

The Board of Adjustment of the City of Seabrook met on Monday, November 15, 2021 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	MEMBER
TERRY MOORE	MEMBER
vacant	ALTERNATE MEMBER
STEVE WEATHERED	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
PAT PATEL	ADMINISTRATIVE COORDINATOR

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

1.0 ADMINISTER OATH OF WITNESSES

- Blake Ortiz – 814 Irish Maple Street
- Jared Sessum – 802 Corner Square Street
- Hilda Benitez – 809 Dawn Ridge Way Street

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None.

3.0 SPECIFIC PUBLIC HEARING

3.1 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 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", B. "Rear Yard", minimum (15) fifteen feet setback requirement.

Owner: Blake and Caylan Ortiz, 814 Irish Maple Street, Seabrook, TX 77586

Applicant: Blake and Caylan Ortiz, 814 Irish Maple Street, Seabrook, TX 77586

**Legal Description: 814 Irish Maple Street, Seabrook, TX 77586
Lot 2, Block 4 of Searidge Section 2 a Subdivision in Harris County, Texas**

Location: This property is located east of Dawn Ridge Way, south of Autumn Brook Street, west of Corner Square and north of Bay Sky Way.

Sue Thomey opened the Public Hearing at 6:04 p.m.

Director Sean Landis explained to the Board that the applicant is requesting to encroach 5'4 (5ft, 4inches) into a required 15'ft. rear setback. Mr. Landis explained that the piling structure is actually 9ft. 8 inches away from the rear property line. He explained the background history of the case, where previously the applicant submitted an application with all the required drawings to permit this structure. There were some errors made when it was permitted of what the City actually reviewed and looked at. The permit was approved for construction, but the encroachment error was found during the inspection. The current structure is still pending completion and would be an open patio structure as presented in the photos. Although there is an 8ft. utility easement in this location, and the structure is not located in that utility easement.

Comments for Public Hearing made by:

- Jared Sessum – 802 Corner Square Street – neighbor that is supportive of the variance request.
- Blake Ortiz – 814 Irish Maple Street – Homeowner requesting the Variance. Explained that the City previously approved the permits and drawings, and explained that it did meet the code requirements. He stated that they paid extra for the engineer to draw & inspect the structure, and that the engineer said it passed. Mr. Ortiz stated that the actual permit included all the dimensions as stated and that they went thru the whole process to get this structure built. He stated that they already invested roughly \$20,000 for a 4'ft extension to their patio. He stated that the City gave him permission to build the structure via the approved permit. He did not break any rules. He applied with the City with specific dimensions and received approval.
- Hilda Benitez – 809 Dawn Ridge Way Street – neighbor who is against variance request. Has concerns regarding patio having close proximity to her home, privacy concerns regarding noise, and property value decreasing if she were to sell her home.

4.0 NEW BUSINESS

4.1 Consider and take all appropriate action on a 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 "R-1 Single-Family Detached Residential District", Subsection 3.03.04 "Area Regulations", B. "Rear Yard", minimum (15) fifteen feet setback requirement.

VARIANCE FINDINGS PURSUANT TO SECTION 10.04.02 – the issuance of a variance may not be granted unless the board shall determine that all of the following criteria have been met:

- 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: We submitted exact dimensions for a patio extension. This extension was going to cover our existing pool decking and be parallel with the pool. The permit was submitted with the exact dimensions of the structure, engineering approval, and our home survey. We moved forward with the build in the exact dimensions specified within the approved permit.

We find accordingly

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

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: When permits are submitted to the City, we rely on those who know the ordinances to ensure we are within compliance so there is no undue hardship on the builder or homeowners. We are now being asked to remove more than half of our extension that is already built and put more money and time into a build that was approved due to something that was not within our control nor is it a hardship on the City nor residents of our neighborhood to keep the patio extension as is.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

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

Applicant's Answer: Our builder submitted our application, fee, and permit with all requested documentation including exact dimensions, drawings, engineer approval, and survey of our home. The City approved our permit and the builder moved forward with building our patio extension. We would have never started the build and our builder would have never taken the job if the permit was not approved.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

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: We are not encroaching on anyones property nor the easement. We are behind the line of where our pool currently is and on current concrete decking. We went through the process of paying for an engineer to ensure the structure was wind and hurricane sustainable, requested a permit, and received approval to move forward with the exact requested dimensions. All of our utilities are accessible to the City and to third parties such as electric, cable, and internet.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

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

Applicant's Answer: To move the patio back would put it dangerously close to the edge of the pool and we fear unnecessary damage. This is why we had the end of the patio be at the inside edge of our decking to avoid being close to the pool edge. To move it further back away from the pools edge would put it right back where it was before we started. What was supposed to be a fun and exciting addition to our home that would up its value and appeal will have been a complete waste of time, money, and added stress on both our and the builders part.

We find accordingly, for the reasons expressed herein:

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

Nays:

Abstain: None

VARIANCE GRANTED - MOTION CARRIED BY UNANIMOUS CONSENT

5.0 ROUTINE BUSINESS

5.1 Approve the minutes from the June 21, 2021 meeting.

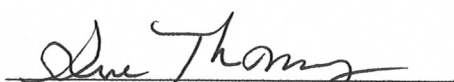
Motion was made by Michele Glaser and seconded by Terry Moore.

Approve the minutes as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 6:30 p.m.

APPROVED THIS 27TH DAY OF January, 2022


Sue Thomey, Chairman


Pat Patel, Administrative Coordinator