

The Board of Adjustment of the City of Seabrook met on Wednesday, December 02, 2020 via teleconference in regular session to consider the following agenda items.

THOSE PRESENT WERE:

SUE LANGGARD THOMEY	CHAIRMAN
MICHELE GLASER	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO (Absent)	MEMBER
TERRY MOORE	MEMBER
JARED KELLY	ALTERNATE MEMBER
STEVE WEATHERED	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE ASSISTANT

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

1.0 ADMINISTER OATH OF WITNESSES

The applicant was given the Oath of Witnesses.

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

There were none.

3.0 SPECIFIC PUBLIC HEARING

3.1 Request for variance to the Seabrook Code of Ordinances, Appendix A “Comprehensive Zoning”, Article 6 “Sign Standards”, Section 6.03 “Applicability”, Subsection (1) “Nonconforming Existing Signs”.

Owner: Morgan Land LLC, 2511 NASA Parkway suite 101, Seabrook, TX 77586

Applicant: Brad Emel, 106 Lakeshore Drive, Seabrook, TX 77586

**Legal Description: 2509 NASA Parkway, Seabrook, TX 77586
TRS 29B, 30, 30A, Abstract 52 R Morris Subdivision, Harris County, Texas**

Location: This property is located east of Larabee Street, south of NASA Parkway, and west of Lakewood Drive.

Chairman Thomey opened the Specific Public Hearing at 6:03 p.m.

Community Development Director, Sean Landis, explained to the Board that the applicant is requesting a variance to modify a “Nonconforming Existing Sign”. The sign in question is located at 2509 NASA Parkway, the Classic Café sign. The applicant wishes to install a 4’x8’ double-sided LED sign on the existing pole for new business Sugar Mountain Coffee, right under the Classic Café sign.

Mr. Landis also explained that Section 6.03 “Applicability”, Subsection (1) “Nonconforming Existing Signs” states: all signs that are lawfully in existence on the date of adoption of this article may exist in their present form, but no such signs shall be altered or moved unless a permit is issued pursuant to the provisions of this article. Permits granted prior to the passage of this article shall be renewed only if the applicant complies with all provisions of this article. Any legal, nonconforming sign which has been substantially destroyed or dismantled for any purpose other than maintenance shall be deemed as completely destroyed if the cost of repairing the sign is more than 60 percent of the cost of erecting a new sign of the same type at the same location. Under this provision, the sign shall be removed and a permit shall be required to erect a new sign.

Per current ordinance, on NASA Rd. 1 the sign regulations for a monument sign are:

- 1 per every 500 feet of frontage,
- 8 feet maximum height,
- 6 feet maximum height of sign face,
- 16 feet maximum width,
- 120 square feet total and 60 square feet per sign face,
- all parts of the sign shall be setback a minimum of 5 feet from all property lines.

The Board discussed the request and had some questions on whether a monument sign that lists all the businesses in that location would be permitted.

Mr. Landis explained that there is allowance for individual signage, and also no restriction for a single sign that lists ALL the businesses. Although there are restrictions on the height and type of sign, therefore a multi-tenant sign would not be feasible for the applicant.

Mr. Landis explained that currently since the property is platted separately, there is no allowance for separate parcels of property businesses to have one monument multi-tenant sign. That would require a Master Sign Plan approval from City Council. Each parcel of property is allowed a sign that must be on that property. The business that fronts NASA Rd. 1 is allowed to have a sign. If you have businesses that do not front the road, and they are on separate parcels then there is no allowance for that business to have street frontage signage on that main street. The variance request is specifically to use an existing sign.

No other comments made.

Chairman Thomey closed the Specific Public Hearing at 6:25 p.m.

3.0 NEW BUSINESS

3.1 Consider and take all appropriate action on Request for variance to the Seabrook Code of Ordinances, Appendix A “Comprehensive Zoning”, Article 6 “Sign Standards”, Section 6.03 “Applicability”, Subsection (1) “Nonconforming Existing Signs”.

Chairman Thomey stated that they would vote on the questions.

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

102
103 **Applicant's Answer:** Location of building as a result of the NASA Rd. One expansion.
104 We have no frontage property, all TX-dot right-of-way.

105
106 ***We find accordingly***

107
108 Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Jared Kelly

109 Nays:

110 Abstain: None
111

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

115
116 **Applicant's Answer:** A monument sign would be 8 feet below road grade. You could
117 not see it in a passing car. All business need and deserve a sign.

118
119 ***We find accordingly.***

120
121 Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Jared Kelly

122 Nays:

123 Abstain: None
124

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

127
128 **Applicant's Answer:** The building was existing and had a rooftop sign. The NASA Rd.
129 One expansion put it 8 feet below road grade. A interlocal agreement was signed and
130 passed eliminating rooftop signs. A part of the NASA Rd. One expansion beautification
131 project.

132
133 ***We find accordingly.***

134
135 Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Jared Kelly

136 Nays:

137 Abstain: None
138

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

142
143 **Applicant's Answer:** This property, building, and business location is unique, and there
144 is not a place to put a conforming sign.

145
146 ***We find accordingly.***

147
148 Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Jared Kelly

Nays:
Abstain: None

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

Applicant's Answer: I will have a business without a sign that could be seen by normal passing traffic.

We find accordingly, for the reasons expressed herein:

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Terry Moore, Jared Kelly
Nays:
Abstain: None

VARIANCE GRANTED BY UNANIMOUS CONSENT

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the November 18, 2019 meeting.

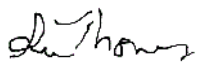
Motion was made by Michele Glaser and seconded by Ed Muniz

To revise the minutes to add the motion made at line item 56, under Executive Session and to approve the revised minutes for November 18, 2019.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 6:33p.m.

APPROVED THIS 3RD DAY OF FEBRUARY, 2021.



Sue Thomey, Chairman



Pat Patel, Administrative Assistant