



**MINUTES OF THE BOARD OF ADJUSTMENT MEETING
Monday, February 7, 2022**

The Board of Adjustment met at 6:00 P.M. on Monday, February 7, 2022, in the Council Chamber located at 4403 Highway 3, Dickinson, Texas.

Members Present:	Kevin D. Edmonds	Chairman
	Susan Wilcox	Member
	Travis Magliolo	Member
	James Ayers	Member
	Shamarion Barber	Member
	Garland Copelin	Member
Staff Present:	Chaise Cary	Assistant City Manager
	Yvonne Briscoe	Senior Planner
	Brandon Davis	City Attorney

1. CALL TO ORDER AND CERTIFICATION OF A QUORUM

Chairman Edmonds called the meeting to order at 6:34 p.m.

Chairman Edmonds called roll and a quorum was verified.

2. MINUTES

3. REPORT

a. Receive a report from the City Manager.

Mr. Cary stated there was no report from City Manager's office.

4. **DISCUSSION**

- a. **Discuss and consider approving a standard meeting date and time for future Board of Adjustment meetings.**

Chairman Edmonds proposed to set the First Monday of the month as the standard meeting future Board of Adjustment meetings.

Ms. Briscoe inquired if 6 P.M. time is being proposed.

Chairman Edmonds motioned to have standard Board of Adjustment meetings on the first Monday each month at 6:00 P.M., seconded by Mrs. Barber. Motion **PASSED** unanimously.

- b. **Receive training on the Board of Adjustment functions, authority, and rules.**

Ms. Briscoe presented information concerning Board of Adjustment functions, authority, and rules and provided training.

Mrs. Wilcox request a copy of the City zoning code.

- c. **Receive training on the variance process.**

Ms. Briscoe presented information concerning the variance process and provided training.

5. **PUBLIC HEARING AND ACTION ITEMS FROM PUBLIC HEARINGS**

- a. **Conduct a public hearing concerning a request** for a variance from Section 18-49 from the minimum lot area, minimum front setback, and minimum rear setback requirements for approximately 0.385 acres, located at 909 Avenue J, and legally described as Part of Lot 5 (5-3) McGregor's Subdivision.

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

Ms. Briscoe summarized the item.

Applicant Presentation provided by Mrs. Ramirez.

Mrs. Rene Skinner inquired if could see plans before approving the variance.

Mrs. Ramirez stated that can provide floor plans but do not have them at this meeting.

Mrs. Skinner is concerned the lot size will be inadequate for the size structure being proposed.

Mrs. Ramirez stated will follow all other City regulations.

Mrs. Skinner inquired if would be required to pull permits or if property has deed restrictions.

Chairman Edmonds responded that he pulled public records that indicated property was previously platted in the late 1800's and no deed restrictions are in place.

Mrs. Ramirez stated will follow all other City regulations including platting and permitting.

There being no one else desiring to speak, Chairman Edmonds closed the public hearing at 6:55 P.M.

- b. **Consider and possible action concerning a request** for a variance from Section 18-49 from the minimum lot area, minimum front setback, and minimum rear setback requirements for approximately 0.385 acres, located at 909 Avenue J, and legally described as Part of Lot 5 (5-3) McGregor's Subdivision.

Ms. Briscoe provided recommendation of staff to Approve with Conditions.

Mr. Copelin inquired if can provide six (6) month extension with approval.

Ms. Briscoe responded stating the application includes a request to allow the applicant twelve months to obtain permits.

Chairman Edmonds motioned to approve the variance request to reduce the minimum lot area requirement from 43,560 square feet to 16,700 square feet, seconded by Mr. Magliolo. Motion **PASSED** unanimously.

Chairman Edmonds motioned to approve the variance request to reduce the front yard setback from fifty foot to thirty foot, seconded by Mr. Copelin. Motion **PASSED** unanimously.

Chairman Edmonds motioned to approve the variance request to reduce the rear yard setback from fifty foot to thirty foot, seconded by Mrs. Wilcox. Motion **PASSED** unanimously.

Chairman Edmonds motioned to allow for an automatic six-month extension beyond the original six months, for a total period of one year to apply and receive a permit, seconded by Mrs. Barber. Motion **PASSED** unanimously.

Chairman Edmonds inquired if motioned to prohibit the construction of accessory dwelling unit in conjunction with the approved variance if would meet staff's recommendation.

Ms. Briscoe clarified staff's recommendation is to not allow accessory structures to be included in the variance request. The application and approval would be for the primary structure only.

Chairman Edmonds confirmed he meant all accessory structures. This would include patios, sheds, and all other accessory structures.

Ms. Briscoe confirmed this motion would meet staff's recommendation.

Chairman Edmonds motioned to prohibit the construction of any accessory structure in conjunction with the approved variance outside of the current code requirements, seconded by Mr. Ayers. Motion **PASSED** unanimously.

Mrs. Ramirez inquired if wanted to construct storage if must

Ms. Briscoe confirmed a new variance application would only be required if accessory structure would not meet the code requirements.

Chairman Edmonds confirmed that accessory structures would have to meet the required fifty-foot front setback and fifty-foot rear setback requirements.

Ms. Briscoe confirmed that the side setback requirement is twenty-five feet.

Chairman Edmonds motioned to rescind the previous action.

Mr. Davis clarified that accessory structures would require a permit issued and meet the current code setbacks which are currently a minimum of fifty-foot front setback, fifty-foot rear setback, and twenty-five-foot side setbacks.

With no second the motion to rescind the previous action **FAILED**.

6. **ADJOURNMENT**

Chairman Edmonds adjourned the meeting.