

**City of La Porte, Texas
Zoning Board of Adjustment**



AGENDA ITEM 5.c

Variance #VAR-2026-0023:

The Board will hold a Public Hearing to receive input on Variance request #VAR-2026-0023, a request submitted by Stephanie Mendoza, applicant, on behalf of Roelof and Judy Nieuwenhuis, property owners; for the following Variances from Sec. 106-333, Table B, Residential Area Requirements of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances, for a single-family detached unit, within the Mixed Use (MU) zoning district, on approximately 0.07 acres of land, located at 545 Circle Drive; La Porte, Harris County, Texas [Yvonne Briscoe, Planner II]:

- to decrease the minimum required rear yard setback from 15 feet to 3 feet,
- to decrease the minimum required side yard setback from 5 feet to 3 feet,
- to decrease the minimum required front yard setback from 25 feet to 10 feet,
- to decrease the minimum required lot area from 6,000 square feet to 2,438 square feet, and
- to decrease the minimum required lot width from 50 feet to 42 feet.



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Planning and Development Department Staff Report
Variance #VAR-2026-0023

REQUEST

Consider Variance #VAR-2026-0023, for the following Variances from Sec. 106-333, Table B, Residential Area Requirements of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances, for a single-family detached, within the Mixed Use (MU) zoning district:

- to decrease the minimum required rear yard setback from 15 feet to 3 feet,
- to decrease the minimum required side yard setback from 5 feet to 3 feet,
- to decrease the minimum required front yard setback from 25 feet to 10 feet,
- to decrease the minimum required lot area from 6,000 square feet to 2,438 square feet, and
- to decrease the minimum required lot width from 50 feet to 42 feet.

DISCUSSION

Location:

The subject property consists of approximately **0.07 acres** and is located at **545 Circle Drive**, La Porte, Harris County, Texas.

Background Information:

The subject property is currently zoned Mixed Use (MU) and is located within the Beach Park subdivision, which was originally platted in 1895. The subdivision contains several lots that were created prior to the adoption of modern zoning and subdivision standards and are therefore significantly smaller than current minimum lot size and width requirements.

The applicant is requesting the above Variances in order to construct a single-family detached dwelling unit on the property.

Staff notes that the subject property consists of a nonconforming lot and a portion of an additional lot. In accordance with Policy P2025-0002, the combination of nonconforming lots and a portion of a nonconforming lot requires the property to be replatted. Therefore, approval of the requested Variances would not authorize construction independently, and the applicant would be required to submit and obtain approval of a replat prior to issuance of building permits.

Zoning

The subject property is zoned Mixed Use (MU) zoning district. The table below summarizes surrounding zoning districts and land uses:



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	Zoning	Land Use
North	Mixed Use (MU)	Single-family residence
South	Mixed Use (MU)	Circle Drive / Single-family residence
West	Mixed Use (MU)	Single-family residence
East	Mixed Use (MU)	Single-family residence

Applicable Code Provisions:

The tables below illustrates the minimum requirements set forth in the La Porte Code of Ordinances and the Variances being requested.

Sec. 106-333. Table B, Residential Area Requirements.

(a) Table B, Residential Area Requirements.

Single-Family Detached	Required	Proposed
Minimum Site Area S.F.	6,000	2,438
Minimum Site Width FT.	50	42
Minimum Front Yard Setback L.F.	25	10
Minimum Rear Yard Setback L.F.	15	3
Minimum Side Yard Setback L.F.	5	3

Analysis:

Section 106-192 of the La Porte Zoning Ordinance states that the term “Variance represents 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.” The Zoning Ordinance further defines an “unnecessary hardship as a physical hardship related to the property itself, as distinguished from a hardship related to convenience, and the hardship must not result from the applicant or property owner’s actions, and that by granting the Variance, the spirit of the Zoning Ordinance will be observed.

The Board is authorized to grant a Variance when the Board finds that **all** the following criteria are met. The following table outlines the criteria and staff’s analysis:

Criteria:

- a. That the granting of the Variances will not be contrary to the public interest.***

Public interest is expressed through the City Council, which adopts ordinances to guide development and promote the community’s goals. Courts have held that for a Variance to be contrary to the public interest, it must “unduly, and in a marked degree,” conflict with the fundamental purpose of the zoning regulations. City Council recognizes that Variances may be appropriate when strict application of the Zoning Ordinance would



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prevent reasonable use of a property. In this case, granting the requested Variances would allow construction of a single-family detached dwelling on an unusually shaped lot.

Although the requested Variances reduce the minimum lot area, lot width, and yard setbacks, the proposed use is the least intensive residential use permitted within the Mixed Use (MU) zoning district. The surrounding area is predominantly developed with single-family homes of similar scale and character.

Staff finds that approval of the requested Variances would enable residential development consistent with surrounding land uses and would not unduly conflict with the intent of the zoning regulations. Therefore, staff finds that granting the Variances would 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 situations 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 subject property is part of the Beach Park subdivision, which was originally platted in 1895, prior to the establishment of current zoning and subdivision standards. As a result, several lots within the subdivision were created with dimensions significantly smaller than those required under current zoning regulations.

The subject property contains approximately 2,438 square feet of lot area and a lot width of 42 feet, which are substantially below the minimum requirements of the Mixed Use zoning district. When the required front, side, and rear yard setbacks are applied to a lot of this size, the resulting buildable area is extremely limited and would make construction of a single-family dwelling impractical.

The hardship in this case arises from the historic platting pattern and the limited physical dimensions of the property, which are conditions unique to the lot and were not created by the current property owner.

Because the physical characteristics of the lot significantly restrict the ability to develop the property in compliance with current zoning standards, staff finds that literal enforcement of the ordinance would result in an unnecessary hardship related to the property itself.

- c. That by granting the Variance, the spirit of this chapter will be observed.***

The intent of the zoning ordinance is to promote orderly development, compatibility between land uses, and reasonable use of property.



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Granting the requested Variances would allow the development of a single-family home consistent with the surrounding residential character of the neighborhood while allowing reasonable use of a historically platted lot that would otherwise be difficult to develop.

The proposed use remains consistent with the permitted residential uses within the Mixed Use zoning district and would allow the property to contribute positively to the surrounding neighborhood.

Staff finds that granting the Variances would allow reasonable development while maintaining the intent and purpose of the zoning regulations, and therefore the spirit of the chapter would be observed.

- d. Financial Hardship – If (b) above applies, a financial hardship can be considered: If the financial cost of compliance with the Zoning Ordinance is greater than 50% of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the City under Section 26.01. Tax Code, or successor and as amended, then the Board may find that to be an unnecessary hardship.***

This criterion does not apply. While staff finds that (b) above applies, as this criterion is only applicable to existing structures.

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 ten (10) 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.

Staff mailed thirty-two (32) notices to all property owners within 300 feet of the site. As of the date of this writing, no notices have been returned.

RECOMMENDATION

Based on the above analysis, staff recommends approval of Variance request #VAR-2026-0023, for the following Variances from Sec. 106-333, Table B, Residential Area Requirements of Chapter 106 (Zoning) of the City of La Porte's Code of Ordinances, for a single-family detached unit, within the Mixed Use (MU) zoning district, on approximately 0.07 acres of land, located at 545 Circle Drive; La Porte, Harris County, Texas:

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Appeal Procedure:

Section 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: Aerial Map
- Exhibit B: Zoning Map
- Exhibit C: FLUP Map
- Exhibit D: Notification Map
- Exhibit E: Legal Ad
- Exhibit F: Site Photos
- Exhibit G: Application