

1 The Board of Adjustment of the City of Seabrook met on Monday, November 18, 2019 at City
2 Hall, 1700 First Street, Seabrook, Texas in regular session to consider the following agenda
3 items.

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5 THOSE PRESENT WERE:

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7	SUE LANGGARD THOMEY	CHAIRMAN
8	EDELMIRO MUNIZ	MEMBER
9	MICHELE GLASER	MEMBER
10	MARGARET HUNT	MEMBER
11	RICHARD NGUYEN	ALTERNATE MEMBER
12	JARED KELLY (exc. Absence)	ALTERNATE MEMBER
13	STEVE WEATHERED	CITY ATTORNEY
14	SEAN LANDIS	DIRECTOR OF PLANNING AND
15		COMMUNITY DEVELOPMENT
16	PAT PATEL	ADMINISTRATIVE ASSISTANT

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18 Sue Thomey called the meeting to order at 6:00 p.m.

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20 **1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS**

21
22 There were none.

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24 **2.0 SPECIFIC PUBLIC HEARING**

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26 **2.1 Request for variance to the Seabrook Code of Ordinances, Appendix A,**
27 **“Comprehensive Zoning”, Article 3, “Establishment of Zoning Districts and**
28 **Associated Regulations”, Section 3.03.07, “Buffering and Screening”, as it relates to**
29 **“No accessory structures or other obstructions including decks, pools, paving,**
30 **landscaping structures, or trees and fountains may be erected on any utility**
31 **easement”.**

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33 Chairman Thomey opened the Specific Public Hearing at 6:04 p.m.

34
35 Community Development Director, Sean Landis, explained to the Board that the
36 applicant is requesting a variance to encroach on a rear 25ft building line utility
37 easement. At this location, all the public utilities including the franchise utilities are all
38 located at the front of the house. At one point in time when this location was platted, they
39 platted the utility easement in the rear, however nothing was ever placed in there. The
40 applicant is requesting to construct a swimming pool in the rear area that would encroach
41 on the rear building line. Building lines do not apply to swimming pools. They only apply
42 to building structures, therefore the applicant is asking to encroach upon a utility
43 easement. Mr. Landis stated that there will never be any need for City utilities in the rear
44 easement, since all the water, sewer and drainage is all in the front of the property. The
45 City has no objections to the encroachment upon the utility easement.

46

Chairman Thomey closed the Specific Public Hearing at 6:15 p.m.

EXECUTIVE SESSION

Section 551.071

Chairman Thomey called the Board into Executive Session at 6:17 p.m.

Motion made by Michele Glaser and seconded by Margaret Hunt.

To go into Executive Session.

MOTION CARRIES BY UNANIMOUS CONSENT

The Board reconvened into OPEN SESSION at 6:19 pm. No action was taken in executive session.

3.0 NEW BUSINESS

3.1 Consider and take all appropriate action on request for a variance to the Seabrook Code of Ordinances, Appendix A, "Comprehensive Zoning", Article 3, "Establishment of Zoning Districts and Associated Regulations", Section 3.03.07, "Buffering and Screening", as it relates to "No accessory structures or other obstructions including decks, pools, paving, landscaping structures, or trees and fountains may be erected on any utility easement".

Chairman Thomey stated that they would vote on the questions.

A. That special conditions and circumstances exist which are peculiar to the land, structure or building involved which are not applicable to other lands, structures or buildings in the same district.

Applicant's Answer: The easement has never been used by any utility and was released by the electric HL&P and gas entex Reliant in October 2001. The Comcast utility has granted a consent to encroach by letter and has never used it either. AT&T doesn't have service lines in the subdivision.

We find accordingly

Ayes: Thomey, Glaser, Hunt, Muniz and Nguyen

Nays: None

Abstain: None

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other property owners in the same district under the terms of this ordinance.

Applicant's Answer: Many homes within visual distance of this property have existing pools and other concrete surfaces that encroach into this same easement.

We find accordingly.

Ayes: Thomey, Glaser, Hunt, Muniz and Nguyen

Nays: None

Abstain: None

C. That the special conditions and circumstances do not result from the actions of the applicant.

Applicant's Answer: We cannot design a pool narrow enough to be outside of the easement and far enough away from the house.

We find accordingly.

Ayes: Thomey, Glaser, Hunt, Muniz and Nguyen

Nays: None

Abstain: None

D. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

Applicant's Answer: Many other homes on the same street and on N. Island Dr. have pools that encroach on the easement. We would be doing the same as many other property owners have already done.

We find accordingly.

Ayes: Thomey, Glaser, Hunt, Muniz and Nguyen

Nays: None

Abstain: None

E. That a literal enforcement of the provisions of this ordinance would result in unnecessary hardship.

Applicant's Answer: The area would be too small to install a pool without encroaching into the easement.

We find accordingly, for the reasons expressed herein:

Ayes: Thomey, Glaser, Hunt, Muniz and Nguyen

Nays: None

Abstain: None

VARIANCE GRANTED BY UNANIMOUS CONSENT

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the September 27, 2018 meeting.

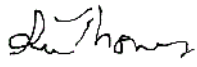
Motion was made by Edelmiro Muniz and seconded by Michele Glaser

Approve the minutes as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 6:24 p.m.

APPROVED THIS 2nd DAY OF DECEMBER, 2020



Sue Thomas, Chairman



Pratiksua Patel, Administrative Assistant