



MINUTES

MINUTES OF THE BOARD OF ADJUSTMENT MEETING Monday, April 4, 2022

The Board of Adjustment met at 6:00 P.M. on Monday, April 4, 2022, in the Council Chamber located at 4403 Highway 3, Dickinson, Texas.

Members Present:	Kevin D. Edmonds	Chairman
	Reggie Taylor	Vice-Chairman
	James Ayers	Member
	Garland Copelin	Member
	Travis Magliolo	Member
	Susan Wilcox	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 6:17 P.M.

Chairman Edmonds called roll and a quorum was verified.

2. MINUTES

- a. **Consider** approving the meeting minutes of the November 1, 2021 Board of Adjustment work session.

Chairman Edmonds inquired if everyone had the opportunity to review the minutes and requested a motion.

Mrs. Wilcox motioned to approve the meeting minutes of the November 1, 2021 Board of Adjustment work session, seconded by Mr. Ayers. Motion PASSED unanimously.

- b. **Consider** approving the meeting minutes of the November 1, 2021 Board of Adjustment regular meeting.

Vice-Chairman Taylor motioned to approve the meeting minutes of the November 1, 2021 Board of Adjustment regular meeting, seconded by Mr. Copelin. Motion PASSED unanimously.

- c. **Consider** approving the meeting minutes of the February 7, 2022 Board of Adjustment regular meeting.

Mrs. Wilcox motioned to approve the meeting minutes of the February 7, 2022 Board of Adjustment regular meeting, seconded by Mr. Magliolo. Motion PASSED unanimously.

3. **REPORT**

- a. Receive a report from City staff.

Ms. Briscoe discussed the following items:

EDC and City leadership attended ICSC last week.

Comprehensive Plan:

Retreat & Open House.

Community Survey.

Planning and Zoning Commission Items:

Approved site development application for C-store and Shell building located at 3106 & 3122 Hwy 3.

Approved site development application for A-Team A/C at 1102 FM 517.

Recommended approval for 14.93-acre tract west of I-45 and south of FM 517 rezone IC to PD. Will be on City Council agendas 4/26 and 5/10.

Council Items:

Approved rezone of 45.76 acre north of Hughes Rd. rezone from CR to PD.

Mr. Edmonds inquired if Council changed ordinance for Board of Adjustment from five (5) to seven (7) members, allowance for alternate or additional members

Mr. Davis confirmed. He added that this was also changed for Building Standards. Mr. Davis will verify the ordinance for alternates.

4. **DISCUSSION**

Mrs. Wilcox announced the Dickinson Historical Society and extended an invitation to attend Wine and Roses on April 22, 2022.

5. **PUBLIC HEARING(S) AND ACTION ITEMS FROM PUBLIC HEARING(S)**

- a. **Conduct a public hearing** concerning a variance request from Section 18-50 for the minimum front setback, minimum rear setback, and minimum lot size requirements for approximately 0.101 acres, located at 2314 23rd Street, and legally described as Abstract 19 Page 23 Part of Lots 6 & 12 (6-2) Block 218 Moores Addition.

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

Chairman Edmonds read the public hearing procedures and opened the public hearing at 6:26 P.M.

Ms. Briscoe summarized the item.

The applicant, Tegrity Home stated they were available to answer questions.

Adrian Hill stated a lot of land in area unable be used due to requirements. He requests others in the area be able to have variances granted.

There being no one else desiring to speak, Chairman Edmonds closed the public hearing at 6:28 P.M.

- b. **Consider granting a variance** request from Section 18-50 for the minimum front setback, minimum rear setback, and minimum lot size requirements for approximately 0.101 acres, located at 2314 23rd Street, and legally described as Abstract 19 Page 23 Part of Lots 6 & 12 (6-2) Block 218 Moores Addition.

Ms. Briscoe provided recommendation of staff.

Chairman Edmonds inquired the process for the applicant. The applicant statement included that they were approved for a 1523 square foot home and inquired if there are home options made available.

Ms. Briscoe clarified that the approval for a 1523 square foot home is from the General Land Office and not a city approval.

Chairman Edmonds inquired if there were options that would allow the home to be more compliant than what is being requested.

Ms. Briscoe deferred to the applicant.

Mrs. Wilcox inquired if this is a rental home or for the owner.

Tegrity Home stated the home must be owned, damaged by a storm with proof. Under the program the home is either rehabbed or reconstruction. This home was selected for reconstruction. Models were reviewed, the smallest plan offered by GLO was selected. The owner is required to maintain ownership and insurance, is not able to profit from the reconstruction, make changes to the home for a specified period of time. They must keep taxes up to date.

Chairman Edmonds if there was a more accommodating plan available.

Tegrity Home stated the home is elevated and must be ADA compliant. The footprint was reduced to put a lift on the home for a wheelchair

Mrs. Wilcox inquired if surrounding property owners were notified.

Tegrity Home confirmed property signs were posted.

Ms. Briscoe confirmed it was also posted in the newspaper and to surrounding property owners within 200 feet.

Mr. Magliolo stated the new home will be an improvement to the area.

Mr. Ayers inquired if the property needs to be replatted.

Ms. Briscoe confirmed it is required to replatted.

Chairman Edmonds inquired if the variance is granted it will reflect the amended plat.

Ms. Briscoe confirmed they have not requested a variance to the subdivision ordinance. They will be required to meet all other codes.

Chairman Edmonds stated he would like to see the replat added as a condition to the variance.

Ms. Briscoe stated the condition is not required as the development will have to meet the requirement. Subdivision variances can only be granted by City Council.

Mr. Ayers inquired if the Fire Marshal has reviewed the application.

Ms. Briscoe responded that the Fire Marshal does not review variances but will be required to approve the building permit application. The Fire Marshal will also review the plat.

Mr. Ayers inquired if approved if can be applied to other properties.

Chairman Edmonds stated no action of this board will set a precedence for future applications.

Mr. Davis confirmed.

Chairman Edmonds and Vice-Chairman Taylor inquired if both homes are owned by the same person.

Tegrity Home confirmed both homes have one owner. Both will be demolished to construct the new home.

Mr. Magliolo stated the homes could not be demolished by the city due to occupants. The existing structures are not compliant with current code.

Chairman Edmonds stated that when reconstructed want to be in compliance.

Tegrity Home stated the homeowner does not make the decision.

Ms. Briscoe stated the proposed home will bring the property closer to compliance than what is currently existing.

Chairman Edmonds stated concerns that the greenspace requirement is not being met and fire separation.

Mr. Ayers inquired if the Fire Marshal has reviewed the application. He believes the neighboring property has an existing structure that will not allow this development to meet the required separation. Mr. Ayers inquired regarding the original property line on the application.

Ms. Briscoe responded the original property line is what was originally platted. A replat will be required. It is no longer the originally platted lot.

Chairman Edmonds stated he believes the home on the neighboring lot is setback approximately five (5) to ten (10) feet.

Mr. Ayers inquired if the new home will be on pier and beam.

Mr. Magliolo stated the existing structures are not safe.

Ms. Briscoe stated the proposed home will bring the property closer to compliance than what is currently existing.

Chairman Edmonds inquired if it would have a garage.

Tegrity Home confirmed it is a city requirement to have a garage.

Mrs. Wilcox inquired if home elevations were available.

Chairman Edmonds requested to review the development standards separately.

Chairman Edmonds motioned to **approve** the variance request to reduce the minimum lot size requirement from six thousand (6,000) square feet to four-thousand three hundred (4,300) square feet with the condition that a replat is required.

Mr. Ayers requested clarification of the motion.

Chairman Edmonds responded the motion made is for lot size only with a replat required.

Mr. Ayers stated he has been denied for his lot on Highway 3.

Ms. Briscoe responded he could meet with staff for options regarding his property separately.

Chairman Edmonds responded variance being considered is only for property located at 2314 23rd Street.

Chairman Edmonds repeated his motion to **approve** the variance request to reduce the minimum lot size requirement from six thousand (6,000) square feet to four-thousand three hundred (4,300) square feet with the condition that a replat is required, seconded by Mr. Copelin. Motion **PASSED** unanimously.

Mr. Copelin motioned to **approve** the variance request to reduce the minimum front yard setback from twenty-five feet (25) to ten feet (10), seconded by Mr. Magliolo. Motion **PASSED** unanimously.

Mr. Magliolo motioned to **approve** the variance request to reduce the minimum rear yard setback from fifteen feet (15) to five feet (5), seconded by Vice-Chairman Taylor. Motion **PASSED** unanimously.

6. **CONSENT**

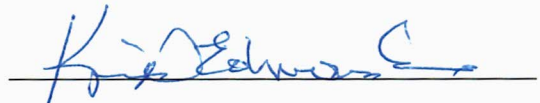
No items.

7. **ADJOURNMENT**

Chairman Edmonds moved to adjourn the meeting, seconded by Mr. Magliolo. Motion **PASSED** unanimously.

Chairman Edmonds adjourned the meeting at 6:59 P.M.

PASSED, APPROVED, AND ADOPTED this 11TH DAY OF JULY 2022.



KEVIN EDMONDS, Chairman

ATTEST:



YVONNE BRISCOE, Senior Planner