

The Board of Adjustment of the City of Seabrook met on Monday, October 17, 2022 at 6:00 p.m. in the Seabrook City Hall, Council Chambers to discuss, consider, and if appropriate, take action with respect to the agenda items listed below.

THOSE PRESENT WERE:

SUE LANGGARD THOMEY	CHAIRMAN
MICHELE GLASER	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO (exc. absence)	MEMBER
TERRY MOORE	MEMBER
MICHAEL BLAND	ALTERNATE MEMBER
GLEN HALBISON	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 OATH OF OFFICE

Oath of office given to new alternate board members: Michael Bland and Glen Halbison.

2.0 ADMINISTER OATH OF WITNESSES

Oath of Witness given to Mr. Charles Gayle, business owner.

3.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

4.0 SPECIFIC PUBLIC HEARING

4.1 Conduct a specific public hearing on a request for a variance to the Seabrook Code of Ordinances, Appendix A "Comprehensive Zoning", Article 6 "Sign Standards", Section 6.03 "Applicability", Subsection (1) "Nonconforming Existing Signs"; and Subsection (2) "Prohibited Signs", V. "Signs Advertising Services or Commercial Operations are Prohibited within Residential Zoning Districts".

Applicant/Owner: Charles L. Gale, Sr., 3601 N. Meyer Road, Seabrook, TX 77586

Legal Description 1102 E. Meyer Avenue, Seabrook, TX 77586

TR 29 Savings & Loan Company, City of Seabrook, Harris County, Texas.

Location: This property is located north of East Meyer Avenue, south of Bay Sky Way, and east of North Meyer Avenue.

Chair Sue Thomey opened the Public Hearings at 6:07 p.m.

Sean Landis Presentation:

- The original ordinance prohibits any signage within a residential district
- Variance request is for signage for business Gale's Feed Store
- Location of property within East Meyer and North Meyer: 1102 E. Meyer Avenue
- Business is located within an R-1 Residential Zoning District – However this business itself predates the City
- Business was established in 1952 prior to the incorporation of the City, due to this fact the operations of this business predates the establishment of any form of zoning regulations/
- Applicant is requesting to replace a sign that was damaged during Hurricane Ike
- This property is a grandfathered use within a residential district so it's allowed to continue its use until either they discontinue the use for six months or its 51% damaged which in that point in time they would lose their grandfathering at this location.
- Applicant is requesting a little "L" shaped freestanding wooden sign with two four by four panels. Max height would be 9 feet, and it would be 5ft off the ground.
- The business owner would like to advertise the name of their business Gale's Feed Store
- Reason for two panels – three way stop at N. Meyer – sign would be easily visible from both sides.

Charles Gale (Applicant/Business Owner) Presentation:

- This business was established in 1952 prior to the incorporation of the City.
- This is the oldest small business here in Seabrook today
- Hurricane Ike took out original sign and it was never replaced
- Request is to grant the variance for signage again at this business

Public Comments:

- Mark Denney, East Meyer – Would like to advocate in support and approval for signage for business Gales Feed Store. It's easy to miss this small business without a proper sign, and would like to support this business in getting a sign. Supports their business.

Chair Sue Thomey closed the public hearing at 6:16 p.m.

5.0 NEW BUSINESS

5.1 Consider and take all appropriate action on a request for a variance to the Seabrook Code of Ordinances, Appendix A "Comprehensive Zoning", Article 6 "Sign Standards", Section 6.03 "Applicability", Subsection (1) "Nonconforming Existing Signs"; and Subsection (2) "Prohibited Signs", V. "Signs Advertising Services or Commercial Operations are Prohibited within Residential Zoning Districts".

Motion made by Michele Glaser and seconded by Terry Moore

Motion to approve with the stipulation that the sign be as proposed: No larger than 4x4 and no higher than 9ft. off the ground.

MOTION CARRIED BY UNANIMOUS CONSENT

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 Business/Commercial use was established in 1952 prior to the incorporation of the City. Due to this fact the operations of this business predates the establishment of any form of zoning regulation. The business during the 70 years of operation has experienced many land-use changes to the surrounding area to include the current designation as a residential district. During this time as the owner and operator of the business I have always strived to be a good neighbor. I do firmly believe that the addition of the proposed free standing signage will have no negative impact to the neighboring residential property owners.

We find accordingly

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

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: If these code sections are to be interpreted literally a business that has been in operation since 1952 would be deprived of the ability to advertise. I believe the ability to advertise is essential for the success of any commercial business. I feel if this variance is not granted I would be deprived of the common rights enjoyed by other businesses within the city.

We find accordingly.

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

Nays:

Abstain: None

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

Applicant's Answer: As stated above, the business was established in 1952 predating the incorporation of the City. The city/surrounding area abutting my property over the years has changed from an undeveloped ranching and farming use to a residential use at no fault of mine.

We find accordingly.

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

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: All established businesses within the community within reason enjoy the ability to advertise. I feel the denial of this variance would deprive my business of 70 years the same privileges that have been conferred to those establishments.

We find accordingly.

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

Nays:

Abstain: None

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

Applicant's Answer: Again as stated above, if these code sections are to be interpreted literally a business that has been in operation since 1952 would be deprived of the ability to advertise. I believe the ability to advertise is essential for the success of any commercial business. I feel if this variance is not granted I would be deprived of the common rights enjoyed by other businesses within the city resulting in an unnecessary hardship.

We find accordingly, for the reasons expressed herein:

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

Nays:

Abstain: None

VARIANCE APPROVED

Conditions: Sign is no larger than 4x4 and no higher than 9ft. off the ground.

198 **6.0 ROUTINE BUSINESS**

199
200 **6.1 Approve the minutes from the September 12, 2022 BOA meeting.**

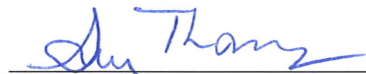
201
202 Motion was made by Terry Moore and seconded by Michele Glaser.

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204 *Approve the minutes as presented.*

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206 **MOTION CARRIES BY UNANIMOUS CONSENT.**

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208 Meeting adjourned at 6:22 p.m.

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210 **APPROVED THIS** 9 **TH DAY OF** January, 2023.

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213 _____
214 Sue Thomey, Chairman

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Pat Patel, Administrative Coordinator