

The Board of Adjustment of the City of Seabrook met on Wednesday, July 29, 2013 at City Hall, 1700 First Street, Seabrook, Texas in regular session to consider the following agenda items.

THOSE PRESENT WERE:

SUE ELLEN LANGGARD
GAIL POSTON
EDELMIRO MUNIZ Absent
JOHN DOLAN
RICHARD NGUYEN
ROBERT DUNCAN
STEVE WEATHERED
SEAN LANDIS

ALESIA HAMMOCK

CHAIRMAN
VICE CHAIRMAN
MEMBER
MEMBER
ALTERNATE MEMBER
ALTERNATE MEMBER
CITY ATTORNEY
DIRECTOR OF PLANNING AND
COMMUNITY DEVELOPMENT
SECRETARY

Chairman Langgard called the meeting to order at 7:00 p.m. and stated there was a quorum present.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

Steve Wilson, Todville, stated that the requested variance does not meet any of the requirements. He is against the variance request.

Chris Hensley, Todville, stated that the Seabrook description of R-1 states: These areas are intended to be separated and protected from the encroachment of land use activities which do not perform a function necessary to sustain the residential environment. Internal stability, attractiveness, order, efficiency, security, and the maintenance of property values are encouraged by the provision of adequate light, air and open space for dwellings and related facilities and through consideration of the proper functional relationship of these various elements. He stated that under Section 3.03.04(G) it states: the lot shall abut a street for a distance no less than 20 feet. He stated that the property used to be conforming, but when they lost the street due to subsidence, that became a non-conforming lot and should be re-platted. He stated that it would decrease the surrounding property values.

Chairman Langgard closed the Public Comments at 7:06

2.0 NEW BUSINESS

2.1 Discussion, consideration and possible action concerning the Request for a variance to reduce the required 25 feet front-yard setback to 13 feet and to reduce the required 15 feet rear-yard setback to 8 feet. Applicant: Daniel Pias, Manor Square Drive, Houston, Texas. Property: 710 Ballentine Lane, Lots 1, 2, & 3, Block 21, Morristown Subdivision. The public hearing for this item was held on July 24, 2013.

Chairman Langgard asked Sean Landis to clarify that the lots were platted before 1970 and are grandfathered.

Mr. Landis stated that Section 8.01.06 states: Development of nonconforming lots. Nonconforming lots established before July 19, 1970 which do not meet the minimum area, width, or depth requirements for the district wherein they are located may be developed if all

51 other requirements of this ordinance are fulfilled. Mr. Landis stated that these lots were platted as
52 part of the original Morristown plat. It is one of the original plats of the city and was platted prior
53 to 1970. The minimum lot and area Code provisions do not apply.
54

55 Gail Poston asked if all of the other building requirements will have to be met.
56

57 Mr. Landis stated yes, the variance request is just for the front and rear setbacks, they will have to
58 be in compliance with all of the other building requirements.
59

60 Chairman Langgard stated that they would vote on the questions.
61

62 **A. That special conditions and circumstances exist which are peculiar to the land,**
63 **structure or building involved which are not applicable to other lands, structures or**
64 **buildings in the same district.**
65

66 **Applicant's Answer:** Current set back rules will apply and hinder the development of similar
67 vacant lots located on Gale and Porter Streets.
68

69 ***We find accordingly.***

70 Ayes: Dolan, Langgard, Nguyen, and Poston

71 Nays: Duncan

72 Abstained: None
73

74 **B. That literal interpretation of the provisions of this ordinance would deprive the**
75 **applicant of rights commonly enjoyed by other property owners in the same district under**
76 **the terms of this ordinance.**
77

78 **Applicant's Answer:** Strict enforcement of the current build setback guidelines would restrict
79 the development and construction of individual homes on the ample size lots of 125' x 50' similar
80 in size to many other lots in the Morristown area.
81

82 ***We find accordingly.***

83 Ayes: Dolan, Langgard, Nguyen, and Poston

84 Nays: Duncan

85 Abstained: None
86

87 **C. That the special conditions and circumstances do not result from the actions of the**
88 **applicant.**
89

90 **Applicant's Answer:** Due to the flooding and creation of the back lake area that served to
91 eliminate the previous front street of Menard Ave. Several lots along the side streets now have
92 the side yards as front yards that now need relief from the current setback guidelines.
93

94 ***We find accordingly.***

95 Ayes: Dolan, Duncan, Langgard, Nguyen, and Poston

96 Nays:

97 Abstained: None
98

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 granting of the variance for 710 Ballentine lots 1, 2, and 3 would be consistent with the same variance granted to 709 Ballentine Lane, directly across the street. The variance would only allow the buyer the same opportunity to construct single family homes on the approximately 125' x 50' lots as have others in the area.

We find accordingly.

Ayes: Dolan, Duncan, Langgard, Nguyen, and Poston

Nays: None

Abstained: None

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

Applicant's Answer: Enforcement of the current 25' front and 15' back building setbacks would render the three lots useless for the construction of three individual homes and would only allow the construction of one single family home on the three lots, making it very cost prohibitive and causing undue financial harm.

We find accordingly, for the reasons expressed herein:

Ayes: Dolan, Langgard, and Poston

Nays: Duncan and Nguyen

Abstained: None

While it was announced that a majority of the members of the Board of Adjustment had approved the variance, because the required 75% of the members failed to approve Question E, the VARIANCE IS DENIED. (See Appendix A, 10.04.02. "Variances.")

3.0 APPROVAL OF MINUTES

3.1 Consideration and possible action concerning the minutes from the May 8, 2013 meeting.

Motion was made by John Dolan and seconded by Gail Poston

To approve the minutes from the May 8, 2013 meeting as written.

MOTION CARRIES BY UNANIMOUS CONSENT.

Motion was made by John Dolan and seconded by Gail Poston.

To adjourn the Board of Adjustments meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 7:12 p.m.

149
150
151
152
153
154
155

APPROVED THIS 18th DAY OF SEPTEMBER, 2013.


Sue Langgard, Chairman


Alesia Hammock, Secretary