title: Pool excavation proximity verification to the existing house foundation.
Project Location: 215 Coleman Wake Ln, La Porte, TX 77571

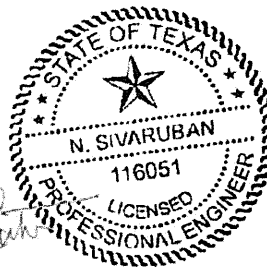
Scope of Work: Engineering review of the excavation and construction details of new swimming pool within the proximity of the house foundation.

Certification:

I, Navarathinarajah Sivaruban, a licensed professional engineer in the state of Texas (License No.:116051). Do hereby state that, it is my professional opinion that the construction of the proposed new pool excavation did not indicate any structural concerns to the adjacent foundation structure based on the inspection of information that was available at this time: Also, the construction of the pool shall comply as follows:

- Construction of the new pool will be at the above project location on the rear side of the existing house per site plan attached to this letter.
- No excavation permitted within the 30-inch proximity from the edge of the existing house or two-story porch column foundation structure and within 24-inch proximity from single story patio cover post/columns.
- Unsupported excavation shall not exceed 4ft in depth for clay soil and 30-inch for sandy soil within the 5ft proximity from edge of the house foundation.
- Pool structural walls within the 3 ft proximity of two-story house foundation with depth greater than 4 ft in deep shall have at least 60% increased reinforcement below 3-1/2 ft depth from finish ground elevation.
- Owner and/or the contractor shall meet all applicable local codes and amendment requirements as required and separately arrange for all required city inspections.

Respectively Submitted By
Navarathinarajah Sivaruban, P.E.
TBPE License No.:116051
Civil/Structural Professional Engineer,
The One P.E. Group, LLC, F-17898





FLATWORK	B.L. BUILDING LINE
PROPERTY LINE	B.L. (P.L.) FRONT LOAD BUILDING LINE
BUILDING LINE	B.L. (S.I.) SWIND IN BUILDING LINE
EASEMENT	B.L. (C.S.) CAR BUILDING LINE
WOODEN FENCE	G.B.L. GARAGE BUILDING LINE
WROUGHT IRON FENCE	(B.G.) BUILDER CHIMELINE
EXT. EXTENDED	(F.F.) FINISHED FLOOR
CHAIN LINK FENCE	PROP. PROPOSED
OVERHEAD ELECTRIC	ELEV. ELEVATION

TOP OF FORM	U.E. UTILITY EASEMENT
W.L.E. WATER LINE EASEMENT	W.L.E. WATER LINE EASEMENT
STW.S.F. STORM SEWER EASEMENT	S.S.E. SANITARY SFWER EASEMENT
R.O.W. RIGHT-OF-WAY	P.A.E. PRIVATE ACCESS EASEMENT
P.U.E. PRIVATE UTILITY EASEMENT	P.V.T. PRIVATE
FND. FOUND.	I.P. IRON PIPE

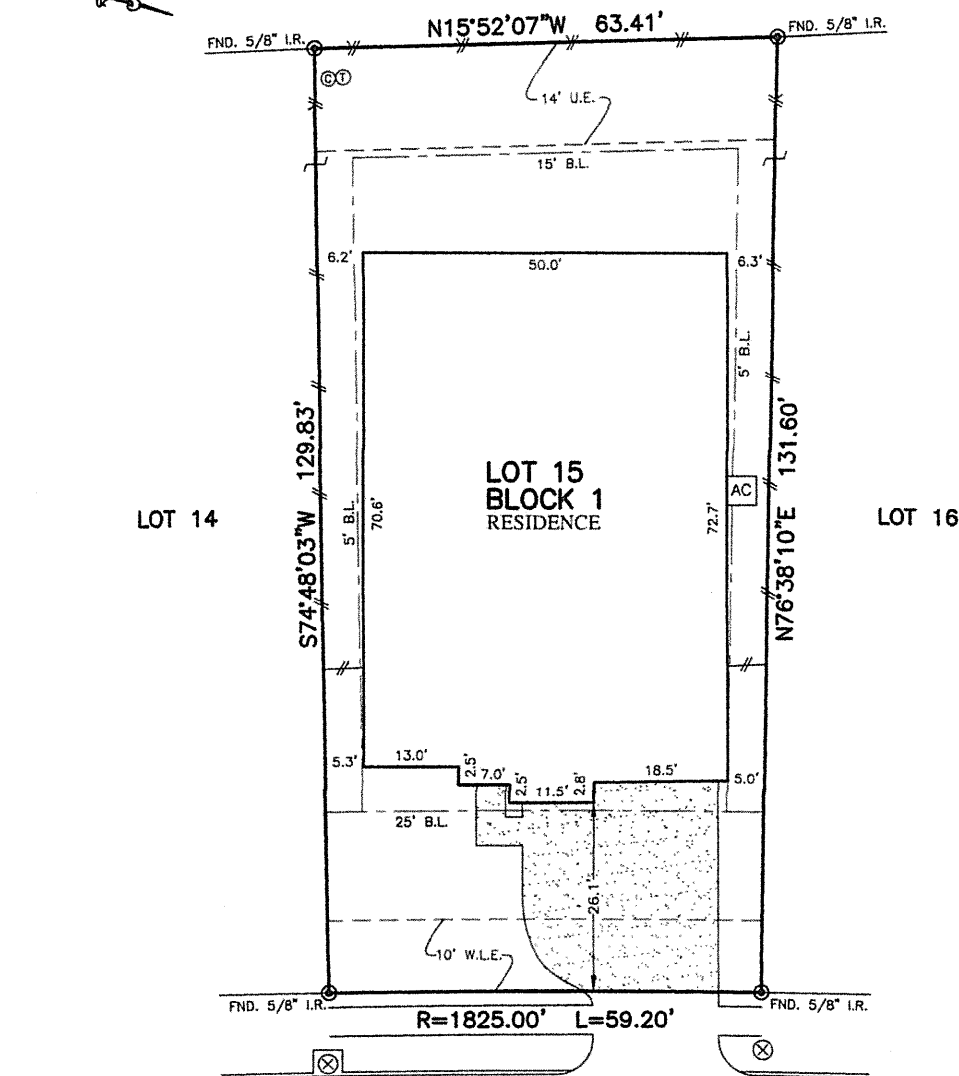
M.A.C.C.F. MAINTENANCE & ACCESS EASEMENT	ACC.E. ACCESS EASEMENT
A.E. AERIAL EASEMENT	D.E. DRAINAGE EASEMENT
E.E. ELECTRIC EASEMENT	W.V. WATER VALVE
F.H. FIRE HYDRANT	MON. MONUMENT
P.P. POWER POLE	

UNOBSTRUCTED VISIBILITY EASEMENT	MANHOLE
LIGHT POLE	GRATE DRAIN
ELECTRIC BOX	PAD MOUNTED TRANSFORMER
FIBER OPTIC	TELEPHONE PEDESTAL
GAS METER	CABLE PEDESTAL
WATER METER	WATER METER
GUY ANCHOR	MANHOLE & INLET
	INLET
	VAULT

MANHOLE	GRATE DRAIN
PAD MOUNTED TRANSFORMER	TELEPHONE PEDESTAL
CABLE PEDESTAL	WATER METER
WATER METER	MANHOLE & INLET
INLET	VAULT

MORGAN'S LANDING RECREATION CENTER AND DETENTION POND

FILM CODE No. 688585, H.C.M.R



DocuSigned by:

Ronald Frank Kolenc

C03BD8895A76455

215
COLEMAN WAKE LANE
(50' R.O.W.)

DocuSigned by:

Rose Marie Kolenc

1D74C1CB3BE645E

PLAT OF SURVEY

SCALE: 1" = 20'

NOTES:

1. ALL BEARINGS SHOWN HEREON ARE BASED ON THE RECORDED PLAT.
2. ALLPOINTS LAND SURVEY, INC. IS NOT LIABLE FOR ANY DAMAGES DUE TO INFORMATION NOT PROVIDED TO SURVEYOR OR BUILDER PLACING ANY IMPROVEMENTS WITHIN A BUILDING LINE OR EASEMENT.
3. SUBJECT TO APPLICABLE RESTRICTIVE COVENANTS LISTED IN ITEM 1, SCHEDULE "B" OF TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE Co. UNDER G.F. NO. TMH-TX-20611848FS
4. SHORT FORM BLANKET ESMY. PER C.F. NO. RP-2019-130099, (PARTIAL RELEASE PER C.F. NO. RP-2019-399066.)
5. AGREEMENT FOR UNDERGROUND ELECTRIC SERVICE PER C.F. No. RP-2019-121528.

FOR: RONALD FRANK KOLENC
ROSE MARIE KOLENC
ADDRESS: 215 COLEMAN WAKE LANE
ALLPOINTS JOB#: TM194546 BY: RW
G.F.: TMH-TX-20611848FS
JOB:

FLOOD ZONE: X SHADED

COMMUNITY PANEL:
48201C0945M

EFFECTIVE DATE: 1/6/2017

LOMR: DATE:

THIS INFORMATION IS BASED ON GRAPHIC PLOTTING. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION

LOT 15, BLOCK 1,
MORGAN'S LANDING, SECTION 2 FINAL PLAT,
FILM CODE NO. 688576, MAP RECORDS,
HARRIS COUNTY, TEXAS

I HEREBY CERTIFY THAT THIS PLAT REPRESENTS THE
RESULTS OF A SURVEY MADE ON THE GROUND, ON THE 3RD
DAY OF AUGUST, 2020.



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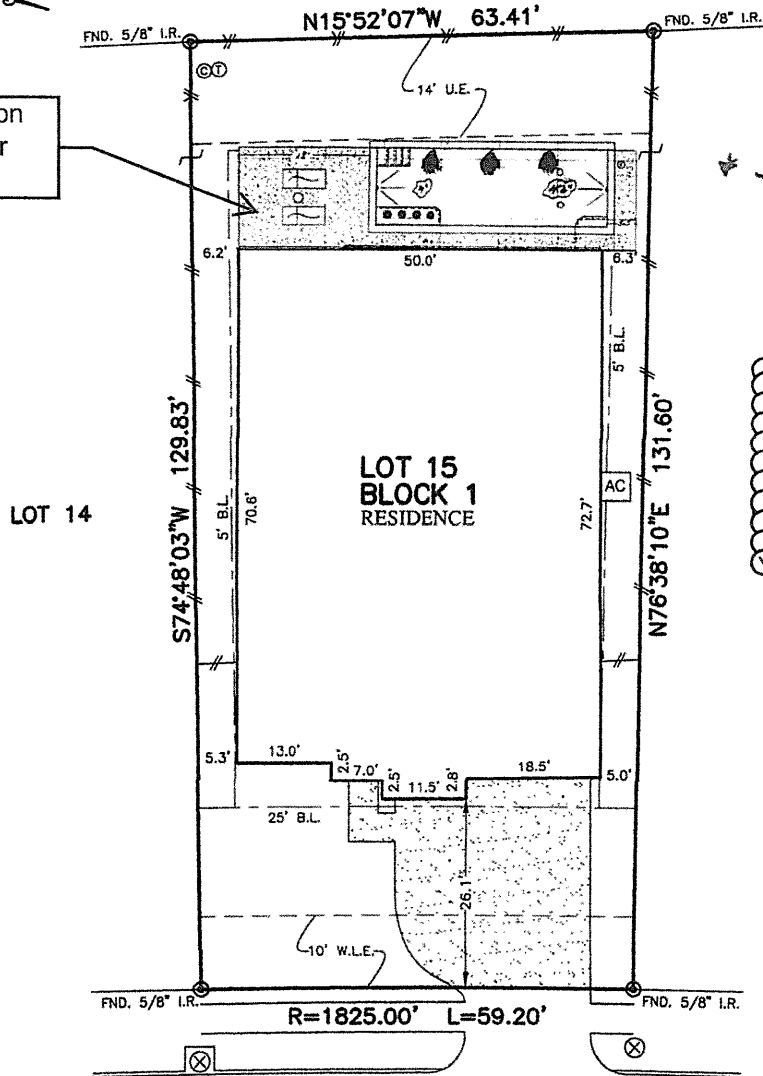


FLATWORK	B.L. BUILDING LINE	T.O.F. TOP OF FORM	U.V.E. UNOBSTRUCTED VISIBILITY EASEMENT	MANHOLE
PROPERTY LINE	B.L.(F.L.) FRONT LOAD BUILDING LINE	U.E. UTILITY EASEMENT	M.A.C.C.E. MAINTENANCE & ACCESS EASEMENT	GRATE DRAIN
BUILDING LINE	B.L.(S.I.) SWING IN BUILDING LINE	W.L.E. WATER LINE EASEMENT	ACC.E. ACCESS EASEMENT	PAD MOUNTED TRANSFORMER
EASEMENT	B.L.(C.I.) 1 CAR BUILDING LINE	STM.S.E. STORM SEWER EASEMENT	A.E. APRIAL EASEMENT	ELECTRIC BOX
WOODEN FENCE	G.B.L. GARAGE BUILDING LINE	S.S.E. SANITARY SEWER EASEMENT	D.E. DRAINAGE EASEMENT	FIBER OPTIC
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OVERHEAD ELECTRIC	EXT. EXTENDED	P.U.E. PRIVATE UTILITY EASEMENT	F.H. FIRE HYDRANT	CABLE PEDESTAL
	PROP. PROPOSED	P.V. PRIVATE	M. MONUMENT	WATER METER
	ELEV. ELEVATION	I.R. IRON ROD	W.I. WATER INLET	WATER METER & INLET
		FND. FOUND	I.P. IRON PIPE	VAULT

MORGAN'S LANDING RECREATION CENTER AND DETENTION POND

FILM CODE NO. 688585, H.C.M.R.

Proposed Pool Location
refer to Page 4 of 4 for
details.



* 3' water's Edge
to foundation

Note: Any structural wall build
into the building line easement
shall be approved by
appropriate governing
authority. Engineer shall not
be responsible.

DocuSigned by:

Ronald Frank Kolenc
C03BD8895A76455

215

COLEMAN WAKE LANE
(50' R.O.W.)

DocuSigned by:

Rose Marie Kolenc
1D74C1C93B8E945E

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FOR: RONALD FRANK KOLENC

ROSE MARIE KOLENC
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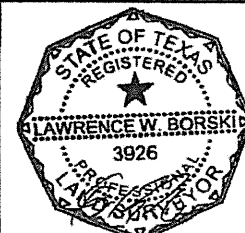
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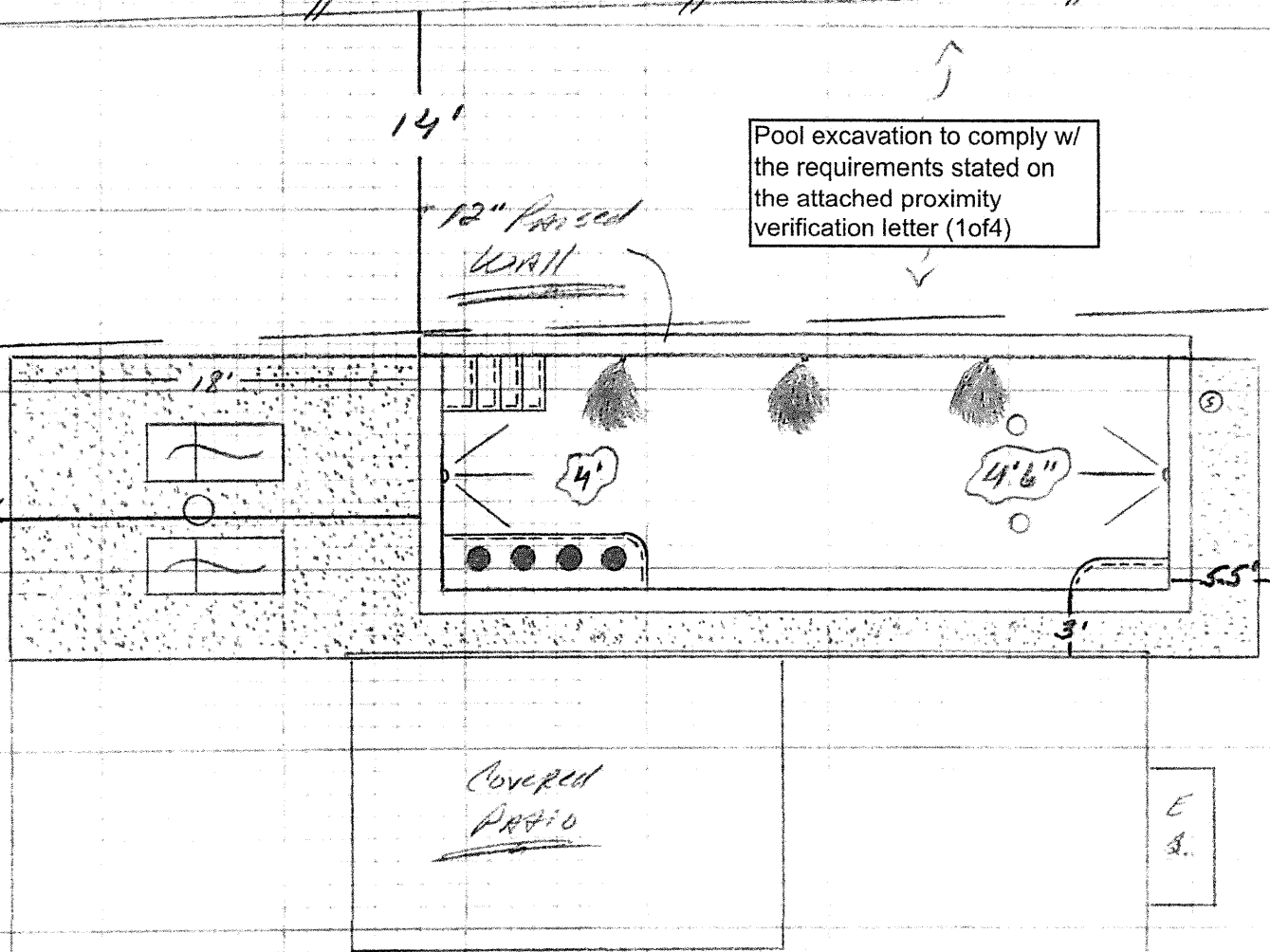


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All Rights Reserved.

Kolene Residence
215 Coleman Wake Ln.
La Porte, TX 77571

* Scale: 1/8" = 1'

1 in.



Pool excavation to comply w/
the requirements stated on
the attached proximity
verification letter (1 of 4)

House

* Dimensions: 30' x 10.5'
Area: 336 sq'
Perimeter: 85 LF
Decking: 352 sq'



Adjournment

- a. Adjourn the meeting.