



# MINUTES

## MINUTES OF THE BOARD OF ADJUSTMENT SPECIAL MEETING Tuesday, January 3, 2023

The Board of Adjustment met at 6:00 P.M. on **Tuesday, January 3, 2023**, located at 4403 Highway 3, Dickinson, Texas. The meeting was held for the purpose of considering the following items:

### ITEM 1.) CALL TO ORDER AND CERTIFICATION OF A QUORUM

Chairperson Reggie Taylor called the meeting to order at **6:05 P.M.**

Ms. Marilyn Bellis called roll and a quorum was verified.

Mr. Justin Pruitt, confirmed for the board there are two alternate members of the board, which are Susan Wilcox and Garland Copelin. Alternate members may participate in discussion but only the five voting members will vote on action items.

Board members present were as follows: Reggie Taylor, James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, Matt Maggiolino, R.E. Davis.

### ITEM 2.) ANNOUNCEMENTS AND PRESENTATIONS

2.A Receive a report from City staff.

**ITEM SKIPPED.**

### ITEM 3.) CONSENT AGENDA

The following items are considered routine and will be enacted by one motion. There will not be a separate discussion on these items unless a Board member requests, in which event the item will be removed from the consent agenda and discussed after the consent agenda.

3.A Consideration and possible action on approving the minutes of the Board of Adjustment Special Meeting of **September 19, 2022**.

R.E. Davis motioned to Approve, and Travis Magliolo seconded the motion.

**VOTE:**

7 AYES (Reggie Taylor, James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, Matt Maggiolino, R.E. Davis)

0 NAYS

**MOTION PASSED**

- 3.B Consideration and possible action on approving the minutes of the Board of Adjustment regular meeting of **November 7, 2022**.

R.E. Davis motioned to Approve, and Travis Magliolo seconded the motion.

**VOTE:**

7 AYES (Reggie Taylor, James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, Matt Maggiolino, R.E. Davis)

0 NAYS

**MOTION PASSED**

**ITEM 4.) PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARINGS**

- 4.A Conduct a public hearing concerning a request for a zoning variance from the minimum width of not less than sixty (60) feet requirement of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a minimum width of not less than fifty (50) feet for a maximum of fifty-nine (59) lots in a Conventional Residential ("CR") zoning district on the property & a request for a zoning variance from the minimum lot area of six thousand (6,000) square feet requirement of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a five thousand seven hundred twelve (5,712) square feet minimum lot area in a Conventional Residential ("CR") zoning district on the property for the approx. ± 194.6 acres, generally located south of W FM 517 Road and east of Cemetery Drive, and legally described as ABST 19 PAGE 16 PERRY AUSTIN SUR TR 19 28.470 ACRS \*SBPCL: 001900190001000\* (GCAD ID 161994); and ABST 19 PERRY & AUSTIN SUR TR 17 29.0919 ACRS \*SBPCL: 001900170001000\* (GCAD ID 161989), and ABST 19 PERRY & AUSTIN SUR TR 27, ACRES 37.0429 \*SBPCL: 001900270001000\* (GCAD ID 162057).

- Staff Presentation
- Applicant Presentation
- Public Comments
- Applicant Rebuttal
- Adjourn Public Hearing

Chairperson Reggie Taylor opened the Public Hearing at **6:12 P.M.**

Mr. Herman Meyers, City of Dickinson Chief Building Official, summarized the item.

Applicant Presentation provided by Mr. Ralph Lopez with BGE. Mr. Lopez added, the proposed subdivision was part of a previously approved general plan. Smaller lots were proposed to allow for a greater amount of green space.

There being no citizens signed up to speak, there are no citizen comments.

There being no citizens in opposition of the proposed application, there is no applicant rebuttal.

Board member Matt Maggiolino requested staff's recommendation.

Mr. Meyers confirmed City Planner, Yvonne Briscoe, is recommending approval. In his role as City of Dickinson Chief Building Official he has no additional comments. Fire Marshals office did not have comments.

Chairperson Reggie Taylor closed the Public Hearing at **6:15 P.M.**

- 4.B Consideration and possible action concerning a request for a zoning variance from the minimum width of not less than sixty (60) feet requirement of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a minimum width of not less than fifty (50) feet for a maximum of fifty-nine (59) lots in a Conventional Residential ("CR") zoning district on the property & a request for a zoning variance from the minimum lot area of six thousand (6,000) square feet requirement of Section 18-50 of the Code of Ordinances of the City – with such variance allowing a five thousand seven hundred twelve (5,712) square feet minimum lot area in a Conventional Residential ("CR") zoning district on the property for the approx. ± 194.6 acres, generally located south of W FM 517 Road and east of Cemetery Drive, and legally described as ABST 19 PAGE 16 PERRY AUSTIN SUR TR 19 28.470 ACRS \*SBPCL: 001900190001000\* (GCAD ID 161994); and ABST 19 PERRY & AUSTIN SUR TR 17 29.0919 ACRS \*SBPCL: 001900170001000\* (GCAD ID 161989), and ABST 19 PERRY & AUSTIN SUR TR 27, ACRES 37.0429 \*SBPCL: 001900270001000\* (GCAD ID 162057).

Mr. Justin Pruitt stated there are two variance requests being considered and requested clarity from the applicant that a general plan was previously approved.

Mr. Lopez responded the general plan was approved around 2017.

Mr. Pruitt inquired which body approved the general plan.

Mr. Lopez responded the general plan was approved by Planning and Zoning Commission.

Mr. Pruitt inquired if these variances were shown on the approved plan.

Mr. Michael Ross, developer for the owner, responded they were. In 2017 the master plan was revised to maximize park space and greenspace, the number of lots did not change. Due to unforeseen circumstances, the length of time resulted in the previous approval expiring. Ms. Briscoe recommended this process to expedite approval.

Mr. Pruitt added that to grant a variance a minimum threshold needed is to prove unnecessary hardship. Typically, a Planned Development would be appropriate. The only risk is for a surrounding property owner to challenge the Boards decision. Mr. Pruitt requests the two variance request be considered separately.

Board member, R.E. Davis inquired why the standards were not originally met.

Mr. Ross responded the builder was building smaller homes and the change would allow smaller side yards.

Travis Magliolo motioned to Approve the variance request to allow a minimum width of not less than fifty (50) feet for a maximum of fifty-nine (59) lots in a Conventional Residential ("CR") zoning district, and Matt Maggiolino seconded the motion.

**VOTE:**

4 AYES (Reggie Taylor, James Ayers, Travis Magliolo, Matt Maggiolino)

1 NAYS (R.E. Davis)

**MOTION PASSED**

Matt Maggiolino motioned to Approve the variance request to allow a five thousand seven hundred twelve (5,712) square feet minimum lot area in a Conventional Residential ("CR") zoning district, and Travis Magliolo seconded the motion.

**VOTE:**

4 AYES (Reggie Taylor, James Ayers, Travis Magliolo, Matt Maggiolino)

1 NAYS (R.E. Davis)

**MOTION PASSED**

4.C Conduct a public hearing concerning a request for a zoning variance from the minimum twenty-five (25) foot side setback requirement of Section Sec. 18-49 of the Code of Ordinances of the City – with such variance allowing a minimum eleven (11) foot side setback in a Rural Residential ("RR") zoning district on the property for the approx. ± 1.00 acre, located at 109 AVE J, and legally described as TREVATHAN'S REPLAT (2004) ABST 1, W 226.67 FT OF LOT 1 (1-0), ACRES 0.731 \*SBPCL71970000001001\* (GCAD ID 417366) AND TREVATHAN'S REPLAT, (2004), ABST 11 E 83.33 FT OF LOT 1 (1-1), ACRES 0.269 \*SBPCL71970000001000 \*(GCAD 417367).

- Staff Presentation
- Applicant Presentation
- Public Comments
- Applicant Rebuttal
- Adjourn Public Hearing

Chairperson Reggie Taylor opened the Public Hearing at **6:35 P.M.**

Mr. Herman Meyers, City of Dickinson Chief Building Official, summarized the item.

Applicant Presentation provided by Mr. Joseph Trevathan.

Board member Matt Maggiolino inquired if a paper copy of the included drawing is available for viewing.

Mr. Trevathan replied it was included in the application but does not have a copy available.

Board member Matt Maggiolino inquired if the adjacent neighbor provided a letter of support.

Mr. Trevathan replied it was included in the application. None of his other neighbors have voiced any objection.

There being no citizens signed up to speak, there are no citizen comments.

There being no citizens in opposition of the proposed application, there is no applicant rebuttal.

Chairperson Reggie Taylor closed the Public Hearing at **6:40 P.M.**

- 4.D Consideration and possible action concerning a request for a zoning variance from the minimum twenty-five (25) foot side setback requirement of Section Sec. 18-49 of the Code of Ordinances of the City – with such variance allowing a minimum eleven (11) foot side setback in a Rural Residential ("RR") zoning district on the property for the approx. ± 1.00 acre, located at 109 AVE J, and legally described as TREVATHAN'S REPLAT (2004) ABST 1, W 226.67 FT OF LOT 1 (1-0), ACRES 0.731 \*SBPCL71970000001001\* (GCAD ID 417366) AND TREVATHAN'S REPLAT, (2004), ABST 11 E 83.33 FT OF LOT 1 (1-1), ACRES 0.269 \*SBPCL71970000001000 \*(GCAD 417367).

Matt Maggiolino motioned to Approve, and R.E. Davis seconded the motion.

**VOTE:**

5 AYES (Reggie Taylor, James Ayers, Travis Magliolo, Matt Maggiolino, R.E. Davis)

0 NAYS

**MOTION PASSED**

**ITEM 5.) ACTION ITEMS FOR CONSIDERATION**

- 5.A Consideration and possible action concerning approval of the 2023 Board of Adjustment application deadline and meeting schedule.

**ITEM SKIPPED.**

**ITEM 6.) ADJOURNMENT CERTIFICATE OF NOTICE**

Matt Maggiolino motioned to Adjourn, and Travis Magliolo seconded the motion.

**VOTE:**

5 AYES (Reggie Taylor, James Ayers, Travis Magliolo, Matt Maggiolino, R.E. Davis)

0 NAYS

**MOTION PASSED**

Chairperson Reggie Taylor adjourned the meeting to order at **6:42 P.M.**

**PASSED, APPROVED, AND ADOPTED** this 12<sup>TH</sup> DAY OF JULY 2023.

*Travis Magliolo*

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BOARD OF ADJUSTMENT, Chairperson

ATTEST:

*Yvonne Briscoe*

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YVONNE BRISCOE, Senior Planner