

The Board of Adjustment of the City of Seabrook met on Wednesday, October 8, 2014 at City Hall, 1700 First Street, Seabrook, Texas in regular session to consider the following agenda items.

THOSE PRESENT WERE:

SUE ELLEN LANGGARD	CHAIRMAN
GAIL POSTON (Excused Absence)	VICE CHAIRMAN
EDELMIRO MUNIZ	MEMBER
JOHN DOLAN	MEMBER
MARGARET HUNT	MEMBER
RICHARD NGUYEN	ALTERNATE MEMBER
ROBERT DUNCAN (Excused Absence)	ALTERNATE MEMBER
XOCHYTL GREER	CITY ATTORNEY
SEAN LANDIS	DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT
ALESIA HAMMOCK	SECRETARY

Chairman Langgard called the meeting to order at 7:00 p.m. and stated there was a quorum present and the voting members are: Ed Muniz, John Dolan, Richard Nguyen, Margaret Hunt and Sue Langgard.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

2.0 SPECIFIC PUBLIC HEARING

2.1 Request for a variance to reduce the 10 foot side-yard setback for boathouses to 3 feet from all side property lines as required in Section 4.12 of the Comprehensive Zoning Ordinance.

Sean Landis gave a brief report. He stated that the applicants request a variance to the setback requirements of Appendix A. Comprehensive Zoning, Article 4. Special Use Regulations, Section 4.12 Regulations for Piers, Platforms, Docks, and Boathouses extending Into Galveston Bay, Clear Lake, Taylor Lake, and All Bodies of Water in the City Limits of Seabrook. The applicant wishes to construct a boathouse with the outside dimensions of approximately 26' x 14'. The width of the property at the water is 20'.

Section 4.12 requires a boathouse to be setback a minimum of 10' from all side property lines. The applicant, due to the limited width of the property located at the water's edge, requests a variance to Section 4.12 requesting that the required 10' side setback be reduced to 3' from all side property lines.

If the variance is granted the proposed boathouse would be constructed 3' from each side property lines.

Ross Sommer, Cutter Court, after being sworn in stated that the neighbor would be getting an additional three feet for access to their boathouse. He stated that he approval from the Galveston Land Office and the Corp. of Engineers.

Elaine Sommer, Cutter Court, after being sworn in, stated that she had made an agreement with their neighbor that they would show him their plans for his approval.

Margaret Hunt asked the other adjoining neighbor could build a boathouse if he wanted one.

51
52 Ms. Sommer stated yes, they had a lot more frontage on the water.

53
54 Ed Muniz asked how big the neighbor's boat was.

55
56 Ms. Sommer stated that she thought it was 20'.

57
58 Richard Nguyen asked if they need the Homeowners Association approval.

59
60 Ms. Sommer stated yes.

61
62 Mr. Muniz asked if the neighbor had seen the plans.

63
64 Ms. Sommer stated yes.

65
66 David Kagey, Architect Control Committee with the Lake Cove Homeowners Association, after
67 being sworn in, stated that the homeowner next to them could not attend the meeting but had
68 given him a letter stating that they were opposed to the boathouse.

69
70 Brian Martin, Cutter Court, after being sworn in, stated the he lives on the right side of the
71 property. He is against the request because he is worried about his property value and they
72 planned to have a boathouse eventually and he is worried about his access. He stated that no one
73 ever spoke to him about this request.

74
75 Mr. Muniz asked how many feet they could go into the water.

76
77 Mr. Landis stated that the ordinance stated 40 feet.

78
79 Ms. Hunt asked what the average width of boathouses was.

80
81 Mr. Landis stated that the majority of them are between 14 to 18 feet wide.

82
83 Mr. Sommer stated that he had pictures that he submitted as Exhibit A of boathouses in the area
84 built on the property line or 2 – 3 feet from the property line.

85
86 Hollis Weeks, Cutter Court, after being sworn in, stated that he is with the HOA and to his
87 knowledge there were not any variances granted to boathouses in the Lake Cove Community.

88
89 Mr. Kagey stated that the deed restrictions clearly states that it is not allowed. He submitted deed
90 restrictions as Exhibit B.

91
92 Chairman Langgard closed the Specific Public Hearing portion of the meeting at 7:35.

93
94 **3.0 NEW BUSINESS**

95
96 **3.1 Discussion, consideration and possible action concerning the request for a variance to**
97 **reduce the 10 foot side-yard setback for boathouses to 3 feet from all side property lines as**
98 **required in Section 4.12 of the Comprehensive Zoning Ordinance.**

99
100 Chairman Langgard stated that they would vote on the questions.

101
102 **A. That special conditions and circumstances exist which are peculiar to the land,**
103 **structure or building involved which are not applicable to other lands, structures or**
104 **buildings in the same district.**

105
106 **Applicant's Answer:** Special circumstances are that since we are on a cul-de-sac, our water
107 frontage is limited due to the shape of our backyard, so it is necessary to build closer to the
108 property line. We only have twenty feet of water frontage.

109 ***We find accordingly.***
110

111 Ayes: Dolan, Hunt, Muniz, and Langgard

112 Nays: Nguyen

113 Abstained:
114

115 **B. That literal interpretation of the provisions of this ordinance would deprive the**
116 **applicant of rights commonly enjoyed by other property owners in the same district under**
117 **the terms of this ordinance.**

118
119 **Applicant's Answer:** Yes, literal interpretation would deprive us of equal rights to utilize and
120 enjoy our water front home as the other homes do.

121 ***We find accordingly.***
122

123 Ayes:

124 Nays: Dolan, Hunt, Nguyen, Muniz, and Langgard

125 Abstained:
126

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

129
130 **Applicant's Answer:** No, it is a result of the shape of our property.

131 ***We find accordingly.***
132

133 Ayes: Dolan, Hunt, Nguyen, Muniz, and Langgard

134 Nays:

135 Abstained:
136

137 **D. That granting the variance requested will not confer on the applicant any special**
138 **privilege that is denied by this ordinance to other lands, structures, or buildings in the same**
139 **district.**

140
141 **Applicant's Answer:** No, we're only asking for the same abilities everyone else shares.

142
143 ***We find accordingly.***
144

145 Ayes:

146 Nays: Dolan, Hunt, Nguyen, Muniz, and Langgard

147 Abstained:
148

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

Applicant's Answer: Yes it is an unnecessary hardship having to store our boat at a marina, unable to enjoy the benefits of our water front home, by having a boathouse.

We find accordingly, for the reasons expressed herein:

Ayes:

Nays: Dolan, Hunt, Nguyen, Muniz, and Langgard

Abstained:

VARIANCE DENIED

3.0 APPROVAL OF MINUTES

4.1 Consideration and possible action concerning the minutes from the September 18, 2013 meeting.

Motion was made by Ed Muniz and seconded by Richard Nguyen.

To approve the minutes from the September 18, 2013 meeting as written.

Ayes: Dolan, Nguyen, Muniz, and Langgard

Nays: None

Abstained: Hunt

MOTION CARRIES BY UNANIMOUS CONSENT OF THOSE VOTING.

Motion was made by Margaret Hunt and seconded by John Dolan.

To adjourn the Board of Adjustments meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 7:39 p.m.

APPROVED THIS 26TH DAY OF OCTOBER, 2015.


Sue Langgard, Chairman


Alesia Hammock, Secretary