

The Board of Adjustment of the City of Seabrook met on Monday, October 26, 2015 at City Hall, 1700 First Street, Seabrook, Texas in regular session to consider the following agenda items.

THOSE PRESENT WERE:

SUE ELLEN LANGGARD	CHAIRMAN
EDELMIRO MUNIZ	MEMBER
JOHN DOLAN	MEMBER
MARGARET HUNT	MEMBER
RICHARD NGUYEN	ALTERNATE MEMBER
STEVE WEATHERED	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.

1.0 PUBLIC COMMENTS AND ANNOUNCEMENTS

2.0 SPECIFIC PUBLIC HEARING

2.1 Request for a variance to reduce the side-yard setback from 10 feet to 5 feet as required in Appendix A, "Comprehensive Zoning", Article 1, "In General", Section 1.10 "Definitions", "Yard", C "Side".

Sean Landis stated that recently (Mr. Arunyon) the owner of the property located at 2102 Todville Road #10 suffered a medical condition which has greatly limited his mobility. Due to Mr. Arunyon's condition he no longer can gain access to his home without the assistance of an elevator. During the review for permitting it was found that the townhome community located in the 2100 block of Todville Road was originally platted prior to the adoption of the zoning ordinance. As a result, the lot addressed as 2102 Todville Road #10 was platted with a building side setback that exceeds the current zoning requirements creating a need for this variance request.

The property is currently zoned R-1 (Residential Single-Family) which requires side yards for older subdivisions, platted prior to July 19, 1970, which are only nonconforming as to lot size only, side yard setbacks shall be a minimum of 5'. The property was platted with a 10' side yard setback.

The applicant's request due to a medical hardship is to construct an elevator adjacent to the northern side property line that will not encroach greater than 5 feet into the platted 10 foot side setback, maintaining a fire separations distance between the adjoining no less than 15 feet.

Jennifer Arunyon, 2102 Todville Road #10, after being sworn in, stated that her husband, Bruce Arunyon, had suffered a massive stroke which left him paralyzed on his left side. She stated that the only way he could access their home was with an elevator.

Steve Weathered stated that on Question B on the questionnaire that Ms. Arunyon submitted with her application, she answered "No" to the question. He asked if this was correct.

Ms. Arunyon stated that it should have been "Yes", she had just misunderstood the question at the time.

Ms. Arunyon stated that she had sent letters to all of her neighbors letting them know the situation and asked if they had any issues with the installation of an elevator. She said that she had received responses back from all of her neighbors stating that they were in favor of the elevator.

Rhonda Foale, 2102 Todville Road #11, after being sworn in, stated that she lives right next door to the Arunyons. She stated that she wanted to affirm that the neighbors were all in favor of the installation of the elevator.

Carol Munnelly, 2109 Todville Road, after being sworn in, stated that her daughter, Ashley Munnelly was the actual home owner, but is in the Coast Guard and could not make the meeting. Ms. Munnelly stated that they both fully supported the installation of the elevator.

Travis Kiro, 2102 Todville Road #10, after being sworn in, stated that he is Ms. Arunyon's son. He stated that the elevator will not affect the view of the neighbors, instead of seeing the stair way, they will see what looks like a chimney. Mr. Kiro stated that they had looked for any other options, but the way the house was designed this was the only location that they elevator could be placed.

Tommy Spivey of Lizzar Restorations, after being sworn in, stated that his company has worked with Mr. Arunyon for over 30 years. Mr. Spivey stated that Mr. Arunyon requested that Lizzar Restorations oversee the installation of the elevator to make sure all of the equipment was enclosed and would include emergency features.

After some discussion regarding the installation and features of the elevator, Mr. Landis stated that the Seabrook Building Department would make sure that the elevator was compliant with all the standard building codes.

Chairman Langgard closed the Specific Public Hearing portion of the meeting at 7:28.

3.0 NEW BUSINESS

3.1 Discussion, consideration and possible action concerning the request for a variance to reduce the side-yard setback from 10 feet to 5 feet as required in Appendix A, "Comprehensive Zoning", Article 1, "In General", Section 1.10 "Definitions", "Yard", C "Side".

After some discussion, Mr. Weathered reiterated that the applicant was asking for a variance of five feet which is commensurate with the existing city code.

Chairman Langgard stated that they would vote on the questions.

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 was platted before current zoning ordinance.
We find accordingly.

Ayes: Dolan, Hunt, Langgard, Muniz, and Nguyen
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: Yes
We find accordingly.

Ayes: Dolan, Hunt, Langgard, Muniz, and Nguyen
Nays: None
Abstain: None

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

Applicant's Answer: *No action from applicant on size of property.*
We find accordingly.

Ayes: Dolan, Hunt, Langgard, Muniz, and Nguyen
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: *No special privileges given.*
We find accordingly.

Ayes: Dolan, Hunt, Langgard, Muniz, and Nguyen
Nays: None
Abstain: None

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

Applicant's Answer: *Medical Hardship. Husband cannot get in our house the way it is at present.*
We find accordingly, for the reasons expressed herein:

Ayes: Dolan, Hunt, Langgard, Muniz, and Nguyen
Nays: None
Abstain: None

VARIANCE GRANTED

4.0 ROUTINE BUSINESS

4.1 Consideration and possible action concerning the minutes from the October 8, 2014 meeting.

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

To approve the minutes from the October 8, 2014 meeting as written.

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

Nays: None

Abstain: None

MOTION CARRIES BY UNANIMOUS CONSENT.

Motion was made by John Dolan and seconded by Richard Nguyen.

To adjourn the Board of Adjustments meeting.

MOTION CARRIES BY UNANIMOUS CONSENT.

Meeting adjourned at 7:37 p.m.

APPROVED THIS 21 DAY OF SEPTEMBER.


Sue Langgard, Chairman


Alesia Hammock, Secretary