

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



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

**LA PORTE ZONING BOARD OF ADJUSTMENT AGENDA
THURSDAY, SEPTEMBER 22, 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/84298797995?pwd=d3VBTHpmbIVpY2lkTFZvcHdEWktZZz09>

To dial in, call 877-853-5257 or 888-475-4499 and use the meeting ID 842 9879 7995, passcode 367257.

-
- 1. CALL TO ORDER**
 - 2. ROLL CALL OF MEMBERS**
 - 3. APPOINTMENT OF CHAIRPERSON**
 - 4. CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. Approve the minutes of the meeting held on July 28, 2022.
 - 5. VARIANCE #22-93000005:** Open a public hearing to consider Variance Request #22-93000005, a request by Moruf Jimoh, applicant, on behalf of Ben Deanda, owner, for a variance to reduce the required setback for a proposed driveway, on a tract of land located at 11208 N. P Street and legally described as Tract 392C, La Porte Outlots, Harris County, TX.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Adjourn Hearing
 - 6. BOARD DISCUSSION AND POSSIBLE ACTION:** Consider Variance Request #22-93000005
 - 7. VARIANCE #22-93000004:** Open a public hearing to consider Variance Request #22-93000006, a request by Hannibal Almodovar, applicant and owner, for a variance to allow for a fourteen (14) foot tall accessory structure, on a tract of land located at 310 N. 7th Street and legally described as Lots 10-13, Block 78, Town of La Porte, Harris County, TX.
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Public Comments (Limited to 5 minutes per person)
 - d. Adjourn Hearing

8. BOARD DISCUSSION AND POSSIBLE ACTION: Consider Variance Request #22-93000006

9. ADMINISTRATIVE REPORTS

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

11. 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 **SEPTEMBER 22, 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. July 28, 2022

PHILLIP HOOT
Board Member Position 1
PAT MCCABE
Board Member Position 2
ROD ROTHERMEL
Board Member Position 3
ZBOA Chairman



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

MINUTES OF THE REGULAR MEETING OF THE LA PORTE ZONING BOARD OF ADJUSTMENT JULY 28, 2022

The Zoning Board of Adjustment of the City of La Porte met in a regular meeting on Thursday, July 28, 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: Chairman, Rod Rothermel; Board Member, Pat McCabe; Board Member, Philip Hoot.; Board Member, Dennis Oian; Board Member, Nettie Warren; and Alternate Board Member, John Blakemore.

Board Members absent None.

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

1. **CALL TO ORDER:** – Chairman Rothermel called the meeting to order at 6:00 p.m.
2. **ROLL CALL OF MEMBERS:** – Chairman, Rod Rothermel; Board Member, Pat McCabe; Board Member, Philip Hoot.; Board Member, Dennis Oian; Board Member, Nettie Warren; and Alternate Board Member, John Blakemore were present.
3. **CONSIDER APPROVAL OF THE MEETING MINUTES:**
 - a. **Approve the minutes of the meeting held on April 28, 2022.**
Board Member Oian moved to approve the meeting minutes; the motion was adopted, 5-0.
4. **VARIANCE #22-93000003:** Open a public hearing to consider Variance Request #22-93000003, a request by Maria Alanis, applicant, on behalf of Carlos Pereda, owner, for a variance to reduce the required setback for a proposed pool, on a tract of land located at 601 Beachman Shore Ln. and legally described as Lot 38, Block 1, Morgan's Landing Section 8, Harris County, TX.

City Planner, Ian Clowes, 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 6:07 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. **VARIANCE #22-93000004:** Open a public hearing to consider Variance Request #22-93000004, a request by Roger Russell, applicant and owner, for a variance to allow for a front yard fence on a tract of land located at 2003 E. Lomax Dr. and legally described as Lots 15 and 16, Lomax Gardens, Harris County, TX.

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

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

Mandi Williams, 11207 N Avenue H, spoke in favor of the request.

Tucker Grant, 1917 Lomax Dr., was not opposed to the fence but requested that it be constructed of chain-link material.

8. **ADJOURN PUBLIC HEARING:** Public Hearing was adjourned at 6:28 PM.

9. **CONSIDERATION:**

Board members discussed the merits of the variance request.

Board Member Hoot made a motion to approve the requested variance with the condition that the fence be constructed with chain-link or better; the motion was adopted, 5-0.

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 – Chairman Rothermel adjourned the meeting at 6:33 PM.

Ian Clowes, City Planner

, Chairman



Planning and Development Department Staff Report Variance – #22-93000005

DISCUSSION

Location:

The subject site is located at 11208 N. P St.

Background Information:

The applicant seeks approval of variance request #22-93000005 to construct a 12'-6" driveway that is less than 4' from an existing driveway next to this property. Per Section 106-835 Figure 10-2, the minimum spacing between residential driveways is ten (10) 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 Large Lot Residential (LL), and is located within the Lomax general area. The lot is a flagpole shaped lot. The applicant has submitted building plans that show the size and location of the proposed driveway.

The following table summarizes the surrounding zoning and land uses:

| | Zoning | Land Use |
|--------------|-------------------------------|---------------------------|
| North | Large Lot Residential (LL) | Single Family Residential |
| South | Large Lot Residential (LL) | Agricultural Use |
| West | Large Lot Residential (LL) | 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 106-835 Figure 10-2, stipulates that spacing between residential driveways must be located a minimum of ten (10) feet from existing driveways.

Analysis:

The applicant seeks approval of a single variance that would allow for the construction of a driveway that is less than four (4) feet from the adjacent property's driveway. This distance is six (6) feet closer to the home than what is permitted by the City of La Porte's Code of Ordinances. The required spacing is in place to ensure there is a uniform spacing within the City of La Porte and to prevent the encroachment of driveways.



Zoning Board of Adjustments
September 22, 2022 – Variance #22-93000005

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. |
| 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 narrowness of the existing lot. Strict enforcement of the code would prevent driveway access to the property. |
| 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

#22-93000005

11208 N. P St.

Legend



Subject Tract

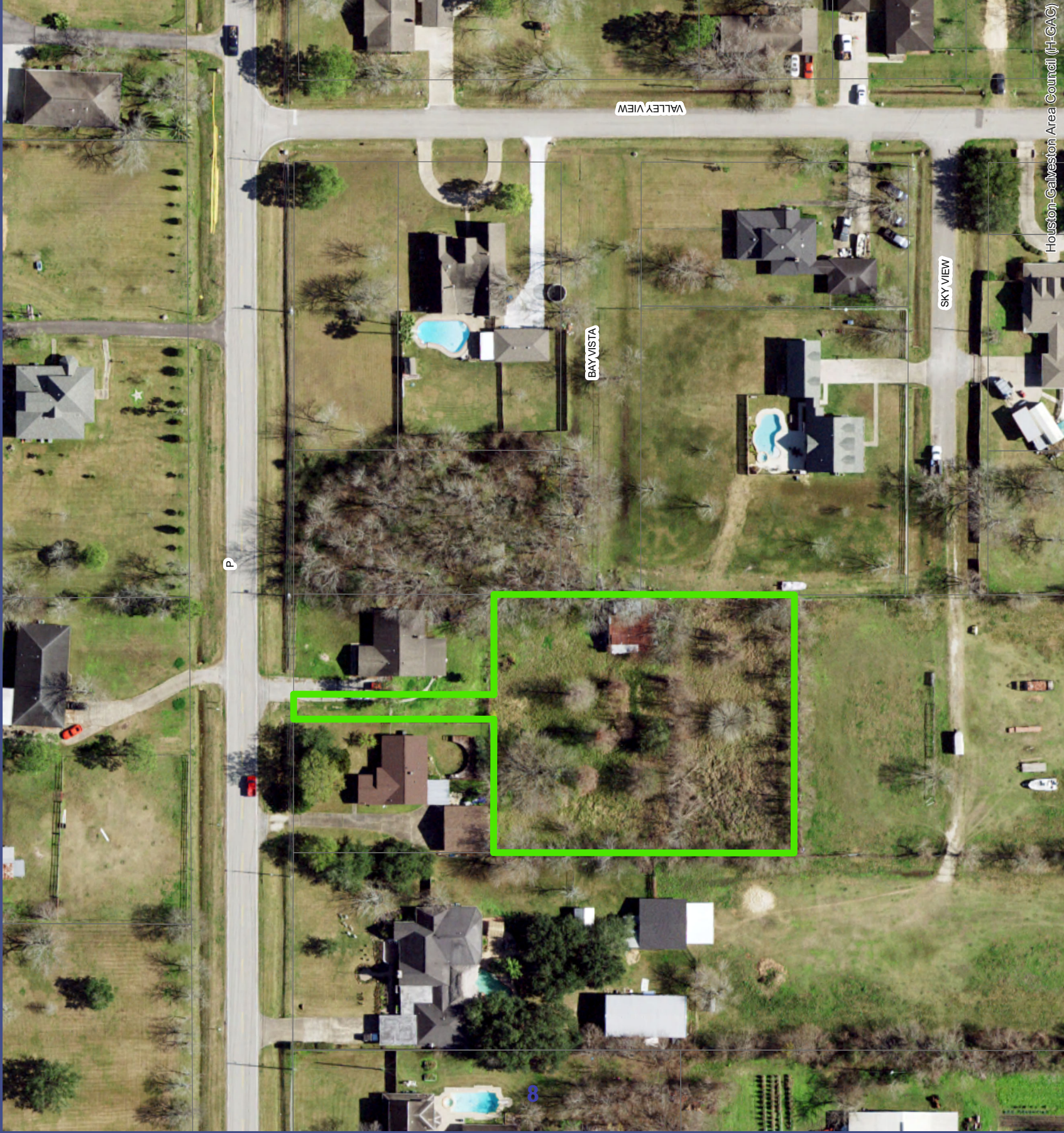


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 90 feet

SEPTEMBER 2022
PLANNING DEPARTMENT



Zoning Map

Variance

#22-93000005

11208 N. P St.

Legend



Subject Tract

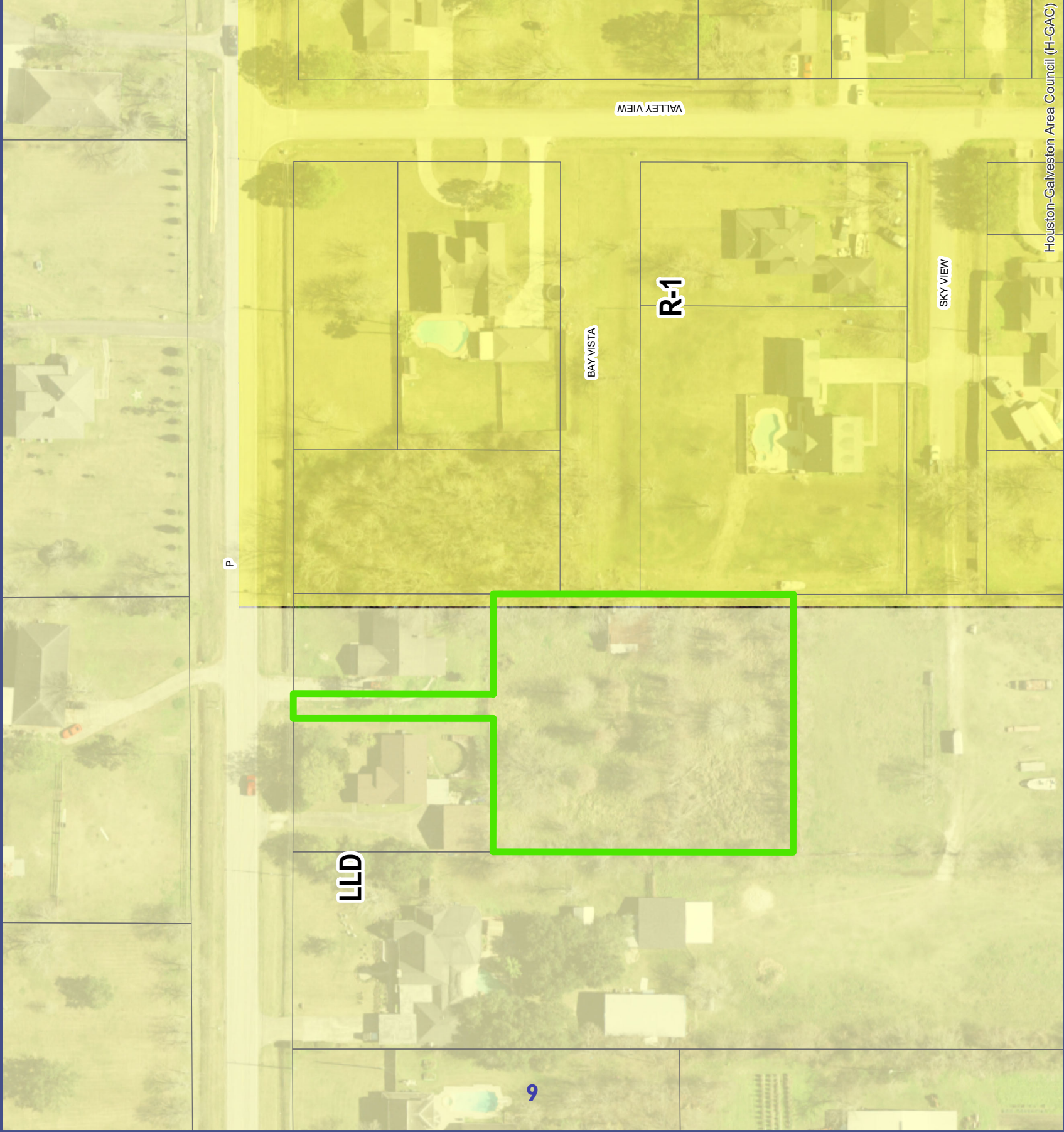


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 90 feet

SEPTEMBER 2022
PLANNING DEPARTMENT



FLUP Map

Variance
#22-93000005

11208 N. P St.

Legend



Subject Tract

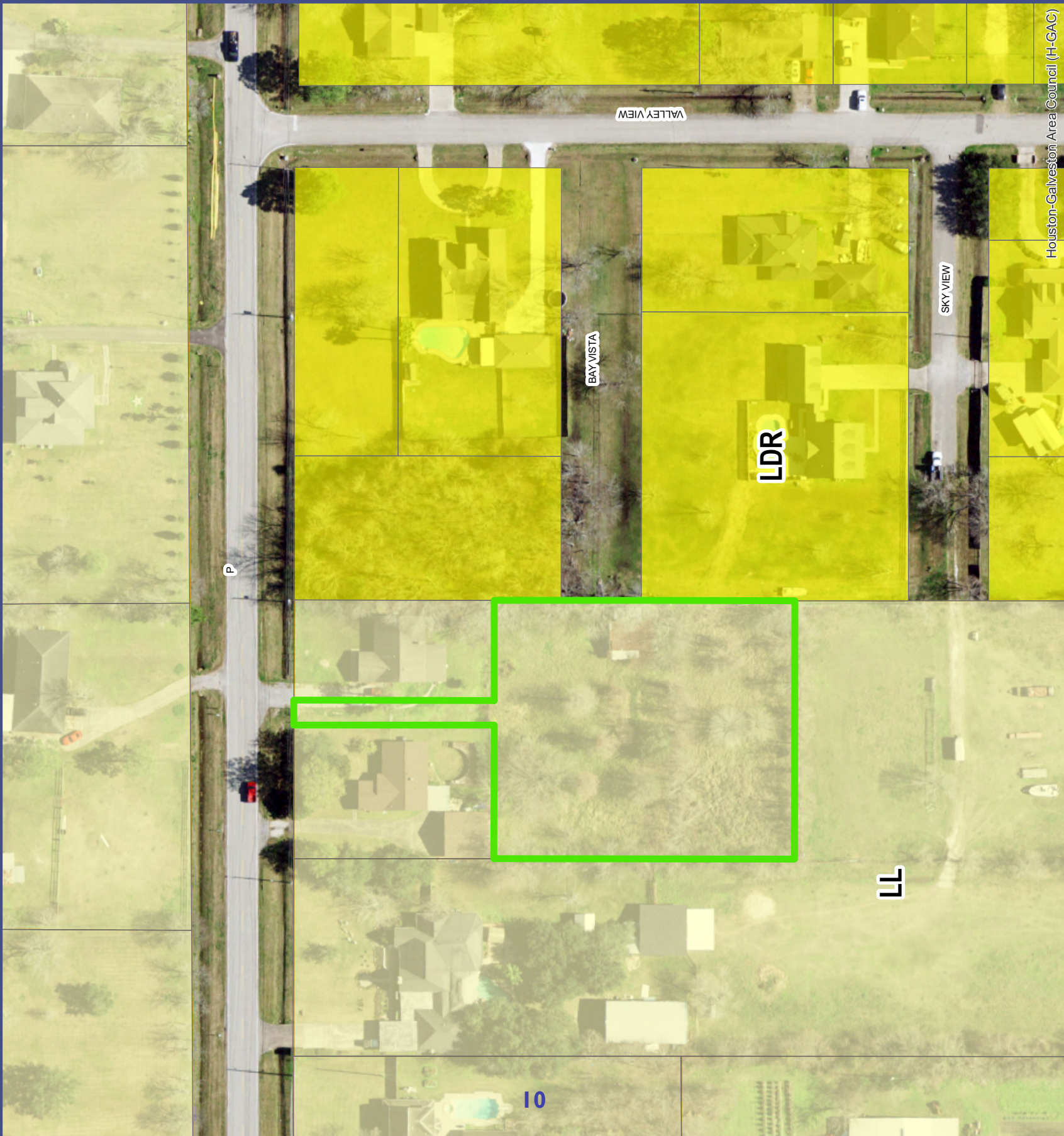


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 90 feet

SEPTEMBER 2022
PLANNING DEPARTMENT





Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 11208 N P ST LA PORTE TX 77571
Legal description where Variance is being requested: TR 392C LA PORTE OUTLOTS
HCAD Parcel Number where Variance is being requested: 0231400000518
Zoning District: _____ Lot area: 46,365

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

Description of Request: We intend to install a 12'-6" driveway to provide access to the existing property. The city ordinance requires a 10' distance between an existing driveway and a new one but in our case, the existing driveway next to this property is less than 4' hence making our proposed driveway impossible.

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

PROPERTY OWNER(S) INFORMATION

Name: BEN DEANDA
Company (if applicable): _____
Address: 84522 ROSEMARY LN
City: HOUSTON State: TX Zip: 77093
Phone: 713.284.2578 Email: reliableinvestment@gmail.com


AUTHORIZED AGENT (if other than owner)

Name: Moruf Jimoh
Company (if applicable): PermitUsNow LLC
Address: 720 Rusk St #223
City: Houston State: TX Zip: 77002
Phone: 281.883.6886 Email: moruf@permitusnow.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: Moruf Jimoh Digitally signed by Moruf Jimoh
DN: cn=Moruf Jimoh, o=Moruf Jimoh, ou=Design and Construction Management,
email=moruf@permitusnow.com, c=US
Date: 2022.08.08 15:59:30 -0500 Date: 08.08.22

Owner(s)' Signature(s):  Date: 08.08.22

STAFF USE ONLY:

Case Number: _____

Date Application Received: _____



REASON(S) FOR VARIANCE REQUEST

1. We intend to install a 12'-6" driveway to provide access to the existing property. The city ordinance requires a 10' distance between an existing driveway and a new one but in our case, the existing driveway next to this property is less than 4' hence making our proposed driveway impossible. Due to the site constraints, all we can propose is to comply the required 3' distance from side lot line, install a 12'-6" driveway. Our overall access with is just 18'-6"

- 2.

- 3.

- 4.

- 5.



Planning and Development Department Staff Report Variance – #22-93000006

DISCUSSION

Location:

The subject site is located at 310 N. 7th St. in the City of La Porte.

Background Information:

The applicant seeks approval of variance request #22-93000006 to allow a fourteen (14) foot tall accessory structure. Per Section 106-741 (d), detached private garages, as defined, may be twenty (20) feet in height, or the height of the principal structure, whichever is less. The principal structure on site is only twelve (12) feet tall. The accessory structure was permitted in error and has already been constructed. A code enforcement case has been opened and is pending the outcome of the variance request. 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 Medium Density Residential (R-2). The following table summarizes the surrounding zoning and land uses:

| | Zoning | Land Use |
|--------------|----------------------------------|---------------------------|
| North | Medium Density Residential (R-2) | Single Family Residential |
| South | Medium Density Residential (R-2) | Single Family Residential |
| West | Medium Density Residential (R-2) | Empty Lot |
| 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 106-741 (d), stipulates that detached private garages, may be twenty (20) feet in height, or the height of the principal structure, whichever is less.

Analysis:

The applicant seeks approval of a single variance that would allow for the current non-conforming accessory structure that is fourteen (14) feet in height. The accessory structure exceeds the height of the primary structure which is not permitted by the City of La Porte's Code of Ordinances. The required height is in place to ensure uniformity within 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 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 hardship has been identified. |
| 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

#22-93000006

310 N. 7th St.

Legend



Subject Tracts

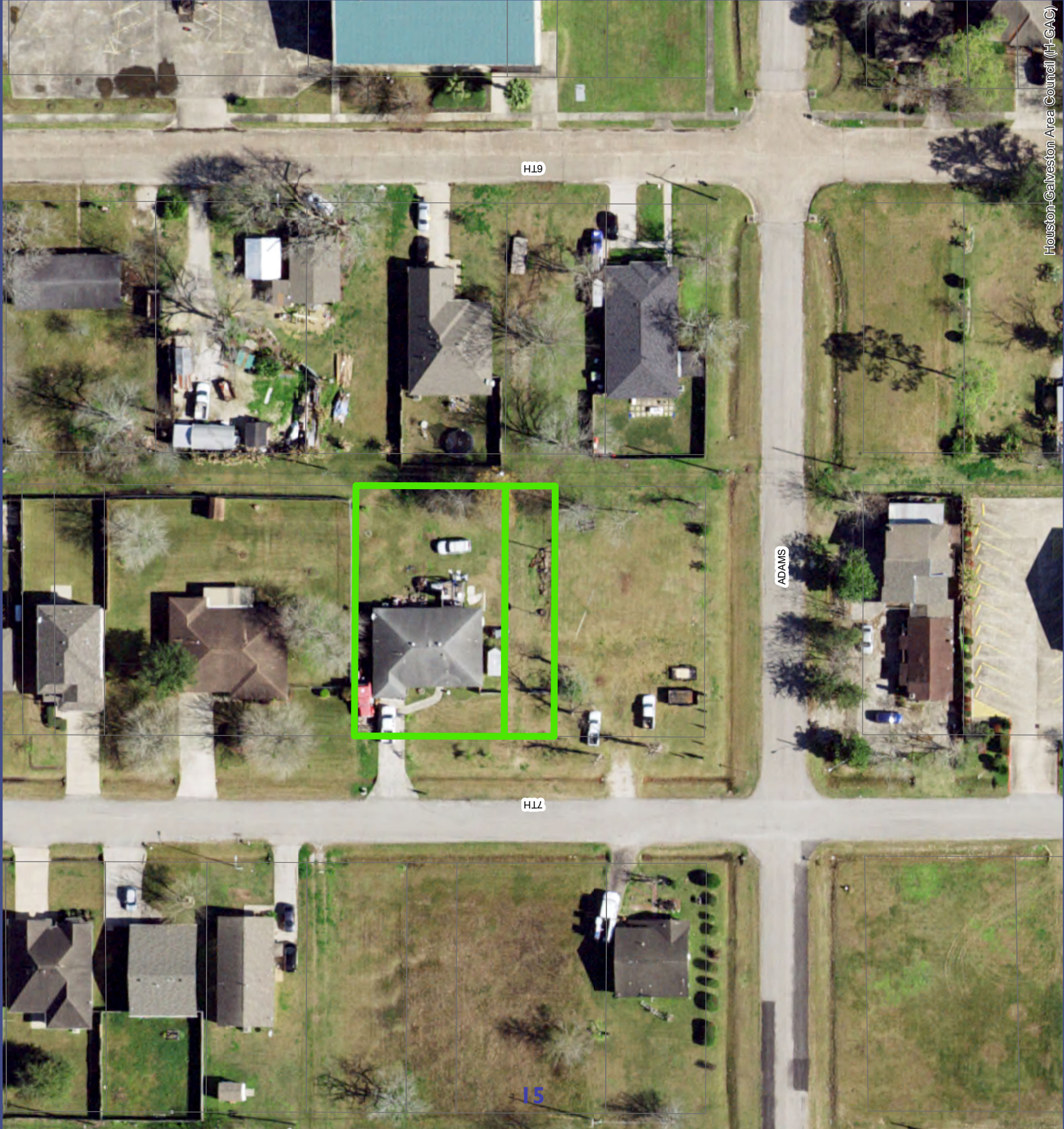


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 60 feet

SEPTEMBER 2022
PLANNING DEPARTMENT



Zoning Map

Variance
#22-93000006
310 N. 7th St.

Legend



Subject Tracts

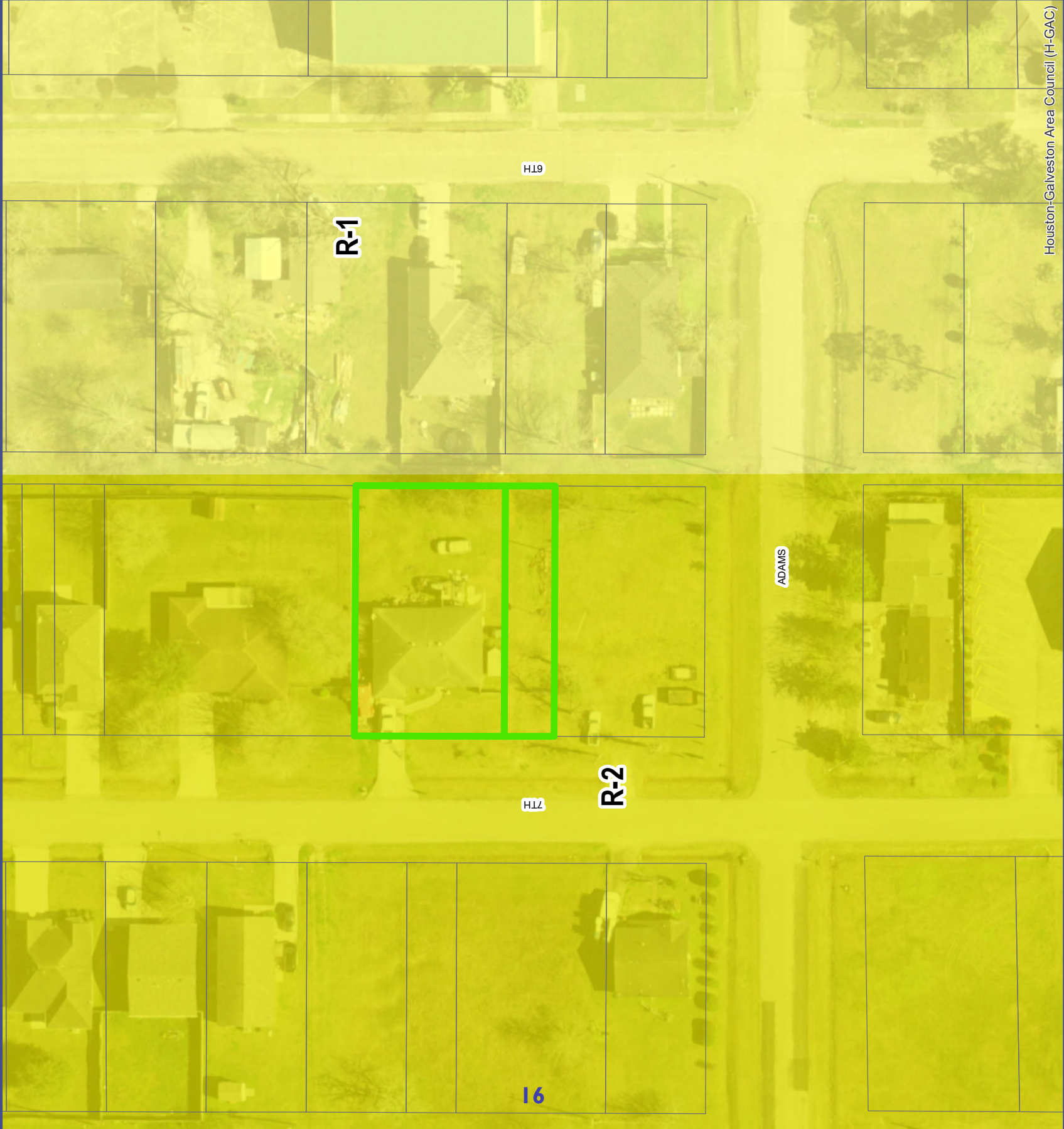


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 60 feet

SEPTEMBER 2022
PLANNING DEPARTMENT



FLUP Map

Variance
#22-93000006
310 N. 7th St.

Legend



Subject Tracts

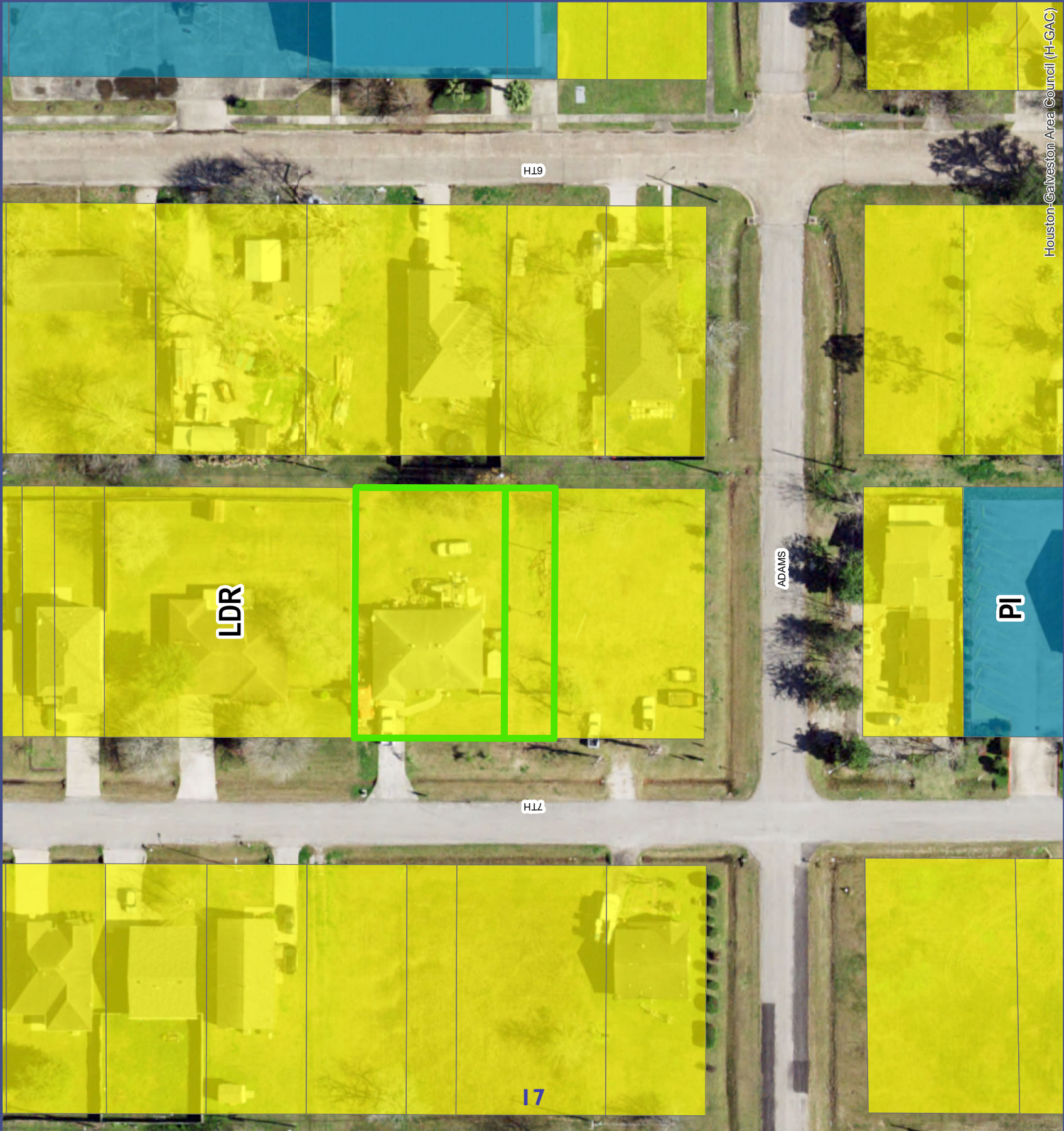


This product is for informational purposes and may not have been prepared for or be suitable for legal purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries



1 inch = 60 feet

SEPTEMBER 2022
PLANNING DEPARTMENT





Variance Application

Planning and Development Department

PROJECT INFORMATION

Address where Variance is being requested: 310 N. 7TH ST.
Legal description where Variance is being requested: LTS 10,11,12 & 13 BLK 78
HCAD Parcel Number where Variance is being requested: 023-203-078-0010
Zoning District: RESIDENTIAL Lot area: 12,500 SQFT.
A Variance request is hereby made to the Board of Adjustment of the City of La Porte.
Description of Request: TO ALLOW THE EXTRA 24" THAT I WENT ABOVE ORIGINAL APPROVED PLANS.

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

PROPERTY OWNER(S) INFORMATION

Name: HANNIBAL ALMODOVAR
Company (if applicable): _____
Address: 310 N. 7TH ST.
City: LA PORTE State: TX Zip: 77571
Phone: 832-949-7298 Email: HANNIBALALMODOVAR1@GMAIL.COM

AUTHORIZED AGENT (If other than owner)

Name: - SAME -
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: 8.25.22

STAFF USE ONLY:

Case Number:
22-93000006

Date Application Received:

08.25.2022



REASON(S) FOR VARIANCE REQUEST

1. THE ORIGINAL PLANS WERE FOR A 12' STRUCTURE, BUT WHEN HAD IT APPROVED, THE PERMIT STATED "ACCESSORY STRUCTURE MAXIMUM HEIGHT IS 15'" SO DECIDED TO GO WITH 14' STRUCTURE BECAUSE OF THE HEAT.

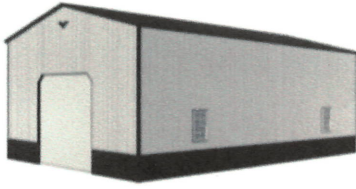
2. CALLED FOR FINAL INSPECTION AND INSPECTOR SAID IT WAS NOW TALLER THAN MY HOME, SO THAT HE WASN'T ABLE TO APPROVE IT.

ATTACHED ARE PLANS OF SITE PROJECT & PICTURES TO PROVE OTHERWISE.

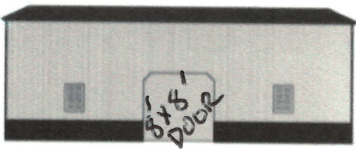
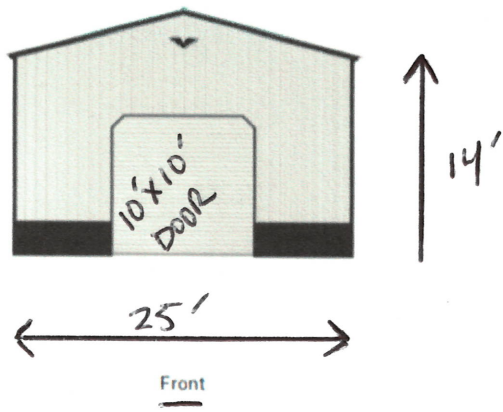
3. I NEED MY STORAGE / GARAGE STRUCTURE DUE TO HAVING MULTIPLE TOOLS & EQUIPMENT THAT CAN'T BE WEATHERED.

4.

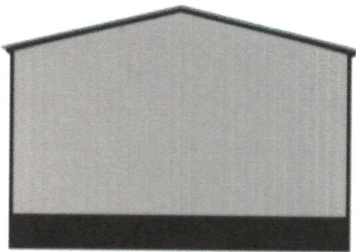
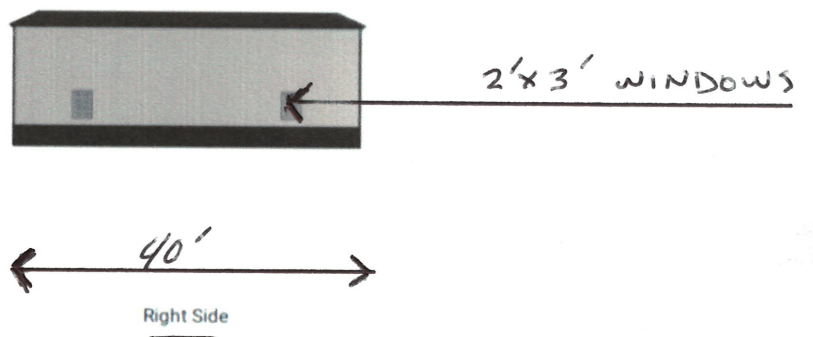
5.



Perspective View

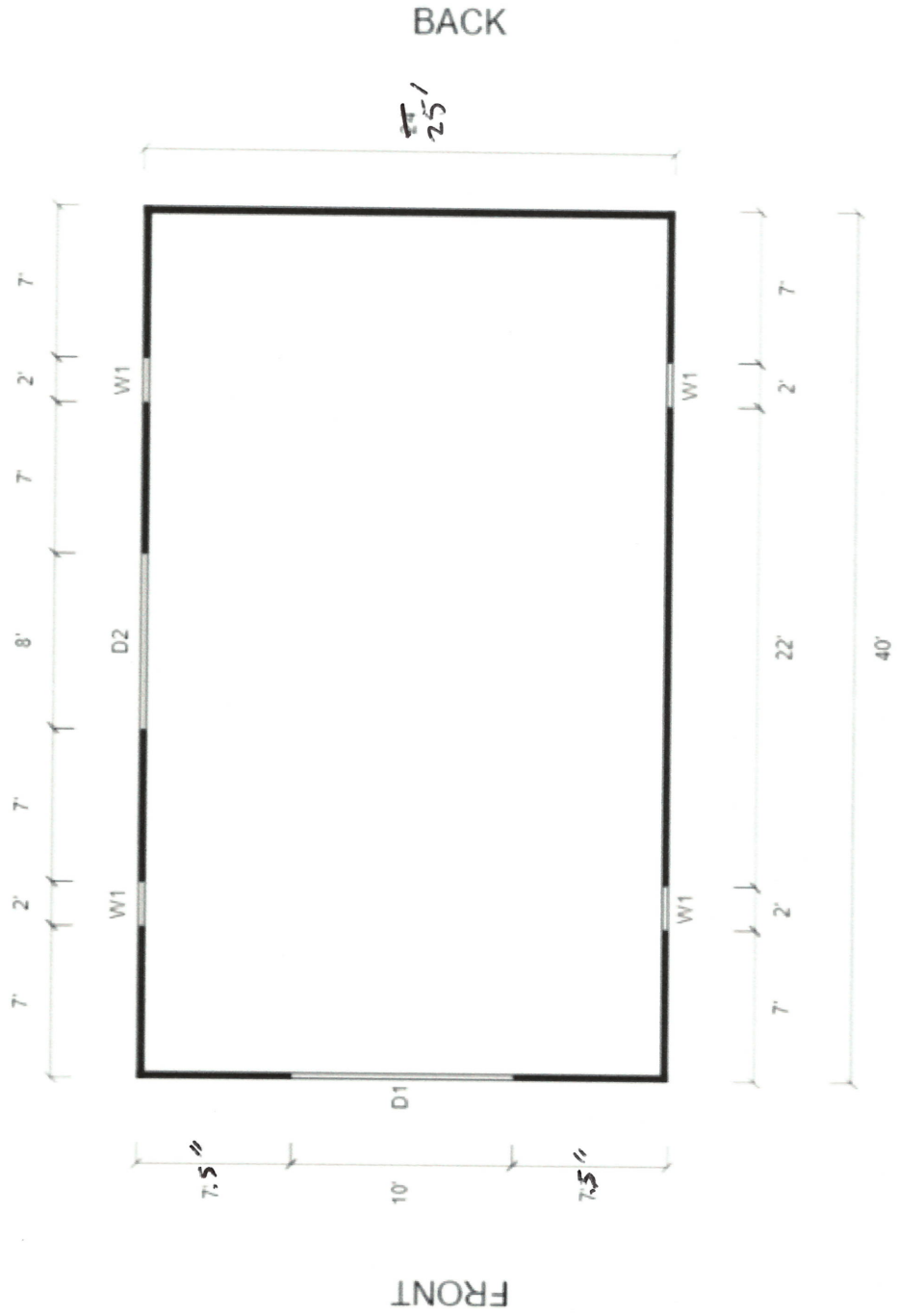


Left Side



Back

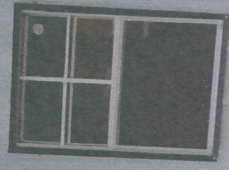
LEFT SIDE






FRONT SIDE

LEFT SIDE



RIGHT
SIDE



BACK SIDE



— CITY PICTURE —

THIS PICTURE WASN'T EVEN TAKEN IN FRONT OF MY HOME, OBVIOUSLY IT'S GOING TO LOOK TALLER THAN ANYTHING ELSE.

THE FIRST THING YOU SEE IS THE STRUCTURE BECAUSE THE ANGLE & PLACEMENT OF THE PHOTOGRAPHER.



— RIGHT IN FRONT OF THE HOUSE —
SIDEWALK



Adjournment

- a. Adjourn the meeting.