

The Board of Adjustment of the City of Seabrook met on Monday, January 9, 2023 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 (exc. absence)	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO	MEMBER
TERRY MOORE	MEMBER
MICHAEL BLAND	ALTERNATE MEMBER 1
GLEN HALBISON	ALTERNATE MEMBER 2
JOHN HIGHTOWER	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.

Voting members for tonight's meeting are Sue Thomey, Terry Moore, Ed Muniz, Tin Ngo and alternate member Michael Bland.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

None

2.0 SPECIFIC PUBLIC HEARING

2.1 Conduct a specific public hearing on a request for a variance at 3319, 3321 and 3325 Todville Road for the entirety of such lots for construction of 2 residences only, to be located on 2 re-designated lots in the entirety of the referenced 3 lots, pursuant to the provisions of 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", and Article 7 "Landscaping and Buffering Requirements", Section 7.01.04 "Single-Family/Townhouse Residential Landscape Regulations", as follows:

Subsection 3.03.04 "Area Regulations"

(1) D. Side yard: A total of 15 feet for both sides and no less than five feet on any one side. Corner lots shall have a side setback of not less than ten feet on the corner. Applicant is requesting a variance to reduce the side yard setback for the most southern lot (Identified on the attached Exhibit as 3321 Todville Road) from the required total of 15 feet to 10 feet; and

(2) F. Lot size: For each single-family dwelling there shall be a lot area of not less than 7,500 square feet. Only one principal building shall be permitted on any lot. Applicant is requesting a variance to reduce the minimum lot size for the most southern lot (Identified on the attached Exhibit as 3321 Todville Road) to 3,496

square feet, and the most northern lot (Identified on the attached Exhibit as 3325 Todville Road) to 4,069 square feet; and

(3) G. Lot width: Except in the case of those dwellings located on a cul-de-sac terminus, each lot shall have a minimum width of not less than 50 feet at the front building line. Every lot shall abut on a street for a distance of not less than 20 feet. Applicant is requesting a variance to reduce the minimum lot width at front building line for the most southern lot (Identified on the attached Exhibit as 3321 Todville Road) to 29.6 feet, and the most northern lot (Identified on the attached Exhibit as 3325 Todville Road) to 45.6 feet; and

(4) Article 7. "Landscaping and Buffering Requirements", Section 7.01.04 "Single-Family/Townhouse Residential Landscape Regulations", as follows:

Subsection 1. "Front Yard Landscaping Requirements"

a. Purpose. Landscaping shall be selected and placed in the front yards of residences to soften the effect of the built environment. An arrangement of vegetation such as trees, bushes, and grass, together with other suitable materials such as flowering plants, ground cover, mulch, etc., arranged in a complementary fashion, is desired. Applicant is requesting a variance to construct a driveway along with parking area in lieu of providing the required front yard landscaping described above for both lots shown on the attached Exhibit.

c. Required materials. The front yard shall be landscaped with the following materials. All trees shall be planted a minimum of ten feet from the front property line,

1. Single-family detached: one minimum two-inch caliper tree. Applicant requests a variance to delete the required front yard tree.

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, 3321, and 3325 Todville Road, Seabrook, TX 77586

Lots 1, 2, and 3 of Bay Shore a Subdivision in Harris County, Texas.

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

Sean Landis Presentation:

- Applicant is now proposing two structures, (single-family dwellings), instead of the previous three
- (1) Applicant is requesting a variance to reduce the side yard setback for the most southern lot (identified on exhibit as 3321 Todville Road) from the required total of 15 feet to 10 feet
- (2) Applicant is requesting a variance to reduce the minimum lot size for the most southern lot (identified on exhibit as 3321 Todville Road) to 3,496 square feet, and the most northern lot (identified on exhibit as 3325 Todville Road) to 4,069 square feet

- (3) Applicant is requesting a variance to reduce the minimum lot width at front building line for the most southern lot (identified on exhibit as 3321 Todville Road) to 29.6 feet, and the most northern lot (identified on exhibit as 3325 Todville Road) to 45.6 feet
- (4) Applicant is requesting a variance to construct a driveway along with parking area in lieu of providing the required front yard landscaping described above for both lots shown on the attached exhibit
- Applicant requests a variance to delete the required front yard tree

Charles Gale (Applicant/Business Owner) Presentation:

- Complied with landscape rules and regulations – added additional trees on the side
- Drainage – swells on side of buildings – wetlands behind building would alleviate the water – enhanced the ditch on Meyer
- No longer would do three houses – but proposing two houses and reduce driveways
- Architecture – matches some of the homes in the villas – lush landscaping
- Houses with elevators inside them
- Balconies in the house – 15ft. to 20ft. wide houses now
- Losing money by not building the third house
- Four driveways into one
- Owner wants to lease the houses out – rental with long term leases, not an air b&b
- Owner does not intend to live in either of these houses
- Owner does not want to build one house – originally wanted to build three
- Not really asking for variance for landscaping

Public Comments:

- Bryan Sawyer – three lots to two – Citys zoning is 7500 sq. ft. – barely makes size – does not agree with request – no advantage to increase the density – not a high density area plenty of room to build houses - no need for additional concrete – flooding issues - not to the communitys advantage to change the rules
- Tom Morris – Better option than before but the concern is pathway that is in front of the area – flooding concerns because of additional concrete – need additional drainage – this area floods on Todville – high water and no place for water to go – not agree with request
- Kathy Morgan – concrete concerns leading to more flooding around the area – no room for landscaping
- John Xia – no need to change the rules
- Ann Wacker – same objections as everyone else tonight – architecture should be consistent with rest of the neighborhood – single family homes – adjacent lots do comply – there are no narrow houses – this intersection is busy – concerned about visibility issues at this busy intersection – Trail system now has concrete issues – single home would be lot less cars and lot less accidents with kids going to school – there is no need for two driveways – concerned about drainage issues
- Jessica Correa – (spouse) Jeronimo Bruno – lot is too small for two houses – concerned about flooding issues

3.0 NEW BUSINESS

- 3.1 Consider and take all appropriate action on a request for a variance at 3319, 3321 and 3325 Todville Road for the entirety of such lots for construction of 2 residences only, to be located on 2 re-designated lots in the entirety of the referenced 3 lots, pursuant to the provisions of 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", and Article 7 "Landscaping and Buffering Requirements", Section 7.01.04 "Single-Family/Townhouse Residential Landscape Regulations".**

The Board decided to vote on each request separately.

- (1) D. Side yard: A total of 15 feet for both sides and no less than five feet on any one side. Corner lots shall have a side setback of not less than ten feet on the corner. Applicant is requesting a variance to reduce the side yard setback for the most southern lot (Identified on the attached Exhibit as 3321 Todville Road) from the required total of 15 feet to 10 feet.**

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: Lot 3325 is approved per city code and ordinances to build upon with a residential project, however; after completion of plans and the submittal for permitting owner desired to increase the side lot set backs from 5'-0" to 2.5'-0", project was submitted for a side setback variance and failed. At the variance hearing the main objections were from the housing density with 3 homes and number of driveways furthering traffic congestion at the intersection of Meyer and Todville and jogging trail.

We find accordingly

Ayes: Sue Thomey, Terry Moore

Nays: Michael Bland, Ed Muniz

Abstain: Tin Ngo

- 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: Safe drives for pulling in or out, congestion in the roads, 10'-0" side setbacks and better home design for owner.

We find accordingly.

- (3) Applicant's request for a variance to reduce the minimum lot width at front building line for the most southern lot (identified as 3321 Todville Road) to 29.6 feet, and the most northern lot (identified as 3325 Todville Road) to 45.6 feet.
- (4) Applicant's request for a variance to construct a driveway along with parking area in lieu of providing the required front yard landscaping described above for both lots shown on the attached exhibit. Applicant requests a variance to delete the required front yard tree.

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the October 17, 2022 BOA meeting.

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

Approve the minutes as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 7:08p.m.

APPROVED THIS 3rd TH DAY OF April, 2023


Sue Thomey, Chairman


Pat Patel, Administrative Coordinator