

The Board of Adjustment of the City of Seabrook met on Monday, July 25, 2022 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 (unexcused absence)	MEMBER
TERRY MOORE	MEMBER
vacant	ALTERNATE MEMBERS
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

2.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None.

3.0 SPECIFIC PUBLIC HEARING

Chair Sue Thomey opened the Public Hearings at 6:00 p.m.

3.1 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A. "Comprehensive Zoning", Article 1 "In General", Section 1.10 "Definitions", "Yard".

A. Front: An unoccupied open space on the same lot with a building, between the wall of the building nearest the street on which the lot fronts, and bounded by the line of that wall extended, the sidelines of the lot and the front street line of the lot. The minimum depth of the front yard is the distance between the nearest point of the street wall of the building and the front line of the lot, or that line produced, measured at right angles to the front line of the lot. The front yard of a corner lot consisting of one platted lot is the yard adjacent to that street on which the lot has its least dimension. When this question arises, the code enforcement officer shall make a final determination. If a corner lot consists entirely of unplatted land or a combination of platted land, the front yard is located on the street on which the greater number of lots front, regardless of whether those lots are platted or unplatted. If a corner lot consists of all or more than two platted parcels of land each of whose least dimension is on the same street as the other lots in the block, then the location of the front yard is on the same street as the other lots. Any questions as to the determination of yards associated with corner lots shall be resolved by the code enforcement officer.

B. Rear: An unoccupied open space on the same lot with a building, between the rear line of a building and bounded by the rear line extended, the side lines of the lot and the rear line of the lot. Where no rear building line exists, a line parallel to the front street line and distant as far as possible and not less than ten feet long is deemed to be the rear line. The depth of the rear yard is the distance between the nearest point of the rear wall of the building and the rear line of the lot.

C. Side: An unoccupied open space on the same lot with a building, situated between the building and the sideline of the lot and extended through from the front yard to the rear yard. Any line not a rear line or a front line is deemed to be a side yard line.

Owner: Khalid Khan, 1120 NASA Parkway Suite 206, Houston, TX 77058

Applicant: Julie Doan, 11700 Southwest Freeway #205, Houston, TX 77031

Legal Description: 2650 Bayport Boulevard, Seabrook, TX 77586

Lot 2, Block 1, Section 1 of Clear Creek Business Park, Harris County, Texas.

Location: This property is located 2650 Bayport Boulevard, which is east Bayport Boulevard, south of E. Meyer Avenue.

Presentation by Director Sean Landis:

- Applicant requests to orientate the side façade of the building facing the front property line in lieu of orientating the front façade facing the front property line.
- The actual side of the building will be adjacent to SH 146, instead of the front of the building.
- Reason for this request is because of the TXDOT taking. At one point this lot was a lot larger than it was originally. TXDOT acquisition reduced the size of the property, therefore the applicant is requesting to be able to build on it and to re-configure the building.
- Applicant is proposing a Jack In The Box, at the corner of East Meyer and SH 146. Previously this site used to be an AutoZone.
- Request is to face the drive-thru where it will front State Highway 146. (exhibit presented). The typical front façade will be facing the side.
- Applicant is complying with the landscaping ordinance, therefore the greenspace that is required will be met.
- Traffic on East Meyer – median in the middle, no requirement for a traffic impact analysis. This corner is designed for traffic coming in and out of it.

Applicant presentation:

Concerns:

- Rotation of building puts Drive Thru (DT) entrance at bottom of site near shared driveway
- Traffic expected to come from SH 146 feeder road, into 40' access easement.

- No room within property for car stacking at order board; cars line will stack up into access easement and possibly feeder.
- This will cause traffic backup and might deter customers from waiting.

Proposed Layout:

- More stacking room for traffic coming from SH 146 feeder.
- Rear of building faces SH 146, but Jack in Box rear elevations are similar to front.
- Landscaping will also help with the view.

3.2 Conduct a specific public hearing 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", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3319 Todville Road, Seabrook, TX 77586

Lot 3 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

AGENDA ITEM PULLED

3.3 Conduct a specific public hearing 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", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3321 Todville Road, Seabrook, TX 77586

Lot 2 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

AGENDA ITEM PULLED

3.4 Conduct a specific public hearing 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", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.

Owner: Robinson 2000 Real Estate LLC, P.O. Box 66, Seabrook, TX 77586

Applicant: Michael Porterfield, 19220 Space Center Blvd #513, Houston, TX 77058

Legal Description: 3325 Todville Road, Seabrook, TX 77586

Lot 1 of Bay Shore a Subdivision in Harris County, Texas.

Location: This property is located west of Todville Road, and south of Searidge Lane.

AGENDA ITEM PULLED

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 1 "In General", Section 1.10 "Definitions", "Yard".

VARIANCE FINDINGS PURSUANT TO SECTION 11.04.02 – 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: The main concern is traffic coming from the Highway 146 feeder road, into the property through a shared access driveway. If the building were oriented per ordinance, with the front facing 146, that puts the drive-thru (DT) entrance right at the shared driveway, within 58' of the feeder. During busy times, drive-thru traffic might build up and spill out into the shared driveway, and possibly the 146 feeder road. This might cause potential traffic issues along the feeder.

We find accordingly

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, 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: The main concern of a literal interpretation is the potential buildup of drive-thru traffic that spills outside of the property into the shared driveway and likely the 146 feeder. This buildup might cause dangerous traffic issues, confusion, and inconvenience to potential customers, which might negatively affect the business.

We find accordingly.

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

Nays:

Abstain: None

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

Applicant's Answer: The driveway and shared access is existing, and the proposed use is a fast-food restaurant with drive-thru. With the building front facing 146, a sensible layout puts the drive-thru in such a location that drive-thru traffic coming from the 146 feeder will have to line up in the shared driveway, or make a detour outside the site in order to circle around and line up.

We find accordingly.

Ayes: Sue Thomey, Michele Glaser, Ed Muniz, 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: The variance request only serves to improve flow of traffic within the site and keep traffic from building up beyond the property line.

We find accordingly.

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

Nays:

Abstain: None

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

Applicant's Answer: Literal enforcement with this site and proposed use would result in a potential buildup of drive-thru traffic into the shared driveway off the Highway 146 feeder. The variance request allows more room for drive-thru traffic to remain within the property.

We find accordingly, for the reasons expressed herein:

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

Nays:

Abstain: None

VARIANCE GRANTED – MOTION CARRIED BY UNANIMOUS CONSENT

- 4.2 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", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.**

AGENDA ITEM PULLED

- 4.3 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", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.**

AGENDA ITEM PULLED

- 4.4 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", E. "Side Yards For Older Subdivisions", For lots platted prior to July 19, 1970 which are nonconforming as to lot size only, side yard setbacks shall a minimum of five feet.**

AGENDA ITEM PULLED

5.0 ROUTINE BUSINESS

- 5.1 Approve the minutes from the June 13, 2022 BOA meeting.**

Motion was made by Terry Moore and seconded by Ed Muniz.

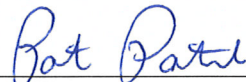
Approve the minutes as presented.

312 **MOTION CARRIES BY UNANIMOUS CONSENT.**
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314 Meeting adjourned at 6:29 p.m.
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316 **APPROVED THIS** 12 **TH DAY OF** September **, 20** 22
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319 _____
320 Sue Thomey, Chairman
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Pat Patel, Administrative Coordinator