



**SEABROOK BOARD OF ADJUSTMENT/BUILDING STANDARDS COMMISSION
NOTICE OF MEETING
MONDAY, MAY 13, 2024 - 6:00 PM**

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NOTICE IS HEREBY GIVEN THAT THE SEABROOK Board of Adjustment/Building Standards Commission WILL HOLD A MEETING ON **Monday, May 13, 2024 AT 6:00 PM** IN THE CITY HALL CITY COUNCIL CHAMBERS, 1700 1ST STREET, SEABROOK, TEXAS, **TO DISCUSS, CONSIDER, AND IF APPROPRIATE, TAKE ACTION** WITH RESPECT TO THE ITEMS LISTED BELOW.

1. PUBLIC COMMENTS AND ANNOUNCEMENTS

At this time the Commission will listen to any member of the audience on any subject matter whether or not that item is on the agenda. All comments are limited to a maximum of four minutes for each speaker. In accordance with the Open Meetings Act, Commission Members may not discuss or take action on any item that has not been posted on the agenda. When your name is called, please state your name and address clearly before making your comments. Thank you.

2. PRESENTATIONS

2.1 Administer the Oath of Office to all newly appointed Board of Adjustment members and review state-mandated training requirements.

3. ROUTINE BUSINESS

3.1 Approve the minutes from the April 24, 2023, BOA meeting.

3.2 Approve the minutes from the January 22, 2024, BOA meeting.

THE RESERVES THE RIGHT TO HEAR ANY OF THE ABOVE DESCRIBED AGENDA ITEMS THAT QUALIFY FOR AN EXECUTIVE SESSION IN AN EXECUTIVE SESSION BY PUBLICLY ANNOUNCING THE APPLICABLE SECTION NUMBER OF THE OPEN MEETINGS ACT, (CHAPTER 551 OF THE TEXAS GOVERNMENT CODE) THAT JUSTIFIES EXECUTIVE SESSION TREATMENT.

THIS FACILITY IS WHEELCHAIR ACCESSIBLE AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR OTHER ACCOMMODATIONS OR INTERPRETIVE SERVICES, MUST BE MADE, 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT THE CITY SECRETARY'S OFFICE AT (281) 291-5663 OR CITYSEC@SEABROOKTX.GOV FOR FURTHER INFORMATION.

I certify that this notice was posted on the bulletin board on or before Wednesday, May 8, 2024 no later than 6:00 p.m. and that this notice will remain posted until the meeting has ended.

Kiarra Bellow
Secretary to the Board of Adjustment



The Board of Adjustment of the City of Seabrook met on Monday, April 24, 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 THOMEY	CHAIRMAN
MICHELE GLASER	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO	MEMBER
TERRY MOORE	MEMBER
GLEN HALBISON (exc. absence)	ALTERNATE MEMBER 2
LOREN SMITH	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, Michele Glaser, Terry Moore, Ed Muniz, and Tin Ngo.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

No public comments.

2.0 NEW BUSINESS

- 2.1** Conduct a hearing to receive testimony, and evidence regarding an appeal of the Director of Administration [City Manager] final decision as it relates to the revocation of the (CUP) "Conditional Use Permit" to operate a "Bar Use" at 5735 Bayport Boulevard, Seabrook, Texas 77586; and to affirm or reverse the final decision of the director of administration [City Manager].

Chair Sue Thomey opened the hearing at 6:01 p.m.

Sean Landis Presentation:

- Opening Statement [see Exhibit A]

PD Presentation: [see Exhibit B]

- Jason Smith – Police Department

James Green: Appellant / Business Owner

- Earl works for Grizzly – licensed – he is fully licensed
- I was pouring cranberry juice – I didn't get there until 3a.m. or 4a.m.
- We make everyone leave around 3:50a.m.
- Doors lock around 3:55a.m.

Weren't all charges dismissed? – not enough evidence – original charge was the only one dismissed – refiled it – second time dismissed plea bargain with court –

Everyones charges dropped?

Collect money at end of night – 3 pots – door money, food hookah juice, my own money
Only \$100 came from door

Do you know spec if 100 bill came from me? – video didn't show 100 bill

- Given to bartender striped shirt – received change – collect money that was marked – first purchase came from that 100 bill

20s was second purchase of alcohol

Serial number of 100 dollar bill – photo copy of it and sign for it – collect same bill that we put into the establishment

Video time stamped? – logged in cell phone thru texting – open phone line – can monitor whats going on inside – time tagged on cell phone – logged thru dispatch – city phones

Is it a special phone or regular phone? – time stamped or text message – dispatch

Were you one of the officers? – yes lead supervisor

Security guard not working? – correct

Fire Marshal presentation: [see Exhibit C]

- Kevin Rodgers – City of Seabrook Fire Marshal

The Board of Adjustments adjourned for a few minutes at 7:01 p.m. and resumed the meeting at 7:06 p.m.

James Green Presentation

- Did not open till end of Sept 27 – had nothing to do with business – waiting for occupancy -

Never had altercations at business – security guard works for grizzly

Food trucks

No recollection to any of those incidents

Food – prepared somewhere else – pasta made on food truck – nothing cooked from scratch – none commercial equipment – comes from food truck – brought into business and heated up – what we were told –

During operation – hot plates on? For hookahs

Door money pays for security

CUP – given to pass – no alcohol after 12 – never told about the CUP – landlord didn't even hear about this – no one notified me about CUP

Not notified about anything – just told to close -

Food – prepared off site – kitchen more money only been open a few months

Don't condone selling alcohol after hours

Business open on September 26 or 27 –
PD reports began Sept 11 thru Feb 6 2023

Before opening did you have people in your establishment? – Yes friends and family was showing them my business – we were not officially open for business

Permits for late night operation? – open till 2 am -

Walk in cooler not working -

154 occupancy per permit

- 2/18 and 2/25 – not part of establishment (calls of service)

Motion to grant the appeal to allow Steaks and Cakes to continue operating.

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

Ayes – none

Nays – Sue Thomey, Michele Glaser, Ed Muniz, Tin Ngo, Terry Moore

MOTION FAILS.

3.0 ROUTINE BUSINESS

3.1 Approve the minutes from the April 3, 2023 BOA meeting.

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

Approve the minutes as presented.

MOTION CARRIES BY UNANIMOUS CONSENT.

4.0 EXECUTIVE SESSION

4.1 Section 551.071

Conduct a closed executive session to consult with attorney on legal matters relating to the appeal of the Director of Administration [City Manager] final decision as it relates to the revocations of the (CUP) “Conditional Use Permit” to operate a “Bar Use” at 5735 Bayport Boulevard, Seabrook, Texas 77586.

Not needed

5.0 OPEN SESSION

5.1 The Board of Adjustments will reconvene in open session to allow for possible action on the agenda items listed above under “Executive Session”.

Not needed

Meeting adjourned at 8:11 p.m.

APPROVED THIS __TH DAY OF _____, 20__.

Sue Thomey, Chairman

Pat Patel, Administrative Coordinator

The Board of Adjustment of the City of Seabrook met on Monday, January 22, 2024 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 THOMEY	CHAIRMAN
MICHELE GLASER (excused)	VICE-CHAIR
EDELMIRO MUNIZ	MEMBER
TIN NGO (excused)	MEMBER
TERRY MOORE	MEMBER
VACANT	ALTERNATE MEMBER 1
GLEN HALBISON	ALTERNATE MEMBER 2
JOHN HIGHTOWER	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
KIARRA BELLOW	ADMINISTRATIVE COORDINATOR

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

Voting members for tonight's meeting are Sue Thomey, Edelmiro Muniz, Terry Moore, and Glen Halbison.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

No public comments.

2.0 SPECIFIC PUBLIC HEARINGS

2.1 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 3.07 "C-2 Medium Commercial District", Subsection 3.07.04 "Area Regulations", F. "Lot Width": Each lot shall have a minimum width of not less than 80 feet at the front building line.

Owner/Applicant: Bharat Patel, 2943 Dominique Drive, Galveston, Texas 77551

Legal Description: 2710 NASA Parkway, Seabrook, Texas 77586

South 493.33 of the 2.85-acre tract of land out of the Ritson Morris Survey A-52, H.C.C.F. No. 20090025004 Harris County, Texas.

Location: This property is located east Elam Street, north of NASA Parkway, and west of Larrabee Street.

Open Public Hearing at 6:01 PM.

Sean Landis Presentation:

- Applicant's Request: Request for a variance to the Seabrook Code of Ordinances, Appendix A. Comprehensive Zoning", Article 3 "Establishment of Zoning Districts and Associated Regulations", Section 3.07 "C-2 Medium Commercial District", Subsection 3.07.04 "Area Regulations.
- F. "Lot Width": Each lot shall have a minimum width of not less than 80 feet at the front building line.
- The applicant wishes to subdivide the property into two individual parcels/lots allowing for additional commercial retail development. To do so, each parcel per Section 3.07 "C-2 Medium Commercial District", Subsection 3.07.04 "Area Regulations shall have a minimum lot width of 80' at the front building line.
- Currently, the property in total at the front building line adjacent to NASA Parkway has frontage of 101.96', to subdivide into two parcels/lots, the minimum property width at the front building line would be required to be 160'.
- The applicant is requesting a variance allowing for a reduction in the required front lot width for Lot A as it fronts NASA Parkway. The request is for a lot width of 25'. The lot with this variance applied will have an area of 1.98 Acres (86,226 Sq. Ft.). The proposed dimensions of the lot is 25' by 493.33' and 260.99' by 283.06'.
- The applicant is requesting a variance allowing for a reduction in the required front lot width for Lot B as it fronts NASA Parkway. The request is for a lot width of 76.96'. The lot with this variance applied will have an area of .87 Acre (37,841 Sq. Ft.). The proposed dimensions of the lot is 76.97' by 492.28'.
- Applicant's Findings: The property owner believes that the flag shape of the lot creates a unique circumstance differing from any other land within the district. A flag lot, also sometimes called a "flagpole lot," is a property that is shaped like a flag, that is, it has a narrow strip of land extending out from a larger piece of land. The narrow strip of land serves to provide access to the main property. It is the opinion of the applicant that the uniqueness of the configuration of the lot creates a hardship that is peculiar to the land which merits the granting of the requested variance.

No public comments.

Closed Public Hearing at 6:14 PM.

3.0 NEW BUSINESS

3.1 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 3.07 "C-2 Medium Commercial District", Subsection 3.07.04 "Area Regulations", F. "Lot Width": Each lot shall have a minimum width of not less than 80 feet at the front building line.

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 already in place shape of the lot which is narrow in the front and extends as you move towards the back creates the need to share a driveway. It also creates the need for the front of lot width variance in order to develop the tract. Without this variance, further development is not possible.

We find accordingly

Ayes: Sue Thomey, Edelmiro Muniz, Terry Moore, Glen Halbison

Nays: None

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: Without approval of this front lot width variance, development of the land is not possible. The shape of the lot is already in place and requires a shared driveway for common use.

We find accordingly.

Ayes: Sue Thomey, Edelmiro Muniz, Terry Moore, Glen Halbison

Nays: None

Abstain: None

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

Applicant's Answer: No, it's an already in place situation. Both adjacent existing hotel developments created the already in place shape of the lot.

We find accordingly.

Ayes: Sue Thomey, Edelmiro Muniz, Terry Moore, Glen Halbison

Nays: None

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 flag shape of the lot which is created by adjacent hotel developments requires use of the same driveway as the hotel behind it. No other land, structures, or buildings are affected by approving a variance for this tract of land. It in fact allows development of the land.

We find accordingly.

Ayes: Sue Thomey, Edelmiro Muniz, Terry Moore, Glen Halbison

Nays: None

Abstain: None

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

Applicant's Answer: If a variance isn't granted, we cannot subdivide and further develop this tract of land.

We find accordingly, for the reasons expressed herein:

Ayes: Sue Thomey, Edelmiro Muniz, Terry Moore, Glen Halbison

Nays: None

Abstain: None

VARIANCE APPROVED

Motion made by Glen Halbison and seconded by Terry Moore.

Motion to add a condition to access the driveway into lot B from the current driveway of lot A.

MOTION CARRIED BY UNANIMOUS CONSENT

Conditions: Lot A driveway has to grant access into Lot B.

4.0 ROUTINE BUSINESS

4.1 Approve the minutes from the July 10, 2023 BOA meeting.

Motion made by Terry Moore and seconded by Terry Moore Glen Halbison.

Motion to approve minutes as presented.

MOTION CARRIED BY UNANIMOUS CONSENT

Upon motion duly made, the meeting was adjourned at 6:18 PM.

APPROVED ON THE ____ DAY OF ____.

Sue Thomey, Chairman

Kiarra Bellow,
EDC Administrative Coordinator