



MINUTES
City of Dickinson
BOARD OF ADJUSTMENT

July 12, 2023

The Dickinson Board of Adjustment met in a duly called and announced Special Meeting on **Wednesday, July 12, 2023**, at **6:00 PM** in the Council Chamber located at 4403 Highway 3, Dickinson, Texas 77539 for the purpose of considering the following numbered items:

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

Vice Chairperson Travis Magliolo called the meeting to order at **6:02 P.M.**

Ms. Yvonne Briscoe, Dickinson Senior Planner, called roll and a quorum was verified.

Vice Chairperson Travis Magliolo confirmed Alternate members Garland Copelin and Susan Wilcox will be voting members for all items for consideration.

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

ITEM 2.) ANNOUNCEMENTS AND PRESENTATIONS

2.A Receive a report from City staff.

Ms. Yvonne Briscoe reported to the Board about the following subjects:

- Recent Adoption of the City of Dickinson Texas Comprehensive Plan 2045,
- Recent Adoption of the Dickinson, TX Parks, Trails and Recreation Master Plan,
- Recent Unified Land Development Code Update actions,
- New Public Hearing Signs and Webpage,
- New GIS Map,
- Next Building Standards Commission meeting scheduled for Monday, July 24th at 6 PM.

ITEM 3.) PUBLIC COMMENTS

Members of the public are invited to give comments at this time, lasting not longer than 3 minutes. Comments may be general in nature or may address a specific agenda item, and should be directed at the entire Board, not individual members of the Board or staff. Any speaker making personal attacks or using vulgar or profane language shall forfeit his/her remaining time and shall be seated. In compliance with the Texas Open Meetings Act, The Board may not deliberate.

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

ITEM 4.) 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.

- 4.A Consideration and possible action on approving the minutes of the Board of Adjustment Special Meeting of **January 3, 2023**.

Garland Copelin motioned to Approve, and Susan Wilcox seconded the motion.

VOTE:

5 AYES (James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, R.E. Davis)

0 NAYS

MOTION PASSED

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

Vice Chairperson Travis Magliolo read the procedures for public hearings.

- 5.A Conduct a public hearing concerning a request for variance from the minimum side yard of Twenty (20) feet when adjacent to a residential district. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for each additional two (2) feet in height requirement of Section 18-55 of the Code of Ordinances – with such variance allowing a 5-foot side setback when adjacent to a residential district on the property for the approx. 0.52-acre property located at **2605 Hollywood Street** and legally described as GC WCID NO 1 HOLLYWOOD WATER PLANT (2023) ABST 19 RES A.

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

Vice Chairperson Travis Magliolo opened the public hearing at **6:08 P.M.**

Ms. Yvonne Briscoe summarized the item.

Mr. Ivan Langford, GC WCID #1 General Manager, provided the applicant presentation. The request was previously approved by the Board last year. A permit application has not been submitted due to Federal grant requirements.

Mr. Brian Iles inquired the size and location of the proposed structure.

Mr. Ivan Langford responded the structure is proposed in the same location. The proposed structure will be larger due to additional equipment needed. Natural ground is at approx. 11 feet. Although, the General Land Office requires structures to be constructed three-foot above Base Flood Elevation (BFE).

Mr. Iles expressed concerns with privacy and safety. There has been leaking issued from the existing building. He requests the required twenty-foot side setback be met.

Mr. Ivan Langford provided the applicant rebuttal. No pumps will be inside the building, the proposed structure will be used for electrical and mechanical equipment.

Vice Chairperson Travis Magliolo adjourned the public hearing at **6:15 P.M.**

- 5.B Consider granting a request for variance from the minimum side yard of Twenty (20) feet when adjacent to a residential district. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for each additional two (2) feet in height requirement of Section 18-55 of the Code of Ordinances – with such variance allowing a 5-foot side setback when adjacent to a residential district on the property for the approx. 0.52-acre property located at **2605 Hollywood Street** and legally described as GC WCID NO 1 HOLLYWOOD WATER PLANT (2023) ABST 19 RES A.

Ms. Yvonne Briscoe provided staff's recommendation to Approve with Conditions that an 8-foot-tall fence along all property lines that are common to property zoned "RR," "CR," "SR," "HR," and "MH" and permits need issued within twelve months.

Mr. RE Davis inquired if the proposed structure will be manned or have windows.

Mr. Ivan Langford responded the proposed structure will not have employees or windows. The building is an electrical control building.

R.E. Davis motioned to Approve with Conditions that an 8- foot-tall fence along all property lines that are common to property zoned "RR," "CR," "SR," "HR," and "MH" and permits need issued within twelve months, and Garland Copelin seconded the motion.

VOTE:

5 AYES (James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, R.E. Davis)

0 NAYS

MOTION PASSED

- 5.C Conduct a public hearing concerning a request for variances from the minimum front yard of twenty-five (25) feet and minimum side yard of twenty (20) feet when adjacent to a residential district requirements of Section 18-55 of the Code of Ordinances – with such variance allowing a 0-foot front yard and 0-foot side yard on the property for the approx. 0.72-acre property located at **2320 Falco Street** and legally described as GC WCID NO 1 FALCO WAREHOUSE (2023) ABST 19 RES A.

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

Vice Chairperson Travis Magliolo opened the public hearing at **6:19 P.M.**

Ms. Yvonne Briscoe summarized the item.

Mr. Ivan Langford provided the applicant presentation. The request was previously approved by the Board last year. A permit application has not been submitted due to Federal grant requirements. The previous building was destroyed ion Harvey and relocated to a different location. The General Land Office requires structures to be constructed three-foot above Base Flood Elevation (BFE).

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.

Vice Chairperson Travis Magliolo adjourned the public hearing at **6:22 P.M.**

- 5.D Consider granting a request for request for variances from the minimum front yard of twenty-five (25) feet and minimum side yard of twenty (20) feet when adjacent to a residential district requirements of Section 18-55 of the Code of Ordinances – with such variance allowing a 0-foot front yard and 0-foot side yard on the property for the approx. 0.72 -acre property located at **2320 Falco Street** and legally described as GC WCID NO 1 FALCO WAREHOUSE (2023) ABST 19 RES A.

Ms. Yvonne Briscoe provided staff's recommendation to Approve with Conditions that permits need issued within twelve months.

R.E. Davis motioned to Approve with Conditions that permits need issued within twelve months, and Garland Copelin seconded the motion.

VOTE:

5 AYES (James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, R.E. Davis)

0 NAYS

MOTION PASSED

Chairperson Reggie Taylor joined the meeting.

- 5.E Conduct a public hearing concerning a request for variances from the minimum front yard of twenty-five (25) feet and minimum rear yard of fifteen (15) feet requirements of Section 18- 50 of the Code of Ordinances – with such variance allowing a 2-foot front yard and 5-foot rear yard on the property for the approx. ± 0.38-acre property generally located on **FALCO ST** at Avenue I and legally described as GC WCID NO 1 FALCO VEHICLE ENCLOSURE (2023) ABST 19 RES A.

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

Vice Chairperson Travis Magliolo opened the public hearing at **6:24 P.M.**

Ms. Yvonne Briscoe summarized the item.

Mr. Ivan Langford provided the applicant presentation. The request was previously approved by the Board last year. A permit application has not been submitted due to Federal grant requirements.

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.

Vice Chairperson Travis Magliolo adjourned the public hearing at **6:26 P.M.**

- 5.F Consider granting a request for variances from the minimum front yard of twenty-five (25) feet and minimum rear yard of fifteen (15) feet requirements of Section 18-50 of the Code of Ordinances – with such variance allowing a 2-foot front yard and 5-foot rear yard on the property for the approx. ± 0.38-acre property generally located on FALCO ST at Avenue I and legally described as GC WCID NO 1 FALCO VEHICLE ENCLOSURE (2023) ABST 19 RES A.

Mr. Justin Pruitt, Dickinson Attorney, provided direction that the Chairperson has joined the meeting but will serve as an alternate. The acting Chairperson has the ability to appoint one of the alternates to step down so the Chairperson can participate in the remaining consideration items.

Chairperson Reggie Taylor stated he will serve as an alternate.

Ms. Yvonne Briscoe provided staff's recommendation to Deny the variance request. Staff previously recommended denial of these proposed variances the Board of Adjustment voted to grant the variances.

Mrs. Susan Wilcox inquired if there is an existing water tower on the property.

Mr. Ivan Langford responded the water tower was previously removed and did not need to be replaced at this location.

Mrs. Susan Wilcox inquired if a new water tower would be needed.

Mr. Ivan Langford responded there is more than adequate storage at this location. A new water tower is being built on the west side of town where additional storage is needed.

Vice Chairperson Travis Magliolo inquired reasons for staff's recommendation to deny.

Ms. Briscoe responded staff's recommendation for denial is due to the following criteria not being met:

- Special circumstances exist that are peculiar to the land or structure.
- These special circumstances are not self-imposed or the result of the actions of the applicant.
- Granting the variance is the minimum action that will make possible the use of the land or structure which is not contrary to the public interest and which would carry out the spirit of this chapter and would result in substantial justice.

Mrs. Susan Wilcox inquired if the larger enclosure is required to store all vehicles.

Mr. Ivan Langford responded that the district equipment inventory has grown, and many vehicles are currently being stored outside.

Mrs. Susan Wilcox inquired if there had been vandalism.

Mr. Ivan Langford responded there has not been vandalism. The main concern is wear and tear on the vehicles from the weather.

R.E. Davis motioned to Approve with Conditions that permits need issued within twelve months, and James Ayers seconded the motion.

VOTE:

5 AYES (James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, R.E. Davis)

0 NAYS

MOTION PASSED

ITEM 6.) ACTION ITEMS FOR CONSIDERATION

ITEM 7.) ADJOURNMENT

James Ayers motioned to Adjourn, and Garland Copelin seconded the motion.

VOTE:

5 AYES (James Ayers, Garland Copelin, Travis Magliolo, Susan Wilcox, R.E. Davis)

0 NAYS

MOTION PASSED

Vice Chairperson Travis Magliolo adjourned the meeting to order at **6:32 P.M.**

PASSED APPROVED, AND ADOPTED this 2ND DAY OF OCTOBER 2023.



BOARD OF ADJUSTMENT,
Chairperson

ATTEST:



YVONNE BRISCOE,
Senior Planner